

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 01-051

Vacation of a Portion of SE 172nd Avenue

The Multnomah County Board of Commissioners Finds:

- a. A section of SE 172nd Avenue was originally created by a Board Order, in March 1946, as Rock Creek Road, County Road No. 1548, being 40.00 feet in width. In 1949, this section of road was re-named SE 172nd Avenue.
- b. At this location, SE 172nd Avenue consists of a single strip of asphalt, approximately 20 feet in width, without curbs or sidewalks. Multnomah County no longer requires the use of a portion of SE 172nd Avenue (property). The property is described as follows:

A strip of land situated in the Southwest One-quarter of Section 19, T.1S., R.3E., W.M., Multnomah County, Oregon, being the West 15.00 feet, of the East 45.00 feet of that tract of land conveyed to Dorus Ray Warner by deed recorded January 30, 1953, in Book 1582, Page 102, Multnomah County Deed Records, reserving therefrom an easement for sidewalk, slope, utility, drainage, landscape and traffic control devices over the East 5.00 feet of the West 15.00 feet of the East 45.00 feet, of said Dorus Ray Warner tract. Said Warner tract being more particularly described as followed:

Beginning at a point in the North and South centerline of Section 19, Township 1 South of Range 3 East of the Willamette Meridian, 600 feet North of the South quarter corner; thence Westerly parallel with South line of said section, 440 feet to the East line of SE 170th Avenue; thence North along said East line 198 feet; thence Easterly parallel with the South line of Section 19, 440 feet to the North and South centerline of said section; thence South along said centerline 198 feet to the place of beginning.

As shown on the attached Exhibit A.

Containing 2970 square feet, more or less.

- c. The property was acquired by the County in 1986 with respect to functional classification of SE 172nd Ave. as an arterial. The arterial classification for this portion of SE 172nd Ave. was never adopted. The road remains classified as a collector, and a portion of the property is no longer required for the right-of-way. Interests in the property being vacated will be returned to and vest in the name of the abutting owner and the original grantor, Dorus R. Warner.
- d. Vacation of the County's right-of-way interest in this property serves the public interest.

- e. The Transportation Division of the Department of Sustainable Community Development has provided notice of the hearing by posting and advertising in accordance with ORS 368.346(3) and ORS 368.401 to 368.426.
- f. The Multnomah County Department of Sustainable Community Development has paid the advertising and processing costs associated with this vacation.

The Multnomah County Board of Commissioners Resolves:

1. The above described portion of SE 172nd Avenue is vacated, except easement rights any utilities may have in said property, pursuant to ORS Chapter 368.
2. No person is liable for any costs resulting from vacation of the property.
3. The County Surveyor will mark the plat as provided under ORS 271.230.
4. The Transportation Division of the Department of Sustainable Community Development will record and file this Resolution in accordance with ORS 368.356.

ADOPTED this 26th day of April, 2001.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Bill Farver, Interim Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Matthew O. Ryan, Assistant County Attorney

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