

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Authorizing an Easement on County) ORDER
Land in Section 35, T1N, R3E, W.M.,) 97-8
Multnomah County, Oregon)

WHEREAS, Cherry Park Limited Partnership, an Oregon Limited Partnership, is preparing to construct retail commercial improvements on land which it purchased from Multnomah County in 1996; and

WHEREAS, the City of Troutdale building code provisions require a separation or setback from the buildings to be constructed of not less than sixty feet and that a building to be constructed by Cherry Park Limited Partnership is approximately fifty-four feet from the boundary of its land and adjacent land owned by Multnomah County; and

WHEREAS, Cherry Park Limited Partnership has requested an agreement for easement totalling approximately forty square feet upon said parcel of County land to provide a separation of sixty feet from its building; and

WHEREAS, said County land is subject to an easement granted to Northwest Pipe Line Company which precludes construction on the land and that the County land is zoned for Open Space exclusively by the City of Troutdale and thus the requested agreement for easement will have little or no effect upon the use or value of the County land; now therefore

IT IS HEREBY ORDERED that the Multnomah County Board of Commissioners approve the attached agreement for easement, and that the Vice-Chair is authorized to execute said easement on behalf of Multnomah County.

DATED this 9th day of January, 1997.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON



Gary Hansen, Vice-Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
MULTNOMAH COUNTY, OREGON



Matthew O. Ryan, Assistant County Counsel

NS



EASEMENT

Between

Multnomah County, a political
subdivision of the State of Oregon.

And

Cherry Park Limited Partnership,
an Oregon limited partnership.

After recording, return to (Name, Address, Zip):

Thomas R. Page
Stoel Rives LLP
900 S.W. 5th Avenue, #2300
Portland, OR 97204-1268

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON,

County of _____ } ss.

I certify that the within instrument
was received for record on the _____ day
of _____, 19____, at
_____ o'clock ____M., and recorded in
book/reel/volume No. _____ on page
_____ and/or as fee/file/instru-
ment/microfilm/reception No. _____,
Records of said County.

Witness my hand and seal of County
affixed.

NAME TITLE

By _____, Deputy.

THIS AGREEMENT made and entered into this 9th day of January, 1997, by and
between Multnomah County, a political subdivision of the State of Oregon,
hereinafter called the first party, and Cherry Park Limited Partnership, an Oregon limited
partnership, hereinafter called the second party, WITNESSETH:

WHEREAS: The first party is the record owner of the following described real property in Multnomah
County, State of Oregon, to-wit:

See attached Exhibit A.

and has the unrestricted right to grant the easement hereinafter described relative to the real estate.

NOW, THEREFORE, in view of the premises and in consideration of \$ 1.00 by the second party to the
first party paid, the receipt of which is acknowledged by the first party, it is agreed:

The first party hereby grants, assigns and sets over to the second party an easement, to-wit:

An easement on the property described in attached Exhibit B to provide a
setback 60 feet from structures which second party intends to construct
on the real estate described in attached Exhibit C for fire rating purposes.

Provided, this easement is subject to all previous easements of record relating
to the real property described in attached Exhibit A.

EXHIBIT 'A'

**Legal Description
The Property of the First Party**

Parcel I of Partition 1996-1 as found in Partition Book 1996, page 1 of Plat records of Multnomah County, Oregon.

EXHIBIT 'B'

**Legal Description
Setback Triangle**

BEING a tract of land located in a portion of Parcel 1 of Partition Plat No. 1996-1 in the northwest one-quarter of Section 35, Township 1 North, Range 3 East, Willamette Meridian, City of Troutdale, Multnomah County, Oregon, and being more particularly described as follows:

Commencing from the northwest corner of Parcel 2 of said Partition Plat; thence N 55° 52'58" E, along the north line of said Parcel 2, 101.19 feet to the True Point of Beginning; thence N 00° 02'38" W 7.37 feet to a point; thence N 89° 57'22" E 10.89 feet to the north line of said Parcel 2; thence S 55° 52'58" W, along said north line, 13.15 feet to the Point of Beginning.

EXHIBIT 'C'

Legal Description The Property of the Second Party

A parcel of land in the Northwest one-quarter of Section 35, Township 1 North, Range 3 East of the Willamette Meridian, in the City of Troutdale, County of Multnomah and State of Oregon, said parcel being more particularly described as follows:

Commencing at the Northwest corner of said Section 35; thence South 00°01'40" East along the line common to Sections 34 and 35, 912.18 feet to a point on the Easterly line of NE 242nd Drive; thence Southerly along said Easterly line along the arc of a non-tangent curve (the radius point of which bears South 73°43'06" West, 676.67 feet) through a central angle of 38°01'35", 449.10 feet (chord bears South 35°17'42" East, 440.90 feet) to the point of beginning of the herein described parcel; thence leaving said Easterly line North 55°52'58" East, 457.31 feet; thence North 89°54'10" East, 435.00 feet to a point on the Westerly line of S.W. Stuges Lane; thence Southerly tracing said Westerly line the following courses and distances, South 00°00'00" West, 170.09 feet; thence along the arc of a 360.00 foot radius curve left through a central angle of 41°27'43", 260.51 feet (chord bears South 20°43'52" East, 254.87 feet); thence South 41°27'43" East, 113.66 feet; thence along the arc of a 17.00 foot radius curve right through a central angle of 89°59'34", 26.70 feet (chord bears South 03°32'04" West, 24.04 feet) to a point on the Northerly line of S.W. Cherry Park Road; thence South 48°31'51" West along said Northerly line, 603.73 feet; thence leaving said Northerly line, North 41°30'22" West, 150.39 feet; thence South 89°39'48" West, 436.55 feet to a point on said Easterly line of NE 242nd Drive; thence Northerly along said Easterly line the following courses and distances, along the arc of a non-tangent curve (the radius point of which bears South 86°50'28" East, 1387.36 feet) through a central angle of 06°55'48", 167.80 feet (chord bears North 06°37'26" East, 167.70 feet); thence North 79°54'40" West, 5.00 feet; thence North 10°05'20" East, 75.59 feet; thence along the arc of a 676.67 foot radius curve left through a central angle of 26°22'14", 311.44 feet (chord bears North 03°05'47" West, 308.70 feet) to the point of beginning.