

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Vacating a Portion of Certain)
Streets and Alleyways in Giltner's Addition)
to Columbia City, Oregon)
)
[Terra, LLC Petition])
_____)

ORDER NO. 54 - 2008
(Finalizing Road Vacation)

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, Terra, LLC owns property abutting the public rights-of-way proposed to be vacated known as 7th Street, 7th Place, 8th Street, 8th Place and 9th Street in the Giltner's Addition to Columbia City, Oregon, within Columbia County, Oregon, and on March 6, 2008, filed with the Board a petition requesting the Board vacate a portion of these public rights-of-way as more fully described below; and

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

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

WHEREAS, the property petitioned for vacation is generally described as:

The western-most 30' of 7th Street, 7th Place, 8th Street, 8th Place and the eastern half of 9th Street between Franklin Street and Garfield Street, Giltner's Addition to Columbia City, Columbia County, Oregon

and

WHEREAS, pursuant to ORS 368.346, a public hearing was scheduled for June 25, 2008 at 10:00 a.m. in the Commissioners' Meeting Room, Room 308 of the Columbia County Courthouse, St. Helens, Oregon, to determine if the proposed vacation was in the interest of the public; and

WHEREAS, pursuant to ORS 368.401 to 368.426, notice of the hearing was provided by posting and publication and by service on each person with a recorded interest in the proceeding and on the City Administrator for Columbia City, Oregon; and

WHEREAS, the City of Columbia City, by letter dated May 14, 2008, requested that the proposed vacation of a portion of 7th Street be limited to the western 15 feet; and

WHEREAS, County Roadmaster Dave Hill filed a report with the Board stating his assessment that the vacation of 7th Place, 8th Street and 8th Place between Franklin Street and Garfield Street would be in the public interest and that the vacation of 7th Street be limited to the western-most 15 feet as requested

by Columbia City, and concluding that the vacation of any portion of 9th Street would not be in the public interest, said Roadmaster's report being attached hereto, labeled Exhibit B and incorporated herein by this reference; and

WHEREAS, on June 18, 2008, Columbia City submitted a second letter amending their original position, indicating support for the proposed vacation of the western-most 30 feet of 7th Street on the condition that Terra, LLC provides the City with a Non-Remonstrance Agreement for street improvements, said letter attached hereto, labeled Exhibit C, and incorporated herein by this reference; and

WHEREAS, Land Development Services requested that a further condition be placed on the road vacation as proposed by Terra, LLC requiring petitioner to irrevocably bind the vacated rights-of-way and all 16 lots within Blocks 61 and 62, Giltner's Addition, said covenant to (a) run with the land, (b) contain a requirement that any waiver or modification must be approved by the Board of County Commissioners and a majority vote of the surrounding property owners after 10 days' written notice to property owners within 300 feet of petitioner's property, and (c) that the instrument binding these lots and rights-of-way be recorded in the deed records of the Columbia County Clerk, said request attached hereto, labeled Exhibit D, and incorporated herein by this reference; and

WHEREAS, the Board finds that the petition meets the requirements of ORS 368.326 to ORS 368.366;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Vacation of the western-most 30 feet of 7th Street, 7th Place, 8th Street and 8th Place between Franklin Street and Garfield Street, Giltner's Addition to Columbia City, is in the public interest.
2. The portions of these streets and alleyways described hereinabove is hereby vacated and shall hereby vest in Terra, LLC, owner of the land abutting the vacated property.
3. This vacation is conditioned upon the petitioner's execution and recording of an irrevocably bound covenant or similar instrument binding the vacated rights-of-way and all lots within Blocks 61 and 62, Giltner's Addition, meeting all the requirements set forth above, and the execution and recording of a Non-Remonstrance Agreement for street improvements for the benefit of Columbia City.
4. Pursuant to Order No. 55-2001 and the decision of the Board of County Commissioners, the required fee of \$1,000 was paid by the petitioner, \$500 deposited directly into the County Road Fund and \$500 into the General Fund, Fees for Services, Road Vacations, Line Item No. 100-00-00-3255, out of which the following costs shall be paid:

SERVICE	FEE	SUBTOTAL
Filing Petition by the Clerk	\$28.50	\$ 28.50
Review for Correct Property Description by County Surveyor [if required]	\$30.00 [per parcel]	\$ 00.00
Hearing (if required)	\$100.00	\$100.00
Recording Final Order by the Clerk	\$26.00 [first page]	\$26.00

	\$5.00 [each additional page x 22 pp.]	\$110.00
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 23 pp. x 2]	\$11.50
Posting the Approved Road Vacation by County Surveyor	\$45.00 [per parcel]	\$100.00
	TOTAL EXPENSES	\$ 383.50

6. The \$28.50 filing fee has already been paid to the County Clerk. The Treasurer is hereby authorized to disburse the following amounts from the Fees for Services, Road Vacations account as follows:

To County Clerk	:	\$ 155.00
To County Surveyor	:	\$ 100.00

The remaining balance of \$245.00 remains in the General Fund to cover administrative expenses.

