

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 2012-012

Vacating a Portion of NW Arcade Road, Pursuant to ORS 368.326 to 368.366

The Multnomah County Board of Commissioners Finds:

- a. The public road, commonly known as NW Arcade, affected by this proposed vacation, was originally created as a public road by the SKYLINE ACRES subdivision plat, which was recorded on Oct. 13, 1908, in the Multnomah County Plat Records in Book 440, at Page 37.
- b. The westerly portion of NW Arcade is in unincorporated Multnomah County, and the easterly portion of this road is in the City of Portland. The portion of this public road being considered for vacation is entirely within unincorporated Multnomah County.
- c. The portion of the public road to be vacated is more particularly described in Exhibit 1. Multnomah County does not maintain nor have plans to develop the portion of NW Arcade proposed for vacation.
- d. Sarah and Brad Coleman, petitioners, have submitted a petition to vacate this portion of public road in compliance with ORS 368.341(3). A copy of the petition is attached to this Resolution as Exhibit 2.
- e. ORS 368.341(3) (d) requires that the petition contain the names and addresses of all persons "...owning any improvements constructed on the public property proposed to be vacated." The petitioners state in their petition that "Our existing home has been presented as encroaching into the ROW." The County has interpreted petitioners' statement to be in compliance with ORS 368.341(3) (d).
- f. As allowed under ORS 368.351, the above-referenced petition indicates the owners' approval of the proposed vacation, and it 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.
- g. 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. (Please see the Agenda Placement Request filed in this matter.)
- h. Pursuant to ORS 368.351, the County may make a determination about this vacation without additional notice and publication required under ORS 368.346.
- i. As required under MCC 27.054, the County has received a total of \$1464.00 from the petitioners, of which \$400.00 applies to feasibility studies performed by the County. The remaining \$1064.00 will be applied to the vacation proceeding. The total costs for this vacation, including administrative costs, are \$4242.36. Administrative costs include staff time for research, review, analyses, and document preparation. The balance owed by the petitioners at the date of this hearing is \$2778.36.
- j. Upon vacation, the portion of NW Arcade described in said Exhibit 1 will remain subject to the rights of any existing public utility that has improvements located within that former public road.

- k. Vacation of the County's right-of-way interest in the portion of NW Arcade described in said Exhibit 1 serves the public interest.

The Multnomah County Board of Commissioners Resolves:

1. Subject to the petitioners' payment of all funds due as provided above under MCC 27.054, and completion of certain improvements in the retained public right of way area as set forth in Resolve Clause No. 2, the portion of NW Arcade as more particularly described in the Exhibit 1 as attached to the Petition, is vacated as a public road, excepting the easement rights any existing utilities may have in the vacated property under ORS Chapter 368.
2. Petitioners shall construct or cause to be constructed, in compliance with all County public road improvement requirements including but not limited to a permit, a minor improvement of the existing public right-of-way as more particularly shown on the attached Exhibit 3. This work is to be completed no later than March 31, 2013.
3. Pursuant to MCC 27.054, the total cost for this vacation proceeding incurred by the County is \$4242.36; and Sarah and Brad Coleman, the petitioners, are directed to pay the remaining amount of \$2778.36 to the County.
4. 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, and upon construction of the public improvements as set forth in Resolve Clause No. 2.
5. Upon the recording and filing of this Resolution, the County Surveyor will mark the plat, if applicable, as provided under ORS 271.230, and title in the underlying property shall vest as provided under ORS 368.366.

ADOPTED this 26th day of January, 2012.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:
JENNY M. MORF, ACTING COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY: M. Cecilia Collier, Director Department of Community Services.

