

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

RESOLUTION NO. 2015-052

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Sellwood Bridge Project.

The Multnomah County Board of Commissioners Finds:

- a. This Board by Resolution No. 2013-135 adopted on October 3, 2013, authorized the County to undertake negotiations for the acquisition of certain real property interests as more particularly described in attached Exhibit A and as shown on the attached Exhibit B (the "Property"); for the purpose of constructing, operating, maintaining, repairing and reconstructing the Sellwood Bridge, approaches and interchanges in the City of Portland (the "Project").
- 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. The negotiations for the acquisition of the Property have not progressed adequately, and 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 for the purpose of 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 budgetary limitations.
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 defendant 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 4th day of June, 2015.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury

Deborah Kafoury, Chair

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

By *Kenneth M. Elliott*
Kenneth M. Elliott, Assistant County Attorney

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

EXHIBIT A

SELLWOOD BRIDGE
April 7, 2015

Item No. 2010-53-11

PARCEL 1a - PERMANENT DRIVEWAY EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 22, Township 1 South, Range 1 East, of the Willamette Meridian, Multnomah County, Oregon, said parcel being within the boundaries of the real property identified and described as Parcel III in that certain Deed of Trust, recorded on July 31, 2006, at Entry Number 2006-141368 in Multnomah County Deed Records, said parcel hereon described being that portion of said real property included in a strip of land variable in width, lying southerly of the following described line:

Commencing at a ½" iron pipe with a brass screw in a monument box on the Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680 from which a 4 ½" brass disk in concrete being a witness corner to the Northeast corner of the Hector B. Campbell D.L.C. No. 44, also being a witness corner to the Southeast corner of the Thomas L. Stevens D.L.C. No. 41, bears S19°45'33"E, 2,036.83 feet;

Thence S03°51'14"E, 568.04 feet along said Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, to a 3" brass disk in concrete inscribed "LS 510" in a monument box at Legal Centerline Station 9+08.52 and the beginning of a 573.00 foot radius curve to the left having a central angle of 3°10'09";

Thence along said Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, and the arc of said curve to the left (the long chord of which bears S05°26'19"E, 31.69') 31.69 feet;

Thence leaving said Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, N82°58'37"E, 49.11 feet to point on the easterly right of way line of said SW Macadam Avenue (State Highway 43) as established in that deed to the State Highway Commission, recorded March 9, 1967 in Book 551, Page 433, Multnomah County Deed Records and the beginning of a 29.50 foot radius non tangent curve to the left having a central angle of 23°39'06", the radius point of which bears N25°52'59"E and the **True Point of Beginning of said line**;

Thence along the arc of said non tangent curve to the left (the long chord of which bears S75°56'34"E, 12.09') 12.18 feet;

Thence S87°46'07"E, 141.08 feet more or less to a point on the westerly line of that property described in that deed to the Tri-County Metropolitan Transportation District of Oregon, recorded March 23, 2005 as Document Number 2005-049993, Multnomah County Deed Records and the **Terminus Point of said line**.

EXCEPTING therefrom any portions of said strip lying within the existing SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, right of way and any portion of said strip included in that property described as Parcel 1 in that Bargain and Sale Deed to the State of Oregon, by and through its State Highway Commission, recorded March 9, 1967 in Book 551, Page 433, Multnomah County Deed Records.

The parcel of land to which this description applies contains 5,036 square feet more or less.

This legal description along with the basis of bearings thereof, was prepared based on that Survey recorded as Survey Number 63180, Multnomah County Survey Records.

The parcel of land to which this description applies as shown on the attached EXHIBIT A-1, herein incorporated by this reference. In the event of a conflict or discrepancy between the map as shown on EXHIBIT A-1 and the written legal description, the written legal description shall prevail.

