

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

RESOLUTION NO. 2016-111

Approving the Acquisition of Certain Real Property Interests for the NE Arata Road Project.

The Multnomah County Board of Commissioners Finds:

- a. By Resolutions No. 2014-140 and 2016-016, 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 NE Arata Road in the Cities of Wood Village and Fairview (the Project).
- b. Transportation has reached proposed settlements with several abutting property owners, whose property were identified in Resolutions No. 2014-140 and 2016-016 to acquire certain Easements necessary for the Project.
- c. Attached as Exhibit 1 is a copy of the original fully signed and acknowledged Easements which has been signed and accepted by the County Engineer as well.
- d. These Easements are 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, copies of which are attached as Exhibit 1, and the County Engineer's acceptance of said Easements is hereby ratified and Transportation is directed to record said Easements.

ADOPTED this 3rd day of November, 2016.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury

Deborah Kafoury, Chair

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

Courtney Lords
Courtney Lords, Assistant County Attorney

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

Grantor:
EK, LLC
Pooneh Gray
3902 SE 154TH CT
Vancouver, WA 98683
After recording return to:
Grantee: Multnomah County; Attn: Patrick Hinds
Land Use & Transportation Division, Bldg. #425

NE Halsey St.
County Road No. 1180
Item No. 2016-02-02

EXHIBIT 1

EASEMENTS

EK, LLC, an Oregon limited liability company, "**Grantor**", grants to **MULTNOMAH COUNTY**, a Political Subdivision of the State of Oregon, "**Grantee**", the following easements:

Parcel 1: a perpetual easement for drainage facilities including but not limited to the construction or installation of said facilities as determined by grantee for the maintenance and operation of the public right-of-way under, on, over and across the real property as described in the attached Exhibit A; and

Parcels 2 and 3: temporary easements (**Beginning on August 1, 2016 and expiring on August 31, 2018**) for the purpose of accessing, laying down, installing, constructing, reconstructing, operating, inspecting, monitoring, and maintaining drainage facilities, 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 ("Parcels 1-3", collectively the "Property"). During the temporary easement term, Grantor shall not grant or allow any uses or activities in Parcel 2 and 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.

During the temporary easement term, Grantee or Grantee's contractor shall not be responsible for the repair or replacement of any damage to the driveway, installations and appurtenances on the Property, (collectively referred to herein as "the Improvements").

All Work performed or caused to be performed by Grantee related to or resulting from the above granted easement in Parcels 2 and 3 (the "Work") shall be constructed and installed in compliance with the Oregon Department of Transportation's "Oregon Standard Specifications for Construction", 2015 edition ("ODOT Specifications"); specifically the Work shall be performed in compliance with the applicable sections within Parts 00300, 00400, 00600 and 00700 of said ODOT Specifications or as said applicable sections have been modified or supplemented by Grantee by contract for the purposes of the Road Project, including the Work in said Parcels 2 and 3.

On August 31, 2018 at 12 AM, Parcels 2 and 3 shall expire and Grantor shall take full possession and ownership of the Improvements; and shall be responsible for the repair, maintenance and replacement of said Improvements from that expiration date forward; and Grantee shall be relieved of any further responsibility or liability arising from or relating to said Improvements or the Work.

The true consideration paid for this grant stated in terms of dollars is \$25,200.00.

Dated this 22 day of April, 2016

For EK, L.L.C.:

By: Pooneh Gray, manager

WASHINGTON W
STATE OF OREGON W)
County of Multnomah W) ss
Clark W)

This record was acknowledged before me on August 22nd, 2016, by Pooneh Gray, manager of EK, L.L.C., an Oregon limited liability company.

Notary Public
State of Washington
Molli Moss
Commission Expires 05/05/2018

Molli Moss
Notary Public for Oregon: WA W
My Commission Expires: 05/05/18

The described property is accepted for use in conjunction with NE Halsey St., County Road No. 1180, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this 25th day of OCTOBER, 2016

By: I.B. Cannon
Ian B. Cannon, P.E., County Engineer
for Multnomah County, Oregon

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

By: Jenny M. Madkour
Assistant County Attorney

Exhibit A

Parcel 1: Permanent Storm Drainage Easement

A portion of that tract of land described in Bargain and Sale Deed to Pooneh Entezari ("Entezari") recorded February 8, 2008 as Document No. 2008-019435, Multnomah County Deed Records (MCDR), located in the Southeast one-quarter of Section 27, Township 1 North, Range 3 East, of the Willamette Meridian, in the City of Wood Village, Multnomah County, Oregon, said tract of land being more particularly described as follows:

Beginning at a 3/4 inch iron pipe found at the Northeast corner of the Plat of THE VILLAGE COMMONS, Multnomah County Plat Records (MCPR), said point also being the southerly Southeast corner of said Entezari tract and also being the point of beginning of the tract of land herein described; thence N69°35'37"W, a distance of 105.21 feet to the East line of WATERSHIP DOWN (MCPR); thence N00°33'15"W, along the East line of said WATERSHIP DOWN (MCPR), a distance of 142.49 feet to a point 45.00 feet southerly of, when measured at right angles to, the centerline of NE Halsey St., County Road No. 1180; thence N79°06'00"E, parallel with said centerline, a distance of 15.25 feet to a point 15.00 feet easterly of, when measured at right angles to, the East line of said WATERSHIP DOWN (MCPR); thence S00°33'15"E, parallel with the East line of said WATERSHIP DOWN (MCPR), a distance of 134.91 feet; thence S69°35'37"E, a distance of 89.15 feet to a point on the southerly East line of said Entezari tract; thence S00°32'00"E, along said southerly East line, a distance of 16.06 feet to the point of beginning.

Excepting therefrom that tract of land described as Parcel 2 in Easement Deed to Multnomah County recorded January 29, 2008 as Document No. 2008-014278 (MCDR).

Containing 1,176 square feet more or less.

Parcel 2: Temporary Construction Easement

A portion of that tract of land described in Bargain and Sale Deed to Pooneh Entezari ("Entezari") recorded February 8, 2008 as Document No. 2008-019435, Multnomah County Deed Records (MCDR), located in the Southeast one-quarter of Section 27, Township 1 North, Range 3 East, of the Willamette Meridian, in the City of Wood Village, Multnomah County, Oregon, said tract of land being more particularly described as follows:

Commencing at a 3/4 inch iron pipe found at the Northeast corner of the Plat of THE VILLAGE COMMONS, Multnomah County Plat Records (MCPR), said point also being the southerly Southeast corner of said Entezari tract; thence N00°32'00"W, along the southerly East line of said Entezari tract, a distance of 16.06 feet to the point of beginning of the tract of land herein described; thence N69°35'37"W, a distance of 89.15 feet to a point 15.00 feet easterly of, when measured at right angles to, the East line of WATERSHIP DOWN (MCPR); thence N00°33'15"W, parallel with the East line of said WATERSHIP DOWN (MCPR), a distance of 134.91 feet to a point 45.00 feet southerly of, when measured at right angles to, the centerline of NE Halsey St., County Road No. 1180; thence N79°06'00"E, parallel with said centerline, a distance of 15.25 feet to a point 30.00 feet easterly of, when measured at right angles to, the East line of said WATERSHIP DOWN (MCPR); thence S00°33'15"E, parallel with the East line of said WATERSHIP DOWN (MCPR), a distance of 127.33 feet; thence S69°35'37"E, a distance of 73.10 feet to a point on the southerly East line of said Entezari tract; thence S00°32'00"E, along said southerly East line, a distance of 16.06 feet to the point of beginning.

Containing 3,184 square feet more or less.

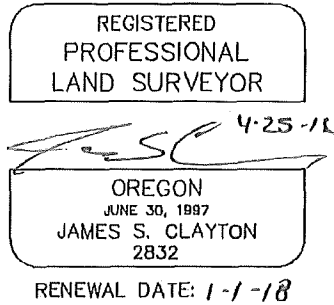
Parcel 3: Temporary Construction Easement

A portion of that tract of land described in Bargain and Sale Deed to Pooneh Entezari ("Entezari") recorded February 8, 2008 as Document No. 2008-019435, Multnomah County Deed Records (MCDR), located in the Southeast one-quarter of Section 27, Township 1 North, Range 3 East, of the Willamette Meridian, in the City of Wood Village, Multnomah County, Oregon, said tract of land being more particularly described as follows:

Beginning at a 3/4 inch iron pipe found at the Northeast corner of the Plat of THE VILLAGE COMMONS, Multnomah County Plat Records (MCPR), said point also being the southerly Southeast corner of said Entezari tract and also being the point of beginning of the tract of land herein described; thence S79°04'30"W, along the North line of said THE VILLAGE COMMONS (MCPR), a distance of 99.88 feet to the Southeast corner of WATERSHIP DOWN, (MCPR); thence N00°33'15"W, along the East line of said WATERSHIP DOWN (MCPR), a distance of 55.62 feet to the Southwest corner of Parcel 1 as described herein; thence S69°35'37"E, along the Southwesterly line of Parcel 1 as described herein, a distance of 105.21 feet the point of beginning.

