

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Public Hearing on the Proposed Vacation of a Portion of a 12' Wide Public Way in Unincorporated East Multnomah County, Pursuant to ORS 368.326 to ORS 368.426.

The Multnomah County Board of Commissioners Finds:

- a. The public way affected by this proposed vacation, was originally created by the plat Town of Latourelle Falls recorded on June 3, 1887, in Book 2, Pages 104-105, Multnomah County Plat Records, Multnomah County, Oregon.
- b. The portion of the public way to be vacated is more particularly described in Exhibit 1, attached hereto. Multnomah County does not maintain, nor have plans to develop, the public way proposed for vacation.
- c. Richard and Debra Lowry, petitioners, have submitted a petition to vacate a portion of this public way in compliance with ORS 368.341(3). A copy of the petition is attached to this Resolution as Exhibit 2.
- d. On August 11, 2016, the County Board, by Resolution 2016-082, declared its intent to vacate a portion of this public way, and directed the County Engineer to prepare a report as required under ORS 368.346.
- e. On November 3, 2016, the County Board by Resolution 2016-109, accepted the County Engineer's report, which found the proposed vacation to be in the best public interest; directed that Notice be provided as required by ORS 368.346; and, set January 12, 2017 as the public hearing date for the proposed vacation in accordance with ORS 368.346(2).
- f. As required under MCC 27.054, the County has received a total of \$1265.00 from the petitioners, of which \$200.00 applies to a feasibility study performed by the County. The remaining \$1065.00 will be applied to the vacation proceeding. The total costs for this vacation, including administrative costs, are \$3887.43. Administrative costs include staff time for research, review, analyses, and document preparation. The balance owed by the petitioners at the date of this hearing is \$2622.43.
- g. Upon vacation, the portion of public way described in said Exhibit 1 will remain subject to the rights of any existing public utility that has improvements located within that former public way.

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 portion of public way, as more particularly described in the attached Exhibit 1, is vacated as a public way, excepting the easement rights any existing utilities may have in the vacated property under ORS Chapter 368.

2. Pursuant to MCC 27.054, the total cost for this vacation proceeding incurred by the County is \$3887.43; and Richard and Debra Lowry, the petitioners, are directed to pay the remaining amount of \$2622.43 to the County.
3. The Transportation Division of the Department of Community Services will record and file this Resolution in accordance with ORS 368.356(3), only upon receipt of the total amount due under MCC 27.054; as set forth in Resolve Clause No. 2.
4. Upon the recording and filing of this Resolution, the County Surveyor will mark the plat, if applicable, as provided under ORS 271.230, and title in the underlying property shall vest as provided under ORS 368.366.

ADOPTED this 12th day of January, 2017

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Courtney Lords, Assistant County Attorney

SUBMITTED BY:
Kim Peoples, Director Department of Community Services