

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 03-109

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing a Multnomah County Road Project and Repealing Resolution No. 03-068

The Multnomah County Board of Commissioners Finds:

- a. It is necessary for Multnomah County to acquire the real property listed in the following table and described in the attached Exhibit A (the property) for the purpose of the Reconstruction of SE 257th Avenue, between SE Powell Valley Road and SE 11th Street, a County Road Project in Gresham.

Item No.	Owner	Location
2028	James and Robyn Hainey	S.E. 257 th Avenue
2029	Arlene Williams	S.E. 257 th Avenue

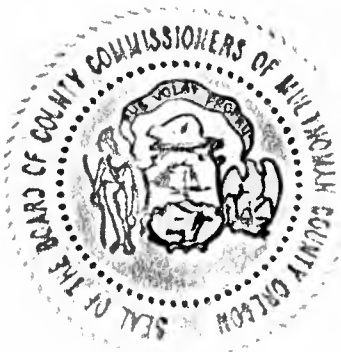
- b. The project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.
- c. It is necessary to acquire immediate possession of the property to allow construction to proceed and be completed on schedule and within budgetary limitations.
- d. This Resolution is sought to repeal Resolution No. 03-068 approved by the Board on May 8, 2003 authorizing condemnation and the immediate need for possession of the two above referenced properties.
- e. The repeal of Resolution No. 03-068 is necessary because although the legal descriptions to that Resolution were accurate they misstated the size of the property interests to be acquired for the Road Project. Except for the error discussed herein the remainder of Resolution No. 03-068 was accurate and correct.
- f. The attached, incorporated legal descriptions for this proposed Resolution delete the erroneous information and are a correct and accurate description of the property interests necessary to be acquired for this Road Project.

The Multnomah County Board of Commissioners Resolves:

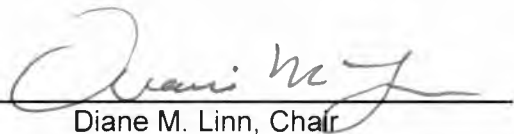
1. Resolution No. 03-068 is repealed.
2. It is necessary to acquire the above-described property for the purpose of the SE 257th Avenue County Road Project.

3. 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.
4. Upon final determination of any such proceeding, the deposit of funds and payment of judgment conveying the property to the County is authorized.
5. 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.
6. Legal counsel is authorized and directed to take such action in accordance with law to obtain possession of the property as soon as possible.
7. 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 24th day of July, 2003




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

LEGAL DESCRIPTION

PARCEL 1: Fee Tract

A tract of land situated in the Northeast One-quarter of Section 14, Township 1 South, Range 3 East, W.M., in the City of Gresham, Multnomah County, Oregon, said tract being more particularly described as follows:

All that portion of a tract of land conveyed to Arlene R. Williams, by a deed recorded on July 18, 1990, in Book 2324, Page 1003, Multnomah County Deed Records, that lies easterly of the following described line:

A Portion of the Proposed West Right of Way line for S.E. Kane Drive:

Commencing at a 4-1/4" brass disc marking the Southeast corner of Section 11, T.1S., R.3E., Willamette Meridian, said point being on the southerly line of the Lewis Hale D.L.C. No. 62; thence N88°24'30"W, along the southerly line of said Hale D.L.C., a distance 1303.78 feet to a point on the centerline of S.E. Kane Drive, County Road No. 608, said point bears S88°24'30"E, a distance of 101.47 feet from a 4-1/4" brass disk marking the S.W. corner of said Hale D.L.C.; thence S1°12'58"W, along the centerline of said S.E. Kane Drive, a distance of 296.76 feet to Legal Centerline Station 49+65.93; thence N88°47'02"W, a distance of 53.54 feet to a point being the point of beginning of a portion of the proposed West right-of-way line for realigned S.E. Kane Drive; thence along said proposed West right-of-way line as follows: N1°12'25"E, a distance of

