

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed Vacation of a Portion )  
of Bert Bishop Road [aka Bishop Creek Road] )  
Lying Within Section 32, Township 6 North, )  
Range 2 West, Columbia County, Oregon )  
)  
[Petersen Petition] )  
\_\_\_\_\_ )

**RESOLUTION NO. 20 - 2004**  
(Initiating Vacation Proceedings)

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

WHEREAS, John A. Petersen and Agnes M. Petersen own the property abutting the portion of Bert Bishop Road lying within Section 32, Township 6 North, Range 2 West, Columbia County, Oregon, which is proposed to be vacated, and have filed with the Board a petition requesting that the Board vacate said portion of Bert Bishop Road; and

WHEREAS, a copy of such petition is attached hereto, labeled Exhibit A, and is incorporated herein by this reference; and

WHEREAS, the Petersens, by letter dated March 22, 2004, subsequently amended their petition by shortening the portion of Bert Bishop Road to be vacated so as to avoid the necessity of obtaining abutting property owner consent or of having to proceed with a public hearing before the Board of Commissioners, said amendment letter being attached hereto, labeled Exhibit B, and incorporated herein by this reference; and

WHEREAS, the Petersens seek vacation of a portion of Bert Bishop Road for the reasons that the County has not maintained the road for many years, and they desire to prevent trespass, vandalism and harassment; and

WHEREAS, that portion of Bert Bishop Road proposed to be vacated is generally described as lying completely within two parcels of property owned by the Petersens commonly described as Tax Account No. 6232-000-01000 and Tax Account No. 6232-000-00800, and is more particularly described as:

A tract of land in Section 32, Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

All that portion of Bert Bishop Road from its intersection with vacated A.A. Smith Road to approximately 20 feet west of the western right-of-way line of County Road No. 41, also known as McDermott Road, Columbia County, Oregon.

WHEREAS, a map of that portion of Bert Bishop Road proposed to be vacated is attached to Exhibit A and is incorporated herein by this reference; and

WHEREAS, pursuant to ORS 368.351(2), the proceedings for vacation were initiated by a petition that contains 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 the public property proposed to be vacated and the petition indicates such owners' approval of the proposed vacation; and

WHEREAS, the petition submitted by Mr. and Mrs. Petersen complies with the petition requirements of ORS 368.341(3); and

WHEREAS, because the petition meets the signature requirements of ORS 368.351(2), the Board may make a determination about the vacation without holding a hearing if the county road official, i.e., the Public Works Director, files with the Board a written report that contains an assessment that the vacation is in the public interest;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board hereby initiates proceedings to vacate that portion of Bert Bishop Road from its intersection with vacated A.A. Smith Road to approximately 20 feet west of the western right-of-way line of County Road No. 41, also known as McDermott Road, Columbia County, Oregon, and as described in Exhibit B.

2. The Public Works Director is directed to prepare and file with the Board of County Commissioners a written report which contains an assessment of whether the proposed vacation is in the public interest.

DATED this 31<sup>st</sup> day of March, 2004.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Chair

By:   
Commissioner

By:   
Commissioner

APPROVED AS TO FORM:

By:   
Office of County Counsel

S:\COUNSEL\ROADS\BISHIOP CRK\INITIATE NO HRG.wpd

EXHIBIT A

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

NOV 19 11 33 AM '04  
COLUMBIA CO. CLERK  
BY *[Signature]* DEP.

In the Matter of the Vacation of \_\_\_\_\_ )  
BERT BISHOP ROAD )  
Located Near Property described in )  
Columbia County, Oregon, Book 167, p367 )  
and Book 150, page 848, Deed Records, )  
Columbia County, Oregon )

PETITION FOR VACATION

PV 2004-02

I/We, JOHN ALLEN PETERSEN and AGNES MARIE PETERSEN, [insert name(s) of all petitioners], who  
reside at 33625 Tide Creek Road, Deer Island, Oregon, 97054, [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:** Bert Bishop Road from its intersection with vacated A. A. Smith Road to where it intersects with the East line of the real property described in Book 150, page 848, Deed Records, Columbia County, Oregon, as it exists in the real property description in Book 150, page 848, and Book 167, page 367, Deed Records, Columbia County, Oregon, as shown on the attached map and outlined in yellow.
- b. **Legal Description:**  
Same as Paragraph 1a. herein.

