

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 01-161**

Authorizing Execution of a Deed to the City of Portland for the Remaining Parcels of “Raymond Park”, Mistakenly Omitted from a Deed Dated December 30, 1993 from Multnomah County to the City of Portland

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

- a) On November 28, 1972, Multnomah County acquired Raymond Park from School District No. 40, Multnomah County, Oregon, through warranty deed.
- b) Pursuant to Intergovernmental Agreement No. 50249 dated December 30, 1993 between the City of Portland and Multnomah County, the County authorized the conveyance of all of the properties that constitute Raymond Park to the City of Portland.
- c) The Multnomah County Board of Commissioners’ Order No. 93-398 authorized the Chair to execute a deed for Raymond Park to the City of Portland, and unfortunately omitted Parcels I, II and III, which were part of the Park and are more particularly described below.
- d) The City of Portland discovered the mistake and requests the County to convey the omitted Parcels, I, II and III in furtherance of the original Agreement.
- e) The completion of the transfer of Raymond Park to the City of Portland as provided herein is in the best interest of the public.

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

- 1. The Chair of the Multnomah County Board of County Commissioners is authorized to execute a deed substantially identical to and consistent with the deed identified as Exhibit A, which is attached hereto and incorporated by this reference, conveying the following described real property to the City of Portland:

PARCEL I: Lots 10, 11 and 12, except the West 150 feet there from, Block 3, Guisness Berry Farms, in the County of Multnomah and State of Oregon,

PARCEL II: Lots 10 and 11 except the West 220 feet there from, Block 1 Guisness Berry Farms, in the County of Multnomah and State of Oregon,

PARCEL III: Lots 17, 18, 19 and 20, Choloma Addition, County of Multnomah and State of Oregon.

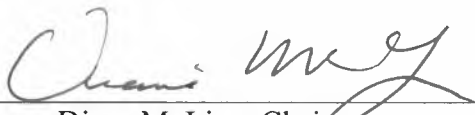
- 2. This conveyance shall be subject to the following conditions:

- a) Raymond Park shall be used for park and open space purposes only unless the Grantor approves another use in accordance with the procedures in the Intergovernmental Agreement between Grantor and Grantee dated December 30, 1993.
- b) The property is subject to the terms and conditions of the Federal Land and Water Conservation Fund Act. Any change of use to other than outdoor recreation may result in penalties in accordance with the above Federal Act.
- c) The property shall be used, maintained and operated in accordance with the Neighborhood Parks Master Plan, Mid-Multnomah County, dated 1984, as approved by Multnomah County, the City of Portland and the City of Gresham.

ADOPTED this 6th day of December, 2001.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
\_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

Multnomah County  
401 N. Dixon Street  
Portland OR 97227

Grantor's Name and Address

City of Portland  
1021 SW 4th Avenue  
Portland OR 97204

Grantee's Name and Address

After recording, return to (Name, Address, Zip)

City of Portland  
1021 SW 4th Avenue  
c/o Susan Hathaway - Marxer  
Portland OR 97204

This space for recorder's use

Send all tax statements to

City of Portland Bureau of Parks  
1021 SW 4th Avenue  
Portland OR 97204

## DEED

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, GRANTEE, conveys to the CITY OF PORTLAND, a municipal corporation of the State of Oregon, GRANTEE, subject to the terms and conditions set forth below, three parcels of land more particularly described as follows:

PARCEL I: Lots 10, 11 and 12, except the West 150 feet there from, Block 3, Guisness Berry Farms, in the County of Multnomah and State of Oregon,

PARCEL II: Lots 10 and 11 except the West 220 feet there from, Block 1 Guisness Berry Farms, in the County of Multnomah and State of Oregon,

PARCEL III: Lots 17, 18, 19 and 20, Choloma Addition, County of Multnomah and State of Oregon,

As shown on the attached map marked Exhibit A and hereby made a part of this document, provided, that should there be any conflict between written legal descriptions herein and the map, the written legal descriptions shall prevail.

The purpose of this deed is to correct a Bargain and Sale Deed dated December 30, 1993, accepted by the City of Portland by Ordinance No. 167380, February 16, 1994 and recorded on March 14, 1994 as Fee. No. 94039688 Multnomah County Records. That Deed was intended to convey to the City of Portland all of the area that is commonly known as "Raymond Park", as provided for in Multnomah County Board of Commissioners Order No. 93-398, pursuant to Intergovernmental Agreement 50249 between the City of Portland and Multnomah County, from which said Deed the above-described Parcels I, II and III were inadvertently omitted.

