

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
2 FOR THE COUNTY OF MULTNOMAH

3 CITY OF PORTLAND, a municipal )  
corporation, )  
4 Plaintiff, ) No. A8005-02726  
5 v. ) FINAL JUDGMENT'  
6 )  
7 PORTLAND GUN CLUB, a non-profit )  
Oregon corporation, )  
8 Defendant. )

9 This matter coming on before the Court upon stipulation  
10 of the parties, plaintiff acting by and through Richard C.  
11 Bemis, of its attorneys; the defendant, Portland Gun Club, a  
12 non-profit Oregon corporation, acting by and through Robert L.  
13 Dressler, of its attorneys; and

14 It appearing to the Court and the Court now finds that  
15 the real property and interests therein described in Paragraph  
16 III of the plaintiff's amended complaint on file herein is  
17 necessary for a public use; and

18 It appearing to the Court and the Court now finds that  
19 the plaintiff, prior to commencement of this action and pursuant  
20 to its ordinance attempted to acquire said real property and  
21 interests therein by agreement and purchase, but was unable to  
22 do so; and

23 It appearing to the Court based upon the stipulation  
24 of the parties that the sum to be awarded the defendant for the  
25 appropriation of the real property and interests therein hereinafter  
26 described is the sum of \$21,500.00; and

1 It appearing that the plaintiff has deposited with the  
2 Department of Judicial Administration the balance of just  
3 compensation in the amount of \$21,500.00 and that plaintiff is  
4 now entitled to judgement appropriating the real property and  
5 interest therein hereinafter described to the City of Portland,  
6 a municipal corporation, now, therefore, it is hereby

7 ADJUDGED by this Court as follows:

8 I

9 The real property and interests therein described in  
10 Exhibit A attached hereto and by this reference incorporated  
11 herein is hereby vested in the City of Portland, a municipal  
12 corporation, subject to the liens and encumbrances set forth  
13 in Exhibit B attached hereto.

14 II

15 None of the parties shall recover interest, costs or  
16 attorneys fees herein.

17 DATED this \_\_\_\_\_ of March, 1982.

18  
19 \_\_\_\_\_  
20 CIRCUIT COURT JUDGE

EXHIBIT A  
DRAIN LINE EASEMENT

A 40-foot-wide drain line easement across that parcel of land described in Book 439, page 386 of the Multnomah County records also known as Tax Lot 33 as shown on Multnomah County Assessor's Map 3547 and located in the Northwest Quarter of Section 18, Township 1 South, Range 3 East of the Willamette Meridian, Multnomah County, Oregon, and a 30-foot-wide drain line easement across that parcel of land described in Book 365, page 280 of said records and also known as Tax Lot 12 of said Map 3547 and located in the Northwest Quarter of Section 18, Township 1 South, Range 3 East of the Willamette Meridian, Multnomah County, Oregon;

Said easement is more particularly described as follows:

Beginning at the Southwest corner of a parcel of land described in Book 439, page 386 of Multnomah County records; thence, North  $1^{\circ} 56' 14''$  East along the westerly line of said parcel a distance of 40.01 feet; thence, South  $89^{\circ} 03' 46''$  East, 330.68 feet to the easterly line of said parcel; thence, along the easterly line of said parcel South  $1^{\circ} 56' 14''$  West, 10.00 feet; thence, South  $89^{\circ} 03' 46''$  East, 146.84 feet; thence, South  $0^{\circ} 56' 14''$  West, 30.00 feet to the north line of the L. S. Jenne Donation Land Claim, also being the northerly right-of-way of Circle Avenue; thence, along said northerly line North  $89^{\circ} 03' 46''$  West, 478.04 feet to the place of beginning and containing 17,640.28 square feet more or less.

A water line easement occupies a portion of the above-described parcel adjacent to the Circle Avenue right-of-way.

EXHIBIT B

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- 1. Rights of the public and of governmental bodies in that portion of the above described property lying below the high water mark of Johnson Creek.
- 2. An easement created by instrument, including the terms and provisions thereof, dated August 16, 1972, recorded October 11, 1972, in Book 887, page 518, Deed Records, in favor of Portland General Electric Company for electric, signal and communication line purposes over the tract herein.

RICHARD C. BEMIS  
 ATTORNEY AT LAW  
 700 STANDARD PLAZA  
 1100 S.W. 6TH AVE.  
 PORTLAND, OREGON 97204  
 TELEPHONE 222-1681

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

CITY OF PORTLAND, a Municipal Corporation,

Plaintiffs,

vs.

