

# **ANNOTATED MINUTES**

Thursday, August 30, 2001 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

*Vice-Chair Lisa Naito convened the meeting at 9:35 a.m., with Commissioners Serena Cruz, Lonnie Roberts and Maria Rojo Steffey present, and Chair Diane Linn excused.*

### **CONSENT CALENDAR**

***UPON MOTION OF COMMISSIONER CRUZ,  
SECONDED BY COMMISSIONER ROJO, THE  
CONSENT CALENDAR (ITEMS C-1 THROUGH C-4)  
WAS UNANIMOUSLY APPROVED.***

### **NON-DEPARTMENTAL**

C-1 Appointment of Martha Schwab Harris to the HOUSING AUTHORITY OF PORTLAND Board of Commissioners, Multnomah County Position No. 2

### **PUBLIC CONTRACT REVIEW BOARD**

C-2 ORDER Exempting from the Formal Competitive Bid Process the Extension of Contracts with Applied Information Services, Inc., Pacific Information Systems, Inc. and Polar Systems, Inc. Until November 30, 2001

***ORDER 01-116.***

C-3 ORDER Exempting from the Formal Competitive Bid Process the Extension of a Contract with MetroCall for Pager Services Until June 30, 2004

***ORDER 01-117.***

### **DEPARTMENT OF SUPPORT SERVICES**

C-4 RESOLUTION Authorizing Cancellation of Uncollectible Personal Property Taxes for Tax Years 1987/1988 through 1999/2000

**RESOLUTION 01-118.**

**REGULAR AGENDA**

**AT THE REQUEST OF VICE-CHAIR NAITO AND UPON MOTION OF COMMISSIONER CRUZ, SECONDED BY COMMISSIONER ROBERTS, CONSIDERATION OF THE FOLLOWING ITEM WAS UNANIMOUSLY APPROVED.**

**DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

UC-1 Amendment 4 to Intergovernmental Revenue Agreement 0110874 with Oregon Mental Health and Developmental Disability Services Division, Increasing Funding by \$1,170,590 to Cover Expenditures for FY 2001/2002 Agreement Period

**COMMISSIONER CRUZ MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF UC-1. PATTY DOYLE EXPLANATION. AGREEMENT UNANIMOUSLY APPROVED.**

**PUBLIC COMMENT**

Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

**NO ONE WISHED TO COMMENT.**

**AT THE REQUEST OF VICE-CHAIR NAITO, A MOMENT OF SILENCE WAS OBSERVED FOR WASHINGTON COUNTY HATE CRIME VICTIM LORENZO OKARURU.**

**DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT**

R-1 PUBLIC HEARING and Consideration of a RESOLUTION Vacating a Drainage Easement Along NE 366th Avenue, County Road No. 3964, Pursuant to ORS 368.326 to 368.366

**COMMISSIONER CRUZ MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL**

**OF R-1. COUNTY SURVEYOR ROBERT HOVDEN EXPLANATION AND RESPONSE TO A QUESTION OF COMMISSIONER CRUZ, ADVISING PETITIONERS PAY ALL COSTS ASSOCIATED WITH THE VACATION. NO ONE WISHED TO TESTIFY. RESOLUTION 01-119 UNANIMOUSLY APPROVED.**

R-2 PUBLIC HEARING and Consideration of a RESOLUTION Vacating a Pedestrian Easement Adjacent to SW 64th Place, Pursuant to ORS 368.326 to 368.366

**COMMISSIONER ROJO MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-2. COUNTY SURVEYOR ROBERT HOVDEN EXPLANATION AND RESPONSE TO QUESTIONS OF COMMISSIONER CRUZ, ADVISING THE PEDESTRIAN EASEMENT WAS NEVER USED AND THERE ARE NO PLANS TO DO SO; THE PROPERTY CANNOT BE DEVELOPED WITHOUT VACATING THE PLATTED EASEMENT; ALL ADJOINING PROPERTY OWNERS AGREE TO THE VACATION; THE PROPERTY IS LOCATED IN UNINCORPORATED MULTNOMAH COUNTY AND HE IS UNAWARE OF A NEIGHBORHOOD ASSOCIATION; AND THAT THE AREA OF THE EASEMENT LEADS TO A DEAD END. COMMISSIONER CRUZ ADVISED SHE WANTS TO HEAR MORE FROM HAROLD LASLEY ON THE BROADER POLICY ISSUE OF VACATING PEDESTRIAN EASEMENTS. COMMISSIONER ROJO ADVISED SHE IS FAMILIAR WITH THE AREA AND SUPPORTS THE VACATION. VICE-CHAIR NAITO ADVISED THAT SHE SUPPORTS THIS VACATION BASED ON THE EXPLANATION AND COMMISSIONER ROJO'S COMMENTS; AND AGREES WITH COMMISSIONER CRUZ' SUGGESTION TO HAVE A BOARD DISCUSSION ON THE POLICY ISSUES IN THE FUTURE. NO ONE WISHED TO TESTIFY. RESOLUTION 01-120 UNANIMOUSLY APPROVED.**

*There being no further business, the regular meeting was adjourned and the briefing was convened at 9:45 a.m.*

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Thursday, August 30, 2001 - 9:45 AM  
**(OR IMMEDIATELY FOLLOWING REGULAR MEETING)**  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BOARD BRIEFING**

B-1 Brentwood-Darlington Community Center Update on Self-Sufficiency.  
Presented by Lisa Naito, Mary Davis, and Invited Others.

***VICE-CHAIR LISA NAITO PRESENTED HISTORY OF COUNTY INVOLVEMENT WITH BRENTWOOD-DARLINGTON COMMUNITY CENTER AND ONGOING BOARD CONCERNS. EXECUTIVE DIRECTOR MARY DAVIS AND BOARD MEMBER MIKE PETERSON PRESENTATION ON FINANCIAL SITUATION AND EFFORTS TO DEVELOP FINANCIAL PLAN AND MEET 2002 EXPENSES AND RESPONSE TO QUESTIONS OF VICE-CHAIR NAITO. VICE-CHAIR NAITO COMMENTED ON THE NEED TO ADDRESS CAPITAL IMPROVEMENT AND ONGOING MAINTENANCE FUNDING.***

*There being no further business, the meeting was adjourned at 10:05 a.m.*

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

*Deborah L. Bogstad*



Multnomah County Oregon

# Board of Commissioners & Agenda

connecting citizens with information and services

## BOARD OF COMMISSIONERS

### Diane Linn, Chair

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214  
Phone: (503) 988-3308 FAX (503) 988-3093  
Email: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

### Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214  
Phone: (503) 988-5220 FAX (503) 988-5440  
Email: [district1.@co.multnomah.or.us](mailto:district1.@co.multnomah.or.us)

### Serena Cruz, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214  
Phone: (503) 988-5219 FAX (503) 988-5440  
Email: [serena@co.multnomah.or.us](mailto:serena@co.multnomah.or.us)

### Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214  
Phone: (503) 988-5217 FAX (503) 988-5262  
Email: [lisa.h.naito@co.multnomah.or.us](mailto:lisa.h.naito@co.multnomah.or.us)

### Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214  
Phone: (503) 988-5213 FAX (503) 988-5262  
Email: [lonnie.j.roberts@co.multnomah.or.us](mailto:lonnie.j.roberts@co.multnomah.or.us)

### **ANY QUESTIONS? CALL BOARD**

**CLERK DEB BOGSTAD @ (503) 988-3277**  
Email: [deborah.l.bogstad@co.multnomah.or.us](mailto:deborah.l.bogstad@co.multnomah.or.us)

**INDIVIDUALS WITH DISABILITIES PLEASE  
CALL THE BOARD CLERK AT (503) 988-3277,  
OR MULTNOMAH COUNTY TDD PHONE  
(503) 988-5040, FOR INFORMATION ON  
AVAILABLE SERVICES AND ACCESSIBILITY.**

## AUGUST 30, 2001

## BOARD MEETING

### FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 a.m. Thursday Opportunity for Public Comment on Non-Agenda Matters
Pg 2	9:30 a.m. Thursday Vacation of Drainage Easement Along NE 366th Avenue
Pg 2	9:40 a.m. Thursday Vacation of Pedestrian Easement Adjacent to SW 64th Place
Pg 3	9:45 a.m. Thursday Brentwood Darlington Community Center Update
<b>Board and Agenda Web Site:</b> <a href="http://www.co.multnomah.or.us/cc/index.html">http://www.co.multnomah.or.us/cc/index.html</a>	

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 9:30 AM, (LIVE) Channel 30

Friday, 11:00 PM, Channel 30

Saturday, 10:00 AM, Channel 30

(Saturday Playback for East County Only)

Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community  
Television

**(503) 491-7636, ext. 333 for further info  
or: <http://www.mctv.org>**

Thursday, August 30, 2001 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR - 9:30 AM** **NON-DEPARTMENTAL**

- C-1 Appointment of Martha Schwab Harris to the HOUSING AUTHORITY OF PORTLAND Board of Commissioners, Multnomah County Position No. 2

### **PUBLIC CONTRACT REVIEW BOARD**

- C-2 ORDER Exempting from the Formal Competitive Bid Process the Extension of Contracts with Applied Information Services, Inc., Pacific Information Systems, Inc. and Polar Systems, Inc. Until November 30, 2001
- C-3 ORDER Exempting from the Formal Competitive Bid Process the Extension of a Contract with MetroCall for Pager Services Until June 30, 2004

### **DEPARTMENT OF SUPPORT SERVICES**

- C-4 RESOLUTION Authorizing Cancellation of Uncollectible Personal Property Taxes for Tax Years 1987/1988 through 1999/2000

### **REGULAR AGENDA - 9:30 AM** **PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

### **DEPARTMENT OF SUSTAINABLE COMMUNITY DEVELOPMENT - 9:30 AM**

- R-1 PUBLIC HEARING and Consideration of a RESOLUTION Vacating a Drainage Easement Along NE 366th Avenue, County Road No. 3964, Pursuant to ORS 368.326 to 368.366
- R-2 PUBLIC HEARING and Consideration of a RESOLUTION Vacating a Pedestrian Easement Adjacent to SW 64th Place, Pursuant to ORS 368.326 to 368.366

Thursday, August 30, 2001 - 9:45 AM  
**(OR IMMEDIATELY FOLLOWING REGULAR MEETING)**  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BOARD BRIEFING**

B-1 Brentwood-Darlington Community Center Update on Self-Sufficiency.  
Presented by Lisa Naito, Mary Davis, and Invited Others. 15 MINUTES  
REQUESTED.



## Diane Linn, Multnomah County Chair

Suite 600, Multnomah Building  
501 SE Hawthorne Boulevard  
Portland, Oregon 97214-3587  
Email: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

Phone: (503) 988-8308  
FAX: (503) 988-3093

### MEMORANDUM

TO: Commissioner Maria Rojo de Steffey  
Commissioner Serena Cruz  
Commissioner Lisa Naito  
Commissioner Lonnie Roberts  
Board Clerk Deb Bogstad

FROM: Delma Farrell  
Administrative Director

DATE: August 8, 2001

RE: Board Briefing/Meeting Excused Absences

01 AUG - 8 AM 10:51  
MULTNOMAH COUNTY  
OREGON  
COUNTY COMMISSIONER  
DIA NE LINN

Chair Linn will be taking vacation days on August 30 and 31, 2001. She will miss the Board meetings scheduled for those dates.

Cc: Laura Bridges, Executive Assistant

MEETING DATE: August 30, 2001  
AGENDA NO: C-1  
ESTIMATED START TIME: 9:30 AM  
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Appointment to Housing Authority Board of Commissioners

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: August 30, 2001  
AMOUNT OF TIME NEEDED: Consent Calendar

DEPARTMENT: Non-Departmental DIVISION: Chair's Office

CONTACT: Delma Farrell TELEPHONE #: 503/988-3953  
BLDG/ROOM #: 503/600

PERSON(S) MAKING PRESENTATION: \_\_\_\_\_ N/A

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL  OTHER

SUGGESTED AGENDA TITLE:

*Appointment of Martha Schwab Harris to the Housing Authority of Portland's Board of Commissioners, Multnomah County Position No. 2*

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Diane M. Linn  
(OR)

DEPARTMENT MANAGER: \_\_\_\_\_

01 AUG 23 PM 4:46  
MULTNOMAH COUNTY  
OREGON  
BOARD OF  
COMMISERALS

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email  
deborah.l.bogstad@co.multnomah.or.us

MEETING DATE: August 30, 2001  
AGENDA NO: C-2  
ESTIMATED START TIME: 9:30 AM  
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: PCRB EXEMPTION REQUEST TO EXTEND THE CONTRACTS WITH APPLIED INFORMATION SERVICES, INC., PACIFIC INFORMATION SYSTEMS, INC. AND POLAR SYSTEMS, INC. UNTIL NOVEMBER 30, 2001

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: August 30, 2001  
AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: DSS DIVISION: Finance/CPCA

CONTACT: Franna Hathaway TELEPHONE #: 988-5111 X22651  
BLDG/ROOM #: 503/4<sup>th</sup> floor

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL  OTHER

SUGGESTED AGENDA TITLE:

SUBJECT: PCRB EXEMPTION REQUEST TO EXTEND THE CONTRACTS WITH APPLIED INFORMATION SERVICES, INC., PACIFIC INFORMATION SYSTEMS, INC. AND POLAR SYSTEMS, INC. UNTIL NOVEMBER 30, 2001

*09/04/01 copies to Catherine Kwong*

SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)

DEPARTMENT MANAGER: David Boyer

DAVID BOYER  
COUNTY COMMISSIONER  
MULTNOMAH COUNTY  
OREGON  
01 AUG 24 AM 9:35

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email  
deborah.l.bogstad@co.multnomah.or.us



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF SUPPORT SERVICES  
INFORMATION SERVICES DIVISION  
4747 EAST BURNSIDE  
PORTLAND, OREGON 97215  
(503) 988-3749

BOARD OF COUNTY COMMISSIONERS  
DIANE LINN • CHAIR OF THE BOARD  
MARIA ROJO DE STEFFEY • DISTRICT 1 COMMISSIONER  
SERENA CRUZ • DISTRICT 2 COMMISSIONER  
LISA NAITO • DISTRICT 3 COMMISSIONER  
LONNIE ROBERTS • DISTRICT 4 COMMISSIONER

*OK*  
*JH*

## Memorandum

TO: Franna Hathaway  
Purchasing Manager

CC: Lisa Yeo  
Janet Thompson

FROM: Rick Jacobson  
Deputy Information Officer

DATE: July 24, 2001

SUBJECT: Request for Contract Exemption

<u>Vendor</u>	<u>Contract #</u>	<u>SAP Outline Agreement #</u>
Applied Information Services, Inc.	500728	4600000528
Pacific Information Systems, Inc.	500678	4600000533
Polar Systems, Inc.	500698	4600000535

**Request for Exemption:** The Department of Support Services is requesting an extension of the contracts listed above through 11/30/01. These contracts resulted from RFP #P206-00-0301 for Local Area Network Products and Services. The RFP expired 12/31/00. Exemption #00-188 was granted through 6/30/01 for a new RFP to be completed. They are all requirements contracts not to exceed \$1,000,000.00 (estimated) for each contract. RFP #P01-6426 for the services portion has resulted in awards beginning 7/1/01. We estimate the products portion to be approximately \$500,000.00 per contract for the requested extension period.

**Basis for Exemption:** The basis for this exemption request is:

Bid #01-6563 for the products portion has been cancelled on the advice of the County Attorney as of 7/17/01. A new bid will need to be done. In the meantime, the county requires LAN/WAN products.

Thank you for your consideration in this matter. If you have any questions, please contact me at extension 84037.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

ORDER NO. \_\_\_\_\_

Exempting from the Formal Competitive Bid Process the extension of Contracts with Applied Information Services, Inc., Pacific Information Systems, Inc. and Polar Systems, Inc. until November 30, 2001

**The Multnomah County Board of Commissioners Finds:**

- a. The Board, acting in its capacity as the Multnomah County Public Contract Review Board to review, pursuant to PCRB Rules 10.140, a request from the Department of Support Services, Information Services Division, for exemption from the formal competitive bid process to extend the contracts with Applied Information Services, Inc., Pacific Information Systems, Inc. and Polar Systems, Inc. until November 30, 2001.
- b. As it appears in the memorandum from Rick Jacobson, the request for exemption is based upon the fact that these contracts resulted from a Request for Proposals for Local Area Network products and services. The RFP expired 12/31/00. Board Exemption 00-188 was granted through 6/30/01 for each contract. An RFP for the services portion has resulted in awards beginning 7/1/01. However, the bid for the products portion has been cancelled and a new bid will need to be done. In the meantime the County requires LAN/WAN products. The products portion is estimated to be approximately \$500,000 per contract for the requested extension period.
- c. This exemption request is in accord with the requirements of Multnomah County Public Contract Review Board Administrative Rules 10.140.

**The Multnomah County Board of Commissioners, Acting as the Public Contract Review Board Orders:**

The contracts with Applied Information Services, Inc., Pacific Information Systems, Inc. and Polar Systems, Inc. may be extended until November 30, 2001

*ADOPTED this        day of August, 2001.*

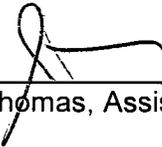
BOARD OF COUNTY COMMISSIONERS FOR  
MULTNOMAH COUNTY, OREGON, ACTING AS  
THE PUBLIC CONTRACT REVIEW BOARD

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Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By  \_\_\_\_\_  
John Thomas, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

**ORDER NO. 01-116**

Exempting from the Formal Competitive Bid Process the Extension of Contracts with Applied Information Services, Inc., Pacific Information Systems, Inc. and Polar Systems, Inc. Until November 30, 2001

**The Multnomah County Board of Commissioners Finds:**

- a. The Board, acting in its capacity as the Multnomah County Public Contract Review Board to review, pursuant to PCRБ Rules 10.140, a request from the Department of Support Services, Information Services Division, for exemption from the formal competitive bid process to extend the contracts with Applied Information Services, Inc., Pacific Information Systems, Inc. and Polar Systems, Inc. until November 30, 2001.
- b. As it appears in the memorandum from Rick Jacobson, the request for exemption is based upon the fact that these contracts resulted from a Request for Proposals for Local Area Network products and services. The RFP expired 12/31/00. Board Exemption 00-188 was granted through 6/30/01 for each contract. An RFP for the services portion has resulted in awards beginning 7/1/01. However, the bid for the products portion has been cancelled and a new bid will need to be done. In the meantime the County requires LAN/WAN products. The products portion is estimated to be approximately \$500,000 per contract for the requested extension period.
- c. This exemption request is in accord with the requirements of Multnomah County Public Contract Review Board Administrative Rules 10.140.

**The Multnomah County Board of Commissioners, Acting as the Public Contract Review Board Orders:**

The contracts with Applied Information Services, Inc., Pacific Information Systems, Inc. and Polar Systems, Inc. may be extended until November 30, 2001

ADOPTED this 30th day of August, 2001.

