

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 98-170

RELATING TO THE DISSOLUTION AND LIQUIDATION OF THE SECTION LINE  
DRAINAGE DISTRICT (ORS 198.330 *ET SEQ.*)

The Multnomah County Board of County Commissioners finds:

- (a) The Section Line Drainage District (District) owns two parcels of property in the City of Gresham: TL 2100, Section 4CB, T1S, R3E, Multnomah County (.18 acre) and TL 1100, Section 5DA, T1S, R3E, Multnomah County (.11 acre). (Exhibit A, map of District and deeds dated June 29, 1923, May 29, 1956 and March 22, 1965).
- (b) The only other known asset of the District is the sum of \$200 shown on the registry of the United States District Court. This sum is the amount due the District from funds paid by Northwest Pipeline Corporation in a condemnation suit, Case No. CV '95-974-AS, for a pipeline easement through Tax Lot 1100.
- (c) The District lies within the Fairview Creek Basin and was created prior to 1940 under the authority of ORS chapter 547 for the purpose of handling run-off drainage water from surrounding rural farmland along Division and Birdsedale Avenue (now 202nd).
- (d) Multnomah County Assessment & Taxation records show the District is tax exempt.
- (e) Tax Supervising and Conservation Commission records show the last budget on file for the District was for 1964.
- (f) On August 20, 1968, and January 21, 1971, the District submitted written requests to Multnomah County to investigate and consider formation of a County Service District to assume the operation and maintenance of the District. District board members Frank Battaglia, A. D. Ekstrom, D. W. Arnell and Verl Shoull signed the second request.
- (g) City of Gresham consent to the formation of a County Service District was necessary because part of the District was within the city. The Gresham City Council consented to formation of a County Service District on March 17, 1971.

- (h) Local municipalities considered formation of a regional improvement district. It would have addressed surface drainage problems throughout the area including Fairview Creek Basin and Johnson Creek Basin. Such a district was not formed.
- (i) The last known District action was a letter to Robert Nordlander, County of Multnomah, dated October 7, 1972, from D. W. Arnell, Secretary of the District.
- (j) In 1974 the City of Gresham annexed property that included the entire District territory.
- (k) The City of Gresham is now planning and designing a stormwater project for the Fairview Creek Basin. The project will require channel improvements to Fairview Creek involving the two parcels of property owned by the District.
- (l) The City of Gresham on June 9, 1995 formally requested the dissolution of the District and transfer of the property to the City.
- (m) In support of its request for dissolution and liquidation of the District, the City of Gresham investigated the status of the District. There were no records of the election of District board members or any District actions since the early 1970's. There was also no record that the District had been dissolved.
- (n) Northwest Pipeline Corporation obtained an Order of Default against the District on October 20, 1995, in its condemnation suit for a pipeline easement over Tax Lot 1100 filed in the United States District Court for the District of Oregon, Case No. CV '95-974-AS. On January 3, 1996, the Court entered a Judgment in which just compensation for the condemned easement was established at \$200.00.
- (o) The District has failed regularly to elect District board members in accordance with ORS Chapter 547.
- (p) ORS 198.330 *et seq.* authorizes the Board of Commissioners to initiate dissolution procedures if a district has no elected board members and dissolution is determined to be in the best interest of the people of the county. The Board of Commissioners may act as a board of trustees on behalf of the district in the absence of qualified district board members.
- (q) This resolution containing the only known financial information about the District shall be considered the financial statement required by ORS 198.355(1).

(r) Plan for dissolution and liquidation:

- (1) The Section Line Drainage District shall be dissolved and its assets liquidated.
- (2) The only known assets of the District are the sum of \$200 held in the United States District Court Registry and two parcels of property in the City of Gresham: TL 2100, Section 4CB, T1S, R3E, Multnomah County (.18 acre) and TL 1100, Section 5DA, T1S, R3E, Multnomah County (.18 acre). There are no known liabilities of the District.
- (3) The Board of Commissioners will act as a board of trustees on behalf of the District in the absence of qualified District board members and shall publish notice of hearing on the dissolution and liquidation of the District in the Daily Journal of Commerce, a newspaper of general circulation within Multnomah County and designated by the Board of Commissioners for legal publications.
- (4) Upon entering an order of dissolution, the Board of Commissioners will file an Order for Disbursement of Funds with the United States District Court of the District of Oregon, Case No. CV '95-974-AS, directing that the \$200 held in the Court Registry be disbursed to Multnomah County, and will execute deeds transferring the District real property to the City of Gresham.

THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS RESOLVES:

1. It is in the best interest of the people of the Multnomah County that the Section Line Drainage District is dissolved and its assets liquidated.
2. The above findings of fact and plan for dissolution are approved.
3. A hearing on the question of District dissolution shall be set for November 12, 1998 before the Board of Commissioners.
4. Notice of the hearing shall be published once a week for three consecutive weeks in the Daily Journal of Commerce, a newspaper of general circulation within the county, with the first publication on October 23, 1998.
5. At the conclusion of the hearing, the Board of Commissioners may approve an order dissolving the Section Line Drainage District, authorizing an order be filed in the U.S. District Court, Case No.

CV '95-974-AS, disbursing the sum of \$200.00 to Multnomah County, and authorizing the Chair to execute deeds transferring the two parcels of property to the City of Gresham.

ADOPTED this 22nd day of October, 1998.




BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By

  
Beverly Stein, Chair

REVIEWED:

  
Thomas Sponsler, County Counsel

H:data/Sponsler/Resolutions/SectionLineDrainage

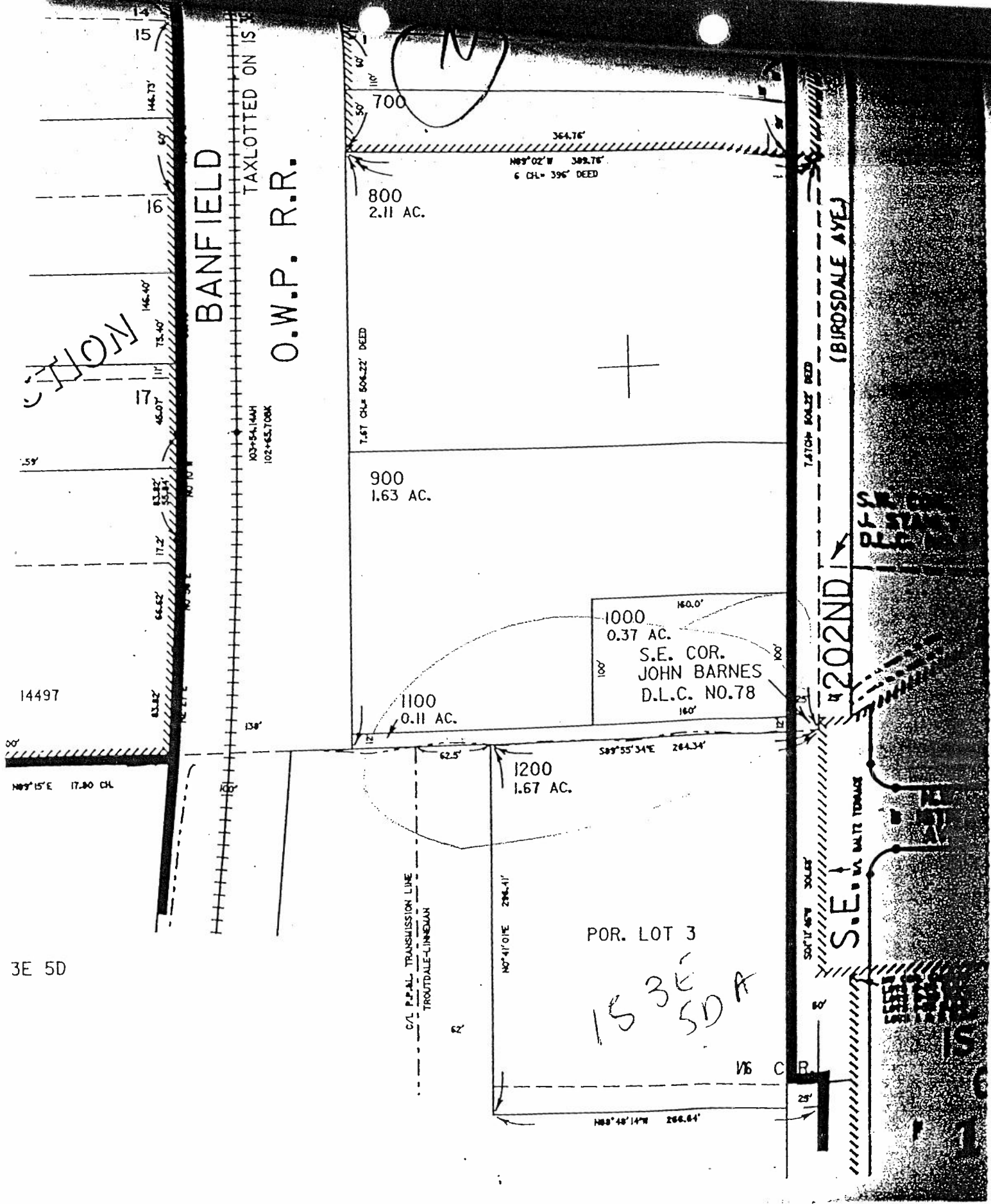


EXHIBIT A

SEE MAP IS 3E 5DA

S.E. COR.  
D.L.C. NO.78

JOHN BARNES  
202ND W/L AVE.

300  
9.76 AC.

SW COR.  
