

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 2019-068

Approving the Acquisition of Certain Real Property Interests for the SE 267th Avenue Project.

The Multnomah County Board of Commissioners Finds:

- a. By Resolution 2018-083, 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 267th Avenue in unincorporated East Multnomah County (the Project).
- b. Following negotiations, Transportation has reached proposed settlements with several abutting property owners, whose property were identified in Resolution No. 2018-083 to acquire certain easements necessary for the Project.
- c. Attached, as Exhibit 1 is a copy of the negotiated, 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 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 18th day of July, 2019.

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 Peoples, Director, Department of Community Services

Grantor:
Max V. Strasburg
Allyson W. Strasburg
7616 SE 267th Avenue
Gresham, OR 97080-9043
After recording return to:
Grantee: Multnomah County; attn: Patrick Hinds
Land Use & Transportation Division, Bldg. #425

EXHIBIT 1

Strasburg
SE 267th Avenue
County Road No. 819
Item No. 2018-30-02

Slope and Drainage Easement

Max V. Strasburg and Allyson W. Strasburg, "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 March 1, 2019 and expiring on December 31, 2022) 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.

Strasburg
SE 267th Avenue
County Road No. 819
Item No. 2018-30-02

The true consideration paid for this grant stated in terms of dollars is \$8,800.00.

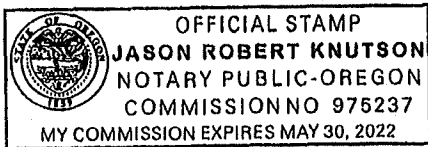
Dated this 8th day of March, 2019

By: [Signature]
Max V. Strasburg

By: [Signature]
Allyson W. Strasburg

STATE OF OREGON)
) ss
County of Multnomah)

This record was acknowledged before me on March 8th, 2019, by Max V. Strasburg and Allyson W. Strasburg.



[Signature]
Notary Public for Oregon
My Commission Expires: 5/30/22

The described property is accepted for use in conjunction with SE 267th Avenue, County Road No. 819, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this 21ST day of MARCH, 2019

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: SLOPE & DRAINAGE EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Southwest One-Quarter of Section 24, Township 1 South, Range 3 East, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that tract of land described in Bargain and Sale Deed to **Max V. Strasburg and Allyson W. Strasburg**, recorded on October 5, 1998 as Document No. 98-179022, Multnomah County Deed Records, being more particularly described as follows:

Commencing at a 6" X 6" concrete post with 4" brass disk in a monument box at the Northeast Corner of the Isaac Brigman D.L.C. No. 73 on the centerline of SE 267th Avenue, County Road No. 819;

Thence S02°08'23"W, along the centerline of said SE 267th Avenue, also being the East line of said D.L.C. No. 73, 463.11 feet;

Thence S87°51'37"E, 30.00 feet to the East right-of-way line of said SE 267th Avenue, also being the **Point of Beginning** of the herein described parcel of land;

Thence S78°38'02"E, 64.09 feet;

Thence S11°21'58"W, 32.50 feet;

Thence N78°38'02"W, 58.81 feet returning to said East right-of-way line of SE 267th Avenue;

Thence N02°08'23"E, 32.93 feet along said right-of-way line to the point of beginning.

The parcel of land to which this description applies contains 1,997 square feet more or less.

The basis of bearings for this legal description is NAD83(2011)(Epoch 2010).

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.

