

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Vacation of a)
Portion of SE Butler Road, County)
Road Nos. 365 and 588, from SE 190th)
Drive easterly 298 ft., more or less)

ORDER
FINAL VACATION NO. 5004

93-363

This matter having previously come before the Multnomah County Board of Commissioners for proceedings to vacate the portion of SE Butler Road, described as follows:

A portion of S.E. Butler Road, County Road Nos. 365 and 588, situated in the northwest one-quarter of Section 20, T1S, R3E, W.M., Multnomah County, Oregon, more particularly described as follows:

PARCEL "A":

Beginning at the intersection of the southerly line of the Benjamin Thomas Donation Land Claim, said southerly line also being the centerline of S.E. Butler Road, County Road Nos. 365 and 588, and the easterly right-of-way line of S.E. 190th Drive, County Road No. 590, said right-of-way line being 40.00 feet easterly, when measured at right angles, of the centerline of said S.E. 190th Drive; thence N 0°58'07" W along said easterly right-of-way line, a distance of 49.59 feet; thence southeasterly along the arc of a 20.00 foot radius curve to the left, through a central angle of 88°46'40", the chord of which bears S 45°21'27" E, a distance of 27.98 feet, an arc distance of 30.99 feet to a point on the northerly right-of-way line of said S.E. Butler Road, said northerly line being 30.00 feet northerly, when measured at right angles, of the centerline of said S.E. Butler Road, said northerly line also being the southerly line of EMERALD HEIGHTS NO. 2, a recorded plat, recorded November 9, 1992, in Book 1224, Page 29, Plat Records of Multnomah County, Oregon; thence S 89°44'47" E along said line, a distance of 242.50 feet to the southeast corner of Lot 91, said EMERALD HEIGHTS NO. 2, said southeast corner being a point on the southwesterly right-of-way line of S.E. Butler Road, County Road No. 5002; thence southeasterly along said southwesterly right-of-way line, along the arc of a 195.00 foot radius non-tangent curve to the left, through a central angle of 13°58'58", the chord of which bears S 50°33'03" E, a distance of 47.47 feet, an arc distance of 47.59 feet to a point on said southerly line of the Benjamin Thomas Donation Land Claim; thence N 89°44'47" W along said southerly line, a distance of 298.23 feet to the point of beginning.

Containing 8,440 square feet, more or less.

PARCEL "B":

Beginning at the intersection of the southerly line of the Benjamin Thomas Donation Land Claim, said southerly line also being the centerline of S.E. Butler Road, County Road Nos. 365 and 588, and the easterly right-of-way line of S.E. 190th Drive, County Road No. 590, said right-of-way line being 40.00 feet easterly, when measured at right angles, of the centerline of said S.E. 190th Drive; thence S 89°44'47" E along said southerly Donation Land Claim line, a distance of 298.23 feet to a point on the southwesterly right-of-way line of S.E. Butler Road, County Road No. 5002; thence southeasterly along said southwesterly right-of-way line along the arc of a 195.00 foot radius non-tangent curve to the left, through a central angle of 32°12'15", the chord of which bears S 73°38'40" E, a distance of 108.17 feet, an arc distance of 109.60 feet to the southerly right-of-way line of said S.E. Butler Road, said right-of-way line being 30.00 feet south, when measured at right angles, of the centerline of said S.E. Butler Road; thence N 89°44'47" W along said southerly right-of-way line, a distance of 401.51 feet to a point on said easterly right-of-way line of S.E. 190th Drive; thence N 0°58'07" W along said easterly right-of-way line, a distance of 30.01 feet to the point of beginning.

Containing 9,942 square feet, more or less.

The southerly 10.00 feet of the above described parcel of land to be reserved as an easement for the existing utilities.

