

PLEASE PRINT LEGIBLY!

MEETING DATE

11-4-94

NAME

Bruce Thalhofer

ADDRESS

920 S.W. Cherry Park Rd

STREET

Troutdale, OR 97060

CITY

ZIP CODE

I WISH TO SPEAK ON

Nov

AGENDA ITEM #

R-9

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

P

ANNOTATED MINUTES

Tuesday, November 2, 1993 - 9:30 AM
Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 First Quarter Summary of the Health Department's Language Services Expenditures and Activities. Presented by Dave Houghton.

PRESENTATION AND RESPONSE TO BOARD QUESTIONS
BY HEALTH DEPARTMENT STAFF, DAVE HOUGHTON AND
JAN SINCLAIR.

- B-2 Report on the Central Library Interim Lease and Validation Suit. Presented by Dave Boyer, Howard Rankin, Ginnie Cooper, Bob Oberst and Jim Emerson

PRESENTATION AND RESPONSE TO BOARD QUESTIONS
BY DAVE BOYER, FINANCE DIRECTOR, MULTNOMAH
COUNTY; HOWARD RANKIN, BOND COUNSEL; GINNIE
COOPER, DIRECTOR, MULTNOMAH COUNTY LIBRARY; BOB
OBERST AND JIM EMERSON, FACILITIES & PROPERTY
MANAGEMENT. LEASE AGREEMENT TO BE PRESENTED TO
THE BOARD FOR CONSIDERATION ON TUESDAY,
NOVEMBER 9, 1993.

- B-3 Update on the Sex Offender Notification/S.B. 2759. Presented by Michael Haines and Joanne Fuller.

PRESENTATION AND RESPONSE TO BOARD QUESTIONS
BY DEPARTMENT OF COMMUNITY CORRECTIONS STAFF,
MICHAEL HAINES AND JOANNE FULLER.

Tuesday, November 2, 1993 - 11:15 AM
Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(h), for the Purpose of Consultation with Counsel Concerning Legal Rights and Duties Regarding Current Litigation. Presented by Laurence Kressel. (Continued from Thursday, October 28, 1993.)

EXECUTIVE SESSION HELD.

Thursday, November 4, 1993 - 9:30 AM
Multnomah County Courthouse, Room 602

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:30 a.m., with Vice-Chair Gary Hansen, Commissioners Sharron Kelley, Tanya Collier and Dan Saltzman present.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED
BY COMMISSIONER COLLIER, THE CONSENT CALENDAR
(C-1 THROUGH C-10) WAS UNANIMOUSLY APPROVED.

SHERIFF'S OFFICE

Liquor License Application Renewals Submitted by Sheriff's
Office with Recommendation for Approval as Follows:

C-1 Dispenser Class A for:

- a) PINK FEATHER, 14154 SE DIVISION STREET, PORTLAND 97236;
- b) THE DRUM & RICCARDOS LA FIESTA RESTAURANT, 14601 SE DIVISION, PORTLAND 97236;
- c) MULTNOMAH FALLS LODGE, SCENIC HWY. AND COLUMBIA GORGE, BRIDAL VEIL 97010

C-2 Dispenser Class B for:

- a) THE RAQUET CLUB, 1853 SW HIGHLAND ROAD, PORTLAND 97221

C-3 Package Store for:

- a) PLAINVIEW GROCERY, 11800 NW CORNELIUS PASS ROAD, PORTLAND 97231;
- b) FRED MEYER, INC., 14700 SE DIVISION, PORTLAND 97206;
- c) LARSON'S MARINA, 14444 NW LARSON ROAD, PORTLAND 97231;
- d) ALBERTSON'S FOOD CENTER #502, 1350 NE 122ND AVENUE, PORTLAND 97230;
- e) ORIENT COUNTRY STORE, 29822 SE ORIENT DRIVE, GRESHAM 97080;
- f) COUNTY FOOD MART, 5708 SE 136TH, PORTLAND 97236;
- g) K.S. FOOD MARKET, 15231 SE DIVISION, PORTLAND 97236;
- h) MINI MART EXPRESS, 16437 SE POWELL, PORTLAND 97236

C-4 Retail Malt Beverage for:

- a) POWELLHURST TAVERN, 12344 SE POWELL BLVD., PORTLAND 97236;
- b) PLEASANT HOME SALOON, 31637 SE DODGE PARK BLVD., GRESHAM 97030;
- c) FOUR ACES, 15826 SE DIVISION, PORTLAND 97236;
- d) CLUB 122, 12131 SE HOLGATE, PORTLAND 97266;
- e) CLUB GENESIS, 13639 SE POWELL, PORTLAND 97236;
- f) DAILY DOUBLE TAVERN, 1607 NE 162ND, PORTLAND 97230;
- g) HAGARS AT VIKING PARK, 29311 STARK STREET, TROUTDALE 97060

NON-DEPARTMENTAL

C-5 In the Matter of the Appointment of George Standingelk to the Portland Multnomah Commission on Aging, Representative to Disabled Community, Term Ending July, 1996

C-6 Ratification of Amendment No. 4 to Intergovernmental Agreement, Contract #500214, between the City of Portland, Metropolitan Arts Commission and Multnomah County Regarding Operation of the Metro Arts Commission, Including Reference to Eventual Regionalization of Service, for the Period Upon Execution and to be Perpetual

DEPARTMENT OF SOCIAL SERVICES

- C-7 Ratification of Amendment No. 2 to Intergovernmental Agreement, Contract #100284, between Multnomah County Mental Health, Youth and Family Services, Alcohol and Drug Program and the Oregon Health Sciences University, Alcohol Treatment and Training Center to Add State Funded Cost of Living Allowance (COLA) to the Diversion Services for the Requirements of the Contract, for the Period July 1, 1993 through June 30, 1994
- C-8 Ratification of Amendment No. 1 to Intergovernmental Revenue Agreement, Contract #103524, between Multnomah County Mental Health, Youth and Family Services, Child and Adolescent Mental Health Program Office and Centennial School District #28J to Add \$12,500 in Revenue to Provide Additional School Mental Health Consultant Services, for the Period September 1, 1993 through June 30, 1994
- C-9 Ratification of an Intergovernmental Revenue Agreement, Contract #103844, between Multnomah County Mental Health, Youth and Family Services, Adult Mental Health Program Office and the City of Portland, Housing and Community Development to Provide \$70,095 in Revenue for the County to Assist in the Operation of the Bridgeview Project to Shelter Chronically Mentally Ill Citizens, for the Period July 1, 1993 through June 30, 1994

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-10 ORDER in the Matter of the Execution of Deed D940923 Upon Complete Performance of a Contract to ELMER J. FENNERN and MARY L. FENNERN

ORDER 93-360.

REGULAR AGENDA

NON-DEPARTMENTAL

- R-1 Ratification of an Intergovernmental Agreement, Contract #500284, between Multnomah County Sheriff's Office, Jointly with the Gresham Police Department, Troutdale Police Department, Fairview Police Department, Multnomah County Aging Services Division and the Multnomah County District Attorney's Office to Provide Investigation and Reporting of Abuse of Elderly Persons in Multnomah County, for the Period November 1993 through November 1998

COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-1. PAULA GADOTTI, SHERIFF'S OFFICE; BECKY WEHRLI, DIRECTOR PMCoA AND SHIRLEY MCGREW, CHAIR PMCoA PRESENTED AND EXPLANATION AND RESPONSE TO BOARD QUESTIONS. COMMISSIONER SHARRON KELLEY THANKED ALL INVOLVED FOR THE WORK PUTTING THIS AGREEMENT TOGETHER. ALSO, FOR THE STRONG SUPPORT IN EAST COUNTY. VOTE ON MOTION WAS UNANIMOUSLY APPROVED.

- R-2 RESOLUTION in the Matter of Designating the Tax Supervising and Conservation Commission to Oversee the Tax Coordination Plan

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-2. MARIA ROJO de STEFFEY PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. RESOLUTION 93-361 WAS UNANIMOUSLY APPROVED.

- R-3 ORDER in the Matter of the Dismissal of Finley and Meyers v. City of Portland, a Petition for Way of Necessity, No. 92-51-A

COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-3. MATTHEW RYAN, ASSISTANT COUNTY COUNSEL PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. ORDER 93-362 WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-4 PUBLIC HEARING: ORDER in the Matter of the Vacation of a Portion of SE Butler Road, County Road Nos. 365 and 588, from SE 190th Drive Easterly 298 ft., More or Less

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-4. STAFF REPORT PRESENTED BY JOHN DORST. PUBLIC HEARING WAS HEARD, NO PUBLIC TESTIMONY RECEIVED. ORDER 93-363 WAS UNANIMOUSLY APPROVED.

- R-5 RESOLUTION Setting a Hearing Date in the Matter of Surrendering Jurisdiction to the City of Portland All County Roads Annexed to the City of Portland Effective June 30, 1993

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-5. BOB PEARSON PRESENTED EXPLANATION AND RESPONSE TO BOARD QUESTIONS. RESOLUTION 93-364 SETTING HEARING DATE ON THURSDAY, DECEMBER 23, 1993 WAS UNANIMOUSLY APPROVED.

- R-6 Ratification of an Intergovernmental Agreement, Contract #300944, between Multnomah County, Transportation Division and the City of Portland Water Bureau to Relocate a Water Line at SW First Avenue, Adjacent to the Burnside Bridge to Allow for Bridge Stairway Installation, with the City of Portland Office of Transportation to Reimburse Multnomah County up to \$25,000, for the Period Upon Signature through Completion

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-6. EXPLANATION AND RESPONSE TO BOARD QUESTIONS PRESENTED BY STAN GHEZZI. VOTE ON MOTION WAS UNANIMOUSLY APPROVED.

- R-7 Ratification of an Intergovernmental Agreement, Contract #300954, between Multnomah County, Transportation Division

and the Oregon Department of Transportation (ODOT) for the Preliminary Engineering and Construction Finance Agreement for the NE 207TH AVENUE CONNECTOR, for the Period Upon Signature through Completion

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-7. EXPLANATION AND RESPONSE TO BOARD QUESTIONS PRESENTED BY KATHY BUSSE. VOTE ON MOTION WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF SOCIAL SERVICES

R-8 RESOLUTION in the Matter of Approving Recommendations From the Housing and Community Development Commission (HCDC) Regarding Allocation of PILOT Revenues

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-8. EXPLANATION AND RESPONSE TO BOARD QUESTIONS PRESENTED BY RAY ESPANA.

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, CONSIDERATION AND APPROVAL TO AMEND PROPOSED RESOLUTION PAGE 2 TO ADD A SECOND THEREFORE IT IS FURTHER RESOLVED CLAUSE TO READ: "THEREFORE IT IS FURTHER RESOLVED THAT THE BOARD OF COMMISSIONERS BE PROVIDED WITH AN ANNUAL REPORTING ON THE DISTRIBUTION OF PILOT FUNDS AS WELL AS A PERFORMANCE REVIEW OF THE IMPLEMENTATION OF THE PILOT ALLOCATIONS."

VOTE ON MOTION TO APPROVE THE PROPOSED AMENDMENT WAS UNANIMOUSLY APPROVED.

VOTE ON MOTION TO APPROVE RESOLUTION 93-365 AS AMENDED WAS UNANIMOUSLY APPROVED.


PUBLIC COMMENT

R-9 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

MAYOR PAUL THALHOFER, CITY OF TROUTDALE PRESENTED TESTIMONY IN OPPOSITION TO THE PROPOSED MEASURE 26-1, ON THE NOVEMBER 9, 1993 BALLOT.

There being no further business, the meeting was adjourned at 10:35 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

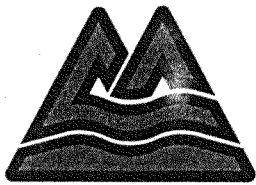
BY 

0325C/1-5
cap

BOARD OF COUNTY COMMISSIONERS
FORMAL BOARD MEETING
RESULTS

MEETING DATE: 11-4-93

Agenda Item #	Motion	Second	APP/NOT APP
<u>C-1a to</u>	<u>SK</u>	<u>TC</u>	<u>App</u>
<u>C-10</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>R-1</u>	<u>GH</u>	<u>SK</u>	<u>App</u>
<u>R-2</u>	<u>DS</u>	<u>SK</u>	<u>App</u>
<u>R-3</u>	<u>GH</u>	<u>SK</u>	<u>App</u>
<u>R-4</u>	<u>DS</u>	<u>SK</u>	<u>App</u>
<u>R-5</u>	<u>DS</u>	<u>SK</u>	<u>App</u>
<u>R-6</u>	<u>TC</u>	<u>SK</u>	<u>App</u>
<u>R-7</u>	<u>TC</u>	<u>SK</u>	<u>App</u>
<u>* R-8</u>	<u>CLS</u>	<u>SK</u>	<u>App</u>
<u>* Amendment</u>	<u>SK</u>	<u>TC</u>	<u>App</u>
<u>R-9</u>	<u>Paul Thalhoffer - Troutdale Mayor</u>		
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN •	CHAIR •	248-3308
DAN SALTZMAN •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
TANYA COLLIER •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •	248-3277 •	248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

November 1 - 5, 1993

Tuesday, November 2, 1993 - 9:30 AM - Board Briefings . . .Page 2

Tuesday, November 2, 1993 - 11:15 AM - Executive Session. .Page 2

Thursday, November 4, 1993 - 9:30 AM - Regular Meeting. . .Page 2

MEETING CHANGES AND/OR CANCELLATIONS

Tuesday, November 9th	Briefing, Regular Meeting and Planning Items
Thursday, November 11th	<u>HOLIDAY/Meeting Cancelled</u>
Tuesday, November 16th	<u>Meeting Cancelled</u>
Thursday, November 18th	<u>Meeting Cancelled</u>
Tuesday, November 23rd	Regular Meeting and Planning Items
Thursday, November 25th	<u>HOLIDAY/Meeting Cancelled</u>

Thursday Meetings of the Multnomah County Board of Commissioners are taped and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers
Thursday, 10:00 PM, Channel 49 for Columbia Cable (Vancouver) subscribers
Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222 OR MULTNOMAH COUNTY TDD PHONE 248-5040 FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Tuesday, November 2, 1993 - 9:30 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 First Quarter Summary of the Health Department's Language Services Expenditures and Activities. Presented by Dave Houghton. 9:30 AM TIME CERTAIN, 30 MINUTES REQUESTED.
- B-2 Report on the Central Library Interim Lease and Validation Suit. Presented by Dave Boyer, Howard Rankin, Ginnie Cooper, Bob Oberst and Jim Emerson. 10:00 AM TIME CERTAIN, 45 MINUTES REQUESTED.
- B-3 Update on the Sex Offender Notification/S.B. 2759. Presented by Michael Haines and Joanne Fuller. 10:45 AM TIME CERTAIN, 30 MINUTES REQUESTED.
-

Tuesday, November 2, 1993 - 11:15 AM

Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(h), for the Purpose of Consultation with Counsel Concerning Legal Rights and Duties Regarding Current Litigation. Presented by Laurence Kressel. 11:15 AM TIME CERTAIN, 45 MINUTES REQUESTED (continued from Thursday, October 28, 1993).
-

Thursday, November 4, 1993 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

SHERIFF'S OFFICE

Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:

- C-1 Dispenser Class A for:
- a) PINK FEATHER, 14154 SE DIVISION STREET, PORTLAND 97236;
 - b) THE DRUM & RICCARDOS LA FIESTA RESTAURANT, 14601 SE DIVISION, PORTLAND 97236;
 - c) MULTNOMAH FALLS LODGE, SCENIC HWY. AND COLUMBIA GORGE, BRIDAL VEIL 97010
- C-2 Dispenser Class B for:
- a) THE RAQUET CLUB, 1853 SW HIGHLAND ROAD, PORTLAND 97221

C-3

Package Store for:

- a) PLAINVIEW GROCERY, 11800 NW CORNELIUS PASS ROAD, PORTLAND 97231;
- b) FRED MEYER, INC., 14700 SE DIVISION, PORTLAND 97206;
- c) LARSON'S MARINA, 14444 NW LARSON ROAD, PORTLAND 97231;
- d) ALBERTSON'S FOOD CENTER #502, 1350 NE 122ND AVENUE, PORTLAND 97230;
- e) ORIENT COUNTRY STORE, 29822 SE ORIENT DRIVE, GRESHAM 97080;
- f) COUNTY FOOD MART, 5708 SE 136TH, PORTLAND 97236;
- g) K.S. FOOD MARKET, 15231 SE DIVISION, PORTLAND 97236;
- h) MINI MART EXPRESS, 16437 SE POWELL, PORTLAND 97236

C-4

Retail Malt Beverage for:

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- b) PLEASANT HOME SALOON, 31637 SE DODGE PARK BLVD., GRESHAM 97030;
- c) FOUR ACES, 15826 SE DIVISION, PORTLAND 97236;
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- e) CLUB GENESIS, 13639 SE POWELL, PORTLAND 97236;
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- g) HAGARS AT VIKING PARK, 29311 STARK STREET, TROUTDALE 97060

NON-DEPARTMENTAL

C-5

In the Matter of the Appointment of George Standingelk to the Portland Multnomah Commission on Aging, Representative to Disabled Community, Term Ending July, 1996

C-6

Ratification of Amendment No. 4 to Intergovernmental Agreement, Contract #500214, between the City of Portland, Metropolitan Arts Commission and Multnomah County Regarding Operation of the Metro Arts Commission, Including Reference to Eventual Regionalization of Service, for the Period Upon Execution and to be Perpetual

DEPARTMENT OF SOCIAL SERVICES

C-7

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DEPARTMENT OF ENVIRONMENTAL SERVICES

C-10 ORDER in the Matter of the Execution of Deed D940923 Upon Complete Performance of a Contract to ELMER J. FENNERN and MARY L. FENNERN
93-360

REGULAR AGENDA

NON-DEPARTMENTAL

App
R-1

Ratification of an Intergovernmental Agreement, Contract #500284, between Multnomah County Sheriff's Office, Jointly with the Gresham Police Department, Troutdale Police Department, Fairview Police Department, Multnomah County Aging Services Division and the Multnomah County District Attorney's Office to Provide Investigation and Reporting of Abuse of Elderly Persons in Multnomah County, for the Period November 1993 through November 1998 (9:30 AM TIME CERTAIN)

App
R-2

RESOLUTION in the Matter of Designating the Tax Supervising and Conservation Commission to Oversee the Tax Coordination Plan
93-361

App
R-3

ORDER in the Matter of the Dismissal of Finley and Meyers v. City of Portland, a Petition for Way of Necessity, No. 92-51-A
93-362

DEPARTMENT OF ENVIRONMENTAL SERVICES

App
R-4

PUBLIC HEARING: ORDER in the Matter of the Vacation of a Portion of SE Butler Road, County Road Nos. 365 and 588, from SE 190th Drive Easterly 298 ft., More or Less
93-363

App
R-5

RESOLUTION Setting a Hearing Date in the Matter of Surrendering Jurisdiction to the City of Portland All County Roads Annexed to the City of Portland Effective June 30, 1993
Hearing Date Dec. 23, 1993. 93-364

App
R-6

Ratification of an Intergovernmental Agreement, Contract #300944, between Multnomah County, Transportation Division and the City of Portland Water Bureau to Relocate a Water Line at SW First Avenue, Adjacent to the Burnside Bridge to Allow for Bridge Stairway Installation, with the City of Portland Office of Transportation to Reimburse Multnomah County up to \$25,000, for the Period Upon Signature through Completion

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App
**Amended*
DEPARTMENT OF SOCIAL SERVICES

R-8 RESOLUTION in the Matter of Approving Recommendations From the Housing and Community Development Commission (HCDC) Regarding Allocation of PILOT Revenues 93-365

PUBLIC COMMENT

R-9 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

MEETING DATE NOV 04 1993

AGENDA NO. C-1a

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a dispenser Class A/license renewal application for the Pink Feather located at 14154 SE Division Street, Portland, Oregon 97236.

The owners, Shirley Ogle, Claude Ogle, and Joan M. Ferenbach, have no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Sgt. K. Ferrell

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

CLERK OF
COUNTY COMMISSIONERS
1993 OCT 27 AM 9:04
MULTNOMAH COUNTY
OREGON

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522 1994

SYMBOL	CLASSIFICATION	FEES	DISTRICT	CITY/COUNTY	DPLRN	CODE
DA	DISPENSER CLASS A SERVER EDUCATION STUDENT FEE	\$400.00 2.60	1	2600	R00038A	A

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

THE PINK FEATHER INC
PINK FEATHER
14154 SE DIVISION ST
PORTLAND OR

97236

DA-0035
THE PINK FEATHER INC

FERENBACH JOAN

T

PINK FEATHER
14154 SE DIVISION ST
PORTLAND OR 97236

* Is Server Education designee(s), indicated by *T* above, correct? Yes ☒ No ☐

** If no, who is your new designee? _____ SS# _____

- Please list a daytime phone number in case we need more information: 761-2030.
- Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
YES ☐ NO ☒ IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT
- Will anyone share in the profits who is not a licensee? YES ☐ NO ☒
If yes, please give name(s) and explain: _____
- Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?
YES ☐ NO ☒ IF YES, EXPLAIN: _____
- REPORT BELOW THE AVERAGE MONTHLY SALES FIGURES TO THE NEAREST DOLLAR FOR 12 MONTH PERIOD ENDING 09-30-93.

A. AVERAGE MONTHLY ALCOHOLIC BEVERAGE SALES (INCLUDE BEER, WINE & DISTILLED SPIRITS):	\$ <u>12569</u>	Remember: Round to the NEAREST DOLLAR.
B. AVERAGE MONTHLY FOOD SALES:	\$ <u>14681</u>	Example: \$36,472.55 (Actual)
C. AVERAGE MONTHLY TOTAL SALES (ADD A+B):	= \$ <u>27250</u>	
D. PERCENT OF FOOD TO TOTAL SALES (DIVIDE B BY C):	<u>53.88</u> %	\$36,473.00 (Rounded)

RENEWAL FEE / SERVER EDUCATION STUDENT FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$402.60 MADE PAYABLE TO "OLCC"

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-13-93, indicated by a legible postmark, there is no late charge. From 12-13-93 to 12-31-93, you will have to pay a late fee of \$100.00. After 12-31-93, the late fee is \$160.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED ☒ REFUSED ☐
DATE OF ENDORSEMENT: November 4, 1993

SIGNED: Beverly Stein TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

PRINT YOUR NAME

SIGNATURE

DATE

SOCIAL SECURITY NUMBER

D.O.B.

PRINT YOUR NAME

SIGNATURE

DATE

SOCIAL SECURITY NUMBER

D.O.B.

PRINT YOUR NAME

SIGNATURE

DATE

SOCIAL SECURITY NUMBER

D.O.B.

NOTICE All employees who serve or sell alcoholic beverages MUST have a valid Service Permit.

MEETING DATE NOV 04 1993

AGENDA NO. C-16

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a dispenser Class A/license renewal application for the Drum & Riccardos La Fiesta Restaurant located at 14601 SE Division, Portland, Oregon 97236.

The owners, Richard Miller, Delores Pierce, and Mark Carpenter, have no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Kathleen E. Ferrell, Sgt.

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

1993 OCT 27 AM 9:04
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522 1994

SYMBOL	CLASSIFICATION	FEES	DISTRICT	CITY/COUNTY	DPLRN	CODE
DA	DISPENSER CLASS A SERVER EDUCATION STUDENT FEE	\$400.00 2.60	1	2600	R00042A	A

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

MILLER RICHARD
THE DRUM&RICCARDOS LA FIESTA REST.
14601 SE DIVISION
PORTLAND OR 97236

DA-0036
MILLER RICHARD
R.A.D. INC

PIERCE DELORES
CARPENTER MARK

T

THE DRUM&RICCARDOS LA FIESTA REST.
14601 SE DIVISION
PORTLAND OR 97236

* Is Server Education designee(s), indicated by *T* above, correct? Yes ☒ No ☐

** If no, who is your new designee? _____ SS# _____

1. Please list a daytime phone number in case we need more information: 760-1400.
2. Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
- YES _____ NO X IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____
- | OFFENSE | DATE | CITY/STATE | RESULT |
|---------|------|------------|--------|
|---------|------|------------|--------|

3. Will anyone share in the profits who is not a licensee? YES _____ NO X
If yes, please give name(s) and explain: _____
4. Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?
YES X NO _____ IF YES, EXPLAIN: HAVE COMPLIED WITH ALL OLCC REQUIREMENTS
5. REPORT BELOW THE AVERAGE MONTHLY SALES FIGURES TO THE NEAREST DOLLAR FOR 12 MONTH PERIOD ENDING 09-30-93.
- A. AVERAGE MONTHLY ALCOHOLIC BEVERAGE SALES
(INCLUDE BEER, WINE & DISTILLED SPIRITS): \$ 47,086 Remember: Round to the NEAREST DOLLAR.
- B. AVERAGE MONTHLY FOOD SALES: \$ 22,752 Example: \$36,472.55 (Actual)
- C. AVERAGE MONTHLY TOTAL SALES (ADD A+B): = \$ 69,838
- D. PERCENT OF FOOD TO TOTAL SALES
(DIVIDE B BY C): 33 * \$36,473.00 (Rounded)

RENEWAL FEE / SERVER EDUCATION STUDENT FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$402.60 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-13-93, indicated by a legible postmark, there is no late charge. From 12-13-93 to 12-31-93, you will have to pay a late fee of \$100.00. After 12-31-93, the late fee is \$160.00 .

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED X REFUSED _____
DATE OF ENDORSEMENT: November 4, 1993 .

SIGNED: Beverly Stein TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

RAY LUKICH
PRINT YOUR NAME

Ray Lubich PRES. 10-15-93
SIGNATURE DATE

721-18-9053 10/15/27
SOCIAL SECURITY NUMBER D.O.B.

Richard Carl Miller
PRINT YOUR NAME

Richard C. Miller 10/15/9


SIGNATURE _____ DATE _____

537-32-6264 _____

SOCIAL SECURITY NUMBER D O B _____

DAN TEENY

PRINT YOUR NAME Don Curry ^{SECT.} 10-15-93

SIGNATURE  DATE
67-22-0751 11-15-24

****NOTICE**** All employees who serve or sell alcoholic beverages MUST have a valid Service Permit.

MEETING DATE NOV 04 1993
AGENDA NO. C-1c

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a dispenser Class A/license renewal application for Multnomah Falls Co., Inc. located at Multnomah Falls Lodge, Scenic Hwy. and Columbia Gorge, Bridal Veil, Oregon 97010.

The owners, Multnomah Falls Co., Inc. and Richard Buck have no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Sgt. Kathy Ferrell

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

BOARD OF
COUNTY COMMISSIONERS
1993 OCT 27 AM 9:04
MULTNOMAH COUNTY
OREGON

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522 1994

SYMBOL	CLASSIFICATION	FEES	DISTRICT	CITY/COUNTY	DPLRN	CODE
DA	DISPENSER CLASS A SERVER EDUCATION STUDENT FEE	\$400.00 2.60	1	2600	R08370A	A

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

MULTNOMAH FALLS CO INC

PO BOX 367

TROUTDALE OR

97060

DA-1106

MULTNOMAH FALLS CO INC

BUCK RICHARD

T

MULTNOMAH FALLS LODGE

S/S SCENIC HWY & COLUMBIA GORG

BRIDAL VEIL OR

97010

* Is Server Education designee(s), indicated by *T* above, correct? Yes ☒ No ☐

** If no, who is your new designee? _____ SS# _____.

- Please list a daytime phone number in case we need more information: 503-695-2376.
- Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
YES ☐ NO ☒ IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT
- Will anyone share in the profits who is not a licensee? YES ☒ NO ☐
If yes, please give name(s) and explain: Kyle Smith, Norton Luman, Harold Buck
- Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?
YES ☐ NO ☒ IF YES, EXPLAIN: _____
- REPORT BELOW THE AVERAGE MONTHLY SALES FIGURES TO THE NEAREST DOLLAR FOR 12 MONTH PERIOD ENDING 09-30-93.

A. AVERAGE MONTHLY ALCOHOLIC BEVERAGE SALES (INCLUDE BEER, WINE & DISTILLED SPIRITS):	\$ <u>7,720.00</u>	Remember: Round to the NEAREST DOLLAR.
B. AVERAGE MONTHLY FOOD SALES:	\$ <u>88,769.00</u>	Example: \$36,472.55 (Actual)
C. AVERAGE MONTHLY TOTAL SALES (ADD A+B):	= \$ <u>96,489.00</u>	
D. PERCENT OF FOOD TO TOTAL SALES (DIVIDE B BY C):	<u>92</u> %	\$36,473.00 (Rounded)

RENEWAL FEE / SERVER EDUCATION STUDENT FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$402.60 MADE PAYABLE TO "OLCC"

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-13-93, indicated by a legible postmark, there is no late charge. From 12-13-93 to 12-31-93, you will have to pay a late fee of \$100.00. After 12-31-93, the late fee is \$160.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED ☒ REFUSED ☐
DATE OF ENDORSEMENT: November 4, 1993

SIGNED:

Beverly Stein

TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

RICHARD A. Buck

PRINT YOUR NAME

PRINT YOUR NAME

PRINT YOUR NAME

SIGNATURE

DATE

SIGNATURE

DATE

SIGNATURE

DATE

SOCIAL SECURITY NUMBER D.O.B.

SOCIAL SECURITY NUMBER D.O.B.

SOCIAL SECURITY NUMBER D.O.B.

NOTICE All employees who serve or sell alcoholic beverages MUST have a valid Service Permit.

MEETING DATE NOV 04 1993

AGENDA NO. C-2a

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a dispenser Class B/license renewal application for the Racquet Club located at 1853 SW Highland Road, Portland, Oregon 97221.

The owner, Carol McPherson, has no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Sgt. K. Ferrell

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

1993 OCT 27 AM 9:03
MULTNOMAH COUNTY
OREGON
CLERK OF
COUNTY COMMISSIONERS

MEETING DATE NOV 04 1993
AGENDA NO. C-3 a

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a package store/license renewal application for the Plainview Grocery located at 11800 NW Cornelius Pass Road, Portland, Oregon 97231.

The owner, Steven A. Linden, has no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Sgt. K. Ferrell

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

1993 OCT 27 AM 9:03
CLERK OF
COUNTY COMMISSIONERS
MULTI-NORTH COUNTY
OREGON

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522

1994

SYMBOL	CLASSIFICATION	LICENSE FEE	DISTRICT	CITY/COUNTY	DPLRN	CODE
PS	PACKAGE STORE	\$50.00	1	2600	R00285A	F

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

LINDEN STEVEN A
PLAINVIEW GROCERY
11800 NW CORNELIUS PASS RD
PORTLAND OR

97231

LINDEN STEVEN A

PLAINVIEW GROCERY
11800 NW CORNELIUS PASS RD
PORTLAND OR 97231

1. Please list a daytime phone number in case we need more information: 645-1697.
2. Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
YES _____ NO X IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT

3. Will anyone share in the profits who is not a licensee? YES _____ NO X
If yes, please give name(s) and explain: _____

RENEWAL FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$50.00 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-13-93, indicated by a legible postmark, there is no late charge. From 12-13-93 to 12-31-93, you will have to pay a late fee of \$12.50. After 12-31-93, the late fee is \$20.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED X REFUSED _____

DATE OF ENDORSEMENT: November 4, 1993

SIGNED: Beverly Stein TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

Steven A. Linden

PRINT YOUR NAME

PRINT YOUR NAME

PRINT YOUR NAME

Steven A. Linden 10-12-93

SIGNATURE

DATE

SIGNATURE

DATE

SIGNATURE

DATE

540-52-9329 3-12-47

SOCIAL SECURITY NUMBER

D.O.B.

SOCIAL SECURITY NUMBER D.O.B.

SOCIAL SECURITY NUMBER

D.O.B.

MEETING DATE NOV 04 1993

AGENDA NO. C-36

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a package store/license renewal application for the Fred Meyer, Inc. located at 14700 SE Division, Portland, Oregon 97206.

The owner, Fred Meyer, Inc., attention Genny Anderson, has no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Sgt. K. Ferrell

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1993 OCT 27 AM 9:03

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522

1994

SYMBOL	CLASSIFICATION	LICENSE FEE	DISTRICT	CITY/COUNTY	DPLRN	CODE
PS	PACKAGE STORE	\$50.00	1	2600	R15438A	F

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

FRED MEYER INC
ATTN: GENNY ANDERSON
PO BOX 42121
PORTLAND OR

97242

FRED MEYER INC

FRED MEYER
14700 SE DIVISION
PORTLAND OR

97206

1. Please list a daytime phone number in case we need more information: 797-7134.
2. Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
YES NO X IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT

3. Will anyone share in the profits who is not a licensee? YES NO X
If yes, please give name(s) and explain: _____

RENEWAL FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$50.00 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-13-93, indicated by a legible postmark, there is no late charge. From 12-13-93 to 12-31-93, you will have to pay a late fee of \$12.50. After 12-31-93, the late fee is \$20.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED X REFUSED _____

DATE OF ENDORSEMENT: November 4, 1993

SIGNED: Beverly Stein TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

Thomas R. Hughes
PRINT YOUR NAME
505-54-2088
SIGNATURE
DATE
10/5/93
10/31/44
SOCIAL SECURITY NUMBER D.O.B.

PRINT YOUR NAME
SIGNATURE
DATE
SOCIAL SECURITY NUMBER D.O.B.

PRINT YOUR NAME
SIGNATURE
DATE
SOCIAL SECURITY NUMBER D.O.B.

MEETING DATE NOV 04 1993

AGENDA NO. C-3c

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a package store/license renewal application for the Larson's Marina located at 14444 NW Larson Road, Portland, Oregon 97231.

The owners, Elizabeth and Martin Larson, have no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Sgt. K. Ferrell

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

1993 OCT 27 AM 9:03
MULTNOMAH COUNTY
OREGON
CLERK OF BOARD OF COUNTY COMMISSIONERS

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522

1994

SYMBOL	CLASSIFICATION	LICENSE FEE	DISTRICT	CITY/COUNTY	DPLRN	CODE
PS-P	PACKAGE STORE	\$50.00	1	2600	R16865A	F

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

LARSON ELIZABETH A
 LARSON'S MARINA
 14444 NW LARSON RD
 PORTLAND OR

97231

LARSON ELIZABETH A
 LARSON MARTIN D

LARSON'S MARINA
 14444 NW LARSON RD
 PORTLAND OR

97231

1. Please list a daytime phone number in case we need more information: 286-1223.
2. Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
 YES _____ NO X IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT

3. Will anyone share in the profits who is not a licensee? YES _____ NO X
 If yes, please give name(s) and explain: _____

4. Package Store Licenses with Gas Pumps: Report actual grocery inventory at cost (DO NOT INCLUDE BEER OR WINE), please report figures to the nearest dollar amount.

\$ 2465.00

RENEWAL FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$50.00 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE _____

If the OLCC has your complete renewal application by 12-13-93, indicated by a legible postmark, there is no late charge. From 12-13-93 to 12-31-93, you will have to pay a late fee of \$12.50. After 12-31-93, the late fee is \$20.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED X REFUSED _____

DATE OF ENDORSEMENT: November 4, 1993.SIGNED: Beverly SteinTITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

Elizabeth A. Larson

PRINT YOUR NAME

SIGNATURE

DATE

550-76-1934 10-20-50

SOCIAL SECURITY NUMBER D.O.B.

Martin D. Larson

PRINT YOUR NAME

SIGNATURE

DATE

543-64-2505 2-17-52

SOCIAL SECURITY NUMBER D.O.B.

PRINT YOUR NAME

SIGNATURE

DATE

SOCIAL SECURITY NUMBER

D.O.B.

MEETING DATE NOV 04 1993

AGENDA NO. C-3d

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a package store/license renewal application for Albertson's Food Center #502 located at 1350 NE 122nd Avenue, Portland, Oregon 97230.

The owner, Albertson's, Inc. has met tax requirements, and the Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Sgt. K. Ferrell

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

1993 OCT 27 AM 9:04
MULTNOMAH COUNTY
OREGON
COUNTY CLERK'S OFFICE

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522

1994

SYMBOL	CLASSIFICATION	LICENSE FEE	DISTRICT	CITY/COUNTY	DPLRN	CODE
PS	PACKAGE STORE	\$50.00	1	2600	R00200A	F

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

ALBERTSONS INC
 LICENSE DEPT
 PO BOX 20
 BOISE ID

83726

ALBERTSON'S, INC.

ALBERTSONS FOOD CENTER #502
 1350 NE 122ND AVE
 PORTLAND OR 97230

- Please list a daytime phone number in case we need more information: (208) 385-6200
- Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
 YES _____ NO X IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT

- Will anyone share in the profits who is not a licensee? YES _____ NO X
 If yes, please give name(s) and explain: _____

RENEWAL FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$50.00 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-13-93, indicated by a legible postmark, there is no late charge. From 12-13-93 to 12-31-93, you will have to pay a late fee of \$12.50. After 12-31-93, the late fee is \$20.00 .

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED X REFUSED _____

DATE OF ENDORSEMENT: November 4, 1993.

SIGNED: Beverly Stein TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

WAYLAND WAGGONER

PRINT YOUR NAME

PRINT YOUR NAME

PRINT YOUR NAME

SIGNATURE

DATE

SIGNATURE

DATE

SIGNATURE

DATE

SOCIAL SECURITY NUMBER D.O.B.

SOCIAL SECURITY NUMBER D.O.B.

SOCIAL SECURITY NUMBER D.O.B.

MEETING DATE NOV 04 1993

AGENDA NO. C-3e

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a package store/license renewal application for the Orient Country Store located at 29822 SE Orient Drive, Gresham, Oregon 97080.

The owners, Danny and Kathy Cranford, have no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Sgt. K. Ferrell

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

1993 OCT 27 AM 9:04
MULTI-NOMINAL COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522

1994

SYMBOL	CLASSIFICATION	LICENSE FEE	DISTRICT	CITY/COUNTY	DPLRN	CODE
PS-P	PACKAGE STORE	\$50.00	1	2600	R00297A	F

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

CRANFORD DANNY G
ORIENT COUNTRY STORE
29822 SE ORIENT DR
GRESHAM OR

97080

CRANFORD DANNY G
CRANFORD KATHY A

ORIENT COUNTRY STORE
29822 SE ORIENT DR
GRESHAM OR

97080

1. Please list a daytime phone number in case we need more information: 6633930.
2. Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
YES _____ NO X IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT

3. Will anyone share in the profits who is not a licensee? YES _____ NO X
If yes, please give name(s) and explain: _____
4. Package Store Licenses with Gas Pumps: Report actual grocery inventory at cost (DO NOT INCLUDE BEER OR WINE), please report figures to the nearest dollar amount. \$ 45,000

RENEWAL FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$50.00 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-13-93, indicated by a legible postmark, there is no late charge. From 12-13-93 to 12-31-93, you will have to pay a late fee of \$12.50. After 12-31-93, the late fee is \$20.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED X REFUSED _____

DATE OF ENDORSEMENT: November 4, 1993

SIGNED:

Beverly Stein

TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

Danny G. Cranford
PRINT YOUR NAME

SIGNATURE

DATE

543 64 9728 3-3-52
SOCIAL SECURITY NUMBER D.O.B.

PRINT YOUR NAME

SIGNATURE

DATE

SOCIAL SECURITY NUMBER D.O.B.

PRINT YOUR NAME

SIGNATURE

DATE

SOCIAL SECURITY NUMBER D.O.B.

MEETING DATE NOV 04 1993
AGENDA NO. C-3f

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a package store/license renewal application for the County Food Mart located at 5708 SE 136th, Portland, Oregon 97236.

The owner, Chong Cha Kim, has no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Sgt. K. Ferrell

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

CLERK OF
COUNTY COMMISSIONERS
1993 OCT 27 AM 9:04
MULTI-COUNTY
OREGON

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522

1994

SYMBOL	CLASSIFICATION	LICENSE FEE	DISTRICT	CITY/COUNTY	DPLRN	CODE
PS	PACKAGE STORE	\$50.00	1	2600	R17172A	F

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

KIM CHONG CHA
COUNTRY FOOD MART
5708 SE 136TH
PORTLAND OR

97236

KIM CHONG CHA

COUNTRY FOOD MART
5708 SE 136TH
PORTLAND OR

97236

- Please list a daytime phone number in case we need more information: 761-5265.
- Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
YES _____ NO ☒ IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT

- Will anyone share in the profits who is not a licensee? YES _____ NO ☒
If yes, please give name(s) and explain: _____

RENEWAL FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$50.00 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-13-93, indicated by a legible postmark, there is no late charge. From 12-13-93 to 12-31-93, you will have to pay a late fee of \$12.50. After 12-31-93, the late fee is \$20.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED ☒ REFUSED _____

DATE OF ENDORSEMENT: November 4, 1993

SIGNED: Beverly Stein TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

Kim, Chong Cha
PRINT YOUR NAME

Chong Cha
SIGNATURE

DATE

542-02-4971 8/15/52

SOCIAL SECURITY NUMBER

D.O.B.

PRINT YOUR NAME

SIGNATURE

DATE

SOCIAL SECURITY NUMBER D.O.B.

PRINT YOUR NAME

SIGNATURE

DATE

SOCIAL SECURITY NUMBER

D.O.B.

MEETING DATE NOV 04 1993

AGENDA NO. C-3g

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a package store/license renewal application for K. S. Food Market located at 15231 SE Division, Portland, Oregon 97236.

The owners, Heung-Shik Hahm and Nan Su Hahm, have no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Sgt. K. Ferrell

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

1993 OCT 21 AM 9:04
MULTI-COUNTY
OREGON
CLERK OF SUPERIOR COURT

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522

1994

SYMBOL	CLASSIFICATION	LICENSE FEE	DISTRICT	CITY/COUNTY	DPLRN	CODE
PS	PACKAGE STORE	\$50.00	1	2600	R17804A	F

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

HAHM HEUNG-SHIK
K.S. FOOD MARKET
15231 SE DIVISION
PORTLAND OR

97236

HAHM HEUNG-SHIK
HAHM NAN SU

K.S. FOOD MARKET
15231 SE DIVISION
PORTLAND OR

97236

1. Please list a daytime phone number in case we need more information: 760-5035
2. Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
YES _____ NO ☒ IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____
- | OFFENSE | DATE | CITY/STATE | RESULT |
|---------|------|------------|--------|
| | | | |
3. Will anyone share in the profits who is not a licensee? YES _____ NO ☒
If yes, please give name(s) and explain: _____

RENEWAL FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$50.00 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-13-93, indicated by a legible postmark, there is no late charge. From 12-13-93 to 12-31-93, you will have to pay a late fee of \$12.50. After 12-31-93, the late fee is \$20.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED ☒ REFUSED _____

DATE OF ENDORSEMENT: November 4, 1993

SIGNED: Beverly Stein TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

HEUNG SHIK HAHM		NANSU HAHM	
PRINT YOUR NAME		PRINT YOUR NAME	
<u>HA</u>	<u>10-7-93</u>	<u>Nansu Hahm</u>	<u>10-7-93</u>
SIGNATURE	DATE	SIGNATURE	DATE
<u>623-10-3320</u>	<u>11-20-46</u>	<u>623-10-4663</u>	<u>10-15-52</u>
SOCIAL SECURITY NUMBER	D.O.B.	SOCIAL SECURITY NUMBER	D.O.B.

MEETING DATE NOV 04 1993

AGENDA NO. C-3h

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a package store/license renewal application for the Mini Mart Express located at 16437 SE Powell, Portland, Oregon 97236.

The owner, Young Ja Lee, has no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Sgt. Kathy Ferrell

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

1993 OCT 27 AM 9:04
CLERK OF BOARD OF
COUNTY COMMISSIONERS
MULTI-COUNTY
OREGON

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522

1994

SYMBOL	CLASSIFICATION	LICENSE FEE	DISTRICT	CITY/COUNTY	DPLRN	CODE
PS	PACKAGE STORE	\$50.00	1	2600	R00333A	F

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

LEE YOUNG JA
MINI MART EXPRESS
16437 SE POWELL
PORTLAND OR

97236

LEE YOUNG JA

MINI MART EXPRESS
16437 SE POWELL
PORTLAND OR

97236

1. Please list a daytime phone number in case we need more information: 661-0655.
2. Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
YES NO ☒ IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT

3. Will anyone share in the profits who is not a licensee? YES NO ☒
If yes, please give name(s) and explain: _____

RENEWAL FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$50.00 MADE PAYABLE TO "OLCC"

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-13-93, indicated by a legible postmark, there is no late charge. From 12-13-93 to 12-31-93, you will have to pay a late fee of \$12.50. After 12-31-93, the late fee is \$20.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED X REFUSED _____

DATE OF ENDORSEMENT: November 4, 1993

SIGNED: Beverly Stein TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

YOUNG JA LEE

PRINT YOUR NAME

PRINT YOUR NAME

PRINT YOUR NAME

SIGNATURE

DATE

SIGNATURE

DATE

SIGNATURE

DATE

542-98-8754

SOCIAL SECURITY NUMBER

D.O.B.

SOCIAL SECURITY NUMBER D.O.B.

SOCIAL SECURITY NUMBER

D.O.B.

MEETING DATE NOV 04 1993

AGENDA NO. C-42

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a retail malt beverage/license renewal application for the Powellhurst Tavern located at 12344 SE Powell Blvd., Portland, Oregon 97236.

The owners, Franklyn and Mary Williams, have no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Sgt. K. Ferrell

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

1993 OCT 27 AM 9:03
CLERK OF BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON

421-201
CCH

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522 1994

SYMBOL	CLASSIFICATION	FEES	DISTRICT	CITY/COUNTY	DPLRN	CODE
RMB	RETAIL MALT BEVERAGE SERVER EDUCATION STUDENT FEE	\$200.00 2.60	1	2600	R00274A	C

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

POWELHURST TAVERN INC
844 SE 144TH
PORTLAND OR

97233

POWELHURST TAVERN INC
WILLIAMS FRANKLYN

T

POWELHURST TAVERN
12344 SE POWELL BLVD
PORTLAND OR 97236

* Is Server Education designee(s), indicated by *T* above, correct? Yes ☒ No ☐

** If no, who is your new designee? _____ SS# _____.

- Please list a daytime phone number in case we need more information: 760-4137.
- Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
YES ☐ NO ☒ IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT
---------	------	------------	--------
- Will anyone share in the profits who is not a licensee? YES ☐ NO ☒
If yes, please give name(s) and explain: _____
- Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?
YES ☐ NO ☒ IF YES, EXPLAIN: _____

RENEWAL FEE / SERVER EDUCATION STUDENT FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$202.60 MADE PAYABLE TO "OLCC"

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-13-93, indicated by a legible postmark, there is no late charge. From 12-13-93 to 12-31-93, you will have to pay a late fee of \$50.00. After 12-31-93, the late fee is \$80.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED ☒ REFUSED ☐
DATE OF ENDORSEMENT: November 4, 1993

SIGNED: Beverly Stein TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

Franklyn S. Williams
PRINT YOUR NAME

Mary M. Williams
PRINT YOUR NAME

PRINT YOUR NAME

Franklyn S. Williams 10-2-93
SIGNATURE DATE

Mary M. Williams 10-13-93
SIGNATURE DATE

SIGNATURE DATE

540-40-4193 7-1-98
SOCIAL SECURITY NUMBER D.O.B.

323-32-1329 9/6/98
SOCIAL SECURITY NUMBER D.O.B.

SOCIAL SECURITY NUMBER D.O.B.

NOTICE All employees who serve or sell alcoholic beverages MUST have a valid Service Permit.

MEETING DATE NOV 04 1993

AGENDA NO. C-46

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a retail malt beverage/license renewal application for the Pleasant Home Saloon located at 31637 SE Dodge Park Blvd., Gresham, Oregon 97030.

The owner, Clifford W. Loftin, has no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Sgt. K. Ferrell

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

CLERK OF
COUNTY COMMISSIONERS
1993 OCT 27 AM 9:03
MULTNOMAH COUNTY
OREGON

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522 1994

SYMBOL	CLASSIFICATION	FEES	DISTRICT	CITY/COUNTY	DPLRN	CODE
RMB	RETAIL MALT BEVERAGE SERVER EDUCATION STUDENT FEE	\$200.00 2.60	1	2600	R14183A	C

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

CW LOFTIN INC
PLEASANT HOME SALOON
31637 SE DODGE PARK BLVD
GRESHAM OR 97030

CW LOFTIN INC
LOFTIN CLIFFORD *T*

PLEASANT HOME SALOON
31637 SE DODGE PARK BLVD
GRESHAM OR 97030

Is Server Education designee(s), indicated by *T* above, correct? Yes ☒ No ☐

* If no, who is your new designee? _____ SS# _____

Please list a daytime phone number in case we need more information: 663-2626

Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).

YES ☒ NO ☐ IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): Clifford W. Loftin

OFFENSE	DATE	CITY/STATE	RESULT
<u>Speedy</u>	<u>4/20/93</u>	<u>Oregon</u>	<u>Guilty</u>

Will anyone share in the profits who is not a licensee? YES ☐ NO ☒

If yes, please give name(s) and explain: _____

Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?

YES ☐ NO ☒ IF YES, EXPLAIN: _____

RENEWAL FEE / SERVER EDUCATION STUDENT FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$202.60 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-13-93, indicated by a legible postmark, there is no late charge. From 12-13-93 to 12-31-93, you will have to pay a late fee of \$50.00. After 12-31-93, the late fee is \$80.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED ☒ REFUSED ☐

DATE OF ENDORSEMENT: November 4, 1993

SIGNED: Beverly Stein TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

Clifford W. Loftin

PRINT YOUR NAME

PRINT YOUR NAME

PRINT YOUR NAME

Clifford W. Loftin 10/13/93

SIGNATURE

DATE

SIGNATURE

DATE

SIGNATURE

DATE

543-42-2650 4/21/93

SOCIAL SECURITY NUMBER

D.O.B.

SOCIAL SECURITY NUMBER D.O.B.

SOCIAL SECURITY NUMBER

D.O.B.

NOTICE All employees who serve or sell alcoholic beverages MUST have a valid Service Permit.

MEETING DATE NOV 04 1993

AGENDA NO. C-4c

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a retail malt beverage/license renewal application for the Four Aces located at 15826 SE Division, Portland, Oregon.

The owner, Robert L. Studwell, has no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Sgt. K. Ferrell

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

BOARD OF
COUNTY COMMISSIONERS
MULNOMAH COUNTY
OREGON
1993 OCT 27 AM 9:04

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522 1994

SYMBOL	CLASSIFICATION	FEES	DISTRICT	CITY/COUNTY	DPLRN	CODE
RMB	RETAIL MALT BEVERAGE SERVER EDUCATION STUDENT FEE	\$200.00 2.60	1	2600	R00204A	C

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

STUDWELL ROBERT L
4 ACES
15826 SE DIVISION
PORTLAND OR

97236

STUDWELL ROBERT L

4 ACES
15826 SE DIVISION
PORTLAND OR

97236

- Please list a daytime phone number in case we need more information: 762-1207.
- Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
YES ☐ NO ☒ IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S):

OFFENSE	DATE	CITY/STATE	RESULT
- Will anyone share in the profits who is not a licensee? YES ☐ NO ☒
If yes, please give name(s) and explain:
- Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?
YES ☐ NO ☒ IF YES, EXPLAIN:

RENEWAL FEE / SERVER EDUCATION STUDENT FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$202.60 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-13-93, indicated by a legible postmark, there is no late charge. From 12-13-93 to 12-31-93, you will have to pay a late fee of \$50.00. After 12-31-93, the late fee is \$80.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED ☒ REFUSED ☐
DATE OF ENDORSEMENT: November 4, 1993

SIGNED: Beverly Stein TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

ROBERT L. STUDWELL

PRINT YOUR NAME

PRINT YOUR NAME

PRINT YOUR NAME

SIGNATURE

DATE

SIGNATURE

DATE

SIGNATURE

DATE

543.46-2424

2-14-92

SOCIAL SECURITY NUMBER

D.O.B.

SOCIAL SECURITY NUMBER D.O.B.

SOCIAL SECURITY NUMBER

D.O.B.

****NOTICE**** All employees who serve or sell alcoholic beverages MUST have a valid Service Permit.

MEETING DATE NOV 04 1993

AGENDA NO. C-4d

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a retail malt beverage/license renewal application for Club 122 located at 12131 SE Holgate, Portland, Oregon 97266.

The owners, SKC Investments, Inc. and Wesley Carter have no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Sgt. K. Ferrell

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

BOARD OF
COUNTY COMMISSIONERS
1993 OCT 27 AM 9:04
MULTNOMAH COUNTY
OREGON

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522 1994

SYMBOL	CLASSIFICATION	FEES	DISTRICT	CITY/COUNTY	DPLRN	CODE
RMB	RETAIL MALT BEVERAGE SERVER EDUCATION STUDENT FEE	\$200.00 2.60	1	2600	R00244A	C

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

SKC INVESTMENTS INC
9939 SE STARK
PORTLAND OR

97216

SKC INVESTMENTS INC

CARTER WESLEY

T

CLUB 122
12131 SE HOLGATE
PORTLAND OR

97266

* Is Server Education designee(s), indicated by *T* above, correct? Yes ☒ No ☐

** If no, who is your new designee? _____ SS# _____.

- Please list a daytime phone number in case we need more information: _____.
- Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
YES ☐ NO ☒ IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT
- Will anyone share in the profits who is not a licensee? YES ☐ NO ☒
If yes, please give name(s) and explain: _____
- Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?
YES ☐ NO ☒ IF YES, EXPLAIN: _____

RENEWAL FEE / SERVER EDUCATION STUDENT FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$202.60 MADE PAYABLE TO "OLCC"

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-13-93, indicated by a legible postmark, there is no late charge. From 12-13-93 to 12-31-93, you will have to pay a late fee of \$50.00. After 12-31-93, the late fee is \$80.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED ☒ REFUSED ☐
DATE OF ENDORSEMENT: November 4, 1993

SIGNED: Beverly Stein TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

Wes Carter
PRINT YOUR NAME

Wes Carter 10-7-93
SIGNATURE DATE

516-28-4064 12-24-28
SOCIAL SECURITY NUMBER D.O.B.

MITCHELL STANLEY
PRINT YOUR NAME

Mitchell Stanley 10-7-93
SIGNATURE DATE

540-50-7071 6-16-44
SOCIAL SECURITY NUMBER D.O.B.

MARTIN V. KNEIP
PRINT YOUR NAME

Mart V. Kneip
SIGNATURE DATE

544-64-1925 2-9-49
SOCIAL SECURITY NUMBER D.O.B.

***NOTICE** All employees who serve or sell alcoholic beverages MUST have a valid Service Permit.

MEETING DATE NOV 04 1993

AGENDA NO. C-4e

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a retail malt beverage/license renewal application for the Club Genesis located at 13639 SE Powell, Portland, Oregon 97236.

The owner, Evelyn Webb has no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Sgt. K. Ferrell

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

1993 OCT 27 AM 9:04
MULTNOMAH COUNTY
OREGON
CLERK OF COUNTY COMMISSIONERS

cc# ok

LICENSE RENEWAL APPLICATION



OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522 1994

SYMBOL	CLASSIFICATION	FEES	DISTRICT	CITY/COUNTY	DPLRN	CODE
RMB	RETAIL MALT BEVERAGE SERVER EDUCATION STUDENT FEE	\$200.00 2.60	1	2600	R12000A	C

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

WEBB'S ROYAL TAP ENTERPRISES INC
CLUB GENESIS
13639 SE POWELL
PORTLAND OR

97236

WEBB'S ROYAL TAP ENTERPRISES INC

WEBB EVELYN

T

CLUB GENESIS
13639 SE POWELL
PORTLAND OR

97236

* Is Server Education designee(s), indicated by *T* above, correct? Yes ☒ No ☐

** If no, who is your new designee? _____ SS# _____

- Please list a daytime phone number in case we need more information: 760 8128
- Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
YES ☐ NO ☒ IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT
---------	------	------------	--------
- Will anyone share in the profits who is not a licensee? YES ☐ NO ☒
If yes, please give name(s) and explain: _____
- Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?
YES ☐ NO ☒ IF YES, EXPLAIN: _____

RENEWAL FEE / SERVER EDUCATION STUDENT FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$202.60 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-13-93, indicated by a legible postmark, there is no late charge. From 12-13-93 to 12-31-93, you will have to pay a late fee of \$50.00. After 12-31-93, the late fee is \$80.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED ☒ REFUSED ☐
DATE OF ENDORSEMENT: November 4, 1993

SIGNED: Beverly Stein TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

EVELYN J. WEBB
PRINT YOUR NAME

Evelyn J. Webb
SIGNATURE

DATE

543-30-7631 1-2-92
SOCIAL SECURITY NUMBER D.O.B.

THOMAS H. WEBB
PRINT YOUR NAME

Thomas H Webb 10-8-93
SIGNATURE

DATE

543-30-5711 2/11/29
SOCIAL SECURITY NUMBER D.O.B.

PRINT YOUR NAME

SIGNATURE

DATE

SOCIAL SECURITY NUMBER D.O.B.

NOTICE All employees who serve or sell alcoholic beverages MUST have a valid Service Permit.