PARCEL 2: TEMPORARY CONSTRUCTION EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Southwest One-Quarter of Section 24, Township 1 South, Range 3 East, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that tract of land described in Bargain and Sale Deed to Max V. Strasburg and Allyson W. Strasburg, recorded on October 5, 1998 as Document No. 98-179022, Multnomah County Deed Records, being more particularly described as follows:

Commencing at a 6" X 6" concrete post with 4" brass disk in a monument box at the Northeast Corner of the Isaac Brigman D.L.C. No. 73 on the centerline of SE 267th Avenue, County Road No. 819;

Thence S02°08'23"W, along the centerline of said SE 267th Avenue, also being the East line of said D.L.C. No. 73, 427.32 feet;

Thence S87°51'37"E, 30.00 feet to the East right-of-way line of said SE 267th Avenue, also being the Point of Beginning of the herein described parcel of land;

Thence N86°22'44"E, 84.63 feet;

Thence S03°40'41"E, 100.00 feet;

Thence S86°22'44"W, 94.82 feet returning to said East right-of-way line of SE 267th Avenue;

Thence N02°08'23"E, 100.51 feet along said right-of-way line to the point of beginning.

EXCEPTING therefrom the aforescribed Parcel 1.

The parcel of land to which this description applies contains 6,976 square feet more or less.

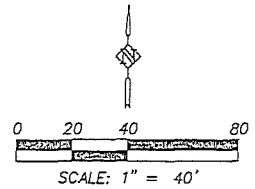
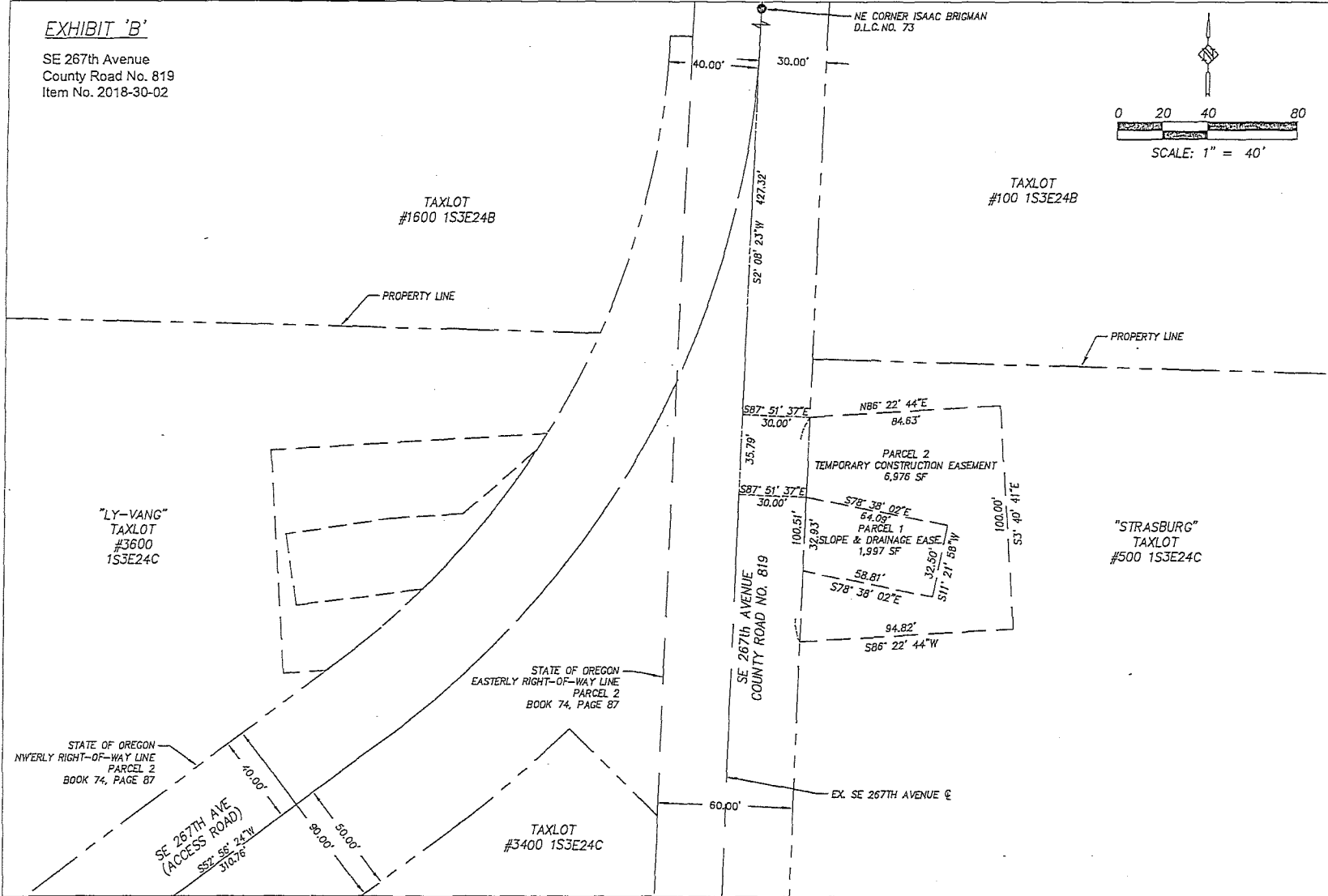
The basis of bearings for this legal description is NAD83(2011)(Epoch 2010).

