

Road Vacation Petition

EXHIBIT 2

We have secured 100% approval from the Forest Heights Home Owners Association and 2/3 approval of the surrounding property owners. Elizabeth Denney wishes to proceed with the process of vacating the lower 12,902 square feet of unimproved road section of NW 101st Ave. The only adjacent properties are owned by Forest Heights HOA tax lot 1N1W26-300 & Elizabeth Denney tax lot 1N1W26-400. Vacating the road will remove the public right of way on the unimproved section of road eliminating the ability for people to trespass on owned parcels on either side and at the roads end. The existing road/right of way provides the only access to the portions of land owned by Forest Heights HOA & Elizabeth Denney. The Denney Family has worked with the Forest Heights HOA to grant easement on the lower section of our land for a sewer project for the expansion of Forest Heights HOA development. The Denney Family looks forward to working together with the Forest Heights HOA, City of Portland & Multnomah County to secure the completion of the road vacating project that will benefit both parcel owners upon completion. The use of this property after the vacation process would be left as open green space and restricted access to the Parcels listed above.

The Denney/ McDowell Family

Names and addresses of all persons holding any recorded interest in the property to be vacated below.

Owner Name & tax lot ID

Elizabeth Denney, tax lot 1N1W26-400

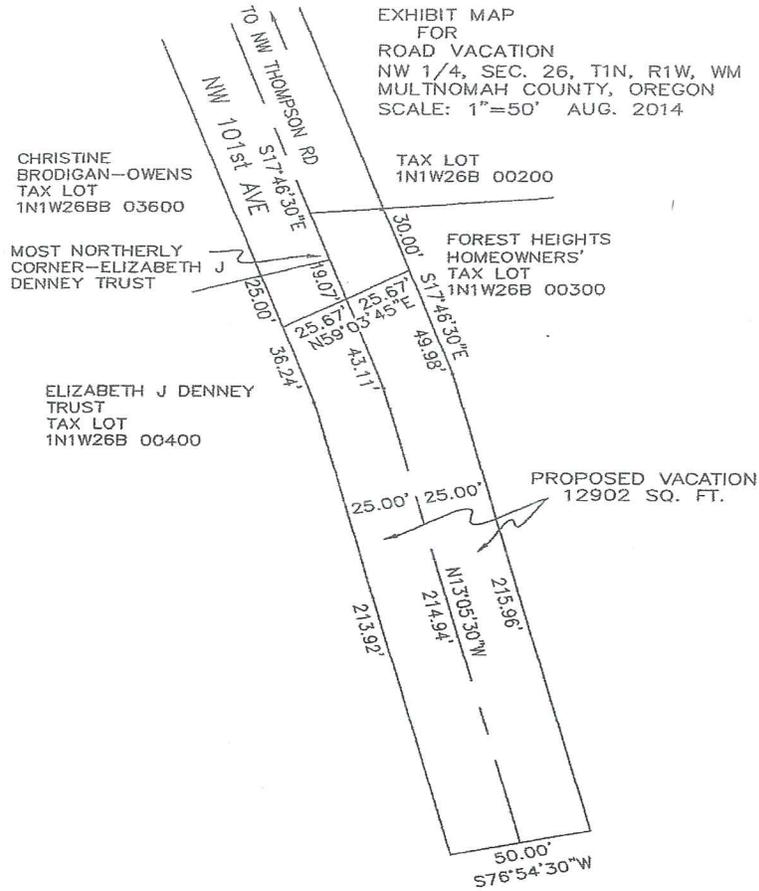
Forest Heights HOA, tax lot 1N1W26-300

Address:

3131 N.W. NW 101st Ave, Portland, Oregon 97229

2033 N.W. Miller road, Portland, Oregon 97229

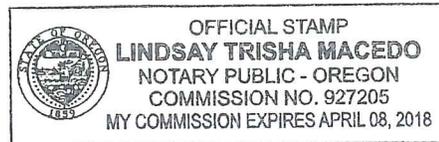
Elizabeth J. Denney I the real owner of the following described property owned by Elizabeth J. Denney Trust tax lot R324541/400. Do acknowledge and consent to the vacation of all that portion of the lower 213.92 feet consisting of 6352 square feet of the unimproved section NW 101st Avenue in Multnomah County as shown on the attached map.



