

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 00-201**

Vacation of a portion of NW St. Helens 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 St. Helens Avenue affected by this vacation, was originally created as a public road, by the 1890 plat called Barnes Heights, recorded in Plat Records Book 152, Page 6. St. Helens Avenue was originally platted as a through street. Prior street vacations have resulted in this remaining portion of St. Helens Avenue ending at the petitioner's property. The existing street consists of a single strip of asphalt, approximately 12 feet in width, without sidewalks. Multnomah County does not maintain this portion of St. Helens Avenue. Multnomah County has no plans to develop the portion being considered for vacation. The property to be vacated is surplus.

b. The portion of NW St. Helens Avenue to be vacated is described as follows:

A tract of land in the Northeast quarter of Section 36, Township 1 North, Range 1 West, Willamette Meridian, City of Portland, Multnomah County, Oregon, and being a portion of St. Helens Avenue in the recorded plat of 'BARNES HEIGHTS' and being described as follows:

Beginning at the Northeast corner of Lot 2, Penridge Estates; thence North 4°00'56" East a distance of 20.02 feet to the Southwest corner of Lot 2, Block D said Barnes Heights; thence North 89°05'57" East a distance of 2.59 feet on the South line of Lot 2 Block D, Barnes Heights; thence continuing on said South line, South 66°21'15" East a distance of 29.04 feet; thence South 04°00'56" West a distance of 42.41 feet to a point on the North line of Lot 1 Penridge Estates; thence North 66°21'15" West a distance of 32.01 feet to the Northwest corner of Lot 1 Penridge Estates; thence North 04°00'56" East on the East line of Lot 2 Penridge Estates a distance of 21.09 feet to the point of beginning.

Containing 1268 square feet, more or less.

c. Petitioners Robert Katz, Deborah Stanley, William K. Rupp, Beverly A. Arnoldy, Neal A. Holmlund, Jeanine B. Holmlund, Howard Hermanson and Fran Hermanson have submitted a petition in compliance with ORS 368.341(3), containing the signatures and addresses of 100 percent of the abutting property owners who would also qualify as the owners of the property proposed to be vacated. A copy of the petition is attached to this Resolution as Exhibit 1 and hereby incorporated by this reference.

d. Under ORS 368.351, because petitioners represent 100 percent of the ownership of the property to be vacated and the abutting property, the County may proceed to complete this vacation without additional notice and publication as would be required under ORS 368.346.

- e. Multnomah County has received a total of \$1265.00 from the petitioners, of which \$200.00 applies to the feasibility study that was performed by Multnomah County and the remaining \$1065.00 will be applied to the vacation proceeding, including posting the vacation.
- f. The entire portion being vacated will remain subject to the rights of any existing public utility, including the City of Portland Water Bureau, which has improvements located within the existing right of way.
- g. ORS 368.366(2) provides as follows: "Notwithstanding subsection (1) of this section, a county governing body may determine the vesting of property vacated under ORS 368.326 to 368.366 in the order or resolution that vacates the property."
- h. The statutory provision identified in Finding g. authorizes this Board to vest title upon vacation of the right-of-way in parties other than the property owners or abutting property owners.
- i. Pursuant to the statutory authority discussed in Findings g. and h. and as requested in the petition, at Page 2, paragraph (I), title to that portion of St. Helens Avenue to be vacated will vest in: Robert Katz and Deborah Stanley, the petitioners. The other property owners named in the petition have consented to and agree in this disposition of the vacated property.
- j. The County Engineer has filed a report (See Staff Support Memorandum included with the Resolution) wherein pursuant to ORS 368.351(1) he finds that this proposed vacation is in the public's interest.

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

- 1. The above-described portion of NW St. Helens Avenue is hereby vacated as a public road.
- 2. That pursuant to ORS 368.366(2) title to the above described vacated property shall vest in the following individuals and no others: Robert Katz and Deborah Stanley.

ADOPTED this 14th day of December, 2000.



