

RESOLUTION NO. **34576**

Authorize commencement of eminent domain proceedings for acquisition of land at Powell Butte; authorize early possession. (Resolution.)

WHEREAS, the City of Portland has been negotiating with the owners of the property described, respectively, in Exhibits A and B to this resolution, for the acquisition of that property for the purpose of constructing an access road at Powell Butte.

WHEREAS, construction of the road is necessary for park development and for Bureau of Water Works access to existing and planned Powell Butte Water Bureau facilities.

WHEREAS, immediate possession is required in order to commence road construction in conformance with an existing contract and with the terms of a National Park Service grant.

WHEREAS, the Water Fund will be the fund source for acquisition of the property for the road.

WHEREAS, temporary closure of the road to the public may be required in the future, in order to permit construction and maintenance, in the safest and most expeditious manner, of park and water facilities.

NOW, THEREFORE, BE IT RESOLVED that the City Attorney is authorized to commence an action for the acquisition of the properties described in Exhibits A and B through eminent domain.

BE IT FURTHER RESOLVED that in the event no satisfactory agreement is reached with the owners of the property as to the purchase price thereof, the City Attorney, or his designee, is directed to commence and prosecute to final determination such proceedings as may be necessary to acquire title to the property.

BE IT FURTHER RESOLVED that upon a trial of any suit or action instituted to acquire the property, the City Attorney, or his designee, is authorized to make such stipulation, agreement, or admission as in his judgment may be in the best interest of the City.

BE IT FURTHER RESOLVED that upon the final determination of any such proceeding, on direction of the City Attorney, the deposit of funds and payment of judgment conveying title to the property to the City is hereby authorized.

BE IT FURTHER RESOLVED that in the event possession is not obtained by agreement with the property owners, the City Attorney, or his designee, is authorized and directed to take all appropriate steps to acquire possession of the property not later than June 28, 1989, in accordance with all applicable laws and regulations.

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BE IT FURTHER RESOLVED that the property will be a Water Fund asset, available for park use in conformance with the terms of the grant, subject to the needs of the Bureau of Water Works to use the road for water-related purposes.

BE IT FURTHER RESOLVED that at such time as the Park Bureau or the Bureau of Water Works requires use of the road for purposes of constructing or maintaining its facilities at Powell Butte the Commissioner-in-Charge of such Bureau is authorized to order the road closed to the general public for so long as the Commissioner deems such closure to be in the public interest.

Adopted by the Council, JUN 7 1989

Commissioner Lindberg
Harry Auerbach:naj
June 1, 1989

BARBARA CLARK

Auditor of the City of Portland

By

Mary E. Newell Deputy

EXHIBIT "A"**LEGAL DESCRIPTION**

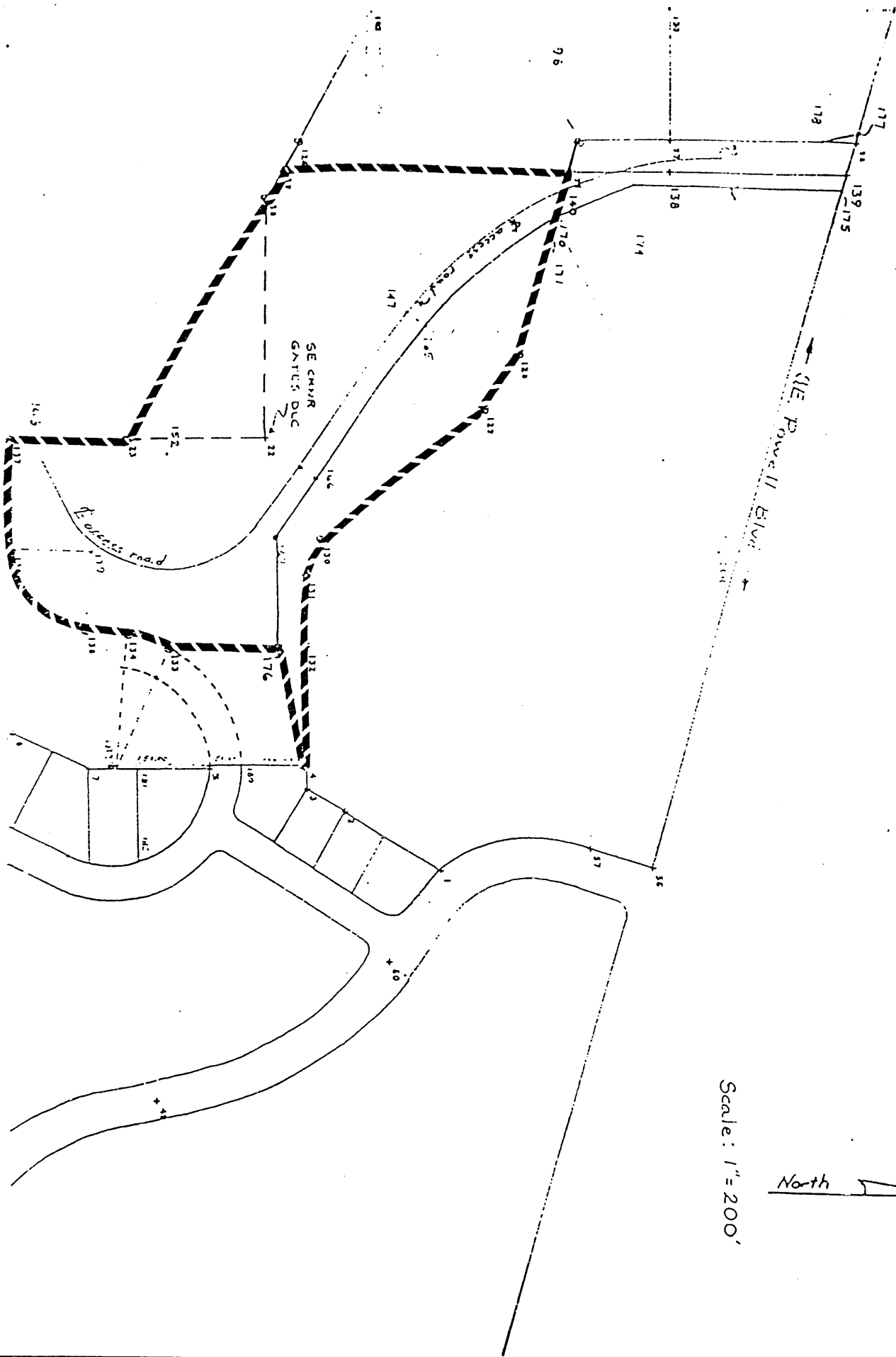
A Parcel of land within the southeast quarter of Section 12, Township 1 South, Range 2 East and the southwest quarter of Section 7, Township 1 South, Range 3 East, Willamette Meridian, Multnomah County, Oregon, more particularly described as follows:

Beginning at a point on a line between the southwest corner of the Hamlin Donation Land Claim and the southeast corner of the Gates Donation Land Claim, said point being South 00°07'00" East 212.46 feet from said southeast corner of the Gates Donation Land Claim; thence North 59°35'40" West 425.66 feet to a point which is North 89°26'16" West 366.70 feet from said southeast corner of the Gates Donation Land Claim; thence North 59°22'46" West 47.98 feet; thence North 00°07'00" West 452.32 feet; thence South 73°44'26" East 292.11 feet; thence south 57°10'02" East 101.19 feet; thence South 37°54'32" East 323.35 feet; thence South 65°28'27" East 60.33 feet to a point which is South 89°53'00" West 289.91 feet from the N.W. corner of Lot 4 Block 3 Anderegg Meadows, Phase I; thence North 89°53'00" East 289.91 feet to the N.W. corner of lot 4, Block 3, Anderegg Meadows, Phase I; thence South 78° 02' 22" West 183.91 feet; thence South 00°07'00" East 175.06 feet to a point on the proposed north right-of-way line of S.E. Anderegg Drive extended, said point also being on a non-tangent 200.00 foot radius curve concave to the southeast; thence along said proposed right-of-way line and curve through a central angle of 19°17'50" (the long chord of which bears South 16°04'59" West 67.04 feet) an arc distance of 67.36 feet to the end thereof; thence South 06°26'08" West 62.45 feet; thence along a tangent 125.00 foot radius curve through a central angle of 83°28'11" (the long chord of which bears South 48°08'55" West 166.42 feet) an arc distance of 182.10 feet to the end thereof; thence South 89°53'00" West 170.00 feet to the aforementioned line between the Hamlin and Gates Donation Land Claim corners; thence North 00°07'00" West 175.00 feet along said line to the Point of Beginning

The parcel described above contains 8.386 acres, more or less.

The basis of bearings for this legal description being the line between the southwest corner of the Hamlin Donation Land Claim and the southeast corner of the Gates Donation Land Claim per survey number 48676 as filed November 18, 1985 with the Multnomah County Surveyor's Office.

52570



Scale: 1" = 200'

North

EXHIBIT "B"**LEGAL DESCRIPTION**

A Parcel of land within the southeast quarter of Section 12, Township 1 South, Range 2 East and the southwest quarter of Section 7, Township 1 South, Range 3 East, Willamette Meridian, Multnomah County, Oregon, more particularly described as follows:

Commencing at a point which is North 89°26'16" West 366.70 feet from the southeast corner of the Gates Donation Land Claim; thence North 59°22'46" West 47.98 feet; thence North 00°07'00" West 452.32 feet to the true POINT OF BEGINNING; thence North 73°44'26" West 46.74 feet; thence North 00°10'47" West 138.07 feet; thence North 00°07'00" East 289.43 feet to the southern right-of-way line of S.E. Powell Boulevard (30 foot Right-of-way); thence following said right-of-way line South 73°44'26" East 72.97 feet; thence South 00°07'00" East 319.23 feet; thence South 21°47'06" East 131.80 feet; thence North 73°44'26" West 123.53 feet to the Point of Beginning.

The parcel described above contains 0.75 acres (32,543 square feet), more or less.

The basis of bearings for this legal description being the line between the southwest corner of the Hamlin Donation Land Claim per survey number 84676 as filed November 18, 1985 with the Multnomah County Surveyor's Office.

2-21-89

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(Orig. Resolution missing)