

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed                     )  
Legalization of a Portion of County         )  
Road "D", commonly known as             )  
West Lane Road                                 )

ORDER NO. 137-2007  
(Initiating Legalization Proceedings)

WHEREAS, the Columbia County Road Master/Public Works Director has determined that existing records on a portion of County Road "D" in Columbia County, commonly known as West Lane Road, are inaccurate and incomplete and are not retraceable, and as traveled and used for 10 years or more County Road "D" does not conform to the location as described in County records; and

WHEREAS, doubt exists through omission or defect as to the legal establishment or evidence of establishment survey location of the subject portion of County Road "D"; and

WHEREAS, the portion of County Road "D" for which legalization is proposed has been surveyed, with copies of a legal description and survey of that portion of County Road "D" attached hereto, labeled "Attachment A" and "Attachment B" respectively, and incorporated herein by this reference; and

WHEREAS, the County Road Master/Public Works Director has prepared and filed a written report with the Board, including the survey, recommending the legalization of the portion of County Road "D" as described, a copy of which report is attached hereto and labeled "Attachment C" and incorporated herein by this reference;

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1. The proceedings for legalizing that portion of County Road "D" legally described in Attachment A and surveyed in Attachment B are hereby initiated.
2. Attachments A and B are adopted in satisfaction of ORS 368.206(1)(a).
3. Attachment C is adopted in satisfaction of ORS 368.201(1)(b).
4. A hearing shall be held to consider whether to legalize the portion of County Road "D" in question. At or before the hearing, any person may file with the Board of County Commissioners any information that controverts any matter presented to the Board in the proceeding or alleging any new matter relevant to the proceeding.

5. Notice of these proceedings shall be provided under ORS 368.401 to 368.426 by service to owners of abutting land and by posting.

DATED this 12<sup>th</sup> of September, 2007.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: 

Rita Bernhard, Chair

By: 

Anthony Hyde, Commissioner

By: not present

Joe Corsiglia, Commissioner

Approved as to form:

By: 

Office of County Counsel

## Attachment "A"

### CENTERLINE DESCRIPTION

West Lane Road ( County Road 'D')  
COLUMBIA COUNTY, OREGON

The following description defines the legalized centerline for a portion of West Lane Road (County Road 'D').

A section of county road lying in the NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  of Section 12 and the E  $\frac{1}{2}$  of Section 1, Township 3 North, Range 2 West, Willamette Meridian and the SE  $\frac{1}{4}$  of Section 36, Township 4 North, Range 2 West, Willamette Meridian, beginning at the centerline of Crown Zellerbach Road and terminating at the Easterly right of way of the Portland – Western Railroad and being 30.00 feet on each side of the following described centerline.

Beginning at Engineer's Station 10+00.00, said station being 5,289.99 feet South and 1,073.20 feet West of the Southwest corner of the John McPherson Donation Land Claim No. 38, Township 3 North, Range 1 West, W.M.; thence North 07°47'14" East 482.47 feet; thence North 07°25'55" East 1290.98 feet; thence North 07°22'23" East 1006.63 feet; thence North 07°44'14" East 687.84 feet; thence North 07°29'56" East 674.79 feet; thence North 07°29'31" East 827.93 feet; thence along the arc of a 550.00 foot radius curve left (the long chord of which bears North 05°38'28" West 249.93 feet) 252.14 feet; thence North 18°46'27" West 16.61 feet; thence along the arc of a 400.00 foot radius curve left (the long chord of which bears North 31°02'57" West 170.09 feet) 171.39 feet; thence North 43°19'28" West 71.16 feet; thence along the arc of a 560.00 foot radius curve right (the long chord of which bears North 37°43'09" West 109.40 feet) 109.57 feet; thence North 32°06'50" West 44.99 feet; thence along the arc of a 600.00 foot radius curve left (the long chord of which bears North 38°34'05" West 134.89 feet) 135.17 feet; thence North 45°01'19" West 88.14 feet; thence along the arc of a 460.00 foot radius curve right (the long chord of which bears North 30°24'35" West 232.10 feet) 234.63 feet; thence North 15°47'51" West 403.75 feet; thence along the arc of a 700.00 foot radius curve left (the long chord of which bears North 23°30'23" West 187.80 feet) 188.36 feet; thence North 31°12'55" West 49.40 feet; thence along the arc of a 500.00 foot radius curve left (the long chord of which bears North 39°13'00" West 139.20 feet) 139.65 feet; thence North 47°13'05" West 21.27 feet; thence along the arc of a 300.00 foot radius curve left (the long chord of which bears North 56°19'34" West 94.98 feet) 95.38 feet; thence North 65°26'03" West 442.92 feet; thence North 67°06'35" West 235.84 feet to Engineer's Station 86+71.00, said point bears North 1646.20 feet and West 1957.46 feet from the Southwest Corner of the John McPherson Donation Land Claim No. 38, Township 3 North, Range 1 West, Willamette Meridian.

