

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

RESOLUTION NO. 2012-021

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. 2011-008 adopted on January 27, 2011, authorized the County to undertake negotiations for the acquisition of certain real property interests more particularly described in those two certain Easement instruments compiled together and attached to this Resolution as Exhibit "A" (and collectively referred to as "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 such 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 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.

ADOPTED this 23rd day of February, 2012.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Jeff Cogen, Chair

REVIEWED:

JENNY M. MORF, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY: M. Cecilia Collier, Director, Department of Community Services

Exhibit A

Multnomah County Board of Commissioners Resolution to Authorize Condemnation and
Immediate Possession of Real Property from Diana Richardson Necessary for the
Sellwood Bridge Project.

Exhibit A

After recording return to:

Patrick Hinds
Land Use & Transportation Division, Bldg. #425

**Until a change is requested,
tax statements shall be sent to:**

Multnomah County Transportation Division
1600 SE 190th Ave
Portland, Oregon 97233

EASEMENT

D.J. Richardson Properties Limited Partnership, as Oregon limited partnership "Grantor", grants to **MULTNOMAH COUNTY**, a Political Subdivision of the State of Oregon, "**Grantee**", a permanent easement for public street and right of way purposes in the real property described in Exhibit 1, Tract 1.

Grantor further grants to Grantee a temporary construction easement over, under, upon and across the property described in Exhibit B for a work area for uses related to the demolition and reconstruction of the Sellwood Bridge and related improvements beginning on the date of possession of the easement area by agreement or court order and ending December 31, 2016 or the completion of construction, whichever is earlier. Grantee shall restore the area described in Exhibit 1, Tract 2 to a condition as good as that existing prior to construction.

Grantor acknowledges that this grant is pursuant to the exercise of the eminent domain power and authority of Grantee and that the consideration paid by Grantee and accepted by Grantor is just compensation for the property rights granted, and includes all damage to Grantor's remaining property resulting from the acquisition or use of said property rights.

The true consideration paid for this grant stated in terms of dollars is \$ 90,000.00.

Dated this _____ **day of** _____, **2011**

Diana J Richardson, Manager

STATE OF OREGON)
) ss
County of Multnomah)

This instrument was acknowledged before me on _____, 2011, by _____.

Notary Public for Oregon
My Commission Expires: _____

REVIEWED:

By Jenny Morf, Acting County Attorney
For Multnomah County, Oregon

By: _____
Assistant County Attorney

The described property is accepted for use in conjunction with the Sellwood Bridge on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this _____ day of _____, 2011

By _____
Brian S. Vincent, P.E., County Engineer
for Multnomah County, Oregon

D.J. Richardson Properties

TRACT 1:

A portion of Lots 4 and 5, Block 3, Town of Sellwood, Multnomah County Plat Records, located in the Southwest quarter of Section 23, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, being a portion of that certain tract of land conveyed to D.J. Richardson Properties Limited Partnership, an Oregon Limited Partnership by Quitclaim deed recorded as Document No. 2003-050718, Multnomah County Deed Records, said portion lying Southerly of the following described line:

Beginning at a point on the West line of said Lot 5 being 36.00 feet northerly of, when measured at right angles to, the centerline of SE Tacoma Street; thence N88°51'50"E, a distance of 190.21 feet to a point on the West right-of-way line of SE 6th Avenue as described in that Road Purpose Dedication conveyed to Multnomah County on February 19, 1924 in Book 956, Page 165, said point being 45.00 feet northerly of, when measured at right angles to, the centerline of SE Tacoma Street.

Containing 1,882 square feet more or less.

TRACT 2:

A 10.00 foot wide strip of land, being a portion of Lots 4 and 5, Block 3, Town of Sellwood, Multnomah County Plat Records, located in the Southwest quarter of Section 23, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, being a portion of that certain tract of land conveyed to D.J. Richardson Properties Limited Partnership, an Oregon Limited Partnership by Quitclaim deed recorded as Document No. 2003-050718, Multnomah County Deed Records, said 10.00 foot strip of land lying northerly of and adjoining the following described line:

Beginning at a point on the West line of said Lot 5 being 36.00 feet northerly of, when measured at right angles to, the centerline of SE Tacoma Street; thence N88°51'50"E, a distance of 190.21 feet to a point on the West right-of-way line of SE 6th Avenue as described in that Road Purpose Dedication conveyed to Multnomah County on February 19, 1924 in Book 956, Page 165, said point being 45.00 feet northerly of, when measured at right angles to, the centerline of SE Tacoma Street.

