

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-028**

Vacating a Portion of NE Arata Road, County Road No. 730, Situated in the City of Wood Village, Pursuant to ORS 368.326 to 368.366

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

- a. The portion of NE Arata Road proposed for vacation was established as a slope and drainage easement by the plat WOOD VILLAGE TOWN CENTER, recorded December 29 1999, in Book 1245, Page 48, in the Plat Records of Multnomah County, Oregon.
- b. Centex Homes, a Nevada General Partnership, petitioner, submitted a petition to vacate that portion of NE Arata Road in compliance with ORS 368.341(3). A copy of the petition is attached as Exhibit A.
- c. On January 26, 2006, by Resolution 06-013, the Board initiated vacation proceedings and directed the county road official to prepare a report as required by ORS 368.346(1).
- d. The county road official filed a report containing an assessment that the proposed vacation of the portion of NE Arata Road as requested in the petition is in the public interest.
- e. On February 9, 2006, by Resolution 06-017, the Board set a public hearing to consider the proposed vacation of the portion of NE Arata Road, more particularly described in the attached Exhibit B.
- f. As directed by the Board, the County's Land Use and Transportation Program (LUTP) provided notice of the hearing as required under ORS 368.346.
- g. The public hearing was held on March 16, 2006, and the Board determined vacation of the county's right-of-way interest in this property described in Exhibit B serves the public interest.
- h. As required under MCC 27.054, the County has received a total of \$1265.00 from the petitioners, of which \$200.00 applies to the feasibility study that was performed by Multnomah County, and the remaining \$1065.00 will be applied to the vacation proceeding. The total costs for this vacation, including administrative costs, are \$7272.82. Administrative costs include \$65.00 for the County Surveyor to post the vacation, staff time for research, review, analyses, and document preparation. The balance owed by the petitioners at the date of this hearing is \$6006.91.

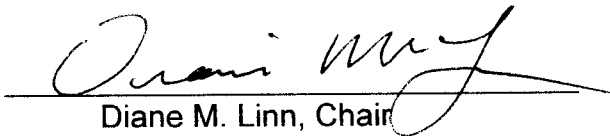
- i. The City of Wood Village, by Resolution passed on February 15, 2006, concurs with the County's findings that the proposed vacation is in the best public interest.

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

1. Subject to the petitioner's payment of all funds due as provided above under MCC 27.054, the property described in the attached Exhibit B is vacated as a portion of NE Arata Road, County Road No. 730, excepting the easement rights any existing utilities may have in the vacated property under ORS Chapter 368.
2. The Land Use and Transportation Program of the Department of Business and Community Services will record and file this Resolution in accordance with ORS 368.356(3), only upon receipt of the total amount due under MCC 27.054.
3. Upon the recording and filing of this vacation, the County Surveyor will mark the plat as provided under ORS 271.230.

ADOPTED this 16th day of March, 2006.

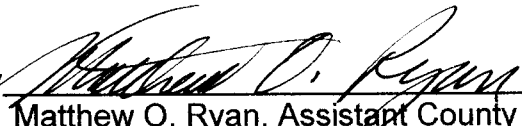
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair



REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney



17355 sw boones ferry road • lake oswego, oregon 97035-5217  
(503) 635-3618 • fax (503) 635-5395  
www.otak.com

## *Exhibit A*

June 9, 2005

Patrick Hinds  
Multnomah County  
1600 SE 190<sup>th</sup> Avenue  
Portland, OR 97233-5910

**RE: *Estates at North Riverwood Subdivision***  
***Vacation Request in Accordance with ORS 368.341***  
***Otak Project No. 11833***

Dear Patrick:

This letter is in response to the requirements for a Formal Request to vacate a portion of an existing Multnomah County public drainage easement in accordance with ORS 368.341. Each code requirement is stated in italics, followed by a response in normal type.

1. *Legal description of the property proposed to be vacated, including easements – such as for utility maintenance.*

**Response:** The existing 30-foot-wide drainage and slope easement is located along the north property line of Lot 20, Wood Village Town Center (1N3E Section 27 and 34). *FOR LEGAL DESCRIPTION SEE pg. 3.*

2. *Statement of reasons to vacate.*

**Response:** The vacation of a portion of the 30-foot-wide drainage and slope easement will allow development of Lot 20 into single-family residential lots as part of the approved Estates at North Riverwood subdivision (City of Wood Village Casefile #PD 03-01). The remaining drainage and slope easement will serve the drainage ditch to remain on the south side of NE Arata Road.

