

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

RESOLUTION NO. 2018-084

Approving the Acquisition of Certain Real Property Interests for the NW Newberry Road Project.

The Multnomah County Board of Commissioners Finds:

- a. By Resolution 2017-104, 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 NW Newberry Road in unincorporated Northwest Multnomah County (the Project).
- b. Transportation has reached proposed settlements with abutting property owners, whose property was identified in Resolution No. 2017-104, 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, a copy of which is attached as Exhibit 1, and the County Engineer's acceptance of said easement is hereby ratified and Transportation is directed to record said easements.

ADOPTED this 16th day of August 2018.




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


Lori Stegmann, Vice Chair

REVIEWED:

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

By 
Courtney Lords, Assistant County Attorney

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

Grantor:
Brian W. Lightcap
13342 NW Newberry Rd.
Portland, OR 97231-2210
After recording return to:
Grantee: Multnomah County; attn: Patrick Hinds
Land Use & Transportation Division, Bldg. #425

NW Newberry Road
County Road No. 5017
Item No. 2017-45

EXHIBIT 1

Slope and Drainage Easement

Brian W. Lightcap, "Grantor", grants to **MULTNOMAH COUNTY**, a Political Subdivision of the State of Oregon, "Grantee", the following described easements:

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

Parcel 2: Temporary easement (Beginning on June 1, 2018 and expiring on December 31, 2020) for the purpose of accessing, laying down, installing, constructing, reconstructing, operating, inspecting, monitoring, and maintaining slopes and drainage installations and appurtenances through, under, across, over and along the real property as 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" or collectively the "Property"). During the temporary easement term, Grantor shall not grant or allow any uses or activities in Parcel 2 that 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 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.

EXHIBIT "A"

PARCEL I

A portion of that tract of land described in warranty deed to Brian W. Lightcap, recorded on May 7, 2001 as Document No. 2001-066451, 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:

That portion of said Brian W. Lightcap tract that lies northwesterly of a line that is 35.00 feet southeasterly of, when measured at right angles to, and parallel with the centerline of NW Newberry Road, County Road No. 5017, and northeasterly of a perpendicular line extended southeasterly from centerline Station 56+09.80.

Containing 1,193 square feet more or less.

PARCEL II

A portion of that tract of land described in warranty deed to Brian W. Lightcap, recorded on May 7, 2001 as Document No. 2001-066451, 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:

That portion of said Brian W. Lightcap tract that lies northwesterly of a line that is 55.00 feet southeasterly of, when measured at right angles to, and parallel with the centerline of NW Newberry Road, County Road No. 5017, and northeasterly of a perpendicular line extended southeasterly from centerline Station 56+90.00.

Excepting therefrom the aforescribed Parcel I.

NW Newberry Road
County Road No. 5017
Item No. 2017-45

Containing 2,528 square feet more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

JSC 1-8-18

OREGON
JUNE 30, 1997
JAMES S. CLAYTON
2832

RENEWAL DATE: 1-1-20

This legal description along with the basis of bearings thereof, was prepared based on that Survey recorded as Survey Number 57904, Multnomah County Survey Records.

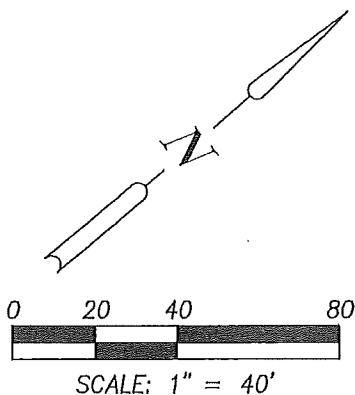
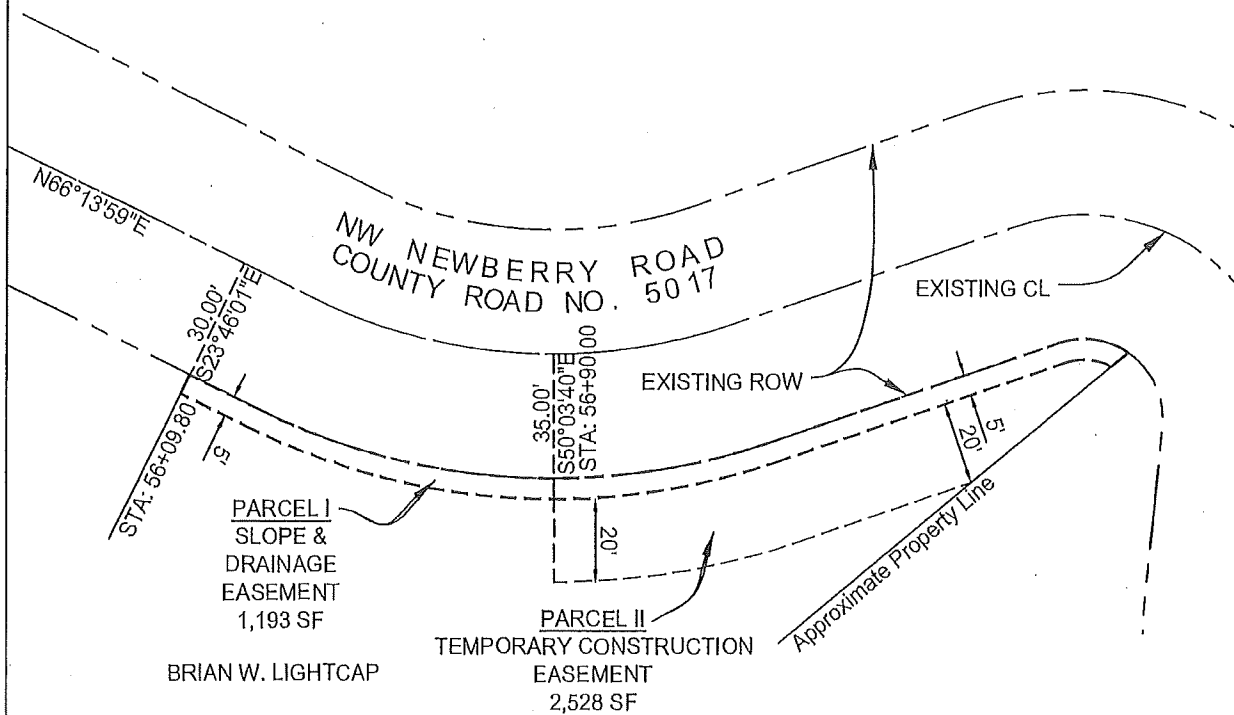
As shown on the attached EXHIBIT MAP, herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the EXHIBIT MAP and the written legal description, the written legal description shall prevail.

