

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-044**

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing Improvements at the Intersection of NE 223rd Avenue with NE Sandy Boulevard in the City of Fairview

**The Multnomah County Board of Commissioners Finds:**

- a. It is necessary for Multnomah County to acquire the real property described in attached Exhibit A (the property) for construction of improvements at the intersection of NE 223rd Avenue (County Road No. 667), with NE Sandy Boulevard (County Road No. 917) (Project).
- b. The Project includes the widening of existing paved surfaces and increasing the number of travel lanes to improve traffic flow and increase safety for pedestrians, drivers, and bicyclists at this intersection.
- c. The Project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.
- d. It is necessary to acquire immediate possession of the property to allow construction to proceed and be completed on schedule and within budgetary limitations.

**The Multnomah County Board of Commissioners Resolves:**

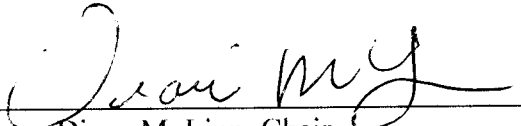
1. It is necessary to acquire the property described in Exhibit A for the Project.
2. In the event that no satisfactory agreement can be reached with the owners of the property as to the purchase price, legal counsel is authorized and directed to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the property. Such action shall be in accordance with all applicable laws, rules, and regulations governing such acquisition.
3. Upon final determination of any such proceeding, the deposit of funds and payment of judgment conveying the property to the County is authorized.
4. It is necessary to obtain possession of the property as soon as possible to allow construction to proceed and be completed on schedule within its budgetary limits.
5. Legal counsel is authorized and directed to take such action in accordance with law to obtain possession of the property as soon as possible.

6. There is authorized the creation of a fund in the amount of the estimate of just compensation for the property, which shall, upon obtaining possession of the property, be deposited with the Clerk of the Court wherein the action was commenced for the use of the defendants in the action, and the Director of the Finance Division is authorized to draw a warrant on the Road Fund of the County in such sum for deposit.

ADOPTED this 6th day of April 2006.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

**EXHIBIT "A"**

**PARCEL 1: Fee**

A portion of that certain tract of land described in that contract of sale from C.R. Morrow Jr. to Tradex, Inc., an Oregon Corporation recorded in Document No. 95-70852, Multnomah County Deed Records (MCDR), situated in the N.W. One-quarter of Section 27, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon; said portion being all of said tract lying easterly of a line that lies 42.00 feet westerly of, when measured at right angle to and parallel with the following described proposed construction centerline:

Commencing at the intersection of the centerlines of N.E. Sandy Blvd. (centerline station 386+13.44) and N.E. 223<sup>rd</sup> Avenue, County Road No. 741, said intersection being N00°01'52"W, a distance of 349.59 feet from a 4" brass disc found at the Southwest corner of the Charles Fezett D.L.C. No. 47; thence S85°24'00"W, along the centerline of said N.E. Sandy Blvd., a distance of 7.20 feet to the intersection with the proposed construction centerline of N.E. 223<sup>rd</sup> Avenue, being construction centerline station 13+27.24 and also centerline station 386+06.24 of N.E. Sandy Blvd and the **point of beginning** of the herein described construction centerline; thence N03°50'54"E, a distance of 85.48 feet to the beginning of a tangent curve at construction station 14+12.72; thence along the arc of a 606.96 foot radius curve to the left, through a central angle of 3°52'46" (the long chord of which bears N01°54'31"E, a distance of 41.09 feet), an arc distance of 41.10 feet to a point of tangency at construction station 14+53.82, also being a point on the centerline of said N.E. 223<sup>rd</sup> Avenue; thence N00°01'52"W, along the centerline of N.E. 223<sup>rd</sup> Avenue, a distance of 146.18 feet to construction centerline station 16+00.

Excluding that portion dedicated for public right-of-way as described in Document No. 2002-232961, MCDR.

Containing 2,104 square feet more or less.