5. 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 9th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: [Signature]
Office of County Counsel

By: [Signature]
Chair

By: [Signature]
Commissioner

By: [Signature]
Commissioner

S:\COUNSEL\ROADS\SEVERAL COL CITY\VACATE FO AFTER HRG.wpd

EXHIBIT A

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Vacation of A PORTION OF 7TH 8TH & 9TH & GARFIELD STREETS
ABUTTING BLOCKS 61 & 62 & THE ALLEYS WITHIN BKS 61 & 62 GILTNER'S ADDN
Located Near COLUMBIA CITY,)
Columbia County, Oregon) **PETITION FOR VACATION**
PV-2008-1

I/We, PAT IMMOLT MGR FOR TERRA, LLC, [insert name(s) of all petitioners], who
reside at CANBY, OREGON [insert address],
503-310-6895 [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:

WESTERLY 1/2 OF 7TH SE, ALL OF 8TH SE & THE EASTERLY 1/2 OF
9TH SE LYING SOUTH OF THE SOUTH LINE OF FRANKLIN SE & NORTHERLY
OF THE CENTERLINE OF GARFIELD SE AND THE ALLEYS LYING IN
BLOCKS 61 & 62, GILTNER'S ADDN. TO COLUMBIA CITY.

b. Legal Description:

THE WESTERLY 1/2 OF 7TH SE, ALL OF 8TH SE & THE EASTERLY 1/2 OF 9TH SE
LYING SOUTH OF THE SOUTH LINE OF FRANKLIN SE & NORTHERLY
OF THE CENTERLINE OF GARFIELD SE AND THE ALLEYS LYING IN
BLOCKS 61 & 62, GILTNER'S ADDITION TO COLUMBIA CITY.

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:

OWNER OF TAX LOTS S1W1A1-CC-1700, 1800, 1900 & 2000.

b. Legal Description of your property:

BLOCKS 61 & 62 GILTNER'S ADDITION TO COLUMBIA CITY.

COLUMBIA COUNTY

MAR 05 2008

COUNTY COUNSEL

Page 1

BY _____
COLUMBIA COUNTY CLERK

MAR 6 1 56 PM '08

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].

DEED BK H, PAGE 414

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

DUE TO THE FAIR ZONING OF THIS PROPERTY A CONDITIONAL USE PERMIT WAS APPLIED FOR FOR A SINGLE FAMILY RESIDENCE PROPERTY CANNOT BE FURTHER DEVELOPED IN THIS ZONE.

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

TERRA, LLC, 3150 SE 12th AVE, CANBY, OR 97013

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

NONE

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

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 B.

- 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 Patrick Imholt Sr., 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.

Ferna LLC By Patrick Imholt Sr. 3-5-08
 (Petitioner's Name) (Date)

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

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

Subscribed and sworn to before me this 5th day of March 2008,
 200__.



Heidi Cutler
 Notary Public for Oregon
 My Commission Expires: 6-14-2011

EXHIBIT B



2-03

2-08

2-08

2-08

5121CC

2-08

1/16 COR.

COLUMBIA CITY

SEE MAP 5128BA

SEE MAP 5128BB

SEE MAP 5121CD

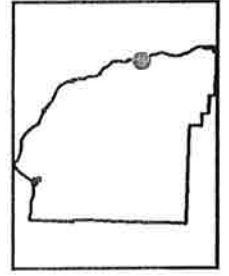
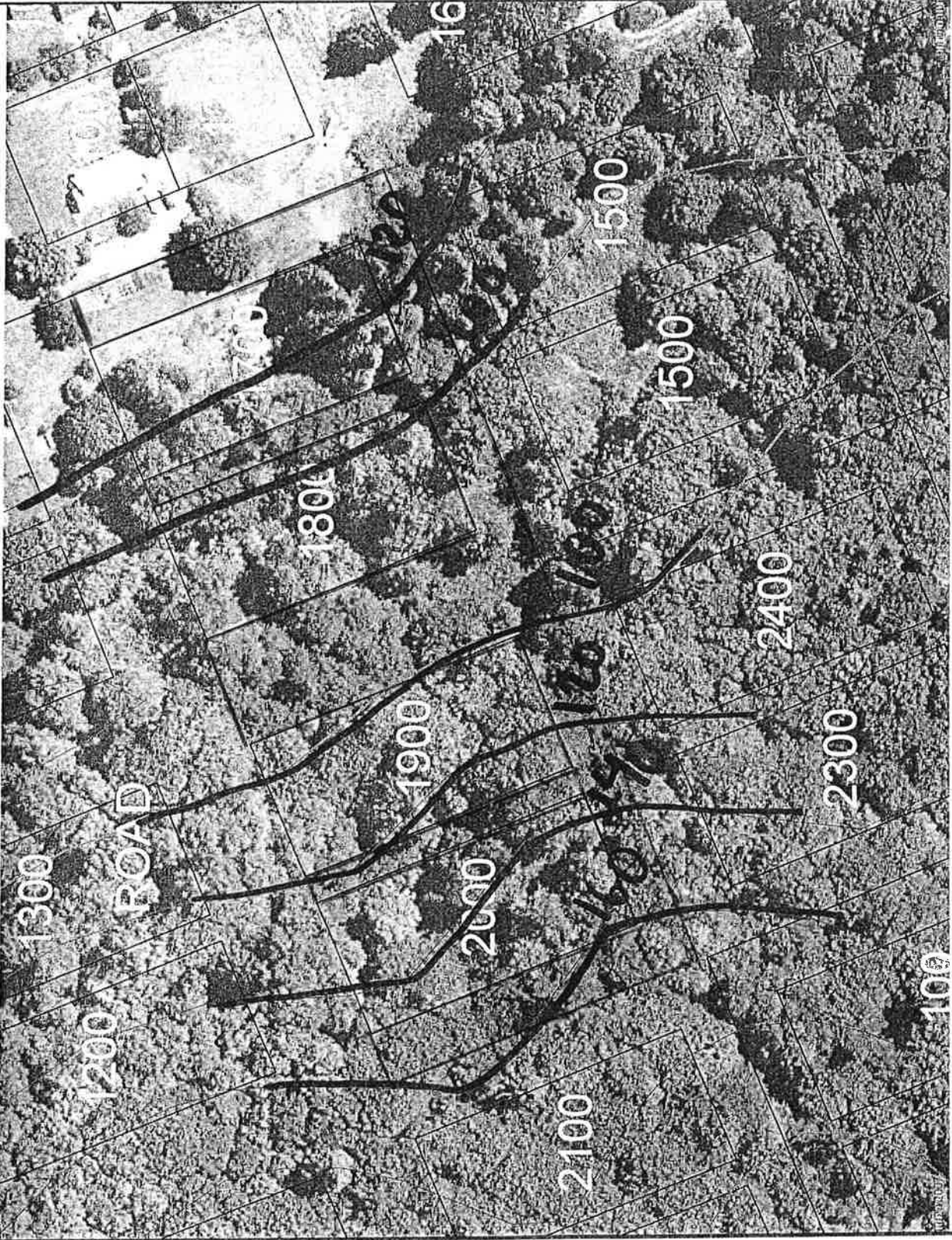
ADDITION

