

After recording, return to:
Board of County Commissioners
Columbia County Courthouse
230 Strand, Room 331
St. Helens, OR 97051

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed Vacation of)
a Portion of Columbia [Washington] Way)
in Rainier, Oregon.)
)
[Dan and Josephine Leno])
_____)

ORDER NO. 51- 2009
(Initiating/Finalizing Vacation Proceedings)

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, on February 23, 2009, Dan and Josephine Leno, who own property abutting the public rights-of-way proposed to be vacated, filed with the Board a petition requesting the Board vacate a portion of Columbia Way (aka Washington Way), under County jurisdiction, and a portion of Third Street, a city street, both located within the Rainier city limits; and

WHEREAS, the Petition is attached hereto, labeled Exhibit 1, and is incorporated herein by this reference; and

WHEREAS, pursuant to ORS 368.351, 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, 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 March 30, 2009, with the Board indicating that it was his assessment that the vacation of the portion of Columbia [Washington] Way proposed for vacation would be in the public interest, but that Third Street was under the jurisdiction of the City and could not, therefore, be vacated by the County; and

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

WHEREAS, the petition submitted by Mr. and Mrs. Leno, as amended, complies with the petition requirements of ORS 368.341(3); and

WHEREAS, pursuant to ORS 368.361, the petition was forwarded to the City of Rainier for comments on the proposed vacation; and

WHEREAS, on May 7, 2009, the City of Rainier, by letter, advised that they were opposed to the vacation of Third Street, but would support the vacation of Columbia [Washington] Way as proposed, a copy of the City's response being attached hereto as Exhibit 3 and incorporated herein by this reference; and;

WHEREAS, on May 18, 2009, Mr. and Mrs. Leno amended their petition to exclude vacation of any portion of Third Street and attaching a revised legal description, said amendment being attached hereto as Exhibit 4 and incorporated herein by this reference; and

WHEREAS, the revised legal description erroneously contained reference to Third Street, and a second, corrected legal description was received by the County on June 18, 2009, a copy of which is attached as Exhibit 5 and incorporated herein by this reference; and

WHEREAS, the portion of Columbia [Washington] Way proposed to be vacated by Mr. and Mrs. Leno is generally described as beginning at the western boundary of Lot 13, Block 39, West Rainier, and running westerly to the western boundary of Lot 19, Block 40, West Rainier, and is more particularly described on the attached Exhibit 5; and

WHEREAS, a map of that portion of the roadway proposed to be vacated is attached hereto, labeled Exhibit 6, and incorporated herein by this reference; and

WHEREAS, the Board finds that the petition, as amended, meets the requirements of ORS 368.341 and contains the acknowledged signatures and owners' approval as required by ORS 368.351; and

WHEREAS, pursuant to ORS 368.361, the City of Rainier, by resolution or order, must concur in these findings;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Vacation of that portion of Columbia [Washington] Way, as more particularly described in Exhibit 5 and as shown in Exhibit 6, is in the public interest.

2. Upon the receipt of a resolution or order approved by the City of Rainier concurring in this finding, which such order or resolution shall be recorded in the County deed records, the property described in Exhibit 5 and depicted in Exhibit 6 is hereby vacated, and shall hereby vest in the abutting property owners as provided in ORS 368.366(1).

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 \$1,000 for vacations of public rights-of-way was paid by the petitioners, \$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	\$00.00
Recording Final Order by the Clerk	\$31.00 [first page]	\$31.00
	\$5.00 [each additional page x 22 pp.]	\$105.00
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 22 pp. x 2]	\$11.00
Posting the Approved Road Vacation by County Surveyor	\$100.00 [per parcel]	\$100.00
	TOTAL EXPENSES	\$283.00

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	:	\$	154.50
To County Surveyor	:	\$	100.00

6. 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 12th day of August, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: *John M. Serward*
Chair

By: _____
Commissioner

By: *not present*
Commissioner

APPROVED AS TO FORM:

By: *[Signature]*
Office of County Counsel

S:\COUNSEL\ROADS\COLUMBIA (WASHINGTON) WAY\ORD INITIAT & FINAL 2009.wpd

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

FEB 23 3 44 PM '09

COLUMBIA CO. CLERK
BY *Galmer* DEP.

In the Matter of the Vacation of Portions
of Washington Way and Third St.
Located Near Rainier
Columbia County, Oregon }

PETITION FOR VACATION

PV-2009-1

I/We, Daniel R Leno and Josephine A Leno, [insert name(s) of all petitioners], who
reside at 29203 Washington Way [insert address],
556 9831 [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:

*End of Washington way that deadends
in our property.*

b. Legal Description:

attached Exhibit "A", "B"

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:

*We own the property on both sides
of this portion of Washington Way.
And also both sides of 3rd Street.*

b. Legal Description of your property:

3. Creation of Public Interest.

See Exhibit ____, 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].

