

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

**RESOLUTION NO. 2016-081**

Approving the Acquisition of Certain Real Property Interests for the SE Stark St. Culvert Replacement Project.

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

- a. By Resolutions No. 2015-126, this Board authorized the Department of Community Services Transportation Division (Transportation) to begin negotiations to acquire certain real property interests necessary for purposes of constructing, operating, maintaining, repairing, replacing, and reconstructing the channel spanning culvert infrastructure at the Beaver Creek crossing as a part of a Public Improvement Project on SE Stark Street, in the City of Troutdale, in East Multnomah County (the "Project").
- b. Transportation has reached proposed settlements with each abutting property owner, whose property was identified in Resolution 2015-126; to acquire certain Easements necessary for the Project.
- c. Attached as Exhibit 1 are copies of the original fully signed and acknowledged Easements which have been signed and accepted by the County Engineer as well.
- d. These Easements are necessary for the Project, and it is in the best interest of the public and Multnomah County to approve the acquisition of these property interests.

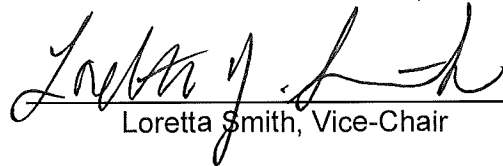
**The Multnomah County Board of Commissioners Resolves:**

1. The Board approves the acquisition of these necessary Easements, copies of which are attached as Exhibit 1, and the County Engineer's acceptance of said Easements is hereby ratified and Transportation is directed to record said Easements.

**ADOPTED this 11th day of August, 2016.**

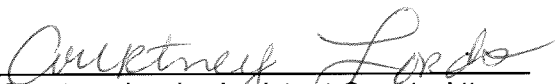


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Loretta Smith, Vice-Chair

REVIEWED:

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

By   
Courtney Lords, Assistant County Attorney

SUBMITTED BY: Kim Peoples, Interim Director, Department of Community Services.

**Grantor:**

Judy H. C. Baxter and Theodore E. Baxter  
14265 SW 133RD Ave  
Tigard, OR 97224-1703

**After recording return to:**

Grantee: Multnomah County; Attn: Patrick Hinds  
Land Use & Transportation Division, Bldg. #425

# Exhibit 1

SE Stark St.  
County Road No. 924  
Item No. 2015-50

## EASEMENTS

Judy H. C. Baxter and Theodore E. Baxter, "**Grantor**", grants to **MULTNOMAH COUNTY**, a Political Subdivision of the State of Oregon, "**Grantee**", the following two easements:

Parcel 1: A permanent, exclusive easement for road purposes through, under, across, over and along the real property as more particularly described in the attached Exhibit A; and

Parcel 2: A temporary easement (**Beginning on May 16, 2016 and expiring on August 16, 2019**) for the purpose of accessing, laying down, installing, constructing, reconstructing, operating, inspecting, monitoring, and maintaining waterways and stream bank improvements, installations and appurtenances through, under, across, over and along the real property as more particularly described in the attached Exhibit A.

Grantor represents and warrants that Grantor has the authority to grant said easements described in Exhibit A ("Parcel 1" or "Parcel 2" or collectively the "Property"). During the temporary easement term, Grantor shall not grant or allow any uses or activities in Parcel 2, which would interfere with the Grantee's use of the Property and the temporary easement as provided herein.

Grantor represents that to the best of Grantor's knowledge, after appropriate inquiry under the circumstances:

1. The Property is in compliance with all local, State and Federal environmental laws and regulations.
2. Grantor has disclosed all information relating to any release of hazardous substances onto or from the Property, and disclosed any known report, investigation, survey or environmental assessment regarding Property; "release" and "hazardous substance" shall have the meaning as defined under Oregon law.
3. That there are no underground storage tanks, as defined under Oregon law, presently on or under the Property.
4. This grant is free of encumbrances except Conditions, Restrictions, Restrictive Covenants, and Easements of Record if any.

Grantee, by accepting this easement, is not accepting liability for any preexisting release of hazardous substances onto or from the Property, and Grantor is not attempting to convey any such liability.

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The true consideration paid for this grant stated in terms of dollars is \$750.00.

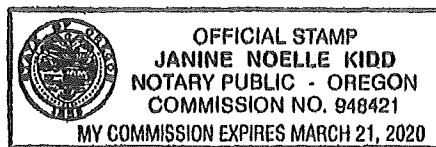
Dated this 13 day of July, 2016

By: Judy H.C. Baxter  
Judy H. C. Baxter

By: Theodore E. Baxter  
Theodore E. Baxter

STATE OF OREGON )  
Washington ) ss  
County of Multnomah )

This instrument was acknowledged before me on July 13, 2016, by Judy H. C. Baxter and Theodore E. Baxter.