Bearings are based upon the Oregon State Plane Coordinate System – North Zone, 1983(CORS 96) Epoch 2002.

# **LEGALIZATION EXHIBIT** **WEST LANE ROAD** **COUNTY ROAD "D"**

**SECTIONS 1 & 12, TOWNSHIP 3 NORTH,  
 RANGE 2 WEST, WILLAMETTE MERIDIAN  
 SECTION 36, TOWNSHIP 4 NORTH,  
 RANGE 2 WEST, WILLAMETTE MERIDIAN  
 COLUMBIA COUNTY, OREGON**

SCALE 1"=600'

## **TERMINUS OF LEGALIZATION**

STATION 86+71.00  
 Point Bears North 1646.20 feet  
 and West 1957.46 feet from the  
 Southwest Corner of  
 John McPherson  
 Donation Land Claim No. 38,  
 T.3N., R.1W., of the Willamette Meridian

SCAPPOOSE  
 JEHOVAH'S  
 WITNESSES  
 207-12

COLUMBIA RIVER HWY.  
 PORTLAND-WESTERN  
 RAILROAD

HLAVINKA FAMILY TRUST  
 95-06466

LOBBY, MICHAEL E.  
 & KIMBERLY A.  
 2004-09921

MEYERS, WILLIAM F.  
 & JOHANNA  
 2001-13796

JONES,  
 FREDERICK L. SR.  
 & LEONA M  
 97-11899

PARKER, SCOTT T.  
 99-16695

2005-008391

LAWRY, RENEE E.  
 & PIZZO, DUANE  
 2005-13826

HECKMAN,  
 THOMAS R.  
 2000-00266

98-07990

MALONEY, DAVE  
 2005-02325

NORTH CREEK  
 RECYCLING LLC  
 2006-003489

CARPENTER,  
 JIM E. &  
 KELLY A.  
 236-538

PIZZO, DUANE G.  
 OF THE GEORGE TRUST  
 2004-53758

Attachment "B"

CROWN  
 ZELLERBACH RD.

SIERRA  
 PACIFIC  
 COMMUNITIES  
 LLC  
 2006-012845

WALKER,  
 WILLIAM R.  
 & GAIL I.  
 95-05418

203-713  
 196-358

WEST LANE RD. (COUNTY ROAD "D")  
 YETTS,  
 GLADYS,  
 FRANK &  
 STEVEN  
 253-972

SIERRA  
 PACIFIC  
 COMMUNITIES  
 LLC  
 2005-11102

AIRPARK  
 DEVELOPMENT LLC  
 2006-011696

PORT OF ST. HELENS, OREGON  
 AERO INC. & US BANKCORP  
 EQUIPMENT FINANCE GROUP  
 189-13

LOHRKE, ROSEMARY F.  
 & MALONEY DANIEL J.  
 2006-011425

PORT OF  
 ST. HELENS  
 236-684

HONEYMAN  
 ROAD (P65)

