

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 06-178

Vacating a Portion of a Public Road, Located in an Unincorporated Area of Northwest Multnomah County, Pursuant to ORS 368.326 to 368.366

The Multnomah County Board of Commissioners Finds:

- a. The portion of a 10 foot-wide public road affected by this vacation was originally created by the ARMONA subdivision plat, recorded June 8, 1909, in Book 475, Page 5, and is shown on the Revised Plat of ARMONA, recorded October 18, 1911, Multnomah County Plat Records. This public road is unimproved.
- b. The portion of the public road to be vacated is more particularly described as:

A 10 foot wide alley between Block 3 and Block 4 of the Revised Plat of Armona, in the S.E. ¼ of the S.E. ¼ of Section 28, Township 2 North, Range 1 West, Willamette Meridian.
- c. Multnomah County does not maintain or have plans to develop this portion of public road.
- d. Jeffrey and Kay Kee, petitioners, have submitted a petition to vacate this public road, which is in compliance with ORS 368.341(3). A copy of the petition is attached as an exhibit to the Agenda Placement Request Memorandum (APR).
- e. As allowed under ORS 368.351, the above referenced petition:
 - contains the acknowledged signatures of owners of 100 percent of any private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting any public property proposed to be vacated; and
 - indicates the owners' approval of the proposed vacation.
- f. In addition, the appropriate County Road Official has filed a written report pursuant to ORS 368.351(1) that contains an assessment that the proposed vacation of public property is in the public interest. (See APR.)
- g. Pursuant to ORS 368.351, the County may make a determination about this vacation without additional notice and publication required under ORS 368.346.
- h. The entire portion being vacated will remain subject to the rights of any existing public utility that has improvements located within the existing right of way.

- i. As required under MCC 27.054, the County has received a total of \$1265.00 from the petitioner, of which \$200.00 applies to the feasibility study that was performed by the County. The remaining \$1065.00 will be applied to the vacation proceeding. The total costs for this vacation, including administrative costs, are \$1807.07. Administrative costs include staff time for research, review, analyses, advertising, and document preparation. The balance owed by the petitioner at the date of this hearing is \$542.07.
- j. Vacation of the County's right-of-way interest in this property serves the public interest.

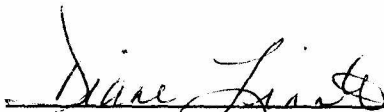
The Multnomah County Board of Commissioners Resolves:

- 1. Subject to the petitioner's payment of all funds due as provided under MCC 27.054, the public road as more particularly described in Finding b above, is vacated, excepting the easement rights any existing utilities may have in the vacated property under ORS Chapter 368.
- 2. Pursuant to MCC 27.054, the total cost for this vacation proceeding incurred by the County is \$1807.07, and Jeffrey and Kay Kee, the petitioners, are directed to pay the remaining amount of \$542.07 to the County.
- 3. The Land Use and Transportation Program of the Department of Community Services will record and file this Resolution in accordance with ORS 368.356(3), only upon receipt of the total amount due under MCC 27.054.
- 4. Upon the recording and filing of this Resolution, the County Surveyor will mark the plat, if applicable, as provided under ORS 271.230.

ADOPTED this 19th day of October, 2006.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

| | |
|------------------|----------|
| Meeting Date: | 10/19/06 |
| Agenda Item #: | R-10 |
| Est. Start Time: | 10:12 AM |
| Date Submitted: | 10/02/06 |

BUDGET MODIFICATION: -

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|----------------------|--|
| Agenda Title: | RESOLUTION Vacating a Portion of a Public Road, Located in an Unincorporated Area of Northwest Multnomah County, Pursuant to ORS 368.326 to 368.366 |
|----------------------|--|

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

| | | | |
|------------------------|---------------------------------|------------------------|--------------------------|
| Date Requested: | October 19, 2006 | Time Requested: | 5 minutes |
| Department: | Community Services | Division: | Land Use & Trans Program |
| Contact(s): | Robert Maestre | | |
| Phone: | 503-988-3712 | Ext. | 83712 |
| I/O Address: | 455/2 | | |
| Presenter(s): | Robert Maestre or Patrick Hinds | | |

General Information

1. What action are you requesting from the Board?

The Land Use and Transportation Program recommends that the Board approve the attached Resolution vacating a portion of an un-named public road, situated in Northwest Multnomah County.