### THIS CONVEYANCE IS SUBJECT TO FOLLOWING TERMS AND CONDITIONS:

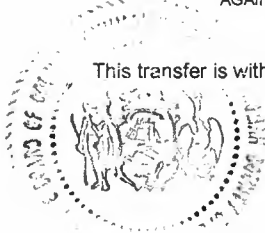
1. Raymond Park, Park Site No. 55, shall be used for park and open space purposes only unless the Grantor approves another use in accordance with the

procedures in the Intergovernmental Agreement between Grantor and Grantee dated December 30, 1993.

2. The property shall be used, maintained and operated in accordance with the Neighborhood Parks Master Plan, Mid-Multnomah County dated 1984, as approved by Multnomah County, the City of Portland and the City of Gresham.
3. The property is subject to the terms and conditions of the Federal Land and Water Conservation Fund Act. Any change of use to other than outdoor recreation may result in penalties in accordance with the Federal Act.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

This transfer is without monetary consideration. Dated this 6<sup>th</sup> day of December, 2001.



REVIEWED:

Matthew O. Ryan

Assistant County Attorney

For Multnomah County,

By: Matthew O. Ryan

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Board of Commissioners

By: Diane M. Linn

Diane M. Linn, Chair

STATE OF OREGON )

) ss:

County of Multnomah )

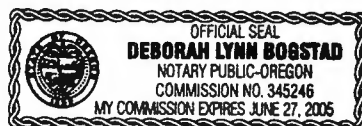
On this 6<sup>th</sup> day of December, 2001, A.D., before me, a Notary Public in and for the County and State, personally appeared Diane M. Linn, to me personally known, Chair of the Board of County Commissioners of Multnomah County, Oregon, to sign official documents and that the seal affixed to said instrument was signed and sealed on behalf of said County by authority of its Board of County Commissioners, and Diane M. Linn acknowledged said instrument to be the free act and deed of said County.

IN TESTIMONY WHEREOF, I have hereunto set my hand, affixed my official seal, the day and year first in this, my certificate, written.

Deborah Lynn Bogstad

Notary Public for Oregon

My Commission Expires: June 27, 2005



# Exhibit A

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

In the Matter of Conveying the County  
Park known as Raymond Park, Park Site No. 55  
to the City of Portland )

O R D E R  
93-398

WHEREAS, by agreement dated December 30, 1993, between Multnomah County and the City of Portland, the County has agreed to convey certain County Parks within the City's urban services boundary to the City of Portland upon request, without payment of consideration; and

WHEREAS, the City of Portland requests transfer of Raymond Park, Park Site, No. 55 in accordance with the terms of the agreement described above and the provisions of ORS 275.330.

NOW, THEREFORE, THE BOARD ORDERS:

1. The Board finds the transfer of Raymond Park, Park Site No. 55 to the City of Portland for park purposes is in the best interest of the public and is hereby approved.
2. The Chair is authorized to execute and deliver to the City of Portland a deed conveying without warranties the following described real property;

A parcel of land situated in the northeast one-quarter of Section 15, T1S, R2E, W.M., Multnomah County, Oregon, more particularly described as follows:

Beginning at the northwest corner of the 10 acre tract of land conveyed by C.H. Chambreau and wife to Victor Coiteaux, by deed recorded in Book 361, Page 440, Deed Records of Multnomah County, Oregon, said corner also being the northwest corner of the Hugh Fury Homestead Claim; thence S 00°48' W, a distance of 265 feet to the northwest corner of that tract deeded to James Ellis Fox and Frances Arlene Fox, by deed recorded December 21, 1948, in Book 1311, Page 42, Multnomah County Deed Records; thence N 89°16' E, a distance of 243.62 feet to a point on the west right-of-way line of SE 118th Avenue, 25.00 feet westerly, when measured at right angles, of the centerline thereof; thence N 01°22' E along said west right-of-way line, a distance of 100.00 feet to a point on the westerly extension of the centerline of SE Raymond Street; thence easterly along said extension, a distance of 14.40 feet; thence northerly a distance of 165.00 feet to a point on the north line of said Hugh Fury Homestead Claim; thence westerly along said north line, a distance of 261.38 feet to the point of beginning.