MALCOLM MCKAY  
 DLC 50  
 JOHN MCPHERSON  
 DLC 38

MALCOLM MCKAY  
 DLC 43

DAVID CLONINGER  
 DLC 37

R 2 W  
 R 1 W

**BEGIN  
 LEGALIZATION**  
 STATION 10+00.00  
 Point Bears South 5289.99 feet and  
 West 1073.20 feet from the Southwest  
 Corner of John McPherson  
 Donation Land Claim No. 38,  
 T.3N., R.1W., of the Willamette Meridian



Corporate Office: 920 COUNTRY CLUB ROAD, SUITE 100B EUGENE, OREGON 97401-6085, 541-683-6000  
 2825 MISSION STREET SE, SUITE 100 SALEM, OREGON 97302-1255, 503-589-4100  
 1335 POPLAR DRIVE WELFORD, OREGON 97504-5207, 541-774-5590  
 5005 SW MEADOWS ROAD, SUITE 120 LAKE OSWEGO, OREGON 97035, 503-620-6103



**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](mailto:hilld@co.columbia.or.us)

COLUMBIA COUNTY  
AUG 21 2007  
COUNTY COUNSEL

**to:** Sarah Hanson, County Counsel  
**cc:** Board of County Commissioners  
**from:** Dave Hill, Public Works Director  
**date:** August 20, 2007

*Dave*

**subject:** LEGALIZING A PORTION OF WEST LANE ROAD (COUNTY RD. 'D')

**request:** Legalize a portion of West Lane Road (County Rd. 'D') pursuant to and as required by ORS 368.206, in the initiation of proceedings to legalize a County Road.

OBEC Consulting Engineers is hired by Columbia County to perform the engineering and survey work associated with the reconstruction of a portion of West Lane Road as part of our modernization program agreement with ODOT. This agreement states that we will build a 32 foot wide road from Crown Zellerbach Road to Moore Road at the entrance to the airport.

OBEC Consulting Engineers performed a survey for Columbia County of a portion of West Lane Rd (County Rd. 'D'). Through their research, it was determined that this road section as-traveled is not retraceable by survey and does not conform to the location as described in the original road records. West Lane Road (County Rd. 'D') has been used by the abutting property owners as a means of travel for more than 10 years. The county has maintained both road sections as county roads for more than 10 years and recommends the legalization of the right of way to facilitate a road improvement project. The location of the existing road and a centerline alignment is shown on the attached survey and legal description prepared by OBEC Consulting Engineers.

Therefore, because the road section as traveled is not retraceable and does not conform to the location as described in the county records, it is recommended that the County initiate proceedings to legalize the county road under ORS 368.201 to 368.221.

West Lane Road (County Rd. 'D') was created in the 1871. The portion of West Lane Road (County Rd. 'D') to be legalized begins at the intersection of West Lane Road (County Rd. 'D') and Crown Zellerbach Road and runs northerly to the easterly right of way line of the Portland - Western Railroad. Through the years there has been some conflicting survey evidence as to the apparent right of way width for this portion of West Lane Road (County Rd. 'D'). There are surveys of record in the County Surveyors Office which show a right of way width of 60 feet and

some which show a right of way width of 40 feet. However, the original description in Commissioners Journal 'A' pages 193-194 dated 1872 (retyped and attached) states that this portion of the county road commencing at the old school house in school district no. 1 and running northeasterly to the town of St. Helens is 60 feet in width. This is definitive for this section of West Lane Road (County Rd. 'D') therefore, the legalized right of way should be established as 60.00 feet, 30.00 feet on both sides of centerline. The location of the school house in said district was located at the northeast corner of the intersection of Crown Zellerbach Road and West Lane Road (County Rd. 'D') in 1871 when the road was established. The centerline alignment for West Lane Road (County Rd. 'D') was determined by using a best fit of the existing physical centerline. This alignment fits well with monuments set on previous surveys of record and physical lines of occupation which have historically held a 60 foot right of way width.

ORS 368.201 (1) provides that the county governing body may initiate proceedings to legalize a county road under ORS 368.201 to 368.221 if through omission or defect, doubt exists as to the legal establishment or survey location of a public road.

