

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
 Kallunki Road Extension, County Road P-175,
 AKA Johns District Road, near Clatskanie in
 Columbia County, Oregon

ORDER NO. 17-2025

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, Kallunki Road Extension, County Road P-175, also known as Johns District Road, ("The Road"), is near Clatskanie, Columbia County, Oregon which ends on the property of Mark and Holly Lever; and

WHEREAS, on November 30, 2021, the Lever's filed with the Board a Petition requesting that the Board vacate a portion of The Road crossing on their property; and

WHEREAS, the County Road Official has filed a report, dated August 24th, 2022, attached hereto as Exhibit 1 and incorporated herein by this reference. ("Road Official Report"). The Road Official Report recommends approval of the proposed vacation as it would be in the public interest; and

WHEREAS, a copy of the vacation petition is attached to the Road Official Report as Exhibit 2. Exhibit 2 is incorporated herein by this reference; and

WHEREAS, Attached to the Road Official Report as Exhibit 2A is a legal description and depiction for the proposed vacation. Exhibit 2A is incorporated herein by this reference; and

WHEREAS, as shown on Exhibit 2A the Lever's property abuts both sides of the property proposed to be vacated; and

WHEREAS, the Levers have dedicated to the County an additional portion of their property that is sufficient in size to construct a turnaround for the Road; and

WHEREAS, in accordance with ORS 368.351, the Petition contains the acknowledged signatures of owners of 100 percent of the land abutting the property proposed to be vacated and the acknowledged signatures of 100 percent of the owners of property abutting the property proposed to be vacated; and

WHEREAS, because the Petition meets these signature requirements and the County Road Official has found granting the petition to be in the public interest, the Board may make a determination about the vacation without holding a hearing; and

ORDER NO. 17-2025, Vacating a Portion of Kallunki Road Extension

Page 1

COLUMBIA COUNTY, OREGON **2025-003262**
 DEED-VAC
 Cnt=1 Pgs=17 GOLSONK **05/28/2025 09:21:20 AM**
 \$85.00 \$11.00 \$60.00 \$5.00 \$10.00 = **\$279.50**

00331984202500032620170171

I, Debbie Klug, County Clerk for Columbia County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Debbie Klug - County Clerk

WHEREAS, the petition submitted by Mark and Holly Lever complies with the petition requirements of ORS 368.341(3); and

WHEREAS, the Board finds that the petition, meets the requirements of ORS 368.341 and contains the acknowledged signatures and owners' approval as required by ORS 368.351; and

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Vacation of a portion of Kallunki Road Extension, County Road P-175 near Clatskanie, Oregon, as more particularly described in Exhibit 3 is in the public interest.
2. The property described in Exhibit 3 is hereby vacated and shall hereby vest in the Levers as the property owner abutting both sides of the vacated property as provided in ORS 368.366(2).
3. This vacation is being made with a specific reservation of any existing rights-of-way for utility easements.
4. Pursuant to Order No. 55-2001 and the decision of the Board of County Commissioners, the required fee of \$1,000 for vacations of public rights-of-way was paid by the petitioner; \$500 was deposited directly into the County Road Fund and \$500 into the General Fund, Fees for Services, Road Vacations, Line-Item No. 100-00-00-3255, out of which the following costs shall be paid:

SERVICE	FEE	SUBTOTAL
Filing Petition by the Clerk	\$28.50	\$28.50
Review for Correct Property Description by County Surveyor [if required]	\$30.00 [per parcel]	\$ 00.00
Hearing (if required)	\$100.00	\$00.00
Recording Final Order by the Clerk	\$46.00 [first page]	\$46.00
	\$5.00 [each additional page x 11 pp.]	\$55.00
Two Certified Copies by the Clerk [one to Assessor, one to Surveyor]	\$3.75 [per copy x 2]	\$7.50
	\$00.25 [per page x 26 pp.]	\$6.50
Posting the Approved Road Vacation by County Surveyor	\$100.00 [per parcel]	\$100.00
	TOTAL EXPENSES	\$243.50

5. The \$28.50 filing fee has already been paid to the County Clerk. The Treasurer is hereby authorized to disburse the following amounts from the Fees for Services, Road Vacations account as follows:

To County Clerk:	\$	115.00
To County Surveyor:	\$	100.00

6. This Order shall be recorded with the County Clerk, a copy inserted in the appropriate road jacket, and certified copies shall be filed with the County Surveyor and the County Assessor.