Exhibit 1 pg. 4/10

EXHIBIT MAP

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ANDREW B. LIGHTCAP



JAMES S. CLAYTON PLS COUNTY SURVEYOR
NW NEWBERRY ROAD SLIDE REPAIR PROJECT
ITEM NO. 2017-45

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

Grantor:

Andrew B. Lightcap
600 Tippecanoe Ct.
Lake Oswego, OR 97034-1664

After recording return to:

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

NW Newberry Road
County Road No. 5017
Item No. 2017-44

Slope and Drainage Easement

Andrew B. Lightcap, "Grantor", grants to **MULTNOMAH COUNTY**, a Political Subdivision of the State of Oregon, "Grantee", a perpetual easement for slope and drainage facilities including but not limited to the construction or installation of said facilities as determined by grantee for the maintenance and operation of the public right-of-way under, on, over and across the real property as described in the attached Exhibit A.

Grantor represents and warrants that Grantor has the authority to grant said easement described in Exhibit A.

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.

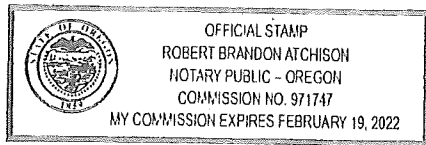
Grantee, by accepting this easement, is not accepting liability for any preexisting release of hazardous substances onto or from the Property, and Grantor is not attempting to convey any such liability.

Exhibit 1 pg. 5/6

NW Newberry Road
County Road No. 5017
Item No. 2017-44

The true consideration paid for this grant stated in terms of dollars is \$ 10,000.

Dated this 1 day of August, 2018



By: [Signature]
Andrew B. Lightcap

STATE OF OREGON)
) ss
County of Multnomah)

This record was acknowledged before me on August 1, 2018, by Andrew B. Lightcap.

[Signature]
Notary Public for Oregon
My Commission Expires: 2/19/22

The described property is accepted for use in conjunction with NW Newberry Road, County Road No. 5017, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this 7th day of August, 2018

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

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

By: [Signature]
Assistant County Attorney

Exhibit 1 of 2

EXHIBIT "A"

A portion of that tract of land described in warranty deed to Andrew B. Lightcap, recorded on December 9, 2011 as Document No. 2011-138576, 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 55+21.07, NW Newberry Road, County Road No. 5017; thence N66°13'59"E, along the centerline of said NW Newberry, a distance of 83.93 feet; thence N23°46'01"W, a distance of 30.00 feet to a point on the northwesterly right-of-way line of said NW Newberry Road at station 56+05.00, also being the point of beginning of the herein described tract of land; thence N23°46'01"W, a distance of 10.00 feet; thence N09°01'31"E, a distance of 38.77 feet; thence N37°35'40"E, a distance of 47.34 feet; N25°48'02"W, a distance of 101.93 feet; thence N45°43'51"E, a distance of 38.69 feet; thence S73°48'18"E, a distance of 71.06 feet; thence S51°13'58"E, a distance of 42.30 feet to a point on the northwesterly right-of-way line of said NW Newberry Road at station 58+23.30; thence along said northwesterly right-of-way line, along the arc of a 79.00 foot radius curve to the left, through a central angle of 17°36'25" (the long chord of which bears S29°57'50"W, 24.18 feet) an arc distance of 24.28 feet; thence S21°09'37"W, continuing along said northwesterly right-of-way line, a distance of 73.97 feet; thence continuing along said northwesterly right-of-way line, along the arc of a 105.00 foot radius curve to the right, through a central angle of 45°04'22" (the long chord of which bears S43°41'48"W, 80.49 feet) an arc distance of 82.60 feet; thence S66°13'59"W, continuing along said northwesterly right-of-way line, a distance of 23.07 feet to the point of beginning.

