

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed Vacation of a Portion)
of an Unnamed, Unimproved, Platted Right-of-Way)
and Accepting the Dedication of an Alternate Route)
for the Vacated Portion of this Right-of-Way Lying)
Within the Scappoose Acre Tracts Section 5)
Subdivision near Scappoose, Oregon)
)
[Scott and Rosalind McKenna])

ORDER NO. 11 - 2006
(Finalizing Vacation Proceedings and
Accepting Dedication)

WHEREAS, Scott A. McKenna and Rosalind R. McKenna own property known as Tax Account No. 4313-030-01000 within the Scappoose Acre Tracts Section 5 subdivision near Scappoose, Oregon, through which a portion of an unnamed, unimproved platted public right-of-way runs, and have filed a petition requesting that the Board vacate such portion of this platted right-of-way; and

WHEREAS, a copy of such petition is affixed hereto, labeled Attachment 1, and incorporated herein by this reference; and

WHEREAS, pursuant to ORS 368.341(1)(b) and Order No. 8 - 2006, proceedings to vacate this portion of this platted right-of-way lying within the Scappoose Acre Tracts Section 5 subdivision near Scappoose, Oregon, were initiated administratively upon the filing of the petition; and

WHEREAS, the petitioners are in the process of building a new home on or near the right-of-way and have requested the road vacation to allow completion of the new home; and

WHEREAS, pursuant to ORS 368.351, the Board may make its determination about the vacation of property without holding a hearing if: (1) the County Roadmaster files with the Board a written report that contains his assessment that the vacation would be in the public interest; and (2) the vacation proceedings were initiated by a petition under ORS 368.341 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. The petition must indicate the owners' approval of the proposed vacation";

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); and

WHEREAS, County Roadmaster, Dave Hill, filed a report with the Board stating his assessment that the vacation would be in the public interest upon dedication of public right-of-way through the McKenna's property, thereby not landlocking parcels to the south of the McKenna's property; and

WHEREAS, a copy of the Roadmaster's report is attached hereto as Attachment 2 and is incorporated herein by this reference; and

WHEREAS, on February 2, 2006, in response to the Roadmaster's report, petitioners executed and delivered to the County for acceptance a Dedication Deed for road and utility purposes, a copy of which is attached hereto, labeled Attachment 3 and is incorporated herein by this reference; and

WHEREAS, that portion of the public right-of-way proposed to be vacated is legally described in Attachment 4 which is attached hereto and is incorporated herein by this reference; and

WHEREAS, a map of the area proposed to be vacated is attached hereto as Attachment 5 and incorporated herein by this reference; and

WHEREAS, the alternate right-of-way is described on Exhibit A to the Dedication Deed which is attached hereto as Attachment 3; and

WHEREAS, a record of survey of the area proposed to be dedicated is attached to the Dedication Deed as Exhibit B; and

WHEREAS, because the petition meets the signature requirements of ORS 368.351(2), and the County Roadmaster has filed with the Board a written report stating his assessment that the vacation would be in the public interest upon the acceptance of the proposed dedication, the Board may make a determination about the vacation without holding a hearing.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Dedication Deed as shown in Attachment 3 is hereby accepted by the County for public road and utility purposes, as a local access road only and not as a county road..
2. Vacation of that portion of the platted right-of-way running through the property known as Tax Account No. 4313-030-01000 near Scappoose, Oregon, more particularly described on Attachment 4 and as shown in Attachment 5, is in the public interest.
3. The property described on Attachment 4 and depicted in Attachment 5 is hereby vacated and shall 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 road.
4. Pursuant to Order No. 55-2001, the required fee of \$1,000 was paid by the petitioners, \$500 deposited directly into the County Road Fund and \$500 was deposited 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 27 pp.]	\$135.00
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 28 pp. x 2]	\$14.00
Posting the Approved Road Vacation by County Surveyor	\$45.00 [per parcel]	\$45.00
TOTAL EXPENSES		\$256.00

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	:	\$182.50
To County Surveyor	:	\$ 45.00

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

7. The Dedication Deed shall be filed with and recorded by the County Clerk without cost.

8. The cartographer for the Assessor's Office shall make the appropriate changes to the Assessor's map depicting this platted right-of-way in keeping with this Order.

DATED this 22nd day of February, 2006.

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\ROADS\UNNAMED\McKENNA\ORDER VAC & DEDICAT.wpd

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

DEC 12 3 33 PM '05
COLUMBIA CO. CLERK
BY Jama DEP.

In the Matter of the Vacation of a public
right of way
 Located Near Eversole LN, Scappoose, OR
 Columbia County, Oregon

PETITION FOR VACATION

PV 2005-01

I/We, Scott McKenna and Rosalind McKenna, [insert name(s) of all petitioners], who
 reside at 27151 Eversole LN, Scappoose OR 97056 [insert address],
503.543.6154 [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:

Access easement as described in Exhibit A

b. Legal Description:

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:

To Improve existing property. The access easement
as it currently exist limits our ability to fully realize
the value of our property

b. Legal Description of your property:

Exhibit B

3. Creation of Public Interest.

See Exhibit A, 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].

Exhibit C

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

We would like to continue to develop our private permanent residence.

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

Scott A McKenna and Rosalind R McKenna
27159 Eversole LN
Scappoose OR 97056

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

See above

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

John Michael and Cheryl Boyd 27179 Eversole LN, Scappoose OR 97056

Teresa Malarkey 27143 Eversole LN, Scappoose OR 97056

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.

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)

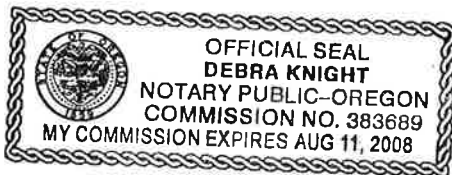
I/We Scott A McKenna and Rosalind R McKenna, am/are the petitioner(s) herein and hereby swear, under penalties of perjury, that the statements made in this petition, and the attachments hereto, are true to the best of my/our knowledge.

