

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 06-156

Vacating a Portion of Perry-Emerson Road, a Public Road, Located in Unincorporated East Multnomah County, Pursuant to ORS 368.326 to 368.366

The Multnomah County Board of Commissioners Finds:

- a. The portion of Perry-Emerson Road affected by this vacation was created by a Deed to the Public, recorded 1933, in Book 233, Page 289, Multnomah County Deed Records. This public road is unimproved.
- b. The portion of Perry-Emerson Road to be vacated is more particularly described in the attached Exhibit A to this Resolution.
- c. Multnomah County does not maintain or have plans to develop this portion of Perry Emerson Road.
- d. Mr. Fendall Winston, petitioner, has submitted a petition to vacate this public road, that is in compliance with ORS 368.341(3). A copy of the petition is attached as Exhibit 1 to the Agenda Placement Request Memorandum submitted to the Board in this matter on August 14, 2006.
- e. As allowed under ORS 368.351, the above referenced petition:
 - contains the acknowledged signatures of owners of 100 percent of any private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting any public property proposed to be vacated; and
 - indicates the owners' approval of the proposed vacation.
- f. In addition, the appropriate County Road Official has filed a written report pursuant to ORS 368.351(1) that contains an assessment that the proposed vacation of public property is in the public interest. (See Agenda Placement Request Memorandum.)
- g. Pursuant to ORS 368.351, the County may make a determination about this vacation without additional notice and publication required under ORS 368.346.
- h. The entire portion being vacated will remain subject to the rights of any existing public utility that has improvements located within the existing right of way.

- i. As required under MCC 27.054, 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 the County. The remaining \$1065.00 will be applied to the vacation proceeding. The total costs for this vacation, including administrative costs, are \$3,888.78. Administrative costs include staff time for research, review, analyses, advertising, and document preparation. The balance owed by the petitioner at the date of this hearing is \$2623.78.
- j. Vacation of the County's right-of-way interest in this property serves the public interest.

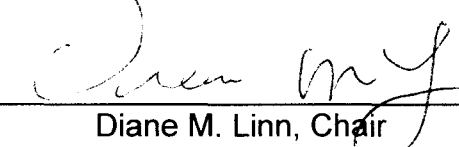
The Multnomah County Board of Commissioners Resolves:

1. Subject to the petitioner's payment of all funds due as provided under MCC 27.054, the portion of Perry-Emerson Road as more particularly described in the attached Exhibit A, is vacated as a public road, excepting the easement rights any existing utilities may have in the vacated property under ORS Chapter 368.
2. Pursuant to MCC 27.054, the total cost for this vacation proceeding incurred by the County is \$3,888.78, and Mr. Fendall Winston, the petitioner, is directed to pay the remaining amount of \$2623.78 to the County.
3. The Land Use and Transportation Program of the Department of 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 27.054.
4. Upon the recording and filing of this Resolution, the County Surveyor will mark the plat, if applicable, as provided under ORS 271.230.

ADOPTED this 14th day of September, 2006.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

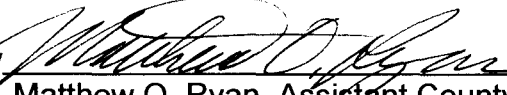
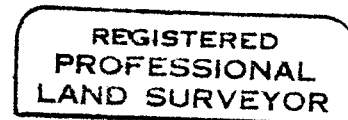
By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT 'A'

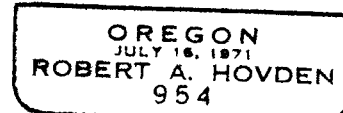
Partial Vacation of Book 233, Page 289, December 9, 1933, Perry-Emerson Road

That portion of the Perry-Emerson Road as described in Quitclaim Deed to the public recorded December 9, 1933 in Book 233, Page 289, Multnomah County Deed Records, lying between the West line of that certain tract of land conveyed to Fendall G. Winston IV by deed as described in Document No. 95-124791, Multnomah County Deed Records, and a line that bears N80°22'30"E and S80°22'30"W through angle point No. 12 of said Perry-Emerson Road, situated in the Southwest One-quarter of Section 26, T1N, R4E, W.M., Multnomah County, Oregon.

This vacation of dedication contains 5,165 square feet more or less.