MEETING DATE NOV 04 1993
AGENDA NO. C-4P

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a retail malt beverage/license renewal application for the Daily Double Tavern located at 1607 NE 162nd, Portland, Oregon 97230.

The owners, Harry and Pat's Tavern, Inc. and Patricia L. Dreves, have no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Sgt. K. Ferrell

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

BOARD OF
COUNTY COMMISSIONERS
CLATSOP COUNTY
OREGON
OCT 27 AM 9:04

425-201
201/10

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522 1994

SYMBOL	CLASSIFICATION	FEES	DISTRICT	CITY/COUNTY	DPLRN	CODE
RMB	RETAIL MALT BEVERAGE SERVER EDUCATION STUDENT FEE	\$200.00 2.60	1	2617	R00226A	C

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

HARRY & PAT'S TAVERN INC
DAILY DOUBLE TAVERN
1607 NE 162ND
PORTLAND OR

97230

HARRY & PAT'S TAVERN INC

DREVES PATRICIA L

T

DAILY DOUBLE TAVERN
1607 NE 162ND
PORTLAND OR

97230

* Is Server Education designee(s), indicated by *T* above, correct? Yes ☒ No ☐

** If no, who is your new designee? _____ SS# _____

- Please list a daytime phone number in case we need more information: 254 9939
- Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
YES ☐ NO ☒ IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT
---------	------	------------	--------
- Will anyone share in the profits who is not a licensee? YES ☐ NO ☒
If yes, please give name(s) and explain: _____
- Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?
YES ☐ NO ☐ IF YES, EXPLAIN: _____

RENEWAL FEE / SERVER EDUCATION STUDENT FEE

DO NOT MAIL CASH ENCLOSE A CHECK OR MONEY ORDER FOR \$202.60 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-13-93, indicated by a legible postmark, there is no late charge. From 12-13-93 to 12-31-93, you will have to pay a late fee of \$50.00. After 12-31-93, the late fee is \$80.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED ☒ REFUSED ☐
DATE OF ENDORSEMENT: November 4, 1993

SIGNED: Beverly Stein TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

PATRICIA L DREVES

PRINT YOUR NAME

PRINT YOUR NAME

PRINT YOUR NAME

Patricia L Dreves 10 1193

SIGNATURE

DATE

SIGNATURE

DATE

SIGNATURE

DATE

036265337 11-7-1940

SOCIAL SECURITY NUMBER

D.O.B.

SOCIAL SECURITY NUMBER D.O.B.

SOCIAL SECURITY NUMBER

D.O.B.

NOTICE All employees who serve or sell alcoholic beverages MUST have a valid Service Permit.

MEETING DATE NOV 04 1993

AGENDA NO. C-4g

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC Application

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2416

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Ferrell

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Attached is a retail malt beverage/license renewal application for Hagars at Viking Park located at 29311 Stark Street, Troutdale, Oregon 97060.

The owner, Kurt A. Jenson, has no appreciable criminal history, and tax requirements have been met. The Sheriff's Office recommends approval.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Kathleen E. Ferrell, Sgt.

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

CLERK OF
COUNTY COMMISSIONERS
1993 OCT 27 AM 9:04
MULTI-COUNTY
OREGON

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522 1994

SYMBOL	CLASSIFICATION	FEES	DISTRICT	CITY/COUNTY	DPLRN	CODE
RMB	RETAIL MALT BEVERAGE SERVER EDUCATION STUDENT FEE	\$200.00 2.60	1	2600	R10437A	C

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1993.

JENSON KURT A
HAGARS AT VIKING PARK
29311 STARK STREET
TROUTDALE OR

97060

JENSON KURT A

HAGARS AT VIKING PARK
29311 STARK STREET
TROUTDALE OR

97060

- Please list a daytime phone number in case we need more information: 667-9494.
- Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
YES ☐ NO ☒ IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S):

OFFENSE	DATE	CITY/STATE	RESULT
---------	------	------------	--------
- Will anyone share in the profits who is not a licensee? YES ☐ NO ☒
If yes, please give name(s) and explain: _____
- Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?
YES ☐ NO ☒ IF YES, EXPLAIN: _____

RENEWAL FEE / SERVER EDUCATION STUDENT FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$202.60 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE

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ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED ☒ REFUSED ☐
DATE OF ENDORSEMENT: November 4, 1993.

SIGNED: Beverly Stein TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

Kurt A. Jenson

PRINT YOUR NAME

[Signature]

SIGNATURE

DATE

10/12/93

295-66-7848

SOCIAL SECURITY NUMBER

D.O.B.

12/9/59

PRINT YOUR NAME

SIGNATURE

DATE

PRINT YOUR NAME

SIGNATURE

DATE

SOCIAL SECURITY NUMBER

D.O.B.

****NOTICE** All employees who serve or sell alcoholic beverages MUST have a valid Service Permit.**

MEETING DATE: NOV 04 1993

AGENDA NO: C-5

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: APPOINTMENT

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: October 28, 1993

Amount of Time Needed: Consent Agenda

DEPARTMENT: Nondepartmental DIVISION: Chair's Office

CONTACT: Delma Farrell TELEPHONE #: 3953
BLDG/ROOM #: 106/1410

PERSON(S) MAKING PRESENTATION: _____

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Appointment of George StandingElk to Portland Multnomah Commission on Aging, Representative to Disabled Community

For a term ending July, 1996

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Stein

OR

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63

6/93

BOARD OF
COUNTY COMMUNITY DEVELOPMENT
1993 OCT 26 AM 10:41
MULTNOMAH COUNTY
OREGON

M.E. 93/94

A P P L I C A T I O N

for Membership on the

PORTLAND/MULTNOMAH COMMISSION ON AGING (PMCoA)

for BOTH Commission and Committee Positions

1. Name GEORGE STANDINGEIK
 Address 4207 N.E. SUMNER (Zip) 97218
 Phone (Home) (503) 331-1464 (Work) VOLUNTEER

2. Education: Please indicate highest level completed.
 High School 12 College (Undergraduate) _____
 Other _____ College (Post-Graduate) _____

3. Employment Status:
 Employed Full Time _____ Retired _____
 Part Time _____ Not Employed _____

4. Current or past place of employment:

Organization/Address	Dates	Responsibilities
<u>Air Force</u>	<u>Korean War</u>	<u>Aircraft Mechanic</u>
<u>Spinnills, ranches</u>		<u>Odd jobs</u>

5. Current and past volunteer/civic activities:

Organization/Address	Dates	Responsibilities
<u>N/A</u>		
<u>New Indian Veterans Assn</u>		<u>President</u>
<u>Disabled Veterans</u>		
<u>Impact Adv. Com</u>		<u>Member</u>

6. Why do you want to serve on the Commission/Committee?
TO HAVE AN AMERICAN INDIAN A BETTER RECOGNITION AS
ANOTHER HUMAN BEING IN AND AROUND PORTLAND AREA

7. What are your specific areas of interest?

☒ Health ☐ Nursing Homes ☐ Community Services ☐ Medicare
☐ Media ☒ Transportation ☒ Social Security ☐ Employment
☒ Housing ☐ Nutrition ☒ Elder Abuse ☐ Mental Health
☐ Other (Please Specify) _____

8. I am interested in serving as a: Commission Member ☒
Committee Member ☒ COMMITTEE MEMBER
* Voting ☒ Non Voting ☐

a. What PMCoA Committee are you interested in serving on?

☒ Health & Safety ☐ Long-Term Care Ombudsman
☒ Minority ☐ Area Agency on Aging ☒ Senior Center Task Force

9. Give two references:

Name	Address	Phone	Relationship
Ruth Jensen			
Brother Bethelham	AIAP	249-0296	Friends/Co-workers
Phyllis Stevens	OR State Employ	669-0734	Friend

THIS SECTION IS VOLUNTARY AND WILL REMAIN CONFIDENTIAL

Since our bylaws require representation from certain categories of individuals we request your assistance in supplying this information.

Are you over 60? YES Under 60? ☐ Are you low-income? Yes ☒ No ☐

Do you have a disability? Yes ☒ No ☐

Ethnic origin: ☐ Black ☒ ^{AMERICAN INDIAN} Native American ☐ Hispanic
☐ Asian ☐ White ☐ Other

All Commission members must live in Portland or Multnomah County.

*The following persons shall be ineligible for membership on the PMCoA: Board members, paid professionals, or individuals with ownership interest in agencies who contract with/or receive substantial funds or benefit personally from the Area Agency on Aging (OAA, XIX, SSBG, OPI, etc.), County Dept. of Human Services, City Human Resources Bureau, State Dept. of Human Resources or Senior Service Division.

Those ineligible for membership due to conflict of interest may serve on committees in a non-voting status.

Signature George Stankiewicz Date 6-11-93

Return completed application to: Portland/Multnomah Commission on Aging, 1120 SW 5th Avenue, Room 518, Portland, OR 97204, PHONE 796-5269.

7. What are your specific areas of interest?

☒ Health ☐ Nursing Homes ☐ Community Services ☐ Medicare
☐ Media ☒ Transportation ☒ Social Security ☐ Employment
☒ Housing ☐ Nutrition ☒ Elder Abuse ☐ Mental Health
☐ Other (Please Specify) _____

8. I am interested in serving as a: Commission Member ☒
Committee Member COMMITTEE MEMBER
* Voting ☒ Non Voting ☐

a. What PMCoA Committee are you interested in serving on?

☒ Health & Safety ☐ Long-Term Care Ombudsman
☒ Minority ☐ Area Agency on Aging ☒ Senior Center Task Force

9. Give two references:

Name	Address	Phone	Relationship
Ruth Jensen			
Brother Bethel	AIAP	249-0286	Friends/CO
Phyllis Stevens	OR State Employ	669-0734	Friend

THIS SECTION IS VOLUNTARY AND WILL REMAIN CONFIDENTIAL

Since our bylaws require representation from certain categories of individuals we request your assistance in supplying this information.

Are you over 60? YES Under 60? ☐ Are you low-income? Yes ☒ No ☐

Do you have a disability? Yes ☒ No ☐

Ethnic origin: ☐ Black ☒ ^{AMERICAN INDIAN} Native American ☐ Hispanic
☐ Asian ☐ White ☐ Other

All Commission members must live in Portland or Multnomah County.

*The following persons shall be ineligible for membership on the PMCoA: Board members, paid professionals, or individuals with ownership interest in agencies who contract with/or receive substantial funds or benefit personally from the Area Agency on Aging (OAA, XIX, SSBG, OPI, etc.), County Dept. of Human Services, City Human Resources Bureau, State Dept. of Human Resources or Senior Service Division.

Those ineligible for membership due to conflict of interest may serve on committees in a non-voting status.

Signature George Standring Date 6-11-93

Return completed application to: Portland/Multnomah Commission on Aging, 1120 SW 5th Avenue, Room 518, Portland, OR 97204, PHONE 796-5269.

MEETING DATE: NOV 04 1993

AGENDA NO: C-6

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Intergovernmental Agreement | Metro Arts Commission

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: ~~XXXXXXXXXX~~

DEPARTMENT: Nondepartmental DIVISION: County Chair's Office

CONTACT: Bill Bulick TELEPHONE #: 3955 823-5405

BLDG/ROOM #: 106/1410

PERSON(S) MAKING PRESENTATION: Maria Rojo de Steffey Bill Bulick

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Amendment No. 4 to Intergovernmental Agreement between City of Portland and Multnomah County regarding operation of Metro Arts Commission

Amendment No. 4 includes reference to eventual regionalization of services

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Stein

OR

DEPARTMENT MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
1993 OCT 26 AM 10:40
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63 Sent Originals to Selma Farrell on
11-5-93.

**CONTRACT APPROVAL FORM**

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 500214

Amendment # _____

CLASS I <input type="checkbox"/> Professional Services under \$25,000	CLASS II <input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	CLASS III <input checked="" type="checkbox"/> Intergovernmental Agreement APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>C-6</u> DATE <u>11/4/93</u> <u>Carrie A. Parkerson</u> BOARD CLERK
---	---	---

Department Nondepartmental Division County Chair Date 9-9-93

Contract Originator _____ Phone _____ Bldg/Room _____

Administrative Contact Delma Farrell Phone 248-3953 Bldg/Room 106/1410Description of Contract Amendment No. 4 to agreement between City of Portland and Multnomah County regarding operation of the Metro Arts Commission including reference to eventual regionalization of service

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ QRF

Contractor Name METROPOLITAN ARTS COMMISSION
City of Portland
 Mailing Address 1220 SW 5th, Room 202
Portland, Oregon 97204
 Phone (503) 823-4082
 Employer ID# or SS# _____
 Effective Date upon execution
 Termination Date perpetual
 Original Contract Amount \$ 0
 Total Amount of Previous Amendments \$ _____
 Amount of Amendment \$ _____
 Total Amount of Agreement \$ _____

Remittance Address _____
(If Different) _____

Payment Schedule	Terms
<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on receipt
<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other _____
<input type="checkbox"/> Requirements contract - Requisition required.	

Purchase Order No. _____

☐ Requirements Not to Exceed \$ _____**REQUIRED SIGNATURES:**Department Manager Beverly SteenPurchasing Director
(Class II Contracts Only) John L. DeBryCounty Counsel Marilyn Stein

County Chair / Sheriff _____

Contract Administration
(Class I, Class II Contracts Only) _____Encumber: Yes ☐ No ☐Date 10/18/93

Date _____

Date 10/18/93Date 11/4/93

Date _____

VENDOR CODE				VENDOR NAME					TOTAL AMOUNT \$		
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND
01.											
02.											
03.											
* If additional space is needed, attach separate page. Write contract # on top of page.											

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION

CANARY - INITIATION

PINK - FINANCE

AMENDMENT NO. 4 OF THE
AGREEMENT FOR ESTABLISHMENT OF A
CITY-COUNTY ARTS COMMISSION

THIS AGREEMENT is between the City of Portland, Oregon, and Multnomah County, Oregon.

WHEREAS, the CITY OF PORTLAND, a municipal corporation of the State of Oregon (City) and MULTNOMAH COUNTY, a political subdivision of the State of Oregon (County) have determined through the City Council and the County Board of Commissioners respectively that a special program should be established to augment cultural, educational, entertainment and recreational benefits available to and used by citizens of Portland, Multnomah, Clackamas and Washington Counties, and Clark County, Washington; and,

WHEREAS, the goals and objectives to be achieved by the Metropolitan Arts Commission established by Chapter 3.120 of the Code of the City will be furthered by a joint City-County effort, and,

WHEREAS, establishment of a City-County Arts Commission will promote and encourage programs to further the development and public awareness of and interest in the visual and performing arts, and will further promote the public welfare; and,

WHEREAS, the City and County have each adopted Arts Plan 2000 Plus and its goals of region-wide access, coordination, support and planning for the arts and Arts Plan's recommendation

that the Metropolitan Arts Commission is to be expanded into a regional coordinating body; and,

WHEREAS, the City and County will benefit from an expanded role for the arts in Clackamas, Washington and Clark Counties and agree that representation from those counties is a transitional step toward implementation of Arts Plan.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

I. City and County agree that there is hereby established the City-County Metropolitan Arts Commission hereinafter referred to as "Commission."

II. City and County agree to maintain the Commission for the purposes set forth as follows:

A. To conduct studies, hearings and investigations to determine the needs of the region in the arts and to provide leadership to activities of agencies and organizations having responsibility for services to and presentations of the arts;

B. To promote and encourage public programs to further the development and public awareness of, and interest in, the visual and performing arts;

C. To act in an advisory capacity in connection with the artistic and cultural development of the region.

D. To prepare, publish and disseminate educational and other materials dealing with the arts;

E. To work with local, regional, state and federal governmental agencies and with public and/or private groups

and foundations to secure contributions and grants to finance programs for the arts; to gather and consolidate information relating to the arts, and report to the City and county periodically on its findings;

F. To recommend changes in legislation in local laws and policies needed to promote the aesthetic and cultural development of the region; and,

G. To serve Clackamas, Washington and Clark Counties in the implementation of Arts Plan 2000 Plus (February 1992) to strengthen the organization, planning and development of the region-wide arts industry toward broad regional goals of access, education, economic development and quality of life, and to enter into contracts for grants and services in those jurisdictions.

III. The Commission shall consist of twenty-one members, exclusive of ex-officio members, to be appointed by the Mayor of the City and the County Executive. Each member shall hold a position designated by a number from one through twenty-one. The County Executive shall appoint members to fill positions one through six and the Mayor shall appoint members to fill positions seven through sixteen. Appointments numbered seventeen through twenty-one shall be made from nominations developed and submitted by the Commission and Washington, Clackamas and Clark Counties. Selections numbered seventeen through twenty-one shall be composed of two members from Clackamas County (numbers seventeen and eighteen), two members from Washington County (numbers

nineteen and twenty), and one member from Clark County (number twenty-one). The Commission shall review these appointments with Metro.

IV. Members shall serve for a term of two years, or portion thereof if appointed to fill an unexpired term, or until expiration of the term of the position to which they are appointed. Members who are filling an unexpired term of less than one year are eligible for two full subsequent terms. Terms of all positions shall begin on July 1 and end on June 30, both dates inclusive. Positions numbered 1, 3, 5, 7, 9, 11, 13, 15, 17, 19 and 21 shall begin and end in odd numbered years and positions numbered 2, 4, 6, 8, 10, 12, 14, 16, 18 and 20 shall begin and end in even numbered years.

V. Any member may be removed by the appointing authority and may discontinue membership by resignation. If any position becomes vacant, the authority responsible for filling such position shall appoint a member to serve the balance of the unexpired term.

VI. Members appointed to the Commission shall serve without compensation except that they may be reimbursed for reasonable expenses incurred in performance of duties.

VII. To carry out its functions and to otherwise administer its affairs, the Commission shall have the power to:

- A. Publicize its reports and recommendations;
- B. Establish technical study and advisory committees;

C. Employ administrative, technical and clerical assistance;

D. Provide or conduct in cooperation with other appropriate divisions of local government, clinics, educational programs, surveys, and facilities found by the Commission to be beneficial to the purposes set forth herein;

E. Seek and accept contributions and grants-in-aid;

F. Incur indebtedness and enter into contracts within the limits of its approved annual budget or incur such indebtedness and enter into such contracts as may be specifically authorized by the City Council and County Board of Commissioners;

G. Acquire and dispose of personal property;

H. Contract, within limitations of subparagraph F of this paragraph, to lease real property in the City of Portland or the County of Multnomah, Oregon, for the purposes herein authorized; and,

I. Engage in such other activities relating to the arts and their promotion as may be authorized from time to time by the City Council and/or the County Board of Commissioners.

VIII. The Commission shall:

A. Formulate procedures for the conduct of its meetings and elect a Chairperson, Vice Chairperson and such other officials as it deems advisable. The terms of the

Chairperson and other officials shall be one year. At the expiration of the chairperson's term, the chairperson shall become an ex-officio member for an additional period of one year.

B. Adopt bylaws and rules of order, including provisions for date, time and place of regular and special meetings, and prepare annual operating budgets. Budgets shall be submitted to the City Council and the County Board of Commissioners for approval;

C. Eleven (11) votes of the Commission membership shall be required to adopt or amend the Bylaws and Rules of Order.

IX. The City and County agree to pay budgeted expenditures of the Commission as hereinafter provided:

A. The City agrees to pay 60% and the County agrees to pay 40% of the budgeted expenditures of the Commission for administrative services and the MAC project grants that are jointly agreed to by the City and County for the benefit of Portland and Multnomah County residents. The full cost of special events or projects other than administrative services and MAC project grants shall be budgeted and paid for by the City or the County, whichever is the sponsor of each of any special events or projects. Funds for grants and programs primarily serving Clackamas, Washington and Clark Counties shall be provided by those jurisdictions and

public and private sources other than City and County general funds.

B. On or before March 1 of each year, the Commission shall submit to the City Council and the County Executive a summary report of activities to date, and budget for the ensuing fiscal year. Such budget shall not become effective until jointly agreed to by the City and County. The City and the County shall agree upon approval of a budget, and shall each appropriate funds as specified in subparagraph A above. Payments authorized within the approved budget shall be distributed by the City, and the County shall reimburse the City for its share of such disbursements semi-annually in July and January of each year.

X. The City shall act as the final fiscal agent of the Commission and employees of the Commission shall be deemed employees of the City for purposes of determining fringe benefits.

XI. This Agreement is perpetual but shall terminate thirty (30) days following passage of an ordinance by the City or adoption of a resolution by the County ordering termination. Upon such termination, the assets of the Commission shall be distributed between the City and County in proportions that their respective paid contribution bears to the total paid City-County contribution.

IN WITNESS WHEREOF, City of Portland has caused these presents to be executed by its Mayor by authority of City ordinance heretofore entered of record, and Multnomah County has caused these presents to be executed by its Chairman by authority of County resolution heretofore entered of record, in duplicate originals.

Approved as to form:

Wm. H. Lyons Dymally
City Attorney

Approved as to form:

John L. DuBay
County Counsel

Adopted July 1, 1973
Ord. # 136981;
Contract # 13871

Amended July 14, 1976
Ord. # 142174

Amended June 20, 1979
Ord. # 147920

nancya.wrk\arts.agm

CITY OF PORTLAND

By: *Uma Harris*
Mayor, City of Portland

By: *Mike Lundberg*
Commissioner of Public
Utilities

MULTNOMAH COUNTY

By: *Maury Stein*
Multnomah County Chair

Amended Jan. 14, 1981
Ord. # 150970

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # *A-6* DATE *11-4-93*
Carrie A. Peterson
BOARD CLERK

ORDINANCE No. 166746

***Authorize Amendment of Intergovernmental Agreement Creating
City/County Metropolitan Arts Commission. (Ordinance)**

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland, Oregon, and Multnomah County, by Intergovernmental Agreement dated July 1, 1973, as amended, created a City/County Commission known as the Metropolitan Arts Commission (Commission). The purpose of the Commission is to promote and encourage programs to further the development and public awareness of and interest in the visual and performing arts.
2. The Commission as originally conceived and implemented was to serve the citizens of the City of Portland and Multnomah County.
3. In the interim, the City and County have each adopted Arts Plan 2000 Plus and its goals of region-wide access, coordination, support and planning for the arts and Arts Plan's recommendation that the Commission be expanded into a regional coordinating body.
4. City will benefit from an expanded role for the arts in Clackamas, Washington and Clark Counties and representation of those counties on the Commission will assist in the transition toward implementation of the Arts Plan.

NOW, THEREFORE, the Council directs:

- a. The Mayor and the Commissioner in Charge to execute the attached Amendment No. 4 of the Agreement for Establishment of a City-County Arts Commission which contains revisions to implement the transition towards a regional role for the Commission.

Section 2. The Council declares that an emergency exists because of the need to initiate the implementation of the regional Commission to better serve all the citizens of the region including the City of Portland and Multnomah, Clackamas, Washington and Clark Counties; therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council, **JUL 14 1993**

Commissioner Mike Lindberg
Donna Milrany:bf
June 28, 1993

BARBARA CLARK

Auditor of the City of Portland

By

[Signature] Deputy

MEETING DATE: NOV 04 1993

AGENDA NO: C-7

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Ratification of Amendment #2 with Oregon Health Sciences University-Alcohol Treatment and Training

BOARD BRIEFING **Date Requested:** _____

Amount of Time Needed: _____

REGULAR MEETING: **Date Requested:** _____

Amount of Time Needed: 5 Minutes

DEPARTMENT: _____ **DIVISION:** Mental Health, Youth, and Family Services

CONTACT: Kathy Tinkle **TELEPHONE #:** 248-3691 x6858
BLDG/ROOM #: 160/6th Floor

PERSON(S) MAKING PRESENTATION: Susan Clark/Kathy Tinkle

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Ratification of Amendment #2 between the Multnomah County Mental Health, Youth, and Family Services Alcohol and Drug Program and Oregon Health Sciences University-Alcohol Treatment and Training Center for the period July 1, 1993 through June 30, 1994. The amendment attached passes on State funded Cost of Living Allowance (COLA) for Diversion services for the requirements of the contract.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

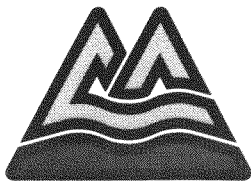
DEPARTMENT MANAGER: Susan Clark

BOARD OF
COUNTY COMMISSIONERS
1993 OCT 28 PM 2:37
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63 *Sent Originals to Kathy Tinkle
on 11-5-93.*



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
MENTAL HEALTH, YOUTH AND FAMILY SERVICES DIVISION
ADMINISTRATIVE OFFICES
426 S.W. STARK ST., 6TH FLOOR
PORTLAND, OREGON 97204
(503) 248-3691 / FAX (503) 248-3379
TDD (503) 248-3598

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

M E M O R A N D U M

TO: Board of County Commissioners

FROM: Susan Clark, Acting Director *sc*
Mental Health, Youth, and Family Services Division

DATE: October 15, 1993

REQUESTED PLACEMENT DATE:

RE: Approval of Amendment #2 with Oregon Health Sciences University-
Alcohol Treatment & Training Center

I. Action Requested:

Approval of Intergovernmental Agreement Amendment #2 with Oregon Health Sciences University-Alcohol Treatment and Training Center (OHSU-ATTC).

II. Background/Analysis:

The attached intergovernmental agreement adds State funded Cost of Living Allowance (COLA) to the Diversion Services provided in this contract as mandated by the State Mental Health Division. Diversion Services are paid on an Itemized Billing for Actual Services basis for the requirements of the contract. The individual fees for the services have increased 3.2% as approved by the State.

III. Financial Impact:

The funds for this service is available via the State Mental Health Grant.

V. Legal Issues: N/A

V. Controversial Issues: N/A

VI. Link to Current County Policies:

For many years the County has been involved with and supportive of mental health services for its' citizens. Alcohol and drug services are one part of the mental health service system.

VII. Citizen Participation:

N/A

VIII. Other Government Participation:

N/A

**CONTRACT APPROVAL FORM**

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 100284

Amendment # 2

CLASS I <input type="checkbox"/> Professional Services under \$25,000	CLASS II <input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	CLASS III <input checked="" type="checkbox"/> Intergovernmental Agreement APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # C-7 DATE 11/4/93 Carrie A. Parkerson BOARD CLERK
---	---	--

Department _____ Division MHYFSD Date OCT 4, 1993

Contract Originator _____ Phone _____ Bldg/Room _____

Administrative Contact KATHY TINKLE Phone 248-3691 Bldg/Room 160/6Description of Contract Amendment #2 passes on State funded COLA to fee for service Diversion services effective July 1, 1993 through June 30, 1994.RFP/BID # N/A IGA Date of RFP/BID _____ Exemption Exp. Date _____ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ QRFContractor Name OHSU-ALCOHOL TREATMENT & TRAINING CENTERMailing Address 621 SW ALDER, SUITE 520PORTLAND OR 97204Phone 494-4745Employer ID# or SS# 93-6001786WEffective Date July 1, 1993Termination Date June 30, 1994Original Contract Amount \$ RequirementsTotal Amount of Previous Amendments \$ 192,806+Req.Amount of Amendment \$ RequirementsTotal Amount of Agreement \$ 192,806+Req.Remittance Address _____
(If Different) _____

Payment Schedule _____ Terms _____

☐ Lump Sum \$ _____ ☐ Due on receipt☐ Monthly \$ _____ ☐ Net 30☒ Other \$ Itemized Bill ☐ Other _____☐ Requirements contract - Requisition required.

Purchase Order No. _____

☐ Requirements Not to Exceed \$ _____**REQUIRED SIGNATURES:**Department Manager Susan Clark MGSPurchasing Director
(Class II Contracts Only) [Signature]County Counsel [Signature]County Chair / Sheriff [Signature]Contract Administration
(Class I, Class II Contracts Only) _____Encumber: Yes ☐ No ☐Date 10/18/93

Date _____

Date 10.22.93Date 11/4/93

Date _____

VENDOR CODE			VENDOR NAME							TOTAL AMOUNT	\$	
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT		INC/ DEC IND
01.	156	010	1417			6060				REQ.		
02.												
03.												
* If additional space is needed, attach separate page. Write contract # on top of page.												

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION

CANARY - INITIATION

PINK - FINANCE

MULTNOMAH COUNTY MENTAL HEALTH, YOUTH AND FAMILY SERVICES DIVISION

SUBCONTRACT AGENCY AGREEMENT NUMBER: 10028400AMENDMENT NUMBER: #2

Duration of Agreement: from July 1, 1993 to June 30, 1994

CONTRACTOR Name: OREGON HEALTH SCIENCES UNIVERSITY Telephone: 494-4745
ALCOHOL TREATMENT AND TRAINING CENTER IRS #: 93-6001-786W

CONTRACTOR Address: 621 SW ALDER, SUITE 520 TITLE XIX #: 002923
PORTLAND, OREGON 97204

This amendment to the contract for social services is made between the Multnomah County Mental Health, Youth and Family Services Division referred to as the "County" and Oregon Health Sciences University, Alcohol Treatment and Training Center, referred to as the "Contractor." It is understood by the parties that all conditions and agreements in the original contract not superseded in this amendment are still in force and apply to this amendment.

PART I. FINANCIAL SUMMARY

<u>Service Element</u>	<u>Fund Source</u>	<u>Rates Per Units/Slots</u>	<u>Maximum Total Payable Per Client</u>	<u>Method and Basis of Payment</u>
1) Alcohol Diversion Services DUII Level I (A-D 67) and DUII Convicted Level I (A-D 77)	State	\$7.96 per hour	\$95.52 per eligible indigent client	Reimbursement of Itemized Billing for Actual Services
2) Alcohol Diversion Services DUII Level I (A-D 67) and DUII Convicted Level I (A-D 77)	State	\$3.98 per hour	\$47.76 per eligible partially indigent client	Reimbursement of Itemized Billing for Actual Services
3) Alcohol Diversion Services DUII Level II (A-D 68) and DUII Convicted Level II (A-D 78)	State	\$13.26 per hour	\$530.40 per eligible indigent client	Reimbursement of Itemized Billing for Actual Services
4) Alcohol Diversion Services DUII Level II (A-D 68) and DUII Convicted Level II (A&D 78)	State	\$6.63 per hour	\$265.20 per eligible partially indigent client	Reimbursement of Itemized Billing for Actual Services

PAGE 1 SUBTOTAL

0

Above amounts are subject to the Notes and Special Conditions in Part II.

OREGON HEALTH SCIENCES UNIVERSITY
ALCOHOL TREATMENT AND TRAINING CENTER
AMENDMENT #2

PART I. FINANCIAL SUMMARY (continued)

<u>Service Element</u>	<u>Fund Source</u>	<u>Rates Per Units/Slots</u>	<u>Maximum Total Payable Per Client</u>	<u>Method and Basis of Payment</u>
5) Alcohol Diversion Services DUII Level I (A-D 67) and DUII Convicted Level I (A-D 77) for Hearing Impaired and Non-English Speaking	State	\$32.96 per hour (7.96 + 25.00 interpreter)	\$395.52 per eligible indigent client	Reimbursement of Itemized Billing for Actual Services
6) Alcohol Diversion Services DUII Level I (A-D 67) and DUII Convicted Level I (A-D 77) for Hearing Impaired and Non-English Speaking	State	\$28.98 per hour (3.98 + 25.00 interpreter)	\$347.76 per eligible partially indigent client	Reimbursement of Itemized Billing for Actual Services
7) Alcohol Diversion Services DUII Level II (A-D 68) and DUII Convicted Level II (A-D 78) for Hearing Impaired and Non-English Speaking	State	\$38.26 per hour (13.26 + 25.00 interpreter)	\$1,530.40 per eligible indigent client	Reimbursement of Itemized Billing for Actual Services
8) Alcohol Diversion Services DUII Level II (A-D 68) and DUII Convicted Level II (A-D 78) for Hearing Impaired and Non-English Speaking	State	\$31.63 per hour (6.63 + 25.00 interpreter)	\$1,265.20 per eligible partially indigent client	Reimbursement of Itemized Billing for Actual Services

<u>Service Element</u>	<u>Fund Source</u>	<u>Current Total Annual Maximum Payable</u>	<u>Increase (Decrease)</u>	<u>Revised Total Annual Maximum Payable</u>	<u>Method and Basis of Payment</u>
9) Alcohol Outpatient (A-D 64)	State Title XIX	8,780	0	8,780	NA
10) Drug Free Outpatient (A-D 65)	State Title XIX	35,120	0	35,120	NA
PAGE 2 SUBTOTAL		43,900	0	43,900	

Above amounts are subject to the Notes and Special Conditions in Part II.

OREGON HEALTH SCIENCES UNIVERSITY
ALCOHOL TREATMENT AND TRAINING CENTER
AMENDMENT #2

PART I. FINANCIAL SUMMARY (continued)

	<u>Service Element</u>	<u>Fund Source</u>	<u>Current Total Annual Maximum Payable</u>	<u>Increase (Decrease)</u>	<u>Revised Total Annual Maximum Payable</u>	<u>Method and Basis of Payment</u>
11)	Drug Abuse Assessment (A-D 65)	Federal	NA	0	NA	Reimbursement of Itemized Billing for Actual Services
12)	Individual Therapy (A-D 65)	Federal	NA	0	NA	Reimbursement of Itemized Billing for Actual Services
13)	Group Therapy (A-D 65)	Federal	NA	0	NA	Reimbursement of Itemized Billing for Actual Services
14)	Family Therapy (A-D 65)	Federal	NA	0	NA	Reimbursement of Itemized Billing for Actual Services
15)	Urinalysis (A-D 65)	Federal	NA	0	NA	Reimbursement of Itemized Billing for Actual Services
16)	Consultation (A-D 65)	Federal	NA	0	NA	Reimbursement of Itemized Billing for Actual Services
17)	Methadone Dosing - Dispensing (A-D 69)	Federal	NA	0	NA	Reimbursement of Itemized Billing for Actual Services
18)	Gambling Treatment (A-D 49)	Video Poker	192,806	0	192,806	1/12 Monthly Allotment with Year End Adjustment to Actual Expenses
	PAGE 3 SUBTOTAL		192,806	0	192,806	
	PAGE 2 SUBTOTAL		43,900	0	43,900	
	PAGE 1 SUBTOTAL		0	0	0	
	CONTRACT TOTAL		236,706	0	236,706	

Above amounts are subject to the Notes and Special Conditions in Part II.

OREGON HEALTH SCIENCES UNIVERSITY
ALCOHOL TREATMENT AND TRAINING CENTER
AMENDMENT #2

PART II NOTES AND SPECIAL CONDITIONS

NOTES:

- 1) - 8): The original Subcontract Agency Agreement for Fiscal Year 1993-94 was based on an estimate of available State funds. The finalized State budget included a 3.2% COLA increase in items 1 through 8 in the Financial Summary. Funding is retroactive to July 1, 1993.

SPECIAL CONDITIONS:

All existing Special Conditions remain in effect.

OREGON HEALTH SCIENCES UNIVERSITY
ALCOHOL TREATMENT AND TRAINING CENTER
AMENDMENT #2

In witness whereof, the parties hereto have caused this Agreement to be executed by their authorized officers.

CONTRACTOR:

MULTNOMAH COUNTY, OREGON:

By _____
Tom Ten Eyck
Executive Director
Date

By Norma D. Jaeger 10/4/93
Norma D. Jaeger, Administrator Date
Alcohol and Drug Programs

By _____
Board Chairperson
Date

By Susan Clark 10/18/93
Susan Clark Date
Acting Division Director

By Beverly Stein 11-4-93
Beverly Stein Date
Multnomah County Chair

REVIEWED:

Laurence Kressel, County Counsel
for Multnomah County, Oregon

By [Signature] 10-22-93
Date

[6276Z]

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-7 DATE 11-4-93
Carrie A. Pukerson
BOARD CLERK

MEETING DATE: NOV 04 1993

AGENDA NO: C-8

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Ratification of Amendment #1 with the Centennial School District #28J

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 Minutes

DEPARTMENT: _____ **DIVISION:** Mental Health, Youth, and Family Services

CONTACT: Kathy Tinkle **TELEPHONE #:** 248-3691 x6858
BLDG/ROOM #: 160/6th Floor

PERSON(S) MAKING PRESENTATION: Susan Clark/Kathy Tinkle

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Ratification of Amendment #1 to a revenue agreement between the Mental Health, Youth, and Family Services Child and Adolescent Mental Health Program office and Centennial School District #28J effective September 1, 1993 through June 30, 1994. This action adds \$12,500 in revenue to provide additional school mental health consultant services and brings the total net contract to \$35,000 for FY 93/94.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

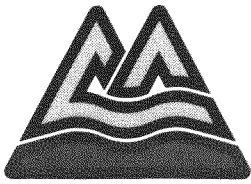
DEPARTMENT MANAGER: Susan Clark

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63 Sent Originals to Kathy Tinkle on 11-5-93.

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1993 OCT 26 AM 10:39



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
MENTAL HEALTH, YOUTH AND FAMILY SERVICES DIVISION
ADMINISTRATIVE OFFICES
426 S.W. STARK ST., 6TH FLOOR
PORTLAND, OREGON 97204
(503) 248-3691 / FAX (503) 248-3379
TDD (503) 248-3598

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

M E M O R A N D U M

TO: Board of County Commissioners

FROM: Susan Clark, Acting Director *sc*
Mental Health, Youth, and Family Services Division

DATE: October 19 1993

REQUESTED PLACEMENT DATE:

RE: Approval Amendment #1 with Centennial School District #28J

I. Action Requested:

Approval of amendment #1 to an Intergovernmental Revenue Agreement with Centennial School District #28J.

II. Background/Analysis:

The current agreement provides for one consultant for school mental health services for youth in the Centennial School District. To meet the increasing demand this amendment increases services provided under the agreement to one consultant for three days per week and a second consultant for four days per week for the academic year.

III. Financial Impact:

The school district has allocated an additional \$12,500 to pay the County for this increase in services. This action brings the net contract total to \$35,000 in revenue.

V. Legal Issues:
N/A

V. Controversial Issues:
N/A

VI. Link to Current County Policies:

For many years the County has been involved with and supportive of mental health services for children and adolescents. The continuation of these services should be in line with the newly re-emphasized goals of services for children and families. County General Fund support for this program was restored in the final stages of the FY 93/94 Budget Approval process to retain the current level of services.

VII. Citizen Participation:
N/A

VIII. Other Government Participation:

In addition to this agreement with Centennial School District, there are currently four agreements with other school districts for mental health services. They include:

Barlow-Gresham	\$20,000
Gresham Dexter McCarty	3,000
Parkrose	12,500
Gresham Clear Creek	3,000

**CONTRACT APPROVAL FORM**

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 103524

Amendment # 1

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$25,000	<input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement REVENUE APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # C-8 DATE 11/4/93 Carrie A. Parkerson BOARD CLERK

Department _____ Division MHYFSD Date OCT 11, 1993

Contract Originator _____ Phone _____ Bldg/Room _____

Administrative Contact KATHY TINKLE Phone 248-3691 Bldg/Room 160/6Description of Contract Amendment #1 adds 2.5 days per week and \$12,500 for additional Mental Health Consultant services for the school district effective September 1, 1993 through June 30, 1994.RFP/BID # N/A Revenue IGA Date of RFP/BID _____ Exemption Exp. Date _____ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ QRF

Contractor Name CENTENNIAL SCHOOL DISTRICT #28J
Mailing Address 18135 SE BROOKLYN
PORTLAND OR 97236-1099
Phone 760-7990
Employer ID# or SS# N/A
Effective Date September 1, 1993
Termination Date June 30, 1994
Original Contract Amount \$ 22,500
Total Amount of Previous Amendments \$ _____
Amount of Amendment \$ 12,500
Total Amount of Agreement \$ 35,000

Remittance Address _____
(If Different) _____

Payment Schedule _____ Terms _____

☐ Lump Sum \$ _____ ☐ Due on receipt
☐ Monthly \$ _____ ☐ Net 30
☐ Other \$ _____ ☐ Other _____
☐ Requirements contract - Requisition required.
Purchase Order No. _____
☐ Requirements Not to Exceed \$ _____

REQUIRED SIGNATURES:

Department Manager Susan ClarkPurchasing Director _____
(Class II Contracts Only)County Counsel [Signature]County Chair / Sheriff [Signature]Contract Administration _____
(Class I, Class II Contracts Only)Encumber: Yes ☐ No ☐Date 10/20/93

Date _____

Date 10-22-93Date 11/4/93

Date _____

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT		\$	
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND	
01.	156	010	1375						Revenue 2791	12,500		
02.												
03.												
* If additional space is needed, attach separate page. Write contract # on top of page.												

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION

CANARY - INITIATION

PINK - FINANCE

Contract # 103524

INTERGOVERNMENTAL AGREEMENT
FOR SCHOOL MENTAL HEALTH SERVICES
AMENDMENT #1

THIS AMENDMENT is made and entered into upon the 1st of September, 1993, by and between MULTNOMAH COUNTY MENTAL HEALTH, YOUTH AND FAMILY SERVICES DIVISION, a home rule political subdivision of the State of Oregon, (hereinafter referred to as "COUNTY"), and CENTENNIAL SCHOOL DISTRICT #28J, (hereinafter referred to as "CONTRACTOR").

WITNESSETH:

WHEREAS, it is understood by the parties that all conditions and agreements in the original Personal Services Agreement not superseded in this amendment are still in force and apply to this amendment,

IN CONSIDERATION of the mutual desire to amend said agreement, the parties agree as follows:

1. Term

The term of this Agreement shall begin on September 1, 1993, to and including June 30, 1994, unless sooner terminated under the provisions hereof.

2. COUNTY Responsibilities

Availability of COUNTY's services as described in the existing agreement shall be increased as follows:

The aggregate services provided by COUNTY and its designated School Mental Health consultants shall be increased from one consultant 4.5 days per week to one consultant for 3 days per week and a second consultant for 4 days per week for a 36 week academic year, excluding school holidays, during 1993-94 school year. Agreement hours include all items referenced in Section V., D., inclusive, in the original agreement.

3. Compensation

DISTRICT agrees to pay COUNTY a total sum of \$35,000, payable in three equal payments based upon the receipt of the COUNTY Service Summary.

This reflects an increase of \$12,500 from the existing agreement to accommodate the additional service volume.

CENTENNIAL SCHOOL DISTRICT # 28J
Amendment #1

Contract # 103524

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers the date first written above.

CENTENNIAL SCHOOL DISTRICT #28J

MULTNOMAH COUNTY, OREGON

By: _____
Chair, Board of Directors Date

By: Beverly Stein 11-4-93
Beverly Stein, Date
Multnomah County Chair

By: _____
Superintendent Date

By: Susan Clark 10/20/93
Susan Clark, Date
Acting Division Director

By: _____
Director Student Services Date

By: Barbara Brady for James Edmondson 10/6/93
James Edmondson, Date
Program Manager

Centennial School Distr. #28J
18135 SE Brooklyn
Portland, OR 97236-1099
Phone: (503) 760-7990

REVIEWED:

Laurence Kessel, County Counsel
for Multnomah County, Oregon

By: [Signature] 10.22.93
Assistant County Counsel Date

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-8 DATE 11-4-93
[Signature]
BOARD CLERK

MEETING DATE: NOV 04 1993

AGENDA NO: C-9

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Ratification of an Agreement with the City of Portland-Housing and Community Development

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 Minutes

DEPARTMENT: _____ **DIVISION:** Mental Health, Youth, and Family Services

CONTACT: Kathy Tinkle **TELEPHONE #:** 248-3691 x6858
BLDG/ROOM #: 160/6th floor

PERSON(S) MAKING PRESENTATION: Susan Clark/Kathy Tinkle

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Ratification of an Agreement between the Mental Health, Youth, and Family Services Adult Mental Health Program office and the City of Portland-Housing and Community Development for the period July 1, 1993 through June 30, 1994. This agreement provides \$70,095 in revenue for the County to assist in the operation of the Bridgeview Project to shelter chronically mentally ill citizens.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

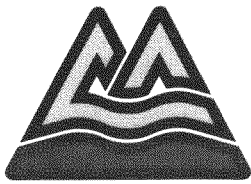
DEPARTMENT MANAGER: Susan Clark MD

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63 Sent Originals to Kathy Tinkle on 11-5-93.

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1993 OCT 26 AM 10:42



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
MENTAL HEALTH, YOUTH AND FAMILY SERVICES DIVISION
ADMINISTRATIVE OFFICES
426 S.W. STARK ST., 6TH FLOOR
PORTLAND, OREGON 97204
(503) 248-3691 / FAX (503) 248-3379
TDD (503) 248-3598

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

M E M O R A N D U M

TO: Board of County Commissioners

FROM: Susan Clark, Acting Director *SLC*
Mental Health, Youth, and Family Services Division

DATE: October 18, 1993

REQUESTED PLACEMENT DATE:

RE: Approval of a Revenue Agreement with the City of Portland-Housing
and Community Development

I. Action Requested:

Approval of the Intergovernmental Revenue Agreement attached with the City of Portland-Housing and Community Development.

II. Background/Analysis:

This agreement for services is between the City of Portland and Mental Health, Youth & Family Services Division's AMHP to provide funding for the Homeless Chronically Mentally Ill Program. MHYFSD is coordinating a program to provide shelter for the chronically mentally ill, including board, outreach, treatment and case management at the Bridgeview Project. The County will be compensated for the provision of services by the City. The City Council has authorized \$54,080 through the Housing and Community Development program and \$16,015 through the General Fund/Emergency Shelter Grant, totaling \$70,095, to provide financial assistance for MHYFSD to operate the chronically mentally ill shelter at the Bridgeview Project. This contract is retroactive to July 1, 1993. The document submitted by the City required changes. The agreement was returned to the City for changes and finally resubmitted for processing by the County.

III. Financial Impact:

The agreement provides \$70,095 in revenue for the County. Current Budget Pass Through is \$68,015. A Bud Mod will be initiated to appropriate the \$2,080 difference into pass through.

V. Legal Issues:

N/A

V. Controversial Issues:

N/A

Page 2 of 2

VI. Link to Current County Policies:

For many years the County has been involved with and supportive of mental health services for its' citizens.

VII. Citizen Participation:
N/A

VIII. Other Government Participation:
N/A

**CONTRACT APPROVAL FORM**

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 103844

Amendment # _____

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$25,000	<input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement REVENUE APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>C-9</u> DATE <u>11/4/93</u> <u>Carrie A. Parkerson</u> BOARD CLERK

Department _____ Division MHYFSD Date Oct. 15, 1993

Contract Originator _____ Phone _____ Bldg/Room _____

Administrative Contact Kathy Tinkle Phone 248-3691 Bldg/Room 160/6

Description of Contract An IGA wherein the City of Portland will provide \$70,095 through the Housing & Community Development program and General Fund/Emergency Shelter Grant for Multnomah County's MHYFSD to operate the chronically mentally ill shelter at the Brideview Project, effective July 1, 1993 through June 30, 1994.

RFP/BID # N/A - IGA Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ QRFContractor Name CITY OF PORTLAND - HOUSING AND COMMUNITY DEVELOPMENTMailing Address 808 SW 3rd, Suite 600Portland OR 97204Phone 823-2384Employer ID# or SS# N/AEffective Date July 1, 1993Termination Date June 30, 1994

Original Contract Amount \$ _____

Total Amount of Previous Amendments \$ _____

Amount of Amendment \$ _____

Total Amount of Agreement \$ 70,095**REQUIRED SIGNATURES**Department Manager Susan ClarkPurchasing Director
(Class II Contracts Only) [Signature]County Counsel [Signature]County Chair / Sheriff [Signature]Contract Administration
(Class I, Class II Contracts Only) _____Remittance Address _____
(If Different) _____

Payment Schedule

Terms

- ☐ Lump Sum \$ _____ ☐ Due on receipt
- ☐ Monthly \$ _____ ☐ Net 30
- ☐ Other \$ _____ ☐ Other _____
- ☐ Requirements contract - Requisition required.

Purchase Order No. _____

☐ Requirements Not to Exceed \$ _____Encumber: Yes ☐ No ☐Date 10/19/93

Date _____

Date 10-22-93Date 11/4/93

Date _____

VENDOR CODE			VENDOR NAME							TOTAL AMOUNT	\$	
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND	
01.	156	010	1305						Revenue 2101	70,095		
02.												
03.												
* If additional space is needed, attach separate page. Write contract # on top of page.												

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION

CANARY - INITIATION

PINK - FINANCE

AGREEMENT NO.

This agreement for services (Agreement) is between the City of Portland, Oregon (City) and Multnomah County, Mental Health, Youth and Family Services Division (County) to provide funding for the Homeless Chronically Mentally Ill Program.

RECITALS:

1. Multnomah County, Mental Health, Youth and Family Services Division is coordinating a program to provide shelter for the chronically mentally ill, including board, outreach, treatment and case management at the Bridgeview Project.
2. The provision of services to homeless chronically mentally ill persons is a major goal of the City.
3. The City has available to it Emergency Shelter Grant and Community Development Block Grant funds which can be used to provide support for the administration of programs which assist the needy.
4. Funding for this type of activity furthers the goals of the Mayor's 12-Point Plan for the Homeless.
5. The City Council has authorized \$54,080 through the HCD program FY 1993-94 approved city budget and \$16,015 through the General Fund/Emergency Shelter Grant to provide financial assistance for Multnomah County to operate the chronically mentally ill shelter at the Bridgeview Project.
6. The City and Multnomah County now desire to enter into a formal agreement so that these services can be provided without interruption.

AGREED:

I. Scope of Services

City funds are allocated to Multnomah County for rent of the Bridgeview Project at the Golden West. Multnomah County, Mental Health, Youth and Family Services Division shall provide the services described below relative to the chronically mentally ill program at the Bridgeview Project.

- A. Maintain 30 short-term/emergency SRO beds with 24-hour supervision, plus long-term beds with the capacity to provide on-site intervention during FY 1993.
- B. Provide 1250 bed days of housing to homeless mentally ill clients each month.
- C. Provide housing to no less than 90 homeless mentally ill clients on an annual basis.
- D. It is anticipated that 60% of clients leaving the Bridgeview will be stabilized in that a subsequent plan of residency has been identified.

- E. Submit quarterly reports indicating the number of bed days provided each quarter, explaining any reduction in the utilization rate and the reasons why utilization may have fallen. Such reports should also indicate the number of clients that have successfully "graduated" to long-term housing, in the Bridgeview Project or elsewhere, and the number that have terminated their participation in the program.
- F. Submit a final report documenting the success of the program in meeting its program goals within 30 days of the termination of this contract.
- G. Maintain ethnicity records on clients served, and submit an annual report on such clients by August 1, 1994.

II. Compensation and Method of Payment

The County will be compensated for the provision of services by the City through the General Fund, Emergency Shelter Grant, (\$16,015) and the Housing and Community Development (HCD) fund (\$54,080) as follows:

Payments to the County for eligible expenses will be made monthly upon submission of a statement of expenditures based on the request for payment. Detailed information on how funding is expended is to be submitted by the County with each request for funding. It is agreed that total compensation under this agreement shall not exceed SEVENTY THOUSAND NINETY-FIVE DOLLARS (\$70,095).

III. City Project Manager

- A. The City Project Manager shall be Howard Cutler or such other person as shall be designated in writing by the Director of the Bureau of Housing & Community Development.
- B. The Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this agreement as provided herein, and to carry out any other City actions referred to herein.

IV. Certifications

Multnomah County certifies that:

- A. Emergency Shelter Grant funds may be used for rent, maintenance, insurance, utilities and furnishings; however, these funds will not be used for staff salaries.
- B. The use of the day shelter and transitional units have been determined to be the most cost effective means of providing shelter for domestic violence victims.
- C. The number, size and amenities of rooms in the shelter and transitional units will be available for use as shelter space for at least until the ESG funds are expended.

- D. Homeless clients will be given assistance in obtaining appropriate supportive services, including permanent housing, medical health treatment, mental health treatment, counseling, supervision, and other services essential for achieving independent living, as well as other Federal, State, local and private assistance available for such individuals.
- E. The County will administer a policy designed to ensure that the facility is free from the illegal use, possession, or distribution of drugs or alcohol by its clients.

V. GENERAL CONTRACT PROVISIONS

- A. **TERMINATION FOR CAUSE.** In accordance with 24 CFR 85.43, if, through any cause, the County shall fail to fulfill in timely and proper manner his/her obligations under this Contract, or if the County shall violate any of the covenants, agreements, or stipulations of this Contract, the City may avail itself of such remedies as cited in 24 CFR 85.43 by giving written notice to the County of such action and specifying the effective date thereof at least 30 days before the effective date of such action. In such event, all finished or unfinished documents, data, studies, and reports prepared by the County under this Contract shall, at the option of the City, become the property of the City and the County shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents.

Notwithstanding the above, the County shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of the Contract by the County, and the City may withhold any payments to the County for the purpose of setoff until such time as the exact amount of damages due the City from the County is determined.

- B. **TERMINATION FOR CONVENIENCE.** In accordance with 24 CFR 85.44, the City and County may terminate this contract at any time by mutual written agreement. If the Contract is terminated by the City as provided herein, the County will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the County covered by this Contract less payments of compensation previously made.
- C. **ENFORCEMENT AND REMEDIES.** In the event of termination under section A hereof by the City due to a breach by the County, then the City may complete the work either itself or by agreement with another contractor, or by a combination thereof. In the event the cost of completing the work exceeds the amount actually paid to the County hereunder plus the remaining unpaid balance of the compensation provided herein, then the County shall pay to the City the amount of excess. Allowable costs shall be determined in accordance with 24 CFR 85.43(c).

The remedies provided to the City and County under sections A and C hereof for a breach shall not be exclusive. The City and County also shall be entitled to any other equitable and legal remedies that are available.

In the event of termination under Section A, the City shall provide the County an opportunity for an administrative appeal.

- D. CHANGES. The City or County may, from time to time, request changes in writing in the scope of services or terms and conditions hereunder. Such changes, including any increase or decrease in the amount of the County's compensation, shall be incorporated in written amendments to this contract. Changes to the scope of work, budget line items, timing, reporting, or performance measures may be approved by the Project Manager.

Significant changes to the scope of work, performance measures, or compensation must be approved by ordinance of the City Council.

- E. NON-DISCRIMINATION. During the performance of this Contract, the County agrees as follows:

1. The County will comply with the non-discrimination provisions of Title VI of the Civil Rights Act of 1964 (24 CFR 1), Fair Housing Act (24 CFR 100), and Executive Order 11063 (24 CFR 107).
2. The County will comply with prohibitions against discrimination on the basis of age under Section 109 of the Act as well as the Age Discrimination Act of 1975 (24 CFR 146), and the prohibitions against discrimination against otherwise qualified individuals with handicaps under Section 109 as well as section 504 of the Rehabilitation Act of 1973 (24 CFR 8).
3. The County will comply with the equal employment and affirmative action requirements of Executive Order 11246, as amended by Order 12086 (41 CFR 60).

- F. SECTION 3: The County will comply with the training and employment guidelines of Section 3 of the Housing and Urban Development Act of 1968, as amended (12U.S.C. 1701a), and regulations pursuant thereto (24 CFR Part 135).

- G. ACCESS TO RECORDS. The City, HUD, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, general organizational and administrative information, documents, papers, and records of the County which are directly pertinent to this contract, for the purpose of making audit or monitoring, examination, excerpts, and transcriptions. All required records must be maintained by the County for

three years after the City makes final payments and all other pending matters are closed.

H. MAINTENANCE OF RECORDS. The County shall maintain fiscal records on a current basis to support its billings to the City. The County shall retain fiscal as well as all records relating to program and client eligibility for inspection, audit, and copying for 3 years from the date of completion or termination of this contract. The City or its authorized representative shall have the authority to inspect, audit, and copy on reasonable notice and from time to time any records of the County regarding its billings or its work here under.

I. AUDIT OF PAYMENTS. The City, either directly or through a designated representative, may audit the records of the County at any time during the 3 year period established by Section H above.

If an audit discloses that payments to the County were in excess of the amount to which the County was entitled, then the County shall repay the amount of the excess to City.

J. INDEMNIFICATION. To the extent permitted by the Oregon Tort Claim Act and the Oregon Constitution, the County shall hold harmless, defend, and indemnify the City and the City's officers, agents and employees against all claims, demands, actions, and suits (including all attorney fees and costs) brought against any of them arising from the County's work or any subcontractor's work under this contract.

K. LIABILITY INSURANCE. The County is self-insured as provided by Oregon law.

L. WORKERS' COMPENSATION INSURANCE.

(a) The County, its subcontracts, if any, and all employers working under this Agreement are subject employers under the Oregon Workers' compensation law and shall comply with ORS 656.017, which requires them to provide worker's compensation coverage for all their subject workers. A certificate of insurance, or copy thereof, shall be attached to this Agreement as Exhibit 'A', if applicable, and shall be incorporated herein and made a term and part of this Agreement. The County further agrees to maintain workers' compensation insurance coverage for the duration of this Agreement.

(b) In the event the County's workers' compensation insurance coverage is due to expire during the term of this Agreement, the County agrees to timely renew its insurance, either as a carrier-insured employer or a self-insured

employer as provided by Chapter 656 of the Oregon Revised Statutes, before its expiration, and the County agrees to provide the City of Portland such further certification of workers' compensation insurance as renewals of said insurance occur.