Scott A McKenna 12-8-05
(Petitioner's Name) (Date)

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

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

2005 Subscribed and sworn to before me this 8th day of December,



Debra Knight
Notary Public for Oregon
My Commission Expires:



**REYNOLDS
LAND
SURVEYING,
INC.**

32990 Stone Road

Warren, OR 97053

(503) 397-5516

Fax (503) 397-5518

December 5, 2005

Scott & Rosalind McKenna
Legal Description
Proposed Road Vacation

A portion of the 25 foot wide Platted Road between Tracts 91 and 93 "Scappoose Acre Tracts Section 5" in Section 13, Township 4 North, Range 3 West, Willamette Meridian, Columbia County, Oregon said portion being more particularly described as follows:

Beginning at the Northeast corner of said Tract 93, said point being on the Westerly right of way line of said 25 foot wide Platted Road; thence South $12^{\circ}54'$ East, along said Westerly right of way line, a distance of 150 feet more or less to the Southerly line of Parcel 1 of the Scott A. McKenna and Rosalind R. McKenna tract as described in Instrument No. 2005-008533, Clerk's Records, Columbia County, Oregon; thence Easterly, along said Southerly line to the Easterly right of way line of said 25 foot wide Platted Road; thence North $12^{\circ}54'$ West, along said Easterly right of way line a distance of 155 feet more or less to a point which is South $84^{\circ}43'$ East from the point of beginning; thence North $84^{\circ}43'$ West to the point of beginning.

Exhibit B

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 1:

That portion of Tracts 91 and 93, SCAPPOOSE ACRE TRACTS, in Columbia County, Oregon, described as follows:

Beginning at the Southeast corner of said Tract 91; thence South 86° 00' West along the South line of said Tract a distance of 639.9 feet to a point in the center of a platted road, said point being the Southwest corner of said Tract 91; thence North 12° 54' West along the West line of said Tract 91 a distance of 60.0 feet; thence Easterly to a point that is North 44° 32' East 99.07 feet from said Southwest corner of said Tract 91; thence North 15° 35' East 219.01 feet; thence North 54° 08' West 192.11 feet to an iron rod; thence South 89° 10' 30" West to the West line of said Tract 91, said point being in the center of a platted road; thence North 12° 54' West along the centerline of said platted road 5 feet; thence South 89° 10' 30" West to a point that is North 0° 08' East 415.85 feet from the South line of Tract 93, said point being on the East line of tract conveyed to Mary Neufeld by deed recorded August 28, 1973 in Book 192, page 851, Deed Records of Columbia County, Oregon; thence North 0° 08' East along the East line of said Neufeld tract to the Northeast corner thereof, said point being in the North line of said Tract 93; thence South 84° 43' East along the North line of said Tract 93 to the Northeast corner thereof, said point being in the center of a platted road at the Northwest corner of said Tract 91; thence along the centerline of said platted road North 47° 53' East 163.0 feet; thence South 84° 41' East 135.0 feet; thence South 76° 22' East along the centerline of said platted road to its intersection with the Northerly extension of the West line of that tract conveyed to Samuel R. Shadle, et ux, by deed recorded January 25, 1978 in Book 215, page 943, Deed Records of Columbia County, Oregon; thence Southerly along said Northerly extension to the South line of said platted road; thence along the boundary of said Shadle tract South 24° 08' West 27.12 feet; thence South 10° 42' East 91.59 feet; thence South 72° 25' East 445.11 feet to the Easterly line of said Tract 91; thence leaving said Shadle tract South 0° 91' West along the East line of said Tract 91, a distance of 322.13 feet to the point of beginning. EXCEPT that portion lying within roads as shown on the plat of Scappoose Acre Tracts.

EXCEPT that portion deeded to Lawrence J. Higgins by deed recorded in Deed Book 217, page 565.

Parcel 2: A non-exclusive easement for ingress, egress and utilities over the 20 foot right of way, being 10 feet on each side of the following described centerline: Beginning at the Southwest corner of Tract 91, Scappoose Acre Tracts, Columbia County, Oregon; thence North 44°32' East 99.07 feet; thence North 15°35' East 225.28 feet; thence North 25°40' East 170.86 feet; thence North 0°17' West 63.43 feet; thence North 10°42' West 89.29 feet; thence North 24°08' East 29.52 feet to the Southerly right of way line of the platted road of said Scappoose Acre Tracts.

