

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Vacating a Portion of N.W. 101st Avenue, Pursuant to ORS 368.326 to 368.366

The Multnomah County Board of Commissioners Finds:

- a. The public road, commonly known as N.W. 101st Avenue, affected by this proposed vacation, was originally created by a deed recorded on June 27, 1946, in Book 1070, Page 49, Multnomah County Deed Records, Multnomah County, Oregon.
- b. The portion of the public road to be vacated is more particularly described in Exhibit 1, attached hereto. Multnomah County does not maintain nor have plans to develop the portion of N.W. 101st Avenue proposed for vacation.
- c. Elizabeth J. Denny, petitioner, has submitted a petition to vacate a portion of this public road in compliance with ORS 368.341(3). A copy of the petition is attached to this Resolution as Exhibit 2.
- d. At the location of the area proposed for vacation, the centerline of N.W. 101st Avenue is the boundary line between the City of Portland and Multnomah County. Multnomah County is the Road Authority for the westerly one-half of this road, and the City of Portland is the Road Authority for the easterly one-half of this road. The City of Portland, by Ordinance No. 187750 passed May 18, 2016, vacated the abutting easterly one-half of this road.
- e. Pursuant to 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 private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting public property proposed to be vacated.
- 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. The Agenda Placement Request filed in this matter contains the official's report.
- 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. As required under MCC 27.054, the County has received a total of \$1265.00 from the petitioners, of which \$200.00 applies to a feasibility study 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 \$2628.72. 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 \$1364.00.
- i. Upon vacation, the portion of N.W. 101st Avenue 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.

- j. Vacation of the County's right-of-way interest in the portion of N.W. 101st Avenue, described in said Exhibit A serves the public interest.

The Multnomah County Board of Commissioners Resolves:

1. Subject to the petitioner's payment of all funds due as provided above under MCC 27.054, the portion of N.W. 101st Avenue, as more particularly described in the attached Exhibit 1, is vacated as a public road, excepting the easement rights any existing utilities may have in the vacated property under ORS Chapter 368.
2. Pursuant to MCC 27.054, the total cost for this vacation proceeding incurred by the County is \$2628.72; and Elizabeth J. Denny, the petitioner, is directed to pay the remaining amount of \$1364.00 to the County.
3. The Transportation Division 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; as set forth in Resolve Clause No. 2.
4. 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 _____ day of September, 2016

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Courtney A. Lords, Assistant County Attorney

SUBMITTED BY:
Kim Peoples, Director Department of Community Services