

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Vacation of)	
Second Street in Section 20,)	ORDER
T2N, R1W, W.M., Multnomah County,)	
<u>Oregon/Vacation No. 5000</u>)	92-138

A Consent to Vacation in proper legal form from Charles C. and Julie V. Morrow and Agency Creek Management Company, for vacation of a portion of Second Street, in Section 20, T2N, R1W, W.M., Multnomah County, Oregon, more specifically described following, has been filed herein; and

It appearing that the petition contains the signatures of the owners of 100% of the abutting property; and

It further appearing that the Director of Environmental Services has investigated the advisability of vacation the aforementioned undeveloped public road, which is unnecessary for any public purpose, and the Director has filed a report indicating that the proposed vacation is in the public interest, and recommends that said right-of-way be vacated, subject to certain conditions, said portion of right-of-way being more particularly described as follows:

Part of Second Street in Section 20, T2N, R1W, W.M., Multnomah County, Oregon, lying within the Plat of Burlington, described as follows:

That part of Second Street lying southerly of the southerly line of Wapato Drive and northerly of the northerly line of Multnomah Avenue.

It further appearing that the Board of County Commissioners considered the report and recommendation of the Director of Environmental Services, and no written or oral objections were filed or heard; and

It further appearing that the vacation would be in the public interest; and

It further appearing that, in accordance with the Oregon law, the Board of County Commissioners has determined that no further notice be given or hearing held in this matter;

ORDER
Vacation No. 5000

IT IS THEREFORE ORDERED, that the above described undeveloped public road be, and the same is, hereby vacated as a dedicated street.

FURTHER ORDERED, that the Order of Final Vacation be recorded in the Deed Records of Multnomah County, Oregon.

DATED this 6 day of August, 1992.



REVIEWED;

LAURENCE KRESSEL
County Counsel
for Multnomah County, Oregon

By Peter Livingston
Peter Livingston

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Gladys McCoy
GLADYS MCCOY/Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

Julie V. Morrow and
Charles C. Morrow and
John C. Hampton,

PETITIONERS FOR VACATION
OF A PUBLIC ROAD

Petitioners

(1992)

Petitioners request the Board of Commissioners enter a Final Order of Vacation of a Public Road as follows:

1. Legal Description of the Property:

That portion of the platted right-of-way of N.W. Second Avenue from N.W. Multnomah Avenue to N.W. Wapato Drive lying adjacent to and between lots 9 and 10, block 16; and lots 1 and 14, block 17, all in Burlington Addition, a plat of record in Section 20, Township 2 North, Range 1 West of the Willamette Meridian in Multnomah County, Oregon.

(see map attached, Exhibit A to this petition)

2. Reasons for Vacation:

To increase our lot size to replace our current house and septic system with a new house and septic system.

3. Title Company Report:

Attached to this petition as Exhibit B.

4. Owners of Improvements:

There are no improvements constructed within the subject property. Confirming letters from local utility companies are attached as Exhibits C through F.

5. Names and Addresses of Abutting Owners:

Julie V. Morrow
Charles C. Morrow
16501 N.W. Wapato Drive
Portland, Oregon 97231

John C. Hampton
Agency Creek Management
9400 S.W. Barnes Road
400 Sunset Business Park
Portland, Oregon 97225-6698

PETITION FOR VACATION OF A PUBLIC ROAD
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6. Signatures:

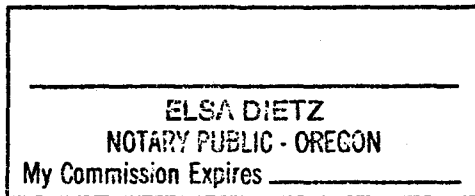
Petitioners and signature to this petition are the owners of all the land abutting the property proposed to be vacated.

Charles C. Morrow
Charles C. Morrow

STATE OF OREGON)
) SS.
County of Multnomah)

On this 6 day of July, 1992, personally appeared Charles C. Morrow, who, being duly sworn, signed and acknowledged said instrument to be his voluntary act and deed.

