

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

| | | | |
|--|---|--------------------------------------|---------|
| In the Matter of the Acceptance of an |) | ORDER ACCEPTING | #88-189 |
| Easement from Heritage Development |) | SLOPE EASEMENT | |
| Company, Inc. Granting to Multnomah County |) | | |
| a Permanent Easement for the Construction |) | NE 223rd AVENUE | |
| and Maintenance of a Slope in connection |) | COUNTY ROAD NO. 4067 4967 | |
| with improvement of NE 223rd Avenue |) | (NE Glisan St. - SE Stark St. | |
| <u>County Road No. 4967.</u> |) | Item 87-305/306/307 | |

It appearing to the Board at this time that the Heritage Development Company, Inc., has tendered to Multnomah County a permanent slope easement necessary for construction, and and maintenance of a slope on the real property hereinafter described; and

It further appearing that said permanent easement is necessary for the construction, operation, and maintenance of said slope, and the Director of the Department of Environmental Services of Multnomah County has recommended that said easement be accepted;

It further appearing to the Board that all funds in connection with the acquisition of said property are being disbursed by the Oregon State Highway Division in accordance with agreement for right-of-way purposes dated January 11, 1988, between the State of Oregon by and through its Department of Transportation, Highway Division, and Multnomah County.

NOW THEREFORE, IT IS HEREBY ORDERED that said easement of Heritage Development Company, Inc., conveying to Multnomah County a permanent easement for construction, and maintenance of a slope on the following real described property situated in the county of Multnomah, state of Oregon, to-wit:

A portion of Lots 1, 4, and 5, Block 17, NEWELL PARK, a duly recorded plat, recorded in Book 1180, Page 78, Plat Records of Multnomah County, Oregon, situated in the southwest one-quarter of Section 34, T1N, R3E, W.M., Multnomah County, Oregon, being an easement for the construction and maintenance of slopes, which is described as follows:

Parcel "A"

Beginning at a point on the south line of said Lot 1, said point bears N 88°22'24" W 15.00 feet from the southeast corner of said Lot 1, said point being the intersection of the north right-of-way line of NE Davis Street and the west right-of-way line of NE 223rd Avenue, County Road No. 2055; thence N 2°16'36" E along said west right-of-way line a distance of 155.93 feet to a point 45.00 feet westerly (when measured at right angles) of Engineer's centerline Sta. 66+00.00; then S 4°06'35" W, a distance of 156.01 feet to a point on the south line of said Lot 1; thence S 88°22'24" E along said south line, a distance of 4.99 feet to the true point of beginning.

Containing 389 square feet, more or less.

Parcel "B"

The west 2.00 feet of the east 17.00 feet of the north 50.00 feet of above said Lot 5.

Containing 100 square feet, more or less.

Parcel "C"

A parcel of land situated in the southwest one-quarter of Section 34, T1N, R3E, W.M., Multnomah County, Oregon, being an easement for the construction and maintenance of slopes which is described as follows:

Beginning at the southeast corner of Lot 2, Block 2, CLEAR CREEK BUSINESS PARK, a recorded plat in Multnomah County, Oregon, said point being on the west right-of-way line, 45.00 feet westerly (when measured at right angles) of Engineer's centerline Sta. 59+13.79, NE 223rd Avenue, County Road No. 2055; thence N 88°26'26" W along the south line of said Lot 2, a distance of 10.55 feet; thence S 4°34'02" W, 111.17 feet to a point 60.00 feet westerly (when measured at right angles) of Engineer's centerline Sta. 60+25.00; thence S 0°21'57" E, 325.34 feet to a point on the west right-of-way line of said NE 223rd Avenue, said point lies 45.00 feet westerly (when measured at right angles) of Engineer's centerline Sta. 63+50.00; thence N 2°16'36" E along the west line of said NE 223rd Avenue a distance of 436.21 feet to the point of beginning.

Containing 3,858 square feet, more or less.

Parcel "D"

A portion of Lot 2, Block 2, CLEAR CREEK BUSINESS PARK, a recorded plat, situated in the west one-half of Section 34, T1N, R3E, W.M., Multnomah County, Oregon, being an easement for the construction and maintenance of slopes which is described as follows:

Beginning at the southeast corner of said Lot 2, said point being on the west right-of-way line, 45.00 feet westerly (when measured at right angles) of Engineer's centerline Sta. 59+13.79, NE 223rd Avenue, County Road No. 2055; thence N 02°16'36" E along said west right-of-way line, a distance of 263.79 feet to a point, 45.00 feet westerly (when measured at right angles) of Engineer's centerline Sta. 56+50.00, said NE 223rd Avenue; thence S 04°34'02" W a distance of 264.13 feet to a point on the south line of said Lot 2; thence S 88°26'26" E along the said south line a distance of 10.55 feet to the true point of beginning.