DATED this 30 day of April, 2025.

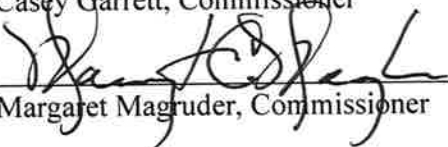
BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Kellie Jo Smith, Chair

APPROVED AS TO FORM:

By: 
Casey Garrett, Commissioner

By: 
Office of County Counsel

By: 
Margaret Magruder, Commissioner

COLUMBIA COUNTY
Department of Public Works



BOOK _____ PAGE _____ Exhibit 1

ST. HELENS, OR 97051

1054 Oregon St.

Direct (503) 397-5090

Fax (503) 397-7215

publicworks@co.columbia.or.us

www.co.columbia.or.us

To: Board of County Commissioners
From: Michael Russell, Public Works Director
Date: August 24th, 2022

Subject: Road Vacation request for a section of Johns District Road, Clatskanie

Road Official's Report

Marc and Holly Lever have petitioned the Board of County Commissioners to vacate a section of Johns District Road (about 260 feet). See Exhibit 2 that includes all of their submitted Exhibits. Johns District Road is a dead end county maintained road in Clatskanie.

The portion of road proposed to be vacated is outlined in red on the map in Exhibit 2D attached. Mr. and Mrs. Lever own the only property that borders this portion of Johns District Road, shown as Tax Lot 8423-A0-00200.

John District Road has a ROW width of 40 feet. The beginning point for John District Road is the east side of Kallunki Road and travels east approximately 2,050 feet to the Lever property.

Because Mr. and Mrs. Lever own the adjacent property on both sides of the right-of-way, the road vacation request may be approved without a hearing in accordance with ORS 368.351.

By vacating this right-of-way, Mr. and Mrs. Lever will be able to have their newly constructed gate along with the section of public road behind it within their property. They have already worked with the Public Works department to help construct a turnaround to fire department standards in front of their new gate. They have agreed to dedicate the turnaround and portion of road in front of their gate as ROW to allow for the Public Works Department to maintain it.

Request for Comment

The Public Works Department sent out a request for comment on the proposed road vacation and received the following:

Nathan Woodward, County Surveyor:

No comments received.

Deborah Jacob, Land Development Services Senior Planner:

“Land Development Services has no objections to the approval as requested. The intended vacation of this portion of the John District Road’s right of way will not eliminate the subject Primary Agriculture (PA-80) zoned property’s existing access to and usable frontage on the remaining right-of-way and will help to preserve the public’s safety in this unincorporated area of the county.”

Steve Sharek, Clatskanie Fire District, Fire Chief:

“Clatskanie Fire has no objection to the petition to vacate a portion of the Johns District Road ROW located near Clatskanie. This ROW is located at the end of the road. The applicants would like to vacate the portion of ROW that contains their newly built permitted gate. This is in the hopes of preventing further trespassing on their property.

My only request is that a turnaround is provided at the end of the road prior to reaching the gate to turn around emergency equipment without going through the gate.”

Analysis and Recommendation

Every vacation request has distinct circumstances and should be reviewed thoroughly, however, in general, the Public Works Director 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.

In this case, the proposed vacation of this portion of Johns District Road would not hinder the development of any other properties in the area. It will not land lock any parcels due to the applicants owning the only property that borders the ROW.