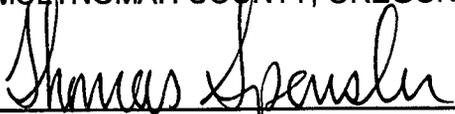


BOARD OF COUNTY COMMISSIONERS FOR  
MULTNOMAH COUNTY, OREGON, ACTING AS  
THE PUBLIC CONTRACT REVIEW BOARD

  
Lisa Naito, Vice-Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Thomas Sponsler, County Attorney

MEETING DATE: August 30, 2001  
AGENDA NO: C-3  
ESTIMATED START TIME: 9:30 AM  
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: PCRB EXEMPTION REQUEST TO EXTEND THE CONTRACT WITH METROCALL FOR PAGER SERVICES UNTIL JUNE 30, 2004

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: August 30, 2001  
AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: DSS DIVISION: Finance/CPCA  
CONTACT: Franna Hathaway TELEPHONE #: 988-5111 X22651  
BLDG/ROOM #: 503/4<sup>th</sup> floor

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL  OTHER

SUGGESTED AGENDA TITLE:

PCRB EXEMPTION REQUEST TO EXTEND THE CONTRACT WITH METROCALL FOR PAGER SERVICES UNTIL JUNE 30, 2004

*09/04/01 copies to Catherine Kwong*

SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)

DEPARTMENT MANAGER: David Boyer

01 AUG 24 AM 9:35  
MULTNOMAH COUNTY  
OREGON  
CLERK OF  
BOARD OF  
COUNTY COMMISSIONERS

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email  
deborah.l.bogstad@co.multnomah.or.us

**Memo**

*OK JA*

RECEIVED  
PURCHASING SECTION  
2001 AUG - 9 AM 8:02  
MULTI-NOMAH COUNTY

**To:** Franna Hathaway  
Purchasing

**From:** Terrie Walker  
Telecommunications Manager, ISD

**CC:** Sherril McGuire  
Administration, ISD

**Subject:** Request for Exemption from Bidding – Pagers

**Date:** August 7, 2001

This is a request for a continued exemption from bidding the County's Pager services (Board Order #93-317). The current vendor is MetroCall.

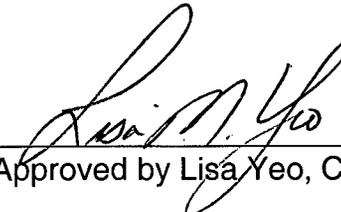
This request is being made due to the adverse effect of having to change all pager numbers in the event the bidding process required a change in the service provider. At this time, the ability to transport phone numbers from one provider to another does not exist.

An analysis was done and the findings are that the current rates continue to be competitive for the service received, and the service coverage is the most appropriate for our customers.

At this time there does not appear to be any timeline set for providing number portability. This situation will continue to be monitored annually. Competitive bidding will be undertaken as soon as number portability is possible.

**Contract Period:** Twelve Months with two annual renewals (36 month total) beginning as soon as possible

**Contract Amount:** \$105,970 for FY 2001 – 2002

  
Approved by Lisa Yeo, CIO

8-8-01  
Date

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

ORDER NO. \_\_\_\_\_

Exempting from the formal competitive bid process the extension of a contract with Metrocall for pager services until June 30, 2004

**The Multnomah County Board of Commissioners Finds:**

- a. The Board, acting in its capacity as the Multnomah County Public Contract Review Board to review, pursuant to PCRB Rules AR10.140, a request from the Department of Support Services, Information Services Division, for an exemption from the formal competitive bid process to extend the contract with Metrocall for pager services until June 30, 2004.
- b. As it appears in the memorandum from Terrie Walker, the request for exemption is based upon the fact that a Board Order (93-317) was granted in September, 1993 to contract with Telepage Northwest, who was then bought out by AT&T and then by Metrocall, for pager services. If the bidding process is followed and it results in a change of the service provider, all pager numbers have to be changed. At this time, the ability to transport phone numbers from one provider to another does not exist. An analysis was done and the findings are that the current rates continue to be competitive for the service received, and the service coverage is the most appropriate for our customers. At this time there does not appear to be any timeline set for providing number portability. This situation will continue to be monitored annually. Competitive bidding will be undertaken as soon as number portability is possible.
- c. This exemption request is in accord with the requirements of Multnomah County Public Contract Review Board Administrative Rules AR10.140.

**The Multnomah County Board of Commissioners, Acting as the Public Contract Review Board Orders:**

That the contract with Metrocall may be extended until June 30, 2004.

ADOPTED this      day of August , 2001.

BOARD OF COUNTY COMMISSIONERS FOR  
MULTNOMAH COUNTY, OREGON, ACTING AS  
THE PUBLIC CONTRACT REVIEW BOARD

\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
John Thomas, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

**ORDER NO. 01-117**

Exempting from the Formal Competitive Bid Process the Extension of a Contract with MetroCall for Pager Services Until June 30, 2004

**The Multnomah County Board of Commissioners Finds:**

- a. The Board, acting in its capacity as the Multnomah County Public Contract Review Board to review, pursuant to PCRBR Rules AR10.140, a request from the Department of Support Services, Information Services Division, for an exemption from the formal competitive bid process to extend the contract with MetroCall for pager services until June 30, 2004.
- b. As it appears in the memorandum from Terrie Walker, the request for exemption is based upon the fact that a Board Order (93-317) was granted in September, 1993 to contract with Telepage Northwest, who was then bought out by AT&T and then by MetroCall, for pager services. If the bidding process is followed and it results in a change of the service provider, all pager numbers have to be changed. At this time, the ability to transport phone numbers from one provider to another does not exist. An analysis was done and the findings are that the current rates continue to be competitive for the service received, and the service coverage is the most appropriate for our customers. At this time there does not appear to be any timeline set for providing number portability. This situation will continue to be monitored annually. Competitive bidding will be undertaken as soon as number portability is possible.
- c. This exemption request is in accord with the requirements of Multnomah County Public Contract Review Board Administrative Rules AR10.140.

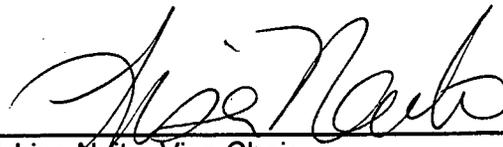
**The Multnomah County Board of Commissioners, Acting as the Public Contract Review Board Orders:**

1. That the contract with MetroCall may be extended until June 30, 2004.

ADOPTED this 30th day of August, 2001.

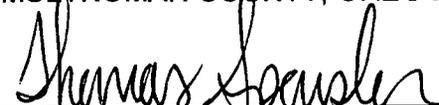


BOARD OF COUNTY COMMISSIONERS FOR  
MULTNOMAH COUNTY, OREGON, ACTING AS  
THE PUBLIC CONTRACT REVIEW BOARD

  
\_\_\_\_\_  
Lisa Naito, Vice-Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
\_\_\_\_\_  
Thomas Sponsler, County Attorney

MEETING DATE: August 30, 2001  
AGENDA NO: C-4  
ESTIMATED START TIME: 9:30 AM  
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Resolution Authorizing Cancellation of Uncollectible Personal Property Taxes

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: Thursday, August 30, 2001  
AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: DSS DIVISION: Assessment and Taxation

CONTACT: Pat Frahler TELEPHONE #: (503) 988-3345, ext 22330  
BLDG/ROOM #: 503/175/Collections

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL  OTHER

SUGGESTED AGENDA TITLE:

RESOLUTION Authorizing Cancellation of Uncollectible Personal Property Taxes for Tax Years 1987/1988 through 1999/2000

*ca/04/01 copies to PAT FRAHLER*

SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)

DEPARTMENT MANAGER: M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email  
deborah.l.bogstad@co.multnomah.or.us

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
01 AUG 23 PM 4:55

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM BRIEFING – SUPPLEMENTAL STAFF REPORT**

**TO:** BOARD OF COUNTY COMMISSIONERS

**FROM:** Pat Frahler, Multnomah County Assessment  
and Taxation Unit

**TODAY'S DATE:** July 31, 2001

**REQUESTED PLACEMENT DATE:** August 16, 2001

**REFERENCE:** Request approval from the Board of County Commissioners to cancel  
Uncollectible Personal Property taxes for Tax Years 1987/88 through  
1999/2000

**I. Recommendation/Action Requested:**

That the Board of County Commissioners set August 16, 2001, as a date to receive public testimony concerning the subject request for cancellation of Uncollectible Personal Property Taxes.

COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. \_\_\_\_\_**

Authorizing Cancellation of Uncollectible Personal Property Taxes for Tax Years 1987/1988 through 1999/2000.

The Multnomah County Board of Commissioners Finds:

- a) Certain personal property taxes have been delinquent and the Multnomah County Tax Collector and County Counsel have determined that said taxes are wholly uncollectible and have requested the Board for an order directing that the taxes be cancelled pursuant to ORS 311.790.

The Multnomah County Board of Commissioners Resolves:

1. That the Multnomah County Tax Collector is directed to cancel those certain personal property taxes which are listed and appended hereto and incorporated herein, for tax years 1987/1988 through 1999/2000, in the total amount of \$226,887.58 for the reason that the same are found to be uncollectible.

Adopted this day of August ~~16~~, 2001.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

Thomas Sponsler, County Attorney  
For Multnomah County, Oregon

By  \_\_\_\_\_  
John Thomas, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. \_\_\_\_\_

Authorizing Cancellation of Uncollectible Personal Property Taxes for Tax Years  
1987/1988 through 1999/2000

**The Multnomah County Board of Commissioners Finds:**

- a) Certain personal property taxes have been delinquent and the Multnomah County Tax Collector and County Attorney have determined that said taxes are wholly uncollectible and have requested the Board for a resolution directing that the taxes be cancelled pursuant to ORS 311.790

**The Multnomah County Board of Commissioners Resolves:**

1. That the Multnomah County Tax Collector is directed to cancel those certain personal property taxes which are listed and appended hereto and incorporated herein, for tax years 1987/1988 through 1999/2000, in the total amount of **\$226,887.58** for the reason that the same are found to be uncollectible.

ADOPTED this 30th day of August, 2001.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
John Thomas, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 01-118**

Authorizing Cancellation of Uncollectible Personal Property Taxes for Tax Years  
1987/1988 through 1999/2000

**The Multnomah County Board of Commissioners Finds:**

- a) Certain personal property taxes have been delinquent and the Multnomah County Tax Collector and County Attorney have determined that said taxes are wholly uncollectible and have requested the Board for a resolution directing that the taxes be cancelled pursuant to ORS 311.790

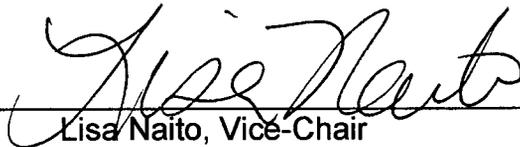
**The Multnomah County Board of Commissioners Resolves:**

1. That the Multnomah County Tax Collector is directed to cancel those certain personal property taxes which are listed and appended hereto and incorporated herein, for tax years 1987/1988 through 1999/2000, in the total amount of **\$226,887.58** for the reason that the same are found to be uncollectible.

ADOPTED this 30th day of August, 2001.

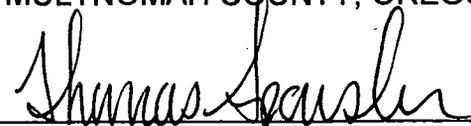
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON



  
\_\_\_\_\_  
Lisa Naito, Vice-Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
\_\_\_\_\_  
Thomas Sponsler, County Attorney

WRITE OFFS

PROPERTY ID	WARRANT NUM	REPORT CD	TOTAL TAX AMT
M354494	994591	BLK WRO	1,491.04
		***	1,491.04
P350054	994552	CORP WRO	2,122.10
		***	2,122.10
P376438		WRO	599.37
M357776		WRO	88.90
M356208		WRO	62.29
P427298		WRO	2,197.61
P417916		WRO	423.24
P432257		WRO	6,927.21
P395684		WRO	348.93
P432941		WRO	37.20
P395218		WRO	1,093.18
P416834		WRO	356.83
M354679	000598	WRO	863.99
P428596	000824	WRO	278.10
P485494	000923	WRO	636.99
P363950	001055	WRO	879.90
M354041	001121	WRO	412.43
M354065	001137	WRO	1,688.60
P475564	001237	WRO	1,899.72
P382005	001361	WRO	1,107.32
M353598	001545	WRO	685.20
P488690	001721	WRO	1,066.43
P431483	001828	WRO	5,486.31
M356511	001869	WRO	467.14
M356600	001933	WRO	522.78
M353540	001936	WRO	23.03
M354688	001948	WRO	168.95
P388559	002029	WRO	1,140.09
M494018	002075	WRO	104.53
M353818	002103	WRO	211.80
M355252	002108	WRO	113.03
P471730	002243	WRO	97.23
M355515	002323	WRO	749.65
M356437	002379	WRO	104.78
M358989	002511	WRO	610.25
P400577	086195	WRO	37.97
P406317	086335	WRO	43.12
P352165	871468	WRO	396.80
P374677	880217	WRO	7.79
P381300	880310	WRO	883.54
P387704	900360	WRO	745.23
P389395	900388	WRO	17,349.94
P399567	900534	WRO	147.98
P430363	900980	WRO	898.08
P433381	901024	WRO	297.13
P404366	911644	WRO	726.09

PROPERTY ID	WARRANT NUM	REPORT CD	TOTAL TAX AMT
P394907	922852	WRO	115.75
P418491	930574	WRO	857.77
P420536	930607	WRO	155.71
M356000	940949	WRO	59.97
P417039	941550	WRO	3,605.74
P437116	942350	WRO	129.08
P403627	942529	WRO	64.61
P404900	950446	WRO	235.62
P455375	951703	WRO	48.42
P414441	961584	WRO	234.54
P417036	961595	WRO	408.90
P404028	962249	WRO	468.70
P403160	970187	WRO	841.68
P404899	970200	WRO	796.08
P430173	970344	WRO	7,935.36
M355641	970805	WRO	79.99
P373982	971473	WRO	18,182.13
P385578	971566	WRO	441.40
P427662	971804	WRO	374.47
P415166	972168	WRO	1,607.19
P363744	980019	WRO	441.66
P364648	980031	WRO	54.86
P372490	980107	WRO	4,244.89
P377794	980159	WRO	339.35
P398047	980414	WRO	747.79
P398735	980421	WRO	45.08
P412074	980572	WRO	531.51
P415182	980604	WRO	332.70
P418368	980642	WRO	136.91
P418876	980648	WRO	106.39
P421114	980684	WRO	304.66
P421779	980691	WRO	4,613.47
P350155	980978	WRO	36.00
M355391	981371	WRO	274.97
M356606	981463	WRO	325.04
P476445	982223	WRO	193.53
P476456	982225	WRO	194.93
P476509	982227	WRO	626.15
P476510	982228	WRO	245.36
P476511	982229	WRO	362.74
P476512	982230	WRO	370.47
P476513	982231	WRO	353.47
P478088	982248	WRO	210.34
P478113	982249	WRO	119.01
P478162	982251	WRO	21.11
P478163	982252	WRO	21.15
P478166	982253	WRO	21.23
P478168	982254	WRO	21.11
P478169	982255	WRO	21.09
P478170	982256	WRO	21.12
P478171	982257	WRO	21.44
P478172	982258	WRO	21.10
P478173	982259	WRO	21.13

PROPERTY ID	WARRANT NUM	REPORT CD	TOTAL TAX AMT
P478175	982260	WRO	21.15
P478176	982261	WRO	21.10
P478177	982262	WRO	21.10
P478178	982263	WRO	22.05
P478179	982264	WRO	21.27
P478180	982265	WRO	280.36
P478181	982266	WRO	21.19
P478182	982267	WRO	21.17
P478183	982268	WRO	21.18
P478184	982269	WRO	196.18
P478185	982270	WRO	154.81
P478186	982271	WRO	95.88
P478191	982272	WRO	102.92
M353758	982447	WRO	139.54
M358996	982495	WRO	95.89
P476355	982600	WRO	58.31
P478142	982603	WRO	83.46
P478187	982604	WRO	67.57
P478192	982605	WRO	74.26
P366106	982623	WRO	24.67
P412511	982697	WRO	166.57
P431575	982811	WRO	702.87
P403159	990149	WRO	2,194.34
M353689	993500	WRO	204.90
P350199	993513	WRO	1,842.16
M355658	993591	WRO	91.94
P404064	993631	WRO	605.98
M357942	993761	WRO	118.62
M359273	993851	WRO	67.52
M354191	993901	WRO	7.75
P436180	993913	WRO	53.56
P367588	994725	WRO	61.42
M353631	994841	WRO	127.89
P363256	994851	WRO	252.14
M358479	994894	WRO	315.26
P350423	995302	WRO	13.80
U344170	995349	WRO	70.13
P389738	995366	WRO	6,006.58
P430300	995368	WRO	19,423.55
P432000	995466	WRO	3,444.27
P351503	995657	WRO	12.43
		***	142,359.29
M357800	993433	WRO BLK	101.34
		***	101.34
P427287	000425	WRO CORP	446.00
P405523	000743	WRO CORP	623.13
P371934	000820	WRO CORP	427.39
P371126	001589	WRO CORP	8,534.62
P398959	001684	WRO CORP	6,583.48

PROPERTY ID	WARRANT NUM	REPORT CD	TOTAL TAX AMT
M354546	002479	WRO CORP	329.99
M359274	002480	WRO CORP	253.76
P392389	920474	WRO CORP	956.76
P436313	953286	WRO CORP	1,617.32
P381988	971537	WRO CORP	4,824.74
P408837	971698	WRO CORP	1,528.49
P369896	980082	WRO CORP	4,888.61
P396695	980406	WRO CORP	3,183.93
P416744	980622	WRO CORP	4,282.05
P429679	980782	WRO CORP	1,764.87
P436923	980890	WRO CORP	4,032.44
M353764	981223	WRO CORP	420.01
P368437	982627	WRO CORP	978.88
P408619	982689	WRO CORP	3,742.46
P442256	992801	WRO CORP	1,886.72
P428233	993464	WRO CORP	48.02
P362966	993806	WRO CORP	3,624.26
P418138	994681	WRO CORP	1,549.37
P413016	994855	WRO CORP	1,528.28
P428362	995138	WRO CORP	20,010.14
U345241	995394	WRO CORP	3.14
		***	78,068.86
P484516	002424	WRO RFR	2,744.95
		***	2,744.95
			226,887.58

168 records listed.

AUG 30 2001

MEETING DATE: \_\_\_\_\_

AGENDA NO: UC-1

ESTIMATED START TIME: 9:30

LOCATION: \_\_\_\_\_

BOARD ROOM 100

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** Amendment Number 4 to the IGA with Oregon Mental Health and Developmental Disabilities Division to increase funding by \$1,170,590.00 to cover expenditures for the 2001/2002 Agreement period September 30, 2001.