2. Please provide sufficient background information for the Board and the public to understand this issue.

Situated in the Southeast One-Quarter of Section 28, Township 2 North, Range 1 West, W.M., This public road was originally created by the Plat of Armona, recorded on June 8, 1909 and being subsequently shown on the the Revised Plat of Armona, recorded October 18, 1911 in Multnomah County Plat Records.

This public road, being 10 feet in width and approximately 118 feet in length, is not improved and Multnomah County does not maintain this public road. The area being considered for vacation is not being used for transportation purposes today.

A copy of the petition is attached to this report, as Exhibit 1. A vicinity map is attached to this report as Exhibit 2. The areas being proposed for vacation is more particularly described in this petition and in Exhibit A attached to the Resolution.

The vacation petition being considered today contains the acknowledgement and consent of 100% of the abutting and adjoining property owners, as defined by ORS 368.336. Title to the area being vacated will vest as provided by ORS 368.366(1)d.

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

None. This public road is not maintained by Multnomah County. 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 Road Official, as required by ORS 368.351(1), has reviewed the petition and finds that this public road is no longer needed for public purposes and declares the vacation of this portion of this 10 foot wide public road, as described in Exhibit A attached to the Resolution, to be in the public interest.

This proposed vacation of a public road was initiated by a petition from an abutting property owner, which contains the consent of 100 percent of the remaining abutting property owners. Therefore, under ORS 368.351, the County may proceed to complete this vacation without additional notice and publication.

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

This is a citizen-initiated petition.

This public road is located in an area of Multnomah County that is unincorporated. The proposed action is consistent with community involvement, development, and any applicable intergovernmental cooperation.

Required Signatures

**Department/
Agency Director:**

Robert A Maestre

Date: 10/02/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

Original

EXHIBIT 1
ROAD VACATION PETITION

Re: Completion of Alley Vacation Request

May 20, 2006

Dear Mr. Hinds,

In response to your letter of April 20, 2006 stating the County would support the proposed vacation of a platted alleyway, we would like to continue the process to completion.

We continue to request that the 10 foot wide alley between Block 3 and Block 4 of the Revised Plat of Armona, in the SE ¼ of the SE ¼ of section 28, Township 2 North, Range 1 West, Willamette Meridian, be vacated. I own both blocks. Block 3 was identified on my last tax bill as Account No. R108984. Block 4, R108985.

The reason for our request for vacation is the fact that the current location of this alley, restricts full utilization of our properties.

Please find the enclosed check for \$1065.00 and a copy of our notarized intent to accept said alleyway, to complete the process of vacation.

Please and call or write if you have any questions or additional needs.

Thank You,



Jeffrey & Kay Kee
13642 NW Riverview Drive
Portland, Or
97231-2200
503-240-0233
503-939-7939 c ph
jkee@hevanet.com

enc: Check for \$1065

Affidavit Attesting to Acceptance of Real Property

ACKNOWLEDGEMENT AND CONSENT TO PROPOSED ROAD VACATION

We the undersigned do hereby declare that we own all the property abutting a 10 foot-wide public road strip of land situated between Blocks 3 and 4 of the REVISED PLAT OF ARMONA, located in the S.E. ¼ of the S.E. ¼ of Section 28, Township 2 North, Range 1 West, Willamette Meridian, Multnomah County, Oregon; and that we acknowledge and consent to the proposed vacation.



 Jeffrey Kee



 Kay Kee

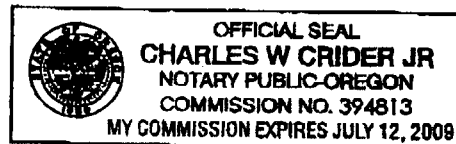
STATE OF OREGON)
) ss
 County of Multnomah)

This instrument was acknowledged before me on Sept 25th, 2006.
 Personally appeared the above named Jeffrey Kee and Kay Kee and acknowledged the foregoing instrument to be their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.