Elizabeth J. Denney Elizabeth J. Denney

Notary Lindsay T. Macedo

Date 10-13-2015



CASWELL / HERTEL SURVEYORS, INC.

Professional Land Surveyors
info@chsurveyinc.com

• 6150 S.W. 124th Avenue •
Beaverton, Oregon 97008-4724

Telephone 503/644-3179
Fax 503/644-3190

LEGAL DESCRIPTION
FOR
DENNEY PORTION OF
NW 101st AVE
ROAD VACATION

A TRACT OF LAND, BEING A PORTION OF NW 101ST AVE, IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF THAT PROPERTY CONVEYED TO THE ELIZABETH J. DENNEY TRUST AS DESCRIBED IN DEED RECORDED IN DOCUMENT NO. 2011-034916; THENCE S17°46'30"E ALONG THE CENTERLINE OF SAID ROAD 19.07 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING S17°46'30"E ALONG SAID CENTERLINE 43.11 FEET TO AN ANGLE POINT; THENCE S13°05'30"E ALONG SAID CENTERLINE 214.94 FEET TO THE TERMINUS OF SAID CENTERLINE; THENCE S76°54'30"W ALONG SAID TERMINUS 25.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID ROAD; THENCE N13°05'30"W 213.92 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY LINE; THENCE N17°46'30"W ALONG SAID RIGHT-OF-WAY LINE 36.24 FEET; THENCE N59°03'45"E 25.67 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 6352 SQUARE FEET. REFERENCE IS MADE TO COUNTY SURVEY NUMBER 34854 AND BY THIS REFERENCE IS MADE A PART HEREOF.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Albert Hertel 8-1-14

OREGON
JULY 18, 1980
ALBERT HERTEL
1896

RENEWAL DATE: 6/30/2015

FOREST HEIGHTS HOMEOWNERS ASSOCIATION, INC.

2033 NW Miller Road, Portland, OR 97229

PHONE: (503) 297-9400 FAX: (503) 297-9408

E-MAIL: contactus@fhhoa.com

SPECIAL MEETING MINUTES

Thursday, October 1, 2015
Forest Park Elementary School

Attendance:

Units represented in person: 7

Units represented by proxy: 355

Board Members Present: None (Secretary assigned to Jennifer Callaghan by Secretary Kravitz)

Association Staff Present: Jennifer Callaghan, General Manager

Richard Metzger, Maintenance Supervisor

Association Legal Council Present: Attorney Stuart Cohen

OPENING

The meeting was called to order at 6:15 p.m. by Attorney Cohen

ESTABLISHMENT OF QUORUM

General Manager Callaghan verified that a quorum of twenty percent (20% or 362 members) were either represented in person or by proxy.

VACATION OF PUBLIC EASEMENT ON 101ST ST

Ballots were counted and verified by Attorney Cohen. Final tally of votes submitted:

169 Voted YES

10 Voted NO

94% in favor.

