

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-027

Authorizing Vacation of a Portion of East Burnside Road, County Road No. 2063,
Pursuant to ORS 368.326 To 368.366

The Multnomah County Board of Commissioners Finds:

a. The portion of East Burnside Road affected by this vacation was originally dedicated to Multnomah County for road purposes by a deed recorded in 1972. The property interest was acquired in conjunction with a road improvement project. The road improvement project has been completed, and the portion of the right of way that is being considered for vacation is not needed for further public purposes and is declared surplus.

b. The portion of East Burnside Road to be vacated is described as follows:

“All of that portion of the following described real property in the City of Gresham, Multnomah County, Oregon, being a part of Tax Lots 34 and 130 in Section 4, 1S, 3E, WM, as shown on the 1971 Assessor’s Map, more particularly described as follows:

Beginning at the N.W. Corner of the J.P. Powell DLC; thence Easterly along the North line of the J.P. Powell DLC 1025.28 ‘; thence N0°30’E to the south line of S.E. Burnside Road (County Road Number 2063-80) and the true point of beginning; thence Southeasterly along said Southerly line of said S.E. Burnside Road to its intersection with the North line of the J.P. Powell DLC; thence Westerly along the North line of the J. P. Powell DLC to a point 1325.28’ Easterly of the N. W. Corner of the J.P. Powell DLC; thence S 0° 30’ W to a point that is 60 feet from the centerline of S.E. Burnside Road (when measured at right angles); thence Northwesterly along a line 60 feet from and parallel to the centerline of S.E. Burnside Road, to a point S 0° 30’ W from the true point of beginning; thence N 0° 30’ East to the said point of beginning.”¹

- c. Petitioners, which include Gresham Land Partners 4, L.L.C., a Delaware limited liability company, have submitted a petition in compliance with ORS 368.341(3), containing the signatures and addresses of 100 percent of the abutting property owners of the property proposed to be vacated. A copy of the petition is attached to this Resolution as Exhibit A.
- d. Under ORS 368.351, because petitioners represent 100 percent of the ownership of the property to be vacated and the abutting property, the County may proceed

¹ As per deed recorded 1/4/1972, Bk. 832, Pg. 1451, Multnomah County Deed Records.

to complete this vacation without additional notice and publication as would be required under ORS 368.346.

- e. Pursuant to MCC §7.054, Multnomah County is to be reimbursed for its administrative costs incurred with respect to this vacation proceeding. To date the County has received a total of \$1265.00 from the petitioners, of which \$200.00 applies to the feasibility study. The remaining \$1065.00 was applied to all other administrative costs, including but not limited to: posting notice of the vacation, and staff time for research, review, analyses and drafting of the County Engineer's report and other documents. The total amount still due and owing the County is: \$3026.02.
- f. The portion of East Burnside Road being vacated will remain subject to the rights of any existing public utility located within the portion being vacated.
- g. The petition requests that title to the above-described portion of East Burnside Road to be vacated vest in the Gresham Land Partners 4, L.L.C., a Delaware limited liability company.
- h. The County Engineer has filed the required report pursuant to ORS 368.351(1) containing the Engineer's assessment that this proposed vacation is in the public's interest. (See Agenda Placement Memorandum included with the Resolution.)
- i. As required by ORS 368.361(3), the County may vacate property that is under the jurisdiction of the county and that is entirely within the limits of a city if that city, by resolution or order, concurs in the findings of the county governing body. The above described portion of East Burnside Road proposed for vacation is entirely within the limits of the City of Gresham, and the City, by Resolution No. 2681, attached as Exhibit B, passed on March 2, 2004, concurs in this proposed vacation.

The Multnomah County Board of Commissioners Resolves:

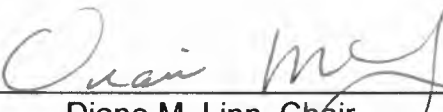
- 1. The above-described portion of East Burnside Road, excepting any easement rights that any utilities may have in said property under ORS Chapter 368, is vacated as a public County Road.
- 2. That pursuant to ORS 368.366(2), title to the above-described vacated property shall vest in the following name and no others: Gresham Land Partners 4, L.L.C., a Delaware limited liability company.
- 3. The County Surveyor will mark the plat, if necessary, as provided under ORS 271.230.