(c) The County agrees to accurately complete the City of Portland's Questionnaire for Workers' Compensation Insurance and Qualification as an Independent County prior to commencing work under this Agreement. Any misrepresentation of information on the Questionnaire by the County shall constitute a breach of this Agreement. In the event of breach pursuant to this subsection, City may terminate the agreement immediately and the notice requirement contained in subsection (C), EARLY TERMINATION OF AGREEMENT, hereof shall not apply.

- M. SUBCONTRACTING AND ASSIGNMENT. The County shall not subcontract its work under this contract, in whole or in part, without the written approval of the City. The County shall require any approved subcontractor to agree, as to the portion subcontracted, to fulfill all obligations of the County as specified in this contract. Notwithstanding City approval of a subcontractor, the County shall remain obligated for full performance hereunder, and the City shall incur no obligation other than its obligations to the County hereunder. The County agrees that if sub-contractors are employed in the performance of this contract, the County and its subcontractors are subject to the requirements and sanctions of ORS Chapter 656, Workers' Compensation. The County shall not assign this contract in whole or in part or any right or obligation hereunder, without prior written approval of the City.

The subcontractor shall be responsible for adhering to all regulations cited within this contract.

- N. INDEPENDENT CONTRACTOR STATUS. The County is engaged as an independent contractor and will be responsible for any federal, state, or local taxes and fees applicable to payments hereunder.

The County and its subcontractors and employees are not employees of the City and are not eligible for any benefits through the City, including without limitation, federal social security, health benefits, workers' compensation, unemployment compensation, and retirement benefits.

- O. CONFLICTS OF INTEREST. No City officer or employee, during his or her tenure or for one year thereafter, shall have any interest, direct, or indirect, in this contract or the proceeds thereof.

No board of director member or employee of the County, during his or her tenure or for one year thereafter, shall have any interest, direct, or indirect, in this contract or the proceeds.

No City Officer or employees who participated in the award of this contract shall be employed by the County during the contract. On CDBG-funded projects, the County shall further comply with the conflict of interest provisions cited in 24 CFR 570.611.

P. CONTRACT ADMINISTRATION, 24 CFR 570.502(a). The County shall comply with the applicable provisions of OMB Circular Nos. A-87, A-128, and 24 CFR Part 85 as described by 24 CFR 570.502(a) and 570.610.

Q. OREGON LAW AND FORUM. This contract shall be construed according to the law of the State of Oregon.

Any litigation between the City and the County arising under this contract or out of work performed under this contract shall occur, if in the state courts, in the Multnomah County court having jurisdiction thereof, and if in the federal courts, in the United States District Court for the State of Oregon.

R. AVAILABILITY OF FUNDS. It is understood by all parties to this contract that the funds used to pay for services provided herein are provided to the City through a grant from the U.S. Department of Housing and Urban Development. In the event that funding is reduced, recaptured, or otherwise made unavailable to the City as a result of federal action, the City reserves the right to terminate the contract as provided under Section B hereof, or change the scope of services as provided under Section D hereof.

S. PROGRAM INCOME/PERSONAL PROPERTY. For Community Development Block Grant-funded projects, the County shall comply with provisions of 24 CFR 570.504 regarding program income.

T. COMPLIANCE WITH LAWS. In connection with its activities under this contract, the County shall comply with all applicable federal, state, and local laws and regulations. For Community Development Block Grant-funded projects, the County shall carry out its activities in compliance with 24 CFR 570 Subpart K, excepting the responsibilities identified in 24 CFR 570.604 and 570.612.

In the event that the County provides goods or services to the City in the aggregate in excess of \$2,500 per fiscal year, the County agrees it has certified with the City's Equal Employment Opportunity certification process.

- U. MONITORING. The City through the Bureau of Housing & Community Development shall monitor at least once each year that portion of the County's project funded with Community Development Block Grant or Emergency Shelter Grant funds. Such monitoring shall ensure that the operation of the project conforms to the provisions of this contract.
- V. EXPIRATION/REVERSION OF ASSETS. For Community Development Block Grant-funded projects, the County shall comply with the Reversion of Assets provision of 24 CFR 570.503 (b)(8).
- W. MINIMIZING DISPLACEMENT. The County assures that it will take all reasonable steps to minimize the displacement of persons as a result of this contract, and shall comply with the applicable provisions of 24 CFR 570.606 or 576.80.
- X. PROGRAM ACCESS BY THE DISABLED. The County shall, to the maximum feasible extent, follow the Bureau of Housing & Community Development's guidelines on ensuring interested persons can reasonably obtain information about, and access to, HUD-funded activities.
- Y. SEVERABILITY. If any provision of this agreement is found to be illegal or unenforceable, this agreement nevertheless shall remain in full force and effect and the provision shall be stricken.
- Z. INTEGRATION. This agreement contains the entire agreement between the City and the County and supersedes all prior written or oral discussions or agreements.
- AA. FUND-RAISING. City-funded dollars may be used to cover expenses directly related to the contracted project. Costs associated with general agency fund-raising activities are not eligible.
- BB. PUBLICITY. Publicity regarding the project shall note participation of the City through the Bureau of Housing & Community Development.
- CC. LOBBYING. No Federal appropriated funds have been paid or will be paid, by or on behalf of the County, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid to any person for

influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the County shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

The County shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreement) and that all Subcontractors shall certify and disclose accordingly.

DD. CHURCH-STATE. The County agrees to comply with the applicable provisions of 24 CFR 570.200(j) or 24 CFR 576.22 regarding the use of federal funds by religious organizations.

VI. Period of Agreement

The terms of this Agreement shall be effective as of July 1, 1993 and shall remain in effect during any period the County has control over Federal funds, including program income. Work by the County shall terminate as of June 30, 1994.

Dated this _____ day of _____, 1993.

CITY OF PORTLAND

Commissioner Gretchen Kafoury

APPROVED AS TO FORM:

Jeffrey L. Rogers, City Attorney

MULTNOMAH COUNTY

By

Beverly Stein
Beverly Stein
Multnomah County Chair

11-4-93
Date

REVIEWED:

LAURENCE KRESSEL, County Counsel
for Multnomah County, Oregon

By

Laurence Kessel
Assistant County Counsel

10.22.93
Date

By:

Susan Clark
Susan Clark, Acting Division Director

Date:

10/19/93

By:

Rex Surface
Rex Surface, Program Manager

10/19/93
Date

9

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA# C-9 DATE 11-4-93
Carrie A. Richardson
BOARD CLERK

MEETING DATE: NOV 04 1993
AGENDA NO: C-10

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Deed to contract purchaser for completion of contract

BOARD BRIEFING: Date Requested: _____.

Amount of Time Needed: _____.

REGULAR MEETING: Date Requested: _____.

Amount of Time Needed: Consent.

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Rich Payne TELEPHONE #: 248-3632
BLDG/ROOM #: 166/200/Tax Title

PERSON(S) MAKING PRESENTATION: Rich Payne.

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Request approval of Deed to contract purchaser for completion of Contract #13963.

Deed D940923 and Board Orders attached.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Betsy Willia

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

Sent Copy & Original Order 93-360 & Deed to Rich Payne on 11-5-93. 6/93

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1993 OCT 26 AM 10:40

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the matter of the Execution of)	
Deed D940923 Upon Complete Performance of)	ORDER
a Contract to)	93-360
ELMER J. FENNERN)	
and MARY L. FENNERN)	

It appearing that heretofore, on April 1, 1978, Multnomah County entered into a contract with ELMER J. FENNERN and MARY L. FENNERN for the sale of the real property hereinafter described; and

That the above contract purchasers have fully performed the terms and conditions of said contract and are now entitled to a deed conveying said property to said purchasers;

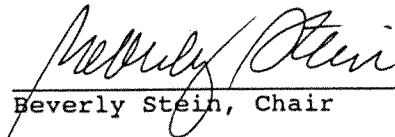
NOW THEREFORE, it is hereby ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchasers the following described real property, situated in the county of Multnomah, State of Oregon:

ARBOR LODGE LOT 7, BLOCK 14; S 1/2 OF LOT 8, BLOCK 14

Dated at Portland, Oregon this 4th day of November, 1993.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

By 

DEED D940923

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to ELMER J. FENNERN and MARY L. FENNERN, Grantees, the following described real property, situated in the County of Multnomah, State of Oregon:

ARBOR LODGE LOT 7, BLOCK 14; S 1/2 OF LOT 8, BLOCK 14

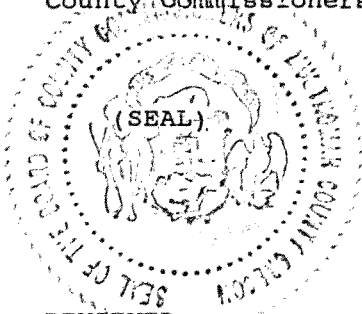
The true and actual consideration paid for this transfer, stated in terms of dollars is \$2,402.11.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

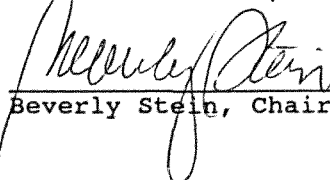
Until a change is requested, all tax statements shall be sent to the following address:

7048 N VINCENT AVE
PORTLAND OR 97217-5135

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 4th day of November, 1993, by authority of an Order of the Board of County Commissioners heretofore entered of record.



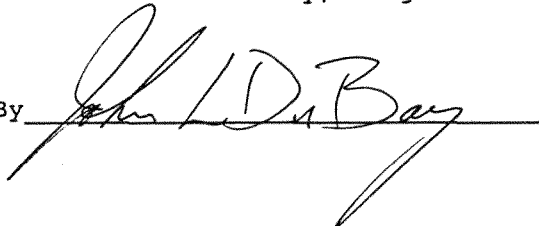
BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

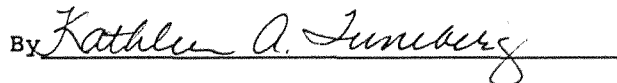
REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

DEED APPROVED:
Janice Druian, Director
Assessment & Taxation

By



By

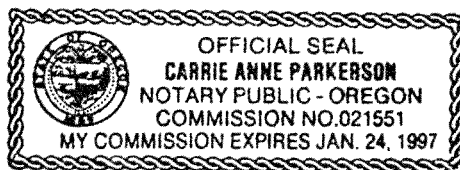


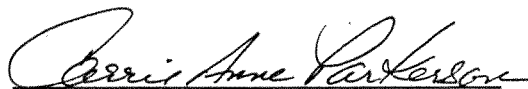
After recording, return to Multnomah County Tax Title (166/200/Tax Title)

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

On this 4th day of November, A.D., before me, a Notary Public in and for said County and State, Personally appeared BEVERLY STEIN, personally known to me, Chair of the Board of County Commissioners for Multnomah County, Oregon, authorized to sign official County documents and that the seal affixed to said instrument was signed and sealed on behalf of Multnomah County by authority of its Board of County Commissioners, and the said instrument to be the free act and deed of Multnomah County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.




Carrie Anne Parkerson
Notary Public for Oregon

My Commission Expires:
January 24, 1997

MEETING DATE: NOV 04 1993

AGENDA NO: R-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Interagency Partnership Agreement Regarding Investigation and Reporting of Abuse of Elderly Persons

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: November 4, 1993, 9:30 AM time certain

Amount of Time Needed: 10 minutes

DEPARTMENT: Non-Dept. DIVISION: Commissioner Kelley

CONTACT: Carolyn Marks Bax TELEPHONE #: x2738
BLDG/ROOM #: 106/1500

PERSON(S) MAKING PRESENTATION: Shirley McGrew, Chair PMCoA
Becky Wehrli, Director PMCoA

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

This agreement formalizes the partnership between Aging Services and the east county law enforcement agencies to enhance services to seniors in east county at risk of losing their independence. Agency personnel are already working in cooperation and do not anticipate any additional costs.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Sharon Kelley

OR

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63 Gave Originals to Carolyn Marks Bax on 11-5-93.

BOARD OF
COUNTY COMMISSIONERS
MULTI-NOMAL COUNTY
OREGON
1993 OCT 27 PM 4:49

BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
SUPPLEMENTAL STAFF REPORT

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CAROLYN MARKS BAX, COMMISSIONER KELLEY'S OFFICE

TODAY'S DATE: OCTOBER 27, 1993

REQUESTED PLACEMENT DATE: NOVEMBER 4, 1993, 9:40 AM TIME CERTAIN

RE: BRIEFING ON ELDER SAFETY COALITION INTERAGENCY
PARTNERSHIP AGREEMENT REGARDING INVESTIGATION AND
REPORTING OF ABUSE OF ELDERLY PERSONS

I. Action Requested: Approval

II. Background: The Elder Safety Coalition was formed by the Portland/Multnomah Commission on Aging (PMCoA) in response to the Administration on Aging's (AoA) National Eldercare Campaign. The Elder Safety Coalition is AoA's local Project CARE (Community Action to Reach the Elderly) and organized for the purpose of mobilizing the broad range of resources available to older people at risk of losing their independence.

III. Financial Impact: Financial impact is almost non-existent. This agreement formalizes partnerships for training and the cooperative philosophy already being pursued by the participating jurisdictions.

IV. Legal Issues: This agreement has been reviewed by the legal counsel of each of the participating jurisdictions. Jacqueline Weber, County Counsel's Office, reviewed it for Multnomah County.

V. Controversial Issues: NA

VI. Link to Current County Policies: This agreement is consistent with the County's move to integration and partnerships in the provision of services.

VII. Citizen Participation: There has been significant citizen participation in the Elder Safety Coalition in east county and its subcommittees. There was also extensive involvement from the local business community in Gresham. General meetings have been held monthly since December 1992.

VIII. Other Government Participation: There has been active participation from all of the East County Cities. Local policing agencies have been involved in the development and city councils have reviewed the Interagency Partnership Agreement.



CONTRACT APPROVAL FORM

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 500284

Amendment #

CLASS I <input type="checkbox"/> Professional Services under \$10,000	CLASS II <input type="checkbox"/> Professional Services over \$10,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	CLASS III <input checked="" type="checkbox"/> Intergovernmental Agreement APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>R-1</u> DATE <u>11/4/93</u> <u>Carrie A. Parkerson</u> BOARD CLERK
---	---	--

Contact Person Carolyn Marks Bax Phone x 2738 Date October 27, 1993

Department Non- Dept. Division Comm. Kelley Bldg/Room 106/1500

Description of Contract Interagency Partnership agreement with East County Cities Regarding Investigation and Reporting of Abuse of Elderly - partners:

Gresham, Fairview, Troutdale, District Attorney, Mult. Co. Sheriff

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ QRF

Contractor Name Portland/Mult. Comm. Aging

Mailing Address 106/fifth floor

Phone 823-5269

Employer ID # or SS # _____

Effective Date November 1993

Termination Date November 1998

Original Contract Amount \$ NA

Amount of Amendment \$ _____

Total Amount of Agreement \$ _____

Payment Term

☐ Lump Sum \$ _____

☐ Monthly \$ _____

☐ Other \$ _____

☐ Requirements contract - Requisition required.

Purchase Order No. _____

☐ Requirements Not to Exceed \$ _____

REQUIRED SIGNATURES:

Department Manager Sharon Kelley

Purchasing Director
(Class II Contracts Only)

County Counsel [Signature]

County Chair/Sheriff [Signature]

Date _____

Date _____

Date 10-27-93

Date 11/4/93

VENDOR CODE				VENDOR NAME						TOTAL AMOUNT		
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND	
01.												
02.												
03.												

INSTRUCTIONS ON REVERSE SIDE

WHITE - PURCHASING

CANARY - INITIATOR

~~PINK - CLERK OF THE BOARD~~

GREEN - FINANCE

**ELDER SAFETY COALITION
INTERAGENCY PARTNERSHIP AGREEMENT REGARDING
INVESTIGATION AND REPORTING OF ABUSE OF ELDERLY PERSONS**

1. THIS AGREEMENT is made and entered into pursuant to the authority found in ORS 190.010 et seq. and ORS 206.345 by and between Multnomah County Sheriff's Office (MCSO), jointly with and on behalf of Multnomah County, Gresham Police Department, Troutdale Police Department, Fairview Police Department, (hereafter collectively referred to as law enforcement agencies), Multnomah County Aging Services Division (ASD), and the Multnomah County District Attorney's Office (DA).

2. This Agreement memorializes the resolve and commitment of the participating agencies to establish and implement consistent procedures that efficiently involve and integrate protective services, law enforcement and prosecution in the investigation and reporting of abuse of elderly persons in Multnomah County.

RECITALS

3. The parties recognize abuse of elderly persons in Multnomah County exists and such abuse adversely impacts all citizens.

4. The parties intend to reduce or eliminate needless delay in the investigation and reporting of abuse of elderly persons due to uncoordinated efforts between involved agencies.

5. The parties intend to provide and participate in interagency training whereby each participating agency will better understand the role and function of the other agencies in the investigation and reporting of abuse of elderly persons.

**INTERAGENCY PROCEDURES FOR
INVESTIGATING AND REPORTING
ABUSE OF ELDERLY PERSONS**

6. Each law enforcement agency will provide ASD protective services professionals information regarding the agency's jurisdictional boundaries, operational procedures, and crime reporting procedures.

7. The DA's Office will provide training to ASD protective service investigators on the requirements for a prosecutable case involving abuse of elderly persons. Such training will address physical and sexual abuse, and abuse involving theft and fraud.

8. After completing their training, ASD protective service investigators will review with designated detectives cases involving sexual assaults, fraud, criminal mistreatment or other abuse of elderly persons to determine whether a crime has been committed. If an ASD protective services investigator determines a crime has been committed, the investigator shall immediately contact 911.

9. Sexual assaults which have occurred within 72 hours should be referred immediately to 911 so that investigators may recover any physical evidence of the sexual assault from the victim's body, clothing, bedding, or surrounding areas. The law enforcement officer responding to the assault shall contact appropriate agency personnel to ensure the processing of evidence at the crime scene. The victim shall be transported to University Hospital for examination provided at public expense. If the victim requires immediate medical care, other than an examination for sexual assault, the victim will be transported to the nearest hospital or hospital designated by the victim. A law enforcement officer and a rape victim advocate shall meet the victim at the hospital. All participating agencies shall ensure their personnel understand and comply with this procedure.

10. The DA's Office will designate a Deputy DA or unit of Deputy DA's to provide advice and consultation as needed to ASD and participating law enforcement agencies during the course of any investigation.

11. ASD protective service investigators will complete their investigation after review by the appropriate law enforcement agency detective or DA. ASD will promptly forward its written report to the appropriate law enforcement agency, which shall promptly review the report. Detectives, in consultation with the DA, will then determine the most appropriate course of action.

12. All law enforcement agencies will refer elderly persons who use the non-emergency access line and who appear to be in distress or at risk, to ASD protective service staff for on-site intervention.

13. Upon request from ASD protective service investigators and case managers, the appropriate law enforcement agency will provide to ASD a police presence when ASD visits a job site that places the investigator or case manager at risk of immediate physical harm.

14. Upon request the records section of the appropriate law enforcement agency shall promptly provide to ASD protective service investigators and case managers police reports related to the investigation of abuse of elderly persons.

15. ASD shall provide on-site or video training to law

enforcement officers on the indicators of abuse of elderly persons and relevant aging issues.

16. All law enforcement agencies agree to establish a working relationship with the ASD protective service investigators in their respective jurisdictions.

TERMS AND CONDITIONS

17. To the maximum extent permitted by law, each party shall hold harmless and indemnify the other, and the officers, agents and employees of the other, from and against any claims for injury or damage to person or property which may be caused by or arise from its own actions under this agreement.

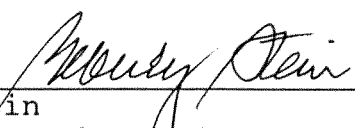
18. This Agreement shall remain in effect for 5 years from the date of execution.

19. The agreement may be reviewed by the parties every 5 years from the date of execution.

20. Any party to this Agreement may withdraw therefrom by giving all other parties not less than 30 days written notice of that party's intent to withdraw. The withdrawal of any party to this Agreement shall not void or otherwise invalidate this Agreement.

21. By signing this Agreement, the undersigned representatives of each participating agency pledge to support the policy and procedures set out in this Agreement.

22. IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their duly authorized officers on the date written below.


Beverly Stein
Chair, Multnomah County

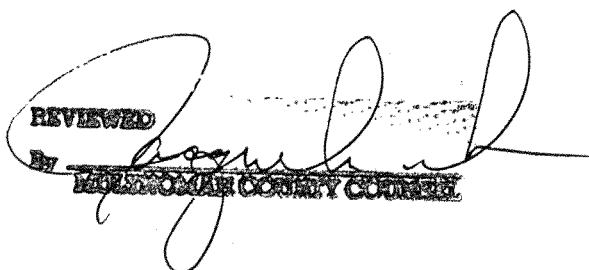
Ted Hockaday
Mayor of Fairview

Gussie McRobert
Mayor of Gresham

Paul Thalhofer
Mayor of Troutdale

Michael Schrunk
District Attorney, Multnomah County

Robert Skipper,
Sheriff, Multnomah County


REVIEWED
By _____
MULTNOMAH COUNTY CLERK

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-1 DATE 11-4-93
Carris A. Harrison
BOARD CLERK

MEETING DATE: NOV 04 1993

AGENDA NO: R-2

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: RESOLUTION

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: 11-4-93

Amount of Time Needed: 5 minutes

DEPARTMENT: Nondepartmental DIVISION: Chair's Office

CONTACT: Maria Rojo de Steffey TELEPHONE #: 3955
BLDG/ROOM #: 106/1410

PERSON(S) MAKING PRESENTATION: Maria Rojo de Steffey

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

RESOLUTION in the Matter of Designating the Tax Supervising and Conservation Commission to Oversee the Tax Coordination Plan

BOARD OF
COUNTY COMMISSIONERS
1993 OCT 27 AM 11:27
MULTI-INDIAN COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Stein

OR

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222
0516C/63 *Sent Copy of Resolution 93-361 to Maria Rojo de Steffey,
Dave Warren & Margaret Bauer on 11-5-93.*

BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Maria Rojo de Steffey

DATE: October 25, 1993

REQUESTED PLACEMENT DATE: November 4, 1993

RE: Designation of Tax Supervising and Conservation
Commission to Oversee the Tax Coordination Plan

I. Recommendation/Action Requested:

Recommend approval

II. Background/Analysis:

In prior years, the Board of County Commissioners designated the Tax Supervising and Conservation Commission (TSCC) as the facilitator of tax coordination planning for the governments in Multnomah County. Tax coordination planning is intended to minimize taxing competition among governments arising from the constitutional tax rate limitation.

This planning was originally mandated by the 1991 legislature for the 1992-93 fiscal year. For the 1993-94 fiscal year, the County and the City of Portland opted for this planning, again with the TSCC as the facilitator. (The TSCC used its authority granted by ORS 294.675 to mandate attendance by all governments levying a tax.) Tax coordination planning is mandated once again for the 1994-95 fiscal year with the passage of Senate bill 59 by the 1993 legislature.

It is required that notices of the tax coordination meeting be issued before December 1. Therefore, the Board of County Commissioners is being asked to approve this Resolution to ensure enough time for the TSCC to plan the meeting time and date.

III. Financial Impact:

The Budget Office has been advised and the BCC will also by resolution need to appoint a person to represent us at the TSCC.

IV. Legal Issues:

Mandated by State Law.

V. Controversial Issues:

None

VI. Link to Current County Policies:

Consistent with previous use of TSCC.

VII. Citizen Participation:

State Legislature Participation.

VIII. Other Government Participation:

Affects all non school taxing entities.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

In the Matter of Designating the)
Tax Supervising and Conservation) RESOLUTION
Commission to Oversee the Tax) 93- 361
Coordination Plan)

WHEREAS, the Oregon State Legislature, in its last Regular Session, passed Senate Bill 59 restoring the tax coordination requirements through December, 1994, as part of the effort to implement Ballot Measure 5;

WHEREAS, Senate Bill 59 requires all taxing districts within a county to coordinate property taxing plans before the beginning of each fiscal year, with an initial meeting notice sent on or before the last day of the calendar year before the calendar year in which the fiscal year begins; and

WHEREAS, the legislation assigned the "county governing body or another public agency designated by the county governing agency" to facilitate the preparation of the coordination plan; and

WHEREAS, the Multnomah County Tax Supervising and Conservation Commission (TSCC) already performed the coordinating function among taxing bodies within the County in the previous year; and

WHEREAS, Multnomah County recognizes the importance of continued coordination of public financing measures;

NOW, THEREFORE, BE IT RESOLVED, that the Multnomah County Board of Commissioners request the TSCC to continue its system of coordination for the Fiscal Year 1994-95, and that TSCC be requested to so notify the taxing districts in Multnomah County so that the required meeting is held prior to the last day of the calendar year.

ADOPTED this 4th day of November, 1993.

MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, County Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

BY Laurence Kressel

MEETING DATE: NOV 04 1993

AGENDA NO: R-3

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Dismissal of Finley/Meyers Way of Necessity Petition

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: November 4, 1993

Amount of Time Needed: 5 minutes

DEPARTMENT: Non-Departmental DIVISION: County Counsel

CONTACT: Matthew Ryan TELEPHONE # 248-3138
BLDG/ROOM #: 106/1530

PERSON(S) MAKING PRESENTATION: Matthew Ryan

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

SIGNATURES REQUIRED:

ELECTED OFFICIAL: 

OR

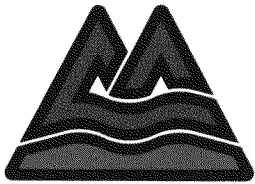
DEPARTMENT MANAGER: 

BOARD OF
COUNTY COMMISSIONERS
1993 OCT 26 AM 8:06
MULTI-NOMINAL COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63 Sent two Certified Copies & one Copy to Matt Ryan on 11.4.93.



MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL
1120 S.W. FIFTH AVENUE, SUITE 1530
P.O. BOX 849
PORTLAND, OREGON 97207-0849
(503) 248-3138
FAX 248-3377

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN, CHAIR
DAN SALTZMAN
GARY HANSEN
TANYA COLLIER
SHARRON KELLEY

COUNTY COUNSEL
LAURENCE KRESSEL

CHIEF ASSISTANT
JOHN L. DU BAY

ASSISTANTS
J. MICHAEL DOYLE
SANDRA N. DUFFY
GERALD H. ITKIN
H.H. LAZENBY, JR.
STEVEN J. NEMIROW
MATTHEW O. RYAN
JACQUELINE A. WEBER

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Matthew O. Ryan (106/1530)
Assistant County Counsel

DATE: October 23, 1993

REQUESTED PLACEMENT DATE: November 4, 1993

SUBJECT: Finley/Meyer Way of Necessity Petition

I. Recommendation/Action Requested:

County Counsel recommends the Board dismiss the Finley/Meyer Way of Necessity Petition.

II. Background/Analysis:

In 1992, Finley and Meyer brought their petition to the Board to obtain a way of necessity. The respondent in the matter is the City of Portland. On August 17, 1992, the parties stipulated to a stay of the proceeding. Subsequent to the stay, the Board adopted Ordinance 759 transferring jurisdiction of Ways of Necessity proceedings to the Circuit Court. The rationale behind Ordinance 759 was that because these proceedings were judicial matters, they were more appropriately handled by the Court than the Board. ORS 376.200 authorizes such a transfer of jurisdiction.

The Board has held no deliberation on this matter. Further, I understand the parties are amenable to the dismissal, so that the matter may be pursued in the Court.

BOARD OF COUNTY COMMISSIONERS

October 23, 1993

Page 2

III. Financial Impact:

N/A

IV. Legal Issues:

As explained above, the jurisdiction for the way of necessity proceedings have been transferred to the Court pursuant to ORS 376.200. The appropriate disposition of a pending proceeding or matter affected by legislative jurisdictional change is not always clear. It usually depends on the particular facts in a given case. However, in the present proceeding, the parties do not object to taking the matter to the Circuit Court. Further, because the Board has not held any substantive action or discussion on the matter, it would seem appropriate to dismiss it at this time.

V. Controversial Issues:

See Section IV above.

VI. Link to Current County Policies:

See discussion of Ordinance 759 above.

VII. Citizen Participation:

N/A

VIII. Other Government Participation:

See Sections II and IV above.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

In the matter of the dismissal of)
Finley and Meyers v. City of)
Portland, a Petition for Way of)
Necessity, No. 92-51-A.)

ORDER NO. 93-362

WHEREAS, the above-entitled matter came on regularly before the Board of County Commissioners at its regular meeting of October 28, 1993; and

WHEREAS, petitioners Finley and Meyers filed a petition for way of necessity October 21, 1991; and

WHEREAS, petitioners and respondent City of Portland filed a stipulated motion for stay dated August 17, 1992, which was granted by the Board; and

WHEREAS, the Board has undertaken no deliberation on the evidence or consideration of the merits in this proceeding; and

WHEREAS, after the stay was granted the Board adopted Ordinance No. 759 an ordinance transferring jurisdiction over Way of Necessity Proceedings to the Multnomah County Circuit Court; and

WHEREAS, Ordinance No. 759 does not address procedures for transferring pending petitions for ways of necessity to the Multnomah County Circuit Court; and

WHEREAS, it is now necessary for the petition filed in this matter to be dismissed in order for the parties to pursue this matter in the Circuit Court.

IT IS HEREBY ORDERED that Finley and Meyers v. City of Portland, Petition for Way of Necessity, No. 92-51-A be dismissed.

IT IS FURTHER ORDERED that certified copies of the record in this proceeding be released to the petitioners and the respondent.

ADOPTED this 4th day of November, 1993.



By Beverly Stein
Beverly Stein, Chair
Multnomah County, Oregon

Laurence Kressel
Laurence Kressel, County Counsel
of Multnomah County, Oregon

MEETING DATE: NOV 04 1993

AGENDA NO: R-4

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Vacation of SE Butler Road

BOARD BRIEFING Date Requested: Nov 4, 1993

Amount of Time Needed: 10 minutes

REGULAR MEETING: Date Requested: Nov 4, 1993

Amount of Time Needed: _____

DEPARTMENT: Environmental Services DIVISION: Transportation

CONTACT: John Dorst TELEPHONE #: 3599

BLDG/ROOM #: 425

PERSON(S) MAKING PRESENTATION: John Dorst

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Hold hearing on the vacation of SE Butler Road and to accept the report and recommendation of the County Engineer for vacation of a portion of SE Butler Rd, County Road No. 365 and 588 and recommending said vacation, subject to certain conditions.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Betsy William

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

*Sent copy of Order 93-363 to John Dorst
on 11-5-93.*

BOARD OF
COUNTY COMMISSIONERS
MULTIPLA COUNTY
OREGON
1993 OCT 26 PM 2:37



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVE.
PORTLAND, OREGON 97233
(503) 248-5050

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS
FROM: Larry Nicholas/John Dorst
TODAY'S DATE: October 26, 1993
REQUESTED PLACEMENT DATE: November 4, 1993
RE: Hearing and Vacation of a portion of SE Butler Rd.

I. Recommendation/Action Requested:

Recommend after public hearing the vacation of that portion of SE Butler Road as requested in the hearing and recommended by County Engineer.

II. Background/Analysis:

III. Financial Impact:

This will have no direct impact, however it will place property formerly road right of way back in the tax roles.

IV. Legal Issues:

This vacation will not be in effect for the half of the road within the city limits of Gresham until the Gresham City Council has completed their vacation proceedings.

V. CONTROVERSIAL ISSUES:

There should not be any. We have the support of adjacent property owners and have received no public comment.

VI. Link to Current County Policies:

Consistent with both county policies and state law.

VII. Citizen Participation:

We have posted public notice and are having a public hearing as part of the vacation process.

VIII. Other Government Participation:

City of Gresham is processing a concurrent vacation request for the portion of SE Butler in the City of Gresham.



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
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BOARD OF COUNTY COMMISSIONERS
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TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

October 26, 1993

Board of County Commissioners
County Courthouse
Portland, Oregon 97204

RE: SE Butler Road/Vacation No. 5004

Dear Commissioners:

In response to the completion of the realignment of SE Butler Road and the resultant vacation of the existing SE Butler Road, this department has investigated the above referenced proposal, and the following is our report:

1. The proceeding involves the proposed vacation of a portion of SE Butler Road, County Road Nos. 365 and 588 from SE 190th Drive easterly 298 feet, more or less.
2. Various utilities that have facilities within the proposed vacation area have been contacted and an easement for these utilities is a part of these vacation proceedings.
3. The portion of SE Butler Road to be vacated has already had the asphalt removed and traffic has been re-routed to that portion of the newly designed SE Butler Road.
4. No costs to the county are associated with the vacation of SE Butler Road other than administrative costs.
5. The portion of SE Butler Road proposed to be vacated lies half within the city limits of Gresham and for the portion within the city limits, the city also must agree to vacate as outlined in ORS 271.080 to 271.230. The city of Gresham has agreed to vacate and is processing the vacation. Upon completion of the city's process, the vacation resolution will be sent to the Multnomah County Clerk of the Board.

6. The vacation request is initiated by Multnomah County Transportation Division due to the realignment of SE Butler Road.
7. The vacated property shall vest as outlined in ORS 368.326 to 368.366 and in this vacation that is one half of SE Butler Road to Tax Lot 7 and the remaining half to EMERALD HEIGHTS.
8. The proposed vacation is in the public interest.

Therefore, it is the recommendation of this department that the vacation of the following described street be granted upon completion of the public hearing if there is no adverse testimony and when the city of Gresham's vacation resolution is completed and received by the county.

A portion of S.E. Butler Road, County Road Nos. 365 and 588, situated in the northwest one-quarter of Section 20, T1S, R3E, W.M., Multnomah County, Oregon, more particularly described as follows:

PARCEL "A":

Beginning at the intersection of the southerly line of the Benjamin Thomas Donation Land Claim, said southerly line also being the centerline of S.E. Butler Road, County Road Nos. 365 and 588, and the easterly right-of-way line of S.E. 190th Drive, County Road No. 590, said right-of-way line being 40.00 feet easterly, when measured at right angles, of the centerline of said S.E. 190th Drive; thence N 0°58'07" W along said easterly right-of-way line, a distance of 49.59 feet; thence southeasterly along the arc of a 20.00 foot radius curve to the left, through a central angle of 88°46'40", the chord of which bears S 45°21'27" E, a distance of 27.98 feet, an arc distance of 30.99 feet to a point on the northerly right-of-way line of said S.E. Butler Road, said northerly line being 30.00 feet northerly, when measured at right angles, of the centerline of said S.E. Butler Road, said northerly line also being the southerly line of EMERALD HEIGHTS NO. 2, a recorded plat, recorded November 9, 1992, in Book 1224, Page 29, Plat Records of Multnomah County, Oregon; thence S 89°44'47" E along said line, a distance of 242.50 feet to the southeast corner of Lot 91, said EMERALD HEIGHTS NO. 2, said southeast corner being a point on the southwesterly right-of-way line of S.E. Butler Road, County Road No. 5002; thence southeasterly along said southwesterly right-of-way line, along the arc of a 195.00 foot radius non-tangent curve to the left, through a central angle of 13°58'58", the chord of which bears S 50°33'03" E, a distance of 47.47 feet, an arc distance of 47.59 feet to a point on said southerly line of the Benjamin Thomas Donation Land Claim; thence N 89°44'47" W along said southerly line, a distance of 298.23 feet to the point of beginning.

Containing 8,440 square feet, more or less.

PARCEL "B":

Beginning at the intersection of the southerly line of the Benjamin Thomas Donation Land Claim, said southerly line also being the centerline of S.E. Butler Road, County Road Nos. 365 and 588, and the easterly right-of-way line of S.E. 190th Drive, County Road No. 590, said right-of-way line being 40.00 feet easterly, when measured at right angles, of the centerline of said S.E. 190th Drive; thence S 89°44'47" E along said southerly Donation Land Claim line, a distance of 298.23 feet to a point on the southwesterly right-of-way line of S.E. Butler Road, County Road No. 5002; thence southeasterly along said southwesterly right-of-way line along the arc of a 195.00 foot radius non-tangent curve to the left, through a central angle of 32°12'15", the chord of which bears S 73°38'40" E, a distance of 108.17 feet, an arc distance of 109.60 feet to the southerly right-of-way line of said S.E. Butler Road, said right-of-way line being 30.00 feet south, when measured at right angles, of the centerline of said S.E. Butler Road; thence N 89°44'47" W along said southerly right-of-way line, a distance of 401.51 feet to a point on said easterly right-of-way line of S.E. 190th Drive; thence N 0°58'07" W along said easterly right-of-way line, a distance of 30.01 feet to the point of beginning.

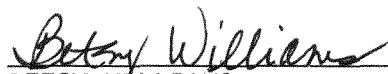
Containing 9,942 square feet, more or less.

The southerly 10.00 feet of the above described parcel of land to be reserved as an easement for the existing utilities.


We further recommend that the vacation be subject to the following conditions:

1. The County Counsel find the consents to vacations are in proper legal form and meet all requirements of Oregon Revised Statutes.
2. That the Order of Final Vacation be recorded in the Deed Records of Multnomah County, Oregon.

Very truly yours,



BETSY WILLIAMS
Director
Dept. of Environmental Services



LARRY F. NICHOLAS, P.E.
County Engineer

BW:LFN:JKD/js

0391E

**B. I. GENTRY
CONSTRUCTION COMPANY, INC.**

P.O. Box 1695 Gresham, Oregon 97030
(503) 661-7637 / (503) 661-4802 - Fax

September 22, 1993

Multnomah County
1620 SE 190th
Portland, Oregon 97233
ATT: Diana Santry

Dear Diana,

Per our conversation, please be advised that as one of the two property owners abutting the currently abandoned section of SE Butler Road, we are very much in favor of the processing of a vacation of that section of road. As you know, we have been asking for this over a period of many months, and we would appreciate your help in getting this done as soon as possible. Time is very much of the essence, as we have development plans for this property, which is currently being held up by this vacation process.

Sincerely,



Tom C. Skaar
Vice President

TCS/kmp

October 7, 1993

To Diana Santry,

My husband and I have no objections to
the Vacation of S.E. Butler Road.

Yours,
Mary Al. Byr

In the Matter of the Vacation of a)
Portion of SE Butler Road, County)
Road Nos. 365 and 588, from SE 190th)
Drive easterly 298 ft., more or less)

93-363

A portion of S.E. Butler Road, County Road Nos. 365 and 588, situated in the northwest one-quarter of Section 20, T1S, R3E, W.M., Multnomah County, Oregon, more particularly described as follows:

Beginning at the intersection of the southerly line of the Benjamin Thomas Donation Land Claim, said southerly line also being the centerline of S.E. Butler Road, County Road Nos. 365 and 588, and the easterly right-of-way line of S.E. 190th Drive, County Road No. 590, said right-of-way line being 40.00 feet easterly, when measured at right angles, of the centerline of said S.E. 190th Drive; thence N 0°58'07" W along said easterly right-of-way line, a distance of 49.59 feet; thence southeasterly along the arc of a 20.00 foot radius curve to the left, through a central angle of 88°46'40", the chord of which bears S 45°21'27" E, a distance of 27.98 feet, an arc distance of 30.99 feet to a point on the northerly right-of-way line of said S.E. Butler Road, said northerly line being 30.00 feet northerly, when measured at right angles, of the centerline of said S.E. Butler Road, said northerly line also being the southerly line of EMERALD HEIGHTS NO. 2, a recorded plat, recorded November 9, 1992, in Book 1224, Page 29, Plat Records of Multnomah County, Oregon; thence S 89°44'47" E along said line, a distance of 242.50 feet to the southeast corner of Lot 91, said EMERALD HEIGHTS NO. 2, said southeast corner being a point on the southwesterly right-of-way line of S.E. Butler Road, County Road No. 5002; thence southeasterly along said southwesterly right-of-way line, along the arc of a 195.00 foot radius non-tangent curve to the left, through a central angle of 13°58'58", the chord of which bears S 50°33'03" E, a distance of 47.47 feet, an arc distance of 47.59 feet to a point on said southerly line of the Benjamin Thomas Donation Land Claim; thence N 89°44'47" W along said southerly line, a distance of 298.23 feet to the point of beginning.

Containing 8,440 square feet, more or less.

PARCEL "B":

Beginning at the intersection of the southerly line of the Benjamin Thomas Donation Land Claim, said southerly line also being the centerline of S.E. Butler Road, County Road Nos. 365 and 588, and the easterly right-of-way line of S.E. 190th Drive, County Road No. 590, said right-of-way line being 40.00 feet easterly, when measured at right angles, of the centerline of said S.E. 190th Drive; thence S 89°44'47" E along said southerly Donation Land Claim line, a distance of 298.23 feet to a point on the southwesterly right-of-way line of S.E. Butler Road, County Road No. 5002; thence southeasterly along said southwesterly right-of-way line along the arc of a 195.00 foot radius non-tangent curve to the left, through a central angle of 32°12'15", the chord of which bears S 73°38'40" E, a distance of 108.17 feet, an arc distance of 109.60 feet to the southerly right-of-way line of said S.E. Butler Road, said right-of-way line being 30.00 feet south, when measured at right angles, of the centerline of said S.E. Butler Road; thence N 89°44'47" W along said southerly right-of-way line, a distance of 401.51 feet to a point on said easterly right-of-way line of S.E. 190th Drive; thence N 0°58'07" W along said easterly right-of-way line, a distance of 30.01 feet to the point of beginning.

Containing 9,942 square feet, more or less.

The southerly 10.00 feet of the above described parcel of land to be reserved as an easement for the existing utilities.

WHEREAS, pursuant to ORS 368.341, the Board of County Commissioners accepted and referred to the Director of the Department of Environmental Services for investigation a request to initiate proceedings to vacate said public road; and

WHEREAS, the Director of the Department of Environmental Services has investigated the advisability of vacating said public road, which is unnecessary for any public purpose, and the Director having filed a report indicating that the proposed vacation is in the public interest and recommends that said right-of-way be vacated subject to certain conditions; and

WHEREAS, subsequent to acceptance of this vacation, a public hearing was held on November 4, 1993, in Room 602, Multnomah County Courthouse, Portland, Oregon; that notice of the hearing was given as provided by law, and proof of posting and notice is filed herein; and finding the property proposed for vacation to have no value to the county, no liabilities are to be incurred resulting from the vacation; and the Board of County Commissioners finding that it would be in the public interest to vacate said portion of SE Butler Road;

WHEREAS, under ORS 368.361 (3), the county, in order to vacate PARCEL "A", which is entirely within the city of Gresham, must obtain the consent of the city, through either a resolution or order of Gresham City Council;

IT IS ORDERED, that the County Engineer or other Board designate present this resolution to the appropriate official within the city of Gresham for review, and action by the city's council;

IT IS ORDERED, that the Board's decision in this matter shall become effective upon such date the city of Gresham, by and through its councils, concurs in the Board's decision to vacate that portion of SE Butler Road entirely within the city limits of Gresham;

IT IS ORDERED, that upon Gresham's formal consent to the vacation as provided under ORS 368.361 (3), the County Engineer is directed to obtain a certified copy of such document for the record herein.

DATED this 4th day of November, 19 93.



BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

By Beverly Stein
BEVERLY STEIN/Chair

REVIEWED:

LAURENCE KRESSEL
County Counsel
for Multnomah County, Oregon

By John L. DuBay
JOHN L. DuBAY
Chief Asst. County Counsel

0391E

AFFIDAVIT OF SERVICE

The undersigned certifies that on October 4, 1993, notice was served of the public hearing on the vacation of a portion of SE Butler Road (from SE 190th Drive easterly 298 feet, more or less), to the following persons:

Larry B. and Mary A. Byer

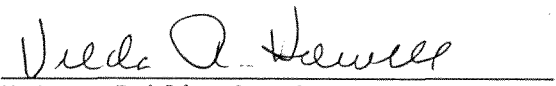
Emerald Heights Partners
c/o Tom Skaar/B.I. Gentry Construction

The notice consists of copies of the Notice of Hearing and was served by certified mail on each person found to have recorded interest in real property abutting property proposed to be vacated.

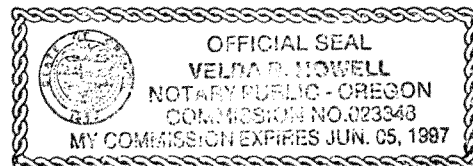
JOHN K. DORST
Engineering Services Administrator


DIANA K. SANTRY
Engineering Tech Assistant

Subscribed and sworn to before me this 26th day of October, 1993.


Notary Public for Oregon
My Commission expires _____

0505E



AFFIDAVIT OF POSTING

The undersigned certifies that on October 8, 1993, notice was posted of the public hearing on the proposed vacation of a portion of SE Butler Road (from SE 190th Drive easterly 298 feet, more or less), at the following places:

1. Utility Pole #2532 in land to be vacated, approximately 50 ft. east of SE 190th Drive, visible to traffic on SE 190th Drive.
2. Utility Pole #39 in land to be vacated, approximately 100 feet east of SE 190th Drive, visible to traffic west bound on the new SE Butler Road.
3. Utility Pole #2533 in land to be vacated, behind southerly sidewalk on the new SE Butler Road, visible to traffic travelling east bound on the new SE Butler Road.


The notice consisted of copies of the Notice of Hearing, posted in no less than three places in a manner to facilitate reading by passersby.

JOHN K. DORST
Engineering Services Administrator


DIANA K. SANTRY
Engineering Tech Assistant

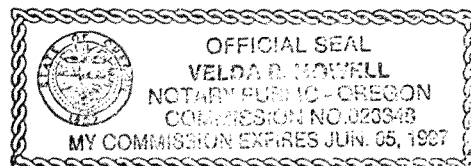
Witness

Subscribed and sworn to before this 26th day of October, 1993.



Notary Public for Oregon

My Commission expires _____



NOTICE OF HEARING

IN THE MATTER OF VACATING A PORTION OF SE BUTLER ROAD

A public hearing will be held in the matter of vacating the unused portion of SE Butler Road, from SE 190th Drive easterly 298 feet, more or less. An easement will be provided for the existing utilities as part of the vacation. This vacation of public right-of-way is proposed because of the completion of the realigned portion of SE Butler Road.

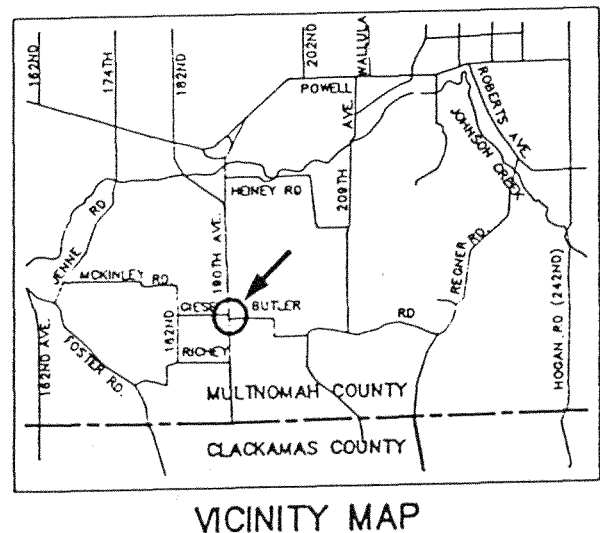
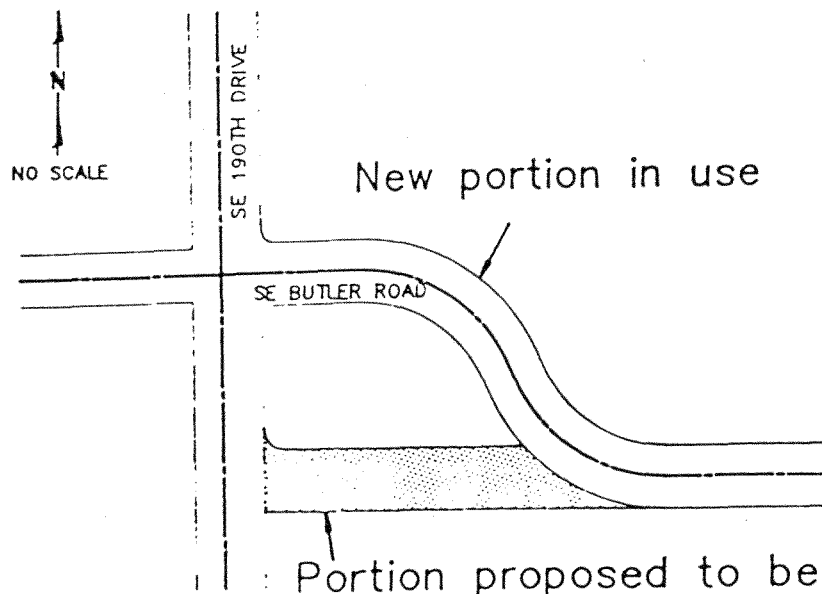
Detailed information may be obtained by calling John Dorst at 248-3599 or Diana Santry at 248-5050 between the hours of 8:00 am and 4:30 pm, Monday through Friday, or writing to Multnomah County Transportation Division, 1620 SE 190th Avenue, Portland, Oregon, 97233.

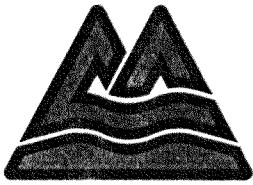
According to ORS 368.346(4); *During or before a hearing under this section, any person may file information with the county governing body that controverts any matter presented to the county governing body in the proceeding or that alleges any new matter relevant to the proceeding.*

The hearing will be held at the Multnomah County Courthouse in Room 602, at 9:30 am, Thursday, November 4th, 1993.

This vacation and hearing process is in accordance with Oregon Revised Statute sections 368.326 to 368.426, including Intergovernmental Vacation Proceedings, section 368.361.

All interested parties are welcome to attend.





MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN •	CHAIR •	248-3308
DAN SALTZMAN •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
TANYA COLLIER •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •	248-3277 •	248-5222

October 1, 1993

Dorothy S. Cofield
Attorney at Law
P.O. Box 230637
Tigard, Oregon 97281-0637

Re: Finley and Meyers v. City of Portland
Petition for Way of Necessity

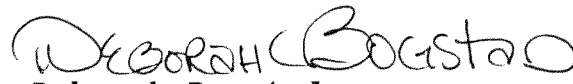
Dear Ms. Cofield:

This office is in receipt of your letter of September 28, 1993 with enclosed Motion to Lift Stay and Reply to Answer to Petition for Way of Necessity of Petitioners Jerry M. Finley and Phillip R. Meyers.

I have been instructed to inform you that pursuant to ORS 376.200 and Multnomah County Ordinance 759, adopted April 22, 1993, (copy enclosed) the Multnomah County Board of Commissioners has been removed from jurisdiction and the Multnomah County Circuit Court now has jurisdiction of the statutory establishment of Ways of Necessity.

If you have need additional information, please contact Deputy County Counsel Matthew Ryan at 248-3138. Thank you.

Sincerely,


Deborah Bogstad
Office of the Board Clerk
1120 SW Fifth Avenue, Suite 1510
Portland, Oregon 97204
(503) 248-3277

db
enclosure
cc: Harry M. Auerbach
Matthew O. Ryan

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 759

An ordinance transferring jurisdiction over Way of Necessity Proceedings to the Multnomah County Circuit Court.

Multnomah County Ordains as follows:

Section I. Findings:

A. ORS 376.200 provides that a county governing body may adopt an ordinance removing the governing body from jurisdiction of the statutory establishment of Ways of Necessity, whereupon the Circuit Court would assume jurisdiction.

B. Ways of Necessity proceedings require the Board to sit in a judicial capacity concerning matters which would be more appropriately addressed by the Circuit Court.

C. The interests of the owners of property and the residents of Multnomah County would be better served if the Circuit Court assumed jurisdiction over statutory establishment of Ways of Necessity within Multnomah County.

Section II. Action:

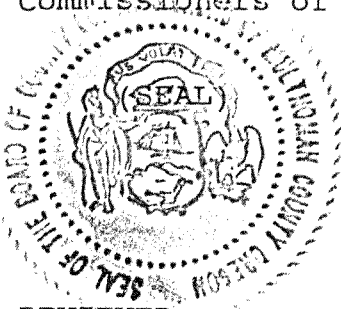
The Board of County Commissioners of Multnomah County, Oregon is hereby removed from jurisdiction of the statutory establishment of Ways of Necessity. Pursuant to ORS 376.200, the Circuit Court of Multnomah County, Oregon shall have jurisdiction of the statutory establishment of Ways of Necessity.

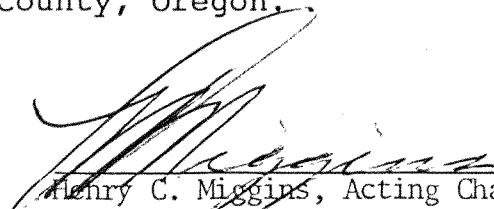
03/24/93:1

Section III. Adoption:

This ordinance, being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on the thirtieth day after its adoption, pursuant to Section 5.50 of the Charter of Multnomah County, Oregon.

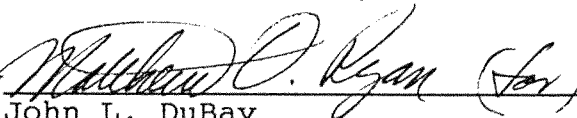
ADOPTED this 22nd day of April, 1993, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.




Henry C. Miggins, Acting Chair
Multnomah County, Oregon

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 
John L. DuBay
Chief Assistant County Counsel

D:\WPDATA\FOURTEEN\NECESSIT.ORD\dp

03/24/93:1

DOROTHY S. COFIELD

Attorney At Law

P.O. Box 230637

Tigard, OR 97281-0637

(503) 620-0258 Fax: 639-6891

September 28, 1993

Multnomah County Board of County Commissioners
1120 SW Fifth Avenue
Portland, Oregon 97204

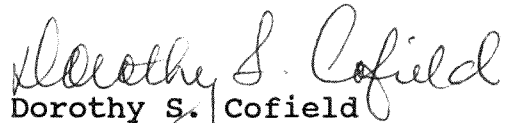
Re: Finley and Meyers v. City of Portland, No. 92-51-A, Petition
for Way of Necessity

Dear Board of County Commissioners:

Enclosed for filing is the Motion to Lift Stay and Reply to
Answer to Petition for Way of Necessity of petitioners Jerry M.
Finley and Phillip R. Meyers in the above captioned matter.

Thank you.

Very truly yours,



Dorothy S. Cofield
of Attorney for Petitioners

DSC:mwd
encls

cc: Harry M. Auerbach, Portland Deputy City Attorney

9127-035.ltr

BOARD OF
COUNTY COMMISSIONERS
1993 SEP 29 AM 9:51
MULTNOMAH COUNTY
OREGON

BEFORE THE

No. 92-51-A

PETITIONERS' MOTION TO LIFT
STAY

Respondent.

Jerry M. Finley and Phillip R. Meyers, hereinafter "petitioners," move this Board to lift the Stay granted in the proceedings in the above-captioned case.

Petitioners' Motion for Stay was granted by this Board to allow petitioners' time to seek the consent of respondent to the proposed way of necessity, and to secure approval of the proposed way of necessity by the National Park Service.

The reason for granting petitioners' Motion to lift the Stay is that Portland Parks and Recreation, the initial reviewing agency for the respondent, has notified petitioners that it will not approve petitioners' property exchange, a condition precedent to securing approval of the proposed way of necessity by the respondent and the National Park Service. Although the letter notification of denial is preliminary, there is no indication that the final report from the respondent will say differently.

1 4.


2 Petitioners ask that the Board lift the stay and schedule a
3 hearing for the way of necessity, prior to obtaining respondent's
4 final report on the exchange proposal. Respondent has made
5 repeated promises to respond to the conversion proposal, but as
6 of this date, has not given petitioners a final report. A final
7 report from the respondent is required before the Portland City
8 Council can act on the conversion proposal. Petitioners made
9 their conversion request pursuant to Chapter 675.9 of the Land
10 and Water Conservation Fund (L&WCF) grants manual and 36 CFR Part
11 59 § F(3) on May 18, 1993. The State of Oregon completed its
12 review on or about July 15, 1993. The request was submitted to
13 the State at the same time that it was submitted to the
14 respondent.

15 5.

16 The Stay tolled the time for the filing of a reply to
17 Respondent's Answer. Petitioners' reply is being filed with this
18 motion.

19 DATED this 28nd day of September, 1993.

20 Respectfully submitted,

21 
22 Dorothy S. Cofield OSB #92261
23 David B. Smith OSB #88315
24 8255 SW Hunziker, Suite 200
Tigard, Oregon 97223
(503) 620-0258
of Attorneys for petitioners

25 legal91\9127.031.mtn

CERTIFICATE OF FILING

I hereby certify that on September 28, 1993, I filed the original of this Petitioners' Motion to Lift Stay, together with one copy, with the Multnomah County Board of County Commissioners, 1120 SW Fifth Avenue, Portland, Oregon 97204, by first class mail, postage prepaid, through the United States Postal Service at Tigard, Oregon.

