

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

**RESOLUTION NO. 2019-107**

Approving the Acquisition of Certain Real Property Interests for the NE 238th Drive Road Project.

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

- a. By Resolution Nos. 2018-111, 2019-024 and 2019-077, this Board authorized the Department of Community Services Transportation Division (Transportation) to begin negotiations to acquire certain real property interests necessary for a road improvement project along NE 238<sup>th</sup> Drive, in the Cities of Wood Village and Troutdale (the Project).
- b. Transportation has reached proposed settlements with several abutting property owners, whose property were identified in Resolutions No. 2018-111, 2019-024 and 2019-077, to acquire certain easements necessary for the Project.
- c. Attached as Exhibit 1 is a copy 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 19th day of December, 2019.**



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

*Deborah Kafoury*

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Deborah Kafoury, Chair

REVIEWED:

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

By *Courtney Lords*  
Courtney Lords, Senior Assistant County Attorney

SUBMITTED BY: Jamie Waltz, Acting Director, Department of Community Services

# EXHIBIT 1

**Grantor:**  
Namiko Critchlow  
2545 SW Terwilliger Blvd, Apt. 921  
Portland, OR 97201-6310

**After recording return to:**  
Grantee: Multnomah County; Attn: Patrick Hinds  
Land Use & Transportation Division, Bldg. #425

NE 238th Drive  
County Road No. 2529  
Item No. 2018-36-02

## EASEMENTS

**Namiko Critchlow, "Grantor"**, grants to **MULTNOMAH COUNTY**, a Political Subdivision of the State of Oregon, **"Grantee"**, the following easements:

1. Parcel 1: A permanent, exclusive easement for road purposes in the real property described in the attached Exhibit A; and
2. Parcel 2: A perpetual easement for slope including but not limited to the construction or installation of said slope as determined by grantee for the maintenance and operation of the public right-of-way under, on, over and across the real property described in the attached Exhibit A.

Grantor represents and warrants that Grantor has the authority to grant said easements described in Exhibit A ("Parcels 1 & 2", collectively the "Property").

Grantor shall not grant or allow any subsequent uses or activities in the easement area described in Exhibit A, which would interfere with the Grantee's use of said easement.

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 knowledge 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.

NE 238th Drive  
County Road No. 2529  
Item No. 2018-36-02

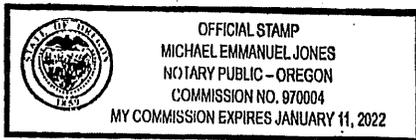
The true consideration paid for this grant stated in terms of dollars is \$ 2,400.00.

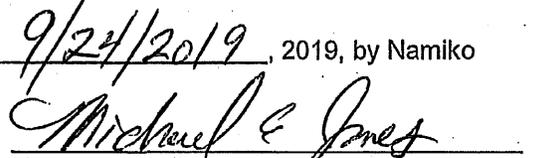
Dated this 24 day of 09, 2019

  
Namiko Critchlow

STATE OF OREGON        )  
  ) ss  
County of Multnomah    )

This instrument was acknowledged before me on 9/24/2019, 2019, by Namiko Critchlow.



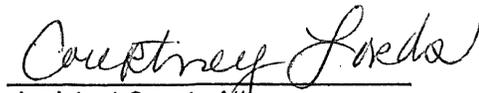
  
Notary Public for Oregon  
My Commission Expires: 01/11/2022

The described property is accepted for use in conjunction with NE 238<sup>th</sup> Drive, County Road No. 2529, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this 4<sup>TH</sup> day of NOVEMBER, 2019

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

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

By:   
Assistant County Attorney

**EXHIBIT A**

NE 238<sup>th</sup> Drive  
County Road No. 2529  
Item No. 2018-36-02

Critchlow

**PARCEL 1 – ROAD PURPOSE EASEMENT**

A parcel of land, as shown on attached Exhibit B, located in the Northwest One-Quarter of Section 35, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of that tract of land described in that Bargain and Sale Deed to Namiko Critchlow (“Critchlow”) recorded on April 30, 2012 as Document No. 2012-051209, Multnomah County Deed Records, said parcel being that portion of said Critchlow tract included in a strip of land variable in width lying on the westerly side of and coincident with the Centerline line of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 7+50 and 8+14.50, said Centerline being more particularly described as follows:

**Beginning** at a 4 1/4” brass disk in concrete inside a monument box at the Northeast Corner of the Alanson Taylor D.L.C. No. 57 at Station 0+00;

Thence along the existing centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 the following courses and distances:

N01°20’01”E, 226.57 feet to Centerline Station 2+26.57 and the beginning of a 1432.50 foot radius curve to the right having a central angle of 10°09’33”;

Thence along the arc of said curve to the right (the long chord of which bears N06°24’48”E, 253.67’) 254.00 feet to Centerline Station 4+80.57;

Thence N11°29’34”E, 75.59 feet to a 5/8” iron rod in a monument box at Centerline Station 5+56.16 and the beginning of a 636.67 foot radius curve to the left having a central angle of 103°36’14”;

Thence along the arc of said curve to the left (the long chord of which bears N40°18’33”W, 1000.69’) 1151.25 feet to Centerline Station 17+07.40;

Thence S87°53’20”W, 252.13 feet to Centerline Station 19+59.53 and the beginning of a 477.50 foot radius curve to the right having a central angle of 95°21’52” from which a 1/2” iron pipe in a monument box bears S87°53’20”W, 0.27;

Thence along the arc of said curve to the right (the long chord of which bears N44°25’44”W, 706.15’) 794.76 feet to Centerline Station 27+54.29 from which a 1/2” iron pipe in a monument box bears S03°15’12”W, 0.34 feet;

Thence N03°15’12”E, 594.18 feet to Centerline Station 33+48.47 and the point of intersection with NE Arata Road (County Road No. 730) and the **Terminus Point** of said Centerline.

NE 238th Drive  
County Road No. 2529  
Item No. 2018-36-02

The basis of bearings along with the centerline location of the above described Centerline is based on a Pre-Construction Survey to be prepared by Multnomah County Surveyors Office and to be filed prior to the beginning of construction of roadway improvements.

**The westerly line of said strip being described by the following courses and distances:**

Beginning at a point 31.88 feet left of Centerline Station 7+50;

Thence in a straight line to a point on the westerly right of way line of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 30.00 feet left of Centerline Station 8+14.50.

**EXCEPTING** therefrom any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529, right of way.

The parcel of land to which this description applies contains 65 square feet more or less.

**PARCEL 2 - SLOPE EASEMENT**

A parcel of land, as shown on attached Exhibit B, located in the Northwest One-Quarter of Section 35, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of that tract of land described in that Bargain and Sale Deed to Namiko Critchlow ("Critchlow") recorded on April 30, 2012 as Document No: 2012-051209, Multnomah County Deed Records, said parcel being that portion of said Critchlow tract included in a strip of land 33.00 feet in width lying on the westerly side of and coincident with the Centerline line of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 7+50 and 8+34.50, said Centerline being more particularly described in Parcel 1:

**EXCEPTING** therefrom Parcel 1, and any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529, right of way.

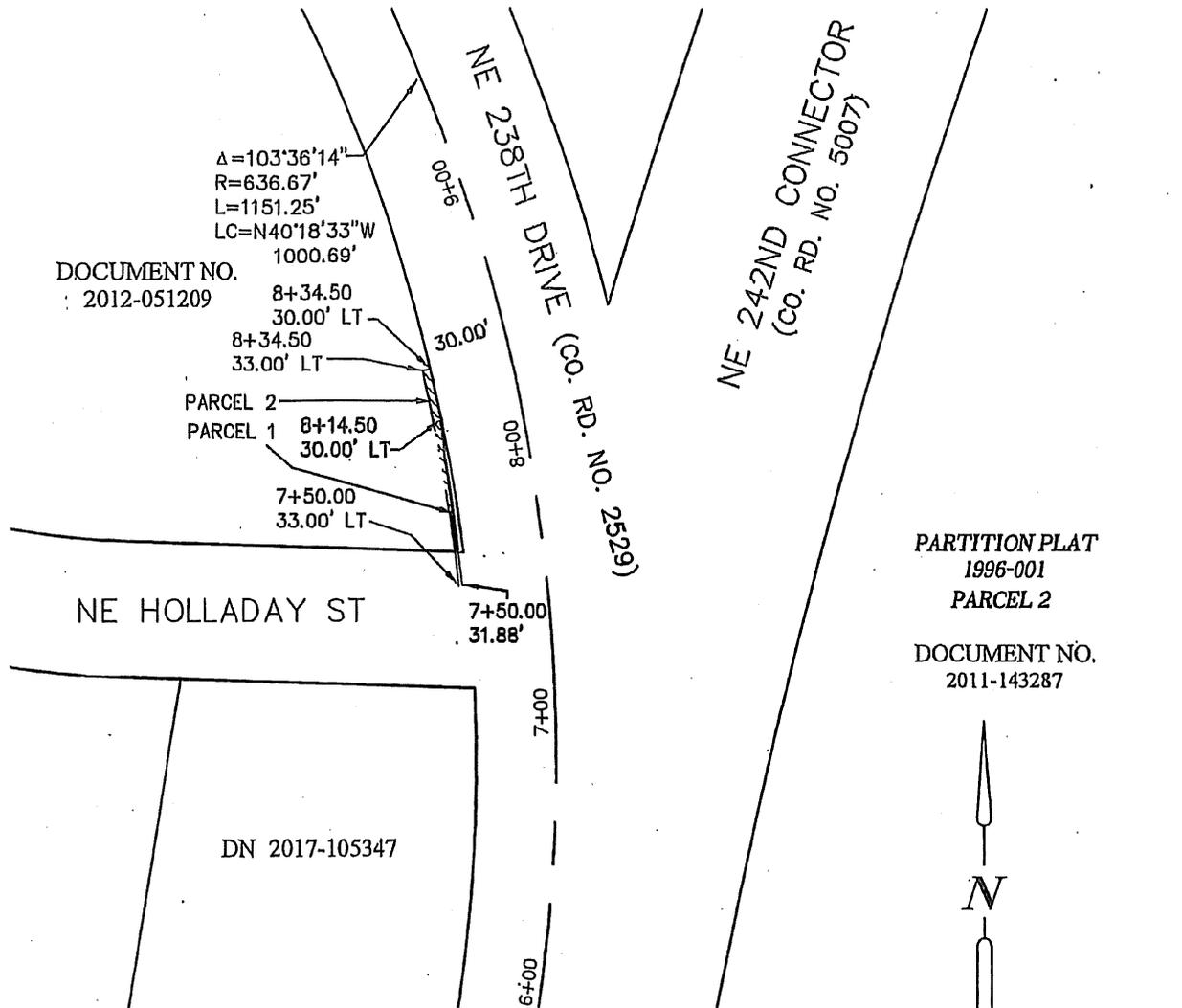
The parcel of land to which this description applies contains 138 square feet more or less.