Containing 1,392 square feet, more or less.

Parcel "E"

A portion of Lot 2, Block 2, CLEAR CREEK BUSINESS PARK, a recorded plat, situated in the west one-half of Section 34, T1N, R3E, W.M., Multnomah County, Oregon, being an easement for the construction and maintenance of slopes which is described as follows:

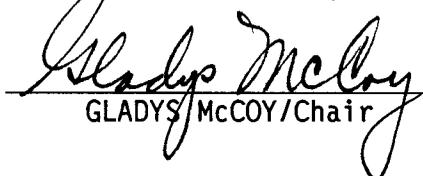
Beginning at a point on the west right-of-way line of said NE 223rd Avenue, said point being 45.00 feet westerly (when measured at right angles) of Engineer's centerline Sta. 56+00.00; thence N 02°16'36" E along said west right-of-way line a distance of 180.96 feet to a point 45.00 feet westerly (when measured at right angles) of centerline Sta. 54+19.04; thence northwesterly along the arc of a 30.00 foot radius tangent curve to the left through a central angle of 90°43'02", the chord of which bears N 43°04'55" W, 42.69 feet, an arc distance of 47.50 feet to a point on the south right-of-way line of NE Glisan Street, said point being 45.00 feet southerly (when measured at right angles) of the centerline of said NE Glisan Street; thence S 1°33'34" W 1.00 foot to a point of curvature; thence southeasterly along the arc of a 29.00 foot radius non-tangent curve to the right through a central angle of 90°43'02", the chord of which bears S 43°04'55" E, 41.27 feet, an arc distance of 45.92 feet to a point; thence S 02°16'36" W, 1.00 foot westerly of and parallel to said west right-of-way line, a distance of 180.96 feet to a point; thence S 87°43'24" E, 1.00 foot to the true point of beginning.

Containing 228 square feet more or less.

be accepted by the county and placed of record in the County of Multnomah, state of Oregon.

(SEAL)
October 13, 1988

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


GLADYS McCOY/Chair

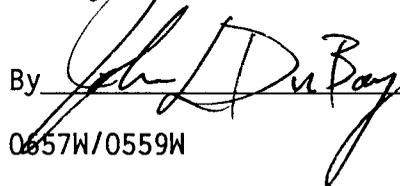
(SEAL)

APPROVED:


LARRY F. NICHOLAS, P.E.
County Engineer/Director

APPROVED AS TO FORM:

LAURENCE KRESSEL
County Counsel

By 
0657W/0559W

PERMANENT SLOPE EASEMENTS

HERITAGE DEVELOPMENT COMPANY, INC., an Oregon corporation, formerly Venture Financial Enterprises, Inc., an Oregon corporation, Grantor, hereby grants to **MULTNOMAH COUNTY**, a political subdivision of the State of Oregon, Grantee, its successors and assigns, permanent easements to construct and maintain slopes, necessitated by the construction, operation, and maintenance of the Stark St.-Glisan St. Section of 223rd Avenue, upon the properties described on the Exhibit "A"s attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the easements herein granted do not convey any right or interest in the above-described properties, except as stated herein, nor prevent Grantor from the use of said properties; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of said public way.

IT IS ALSO UNDERSTOOD that Grantee shall never be required to remove the slope materials placed by it on said properties, nor shall Grantee be subject to any damages to Grantor, its successors and assigns, by reason thereof, or by reason of any change of grade of the public way abutting on said properties.

Grantor hereby covenants to and with Grantee, its successors and assigns, that it is the owner of said properties, and will warrant and defend the easements rights herein granted from all lawful claims whatsoever.

The true and actual consideration received by Grantor for these easements is \$ 500.

Dated this 3 day of August, 1988.

HERITAGE DEVELOPMENT COMPANY, INC.

By *[Signature]*
President

By _____
Secretary

EXHIBIT "A"

A portion of Lot 2, Block 2, CLEAR CREEK BUSINESS PARK, a recorded plat, situated in the West one-half of Section 34, Township 1 North, Range 3 East, Willamette Meridian, Multnomah County, Oregon, being an easement for the construction and maintenance of slopes which is described as follows:

PARCEL "A"

Beginning at the Southeast corner of said Lot 2, said point being on the West right-of-way line, 45.00 feet Westerly (when measured at right angles) of Engineer's centerline Sta. 59+13.79, NE 223rd Avenue, County Road No. 2055; thence North $02^{\circ}16'36''$ East along said West right-of-way line, a distance of 263.79 feet to a point, 45.00 feet Westerly (when measured at right angles) of Engineer's centerline Sta. 56+50.00, said NE 223rd Avenue; thence South $04^{\circ}34'02''$ West a distance of 264.13 feet to a point on the South line of said Lot 2; thence South $88^{\circ}26'26''$ East along the said South line a distance of 10.55 feet to the true point of beginning.