**BOARD BRIEFING:** DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

**REGULAR MEETING:** DATE REQUESTED: \_\_\_\_\_ Next Available  
AMOUNT OF TIME NEEDED: \_\_\_\_\_ Consent

**DEPARTMENT:** Community and Family Services **DIVISION:** Behavioral Health

**CONTACT:** Alicia Boris/ **TELEPHONE #:** (503) 988-5464, ext. 29807  
**BLDG/ROOM #:** 166/5

**PERSON(S) MAKING PRESENTATION:** \_\_\_\_\_ N/A

**ACTION REQUESTED:**

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL  OTHER

**SUGGESTED AGENDA TITLE:**

**Amendment Number 4 Ratification of Revenue Agreement With Oregon Mental Health And Developmental Disabilities Division.**

*08/30/01 originals to Patty Doyle*

**SIGNATURES REQUIRED:**

**ELECTED OFFICIAL:** \_\_\_\_\_  
(OR)

**DEPARTMENT MANAGER:** Lorenzo Poe

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

**Any Questions: Call the Board Clerk @ (503) 988-3277 or email [deborah.l.bogstad@co.multnomah.or.us](mailto:deborah.l.bogstad@co.multnomah.or.us)**

01 AUG 21 10:22 47  
BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON



Department of Community and Family Services

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**MULTNOMAH COUNTY OREGON**

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421 SW Sixth – Seventh Floor  
Portland OR 97216-1618  
(503) 988-3691 phone  
(503) 988-3379 fax

TO: Board of County Commissioners

FROM: Lorenzo Poe, Director  
Department of Community and Family Services

DATE: August 27, 2001

SUBJECT: Revenue Agreement #4 for Child and Adult Mental Health Capitation

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- I. **Recommendation/Retroactive Action Requested:** The Department of Community and Family Services recommends Board of County Commissioner approval of the revenue agreement for the period September 1, 2001 through September 30, 2001.
- II. **Background/Analysis:** The Department of Community and Family Services is amending its contract to the Oregon Health Plan (OHP) Mental Health Organization (MHO), to increase funding to cover expenditures for the 2001-2002 Agreement period.
- III. **Financial Impact:** This revenue agreement increases by \$1,170,590. Total Agreement is up to \$32,965,112.00
- IV. **Legal Issues:** None
- V. **Controversial Issues:** None
- VI. **Link to Current County Policies:** This amendment continues to support the County benchmark to increase access to mental health services.
- VII. **Citizen Participation:** N/A
- VIII. **Other Government Participation:** None

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Contract #: **0110874**

Pre-approved Contract Boilerplate (with County Counsel signature)  Attached  Not Attached

Amendment #: **4**

Class I	Class II	Class III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <p style="text-align: center;"><b>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</b></p> <p style="text-align: center;">AGENDA # <u>LC-1</u> DATE <u>08.30.01</u>                      DEB BOGSTAD, BOARD CLERK</p>

Department: Community and Family Services      Division: Behavioral Health      Date: August 27, 2001  
 Originator: Alicia Boris      Phone: 29807      Bldg/Rm: 166/5  
 Contact: Sydney Bizzell/Lynn Ervins, Amiee Ortiz (GA)      Phone: 22701/26644/26367      Bldg/Rm: 166/7  
 Description of Contract: **This amendment increases funding by \$1,170,590 to cover expenditures for FY 2001/2002 Agreement period.**

RENEWAL: <input type="checkbox"/>		PREVIOUS CONTRACT #(S): _____	
RFP/BID: <u>N/A REV</u>	RFP/BID DATE: _____		
EXEMPTION #/DATE: _____	EXEMPTION EXPIRATION DATE: _____	ORS/AR #: _____	
CONTRACTOR IS: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/> ORF <input type="checkbox"/> N/A <input type="checkbox"/> NONE (Check all boxes that apply)			

Contractor: <b>Oregon Mental Health and Developmental Disability Services Division</b>	
Address: <u>2575 Bittern Street, N.E. Salem, OR 97310-0520</u>	Remittance Address: _____ (if different)
Phone: <u>(503) 945-9499</u>	Payment Schedule / Terms:
Employer ID# or SS#: <u>93-0576060</u>	<input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt
Effective Date: <u>September 1, 2001</u>	<input checked="" type="checkbox"/> Monthly \$ <u>Per Eligible Client</u> <input type="checkbox"/> Net 30
Termination Date: <u>September 30, 2001</u>	<input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other
Original Contract Amount \$ <u>24,929,410</u>	Requirements \$ _____
Total Amt of Previous Amendments \$ <u>6,865,112 (estimated*)</u>	Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No
Amount of Amendment \$ <u>1,170,590</u>	
Total Amount of Agreement \$ <u>32,965,112.00</u>	

\* This is an estimated figure because the number of eligible members fluctuates.

**REQUIRED SIGNATURES**

Department Manager: *Lorenzo Poe*      DATE: 8/27/01  
 Purchasing Manager: \_\_\_\_\_      DATE: \_\_\_\_\_  
 County Counsel: *Katie Gault*      DATE: 8/27/01  
 County Chair: *Steve Nantz* VICE-CHAIR      DATE: 08.30.01  
 Sheriff: \_\_\_\_\_      DATE: \_\_\_\_\_  
 Contract Administration: \_\_\_\_\_      DATE: \_\_\_\_\_

SAP CUSTOMER CODE 200647 (PREVIOUS DEPT REFERENCE REV124)			
LINE #	G/L	Grant Acct.	Amount
01	26030 Title XIX - Capitation	Keith Mitchell	7,000,000
02			
03			

MHO Agreement # 75-110

This constitutes Amendment #4 to the 2000-2001 Oregon Health Plan Mental Health Organization Agreement #75-110 between the State of Oregon, acting by and through its Department of Human Services (DHS), Mental Health and Developmental Disability Services Division (MHDDSD) hereinafter referred to as Division and Multnomah County, hereinafter referred to as Contractor.

This Amendment shall become effective on September 1, 2001 or on the date at which every authorized party has signed, whichever is later, and approved by the Oregon Department of Justice, as required. Deletions from the Agreement are shown as crossed out text and additions are shown as underlined.

1. **Part I, Section II, Compensation**, first sentence amended to read "Maximum not-to-exceed compensation payable to Contractor under this Agreement is ~~\$31,929,410~~ \$33,100,000. This action adds \$1,170,590 to the original not-to exceed amount
2. Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Contractor certifies that the representations, warranties and certifications contained in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.
3. The individual signing on behalf of Contractor hereby certifies and swears under penalty of perjury that s/he is authorized to act on behalf of Contractor, s/he has authority and knowledge regarding Contractor's payment of taxes, and to the best of her/his knowledge, Contractor is not in violation of any Oregon tax laws including without limitation state inheritance tax, gift tax, personal income tax, withholding tax, corporation income and excise taxes, amusement device tax, timber taxes, cigarette tax, other tobacco tax, 9-1-1 emergency communications tax, the homeowners and renters property tax relief program and local taxes administered by the Department of Revenue (Multnomah County Business Income Tax, Lane Transit District Tax, Tri-Metropolitan Transit District Employer Payroll Tax, and Tri-Metropolitan Transit District Self-Employment Tax).

If Contractor is not a Corporation, a county, or an intergovernmental entity organized under ORS Chapter 190, or is a professional corporation, then the individual signing this Agreement on behalf of Contractor must certify that

Contractor is an Independent Contractor and that the Contractor meets the following standards: (a) that the Contractor is registered under ORS chapter 701 to provide labor or services for which such registration is required; (b) that the Contractor has filed federal and state income tax returns in the name of the Contractor's business or a business Schedule C as part of the personal income tax return, for previous year, or expects to file federal and state income tax returns, for labor or services performed as an independent contractor in the previous year; (c) that the Contractor will furnish the tools or equipment necessary for the contracted labor or services; (d) that the Contractor has the authority to hire and fire employees who perform the labor or services; and (e) that the Contractor represents to the public that the labor or services are to be provided by it's independently established business as four or more of the following circumstances exist: (i) the labor or services are primarily carried out at a location that is separate from the residence listing; (ii) labor or services are performed only pursuant to written contracts; (iii) labor or services are performed for two or more different persons within a period of one year; (iv) Contractor assumes financial responsibility for defective workmanship or for services not provided as evidenced by the ownership of performance bonds, warranties, errors and omission insurance or liability insurance relating to the labor or services to be provided.

4. Signatures:

**Contractor:**  
**Multnomah County**

**State of Oregon:**  
**DHS, Mental Health and Developmental  
 Disability Services Division:**

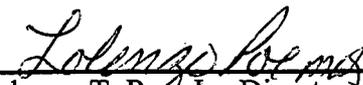
  
 \_\_\_\_\_ 08-30-01  
**Lisa Naito, Vice-Chair** Date  
 Board of County Commissioners

Authorized Signature Date

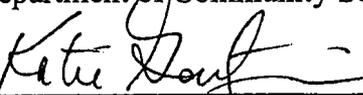
APPROVED MULTNOMAH COUNTY  
 BOARD OF COMMISSIONERS  
 AGENDA # UC-1 DATE 08-30-01  
 DEB BOGSTAD, BOARD CLERK

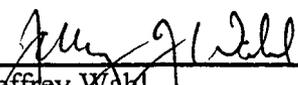
Reviewed by:

\_\_\_\_\_  
 Roger A. Cone Date  
 DHS Contracts Consultant

  
 \_\_\_\_\_ 8/27/01  
**Lorenzo T. Poe, Jr., Director** Date  
 Department of Community Services

Approved as to Legal Sufficiency:

  
 \_\_\_\_\_ 8/27/01  
**Thomas Sponsler** Date  
 Multnomah County Counsel

  
 \_\_\_\_\_ 8/23/01  
**Jeffrey Wahl** Date  
 Assistant Attorney General

MEETING DATE: August 30, 2001  
AGENDA NO: R-1  
ESTIMATED START TIME: 9:30 AM  
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Drainage Easement Vacation Along NE 366th Avenue, County Road No. 3964

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: August 30, 2001  
AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: DSCD DIVISION: Transportation

CONTACT: Robert Hovden, Co. Surveyor TELEPHONE #: (503) 988-5573  
BLDG/ROOM #: 455

PERSON(S) MAKING PRESENTATION: Robert Hovden

**ACTION REQUESTED:**

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL  OTHER

**SUGGESTED AGENDA TITLE:**

PUBLIC HEARING and Consideration of a RESOLUTION Vacating a Drainage Easement Along NE 366th Avenue, County Road No. 3964, Pursuant to ORS 368.326 to 368.366

09.04.01 copies & certified true copies to Patrick Hinds

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT MANAGER: Michael Oswald

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
01 AUG 23 PM 5:12

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email  
deborah.l.bogstad@co.multnomah.or.us



**Department of Sustainable Community Development**  
**MULTNOMAH COUNTY OREGON**

---

Transportation Division  
1600 SE 190<sup>th</sup> 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. 366<sup>th</sup> 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.

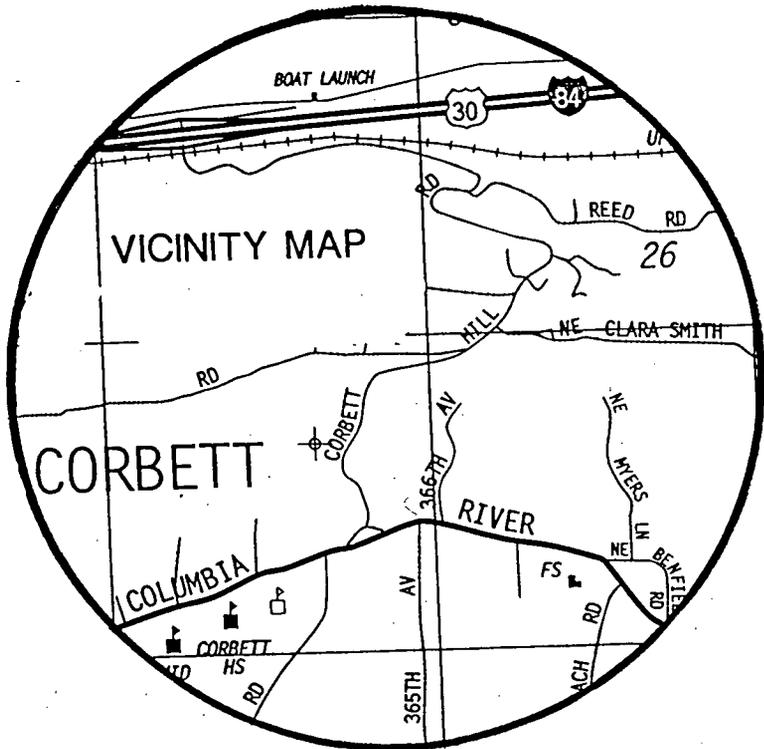
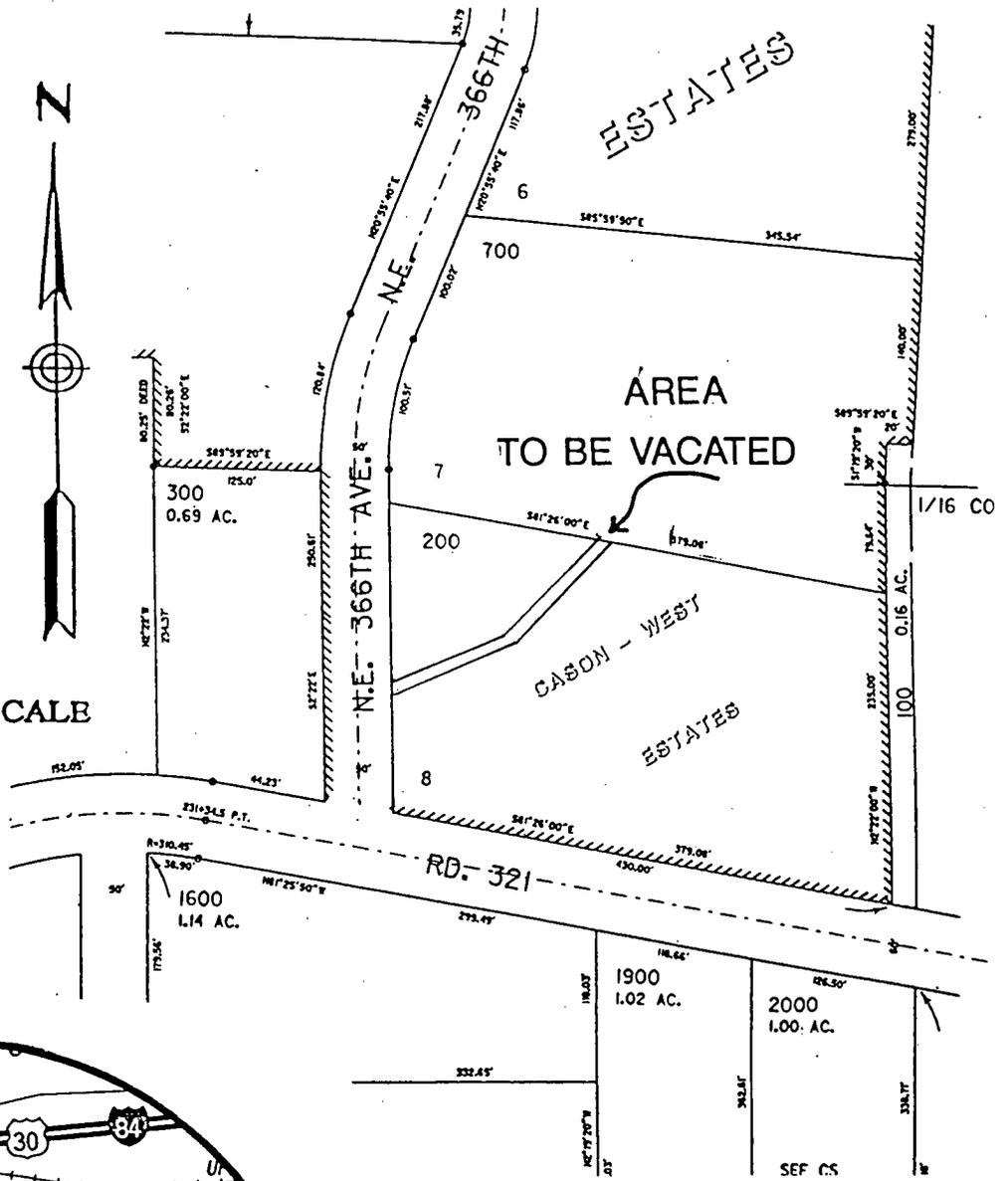
Attachment

PHRJ3799.DOC

# EXHIBIT "A"



NO SCALE



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

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. \_\_\_\_\_

Vacating a Drainage Easement along N.E. 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 N.E. 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 N.E. 366th Avenue. Multnomah County has no plans to develop this drainage easement along N.E. 366th Avenue.

b. The drainage easement along N.E. 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 N.E. 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.

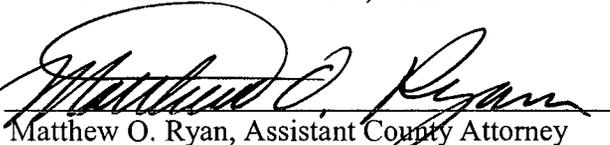
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

---

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

Resolution - Page 2 of 2  
8/2001

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.

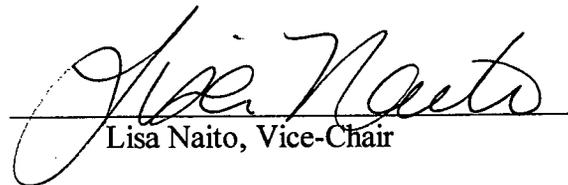
**The Multnomah County Board of Commissioners Resolves:**

- 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.