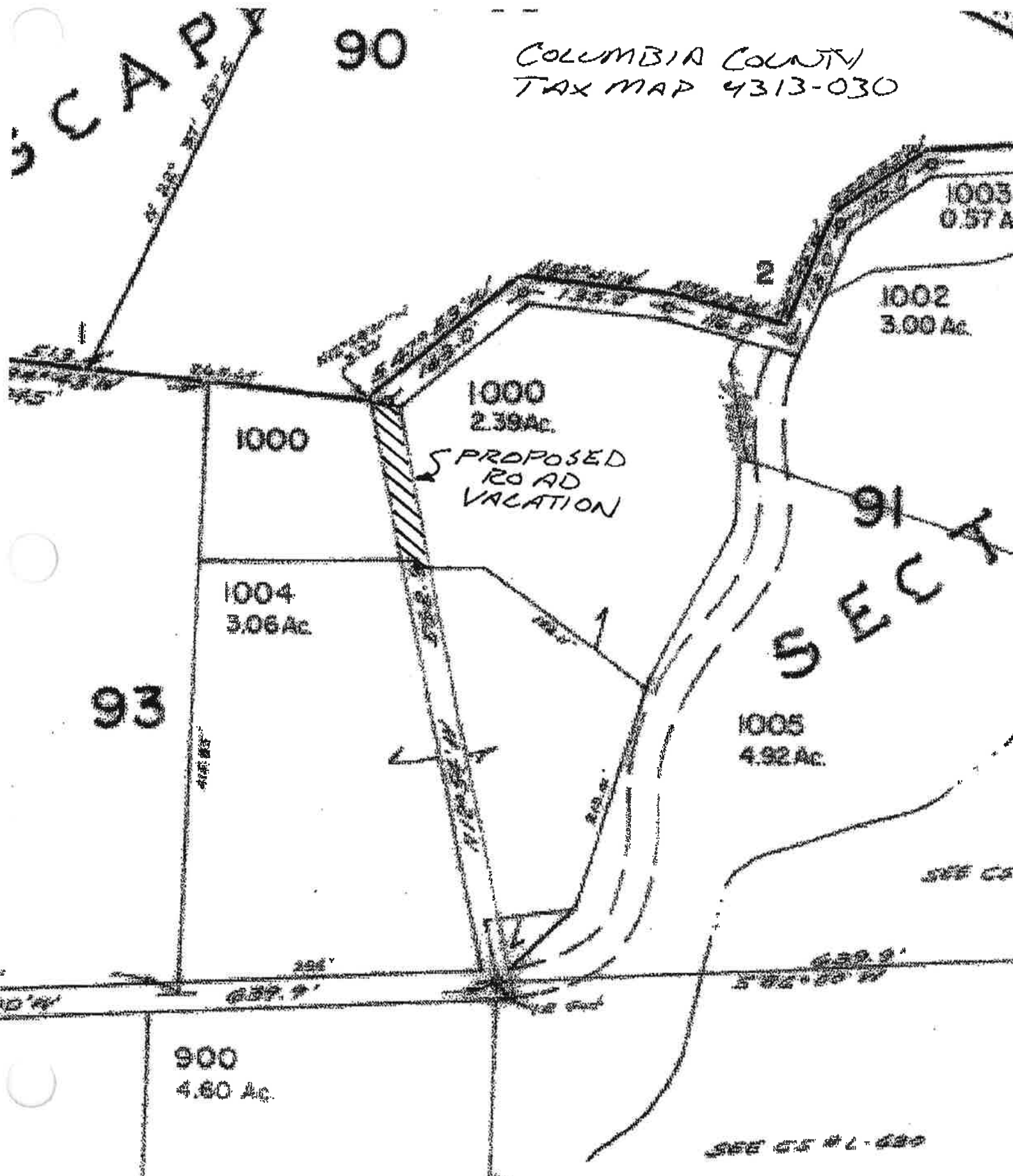
END OF LEGAL DESCRIPTION

FROM : REYNOLDS LAND SURVEYING

FAX NO. : 5033975518

Dec. 05 2005 02:06PM P3

Exhibit C



CONSENT OF ABUTTING PROPERTY OWNER(S)

(Each co-owner of abutting property must sign)

1. Name(s) of abutting property owner(s): John Michael and Cheryl Boyd
2. Mailing address of abutting property owner(s): 27179 Eversole LN
Scappoose OR 97056
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):
Attachment A

Tax Account No. 4313-030-01101

4. Legal description of property proposed for vacation (attach additional sheets if necessary):
Attachment B

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.

John Michael Boyd
(Property Owner's Signature)

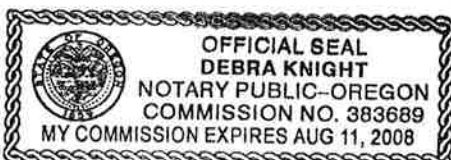
12-8-05
Date

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

12-8-05
Date

STATE OF OREGON)
County of Columbia) ss.

The foregoing instrument was acknowledged before me this 8th day of December,
2005, by John Michael & Cheryl Boyd
2005 DN



Debora Knight
Notary Public for Oregon
My Commission Expires: Aug. 11, 2008



**REYNOLDS
LAND
SURVEYING,
INC.**

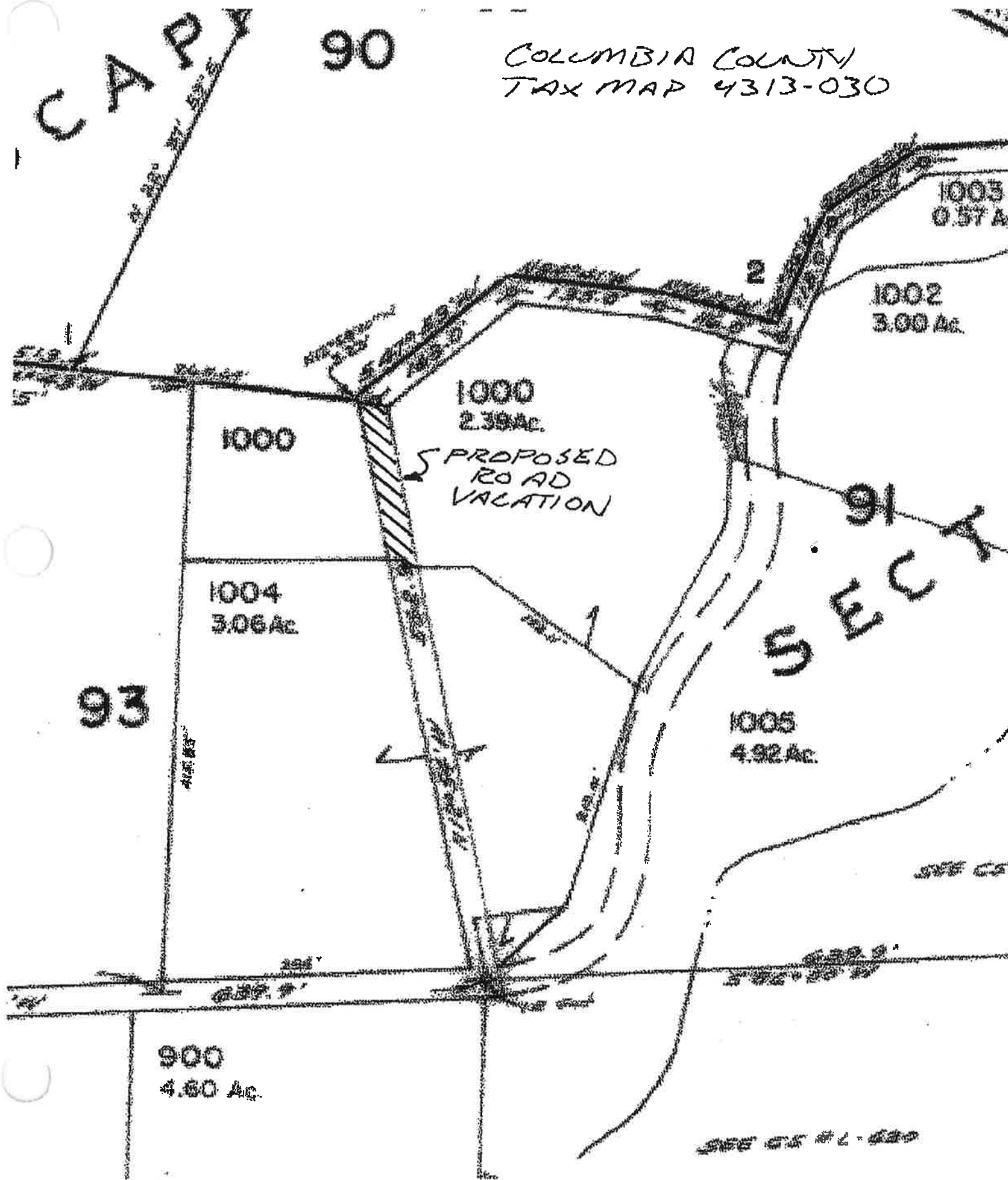
32990 Stone Road
Warren, OR 97146
(503) 397-5516
Fax (503) 397-5518

December 5, 2005

Scott & Rosalind McKenna
Legal Description
Proposed Road Vacation

A portion of the 25 foot wide Platted Road between Tracts 91 and 93 "Scappoose Acre Tracts Section 5" in Section 13, Township 4 North, Range 3 West, Willamette Meridian, Columbia County, Oregon said portion being more particularly described as follows:

Beginning at the Northeast corner of said Tract 93, said point being on the Westerly right of way line of said 25 foot wide Platted Road; thence South $12^{\circ}54'$ East, along said Westerly right of way line, a distance of 150 feet more or less to the Southerly line of Parcel 1 of the Scott A. McKenna and Rosalind R. McKenna tract as described in Instrument No. 2005-008533, Clerk's Records, Columbia County, Oregon; thence Easterly, along said Southerly line to the Easterly right of way line of said 25 foot wide Platted Road; thence North $12^{\circ}54'$ West, along said Easterly right of way line a distance of 155 feet more or less to a point which is South $84^{\circ}43'$ East from the point of beginning; thence North $84^{\circ}43'$ West to the point of beginning.



