

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

RESOLUTION NO. 2018-085

Approving the Acquisition of Certain Real Property Interests for the SE Lusted Road Project.

The Multnomah County Board of Commissioners Finds:

- a. By Resolution 2018-10, 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 SE Lusted Road in unincorporated Southeast Multnomah County (the Project).
- b. Transportation has reached proposed settlements with abutting property owners, whose property was identified in Resolution No. 2018-10, 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:
Shelley L. Ekstrom, LLC
29722 SE Division St.
Troutdale, OR 97060
After recording return to:
Grantee: Multnomah County; attn: Patrick Hinds
Land Use & Transportation Division, Bldg. #425

SE Lusted Road
County Road No. 675
Item No. 2018-05

EXHIBIT 1

Slope and Drainage Easement

Shelley L. Ekstrom, LLC, a limited liability company, "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: A temporary easement (Beginning on August 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 waterways, installations and appurtenances through, under, across, over and along the following described real property as more particularly described in the attached Exhibit A.

Grantor represents and warrants that Grantor has the authority to grant said easements described in Exhibit A ("Parcel 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 1 Pg. 11

SE Lusted Road
County Road No. 675
Item No. 2018-05

The true consideration paid for this grant stated in terms of dollars is \$1000.00.

Dated this 30th day of July, 2018

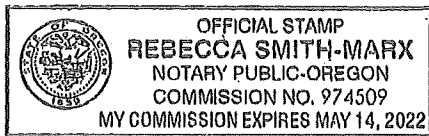
For Shelley L. Ekstrom, LLC:

By: [Signature]
Shelley L. Ekstrom, member

By: [Signature]
James A. Ekstrom, member

STATE OF OREGON)
) ss
County of Multnomah)

This record was acknowledged before me on from 30, 2018, by Shelley L. Ekstrom, member and James A. Ekstrom, member of Shelley L. Ekstrom, LLC



[Signature]
Notary Public for Oregon
My Commission Expires: 5/14/22

The described property is accepted for use in conjunction with SE Lusted Road, County Road No. 675, 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 A

Parcel 1

A portion of Parcel 1 described in warranty deed to T&K Sester Family, LLC ("Sester"), recorded on May 1, 2015 as Document No. 2015-050111, Multnomah County Deed Records, situated in the Northeast One-quarter of Section 21, Township 1 South, Range 4 East, W.M., Multnomah County, Oregon, more particularly described as follows:

Commencing at a found 6" X 6" concrete post with 4-1/4" brass disc in monument box at the North One-quarter corner of said Section 21, also being a point on the centerline of SE Lusted Road, County Road No. 675; thence S88°34'36"E, along said centerline, a distance of 619.69 feet; thence S01°25'24"W, a distance of 30.00 feet to the southerly right-of-way line of said SE Lusted Road and the point of beginning of the herein described tract of land; thence S88°34'36"E, along said southerly right-of-way line, a distance of 13.36 feet; thence S01°25'24"W, a distance of 5.00 feet; thence N88°34'36"W, parallel with said southerly right-of-way line, a distance of 13.36 feet; thence N01°25'24"E, a distance of 5.00 feet to the point of beginning.

Containing 67 square feet more or less.

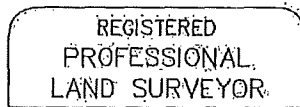
Parcel 2

A portion of Parcel 1 described in warranty deed to T&K Sester Family, LLC ("Sester"), recorded on May 1, 2015 as Document No. 2015-050111, Multnomah County Deed Records, situated in the Northeast One-quarter of Section 21, Township 1 South, Range 4 East, W.M., Multnomah County, Oregon, more particularly described as follows:

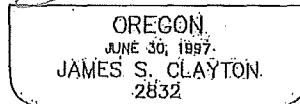
Commencing at a found 6" X 6" concrete post with 4-1/4" brass disc in monument box at the North One-quarter corner of said Section 21, also being a point on the centerline of SE Lusted Road, County Road No. 675; thence S88°34'36"E, along said centerline, a distance of 609.69 feet; thence

