



**DAN JOHNSON**  
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

November 27, 2019

Board of County Commissioners  
Clackamas County

Members of the Board:

**Approval of a Resolution Declaring the Public Necessity and Purpose for Acquisition of Rights of Way, Easements, and Fee Property for the SE 90th Avenue Reconstruction Project and Authorizing Good Faith Negotiations and Condemnation Actions**

<b>Purpose/Outcomes</b>	Under ORS Chapter 203, ORS Chapter 35 and the federal Uniform Act, a local government agency is authorized to declare by resolution or ordinance the necessity and the purpose for which the project is required by enacting a Resolution of Necessity prior to initiating acquisition of the easements or other property rights needed from abutters to the project.
<b>Dollar Amount and Fiscal Impact</b>	The right of way budget for the project is \$126,650 and is included within the \$1,697,950 total project budget.
<b>Funding Source</b>	County Road Funds, Lighting District Funds, WES funds.
<b>Duration</b>	The Resolution remains active throughout the project's duration and terminates upon completion of the project or when all litigation associated with the project is concluded.
<b>Previous Board Action</b>	No Previous Board Action
<b>Strategic Plan Alignment</b>	<ul style="list-style-type: none"> <li>• Build a strong and safe infrastructure</li> <li>• Ensure safe, healthy and secure communities.</li> </ul>
<b>Counsel Review</b>	County Counsel reviewed and approved 11/05/2019.
<b>Contact Persons</b>	Sharan Hams-LaDuca, DTD Sr. Right of Way Agent @ 503-742-4675

County Road funds, Lighting District funds, and Water Environment Services (WES) funds will be used to reconstruct SE 90th Avenue from SE Monterey Avenue to SE Causey Avenue (the Project). The Project will reconstruct the concrete road surface between existing curbs, install street lighting, improve stormwater collection and treatment, and rebuild ADA facilities.

This section of SE 90th Avenue is an existing concrete roadway in poor condition with substantial cracking and crumbling in many of the concrete panels that require ongoing maintenance. This is due, in part, to the shallow ground water level and heavy bus traffic. This section of SE 90th Avenue runs north from Clackamas Town Center and abuts two large apartment complexes and a memory care facility. Parking exists on the east side of the roadway. In order to construct the improvements as designed, additional rights of way and easements will be required. The Board has authority to exercise the power of eminent domain under ORS Chapter 203 and ORS Chapter 35 to acquire the needed property rights by purchase or condemnation proceedings.

The Project has been planned and located in a manner which is most compatible with the greatest public good and which causes the least private injury. The design has progressed through the Department of Transportation and Development (DTD) project development procedures and the legal descriptions required for acquisition of the needed rights of way and easements from three properties affected by the Project are being developed. If during the course of the project design/construction modifications should effect acquisitions, staff will bring subsequent revisions to the Board for authorization.

DTD shall negotiate in good faith and accordance with all applicable laws, rules, and regulations in an attempt to reach agreement as to the amount of Just Compensation owed each affected property owner. To fairly determine the amount of Just Compensation, staff will utilize the expertise of authorized real estate appraisers and other such experts.

The resolution directs DTD staff to proceed with good faith negotiations for the acquisition of the needed property rights and to utilize the expertise of authorized real estate appraisers and other such experts to assist in the acquisition process. The resolution further requires the Director of DTD to notify the Board if the exercise of the power of eminent domain becomes necessary. Only after this process is completed does it authorize the Office of County Counsel to file a Condemnation Action.

**RECOMMENDATION:**

Staff respectfully recommends that the Board of County Commissioners approve the Resolution of Necessity and Purpose for the Project, authorizing the acquisition of necessary rights of way, easements, and fee property by good faith negotiation if possible, or condemnation, if necessary.