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

For use of parking lot, Street doesn't go anywhere

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

none

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]:

OREGON STATE Highway, and City of Prineville,
COLUMBIA County Road Exhibit D"

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 Daniel R. Leno Josephine A Leno, 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.

Daniel R. Leno 2-13-09
 (Petitioner's Name) (Date)

Josephine A Leno 2-13-09
 (Co-Petitioner's Name [if any])

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

Subscribed and sworn to before me this 13 day of Feb, 2009.



Tammi M. Green
 Notary Public for Oregon Washington
 My Commission Expires: 25-aug-2010

EXHIBIT "A"
LEGAL DESCRIPTION FOR
PROPOSED STREET VACATION
CITY OF RAINIER, COLUMBIA COUNTY, OREGON
FOR DAN LENO
May 11, 2000

A tract of land located in the James Dobbins D.L.C., also lying within the northwest one-quarter of Section 17, T.7N., R.2W., W.M., City of Rainier, Columbia County, Oregon. Being portions of Washington Way (formerly Columbia Way), and Third Street lying within the plat of "Unit 'C' West Rainier", a duly recorded plat in said County, being more particularly described as follows:

Commencing at the centerline intersection of Washington Way and Second Street as shown on said plat, a found 1-1/2" iron rod a with tack in center in a monument box; thence along the centerline of Washington Way N.69°51'30"W., 405.00 feet to a point in said centerline; thence N.20°08'30"E., 40.00 feet to the southwest corner of Lot 13, Block 39 of said plat, also being a point on the northerly right-of-way line of Washington Way and the **Point of Beginning** of the herein described tract; thence continuing along said northerly right-of-way line N.69°51'30"W., 100.00 feet to the southwest corner of Lot 11, Block 39 of said plat, also being a point on the easterly right-of-way line of Third Street; thence along said easterly right-of-way line N.20°08'30"E., 54.75 feet to a point on the South right-of-way line of Oregon State Highway 30; thence along said South right-of-way line N.82°02'53"W., 28.65 feet to an angle point in said South right-of-way line designated as "Engineer's Station 2308+00.00, 110.00 feet right"; thence continuing along said South right-of-way line N.80°36'57"W., 32.56 feet to a point on the East line of Lot 23, Block 40 of said plat, also being a point on the westerly right-of-way line of Third Street; thence along said westerly right-of-way line S.20°08'30"W., 42.62 feet to the southeast corner of said Lot 23, also being a point on said northerly right-of-way line of Washington Way; thence continuing along said northerly right-of-way line N.69°51'30"W., 224.33 feet to a point on said South right-of-way line of Oregon State Highway 30; thence along said South right-of-way line N.80°36'57"W., 39.10 feet to an angle point in said South right-of-way line designated as "Engineer's Station 2305+00.00, 110.00 feet right"; thence S.63°07'49"W., 99.39 feet to a point on the southerly right-of-way line of Washington Way; thence continuing along said southerly right-of-way line S.69°51'30"E., 490.51 feet; thence N.20°08'30"E., 80.00 feet to the **Point of Beginning**.

