

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Removal of the Dedication)
for Cemetery Purposes of a Portion of the)
Hudson Cemetery near Rainier, Oregon)
)
[Rainier Cemetery District Petition] _____)

ORDER NO. 88 - 2004

WHEREAS, pursuant to ORS 97.440, the Rainier Cemetery District (hereinafter "the District") brought a proceeding to remove a dedication for cemetery purposes from a portion of Hudson Cemetery located near Rainier, Oregon, before the Board of County Commissioners for Columbia County, Oregon, by filing a *Petition for Removal of Dedication*, a copy of which is attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS, Tom Greer, Chair of the Board of Directors of the District represented in the Petition that the portion of the cemetery from which the removal of dedication for cemetery purposes is sought has not previously been used for interment; and

WHEREAS, that portion of Hudson Cemetery from which the District proposed the removal of the dedication is described as that area designated "Parking" lying North of Block 4 and South of the 20 foot additional right-of-way dedicated on the Hudson Cemetery Plat recorded in the deed records of the Columbia County Clerk at Book 3, page 51; and

WHEREAS, that portion of Hudson Cemetery from which the dedication is to be removed is depicted on a copy of the Hudson Cemetery Plat which is attached hereto as Exhibit B and by this reference incorporated herein; and

WHEREAS, a public hearing was scheduled for December 1, 2004, at 10:00 a.m. in the Commissioners' Meeting Room, Room 308 of the Columbia County Courthouse, St. Helens, Oregon, as required by ORS 97.440; and

WHEREAS, the Notice of Public Hearing was published once a week for four consecutive weeks in a newspaper of general circulation within Columbia County, and was published twice in a newspaper with statewide circulation; and

WHEREAS, at said hearing Tom Greer, Chair of the District Board of Directors, was present in support of the *Petition for Removal of Dedication* and to testify that no interment of human remains has occurred within that portion of Hudson Cemetery from which the removal of dedication is sought; and

WHEREAS, no further testimony on the Petition was received by the Board; and

WHEREAS, the Board finds that the petition meets the requirements of ORS 97.440 and that proof satisfactory has been received that the portion of the cemetery for which dedication is sought to be removed is not being used for interment of human remains.

NOW, THEREFORE, IT IS HEREBY ORDERED AND DECREED that, upon satisfactory payment by the District of the costs of publication of the hearing notice occurred herein, the dedication for cemetery purposes of that portion of Hudson Cemetery designated as "Parking" lying North of Block 4 and South of the 20 foot additional right-of-way as depicted on the Hudson Cemetery Plat recorded in the deed records of the Columbia County Clerk at Book 3, page 51 is hereby removed.

DATED this 8th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Chair

By: [Signature]
Commissioner

By: [Signature]
Commissioner

APPROVED AS TO FORM:

By: [Signature]
Office of County Counsel

S:\COUNSEL\SPECDIST\RAINIER CEMETERY\ORDER REMOVE.wpd

EXHIBIT A

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Removal of the
Dedication for Cemetery Purposes
of a Portion of the Hudson Cemetery
near Rainier, Oregon

)
)
)
)

**PETITION FOR REMOVAL
OF DEDICATION**

Pursuant to ORS 97.440, the Rainier Cemetery District (hereinafter "the District"), by and through its Board of Directors, hereby petitions the Board of County Commissioners (hereinafter "the Board") for the removal of a portion of the Hudson Cemetery dedicated for cemetery purposes.

1) The District owns the real property on which the Hudson Cemetery is located, said property being commonly referred to as Tax Account No. 7313-011-00600, and located on Larson Road near Rainier, Oregon. The property is depicted on the map attached hereto as Exhibit A and by this reference incorporated herein.

2) The District is the duly appointed cemetery authority and is entitled to bring this petition under ORS 97.440. A copy of the Certificate of Authority to Operate a Cemetery issued by the Oregon Mortuary & Cemetery Board is attached hereon as Exhibit B and by this reference incorporated herein.

3) The District represents and affirms that the portion of the cemetery from which they seek the removal of the dedication for cemetery purposes has not previously been used for internment.

4) The District desires to remove the dedication for cemetery purposes from a portion of the Hudson Cemetery so that that portion may be used as a cemetery for burying pets.

5) That portion of the cemetery from which the dedication is sought to be removed is highlighted on the Hudson Cemetery plat, recorded in the deed records of the Columbia County Clerk at Book 3, page 51, attached hereto as Exhibit C and by this reference incorporated herein, and is more particularly described as that area designated

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"Parking" which lies North of Block 4 and South of the 20 foot additional right of way dedicated on the Hudson Cemetery plat.