In the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.



# EXHIBIT B

PAGE 1 OF 1



DOCUMENT NO.  
2012-051209

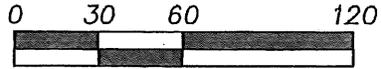
$\Delta=103^{\circ}36'14''$   
 $R=636.67'$   
 $L=1151.25'$   
 $LC=N40^{\circ}18'33''W$   
 $1000.69'$   
 $8+34.50$   
 $30.00' LT$   
 $8+34.50$   
 $33.00' LT$   
**PARCEL 2**  
**PARCEL 1**  $8+14.50$   
 $30.00' LT$   
 $7+50.00$   
 $33.00' LT$

NE HOLLADAY ST

DN 2017-105347

PARTITION PLAT  
1996-001  
PARCEL 2

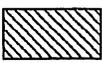
DOCUMENT NO.  
2011-143287



SCALE: 1" = 60'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

  
 OREGON  
 JANUARY 20, 1998  
 BRIAN K. HENSON  
 2855

-  PARCEL 1 - ROAD PURPOSE EASEMENT
-  PARCEL 2 - SLOPE EASEMENT

 **Multnomah County**  
 DEPARTMENT OF COMMUNITY SERVICES  
 COUNTY SURVEYOR'S OFFICE  
 1600 S.E. 190TH AVE.,  
 PORTLAND, OR. 97233-5910  
 JAMES S. CLAYTON PLS COUNTY SURVEYOR  
 NE 238TH DRIVE ROAD PROJECT  
 ITEM NO. 2018-36-02

*Originals*

**Grantor:**  
Ardella Harding  
24250 NE Holladay St.  
Troutdale, OR 97060  
**After recording return to:**  
Grantee: Multnomah County; Attn: Patrick Hinds  
Land Use & Transportation Division, Bldg. #425

NE 238<sup>th</sup> Drive  
County Road No. 2529  
Item No. 2018-38

**Slope Easement**

Ardella Harding, "**Grantor**", grants to **MULTNOMAH COUNTY**, a Political Subdivision of the State of Oregon, "**Grantee**", the following easement:

**Parcel 1:** A perpetual easement for slopes including but not limited to the construction or installation as determined by grantee for the maintenance and operation of the public right-of-way under, on, over and across the real property as more particularly described in the attached Exhibit A (the "Property").

Grantor represents and warrants that Grantor has the authority to grant said easement described in Exhibit A. Grantor shall not grant or allow any subsequent uses or activities in the easement area described in Exhibit A which would interfere with the Grantee's use of said easement.

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 knowledge of 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. Grantor warrants 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. Grantor retains all responsibility and liability for preexisting release of hazardous substances onto or from the Property.

NE 238th Drive  
County Road No. 2529  
Item No. 2018-38

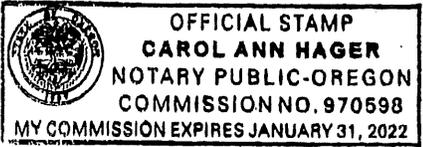
The true consideration paid for this grant stated in terms of dollars is \$ 1,100.00.

Dated this 22 day of August, 2019

By: Ardella J. Harding  
Ardella Harding

STATE OF OREGON            )  
  ) ss  
County of Multnomah        )

This instrument was acknowledged before me on August 22, 2019, by Ardella Harding.



Carol Ann Hager  
Notary Public for Oregon  
My Commission Expires: 1/31/22

The described property is accepted for use in conjunction with NE 238th Drive, County Road No. 2529, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this 4<sup>TH</sup> day of NOVEMBER, 2019

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

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

By: Courtney Forder  
Assistant County Attorney

## EXHIBIT A

NE 238<sup>th</sup> Drive  
County Road No. 2529  
Item No. 2018-38

Harding

### SLOPE EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Northwest One-Quarter of Section 35, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of Parcel 2, Partition Plat No. 1997-181, Multnomah County Plat, said parcel being that portion of said Parcel 2 included in a strip of land variable in width lying on the westerly side of and coincident with the Centerline line of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 5+50.00 and 7+15.00, said Centerline being more particularly described as follows:

**Beginning** at a 4 1/4" brass disk in concrete inside a monument box at the Northeast Corner of the Alanson Taylor D.L.C. No. 57 at Station 0+00;

Thence along the existing centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 the following courses and distances:

N01°20'01"E, 226.57 feet to Centerline Station 2+26.57 and the beginning of a 1432.50 foot radius curve to the right having a central angle of 10°09'33";

Thence along the arc of said curve to the right (the long chord of which bears N06°24'48"E, 253.67') 254.00 feet to Centerline Station 4+80.57;

Thence N11°29'34"E, 75.59 feet to a 5/8" iron rod in a monument box at Centerline Station 5+56.16 and the beginning of a 636.67 foot radius curve to the left having a central angle of 103°36'14";

Thence along the arc of said curve to the left (the long chord of which bears N40°18'33"W, 1000.69') 1151.25 feet to Centerline Station 17+07.40;

Thence S87°53'20"W, 252.13 feet to Centerline Station 19+59.53 and the beginning of a 477.50 foot radius curve to the right having a central angle of 95°21'52" from which a 1/2" iron pipe in a monument box bears S87°53'20"W, 0.27;

Thence along the arc of said curve to the right (the long chord of which bears N44°25'44"W, 706.15') 794.76 feet to Centerline Station 27+54.29 from which a 1/2" iron pipe in a monument box bears S03°15'12"W, 0.34 feet;

Thence N03°15'12"E, 594.18 feet to Centerline Station 33+48.47 and the point of intersection with NE Arata Road (County Road No. 730) and the **Terminus Point** of said Centerline.

NE 238th Drive  
County Road No. 2529  
Item No: 2018-38

The basis of bearings along with the centerline location of the above described Centerline is based on a Pre-Construction Survey to be prepared by Multnomah County Surveyors Office and to be filed prior to the beginning of construction of roadway improvements.

The width of the strip of land referred to above is as follows:

<u>Station to Station</u>	<u>Width on Westerly Side of Centerline</u>
Station 5+50.00 to 6+89.30	31.00 feet
Station 6+89.30 to 7+15.00	31.00 feet in a straight line to 54.00 feet

**EXCEPTING** therefrom any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529, right of way.

The parcel of land to which this description applies contains 348 square feet more or less.

In the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.



# EXHIBIT B

DOCUMENT NO.  
2012-051209

$\Delta=103^{\circ}36'14''$   
 $R=636.67'$   
 $L=1151.25'$   
 $LC=N40^{\circ}18'33''W$   
 $1000.69'$

NE HOLLADAY ST  
50.00'

PARCEL 1

7+15.00  
54.00' LT

PARTITION PLAT  
1997-181

6+89.30  
31.00' LT

PARCEL 2

PC: 5+56.16

5+50.00  
31.00' LT  
DN 2015-089787

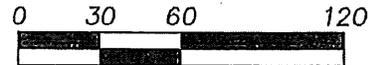
PT: 4+80.57

NE 238TH DRIVE (CO. RD. NO. 2529)

NE 242ND CONNECTOR  
(CO. RD. NO. 5007)

PARTITION PLAT  
1996-001  
PARCEL 2

DOCUMENT NO.  
2011-143287



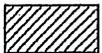
SCALE: 1" = 60'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Brian K. Henson* 1/9/19

OREGON  
JANUARY 20, 1998  
BRIAN K. HENSON  
2855

EXPIRES: 6-30-2019



SLOPE EASEMENT



**Multnomah  
County**

DEPARTMENT OF COMMUNITY SERVICES  
COUNTY SURVEYOR'S OFFICE  
1600 S.E. 190TH AVE.,  
PORTLAND, OR. 97233-5910

JAMES S. CLAYTON PLS

COUNTY SURVEYOR

NE 238TH DRIVE ROAD PROJECT

ITEM NO. 2018-38

original

Grantor:  
City of Wood Village  
23335 NE Halsey  
Wood Village, OR 97060-1095  
After recording return to:  
Grantee: Multnomah County; Attn: Patrick Hinds  
Land Use & Transportation Division, Bldg. #425

NE 238<sup>th</sup> Drive  
County Road No. 2529  
Item No. 2018-22

**QUITCLAIM DEED**

**CITY OF WOOD VILLAGE**, a municipal corporation of the State of Oregon, "Grantor", releases and quitclaims to **MULTNOMAH COUNTY**, a political subdivision of the State of Oregon, "Grantee" all right, title and interest in and to the following described real property as described in the attached Exhibit A:

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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

Dated this 19 day of September, 2019.

CITY OF WOOD VILLAGE has caused this deed to be executed by the City Manager of the City of Wood Village by authority of the Council of the City of Wood Village heretofore entered of record.