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EXHIBIT A
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113.67 feet to a point; along the arc of a 375.00 foot radius curve to the left, through a central angle of $26^{\circ}17'21''$, the chord of which bears $N11^{\circ}56'15''W$, a chord distance of 170.56 feet, an arc distance of 172.06 feet to a point; along the arc of a 455.00 foot radius curve to the right, through a central angle of $9^{\circ}52'59''$, the chord of which bears $N20^{\circ}08'26''W$, a chord distance of 78.39 feet, an arc distance of 78.48 feet to a point being the end of the portion of the proposed West right-of-way line for realigned S.E. Kane Drive, being described; thence $S88^{\circ}08'53''E$, leaving the proposed West right-of-way line for realigned S.E. Kane Drive, a distance of 20.00 feet to a point being Legal Centerline Station 54+18.85 for S.E. Kane Rd, County Rd. No. 608.

PARCEL 2: Easement

In addition to the above-described tract, a perpetual easement for slope, drainage, landscape, utility and traffic-control devices over, under, around, and through the following described tract:

A 5.00 foot wide strip of land situated in the Northeast One-quarter of Section 14, Township 1 South, Range 3 East, W.M., in the City of Gresham, Multnomah County, Oregon, said strip being more particularly described as follows:

All that portion of a tract of land conveyed to Arlene R. Williams, by a deed recorded on July 18, 1990, in Book 2324, Page 1003, Multnomah County Deed Records, that lies easterly of the following described line:

Commencing at a 4-1/4" brass disc marking the Southeast corner of Section 11, T.1S., R.3E., Willamette Meridian, said point being on the southerly line of the Lewis Hale D.L.C. No. 62; thence $N88^{\circ}24'30''W$, along the southerly line of said Hale D.L.C., a distance 1303.78 feet to a point on the centerline of S.E. Kane Drive, County Road No. 608, said point bears $S88^{\circ}24'30''E$, a distance of 101.47 feet from a 4-1/4" brass disk marking the S.W. corner of said Hale D.L.C.; thence $S1^{\circ}12'58''W$, along the centerline of said S.E. Kane Drive, a distance of 296.76 feet to

Legal Centerline Station 49+65.93; thence $N88^{\circ}47'02''W$, a distance of 58.54 feet to a point being the point of beginning of a portion of the proposed West easement line for realigned S.E. Kane Drive; thence along said proposed West easement line as follows: $N1^{\circ}12'25''E$, a distance of 113.67 feet to a point; along the arc of a 370.00 foot radius curve to the left, through a central angle of $26^{\circ}17'21''$, the chord of which bears $N11^{\circ}56'15''W$, a chord distance of 168.28 feet, an arc distance of 169.77 feet to a point; along the arc of a 460.00 foot radius curve to the right, through a central angle of $00^{\circ}05'29''$, the chord of which bears $N25^{\circ}02'11''W$, a chord distance of 0.73 feet, an arc distance of 0.73 feet to a point on the South right-of-way line for S.E. Kane Drive, County Road No. 608. Excepting therefrom the above-described Parcel 1.

PARCEL 3: Temporary Construction Easement

In addition to the above described parcels, a temporary construction easement for the purpose of accommodating construction activity related to the reconstruction and improvement (per Multnomah County Construction Project No. C0502) of S.E. Kane Drive, County Road No. 608, through, over, under, along and within the following described parcel of land:

Commencing at a 4-1/4" brass disc marking the Southeast corner of Section 11, T.1S., R.3E., Willamette Meridian, said point being on the southerly line of the Lewis Hale D.L.C. No. 62; thence $N88^{\circ}24'30''W$, along the southerly line of said Hale D.L.C., a distance 1303.78 feet to a point on the centerline of S.E. Kane Drive, County Road No. 608, said point bears $S88^{\circ}24'30''E$, a distance of 101.47 feet from a 4-1/4" brass disk marking the S.W. corner of said Hale D.L.C.; thence $S1^{\circ}12'58''W$, along the centerline of said S.E. Kane Drive, a distance of 203.66 feet to a

