

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Removal of the Dedication)
for Cemetery Purposes of a Portion of the)
Mayger Cemetery near Rainier, Oregon)
)
[Rainier Cemetery District Petition])

ORDER NO. 82 - 2009

WHEREAS, pursuant to ORS 97.440, the Rainier Cemetery District (hereinafter "the District") brought a proceeding to remove a dedication for cemetery purposes from a portion of Mayger Cemetery located near Rainier, Oregon, before the Board of County Commissioners for Columbia County, Oregon, by filing a *Petition for Removal of Dedication*, a copy of which is attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS, Tom Greer, Chair of the Board of Directors of the District represented in the Petition that the portion of the cemetery from which the removal of dedication for cemetery purposes is sought has not previously been used for interment; and

WHEREAS, that portion of Mayger Cemetery from which the District proposed the removal of the dedication is described as Lots 1 - 562, Block 1; Lots 1 - 208, 240-255, 287-302, 334-349, Block 2; Lots 1-16 and 48-53, Block 3; the walkway lying between these three portions; and, that portion of Tract A lying to the East of Block 1 and Lots 1 - 10 and Lots 48 - 53, Block 3, as depicted on the Mayger Cemetery plat recorded in the deed records of the Columbia County Clerk at Book 3, page 49; and

WHEREAS, that portion of Mayger Cemetery from which the dedication is to be removed is depicted on a copy of the Hudson Cemetery Plat which is attached hereto as Exhibit B and by this reference incorporated herein; and

WHEREAS, a public hearing was scheduled for December 1, 2004, at 10:00 a.m. in the Commissioners' Meeting Room, Room 308 of the Columbia County Courthouse, St. Helens, Oregon, as required by ORS 97.440; and

WHEREAS, the Notice of Public Hearing was published once a week for four consecutive weeks in a newspaper of general circulation within Columbia County, and was published twice in a newspaper with statewide circulation; and

WHEREAS, at said hearing John Crawford, Sexton-Manager of the District was present in support of the *Petition for Removal of Dedication* and to testify that no interment of human remains has occurred within that portion of Mayger Cemetery from which the removal of dedication is sought; and

WHEREAS, no further testimony on the Petition was received by the Board; and

WHEREAS, the Board finds that the Petition meets the requirements of ORS 97.440 and that proof satisfactory has been received that the portion of the cemetery for which dedication is sought to

be removed is not being used for interment of human remains.

NOW, THEREFORE, IT IS HEREBY ORDERED AND DECREED that, upon satisfactory payment by the District of the costs of publication of the hearing notice occurred herein, the dedication for cemetery purposes of that portion of Mayger Cemetery designated as Lots 1 - 562, Block 1; Lots 1 - 208, 240-255, 287-302, 334-349, Block 2; Lots 1-16 and 48-53, Block 3; the walkway lying between these three portions; and, that portion of Tract A lying to the East of Block 1 and Lots 1 - 10 and Lots 48 - 53, Block 3, as depicted on Exhibit B, a copy of the Mayger Cemetery plat recorded in the deed records of the Columbia County Clerk at Book 3, page 49, is hereby removed.

DATED this th16 day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Chair

By: _____
Commissioner

By: 
Commissioner

APPROVED AS TO FORM:

By: 
Office of County Counsel

S:\COUNSEL\SPECDIST\CEMETERIES\RAINIER\MAYGER\ORDER REMOVE.wpd

EXHIBIT A

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

NOV 10 2009

COUNTY COUNSEL

In the Matter of the Removal of the)
Dedication for Cemetery Purposes)
of a Portion of the Mayger Cemetery)
near Rainier, Oregon)
_____)

**PETITION FOR REMOVAL
OF DEDICATION**

Pursuant to ORS 97.440, the Rainier Cemetery District (hereinafter "the District"), by and through its Board of Directors, hereby petitions the Board of County Commissioners (hereinafter "the Board") for the removal of a portion of the Mayger Cemetery dedicated for cemetery purposes.

1) The District owns the real property on which the Mayger Cemetery, Section 19, Township 8 North, Range 3 West, Willamette Meridian, is located, said property being commonly referred to as Tax Map ID No. 8N3W19-D0-00800, and located on Life Lane & Alston-Mayger-Quincy Rd near Rainier, Oregon. The property is depicted on the map attached hereto as Exhibit A and by this reference incorporated herein.