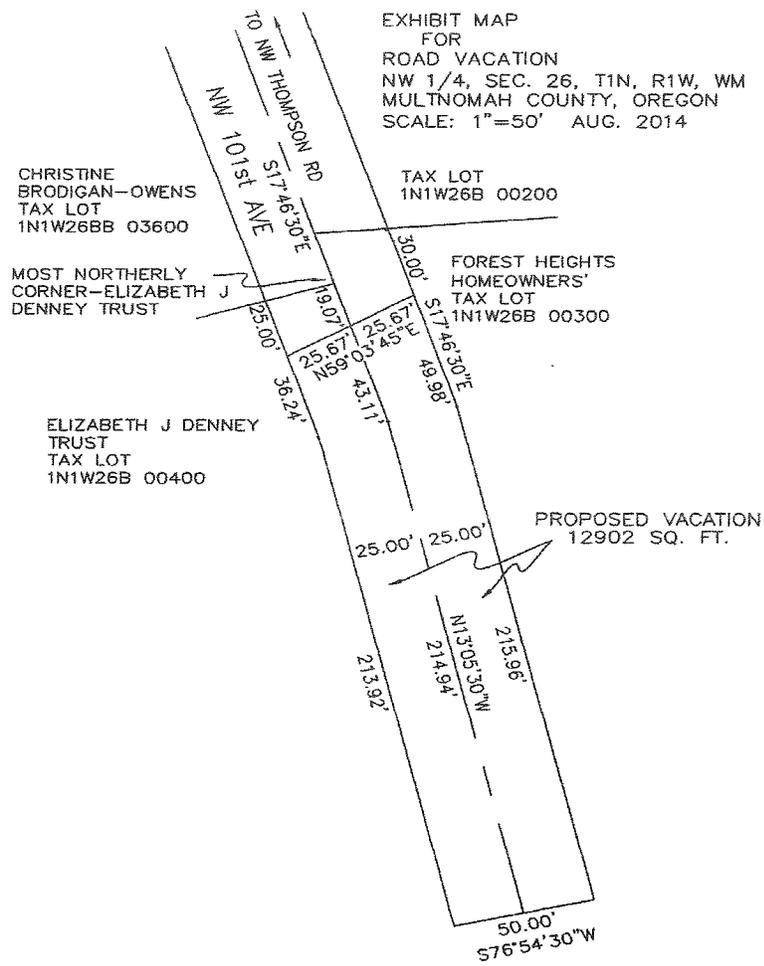
ADJOURNMENT

The Annual Meeting was adjourned by Attorney Cohen at 6:25 p.m.

Respectfully submitted,

Robert Kravitz, Board Secretary 10/13/15

The Forest Heights Home Owners Association, FHHOA board members & Forest heights homeowners, we the real owners of the following described property owned by Forest Heights Home Owners Association tax lot 1N1W26B/00300. Do acknowledge and consent to the vacation of all that portion of the lower 215.96 feet consisting of 6550 square feet of the unimproved road section NW 101st Avenue in the city of Portland, Multnomah County as shown on the attached map.

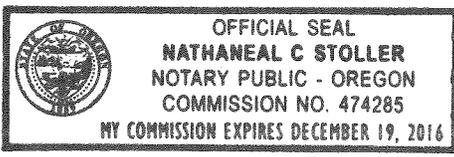


President FHHOA *Shi Roberts*

Notary *[Signature]*

Date 10/14/15

Washington County



CASWELL / HERTEL SURVEYORS, INC.

Professional Land Surveyors
info@chsurveyinc.com

• 6150 S.W. 124th Avenue •
Beaverton, Oregon 97008-4724

Telephone 503/644-3179
Fax 503/644-3190

EXHIBIT "A"

LEGAL DESCRIPTION
FOR
EAST HALF
NW 101st AVE
STREET VACATION

A TRACT OF LAND, BEING A PORTION OF NW 101ST AVE, IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF THAT PROPERTY CONVEYED TO THE ELIZABETH J. DENNEY TRUST AS DESCRIBED IN DEED RECORDED IN DOCUMENT NO. 2011-034916; THENCE S17°46'30"E ALONG THE CENTERLINE OF SAID ROAD 19.07 FEET TO THE TRUE POINT OF BEGINNING; THENCE N59°03'45"E 25.67 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID ROAD; THENCE S17°46'30"E ALONG SAID RIGHT-OF-WAY LINE 49.98 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY; THENCE S13°05'30"E ALONG SAID RIGHT-OF-WAY 215.96 FEET TO THE TERMINUS OF SAID RIGHT-OF-WAY; THENCE S76°54'30"W ALONG SAID TERMINUS 25.00 FEET TO THE CENTERLINE OF SAID ROAD; THENCE N13°05'30"W 214.94 FEET TO AN ANGLE POINT IN SAID CENTERLINE; THENCE N17°46'30"W ALONG SAID CENTERLINE 43.11 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 6550 SQUARE FEET. REFERENCE IS MADE TO COUNTY SURVEY NUMBER 34854 AND BY THIS REFERENCE IS MADE A PART HEREOF.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Albert Hertel 8-7-14

OREGON
JULY 18, 1980
ALBERT HERTEL
1896

RENEWAL DATE: 6/30/2015

CASWELL / HERTEL SURVEYORS, INC.