Sincerely,

Sharan Hams-LaDuca  
Senior Right of Way Agent

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of the SE 90th Avenue  
Reconstruction Project Declaring the  
Necessity and Purpose for Acquisition of  
Rights of Way, Easements, and Fee  
Property, and Authorizing Good Faith  
Negotiations and Condemnation Actions



Resolution No. \_\_\_\_\_

*Page 1 of 2*

This matter comes before the Board of County Commissioners of Clackamas County, Oregon (the "Board") at its regularly scheduled meeting on November 27, 2019 and,

It appearing to the Board that the SE 90th Avenue Reconstruction Project ("Project") will reconstruct the roadway between SE Monterey Avenue and SE Causey Avenue, improving ADA facilities, stormwater collection, and street lighting; and,

It further appearing to the Board that the Project has been developed and reviewed by County Staff; and

It further appearing to the Board that rights of way, and easements within the boundaries described and depicted in the attached Exhibit "A" File 1 and Exhibit "A" File 4 & 5 (Exhibits) are a necessary part of the Project, consistent with the powers and purposes of County government, and necessary for the continued growth, safety and welfare of the community; and,

It further appearing to the Board that the Project has been planned and located in a manner which is most compatible with the greatest public good and causes the least private injury; and,

It further appearing that the Board has authority under ORS Chapter 203 and ORS Chapter 35 to acquire rights of way, easements, and fee property by good faith negotiation, agreement, and purchase or by exercise of the power of eminent domain with condemnation proceedings; and

It further appearing to the Board that immediate possession of the rights of way and easements described in the Exhibits may be necessary and will be in the public interest in order to commence and complete the Project in a timely manner.

NOW, THEREFORE, IT IS HEREBY RESOLVED that this Board declares it necessary and in the public interest that the County Department of Transportation and Development ("DTD"), in connection with this Project, begin the acquisition process, in accordance with all applicable laws, rules, and regulations governing such process, for the necessary rights of way, easements, and fee property, either through good faith negotiation, agreement, and purchase, or, if necessary, by commencement of condemnation proceedings.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of the SE 90th Avenue  
Reconstruction Project Declaring the  
Necessity and Purpose for Acquisition of  
Rights of Way, Easements, and Fee  
Property, and Authorizing Good Faith  
Negotiations and Condemnation Actions



Resolution No. \_\_\_\_\_

*Page 2 of 2*

IT IS FURTHER RESOLVED THAT:

1) DTD be authorized to, in good faith, attempt to negotiate agreements of just compensation with owners of affected property identified in the Exhibits. In so doing, DTD is authorized to retain real estate appraisers, negotiators, and other such experts deemed necessary to assist staff with the acquisition process; and,

2) If the Director of DTD (the "Director") determines that changes to the design of the Project, unanticipated field conditions, or the need to accommodate uneconomic remnants makes it necessary or desirable to modify the rights of way and easements required for the Project, the Director shall promptly bring before the Board, and the Board shall promptly consider a resolution amending the Exhibits; and,

3) It is the intention of the Board that the required rights of way, easements, and fee property be obtained through good faith negotiation. The Board acknowledges that the exercise of the power of eminent domain may be necessary. The Director of the Department shall inform the Board when the Director deems eminent domain necessary. Thereafter, the Office of County Counsel is authorized to file complaints of condemnation with the circuit court of the County and take such other steps as it determines necessary for the immediate possession of required rights of way, easements, and fee property and the successful litigation of the condemnation action, including the retention of real estate appraisers, experts, and other consultants deemed necessary to the successful conclusion of that litigation.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

## EXHIBIT "A"

SE 90<sup>TH</sup> AVENUE  
NOVEMBER 5, 2019

PROJECT NO. C122243  
MAP NO. 12E33CA00100  
FILE 1

### PERMANENT RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT

PARCELS OF LAND LOCATED IN THE SW AND NW ONE-QUARTERS OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, AND BEING A PORTION OF THAT PROPERTY CONVEYED TO OVERLOOK POINTE, LLC PER DEED DOCUMENT NO. 2013-048782, CLACKAMAS COUNTY DEED RECORDS, SAID PARCELS LYING ALONG SE 90<sup>TH</sup> AVENUE, WHICH CENTERLINE IS DESCRIBED AS FOLLOWS:

### EXISTING CENTERLINE DESCRIPTION FOR A PORTION OF SE 90<sup>TH</sup> AVENUE

A ROADWAY COMMONLY KNOWN AS SE 90<sup>TH</sup> AVENUE, LOCATED BETWEEN SE CAUSEY AVENUE AND SE MONTEREY AVENUE IN SECTION 33, TOWNSHIP 1 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE CENTERLINE INTERSECTION OF SE 90<sup>TH</sup> AVENUE (10+00) AND SE MONTEREY AVENUE (20+75.61), (CENTERLINE STATIONING OF SE MONTEREY AVENUE PER SURVEY NO. 2009-077, CLACKAMAS COUNTY SURVEY RECORDS); THENCE ALONG THE CENTERLINE OF SAID SE 90<sup>TH</sup> AVENUE, NORTH 01°46'27" EAST, 61.79 FEET TO A POINT HEREINAFTER REFERED TO AS POINT "A"; THENCE CONTINUING ALONG SAID CENTERLINE OF SAID SE 90<sup>TH</sup> AVENUE, NORTH 01°46'27" EAST, 52.71 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 350.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 19°43'56" (THE CHORD BEARS NORTH 08°5'31" WEST, 119.94 FEET) AN ARC DISTANCE OF 120.54 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 1000.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 17°49'36" (THE CHORD BEARS NORTH 09°02'41" WEST, 309.88 FEET) AN ARC DISTANCE OF 311.13 FEET TO A POINT OF TANGENCY; THENCE NORTH 00°07'53" WEST, 204.77 FEET TO A POINT HEREINAFTER REFERED TO AS POINT "B"; THENCE CONTINUING NORTH 00°07'53" WEST, 334.26 FEET TO INTERSECTION OF SAID SE 90<sup>TH</sup> AVENUE AND SE CAUSEY AVENUE AND THE **TERMINUS** OF THIS CENTERLINE DESCRIPTION.

SE 90<sup>TH</sup> AVENUE  
NOVEMBER 5, 2019

PROJECT NO. C122243  
MAP NO. 12E33CA00100  
FILE 1

**PARCEL – 1 PERMANENT RIGHT-OF-WAY EASEMENT**

**COMMENCING** AT AFOREMENTIONED POINT "A"; THENCE SOUTH 88°13'33" EAST, 25.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SE 90<sup>TH</sup> AVENUE (BEING 25.0 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO), ALSO BEING THE **POINT OF BEGINNING**;  
THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 88°13'33" EAST, 3.00 FEET;  
THENCE SOUTH 01°46'27" WEST, 5.15 FEET TO A POINT OF CURVATURE;  
THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 91°54'51" (THE CHORD BEARS SOUTH 44°10'58" EAST, 28.75 FEET) AN ARC DISTANCE OF 32.08 FEET TO A POINT OF CUSP, ALSO BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SE MONTEREY AVENUE (BEING 35.0 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO);  
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, SOUTH 89°51'36" WEST, 20.69 FEET TO A POINT OF NON-TANGENT CURVATURE AND SAID EASTERLY RIGHT-OF-WAY LINE;  
THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND THE ARC OF A 20.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 31°42'38" (THE CHORD BEARS NORTH 14°04'51" WEST, 10.93 FEET) AN ARC DISTANCE OF 11.07 FEET;  
THENCE NORTH 01°46'27" EAST, 15.32 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 160 SQUARE FEET OR 0.004 ACRES, MORE OR LESS.

