

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

RESOLUTION NO. 2012-084

Authorizing the Acquisition of Real Property for a Public Improvement Project on NW Newberry Road in Unincorporated Multnomah County.

The Multnomah County Board of Commissioners Finds:

- a. It is necessary for Multnomah County to acquire certain real property interests described in attached Exhibit A (the "Property") for the purpose of accessing, constructing, maintaining, repairing, and reconstructing a retaining wall, subsurface anchorage devices, and road improvements on a portion of NW Newberry Road in unincorporated Multnomah County (the "Project").
- b. The Project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.

The Multnomah County Board of Commissioners Resolves:

1. It is necessary to acquire the Property for purposes of the Project.
2. Multnomah County Land Use Transportation Program (LUTP) is directed to begin negotiations to acquire the Property in accordance with all applicable laws, rules, and regulations governing such acquisition. Legal counsel is directed to assist LUTP as necessary in such negotiations. Any agreement to purchase property described in Exhibit A is subject to Board approval.

ADOPTED this 28th day of June, 2012.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:
JENNY M. MORF, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By: 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY: M. Cecilia Collier, Director, Department of Community Services.

EXHIBIT "A"

PARCEL 1

TEMPORARY NON-EXCLUSIVE ACCESS EASEMENT

A portion of that tract of land described in warranty deed to Ben A. Spangle and Sharon A. Spangle, husband and wife, recorded on August 12, 1976 in Book 1121, Page 655, Multnomah County Deed Records, situated in the Northeast One-quarter of Section 33, Township 2 North, Range 1 West, W.M., Multnomah County, Oregon, more particularly described as follows:

Commencing at a 5/8" iron rod with 2" aluminum cap stamped "MULTNOMAH COUNTY SURVEYOR" with punch mark at the point of tangency at centerline station 79+08.51, NW Newberry Road, County Road 5017; thence S65°45'57"E, along the centerline of said NW Newberry Road and the southeasterly extension thereof, a distance of 185.41 feet; thence S24°14'03"W, a distance of 30.00 feet to a 5/8" iron rod with yellow plastic cap marked "MULT. CO. SURVEY" on the southwesterly right-of-way line of said NW Newberry Road at station 80+93.92, also being the point of beginning of the herein described tract of land; thence S60°04'07"E, along the southwesterly right-of-way line of NW Newberry Road, County Road 4320, as described in that Warranty Deed (File 31649) to the State of Oregon recorded on February 18, 1966 in Book 466, Page 951, Multnomah County Deed Records, a distance of 116.85 feet; thence S50°11'27"E, along said southwesterly right-of-way line, a distance of 154.08 feet; thence S37°54'32"W, a distance of 15.01 feet; thence N50°11'27"W, a distance of 153.28 feet; thence N60°04'07"W, a distance of 114.81 feet; thence N65°45'57"W, a distance of 143.17 feet; thence N24°14'03"E, a distance of 15.00 feet to the said southwesterly right-of-way line of NW Newberry Road, County Road 5017; thence S65°45'57"E, along said southwesterly right-of-way line, a distance of 143.92 feet to the point of beginning.

Containing 6,196 square feet more or less.

PARCEL 2

TEMPORARY CONSTRUCTION EASEMENT

A portion of that tract of land described in warranty deed to Ben A. Spangle and Sharon A. Spangle, husband and wife, recorded on August 12, 1976 in Book 1121, Page 655, Multnomah County Deed Records, situated in the Northeast One-quarter of Section 33, Township 2 North, Range 1 West, W.M., Multnomah County, Oregon, more particularly described as follows:

Commencing at a 5/8" iron rod with 2" aluminum cap stamped "MULTNOMAH COUNTY SURVEYOR" with punch mark at the point of tangency at centerline station 79+08.51, NW Newberry Road, County Road 5017; thence S65°45'57"E, along the centerline of said NW Newberry Road and the southeasterly extension thereof, a distance of 185.41 feet; thence S24°14'03"W, a distance of 30.00 feet to a 5/8" iron rod with yellow plastic cap marked "MULT. CO. SURVEY" on the southwesterly right-of-way line of said NW Newberry Road at station 80+93.92; thence S60°04'07"E, along the southwesterly right-of-way line of NW Newberry Road, County Road 4320, as described in that Warranty Deed (File 31649) to the State of Oregon recorded on February 18, 1966 in Book 466, Page 951, Multnomah County Deed Records, a distance of 116.85 feet; thence S50°11'27"E, along said southwesterly right-of-way line, a distance of 154.08 feet to the point of beginning of the herein described tract of land; thence S50°11'27"E, along said southwesterly right-of-way line, a distance of 45.98 feet; thence S48°45'32"E, along said southwesterly right-of-way line, a distance of 77.03 feet; thence S41°14'28"W, a distance of 30.00 feet; thence N48°45'32"W, a distance of 40.00 feet; thence N11°23'51"E, a distance of 9.95 feet; thence N19°42'25"W, a distance of 10.59 feet; thence N49°30'24"W, a distance of 67.86 feet; thence N37°54'32"E, a distance of 15.99 feet to the said southwesterly right-of-way line of said NW Newberry Road, County Road 4320, and the point of beginning.

Containing 2,615 square feet more or less.

PARCEL 3

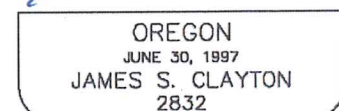
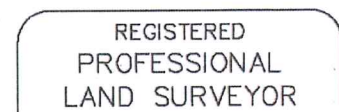
PERPETUAL SUBSURFACE EASEMENT

A portion of that tract of land described in warranty deed to Ben A. Spangle and Sharon A. Spangle, husband and wife, recorded on August 12, 1976 in Book 1121, Page 655, Multnomah County Deed Records, situated in the Northeast One-quarter of Section 33, Township 2 North, Range 1 West, W.M., Multnomah County, Oregon, more particularly described as follows:

Commencing at a 5/8" iron rod with 2" aluminum cap stamped "MULTNOMAH COUNTY SURVEYOR" with punch mark at the point of tangency at centerline station 79+08.51, NW Newberry Road, County Road 5017; thence S65°45'57"E, along the centerline of said NW Newberry Road and the southeasterly extension thereof, a distance of 185.41 feet; thence S24°14'03"W, a distance of 30.00 feet to a 5/8" iron rod with yellow plastic cap marked "MULT. CO. SURVEY" on the southwesterly right-of-way line of said NW Newberry Road at station 80+93.92; thence S60°04'07"E, along the southwesterly right-of-way line of NW Newberry Road, County Road 4320, as described in that Warranty Deed (File 31649) to the State of Oregon recorded on February 18, 1966 in Book 466, Page 951, Multnomah County Deed Records, a distance of 116.85 feet; thence S50°11'27"E, along said southwesterly right-of-way line, a distance of 154.08 feet to the point of beginning of the herein described tract of land; thence S50°11'27"E, along said southwesterly right-of-way line, a distance of 45.98 feet; thence S48°45'32"E, along said southwesterly right-of-way line, a distance of 42.05 feet; thence S37°54'32"W, a distance of 23.00 feet; thence N49°30'24"W, a distance of 88.02 feet; thence N37°54'32"E, a distance of 23.00 feet to the said southwesterly right-of-way line of said NW Newberry Road, County Road 4320, and the point of beginning.

Containing 2,047 square feet more or less.

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.



RENEWAL DATE: 1/1/2014

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