

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Vacation of)
N.E. 123rd Place from N.E. Halsey)
Street to N.E. Wasco Street,)
Vacation No. 4973.)

ORDER ON
VACATION NO. 4973

#89-144

A Consent to Vacation in proper legal form of Albertsons, Inc., et al, for vacation of N.E. 123rd Place from N.E. Halsey Street to N.E. Wasco Street, in Section 35, T1N, R2E, W.M., Multnomah County, Oregon, more particularly described following, has been filed herein; and

It appearing that the petition contains the signatures of more than 60% of the owners of property abutting the street proposed for vacation; and

It further appearing that the Director of Environmental Services has investigated the advisability of vacating the aforementioned undeveloped public road, which is unnecessary for any public purpose, and the Director has filed a report indicating that the proposed vacation is in the public interest, and recommends that said right-of-way be vacated subject to certain conditions, said portion of right-of-way being more particularly described as follows:

That portion of N.E. 123rd Place extending from the south line of N.E. Halsey Street, County Road No. 2314, southerly to the north line and/or its easterly extension of N.E. Wasco Street, as dedicated by instrument recorded October 14, 1959, in Book 1979, Page 224, PS Deed Records of Multnomah County, Oregon, all in Lot 4, HAZELWOOD, a duly recorded plat in Section 35, T1N, R2E, W.M., Multnomah County, Oregon.

It further appearing that the Board of County Commissioners considered the report and recommendation of the Director of Environmental Services; and

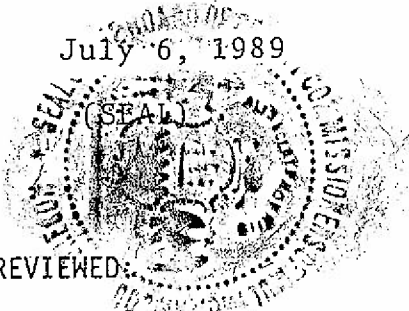
It further appearing that pursuant to the provisions of ORS 368.326 to ORS 368.426, proper legal notice was given and a public hearing before the Board of County Commissioners was conducted June 29, 1989, where any interested party was afforded an opportunity to be heard, and no written or oral objections were filed or heard; and

It further appearing that the vacation would be in the public interest if certain conditions, set forth herein, are met; it is therefore

ORDERED, that the above described public road be, and the same shall be vacated, upon proof satisfactory to the Director of Environmental Services that the following conditions have been met:

- (1) That the County Counsel finds the petition to be in proper legal form and meeting all the requirements of the Oregon Revised Statutes.
- (2) That the petitioner, Albertsons, Inc., be required to pay the actual cost for the investigation, posting, mailing and publication of notices for the hearing.
- (3) That the executed Order of Final Vacation be returned to this office for recording purposes after the petitioner has made payment to the Department of Environmental Services for all the costs described in paragraph (2) above.
- (4) That a cul-de-sac bulb having a radius of 50 feet and a strip of land 10 feet in width for N.E. Wasco Street be dedicated by the petitioner, according to the requirements of Multnomah County Division of Transportation.
- (5) That an easement 20 feet in width extending from N.E. Halsey Street to N.E. Wasco Street be reserved to accommodate the requirements of any existing utilities and Multnomah County Fire District No. 10 and/or the Portland Fire Bureau.
- (6) That the existing driveway aprons on N.E. Halsey Street at the intersection with N.E. 123rd Place be removed and replaced with Multnomah County Standard concrete curb and 6 feet wide sidewalk.
- (7) That the new cul-de-sac be improved to county standards with curb, sidewalk, grading, rocking, paving and drainage facilities.
- (8) That the Deed Restrictions requiring participation in improvements to N.E. 123rd Place, heretofore recorded October 23, 1973, in Book 955, Page 608, Deed Records of Multnomah County, Oregon, are hereby rescinded.
- (9) That the vacation become effective on the date of recording the Order of Final Vacation in the Deed Records of Multnomah County, Oregon.
- (10) That the owners of four (4) properties on N.E. Wasco Street, described as Tax Lots 3, 4, 5 and 6/Lot 4/HAZELWOOD, will be notified of the design review process and they will be permitted to appeal the decision of the Planning Director to the Board of County Commissioners within ten (10) days of that decision.

IT IS FURTHER ORDERED, that the Final Order of Vacation will be entered when the Director of Environmental Services advises the Board of County Commissioners of compliance with the foregoing conditions.




BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


GLADYS McCOY/Chair

REVIEWED:

LAURENCE KRESSEL
County Counsel
for Multnomah County, Oregon

By 
Assistant County Counsel