

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

RESOLUTION NO. 2020-062

Approving the Acquisition of Certain Real Property Interests for the NE 238th Drive Road Project.

The Multnomah County Board of Commissioners Finds:

- a. By Resolution 2018-111 adopted on November 15, 2018, Resolution 2019-24 adopted on April 4, 2019, and Resolution No. 2019-077 adopted on September 12, 2019 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 238th Drive, in the Cities of Wood Village and Troutdale, situated in East Multnomah County (the Project).
- b. By Resolution 2019-097 adopted December 5, 2019 this Board authorized the use of condemnation, if necessary, to acquire the property interests needed for the Project.
- c. During negotiations, Transportation reached proposed settlements with several abutting property owners, whose property were identified in Resolutions No. 2018-111, 2019-24, 2019-077 and 2019-097 to acquire certain easements necessary for the Project.
- d. Attached, as Exhibit 1 is a copy of the negotiated easements.
- e. 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 Project and these easements has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.

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 23rd day of July, 2020.



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, Senior Assistant County Attorney

SUBMITTED BY: Jamie Waltz, Interim Director, Department of Community Services

NE 238th Drive
County Road No. 2529
Item No. 2018-20-03

Reynolds School District #7

ROAD PURPOSE EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Northwest One-Quarter of Section 35, Township 1 North, Range 3 East, of the Willamette Meridian, City of Troutdale, Multnomah County, Oregon, and being a portion of Lot 7, Plat of "Edgefield District", Multnomah County Plat Records, said parcel being that portion of said Lot 7 included in a strip of land variable in width lying on the northerly side of and coincident with the centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 8+00.00 and 13+05.00, said centerline being more particularly described as follows:

Beginning at a 4 1/4" brass disk in concrete inside a monument box at the Northeast Corner of the Alanson Taylor D.L.C. No. 57 at Station 0+00;

Thence along the existing centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 the following courses and distances:

N01°20'01"E, 226.57 feet to Centerline Station 2+26.57 and the beginning of a 1432.50 foot radius curve to the right having a central angle of 10°09'33";

Thence along the arc of said curve to the right (the long chord of which bears N06°24'48"E, 253.67') 254.00 feet to Centerline Station 4+80.57;

Thence N11°29'34"E, 75.59 feet to a 5/8" iron rod in a monument box at Centerline Station 5+56.16 and the beginning of a 636.67 foot radius curve to the left having a central angle of 103°36'14";

Thence along the arc of said curve to the left (the long chord of which bears N40°18'33"W, 1000.69') 1151.25 feet to Centerline Station 17+07.40;

Thence S87°53'20"W, 252.13 feet to Centerline Station 19+59.53 and the beginning of a 477.50 foot radius curve to the right having a central angle of 95°21'52" from which a 1/2" iron pipe in a monument box bears S87°53'20"W, 0.27;

Thence along the arc of said curve to the right (the long chord of which bears N44°25'44"W, 706.15') 794.76 feet to Centerline Station 27+54.29 from which a 1/2" iron pipe in a monument box bears S03°15'12"W, 0.34 feet;

Thence N03°15'12"E, 594.18 feet to Centerline Station 33+48.47 and the point of intersection with NE Arata Road (County Road No. 730) and the **Terminus Point** of said centerline.

The basis of bearings along with the centerline location of the above described Centerline is based on a Pre-Construction Survey to be prepared by Multnomah County Surveyors Office and to be filed prior to the beginning of construction of roadway improvements.

The northerly line of said strip being described by the following courses and distances:

Beginning at a point 97.80 feet right of Centerline Station 8+00.00 of NE 238th Drive (County Road No. 2529);

Thence N21°20'07"W, 264.62 feet to a point 95.50 feet right of Centerline Station 10+31.00;

Thence N33°01'59"W, 113.69 feet to a point 100.75 feet right of Centerline Station 11+29.50;

Thence N45°19'52"E, 89.75 feet to a point 190.25 feet right of Centerline Station 11+35.00;

Thence N46°29'34"W, 136.34 feet to a point on the southerly right of way line of NE 238th Connector (County Road No. 5008) 187.49 feet right of Centerline Station 12+40.25;

Thence S74°36'37"W, along the southerly right of way line of said NE 238th Connector and its westerly extension, 128.82 feet to a point 85.29 feet right of Centerline Station 13+05.00.

EXCEPTING therefrom any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529, right of way, and NE 242nd Connector (County Road No. 5007).

The parcel of land to which this description applies contains 39,211 square feet more or less.

In the event of a conflict or discrepancy between the map as shown on Exhibit B and the written legal description provided above, the written legal description shall prevail.

