

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

RESOLUTION NO. 2018-018

Approving the Acquisition of Certain Real Property Interests for the NW Cornelius Pass Road Project, in Unincorporated Multnomah County.

The Multnomah County Board of Commissioners Finds:

- a. By Resolution 2016-128, this Board authorized the Department of Community Services Transportation Division (Transportation) to begin negotiations to acquire certain real property interests necessary for a road improvement project along NW Cornelius Pass Road in unincorporated Northwest Multnomah County (the Project).
- b. Transportation has reached a proposed settlement with an abutting property owner, whose property was identified in Resolution No. 2016-128, to acquire certain easements necessary for the Project.
- c. Attached as Exhibit 1 is a copy of the original fully signed and acknowledged easement, which has been signed and accepted by the County Engineer as well.
- d. This easement is necessary for the Project, and it is in the best interest of the public and Multnomah County to approve the acquisition of these property interests.

The Multnomah County Board of Commissioners Resolves:

1. The Board approves the acquisition of these necessary easements, a copy of which is attached as Exhibit 1, and the County Engineer's acceptance of said easement is hereby ratified and Transportation is directed to record said easements.

ADOPTED this 1st day of March, 2018.



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

Deborah Kafoury

Deborah Kafoury, Chair

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

By *Courtney Lords*
Courtney Lords, Assistant County Attorney

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

EXHIBIT 1

Grantor:

Marta J. Kerley
Virgil Kerley
54351 Freeman Rd.
Scappoose, OR 97056-2532

After recording return to:

Grantee: Multnomah County; attn: Patrick Hinds
Land Use & Transportation Division, Bldg. #425

ROAD PURPOSES EASEMENT

Marta Joyce Pohlman, now known as Marta Joyce Kerley, Virgil Kerley and Jayme Kathleen Pohlman, "**Grantor**", grants to **MULTNOMAH COUNTY**, a Political Subdivision of the State of Oregon, "**Grantee**", the following described easements:

Parcel 1: A permanent, exclusive easement for road purposes through, under, across, over and along the following described real property as more particularly described in the attached Exhibit A; and

Parcels 2 & 3: A temporary easement (**Beginning on September 1, 2017 and expiring on August 31, 2020**) for the purpose of accessing, laying down, installing, constructing, reconstructing, operating, inspecting, monitoring, and maintaining waterways and roadway, installations and appurtenances through, under, across, over and along the following described real property as more particularly described in the attached Exhibit A.

Grantor represents and warrants that Grantor has the authority to grant said easements described in Exhibit A ("Parcel 1-3" or collectively the "Property"). During the temporary easement term, Grantor shall not grant or allow any uses or activities in Parcel 2-3, which would interfere with the Grantee's use of the Property and the temporary easement as provided herein.

Grantor represents that to the best of Grantor's knowledge, after appropriate inquiry under the circumstances:

1. The Property is in compliance with all local, State and Federal environmental laws and regulations.
2. Grantor has disclosed all information relating to any release of hazardous substances onto or from the Property, and disclosed any known report, investigation, survey or environmental assessment regarding Property; "release" and "hazardous substance" shall have the meaning as defined under Oregon law.
3. That there are no underground storage tanks, as defined under Oregon law, presently on or under the Property.
4. This grant is free of encumbrances except Conditions, Restrictions, Restrictive Covenants, and Easements of Record if any.

Grantee, by accepting this easement, is not accepting liability for any preexisting release of hazardous substances onto or from the Property, and Grantor is not attempting to convey any such liability.

The true consideration paid for this grant stated in terms of dollars is \$ 60,640.00

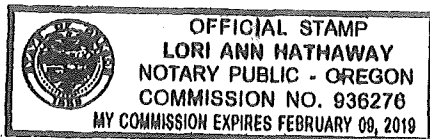
Dated this 20th day of October, 2017

By: Marta Joyce Kerley
Marta Joyce Kerley

By: Virgil Kerley
Virgil Kerley

STATE OF OREGON)
) ss
County of Multnomah)
Columbia Alt

This record was acknowledged before me on October 20, 2017, by Marta Joyce Pohlman, now known as Marta Joyce Kerley and Virgil Kerley.