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:**  
Fee Simple
- b. **Legal Description of your property:**  
Property described in Book 150, page 848, and Book 167, page 367, Deed Records, Columbia County, Oregon. See attached copy of Deeds.

3. Creation of Public Interest.

See Exhibits 1&2, 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].

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

Road not used or maintained by County for many years. Prevent trespass, vandalism and harassment.

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

John Allen Petersen, 33625 Tide Creek Road, Deer Island, Oregon, 97054

Agnes Marie Petersen, 33625 Tide Creek Road, Deer Island, Oregon, 97054

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

Same as No. 5 above.

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

Same as Nos. 5 and 6 above.

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].

Yes,

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 3.

- 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 *Agnes Marie Peterson & John A. Peterson*, 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.

*John A. Peterson* (Petitioner's Name) (Date)  
*Agnes Marie Peterson* (Co-Petitioner's Name [if any])  
 \_\_\_\_\_  
 (Co-Petitioner's Name [if any])

2004 Subscribed and sworn to before me this 11 day of March,



*Heather L. Kramberg*  
 Notary Public for Oregon  
 My Commission Expires: NOV 12, 2007

KNOW ALL MEN BY THESE PRESENTS, That I,

of CLATSOP County of CLATSOP State of Oregon,  
in consideration of TEN DOLLARS Dollars

to me paid by RONALD W. PETERSEN  
of CLATSOP County of CLATSOP State of Oregon,

have bargained and sold, and by these presents do grant, bargain, sell and convey unto said

an undivided one-half interest in all the following bounded and described real property, retaining to myself a like undivided one-half interest therein, situated in the County of CLATSOP and State of Oregon; for the purpose of creating an estate in entirety between myself the grantor herein and my WIFE the grantee herein:

Tract 2, 1/4, Section 10, Township 36N, Range 12E, Meridian 1, Clatsop County, Oregon, containing 1.00 acre, more or less, as shown on the plat of said tract, recorded in the office of the County Clerk of Clatsop County, Oregon, on the 10th day of August, 1910.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and also my estate, right, title and interest, in and to the same.  
To Have and to Hold, the above described and granted premises unto the said RONALD W. PETERSEN forever

Witness my hand and seal this 10th day of August, 1910

STATE OF OREGON,  
County of CLATSOP }  
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named RONALD W. PETERSEN who

known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that he executed the same freely and voluntarily.  
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

[Signature]  
Notary Public for Oregon.  
My commission expires 1911

DEED  
CREATING ESTATE IN ENTIRETY  
TO:  
AFTER RECORDING RETURN TO  
[Signature]  
St Helens Oregon

STATE OF OREGON,  
County of CLATSOP }  
I certify that the within instrument was received for record on the day of 10th 1910 o'clock M. and recorded in book 150 on page 818 Record of Deeds of said County.  
Witness my hand and seal of Clatsop County affixed.  
By H. M. [Signature] County Clerk-Recorder.  
Deputy:

STATE OF OREGON,  
COLUMBIA COUNTY  
RECORDED OR FILED  
DON'T USE THIS LABEL IN COUNTIES WHERE USED.  
JUL 14 1910  
RECORDED

BOOK 107 PAGE 307

KNOW ALL MEN BY THESE PRESENTS, That we, George Petersen and Eleanor Petersen, husband and wife

in consideration of TEN and no/100 and other valuable consideration hereinafter called grantor, Dollars

to grantor paid, the receipt whereof hereby is acknowledged, does hereby grant, bargain, sell and convey unto John Allan Peterson, married

hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Columbia, State of Oregon, described as follows, to-wit:

Parcel 1: The Northwest quarter of the Northeast quarter of Section 5, Township 5 North of Range 2 West of the Willamette Meridian, Columbia County, Oregon.

