

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 01-119

Vacating a Drainage Easement Along NE 366th Avenue, County Road No. 3964, Pursuant to ORS 368.326 to 368.366

The Multnomah County Board of Commissioners Finds:

- a. The drainage easement, acquired in conjunction with NE 366th Avenue, County Road No. 3964, that is the subject of this vacation was created by a deed of conveyance to Multnomah County, recorded August 21, 1967, in Book 577, Page 753, Multnomah County Deed Records. This drainage easement is no longer required for the maintenance of NE 366th Avenue. Multnomah County has no plans to develop this drainage easement along NE 366th Avenue.

- b. The drainage easement along NE 366th Avenue to be vacated is described as follows:

A portion of Lot 8, CASON-WEST ESTATES, a recorded Plat in Multnomah County, Oregon, being more particularly described as follows:

A 10.00 foot strip of land, being 5.00 feet on either side of the following described line:

Commencing at the Northwest corner of Lot 8, of said CASON-WEST ESTATES; thence S2°22'E along the West line of said Lot 8, 139.57 feet to a point, said point being the true point of beginning of this description; thence N66°06'30"E, 31.54 feet to a point; thence N74°19'E, 59.40 feet to a point, thence N45°43'E, 120.08 feet to a point in the North line of said Lot 8 which bears S81°26'E, 179.76 feet along said North line from the above Northwest corner.

As shown on the attached Exhibit A. Containing 2,100 square feet, more or less.

- c. Judith Ann Lang, petitioner, has submitted a petition to vacate the above described easement in compliance with ORS 368.341(3). A copy of the petition is attached to this Resolution as Exhibit 1.
- d. The County Engineer has filed a report (see Supplemental Staff Report included with this Resolution) pursuant to ORS 368.351(1) that contains the Engineer's assessment that the proposed vacation is in the public interest.
- e. As provided in ORS 368.351(2), the proceedings for this vacation were initiated by a petition under ORS 368.341 that:
1. 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

2. Indicates the owners' approval of the proposed vacation.
- f. Pursuant to ORS 368.351, the County may make a determination about this vacation without additional notice and publication required under ORS 368.346.
 - g. 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.
 - h. Multnomah County has received a total of \$1265.00 from the petitioner, of which \$200.00 applies to the feasibility study that was performed by Multnomah County. The remaining application fee of \$1065.00 will be applied to the vacation proceeding. The total costs for this vacation, including administrative costs, are \$1800.15. Administrative costs include staff time for research, review, analyses, and document preparation. The balance owed by the petitioner at the date of this hearing is \$535.15.
 - i. Vacation of the County's easement interest in this property serves the public interest.

The Multnomah County Board of Commissioners Resolves:

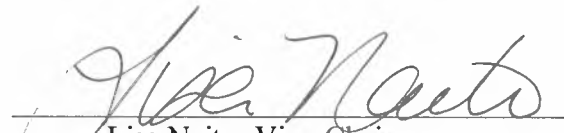
- 1. The above-described easement for drainage facilities along NE 366th Avenue is vacated as a public easement.
- 2. The entire portion being vacated will remain subject to the rights of any existing public utility that has improvements located within the existing right of way.
- 3. The total cost for this vacation proceeding incurred by the County is \$1800.15, and Judith Ann Lang, the petitioner, is directed to pay the remaining amount of \$535.15 to the County.
- 4. The Transportation Division of the Department of Sustainable Community Development 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.

ADOPTED this 30th day of August, 2001.



REVIEWED:

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Lisa Naito, Vice-Chair

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney



Department of Sustainable Community Development
MULTNOMAH COUNTY OREGON

Transportation Division
1600 SE 190th Avenue
Portland, Oregon 97233-5910
(503) 988-5050

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners
FROM: Harold E. Lasley, P.E., County Engineer
DATE: August 3, 2001
RE: Vacation of a drainage easement along N.E. 366th Avenue

1. Recommendation/Action Requested:

The Transportation Division recommends approval of the vacation of a drainage easement along N.E. 366th Avenue, more particularly described in paragraph (b) of the Resolution, hereby incorporated by this reference.