ADDITION

TOWNE

Columbia County Community Development

Elevations
Elev100
Elev20
PLSS
Roads/Main
Taxlots



12/20/2007
N

1 in. = 101 ft.

This map was produced using the Columbia County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

W. B. F. Giltner and Susan E. Giltner
 wife, Paris D. Giltner and Minnie J. Giltner, his wife, C. H.
 Prescott and Georgianna B. Prescott, his wife, Geo. W. M. Bride, S. F.
 Baker and Abby S. Baker, his wife, J. S. Dolph and Augustus S.
 Dolph, his wife, and S. C. Adams, do hereby dedicate as public roads
 and alleys, all such portions of land as are designated and des-
 cribed in the Map of "Giltner's Addition to Columbia Blg. Oregon,
 and Alleys," covering to B. F. Giltner, and Paris D. Gilt-
 ner, Geo. W. M. Bride, and their assigns the right to locate,
 and perpetually maintain and operate a railroad or
 other works, and the necessary side-track, upon Sixth '2', Pacific,
 and Third Streets.

In witness whereof, we have hereunto set our hands and seals
 this 10th day of November A.D. 1873

For possession of
 James Muckle
 John D. Scott

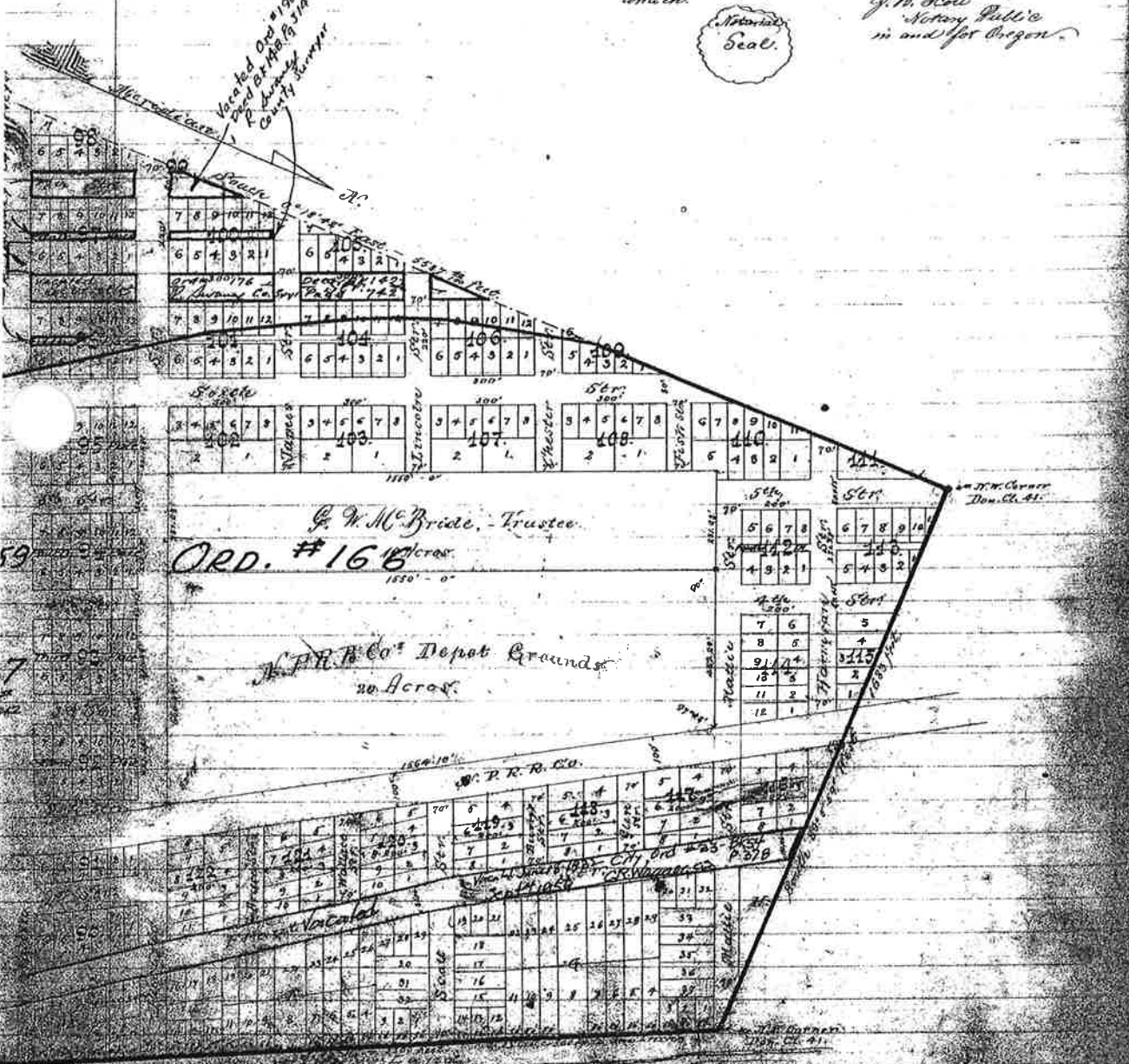
S. F. Baker (Seal)
 by R. H. Prescott
 his Attorney in fact
 Abby S. Baker (Seal)
 by E. H. Prescott
 her Attorney in fact
 J. S. Dolph (Seal)
 by E. H. Prescott
 his Attorney in fact
 Augustus S. Dolph (Seal)
 by E. H. Prescott
 her Attorney in fact