Parcel 2: The East half of the Northeast quarter of the Northwest quarter of Section 5, Township 5 North of Range 2 West of the Willamette Meridian, Columbia County, Oregon.

RESERVING unto grantors the right to use, occupy and enjoy said premises, together with the rents and profits therefrom for so long as they may live.

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

In construing this deed the singular includes the plural as the circumstances may require.

Witness grantor's hand and seal this 17 day of November, 1967.

George Petersen (SEAL)
Eleanor Petersen (SEAL)
(SEAL)
(SEAL)



STATE OF OREGON, County of Columbia ) ss. November 17, 1967

Personally appeared the above named George Petersen and Eleanor Petersen Husband and Wife and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me, George Van Natta, Notary Public for Oregon. My commission expires August 17, 1968

(OFFICIAL SEAL)

Bargain and Sale Deed

George Petersen et ux.

TO

John Allan Peterson

AFTER RECORDING RETURN TO

John Allan Peterson
Route 1 Box 281
Deer Island, Oregon,
97054

DO NOT USE THIS SPACE: RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.

STATE OF OREGON,

County of Columbia, ss.

I certify that the within instrument was received for record on the 22 day of November, 1967, at 4:25 o'clock P.M. and recorded in book 167, page 307. Record of Deeds of said County.

Witness my hand and seal of County aforesaid.

Roy A. Nelson
County Clerk-Recorder.
By James M. ... Deputy.

EXHIBIT 2

5-12



COMPLIMENTS OF  
FIRST AMERICAN  
TITLE  
COMPANY OF  
COLUMBIA COUNTY  
This sketch is furnished  
to assist in property  
location and the company  
does not guarantee  
its accuracy.

P. P. NO. 1995-29

900  
79.27Ac.

2

SEE MAP 6 2 33

2-20

1000  
38.23Ac.

CREEK

BISHOP

1000

C.S. P. 125

32

33

SMITH ROAD VACATED

F.A. SMITH RD. VACATED  
NO. 38 PAGE 155

DEED BK. 208 PAGE 155

100  
282.34 Ac.

