

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed Vacation of Ballard)
County Road No. 115 and Coon Creek County)
Road No. 167 Lying Within Townships 3 and 4)
North, Range 4 West, Columbia County, OR)
[Weyerhaeuser Company])
_____)

ORDER NO. 25 - 2004
(Initiating/Finalizing Vacation Proceedings)

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, Weyerhaeuser Company owns property abutting the public rights-of-way proposed to be vacated known as Ballard County Road No. 115 lying within Section 3, Township 4 North, Range 4 West, and Sections 18 and 19, Township 4 North, Range 3 West, and Coon Creek County Road No. 167 lying within Section 3, Township 4 North, Range 4 West, all within Columbia County, Oregon; and

WHEREAS, Weyerhaeuser, by and through Scott Marlega, Forester/Land Use, North Coast Forest Area, has filed with the Board a petition requesting the Board vacate said public rights-of-way as more fully described below; and

WHEREAS, the Petition is attached hereto, labeled Exhibit A and is incorporated herein by this reference; and

WHEREAS, upon being advised that Ballard County Road No. 115 extends into sections 18 and 19 of Township 4 North, Range 3 West, Mr. Marlega requested that the Petition be amended to include vacation of those portions as well, said request attached hereto as Exhibit B and incorporated herein by this reference; and

WHEREAS, the Petition submitted by Weyerhaeuser complies with the petition requirements of ORS 368.341(3); and

WHEREAS, the public rights-of-way proposed to be vacated by Weyerhaeuser are more particularly described as follows:

All of what is known as Ballard County Road and Coon Creek
County Road (purportedly called County Roads No. 115 and No. 167)

within the following described tracts of land lying in Township 4 North, Range 4 West, of the Willamette Meridian, Columbia County, Oregon:

The Southwest quarter of Section 1.

All of Section 2.

All that portion of the Southeast quarter of the Southwest quarter of Section 3 lying Easterly of a line parallel to and measured 130 feet Easterly of and perpendicular to the centerline of Pebble Creek County Road No. 92.

All of the South half of the Northeast quarter and all of the Southeast quarter of Section 3.

All of Sections 11, 12 and 13.

All of Ballard County Road (purportedly County Road No. 115) lying within Sections 18 and 19, Township 4 North, Range 3 West, of the Willamette Meridian, Columbia County, Oregon

And,

WHEREAS, a map of those portions of the roadways proposed to be vacated by Weyerhaeuser is attached hereto, labeled Exhibit C, and 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 any public property proposed to be vacated and the petition indicates the owners' approval of the proposed vacation; 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 Roadmaster, files with the Board a written report that contains his assessment that the vacation is in the public interest; and

WHEREAS, the County Roadmaster, Dave Hill, has filed a report dated April 20, 2004, with the Board indicating that it was his assessment that the vacation would be in the public interest; a copy of the Roadmaster's report being attached hereto, labeled Exhibit D and incorporated herein by this reference; 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(2);

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Vacation of those certain public rights-of-way known as Ballard County Road No. 115 and Coon Creek County Road No. 167, as more particularly described above and as shown in Exhibits C and D, is in the public interest.

2. The property described above and depicted in Exhibits C and D is hereby vacated, and shall hereby vest in the abutting property owners as provided in ORS 368.366(1)(d) by extension of said owners' abutting property boundaries to the centerline of the vacated platted roadways.

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 was paid by the petitioner, \$500 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	\$26.00 [first page]	\$26.00
	\$5.00 [each additional page x 36 pp.]	\$180.00
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 37 pp. x 2]	\$18.50
Posting the Approved Road Vacation by County Surveyor	\$45.00 [per parcel]	\$90.00
	TOTAL EXPENSES	\$350.50

6. 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 : \$ 232.00
To County Surveyor : \$ 90.00

7. 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 28th day of April, 2004.

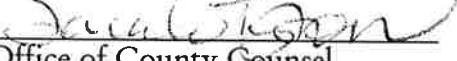
BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Chair

By: _____
Commissioner

By: 
Commissioner

APPROVED AS TO FORM:

By: 
Office of County Counsel

S:\COUNSEL\ROADS\BALLARD & COON\ORD INITIAT & FINAL.wpd

EXHIBIT A

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

APR 2 9 32 AM '04

In the Matter of the Vacation of BALLARD)
AND COON CREEK COUNTY ROADS)
Located Near VERNONIA)
Columbia County, Oregon)

COLUMBIA CO. CLERK
BY [Signature] DEP.

PETITION FOR VACATION

PV 2004-03

I/We, WEYERHAEUSER COMPANY, [insert name(s) of all petitioners], who
reside at P.O. BOX 998 SEASIDE OR 97138 [insert address],
503-738-6351 [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:

ALL OF COUNTY ROAD NO. 115 AND COUNTY
ROAD NO. 167 - COMMONLY CALLED BALLARD
COUNTY ROAD AND COON CREEK COUNTY ROAD.

b. Legal Description:

SEE EXHIBIT A ATTACHED HERETO

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:

OWNERS OF TAX LOTS
4403-000-00900 4400-000-01000
4400-000-00100
4400-000-00200
4400-000-00800

b. Legal Description of your property:

SEE EXHIBIT B ATTACHED HERETO

3. Creation of Public Interest.

See Exhibit C, 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]:

THE AREA IS CURRENTLY BEING USED AS AN ILLEGAL DUMP SITE. FIRE DANGER TO PRIVATE FOREST LAND OWNERS CREATED BY OPEN/UNCONTROLLED PUBLIC ACCESS. THE COUNTY IS CURRENTLY NOT MAINTAINING EITHER ROAD.

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

IMPACTED ADJACENT LAND OWNERS HAVE AGREED TO GRANT ACCESS EASEMENTS TO EACH OTHER CONCURRENTLY WITH THE VACATION.

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

NONE

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

1. WEYERHAEUSER COMPANY - P.O. BOX 998 SEASIDE OR 97138
2. KAREN ANN EMMERLING - P.O. BOX 2080 GEARHART OR 97138
3. WILLIAM M. HELM - 11008 HAWK VALLEY AVE. LAS VEGAS NV 89134

ALSO SEE ATTACHMENTS D1, D2, D3

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 C.

EXHIBIT A

Legal Description

All of county Road No. 115 and County Road No. 167 (commonly called Ballard County Road and Coon Creek County Road), said roads being located in Sections 1, 2, 3, 11, 12, and 13 of Township 4 North, Range 4 West, WM; excepting therefrom any part of said roads that may be located within the city limits of Vernonia; and excepting therefrom that section of said roads located within 130 feet of the centerline of Pebble Creek county Road No. 92.

Petitioners agree to allow Columbia County to retain a public easement for trail purposes over that section of said roads in Section 3 of T4N R3W. Said easement shall be for non-motorized users to include but not limited to bicycles, pedestrians, and equestrian use; motorized use for emergency rescue and emergency operations in the area; and motorized use for trail maintenance, repair and improvements.

LEGAL DESCRIPTION

4400-000-00100

Section 1, Township 4 North, Range 4 West, Willamette Meridian, Columbia County, Oregon;

EXCEPTING THEREFROM that certain tract of land more particularly described as follows:

That certain tract of land, being a portion of Section 1, Township 4 North, Range 4 West, Willamette Meridian, and being a portion of Section 36, Township 5 North, Range 4 West, Willamette Meridian, more particularly described as follows:

BEGINNING at the Southeast corner of said Section 36 (which said point is also the Northeast corner of said Section 1);

Thence South 69° 31' 41" West 247.97 feet;
 Thence South 70° 20' 26" West 291.98 feet;
 Thence South 83° 52' 57" West 138.85 feet to the TRUE POINT OF BEGINNING;
 Thence North 02° 26' 16" East 404.44 feet;
 Thence North 04° 49' 26" East 207.07 feet;
 Thence North 35° 57' 14" West 461.02 feet;
 Thence North 83° 01' 39" West 668.59 feet;
 Thence South 49° 11' 11" West 143.23 feet;
 Thence South 32° 54' 00" East 49.86 feet;
 Thence South 40° 40' 00" East 94.22 feet;
 Thence South 49° 11' 00" East 204.65 feet;
 Thence South 25° 07' 00" West 124.45 feet;
 Thence South 86° 18' 00" West 209.97 feet;
 Thence South 00° 32' 17" West 304.59 feet;
 Thence South 65° 56' 09" East 438.94 feet;
 Thence South 58° 34' 31" East 580.79 feet;
 Thence North 32° 11' 00" East 130.79 feet TO THE TRUE POINT OF BEGINNING;
 AND EXCEPTING ALSO that portion of the Southeast quarter of the Southeast quarter lying Easterly of the Scappoose-Vernonia County Road right of way; EXCEPT ALSO any portion lying within the Scappoose-Vernonia County Road right of way.

4400-000-00200

Government Lots 1, 2 and 3;
 the South half of the Northeast quarter;
 the Southwest quarter of the Northwest quarter;
 the Southwest quarter;
 the North half of the Southeast quarter; and
 the Southeast quarter of the Southeast quarter;
 all in Section 2, Township 4 North, Range 4 West, Willamette Meridian, Columbia County, Oregon.