Mr. and Mrs. Lever went to the board for approval for a gate within the ROW in order to eliminate trespassing on their property for safety purposes. This vacation will allow their gate to become part of their property and in exchange they are dedicating ROW for the newly constructed turnaround. This will allow the Public Works Department to maintain the turnaround and allow the public to use it.

As an alternative, Public Works staff did discuss the option of Mr. and Mrs. Lever having the gate in the ROW without a vacation, however this vacation will eliminate the need to have a gate permit with insurance. It will not affect the Public in a negative way.

I find that there is no compelling need for the right-of-way of this portion of John District 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 Johns District Road be approved.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Vacation of a portion }
of Johns District Road }
 Located Near Clatskanie }
 Columbia County, Oregon }

PETITION FOR VACATION

I/We, MARC & HOLLY LEVER, [insert name(s) of all petitioners], who
 reside at 20787 JOHNS DISTRICT RD. CLATSKANIE, OR 97016 [insert address],
 [phone] petition the Board of County Commissioners for the vacation of
 the following property:

1. Description of Property Proposed for Vacation [attach additional sheets if necessary]:

a. General Description:

JOHNS DISTRICT COUNTY RD FROM GATE TO
END OF ROAD AT ADDRESS ABOVE

b. Legal Description:

See Exhibit "A".

2. Description of Your Property Interest [attach additional sheets if necessary]:

a. Type of interest you have in any property affected by the proposed vacation:

THE PROPERTY BELONGS TO HOLLY & I AND IS
NOW BLOCKED BY A SECURITY GATE. THE LAST COUPLE
HUNDRED FEET OF JOHNS DISTRICT RD, NO LONGER HAS PUBLIC
ACCESS OR NEED OF COUNTY MAINTENANCE. A NEW TURN AROUND

b. Legal Description of your property: IS AVAILABLE.

See Exhibit "C" Attached and Instrument No. 2017-010895
In the Columbia County, Oregon, Clerk Records.

3. Creation of Public Interest.

See Exhibit ____, attached. [Attach copies of deeds, plats, orders or other documentation showing creation of public interest in the property or right-of-way proposed for vacation and present ownership of the parcel].

N/A

4. Statement of reasons for vacation [attach additional sheets if necessary]:

COVERED IN # 2

5. Names and addresses of all persons holding any recorded interest in the property proposed to be vacated [attach additional sheets if necessary]:

N/A

6. Names and address of all persons owning any improvements constructed on property proposed to be vacated [attach additional sheets if necessary]:

N/A

7. Names and addresses of all persons owning any real property abutting the property proposed to be vacated [attach additional sheets if necessary]:

N/A

8. The signature(s), acknowledged before a notary or other person authorized to take acknowledgments of deeds, of at least a) the owners of sixty (60) percent of the land abutting the property proposed to be vacated, or b) sixty (60) percent of the owners of land abutting the property proposed to be vacated, are attached (attach consent forms).

[Note: without the acknowledged signatures of owners of 100 percent of any private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting any public property proposed to be vacated, a hearing will be required].

9. If the petition is for the vacation of property that will be redivided in any manner, a subdivision plan or partitioning plan showing the proposed redivision is attached.

10. A true and accurate map of the proposed vacation is attached as Exhibit D.

11. I verify that I have flagged all corners of the area proposed to be vacated and that the flags are reliably and accurately located and are easily visible.
12. The non-refundable vacation fee of \$1,000 is tendered with this petition.
13. Signature and Verification(s):

STATE OF OREGON)
) ss.
 County of Columbia)

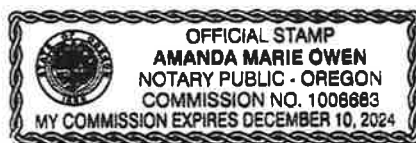
I/We Mac Lever & Holly Lever, am/are
 the petitioner(s) herein and hereby swear, under penalties of perjury, that the statements made
 in this petition, and the attachments hereto, are true to the best of my/our knowledge.

