

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Acceptance of a Deed)
from the State of Oregon conveying)
to Multnomah County Real Property for)
County Road Purposes.)
_____)
ORDER ACCEPTING DEED #88-164
TO PROPERTY FOR
COUNTY ROAD PURPOSES
N.W. Reeder Road
Item 88-169-A

It appearing to the Board at this time that the State of Oregon has tendered to Multnomah County, a deed to the property hereinafter described, for County road purposes, to be known as N.W. Reeder Road, County Road No. 4964; and

It further appearing that said property is desirable for use as a part of the road system of Multnomah County, and that the Director of the Department of Environmental Services has recommended that said deed be accepted and said property accepted and established as a county road;

NOW, THEREFORE, IT IS HEREBY ORDERED that the deed of the State of Oregon, conveying to Multnomah County the following described property, to be one hundred feet (100') wide, and the right to construct, maintain, operate, and replace an embankment and culvert crossing in, over, and across state-owned submerged and submersible land at River Mile 1.4 of Dairy Creek, located in Section 26 of Township 3N, Range 1W of the Willamette Meridian, Multnomah County, Oregon; the centerline of said easement being more particularly described as follows:

Beginning at a point on the centerline of the proposed New NW Reeder Road said point being Engineer's centerline Station 65 + 00 P.O.C.; thence northeasterly along a curve to the right having a radius of 700 feet, the chord of which bears N 17°38'09" E, 62.53 feet, an arc distance of 62.54 feet; thence N 20°11'45" E, a distance of 283.40 feet; thence northeasterly along a tangent curve to the left having a radius of 700 feet, the chord of which bears N 17°59'01" E, 54.04 feet, an arc distance 54.05 feet to Engineer's centerline Station 69 + 00 P.O.C.

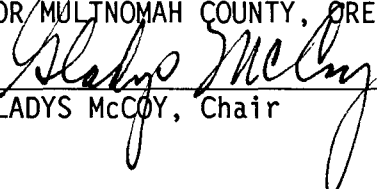
All that portion of the hereinabove described parcel lying below the ordinary high water lines, containing 0.44 acre, more or less of state-owned submerged and submersible lands.

ORDER ACCEPTING DEED
N.W. Reeder Road, County Road No. 4964
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be accepted by the County and placed of record in the County of Multnomah,
State of Oregon; and that the premises be established and maintained as a
County road.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

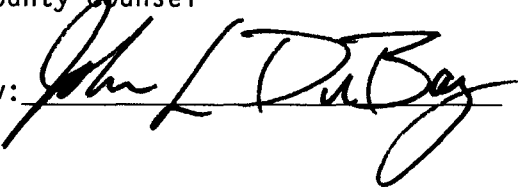

GLADYS MCCOY, Chair

LARRY F. NICHOLAS, P.E.
County Engineer

By: 

APPROVED AS TO FORM:

LAURENCE KRESSEL
County Counsel

By: 

0014W/739W

*Reeder Road
Item 88-169-A*

EMBANKMENT AND CULVERT EASEMENT

The STATE OF OREGON, acting by and through the Division of State Lands, GRANTOR, for and in consideration of one thousand one hundred ninety (\$1,190.00), does hereby grant to Multnomah County, GRANTEE, an easement, one hundred feet (100') wide, and right to construct, maintain, operate, and replace an embankment and culvert crossing in, over, and across state-owned submerged and submersible land at River Mile 1.4 of Dairy Creek, located in Section 26 of Township 3N, Range 1W of the Willamette Meridian, Multnomah County, Oregon; the centerline of said easement being more particularly described as follows:

Beginning at a point on the centerline of the proposed New NW Reeder Road said point being Engineer's centerline Station 65 + 00 p.o.c. thence northeasterly along a curve to the right having a radius of 700 feet, the chord of which bears N 17°38'09" E, 62.53 feet, an arc distance of 62.54 feet; thence N 20°11'45" E, a distance of 283.40 feet; thence northeasterly along a tangent curve to the left having a radius of 700 feet, the chord of which bears N 17°59'01" E, 54.04 feet an arc distance 54.05 to Engineer's centerline Station 69 + 00 p.o.c.

All that portion of the hereinabove described parcel lying below the ordinary high water lines, containing 0.44 acre, more or less of state-owned submerged and submersible lands.