2) The District is the duly appointed cemetery authority and is entitled to bring this petition under ORS 97.440. A copy of the Certificate of Authority to Operate a Cemetery issued by the Oregon Mortuary & Cemetery Board is attached hereon as Exhibit B and by this reference incorporated herein.

3) The District represents and affirms that the portion of the cemetery from which they seek the removal of the dedication for cemetery purposes has not previously been used for interment.

4) The District desires to remove the dedication for cemetery purposes from a portion of the Mayger Cemetery so that that portion may be sold to the Mayger Downing Church.

5) That portion of the cemetery from which the dedication is sought to be removed is highlighted on the Mayger Cemetery plat, recorded in the deed records of the Columbia County Clerk at, Book 3, page 49, and is more specifically described as, Lots 1 -562, Block 1; Lots 1 - 208, 240-255, 287-302, 334-349, Block 2; Lots 1-16 and 48-53, Block 3; the walkway lying between these three portions; and, that portion of Tract A lying to the East of Block 1 and Lots 1 - 10 and Lots 48 - 53, Block 3, as depicted on the Mayger Cemetery plat. attached hereto as Exhibit C and by this reference incorporated herein.

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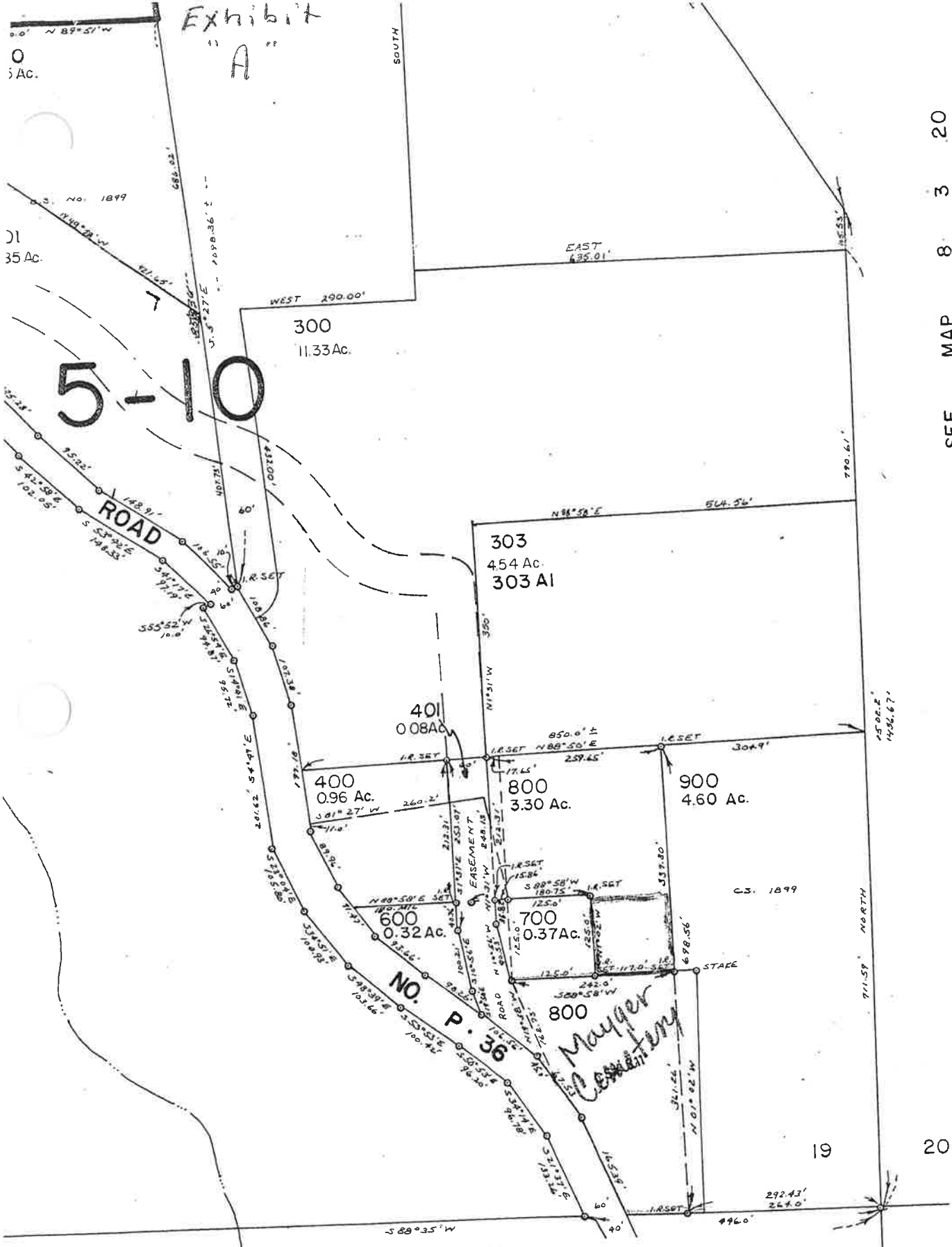
Dated this 10 day of August, 2009.

