

BEFORE THE MULTNOMAH COUNTY LIBRARY DISTRICT BOARD

RESOLUTION NO. 2015-087

Authorizing the Library District Chair to Procure all City of Gresham Permits for the Rockwood Branch Addition and to Execute a Right-of-Way Dedication for SE Stark Street.

The Multnomah County Library District Board Finds:

- a. The Multnomah County Library District (the Library District), was established pursuant to the Multnomah County Charter Chapter 9.10 and voter approved Ballot Measure 26-143, by Multnomah County Board Order No. 2013-020, dated March 14, 2013.
- b. On June 25, 2015, the City of Gresham approved, with conditions, the Library's application for a Type C Design Review & Special Use for a 1,085 square feet addition to the existing 5,086 SF Rockwood Branch, located at 17917 SE Stark Street (the Rockwood Branch). The addition will be a Maker Space, providing access to technological equipment, such as 3-D printers, 3-D scanners, laser cutters, computer work stations, and hand tools.
- c. By Bargain & Sale Deed dated and recorded on June 30, 2015, as Instrument No. 2015-079257, Multnomah County conveyed the Rockwood Branch to the Library District for library purposes only and described the true consideration for the conveyance as the Library District's representations, warranties and covenants in that certain Library Assets Transfer Agreement dated the 18th day of December, 2014, which was the whole consideration.
- d. Among the City's conditions of Development Approval is a 3-foot right-of-way dedication along the Rockwood Branch's southerly boundary, adjoining the north line of SE Stark Street, to comply with the City's Standard Arterial right-of-way width standards for SE Stark Street.
- e. Facilities and Property Management (FPM) has completed the Construction Documents for the Rockwood Branch addition, in compliance with all of the City's conditions of Development Approval, and has solicited and accepted a construction bid from the lowest qualified contractor.

The Multnomah County Library District Board Resolves:

1. The Right-of-Way Dedication for the three feet of frontage along SE Stark Street is approved, and the Library District Chair is authorized to execute the Right-of-Way Dedication, in substantially the form attached hereto as Exhibit A.
2. FPM is directed to comply with all additional City conditions of the June 25, 2015 Development Approval, to obtain a Building Permit or "Notice to Proceed," and the Library District Chair is authorized to execute, on behalf of the Library District, any such additional documents or instruments necessary to implement these conditions.

3. Library District Board approval is needed for any modification or amendment of the Exhibit A documents that results in a material increase in the obligations of the Library District or a material decrease in the benefits for the Library District.

ADOPTED this 6th day of August, 2015.

MULTNOMAH COUNTY LIBRARY DISTRICT



Deborah Kafoury

By: _____

Deborah Kafoury, Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____

Kenneth M. Elliott
Kenneth M. Elliott, Assistant County Attorney

SUBMITTED BY:

Vailey Oehlke, Library Director

Sherry Swackhamer, Director, Department of County Assets



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CITY OF GRESHAM
1333 NW EASTMAN PKWY.
GRESHAM, OR 97030-3813

RIGHT-OF-WAY DEDICATION

MULTNOMAH COUNTY LIBRARY DISTRICT, a district established pursuant to the Multnomah County Charter Chapter 9.10 and voter approved Ballot Measure 26-143, by County Board Order No. 2013-020, dated March 14, 2013 ("GRANTOR"), hereby dedicates to the **CITY OF GRESHAM**, an Oregon municipal corporation ("GRANTEE"), on this ____ day of _____, 2015, a perpetual right-of-way for street purposes on, over and under the following described property, and forever dedicates for use as a public street all of the following described real property situated in the City of Gresham, Multnomah County, Oregon:

SEE EXHIBITS "A-1" (Legal Description of the Right of Way) and "A-2" (Map of the Right of Way), attached hereto and made a part hereof (the "**Right of Way**").

The dedicated Right of Way shall only be used for public street purposes, which includes utilities.