J. STANLEY  
D.L.C. NO.67

301  
0.06 AC.

2100  
0.18 AC.  
BOR. LOT 5

BAL-11  
3

N.W.

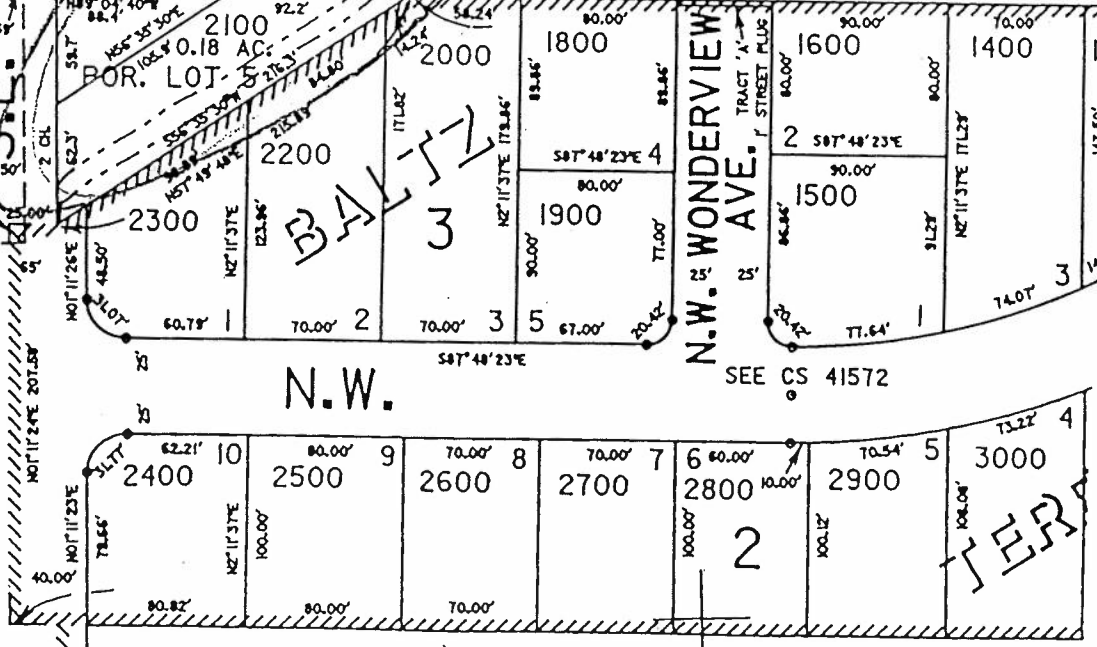
S/L

1700

N.W. WONDVIEW  
25' TRACT 'A'  
STREET PLUG  
AVE.

SEE CS 41572

60 R00S= 990'



1 S 3E 4  
1 S 3E 4 CB

KNOW ALL MEN BY THESE PRESENTS, that E. P. BALTZ and MARJORY BALTZ, husband and wife, in consideration of FIVE HUNDRED SEVENTY DOLLARS (\$570.00) to them paid by SECTION LINE DRAINAGE DISTRICT, a public corporation, do hereby grant, bargain, sell and convey unto the said grantee, its successors and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Multnomah and State of Oregon, bounded and described as follows, to-wit:

R. LOCAL ENTITY  
REQ BY STATE  
WITH SEC ST DEPT OF

A parcel of land in Section 4, Township 1 South, Range 3 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

1.10



Beginning at a point in the East line of S.E. 202nd Avenue (Birdedals Road), 59.7 feet South along said East line from the South line of the Jeremiah Stanley Donation Land Claim; thence North  $56^{\circ}35'30''$  East 105.9 feet to the South line of said Stanley Donation Land Claim; thence South  $89^{\circ}04'40''$  East along said South line 92.2 feet to an iron pipe; thence South  $56^{\circ}35'30''$  West 216.31 feet, to a point in the East line of S.E. 202nd Avenue; thence North along said East line 62.3 feet to point of beginning.

