

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 00-025

Authorizing Legal Counsel to file Condemnation Action and Obtain Immediate Possession of Property Necessary for Reconstruction of a Section of NW Cornelius Pass Road

The Multnomah County Board of Commissioners finds:

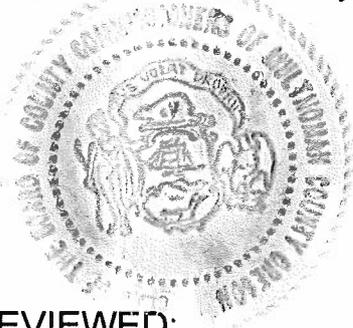
- a. It is necessary to consider the condemnation and immediate possession by Multnomah County of the real property described in Exhibits A-1, A-2, B-1, B-2 and C attached hereto, for the purpose of completing the reconstruction of NW Cornelius Pass Road.
- b. The project has been planned and located in a manner that is most compatible with the greatest public good and least private injury.
- c. It is now necessary to acquire the immediate possession of the property described in the attached Exhibits so the project may begin construction. Project construction is expected to begin in the summer of 2000.

The Multnomah County Board of Commissioners resolves:

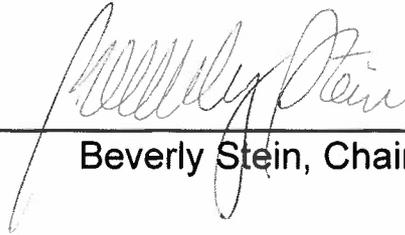
1. It is necessary to acquire the immediate possession of the property described in the attached Exhibits A-1, A-2, B-1, B-2 and C, for the repair and reconstruction of a section of NW Cornelius Pass Road.
2. In the event that no satisfactory agreement can be reached with the owners of the property as to the purchase price or early possession of the property prior to March 10, 2000, legal counsel is hereby authorized to file condemnation proceedings and is further directed to take such action in accordance with law to obtain possession of the property at the earliest possible date.
3. There is hereby authorized the creation of a fund in the amount of the estimate of just compensation for each such property, which shall, upon obtaining possession of each such 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 9th day of March, 2000.



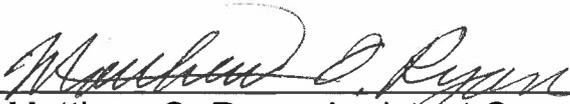
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By 

Matthew O. Ryan, Assistant County Attorney

Daniel Kristian Boyd
Doris Margaret Boyd

N.W. Cornelius Pass Road
North of N.W. Skyline Blvd.
Item No. 99-47
August 12, 1999

EXHIBIT A-1
SLOPE AND DRAINAGE EASEMENT DESCRIPTION

A tract of land situated in the West one-half of Section 31, Township 2 North, Range 1 West, Willamette Meridian, Multnomah County, Oregon, being more particularly described as follows:

Beginning at a point on the easterly right-of-way line of Cornelius Pass Road, County Road No. 891, being 30.00 feet easterly when measured at right angles to legal centerline station 165+91.05; thence N90°00'00"E a distance of 173.48 feet to a point being 181.80 easterly when measured at right angles to the Legal Centerline of Cornelius Pass Road; thence N25°00'00"E, a distance of 119.68 feet, to a point being 185.91 feet easterly when measured at right angles to the Legal Centerline of Cornelius Pass Road; thence N60°31'15"W a distance of 156.14 feet to a point on the easterly right-of-way line of Cornelius Pass Road, being 30.00 feet easterly, when measured at right angles to the Legal Centerline Station 163+83.22; thence southerly along the easterly right-of-way line of said Cornelius Pass Road, a distance of 207.86 feet more or less, to the point of beginning.

Containing 25,648 square feet, more or less.

As shown on the attached EXHIBIT "B-1", herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the attached EXHIBIT "B-1" and the written legal description, the written legal description shall prevail.

