

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 Hemlock Drive near)
Scappoose, Oregon.)
)
[Columbia Hills Development, et. al])
_____)

ORDER NO. 59 - 2010
(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 March 23, 2010, Stan Hans, Jeniece J. Tonneson, Michael W. Stone, President of Columbia Hills Development Company, and Mark Nelson, who own property abutting the public right-of-way proposed to be vacated, filed with the Board a petition requesting the Board vacate a portion of Hemlock Drive under County jurisdiction, located within the Hillcrest Part 2 subdivision near Scappoose, Oregon; 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 the land abutting the property proposed to be vacated and acknowledged signatures of 100 percent of the owners of the land 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 June 30, 2010, with the Board indicating that it was his assessment that the vacation of the portion of Hemlock Drive proposed for vacation would be in the public interest; 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 Stan Hans, Jeniece J. Tonneson, Michael W. Stone, President of Columbia Hills Development Company, and Mark Nelson complies with the petition requirements of ORS 368.341(3); and

WHEREAS, the portion of Hemlock Drive proposed to be vacated is described as lying between Lots 32 - 38, Block 18A, on the west, and Lots 2 - 8, Block 19A, on the east, Hillcrest Part 2; and

WHEREAS, a map of that portion of the roadway proposed to be vacated is attached hereto, labeled Exhibit 3, and incorporated herein by this reference; and

WHEREAS, in connection with an application for property line adjustments filed by the applicants with Land Development Services, and as a condition of this vacation, petitioners will dedicate additional right-of-way through Block 18A, Hillcrest Part 2, from Wayside Drive to the unvacated portion of Hemlock Drive; and

WHEREAS, as a further condition of this vacation, petitioners shall record appropriate Irrevocably Bound Parcel Creation Covenants comprising Lots 2-7, Block 19A; Lots 8 and 9, Block 19A; and Lots 32-38, Block 18A.

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

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Vacation of that portion of Hemlock Drive as more described above and as shown in Exhibit 3, is in the public interest.

2. Upon acceptance by the Board of Commissioners and the recording of a deed dedicating additional right-of-way through Block 18A, Hillcrest Part 2, from Wayside Drive to the unvacated portion of Hemlock Drive accompanied by a survey thereof, and the recording of Irrevocably Bound Parcel Creation Covenants comprising Lots 2-7, Block 19A; Lots 8 and 9, Block 19A; and Lots 32-38, Block 18A, with recording costs being paid by the petitioners, that portion of Hemlock Drive described above and depicted in Exhibit 3 shall be vacated, and shall 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]	\$ 30.00
Hearing (if required)	\$100.00	\$ 00.00
Recording Final Order by the Clerk	\$46.00 [first page]	\$ 46.00
	\$5.00 [each additional page x 33 pp.]	\$ 65.00
Two Certified Copies by the Clerk [one to Assessor, one to Surveyor]	\$3.75 [first page x 2]	\$ 7.50
	\$00.25 [each add'l page x 33 pp. x 2]	\$ 16.50
Posting the Approved Road Vacation by County Surveyor	\$100.00 [per parcel]	\$100.00
	TOTAL EXPENSES	\$293.50

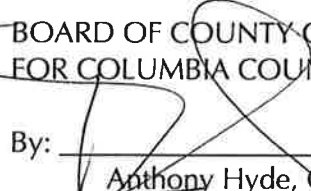
5. The \$28.50 filing fee has already been paid to the County Clerk. The Treasurer is hereby authorized to disburse the following amounts from the Fees for Services, Road Vacations account as follows:

To County Clerk	:	\$	165.00
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 25th day of September, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Anthony Hyde, Chair

By: 
Earl Fisher, Commissioner

By: 
Rita Bernhard, Commissioner

APPROVED AS TO FORM:

By: 
Office of County Counsel

S:\COUNSEL\ROADS\HEMLOCK\ORD INITIAT & FINAL.wpd

EXHIBIT A

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

JUN 24 9 37 AM '10

In the Matter of the Vacation of a portion of Hemlock Drive)
Located Near Callahan Road west of U.S.30)
Columbia County, Oregon)
_____)

COLUMBIA CO. CLERK
BY *D. Klue* DEP.

PETITION FOR VACATION

PV 2010-2

We, Stan Hans and Jeniece J. Tonneson, Michael W. Stone, President of Columbia Hills Development Company, and Mark Nelson [Petitioners] petition the Board of County Commissioners for the vacation of the following property:

Tonnesons - 211 NE Cesar Chavez Blvd, Portland, OR 97232 (503) 234-3466

Stone - 50606 Crystal Ridge Road, Scappoose, OR 97056 (503) 543-8525

Nelson - 723 SE 34th Avenue, Portland, OR 97214 (503) 234-9353

1. Description of Property Proposed for Vacation [attach additional sheets if necessary]:

a. General Description:

A portion of the Hemlock Drive right-of-way

COLUMBIA COUNTY

MAR 23 2010

b. Legal Description:

The portion of the Hemlock Drive right-of-way in the Hillcrest Subdivision, Part 2, between lots 32-38, Block 18A, on the west and lots 2-8, block 19A, on the east.

COUNTY CLERK

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:

Tonnesons and Columbia Hills own all of the property abutting the road segment to be vacated.