Dated this 1 day of November, 2004.

BOARD OF DIRECTORS FOR THE
RAINIER CEMETERY DISTRICT

By: Tom Greer

Tom Greer, Chair

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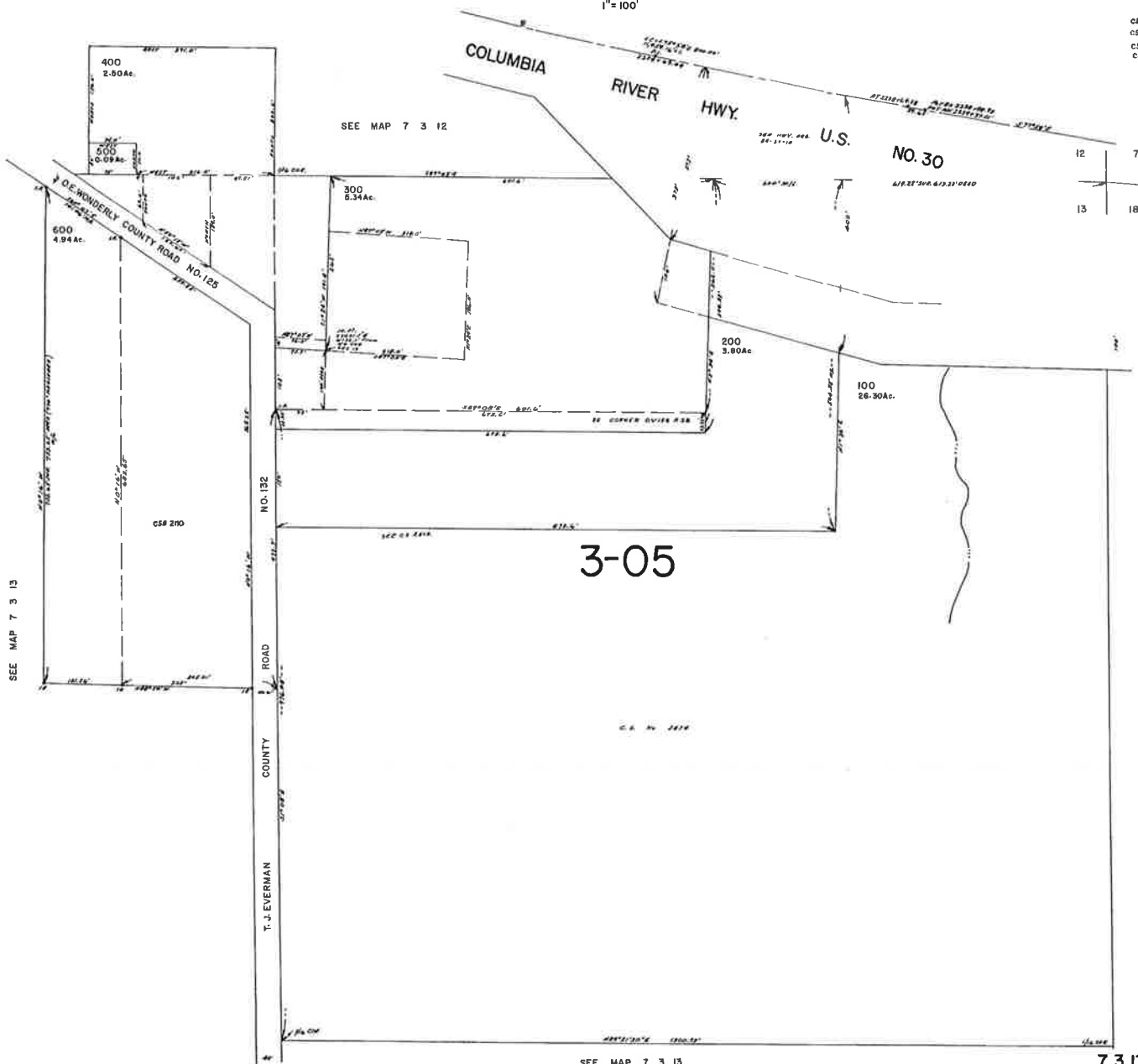
EXHIBIT A

NE1/4 NE1/4 SEC.13 T.7N. R.3W. W.M.
COLUMBIA COUNTY

7 3 13 11

1" = 100'