Containing 2,732 square feet more or less.

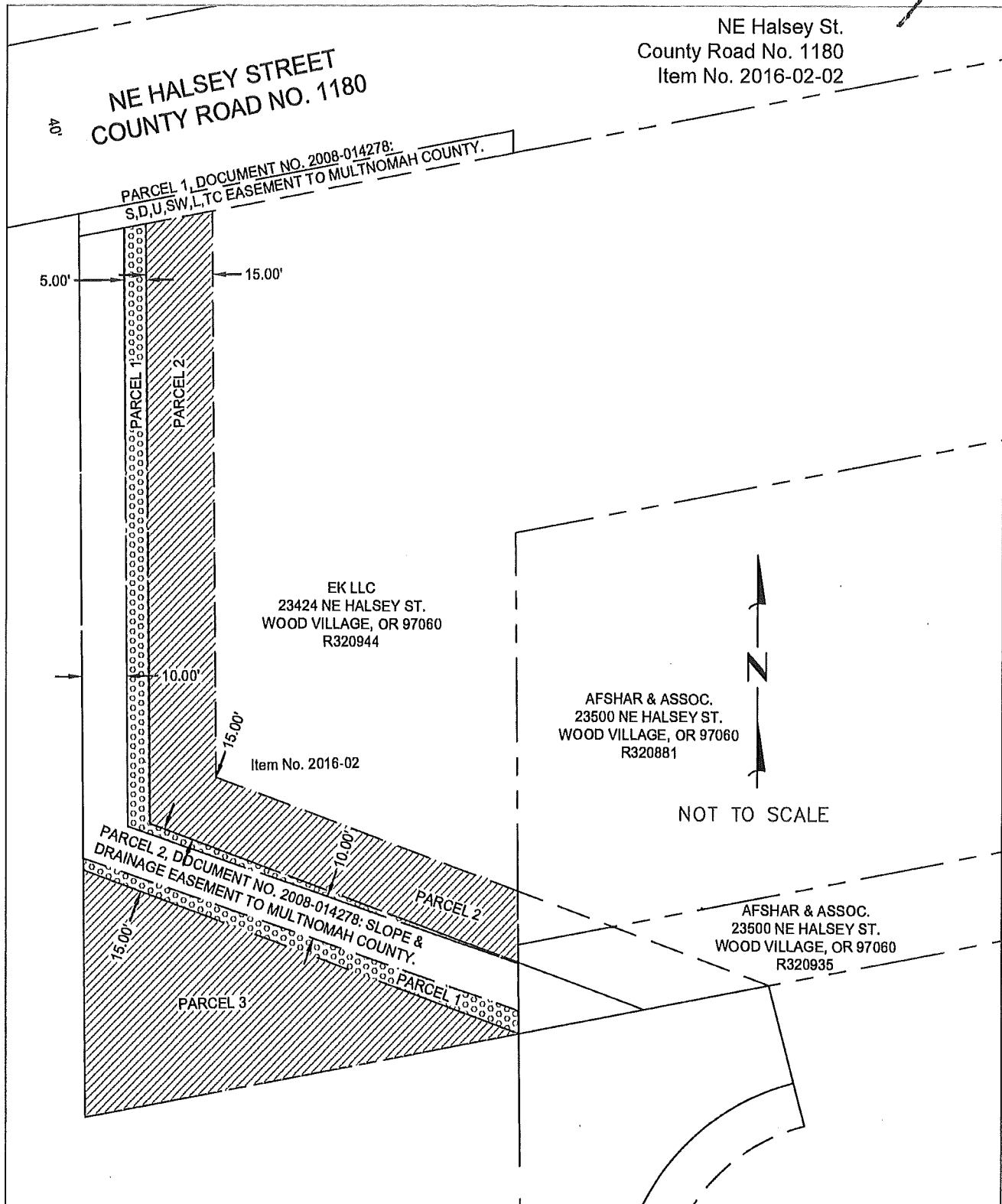
NE Halsey St.
County Road No. 1180
Item No. 2016-02-02



This legal description along with the basis of bearings thereof, was prepared based on that Survey recorded as Survey Number 62570, 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



MULTNOMAH COUNTY
DEPARTMENT OF COMMUNITY SERVICES
LAND USE AND TRANSPORTATION PROGRAM
1620 S.E. 190th AVE. PORTLAND, ORE. 97233-5999



PERMANENT DRAINAGE FACILITY EASEMENT



TEMPORARY CONSTRUCTION EASEMENT