Mac Lever 11/30/21
 (Petitioner's Name) (Date)

Holly Lever 11/30/21
 (Co-Petitioner's Name [if any])

 (Co-Petitioner's Name [if any])

Subscribed and sworn to before me this 30 day of November 2021
~~200~~



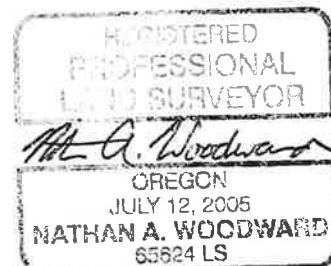
Amanda M. Owen
 Notary Public for Oregon
 My Commission Expires:

EXHIBIT "A"
LEGAL DESCRIPTION
FOR THE VACATION OF THAT PORTION OF THE
KALLUNKI ROAD EXTENSION P-175 WITHIN THE LEVER TRACT

All that portion of Kallunki Road Extension, County Road No. P-175, lying within the Lever Tract as described in Instrument No. 2017-10895, Columbia County Records. Located in Section 23, Township 8 North, Range 4 West, W.M. Said road being 40 feet wide, 20 feet lying on each side of the following described centerline:

Commencing at the intersection of Kallunki Road Extension (County Road P-175) and West line of said Lever Tract, said point being Station 16+40 of the Kallunki Road Extension Survey as shown in Road Book 3 page 194, attached hereon as Exhibit B. Said point being approximately 1084.90 feet North and 1087.70 feet West of the $\frac{1}{4}$ corner common to Sections 23 & 24. Thence S 80° 42' E a distance of 1.0 foot to the True Point of Beginning; thence S 80° 42' E a distance of 259.00 feet more or less to the end of the deeded County road.

Note: The intent of this vacation is to vacate all of County Road P-175 within the Lever Tract, except the west one foot.



EXPIRES: 6/30/24

P-175

COLUMBIA COUNTY OREGON
ROAD DIST. No. 7
MAP SHOWING

KALLUNKI ROAD EXTENSION

Established by Deed

IN SECTION 23, T. 8 N. R. 4 W. W.M.
ST. HELENS, ORE, Nov. 1, 1927

Scale: 1"=200'