4. The total cost for this vacation proceeding incurred by the County is \$4,291.02, and main petitioner, Gresham Land Partners 4, L.L.C., is directed to pay the remaining amount of \$3026.02 to the County.
5. 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), upon receipt of the amount owed to cover the County's incurred costs for this vacation proceeding.
6. This resolution will become effective at such time as the City of Gresham by resolution or order concurs in this action as required under ORS 368.361(3).

ADOPTED this 11th day of March, 2004.



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



EXHIBIT A

9755 SW Barnes Road, Suite 300
Portland, Oregon 97225
503.626.0455
Fax 503.526.0775

September 30, 2003

Patrick Hinds
Multnomah County
1600 SE 190th
Portland, OR 97233

**Re: Gresham Station North
Petition for Right-of-Way Vacation
WHP No. 30473.0209**

Dear Pat:

As you know GRESHAM LAND PARTNERS, LLC (Property owners of affected parcel) are requesting the vacation of a portion of Right-of-Way that was originally dedicated for transportation improvements that were anticipated to be built. The current Transportation Plan can accommodate all improvements to SE Burnside without the previous dedication.

It is the desire of the property owner and the City of Gresham to vacate this Right-of-Way in an effort to efficiently develop the existing property to the south.

Per your request we are providing you with the following information.

- Exhibit A: Legal Description.
- Exhibit B: Map of the area where we wish to vacate the Right-of-Way.
- Name and address of abutting property owner; Farid Bolouri, DDS; property address: 655-635 SE Burnside Road; along with a notarized affidavit signed by the owner accepting the vacation of ROW. This meets the 100% requirement of the property owners in the area, as this is the only location that is considered abutting.
- There are no utilities located in the ROW area to be vacated; they are located to the north in the Original Public Right-of-Way.
- A check for \$1,065.00 to review the petition and for the surveyor to post the plat.

Our client is anxious to get the vacation completed so they can move their plans forward. Please call me directly at 503-372-3600 if there is anything else you require, or if you have questions.

Sincerely,

W&H PACIFIC

Hal Keever, ASLA
Director of Land Development

HK:dmt

Copies: JP Wardy, Center Oak Properties
Julie Gravo, Center Oak Properties
Ron Papsdorf, City of Gresham

Encl.

We, Gresham Land Partners 4, LLC., owner of property (1S3E04TL-200) at 831 NW Council Drive do hereby request, acknowledge and accept the proposed Vacation of Right-of-Way, a 20-foot wide strip of SE Burnside Road, From the SW Corner of SE Burnside Road to Civic Drive, in Multnomah County, Gresham Oregon. (See attached Exhibits "A" and "B")

Request, Acknowledge and Accept Vacation of Right-of-Way:


Gresham Land Partners 4, LLC, Member

02-26-04
Date

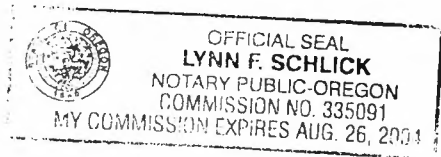
AFFIDAVIT OF SIGNATURE

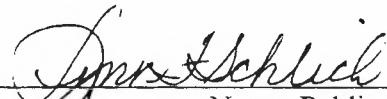
State of Oregon

County of Multnomah

THIS CERTIFIES that on this 26th day of February A.D., 2004 Before me the undersigned a Notary Public in and for said county and state, personally appeared the within named FRED W. BRUNING, Who are PERSONALLY known to me to be the identical individual _____ described in and who executed the within instrument, and acknowledged to me that FRED W BRUNING executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal the day and year last above written.




Notary Public for Oregon
My Commission Expires 8-26 2004

**ACTION BY UNANIMOUS WRITTEN CONSENT
OF THE MEMBERS OF
GRESHAM LAND PARTNERS 4, L.L.C.**

Gresham Land Holdings, L.L.C., a Delaware limited liability company ("**Holdings**") and Gresham Land Associates, L.L.C., a Delaware limited liability company ("**Associates**"), being all of the members of Gresham Land Partners 4, L.L.C., a Delaware limited liability company (the "**Company**"), do hereby approve and adopt the following resolution by their unanimous written consent:

RESOLVED, that Fred W. Bruning ("**Bruning**") and Jean Paul Wardy ("**Wardy**"), as the sole members of Associates, are each individually duly authorized to do the following acts for and on behalf of the Company:

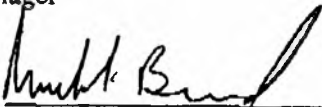
1. To execute and deliver any and all documents and agreements necessary or required in connection with the Gresham Station North Right-Of-Way Vacation with the County of Multnomah, State of Oregon, and containing such terms and provisions as may be acceptable or agreeable to Bruning and Wardy ("**Instruments**"); and
2. To do or cause to be done all such acts or things and to sign and deliver, all such documents, instruments, notices, acceptances and certificates as said authorized persons in their discretion, may deem necessary, advisable, or appropriate to effectuate or carry out the purpose and intent of the foregoing.