RECORDING REQUESTED BY
FIDELITY NATIONAL TITLE COMPANY OF OREGON

GRANTOR'S NAME
David W Johnson and Jennifer L Johnson

GRANTEE'S NAME
John Michael Boyd and Cheryl A Boyd

SEND TAX STATEMENTS TO:
Mr. and Mrs. John Michael Boyd
27179 Eversole Lane
Scappoose, OR 97056

AFTER RECORDING RETURN TO:
Mr. and Mrs. John Michael Boyd
27179 Eversole Lane
Scappoose, OR 97056

COLUMBIA COUNTY, OREGON 2005-004726
DEED-D
Cnt=1 Stn=8 HUSERB 04/08/2005 12:05:25 PM
\$10.00 \$11.00 \$10.00 Total:\$31.00



00019794200500047260020028

I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon
certify that the instrument identified herein was recorded in the Clerk
records.

Elizabeth E. Huser - County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

David W Johnson and Jennifer L Johnson, Husband and Wife, Grantor, conveys and warrants to

John Michael Boyd and Cheryl A Boyd, Husband and Wife, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Columbia, State of Oregon,

Subject to and excepting:

Forest Land Assessment/ Right of the public in and to any portion lying within the limits of public roads, streets and highways/ Covenants, conditions and restrictions as recorded/Easement as recorded

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$279,000.00 (See ORS 93.030)

DATED: April 4, 2005

David W. Johnson
David W Johnson

Jennifer L. Johnson
Jennifer L Johnson

STATE OF OREGON
COUNTY OF Multnomah

This instrument was acknowledged before me on

April 6, 2005
by David W. Johnson & Jennifer L. Johnson

Taryn Dockery
NOTARY PUBLIC-OREGON
MY COMMISSION EXPIRES: Aug 4, 2008

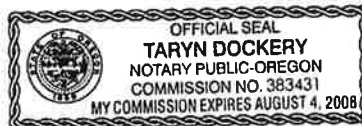


EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 2 of Partition Plat No. 1992-38, recorded December 30, 1992, Fee No. 92-9331, in
Columbia County, Oregon.

END OF LEGAL DESCRIPTION

Title No: 07-49488

CONSENT OF ABUTTING PROPERTY OWNER(S)

(Each co-owner of abutting property must sign)

1. Name(s) of abutting property owner(s): H. Teresa Malarkey
2. Mailing address of abutting property owner(s): 27143 Eversole LN
Scappoose OR 97056
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): _____

Tax Account No. 4373-030 01004

4. Legal description of property proposed for vacation (attach additional sheets if necessary): _____
Attachment B

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.

H. Teresa Malarkey
(Property Owner's Signature)

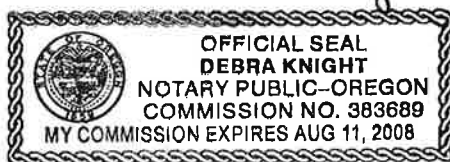
12-8-05
Date

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

Date

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 8th day of December,
2004, by Teresa Malarkey
2005



Debora Knight
Notary Public for Oregon
My Commission Expires: Aug. 11th, 2008

FROM : REYNOLDS LAND SURVEYING

FAX NO. : 5033975518

Dec. 05 2005 02:06PM P2

Attachment B



**REYNOLDS
LAND
SURVEYING,
INC.**

32990 Stone Road

Warren, OR 97146

(503) 397-5516

Fax (503) 397-5518

December 5, 2005

Scott & Rosalind McKenna

Legal Description

Proposed Road Vacation

A portion of the 25 foot wide Platted Road between Tracts 91 and 93 "Scappoose Acre Tracts Section 5" in Section 13, Township 4 North, Range 3 West, Willamette Meridian, Columbia County, Oregon said portion being more particularly described as follows:

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07/01/05 TO 06/30/06
REAL PROPERTY TAX STATEMENT
COLUMBIA COUNTY, OREGON
230 STRAND STREET
ST HELENS, OR 97051

BILLING QUESTIONS CALL 503 397-006
VALUE QUESTIONS CALL 503 397-224

LAST YEAR'S TAX 1,888.59

See back for explanation of taxes marked with (*)

CODE 0106 ACRES 3.06
ACCOUNT 4313-030-01004
PULL NO 0505133

OWNER MALARKEY H TERESA
PO BOX 336
SCAPPOOSE OR 97056-0336
SITUS 27143 EVERSOLE LN SCAPPOOSE

SCAPPOOSE 1 JT SCHOOL 910.46
NW REGIONAL ESD 27.96
PORTLAND COMM COLLEGE 51.78

EDUCATION TOTAL 990.20

COLUMBIA COUNTY 252.51
COLUMBIA HEALTH DISTRICT 69.58
SCAPPOOSE JT RFPD 324.92
SCAPPOOSE LIBRARY 46.43
COLUMBIA 4H & EXTENSION 10.38
COL 9-1-1 COMM DISTR 99.13
COLCO DEV AGENCY 3.39

GENERAL GOVT TOTAL 806.34

COLUMBIA COUNTY 63.66
SCAPPOOSE 1 JT SCHOOL 60.68
PORTLAND COMM COLLEGE 39.44
SCAP SCHOOL DEBT 92.10

BONDS - OTHER TOTAL 255.88

TOTAL 2005-06 TAX 2,052.42

VALUES:	LAST YEAR	THIS YEAR
M-5 VALUE RMV OR SA		
LAND	81,900	94,100
STRUCTURES	143,300	137,600
TOTAL M-5 VALUE	225,200	231,700

ASSESSED	177,770	183,100
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	177,770	183,100
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NET TAXABLE:

VOL F01 PG 1233

MOBILE HM MFD STRUCT X50032

If a mortgage company pays your taxes,
This statement is for your records only.

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount
1,990.85	1,340.91	684.14

TOTAL TAX (After Discount) 1,990.85

▲ Tear Here

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Tear Here ▲

2005-06 PROPERTY TAXES COLUMBIA COUNTY REAL 01-06 2 4313-030-01004

Full Payment Enclosed.....Due:	11-15-05	1,990.85
or 2/3 Payment Enclosed.....Due:	11-15-05	1,340.91
or 1/3 Payment Enclosed.....Due:	11-15-05	684.14

DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATE

☐ Mailing address
change on back

Enter Payment Amount
\$

MAKE PAYMENT TO
COLUMBIA COUNTY TAX COLLECTOR
230 STRAND STREET
ST HELENS OR 97051

OWNER MALARKEY H TERESA
PO BOX 336
SCAPPOOSE OR 97056-0336

0505133

After recording return to grantee herein.
Until a change is requested send all tax
statements to grantee herein.