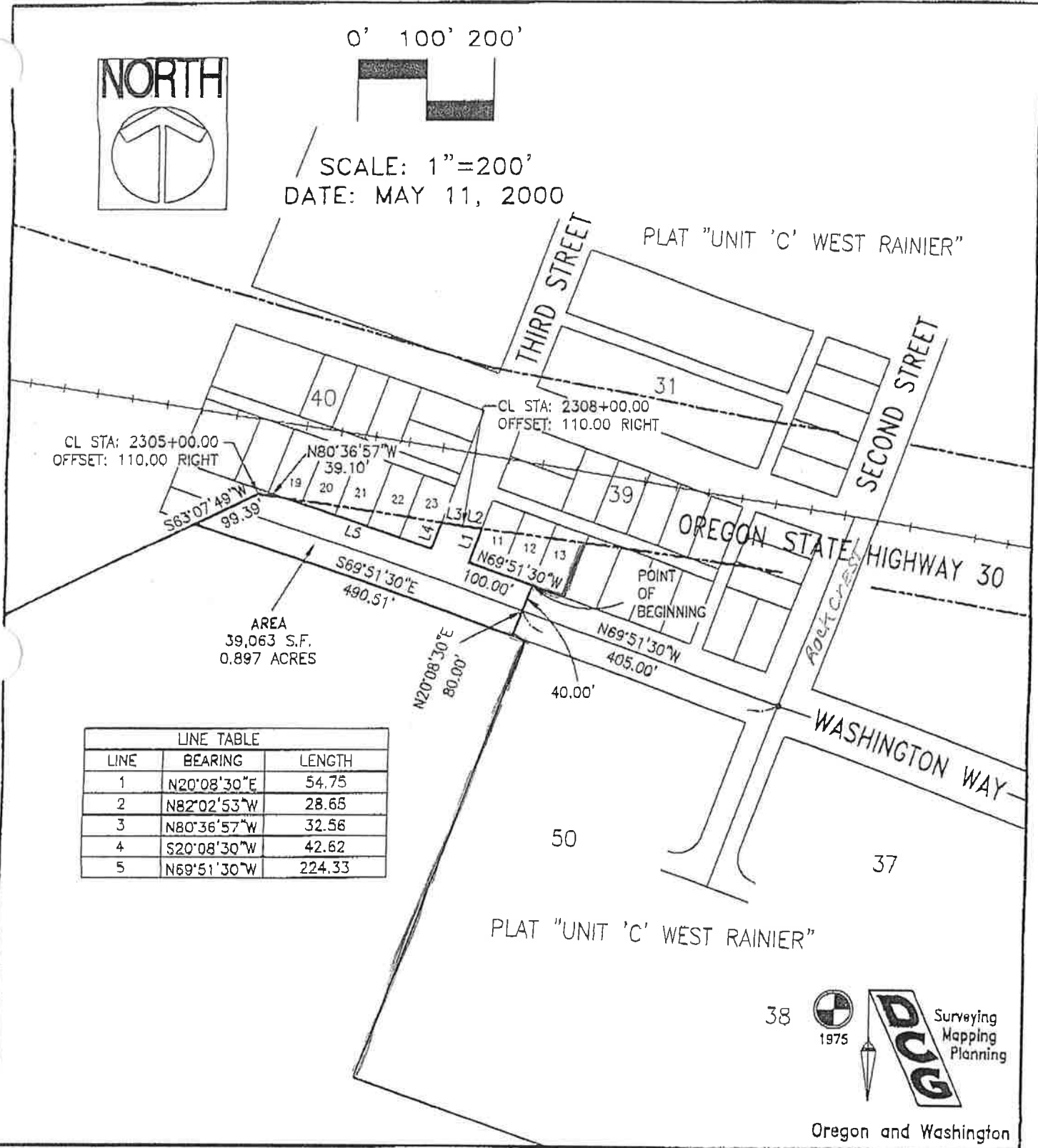
Containing 39,063 square feet (0.897 acres), more or less.



0' 100' 200'



SCALE: 1"=200'
DATE: MAY 11, 2000



CL STA: 2305+00.00
OFFSET: 110.00 RIGHT

CL STA: 2308+00.00
OFFSET: 110.00 RIGHT

AREA
39,063 S.F.
0.897 ACRES

LINE TABLE		
LINE	BEARING	LENGTH
1	N20°08'30"E	54.75
2	N82°02'53"W	28.65
3	N80°36'57"W	32.56
4	S20°08'30"W	42.62
5	N69°51'30"W	224.33

38



Surveying
Mapping
Planning

Oregon and Washington

SKETCH TO ACCOMPANY EXHIBIT "A"
PROPOSED STREET VACATION
PORTIONS OF WASHINGTON WAY AND THIRD STREET
CITY OF RAINIER, COLUMBIA COUNTY, OREGON
FOR: DAN LENO

DAVIS
CONSULTING
GROUP, INC.

1228 LEWIS RIVER ROAD
WOODLAND, WASHINGTON 98674
(360) 225-1449

EXHIBIT D (corrected)

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Surrender of)
Jurisdiction over Washington Way) ORDER NO. 1-97
to the City of Rainier) Offering Jurisdiction
_____)

WHEREAS, on December 26, 1996, the Board of County Commissioners adopted Order No. 337-96, initiating proceedings for the transfer of jurisdiction over Washington Way to the City of Rainier; and

WHEREAS, Washington Way is a county road which is located entirely within the boundaries of the City of Rainier and extends northerly from 13th Street West to Rockcrest Street; a map showing the location of Washington Way within the City of Rainier and the portion of road to be surrendered to the City is attached hereto, labeled Exhibit "A" and incorporated herein by this reference; and

WHEREAS, on January 8, 1997, the Board held a hearing pursuant to ORS 373.270 to consider any objections or testimony offered by any person interested and determine whether it is necessary, expedient or for the best interests of the County to surrender jurisdiction over Washington Way to the City of Rainier; and

WHEREAS, notice of the hearing was posted in three locations on or before January 1, 1997, two of which were within the city limits of the City of Rainier, pursuant to ORS 373.270(2)(a), and notice of the hearing was published on January 1, 1997, in *The Chronicle*, a newspaper of general circulation within the County, and the *Rainier Review*, a newspaper of general circulation within the City; and

WHEREAS, Lt. Jim Gibson appeared at the public hearing in favor of the transfer, and no one appeared in opposition to the transfer;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board of County Commissioners finds that it is necessary, expedient and for the best interests of the County to surrender jurisdiction over Washington Way, from 13th Street West to Rockcrest Street, to the City of

Rainier.