Before me



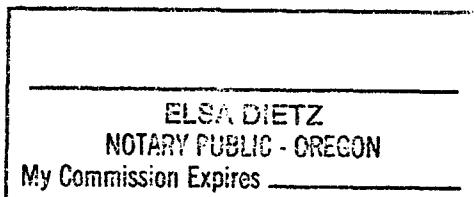
Elsa Dietz
Notary Public for Oregon
My Commission Expires 4-26-93

Julie V. Morrow
Julie V. Morrow

STATE OF OREGON)
) SS.
County of Multnomah)


On this 6 day of July, 1992, personally appeared Julie V. Morrow, who, being duly sworn, signed and acknowledged said instrument to be his voluntary act and deed.

Before me



Elsa Dietz
Notary Public for Oregon
My Commission Expires 4-26-93

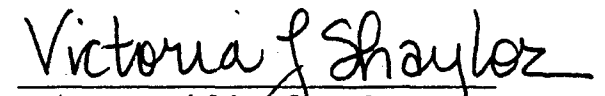
PETITION FOR VACATION OF A PUBLIC ROAD
Page 3


John C. Hampton

STATE OF OREGON)
) SS.
County of Multnomah)

On this 9th day of July, 1992, personally appeared
John Hampton, who being duly sworn, signed and acknowledged said
instrument to be his voluntary act and deed.

Before me


Notary Public for Oregon
My Commission Expires 9/03/92

AGENCY CREEK MANAGEMENT CO.

Phone (503) 297-7691

Fax (503) 297-3188

Telex 990-848

9400 S.W. BARNES RD. • PORTLAND, OR. 97225-6698

400 SUNSET BUSINESS PARK

September 24, 1991

Mr. John Dorst
Multnomah County
1620 S.E. 190th
Gresham, OR 97233

Dear Mr. Dorst:

We have been informed by a neighbor that he wishes to vacate a street in the Burlington Addition between Second Street to Wapato Drive and Multnomah Avenue. We own lots 7 and 12 in block 16 and lots 1 and 14 in block 17 of the Burlington Addition. We have tentative plans to sell this property to Mr. and Mrs. Charles Morrow and we want to make it clear that we have no objection to their request to vacate the above mentioned street.

If there is any other information you require from us to expedite the Morrows' request for vacation of the street, please let me know by phoning me at 297-7691.

Sincerely yours,

AGENCY CREEK MANAGEMENT CO.


JOHN C. HAMPTON
President

JCH:vls



A HAMPTON AFFILIATE

Charles and Julie Morrow
16501 N.W. Wapato Drive
Portland, Oregon 97231
(503) 621-3519

Rich Martin
Manager Engineering

U.S. WEST Communications
421 Southwest Oak Street, Room 5N15
Portland, Oregon 97204
Phone (503) 242-7234

8637

U.S. West Communications
Engineering Department
Rich Martin
421 S.W. Oak Street, Room 5N15
Portland, Oregon 97204

June 26, 1992

RE: Vacation of a public right-of-way in Burlington Addition,
Section 20, Township 2 North, R1 West

Dear Rich:


I am preparing a road vacation petition for presentation to
Multnomah County; the proposed vacation is described as follows:

That portion of the platted right-of-way of N.W. Second
Avenue from N.W. Multnomah Avenue to N.W. Wapato Drive lying
adjacent to and between lots 9 and 10, block 16; and lots 1
and 14, block 17, all in Burlington Addition, a plat of
record in Section 20, Township 2 North, Range 1 West of the
Willamette Meridian in Multnomah County, Oregon (see
attached).

As part of the petition, certification is required that the
right-of-way contains no improvements. If this is the case with
respect to your utility, please confirm so in writing at your
earliest convenience. I am enclosing a self-addressed, stamped
envelope for the return of your response.


Thank you for your cooperation and assistance.