KEY TITLE NO: 07-09223
ESCROW NO: 07-09223
TAX ACCT. NO: 0106 431303001004
MAP NO:

GRANTEE'S NAME AND ADDRESS:

SCOTT V. NIELSON

27123 S.W. AUGUSTA LANE

HILLSBORO, OR 97123

27123 Everette Lane
Shippore OR 97156

WARRANTY DEED -- STATUTORY FORM
(INDIVIDUAL, or CORPORATION)

LEON R CHILSON and LINDA A CHILSON, husband and wife Grantor,

conveys and warrants to:

SCOTT V. NIELSON and TERESA M. NIELSON, husband and wife, Grantee,

the following described real property free of encumbrances except as
specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

SUBJECT TO:

1. The rights of the public in and to that portion of the premises herein
described lying within the limits of roads, streets and highways.

2. Easement as reserved in Deed, including the terms and provision thereof,
For: Prospecting, exploring and mining minerals
Recorded: April 1, 1903
Book/Page: Z/598
Reserved by: A. W. Smith et ux

3. Easement as reserved in Deed, including the terms and provision thereof,
For: Prospecting, exploring and mining minerals
Recorded: December 27, 1905
Book/Page: 5/349
Reserved by: Lewis Montgomery et ux

The mineral interest reserved or excepted above has not been followed out
and subsequent transactions affecting said interest or taxes levied against
same are not reflected in this title evidence.

4. Easement for ingress and egress above and below the surface of the land
as implied by reservation of mineral rights in deed,
Dated: December 5, 1905
Recorded: December 26, 1905
Book/Page: 6/282
From: John H. Smith and Minnie Smith, his wife; A.M. Smith and Anna F.
Smith, his wife
To: Lewis Montgomery

The mineral interest reserved or excepted above has not been followed out
and subsequent transactions affecting said interest or taxes levied against
same are not reflected in this title evidence.

5. Easement for ingress and egress above and below the surface of the land
as implied by reservation of mineral rights in deed,
Dated: August 3, 1912
Recorded: August 13, 1912
Book/Page: 17/588
From: Chapman Timber Company, a corporation
To: Portland Trust Company of Oregon

The mineral interest reserved or excepted above has not been followed out
and subsequent transactions affecting said interest or taxes levied against
same are not reflected in this title evidence.

6. An easement created by instrument, including the terms and provisions
thereof,

Dated: August 6, 1948
Recorded: August 9, 1949
Fee Number: 89-4447
In favor of: West Oregon Electric Cooperative, Inc.
For: right of way to construct, operate, maintain an
electric transmission or distribution line or system
Affects: exact location not disclosed

7-9223

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$125,000.00. However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value was part of the/the whole of the (indicate which) consideration.

If grantor is a corporation, this has been signed by authority of the Board of Directors.

Dated this 15 day of Nov, 1995.

GRANTOR(S):

Leon R. Chilson
LEON R CHILSON

Linda A. Chilson
LINDA A CHILSON



STATE OF OREGON, County of Columbia) ss.

This instrument was acknowledged before me on 11/15, 1995,
by LEON R CHILSON and LINDA A CHILSON

Rosanne Bellisle
Notary Public for Oregon

My commission expires: 1/12/98

EXHIBIT "A"

A part of Tracts 91 and 93, Scappoose Acre Tracts, in the County of Columbia and State of Oregon, described as follows:

Beginning at a point on the South line of said Tract 93 that is 345 feet East of the Southwest corner of said Tract 93, said point being in the center of a platted road; thence North 86°00' East along the centerline of said platted road, 294.0 feet to the Southwest corner of said Tract 91; thence North 12°54' West along the West line of said Tract 91 a distance of 60.00 feet; thence Easterly to a point that is North 44°32' East 99.07 feet from said Southwest corner of said Tract 91; thence North 15°35' East 219.01 feet; thence North 54°08' West 192.11 feet to an iron rod; thence South 89°10'30" West to the West line of said Tract 91, said Point being in the center of a platted road; thence North 12°54' West along the centerline of said platted road 5 feet; thence South 89°10'30" West to a point that is North 0°08' East 415.85 feet from the point of beginning, said point being on the East line of tract conveyed to Mary Newfeld by deed recorded August 28, 1973 in Book 192, page 851, Deed Records of Columbia County, Oregon; thence South 0°08' West along said East line 415.85 feet to the point of beginning. EXCEPTING any portion lying within county roads. ALSO EXCEPTING THEREFROM minerals>

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS AS DISCLOSED BY DEED RECORDED JANUARY 19, 1976 IN BOOK 215, PAGE 837, DEED RECORDS OF COLUMBIA COUNTY, OREGON.

I hereby certify that the within instrument was received for record and recorded in the County of Columbia, State of Oregon.

2989 '95 NOV 21 P351
04989 Pages 3



ELIZABETH HUSER, County Clerk

By: [Signature] Deputy

Receipt #

Fees \$ 15.00

8046




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

to: The Columbia County Board of Commissioners
from: Dave Hill, Public Works Director 
date: February 22, 2006
subject: McKenna Road Vacation Petition for Portion of Unnamed Platted Road in Scappoose Acre Tracts Section 5
tax lot: 4313-030-01000

Scott and Rosalind McKenna have filed a petition for the vacation of a portion of a platted unnamed road in Scappoose Acre Tracts Section 5 in the Chapman Area. The subject right-of-way is currently not used for road purposes because the "as traveled" roadway in this area is in a different location but I do not believe the as traveled roadway is platted, surveyed or documented; but rather just a roadway that has been used for well over 10 years.

