

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 2017-071

Approving the Acquisition of Certain Real Property Interests for the NE Woodard Road Project.

The Multnomah County Board of Commissioners Finds:

- a. By Resolution 2017-019, 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 Woodard Road in unincorporated East Multnomah County (the Project).
- b. Transportation has reached proposed settlements with several abutting property owners, whose property were identified in Resolution No. 2017-019, 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 31st day of August, 2017.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury

Deborah Kafoury, Chair

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

By *Courtney Lords*
Courtney Lords, Assistant County Attorney

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

Grantor:
Ronald Rhew
Kathleen M. Thomes-Rhew
30244 E. Woodard Rd.
Troutdale, OR 97060-9312

EXHIBIT 1

E. Woodard Road
County Road No. 453
Item No. 2017-11

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

Slope and Drainage Easement

Ronald Rhew and Kathleen M. Thomes-Rhew, as tenants by the entirety, "**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 (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 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. Grantor represents and warrants that Grantor has the authority to do this grant.
5. 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.

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. This grant is free of encumbrances except Conditions, Restrictions, Restrictive Covenants, and Easements of Record if any.

E. Woodard Road
County Road No. 453
Item No. 2017-11

The true consideration paid for this grant stated in terms of dollars is \$ 1500.00

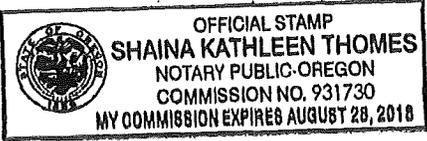
Dated this 4th day of JULY, 2017

By: [Signature]
Ronald Rhew

By: [Signature]
Kathleen M. Thomes-Rhew

STATE OF OREGON)
) ss
County of Multnomah)

This record was acknowledged before me on July 4, 2017, by Ronald Rhew and Kathleen M. Thomes-Rhew.



[Signature]
Notary Public for Oregon
My Commission Expires: August 28 2018

The described property is accepted for use in conjunction with E Woodard Road, County Road No. 453, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this 12th day of JULY, 2017

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

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

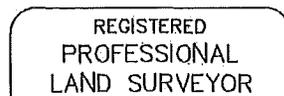
By: _____
Assistant County Attorney

Exhibit A

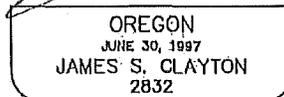
A portion of Lot 59, BANNER ACRES, Multnomah County Plat Records, situated in the Southwest one quarter of Section 32, Township 1 North, Range 4 East of the Willamette Meridian, County of Multnomah and State of Oregon, more particularly described as follows:

Commencing at a found 5/8" iron rod at the intersection of the North right-of-way line of E Woodard Road, County Road No. 453 and the East line of that tract of land described in Warranty Deed to James Scudder and Marilyn A. Scudder, recorded on December 4, 1981 in Book 1565, Page 1872, Multnomah County Deed Records; thence S10°15'36"W, a distance of 60.00 feet to the southerly right-of-way line of said E. Woodard Road and the point of beginning of the herein described tract of land; thence S79°44'24"E, along said southerly right-of-way line, a distance of 25.00 feet; thence S10°15'36"W, a distance of 15.00 feet; thence N79°44'24"W, parallel with said southerly right-of-way line, a distance of 25.00 feet; thence N10°15'36"E, a distance of 15.00 feet to the point of beginning.

Containing 375 square feet more or less.



[Handwritten signature] 4-17-17



RENEWAL DATE: 1-1-18

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.

P.P.
2012-5'



S.W. 1/4 SEC. 32 T. 1N. R. 4E. W.M.
MULTNOMAH COUNTY
1N 4E 32C

Slope and Drainage Easement

Grantor:
Marilyn A. Scudder
30425 E. Woodard Rd.
Troutdale, OR 97060-8325

E. Woodard Road
County Road No. 453
Item No. 2017-01

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

Slope and Drainage Easement

Marilyn A. Scudder, "**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 (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 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. Grantor represents and warrants that Grantor has the authority to do this grant.
5. 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.

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. This grant is free of encumbrances except Conditions, Restrictions, Restrictive Covenants, and Easements of Record if any.

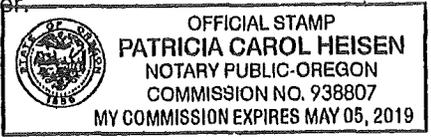
The true consideration paid for this grant stated in terms of dollars is \$ 1500.00^{*}

Dated this 7 day of 7, 2017

By: Marilyn A. Scudder
Marilyn A. Scudder

STATE OF OREGON)
) ss
County of Multnomah)

This record was acknowledged before me on July 7, 2017, by Marilyn A. Scudder.



