

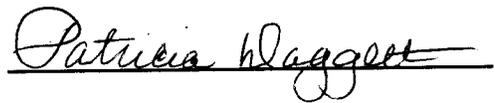
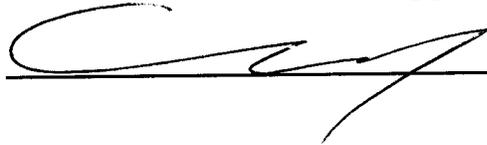
Exhibit 1

**Patrick J. Hinds  
Engineer Tech Senior  
Multnomah County  
Transportation Division**

**Re: S W Daphne Avenue Vacation**

**The parties involved in requesting the Daphne Avenue Vacation are aware that this vacation will effect the future developability of the abutting lots. We have no objection to this feature as our request to vacate is based on giving us the ability to clean up and maintain our joint property line.**

**Walter H. and Patricia Daggett**



**July 18, 2002**

ERIC W. JACOBSEN

October 4, 2002

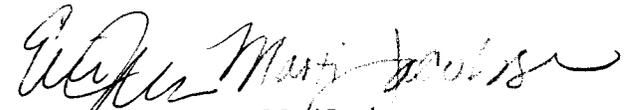
Pat Hines  
1600 SE 190<sup>th</sup> Avenue  
Portland, OR 97233

Dear Mr. Hines:

We are writing to confirm to you that we understand that if Daphne is vacated as requested by the affected property owners, that it may impact our ability to divide and develop portions of our lot in the future.

Please feel free to contact us if you have any questions, or need additional information.

Sincerely,



Eric Jacobsen      Marti Jacobsen

EXHIBIT "A"

Formal Request to Multnomah County from the owners of the property to be vacated  
In accordance with ORS 368.341:

1. Legal description Attachment "A"

2. Statement of reason to vacate: The abutting property owners wish to extend the vacated portion of Daphne Avenue <sup>150'</sup> ~~170~~ feet North and establish a single property line as that which exists on the already vacated portion.

3. Persons holding recorded interest:

Mr. & Mrs. Walter Daggett  
10434 S W Daphne Ave.

Mr. & Mrs. Eric Jacobson  
01350 S W Radcliffe Road

Mr. & Mrs. David Bell  
01509 S W Carey Lane

Dr. & Mrs. Rodney Beals  
01350 S W Carey Lane

(Portland, OR 97219)

4. Persons owning improvements on said property: On the portion of property proposed for vacation that would be transferred to the Daggett's, there exists a garage, having been in place since the late '30's, that will continue to be used as such.

North West Natural and the Palatine Hill Water District, both have utilities paralleling the center line of the proposed vacation, approximately 10 feet to the East of said line. They have been so notified of the proposed vacation and are will respond ASAP.

5. (same as item 3.)

6. Signatures – 100% of the owners of land abutting the proposed property have issued checks amounting to their portion of the deposit covered in item #8.

7. As stated, the proposed property vacation will be divided as shown in the original subdivision plat accompanying this submission. (SEE PLAT FOR ALTERNATIVE)

8. Deposit: Checks from the abutting land owners have been submitted, totaling the stated deposit amount of \$1065.00.

ATTACHMENT "A"

**LEGAL DESCRIPTION**

**PORTION OF S.W. DAPHNE AVENUE**

THAT PORTION OF S.W. DAPHNE AVENUE SITUATED IN THE  
SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 1 EAST  
OF THE WILLAMETTE MERIDIAN, MULTNOMAH COUNTY OREGON LYING  
SOUTH OF A LINE BEING THE SOUTH LINE OF LOT 6 BLOCK 9, RIVERDALE  
EXTENDED EASTERLY TO THE WEST LINE OF BLOCK 8, RIVERDALE  
AND NORTHERLY OF THE NORTH LINE OF THAT PORTION OF S.W. DAPHNE  
AVENUE VACATED BY ORDINANCE NO. 4773 DATED JULY 15, 1982 AS  
RECORDED AUGUST 12, 1982 IN BOOK 1611 PAGE 1447, DEED RECORDS OF  
MULTNOMAH COUNTY

155.34'