Containing 1.55 acres, more or less.

RAYMOND PARK  
Park Site No. 55  
Item 93-201  
November 17, 1993  
Page 2

3. The conveyance shall be subject to the following:
- a) Raymond Park, Park Site No. 55, shall be used for park and open space purposes only unless the Grantor approves another use in accordance with the procedures in the Intergovernmental Agreement between Grantor and Grantee dated December 30, 1993.
  - b) The property is subject to the terms and conditions of the Federal Land and Water Conservation Fund Act. Any change of use to other than outdoor recreation may result in penalties in accordance with the above Federal Act.
  - c) The property shall be used, maintained and operated in accordance with the Neighborhood Parks Master Plan, Mid-Multnomah County, dated 1984, as approved by Multnomah County, the City of Portland and the City of Gresham.

Adopted this 30th day of December, 1993.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By: \_\_\_\_\_

*Beverly Stein*  
BEVERLY STEIN, Chair

REVIEWED: \_\_\_\_\_

LAURENCE KRESSEL  
COUNTY COUNSEL  
for Multnomah County, Oregon

By: \_\_\_\_\_

*John L. DuBay*  
JOHN L. DUBAY  
Chief Asst. County Counsel

RAYMONDPK.ORD

107390  
RAYMOND PARK  
Park Site No. 55  
Item 93-201  
November 17, 1993

BARGAIN AND SALE DEED

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to the CITY OF PORTLAND, a municipal corporation of the State of Oregon, GRANTEE, the real property described as follows:

A parcel of land situated in the northeast one-quarter of Section 15, T1S, R2E, W.M., Multnomah County, Oregon, more particularly described as follows:

Beginning at the northwest corner of the 10 acre tract of land conveyed by C.H. Chambreau and wife to Victor Coiteaux, by deed recorded in Book 361, Page 440, Deed Records of Multnomah County, Oregon, said corner also being the northwest corner of the Hugh Fury Homestead Claim; thence S 00°48' W, a distance of 265 feet to the northwest corner of that tract deeded to James Ellis Fox and Frances Arlene Fox, by deed recorded December 21, 1948, in Book 1311, Page 42, Multnomah County Deed Records; thence N 89°16' E, a distance of 243.62 feet to a point on the west right-of-way line of SE 118th Avenue, 25.00 feet westerly, when measured at right angles, of the centerline thereof; thence N 01°22' E along said west right-of-way line, a distance of 100.00 feet to a point on the westerly extension of the centerline of SE Raymond Street; thence easterly along said extension, a distance of 14.40 feet; thence northerly a distance of 165.00 feet to a point on the north line of said Hugh Fury Homestead Claim; thence westerly along said north line, a distance of 261.38 feet to the point of beginning.

Containing 1.55 acres, more or less.

As shown on the attached map marked Exhibit A and hereby made a part of this document.

SUBJECT TO:

1. Raymond Park, Park Site No. 55, shall be used for park and open space purposes only unless the Grantor approves another use in accordance with the procedures in the Intergovernmental Agreement between Grantor and Grantee dated December 30, 1993.
2. The property shall be used, maintained and operated in accordance with the Neighborhood Parks Master Plan, Mid-Multnomah County, dated 1984, as approved by Multnomah County, the City of Portland and the City of Gresham.

2  
RETURN TO CITY AUDITOR  
131/202/Toni

94-39688

RAYMOND PARK  
Park Site No. 55  
Item 93-201  
November 17, 1993  
Page 2

3. The property is subject to the terms and conditions of the Federal Land and Water Conservation Fund Act. Any change of use to other than outdoor recreation may result in penalties in accordance with the Federal Act.

This transfer is without monetary consideration

Dated this 30th day of December, 1993.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By: Beverly Stein  
BEVERLY STEIN, Chair  
Board of Commissioners

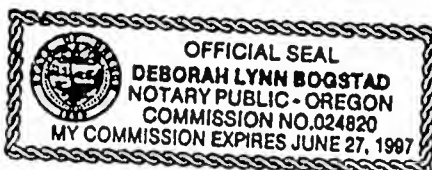
LAURENCE KRESSEL  
County Counsel  
for Multnomah County, Oregon

By: John L. DuBay

STATE OF OREGON                    )  
County of Multnomah            ) ss.