2. Background/Analysis:

Situated in the N.W. One-quarter of Section 35, Township 1 North, Range 4 East, W.M., this easement was acquired in conjunction with the construction of N.E. 366th Avenue, County Road No. 3964. This easement for the construction and maintenance of drainage facilities was created by a deed recorded on August 21, 1967 in Deed Records Book 577, Page 753, Multnomah County Deed Records.

This easement does not assist in the drainage of N.E. 366th Avenue. A reconstruction project during the 1970's rendered this easement unnecessary. A portion of this drainage easement area contains a concrete pipe which is not functional and therefore has not been maintained. Multnomah County has no plans to develop this drainage easement along N.E. 366th Avenue. The portion to be vacated is shown on the attached Exhibit "A", hereby incorporated by this reference.

Interest in the easement area to be vacated will vest in the name of the petitioner and owner of the underlying fee as described in Attachment "A" of the petition.

The rights of the existing utilities, located within the area to be vacated, will not be affected by this vacation.

Multnomah County received the petition to vacate the drainage easement along N.E. 366th Avenue on June 18, 2001. The petition contains the acknowledgement and consent of 100% of the abutting and adjoining property owners, as defined by ORS 368.336.

3. Financial Impact:

None. All costs associated with this vacation request are the responsibility of the petitioners.

4. Legal Issues:

This proposed drainage easement vacation was initiated by a petition of 100 percent of both the abutting and adjoining property owners. Pursuant to ORS 368.351, a citizen initiated vacation, by petition, is more streamlined because there is no requirement for notice by publication and full public hearing if the proposed vacation is supported by 100 percent of the affected property owners.

The Supplemental Staff Report constitutes the County Engineer's written report, as required by ORS 368.351 (1), declaring the vacation of this easement along N.E. 366th Avenue to be in the public interest.

5. Controversial Issues:

None.

6. Link to Current County Policies:

Consistent with community involvement, development and intergovernmental cooperation.

7. Citizen Participation:

This is a citizen initiated petition.