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Land Surveying and Mapping

11700 SW 67th Avenue • Portland, OR 97223 • t. 503.624.0108 • f. 503.624.9058

EXHIBIT 1

Road Vacation

June 28, 2011

Revised September 26, 2011 & Dec. 14, 2011

A tract of land in the NE ¼ of Section 9, Township 1 North, Range 1 West, W.M., Multnomah County, Oregon, being more particularly described as follows:

Beginning at a point on the centerline of the unnamed road between Lot 24 and Lot 29, Skyline Acres, said point being 10.00 feet along the arc of a 79.70 foot radius curve, concave to the north, from the most easterly Northeast corner of said Lot 29;

THENCE N38°48'40"W, 15.00 feet to the northerly right of way line of said unnamed right of way;

THENCE along said northerly right of way line on the arc of a 64.70 foot radius curve to the right 137.27 feet through a central angle of 121°33'40" (the chord of said curve bears N 68°01'50"W, 112.93 feet) to a point of tangency;

THENCE continuing on said northerly right of way line N07°15'00"W, 66.77 feet;

THENCE S82°45'00"W, 15.00 feet to a point on the centerline of said unnamed road, said point being S07°15'00"E, 23.71 feet from a point of tangency of said centerline, said point of tangency being 34.98 feet southerly from the most northerly northeast corner of said Lot 29 measured on the arc of a 636.70 foot radius curve, concave to the east, said point of tangency bears S05°40'41"E, 34.98 feet from said corner of said Lot 29;

THENCE continuing S82°45'00"W, 25.00 feet to a point on the southerly right of way line of said unnamed road, as dedicated per document recorded in Multnomah County Deed Records as Recorders Fee No. 94-160063;

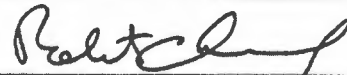
THENCE on said southerly right of way line S07°15'00"E, 66.77 feet to a point of curve;

THENCE continuing on said southerly right of way line on the arc of a 104.70 foot radius curve to the left 222.14 feet through a central angle of 121°33'40" (the chord of said curve bears S68°01'50"E, 182.76 feet)

THENCE N38°48'40"W, 25.00 feet to the Point of Beginning.

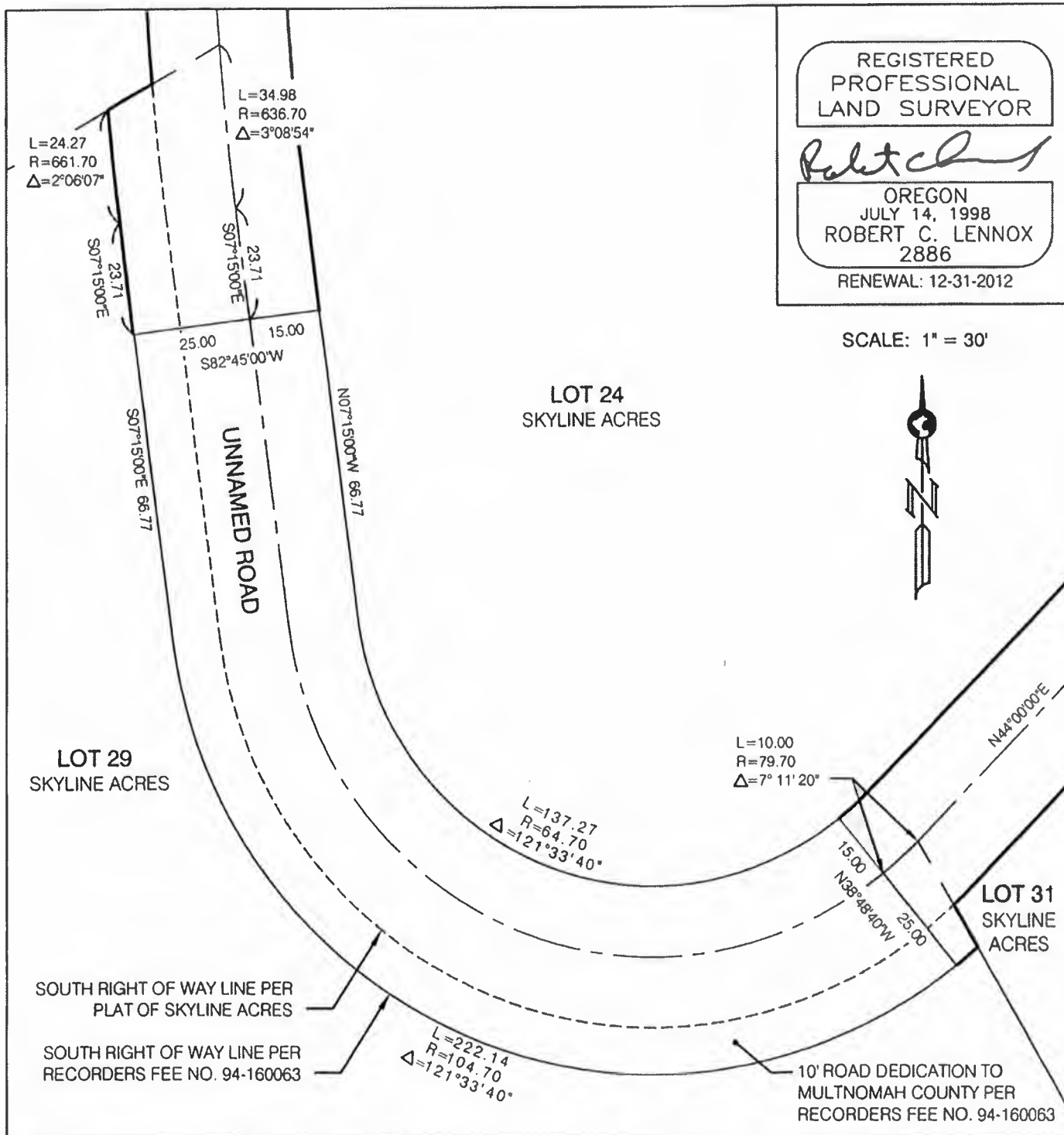
Contains 9859 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 14, 1998
ROBERT C. LENNOX
2886