B. F. Giltner (Seal)
 Susan E. Giltner (Seal)
 Paris D. Giltner (Seal)
 Minnie J. Giltner (Seal)
 C. H. Prescott (Seal)
 Georgianna B. Prescott (Seal)
 Geo. W. M. Bride (Seal)
 S. C. Adams (Seal)
 by Geo. W. M. Bride
 his Attorney in fact

State of Oregon
 County of Multnomah } ss. This certifies that on this 9th day
 of November 1873 before me the undersigned a Notary
 Public in and for said County and State personally appear-
 ed the above named B. F. Giltner & Susan E. Giltner, his
 wife, Paris D. Giltner, Minnie J. Giltner, his wife, C.
 H. Prescott and Georgianna B. Prescott, his wife, and Geo. W.
 M. Bride, also appeared the above named S. F. Baker by
 E. H. Prescott, his Attorney in fact, and Abby S. Baker by E. H.
 Prescott her Attorney in fact, J. S. Dolph by E. H. Prescott, his At-
 torney in fact, Augustus S. Dolph by E. H. Prescott, his Attorney in
 fact, and S. C. Adams by Geo. W. M. Bride, his Attorney
 in fact, to me known to be the individuals described
 in, and who executed the above instrument on their
 own behalf, and for and on behalf of the said S. F. Baker,
 Abby S. Baker, J. S. Dolph, Augustus S. Dolph, and S. C.
 Adams, and successively acknowledged to me that they executed
 the same. And the said Susan E. Giltner, Minnie J.
 Giltner and Georgianna B. Prescott, wives of the said
 B. F. Giltner, Paris D. Giltner and C. H. Prescott, are on exam-
 ination by me made separate and apart from
 their said husbands acknowledged to me that they executed
 the same freely and voluntarily, and without fear
 of coercion or compulsion from any one.

In witness whereof I have hereunto set my hand
 and affixed my notarial Seal, this the day above
 written.

J. N. Scott
 Notary Public
 in and for Oregon



I hereby certify that the above is a true and correct copy of the original as the same appears in my records.



EXHIBIT B

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: Cynthia Zemañtis, Office of County Counsel
Board of County Commissioners
from: Dave Hill, Public Works Director
date: June 3, 2008

Dave

COLUMBIA COUNTY

JUN 04 2008

COUNTY COUNSEL

subject: Proposed Road Vacation
Columbia City, Terra, LLC Petition
(**Supplemental Report No. 2**)

Attached is my original report and supplemental report regarding the proposed road vacation for Terra, LLC in Columbia City.

In my previous supplemental report on this matter, I recommended that the westerly 30 feet of the right-of-way of 7th Street between Franklin Street and Garfield Street be vacated, which leaves the easterly 50 feet of the right-of-way for public use. I also recommended that the entire widths of Garfield Street and 9th Street in the locations proposed should be vacated provided that adequate signatures and notifications are provided. The intersection of Garfield Street and 7th Street should not be vacated as this area is currently used as a turn-around for vehicles.

After the date of my first supplemental report, there has been four additional letters sent to me regarding this matter:

- A letter from the petitioner eliminating the request to vacate and section of Garfield Street and requesting to vacate only the westerly 30 feet of 7th Street (dated May 21, 2008).
- A letter of Non-consent to the vacation of the westerly ½ of 7th Street, signed by three property owners on the east side of 7th Street (undated but received by the Road Department on May 28, 2008)
- A letter from the City of Columbia City, requesting "that Columbia County limit the vacation on Seventh Street to the western 15 feet" (dated May 14, 2008).
- A letter from Darrell and Sharlene Knight objecting to the vacation of ½ of Garfield Street and ½ of 9th Street (dated May 1, 2008).

For roads and streets that very well could be the jurisdiction of the City in the future, I believe it is in the interest of the County to follow the recommendations of the City and not try to second guess what is in the best interest of the City. In the matter of 7th Street, the City has recommended only vacating the western 15 feet of 7th Street. The property owners on the east side of 7th Street object to vacating 7th Street as proposed. Therefore, it is my recommendation that we comply with the City's request and only vacate the western 15 feet of 7th Street between Franklin Street and Garfield Street. This would leave 65 feet of right-of-way for 7th Street.

There is no objection to vacating 7th Place, 8th Street, and 8th Place as proposed, and therefore I recommend that these streets be vacated as proposed.

We have also received an objection to vacating ½ of 9th Street from Darrell and Sharlene Knight who are the property owners on the opposite side of 9th Street. They state that “There is no way to predict growth and development. These vacation proposals could restrict future access to this property.” In general, I believe that roads and streets should not be vacated unless there is general consent of the area property owners and it is a matter of access to properties both now and in the future. We cannot predict the future and we should not eliminate an access to property without the property owner’s consent. I am also generally opposed to vacating roads and streets to centerline as a means to appease other property owners. Therefore, I recommend against vacating any section of 9th Street.