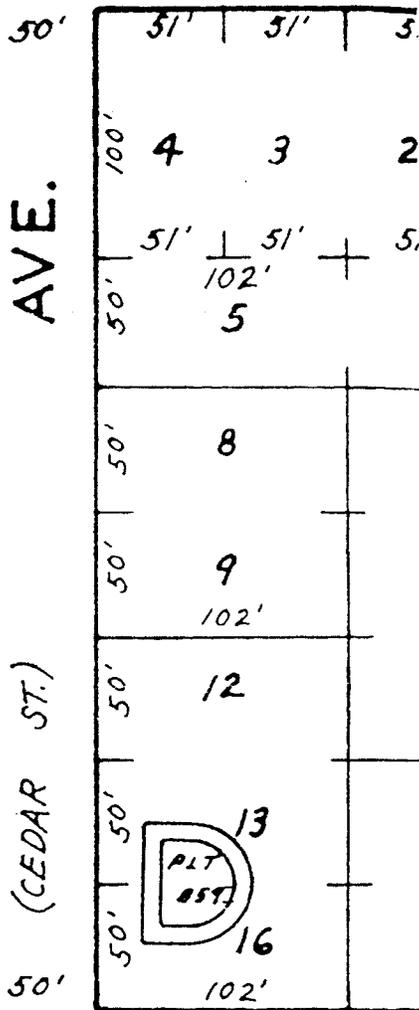
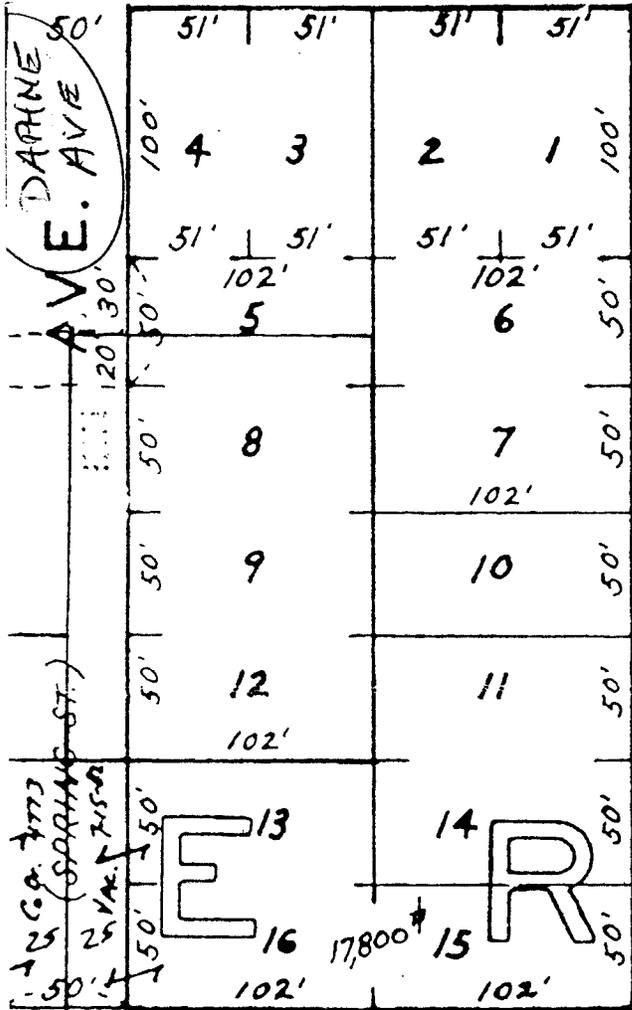
300.00'

(E)

# RADCLIFFE

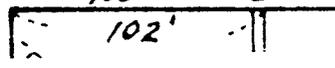
RD. 1277  
CO. RES. 9-23-31

RO.



50' S.W. 8 CAREY

50' (LAUREL AVE) 7



MULTNOMAH COUNTY - DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION DIVISION

1600 SE 190<sup>th</sup> Avenue  
Portland, Oregon 97233

No. 0104

1/19, 2001

Received of WALTER DAGGETT; Rodney K. Beale; Eric Jacobsen  
One thousand Sixty Five + 00/100 Dollars

For Partial Auction of SW Daphne Ave

533.00  
\$ 156.50  
\$ 375.50  
Total \$ 1065.00

Department of Environmental Services

By Patricia J. [Signature]

*Lindy*  
*603928-008*

BOOK 1611 PAGE 1447

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Vacation of all that portion  
of S. W. Daphne Avenue, from S. W. Carey Lane  
North 100 feet, as a dedicated street, in  
Multnomah County, Oregon, Vacation No. 4773.