RENEWAL: 12-31-2012



bluedot group land surveying & mapping 11700 sw 67th ave portland, or 97223 v. 503.624.0108 www.bluedotgrp.com	EXHIBIT 1 COLEMAN RESIDENCE 9305 NW SKYLINE BLVD. PORTLAND, OREGON
	NE 1/4 SECTION 9, T1N, R1W, W.M. MULTNOMAH COUNTY, OREGON

DATE DEC. 14, 2011

JOB NO. 2010006

Exhibit 2

Brad & Sarah Coleman
9395 NW Skyline Blvd
Portland Or. 97231

August 25, 2011

Multnomah County of Oregon
Land Use & Transportation Department
1600 SE 190th Ave
Portland Or. 97230


RE: Petition to vacate portion of NW Arcade Rd/Unnamed Rd.
Petitioner: Brad & Sarah Coleman

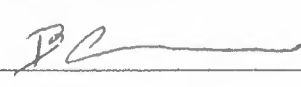
We have worked with Land Use and Planning through a feasibility study to support the vacation of a portion of a local access road NW Arcade Rd/Unnamed Rd, in Skyline Acres. We currently reside on lot 29, with the address of 9305 NW Skyline Blvd. As required, we have attached all supporting documents for the process of this petition.

- (A) Legal Description: attached as Exhibit (A) is a legal description of the property proposed to be vacated, which is a portion of NW Arcade, and a map of the proposed area, prepared by Blue Dot consisting of approximately 9859 square feet.
- (B) MCC 33.3155: The vacation is in accordance of the county code, zoned RR, stating all property shall abut a street and have a minimum front line length of 50 feet. The section of the road to be vacated leaves public road access for a 40 foot turnaround as required by Multnomah county.
- (C) Purpose: Because of the placement of current home at 9305 NW Skyline Blvd, setback has been brought up as a possible issue in proposed building permits to make the home safer and livable to current residents, Brad & Sarah Coleman. Vacation of this portion of road will remove the possible set back issues.
- (D) Ownership: The property is own by abutting landowners with an easement by Unincorporated Multnomah County as a local access road. The county has no future plans to improve/use roadway, and the vacation is not removing access to any property.
- (E) Improvements: Our existing home has been presented as encroaching into the ROW.

