



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: 8/18/11)

### Board Clerk Use Only

Meeting Date: 1/26/12  
Agenda Item #: R.1  
Est. Start Time: 9:30 am  
Date Submitted: 1/10/12

**Agenda Title:** **RESOLUTION Vacating a Portion of NW Arcade Road, a Local Access Road, Pursuant to ORS 368.326 to 368.366**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

**Requested Meeting Date:** January 26, 2012 **Time Needed:** 5 Minutes  
**Department:** Community Services **Division:** Land Use & Trans Program  
**Contact(s):** Brian Vincent, P.E, Multnomah County Engineer, or Patrick Hinds, ROW Manager  
**Phone:** (503) 988-5050 **Ext.** 29642 **I/O Address:** 425/2nd  
**Presenter Name(s) & Title(s):** Brian Vincent or Patrick Hinds

### General Information

#### 1. What action are you requesting from the Board?

The Land Use and Transportation Program requests that the Board approve the attached Resolution vacating a portion of a public road, situated in Northwest Multnomah County.

#### 2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

A public road known as NW Arcade was created by the plat SKYLINE ACRES recorded October of 1908. Approximately one third of this road is in Multnomah County, and the remaining two thirds are in the City of Portland. The original road was platted as being 30' in width. It appears that only a portion of the road has been improved (as a gravel surface road) due to difficult terrain. All of the properties that are within the City of Portland which abut this road have alternative access. No properties will be land-locked by the proposed road vacation.

The petitioners bought a house that was partially constructed in the existing Arcade Road right of way. The house was built in 1994. At the location of the actual house construction, Arcade Road was unimproved and not well marked. During construction of the house, access was provided to the construction site by means of a private road on abutting private property. A recent survey has confirmed the encroachment of the home into the road right of way. A survey was not required through the original permit process because the lot was previously surveyed by the subdivision plat. The new owners of the property are working to bring the property into compliance with land use regulations. The vacation of the existing right of way will resolve the encroachment issue and may satisfy setback requirements.

Because the right of way for this road is substandard (currently 40' in width), and the road vacation will create a dead-end road, Land Use and Transportation (LUT) is requiring, as a condition of the vacation, that a vehicle turnaround be constructed. LUT has provided the design standard for the turnaround. The petitioners have agreed to construct the turnaround as a condition of the vacation.

This proposed vacation is supported by 100% of the abutting property owners and is supported by the City of Portland Development Bureau and by Tualatin Valley Fire and Rescue.

The Land Use and Transportation Program recommends that the County approve the vacation of the right-of-way interests as more particularly described in Exhibit 1 to the Resolution.

A copy of the petition is attached to the Resolution as Exhibit 2.

**3. Explain the fiscal impact (current year and ongoing).**

There is no fiscal impact to Multnomah County. This public right of way is not maintained by Multnomah County, and no public money is spent on this road. All costs associated with this vacation request are the responsibility of the petitioner.

**4. Explain any legal and/or policy issues involved.**

The County Road Official, as required by ORS 368.351(1), has reviewed the petition and finds that the portions of the public road to be vacated, is no longer needed for public purposes. The County Road Official declares the vacation of the road (subject to the terms and conditions identified in Resolution), to be in the public interest.

This proposed easement vacation was initiated by a petition from an abutting property owner and contains the consent of 100 percent of the remaining abutting property owners. Therefore, under ORS 368.351, the County may proceed to complete this vacation without additional notice and publication.

**5. Explain any citizen and/or other government participation that has or will take place.**

This is a citizen-initiated petition.

The portion of the public road being vacated is located entirely within the County.

The proposed action is consistent with community involvement, development, and any applicable intergovernmental cooperation.

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**Required Signature**

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Elected  
Official or  
Department  
Director:



Date: 1/10/12