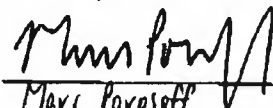
IN WITNESS WHEREOF, the undersigned has executed this Action By Written Consent as of this 26th day of February, 2004.

MEMBERS:

Gresham Land Holdings, L.L.C.,
a Delaware limited liability company


By: Oaktree Capital Management, LLC,
a California limited liability company,
its Manager

By: 
Name: Russel S. Bernard
Title: Principal

By: 
Name: Marc Porosoff
Title: Senior Vice President, Legal

[signatures continue on following page]

Gresham Land Associates, L.L.C.,
a Delaware limited liability company,

By: 
Name: FRED W. BRUNING
Title: Member



January 20, 2004

Patrick Hinds
Multnomah County Oregon
Land Use and Transportation Program
1600 SE 190th Avenue
Portland, OR 97233-5910

Re: S.E. Burnside Street Vacation

Dear Mr. Hinds:

As requested, enclosed is the following documentation regarding the S.E. Burnside vacation for Gresham Station North:

1. Exhibit "A" – Legal Description
2. Exhibit "B" – Map of the area to vacate a Right-of-Way
3. Copies of adjacent property owners approval to vacate
4. Copy of the original dedication to Multnomah County
5. Chicago Title – No Reversionary Rights

If you require any additional information, please feel free to contact me.

Best regards,

Julie A. Gravo
Construction Manager

KNOW ALL MEN BY THESE PRESENTS, That Donald Robertson and

Vada Robertson, husband and wife,

of _____, Multnomah County, Oregon, in consideration of Gift

_____ Dollars, and other good and

valuable considerations, to us paid by Multnomah County, a political subdivision of the State of Oregon, have granted, bargained, sold and conveyed, and do hereby grant, bargain, sell and convey unto said Multnomah County, its successors and assigns, a perpetual easement for road purposes in, upon, and across the property hereinafter described, and have forever dedicated, and do hereby forever dedicate to the use of the public as a public road, all the following bounded and described real property situated in the County of Multnomah and State of Oregon, to-wit:

All of that portion of the following described real property, being a part of Tax Lots 34 and 130 in Section 4, 1S, 3E, WM, as shown on the 1971 Assessor's Map, more particularly described as follows, to-wit:

Beginning at the N. W. Corner of the J. P. Powell DLC; thence Easterly along the North line of the J. P. Powell DLC 1025.28'; thence N 0° 30' E to the south line of S. E. Burnside Road (County Road Number 2063-80) and the true point of beginning; thence Southeasterly along the Southerly line of said S. E. Burnside Road to its intersection with the North line of the J. P. Powell DLC; thence Westerly along the North line of the J. P. Powell DLC to a point 1325.28' Easterly of the N. W. Corner of the J. P. Powell DLC; thence S 0° 30' W to a point that is 60 feet from the centerline of S. E. Burnside Road (when measured at right angles); thence Northwesterly along a line 60 feet from and parallel to the centerline of S. E. Burnside Road, to a point S 0° 30' W from the true point of beginning; thence N 0° 30' East to said point of beginning.

The true and actual consideration in this transaction is none.

TO HAVE AND TO HOLD the above granted easement unto the said Multnomah County, its successors and assigns, forever.

