

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 07-106**

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing Improvements at the Intersection of SE 282nd Avenue with SE Stone Road in Unincorporated Multnomah County

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

- a. It is necessary for Multnomah County to acquire the real property described in the attached Exhibit A (the property) for construction of improvements at the intersection of SE 282nd Avenue (County Road No. 4573), with SE Stone Road (County Road No. 687) (Project).
- b. SE 282<sup>nd</sup> Avenue crosses Johnson Creek, a protected fish bearing stream, via the use of a culvert. The County has been advised by the Department of State Lands that the existing culvert is an impediment to the viability of Johnson Creek; and, accordingly the Project includes the installation of a small bridge, which replaces and eliminates the detrimental impact of the culvert.
- c. In addition, the Project includes widening of existing paved surfaces, and increasing the number of travel lanes to improve traffic flow and increase safety for pedestrians, drivers, and bicyclists at this intersection.
- d. The Project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.
- e. It is necessary to acquire immediate possession of the property 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 described in Exhibit A 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 the property as soon as possible to allow construction to proceed and be completed on schedule within its budgetary limits.
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 24th day of May, 2007.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON



  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director  
Department of Community Services

## EXHIBIT "A"

### **Parcel 1: Fee**

A portion of that tract of land conveyed to the TIMOTHY & KATHLEEN FISHER REVOCABLE LIVING TRUST by Warranty Deed recorded as Document No. 2003-050681, Multnomah County Deed Records, situated in the Southeast One-quarter of Section 24, Township 1 South, Range 3 East, W.M., Multnomah County, Oregon, more particularly described as follows:

Commencing at the Southeast Corner of said Section 24, being marked by a found 4" brass disc in concrete post; thence N43°29'06"W, a distance of 42.47 feet to the point of beginning, being the point of intersection of the West right-of-way line of SE 282<sup>nd</sup> Avenue, County Road No. 4573 and the North right-of-way line of SE Stone Road, County Road No. 687; thence N01°27'22"E, along said West right-of-way line, a distance of 546.00 feet; thence N88°25'35"W, a distance of 5.00 feet; thence S01°27'22"W, along a line being 35.00 feet westerly of and parallel with the centerline of said SE 282<sup>nd</sup> Avenue, a distance of 382.28 feet; thence N88°25'35"W, a distance of 10.00 feet; thence S01°27'22"W, along a line being 45.00 feet westerly of and parallel with said centerline, a distance of 163.72 feet; thence S88°25'35"E, along the North right-of-way line of said SE Stone Road, a distance of 15.00 feet to the point of beginning.

Containing 4,367 square feet more or less.

### **Parcel 2: Slope/Drainage Easement**

A 10.00 feet wide by 264.28 feet long strip of land, being a portion of that tract of land conveyed to the TIMOTHY & KATHLEEN FISHER REVOCABLE LIVING TRUST by Warranty Deed recorded as Document No. 2003-050681, Multnomah County Deed Records, situated in the Southeast One-quarter of Section 24, Township 1 South, Range 3 East, W.M., Multnomah County, Oregon, more particularly described as follows:

Beginning at the southerly Northwest corner of the aforescribed Parcel 1; thence N01°27'22"E, along a line being 45.00 feet westerly of and parallel with the centerline of said SE 282<sup>nd</sup> Avenue, a distance of 264.28 feet; thence S88°25'35"E, a distance of 10.00 feet to a point on the West line of said Parcel 1; thence S01°27'22"W, along said West line, a distance of 264.28 feet; thence N88°25'35"W, a distance of 10.00 feet to the point of beginning.

Containing 2,643 square feet more or less.

### **Parcel 3: Fee**

A portion of that tract of land conveyed to the TIMOTHY & KATHLEEN FISHER REVOCABLE LIVING TRUST by Warranty Deed recorded as Document No. 2003-050681, Multnomah County Deed Records, situated in the Southeast One-quarter of Section 24, Township 1 South, Range 3 East, W.M., Multnomah County, Oregon, more particularly described as follows:

Commencing at the Southeast Corner of said Section 24, being marked by a found 4" brass disc in concrete post; thence N88°25'35"W along the centerline of SE Stone Road, County Road No. 687, a distance of 45.06 feet; thence N01°34'25"E, a distance of 30.00 feet to the North right-of-way line of said SE Stone Road, being the Southwest corner of the aforescribed Parcel 2 and also being the point of beginning of the herein described Parcel 3; thence N01°27'22"E along the West line of said Parcel 2, a distance of 163.72 feet; thence S73°21'56"W, a distance of 20.01 feet; thence S46°35'28"W, a distance of 21.72 feet; thence S43°24'28"W, a distance of 24.60 feet; thence S33°15'47"W, a distance of 81.44 feet; thence S81°02'36"W, a distance of 4.89 feet; thence S04°07'47"E, a distance of 53.86 feet to the North right-of-way line of said SE Stone Road; thence S88°25'35"E along said North right-of-way line, a distance of 93.35 feet to the point of beginning.