4403-000-00900

The North half of the Southeast quarter; and
 The Southeast quarter of the Southeast quarter;
 all of Section 3, Township 4 North, Range 4 West, Willamette Meridian,
 Columbia County, Oregon; AND
 The South half of the Northeast quarter of Section 3, Township 4 North,
 Range 4 West, Willamette Meridian, Columbia County, Oregon;
 EXCEPTING THEREFROM the following tract of land as described in deed
 to Richard K. Gwin Jr., et ux, recorded October 19, 2000 under Columbia
 County Clerk's instrument number 00-10283, as follows:
 BEGINNING at a point on the center line of Section 3, Township 4 North,
 Range 4 West of the Willamette Meridian, Columbia County, Oregon, said
 POINT OF BEGINNING being 50 feet West of the center line of the
 Clark and Wilson logging railroad tract, hereafter referred to as the
 Pebble Creek main line;
 Thence South 87° 32' 00" West, 975 feet, more or less, to the center line
 of said Section 3;
 Thence North 01° 22' 00" East 1,585.6 feet;
 Thence North 88° 46' 00" East 1,019.4 feet, more or less, to the point
 which is 50 feet Westerly of the center line of Pebble Creek main line;
 Thence in a Southwesterly direction parallel to and 50 feet from said center
 line of Pebble Creek main line 1,618.6 feet more or less, to the POINT OF
 BEGINNING;
 EXCEPT ALSO any portion lying within Coon Creek Road and Ballard Road right of
 ways.

4400-000-00800 ✓

The Northeast quarter of the Northeast quarter;
 The South half of the North half;
 The North half of the South half;
 The South half of the Southeast quarter;
 all in Section 11, Township 4 North, Range 4 West, Willamette Meridian,
 Columbia County, Oregon.

4400-000-01000 ✓

All of Section 12, Township 4 North, Range 4 West, Willamette Meridian,
 Columbia County, Oregon.

EXHIBIT C-1

SECTION 3 T.4N. R.4W. W.M.

COLUMBIA COUNTY

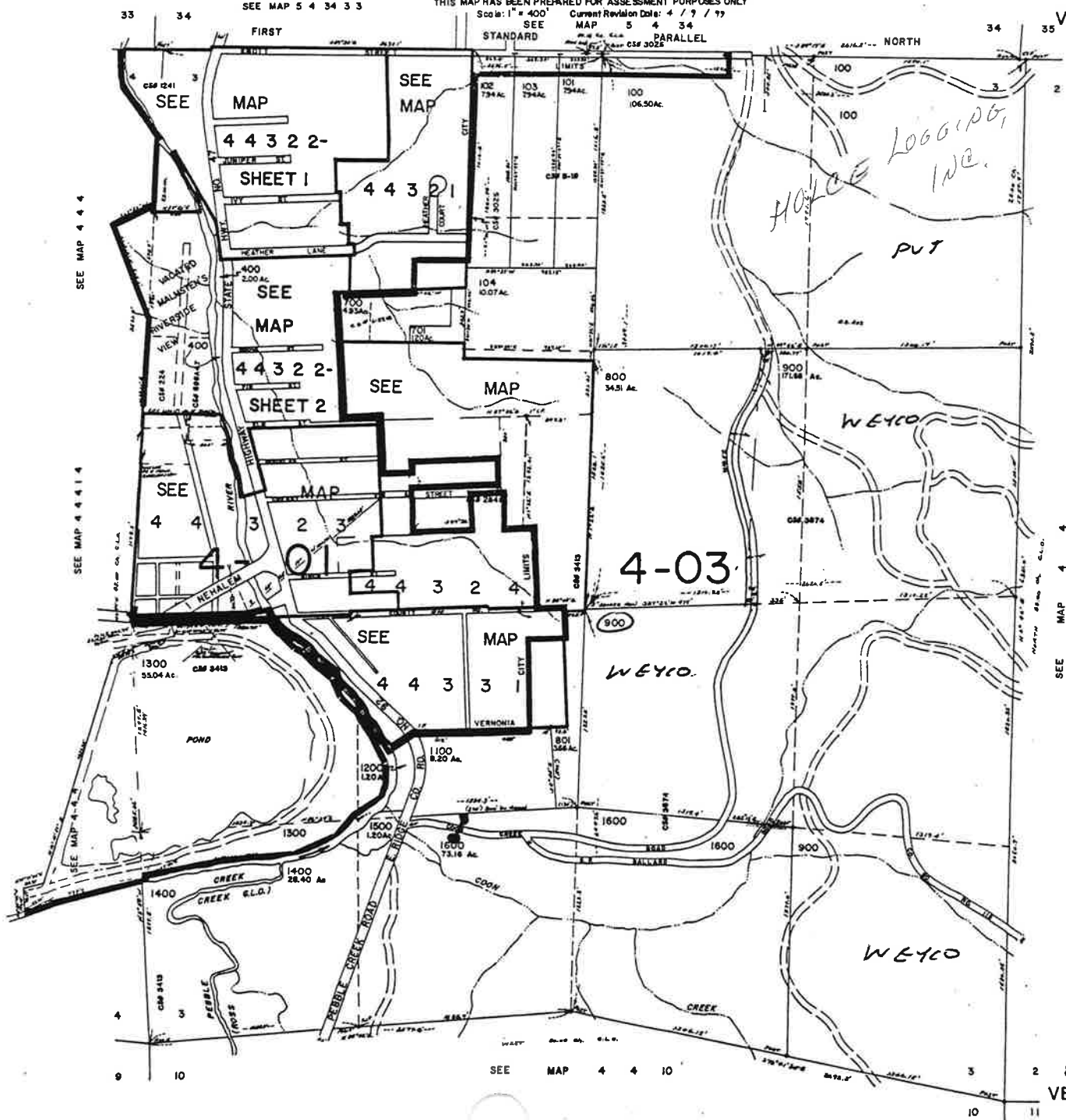
THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY

Scale: 1" = 400' Current Revision Date: 4 / 7 / 77

SEE MAP 5 4 34 STANDARD PARALLEL NORTH

4 4 3
& INDEX
VERNONIA

CS# 191
CS# 203
CS# 1641



SEE MAP 4 4 4
SEE MAP 4 4 1 4

SEE MAP 4 4

SEE MAP 4 4 10

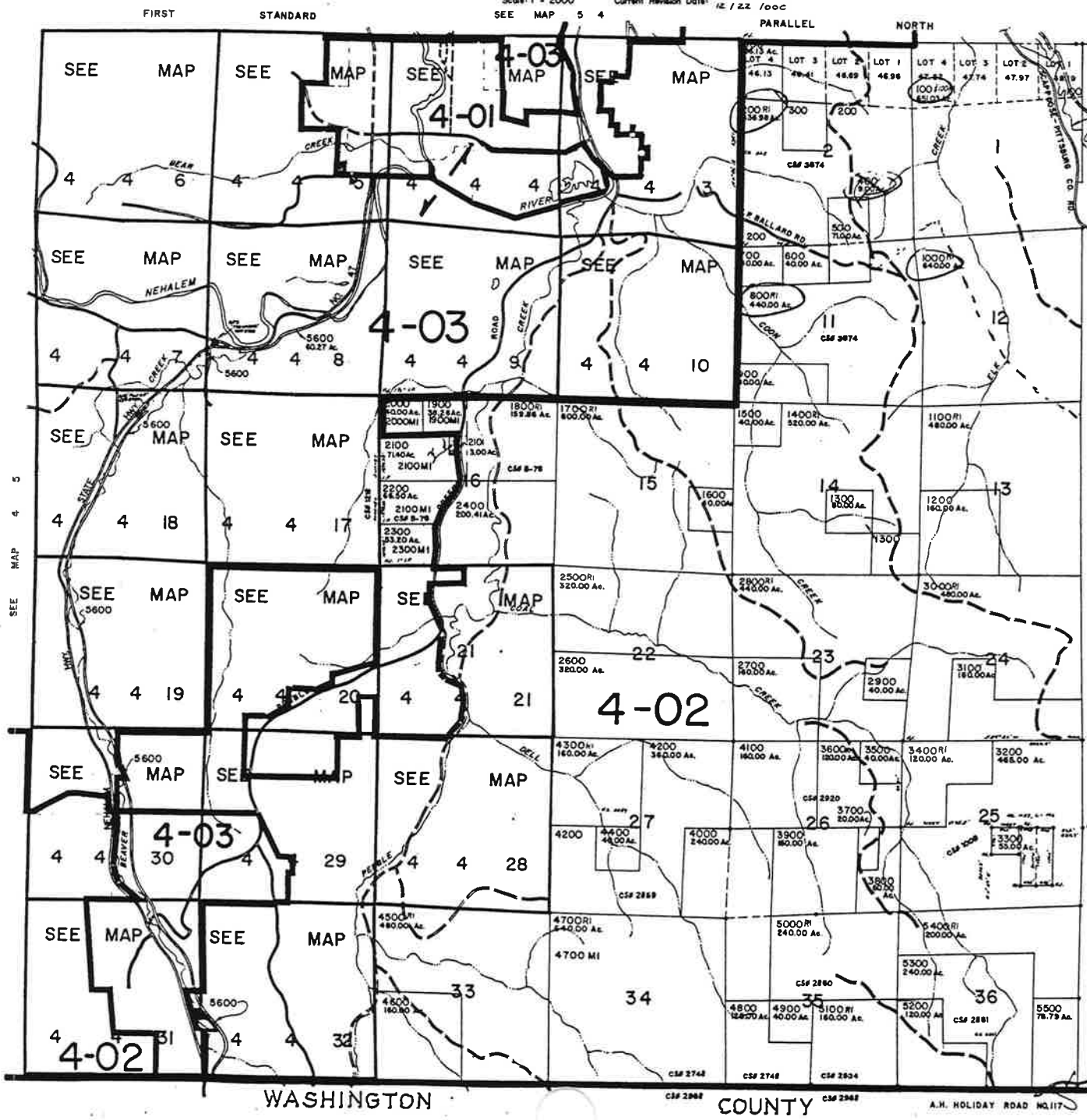
4 4 3
& INDEX
VERNONIA

24 8-11-77

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C-2
EXHIBIT

T.4N. R.4W. W.M.
COLUMBIA COUNTY
THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY
Scale: 1" = 2000' Current Revision Date: 12/22/00c

