



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: 09/23/13)

## Board Clerk Use Only

Meeting Date: 4/7/16  
Agenda Item #: R.1  
Est. Start Time: 9:30 am  
Date Submitted: 3/18/16

**Agenda Title:** **Legalization of a Portion of Historic Columbia River Highway, County Road Number 917**

*Note: Title should not be more than 2 lines but sufficient to describe the action requested. Title on APR must match title on Ordinance, Resolution, Order or Proclamation.*

## Requested

Meeting Date: April 7, 2016 Time Needed: 5 Minutes

Department: Community Services Division: Transportation

Contact(s): Patrick Hinds, Transportation

Phone: 503/988-5050 Ext. 83712 I/O Address: 425/208

## Presenter

Name(s) & Title(s): Patrick Hinds PLS, Right of Way Manager, Transportation; Matthew O. Ryan, Assistant County Attorney

## General Information

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

The Transportation Division (Division) is requesting the County Board enter an order approving the legalization of a portion of Historic Columbia River Highway, County Rd. No. 917, located in the City of Troutdale, Oregon, pursuant to ORS Chapter 368.

### 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.

This matter first came before this Board on January 28, 2016, and by the adoption of Resolution No. 2016-04, this Board initiated the proposed legalization of a portion of Historic Columbia River Highway (HCRH) at its intersection with Jackson Park Road in the City of Troutdale. In furtherance of this legalization proposal this Agenda Placement Request contains the County Engineer's Report to the Board in compliance with ORS 368.206(1)(b),

The portion of HCRH at this intersection with Jackson Park Road (a Troutdale city street) is the subject of doubt as to its legal establishment, through apparent omissions or defects in the historical record. To the best of Transportation Division's institutional knowledge, there is no clear record of the right of way at this specific location being accepted and established as a portion of HCRH or of any other public right of way. In addition, historically there were conflicting and ambiguous surveys of the road at this location, and at least some of these surveys were likely defective leading to difficulty in determining the true location of the road. Finally and most importantly this portion of HCRH at this intersection with Jackson Park

Road has been used for road purposes and maintained by the County for approximately the past 50 years. Although relatively small in area, it is an essential part of the County's road system.

ORS 368.201 – ORS 368.221 provide for proceedings to “legalize” a county road or a portion thereof, when conditions as set forth herein apply to the road in question. The legalization proceedings provide for notice to abutting property owners and the public and for the County Board to determine whether the legalization of the road is in the public interest. Attached to this County Engineer's Report is the preliminary survey of the proposed legalized area for this portion of HCRH, it is identified as Exhibit 1 and is hereby incorporated by this reference. The outcome of a successful legalization effort is the establishment of the affected area as a county road.

The County Engineer and Transportation Staff have worked with the County Surveyors Office to do the preliminary field work to identify and describe a proposed right of way area of HCRH to be legalized. This preliminary work has been done in compliance with ORS 368.206. Because of the doubt with respect to the establishment of the road, there is not the ability to determine the original width of this portion of HCRH. Accordingly, the County may rely on current road width standards under ORS 368.036. Further, this preliminary work has determined there are no obstructions in the right or way area proposed for legalization that are or may be displaced by this legalization action. The proposed legalization will establish a wider area for HCRH as a whole at this specific location, but it is still within standards for County roads of this Functional Classification.

The Transportation Division strongly believes the legalization of a portion of HCRH at the intersection with Jackson Park Road is very much in the public interest by preserving essential transportation connectivity and addressing an historical anomaly. For all the reasons above stated, the Transportation Division respectfully requests the Board approve this legalization of a portion of HCRH at the intersection with Jackson Park Road as more specifically shown in Exhibit 1.

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

There is no ongoing fiscal impact associated with this road legalization. The area is currently being used for road purposes. Administrative costs associated with this legalization are estimated to be less than \$10,000.00.

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

See the discussion in Section No. 2 above.

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

Notice has been provided in compliance with ORS 368.206 (1)(c). The City of Troutdale through its Transportation and Planning Programs has expressed support for this legalization proceeding.

The Transportation Division originally anticipated bringing this Resolution to the Board in March, but is bringing it on April 7, 2016 to allow ample time for the required notice.

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**Required Signature**

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*Note: Please submit electronically. Insert names of your approvers followed by /s/ - we no longer use actual signatures. Please insert date approved.*

**Elected Official  
or Department**

**Director:** Kim Peoples /s/

**Date:** March 18, 2016