C58 488
C58 2612
C58 2874
C58 2971



73-13 10 APRIL 1977

7 3 13 11

EXHIBIT B

2003/2004-CS-0155
CERTIFICATE NUMBER

833 41732 41700 1819 11/15/2002 879

**STATE OF OREGON
MORTUARY & CEMETERY BOARD
CERTIFICATE OF AUTHORITY TO OPERATE A CEMETERY**

Owner(s): RAINIER CEMETERY DISTRICT
Licensed Facility: HUDSON CEMETERY
Manager: BUCKHALTER, KELLY K
Location: LARSON ROAD (OFF FERN HILL ROAD)
RAINIER OR 97048

\$141.00
PAYMENT
RECEIVED

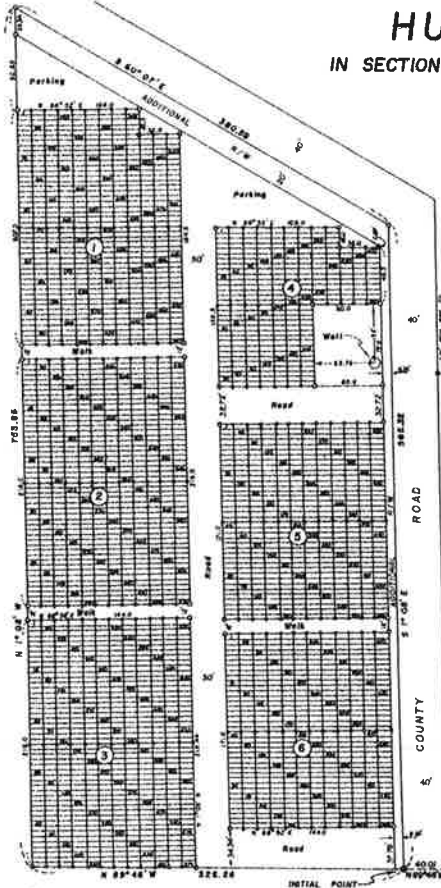
EFFECTIVE DATE:
January 1, 2003

EXPIRATION
DATE
MO. DAY YR.
December 31, 2004

AUDIT NO. B 07829

NOT TRANSFERABLE

ORIGINAL



HUDSON CEMETERY

IN SECTION 13, T. 7 N., R. 3 W., W.M., COLUMBIA COUNTY, OREGON



STATE OF OREGON
County of Columbia

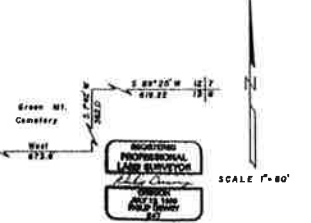
I, R. J. H. H. H. H. H. - Clerk of the above named County and State, and Clerk of the County Court, do hereby certify that the foregoing copy of a plat has been by me compared with the original and that such variation, if any, is due to the usual process of copying up and down and to the usual process of copying up and down.

IN WITNESS WHEREOF, I have hereunto set my hand and placed the seal of said Court, this day of April, 1973.

DEDICATION

NOTES:
 O Corner: INITIAL POINT
 O Corner: 5/8" x 30" IRON ROD
 + Corner: 1/2" x 30" IRON ROD

LOT SIZES: All lots except as noted below are 48 feet by 12 feet.



LOT SIZES IN BLOCK 3

LOT #	WEST SIDE	EAST SIDE	NORTH & SOUTH SIDES
48	48 feet	4.79 feet	12 feet
56	4.79	3.07	12
64	3.07	3.36	12
82	3.36	5.85	12
80	5.85	2.91	12
208	3.31	6.22	12
328	6.22	6.50	12
304	6.50	6.79	12
402	6.79	7.08	12
480	7.08	7.36	12
558	7.36	7.65	12
636	7.65	7.94	12

APPROVED May 11, 1973 Joseph H. Gierhart
 Col. Co. Assessor

APPROVED May 21, 1973 Richard Thompson
 Col. Co. Auditor

APPROVED May 21, 1973 Richard Thompson
 Col. Co. Road Master

APPROVED July 28, 1973 Robert M. Adams
 Wash. Co. Surveyor

APPROVED May 7, 1973 Richard Thompson
 Col. Co. Planning Comm. Chairman

APPROVED July 6, 1973 Richard Thompson
 Clatsop County Board of Commissioners

Chairman: Richard Thompson
 Commissioner: Richard Thompson
 Commissioner: Richard Thompson

Taxes from July 1, 1973, to June 30, 1973, have been paid.