## PARCEL 2: Sidewalk, Slope, Drainage, Landscape, Utility and Traffic Control Devices Easement

A portion of that certain tract of land described in that contract of sale from C.R. Morrow Jr. to Tradex, Inc., an Oregon Corporation recorded in Document No. 95-70852, Multnomah County Deed Records (MCDR), situated in the N.W. One-quarter of Section 27, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon; said portion being all of said tract lying between a line 42.00 feet and a line 47.00 feet that westerly of, when measured at right angle to and parallel with the following described proposed construction centerline:

Commencing at the intersection of the centerlines of N.E. Sandy Blvd. (centerline station 386+13.44) and N.E. 223<sup>rd</sup> Avenue, County Road No. 741, said intersection being N00°01'52"W, a distance of 349.59 feet from a 4" brass disc found at the Southwest corner of the Charles Fezett D.L.C. No. 47; thence S85°24'00"W, along the centerline of said N.E. Sandy Blvd., a distance of 7.20 feet to the intersection with the proposed construction centerline of N.E. 223<sup>rd</sup> Avenue, being construction centerline station 13+27.24 and also centerline station 386+06.24 of N.E. Sandy Blvd and the **point of beginning** of the herein described construction centerline; thence N03°50'54"E, a distance of 85.48 feet to the beginning of a tangent curve at construction station 14+12.72; thence along the arc of a 606.96 foot radius curve to the left, through a central angle of 3°52'46" (the long chord of which bears N01°54'31"E, a distance of 41.09 feet), an arc distance of 41.10 feet to a point of tangency at construction station 14+53.82, also being a point on the centerline of said N.E. 223<sup>rd</sup> Avenue; thence N00°01'52"W, along the centerline of N.E. 223<sup>rd</sup> Avenue, a distance of 146.18 feet to construction centerline station 16+00.

Excluding that portion dedicated for public right-of-way as described in Document No. 2002-232961, MCDR.

Containing 940 square feet more or less.

### PARCEL 3: Temporary Construction Easement

A portion of that certain tract of land described in that contract of sale from C.R. Morrow Jr. to Tradex, Inc., an Oregon Corporation recorded in Document No. 95-70852, Multnomah County Deed Records (MCDR), situated in the N.W. One-quarter of Section 27, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon; said portion being all of said tract lying between a line 47.00 feet and a line 52.00 feet westerly of, when measured at right angle to and parallel with the following described proposed construction centerline:

Commencing at the intersection of the centerlines of N.E. Sandy Blvd. (centerline station 386+13.44) and N.E. 223<sup>rd</sup> Avenue, County Road No. 741, said intersection being N00°01'52"W, a distance of 349.59 feet from a 4" brass disc found at the Southwest corner of the Charles Fezett D.L.C. No. 47; thence S85°24'00"W, along the centerline of said N.E. Sandy Blvd., a distance of 7.20 feet to the intersection with the proposed construction centerline of N.E. 223<sup>rd</sup> Avenue, being construction centerline station 13+27.24 and also centerline station 386+06.24 of N.E. Sandy Blvd and the **point of beginning** of the herein described construction centerline; thence N03°50'54"E, a distance of 85.48 feet to the beginning of a tangent curve at construction station 14+12.72; thence along the arc of a 606.96 foot radius curve to the left, through a central angle of 3°52'46" (the long chord of which bears N01°54'31"E, a distance of 41.09 feet), an arc distance of 41.10 feet to a point of tangency at construction station 14+53.82, also being a point on the centerline of said N.E. 223<sup>rd</sup> Avenue; thence N00°01'52"W, along the centerline of N.E. 223<sup>rd</sup> Avenue, a distance of 146.18 feet to construction centerline station 16+00.

Containing 959 square feet more or less.

### PARCEL 4: Fee

A 12.00 foot wide strip of land being the easterly 12.00 feet abutting N.E. 223<sup>rd</sup> Avenue of Parcel 2, Partition Plat No. 1993-9, Multnomah County Plat Records (MCPR), situated in the N.W. One-quarter of Section 27, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon; The westerly line of said 12.00 foot wide strip being 42.00 feet westerly of, when measured at right angle to and parallel with the centerline of N.E. 223<sup>rd</sup> Avenue.

Containing 1,711 square feet more or less.