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& INDEX
VERNONIA



4 4
& INDEX
VERNONIA

WASHINGTON COUNTY

A.H. HOLIDAY ROAD NO. 117

SEE MAP 4 5

SEE MAP 4 5

SEE MAP 4 3

COLUMBIA COUNTY PROPERTY INFORMATION
YEAR 2002

TWN	RNG	SEC	QTR	SEC	TAX LOT #	NAME	MAILING ADDRESS	CITY	ST	ZIP	PROP CLASS	IMP	RMV	LAND	RMV	ACRES	SALES DATE	VOL PRICE	SALES PRICE	SITUS ADDRESS	SITUS CITY	IMP AV	LAND AV
4	4	0	0	500		HELM WILLIAM M	11008 HAWK VALLEY AVE	LAS VEGAS	NV	89134	640	0	5300	7100			9171991	F915796				0	4730
4	4	0	0	600		HELM WILLIAM M	11008 HAWK VALLEY AVE	LAS VEGAS	NV	89134	640	0	2880	4000			9171991	F915796				0	2660

PHONE # 775-849-9303

EXHIBIT
D-2

COLUMBIA COUNTY PROPERTY INFORMATION
YEAR 2002

TWN	RNG	SEC	QTR	SEC	TAX LOT #	NAME	MAILING ADDRESS	CITY	ST	ZIP	PROP CLASS	IMP	RMV	LAND	RMV	ACRES	SALES DATE	VOL	PRICE	SALES PRICE	SITUS ADDRESS	SITUS CITY	IMP	AV	LAND	AV
4	4	3	0		1600	EMMERLING KAREN ANN TRUSTEE EMMERLING	PO BOX 2080	GEARHART	OR	97138	640	0	11210	7316			5282002	F0207220	9640				0		10220	

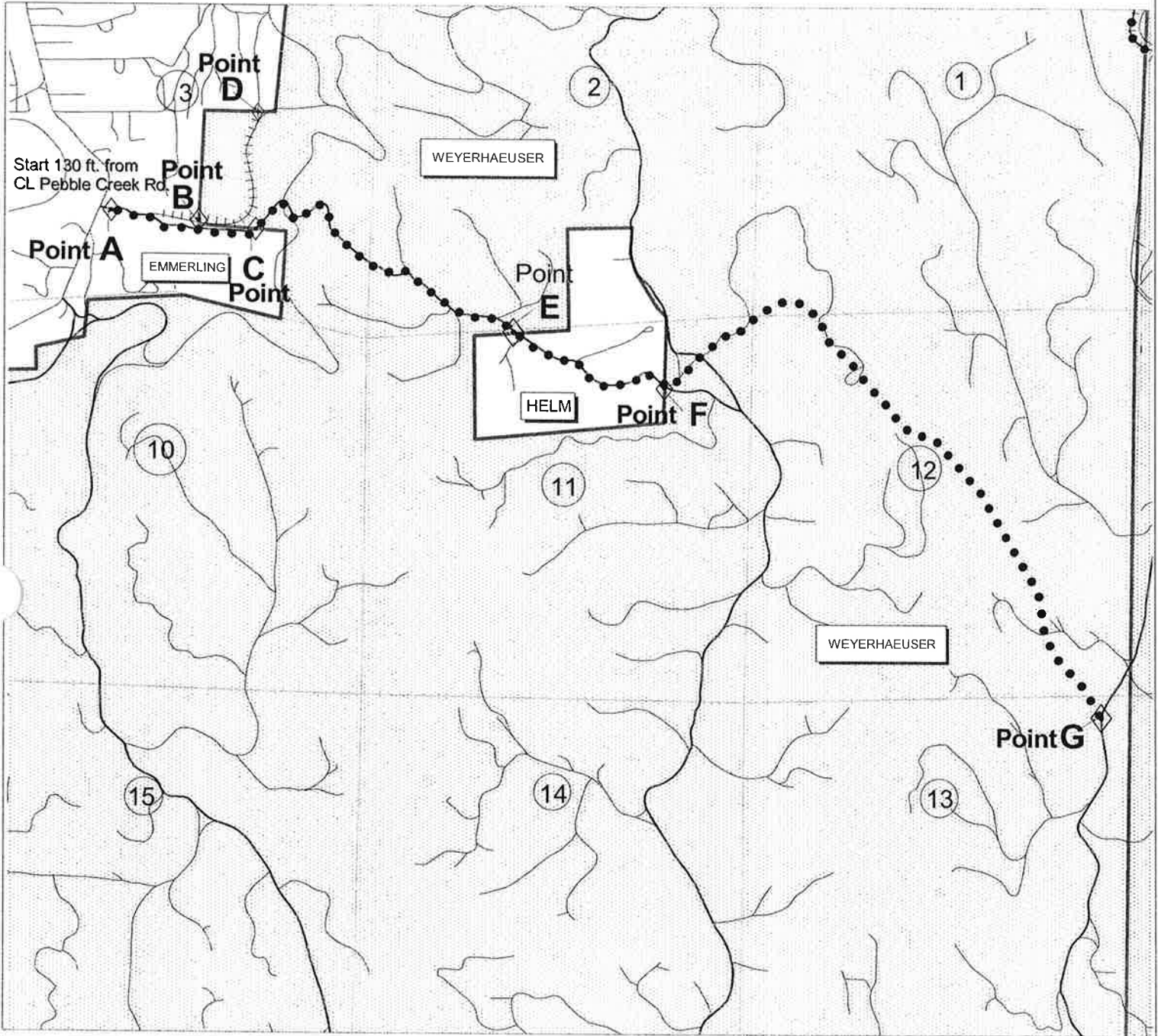
503-738-3052
JOHN & KAREN

EXHIBIT
D-3

TWN	RNG	SEC	TR S	TAX LOT #	NAME	MAILING ADDRESS	CITY	ST	ZIP	PROP CLASS	IMP RMV	LAND RMV	ACRES	SALES DAT
4	4	0	0	100	Weyerhaeuser Company	P.O. Box 9777	Federal Way	WA	98063	640	0	328090	65103	4171997
4	4	0	0	200	Weyerhaeuser Company	P.O. Box 9777	Federal Way	WA	98370	640	0	248550	53698	4171997
4	4	0	0	800	Weyerhaeuser Company	P.O. Box 9777	Federal Way	WA	98370	640	0	188180	44000	4171997
4	4	0	0	900	Weyerhaeuser Company	P.O. Box 9777	Federal Way	WA	98370	640	0	29660	8000	4171997
4	4	0	0	1000	Weyerhaeuser Company	P.O. Box 9777	Federal Way	WA	98370	640	0	287390	64000	4171997

T4N R4W

November 12, 2003



Ballard Road



Coon Creek Road



Weyerhaeuser Ownership

Summary

EXHIBIT A

Legal Description

All of county Road No. 115 and County Road No. 167 (commonly called Ballard County Road and Coon Creek County Road), said roads being located in Sections 1, 2, 3, 11, 12, and 13 of Township 4 North, Range 4 West, WM; excepting therefrom any part of said roads that may be located within the city limits of Vernonia; and excepting therefrom that section of said roads located within 130 feet of the centerline of Pebble Creek county Road No. 92.

Petitioners agree to allow Columbia County to retain a public easement for trail purposes over that section of said roads in Section 3 of T4N R3W. Said easement shall be for non-motorized users to include but not limited to bicycles, pedestrians, and equestrian use; motorized use for emergency rescue and emergency operations in the area; and motorized use for trail maintenance, repair and improvements.