Patricia Carol Heisen
Notary Public for Oregon
My Commission Expires: May 05, 2019

The described property is accepted for use in conjunction with E Woodard Road, County Road No. 453, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this 12TH day of July, 2017

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

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

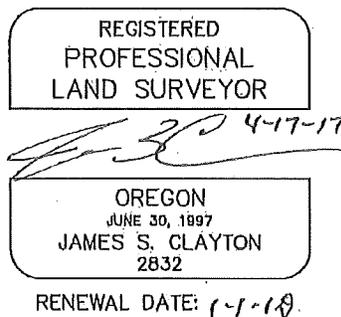
By: _____
Assistant County Attorney

Exhibit A

A portion of Lot 60, BANNER ACRES, Multnomah County Plat Records, situated in the Southwest one quarter of Section 32, Township 1 North, Range 4 East of the Willamette Meridian, County of Multnomah and State of Oregon, more particularly described as follows:

That portion of said Lot 60 that lies southerly of a line that is 45.00 feet northerly of and parallel with the centerline of E Woodard Road, County Road No. 453 and easterly of a line that is 25.00 feet westerly of and parallel with the southerly East line of that tract of land described in Warranty Deed to James Scudder and Marilyn A. Scudder, recorded on December 4, 1981 in Book 1565, Page 1872, Multnomah County Deed Records.

Containing 375 square feet more or less.

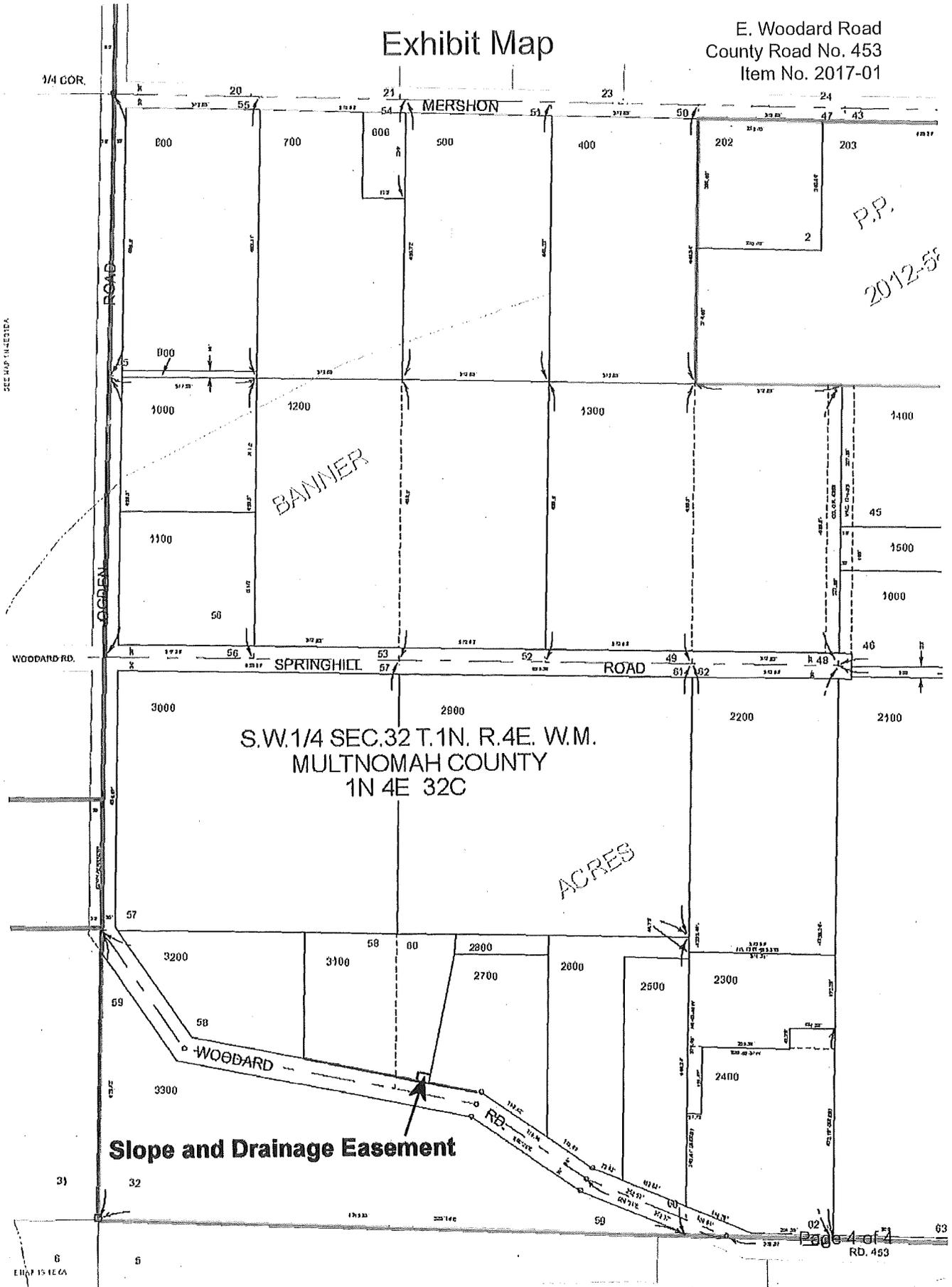


As shown on the attached EXHIBIT MAP, herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the EXHIBIT MAP and the written legal description, the written legal description shall prevail.

Exhibit Map

E. Woodard Road
County Road No. 453
Item No. 2017-01

P.P.
2012-55



Slope and Drainage Easement