

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

RESOLUTION NO. 2018-030

Authorizing Transfer of SE Tacoma Street Right of Way Jurisdiction to the City of Portland

The Multnomah County Board of Commissioners Finds:

- a. The Sellwood Bridge is a part of the Multnomah County road system under the jurisdiction and control of County. ORS 382.305 to ORS 382.330 impose obligations on County to maintain, keep in good condition and repair and operate the Sellwood Bridge, including its ramps, approaches and viaducts.
- b. On February 3, 2011, the Board of County Commissioners adopted Resolution No. 2011-012, approving the Intergovernmental Agreement with the City of Portland (City) for Funding of the Sellwood Bridge Project (the "Funding IGA") and authorizing the County Chair to execute the Funding IGA. The Portland City Council subsequently passed Ordinance No. 184406 on February 9, 2011, approving the Funding IGA, which was fully executed and became effective on February 25, 2011.
- c. The Funding IGA described the shared funding mechanisms for County's replacement of the Sellwood Bridge (the "Project"), and obligated County to construct the bridge to meet City's transportation infrastructure needs, including pedestrian walkways, bike lanes and vehicle travel lanes at specified widths and connecting by the eastside approach ramps to SE Tacoma Street.
- d. The Funding IGA and City construction permits issued for the Project required County to acquire all necessary real property interests for the Project, including those intended to be transferred to City.
- e. County has completed the Project and has acquired all necessary property interests required for the Project, including additional right-of-way frontage abutting the north and south sides of SE Tacoma Street between SE Grand Avenue and SE 6th Avenue (the "SE Tacoma Right-of-Way"). It is now necessary to transfer those permanent right-of-way interests described below to City.

The Multnomah County Board of Commissioners Resolves:

1. It is in the best interest of the County and the City of Portland to transfer jurisdiction of the SE Tacoma Right of Way to City.

2. The Chair is authorized to execute the Jurisdictional Transfer Deed, in substantially the form attached hereto as Exhibit A and incorporated by this reference, to transfer to the City of Portland the County's right, title, and interest in the SE Tacoma Right of Way, being those parcels of land described in Exhibits A1 through A4 and depicted in Exhibit B attached to the Jurisdictional Transfer Deed.

ADOPTED this 12th day of April, 2018.



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 E. Peoples, Director, Department of Community Services

Exhibit A

JURISDICTIONAL TRANSFER DEED

THIS AGREEMENT is made and entered into by and between **MULTNOMAH COUNTY**, a political subdivision of the State of Oregon, hereinafter referred to as “**County**,” and the **CITY OF PORTLAND**, a municipal corporation of the State of Oregon, hereinafter referred to as “**City**.”

RECITALS:

The Sellwood Bridge is a part of the Multnomah County road system under the jurisdiction and control of County. ORS 382.305 to ORS 382.330 impose obligations on County to maintain, keep in good condition and repair and operate the Sellwood Bridge, including its ramps, approaches and viaducts.

On February 3, 2011, the Board of County Commissioners adopted Resolution No. 2011-012, approving the Intergovernmental Agreement with the City for Funding of the Sellwood Bridge Project (the “**Funding IGA**”) and authorizing the County Chair to execute the Funding IGA. The Portland City Council subsequently passed Ordinance No. 184406 on February 9, 2011, approving the Funding IGA, which was fully executed and became effective on February 25, 2011. The Funding IGA described the shared funding mechanisms for the County’s replacement of the Sellwood Bridge (the “**Project**”), and obligated the County to construct the bridge to meet City’s transportation infrastructure needs, including pedestrian walkways, bike lanes and vehicle travel lanes at specified widths and connecting by the eastside approach ramps to SE Tacoma Street.

The Funding IGA and City construction permits issued for the Project required County to acquire all necessary real property interests for the Project, including those intended to be transferred to City. County has completed the Project and has acquired all necessary property interests required for the Project, including additional right-of-way frontage abutting the north and south sides of SE Tacoma Street between SE Grand Avenue and SE 6th Avenue (the “**SE Tacoma Right-of-Way**”). It is now necessary to transfer those permanent right-of-way interests described below to City.

THE PARTIES AGREE AS FOLLOWS:

County does hereby transfer unto City, its right, title and interest in the SE Tacoma Right-of-Way, being those parcels of land described in **Exhibits A1 through A4** and depicted in **Exhibit B** attached and incorporated by this reference.

Containing 6,196 square feet, more or less.

R/W # 10000-1
1S1E23CC Portion Lots 4 & 5, Block 3, SELLWOOD
1S1E23CC Portion Lots 1 & 8, Block 4, SELLWOOD

After recording return to:
City of Portland
PBOT – Right of Way Acquisition
ATTN.: Dee A. Walker
Portland, OR 97204

County File Nos. 2010-19 & 2010-20

Tax Statements shall be sent to: City of Portland

Any property being transferred in which County has any title shall be vested in City ONLY SO LONG AS USED FOR PUBLIC STREET PURPOSES. IF SAID RIGHT-OF-WAY IS NO LONGER USED FOR PUBIC STREET PURPOSES, IT SHALL AUTOMATICALLY REVERT TO COUNTY.