Nelson has contracted to purchase all of the abutting property owned by Columbia Hills except for lot 8, block 19A, subsequent to the road vacation.

b. Legal Description of your property:

Tonneson – lots 2 through 7, block 19A, of the Hillcrest Subdivision

Columbia Hills – lots 32-38, block 18A and lot 8, block 19A, of the Hillcrest Subdivision

Nelson – contract to purchase lots 32-38, block 18A, of the Hillcrest Subdivision

3. Creation of Public Interest.

See Exhibit A-1, attached. A copy of the plat showing creation of public interest in the right-of-way proposed for vacation and present ownership of the parcel is attached.

4. Statement of reasons for vacation (see Exhibit B):

This segment of the right-of-way leads down into a ravine; construction of a road is infeasible.

The right-of-way interferes with the natural site for the home to be built by the Tonnesons.

The vacation of this segment was shown in the Planned Roads map reviewed by the County Road Department and the Land Services Department as part of the subdivision rezoning approval.

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]:

Petitioners constitute all owners of property abutting the road segment proposed for vacation.

8. The signature(s), acknowledged before a notary or other person authorized to take acknowledgments of deeds, of the owners of one hundred percent (100%) of the land abutting the property proposed to be vacated are attached.

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.

No redivision is allowed.

10. A true and accurate map of the proposed vacation is attached as Exhibit A-2.

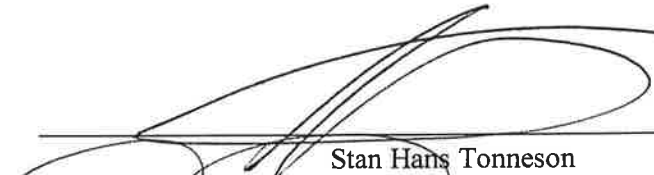
11. I verify that I have flagged all corners of the area proposed to be vacated and that the flags are reliably and accurately located and are easily visible.

12. The non-refundable vacation fee of \$1,000 is tendered with this petition.


13. Signatures and Verification(s):

STATE OF OREGON)
) ss.
County of Columbia)

I/We Stan Hans and Jeniece J. Tonneson, Michael W. Stone, President of Columbia Hills Development Company, and Mark Nelson, are the petitioners 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 our knowledge.



Stan Hans Tonneson (Date) 3-22-10

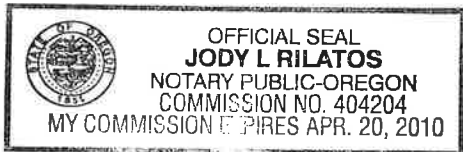

Jeniece J. Tonneson (Date) 3-22-2010


Michael W. Stone (Date) 3/23/10


Mark Nelson (Date) 3-22-2010

Subscribed and sworn to before me this 22 day of March, 2010.


Notary Public for Oregon
My Commission Expires: 4-20-10



State of Oregon, County of Columbia)ss.

March 23, 2010



Personally appeared the above named Michael W. Stone and
acknowledged the forgoing instrument to be His/Her/Their voluntary act and deed.

Before me:

Debi Corsiglia
Notary Public for Oregon

My Commission Expires: 07/05/2011
(SEAL)

State of Oregon, County of Columbia)ss.

March 27, 2010



Personally appeared the above named Mark Nelson and
acknowledged the forgoing instrument to be His/Her/Their voluntary act and deed.

Before me:

Debi Corsiglia
Notary Public for Oregon

My Commission Expires: 07/05/2011
(SEAL)

CONSENT OF ABUTTING PROPERTY OWNER(S)

(Each co-owner of abutting property must sign)

- 1. Names of abutting property owners: Stan and Jeniece Tonneson
- 2. Mailing address of abutting property owners: 211 NE Cesar Chavez Blvd.
Portland, OR 97232

- 3. Legal description of abutting [YOUR] property (deed is attached):
Lots 2-7, block 19A, the Hillcrest Subdivision Part 2, situate in Columbia County, Oregon

Tax Account No. 6780 -6785.

- 4. Legal description of property proposed for vacation (attach additional sheets if necessary):

The portion of Hemlock Drive in the Hillcrest Subdivision, Part 2, situate in Columbia County, Oregon, between lots 32-38, block 18A on the west and lots 2-8, block 19A on the east.
- 5. We are the owners of the above-described property abutting the property proposed to be vacated and I petition for and consent to the proposed vacation.

3-22-10
Date

Stan Hans Tonneson

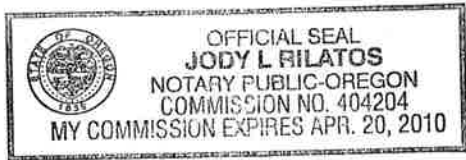
3-22-2010
Date

Jeniece J. Tonneson

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 22 day of March, 2010, by

Stan Hans Tonneson + Jeniece J Tonneson



Jody L. Rilatos
Notary Public for Oregon
My Commission Expires: 4-20-10

CONSENT OF ABUTTING PROPERTY OWNER(S)

(Each co-owner of abutting property must sign)

1. Name(s) of abutting property owner(s): Columbia Hills Development Co.

2. Mailing address of abutting property owner(s): 50606 Crystal Ridge Road
Scappoose, OR 97232

3. Legal description of abutting [YOUR] property (deed is attached):

Lots 32-38, block 18A and lot 2, block 19A, the Hillcrest Subdivision Part 2,
situate in Columbia County, Oregon

Tax Account Nos. 6862 and 6869 (lots 32-38, block 18A) and 6786 (lot 2, block 19A)

4. Legal description of property proposed for vacation (attach additional sheets if necessary):

The portion of Hemlock Drive in the Hillcrest Subdivision, Part 2, situate in Columbia County, Oregon, between lots 32-38, block 18A on the west and lots 2-8, block 19A on the east.