PARCEL 1b - PERMANENT LANDSCAPE BORDER AND TWO-YEAR MAINTENANCE EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 22, Township 1 South, Range 1 East, of the Willamette Meridian, Multnomah County, Oregon, said parcel being within the boundaries of the real property identified and described as Parcel III in that certain Deed of Trust, recorded on July 31, 2006, at Entry Number 2006-141368 in Multnomah County Deed Records, said parcel hereon described being that portion of said real property included in a strip of land variable in width, lying southerly of the following described line:

Commencing at a ½" iron pipe with a brass screw in a monument box on the Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680 from which a 4 ½" brass disk in concrete being a witness corner to the Northeast corner of the Hector B. Campbell D.L.C. No. 44, also being a witness corner to the Southeast corner of the Thomas L. Stevens D.L.C. No. 41, bears S19°45'33"E, 2,036.83 feet;

Thence S03°51'14"E, 568.04 feet along said Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, to a 3" brass disk in concrete inscribed "LS 510" in a monument box at Legal Centerline Station 9+08.52 and the beginning of a 573.00 foot radius curve to the left having a central angle of 2°25'24";

Thence along said Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, and the arc of said curve to the left (the long chord of which bears S05°03'57"E, 24.23') 24.24 feet;

Thence leaving said Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, N83°43'21"E, 48.42 feet to point on the easterly right of way line of said SW Macadam Avenue (State Highway 43) as established in that deed to the State Highway Commission, recorded March 9, 1967 in Book 551, Page 433, Multnomah County Deed Records and the beginning of a 24.50 foot radius non tangent curve to the left having a central angle of 33°40'44", the radius point of which bears N35°54'37"E and the **True Point of Beginning of said line**;

Thence along the arc of said non tangent curve (the long chord of which bears S70°55'45"E, 14.19') 14.40 feet;

Thence S87°46'07"E, 68.08 feet;

Thence S02°13'53"W, 5.00 feet to a point on the northerly line of Parcel 1a described herein;

Thence S87°46'07"E, along said northerly line, 24.00 feet;

Thence leaving said northerly line N02°13'53"E, 5.00 feet;

Thence S87°46'07"E, 10.42 feet;

Thence S72°24'15"E, 18.87 feet to a point on the northerly line of said Parcel 1a described herein;

Thence S87°46'07"E, along said northerly line, 21.09 feet more or less to a point on the westerly line of that property described in that deed to the Tri-County Metropolitan Transportation District of Oregon, recorded March 23, 2005 as Document Number 2005-049993, Multnomah County Deed Records and the **Terminus Point of said line.**

EXCEPTING therefrom Parcel 1a described herein, any portions of said strip lying within the existing SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, right of way and any portion of said strip included in that property described as Parcel 1 in that Bargain and Sale Deed to the State of Oregon, by and through its State Highway Commission, recorded March 9, 1967 in Book 551, Page 433, Multnomah County Deed Records.

The parcel of land to which this description applies contains 505 square feet more or less.

This legal description along with the basis of bearings thereof, was prepared based on that Survey recorded as Survey Number 63180, Multnomah County Survey Records.

The parcel of land to which this description applies as shown on the attached EXHIBIT A-1, herein incorporated by this reference. In the event of a conflict or discrepancy between the map as shown on EXHIBIT A-1 and the written legal description, the written legal description shall prevail.

**PARCEL 1c - TEMPORARY CONSTRUCTION EASEMENT AND ONE-YEAR
MAINTENANCE EASEMENT**

A parcel of land located in the Northeast One-Quarter of Section 22, Township 1 South, Range 1 East, of the Willamette Meridian, Multnomah County, Oregon, said parcel being within the boundaries of the real property identified and described as Parcel III in that certain Deed of Trust, recorded on July 31, 2006, at Entry Number 2006-141368 in Multnomah County Deed Records, said parcel hereon described being that portion of said real property included in a strip of land variable in width, lying southerly of the following described line:

Commencing at a ½" iron pipe with a brass screw in a monument box on the Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680 from which a 4 ½" brass disk in concrete being a witness corner to the Northeast corner of the Hector B. Campbell D.L.C. No. 44, also being a witness corner to the Southeast corner of the Thomas L. Stevens D.L.C. No. 41, bears S19°45'33"E, 2,036.83 feet;

Thence S03°51'14"E, 568.04 feet along said Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, to a 3" brass disk in concrete inscribed "LS 510" in a

monument box at Legal Centerline Station 9+08.52 and the beginning of a 573.00 foot radius curve to the left having a central angle of 3°10'09";

Thence along said Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, and the arc of said curve to the left (the long chord of which bears S05°26'19"E, 31.69') 31.69 feet;

Thence leaving said Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, N82°58'37"E, 49.11 feet to point on the easterly right of way line of said SW Macadam Avenue (State Highway 43) as established in that deed to the State Highway Commission, recorded March 9, 1967 in Book 551, Page 433, Multnomah County Deed Records and the **True Point of Beginning of said line;**

Thence N75°10'49"E, 76.17 feet;

Thence S70°41'31"E, 45.67 feet;

Thence S02°13'53"W, 11.40 feet to a point on the northerly line of Parcel 1a described herein;

Thence S87°46'07"E, along said northerly line, 37.15 feet more or less to a point on the westerly line of that property described in that deed to the Tri-County Metropolitan Transportation District of Oregon, recorded March 23, 2005 as Document Number 2005-049993, Multnomah County Deed Records and the **Terminus Point of said line.**

EXCEPTING therefrom Parcel 1a and Parcel 1b described herein, any portions of said strip lying within the existing SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, right of way and any portion of said strip included in that property described as Parcel 1 in that Bargain and Sale Deed to the State of Oregon, by and through its State Highway Commission, recorded March 9, 1967 in Book 551, Page 433, Multnomah County Deed Records.

The parcel of land to which this description applies contains 1,332 square feet more or less.

This legal description along with the basis of bearings thereof, was prepared based on that Survey recorded as Survey Number 63180, Multnomah County Survey Records.

The parcel of land to which this description applies as shown on the attached EXHIBIT A-1, herein incorporated by this reference. In the event of a conflict or discrepancy between the map as shown on EXHIBIT A-1 and the written legal description, the written legal description shall prevail.

PARCEL 1d - TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 22, Township 1 South, Range 1 East, of the Willamette Meridian, Multnomah County, Oregon, said parcel being within the boundaries of the real property identified and described as Parcel III in that certain Deed of Trust, recorded on July 31, 2006, at Entry Number 2006-141368 in Multnomah County Deed Records, said parcel hereon described being that portion of said real property included in a strip of land variable in width, lying southerly of the following described line:

Commencing at a ½" iron pipe with a brass screw in a monument box on the Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680 from which a 4 ½" brass disk in concrete being a witness corner to the Northeast corner of the Hector B. Campbell D.L.C. No. 44, also being a witness corner to the Southeast corner of the Thomas L. Stevens D.L.C. No. 41, bears S19°45'33"E, 2,036.83 feet;

Thence S03°51'14"E, 568.04 feet along said Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, to a 3" brass disk in concrete inscribed "LS 510" in a monument box at Legal Centerline Station 9+08.52 and the beginning of a 573.00 foot radius curve to the left having a central angle of 3°10'09";

Thence along said Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, and the arc of said curve to the left (the long chord of which bears S05°26'19"E, 31.69') 31.69 feet;

Thence leaving said Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, N82°58'37"E, 49.11 feet to point on the easterly right of way line of said SW Macadam Avenue (State Highway 43) as established in that deed to the State Highway Commission, recorded March 9, 1967 in Book 551, Page 433, Multnomah County Deed Records and the **True Point of Beginning of said line**;

Thence N75°10'49"E, 64.97 feet;

Thence N02°13'53"E, 31.86 feet;

Thence N57°46'10"E, 25.38 feet;

Thence S45°11'51"E, 28.35 feet;

Thence S02°13'53"W, 33.32 feet;

Thence S70°41'31"E, 13.13 feet;

Thence N32°31'51"E, 8.23 feet;

Thence S87°46'07"E, 29.94 feet more or less to a point on the westerly line of that property described in that deed to the Tri-County Metropolitan Transportation District of Oregon, recorded March 23, 2005 as Document Number 2005-049993, Multnomah County Deed Records and the **Terminus Point of said line**.