Dated: September 28, 1993

Dorothy S. Cofield
Dorothy S. Cofield, OSB #92261
Attorney for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 1993, I served a true and correct copy of this Petitioners' Motion to Lift Stay, by first class mail, postage prepaid, through the United States Postal Service at Tigard, Oregon, on the following person:

Harry M. Auerbach, OSB #82183
Deputy City Attorney
315 City Hall
Portland, Oregon 97204
Attorney for Respondent

Dated: September 28, 1993

Dorothy S. Cofield
Dorothy S. Cofield OSB #92261
Attorney for Petitioners

Certified to be the original copy.

by Wesley S. Cozick

Attorney for Petitioners

BEFORE THE

MULTNOMAH COUNTY BOARD OF COUNTY COMMISSIONERS

JERRY M. FINLEY and
PHILLIP R. MEYERS,

Petitioners,

V.

CITY OF PORTLAND,

Respondent.

No. 92-51-A

REPLY TO ANSWER
TO PETITION FOR
WAY OF NECESSITY

Petitioners reply to the respondent's answer to the petition for statutory way of necessity as follows:

1.

Petitioners have no reply to respondent's answer to paragraph 1, 2, the first three sentences of paragraph 3, the second sentence of paragraph 4, paragraph 5, and paragraph 7.

2.

Petitioners purchased their property on August 8, 1990, as evidenced by Exhibit A. Petitioners purchased their property subject to knowledge of public record that 3 public, platted roads, NW Mountain View Boulevard, NW Ranier Avenue, and NW Mount Jefferson Avenue, would serve as access to the property. In March 1991, after acquiring the property, petitioners learned respondent had determined that these roads were not capable of being developed, as shown in Exhibits B, C, and D.

3.

1 In its answer, respondent denies that petitioners are
2 entitled to a statutory way of necessity through or over
3 respondent's property. An Attorney General letter of opinion,
4 dated April 30, 1993, states that a property owner is entitled to
5 adequate means of access from private property to a public road.
6 Restriction of access can constitute a taking, as shown by
7 Exhibit E.

8 4.

9 Petitioners have proposed an equitable exchange of land for
10 the statutory way of necessity, supported by an independent
11 appraisal review by the Oregon State Highway Division, shown by
12 Exhibit F. The specific location of the way of necessity is
13 shown on the survey attached hereto as Exhibit G.

14 5.

15 Without ingress and egress to their property in Glen Harbor
16 Heights, the petitioners are unable to complete their land use
17 application and cannot attempt to show compliance with the
18 respondent's zoning ordinance. Petitioners are suffering and
19 continue to suffer financial loss due to their inability to gain
20 ingress and egress to their property and develop it for the
21 establishment of a detached single-family dwelling.

22 6.

23 Petitioners have attempted to obtain respondent's consent
24 for a way of necessity across public property, as shown by
25 Exhibit H. In view of the fact that the state considers the land
26 exchange to acquire the way of necessity equitable, the

1 respondent is unreasonably withholding consent, in violation of
2 ORS 376.185 (1).

3 7.

4 The respondent should not recover its costs and reasonable
5 attorney fees, under ORS 376.175 (e) because it has unreasonably
6 withheld its consent to the way of necessity. The petitioners
7 have proposed an equitable land exchange for the way of necessity
8 across respondent's property that provides less negative impacts
9 to Forest Park than the development of the platted roads.

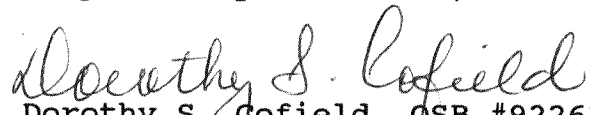
10 In every other respect, except for gaining respondent's consent,
11 the petition meets the statutory requirements of ORS 376.150 to
12 376.200.

13 8.

14 Petitioners respectfully ask that this Board to grant and declare
15 the way of necessity as proposed in the petitioners' land
16 exchange proposal and found to be equitable by the State of
17 Oregon.

18
19 DATED this 28rd day of September, 1993.

20 Respectfully submitted,

21 
22 Dorothy S. Cofield, OSB #92261
23 David B. Smith, OSB #88315
24 8255 SW Hunziker Suite 200
25 PO Box 230637
26 Tigard, Oregon 97223
(503) 620-0258
of Attorneys for Petitioners

legal91\9127-033.rpl

CERTIFICATE OF FILING

I hereby certify that on September 28, 1993, I filed the original and one copy of this Petitioners' Reply to Answer to Petition for Way of Necessity with the Multnomah County Board of County Commissioners, 1120 SW Fifth Avenue, Portland, Oregon 97204, by first class mail, postage prepaid, through the United States Postal Service at Tigard, Oregon.

Dated: September 28, 1993

Dorothy S. Cofield
Dorothy S. Cofield, OSB #92261
Attorney for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 1993, I served a true and correct copy of this Petitioners' Reply to Answer to Petition for Way of Necessity, by first class mail, postage prepaid, through the United States Postal Service at Tigard, Oregon, on the following person:

Harry M. Auerbach, OSB #82183
Deputy City Attorney
315 City Hall
Portland, Oregon 97204
Attorney for Respondent

Dated: September 28, 1993

Dorothy S. Cofield
Dorothy S. Cofield OSB #92261
Attorney for Petitioners

Fidelity National Title Company of Oregon

STATUTORY WARRANTY DEED
(Individual or Corporate)

EXHIBIT A

Kathlyn R. Slade

grantor, conveys and warrants to
Phillip R. Meyers and Jerry M. Finley

grantee, the following described real property, free and clear of encumbrances except as specifically set forth herein, situated in the county of Multnomah, State of Oregon, to wit:

Lots 2, 3 and 4, Block 25 and Lot 1, Block 26, GLEN HARBOR HEIGHTS, in the County of Multnomah and State of Oregon.

FIDELITY NATIONAL TITLE
502597-008

Subject to and excepting: 1990-91 taxes, a lien not yet payable.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$ 35,000.00
(See ORS 93.030)

Dated this 8th day of August, 1990

Kathlyn R. Slade
Kathlyn R. Slade

(If executed by a corporation,
affix corporate seal)

STATE OF ~~OREGON~~ CALIFORNIA)
County of Placer) ss.
August 8th, 1990

Personally appeared the above named
Kathlyn R. Slade

and acknowledged the foregoing instru-
ment to be her voluntary act and deed.

Before me:
Yvonne M. Phelps
Notary Public for ~~Oregon~~ California
My commission expires: 2/25/94

(OFFICIAL
SEAL)

STATE OF OREGON, County of) ss.
19

Personally appeared and
who, being duly sworn,
each for himself and not one for the other, did say that the former is the
president and that the latter is the
secretary of

a corporation
and that the seal affixed to the foregoing instrument is the corporate seal
of said corporation and that said instrument was signed and sealed in be-
half of said corporation by authority of its board of directors; and each of
them acknowledged said instrument to be its voluntary act and deed.

Before me:
Notary Public for Oregon
My commission expires:

(OFFICIAL
SEAL)



CITY OF
PORTLAND, OREGON
OFFICE OF TRANSPORTATION

Earl Blumenauer, Commissioner
Transportation Engineering
1120 S.W. Fifth Avenue
Room 802
Portland, Oregon 97204-1971
(503) 796-7004

March 6, 1991

EXHIBIT B

Jerry Finley
Philip Meyers
115 NE Stafford
Portland, OR 97211-2243

Re: Glen Harbor Heights Access Feasibility Report

Dear Jerry & Philip:

I've reviewed the study dated February 26, 1991 by Kent Cox & Associates, which addresses the feasibility of using the Mt. View Boulevard right-of-way for access to your property. In addition, I've personally visited the site and walked the alignment of Mt. View Boulevard by following survey stakes provided by Mr. Cox.

I concur with Mr. Cox's findings concerning the impacts of constructing of an access road in Mt. View Boulevard. In my judgement, Mt. View Boulevard is not a viable route for access to your property. I also agree with Mr. Cox's recommendation that you should continue to investigate alternative access routes with less detrimental impact to the land.

Sincerely,

Glen R. Pierce
Senior Projects Coordinator



CITY OF PORTLAND
BUREAU OF PARKS AND RECREATION

1120 S.W. 5TH, ROOM 1302
PORTLAND, OREGON 97204-1933
(503) 796-5193

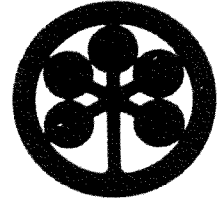


EXHIBIT C

MIKE LINDBERG, Commissioner

CHARLES JORDAN, Director

March 28, 1991

Ms. Jerry Finley
115 NE Stafford
Portland, OR 97211-2240

Dear Ms. Finley:

In response to your letter of February 10th, I have considered the impacts of using Mt. View Blvd. and Mt. Jefferson Ave. to access your property from Germantown Road.

Based on the impacts I request that they **not** be considered for access.

As best as I can determine, both routes would directly interfere with Wildwood Trail as it is now established near Germantown Road. In fact, the impact to the trail might be termed disastrous as the alignment of the Mt. View and Mt. Jefferson rights-of-way are extremely close if not coincident with the trail.

I have requested some time with our Deputy City Attorney this coming Monday in order that he and I might review the situation as it now stands and give you some clear direction as to the next step. Since I know fully well that you will now be requesting access via an "access of necessity" over a route agreeable to us, if at all possible I will spare you any required letter to the City in an effort to compensate for the delay in this response.

After my visit with the City Attorney, I will immediately get back to you.

If you have any questions, please contact me at 796-5122.

Sincerely,

Jim Sjulín, Supervisor
Natural Resources Program



CITY OF

PORTLAND, OREGON

OFFICE OF TRANSPORTATION

Earl Blumenauer, Commissioner
Transportation Engineering
1120 S.W. Fifth Avenue
Room 802
Portland, Oregon 97204-1971
(503) 796-7004

EXHIBIT D

March 21, 1991

Jerry Finley
115 NE Stafford
Portland, OR 97211-2243

Re: Access to Lot 1, Block 26 and Lots 2,3 & 4, Block 25, Glen Harbor Heights

Dear Jerry:

At your request, I visited your site on Friday, February 22nd, to look at the feasibility of obtaining access via the platted NW Rainier Avenue right-of-way (also known as NW Ranier Avenue and NW Mt. Rainier Avenue). As a result of my visit, I've concluded that NW Rainier is not a viable alternative access route to your property. My conclusion is based on the following:

- NW Rainier Avenue traverses difficult terrain. Side-slopes are very steep, with many appearing to be in the 20-30% range. Construction of a road in this location would entail significant cuts and fills. Because of the steepness of the side-slopes, it is very likely that many cut and fill slopes would consume the entire existing 40-foot wide right-of-way. Given the length of the required road (approximately one-half mile), the expected negative impact on mature trees and other vegetative cover would be extensive.
- Longitudinal street grades are also a problem. Typically, gravel roads do not work at grades exceeding 15%. Our public street standards allow grades up to 18% for roads paved with asphalt, and up to 22% for portland cement concrete. However, in my judgement, there are portions of the NW Rainier Avenue alignment that are too steep to meet those standards.
- The horizontal alignment of the existing platted right-of-way is substandard. Given the topographical constraints, it is probable that additional right-of-way or easements from adjacent property would be necessary.
- SW Rainier Avenue crosses an existing drainage course and runs parallel to it for significant portions of its length. The impact of road construction on the water course would be significant.

For these reasons, it's my judgement that the NW Rainier Avenue right-of-way is not a viable access route to your property. I recommend that you continue to pursue more direct alternative routes with the Park Bureau.

Sincerely,

Glen R. Pierce
Senior Projects Coordinator

EXHIBIT E



DEPARTMENT OF JUSTICE

GENERAL COUNSEL DIVISION

Justice Building

Salem, Oregon 97310

Telephone: (503) 378-4620

FAX: (503) 378-3784

RECEIVED

MAY 13 1993

LAW LIBRARY

April 30, 1993

William Anhorn, Deputy Director
Oregon Department of Transportation
Room 102, Transportation Building
Salem, OR 97310

Re: Opinion Request OP-6457

Dear Mr. Anhorn:

You have asked several questions about the authority of the Oregon Department of Transportation (ODOT) to limit private access to a state highway without payment of compensation to the owner of the affected property. We are to assume, in each instance, that there are sufficient traffic engineering, public safety, public convenience and general welfare reasons for restricting motor vehicles from direct ingress and egress at a particular location on the highway.

Your questions and our brief answers are set out below, followed by a discussion.

1. Does elimination of access to a state highway, from a driveway or approach road, rise to a "taking" under the Oregon or United States Constitutions, requiring payment of just compensation, given the following circumstances?^{1/} The affected right of access to the highway is under a permit with ODOT. The right to access may derive from common law, deed, legal dedication, reservation in an instrument of conveyance or indenture. The highway to which access is being restricted may be reached from the affected property through another, longer route, such as a city street, county road, or another state highway.

No. Although eliminating direct highway access will increase travel distances to and from the parcel, this effect alone is not a compensable taking.

2. Would the answer to question 1 differ if the remaining access to and from the property was via a public street, road, or other highway that did not connect directly to the restricted access highway, requiring extra travel of: 1/4 mile, 1/2 mile, or 1 mile?

No. Restrictions in access that merely increase travel distances to the abutting highway are not compensable "takings."

3. Would the answer to question 1 differ if there is no other abutting street, road or highway, and the parcel is left: (a) landlocked; or (b) only with ingress and egress across another owner's parcel by way of an easement or lease; or (c) only with ingress and egress across another parcel under the same ownership?

A restriction in access that landlocks a parcel, by denying all access to a public road, would constitute a taking. However, there is still adequate access, and no taking, if public roads may be reached by way of a permanent easement over an adjoining parcel under different ownership or over an adjoining parcel under the same ownership.

4. Would the answer to question 1 differ if the approach is not under an ODOT permit and was constructed prior to 1949, prior to 1957 or prior to 1967?

No. The lack of a permit and the date of construction of the approach do not affect the constitutional issue of taking. However, as we discuss below, they may affect the means the state must use to eliminate access from such an approach road.

5. If part of the highway construction is upon a right of way acquired before May 12, 1951, what impact, if any, does ORS 374.405 have on the issue of taking?

None.

6. What difference would it make, if any, to the issue of taking that a state highway is or is not designated a throughway?

None.

7. Would any of the answers differ if there is a taking of any physical portion of the parcel, i.e., fee or easement, for the highway improvement?

No.

8. Would any of the answers differ if the use of the parcel had changed from the date that the approach road was installed?

No.

9. Would any of the answers differ if the use of the highway, e.g., speeds, volumes of usage or types of vehicles, had changed since the approach road was installed?

No. A change in highway use would not justify compensation for restricting the access provided by that road. In fact, it may justify regulating access, as it may affect "the best interest of the public for the protection of the highway or road and the traveling public." ORS 374.310(2).

Discussion

1. Background

A. Constitutional Principles

The Fifth Amendment to the United States Constitution provides that "private property [shall not] be taken for public use, without just compensation." This amendment is made applicable to the states by the Due Process Clause of the Fourteenth Amendment of the United States Constitution. See Webb's Fabulous Pharmacies, Inc. v. Beckwith, 449 US 155, 160, 101 S Ct 446, 66 L Ed2d 358 (1980); Chicago, Burlington & Quincy RR. v. Chicago, 166 US 226, 241, 17 S Ct 581, 41 L Ed 979 (1897).

Article I, section 18, of the Oregon Constitution has similar language:

Private property shall not be taken for public use * * * without just compensation; nor except in the case of the state, without such compensation first assessed and tendered.^{2/}

These constitutional provisions require compensation only for taking of property interests. "Inconvenience, reduction in profits or depreciation in value of property that occurs as a result of a legitimate exercise of the police power is damnum absque injuria [loss without harm] and is not a compensable taking." Gruner v. Lane County, 96 Or App 694, 697-98, 773 P2d 815 (1989). A property owner is not entitled to compensation for a loss arising from regulation, unless the owner can show that the type of loss suffered is peculiar to those owning land, as distinct from the loss suffered by the general public arising from the regulation. See Highway Com. v. Central Paving Co., 240 Or 71, 75, 399 P2d 1019 (1965).

The word "property" in these provisions refers not to the land or a physical thing, but rather to "the group of rights inhering in the citizen's relation to the physical thing, as the right to possess, use and dispose of it." Cereghino v. State Highway Com., 230 Or 439, 445, 370 P2d 694 (1962) (quoting United States v. General Motors Corp., 323 US 373, 377-78 (1945)). To define the range of property interests that qualify for protection under the Fifth and Fourteenth Amendments, the United States Supreme Court traditionally resorts to "existing rules or understandings that stem from an independent source such as state law." Lucas v. So. Carolina Coastal Council, 505 US ___, 112 S Ct 2886, 120 L Ed2d 798, 822 (1992).

Oregon courts long have recognized that owners of land abutting a street or highway have a common law right, in the nature of an easement, to use that street or highway as a means of access to and from the property.^{3/} Oregon Investment Co. v. Schunk, 242 Or 63, 69, 408 P2d 89 (1965); Boese v. City of Salem, 40 Or App 381, 595 P2d 822, rev den 287 Or 507 (1979). Any impairment of this right or interference with it caused by the use of the highway for other than legitimate highway purposes is a compensable taking within the meaning of the Oregon Constitution. Sweet v. Irrigation Canal Co., 198 Or 166, 191, 254

P2d 700, 256 P2d 252 (1953); see also Morrison v. Clackamas County, 141 Or 564, 568-69, 18 P2d 814 (1933) (any destruction or interruption of the common and necessary use and enjoyment of property for a public purpose constitutes a "taking"). This is true whether or not the abutting land owner owns the fee title of the land over which the highway is located. Id.

Yet, private rights of abutting land owners to access their property via the street or highway are "subservient to the primary rights of the public to the free use of the streets for the purpose of travel and incidental purposes." Oregon Investment Co. v. Schrunk, supra, 242 Or at 69 (quoting Hickey v. Riley, 177 Or 321, 332 (1945)). To protect the public safety, public convenience and the general welfare, governments may qualify or restrict an abutting landowner's right of ingress and egress via that highway. See State Highway Com. v. Burk, 200 Or 211, 265 P2d 783 (1954); see also Oregon Investment Co. v. Schrunk, supra, and Boese v. City of Salem, supra, 40 Or App 381. However, the Takings Clause of the Federal Constitution's Fifth Amendment applies to the regulation of property, as well as to physical deprivation of property. Lucas v. So. Carolina Coastal Council, supra, 120 L Ed2d at 812. Regulation that compels the property owner to suffer a physical "invasion" of his property or that denies all economically beneficial or productive use of land is compensable. Id. at 812-13. Thus, the constitutional question becomes one of determining when a restriction of access denies all economically beneficial or productive use of the land, so as to amount to a "taking."

B. Statutory Provisions

After World War II, the legislature adopted comprehensive legislation recognizing the state's police power to control access to public highways. The throughway laws, currently ORS 374.005 through 374.095, were enacted as Oregon Laws 1947, chapter 226. The approach road permit statutes, currently ORS 374.305 through 374.325, were enacted as Oregon Laws 1949, chapter 308. These statutes continue to provide the state with great latitude in regulating highways. ORS 374.310(2) allows the state to do anything "in the best interest of the public for the protection of the highway or road and the travelling public."^{4/} Also, ORS 374.305 states that certain actions may be taken, including removal, alteration or change when "the public safety, public convenience and general welfare" require such action.^{5/} The quoted language is an implied limitation on the powers that this statute grants to state government.

Another limitation, expressed in ORS 374.310(3), is that the access control statutes may not be "exercised so as to deny any property adjoining the road or highway reasonable access." The negative implication of this restriction is that the state may exercise its regulatory powers to deny property adjoining the highway access when there is reasonable alternative access.

2. Elimination of Access to Highway Via Private Road Where Highway May Be Reached By Another Longer Route

Your first two questions ask whether there is a "taking," requiring compensation, when the state eliminates access to a public highway via a private approach road or driveway under permit with ODOT if the highway may still be reached through another, longer route.⁶⁷

At least since 1900, Oregon courts have held that there is no taking, requiring just compensation, when government actions concerning public roads affect, or even eliminate, some access rights of abutting property owners. See, e.g., Brand v. Multnomah County, 38 Or 79, 60 P 390, 62 P 209 (1900), and Barrett v. Union Bridge Co., 117 Or 220, 243 P 93 (1926).

In Highway Com. v. Central Paving Co., 240 Or 71, 399 P2d 1019 (1965), the Supreme Court considered a condemnation action in which defendants claimed under both common law and ORS 374.035 that they were entitled to compensation for the increased travel distance that resulted when the abutting road became a limited access highway. The court held that defendants were not entitled to compensation, explaining:

The cases are in disagreement as to whether a landowner can recover compensation for circuity of route resulting from the construction of a limited access highway. We adopt the view of those courts which deny recovery.

* * * The inconvenience resulting from travelling a more circuitous route is the same kind of inconvenience the general public suffers when there is a modification of certain traffic regulations on existing streets and highways. * * * Defendants are not entitled to recover compensation for a loss unless they can show that the type of loss is peculiar to those owning land as distinct from the loss suffered by the general public. This they are unable to do in the present case.

Id. at 74-75 (footnotes omitted). The court's conclusion that a property owner's interest in a more direct contact with the throughway is not an interest in land is significant. Without a property interest in direct access between the highway and the property, there could be no "taking."

In Argo Investment v. Dept. of Transportation, 66 Or App 430, 674 P2d 620 (1984), the court held that closure of one of two accesses from private land to public roadways does not rise to the level of a taking merely because traffic has to use a more circuitous route. The court stated:

Plaintiffs argue that the impairment of the traffic flow to their businesses constitutes a substantial interference with the highest and best use of their property and a compensable taking. We find no merit in this claim. * * * Plaintiffs continue to have access to their property for the principal purpose for which it is used. The

fact that traffic has to use a more circuitous route to obtain access to Center from Front may be inconvenient, affecting the use, but it does not rise to the constitutional magnitude requiring compensation. Douglas County v. Briggs, 286 Or 151, 157, 593 P2d 1115 (1979). A landowner is not entitled to compensation under eminent domain for the circuitry of a route resulting from the construction of a limited access highway. Highway Com. v. Central Paving Co., 240 Or 71, 74, 399 P2d 1019 (1965); State Highway Comm. v. Hazapis, 3 Or App 282, 286, 472 P2d 831, rev den (1970).

Id. at 432-33. While neither Central Paving Co. nor Argo Investment, supra, are strictly access control cases, they are cited as authority in subsequent access control cases for the proposition that circuitry of travel is not compensable. See, e.g., Gruner v. Lane County, supra, 96 Or App 694; City of Salem v. Merritt Truax, Inc., 70 Or App 138, 688 P2d 120 (1984); and Boese v. City of Salem, supra.

Thus, we do not believe that the court would find that a closure of access that increased circuitry of travel would constitute a taking of the right of access, requiring compensation, even if the increased travel distance were up to a mile.

3. Property Landlocked or Only Accessible By Way of Easement or License

The Oregon courts have not yet fully articulated what limits may exist to the state's power to restrict access to and from private lands via public roads. The court in Oregon Investment Co. v. Schrunk, supra, 242 Or at 72, noted the absence of a decision on whether there is a taking where vehicular access is denied to an abutting owner whose property fronts only one street. Later, it added: "Despite defendants' common law right of access, we believe the matter to be one of considerable doubt in situations in which the access is terminated for purposes which have to do with the use of the * * * road as a public road." Douglas County v. Briggs, supra, 286 Or at 156-57; see also Boese v. City of Salem, supra, 40 Or App at 384-85. Though this still is the case, we believe the court will find a restriction of access that leaves the abutting property landlocked is a taking.

Citing the Schrunk case, supra, the Court of Appeals, in Douglas County v. Briggs, 34 Or App 409, 414, 578 P2d 1261 (1978) aff'd, 286 Or 151 (1979) noted that a government's restrictions of an abutting landowner's right of ingress and egress does not constitute a taking "so long as an adequate means of access remains available to the abutting property owner." Affirming the decision on statutory grounds, the Supreme Court observed that "the question of whether loss of adequate and reasonable access would be compensable is one of constitutional magnitude." Id. 286 Or at 157.⁷¹

Perhaps following this signal, the Court of Appeals subsequently upheld a jury instruction that the state may restrict access to land, without compensation, so long as the landowner retains "reasonable and adequate access" to serve the land. See State Dept. of Transportation v. Shoppert, 82 Or App 311, 314, 728 P2d 80 (1986). Because this is a general standard, requiring application of the relevant facts, it provides little guidance in the abstract as to the point at which a restriction of access could constitute a taking.

However, we believe that the courts would find a compensable taking when access restriction leaves a parcel landlocked. A parcel is landlocked when it lacks all access to public ways.^{8/}

The legislature recognized the effect eliminating all reasonable access would have when it limited the regulatory authority in the approach road permit laws of 1949. Or Laws 1949, ch 308. That limitation eventually became ORS 374.310(3), which now provides that the powers granted by the other provisions of ORS 374.310 and by ORS 374.315 "shall not be exercised so as to deny any property adjoining the road or highway reasonable access." Denial of reasonable access essentially landlocks a parcel. In situations where a parcel would be undeniably landlocked either by denial of a permit or by cancellation of a permit, this provision prevents the state from landlocking that parcel through use of the approach road permit laws or rules. It does not prevent the state from requiring compliance with construction standards or other reasonable permit conditions, as requiring compliance with such provisions would not deny reasonable access. However, if the safety of the travelling public requires closure or elimination of an approach road, and there is no reasonable alternate access, the state must use its condemnation authority to acquire access control, or it must create reasonable access through construction of a frontage road or by other means.

Whether there is a taking when a closure of access leaves the affected property only with access across another parcel by way of easement or lease, or across another parcel under the same ownership, is a more difficult question. As noted above, restriction of access does not constitute a taking so long as adequate means of access remains available to the abutting property owner. Douglas County v. Briggs, *supra*, 34 Or App at 414. Inconvenience, reduction in profits or depreciation in value that occur as a result of legitimate regulation of the roads is not compensable. Gruner v. Lane County, *supra*, 96 Or App at 697-98 (and cases cited therein). Whether there remains adequate means of access is a question of fact. See Douglas County v. Briggs, *supra*, 286 Or at 157.

We believe the courts would find that there is adequate access if access is by way of a permanent easement over adjoining property. It is equally likely that they would find adequate a permanent easement appurtenant to the affected property that permits access from the public roads. However, we believe that the court would find inadequate an access by an easement of limited duration or license. Such a limited duration easement or license will eventually leave the affected parcel landlocked, which we believe the courts would hold to be taking.^{9/}

We also believe the courts would find that there is adequate access if it is over adjoining property under the same ownership. The owner clearly can use his own property. If there is no such easement over the adjoining property at the time access is taken, the owner and any purchaser may establish one simply by reservation in the deed that conveys title to the adjoining property.^{10/}

It is not clear whether the courts would find the alternative access "adequate" or "reasonable," if the affected property owner could make practical use of it only by paying substantial sums to improve it. However, highway access restrictions often force abutting

owners to spend money in response to the access restriction. See, e.g., Boese v. City of Salem, *supra*, 40 Or App 381. Because the courts have never held this consequence to be a taking requiring compensation, we think it is unlikely that they would hold that the state must compensate the owner for the cost of the improvements necessary to make the alternative access usable.

4. Road Approach Not Under ODOT Permit and Constructed Before 1949, 1957 or 1967.

The fact that the road approach is not under an ODOT permit and was constructed prior to 1949, prior to 1957 or prior to 1967 would not change our answer that there is no taking if the approach road is closed or eliminated.

We understand that you have specified these dates because the legislature adopted the permit laws in 1949, and because 1957 and 1967 are the dates specified in ORS 374.330,^{11/} which provides that certain amendments to the permit statutes do not affect approaches existing prior those dates. Because permits were required for any construction after 1949, any approaches installed after that date but before 1957 or 1967 require permits, without which they are illegal approaches subject to removal under ORS 374.307, regardless of ORS 374.330. Those constructed prior to 1949 are still subject to the state's right to regulate the roadway on behalf of the public, and we conclude it is immaterial to the constitutional taking issue that an approach road is not under a permit and was constructed prior to 1949, 1957 or 1967.

Prior to the enactment in Oregon Laws 1949, chapter 308, of statutory authority to regulate approach roads through permit requirements, the property owner could construct approach roads without prior written permission. However, that privilege was always subject to the state's right to control the operation and use of its highways. The decisions of Brand v. Multnomah County, *supra*, 38 Or 79, in 1900, and Barrett v. Union Bridge Co., *supra*, 117 Or 220, in 1926, were based upon what the court termed the governmental exercise of "police power." The courts have continued to refer to the exercise of police power by the cities, counties and state when considering the regulation of the rights of abutting property owners in order to protect the general interest of the public in the use of the roadways for traditional governmental purposes.^{12/} See, e.g., State Highway Com. v. Burk, *supra*, 200 Or 211. In this context, police power encompasses the statutory authority to act on behalf of the public to protect its right to use of the roads, streets and highway for roadway purposes. See Linde, Without "Due Process", 49 Or L Rev 125 (1970).

The 1949 legislation, in general, prohibited any person from building or constructing on the right of way of any state highway or county road "any approach road or any other facility, thing or appurtenance" without first obtaining a permit from the appropriate authority. Or Laws 1949, ch 308, § 1. It also provided that the state would not exercise its new permit powers to "deny any property adjoining the road or highway reasonable access." See ORS 374.310(3). It did not, however, affect the authority of the state or counties to require changes to, or to close, existing approaches when in the interest of the operation of the highways and roads, or of the public's use thereof. In summary, approaches constructed

prior to 1949 are subject to the general supervision and control, commonly referred to as "police power," the same as are those constructed after 1949. However, post-1949 approaches may only be constructed after obtaining a permit.

Oregon Laws 1951, chapter 186, added provisions to the permit statutes that limited the issuance of approach road permits to highways that were neither throughways nor access controlled. It also expressly provided that there was no right to construct approaches upon throughways or other access controlled highways. In addition, Oregon Laws 1951, chapter 587, now codified as ORS 374.405 through 374.420, states that no new rights of access are created by the construction of a highway on totally new rights of way.

In 1957, the legislature deleted the reference to throughways and access controlled highways in ORS 374.310 and 374.325, and substituted language in ORS 374.310 stating that "the highway commission shall issue no permit for the construction of any approach road at a location where no rights of access exist between the highway and abutting real property." Or Laws 1957, ch 323, § 2. It also added permit requirements for any "structure, pipeline, ditch, cable or wire" to ORS 374.305, 374.310 and 374.325. Or Laws 1957, ch 323, § 1. Subsection 1 of the grandfather provision of ORS 374.330 was also part of the 1957 legislation. See note 11.

ORS 374.330(1) grandfathered structures, pipelines, ditches, cables and wires installed prior to 1957 without a permit. It did not, however, grandfather approach roads constructed without a permit since the amendments adopted pursuant to the 1957 law did not make that change; such permits were first required in 1949. It only allowed approach roads that had been granted permits on highways that were not throughways or access controlled, but that were "at a location where no rights of access exist." Or Laws 1957, ch 323, § 2. Such situations could have developed in at least two instances. The first would be where a highway was not completely access controlled, i.e., limited access control. The prohibition in ORS 374.310 prior to 1957 did not clearly authorize permit regulation of highways only partially access controlled. Second, and more likely, was the situation created by the adoption of ORS 374.405 to 374.420 pursuant to Oregon Laws 1951, chapter 587. Permits could have been issued for approaches on new highways even though there was no right of access. These new highways may not have been designated throughways and were not technically access controlled highways. Therefore, permits may have been issued for approach roads between 1951 and 1957 where there was no legal right of access, and this provision allowed those approaches to remain.

Thus, we interpret the grandfather provision of ORS 374.330(1) to mean only that the 1957 amendment may not be used to remove approach roads or other facilities granted permits and constructed upon the right of way prior to August 20, 1957, even though there may not have been any existing right of access. It did not create access rights where none had existed before. Accordingly, ORS 374.330(1) has no effect on the constitutional issue of whether restricting access constitutes a taking.

Further legislation was adopted in this area by Oregon Laws 1967, chapter 497. Language was added to ORS 374.305 making it clear that alteration of an existing approach or a change of use of the property being served required a new permit. Other changes were adopted, primarily dealing with private road crossings and certain authority of the Public Utility Commission (PUC). The legislature also added the second subsection of the grandfather statute, ORS 374.330. See note 11. Other than the impact on private road crossings, which is not important to our discussion, this provision preserved the continued existence of lawfully placed approaches if, prior to 1967, either the approach had been altered or the property use had been changed.

The court in Spaght v. Dept. of Transportation, 29 Or App 681, 564 P2d 1092, rev den 280 Or 1 (1977), concluded that ORS 374.305 required obtaining a new permit prior to making alterations to an approach road, even when the approach was established prior to 1967. The court, quoting with approval from the state's brief, decided that "these statutes should be construed only to protect road approaches as they existed prior to September 13, 1967, and not to allow unlimited future changes in such approaches." Id. at 686 (emphasis added).

Therefore, the effect of ORS 374.330 is extremely limited. It does not allow the continuance of approach roads constructed prior to 1957 without a permit. Approach roads constructed since 1949 without a permit are illegal approaches and subject to removal after notice pursuant to ORS 374.307. Approaches established prior to 1949 without a permit are not subject to threat of removal for failure to have a permit. However, the Oregon Transportation Commission (commission), in its exercise of authority over state highways, may modify, move or even eliminate such approaches. See ORS 366.205 to 366.210. The enactment of the permit statutes does not eliminate the commission's general authority over the operation and use of the state's highways. In fact, ORS 374.325(2) clearly states that the permit laws do not create any rights in property owners. The state could require the upgrade or elimination of an approach constructed prior to 1967, 1957 or 1949 when the interest of public safety, public convenience or general welfare so require. If the approach is eliminated, compensation would be required under the taking provisions of the state and federal constitutions only where the parcel lacks all access to public ways.

Because neither the grandfather provisions of ORS 374.330 nor the amendments of 1957 and 1967 to the permit statutes created any new rights of access, they have no bearing on the constitutional taking issue. Approaches constructed prior to 1949 may be regulated by the state, although under general legislative grants of jurisdiction over the operation and use of highways instead of the permit laws. This distinction does not affect the taking issue but it may have some very practical implications on how pre-1949 approaches are regulated.^{13/}

5. Restriction of Access to Highway Where Right of Way Was Acquired Prior to May 12, 1951

ORS 374.405 limits the creation of new rights of access after a certain point in time. It states:

No rights in or to any state highway, including what is known as right of access, shall accrue to any real property abutting upon any portion of any state highway constructed, relocated or reconstructed after May 12, 1951, upon right of way, no part of the width of which was acquired prior to May 12, 1951, for public use as a highway, by reason of the real property abutting upon the state highway.

This statute precludes the creation of new rights of access to highway constructed after May 12, 1951, if "no part of the width" of the right of way was acquired prior to May 12, 1951.^{14/} Therefore, if even part of the highway construction is upon a right of way acquired prior to May 12, 1951, ORS 374.405 is inoperative and, thus, would have no impact on the issues of rights of access and taking. Accordingly, there is no taking if reasonable access remains, even though the route is more circuitous; but, if all access to the abutting property is eliminated, there would likely be a taking.

Conversely, if there is a construction or realignment of a highway after May 12, 1951, wholly on right of way acquired after May 12, 1951, no right of access would arise in any abutting property. ORS 374.405. Thus, denying or eliminating access to the property from the highway in this situation would never be a compensable taking, even if the property had no other means of access.^{15/}

6. Highway Designated a Throughway Under ORS 374.005 to 374.095

As discussed above, as a matter of constitutional law, the government may restrict or eliminate access to property from an abutting highway, without compensation, so long as there is still some reasonable access to the property. The provisions of the throughway law do not create or increase rights to compensation. ORS 374.055 does state that, in a condemnation proceeding, evidence of the entire plan of improvement is admissible for the purpose of determining "[a]ll damages by reason of deprivation of right of access to any highway to be constructed, established or maintained as a throughway." However, this provision only defines what evidence is admissible; it does not create or enlarge a right to compensation.

Another statute, ORS 374.035, relates directly to the issue of compensation. It authorizes ODOT to acquire "any interest in any real property, including easements of * * * access" necessary for the construction of any throughway, in the same manner and by the same procedure as real property is acquired for state highway purposes, adding that the authorizing resolution must specify that the property is being acquired for throughway purposes. Interpreting this statute, the Supreme Court, in Highway Com. v. Central Paving Co., supra, 240 Or at 76, held that loss of direct access to a highway, due to its designation as a throughway, "is not an interest in land" and, therefore, is not within the scope of ORS 374.035. For these reasons, we conclude that the same considerations that were applicable to question 1 apply to loss of access due to designation of a highway as a throughway; it is immaterial to the taking issue whether or not a highway is designated a throughway under ORS 374.005 to 374.095.^{16/}

7. Taking of Any Physical Portion of the Property

The fact that there is a taking of either fee title or easement to a physical portion of the parcel would not affect whether there was a taking of the right to access. Whether there is a taking of the right of access depends on whether (1) before the government action, there is a right of access to the affected property, and (2) after the government action, there remains reasonable or adequate access to the property. In Oregon, the fact that the government acquires a portion of affected property is immaterial to the issue of whether or not there has been a taking of the access.¹⁷⁷

Whether there is a taking of access depends solely on whether there is adequate access after the government action and not on whether the government acquires part of the affected property. In Highway Com. v. Central Paving Co., supra, 240 Or 71, the affected owner's land abutted a railroad right of way rather than the highway. To create a limited access highway, the state closed a grade crossing over the railroad that gave the non-abutting owners access to the highway. It condemned a portion of the owner's land to create a frontage road that provided access to the highway, but over a more circuitous route. As noted above, the Supreme Court found no taking due to this greater inconvenience. Id. at 76.

In City of Salem v. Merritt Truax, supra, 70 Or App 138, the city condemned a narrow strip of the owner's property and closed one of three driveways. The owner counterclaimed in inverse condemnation for the closing of the driveway. Again, the court found no taking of access due to the greater inconvenience. Id. at 140.

Finally, in State Dept. of Transportation v. Schoppert, supra, 82 Or App 311, the state condemned part of the owners' land to enlarge an intersection, thereby restricting but not eliminating the access to and from the land. The owners objected to a jury instruction that directed:

The abutting owner is not entitled, as against the public, to access to his land at all points. It is sufficient if he has reasonable and adequate access to serve his property. Where the defendants' land abuts on two or more public roads and one of these roads furnishes reasonable and adequate access to serve their property, the State can completely restrict their access to the other road without payment of any compensation.

Id. at 314. The Court of Appeals found the rule stated in the instruction to be correct. Thus, even when the power of eminent domain is used to close an access, compensation is not required if reasonable access remains.

Based on the foregoing, we conclude that it is immaterial to the issue of taking of access whether or not part of the property is condemned.

8. Change in Use of the Property

The fact that there was a change in use of the parcel since the time the approach road was installed would not affect any the answers to the previous questions. As noted above, Spaght v. Dept. of Transportation, *supra*, 29 Or App 681, made it clear that ORS 374.305 requires the owner to obtain a permit before changing any approach road or other device or facility on the right of way of a state highway, regardless of changed conditions, regardless of the existence of right of access and regardless of the grandfather provision of ORS 374.330. Moreover, there is nothing in Oregon case law relating to the right of access that suggests that the owner's right of access changes with changing conditions. In fact, as noted at length above, the case law uniformly upholds the public's right to restrict access without compensation, so long as the affected property still has reasonable and adequate access.

9. Change in Use of Highway

The fact that the use of the highway had changed since the approach road was installed would not affect any of the answers, provided the affected property still had adequate access. Changes in the highway itself or changes in use of the highway, such as increasing authorized speeds, increasing traffic volumes, or changing authorized types of vehicles, do not constitute a taking. "It is too well settled for argument that a property owner may not recover damages where the sovereign, in exercise of the police power, reroutes, increases, or decreases the flow of traffic on a public highway." Highway Com. v. Ralston, 226 Or 143, 144, 359 P2d 529 (1961). In general, regulation of public traffic and changes in the highway system resulting in the reduction or increase in the volume of traffic on the highway fronting the property of an owner are within the police power, and not a taking, so long as reasonable access remains. See State Highway Com. v. Burk, *supra*, 200 Or at 230.¹⁷

Sincerely,



Donald C. Arnold
Chief Counsel
General Counsel Division

DCA:DKH:RWM:ALV:bjs:tmt/JGG05EC2

¹⁷ This opinion does not address the acquisition of rights of access by purchase, agreement, donation or by the exercise of the power of eminent domain under ORS 366.320(2) or 366.340. The exercise of eminent domain under those statutes constitutes a taking requiring payment of just compensation. Just compensation may, of course, be minimal or even zero in particular fact situations. See, e.g., State Dept. of Transportation v. Schoppert, 82 Or App 311, 728 P2d 80 (1986).

^{2/} At one time, the court stated that these two provisions "are identical in language and meaning." See Cereghino v. State Highway Com., 230 Or 439, 445, 370 P2d 694 (1962). Later, however, it cautioned that the "criteria" used to determine if a "taking for public use" has occurred under the Oregon Constitution "are not necessarily identical to those pronounced from time to time by the United States Supreme Court under the Fifth Amendment." Suess Builders v. City of Beaverton, 294 Or 254, 259 n 5, 656 P2d 306 (1982) rev den 300 Or 722 (1986). Given this signal, it is prudent to address leading cases discussing each constitutional provision.

^{3/} Several legal writers suggest that the concept of rights of access originated because early property owners donated the right to use their property for road purposes in return for use of the facility as a "land-service" road. See Covey, Frontage Roads: To Compensate or Not To Compensate, 56 NW UL Rev 587, 599 (1961) and Duhaime, Limiting Access to Highways, 33 Or L Rev 16 (1953). The fee remained in the property owners.

^{4/} These statutes arguably codify the police powers recognized by the early courts. However, in discussing the power of eminent domain, the courts still refer to the inherent police power of the state to control access, without relying upon specific statutes. See, e.g., Gruner v. Lane County, infra, 96 Or App 694.

^{5/} Rules, regulations and permits are needed to effectively accomplish those purposes, and ODOT has adopted administrative rules for access control under OAR chapter 734, division 50. In some instances, state law requires public rulemaking. We do not address whether these rules are adequate to this purpose. The questions presented here concern only the outer limits of the state's authority.

^{6/} The first question states that the right of access "may derive from common law, deed, legal dedication, reservation in an instrument of conveyance or indenture." We do not distinguish access rights derived from these different sources for purposes of this opinion. The right of access, however created, is still a property right (see background discussion of constitutional principles), and should be treated the same for purposes of constitutional taking questions. Likewise, the ability to regulate rights of access should not differ solely as a result of the source of that right, even though the agency may choose to treat them differently through its own administrative rules.

^{7/} The Supreme Court did find the elimination of access for a county throughway compensable upon statutory grounds. Douglas County v. Briggs, supra, 286 Or 151. An examination of the legislative history at ORS 374.470 led the court to conclude that the legislature intended compensation to be paid. The similarity of language between ORS 374.420 and certain state highway statutes, e.g., ORS 366.320, raise a question of whether the statutes require compensation even when the constitution does not.

^{8/} Landlocking a parcel would deny the abutting owner "all economically beneficial or productive use" of the land. Such takings generally are compensable. See Lucas v. So. Carolina Coastal Council, supra, 120 L Ed2d at 812-13.

^{9/} The existence of a license or temporary easement, by the same theory, should reduce to that extent the loss resulting from the access restriction.

^{10/} Moreover, even without an express reservation of an easement in the deed, if the adjoining property was used as an access to public roads before it was sold, the original owner and subsequent purchasers of the parcel whose access had been restricted probably could establish the existence of an easement by prescription or implication over the adjoining property. See Adams v. Crook, 43 Or App 427, 602 P2d 1143 (1979).

^{11/} In general, ORS 374.305 to 374.325 require private parties to obtain a permit from ODOT before building or altering any approach road or facility on a state highway right of way. ORS 374.330 reads:

(1) Nothing in ORS 374.305, 374.310 and 374.325, as such sections were amended by chapter 323, Oregon Laws 1957, shall be deemed to affect any approach road, structure, pipeline, ditch, cable or wire, or other facility, thing or appurtenance lawfully placed or constructed upon the right of way of any highway prior to August 20, 1957.

(2)(a) Nothing in ORS 374.305 or 374.310 as such sections are amended by chapter 497, Oregon Laws 1967, shall be deemed to affect any approach road, structure, pipeline, ditch, cable or wire, or other facility, thing or appurtenance lawfully placed or constructed upon the right of way of any state highway or county road prior to September 13, 1967.

(b) Except as provided in paragraph (a) of this subsection, private road crossings authorized by the Public Utility Commission under ORS 374.205 to 374.260 (1965 Replacement Part) are subject to ORS 374.305 to 374.330 after September 13, 1967.

^{12/} Such authority is also found in statutes giving the Oregon Transportation Commission general supervision and control of highways. ORS 366.205, 366.215 and 366.220. That authority can be traced back through the development of the Highway Code, Oregon Laws 1939, chapter 529; the original establishment of a Highway Commission, Oregon Laws 1917, chapter 237; and the authority of county courts over county roads which were the predecessors to the state highway system, Lord's Oregon Laws §§ 6273-6523 (1910).

^{13/} Neither the current permit statutes nor rules apply to pre-1949 approaches. Administrative rules should be developed to address regulation of such approaches.

^{14/} This statute does not create, but rather limits the creation of, rights of access. The statutory language only suggests that the legislature assumed that such rights existed and that it intended to preclude the creation of new access rights for properties first abutting highways constructed, relocated or reconstructed after that date. The statutory abrogation of the common law right of access undoubtedly reflects the legislature's belief that it is no longer justified (or affordable) as a matter of public policy. This change in view probably is in response to changes in the character of public roads.

Earlier, in a largely agricultural era, the primary function of highways was land service. Today, in a more industrial and urban era, they function increasingly if not primarily to facilitate the flow of traffic from one point to another. See State Highway Com. v. Burk, 200 Or 211, 231, 265 P2d 783 (1954). Moreover, earlier, when public roads were being established, the abutting owners typically owned the fee title to the land over which the road was located. The public had only an easement or right of way, acquired either by grant from the adjacent owner or by prescription arising from public use. In such circumstances, the right of access would remain in the fee owner, either by express or implied reservation. Today, the government typically acquires the fee interest in the road or highway, precluding a right of access unless it is expressly reserved by the granting property owner.

^{15/} However, there might be condemnation or "severance" damages due the owner at the time of right of way acquisition, for it seems that this situation would occur only if the roadway were located or relocated over a parcel, thereby physically taking the property or dividing it. See State Highway Com. v. Burk, 200 Or 211, 235, 265 P2d 783 (1954) (there is no taking of an easement of access when a new limited access highway is established by condemnation, but severance damages may result from the division of the owner's property into two parcels).

^{16/} But for this holding in Highway Com. v. Central Paving Co., supra, 240 Or at 76, we would give greater weight to Douglas County v. Briggs, supra, 286 Or 151. That case dealt with the county throughway statutes, and came to the conclusion that, despite its permissive language, ORS 374.420 requires compensation for removal of access for a county throughway. There is some similarity of language between the statewide throughway statutes and the county throughway statutes that might suggest a similar answer for state throughways is required. However, there are also significant differences in both the text and legislative history of the state throughway law. In any case, Central Paving Co. appears to reach the opposite result under the state throughway law.

ORS 366.320 also authorizes ODOT to acquire rights of access by purchase, agreement, donation or by the exercise of the power of eminent domain, when acquiring real property for right of way. Other jurisdictions have concluded that the existence of such statutes implies that the state cannot control access through regulation without compensation. Annot, 42 ALR3d 58. We conclude, however, that ORS 366.320 allows, but does not require, purchase in those cases where access should be eliminated for public safety.

William Anhorn
April 30, 1993
Page 17

^{17/} Some jurisdictions hold that the state may exercise its police powers to control access regardless of whether there is any taking of any other portion of the parcel in fee, easement or any other property interest. Other jurisdictions have not been so consistent. Annot, 42 ALR3d 81.

^{18/} Would such changes allow the state to require modification in an approach road or even to eliminate an approach? Certainly the authority exists under ORS 374.310(2). An adjustment of driveways could be justified as being in the best interest of the public if an approach may have been acceptable to access a two-lane 35 mile per hour highway and now accesses a five-lane 55 mile per hour highway with a sight distance problem. In such situations, if the administrative rules were adequate, the state could require even an approach constructed prior to 1949 to be upgraded or eliminated, so long as reasonable access remains. For a discussion of the authority for PUC to order the closure at a commercial driveway adjacent to a railroad-highway grade crossing, see Letter of Advice dated June 29, 1990, to David J. Astle, Assistant Commissioner, Public Utility Commission (OP-6227-A).

APPRAISAL REVIEW
OREGON STATE HIGHWAY DIVISION

Original X Revision _____
Date of Description By Tax Lots

Area:
22,627 sq ft Forest Park
23,998 sq ft Glen Harbor Heights

File No.:
Name: Meyers & Finley
Section: Glen Harbor Heights
Highway: Forest Park
County: Multnomah
~~File No.:~~

EXHIBIT F

Access for Remainder: To proposed road for Glen Harbor Heights. As is for Forest Park

As of this date, the current appraisals on this file are as follows:

Appraiser	Date Written	Date of Valuation	Original or Rev.	Value Entirety	Value Remainder	Value Taking
Skelte	4-6-93	4-6-93	Orig	Glen Harbor Heights		\$1.32 per sq ft
Skelte	4-6-93	4-6-93	Orig	Forest Park		1.40 per sq ft

I certify that I have no direct or indirect, present or contemplated future personal, financial or family interest in the subject property, nor will I in any manner benefit from the acquisition thereof such as to constitute a conflict of interest. I further agree to disclose any personal interest that I have, or that I later acquire, in any other properties within the zone of immediate influence of the highway project involved until such time as that project has been completed.

My determination has been reached independently based upon appraisals and other factual data of record without improper collaboration or direction. I have visually examined subject property and comparable sales to this extent:

Inspected subject and sales data on 7-6-93

It is my determination that just compensation for the part taken, including damages, if any, to the remainder is \$ _____

ALLOCATED AS FOLLOWS:

Land	\$ _____
Improvements	\$ _____
Damages	\$ _____
Glen Harbor Heights	\$ 1.32 per sq ft for 23,998 sq ft
Forest Park	\$ 1.40 per sq ft for 22,627 sq ft
_____	\$ _____
TOTAL	\$ _____

The State's appraisals comply with the requirements of "Appraising Real Property," and the "Right of Way Manual." It appears that there is sufficient appraisal background and documentation to support the appraisals. I have taken the following steps to secure clarification or support where needed:

This appraisal problem consists of a proposed exchange of land in order to access several proposed residential sites. The goal is to exchange two different sized sites of equal value. The valuation is based on all land having adequate access as well as utilities. No consideration is given to the severance of the Forest Park lots because these lot lines are meaningless in a large park property. The road may be a benefit to the park for maintenance and fire control.

Mr. Skelte has well defined the problem and proceeded in an orderly manner to solve this rather unique appraisal problem. To document his conclusion of value, Mr. Skelte has cited a large number of sales of potential residential land with similar potential as subject sites. All of these sales are located in the West Hills with topography similar to subject running from level to very steep. The sales are compared directly to subject sites noting differences such as size, view, terrain, and tree cover. In my opinion the market data fully supports the conclusions of value. In viewing the parcels it is obvious the the Glen Harbor Heights lots are very similar to the Forest Park lots and should carry similar values assuming access to each. In my opinion the above proposed exchange of areas is equitable.

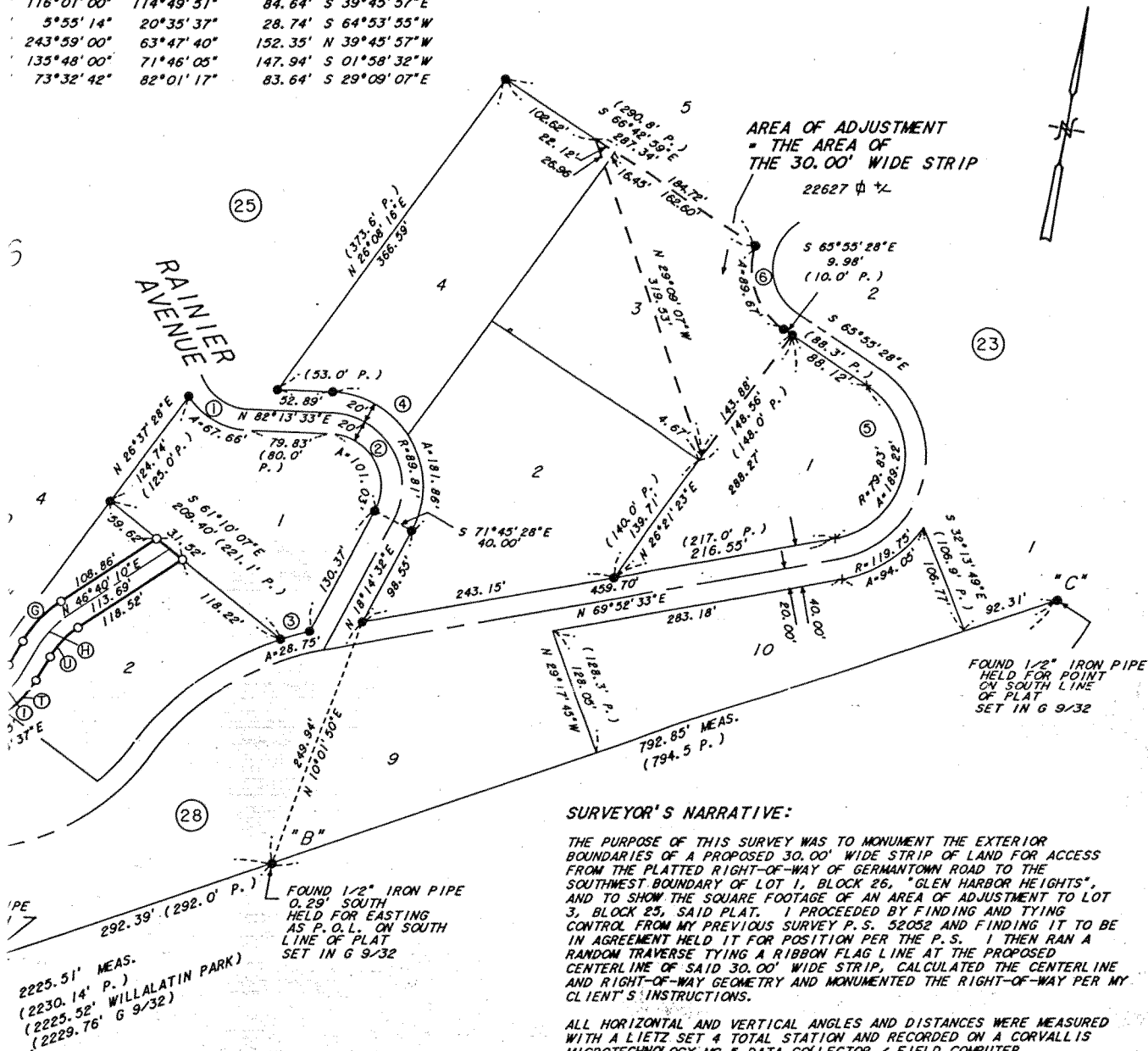
It is understood that this determination of just compensation is to be used in conjunction with a Federal-aid or State Highway project. To the best of my knowledge items compensable under State Law but not eligible for Federal reimbursement, if any, have been set forth separately above.

REVIEWING APPRAISER

Carl G. Schmidt
Carl G. Schmidt

DATE OF REVIEW _____

5TH DELTA	DEGREE	CHORD	CH. BEARING
35°29'59"	82°01'19"	65.05'	S 70°01'29"E
116°01'00"	114°49'51"	84.64'	S 39°45'57"E
5°55'14"	20°35'37"	28.74'	S 64°53'55"W
243°59'00"	63°47'40"	152.35'	N 39°45'57"W
135°48'00"	71°46'05"	147.94'	S 01°58'32"W
73°32'42"	82°01'17"	83.64'	S 29°09'07"E



SURVEYOR'S NARRATIVE:

THE PURPOSE OF THIS SURVEY WAS TO MONUMENT THE EXTERIOR BOUNDARIES OF A PROPOSED 30.00' WIDE STRIP OF LAND FOR ACCESS FROM THE PLATTED RIGHT-OF-WAY OF GERMANTOWN ROAD TO THE SOUTHWEST BOUNDARY OF LOT 1, BLOCK 26, "GLEN HARBOR HEIGHTS", AND TO SHOW THE SQUARE FOOTAGE OF AN AREA OF ADJUSTMENT TO LOT 3, BLOCK 25, SAID PLAT. I PROCEEDED BY FINDING AND TYING CONTROL FROM MY PREVIOUS SURVEY P.S. 52052 AND FINDING IT TO BE IN AGREEMENT HELD IT FOR POSITION PER THE P.S. I THEN RAN A RANDOM TRAVERSE TYING A RIBBON FLAG LINE AT THE PROPOSED CENTERLINE OF SAID 30.00' WIDE STRIP, CALCULATED THE CENTERLINE AND RIGHT-OF-WAY GEOMETRY AND MONUMENTED THE RIGHT-OF-WAY PER MY CLIENT'S INSTRUCTIONS.