- (F) Fire/Emergency Access: Exhibit (B) is supporting email from Deputy of TVFR approving the vacation, and supportive of addition, and safety improvement requested to the current home. The response removed the need for emergency access turnaround requirements, as we are required to update our current home and additional improvements with a sprinkler system. No other homes use this road for access. The communication was via email and in person. TVFR response was submitted in email form.
- (G) City of Portland: Exhibit (C) review of the vacation was presented to City of Portland due to a section of Arcade Rd continues into City of Portland. Legal signed letter stating no issues found by the city in the proposed vacation. By request of the City of Portland's legal review board, we were to submit a letter for the city to review and sign.
- (H) Abutting Property Owners: Exhibit (D) includes support of property owner in lot 24, which is 100% of all abutting property owners supporting the vacation.
- a. Charlie Barnett, owner lot 24 SKYLINE ACRES, 12655 SW 111th Place, Tigard Or. 97223 503-620-9534
- (I) Signatures: Set forth below are the signatures of all abutting property owners consenting to the vacation petition
- (J) Redividing: The property proposed to be vacated will be dedicated 100% to Brad & Sarah Coleman. Owner of lot 24, Charlie Barnett, has stated in letter of support that the 15 foot portion equal to ½ of the existing 30 foot wide road will be dedicated to lot 29, owned by Brad and Sarah Coleman. The portion to be vacated will not be redivided in any manner.
- (K) Ownership: Ownership of the property encumbered by this road, and subject to this vacation, will vest as provided by law.

(L) Fee: The minimum fee for this application is \$1065.00 is enclosed. The final fee, when determined by Multnomah County will be paid.