ORDER OF FINAL VACATION

NO. 4773

The Petition, in proper legal form, of Rodney K. and Joyce Seal, and Richard G. and Joyce A. Ford, for the vacation of S. W. Daphne Avenue in Multnomah County, Oregon, more particularly hereinafter described, having been filed herein; and

It appearing that the Board of County Commissioners referred the Petition to the Director of the Department of Environmental Services for a report and recommendation as to the advisability of said Vacation, and the Director of Environmental Services filed a report and recommendation that the Petition for Vacation be granted, subject to certain conditions with respect to that portion of S. W. Daphne Avenue more particularly described as follows:

That part of S.W. Daphne Avenue (formerly Spring Street) in the Southwest quarter of Section 27, Township 1 South, Range 1 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of Lot 16, Block 8, RIVERDALE, in the County of Multnomah and State of Oregon, which point is also the intersection of the North line of S.W. Carey Lane with the East line of S.W. Daphne Avenue; thence North along the West line of Lots 16 and 13, Block 8, RIVERDALE, 100 feet to the Northwest corner of Lot 13, Block 8, RIVERDALE; thence West 50 feet to the Northeast corner of Lot 14, Block 9, RIVERDALE; thence South along the East lines of Lots 14 and 15, Block 9, RIVERDALE, 100 feet to the Southeast corner of Lot 15, Block 9, RIVERDALE; thence East 50 feet to the point of beginning.

It further appearing that the Board of County Commissioners considered the report and recommendations of the Director of Environmental Services, and no written or oral objections were filed or heard; and

It further appearing that in accordance with Oregon Law, the Board of County Commissioners has determined that no further notice be given or hearing be held in this matter; it is therefore

ORDERED that the above described portion of S. W. Daphne Avenue be, and the same is hereby vacated as a dedicated street.

ORDER - Page 1

45254

BOOK 1611 PAGE 1448

ORDER OF FINAL VACATION NO. 4773  
S. W. Daphne Avenue from SW Carey Lane North

Page 2

FURTHER ORDERED that an easement is hereby reserved for Palatine Hill Water District, their successors and assigns, over the easterly one-half of that portion of S. W. Daphne Avenue being vacated, and the right is reserved unto them to maintain, continue, repair, reconstruct, renew, replace and/or rebuild the existing waterline; that no building or structure of any kind shall be built or erected within the easement except with the prior written consent of the County Engineer and the owner of the utility; and it is

FURTHER ORDERED that the Order of Final Vacation be recorded in the Deed Records of Multnomah County.

July 15, 1982  
(SEAL)

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By Caroline Miller  
Presiding Officer

APPROVED AS TO FORM:

JOHN B. LEAHY  
County Counsel for  
Multnomah County, Oregon

By John B. Leahy  
Deputy

45254

**Risk Environment & Land**

Agent: Carmen C Giancana  
Telephone: (503)721-2443  
Toll Free: 1(800)422-4012 x2443  
Fax: 1(503)721-2516



April 30, 2001

Walter Daggett  
10434 SW Daphne Avenue  
Portland, OR 97219

RE: Our file: 01-M-01660-Q  
Location: Daphne Ave, Portland, OR 97219

Dear Mr. Daggett:

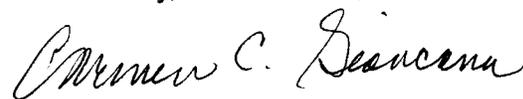
We have reviewed your submittal for approval of the vacation of a portion of SW Daphne Avenue.

Our records indicate that we have an existing gas line along the east right-of-way line of Daphne Avenue. We would appreciate you reserving an easement the full width and length of the area to be vacated to insure our facilities are protected and for any future extension of our gas facilities.

Please submit to us a copy of the street vacation once it is recorded.

Thank you.

Sincerely,



Carmen C. Giancana, Agent  
Risk & Land Management

**Risk Environment & Land**

Agent: Carmen C Giancana  
Telephone: (503)721-2443  
Toll Free: 1(800)422-4012 x2443  
Fax: 1(503)721-2516



July 15, 2002

Pat Hinds  
Multnomah Count  
1600 SE 190th. Ave.  
Portland, OR 97233-5910

RE: Our File: 01-M-01660-Q  
Location: Daphne Ave., Portland, OR 97219

Mr. Hinds:

This is to confirm our conversation of today for reservation of a easement along that portion of Daphne Avenue that is to be vacated. We are in agreement that a 25 foot wide area and the length of the area to be vacated on the east side of Daphne is sufficient to insure our facilities and for future maintenance.

Thank you.

Sincerely,

*Carmen C. Giancana*

Carmen C. Giancana, Agent  
Risk & Land Management

Enclosure



Murray, Smith & Associates, Inc.  
Engineers/Planners

121 S.W. Salmon, Suite 900 Portland, Oregon 97204-2920 · PHONE 503.225.9010 · FAX 503.225.9022

94-0304.401  
August 1, 2001

Mr. Walter Daggett  
10434 S.W. Daphne Avenue  
Portland, Oregon 97219

Re: Request to Vacate Portion of S.W. Daphne Avenue

Dear Mr. Daggett:

Murray, Smith & Associates, Inc. (MSA) is retained by the Palatine Hill Water District as District Manager and District Engineer. On behalf of the Palatine Hill Water District, we have reviewed your request to Multnomah County for vacation of the portion of S.W. Daphne Avenue abutting the west side of your property. Palatine Hill Water District owns, operates, and maintains a 6-inch diameter water main that is located in this portion of S.W. Daphne Avenue.