S01°25'24"W, a distance of 30.00 feet to the southerly right-of-way line of said SE Lusted Road and the point of beginning of the herein described tract of land; thence S88°34'36"E, along said southerly right-of-way line, a distance of 10.00 feet; thence S01°25'24"W, a distance of 5.00 feet; thence S88°34'36"E, parallel with said southerly right-of-way line, a distance of 13.36 feet; thence N01°25'24"E, a distance of 5.00 feet to said southerly right-of-way line; thence S88°34'36"E, along said southerly right-of-way line, a distance of 10.00 feet; thence S01°25'24"W, a distance of 10.00 feet; thence N88°34'36"W, parallel with said southerly right-of-way line, a distance of 33.36 feet; thence N01°25'24"E, a distance of 10.00 feet to the point of beginning.

Containing 267 square feet more or less.



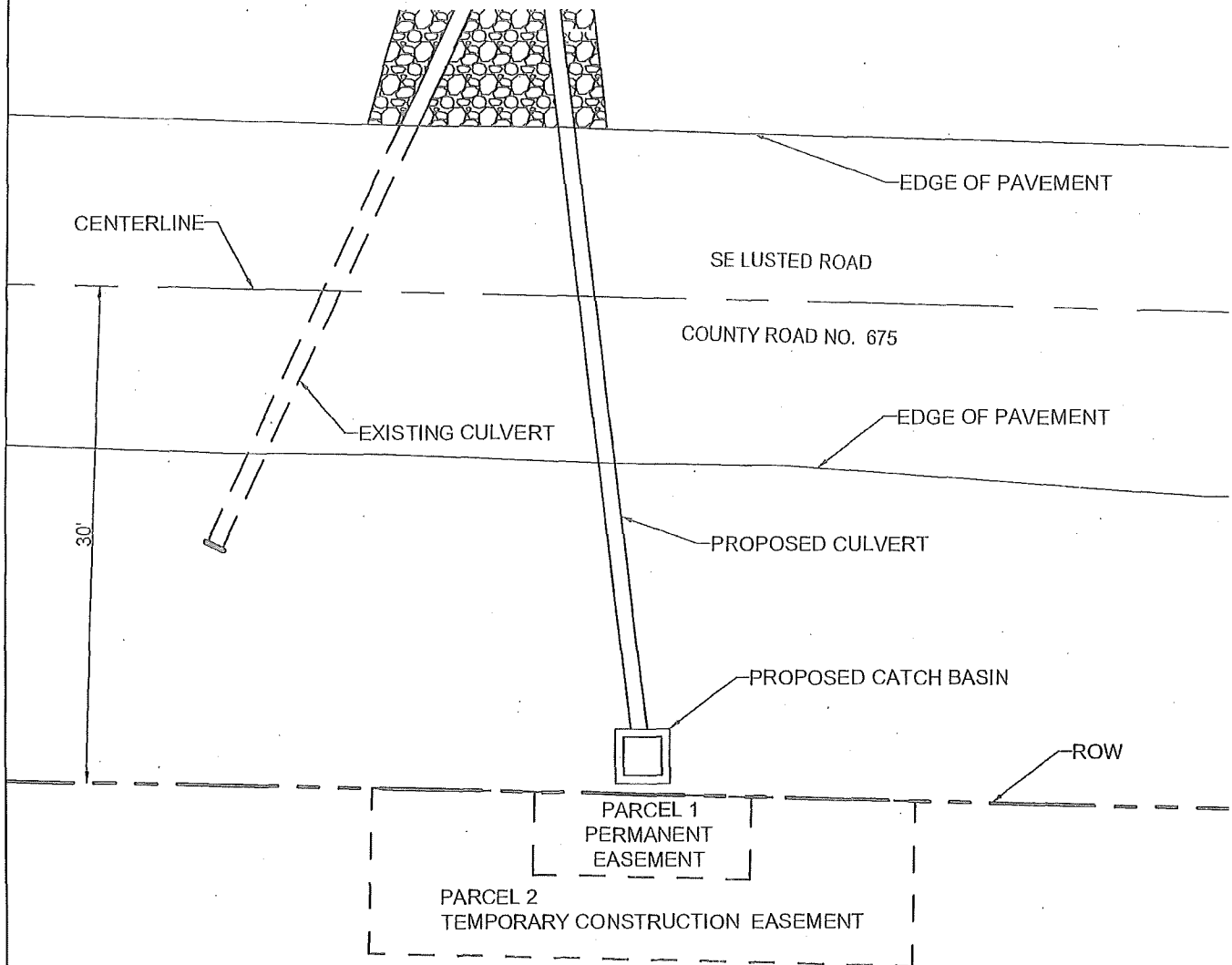
E-SC 2-15-18



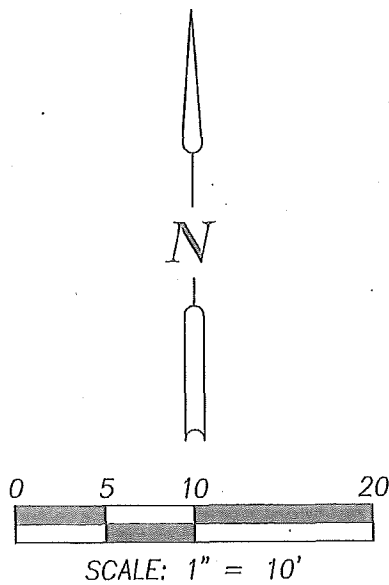
RENEWAL DATE: 1-1-20

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



SHELLEY L. EKSTROM, LLC



**Multnomah
County**

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

JAMES S. CLAYTON PLS

COUNTY SURVEYOR

LUSTED ROAD CULVERT PROJECT

ITEM NO. 2018-05

Grantor:
Anthony Kinen
33417 SE Lusted Road
Gresham, OR 97080-8948
After recording return to:
Grantee: Multnomah County; attn: Patrick Hinds
Land Use & Transportation Division, Bldg. #425

SE Lusted Road
County Road No. 675
Item No. 2018-06

Slope and Drainage Easement

Norbert Anthony Kinen II, "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