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

**Response:** Centex Homes, a Nevada general partnership; 16520 SW Upper Boones Ferry Road, Suite 200; Portland, OR 97224. See attached Preliminary Title Report.

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).*

*Ex. A*  
*pg. 1 of 8*

**Response:** No improvements are present in the portion of the drainage and slope easement being vacated. The existing five-foot-wide sidewalk, slope, utility, drainage, landscaping, and traffic control devices easement granted to Multnomah County will remain in place.

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

**Response:** The owner of the property upon which the existing drainage easement is located is Centex Homes. The adjacent property to the north is Multnomah County right-of-way (Arata Road). The adjacent property to the west is Multnomah County right-of-way (Wood Village Boulevard).

6. *Signatures, acknowledged by a person authorized to take acknowledgments of deed, \*\*\*(Assessors 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.*

**Response:** The enclosed statement/memorandum by Centex Homes acknowledges vacation of a portion of the drainage easement.

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.*

**Response:** Vacation of property that will be redivided is not proposed. Proposed vacation is for a portion of an existing drainage and slope easement.

8. *A deposit of 120% of estimated costs, \$1,065.00 minimum.*

**Response:** A minimum deposit of \$1,065 is enclosed (Centex Homes Check No. 084113).

Please let me know if you have any additional questions or need additional information.

Sincerely,

Otak, Incorporated



Mike Peebles, PE

Principal

MAP:sjs

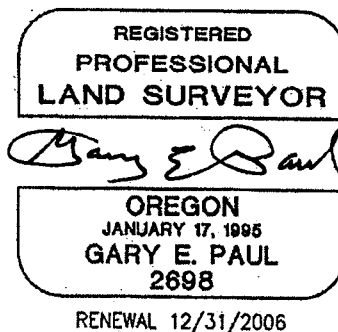
- Enclosures:
1. Drainage and Slope Easement Vacation Exhibits A and B
  2. Preliminary Title Report, dated March 10, 2005
  3. Acknowledgement Memo from Centex Homes
  4. Deposit Check (Centex Check No. 084113)

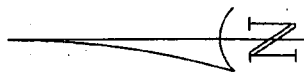
c: Jesse Lovrien, Andy Tiemann – Centex Homes  
Bill McCorkle – Chicago Title  
Carl Malone – City of Wood Village

**EXHIBIT 'A'**  
**DRAINAGE AND SLOPE EASEMENT VACATION**  
**LOT 20, "WOOD VILLAGE TOWN CENTER"**  
**DESCRIPTION**  
**October 26, 2005**