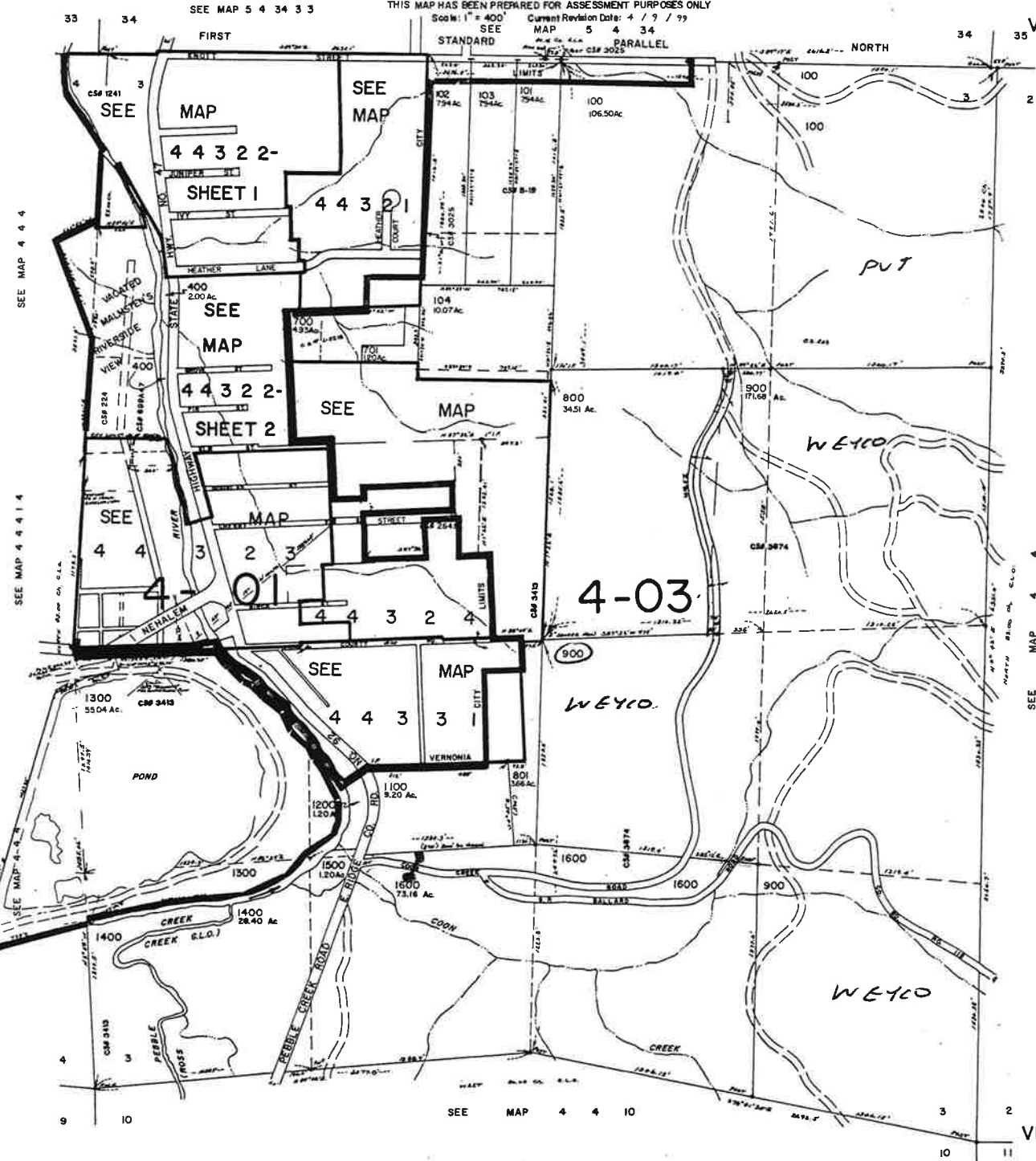
COLUMBIA COUNTY PROPERTY INFORMATION
YEAR 2002

TWN	RNG	SEC	QTR	SEC	TAX LOT #	NAME	MAILING ADDRESS	CITY	ST	ZIP	PROP CLASS	IMP RMV	LAND RMV	ACRES	SALES DATE	VOL PRICE	SALES PRICE	SITUS ADDRESS	SITUS CITY	IMP AV	LAND AV
4	4	3	0		1600	EMMERLING KAREN ANN TRUSTEE EMMERLING	PO BOX 2080	GEARHART	OR	97138	640	0	11310	7316	5282002	F0207220	9640			0	10230

SECTION 3 T.4N. R.4W. W.M.

4 4
& INDEX
VERNONIA

COLUMBIA COUNTY
THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY
Scale: 1" = 400' Current Revision Date: 4 / 9 / 99
SEE MAP 5 4 34



SEE MAP 4 4 4
SEE MAP 4 4 1 4
SEE MAP 4 4 4

CSP 871
CSP 203
CSP 1881

SEE MAP 4 4 4

SEE MAP 4 4 10

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& INDEX
VERNONIA

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

- 1. Name(s) of abutting property owner(s): WILLIAM M. HELM
- 2. Mailing address of abutting property owner(s): 11008 HAWK VALLEY AVE
LAS VEGAS NV 89134
- 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): _____
TAXLOT NUMBER 4400-000-00500
4400-000-00600

Tax Account No. _____

- 4. Legal description of property proposed for vacation (attach additional sheets if necessary): _____
SEE EXHIBIT "A" ATTACHED HERE TO

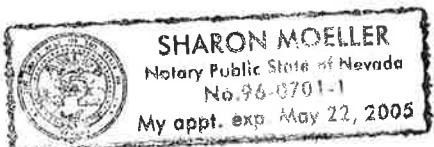
5. I/We am/are the owner(s) of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.

William Helm 3-17-04
(Property Owner's Signature) Date

(Co-Property Owner's Signature [if any]) Date

Nevada
STATE OF OREGON)
County of Clark) ss.

The foregoing instrument was acknowledged before me this 17 day of March, 2004, by William Helm



Sharon Moeller
Notary Public for Oregon Nevada
My Commission Expires: 5/22/05

EXHIBIT A

Legal Description

All of county Road No. 115 and County Road No. 167 (commonly called Ballard County Road and Coon Creek County Road), said roads being located in Sections 1, 2, 3, 11, 12, and 13 of Township 4 North, Range 4 West, WM; excepting therefrom any part of said roads that may be located within the city limits of Vernonia; and excepting therefrom that section of said roads located within 130 feet of the centerline of Pebble Creek county Road No. 92.

Petitioners agree to allow Columbia County to retain a public easement for trail purposes over that section of said roads in Section 3 of T4N R3W. Said easement shall be for non-motorized users to include but not limited to bicycles, pedestrians, and equestrian use; motorized use for emergency rescue and emergency operations in the area; and motorized use for trail maintenance, repair and improvements.

T.4N. R.4W. W.M.

COLUMBIA COUNTY

THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY

Scale: 1" = 2000'