Parcels 2 & 3: Temporary easements (Beginning on May 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 waterways, 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 - 3" or collectively the "Property"). During the temporary easement term, Grantor shall not grant or allow any uses or activities in Parcels 2 & 3, 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.

SE Lusted Road
County Road No. 675
Item No. 2018-06

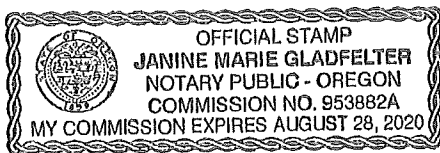
The true consideration paid for this grant stated in terms of dollars is \$ 1500.00.

Dated this May day of 14, 2018

By: Norbert Anthony Kinen II
Norbert Anthony Kinen II

STATE OF OREGON)
) ss
County of Multnomah)

This record was acknowledged before me on May 14, 2018, by Norbert Anthony Kinen II.



Janine Gladfelter
Notary Public for Oregon
My Commission Expires: August 28, 2020

The described property is accepted for use in conjunction with SE Lusted Road, County Road No. 675, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this 29th day of MAY, 2018

By: Ian 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: Jenny M. Madkour
Assistant County Attorney

Exhibit A

Parcel 1

A portion of that tract of land described in warranty deed to Norbert Anthony Kinen II ("Kinen"), recorded on May 6, 2016 as Document No. 2016-054510, Multnomah County Deed Records, situated in the Southeast One-quarter of Section 16, Township 1 South, Range 4 East, W.M., Multnomah County, Oregon, more particularly described as follows:

Commencing at a found 6" X 6" concrete post with 4-1/4" brass disc in monument box at the South One-quarter corner of said Section 16, also being a point on the centerline of SE Lusted Road, County Road No. 675; thence S88°34'36"E, along said centerline, a distance of 605.50 feet; thence N01°25'24"E, a distance of 30.00 feet to the northerly right-of-way line of said SE Lusted Road and the point of beginning of the herein described tract of land; thence N34°42'58"W, a distance of 14.78 feet to the thread of an unnamed water way; thence N43°43'53"E, along said thread, a distance of 6.17 feet; thence N53°20'24"E, continuing along said thread, a distance of 10.01 feet; thence S34°42'58"E, a distance of 25.89 feet; thence S07°03'21"E, a distance of 4.25 feet to the northerly right-of-way line of said SE Lusted Road; thence N88°34'36"W, along said northerly right-of-way line, a distance of 22.32 feet to the point of beginning.

Containing 461 square feet more or less.

Parcel 2

A portion of that tract of land described in warranty deed to Norbert Anthony Kinen II ("Kinen"), recorded on May 6, 2016 as Document No. 2016-054510, Multnomah County Deed Records, situated in the Southeast One-quarter of Section 16, Township 1 South, Range 4 East, W.M., Multnomah County, Oregon, more particularly described as follows:

Commencing at a found 6" X 6" concrete post with 4-1/4" brass disc in monument box at the South One-quarter corner of said Section 16, also being

a point on the centerline of SE Lusted Road, County Road No. 675; thence S88°34'36"E, along said centerline, a distance of 596.84 feet; thence N01°25'24"E, a distance of 30.00 feet to the northerly right-of-way line of said SE Lusted Road and the point of beginning of the herein described tract of land; thence N01°25'24"E, a distance of 10.00 feet; thence S88°34'36"E, parallel with said northerly right-of-way line, a distance of 1.36 feet to the southwesterly line of the aforescribed Parcel 1; thence S34°42'58"E along said southwesterly line, a distance of 12.38 feet to the northerly right-of-way line of said SE Lusted Road; thence N88°34'36"W, along said northerly right-of-way line, a distance 8.66 feet to the point of beginning.

Containing 50 square feet more or less.

Parcel 3

A portion of that tract of land described in warranty deed to Norbert Anthony Kinen II ("Kinen"), recorded on May 6, 2016 as Document No. 2016-054510, Multnomah County Deed Records, situated in the Southeast One-quarter of Section 16, Township 1 South, Range 4 East, W.M., Multnomah County, Oregon, more particularly described as follows:

Commencing at a found 6" X 6" concrete post with 4-1/4" brass disc in monument box at the South One-quarter corner of said Section 16, also being a point on the centerline of SE Lusted Road, County Road No. 675; thence S88°34'36"E, along said centerline, a distance of 633.37 feet; thence N01°25'24"E, a distance of 30.00 feet to the northerly right-of-way line of said SE Lusted Road and the point of beginning of the herein described tract of land; thence N01°25'24"E, a distance of 10.00 feet; thence N88°34'36"W, parallel with said northerly right-of-way line, a distance of 10.42 feet to the northeasterly line of the aforescribed Parcel 1; thence S34°42'58"E along said northeasterly line, a distance of 7.18 feet; thence S07°03'21"E, a distance of 4.25 feet to the northerly right-of-way line of said SE Lusted Road; thence N88°34'36"W, along said northerly right-of-way line, a distance 5.56 feet to the point of beginning.

Containing 73 square feet more or less.