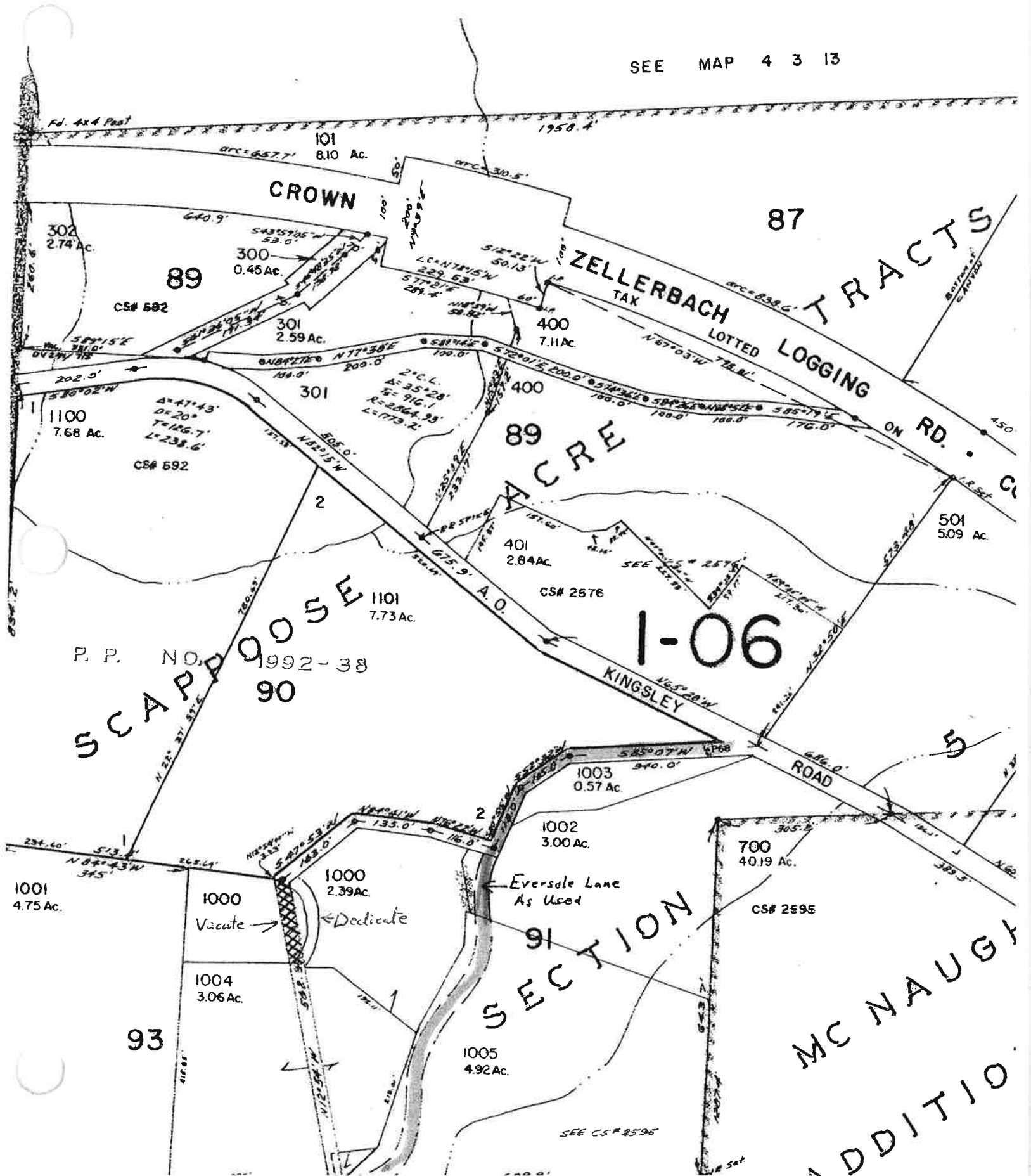
There is evidence of an old roadbed in the vicinity of the platted right-of-way but I am not clear on the history of the roads in this area or how the as traveled roadway (outside of the platted right-of-way) became the main roadway. It is likely that the as traveled roadway was more convenient because it is a shorter route and no sharp right-angled turns, and therefore just became the route most commonly used.

The road as it is currently used is known as Eversole Lane and there are 14 addresses on Eversole Lane and 10 or so are beyond the section proposed to be vacated. There is potential for 3 additional houses to be built along Eversole Lane. The platted right-of-way width is 25 feet.

The right-of-way proposed to be vacated (crosshatched on attachment 1) is currently being used as a home site. The rest of the platted Right-Of-Way (ROW) is not used for road purposes and is in use as forest land and pastureland. Due to the time constraints and the unlikelihood of this platted ROW ever being use for public road purposes I recommend that it be vacated in the vicinity of the home site. This recommendation is on condition that a newly dedicated ROW be established around the home site which will meet road curvature and land use setback requirements. The cost of vacation, survey, and dedication to be placed upon the applicant.

With these conditions, I believe that this vacation and subsequent dedication is in the best interests of the public and the property owners.

SEE MAP 4 3 13



Record of Survey
For Scott & Rosalind McKenna
Situated In Tract 91 & 93
Scappoose Acre Tracts-Section 5
Section 13, T.4N.,R.3W.,W.M.
January 26, 2006



REGISTERED
PROFESSIONAL
LAND SURVEYOR
DAVID E. REYNOLDS
No. 2157
RENEWAL DATE 12-31-2008

Reynolds
Land Surveying, Inc.
32990 Stone Road
Warren, Oregon 97143
(503) 397-6316

Line Table

COURSE	BEARING	DISTANCE
1-1	N 1°00'00"W	33.52'
1-2	20° 12'54"00"W	3.75'
1-3	S 85°00'42"E	33.82'
1-4	S 49°00'00"E	15.22'
1-5	S 18°00'00"W	44.82'
1-6	S 89°22'38"W	10.52'
1-7	N 19°22'14"W	5.00'
1-8	S 89°22'38"E	12.82'
1-9	N 19°00'00"E	48.10'
1-10	N 49°00'00"W	40.04'

Curve Table

CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C-1	100.00'	118.18'	88°00'00"	108.83'	S 18°00'00"E
C-2	70.00'	85.38'	89°00'00"	81.70'	N 19°00'00"W