2. The jurisdiction over Washington Way from 13th Street West to Rockcrest Street is offered to the City of Rainier.
3. A copy of this order shall be transmitted to the City of Rainier as notice of the offer to transfer jurisdiction.
4. When the City of Rainier adopts appropriate municipal legislation accepting jurisdiction over Washington Way from 13th Street West to Rockcrest Street:
 - a. The jurisdiction of the County over Washington Way as a county road, or for its improvement, construction or repair shall cease;
 - b. The full and absolute jurisdiction over Washington Way for all purposes of repair, construction, improvement and the levying and collection of assessments therefor shall vest in the City of Rainier; and
 - c. The City of Rainier shall have the same jurisdiction over Washington Way as are given by its charter and the laws of the State of Oregon over any of the public streets and alleys of the City.

DATED this 8th day of January, 1997.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Jack R. Peterson
Chair

By: [Signature]
Commissioner

By: [Signature]
Commissioner

Approved as to form:

By: [Signature]
Office of County Counsel

Rainier Ordinances

ORDINANCE NO. 967

AN ORDINANCE ACCEPTING JURISDICTION OVER WASHINGTON WAY FROM 13TH STREET WEST TO ROCKCREST STREET, WHICH LIES WITHIN THE CITY LIMITS OF THE CITY OF RAINIER, OREGON.

WHEREAS, Washington Way from 13th Street West to Rockcrest Street lies within the city limits of the City of Rainier; and

WHEREAS, on January 8, 1997, the Columbia County Board of County Commissioners held a public hearing and determined, pursuant to ORS 373.270, that it was necessary, expedient and for the best interests of the County to surrender jurisdiction over Washington Way, from 13th Street West to Rockcrest Street, to the City of Rainier, and after said hearing adopted Order No. 1-97 which offers to surrender Washington Way to the City of Rainier; and

WHEREAS, it is in the best interests of the City to accept the County's offer;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City of Rainier accepts the county's offer to surrender jurisdiction over Washington Way, from 13th Street West to Rockcrest Street, as shown on the map which is attached hereto, labeled Exhibit "A" and incorporated herein by this reference; and be it further

RESOLVED that the jurisdiction of the County over Washington Way, as described above, as a county road; or for its improvement, construction or repair shall cease; and be it further

RESOLVED that the full and absolute jurisdiction over Washington Way, as described above, for all purposes of repair, construction, improvement and the levying and collection of assessments therefore shall vest in the City of Rainier; and be it further


RESOLVED that the City of Rainier shall assume and have the same control, power and jurisdiction over Washington Way, as described above, as by its charter and the laws of the State of Oregon are given or granted to the City over any of the public streets and alleys of the City of Rainier.

ENACTED THIS 21 day of January, 1997, by the City council of the City of Rainier and signed by the Mayor on the 21 day of January, 1997.

CITY OF RAINIER

By: 
Mayor

Attest:

By: 
City Recorder

Approved as to form:

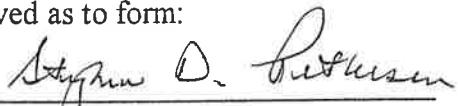
By: 
Stephen D. Petersen, City Attorney

EXHIBIT 2



Columbia County Road Department
1054 Oregon Street, St. Helens, OR 97051

David Hill, Public Works Director

Ph: (503) 366-3964 Fax: 397-7215

e-mail: David.Hill@co.columbia.or.us

to: Columbia County Board of Commissioners
cc: Columbia County Counsel
from: David Hill, Public Works Director
date: Mar 30, 2009

David Hill

subject: Proposed vacation of a portion of Columbia (Washington) Way and Third Street in Rainier Oregon.

I have verified that the properties on both sides of the proposed road vacation are owned by Dan & Josephine Leno.

Even though the city limits of Rainier are on the south side of the proposed section of Washington Way that is to be vacated, the roadway is under the County's jurisdiction. The County has responsibility for Washington Way from the intersection of Rock Crest (2nd Street) west to the convergence with the Hwy 30 (ODOT) right-of-way.