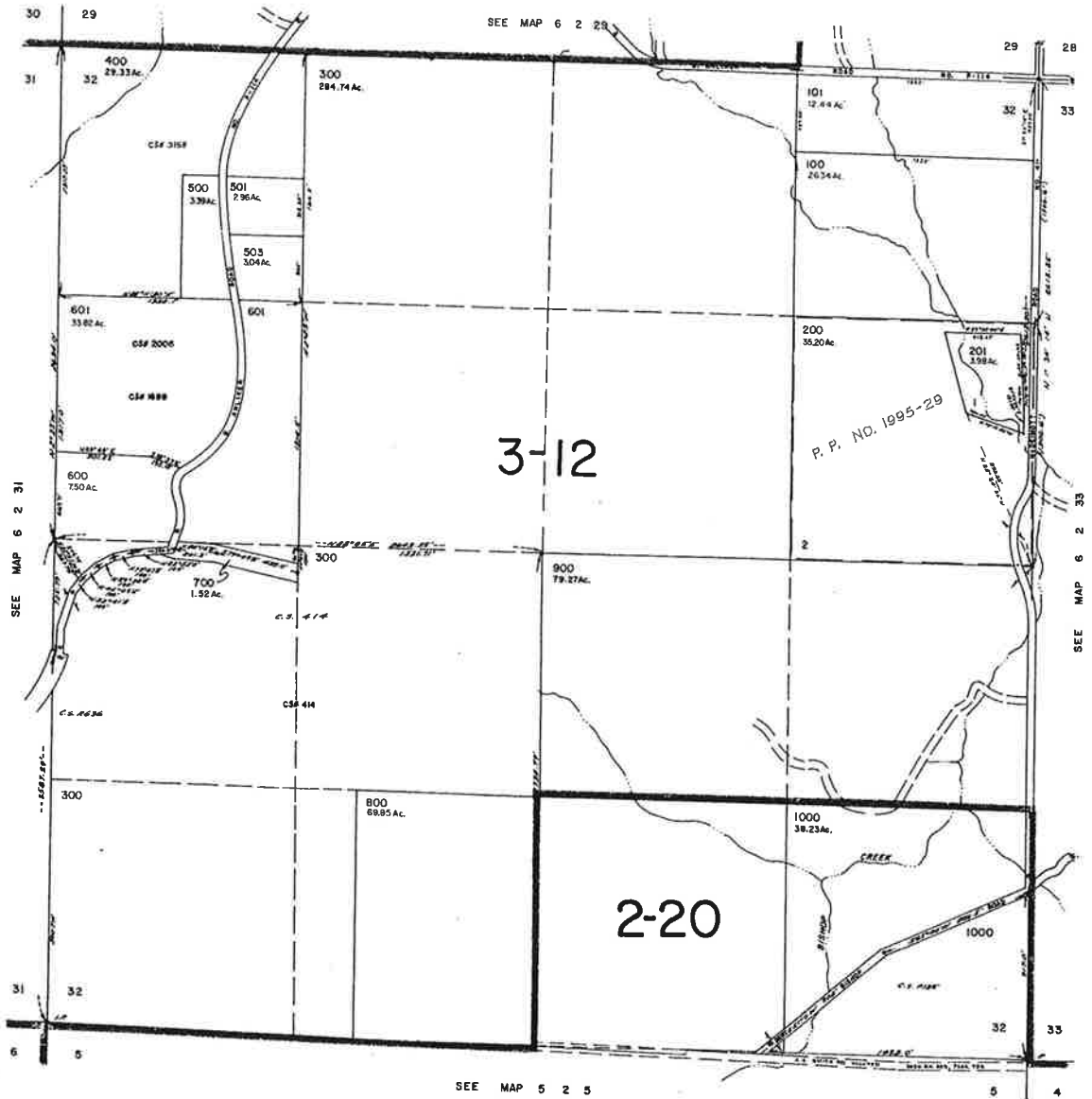
ORD. No. 1

CREEK



COLUMBIA COUNTY

THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY  
Scale: 1" = 400' Current Revision Date: 2 / 2 / 01

