

EXHIBIT B

RESOLUTION NO. 2681

A RESOLUTION CONCURRING WITH THE FINDINGS OF MULTNOMAH COUNTY IN VACATING A PORTION OF EAST BURNSIDE ROAD

The City of Gresham Finds:

A. ORS 368.361(3) provides that a county governing body may vacate property that is under the jurisdiction of the county and that is entirely within the limits of a city if that city, by resolution or order, concurs in the findings of the county governing body in the vacation proceedings.

B. Multnomah County has received a petition to vacate a portion of East Burnside Road that is entirely within the limits of the City of Gresham.

C. The portion of right-of-way being considered for vacation does not contain any public improvements.

D. The existing and planned improvements to this portion of East Burnside Road can be accommodated within the remaining right-of-way.

E. The findings of the Multnomah County Board of Commissioners represent an accurate assessment of the right-of-way vacation petition.

THE CITY OF GRESHAM RESOLVES:

To concur in the findings of the Multnomah County Board of Commissioners as reflected in a Multnomah County Resolution to be considered March 10, 2004 in the matter of a petition to vacate a portion of East Burnside Road located within the limits of the City of Gresham, a copy of which is attached hereto as Exhibit A.

Yes: Becker, Horner, McIntire, Bemis, Shields, Hanna

No: None

Absent: Haverkamp

Abstain: None

Passed by the Gresham City Council and effective on March 2, 2004

[Signature]
City Manager

[Signature]
Mayor

Approved as to Form:

[Signature]
Senior Assistant City Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Vacation Of A Portion Of East Burnside Road, County Road No. 2063, Pursuant To ORS 368.326 To 368.366.

The Multnomah County Board of Commissioners Finds:

- a. The portion of East Burnside Road affected by this vacation, was originally dedicated to Multnomah County for road purposes by a deed recorded in 1972. The property interest was acquired in conjunction with a road improvement project. The road improvement project has been completed and the portion of the right of way that is being considered for vacation is not needed for further public purposes and is declared surplus..
- b. The portion of East Burnside Road to be vacated is described as follows:

 "All of that portion of the following described real property in the City of Gresham, Multnomah County, Oregon, being a part of Tax Lots 34 and 130 in Section 4, 1S, 3E, WM, as shown on the 1971 Assessor's Map, more particularly described as follows:

 Beginning at the N.W. Corner of the J.P. Powell DLC; thence Easterly along the North line of the J.P. Powell DLC 1025.28'; thence N0°30'E to the south line of S.E. Burnside Road (County Raod Number 2063-80) and the true point of beginning; thence Southeasterly along said Southerly line of said S.E. Burnside Road to its intersection with the North line of the J.P. Powell DLC; thence Westerly along the North line of the J. P. Powell DLC to a point 1325.28' Easterly of the N. W. Corner of the J.P. Powell DLC; thence S 0° 30' W to a point that is 60 feet from the centerline of S.E. Burnside Road (when measured at right angles); thence Northwesterly along a line 60 feet from and parallel to the centerline of S.E. Burnside Road, to a point S 0° 30' W from the true point of beginning; thence N 0° 30' East to the said point of beginning."¹
- c. Petitioners, which include Gresham Land Partners 4, L.L.C., a Delaware limited liability company, have submitted a petition in compliance with ORS 368.341(3), containing the signatures and addresses of 100 percent of the abutting property owners of the property proposed to be vacated. A copy of the petition is attached to this Resolution as Exhibit A.
- d. Under ORS 368.351, because petitioners represent 100 percent of the ownership of the property to be vacated and the abutting property, the County may proceed to complete this vacation without additional notice and publication as would be required under ORS 368.346.

¹ As per deed recorded 1/4/1972, Bk. 832, Pg. 1451, Multnomah County Deed Records.

- e. Pursuant to MCC §7.054 Multnomah County is to be reimbursed for its administrative costs incurred with respect to this vacation proceeding. To date the County has received a total of \$1265.00 from the petitioners, of which \$200.00 applies to the feasibility study. The remaining \$1065.00 was applied to all other administrative costs, including but not limited to: posting notice of the vacation; staff time for research, review, analyses and drafting of the County Engineer's report and other documents. The total amount still due and owing the County is: \$3026.02.
- f. The portion of East Burnside Road being vacated will remain subject to the rights of any existing public utility located within the portion being vacated.
- g. The petition, requests that title to the above described portion of East Burnside Road to be vacated vest in the Gresham Land Partners 4, L.L.C., a Delaware limited liability company.
- h. The County Engineer has filed the required report pursuant to ORS 368.351(1) (See Agenda Placement Memorandum included with the Resolution) containing the Engineer's assessment that this proposed vacation is in the public's interest.
- i. As required by ORS 368.361(3), the County may vacate property that is under the jurisdiction of the county and that is entirely within the limits of a city, if that city, by resolution or order, concurs in the findings of the county governing body. The above described portion of East Burnside Road proposed for vacation is entirely within the limits of the City of Gresham, and the City, by Resolution No. _____ attached as Exhibit B, passed on March 2, 2004, concurs in this proposed vacation.