Sincerely,


Charles C. Morrow

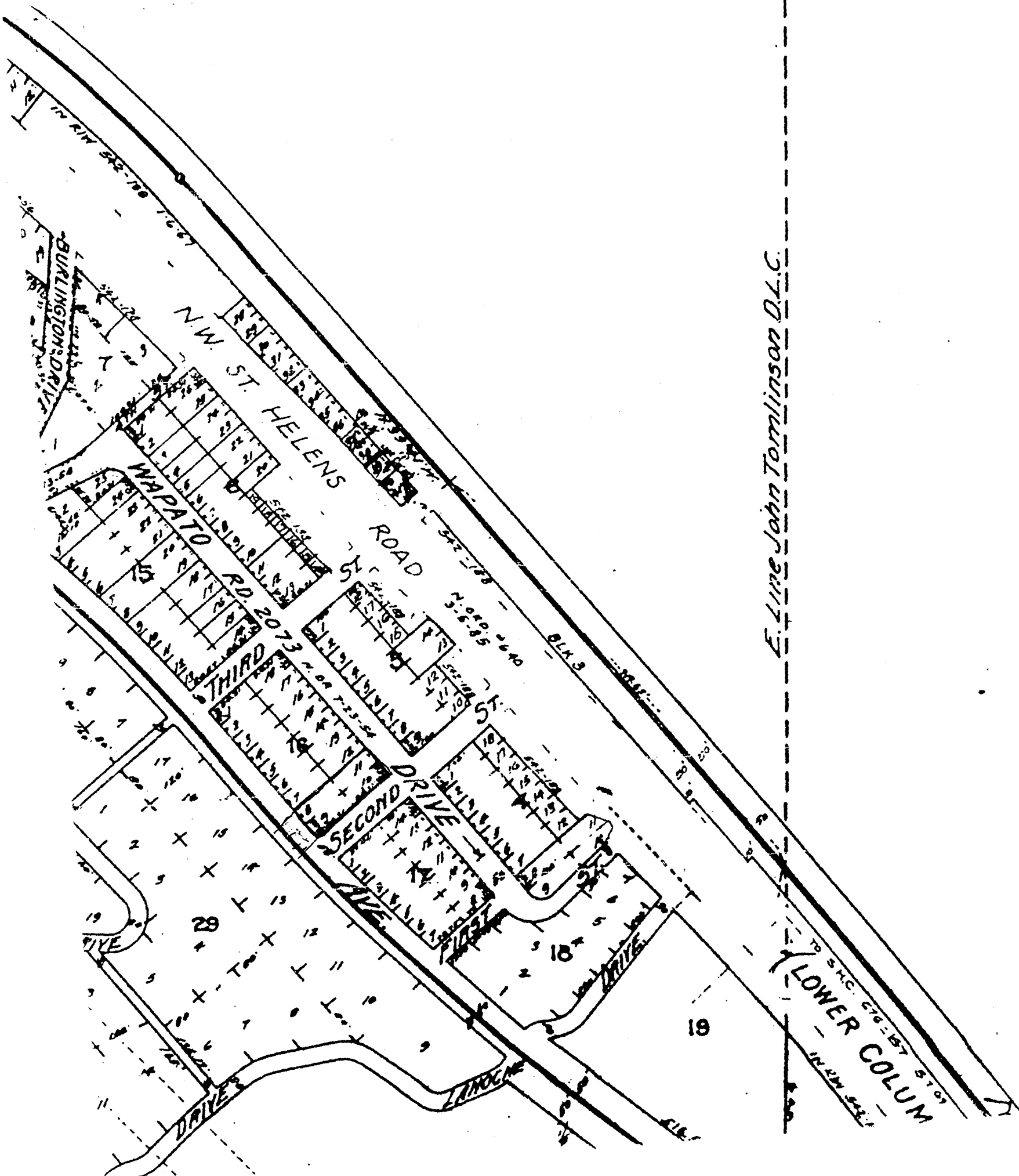
enc.

PER ATTACHED - U S WEST HAS NO KNOWN EASEMENTS OR
INFRINGEMENTS ASSOCIATED WITH THE DESCRIBED
PROPERTY.


RICH MARTIN
c/dalas

Burlington North - HAS NO INFRINGEMENT ASSOCIATED
WITH THE DESCRIBED PROPERTY

ROAD MASTER 



E. Line John Tomlinson D.L.C.

TO SMC STG 157 ST 101
LOWER COLUM

Burlington Water District
P.O. Box 83035
Portland, Oregon 97283
621-9788

July 2, 1992

Charles and Julie Morrow
16501 N.W. Wapato Drive
Portland, Oregon 97231

Re: Vacation of a Public Right-of-Way in Burlington Addition,
Section 20, T1N, R1W

Dear Mr. and Mrs. Morrow:

Please be advised that the Burlington Water District has no facilities within the proposed vacation area. We would, therefore, have no objection to the County vacating the area.