Palatine Hill Water District does not object to the proposed vacation, provided that the vacation order includes the following language establishing a permanent easement in Palatine Hill Water District's name:

"An easement is hereby reserved for Palatine Hill Water District, their successors and assigns, over the entire portion of S.W. Daphne Avenue being vacated, and the right is reserved unto them to maintain, continue, repair, reconstruct, renew, replace and/or rebuild the existing water line, including the right to cut, trim and remove trees, shrubs, brush, overhanging branches and other obstructions necessary for the District's use of this easement with no obligation to the District for replacement of said removed items; that no building or structure of any kind shall be built or erected within the easement except with the prior written consent of the Palatine Hill Water District."

We would be happy to answer any questions you might have regarding the above language, and would appreciate receiving a copy of the final vacation order issued by Multnomah County.

Sincerely,

MURRAY, SMITH & ASSOCIATES, INC.

James L. Helton, P.E.  
District Engineer, Palatine Hill Water District

cc: Palatine Hill Water District  
Bob Kennedy  
Patrick Hinds, Multnomah County



Murray, Smith & Associates, Inc.  
Engineers/Planners

121 S.W. Salmon, Suite 900 Portland, Oregon 97204-2920 PHONE 503.225.9010 FAX 503.225.9022

94-0304.401  
July 31, 2002

Mr. Patrick Hinds  
Multnomah County  
1600 SE 190th Avenue  
Portland, Oregon 97233

Re: Request to Vacate Portion of S.W. Daphne Avenue

Dear Mr. Hinds:

This letter is in response to your request for confirmation that Palatine Hill Water District requires that a permanent waterline easement be reserved in the proposed vacated portion of S.W. Daphne Avenue for the purpose of accessing and maintaining an existing 6-inch diameter public water main that is located within this portion of the road and for future replacement of the main as it becomes necessary.

Murray, Smith & Associates, Inc. (MSA) is retained by Palatine Hill Water District as District Manager and District Engineer. We were contacted last year by one of the property owners abutting the proposed vacation. On behalf of the District, we provided a letter (copy enclosed) stating that the District was not opposed to the vacation as long as appropriate language was included in the vacation order that established a permanent easement in Palatine Hill Water District's name for accessing, maintaining, repairing, reconstructing, renewing, replacing and/or rebuilding the existing water line. Recommended easement language was included in the letter.

The abutting portion of S.W. Daphne Avenue was previously vacated by the Board of County Commissioners in 1982 in Order of Final Vacation No. 4773 (copy enclosed). Similar language was included in that order granting the District an easement for the existing waterline.

As previously stated, Palatine Hill Water District does not object to the current proposed vacation, provided that the vacation order includes acceptable language establishing a waterline easement in Palatine Hill Water District's name. This easement is crucial to allow the District to continue providing public water service meeting all current state and federal standards to the properties on each end of the vacated street.

We would be happy to answer any questions you might have and to review the easement language placed in the draft vacation order prior to submittal to the Board of County Commissioners for adoption.

Sincerely,  
MURRAY, SMITH & ASSOCIATES, INC.

James L. Helton, P.E.  
District Engineer, Palatine Hill Water District

cc: Palatine Hill Water District  
Bob Kennedy



Murray, Smith & Associates, Inc.  
Engineers/Planners

121 S.W. Salmon, Suite 900 Portland, Oregon 97204-2920 PHONE 503.225.9010 FAX 503.225.9022

94-0304.401  
August 2, 2002

Mr. Patrick Hinds  
Multnomah County  
1600 SE 190th Avenue  
Portland, Oregon 97233

Re: Request to Vacate Portion of S.W. Daphne Avenue

Dear Mr. Hinds:

Per our most recent discussion, this letter is to confirm that Palatine Hill Water District requires that a permanent waterline easement be reserved in the easterly half of the proposed vacated portion of S.W. Daphne Avenue for the purpose of accessing and maintaining an existing 6-inch diameter public water main that is located within this portion of the road and for future replacement of the main as it becomes necessary. This easement is crucial to allow the District to continue providing public water service meeting all current state and federal standards to the properties on each end of the vacated street.