The Multnomah County Board of Commissioners Resolves:

- 1. The above-described portion of East Burnside Road, excepting any easement rights that any utilities may have in said property under ORS Chapter 368 is vacated as a public County Road.
- 2. That pursuant to ORS 368.366(2) title to the above described vacated property shall vest in the following name and no others: Gresham Land Partners 4, L.L.C., a Delaware limited liability company.
- 3. The County Surveyor will mark the plat, if necessary, as provided under ORS 271.230.
- 4. The total cost for this vacation proceeding incurred by the County is \$4,291.02, and main petitioner, Gresham Land Partners 4, L.L.C., is directed to pay the remaining amount of \$3026.02 to the County.
- 5. The Land Use and Transportation Division of the Department of Business and Community Services will record and file this Resolution in accordance with ORS

368.356(3), upon receipt of the amount owed to cover the County's incurred costs for this vacation proceeding.

6. This resolution will become effective at such time as the City of Gresham by resolution or order concurs in this action as required under ORS 368.361(3).

ADOPTED this 11th day of March 2004.

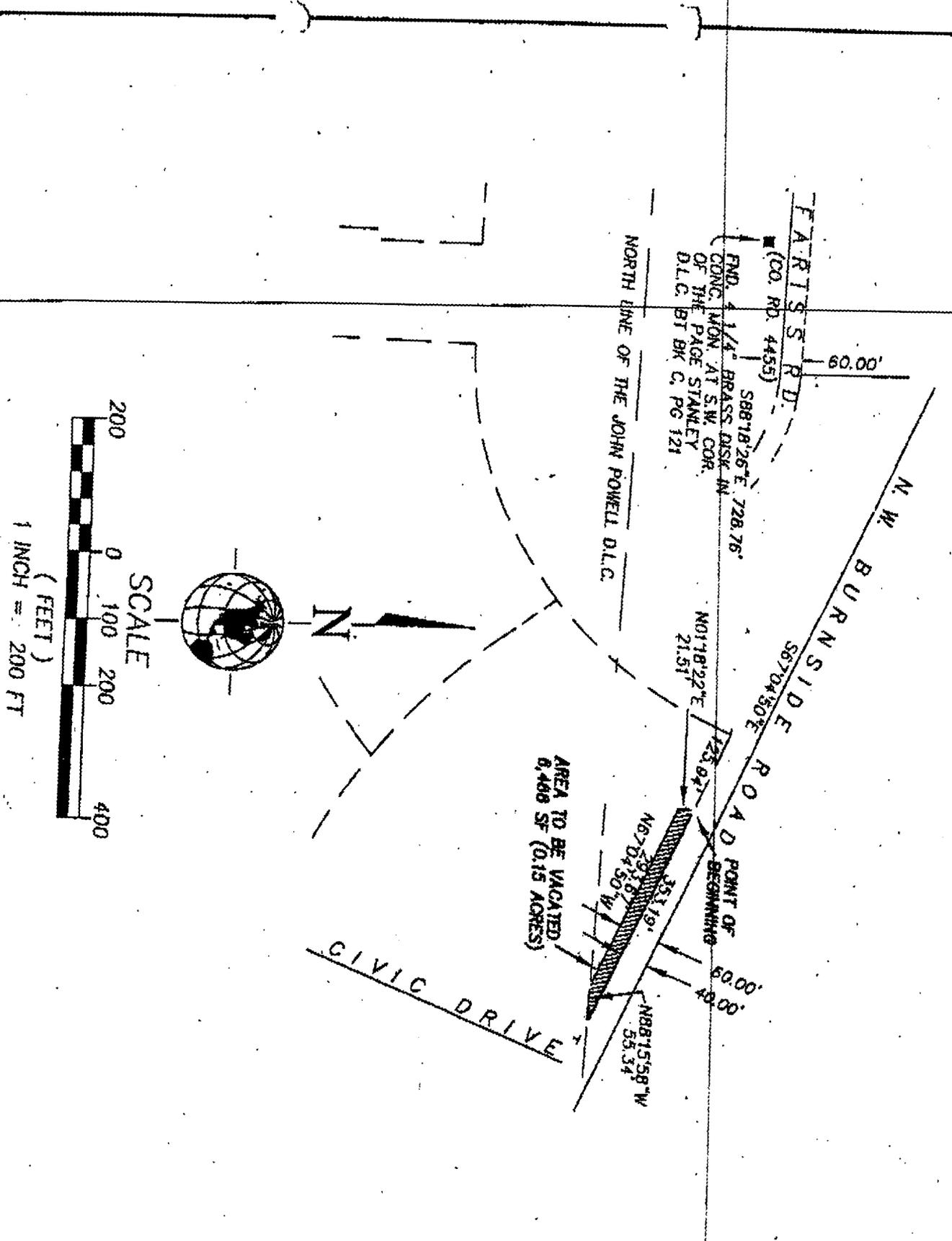
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney



DRAWN BY: J. SWART		CHECKED BY: J. BUTLER	
LAST EDIT:		APPROVED BY:	
DATE		PLOT DATE: 12/04/03	
BY	REVISION	REVISION	EX-DRAWN

W&H
 8700 SW Burnside Road
 Suite 300
 Portland, Oregon 97225
 503-253-1111
 www.wandh.com

EXHIBIT "B"
 SKETCH TO ACCOMPANY LEGAL DESCRIPTION
GRESHAM STATION NORTH
RIGHT-OF-WAY VACATION

GRESHAM
 SCALE: 1"=200'
 PROJECT NO. 30934
 DRAWING FILE NAME: GRESHAM
 1 SHEET

J. SWART (11/11/03) 11/11/03-309-34-02-01