Sarah Coleman
 9305 NW Skyline Blvd
 Portland Or. 97231


Brad Coleman
 9305 NW Skyline Blvd
 Portland Or. 97231

Acknowledgement in an Individual Capacity

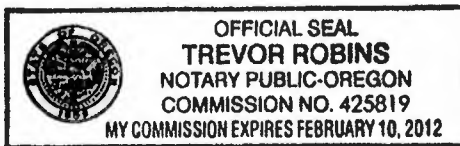
State of OREGON

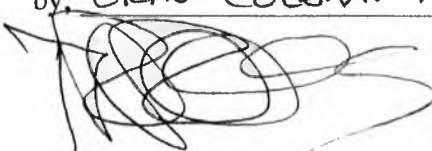
County of MULTNOMAH

This instrument was acknowledged before me on

SEPTEMBER 25, 2011

by BRAD COLEMAN AND SARAH COLEMAN




 Notary Public – State of Oregon

MY COMMISSION EXPIRES: FEBRUARY 10, 2012

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Land Surveying and Mapping

11700 SW 67th Avenue • Portland, OR 97223 • t. 503.624.0108 • f. 503.624.9058

Exhibit A
Road Vacation
June 28, 2011

Revised September 26, 2011 & Dec. 14, 2011

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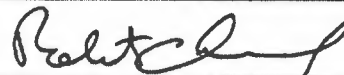
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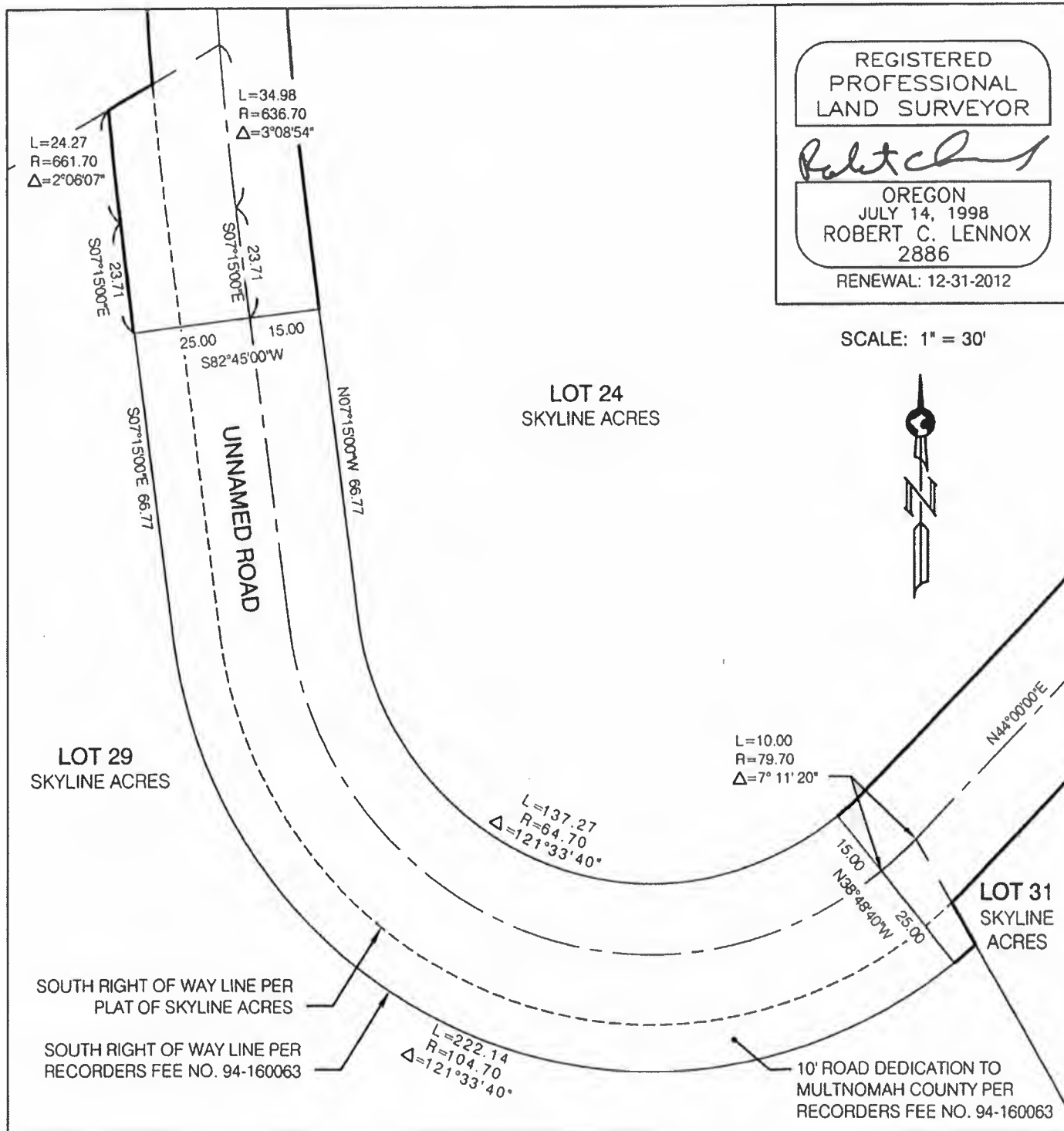
REGISTERED
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OREGON
JULY 14, 1998
ROBERT C. LENNOX
2886

RENEWAL: 12-31-2012

www.bluedotgrp.com



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert C. Lennox

OREGON
JULY 14, 1998
ROBERT C. LENNOX
2886

RENEWAL: 12-31-2012

SCALE: 1" = 30'



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land surveying & mapping
11700 sw 67th ave
portland, or 97223
v. 503.624.0108
www.bluedotgrp.com

DATE DEC. 14, 2011
JOB NO. 2010006

EXHIBIT A COLEMAN RESIDENCE

9305 NW SKYLINE BLVD.
PORTLAND, OREGON

NE 1/4 SECTION 9,
T1N, R1W, W.M.

MULTNOMAH COUNTY, OREGON

From: "Dalby, John K." <John.Dalby@tvfr.com>
Date: May 9, 2011 9:13:35 AM PDT
To: "Joanna VALENCIA" <joanna.valencia@multco.us>
Cc: "Brad Coleman" <brad.e.coleman@gmail.com>, "DeBois, Drew S." <Drew.DeBois@tvfr.com>
Subject: 9305 NW Skyline Blvd.

