

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

RESOLUTION NO. 2016-080

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the NE Arata Road Project.

The Multnomah County Board of Commissioners Finds:

- a. This Board by Resolution No. 2014-140 adopted on December 11, 2014, and Resolution No. 2016-016 adopted on March 10, 2016, authorized the County to undertake negotiations for the acquisition of certain real property interests as described and shown on the attached Exhibit A and Exhibit Map (the "Property"); for the purpose of constructing, installing, operating, maintaining, repairing and reconstructing drainage facilities necessary for the N.E. Arata Road Project (the "Project").
- b. The Project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.
- c. The negotiations for the acquisition of the Property have not, to date, resulted in a settlement and it is necessary to acquire immediate possession of the Property to allow construction to proceed and be completed on schedule and within budgetary limitations.

The Multnomah County Board of Commissioners Resolves:


1. It is necessary to acquire the Property for the purpose of completing the Project.
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. It is necessary to obtain possession of the Property as soon as possible to allow construction to proceed and be completed on schedule within budgetary limitations.
5. Legal counsel is authorized and directed to take such action in accordance with law to obtain possession of the Property as soon as possible. Legal counsel is directed to diligently pursue negotiations to resolve the litigation.

6. 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 defendant 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.

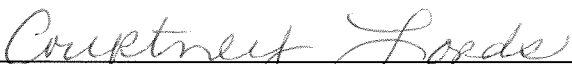
ADOPTED this 11th day of August, 2016.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Loretta Smith, 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

Exhibit A

NE Arata Rd.
County Road No. 730
Item No. 2015-23

Parcel 1: Permanent Easement For Drainage Facilities

A portion of that tract of land described in Statutory Warranty Deed to Fairview Springs, LLC, an Oregon limited liability ("Fairview Springs"), recorded as Document No. 2006-074957, Multnomah County Deed Records (MCDR), situated in the Southwest One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Fairview, Multnomah County, Oregon, more particularly described as follows:

Commencing at the centerline intersection of NE 223rd Ave., County Road No. 667 with NE Arata Road, County Road No. 730; thence S88°22'39"E, along the centerline of said NE Arata Road, a distance of 707.97 feet; thence N01°37'21"E, a distance of 25.00 feet to the North right-of-way line of said NE Arata Road and the point of beginning of the herein described tract of land; thence N01°18'47"E, a distance of 339.97 feet to a point that is 15.00 feet southerly of, when measured at right angles to, the southerly right-of-way line of NE Halsey St., County Road No. 1180; thence N80°30'27"E, parallel with the centerline of said NE Halsey St, a distance of 75.15 feet; thence N09°29'33"W, a distance of 15.00 feet to said southerly right-of-way line; thence S80°30'27"W, along said southerly right-of-way line, a distance of 87.56 feet to the Northwest corner of said Fairview Springs tract; thence S01°18'47"W, along the West line of said Fairview Springs tract, a distance of 352.30 feet to the North right-of-way line of said NE Arata Road; thence S88°22'39"E, along said North-right-of-way line, a distance of 15.00 feet to the point of beginning.

Excepting therefrom that tract of land described in that Perpetual Easement to Multnomah County recorded as Document No. 2002-039578, MCDR

Containing 5,527 square feet more or less.

Exhibit A

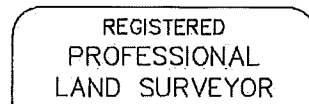
NE Arata Rd.
County Road No. 730
Item No. 2015-23

Parcel 2: Permanent Easement For Drainage Facilities

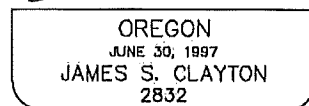
A portion of that tract of land described in Statutory Warranty Deed to Fairview Springs, LLC, an Oregon limited liability ("Fairview Springs"), recorded as Document No. 2006-074957, Multnomah County Deed Records, situated in the Southwest One-quarter of Section 27, Township 1 North, Range 3 East, W.M., City of Fairview, Multnomah County, Oregon, more particularly described as follows:

Commencing at the centerline intersection of NE 223rd Ave., County Road No. 667 with NE Arata Road, County Road No. 730; thence S88°22'39"E, along the centerline of said NE Arata Road, a distance of 980.36 feet; thence N01°37'21"E, a distance of 25.00 feet to the North right-of-way line of said NE Arata Road and the point of beginning of the herein described tract of land; thence N01°37'21"E, a distance of 15.00 feet; thence S88°22'39"E, parallel with the centerline of said NE Arata Road, a distance of 40.00 feet; thence S01°37'21"W, a distance of 15.00 feet to the North right-of-way line of said NE Arata Road; thence N88°22'39"W, along said North-right-of-way line, a distance of 40.00 feet to the point of beginning.