In summary, in the matter of public interest, I recommend:

- vacating the western 15 feet of 7th Street between Franklin Street and Garfield Street.
- vacating 7th Place, 8th Street, and 8th Place between Franklin Street and Garfield Street.
- denying the vacation of any section of 9th Street.



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: Cynthia Zemaitis, Office of County Counsel
from: Dave Hill, Public Works Director
date: May 5, 2008

subject: Proposed Road Vacation
Columbia City, Terra, LLC Petition
(Supplemental Report)

Attached is my original report regarding the proposed road vacation for Terra, LLC in Columbia City.

After review of my letter with Karen Erlandson (representative for Terra, LLC.) she brought to my attention that the right-of-way width of 7th street is 80 feet and the right-of-way width of Garfield Street is 70 feet. These right-of-way widths are considerably greater than the standard width of 50 feet.

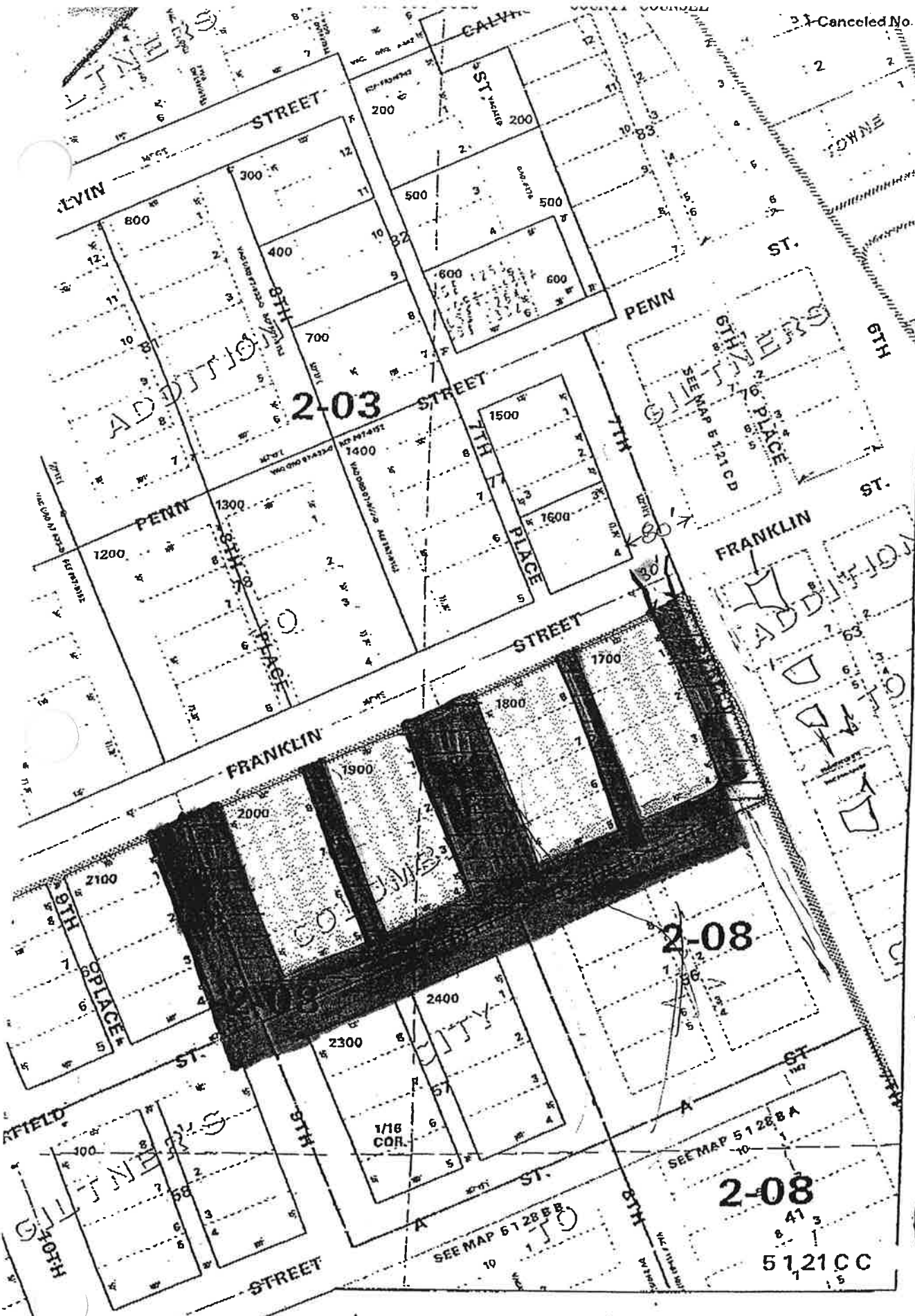
Therefore, I inspected the property again to determine the location of the right-of-way in relation to the existing improvements and topography. Between A Street and Garfield Street the ground drops off at a steep angle to the west toward the stream below, and the only useable width of right-of-way in this location is about 50 feet. Therefore it seems reasonable that the only right-of-way necessary for road improvements between Garfield and Franklin Streets (the area of the proposed street vacation) would be a width of 50 feet.

Therefore, since the standard width for right-of-way is 50 feet, and that it would be beneficial for the property to vacate all but 50 feet of the right-of-way in this location, it is my recommendation in the matter of public interest, that the westerly 30 feet of the right-of-way of 7th Street between Franklin Street and Garfield Street be vacated, which leaves the easterly 50 feet of the right-of-way for public use.