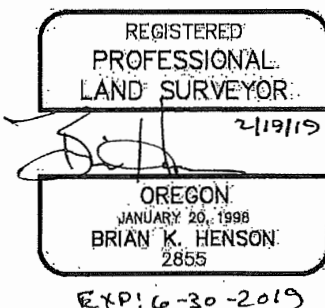
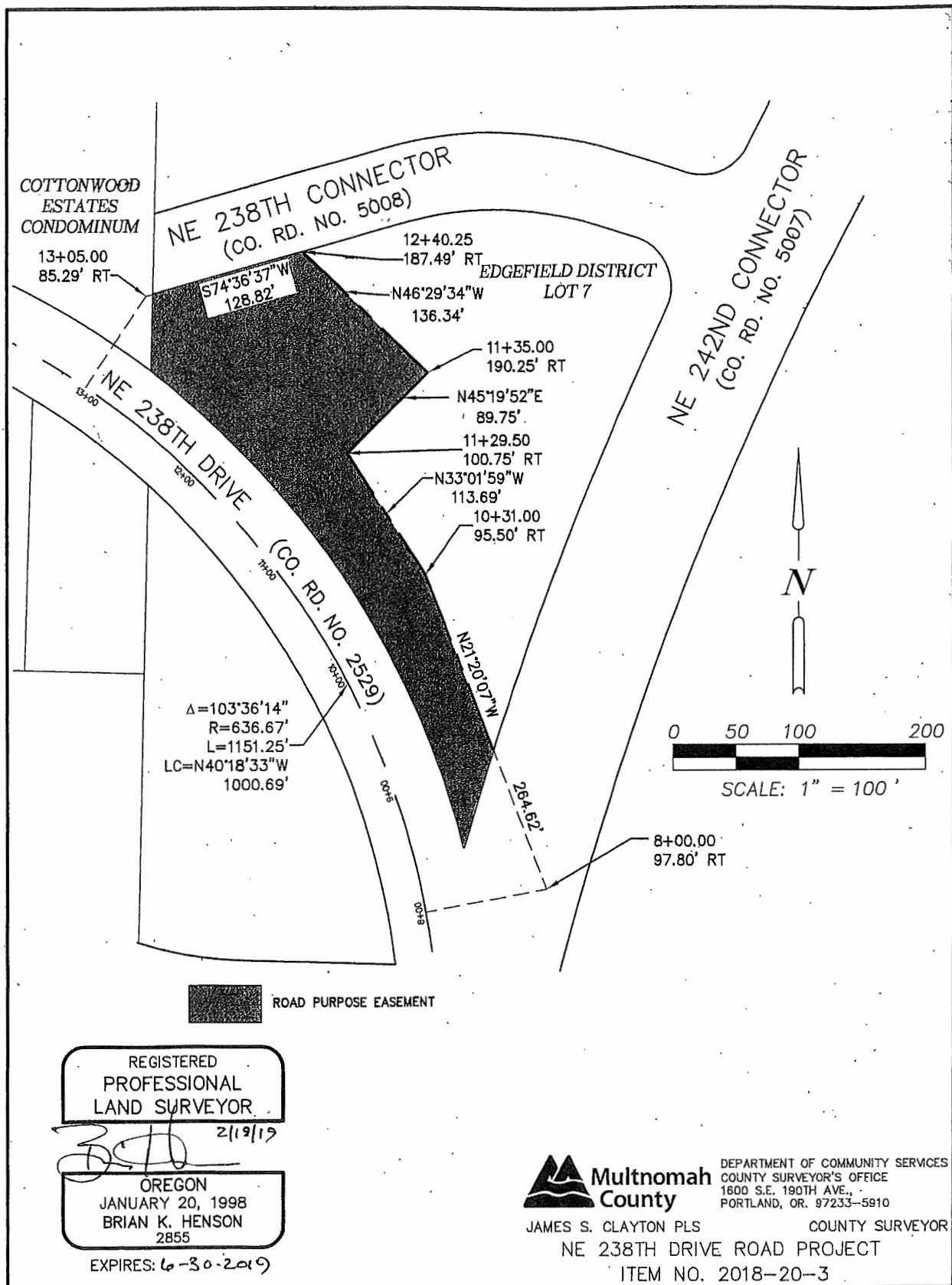


