

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-202

Vacating Portions of Unnamed Public Roads, Situated in the Unincorporated Town of Latourelle Falls, Pursuant to ORS 368.326 to 368.366

The Multnomah County Board of Commissioners Finds:

- a. The portions of the un-named public roads affected by this vacation were created and dedicated to the public by the TOWN OF LATOURELLE FALLS subdivision, recorded June 3, 1887, in Book 2, Page 105, Multnomah County Plat Records (public roads). These public roads are unimproved. Multnomah County does not maintain or have plans to develop these public roads.
- b. Mr. Ted Hoff, petitioner, has submitted a petition to vacate these public roads, that is in compliance with ORS 368.341(3). A copy of the petition is attached to this Resolution as Exhibit A.
- c. The public roads to be vacated are described in the attached Petition, Exhibit A, Page 3.
- d. The County Road Official has filed a report pursuant to ORS 368.351(1) that contains an assessment that the proposed vacation is in the public interest. (See Agenda Placement Request included with this Resolution.)
- e. As allowed under ORS 368.351(2), the attached petition:
 - 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
 - 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. As required under MCC 27.054, the County has received a total of \$1265.00 from the petitioner, of which \$200.00 applies to the feasibility study that was performed by the County. The remaining \$1065.00 will be applied to the vacation proceeding. The total costs for this vacation, including administrative

costs, are \$2,422.98. Administrative costs include \$65.00 for the County Surveyor posting the vacation and staff time for research, review, analyses, advertising, and document preparation. The balance owed by the petitioner, at the date of this hearing is \$1,157.98.

- i. Vacation of the County's right-of-way interest in this property serves the public interest.

The Multnomah County Board of Commissioners Resolves:

1. Subject to the petitioner's payment of all funds due as provided under MCC 27.054, the portions of the un-named public roads as more particularly described in the attached Exhibit A are vacated as public roads, excepting the easement rights any existing utilities may have in the vacated property under ORS Chapter 368.
2. Pursuant to MCC 27.054, the total cost for this vacation proceeding incurred by the County is \$2,422.98, and Mr. Ted Hoff, the petitioner, is directed to pay the remaining amount of \$1,157.98 to the County.
3. The Land Use and Transportation Program of the Department of Community Services will record and file this Resolution in accordance with ORS 368.356(3), only upon receipt of the total amount due under MCC 27.054.
4. Upon the recording and filing of this Resolution, the County Surveyor will mark the plat, if applicable, as provided under ORS 271.230.

ADOPTED this 8th day of December, 2005.



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

Land Vacation Petition

To Whom It May Concern:

Initiation of Proceedings

ORS 368.341 1.c

This document constitutes a petition by

Ted Hoff
5820 S.E. 20th
Portland, OR 97202

to Multnomah County for vacation of two unused rights-of-way (Property number one and Property number two) as described herein and shown in the attached survey map No. 59144 as recorded in the Multnomah County Survey Records.

Reason to Vacate

ORS 368.341 3.b.

Because of an unusually-wide 60' Latourelle Rd. right-of-way, the combined 44' property depth of lots 1 and 2 (block 3) is reduced to 34'. That does not allow enough room for even a modest residential structure. A successful petition will result in a building site approximately 65' deep – enough for a single family residence.

The information described below is included in or attached to this document:

Names and addresses of owners of adjacent properties

ORS 368-341 3.e

Oregon Parks and Recreation Dept.,
725 Summer St. NE Suite C
Salem OR, 97301-1266

Union Pacific Railroad. Real Estate Department,
1800 Farnam Rd.,
Omaha, NE 68102

Ted Hoff
5820 SE 20th
Portland, OR 97202

Signatures of adjacent owners:

ORS 368.341 3.f

1) A document bearing the notarized signature of a representative of the State of Oregon (Dave Wright, Oregon State Department of Parks & Recreation Resource Mgmt. and Planning Division Administrator). The state of Oregon is the owner of the real property (Block 3, Lot 5) abutting the east side the county property to be vacated and described below as **Property number one**.

2) A document bearing the address of the owner (UPRR) and notarized signature of the owner's representative. The Union Pacific Railroad is the owner of the railroad right-of-way directly north of the county properties described below as **Property number one** and **Property number two**.

3) A document bearing the address and notarized signature of the owner (Ted Hoff) of the real property abutting the south side of the county property described below as **Property number two**.

