

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-100

Vacating a Portion of NW Cleetwood Avenue, a Local Access Road, Pursuant to ORS 368.326 to 368.366

The Multnomah County Board of Commissioners Finds:

- a. The portion of NW Cleetwood Avenue affected by this vacation was created as a public road by the RIVER ROAD TRACT subdivision, recorded May 7, 1891, in Book 163, Page 22, Multnomah County Plat Records. Multnomah County does not maintain this right of way. Multnomah County has no plans to develop this portion of NW Cleetwood Avenue.
- b. The portion of NW Cleetwood Avenue proposed to be vacated is more particularly described as follows:

A 40 foot wide strip of land being a dedicated street in the recorded plat of "RIVER ROAD TRACT", located in the S.E. 1/4 of Section 12, Township 2 North, Range 2 West, W.M., Multnomah County, Oregon, being more particularly described as follows:

Commencing at an iron pipe marking the southwest corner of Tract 9, "RIVER ROAD TRACT", a duly recorded plat in Multnomah County plat records in Book 163, Page 22; thence N88°50'00"E along the south line of said Tract 9 a distance of 149.46 feet to the S.W. corner of that tract of land recorded in Fee No. 99052271; thence N00°31'00"W along the west line of Fee No. 99052271, a distance of 660.00 feet to the centerline of Cleetwood Avenue and the Point of Beginning of a 40 foot wide strip of land lying 20 feet on each side of the centerline to be described; thence N88°50'00"E along the centerline of Cleetwood Avenue a distance of 294.7 feet to the most easterly east line of that tract recorded in Book 312, Page 214 and the point of termination.

The side lines of this description are to be extended or shortened to coincide with the west line of Fee No. 99052271 and the most easterly line of Book 312, Page 214.

- c. Albert Hoppert, petitioner, has submitted a petition to vacate this portion of NW Cleetwood Avenue in compliance with ORS 368.341(3). The petition also contains the acknowledged signatures of the abutting property owners consenting to the vacation. A copy of the petition is attached to this Resolution as Exhibit 1.
- d. The County Engineer has filed a report pursuant to ORS 368.351(1) that contains the Engineer's assessment that the proposed vacation is in the public interest. (See Agenda Placement Request, included with this resolution.)
- e. Under ORS 368.351, because the parties who signed the petition represent 100 percent of the ownership of any private property to be vacated and are also owners of 100 percent of property abutting the public property proposed to be vacated, the County may

proceed to complete this vacation without complying with further notice and publication as required under ORS 368.346.

- f. The County Engineer recommends the rights of any public utilities that currently have improvements located within the existing right of way should be retained after vacation.
- g. As required under MCC 7.054, the County has received a total of \$1265.00 from the petitioner, of which \$200.00 applies to the feasibility study that was performed by County. The remaining \$1065.00 will be applied to the vacation proceeding. The total costs for this vacation, including administrative costs, are \$2514.40. Administrative costs include \$65.00 for the County Surveyor posting the vacation and staff time for research, review, analyses, advertising, and document preparation. The balance owed by the petitioner at the date of this hearing is \$1249.40.
- h. The vacation of the right of way in above-described property serves the public interest.


The Multnomah County Board of Commissioners Resolves:

- 1. Subject to the petitioner's payment of all funds due as provided above under MCC 7.054, the above-described portion of N.W Cleetwood Avenue is vacated as a public road, excepting the easement rights any existing utilities may have in the vacated property under ORS Chapter 368.
- 2. Title to the above-described vacated property shall vest as provided under law.
- 3. The Land Use and Transportation Program of the Department of Business and Community Services will record and file this Resolution in accordance with ORS 368.356(3) only upon receipt of the total amount due under MCC 7.054.
- 4. Upon the recording and filing of this vacation, the County Surveyor will mark the plat as provided under ORS 271.230.

