

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

RESOLUTION NO. 2016-091

Rescinding Portions of Resolution No. 2014-140 Authorizing Acquisition of Real Property for a Public Improvement Project on NE Arata Road.

The Multnomah County Board of Commissioners Finds:

- a. On December 11th, 2014, the County's Land Use and Transportation Program (now referred to as the Transportation Division) sought and this Board adopted Resolution No. 2014-140, authorizing negotiations for the acquisition of certain real property for the NE Arata Road Project (the "Project"); identified as Parcels No. 1 through 26, and more particularly described in Exhibit A to Resolution No. 2014-140, a copy is attached to this Resolution as Attachment 1.
- b. The Transportation Division has determined that two of the properties included in Resolution No. 2014-140 are no longer needed for the Project, specifically Parcels No. 23 and 26 as described in Exhibit A to said Resolution, and now respectfully requests that the Board rescind Resolution No. 2014-140, in part, as Resolution No. 2014-140 pertains to Parcels No. 23 and 26 (the "Property").
- c. This Project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.

The Multnomah County Board of Commissioners Resolves:

1. Resolution No. 2014-140 adopted by this Board on December 11th, 2014 is hereby rescinded, in part, only as it pertains to Parcels No. 23 and 26 as described in Exhibit A to Resolution No. 2014-140, a copy of which is attached and incorporated herein as Attachment 1.
2. It is no longer necessary to acquire the Property for purposes of the Project.
3. The Transportation Division is directed to rescind any and all offers made to property owners to acquire the Property.
4. All other provisions of Resolution No. 2014-140 shall remain in full force and effect.

ADOPTED this 15th day of September, 2016.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury

Deborah Kafoury, Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Courtney Lords*
Courtney Lords, Assistant County Attorney

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

RESOLUTION NO. 2014-140

Authorizing Acquisition of Real Property for a Public Improvement Project on NE Arata Road, and Rescinding Resolution No. 2014-053.

The Multnomah County Board of Commissioners Finds:

- a. On May 8th, 2014, the County's Land Use and Transportation Program (LUTP) sought and this Board adopted Resolution No. 2014-053, authorizing negotiations for the acquisition of certain real property for the NE Arata Road Project; identified as Parcels No.1 through 12, and more particularly described in Exhibit A to Resolution No. 2014-053.
- b. Based on input from the public and other concerns that have come to light since May, LUTP found it necessary to alter the descriptions of the majority of the properties that were included in Resolution No. 2014-053 and now respectfully requests that the Board rescind Resolution No. 2014-053 in its entirety.
- c. This new Resolution is brought forward at this time to supersede and replace Resolution 2014-053.
- d. It is necessary for Multnomah County to acquire the real property described in attached Exhibit A to this Resolution (the "Property") for purposes of constructing, operating, maintaining, repairing, replacing, and reconstructing the road and road related facilities on and along a portion of NE Arata Road, a County road, in the Cities of Fairview and Wood Village (the "Project").
- e. This Project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.

The Multnomah County Board of Commissioners Resolves:

1. Resolution No. 2014-053 of this Board adopted on May 8, 2014, is hereby rescinded in its entirety and is without any further force and effect.
2. It is necessary to acquire the Property described in the attached Exhibit A for purposes of the Project.

3. Multnomah County Land Use Transportation Program (LUTP) is directed to begin negotiations to acquire the Property in accordance with all applicable laws, rules, and regulations governing such acquisition. Legal counsel is directed to assist LUTP as necessary in such negotiations. Any agreement to purchase property described in Exhibit A is subject to Board approval.

ADOPTED this 11th day of December, 2014.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury

Deborah Kafoury, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Matthew O. Ryan*

Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY: Kim Peoples, Director, Department of Community Services.

EXHIBIT "A"

All necessary rights for constructing, operating, maintaining, repairing, replacing and reconstructing the Arata Road Project (as determined by the County Engineer) in and to each of the following property interests located in Multnomah County, Oregon:

Parcel 1:

A portion of that certain real property described in Warranty Deed to Joung Cheul Kim and Kipok Lee Kim, husband and wife, recorded as Document No. 2007-160289, Multnomah County Deed Records, situated in the Southwest One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Fairview, Multnomah County, Oregon.

Parcel 2:

A portion of the certain real property as described in Bargain and Sale Deed to James Edward Birdsell and Ze Jian Huang, as husband and wife, recorded as Document No. 2007-055598, Multnomah County Deed Records, situated in the Southwest One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Fairview, Multnomah County, Oregon.

Parcel 3:

A portion of Lot 7, Wymore, Multnomah County Plat Records, being a portion of that tract of land described in Bargain and Sale Deed to Royal World Properties, LLC, an Oregon limited liability company, recorded as Document No. 2006-175713, Multnomah County Deed Records, situated in the Southwest One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Fairview, Multnomah County, Oregon.