If you have any questions, please contact me at the above phone number.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Andy Tinkess', written over a horizontal line.

Andy Tinkess
Superintendent



Portland General Electric Company

July 1, 1992

Charles and Julie Morrow
16501 NW Wapato Dr
Portland OR 97231

Dear Mr. and Mrs. Morrow:

Portland General Electric Company has reviewed the attached request for a road vacation. PGE has no current or future need for the proposed vacation area which is that portion of the platted right-of-way of NW 2nd Avenue from NW Multnomah Avenue to NW Wapato Drive, lying adjacent to and between Lots 9 and 10, Block 16; Lots 1 and 14, Block 17; all in Burlington addition, a plat of record in Section 20, Township 2 North, Range 1 West of the Willamette Meridian in Multnomah County, Oregon. See attached map.

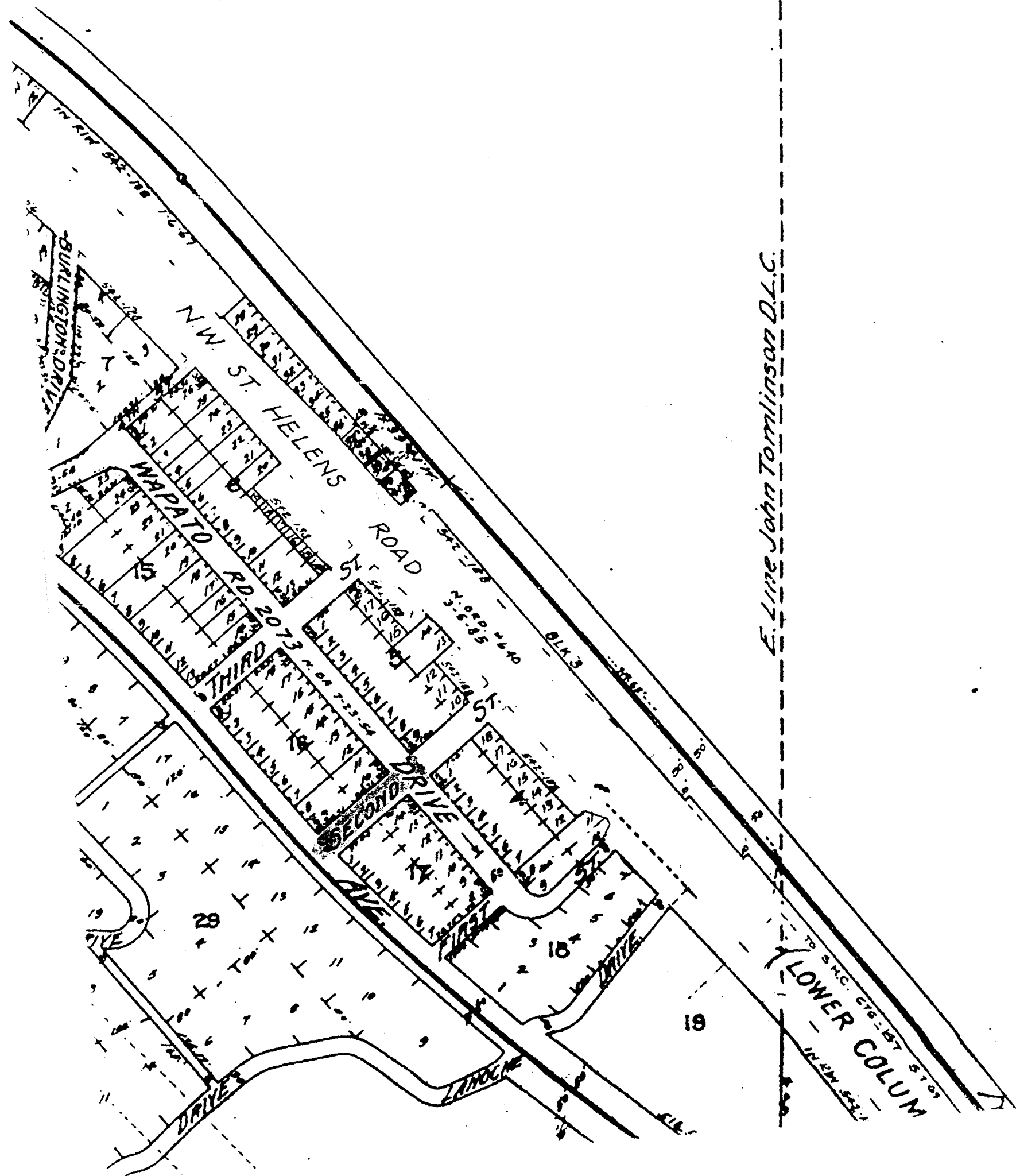
Sincerely yours,

A handwritten signature in cursive script, appearing to read 'John G. Nelson'.

John G. Nelson
Property Services
464-8125

JGN/sm
S-0776b.27

Attachment



E. Line John Tomlinson D.L.C.



Fidelity National Title Company of Oregon

401 S.W. Fourth Avenue, Portland, Oregon 97204
(503) 223-8338

April 27, 1992

Mr. and Mrs. Chuck Morrow
16501 NW Wapato Drive
Portland OR 97231

Re: PS No. 54
Road Vacation Report
Second Street

At your request, in connection with a proposed road vacation, we have searched the Multnomah County Records to determine if there are any recorded easements, licenses, franchises or similar documents affecting the road area to be vacated, described as follows:

Part of Second Street, in Section 20, 2N1W, Willamete Meridian, Multnomah County, Oregon, lying within the Plat of Burlington, described as follows:

That part of second street lying Southerly of the Southerly line of Wapato Avenue and Northerly of the Northerly line of Multnomah Avenue.

As of April 21, 1992, at 8:00 a.m., we find no recorded easements, licenses, franchises, or similar documents affecting said property.

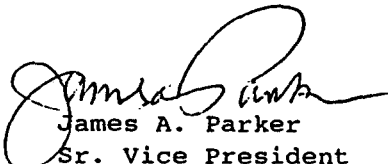
Abutting property owners to the Northwest are:

Charles C. and Julie V. Morrow
16501 NW Wapato Drive
Portland, OR 97231

Abutting property owner to the Southeast is:

Agency Creek Management Co.
9400 SW Barnes Road
Portland, OR 97225

This is not a Preliminary Title Commitment for title insurance. A full examination has not been made of the title to the above described property. Liability is limited to the amount paid for this report.


James A. Parker
Sr. Vice President
Title Operations

JP:bld

NAME AGENCY CREEK MANAGEMENT CO PROP NW WAPATO
 PORTLAND, OREGON 97231
 YR-AG 90 BK/PG 2296/2833 STATUS
 MAIL 9400 SW BARNES RD STE 400 TO BE REAP FOR JAN 1, 1990
 PORTLAND OR 97225-6660 YR APPR 84 VCHR # ACTION 618087
 MAP 202N1W CENSUS TRACT 071.00 VCHR # DIVISION

ANNEX SID

----- LEGAL DESCRIPTION -----

ADD-BURLINGTON LOT BLOCK

1-14 17

----- LAND AND IMPROVEMENT CHARACTERISTICS --- *** 05/30/84 ***

RATIO CODE 470 6 APPR DISTRICT AREA 36,590 SF ZONING MUF12
 CLASS VACANT LAND % IMP GOOD NEIGHBORHOOD 220
 USE VAC LND YR BUILT 0000 UNITS STORIES
 LIVING AREA ARCH VAC LND CONS