Janine Noelle Kidd  
Notary Public for Oregon  
My Commission Expires: 03-21-2020

The described property is accepted for use in conjunction with SE Stark Street, County Road No. 924, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this 26<sup>th</sup> day of July, 2016

By: I.B. Cannon  
Ian B. Cannon, P.E., County Engineer  
for Multnomah County, Oregon

REVIEWED:

By Jenny M. Madkour, County Attorney  
For Multnomah County, Oregon

By: Courtney L. Ladd  
Assistant County Attorney

Exhibit A

Parcel 1: Road Purpose Easement

A portion of that tract of land described in Warranty Deed to Judy H.C. Baxter and Theodore E. Baxter ("Baxter"), recorded as Document No. 97-021319, Multnomah County Deed Records, situated in the Southwest one quarter of Section 36, Township 1 North, Range 3 East of the Willamette Meridian, in the City of Troutdale, County of Multnomah and State of Oregon, more particularly described as follows:

Commencing at a ½" iron pipe in monument box found at the centerline intersection of SE Stark St., County Road No. 924, with SE Troutdale Rd., County Road No. 1570; thence N88°27'07"W, along the centerline of said SE Stark St., a distance of 547.42 feet; thence N01°32'53"E, a distance of 40.00 feet to a point on the North right-of-way line of SE Stark St. also being the point of beginning of the herein described tract of land; thence N01°32'53"E, a distance of 35.00 feet to a point that lies 75.00 feet northerly of, when measured at right angles to, the centerline of said SE Stark St.; thence N88°27'07"W, parallel with the centerline of said SE Stark St., a distance of 76 feet more or less to the center line of Beaver Creek; thence southeasterly along the center line of said Beaver Creek to a point on the North right-of-way line of said SE Stark St, being a point N88°27'07"W of the point of beginning; thence S88°27'07"E, along said North right-of-way line, a distance of 50 feet more or less to the point of beginning.

Containing 2,204 square feet more or less.

The basis of bearings for this description is the Oregon Coordinate System of 1983 (1991), North Zone.

Parcel 2: Temporary Construction Easement

A portion of that tract of land described in Warranty Deed to Judy H.C. Baxter and Theodore E. Baxter, recorded as Document No. 97-021319, Multnomah County Deed Records, situated in the Southwest one quarter of Section 36, Township 1 North, Range 3 East of the Willamette Meridian, in the City of Troutdale, County of Multnomah and State of Oregon, more particularly described as follows:

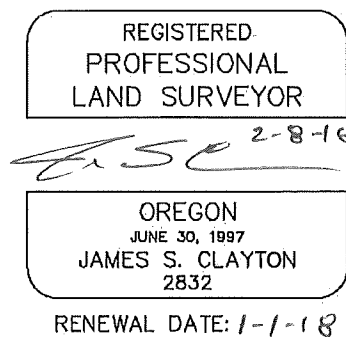
Commencing at a ½" iron pipe in monument box found at centerline intersection of SE Stark St., County Road No. 924, with SE Troutdale Rd., County Road No. 1570; thence N88°27'07"W, along the centerline of said SE Stark St., a distance

SE Stark St.  
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of 547.42 feet; thence N01°32'53"E, a distance of 75.00 feet to the point of beginning of the herein described tract of land; thence N01°32'53"E, a distance of 20.00 feet to a point that lies 95.00 feet northerly of, when measured at right angles to, the centerline of said SE Stark St.; thence N43°27'07"W, a distance of 56.57 feet to a point that lies 135.00 feet northerly of, when measured at right angles to, the centerline of said SE Stark St.; thence N88°27'07"W, parallel with the centerline of said SE Stark St., a distance of 91 feet more or less to the center line of Beaver Creek; thence southeasterly along the center line of said Beaver Creek to a point N88°27'07"W of the point of beginning; thence S88°27'07"E, a distance of 76 feet more or less to the point of beginning.

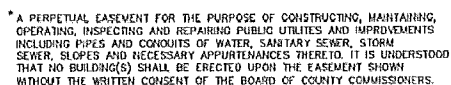
Containing 5,274 square feet more or less.

The basis of bearings for this description is the Oregon Coordinate System of 1983 (1991), North Zone.



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

SE Stark St.  
County Road No. 924  
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Grantors:  
City of Troutdale  
After recording return to:  
Grantee: Multnomah County; attn: Patrick Hinds  
Land Use & Transportation Division, Bldg. #425

SE Stark St.  
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### ROAD PURPOSES EASEMENT

**CITY OF TROUTDALE**, a Political Subdivision of the State of Oregon, "**Grantor**", grants to **MULTNOMAH COUNTY**, a Political Subdivision of the State of Oregon, "**Grantee**", a permanent easement for road purposes, through, under, across, over and along the following described real property:

**See the attached Exhibit A.**

Grantor represents and warrants that Grantor has the authority to grant this permanent easement of the property described in Exhibit A (the "Property"). Grantor shall not grant or allow any uses or activities in the Property, which would interfere with the Grantee's use of the Property and the easement as provided herein.