IN WITNESS WHEREOF, the grantors above named have hereunto set their hand and seal this 2nd day of November A.D., 1971

APPROVED:

ROBERT L. NORDLANDER

~~Assistant Director~~
Director of Public Works

By R. L. Bennett
~~Assistant Director~~ Deputy Director

Donald Robertson (SEAL)

Vada Spate Robertson (SEAL)

APPROVED AS TO FORM:

DESMOND D. CONNALL

District Attorney

By Harold P. Ferguson
Deputy District Attorney

Robert S. Ballantine
Multnomah County Planning Commission

EXH. B. T

A

(Legal Description)

STATE OF OREGON
County of Multnomah

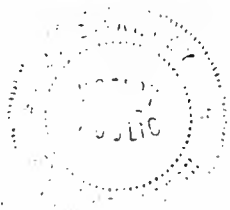
} SS

THIS CERTIFIES that on this 22nd day of November A.D., 1971

before me the undersigned, a Notary Public in and for said county and state, personally appeared the within named Donald Robertson and Vada Robertson,

who are known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal the day and year last above written.



[Signature]
Notary Public for Oregon

My Commission expires 12-16, 1972

32849 DEED OF DEDICATION ROAD PURPOSES Individual	Donald Robertson and Vada Robertson (H&W)	To MULTNOMAH COUNTY	After Recording Return to DEPT. OF PUBLIC WORKS 2115 S.E. Morrison St. Portland, Ore. 97214
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STATE OF OREGON)
Multnomah County) ss.
I, JOHN D. WELDON, Director, Department of Records and Elections and Secretary of Commerce, in and for said County, do hereby certify that the foregoing is a true and correct copy of the original of said County Records.

DEED

DEPARTMENT OF RECORDS AND ELECTIONS
MULTNOMAH COUNTY OREGON
1854

JOHN D. WELDON, Director, Department of Records and Elections
by *[Signature]* Deputy.

Dec-17 1971

EXHIBIT A Page 2

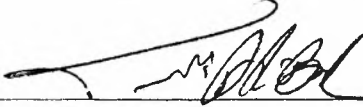


ARUTTING Prop. owners



I, Farid Bolouri, MD., owner of property (1S3E04DA-00600) at 635/655 SE Burnside Road do hereby accept the proposed Vacation of Right-of-Way, a 20-foot wide strip of SE Burnside Road, From the SW Corner of SE Burnside Road to Civic Drive, in Multnomah County, Gresham Oregon. (See attached Exhibits "A" and "B")

Acceptance of Vacation of Right-of-Way:


Farid Bolouri, MD., Owner

1-20-04
Date

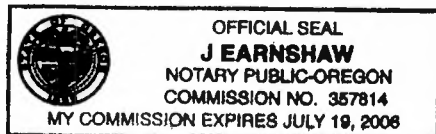
AFFIDAVIT OF SIGNATURE

State of Oregon

County of Multnomah

THIS CERTIFIES that on this 20th day of January A.D., 2004
Before me the undersigned a Notary Public in and for said county and state, personally
appeared the within named Farid Bolouri, Who are
known known to me to be the identical individual — described in and
who executed the within instrument, and acknowledged to me that
he executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal the day
and year last above written.



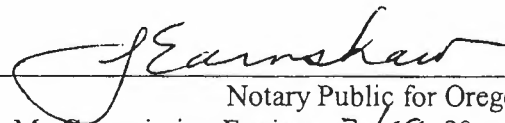

Notary Public for Oregon
My Commission Expires 7/19 20 08

Exhibit "A"



We, **James G. & Carol L. Hood**, owner of property (1S3E04AC-09900) at 21565 SE Fariss, do hereby accept the proposed Vacation of Right-of-Way, a 20-foot wide strip on SE Burnside Road, From the SW Corner of SE Burnside Road to Civic Drive, in Multnomah County, Gresham Oregon. (See attached exhibits.)

Acceptance of Vacation of Right-of-Way:

James G. Hood
James G. Hood, Owner

12 17 . 03
Date

Carol L. Hood
Carol L. Hood, Owner

12-17-03
Date

AFFIDAVIT OF SIGNATURE

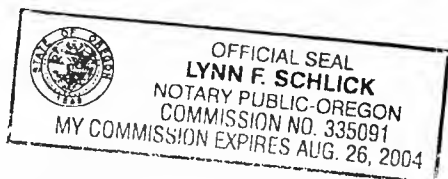
State of Oregon

County of Multnomah

THIS CERTIFIES that on this 17th day of December A.D., 2003

Before me the undersigned a Notary Public in and for said county and state, personally appeared the within named JAMES G. Hood and CAROL L. Hood, Who are known to me to be the identical individual 5 described in and who executed the within instrument, and acknowledged to me that JAMES G. HOOD and CAROL L. HOOD executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal the day and year last above written.