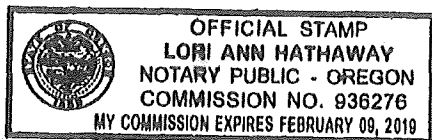


Lori Ann Hathaway
Notary Public for Oregon
My Commission Expires: February 9, 2019

By: Jayne Kathleen Pohlman
Jayne Kathleen Pohlman

STATE OF OREGON)
) ss
County of Multnomah)
Columbia Alt

This record was acknowledged before me on October 20, 2017, by Jayme Kathleen Pohlman.



Lori Ann Hathaway
Notary Public for Oregon
My Commission Expires: February 9, 2019

The described property is accepted for use in conjunction with NW Cornelius Pass Rd, County Road No. 891, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this 14TH day of NOVEMBER, 2017

By AB-C
Ian B. Cannon, P.E., County Engineer
for Multnomah County, Oregon

REVIEWED:

By Jenny M. Madkour, County Attorney
For Multnomah County, Oregon

By: _____
Assistant County Attorney

EXHIBIT "A"

Parcel 1: Permanent Road Purpose Easement

A portion of that tract of land described as Parcel 2 in Bargain and Sale Deed to Virgil Kerley and Jayme Kathleen Pohlman, recorded on June 11, 2008 in Document No. 2008-088083, Multnomah County Deed Records (MCDR), situated in the N.W. One-quarter of Section 30, Township 2 North, Range 1 West, W.M., Multnomah County, Oregon, more particularly described as follows:

Beginning at a 5/8" iron rebar with yellow plastic cap marked "MULT. CO. SURVEY" at the end of curve at station 81+22.21 on the easterly right-of-way line (30.00 feet easterly of, when measured at right angles, to the centerline of NW Cornelius Pass Rd.) of NW Cornelius Pass Rd., County Road No. 891 per Survey Number 57186, Multnomah County Survey Records (MCSR); thence northerly along said easterly right-of-way line along the arc of a 113.25 foot radius curve to the right, through a central angle of 76°38'11" (the long chord of which bears N21°33'05"E, 140.44 feet) an arc distance of 151.48 feet to a 5/8" iron rebar with yellow plastic cap marked "MULT. CO. SURVEY", a point of tangency at station 79+30.61; thence N59°52'11"E, continuing along said easterly right-of-way line, a distance of 23.76 feet; thence S25°21'26"W, a distance of 108.29 feet; thence S06°39'01"E, a distance of 59.25 feet; thence S34°55'41"E, a distance of 45.09 feet to the northwesterly right-of-way line of NW 8th Avenue; thence S54°19'31"W, along said northwesterly right-of-way line, a distance of 43.55 feet to the intersection with the easterly right-of-way line of said NW Cornelius Pass Rd.; thence N16°46'00"W, along said easterly right-of-way line, a distance of 79.93 feet to the point of beginning.

Containing 6,575 square feet more or less.

Parcel 2: Temporary Construction Easement

A 10.00 foot wide strip of land being a portion of that tract of land described as Parcel 2 in Bargain and Sale Deed to Virgil Kerley and Jayme Kathleen Pohlman, recorded on June 11, 2008 in Document No. 2008-088083, Multnomah County Deed Records (MCDR), situated in the N.W. One-quarter of Section 30, Township 2 North, Range 1 West, W.M., Multnomah County, Oregon, more particularly described as follows:

Commencing at a 5/8" iron rebar with yellow plastic cap marked "MULT. CO. SURVEY" at the end of curve at station 81+22.21 on the easterly right-of-way line (30.00 feet easterly of, when measured at right angles, to the centerline of NW Cornelius Pass Rd.) of NW Cornelius Pass Rd., County Road No. 891 per Survey Number 57186, Multnomah County Survey Records (MCSR); thence northerly along said easterly right-of-way line along the arc of a 113.25 foot radius curve to the right, through a central angle of 76°38'11" (the long chord of which bears N21°33'05"E, 140.44 feet) an arc distance of 151.48 feet to a 5/8" iron rebar with yellow plastic cap marked "MULT. CO. SURVEY", a point of tangency at station 79+30.61; thence N59°52'11"E, continuing along said easterly right-of-way line, a distance of 23.76 feet to the point of beginning of the herein described tract of land; thence N59°52'11"E, continuing along said easterly right-of-way line, a distance of 17.65 feet; thence S25°21'26"W, a distance of 119.96 feet; thence S06°39'01"E, a distance of 54.02 feet; thence S70°03'17"W, a distance of 10.28 feet; thence N06°39'01"W, a distance of 59.25 feet; thence N25°21'26"E, a distance of 108.29 feet to the point of beginning.

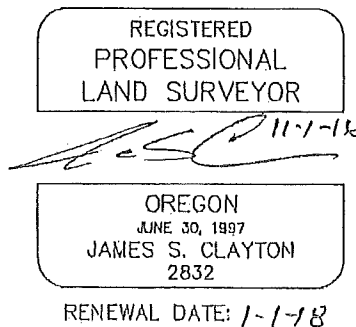
Containing 1,708 square feet more or less.

Parcel 3: Temporary Construction Easement

A portion of that tract of land described as Parcel 2 in Bargain and Sale Deed to Virgil Kerley and Jayme Kathleen Pohlman, recorded on June 11, 2008 in Document No. 2008-088083, Multnomah County Deed Records (MCDR), situated in the N.W. One-quarter of Section 30, Township 2 North, Range 1 West, W.M., Multnomah County, Oregon, more particularly described as follows:

Commencing at a found 5/8" iron rebar with yellow plastic cap marked "MULT. CO. SURVEY" at the end of curve at station 81+22.21 on the easterly right-of-way line (30.00 feet easterly of, when measured at right angles, to the centerline of NW Cornelius Pass Rd.) of NW Cornelius Pass Rd., County Road No. 891 per Survey Number 57186, Multnomah County Survey Records (MCSR); thence S16°46'00"E along said easterly right-of-way line, a distance of 79.93 feet to the intersection with the northwesterly right-of-way line with NW 8th Avenue; thence N54°19'31"E, along said northwesterly right-of-way line, a distance of 43.55 feet to the point of beginning of the herein described tract of land; thence N34°55'41"W, a distance of 45.09 feet; thence N70°03'17"E, a distance of 74.10 feet to a point being 25.00 feet northwesterly of, when measured at right angles to, the northwesterly right of way line of said NW 8th Avenue; thence N54°19'31"E, parallel with said northwesterly right-of-way line, a distance of 51.53 feet; thence S35°40'29"E, a distance of 25.00 feet to the northwesterly line of Lot 1, Block 11, FOLKENBERG, Plat Book 561, Page 57 and 58, Multnomah County Plat Records; thence S54°19'31"W, along said northwesterly line of said Lot 1 and the northwesterly right-of-way line of said NW 8th Avenue, a distance of 123.45 feet to the point of beginning.

Containing 3,801 square feet more or less.