5. Columbia Hills Development Co. is the owner of the above-described property abutting the property proposed to be vacated and petitions for and consent to the proposed vacation.

Michael W. Stone President 3/23/10
Michael W. Stone, President, Date
Columbia Hills Development Co.

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 23rd day of March, 2010, by

Michael W. Stone, President

Debi Corsiglia
Notary Public for Oregon
My Commission Expires: 07/05/2011



CONSENT OF ABUTTING PROPERTY OWNER(S)

(Each co-owner of abutting property must sign)

- 1. Name(s) of abutting property owner(s): Mark Nelson
- 2. Mailing address of abutting property owner(s): 723 SE 34th Avenue
Portland, OR 97214

- 3. Legal description of abutting [YOUR] property (contingent contract to purchase):

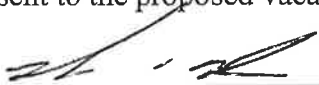
Lots 32-38, block 18A, the Hillcrest Subdivision Part 2, situate in Columbia County, Oregon

Tax Account Nos. 6862 and 6869.

- 4. Legal description of property proposed for vacation (attach additional sheets if necessary):

Hemlock Drive in the Hillcrest Subdivision, Part 2, situate in Columbia County, Oregon, between lots 32 38, block 18A on the west and lots 2-8, block 19A on the east.

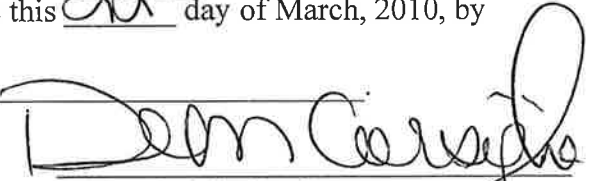
- 5. I am party to a contract to purchase the above-described property abutting the property proposed to be vacated and petition for and consent to the proposed vacation.

 3-22-10
Mark Nelson Date

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 22nd day of March, 2010, by

Mark Nelson


Notary Public for Oregon
My Commission Expires 07/05/2011

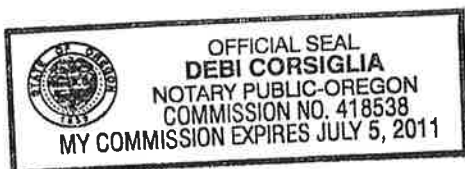


Exhibit A-1

Book 2 pg 11

Town's from July 1st 1926 to June 30th 1931 have been paid
 Annual Report of 1931
 County Sheriff
 County Assessor
 County Engineer
 County Surveyor

SURVEYORS CERTIFICATE

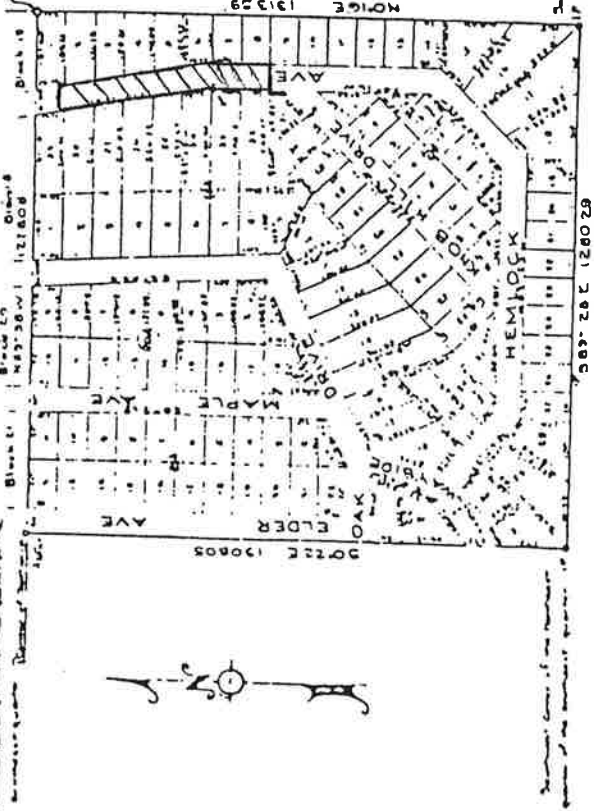
STATE OF OREGON
 COUNTY OF COLUMBIA

I, Clarence R. Wagner, being first duly sworn, depose and say that I am a registered civil engineer of the State of Oregon, and that I have carefully examined the field shown on the annexed plat, that the general location of the same is as shown on the annexed plat, and that the same is as shown on the annexed plat.