EXHIBIT B



NE 238th Drive
County Road No. 2529
Item No. 2018-27-04

Rosehill Investments

PARCEL 1 – PERMANENT SIDEWALK EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Northwest One-Quarter of Section 35, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of that tract of land described in Warranty deed to **Rosehill Investments LLC, a Washington Limited Liability Co.** ("Rosehill"), recorded on January 27, 2000 as Document No. 2000-010983, Multnomah County Deed Records, said parcel being that portion of said Rosehill tract included in a strip of land 35.00 feet in width lying on the westerly side of and coincident with the Centerline line of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 3+59 and 3+80, said Centerline being more particularly described as follows:

Beginning at a 4 1/4" brass disk in concrete inside a monument box at the Northeast Corner of the Alanson Taylor D.L.C. No. 57 at Station 0+00;

Thence along the existing centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 the following courses and distances:

N01°20'01"E, 226.57 feet to Centerline Station 2+26.57 and the beginning of a 1432.50 foot radius curve to the right having a central angle of 10°09'33";

Thence along the arc of said curve to the right (the long chord of which bears N06°24'48"E, 253.67') 254.00 feet to Centerline Station 4+80.57;

Thence N11°29'34"E, 75.59 feet to a 5/8" iron rod in a monument box at Centerline Station 5+56.16 and the beginning of a 636.67 foot radius curve to the left having a central angle of 103°36'14";

Thence along the arc of said curve to the left (the long chord of which bears N40°18'33"W, 1000.69') 1151.25 feet to Centerline Station 17+07.40;

Thence S87°53'20"W, 252.13 feet to Centerline Station 19+59.53 and the beginning of a 477.50 foot radius curve to the right having a central angle of 95°21'52" from which a 1/2" iron pipe in a monument box bears S87°53'20"W, 0.27;

Thence along the arc of said curve to the right (the long chord of which bears N44°25'44"W, 706.15') 794.76 feet to Centerline Station 27+54.29 from which a 1/2" iron pipe in a monument box bears S03°15'12"W, 0.34 feet;

Thence N03°15'12"E, 594.18 feet to Centerline Station 33+48.47 and the point of intersection with NE Arata Road (County Road No. 730) and the **Terminus Point** of said Centerline.

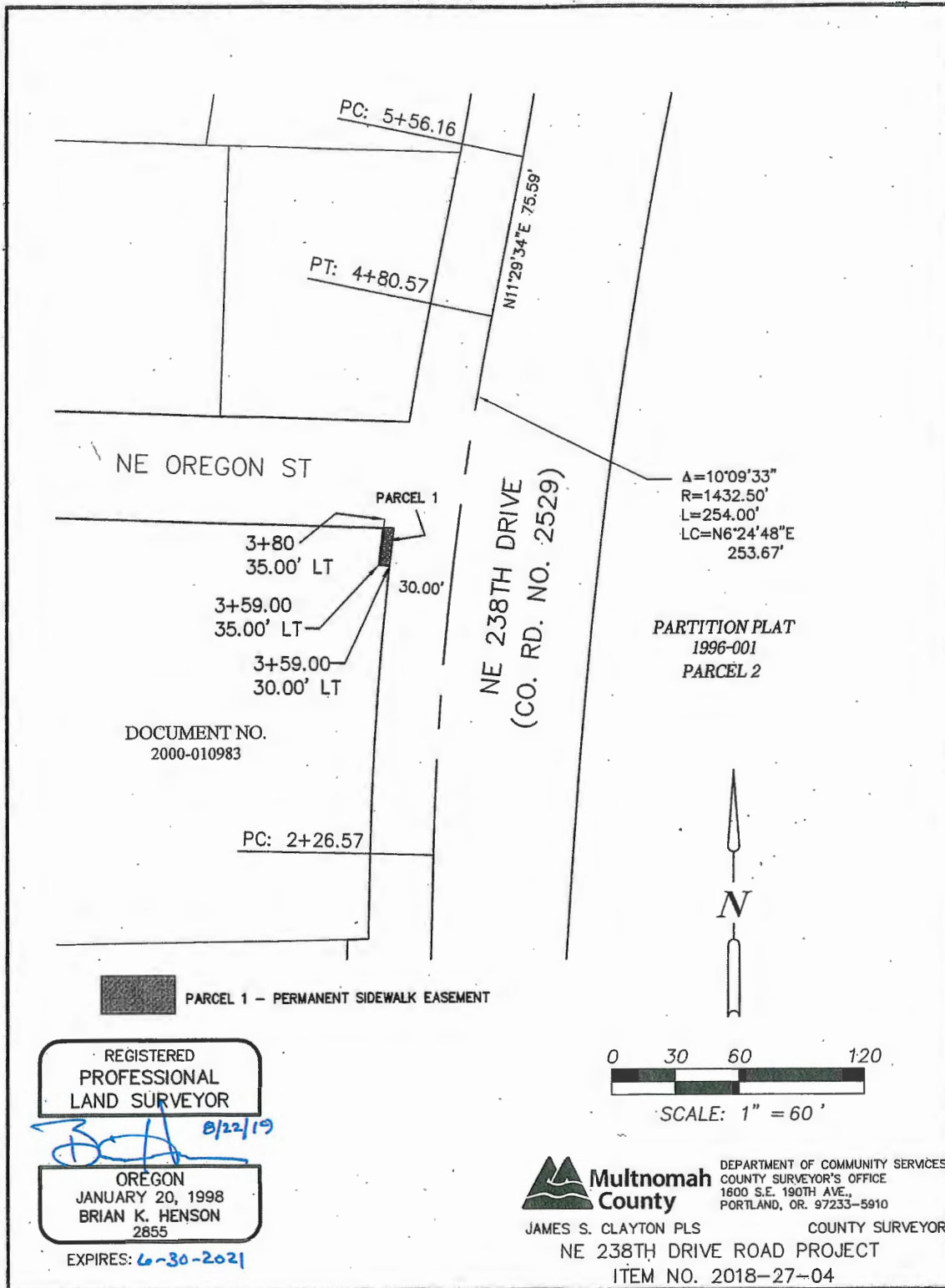
EXCEPTING therefrom any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive, County Road No. 2529), right of way.

