

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-66

**Authorizing Condemnation and Immediate Possession of Real Property
Necessary to Complete Slide Restoration Repairs to SE Division Drive**

The Board of County Commissioners finds:

- a. It is necessary to consider the condemnation and immediate possession by Multnomah County of the real property described in Exhibits A and B attached hereto for the purpose of completing slide restoration repairs to SE Division Drive.
- b. The project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.
- c. It is necessary to acquire immediate possession of the property hereinafter described to allow construction to proceed and be completed on schedule within budgetary limitations.

The Multnomah County Board of Commissioners resolves:

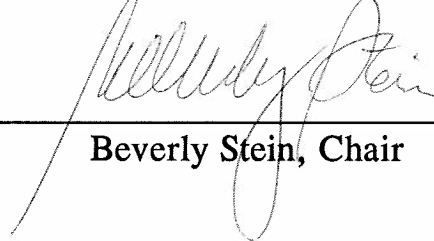
1. The Board does hereby find and declare that it is necessary to acquire the property described in Exhibits A and B for the repair of SE Division Drive.
2. In the event that no satisfactory agreement can be reached with the owners of the property as to the purchase price, legal counsel is hereby authorized 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 judgement conveying the property to the County is hereby authorized.

4. The Board hereby finds that it is necessary to obtain possession of such property on or before June 1, 1999 to allow construction to proceed and be completed on schedule within budgetary limitations.
5. Legal counsel is hereby authorized and directed to take such action in accordance with law to obtain possession of the property on or before June 1, 1999.
6. There is hereby authorized the creation of a fund in the amount of the estimate of just compensation for each such property, which shall, upon obtaining possession of each such 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.

Dated this 22nd day of April, 1999.



**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**



Beverly Stein, Chair

REVIEWED:

**THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON**

By 

John Thomas, Assistant County Counsel

BTRJ2713.DOC

EXHIBIT "A"
DESCRIPTION

PARCEL 1: Fee Simple

A tract of land situated in the North One-half of Section 12, T1S, R3E, W.M., Multnomah County, Oregon, being more particularly described as follows:

Beginning at an iron rod at the intersection of the South line of the William B. Jones D.L.C., and the southerly right-of-way line of S.E. Division Drive, County Road No. 644, being 30.00 feet southerly when measured at right angles to the centerline thereof, said point also being the most easterly corner of that tract of land referred to as Parcel II in a deed conveying to Roy G. Asbahr and Beverly J. Asbahr, recorded on November 3, 1976, in Book 1137, Page 1078, Multnomah County Deed Records; thence northwesterly along said southerly right-of-way line along an arc of a 316.50 foot radius curve to the right, through the central angle of $11^{\circ}10'33''$, the chord of which bears $N52^{\circ}52'26''W$ 61.64 feet, an arc length of 61.73 feet to a point; thence continuing along said South right-of-way line $N47^{\circ}17'10''W$, a distance of 58.03 feet to a point; thence continuing along the southwesterly right-of-way line, northwesterly along an arc of a 543.00 foot radius curve to the left, through the central angle of $16^{\circ}30'00''$, the chord of which bears $N55^{\circ}32'10''W$ 155.83 feet, an arc length of 156.37 feet to a point; thence $N63^{\circ}47'10''W$, a distance of 62.05 feet to a point being 30.00 feet southwesterly when measured at right angles to Legal Centerline Station 139+45.92 of said S.E. Division Drive; thence leaving said southwesterly right-of-way line, southeasterly along an arc of a 686.00 foot radius curve to the right, through the central angle of $16^{\circ}14'02''$, the chord of which bears $S55^{\circ}40'09''E$ 193.72 feet, an arc length of 194.37 feet to a point; thence southeasterly along an arc of a 776.00 foot radius curve to the left, through the central angle of $10^{\circ}02'41''$, the chord of which bears $S52^{\circ}34'28''E$ 135.87 feet, an arc length of 136.04 feet to a point on the South line of the William B. Jones D.L.C.; thence $S87^{\circ}37'47''E$ along said South line, a distance of 8.06 feet to the point of beginning.

Containing 2,186 square feet, more or less.

As shown on attached EXHIBIT "B", herein made a part of this document.

PARCEL 2: Easement

In addition to the above described PARCEL 1, a perpetual easement for the construction and maintenance of slope and drainage facilities through, over, under, along and within the following described parcel of land:

A tract of land situated in the North One-half of Section 12, T1S, R3E, W.M., Multnomah County, Oregon, being more particularly described as follows:

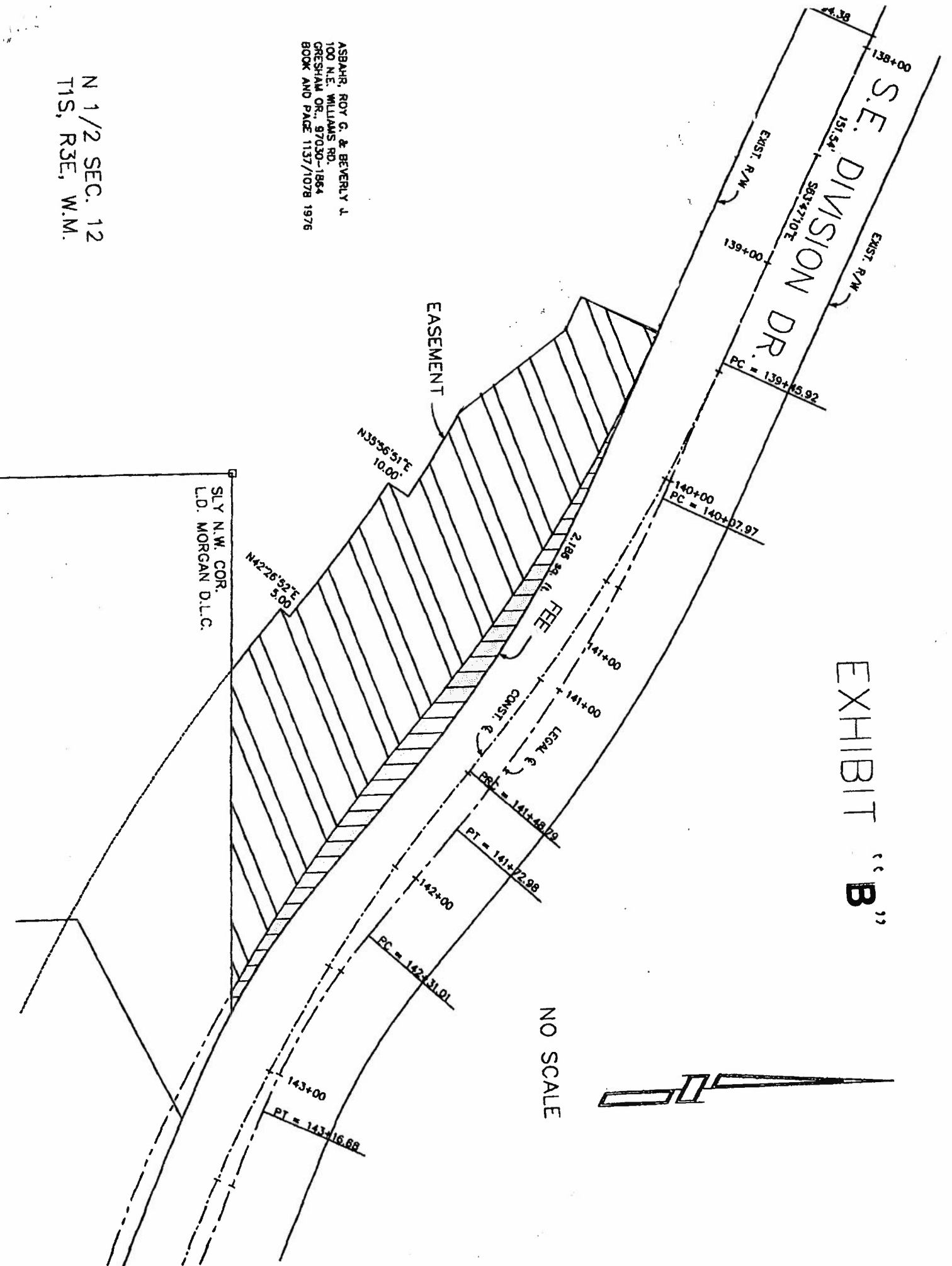
Beginning at the Northwest corner of the above described PARCEL 1, said point being on the southwesterly right-of-way line of S.E. Division Drive, County Road No. 644, being 30.00 feet southwesterly when measured at right angles to Legal Centerline Station 139+45.92; thence leaving said southwesterly right-of-way line, southeasterly along an arc of a 686.00 foot radius curve to the right, through the central angle of $16^{\circ}14'02''$, the chord of which bears $S55^{\circ}40'09''E$ 193.72 feet, an arc length of 194.37 feet to a point; thence southeasterly along an arc of a 776.00 foot radius curve to the left, through the central angle of $10^{\circ}02'41''$, the chord of which bears $S52^{\circ}34'28''E$ 135.87 feet, an arc length of 136.04 feet to a point on the South line of the William B. Jones D.L.C.; thence $N87^{\circ}37'47''W$ along said South line, a distance of 133.98 feet to a point being 75.00 feet southwesterly when measured at right angles to the southwesterly line of the above described PARCEL 1; thence parallel to and 75.00 feet distant from said southwesterly line, northwesterly along an arc of an 851.00 foot radius curve to the right, through the central angle of $2^{\circ}12'39''$, the chord of which bears $N48^{\circ}39'27''W$ 32.83 feet, an arc length of 32.84 feet to a point; thence $N42^{\circ}26'52''E$, a distance of 5.00 feet to a point being 70.00 feet southwesterly when measured at right angles to the southwesterly line of the above described PARCEL 1; thence parallel to and 70.00 feet distant from said southwesterly line, northwesterly along an arc of a 616.00 foot radius curve to the left, through the central angle of $6^{\circ}30'01''$, the chord of which bears $N50^{\circ}48'08''W$ 69.85 feet, an arc length of 69.89 feet to a point; thence $N35^{\circ}56'51''E$, a distance of 10.00 feet to a point being 60.00 feet southwesterly when measured at right angles to the

southwesterly line of the above described PARCEL 1; thence parallel to and 60.00 feet distant from said southwesterly line, northwesterly along an arc of a 626.00 foot radius curve to the left, through the central angle of $4^{\circ}02'11''$, the chord of which bears $N56^{\circ}04'14''W$, 44.09 feet, an arc length of 44.10 feet to a point; thence $N39^{\circ}27'39''W$, a distance of 68.20 feet to a point; thence $N63^{\circ}47'10''W$, a distance of 16.31 feet to a point; thence $N26^{\circ}12'50''E$, a distance of 35.00 feet to a point on the southwesterly right-of-way line of S.E. Division Drive; thence $S63^{\circ}47'10''E$ along said southwesterly right-of-way line, a distance of 16.31 feet to the point of beginning.

Containing 17,843 square feet, more or less.

As shown on attached EXHIBIT "B", herein made a part of this document.

EXHIBIT "B"



ASBAHR, ROY G. & BEVERLY J.
 100 N.E. WILLIAMS RD.
 GRESHAM OR., 97030-1864
 BOOK AND PAGE 1137/1078 1976

N 1/2 SEC. 12
 T1S, R3E, W.M.