

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 03-131

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Maintaining and Operating NW Miller Road

The Multnomah County Board of Commissioners Finds:

- a. It is necessary for Multnomah County to acquire the real property described in the attached Exhibit A (the property) for the purpose of the maintaining and operating NW Miller Road, a county road
- b. The County obtained access to the property under a temporary right-of-entry agreement with the property owner, and the County completed in May of this year time sensitive repairs to the road caused by storm water runoff. The access under this temporary agreement expired on or about May 23, 2003.
- c. The above discussed road repair project and the use of the property were planned and located in a manner that is most compatible with the greatest public good and the least private injury.
- d. It is in the public interest and necessary for the County to acquire immediate possession of the property to ensure sufficient right-of-way for the maintenance and operation of NW Miller Road.

The Multnomah County Board of Commissioners Resolves:

1. It is necessary for the County to acquire the property for the purpose of maintaining and operating NW Miller Road a county road.
2. In the event that no satisfactory agreement can be reached with the owners of the property as to the purchase price, legal counsel is authorized and directed to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the property. Such action shall be in accordance with all applicable laws, rules, and regulations governing such acquisition.
3. Upon final determination of any such proceeding, the deposit of funds and payment of judgment conveying the property to the County is authorized.
4. Legal counsel is authorized and directed to take such action in accordance with law to obtain possession of the property as soon as possible.

5. There is authorized the creation of a fund in the amount of the estimate of just compensation for the property, which shall, upon obtaining possession of the property, be deposited with the Clerk of the Court wherein the action was commenced for the use of the defendants in the action, and the Director of the Finance Division is authorized to draw a warrant on the Road Fund of the County in such sum for deposit.

ADOPTED this 18th day of September, 2003.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT A TO RESOLUTION

SLOPE AND DRAINAGE EASEMENT DESCRIPTION

A perpetual easement for the construction and maintenance of slope, drainage, sidewalk, utility, landscaping and traffic control device purposes through, over, under, along and within a certain tract of land situated in the N.W. one-quarter of Section 36, Township 1 North, Range 1 West, Willamette Meridian, Multnomah County, Oregon, being more particularly described as follows:

Commencing at a 3/4" iron pipe in monument box at the Legal Centerline Station 4+54.50 of N.W. Miller Road, County Road No. 1420; thence S6°25'28"E, a distance of 347.13 feet to a point on the easterly right-of-way line of said N.W. Miller Road, said point being the point of beginning of the tract to be described; thence S15°28'32"E, a distance of 59.37 feet; thence S15°33'44"E, a distance of 105.23 feet; thence S38°20'12"E, a distance of 50.00 feet; thence S1°28'00"E, a distance of 10.00 feet; thence S16°58'06"W, a distance of 31.62 feet; thence S49°52'25"W, a distance of 32.02 feet; thence S19°47'02"W, a distance of 96.57 feet to a point on the easterly right-of-way line of said N.W. Miller Road; thence northerly along the easterly right-of-way line of said N.W. Miller Road, N01°28'00"W, a distance of 349.67 feet to the point of beginning.

Containing 10,564 square feet, more or less.

As shown on the attached EXHIBIT "A-1", herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the attached EXHIBIT "A-1" and the written legal description, the written legal description shall prevail.

EXHIBIT A-1

SWI/4 NWI/4 SEC. 36 T.1N. R.1W. W.M.
MULTNOMAH COUNTY

IN I
PO