*William A. Peterson*  
\_\_\_\_\_  
William A. Peterson, City Manager  
City of Wood Village

STATE OF OREGON                    )  
  ) ss  
County of Multnomah            )

This instrument was acknowledged before me on SEPTEMBER 19, 2019, by WILLIAM A. PETERSON, City Manager, City of Wood Village, authorized to execute the instrument. IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

*Marie Jane Kizzar*  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 12-26-20

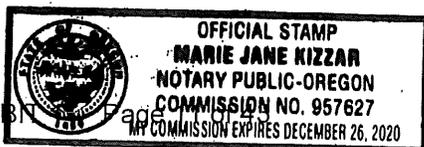


EXHIBIT Page

NE 238th Drive  
County Road No. 2529  
Item No. 2018-22

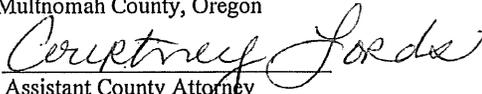
The described property is accepted for use in conjunction with NE 238<sup>th</sup> Drive, County Road No. 2529, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this 4<sup>TH</sup> day of NOVEMBER, 2019

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

REVIEWED:

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

By:   
Assistant County Attorney

## EXHIBIT A

NE 238<sup>th</sup> Drive  
County Road No. 2529  
Item No. 2018-22

City of Wood Village

### QUITCLAIM

Document No. 2004-199111, recorded November 2, 2004:

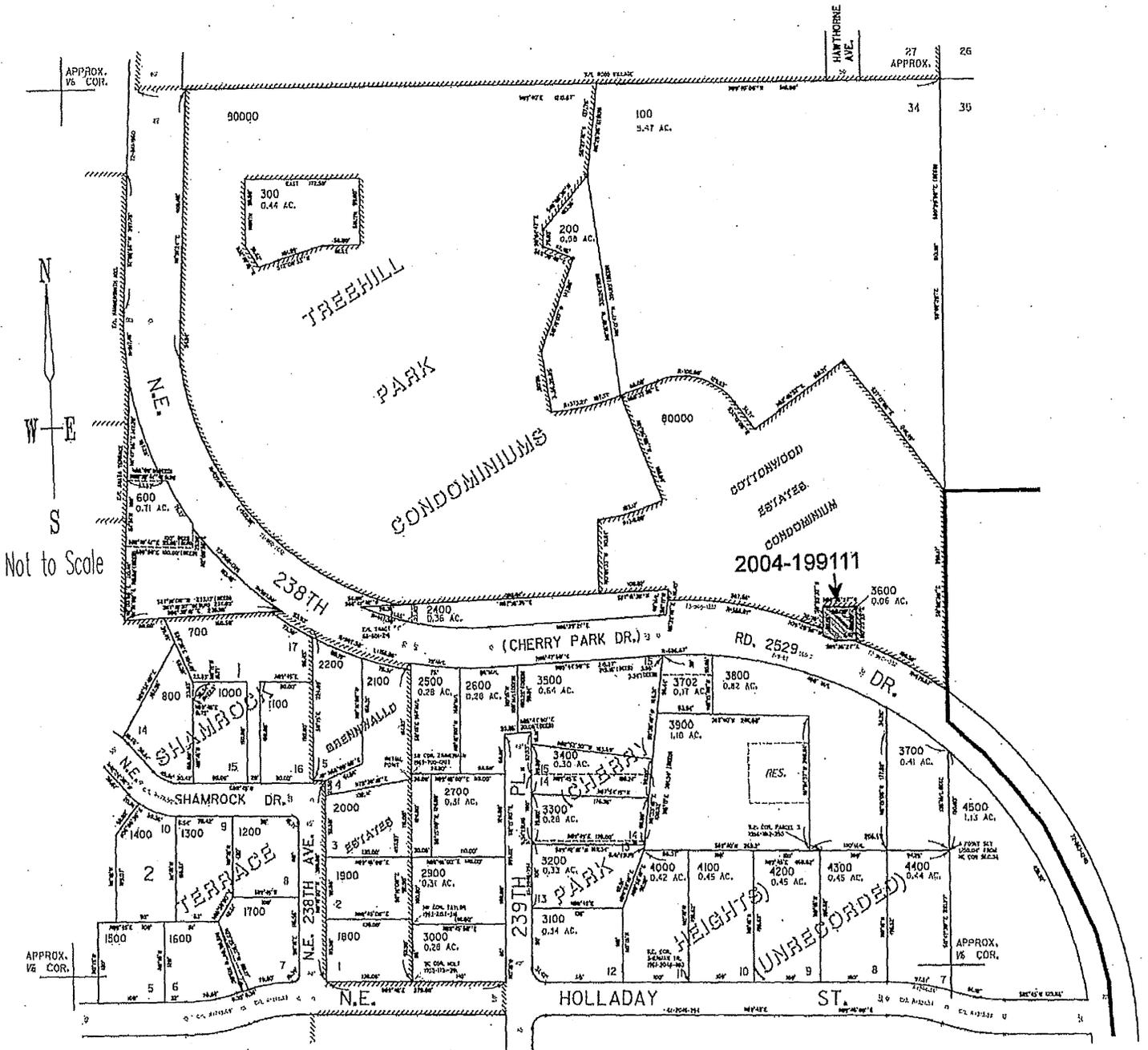
The following described real property situated in Section 34, Township 1 North, Range 3 East of the Willamette Meridian, in the City of Wood Village, County of Multnomah and State of Oregon:

Commencing at the Northeast corner of Section 34, Township 1 North, Range 3 East of the Willamette Meridian; thence South 89° 40' West 135 feet; thence South 785 feet to the Northeast corner and point of beginning of the tract to be described; thence West 50 feet; thence South 50 feet; thence East 50 feet; thence North 50 feet to the point of beginning; Except that portion situated in the road on the South.

In the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.

# Exhibit B

NE 238th Drive  
 County Road No. 2529  
 Item No. 2018-22



NE 1/4 NE 1/4 SEC. 34 T.1N. R.3E. W.M.  
 MULTNOMAH COUNTY  
 IN 3E 34AA  
 WOOD VILLAGE

*Cipriano*

Grantor:  
City of Wood Village  
23335 NE Halsey  
Wood Village, OR 97060-1095  
After recording return to:  
Grantee: Multnomah County; Attn: Patrick Hinds  
Land Use & Transportation Division, Bldg. #425

NE 238<sup>th</sup> Drive  
County Road No. 2529  
Item No. 2018-21

**QUITCLAIM DEED**

**CITY OF WOOD VILLAGE**, a municipal corporation of the State of Oregon, "Grantor", releases and quitclaims to **MULTNOMAH COUNTY**, a political subdivision of the State of Oregon, "Grantee" all right, title and interest in and to the following described real property as described in the attached Exhibit A:

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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

Dated this 19<sup>th</sup> day of September, 2019.

CITY OF WOOD VILLAGE has caused this deed to be executed by the City Manager of the City of Wood Village by authority of the Council of the City of Wood Village heretofore entered of record.

*William A. Peterson Jr*  
\_\_\_\_\_  
William A. Peterson Jr City Manager  
City of Wood Village

STATE OF OREGON                    )  
  ) ss  
County of Multnomah                )

This instrument was acknowledged before me on SEPTEMBER 19, 2019, by WILLIAM A. PETERSON JR City Manager, City of Wood Village, authorized to execute the instrument. IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

*Marie Jane Kizzar*  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 12-26-20



EXHIBIT A Page

NE 238th Drive  
County Road No. 2529  
Item No. 2018-21

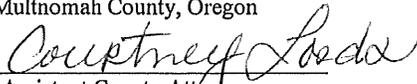
The described property is accepted for use in conjunction with NE 238<sup>th</sup> Drive, County Road No. 2529, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this 4<sup>TH</sup> day of NOVEMBER 2019

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

REVIEWED:

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

By:   
Assistant County Attorney

## EXHIBIT A

NE 238<sup>th</sup> Drive  
County Road No. 2529  
Item No. 2018-21

City of Wood Village

### QUITCLAIM

Book 1969, Page 607, recorded December 31, 1986:

That certain real property situated in the County of Multnomah, State of Oregon, and City of Wood Village, described as follows, to wit:

That certain parcel of land in the Northeast one-quarter of Section 34, T1N, R3E, W.M., in Multnomah County, Oregon, described as follows: Beginning at the intersection of the East line of Tract "I" of those tracts of land conveyed to Clifford Orth and Eugene P. Schulte, Orth-Schulte Properties, an Oregon Partnership, by Deed recorded on January 18, 1968, in Book 601, on Page 216, Deed Records of Multnomah County, Oregon, and the North line of N.E. 238th Drive, County Road No. 2529; Thence N.1°56'09"E. along the East line of said Tract "I" a distance of 27.40 feet to the Northeast corner of said Tract "I"; Thence S. 88°42'42"W. along the North line of said Tract "I" a distance of 78.35 feet to a point in the North line of said N.E. 238th Drive; Thence Southeasterly along the North line of said N.E. 238th Drive along a non-tangent curve to the left having a radius of 447.50 feet, the chord of which bears S.71°40'50"E. 81.53 feet, a distance of 81.65 feet to the point of beginning; said property also known as Tax Lot No. 55.

Provided that the above grant shall be subject to easements of record, including such slope easements as may exist in favor of Multnomah County, all existing roads and right-of-ways.