8. Other Government Participation:

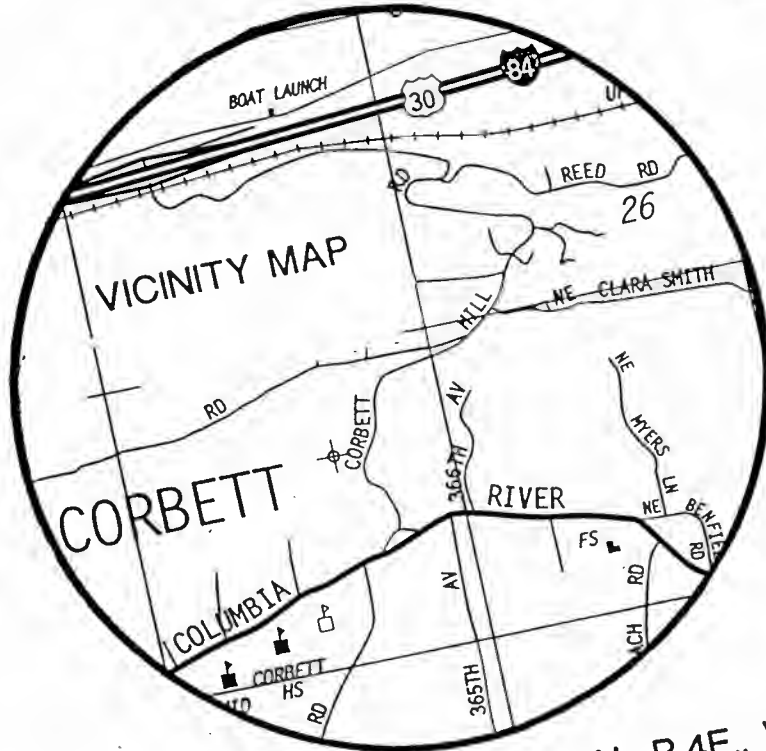
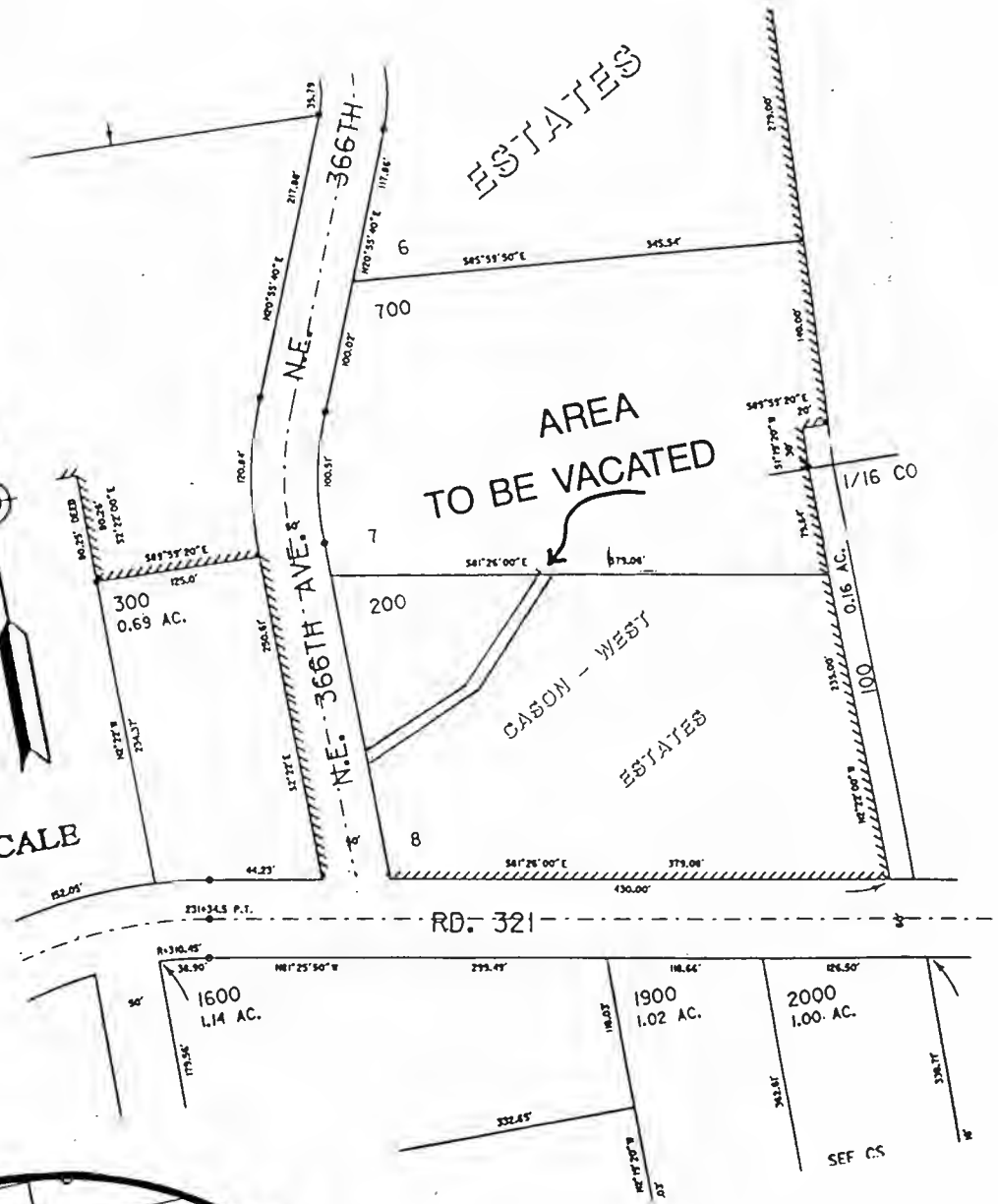
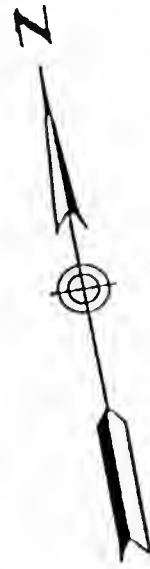
None required for these proceedings.