Containing 1,955 square feet more or less.

As shown on the attached Exhibit Map, in the event of a conflict or discrepancy between the map as shown on Exhibit Map and the written legal description provided above, the written legal description shall prevail.

Item No. 2010-19
DEA File No. T1015D-021 & 022
11/2/2011

SELLWOOD BRIDGE

EXHIBIT 1

Page 2 of 2

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 30, 1997
JAMES S. CLAYTON
2832

RENEWAL DATE:

Item No. 2010-19
DEA File No. T1015D-021 & 022
Page 3 of 3

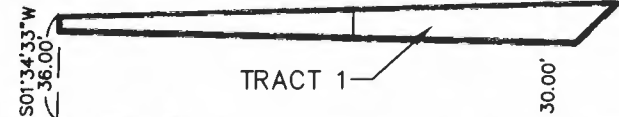
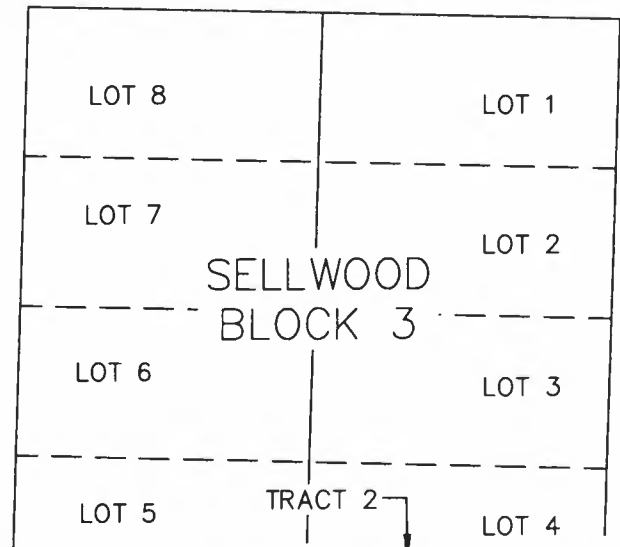


LEGEND
 PERMANENT
EASEMENT

TEMPORARY
CONSTRUCTION
EASEMENT

SE SPOKANE ST.

O.
P. R.R.

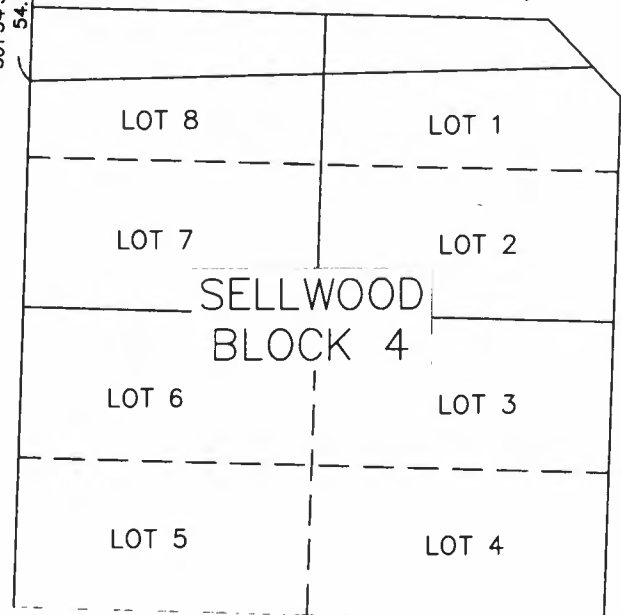


SE TACOMA ST.