Murray, Smith & Associates, Inc. (MSA) is contracted by Palatine Hill Water District as District Manager and District Engineer. After our discussion, we confirmed that the existing waterline is located within the easterly half of S.W. Daphne Avenue. Therefore, on behalf of the District, we concur that the easement language for this proposed vacation can match the easement language provided in the vacation order of the abutting portion of S.W. Daphne Avenue, which was previously vacated by the Board of County Commissioners in 1982 in Order of Final Vacation No. 4773, written as follows:

“FURTHER ORDERED that an easement is hereby reserved for Palatine Hill Water District, their successors and assigns, over the easterly one-half of that portion of S.W. Daphne Avenue being vacated, and the right is reserved unto them to maintain, continue, repair, reconstruct, renew, replace and/or rebuild the existing waterline; that no building or structure of any kind shall be built or erected within the easement except with the prior written consent of the County Engineer and the owner of the utility.”

Please provide copies of the draft and final vacation orders for our records. Thank you.

Sincerely,

MURRAY, SMITH & ASSOCIATES, INC.

James L. Helton, P.E.  
District Engineer, Palatine Hill Water District

cc: Palatine Hill Water District  
Bob Kennedy



**Office of Planning  
and  
Development Review**  
Land Use Review Division

1900 SW Fourth Ave., Suite 5000  
Portland, Oregon 97201  
Telephone: (503) 823-7300  
TDD: (503) 823-6868  
FAX: (503) 823-5630  
[www.opdr.ci.portland.or.us](http://www.opdr.ci.portland.or.us)

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Date: July 17, 2002  
To: Patrick Heinz, Multnomah County Transportation (503) 988-6108 (fax)  
From: Rebecca Esau, LUR Division, OPDR *RE*  
RE: Street Vacation Request at SW Daphne, south of Radcliffe, near Daggett property

The Portland Office of Planning and Development Review has no objection to the street vacation request, on one condition: the lot owned by the Daggett's must have at least 30 feet of frontage on a street.

LEGAL DESCRIPTION

EXHIBIT "B"

PORTION OF S.W. DAPHNE AVENUE

THAT PORTION OF S.W. DAPHNE AVENUE SITUATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, MULTNOMAH COUNTY OREGON LYING SOUTH OF A LINE BEING THE SOUTH LINE OF LOT 6 BLOCK 9, RIVERDALE EXTENDED EASTERLY TO THE WEST LINE OF BLOCK 8, RIVERDALE AND NORTHERLY OF THE NORTH LINE OF THAT PORTION OF S.W. DAPHNE AVENUE VACATED BY ORDINANCE NO. 4773 DATED JULY 15, 1982 AS RECORDED AUGUST 12, 1982 IN BOOK 1611 PAGE 1447, DEED RECORDS OF MULTNOMAH COUNTY

The above "Legal Description" of the portion of S W Daphne Avenue being considered for vacation and the attached map of the same, correctly describe my (our) understanding of the request for vacation and my (our) portion, if any, of the property in question.

[Signature]  
Morganway Bell

State of OREGON

County of Multnomah

Signed or attested before me on February 25 2002

By DAVID K. BELL .(name [s] of person [s] )

Morganway Bell

[Signature]  
(signature of notarial officer)

(seal, if any)  
Receptionist & Secretary



Title (and Rank)

My commission expires: 1-29-2005



LEGAL DESCRIPTION

PORTION OF S.W. DAPHNE AVENUE

THAT PORTION OF S.W. DAPHNE AVENUE SITUATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, MULTNOMAH COUNTY OREGON LYING SOUTH OF A LINE BEING THE SOUTH LINE OF LOT 6 BLOCK 9, RIVERDALE EXTENDED EASTERLY TO THE WEST LINE OF BLOCK 8, RIVERDALE AND NORTHERLY OF THE NORTH LINE OF THAT PORTION OF S.W. DAPHNE AVENUE VACATED BY ORDINANCE NO. 4773 DATED JULY 15, 1982 AS RECORDED AUGUST 12, 1982 IN BOOK 1611 PAGE 1447, DEED RECORDS OF MULTNOMAH COUNTY

The above "Legal Description" of the portion of S W Daphne Avenue being considered for vacation and the attached map of the same, correctly describe my (our) understanding of the request for vacation and my (our) portion, if any, of the property in question.