Subscribed and sworn to before me this 19th day of May 1931

Notary Public in and for the State of Oregon
 My commission expires May 1st 1932

11:00 AM 2:00 PM
 Commencement of Town HILLCREST



DEDICATION

KNOW ALL MEN BY THESE PRESENTS That AMERICAN HOMES CO. Inc. purveyors of J.E. Kuehner, Ralph Fowler, Mary V. Dulick, as the sole owner of the following described lots appearing on the annexed plat beginning at the initial point as shown and surveying ordered July 1897-38 at a distance of 121808 feet from the northeast corner of the northeast quarter of Section 22 T3N R2W M1 Columbia County Oregon, thence 90° 22' E of course of 130603 feet to the southeast corner of the northeast quarter of the northeast quarter of Section 22, thence N 71° 16' E of course of 131329 feet to the point of beginning, all being in said Section 22, and that we have caused the above described property to be platted as shown and to be shown as HILLCREST. Part 2, and we hereby declare the same to be a public street and that the same shall be dedicated and the same shall be shown upon all future maps and plats to be made by the State of Oregon and the same shall be shown upon all future maps and plats to be made by the State of Oregon and the same shall be shown upon all future maps and plats to be made by the State of Oregon.

IN WITNESS WHEREOF

STATE OF OREGON }
 COUNTY OF COLUMBIA }

On this day of May 1931 before me appeared J.E. Kuehner, Ralph Fowler, Mary V. Dulick as the owners of the above described property and they declared the foregoing and that they acknowledged to me that they intended to dedicate the same to the public use and that they intended to dedicate the same to the public use and that they intended to dedicate the same to the public use.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 19th day of May 1931 in the County of Columbia Oregon.

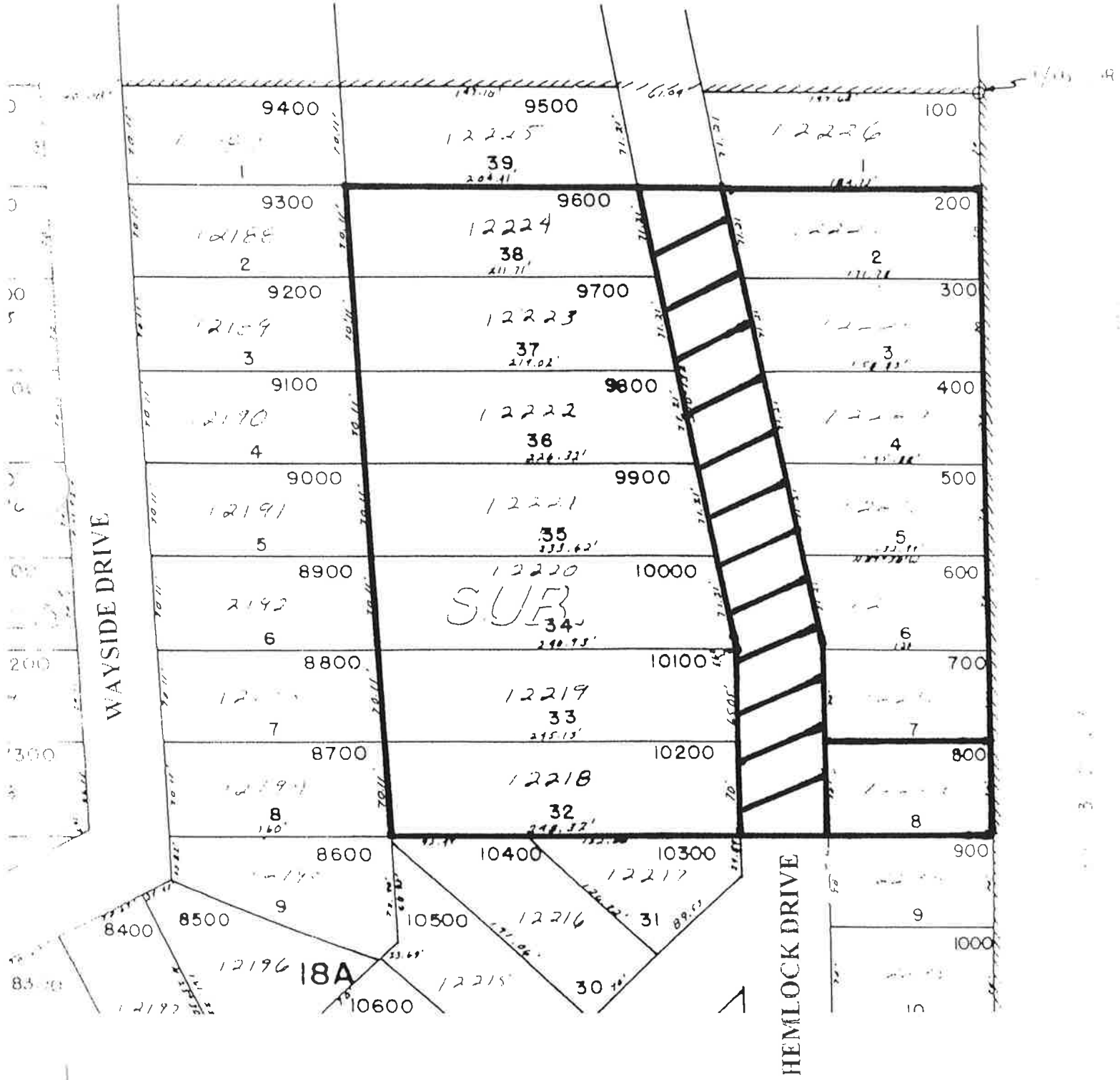
HILLCREST
 PART 2
 SECTION 22 T3N R2W M1
 COLUMBIA COUNTY OREGON
 Scale 1" = 500' May 1931

Examined by
 Filed for record
 at 1:30 P.M. May 1931
 County Surveyor

Approved _____ September 1931
 J.E. Kuehner County Judge
 Ralph Fowler County Commissioner
 Mary V. Dulick County Commissioner

Exhibit A-2

MAP OF PROPOSED HEMLOCK DRIVE ROAD VACATION



See Exhibit 4 for homesites and their access.