The parcel of land to which this description applies contains 87 square feet more or less.

This legal description along with the basis of bearings thereof, was prepared based on that Survey recorded as Survey Number 66739, Multnomah County Survey Records.



EXHIBIT B



NE 238th Drive
County Road No. 2529
Item No. 2018-18-03

Treehill Park Condominium

PARCEL 1 – PERMANENT EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Northeast One-Quarter of Section 34, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of "Treehill Park Condominiums" recorded in Plat Book 1211, Pages 1-4, Multnomah County Plat Records, said parcel being that portion of said Treehill Park Condominiums included in a strip of land variable in width lying on the northerly and easterly side of and coincident with the centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 16+89.24 and 30+59.20, said Centerline being more particularly described as follows:

Beginning at a 4 1/4" brass disk in concrete inside a monument box at the Northeast Corner of the Alanson Taylor D.L.C. No. 57 at Station 0+00;

Thence along the existing centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 the following courses and distances:

N01°20'01"E, 226.57 feet to Centerline Station 2+26.57 and the beginning of a 1432.50 foot radius curve to the right having a central angle of 10°09'33";

Thence along the arc of said curve to the right (the long chord of which bears N06°24'48"E, 253.67') 254.00 feet to Centerline Station 4+80.57;

Thence N11°29'34"E, 75.59 feet to a 5/8" iron rod in a monument box at Centerline Station 5+56.16 and the beginning of a 636.67 foot radius curve to the left having a central angle of 103°36'14";

Thence along the arc of said curve to the left (the long chord of which bears N40°18'33"W, 1000.69') 1151.25 feet to Centerline Station 17+07.40;

Thence S87°53'20"W, 252.13 feet to Centerline Station 19+59.53 and the beginning of a 477.50 foot radius curve to the right having a central angle of 95°21'52" from which a 1/2" iron pipe in a monument box bears S87°53'20"W, 0.27;

Thence along the arc of said curve to the right (the long chord of which bears N44°25'44"W, 706.15') 794.76 feet to Centerline Station 27+54.29 from which a 1/2" iron pipe in a monument box bears S03°15'12"W, 0.34 feet;

Thence N03°15'12"E, 594.18 feet to Centerline Station 33+48.47 and the point of intersection with NE Arata Road (County Road No. 730) and the **Terminus Point** of said Centerline.

The basis of bearings along with the centerline location of the above described Centerline is based on a Pre-Construction Survey to be prepared by Multnomah County Surveyors Office and to be filed prior to the beginning of construction of roadway improvements.

The northerly and easterly line of said strip being described by the following courses and distances:

Beginning at a point on the northerly right of way line of NE 238th Drive (County Road No. 2529), 67.17 feet right of Centerline Station 16+89.24;

Thence S88°41'04"W, 272.59 feet to a point 70.66 feet right of Centerline Station 19+59.95;

Thence N18°13'56"W, 43.25 feet to a point 112.00 feet right of Centerline Station 19+75.69;

Thence S73°52'24"W, 20.01 feet to a point 106.00 feet right of Centerline Station 20+00.44;

Thence S18°13'56"E, 37.90 feet to a point 70.40 feet right of Centerline Station 19+84.48;

