

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

| | | |
|--|---|----------------|
| In the Matter of Initiating Proceedings |) | |
| to Vacate a Portion of S.E. Butler Road, |) | |
| County Road Nos. 365 and 588, from |) | RESOLUTION NO. |
| S.E. 190th Drive Easterly 298 ft., more |) | |
| <u>or less, and Setting a Hearing Date</u> |) | <u>93-329</u> |

WHEREAS it appears that vacation of a portion of S.E. Butler Road, County Road Nos. 365 and 588, would be beneficial to the public for the following reasons:

S.E. Butler Road has been realigned to intersect with S.E. Giese Road at S.E. 190th Drive to improve the geometric alignment, and thus, traffic safety. Construction of the new section is complete and is currently in use. Therefore, it is the recommendation of the County Engineer that the abandoned portion of S.E. Butler Road be vacated. An easement will be provided for existing utilities as part of the vacation. There are no existing structures on the portion to be vacated.

BE IT RESOLVED in accordance with ORS 368.326 to 368.366, that proceedings be undertaken to vacate the portion of said road described as follows:

A portion of S.E. Butler Road, County Road Nos. 365 and 588, situated in the northwest one-quarter of Section 20, T1S, R3E, W.M., Multnomah County, Oregon, more particularly described as follows:

PARCEL "A":

Beginning at the intersection of the southerly line of the Benjamin Thomas Donation Land Claim, said southerly line also being the centerline of S.E. Butler Road, County Road Nos. 365 and 588, and the easterly right-of-way line of S.E. 190th Drive, County Road No. 590, said right-of-way line being 40.00 feet easterly, when measured at right angles, of the centerline of said S.E. 190th Drive; thence N 0°58'07" W along said easterly right-of-way line, a distance of 49.59 feet; thence southeasterly along the arc of a 20.00 foot radius curve to the left, through a central angle of 88°46'40", the chord of which bears S 45°21'27" E, a distance of 27.98 feet, an arc distance of 30.99 feet to a point on the northerly right-of-way line of said S.E. Butler Road, said northerly line being 30.00 feet northerly, when measured at right angles, of the centerline of said S.E. Butler Road, said northerly line also being the southerly line of EMERALD HEIGHTS NO. 2, a recorded plat, recorded November 9, 1992, in Book 1224, Page 29, Plat Records of Multnomah County, Oregon; thence S 89°44'47" E along said line, a distance of 242.50 feet to the southeast corner of Lot 91, said EMERALD HEIGHTS NO. 2, said southeast corner being a point on the southwesterly right-of-way line of S.E. Butler Road, County Road No. 5002; thence southeasterly along said southwesterly right-of-way line, along the arc of a 195.00 foot radius non-tangent curve to the left, through a central angle of 13°58'58", the chord of which bears

S 50°33'03" E, a distance of 47.47 feet, an arc distance of 47.59 feet to a point on said southerly line of the Benjamin Thomas Donation Land Claim; thence N 89°44'47" W along said southerly line, a distance of 298.23 feet to the point of beginning.

Containing 8,440 square feet, more or less.

PARCEL "B":

Beginning at the intersection of the southerly line of the Benjamin Thomas Donation Land Claim, said southerly line also being the centerline of S.E. Butler Road, County Road Nos. 365 and 588, and the easterly right-of-way line of S.E. 190th Drive, County Road No. 590, said right-of-way line being 40.00 feet easterly, when measured at right angles, of the centerline of said S.E. 190th Drive; thence S 89°44'47" E along said southerly Donation Land Claim line, a distance of 298.23 feet to a point on the southwesterly right-of-way line of S.E. Butler Road, County Road No. 5002; thence southeasterly along said southwesterly right-of-way line along the arc of a 195.00 foot radius non-tangent curve to the left, through a central angle of 32°12'15", the chord of which bears S 73°38'40" E, a distance of 108.17 feet, an arc distance of 109.60 feet to the southerly right-of-way line of said S.E. Butler Road, said right-of-way line being 30.00 feet south, when measured at right angles, of the centerline of said S.E. Butler Road; thence N 89°44'47" W along said southerly right-of-way line, a distance of 401.51 feet to a point on said easterly right-of-way line of S.E. 190th Drive; thence N 0°58'07" W along said easterly right-of-way line, a distance of 30.01 feet to the point of beginning.

Containing 9,942 square feet, more or less.

The southerly 10.00 feet of the above described parcel of land to be reserved as an easement for the existing utilities.

The legal description of adjacent land and the land owner of Parcel "A" is:

EMERALD HEIGHTS NO. 2

Emerald Heights Partners
c/o B.I. Gentry Construction
P.O. Box 1695
Gresham OR 97030

The legal description of adjacent land and the land owner of Parcel "B" is:

Tax Lot 7
Section 20, T1S, R3E, W.M.

Byer, Larry B. and Mary A.
R.R. 1, Box 160
Gresham OR 97030

RESOLUTION and
NOTICE OF HEARING
Page 3

BE IT RESOLVED that the County Engineer examine said road and file a written report pursuant to ORS 368.346(1);

BE IT RESOLVED that Thursday, November 4, 1993, be established for hearing said report and for conducting a public hearing on the proposed vacation, and that such hearing be held at 9:30 a.m., in Portland, Oregon, and

IT IS FURTHER RESOLVED that notice of the hearing be provided by the County Engineer in accordance with ORS 368.346(3).

DATED THIS 30th day of September, 1993.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By Beverly Stein
BEVERLY STEIN/Chair

REVIEWED:

LAURENCE KRESSEL
County Counsel
for Multnomah County, Oregon

FOR Matthew D. Kessel
By John L. DuBay
JOHN L. DuBAY
Chief Asst. County Counsel

0391E