ALL HORIZONTAL AND VERTICAL ANGLES AND DISTANCES WERE MEASURED WITH A LIETZ SET 4 TOTAL STATION AND RECORDED ON A CORVALLIS MICROTECHNOLOGY MC 5 DATA COLLECTOR / FIELD COMPUTER.

ALL MONUMENTS WERE SET ON OCTOBER 26, 1992.

LEGEND

- FOUND 5/8" IRON ROD W/ YELLOW K.W.C. CAP EXCEPT AS NOTED. (SET IN P.S. 52052)
- SET 5/8"x30" IRON ROD W/YELLOW PLASTIC CAP MARKED "K. W. COX & ASSOC., INC."
- P PLAT DIMENSIONS PER THE PLAT OF "GLEN HARBOR HEIGHTS"
- ± SQUARE FOOTAGE - PLUS OR MINUS

REFERENCE SURVEYS:

G 9/32 - P.S. 48179
PLATS OF "GLEN HARBOR HEIGHTS"
AND "WILLALATIN PARK"
P.S. 11949, 13529
13587, 52052

MULTNOMAH COUNTY FIELD BOOK 520,
PAGE 70
MULTNOMAH COUNTY FIELD BOOK 823,
PAGE 1

SOUTHEASTERN
HEIGHTS" AS

1/4 SHEET 10-IN-1W

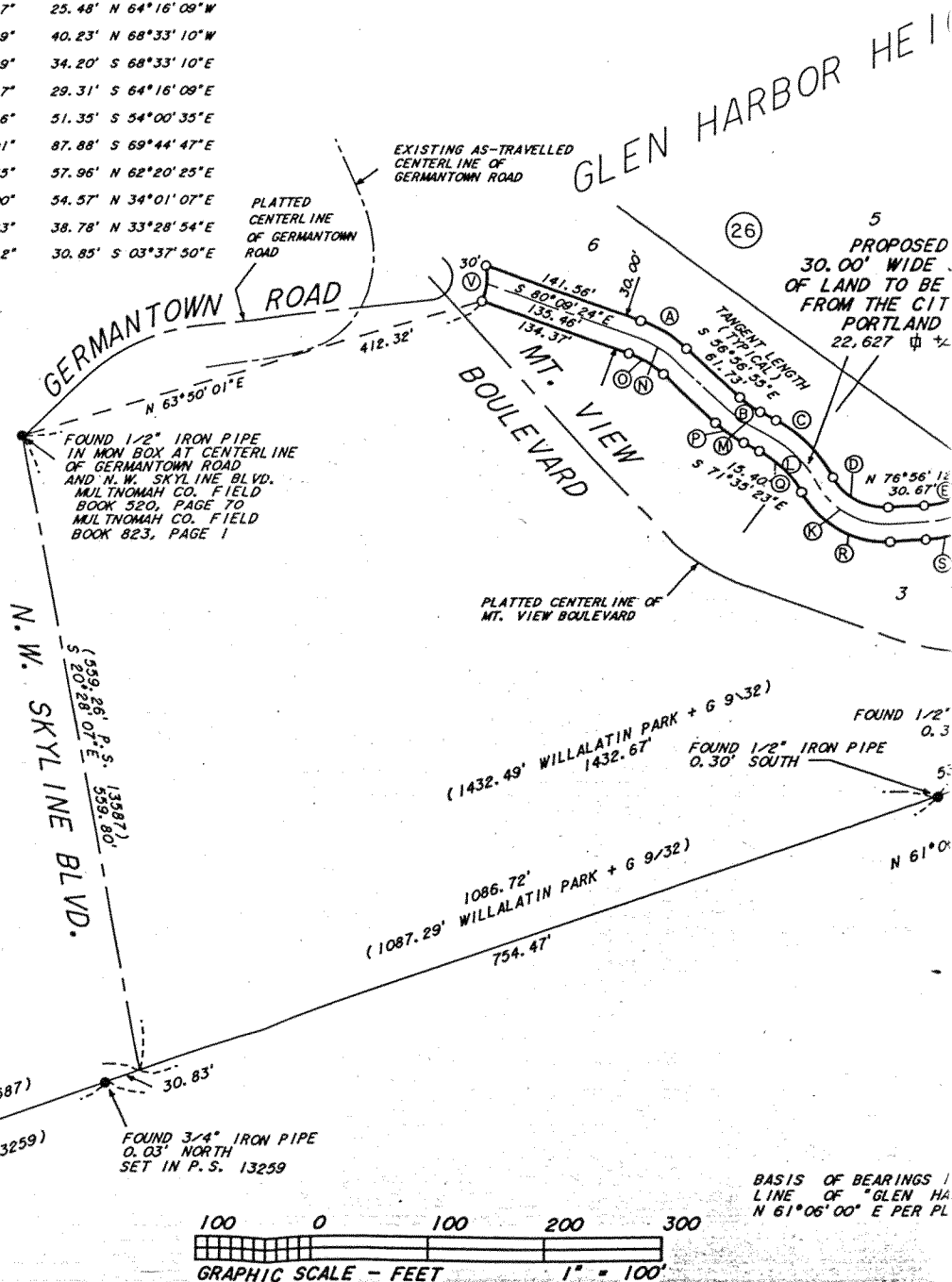
REVISED AREA OF ADJUSTMENT 5/3/93 R.G.S.

BOUNDARY AND PROPOSED PROPERTY
LINE ADJUSTMENT SURVEY
OF LOTS 2, 3, AND 4 OF BLOCK 25, AND LOT 1 BLOCK 26
"GLEN HARBOR HEIGHTS" IN SECTION 10, T1N, R1E

SHEET 1/1

CURVE	RADIUS	LENGTH	DELTA	CHORD	CH. BEARING
A	115.00'	46.58'	23°12'29"	46.26'	S 68°33'10"E
B	85.00'	21.72'	14°38'27"	21.66'	S 64°16'09"E
C	115.00'	70.57'	35°09'36"	69.47'	S 54°00'35"E
D	50.00'	58.15'	66°38'01"	54.93'	S 69°44'47"E
E	85.00'	43.31'	29°11'35"	42.84'	N 62°20'25"E
F	85.00'	40.72'	27°27'00"	40.33'	N 34°01'07"E
G	115.00'	52.94'	26°22'33"	52.47'	N 33°28'54"E
H	100.00'	46.03'	26°22'33"	45.63'	S 33°28'54"W
I	100.00'	47.91'	27°27'00"	47.45'	S 34°01'07"W
J	100.00'	50.95'	29°11'35"	50.40'	S 62°20'25"W
K	65.00'	75.59'	66°38'01"	71.40'	N 69°44'47"W
L	100.00'	61.37'	35°09'36"	60.41'	N 54°00'35"W
M	100.00'	25.55'	14°38'27"	25.48'	N 64°16'09"W
N	100.00'	40.51'	23°12'29"	40.23'	N 68°33'10"W
O	85.00'	34.43'	23°12'29"	34.20'	S 68°33'10"E
P	115.00'	29.39'	14°38'27"	29.31'	S 64°16'09"E
Q	85.00'	52.16'	35°09'36"	51.35'	S 54°00'35"E
R	80.00'	93.04'	66°38'01"	87.88'	S 69°44'47"E
S	115.00'	58.59'	29°11'35"	57.96'	N 62°20'25"E
T	115.00'	55.10'	27°27'00"	54.57'	N 34°01'07"E
U	85.00'	39.13'	26°22'33"	38.78'	N 33°28'54"E
V	50.00'	31.36'	35°56'12"	30.85'	S 03°37'50"E

CURVE	RADIUS	TANGENT
1	69.85'	36.75'
2	49.90'	79.88'
3	278.22'	14.39'
4	89.81'	143.78'
5	79.83'	196.61'
6	69.85'	52.21'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kent W. Cox

OREGON
SEPTEMBER 23, 1977
KENT W. COX
1161

EXPIRES 12-31-93

DATE	SCALE
NOV. 26, 1990	1" = 100'
DRAWN BY	FILE NO.

KENT W. COX AND ASSOCIATES, INC.
CONSULTING ENGINEERS - LAND SURVEYORS
204 NORTHEAST KELLY AVENUE
GRESHAM, OREGON 97030 (503)667-4464

PORTLAND PARKS AND RECREATION



1120 SW FIFTH AVE, SUITE 1302, PORTLAND, OREGON 97204-1933

TELEPHONE (503) 823-2223

FACSIMILE (503) 823-5297



CHARLIE HALES, COMMISSIONER

CHARLES JORDAN, DIRECTOR

August 31, 1993

Dorothy S. Cofield
Attorney At Law
P.O. Box 230637
Tigard, OR 97281-0637

RE: Finley and Meyers

Dear Ms. Cofield:

I am completing review of the request for property exchange you have submitted on behalf of Jerry Finley and Phillip Meyers. My review addresses both the criteria needed for approval of conversions under the post completion responsibilities for Land and Water Conservation Fund projects, and comments received from several City bureaus on the merits of the proposal.

While my review is not yet finalized, I wished to provide you with a summary of the significant findings and the staff recommendation in advance. As you know, only the Regional Director of the National Parks Service has the authority to approve the conversion and only City Council has the authority to respond for the City.

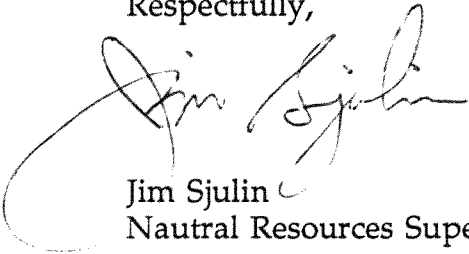
It is the staff recommendation to deny the proposal for the reasons outlined below:

- Substantial negative impacts to Forest Park in terms of park utility under L&WCF Chapter 675.9, 3, B, (3).
- Substantial negative impacts to Forest Park which could result from the proposed exchange of property.
- Substantial problems facing proposed development of the Finley-Meyers property for residential purposes.
- Inconsistency of proposal and proposed development of Finley-Meyers property with City's environmental overlay zone.

- Insufficient width (30 ft.) requested in the face of Fire Bureau driveway requirements and site topography.
- Substantial overstatement of value of parcels by MAI appraiser due to assumptions adopted for the report; disregard of environmental zone, required development costs, and purchase price of subject property; disregard of impacts to value of City property; inconsistency of highest and best use with proposed use of land requested in trade.

Within two weeks my full report will be presented to Parks and Recreation Director Charles Jordan and Commissioner Charlie Hales. When in a form for Council consideration, I will send it to you.

Respectfully,

A handwritten signature in cursive script, appearing to read "Jim Sjulín".

Jim Sjulín
Natural Resources Supervisor

c: Charles Jordan
Charlie Hales
Harry Auerbach

Certified to be a true copy
by Melody S. Lafield
Attorney for Petitioners

BEFORE THE
MULTNOMAH COUNTY BOARD OF COUNTY COMMISSIONERS

JERRY M. FINLEY and)	No. 92-51-A
PHILLIP R. MEYERS,)	
)	REPLY TO ANSWER
Petitioners,)	TO PETITION FOR
)	WAY OF NECESSITY
v.)	
CITY OF PORTLAND,)	
Respondent.)	

Petitioners reply to the respondent's answer to the petition for statutory way of necessity as follows:

1.

Petitioners have no reply to respondent's answer to paragraph 1, 2, the first three sentences of paragraph 3, the second sentence of paragraph 4, paragraph 5, and paragraph 7.

2.

Petitioners purchased their property on August 8, 1990, as evidenced by Exhibit A. Petitioners purchased their property subject to knowledge of public record that 3 public, platted roads, NW Mountain View Boulevard, NW Ranier Avenue, and NW Mount Jefferson Avenue, would serve as access to the property. In March 1991, after acquiring the property, petitioners learned respondent had determined that these roads were not capable of being developed, as shown in Exhibits B, C, and D.

3.

1 In its answer, respondent denies that petitioners are
2 entitled to a statutory way of necessity through or over
3 respondent's property. An Attorney General letter of opinion,
4 dated April 30, 1993, states that a property owner is entitled to
5 adequate means of access from private property to a public road.
6 Restriction of access can constitute a taking, as shown by
7 Exhibit E.

8 4.

9 Petitioners have proposed an equitable exchange of land for
10 the statutory way of necessity, supported by an independent
11 appraisal review by the Oregon State Highway Division, shown by
12 Exhibit F. The specific location of the way of necessity is
13 shown on the survey attached hereto as Exhibit G.

14 5.

15 Without ingress and egress to their property in Glen Harbor
16 Heights, the petitioners are unable to complete their land use
17 application and cannot attempt to show compliance with the
18 respondent's zoning ordinance. Petitioners are suffering and
19 continue to suffer financial loss due to their inability to gain
20 ingress and egress to their property and develop it for the
21 establishment of a detached single-family dwelling.

22 6.

23 Petitioners have attempted to obtain respondent's consent
24 for a way of necessity across public property, as shown by
25 Exhibit H. In view of the fact that the state considers the land
26 exchange to acquire the way of necessity equitable, the

1 respondent is unreasonably withholding consent, in violation of
2 ORS 376.185 (1).

3 7.

4 The respondent should not recover its costs and reasonable
5 attorney fees, under ORS 376.175 (e) because it has unreasonably
6 withheld its consent to the way of necessity. The petitioners
7 have proposed an equitable land exchange for the way of necessity
8 across respondent's property that provides less negative impacts
9 to Forest Park than the development of the platted roads.

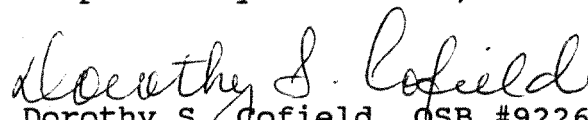
10 In every other respect, except for gaining respondent's consent,
11 the petition meets the statutory requirements of ORS 376.150 to
12 376.200.

13 8.

14 Petitioners respectfully ask that this Board to grant and declare
15 the way of necessity as proposed in the petitioners' land
16 exchange proposal and found to be equitable by the State of
17 Oregon.

18
19 DATED this 28rd day of September, 1993.

20 Respectfully submitted,

21 
22 Dorothy S. Cofield, OSB #92261
23 David B. Smith, OSB #88315
24 8255 SW Hunziker Suite 200
25 PO Box 230637
26 Tigard, Oregon 97223
(503) 620-0258
of Attorneys for Petitioners

legal91\9127-033.rpl

CERTIFICATE OF FILING

I hereby certify that on September 28, 1993, I filed the original and one copy of this Petitioners' Reply to Answer to Petition for Way of Necessity with the Multnomah County Board of County Commissioners, 1120 SW Fifth Avenue, Portland, Oregon 97204, by first class mail, postage prepaid, through the United States Postal Service at Tigard, Oregon.

Dated: September 28, 1993

Dorothy S. Cofield
Dorothy S. Cofield, OSB #92261
Attorney for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 1993, I served a true and correct copy of this Petitioners' Reply to Answer to Petition for Way of Necessity, by first class mail, postage prepaid, through the United States Postal Service at Tigard, Oregon, on the following person:

Harry M. Auerbach, OSB #82183
Deputy City Attorney
315 City Hall
Portland, Oregon 97204
Attorney for Respondent

Dated: September 28, 1993

Dorothy S. Cofield
Dorothy S. Cofield OSB #92261
Attorney for Petitioners

Certified to be a true copy
by Dorothy J. Coffield
Attorney for Petitioners

BEFORE THE

MULTNOMAH COUNTY BOARD OF COUNTY COMMISSIONERS

JERRY M. FINLEY AND
PHILLIP R. MEYERS,

Petitioners,

vs.

CITY OF PORTLAND,

Respondent.

No. 92-51-A

PETITIONERS' MOTION TO LIFT
STAY

1.

Jerry M. Finley and Phillip R. Meyers, hereinafter
"petitioners," move this Board to lift the Stay granted in the
proceedings in the above-captioned case.

2.

Petitioners' Motion for Stay was granted by this Board to
allow petitioners' time to seek the consent of respondent to the
proposed way of necessity, and to secure approval of the proposed
way of necessity by the National Park Service.

3.

The reason for granting petitioners' Motion to lift the Stay
is that Portland Parks and Recreation, the initial reviewing
agency for the respondent, has notified petitioners that it will
not approve petitioners' property exchange, a condition precedent
to securing approval of the proposed way of necessity by the
respondent and the National Park Service. Although the letter
notification of denial is preliminary, there is no indication
that the final report from the respondent will say differently.

1 4.


2 Petitioners ask that the Board lift the stay and schedule a
3 hearing for the way of necessity, prior to obtaining respondent's
4 final report on the exchange proposal. Respondent has made
5 repeated promises to respond to the conversion proposal, but as
6 of this date, has not given petitioners a final report. A final
7 report from the respondent is required before the Portland City
8 Council can act on the conversion proposal. Petitioners made
9 their conversion request pursuant to Chapter 675.9 of the Land
10 and Water Conservation Fund (L&WCF) grants manual and 36 CFR Part
11 59 § F(3) on May 18, 1993. The State of Oregon completed its
12 review on or about July 15, 1993. The request was submitted to
13 the State at the same time that it was submitted to the
14 respondent.

15 5.

16 The Stay tolled the time for the filing of a reply to
17 Respondent's Answer. Petitioners' reply is being filed with this
18 motion.

19 DATED this 28nd day of September, 1993.

20 Respectfully submitted,

21 
22 Dorothy S. Cofield OSB #92261
23 David B. Smith OSB #88315
24 8255 SW Hunziker, Suite 200
Tigard, Oregon 97223
(503) 620-0258
of Attorneys for petitioners

25 legal91\9127.031.mtn

CERTIFICATE OF FILING

I hereby certify that on September 28, 1993, I filed the original of this Petitioners' Motion to Lift Stay, together with one copy, with the Multnomah County Board of County Commissioners, 1120 SW Fifth Avenue, Portland, Oregon 97204, by first class mail, postage prepaid, through the United States Postal Service at Tigard, Oregon.

Dated: September 28, 1993

Dorothy S. Copfield
Dorothy S. Copfield, OSB #92261
Attorney for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 1993, I served a true and correct copy of this Petitioners' Motion to Lift Stay, by first class mail, postage prepaid, through the United States Postal Service at Tigard, Oregon, on the following person:

Harry M. Auerbach, OSB #82183
Deputy City Attorney
315 City Hall
Portland, Oregon 97204
Attorney for Respondent

Dated: September 28, 1993

Dorothy S. Copfield
Dorothy S. Copfield OSB #92261
Attorney for Petitioners

1 BEFORE THE
2 MULTNOMAH COUNTY BOARD OF COUNTY COMMISSIONERS

3 JERRY M. FINLEY and)
4 PHILLIP R. MEYERS,)
5 Petitioners,)

No. 92-51-A

6 vs.)

PETITIONERS' STIPULATED
MOTION AND ORDER FOR STAY

7)
8 CITY OF PORTLAND,)
9 Respondent.)

10
11 1.

12 Jerry M. Finley and Phillip R. Meyers, hereinafter
13 "petitioners," move this Board for entry of an Order granting
14 a Stay in the proceedings, in the above captioned case.
15

16 2.

17 This Stay is requested until the petitioners notify this
18 Board and the Respondent in writing that the Stay should be
19 lifted.
20

21 3.

22 The reason for granting petitioners' Motion for Stay is
23 to afford time for the petitioners to secure the consent of
24 Respondent to the proposed Way of Necessity, and to secure
25 approval of the proposed Way of Necessity by the National Park
26 Service.

1992 AUG 17 PM 3:06
MULTNOMAH COUNTY BOARD OF
COUNTY COMMISSIONERS
OREGON

4.

Petitioners' Reply to Respondent's Answer is due on August 17, 1992. A Hearing on the Petition has not been scheduled. Counsel for Respondent consents to this Petitioners' Motion for Stay. This is Petitioners' first request for an extension of time or stay in the proceedings. This Stay will toll the time for the filing of a Reply to Respondent's Answer.

DATED this 14th day of August, 1992.

Respectfully submitted,

David B Smith

David B. Smith, OSB #88315
8255 SW Hunziker, Suite 200
PO Box 230637
Tigard, Oregon 97223
(503) 620-0258
Attorney for Petitioners

CONSENT: I hereby consent to this Petitioner's Motion and Order for Stay.

/s/ Harry Auerbach
Harry M. Auerbach, OSB #82183
Deputy City Attorney
315 City Hall
Portland, Oregon 97204
(503) 823-4047
Attorney for Respondent

IT IS SO ORDERED:

Dated: 8-17-92

Reginald W. Johnson
Chair, Board of Commissioners

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CERTIFICATE OF FILING

I hereby certify that on August 14, 1992, I filed the original of this Petitioner's Motion and Order for Stay, together with one copy, with the Office of County Counsel, Multnomah County, PO Box 849, Portland, Oregon 97207-0849, by first class mail, postage prepaid, through the United States Postal Service at Tigard, Oregon.

Dated: Aug 14, 1992

David B. Smith

David B. Smith, OSB #88315
Attorney for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 1992, I served a true and correct copy of this Petitioner's Motion and Order for Stay, by first class mail, postage prepaid, through the United States Postal Service at Tigard, Oregon, on the following person:

Harry M. Auerbach, OSB #82183
Deputy City Attorney
315 City Hall
Portland, OR 97204
Attorney for Respondent

Dated: Aug 14, 1992

David B. Smith

David B. Smith, OSB #88315
Attorney for Petitioners

BEFORE THE
MULTNOMAH COUNTY BOARD OF COUNTY COMMISSIONERS

JERRY M. FINLEY and
PHILLIP R. MEYERS,
Petitioners,

vs.

CITY OF PORTLAND,
Respondent.

No. 92-51-A

PETITIONERS' STIPULATED
MOTION AND ORDER FOR STAY

BOARD OF
COUNTY COMMISSIONERS
AUG 17 PM 2:26
MULTNOMAH COUNTY
OREGON

1.

Jerry M. Finley and Phillip R. Meyers, hereinafter
"petitioners," move this Board for entry of an Order granting
a Stay in the proceedings, in the above captioned case.

2.

This Stay is requested until the petitioners notify this
Board and the Respondent in writing that the Stay should be
lifted.

3.

The reason for granting petitioners' Motion for Stay is
to afford time for the petitioners to secure the consent of
Respondent to the proposed Way of Necessity, and to secure
approval of the proposed Way of Necessity by the National Park
Service.

4.

Petitioners' Reply to Respondent's Answer is due on August 17, 1992. A Hearing on the Petition has not been scheduled. Counsel for Respondent consents to this Petitioners' Motion for Stay. This is Petitioners' first request for an extension of time or stay in the proceedings. This Stay will toll the time for the filing of a Reply to Respondent's Answer.

DATED this 14th day of August, 1992.

Respectfully submitted,

David B Smith

David B. Smith, OSB #88315
8255 SW Hunziker, Suite 200
PO Box 230637
Tigard, Oregon 97223
(503) 620-0258
Attorney for Petitioners

CONSENT: I hereby consent to this Petitioner's Motion and Order for Stay.

Harry M. Auerbach, OSB #82183
Deputy City Attorney
315 City Hall
Portland, Oregon 97204
(503) 823-4047
Attorney for Respondent

IT IS SO ORDERED:

Dated: 8-17-92

/s/
Chair, Board of Commissioners

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CERTIFICATE OF FILING

I hereby certify that on August 14, 1992, I filed the original of this Petitioner's Motion and Order for Stay, together with one copy, with the Office of County Counsel, Multnomah County, PO Box 849, Portland, Oregon 97207-0849, by first class mail, postage prepaid, through the United States Postal Service at Tigard, Oregon.

Dated: Aug 14, 1992

David B. Smith

David B. Smith, OSB #88315
Attorney for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 1992, I served a true and correct copy of this Petitioner's Motion and Order for Stay, by first class mail, postage prepaid, through the United States Postal Service at Tigard, Oregon, on the following person:

Harry M. Auerbach, OSB #82183
Deputy City Attorney
315 City Hall
Portland, OR 97204
Attorney for Respondent

Dated: Aug 14, 1992

David B. Smith

David B. Smith, OSB #88315
Attorney for Petitioners



MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL
1120 S.W. FIFTH AVENUE, SUITE 1530
P.O. BOX 849
PORTLAND, OREGON 97207-0849
(503) 248-3138
FAX 248-3377

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY, CHAIR
PAULINE ANDERSON
RICK BAUMAN
GARY HANSEN
SHARRON KELLEY

August 12, 1992

David B. Smith
Attorney at Law
P. O. Box 230637
Tigard, OR 97223

Harry M. Auerbach
City Attorney's Office
City of Portland
1220 SW Fifth Avenue, Ste 315
Portland, OR 97204

RE: Finley and Meyers
Way of Necessity

Dear Gentlemen:

I have received a copy of Mr. Auerbach's letter of August 4, 1992, in which he indicates the City would have no objection to a stay of the proceedings in this way of necessity petition while Mr. Smith takes necessary steps to obtain the City's consent.

Since the Board now has not only the County Surveyor's amended report dated August 3, 1992, and the City's Answer to Petition for Way of Necessity, the next step is for the Board Clerk to set a date for hearing. Therefore, if both parties wish to stay the proceedings, I would like confirmation in writing from each of you to that effect.

I look forward to hearing from you.

Sincerely,

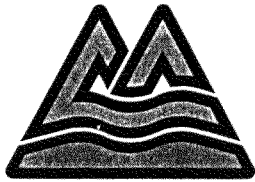
LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By _____
Jacqueline A. Weber
Assistant County Counsel

cc Office of the Board Clerk
K:\JAW\643JAW.LTR\mw

COUNTY COUNSEL
LAURENCE KRESSEL
CHIEF ASSISTANT
JOHN L. DU BAY
ASSISTANTS
J. MICHAEL DOYLE
SANDRA N. DUFFY
GERALD H. ITKIN
H.H. LAZENBY, JR.
STEVEN J. NEMIROW
MATTHEW O. RYAN
JACQUELINE A. WEBER

BOARD OF
COUNTY COMMISSIONERS
1992 AUG 12 PM 4:01
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277 • 248-5222

CERTIFICATE OF MAILING

I hereby certify that on Friday, August 7, 1992, I mailed a certified true copy of an ANSWER TO PETITION FOR WAY OF NECESSITY, submitted by Harry Auerbach, Deputy City Attorney for the City of Portland, and an AMENDED REPORT TO THE BOARD OF COUNTY COMMISSIONERS, submitted by County Surveyor Dennis Fantz, to each of the following persons in connection with the Petition for Statutory Way of Necessity filed by Jerry M. Finley and Phillip R. Meyers:

David B. Smith
Attorney at Law
P.O. Box 230637
Tigard, Oregon 97223


Representing Petitioners

Harry Auerbach
Deputy City Attorney
Office of City Attorney
315 City Hall
Portland, Oregon 97204

Representing City of Portland

Jacqueline A. Weber
Assistant County Counsel
Office of County Counsel
P.O. Box 849
Portland, Oregon 97207-0849

Representing Multnomah County


Deborah Bogstad
Office of the Board Clerk

0044C/18/db
enclosures




MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVE.
PORTLAND, OREGON 97233
(503) 248-5050

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: 106/1510/Office of the Board Clerk
Deb Bogstad

FROM: 425/County Surveyor 
Dennis Fantz

DATE: August 4, 1992

SUBJECT: Jerry M. Finley and Phillip R. Meyers Petition for Statutory Way of Necessity

Find enclosed the amended report to the Board on the above petition with eight copies.

We have identified the proposed accessway as the "specific location" and do now understand the city will consent to a way of necessity.

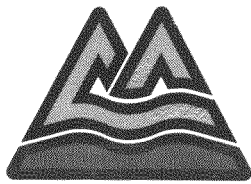
We again ask County Counsel to comment to the Board regarding this partition.

DVF:vh

Enclosure

2528W

1992 AUG -5 PM 2:38
CLERK OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVE.
PORTLAND, OREGON 97233
(503) 248-5050

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

AN AMENDED REPORT TO THE BOARD OF COUNTY COMMISSIONERS

BY THE COUNTY SURVEYOR

August 3, 1992

RE: Jerry M. Finley and Phillip R. Meyers Petition for Statutory Way of Necessity

We have reviewed the petition for Jerry M. Finley and Phillip R. Meyers to acquire a way of necessity to Lot 1, Block 26, and Lots 2, 3, and 4, Block 25, Glen Harbor Heights. We conducted an investigation of the property to be served and the surrounding area. The following is our report and recommendation.

We did not provide a possible alternate route for the access way because of the topography, and because of the conditions stipulated in letters from the respondent that were included in the petition.

The specific location should be as shown on the exhibit plat included as part of the petition and should be 30 feet in width to allow for slopes.


There appears to be consent by the City of Portland to a way of necessity by their letters recommending alternatives to the existing dedicated streets.

The reasonableness of the proposed way of necessity will depend on the agreement by the parties to exchange land and the conditions and restrictions placed on the agreed upon access way by the city.

We have asked County Counsel to comment to the Board regarding this partition.

Very truly yours,

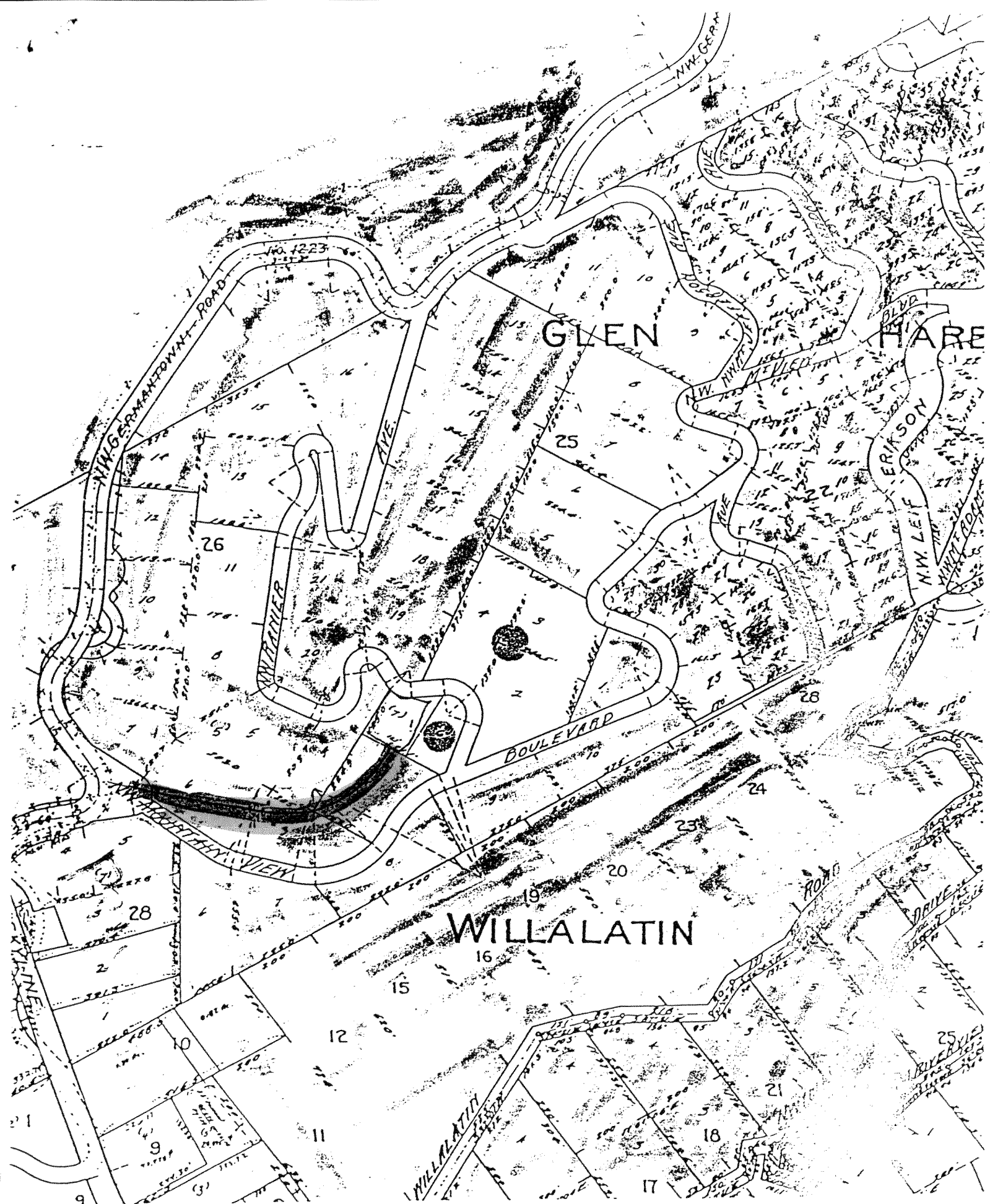
LARRY F. NICHOLAS, P. E.
County Engineer/Director


Dennis V. Fantz, P. L. S.
County Surveyor

DVF:vh

cc: Jacqueline Weber

2528W





MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVE.
PORTLAND, OREGON 97233
(503) 248-5050

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

AN AMENDED REPORT TO THE BOARD OF COUNTY COMMISSIONERS

BY THE COUNTY SURVEYOR

August 3, 1992

RE: Jerry M. Finley and Phillip R. Meyers Petition for Statutory Way of Necessity

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We did not provide a possible alternate route for the access way because of the topography, and because of the conditions stipulated in letters from the respondent that were included in the petition.

The specific location should be as shown on the exhibit plat included as part of the petition and should be 30 feet in width to allow for slopes.

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The reasonableness of the proposed way of necessity will depend on the agreement by the parties to exchange land and the conditions and restrictions placed on the agreed upon access way by the city.

We have asked County Counsel to comment to the Board regarding this partition.

Very truly yours,

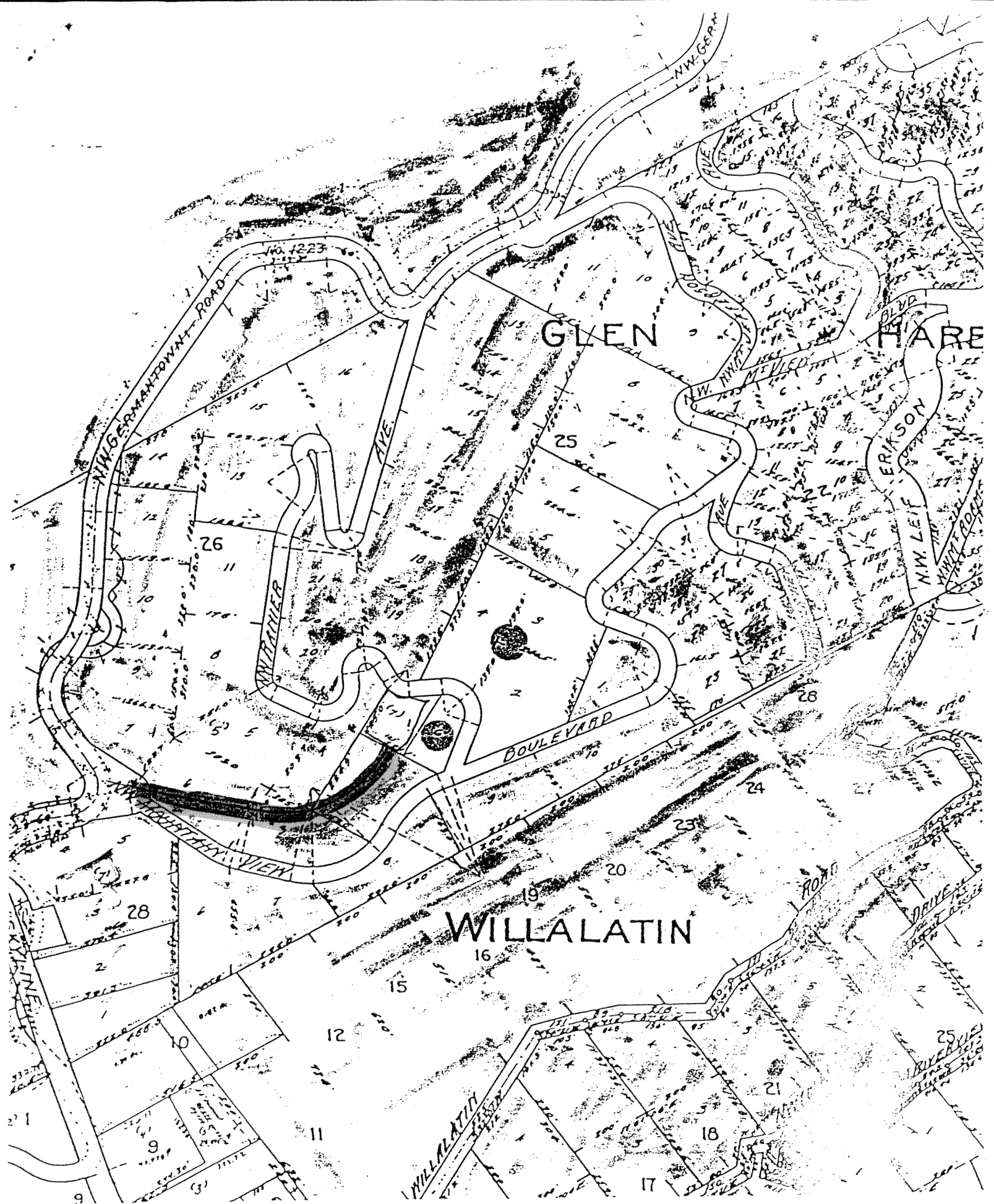
LARRY F. NICHOLAS, P. E.
County Engineer/Director

Dennis V. Fantz, P. L. S.
County Surveyor

DVF:vh

cc: Jacqueline Weber

2528W





MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVE.
PORTLAND, OREGON 97233
(503) 248-5050

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

AN AMENDED REPORT TO THE BOARD OF COUNTY COMMISSIONERS

BY THE COUNTY SURVEYOR

August 3, 1992

RE: Jerry M. Finley and Phillip R. Meyers Petition for Statutory Way of Necessity

We have reviewed the petition for Jerry M. Finley and Phillip R. Meyers to acquire a way of necessity to Lot 1, Block 26, and Lots 2, 3, and 4, Block 25, Glen Harbor Heights. We conducted an investigation of the property to be served and the surrounding area. The following is our report and recommendation.

We did not provide a possible alternate route for the access way because of the topography, and because of the conditions stipulated in letters from the respondent that were included in the petition.

The specific location should be as shown on the exhibit plat included as part of the petition and should be 30 feet in width to allow for slopes.

There appears to be consent by the City of Portland to a way of necessity by their letters recommending alternatives to the existing dedicated streets.

The reasonableness of the proposed way of necessity will depend on the agreement by the parties to exchange land and the conditions and restrictions placed on the agreed upon access way by the city.

We have asked County Counsel to comment to the Board regarding this partition.

Very truly yours,

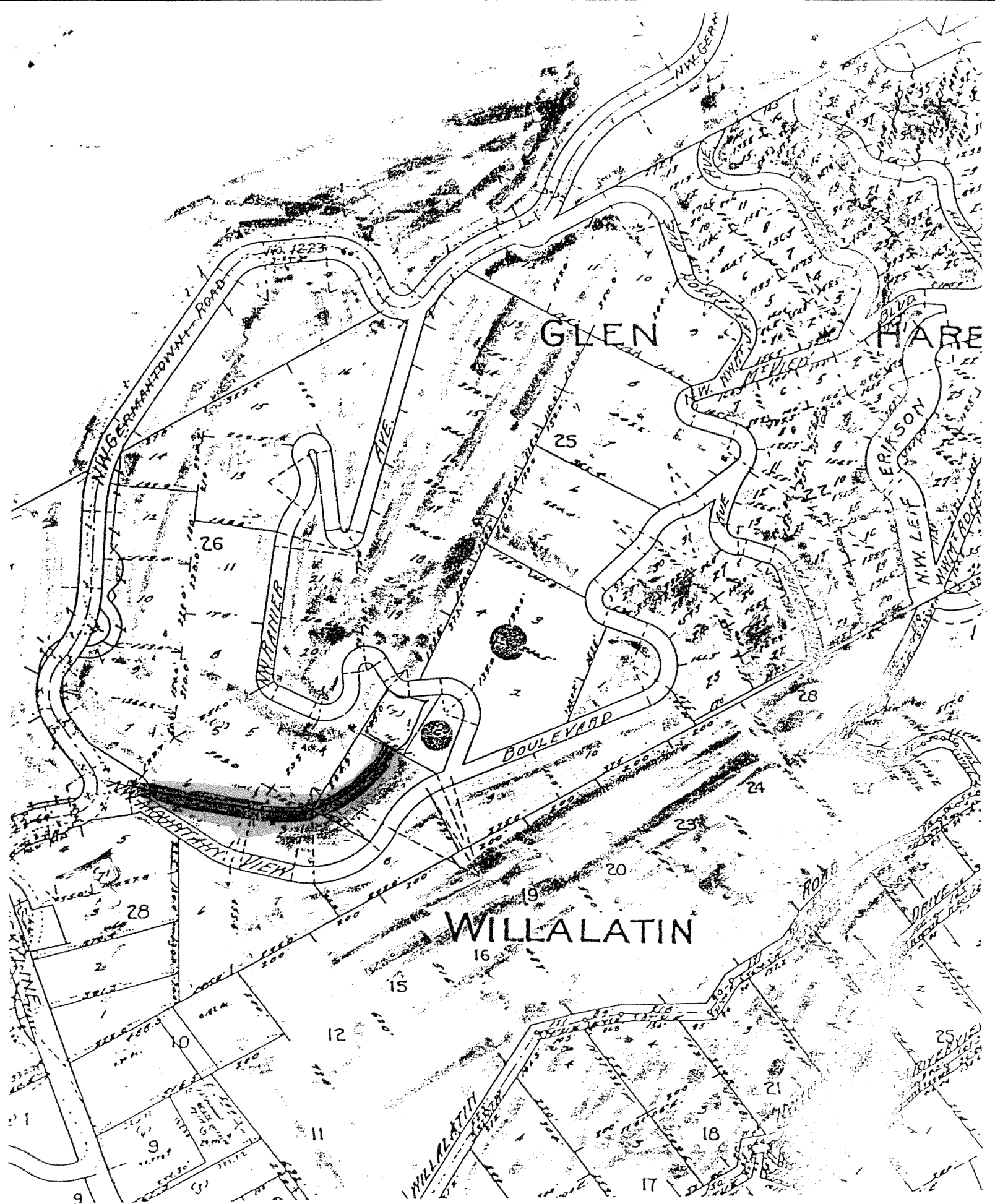
LARRY F. NICHOLAS, P. E.
County Engineer/Director

Dennis V. Fantz, P. L. S.
County Surveyor

DVF:vh

cc: Jacqueline Weber

2528W





MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVE.
PORTLAND, OREGON 97233
(503) 248-5050

BOARD OF COUNTY COMMISSIONERS
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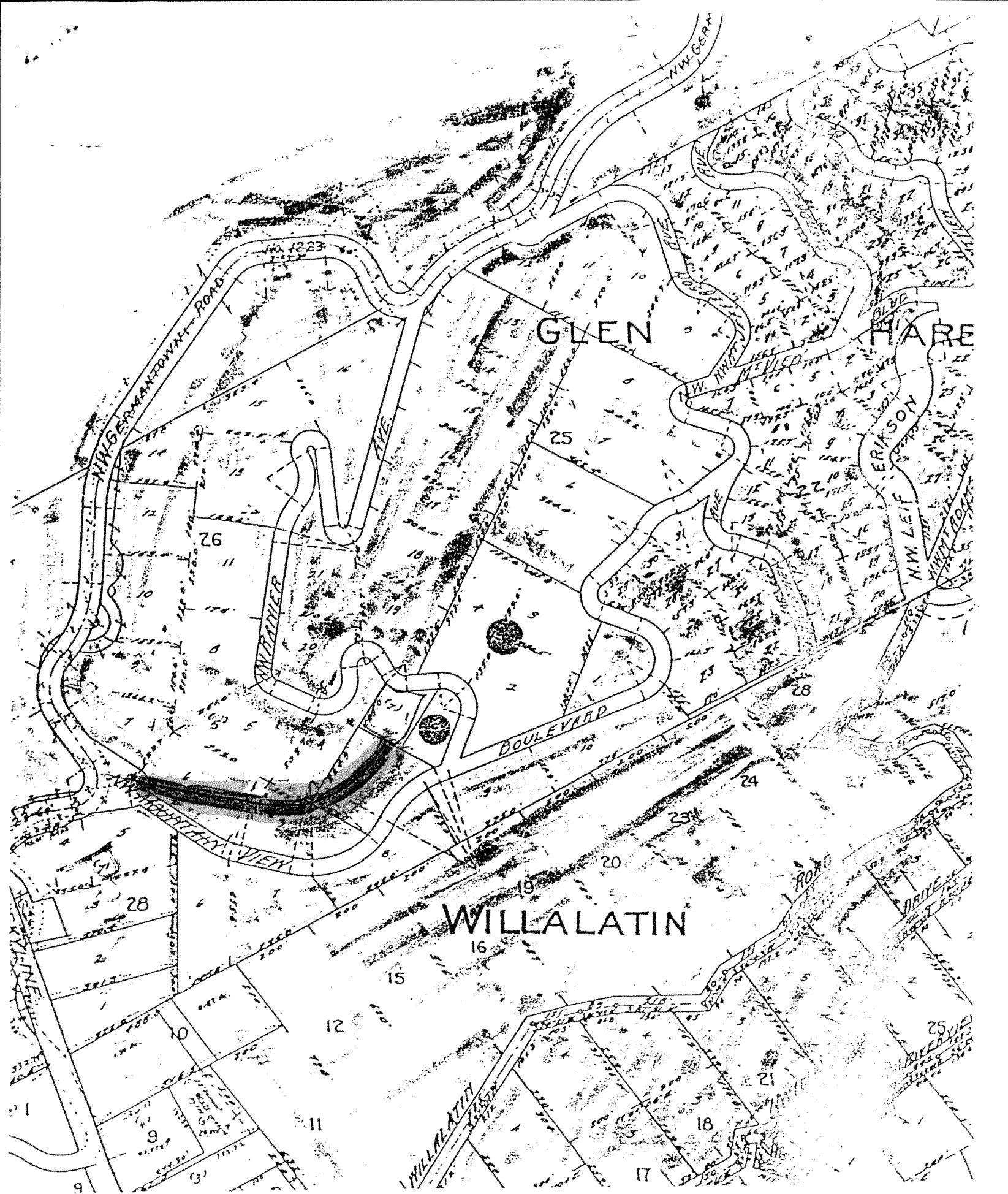
LARRY F. NICHOLAS, P. E.
County Engineer/Director

Dennis V. Fantz, P. L. S.
County Surveyor

DVF:vh

cc: Jacqueline Weber

2528W





MULTNOMAH COUNTY OREGON

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TRANSPORTATION DIVISION
1620 S.E. 190TH AVE.
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(503) 248-5050

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BY THE COUNTY SURVEYOR

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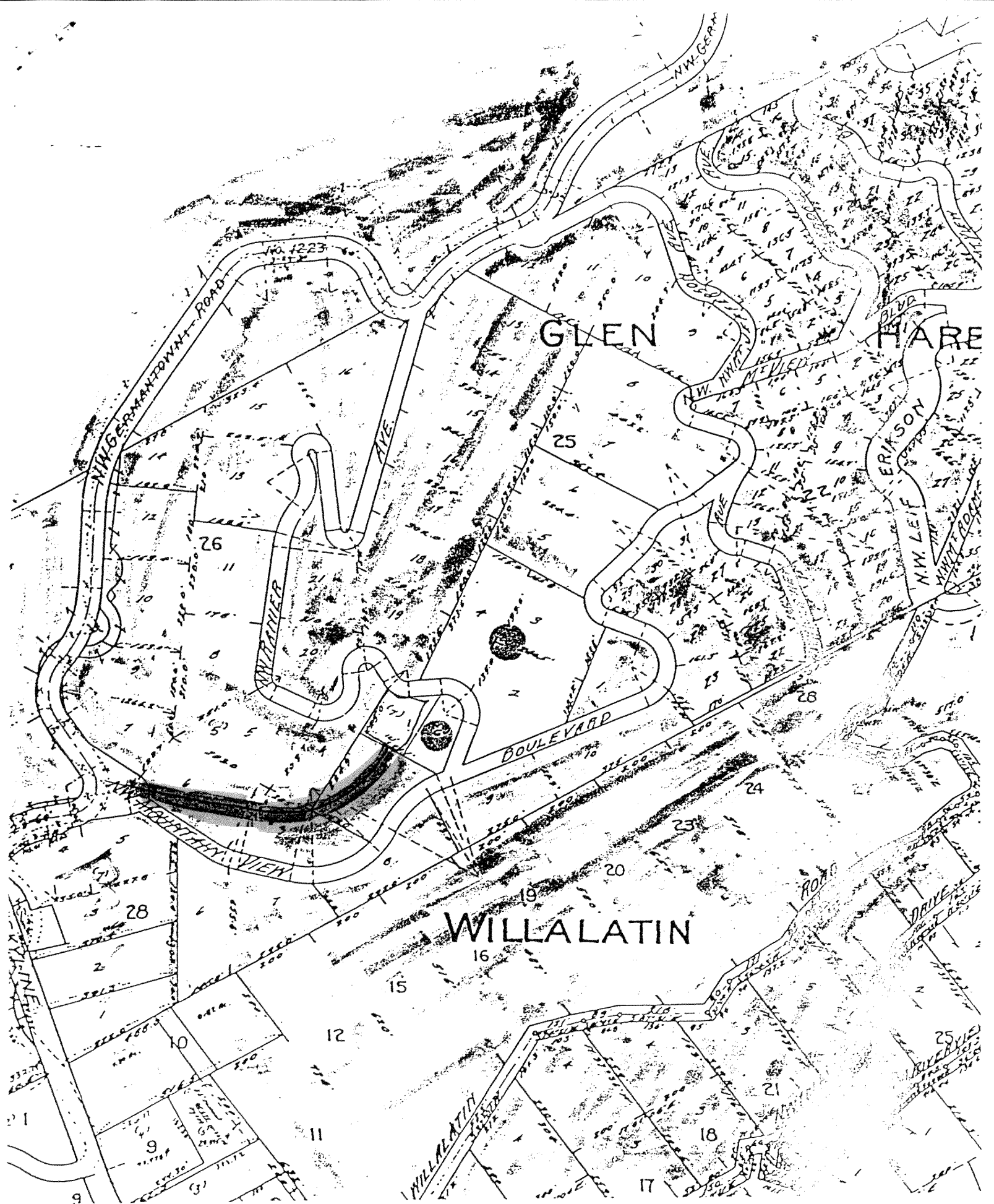
LARRY F. NICHOLAS, P. E.
County Engineer/Director

Dennis V. Fantz, P. L. S.
County Surveyor

DVF:vh

cc: Jacqueline Weber

2528W





MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVE.
PORTLAND, OREGON 97233
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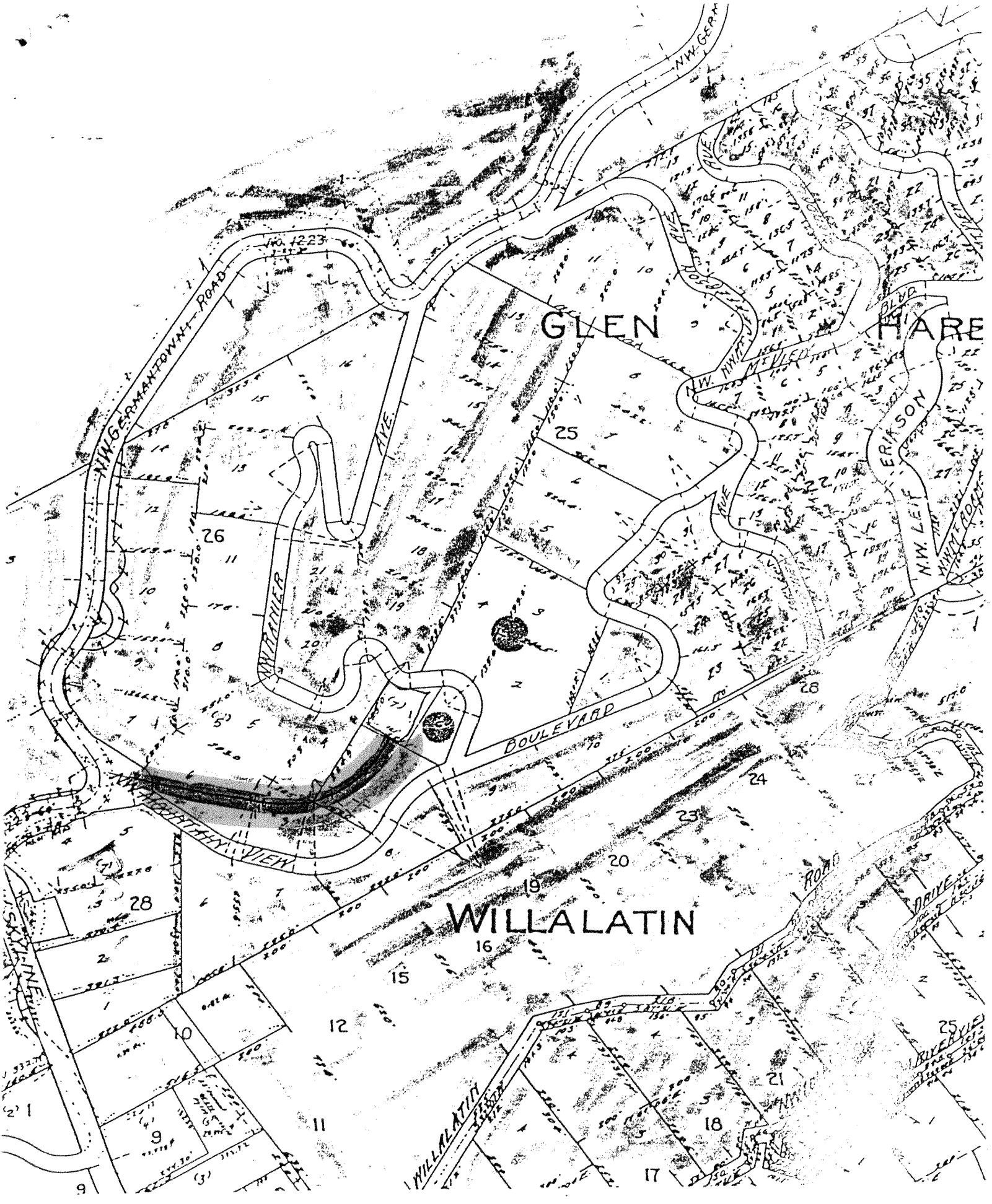
LARRY F. NICHOLAS, P. E.
County Engineer/Director

Dennis V. Fantz, P. L. S.
County Surveyor

DVF:vh

cc: Jacqueline Weber

2528W



BEFORE THE MULTNOMAH COUNTY
BOARD OF COUNTY COMMISSIONERS

JERRY M. FINLEY and
PHILLIP R. MEYERS,

Petitioners,

v.

CITY OF PORTLAND,

Respondent.

No. 92-51-A

ANSWER TO PETITION
FOR WAY OF NECESSITY

BOARD OF
COUNTY COMMISSIONERS
1992 AUG -5 AM 11:19
MULTNOMAH COUNTY
OREGON

Respondent City of Portland answers petitioners' petition
for statutory way of necessity as follows:

1.

With regard to paragraph 1 of the petition, respondent
admits that petitioners own the land described, that their
property is generally marked as indicated and that they intend to
serve that property with a statutory way of necessity across
respondent's land.

2.

Respondent admits paragraph 2 of the petition.

3.

Respondent admits the first three sentences of paragraph 3
of the petition. Respondent denies that it has done anything to
landlock petitioners; moreover, petitioners acquired their
property with full knowledge that there was no access.

4.

Respondent denies the first sentence and admits the second
sentence of paragraph 4.

1 - ANSWER TO PETITION FOR WAY OF NECESSITY

1 5.

2 Respondent admits paragraph 5 of the petition.

3 6.

4 Respondent admits that petitioners have indicated in general
5 that they would exchange land of equal or greater value for the
6 statutory way of necessity; however, they never have proposed any
7 particular land to be exchanged.

8 7.

9 Respondent admits paragraph 7.

10 8.

11 Respondent admits that petitioners are unable to develop
12 their land with a detached single-family dwelling, but deny that
13 the lack of access is the sole cause of that failure, or that
14 petitioners are suffering financial loss due to the lack of
15 access.

16 9.

17 Petitioner has failed to obtain respondent's consent to the
18 establishment of a way of necessity across public property.

19 10.

20 Respondent is entitled to recover its costs and reasonable
21 attorney fees, under ORS 376.175(e).

22 WHEREFORE, respondent prays that the Board issue its Order:

23 (a) That petitioners' petition fails to meet the statutory
24 requirements of ORS 376.150 to 376.200;

25 (b) Dismissing the petition and granting no relief to
26 petitioners; and


Page

2 - ANSWER TO PETITION FOR WAY OF NECESSITY

1 (c) Directing petitioners to pay the costs and reasonable
2 attorney fees incurred by respondent.