On this 30th day of December, 1993, A.D., before me, a Notary Public in and for the County and State, personally appeared Beverly Stein, to me personally known, Chair of the Board of County Commissioners of Multnomah County, Oregon, to sign official County documents and that the seal affixed to said instrument was signed and sealed on behalf of said County by authority of its Board of County Commissioners, and Beverly Stein acknowledged said instrument to be the free act and deed of said County.

IN TESTIMONY WHEREOF, I have hereunto set my hand, affixed my official seal, the day and year first in this, my certificate, written.



RAYMNDPK.BSD

Deborah Lynn Boogstad  
Notary Public for Oregon

My Commission Expires: 6/27/97

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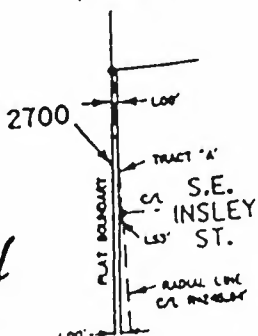


# EXHIBIT 'A'

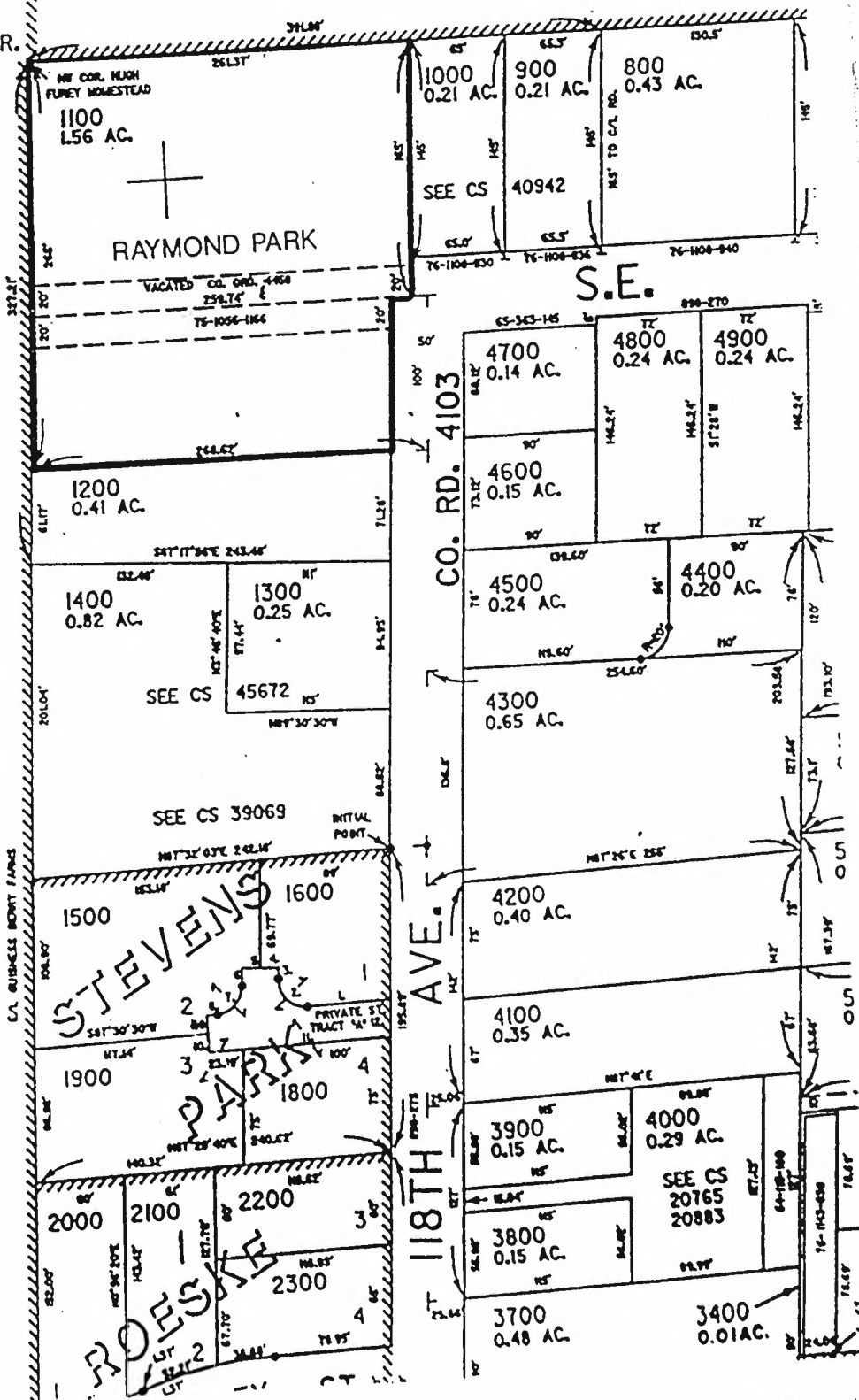
## TRACT 'A' STEVENS PARK

1. S81°30'30"E 57.70'
2. R116° L = 23.5'
3. N172°00'E 7.00'
4. N68°34'00"W 12'
5. N68°34'00"W 12'
6. S1°26'00"E 11.5'
7. R116° L = 23.5'
8. S81°30'30"E 57.70'
9. S1°26'00"E 11.5'
10. S1°26'00"E 11.5'
11. N81°30'30"E 57.70'
12. N1°26'00"E 24.00'

PARCEL 2700  
DETAIL  
1" = 30'



SEE MAP IS 2E 15AC



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94 MAR 14 AM 8:55

PAGE 1 of 4

RECORDING SECTION  
MULTNOMAH COUNTY

State of Oregon  
County of Multnomah

I hereby certify that the attached  
instrument was received and duly  
recorded by me in Multnomah County  
records:

Cindy Swick, Deputy

RECORD DH

FEES - SURVEY \_\_\_\_\_

D.O.R. \_\_\_\_\_

## AGREEMENT BETWEEN MULTNOMAH COUNTY AND CITY OF PORTLAND

This is an intergovernmental agreement between Multnomah County, a political subdivision of the State of Oregon, ("COUNTY" herein), and THE CITY OF PORTLAND, an Oregon municipal corporation ("CITY" herein).

## RECITALS:

- A. COUNTY owns properties in unincorporated portions of the County and within the CITY's urban services boundary that are dedicated and used for public parks.