IN THE EVENT OF A CONFLICT OR DISCREPANCY BETWEEN THE EXHIBIT MAP AND ANY OF THE WRITTEN LEGAL DESCRIPTIONS ON EXHIBIT A, THE WRITTEN LEGAL DESCRIPTION SHALL PREVAIL.

MULTNOMAH COUNTY has caused this Jurisdictional Transfer Deed to be executed by the Chair of the Multnomah County Board of Commissioners by authority of the Board heretofore entered of record.

Deborah Kafoury, Chair

STATE OF OREGON)
) ss
County of Multnomah)

This instrument was acknowledged before me on _____, 2018, by **Deborah Kafoury, Chair, Multnomah County**, authorized to execute the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Notary Public for Oregon
My Commission Expires: _____

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

By: _____
Assistant County Attorney

Title as hereinabove transferred and as shown on accompanying legal descriptions and map is hereby accepted by the City of Portland.

Accepted on behalf of the City of Portland

By: _____
Bureau Director or designee

Date: _____, 2018

APPROVED AS TO FORM:

City Attorney

Date: _____, 2018

EXHIBITS A-1 through A-4

LEGAL DESCRIPTIONS OF TRANSFERRED RIGHT OF WAY

A-1 D. J. Richardson Properties, L.P.:

A permanent exclusive easement for public street and right of way purposes in the real property described in TRACT 1 NORTH:

TRACT 1 NORTH:

A portion of Lots 4 and 5, Block 3, Town of Sellwood, Multnomah County Plat Records, located in the Southwest quarter of Section 23, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, being a portion of that certain tract of land conveyed to D.J. Richardson Properties Limited Partnership, an Oregon Limited Partnership by Quitclaim deed recorded as Document No. 2003-050718, Multnomah County Deed Records, said portion lying Southerly of the following described line:

Beginning at a point on the West line of said Lot 5 being 36.00 feet northerly of, when measured at right angles to, the centerline of SE Tacoma Street; thence N88°51'50"E, a distance of 190.21 feet to a point on the West right-of-way line of SE 6th Avenue as described in that Road Purpose Dedication conveyed to Multnomah County on February 19, 1924 in Book 956, Page 165, said point being 45.00 feet northerly of, when measured at right angles to, the centerline of SE Tacoma Street.

Containing 1,882 square feet more or less.

A-2 South Tacoma Block, LLC:

A permanent exclusive easement for public street and right of way purposes in the real property described in TRACT 1 SOUTH:

TRACT 1 SOUTH:

A portion of Lots 1 and 8, Block 4, Sellwood, Multnomah County Plat Records, located in the Southwest quarter of Section 23, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, being a portion of that certain tract of land conveyed to South Tacoma Block LLC, an Oregon limited liability company by Bargain and Sale deed recorded as Document No. 2006-033524, Multnomah County Deed Records, said portion lying Northerly of the following described line:

Beginning at a point on the West line of said Lot 8 being 54.50 feet southerly of, when measured at right angles to, the centerline of SE Tacoma Street; thence N88°52'15"E, a distance of 190.71 feet to a point on the West right-of-way line of SE 6th Avenue as described in that Road Purpose Dedication conveyed to Multnomah County on February 19, 1924 in Book 956, Page 165, said point being 45.50 feet southerly of, when measured at right angles to, the centerline of SE Tacoma Street.

Containing 3,689 square feet more or less.

A-3 NORTHWEST CORNER SE Tacoma St & SE 6th Ave

A permanent exclusive easement for public street and right of way purposes in the real property described as:

That portion of Lot 4, Block 3, SELLWOOD, bounded as follows: Beginning at the southeast corner of Lot 4, Block 3, SELLWOOD, thence north along the east line of said Lot 25 feet, thence south 45 degrees west, thirty five & thirty-six one hundredths (35.36) feet to the south line of said Lot, thence east along the south line of said Lot 25 feet to the point of beginning.

Containing 312.5 square feet more or less.

A-4 SOUTHWEST CORNER SE Tacoma St & SE 6th Ave

A permanent exclusive easement for public street and right of way purposes in the real property described as:

That portion of Lot 1, Block 4, SELLWOOD, bounded as follows: Beginning at the northeast corner of Lot 1, Block 4, SELLWOOD, thence south along the east line of said Lot 25 feet, thence north 45 degrees west, thirty-five & thirty-six one hundredths (35.36) feet to the north line of said Lot, thence east along the north line of said Lot 25 feet to the point of beginning.

Containing 312.5 square feet more or less.

EXHIBIT B

MAP DEPICTION OF TRANSFERRED RIGHT OF WAY

Item No. 2010-19
DEA File No. T1015D-021 & 022

LEGEND

 PERMANENT
ROW EASEMENT
TRANSFERS OF
JURISDICTION