Legend

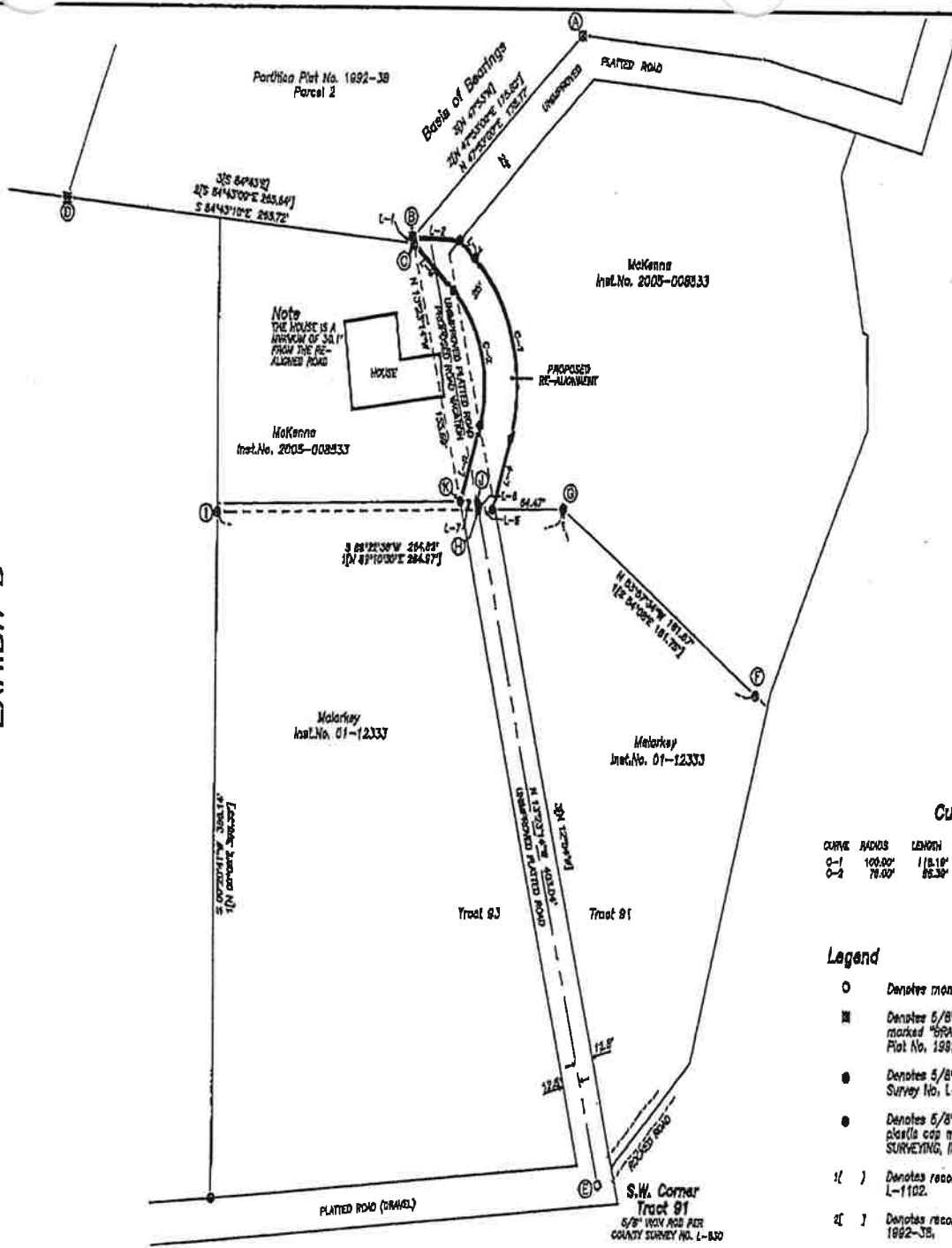
- O Denotes monument found as noted.
- Denotes 5/8" iron rod with yellow plastic cap marked "BRADY LS 1880" found per Partition Plat No. 1992-38. (Brady)
- Denotes 5/8" iron rod found per County Survey No. L-1102. (Swansy)
- Denotes 5/8"x30" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC" set.
- 1/ Denotes record data per County Survey No. L-1102.
- 2/ Denotes record data per Partition Plat No. 1992-38.
- 3/ Denotes record data per Plat Bk. 1, Pg. 32 "Scappoose Acre Tracts-Section 5".

Narrative

The purpose of this survey is to monument the proposed re-alignment of the 25' Platted Road through the McKenna property in accordance with ORS Chapter 368.

Basis of Bearings for this survey is Partition Plat No. 1992-38 between monuments found at points A and B. I held the monuments found at points A, B, C & D per said Partition Plat No. 1992-38. I held the monument found at point E, per County Survey No. L-630, for the centerline of the platted road. I offset the monuments found at points B & C, 12.50' Easterly for the centerline of the platted road. I held the monuments found at points F, G, and I per County Survey No. L-1102. I established point H at the intersection of the centerline of the platted road with line G-L. I held the distance L-H per deed. I held line J-K parallel with line G-L and set point K on the Westerly right of way line of the platted road. I monumented the proposed re-alignment as shown.

EXHIBIT B



GRANTORS' NAME AND ADDRESS:
Scott and Rosalind McKenna
27159 Eversole Lane
Scappoose, OR 97056

AFTER RECORDING, RETURN TO GRANTEE:
Office of County Counsel
Columbia County Courthouse, Room 308
230 Strand
St. Helens, OR 97051

ATTACHMENT 3

DEDICATION DEED

We, SCOTT A. McKENNA and ROSALIND McKENNA, husband and wife, the undersigned, Owners of certain real property situated in Columbia County, Oregon, do hereby forever dedicate to the public for public road and utility purposes the land which is described on the document labeled Exhibit "A", and which is shown by the survey labeled Exhibit "B", both of said Exhibits being attached hereto and incorporated herein by this reference.

The property described on Exhibits "A" and "B" is to be dedicated for use for public road and utility purposes only.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration for this conveyance is \$0.00, stated in terms of dollars.

DATED this 2 day of February, 2006.

DEDICATORS:

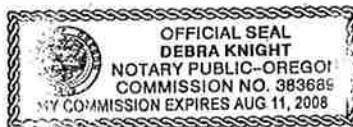
[Signature]
Scott A. McKenna

[Signature]
Rosalind R. McKenna

ACKNOWLEDGMENT

STATE OF OREGON)
County of Columbia) ss.

THIS INSTRUMENT was acknowledged before me on the 2nd day of February, 2006, by Scott A. McKenna and Rosalind R. McKenna.



[Signature]
Notary Public for Oregon

ACCEPTANCE

Columbia County, a political subdivision of the State of Oregon, by and through its Board of County Commissioners, hereby accepts the above dedication of land from Scott A. McKenna and Rosalind R. McKenna for public road and utility purposes forever on behalf of the public. This land is expressly accepted as a Local Access Road only, and not as a County road.