ADOPTED this 2nd day of June, 2005.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

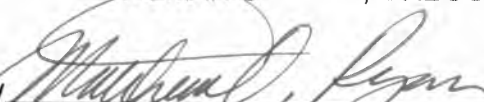
By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT 1**Statement to Vacate***Petition For Street Vacate*

There are several reasons to vacate the Cleetwood Street right-of-way. First and foremost, it was platted in a subdivision that never came to fruition. Morgan Road, not Cleetwood Street, became the major east-west road in the area. Cleetwood Street was platted without taking topography, soils and adverse terrain features into consideration. The right-of-way now has no practical potential of ever being developed into a bona fide improved street. The surrounding property owners were also issued a Hillside Permit to fill this right-of-way in 1991. Only in 2004 was it discovered that the portion of the right-of-way surrounded by the Hoppert property had not actually been vacated despite the fact it is shown on County maps as being vacated. The right-of-way has now been covered by a substantial amount of fill that was designed to benefit the Ott and Hoppert properties. This right-of-way should be vacated because there is no practical benefit to the public or to the property owners to perpetuate it nor does it provide access to any property.



FROM :

PHONE NO. :

Oct. 23 2003 04:58PM P1

May6, 2004

To: Mary H. Hoppert
19134 N.W.Morgan Rd.
Portland, Oregon 97231

George and Sharon Ott
19010 N. W. Morgan Rd.
Portland, Oregon 97231

Albert J. Hoppert
19138 NW Morgan Rd.
Portland, Oregon 97231

To the above person or persons who own or owning property that abuts to either side of the road or any side of decelerated portion of Cleetwood Ave. Description attached and map plot attached to this document.

You are hereby notified that I Albert J. Hoppert is asking Multnomah County to establish, a vacation of this portion of a public road, Named Cleetwood Ave, that description is attached.

By signing this document, gives me and the county your acknowledged signature, understanding, consent and written permission to allow the vacation of this portion of Cleetwood Ave.

This vacation will be established by the county governing body under procedure ORS 368.326 to 368.366.


Name:

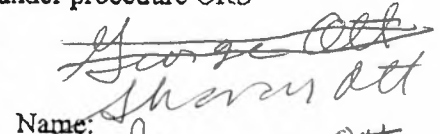
Address:

19136 NW Morgan Rd
Portland, OR 97231


Name:

Address:

19134 NW Morgan Rd
Port Or 97231


Name:

Address:

George A Ott
19010 N. W. Morgan Rd
Pt OK 97231



CJ₂



CHASE, JONES & ASSOCIATES INC.

FORMERLY BOOTH & WRIGHT

Land Surveyors & Engineers Since 1885

716 S.E. 11th AVENUE

PORTLAND, OREGON 97214

TEL. (503) 228-9844

October 5, 2004

#11201

Revised November 24, 2004

STREET VACATION

A 40 foot wide strip of land being a dedicated street in the recorded plat of "RIVER ROAD TRACT", located in the S.E. $\frac{1}{4}$ of Section 12, Township 2 North, Range 2 West, Willamette Meridian, in the County of Multnomah, and State of Oregon, being more particularly described as follows:

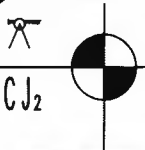
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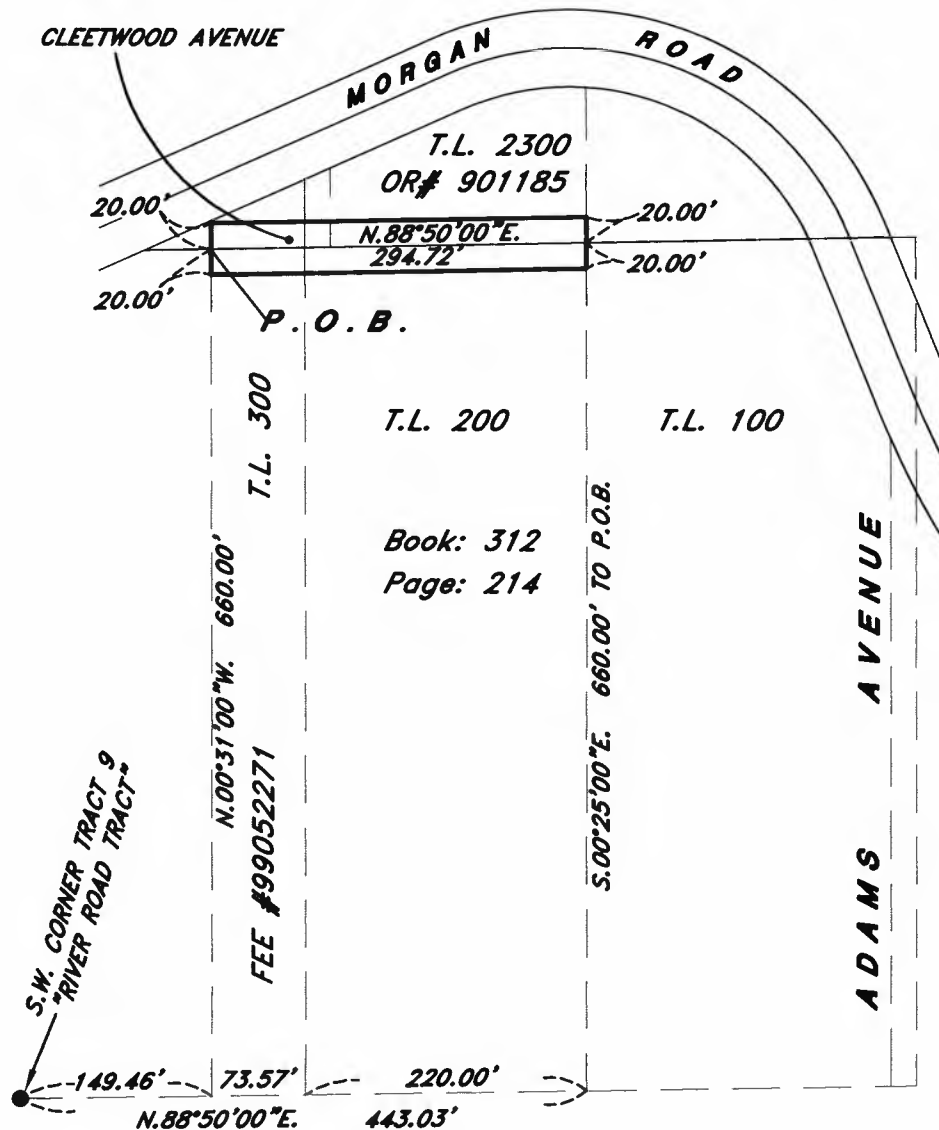
The side lines of this description are to be extended or shortened to coincide with the west line of Fee No. 99052271 and the most easterly line of Book 312, Page 214.

SKETCH FOR LEGAL DESCRIPTION

SITUATED IN THE S. E. 1/4 SECTION 12, T. 2 N., R. 2 W., W. M.

MULTNOMAH COUNTY, OREGON

R.S. GREENLEAF (1885-1915) MARSHALL BROTHERS (1915-1957) BOOTH & WRIGHT (1957-1977) SETON, JOHNSON & ODELL (1977-1983) CHASE, JONES & ASSOCIATES, INC. (1983-)				CHASE, JONES & ASSOCIATES INC.	
	716 S. E. 11TH AVE.		PORTLAND, OREGON 97214		
	PORTLAND (503) 228-9844 GRESHAM (503) 669-1234				
PROJECT NO. 11201		1/4 SECTION		DATE SEPTEMBER 21, 2004	
DRAWN BY AL SAL		CHECKED BY R. ENGELGAU		SCALE 1" = 150'	



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Randy W. Engelgau

OREGON
JAN. 23, 1990
RANDY W. ENGELGAU
2423

EXPIRES: 12/31/05



INDIVIDUAL ACKNOWLEDGMENT

State/Commonwealth of Oregon }
County of Columbia } ss.

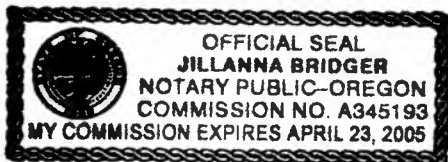
On this the 2nd day of June, 2004, before
me, Jillanna Bridger, the undersigned Notary
Public, personally appeared Albert Hoppert,
Name(s) of Signer(s)

☐ personally known to me – OR –

☒ proved to me on the basis of satisfactory
evidence

to be the person(s) whose name(s) is/are
subscribed to the within instrument, and
acknowledged to me that he/she/they
executed the same for the purposes therein
stated.

WITNESS my hand and official seal.