PORTLAND GUN CLUB, a non-profit Oregon Corporation,

Defendant.

No. A8005-02726

STIPULATION

It is hereby stipulated by and between the parties hereto, plaintiff acting by and through Richard C. Bemis, of its attorneys, and the defendant, Portland Gun Club, a non-profit Oregon corporation, acting by and through Robert Dressler, of its attorneys, as follows:

1. Upon payment into court of the additional sum of \$21,500, plaintiff may take judgment as prayed for in its complaint on file in the above entitled case.

2. Defendant waves all rights of repurchase set forth in ORS 35.385, et seq.

3. None of the parties shall recover interest, costs or attorney's fees herein.

Dated this 4 day of March, 1982.

*Richard C. Bemis*

Richard C. Bemis, Bar #57009  
Attorney for Plaintiff

*Robert L. Dressler*

Robert L. Dressler, Bar #49033  
Attorney for Defendant

AV 51434

\$21,500.00

4-7-82

153023

ORDINANCE NO. 153023

An Ordinance accepting a permanent easement for the Powell Butte Reservoir drain line from the Portland Gun Club, Grantors, the transfer of appropriations within the Water Fund, the drawing and delivery of a warrant for \$21,500.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Water Works requires a permanent easement for a drain line serving Powell Butte Reservoir within a portion of Section 18, T1S, R3E, W.M., Multnomah County, Oregon, as described in Exhibit "A" of the Multnomah County Circuit Court Final Judgment attached hereto.
2. To facilitate construction of the drain line, a "Permit To Enter" agreement was negotiated with the Portland Gun Club. The drain line has been constructed and is now in operation.
3. Negotiations for just compensation for the easement have been continuing between the Portland Gun Club and legal counsel for the City, Richard C. Bemis. The Portland Gun Club has accepted an offer of \$21,500.00 for the easement. A Stipulation of Settlement acknowledging acceptance of the offer is attached hereto and marked Exhibit "C." The Mayor has approved payment in that amount.
4. Project No. 3701 (Powell Butte Reservoir), Object Code 610 (Land), BUC No. 18600374 does not contain sufficient funds to purchase the easement, and \$21,500.00 will have to be transferred from the Water Bureau Contingency Fund.

NOW, THEREFORE, the Council directs:

- a. A permanent easement for the Powell Butte Reservoir drain line, as described in the attached Exhibit "A", is accepted.
- b. \$21,500.00 is transferred within the Water Fund from Contingencies to BUC 18600374, Project 3701 (Powell Butte Reservoir), Object Code 610 (Land).
- c. A warrant is authorized in the amount of \$21,500.00 in favor of the Multnomah County Department of Judicial Administration, c/o Mr. Richard C. Bemis, 413 Lincoln Building, 9370 SW Greenburg Road, Portland, Oregon, 97223, to be charged to the 1981-82 Budget, Water Fund, BUC No. 18600374, Object Code 610 (Land), Project 3701 (Powell Butte Reservoir).

**ORDINANCE No.**

Section 2. The Council further directs that an emergency exists because any delay in proceeding with this purchase may result in additional expense to the City, and will unnecessarily deprive the Bureau of Water Works of the benefit of the completion of easement at an early date; therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council, **MAR 31 1982**

Mayor Francis J. Ivancie  
March 19, 1982  
H. Hampton:ls  
BUC No. 18600374  
Project No. 3701

Attest:

  
auditor of the City of Portland

Calendar No. 817

ORDINANCE No. 153023

Title

An Ordinance accepting a permanent easement for the Powell Butte Reservoir drain line from the Portland Gun Club, Grantors, the transfer of appropriations within the Water Fund, the drawing and delivery of a warrant for \$21,500.00, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN		
LINDBERG		
SCHWAB		
STRACHAN		
IVANCIE		

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY
Mayor Francis J. Ivancie

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration <b>FJI</b>
Safety
Utilities
Works

BUREAU APPROVAL
Bureau:
Water Works
Prepared By: _____ Date: _____
H. Hampton: 1s March 19, 1982
Budget Impact Review:
<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <b>CG</b>
Carl Goebel, Administrator

CALENDAR	
Consent	Regular <input checked="" type="checkbox"/>

NOTED BY
City Attorney
City Auditor
City Engineer

Filed MAR 26 1982

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By *George Yerkovich*  
Deputy

153023