Good morning Joanna,

On April 21st, Drew and I met with Brad Coleman to discuss the request for the street vacation. We agreed to the following conditions of approval:

- The existing residence, as well as any new additions, must be provided with automatic fire sprinkler protection installed in accordance with nationally recognized standards (NFPA 13D). While not ordinarily required with a single-family residential application, the garage must also be provided with sprinkler protection as well. This is because there is habitable space above the garage area.
- The drivable surface of the access roadway (driveway) must be 12 feet in width, or as close to that dimension as possible. We are sensitive that there might be one or two sections where the roadway may bottleneck a little bit.

One additional dwelling may be constructed using this access roadway with the same restriction. The dwelling must be provided with automatic fire sprinkler protection.

If any additional dwellings are proposed in the future, they will also be conditioned to include automatic fire sprinkler protection. Additionally, the roadway would need to be widened to a minimum of 20 feet of drivable surface.

We trust this will help clear the way for this request to continue through the Land Use process insofar as our involvement is concerned. If there is anything about this correspondence you don't understand, disagree with, or wish to discuss further, please contact me.

John K. Dalby, Deputy Fire Marshal II

Tualatin Valley Fire & Rescue, North Operating Center

20665 SW Blanton Street

Aloha, OR 97006

503-259-1423

Brad & Sarah Coleman
9305 NW Skyline Blvd
Portland, OR. 97231
May 23, 2011

Tom Miller
Bureau Director
Right-of-Way Acquisition
City of Portland
1120 SW 5th Ave., Rm 800
Portland, OR 97204

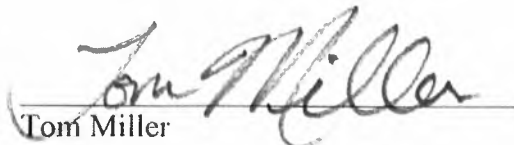
Dear Tom Miller:

This letter is to request your review and to obtain your signature of our road vacation in Unincorporated Multnomah County. In our vacation process with Multnomah County they have requested a signature from the City of Portland be included in our petition to vacate a section on NW Arcade Rd/Unnamed Road, abutting our property 9305 NW Skyline Blvd. The section of road is in the vicinity of the City of Portland, but not directly in the City Limits. The portion in our vacation was reviewed with Joan Frederickson in March of 2007. Her response was in favor of this vacation, and an excerpt from her email is below.

"This preliminary very informal communication from the City represents the comments of the Bureau of Development Services and Portland Department of Transportation (represented in this case by Michelle Dewey) and is a courtesy in anticipation of your formal street vacation application with Multnomah County. Based on the available information, the City has found that vacating a portion of the undeveloped NW Arcade Road right of way, as represented by yourselves to being a portion of the right of way adjacent to your property (9305 NW Skyline), will not create any land locked properties and will not interfere with any connectivity concerns. The NW Arcade Road roadway in this location is undeveloped and the area is developed with homes that have alternative arrangements/agreements for access."

Feel free to contact me if you have any further questions.
Thank you for your attention to this matter,

Brad & Sarah Coleman


Tom Miller

6.20.11
Date

Signature above represents review and no issues, or concerns with the vacation of the presented portion of NW Arcade Rd.

Consent to Petition to Vacate

As abutting property owner, I hereby consent to the attached application for vacation of a portion of NW Arcade/Unnamed Rd. Pursuant to that vacation all of NW Arcade Rd proposed to be vacated will be added to Lot 29 (Skyline Acres) Multnomah County, Oregon, which is owned by Brad & Sarah Coleman.

Charles Barnett

Charles Barnett
Owner Lot 24
12655 SW 111th Place
Tigard Or. 97223
503-620-9534

Acknowledgment in an Individual Capacity



State of OREGON

County of Washington

This instrument was acknowledged before me on June 8, 2011
by Charles Barnett.