G.S. Hall
Roadmaster

1/2 mi. S. of 46

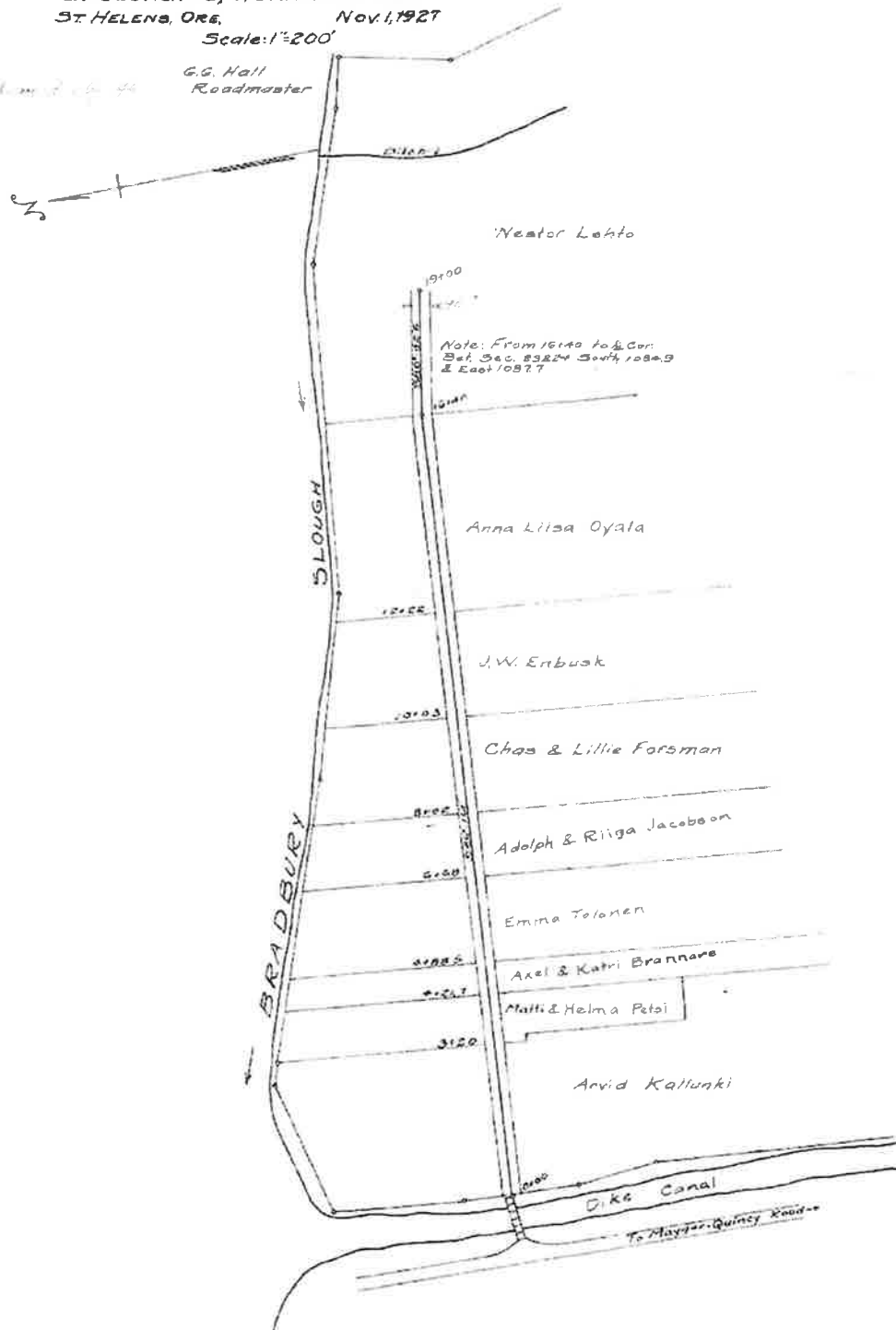


Exhibit "C"
Legal Description

A parcel in Sections 23 and 24, Township 8 North, Range 4 West, Willamette Meridian, Columbia County, Oregon, as described in Deed Book 129, Page 139, and Deed Book 114, Page 189.
EXCEPTING THEREFROM that portion of Government Lot 6 South of the S.P. & S. Railroad and all of Government Lot 7, containing 50 acres, more or less.

Exhibit "D"

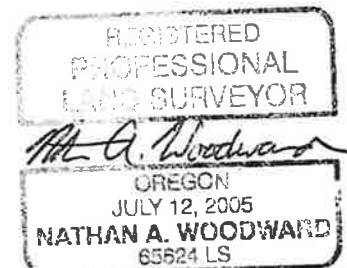


EXHIBIT "3"
LEGAL DESCRIPTION
FOR THE VACATION OF THAT PORTION OF THE
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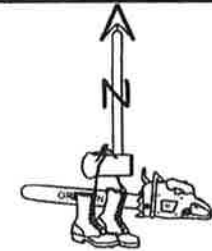
Note: The intent of this vacation is to vacate all of County Road P-175 within the Lever Tract, except the west one foot.



EXPIRES: 6/30/24

EXHIBIT "B"
VACATION OF A PORTION OF KULLUNKI ROAD EXTENSION, COMMONLY
KNOWN AS JOHNS DISTRICT ROAD. LOCATED WITHIN THE LEVER TRACT
SECTION 23, T 8 N, R 4 W, W.M.

SEPTEMBER 8, 2022



BEARINGS ARE BASED ON
KULLUNKI ROAD EXTENSION SURVEY
PER ROAD BOOK 3, PAGE 194.