Attachment

PHRJ3799.DOC

EXHIBIT "A"

NO SCALE



N.W. 1/4 OF SEC. 35, T.1N., R.4E., W.M.
MULTNOMAH COUNTY

June 18, 2001

EXHIBIT 1

Ann Lang
36611 Historic Col. River Hwy
Corbett, Oregon 97019
(503) 695-3496

Multnomah County Oregon
Transportation Department
1600 SE 190th Aenue
Portland, OR 97233-5910

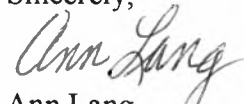
Dear

This letter will serve as a **Formal Request** to vacate an easement located at 36611 Historic Columbia River Hwy. The feasibility study was conducted and concluded that the easement can and will be vacated after a formal request is offered to the County.

Pursuant to the vacation information packet outlining the items needed to conclude this easement vacation, the following items are included:

1. see also attachment A
2. The reason for vacating the easement is simple. It is a drainfield easement that has not functioned or been utilized since the creation of the easement. It has come to the attention of the Director of Transportation of the purpose of this easement and it has been determined by him and the Supervisor who maintains such easement, that the easement is not needed nor has it ever been utilized in the matter in which it was created.
3. Current Title Holder, Ann Lang (see attached title)
4. Letters attached from Utility Companies.
- 5 & 6. Letters from abutting property owners.
7. The property containing the easement has been approved by the Land Division Decision dated December 27, 2000.
8. Deposit.

Sincerely,


Ann Lang

August 1, 2001

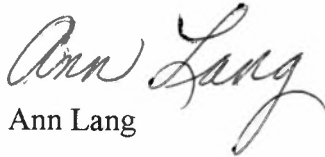
Ann Lang
36611 Historic Col. River Hwy
Corbett, Oregon 97019
(503) 695-3496

Multnomah County Oregon
Transportation Department
1600 SE 190th Avenue
Portland, OR 97233-5910

Dear Sir/Madam:

This letter will serve as an amendment to the previous letter dated June 18, 2001 to vacate an easement located at 36611 Historic Columbia River Hwy. The feasibility study was conducted. The easement will be vacated solely at the Board's discretion.

Sincerely,


Ann Lang

ATTACHMENT A

A portion of Lot 8, CASON-WEST ESTATES, a recorded plat in Multnomah County, Oregon, described as follows:

A 10.00 foot strip of land, being 5.00 feet on either side of the following described line:

Commencing at the northwest corner of Lot 8, of said CASON-WEST ESTATES; thence S 2°22' E along the west line of said Lot 8 139.57 feet to a point, said point being the true point of beginning of this description; thence N 66°06'30" E 31.54 feet to a point; thence N 74°19' E 59.40 feet to a point; thence N 45°43' E 120.08 feet to a point in the north line of said Lot 8 which bears S 81°26' E 179.76 feet along said north line from the above said Northwest corner.

5/8" REBAR
SE CORNER LOT 1
ORIGIN UNKNOWN

5/8" IRON ROD
N.W. CORNER LOT 8
ORIGINAL PLAT
MONUMENT
HELD NORTH & SOUTH
N 81°28'16" W, 0.14'

366TH AVENUE

N.E.

PUBLIC ROAD
DEDICATION TO
MULTNOMAH COUNTY
85 SF

5/8" IRON ROD
S.W. CORNER LOT 8
ORIGINAL PLAT MONUMENT
HELD

N 2°08'07" W
25.32' M
(N 2°22'00" W, 25.27' F)

S 81°28'16" E 378.21' M

188.73'

189.48'

10.00' WIDE
DRAINAGE EASEMENT
PER BK 577, PG 753
(8/17/67)

N 74°32'53" E
59.40'

PARCEL 2
43,546 SF/1.00 ACRE

P=25.00'
D=79°02'54"
L=74.49'
S=N 41°39'34" W, 71' 82"