NAME AGENCY CREEK MANAGEMENT CO PROP NW WAPATO
 PORTLAND, OREGON 97231

***** VALUE INFORMATION *****

----- TRUE CASH VALUE (NO EXEMPTIONS) -----

YEAR	CHG-DATE	CD	LAND	IMPROVEMENTS	TOTAL
89/90	04/18/89	T	19,500	0	19,500
90/91	05/02/90	T	21,600	0	21,600

***** TAX INFORMATION ***** INTEREST TO 07/15/91

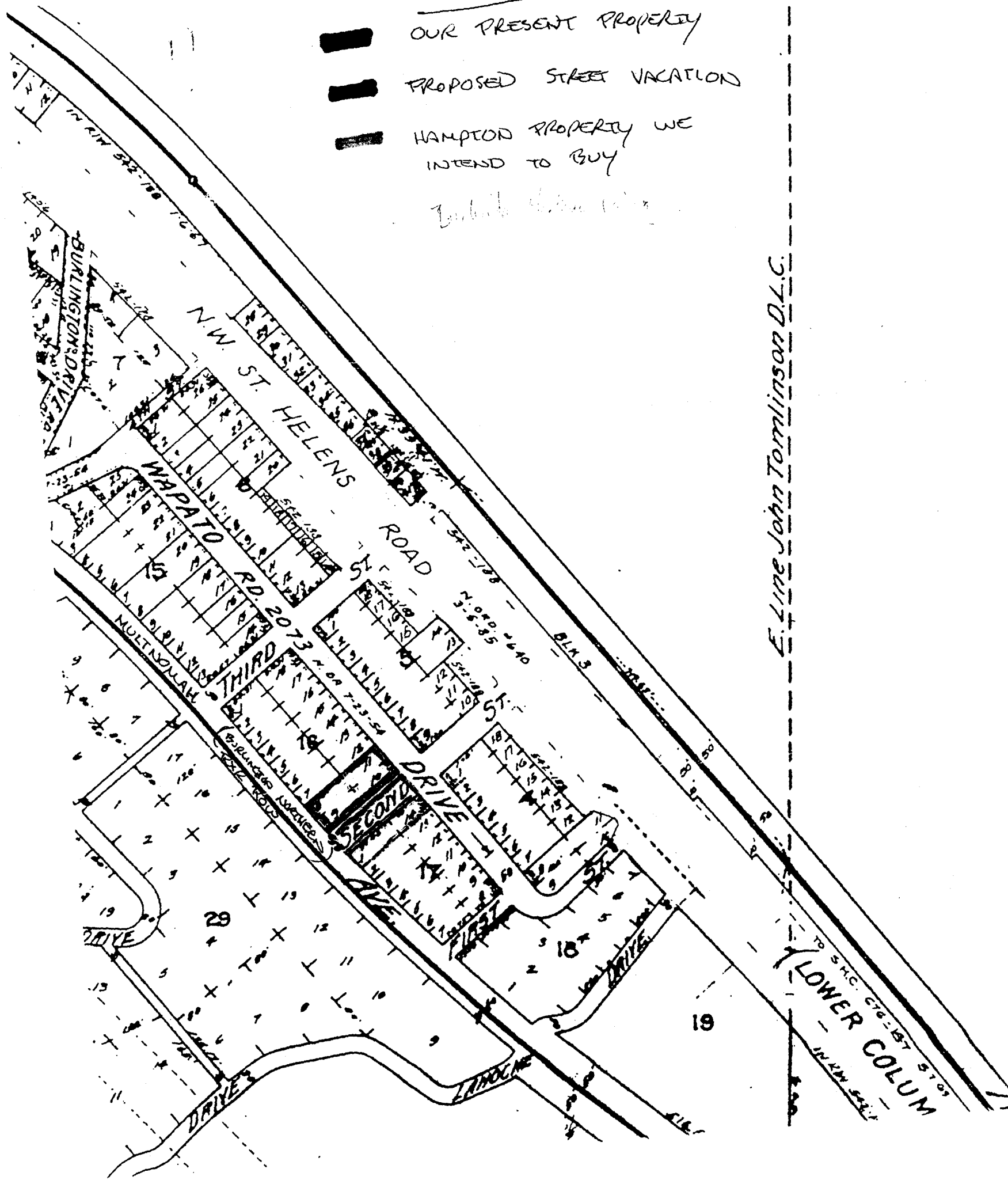
YEAR	TAXES DUE	TAXES LEVIED	TAXABLE VALUE	RATE
86/87	0.00 BAL	441.75 072	18,600	23.7500
	0.00 INT	15.00 509 FIRE PATROL-NORTHWEST		
	0.00 TOTAL	456.75 TOTAL	18,600	
87/88	0.00 BAL	480.81 072	18,600	25.8500
	0.00 INT	15.00 509 FIRE PATROL-NORTHWEST		
	0.00 TOTAL	495.81 TOTAL	18,600	

