

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

RESOLUTION NO. 2011-128

Approving the Purchase of an Easement for the New Sellwood Bridge Project from the John Shmilenko Revocable Living Trust, UAD 1/11/07 and the Patti K. Shmilenko Revocable Living Trust, UAD 1/11/07.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County has reached a proposed settlement with John Shmilenko, Trustee of the John Shmilenko Revocable Living Trust, UAD 1/11/07, as to an undivided one-half interest; and Patti K. Shmilenko, Trustee of the Patti K. Shmilenko Revocable Living Trust, UAD 1/11/07, as to an undivided one-half interest, the owners of certain real property interests determined to be necessary for the purpose of constructing, operating, maintaining, repairing and reconstructing the Sellwood Bridge, approaches and interchanges in the City of Portland (the "Project") as authorized by Resolution No. 2011-008.
- b. The real property easement proposed to be acquired for the price of \$10,000.00 is more particularly described in the "Temporary Construction Easement", 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.
3. The County Engineer is authorized and directed to execute the acceptance statement on the original Temporary Construction Easement for the Property in conformance with the attached Exhibit 1.

ADOPTED this 27th day of October, 2011.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

JENNY M. MORF, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY: Vice-Chair Deborah Kafoury, District 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

TEMPORARY CONSTRUCTION EASEMENT

John Shmilenko, Trustee of the John Shmilenko Revocable Living Trust, UAD 1/11/07, as to an undivided one-half interest and Patti K. Shmilenko, Trustee of the Patti K. Shmilenko Revocable Living Trust, UAD 1/11/07, as to an undivided one-half interest "Grantor", grants to MULTNOMAH COUNTY, a Political Subdivision of the State of Oregon, "Grantee", a temporary construction easement over, under, upon and across the Grantor's real property described in Exhibit A ("Easement Area") for the demolition and reconstruction of the Sellwood Bridge, including the right to restrict all access to and all use of the Easement Area by Grantor for a period beginning on the date of possession of the Easement Area by agreement or court order and ending December 31, 2016 or the completion of construction, whichever is earlier.

After the initial construction of the new Sellwood Bridge is completed Grantee shall restore the Easement Area to a condition as good as that existing prior to construction.

Grantor acknowledges that this grant is pursuant to the exercise of the eminent domain power and authority of Grantee and that the consideration paid by Grantee and accepted by Grantor is just compensation for the property rights granted, and includes all damage to Grantor's remaining property resulting from the acquisition or use of said property rights.

The true consideration paid for this grant stated in terms of dollars is \$10,000.00.

Dated this 26th day of September, 2011

John Shmilenko, Trustee

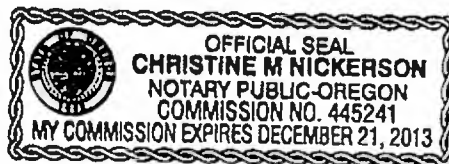
Patti K. Shmilenko, Trustee

STATE OF OREGON)
) ss
County of Multnomah)

This instrument was acknowledged before me on 9.26.11, 2011, by John Shmilenko, Trustee and Patti K. Shmilenko, Trustee

Christine M Nickerson
Notary Public for Oregon

My Commission Expires: 12.21.13

**REVIEWED:**

By Henry H. Lazenby Jr, County Attorney
For Multnomah County, Oregon

By: _____
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

Parking Unit P-60, RIVERPARK CONDOMINIUM, in the City of Portland, Multnomah County, Oregon.

Together with an undivided interest in and to the limited and common elements appertaining to said unit 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.