Grantee, by accepting this easement, is not accepting liability for any preexisting release of hazardous substances onto or from the Property, and Grantors are not attempting to convey any such liability.

The true consideration paid for this grant stated in terms of dollars is \$0.00, but consists of other value given, which, is the whole consideration.

Dated this 27 day of May, 2016


**For City of Troutdale:**

  
Craig Ward, City Manager


STATE OF OREGON           )  
                                          ) ss  
County of Multnomah       )

This record was acknowledged before me on May 27<sup>th</sup>, 2016, by Craig Ward, City Manager for the City of Troutdale.



  
Notary Public for Oregon  
My Commission Expires: 7/26/19

REVIEWED:  
By Jenny M. Madkour, County Attorney  
For Multnomah County, Oregon

By:   
Courtney Lords, Assistant County Attorney

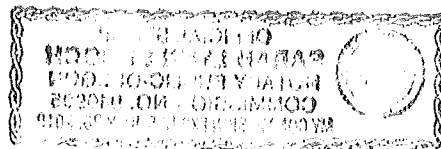
SE Stark St.  
County Road No. 924  
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**For Multnomah County:**

The described property is accepted for use in conjunction with S.E. Stark Street, County Road No. 924, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this 25<sup>th</sup> day of July, 2016

By ABL  
Ian B. Cannon, P.E., County Engineer  
for Multnomah County, Oregon





**Exhibit A**

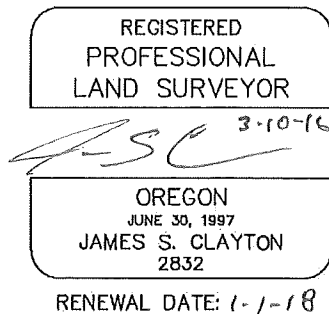
**Road Purpose Easement**

A portion of TRACT 'A', BELLINGHAM PARK, recorded in Book 1235, Page 94-96, Multnomah County Plat Records, situated in the Southwest one quarter of Section 36, Township 1 North, Range 3 East of the Willamette Meridian, in the City of Troutdale, County of Multnomah and State of Oregon.

Commencing at a ½" iron pipe in monument box found at the centerline intersection of SE Stark St., County Road No. 924, with SE Troutdale Rd., County Road No. 1570; thence N88°27'07"W, along the centerline of said SE Stark St., a distance of 783.59 feet; thence N01°32'53"E, a distance of 30.00 feet, to a point on the North right-of-way line of said SE Stark St., also being the point of beginning of the herein described tract of land; thence N01°32'53"E, a distance of 60.00 feet; thence S88°27'07"E, parallel with the centerline of said SE Stark St., a distance of 149 feet more or less to the centerline of Beaver Creek; thence southeasterly along the centerline of said Beaver Creek to a point on the North right-of-way line of said SE Stark St, said point being S88°27'07"E of the point of beginning; thence N88°27'07"W, along the North right-of-way line of said SE Stark St., a distance of 194 feet more or less to the point of beginning.