2 N 1 W

- OUR PRESENT PROPERTY
- PROPOSED STREET VACATION
- HAMPTON PROPERTY WE INTEND TO BUY

Barboursville

E. Line John Tomlinson D.L.C.



September 24, 1991

John Dorst
Multnomah County
1620 S.E. 190th
Gresham, Or 97233

Mr. Dorst,

As per our phone conversation on September 23, 1991, we would like to explore the possibility of securing approval from Multnomah County for a street vacation for the purpose of consolidating property.

We own and live at 16501 N.W. Wapato Dr (lots 8 to 11, Block 16, Burlington Addition). In addition to being too small, our house has a poor foundation, no insulation, and an outdated electrical system. We would like to remodel, add to, or possibly rebuild, depending on economics and what we can get permits for. Although the plat maps show the area subdivided into many small lots, there are actually only a few houses out here and current zoning clearly discourages further residential development. We don't think our consolidation and improvement plans conflict since we end up with what already exists: one property with one dwelling unit. The advantage to Multnomah County includes:

- *placing a piece of property on the tax roles, and
- *increasing the net tax value of an existing property.

You get higher tax value, we get a larger, more energy efficient home.

As you can see on the attached map, our property is adjacent to N.W. Second Street between Wapato Drive and Multnomah Avenue. Lots 1 and 14 of Block 17, Burlington Addition abut the other side of this street. The owner of these lots is Hampton Lumber Company (listed as Agency Creek Management Company on the tax records). Mr. Hampton has agreed to sell us these lots and has indicated that he has no objection to a street vacation.

This part of N.W. Second Street has no improvements, no aboveground or underground utilities, and does not serve as access to other properties. We would be grateful if you would look into securing preliminary approvals for this action before we initiate formal vacation proceedings.

Please advise us of your determinations at your earliest convenience.

Sincerely,

Charles Morrow
Julie Morrow

Charles and Julie Morrow
16501 N.W. Wapato Drive
Portland, Oregon 97231
621-3519

attachments

Charles and Julie Morrow
16501 N.W. Wapato Drive
Portland, Oregon 97231
621-3519

April 30, 1992

Mr. James Czmowski
Oregon National Building
610 S.W. Alder Street, Third Floor
Portland, Oregon 97204

Dear Mr. Czmowski:

We would like to petition Multnomah County to vacate a public street. Second Street is located in the Burlington Addition, Section 20, 2N1W, between Lots 1 and 14 of Block 17 and Lots 9 and 10 of Block 16. A plat map is enclosed.

We would like to request this vacation so that we may increase our lot size to replace our house and septic system.


Also enclosed is a copy of a report from Fidelity National Title Company of Oregon indicating the names and addresses of all persons holding any recorded interest in the property (none).

The only improvements constructed on this street are the ones we have made ourselves; mainly a gravel road that we use for access to our back yard, and our garden.

The person who owns Lots 1 and 14 of Block 17 is Mr. John Hampton of Agency Creek Management Company. His address is 9400 S.W. Barnes Road, 400 Sunset Business Park, Portland, Oregon 97225. He has approved the sale of these two lots to us so that we may increase our lot size. Burlington Avenue abuts Second Street at the west end. It is currently the Burlington Northern Railroad right-of-way.

We would appreciate if you could expedite this request as quickly as possible as we have already spent over five months working with John Dorst to see if it would be possible. After looking into it, he told us he did not think there would be any problems. Mr. Hampton has written Mr. Dorst a letter notifying Mr. Dorst that Mr. Hampton has no objection to this vacation. If you have any questions, please call us at the above number. Thank you.

Sincerely,


Charles C. and Julie V. Morrow



Fidelity National Title Company of Oregon

401 S.W. Fourth Avenue, Portland, Oregon 97204
(503) 223-8338

April 27, 1992

Mr. and Mrs. Chuck Morrow
16501 NW Wapato Drive
Portland OR 97231

Re: PS No. 54
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As of April 21, 1992, at 8:00 a.m., we find no recorded easements, licenses, franchises, or similar documents affecting said property.

