

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-221

Authorizing Legal Counsel to Obtain Immediate Possession of Property Necessary for Reconstruction at SE Orient Drive and SE 257th Avenue

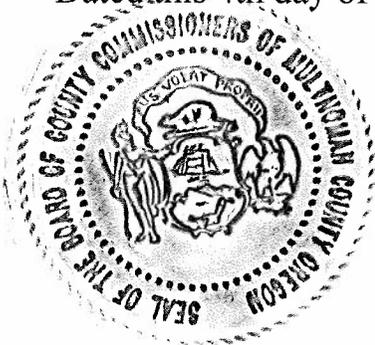
The Multnomah County Board of Commissioners finds:

- a. On February 12, 1998 the Board adopted Resolution No. 98-17 which authorized condemnation and immediate possession by Multnomah County of the real property described in Exhibit 1 attached hereto (the property) for reconstruction of SE Orient Drive at the intersection of SE 257th Avenue.
- b. When Resolution 98-17 was adopted, the project the improvements to the intersection of SE Orient Drive and SE 257th Avenue were to be constructed as a county road project unrelated to any other improvements in the area.
- c. Subsequent to the adoption of Resolution No. 98-17 Multnomah County has entered into and completed negotiations with the City of Gresham and Albertson's Inc. for a cooperative project to improve the intersection and adjacent roads. These negotiations resulted in an Intergovernmental Agreement between Multnomah County and the City of Gresham which was signed on April 22, 1999 and a Project Agreement between Albertson's, Inc. and Multnomah County which is being approved by the Board today. Acquisition of the property was delayed while these agreements were negotiated.
- d. It is now necessary to acquire the property so the project may begin construction. Immediate possession of the property is necessary because preliminary tests indicate that the property is contaminated with petroleum products. The extent of the contamination is unknown. Because of the contamination, additional testing, evaluation and environmental remediation will be required to be done before commencement of construction of the project. Project construction is expected to begin in the summer of 2000.

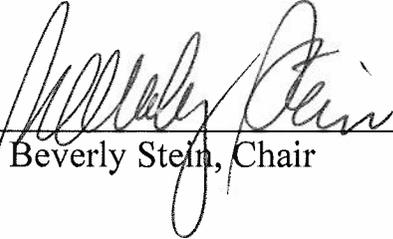
The Multnomah County Board of Commissioners resolves:

1. It is necessary to acquire immediate possession of the property to allow additional testing, evaluation and environmental remediation to occur as soon as possible so that construction of the improvements at the intersection of SE Orient Drive at SE 257th can proceed and be completed on schedule and within budgetary limitations.
2. In the event that no satisfactory agreement can be reached with the owners of the property as to the purchase price or early possession of the property legal counsel is hereby authorized and directed to obtain possession of the property at the earliest possible date.
3. There is hereby authorized the creation of a fund in the amount of the estimate of just compensation for each such property, which shall, upon obtaining possession of each such 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.

Dated this 4th day of November, 1999.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 

John Thomas, Assistant County Counsel

WARREN G. ZANDELL

S.E. ORIENT DRIVE
S.E. Corner at S.E 257th Avenue
Item No. 97-38
April 3, 1997

Exhibit 1

DESCRIPTION (FEE SIMPLE)

All of that certain tract of land conveyed to Warren G. Zandell, by a deed recorded on July 21, 1987, in Book 2026, Page 226, Multnomah County Deed Records, more particularly described as follows:

"A parcel of land lying in the Northeast quarter of Section 14, Township 1 South, Range 3 East, of the Willamette Meridian, in the City of Gresham, County of Multnomah and State of Oregon, more particularly described as follows: BEING all of that portion of a certain 0.34 acre tract described in deed recorded December 31, 1907, in Book 404, page 453, Deed Records, which lies southwesterly of the southwesterly side line of the right-of-way of the Mt. Hood Division of the Portland Railway Light and Power Company, which said southwesterly side line of said right-of-way is 42 feet distant from and parallel with the center line of Rollway Tract, EXCEPT a 60 foot right-of-way adjoining and paralleling Portland Railway Light and Power Company's right-of-way deeded to Multnomah County, Oregon, or to the State of Oregon for road purposes as a part of Mt. Hood Loop Highway, said tract of land being bounded on the North and East by the Mt. Hood Loop Highway, on the South by the Palmquist Road and on the West by Kane Road."

