

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-150

Vacating a Portion of S.W. Sweetbriar Street, a Public Road, Located in an Unincorporated Area of Southwest Multnomah County, Pursuant to ORS 368.326 to 368.366

The Multnomah County Board of Commissioners Finds:

- a. The portion of an approximately 50 foot-wide public road affected by this vacation was originally created by the LEY PARK ESTATES subdivision plat, recorded February 6, 1961, in Book 1194, Page 6. This portion of public road is unimproved.
- b. The portion of the public road to be vacated is more particularly described in the Exhibit A, as attached to this Resolution.
- c. Multnomah County does not maintain or have plans to develop this portion of public road.
- d. Mr. Doug Dillavou, petitioner, has submitted a petition to vacate this public road, which is in compliance with ORS 368.341(3).
- e. As allowed under ORS 368.351, the above referenced petition:
 - Indicates the owners' approval of the proposed vacation;
 - 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; and
- f. 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. (See Agenda Placement Request Memorandum.)
- g. Pursuant to ORS 368.351, the County may make a determination about this vacation without additional notice and publication required under ORS 368.346.
- h. The entire portion being vacated will remain subject to the rights of any existing public utility that has improvements located within the existing right of way.
- i. As required under MCC 27.054, the County has received a total of \$1265.00 from the petitioner, of which \$200.00 applies to the feasibility study that was performed by the County. The remaining \$1065.00 will be applied to the vacation proceeding. The total costs for this vacation, including administrative costs, are \$1991.72. Administrative costs include staff time for research, review, analyses, and document preparation. The balance owed by the petitioner at the date of this hearing is \$726.72.

- j. Vacation of the County's right-of-way interest in this property serves the public interest.

The Multnomah County Board of Commissioners Resolves:

1. Subject to the petitioner's payment of all funds due as provided under MCC 27.054, the portion of public road as more particularly described in the attached Exhibit A, is vacated as a public road, excepting the easement rights any existing utilities may have in the vacated property under ORS Chapter 368, and also excepting therefrom a 15' wide public pedestrian easement being more particularly described in the attached Exhibit A.
2. Multnomah County shall have jurisdiction over the public pedestrian easement and the easement shall constitute a "trail" under ORS 368.021.
3. Pursuant to MCC 27.054, the total cost for this vacation proceeding incurred by the County is \$1991.72, and Mr. Doug Dillavou, the petitioner, is directed to pay the remaining amount of \$726.72 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.
5. Upon the recording and filing of this Resolution, the County Surveyor will mark the plat, if applicable, as provided under ORS 271.230.

ADOPTED this 20th day of September, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Dept. of Community Services

EXHIBIT "A"

PORTION OF S.W. SWEETBRIAR STREET TO BE VACATED

ALL OF THAT PORTION OF S.W. SWEETBRIAR STREET, AS DEPICTED ON "LEY PARK ESTATES", A PLAT OF RECORD IN THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON, WHICH IS LOCATED WESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 2, "LEY PARK ESTATES"; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 1, BLOCK 2, "LEY PARK ESTATES", 1.00 FEET ALONG THE ARC OF A 40.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH THROUGH A CENTRAL ANGLE OF 01°25'27" (LONG CHORD BEARS SOUTH 43°14'28" WEST 1.00 FEET) TO THE TRUE POINT OF BEGINNING OF THE LINE TO BE DESCRIBED; THENCE LEAVING SAID NORTH LINE NORTH 00°33'03" EAST 54.97 FEET TO A POINT ON THE SOUTH LINE OF LOT 1, BLOCK 1, "LEY PARK ESTATES", AND THE TERMINUS OF SAID LINE.

RESERVING THEREFROM A 15.00 FOOT WIDE PUBLIC PEDESTRIAN ACCESS EASEMENT, LYING 7.50 FEET ON EACH SIDE OF THE CENTERLINE OF S.W. SWEETBRIAR STREET, (AS SAID CENTERLINE WAS ORIGINALLY LOCATED ON THE PLAT OF "LEY PARK ESTATES") RUNNING WESTERLY THROUGH THE ABOVE DESCRIBED PORTION OF S.W. SWEETBRIAR STREET TO BE VACATED. THE SIDELINES OF THIS 15.00 FOOT WIDE EASEMENT SHALL BE EXTENDED OR SHORTENED, AS NECESSARY, TO TERMINATE, AT ITS WESTERLY END, ON THE WEST LINE OF "LEY PARK ESTATES", AND, AT ITS EASTERLY END, ON THE ABOVE DESCRIBED LINE.



DATE OF SIGNATURE: *6/4/07*

VALID UNTIL 12/31/2007