Jillanna Bridger
Signature of Notary Public
Seapooose, OR
Other Required Information (Printed Name of Notary, Residence, etc.)

Place Notary Seal and/or Any Stamp Above

OPTIONAL

Although the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Property Vacation

Document Date: 5/6/2004 Number of Pages: 2

Signer(s) Other Than Named Above: See attached (4)

Right Thumbprint of Signer

Top of thumb here

INDIVIDUAL ACKNOWLEDGMENT

State/Commonwealth of Oregon }
County of Columbia } ss.

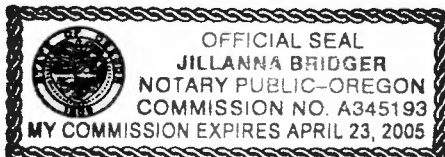
On this the 2nd day of June, 2004, before
me, Jillanna Bridger, the undersigned Notary
Public, personally appeared George Ott

☐ personally known to me – OR –

☒ proved to me on the basis of satisfactory
evidence

to be the person(s) whose name(s) is/are
subscribed to the within instrument, and
acknowledged to me that he/she/they
executed the same for the purposes therein
stated.

WITNESS my hand and official seal.



Jillanna Bridger
Signature of Notary Public
Scappoose, OR
Other Required Information (Printed Name of Notary, Residence, etc.)

Place Notary Seal and/or Any Stamp Above

OPTIONAL

Although the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Property Vacation

Document Date: 5/6/04 Number of Pages: 2

Signer(s) Other Than Named Above: See attached (4)

Right Thumbprint of Signer

Top of thumb here

INDIVIDUAL ACKNOWLEDGMENT

State/Commonwealth of Oregon }
County of Columbia } ss.

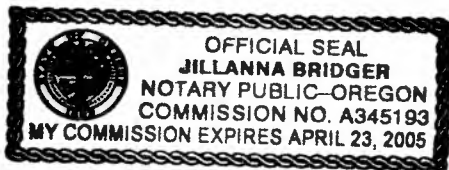
On this the 2nd day of June, 2004, before
me, Jillanna Bridger, the undersigned Notary
Public, personally appeared Mary Hoppert
Name(s) of Signer(s)

☐ personally known to me – OR –

☒ proved to me on the basis of satisfactory
evidence

to be the person(s) whose name(s) is/are
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executed the same for the purposes therein
stated.

WITNESS my hand and official seal.



Jillanna Bridger
Signature of Notary Public
Scappoose, OR
Other Required Information (Printed Name of Notary, Residence, etc.)

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State/Commonwealth of Oregon } ss.
County of Columbia

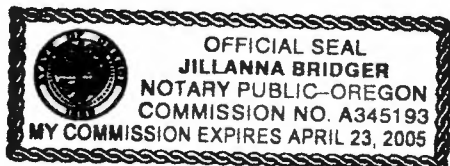
On this the 2nd day of June, 2004, before
me, Jillanna Bridger, the undersigned Notary
Public, personally appeared Sharon Ott

☐ personally known to me – OR –

☒ proved to me on the basis of satisfactory
evidence

to be the person(s) whose name(s) is/are
subscribed to the within instrument, and
acknowledged to me that he/she/they
executed the same for the purposes therein
stated.

WITNESS my hand and official seal.



Jillanna Bridger
Signature of Notary Public
Scappoose, OR
Other Required Information (Printed Name of Notary, Residence, etc.)

Place Notary Seal and/or Any Stamp Above

OPTIONAL

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Title or Type of Document: Property Vacation
Document Date: 5/6/04 Number of Pages: 2
Signer(s) Other Than Named Above: See Attached (4)

Right Thumbprint of Signer

Top of thumb here

October 26, 2004

To: Holbrook Bible Church
Scott Thompson
19200 NW Morgan Rd.
Portland, Oregon 97231

To the above person or persons who own or owning property that abuts to either side of
The road or any side of decelerated portion of Cleetwood Ave. Description attached and
map plot attached to this document.

You are hereby notified that I Albert J Hoppert is asking Multnomah County to establish,
a vacation of this portion of a public road, Named Cleetwood Ave, that description is
attached.

By signing this document, gives me and the county your acknowledged signature,
Understanding, consent and written permission to allow the vacation of this portion of
Cleetwood Ave.