Based on the facts provided, I recommend initiating proceeding to legalize this portion of West Lane Road (County Rd. 'D') to the as-traveled position as depicted on said OBEC Consulting Engineers survey and legal description (attached).

I am also attaching a draft order prepared by OBEC and a list of abutting property owners as prepared by OBEC.

Our schedule in our agreement with the State is to have this project out to bid in December, and if there are any right-of-way issues we will need to address those soon after the road is legalized.

If you have any questions or need more information, please call.

## Attachment "A"

### CENTERLINE DESCRIPTION

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COLUMBIA COUNTY, OREGON

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Beginning at Engineer's Station 10+00.00, said station being 5,289.99 feet South and 1,073.20 feet West of the Southwest corner of the John McPherson Donation Land Claim No. 38, Township 3 North, Range 1 West, W.M.; thence North 07°47'14" East 482.47 feet; thence North 07°25'55" East 1290.98 feet; thence North 07°22'23" East 1006.63 feet; thence North 07°44'14" East 687.84 feet; thence North 07°29'56" East 674.79 feet; thence North 07°29'31" East 827.93 feet; thence along the arc of a 550.00 foot radius curve left (the long chord of which bears North 05°38'28" West 249.93 feet) 252.14 feet; thence North 18°46'27" West 16.61 feet; thence along the arc of a 400.00 foot radius curve left (the long chord of which bears North 31°02'57" West 170.09 feet) 171.39 feet; thence North 43°19'28" West 71.16 feet; thence along the arc of a 560.00 foot radius curve right (the long chord of which bears North 37°43'09" West 109.40 feet) 109.57 feet; thence North 32°06'50" West 44.99 feet; thence along the arc of a 600.00 foot radius curve left (the long chord of which bears North 38°34'05" West 134.89 feet) 135.17 feet; thence North 45°01'19" West 88.14 feet; thence along the arc of a 460.00 foot radius curve right (the long chord of which bears North 30°24'35" West 232.10 feet) 234.63 feet; thence North 15°47'51" West 403.75 feet; thence along the arc of a 700.00 foot radius curve left (the long chord of which bears North 23°30'23" West 187.80 feet) 188.36 feet; thence North 31°12'55" West 49.40 feet; thence along the arc of a 500.00 foot radius curve left (the long chord of which bears North 39°13'00" West 139.20 feet) 139.65 feet; thence North 47°13'05" West 21.27 feet; thence along the arc of a 300.00 foot radius curve left (the long chord of which bears North 56°19'34" West 94.98 feet) 95.38 feet; thence North 65°26'03" West 442.92 feet; thence North 67°06'35" West 235.84 feet to Engineer's Station 86+71.00, said point bears North 1646.20 feet and West 1957.46 feet from the Southwest Corner of the John McPherson Donation Land Claim No. 38, Township 3 North, Range 1 West, Willamette Meridian.

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 RECYCLING LLC

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PIZZO, DUANE G.  
 OF THE GEORGE TRUST  
 2004-53758

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 2006-012845

WALKER,  
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203-713  
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WEST LANE RD. (COUNTY ROAD "D")  
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 GLADYS,  
 FRANK &  
 STEVEN  
 253-972

SIERRA  
 PACIFIC  
 COMMUNITIES  
 LLC  
 2005-11102

PORT OF ST. HELENS, OREGON  
 AERO INC. & US BANKCORP  
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AIRPARK  
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 2006-011425

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 2235 VISSION STREET SE, SUITE 100 SALEM, OREGON 97302-1295, 503-589-4100  
 1335 POPLAR DRIVE WEDFORD, OREGON 97504-5201, 541-774-5590  
 5005 SW MEADOWS ROAD, SUITE 120 LAKE OSWEGO, OREGON 97035, 503-620-6103



Where as a county road has been viewed and located running from school house No 1 intersecting the mountain road in the vicinity of Jackson Peacher's it is therefore ordered by the court that said road be now opened as soon as practicable.