NW Newberry Road
County Road No. 5017
Item No. 2017-44

Containing 14,074 square feet more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature] 1-8-18

OREGON
JUNE 30, 1997
JAMES S. CLAYTON
2832

RENEWAL DATE: 1-1-2020

This legal description along with the basis of bearings thereof, was prepared based on that Survey recorded as Survey Number 57904, Multnomah County Survey Records.

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.

Exhibit 1 Pg 40

EXHIBIT MAP

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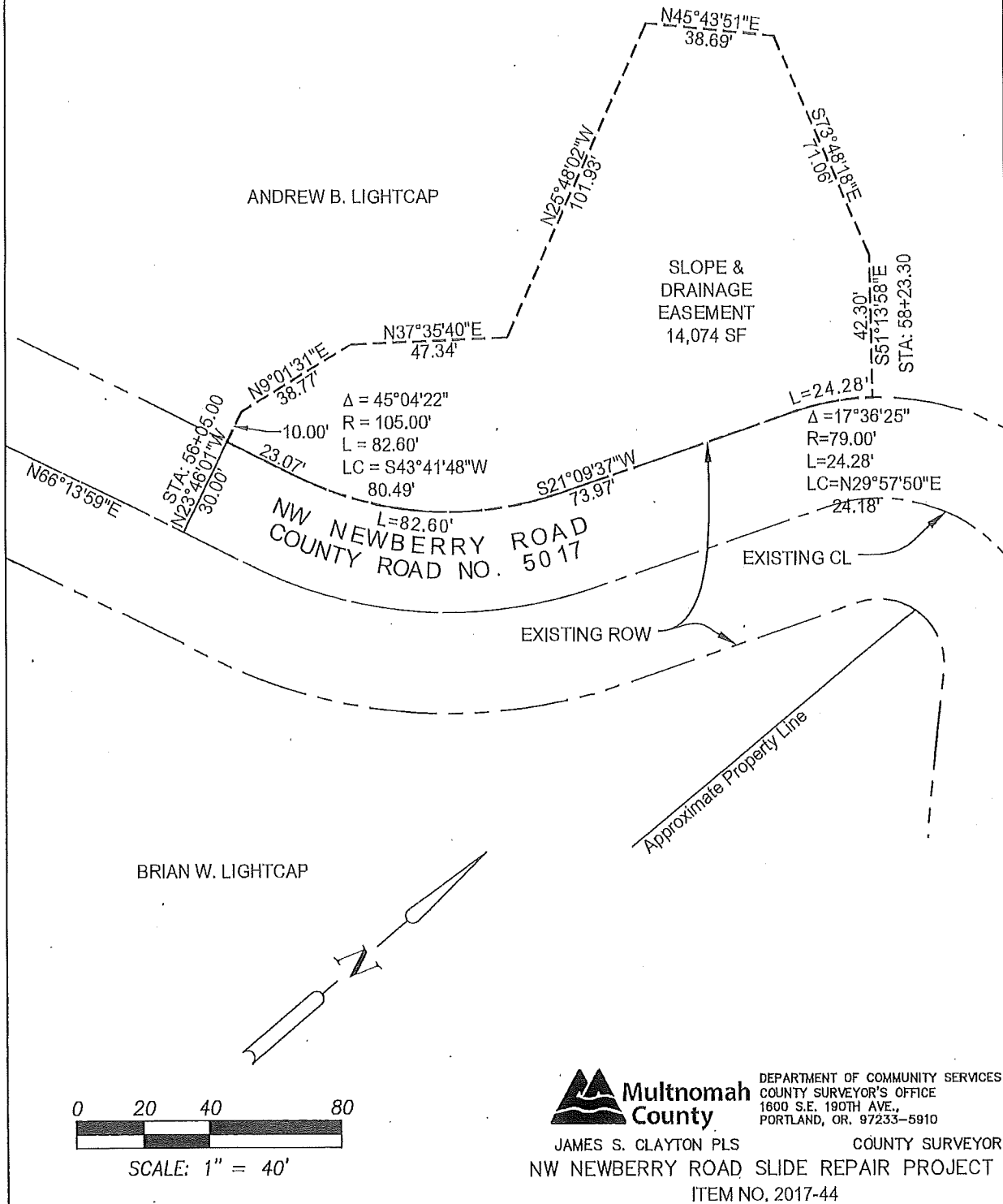


Exhibit 1 pg. 10/10