TO HAVE AND TO HOLD the above described and granted premises unto the said grantee, its successors and assigns forever.

RECEIVED 5-18-4166

And the grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances, and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

WITNESS their hands and seals this 29<sup>th</sup> day of May, 1956.

E. P. Baltz (SEAL)

Marjory Baltz (SEAL)

STATE OF OREGON )  
County of Multnomah ) ss

On this 29<sup>th</sup> day of May, 1956, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named E. P. BALTZ and MARJORY BALTZ, husband and wife, who are known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

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



Paul M. St. Cohn  
Notary Public for Oregon  
My Commission expires: 7-18-58



SSC

KNOW ALL MEN BY THESE PRESENTS, That JOSEPH HONG, a single person; GEORGE HONG, a single person; FRANK HONG, a single person; RUTH HONG, a single person; and LAURA HONG, a single person, hereinafter called the grantor, in consideration of TEN and no/100 (\$10.00) Dollars, and other good and valuable consideration, to grantor paid by HONG, INC., an Oregon Corporation, hereinafter called the grantee,

does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Multnomah and State of Oregon, described as follows, to-wit:

Beginning at the southeast corner of the John Barnes Donation Land Claim which point is on the section line between Sections 4 and 5, Township 1 South, Range 3 East of the Willamette Meridian, running thence Northerly tracing the East line of said Donation Land Claim, 7.67 chains to the south line of a certain piece of land sold by Stephen Roberts and wife to George Gruber; thence Westerly tracing said Southerly line 6 chains to a point; thence South 7.67 chains to the South line of said John Barnes Donation Land Claim; thence Easterly tracing said South line 6 chains to the place of beginning. Same being a part of the John Barnes Donation Land Claim, in the County of Multnomah and State of Oregon.

To Have and to Hold the above described and granted premises unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

In construing this deed and where the context so requires, the singular includes the plural.

WITNESS grantor's hand and seal this 22 day of March, 19 65.

Joseph Hong (SEAL)  
George Hong (SEAL)  
Frank Hong (SEAL)  
Ruth Hong (SEAL)  
Laura Hong (SEAL)

Personally appeared the above named Joseph Hong, George Hong, Frank Hong, Ruth Hong, and Laura Hong, on March 22nd, 19 65.

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Notary Public for Oregon

My commission expires

On Page 31  
In Book 268  
Witness my hand and seal of office affixed.  
SI COHN, County Clerk  
Deputy  
Form Co. Clk.-25 Recording Certificate

# WARRANTY DEED

Joseph Hong et al

TO  
HONG, INC.

AFTER RECORDING RETURN TO

Neil W Bush  
12213rd St  
Hillsboro, Ore

STATE OF OREGON, ss.  
County of Multnomah  
I, SI COHN, County Clerk, in and for said County, do hereby certify that the within instrument of writing was received for record and recorded in the record of DEED of said County at

1965 APR 8 AM 11 13

SI COHN, CO. CLERK  
MULTNOMAH COUNTY  
OREGON

No. 14101



THIS DEED, made this 29th day of June A D 1923, by and between R M Werby and Susan Werby, his wife, parties of the firstpart, and the Section Line Drainage District, a municipal corporation, party of the second part,

WITNESSETH: WHEREAS, there is a controversy existing between the said parties as to the construction and maintenance of a drainage ditch by the said party of the second part on the south side of and adjacent to the lands of the said party of the first party herein after described, and the said controversy has culminated in a suit for injunction now pending in the Circuit Court of the State of Oregon, for Multnomah County, by the said party of the second part against the said R M Werby, Register No. K-2997, and the said parties do now desire to mutually compromise and settle all phases of the said controversy

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements hereinafter set forth the said parties of the firstpart have bargained and sold, and do hereby grant, bargain, sell and convey unto the said party of the second part, its successors and assigns, the following described real property situated in Multnomah County, Oregon, to-wit