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 190<sup>th</sup> 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. 366<sup>th</sup> 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:

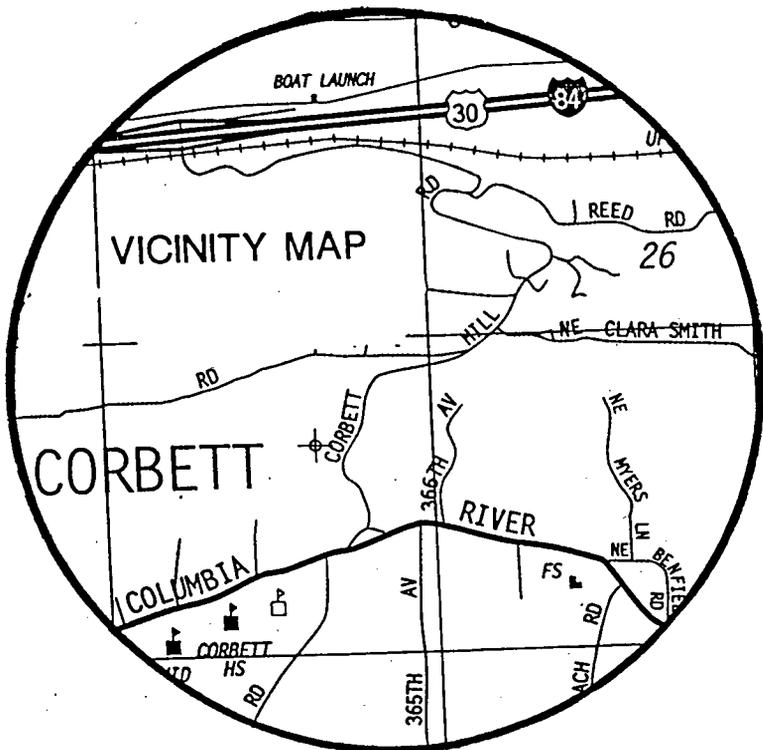
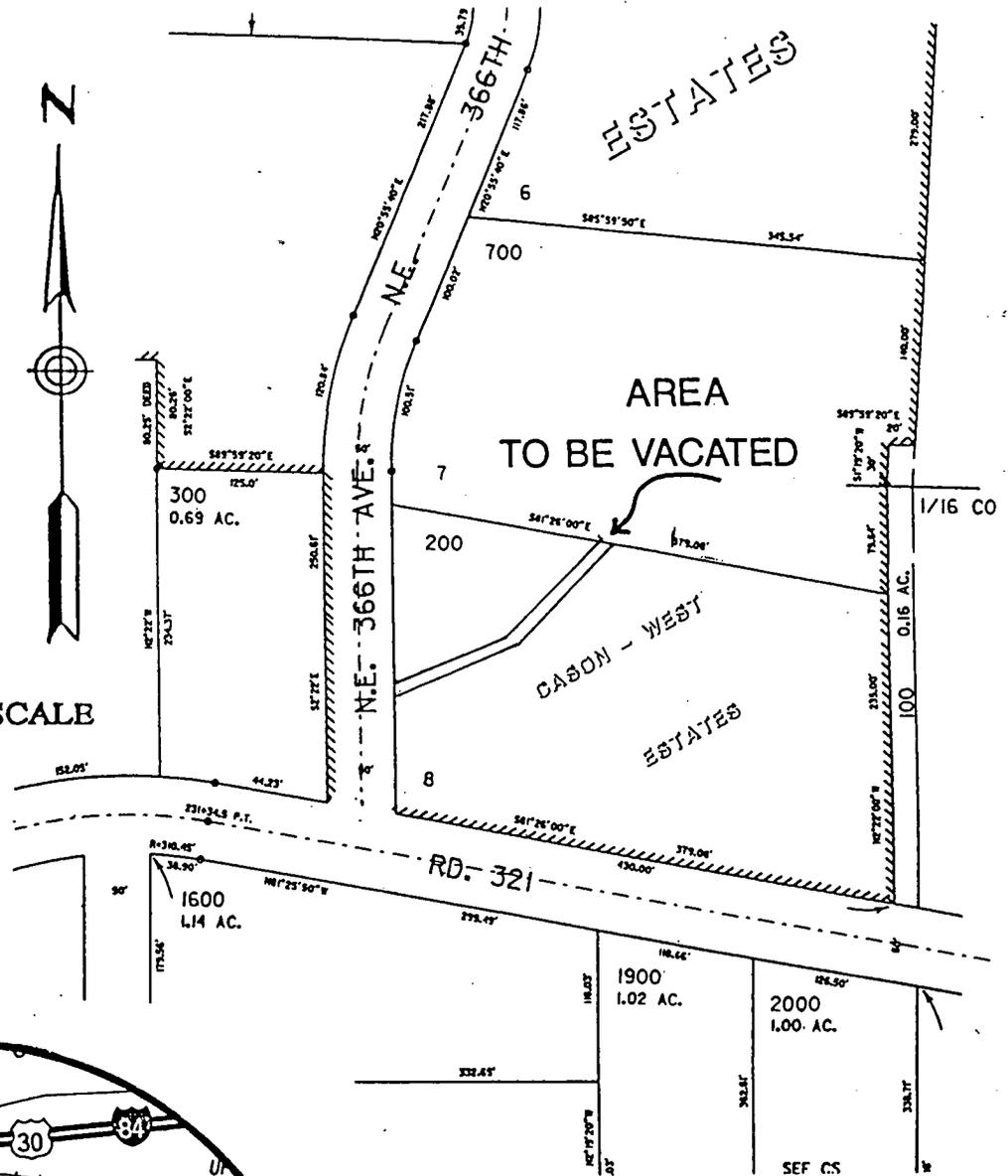
None required for these proceedings.

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 190<sup>th</sup> Aenue  
Portland, OR 97233-5910

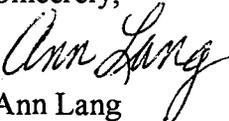
Dear

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

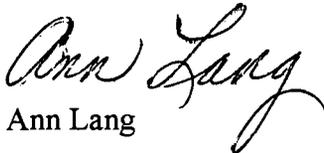
Ann Lang  
36611 Historic Col. River Hwy  
Corbett, Oregon 97019  
(503) 695-3496

Multnomah County Oregon  
Transportation Department  
1600 SE 190<sup>th</sup> 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  
NW CORNER LOT B  
ORIGINAL PLAT  
MONUMENT  
HELD NORTH & SOUTH  
N 81°28'16" W, 0.14'

PUBLIC ROAD  
DEDICATION TO  
MULTNOMAH COUNTY  
85 SF

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

N.E. 366TH AVENUE

N 2°08'07" W 234.71' M

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

PARCEL 2  
43,546 SF/1.00 ACRE

P=25.00'  
S=79°02'54"  
L=74.49'  
C=N. 41°39'34" W, 71' 52'

HISTORIC COLUMBIA RIVER HIGHWAY (AKA CROWN POINT

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

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

S 81°26'00" E 379.08' F  
S 81°28'16" E 378.21' M

PARCEL 1  
43,741 SF/1.00 ACRE

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

S 2°18'57" E 235.11' M

ATTACHMENT A Pg. 2

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

19-7076/3250  
2393058893

2968

DATE

July 19, 2001

PAY TO THE  
ORDER OF

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

DOLLARS

Washington Mutual

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

1-800-756-6000  
24 Hour Customer Service

NOTES

waste easement

Judith Ann Lang

⑆ 325070760⑆ 239⑆ 305309⑆ 3⑆ 2968

received 6/19/01

Alan M. Young

P. O. Box

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: Chris C. For Merle E. Wilson  
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.



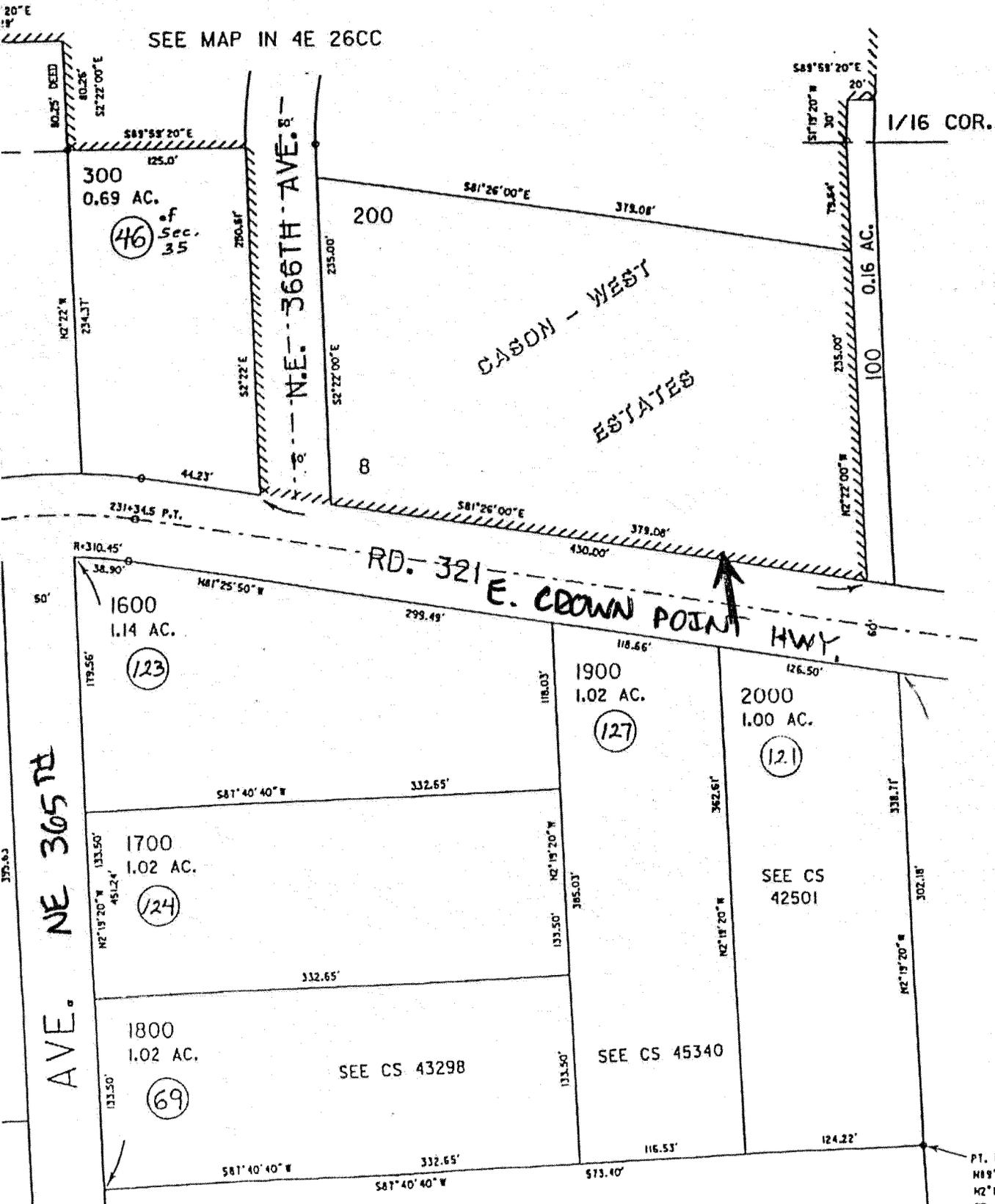
Fidelity National Title Company of Oregon

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.

SEE MAP IN 4E 26CC



SEE MAP IN 4E 35BA

PT. LIES  
N89°26'40"E 1320.26'  
N2°19'20"W 1899.85'

**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 366<sup>th</sup>. 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 black ink, appearing to read 'S. Cartisser', 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 366<sup>th</sup> 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,

A handwritten signature in black ink, appearing to read "John G. Nelson", written in a cursive style with a long horizontal flourish extending to the right.

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 1620 NE 366<sup>th</sup> 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. Gainer  
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 Fornshell  
commission expires \_\_\_\_\_



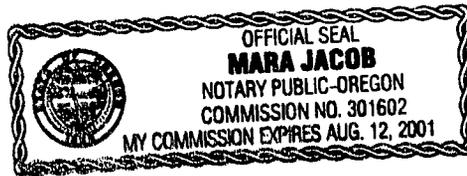
I am the owner of the property located at 36703 HCR HW., Corbett, Oregon. I approve of the drainfield easement vacation (per bk 577, pg 753 '8/17/67') located on parcel 2 of the property located at 36611 Historic Columbia River Hwy.

Daniel L Roberts  
Owner

6/13/01  
Dated

NOTARY PUBLIC:

*State of Oregon*  
*City Multnomah*  
*Date 6-13-01*



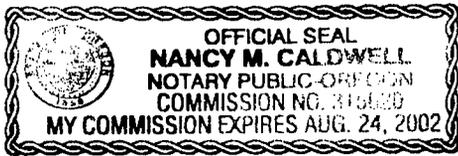
Mara Jacob  
*exp 8-12-01*

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. Poffenbeger*  
Owner

6-7-01  
Dated

NOTARY PUBLIC:



*Nancy M. Caldwell*

MEETING DATE: August 30, 2001  
AGENDA NO: R-2  
ESTIMATED START TIME: 9:30 AM  
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Pedestrian Easement Vacation Adjacent to SW 64th Place

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: August 30, 2001  
AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: DSCD DIVISION: Transportation

CONTACT: Robert Hovden, County Surveyor TELEPHONE #: (503) 988-5573  
BLDG/ROOM #: 455

PERSON(S) MAKING PRESENTATION: Robert Hovden

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL  OTHER

SUGGESTED AGENDA TITLE:

PUBLIC HEARING and Consideration of a RESOLUTION Vacating a Pedestrian Easement Adjacent to SW 64th Place

09/04/01 copies & certified true copies to  
PATRICK HINAS

SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)

DEPARTMENT MANAGER: Michael Oswald

BOARD OF  
COUNTY COMMISSIONERS  
01 AUG 23 PM 5:31  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email  
deborah.l.bogstad@co.multnomah.or.us



**Department of Sustainable Community Development**  
**MULTNOMAH COUNTY OREGON**

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Transportation Division  
1600 SE 190<sup>th</sup> 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 17, 2001  
RE: Vacation of a pedestrian easement adjacent to S.W. 64<sup>th</sup> Place

1. Recommendation/Action Requested:

The Transportation Division recommends approval of the vacation of a pedestrian easement adjacent to S.W. 64<sup>th</sup> Place, the location of which is 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 7, Township 1 South, Range 1 East, W.M., Multnomah County, Oregon, this easement was created by the subdivision plat "ARGENT SUBDIVISION" recorded December 13, 1973, in Book 1204, Page 93, Multnomah County Plat Records.

Approximately 80% of the 5 foot wide pedestrian easement created by the ARGENT SUBDIVISION, has been subsequently re-platted by the plat ARGENT SUBDIVISION LOTS 25 TO 31, recorded on September 21, 1983, in Book 1216, Page 64, Multnomah County Plat Records. Under ORS 92.185, the County's 1983 approval of the replat acted to vacate any public easement established under the original plat other than a street or road. The portion of the 5 foot wide pedestrian easement being considered for vacation is a remainder portion, unaffected by the re-platting of the adjacent area.

An inspection, performed on August 6, 2001, revealed that the easement proposed to be vacated, has not been improved for use by the public. Multnomah County has no plans to develop this pedestrian easement. The portion to be vacated is shown on the attached Exhibit "A," hereby incorporated by this reference.

The ownership 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 Exhibit "B" of the Resolution. 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 pedestrian easement adjacent to S.W. 64<sup>th</sup> Place on July 12, 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. No public money is spent on this pedestrian easement.

4. Legal Issues:

This proposed pedestrian easement 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 S.W. 64th Place to be in the public interest.

5. Controversial Issues:

None.

6. Link to Current County Policies:

Consistent with community involvement, development and intergovernmental cooperation.

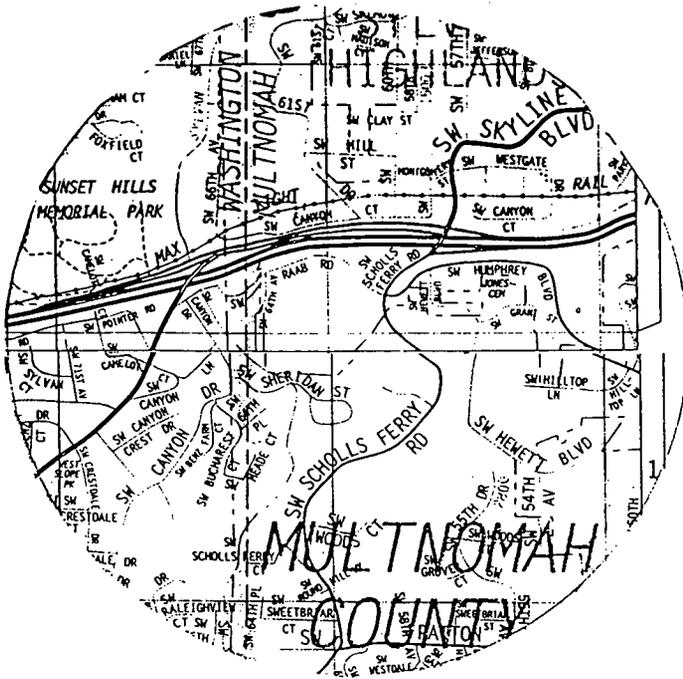
7. Citizen Participation:

This is a citizen initiated petition.

8. Other Government Participation:

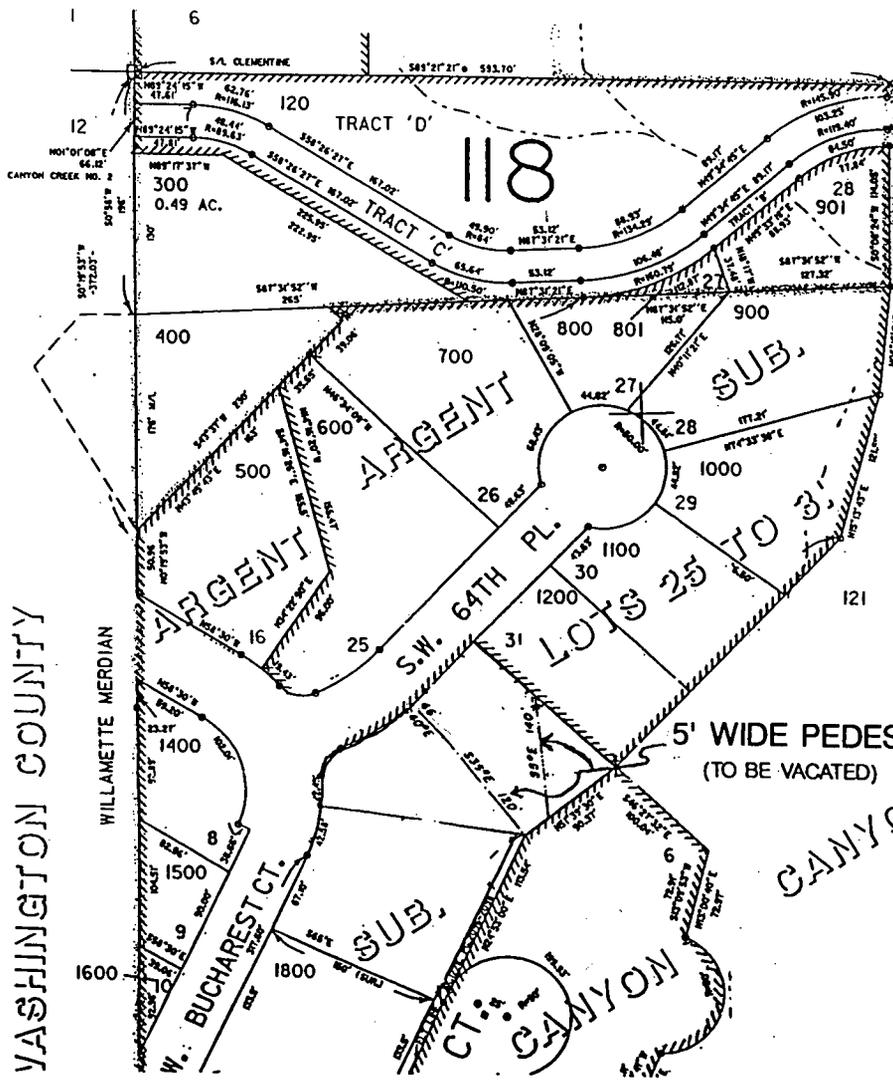
None required for these proceedings.