Lynn F. Schlick
Notary Public for Oregon
My Commission Expires 8/26 2004



21627/21629

Fariss I, **Peggy Ann Rattey**, owner of property (1S3E04AC-08900) at ~~44055 SE Stevens Street~~, do hereby accept the proposed Vacation of Right-of-Way, a 20-foot wide strip on SE Burnside Road, From the SW Corner of SE Burnside Road to Civic Drive, in Multnomah County, Gresham Oregon. (See attached exhibits.)

Acceptance of Vacation of Right-of-Way:

Peggy Ann Rattey
Peggy Ann Rattey, Owner

1-14-04
Date



AFFIDAVIT OF SIGNATURE

State of Oregon

County of Multnomah

THIS CERTIFIES that on this 14TH day of JANUARY A.D., 2004

Before me the undersigned a Notary Public in and for said county and state, personally appeared the within named PEGGY ANN RATTEY, Who are proven ~~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 WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal the day and year last above written.



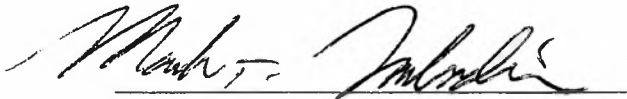
John B. Oppelt
Notary Public for Oregon
My Commission Expires 8/28 2006

Exhibit "A"

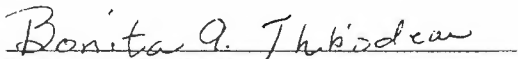


We, Mark T. and Bonita A. Thibodeau, owner of property (1S3E04AC-08800) at 21639/21641 SE Fariss do hereby accept the proposed Vacation of Right-of-Way, a 20-foot wide strip of SE Burnside Road, From the SW Corner of SE Burnside Road to Civic Drive, in Multnomah County, Gresham Oregon. (See attached Exhibits "A" and "B")

Acceptance of Vacation of Right-of-Way:



Mark T. Thibodeau, Owner



Bonita A. Thibodeau, Owner

1-15-04
Date

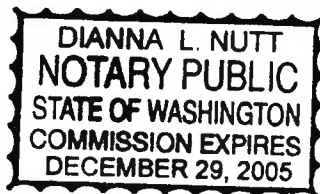
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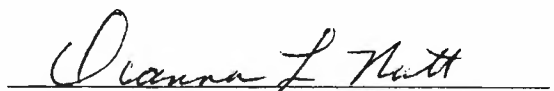
State of Washington

County of CLARK

THIS CERTIFIES that on this 15th day of Jan A.D., 2004 Before me the undersigned a Notary Public in and for said county and state, personally appeared the within named MARK T. Thibodeau BONITA A. Thibodeau, Who are owners known to me to be the identical individual s described in and who executed the within instrument, and acknowledged to me that They executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal the day and year last above written.

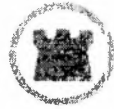



Notary Public for Washington
My Commission Expires 12/29/20 05



CHICAGO TITLE INSURANCE COMPANY OF OREGON

888 SOUTHWEST 5TH AVENUE, SUITE 930, PORTLAND, OREGON 97204 (503) 973-7400 FAX (503) 248-0324



STATE/COMMERCIAL OFFICE

January 22, 2004

Ms. Julie Gravo
Center Oak Properties, LLC
649 N.W. 12th Street
Gresham, Oregon 97030

Re: Vacation of a Portion of NW Burnside Road
Verification of Dedication Matter

Dear Ms. Gravo:

With regard to the above referenced matter and to supplement my earlier correspondence please receive this communication as confirmation that Ronald and Vada Robertson who dedicated those lands (being a portion of N.W. Burnside) now proposed for vacation were vested in title to the entirety of land so dedicated. Further, this letter will confirm to all parties that Center Oak Properties, LLC or its affiliated companies are the vested owner to all such lands, which vacated street area shall inure.

Should anything further be needed from this company please do not hesitate to call.