GRANTOR warrants that 1) the Right of Way is free of encumbrances except those of which GRANTOR has notified GRANTEE in EXHIBIT "A-1," 2) GRANTOR has the requisite authority to dedicate the Right of Way without additional consent or permission, and 3) GRANTOR will not grant or allow any subsequent uses or activities in the Right of Way which would interfere with GRANTEE's use of the Right of Way.

IN WITNESS WHEREOF, GRANTOR, acting by authority of a Resolution of GRANTOR's Board, entered on _____, 2015, as Resolution No. 2015 - _____, has caused this Right-of-Way Dedication to be executed by the Chair of the Library District.

MULTNOMAH COUNTY LIBRARY DISTRICT

By: _____
Deborah Kafoury, Chair

[NOTARIAL CERTIFICATE ON FOLLOWING PAGE]

STATE OF OREGON)
) ss.
County of Multnomah)

This instrument was acknowledged before me on _____, 2015,
by **Deborah Kafoury**, as **Chair** of the **MULTNOMAH COUNTY LIBRARY DISTRICT**, on its
behalf.

Notary Public for Oregon
My commission expires: _____

REVIEWED AND APPROVED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By : _____
Kenneth M. Elliott
Assistant County Attorney

ACCEPTED BY THE CITY OF GRESHAM

City Manager

APPROVED AS TO FORM:

City Attorney

EXHIBIT A-1

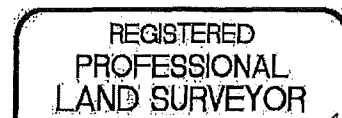
Legal description of the Right of Way

A tract of land in Section 31, Township 1 North, Range 3 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

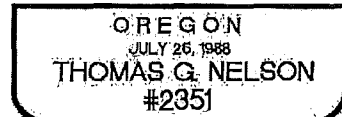
The southerly 3 feet of that tract of land conveyed by Multnomah County, A political subdivision of the State of Oregon, to the Multnomah County Library District, a district established pursuant to the Multnomah County Charter Chapter 9.10 and voter approved Ballot measure 26-143, by County Board order no. 2013-020, dated March 14, 2013, by Bargain and Sale Deed dated and recorded on June 30, 2015, as Instrument No. 2015-079257 (the "Library Tract");

Subject to the terms and conditions of said Bargain and Sale Deed, which conveyed the Library Tract for library purposes only and described the true consideration for the conveyance as Multnomah County Library District's representations, warranties and covenants in that certain Library Assets Transfer Agreement dated the 18th day of December, 2014, a memorandum of which was recorded on the 26th day of June, 2015, as Instrument No. 2015-077837, Records of Multnomah County, Oregon, which was the whole consideration.

The southerly 3 feet of said tract of land contains 526 square feet, more or less.