# VICINITY MAP



# EXHIBIT "A"

NO SCALE



5' WIDE PEDESTRIAN EASEMENT/  
(TO BE VACATED)

WASHINGTON COUNTY

CANYON

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. \_\_\_\_\_

Vacating a Pedestrian Easement Adjacent to S.W. 64<sup>th</sup> Place, Pursuant to ORS 368.326 to 368.366

**The Multnomah County Board of Commissioners Finds:**

- a. The pedestrian easement to be vacated was created by the plat for the ARGENT SUBDIVISION, recorded December 13, 1973, in Book 1204, Page 93, Multnomah County Deed Records.
- b. The pedestrian easement to be vacated is more particularly described as follows:

All that portion of the five foot wide pedestrian easement, created by the plat for the ARGENT SUBDIVISION, recorded December 13, 1973, in Book 1204, Page 93, Multnomah County Deed Records, contained within the following described tract of land:

Situated in the Northwest one-quarter of Section 7, Township 1 South, Range 1 East, of the Willamette Meridian and a portion of Lot 16, ARGENT SUBDIVISION, County of Multnomah, State of Oregon, described as follows:

Beginning at an iron rod with cap found on the East right of way line of S.W. Bucharest Court, being S0°19'53"W, 597.01 feet and S89°40'07"E, 143.74 feet from the Northwest corner of Section 7; thence continuing on the said right of way line on a curve to the left with a central angle of 9°54'46", radius of 130.00 feet (chord bears N1°16'32"E, 22.46 feet) a distance of 22.49 feet to an iron rod with a cap set; thence on a curve to the right with a central angle of 71°10'51", radius of 25.00 feet, (chord bears N31°54'34"E, 29.10 feet) a distance of 31.06 feet to an iron rod with cap set; thence on a curve to the left with a central angle of 24°00'00", radius of 200.00 feet, (chord bears N55°30'00"E, 83.17 feet) a distance of 83.78 feet to an iron rod with cap set; thence N43°30'00"E, 57.07 feet to an iron rod with cap set; thence S46°30'00"E, 150.03 feet to an iron rod with cap set; thence S51°29'20"W, 90.00 feet to an iron rod with cap found; thence N81°42'00"W, 163.82 feet to the point of beginning.

As shown on the attached Exhibit A. Containing 1300 square feet, more or less.

- c. Philip D. Benz and Rogene L.B. Benz, petitioners, have submitted a petition to vacate 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 under 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 minimum application fee of \$1065.00 will be applied to the vacation proceeding. The total cost for this vacation, including administrative costs, is \$1643.24. Administrative costs include staff time for research, review, analyses and document preparation. The balance owing by the petitioners, at the date of this hearing is \$378.24.
- i. The County's Planning Division has reviewed the proposed vacation of the above described easement and supports it. The County Engineer has determined the County Transportation Division has no further need for this easement and the proposed vacation is in the public's interest.

**The Multnomah County Board of Commissioners Resolves:**

1. The above-described pedestrian easement adjacent to S.W. 64<sup>th</sup> Place 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 \$1643.24, and Philip D. Benz and Rogene L.B. Benz are directed to pay the remaining amount of \$378.24 to the County.
4. The County Surveyor will mark the plat as provided under ORS 271.230.
5. 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 proceeding.

Adopted this 30th day of August, 2001.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

---

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 01-120**

Vacating a Pedestrian Easement Adjacent to SW 64th Place, Pursuant to ORS 368.326 to 368.366

**The Multnomah County Board of Commissioners Finds:**

- a. The pedestrian easement to be vacated was created by the plat for the ARGENT SUBDIVISION, recorded December 13, 1973, in Book 1204, Page 93, Multnomah County Deed Records.
- b. The pedestrian easement to be vacated is more particularly described as follows:

All that portion of the five foot wide pedestrian easement, created by the plat for the ARGENT SUBDIVISION, recorded December 13, 1973, in Book 1204, Page 93, Multnomah County Deed Records, contained within the following described tract of land:

Situated in the Northwest one-quarter of Section 7, Township 1 South, Range 1 East, of the Willamette Meridian and a portion of Lot 16, ARGENT SUBDIVISION, County of Multnomah, State of Oregon, described as follows:

Beginning at an iron rod with cap found on the East right of way line of SW Bucharest Court, being S0°19'53"W, 597.01 feet and S89°40'07"E, 143.74 feet from the Northwest corner of Section 7; thence continuing on the said right of way line on a curve to the left with a central angle of 9°54'46", radius of 130.00 feet (chord bears N1°16'32"E, 22.46 feet) a distance of 22.49 feet to an iron rod with a cap set; thence on a curve to the right with a central angle of 71°10'51", radius of 25.00 feet, (chord bears N31°54'34"E, 29.10 feet) a distance of 31.06 feet to an iron rod with cap set; thence on a curve to the left with a central angle of 24°00'00", radius of 200.00 feet, (chord bears N55°30'00"E, 83.17 feet) a distance of 83.78 feet to an iron rod with cap set; thence N43°30'00"E, 57.07 feet to an iron rod with cap set; thence S46°30'00"E, 150.03 feet to an iron rod with cap set; thence S51°29'20"W, 90.00 feet to an iron rod with cap found; thence N81°42'00"W, 163.82 feet to the point of beginning.

As shown on the attached Exhibit A. Containing 1300 square feet, more of less.

- c. Philip D. Benz and Rogene L.B. Benz, petitioners, have submitted a petition to vacate 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 under 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 minimum application fee of \$1065.00 will be applied to the vacation proceeding. The total cost for this vacation, including administrative costs, is \$1643.24. Administrative costs include staff time for research, review, analyses and document preparation. The balance owing by the petitioners, at the date of this hearing is \$378.24.
- i. The County's Planning Division has reviewed the proposed vacation of the above described easement and supports it. The County Engineer has determined the County Transportation Division has no further need for this easement and the proposed vacation is in the public's interest.

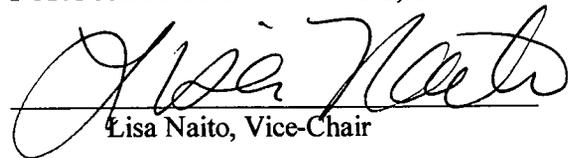
**The Multnomah County Board of Commissioners Resolves:**

- 1. The above-described pedestrian easement adjacent to SW 64th Place 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 \$1643.24, and Philip D. Benz and Rogene L.B. Benz are directed to pay the remaining amount of \$378.24 to the County.
- 4. The County Surveyor will mark the plat as provided under ORS 271.230.
- 5. 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 proceeding.

ADOPTED this 30th day of August, 2001.



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 190<sup>th</sup> 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 17, 2001  
RE: Vacation of a pedestrian easement adjacent to S.W. 64<sup>th</sup> Place

1. Recommendation/Action Requested:

The Transportation Division recommends approval of the vacation of a pedestrian easement adjacent to S.W. 64<sup>th</sup> Place, the location of which is 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 7, Township 1 South, Range 1 East, W.M., Multnomah County, Oregon, this easement was created by the subdivision plat "ARGENT SUBDIVISION" recorded December 13, 1973, in Book 1204, Page 93, Multnomah County Plat Records.

Approximately 80% of the 5 foot wide pedestrian easement created by the ARGENT SUBDIVISION, has been subsequently re-platted by the plat ARGENT SUBDIVISION LOTS 25 TO 31, recorded on September 21, 1983, in Book 1216, Page 64, Multnomah County Plat Records. Under ORS 92.185, the County's 1983 approval of the replat acted to vacate any public easement established under the original plat other than a street or road. The portion of the 5 foot wide pedestrian easement being considered for vacation is a remainder portion, unaffected by the re-platting of the adjacent area.

An inspection, performed on August 6, 2001, revealed that the easement proposed to be vacated, has not been improved for use by the public. Multnomah County has no plans to develop this pedestrian easement. The portion to be vacated is shown on the attached Exhibit "A," hereby incorporated by this reference.

The ownership 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 Exhibit "B" of the Resolution. 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 pedestrian easement adjacent to S.W. 64<sup>th</sup> Place on July 12, 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. No public money is spent on this pedestrian easement.

4. Legal Issues:

This proposed pedestrian easement 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 S.W. 64th Place to be in the public interest.

5. Controversial Issues:

None.

6. Link to Current County Policies:

Consistent with community involvement, development and intergovernmental cooperation.

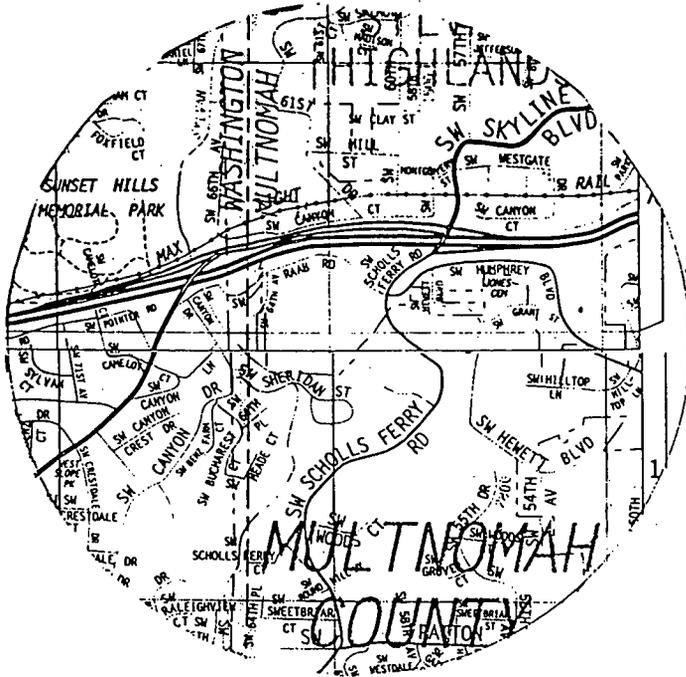
7. Citizen Participation:

This is a citizen initiated petition.

8. Other Government Participation:

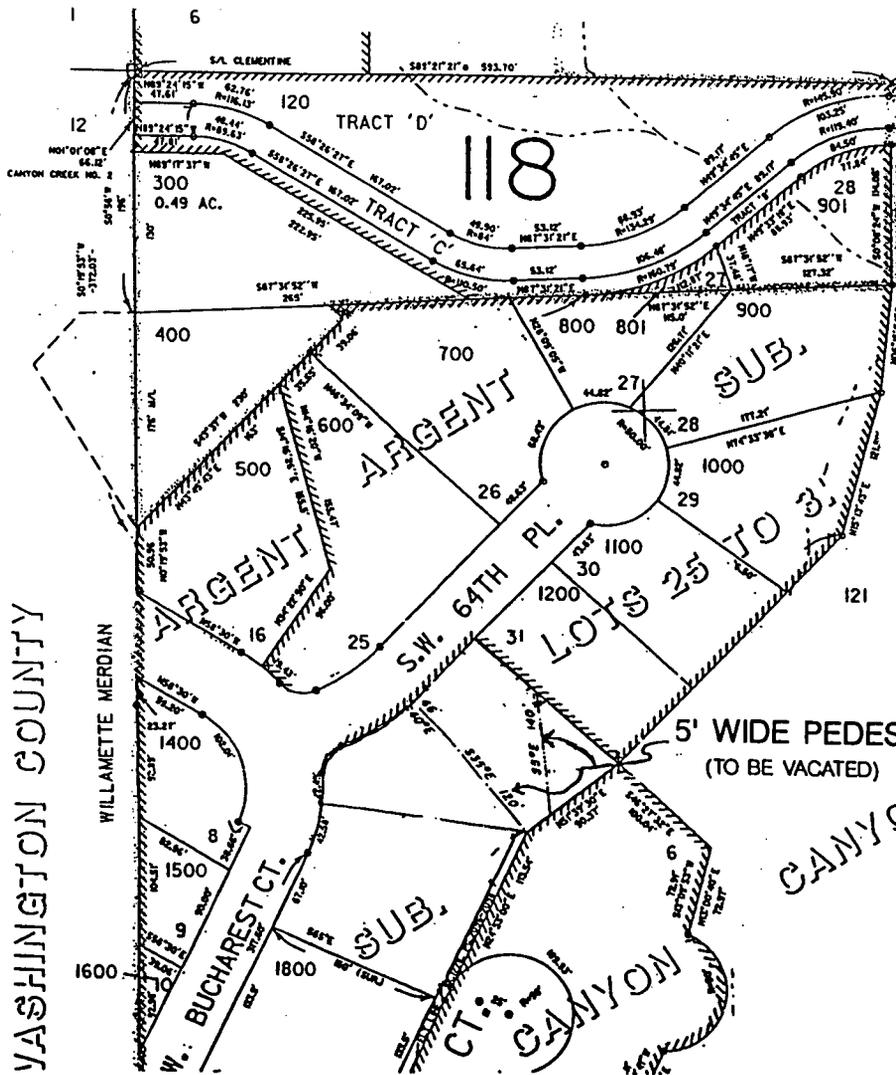
None required for these proceedings.

# VICINITY MAP



# EXHIBIT "A"

NO SCALE



WASHINGTON COUNTY

5' WIDE PEDESTRIAN EASEMENT  
(TO BE VACATED)

CANYON

## **Formal Request for Easement Vacation**

July 12, 2001

Subject Property: 2852 SW 64<sup>th</sup> Place, Portland, Oregon, Multnomah County  
T1S, R1E, Section 07, Argent Subdivision, Tax Lot 1300 Lot 16. R#03560-0240

**CONTACT:**

Philip D. Benz, Property Owner  
Rogene L.B. Benz, Property Owner

13339 SW Essex Dr., Tigard, OR 97223  
home: 503-524-9386  
mobile/voicemail: 503-887-8900  
email: philbenz@aol.com

This Formal Request for Easement Vacation is submitted to Multnomah County, for the purpose of vacating all public pedestrian pathway easements on a privately-owned residential lot in Argent Subdivision, Multnomah County. As per instructions from the Transportation Division of Multnomah County, the vacation process to be used is the same as that used for county road vacations; accordingly this Formal Request is made pursuant to ORS 368.341. The feasibility study has been completed and no negative comments were received according to Mr. Patrick Hinds, Engineer Tech/Senior in the Transportation Division of Multnomah County.

It should be noted that:

- 1) The easements have apparently not been used to create any pathways: there is no evidence that any pedestrian pathways or any improvements constructed thereon have ever existed on the property.
- 2) Pedestrian public pathways on the subject property appear to have no use due to: (i) the lack of any useful destination of said pathways (the easements do not lead anywhere except to neighboring lots, all of which have had houses built on them, and to SW 64<sup>th</sup> Place -- refer to Plat Map in Exhibit 1), (ii) the unfavorable location and terrain of the subject property, and (iii) the location and route of the easements. There appears to be no benefit to any party from continuing to have the easements in place.

The following criteria are addressed as per the requirements described by Transportation Division, Multnomah County.

1. Legal Description of the property proposed to be vacated, including easements - such as for utility maintenance.

The address of the property on which the easements are located is 2852 SW 64<sup>th</sup> Place, Portland, Oregon, Multnomah County, in the Argent Subdivision. The property ID is R107571. Legal description is: T1S, R1E, Section 07, Argent Subdivision, Tax Lot 1300, Lot 16, R#03560-0240. The most recent known plat map is dated June 15, 1983 and was recorded on September 20, 1983; this map can be found in Book 1216, Page 62 -- please note that the easements indicated above are not shown on this map, but are shown on earlier maps made prior to replatting of the property. (Please refer to attached map, Exhibit 1, and attached title report, Exhibit 2.) The subject property is zoned R-20.

*SEE THE  
ATTACHED  
LETTER  
DATED  
2/11/01*

2. Statement of reasons to vacate.

The owners of the subject property, on which the easements are proposed to be vacated, intend to construct a single-family residence on said property suitable to the neighborhood. The public pedestrian pathway easements currently preclude this. It

should be noted that applications for a Hillside Development Permit (File T2-01-33) and a Hillside Residential Variance (T2-01-017), for the purpose of commencing construction, have been filed with the Multnomah County Land Use Division; both applications have been approved with conditions. The owners do not intend to subdivide the property, and contemplated improvements will be in compliance with applicable zoning requirements.

In addition, the subject easements have apparently not been used to create any pathways: there is no evidence that any pedestrian pathways or improvements constructed thereon have ever existed on the property. Further, since the area has been substantially developed, with the notable exception of the subject property, the easements do not lead anywhere except to neighboring lots, all of which have had houses built on them, and to SW 64<sup>th</sup> Place; it should also be noted that the location and route of the easements on the subject property do not appear to serve any purpose. There is no apparent benefit to any party from continuing the easements.

Vacation of the public pedestrian easements on the subject property will enable proper improvements to be made to said property, suitable to the neighborhood in which it is located.

2. Names and addresses of all persons holding any recorded interest in the property to be vacated (Title report)

Philip D. Benz and Rogene L. B. Benz are the sole owners of the subject property (please see attached Title Report, Exhibit 2).

4. Names and addresses of all persons owning any improvements constructed on public property proposed to be vacated (Includes written response from utility companies stating existence of utility and any easement requirements if utility exists)

There are no known improvements constructed on the easements proposed to be vacated. Letters to utilities informing them of intent to vacate said easements are attached (Exhibit 3). Said letters were sent June 4, 2001 and return receipts have been received from all addressees. No responses indicating objection to the vacation of the easements have been received.

5. Names and addresses of all persons owning real property abutting public property proposed to be vacated.

Names and addresses of persons owning real property abutting the subject property are included in Exhibit 4.

6. Signatures, acknowledged by a person authorized to take acknowledgements of deed, (Assessor's Office) of either owners of 60 percent of the land abutting the property proposed to be vacated or 60 percent of the owners of land

Notarized signatures are provided in Exhibit 5, attached. It should be noted that signatures from owners of 100% of abutting properties are included.

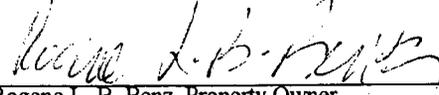
7. If the petition is for vacation of property that will be redivided in any manner, a subdivision plan or partitioning plan showing the proposed redivision.