Containing 11,493 square feet more or less.

### **Parcel 4: Exclusive, Perpetual Wetlands Mitigation Easement**

A portion of that tract of land conveyed to the TIMOTHY & KATHLEEN FISHER REVOCABLE LIVING TRUST by Warranty Deed recorded as Document No. 2003-050681, Multnomah County Deed Records, situated in the Southeast One-quarter of Section 24, Township 1 South, Range 3 East, W.M., Multnomah County, Oregon, more particularly described as follows:

Commencing at the Southeast Corner of said Section 24, being marked by a found 4" brass disc in concrete post; thence N88°25'35"W along the centerline of SE Stone Road, County Road No. 687, a distance of 616.32 feet; thence N01°34'25"E, a distance of 89.99 feet to the most southerly point of the herein described Parcel 4, being the point of beginning; thence N05°12'29"E, a distance of 28.96 feet; thence N40°59'47"E, a distance of 10.06 feet; thence N53°43'55"E, a distance of 19.74 feet; thence S80°50'29"E, a distance of 19.90 feet; thence S38°02'55"E, a distance of 28.10 feet; thence N89°55'30"E, a distance of 161.21 feet; thence N00°00'57"E, a distance of 47.43 feet to a point on the top of bank on the South side of Johnson Creek; thence along said top of bank the following six courses: N81°04'46"W, a distance of 37.90 feet; thence: S86°20'49"W, a distance of 72.00 feet; N73°45'43"W, a distance of 45.15 feet; N40°14'12"W, a distance of 23.00 feet; N71°42'43"W, a distance of 21.35 feet; S84°07'05"W, a distance of 68.79 feet; thence leaving said creek bank S14°53'38"E, a distance of 19.58 feet; thence S29°11'32"W, a distance of 26.97 feet; thence S25°12'53"E, a distance of 38.55 feet; thence S45°22'52"E, a distance of 34.50 feet to the point of beginning.

Containing 15,525 square feet or 0.36 acre more or less.

### **Parcel 5: Perpetual Access Easement**

A portion of that tract of land conveyed to the TIMOTHY & KATHLEEN FISHER REVOCABLE LIVING TRUST by Warranty Deed recorded as Document No. 2003-050681, Multnomah County Deed Records, situated in the Southeast One-quarter of Section 24, Township 1 South, Range 3 East, W.M., Multnomah County, Oregon, more particularly described as follows:

Commencing at the Southeast Corner of said Section 24, being marked by a found 4" brass disc in concrete post; thence N88°25'35"W along the centerline of SE Stone Road, County Road No. 687, a distance of 616.32 feet; thence N01°34'25"E, a distance of 30.00 feet to the North right-of-way line of said SE Stone Road, being the point of beginning of the herein described Parcel 5; thence N01°34'25"E, a distance of 59.99 feet to the southerly most point of the aforescribed Parcel 4; thence N45°22'52"W, along the Southwest line of said Parcel 4, a distance of 27.37 feet; thence S01°34'25"W, a distance of 78.67 feet to a point on the North right-of-way line of said SE Stone Road; thence S88°25'35"E along said North right-of-way line, a distance of 20.00 feet to the point of beginning.

Containing 1,387 square feet more or less.

## **Parcel 6: Temporary Construction Easement**

A portion of that tract of land conveyed to the TIMOTHY & KATHLEEN FISHER REVOCABLE LIVING TRUST by Warranty Deed recorded as Document No. 2003-050681, Multnomah County Deed Records, situated in the Southeast One-quarter of Section 24, Township 1 South, Range 3 East, W.M., Multnomah County, Oregon, more particularly described as follows:

A five foot wide strip of land abutting the aforescribed Parcel 4, described as follows:

Beginning at the Northwest corner of said Parcel 4, being a point on the top of bank on the South side of Johnson Creek; thence following along said Parcel 4 boundary the following eleven courses: S14°53'38"E, a distance of 19.58 feet; S29°11'32"W, a distance of 26.97 feet; S25°12'53"E, a distance of 38.55 feet; S45°22'52"E, a distance of 34.50 feet; N05°12'29"E, a distance of 28.96 feet; N40°59'47"E, a distance of 10.06 feet; N53°43'55"E, a distance of 19.74 feet; S80°50'29"E, a distance of 19.90 feet; S38°02'55"E, a distance of 28.10 feet; N89°55'30"E, a distance of 161.21 feet; N00°00'57"E, a distance of 47.43 feet to a point on the top of bank on the South side of Johnson Creek; thence S81°04'46"E, along said top of bank, a distance of 5.06 feet; thence 5.00 feet from and parallel with said Parcel 4 boundary line the following eleven courses: S00°00'57"W, a distance of 51.63 feet; S89°55'30"W, a distance of 168.64 feet; N38°02'55"W, a distance of 28.58 feet; N80°50'29"W, a distance of 15.85 feet; S53°43'55"W, a distance of 17.07 feet; S40°34'41"W, a distance of 7.99 feet; S05°12'29"W, a distance of 37.82 feet; N45°22'52"W, a distance of 45.97 feet; N25°12'53"W, a distance of 42.01 feet; N29°11'32"E, a distance of 27.51 feet; N14°53'38"W, a distance of 18.35 feet to a point on the top of bank on the South side of Johnson Creek; thence N84°07'05"E, a distance of 5.06 feet to the point of beginning.