Sincerely,

Chicago Title Insurance Company
Of Oregon

Malcolm Newkirk
Vice President
Oregon State Operations

cc: Patrick Hinds (email)

CHICAGO TITLE INSURANCE COMPANY OF OREGON

888 SOUTHWEST 5TH AVENUE, SUITE 930, PORTLAND, OREGON 97204 (503) 973-7400 FAX (503) 248-0324



STATE/COMMERCIAL OFFICE

January 20, 2004

Ms. Julie Gravo
Center Oak Properties, LLC
649 N.W. 12th Street
Gresham, Oregon 97030

Re: Proposed Vacation of a Portion of N.W. Burnside Road
"Reversionary" Rights Matter

Dear Ms. Gravo:

The offices of Chicago Title Insurance Company of Oregon have reviewed the instrument making dedication to Multnomah County of certain lands within N.W. Burnside Road and find no reversionary rights personal to the Declarant in such conveyance.

Should you need any further information in this regard please do not hesitate to call.

Sincerely,

Chicago Title Insurance Company
Of Oregon

Malcolm Newkirk
Vice President
Oregon State Operations

EXHIBIT B

RESOLUTION NO. 2681

**A RESOLUTION CONCURRING WITH THE FINDINGS OF MULTNOMAH COUNTY IN
VACATING A PORTION OF EAST BURNSIDE ROAD**

The City of Gresham Finds:

A. ORS 368.361(3) provides that a county governing body may vacate property that is under the jurisdiction of the county and that is entirely within the limits of a city if that city, by resolution or order, concurs in the findings of the county governing body in the vacation proceedings.

B. Multnomah County has received a petition to vacate a portion of East Burnside Road that is entirely within the limits of the City of Gresham.

C. The portion of right-of-way being considered for vacation does not contain any public improvements.

D. The existing and planned improvements to this portion of East Burnside Road can be accommodated within the remaining right-of-way.

E. The findings of the Multnomah County Board of Commissioners represent an accurate assessment of the right-of-way vacation petition.

THE CITY OF GRESHAM RESOLVES:

To concur in the findings of the Multnomah County Board of Commissioners as reflected in a Multnomah County Resolution to be considered March 10, 2004 in the matter of a petition to vacate a portion of East Burnside Road located within the limits of the City of Gresham, a copy of which is attached hereto as Exhibit A.

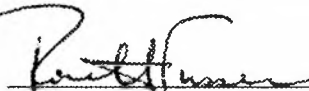
Yes: Becker, Horner, McIntire, Bemis, Shields, Hanna

No: None

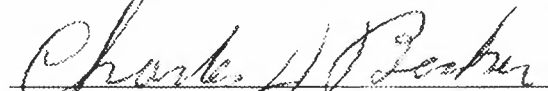
Absent: Haverkamp

Abstain: None

Passed by the Gresham City Council and effective on March 2, 2004



City Manager



Mayor

Approved as to Form:



Senior Assistant City Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Vacation Of A Portion Of East Burnside Road, County Road No. 2063, Pursuant To
ORS 368.326 To 368.366.

The Multnomah County Board of Commissioners Finds:

- a. The portion of East Burnside Road affected by this vacation, was originally dedicated to Multnomah County for road purposes by a deed recorded in 1972. The property interest was acquired in conjunction with a road improvement project. The road improvement project has been completed and the portion of the right of way that is being considered for vacation is not needed for further public purposes and is declared surplus..

- b. The portion of East Burnside Road to be vacated is described as follows:

"All of that portion of the following described real property in the City of Gresham, Multnomah County, Oregon, being a part of Tax Lots 34 and 130 in Section 4, 1S, 3E, WM, as shown on the 1971 Assessor's Map, more particularly described as follows:

Beginning at the N.W. Corner of the J.P. Powell DLC; thence Easterly along the North line of the J.P. Powell DLC 1025.28 ' ; thence N0°30'E to the south line of S.E. Burnside Road (County Raod Number 2063-80) and the true point of beginning; thence Southeasterly along said Southerly line of said S.E. Burnside Road to its intersection with the North line of the J.P. Powell DLC; thence Westerly along the North line of the J. P. Powell DLC to a point 1325.28' Easterly of the N. W. Corner of the J.P. Powell DLC; thence S 0° 30' W to a point that is 60 feet from the centerline of S.E. Burnside Road (when measured at right angles); thence Northwesterly along a line 60 feet from and parallel to the centerline of S.E. Burnside Road, to a point S 0° 30' W from the true point of beginning; thence N 0° 30' East to the said point of beginning."¹

- c. Petitioners, which include Gresham Land Partners 4, L.L.C., a Delaware limited liability company, have submitted a petition in compliance with ORS 368.341(3), containing the signatures and addresses of 100 percent of the abutting property owners of the property proposed to be vacated. A copy of the petition is attached to this Resolution as Exhibit A.
- d. Under ORS 368.351, because petitioners represent 100 percent of the ownership of the property to be vacated and the abutting property, the County may proceed to complete this vacation without additional notice and publication as would be required under ORS 368.346.

