

After recording, return to:
Board of County Commissioners
Columbia County Courthouse
230 Strand, Room 331
St. Helens, OR 97051

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Vacation of a Portion of a portion of Mayger Fill Road located in Section 19, Township 8 North, Range 3 West of the Willamette Meridian, near Clatskanie in Columbia County, Oregon

ORDER NO. 11-2024

WHEREAS, pursuant to ORS 368.341(1), the Board of Commissioners for Columbia County, Oregon, may initiate proceedings to vacate property under ORS 368.326 to 368.366; and

WHEREAS, On February 7, 2024, the Board entered Resolution 4-2024 initiating a road vacation proceeding for a portion of Mayger Fill Road. Resolution 4-2024 meet all the requirements of ORS 368.341(2); and

WHEREAS, the County Public Works Department has filed a report, dated March 14, 2024, attached hereto as Exhibit 1 and incorporated herein by this reference, indicating that the proposed vacation would be in the public interest; and

WHEREAS, the area proposed for vacation is described in Exhibit 2 and generally depicted in page 2 of that exhibit, all of which is attached hereto and incorporated herein by this reference; and

WHEREAS, All owners of property abutting the proposed vacation have given their consent to this action; and

WHEREAS, after the statutorily required notice the Board held a hearing on the proposed vacation on March 20, 2024; and

WHEREAS, following the conclusion of the hearing the Board considered the evidence before it and after due deliberation concluded that the proposed vacation would be in the interest of the public; and

WHEREAS, the right of way for the part of Mayger Fill Road being vacated was originally part of the property to the east of the road, and as such under ORS 368.366(c) the vacated property vests in the current owners of that property.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Vacation of a portion of Mayger Fill Road near Clatskanie, Oregon, as more particularly described in Exhibit 2 is in the public interest.
2. The property described in Exhibit 2 is hereby vacated.

3. All interest in the property so vacated shall hereby vest in the owners of the property abutting the east side of the vacated right of way by extension of said owners' abutting property boundaries to the west side of the vacated right-of-way.

4. This vacation is being made with a specific reservation of any existing rights-of-way for utility easements.

5. This vacation proceeding having been instituted by the Board's own motion no costs are required to be paid.

6. This Order shall be recorded with the County Clerk without fee as provided under Order No. 23-2006. A copy of this order shall be inserted in the appropriate road jacket, and certified copies shall be filed with the County Surveyor and the County Assessor.

DATED this 3rd day of April, 2024.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Casey Garrett, Chair

By: [Signature]
Kellie Jo Smith, Commissioner

By: [Signature]
Margaret Magruder, Commissioner

APPROVED AS TO FORM:

By: [Signature]
Office of County Counsel



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

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 1/2 of Section 19, Township 8 North, Range 3 West, W.M., and lying North of the following described line:

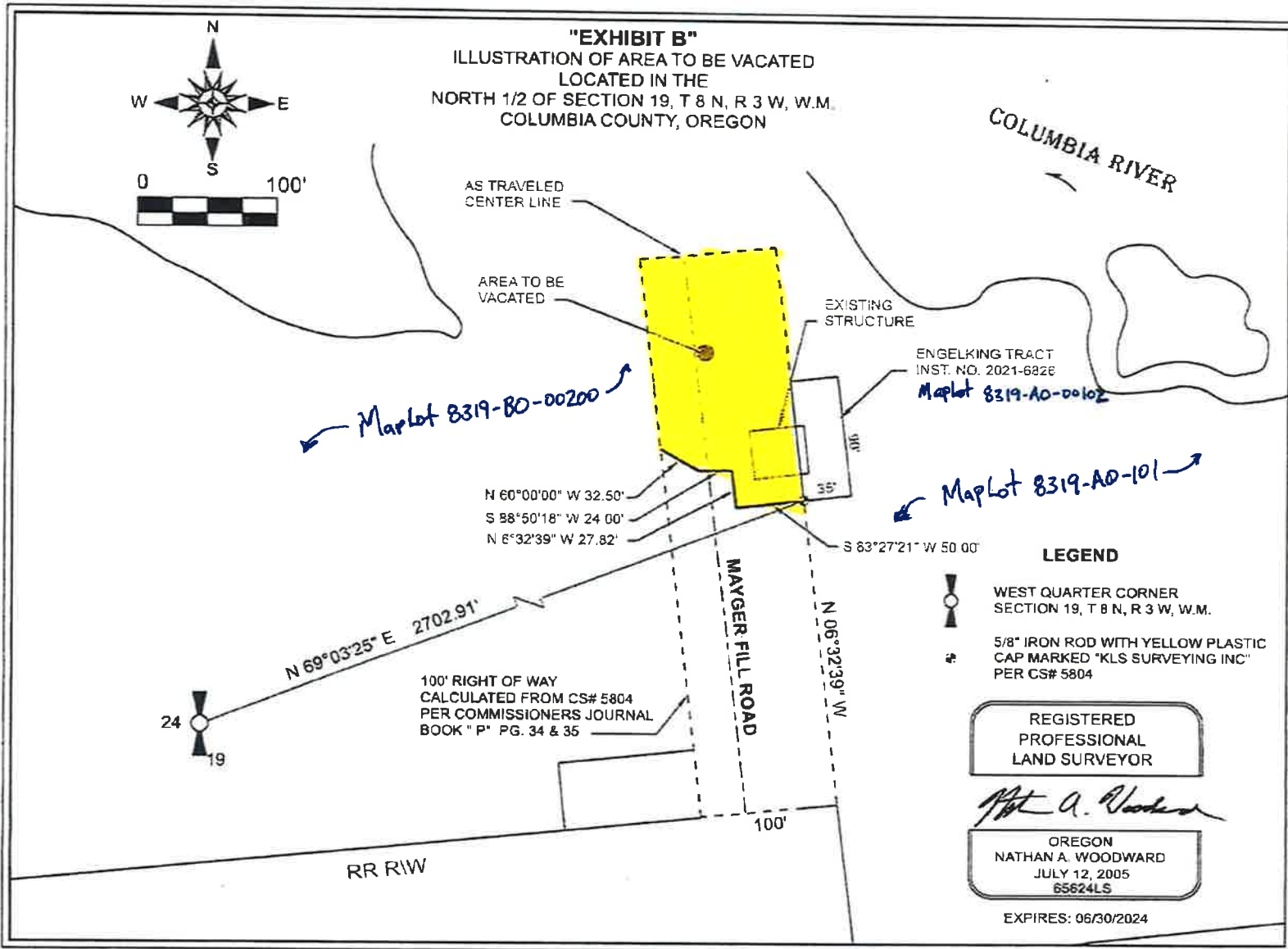
Beginning at a point on the Easterly right of way of Mayger Fill Road, said point also being the Southwest corner of the Engelking tract, as described in Instrument No. 2021- 6826, Columbia County Deed Records. Said point being a 5/8" iron rod with yellow plastic cap marked "KLS SURVEYING INC", as set 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.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nathan A. Woodward

OREGON
JULY 12, 2005
NATHAN A. WOODWARD
65624 LS



Traverse PC

**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 50.00'; Thence S 83°27'21" W a distance of 50.00' 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.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nathan A. Woodward

OREGON
JULY 12, 2005
NATHAN A. WOODWARD
65624 L.S.