Third Street is not under County jurisdiction (it is within the Rainier city limits, therefore is under the jurisdiction of the City of Rainier), thus the County can not vacate.

I recommend that the proposed vacation of Washington Way be accepted as proposed. The City of Rainier may also decide to vacate 3rd Street south of Hwy 30 at their discretion.

COLUMBIA COUNTY

MAR 20 2009

COUNTY COUNSEL

City of Rainier

May 7, 2009

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

RE: Proposed Vacation of a Portion of Washington Way (Leno).

Dear Ms. Zemaitis:

After receiving your letter dated March 16, 2009 with the Petition for Vacation submitted to the County by Daniel and Josephine Leno, the City Administrator, the Director of Public Works and the Planning Clerk met with Mr. Leno to discuss the application. The portion of Washington Way being proposed to vacate is in the City limits, however is a County Road. Third Street is in the City limits and is a City street.

Please be advised Mr. Leno was advised the City would not be amenable to approving the vacation request as proposed (including Third Street), however would not oppose supporting a vacation that did not include Third Street. Last week the City received the attached "Exhibit B" legal description and sketch from Mr. Leno that removed Third Street from the initial proposal.

Also, the City would support a waiver of street improvements on the north side of Washington Way until development occurs but final approval of your request would require action by the City Council. Please advise if a revised Petition for Vacation will be submitted to the City.

Sincerely,



Lars Gare
City Administrator

Encs.

CC: Daniel & Josephine Leno
File

COLUMBIA COUNTY

MAY 11 2009

COUNTY COUNSEL

EXHIBIT "B"
LEGAL DESCRIPTION FOR
PROPOSED STREET VACATON
CITY OF RAINIER, COLUMBA COUNTY, OREGON
For Dan Leno,
April 20, 2009

A tract of land located in the James Dobbin D.L.C., also lying within the northwest on-quarter of Section 17, T.7N., R.2W., W.M., City of Rainier, Columbia County, Oregon. Being portions of Washington Way (formerly Columbia Way), and Third Street lying within the plat of "Unit 'C' West Rainier", a duly recorded plat in said County, being more particularly described as follows:

COMMENCING at the centerline intersection of Washington Way and Second Street as shown on said plat, a found 1-1/2" iron rod a with tact in center in a monument box;

thence, along the centerline of Washington Way N.69°51'30"W., 405.00 feet to a point said centerline; thence N.20°08'30"E., 40.00 feet to the southwest corner of Lot 13, block 39 of said plat, also being a point on the northerly right-of-way line of Washington Way and the **Point of Beginning** of the herein described tract;

thence, continuing along said northerly right-of-way line N.69°51'30"W., 100.00 feet to the southwest corner Lot 11, Block 39 of said plat, also being a point of the easterly right-of-way line of Third Street;

thence, continuing along the northerly right-of-way line of said Washington Way N.69°51'30"W., 60.00 feet to the southeast corner of said Lot 23, also being a point on the northerly right-of-way line of Washington Way;

thence, continuing northerly right-of-way line N.69°51'30"W., 224.33 feet to a point a said south right-of-way line of Oregon State Highway 30;

thence, along south right-of-way line N.80°36'57"W., 39.10 feet to an angle point in said south right-of-way line designated as "engineers station 2305+00.00, 110.00 feet right";