Containing 2,241 square feet more or less.

## **Parcel 7: Fee**

The southerly 30.00 feet of that tract of land conveyed to Jonathan Marks by Warranty Deed recorded as Document No. 2004-138231, Multnomah County Deed Records, situated in the Southwest One-quarter of Section 19, Township 1 South, Range 4 East, W.M., Multnomah County, Oregon, more particularly described as follows:

That portion of said tract that lies southerly of a line being 50.00 feet northerly of, when measured at right angles to, the centerline of SE Stone Road, Clackamas County Road No. 415.

Excluding therefrom the northerly 10.00 feet of the southerly 30.00 feet of the easterly 70.00 feet of said "Marks" tract.

Containing 8,362 square feet more or less.

**Parcel 8: Fee**

The Westerly 5.00 feet of that tract of land conveyed to Jonathan Marks by Warranty Deed recorded as Document No. 2004-138231, Multnomah County Deed Records, situated in the Southwest One-quarter of Section 19, Township 1 South, Range 4 East, W.M., Multnomah County, Oregon, more particularly described as follows:

That portion of said tract that lies westerly of a line being 35.00 feet easterly of, when measured at right angles to, the centerline of SE 282<sup>nd</sup> Avenue, County Road No. 4573.

Excluding therefrom the southerly 30.00 feet of said "Marks" tract.

Containing 1,290 square feet more or less.

**Parcel 9: Slope/Drainage Easement**

The westerly 15.00 feet of that tract of land conveyed to Jonathan Marks by Warranty Deed recorded as Document No. 2004-138231, Multnomah County Deed Records, situated in the Southwest One-quarter of Section 19, Township 1 South, Range 4 East, W.M., Multnomah County, Oregon, more particularly described as follows:

That portion of said tract of land that lies westerly of a line being 45.00 feet easterly of, when measured at right angles to, the centerline of SE 282<sup>nd</sup> Avenue, County Road No. 4573.

Excluding therefrom the aforescribed Parcel 1 and the southerly 30.00 feet of said "Marks" tract.

Containing 2,579 square feet more or less.

**Parcel 10: Fee**

The Westerly 5.00 feet of that tract of land conveyed to Michael T. Wirth by Warranty Deed recorded October 3, 1975 in Book 1068, Page 1480, Multnomah County Deed Records, situated in the Southwest One-quarter of Section 19, Township 1 South, Range 4 East, W.M., Multnomah County, Oregon, more particularly described as follows:

That portion of said Wirth tract that lies westerly of a line being 35.00 feet easterly of, when measured at right angles to, the centerline of SE 282<sup>nd</sup> Avenue, County Road No. 4573.

Containing 1,440 square feet more or less.

**Parcel 11: Slope/Drainage Easement**

A 10.00 foot wide by 219 foot long strip of land being the easterly 10.00 feet of the westerly 15.00 feet of the southerly 219.00 feet of that tract of land conveyed to Michael T. Wirth by Warranty Deed recorded October 3, 1975 in Book 1068, Page 1480, Multnomah County Deed Records, situated in the Southwest One-quarter of Section 19, Township 1 South, Range 4 East, W.M., Multnomah County, Oregon. The easterly line of said 10.00 foot wide strip of land lies 45.00 feet easterly of, when measured at right angles to, the centerline of SE 282<sup>nd</sup> Avenue, County Road No. 4573.

Containing 2,190 square feet more or less.

**Parcel 12: Fee**

A 5.00 foot wide by 120.00 foot long strip of land being the westerly 5.00 feet of the southerly 120.00 feet of that tract of land conveyed to Hedwig Taylor by Statutory Bargain and Sale Deed recorded December 12, 2004 in Document No. 2004-225962, Multnomah County Deed Records, situated in the Southwest One-quarter of Section 19, Township 1 South, Range 4 East, W.M., Multnomah County, Oregon. The easterly line of said 5.00 foot wide strip lies 35.00 feet easterly of, when measured at right angles to, the centerline of SE 282<sup>nd</sup> Avenue, County Road No. 4573.

Containing 600 square feet more or less.

**Parcel 13: Slope/Drainage Easement**

A 5.00 foot wide by 50 foot long strip of land, being the South 5.00 feet of the West 50.00 feet of that tract of land conveyed to Christopher R. Brauer on December 21, 1992 recorded in Book 2627, Page 1320, Multnomah County Deed Records (MCDR), situated in the Southwest One-quarter of Section 19, Township 1 South, Range 4 East, W.M., Multnomah County, Oregon.

Containing 250 square feet more or less.

# EXHIBIT MAP