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'

SE 267th Avenue
County Road No. 819
Item No. 2018-30-02



RIGHT-OF-WAY & ALIGNMENT PLAN
SE 267TH AVENUE, COUNTY ROAD NO. 819
CULVERT REPLACEMENT
MULTNOMAH COUNTY, OREGON
DATE: 08/17/18 PROJECT No.:

MULTNOMAH COUNTY
ENGINEERING SERVICES
1520 S.E. 15th AVE. PORTLAND, OR 97233-5899
IAN B. CANNON P.E. COUNTY ENGINEER

NO.	DATE	REVISIONS

DESIGNED BY: _____
D.R. _____
DRAWN BY: _____
K.S.H. _____
CHECKED BY: _____
R.W.L. _____

Sheet No. _____
Page 5 of 5

Grantor:
Nang Ly
7555 SE 267th Avenue
Gresham, OR 97080
After recording return to:
Grantee: Multnomah County; attn: Patrick Hinds
Land Use & Transportation Division, Bldg. #425

Nang Ly
SE 267th Ave.
County Road No. 819
Item No. 2018-29-02

Slope and Drainage Easement

Nang Ly and Youa Vang and Herb Vang, "**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 March 1, 2019 and expiring on December 31, 2022**) 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.

The true consideration paid for this grant stated in terms of dollars is \$ 6,958⁰⁰.

Dated this 5th day of April, 2019

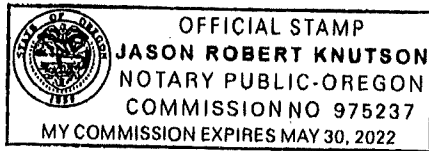
By: [Signature]
Nang Ly

By: [Signature]
Youa Vang

By: [Signature]
Herb Vang

STATE OF OREGON)
) ss
County of Multnomah)

This record was acknowledged before me on April 5th, 2019, by Nang Ly and Youa Vang and Herb Vang.



[Signature]
Notary Public for Oregon
My Commission Expires: 5/30/22

The described property is accepted for use in conjunction with SE 267th Avenue, County Road No. 819, on behalf of the Board of County Commissioners of Multnomah County, Oregon, pursuant to Ordinance No. 619 and Executive Order No. 199.

Dated this, 2nd day of MAY, 2019

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: SLOPE & DRAINAGE EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Southwest One-Quarter of Section 24, Township 1 South, Range 3 East, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that tract of land described in Warranty Deed to Nang Ly and Youa Vang and Herb Vang, recorded on February 2, 2018 as Document No. 2018-013330, Multnomah County Deed Records, being more particularly described as follows:

Commencing at a 6" X 6" concrete post with 4" brass disk in a monument box at the Northeast Corner of the Isaac Brigman D.L.C. No. 73 on the centerline of SE 267th Avenue, County Road No. 819;

Thence S02°08'23"W, along the centerline of said SE 267th Avenue, also being the East line of said D.L.C. No. 73, 511.12 feet;