REVIEWED:

Thomas Sponsler, County Attorney  
For Multnomah County, Oregon

By Matthew O. Ryan  
Matthew O. Ryan, Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein  
Beverly Stein, Chair

EXHIBIT 1

**ROBERT KATZ AND DEBORAH STANLEY**

830 NW ST. HELENS AVENUE  
PORTLAND, OR 97229

June 26, 2000

Multnomah County Oregon  
Department of Environmental Services  
Transportation Division  
1600 SE 190<sup>th</sup> Avenue  
Portland, OR 97223

Re: Petition to Vacate a portion of NW St. Helens Avenue

Gentlemen:

Pursuant to ORS 368.326, we submit this petition to vacate a portion of NW St. Helens Avenue adjacent to our residence, consisting of approximately 1,200 square feet. As required by statute, I provide the following information:

(A) Legal Description. Attached as Exhibit "A" is a legal description of the property proposed to be vacated, which is a portion of NW St. Helens Avenue, and a map of the area proposed to be vacated;

(B) Vacation. Vacation of this portion of NW St. Helens Avenue is requested so that we may expand the driveway for access to our residence and install a retaining wall to stabilize a steep bank on the south side of the area. Because of the topography of the area and the location of other homes, this area proposed to be vacated is used and may be used only by us for access to our residence. The other two abutting property owners (Holmlund and Rupp) have and use access to another public street, NW Penridge Road. All three abutting property owners have consented to this street vacation application by signatures below.

(C) Ownership. The property is owned as a County road by Multnomah County, Oregon. No persons hold any recorded interest in the property proposed to be vacated.

(D) Improvements. There are no improvements constructed on the property proposed to be vacated, other than the road, and utility lines. The utility companies have been provided a copy of this petition (see attached certificate).

(E) Abutting Property Owners. The names and address of the persons owning real property abutting the area proposed to be vacated are:

(1) William K. Rupp and Beverly A. Arnoldy, 7416 NW Penridge Road, Portland, OR 97229;

(2) Neal A. Holmlund and Jeanine B. Holmlund, 7430 NW Penridge Road, Portland, OR 97229; and,

(F) Signatures. Set forth below are the signatures of all abutting property owners consenting to the vacation petition.

(G) Redividing. The property proposed for vacation will not be redivided in any manner.

(H) Fee. The fee for this application of 1,065.- is enclosed.

(I) Ownership. Upon approval of this application, ownership of the land proposed to be vacated will vest in Robert Katz and Deborah Stanley and become a part of Lot 1, Block D, BARNES HEIGHTS, City of Portland, State of Oregon. Ownership will be subject to permanent easements to maintain existing utility lines.

Very truly yours,

Robert Katz  
Robert Katz  
830 NW St. Helens Avenue  
Portland, OR 97229

Deborah A. Stanley  
Deborah Stanley  
830 NW St. Helens Avenue  
Portland, OR 97229

STATE OF OREGON )  
COUNTY OF Multnomah ) SS.

This instrument was acknowledged before me on this 13<sup>th</sup>  
day of July, 2000, by Robert Katz.

Kit A Jensen  
NOTARY PUBLIC FOR OREGON

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PAGE 2 - PETITION TO VACATE



STATE OF OREGON )

COUNTY OF Multnomah )

SS.

This instrument was acknowledged before me on this 13<sup>th</sup>  
day of July, 2000, by Deborah Stanley.



Kit A. Jensen  
NOTARY PUBLIC FOR OREGON

As abutting property owners, we hereby consent to the above application for vacation of a portion of NW St. Helens Avenue.