EXHIBIT B

Reasons for Vacation and Demonstration of Access for Homesites

Wayside Court - Per the PLANNED ROADS map (Exhibit B-1) accepted by Columbia County as part of the rezoning in the Hillcrest Subdivision, access to the Wayside Court area is provided via Wayside Drive, a platted public road and Wayside Court (including its hammerhead in the Hemlock Drive right-of-way), both already constructed to the standards adopted as requirements in the rezoning. (This road layout was selected because the Columbia Hills company and the Columbia County road department agreed that the portion of the platted Hemlock Drive for about 400 feet north of the hammerhead at the northeast end of Wayside Court was inappropriately steep for a road.) See the topological map, Exhibit B-2.)

The right-of-way for Wayside Court shown on the topological map) is currently an easement granted for a private road. The portion of the right-of-way on lot 19, block 18 and lots 35-37, block 18A, shown dotted on the map, will be dedicated to Columbia County for a public road per the document included as Exhibit B-3. We propose that recordation of the road vacation documents be contingent on this document having been recorded.

Hemlock Drive - About 150 feet south of the plateau where the Wayside Court hammerhead is located, the Hemlock Drive right-of-way begins to drop and eventually crosses a ravine with slopes of roughly 45%. (See the topological map.) It would not be feasible to construct a road across this ravine. It was therefore planned that this segment of the platted road right-of-way would be vacated, as shown on the PLANNED ROADS map. The map shows access to the properties located to the south being served by Wayside Drive further to the west, the road to the old mill formerly located south of the subdivision. (This access was reviewed and accepted by the road department at the time the PLANNED ROADS map was prepared.)

Access

Seven homesites are shown as being served by Wayside Court in the map of homesites accepted at the same time. Two homesites planned for the eastern side of Hemlock Drive have been reduced to one, leaving a total of six homes to be served. These are shown on Exhibit B-4. One home (# 4) has already been constructed, another homesite (# 3) was sold in 2008 and a third homesite (# 2) is currently in escrow (with the buyer a co-petitioner on this application).

Homesite 4 has access to the hammerhead at the northeast end of Wayside Court. All of its platted lots were irrevocably bound together in the recorded document appended as Exhibit B-5.

Homesite 3 will also have access to the hammerhead at the northeast end of Wayside Court. An application for a Property Line Adjustment (PLA) (Exhibit B-6) has been submitted to Land Development Services after prior review which indicated that the adjustment appeared appropriate. With the road vacation this PLA would extend Homesite 3's western boundary 90 feet west from its current boundary. As can be seen on the topographical map, this will provide 60 feet of legal access where the remaining portion of the Hemlock right-of-way ends and allow the home to be built on the most favorable portion of the homesite.

All of the platted lots (lots 2-7, block 18A) of homesite 3 will be irrevocably bound together in the document appended as Exhibit B-7. We propose that recordation of the road vacation documents be contingent on this document having been recorded.

Homesite 2 will have access to the dedicated public road portion of Wayside Court. Lots 32-37, block 18A, the entire homesite, will be irrevocably bound together per the document included as Exhibit B-8. We propose that recordation of the road vacation documents be contingent on this document having been recorded.

Though unaffected by the Hemlock Drive vacation, it can be seen that Homesites 1 and 6 have access on Wayside Drive (as well as on Wayside Court). Homesite 5 has access on an unvacated portion of Hemlock Drive, including the upper portion of the Wayside Court hammerhead.

It is anticipated that lot 8, block 19A, at the southern end of the vacated right-of-way, will at some time in the future be the back end of a homesite, bound together with lot 9 and other nearby lots. (As described above, this is shown in the Planned Roads and the Planned Homesites maps reviewed and accepted by Columbia County.) The document irrevocably binding lots 8 and 9 together is included here as Exhibit B-9. We propose that recordation of the road vacation documents be contingent on this document having been recorded.

