



## MEMORANDUM

**To:** Board of County Commissioners  
**From:** Mike Russell, Public Works Director, Roadmaster *MR*  
**Cc:** Edward McGlone, Assistant County Counsel  
Nathan Woodward, County Surveyor  
**Date:** March 14, 2024  
**Subject:** Mayger Fill Road, Clatskanie Vacation Request - Engelking

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### Road Official's Report

On June 2, 2021, Public Works staff presented the long-standing issue regarding the old fire hall being constructed within the Mayger Fill Road right-of-way. The current property with the old fire hall is only approximately 35' x 90' and the building is approximately 50' x 50' with nearly 2/3 of it on the right-of-way. Staff discussed if the County were to initiate vacation of Mayger Fill Road to reduce the right-of-way width by approximately 50', this would provide enough property for the building to remain on private property and the remaining 50 feet of right-of-way would be enough to serve public access needs.

On September 23, 2021, Public Works staff came back to the Board with an update. At that time the Engelking's had just purchased the Fire Hall property and asked the County to pursue the option to vacate a portion of the right-of-way as discussed.

Since that time, staff has been working with the Engelking's and the Oregon Department of Fish and Wildlife (ODFW) to work out the details of the vacation. ODFW is the property owner directly across Mayger Fill Road from the subject property and would be affected by the vacation.

On July 26, 2023, Public Works staff came back to the Board with a revised vacation request that had been agreed to by the parties and directed staff to proceed with setting a public hearing for the vacation. The Board directed staff to proceed with the vacation process on behalf of the Engelking's and place the matter on the Consent Calendar announcing the public hearing time and place.

In August 2023, the Roadmaster sent a referral to the County Surveyor, Land Development Services, and Clatskanie Fire regarding the proposed vacation. There were no responses.

## **The Current Proposal**

As it stands now, the Engelking's and ODFW would like the County to vacate Mayger Fill Road consistent with the attached description and survey, which will vacate the right-of-way to allow for the Fire Hall structure to be fully on private property and allow for the ODFW entrance to the park property on the other side of Mayger Fill Road. Please see the attached legal description and survey for reference (Exhibit A and Exhibit B, respectively).

## **Analysis**

This appears to accommodate all interests as it relates to the vacation request. It does solve the issue of the Fire Hall structure being substantially in the right-of-way and allows for the park access to be within public right-of-way to maintain public access to the park.

ODFW and the Engelking's have also been discussing how to manage aberrant behavior that occurs in the area related to the park and will work with the Engleking's once the vacation is recorded to place fencing or other property management appurtenances on the vacated right-of-way portion to limit access beyond the end of the new right-of-way.

The Roadmaster has received inquiries from the public related to the notice of the vacation and this hearing. The predominant concern from the public is that the public access to the river be maintained. Some thought that Mayger Fill Road provided that access as it "runs straight into the river". However, the Engleking's own the property between the end of the Mayger Fill Road right-of-way and the river, so there is no direct public access to the river off of Mayger Fill Road except for ODFW's property.

The Roadmaster is satisfied that this proposal meets the needs of the County, the public at-large, and the property owners affected.

## **Recommendation**

Every vacation request has distinct circumstances and should be reviewed thoroughly. In general, the Public Works Director/Roadmaster does not favor vacating public rights-of-way as a matter of public interest. Once right-of-way is vacated, it is difficult to reacquire if needed and must follow prescribed processes that ensure fair value is given in compensation for the acquisition.

However, in this case, the vacation will address a long-standing issue of a structure within the right-of-way while maintaining public access to the river.

**As the Public Works Director/Roadmaster for Columbia County I find that there is no compelling need for the right-of-way of this portion of Mayger Fill Road to remain and support the vacation request.**

**Therefore, in the interest of the public, I recommend that the request for vacating this section of Mayger Fill Road be approved.**

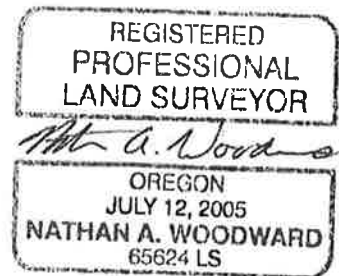
"Exhibit A"

LEGAL DESCRIPTION FOR THE VACATION OF  
A PORTION OF THE 100' RIGHT OF WAY KNOWN AS MAYGER FILL ROAD,  
LOCATED IN THE  
NORTH 1/2 OF SECTION 19, TOWNSHIP 8 NORTH, RANGE 3 WEST, W.M.

All that portion of the Mayger Fill Road located in the North ½ of Section 19, Township 8 North, Range 3 West, W.M., and lying North of the following described line:

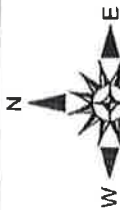
Beginning at a point on the Easterly right of way of Mayger Fill Road, said point also being the Southwest corner of the Engelking tract, as described in Instrument No. 2021- 6826, Columbia County Deed Records. Said point being a 5/8" iron rod with yellow plastic cap marked "KLS SURVEYING INC", as set in County Survey 5804 and lying N 69°03'25" E a distance of 2702.91' from the West Quarter Corner of said Section 19; Thence S 83°27'21" W a distance of 50.00'; Thence N 06°32'39" W a distance of 27.82'; Thence S 88°50'18" W a distance of 24.00'; Thence N 60°00'00" W a distance of 32.50' more or less to the Westerly right of way line of said Mayger Fill Road.

Note: The Basis of Bearings for this legal description are based on County Survey 5804.



**"EXHIBIT B"**

ILLUSTRATION OF AREA TO BE VACATED  
 LOCATED IN THE  
 NORTH 1/2 OF SECTION 19, T 8 N, R 3 W, W.M.  
 COLUMBIA COUNTY, OREGON



COLUMBIA RIVER

AS TRAVELED  
 CENTER LINE

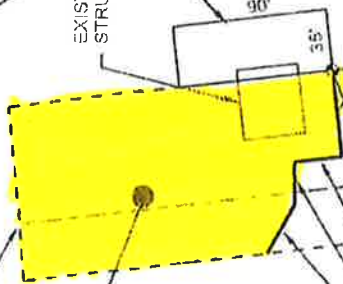
AREA TO BE  
 VACATED

EXISTING  
 STRUCTURE

ENGELKING TRACT  
 INST. NO. 2021-6826

Maplot 8319-AD-00102

Maplot 8319-AD-101



Maplot 8319-80-00200

N 60°00'00" W 32.50'  
 S 88°50'18" W 24.00'  
 N 6°32'39" W 27.82'

S 83°27'21" W 50.00'

**LEGEND**

WEST QUARTER CORNER  
 SECTION 19, T 8 N, R 3 W, W.M.

5/8" IRON ROD WITH YELLOW PLASTIC  
 CAP MARKED "KLS SURVEYING INC."  
 PER CS# 5804



N 06°32'39" W

MAYGER FILL ROAD

100'

100' RIGHT OF WAY  
 CALCULATED FROM CS# 5804  
 PER COMMISSIONERS JOURNAL  
 BOOK "P" PG. 34 & 35

N 69°03'35" E 2102.91'



24

19

RR RIW

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Nathan A. Woodward*

OREGON  
 NATHAN A. WOODWARD  
 JULY 12, 2005  
 65624LS

EXPIRES: 06/30/2024