A petition was presented signed by many citizens praying the honorable court to abandon the location of a county road which has been surveyed. Running from a stake near the Milton bridge in a westerly direction crossing the land claim of John McNulty and terminating at or near the old house on the ranch known as the <sup>a</sup>Kearn Ranch<sup>o</sup>. Which petition was examined and approved by the court.

The report of Jesse Bacon and Aaron Brails road inspectors of that section of the road running at or near the house of Jackson Peacher to Mountain Road was *presented* and examined by the court and it appearing that said road was sufficiently opened and made in all respects equal to the old road. It was ordered by the court and is to be hereby declared a public highway.

The report of the road viewers of that portion of the road commencing at the school house of school district No. 1 and running to the land claim of R.R. Foster was presented together with the plot of said road.

From which it appears that that portion of said road commencing at school house in said district and running in a northeasterly direction keeping along, or near the old road known as the <sup>a</sup>County Road<sup>o</sup> to the town of St. Helens. Thence northerly keeping down the Columbia River along or near the said old <sup>a</sup>County Road<sup>o</sup> to the <sup>a</sup>ten mile<sup>o</sup> stake near Abram Neer's barn is located upon ground whereas it is practicable to build a road sufficient to accommodate the public travel.

And it further appearing that said road is of vast public necessity and no remonstrance or bill of damage having been filed, it is ordered and decreed that that portion of said road laying between the school house in school district No. 1 and the <sup>a</sup>ten mile stake<sup>o</sup> near A. Neers barn, and it is hereby declared a public highway of the width of sixty feet.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed )  
Legalization of Portions of West Lane )  
Road (County Road 'D') )

ORDER NO. \_\_\_\_\_  
(Legalizing Road)

WHEREAS, pursuant to Order No. \_\_\_\_\_ adopted on \_\_\_\_\_, 2007, the Board of County Commissioners initiated proceedings to legalize portions of West Lane Road (County Road 'D'); and

WHEREAS, West Lane Road to be legalized has been surveyed as required by ORS 368.206(1)(a); and

WHEREAS, copies of the description and exhibit map of West Lane Road (County Rd. 'D') to be legalized are attached hereto, labeled Attachment "A", and incorporated herein by this reference; and

WHEREAS, the County Public Works Director has filed a written report with the Board including the survey and recommending the legalization of West Lane Road as described; and

WHEREAS, a copy of the report from the County Public Works Director is attached hereto, labeled Attachment "B" and incorporated herein by this reference; and

WHEREAS, notice to the legalization proceeding was provided under ORS 368.401 to 368.426 by service to owners of abutting land and by posting; and

WHEREAS, an Affidavit of Posting and an Affidavit of Service, as required by ORS 368.421, are attached hereto, labeled Attachments "C" and "D", respectively, and incorporated herein by this reference; and

WHEREAS, a hearing was held on \_\_\_\_\_, 2007\_\_, to determine whether legalization of West Lane Road under consideration would be in the public interest; and

WHEREAS, nobody testified in favor or opposition to the proposed legalization of the roads at the \_\_\_\_\_, 2007, hearing; and

WHEREAS no claims pursuant to ORS 368.211 for compensation for structures encroaching on the portions of the road under consideration were filed with the Board before the close of the hearing; and

WHEREAS, no other objections were raised and no other information was filed controverting any matter presented to the Board or alleging any new matter relevant to the proceeding; and

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board finds that the location of West Lane Road (County Rd. 'D') under consideration cannot be determined through omission or defect; doubt exists as to legal establishment or evidence of establishment, or location of a public road.
2. Legalization of West Lane Road (County Rd. 'D') as described herein is determined to be in the public interest.
3. West Lane Road (County Rd. 'D'), as described herein, is hereby legalized.
4. Pursuant to ORS 368.106:
  - a. This order shall be recorded in the Columbia County Deed Records without costs.
  - b. The road right of way shall be surveyed and monumented.
  - c. The survey shall be prepared in compliance with ORS 209.250.
  - d. The survey shall be recorded with the Columbia County Surveyor.
5. Upon completion of the requirements in paragraph 4 above:
  - a. Any records showing the location of West Lane Road (County Rd. 'D') described herein that conflict with the location of the road as described in this order are void.
  - b. West Lane Road (County Rd. 'D') exists as shown in this order.
  - c. Courts shall receive this order as conclusive proof that West Lane Road (County Rd. 'D') exists as described in this order.
  - d. A copy of this order shall be filed in the Road Jacket for West Lane Road (County Rd. 'D').