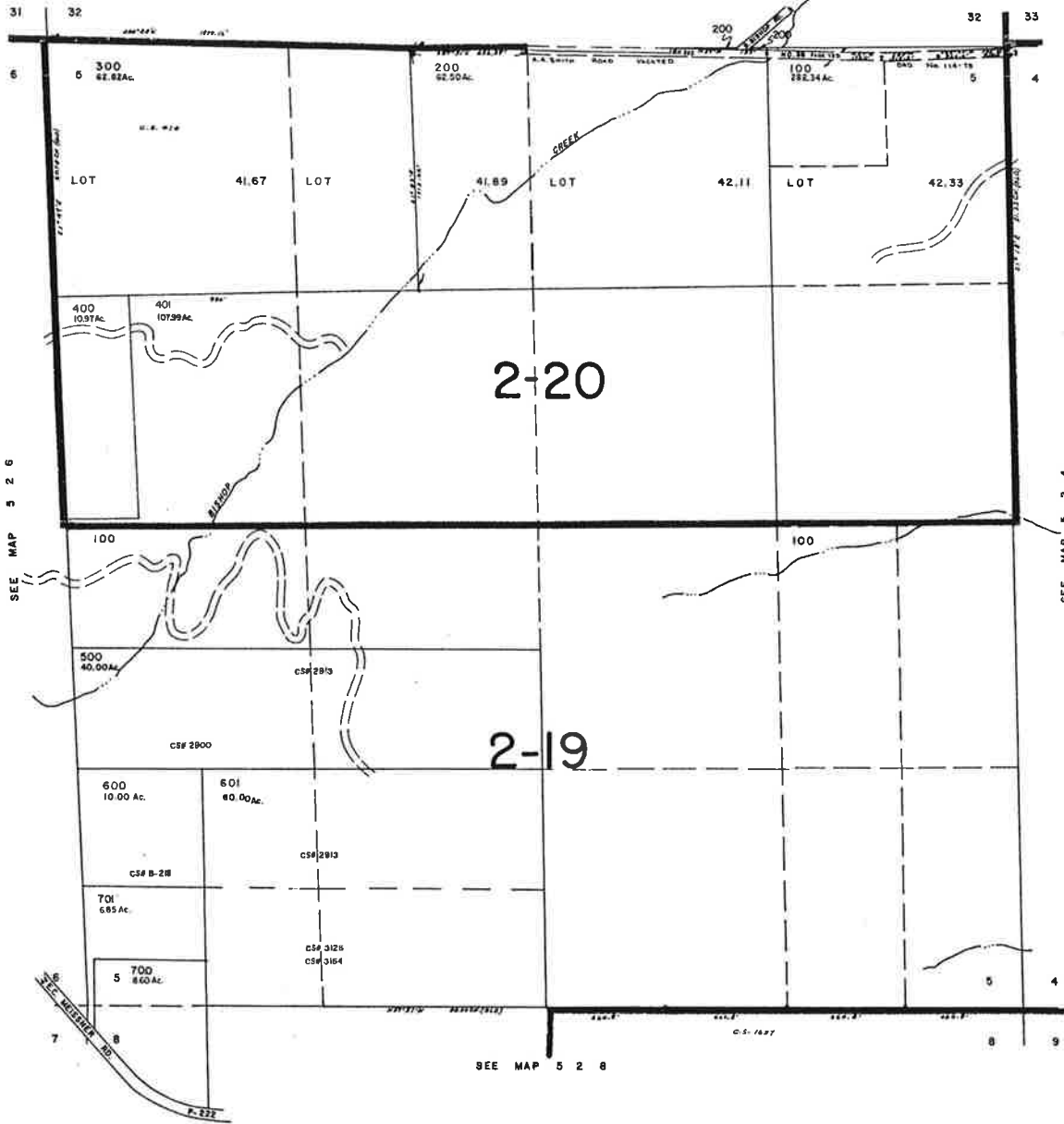


SECTION 5 T.5 N. R.2W. W.M.

COLUMBIA COUNTY

THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY  
Scale: 1" = 400' Current Revision Date: 1/05/01 C.

SEE MAP 6 2 32



CANCELLED T1  
500  
602

SEE MAP 5 2 6

SEE MAP 5 2 4

SEE MAP 5 2 8


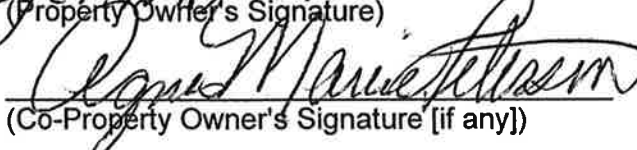
744 81/05/01

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

- ✓ 1. Name(s) of abutting property owner(s): John A. Petersen  
Agnes Marie Petersen
- ✓ 2. Mailing address of abutting property owner(s): 33625 Tide Creek Road  
Deer Island, Oregon 97054
- ✓ 3. Legal description of abutting [YOUR] property (attach additional sheets if necessary; your deed or title report can be attached in lieu of writing legal description): \_\_\_\_\_  
The real property described in Book 150, page 848, Deed Records, Columbia  
County, Oregon and Book 167, page 367, Deed Records, Columbia County, Oregon.