EXCEPTING therefrom Parcel 1a, Parcel 1b and Parcel 1c described herein, any portions of said strip lying within the existing SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, right of way and any portion of said strip included in that property described as Parcel 1 in that Bargain and Sale Deed to the State of Oregon, by and through its State Highway Commission, recorded March 9, 1967 in Book 551, Page 433, Multnomah County Deed Records.

The parcel of land to which this description applies contains 1,611 square feet more or less.

This legal description along with the basis of bearings thereof, was prepared based on that Survey recorded as Survey Number 63180, Multnomah County Survey Records.

The parcel of land to which this description applies as shown on the attached EXHIBIT A-1, herein incorporated by this reference. In the event of a conflict or discrepancy between the map as shown on EXHIBIT A-1 and the written legal description, the written legal description shall prevail.

PARCEL 1e - TEMPORARY CONSTRUCTION EASEMENT

A parcel of land located in the Northeast One-Quarter of Section 22, Township 1 South, Range 1 East, of the Willamette Meridian, Multnomah County, Oregon, said parcel being within the boundaries of the real property identified and described as Parcel III in that certain Deed of Trust, recorded on July 31, 2006, at Entry Number 2006-141368 in Multnomah County Deed Records, said parcel hereon described being that portion of said real property included in a strip of land variable in width, lying north of and coincident with Parcel 1c described herein and southerly and westerly of the following described line:

Commencing at a ½" iron pipe with a brass screw in a monument box on the Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680 from which a 4 ½" brass disk in concrete being a witness corner to the Northeast corner of the Hector B. Campbell D.L.C. No. 44, also being a witness corner to the Southeast corner of the Thomas L. Stevens D.L.C. No. 41, bears S19°45'33"E, 2,036.83 feet;

Thence S03°51'14"E, 568.04 feet along said Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, to a 3" brass disk in concrete inscribed "LS 510" in a monument box at Legal Centerline Station 9+08.52;

Thence leaving said Legal Centerline of SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, N82°25'29"E, 45.71 feet to point on the easterly right of way line of said SW Macadam Avenue (State Highway 43) as established in that deed to the State Highway Commission, recorded March 9, 1967 in Book 551, Page 433, Multnomah County Deed Records and the **True Point of Beginning of said line;**

Thence N82°25'29"E, 5.01 feet to the beginning of a 783.51 foot radius non-tangent curve to the left having a central angle of 1°40'33", the radius point of which bears N79°38'36"E;

Thence along the arc of said non-tangent curve to the left (the long chord of which bears S11°11'40"E, 22.92') 22.92 feet to the beginning of a 19.50 foot radius non-tangent curve to the left having a central angle of 28°18'48", the radius point of which bears N30°32'41"E;

Thence along the arc of said non-tangent curve to the left (the long chord of which bears S73°36'43"E, 9.54') 9.64 feet;

Thence S87°46'07"E, 12.67 feet to a point on the northerly line of Parcel 1c described herein and the **Terminus Point of said line.**

EXCEPTING therefrom Parcel 1b described herein, any portions of said strip lying within the existing SW Macadam Avenue (State Highway 43), formerly known as County Road No. 680, right of way and any portion of said strip included in that property described as Parcel 1 in that Bargain and Sale Deed to the State of Oregon, by and through its State Highway Commission, recorded March 9, 1967 in Book 551, Page 433, Multnomah County Deed Records.

The parcel of land to which this description applies contains 204 square feet more or less.