BOARD OF DIRECTORS FOR THE
RAINIER CEMETERY DISTRICT

By: Tom Greer
Tom Greer, Chair

PETITION.wpd

Exhibit
"A"



SEE MAP 8 3 20

19 20

30 29 8 3 19 4

Area still dedicated

Area for dedication to be removed

& INDEX

8 3 30 1

Exhibit
" B "

2009/2010-CS-0233
CERTIFICATE NUMBER

060

STATE OF OREGON
MORTUARY & CEMETERY BOARD
CERTIFICATE OF AUTHORITY TO OPERATE A CEMETERY

Owner: RAINIER CEMETERY DISTRICT

\$0.00

PAYMENT
RECEIVED

EFFECTIVE DATE:
January 1, 2009

Licensed Facility: MAYGER-DOWNING CEMETERY

Manager: CRAWFORD, JOHN M
Location: MAYGER QUINCY ROAD
RAINIER OR 97048

EXPIRATION
DATE
DEC. DAY, YR.
December 31, 2010

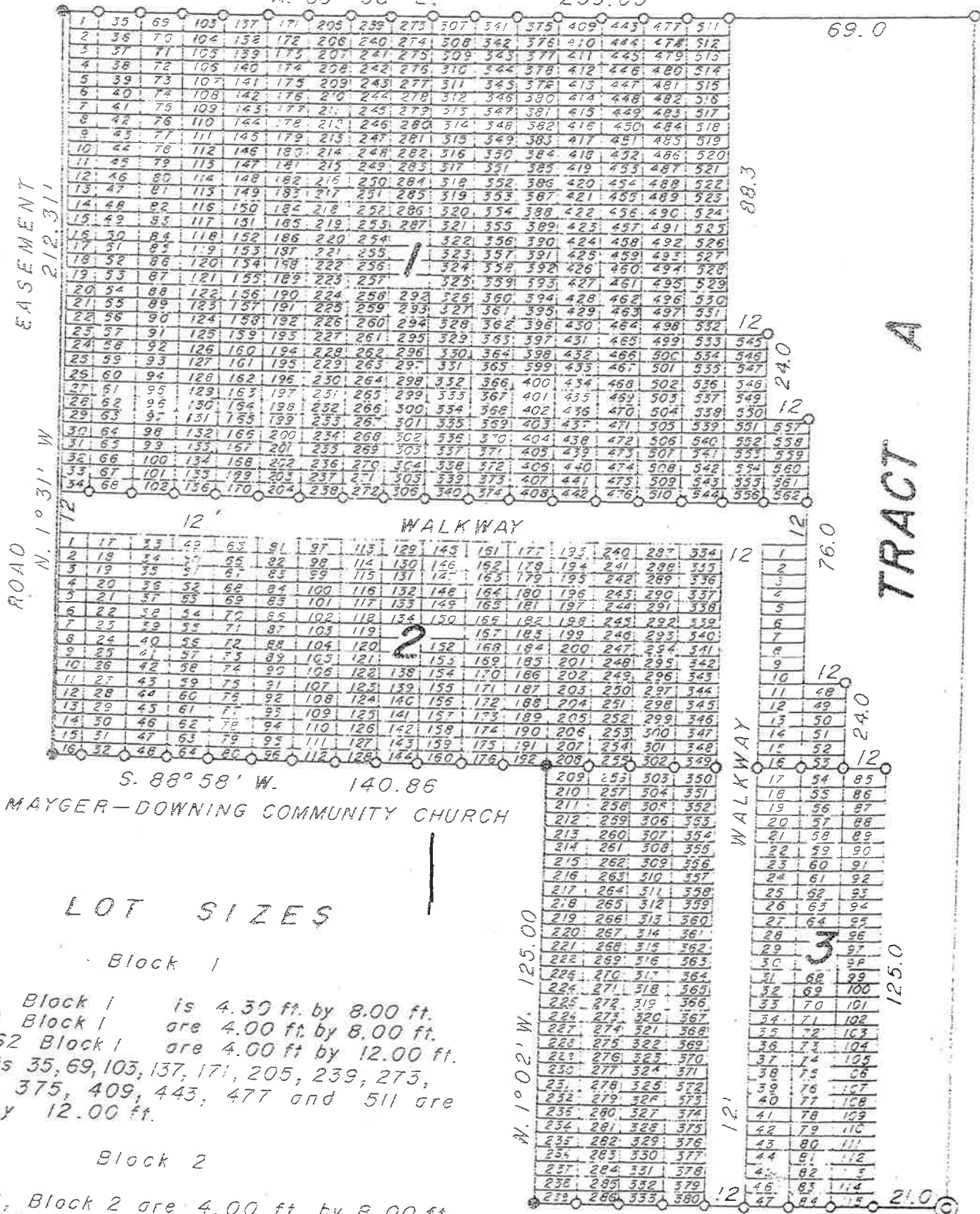
AUDIT NO. B 15367

MUST BE POSTED IN A CONSPICUOUS PLACE - NOT TRANSFERABLE

ORIGINAL

Exhibit

M. 88° 58' E. 259.65



LOT SIZES

Block 1

1 - 34 Block 1 is 4.30 ft. by 8.00 ft.
 35 - 562 Block 1 are 4.00 ft. by 8.00 ft.
 Opt Lots 35, 69, 103, 137, 171, 205, 239, 273,
 341, 375, 409, 443, 477 and 511 are
 5.00 ft. by 12.00 ft.

Block 2

s 1 - 16, Block 2 are 4.00 ft. by 8.00 ft.
 s 17 - 380 Block 2 are 4.00 ft. by 12.00 ft.
 Opt Lots 239, 286, 333 and 380, Block 2
 are 5.00 ft. by 12.00 ft.

Block 3

s 1 - 115, Block 3 are 4.00 ft. by 12 ft.
 Opt Lots 47, 84 and 115, Block 3 which
 are 5.00 ft. by 12.00 ft.

337.30

S. 1° 02' E.

V. 1° 02' W. 361.26

Book 2 Page 107

MAYGER CEMETERY

SECTION 19, T. 8 N., R. 3 W., W. M.
COLUMBIA COUNTY, OREGON



ATTEST:
By *[Signature]*
County Clerk