point; thence N88°47'02"W, a distance of 58.56 feet to a point on the West line of the perpetual easement described above in Parcel 2; thence N01°12'25"E along the West line of said Parcel 2, a distance of 15.17 feet to a point; thence continuing along the West line of said Parcel 2, along the arc of a 370.00 foot radius curve to the left, through a central angle of 2°26'04", the chord of which bears N00°00'37"W, a chord distance of 15.72 feet, an arc distance of 15.72 feet, to a point; thence S88°46'21"W a distance of 17.00 feet, to a point; thence parallel to the West line of said Parcel 2, along the arc of a 353.00 foot radius curve to the right, through a central angle of 2°26'04", the chord of which bears S00°00'37"E, a chord distance of 15.00 feet, an arc distance of 15.00 feet, to a point; thence S01°12'25"W, parallel to the West line of said Parcel 2, a distance of 15.17 feet, to a point; thence S88°47'35"E, a distance of 17.00 feet, to the point of beginning.

This temporary construction easement will expire no later than January 1, 2005 or one year after final completion of Construction Project No. C0502, whichever occurs first.

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Scott R. Okell

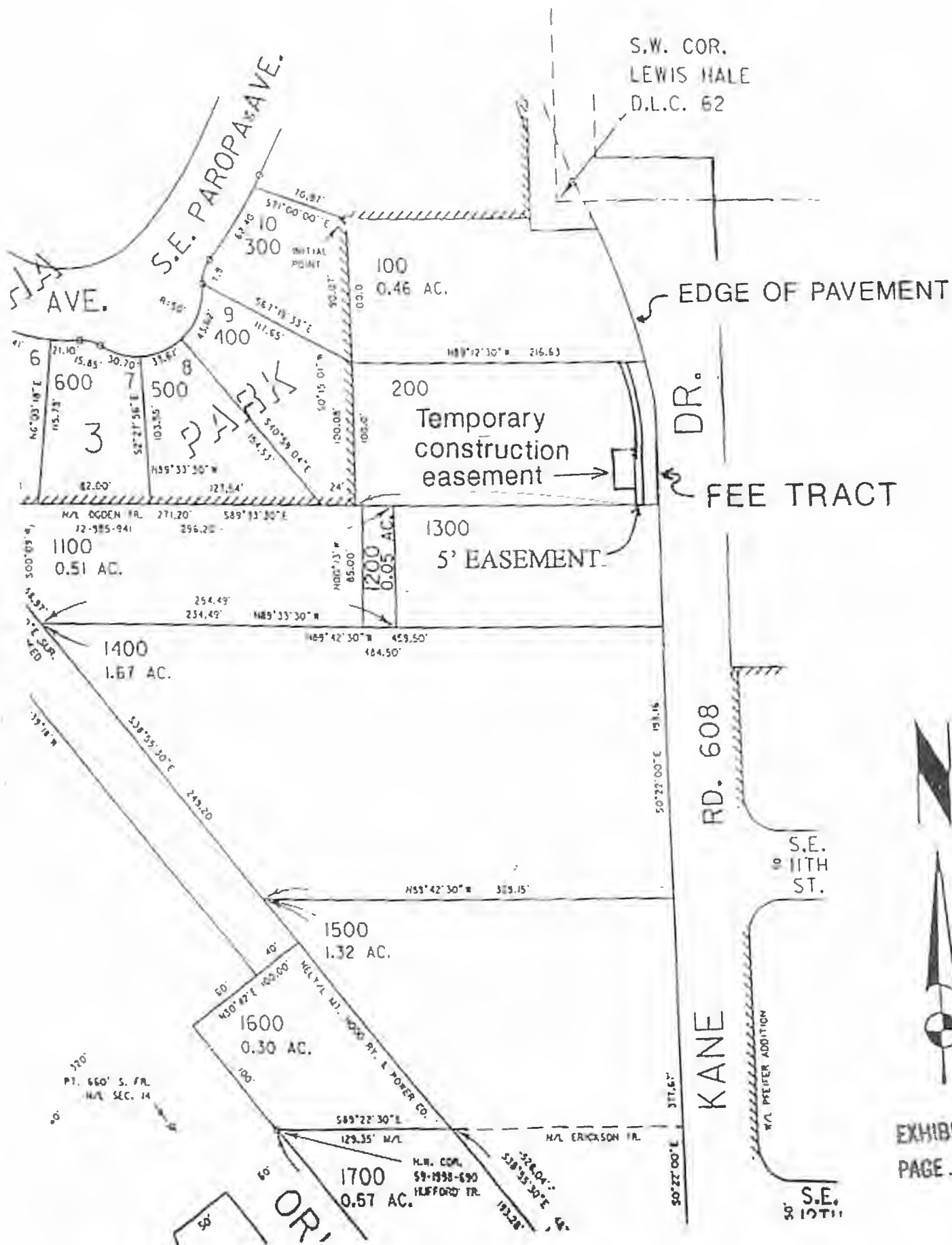
OREGON
JULY 26, 1989
SCOTT R. OKELL
2406