WHEREAS, pursuant to ORS 368.341, the Board of County Commissioners accepted and referred to the Director of the Department of Environmental Services for investigation a request to initiate proceedings to vacate said public road; and

WHEREAS, the Director of the Department of Environmental Services has investigated the advisability of vacating said public road, which is unnecessary for any public purpose, and the Director having 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; and

WHEREAS, subsequent to acceptance of this vacation, a public hearing was held on November 4, 1993, in Room 602, Multnomah County Courthouse, Portland, Oregon; that notice of the hearing was given as provided by law, and proof of posting and notice is filed herein; and finding the property proposed for vacation to have no value to the county, no liabilities are to be incurred resulting from the vacation; and the Board of County Commissioners finding that it would be in the public interest to vacate said portion of SE Butler Road;

WHEREAS, under ORS 368.361 (3), the county, in order to vacate PARCEL "A", which is entirely within the city of Gresham, must obtain the consent of the city, through either a resolution or order of Gresham City Council;

IT IS ORDERED, that the County Engineer or other Board designate present this resolution to the appropriate official within the city of Gresham for review, and action by the city's council;

IT IS ORDERED, that the Board's decision in this matter shall become effective upon such date the city of Gresham, by and through its councils, concurs in the Board's decision to vacate that portion of SE Butler Road entirely within the city limits of Gresham;

IT IS ORDERED, that upon Gresham's formal consent to the vacation as provided under ORS 368.361 (3), the County Engineer is directed to obtain a certified copy of such document for the record herein.

DATED this 4th day of November, 1993.



BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

By *Beverly Stein*
BEVERLY STEIN, Chair

REVIEWED:

LAURENCE KRESSEL
County Counsel
for Multnomah County, Oregon

By *Matthew O. Ryan*
JOHN L. DuBAY
Chief Asst. County Counsel

0391E

AFFIDAVIT OF SERVICE

The undersigned certifies that on October 4, 1993, notice was served of the public hearing on the vacation of a portion of SE Butler Road (from SE 190th Drive easterly 298 feet, more or less), to the following persons:

Larry B. and Mary A. Byer

Emerald Heights Partners
c/o Tom Skaar/B.I. Gentry Construction

The notice consists of copies of the Notice of Hearing and was served by certified mail on each person found to have recorded interest in real property abutting property proposed to be vacated.

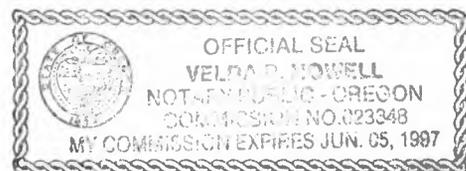
JOHN K. DORST
Engineering Services Administrator


DIANA K. SANTRY
Engineering Tech Assistant

Subscribed and sworn to before me this 26th day of October, 1993.


Notary Public for Oregon
My Commission expires _____

0505E



AFFIDAVIT OF POSTING

The undersigned certifies that on October 8, 1993, notice was posted of the public hearing on the proposed vacation of a portion of SE Butler Road (from SE 190th Drive easterly 298 feet, more or less), at the following places:

1. Utility Pole #2532 in land to be vacated, approximately 50 ft. east of SE 190th Drive, visible to traffic on SE 190th Drive.
2. Utility Pole #39 in land to be vacated, approximately 100 feet east of SE 190th Drive, visible to traffic west bound on the new SE Butler Road.
3. Utility Pole #2533 in land to be vacated, behind southerly sidewalk on the new SE Butler Road, visible to traffic travelling east bound on the new SE Butler Road.

The notice consisted of copies of the Notice of Hearing, posted in no less than three places in a manner to facilitate reading by passersby.

JOHN K. DORST
Engineering Services Administrator



DIANA K. SANTRY
Engineering Tech Assistant

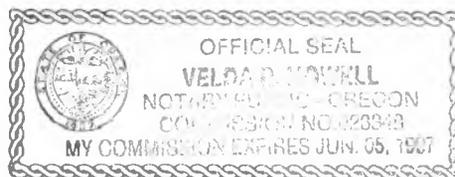
Witness

Subscribed and sworn to before this 26th day of October, 1993.



