



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: 8/18/11)

### Board Clerk Use Only

Meeting Date: 3/8/12  
 Agenda Item #: R.1  
 Est. Start Time: 9:30 am  
 Date Submitted: 2/23/12

**Agenda Title:** **Resolution declaring Intent to Vacate a Portion of a Public Road under ORS 368.341(1)(a) and Directing County Road Official to prepare a Report as required by ORS 368.346(1)**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

**Requested Meeting Date:** March 8, 2011      **Time Needed:** 10 minutes  
**Department:** Community Services      **Division:** Land Use & Transportation  
**Contact(s):** Patrick Hinds, DCS/LUT ROW Manager  
**Phone:** (503) 988-3712      **Ext.** 83712      **I/O Address:** #425/2nd  
**Presenter Name(s) & Title(s):** Patrick Hinds, DCS/LUT ROW Manager, and Matthew Ryan, Assistant County Attorney

## General Information

### 1. What action are you requesting from the Board?

Adopt a proposed resolution declaring intent to vacate a portion of a dedicated public road on the 1892 Hillhurst Plat Subdivision and directing the County Road Official to prepare a report.

### 2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The portion of public road proposed to be vacated (“Hillhurst Road”) was established by dedication on the recorded plat for Hillhurst Subdivision in 1892. The road was never improved and mainly consists of a 30-foot wide right-of-way encompassing most of the perimeter of the subdivision. In 2009, certain abutting landowners filed a declaratory judgment action challenging the existence of Hillhurst Road. In 2011, the trial court found that events subsequent to the road’s establishment resulted in a vacation of the entire Hillhurst Road.

The County believes the trial court erred in this decision and filed a timely notice of appeal to the State of Court of Appeals. The parties to the appeal are the County and the abutting property owners who filed the original case and are now the “respondents.” The Appellate Court has a Settlement Program which requires parties to an appeal to make an effort to settle the case. The County and the

respondents have a proposed mutually acceptable settlement concept under which the County will initiate the road vacation of a portion of Hillhurst Road under ORS Chapter 368. If that portion of the road is successfully vacated pursuant to ORS Chapter 368, the County will dismiss its appeal and the respondents will stipulate to and assist with vacating the trial court judgment. The proposed vacation of a portion of Hillhurst Road is in the public interest, is consistent with County land use and transportation goals, plans, needs in the vicinity, and accomplishes an equitable resolution of this matter.

**3. Explain the fiscal impact (current year and ongoing).**

N/A

**4. Explain any legal and/or policy issues involved.**

Adoption of the proposed resolution will initiate the road vacation process as required under ORS 368.341(1)(a) and direct the County Road Official to prepare the report required by ORS 368.346(1). See discussion in No. 2 above.

**5. Explain any citizen and/or other government participation that has or will take place.**

N/A

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**Required Signature**

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**Elected  
Official or  
Department  
Director:**

Cecilia Collier /s/

**Date:**

2/23/12