**PARCEL – 2 PERMANENT RIGHT-OF-WAY EASEMENT**

**COMMENCING** AT AFOREMENTIONED POINT "B"; THENCE NORTH 89°52'07" EAST, 25.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SE 90<sup>TH</sup> AVENUE (BEING 25.00 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO), ALSO BEING THE **POINT OF BEGINNING**;  
THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 00°07'53" WEST, 284.00 FEET TO A POINT OF CURVATURE;  
THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 41°24'35" (THE CHORD BEARS NORTH 20°34'25" EAST, 14.14 FEET) AN ARC DISTANCE OF 14.45 FEET TO A POINT OF NON-TANGENCY;  
THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 00°07'53" EAST, 297.22 FEET;  
THENCE SOUTH 89°52'07" WEST, 5.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 1,465 SQUARE FEET OR 0.034 ACRES, MORE OR LESS.

SE 90<sup>TH</sup> AVENUE  
NOVEMBER 5, 2019

PROJECT NO. CI22243  
MAP NO. 12E33CA00100  
FILE 1

**PARCEL – 3 TEMPORARY CONSTRUCTION EASEMENT**

**COMMENCING** AT AFOREMENTIONED POINT "A"; THENCE SOUTH 88°13'33" EAST, 25.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SE 90<sup>TH</sup> AVENUE (BEING 25.0 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO), ALSO BEING THE **POINT OF BEGINNING**;  
THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 88°13'33" EAST, 3.00 FEET;  
THENCE NORTH 01°46'27" EAST, 52.71 FEET TO A POINT OF CURVATURE;  
THENCE ALONG THE ARC OF A 378.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 19°43'56" (THE CHORD BEARS NORTH 8°05'31" WEST, 129.54 FEET) AN ARC DISTANCE OF 130.18 FEET TO A POINT OF REVERSE CURVATURE;  
THENCE ALONG THE ARC OF A 972.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 17°49'36" (THE CHORD BEARS NORTH 9°02'41" WEST, 301.20 FEET) AN ARC DISTANCE OF 302.42 FEET TO A POINT OF TANGENCY;  
THENCE NORTH 00°07'53" WEST, 204.77 FEET;  
THENCE SOUTH 89°52'07" WEST, 3.00 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE;  
THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 00°07'53" EAST, 204.77 FEET TO A POINT OF CURVATURE;  
THENCE ALONG THE ARC OF A 975.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 17°49'36" (THE CHORD BEARS SOUTH 9°02'41" EAST, 302.13 FEET) AN ARC DISTANCE OF 303.36 FEET TO A POINT OF REVERSE CURVATURE;  
THENCE ALONG THE ARC OF A 375.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 19°43'56" (THE CHORD BEARS SOUTH 8°05'31" EAST, 128.51 FEET) AN ARC DISTANCE OF 129.15 FEET TO A POINT OF TANGENCY;  
THENCE SOUTH 01°46'27" WEST, 52.71 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 2,070 SQUARE FEET OR 0.048 ACRES, MORE OR LESS.

THE ATTACHED EXHIBIT "B" ENTITLED "PERMANENT R/W AND TEMPORARY CONSTRUCTION EASEMENT" IS MADE A PART HEREOF.

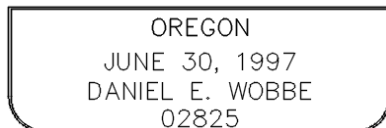
SE 90<sup>TH</sup> AVENUE  
NOVEMBER 5, 2019

PROJECT NO. CI22243  
MAP NO. 12E33CA00100  
FILE 1

**BASIS OF BEARINGS:**

GEODETIC DATUM: NORTH AMERICAN DATUM OF 1983 (2011)  
SYSTEM: OREGON COORDINATE REFERENCE SYSTEM (ORCS)  
ZONE: PORTLAND  
PROJECTION: LAMBERT CONFORMAL CONIC PROJECTION

LATITUDE OF GRID ORIGIN: 45°30'00" N  
LONGITUDE OF GRID ORIGIN: 122°45'00" W  
FALSE NORTHING: 50,000.00 m  
FALSE EASTING: 100,000.00 m  
SCALE FACTOR: 1.000002 (EXACT)