Current Revision Date: 12 / 22 / 00

4 4
& INDEX
VERNONIA

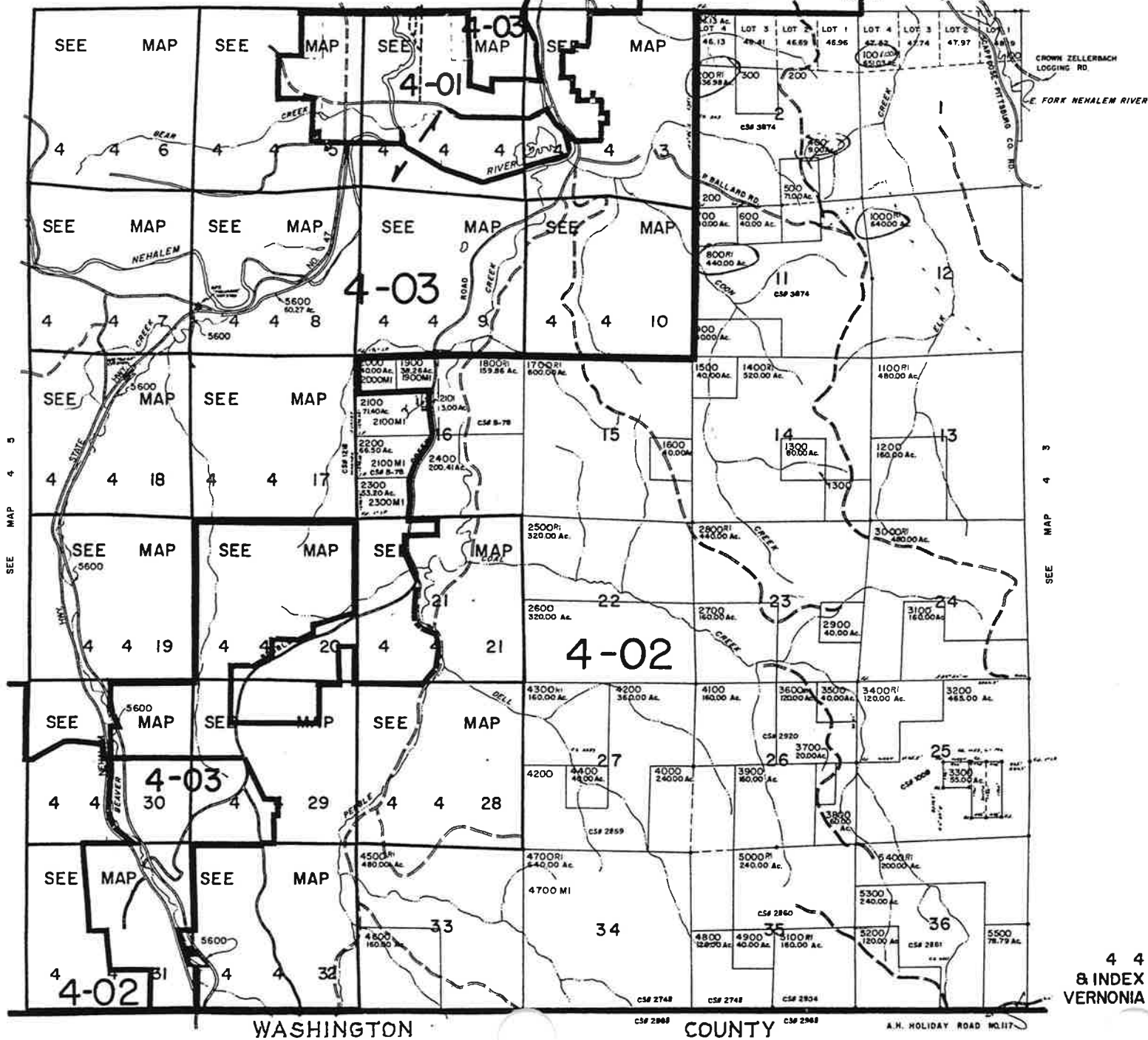
FIRST

STANDARD

SEE MAP 5 4

PARALLEL

NORTH



WASHINGTON

COUNTY

A.H. HOLIDAY ROAD NO.117

4 4
& INDEX
VERNONIA

COLUMBIA COUNTY PROPERTY INFORMATION
YEAR 2002

TWN	RNG	SEC	QTR	SEC	TAX LOT #	NAME	MAILING ADDRESS	CITY	ST	ZIP	PROP CLASS	IMP RMV	LAND RMV	ACRES	SALES DATE	VOL PRICE	SALES PRICE	SITUS ADDRESS	SITUS CITY	IMP AV	LAND AV
4	4	0	0	500	HELM WILLIAM M	11008 HAWK VALLEY AVE	LAS VEGAS	NV	89134	640	0	5300	7100	9171991	F915796					0	4730
4	4	0	0	600	HELM WILLIAM M	11008 HAWK VALLEY AVE	LAS VEGAS	NV	89134	640	0	2900	4000	9171991	F915796					0	2900

EXHIBIT B

From: Cynthia Zemaitis
To: SCOTT.MARLEGA@WEYERHAEUSER.COM
Date: 04/14/04 9:00:16 AM
Subject: Proposed Vacation: Ballard & Coon Creek Roads

Scott, just thought I'd let you know the status.

It appears as if you are correct; the Weyerhaeuser property does extend just to the west of that portion of the road close to the Gwin property. For that reason, Gwin's consent will probably not be needed.

However, I have asked Dave Hill to confirm that vacating the roads as requested will not result in a landlocking situation for the Gwins. Once I hear back from him, I will proceed.

Good day!

CC: Hill, Dave

From: "Marlega, Scott" <Scott.Marlega@weyerhaeuser.com>
To: 'Cynthia Zemaitis' <ZemaitC@co.columbia.or.us>
Date: 04/09/04 8:41:58 AM
Subject: RE: Proposed Vacation, Ballard and Coon Creek Roads

Cynthia, Thanks for your prompt action in processing this. I would like to have this completed without going through a public hearing. I listed in red below, answers to your questions or follow up questions from me.

-----Original Message-----

From: Cynthia Zemaitis [mailto:ZemaitC@co.columbia.or.us
<mailto:ZemaitC@co.columbia.or.us>]
Sent: Thursday, April 08, 2004 3:39 PM
To: Marlega, Scott
Cc: Dave Hill; Sarah Tyson
Subject: Proposed Vacation, Ballard and Coon Creek Roads

Scott:

In performing the needed research to initiate Weyerhaeuser's petition to vacate these roads, it appears that the consent of Richard K. Gwin and Marcie Gwin, owners of property known as Tax Account No.4403-000-00800, will be needed to avoid a public hearing on this request. I am attaching a consent form to accomplish this.

Tax assessor map 4403 shows a narrow strip of land between the county road and Gwin's Ownership. This strip is clearing identified as T.L. #900, belonging to Weyerhaeuser Company. So, Gwin's don't actually own adjacent to the county road. Please let me know if a consent form is required. Thanks

If you would prefer to move forward with scheduling a public hearing, please let me know. Otherwise, I will wait for this consent before initiating the petition.

I prefer not to have a public hearing - pending your review of the above item. I will obtain Mr. Gwin consent, if required.

In addition, the road enters portions of Sections 18 and 19, T4N,R3W; the abutting property owner in these two sections is WRES, LLC. Assessor's records indicates the owner's address is c/o Weyerhaeuser Company Tax Dept., P.O. Box 977, Federal Way, WA 98063. The Secretary of State's registry indicates WRES' principal place of business is at 811 Willamette Street, Eugene, OR 97401. Can you please provide documentation/ clarification on the relationship between WRES and Weyco so that we can determine if an additional consent will be needed?

I wasn't aware of the road entering section 18 or 19, but lets add them to the application. WRES was the Exchange Accommodation Titleholder for a short period. Both section 18 and 19 were conveyed from WRES to Weyerhaeuser on March 23, 2004. It appears the deed hasn't cleared the county yet, but Weyerhaeuser does own the property as of March 23 - Let me know if you need a copy of the deed.

Thanks again - I'll be in the office for a good portion of the day - I will await your response on the consent form question.

Scott E. Marlega
Land Use Forester
North Coast Forest Area
P.O. Box 998, Seaside OR 97138
(503) 738-6351 ext. 114
Cell (503) 738-2438
Fax (503) 738-9253

Thank you. Let me know if you have any questions.

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

EXHIBIT C

SECTION 3 T.4N. R.4W. W.M.

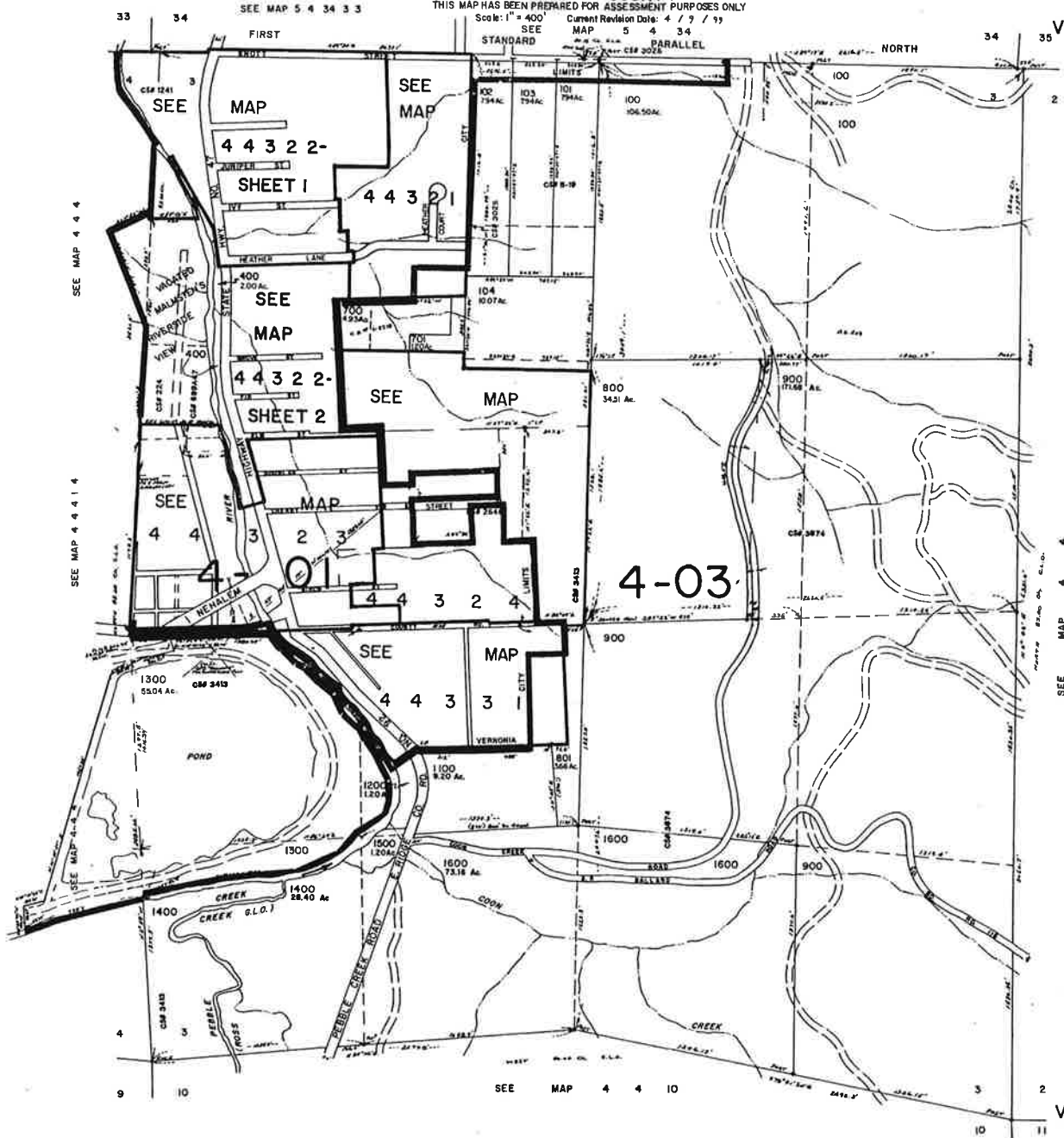
COLUMBIA COUNTY

THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY

Scale: 1" = 400' Current Revision Date: 4 / 9 / 99
SEE MAP 5 4 34 STANDARD PARALLEL NORTH