S01°34'33"W
54.50'

30.00'

SELLWOOD
HARBOR
CONDOMINIUM



After recording return to:
Patrick Hinds
Land Use & Transportation Division, Bldg. #425

**Until a change is requested,
tax statements shall be sent to:**
Multnomah County Transportation Division
1600 SE 190th Ave
Portland, Oregon 97233

EASEMENT

South Tacoma Block LLC, an Oregon limited liability company “Grantor”, grants to MULTNOMAH COUNTY, a Political Subdivision of the State of Oregon, “Grantee”, a permanent easement for public street and right of way purposes in the real property described in Exhibit 1, Tract 1.

Grantor further grants to Multnomah County a temporary construction easement over, under, upon and across the property described in Exhibit 1, Tract 2 for a work area for uses related to the demolition and reconstruction of the Sellwood Bridge and related improvements beginning on the date of possession of the easement area by agreement or court order and ending December 31, 2016 or the completion of construction, whichever is earlier, together with the right to remove all buildings and other structures located on the property. Uses of the temporary easement include but are not limited to grading and installation of paving, storage of equipment and materials, staging of materials, installation and maintenance of temporary field offices, parking and other uses necessary or convenient to the demolition and construction of the Sellwood Bridge. Grantee shall restore the temporary easement area to a condition as good as that existing prior to construction except that none of the buildings or structures removed shall be replaced and asphalt paving materials installed on the property, if any, shall not be removed.

Grantor acknowledges that this grant is pursuant to the exercise of the eminent domain power and authority of Grantee and that the consideration paid by Grantee and accepted by Grantor is just compensation for the property rights granted, and includes all damage to Grantor’s remaining property resulting from the acquisition or use of said property rights.

The true consideration paid for this grant stated in terms of dollars is \$ 580,000.00.

Dated this _____ day of _____, 2011

Diana J Richardson, Manager

STATE OF OREGON)
) ss
County of Multnomah)

This instrument was acknowledged before me on _____, 2011, by _____.

Notary Public for Oregon
My Commission Expires: _____

REVIEWED:

Jenny Morf, Acting County Attorney
For Multnomah County, Oregon

By: _____
Assistant County Attorney

The described property is accepted for use in conjunction with the Sellwood Bridge on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this _____ day of _____, 2011

By _____
Brian S. Vincent, P.E., County Engineer
for Multnomah County, Oregon

South Tacoma Blocks LLC

TRACT 1:

A portion of Lots 1 and 8, Block 4, Sellwood, Multnomah County Plat Records, located in the Southwest quarter of Section 23, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, being a portion of that certain tract of land conveyed to South Tacoma Block LLC, an Oregon limited liability company by Bargain and Sale deed recorded as Document No. 2006-033524, Multnomah County Deed Records, said portion lying Northerly of the following described line:

Beginning at a point on the West line of said Lot 8 being 54.50 feet southerly of, when measured at right angles to, the centerline of SE Tacoma Street; thence N88°52'15"E, a distance of 190.71 feet to a point on the West right-of-way line of SE 6th Avenue as described in that Road Purpose Dedication conveyed to Multnomah County on February 19, 1924 in Book 956, Page 165, said point being 45.50 feet southerly of, when measured at right angles to, the centerline of SE Tacoma Street.

Containing 3,689 square feet more or less.

TRACT 2:

All of Block 4, Sellwood, Multnomah County Plat Records, located in the Southwest quarter of Section 23, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon.

EXCEPTING THEREFROM that portion of said Block 4 described above as Tract 1 and that portion of said Block 3 described in that Road Purpose Dedication conveyed to Multnomah County on February 19, 1924 in Book 956, Page 165.

Containing 35,997 square feet more or less.

As shown on the attached Exhibit Map, in the event of a conflict or discrepancy between the map as shown on Exhibit Map and the written legal description provided above, the written legal description shall prevail.

Item No. 2010-20
DEA File No. T1015D-023 & 024
11/2/2011

SELLWOOD BRIDGE

EXHIBIT 1

Page 2 of 2

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 30, 1997
JAMES S. CLAYTON
2832

RENEWAL DATE:

EXHIBIT MAP

Item No. 2010-20

SW1/4 SW1/4 SEC. 23 T.1S. R.1E. W.M.
MULTNOMAH COUNTY