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That the Reister Cemetery District, a municipal corporation of the County of Columbia, State of Oregon, by its authorized Trustees has caused the land embraced in the annexed plat to be surveyed, layed out, and platted, to be known as MAYGER CEMETERY and the walkways, as shown on said plat, are hereby dedicated to the use of the public forever, that the lands embraced in said plat, and covered by this dedication are situated in the County of Columbia, State of Oregon and are bounded and described as follows: Beginning at a point which is North 88°15' West 232.45 feet and North 1°02' West 361.26 feet from the Southeast corner of Section 19, Township 8 North Range 3 West, Willamette Meridian, Columbia County, Oregon, said point being the North-east corner of the Columbus Maccauban Building, B. Cemetery Association, Cemetery as recorded in Deed Book V, pages 38 and 42; thence South 89°38' West along the North line of said cemetery a distance of 117.00 feet to the Southeast corner of the Mayger-Dowling Community Church tract as recorded in Deed Book 160 page 914; thence North 1°02' West a distance of 128.00 feet to the Northeast corner of said Church; thence South 88°58' West along the North line of said Church a distance of 140.88 feet to the East line of a road easement; thence North 1°31' West along said road easement a distance of 212.51 feet; thence North 88°58' West a distance of 239.65 feet to the East line of the Mayger-Dowling Community Cemetery District; thence South 88°58' West a distance of 357.50 feet to the point of beginning. IN WITNESS WHEREOF, Reister Cemetery District have caused these presents to be signed by its Chairman and Treasurer this 21st day of November, 1972.