Professional Land Surveyors
info@chsurveyinc.com

• 6150 S.W. 124th Avenue •
Beaverton, Oregon 97008-4724

Telephone 503/644-3179
Fax 503/644-3190

LEGAL DESCRIPTION FOR NW 101st AVE ROAD VACATION

A TRACT OF LAND, BEING A PORTION OF NW 101ST AVE, IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF THAT PROPERTY CONVEYED TO THE ELIZABETH J. DENNEY TRUST AS DESCRIBED IN DEED RECORDED IN DOCUMENT NO. 2011-034916; THENCE S17°46'30"E ALONG THE CENTERLINE OF SAID ROAD 19.07 FEET TO THE TRUE POINT OF BEGINNING; THENCE N59°03'45"E 25.67 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID ROAD; THENCE S17°46'30"E ALONG SAID RIGHT-OF-WAY LINE 49.98 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY; THENCE S13°05'30"E ALONG SAID RIGHT-OF-WAY 215.96 FEET TO THE TERMINUS OF SAID RIGHT-OF-WAY; THENCE S76°54'30"W ALONG SAID TERMINUS 50.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID ROAD; THENCE N13°05'30"W 213.92 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY; THENCE N17°46'30"W ALONG SAID RIGHT-OF-WAY LINE 36.24 FEET; THENCE N59°03'45"E 25.67 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 12902 SQUARE FEET. REFERENCE IS MADE TO COUNTY SURVEY NUMBER 34854 AND BY THIS REFERENCE IS MADE A PART HEREOF.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Albert Hertel 8-1-14

OREGON
JULY 18, 1980
ALBERT HERTEL
1896

RENEWAL DATE: 6/30/2015

STREET VACATION PETITION

The petition must be signed by all abutting property owners, and the owners of not less than 2/3 of the affected area (as shown on the attached Affected Area Map). All signatures must be in ink.

I, the owner in fee simple of the following described property, consent to the vacation of all that portion of NW 101st Avenue, in the City of Portland, Multnomah County, Oregon, as shown on the attached Street Vacation Map, and as more particularly described on Exhibit A of this petition (or where the City of Portland is owner, consent to the vacation of the above named street for the purpose of Council jurisdiction and consideration, PCC 17.84.060).

IF PROPERTY OWNER IS A COMPANY, YOU MUST PRINT NAME & TITLE OF SIGNER

Forest Heights Homeowners Association 2033 NW Miller Rd Portland OR
Property Owner's Name (Please Print) Property Address 97229

STUART ROBERTS

1N1W26B 300

Signature


Property Description
FH HOA

Print Name (include Title if Applicable)

(Property Description Continued if needed)

STUART ROBERTS - PRESIDENT

FOREST HEIGHTS HOME OWNERS ASSOCIATION

Signature

**Please use Lot/Block/Subdivision, or
Tax Lot/Section/Township & Range,
property description.**

Print Name (include Title if Applicable)

ORDINANCE No. 187750

Vacate a portion of NW 101ST Ave south of NW Thompson Rd subject to certain conditions and reservations (Hearing; Ordinance; VAC-10104)

The City of Portland ordains:

Section 1. The Council finds:

1. On November 2, 2015 the Office of the City Auditor certified a petition for the vacation of the easterly 25 feet of a portion of NW 101ST Avenue south of NW Thompson Road. The petition was initiated by Elizabeth J. Denney (the "Petitioner"), who owns the adjacent property to the west of the street vacation area.
2. The Forest Heights Homeowners' Association owns the abutting property to the east of the vacation area. All of the vacation area will revert to them and they have stated support for the vacation as proposed.
3. NW 101ST Avenue has a total width of 50 feet. The westerly 25 feet of the street is located outside of the City of Portland limits and is under the jurisdiction of Multnomah County. This portion of street is currently being vacated through the Road Vacation process under Multnomah County Code Section 5.10.225. The westerly 25 feet of the street will revert back to the Petitioner upon approval of the vacation by City Council.
4. The petition states that the reason for the vacation is to consolidate property and to restrict trespassing on the Petitioner's property.
5. The vacation is in conformance with the City of Portland's Comprehensive Plan and is consistent with recommendations made by the City Engineer and Planning and Sustainability Commission, as provided in the City Engineer's Report, dated March 8, 2016 and on file with the Office of the City Auditor and the Bureau of Transportation.
6. In accordance with ORS 271.100, the Council fixed a time and place for public hearing before the Council; the Auditor published notice thereof, and posted notice in the areas proposed for vacation.
7. Other procedural requirements of ORS 271 have been complied with, and the Council having held a public hearing, finds no objections were made or filed hereto, and it is in the public interest that said portion of street be vacated.