3 DATED: August 4, 1992.

4 Respectfully submitted,

5 
6

7 Harry Auerbach, OSB #82183
8 Deputy City Attorney
9 Attorney for Respondent
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Page

3 - ANSWER TO PETITION FOR WAY OF NECESSITY

[illegible]

DAVID B SMITH
ATTORNEY AT LAW
PO BOX 230637
TIGARD OR 97223

on August 4, 1992, by mailing to said attorney a correct copy thereof, contained in a sealed envelope, with postage paid, and deposited in the post office at Portland, Oregon, on said day.


Harry Auerbach, OSB #82183
Deputy City Attorney
Attorney for Respondent



CITY OF
PORTLAND, OREGON

OFFICE OF CITY ATTORNEY

Jeffrey L. Rogers, City Attorney
1220 S.W. 5th Avenue
Portland, Oregon 97204
(503) 823-4047

July 15, 1992

RECEIVED

JUL 16 1992

CLERK FOR
MULTI-COUNTY, OR

DAVID B. SMITH
ATTORNEY AT LAW
8255 SW HUNZIKER
SUITE 200
PO BOX 230637
TIGARD OREGON 97223

Re: Finley and Meyers v. City of Portland
Board of County Commissions No. 92-51-A

Dear Mr. Smith:

I have received a copy of the Report to the Board of County Commissioners by the County Surveyor, dated July 8, 1992, and of Jacqueline Weber's letter to you, dated July 12, 1992. As is illustrated by these documents, your petition contains a number of deficiencies, as a result of which it is impossible for the City to make a meaningful response to the merits of your request.

As the County Surveyor notes, your petition fails to include a specific proposed location for the proposed way of necessity, see ORS 376.155(2)(c), or evidence that the City has consented to the way of necessity, see ORS 376.180(11). In addition, the petition fails to specify the petitioners' proposal for the amount of compensation they intend to give the City for this right. See ORS 376.155(2)(i).

As a result of the deficiencies of the petition, the County Surveyor was unable to make a recommendation as to the reasonableness of your petition, see ORS 376.160(2)(c), or as to a specific location and width of a way of necessity, see ORS 376.160(2)(d). The County Surveyor fulfilled his statutory obligation to report that the petition fails to meet all the requirements under ORS 376.150 to 376.200. See ORS 376.160(2)(b).

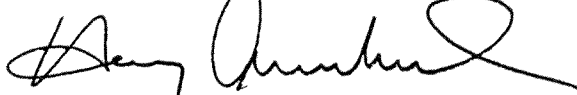
The defects in the petition go to the very heart of petitioners' ability to demonstrate whether or not they should be granted the way of necessity they request. Without a precisely described location, i.e., a legal description, for the way, and without a specific proposal regarding compensation, it is not possible for the City to determine whether it is reasonable to grant consent to your request.

BOARD OF
COUNTY COMMISSIONERS
1992 JUL 17 AM 8:46
MULTI-COUNTY
OREGON

David B. Smith, Esq.
July 15, 1992
Page 2

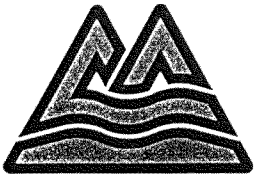
On behalf of the City, I intend to file a response to the petition on or before August 7, 1992. Unless, before then, you are able to amend your petition to include precise and specific descriptions of the location and of the compensation petitioners are proposing, and unless those are sufficient to convince the City Council to grant consent to the way, my response will simply reiterate your failure to meet the requirements of the statute, and will ask the Board of County Commissioners to dismiss the petition and deny the relief sought, without any further hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Harry Auerbach", written in a cursive style.

Harry Auerbach
Deputy City Attorney

c: Jacqueline Weber ✓
Jim Sjulín
Fred Nilsen



MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL
1120 S.W. FIFTH AVENUE, SUITE 1530
P.O. BOX 849
PORTLAND, OREGON 97207-0849
(503) 248-3138
FAX 248-3377

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY, CHAIR
PAULINE ANDERSON
RICK BAUMAN
GARY HANSEN
SHARRON KELLEY

July 12, 1992

David B. Smith
Attorney at Law
8255 SW Hunziker, Ste 200
P. O. Box 230637
Tigard, OR 97223

RE: Finley and Meyers
Way of Necessity

Dear Mr. Smith:

A copy of the surveyor's report has been forwarded to you under separate cover.

Given that the petition in the above-referenced case did not identify a specific proposed location as required by ORS 376.115, and the surveyor's report does not include a possible alternate route for a way of necessity as required by ORS 376.160, the petition is not in a posture to be scheduled for hearing.

Sincerely,

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By _____
Jacqueline A. Weber
Assistant County Counsel

cc Clerk of the Board

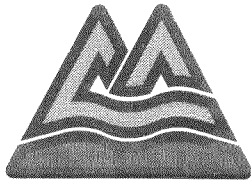
K:\JAW\628JAW.LTR\mw

COUNTY COUNSEL
LAURENCE KRESSEL

CHIEF ASSISTANT
JOHN L. DU BAY

ASSISTANTS
J. MICHAEL DOYLE
SANDRA N. DUFFY
GERALD H. ITKIN
H.H. LAZENBY, JR.
STEVEN J. NEMIROW
MATTHEW O. RYAN
JACQUELINE A. WEBER

BOARD OF
COUNTY COMMISSIONERS
1992 JUL 15 AM 9:18
MULTNOMAH COUNTY
OREGON




MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVE.
PORTLAND, OREGON 97233
(503) 248-5050

BOARD OF COUNTY COMMISSIONERS
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SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: 106/1510/Office of the Board Clerk
Deb Bogstad

FROM: 425/County Surveyor 
Dennis Fantz

DATE: July 7, 1992

SUBJECT: Jerry M. Finley and Phillip R. Meyers Petition for Statutory Way of Necessity

Find enclosed the report to the Board on the above petition with eight copies.

I have not made a recommendation for a specific location, and I suggest the Board wait for a report from County Counsel before consideration of this petition.

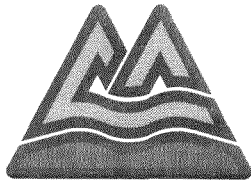
An itemized billing will follow by July 31, 1992.

DVF:vh

Enclosure

2528W

BOARD OF
COUNTY COMMISSIONERS
1992 JUL -8 AM 10:59
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVE.
PORTLAND, OREGON 97233
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A REPORT TO THE BOARD OF COUNTY COMMISSIONERS BY THE COUNTY SURVEYOR

July 8, 1992

RE: Jerry M. Finley and Phillip R. Meyers Petition for Statutory Way of
Necessity

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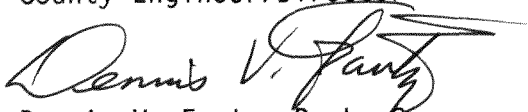
The proposed way of necessity does not meet all the requirements under ORS 376.150 to 376.200. Missing are, a specific proposed location for the proposed way of necessity, and the consent of the city of Portland to a way of necessity.

We are not, at this time, able to speak to the reasonableness of the way of necessity or to make a recommendation for a specific location and width for a way of necessity.

We have asked County Counsel to comment to the Board regarding this partition.

Very truly yours,

LARRY F. NICHOLAS, P. E.
County Engineer/Director


Dennis V. Fantz, P. L. S.
County Surveyor

DVF:vh

cc: Jacqueline Weber

2528W

BOARD OF
COUNTY COMMISSIONERS
1992 JUL -8 AM 10:59
MULTNOMAH COUNTY
OREGON

Copies of Rules of Conduct of Hearings Regarding Statutory Ways of Necessity and surveyor's report on McQuinn Family Pioneer Cemetery sent on June 30, 1992 to:

MCQUINN FAMILY PIONEER CEMETERY ASSN.

Attorneys:

OK John W. Shonkwiler (represents Smith & Anderson)
Hennagin & Shonkwiler
Attorneys at Law 624-0917
PO Box 1568
Lake Oswego OR 97035-0768

OK Steven M. Berne (represents Fazzio)
Bullivant Houser Bailey et al ^{DAVID & JACK}
Attorneys at Law CHECKING WITH CLIENTS FIRST
1400 Pacwest Center 228-6351
1211 SW 5th Avenue
Portland OR 97204-3797

OK W. Dean Fitzwater (represents Petitioners McQuinn)
Fitzwater & Fitzwater
Attorneys at Law
15431 SE 82nd Drive Ste G
Clackamas OR 97015-9675 655-3963

OK Mary Anne ~~McQuinn~~ SOHLSTROM
President
McQuinn Family Pioneer Cemetery Assn.
108 NE 40th Avenue
Hillsboro OR 97124 640-9215

9/1/92 1:30pm

BROWN AND SMITH

Attorney:

8/4/92 1:30pm

OK L. Leslie Bush (represents Sandler)
Parker & Gush 241-1320
Attorneys at Law
1618 SW 1st Avenue Ste 205
Portland OR 97201-5752

OK Peter L. Osborne (represents O. J. Mitchell)
Schwabe, Williamson & Wyatt
Attorneys at Law
Suites 1600-1950, Pacwest Center
1211 SW Fifth Avenue
Portland OR 97204-3795
222-9981

Robert Aquist &

OK
Brian Cavaness, Esq.

Land Development Consultants, Inc. ^{copies for Brown to Smith}

233 SE Washington

Hillsboro OR 97123

648-4061

(house counsel for

engineering firm preparing
petition for Mr. & Mrs.

Ronald Brown and Mr. & Mrs.

David Smith, petitioners)

FINLEY AND MEYERS PETITION

Copies of surveyor's report on Finley and Meyers' petition
mailed on July 9, 1992, to:

David B. Smith

(represents Finley & Meyers)

Attorney at Law

8255 SW Hunziker, Ste 200

P. O. Box 230637

Tigard, OR 97223

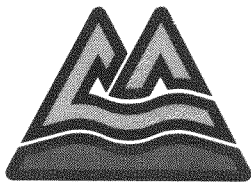
Harry Auerbach

(represents City of Portland)

City Attorney's Office

1220 SW Fifth Avenue, Room 315

Portland, OR 97204



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVE.
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SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: 101/606A Office of the Board Clerk
Deb Bogstad

FROM: 425/County Surveyor *DF*
Dennis Fantz

DATE: June 1, 1992

SUBJECT: Jerry M. Finley and Phillip R. Meyers Petition for Statutory Way
of Necessity.

The requested written report by the County Surveyor and itemized of costs for the above petition will be submitted on or before July 10, 1992.

1992 JUN - 3 AM 10:09
MULTNOMAH COUNTY
OREGON

DFVH0292.MEM

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Petition)
for Statutory Way of Necessity)
_____) ACCEPTANCE OF SERVICE OF
PETITION FOR STATUTORY
WAY OF NECESSITY
No. 92-51-A

The undersigned hereby accepts service of the attached true
copies of Summons and Petition for Statutory Way of Necessity this
7th day of May, 1992, on behalf of the City of Portland.

BARBARA CLARK, CITY AUDITOR
FOR THE CITY OF PORTLAND

By *Carol Wakefield*

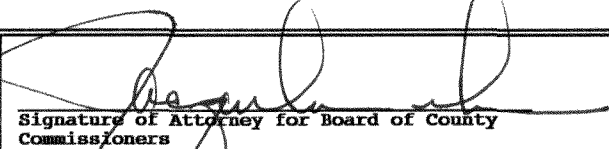
FILED
CLERK OF
COUNTY COMMISSIONERS
1992 MAY - 8 AM 10 24
MULTNOMAH COUNTY
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Petition)
for Statutory Way of Necessity.) SUMMONS
_____) No. 92-51-A

TO: Barbara Clark, City Auditor
1220 SW Fifth Street
Portland, OR 97204 Respondent(s)

YOU ARE HEREBY REQUIRED TO APPEAR and defend the Petition for Statutory Way of Necessity filed against you in the above-entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, petitioner(s) will apply to the Board of County Commissioners for the relief demanded in the Petition.

NOTICE TO THE RESPONDENT: READ THESE PAPERS CAREFULLY! You must "appear" in this case or the other side will win automatically. To "appear" you must file with the County Commissioners a legal paper called an "answer." The "answer" must be given to the Clerk of the Board of County Commissioners within 30 days at Multnomah County Courthouse, 1021 SW Fourth Avenue, Room 606A, Portland, Oregon 97204. If you have any questions, you should see an attorney immediately.	 _____ Signature of Attorney for Board of County Commissioners Jacqueline A. Weber OSB #82424 Attorney's Name (Typed or Printed) Bar No. P. O. Box 849 Address Portland, OR 97207-0849 248-3138 City State Zip Phone
---	--

STATE OF OREGON)
County of Multnomah) ss.

I, the undersigned attorney for the Board of County Commissioners, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.



Attorney

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: you are hereby directed to serve a true copy of this summons together with a true copy of the petition mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service upon a separate similar document which you shall attach hereto.



Attorney

BEFORE THE

MULTNOMAH COUNTY BOARD OF COUNTY COMMISSIONERS

JERRY M. FINELY AND PHILLIP
R. MEYERS,

Petitioners,

vs.

CITY OF PORTLAND,

Respondent.

No. 92-51-A

PETITION FOR STATUTORY
WAY OF NECESSITY (ORS
376.150 - 376.200)

1.

Petitioners own certain real property located in the Southwest 1/4 of Section 10, Township 1N, Range 1W in the City of Portland, County of Multnomah, State of Oregon, and more fully described as follows: Lot 1, Block 26, and Lots 2, 3 and 4, Block 25, Glen Harbor Heights. The property is indicated and marked in yellow on the plat attached hereto and incorporated herein by reference. This property is to be served by the proposed way of necessity, as shown on the plat attached hereto.

2.

Respondent, City of Portland, is a municipal corporation organized and existing under the laws of the State of Oregon, with principal offices located at 1220 SW Fifth Avenue in the City of Portland in the County of Multnomah in the State of Oregon. Respondent is the owner of real property situated in Section 10, Township 1N, Range 1W, and more fully described as

1 Forest Park. The property is indicated and marked in green on
2 the plat attached hereto and incorporated herein by reference.

3 3.

4 Platted but undeveloped to serve petitioners' property
5 are 3 public roads, NW Mountain View Boulevard, NW Ranier
6 Avenue, and NW Mount Jefferson Avenue. These roads all tra-
7 verse a portion of respondent's Forest Park. These platted
8 public roads have been determined by the respondent to not be
9 capable of being developed to provide access to the petition-
10 ers' property, as shown by the evidence attached hereto and
11 incorporated herein by reference. This has left petitioners
12 "landlocked" so that respondents have no access to public
13 roads and more particularly to NW Germantown Road, as dis-
14 closed by the attached plat map, thus leaving petitioners'
15 property cut off from access to a road to the outer world.

16 4.

17 By reason of the foregoing, petitioners are entitled to a
18 statutory way of necessity through or over respondent's Forest
19 Park to a public road. Petitioners' proposed way of necessity
20 traverses respondent's Forest Park and connects to NW German-
21 town Road, a public road that does not have access rights
22 acquired and limited by the State of Oregon or County of
23 Multnomah.

24 5.

25 Petitioners' proposed way of necessity may be safely
26 connected to NW Germantown Road, at the nearest practicable

1 point for connection to NW Germantown Road, as shown by the
2 plat and evidence attached hereto.

3 6.

4 Petitioners propose to exchange land with respondent,
5 ceding to respondent land contiguous to Forest Park of equal
6 property and recreational value with equal access for recrea-
7 tional users, in exchange for the land in Forest Park over
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11 rights thereto, or any enforceable access, to any public road
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21 Wherefore, petitioners pray that the Board issue an
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26 necessity.

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2 necessity.

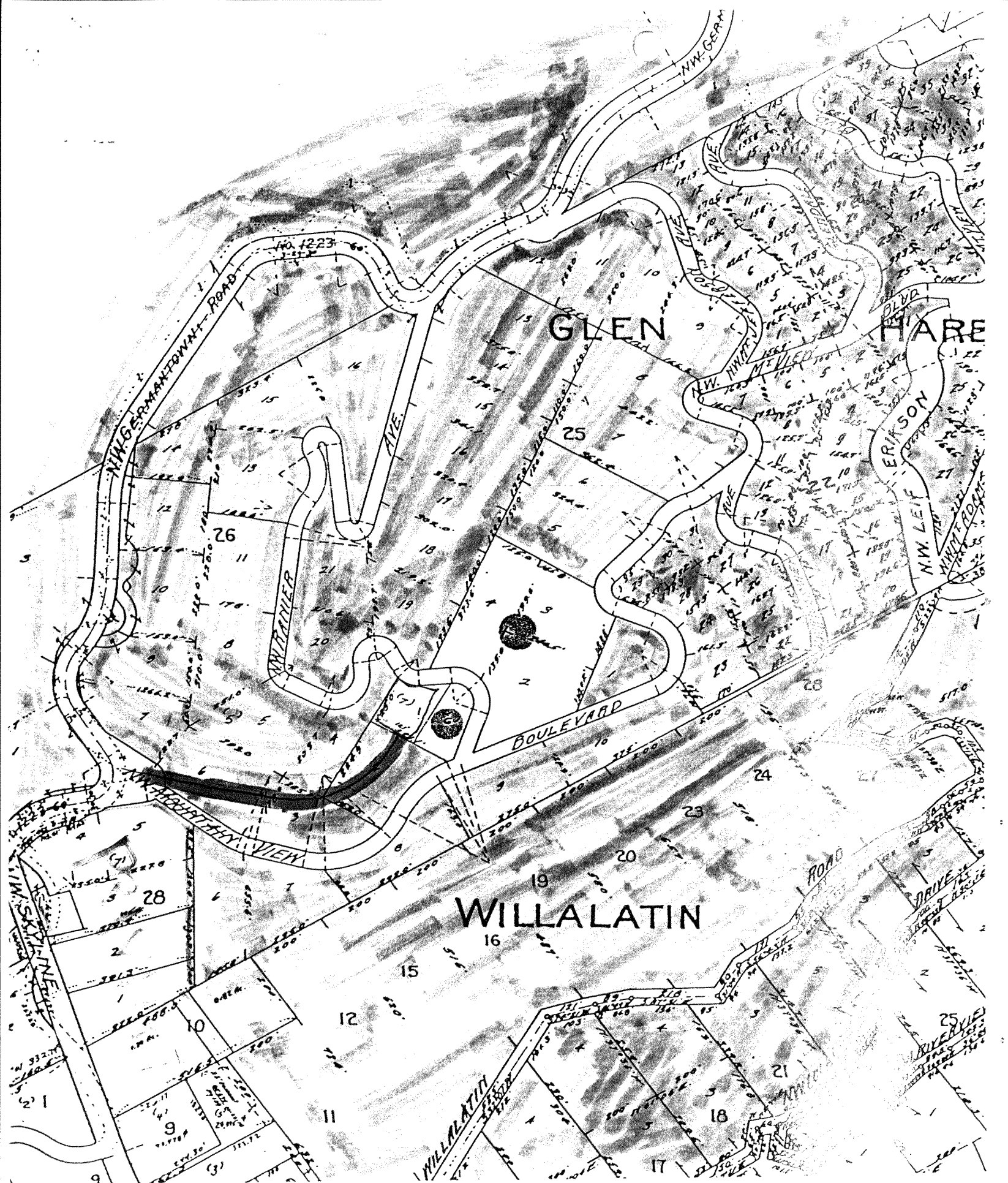
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4 ers, and agreed to by respondent and petitioners, fairly
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6

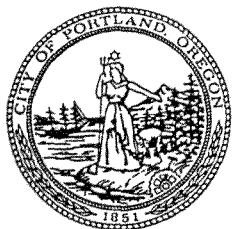
7 DATED this 21st day of October, 1991.

8 Respectfully submitted,

9 

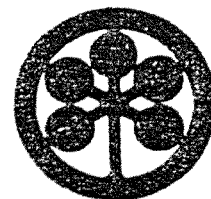
10 David B. Smith, OSB #88315
11 8255 SW Hunziker Suite 200
12 PO Box 230637
13 Tigard, Oregon 97223
14 (503) 620-0258
15 Attorney for Petitioners
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CITY OF PORTLAND
BUREAU OF PARKS AND RECREATION

1120 S.W. 5TH, ROOM 1302
PORTLAND, OREGON 97204-1933
(503) 796-5193



MIKE LINDBERG, Commissioner

CHARLES JORDAN, Director

March 28, 1991

Exhibit 30

Ms. Jerry Finley
115 NE Stafford
Portland, OR 97211-2240

Dear Ms. Finley:

In response to your letter of February 10th, I have considered the impacts of using Mt. View Blvd. and Mt. Jefferson Ave. to access your property from Germantown Road.

Based on the impacts I request that they not be considered for access.

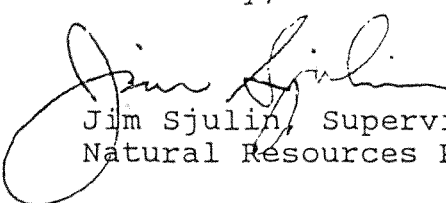
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After my visit with the City Attorney, I will immediately get back to you.

If you have any questions, please contact me at 796-5122.

Sincerely,


Jim Sjulin, Supervisor
Natural Resources Program



CITY OF

PORTLAND, OREGON

OFFICE OF TRANSPORTATION

Earl Blumenauer, Commissioner
Transportation Engineering
1120 S.W. Fifth Avenue
Room 802
Portland, Oregon 97204-1971
(503) 796-7004

March 21, 1991

Jerry Finley
115 NE Stafford
Portland, OR 97211-2243

Re: Access to Lot 1, Block 26 and Lots 2,3 & 4, Block 25, Glen Harbor Heights

Dear Jerry:

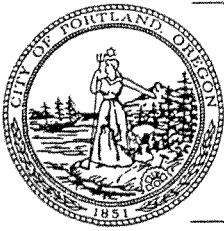
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- Longitudinal street grades are also a problem. Typically, gravel roads do not work at grades exceeding 15%. Our public street standards allow grades up to 18% for roads paved with asphalt, and up to 22% for portland cement concrete. However, in my judgement, there are portions of the NW Rainier Avenue alignment that are too steep to meet those standards.
- The horizontal alignment of the existing platted right-of-way is substandard. Given the topographical constraints, it is probable that additional right-of-way or easements from adjacent property would be necessary.
- SW Rainier Avenue crosses an existing drainage course and runs parallel to it for significant portions of its length. The impact of road construction on the water course would be significant.

For these reasons, it's my judgement that the NW Rainier Avenue right-of-way is not a viable access route to your property. I recommend that you continue to pursue more direct alternative routes with the Park Bureau.

Sincerely,

Glen R. Pierce
Senior Projects Coordinator



CITY OF

PORTLAND, OREGON

OFFICE OF TRANSPORTATION

Earl Blumenauer, Commissioner
Transportation Engineering
1120 S.W. Fifth Avenue
Room 802
Portland, Oregon 97204-1971
(503) 796-7004

March 6, 1991

Jerry Finley
Philip Meyers
115 NE Stafford
Portland, OR 97211-2243

Re: Glen Harbor Heights Access Feasibility Report

Dear Jerry & Philip:

I've reviewed the study dated February 26, 1991 by Kent Cox & Associates, which addresses the feasibility of using the Mt. View Boulevard right-of-way for access to your property. In addition, I've personally visited the site and walked the alignment of Mt. View Boulevard by following survey stakes provided by Mr. Cox.

I concur with Mr. Cox's findings concerning the impacts of constructing of an access road in Mt. View Boulevard. In my judgement, Mt. View Boulevard is not a viable route for access to your property. I also agree with Mr. Cox's recommendation that you should continue to investigate alternative access routes with less detrimental impact to the land.

Sincerely,

Glen R. Pierce
Senior Projects Coordinator



CITY OF
PORTLAND, OREGON
OFFICE OF TRANSPORTATION

Earl Blumenauer, Commissioner
Transportation Engineering
1120 S.W. Fifth Avenue
Room 802
Portland, Oregon 97204-1971
(503) 796-7004

September 16, 1991

Jerry Finley
115 NE Stanford Street
Portland, OR 97211-2243

Re: **Driveway Visibility on NW Germantown**

Dear Jerry:

Attached to this letter is the response from the Bureau of Traffic Management concerning visibility at your proposed driveway on NW Germantown Road. If you need clarification of their findings, please call Lisa at 796-5234.

Sincerely,

Glen R. Pierce
Senior Projects Coordinator

c: Lisa Amundson

[L.Ltr]Finely_Driveway_Visibility



CITY OF

PORTLAND, OREGON

OFFICE OF TRANSPORTATION

RECEIVED
SEP 12 1991
STREET SYSTEMS MANAGEMENT

Earl Blumenauer, Commissioner
Traffic Management
1120 S.W. Fifth Avenue
Room 730
Portland, Oregon 97204-1969
(503) 796-5185

September 11, 1991

MEMORANDUM

TO: Glen Pierce, Transportation Engineering 106/802

FROM: Lisa Amundson, Traffic Management *LA* 106/730

SUBJECT: Proposed driveway safety/visibility on NW Germantown Rd
north of Skyline Blvd.

The Bureau of Traffic Management has evaluated the dirt logging road that intersects the east side of NW Germantown Road approximately 350 feet north of Skyline Boulevard for a possible driveway. The available sight distance for drivers on NW Germantown Rd was measured to ensure adequate stopping distance for a driver on Germantown Road if a vehicle suddenly pulled out from the proposed driveway. The findings of the Bureau were:

1. Vehicles traveling south on Germantown Road can see drivers 270 feet in advance of the driveway. This visibility is adequate for vehicle speeds up to 38 MPH. The curve in advance of the driveway is sharp, and most drivers would be limited to 30 mph. (Visibility is therefore adequate.)
2. Vehicles traveling north on Germantown Road can clearly see drivers 205 feet in advance of the proposed driveway. This is a downgrade approach, and is adequate for vehicle speeds up to 29 mph. Speed data was unavailable for this stretch of roadway, however, the 85th percentile speed is suspected to be substantially higher than this. (Visibility is therefore limited.)

Due to fact that the proposed driveway would only serve one household, traffic volumes are expected to be low. Provided that caution is used by drivers exiting the proposed driveway, safety is not anticipated to be a problem. (This is not unlike many other driveways in Portland where visibility is somewhat limited.)

If you need any additional clarification or information, please call me at 796-5234.

Attachments

LA/jp

GRP\$OPR:[NW.TR]GERMANTOWN.WP

NL Germantown Rd

Stopping Sight Distance Calculation:

$$SSD = 1.47 Vt + \frac{V^2}{30(f-g)}$$

north of driveway:

$$t = 2.5 \text{ s}$$

$$f = 0.32$$

$$g = 0.06 \text{ (upgrade)}$$

$$SSD = 270 \text{ ft}$$

$$V = 38 \text{ mph}$$

South of driveway:

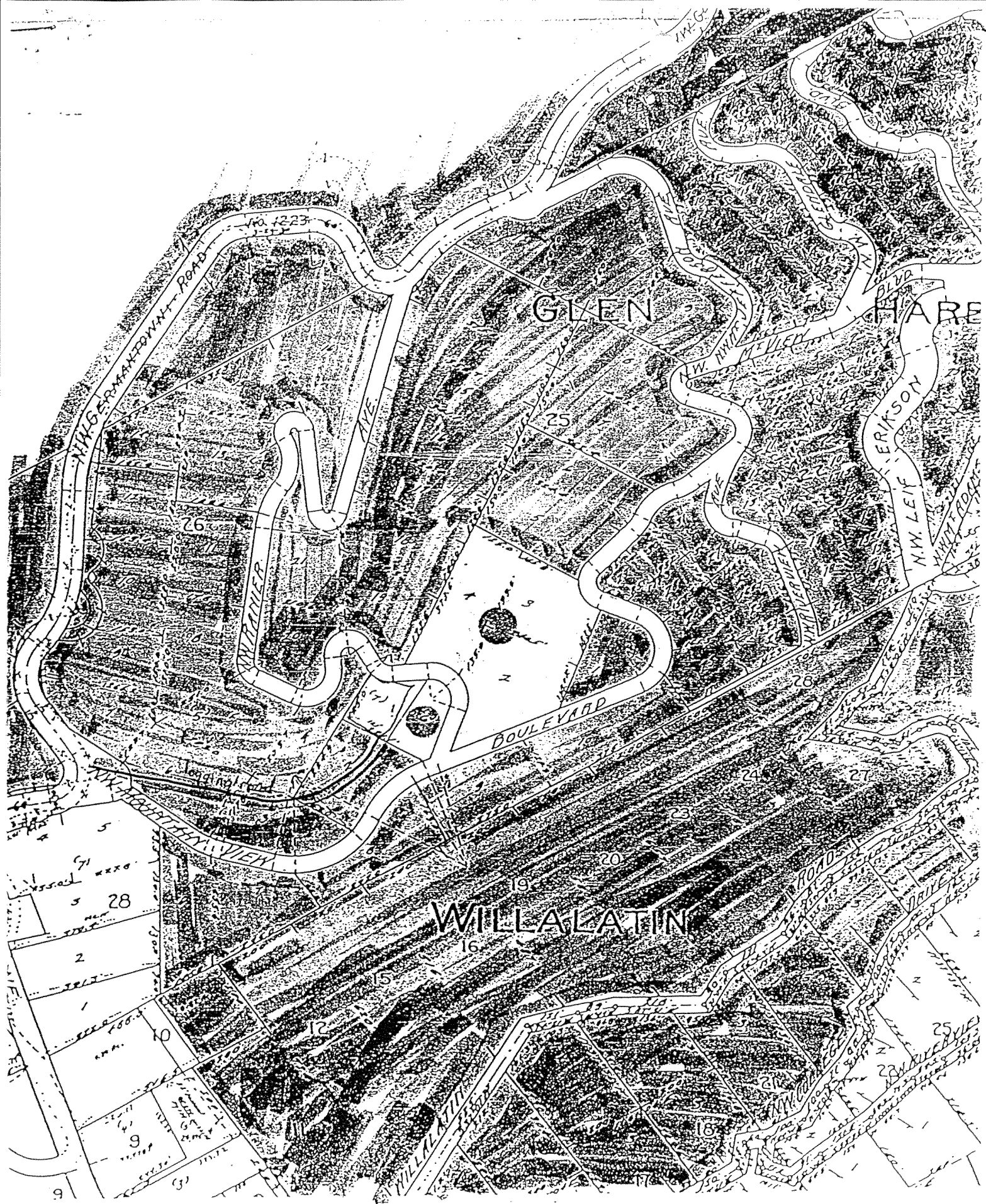
$$t = 2.5 \text{ s}$$

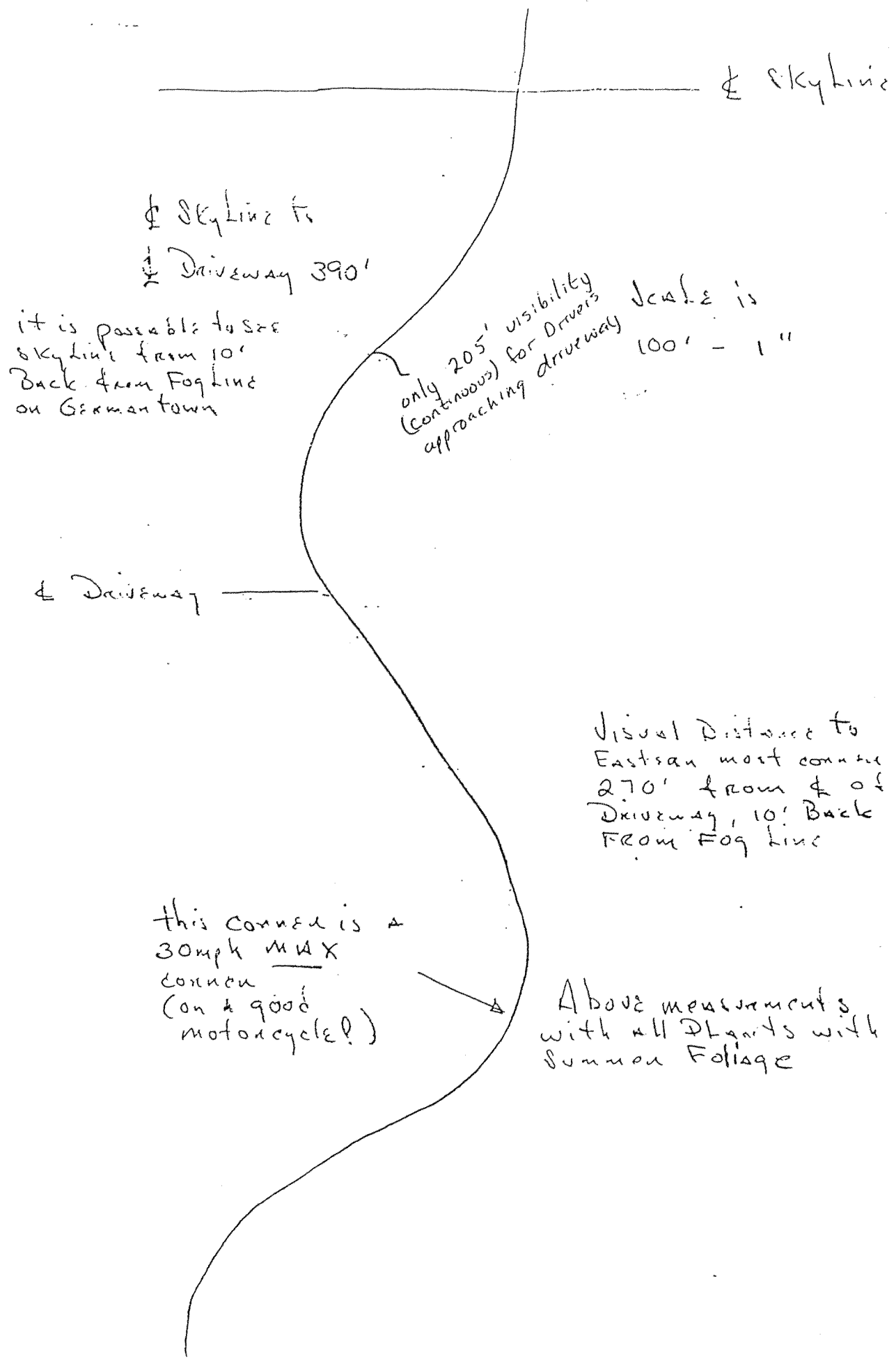
$$f = 0.35$$

$$g = 0.06 \text{ (downgrade)}$$

$$SSD = 205 \text{ '}$$

$$V = 29 \text{ mph}$$





⊥ Skyline to
⊥ Driveway 390'

it is possible to see
skyline from 10'
Back from Fog line
on German town

only 205' visibility
(continuous) for Drivers
approaching driveway scale is
100' - 1"

⊥ Driveway

Visual Distance to
Eastern most corner
270' from & of
Driveway, 10' Back
From Fog line

this corner is a
30mph MAX
corner
(on a good
motorcycle?)

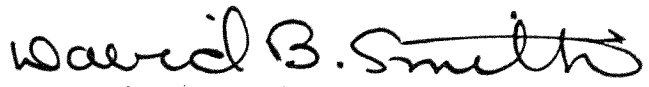
Above measurements
with all plants with
summer foliage

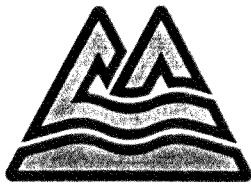
CERTIFICATE OF MAILING

I hereby certify that I served the foregoing Petition for
Statutory Way of Necessity on:

Harry M. Auerbach, OSB #82183
City Attorney's Office
Room 315 City Hall
1220 SW 5th Avenue
Portland, Oregon 97204
Attorney for Respondent

by mailing by registered or certified mail to that person a
true and correct copy thereof, certified by me as such, placed
in a sealed envelope addressed to him at the addresses set
forth, and deposited in the United States Post Office at
Tigard, Oregon, on October 21, 1991 with the postage prepaid.


David B. Smith, OSB #88315
Attorney for Petitioners



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 606, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277

M E M O R A N D U M

TO: 425/County Surveyor
Dennis Fantz

FROM: 101/606A/Office of the Board Clerk
Deb Bogstad *Deb Bogstad*

DATE: May 6, 1992

RE: Jerry M. Finley and Phillip R. Meyers Petition for
Statutory Way of Necessity

Enclosed please find a copy of a Petition for Statutory Way of Necessity filed on behalf of Jerry M. Finley and Phillip R. Meyers and Multnomah County Resolution 92-51 adopting rules for the Board to process petitions for statutory ways of necessity.

Pursuant to the criteria set forth in the enclosed Rules of Conduct, Section II, please submit a written report and itemized billing of the costs incurred in your investigation and preparation of same to this office, on or before June 5, 1992.

If you need additional time, please notify this office with a date certain in which you will be able to furnish your report.

If you have questions, please contact Assistant County Counsel Jacqueline Weber at 248-3138. Thank you for your courtesies and assistance in this matter.

0044C/4/db
enclosures
cc: Jacqueline Weber

Certified to be the original copy
by David B. Smith
Attorney for Petitioners

BEFORE THE

MULTNOMAH COUNTY BOARD OF COUNTY COMMISSIONERS

JERRY M. FINELY AND PHILLIP
R. MEYERS,

Petitioners,

vs.

CITY OF PORTLAND,

Respondent.

No. _____

PETITION FOR STATUTORY
WAY OF NECESSITY (ORS
376.150 - 376.200)

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1992 MAY - 4 PM 4:02

1.

Petitioners own certain real property located in the Southwest 1/4 of Section 10, Township 1N, Range 1W in the City of Portland, County of Multnomah, State of Oregon, and more fully described as follows: Lot 1, Block 26, and Lots 2, 3 and 4, Block 25, Glen Harbor Heights. The property is indicated and marked in yellow on the plat attached hereto and incorporated herein by reference. This property is to be served by the proposed way of necessity, as shown on the plat attached hereto.

2.

Respondent, City of Portland, is a municipal corporation organized and existing under the laws of the State of Oregon, with principal offices located at 1220 SW Fifth Avenue in the City of Portland in the County of Multnomah in the State of Oregon. Respondent is the owner of real property situated in Section 10, Township 1N, Range 1W, and more fully described as

1 Forest Park. The property is indicated and marked in green on
2 the plat attached hereto and incorporated herein by reference.

3 3.

4 Platted but undeveloped to serve petitioners' property
5 are 3 public roads, NW Mountain View Boulevard, NW Ranier
6 Avenue, and NW Mount Jefferson Avenue. These roads all tra-
7 verse a portion of respondent's Forest Park. These platted
8 public roads have been determined by the respondent to not be
9 capable of being developed to provide access to the petition-
10 ers' property, as shown by the evidence attached hereto and
11 incorporated herein by reference. This has left petitioners
12 "landlocked" so that respondents have no access to public
13 roads and more particularly to NW Germantown Road, as dis-
14 closed by the attached plat map, thus leaving petitioners'
15 property cut off from access to a road to the outer world.

16 4.

17 By reason of the foregoing, petitioners are entitled to a
18 statutory way of necessity through or over respondent's Forest
19 Park to a public road. Petitioners' proposed way of necessity
20 traverses respondent's Forest Park and connects to NW German-
21 town Road, a public road that does not have access rights
22 acquired and limited by the State of Oregon or County of
23 Multnomah.

24 5.

25 Petitioners' proposed way of necessity may be safely
26 connected to NW Germantown Road, at the nearest practicable

1 point for connection to NW Germantown Road, as shown by the
2 plat and evidence attached hereto.

3 6.

4 Petitioners propose to exchange land with respondent,
5 ceding to respondent land contiguous to Forest Park of equal
6 property and recreational value with equal access for recrea-
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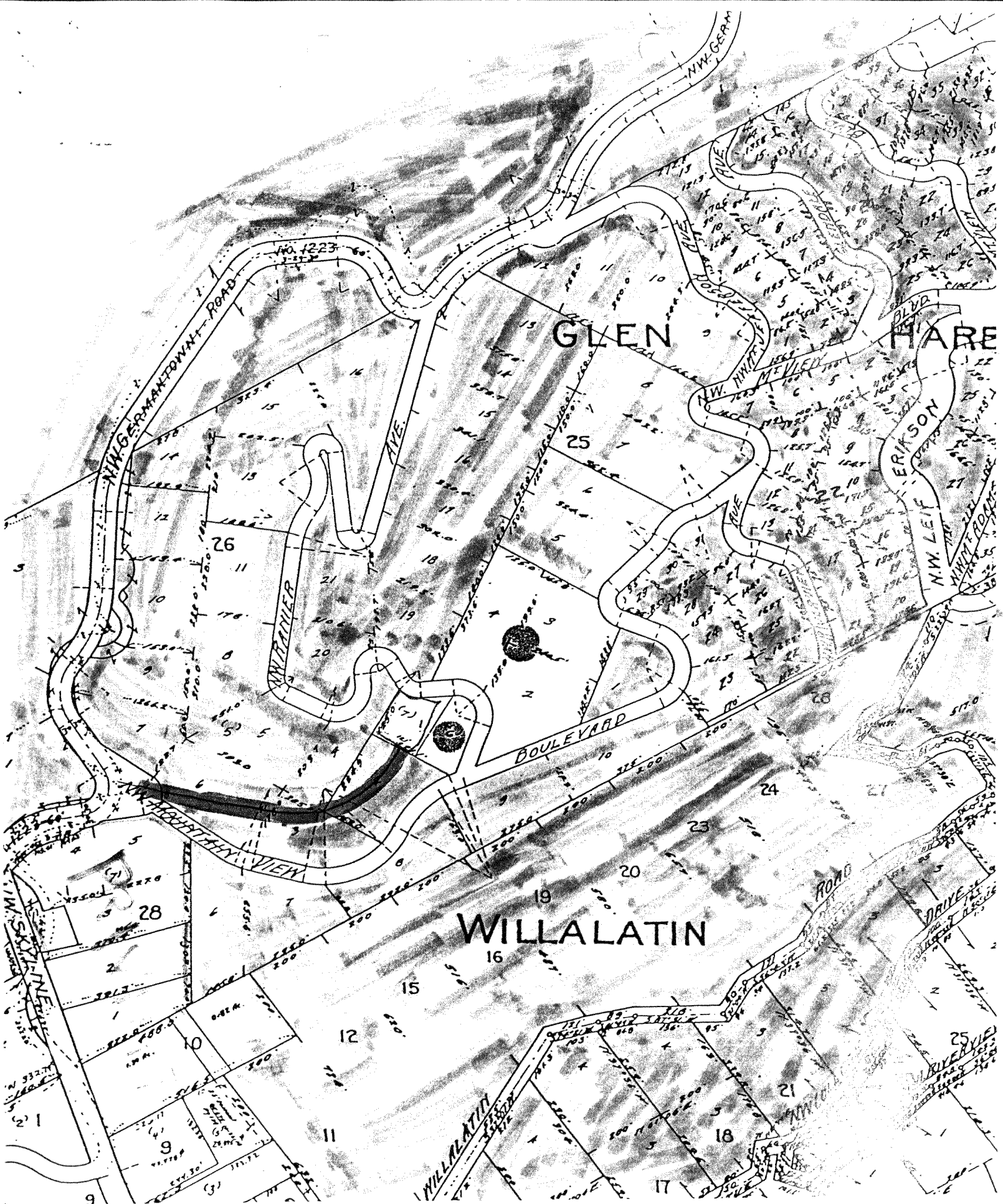
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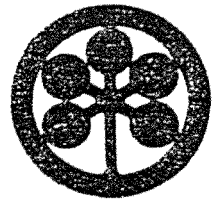
10 David B. Smith, OSB #88315
11 8255 SW Hunziker Suite 200
12 PO Box 230637
13 Tigard, Oregon 97223
14 (503) 620-0258
15 Attorney for Petitioners
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CITY OF PORTLAND
BUREAU OF PARKS AND RECREATION

1120 S.W. 5TH, ROOM 1302
PORTLAND, OREGON 97204-1933
(503) 796-5193



MIKE LINDBERG, Commissioner

CHARLES JORDAN, Director

March 28, 1991

Exhibit 30

Ms. Jerry Finley
115 NE Stafford
Portland, OR 97211-2240

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If you have any questions, please contact me at 796-5122.

Sincerely,

Jim Sjulian, Supervisor
Natural Resources Program



CITY OF

PORTLAND, OREGON

OFFICE OF TRANSPORTATION

Earl Blumenauer, Commissioner
Transportation Engineering
1120 S.W. Fifth Avenue
Room 802
Portland, Oregon 97204-1971
(503) 796-7004

March 21, 1991

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Portland, OR 97211-2243

Re: Access to Lot 1, Block 26 and Lots 2,3 & 4, Block 25, Glen Harbor Heights

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Sincerely,

Glen R. Pierce
Senior Projects Coordinator



CITY OF

PORTLAND, OREGON

OFFICE OF TRANSPORTATION

Earl Blumenauer, Commissioner
Transportation Engineering
1120 S.W. Fifth Avenue
Room 802
Portland, Oregon 97204-1971
(503) 796-7004

March 6, 1991

Jerry Finley
Philip Meyers
115 NE Stafford
Portland, OR 97211-2243

Re: Glen Harbor Heights Access Feasibility Report

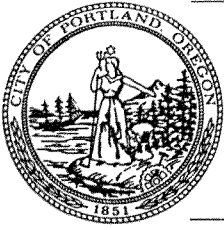
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Senior Projects Coordinator



CITY OF

PORTLAND, OREGON

OFFICE OF TRANSPORTATION

Earl Blumenauer, Commissioner
Transportation Engineering
1120 S.W. Fifth Avenue
Room 802
Portland, Oregon 97204-1971
(503) 796-7004

September 16, 1991

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115 NE Stanford Street
Portland, OR 97211-2243

Re: **Driveway Visibility on NW Germantown**

Dear Jerry:

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Sincerely,

Glen R. Pierce
Senior Projects Coordinator

c: Lisa Amundson

[L.Ltr]Finely_Driveway_Visibility



CITY OF

PORTLAND, OREGON

OFFICE OF TRANSPORTATION

RECEIVED
SEP 12 1991
STREET SYSTEMS MANAGEMENT

Earl Blumenauer, Commissioner
Traffic Management
1120 S.W. Fifth Avenue
Room 730
Portland, Oregon 97204-1969
(503) 796-5185

September 11, 1991

MEMORANDUM

TO: Glen Pierce, Transportation Engineering 106/802

FROM: Lisa Amundson, Traffic Management *LA* 106/730

SUBJECT: Proposed driveway safety/visibility on NW Germantown Rd
north of Skyline Blvd.

The Bureau of Traffic Management has evaluated the dirt logging road that intersects the east side of NW Germantown Road approximately 350 feet north of Skyline Boulevard for a possible driveway. The available sight distance for drivers on NW Germantown Rd was measured to ensure adequate stopping distance for a driver on Germantown Road if a vehicle suddenly pulled out from the proposed driveway. The findings of the Bureau were:

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Due to fact that the proposed driveway would only serve one household, traffic volumes are expected to be low. Provided that caution is used by drivers exiting the proposed driveway, safety is not anticipated to be a problem. (This is not unlike many other driveways in Portland where visibility is somewhat limited.)

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Attachments

LA/jp

GRP\$OPR:[NW.TR]GERMANTOWN.WP

NL Germantown Rd

Stopping Sight Distance Calculation:

$$SSD = 1.47 Vt + \frac{V^2}{30(f-g)}$$

north of driveway:

$$t = 2.5 \text{ s}$$

$$f = 0.32$$

$$g = 0.06 \text{ (upgrade)}$$

$$SSD = 270 \text{ ft}$$

$$V = 38 \text{ mph}$$

South of driveway:

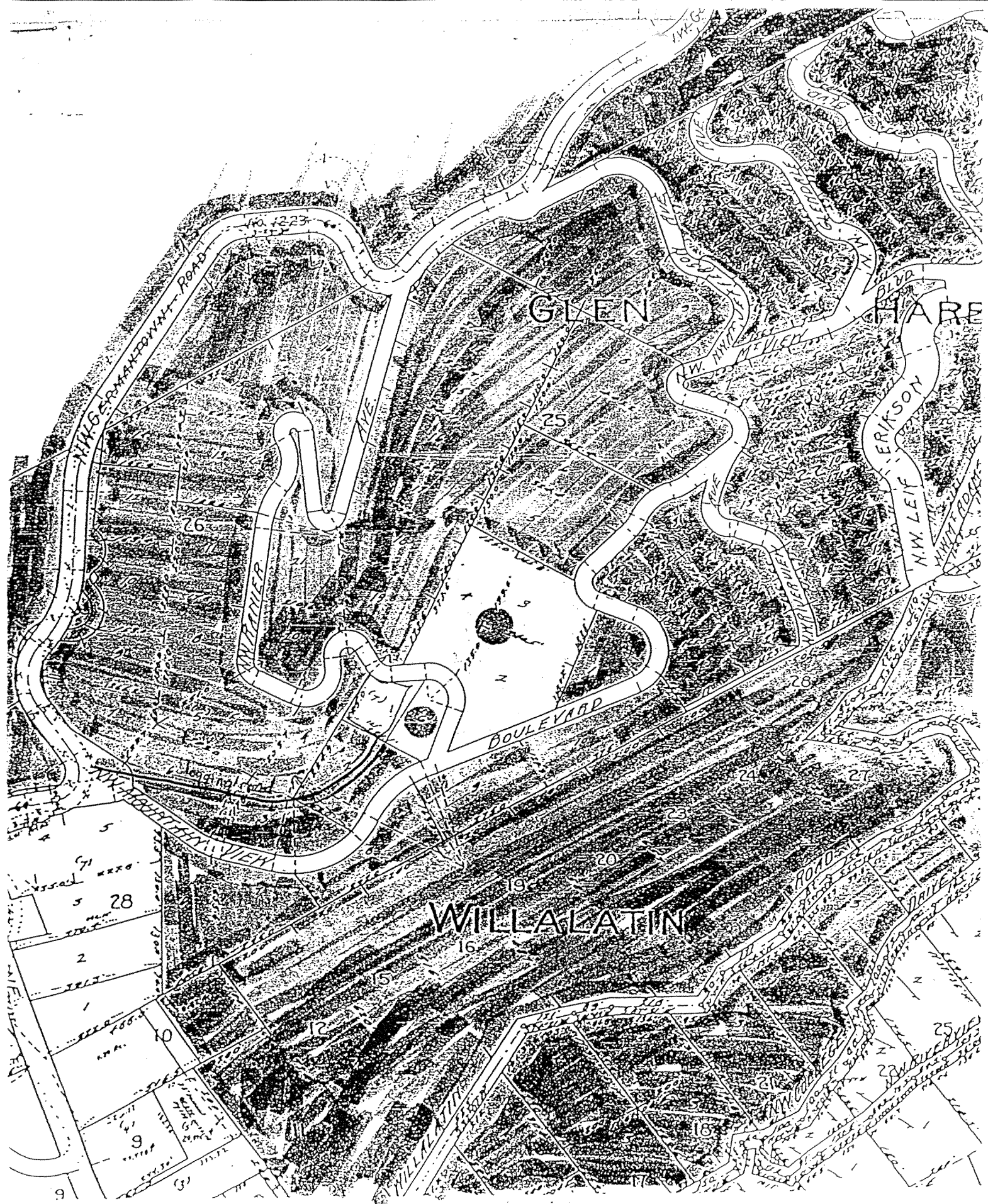
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$$f = 0.35$$

$$g = 0.06 \text{ (downgrade)}$$

$$SSD = 205'$$

$$V = 29 \text{ mph}$$





☞ Skyline to
☞ Driveway 390'

it is possible to see
skyline from 10'
Back from Fog line
on German town

only 205' visibility
(continuous) for Drivers
approaching driveway

Scale is
100' - 1"

☞ Driveway

Visual Distance to
Easton most corner
270' from ☞ of
Driveway, 10' Back
From Fog line

this corner is a
30mph MAX
corner
(on a good
motorcycle!)

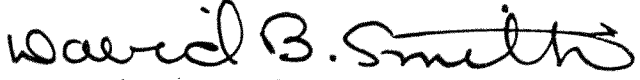
Above measurements
with all plants with
summer foliage

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing Petition for
Statutory Way of Necessity on:

Harry M. Auerbach, OSB #82183
City Attorney's Office
Room 315 City Hall
1220 SW 5th Avenue
Portland, Oregon 97204
Attorney for Respondent

by mailing by registered or certified mail to that person a
true and correct copy thereof, certified by me as such, placed
in a sealed envelope addressed to him at the addresses set
forth, and deposited in the United States Post Office at
Tigard, Oregon, on October 21, 1991 with the postage prepaid.


David B. Smith, OSB #88315
Attorney for Petitioners

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Rules to Process
Petitions for Statutory Ways of
Necessity

RESOLUTION 92-51

WHEREAS, a Petition for Statutory Way of Necessity has been filed with the Board of County Commissioners by each of the following petitioners:

JERRY M. FINLEY and PHILLIP R. MEYERS
MR. AND MRS. RONALD BROWN and MR. AND MRS. DAVID SMITH
THE MCQUINN FAMILY PIONEER CEMETARY ASSOCIATION

WHEREAS, ORS 376.150 to 376.200 gives the Board of County Commissioners jurisdiction to grant a Statutory Way of Necessity and establishes statutory procedures therefor, and

WHEREAS, the Board does not have an established process for the purpose of implementing ORS 376.150 to 376.200,

THEREFORE BE IT RESOLVED, that the Board of County Commissioners adopt the rules set out in Exhibit A attached hereto to process the petitions for Statutory Ways of Necessity specified above.

ADOPTED this 16th day of April, 1992.



By Gladys McCoy
Gladys McCoy, Chair
Multnomah County, Oregon

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By Jacqueline A. Weber
Jacqueline A. Weber
Assistant County Counsel

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03/18/92:1

RULES FOR THE CONDUCT OF HEARINGS
BEFORE THE MULTNOMAH COUNTY BOARD OF COUNTY COMMISSIONERS
REGARDING STATUTORY WAYS OF NECESSITY

I. FILING AND SERVICE OF PETITION

- A. Filing shall be accomplished by mailing the original petition to the Multnomah County Board of County Commissioners. The filing shall be complete upon receipt of the petition by the Board of County Commissioners.
- B. Upon filing of a petition, the Clerk of the Board shall cause a copy of the petition to be served upon all persons owning land across which the Way of Necessity could be located as identified in the petition. Service shall be by summons as specified in ORCP 7, and in the form specified in Addendum A. The Clerk shall direct the Sheriff to serve summons.

II. INVESTIGATION AND REPORT BY COUNTY SURVEYOR

- A. Upon filing of the petition, the Clerk of the Board shall forward a copy of the petition to the County Surveyor, directing the County Surveyor to investigate the proposed Way of Necessity and issue a written report. The County Surveyor shall submit to the Board of County Commissioners a written report no later than 30 days from the date the petition is forwarded by the clerk. If the County Surveyor cannot issue the report within 30 days, he must so notify the Clerk and identify a date certain upon which the report will be provided to the Board.
- B. The report of the County Surveyor shall conform with ORS 376.160(2) and shall include:
 - 1. Possible alternate routes for Ways of Necessity to the property;
 - 2. A determination of whether the proposed Way of Necessity meets the requirements under ORS 376.150 to 376.200;
 - 3. The reasonableness of the Way of Necessity proposed in the petition; and
 - 4. A recommendation for a specific location and width for a Way of Necessity.

- C. The County Surveyor shall submit to the Board an accounting of the actual costs incurred in the investigation and preparation of the written report.
- D. Upon receipt of the Surveyor's report by the Board of County Commissioners, the County Clerk shall cause a copy of said Report and Petition to be served on all persons owning land across whose property the Way of Necessity is proposed to be located in the report and in the petition. Service of the Surveyor's report shall be accomplished in the same manner as described in IB above.

III. FILING OF ANSWER BY LANDOWNER

- A. Any person owning land across which a Way of Necessity is proposed to be established under ORS 376.150 to 376.200 may file an answer controverting any matter in the petition or report and alleging any new matter relevant to the proceedings. An answer must be filed within 30 days from the date of service of the petition and report. Filing of an answer shall be accomplished by mailing the original to the Board of County Commissioners and shall be deemed filed on either the date of receipt, or the date of mailing.
- B. The Clerk of the Board shall provide for service of the answer upon the petitioner in the same manner provided for service of summons in Section IB above.
- C. The petitioner may file a reply controverting any matter presented in the answer. A reply must be filed within ten days after receipt of service of the answer by the petitioner and shall be filed with the Board of County Commissioners. Filing shall be complete on either the date of receipt by the Board of County Commissioners, or the date of mailing. The Clerk of the Board shall provide for service of the reply upon the person filing the answer in the manner provided for service in Section IB above.

IV. HEARING ON THE PETITION

A. Notice of Hearing

Hearing shall be before the Multnomah County Board of County Commissioners. The notice of hearing will be issued by the Clerk of the Board to the petitioner and to all persons across whose property a Way of Necessity could be located as specified in the Petition and the Surveyor's Report, specifying the date, time and location of the hearing. Hearing shall be scheduled no later than 45 days from the date the Surveyor's report is received by the Multnomah County Board of County Commissioners.