Reister Cemetery District

Maecia White - Chairman

Joe Schreiber - Treasurer



STATE OF OREGON
COUNTY OF COLUMBIA ss. This certifying that on this 21st day of November 1972 before me, a notary public in and for the State of Oregon, personally appeared Maecia White, Chairman and Joe Schreiber, Treasurer, of the Reister Cemetery District, who being duly sworn, depose and say that they are the authorized officers of said cemetery and that they executed the foregoing INSTRUMENT and that they executed the same in conformity with the laws of the State of Oregon and that they executed the same and that they executed the same in conformity with the laws of the State of Oregon and that they executed the same in conformity with the laws of the State of Oregon and that they executed the same in conformity with the laws of the State of Oregon.

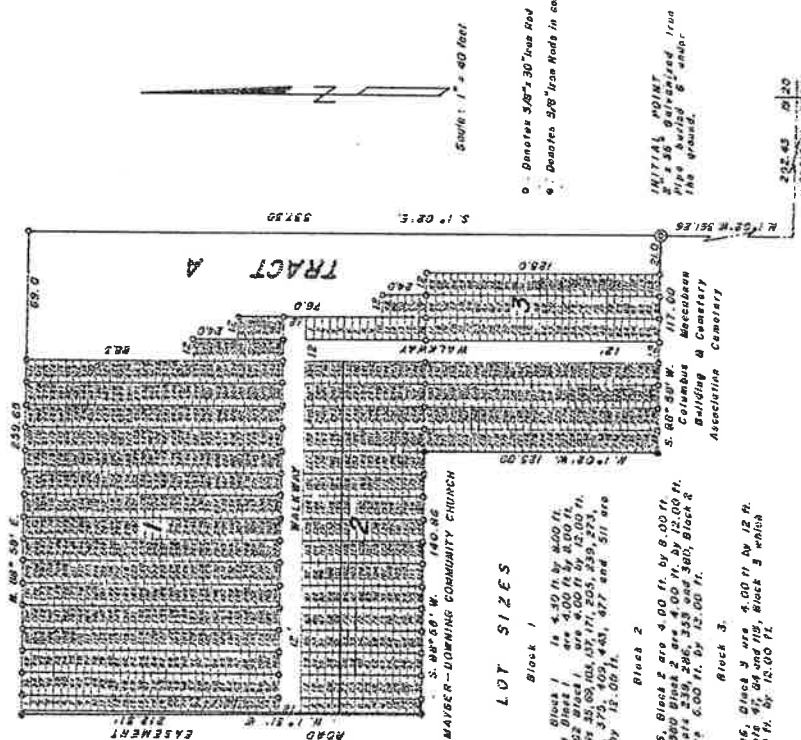
My commission expires this 21st day of November, 1972.

Notary Public in and for the State of Oregon.

SURVEYORS CERTIFICATE

STATE OF OREGON
COUNTY OF COLUMBIA ss. This certifying that on this 30th day of June 1973 before me, a notary public in and for the State of Oregon, personally appeared the undersigned, a duly sworn and qualified Surveyor of the State of Oregon, who being duly sworn, depose and say that they are the authorized officers of said cemetery and that they executed the foregoing INSTRUMENT and that they executed the same in conformity with the laws of the State of Oregon and that they executed the same in conformity with the laws of the State of Oregon and that they executed the same in conformity with the laws of the State of Oregon.

My commission expires this 30th day of June, 1973.



APPROVED: *[Signature]* - 1972
Col. Ch. Assessor

APPROVED: *[Signature]* - 1972
Col. Ch. Auditor

APPROVED: *[Signature]* - 1972
Col. Ch. Treasurer

APPROVED: *[Signature]* - 1972
Col. Ch. Surveyor

APPROVED: *[Signature]* - 1972
Col. Ch. Planning Commission

APPROVED: *[Signature]* - 1972
Col. Ch. Chairman