Thence N87°51'37"W, 138.51 feet to the northwesterly right-of-way line of SE 267th Avenue, an access road described as Parcel 2 in Warranty Deed to the State of Oregon recorded on June 30, 1964 in Book 74, Page 87, Multnomah County Deed Records also being the **Point of Beginning** of the herein described parcel of land;

Thence S82°30'55"W, 56.20 feet;

Thence N08°52'46"W, 32.26 feet;

Thence N81°07'14"E, 45.74 feet;

Thence N86°19'19"E, 33.09 feet;

Thence N48°42'38"E, 43.30 feet returning to said SE 267th Avenue, access road, right-of-way line and the beginning of a 369.26 foot radius curve to the right having a central angle of 12°25'23";

Thence along the arc of said curve to the right (the long chord of which bears S38°46'12"W, 79.91') 80.06 feet to the point of beginning.

The parcel of land to which this description applies contains 2,628 square feet more or less.

The basis of bearings for this legal description is NAD83(2011)(Epoch 2010).

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.

PARCEL 2: TEMPORARY CONSTRUCTION EASEMENT

A parcel of land, as shown on attached Exhibit B, located in the Southwest One-Quarter of Section 24, Township 1 South, Range 3 East, of the Willamette Meridian, Multnomah County, Oregon, and being a portion of that tract of land described in Warranty Deed to Nang Ly and Youa Vang and Herb Vang, recorded on February 2, 2018 as Document No. 2018-013330, Multnomah County Deed Records, being more particularly described as follows:

Commencing at a 6" X 6" concrete post with 4" brass disk in a monument box at the Northeast Corner of the Isaac Brigman D.L.C. No. 73 on the centerline of SE 267th Avenue, County Road No. 819;

Thence S02°08'23"W, along the centerline of said SE 267th Avenue, also being the East line of said D.L.C. No. 73, 549.19 feet;

Thence N87°51'37"W, 179.56 feet to the northwesterly right-of-way line of SE 267th Avenue, an access road, described as Parcel 2 in Warranty Deed to the State of Oregon recorded on June 30, 1964 in Book 74, Page 87, Multnomah County Deed Records also being the **Point of Beginning** of the herein described parcel of land;

Thence S86°19'19"W, 18.84 feet;

Thence N03°40'41"W, 100.00 feet;

Thence N86°19'19"E, 122.70 feet returning to said SE 267th Avenue, access road, right-of-way line and the beginning of a 369.26 foot radius curve to the right having a central angle of 21°46'42";

Thence along the arc of said curve to the right (the long chord of which bears S42°03'03"W, 139.51') 140.36 feet;

Thence S52°56'24"W, 4.75 feet to the point of beginning.

EXCEPTING therefrom the aforescribed Parcel 1.

The parcel of land to which this description applies contains 5,132 square feet more or less.