Exhibit B-1

PLANNED ROADS

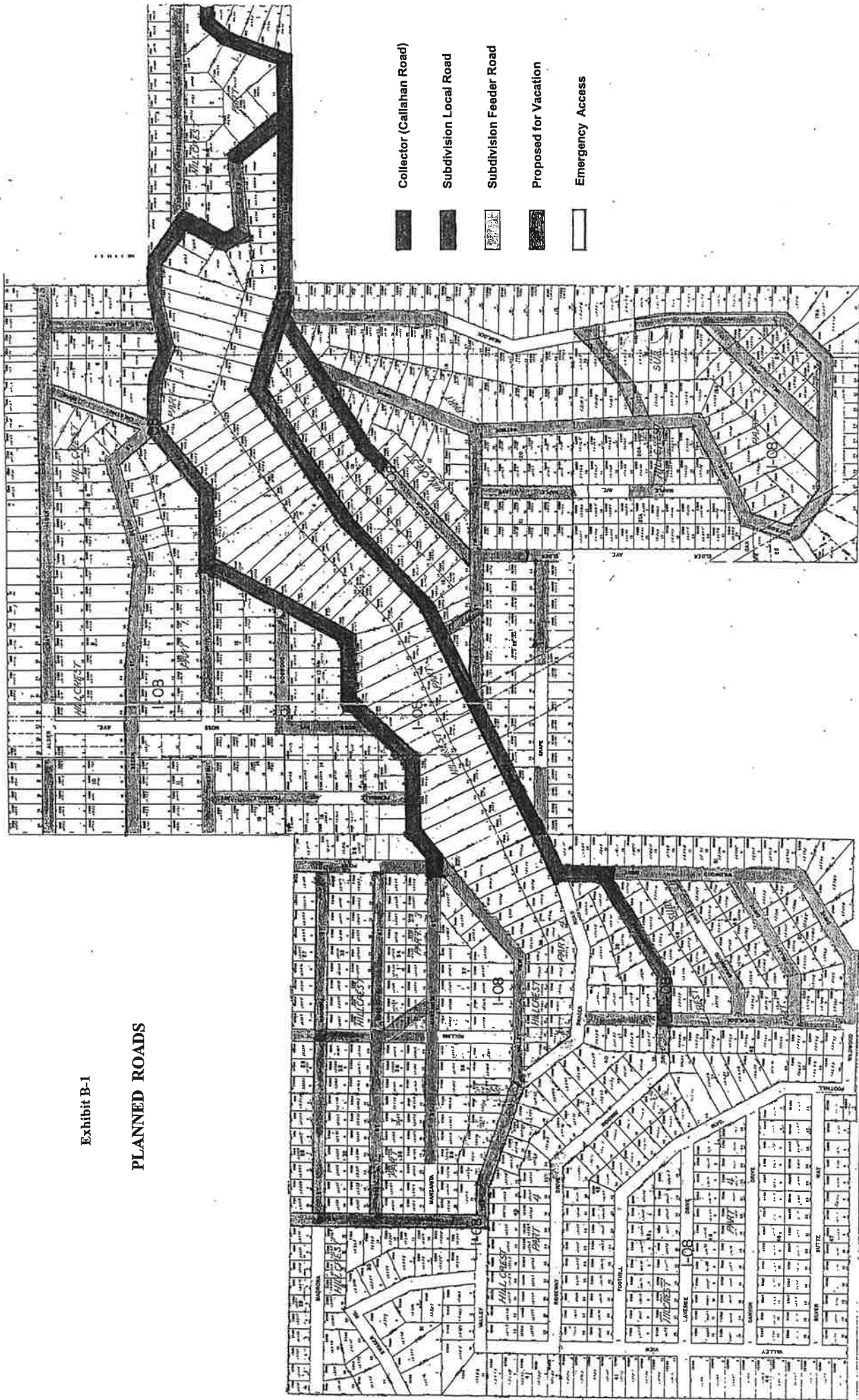


Exhibit B-2
TOPOGRAPHICAL MAP

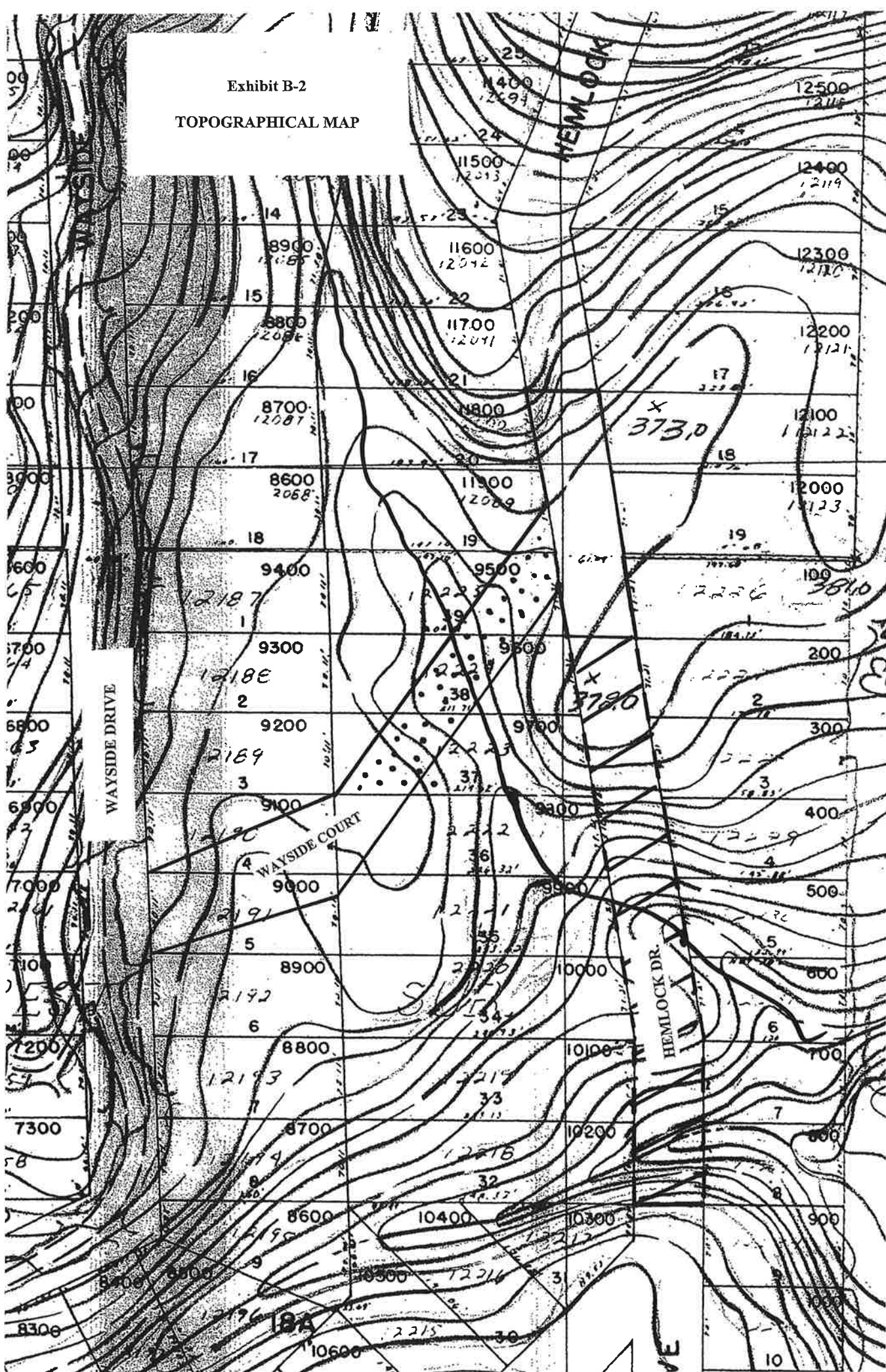


Exhibit B-3

After Recording Return To:

Columbia Hills Homeowners Association
2255 Tioga Drive
Menlo Park, California 94025

No Change in Tax Statements

DEDICATION OF RIGHT-OF-WAY FOR PUBLIC ROAD

Columbia Hills Development Company is the owner of lot 19, block 18 and lots 35 through 39, block 18A, in the Hillcrest Subdivision Part 2, situate in Columbia County, Oregon. An easement recorded 9/11/2007 as 2007-011773 in Columbia County grants a perpetual non-exclusive easement to the Columbia Hills Homeowners Association for a road and associated community utilities across these and adjacent lots. Columbia Hills Development Company hereby dedicates to Columbia County for a public road the portion of the easement in lot 19, block 18 and lots 35 through 39, block 18A.

