

2022-013413-20

YOUNG McROSTIE TODD LLP

Attorneys at Law
1300 N.E. Linden Avenue, STE 8
Gresham, Oregon 97030
Telephone: 503-667-6173
Fax: (503) 232-2609

Richard Todd, Attorney
rtoddlaw@gmail.com

Blu Robinson, Paralegal
Blu.rtlaw@gmail.com

RECEIVED

MAR 08 2023

Office of the City Attorney

February 28, 2023

Robert Taylor
Office of the City Attorney
1221 S.W. 4th Avenue
Room 430
Portland, OR 97204

RECEIVED

MAR 09 2023

CITY OF PORTLAND
RISK MANAGEMENT**Via First Class Mail/Certified Mail—Return Receipt Requested**

Re: Notice of Tort Claim Pursuant to ORS 30.275/Request for Vacation of
Right of Way

Dear Mr. Taylor,

I represent Mike and Carol Kost. They own property where their construction company is situated located at 643 N Argyle Street in Portland. Adjoining the property is a gravel road/alley that extends 350 feet and dead ends on North Kirby. Although it is owned by the City of Portland, it is not used by the city and has no apparent purpose. The area is zoned Heavy Industrial.

The property has historically and recently been used as a dumping ground for automobiles and recreational vehicles, occupation by the homeless, and drug dealing.

On September 23, 2022, an RV that was parked on this right of way, caught on fire and burnt part of my clients' improvements on the property. The cost of demolition and rebuilding has to date been approximately \$300,000.00. This was the second fire to occur on my client's property due to the activity on the right of way.

My clients have made numerous attempts at contacting officials at the City of Portland prior to the fire to clean up the property and eject the occupants. These requests were ignored. Failure of the City of Portland to address this issue resulted in the damage my clients incurred. Accordingly, we are putting you on notice of our intent to seek damages from the city for my clients' loss.

Preferably, and in the alternative, my clients would request that this alley be vacated, and ownership transferred to my clients and the adjoining landowner, Waste

Management Services. They would then clean up the property, block entry to the property, and otherwise assume all the liabilities of a fee owner. This would, of course, include my client's obligation for property taxes on the property.

Several weeks ago, representatives of the City of Portland arranged for removal of all the occupants and the debris. Accordingly, I'm sure that there must have been ongoing discussions at the City of Portland regarding problems and issues with respect to this alley.

Could you please review this with the appropriate officials and advise if there is a way to vacate the property which would benefit both the city and my clients.

Thank you for your courtesies in this matter.

Sincerely,

/s Richard Todd
Richard W. Todd

Encl.
RWT
cc: Client