

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed Vacation of All)
of Four Platted Rights-of-way and a Portion of)
Several More within Hillcrest Parts 3 and 4,) **ORDER NO. 81 - 2006**
Subdivisions Near Scappoose, Oregon) (Initiating/Finalizing Vacation Proceedings)
)
[Russell/Recht/Hillcrest Investments Petition])
_____)

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, Susan Russell, The Richard and Karen Recht Charitable Remainder Unitrust, and Hillcrest Investments, LTD (hereinafter "Petitioners") own property abutting those portions of the platted, unconstructed rights-of-way known as Madrona Street, Rose Street, Manzanita Street, Fernridge Street, Valley View, Ridgeway Drive, Foothill Blvd., Lakeside Drive, Canyon Drive, Silver Butte Way, Overlook Avenue, Trillium Drive and Briarwood in Hillcrest Parts 3 and 4, subdivisions near Scappoose, Oregon, proposed to be vacated, and have filed with the Board a petition requesting the Board vacate all or portions of these rights-of-way as more fully described below; and

WHEREAS, a copy of the petition, except for that portion of Exhibit G to the petition consisting of numerous tax account statements submitted to prove ownership of abutting properties, is attached hereto, labeled Exhibit A and is incorporated herein by this reference; and

WHEREAS, Condition 5 of Ordinance No. 2006-3, *In the Matter of an Application by Richard Recht, Chris Nelson, and Scott and Sue Russell for a Comprehensive Plan Amendment and Zone Change from FA-19 to PF-76 and from FA-19 to RR-5*, provided that either the lots rezoned to PF-76 were to be re-platted into one parcel or irrevocably bound by covenant, and the vacation of these rights-of-way, or portions thereof, constitutes a necessary step in re-platting abutting lots into one parcel; and

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

WHEREAS, those portions of the platted, unconstructed roadways proposed to be vacated by the Petitioners are more particularly described as follows:

That portion of Madrona Street beginning at the east side of its

intersection with Fernridge Street, thence east to the southerly extension of the line between Lots 8 and 7, Block 28, Hillcrest Part 3, Columbia County, Oregon.

That portion of Rose Street beginning at the east side of its intersection with Fernridge Street, thence east to the southerly extension of the lot line between Lots 11 and 12, Block 32, Hillcrest Part 3, Columbia County, Oregon.

That portion of Manzanita Street beginning at the east side of its intersection with Fernridge Street, thence east to the southerly extension of the lot line between Lots 11 and 12, Block 35, Hillcrest Part 3, Columbia County, Oregon.

That portion of Fernridge Street beginning at the north side of its intersection with Manzanita Street, thence south to its intersection with Valley View, Hillcrest Part 3, Columbia County, Oregon.

That portion of Valley View beginning at the south side of the intersection with Lakeside Drive, then northerly and easterly to a line on the west side of the intersection of Valley View and Swager Road, said line located 70.06 feet southeast of the common point of Lots 9 and 10, Block 40, Hillcrest Part 4, and the angle point in the south line of Lot 17, Block 36, Hillcrest Part 3, Columbia County, Oregon.

That portion of Ridgeway Drive beginning at its west intersection with Valley View thence east and southeast to its intersection with the west side of Overlook Avenue, Hillcrest Part 4, Columbia County, Oregon.

All of Foothill Blvd., Hillcrest Part 4, Columbia County, Oregon.

All of Lakeside Drive, Hillcrest Part 4, Columbia County, Oregon.

All of Canyon Drive, Hillcrest Part 4, Columbia County, Oregon.

All of Silver Butte Way, Hillcrest Part 4, Columbia County, Oregon.

That portion of Overlook Ave. beginning at its intersection with Swager Road, thence south to its intersection on the north side of Ridgeway Drive, Hillcrest Part 4, Columbia County, Oregon.

That portion of Overlook Ave. beginning at its intersection with Wildwood Drive, thence north to a line on the east side of Lot 6, Block 42, running easterly and parallel to the north line of said Lot 6, being located 50 feet south of the common point of Lots 6 and 7,

Block 42, Hillcrest Part 4, Columbia County, Oregon.

That portion of Trillium Drive beginning at its intersection with Overlook Ave., thence east and northeast to a line being North 31°30' East on the northwest side of Lot 3, Block 50, said line being located 50 feet southwest of the common point of Lots 2 and 3, Block 50, Hillcrest Part 4, Columbia County, Oregon.

That portion of Briarwood beginning at its intersection with Wildwood Drive, thence southwest to the east line of Lot 5, Block 49, Hillcrest Part 4, Columbia County, Oregon.

And,

WHEREAS, a map of those rights-of-way or portions thereof proposed to be vacated by the Petitioners is attached hereto, labeled Exhibit B, and is incorporated herein by this reference; and

WHEREAS, Richard Recht has been named trustee of The Richard and Karen Recht Charitable Remainder Unitrust 2005, a petitioner herein, and, as such, has authority to sign the petition on behalf of the Trust, a copy of said trust agreement being attached hereto, labeled Exhibit C, and incorporated herein by this reference; and

WHEREAS, Jonathan Recht, David Recht, Joseph Recht, Maria Recht and Christopher Recht, each one-fifth owners of Lots 7 through 9, Block 50, Hillcrest Part 4, which abut a portion of Overlook Ave. proposed for vacation, have signed an Irrevocable Power of Attorney and Proxy naming Richard Recht as their attorney-in-fact for matters pertaining to these Lots, which document is attached hereto, labeled Exhibit D, and incorporated herein by this reference; and

WHEREAS, MJ Chase Investment Properties, LLC, owner and/or buyer of several properties abutting those rights-of-way proposed for vacation, has consented to the vacation of these rights-of-way, said Consent being attached hereto, labeled Exhibit E, 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 September 29, 2006,

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 F 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 portions of those certain platted, unconstructed rights-of-way as more particularly described above and as shown in Exhibit B, is in the public interest.
2. The property described above and depicted in Exhibit B 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 road.
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 \$3,000 was paid by the petitioner, \$1,500 deposited directly into the County Road Fund and \$1,500 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 99 pp.]	\$495.00
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 100 pp. x 2]	\$50.00

Posting the Approved Road Vacation by County Surveyor	\$70.00 x 3	\$210.00
	TOTAL EXPENSES	\$817.00

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	:	\$ 578.50
To County Surveyor	:	\$ 210.00

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 18th day of October, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Chair

By: 
Commissioner

By: 
Commissioner

APPROVED AS TO FORM:

By: 
Office of County Counsel

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