Thence S88°41'04"W, 40.66 feet to a point 66.82 feet right of Centerline Station 20+31.81 and the beginning of a 433.25 radius non-tangent curve to the right having a central angel of 33°00'28", the radius point of which bears N06°59'06"E;

Thence along the arc of said non-tangent curve (the long chord of which bears N66°30'40"W, 246.16') 249.59 feet to a point 64.73 feet right of Centerline Station 23+21.71;

Thence N52°41'00"W, 47.40 feet to a point 58.72 feet right of Centerline Station 23+75.74;

Thence S47°49'50"W, 8.97 feet to a point 49.74 feet right of Centerline Station 23+75.74 and the beginning of a 447.00 foot radius non-tangent curve to the right having a central angle of 14°08'01", the radius point of which bears N46°13'53"E;

Thence along the arc of said non-tangent curve (the long chord of which bears N36°42'06"W, 109.99') 110.27 feet to a point 46.10 feet right of Centerline Station 24+98.27;

Thence N21°31'24"W, 83.90 feet to a point 46.63 feet right of Centerline Station 25+91.34 and the beginning of a 460.25 foot radius non-tangent curve to the right having a central angle of 20°12'07", the radius point of which bears N76°13'22"E;

Thence along the arc of said non-tangent curve (the long chord of which bears N03°40'34"W, 161.44') 162.28 feet to a point 52.00 feet right of Centerline Station 27+70.35;

Thence N03°15'12"E, 112.39 feet to a point 52.00 feet right of Centerline Station 28+82.74 and the beginning of a 180.00 foot radius curve to the right having a central of 24°20'26";

Thence along the arc of said curve to the right (the long chord of which bears N15°25'25"E, 75.89') 76.47 feet to a point 68.00 feet right of Centerline Station 29+56.93;

Thence S86°44'48"E, 9.00 feet to a point 77.00 feet right of Centerline Station 29+56.93;

Thence N03°15'12"E, 42.60 feet to a point 77.00 feet right of Centerline Station 29+99.54;

Thence N57°56'23"W, 21.68 feet to a point 58.00 feet right of Centerline Station 30+09.98;

Thence N38°51'25"E, 6.87 feet to a point 62.00 feet right of Centerline Station 30+15.57 and the beginning of a 70.00 foot radius non-tangent curve to the right having a central angle of 39°04'40", the radius point of which bears N52°25'31"E;

Thence along the arc of said non-tangent curve (the long chord of which bears N18°02'08"W, 46.82') 47.74 feet to a point on the easterly right of way line of said NE 238th Drive 45.00 feet right of Centerline Station 30+59.20 and the Terminus Point of said line.

EXCEPTING therefrom any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529, right of way, any portion of said strip included in Tract "I" in that Deed for Road Purposes recorded November 27, 1973 in Book 960, page 1328, Multnomah County Deed Records, and any portion of said strip included in that Bargain and Sale Deed recorded, December 31, 1986 in Book 1969, Page 607, Multnomah County Deed Records.

The parcel of land to which this description applies contains 9,981 square feet more or less.

PARCEL 2 – SLOPE EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Northeast One-Quarter of Section 34, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of "Treehill Park Condominiums" recorded in Plat Book 1211, Pages 1-4, Multnomah County Plat Records, said parcel being that portion of said Treehill Park Condominiums included in a strip of land variable in width lying on the northerly side of and coincident with the centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 17+50 and 19+61.68, said Centerline being more particularly described in Parcel 1.

The width of the strip of land referred to above is as follows:

<u>Station to Station</u>	<u>Width on Northerly Side of Centerline</u>
Station 17+50 to 19+61.68	72.75 in a straight line to 75.68 feet

EXCEPTING therefrom Parcel 1, any portion of said strip included in Slope Easement "III" in that Deed for Road Purposes recorded November 27, 1973 in Book 960, page 1328, Multnomah County Deed Records, any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529, right of way, and any portion of said strip included in that Bargain and Sale Deed recorded, December 31, 1986 in Book 1969, Page 607, Multnomah County Deed Records.

The parcel of land to which this description applies contains 713 square feet more or less.

PARCEL 3 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Northeast One-Quarter of Section 34, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of "Treehill Park Condominiums" recorded in Plat Book 1211, Pages 1-4, Multnomah County Plat Records, said parcel being that portion of said Treehill Park Condominiums included in a strip of land variable in width lying on the northerly side of and coincident with the centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 17+50 and 19+62.74, said Centerline being more particularly described in Parcel 1.