Parcel 4:

A portion of that tract of land described in Bargain and Sale Deed to Poplar Mobile Manor, LLC, an Oregon limited liability company, recorded as Document No. 97-185526, Multnomah County Deed Records, situated in the Southwest One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 5:

A portion of that tract of land described in Warranty Deed to Portland General Electric Company, an Oregon Corporation, recorded on February 20, 1973 in Book 910, Page 2001, Multnomah County Deed Records, situated in the Southwest One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Fairview, Multnomah County, Oregon.

Parcel 6:

A portion of that tract of land described in Statutory Warranty Deed to Fairview Springs, LLC, an Oregon limited liability ("Fairview Springs"), recorded as Document No. 2006-074957, Multnomah County Deed Records (MCDR), situated in the Southwest One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Fairview, Multnomah County, Oregon.

Parcel 7:

A portion of that tract of land described in Special Warranty Deed to Ukrainian Bible Church, an Oregon non-profit corporation, recorded as Document No. 2004-169272, Multnomah County Deed Records, situated in the Southwest One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Fairview, Multnomah County, Oregon.

Parcel 8:

A portion of that tract of land described in Statutory Warranty Deed to Natalya Globak, recorded as Document No. 2010-115667, Multnomah County Deed Records, situated in the Southwest One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 9:

A portion of that tract of land described in Statutory Warranty Deed to Ryan E. Wolfe ("Wolfe"), an unmarried man, recorded as Document No. 2004-014031, Multnomah County Deed Records, situated in the Southwest One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 10:

A portion of Parcel 1, Partition Plat No. 2008-027, Multnomah County Plat Records, situated in the Southwest One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 11:

A portion of Parcel 2, Partition Plat No. 2008-027, Multnomah County Plat Records, situated in the Southwest One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 12:

A portion of Parcel 2, Partition Plat No. 1996-187, Multnomah County Plat Records, situated in the Southwest One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 13:

A portion of Parcel 1, Partition Plat No. 1996-187, Multnomah County Plat Records, situated in the Southwest One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 14:

A portion of that tract of land described in Special Warranty Deed to Eugene Raymond Geertz and Frances Rae Geertz, Trustees, or their successors in trust, under the Eugene Raymond Geertz and Frances Rae Geertz Trust, dated January 3, 2013, and any amendments thereto, recorded as Document No. 2013-015581, Multnomah County Deed Records, situated in the Southwest One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 15:

A portion of the general common area of East Village Condominium, Multnomah County Plat Records, situated in the Southwest One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 16:

A portion of that tract of land described in Statutory Warranty Deed to Joan M. Harper ("Harper"), as Trustee of the Joan M. Harper Revocable Living Trust, dated July 8, 2004, recorded as Document No. 2013-096792, Multnomah County Deed Records, situated in the Southeast One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 17:

A portion of that tract of land described in Statutory Warranty Deed to Christina I. Crow Flag ("Flag"), recorded on September 5, 1986 in Book 1934, Page 2814, Multnomah County Deed Records, situated in the Southeast One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 18:

A portion of Parcel 2, Partition Plat No. 1992-140, Multnomah County Plat Records, situated in the Southeast One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 19:

A portion of Parcel 1, Partition Plat No. 1992-140, Multnomah County Plat Records, situated in the Southeast One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 20:

A portion of Parcel I and Parcel IV described in Quitclaim Deed to Western Mobile Home Park Development Corp., recorded on May 12, 1977 in Book 1178, Page 6, Multnomah County Deed Records, situated in the Southeast One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 21:

A portion of those tracts of land described in Warranty Deed (Corporation) to The First Baptist Church of Wood Village ("Baptist Church"), Oregon, a corporation, recorded on October 25, 1976 in Book 1135, Page 137; Warranty Deed recorded on July 29, 1966 in Book 518, Page 1602; and Bargain and Sale Deed recorded on September 24, 1954 in Book 1682, Page 313, Multnomah County Deed Records (MCDR), situated in the Southeast One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 22:

A portion of Lot 17, Block 1, Wood Village, Multnomah County Plat Records, situated in the Southeast One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 23:

A portion of Lot 9, Block 2, Wood Village, Multnomah County Plat Records, situated in the Southeast One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 24:

A portion of Lot 10, Block 2, Wood Village, Multnomah County Plat Records, situated in the Southeast One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 25:

A portion of those tracts of land described in Bargain and Sale Deed to Shady Firs, LLC, an Oregon Limited Liability Company ("Shady Firs") recorded as Document No. 2014-048207; Bargain and Sale Deed to Shady Firs recorded as Document No. 2014-048208 and Bargain and Sale Deed to Shady Firs recorded as Document No. 2014-084732, Multnomah County Deed Records, situated in the Southeast One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.

Parcel 26:

A portion of Lot 4, Block 7, Wood Village, Multnomah County Plat Records, situated in the Southeast One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Wood Village, Multnomah County, Oregon.