NOW, THEREFORE, the Council directs:

- a. The following described street area is hereby vacated:

As described on Exhibit A and depicted on Exhibit B attached hereto and by this reference made a part hereof.

Contains 6,550 square feet, more or less.

- b. The vacation of the above-described street area is granted subject to the following conditions and reservations:

1. In accordance with ORS 271.120 and City of Portland policy, this ordinance (this "Ordinance"), shall not cause or require the removal or abandonment of any sewer, water or gas main, conduit of any kind, wire, pole or thing used, or intended to be used, for any public service. Subject to Paragraph 3 below, this Ordinance will reserve an easement for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild, and/or enlarge any and all such thing; that no building or structure of any kind shall be built or erected within a distance of ten (10) feet from the centerline of any such utility, except with the prior written consent of the City Engineer and the owner of the utility and that any and all contemplated building plans in said vacated area shall be submitted for approval to the City Engineer and to the Director of the Bureau of Development Services, to the end that such construction may be so adjusted with reference to all public utilities in said areas as to cause a minimum of danger or inconvenience to the public and to the owner of such utility and to protect and preserve the same as presently constructed or hereinafter reconstructed, renewed, replaced and/or enlarged. Removal or relocation of existing utilities in the street vacation area will require written agreements between the Petitioner and owner(s) of the utilities.
2. Notwithstanding b1, this Ordinance will serve as a full release of City interests in the street vacation area and will provide City Bureaus with the authority necessary to take all other legal actions as may be reasonably necessary (including the issuance of quitclaim deeds acknowledging the release of any interests) to achieve this intent.
3. If any property, encumbered by an easement reserved in this Ordinance, is ever rededicated as public right-of-way, that portion of the easement located in the rededicated right-of-way shall automatically be terminated.
4. City costs associated with processing the street vacation petition shall be paid in full before the City records this Ordinance.
5. In the event the Petitioner fails to fully comply with the above conditions

within one year of Council adopting this Ordinance, City Council may repeal this Ordinance at its sole discretion.

Section 2. Petitioner shall file with the City Auditor, in form approved by the City Attorney, a document in writing, accepting the terms and conditions of this Ordinance.

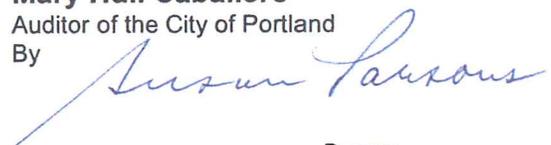
Section 3. Notice is given that the street vacation will not be effective until a certified copy of this Ordinance has been recorded by the City in Multnomah County Deed Records. Prerequisites to recording this Ordinance are that 30 days have passed after final Council passage of this Ordinance, that all conditions of this Ordinance have been met, and that all vacation costs have been paid.

Section 4. After the prerequisites to recording this Ordinance have been met, the City Auditor shall return a certified copy of this Ordinance and the acceptance thereof, to the Right-of-Way Acquisition Section, PBOT, which shall, at the expense of the Petitioner, file with the recorder, the assessor, and the surveyor of the county in which said property is located, the certified copy of this Ordinance and the acceptance, and any map, plat or other record which may be required by law. The Right-of-Way Acquisition Section shall return the recorded Ordinance to the Auditor and retain a copy in RWA File No. 8040.