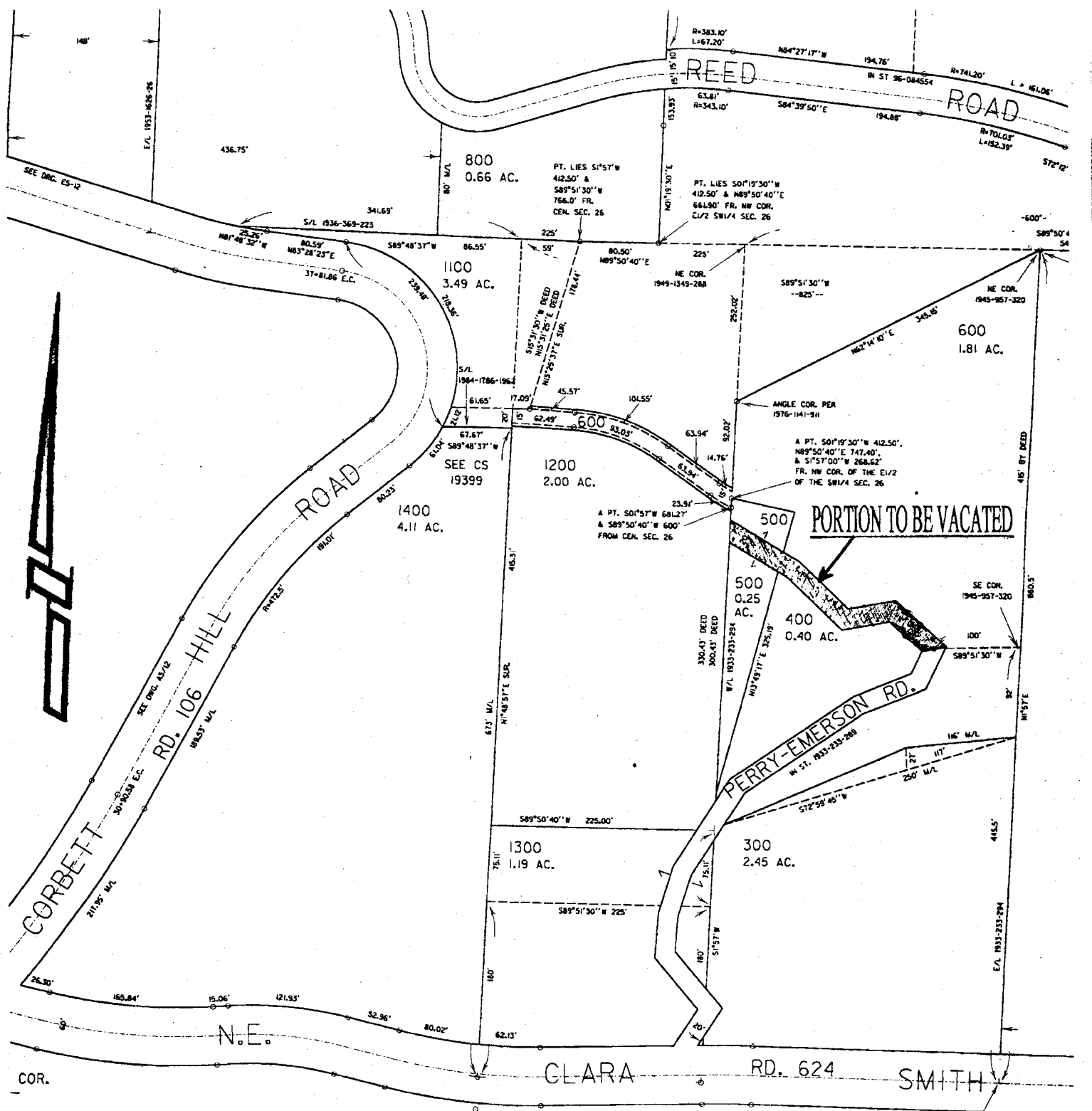
Robert A. Hovden



RENEWS 7-01-2007

As shown on the attached EXHIBIT MAP, herein made a part of this document. In the event of a conflict or discrepancy between the map as shown and the written legal description, the written legal description shall prevail.

EXHIBIT MAP



NOT TO SCALE

PT. N1°57'E 660.5'.
S89°51'30"W 300'.
& N1°51'E 682.5' FR.
1/4 COR. ON S/L SEC. 26