NOTE: A letter is attached stating that, in the opinion of Multnomah County, no signatures are necessary from Mr. and Mrs. Jim Griffin, the nearest property owners to the west. Since the Griffins on the west are no longer considered abutting property owners, that leaves only three parties; The State of Oregon, Ted Hoff and The Union Pacific Railroad. Those signatures are attached.

Property Descriptions

A feasibility Study

Feasibility studies of this proposed vacation have been carried out by Mr. Patrick Hinds and approved by Multnomah County. Copies are attached.

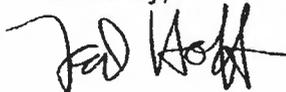
A Letter from Mr. Robert Maestre, Deputy Director, Community Services

Mr Maestre's letter indicates that the property to the east of the subject property, owned by Mr. and Mrs. Jim Griffin, is not considered abutting property.

Vacation Petition Fee

A check in the amount of \$1065.00 made out to Multnomah County is enclosed.

Sincerely,



Ted Hoff

Property number one:

A tract of land being a portion of "Town of Latourelle Falls", located in the NW ¼ of Section 29, T.1N., R.5E., W.M., Multnomah County Oregon, being described as follows:

Beginning at the intersection of the North Right-of-Way line of Latourelle Road (County Road No. 566, 60' wide) with the East line of Lot 1, Block 3, said "Town of Latourelle Falls"; thence North, along the East line of Lots 1 and 2, said Block 3, and the Northerly extension thereof, a distance of 58.65 feet to the Southerly line of the O.W.R.&N. Co. Railroad as established in Book 47, Page 13 (1881), Multnomah County Deed Records; thence along said Southerly line, along the arc of a 1004.93 foot radius curve to the left (the long chord of which bears S89°18'56"E, a distance of 12.00 feet), through a central angle of 00°20'31", a distance of 12.00 feet to the Easternmost line of the 12 foot wide public alley within said Block 3; thence South, along said line, a distance of 58.58 feet to the North Right-of-Way line of said Latourelle Road; thence West, along said North Right-of-Way line, a distance 12.00 feet to the point of beginning.

Said tract contains **704** square feet, more or less.

Property number two:

A tract of land being a portion of "Town of Latourelle Falls", located in the NW ¼ of Section 29, T.1N., R.5E., W.M., Multnomah County Oregon, being described as follows:

Beginning at the NW corner of Lot 2, Block 3, said "Town of Latourelle Falls"; thence North, along the Northerly extension of the West line of said Lot 2, a distance of 30.50 feet to the Southerly line of the O.W.R.&N. Co. Railroad as relocated and established in Book 263, Page 215 (1900), Multnomah County Deed Records; Thence along said Southerly line, along the arc of a 1482.70 foot radius curve to the left (the chord of which bears S87°16'09"E, a distance of 10.41 feet), through a central angle of 00°24'08", a distance of 10.41 feet to a point on the Southerly line of the O.W.R.&N. Co. Railroad as established in Book 47, Page 13 (1881), Multnomah County Deed Records; thence along said Southerly line, along the arc of a 1004.93 foot radius curve to the left (the long chord of which bears S86°36'05"E, a distance of 89.76 feet), through a central angle of 05°07'10", a distance of 89.79 feet to a point on the Northerly extension of the East line of said Lot 2; thence South, along said Northerly extension, a distance of 24.65 feet to the NE corner of said Lot 2; thence West, along the North line of said Lot 2, a distance of 100.00 feet to the point of beginning.

Said tract contains **2,703** square feet, more or less.

Signature Sheet

I, the undersigned, am a legal representative of the State of Oregon Department of Parks & Recreation which owns the property (Block 3, Lot 5) immediately east of Ted Hoff's property, Block 3, Lots 1 and 2. I we have read and approve of this petition by Ted Hoff to Multnomah County for vacation of the property as described above and in the attached survey map No. 59144 as recorded in the Multnomah County Survey Records.

* *Dave Wright*

x *8-31-04*

Dave Wright
(Oregon State Department of Parks &
Recreation Resource Mgmt. and Planning
Division Administrator)

Date

Notary Information:

State of Oregon SS

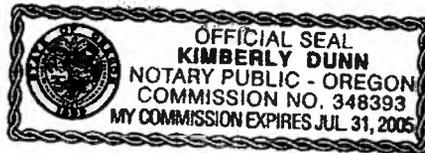
County of *Multnomah*

Signed before me on *August 31*, 2004

Kimberly Dunn

Notary Public, Oregon L.S.