Passed by the Council, MAY 18 2016

Commissioner Steve Novick
Prepared by: Lance D. Lindahl;
Date Prepared: March 29, 2016
RW # 8040

Mary Hull Caballero
Auditor of the City of Portland
By



DEPUTY

Agenda No. **187750**
ORDINANCE NO.
Title

Vacate a portion of NW 101ST Ave south of NW Thompson Rd subject to certain conditions and reservations (Hearing; Ordinance; VAC-10104)

INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK	CLERK USE: DATE FILED <u>MAY 03 2016</u>
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland
Mayor—Finance and Administration - Hales	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick <i>CW</i>	
BUREAU APPROVAL	By: <i>[Signature]</i> Deputy
Bureau: Transportation	
Development, Permitting & Transit Group	
Manager: Christine Leon <i>[Signature]</i>	
Assistant Director: Maurice Henderson <i>[Signature]</i>	
Prepared by: Lance D Lindahl <i>[Signature]</i>	
Date Prepared: March 29, 2016	
Supervisor: David McEldowney	
RWA: <i>John R. Deyo on behalf of David McEldowney</i>	
Impact Statement	
Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document	ACTION TAKEN: MAY 11 2016 PASSED TO SECOND READING MAY 18 2016 9:30 A.M.
If "Yes" requires City Policy paragraph stated in document.	
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>GF</i>	
Council Meeting Date May 11, 2016	

AGENDA
TIME CERTAIN <input type="checkbox"/>
Start time:
Total amount of time needed: (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/>
Total amount of time needed: 5 Minutes (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input checked="" type="checkbox"/>	

187750

**C CASWELL / HERTEL
L SURVEYORS, INC.**

Professional Land Surveyors
info@chsurveyinc.com

• 6150 S.W. 124th Avenue •
Beaverton, Oregon 97008-4724

Telephone 503/644-3179
Fax 503/644-3190

EXHIBIT "A"

LEGAL DESCRIPTION
FOR
EAST HALF
NW 101st AVE
STREET VACATION

A TRACT OF LAND, BEING A PORTION OF NW 101ST AVE, IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, MULTNOMAH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