N 81°26'00" W 399.74' M (430.00' P)
BASIS OF BEARINGS

PARCEL 1
43,741 SF/1.00 ACRE

S 27°18'57" E 235.11' M

INITIAL POINT
5/8" IRON ROD
NE CORNER LOT 8
ORIGINAL PLAT MONUMENT
HELD

HISTORIC COLUMBIA RIVER HIGHWAY (AKA CROWN POINT)

Attachment A Pg. 2

JUDITH ANN LANG
36611 HIS COL RVR HWY
CORBETT, OR 97019

19-7076 / 3250
2393053693

2968

DATE

June 19, 2001

PAY TO THE
ORDER OF

Multnomah County \$ 1065.00
One thousand sixty five & 00/100

DOLLARS



Washington Mutual

Washington Mutual Bank
Gresham Financial Center
2053 NE Burnside Road
Gresham, OR 97030

1-800-756-8000
24 hour Customer Service

NOTES

vacate easement

Judith Ann Lang MP

⑆325070760⑆239⑆305309⑆3⑆ 2968

Received 6/19/01

Alan M. Young

Rec'd. From

ALAN Y. 7/2 PH



Fidelity National Title Company of Oregon

Land Development and Builder Services

401 SW 4th Avenue • Portland, OR 97204

(503) 223-8338 • FAX (503) 796-6631

SUBDIVISION GUARANTEE FOR THE PROPOSED PARTITION OF Lang

ORDER NO.: 55-550513-28

FEE: \$200.00

DATED: March 5, 2001

Fidelity National Title Insurance Company

GUARANTEES

Any County or City within which the subdivision or proposed subdivision is located:

That the estate or interest in the land which is covered by this Guarantee is:

A Fee

According to the public records which impart constructive notice of matters affecting title to the premises described on Exhibit "One", we find that as of March 5, 2001, at 5:00 p.m. the last deed of record runs to:

Judith A. Lang

We also find the following apparent encumbrances, which include 'Blanket Encumbrances' as defined by ORS 92.305(1), and also easements, restrictive covenants and rights of way.

NOTE: taxes as follows:

Property taxes for the fiscal year 2000-2001, paid in full.

Amount:	\$2,127.80
Account No.:	R-14240-0800
Serial No.:	R130096
Map No.:	1N4E35BB-00200
Levy Code:	074

1. **The taxes** include a Veterans' Exemption. If the land is conveyed to persons not eligible for such exemption, reassessment may be made.

2. **Covenants, conditions and restrictions** (deleting therefrom any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin) as set forth in the document

Recorded: November 2, 1966, Book 533, Page 408

Said document has been modified by instrument

Recorded: November 16, 1966, Book 535, Page 73

Said document has been further modified by instrument

Recorded: October 17, 1988, Book 2147, Page 2240

3. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Multnomah County

Purpose: Drainage facilities

Recorded: August 21, 1967, Book 577, Page 752

Affects: a 10-foot strip in the Northeasterly portion of the Lot. Reference is made to said document for full particulars.

4. **Line of credit Deed of Trust**, to secure an indebtedness as shown below and any other obligation secured thereby:

Amount: \$9,000.00

Dated: May 25, 1993

Grantor: Judith A. Lang

Trustee: Ticor Title Ins. Co.

Beneficiary: Portland Postal Employees Credit Union

Recorded: May 26, 1993, Book 2697, Page 1378

Said document has been modified (to increase the amount to \$11,726.00) by instrument

Recorded: April 12, 1994, Recorder's No. 94 057654

Said document has been further modified (to increase the amount to \$12,585.00) by instrument

Recorded: April 26, 1996, Recorder's No. 96062612

We have also searched our General Index for judgments and state and federal liens against the grantees named above and find:

None.

This is not a report issued preliminary to the issuance of a title insurance policy. Our search is limited and its use is intended as an informational report only, to be used in conjunction with the development of real property. Liability is limited to an aggregate sum not to exceed \$1,000.00.