RENEWS 06/30/20



## EXHIBIT "A"

SE 90<sup>TH</sup> AVENUE  
NOVEMBER 5, 2019

PROJECT NO. C122243  
MAP NO. 12E33CA00300 AND 12E33CA00400  
FILES 4 AND 5

### PERMANENT RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT

PARCELS OF LAND LOCATED IN THE SW AND NW ONE-QUARTERS OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, AND BEING A PORTION OF THAT PROPERTY CONVEYED TO BIG REFLECTIONS OR, LLC PER DEED DOCUMENT NO. 2013-081570, CLACKAMAS COUNTY DEED RECORDS, SAID PARCELS LYING ALONG SE 90<sup>TH</sup> AVENUE, WHICH CENTERLINE IS DESCRIBED AS FOLLOWS:

### EXISTING CENTERLINE DESCRIPTION FOR A PORTION OF SE 90<sup>TH</sup> AVENUE

A ROADWAY COMMONLY KNOWN AS SE 90TH AVENUE, LOCATED BETWEEN SE CAUSEY AVENUE AND SE MONTEREY AVENUE IN SECTION 33, TOWNSHIP 1 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE CENTERLINE INTERSECTION OF SE 90TH AVENUE (10+00) AND SE MONTEREY AVENUE (20+75.61), (CENTERLINE STATIONING OF SE MONTEREY AVENUE PER SURVEY NO. 2009-077, CLACKAMAS COUNTY SURVEY RECORDS);  
THENCE ALONG THE CENTERLINE OF SAID SE 90TH AVENUE, NORTH 01°46'27" EAST, 114.50 FEET TO A POINT OF CURVATURE;  
THENCE ALONG THE ARC OF A 350.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 19°43'56" (THE CHORD BEARS NORTH 08°5'31" WEST, 119.94 FEET) AN ARC DISTANCE OF 120.54 FEET TO A POINT OF REVERSE CURVATURE;  
THENCE ALONG THE ARC OF A 1000.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 17°49'36" (THE CHORD BEARS NORTH 09°02'41" WEST, 309.88 FEET) AN ARC DISTANCE OF 311.13 FEET TO A POINT OF TANGENCY;  
THENCE NORTH 00°07'53" WEST, 84.72 FEET TO A POINT HEREINAFTER REFERED TO AS POINT "A";  
THENCE CONTINUING NORTH 00°07'53" WEST, 396.49 FEET TO A POINT HEREINAFTER REFERED TO AS POINT "B";  
THENCE CONTINUING NORTH 00°07'53" WEST, 57.81 FEET TO INTERSECTION OF SAID SE 90TH AVENUE AND SE CAUSEY AVENUE AND THE **TERMINUS** OF THIS CENTERLINE DESCRIPTION.

SE 90<sup>TH</sup> AVENUE  
NOVEMBER 5, 2019

PROJECT NO. CI22243  
MAP NO. 12E33CA00300 AND 12E33CA00400  
FILES 4 AND 5

**PARCEL – 1 PERMANENT RIGHT-OF-WAY EASEMENT**

**COMMENCING** AT AFOREMENTIONED POINT "A"; THENCE SOUTH 89°52'07" WEST, 25.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SE 90<sup>TH</sup> AVENUE (BEING 25.00 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO), ALSO BEING THE **POINT OF BEGINNING**;  
THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 89°52'07" WEST, 5.00 FEET;  
THENCE SOUTH 00°07'53" EAST, 84.72 FEET TO A POINT OF CURVATURE;  
THENCE ALONG THE ARC OF A 1030.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 11°44'38" (THE CHORD BEARS SOUTH 6°00'12" EAST, 210.75 FEET) AN ARC DISTANCE OF 211.12 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT TRACT OF LAND DESCRIBED IN SAID DEED DOCUMENT NO. 2013-081570;  
THENCE ALONG SAID SOUTHERLY LINE, NORTH 89°50'58" EAST, 5.11 FEET TO A POINT OF NON-TANGENT CURVATURE AND SAID WESTERLY RIGHT-OF-WAY LINE;  
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND THE ARC OF A 1025.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF 11°48'07" (THE CHORD BEARS NORTH 6°01'56" WEST, 210.76 FEET) AN ARC DISTANCE OF 211.13 FEET;  
THENCE NORTH 00°07'53" WEST, 84.72 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 1,479 SQUARE FEET OR 0.034 ACRES, MORE OR LESS.