Col. Co. Sheriff: Richard Thompson

KNOW ALL MEN BY THESE PRESENTS, That we the Regular Cemetery District, a Municipal Corporation of the County of Columbia, State of Oregon, by its authorized Trustee's do hereby dedicate the land embraced in the annexed plat to be surveyed, laid out, and platted to be known as "HUDSON CEMETERY" and the additional R/W or shown on said plat to hereby dedicated to the use of the public forever, that the tracts embraced in said plat and covered by this dedication are situated in the County of Columbia, State of Oregon and are bounded and described as follows: Beginning at a point which is the Northwest corner of Section 13, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; thence South 88° 25' West 612.22 feet; thence South 1° 42' West 328.0 feet; thence West 479.5 feet to an iron pipe in the East right of way line of the County Road; thence South 1° 00' East 433.7 feet; thence North 88° 48' West 608 feet to a point in the Westerly right of way line of said County Road which is the initial point of the cemetery hereto described; thence North 88° 48' West a distance of 328.0 feet; thence North 1° 00' West a distance of 736.64 feet to a point in the Northeastern right of way line of said County Road; thence following said right of way line South 80° 00' East a distance of 360.88 feet; thence South 1° 00' East a distance of 802.32 feet to the initial point.

IN WITNESS WHEREOF Regular Cemetery District have caused these presents to be signed by its Chairman and Treasurer this 21st day of April, 1973.

Regular Cemetery District
 Chairman: Richard Thompson Treasurer: Richard Thompson

STATE OF OREGON
 COUNTY OF COLUMBIA

I, Richard Thompson, Notary Public for said County and State, personally know Richard Thompson, Chairman, and Richard Thompson, Treasurer, of the Regular Cemetery District, both personally known to me to be the identical persons who executed the foregoing instrument and that they executed the same freely and voluntarily for the uses and purposes therein stated.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal this day and year in the certification first written by me as above.

Richard Thompson
 Notary Public for said County and State of Oregon.

SURVEYOR'S CERTIFICATE

STATE OF OREGON
 COUNTY OF COLUMBIA

I, Richard Thompson, being first duly sworn, depose and say that I am a Registered Professional Land Surveyor of the State of Oregon; that I have personally surveyed the land shown on the annexed plat; that the initial point is a 2" by 30" iron pipe buried 8" below the ground and being South 88° 25' West 612.22 feet and South 1° 42' West 328.0 feet and West 479.5 feet and South 1° 00' East 433.7 feet and North 88° 48' West 608 feet and North 1° 00' East 328.0 feet and South 1° 00' East 736.64 feet and South 80° 00' East 360.88 feet and South 1° 00' East 802.32 feet from the Northwest corner of Section 13, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon as shown therein.

Registered Professional Land Surveyor No. 847
Richard Thompson

Subscribed and sworn to before me this 21st day of April, 1973.
 Notary Public in and for the State of Oregon.
 My Commission Expires 11/15/77
Richard Thompson

Filed July 30 1973
 Roy A. H. H. H. H. H.
 R. J. H. H. H. H. H.

EXHIBIT B

Book 3 Page 51

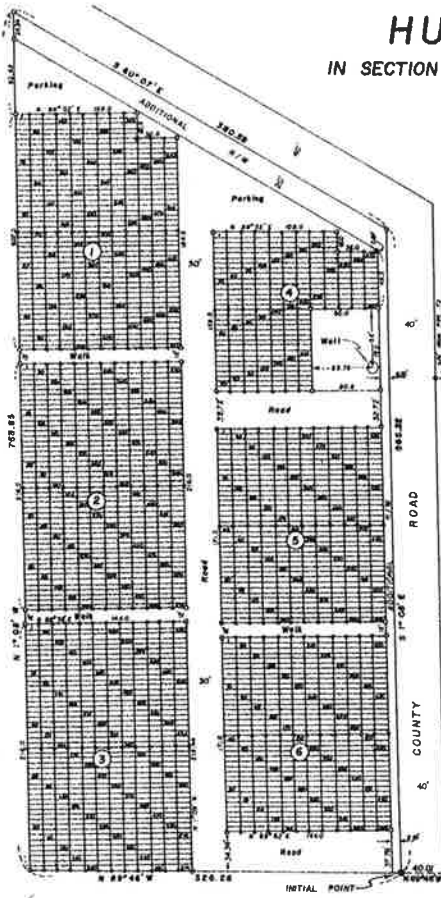


STATE OF OREGON
County of Columbia
I, Ray A. H. Hays, County Clerk of the above named County and State, and Clerk of the County Court, do hereby certify that the foregoing map of a plat has been by me compared with the original and that such original plat is the same as appears of record in my office and is by me duly and correctly.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this day of April, 1973.