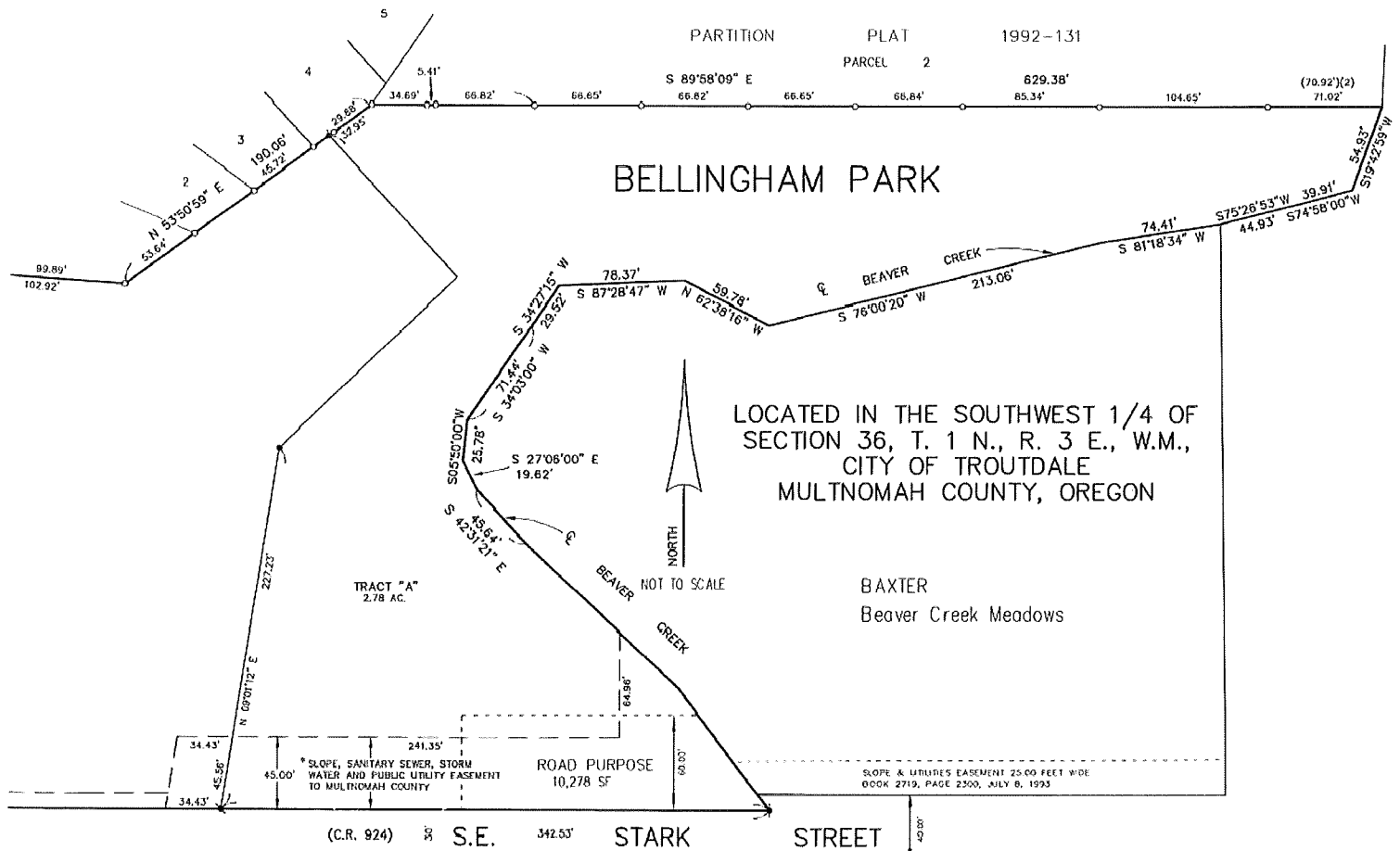
Containing 10,278 square feet more or less.

The basis of bearings for this description is the Oregon Coordinate System of 1983 (1991), North Zone.



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

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\* A PERPETUAL EASEMENT FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, OPERATING, INSPECTING AND REPAIRING PUBLIC UTILITIES AND IMPROVEMENTS INCLUDING PIPES AND CONDUITS OF WATER, SANITARY SEWER, STORM SEWER, SLOPES AND NECESSARY APPURTENANCES THERETO. IT IS UNDERSTOOD THAT NO BUILDING(S) SHALL BE ERECTED UPON THE EASEMENT SHOWN WITHOUT THE WRITTEN CONSENT OF THE BOARD OF COUNTY COMMISSIONERS.

File No.:	Key No. K14438
Grantor:	City of Troutdale
Section:	Beaver Creek
Highway:	SE Stark Street
County:	Multnomah
FAP No.:	N/A



## DONATION AGREEMENT

When a public improvement project requires any government agency or its contractor to acquire or enter upon private property, the owners of that property are entitled to compensation under federal and state law. Federal law is the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, PL 91-646, and state law is in Oregon Revised Statutes, 35.510, as amended. On behalf of Multnomah County, Oregon (the County), for the above referenced Beaver Creek Project (the Project) this Donation Agreement is executed.

The above federal and state laws also allow property owners to donate necessary property rights if they wish. To accomplish a donation to the County for the Project, all the City of Troutdale (the City) needs to do is officially acknowledge that the County has informed you of the right to compensation, and that notwithstanding that right, the City wishes to donate the property interest for the Project. If the City elects to donate the property rights as described in the attached easement grant subject to the above information, please have the appropriate City Official, with the ability to bind the City, date and sign this Donation Agreement in the space below.

I, on behalf of the City, acknowledge that the County has fully informed the City of the City's right to compensation for the grant of the certain property interests more particularly described in the attached easement grant (Easement). Nonetheless, the City hereby releases the County from providing a valuation report for the Easement and further, the City hereby agrees to and grants the Easement to the County as a donation and waives any further compensation for said grant of the Easement.

City of Troutdale

By:

*Craig R. Ward*

5/22/16  
Date

Craig R. Ward  
(Print Name)

City Manager  
Official Title

STATE OF OREGON            )  
                                          ) ss  
County of Multnomah        )

This instrument was acknowledged before me on May, 27, 2016, by  
Craig R. Ward.



Sarah Lynn Skroch  
Notary Public of Oregon  
My Commission Expires: 7/26/19

Attachment