NE 238th Drive  
County Road No. 2529  
Item No. 2018-21

And Book 1371, Page 1704, recorded August 1, 1979:

A tract of land in the Northeast quarter of Section 34, Township 1 North, Range 3 East of Willamette Meridian, in the City of Wood Village, in the County of Multnomah and State of Oregon, described as follows:

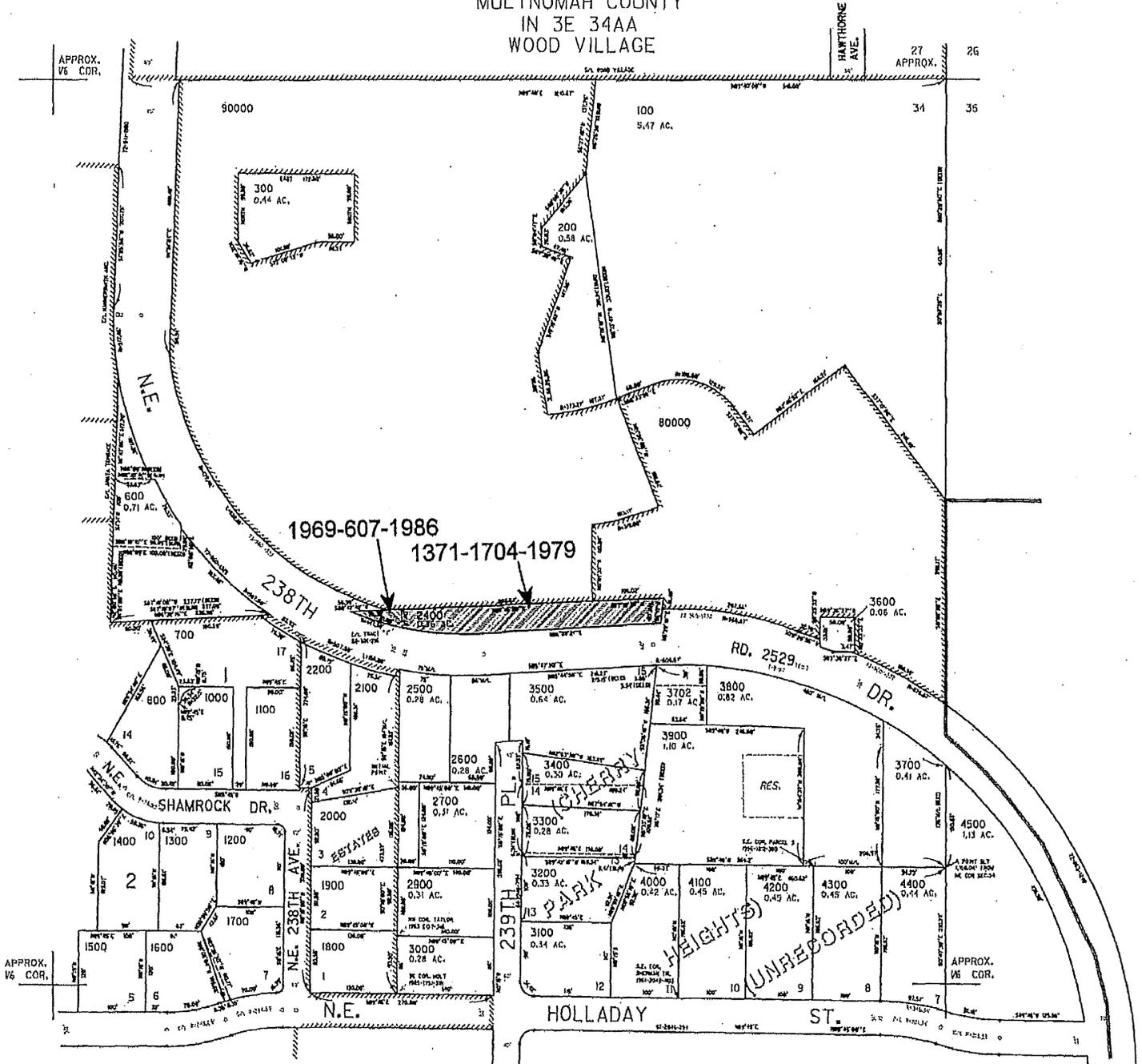
Beginning at the Northeast corner of said Section 34; thence South  $89^{\circ}40'$  West 1,210.67 feet along the southerly line of WOOD VILLAGE, a duly recorded plat; thence South  $1^{\circ}51'$  West 790.5 feet; thence North  $87^{\circ}18'$  East 820.4 feet to an interior corner in the southerly line of that tract conveyed to Victory Homes, Inc., by deed recorded November 28, 1942 in Book 721, page 169, Deed Records, and true point of beginning of the here described tract; thence South  $6^{\circ}17'$  West 40 feet more or less to the northerly line of N. E. 238th Drive (Road No. 2529, 60 feet wide); thence westerly 400 feet more or less along said northerly line to the West line of that tract conveyed to Lester W. Arndt, et ux, by deed recorded April 25, 1951 in Book 1472, page 574, Deed Records; thence North 30 feet more or less to the Northwest corner of said Arndt Tract, being in the most westerly South line of the above said Victory Homes, Inc. Tract; thence North  $87^{\circ}18'$  East 400 feet more or less to the true point of beginning.

In the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.

# Exhibit B

NE 238th Drive  
County Road No. 2529  
Item No. 2018-21

NE1/4 NE1/4 SEC. 34 T.1N. R.3E. W.M.  
MULTNOMAH COUNTY  
IN 3E 34AA  
WOOD VILLAGE



Grantor:  
City of Wood Village  
23335 NE Halsey  
Wood Village, OR 97060-1095  
After recording return to:  
Grantee: Multnomah County; Attn: Patrick Hinds  
Land Use & Transportation Division, Bldg. #425

NE 238<sup>th</sup> Drive  
County Road No. 2529  
Item No. 2018-39

### EASEMENTS

**CITY OF WOOD VILLAGE**, a municipal corporation of the State of Oregon, "**Grantor**", grants to **MULTNOMAH COUNTY**, a Political Subdivision of the State of Oregon, "**Grantee**", the following two easements:

1. Parcel 1: A perpetual easement for slopes including but not limited to the construction or installation as determined by grantee for the maintenance and operation of the public right-of-way under, on, over and across the real property as more particularly described in the attached Exhibit A; and
2. Parcel 2: A temporary easement (**Beginning on March 1, 2020 and expiring on February 28, 2023**) for the purpose of constructing the abutting slopes within Parcel 1 and the NE 238<sup>th</sup> Drive public right-of-way through, under, across, over and along the following described 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 ("Parcels 1 and 2" or collectively the "Property"). During the temporary easement term, Grantor shall not grant or allow any uses or activities in said Parcel 2, which would interfere with the Grantee's use of the Property.

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.

The true consideration paid for this grant stated in terms of dollars is \$0.00.

Dated this 12<sup>th</sup> day of SEP, 2019

CITY OF WOOD VILLAGE has caused this deed to be executed by the City Manager of the City of Wood Village by authority of the Council of the City of Wood Village heretofore entered of record.

William A. Peterson, Jr.  
William A. Peterson, Jr., City Manager  
City of Wood Village

STATE OF OREGON            )  
  ) ss  
County of Multnomah        )

This instrument was acknowledged before me on SEPTEMBER 12, 2019, by William A. Peterson, Jr., City Manager, City of Wood Village, authorized to execute the instrument. IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Marie Jane Kizzar  
Notary Public for Oregon  
My Commission Expires: 12-26-20



The described property is accepted for use in conjunction with NE 238<sup>th</sup> Drive, County Road No. 2529, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this 4<sup>th</sup> day of NOVEMBER, 2019

By Ian 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 Lords  
Assistant County Attorney

## EXHIBIT A

NE 238<sup>th</sup> Drive  
County Road No. 2529  
Item No. 2018-39

City of Wood Village

### PARCEL 1 – SLOPE EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Northeast One-Quarter of Section 34, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of that tract of land described in that Bargain and Sale Deed to The City of Wood Village, a municipal corporation of the State of Oregon ("Wood Village"), recorded on February 23, 1982 in Deed Book 1580, Page 599, Multnomah County Deed Records and a portion of that tract of land described in that Bargain and Sale Deed to The City Wood Village, Oregon, a municipal corporation ("Wood Village"), recorded October 24, 1956 in Deed Book 1812, Page 350, Multnomah County Deed Records, said parcel being that portion of said Wood Village tracts included in a strip of land 40.50 feet in width lying on the westerly side of and coincident with the Centerline line of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 25+24.00 and 26+70.00, said Centerline being more particularly described as follows:

**Beginning** at a 4 1/4" brass disk in concrete inside a monument box at the Northeast Corner of the Alanson Taylor D.L.C. No. 57 at Station 0+00;

Thence along the existing centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 the following courses and distances:

N01°20'01"E, 226.57 feet to Centerline Station 2+26.57 and the beginning of a 1432.50 foot radius curve to the right having a central angle of 10°09'33";

Thence along the arc of said curve to the right (the long chord of which bears N06°24'48"E, 253.67') 254.00 feet to Centerline Station 4+80.57;

Thence N11°29'34"E, 75.59 feet to a 5/8" iron rod in a monument box at Centerline Station 5+56.16 and the beginning of a 636.67 foot radius curve to the left having a central angle of 103°36'14";

Thence along the arc of said curve to the left (the long chord of which bears N40°18'33"W, 1000.69') 1151.25 feet to Centerline Station 17+07.40;

Thence S87°53'20"W, 252.13 feet to Centerline Station 19+59.53 and the beginning of a 477.50 foot radius curve to the right having a central angle of 95°21'52" from which a 1/2" iron pipe in a monument box bears S87°53'20"W, 0.27;

Thence along the arc of said curve to the right (the long chord of which bears N44°25'44"W, 706.15') 794.76 feet to Centerline Station 27+54.29 from which a 1/2" iron pipe in a monument box bears S03°15'12"W, 0.34 feet;

ITEM No. 2018-39

Thence N03°15'12"E, 594.18 feet to Centerline Station 33+48.47 and the point of intersection with NE Arata Road (County Road No. 730) and the Terminus Point of said Centerline.

The basis of bearings along with the centerline location of the above described Centerline is based on a Pre-Construction Survey to be prepared by Multnomah County Surveyors Office and to be filed prior to the beginning of construction of roadway improvements.

**EXCEPTING** therefrom any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529, right of way, and any portion of said strip included in Parcel I in that Deed for Road Purposes recorded November 27, 1973 in Book 960, page 1323, Multnomah County Deed Records.

The parcel of land to which this description applies contains 638 square feet more or less.

**PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT**

A parcel of land, as shown on attached Exhibit B, located in the Northeast One-Quarter of Section 34, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of that tract of land described in that Bargain and Sale Deed to The City of Wood Village, a municipal corporation of the State of Oregon ("Wood Village"), recorded on February 23, 1982 in Deed Book 1580, Page 599, Multnomah County Deed Records and a portion of that tract of land described in that Bargain and Sale Deed to The City Wood Village, Oregon, a municipal corporation ("Wood Village"), recorded October 24, 1956 in Deed Book 1812, Page 350, Multnomah County Deed Records, said parcel being that portion of said Wood Village tracts included in a strip of land variable in width lying on the southwesterly side of and coincident with the Centerline line of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 22+70.00 and 26+70.00, said Centerline being more particularly described in Parcel 1:

The width of the strip of land referred to above is as follows:

<u>Station to Station</u>	<u>Width on Westerly Side of Centerline</u>
Station 22+70.00 to 24+23.00	40.00 feet
Station 24+23.00 to 25+24.00	52.50 feet in a straight line to 35.00 feet
Station 25+24.00 to 26+70.00	45.50 feet

**EXCEPTING** therefrom any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529, right of way, and any portion of said strip included in Parcel I and Parcel II in that Deed for Road Purposes recorded November 27, 1973 in Book 960, page 1323, Multnomah County Deed Records.