Fidelity National Title Insurance Company

By: 
Merle E. Wilson, Advisory Title Officer

NOTE - ORS 92.305(1) reads as follows:

"Blanket encumbrance" means a trust deed or mortgage or any other lien or encumbrance, mechanics' lien or otherwise, securing or evidencing the payment of money and affecting more than one interest in subdivided or series partitioned land, or an agreement affecting more than one such lot, parcel or interest by which the subdivider, series partitioner or developer holds such subdivision or series partition under an option, contract to sell or trust agreement.

EXHIBIT "ONE"

The premises are in MULTNOMAH County and are described as follows:

Lot 8, Cason-West Estates, in Multnomah County, Oregon.

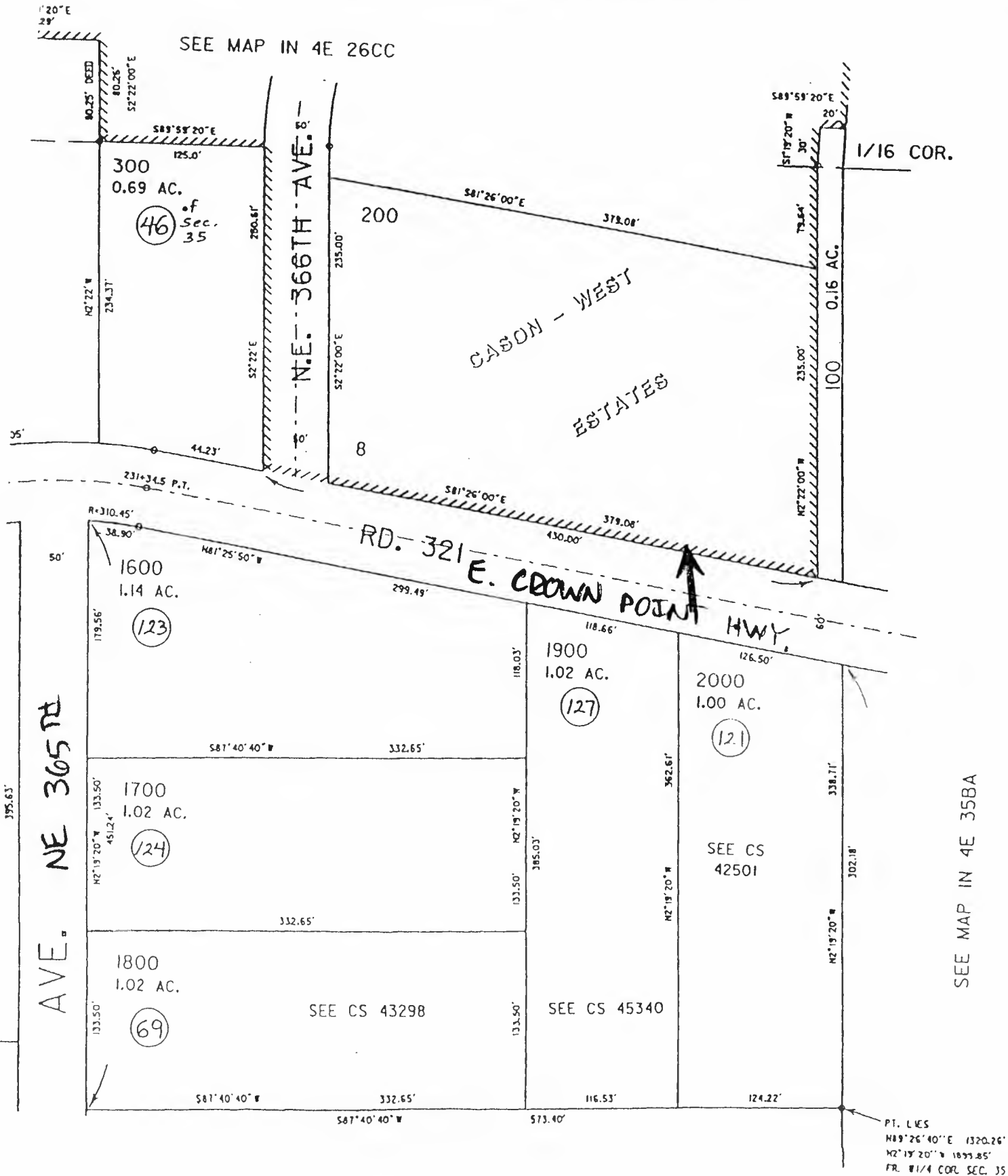


Fidelity National Title Company of Oregon

Map # **IN4E-35BB**



The sketch below is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.