This criterion does not apply since the subject property will not be subdivided.

8. A deposit of 120% of estimated costs, \$1065.00 minimum.

A check, drawn on the account of Philip D. Benz and in the amount of \$1065.00, is attached.

Signed:  Date: 7/12/01  
Philip D. Benz, Property Owner

Signed:  Date: 7-12-01  
Rogene L. B. Benz, Property Owner

August 1, 2001

Mr. Patrick Hinds  
Transportation Division  
Multnomah County  
1600 SE 190<sup>th</sup> Ave.  
Portland, OR 97233-5910

Dear Mr. Hinds:

Per your request this afternoon, I am writing this letter to amend the Formal Request for Easement Vacation, dated July 12, 2001, which I submitted for the property located at 2852 SW 64<sup>th</sup> Place, Portland, Oregon, Multnomah County. In particular, this letter corrects the legal description of the property and the 5-foot wide public pedestrian easements to be vacated.

Vacation is requested for all of the public pedestrian pathway easements created by Argent Subdivision as recorded in Book 1204, page 93 of the Multnomah County Plat Records, that lie within the tract of land the legal description of which is contained in the Attached Exhibit I and in the Title Report attached as Exhibit 2 of the Formal Request for Easement Vacation dated July 12, 2001.

Thank you for your prompt attention to this matter. Please contact me at your convenience if there are any questions.

Regards,



Philip D. Benz

/encl.

**Exhibit I**  
**Legal Description of the Property**

The legal description of the subject property, located at 2852 SW 64<sup>th</sup> Place, Portland, Oregon, Multnomah County, is provided as attached and sourced from the Warranty Deed recorded in the County of Multnomah on November 23, 1999.

AFTER RECORDING RETURN TO:

Philip D. Benz  
Rogene LB Benz

13339 SW Essex Drive

Tigard, OR 97223

Until a change is requested all tax statements shall be sent to the following address:

SAME AS ABOVE

Escrow No: 6500-02230-JP  
Order No: 208966

M 208966

Recorded in the County of Multnomah, Oregon  
C. Swick, Deputy Clerk



99213413 1:52pm 11/23/99

029 598779 03 18 000202  
A37 2 0.00 10.00 3.00 20.00 0.00

WARRANTY DEED - STATUTORY FORM  
(INDIVIDUAL or CORPORATION)

TODD R. WHITE

Grantor, conveys and warrants to PHILIP D. BENZ and ROGENE L.B. BENZ, as tenants by the entirety

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

(Continued)

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

ENCUMBRANCES:

- Easements as dedicated or delineated on the recorded plat.  
For: 5 foot wide pedestrian pathway
- Covenants, conditions and restrictions as shown on the recorded plat.

The true consideration for this conveyance is \$106,500.00

Dated November 19, 1999 ; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Todd R. White  
Todd R. White

\_\_\_\_\_

WARRANTY DEED - STATUTORY FORM  
(INDIVIDUAL or CORPORATION)

TODD R. WHITE

Grantor, conveys and warrants to PHILIP D. BENZ and ROGENE L.B. BENZ, as tenants by the entirety

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

(Continued)

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

ENCUMBRANCES:

- Easements as dedicated or delineated on the recorded plat.  
For: 5 foot wide pedestrian pathway
- Covenants, conditions and restrictions as shown on the recorded plat.

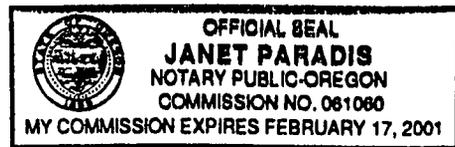
The true consideration for this conveyance is \$106,500.00

Dated November 19, 1999 ; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Todd R. White  
 Todd R. White \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

STATE OF OREGON, County of Washington ) ss.  
 This instrument was acknowledged before me on November 19, 19 99  
 by Todd R. White  
 This instrument was acknowledged before me on \_\_\_\_\_, 19 \_\_\_\_\_  
 by \_\_\_\_\_ as \_\_\_\_\_  
 of \_\_\_\_\_

Janet Paradis  
 Notary Public for Oregon  
 My commission expires: 2/17/01



2

**LEGAL DESCRIPTION**

Situated in the Northwest one-quarter of Section 7, Township 1 South, Range 1 East, of the Willamette Meridian and a portion of Lot 16, ARGENT SUBDIVISION, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

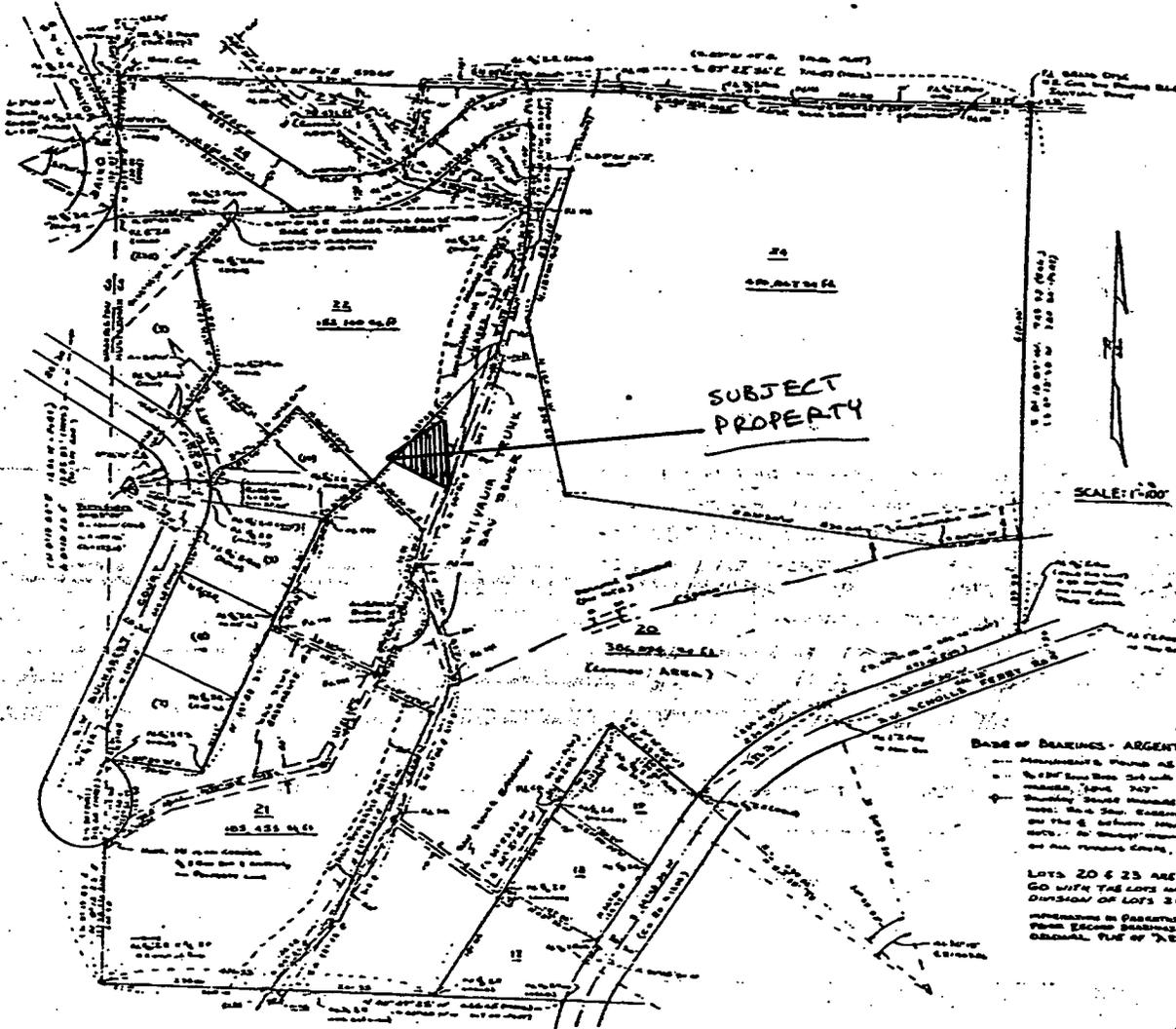
Beginning at an iron rod with cap found on the East right of way line of S.W. Bucharest Court, being South  $0^{\circ}19'53''$  West 597.01 feet and South  $89^{\circ}40'07''$  East 143.74 feet from the Northwest corner of Section 7; thence continuing on the said right of way line on a curve to the left with a central angle of  $9^{\circ}54'46''$ , radius of 130.00 feet (chord bears North  $1^{\circ}16'32''$  East 22.46 feet) a distance of 22.49 feet to an iron rod with a cap set; thence on a curve to the right with a central angle of  $71^{\circ}10'51''$ , radius of 25.00 feet, (chord bears North  $31^{\circ}54'34''$  East 29.10 feet) a distance of 31.06 feet to an iron rod with cap set; thence on a curve to the left with a central angle of  $24^{\circ}00'00''$ , radius of 200.00 feet, (chord bears North  $55^{\circ}30'00''$  East 83.17 feet) a distance of 83.78 feet to an iron rod with cap set; thence North  $43^{\circ}30'00''$  East 57.07 feet to an iron rod with cap set; thence South  $46^{\circ}30'00''$  East 150.03 feet to an iron rod with cap set; thence South  $51^{\circ}29'20''$  West 90.00 feet to an iron rod with cap found; thence North  $81^{\circ}42'00''$  West 163.82 feet to the point of beginning.

**Exhibit 1**

**Plat Maps**

**ARGENT SUBDIVISION LOTS 20 TO 24**  
**A REPLAT OF PART OF LOT 16 ARGENT SUBDIVISION AND**  
**PART OF THE NW 1/4 OF SEC. 7, T.1S, R.1E, W.M. - MULT. CO.**

1210/02



SURVEYED BY:  
 DICK LOVE LAND SURVEYS, INC.  
 220 ABERNETHY LANE  
 CLADSTONE, ORE. 97027  
 454-9425  
 DATE: JUNE 17, 1983

REGISTERED  
 OREGON  
 LAND SURVEYOR  
*ALV Love*  
 2000  
 BOWEN & LONE  
 747

SCALE: 1"=60'

**BASE OF BEARINGS - ARGENT SUBDIVISION**  
 --- MEASUREMENTS & BEARINGS AS SHOWN  
 --- 1/4" = 100' SCALE. SEE ALSO PLAT BOOK CASE  
 NUMBER 1494 747  
 BEARING: SOUTH MAGNETIC NORTH  
 NOTE: THE S. E. CORNER OF LOT 20  
 ON THE S. BOUNDARY BEARING COURSE  
 TO THE "COMMON AREA" WAS TO BE DETERMINED  
 BY THE BEARING COURSE, AS SHOWN ON THE S. BOUNDARY  
 OF LOT 20.  
 LOTS 20 & 21 ARE COMMON AREAS TO  
 GO WITH THE LOTS OF THE "LUMBER TRAIL"  
 DIVISION OF LOTS 21, 22 & 24.  
 INFORMATION IN PARAGRAPHS C-1 AND C-2 SHOULD  
 BE READ IN CONNECTION WITH THE  
 ORIGINAL PLAT OF "ARGENT"

1216  
 12-83 9-20-83 A38-0-1

10:0936  
 3:23F11  
 19K:28:2001

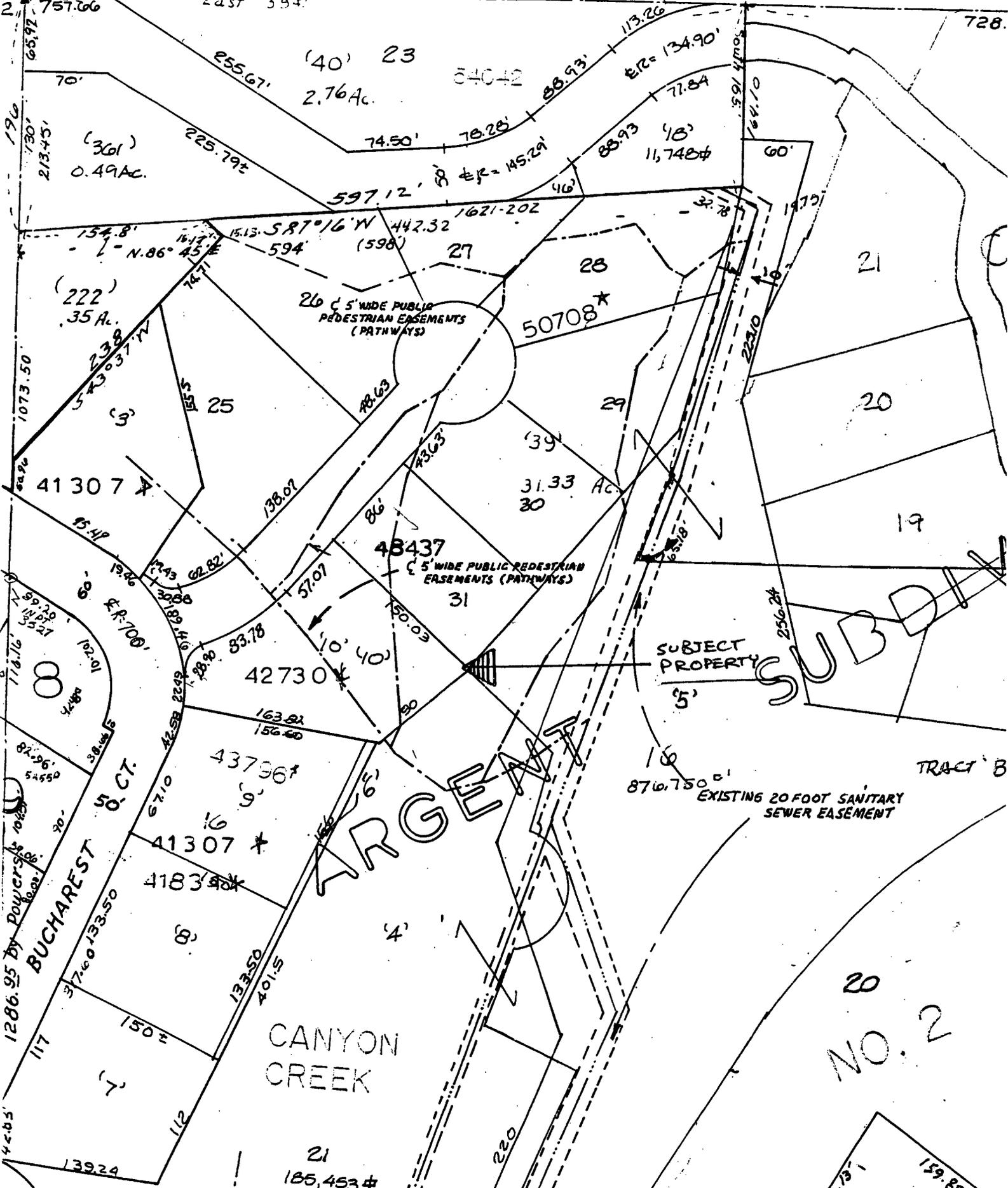
Reference Map

E-142510728 58413  
N-67828239

6 5776

757.66

East 594'



1286.95 by Powers & ...  
BUCHAREST 50 CT.

CANYON CREEK

ARGENT

SUBJECT PROPERTY

876.750' EXISTING 20 FOOT SANITARY SEWER EASEMENT

TRACT B

NO. 2

**Exhibit 2**

**Title Report**



**POLICY OF TITLE INSURANCE**

**CHICAGO TITLE INSURANCE COMPANY OF OREGON**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, CHICAGO TITLE INSURANCE COMPANY OF OREGON, an Oregon corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

Issued by:  
CHICAGO TITLE INSURANCE  
COMPANY OF OREGON  
10001 S.E. SUNNYSIDE ROAD  
CLACKAMAS, OR 97015  
(503) 653-7300

**CHICAGO TITLE INSURANCE COMPANY OF OREGON**

By:

*Bradley J. Londo*

President

By:

*Thomas J. Adams*

Secretary



*Norman Lee*

Authorized Signature

ALTA OWNER'S POLICY (10-17-92)

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the Insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
  - (i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
  - (ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
    - (a) to timely record the instrument of transfer; or
    - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

## CONDITIONS AND STIPULATIONS

### 1. DEFINITION OF TERMS

The following terms when used in this policy mean:

(a) "insured": the insured named in Schedule A, and, subject to any rights or defenses the Company would have had against the named insured, those who succeed to the interest of the named insured by operation of law as distinguished from purchase including, but not limited to, heirs, distributees, devisees, survivors, personal representatives, next of kin, or corporate or fiduciary successors.

(b) "insured claimant": an insured claiming loss or damage.

(c) "knowledge" or "known": actual knowledge, not constructive knowledge or notice which may be imputed to an insured by reason of the public records as defined in this policy or any other records which impart constructive notice of matters affecting the land.

(d) "land": the land described or referred to in Schedule A, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule A, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways, but nothing herein shall modify or limit the extent to which a right of access to and from the land is insured by this policy.

(e) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.

(f) "public records": records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge. With respect to Section 1(a)(iv) of the Exclusions From Coverage, "public records" shall also include environmental protection liens filed in the records of the clerk of the United States district court for the district in which the land is located.

(g) "unmarketability of the title": an alleged or apparent matter affecting the title to the land, not excluded or excepted from coverage, which would entitle a purchaser of the estate or interest described in Schedule A to be released from the obligation to purchase by virtue of a contractual condition requiring the delivery of marketable title.

### 2. CONTINUATION OF INSURANCE AFTER CONVEYANCE OF TITLE

The coverage of this policy shall continue in force as of Date of Policy in favor of an insured only so long as the insured retains an estate or interest in the land, or holds an indebtedness secured by a purchase money mortgage given by a purchaser from the insured, or only so long as the insured shall have liability by reason of covenants of warranty made by the insured in any transfer or conveyance of the estate or interest. This policy shall not continue in force in favor of any purchaser from the insured of either (i) an estate or interest in the land, or (ii) an indebtedness secured by a purchase money mortgage given to the insured.

### 3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 4(a) below, (ii) in case knowledge shall come to an insured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as insured, and which might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if title to the estate or interest, as insured, is rejected as unmarketable.

If prompt notice shall not be given to the Company, then as to the insured all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any insured under this policy unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.

### 4. DEFENSE AND PROSECUTION OF ACTIONS; DUTY OF INSURED CLAIMANT TO COOPERATE

(a) Upon written request by the insured and subject to the options contained in Section 6 of these Conditions and Stipulations, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an insured in litigation in which any third party asserts a claim adverse to the title or interest as insured, but only as to those stated causes of action alleging a defect, lien or encumbrance or other matter insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the insured to object for reasonable cause) to represent the insured as to those stated causes of action and shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs or expenses incurred by the insured in the defense of those causes of action which allege matters not insured against by this policy.