*Rodney Kenneth Beals*  
\_\_\_\_\_

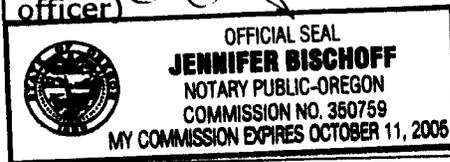
State of OREGON

County of Multnomah

Signed or attested before me on February 20, 2002  
By Rodney Kenneth Beals .(name [s] of person [s])

*[Signature]*  
\_\_\_\_\_  
(signature of notarial officer)

(seal, if any)



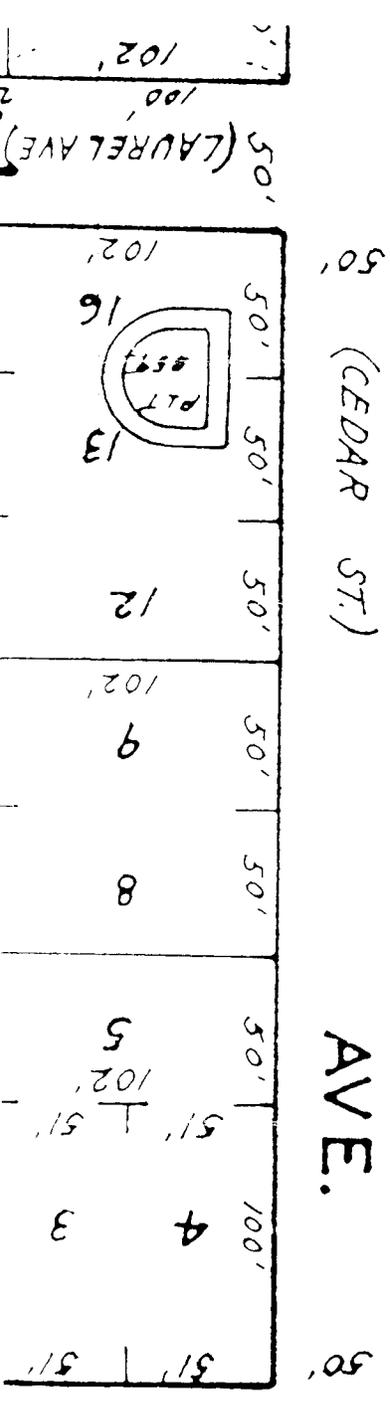
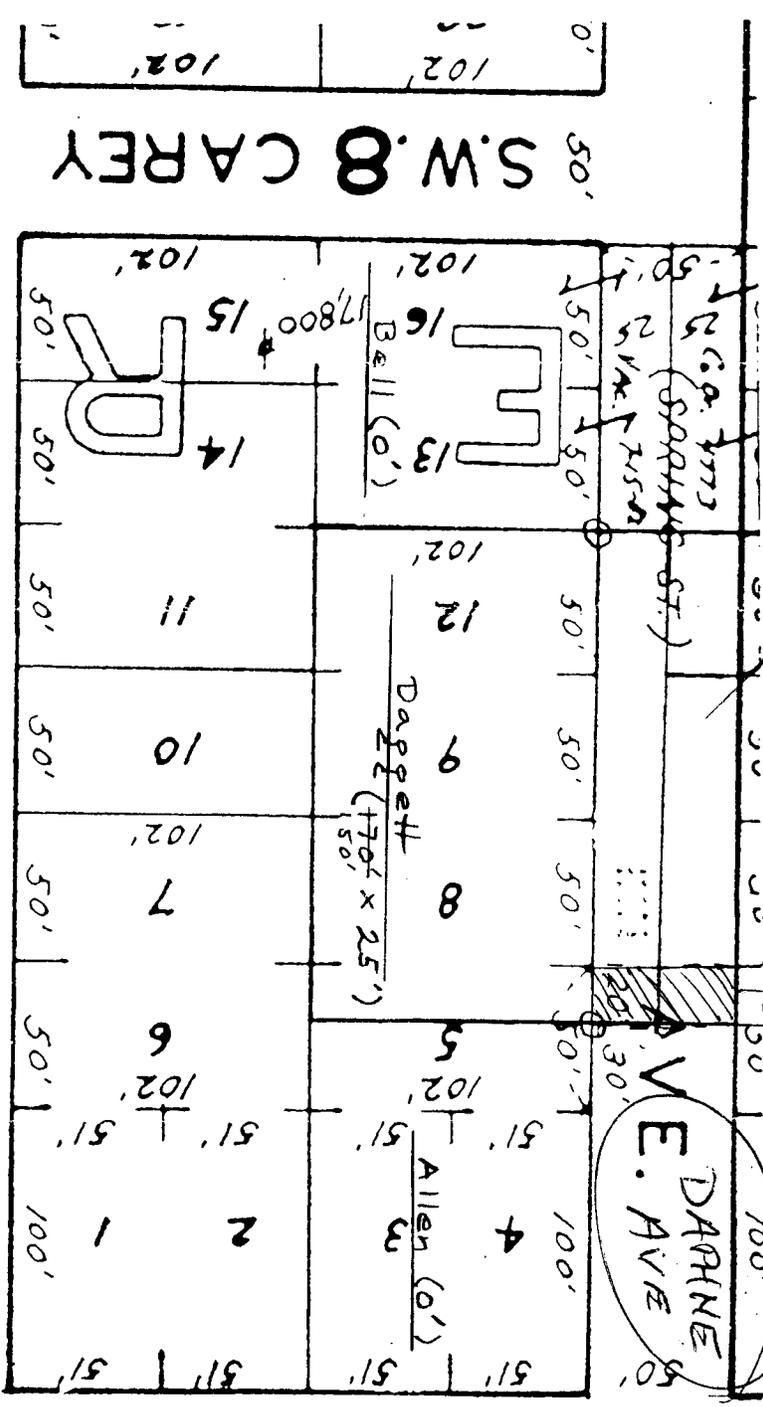
Title (and Rank)