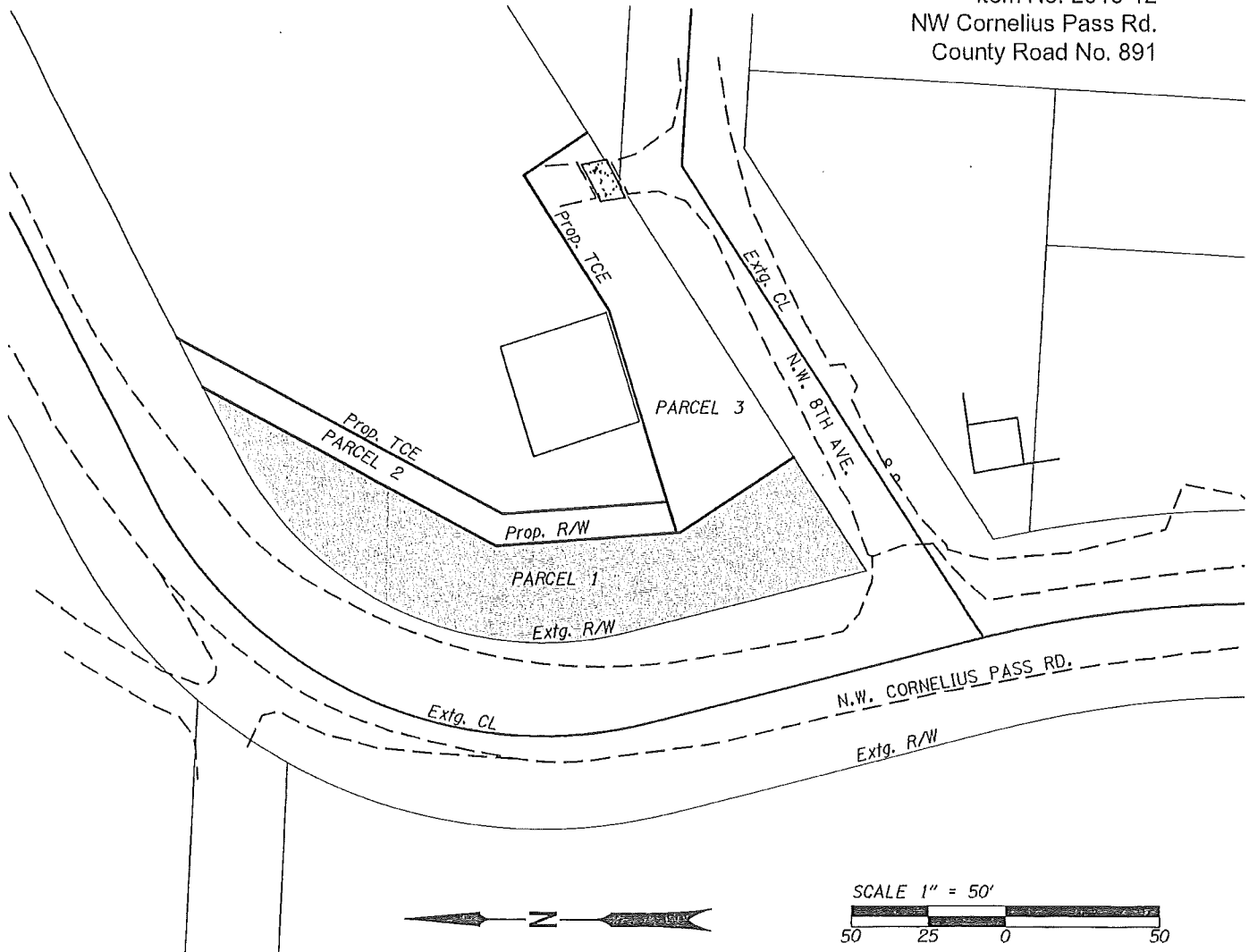
This legal description along with the basis of bearings thereof, was prepared based on that Survey recorded as Survey Number 57186, Multnomah County Survey Records.

As shown on the attached EXHIBIT MAP, herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the EXHIBIT MAP and the written legal description, the written legal description shall prevail.

Exhibit Map

SEC. 30, T. 2N, R. 1W, W.M.

Item No. 2016-12
NW Cornelius Pass Rd.
County Road No. 891



PROPOSED ROAD PURPOSE AND TEMPORARY CONSTRUCTION EASEMENTS (TCE):

ROAD PURPOSE EASEMENT (PARCEL 1) = 6,575 SF
TCE (PARCEL 2) = 1,708 SF
TCE (PARCEL 3) = 3,801 SF

PROPERTY INFORMATION:

PROPERTY ADDRESS:
15124 NW CORNELIUS PASS ROAD
PORTLAND, OR 97231

OWNER:
MARTA J. KERLEY, VIRGIL KERLEY AND JAYME KATHLEEN POHLMAN

OWNERS ADDRESS:
54351 FREEMAN ROAD
SCAPPOOSE, OR 97053-2532