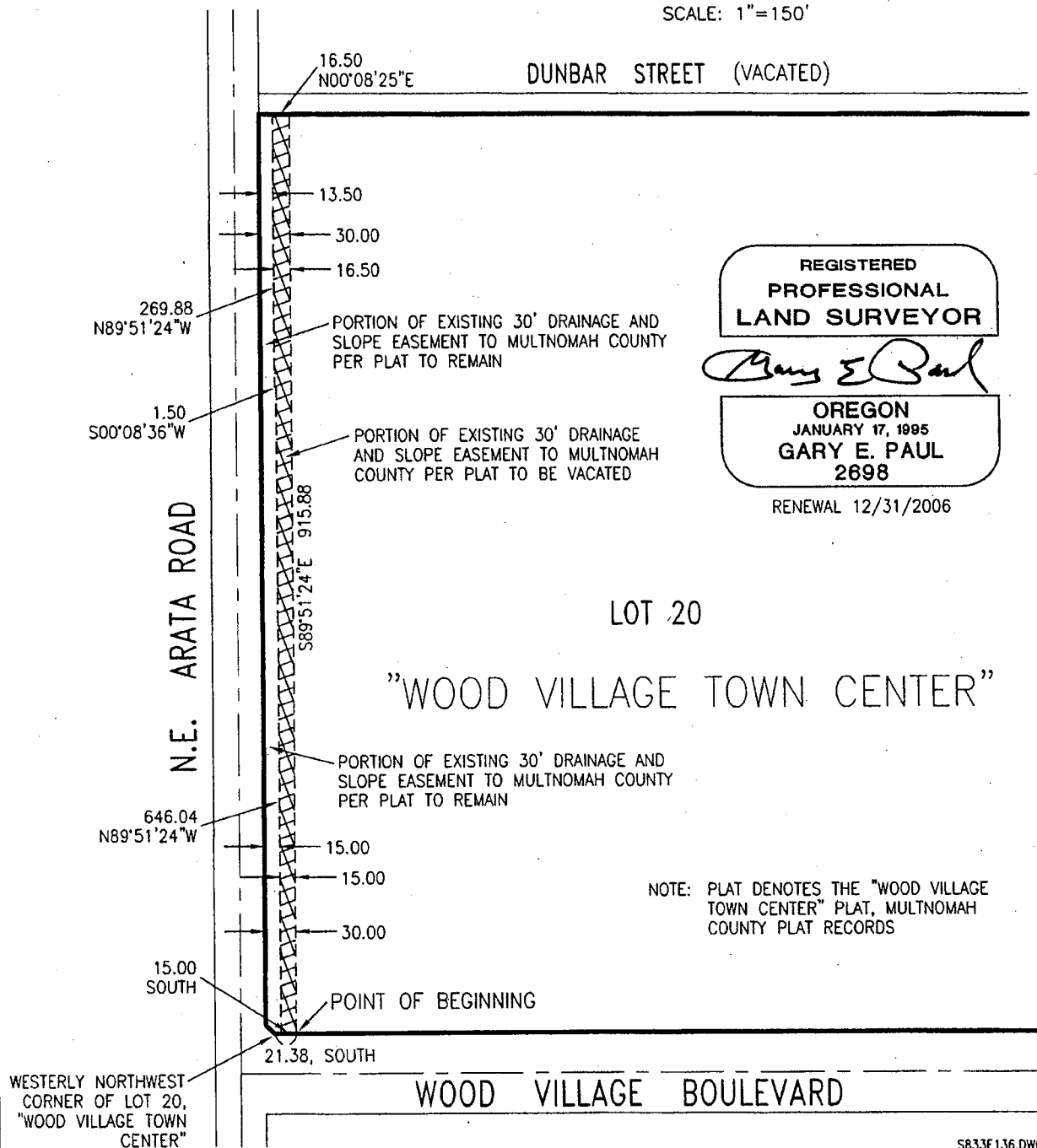
A tract of land in the southwest and southeast one-quarters of Section 27, Township 1 North, Range 3 East, Willamette Meridian, City of Wood Village, Multnomah County, Oregon and being described as follows:

Beginning at a point on the westerly line of Lot 20, "Wood Village Town Center", a duly recorded plat in Multnomah County, and bearing South, 21.38 feet from the westerly northwest corner of said Lot 20, and also being on the southerly line of the Drainage and Slope Easement granted to Multnomah County on the plat of said "Wood Village Town Center"; thence S.89°51'24"E. along said southerly line, 915.88 feet to the easterly line of said Lot 20; thence N.00°08'25"E. along said easterly line, 16.50 feet to a point on a line which is parallel with and 13.50 feet southerly of, when measured at right angles to, the southerly right-of-way line of N.E. Arata Road; thence N.89°51'24"W. along said parallel line, 269.88 feet; thence leaving said parallel line S.00°08'36"W., 1.50 feet to a point on a line which is parallel with and 15.00 feet southerly of, when measured at right angles to, the southerly right-of-way line of N.E. Arata Road; thence N.89°51'24"W. along said parallel line, 646.04 feet to the easterly right-of-way line of Wood Village Boulevard; thence South along said easterly right-of-way line, 15.00 feet to the Point of Beginning.





SCALE: 1"=150'



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Gary E. Paul*

OREGON  
JANUARY 17, 1995  
GARY E. PAUL  
2698

RENEWAL 12/31/2006

LOT 20

"WOOD VILLAGE TOWN CENTER"

NOTE: PLAT DENOTES THE "WOOD VILLAGE  
TOWN CENTER" PLAT, MULTNOMAH  
COUNTY PLAT RECORDS

S833E136.DWG

DRAINAGE AND SLOPE EASEMENT VACATION  
LOT 20, "WOOD VILLAGE TOWN CENTER"  
CITY OF WOOD VILLAGE  
MULTNOMAH COUNTY, OREGON  
OCTOBER 26, 2005

**otak**  
Incorporated

surveyors  
engineers  
planners

17355 S.W. BOONES FERRY ROAD  
LAKE OSWEGO, OREGON 97035  
(503)635-3618 FAX (503)635-5395

Exhibit A  
Ag. 4 of 8

# CENTEX HOMES

16520 SW Upper Boones Ferry Road  
Suite # 200  
Portland, Oregon 97224

Phone: 503 608-3060  
Fax: 503 608-3061  
OR.CCB # 158626  
WALNI # CENTEX\*981QC