My commission expires: Oct. 11 2005

Bea (50' x 25')

Jacobsen (120' x 25')  
100'

NOT INCLUDED



RADCLIFFE

RD. 1277

CO. RES. 9-23-31

155.34

LEGAL DESCRIPTION

PORTION OF S.W. DAPHNE AVENUE

THAT PORTION OF S.W. DAPHNE AVENUE SITUATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, MULTNOMAH COUNTY OREGON LYING SOUTH OF A LINE BEING THE SOUTH LINE OF LOT 6 BLOCK 9, RIVERDALE EXTENDED EASTERLY TO THE WEST LINE OF BLOCK 8, RIVERDALE AND NORTHERLY OF THE NORTH LINE OF THAT PORTION OF S.W. DAPHNE AVENUE VACATED BY ORDINANCE NO. 4773 DATED JULY 15, 1982 AS RECORDED AUGUST 12, 1982 IN BOOK 1611 PAGE 1447, DEED RECORDS OF MULTNOMAH COUNTY

The above "Legal Description" of the portion of S W Daphne Avenue being considered for vacation and the attached map of the same, correctly describe my (our) understanding of the request for vacation and my (our) portion, if any, of the property in question.

*[Handwritten Signature]*  
\_\_\_\_\_  
*Patricia Daggett*  
\_\_\_\_\_

State of OREGON

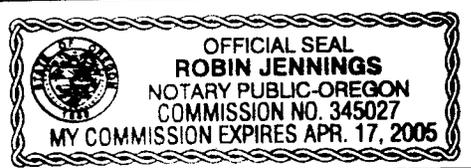
County of Multnomah

Signed or attested before me on 2/21/02

By WALTER H. DAGGETT (name [s] of person [s] )  
PATRICIA DAGGETT

*[Handwritten Signature]*  
(signature of notarial officer)

(seal, if any)



Title (and Rank)

My commission expires: April 17, 2005



LEGAL DESCRIPTION

PORTION OF S.W. DAPHNE AVENUE

THAT PORTION OF S.W. DAPHNE AVENUE SITUATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, MULTNOMAH COUNTY OREGON LYING SOUTH OF A LINE BEING THE SOUTH LINE OF LOT 6 BLOCK 9, RIVERDALE EXTENDED EASTERLY TO THE WEST LINE OF BLOCK 8, RIVERDALE AND NORTHERLY OF THE NORTH LINE OF THAT PORTION OF S.W. DAPHNE AVENUE VACATED BY ORDINANCE NO. 4773 DATED JULY 15, 1982 AS RECORDED AUGUST 12, 1982 IN BOOK 1611 PAGE 1447, DEED RECORDS OF MULTNOMAH COUNTY

The above "Legal Description" of the portion of S W Daphne Avenue being considered for vacation and the attached map of the same, correctly describe my (our) understanding of the request for vacation and my (our) portion, if any, of the property in question.

*Eric Jacobsen*  
\_\_\_\_\_  
*Marti Jacobsen*  
\_\_\_\_\_

State of OREGON

County of Multnomah

Signed or attested before me on 2-27-02

By ERIC Jacobsen .(name [s] of person [s] )

Marti Jacobsen

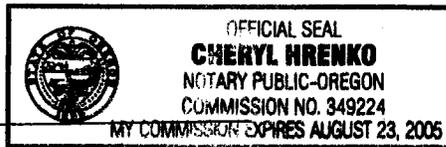
*Cheryl Hrenko*  
\_\_\_\_\_  
(signature of notarial officer)

(seal, if any)

Branch Manager

Title (and Rank)