(b) The Company shall have the right, at its own cost, to institute and prosecute any action or proceeding or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest, as insured, or to prevent or reduce loss or damage to the insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this policy. If the Company shall exercise its rights under this paragraph, it shall do so diligently.

(c) Whenever the Company shall have brought an action or interposed a defense as required or permitted by the provisions of this policy, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from any adverse judgment or order.

(d) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding, the insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of the insured for this purpose. Whenever requested by the Company, the insured, at the Company's expense, shall give the Company all reasonable aid (i) in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as insured. If the Company is prejudiced by the failure of the insured to furnish the required cooperation, the Company's obligations to the insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

...for which the Company may be liable by virtue of this policy,  
or (iii) if title to the estate or interest, as insured, is rejected as unmarketable.

...party's obligations to the insured under the policy shall terminate, including  
any liability or obligation to defend, prosecute, or continue any litigation,  
with regard to the matter or matters requiring such cooperation.

**SCHEDULE A**

Date of Policy: November 23, 1999 at 1:52 p.m.

Policy No.: 208966

Amount of Insurance: \$106,500.00

Premium: \$467.50

1. Name of Insured:

PHILIP D. BENZ and ROGENE L.B. BENZ

2. The estate or interest in the land which is covered by this policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

PHILIP D. BENZ and ROGENE L.B. BENZ, as tenants by the entirety

4. The land referred to in this policy is described as follows:

(Continued)

Policy No. 208966

LEGAL DESCRIPTION

Situated in the Northwest one-quarter of Section 7, Township 1 South, Range 1 East, of the Willamette Meridian and a portion of Lot 16, ARGENT SUBDIVISION, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at an iron rod with cap found on the East right of way line of S.W. Bucharest Court, being South  $0^{\circ}19'53''$  West 597.01 feet and South  $89^{\circ}40'07''$  East 143.74 feet from the Northwest corner of Section 7; thence continuing on the said right of way line on a curve to the left with a central angle of  $9^{\circ}54'46''$ , radius of 130.00 feet (chord bears North  $1^{\circ}16'32''$  East 22.46 feet) a distance of 22.49 feet to an iron rod with a cap set; thence on a curve to the right with a central angle of  $71^{\circ}10'51''$ , radius of 25.00 feet, (chord bears North  $31^{\circ}54'34''$  East 29.10 feet) a distance of 31.06 feet to an iron rod with cap set; thence on a curve to the left with a central angle of  $24^{\circ}00'00''$ , radius of 200.00 feet, (chord bears North  $55^{\circ}30'00''$  East 83.17 feet) a distance of 83.78 feet to an iron rod with cap set; thence North  $43^{\circ}30'00''$  East 57.07 feet to an iron rod with cap set; thence South  $46^{\circ}30'00''$  East 150.03 feet to an iron rod with cap set; thence South  $51^{\circ}29'20''$  West 90.00 feet to an iron rod with cap found; thence North  $81^{\circ}42'00''$  West 163.82 feet to the point of beginning.

Policy No. 208966

**SCHEDULE B**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

**GENERAL EXCEPTIONS**

1. a. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.  
b. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. a. Easements, liens, encumbrances, interests or claims thereof which are not shown by the public records.  
b. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
4. a. Unpatented mining claims;  
b. Reservations or exceptions in patents or in Acts authorizing the issuance thereof;  
c. Water rights, claims or title to water;  
whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
5. Any lien or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

Policy No. 208966

SCHEDULE B - continued

SPECIAL EXCEPTIONS:

6. Easements as dedicated or delineated on the recorded plat.  
For: 5 foot wide pedestrian pathway
7. Covenants, conditions and restrictions as shown on the recorded plat.

End of Policy

6500-02230-JP  
01/19/00  
grs

OWNER'S INFLATION PROTECTION ENDORSEMENT

Attached to Policy No. 208966  
Issued by

CHICAGO TITLE INSURANCE COMPANY OF OREGON

Dated: November 23, 1999 at 1:52 p.m.

Premium: No Charge

The Company, recognizing the current effect of inflation on real property valuation and intending to provide additional monetary protection to the insured owner named in the policy, hereby modifies the policy, as follows:

1. notwithstanding anything contained in the policy to the contrary, the amount of insurance provided by the policy, as stated in Schedule A thereof, is subject to cumulative annual upward adjustments in the manner and to the extent hereinafter specified;
2. 'adjustment date' is defined, for the purpose of this endorsement, to be 12:01 a.m. on the first January 1 which occurs more than six months after the Date of Policy, as shown in Schedule A of the policy to which this endorsement is attached and on each succeeding January 1;
3. an upward adjustment will be made on each of the adjustment dates, as defined above, by increasing the maximum of insurance provided by the policy by 10% (ten percent) per year for 5 (five) years; provided, however, that the maximum amount of insurance in force shall never exceed 150% of the amount of insurance stated in Schedule A of the policy, less the amount of any claim paid under the policy which, under the terms of the conditions and stipulations, reduces the amount of insurance in force;
4. in the settlement of any claim against the Company under the policy, the amount of insurance in force shall be deemed to be the amount which is in force as of the date on which the insured claimant first learned of the assertion or possible assertion of such claim, or as the date of receipt by the Company of the first notice of the claim, whichever shall first occur.

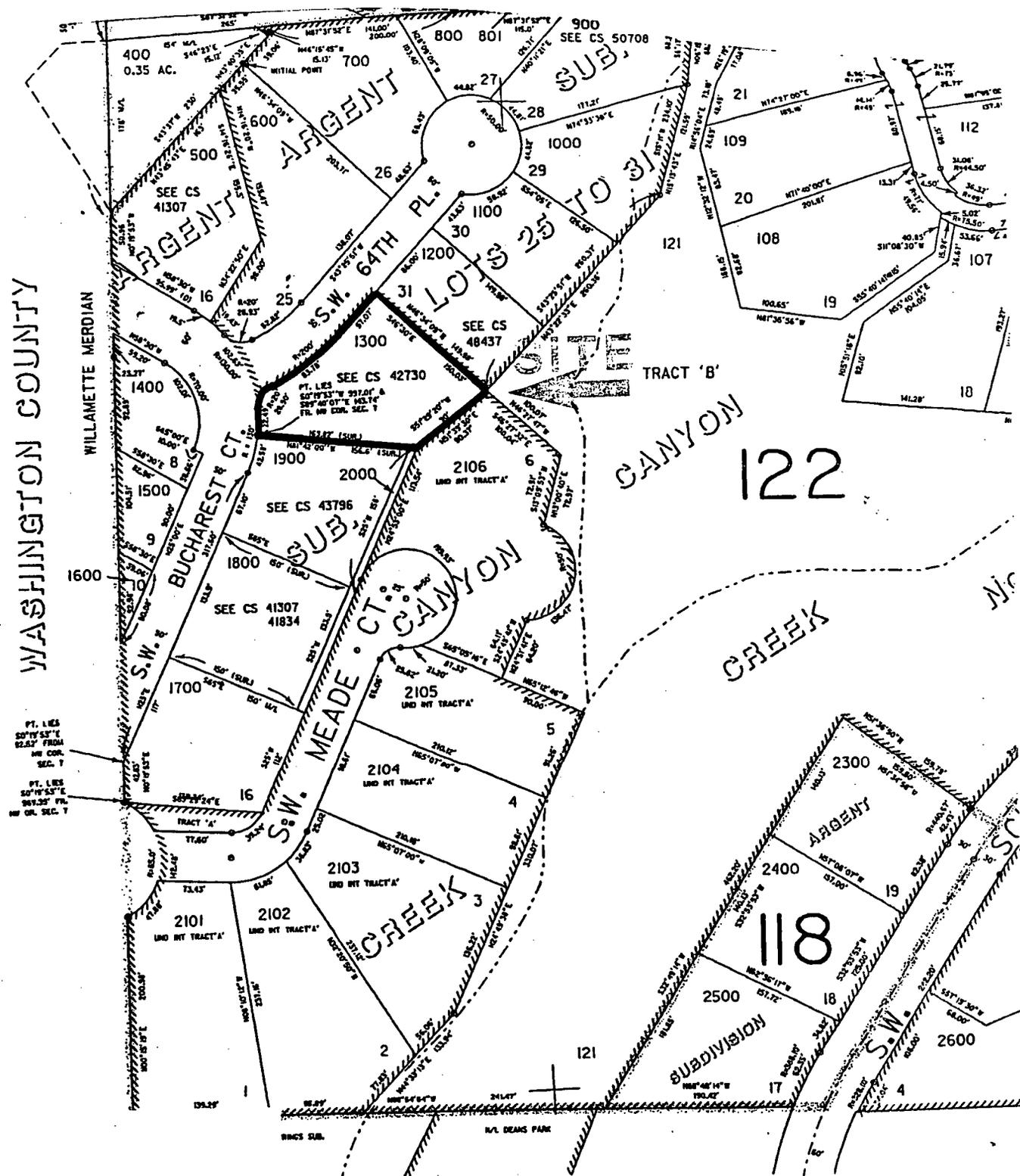
This endorsement is made a part of the policy and is subject to all the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsements, nor does it extend the effective date of the policy and any prior endorsements, nor does it increase the face amount thereof.

CHICAGO TITLE INSURANCE COMPANY  
OF OREGON

BY: \_\_\_\_\_

*Norman Lee*  
Authorized Signature

Endorsement No. 78



**CHICAGO**



"This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the company assumes no liability for any loss occurring by reason of reliance thereon."

No. **151E07BB**

CHICAGO TITLE INSURANCE COMPANY  
10001 S.E. SUNNYSIDE ROAD  
ACKAMAS OREGON 97015



1,425.500

## 5. PROOF OF LOSS OR DAMAGE

In addition to and after the notices required under Section 3 of these Conditions and Stipulations have been provided the Company, a proof of loss or damage signed and sworn to by the insured claimant shall be furnished to the Company within 90 days after the insured claimant shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the defect in, or lien or encumbrance on the title, or other matter insured against by this policy which constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the insured claimant to provide the required proof of loss or damage, the Company's obligations to the insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such proof of loss or damage.

In addition, the insured claimant may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Policy, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the insured claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the insured claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the insured claimant to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in this paragraph shall terminate any liability of the Company under this policy as to that claim.

## 6. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

### (a) To Pay or Tender Payment of the Amount of Insurance.

To pay or tender payment of the amount of insurance under this policy together with any costs, attorneys' fees and expenses incurred by the insured claimant, which were authorized by the Company, up to the time of payment or tender of payment and which the Company is obligated to pay.

Upon the exercise by the Company of this option, all liability and obligations to the insured under this policy, other than to make the payment required, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, and the policy shall be surrendered to the Company for cancellation.

### (b) To Pay or Otherwise Settle With Parties Other than the Insured or With the Insured Claimant.

(i) to pay or otherwise settle with other parties for or in the name of an insured claimant any claim insured against under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay; or

(ii) to pay or otherwise settle with the insured claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in paragraphs (b)(i) or (ii), the Company's obligations to the insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute or continue any litigation.

## 7. DETERMINATION, EXTENT OF LIABILITY AND COINSURANCE

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the insured claimant who has suffered loss or damage by reason of matters insured against by this policy and only to the extent herein described.

(a) The liability of the Company under this policy shall not exceed the least of:

(i) the Amount of Insurance stated in Schedule A; or,

(ii) the difference between the value of the insured estate or interest as insured and the value of the insured estate or interest subject to the defect, lien or encumbrance insured against by this policy.

(b) In the event the Amount of Insurance stated in Schedule A at the Date of Policy is less than 80 percent of the value of the insured estate or interest or the full consideration paid for the land, whichever is less, or if subsequent to the Date of Policy an improvement is erected on the land which increases the value of the insured estate or interest by at least 20 percent over the Amount of Insurance stated in Schedule A, then this Policy is subject to the following:

amount of insurance at Date of Policy bears to the total value of the insured estate or interest at Date of Policy; or

(ii) where a subsequent improvement has been made, as to any partial loss, the Company shall only pay the loss pro rata in the proportion that 120 percent of the Amount of Insurance stated in Schedule A bears to the sum of the Amount of Insurance stated in Schedule A and the amount expended for the improvement.

The provisions of this paragraph shall not apply to costs, attorneys' fees and expenses for which the Company is liable under this policy, and shall only apply to that portion of any loss which exceeds, in the aggregate, 10 percent of the Amount of Insurance stated in Schedule A.

(c) The Company will pay only those costs, attorneys' fees and expenses incurred in accordance with Section 4 of these Conditions and Stipulations.

## 8. APPORTIONMENT

If the land described in Schedule A consists of two or more parcels which are not used as a single site, and a loss is established affecting one or more of the parcels but not all, the loss shall be computed and settled on a pro rata basis as if the amount of insurance under this policy was divided pro rata as to the value on Date of Policy of each separate parcel to the whole, exclusive of any improvements made subsequent to Date of Policy, unless a liability or value has otherwise been agreed upon as to each parcel by the Company and the insured at the time of the issuance of this policy and shown by an express statement or by an endorsement attached to this policy.

## 9. LIMITATION OF LIABILITY

(a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures the lack of a right of access to or from the land, or cures the claim of unmarketability of title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.

(b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title as insured.

(c) The Company shall not be liable for loss or damage to any insured for liability voluntarily assumed by the insured in settling any claim or suit without the prior written consent of the Company.

## 10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees and expenses, shall reduce the amount of the insurance pro tanto.

## 11. LIABILITY NONCUMULATIVE

It is expressly understood that the amount of insurance under this policy shall be reduced by any amount the Company may pay under any policy insuring a mortgage to which exception is taken in Schedule B or to which the insured has agreed, assumed, or taken subject, or which is hereafter executed by an insured and which is a charge or lien on the estate or interest described or referred to in Schedule A, and the amount so paid shall be deemed a payment under this policy to the insured owner.

## 12. PAYMENT OF LOSS

(a) No payment shall be made without producing this policy for endorsement of the payment unless the policy has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.

(b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within 30 days thereafter.

## 13. SUBROGATION UPON PAYMENT OR SETTLEMENT

### (a) The Company's Right of Subrogation.

Whenever the Company shall have settled and paid a claim under this policy, all right of subrogation shall vest in the Company unaffected by any act of the insured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the insured claimant would have had against any person or property in respect to the claim had this policy not been issued. If requested by the Company, the insured claimant shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The insured claimant shall permit the Company to sue, compromise or settle in the name of the insured claimant and to use the name of the insured claimant in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the insured claimant, the Company shall be subrogated to these rights and remedies in the proportion which the Company's payment bears to the whole amount of the loss.

If loss should result from any act of the insured claimant, as stated above, that act shall not void this policy, but the Company, in that event, shall be required to pay only that part of any losses insured against by this policy

**(b) The Company's Rights Against Non-insured Obligors.**

The Company's right of subrogation against non-insured obligors shall exist and shall include, without limitation, the rights of the insured to indemnities, guaranties, other policies of insurance or bonds, notwithstanding any terms or conditions contained in those instruments which provide for subrogation rights by reason of this policy.

**14. ARBITRATION**

Unless prohibited by applicable law, either the Company or the insured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. All arbitrable matters when the Amount of Insurance is \$1,000,000 or less shall be arbitrated at the option of either the Company or the insured. All arbitrable matters when the Amount of Insurance is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the insured. Arbitration pursuant to this policy and under the Rules in effect on the date the demand for arbitration is made or, at the option of the insured, the Rules in effect at Date of Policy shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permit a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

**15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT**

(a) This policy together with all endorsements, if any, attached hereto by the Company is the entire policy and contract between the insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.

(b) Any claim of loss or damage, whether or not based on negligence, and which arises out of the status of the title to the estate or interest covered hereby or by any action asserting such claim, shall be restricted to this policy.

(c) No amendment of or endorsement to this policy can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

**16. SEVERABILITY**

In the event any provision of the policy is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision and all other provisions shall remain in full force and effect.

**17. NOTICES, WHERE SENT**

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this policy and shall be addressed to the Company at:

**Chicago Title Insurance Company of Oregon  
Claims Department  
P.O. Box 218  
Portland, Oregon 97207**

**Exhibit 3**

**Letters to Utility Companies**

June 4, 2001

**PGE**

121 SW Salmon St.  
Portland, OR 97204

To Whom It May Concern:

This letter is to inform you of an intent to vacate 5-foot wide public pedestrian pathway easements on a privately-owned residential lot in Argent Subdivision, Multnomah County. The prerequisite feasibility study has been completed and no negative comments were received according to Mr. Patrick Hinds, Engineer Tech/Senior in the Transportation Division of Multnomah County.

It should be noted that:

- 1) The easements have apparently not been used to create any pathways: there is no evidence that any pedestrian pathways or any improvements constructed thereon have ever existed on the property.
- 2) Pedestrian public pathways on the subject property appear to have no use, apparently due to: (i) the lack of any useful destination of said pathways (the easements do not lead anywhere except to neighboring lots, all of which have had houses built on them, and to SW 64<sup>th</sup> Place, (ii) the unfavorable location and terrain of the subject property, and (iii) the location and route of the easements.

The address of the property on which the easements are located is 2852 SW 64<sup>th</sup> Place, Portland, Oregon, Multnomah County, in the Argent Subdivision. The property ID is R107571. Legal description is: T1S, R1E, Section 07, Argent Sub-division, Tax Lot 1300, Lot 16, R#03560-0240. The most recent known plat map is dated June 15, 1983 and was recorded on September 20, 1983; this map can be found in Book 1216, Page 62 -- please note that the easements indicated above are not shown on this map, but are shown on earlier maps made prior to replatting of the property.

Please address your questions or comments, if any, to me at the address shown below, with copies to Mr. Patrick Hinds at the Transportation Division, Multnomah County.

Thank you for your attention in this matter.

Regards,

  
Philip Benz, Property Owner

June 4, 2001

**Unified Sewer Agency**  
155 N. 1<sup>st</sup> Ave., Suite 270  
Hillsboro, OR 97124

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Thank you for your attention in this matter.

Regards,

  
Philip Benz, Property Owner

June 4, 2001

**West Slope Water District**  
3105 SW 89<sup>th</sup> Ave.  
Portland, OR 97225

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Please address your questions or comments, if any, to me at the address shown below, with copies to Mr. Patrick Hinds at the Transportation Division, Multnomah County.

Thank you for your attention in this matter.

Regards,

  
Philip Benz, Property Owner

~~~~~

June 4, 2001

**Qwest Communications**  
1801 California Street  
Denver, CO 80202

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It should be noted that:

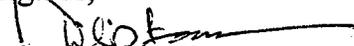
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Thank you for your attention in this matter.

Regards,

  
Philip Benz, Property Owner

~~~~~

June 4, 2001

**Northwest Natural Gas**  
220 NW 2nd Ave.  
Portland, OR 97209

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Please address your questions or comments, if any, to me at the address shown below, with copies to Mr. Patrick Hinds at the Transportation Division, Multnomah County.