Containing 600 square feet more or less.



James S. Clayton 5-4-15

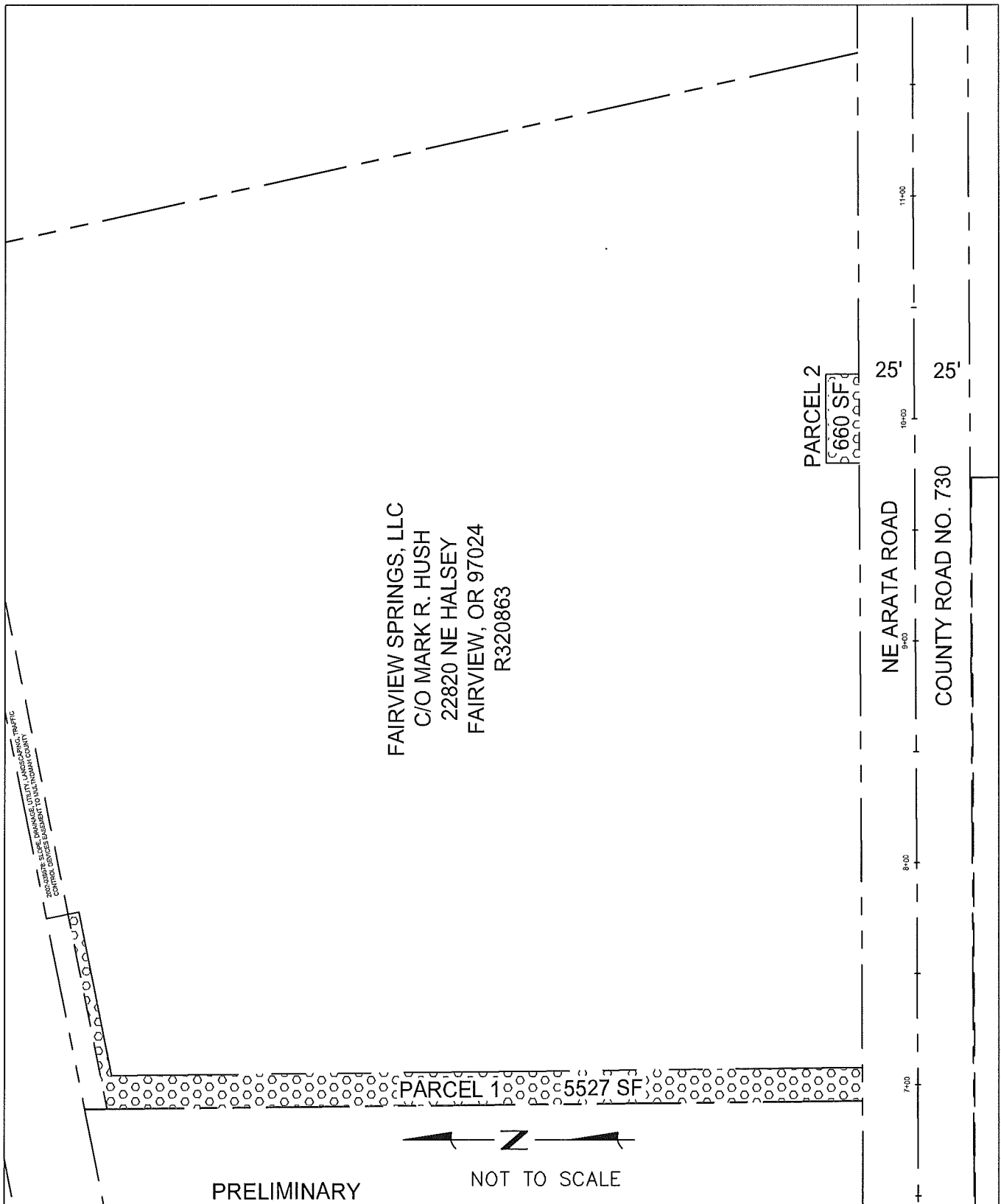


RENEWAL DATE: 1-1-16

This legal description along with the basis of bearings thereof, was prepared based on that Survey recorded as Survey Number 64013, 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 MAP



 PERMANENT DRAINAGE FACILITY EASEMENT



MULTNOMAH COUNTY
DEPARTMENT OF COMMUNITY SERVICES
LAND USE AND TRANSPORTATION PROGRAM
1620 S.E. 190th AVE. PORTLAND, ORE. 97233-5999