Containing 2,178 square feet, more or less.

As shown on attached EXHIBIT "A", herein made a part of this description.



NO SCALE

(M.T. HOOD LOOP)

FEE SIMPLE

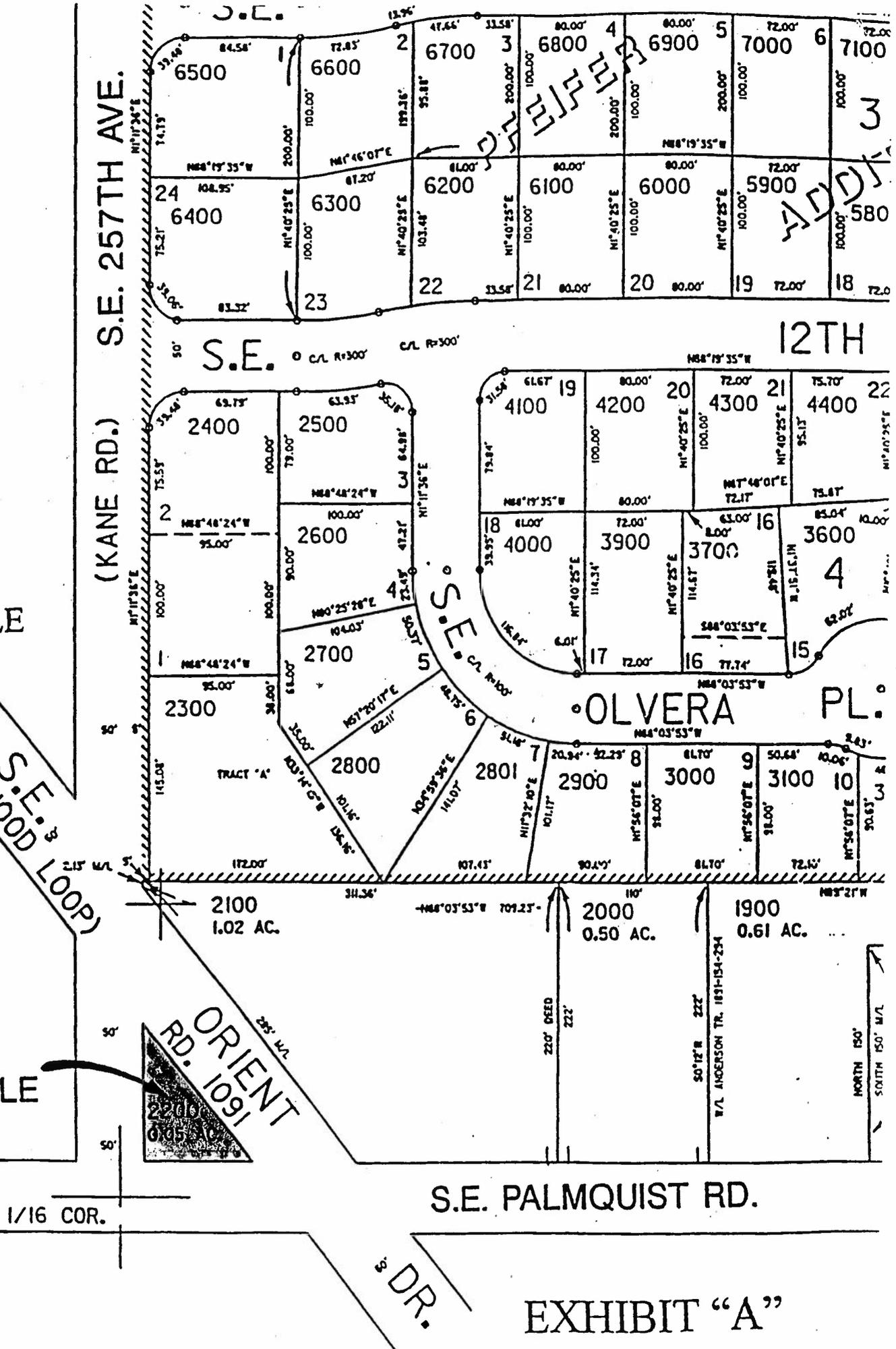


EXHIBIT "A"