Thank you for your attention in this matter.

Regards,

  
Philip Benz, Property Owner

June 4, 2001

**ATT Cable Services**  
3500 SW Bond Ave.  
Portland, OR 97201

To Whom It May Concern:

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Please address your questions or comments, if any, to me at the address shown below, with copies to Mr. Patrick Hinds at the Transportation Division, Multnomah County.

Thank you for your attention in this matter.

Regards,

  
Philip Benz, Property Owner

**Exhibit 4**

**Names and addresses of persons owning real property abutting the  
subject property**

<b><u>Name of Property Owner</u></b>	<b><u>Property Owner's Abutting Property Address</u></b>	<b><u>Property Owner's Mailing Address</u></b>
Sharon J. Binder	2636 SW 64 <sup>th</sup> Pl. Portland OR 97225-3168	2636 SW 64 <sup>th</sup> Pl., Portland OR 97225
Fred M. & Jane A. Rosenbaum	2677 SW 64 <sup>th</sup> Pl. Portland, OR 97225-3168	8835 SW Canyon Ln. Portland, OR 97225
James W. Buell	2708 SW Bucharest Ct. Portland, OR 97225-3168	2708 SW Bucharest Ct. Portland, OR 97225
Theodore G. & Gigi C. Lambert	6336 SW Meade Ct. Portland, OR 97225	6336 SW Meade Ct. Portland, OR 97225

**Exhibit 5**

**Signatures of persons owning real property abutting the  
subject property**

Signature Sheet

I have no objection to the proposed vacation of the public pedestrian pathway easements on the property located at 2852 SW 64<sup>th</sup> Place, Portland, Oregon, Multnomah County, ID # R107571.

Signed: *Sharon Binder*

Dated: 7/3/01

Printed Name:

Signed:

Dated:

Printed Name:

Owner(s) of Real Property Located at 2636 SW 64<sup>th</sup> Pl., Portland, OR

Notarized:

Signature Sheet

STATE OF OREGON,

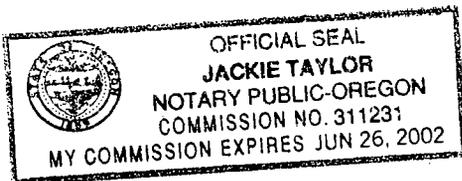
County of Washington

} ss.

FORM No. 23—ACKNOWLEDGMENT.  
Stevens-Ness Law Publishing Co. NL  
Portland, OR 97204 © 1992

BE IT REMEMBERED, That on this 3rd day of July, ~~19~~ 2001, before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within named Sharon Binder

known to me to be the identical individual..... described in and who executed the within instrument and acknowledged to me that she.....executed the same freely and voluntarily.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

*Jackie Taylor*  
Notary Public for Oregon  
My commission expires 6/26/02

Signature Sheet

I have no objection to the proposed vacation of the public pedestrian pathway easements on the property located at 2852 SW 64<sup>th</sup> Place, Portland, Oregon, Multnomah County, ID # R107571.

Signed: *Gigi Lambert*

Dated: 12 July 01

Printed Name: Gigi Lambert

Signed:

Dated:

Printed Name:

Owner(s) of Real Property Located at 6336 SW Meade Ct., Portland, OR

Notarized:



*Signed before me this 12<sup>th</sup> day of July 2001.*

*Mary F. Hough*

Signature Sheet

I have no objection to the proposed vacation of the public pedestrian pathway easements on the property located at 2852 SW 64<sup>th</sup> Place, Portland, Oregon, Multnomah County, ID # R107571.

Signed: *Jane Rosenbaum*

Dated: *6/28/01*

Printed Name: *Jane Rosenbaum*

Signed: *Fred M. Rosenbaum*

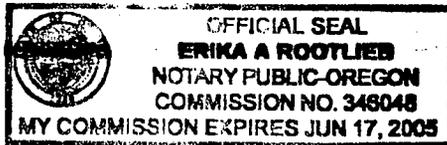
Dated:

Printed Name: *FRED M. ROSENBAUM*

Owner(s) of Real Property Located at 2677 SW 64<sup>th</sup> Pl., Portland, OR

Notarized: This instrument was acknowledged before me *EAR*  
by *Jane ROSENBAUM* on the *12* day of *July*, *2001*

*Erika A. Rootlieb*  
Notary in and for the state of *Oregon*  
Residing in *Multnomah* county.  
My commission expires *June 17, 2005*



Signature Sheet

I have no objection to the proposed vacation of the public pedestrian pathway easements on the property located at 2852 SW 64<sup>th</sup> Place, Portland, Oregon, Multnomah County, ID # R107571.

Signed:



Dated:

07 July 01

Printed Name:

Signed:

N.A.

Dated:

Printed Name:

Owner(s) of Real Property Located at 2708 SW Bucharest Ct., Portland, OR

Notarized: *see attached*

ACKNOWLEDGMENT

State of Oregon

County of Washington

On July 7, 2001, before me, Teresa J. Kittleson.

Notary Public, personally appeared James W. Buell

personally known to me (or proved on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Teresa J. Kittleson, Notary Public

My Commission Expires: 1-4-02

Description of Attached Document:

Title or Type of Document: Signature Sheet

Document Date: July 7, 2001 Number of Pages: 1

Signer(s) Other Than Named Above: NA

MEETING DATE: August 30, 2001  
AGENDA NO: B-1  
ESTIMATED START TIME: 9:45 AM  
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Brentwood-Darlington Community Center Update on Self-Sufficiency

BOARD BRIEFING: DATE REQUESTED: August 30, 2001  
REQUESTED BY: Terri Naito  
AMOUNT OF TIME NEEDED: 15 minutes

REGULAR MEETING: DATE REQUESTED: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

DEPARTMENT: Non-Departmental DIVISION: Commission District #3  
CONTACT: Terri Naito TELEPHONE #: (503) 988-5217  
BLDG/ROOM #: 503/600

PERSON(S) MAKING PRESENTATION: Commissioner Lisa Naito, Mary Davis, Executive Director, Brentwood-Darlington Community Center, and invited others

**ACTION REQUESTED:**

INFORMATIONAL ONLY    POLICY DIRECTION    APPROVAL    OTHER

**SUGGESTED AGENDA TITLE:**

Brentwood-Darlington Community Center Update on Self-Sufficiency

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: /s/ Lisa Naito  
(OR)

DEPARTMENT MANAGER: \_\_\_\_\_

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email [deborah.l.bogstad@co.multnomah.or.us](mailto:deborah.l.bogstad@co.multnomah.or.us)

01 AUG 23 PM 5:38  
MULTNOMAH COUNTY  
OREGON  
BOARD OF  
COUNTY COMMISSIONERS

**BOGSTAD Deborah L**

---

**From:** NAITO Terri W  
**Sent:** Tuesday, August 21, 2001 3:55 PM  
**To:** BOGSTAD Deborah L  
**Subject:** FW: Materials for August 30th Hearing  
Handouts from BDCC for 8/30...

-----Original Message-----

**From:** Mary Davis [mailto:bdcc@hotmail.com]  
**Sent:** Tuesday, August 21, 2001 9:54 AM  
**To:** terri.w.naito@co.multnomah.or.us  
**Cc:** rmsumner1@juno.com; mikepeterson@uswest.net; jmowry@aol.com  
**Subject:** Materials for August 30th Hearing

Terri:

Attached is a very brief summary of the planning process begun by the B-D Steering Committee for the B-D Community Center. The work plan and the user group listing are appendices for the summary. Hopefully, this is about the right amount of information--not too much, not too little, just right. When you have a time, even an approximate time for when we should be there on the 30th, please let me know. Thanks for your help.

Mary

Mary LK Davis

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8/21/2001

**Brentwood-Darlington Community/Family Resource Center, Inc.**  
An Oregon Nonprofit Corporation dba.

**THE BRENTWOOD-DARLINGTON COMMUNITY CENTER**

7211 SE 62nd Avenue  
Portland, Oregon 97206

Phone: 503/988-5961  
Fax: 503/988-5946

A self-sustaining organization that provides opportunities to support the development of all individuals in the community.

**SUMMARY OF STRATEGIC PLANNING PROCESS**

This spring, the Boards of the Brentwood-Darlington Community Center and the Brentwood-Darlington Neighborhood Association agreed to begin a collaborative planning process regarding the functioning and operations of the Brentwood-Darlington Community Center as a key neighborhood resource. A joint steering committee was formed with representation from both organizations and additional community resource people to do the following: 1) review the agency bylaws for the Center, 2) rebuild the board of directors for the Center in a more traditional community based model, 3) develop a recruiting strategy to fill positions on the board, 4) review the Center's mission and role in the community, 5) review Center operations and staffing against the mission, 6) develop fund raising strategies to support the operations and mission, and 7) compile the strategic goals and objectives and timelines into a structured plan.

The Steering Committee convened in June of 2001 and approved the attached work plan. The Steering Committee broke the work plan into short-term and long-term tasks. Short-term tasks are to be completed by October 2001 which include revising the bylaws, rebuilding the Center's board of directors and begin recruiting potential board members, and developing initial timelines for fund development. Long-term tasks include ongoing efforts to recruit potential board members, implementing any changes in operations, and formulating a strategic plan. The Center's Board of Directors will assume the remaining long-term tasks.

The Brentwood-Darlington Community Center was fortunate to receive funding support of \$37,000 from the City of Portland's Bureau of Housing and Community Development to be spent by June 30, 2002. The funding provides operational support including long delayed maintenance and fire code upgrades and technical assistance for professional facilitation during the planning process, financial analysis, and other organizational development. As these funds are allocated by reimbursement, the 2001-2002 funding of \$12,500 from Multnomah County provides critical cash flow support for operations, especially with projected increases in energy and other utility costs. The \$10,000 allocation from the 2000-2001 fiscal year provided emergency cash flow support as was discussed at the May 10, 2001 hearing with the Board of Commissioners.

As revenue and operating options are reviewed, it is hoped that the Multnomah County Board of Commissioners will continue to explore ways to partner with the Brentwood-Darlington Community Center and other non-profit neighborhood facilities. Our goal is to leverage scarce public dollars with private funding sources in order to continue to provide a neighborhood location for such crucial services as community court services, parent-child development services, supplemental nutrition programs, police contact services, protective services for children and adults and other services provided or supported through the public sector on an efficient, cost-benefit basis. It is our intent to continue to give the community an excellent return on their tax and donor dollars. (See attached User Groups Quantified for a list of programs and groups using the Brentwood-Darlington Community Center.)

Members of the Brentwood-Darlington Steering Committee:

Paul Frank, Eastside Jewish Community of Portland  
Ron Sumner, President, Brentwood-Darlington Neighborhood Association  
Sharon White, Lents/Brentwood-Darlington Weed & Seed Project (Tenant Representative)

Susan Cox, B-D Neighborhood Association and B-D Community Center Boards  
Les Ryther, Jr., B-D Neighborhood Association and B-D Community Center Boards  
Mike Peterson, B-D Community Center Board and Resident  
Suzanne Washington, Portland Impact (Tenant Representative)  
Mary LK Davis, Executive Director, B-D Community Center  
Judith Mowry, Facilitator

**Resource people:**

Sabrina Freewynn, Southeast Uplift  
Glenn Gelbrich, Director of Student Achievement, PPS (B-D Community Center Bd.)  
Lisa Naito, District #3, Multnomah Co. Commissioner  
Terri Naito, Comm. Naito's staff  
Kay Sohl, Technical Assistance for Community Services

August 30, 2001

# BDCC/BDNA STEERING COMMITTEE

## WORK PLAN

<u>Task</u>	<u>Timeline</u>
<b>BOARD DEVELOPMENT</b>	
1) Review Bylaws Changes <ul style="list-style-type: none"><li>• Number of Board Members</li><li>• Status of City, County, School District Representative</li><li>• Quorum Requirements</li><li>• Other Issues</li></ul>	July-Sept. 2001
2) Recruit New Board Members Utilizing a Matrix for Community Representation <ul style="list-style-type: none"><li>• Business</li><li>• Ethnic Diversity</li><li>• Service Providers</li><li>• Other Stakeholders</li></ul>	Aug. 2001- Ongoing
3) Schedule Board Orientations <ul style="list-style-type: none"><li>• As new members join</li><li>• Board leadership development</li></ul>	Sept. 2001-Ongoing
<b>OPERATIONS</b>	
1) Review cost of center operations <ul style="list-style-type: none"><li>• Use of center facilities - Conditional Use Permit</li><li>• Program review - brainstorm for ways that add value</li><li>• Mission Statement that reflects vision of BDCC for the future</li><li>• Overhead costs, include insurance requirements</li><li>• Staff structure</li><li>• Maintenance needs</li><li>• Fiscal and personnel policies</li></ul>	July-Sept. 2001
2) Review Rental Rate Structure for: <ul style="list-style-type: none"><li>• Office space</li><li>• Meeting space</li><li>• One time event use</li></ul>	July-Sept. 2001
3) Determine Optimal Promotion of Center Use <ul style="list-style-type: none"><li>• Based on type of use</li><li>• PR/marketing; Ron Sumner</li></ul>	Oct. 2001

## FUND DEVELOPMENT

- 1) Build a Plan for Donor Base Development Oct. 2001-Ongoing
  - Annual Campaigns
  - Annual Fund Raising Events
  - Major Gifts
  - Planned Giving - Create necessary policies for accepting gifts
    - Establish bank trust account
- 2) Determine Appropriate Grants July-Sept. 2001
  - Bridge or capacity building to reach self-sufficiency goals
- 3) Review Staffing Impacts July-Sept. 2001
  - Explore options to hire staff or consultants
- 4) Explore Potential Government Funding Oct. 2001-Ongoing
- 5) List Other Options July-Sept. 2001

## STRATEGIC PLAN DEVELOPMENT

- 1) Compile findings from Operations Cost Analyses Dec. 2001- Feb. 2002
- 2) Revise and Implement Rental Rate Structure(s) Oct.-Dec. 2001
- 3) Develop Goals and Objective for Self Sufficiency Jan. 2002-Ongoing
- 4) Develop and Implement Strategic Plan Strategies Jan. 2002-Ongoing

BRENTWOOD-DARLINGTON COMMUNITY CENTER

USER GROUPS QUANTIFIED

**BDCC Programs:**

<b>Program/Agency</b>	<b>Target Group(s)</b>	<b>Numbers Generated/Fees Generated</b>	
Senior Lunch	Residents 60+ and other age groups	12-15 x 2 per week	In-kind
Community Basket	Low income households in B-D, Lents and No. Clackamas	75-100 per month	\$150+/-

**Tenant Agencies/Programs:**

**Monthly Lease Fees**

<b>Program/Agency</b>	<b>Target Group(s)</b>	<b>Numbers Generated/Fees Generated</b>	
Parent- Child Development Services, Portland Impact	Children prenatal-5 and parents/guardians	48+ per week	\$1875 (+3%)
GEARS Community Coaches, Metropolitan Family Services	Low income residents needing access to services	Field-based services	\$592.50
Portland Police Bureau, SE Precinct, Public Safety liaison services: crime prevention, intervention, coordinates targeted missions, attends neighborhood meetings as invited	Brentwood-Darlington neighborhood	1-3 drop ins per week, primarily field-based services	(In negotiations for \$362.50 with a increase to \$414 in Oct. '01)
Southeast/East Community Court, Mult. Co. District Attorneys Office	Adults who have been cited and pled guilty to low-level misdemeanor offenses	25-50 per week	\$416.16
Aging and Disability Services, Multnomah County	Senior and disabled residents	Not available	(To be negotiated)
Services to Children and Families, Oregon Dept. of Human Services	Children requiring protective services	Not available	\$250
B-D Neighborhood Association, community meetings	B-D residents interested in community improvement	15-30 per month	(To be negotiated)

Weed & Seed Project Coordination, Southeast Uplift Neighborhood Program	Programs and projects monitored, funded, coordinated via B-D/Lents W & S	12-15 per month \$250, will increase to \$300 in October
Outer Southeast Caring Community	Schools, agencies, businesses, residents of Outer Southeast Portland	25-50 per month, plus, committees as scheduled \$300

**Day User Groups:**

**Typically No Fees Generated**

<b>Program/Agency</b>	<b>Target Group(s)</b>	<b>Numbers Generated</b>
National Asso. Of Retired Federal Empl.	Retired employees organization	15-20 per month donations
Katusha-Middle School Girls Support Group, International Refugee Center of Oregon	Lane Middle School girls from Russian immigrant families	30+ per week
Asian Girls Leadership group, Asian Family Center (IRCO)	Lane Middle School girls from Asian or Asian-American families	15-20 per week
Girls Leadership And Development (GLAD), Boys and Girls Aid Society	Leadership development for Lane Middle School students	30-40 per week
Lane Partners, MFS, Mult. Co. Sun Initiative	Agencies located at Lane Middle School SUN Site: Lane Admin., GEARS, Mult. Co. School-based Health Clinic, Mult. Co. Maternal and Child Health Team, Portland Parks & Rec., BDCC	12-20 twice a month
Pinochle players-informal card group	Local residents	4-20 x 3 per week donations
WIC Classes and Staff Meetings, Mult. Co. Health Dept.	Mothers and Infants, Field staff	4-6 Monthly, 50-60 per quarter

**Evening User Groups:**

<b>Program/Agency</b>	<b>Target Group(s)</b>	<b>Numbers Generated/Fees Generated</b>
Committed Partners for Youth	Support group for at-risk youth, 6 <sup>th</sup> to 12 <sup>th</sup> grade	50+ x 2-3 per month \$50-\$150 per month
Portland Chrysanthemum Society	Local chrysanthemum enthusiasts	10-20 per month \$50 per month, 10 months each year

Eastside Jewish Community of Portland	Faith-based organization	15-30 per month	\$50 per month
Child Care Neighbor Network and Time Traders, ROSE CDC	Affordable housing and community development	15-30 x 2-3 per month	\$50 per month + Time Trader In Kind
Parents Without Partners	Single parents	6-30 per week	\$62.50
ACORN	Member based community activist group	10-20 per month	no charge
Southeast Providers Organization	Child care providers association	40-60 per month	annual donation to auction
Volya Dance Ensemble Classes, Ukrainian American Cultural Asso.	Children and young adults	5-15 per week	no charge, donation to auction
GED Classes, Portland Community College (summer term only)	Adults 19 and older	8-10 per week	no charge

**Week-end Groups:**

<b>Program/Agency</b>	<b>Target Group(s)</b>	<b>Numbers Generated/Fee Generated</b>	
Rose of Sharon/New Image	Faith-based organization/Support group for recovering addicts	4-12 per week	donations
The Potter House Christian Fellowship Church	Faith-based organization	Weekly	\$60
Columbia River Organ Council	Theater organ players association	12-25 twice a year	\$25 each event
Eastside Jewish Community of Portland	Faith-based organization	15-40 per Jewish holidays	\$50 each