- B. COUNTY has agreed to transfer its regional parks, golf courses, natural areas, marine facilities, and other properties to METRO to help create a regional park and recreation system. The County's neighborhood parks within the CITY's urban services boundary will not be transferred to METRO.
- C. The CITY and COUNTY deem it to be in the public interest to transfer ownership of those COUNTY neighborhood parks to the CITY that are within the CITY's urban services boundary before annexation into the CITY, providing the CITY continues use of the properties for park purposes and in accordance with the Neighborhood Parks Master Plan, Mid-Multnomah County, dated 1984, and approved by Multnomah County, the City of Portland, and the City of Gresham.

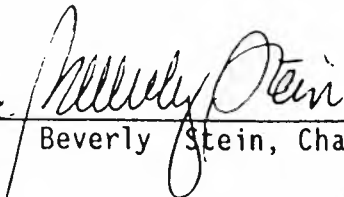
## THEREFORE, THE PARTIES AGREE:

- 1. COUNTY shall, upon request by CITY, execute and deliver to CITY deed conveying, without warranties of title, Dickenson, East Lynchwood, Gilbert Heights, Gilbert Primary, Holladay, Lincoln, Lynchview, North Powellhurst, Parklane, and Raymond Parks. The transfers shall be without consideration in accordance with ORS 275.330.
- 2. Except as herein provided, after each park has been conveyed, CITY, shall use, maintain and operate the park properties for parks and open spaces and in accordance with the Neighborhood Parks Master Plan, Mid-Multnomah County, dated 1984, as approved by COUNTY, CITY, and the City of Gresham. Gilbert Heights, Lynchview, Raymond, Gilbert Primary, and North Powellhurst Parks maybe used for park and open space purposes only.
  - a. If proposals come forward from public or private interests to acquire the property, Grantee shall:
    - (1) determine whether the sale or trade of the park site would result in the acquisition of land better suited for park purposes; and
    - (2) hold a community meeting to include both immediate park residents and appropriate community groups.