SE 90<sup>TH</sup> AVENUE  
NOVEMBER 5 2019

PROJECT NO. CI22243  
MAP NO. 12E33CA00300 AND 12E33CA00400  
FILES 4 AND 5

**PARCEL – 2 PERMANENT RIGHT-OF-WAY EASEMENT**

**COMMENCING** AT AFOREMENTIONED POINT "B"; THENCE SOUTH 89°52'07" WEST, 25.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SE 90<sup>TH</sup> AVENUE (BEING 25.0 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO), ALSO BEING THE **POINT OF BEGINNING**;  
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, NORTH 00°07'53" WEST, 8.07 FEET TO A POINT OF CURVATURE;  
THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 89°40'11" (THE CHORD BEARS NORTH 44°57'58" WEST, 28.20 FEET) AN ARC DISTANCE OF 31.30 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SE CAUSEY AVENUE (BEING 30.00 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO);  
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, NORTH 89°48'04" WEST, 9.82 FEET;  
THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 00°11'56" WEST, 3.00 FEET;  
THENCE SOUTH 89°48'04" EAST, 9.82 FEET TO A POINT OF CURVATURE;  
THENCE ALONG THE ARC OF A 17.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 89°40'11" (THE CHORD BEARS SOUTH 44°57'58" EAST, 23.97 FEET) AN ARC DISTANCE OF 26.61 TO A POINT OF TANGENCY;  
THENCE SOUTH 00°07'53" EAST, 8.07 FEET;  
THENCE NORTH 89°52'07" EAST, 3.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 141 SQUARE FEET OR 0.003 ACRES, MORE OR LESS.

SE 90<sup>TH</sup> AVENUE  
NOVEMBER 5, 2019

PROJECT NO. CI22243  
MAP NO. 12E33CA00300 AND 12E33CA00400  
FILES 4 AND 5

**PARCEL – 3 TEMPORARY CONSTRUCTION EASEMENT**

**COMMENCING** AT AFOREMENTIONED POINT "A"; THENCE SOUTH 89°52'07" WEST, 25.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SE 90<sup>TH</sup> AVENUE (BEING 25.00 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO), ALSO BEING THE **POINT OF BEGINNING**;  
THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 89°52'07" WEST, 3.00 FEET;  
THENCE NORTH 00°07'53" WEST, 396.49 FEET;  
THENCE NORTH 89°52'07" EAST, 3.00 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE;  
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 00°07'53" EAST, 396.49 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 1,189 SQUARE FEET OR 0.027 ACRES, MORE OR LESS.

THE ATTACHED EXHIBIT "B" ENTITLED "PERMANENT R/W AND TEMPORARY CONSTRUCTION EASEMENT" IS MADE A PART HEREOF.

**BASIS OF BEARINGS:**

GEODETIC DATUM: NORTH AMERICAN DATUM OF 1983 (2011)  
SYSTEM: OREGON COORDINATE REFERENCE SYSTEM (ORCS)  
ZONE: PORTLAND  
PROJECTION: LAMBERT CONFORMAL CONIC PROJECTION

LATITUDE OF GRID ORIGIN: 45°30'00" N  
LONGITUDE OF GRID ORIGIN: 122°45'00" W  
FALSE NORTHING: 50,000.00 m  
FALSE EASTING: 100,000.00 m  
SCALE FACTOR: 1.000002 (EXACT)

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JUNE 30, 1997  
DANIEL E. WOBBE  
02825

RENEWS 06/30/20