The width of the strip of land referred to above is as follows:

<u>Station to Station</u>	<u>Width on Northerly Side of Centerline</u>
Station 17+50 to 19+62.74	75.75 in a straight line to 78.69 feet

EXCEPTING therefrom Parcel 1, Parcel 2, any portion of said strip included in Slope Easement "IIP" in that Deed for Road Purposes recorded November 27, 1973 in Book 960, page 1328, Multnomah County Deed Records, any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529, right of way, and any portion of said strip included in that Bargain and Sale Deed recorded, December 31, 1986 in Book 1969, Page 607, Multnomah County Deed Records.

The parcel of land to which this description applies contains 507 square feet more or less.

PARCEL 4 – SLOPE EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Northeast One-Quarter of Section 34, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of "Treehill Park Condominiums" recorded in Plat Book 1211, Pages 1-4, Multnomah County Plat Records, said parcel being that portion of said Treehill Park Condominiums included in a strip of land variable in width lying on the northerly side of and coincident with the centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 19+84.48 and 22+82.74, said Centerline being more particularly described in Parcel 1.

The width of the strip of land referred to above is as follows:

<u>Station to Station</u>	<u>Width on Northerly Side of Centerline</u>
Station 19+84.48 to 22+82.74	70.40 in a straight line to 65.46 feet

EXCEPTING therefrom Parcel 1, any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529, right of way, any portion of said strip included in Tract "T" in that Deed for Road Purposes recorded November 27, 1973 in Book 960, page 1328, Multnomah County Deed Records, and any portion of said strip included in that Bargain and Sale Deed recorded, December 31, 1986 in Book 1969, Page 607, Multnomah County Deed Records.

The parcel of land to which this description applies contains 3,581 square feet more or less.

PARCEL 5 – SLOPE EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Northeast One-Quarter of Section 34, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of "Treehill Park Condominiums" recorded in Plat Book 1211, Pages 1-4, Multnomah County Plat Records, said parcel being that portion of said Treehill Park Condominiums included in a strip of land variable in width lying on the northerly and easterly side of and coincident with the centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 24+72.77 and 29+50, said Centerline being more particularly described in Parcel 1.

The northerly and easterly line of said strip being described by the following courses and distances:

Beginning at a point on the northerly line of Parcel 1, as described hereon, 46.95 feet right of Centerline Station 24+72.77;

Thence N08°12'27"E, 13.89 feet to a point 55.50 feet right of Centerline Station 24+85.03;

Thence N25°22'41"W, 91.30 feet to a point 51.50 feet right of Centerline Station 25+87.95, and the beginning of a 455.00 foot radius non-tangent curve to the right having a central angle of 20°35'04", the radius point of which bears N75°51'48"E;

Thence along the arc of said non-tangent curve to the right (the long chord of which bears N03°50'40"W, 162.59') 163.47 feet to a point 57.00 feet right of Centerline Station 27+70.21;

Thence N03°15'12"E, 179.79 feet to a point 57.00 feet right of Centerline Station 29+50 and the Terminus Point of said line.

EXCEPTING therefrom Parcel 1, any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529, right of way, any portion of said strip included in Tract "T" and Slope Easement "T" in that Deed for Road Purposes recorded November 27, 1973 in Book 960, page 1328, Multnomah County Deed Records.

The parcel of land to which this description applies contains 2,228 square feet more or less.

PARCEL 6 – TEMPORARY CONSTRUCTION EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Northeast One-Quarter of Section 34, Township 1 North, Range 3 East, of the Willamette Meridian, City of Wood Village, Multnomah County, Oregon, and being a portion of "Treehill Park Condominiums" recorded in Plat Book 1211, Pages 1-4, Multnomah County Plat Records, said parcel being that portion of said Treehill Park Condominiums included in a strip of land variable in width lying on the northerly and easterly side of and coincident with the Centerline of NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 between Centerline Stations 23+75.74 and 30+59.20, said Centerline being more particularly described in Parcel 1.

The northerly and easterly line of said strip being described by the following courses and distances:

Beginning at a point on the northerly line of Parcel 1, as described hereon, 58.72 feet right of Centerline Station 23+75.74;

Thence N47°49'50"E, 5.03 feet to a point 63.75 feet right of Centerline Station 23+75.74 and the beginning of a 433.00 foot radius non-tangent curve to the right, having a central angle of 14°11'07", the radius point of which bears N46°10'47"E;

Thence along the arc of said non-tangent curve to the right (the long chord of which bears N36°43'39"W, 106.93') 107.20 feet to a point 60.09 feet right of Centerline Station 24+98.87;