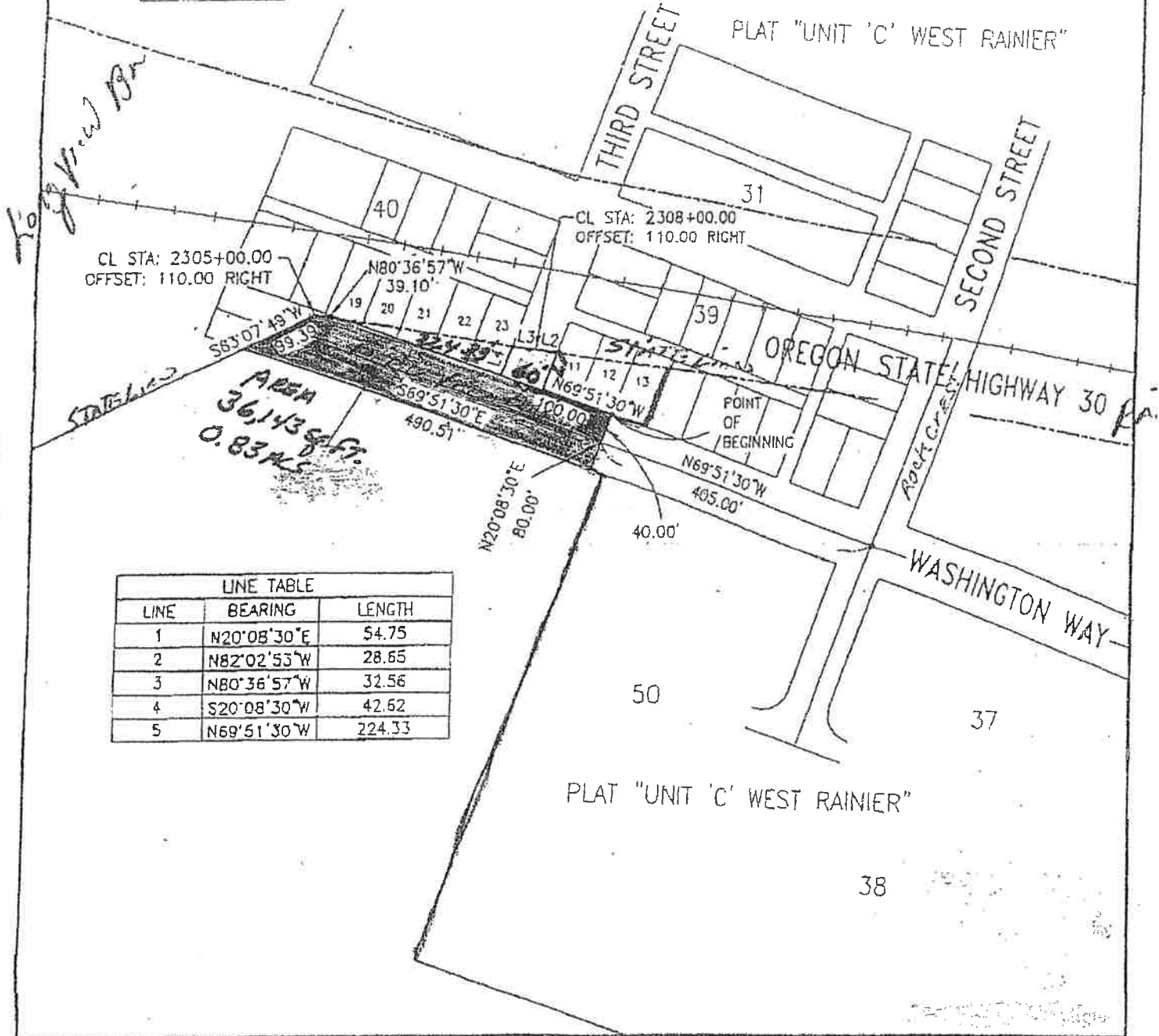
thence, continuing along said south right-of-way line S.63°07'47"W., 99.39 feet to a point on the southerly right-of-way line of Washington Way;

thence, continuing along said southerly right-of-way line S.69°51'30"E., 490.51 feet; thence, N.20°08'30"E., 80.00 feet to the **Point of Beginning**.

CONTAINING 36,143 sq. ft. (0.830 acres), more or less.



SCALE: 1"=200'
DATE: MAY 11, 2000



LINE TABLE		
LINE	BEARING	LENGTH
1	N20°08'30"E	54.75
2	N82°02'53"W	28.65
3	N80°36'57"W	32.56
4	S20°08'30"W	42.62
5	N69°51'30"W	224.33

SKETCH TO ACCOMPANY EXHIBIT "B"
PROPOSED STREET VACATION
PORTIONS OF WASHINGTON WAY AND THIRD STREET
CITY OF RAINIER, COLUMBIA COUNTY, OREGON
FOR: DAN LENO

EXHIBIT 4

0

RE: Proposed Street vacation of a portion of Washington Way

We would like to amend our current application for street vacation of Washington Way to exclude 3rd street. At a meeting with the city they explained that 3rd street was a city street that they would want to keep for future access for utilities as needed.

We are sending you exhibit "B" the revised legal description for the street vacation.

If you have any questions please call Dan at 503-556-3931 or 360-430-0304

Sincerely,

Daniel & Josephine Leno

COLUMBIA COUNTY
MAY 18 2009
COUNTY COUNSEL

EXHIBIT "B"
LEGAL DESCRIPTION FOR
PROPOSED STREET VACATON
CITY OF RAINIER, COLUMBA COUNTY, OREGON
For Dan Leno,
April 20, 2009

A tract of land located in the James Dobbin D.L.C., also lying within the northwest on-quarter of Section 17, T.7N., R.2W., W.M., City of Rainier, Columbia County, Oregon. Being portions of Washington Way (formerly Columbia Way), and Third Street lying within the plat of "Unit 'C' West Rainier", a duly recorded plat in said County, being more particularly described as follows:

COMMENCING at the centerline intersection of Washington Way and Second Street as shown on said plat, a found 1-1/2" iron rod a with tact in center in a monument box;

thence, along the centerline of Washington Way N.69°51'30"W., 405.00 feet to a point said centerline; thence N.20°08'30"E., 40.00 feet to the southwest corner of Lot 13, block 39 of said plat, also being a point on the northerly right-of-way line of Washington Way and the **Point of Beginning** of the herein described tract;

thence, continuing along said northerly right-of-way line N.69°51'30"W., 100.00 feet to the southwest corner Lot 11, Block 39 of said plat, also being a point of the easterly right-of-way line of Third Street;

thence, continuing along the northerly right-of-way line of said Washington Way N.69°51'30"W., 60.00 feet to the southeast corner of said Lot 23, also being a point on the northerly right-of-way line of Washington Way;

thence, continuing northerly right-of-way line N.69°51'30"W., 224.33 feet to a point a said south right-of-way line of Oregon State Highway 30;

thence, along south right-of-way line N.80°36'57"W., 39.10 feet to an angle point in said south right-of-way line designated as "engineers station 2305+00.00, 110.00 feet right";

thence, continuing along said south right-of-way line S.63°07'47"W., 99.39 feet to a point on the southerly right-of-way line of Washington Way;

thence, continuing along said southerly right-of-way line S.69°51'30"E., 490.51 feet; thence, N.20°08'30"E., 80.00 feet to the **Point of Beginning**.

CONTAINING 36,143 sq. ft. (0.830 acres), more or less.

EXHIBIT 5

PO Box 118
Rainier, OR 97048
Phone 503-556-3931
Fax 503-556-0934

Dan Leno

Fax

To: Cynthia Zemaitis **From:** Dan Leno

Fax: 503-366-3925 **Pages:** 2 (Including cover sheet)

Phone: 503-397-3839 **Date:** 6/18/2009

Re: Proposed Vacation of a portion of
Washington Way

Urgent For Review Please Comment Please Reply Please Recycle

• **Comments:** I am sending you the new legal description removing reference to 3rd Street. Marked Exhibit "A". If you have any questions please don't hesitate to call me at work 503-556-3931 or cell 360-430-0304. Thank you.

COLUMBIA COUNTY

JUN 22 2009

COUNTY COUNSEL

EXHIBIT "A"
LEGAL DESCRIPTION FOR
PROPOSED STREET VACATON
CITY OF RAINIER, COLUMBA COUNTY, OREGON
June 15, 2009

A tract of land located in the James Dobbin D.L.C., also lying within the northwest on-quarter of Section 17, T.7N., R.2W., W.M., City of Rainier, Columbia County, Oregon. Being portions of Washington Way (formerly Columbia Way), lying within the plat of "Unit 'C' West Rainier", a duly recorded plat in said County, being more particularly described as follows:

Commencing at the centerline intersection of Washington Way and Second Street as shown on said plat, a found 1-1/2" iron rod a with tact in center in a monument box; Thence along the centerline of Washington Way N.69°51'30"W., 405.00 feet to a point said centerline; thence N.20°08'30"E., 40.00 feet to the southwest corner of Lot 13, block 39 of said plat, also being a point on the northerly right-of-way line of Washington Way and the **Point of Beginning** of the herein described tract; thence continuing along said northerly right-of-way line N.69°51'30"W., 100.00 feet to the southwest corner Lot 11, Block 39 of said plat, also being a point of the easterly right-of-way line of Third Street; thence along said easterly right-of-way line N.20°08'30"E., 54.75 feet to a point on the South right-of-way of Oregon State Highway 30; thence along said South right-of-way N.82°02'53"W., 28.65 feet to a angle point in said south right-of-way line designated as "engineers station 2308+00.00, 110.00 feet right"; thence continuing along said south right-of-way line N.80°36'57"W., 32.56 feet to a point on the east line of Lot 23, Block 40 of said plat, also being a point on the westerly right-of-way line of Third Street; thence along said westerly right-of-way line S.20°08'30"W., 42.62 feet to the southeast corner of said Lot 23, also being a point on the northerly right-of-way line of Washington Way; thence continuing northerly right-of-way line N.69°51'30"W., 224.33 feet to a point a said south right-of-way line of Oregon State Highway 30; thence along south right-of-way line N.80°36'57"W., 39.10 feet to an angle point in said south right-of-way line designated as "engineers station 2305+00.00, 110.00 feet right"; thence continuing along said south right-of-way line S.63°07'47"W., 99.39 feet to a point on the southerly right-of-way line of Washington Way; thence continuing along said southerly right-of-way line S.69°51'30"E., 490.51 feet; thence, N.20°08'30"E., 80.00 feet to the **Point of Beginning**.