My commission expires: 8-23-05

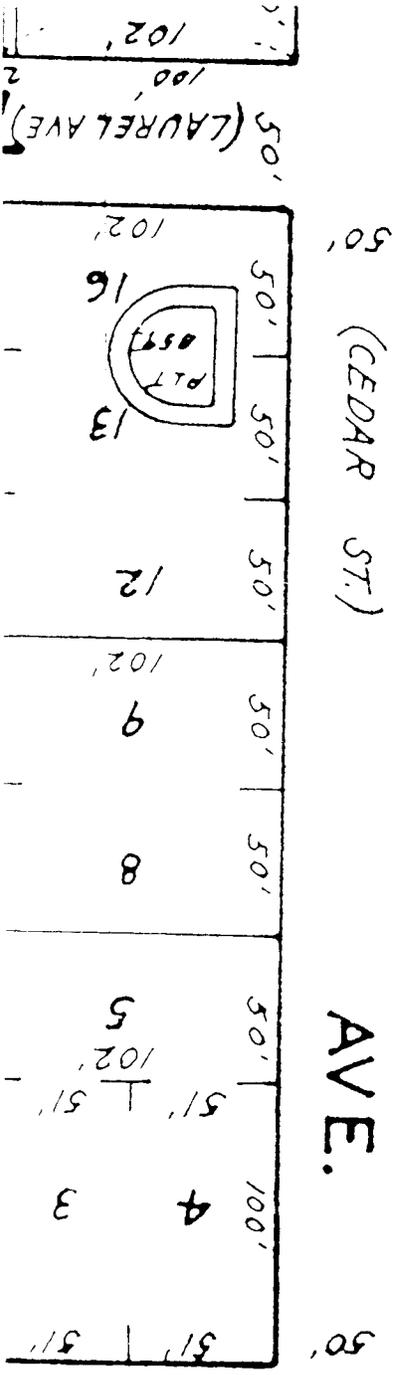
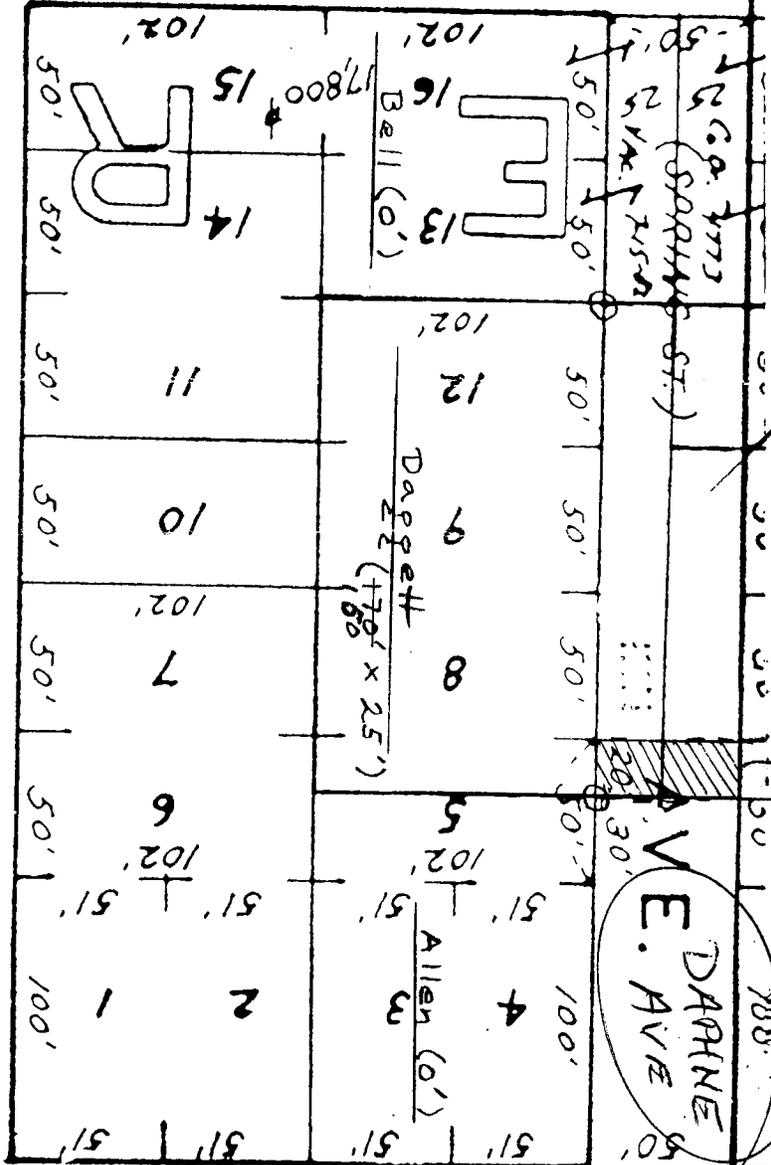


Bea (50' x 25')

Jacobson (100' x 25')

NOT INCLUDED

S.W. 8 CAREY



RADCLIFFE

RD. 1277

CO. RES. 9-23-31

155.34