Tax Account No. 02-20 2 5205-000-00200  
02-20 2 6232-000-01000

- ✓ 4. Legal description of property proposed for vacation (attach additional sheets if necessary): Bert Bishop Road from its intersection with vacated A. A. Smith Road  
to where it intersects with the East line of the real property described in  
Book 150, page 848, Deed Records, Columbia County, Oregon, as it exists in the  
real property description in Book 150, page 848, and Book 167, page 367, Deed  
Records, Columbia County, Oregon, as shown on the attached map and outline in  
yellow.
- 5. I/We am/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) 3/10/2004  
Date  
  
 (Co-Property Owner's Signature [if any]) 3/10/2004  
Date

STATE OF OREGON )  
                                  ) ss.  
County of Columbia )



The foregoing instrument was acknowledged before me this 11 day of March, 2001, by Heather L Kramberg, JOHN ALLEN PETERSEN and AGNES MARIE PETERSEN

  
 Notary Public for Oregon  
 My Commission Expires: NOV 12, 2007

-20 2 6232-000-01000

03-08-04 15:56

OWNER - PETERSEN JOHN A & AGNES M  
33625 TIDE CREEK RD DEER ISLAND OR 97054

MA 4 NEIGHBORHOOD 43  
PROP CLASS 641

ZONING PF76 YR APPRAISED 93 APPRAISER ARK

LOCATION :66133 BISHOP CREEK RD DEER ISLAND

INST DATE PRICE INST NO TYPE  
150-848

----- ASSESSED VALUE DETAILS -----

LAND DETAIL

	ACRES	TYPE	CLASS	DEF	\$M5AV	\$MAV/SMAV	*FPV
L1	1.00	HS	C		34000	20830	
L2	2.00	GB	H3 C	7	290	290	
L3	4.73	GB	H5 C	7	570	590	
L4	30.50	DF	FB	6	4660	4390	V
*TOTAL	38.23				39520	26100	

+++++ POTENTIAL ADDITIONAL TAX DEF=7,6 +++++  
\*FPV - A PORTION OF THIS ACCOUNT IS NOT SUBJECT TO RFPD ASSESSMENT=  
4,390 0

IMPROVEMENTS DETAIL

F/B	BLT	%GD	M-H	"X"	\$M5AV	\$MAV
123	1935	055			27,500	38,240
300		100			9,200	
113	100	100			2,400	
*TOTAL					39,100	38,240

----- REAL MARKET AND ASSESSED VALUE SUMMARIES -----

	LAST YEAR	%TREND	THIS YEAR
REAL MARKET VALUE (RMV)			
RMV LAND	103,100	100	103,100
RMV BUILDINGS	39,100	100	39,100
TOTAL RMV	142,200		142,200

ASSESSED VALUE (AV)

AV LAND	25,330	26,080
AV BUILDINGS	37,130	38,240
TOTAL AV	62,460	64,320

VETS EXEMPTION 0 0

NET ASSESSED VALUE 62,460 64,320

----- CAAPS STRUCTURE DETAIL -----

STAT CLASS 123

	AREA	LVR	KIT	DIN	FAM	BED	F/BATH	H/BATH	OTH	FPL	UTL	GAR
1ST FLOOR	986	1	1	0	0	02	0	0	0	0	0	0
ATTIC	200	0	0	0	0	00	0	0	1	0	0	0

WOOD STOVE  
INTERIOR METAL CHIMNEY

----- TAXES & SPECIAL ASSESSMENTS -----

SPECIAL ASSESSMENTS	CODE	\$ AMOUNT	ACRES
FIRE PATROL	01	20.50	30.50



EXHIBIT B

John A. Petersen  
Agnes Marie Petersen  
33625 Tide Creek Road  
Deer Island, Oregon 97054

March 22, 2004

COLUMBIA COUNTY

MAR 23 2004

COUNTY COUNSEL

Cynthia Zemaitis  
Office of County Counsel  
Columbia County Courthouse  
St Helens, Oregon 97051


Re: Vacation of Part of Bishop Creek Road

Dear Cynthia:

Thank you for your letter of March 18, 2004. We would agree to the third option, and ask that the Petition be amended to vacate the roadway from about 4 feet before where the gate was located, so that the gate is clearly within the vacated portion. We never would have prevented the school bus from turning in any event, and thank you for your kind courtesies. Is there anything further we need to do. You may consider this Letter as a request for amendment unless you want the petition signed again. Thanks.

Sincerely,

  
John A. Petersen

  
Agnes Marie Petersen

amp/agi