

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

**RESOLUTION NO. 2011-090**

Approving the Purchase of Certain Real Property from Emery and Patricia Powell for the New Sellwood Bridge Project and Authorizing the County Chair to Execute Additional Documents Relating to the Purchase.

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County has reached a proposed settlement with Emery and Patricia Powell, the owners of certain real property determined to be necessary for the purpose of constructing, operating, maintaining, repairing and reconstructing the new Sellwood Bridge, approaches and interchanges in the City of Portland (the "Project") as authorized by Resolution No. 2010-166.
- b. The real property proposed to be acquired for the price of \$600,000.00 is more particularly described in the Warranty Deed, a copy of which is attached as Exhibit 1 (the "Property").
- c. The Property is necessary for the Project, and it is in the best interest of the public and Multnomah County to approve the purchase of the Property.

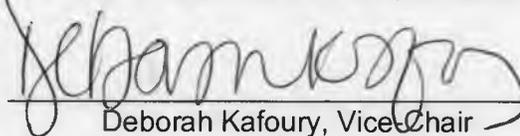
**The Multnomah County Board of Commissioners Resolves:**

1. The Board approves the purchase of the Property, and the County Chair is authorized and directed to execute any documents required for completion of the purchase, including but not limited to escrow instructions.
2. The County Chair is further authorized to execute any additional documents that may be necessary or appropriate prior to the County taking possession of the Property, including but not limited to a short term lease with the Powells for the use of the Property.
3. The County Engineer is authorized and directed to execute the acceptance statement on the Warranty Deed for the Property in conformance with the attached Exhibit 1.

ADOPTED this 7th day of July, 2011.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Deborah Kafoury, Vice Chair

REVIEWED:

HENRY H. LAZENBY, JR., COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By

  
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY: Commissioner Deborah Kafoury, District 1.

EXHIBIT 1

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

WARRANTY DEED

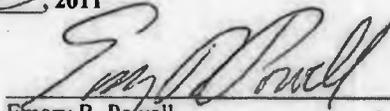
Emory R. Powell and Patricia E. Powell, as tenants by the entirety, "Grantors," convey and warrant to MULTNOMAH COUNTY, a Political Subdivision of the State of Oregon, "Grantee," the real property described in Exhibit A free of encumbrances except as specifically set forth in Exhibit B.

Grantors represent and warrant that they have the authority to grant this conveyance and that this conveyance is granted pursuant to the exercise of the eminent domain power and authority of Grantee, with the consideration paid by Grantee accepted as just compensation for the property or property rights conveyed, which includes damage to the property remainder, if any, resulting from the acquisition or use of said property or property rights

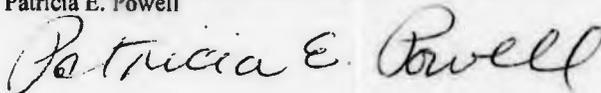
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

The true consideration paid for this transfer stated in terms of dollars is: \$600,000.00

Dated this 23 day of June, 2011

  
\_\_\_\_\_  
Emory R. Powell

  
\_\_\_\_\_  
Patricia E. Powell



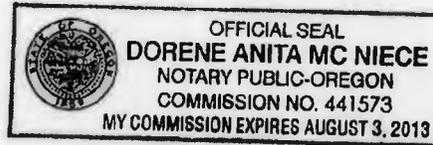
STATE OF OREGON )  
County of Multnomah ) ss.

This instrument was acknowledged before me on June 23, 2011, by Emory R. Powell and Patricia E. Powell, as tenants by the entirety authorized to execute the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Dorene Mc Niece  
Notary Public for Oregon  
My Commission Expires: 8/3/13

REVIEWED:  
By Henry H. Lazenby, Jr., County Attorney  
for Multnomah County, Oregon



By: [Signature]  
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

## **Exhibit A**

Unit R-1, RIVERPARK CONDOMINIUM, in the City of Portland, Multnomah County, Oregon, TOGETHER WITH an undivided interest in and to the limited and general common elements appertaining thereto, as set forth in the Condominium Declaration for Riverpark Condominium made pursuant to the Oregon Condominium Act, recorded September 6, 2000, Recording No. 2000-123928, Amended April 30, 2001, Recording No. 2001-061361, Records of Multnomah County, Oregon.

## EXHIBIT B

1. Any adverse claim based upon the assertion that:

- A) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by accretion or reliction to any such portion.
- B) Some portion of said property has been created by deposit of artificial fill.

And Excepting:

- C) The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the premises herein described, lying below the high water line of the Willamette River.
- D) The right, title and interest of the State of Oregon in and to any portion lying below the high water line of Willamette River.

2. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Multnomah County  
Purpose: viaduct and bridge  
Recording Date: February 19, 1924  
Recording No: Book 958, page 165  
Affects: Common area

Reference is made to said document for full particulars -- Also referred to on the recorded plat

3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Portland Gas & Coke Company, an Oregon corporation  
Purpose: gas pipe or main and appurtenances  
Recording Date: January 15, 1926  
Recording No: Book 1039, page 74  
Affects: an area in the Westerly part of the common area - See plat for details

4. Conditions and restrictions as established by the City of Portland:

Purpose: A revocable permit to extend, use and maintain a 4-inch private pressure line in the street area of SE Spokane Street  
Ordinance No/File No: 130264  
Recording Date: January 13, 1970  
Recording No: Book 715, page 165  
Affects: Common area

5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Owner of property adjacent to the South  
Purpose: Ingress and egress  
Recording Date: October 28, 1976  
Recording No: Book 1136, page 92  
Affects: an area in the Easterly part of the Common Area - see plat for details

6. Agreement, including the terms and provisions thereof

Between: Steak and Ale Restaurants of America, Inc., a Delaware corporation  
And: Sellwood Development Co., Inc.  
Dated: July 7, 1978  
Recording Date: July 27, 1978  
Recording No.: Book 1282, Page 1994  
Affects: Common area

7. Conditions and restrictions as established by the City of Portland:

Purpose: Conditional use for fill, excavation and greenway improvements  
Ordinance No/File No: CU 67-77  
Recording Date: August 9, 1978  
Recording No: Book 1285, page 2666  
Affects: Common area

8. Conditions and restrictions as established by the City of Portland:

Purpose: zone change under certain conditions with variances  
Ordinance No/File No: 146019  
Recording Date: August 22, 1978  
Recording No: Book 1289, page 738

9. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Owner of property adjacent to the East  
Purpose: Not stated  
Recording Date: December 14, 1978  
Recording No: Book 1316, page 14  
Affects: an area in the Easterly part of the Common Area - See plat for details  
Amended by document, including the terms and provisions thereof,  
  
Recording Date: October 16, 1979  
Recording No.: Book 1391, page 1933  
and Recording Date: December 11, 1979  
and Recording No.: Book 1405, page 390

10. Easement Agreement, including the terms and provisions thereof,

Between: F&L Development Company, a joint venture  
And: Sellwood Harbor Condominiums  
For: Pedestrian access and utilities  
Recording Date: August 23, 1979-  
Recording No.: 65074, Book 1377, page 430

11. Easement Agreement, including the terms and provisions thereof,

Between: F&L Development Company, a joint venture  
And: Sellwood Harbor Condominiums and HTK, Inc.  
For: roadway and pedestrian easement  
Recording Date: August 23, 1979  
Recording No.: 65076, Book 1377, page 440

12. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Portland  
Purpose: Water main, service vault and metering devices  
Recording Date: December 11, 1979  
Recording No.: Book 1405, page 407  
Affects: an area in the Easterly part of the Common Area - see plat for details

13. Conditions and restrictions as established by the City of Portland:

Purpose: Conditional Use and Greenway Review  
Ordinance No/File No: CU 170-87/GP 26-87  
Recording Date: March 14, 1988  
Recording No.: Book 2086, page 1983; document number 17784

14. Conditions and restrictions as established by the City of Portland:

Purpose: Land Use Review  
Ordinance No/File No: LUR 98-00865 GW AD

Recording Date: March 15, 1999  
Recording No: 99 052429

15. Private Sewer Easement and Maintenance Agreement, including the terms and provisions thereof,

Between: Oaks Landing Investment Group, LLC  
and DR Horton, Inc., a Delaware corporation dba RMP Properties  
Recording Date: June 23, 1999  
Recording No.: 99 123770  
Affects: Common area

16. Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on that certain plat

Name of Plat: Riverpark Condominium  
Recording Date: September 6, 2000  
Recording No: Plat Book 1248, Pages 7-20

17. The matters set forth in the document shown below which, among other things, contains or provides for: certain easements; liens and the subordination thereof; provisions relating to partition; restrictions on severability of component parts; and covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including, but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.

Entitled: Declaration of Unit Ownership and Bylaws  
Recording Date: September 6, 2000  
Recording No: 2000-123928

Amended  
Recording Date: April 30, 2001  
Recording No.: 2001-061361

18. Statement of Association Information Pursuant to ORS 94.667, including the terms and provisions thereof,

Recording Date: February 12, 2003  
Recording No.: 2003-033115  
Names: Community Management, Inc., Agent for Riverpark Condominium Association