### PARCEL 5: Sidewalk, Slope, Drainage, Landscape, Utility and Traffic Control Devices Easement

An 18.00 foot wide strip of land being the westerly 18.00 feet of the easterly 30.00 feet abutting N.E. 223<sup>rd</sup> Avenue of Parcel 2, Partition Plat No. 1993-9, Multnomah County Plat Records (MCPR), situated in the N.W. One-quarter of Section 27, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon; The westerly line of said 18.00 foot wide strip lies 60.00 feet westerly of, when measured at right angle to and parallel with the centerline of N.E. 223<sup>rd</sup> Avenue.

Containing 2,567 square feet more or less.

### PARCEL 6: Temporary Construction Easement

A 5.00 foot wide strip of land being the westerly 5.00 feet of the easterly 35.00 feet abutting N.E. 223<sup>rd</sup> Avenue of Parcel 2, Partition Plat No. 1993-9, Multnomah County Plat Records (MCPR), situated in the N.W. One-quarter of Section 27, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon; The westerly line of said 5.00 foot wide strip lies 65.00 feet westerly of, when measured at right angle to and parallel with the centerline of N.E. 223<sup>rd</sup> Avenue.

Containing 713 square feet more or less.

### PARCEL 7: Fee

That portion of land conveyed to J. Patrick Kehoe and Leila Kehoe in Document No. 2002-227229, Multnomah County Deed Records (MCDR) that lies northerly of a line being parallel with and 40.00 feet southerly of the centerline of N.E. Sandy Blvd, County Road No. 917.

Containing an area of 4164 square feet more or less.

Said Document No. 2002-227229 (MCDR) described as follows:

“A tract of land situated in the E.R. Scott Donation Land Claim and the Northeast One-quarter of Section 28, Township 1 North, Range 3 East of the Willamette Meridian, County of Multnomah and State of Oregon, being more particularly described as follows:

Beginning at a point of intersection of the northwesterly right-of-way line of the Columbia River Highway (I-84) and the West line of that certain tract of land described in Book 2011, Page 690 (1960), Multnomah County Deed Records, from which the East One-quarter Corner of said Section 28 bears S23°14'07"E, 565.41 feet; thence N79°24'05", along said northwesterly right-of-way line, a distance of 322.84 feet to a point on the South right-of-way line of N.E. Sandy Boulevard. (Rd. No. 917, 50' wide); thence N89°35'15"W, along said South right-of-way line, a distance of 316.07 feet to a point on the West line of said Book 2011, Page 690; thence S01°10'45"W, along said West line, 61.67 feet to the point of beginning. Containing an area of 9745 square feet more or less.”

As shown on the attached map herein made a part of this document. In the event of a conflict or discrepancy between the map as shown and the written legal description, the written legal description shall prevail.



NOT TO SCALE

PARCEL 4  
PARCEL 5  
PARCEL 6

PARCEL 1  
PARCEL 2  
PARCEL 3

300  
7.00 AC.

500  
0.98 AC.

400  
0.97 AC.

SANDY

PARCEL 7

600  
0.49 AC.

700  
0.37 AC.

801  
2.13 AC.

BANFIELD

S.W. COR.  
CHARLES FEZETT  
D.L.C. 47

U.S. HWY

UNION

EXHIBIT "A"  
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(BLUE LAKE RD.) RD. 741  
AVE.

NE 223RD  
AVE.

AVE.

RD. (356) (515)  
RD. 873

CO. OR. 8-4-1909

N. OR. 1-26-1956  
N0°02'15"W

N. OR. 3-5-1985  
N. OR. 2-6-40

IN ST. 2002-205052

IN ST. 2002-232961

N14°51'57"W, 193.18'  
FROM THE S.W. COR.  
D.L.C. 47

PSC  
680 + 72.05

PCS  
682 + 15.82

PS  
675 + 72.05

51-1459-330

51-1477-104

51-1469-348

52-1516-93

114.25'

119.36'

589°17'41"W

35°19'35"W

102°11'55"W

132.45'

80'

100'

132.45'

80'

132.45'

80'

132.45'

80'

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80'