AFTER RECORDING, RETURN TO:
Patrick Hinds/Bldg. #455

FOR TAX STATEMENTS:
Multnomah County
Transportation Division
1600 S.E. 190th Avenue
Portland, OR 97233-5910

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DRAINAGE EASEMENT DESCRIPTION

A tract of land situated in the West one-half of Section 31, Township 2 North, Range 1 West, Willamette Meridian, Multnomah County, Oregon, being more particularly described as follows:

Beginning at a point on the northeasterly right-of-way line of Cornelius Pass Road, County Road No. 891, being 30.00 feet easterly when measured at right angles to Legal Centerline Station 163+13.20; thence N40°24'47"E a distance of 261.03 feet to a point being 286.90 northeasterly when measured at right angles to the Legal Centerline Station 162+99.47 of Cornelius Pass Road; thence, N20°50'51"W a distance of 121.75 feet to a point being 343.88 feet northerly when measured at right angles to the Legal Centerline Station 162+15.37; thence S86°02'27"W a distance of 233.32 feet to a point being 186.01 feet northerly when measured at right angles to the Legal Centerline Station 160+89.33 of Cornelius Pass Road; thence S20°41'22"W a distance of 159.56 feet to a point on the northerly right-of-way line of Cornelius Pass Road, being 30.00 feet northerly when measured at right angles to the Legal Centerline Station 161+04.18 of Cornelius Pass Road; thence easterly along the North right-of-way line of Cornelius Pass Road, a distance of 235 feet, more or less, to the point of beginning.

Containing 65,100 square feet, more or less.

As shown on the attached EXHIBIT "B-1", herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the attached EXHIBIT "B-1" and the written legal description, the written legal description shall prevail.

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SLOPE AND DRAINAGE EASEMENT DESCRIPTION

A tract of land situated in the West one-half of Section 31, Township 2 North, Range 1 West, Willamette Meridian, Multnomah County, Oregon, being more particularly described as follows:

Beginning at a point on the northeasterly right-of-way line of Cornelius Pass Road, County Road No. 891, being 30.00 feet easterly when measured at right angles to Legal Centerline Station 161+04.18; thence N20°41'22"E a distance of 159.56 feet to a point being 186.01 feet northerly when measured at right angles to Legal Centerline Station 160+89.33; thence N45°51'15"W a distance of 203.22 to a point on the easterly right-of-line of the Spokane, Portland and Seattle Railroad Co.; thence S32°01'52"W along said easterly right-of-way line a distance of 492.93 feet, to a point on the northerly right-of-way line of Cornelius Pass Road; thence northerly and easterly along the right-of-way line of Cornelius Pass Road a distance of 423 feet, more or less, to the point of beginning.

Containing 59,196 square feet, more or less.

As shown on the attached EXHIBIT "B-1", herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the attached EXHIBIT "B-1" and the written legal description, the written legal description shall prevail.

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AREA SUBJECT TO ACCESS EASEMENT

A perpetual access easement for the purpose of constructing, and maintaining the three slope and drainage easements described in pages 1,2 and 3 of this Exhibit over and across such portion or portions of the property described below as is reasonably necessary to perform such construction and maintenance; access to be via existing and /or future driveways:

“Beginning at an iron pipe marking the center of Section 31, T2N, R1W, W.M.; thence $S0^{\circ}31'30''E$ on the East line of the Northeast One-quarter of the Southwest One-quarter of Section 31, a distance of 490.30 feet to an iron pipe; thence $N89^{\circ}15'W$, 720.00 feet, more or less, to the easterly right-of-way line of County Road No. 891 (Cornelius Pass Road); thence following said easterly right-of-way line of road westerly and northerly to its intersection with the southeasterly right-of-way line of the S.P. and S.R.R.; thence following said right-of-way line northeasterly to a corner of a 22.40 acre tract owned by the S.P. and S.R.R., as described in Deed Book 1066, Page 166 of the Multnomah County Deed Records; thence on the southerly line of said tract with the following bearings and distances: $S13^{\circ}43'E$, 4.20 feet; $N34^{\circ}43'E$, 435.70 feet; $S55^{\circ}17'E$, 70.00 feet; $N34^{\circ}43'E$, 96.20 feet; $S55^{\circ}17'E$, 50.00 feet to the beginning of a Talbot Spiral, the tangent of which bears $N34^{\circ}43'E$; thence northeasterly on the arc of said spiral increasing to the left through an angle of $1^{\circ}05'$, a distance of 106.60 feet to a point of tangent, which tangent bears $N33^{\circ}38'W$; thence $S56^{\circ}22'E$, 50.00 feet to a point of tangent, which tangent bears $N33^{\circ}38'W$; thence northeasterly on the arc of a Talbot Spiral increasing to the left through an angle of $5^{\circ}10'$, a distance of 164.40 feet to a point of tangent, which tangent bears $N28^{\circ}28'E$; thence northeasterly on the arc of a curve to the left, having a radius of 1,346.28 feet, a distance of 180.80 feet to a point of tangent, which tangent bears $N20^{\circ}46'E$; thence $S69^{\circ}14'E$, a distance of 272.90 feet to a point on the North-South centerline of Section 31, T2N, R1W, W.M.; thence $S3^{\circ}31'30''E$, 1,025.00 feet to the Point of Beginning.”*

