

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 07-165

Order Declaring Intention to Not Pay Just Compensation on the Measure 37 Claim of Larry L. and Laura B. Luethe and Allowing Use of the Luethe Property as Permitted at the Time the Property was Acquired On and After Two Years from the Date the Luethe Claim Accrued

**The Multnomah County Board of Commissioners Finds:**

- a. On June 15, 2005, Larry L. and Laura B. Luethe (the Luethes) filed a claim under ORS 197.352 (Measure 37) relating to property located on McNamee Road which property is more particularly described in the Luethe claim.
- b. The Board did not act on the claim because it was determined by County staff that the claim was not complete.
- c. The Luethes have filed a claim for just compensation under Measure 37 in the Multnomah County Circuit Court, Luethe v. Multnomah County et al, MCCC No.0609-09466.
- d. Measure 37 provides that if a claim is not paid within two years from the date on which it accrues, "the owner shall be allowed to use the property as permitted at the time the owner acquired the property."
- e. It is in the best interests of the County to forgo payment of just compensation on the Luethe claim and to instead allow the Luethes, at any time after two years from the date their claim accrued, to use their property as permitted at the time they acquired their property.

**The Multnomah County Board of Commissioners Resolves:**

1. The Board elects not pay just compensation on the Luethe claim, at any time, regardless of the amount compensation that may be determined in Luethe v. Multnomah County et al. As a result of this election, the Luethe's claim for just compensation will not be paid and, pursuant to ORS 197.352(10), on the date that is two years from the date on which the Luethe's claim accrued, the Luethes shall be allowed to use their property as permitted at the time they acquired their property.

ADOPTED this 11th day of October, 2007.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By

Agnes Sowle, County Attorney

SUBMITTED BY:

Multnomah County Attorney Agnes Sowle