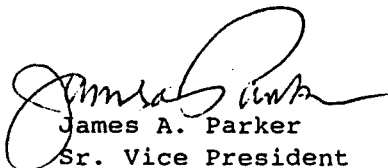
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Portland, OR 97225

This is not a Preliminary Title Commitment for title insurance. A full examination has not been made of the title to the above described property. Liability is limited to the amount paid for this report.


James A. Parker
Sr. Vice President
Title Operations

JP:bld

CONTRACT FOR SALE OF REAL ESTATE

This Contract for Sale of Real Estate is made this 26th day of March, 1992 by and between AGENCY CREEK MANAGEMENT CO., an Oregon corporation, hereinafter called "Seller" and CHARLES C. and JULIE V. MORROW, husband and wife, hereinafter called "Buyers."

AGREEMENTS:

1. In consideration of the mutual covenants and AGREEMENTS herein stated, Seller agrees to sell to Buyers and Buyers agree to purchase from Seller all of the following described real property situated in Multnomah County, State of Oregon:

Lots 7 and 12 of Block 16 and Lots 1 and 14 of Block 17, Burlington.

2. The purchase price shall be Five Thousand Dollars (\$5,000.00) payable in lump sum at the closing provided for hereinafter.

3. The sale and purchase hereby contemplated is subject to a condition that vacation of the street not built but platted as Second Street running between Wapato Drive and the present location of the Burlington Northern Railroad right-of-way in the Burlington Subdivision be vacated by action of Multnomah County. If the County has not vacated the said platted street by September 30, 1992, then either Seller or Buyers, by written notice to the other delivered by certified or registered mail, return receipt requested, may terminate this Contract. In the event such notice of termination is given, this Contract shall have no force or effect from and as of the date of such notice.

4. Otherwise, as soon as the condition for fulfillment of this Contract has been satisfied, the parties shall mutually agree upon a time and place for closing. At the closing, Seller shall deliver to Buyers a bargain and sale deed in statutory form conveying the real property to be sold hereunder to Buyers, free of all liens or encumbrances imposed or suffered by Seller, but otherwise subject only to all matters of record. Buyers shall deliver to Seller a bank certified or bank cashier's check in the amount of the purchase price, plus or minus any amount due from or to Buyers for proration of real property taxes. Taxes for the current tax year shall be prorated between Seller and Buyers as of 12:59 p.m. on the date of the closing. If the amount of taxes due on the real property being conveyed are not known for the tax year as of the date of the closing, proration shall be based on taxes applicable to the said property for the prior tax year.

5. Buyers shall record and pay for recording the deed and shall pay the premium on any policy of title insurance Buyers elect to obtain on the property.

IN WITNESS WHEREOF the parties hereto have executed this Contract for Sale of Real Property as of the date first above written.

AGENCY CREEK MANAGEMENT CO.,
"SELLER"

By John C. Hampton
Its President

Charles C. Morrow
CHARLES C. MORROW

Julie V. Morrow
JULIE V. MORROW
"BUYERS"

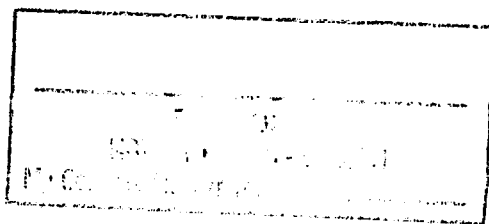
STATE OF OREGON)
) ss.
County of Washington)

This instrument was acknowledged before me on the 24th day of March, 1992, by John C. Hampton as President of AGENCY CREEK MANAGEMENT CO.

Victoria J. Shaylor
Notary Public for Oregon
My commission expires: 09/03/92

STATE OF OREGON)
) ss.
County of Multnomah)

This instrument was acknowledged before me on the 26 day of March, 1992, by CHARLES C. MORROW and by JULIE V. MORROW.



Victoria J. Shaylor
Notary Public for Oregon
My commission expires: 9-16-93

19
2NLW