Containing 39,063 sq. ft. (0.897 acres), more or less.

EXHIBIT 6

N.W.1/4 NW1/4 SEC.17 T.7N. R.2W. W.M.

COLUMBIA COUNTY

THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY

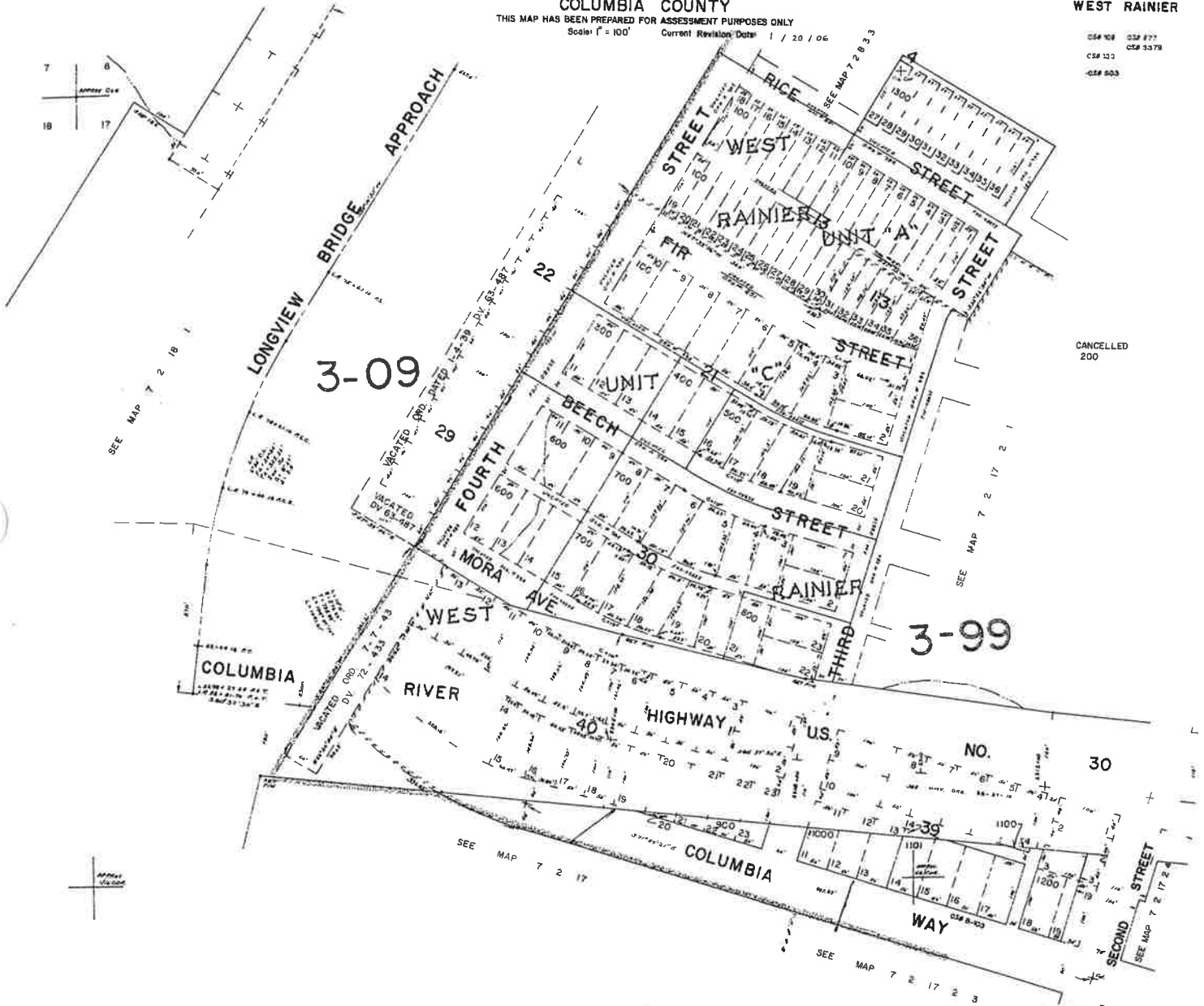
Scale: 1" = 100' Current Revision Date: 1 / 20 / 06

7 2 17 2 2
WEST RAINIER

CS# 108 CS# 177
CS# 133 CS# 1378
CS# 503

CANCELLED
200

7 2 17 2 2
WEST RAINIER



CS# 1-21-14