4 4 3
& INDEX
VERNONIA

CSP 197
CSP 203
CSP 1941



SEE MAP 4 4 4

SEE MAP 4 4 1 4

SEE MAP 4 4 1 4

SEE MAP 4 4 4

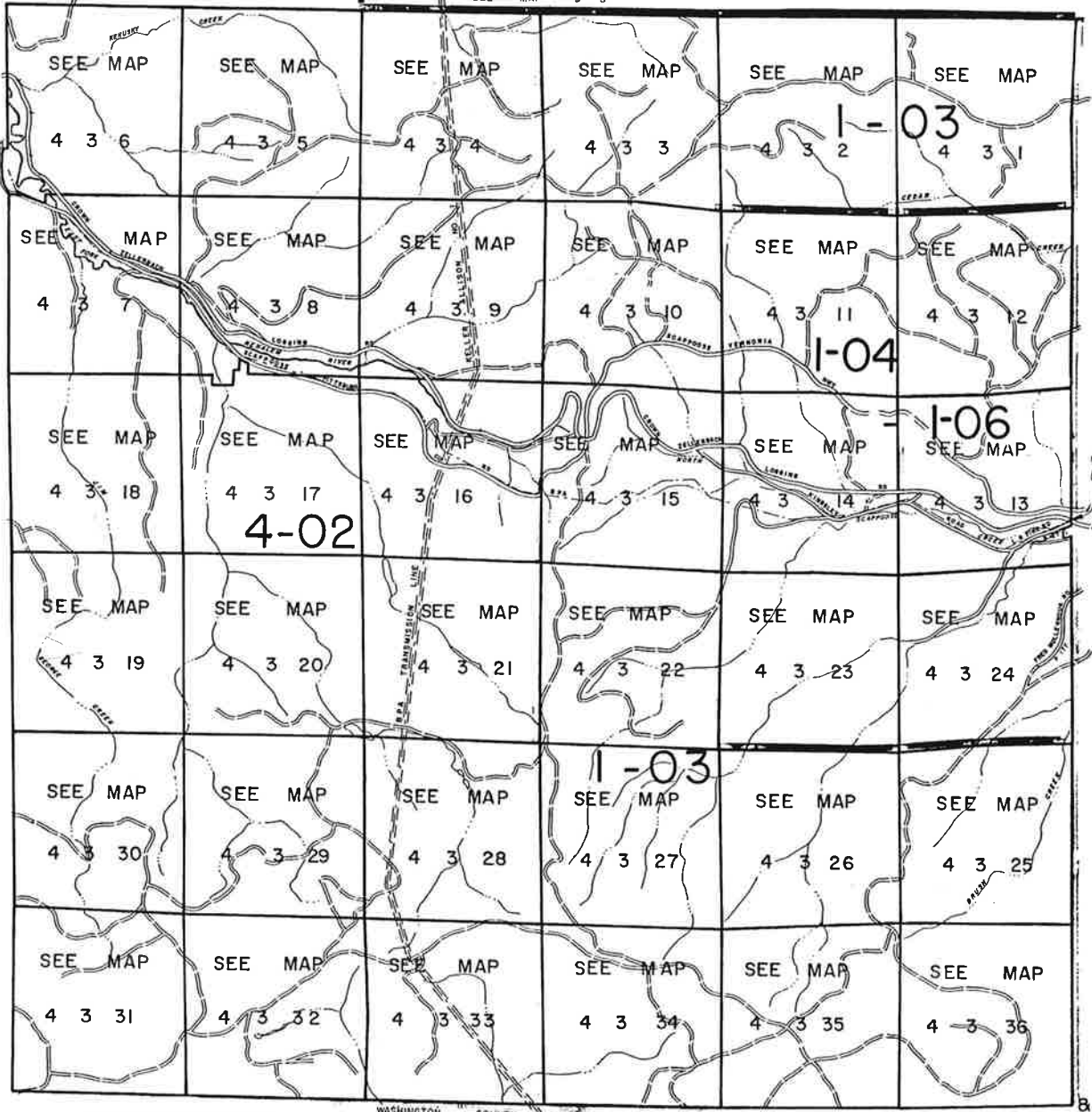
SEE MAP 4 4 10

4 4 3
& INDEX
VERNONIA

10 11

T.4N. R.3W. WM
 COLUMBIA COUNTY
 THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY
 Scale: 1" = 400' Current Revision Date: 5/13/85
 SEE MAP 5 3

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 & INDEX



WASHINGTON COUNTY LINE

4 3
 & INDEX

EXHIBIT D



Columbia County Road Department

1054 Oregon Street, St. Helens, OR 97051

Dave Hill, Public Works Director

Ph: (503) 366-3964 Fax: 397-7215

e-mail: hilld@co.columbia.or.us

COLUMBIA COUNTY

APR 23 2004

COUNTY COUNSEL

to: Board of County Commissioners
via: Cynthia Zemaitis, Office of County Counsel

from: Dave Hill, Public Works Director

date: April 20, 2004

A handwritten signature in black ink, appearing to be "DH", is written over the "from:" line.

subject: Road Vacation Request, Coon Creek / Ballard County Road

Scott Marlega of Weyerhaeuser Company has petitioned the Board of County Commissioners to vacate Ballard and Coon Creek County Roads near Vernonia. I have attached a vicinity map and property ownership maps of the subject area.

The roadway proposed to be vacated is shown in heavy black dots on the attached maps and the records indicate this to be Ballard County Road #115. Although the tax lot maps show Coon Creek Road bending to the north and coming close to the Gwin property, we cannot find any record of a public road (other than the tax lot maps) for the section beyond Ballard County Road.

Ballard County Road, and the other roads in this area, are currently being used as logging roads and for access to the land by hunters. The County Road Department does not perform maintenance on this roadway. The abutting property owners to the subject roadway are Weyerhaeuser Company, Emmerling Trust, and William Helm, and I believe that all three have signed a consent to the road vacation request.

This roadway has been a site for extensive illegal dumping of refuse, most likely because of its limited use (no residences along the roadway) and close proximity to a town. The road has been used in the past for access to timberland for hunting and vacation of the right-of-way will allow the abutting property owners to restrict access. Some local residents have complained, however, of shooting close to their homes. Off-road vehicular activities has also caused damage to the surrounding property and vegetation.

There has been some discussion about the Gwin property and whether or not this road vacation would limit their access to their property. Roger Kadell of this office spoke with Marcie Gwin and she was "thrilled" about the road being vacated because it would limit the shooting in the area. The Gwin's also have access to Cherry Street in Vernonia and have signed a development agreement with the City of Vernonia (attached). Coon Creek Road (as shown on

the assessor's maps) does not immediately abut the Gwin property anyway.

Therefore, in the interest of the public, I recommend that this roadway be vacated as submitted by Weyerhaeuser in "Exhibit A" (attached).