This legal description along with the basis of bearings thereof, was prepared based on that Survey recorded as Survey Number 63180, Multnomah County Survey Records.

The parcel of land to which this description applies as shown on the attached EXHIBIT A-1, herein incorporated by this reference. In the event of a conflict or discrepancy between the map as shown on EXHIBIT A-1 and the written legal description, the written legal description shall prevail.



EXHIBIT A-1

1/2" IRON PIPE WITH
BRASS SCREW IN
MONUMENT BOX

3" BRASS DISK
INSCRIBED "LS510"
IN MONUMENT BOX

$\Delta=2^{\circ}25'24''$
 $R=573.00'$
 $L=24.24'$
 $LC=S05^{\circ}03'57''E$
 $24.23'$

$\Delta=0^{\circ}44'45''$
 $R=573.00'$
 $L=7.45'$
 $LC=S06^{\circ}39'01''E$
 $7.46'$

S03°51'14"E

568.04'

N82°25'29"E
5.01'

N82°25'29"E 45.71'

N83°43'21"E 48.42'

N82°58'37"E 49.11'

$\Delta=33^{\circ}40'44''$
 $R=24.50'$
 $L=14.40'$
 $LC=S70^{\circ}55'45''E$
 $14.19'$

SW
MACADAM
AVE.
(CO. RD. NO. 680)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 20, 1998
BRIAN K. HENSON
2855

EXPIRES: 6-30-2015

$\Delta=1^{\circ}40'33''$
 $R=783.51'$
 $L=22.92'$
 $LC=S11^{\circ}11'40''E$
 $22.92'$

$\Delta=28^{\circ}18'48''$
 $R=19.50'$
 $L=9.64'$
 $LC=S73^{\circ}36'43''E$
 $9.54'$

$\Delta=23^{\circ}39'06''$
 $R=29.50'$
 $L=12.18'$
 $LC=S75^{\circ}56'34''E$
 $12.09'$

S02°13'53"W
33.32'

S70°41'31"E
13.13'

N32°31'51"E
8.23'

S87°46'07"E
29.94'

S87°46'07"E
10.42'

S72°24'15"E
18.87'

N02°13'53"E
5.00'

S02°13'53"W
5.00'

N02°13'53"E
5.00'

S87°46'07"E
68.08'

S87°46'07"E
141.80'

N75°10'49"E 76.17'

S70°41'31"E 45.67'

N57°46'10"E 25.38'

S45°11'51"E 28.35'

N02°13'53"E 31.88'

S02°13'53"W 33.32'

S70°41'31"E 13.13'

N32°31'51"E 8.23'

S87°46'07"E 29.94'

S87°46'07"E 10.42'

S72°24'15"E 18.87'

N02°13'53"E 5.00'

S02°13'53"W 5.00'

N02°13'53"E 5.00'

TRI-COUNTY METROPOLITAN TRANSPORTATION
DISTRICT OF OREGON DN 2005-049993



PARCEL 1a



PARCEL 1b



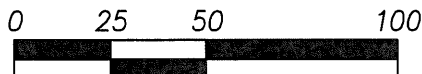
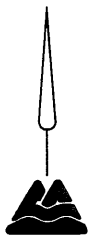
PARCEL 1c



PARCEL 1d



PARCEL 1e



SCALE: 1" = 50'