Reviews: 12/31/04

EXHIBIT A
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IS 3E 14AE
GRESHAM

S.W. COR.
LEWIS HALE
D.L.C. 62



LEGAL DESCRIPTION

PARCEL 1: Fee Tract

A tract of land situated in the Northeast One-quarter of Section 14, Township 1 South, Range 3 East, W.M., in the City of Gresham, Multnomah County, Oregon, said tract being more particularly described as follows:

All that portion of a tract of land conveyed to James D. Hainey and Robyn K. Hainey, by a deed recorded as Fee No. 2001-128450, Multnomah County Deed Records, recorded on August 15, 2001, that lies easterly of the following described line:

Commencing at a 4-1/4" brass disc marking the Southeast corner of Section 11, T.1S., R.3E., Willamette Meridian, said point being on the southerly line of the Lewis Hale D.L.C. No.62; thence N88°24'30"W along the southerly line of said Hale D.L.C., a distance 1303.78 feet to a point on the centerline of S.E. Kane Drive, County Road No. 608, said point bears S88°24'30"E a distance of 101.47 feet from a 4-1/4" brass disk marking the S.W. corner of said Hale D.L.C.; thence S1°12'58"W along the centerline of said S.E. Kane Drive, a distance of 296.76 feet to Legal Centerline Station 49+65.93; thence N88°47'02"W, a distance of 53.54 feet to a point being the point of beginning of a portion of the proposed West right-of-way line for realigned

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S.E. Kane Drive; thence along said proposed West right-of-way line as follows: $N1^{\circ}12'25''E$, a distance of 113.67 feet to a point; along the arc of a 375.00 foot radius curve to the left, through a central angle of $26^{\circ}17'21''$, the chord of which bears $N11^{\circ}56'15''W$, a chord distance of 170.56 feet, an arc distance of 172.06 feet to a point; along the arc of a 455.00 foot radius curve to the right, through a central angle of $9^{\circ}52'59''$, the chord of which bears $N20^{\circ}08'26''W$, a chord distance of 78.39 feet, an arc distance of 78.48 feet to a point being the end of the portion of the proposed West right-of-way line for realigned S.E. Kane Drive, being described; thence leaving the proposed West right-of-way line for realigned S.E. Kane Drive, $S88^{\circ}08'53''E$, a distance of 20.00 feet to a point being Legal Centerline Station 54+18.85 for S.E. Kane Rd, County Rd. No. 608.

PARCEL 2: Slope, Utility, Drainage, Landscape, Traffic-Control Devices Easement

In addition to the above described fee tract, a perpetual easement for slope, drainage, landscape, utility and traffic control devices over, under, around and through the following described tract:

A 5.00 foot wide strip of land situated in the Northeast One-quarter of Section 14, Township 1 South, Range 3 East, W.M., in the City of Gresham, Multnomah County, Oregon, said strip being more particularly described as follows:

All that portion of a tract of land conveyed to James D. Hainey and Robyn K. Hainey, by a deed recorded as Fee No. 2001-128450, Multnomah County Deed Records, recorded on August 15, 2001, and described on the attached Exhibit B, that lies easterly of the following described line: Commencing at a 4-1/4" brass disc marking the Southeast corner of Section 11, T.1S., R.3E., Willamette Meridian, said point being on the southerly line of the Lewis Hale D.L.C. No.62; thence $N88^{\circ}24'30''W$ along the southerly line of said Hale D.L.C., a distance 1303.78 feet to a point on the centerline of S.E. Kane Drive, County Road No. 608, said point bears $S88^{\circ}24'30''E$ a

distance of 101.47 feet from a 4-1/4" brass disk marking the S.W. corner of said Hale D.L.C.; thence S1°12'58"W along the centerline of said S.E. Kane Drive, a distance of 296.76 feet to Legal Centerline Station 49+65.93; thence N88°47'02"W, a distance of 58.54 feet to a point being the point of beginning of a portion of the proposed West line of an easement for sidewalk, slope, utility, drainage, landscaping and traffic control devices, for realigned S.E. Kane Drive, said point also being on the South line of a tract of land conveyed to Mainstream Housing Inc., by a deed recorded May 10, 2001 as Fee No. 2001-068304, Multnomah County Deed Records; thence N1°12'25"E, a distance of 113.67 feet to a point; thence northwesterly along the arc of a 370.00 foot radius curve to the left, through a central angle of 26°17'21", the chord of which bears N11°56'15"W, a chord distance of 168.28 feet, an arc distance of 169.77 feet to a point; thence continuing northwesterly, along the arc of a 460.00 foot radius curve to the right, through a central angle of 0°05'29", the chord of which bears N25°02'11"W, a chord distance of 0.73 feet, an arc distance of 0.73 feet to a point on the North line of said Hainey tract, being the end of the portion of the proposed West easement line for realigned S.E. Kane Drive. Excepting therefrom the above-described PARCEL 1.

PARCEL 3: Temporary Construction Easement

In addition to the above described parcels, a temporary construction easement for the purpose of accommodating construction activity related to the reconstruction and improvement (per Multnomah County Construction Project No. C0502) of S.E. Kane Drive, County Road No. 608, through, over, under, along and within the following described parcel of land:

Commencing at a 4-1/4" brass disc marking the Southeast corner of Section 11, T.1S., R.3E., Willamette Meridian, said point being on the southerly line of the Lewis Hale D.L.C. No.62;

thence N88°24'30"W along the southerly line of said Hale D.L.C., a distance 1303.78 feet to a point on the centerline of S.E. Kane Drive, County Road No. 608, said point bears S88°24'30"E a distance of 101.47 feet from a 4-1/4" brass disk marking the S.W. corner of said Hale D.L.C.; thence S1°12'58"W along the centerline of said S.E. Kane Drive, a distance of 106.38 feet to a point; thence N88°47'02"W, a distance of 67.80 feet to a point on the West line of the perpetual easement described above in Parcel 2; thence along the West line of said Parcel 2, along the arc of a 370.00 foot radius curve to the left, through a central angle of 6°20'44", the chord of which bears N14°47'13"W, a chord distance of 40.96 feet, an arc distance of 40.98 feet, to a point; thence S82°36'49"W a distance of 23.81 feet, to a point; thence S00°41'37"W, a distance of 39.59 feet, to a point; thence N84°57'13"E, a distance of 34.68 feet, to the point of beginning.

This temporary construction easement will expire no later than January 1, 2005 or one year after final completion of Construction Project No. C0502, whichever occurs first.

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

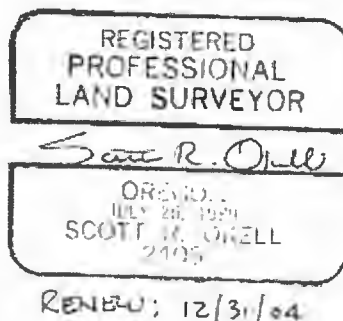


EXHIBIT "C"

NO SCALE

IS 3E 14AB
GRESHAM