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
Commissioner

By: \_\_\_\_\_  
Commissioner

Approved as to form:

By: \_\_\_\_\_  
Office of County Counsel

## West Lane Road Legalization Proceedings

### LIST OF OWNERS:

- |     |  |                                 |
|-----|--|---------------------------------|
| 1.  | Columbia County<br>230 Strand Street<br>St. Helens, OR 97051                           | Map No.: 3201A<br>Tax Lot: 100  |
| 2.  | North Creek Recycling, LLC<br>P.O. Box 1501<br>Scappoose, OR 97056                     | Map No.: 3201A<br>Tax Lot: 200  |
| 3.  | Lawry, Renee Elizabeth & Pizzo, Duane<br>53758 West Lane Road<br>Scappoose, OR 97056   | Map No.: 3201A<br>Tax Lot: 201  |
| 4.  | Pizzo, Duane George of the Duane George<br>53758 West Lane Road<br>Scappoose, OR 97056 | Map No.: 3201A<br>Tax Lot: 202  |
| 5.  | Hlavinka Family Trust<br>53977 McKay Drive<br>Scappoose, OR 97056                      | Map No.: 3201A<br>Tax Lot: 203  |
| 6.  | Heckman, Thomas R.<br>53829 West Lane Road<br>Scappoose, OR 97056                      | Map No.: 3201A<br>Tax Lot: 204  |
| 7.  | Heckman, Thomas R.<br>53829 West Lane Road<br>Scappoose, OR 97056                      | Map No.: 3201A<br>Tax Lot: 205  |
| 8.  | Maloney, Dave<br>P.O. Box 1330<br>Scappoose, OR 97056                                  | Map No.: 3201A<br>Tax Lot: 2000 |
| 9.  | Maloney, Dave<br>P.O. Box 1330<br>Scappoose, OR 97056                                  | Map No.: 3201A<br>Tax Lot: 2002 |
| 10. | Port of St. Helens<br>P.O. Box 598<br>St. Helens, OR 97051                             | Map No.: 3106<br>Tax Lot: 300   |
| 11. | Oregon Aero Inc.<br>34020 Skyway Drive<br>Scappoose, OR 97056                          | Map No.: 3106<br>Tax Lot: 300A1 |

## West Lane Road Legalization Proceedings

### LIST OF OWNERS:

- |     |   |                                 |
|-----|---|---------------------------------|
| 12. | US Bancorp Equipment Finance Group<br>P.O. Box 79041<br>St. Louis, MO 63179             | Map No.: 3106<br>Tax Lot: 300A2 |
| 13. | Airpark Development, LLC<br>2154 NE Broadway<br>Portland, OR 97232                      | Map No.: 3106<br>Tax Lot: 500   |
| 14. | Lohrke, Rosemary F. & Malony, Daniel J.<br>56679 Mollenhour Road<br>Scappoose, OR 97056 | Map No.: 3106<br>Tax Lot: 502   |
| 15. | Port of St. Helens<br>P.O. Box 598<br>St. Helens, OR 97051                              | Map No.: 3106<br>Tax Lot: 600   |
| 16. | Yett, Gladys; Frank & Steven<br>2737 NE Alameda<br>Portland, OR 97212                   | Map No.: 3106<br>Tax Lot: 700   |
| 17. | Sierra Pacific Communities, LLC<br>9385 SE Locust<br>Tigard, OR 97223                   | Map No.: 3106<br>Tax Lot: 801   |
| 18. | Sierra Pacific Communities, LLC<br>P.O. Box 1754<br>Lake Oswego, OR 97035               | Map No.: 3106<br>Tax Lot: 802   |
| 19. | Parker, Scott T.<br>P.O. Box AF<br>Scappoose, OR 97056                                  | Map No.: 3201D<br>Tax Lot: 602  |
| 20. | Parker, Scott T.<br>P.O. Box AF<br>Scappoose, OR 97056                                  | Map No.: 3201D<br>Tax Lot: 800  |
| 21. | Jones, Frederick L. Sr. & Leona M.<br>52446 SE 4th<br>Scappoose, OR 97056               | Map No.: 3201D<br>Tax Lot: 900  |
| 22. | Lobby, Michael E. & Kimberly A.<br>53333 West Lane Road<br>Scappoose, OR 97056          | Map No.: 3201D<br>Tax Lot: 1200 |