ITEM No. 2018-39

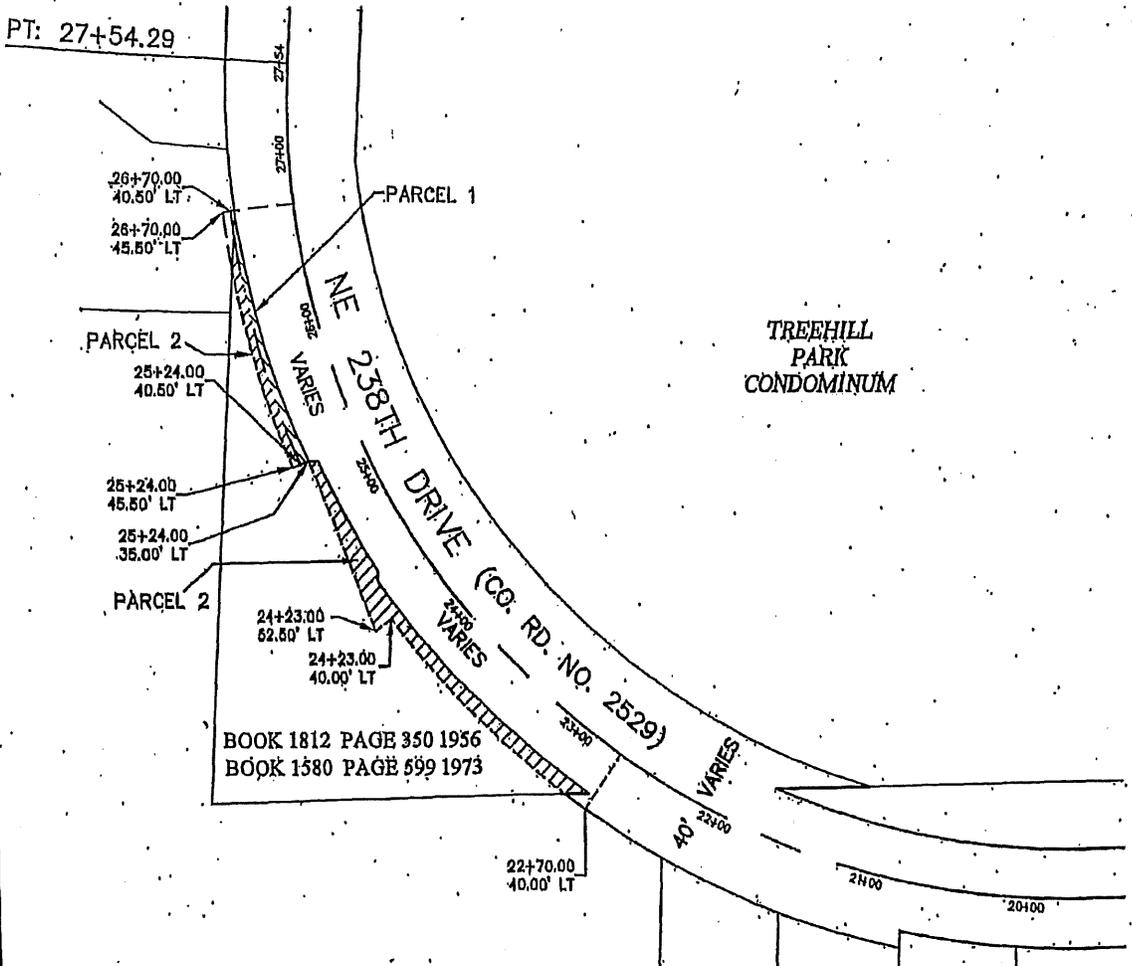
The parcel of land to which this description applies contains 3,139 square feet more or less.



ITEM No. 2018-39

# EXHIBIT B

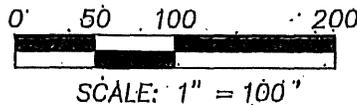
PAGE 1 OF 1



-  PARCEL 1 - SLOPE EASEMENT
-  PARCEL 2 - TEMPORARY CONSTRUCTION EASEMENT

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*[Signature]*  
119/19  
OREGON  
JANUARY 20, 1988  
BRIAN K. HENSON  
2855

EXHIBIT PAGES: Page 2 of 19



 **Multnomah County**  
DEPARTMENT OF COMMUNITY SERVICES  
COUNTY SURVEYOR'S OFFICE  
1800 S.E. 190TH AVE.,  
PORTLAND, OR. 97233-5910  
JAMES S. CLAYTON, PLS COUNTY SURVEYOR  
NE 238TH DRIVE ROAD PROJECT  
ITEM NO. 2018-39

Grantor:  
Cottonwood Estates Condominium Owners' Assoc.  
24060 NE Chilles Cir  
Wood Village, OR 97060

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

NE 238<sup>th</sup> Drive  
County Road No. 2529  
Item No. 2018-19-03

### EASEMENTS

Cottonwood Estates Condominium, by and through the Cottonwood Estates Condominium Owners' Association, "**Grantor**", grants to MULTNOMAH COUNTY, a Political Subdivision of the State of Oregon, "**Grantee**", the following easements:

1. Parcel 1: A permanent, exclusive easement for road purposes in the real property described in the attached Exhibit A; and
2. Parcel 2 & 3: A perpetual easement for slopes including but not limited to the construction or installation as determined by grantee for the maintenance and operation of the public right-of-way under, on, over and across the real property as more particularly described in the attached Exhibit A; and
3. Parcel 4: A temporary easement (**Beginning on March 1, 2020 and expiring on February 28, 2023**) for the purpose of accessing, laying down, installing, constructing, reconstructing, operating, inspecting, monitoring, and maintaining slopes, installations and appurtenances through, under, across, over and along the following described real property described in the attached Exhibit A.

Grantor represents and warrants that Grantor has the authority to grant said easements described in Exhibit A ("Parcels 1-4", collectively the "Property"). Grantor shall not grant or allow any subsequent uses or activities in the property described in Exhibit A, which would interfere with the Grantee's use of said property.

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. Grantor retains all responsibility and liability for preexisting release of hazardous substances onto or from the Property.

The true consideration paid for this grant stated in terms of dollars is \$ 86,390.00.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019

**For: Cottonwood Estates Condominium Owners' Association**

By: \_\_\_\_\_  
Name: Jacob Erdman  
Title: President, Cottonwood Estates Condominium Owners' Association

STATE OF OREGON            )  
  ) ss  
County of Multnomah        )

This instrument was acknowledged before me on \_\_\_\_\_, 2019, by Jacob Erdman, President, Cottonwood Estates Condominium Owners' Association.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

The described property is accepted for use in conjunction with NE 238<sup>th</sup> Drive, County Road No. 2529, 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 \_\_\_\_\_, 2019.

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

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

By: \_\_\_\_\_  
Assistant County Attorney

## EXHIBIT A

NE 238<sup>th</sup> Drive  
County Road No. 2529  
Item No. 2018-19-03

Cottonwood Estates Condominium

### PARCEL 1 -- ROAD PURPOSE EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Northeast One-Quarter of Section 34, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of "Cottonwood Estates Condominium" recorded in Plat Book 1215, Pages 94-95, Multnomah County Plat Records, said parcel being that portion of said Cottonwood Estates Condominium included in a strip of land variable in width lying on the northerly side of and coincident with the Centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 12+50 and 19+59.95, said centerline being more particularly described as follows:

**Beginning** at a 4 1/4" brass disk in concrete inside a monument box at the Northeast Corner of the Alanson Taylor D.L.C. No. 57 at Station 0+00;

Thence along the existing centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 the following courses and distances:

N01°20'01"E, 226.57 feet to Centerline Station 2+26.57 and the beginning of a 1432.50 foot radius curve to the right having a central angle of 10°09'33";

Thence along the arc of said curve to the right (the long chord of which bears N06°24'48"E, 253.67') 254.00 feet to Centerline Station 4+80.57;

Thence N11°29'34"E, 75.59 feet to a 5/8" iron rod in a monument box at Centerline Station 5+56.16 and the beginning of a 636.67 foot radius curve to the left having a central angle of 103°36'14";

Thence along the arc of said curve to the left (the long chord of which bears N40°18'33"W, 1000.69') 1151.25 feet to Centerline Station 17+07.40;

Thence S87°53'20"W, 252.13 feet to Centerline Station 19+59.53 and the beginning of a 477.50 foot radius curve to the right having a central angle of 95°21'52" from which a 1/2" iron pipe in a monument box bears S87°53'20"W, 0.27;

Thence along the arc of said curve to the right (the long chord of which bears N44°25'44"W, 706.15') 794.76 feet to Centerline Station 27+54.29 from which a 1/2" iron pipe in a monument box bears S03°15'12"W, 0.34 feet;

Thence N03°15'12"E, 594.18 feet to Centerline Station 33+48.47 and the point of intersection with NE Arata Road (County Road No. 730) and the **Terminus Point** of said Centerline.

The basis of bearings along with the centerline location of the above described Centerline is based on a Pre-Construction Survey to be prepared by Multnomah County Surveyors Office and to be filed prior to the beginning of construction of roadway improvements.

The width of the strip of land referred to above is as follows:

<u>Station to Station</u>	<u>Width on Northerly Side of Centerline</u>
Station 12+50 to 13+42.01	63.00 feet
Station 13+42.01 to 13+60.03	70.00 feet
Station 13+60.03 to 16+89.24	66.00 feet
Station 16+89.24 to 19+59.95	67.17 feet in a straight line to 70.66 feet

**EXCEPTING** therefrom any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529, right of way, and any portion of said strip included in Tract II and Tract III in that Deed for Road Purposes recorded November 27, 1973 in Book 960, page 1328, Multnomah County Deed Records, and any portion of said strip included in that Deed recorded as Document No. 2004-199111, Multnomah County Deed Records, and any portion of said strip included in that Bargain and Sale Deed recorded, December 31, 1986 in Book 1969, Page 607, Multnomah County Deed Records.