DATED this _____ day of _____, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: _____
Office of County Counsel

By: _____
Chair

By: _____
Commissioner

By: _____
Commissioner

EXHIBIT A

A tract of land in Tracts 91 and 93, "Scappoose Acre Tracts-Section 5" as per plat on file and of record in the Clerk's Office, Columbia County, Oregon in Section 13, Township 4 North, Range 3 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at the Southwest corner of Parcel 2 of Partition Plat No. 1992-38 as per plat on file and of record in the Clerk's Office, Columbia County, Oregon; thence South $84^{\circ}43'10''$ East, along the South line of said Parcel 2, a distance of 265.72 feet to a $5/8$ " iron rod with yellow plastic cap marked "BRADY LS 1860" found on the Westerly right of way line of a Platted Road said point being the **true point of beginning** of the following described tract; thence North $12^{\circ}32'01''$ West, along said Westerly right of way line, a distance of 3.28 feet to a $5/8$ " iron rod with yellow plastic cap marked "BRADY LS 1860"; thence South $88^{\circ}00'42''$ East a distance of 35.92 feet to a $5/8$ " iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence South $48^{\circ}00'00''$ East a distance of 15.22 feet to a $5/8$ " iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence along the arc of a 100.00 foot radius curve to the right (the long chord bears South $15^{\circ}00'00''$ East 108.93 feet) an arc distance of 115.19 feet to a $5/8$ " iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence South $18^{\circ}00'00''$ West a distance of 44.82 feet to a $5/8$ " iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC." on the South line of Parcel 1 of the Scott R. McKenna and Rosalind R. McKenna tract as described in Instrument No. 2005-008533, Clerk's Records, Columbia County, Oregon; thence along said South line of the McKenna tract the following 3 courses: South $89^{\circ}22'36''$ West a distance of 10.82 feet; thence North $13^{\circ}23'14''$ West a distance of 5.00 feet; thence South $89^{\circ}22'36''$ West a distance of 12.82 feet to a $5/8$ " iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence North $18^{\circ}00'00''$ East a distance of 48.10 feet to a $5/8$ " iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence along the arc of a 75.00 foot radius curve to the left (the long chord bears North $15^{\circ}00'00''$ West a distance of 81.70 feet) an arc distance of 86.39 feet to a $5/8$ " iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence North $48^{\circ}00'00''$ West a distance of 40.06 feet to the true point of beginning.

Record of Survey
For Scott & Rosalind McKenna
Situated In Tract 91 & 93
Scappoose Acre Tracts-Section 5
Section 13, T.4N., R.3W., W.M.
January 26, 2006



Scale: 1"=100'

CP-010118
SC03101132
N:08007M
FB:78

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DAVID E. REYNOLDS
2157

RENEWAL DATE: 12-31-2008

Reynolds
Land Surveying, Inc.
32990 Stone Road
Warren, Oregon 97143
(503) 387-8518

Line Table

COURSE	BEARING	DISTANCE
L-1	N 12°32'01"W	3.39'
L-2	S 89°00'42"E	35.65'
L-3	S 48°00'00"E	18.23'
L-4	S 18°30'00"W	44.83'
L-5	S 88°22'38"W	10.85'
L-6	N 12°23'14"W	5.00'
L-7	S 89°22'38"W	12.85'
L-8	N 16°00'00"E	48.15'
L-9	N 48°00'00"W	40.00'

Curve Table

CURVE	RADIUS	LENGTH	DELTA	CHORD	CHL BEARING
C-1	100.00'	118.19'	89°00'00"	108.83'	S 18°00'00"E
C-2	75.00'	88.38'	89°00'00"	81.70'	N 16°00'00"W

Legend

- Denotes monument found as noted.
- Denotes 5/8" iron rod with yellow plastic cap marked "BRADY LS 1880" found per Partition Plat No. 1992-38. (Brady)
- Denotes 5/8" iron rod found per County Survey No. L-1102. (Swaney)
- Denotes 5/8"x30" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC" set.
- 1f] Denotes record data per County Survey No. L-1102.
- 2f] Denotes record data per Partition Plat No. 1992-38.
- 3f] Denotes record data per Plat Bk. 1, Pg. 32 "Scappoose Acre Tracts-Section 5".

Narrative

The purpose of this survey is to monument the proposed re-alignment of the 25' Platted Road through the McKenna property in accordance with ORS Chapter 368.

Basis of Bearings for this survey is Partition Plat No. 1992-38 between monuments found at points A and B. I held the monuments found at points A, B, C & D per said Partition Plat No. 1992-38. I held the monument found at point E, per County Survey No. L-630, for the centerline of the platted road. I offset the monuments found at points B & C, 12.50' Easterly for the centerline of the platted road. I held the monuments found at points F, G and I per County Survey No. L-1102. I established point H at the intersection of the centerline of the platted road with line G-I. I held the distance L-4 per deed. I held line J-K parallel with line G-I and set point K on the Westerly right of way line of the platted road. I monumented the proposed re-alignment as shown.

Partition Plat No. 1992-38
Parcel 2

Basis of Bearings
30° 47' 30" W
20° 47' 30" E
N 47° 30" E 175.07'

PLATTED ROAD

McKenna
Inst.No. 2005-008533

Note
THE HOUSE IS A
MINIMUM OF 30.1'
FROM THE RE-
ALIGNED ROAD

HOUSE

McKenna
Inst.No. 2005-008533

Malarkey
Inst.No. 01-12333

Malarkey
Inst.No. 01-12333

Tract 93

Tract 91

PLATTED ROAD (GRAVEL)

S.W. Corner
Tract 91
5/8" IRON ROD PER
COUNTY SURVEY NO. L-630

January 30, 2006

Scott and Rosiland McKenna
Proposed Road Vacation

All that portion of the Platted Road through Tracts 91 and 93 "Scappoose Acre Tracts-Section 5" as per plat on file and of record in the Clerk's Office, Columbia County, Oregon in Section 13, Township 4 North, Range 3 West, Willamette Meridian, Columbia County, Oregon lying within the boundaries of the following described tract:

Beginning at the Southwest corner of Parcel 2 of Partition Plat No. 1992-38 as per plat on file and of record in the Clerk's Office, Columbia County, Oregon; thence South 84°43'10" East, along the South line of said Parcel 2, a distance of 265.72 feet to a 5/8" iron rod with yellow plastic cap marked "BRADY LS 1860" found on the Westerly right of way line of a Platted Road said point being the **true point of beginning** of the following described tract; thence North 12°32'01" West, along said Westerly right of way line, a distance of 3.28 feet to a 5/8" iron rod with yellow plastic cap marked "BRADY LS 1860"; thence South 88°00'42" East a distance of 35.92 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence South 48°00'00" East a distance of 15.22 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence along the arc of a 100.00 foot radius curve to the right (the long chord bears South 15°00'00" East 108.93 feet) an arc distance of 115.19 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence South 18°00'00" West a distance of 44.82 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC." on the South line of Parcel 1 of the Scott R. McKenna and Rosalind R. McKenna tract as described in Instrument No. 2005-008533, Clerk's Records, Columbia County, Oregon; thence along said South line of the McKenna tract the following 3 courses: South 89°22'36" West a distance of 10.82 feet; thence North 13°23'14" West a distance of 5.00 feet; thence South 89°22'36" West a distance of 12.82 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC." on the Westerly right of way line of said Platted Road; thence North 13°23'41" West, along said Westerly right of way line, a distance of 155.69 feet to the true point of beginning.