 Notary Public for Oregon



My Commission Expires: July 12, 2009

HINDS Patrick J

From: Jeffrey A Kee [jkee@hevanet.com]
Sent: Friday, August 25, 2006 8:55 AM
To: HINDS Patrick J
Subject: Kee Alley Vacation request order no. 804403

August 25, 2006

To whom it may concern,

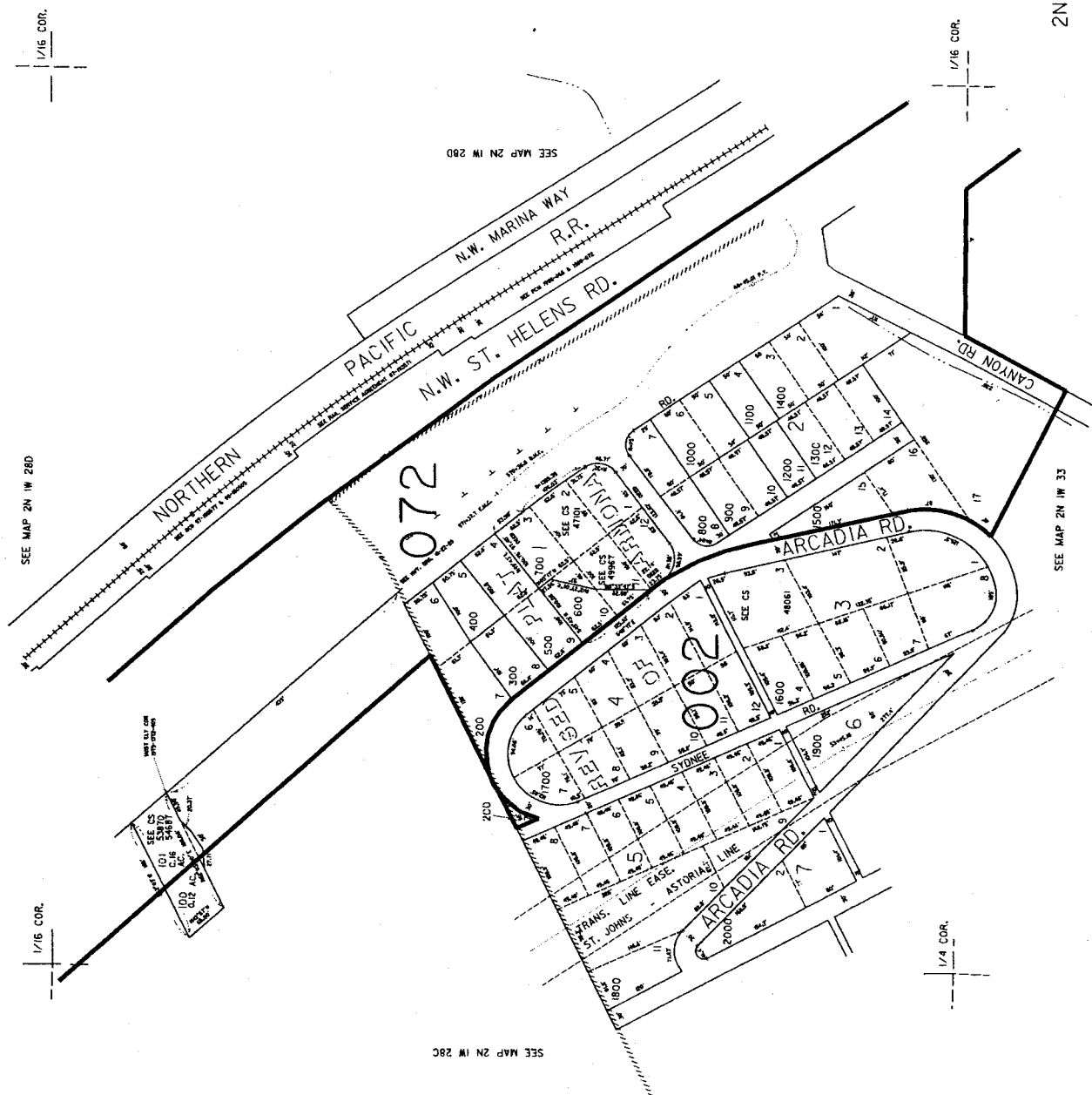
There are no utilities located in the alley-way located between blocks 3 & 4 as shown on the Revised Plat of Armona, in Multnomah County, Or T2N, R1W, Sec 28 WM.

Jeffrey Kee
13642 NW Riverview Dr
Portland, Or 97231-2200
503-240-0233

8/25/2006

SE1/4 SE1/4 SEC. 28 T.2N. R.1W. W.M.
MULTNOMAH COUNTY
1"= 100'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



.../MAPS/MULT/2N1W/2N1W28DC.DGN 04/16/2004 12:40:57 PM

EXHIBIT 2

VICINITY MAP

MULTNOMAH

COUNTY

~~97231~~

RIVER
JUNCTION

UNITED
JUNCTION

MILLER

**AREA TO BE
VACATED**