- b. If Grantee determines that the property should be sold or traded, Grantee shall:
- (1) notify all abutting property owners;
  - (2) give first option to buy or trade to the appropriate school district, if there is an abutting school;
  - (3) assure that the sale or trade of the park site shall not result in a planning area becoming park-deficient (however, if the park title is transferred to a school district resulting in it remaining open space available to the public for recreational purposes, this requirement shall not apply);
  - (4) use money obtained from the sale of park land to acquire a new site or sites; and
  - (5) provide Grantor with documentation showing that all conditions specified in this Agreement have been met.
3. The parties recognize that Lynchwood and Raymond Parks are subject to the terms and conditions of the Federal Land and Water Conservation Fund Act. Any change of use to other than outdoor recreation may result in penalties in accordance with the above Federal Act. The CITY assumes full responsibility for compliance with all terms and conditions of the Federal Land and Water Conservation Fund Act upon approval of this agreement.

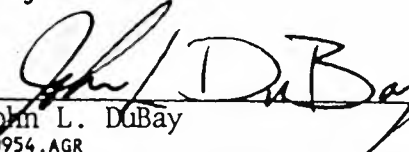
Dated this 30th day of December, 1993.

MULTNOMAH COUNTY

By:   
Beverly Stein, Chair

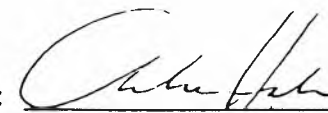
REVIEWED:

Laurence Kressel  
County Counsel

By:   
John L. DuBay  
NCV#0954.AGR

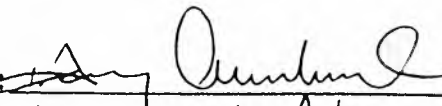
APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-1 DATE 12/30/93  
DEB BOGSTAD  
BOARD CLERK

CITY OF PORTLAND

By:   
Comm. of Public Safety

APPROVED AS TO FORM

Jeffrey L. Rogers  
City Attorney

By:   
Deputy City Attorney

# ORDINANCE 167380

\*Agreement with and acceptance of bargain and sale deeds from Multnomah County for ten neighborhood parks. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland (City) has or will annex unincorporated Multnomah County land which includes ten neighborhood parks within the City's urban services boundary.
2. Multnomah County has offered Dickinson, East Holladay, East Lynchwood, Gilbert Heights, Gilbert Primary, Lincoln, Lynchview, North Powellhurst, Parklane, and Raymond Parks to the City in fee simple.
3. Transferring these parks to the City is consistent with the City's Urban Services Policy since it will further the transition of urban services from the County to the City.
4. Transfer is contingent upon the City entering into an intergovernmental agreement with the County indicating the City's understanding of the findings and policies of the Multnomah County Parks Master Plan, which is part of Multnomah County's Comprehensive Plan.
5. Pursuant to ORS 190, the City has the authority to enter into such an agreement.
6. Portland Parks and Recreation has estimated the cost of accepting these parks as follows: \$130,000 one-time during FY 1993-94 for immediate fix up, hazard removal, and park maintenance for the remainder of 1993-94; \$221,160 one-time during 1994-95 for remaining fix up and hazard removal; and \$222,720 ongoing for park maintenance and sewer assessments beginning in 1994-95. Of the \$130,000 needed during FY 1993-94, \$75,000 has already been budgeted as a one-time allotment in Portland Parks and Recreation's budget, so only \$55,000 more is needed at this time.

NOW, THEREFORE, the Council directs:

- a. The Commissioner of Public Safety and Auditor to execute an Agreement with Multnomah County in a form substantially similar to the attached.
- b. The Commissioner of Public Safety to accept ten bargain and sale deeds in conformance with those attached, and the Auditor to file these deeds with Multnomah County Assessment and Taxation.
- c. That priority consideration be given in the 1994-95 budget for the following add: \$221,160 for the remaining one-time fix up costs, and \$227,720 for ongoing parks maintenance costs. The former should be considered for funding from either the capital set aside or one-time funds. The operating funds should be considered along with any City urban source requirements.

- d. The FY 1993-94 budget is hereby amended as follows:

GENERAL FUND (101)

Requirements

General Operating Contingency (\$55,000)  
2971001/571000

Requirements

Portland Parks and  
Recreation, AU 130 \$55,000  
13019075/529000

- Section 2. The Council declares an emergency exists because of the need to initiate and complete transfer of these parks for the benefit and enjoyment of the public; therefore, this ordinance will become effective immediately following its approval by Council.

Adopted by Council, FEB 16 1994

Commissioner Hales  
John Sewell  
January 6, 1994

Barbara Clark  
Auditor of the City of Portland

By

*Brittany Olson*

Deputy