TO HAVE AND TO HOLD the same unto GRANTEE in perpetuity, subject to the following conditions:

1. Construction in navigable waters shall conform to standards and specifications set by the U.S. Army Corps of Engineers or the U.S. Coast Guard for the project.
2. The bed and banks of the waterway shall be restored to a condition acceptable to the Division as soon as construction or maintenance is completed.
3. Any blasting during construction shall be performed according to the laws of the state. Underwater blasting permits are required under ORS 509.140.
4. GRANTOR reserves the right, upon written consent of GRANTEE, to lease or otherwise utilize the state-owned lands within the granted area hereinabove described in a manner and for uses that will not be incompatible with the primary use for which this easement is granted.
5. Public access to the navigable waters must be maintained and/or restored upon completion of construction or maintenance.

6. If a facility is not used for a period of five (5) consecutive years, the easement will automatically terminate and the land shall be restored by the GRANTEE to its original condition.

7. The GRANTEE shall pay to the Division the current market value, as determined by the director, of any actual damages to state-owned submerged and submersible land, for example, the loss of minable gravel. The provision shall not apply to materials taken under ORS 273.751(3).

8. The GRANTEE agrees to defend and hold GRANTOR harmless from any and all claims suffered or alleged to be suffered on the easement premises or arising out of operations on the premises. Further, GRANTEE shall be responsible for the payment of any fines or penalties charged against the premises as a result of GRANTEE'S action in not complying with laws or regulations affecting the premises.

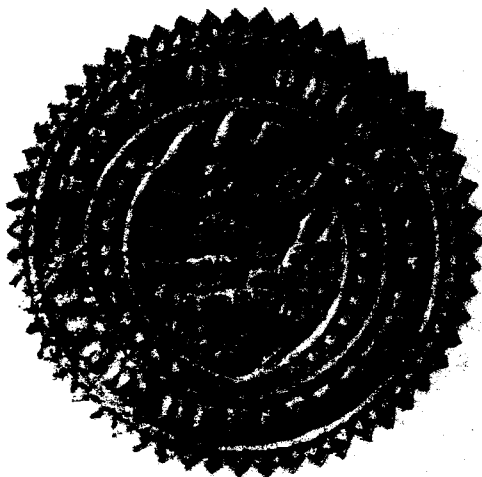
9. Any removal/fill activity in the waters of the state shall require a permit from the director in accordance with ORS 541.605 et seq.

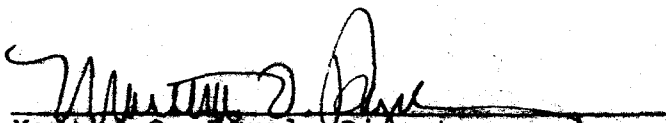
10. The director, after thirty (30) days written notice may revoke any purchased easement for non-compliance with the terms or conditions of the easement.

11. A temporary easement the full length and twenty (20) feet wide on both sides of the herein granted easement area for the purpose of additional work area during construction and being subject to the above stated conditions.

Witness the seal of the Division of State Lands affixed
the 7th day of June, 1988.

STATE OF OREGON acting by and
through the Division of State Lands



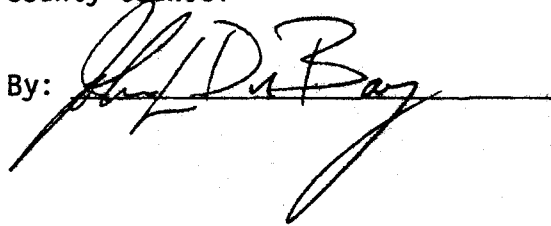

Martha O. Pagel, Director

N.W. Reeder Road
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APPROVED AS TO FORM:

LAURENCE KRESSEL
County Counsel

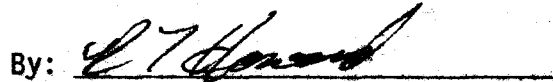
By:

A handwritten signature in black ink, appearing to read "L. Kressel", written over a horizontal line.

APPROVED:

LARRY F. NICHOLAS, P.E.
County Engineer

By:

A handwritten signature in black ink, appearing to read "L. F. Nicholas", written over a horizontal line.

0739W