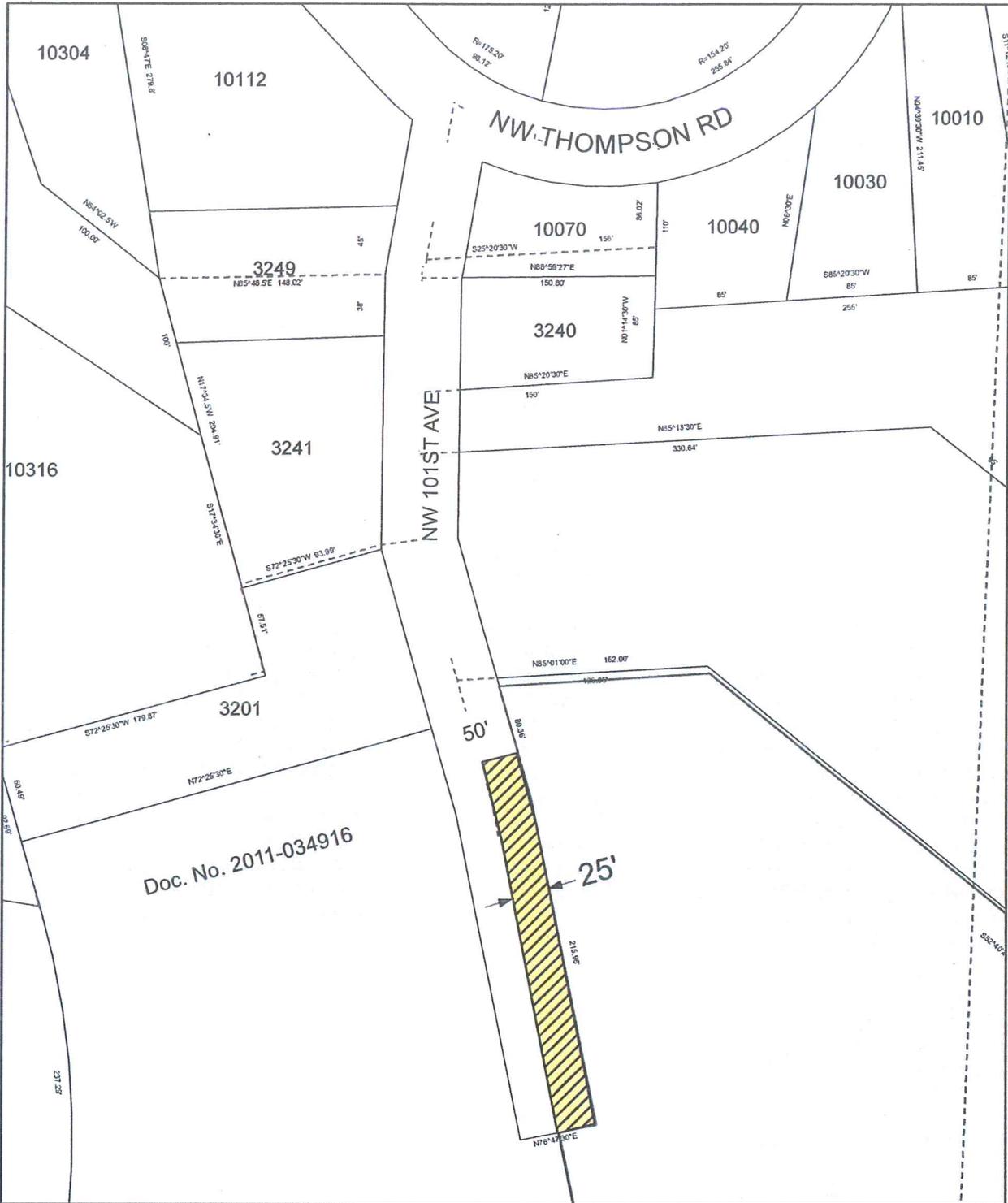
COMMENCING AT THE MOST NORTHERLY CORNER OF THAT PROPERTY CONVEYED TO THE ELIZABETH J. DENNEY TRUST AS DESCRIBED IN DEED RECORDED IN DOCUMENT NO. 2011-034916; THENCE S17°46'30"E ALONG THE CENTERLINE OF SAID ROAD 19.07 FEET TO THE TRUE POINT OF BEGINNING; THENCE N59°03'45"E 25.67 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID ROAD; THENCE S17°46'30"E ALONG SAID RIGHT-OF-WAY LINE 49.98 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY; THENCE S13°05'30"E ALONG SAID RIGHT-OF-WAY 215.96 FEET TO THE TERMINUS OF SAID RIGHT-OF-WAY; THENCE S76°54'30"W ALONG SAID TERMINUS 25.00 FEET TO THE CENTERLINE OF SAID ROAD; THENCE N13°05'30"W 214.94 FEET TO AN ANGLE POINT IN SAID CENTERLINE; THENCE N17°46'30"W ALONG SAID CENTERLINE 43.11 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 6550 SQUARE FEET. REFERENCE IS MADE TO COUNTY SURVEY NUMBER 34854 AND BY THIS REFERENCE IS MADE A PART HEREOF.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Albert Hertel 8-7-14

OREGON
JULY 18, 1980
ALBERT HERTEL
1896

RENEWAL DATE: 6/30/2015



NW 101st Avenue south of NW Thompson Road

Petitioner: Elizabeth J. Denney

 Area Herein Vacated

R/W: 8040 1/4 Section: 2719 Section: 1N1W26B



1 inch = 100 feet



June 6, 2014

Joseph McDowell
3131 NW 101st Ave.
Portland Oregon
97229

Subject: NW 101st Avenue Roadway Vacation

Dear Mr. McDowell,

Thank you for contacting me in regard to the proposed vacation of the lower 256 feet of NW 101st Ave. that adjoins your property. A recent site visit revealed that the road is unimproved, steeply graded and unsuitable for suburban fire apparatus. Two outbuildings do exist off the terminus of NW 101st Ave. however both are construed as Agricultural Buildings and are exempt from fire access requirements. Based on the above, the fire district has no objection to vacation of the county road as proposed.

If you have questions or need further information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Drew S. DeBois".

Drew S. DeBois
Deputy Fire Marshal/CFI
20665 SW Blanton Street
Aloha, Oregon
97078