The parcel of land to which this description applies contains 8,467 square feet more or less.

#### **PARCEL 2 – SLOPE EASEMENT**

A parcel of land, as shown on attached Exhibit B, located in the Northeast One-Quarter of Section 34, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of "Cottonwood Estates Condominium" recorded in Plat Book 1215, Pages 94-95, Multnomah County Plat Records, said parcel being that portion of said Cottonwood Estates Condominium included in a strip of land 67.00 feet in width lying on the northerly side of and coincident with the centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 12+50 and 13+42.01, said Centerline being more particularly described in Parcel 1.

**EXCEPTING** therefrom Parcel 1, any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529, right of way, and any portion of said strip included in Tract III and Slope Easement V in that Deed for Road Purposes recorded November 27, 1973 in Book 960, page 1328, Multnomah County Deed Records.

The parcel of land to which this description applies contains 163 square feet more or less.

**PARCEL 3 – SLOPE EASEMENT**

A parcel of land, as shown on attached Exhibit B, located in the Northeast One-Quarter of Section 34, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of “Cottonwood Estates Condominium” recorded in Plat Book 1215, Pages 94-95, Multnomah County Plat Records, said parcel being that portion of said Cottonwood Estates Condominium included in a strip of land variable in width lying on the northerly side of and coincident with the centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 14+21.99 and 14+79.03, said Centerline being more particularly described in Parcel 1.

The width of the strip of land referred to above is as follows:

<u>Station to Station</u>	<u>Width on Northerly Side of Centerline</u>
Station 14+21.99 to 14+33.39	66.00 feet in a straight line to 99.13 feet
Station 14+33.39 to 14+79.03	99.13 feet in a straight line to 81.50 feet
Station 14+79.03 to 14+74.83	81.50 feet in a straight line to 66.00 feet

**EXCEPTING** therefrom Parcel 1, any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529, right of way, and any portion of said strip included in Tracts “II” and “III” and Slope Easement “V” in that Deed for Road Purposes recorded November 27, 1973 in Book 960, page 1328, Multnomah County Deed Records, and any portion of said strip included in that Deed recorded as Document No. 2004-199111, Multnomah County Deed Records

The parcel of land to which this description applies contains 625 square feet more or less.

**PARCEL 4 – TEMPORARY CONSTRUCTION EASEMENT**

A parcel of land, as shown on attached Exhibit B, located in the Northeast One-Quarter of Section 34, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of “Cottonwood Estates Condominium” recorded in Plat Book 1215, Pages 94-95, Multnomah County Plat Records, said parcel being that portion of said Cottonwood Estates Condominium included in a strip of land 70.00 feet in width lying on the northerly side of and coincident with the centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 12+50 and 18+00, said Centerline being more particularly described in Parcel 1.

**EXCEPTING** therefrom Parcel 1, Parcel 2, any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529, right of way, and any portion of said strip included in Tract II and Tract III in that Deed for Road Purposes recorded November 27, 1973 in Book 960, page 1328, Multnomah County Deed Records, and any portion of said strip included in that Deed recorded as Document No. 2004-199111, Multnomah County Deed Records, and any portion of said strip included in that Bargain and Sale Deed, recorded December 31, 1986 in Book 1969, Page 607, Multnomah County Deed Records.

NE 238th Drive  
County Road No. 2529  
Item No. 2018-19-03

The parcel of land to which this description applies contains 1,746 square feet more or less.

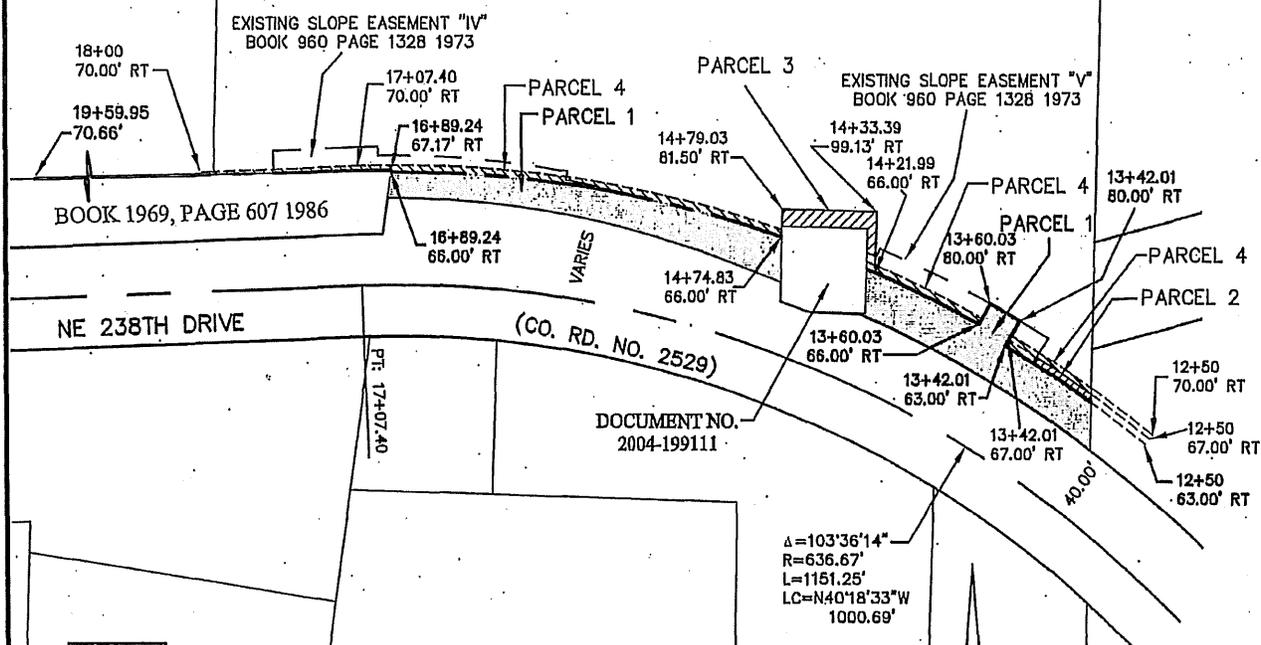


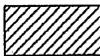
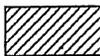
# EXHIBIT B

PAGE 1 OF 1

TREEHILL  
PARK  
CONDOMINIUM

COTTONWOOD  
ESTATES  
CONDOMINIUM



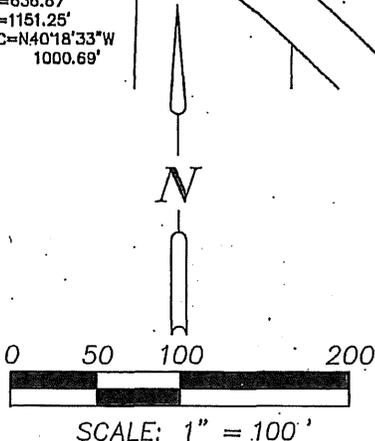
-  PARCEL 1 - ROAD PURPOSE EASEMENT
-  PARCEL 2 - SLOPE EASEMENT
-  PARCEL 3 - SLOPE EASEMENT
-  PARCEL 4 - TEMPORARY CONSTRUCTION EASEMENT

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*[Signature]* 10/30/18

OREGON  
JANUARY 20, 1998  
BRIAN K. HENSON  
2855

EXPIRES: 6-30-2019  
EXHIBIT 1 Page 32 of 43



Multnomah  
County

DEPARTMENT OF COMMUNITY SERVICES  
COUNTY SURVEYOR'S OFFICE  
1600 S.E. 190TH AVE.,  
PORTLAND, OR. 97233-5910

JAMES S. CLAYTON PLS COUNTY SURVEYOR  
NE 238TH DRIVE ROAD PROJECT  
ITEM NO. 2018-19-03

12/19/2021

NE 238th Drive  
County Road No. 2529  
Item No. 2018-26-02

**Grantor:**  
Kraig R. Fletcher, Trustee  
Linda L. Fletcher, Trustee  
Kenneth B. Fletcher, Trustee  
Cathy L. Fletcher, Trustee  
1129 NE 238<sup>th</sup> Drive  
Wood Village, OR 97060-1155

**After recording return to:**  
Grantee: Multnomah County; attn: Patrick Hinds  
Land Use & Transportation Division, Bldg. #425

**TEMPORARY CONSTRUCTION EASEMENT**

Kraig R. Fletcher and Linda L. Fletcher, Co-Trustees of the Kraig R. Fletcher and Linda L. Fletcher AB Living Trust dated November 16, 2007 and Kenneth B. and Cathy L. Fletcher, Co-Trustees of the Kenneth B. and Cathy L. Fletcher AB Living Trust dated December 18, 2007, each as to a one-half undivided interest "**Grantors**", grant to **MULTNOMAH COUNTY**, a Political Subdivision of the State of Oregon, "**Grantee**", Parcel 1: a temporary easement (**Beginning on March 1, 2020 and expiring on February 28, 2023**) for the purpose of accessing, laying down, installing, constructing, reconstructing, operating, inspecting, monitoring, and maintaining a driveway, installations and appurtenances (hereinafter "the Work") through, under, across, over and along the following described real property:

**See the attached Exhibit A and Exhibit B**

Grantor represents and warrants that Grantor has the authority to grant this temporary easement of the property described in Exhibit A (the "Property"). During the easement term, 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 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.

During the easement term, Grantee or Grantee's contractor shall not be responsible for the repair or replacement of any damage to the driveway, installations and appurtenances on the Property, (collectively referred to herein as "the Improvements").

All Work performed or caused to be performed by Grantee in the easement area shall be constructed and installed in compliance with the Oregon Department of Transportation's "Oregon Standard Specifications for Construction", 2018 edition ("ODOT Specifications"); specifically the Work shall be performed in compliance with the applicable sections within Parts 00300, 00400, 00600 and 00700 of said ODOT

NE 238th Drive  
County Road No. 2529  
Item No. 2018-26-02

Specifications or as said applicable sections have been modified or supplemented by Grantee by contract for the purposes of the Road Project, including the Work in said easement area.