December 1, 2005

Patrick Hinds  
Multnomah County Transportation Dept.  
1600 SW 190<sup>th</sup> Ave.  
Portland, Oregon 97233


Re: Storm Sewer Easement Vacation

Centex Homes is the owner of 100% of the real property identified as Lot 20, Map No. T1N R3E 34, Multnomah County, Oregon, and the land to be vacated. As such this letter serves to provide the required "*signatures, acknowledged by a person authorized to take acknowledgement of deed of the real property of either 60 percent of the land abutting the property proposed to be vacated or 60 percent of the owners of land*".

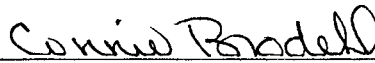
Respectfully,

**CENTEX HOMES, a Nevada General Partnership**

By: Centex Real Estate Corporation,  
Its Managing General Partner

 12-1-05  
Andrew E. Tiemann Date  
Land Development Manager  
Portland Division

Subscribed and sworn to, or affirmed, before me this day of December 1, 2005.

  
Notary Public for the State of Oregon  
County of WASHINGTON



My Commission expires: January 28, 2006

## Acknowledgement and Consent Form

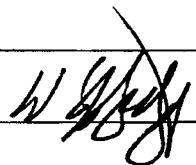
The undersigned owners of tax lot 1100 & 1200, MCTM 3E 27CD in the City of Wood Village, Oregon acknowledge our awareness of the request by Centex Homes for, and our consent to, the vacation of 15-feet of the width of the existing 30-foot wide drainage easement on the south side of Arata Road. The property on which the drainage easement is located is on property currently owned by Centex Homes and is being developed as portions of lots within the Riverwood subdivision. The vacation request will be processed by Multnomah County.

Name

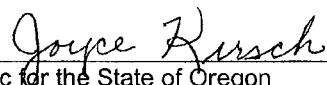
Address

Windsor McKenna

PO Box 647, Hillsboro OR 97123



Subscribed and sworn to, or affirmed, before me this day of nov. 21st, 2005.

  
Notary Public for the State of Oregon

County of Washington

My Commission expires: 11-13-09





## Acknowledgement and Consent Form

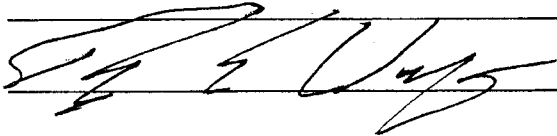
The undersigned owners of tax lot 2800, MCTM 3E 27CD in the City of Wood Village, Oregon acknowledge our awareness of the request by Centex Homes for, and our consent to, the vacation of 15-feet of the width of the existing 30-foot wide drainage easement on the south side of Arata Road. The property on which the drainage easement is located is on property currently owned by Centex Homes and is being developed as portions of lots within the Riverwood subdivision. The vacation request will be processed by Multnomah County.

Name

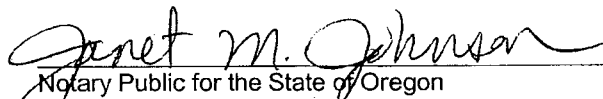
Address

Ryan Wolfe

PO Box 3431, Gresham OR 97030



Subscribed and sworn to, or affirmed, before me this day of November 30, 2005.



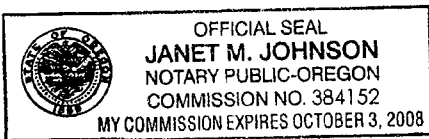
Notary Public for the State of Oregon

County of

Multnomah

My Commission expires:

10/3/08.



## Acknowledgement and Consent Form

The undersigned owners of tax lot 3002, MCTM 3E 27CD in the City of Wood Village, Oregon acknowledge our awareness of the request by Centex Homes for, and our consent to, the vacation of 15-feet of the width of the existing 30-foot wide drainage easement on the south side of Arata Road. The property on which the drainage easement is located is on property currently owned by Centex Homes and is being developed as portions of lots within the Riverwood subdivision. The vacation request will be processed by Multnomah County.

Name

Address

John and Roberta Thede Sr.

2914 SE 136th Ave., Portland OR 97236

*John and Roberta Thede Sr.*  
*John and Roberta Thede*

Subscribed and sworn to, or affirmed, before me this day of 16th of November 2005.