SE Lusted Road
County Road No. 675
Item No. 2018-06

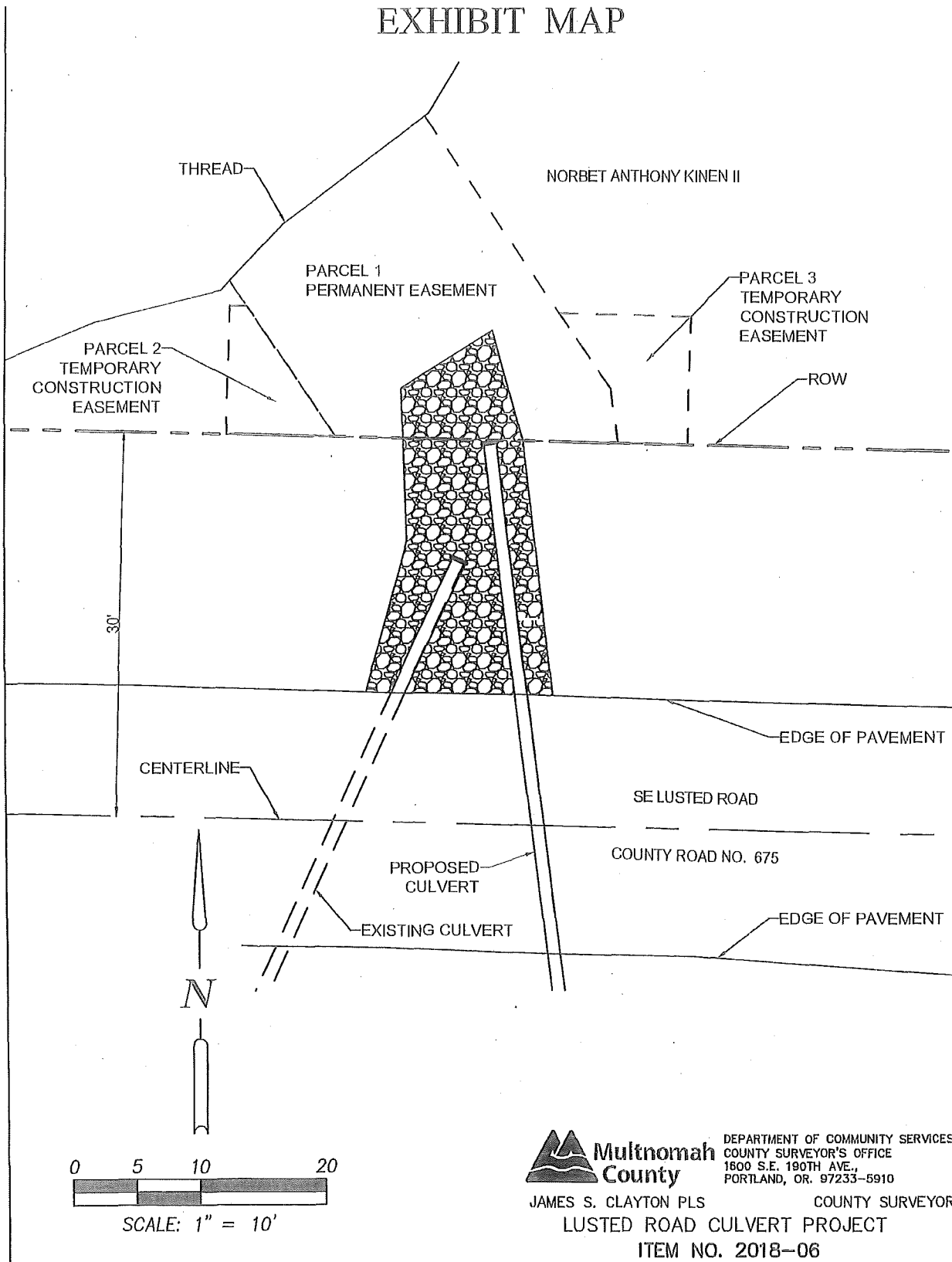
REGISTERED
PROFESSIONAL
LAND SURVEYOR

237 2-15-18
OREGON
JUNE 30, 1997
JAMES S. CLAYTON
2832

RENEWAL DATE: *1-1-20*

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



**Multnomah
County**

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

JAMES S. CLAYTON PLS

COUNTY SURVEYOR

LUSTED ROAD CULVERT PROJECT

ITEM NO. 2018-06

xhibit 1/19.1/11