B. Conduct of Hearing

1. The Board, in conducting a hearing on a petition for a statutory Way of Necessity pursuant to ORS 376.150 to ORS 376.200, is acting in a quasi-judicial capacity. Interested parties are entitled to an opportunity to be heard, to present and rebut evidence to a tribunal which is impartial, to have the proceedings recorded, and to have a decision based on evidence offered supported by findings of fact as a part of that record.
2. No person shall be disorderly, abusive or disruptive of the orderly conduct of the hearing.
3. No person shall speak more than once without obtaining permission from the presiding officer at the first opportunity.
4. No person shall testify without first receiving recognition from the presiding officer and stating his or her full name and residence address.
5. No person shall present irrelevant, immaterial or repetitious testimony or evidence.
6. There shall be no audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the hearing. Such conduct may be cause for immediate termination of the hearing by the Board.
7. The presiding officer and Board members may question any person who testifies.

V. CHALLENGE FOR BIAS, PREJUDGMENT OR PERSONAL INTEREST

- A. Any party to an appeal to be heard by the Board may challenge the qualification of any Board member to participate in such hearing and decision. Such challenge must be by affidavit and state the facts relied upon by the submitting party relating to a member's bias, prejudgment, personal interest, or other facts from which the party has concluded that the member will not participate and make a decision in an impartial manner.
 1. Such challenge shall be incorporated into the record of the hearing.
- B. No commissioner shall participate in a hearing or a decision on a proposal when he/she:
 1. Is a party to or has a direct personal or pecuniary interest in the proposal;

2. Is related to the proponent or opponent;
3. Is in business with the proponent or opponent; or
4. For any other reason, has determined that he/she cannot participate in the hearing and decision in an impartial manner.

VI. PRESIDING OFFICER

- A. The Presiding Officer shall have authority to:
1. Regulate the course and decorum of the hearing;
 2. Dispose of procedural requests or similar matters;
 3. Rule on offers of proof and relevancy of evidence and testimony; and
 4. Take such other action authorized by the Board appropriate for conduct commensurate with the nature of the hearing;
 5. Impose time limits on those appearing before the Board.

VII. ORDER OF PROCEDURE. The presiding officer, in the conduct of the hearing, shall:

- A. Commence the hearing. Announce the nature and purpose of the hearing and summarize the rules for the conduct of the hearing.
- B. Abstentions. Any member announcing his/her abstention shall not participate in the hearing, participate in discussion of the question, or vote on the question.
1. Any member whose participation has been challenged by allegation of bias, prejudgment, personal interest, or partiality or who has been subject to significant ex parte or prehearing contact from proponents or opponents may make a statement in response thereto or in explanation thereof, for the record, and his decision to abstain or not. This statement shall not be subject to cross-examination, except upon consent of that member, but shall be subject to rebuttal by the proponent or opponent, as appropriate.
- C. Staff Report. The Presiding Officer may request the representative of the County Surveyor to summarize the nature of the proposal, explain any graphic or pictorial displays which are a part of the record, summarize the

Surveyor's report, and provide such other information as may be requested by the Board.

D. Petitioner's Case.

1. The petitioner shall be heard first. Petitioner may appear personally, or by a designated representative. Petitioner may present testimony and/or documentary evidence in support of the petition.
2. Failure of the petitioner or designated representative to appear shall be cause to dismiss the petition.

E. Respondent's Case. At the conclusion of the presentation of petitioner's case, respondent(s) personally or by representative, shall be recognized by the Presiding Officer, and shall have the opportunity to present respondent(s)' case through testimony or documentary evidence.

1. If there is more than one respondent, they shall be heard in the order designated by the Presiding Officer.

F. Rebuttal. The petitioner may offer rebuttal of respondent(s)' case within the time limits established.

G. Close of Hearing and Deliberation by Board. The Presiding Officer shall conclude the hearing and the Board shall deliberate concerning the petition. The Board shall either make its decision and state its findings, or may continue its deliberations to a subsequent meeting, the time and place of which shall then be announced. The subsequent meeting shall be for the purpose of continued deliberation and shall not allow for additional testimony or evidence, except upon decision of the Board.

H. Order of the Board of County Commissioners.

Following hearing and consideration of the matters and issues presented to the Board by petitioner and respondent(s), the Board shall enter an order granting or denying the Way of Necessity. The order shall conform with ORS 376.175(2) and shall:

1. State whether the Way of Necessity is granted or denied;
2. Declare as established any Way of Necessity that it granted;

3. Describe the exact location and width of any Way of Necessity established;
4. Describe those uses that are permitted on any Way of Necessity established;
5. Direct the petitioner to pay costs and reasonable attorney fees incurred by each owner of land whose land was subject to the petitioner's action for a Way of Necessity;
6. Establish the amount of compensation due to any owner of land across which any Way of Necessity has been established and direct the petitioner to pay the compensation; and
7. Establish the costs incurred by the County in the procedures for the Way of Necessity and direct the petitioner to reimburse the County for those costs. Any costs assessed to the petitioner under an order shall be paid within 60 days after the entry of the order pursuant to ORS 376.175(4).

I. Appeal of Order of the Board of County Commissioners.

Appeal from the order of the Board of County Commissioners shall be as specified in ORS 376.175(5).

VIII. RECORD OF PROCEEDINGS.

- A. The Clerk of the Board or a designee of the Presiding Officer shall be present at each hearing and shall provide that the proceedings be electronically or stenographically recorded.
- B. The Presiding Officer shall, where practicable, cause to be received all physical and documentary evidence presented which shall be marked to show the identity of the person offering and whether presented on behalf of petitioner or respondent(s). Such exhibits shall be retained by the Board until after any applicable appeal period has expired, at which time the exhibit shall be released upon demand to the person identified thereon.

IX. PUBLICATION OF RULES.

These rules shall be placed on record with the Clerk of the Board of County Commissioners and be available to the public at all Board hearings. These rules are supplementary to the Rules of Procedure previously adopted for the Board of the conduct of Board meetings on March 29, 1973; provided, however, these rules shall control where there are conflicting provisions.

X. AMENDMENT AND SUSPENSION OF RULES.

Any rule of procedure not required by law or the Charter for Multnomah County may be amended, suspended or repealed at any hearing by majority vote of those Board members present and voting.

ADOPTED this 16th day of April, 1992.



By Gladys McCoy
Gladys McCoy, Chair
Multnomah County, Oregon

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By Jacqueline A. Weber
Jacqueline A. Weber
Assistant County Counsel

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MEETING DATE: NOV 04 1993

AGENDA NO: R-5

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution to Set Hearing date/Surrender of County Rds. to PtInd.

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: November 4, 1993

Amount of Time Needed: 5-10 minutes

DEPARTMENT: Environmental Services DIVISION: Transportation

CONTACT: Bob Pearson TELEPHONE #: 3838
BLDG/ROOM #: Bldg. 425

PERSON(S) MAKING PRESENTATION: Bob Pearson

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [X] APPROVAL [] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Recommendation of Director of Environmental Services in the matter of Surrendering Jurisdiction to the city of Portland of all county roads in the areas annexed to the city between July 1, 1992, and June 30, 1993.

Resolution setting December 23, 1993, as the date of public hearing and directing the County Engineer to cause notice of hearing to be published on five (5) different occasions in *The Oregonian*.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Butzy Willis

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

RPCK0537.RES Sent copy of Resolution 93-364 to Bob Pearson on 11-5-93.

BOARD OF
COUNTY COMMISSIONERS
MULTI-JURISDICTIONAL
COUNTY OF
OREGON
1993 OCT 26 PM 2:37



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVE.
PORTLAND, OREGON 97233
(503) 248-5050

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Bob Pearson, DES Transportation Division

TODAY'S DATE: October 21, 1993

REQUESTED PLACEMENT DATE: November 4, 1993

RE: Recommendation for surrendering jurisdiction to the city of Portland all county roads annexed to the city of Portland effective June 30, 1993, and setting a Public Hearing for December 23, 1993

I. Recommendation/Action Requested:

It is requested that the Board of County Commissioners approve the Department of Environmental Services' recommendation for the surrender of jurisdiction to the city of Portland all county roads annexed to the city effective June 30, 1993.

II. Background/Analysis:

The transfer of this segment of roads is in accordance with the Intergovernmental Agreement between Multnomah County and the city of Portland approved March 8, 1984, regarding the transition of urban services from the jurisdiction of the county to the city, Section III B, and in accordance with O.R.S. 373.270, which initiated the transfer of jurisdiction of certain roads lying within the boundaries of the city of Portland.

III. Financial Impact:

Additional roads funds will be transferred to the city of Portland in accordance with the formula in the current Intergovernmental Agreement.

IV. Legal Issues:

The surrender of jurisdiction is in accordance with the executed Intergovernmental Agreement and O.R.S. 373.270.

V. CONTROVERSIAL ISSUES:

N/A

VI. Link to Current County Policies:

Refer to Background/Analysis and Legal Issues.

VII. Citizen Participation:

In accordance with requirements of the Oregon Revised Statutes, a Public Hearing will be set in this matter for December 23, 1993.

VIII. Other Government Participation:

N/A



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVE.
PORTLAND, OREGON 97233
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BOARD OF COUNTY COMMISSIONERS
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SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Board of County Commissioners

FROM: Betsy Williams, Director *Betsy Williams*
Department of Environmental Services

DATE: October 25, 1993

SUBJECT: Surrendering jurisdiction to the city of Portland all county roads
in the area annexed to the city effective June 30, 1993

In accordance with the Intergovernmental Agreement approved March 8, 1984, regarding the transition of urban services from the jurisdiction of Multnomah County to the city of Portland, Section III B, and in accordance with O.R.S. 373.270, initiating the proceeding for the transfer of jurisdiction of certain county roads annexed to the the city of Portland effective June 30, 1993, a public hearing is scheduled for December 23, 1993, at 9:30 a.m.

The public hearing is scheduled to provide the public the opportunity to voice support, concerns, or general testimony, and to determine whether it is in the best interest of the county to surrender jurisdiction of those county roads within the city of Portland to the city of Portland.

The list of roads will appear in the *The Oregonian* on five successive Mondays, beginning November 22, 1993.

Attachments

RPCK0537.RES

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Setting a Hearing Date in the Matter
of Surrendering Jurisdiction to the
city of Portland all county roads
annexed to the city of Portland effective June 30, 1993.

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RESOLUTION
93-364

WHEREAS, the Board of County Commissioners of Multnomah County, Oregon, having duly determined to initiate proceedings to surrender jurisdiction over all county roads to the city of Portland within the areas annexed to the city of Portland effective June 30, 1993, as described in Boundary Change Final Order Nos. 3124, 3141, 3142, 3143, 3167, 3168, 3169, 3170, 3185, 3196, 3197, and 3203X of the Portland Metropolitan Area Local Government Boundary Commission; and

WHEREAS, O.R.S. 373.270 grants authority for the county governing body to surrender jurisdiction of county roads lying within the corporate limits of any city, it is hereby;

RESOLVED AND ORDERED that pursuant to the authority granted in O.R.S. 373.270, the Board of County Commissioners of Multnomah County, Oregon, hereby declares it is necessary, expedient, and in the best interest of the county to surrender jurisdiction over said county roads to the city of Portland; and it is

FURTHER ORDERED that the 23rd day of December, 1993, at the hour of 9:30 a.m. in Room 602, Multnomah County Courthouse, Portland, Oregon, be fixed as the time and place for hearing the matter, and considering any objections or testimony offered by any person interested, and to determine whether it is necessary, expedient, or for the best interest of the county to surrender jurisdiction over the following county roads to the city of Portland within the areas annexed to the city of Portland, effective June 30, 1993, as described in Boundary Change Final Order Nos. 3124, 3141, 3142, 3143, 3167, 3168, 3169, 3170, 3185, 3196, 3197, and 3203X of the Portland Metropolitan Area Local Government Boundary Commission;

List of county roads to be transferred to the city of Portland within the areas annexed to the city of Portland effective June 30, 1992:

Southeast Area

S.E. 123rd Avenue, No. 1962

(From a point 215 feet, more or less, North of S.E. Salmon Street to a point 355 feet, more or less, North of S.E. Salmon Street)

S.E. 130th Avenue, Nos. 2827, 1314

(From a point 95 feet, more or less, North of S.E. Salmon Street to a point 210 feet, more or less, South of S.E. Stark Street)

S.E. 131st Place, No. 2597

(From S.E. Morrison Street to a point 140 feet, more or less, North of S.E. Morrison Street)

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S.E. 131st Place, No. 2773

(From S.E. Washington Street to a point 125 feet, more or less, South of S.E. Alder Street)

S.E. 134th Avenue, No. 3197

(From S.E. Alder Street to S.E. Washington Street)

S.E. 135th Avenue, No. 976

(From S.E. Stark Street to a point 130 feet, more or less, North of S.E. Market Street)

S.E. 136th Avenue, No. 2039

(From S.E. Stark Street to a point 709 feet, more or less, South of S.E. Stark Street)

S.E. 136th Avenue, Nos. 4136, 4085

(From a point 789 feet, more or less, South of S.E. Stark Street to S.E. Taylor Street)

S.E. 137th Avenue, Nos. 2040, 4087

(From S.E. Stark Street to a point 872 feet, more or less, South of S.E. Stark Street)

S.E. 139th Avenue, No. 1102

(From a point 370 feet, more or less, South of S.E. Stark Street to a point 2,685 feet, more or less, South of S.E. Stark Street)

S.E. 140th Avenue, No. 3004

(From S.E. Taylor Street to S.E. Main Street)

S.E. 140th Avenue, Nos. 2878, 3635

(From a point 264 feet, more or less, South of S.E. Main Street to S.E. Mill Street)

S.E. 141st Avenue, Nos. 2028, 2786, 2649, 3513

(From S.E. Stark Street to S.E. Market Street)

S.E. 141st Avenue, No. 2524

(From a point 1,588 feet, more or less, North of S.E. Division Street to S.E. Harrison Street)

S.E. 142nd Avenue, Nos. 2443, 3572, 3958, 4241

(From S.E. Taylor Court to a point 727 feet, more or less, South of S.E. Stark Street)

S.E. 142nd Avenue, No. 2435

(From a point 230 feet, more or less, South of S.E. Stark Street to a point 370 feet, more or less, South of S.E. Stark Street)

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S.E. 142nd Avenue, Nos. 2526, 2557, 3108
(From S.E. Mill Street to a point 129 feet South of S.E. Harrison Street)

S.E. 142nd Place, No. 3214
(From S.E. Mill Court to S.E. 143rd Avenue)

S.E. 143rd Avenue, Nos. 2510, 3573
(From S.E. Alder Street to S.E. Main Street)

S.E. 143rd Avenue, Nos. 2653, 3212, 1851
(From S.E. Madison Street to a point 139.28 feet South of S.E. Harrison Street)

S.E. 143rd Place, No. 3692
(From S.E. Market Court to a point 369.21 feet, North of S.E. Market Court)

S.E. 144th Avenue, No. 4610
(S.E. Yamhill Street to a point 124.70 feet, South of S.E. Yamhill Street)

S.E. 145th Avenue, Nos. 3230, 2409
(From S.E. Mill Street to S.E. Madison Street)

S.E. 146th Avenue, Nos. 2656, 2708
(From S.E. Main Street to a point 354 feet, more or less, South of S.E. Stark Street)

S.E. 146th Place, No. 3451
(S.E. Market Court to a point 29 feet, more or less, North of S.E. Madison Street)

S.E. 146th Avenue, No. 3370
(From S.E. Harrison Street to a point 133 feet, more or less, North of S.E. Lincoln Street)

S.E. 146th Place, No. 3845
(From S.E. Mill Street to a point 267 feet, more or less, North of S.E. Mill Court)

S.E. 147th Avenue, No. 2735
(From S.E. Salmon Street to a point 395.36 feet, North of S.E. Salmon Street)

S.E. 148th Avenue, Nos. 4204, 1287
(From a point 90 feet, more or less, North of S.E. Main Street to a point 125.07 feet North of S.E. Lincoln Street)

S.E. 149th Avenue, No. 3814
(From S.E. Mill Street to a point 531 feet, more or less, South of S.E. Mill Street)

RESOLUTION

Offering to Surrender Jurisdiction

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S.E. 150th Avenue, Nos. 2622, 2381, 2960, 3815, 4328
(From S.E. Main Street to a point 645.55 feet South of S.E. Mill Street)

S.E. 151st Avenue, No. 2968
(From S.E. Main Street to S.E. Millmain Drive)

S.E. 151st Avenue, No. 3222
(From S.E. Millmain Drive to a point 94 feet, more or less, South of S.E. Harrison Street)

S.E. 152nd Avenue, No. 3220
(From S.E. Hawthorne Street to S.E. Market Court)

S.E. 152nd Place, No. 3218
(From S.E. Main Street to a point 247 feet, more or less, Southwesterly of S.E. Main Street)

S.E. 152nd Avenue, No. 3224
(From S.E. Harrison Street to a point 139 feet, more or less, South of S.E. Harrison Street)

S.E. 154th Avenue, No. 3228
(From S.E. Millmain Drive to a point 132 feet, more or less, South of S.E. Harrison Street)

S.E. 155th Place, No. 3496
(From S.E. Harrison Street to a point 270 feet, more or less, Northerly and Easterly of S.E. Harrison Street)

S.E. 156th Avenue, No. 3226
(From S.E. Madison Court to S.E. 157th Drive)

S.E. 156th Avenue, No. 3603
(From S.E. Stephens Court to a point 135 feet, more or less, South of S.E. Harrison Street)

S.E. 157th Avenue, No. 3351
(From S.E. Hawthorne Court to S.E. Mill Street)

S.E. 157th Drive, No. 3493
(From S.E. Millmain Drive to S.E. Harrison Street)

S.E. 157th Avenue, No. 3494
(From S.E. Harrison Street to a point 135 feet, more or less, South of S.E. Harrison Court)

S.E. 158th Avenue, No. 3348
(From S.E. Main Street to S.E. Mill Street)

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S.E. 158th Avenue, No. 3352
(From S.E. Mill Street to a point 135 feet, more or less, South of S.E. Harrison Street)

S.E. 159th Avenue, No. 4463
(From S.E. Harrison Street to a point 135 feet, more or less, South of S.E. Harrison Street)

S.E. 159th Avenue, No. 3487
(From S.E. Main Street to S.E. Mill Street)

S.E. 160th Avenue, No. 3489
(From S.E. Clay Street to a point 220 feet, more or less, South of S.E. Clay Street)

S.E. 160th Place, No. 3813
(From S.E. Main Street to S.E. Hawthorne Street)

S.E. 160th Avenue, Nos. 4378, 4501
(From S.E. Mill Street to S.E. Harrison Street)

S.E. 161st Avenue, Nos. 4462, 4503
(From S.E. Stephens Street South to a point 102 feet, more or less, North of S.E. Lincoln Street)

S.E. 162nd Avenue, Nos. 526, 584, 3492
(From a point 25 feet, more or less, North of S.E. Lincoln Street Northerly to a point 228 feet, more or less, South of S.E. Stark Street)

S.E. 163rd Avenue, No. 2838
(From S.E. Main Street to a point 260 feet, more or less, South of S.E. Main Street)

S.E. 163rd Place, No. 4648
(From S.E. Main Street to a point 273 feet, more or less, North and West of S.E. Main Street)

S.E. 164th Avenue, Nos. 2245, 2357, 2952
(From S.E. Salmon Street to a point 180 feet, more or less, South of S.E. Stark Street)

S.E. 164th Avenue, No. 4218
(From S.E. Stephens Street to S.E. Stephens Court)

S.E. 165th Avenue, No. 4646
(From SE Main Street to a point 296 feet, more or less, North and East of S.E. Main Street)

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S.E. 165th Avenue, No. 2499
(From SE Morrison Street to S.E. Taylor Street)

S.E. 165th Place, No. 4507
(From S.E. Stephens Street to a point 234 feet, more or less, North of
S.E. Stephens Street)

S.E. 166th Place, No. 2495
(From S.E. Taylor Street to a point South 130 feet, more or less, South of
S.E. Stark Street)

S.E. 167th Avenue, Nos. 2534, 2544
(From S.E. Taylor Street to a point 167 feet, more or less, South of S.E.
Market Street including cul-de-sac on East side of S.E. 167th Avenue
between S.E. Main Street and S.E. Market Street)

S.E. 168th Avenue, No. 2918
(From S.E. Taylor Street to a point 130 feet, more or less, South of S.E.
Stark Street)

S.E. 168th Avenue, No. 2422
(From S.E. Taylor Street to S.E. Main Street)

S.E. 168th Place, No. 2536
(From S.E. Market Street to a point 269 feet, more or less, North of S.E.
Market Street)

S.E. 168th Avenue, Nos. 2901, 3250
(From S.E. Division Street to a point 186 feet, more or less, South of
S.E. Woodward Street)

S.E. 169th Drive, No. 2923
(From S.E. Alder Street to S.E. Morrison Court)

S.E. 169th Avenue, No. 2994
(From S.E. Taylor Street to S.E. Main Street)

S.E. 169th Place, No. 2201
(From S.E. Main Street to a point 160 feet, more or less, South of S.E.
Market Street)

S.E. 170th Drive, No. 2924
(From S.E. Alder Street to S.E. Morrison Court)

S.E. 170th Avenue, No. 3310
(From S.E. Harrison Street to S.E. Division Street)

S.E. 170th Avenue, No. 4905
(From S.E. Division Street to S.E. 171st Drive)

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S.E. 172nd Avenue, No. 2992

(From S.E. Main Street to a point 670 feet, more or less, North of S.E. Main Street)

S.E. 172nd Avenue, No. 3068

(From S.E. Main Street to a point 665 feet, more or less, South of S.E. Main Street)

S.E. 174th Avenue, Nos. 1081, 1434

(From a point 1,380 feet, more or less, South of S.E. Division Street to a point 166 feet, more or less, South of S.E. Stark Street)

S.E. 174th Place, No. 3174

(From S.E. Main Street to a point 660 feet, more or less, South of S.E. Main Street)

S.E. 175th Place, No. 2794

(From S.E. Tibbetts Street to a point 570 feet, more or less, South of S.E. Tibbetts Street)

S.E. Alder Street, No 2921, 3795

(From S.E. 168th Avenue to S.E. 174th Avenue)

S.E. Alder Court, No. 4432

(From S.E. 146th Avenue to a point 550.13 feet West of S.E. 146th Avenue)

S.E. Alder Street, No. 2509

(From S.E. 142nd Avenue Easterly to a point 229.19 feet, East of S.E. 143rd Avenue)

S.E. Alder Street, No. 3127

(From S.E. 162nd Avenue to a point 25 feet, more or less, West of S.E. 160th Avenue)

S.E. Alder Street, Nos. 2772, 3196

(From S.E. 130th Avenue to S.E. 134th Avenue)

S.E. Alder Street, No. 2246

(From S.E. 164th Avenue to a point 205 feet, more or less, West of S.E. 164th Avenue)

S.E. Alder Court, Nos. 2497, 4406

(From S.E. 166th Place to a point West 268 feet, more or less, West of S.E. 166th Place)

S.E. Alder Court, No. 2919

(From S.E. 168th Avenue to a point 155 feet, more or less, Northwesterly of S.E. 168th Avenue)

RESOLUTION
Surrendering Jurisdiction
Page 8

S.E. Brooklyn Street, No. 4520
(From S.E. 174th Avenue to a point 257 feet, more or less, East of S.E. 174th Avenue)

S.E. Clay Court, No. 3227
(From S.E. 152nd Avenue to S.E. Millmain Drive)

S.E. Clay Street, No. 3488
(From S.E. 159th Avenue to S.E. 162nd Avenue)

S.E. Clay Street, No. 2453
(From S.E. 135th Avenue to a point 314 feet, more or less, West and South of S.E. 135th Avenue)

S.E. Clay Street, No. 2402
(From S.E. 135th Avenue to S.E. 138th Avenue)

S.E. Clinton Street, No. 3309
(From S.E. 167th Avenue to S.E. 168th Avenue)

S.E. Division Street, Nos. 51, 2931
(From a point 90 feet, more or less, West of S.E. 167th Avenue to a point 225 feet, more or less, West of S.E. 176th Avenue)

S.E. Harrison Street, No. 4484
(From S.E. 170th Avenue to S.E. 171st Avenue)

S.E. Harrison Street, No. 3223
(S.E. 151st Avenue to S.E. 154th Avenue)

S.E. Harrison Street, Nos. 3495, 4461
(From S.E. 154th Avenue to S.E. 160th Avenue)

S.E. Harrison Street, Nos. 3371, 2525, 3109, 1853
(From S.E. 140th Avenue to a point 118 feet, more or less, East of S.E. 146th Avenue)

S.E. Hawthorne Court, No. 3452
(From S.E. 146th Place to a point 250 feet, more or less, East of S.E. 146th Place)

S.E. Hawthorne Court, No. 3219
(From S.E. 151st Avenue to S.E. Main Street)

S.E. Hawthorne Court, No. 3349
(From S.E. 157th Avenue to S.E. 158th Avenue)

RESOLUTION
Surrendering Jurisdiction
Page 9

S.E. Hawthorne Court, No. 3350
(From S.E. 158th Avenue to S.E. 159th Avenue)

S.E. Hawthorne Street, No. 3812
(From S.E. 160th Place to a point West and North 267 feet, more or less)

S.E. Hawthorne Court, No. 2650
(From S.E. 141st Avenue to a point 402 feet, more or less, East of S.E. 141st Avenue)

S.E. Madison Court, No. 3225
(From S.E. Millmain Drive to S.E. 158th Avenue)

S.E. Madison Street, No. 3231
(From S.E. 145th Avenue to S.E. 146th Place)

S.E. Madison Street, No. 3069
(From S.E. 172nd Avenue to a point 412 feet, more or less, Westerly of S.E. 172nd Avenue)

S.E. Madison Street, No. 2651
(From S.E. 140th Avenue to S.E. 141th Avenue)

S.E. Madison Street, No. 2652
(From S.E. 141st Avenue to S.E. 143rd Avenue)

S.E. Main Street, Nos. 1514, 3217, 4923
(From a point 318.48 feet West of S.E. 139th Avenue to S.E. Millmain Drive)

S.E. Main Street, Nos. 1231, 1514, 3710
(From S.E. Millmain Drive to a point 330 feet, more or less, East of S.E. 174th Avenue)

S.E. Market Court, No. 3221
(From S.E. 152nd Avenue to S.E. Millmain Drive)

S.E. Market Court, Nos. 3691, 4435
(From S.E. 143rd Avenue to a point 200 feet, more or less, East of S.E. 146th Place)

S.E. Market Street, Nos. 3215, 3512
(From S.E. 140th Avenue to S.E. 143rd Avenue)

S.E. Market Street, Nos. 2535, 2168, 3070, 3183
(From S.E. 162nd Avenue to S.E. 172nd Avenue)

S.E. Mill Court, No. 3213
(From S.E. 143rd Avenue to a point 189 feet, more or less, Northeasterly and Northwesterly of S.E. 143rd Avenue)

ORDER

Offering to Surrender Jurisdiction

Page 10

S.E. Mill Court, No. 3846

(From S.E. 146th Place to a point 257 feet, more or less, Northeasterly and Northwesterly of S.E. 146th Place)

S.E. Mill Street, No. 1521

(From S.E. 140th Avenue to S.E. Millmain Drive)

S.E. Mill Street, Nos. 1521, 2208, 2751, 3491

(From S.E. 156th Avenue to S.E. 172nd Avenue)

S.E. Mill Court, Nos. 3636, 3971

(From S.E. 140th Avenue to S.E. 142nd Place)

S.E. Millmain Drive, No. 3216

(From S.E. Mill Street to S.E. Main Street)

S.E. Morrison Street, No. 2511

(From S.E. 143rd Avenue to S.E. 146th Avenue)

S.E. Morrison Street, Nos. 2498, 2358, 2920

(From a point 450 feet, more or less, West of S.E. 164th Avenue to S.E. 168th Avenue)

S.E. Morrison Street, Nos. 3056, 2596

(From a point 25 feet, more or less, East of S.E. 128th Avenue to S.E. 131st Place)

S.E. Morrison Street, No. 2922

(From S.E. 168th Avenue to a point 125 feet, more or less, East of S.E. 170th Avenue)

S.E. Salmon Street, Nos. 2658, 2734

(From S.E. 146th Avenue to S.E. 147th Avenue)

S.E. Salmon Street, No. 2953

(From S.E. 162nd Avenue to S.E. 167th Avenue)

S.E. Salmon Street, No. 2029

(From S.E. 135th Avenue to S.E. 138th Avenue)

S.E. Salmon Street, No. 2787

(From S.E. 141st Avenue to S.E. 143rd Avenue)

S.E. Salmon Street, Nos. 2993, 2995, 4729

(From S.E. 169th Avenue to S.E. 172nd Avenue)

S.E. Salmon Street, Nos. 1862, 1912

(From a point 480 feet, more or less, East of S.E. 122nd Avenue to S.E. 127th Avenue)

RESOLUTION

Surrendering Jurisdiction

Page 11

S.E. Salmon Court, Nos. 1911, 2266

(From S.E. Salmon Street to a point 60 feet, more or less, East of S.E. 128th Avenue)

S.E. Stephens Street, No. 3859

(From S.E. 162nd Avenue to a point 2,698 feet, more or less, East of S.E. 162nd Avenue)

S.E. Stephens Street, No. 2527

(From S.E. 140th Avenue to S.E. 142nd Avenue)

S.E. Stephens Street, Nos. 1852, 2553, 3318

(From S.E. 142nd Avenue to a point 1,295 feet, more or less, East of S.E. 142nd Avenue)

S.E. Stephens Court, Nos. 4217, 4449, 4859

(From S.E. 164th Avenue to a point 406 feet, more or less, East of S.E. 164th Avenue)

S.E. Stephens Court, No. 3229

(S.E. 154th Avenue to a point 248 feet, more or less, Southwesterly and Northwesterly of S.E. 154th Avenue)

S.E. Stephens Court, No. 3604

(From S.E. 154th Avenue to S.E. 157th Drive)

S.E. Stephens Court, No. 3353

(From S.E. 158th Avenue to a point 292 feet, more or less, Easterly of S.E. 158th Avenue)

S.E. Stephens Street, No. 4502

(From S.E. 160th Avenue to S.E. 161st Avenue)

S.E. Taggart Street, No. 2908

(From S.E. 167th Avenue to a point 613 feet, more or less, East of S.E. 167th Avenue)

S.E. Taylor Court, No. 2443

(From S.E. 142nd Avenue to S.E. 143rd Avenue)

S.E. Taylor Court, No. 2657

(From S.E. 146th Avenue to a point 140 feet, more or less, East of S.E. 146th Avenue)

S.E. Taylor Street, No. 2278

(From S.E. 162nd Avenue to a point 671 feet, more or less, West of S.E. 162nd Avenue)

S.E. Taylor Street, No. 2360

(From S.E. 162nd Avenue to S.E. 164th Avenue)

RESOLUTION
Surrendering Jurisdiction
Page 12

S.E. Taylor Street, No. 2500
(From S.E. 165th Avenue to S.E. 167th Avenue)

S.E. Taylor Street, No. 3002
(From S.E. 167th Avenue to S.E. 168th Avenue)

S.E. Taylor Street, No. 2996
(From S.E. 169th Avenue to S.E. 172nd Avenue)

S.E. Taylor Court, No. 4084
(From S.E. 136th Avenue to a point 188 feet, more or less, Southwesterly and Southeasterly from S.E. 136th Avenue)

S.E. Taylor Street, Nos. 2443, 4088
(From S.E. 136th Avenue to S.E. 142nd Avenue)

S.E. Taylor Court, No. 2900
(From S.E. 130th Avenue to a point 213 feet, more or less, West and North of S.E. 130th Avenue)

S.E. Tibbetts Street, No. 2792
(From a point 101 feet, more or less, West of S.E. 176th Place to a point 105 feet, more or less, West of S.E. 175th Place)

S.E. Washington Street, Nos. 2771, 4345
(From S.E. 130th Avenue to S.E. 134th Avenue)

S.E. Washington Court, No. 4249
(From a point 117 feet, more or less, West of S.E. 175th Place, Westerly 113 feet, more or less)

S.E. Washington Street, No. 2496
(From S.E. 166th Place to a point 147 feet, more or less, East of S.E. 166th Place)

S.E. Woodward Street, No. 2907
(From S.E. 167th Avenue to a point 235 feet, more or less, East of S.E. 168th Avenue)

S.E. Yamhill Street, Nos. 2512, 4609
(From S.E. 143rd Avenue to a point 40 feet, more or less, East of S.E. 144th Avenue)

S.E. Yamhill Street, No. 2359
(From S.E. 164th Avenue to a point 450 feet, more or less, West of S.E. 164th Avenue)

S.E. Yamhill Street, No. 4086
(From S.E. 135th Avenue to S.E. 136th Avenue)

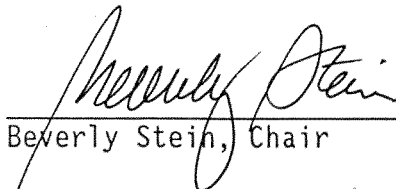
RESOLUTION
Surrendering Jurisdiction
Page 13

BE IT FURTHER ORDERED, that Larry F. Nicholas, County Engineer, or his designated representative, is hereby directed to give due and legal notice of said hearing by causing the notice to be published on November 22, November 29, December 6, December 13, and December 20, 1993, in *The Oregonian*, a newspaper of general circulation, in accordance with the provisions of the Oregon Revised Statutes.

DATED this 4th day of November, 1993.



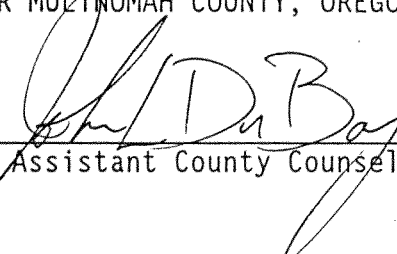
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By


Assistant County Counsel

MEETING DATE: NOV 04 1993

AGENDA NO: R-6

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PORTLAND OFFICE OF TRANSPORTATION FOR THE BURNSIDE BRIDGE WEST STAIRWAYS AT S W 1ST AVENUE

BOARD BRIEFING **Date Requested:** _____

Amount of Time Needed: _____

REGULAR MEETING: **Date Requested:** OCTOBER 21, 1993

Amount of Time Needed: 5 MINUTES

DEPARTMENT: ENVIRONMENTAL SERVICES **DIVISION:** TRANSPORTATION

CONTACT: STAN GHEZZI **TELEPHONE #:** 3595
BLDG/ROOM #: 446

PERSON(S) MAKING PRESENTATION: STAN GHEZZI

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

BOARD OF
MULTICOUNTY
1993 OCT 26 AM 10:41
MULTICOUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Betsy Wallis

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63

Sent Original of Contract to Stan Ghezzi on 11-5-93.



OFFICE MEMORANDUM ... DEPARTMENT OF ENVIRONMENTAL SERVICES

October 8, 1993

TO:

Betsy Williams
Larry Nicholas

DATE:

FROM:

Stan Ghezzi

SUBJECT:

Burnside Bridge West Stairways
Intergovernmental Agreement

As you are aware, the Burnside Bridge West Stairways is a cooperative and joint project with the City of Portland. It is hoped that this project will improve the access to the light rail station and reduce the police enforcement problem associated with the existing stair location on the west end of the Burnside Bridge.

However, the proposed stairs are in conflict with the City of Portland Water Bureau's water lines in the area. These water lines were modified with two forty-five degree bends in the vicinity of the north stair location during the 1984 light rail construction. This modification was not transferred to the City of Portland Water Bureau's as-built drawings. Some building services also need to be relocated and a fire hydrant removed.

The City of Portland has agreed to bear the cost of the water line relocations. However, the County will pay the City of Portland Water Bureau for relocation costs as a project expense and then Multnomah County will be reimbursed from the City of Portland Office of Transportation.

Attached is the Intergovernmental Agreement and additional items necessary for Board approval.

cc: LFN/SMG/Vance File



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF TRANSPORTATION — BRIDGES
1403 S.E. WATER AVENUE
PORTLAND, OREGON 97214
(503) 248-3757 FAX (503) 248-3812

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Board of County Commissioners
FROM: Larry Nicholas, P.E.
Transportation Director County Engineer

TODAY'S DATE: October 8, 1993

REQUESTED PLACEMENT DATE: October 21, 1993

SUBJECT: Intergovernmental Agreement
Burnside Bridge West Stairways at SW 1st Ave.

I. Recommendation/Action Requested:

Ratification of the Intergovernmental Agreement between Multnomah County and the City of Portland Office of Transportation. This Agreement will allow Multnomah County to pay the City of Portland Water Bureau for water line relocation work for the Burnside Bridge west stairways at S.W. 1st Avenue. Multnomah County will then be reimbursed by the City of Portland Office of Transportation.

II. Background/Analysis:

The Burnside Bridge west stairways is a cooperative and joint project with the City of Portland. This project will improve the access to the light rail station and reduce the police enforcement problem associated with the old stair location on the west end of the Burnside Bridge.

Multnomah County agreed to accept the costs associated with the design and construction of these stairs. However, the proposed stairs are in conflict with the City of Portland Water Bureau's water lines in the area. These water lines were modified with two forty-five degree bends in the vicinity of the north stair location during the 1984 light rail construction. This modification was not transferred to the City of Portland Water Bureau's as-built drawings. Further, it was also discovered that some building services need to be relocated and a fire hydrant removed.

In order to continue with this project the City of Portland has agreed to bear the cost of the water line relocations. However, the County will pay the City of Portland Water Bureau for relocation costs as a project expense and then Multnomah

County will be reimbursed from the City of Portland Office of Transportation. The Intergovernmental Agreement will allow this transaction to take place.

III. Financial Impact:

The City of Portland Office of Transportation will bear the cost, up to \$25,000, for the water line relocations. The City of Portland Water Bureau's cost estimate is just under \$24,000.

IV. Legal Issues:

None.

V. Controversial Issues:

None.

VI. Link to Current County Policies:

It is in the best interest and safety of the general public.

VII. Citizen Participation:

None.

VIII. Other Government Participation:

This project was proposed by the City of Portland and Multnomah County. This project will improve the access to the light rail station and reduce the police enforcement problem associated with the old stair location on the west end of the Burnside Bridge.

cc: Rich Payne, Department of Environmental Services
LFN/SMG/Vance File

**CONTRACT APPROVAL FORM**

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 300944

Amendment # _____

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$25,000	<input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>R-6</u> DATE <u>11/4/93</u> <u>Carrie A. Parkerson</u> BOARD CLERK

Department ENVIRONMENTAL SERVICES Division TRANSPORTATIONDate 10/26/93Contract Originator STAN GHEZZIPhone 3595Bldg/Room 446Administrative Contact STAN GHEZZIPhone 3595Bldg/Room 446

Description of Contract INTERGOVERNMENTAL AGREEMENT WITH CITY OF PORTLAND FOR WATER BUREAU TO RELOCATE WATER LINE AT S W FIRST ADJACENT TO BURNSIDE BRIDGE TO ALLOW FOR BRIDGE STAIRWAY INSTALLATION. CITY OF PORTLAND OFFICE OF TRANSPORTATION TO REIMBURSE MULTNOMAH COUNTY.

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____

Contractor is ☐ MBE ☐ WBE ☐ QRFContractor Name CITY OF PORTLAND WATER BUREAUMailing Address 1120 S W FIFTHPORTLAND OR 97204Phone 823-7402

Employer ID# or SS# _____

Effective Date UPON SIGNATURETermination Date UPON COMPLETIONOriginal Contract Amount \$ 25,000 (ESTIMATED)

Total Amount of Previous Amendments \$ _____

Amount of Amendment \$ 25,000 (ESTIMATED)

Total Amount of Agreement \$ _____

Remittance Address _____
(If Different) _____

Payment Schedule

Terms

☒ Lump Sum \$ 25,000 ☐ Due on receipt☐ Monthly \$ _____ ☐ Net 30☐ Other \$ _____ ☐ Other _____☐ Requirements contract - Requisition required.

Purchase Order No. _____

☐ Requirements Not to Exceed \$ _____Encumber: Yes ☐ No ☐Date 10/27/93

Date _____

Date 10/27/93Date 11/4/93

Date _____

REQUIRED SIGNATURES:Department Manager Peter W. WilliamsPurchasing Director
(Class II Contracts Only) [Signature]County Counsel [Signature]County Chair / Sheriff [Signature]

Contract Administration

(Class I, Class II Contracts Only)

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT		
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND
01.	161	030	6740			8300			BURNSIDE IMPROVE	25,000	
02.	161	030	6740			2773			CITY OF PORTLAND	25,000	
03.									REVENUE		
* If additional space is needed, attach separate page. Write contract # on top of page.											

INSTRUCTIONS ON REVERSE SIDE

INTERGOVERNMENTAL
AGREEMENT

THIS AGREEMENT is entered into this 4th day of November, 1993,
by and between MULTNOMAH COUNTY, (hereinafter "County") and THE
CITY OF PORTLAND OFFICE OF TRANSPORTATION (hereinafter "City").

WHEREAS, the City and the County have mutually agreed that the
County will design and construct the Burnside Bridge West Stairs at
SW 1st Ave.; and

WHEREAS, there is a conflict with the City of Portland Water lines
and the proposed Burnside Bridge West Stairways at SW 1st Ave.; and

WHEREAS, the City and the County have agreed that the City will
bear the cost of the water line modifications and relocations to
allow for the construction of the Burnside Bridge West Stairs; and

NOW, THEREFORE, the parties do mutually agree as follows:

The County will pay the City of Portland Water Bureau for the water
relocations as a project expense when work is completed and the
County is billed for the work, and;

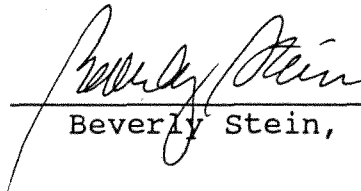
FURTHERMORE, the City of Portland Office of Transportation will
reimburse the County the actual expense for the water relocations
up to \$25,000.00 when billed.

Dated this 4th day of November, 1993

City of Portland

Board of County Commissioners
For Multnomah County, Oregon

Earl Blumenauer
Commissioner of Public Works



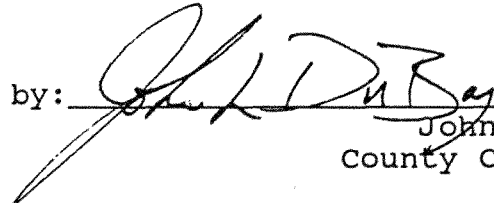
Beverly Stein, County Chair

Barbara Clark
City Auditor

ATTEST

Reviewed:

APPROVED as to FORM

by: 

John DuBay
County Counsel

City Attorney

IGA-BURNJL

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-6 DATE 11/4/93
Carrie A. Parkerson
BOARD CLERK

MEETING DATE: NOV 04 1993

AGENDA NO.: R-7

(Above Space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: Preliminary Engineering & Finance Agreement-207th Connector

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: November 4, 1993

DEPARTMENT: Environmental Services DIVISION: 5 minutes

CONTACT: Kathy Busse TELEPHONE #: X5108

BLDG/ROOM #: 425/Yeon

PERSON(S) MAKING PRESENTATION: Kathy Busse

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [X] APPROVAL [] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Refer to the attached memorandum.

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1993 OCT 26 AM 10:39

SIGNATURES REQUIRED:

ELECTED OFFICIAL _____

OR

DEPARTMENT MANAGER Betsy Willie

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

3706V/0510E

*Originals Picked Up By Kathy Busse
on 11-4-93.*



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVE.
PORTLAND, OREGON 97233
(503) 248-5050

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS
FROM: LARRY F. NICHOLAS/KATHY BUSSE
TODAY'S DATE: OCTOBER 21, 1993
REQUESTED PLACEMENT DATE: NOVEMBER 4, 1993
RE: PRELIMINARY ENGINEERING AND CONSTRUCTION FINANCE AGREEMENT BETWEEN
THE STATE OF OREGON AND MULTNOMAH COUNTY

I. Recommendation/Action Requested:

Approval of the accompanying Preliminary Engineering and Construction Finance Agreement between the State of Oregon and Multnomah County is requested.

II. Background/Analysis

The construction of a new road connecting the I-84/207th interchange and NE 223rd Avenue/NE Glisan Street is ready to begin. The work may be performed under three separate contracts. This, the first contract, provides the initial ground work for constructing an arterial connection between the I-84 interchange and NE Halsey Street. Work on this portion includes clearing, grubbing and grading from I-84 to NE Halsey Street.

III. Financial Impact:

The estimated cost of the improvements covered under this phase of the project is \$1,470,000. The County portion is \$212,300 and is budgeted. The remaining funds are federal funds, administered by the Oregon Department of Transportation (ODOT).

IV. Legal Issues:

Authority is granted in ORS 366.770 and 366.775 to ODOT enabling them to enter into cooperative agreements with counties (and cities) for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to contracting parties. County Counsel has reviewed and approved the Agreement.

V. Controversial Issues:

This phase begins work on the northern segment of the full project, which has a northern and southern segment. There is no controversy associated with this phase one (northern) segment. The Environmental Assessment is being reviewed to determine which of three alternative alignments for the southern segment is selected, with each having different impacts. All three alignments still require the I-84/NE Halsey Street segment for the northern terminus.

Each of the three potential southern alignments will impact traffic, housing and wetlands. Although several written comments were received regarding the alternatives, no one attended the public hearing to discuss the issues.

VI. Link to Current County Policies:

This project is one of the top priorities in the recently adopted *Multnomah County 1992-96 Transportation Capital Improvement Program*.

VII. Citizen Participation:

Citizen involvement in this project has taken place in several different forums. First, the project has been discussed extensively in East Multnomah County Transportation Committee meetings. Second, public meetings have been held to discuss this project.

Third, the public was given the opportunity to present either written or oral comments at a Public Hearing held in August 1993. Citizen testimony at the board meeting is not anticipated.

VIII. Other Government Participation:

The agreement under consideration herein is between Multnomah County and the State of Oregon through its Department of Transportation.

Oct. 28, 1993

Ed A.:

Here's the deal on this CAF.

A copy has been faxed to Carrie Parkerson.

It needs to be hand carried to Betsy Williams (make sure she's in) for signature.

Then hand deliver it to Carrie at Room 1510. She will take it to county counsel for signature. If it is allowed to be routed by itself, she is very afraid it will be lost at county counsel's office.

Any other questions? See me.

Cathey K.

**MULTNOMAH COUNTY OREGON**

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVE.
PORTLAND, OREGON 97233
(503) 248-5050

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

FACSIMILE TRANSMISSION COVER SHEET

DATE:

10/28/93

TO:

Cerrie P.

Name

5262

FAX Number

BCC

Company/Agency

FROM:

C. Kramer

Name

Transportation Division

Company/Agency

(503) 248-5050

Telephone Number

(503)248-3321

FAX Number

SUBJECT:

IGA - 207th Connector

COMMENTS:

1 pages to follow (excluding this sheet)

Department of Environmental Services-Yeon Shops FAX No. is (503) 248-3321.

Please use this number for business transmission purposes, only. No advertising, please.

If you have difficulties with this transmission, please call (503) 248-5050.

6039V



CONTRACT APPROVAL FORM (See Administrative Procedure #2106)

Contract # 30095-4

Amendment # _____

MULTNOMAH COUNTY OREGON

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$25,000	<input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement

Department Environmental Services Division Transportation Date 10/28/93Contract Originator Kathy Busse Phone 5108 Bldg/Room 425Administrative Contact Kathy Busse Phone 5108 Bldg/Room 425

Description of Contract Preliminary engineering and construction finance agreement between the State of Oregon and Multnomah County for NE 207th Ave. Connector and further authorize the Director of Environmental Services to deposit the County's share of required funds in the local government investment pool

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ QRFContractor Name Oregon Dept. of TransportationMailing Address 9002 SE McLoughlin BlvdMilwaukie, OR 97222Phone (503) 653-3090

Employer ID# or SS# _____

Effective Date Upon SignatureTermination Date Upon CompletionOriginal Contract Amount \$ Est. 212,300

Total Amount of Previous Amendments \$ _____

Amount of Amendment \$ _____

Total Amount of Agreement \$ _____

REQUIRED SIGNATURES:

Department Manager _____

Purchasing Director _____
(Class II Contracts Only)

County Counsel _____

County Chair / Sheriff _____

Contract Administration _____
(Class I, Class II Contracts Only)Remittance Address _____
(If Different)

Payment Schedule _____ Terms _____

☐ Lump Sum \$ _____ ☐ Due on receipt☐ Monthly \$ _____ ☐ Net 30☐ Other \$ _____ ☐ Other _____☐ Requirements contract - Requisition required.

Purchase Order No. _____

☐ Requirements Not to Exceed \$ _____Encumber: Yes ☐ No ☐

Date _____

Date _____

Date _____

Date _____

Date _____

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT		
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC NO
01.	150	030	6153			8300					
02.											
03.											

* If additional space is needed, attach separate page. Write contract # on top of page.

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION

CANARY - INITIATION

PINK - FINANCE

**CONTRACT APPROVAL FORM**

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 30085-4

Amendment # _____

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$25,000	<input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement

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RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ QRFContractor Name Oregon Department of TransportationMailing Address 9002 SE McLoughlin Blvd
Milwaukie, OR 97222Phone (503) 653-3010

Employer ID# or SS# _____

Effective Date Upon SignatureTermination Date UPON COMPLETIONOriginal Contract Amount \$ N/A, Administrative only

Total Amount of Previous Amendments \$ _____

Amount of Amendment \$ _____

Total Amount of Agreement \$ _____

REQUIRED SIGNATURES: EST \$ 212,300

Department Manager _____

Purchasing Director _____

(Class II Contracts Only)

County Counsel _____

County Chair / Sheriff _____

Contract Administration _____

(Class I, Class II Contracts Only)

Remittance Address REQUIRED FUNDS IN THE LOCAL GOVERNMENT INVESTMENT POOL.

Payment Schedule _____ Terms _____

☐ Lump Sum \$ _____ ☐ Due on receipt☐ Monthly \$ _____ ☐ Net 30☐ Other \$ _____ ☐ Other _____☐ Requirements contract - Requisition required.

Purchase Order No. _____

☐ Requirements Not to Exceed \$ _____Encumber: Yes ☐ No ☐

Date _____

Date _____

Date _____

Date _____

Date _____

Date _____

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT \$		
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND
01.	150	030	6153			8300					
02.											
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* If additional space is needed, attach separate page. Write contract # on top of page.											

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION

CANARY - INITIATION

PINK - FINANCE

PRELIMINARY ENGINEERING
AND CONSTRUCTION FINANCE AGREEMENT

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, by and through its Department of Transportation, hereinafter referred to as "ODOT"; and MULTNOMAH COUNTY, a Home Rule Political Subdivision of the State of Oregon, acting by and through its Board of Commissioners, hereinafter referred to as "AGENCY".

1. The Columbia River Highway (I-84) is a primary State highway under the jurisdiction and control of the Oregon Transportation Commission. N.E. 207th Avenue is a County road under the jurisdiction and control of Multnomah County.
2. By the authority granted in ORS 366.770 and 366.775, ODOT may enter into cooperative agreements with the counties and cities for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
3. Under such authority, Agency plans and proposes to construct a new section of N.E. 207th Avenue between the I-84/207th interchange and N.E. 223rd Avenue/Glisan. This work will be performed under three separate contracts. The first contract (Unit 1 UPRR - N.E. Halsey Street) provides the initial ground work for constructing an arterial connection between the I-84 interchange and N. E. Halsey Street, hereinafter referred to as "Project". Work on the Project will include clearing, grubbing, and grading. The location of the project is approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof.
4. The Project preliminary engineering has been completed by the agency at its own expense. Project construction will be financed through the Federal Aid Interstate Transfer Program (FAIX) under Title 23, United States Code, and the Oregon Action Plan, with the Agency providing the required matching funds. The project must have a minimum financing of 50 percent federal funds.
5. The Special and Standard Provisions attached hereto, marked Attachments 1 and 2, respectively are by this reference made a part hereof. The Standard Provisions apply to all federal aid projects and may be modified only by the Special Provisions. The parties hereto mutually agree to the terms and conditions set forth in Attachments 1 and 2. In the event of a conflict, this agreement shall control over the attachments, and Attachment 1 shall control over Attachment 2.

M. C. & A. No. 9872
MULTNOMAH COUNTY

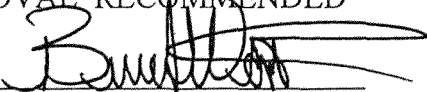
6. Agency shall enter into and execute this agreement during a duly authorized session of its Board of county Commissioners.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

This project was approved by the Oregon Transportation Commission on July 21, 1992 as part of the 1993-1998 Six-Year Transportation Improvement Program (page 141).

The Oregon Transportation Commission, by a duly adopted delegation order, authorized the State Highway Engineer to sign this agreement for and on behalf of the Commission. Said authority was further delegated to the Manager of the Program/Project Management Services Section pursuant to Subdelegation Order No. HWY-6 paragraph 11.

APPROVAL RECOMMENDED

By 
Region Manager

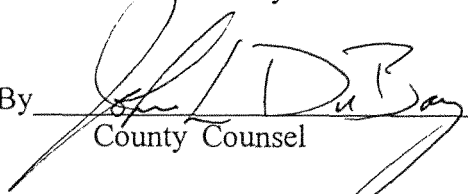
STATE OF OREGON, by and through its
Department of Transportation

By _____
Program/Project Mgmt. Services Mgr.

Date _____

APPROVED AS TO
LEGAL SUFFICIENCY

By _____
Asst. Attorney General

By 
County Counsel

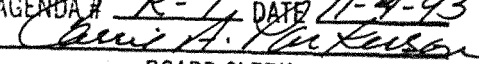
MULTNOMAH COUNTY, by and
through its Board of Commissioners

By 
Chair

Date 11-4-93

Agency Billing Address:

MULTNOMAH COUNTY
Administrative Manager
1620 S.E. 190th
Portland, OR 97233

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-7 DATE 11-4-93

BOARD CLERK

ATTACHMENT NO. 1

SPECIAL PROVISIONS

1. Agency shall conform with requirements of the Oregon Action Plan, and if necessary shall appoint and direct the activities of a Citizen's Advisory Committee and Technical Advisory committee, conduct any required public hearings and recommend the preferred alternative.
2. Agency has completed, at its own expense, all field surveys, environmental studies, traffic investigations, obtained all the required permits, and performed all preliminary engineering and design work required to produce final plans, specifications, and cost estimates.
3. ODOT shall, at Agency's expense, review and approve all plans, specifications, and cost estimates prior to advertisement for construction.
4. Agency shall, upon execution of this agreement, forward to ODOT an advance deposit of \$2500 . Said deposit is the estimated cost for ODOT's review of plans and specifications for Unit 1 of the project. Said amount is in addition to the required matching funds on the project. Upon completion of the project, if ODOT's services exceed the advance deposit amount, ODOT will submit a bill to Agency for the remaining amount. If , upon completion of the project, ODOT's services did not exceed the advance deposit , ODOT shall reimburse Agency with the difference.
5. ODOT shall advertise, let, and award all contracts for the project and assign a liaison person to monitor agency's construction engineering for the project and approve all payments towards construction of the project.
6. Agency shall, upon ODOT's award of the contract, furnish all construction engineering, field testing of materials, technical inspection, and project manager services for administration of the contract. ODOT shall obtain "Record Samples" at specified intervals for testing in the ODOT materials laboratory in Salem.
7. ODOT and Agency agree to enter into a subsequent agreement to cover design, construction and maintenance for Units 2 and 3. Design work on these two units should not proceed without an agreement in place.