*Multnomah County Deed Records, Book 1086, Page 230, recorded February 3, 1976.

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Containing 19.63 acres, more or less.

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 attached EXHIBIT "C" and the written legal description, the written legal description shall prevail.

Doris Margaret Boyd
Doris Margaret Boyd

N.W. CORNELIUS PASS ROAD
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EXHIBIT A-2

FEE TRACT - DESCRIPTION

A tract of land situated in the West One-half of Section 31, Township 2 North, Range 1 West, W.M., Multnomah County, Oregon, being more particularly described as follows:

Beginning at a point being 72.73 feet westerly, when measured at right angles to the Legal Centerline Station 164+19.70 for N.W. Cornelius Pass Road, County Road No. 981; thence northerly and westerly along the arc of 73.87 foot radius curve to the left, through a central angle of 65°00'00", an arc length of 83.80 feet, the chord of which bears N16°57'58"W, a distance of 79.38 feet to a point; thence continuing northerly and westerly along the arc of a 158.08 foot radius curve to the left, through a central angle of 21°45'36", an arc length of 60.04 feet, the chord of which bears N60°20'46"W, a distance of 59.68 feet to a point; thence along the arc of a 167.36 foot radius curve to the right, through a central angle of 45°29'28", an arc distance of 132.88 feet, the chord of which bears S35°25'49"E, a distance of 129.42 feet to the point of beginning.

Containing 1231 square feet, more or less.

As shown on the attached EXHIBIT "B-2", herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the attached EXHIBIT "B-2" and the written legal description, the written legal description shall prevail.

AFTER RECORDING, RETURN TO:
Patrick Hinds/Bldg. #455

FOR TAX STATEMENTS:
Multnomah County
Transportation Division
1600 S.E. 190th Avenue
Portland, OR 97233-5910

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In addition to the above described fee tract, a perpetual easement for the construction and maintenance of slope and drainage purposes through, over, under, along and within the following described parcel of land:

A tract of land situated in the West One-half of Section 31, Township 2 North, Range 1 West, W.M., Multnomah County, Oregon, being more particularly described as follows:

All that portion of a tract of land described in Parcel II of a Warranty Deed conveyed to Daniel Kristian Boyd and Doris Margaret Boyd, recorded on February 3, 1976, in Book 1086, Page 229, that lies northeasterly of the following described line:

Beginning at a point being 30.00 feet westerly, when measured at right angles to the Legal Centerline Station 166+31.54 for N.W. Cornelius Pass Road, County Road No. 891; thence N44°12'11"W, a distance of 408.86 feet to a point being 30.00 feet southerly and easterly when measured at right angles to the Legal Centerline Station 157+79.89 of said N.W. Cornelius Pass Road.

Containing 39,848 square feet, more or less.

As shown on the attached EXHIBIT "B-2", herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the attached EXHIBIT "B-2" and the written legal description, the written legal description shall prevail.

It is understood and agreed that no buildings shall be erected upon said easement without the written consent of the Board of County Commissioners.

SECTION 31 T.2N. R.1W. W.M.
MULTNOMAH COUNTY

EXHIBIT "B-1"

NO SCALE