On February 28, 2023 at 11:59 PM, this temporary easement shall expire and Grantors shall take full possession and ownership of the Improvements; and shall be responsible for the repair, maintenance and replacement of said Improvements from that expiration date forward; and Grantee shall be relieved of any further responsibility or liability arising from or relating to said Improvements or the Work.

The true consideration paid for this grant stated in terms of dollars is \$500.00.

Dated this 1st day of October, 2019

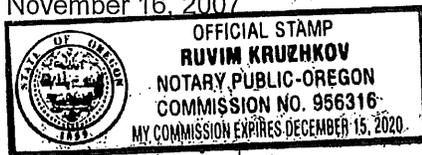
For: Kraig R. Fletcher and Linda L. Fletcher AB Living Trust dated November 16, 2007

By: Kraig R Fletcher  
Kraig R. Fletcher, trustee

By: Linda L Fletcher  
Linda L. Fletcher, trustee

STATE OF OREGON            )  
  ) ss  
County of Multnomah        )

This record was acknowledged before me on 1st October, 2019, by Kraig R. Fletcher and Linda L. Fletcher, co-trustees of the Kraig R. Fletcher and Linda L. Fletcher AB Living Trust dated November 16, 2007



[Signature]  
Notary Public for Oregon  
My Commission Expires: 12/15/2020

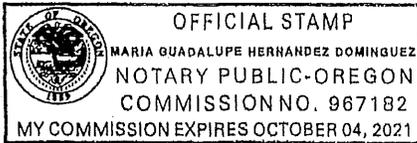
NE 238th Drive  
County Road No. 2529  
Item No. 2018-26-02

For: Kenneth B. and Cathy L. Fletcher, Co-Trustees of the Kenneth B. and Cathy L. Fletcher  
AB Living Trust dated December 18, 2007

By: Kenneth B. Fletcher Trustee Kenneth B. Fletcher, trustee  
By: Cathy L. Fletcher Trustee Cathy L. Fletcher, trustee

STATE OF OREGON )  
 ) ss  
County of Multnomah )

This record was acknowledged before me on September 30th, 2019, by Kenneth B.  
and Cathy L. Fletcher, Co-Trustees of the Kenneth B. and Cathy L. Fletcher AB Living Trust dated  
December 18, 2007



Maria Guadalupe Hernandez Dominguez  
Notary Public for Oregon  
My Commission Expires: 10/04/2021

The described property is accepted for use in conjunction with NE 238<sup>th</sup> Drive, County Road No.  
2529, 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 \_\_\_\_\_, 2019

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

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

By: \_\_\_\_\_  
Assistant County Attorney

EXHIBIT A

NE 238<sup>th</sup> Drive  
County Road No. 2529  
Item No. 2018-26-02

Fletcher 2

PARCEL 1 - TEMPORARY CONSTRUCTION EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Northeast One-Quarter of Section 34, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of that tract of land described in Warranty Deed to Kraig R. Fletcher & Linda L. Fletcher co-trustees of the AB Living trust dated November 16, 2007 & Kenneth B. & Cathy L. Fletcher, co-trustees of the AB Living Trust dated December 18, 2007 ("Fletcher") recorded on January 5, 2009 as Document No. 2009-000708, Multnomah County Deed Records, said parcel being that portion of said Fletcher tract included in a strip of land 40.00 feet in width lying on the southerly side of and coincident with the Centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 12+24 and 12+58, said centerline being more particularly described as follows:

**Beginning** at a 4 1/4" brass disk in concrete inside a monument box at the Northeast Corner of the Alanson Taylor D.L.C. No. 57 at Station 0+00;

Thence along the existing centerline of NE 238th Drive (formerly known as Cherry Park Drive), County Road No. 2529 the following courses and distances:

N01°20'01"E, 226.57 feet to Centerline Station 2+26.57 and the beginning of a 1432.50 foot radius curve to the right having a central angle of 10°09'33";

Thence along the arc of said curve to the right (the long chord of which bears N06°24'48"E, 253.67') 254.00 feet to Centerline Station 4+80.57;

Thence N11°29'34"E, 75.59 feet to a 5/8" iron rod in a monument box at Centerline Station 5+56.16 and the beginning of a 636.67 foot radius curve to the left having a central angle of 103°36'14";

Thence along the arc of said curve to the left (the long chord of which bears N40°18'33"W, 1000.69') 1151.25 feet to Centerline Station 17+07.40;

Thence S87°53'20"W, 252.13 feet to Centerline Station 19+59.53 and the beginning of a 477.50 foot radius curve to the right having a central angle of 95°21'52" from which a 1/2" iron pipe in a monument box bears S87°53'20"W, 0.27;

Thence along the arc of said curve to the right (the long chord of which bears N44°25'44"W, 706.15') 794.76 feet to Centerline Station 27+54.29 from which a 1/2" iron pipe in a monument box bears S03°15'12"W, 0.34 feet;

NE 238th Drive  
County Road No. 2529  
Item No. 2018-26-02

Thence N03°15'12"E, 594.18 feet to Centerline Station 33+48.47 and the point of intersection with NE Arata Road (County Road No. 730) and the **Terminus Point** of said Centerline.

The basis of bearings along with the centerline location of the above described Centerline is based on a Pre-Construction Survey to be prepared by Multnomah County Surveyors Office and to be filed prior to the beginning of construction of roadway improvements.

**EXCEPTING** therefrom any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive, County Road No. 2529), right of way.

The parcel of land to which this description applies contains 321 square feet more or less.

In the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.



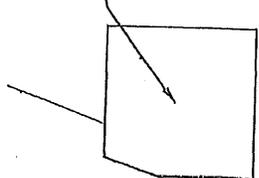
EXHIBIT B

PAGE 1 OF 1

NE 238th Drive  
County Road No. 2529  
Item No. 2018-26-02

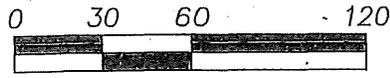
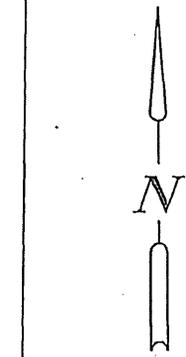
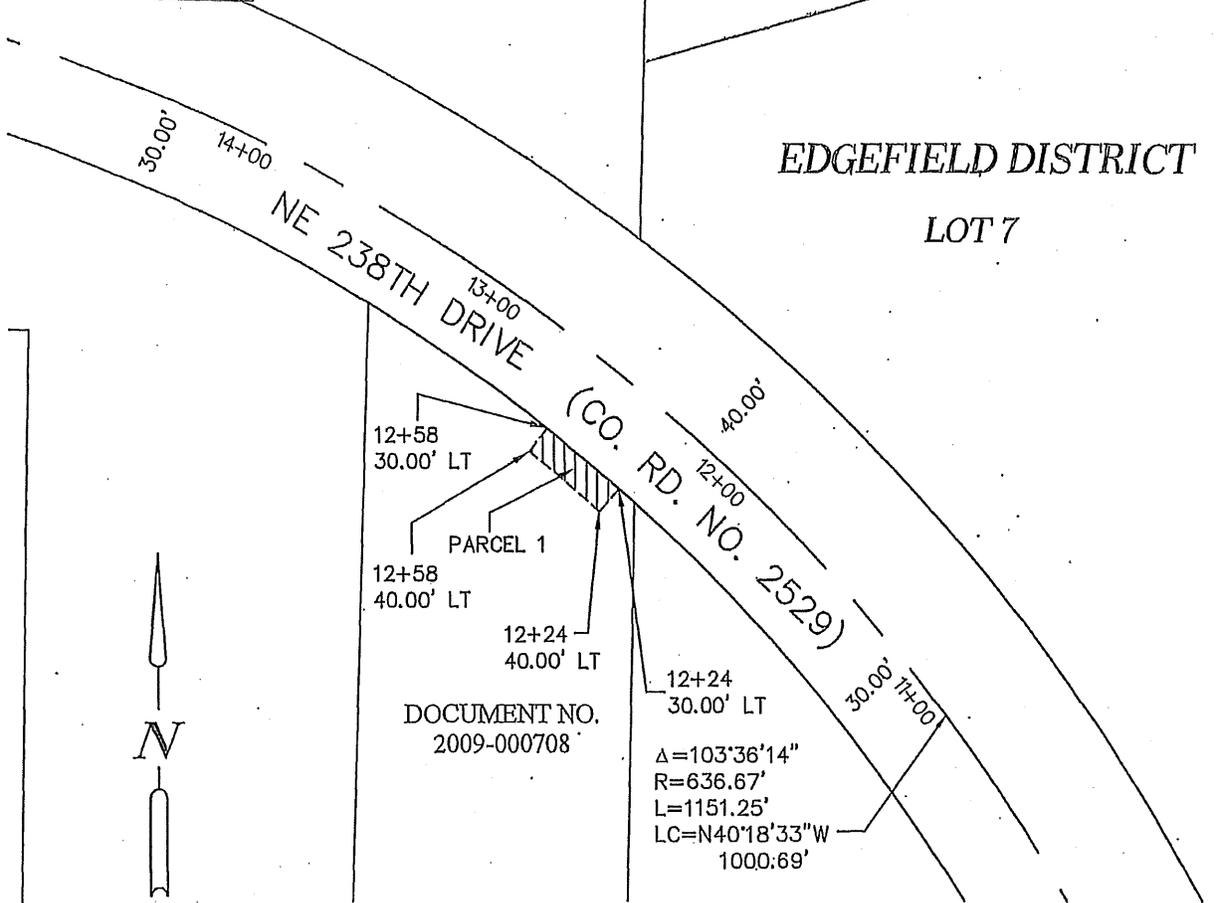
DOCUMENT NO.  
2004-199111

COTTONWOOD  
ESTATES  
CONDOMINIUM



EDGEFIELD DISTRICT

LOT 7



SCALE: 1" = 60'