¹ As per deed recorded 1/4/1972, Bk. 832, Pg. 1451, Multnomah County Deed Records.

- e. Pursuant to MCC §7.054 Multnomah County is to be reimbursed for its administrative costs incurred with respect to this vacation proceeding. To date the County has received a total of \$1265.00 from the petitioners, of which \$200.00 applies to the feasibility study. The remaining \$1065.00 was applied to all other administrative costs, including but not limited to: posting notice of the vacation; staff time for research, review, analyses and drafting of the County Engineer's report and other documents. The total amount still due and owing the County is: \$3026.02.
- f. The portion of East Burnside Road being vacated will remain subject to the rights of any existing public utility located within the portion being vacated.
- g. The petition, requests that title to the above described portion of East Burnside Road to be vacated vest in the Gresham Land Partners 4, L.L.C., a Delaware limited liability company.
- h. The County Engineer has filed the required report pursuant to ORS 368.351(1) (See Agenda Placement Memorandum included with the Resolution) containing the Engineer's assessment that this proposed vacation is in the public's interest.
- i. As required by ORS 368.361(3), the County may vacate property that is under the jurisdiction of the county and that is entirely within the limits of a city, if that city, by resolution or order, concurs in the findings of the county governing body. The above described portion of East Burnside Road proposed for vacation is entirely within the limits of the City of Gresham, and the City, by Resolution No. _____ attached as Exhibit B, passed on March 2, 2004, concurs in this proposed vacation.

The Multnomah County Board of Commissioners Resolves:

- 1. The above-described portion of East Burnside Road, excepting any easement rights that any utilities may have in said property under ORS Chapter 368 is vacated as a public County Road.
- 2. That pursuant to ORS 368.366(2) title to the above described vacated property shall vest in the following name and no others: Gresham Land Partners 4, L.L.C., a Delaware limited liability company.
- 3. The County Surveyor will mark the plat, if necessary, as provided under ORS 271.230.
- 4. The total cost for this vacation proceeding incurred by the County is \$4,291.02, and main petitioner, Gresham Land Partners 4, L.L.C., is directed to pay the remaining amount of \$3026.02 to the County.
- 5. The Land Use and Transportation Division of the Department of Business and Community Services will record and file this Resolution in accordance with ORS

EXHIBIT A

368.356(3), upon receipt of the amount owed to cover the County's incurred costs for this vacation proceeding.

6. This resolution will become effective at such time as the City of Gresham by resolution or order concurs in this action as required under ORS 368.361(3).

ADOPTED this 11th day of March 2004.

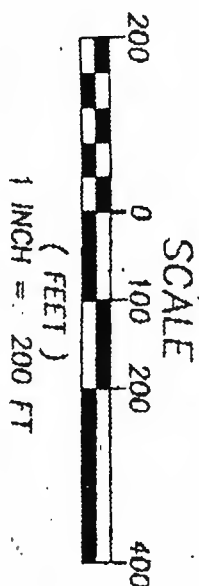
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney



NORTH LINE OF THE JOHN POWELL D.L.C.

PARIS RD.
(CO. RD. 4455)
S88°18'26"E 728.76'
CONC. MON. AT S.W. COR.
OF THE PAGE STANLEY
D.L.C. BT BK C, PG 121

N.W. BURNSIDE ROAD
567°04'30"E
POINT OF BEGINNING
60.00'
40.00'

AREA TO BE VACATED
6,400 SF (0.15 ACRES)

CIVIC DRIVE

DRAWN BY: J. SWART		CHECKED BY: J. BUTLER	
LAST EDIT:		APPROVED BY:	
DATE		PLOT DATE: 12/04/03	
BY	REV	REVISION	EXAMINER



17700 SE Burnside Road
Suite 200
Portland, Oregon 97205
503-241-1111
www.wandpacific.com

EXHIBIT "B"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
GRESHAM STATION NORTH
RIGHT-OF-WAY VACATION

GRESHAM	PROJECT NO. 309.34	DRAWING FILE NAME: GRESHAM	1 SHEET
SCALE: 1"=200'			