

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 2017-004

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 No. 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 No. 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 19th day of January, 2017.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury

Deborah Kafoury, Chair

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

By

[Signature]

Courtney Lords, Assistant County Attorney

SUBMITTED BY: Kim Peoples, Director Department of Community Services.

EXHIBIT 1

August 13, 2014

W.B. WELLS & ASSOC., INC.
JOB NO. 2013-097

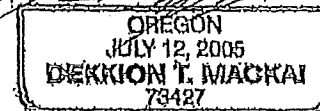
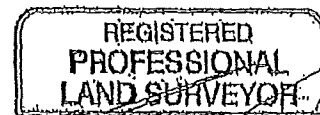
PROPOSED RIGHT-OF-WAY VACATION

A PORTION OF ALLEYWAY RUNNING THROUGH BLOCK 4, "TOWN OF LATOURELLE FALLS", SITUATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, COUNTY OF MULTNOMAH AND STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS"

COMMENCING AT THE SOUTHEAST CORNER OF LOT 4 OF SAID BLOCK 4, "TOWN OF LATOURELLE FALLS"; THENCE NORTH, ALONG THE EAST LINE OF SAID LOT 4, A DISTANCE OF 1.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH, CONTINUING ALONG THE EAST LINE OF SAID LOT 4 AND THE EAST LINE OF LOTS 5 THROUGH 10, A DISTANCE OF 135.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SECOND STREET; THENCE EAST, A DISTANCE OF 12.00 FEET; THENCE SOUTH, ALONG THE WEST LINE OF LOT 11 OF SAID BLOCK 4, A DISTANCE OF 135.00 FEET; THENCE WEST, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,620 SQUARE FEET.

BASIS OF BEARINGS — SURVEY NUMBER 58548, MULTNOMAH COUNTY SURVEY RECORDS.



EXPIRES: 12-31-16

EXHIBIT 2

Proposed Vacation of County Property

Presented to Multnomah County Land Use

Applicant

Richard & Debra Lowry
2610 NE Fall
Corbett, Oregon

September 2014

Feb 26, 2015

Richard & Debra Lowry
2610 NE Fall
Corbett, Oregon 97019

Multnomah County
Land Use and Transportation
1800 SE 190th ave.
Portland, Oregon

Subject: Application for Alley vacation in Latourell Falls

ORS 368.341

Initiation of vacation proceedings; Requirement for resolutions or petition:

1. N/A
2. N/A
3. Any person filing a petition under this section shall include the following:
 - a. A description of the property proposed to be vacated: See Attached Legal description and drawing.



b. A statement of the reasons for requesting the vacation. The reason for this vacation is to allow the future construction of a garage that would be situated in the alley and a portion of Lot 11.

c. The names & address of all persons holding any recorded interest in the property proposed to be vacated:

There are no recorded interest holders in property proposed to be vacated

d. The names & address of all persons owning any improvements constructed on public property proposed to be vacated:

There are no improvements constructed on public property, proposed to be vacated.

e. The names & addresses of all persons owning any real property abutting public property proposed to be vacated:

Richard & Debra Lowry 2610 NE Falls St., Corbett, Oregon are owners of 100% of property abutting proposed vacation.

368.351 Vacation without hearing:

Richard & Debra Lowry acknowledge & consent to proposed alley vacation

Richard J. Lowry Richard J. Lowry 2-26-15
Date

Debra L. Lowry Debra L. Lowry 2-26-15
Date

INDIVIDUAL ACKNOWLEDGMENT

State/Commonwealth of Oregon } ss.
County of Multnomah }

On this the 26 day of February, 2015, before me,

Veena Katoch, the undersigned Notary Public,
Name of Notary Public

personally appeared Richard Jerome Lowry and Debra Lorene Lowry.
Name(s) of Signer(s)

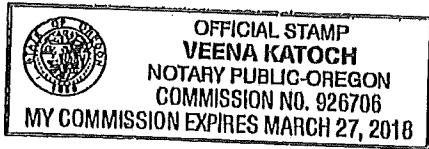


☐ personally known to me - OR -

☒ proved to me 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 for the purposes therein stated.

WITNESS my hand and official seal.



Veena Katoch
Signature of Notary Public

VEENA KATOCH

March 27, 2018

Any Other Required Information

(Printed Name of Notary, Expiration Date, etc.)

Place Notary Seal/Stamp Above

OPTIONAL

Not required by law, this information can be useful to those relying on the document and prevent fraud.

Description of Any Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF SIGNER #1	RIGHT THUMBPRINT OF SIGNER #2
Top of thumb here	Top of thumb here

August 13, 2014

W.B. WELLS & ASSOC., INC.
JOB NO. 2013-097

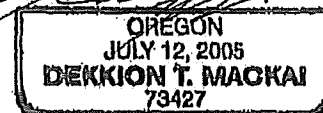
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EXPIRES: 12-31-16

PROPOSED RIGHT-OF-WAY VACATION

SITUATED IN THE NW 1/4 OF SECTION 29, T 1 N, R 5 E
WILLAMETTE MERIDIAN, COUNTY OF MULTNOMAH, STATE OF OREGON

DATE: 8-13-14

SCALE: 1" = 30'

SECOND STREET
60' WIDE