The South 12 ft. of the following tract, which said tract is described as, beginning at the Southeast corner of John Burns' Donation Land Claim in Section 5, Township 1, South Range 3, East of the Willamette Meridian; running thence North 7.57 chains; thence West 6 chains; thence South 7.57 chains; thence West 10° 15' East 6 chains to the place of beginning

And also an easement to construct and maintain a ditch in the county road on the east side of the said described tract not to exceed 12 ft. in width from east to west bounded on the west by the west line of the said county road, and extending along the said county road from the Southeast corner of said tract, 150 ft. more or less, to the northerly end of the said ditch as it now exists along the east side of the said tract

\$50 U S I R S (Cancelled)

TO HAVE AND TO HOLD, all and singular the said described premises together with all hereditaments, appurtenances and tenements thereunto belonging or in anywise appertaining unto the said party of the second part, its successors and assigns forever

And the said parties of the first part, for themselves, their heirs and assigns, covenant to and with the said party of the second part, its successors and assigns, that they will and shall maintain at their own cost and expense a fence on the North side of the said 12 ft. parcel first above described from the east to the west boundary of the said tract, to-wit, from the county road to the right-of-way of the Oregon Water Power & Railway Company, which fence shall be of a kind and character at all times sufficient to keep out of the said 12 ft. parcel first above described any and all animals kept or permitted on the remainder of the said tract above described, and further that they are the owners in fee simple of the said described tract hereby conveyed, and the said easement; that the same are free from all incumbrances, except the aforementioned county road, and that they will and their heirs and representatives shall warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, save as to said county road

And the said party of the second part for and in consideration of the said conveyance for itself, its successors and assigns covenant to and with the said parties of the first part, their heirs, representatives and assigns that it will cancel, remit and forever

refrain from collecting the assessment of benefits heretofore made by, and for the use and benefit of the said party of the second part against the said parties of the first part, and the above described tract in the sum of \$200.00, and the said party of the second part shall construct concrete walls on both sides of the ditch to be maintained under the said easement in the said road, which walls shall be four inches in thickness with sufficient cross bars of old railroad iron to render the structure permanent, and shall cover the said portion of the said ditch either with substantial planks or concrete (the choice between such planks and concrete to be at the option of the said party of the second part) and cover the said planks or concrete with a top coat of earth, so as to seal or close the said ditch, except that man holes may be left in said covers at intervals of sufficient frequency to permit the proper cleaning of said ditch and removal of obstructions therefrom, and the said party of the second part, its successors and assigns shall maintain such covering and all replacements and additions thereto at its own cost and expense, and the said party of the second part shall further construct a cement fill on the north side of the ditch on the said 12 ft. parcel first above described of such dimensions and density to prevent water from said ditch percolating into the well now situate on the remainder of the said tract near to said ditch, and maintain a substantial plank covering over the ditch on the east one hundred thirty-five feet of said twelve foot strip

IN WITNESS WHEREOF, we, the said parties of the first part, have hereunto set our hands and seals the day and year in this deed first above written

WITNESSES

James W Crawford

R M Norby

Seal

A M Crawford

Sephia Norby

Seal

STATE OF OREGON )

COUNTY OF MULTNOMAH ) SE

THIS IS TO CERTIFY, that on this 29th day of June A D 1923, before me the undersigned, a Notary Public in and for said state and county, duly commissioned and qualified, personally came the within named R M Norby and Sephia Norby, his wife, to me known to be the identical persons described in and who executed the foregoing deed and they acknowledged to me that they executed the same freely and for the purposes therein set forth

WITNESS my hand and notarial seal the day and year in this certificate first above written

(Notarial Seal)

James W Crawford

My commission expires Mar 28, 1924

Notary Public for Oregon

See for record July 7, 1923 at 10:58 A M

—o—

A N 54200

SUPPLE INVESTMENT CO TO BEAVER STATE INVESTMENT CO

KNOW ALL MEN BY THESE PRESENTS, That Supple Investment Co. a corporation duly organized and incorporated under the laws of the State of Oregon, in consideration of Ten Dollars and other consideration Dollars, to it paid by Beaver State Investment Co. does hereby grant, bargain, sell and convey to said Beaver State Investment Co. its successors and assigns forever, the following described parcel of real estate, situate, lying and being in the County of Multnomah and State of Oregon, to-wit:

South Half Lot Three (3) in Block Twenty-eight (28) Woodstock, an Addition to the City of Portland, County of Multnomah, State of Oregon. Free from all incumbrance except