EXHIBIT A

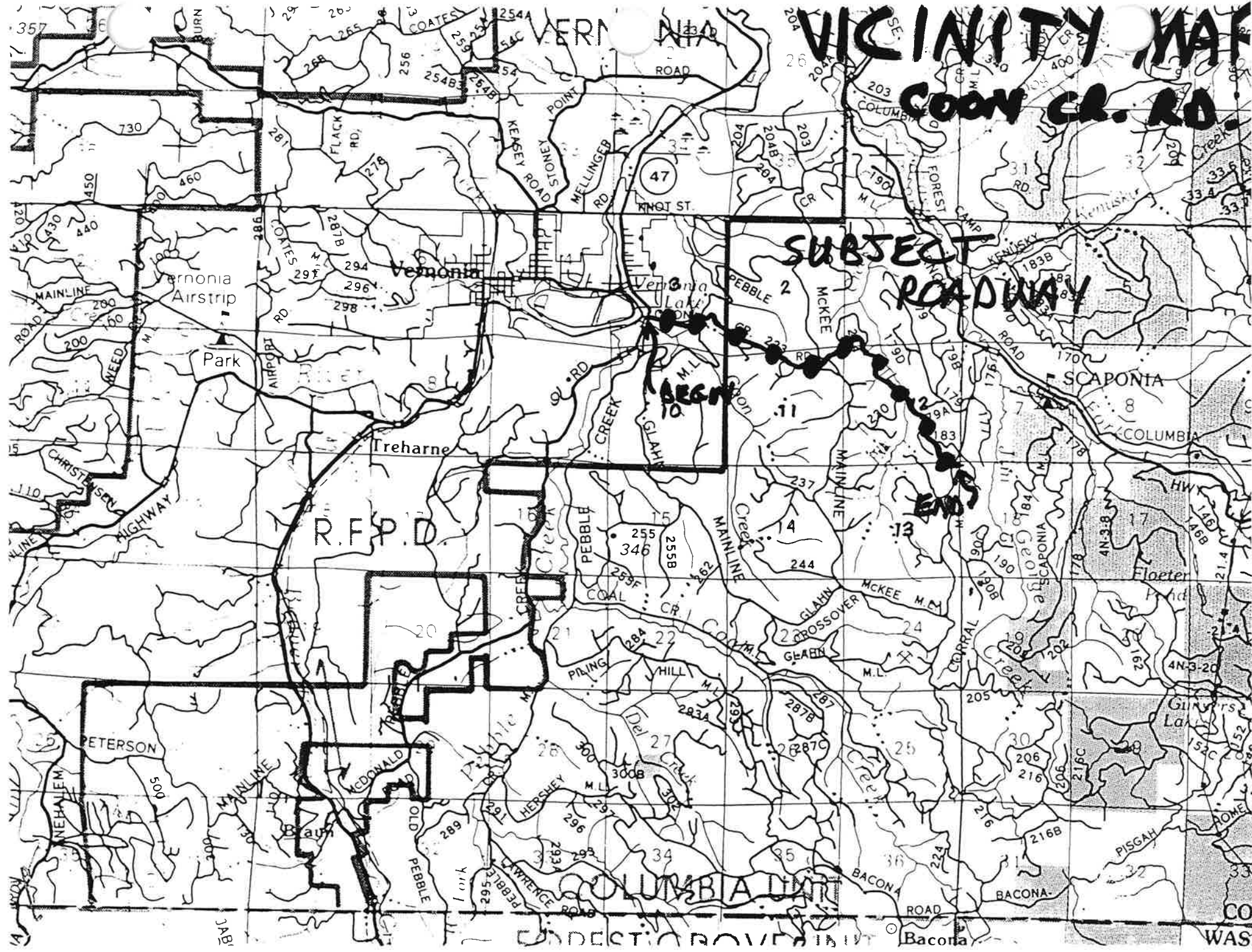
Legal Description

All of county Road No. 115 and County Road No. 167 (commonly called Ballard County Road and Coon Creek County Road), said roads being located in Sections 1, 2, 3, 11, 12, and 13 of Township 4 North, Range 4 West, WM; excepting therefrom any part of said roads that may be located within the city limits of Vernonia; and excepting therefrom that section of said roads located within 130 feet of the centerline of Pebble Creek county Road No. 92.

Petitioners agree to allow Columbia County to retain a public easement for trail purposes over that section of said roads in Section 3 of T4N R3W. Said easement shall be for non-motorized users to include but not limited to bicycles, pedestrians, and equestrian use; motorized use for emergency rescue and emergency operations in the area; and motorized use for trail maintenance, repair and improvements.

VICINITY MAP

COON CR. RD.



SUBJECT ROADWAY

BEGIN

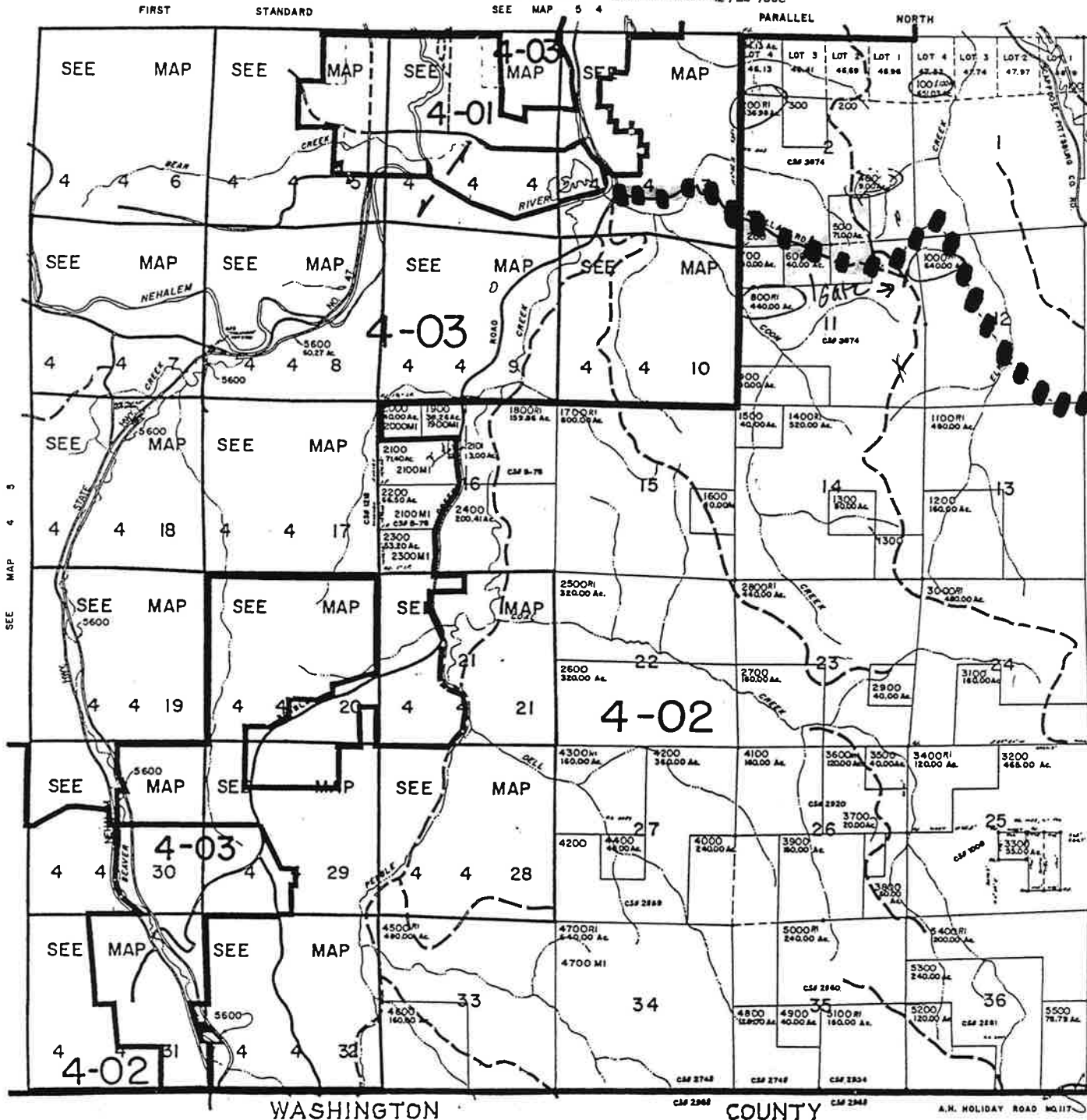
END

R.F.P.D.

T.4, W. W.M.
COLUMBIA COUNTY
 THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY
 Scale: 1" = 2000' Current Revision Date: 12/22/00c

4 4
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 VERNONIA

check



*Yellow 100 200, 800
 1000, 1100
 Weyerhaeuser
 Blue # 500, 600
 Helm's
 Creek
 Road*