Thence N25°47'42"W, 80.57 feet to a point 54.60 feet right of Centerline Station 25+90.37 and the beginning of a 452.00 foot radius non-tangent curve to the right having a central angle of 20°18'21", the radius point of which bears N76°09'09"E;

Thence along the arc of said non-tangent curve to the right (the long chord of which bears N03°41'40"W, 159.35') 160.19 feet to a point 60.00 feet right of Centerline Station 27+70.13;

Thence N03°15'12"E, 148.47 feet to a point 60.00 feet right of Centerline Station 29+18.60;

Thence S86°44'48"E, 35.00 feet to a point 95.00 feet right of Centerline Station 29+18.60;

Thence N03°15'12"E, 78.77 feet to a point 95.00 feet right of Centerline Station 29+97.37;

Thence N35°42'36"W, 79.51 feet to a point on the easterly right of way line of said NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529 being 45.00 feet right of Centerline Station 30+59.20.

EXCEPTING therefrom Parcel 1, Parcel 5, any portion of said strip lying within the existing NE 238th Drive (formerly known as Cherry Park Drive) County Road No. 2529, right of way, any portion of said strip included in Tract "T" in that Deed for Road Purposes recorded November 27, 1973 in Book 960, page 1328, Multnomah County Deed Records

The parcel of land to which this description applies contains 5,523 square feet more or less.