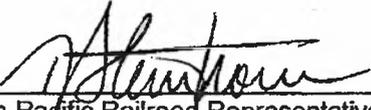
My commission expires: *7/31/05*



Signatures of adjacent owners:

ORS 368.341 3.f

I, the undersigned, represent Union Pacific Railroad which is the owner of the railroad right-of-way property to the north of **Property number one** and **Property number two** described above. I have read and approve of this petition to Multnomah County for vacation of the property as described in this petition and in the attached survey map No. 59144 as recorded in the Multnomah County Survey Records.



Union Pacific Railroad Representative

8/29/05
Date

Notary Information:

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

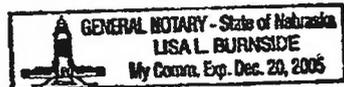
On August 29 2005, before me, a Notary Public in and for said County and State, personally appeared Ted Stenstrom who is the General Director – Real Estate of Union Pacific Railroad Company, a Delaware corporation, and who is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to in the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Notary Public

(Seal)



Signature Sheet

I, the undersigned, am the owner of Block 3, lots 1 and 2 and Block 4, Lots 9 and 10 (immediately south across 2nd St). I have read and approve of this petition to Multnomah County for vacation of the property as described in this petition and in the attached survey map No. 59144 as recorded in the Multnomah County Survey Records.

Ted Hoff 9/10/04
Ted Hoff Date

Notary Information:

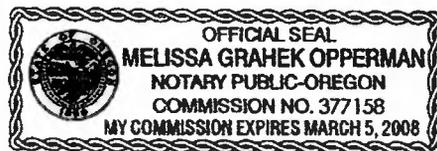
State of Oregon SS

County of Multnomah

Signed before me on September 10, 2004

Melissa Grahek Opperman

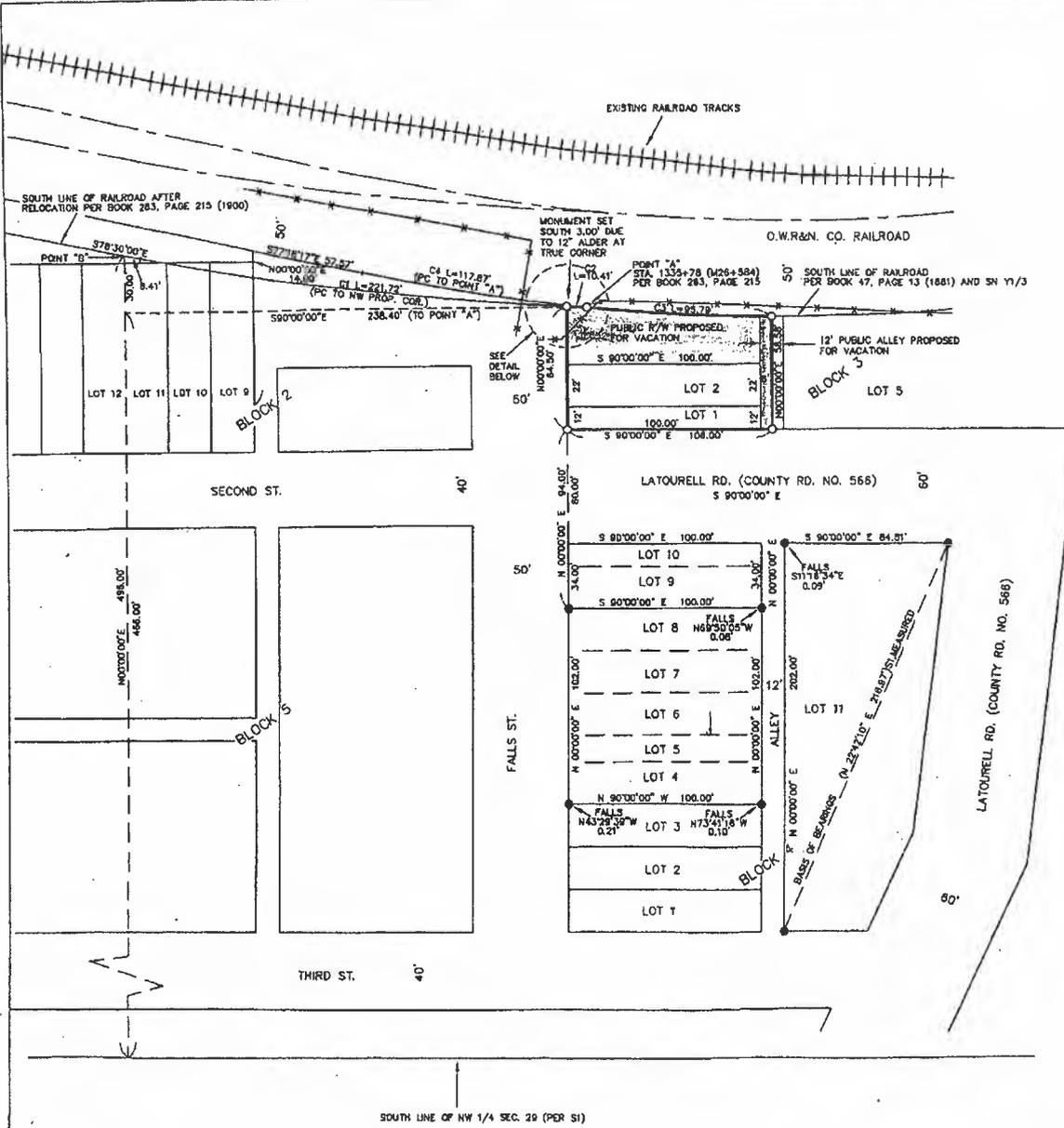
My commission expires: 3/5/08



RECORD OF SURVEY

A PORTION OF "TOWN OF LATOURELLE FALLS"
 LOCATED IN THE NW 1/4 SEC. 29, T.1N., R.5E., W.M.,
 MULTNOMAH COUNTY, OREGON

MARCH 13, 2004



LEGEND

- 5/8" x 30' IRON REBAR WITH POINTED TIP AND YELLOW PLASTIC CAP MARKED "CLAYTON LS 2832" SET ON MARCH 13, 2004
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SHEER LS 2847" PER SN 58548, HELD UNLESS NOTED OTHERWISE
- SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS
- SI DATA FROM SN 58548
- P DATA FROM "TOWN OF LATOURELLE"
- R/W RIGHT-OF-WAY
- PROP. PROPERTY
- COR. CORNER
- +— 4' BARBED WIRE FENCE

SCALE: 1" = 40'

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO DETERMINE THE BOUNDARIES OF LOT 1 (EXCEPTING THE SOUTH 10' THEREOF LYING WITHIN LATOURELLE RD.) AND LOT 2, BLOCK 3, "TOWN OF LATOURELLE FALLS", AND PORTIONS OF PUBLIC RIGHTS-OF-WAY ADJACENT THERETO WHICH ARE PROPOSED FOR VACATION.

THE BASIS OF BEARINGS WAS HELD BETWEEN MONUMENTS FROM SN 58548, AS SHOWN. A CALCULATED BEARING FROM SAID SN 58548 WAS HELD. THE BOUNDARIES OF THE LOTS WITHIN SN 58548 WERE DETERMINED BY HOLDING THESE MONUMENTS, AND THE REMAINING LOTS WITHIN SAID PLAT, AS WELL AS THE SOUTH LINE OF THE NW 1/4 SEC. 29, WERE THEN DETERMINED BY HOLDING PLAT AND SN 58548 DATA.

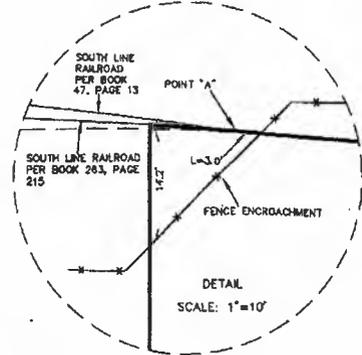
POINT "A" WAS DETERMINED BY HOLDING 488' NORTH OF THE SOUTH LINE OF THE NW 1/4, AND 238.4' EAST OF THE WEST LINE OF LOT 11, BLOCK 2, PER BOOK 283, PAGE 215 (1900), MULTNOMAH COUNTY DEED RECORDS. POINT "A" REPRESENTS THE INTERSECTION OF THE SOUTH LINE OF THE O.W.R.&N. CO. RAILROAD RIGHT-OF-WAY (AS ESTABLISHED BY BOOK 47, PAGE 13 (1881)), AND THE RELOCATED SOUTH LINE OF SAID RAILROAD AS ESTABLISHED BY SAID BOOK 283, PAGE 215.