SCALE: 1" = 40'

DINSMORE TRACT
INSTRUMENT NO. 2006-479

CONSTRUCTED TURNAROUND
SEE CS #6825

LEVER TRACT
INSTRUMENT NO. 2017-10895

20'
S 86°16' E
20'

STA. 16+40

LEVER
PRIVATE GATE

S 80°42' E 259.00'

Kullunki Road Extension
County Road P-175 (To Be Vacated)

STA.
19+00

1 FOOT

TRUE POINT OF BEGINNING
S80°42'E 1.00' FROM STA. 16+40

WEST LINE LEVER TRACT

KALAJOKI FARMS LLC
INSTRUMENT NO. 2010-4227

LEGEND

- CALCULATED POSITION
- 8" X 8" WOOD GATE POST
- x— BARB WIRE FENCE



REFERENCE SURVEYS:

ROAD BOOK 3 PAGE 194.
CS# 6825

NARRATIVE

THE PURPOSE OF THIS EXHIBIT IS TO ILLUSTRATE THAT PORTION OF
KULLUNKI ROAD EXTENSION (COUNTY ROAD P-175) TO BE VACATED.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nathan A. Woodward

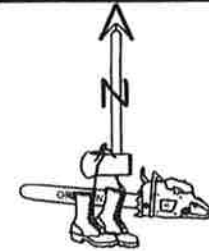
OREGON
NATHAN A. WOODWARD
JULY 12, 2005
65624LS

EXPIRES: 06/30/2024

BOOK PAGE

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Kullunki Road Extension

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1 FOOT

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LAND SURVEYOR

Nathan A. Woodward

OREGON
NATHAN A. WOODWARD
JULY 12, 2005
65624LS

EXPIRES: 06/30/2024

BOOK PAGE

Exhibit 2A, Pg 2

Exhibit 4

CONSENT OF ABUTTING PROPERTY OWNER(S)
(Each co-owner of abutting property must sign)

1. Name(s) of abutting property owner(s): Marc & Holly Lever.
2. Mailing address of abutting property owner(s): 20787 Johns District Road, Clatskanie, OR 97016
3. Legal description of abutting property: A parcel in Sections 23 and 24, Township 8 North, Range 4 West, Willamette Meridian, Columbia County, Oregon, as described in Deed Book 129, Page 139, and Deed Book 114, Page 189. EXCEPTING THEREFROM that portion of Government Lot 6 South of the S.P. & S Railroad and all of Government Lot 7, containing 50 acres, more or less.

Tax Account No. 28085

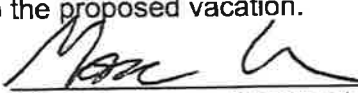
Tax Map ID No. 8423-40-00200


4. Legal description of property proposed for vacation (attach additional sheets if necessary): All that portion of Kallunki Road Extension, County Road No. P-175, lying within the Lever Tract as described in Instrument No. 2017-10895, Columbia County Records. Located in Section 23, Township 8 North, Range 4 West, W.M. Said road being 40 feet wide, 20 feet lying on each side of the following described centerline:

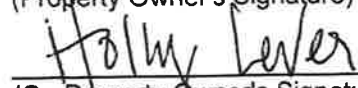
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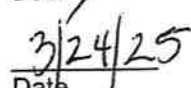
Note: The intent of this vacation is to vacate all of County Road P-175 within the Lever Tract, except the west one foot.

5. We are the owner(s) of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.


(Property Owner's Signature)


Date


(Co-Property Owner's Signature)


Date

CONSENT, ABUTTING PROPERTY OWNER (Rev Jun 2001)



STATE OF OREGON)
) ss.
 County of Columbia)

The foregoing instrument was acknowledged before me this 24 day of March,
 2025, by Marc and Holly Lever

Kathy Coddington
 Notary Public for Oregon
 My Commission Expires: 10/29/27