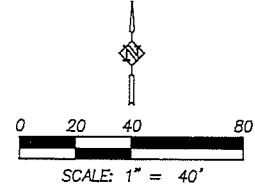
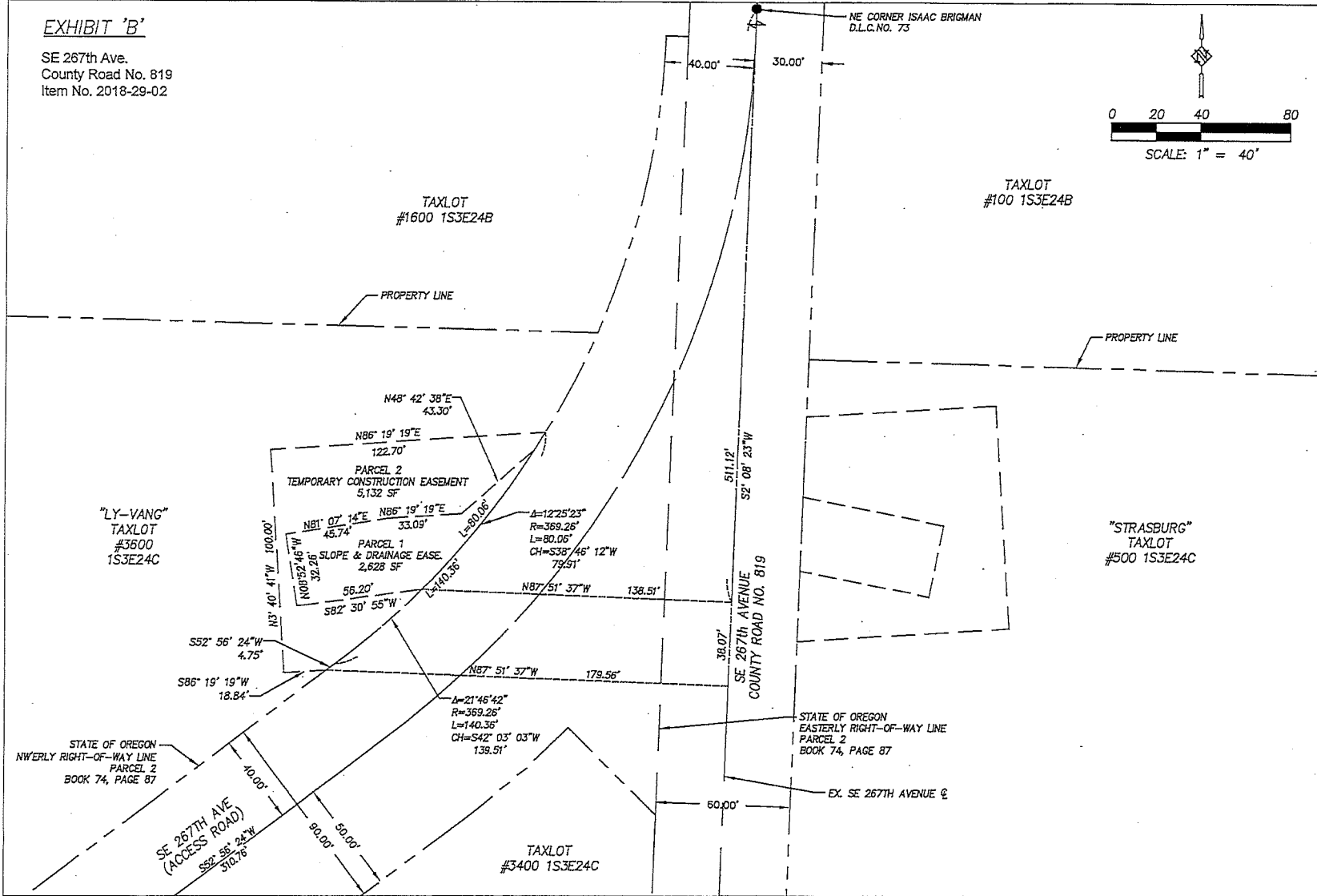
The basis of bearings for this legal description is NAD83(2011)(Epoch 2010).

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'

SE 267th Ave.
County Road No. 819
Item No. 2018-29-02



MULTNOMAH COUNTY
DEPARTMENT OF COUNTY SERVICES
1920 S.E. 140th Ave., Portland, OR 97233-5999

RIGHT-OF-WAY & ALIGNMENT PLAN
SE 267TH AVENUE, COUNTY ROAD NO. 819
CULVERT REPLACEMENT
MULTNOMAH COUNTY, OREGON

DATE: 8/17/18 PROJECT No.: _____

DESIGNED BY: _____
DVS
DRAFTED BY: _____
JSL
CHECKED BY: _____
BNV

REVISIONS

No.	DATE	DESCRIPTION

Sheet No. _____
Page 5 of 5

JAN B. CANNON P.E.
COUNTY ENGINEER