*Suzi Helmlinger*  
Notary Public for the State of Oregon

County of Clackamas

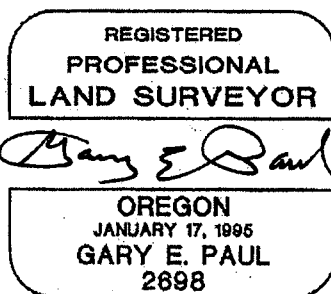
My Commission expires: 6-6-08



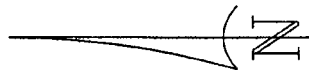
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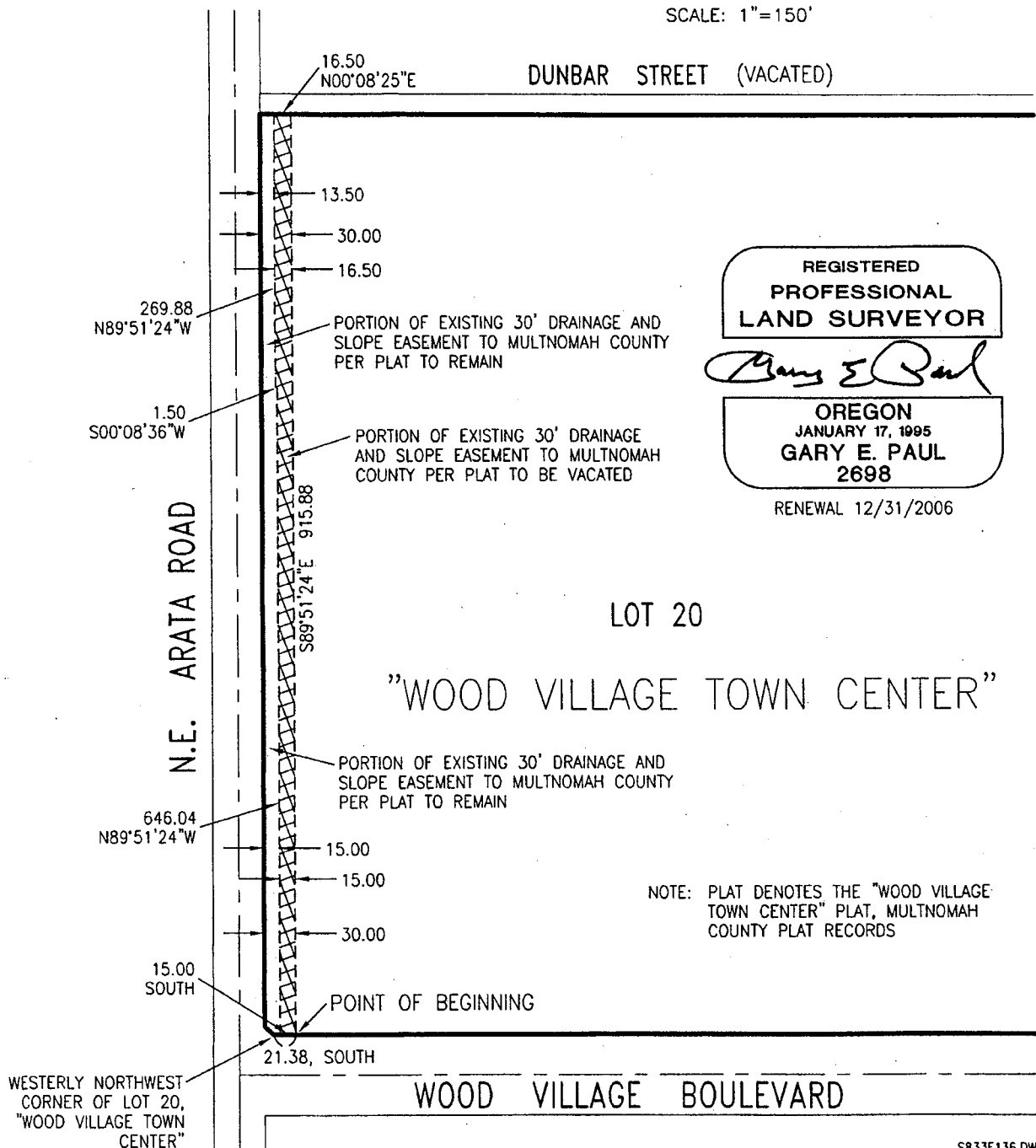
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**CITY OF WOOD VILLAGE  
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*Exhibit B  
Pg. 2 of 2*