William K. Rupp  
William K. Rupp  
7416 NW Penridge Road  
Portland, OR 97229

Beverly A. Arnoldy  
Beverly A. Arnoldy  
7416 NW Penridge Road  
Portland, OR 97229

Neal A. Holmlund  
Neal A. Holmlund  
7430 NW Penridge Road  
Portland, OR 97229

Jeanine B. Holmlund  
Jeanine B. Holmlund  
7430 NW Penridge Road  
Portland, OR 97229

Howard Hermanson  
Howard Hermanson  
820 NW St. Helens Avenue  
Portland, OR 97229

Fran Hermanson  
Fran Hermanson  
820 NW St. Helens Avenue  
Portland, OR 97229

STATE OF OREGON )

COUNTY OF Multnomah )

SS.

This instrument was acknowledged before me on this 6<sup>th</sup>  
day of July, 2000, by William K. Rupp and Beverly A. Arnoldy.

Kit A. Jensen  
NOTARY PUBLIC FOR OREGON

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PAGE 3 - PETITION TO VACATE



STATE OF OREGON )  
COUNTY OF Multnomah )

SS.

This instrument was acknowledged before me on this 13<sup>th</sup> day of July, 2000, by Neal A. Holmlund, and ~~Jeanine B. Holmlund.~~ g



Kit A. Jensen  
NOTARY PUBLIC FOR OREGON

STATE OF OREGON )  
COUNTY OF Multnomah )

SS.

This instrument was acknowledged before me on this 6<sup>th</sup> day of July, 2000, by Howard and Fran Hermanson.



Kit A. Jensen  
NOTARY PUBLIC FOR OREGON

STATE OF OREGON )  
COUNTY OF Multnomah ) SS.

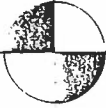
This instrument was acknowledged before me on this 18<sup>th</sup> day of July, 2000, by Jeanine B. Holmlund.



Kit A. Jensen  
NOTARY PUBLIC FOR OREGON



CJ<sub>2</sub>



# CHASE, JONES & ASSOCIATES INC.

FORMERLY BOOTH & WRIGHT

*Land Surveyors & Engineers Since 1885*

716 S.E. 11th AVENUE  
1025 E. POWELL SUITE 106

PORTLAND, OREGON 97214  
GRESHAM, OREGON 97030

TEL. (503) 228-9844  
TEL. (503) 669-1234

June 5, 2000  
10375

## STREET VACATION

(PORTION OF BLOCK "D" BARNES HEIGHTS)

A tract of land in the northeast quarter of Section 36, Township 1 North, Range 1 West, Willamette Meridian, City of Portland, Multnomah County, Oregon and being a portion of St. Helens Avenue in the recorded plat of "BARNES HEIGHTS" and being described as follows:

Beginning at the northeast corner of said Lot 2, Penridge Estates; thence North 4°00'56" East a distance of 20.02 feet to the southwest corner of Lot 2, Block D said Barnes Heights; thence North 89°05'57" East a distance of 2.59 feet on the south line of Lot 2 Block D, Barnes Heights; thence continuing on said south line, South 66°21'15" East a distance of 29.04 feet; thence South 04°00'56" West a distance of 42.41 feet to a point on the north line of Lot 1 Penridge Estates; thence North 66°21'15" West a distance of 32.01 feet to the northwest corner of Lot 1 Penridge Estates; thence North 04°00'56" East on the east line Lot 2 Penridge Estates a distance of 21.09 feet to the point of beginning.





CERTIFICATE OF MAILING

I hereby certify that on this date, I served the foregoing PETITION TO VACATE on the following individuals:

NW NATURAL GAS  
220 NW Second Avenue  
Portland, OR 97209

PORTLAND GENERAL ELECTRIC  
121 SW Salmon Street  
Portland, OR 97204

AT & T CABLE  
14200 SW Brigadoon Court  
Beaverton, OR 97005

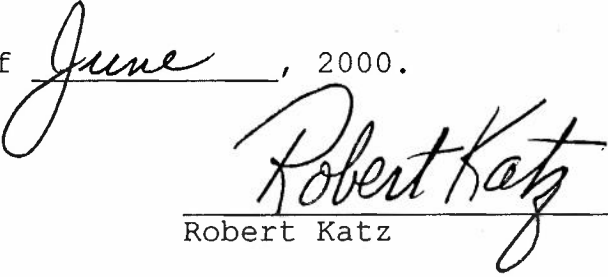
CITY OF PORTLAND  
Water Bureau  
1120 SW Fifth Avenue  
Portland, OR 97204

U.S. West  
421 SW Oak  
Portland, OR 97204

by:

X mailing true copy/copies thereof, certified by me as such, contained in a sealed envelope, with postage paid, addressed to said individual(s) at their last known address as listed above and deposited in the post office at Hillsboro, Oregon on said day.