The entire widths of Garfield Street and 9th Street in the locations proposed should be vacated provided that adequate signatures and notifications are provided. The intersection of Garfield Street and 7th Street should not be vacated as this area is currently used as a turn-around for vehicles.

The area that I recommend be vacated is the area highlighted in blue on the attached diagram.

EXHIBIT B



*Vacate
all but
50' ROW
depends on
Survey and
legality
Property own
sometimes*

*Karen Erlandson
33475 Chubb Rd*

2-08

2-08

5121CC



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: Cynthia Zemaitis, Office of County Counsel
from: Dave Hill, Public Works Director *Dave*
date: April 22, 2008

subject: Proposed Road Vacation
Columbia City, Terra, LLC Petition

The owner of Tax Lots 1700, 1800, 1900, and 2000 has petitioned the Board of County Commissioners to vacate sections of streets in Columbia City as shown by the cross-hatches on the attached drawing.

The subject lots and streets are currently undeveloped with the exception of 7th street. This section of 7th street is paved apparently to the centerline of the right-of-way and it serves as access to several houses further south on 7th street. Therefore this section of 7th Street should not be vacated.

Garfield Street is not constructed and it drops from 7th Street on a fairly steep grade (estimated at 12% - 20%) down to the stream in the vicinity of 8th Street. It is unreasonable to assume that a stream crossing would be constructed within this right-of-way, however it is possible.

Combining the lots in this area and vacation of the streets would be encouraged for the best use of the property. However, I do not believe that vacating streets to centerline would obviate the need to obtain the signatures from the property owners on the opposite side of the street. I recommend that we consider the property owners on the opposite side of the streets as abutting property owners and seek their approval of the proposed street vacations.

I am also generally opposed to vacating right-of-ways to centerline. This seems to beg for problems in the future with the public or adjacent property owners disputing over rights to use the right-of-way.

Therefore, in the matter of public interest, I recommend that those sections of 7th Place, 8th Street, and 8th Place be vacated as proposed. I am strongly opposed to the vacation of the proposed section of 7th Street under any circumstances. And, I would agree with the vacation of the total width of Garfield Street and 9th Street in the locations proposed, provided that the property owners on the opposite side of the streets consent to the vacation.

I would be happy to discuss this with you.

May 21, 2008

Columbia County Board of Commissioners
Columbia County Courthouse
St. Helens, Or 97051

In reference to the Petition for Vacation I filed on March 5, 2008, I wish to amend the description of the roads I propose to vacate by eliminating any reference to Garfield St. and only vacating the Westerly 30 feet of 7th as per the recommendation of Dave Hill, Public Works Director. The new description to read as follows:

The Westerly 30 feet of 7th St., all of 8th St. and the Easterly ½ of 9th St. lying South of the South line of Franklin St. and Northerly of the Northerly line of Garfield St. Also the alleys lying in Blocks 61 & 62, Giltner's Addition to Columbia City.

Terra, LLC

By:

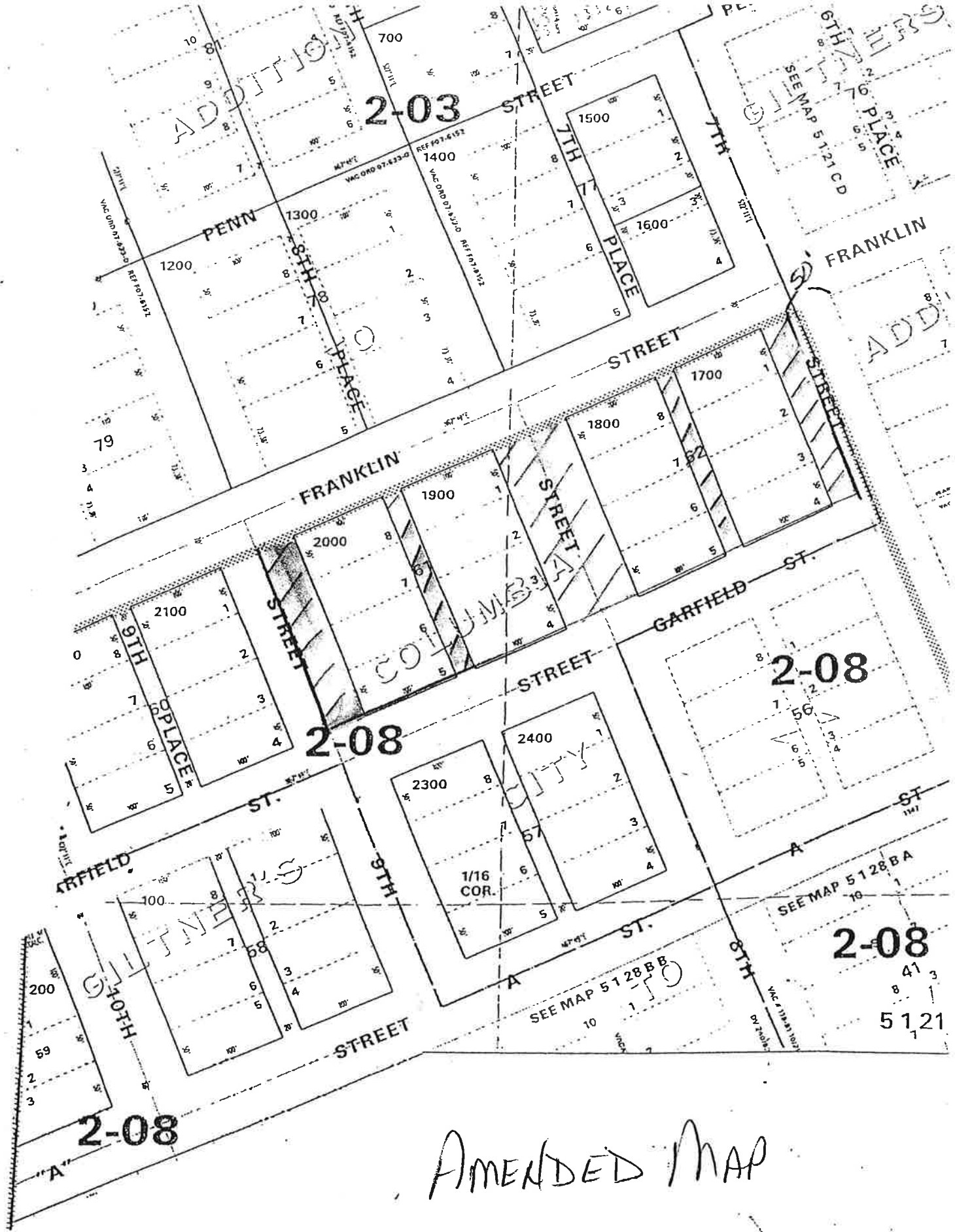
, Manager

PAT IMHOLT

COLUMBIA COUNTY

MAY 21 2008

COUNTY COUNSEL



AMENDED MAP

**Letter of Non-Consent / Opposition to the
Vacation of the Westerly ½ of 7th St.
Columbia City, OR
Giltners Addition**

To: The Governing Bodies of Columbia County in Direct Connection to decision regarding the Vacation of the Westerly ½ of 7th st. Columbia City, OR Giltners Addition

From: The Abutting Property Owners Directly Affected

This letter is in response to notification received about the request to vacate the Westerly ½ of 7th st., all of 8th st. & the Easterly ½ of 9th st. lying South of the South line of Franklin St. & Northerly of the centerline of Garfield st. & the alleys lying in blocks 61 & 62 Giltners addition to Columbia City.

It is our request that all of the 7th St. portion of this request be denied. As it would have adverse affects not only on us but the rest of the community as well. Our concerns have to do with the access of not only Emergency Vehicles in the event of an emergency, Utility Vehicles such as Garbage trucks etc., our children playing, and the ability to have adequate parking for us as residents and our guests.

We also take offense to the written statement made by the real-estate agent representing the current owner and verbal statements made by persons in the Land Development Services stating that nothing will change with 7th st. as it was developed for the building of our homes and that with out the vacation it could possibly render the property unbuildable. Although there is truth in these statements, the homes were purchased with the knowledge that there was not only additional road but also additional set backs that were currently plotted. (as they were when the current owner purchased the properties currently owned).

We would ask again that the livability of many would be considered before the potential financial gain or loss of one is granted.

As for the rest of the request it would have no immediate affect on the community and we have no direct opposition to it as long as no other State or Federal guidelines concerning Salmon / Steelhead spawning areas are affected. As you must know McBride Creek a.k.a 8th st. in this request is considered a Salmon / Steelhead estuary.

Please personally notify us of any public meetings that may take place concerning this matter so we may have the opportunity to address this matter in person.

Thank you for your consideration of our concerns.

(See attached for persons concerned)

Dwayne & Tracy Zadow
Dwayne & Tracy Zadow
2800 7th st.
Columbia City, OR 97018
503-442-5671

Lot 5 Block 63

Angelberto Delacruz
Angelberto Delacruz
2850 7th st.
Columbia City, OR 97018
503-543-8956 Day
~~503~~

Lot 6 Block 63

James W Tracy
655 Franklin st
Columbia City, OR 97018
(503) 407-8790
James Tracy

Lots 7+8 Block 63

The City of Columbia City

In Columbia County on the Columbia River



May 14, 2008

Cynthia Zemaitis
Office of County Counsel
Columbia County Courthouse
230 Strand, Room 318
St. Helens, OR 97051-2096

COLUMBIA COUNTY
MAY 15 2008
COUNTY COUNSEL

Re: Proposed Vacation of Platt Rights-of-Way

Dear Cynthia:

The City of Columbia City has reviewed Terra, LLC's proposal to vacate 40 feet of right-of-way on the west side of Seventh Street between Franklin Street and Garfield Street within Giltner's Addition to Columbia City. Seventh Street provides access to four existing residences. When the existing improvements were required, they were planned for the center of the existing 80 feet of right-of-way with equal unimproved sections on either side of the paving.

Columbia City's current minimum width for right-of-way for a local street such as Seventh Street is 50 feet. This means there is 30 feet of additional right-of-way on Seventh Street. One half, or 15 feet, is located on the east side of the right-of-way and one half, or 15 feet, is located on the west side of the right-of-way. The City does not object to vacating the western 15 feet of right-of-way on Seventh Street. However, the City intends to satisfy its adopted street standards by maintaining a 50-foot right-of-way on Seventh Street. Any future vacation of additional right-of-way beyond the westerly 15 feet should be to the property owners on the east side of the right-of-way.

Therefore, we request that Columbia County limit the vacation on Seventh Street to the western 15 feet. The City does not object to the requested vacation of the Eighth Street, the easterly $\frac{1}{2}$ of Ninth Street, the southerly $\frac{1}{2}$ of Garfield Street between Seventh Street and Ninth Street, or the alleys within Blocks 61 and 62, Giltner's Addition to Columbia City.

Thank you for this opportunity to comment. Please advise if any additional action is necessary.

Sincerely,

A handwritten signature in cursive script that reads 'Leahnette Rivers'.