**CORBETT WATER DISTRICT
PO BOX 6
CORBETT, OREGON 97019
503~695~2284**

Date: June 6, 2001

Ann Lang
36611 Historic Col. River Hwy.
Corbett, OR 97019

Dear Ann Lang,

Corbett Water District has an active water line that runs down the east side of 366th. There are no water utilities that run through the easement on Ann Lang's property. If you have any further questions, please call at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Kathie Cicerich".

Kathie Cicerich
District Clerk



CASCADE UTILITIES P. O. Box 189, Estacada, Oregon 97023, Telephone (503) 630-4202

Ann Lang
36611 E Historic Columbia River Hwy
Corbett Oregon 97019

Dear Mrs. Lang:

In response to your request of June 4, 2001, this letter is to advise all interested parties that "underground telephone facilities are on the west side of 366th Ave.", therefore it is no problem to vacate the easement.

If further information concerning this matter is necessary feel free to contact our office.

S Cartisser

A handwritten signature in dark ink, appearing to read 'S. Cartisser', is written over a horizontal line.

Service Representative



Portland General Electric Company
121 SW Salmon Street • Portland, Oregon 97204

June 14, 2001

Ann Lang
36611 Historic Col. River Hwy
Corbett, OR 97019

Dear Mrs. Lang,

This letter is in response to your letter inquiring about any PGE easements on your property at 36611 Historic Col. River Highway. PGE does not have any easements on this property. The overhead service line is located across the street on the West side of NE 366th Ave. PGE does not have any underground facilities on this property either. Thus, this letter will serve as notice of no easements or underground equipment on the above referenced property.

Sincerely yours,

John G. Nelson
Property and Land Dept.



I am the owner of the property located at 36511 E. Historic Col. Riv Hwy, Corbett,
Oregon. I approve of the drainfield easement vacation (per bk 577, pg 753 '8/17/67')
located on parcel 2 of the property located at 36611 Historic Columbia River Hwy.

Edward L. Kalberg
Owner

JUNE 15, 2001
Dated

NOTARY PUBLIC:

Ruth Miles



I am the owner of the property located at 1520 NE 366th Ave, Corbett,
Oregon. I approve of the drainfield easement vacation (per bk 577, pg 753 '8/17/67')
located on parcel 2 of the property located at 36611 Historic Columbia River Hwy.

James E. Gaidor
Owner

6/8/01
Dated

NOTARY PUBLIC:

State of OR
County of WASHINGTON
Signed before me on 6/8/01 by JAMES E. GAIDOR
Lorraine Fornsshell
commission expires _____



I am the owner of the property located at 36703 HCR HW., Corbett,
Oregon. I approve of the drainfield easement vacation (per bk 577, pg 753 '8/17/67')
located on parcel 2 of the property located at 36611 Historic Columbia River Hwy.

Daniel L Robert
Owner

6/13/01
Dated

NOTARY PUBLIC:

State of Oregon
Cty Multnomah
Date 6-13-01



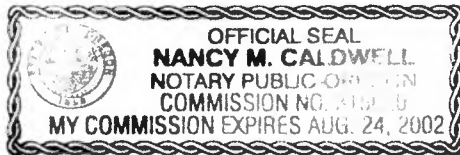
Mara Jacob
exp 8-12-01

I am the owner of the property located at 36710 E. H.C.R. Hwy, Corbett,
Oregon. I approve of the drainfield easement vacation (per bk 577, pg 753 '8/17/67')
located on parcel 2 of the property located at 36611 Historic Columbia River Hwy.

Shirley V. Poffenbarger
Owner

6-7-01
Dated

NOTARY PUBLIC:



Nancy M. Caldwell