EXHIBIT B

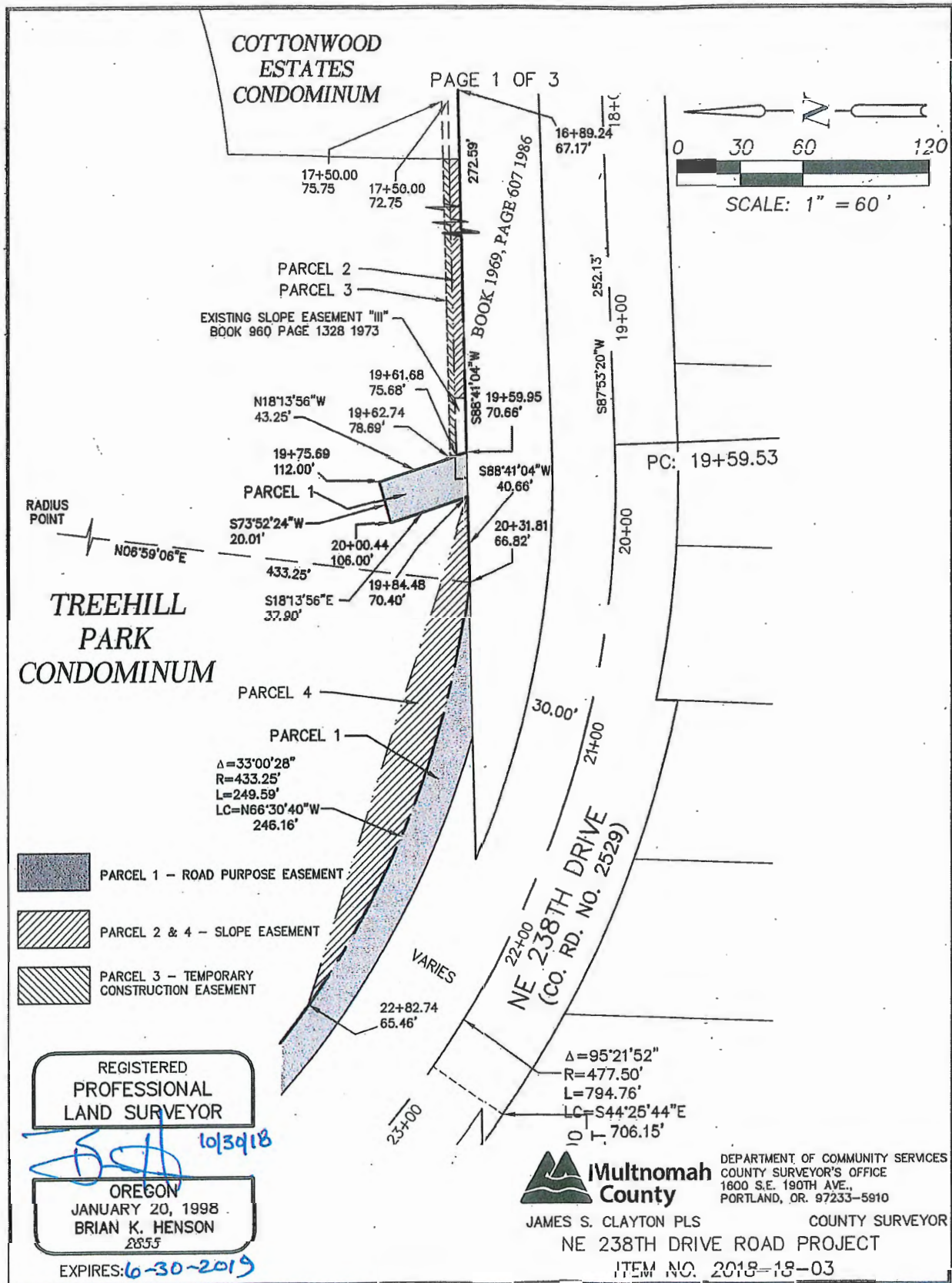


EXHIBIT B

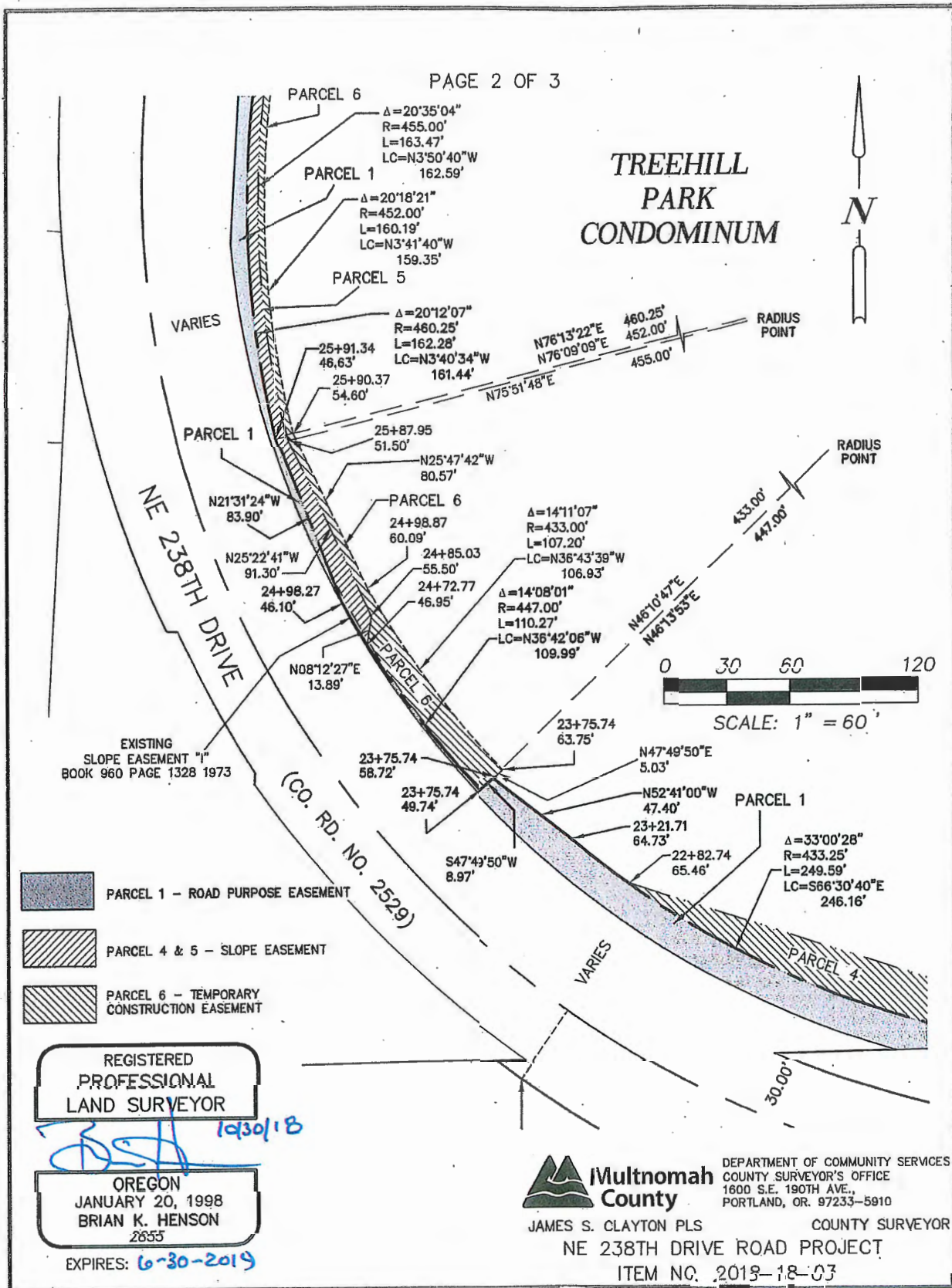


EXHIBIT B