Leahnette Rivers
City Administrator/Recorder

PO Box 189 ♦ 1840 Second Street ♦ Columbia City, Oregon 97018

Phone 503-397-4010 ♦ Fax 503-366-2870

E-mail colcity@columbia-city.org ♦ Web site www.columbia-city.org

Darrell & Sharlene Knight
862 W. 11th St.
Mesa, Az. 85201-3110
May 1, 2008

Ms. Synthia Zemaitis
Land Development Services
Columbia County court House
230 Strand Rm.. 318
St. Helens, Ore. 97051

Dear Ms. Synthia Zemaitis,

We have received requests from Karen Erlandson representing Terra LLC and possibly others to vacate "the western 1/2 of 7th St., all of 8th St. & the easterly 1/2 of 9th St. lying south of the south line of Franklin St. & north of the center line of Garfield St. & the alleys lying in blocks 61 & 62 Giltner Addition to Columbia City. Tax account No. 5N1W21-CC-O2100, 02300, 02300 & 2400, 5N1W21-CD-01500 & 5N1W28 BB-00100."

We are acting to strongly disapprove this request to vacate 1/2 of Garfield St. and 1/2 of 9th St. as defined. We urge the Commission to deny this portion of the request for street vacations. We will be restricted from access to the north and west portions of our property by these proposed vacations of Garfield St. & 9th St. which border our property on the north of blocks 56 & 57 and east of our block 60. Some may say, "Well that property will never be developed." Our response is, "Never is a long time." There is no way to predict future growth and development. These vacation proposals could restrict future access to this property. We see no benefit to our present or future interests or to our estate by these proposals.

Based upon county property assessed values and taxes, this property has continued to gain value.

We appreciate the cooperation of your office and the commission's consideration for our interests and concerns.



Sincerely,


Darrell & Sharlene Knight

EXHIBIT C

The City of Columbia City

In Columbia County on the Columbia River



June 18, 2008

Cynthia Zemaitis, Paralegal
Office of County Counsel
Columbia County Courthouse
230 Strand, Room 318
St. Helens, OR 97051

COLUMBIA COUNTY
JUN 20 2008
COUNTY COUNSEL

Re: Proposed Vacation of Plat Right-of-Way by Terra, LLC

Dear Cynthia:

I am writing this letter on behalf of the City of Columbia City to comment on the proposed vacation of the westerly 30 feet of Seventh Street right-of-way between Franklin Street and Garfield Street within Giltner's Addition to Columbia City.

The City does not object to the proposal, provided the petitioner, Terra, LLC, provides the City with a Non-Remonstrance Agreement for street improvements. The existing street improvements within Seventh Street are 1/2-street improvements, and the City may condition the issuance of access permits on the west side of Seventh Street upon the development of full street improvements.

Thank you for this opportunity to comment. Please advise if additional action is necessary.

Sincerely,

Leahnette Rivers
City Administrator/Recorder

COLUMBIA COUNTY
 APR 03 2008
 COUNTY COUNSEL

INTER-OFFICE MEMORANDUM

Columbia County Land Development Services Department

TO: Cynthia Zemaitis, Office of Columbia County Counsel
FROM: Todd Dugdale, Director *TD*
RE: Terra LLC's Proposed Vacation of several Platted Rights-of-Way in the Giltners Addition to Columbia City related to CU 08-16
DATE: April 2, 2008

The applicant, Terra, LLC, has submitted a Conditional Use Permit to site a non-resource related single family dwelling on Forest Agriculture (FA-19) zoned property located adjacent to the City of Columbia City's city limits. The subject property is also identified as Blocks 61 and 62 of the Giltners Addition and consists of 16 platted lots of the Giltner's's's Addition. The total acreage for the proposed building site, including the acreage of all 16 lots and the proposed vacated portions of 7th, 8th, and 9th Streets' and the 2 alleys' rights-of-way, will contain approximately 3.24 acres. Because the subject property will not be utilizing water or sewer from the City of Columbia City, the applicant will need to install a private well and an onsite sewage disposal system on this 3.24 acre subject property prior to any building permit issuance..

When reviewing conditionally permitted dwellings in forest zones, Land Development Services also includes a thorough evaluation of the property's physical characteristics in order to determine whether or not the property has any site specific limitations that may significantly restrict the property's ability to safely and appropriately support its intended use.

For this particular conditional use, CU 08-16, the applicant must also demonstrate that the subject property can appropriately and safely accommodate one single-family dwelling. To meet this requirement the applicant must show that the location of the dwelling on the property satisfies siting criteria for the FA-19 zoning district, meets Fire Safety siting criteria. and that the 3.24 acre building site will have direct standard road frontage on the remaining platted rights-of-way when and if they are ever developed to public road standards and specifications. Finally, the applicant must demonstrate that

Therefore, we recommend that the Board place the following conditions on approval of the vacation:

1. That the applicant irrevocably bind the vacated rights-of-way with the entire 3.24 acre building site and irrevocably bind or vacate all 16 lots within Block 61 & 62 of Giltner's Addition prior to the issuance of any building permits for CU 08-16.
2. That the Deeds irrevocably binding this lots and vacated rights of way be filed and recorded in the County Clerk's office, run with the land, and can be waived or modified only by the recording of written instruments that certify approval (1) of the Board of Commissioners of Columbia County and (2) by a majority vote of the surrounding property owners after 10 days of written notice to the owners of land within 300 feet of said property.

Irrevocably binding the 16 lots similarly will also ensure none of these pre-existing, lawfully created, and urban sized 16 lots in the FA-19 Resource Zone can be separated one another and potentially be developed at urban densities before adequate public facilities are available to adequately and safely accommodate this level of development.