

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-159

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing a Pedestrian and Bicycle Bridge Over Beaver Creek and Performing Stream Bank Restoration Work

The Multnomah County Board of Commissioners Finds:

- a. On February 24, 2005 this Board adopted Resolution No. 05-032 authorizing the acquisition of certain property interests through condemnation if necessary, including amongst other properties, certain temporary real property easements more particularly described in Exhibits A and D to Resolution No.05-032. At that time it was understood the County would only need the easements for a period of two years.
- b. The County has since learned that these temporary easements will need to be for a period of five years not two years, accordingly this matter is brought back to the Board to seek authorization for the acquisition of the full necessary property interests.
- c. It is necessary for Multnomah County to acquire the real property more particularly described in the attached Exhibits A and B, (the property) for the purpose of improving a portion of the Historic Columbia River Highway, a county road, by constructing a pedestrian and bicycle bridge over Beaver Creek and performing restoration work along the creek bank (collectively referred to as the "Project").
- d. The Project is supported by the local community because the new bridge will provide a more convenient and safer alternative route over Beaver Creek for pedestrians and bicyclists than the existing historic but narrow multi-use bridge, which will be retained for vehicle use.
- e. The Project area is in the City of Troutdale.
- f. The Project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury. Attached is a map identified as Exhibit C, which shows the approximate location of the Project and the property interests to be acquired.
- g. It is necessary to acquire immediate possession of the property interests described herein to allow construction to proceed and be completed on schedule and within budgetary limitations.

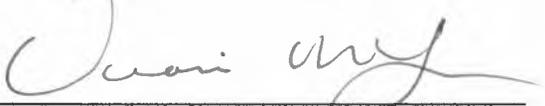
The Multnomah County Board of Commissioners Resolves:

1. It is necessary to acquire the property interests described herein for 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 15th day of September, 2005.



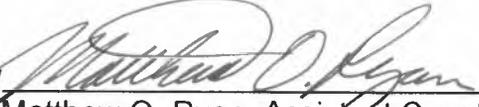
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Matthew O. Ryan, Assistant County Attorney

EXHIBIT A

Temporary easement for construction and stream restoration work for a period of five years over the following property:

A tract of land situated in the S.E. one-quarter of Section 25, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon, being more particularly described as follows:

Commencing at a 1" iron pipe marking the point of intersection of two tangents of that 190.80 foot radius curve beginning at Station 528+86.71 and ending at Station 531+49.66 of Historic Columbia River Hwy., County Road No. 917; thence $N62^{\circ}12'54''E$, along the easterly tangent line and the centerline of said Historic Columbia River Highway, a distance of 252.09 feet to Centerline Station 532+44.57 of said Historic Columbia River Highway; thence $S27^{\circ}47'06''E$, a distance of 30.00 feet to a point on the southeasterly right-of-way line of said Historic Columbia River Highway; thence $S27^{\circ}47'06''E$, a distance of 20.00 feet; thence $S72^{\circ}47'06''E$, a distance of 42.43 feet to the point of beginning of the herein described tract of land; thence $S72^{\circ}47'06''E$, a distance of 61 feet more or less to the centerline of Beaver Creek; thence northeasterly, along said creek centerline, a distance of 45 feet more or less to a point being 80.00 feet southeasterly of, when measured at right angles to, said Historic Columbia River Highway centerline; thence $S62^{\circ}12'54''W$, parallel to said centerline, a distance of 54 feet, more or less, to the point of beginning. Bearing and Station information is based on centerline data per SN 59069, Multnomah County Survey Records, and by said reference is made a part thereof.

Containing 1,110 feet more or less. All Bearing, Station and Centerline information is based on data per SN 59069, Multnomah County Survey Records.

EXHIBIT B

Temporary easement for construction and stream restoration work for a period of five years over the following property

A tract of land situated in the S.E. one-quarter of Section 25, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon, being more particularly described as follows:

Commencing at a 1" iron pipe marking the point of intersection of two tangents of that 190.80 foot radius curve beginning at Station 528+86.71 and ending at Station 531+49.66 of Historic Columbia River Highway, County Road No. 917; thence N62°12'54"E, along the easterly tangent line and the centerline of said Historic Columbia River Highway, a distance of 476.82 feet to Centerline Station 534+69.30 of said Historic Columbia River Highway; thence N27°47'06"W, a distance of 30.00 feet to a point on the northwesterly right-of-way line of said Historic Columbia River Highway, also being the point of beginning of the herein described tract of land; thence N27°47'06"W, a distance of 120.00; thence S62°12'54"W, a distance of 98 feet more or less to the centerline of Beaver Creek; thence southeasterly, along said creek centerline, a distance of 135 feet more or less to a point on said northwesterly right-of-way line; thence N62°12'54"E, along said northwesterly right-of-way line, a distance of 75 feet more or less to the point of beginning. Bearing and Station information is based on centerline data per SN 59069, Multnomah County Survey Records, and by said reference is made a part thereof.

Containing 8, 567 feet more or less. All Bearing, Station and Centerline information is based on data per SN 59069, Multnomah County Survey Records.

EXHIBIT "C"

