

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 2021-091**

Authorizing a Highway Right-of-Way Easement of a Tax Foreclosed Property as Allowed Under ORS 275.225 to the Oregon Department of Transportation.

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

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes certain real property located in Multnomah County on September 23, 1999, with legal description SECTION 10 1S 2E, TL 9700 ("Property").
- b. ORS 275.225 allows the County to sell County owned property, including property acquired through tax foreclosure, at a private sale if that property meets certain conditions with respect to value and the applicable zoning and building codes.
- c. The Property has a real market value of less than \$15,000.00 on each constituent account on the assessment roll prepared for the County, consistent with the requirement of ORS 275.225(1)(a).
- d. The zoning jurisdiction and record and current use indicates that the Property is currently unsuitable for the construction or placement of a dwelling thereon under applicable zoning ordinances and building codes, as provided under ORS 275.225(1)(b).
- e. The Oregon Department of Transportation (ODOT) is undertaking the US 26 (Powell Blvd): SE 99<sup>th</sup> Avenue – East City Limits Project ("Project"). The main objectives of this Project include construction of sidewalks, bike lanes, center turn lanes, storm drains, lighting, and enhanced pedestrian crossings. The Project will improve safety along the corridor and impacts a County-owned property managed by the Tax Title Program.
- f. ODOT requests that the County grant a permanent and temporary easement for a portion of the Property, more particularly described in Exhibit 1, for the construction, reconstruction, repair, and maintenance of the public highway system and for the construction and maintenance of utility lines, fixtures and facilities ("Easement").
- g. In partnership with ODOT, the County Board of Commissioners desires to grant the Easement to ODOT for just compensation valued at \$2,400.00, and finds it to be in the public interest.

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

1. The grant of the Permanent Easement for Highway Right of Way Purposes to the Oregon Department of Transportation for the real property described in Exhibit 1 is approved.

2. The Chair is authorized to execute on behalf of the County a Permanent Easement for Highway Right of Way Purposes in substantial conformance with Exhibit 1 and any other documents to complete the grant.

**ADOPTED the 16th day of December 2021.**

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON



*Deborah Kafoury*

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Deborah Kafoury, Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By *Carlos Rasch*  
Carlos Rasch, Assistant County Attorney

SUBMITTED BY: Serena Cruz, Dept. of County Management

# EXHIBIT 1

File 9549173  
Drawing RW9549M

## PERMANENT EASEMENT

**MULTNOMAH COUNTY**, a political subdivision of the State of Oregon, Grantor, for the true and actual consideration of \$2,400.00, does grant to the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, Grantee, its successors and assigns, a permanent easement to construct and maintain slopes, and to relocate, construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under, and across the property described as **Parcel 1 on Exhibit "A" dated September 22, 2020**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the easement herein granted does not convey any right, or interest in the above-described property, except for the purposes stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, or to interfere in any way with the relocation, construction, and maintenance of said utilities, and their appurtenances, as granted herein above.

IT IS UNDERSTOOD that Grantee shall never be required to remove the slope materials placed by it on said property, nor shall Grantee be subject to any damages to Grantor and grantor's heirs, successors and assigns, by reason thereof, or by reason of any change of grade of the public way abutting on said property.

IT IS ALSO UNDERSTOOD that this easement shall be subject to the same conditions, terms and restrictions contained in the easements, licenses and/or permits granted to the owner of any facilities being relocated.

**AFTER RECORDING RETURN TO:**  
OREGON DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY SECTION  
4040 FAIRVIEW INDUSTRIAL DRIVE SE MS#2  
SALEM OR 97302-1142

Map and Tax Lot #: 1S2E10DA-9700  
Property Address: Levy Code 705  
Portland, Oregon 97266

IT IS ALSO UNDERSTOOD that Grantor shall not place or erect any buildings or structures upon the easement area without the written consent of Grantee.

IT IS FURTHER UNDERSTOOD that nothing herein contained is intended to create any obligation on the part of Grantee for the maintenance of said utilities.

Grantor also grants to Grantee, its successors and assigns, a temporary easement for a work area for construction purposes over and across the property described as **Parcel 2 on Exhibit "A" dated September 22, 2020**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the temporary easement rights herein granted shall terminate six (6) years from the date hereof or upon completion of the State of Oregon Department of Transportation's construction project, whichever is sooner.