Maintenance of any improvements located in the area dedicated shall be as determined by the Columbia Hills Homeowners Association as part of its assignment of financial responsibility for all roads and paths in the Columbia Hills Community.

This easement runs with the land and binds all parties, heirs, assigns and transferees.

Dated this 23 day of March, 2010

Michael W. Stone President

Michael W. Stone, President,
Columbia Hills Development Company

ACKNOWLEDGMENT

STATE OF OREGON
County of Columbia

Before me this 23rd day of March, 2010, Michael W. Stone, personally known to me, and also known to me to be the President of Columbia Hills Development Company, appeared before me and acknowledged the foregoing instrument.

Debi Corsiglia
Notary Public for Oregon
My commission expires 07/05/2011

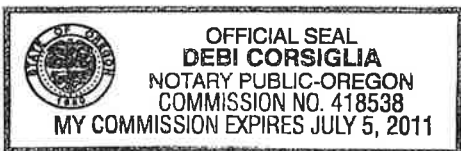
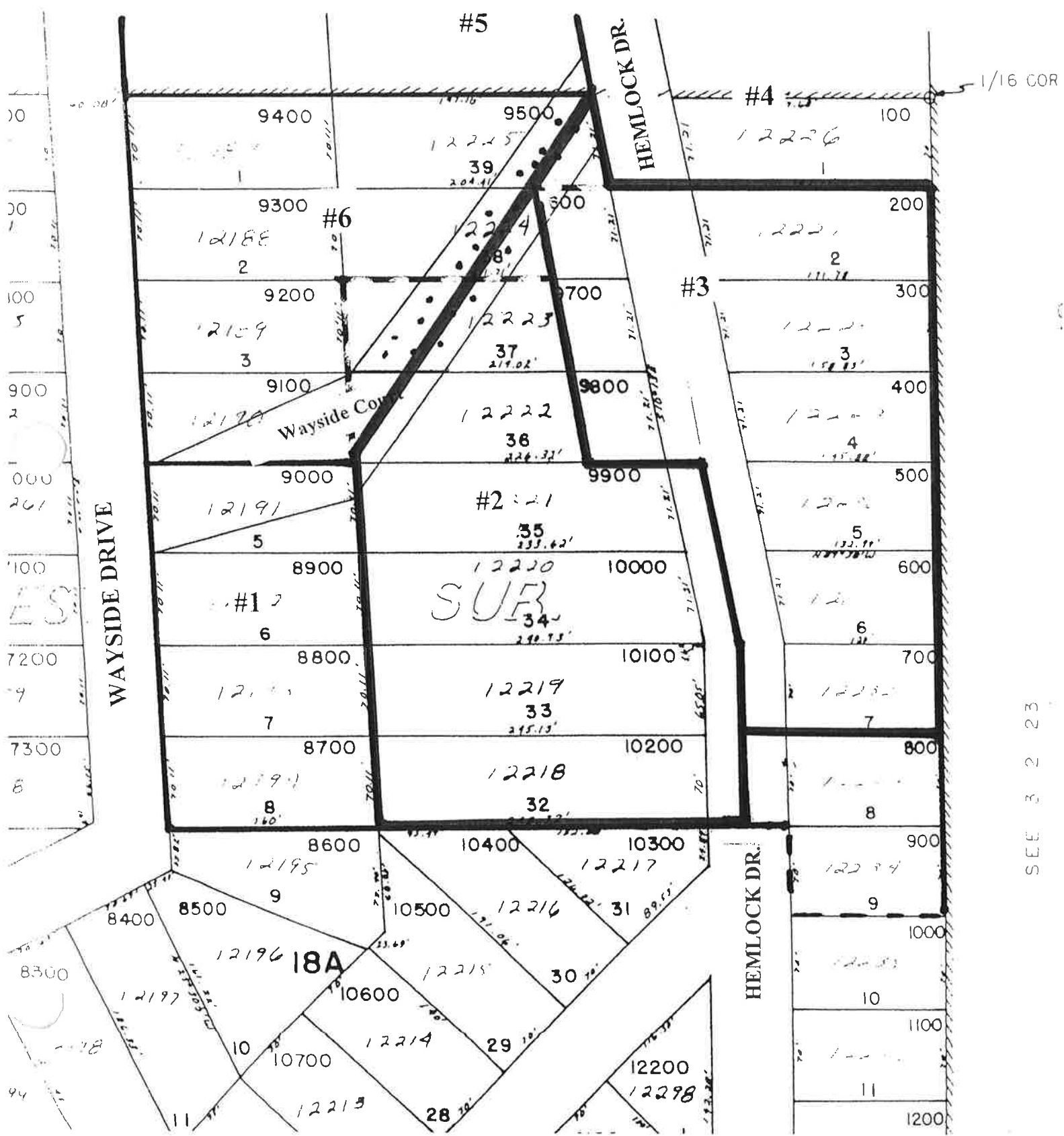