## West Lane Road Legalization Proceedings

### LIST OF OWNERS:

- |     |  |                                 |
|-----|--|---------------------------------|
| 23. | Meyers, William F. & Johanna<br>53351 West Lane Road<br>Scappoose, OR 97056    | Map No. 3201D<br>Tax Lot: 1201  |
| 24. | Maloney, Dave<br>P.O. Box 1330<br>Scappoose, OR 97056                          | Map No.: 3201D<br>Tax Lot: 1300 |
| 25. | Sierra Pacific Communities, LLC<br>9385 SE Locust<br>Tigard, OR 97223          | Map No.: 3212AA<br>Tax Lot: 100 |
| 26. | Walker, William R. & Gail I.<br>52806 NE West Lane Road<br>Scappoose, OR 97056 | Map No.: 3212AA<br>Tax Lot: 200 |
| 27. | Walker, William R. & Gail I.<br>52806 NE West Lane Road<br>Scappoose, OR 97056 | Map No.: 3212AA<br>Tax Lot: 300 |
| 28. | Walker, William R. & Gail I.<br>52806 NE West Lane Road<br>Scappoose, OR 97056 | Map No.: 3212AA<br>Tax Lot: 400 |
| 29. | Port of St. Helens<br>P.O. Box 598<br>St. Helens, OR 97051                     | Map No.: 3106B<br>Tax Lot: 800  |
| 30. | North Creek Recycling, LLC<br>P.O. Box 1501<br>Scappoose, OR 97056             | Map No.: 3106B<br>Tax Lot: 1000 |
| 31. | Columbia County<br>230 Strand Street<br>St. Helens, OR 97051                   | Map No.: 3106B<br>Tax Lot: 1100 |
| 32. | BMK Investments, LLC<br>54000 West Lane Road<br>Scappoose, OR 97056            | Map No.: 3106B<br>Tax Lot: 1001 |
| 33. | Scappoose Jehovah's Witnesses<br>P.O. Box 1171<br>Scappoose, OR 97056          | Map No.: 4236D<br>Tax Lot: 101  |

## West Lane Road Legalization Proceedings

### LIST OF OWNERS:

- |     |  |                                |
|-----|--|--------------------------------|
| 34. | Kirsch, Gary K. & Launa M.<br>54082 West Lane Road<br>Scappoose, OR 97056  | Map No.: 4236D<br>Tax Lot: 103 |
| 35. | Carpenter, Jim E. & Kelly A.<br>54160 Paradise Lane<br>Scappoose, OR 97056 | Map No.: 4236D<br>Tax Lot: 106 |
| 36. | Kirsch, Gary K. & Launa M.<br>54082 West Lane Road<br>Scappoose, OR 97056  | Map No.: 4236D<br>Tax Lot: 301 |

## 6.110 STATUTES ON LEGALIZATION OF ROADS

### Chapter 368

#### County Roads

**368.201 Basis for legalization of roads.** A county governing body may initiate proceedings to legalize a county road under ORS 368.201 to 368.221 if any of the following conditions exist:

(1) If, through omission or defect, doubt exists as to the legal establishment or evidence of establishment of a public road.