Notary Public for Oregon

My Commission expires _____



NOTICE OF HEARING

IN THE MATTER OF VACATING A PORTION OF SE BUTLER ROAD

A public hearing will be held in the matter of vacating the unused portion of SE Butler Road, from SE 190th Drive easterly 298 feet, more or less. An easement will be provided for the existing utilities as part of the vacation. This vacation of public right-of-way is proposed because of the completion of the realigned portion of SE Butler Road.

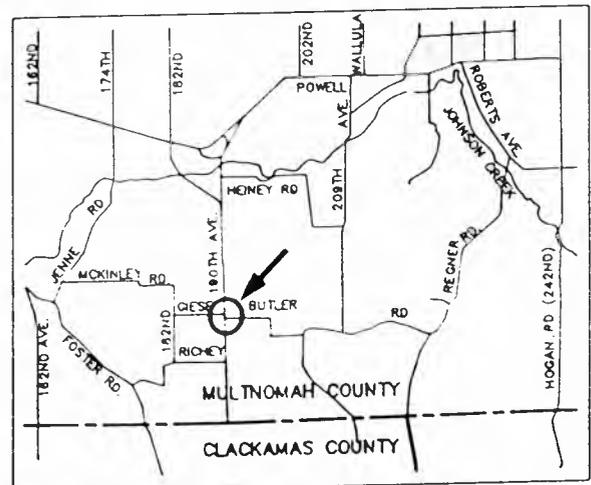
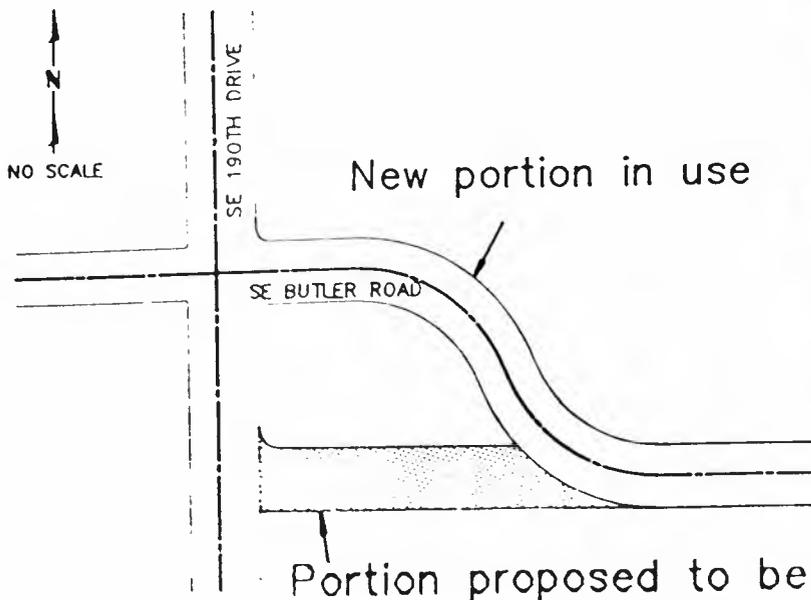
Detailed information may be obtained by calling John Dorst at 248-3599 or Diana Santry at 248-5050 between the hours of 8:00 am and 4:30 pm, Monday through Friday, or writing to Multnomah County Transportation Division, 1620 SE 190th Avenue, Portland, Oregon, 97233.

According to ORS 368.346(4); *During or before a hearing under this section, any person may file information with the county governing body that controverts any matter presented to the county governing body in the proceeding or that alleges any new matter relevant to the proceeding.*

The hearing will be held at the Multnomah County Courthouse in Room 602, at 9:30 am, Thursday, November 4th, 1993.

This vacation and hearing process is in accordance with Oregon Revised Statute sections 368.326 to 368.426, including Intergovernmental Vacation Proceedings, section 368.361.

All interested parties are welcome to attend.



VICINITY MAP