POINT "B" WAS DETERMINED BY HOLDING 498' NORTH OF THE SOUTH LINE OF SAID NW 1/4, ALONG THE EXTENSION OF SAID WEST LINE OF LOT 11, PER SAID BOOK 283, PAGE 215. THE SAID RELOCATED SOUTH LINE OF THE RAILROAD (ALSO BEING THE WESTERLY PORTION OF THE NORTH LINE OF THE SUBJECT PROPERTY) WAS THEN DETERMINED BY FITTING A 1482.7' RADIUS CURVE WITH A TANGENT LEAVING SAID CURVE TO THE WEST BEARING N78°30'W BETWEEN SAID POINTS "A" AND "B", PER SAID BOOK 283, PAGE 215.

THE SOUTHERLY LINE OF THE RAILROAD, EAST OF SAID POINT "A", WAS DETERMINED BY HOLDING DATA FROM SAID BOOK 283, PAGE 215, WHICH AGREES WITH DATA NOTED AS "CORR." ON UNION PACIFIC MAP C.E. 81278 (SN 11/3 AT MULTNOMAH COUNTY SURVEY RECORDS). STATION 1338+78 WAS HELD AT POINT "A", PER SAID BOOK 283, PAGE 215, AND SAID SOUTH LINE WAS ROTATED AROUND POINT "A" SUCH THAT IT INTERSECTED THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 8, BLOCK 2 AT A POINT 14' NORTHERLY OF THE INTERSECTION OF SAID LINE WITH THE RELOCATED SOUTH RAILROAD LINE, PER SAID BOOK 283, PAGE 215.

THE WEST LINE OF LOT 2, BLOCK 3 WAS THEN EXTENDED NORTH TO INTERSECT THE SAID RELOCATED SOUTH RAILROAD LINE, AND THE CENTERLINE OF THE 12' WIDE PUBLIC ALLEY ADJOINING SAID LOTS 1 AND 2 WAS ESTABLISHED USING PLAT DATA, AND EXTENDED NORTH TO INTERSECT THE SOUTH RAILROAD LINE.

THIS SURVEY WAS PREPARED FOR MR. TED HOFF.



CURVE	LENGTH	RADIUS	CURVE TABLE		CHORD	DISTANCE
			DELTA	DELTA		
C1	221.72'	1482.70'	8°34'00"	881.47'02"	221.82'	
C2	10.41'	1482.70'	8°24'00"	587.16'09"	10.41'	
C3	95.78'	1004.83'	5°27'41"	588.48'21"	95.78'	
C4	117.87'	1004.83'	8°43'13"	580.38'54"	117.80'	

MULTNOMAH COUNTY
 SURVEY RECORDS
 DATE FILED APRIL 15, 2004
59144
 REGISTER NUMBER

SURVEY PREPARED BY:
 JAMES S. CLAYTON, PLS
 6447 SE 29TH WAY
 GRESHAM, OREGON 97080
 (503)663-4689

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

 OREGON
 JUNE 26, 1987
 JAMES S. CLAYTON
 2832
 RENEWAL DATE: 12/31/2005

I CERTIFY THAT THIS SURVEY WAS
 PREPARED USING RP 4844A BK
 OR CONTINENTAL MARKING JPC412
 POLYESTER FILM.

59144

59144

59144

Dept. of Business and Community Services

MULTNOMAH COUNTY OREGON

Land Use and Transportation Program

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

June 25, 2004

Ted Hoff
5820 SE 20th Avenue
Portland, OR 97202

RE: Latourelle Falls property vacation

Dear Mr. Hoff:

After reviewing your e-mail letter dated June 2, 2004, it appears that tax lots 300 and 400, directly West of your tax lot 200 (as they appear on the Tax Assessor's map 1N5E29BD) and directly West of the area you are requesting for a street vacation, are not abutting properties, as defined by statute, to the area being proposed for vacation. The abutters to the area that you have proposed for vacation are the railroad to the North and State of Oregon to the East and your lots.

You may proceed with submitting a petition to the Transportation Division of Multnomah County for the vacation of this property. The petition must be in compliance with the Oregon Revised Statutes, specifically ORS 368.326 - 368.426.

Please be advised that all costs associated with the proposed vacation are the responsibility of the petitioner and that the final vacation decision will be made by the Multnomah County Board of County Commissioners. Also, be advised that this street vacation can not create any land-locked parcels.

As questions or concerns arise, please do not hesitate to call Patrick Hinds at 503-988-3712.

Sincerely,



Robert Maestre
Deputy Director, Community Services

cc: Mike Phillips
Patrick Hinds
File

PHRJ4417.DOC