



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: 09/23/13)

## Board Clerk Use Only

Meeting Date: 12/5/13  
Agenda Item #: R.15  
Est. Start Time: 11:50 am  
Date Submitted: 11/26/13

**Agenda Title:** RESOLUTION Vacating a Portion of Two Public Roads, Pursuant to ORS 368.326 to 368.366

*Note: Title should not be more than 2 lines but sufficient to describe the action requested. Title on APR must match title on Ordinance, Resolution, Order or Proclamation.*

**Requested Meeting Date:** 12/5/13  
**Time Needed:** 5 minutes  
**Department:** Community Services  
**Division:** Land Use & Trans Program  
**Contact(s):** Brian Vincent P.E., Multnomah County Engineer, or Patrick Hinds, ROW Manager  
**Phone:** (503) 988-5050 **Ext.** 29642 **I/O Address:** 425/2  
**Presenter Name(s) & Title(s):** Patrick Hinds, Transportation Right of Way Manager

## General Information

### 1. What action are you requesting from the Board?

The Land Use and Transportation Program requests that the Board approve the attached Resolution vacating a portion of two public roads, situated in East Multnomah County based on a citizen petition as allowed under ORS Chapter 368.

### 2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The two public roads known as Main Street and Cliff Street were created by the plat for Bridal Veil Heights (Plat), which was recorded in June of 1890. Later, the Columbia River Highway bisected the Plat and impacted the roads created by the Plat including Main Street and Cliff Street. The petitioners own property, of which the improvements on the property encroach into portions of the area shown on the Plat as the right of way for Main Street and Cliff Street. The construction of the improvements on petitioners' property appears to have happened in the 1920's.

The petitioners are working to bring the property into compliance with applicable land use regulations. The vacation of the existing right of way of a portion of Main Street and Cliff Street will resolve the encroachment issue. No abutting properties will be land-locked by the proposed road vacation.

The petition contains the acknowledged signatures of owners of 100 percent of private

property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting public property proposed to be vacated, including the State of Oregon Parks and Recreation Department (an abutting property owner). In addition, the Oregon Department of Transportation, the road authority for the Historic Columbia River Highway supports the petition.

The Land Use and Transportation Program recommends that the County approve the vacation of the portions of the two public roads Main Street and Cliff Street, as more particularly described in Exhibit 1 to the Resolution.

A copy of the petition is attached to the Resolution as Exhibit 2.

**3. Explain the fiscal impact (current year and ongoing).**

There is no fiscal impact to Multnomah County. This public Right of Way is not maintained by Multnomah County, and no public money is spent on this road. All costs associated with this vacation request are the responsibility of the petitioner.

**4. Explain any legal and/or policy issues involved.**

The County Engineer, as required by ORS 368.351(1), has reviewed the petition and finds that the portions of the public road to be vacated are no longer needed for public purposes. Further, the County Engineer has determined the vacation of the road as set forth in the proposed resolution, to be in the public interest. Because of the 100% support of both private and abutting property owners for this proposed vacation as noted above, under the authority of ORS 368.351, the County may proceed to complete this vacation without additional notice and publication.

This Agenda Placement Request constitutes the written report to be filed with the County Board by the County Road Official under ORS 368.351(1)

**5. Explain any citizen and/or other government participation that has or will take place.**

This is a citizen-initiated petition.

The portion of the public road being vacated is located entirely within the County.

The proposed action is consistent with community involvement, development, and any applicable intergovernmental cooperation.

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**Required Signature**

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**Elected  
Official or  
Department**

**Director:** Kim Peoples /s/

**Date:** November 27, 2013

*Note: Please submit electronically. Insert names of your approvers followed by /s/ - we no longer use actual signatures. Please insert date approved.*