MULTNOMAH COUNTY

DEPARTMENT OF COMMUNITY SERVICES
COUNTY SURVEYOR'S OFFICE
1600 S.E. 190th AVE. PORTLAND, OR 97233

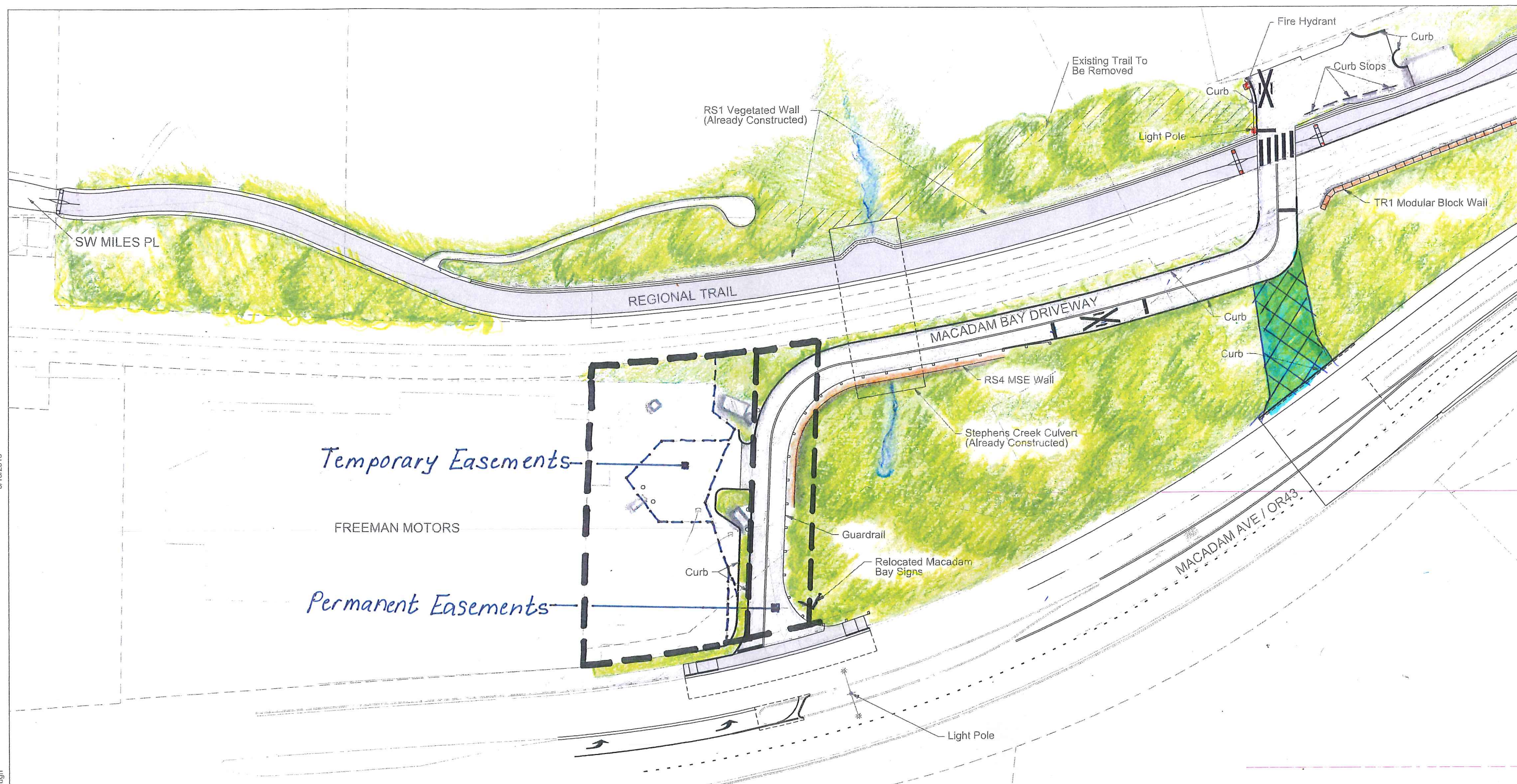
JAMES S. CLAYTON, P.L.S. COUNTY SURVEYOR

SELLWOOD BRIDGE PROJECT

ITEM NO. 2010-53-11

5/13/2015

420510 FILENAME: SLW_FIGURE_CH2M_MB_HOA.dgn



SELLWOOD BRIDGE PROJECT

MACADAM BAY DRIVEWAY AND REGIONAL TRAIL

MAY 18, 2015