IT IS ALSO UNDERSTOOD that the temporary easement herein granted does not convey any right or interest in the above-described Parcel 2, except as stated herein, nor prevent Grantor from the use of said property; provided, however, that such use does not interfere with the rights herein granted.

Grantor covenants to and with Grantee, its successors and assigns, that Grantor is the owner of said property, and will warrant the easement rights herein granted from all lawful claims whatsoever.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all reduction in value to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

Accepted on behalf of the Oregon Department of Transportation

Notary Public for Oregon  
My Commission expires \_\_\_\_\_

authority of an order of the Board of Commissioners. Before me:  
political subdivision of the State of Oregon, and that this instrument was voluntarily signed on behalf of the County by  
being sworn, stated that they are the Chairperson, County Commissioners and County Clerk of Multnomah County, a  
\_\_\_\_\_, and \_\_\_\_\_, who,

Dated \_\_\_\_\_, 20\_\_\_\_. Personally appeared \_\_\_\_\_  
STATE OF OREGON, County of \_\_\_\_\_

By \_\_\_\_\_  
County Commissioner

By \_\_\_\_\_  
County Commissioner

By \_\_\_\_\_  
Chairperson

County Clerk

ATTEST:

MULTNOMAH COUNTY, a political subdivision of the  
State of Oregon

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

approved by the recording of this document.

hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and  
It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations

**Parcel 1 – Permanent Easement for Slopes, Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities**

A parcel of land lying in the NE¼SE¼ and the NW¼SE¼ of Section 10, Township 1 South, Range 2 East, W.M., Multnomah County, Oregon, and being a portion of that property designated as Property ID# R299644 and described in that Deed to Multnomah County, a political subdivision of the State of Oregon, recorded September 23, 1999 as Document Number 99-179493, Multnomah County Record of Deeds; said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of the relocated Mount Hood Highway, which center line is described as follows:

Beginning at Engineer's Center line Station 35+86.60, said station being 2735.98 feet North and 1650.04 feet west of the Southeast corner of Section 9, Township 1 South, Range 2 East, W.M.; thence South 68°18'57" East, a distance of 1497.22 feet; thence on a 286.50 foot radius curve left (the long chord of which bears South 82°19'27" East, a distance of 138.70 feet) 140.09 feet; thence North 83°40'03" East 3920.92 feet; thence North 87°26'12" East 1525.43 feet; thence North 86°36'12" East 1386.20; thence North 86°37'12" East 1706.79 feet; thence on a 1146.00 foot radius curve left (the long chord of which bears North 81°17'12" East, a distance of 213.04 feet) 213.35 feet; thence North 75°57'12" East 1123.40 feet; thence North 75°55'55" East 1326.67 feet; thence on a 191.00 radius curve to the right (the long chord of which bears South 86°55'05" East, a distance of 112.64 feet) 114.34 feet; thence South 69°46'05" East 3233.01 feet; thence South 73°54'05" East 4963.10 feet; thence South 74°07'05" East 1162.88 feet to Engineer's Center line Station 259+00.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southerly Side of Center Line
91+55.00		93+55.00	47.40 in a straight line to 42.60

Bearings are based on the Oregon Coordinate Reference System, Portland Zone, NAD 83 (2011) epoch 2010.00.

This parcel of land contains 18 square feet, more or less, outside the existing right of way.

**Parcel 2 – Temporary Easement for Work Area (6 years or duration of Project, whichever is sooner)**

A parcel of land lying in the NE¼SE¼ and the NW¼SE¼ of Section 10, Township 1 South, Range 2 East, W.M., Multnomah County, Oregon, and being a portion of that property designated as Property ID# R299644 and described in that Deed to Multnomah County, a

File 9549173  
Drawing RW9549M  
September 22, 2020

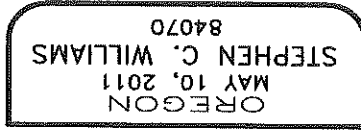
political subdivision of the State of Oregon, recorded September 23, 1999 as Document Number 99-179493, Multnomah County Record of Deeds; said parcel being that portion of said property included in a strip of land 65.00 feet width, lying on the Southern side of the center line of the relocated Mount Hood Highway, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

This parcel of land contains 157 square feet, more or less, outside the existing right of way.



*Stephen C. Williams*



RENEWALS: 02/30/22