This vacation will established by the county governing body under procedure ORS
368.326 to 368.366.

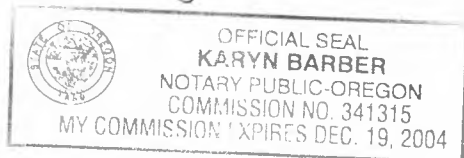
Name:

Scott Thompson

Address:

*351 N.E. 73rd Ave.
Port, OR 97213*

Karyn Barber 10/26/04



Holbrook Bible Church

19200 NW Morgan Rd
Portland, OR
503-621-1331

Pastor Scott Thompson

351 NE 73rd
Portland, OR 97213
503-252-6121

November 4, 2004

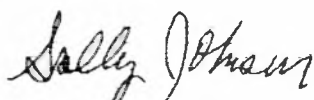
Patrick Heinz
Multnomah County Transportation
1600 SE 190th Ave
Portland, OR 97233-5910
503-988-3712
fax 503-988-6108

Dear Mr Heinz,

This letter is to inform you that Scott Thompson has the authority to make decisions regarding the church building and the land at 19200 NW Morgan Rd, Portland Oregon.

The Holbrook Bible Church Constitution was adopted in February 19, 1995 and signed by Scott Thompson and all the current members of the church at that time. Scott has been pastor of Holbrook Bible Church since that time. Section 2 of article 5 designates the Elders Council to make decisions regarding the church. As senior elder, Scott has the final authority to make decisions approved by the Elders Council.

Sincerely,



Sally Johnson

cc: Scott Thompson

Holbrook Bible Church

19200 NW Morgan Rd
Portland, Oregon 97231
503-621-1331

Pastor Scott Thompson
351 NE 73rd
Portland, Oregon 97213
503-252-6121

Patrick Heinz
Multnomah County Transportation
1600 SE 190th Ave
Portland, Oregon 97233-5910
503-988-3712
April 17, 2005

Dear Mr. Heinz,


The Holbrook Bible Church Constitution gives Scott Thompson as Our Pastor and Senior Elder full decision making power regarding the church.

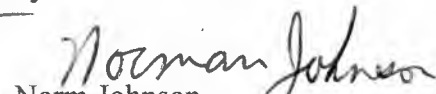
At your request The Elder Council took a verbal vote, so that there would be no further question regarding the vacation of NW Cleetwood Ave, all five Elders agree with Scott Thompson's decision to vacate NW Cleetwood Ave. We the Elders are authorized to make decisions regarding the administration of acquiring, mortgaging or disposal of real property, by our own Article of Constitution. The decision was granted and approved by vote to vacate NW Cleetwood Ave on Sunday April 10, 2005 by all (100%) the Holbrook Bible Church Elders.

We have by signing this legal letter given our consent to vacate NW Cleetwood Ave, and give Scott Thompson all further decision making power regarding further questions regarding this matter if any should arise.

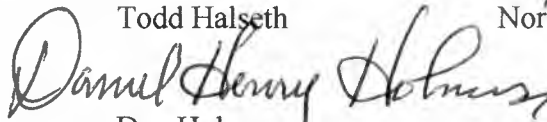
I the undersigned confirm that I am an Elder Council Member of the Holbrook Bible Church and by signing this document give my confirmation regarding the vacation of NW Cleetwood Ave, located off NW Morgan Rd in rural Multnomah County.


Scott Thompson

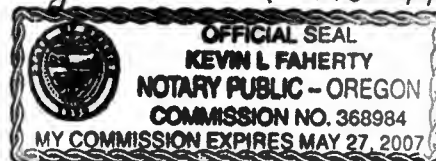

Todd Halseth

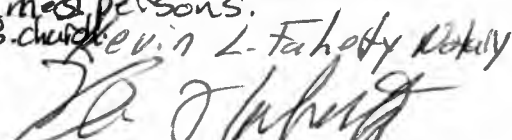

Norm Johnson


Ron Rose


Dan Holmes

This instrument was acknowledged before me on 4-17-05 by the above named persons as being elders of Holbrook B. Church.




Kevin L. Faherty Notary
Post-OR. Multnomah Co.
04-17-05