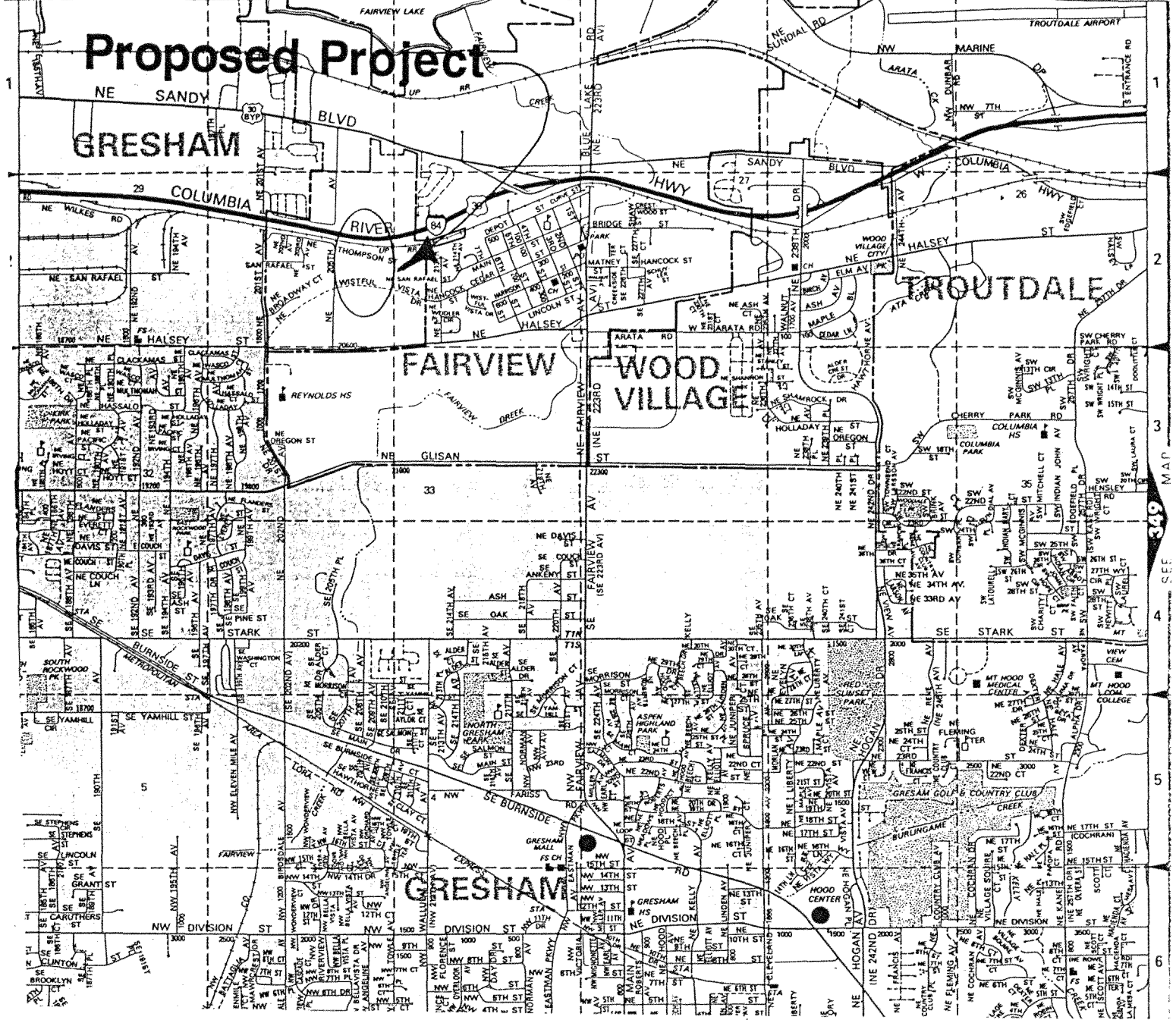


Exhibit 'A'

ATTACHMENT NO. 2

STANDARD PROVISIONS

JOINT OBLIGATIONS

PROJECT ADMINISTRATION

1. State is acting to fulfill its responsibility to the Federal Highway Administration (FHWA) by the administration of this project, and Agency hereby agrees that State shall have full authority to carry out this administration. If requested by Agency, State will further act for the Agency in other matters pertaining to the project. State and Agency shall actively cooperate in fulfilling the requirements of the Oregon Action Plan. State and Agency shall each assign a liaison person to coordinate activities and assure that the interests of both parties are considered during all phases for all projects.

Any project that uses federal funds, in project development, is subject to PS&E review and approval by FHWA prior to advertisement for bid proposals, regardless of the source of funding for construction.

P.E. & CONSTRUCTION ENGINEERING

2. Preliminary and construction engineering may be performed by State, Agency, or others. If Agency, or others, perform the engineering, State will monitor the work for conformance with FHWA rules and regulations. In the event that Agency elects to engage the services of a consultant to perform any of the work covered by this agreement, Agency and Consultant shall enter into an agreement describing the work to be performed and the method of payment. State shall concur in the agreement prior to the beginning of any work. No reimbursement shall be made using federal-aid funds for any costs incurred by such Consultant prior to receiving authorization from State to proceed.

On all construction projects where State is the signatory party to the contract, and where Agency is doing the construction engineering and project management, Agency agrees to accept all responsibility for and defend lawsuits involving tort claims, contract claims, or any other lawsuit arising out of the contractor's work or Agency's supervision of the project.

REQUIRED STATEMENT FOR USDOT FINANCIAL
ASSISTANCE AGREEMENT:

3. If as a condition of assistance the Agency has submitted and the U.S. Department of Transportation has approved a Minority Business Enterprise Affirmative Action Program which the Agency agrees to carry out, this affirmative action program is incorporated into this financial assistance agreement by reference. That program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the Agency of its failure to carry out the approved program, the U.S. Department of Transportation shall impose such sanctions as noted in Title 49, Code of Federal Regulations, Part 23, Subpart E, which sanctions may include termination of the agreement or other measures that may affect the ability of the Agency to obtain future U.S. Department of Transportation financial assistance.

The Agency further agrees to comply with all applicable Civil Rights Laws, Rules and Regulations, including Section 504 of the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Act.

4. The parties hereto agree and understand that they will comply with all applicable statutes and regulations, including but not limited to Title 49 CFR, Parts 23 and 90, Audits of State and Local Governments; Title 41, USC, Anti-Kickback Act; Title 23, USC, Federal-Aid Highway Act; 42 USC, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1987; provisions of Federal-Aid Policy Guide (FAPG), Title 23 Code of Federal Regulations (23 CFR) 1.11, 710, and 140; and the Oregon Action Plan.

STATE OBLIGATIONS

PROGRAM REQUEST

5. State shall submit a program to the FHWA with a request for approval of federal-aid participation in all engineering, right-of-way acquisition, eligible utility relocations and construction work for the project. NO WORK SHALL PROCEED ON ANY ACTIVITY IN WHICH FEDERAL-AID PARTICIPATION IS DESIRED UNTIL SUCH APPROVAL HAS BEEN OBTAINED. The program shall include services to be provided by State, Agency or others. State shall notify Agency in writing when authorization to proceed has been received from the FHWA. Major responsibility for the various phases of the project will be as outlined in the Special Provisions. All work and records of such work shall be in conformance with FHWA rules and regulations, and the Oregon Action Plan.

AUTHORITY FOR SURVEY

6. State shall prepare an Authority for Survey which will itemize the estimate of cost for preliminary engineering services to be provided by State, Agency or others, and shall furnish Agency with a copy of such cost estimate.

FINANCE

7. State shall, in the first instance, pay all reimbursable costs of the project, submit all claims for federal-aid participation to the FHWA in the normal manner and compile accurate cost accounting records. Agency may request a statement of costs to date, at anytime, by submitting a written request. When the actual total cost of the project has been computed, State shall furnish Agency with an itemized statement of such final costs.

PROJECT ACTIVITIES

8. State shall, if the work is performed by Agency or others, review and process or approve all environmental statements, preliminary and final plans, specifications and cost estimates. State shall, if they prepare these documents, offer Agency the opportunity to review and approve the documents prior to advertising for bids. State shall prepare contract and bidding documents, advertise for bid proposals, award all contracts and, upon award of a construction contract, perform all necessary laboratory testing of materials, process and pay all contractor progress estimates, check final quantities and costs, and oversee and provide intermittent inspection services during the construction phase of the project. The actual cost of laboratory testing services provided by State will be charged to the project construction engineering expenditure account and will be included in the total cost of the project.

FREE BRIDGE DESIGN

9. State shall, as provided in ORS 366.155(h), prepare plans and specifications for the structure portion only of bridges and culverts at no expense to the counties.

RIGHT-OF-WAY

10. State is responsible for acquisition of the necessary right-of-way and easements for construction and maintenance of the project. Agency may request to perform the acquisition functions, subject to execution of a written agreement. State

shall review all right-of-way activities engaged in by Agency to assure compliance with applicable laws and regulations.

If any real property purchased with federal-aid participation is no longer needed for the originally authorized purpose, the disposition of such property shall be subject to applicable rules and regulations which are in effect at the time of disposition. Reimbursement to State of the required proportionate share of the fair market value may be required.

AGENCY OBLIGATIONS

FINANCE

11. Agency shall, prior to the commencement of the preliminary engineering and right-of-way acquisition phases, deposit with State its estimated share of each phase.

Agency's share of construction will be deposited in two parts. The initial deposit will represent 65 percent of the Agency's share, based on the engineer's estimate, and will be requested three weeks prior to opening bids on the project. Upon award of the contract, the balance of the applicant's share will be requested.

Collection of advance deposits amounting to less than \$2,500 for the P.E. and R/W phase of the project will be postponed until collectively the amount exceeds \$2,500 or until the collection of the advance deposit for construction is required.

Pursuant to ORS 366.425, the advance deposit may be in the form of 1) money deposited in the State Treasury (an option of which may be a deposit in the Local Government Investment Pool accompanied by an Irrevocable Limited Power of Attorney), or 2) an Irrevocable Letter of Credit issued by a local bank in the name of State.

12. Agency shall present properly certified bills for 100 percent of actual costs incurred by Agency on behalf of the project directly to State's Liaison Person for review and approval. Such bills shall be in a form acceptable to State and documented in such a manner as to be easily verified. Billings shall be presented for periods of not less than one month duration, based on actual expenses to date. All billings received from Agency must be approved by State's Liaison Person prior to presentation to Highway Division Accounting for payment. Agency's actual costs eligible for federal-aid participation shall be those allowable under the provisions of FAPG, 23 CFR 1.11, 710, and 140. Final billings shall be submitted to State for

processing within six months from date that costs were incurred. Partial billing (progress payment) shall be submitted to State within three months from date that costs incurred.

13. The costs records and accounts pertaining to the work covered by this agreement are to be kept available for inspection by representatives of State and the FHWA for a period of, three (3) years following the date of final payment. Copies of such records and accounts shall be made available upon request. For real property and equipment, the retention period starts from the date of disposition (49 CFR 18.42).

This agreement is subject to the provisions of the Single Audit Act of 1984 (49 CFR, Part 90) as stated in Circular A-128 of the United States Office of Management and Budget.

PROJECT CANCELLATION

14. Agency agrees that should they cause the project to be canceled or terminated for any reason prior to its completion, Agency shall reimburse State for any costs that have been incurred by State on behalf of the project.

DELAYED STARTING DATE

* 15. In the event that right-of-way acquisition for, or actual construction of the facility for which this preliminary engineering is undertaken is not started by the close of the TENTH FISCAL YEAR following the fiscal year in which this agreement is executed, State may request reimbursement of the sum or sums of Federal-Aid funds disbursed to Agency under the terms of this agreement.

UTILITIES

* 16. Agency shall relocate or cause to be relocated, all utility conduits, lines, poles, mains, pipes, and such other facilities where such relocation is necessary in order to conform said utilities and facilities with the plans and ultimate requirements of the project. Only those utility relocations which are eligible for federal-aid participation under the FAPG, 23 CFR 645A, shall be included in the total project costs and participation; all other utility relocations shall be at the sole expense of Agency, or others. State will arrange for utility adjustments in areas lying within jurisdiction of State and, if State is performing the preliminary engineering. Agency may request State to arrange for utility adjustments lying within Agency jurisdiction, acting on behalf of Agency.

Agency shall, five weeks prior to the opening of construction bid proposals, furnish State with an estimate of cost for eligible reimbursable utility relocations, based on the plans for the project. Agency shall notify State's Liaison Person prior to proceeding with any utility relocation work in order that the work may be properly coordinated into the project and receive the proper authorization.

CONSTRUCTION

17. Design Standards for all projects shall meet the requirements of the Intermodal Surface Transportation Efficiency Act of 1991. In addition, all projects on the Oregon State Highway System shall be in compliance to Standards specified in the current ODOT Highway Design Manual and related references. Construction plans shall be in conformance with standard practices of State for plans prepared by its own staff. All specifications for the project shall be in substantial compliance with the most current Oregon Standard Specifications for Highway Construction.

GRADE CHANGE LIABILITY

18. Agency, if a County, acknowledges the effect and scope of ORS 105.755 and agrees that all acts necessary to complete construction of the project which may alter or change the grade of existing county roads are being accomplished at the direct request of the County.

Agency, if a City, hereby accepts responsibility for all claims for damages from grade changes. Approval of plans by State shall not subject State to liability under ORS 105.760 for change of grade.

CONTRACTOR CLAIMS

19. Agency shall provide legal defense against all claims brought by the contractor, or others, resulting from Agency's failure to comply with the terms of this agreement.

MAINTENANCE RESPONSIBILITIES

* 20. Agency shall, upon completion of construction, thereafter maintain and operate the project at its own cost and expense, and in a manner satisfactory to State and the FHWA.

WORKERS' COMPENSATION COVERAGE

21. The contractor, its subcontractors, if any, and all employers working under this (Agreement/Contract) are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers.

LOBBYING RESTRICTIONS

22. Agency certifies by signing this agreement that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- C. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, U.S. Code.

Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

- * Paragraphs 15, 16, and 20 are not applicable to any local agency on state highway projects.



CONTRACT APPROVAL FORM

(See Administrative Procedure #2106)

C. Parkerson

Rev. 5/92

MULTNOMAH COUNTY OREGON

Contract # 30095-4

Amendment #

CLASS I <input type="checkbox"/> Professional Services under \$25,000	CLASS II <input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	CLASS III <input checked="" type="checkbox"/> Intergovernmental Agreement APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # R-7 DATE 11/4/93 Carrie A. Parkerson BOARD CLERK
---	---	--

Department Environmental Services Division Transportation Date 10/28/93

Contract Originator Kathy Busse Phone 5108 Bldg/Room 425

Administrative Contact Kathy Busse Phone 5108 Bldg/Room 425

Description of Contract Preliminary engineering and construction finance agreement between the State of Oregon and Multnomah County for NE 207th Ave. Connector and further authorize the Director of Environmental Services to deposit the County's share of required funds in the local government investment pool

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ QRF

Contractor Name Oregon Dept. of Transportation

Mailing Address 9002 SE McLoughlin Blvd
Milwaukie, OR 97222

Phone (503) 653-3090

Employer ID# or SS# _____

Effective Date Upon Signature

Termination Date Upon Completion

Original Contract Amount \$ Est. 212,300

Total Amount of Previous Amendments \$ _____

Amount of Amendment \$ _____

Total Amount of Agreement \$ _____

REQUIRED SIGNATURES:

Department Manager Betsy H. Wallis

Purchasing Director
(Class II Contracts Only) [Signature]

County Counsel [Signature]

County Chair / Sheriff [Signature]

Contract Administration
(Class I, Class II Contracts Only) [Signature]

Remittance Address _____
(If Different) _____

Payment Schedule	Terms
<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on receipt
<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other _____
<input type="checkbox"/> Requirements contract - Requisition required.	

Purchase Order No. _____

☐ Requirements Not to Exceed \$ _____

Encumber: Yes ☐ No ☐

Date 10/27/93

Date _____

Date 10/28/93

Date 11/4/93

Date _____

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT		
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND
01.	150	030	6153			8300					
02.											
03.											

* If additional space is needed, attach separate page. Write contract # on top of page.

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION

CANARY - INITIATION

PINK - FINANCE

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AND CONSTRUCTION FINANCE AGREEMENT

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M. C. & A. No. 9872
MULTNOMAH COUNTY

6. Agency shall enter into and execute this agreement during a duly authorized session of its Board of county Commissioners.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

This project was approved by the Oregon Transportation Commission on July 21, 1992 as part of the 1993-1998 Six-Year Transportation Improvement Program (page 141).

The Oregon Transportation Commission, by a duly adopted delegation order, authorized the State Highway Engineer to sign this agreement for and on behalf of the Commission. Said authority was further delegated to the Manager of the Program/Project Management Services Section pursuant to Subdelegation Order No. HWY-6 paragraph 11.


APPROVAL RECOMMENDED

By


Region Manager

APPROVED AS TO
LEGAL SUFFICIENCY

By


Asst. Attorney General

By

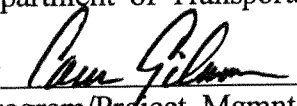

County Counsel

Agency Billing Address:

MULTNOMAH COUNTY
Administrative Manager
1620 S.E. 190th
Portland, OR 97233

STATE OF OREGON, by and through its
Department of Transportation

By


Program/Project Mgmt. Services Mgr.

Date

11/5/93

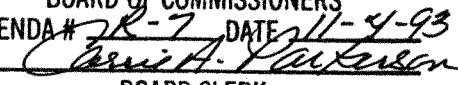
MULTNOMAH COUNTY, by and
through its Board of Commissioners

By


Chair

Date

11-4-93

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # 2K-7 DATE 11-4-93

BOARD CLERK

ATTACHMENT NO. 1

SPECIAL PROVISIONS

1. Agency shall conform with requirements of the Oregon Action Plan, and if necessary shall appoint and direct the activities of a Citizen's Advisory Committee and Technical Advisory committee, conduct any required public hearings and recommend the preferred alternative.
2. Agency has completed, at its own expense, all field surveys, environmental studies, traffic investigations, obtained all the required permits, and performed all preliminary engineering and design work required to produce final plans, specifications, and cost estimates.
3. ODOT shall, at Agency's expense, review and approve all plans, specifications, and cost estimates prior to advertisement for construction.
4. Agency shall, upon execution of this agreement, forward to ODOT an advance deposit of \$2500 . Said deposit is the estimated cost for ODOT's review of plans and specifications for Unit 1 of the project. Said amount is in addition to the required matching funds on the project. Upon completion of the project, if ODOT's services exceed the advance deposit amount, ODOT will submit a bill to Agency for the remaining amount. If , upon completion of the project, ODOT's services did not exceed the advance deposit , ODOT shall reimburse Agency with the difference.
5. ODOT shall advertise, let, and award all contracts for the project and assign a liaison person to monitor agency's construction engineering for the project and approve all payments towards construction of the project.
6. Agency shall, upon ODOT's award of the contract, furnish all construction engineering, field testing of materials, technical inspection, and project manager services for administration of the contract. ODOT shall obtain "Record Samples" at specified intervals for testing in the ODOT materials laboratory in Salem.
7. ODOT and Agency agree to enter into a subsequent agreement to cover design, construction and maintenance for Units 2 and 3. Design work on these two units should not proceed without an agreement in place.

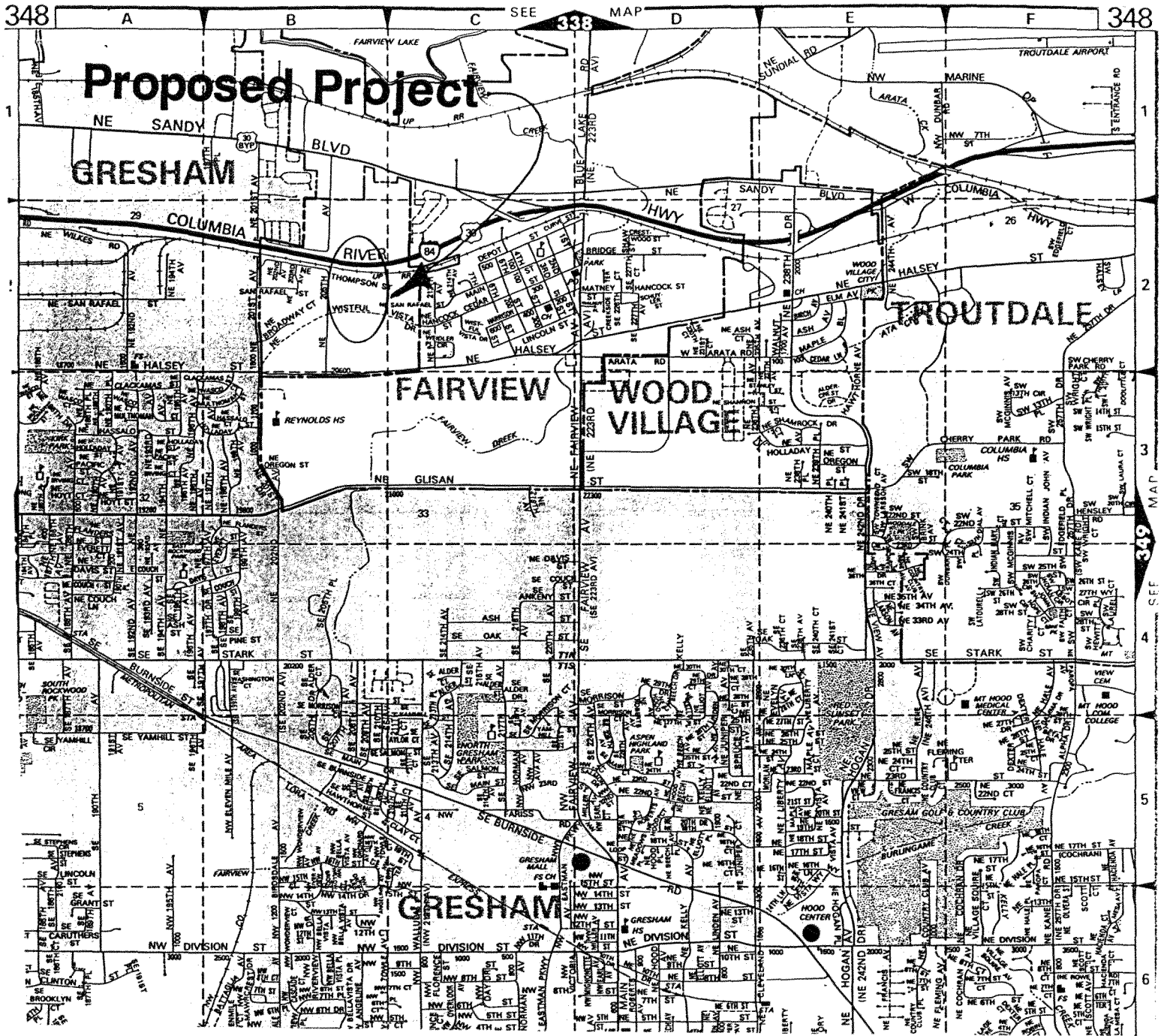


Exhibit 'A'

ATTACHMENT NO. 2

STANDARD PROVISIONS

JOINT OBLIGATIONS

PROJECT ADMINISTRATION

1. State is acting to fulfill its responsibility to the Federal Highway Administration (FHWA) by the administration of this project, and Agency hereby agrees that State shall have full authority to carry out this administration. If requested by Agency, State will further act for the Agency in other matters pertaining to the project. State and Agency shall actively cooperate in fulfilling the requirements of the Oregon Action Plan. State and Agency shall each assign a liaison person to coordinate activities and assure that the interests of both parties are considered during all phases for all projects.

Any project that uses federal funds, in project development, is subject to PS&E review and approval by FHWA prior to advertisement for bid proposals, regardless of the source of funding for construction.

P.E. & CONSTRUCTION ENGINEERING

2. Preliminary and construction engineering may be performed by State, Agency, or others. If Agency, or others, perform the engineering, State will monitor the work for conformance with FHWA rules and regulations. In the event that Agency elects to engage the services of a consultant to perform any of the work covered by this agreement, Agency and Consultant shall enter into an agreement describing the work to be performed and the method of payment. State shall concur in the agreement prior to the beginning of any work. No reimbursement shall be made using federal-aid funds for any costs incurred by such Consultant prior to receiving authorization from State to proceed.

On all construction projects where State is the signatory party to the contract, and where Agency is doing the construction engineering and project management, Agency agrees to accept all responsibility for and defend lawsuits involving tort claims, contract claims, or any other lawsuit arising out of the contractor's work or Agency's supervision of the project.

**REQUIRED STATEMENT FOR USDOT FINANCIAL
ASSISTANCE AGREEMENT:**

3. If as a condition of assistance the Agency has submitted and the U.S. Department of Transportation has approved a Minority Business Enterprise Affirmative Action Program which the Agency agrees to carry out, this affirmative action program is incorporated into this financial assistance agreement by reference. That program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the Agency of its failure to carry out the approved program, the U.S. Department of Transportation shall impose such sanctions as noted in Title 49, Code of Federal Regulations, Part 23, Subpart E, which sanctions may include termination of the agreement or other measures that may affect the ability of the Agency to obtain future U.S. Department of Transportation financial assistance.

The Agency further agrees to comply with all applicable Civil Rights Laws, Rules and Regulations, including Section 504 of the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Act.

4. The parties hereto agree and understand that they will comply with all applicable statutes and regulations, including but not limited to Title 49 CFR, Parts 23 and 90, Audits of State and Local Governments; Title 41, USC, Anti-Kickback Act; Title 23, USC, Federal-Aid Highway Act; 42 USC, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1987; provisions of Federal-Aid Policy Guide (FAPG), Title 23 Code of Federal Regulations (23 CFR) 1.11, 710, and 140; and the Oregon Action Plan.

STATE OBLIGATIONS

PROGRAM REQUEST

5. State shall submit a program to the FHWA with a request for approval of federal-aid participation in all engineering, right-of-way acquisition, eligible utility relocations and construction work for the project. NO WORK SHALL PROCEED ON ANY ACTIVITY IN WHICH FEDERAL-AID PARTICIPATION IS DESIRED UNTIL SUCH APPROVAL HAS BEEN OBTAINED. The program shall include services to be provided by State, Agency or others. State shall notify Agency in writing when authorization to proceed has been received from the FHWA. Major responsibility for the various phases of the project will be as outlined in the Special Provisions. All work and records of such work shall be in conformance with FHWA rules and regulations, and the Oregon Action Plan.

AUTHORITY FOR SURVEY

6. State shall prepare an Authority for Survey which will itemize the estimate of cost for preliminary engineering services to be provided by State, Agency or others, and shall furnish Agency with a copy of such cost estimate.

FINANCE

7. State shall, in the first instance, pay all reimbursable costs of the project, submit all claims for federal-aid participation to the FHWA in the normal manner and compile accurate cost accounting records. Agency may request a statement of costs to date, at anytime, by submitting a written request. When the actual total cost of the project has been computed, State shall furnish Agency with an itemized statement of such final costs.

PROJECT ACTIVITIES

8. State shall, if the work is performed by Agency or others, review and process or approve all environmental statements, preliminary and final plans, specifications and cost estimates. State shall, if they prepare these documents, offer Agency the opportunity to review and approve the documents prior to advertising for bids. State shall prepare contract and bidding documents, advertise for bid proposals, award all contracts and, upon award of a construction contract, perform all necessary laboratory testing of materials, process and pay all contractor progress estimates, check final quantities and costs, and oversee and provide intermittent inspection services during the construction phase of the project. The actual cost of laboratory testing services provided by State will be charged to the project construction engineering expenditure account and will be included in the total cost of the project.

FREE BRIDGE DESIGN

9. State shall, as provided in ORS 366.155(h), prepare plans and specifications for the structure portion only of bridges and culverts at no expense to the counties.

RIGHT-OF-WAY

10. State is responsible for acquisition of the necessary right-of-way and easements for construction and maintenance of the project. Agency may request to perform the acquisition functions, subject to execution of a written agreement. State

shall review all right-of-way activities engaged in by Agency to assure compliance with applicable laws and regulations.

If any real property purchased with federal-aid participation is no longer needed for the originally authorized purpose, the disposition of such property shall be subject to applicable rules and regulations which are in effect at the time of disposition. Reimbursement to State of the required proportionate share of the fair market value may be required.

AGENCY OBLIGATIONS

FINANCE

11. Agency shall, prior to the commencement of the preliminary engineering and right-of-way acquisition phases, deposit with State its estimated share of each phase.

Agency's share of construction will be deposited in two parts. The initial deposit will represent 65 percent of the Agency's share, based on the engineer's estimate, and will be requested three weeks prior to opening bids on the project. Upon award of the contract, the balance of the applicant's share will be requested.

Collection of advance deposits amounting to less than \$2,500 for the P.E. and R/W phase of the project will be postponed until collectively the amount exceeds \$2,500 or until the collection of the advance deposit for construction is required.

Pursuant to ORS 366.425, the advance deposit may be in the form of 1) money deposited in the State Treasury (an option of which may be a deposit in the Local Government Investment Pool accompanied by an Irrevocable Limited Power of Attorney), or 2) an Irrevocable Letter of Credit issued by a local bank in the name of State.

12. Agency shall present properly certified bills for 100 percent of actual costs incurred by Agency on behalf of the project directly to State's Liaison Person for review and approval. Such bills shall be in a form acceptable to State and documented in such a manner as to be easily verified. Billings shall be presented for periods of not less than one month duration, based on actual expenses to date. All billings received from Agency must be approved by State's Liaison Person prior to presentation to Highway Division Accounting for payment. Agency's actual costs eligible for federal-aid participation shall be those allowable under the provisions of FAPG, 23 CFR 1.11, 710, and 140. Final billings shall be submitted to State for

processing within six months from date that costs were incurred. Partial billing (progress payment) shall be submitted to State within three months from date that costs incurred.

13. The costs records and accounts pertaining to the work covered by this agreement are to be kept available for inspection by representatives of State and the FHWA for a period of three (3) years following the date of final payment. Copies of such records and accounts shall be made available upon request. For real property and equipment, the retention period starts from the date of disposition (49 CFR 18.42).

This agreement is subject to the provisions of the Single Audit Act of 1984 (49 CFR, Part 90) as stated in Circular A-128 of the United States Office of Management and Budget.

PROJECT CANCELLATION

14. Agency agrees that should they cause the project to be canceled or terminated for any reason prior to its completion, Agency shall reimburse State for any costs that have been incurred by State on behalf of the project.

DELAYED STARTING DATE

* 15. In the event that right-of-way acquisition for, or actual construction of the facility for which this preliminary engineering is undertaken is not started by the close of the TENTH FISCAL YEAR following the fiscal year in which this agreement is executed, State may request reimbursement of the sum or sums of Federal-Aid funds disbursed to Agency under the terms of this agreement.

UTILITIES

* 16. Agency shall relocate or cause to be relocated, all utility conduits, lines, poles, mains, pipes, and such other facilities where such relocation is necessary in order to conform said utilities and facilities with the plans and ultimate requirements of the project. Only those utility relocations which are eligible for federal-aid participation under the FAPG, 23 CFR 645A, shall be included in the total project costs and participation; all other utility relocations shall be at the sole expense of Agency, or others. State will arrange for utility adjustments in areas lying within jurisdiction of State and, if State is performing the preliminary engineering. Agency may request State to arrange for utility adjustments lying within Agency jurisdiction, acting on behalf of Agency.

Agency shall, five weeks prior to the opening of construction bid proposals, furnish State with an estimate of cost for eligible reimbursable utility relocations, based on the plans for the project. Agency shall notify State's Liaison Person prior to proceeding with any utility relocation work in order that the work may be properly coordinated into the project and receive the proper authorization.

CONSTRUCTION

17. Design Standards for all projects shall meet the requirements of the Intermodal Surface Transportation Efficiency Act of 1991. In addition, all projects on the Oregon State Highway System shall be in compliance to Standards specified in the current ODOT Highway Design Manual and related references. Construction plans shall be in conformance with standard practices of State for plans prepared by its own staff. All specifications for the project shall be in substantial compliance with the most current Oregon Standard Specifications for Highway Construction.

GRADE CHANGE LIABILITY

18. Agency, if a County, acknowledges the effect and scope of ORS 105.755 and agrees that all acts necessary to complete construction of the project which may alter or change the grade of existing county roads are being accomplished at the direct request of the County.

Agency, if a City, hereby accepts responsibility for all claims for damages from grade changes. Approval of plans by State shall not subject State to liability under ORS 105.760 for change of grade.

CONTRACTOR CLAIMS

19. Agency shall provide legal defense against all claims brought by the contractor, or others, resulting from Agency's failure to comply with the terms of this agreement.

MAINTENANCE RESPONSIBILITIES

* 20. Agency shall, upon completion of construction, thereafter maintain and operate the project at its own cost and expense, and in a manner satisfactory to State and the FHWA.

WORKERS' COMPENSATION COVERAGE

21. The contractor, its subcontractors, if any, and all employers working under this (Agreement/Contract) are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers.

LOBBYING RESTRICTIONS

22. Agency certifies by signing this agreement that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- C. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, U.S. Code.

Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

- * Paragraphs 15, 16, and 20 are not applicable to any local agency on state highway projects.

MEETING DATE: NOV 04 1993

AGENDA NO: R-8

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: Resolution Approving Recommendations from the Housing and Community Development Commission Regarding Allocation of PILOT Revenues

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR BRIEFING Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: _____ DIVISION: Housing & Community Svcs

CONTACT: Rey España x6857 TELEPHONE: 248-5464
BLDG/ROOM: B161/2nd

PERSON(S) MAKING PRESENTATION: Rey España/Bill Thomas

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

The Housing and Community Services Division is recommending approval of a resolution which approves recommendations from the Housing and Community Development Commission regarding allocation of PILOT revenues. Under the PILOT agreement, which the Board approved last May 1993, the City and County must approve the allocation of payment-in-lieu-of-taxes revenues from the Housing Authority of Portland via City of Portland.

The recommendations call for use of residual (unobligated) PILOT funds for a homeless advocacy position (existing position within the Housing and Community Services Division), 24-hour safe place services for downtown homeless youth, and direct client assistance linked with housing for homeless people.

These recommendations have been reviewed and supported by several citizen and provider groups. The recommendations are being forwarded from the Housing and Community Development Commission.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Rey España

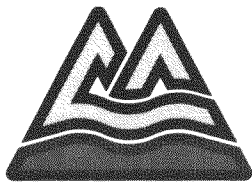
ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

pilotres.94a

Copy of Amended Resolution 93-365 sent to Rey España on 11-5-93.

1993 OCT 26 PM 12:38
MULTIPLA COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
HOUSING AND COMMUNITY SERVICES DIVISION (503) 248-3339
COMMUNITY ACTION PROGRAM OFFICE (503) 248-5464
421 S.W. FIFTH, SECOND FLOOR
PORTLAND, OREGON 97204-2221
FAX # (503) 248-3332

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Board of County Commissioners

FROM: Rey España, Interim Director
Housing and Community Services Division

DATE: October 15, 1993

SUBJECT: Resolution Regarding Recommendations on Use of PILOT Funds

I. Recommendation/Action Requested: The Housing and Community Services Division, Community Action Program recommends Board of County Commissioner approval of the attached resolution regarding proposed allocations of PILOT funds.

II. Background/Analysis: The Housing and Community Services Division, Community Action Program, is seeking Board approval of recommendations on the use of PILOT funds, in accordance with the requirements of the PILOT intergovernmental agreement. That agreement requires the Housing and Community Development Commission to recommend the allocation of unobligated PILOT funds for housing and housing-related activities, and requires the City Council and County Board of Commissioners to approve the recommendations.

PILOT funds are payments by the Housing Authority in lieu of taxes.

The recommendations approved by the Housing and Community Development Commission allocate \$25,000 to continue homeless advocacy services (an existing position within the Housing and Community Services Division), \$200,000 over two fiscal years for 24-hour safe place services for homeless youth downtown, and the balance of funds (approximately \$142,000 annually) for direct client assistance linked with housing for homeless people.

III. Financial Impact: The funds are already included in the Housing and Community Services Division budget. This resolution allows the funds to be passed to contractors on behalf of clients.

IV. Legal Issues: none

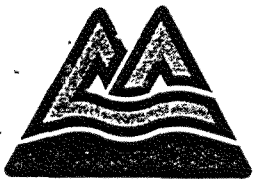
V. Controversial Issues: none

VI. Link to Current County Policies: The County approved the PILOT agreement last May 1993, which allocated funds to housing and housing related services.

VII. Citizen Participation: The recommendations on the use of PILOT funds were processed through the Homeless Advisory Committee, Community Action Commission, Community Action Services Providers (CASP), youth service providers, and Housing and Community Development Commission.

VIII. Other Government Participation: A similar resolution is being processed concurrently in the City of Portland.

pilotres.94z



MULTNOMAH COUNTY COMMUNITY ACTION COMMISSION

421 SW Fifth #200

Portland OR 97204

(503) 248-5464
FAX (503) 248-3332



EXHIBIT A

ADOPTED BY COMMISSION ON 8/11/93

MEMORANDUM

TO: Susan Emmons, Chair
Housing and Community Development Commission

FROM: Chuck Currie, Chair
Multnomah County Community Action Commission

DATE: August 11, 1993

SUBJECT: Allocation Plan for PILOT Funds

On June 2, the Housing and Community Development Commission (HCDC) requested that the County Housing and Community Services Division develop an allocation plan for Payment In Lieu Of Taxes (PILOT) revenues from the Housing Authority of Portland, the use of which were not otherwise designated through intergovernmental agreement. Funds remaining after such designated uses are to be "...disbursed for housing and housing related activities in a manner to be determined by the HCDC and approved by the City and County."

Pursuant to directions from HCDC, staff of the Division's Community Action Program Office (CAPO) developed an allocation plan for PILOT funds based on identified policy documents, existing or anticipated housing and service plans, and consideration of the need for local match for successful McKinney homeless program grant applications. CAPO has also considered public comment on the proposed PILOT plan.

The allocation plan for PILOT funds has been established on the basis of existing policies for housing-related services which have been previously approved by the Community Action Commission, acting in its capacity as the Administering Board for Multnomah County's Community Action Agency. In accordance with the process observed by the Commission in adopting such policies, the PILOT allocation plan which is being recommended to HCDC has been reviewed and its elements endorsed by the Community Action Providers Association.

The Commission believes that the five recommendations which make up this proposed PILOT allocation plan reflect a reasonable consensus within the emergency basic needs service system in Multnomah County on the best and most effective use of PILOT funds. Consequently, the Commission recommends that HCDC adopt this PILOT allocation plan, and submit it to the City and County for approval.

PILOT FUNDS 1993 - 2002
(all figures approximate)

<u>Non-Recurring</u>		<u>Recurring Annually</u>
\$ 1,240,000	Original Estimate	FY93-94 - FY96-97
<u>-83,000</u>	Actual Revenues	\$ 192,000
1,157,000	Payment to City BCD	<u>-50,000</u> Schools
-100,000	Social Service Siting	\$ 142,000 Annual
-20,000	Commercial Street	Recommended: FY93-94 Direct Client Assistance Linked with Housing
-150,000	Kennedy School	
<u>-450,000</u>	Portland Public Schools	
\$ 437,000	Available for Housing for Related Activities	
-25,000	FY93-94 Homeless Advocacy	FY97-98 - FY2001-02
<u>-80,000</u>	FY92-93 Downtown Youth Safe Place Services	\$ 192,000
		\$ 192,000 Annual
		Recommended: FY93-94 Direct Client Assistance Linked with Housing
\$ 332,000	Balance	
100,000	Recommended: FY 93-94 Downtown Youth Safe Place services	
\$ 232,000	Non-Recurring	
	Recommended: FY93-94 Direct Client Assistance Linked with Housing	

RECOMMENDED PILOT ALLOCATION PLAN

1. Use of PILOT Funds for Housing-Related Services

The Community Action Commission recommends that all PILOT funds in FY 93-94 and subsequent years be allocated for housing-related services (services linked with housing), except as noted below.

2. Use of PILOT Funds For Homeless Advocacy

The HCDC has adopted a recommendation that up to \$25,000 be allocated for homeless advocacy activities in FY 93-94, as part of an intergovernmental agreement to ensure coordination between city and county governments. The Community Action Commission recommends that PILOT funds not be used to fund homeless advocacy in FY 94-95 and subsequent years. The Commission recommends that HCDC exercise its oversight and advocacy roles in partnership with the Commission to identify an alternative source of funds to fulfill the City's commitment to provide \$50,000 for advocacy and planning in the emergency basic needs service system. (This commitment was made in 1988 in adopting the Emergency Basic Needs Committee Report, and reaffirmed in 1992 through adopting a four way intergovernmental agreement; in FY 93-94, \$25,000 consists of Portland CDBG funds.)

3. Use of PILOT Funds For Downtown Homeless Youth Safe Place

The HCDC has adopted a recommendation that up to \$100,000 be allocated to reimburse costs incurred to provide 24-hour safe place for downtown homeless youth in FY 92-93. The Community Action Commission recommends that up to \$100,000 of PILOT funds be allocated on a one-time-only basis to continue a second year of funding for 24-hour safe place services for downtown homeless youth in FY 93-94, and that PILOT funds not be used to fund continuation of these services in FY 94-95 and subsequent years. The specific configuration of services funded with PILOT funds in FY 93-94 should be based on the evaluation of FY 92-93 safe place services and FY 93-94 planning being conducted by the Youth Program Office.

A second year of PILOT funding for 24-hour safe place services for downtown homeless youth is recommended for FY 93-94 in recognition of the needs: a) to meet funder and contract commitments to the youth service system for this second year of funding; b) to give youth service planners and providers an opportunity to refine effective models for 24-hour safe place services for downtown homeless youth; and c) to allow adequate time for funders and providers in the youth service system to develop alternative sources of funding for these services in FY 94-95 and subsequent years. The Commission further recommends that HCDC exercise its oversight and advocacy roles in partnership with the Commission, funders, and providers in the youth service system to identify alternative sources of funding to continue 24 hour safe place services for downtown homeless youth in FY 94-95 and future years.

4. Use of PILOT Funds For Housing Stabilization Assistance

The Community Action Commission recommends that approximately \$250,000 in non-recurring and recurring PILOT funds be allocated in FY 93-94 for direct client assistance (deposits, rent or mortgage assistance, moving assistance, bus, etc.) linked with transitional or permanent housing which leads to or removes barriers to housing stabilization; PILOT funds would be allocated in conjunction with \$150,000 in Emergency Housing Account (EHA) funds for a total of \$400,000, in order to continue funding for direct client assistance linked with housing at FY 92-93 levels (FY 92-93 + 4%). All \$232,000 of the remaining non-recurring PILOT funds would be spent in FY 93-94, along with \$18,000 of the new PILOT funds available in FY 93-94, leaving \$124,000 carryover for expenditure in FY 94-95.

The Commission further recommends that approximately \$266,000 in PILOT funds be allocated for direct client assistance linked with housing in FY 94-95, in conjunction with \$150,000 in EHA funds, in order to continue a stable level of funding for direct client assistance linked with housing (FY 93-94 + 4%). All \$124,000 of unspent FY 93-94 PILOT funds and all \$142,000 of new PILOT funds available in FY 94-95 would be spent on these services in FY 94-95.

An annual amount of PILOT funds and EHA funds for direct client assistance would be allocated to agencies in the emergency basic needs service system so as to ensure availability of these funds to all geographic areas of the county and all homeless populations. Funds would be accessed through the countywide clearinghouse for direct client assistance (American Red Cross). For any direct client assistance needs which could not be addressed through the clearinghouse, agencies would be given the flexibility to request that their clearinghouse allocation be reduced and that their CAPO contract amount for direct client assistance be increased by that amount, so long as the direct client assistance through the agency specifically leads to or removes barriers to housing stabilization.

Dedication of all remaining PILOT funds to direct client assistance linked with housing is recommended in recognition of the needs: a) to fund services which are consistent with all identified policies and plans; b) to restore funding for EHA funded direct client assistance linked with housing, which has been significantly reduced in FY 93-94; c) to stabilize funding for direct client assistance linked with housing over the next two years (biennium); d) to fund services with demonstrated effectiveness in supporting housing stabilization and preventing homelessness, by assisting homeless persons to obtain stable housing and by assisting at-risk households to maintain stable housing; e) to stretch PILOT funds by leveraging additional federal matching funds for emergency assistance to eligible households; and f) to fund services which will benefit all geographic areas and homeless populations in the emergency basic needs service system, and not disproportionately benefit any one geographic area or any one homeless population.

The Commission further recommends that CAPO and service providers continue to follow up and evaluate the impact of providing PILOT & EHA funded direct client assistance linked with housing during FY93-94 and FY94-95. This recommendation is consistent with the findings and recommendations of the evaluation report on EHA funded services.

The Commission further recommends that, unless circumstances change in FY 95-96 as noted below, all PILOT funds in FY 95-96 and future years be allocated to direct client assistance linked with housing in conjunction with EHA funds. Thus, in FY 95-96 and FY 96-97, approximately \$142,000 in PILOT funds would be available for direct client assistance, for a total of \$292,000 in conjunction with EHA funds. Beginning in FY 97-98 (when the \$50,000 annual PILOT funds payment committed to the Portland Public Schools would be discontinued), approximately \$192,000 in PILOT funds would be available for direct client assistance in FY 97-98 and subsequent years, for a total of \$342,000 in conjunction with EHA funds.

The Commission further recommends that HCDC exercise its oversight and advocacy roles in partnership with the Commission and emergency basic needs service providers to identify additional sources of funding for direct client assistance (eg HOME) which can replace non-recurring PILOT funds, in order to continue a stable level of funding for direct client assistance linked with housing in FY 95-96 and subsequent years.

5. Use of PILOT Funds For McKinney Grant Applications

The Community Action Commission recommends that no PILOT funds be set aside to be used as local match for any successful McKinney homeless program grant applications in FY 93-94 or FY 94-95, as no local match was pledged for housing related services, only for acquisition, construction, or rehabilitation. The Commission further recommends that the use of PILOT funds be reevaluated for FY 95-96 in light of any potential needs for operating funds for McKinney funded homeless program grant applications. CAPO staff reviewed McKinney homeless program grant applications and have determined that no applications pledged local match for housing related services. At the same time, Housing Authority staff have raised the legitimate concern that assurances were given that if applications for Turning Point I and/or Turning Point II were funded, local operating funds could be leveraged for the first five years. CAPO staff have determined that even if both of these applications were funded, sufficient funds from other sources will be available to cover local operating costs through FY 94-95. Yet, the Commission recognizes that if, despite strong local commitment to fully funding the operation of these projects, there was to be a shortfall of operating funds for FY 95-96, the recommendations for continuing to dedicate PILOT funds to direct client assistance should be reevaluated at that time in light of new circumstances.

ADOPTED POLICIES RELATED TO CRITERIA FOR ALLOCATION OF PILOT FUNDS

1991-93 Emergency Housing Account (EHA) Allocation Plan

1. Goal: Invest in client centered services linked with housing which create maximum opportunities for homeless and at-risk persons to empower themselves and to become stabilized and self sufficient
2. Funding categories: Direct Client Assistance and Services Linked With Housing

1992-97 Request For Proposals for Community Action Services

1. Goal: Invest in client-centered services (assistance and culturally relevant support services) and community resources which both address the emergency basic needs of homeless and low income persons and create maximum opportunities for these persons to empower themselves and to become stabilized and self-sufficient as productive residents of Multnomah County.
2. Allocation of funds: allocate funds so as to stabilize funding levels; should there be a net increase of discretionary funds, increases shall be allocated to Community Service Centers and Special Needs Providers based on identified community needs and priorities for supplementing and expanding services regardless of funding category

FY 93-94 Allocation Policies for Community Action/ Emergency Basic Needs Service System

1. Priority: advocacy for new public resources (eg HOME, PILOT, CDBG) to maintain current funding levels
2. Allocation of funds: stabilize funding at current service levels for all services funded in FY 92-93 other than EHA funded programs and services, with systemwide direct client assistance funded at a minimum level of \$150,000.
3. Unallocated EHA funds: continue EHA projects consistent with original EHA allocation policies, for services with demonstrated effectiveness, through existing contracts or supplemental RFPs as needed to fund specific services.

Proposal for Restructured System of Housing and Services for Homeless Single Adults in Downtown Portland

1. Goal: assist homeless persons to access stable housing and provide support needed to maintain stable housing
2. Funding assumptions: BCD, CAPO, and United Way will fund FY93-94 homeless single services at FY 92-93 levels, and CAPO will reallocate a portion of rent assistance funds used for singles for assistance with deposits and rents
3. Implementation: Existing resources will not be reallocated from other populations to fund the singles system. Resource development will be for all populations.



MULTNOMAH COUNTY COMMUNITY ACTION COMMISSION

421 SW Fifth #200

Portland OR 97204

(503) 248-5464

FAX (503) 248-3332



October 13, 1993

Chair Bev Stein
106/1400

Dear Chair Stein,

The Multnomah County Community Action Commission (MCCAC) strongly endorses the resolution for the Board of County Commissioners to approve the recommendations from the Housing and Community Development Commission (HCDC) regarding allocation of PILOT revenues. These recommendations are as follows: 1) that \$25,000 fund homeless advocacy activities through the Community Action Program Office (CAPO) for FY 93-94; 2) that up to \$100,000 reimburse the County for costs incurred by the Youth Program Office (YPO) to provide 24-hour safe place services for downtown homeless youth in 1992-93; 3) that \$100,000 fund the provision of 24-hour safe place services for downtown homeless youth in 1993-94; 4) that all residual and unobligated future PILOT funds be allocated to CAPO for direct client assistance linked with housing for low-income residents of Multnomah County.

The Commission believes this allocation plan reflects a responsible consensus within the emergency basic needs service system in Multnomah County on the best and most effective use of PILOT funds.

The Commission, acting in its capacity as the Community Action Administering Board in accordance with Ordinance #665 urges the Board of County Commissioners to approve this final plan for allocation of PILOT revenues.

Sincerely,

Ikhlas Shah, Vice Chair
Multnomah County Community Action Commission

SHARRON KELLEY
Multnomah County Commissioner
District 4



Regular Meeting
11-2-93
Handout #1
R-8
Portland Building
1120 S.W. Fifth Avenue, Suite 1500
Portland, Oregon 97204
(503) 248-5213

Proposed Amendment to R-8, November 4, 1993
Resolution Approving Allocation of PILOT Revenues

Add to page 2 of the Resolution as a second Therefore It Is Resolved Clause:

"THEREFORE IT IS FURTHER RESOLVED that the Board of Commissioners be provided with an annual reporting on the distribution of PILOT funds as well as a performance review of the implementation of the PILOT allocations."

1722L - 33

Motion
SK/TC

App



MULTNOMAH COUNTY OREGON

*Regular Meeting
11-2-93
Handout #2
R-8*

DEPARTMENT OF SOCIAL SERVICES
HOUSING AND COMMUNITY SERVICES DIVISION (503) 248-3339
COMMUNITY ACTION PROGRAM OFFICE (503) 248-5464
421 S.W. FIFTH, SECOND FLOOR
PORTLAND, OREGON 97204-2221
FAX # (503) 248-3332

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Service Providers & Community Action Agency Committee
FROM: *Wendy*
Wendy Lebow, Housing and Community Services
DATE: October 18, 1993
SUBJECT: Rent Assistance Evaluation

This outlines a proposal for evaluating local rent assistance programs for effectiveness. First, some background. The recent evaluation of EHA-funded services did not include an evaluation of rent assistance services because follow-up data were not available. A recommendation of the report is that an evaluation of rent assistance funds be conducted in the current and subsequent fiscal years (FY93-94 and FY 94-95). This recommendation was incorporated in the allocation plan for PILOT funds which was recently adopted by the Community Action Commission and the Housing and Community Development Commission.

Following are proposed suggestions for the parameters for the rent assistance outcome evaluation and timeline.

Evaluation Questions

Questions that the evaluation of rent assistance funds hopes to answer:

1. What uses of rent assistance are most effective in providing housing stability (long-term vs. short term, prevention of homelessness vs. serving homeless persons, etc.)?
2. What presenting issues does rent assistance most effectively assist in resolving? Are there times when rent assistance is ineffective?
3. Does providing case management in conjunction with rent assistance increase housing stability?

Scope of Evaluation

I propose that the evaluation include the rent assistance programs administered through the Community Action Program:

- ◆ EHA/Pilot funds - short-term assistance (30 days; up to \$600),
- ◆ CAPO/Homeless Families Emergency Assistance - coordinated with Adult and Family Services (30 days; up to \$1200),
- ◆ LIRHF funds - families at risk of homelessness (up to 6 months), and

And the program administered through the Housing Authority:

- ◆ HUD HOME funds, the Rent Assistance and Supplement Program (RASP) (up to 24 months; amount based on formula).

We are working closely with housing authority staff, who are very interested in being active participants in the evaluation. Ideally, we would compare outcomes for people who received rent assistance with those who were similar but did not receive the assistance. Unfortunately, the resources needed to conduct this type of true program evaluation are not available to us.

The MIS Connection

Information for an evaluation is most useful if it is collected systematically and consistently by agencies providing the rent assistance and services. At the same time, a major objective is to avoid imposing on service providers yet another set of requirements and paperwork.

It appears to me that the best way to satisfy both of these concerns is to bring together two streams that have been discussed by service providers, our Division and others in the community. The rent assistance program evaluation is a logical impetus for actually developing the systemwide client tracking system we have been discussing for years.

A client tracking system is in the very early stages of development with a year-old homeless family housing stabilization grant from the U.S. Department of Health and Human Services. The grant involves three community service centers, and the housing authority. It also coordinates forms with yet another grant-funded program, SAFAH.

While the proposal of initiating the MIS for this is ambitious, I believe it represents a reasonable step to begin making our system more coordinated, agency-friendly and streamlined.

Timeline

Oct. 27, '93	CASP meeting: present concept and obtain feedback. Hand out draft client tracking forms.
Oct. 28	Community Action Agency Committee: brief committee on concept
Nov. 17	Give feedback on forms
Nov. 17	Meeting to discuss MIS and evaluation issues
Nov. 24	CASP meeting: update on progress
Dec. 8	CAC meeting: brief on rent evaluation plan
Jan. 1, '94	Begin filling out forms developed
Jan. 26	CASP meeting: update on progress
Jan. to July	Agencies hooked up and on-line with MIS
Feb. 23	CASP meeting: update on progress (and future, as needed)
Jan. '95	Interim evaluation report
Oct. '95	Complete data collection for evaluation
Jan. '96	Final evaluation report

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Approving Recommendations)
From the Housing and Community Development)
Commission (HCDC) Regarding Allocation of)
PILOT Revenues.)

RESOLUTION

WHEREAS, Federal and State statutes permit the Housing Authority of Portland (HAP) to make payments in lieu of taxes (PILOT) to local taxing jurisdictions, and

WHEREAS, The City of Portland (City), Multnomah County (County) and the Portland Public School District No. 1 (District) entered into an intergovernmental agreement (IGA #500453) on May 10, 1993 defining the distribution formula for PILOT funds for the next 10 years, and

WHEREAS, IGA #500453 designates the City as the agent for the receipt and disbursement of PILOT funds pursuant to the IGA, and

WHEREAS, on June 2, 1993 HAP transferred \$1,157,886.97 in PILOT funds to the City, and

WHEREAS, future payments are estimated at approximately \$192,000 annually, of which the IGA directs \$50,000 annually to the District for the first four years of the agreement, and

WHEREAS, after other disbursement requirements, the IGA directed the City to disburse the residual PILOT funds (\$437,000) and any future unobligated PILOT funds to "housing and housing-related activities in a manner to be determined by the HCDC and approved by the City and County", and

WHEREAS, on September 8, 1993 the HCDC adopted the following PILOT allocation recommendations from the Multnomah County's Housing and Community Services Division (Division) through the Multnomah County Community Action Commission:

1. \$25,000 in residual PILOT funds be allocated to the Division for homeless advocacy activities in fiscal year 1993-94;
2. Up to \$100,000 in residual PILOT funds be allocated to reimburse the Division for costs incurred to provide 24-hour safe place for downtown homeless youth in fiscal year 1992-93;
3. \$100,000 in residual PILOT funds be allocated to the Division for 24-hour safe place services for downtown youth in fiscal year 1993-94; and

4. All residual and unobligated future PILOT funds be allocated to the Division for direct client assistance linked with housing for low-income residents of Multnomah County as described in Exhibit A.

THEREFORE IT IS RESOLVED that the Board of County Commissioners approves the recommendations of the HCDC for the future allocation of PILOT revenues.

APPROVED this _____ day of _____, 1993.

MULTNOMAH COUNTY, OREGON

By _____
Bev Stein
Multnomah County Chair

REVIEWED:
LAURENCE KRESSEL, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By  _____

10/93

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Approving Recommendations)	
From the Housing and Community Development)	RESOLUTION
Commission (HCDC) Regarding Allocation of)	93-365
PILOT Revenues.)	

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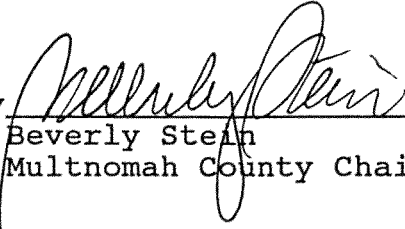
THEREFORE IT IS RESOLVED that the Board of County Commissioners approves the recommendations of the HCDC for the future allocation of PILOT revenues.

THEREFORE IT IS FURTHER RESOLVED that the Board of Commissioners be provided with an annual reporting on the distribution of PILOT funds as well as a performance review of the implementation of the PILOT allocations.

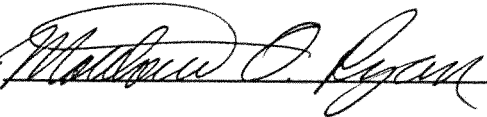
APPROVED this Fourth day of November, 1993.



MULTNOMAH COUNTY, OREGON

By 
Beverly Stein
Multnomah County Chair

REVIEWED:
LAURENCE KRESSEL, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By 

10/93

Page 2 of 2

pilot94.res

11/4/93:1

SHARRON KELLEY
Multnomah County Commissioner
District 4



Portland Building
1120 S.W. Fifth Avenue, Suite 1500
Portland, Oregon 97204
(503) 248-5213

MEMORANDUM

TO: Clerk of the Board
Board of County Commissioners

FROM: Sharron Kelley

RE: Early Departure from Board Meetings

DATE: November 2, 1993

I will depart early from the November 4th Board meeting to participate in a Tri-Met meeting to discuss and obtain first hand information on the light rail system and how it might effect east Multnomah County.

I will also depart early from the November 23rd Board meeting to attend the Gresham PMCoA Award Ceremony.

1701L-31

BOARD OF
COUNTY COMMISSIONERS
1993 NOV - 3 PM 3:55
MULTNOMAH COUNTY
OREGON