Martin S. Popkes
Notary Public - State of Oregon

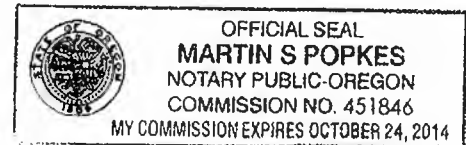
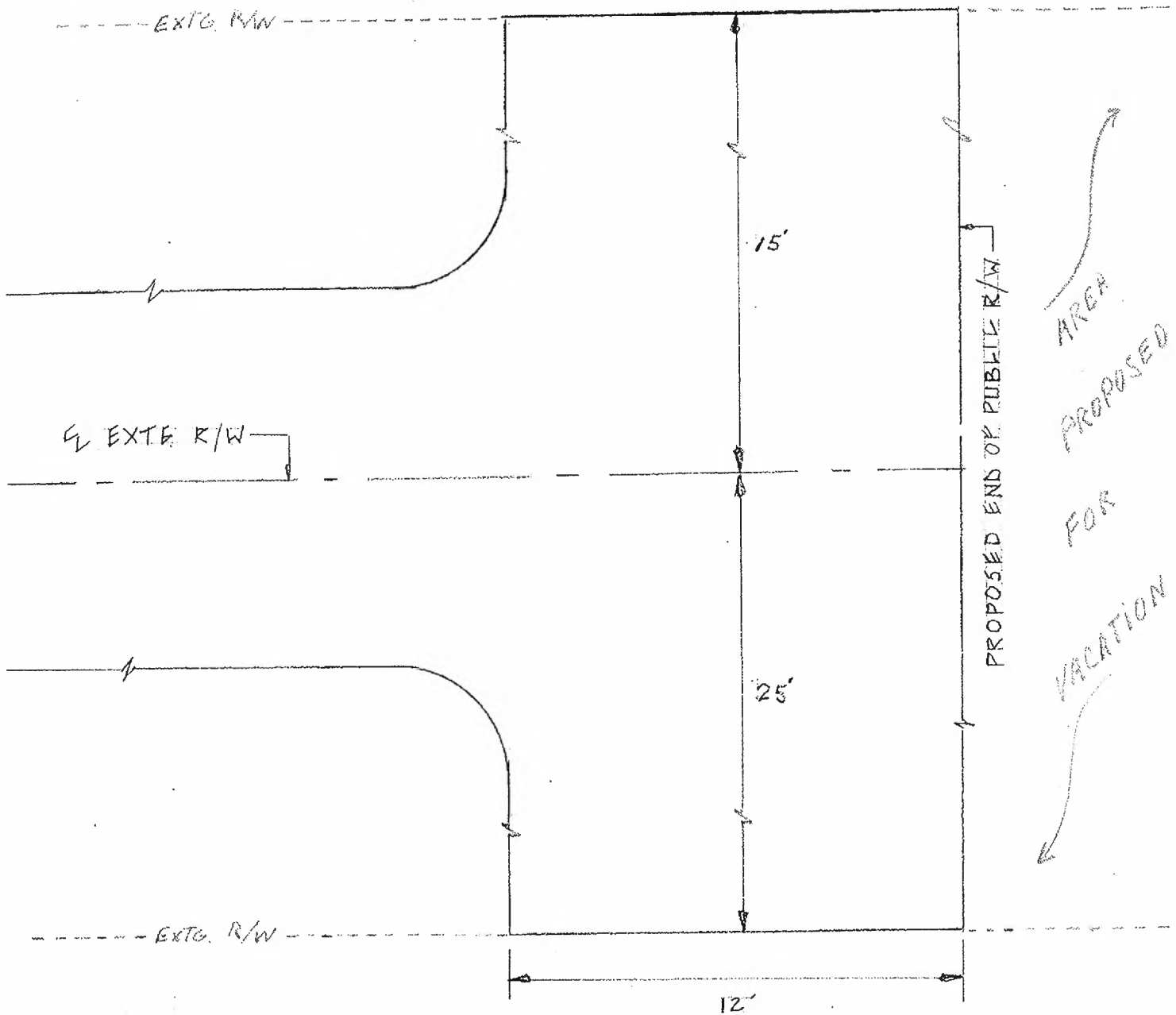


EXHIBIT 3

PLAN



TYPICAL SECTION