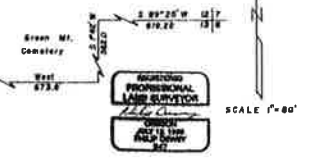
Ray A. H. Hays
County Clerk

HUDSON CEMETERY
IN SECTION 13, T. 7 N., R. 3 W., W.M., COLUMBIA COUNTY, OREGON



NOTES:
 • Center: INITIAL POINT
 • Center: 6 1/2" X 24" IRON ROD
 • Center: 1 1/2" X 24" IRON ROD

LOT SIZES: All lots except as noted below are 40 feet by 12 feet.



LOT SIZES IN BLOCK 3

LOT #	WEST SIDE	EAST SIDE	NORTH & SOUTH SIDES
48	4.5 feet	4.79 feet	12 feet
96	4.79 "	5.07 "	12 "
144	5.07 "	5.35 "	12 "
192	5.35 "	5.63 "	12 "
240	5.63 "	5.91 "	12 "
288	5.91 "	6.22 "	12 "
336	6.22 "	6.50 "	12 "
384	6.50 "	6.79 "	12 "
432	6.79 "	7.08 "	12 "
480	7.08 "	7.36 "	12 "
528	7.36 "	7.65 "	12 "
576	7.65 "	7.94 "	12 "

APPROVED Ray A. H. Hays, 1973
 Col. Co. Assessor

APPROVED Ray A. H. Hays, 1973
 Col. Co. Sheriff

APPROVED Ray A. H. Hays, 1973
 Col. Co. Road Master

APPROVED Ray A. H. Hays, 1973
 Wash. Co. Surveyor

APPROVED Ray A. H. Hays, 1973
 Col. Co. Planning Comm. Chairman

APPROVED Ray A. H. Hays, 1973
 Columbia County Board of Commissioners

Chairman: Ray A. H. Hays
 Commissioner: Ray A. H. Hays
 Commissioner: Ray A. H. Hays

Taken from July 1, 1972, to June 30, 1972, have been paid.

Col. Co. Sheriff: Ray A. H. Hays

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That we the Reister Cemetery District, a Municipal Corporation of the County of Columbia, State of Oregon, by its authorized Trustees has caused the land embraced in the annexed plat to be surveyed, laid out, and plotted to be known as "HUDSON CEMETERY" and the additional A/W as shown on said plat is hereby dedicated to the use of the public forever, and the lands embraced in said plat and covered by this dedication are situated in the County of Columbia, State of Oregon and are bounded and described as follows: Beginning at a point which is the northeast corner of Section 13, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, thence South 89° 25' West 672.6 feet, thence South 1° 42' West 388.0 feet, thence West 672.6 feet to an iron pipe in the East right of way line of the County Road, thence South 1° 00' East 453.7 feet, thence North 89° 40' West 400.0 feet to a point in the Westerly right of way line of said County Road which is the initial point of the cemetery, thence thence North 89° 40' West a distance of 300.00 feet, thence West 1° 00' East a distance of 793.68 feet to a point in the easterly right of way line of said County Road, thence following said right of way line South 40° 00' East a distance of 800.00 feet, thence South 1° 00' East a distance of 963.32 feet to the initial point.

IN WITNESS WHEREOF Reister Cemetery District have caused these presents to be signed by its Chairman and Treasurer this 20th day of April, 1973.

Reister Cemetery District
 Chairman: Marion White Treasurer: Donald V. Parcher

STATE OF OREGON ss. This certifies that on this 12th day of April, 1973, before me a Notary Public in and for said County and State, personally appeared Marion White, Chairman, and Donald Parcher, Treasurer, of the Reister Cemetery District, both personally known to me to be the identical persons who executed the foregoing instrument and that they executed the same freely and voluntarily for the purposes therein stated.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal this day and year in the certificate first written by my commission expires January 7, 1975.

Marjorie Louder
 Notary Public - Oregon

STATE OF OREGON ss. I, Philip Down, being duly sworn, depose and say that I am a Registered Professional Land Surveyor of the State of Oregon; that I have correctly surveyed the plat shown on the annexed plat, that the initial point is a 4" x 2" x 24" iron pipe set 672.6 feet South 1° 42' West 388.0 feet and South 1° 00' East 453.7 feet and North 89° 40' West 400.0 feet from the northeast corner of Section 13, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon as shown thereon.

Registered Professional Land Surveyor No. 647 Philip Down

SURVEYOR'S CERTIFICATE

Subscribed and sworn to before me this 20th day of April, 1973.
 Notary Public in and for the State of Oregon.
Marjorie Louder
 Notary Public - Oregon

Filed July 30, 1973
 Ray A. H. Hays - Clerk
 Ray A. H. Hays - Clerk