DOCUMENT NO.  
2009-000708



PARCEL 1 - TEMPORARY CONSTRUCTION EASEMENT

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*[Signature]*  
10/30/18

OREGON  
JANUARY 20, 1998  
BRIAN K. HENSON  
2855



JAMES S. CLAYTON PLS

DEPARTMENT OF COMMUNITY SERVICES  
COUNTY SURVEYOR'S OFFICE  
1600 S.E. 190TH AVE.,  
PORTLAND, OR. 97233-5910

COUNTY SURVEYOR

NE 238TH DRIVE ROAD PROJECT  
ITEM NO. 2018-26-02

EXHIBIT 10 - Page 30 of 43

Original

NE 238th Drive  
County Road No. 2529  
Item No. 2018-25-02

**Grantor:**  
Kenneth B. Fletcher  
Cathy L. Fletcher  
1129 NE 238<sup>th</sup> Drive  
Wood Village, OR 97060-1155  
**After recording return to:**  
Grantee: Multnomah County; attn: Patrick Hinds  
Land Use & Transportation Division, Bldg. #425

**TEMPORARY CONSTRUCTION EASEMENT**

**Kenneth Bruce Fletcher and Cathy Lynn Fletcher, as tenants by the entirety, "Grantors", grant to MULTNOMAH COUNTY, a Political Subdivision of the State of Oregon, "Grantee", Parcel 1: a temporary easement (Beginning on March 1, 2020 and expiring on February 28, 2023) for the purpose of accessing, laying down, installing, constructing, reconstructing, operating, inspecting, monitoring, and maintaining a driveway, installations and appurtenances (hereinafter "the Work") through, under, across, over and along the following described real property:**

**See the attached Exhibit A and Exhibit B**

Grantor represents and warrants that Grantor has the authority to grant this temporary easement of the property described in Exhibit A (the "Property"). During the easement term, 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 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.

During the easement term, Grantee or Grantee's contractor shall not be responsible for the repair or replacement of any damage to the driveway, installations and appurtenances on the Property, (collectively referred to herein as "the Improvements").

All Work performed or caused to be performed by Grantee in the easement area shall be constructed and installed in compliance with the Oregon Department of Transportation's "Oregon Standard Specifications for Construction", 2018 edition ("ODOT Specifications"); specifically the Work shall be performed in compliance with the applicable sections within Parts 00300, 00400, 00600 and 00700 of said ODOT Specifications or as said applicable sections have been modified or supplemented by Grantee by contract for the purposes of the Road Project, including the Work in said easement area.

On February 28, 2023 at 11:59 PM, this temporary easement shall expire and Grantors shall take full possession and ownership of the Improvements; and shall be responsible for the repair, maintenance and replacement of said Improvements from that expiration date forward; and Grantee shall be relieved of any further responsibility or liability arising from or relating to said Improvements or the Work.

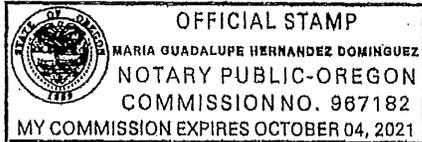
The true consideration paid for this grant stated in terms of dollars is \$500.00

Dated this 30<sup>th</sup> day of September, 2019

By: Kenneth Bruce Fletcher By: Cathy Lynn Fletcher  
Kenneth Bruce Fletcher Cathy Lynn Fletcher.

STATE OF OREGON )  
 ) ss  
County of Multnomah )

This record was acknowledged before me on September 30th, 2019, by Kenneth Bruce Fletcher and Cathy Lynn Fletcher.



[Signature]  
Notary Public for Oregon  
My Commission Expires: 10/04/2021

The described property is accepted for use in conjunction with NE 238<sup>th</sup> Drive, County Road No. 2529, 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 \_\_\_\_\_, 2019.

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

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

By: \_\_\_\_\_  
EXHIBIT 1 Page 40 of 48  
Assistant County Attorney

## EXHIBIT A

NE 238<sup>th</sup> Drive  
County Road No. 2529  
Item No. 2018-25-02

Fletcher 1

### PARCEL 1 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Northeast One-Quarter of Section 34, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of that tract of land described in Deed to Cathy Lynn Fletcher ("Fletcher") recorded on April 4, 1980 in Book 1431, page 1455, Multnomah County Deed Records, said parcel being that portion of said Fletcher tract included in a strip of land 40.00 feet in width lying on the southerly side of and coincident with the Centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 14+44 and 14+82, said Centerline being more particularly described as follows:

**Beginning** at a 4 1/4" brass disk in concrete inside a monument box at the Northeast Corner of the Alanson Taylor D.L.C. No. 57 at Station 0+00;

Thence along the existing centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 the following courses and distances:

N01°20'01"E, 226.57 feet to Centerline Station 2+26.57 and the beginning of a 1432.50 foot radius curve to the right having a central angle of 10°09'33";

Thence along the arc of said curve to the right (the long chord of which bears N06°24'48"E, 253.67') 254.00 feet to Centerline Station 4+80.57;

Thence N11°29'34"E, 75.59 feet to a 5/8" iron rod in a monument box at Centerline Station 5+56.16 and the beginning of a 636.67 foot radius curve to the left having a central angle of 103°36'14";

Thence along the arc of said curve to the left (the long chord of which bears N40°18'33"W, 1000.69') 1151.25 feet to Centerline Station 17+07.40;

Thence S87°53'20"W, 252.13 feet to Centerline Station 19+59.53 and the beginning of a 477.50 foot radius curve to the right having a central angle of 95°21'52" from which a 1/2" iron pipe in a monument box bears S87°53'20"W, 0.27;

Thence along the arc of said curve to the right (the long chord of which bears N44°25'44"W, 706.15') 794.76 feet to Centerline Station 27+54.29 from which a 1/2" iron pipe in a monument box bears S03°15'12"W, 0.34 feet;

Thence N03°15'12"E, 594.18 feet to Centerline Station 33+48.47 and the point of intersection with NE Arata Road (County Road No. 730) and the **Terminus Point** of said Centerline.

NE 238th Drive  
County Road No. 2529  
Item No. 2018-25-02

The basis of bearings along with the centerline location of the above described Centerline is based on a Pre-Construction Survey to be prepared by Multnomah County Surveyors Office and to be filed prior to the beginning of construction of roadway improvements.

**EXCEPTING** therefrom any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive, County Road No. 2529), right of way.

The parcel of land to which this description applies contains 359 square feet more or less.

In the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.



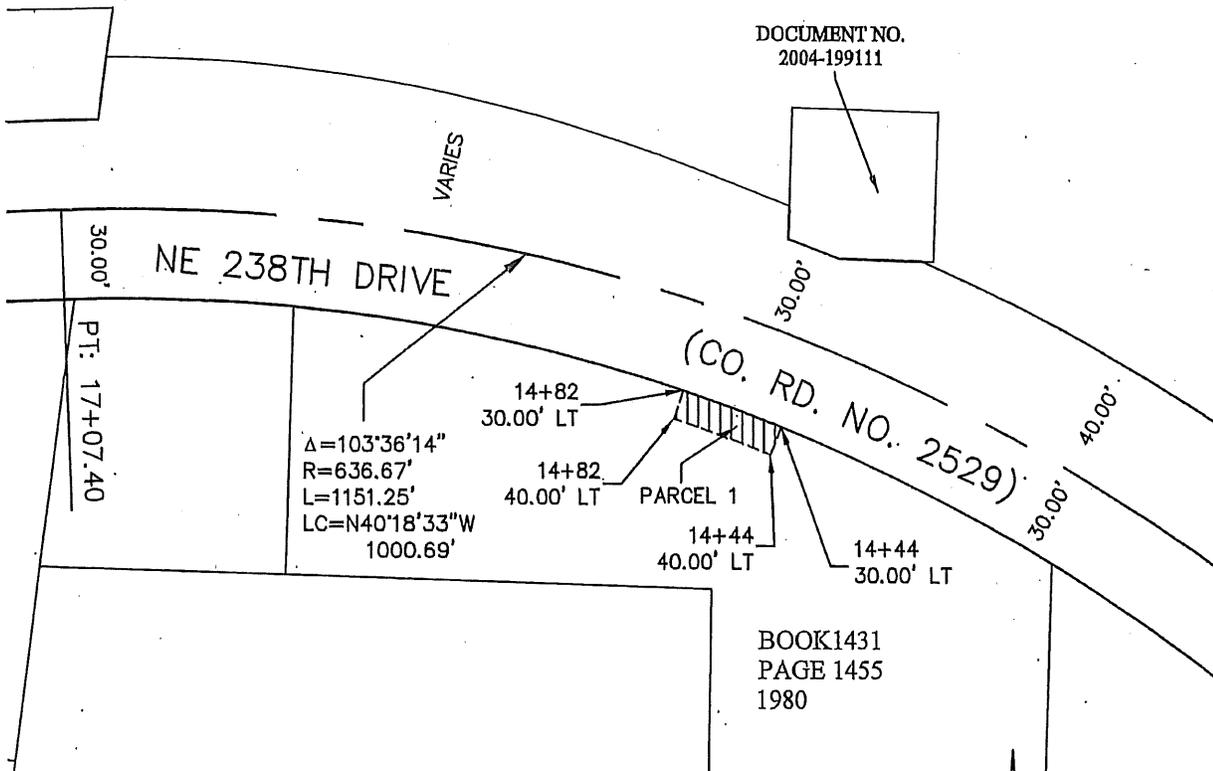
# EXHIBIT B

PAGE 1 OF 1

NE 238th Drive  
County Road No. 2529  
Item No. 2018-25-02

COTTONWOOD  
ESTATES  
CONDOMINIUM

DOCUMENT NO.  
2004-199111



PARCEL 1 - TEMPORARY CONSTRUCTION EASEMENT

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*[Signature]* 103918

OREGON  
JANUARY 20, 1998  
BRIAN K. HENSON  
2855

EXHIBIT 1 Page 43 of 43  
EXPIRES: 6-30-2017



**Multnomah  
County**

DEPARTMENT OF COMMUNITY SERVICES  
COUNTY SURVEYOR'S OFFICE  
1600 S.E. 190TH AVE.,  
PORTLAND, OR. 97233-5910

JAMES S. CLAYTON PLS COUNTY SURVEYOR  
NE 238TH DRIVE ROAD PROJECT  
ITEM NO. 2018-25-02