*●●● SUBJECT
 RIGHT-OF-WAY*

4 4
 & INDEX
 VERNONIA

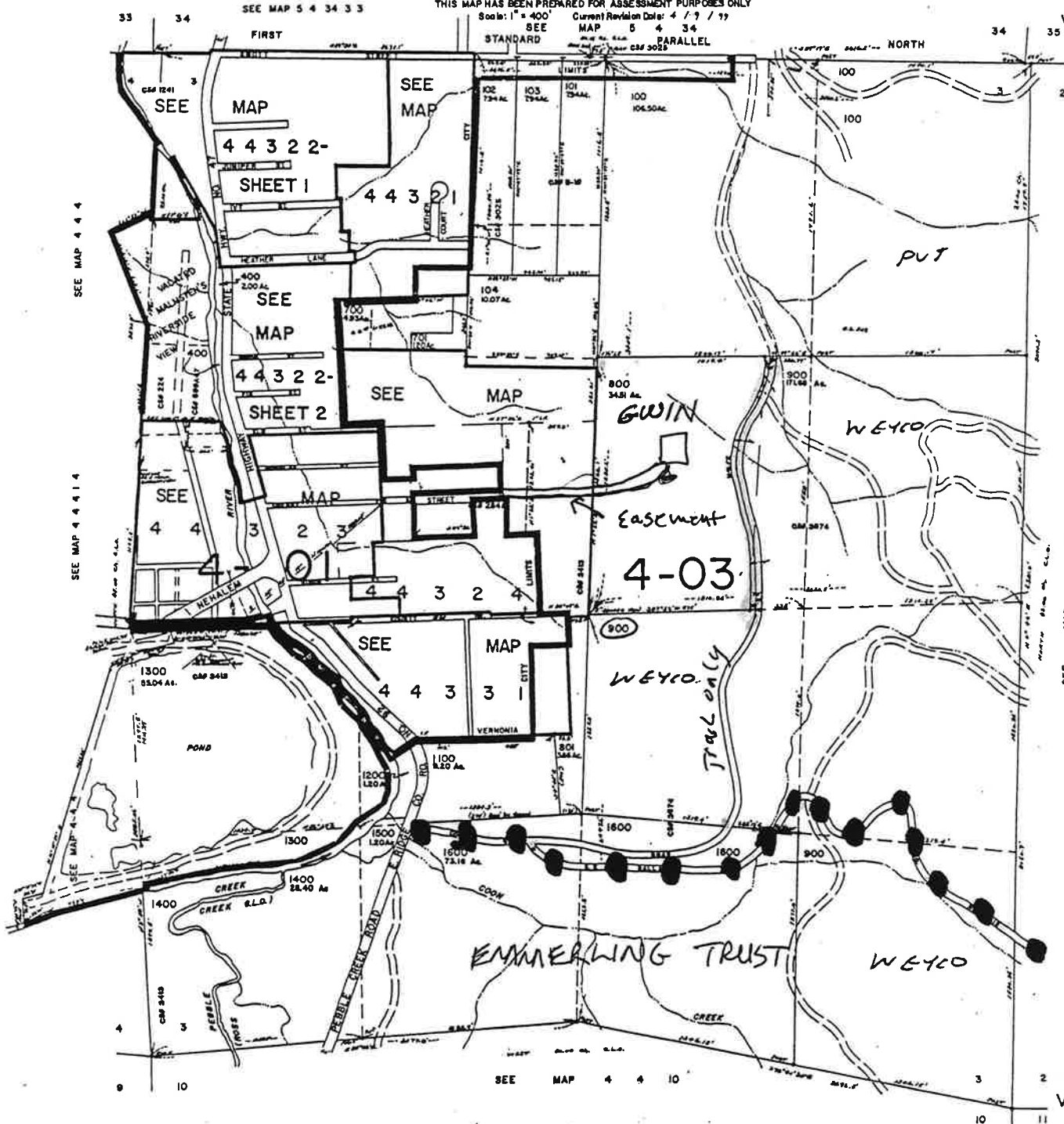
EXHIBIT C-1

SECTION 3 T.4N. R.4W. W.M.

COLUMBIA COUNTY
THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY

Scale: 1" = 400' SEE MAP 5 4 34
Current Revision Date: 4/7/19

4 4 3
& INDEX
VERNONIA



SEE MAP 4 4 4

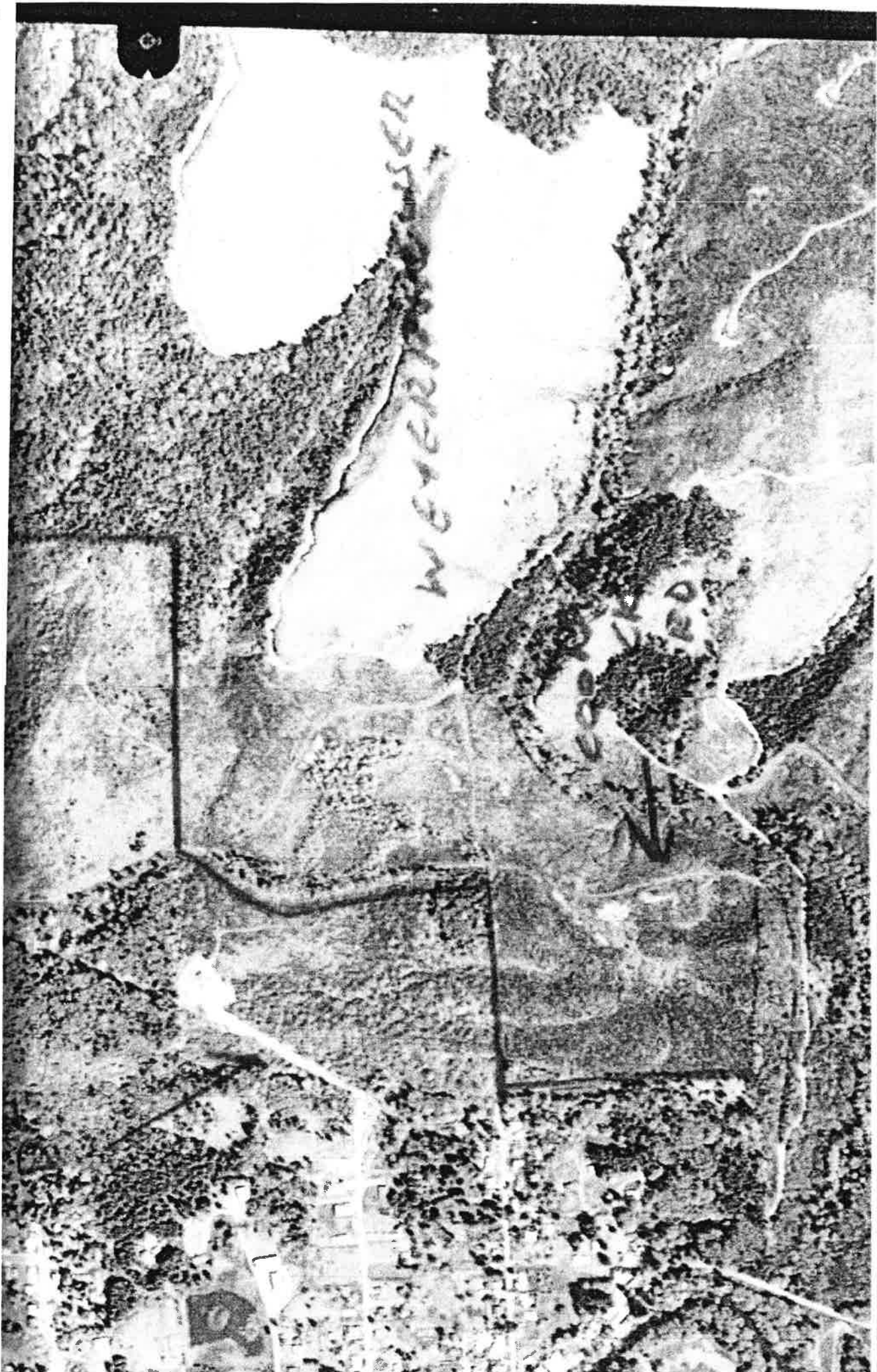
SEE MAP 4 4 4 4

SEE MAP 4 4 4 4

SEE MAP 4 4 4 10

SEE MAP 4 4 4

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& INDEX
VERNONIA



AGREEMENT

DATE: December 17, 1999

PARTIES: CITY OF VERNONIA ("City")

And

RICK AND MARCIE GWIN ("Developer")

Section 1. City agrees to allow Developer to connect a residential building into the City's water and sewer systems at Developer's cost and subject to City approval. The building lot is located on tax lot 4N-4W-03-000-00800, Cherry Street, Vernonia, OR 97064. The parcel is outside the City limits.

Section 2. Developer agrees to pay all related connection fees established by the City for water and sewer connections outside the city limits. Developer agrees to pay the current rate applicable at the time of the connection.

Section 3. Developer also agrees that water and sewer lines will be extended to the property at the developer's cost and upon connection to the system, the line extensions will have all appropriate easements and will become City Property. The lines will meet or exceed the City specifications for materials, size, depth and location. Developer shall have all plans approved by the City Director of Public Works prior to installation.

Section 4. If the specifications are not met at the time of the connection, the City has no obligation to allow the Developer to connect to the City's water and sewer systems.

Section 5. Developer also agrees to annex the property into the City upon request of the City. This agreement to annex is for an indefinite period of time, and cannot be canceled or terminated. Whether annexation is initiated by the City or by Developer, Developer is still responsible for paying the applicable fee for annexation requests at the time of the application or request by the City.

Section 6. This Agreement shall run with the entire property and transfers to the benefit of Developer's assigns, heirs and any subsequent purchasers. The responsibilities associated with annexation also run with the entire property and transfer to Developer's assigns, heirs and any subsequent purchasers.

Section 7. Developer shall have this document recorded at the County Clerk's office within thirty (30) days from the date of signing of this document. Failure on the

part of Developer to record this document in a timely manner shall not render this document void, nor shall any responsibilities of the parties contained herein be excused.

Section 8. This agreement is severable. If any provision of this agreement is found to be unlawful or unenforceable, the rest and remainder of the agreement remain in effect and the remaining provisions are binding on the parties.

Section 9. In the event that an action or lawsuit is filed to enforce any provision of this Agreement, the prevailing party shall be entitled to its reasonable attorney fees both at trial and on appeal.

FOR THE CITY:

FOR THE DEVELOPER:

Art Parnow
MAYOR

Rick Gwin
RICK GWIN

Michael [Signature]
CITY ADMINISTRATOR

Marcie Gwin
MARCIE GWIN

Signed this 26th day of April, 00.

ATTEST:

Janelle Serafin
JANELLE SERAFIN, CITY RECORDER