(2) If the location of the road cannot be accurately determined due to:

(a) Numerous alterations of the roads;

(b) A defective survey of the road or adjacent property; or

(c) Loss or destruction of the original survey of the road.

(3) If the road as traveled and used for 10 years or more does not conform to the location of a road described in the county records. [1981 c.153 §21]

**368.205** [Amended by 1975 c.774 §1; 1977 c.338 §1; repealed by 1981 c.153 §79]

**368.206 Proceedings for legalization of roads; report; notice.** (1) If proceedings for legalization of a road are initiated under ORS 368.201, the county governing body shall:

(a) Cause the road to be surveyed to determine location of the road and the width of the road according to:

(A) The laws governing the width of roads at the time the road was originally established; or

(B) If the original width of the road cannot be determined, to the width for roads of the same class established by the standards under ORS 368.036;

(b) Cause the county road official to file a written report with the county governing body including the survey required under this section and any other information required by the county governing body; and

(c) Cause notice of the proceedings for legalization to be provided under ORS 368.401 to 368.426 by service to owners of abutting land and by posting.

(2) In a proceeding under this section, any person may file with the county governing body information that controverts any matter presented to the county governing body in the proceeding or alleging any new matter relevant to the proceeding. [1981 c.153 §22]

**368.210** [Repealed by 1981 c.153 §79]

**368.211 Compensation for property affected by road legalization.** (1) A county governing body shall provide for compensation under this section to any person who has established a structure on real property if the structure encroaches on a road that is the subject of legalization under ORS 368.201 to 368.221.

(2) To qualify for compensation under this section, a person must file a claim for damages with the county governing body before the close of the hearing to legalize the road. The county governing body shall consider a claim for damages unless the county governing body determines that:

(a) At the time the person acquired the structure, the person had a reasonable basis for knowing that the structure would encroach upon the road;

(b) Upon the original location of the road, the person received damages;

(c) The person or the person's grantor applied for or assented to the road passing over the property; or

(d) When making settlements of the property, the person found the road in public use and traveled.

(3) The compensation allowed under this section shall be just compensation for the removal of the encroaching structure.

(4) The county governing body may proceed to determine compensation and acquire the structure by any method under ORS 368.096.

(5) If a county governing body determines that removal of the encroaching structure is not practical under this section, the county governing body may acquire property to alter the road being legalized. [1981 c.153 §23]

**368.215** [Repealed by 1981 c.153 §79]

**368.216 Order under road legalization proceeding.** (1) After considering matters presented in a proceeding to legalize a road under ORS 368.201 to 368.221, a county governing body shall determine whether legalization of the road is in the public interest and shall enter an order abandoning or completing the legalization procedures on the road.

(2) When a county governing body legalizes a road under ORS 368.201 to 368.221, the county governing body shall comply with ORS 368.106.



(3) Courts shall receive any order filed under this section as conclusive proof that the county road exists as described in the order.

(4) Upon completion of the legalization procedures under ORS 368.201 to 368.221:

(a) Any records showing the location of the road that conflict with the location of the road as described in the order are void; and

(b) The road exists as shown on the order legalizing the road. [1981 c.153 §24]

**368.218** [1975 c.774 §2; repealed by 1981 c.153 §79]

**368.220** [Repealed by 1975 c.771 §33]

**368.221 Legalization; county determination of lesser width.** Notwithstanding ORS 368.036, a county governing body may legalize a road at any width that is less than the width of the road described in ORS 368.206 if the county governing body determines that:

(1) The legalization of the road at the lesser width is in the public interest; or

(2) An encroachment on the road may not be practically removed under ORS 368.211. [1981 c.153 §25]

**368.225** [Repealed by 1975 c.771 §33]

**368.230** [Amended by 1971 c.659 §4; repealed by 1975 c.771 §33]

**368.235** [Amended by 1965 c.10 §1; repealed by 1975 c.771 §33]

**368.240** [Repealed by 1975 c.771 §33]

**368.245** [Amended by 1969 c.423 §3; repealed by 1975 c.771 §33]

**368.250** [Repealed by 1975 c.771 §33]