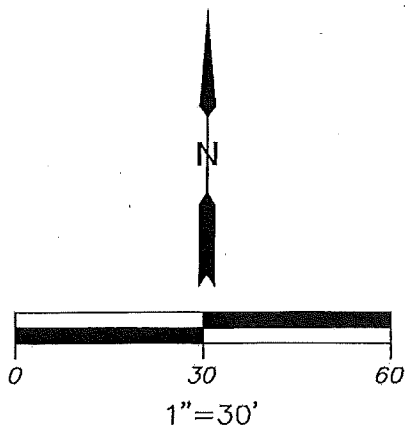
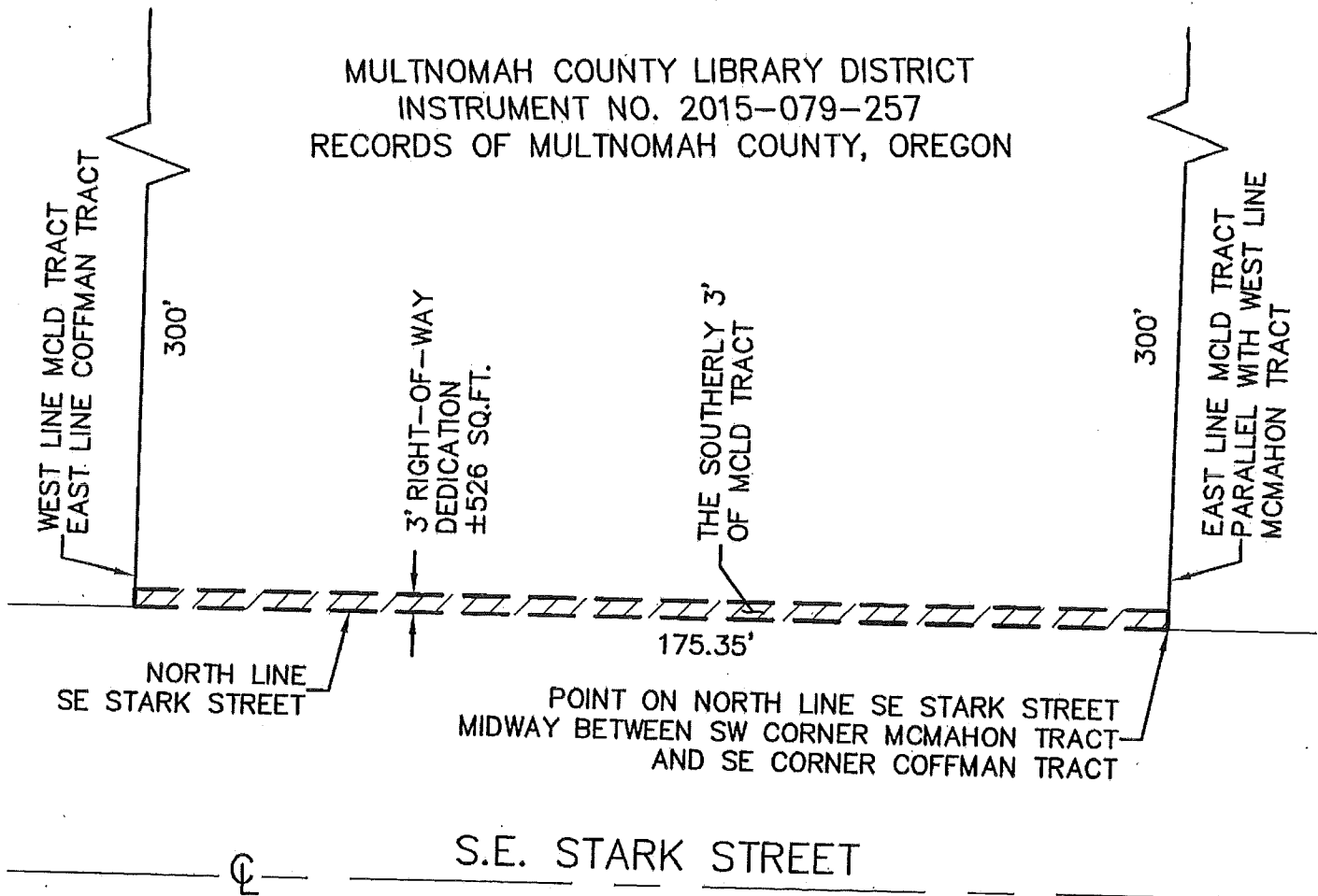
Thomas G. Nelson



RENEWAL 12/31/16

EXHIBIT A-2

MULTNOMAH COUNTY LIBRARY DISTRICT
INSTRUMENT NO. 2015-079-257
RECORDS OF MULTNOMAH COUNTY, OREGON



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Thomas G. Nelson

OREGON
JULY 26, 1988
THOMAS G. NELSON
#2351

RENEWAL 12/31/16

NOTES:

MCLD = MULTNOMAH COUNTY LIBRARY DISTRICT

FILE: 15032	DATE: JULY 20, 2015	Tom Nelson & Associates, L.L.C. 1111 NE FLANDERS ST., SUITE 202 PORTLAND, OREGON 97232 PHONE: (503) 230-1932 FAX: (503) 230-1962
DRAWN BY: SN	SHEET 1 OF 1	