DATED this 27 day of June, 2000.

  
Robert Katz



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION DIVISION  
1600 SE 190TH AVENUE  
PORTLAND, OREGON 97233  
(503) 988-5050

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR OF THE BOARD  
DIANE LINN • DISTRICT 1 COMMISSIONER  
SERENA CRUZ • DISTRICT 2 COMMISSIONER  
LISA NAITO • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## SUPPLEMENTAL STAFF REPORT

**TO:** Board of County Commissioners

**FROM:** Harold E. Lasley, P.E., County Engineer  
Michael Phillips, Engineer Design Administrator *MDP*

**DATE:** December 6, 2000

**RE:** Vacation of a portion of N.W. St. Helens Avenue

1. Recommendation/Action Requested:

The Transportation Division recommends approval of the vacation of a portion of N. W. St. Helens Avenue, more particularly described in the attached Exhibit A, hereby incorporated by this reference.

2. Background/Analysis:

Situated in the N.E. One-quarter of Section 36, Township 1 North, Range 1 West, W.M., this portion of N.W. St. Helens Avenue is a public road, having been created by the Barnes Heights subdivision, recorded on July 23, 1890 in Plat Records Book 152, Page 6.

N.W. St. Helens Avenue was originally platted as a through street. A street vacation granted on July 19, 1973, recorded in Deed Book 939, Page 1577 has resulted in St. Helens Avenue being a dead-end street. St. Helens Avenue is a local access road and is not maintained by Multnomah County.

The County received the petition to vacate N.W. St. Helens Avenue on 7/21/00. The petition contains the acknowledgement and consent of 100% of the abutting and adjoining property owners, as defined by ORS 368.336. This vacation request involves the last 30 feet (approximately) of the remaining St. Helens Avenue as shown in the attached Exhibit "B", hereby incorporated by this reference. The petition provides that all abutting and adjoining property owners also consent to title to the proposed vacated portions being vested solely in the petitioners, Robert Katz and Deborah Stanley.

On May 30, 2000, Multnomah County, Transportation Division issued a Revocable Permit to Robert D. Katz and Deborah A. Stanley to construct an engineered keystone retaining wall within a portion of the unimproved St. Helens Avenue right of way. The permit was issued subject to approval from the Multnomah County Land Use Department and the City of Portland Building Permit Section.

The County Transportation Division has concluded that the proposed vacation is in the public interest because this portion of N.W. St. Helens Avenue is not needed for public ingress and egress, or any other public road purpose.

3. Financial Impact:

None. St. Helens Avenue is not maintained by Multnomah County. No public money is spent on this section of roadway.

All costs associated with this vacation request are the responsibility of the petitioners.

4. Legal Issues:

This proposed street vacation was initiated by a petition of 100 percent of both the abutting, adjoining and underlying property owners. Pursuant to O.R.S. 368.351, a citizen initiated vacation, by petition, is more streamlined because there is no requirement for notice by publication and full public hearing if the proposed vacation is supported by 100 percent of the affected property owners.

5. Controversial Issues:

None.

6. Link to Current County Policies:

Consistent with community involvement, development and intergovernmental cooperation.

7. Citizen Participation:

This is a citizen initiated petition.

8. Other Government Participation:

None required for these proceedings.

# EXHIBIT "A"

## STREET VACATION

(PORTION OF BLOCK "D" BARNES HEIGHTS)

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As shown on the attached Exhibit "B".