PARCEL "B"

Beginning at a point on the West right-of-way line of said NE 223rd Avenue, said point being 45.00 feet Westerly (when measured at right angles) of Engineer's centerline Sta. 56+00.00; thence North $02^{\circ}16'36''$ East along said West right-of-way line a distance of 180.96 feet to a point 45.00 feet Westerly (when measured at right angles) of centerline Sta. 54+19.04; thence Northwesterly along the arc of a 30.00 foot radius tangent curve to the left through a central angle of $90^{\circ}43'02''$, the chord of which bears North $43^{\circ}04'55''$ West, 42.69 feet, an arc distance of 47.50 feet to a point on the South right-of-way line of NE Glisan Street, said point being 45.00 feet Southerly (when measured at right angles) of the centerline of said NE Glisan Street; thence South $1^{\circ}33'34''$ West 1.00 foot to a point of curvature; thence Southeasterly along the arc of a 29.00 foot radius non-tangent curve to the right through a central angle of $90^{\circ}43'02''$, the chord of which bears South $43^{\circ}04'55''$ East, 41.27 feet, an arc distance of 45.92 feet to a point; thence South $02^{\circ}16'36''$ West, 1.00 foot Westerly of and parallel to said West right-of-way line, a distance of 180.96 feet to a point; thence South $87^{\circ}43'24''$ East, 1.00 foot to the true point of beginning.



Heritage Devel. Company Inc.

NE 223rd Avenue
(S of NE Glisan Street)

Item 87-306

PARCEL "C":

Slope Easement

A parcel of land situated in the southwest one-quarter of Section 34, T1N, R3E, W.M., Multnomah County, Oregon, being an easement for the construction and maintenance of slopes which is described as follows:

Beginning at the southeast corner of Lot 2, Block 2, Clear Creek Business Park, a recorded plat in Multnomah County, Oregon, said point being on the west right-of-way line, 45.00 feet westerly (when measured at right angles) of Engineer's centerline Sta. 59+13.79, NE 223rd Avenue, County Road No. 2055; thence N 88°26'26" W along the south line of said Lot 2, a distance of 10.55 feet; thence S 4°34'02" W, 111.17 feet to a point 60.00 feet westerly (when measured at right angles) of Engineer's centerline Sta. 60+25.00; thence S 0°21'57" E, 325.34 feet to a point on the west right-of-way line of said NE 223rd Avenue, said point lies 45.00 feet westerly (when measured at right angles) of Engineer's centerline Sta. 63+50.00; thence N 2°16'36" E along the west line of said NE 223rd Avenue a distance of 436.21 feet to the point of beginning.

Containing 3,858 square feet, more or less.

EXHIBIT "A"

A portion of Lots 1, 4 and 5, Block 17, NEWELL PARK, a duly recorded plat, recorded in Book 1180, Page 78, Plat Records in the City of Gresham, County of Multnomah and State of Oregon, situated in the Southwest one-quarter of Section 34, Township 1 North, Range 3 East of the Willamette Meridian, Multnomah County, Oregon being an easement for the construction and maintenance of slopes, which is described as follows:

PARCEL "D":
~~PARCEL "A":~~

Beginning at a point on the South line of said Lot 1, said point bears North $88^{\circ}22'24''$ West 15.00 feet from the Southeast corner of said Lot 1, said point being the intersection of the North right-of-way line of N.E. Davis Street and the West right-of-way line of N.E. 223rd Avenue, County Road No. 2055; thence North $2^{\circ}16'36''$ East along said West right-of-way line a distance of 155.93 feet to a point 45.00 feet Westerly (when measured at right angles) of Engineer's centerline Sta. 66+00.00; then South $4^{\circ}06'35''$ West, a distance of 156.01 feet to a point on the South line of said Lot 1; thence South $88^{\circ}22'24''$ East along said South line, a distance of 4.99 feet to the true point of beginning.

PARCEL "E":
~~PARCEL "B":~~

The West 2.00 feet of the East 17.00 feet of the North 50.00 feet of above said Lot 5.

af