

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Consent to Floyd Light Park                     )  
Property Exchange Between City of Portland                     )     ORDER NO. 96-190  
and David Douglas School District                     )

I.

RECITALS

1. WHEREAS, on October 14, 1985, Multnomah County conveyed the following property located in the City of Portland, Multnomah County, Oregon; more particularly described as:

Lots 16, 17, 18 and Lot 19, except the west 26.4 feet of the North 70 feet; the south 160 feet of Lots 20-22; the North one-half of Lots 27-29; Lots 23-26; Lots 41-44; the North 115 feet of Lots 38-40; Lots 45-47; and the West 39 feet of Lot 48; the West 53 feet of the North one-half of Lot 63; Lot 64, except the south one-half of the East 2 feet; Lots 65 and 66, all being in Homestake Gardens, a duly recorded plat in Multnomah County.

to the City of Portland (City) by bargain and sale deed, recorded at Book 1860, Page 2742, Multnomah County Deed Records, as shown on the attached Exhibit A, identified as Parcels 2, 4A, 4B and 4C; to the extent there is any discrepancy between the written description as herein provided and the map as shown on Exhibit A, the written description controls.

2. WHEREAS, the above described property was conveyed to the City subject to the following language:

The above described property to be used by the grantee herein for park and recreational purposes, pump station site, or other uses approved by the Multnomah County Board of Commissioners only.

3. WHEREAS, the City now proposes to convey to the David Douglas School District (District) a portion of the property described in Recital No. 1 above, more particularly described as

1 follows:

2 PARCEL 4A: A parcel of real property in the E. Himmon  
3 Donation Land Claim in Section 3, Township 2 South, Range 2 East of the  
4 Willamette Meridian, City of Portland, County of Multnomah and State of  
Oregon, being more particularly described as follows:

5 All of Lots 16, 17 and 18; Lot 19, EXCEPT the West 26.4 feet of  
6 the North 70 feet; the South 160 feet of Lots 20, 21 and 22, according to  
7 the duly filed plat of "Homestake Gardens," in the City of Portland,  
County of Multnomah and State of Oregon.

8 PARCEL 4B: A parcel of real property in the E. Himmon  
9 Donation Land Claim in Section 3, Township 2 South, Range 2 East of the  
10 Willamette Meridian, City of Portland, County of Multnomah and State of  
Oregon, being more particularly described as follows:

11 All of Lots 23, 24, 25 and 26; the North one-half of Lots 27, 28  
12 and 29; the North 115 feet of Lots 38, 39 and 40; and all of Lots 41, 42, 43  
13 and 44, according to the duly filed plat of "Homestake Gardens," in the  
City of Portland, County of Multnomah and State of Oregon.

14 PARCEL 4C: A parcel of real property in the E. Himmon  
15 Donation Land Claim in Section 3, Township 2 South, Range 2 East of the  
16 Willamette Meridian and also being a portion of Lots 45 and 46 of the  
17 duly recorded plat of "Homestake Gardens" in the City of Portland,  
County of Multnomah and State of Oregon, being more particularly  
described as follows:

18 Beginning at the Northwest corner of Lot 45 of said plat of  
19 "Homestake Gardens," thence along the south right-of-way line of SE  
20 Yamhill Street, South 87°48'50" East a distance of 102.20 feet; thence  
21 leaving said right-of-way line, South 02°02'27" West a distance of 4.89  
feet; thence South 57°20'11" West a distance of 124.32 feet to the west  
line of "Homestake Gardens"; thence along said west line, North  
02°02'27" East a distance of 75.93 feet to the point of beginning.

22 as shown on the attached Exhibit A, identified as Parcels 4A, 4B and 4C; to the extent  
23 there is any discrepancy between the written description as herein provided and the map  
24 as shown on Exhibit A, the written description controls.  
25  
26

1 4. WHEREAS, the District proposes to convey to the City the following described  
2 property:

3 A parcel of real property in the E. Himmon Donation Land Claim  
4 in Section 3, Township 2 South, Range 2 East of the Willamette  
5 Meridian, in the City of Portland, County of Multnomah and State  
6 of Oregon, being more particularly described as follows:

7 Beginning at a monument at the Northwest corner of the said  
8 Section 3, which monument is also the Northwest corner of the  
9 Himmon Donation Land Claim; thence south  $87^{\circ}53'12''$  East along  
10 the North line of Section 3 a distance of 1160.81 feet to the  
11 centerline of SE 106th Avenue; thence South  $01^{\circ}56'51''$  West  
12 along said centerline a distance of 601.18 feet; thence leaving the  
13 centerline of SE 106th Avenue, South  $87^{\circ}39'16''$  East a distance of  
14 30.00 feet to a point in the east right-of-way line of SE 106th  
15 Avenue; thence along said right-of-way line, South  $01^{\circ}56'51''$   
16 West a distance of 70.08 feet to the TRUE POINT OF  
17 BEGINNING; thence South  $87^{\circ}39'16''$  East a distance of 250.00  
18 feet; thence South  $01^{\circ}56'51''$  West a distance of 250.00 feet; thence  
19 South  $87^{\circ}39'16''$  East a distance of 80.00 feet; thence South  
20  $02^{\circ}20'44''$  West a distance of 270.57 feet; thence South  $57^{\circ}43'04''$   
21 East a distance of 277.25 feet; thence South  $02^{\circ}20'44''$  West a  
22 distance of 227.27 feet; thence North  $57^{\circ}43'04''$  West a distance of  
23 666.38 feet to a point in the east right-of-way line of SE 106th  
24 Avenue; said point being a point of non-tangential curvature;  
25 thence along the east right-of-way line and the arc of a 602.96 foot  
26 radius curve to the left, through a central angle of  $10^{\circ}05'09''$  an arc  
distance of 106.14 feet (the long chord of which bears North  
 $06^{\circ}59'26''$  East a distance of 106.01 feet) to a point of tangency;  
thence North  $01^{\circ}56'51''$  East a distance of 448.00 feet to the TRUE  
POINT OF BEGINNING.

in exchange for the property described in Recital No. 3 above, as shown on the attached Exhibit A,  
identified as Parcel 1, to the extent there is any discrepancy between the description as herein  
provided and the map as shown on Exhibit A, the written description controls.

5. WHEREAS, both the City and the District have stipulated that the deed of conveyance  
relating to the property to be conveyed to the City and described in Recital No. 4, shall contain the  
following language:

GRANTEE SHALL USE THE PROPERTY FOR PARK AND RECREATIONAL PURPOSES ONLY, OR FOR OTHER USES APPROVED BY THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS. THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS SHALL HAVE STANDING TO ENFORCE THIS CONDITION THROUGH APPROPRIATE LEGAL ACTION.

for the benefit of the County.

6. WHEREAS, the County is satisfied the property exchange between the City and the District as above described is consistent with the goals of the Mid-County Neighborhood Parks Master Plan, because the City would be required to maintain the use of the property it receives for park and recreational purposes or other uses approved by the County Board.

7. WHEREAS, the terms and conditions of the property exchange are consistent with the goals of ORS 275.330.

8. WHEREAS, the District intends to keep the property described in Recital No. 3 above open for public use when not needed by the District for educational purposes.

## II.

### ORDER

NOW THEREFORE IT IS HEREBY ORDERED that the County consents to the City's conveyance of that certain portion of the Floyd Light Park Property, more particularly described in Recital No. 3 above, to the District in exchange for certain property more particularly described in Recital No. 4 above; provided:

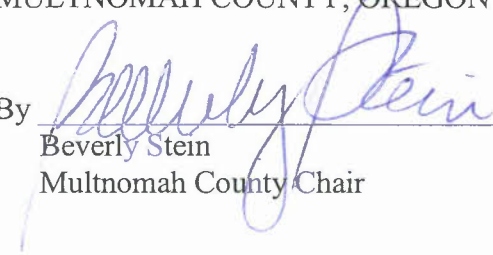
1. The District's deed of conveyance to the City contain the exact restrictive language as referenced above in Recital No. 5 to and for the benefit of the County; and
2. The District and the City strictly adhere to all other terms of conveyance as recited herein; and
3. This Order shall not be final and effective until and unless the City receives final

1 Conditional Use approval for the siting and construction of the community center, and  
2 any applicable appeal period has expired.

3 IT IS THEREFORE FURTHER ORDERED, that upon the execution of the deeds between  
4 the city and the District as provided for herein, the County hereby withdraws, releases, and  
5 extinguishes any continued interest in that certain parcel of property more particularly described in  
6 Recital No. 3 above.

7 APPROVED this 24th day of October, 1996.

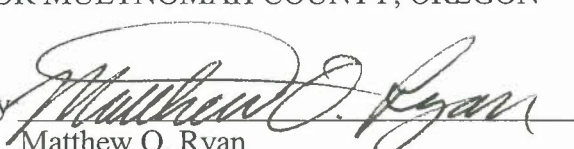
8 MULTNOMAH COUNTY, OREGON

9  
10 By   
11 Beverly Stein  
12 Multnomah County Chair  
13  
14  
15  
16



17 REVIEWED BY:

18 LAURENCE KRESSEL, COUNTY COUNSEL  
19 FOR MULTNOMAH COUNTY, OREGON

20 By   
21 Matthew O. Ryan  
22 Assistant County Counsel

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**EXHIBIT A**