Exhibit B-4

MAP OF HOMESITES AND ACCESS

With lots lines adjusted per Wayside Court Road PLA



SEE 3 2 23

EXHIBIT B-5

COLUMBIA COUNTY, OREGON 2007-011239
DEED-COV
Cnt=1 Stn=8 HUSERB 08/29/2007 12:19:08 PM
\$10.00 \$11.00 \$10.00 Total:\$31.00



00070620200700112390020024

I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon
certify that the instrument identified herein was recorded in the Clerk
records.

Elizabeth E. Huser - County Clerk

After Recording Return To:

Land Development Services
230 Strand Street
St. Helens, OR 97

Columbia Hills Development Company
2255 Tioga Drive
Menlo Park, CA 94025

No Change in Tax Statements

**IRREVOCABLY BOUND PARCEL CREATION COVENANT
and
NOTICE OF ANNEXATION**

Chris Nelson is the owner of Lots 17-19, Block 19 and Don Gravestock is the owner of Lot 1, Block 19A (together hereinafter "Owners") of the Hillcrest Subdivision, Part 1, Columbia County (hereinafter, "Lots"). They hereby irrevocably bind the Lots together and subject them to covenants, conditions and restrictions as set forth below.

1. Bound Parcel

Lots 17-19, Block 19 and Lot 1, Block 19A are hereby perpetually bound together and are hereinafter to be treated as bound together as one parcel (the "Parcel"). Neither Owners nor Owners' heirs, successors or assigns shall sell, encumber or otherwise hypothecate title of any Lot without also selling, encumbering or otherwise hypothecating all Lots.

2. Homesite Restrictions

Only one dwelling may be constructed on the Parcel. For the purpose of this covenant, "dwelling" shall mean a single family residence; the construction of housing units other than single family dwellings is prohibited. No building permit will be issued for this Parcel unless it is being supplied with water by the Columbia Hills Homeowners Association or another public water system. Wells are not allowed, except for those owned by the Columbia Hills Homeowners Association or another public water system.

3. Annexation to Homeowners Association

Pursuant to the provisions of the Supplemental Declaration of Protective Covenants, Conditions and Restrictions Affecting Columbia Hills recorded September 6, 1994 as Document 94-08582 (the CC&Rs) and the rights of Columbia Hills Development Company per Article VII, Section 3(b) thereof, the Parcel is hereby annexed to the lands subject to the CC&Rs and the provisions of said CC&Rs, now and as amended, shall henceforth apply to said property.

4. Perpetuity and Severability

This covenant's terms shall be perpetual, shall run with the land, shall be binding on Owner and Owners heirs, assigns and successors in interest, and shall be for the benefit of Columbia County and the Columbia Hills Homeowners Association. In the event that any portion of this Irrevocably Bound Parcel Creation Covenant is found by a court of competent jurisdiction to be unenforceable, the remaining portion or portions of such Covenant shall remain in full force and effect.

Dated this 28 day of August, 2007

Chris Nelson
by Michael Stone, President
Michael Stone
Chris Nelson,
by Michael Stone, President,
Columbia Hills Development Company,
Attorney-in-fact for Chris Nelson

Don Gravestock,
by Michael Stone, President
Michael Stone
Don Gravestock,
by Michael Stone, President,
Columbia Hills Development Company,
Attorney-in-fact for Chris Nelson

ACKNOWLEDGMENTS

County of Columbia, Oregon

Before me this 28th day of August, 2007, Michael Stone, personally known to me, appeared before me and acknowledged the foregoing instrument.

My commission expires Feb. 12, 2010 ^{KS}

Kathy Sexton
Notary Public for Columbia County, Oregon



County of Columbia, Oregon

Before me this 28th day of August, 2007, Michael Stone, personally known to me, appeared before me and acknowledged the foregoing instrument.

My commission expires Feb. 12, 2010

Kathy Sexton
Notary Public for Columbia County, Oregon



B-5 Rogers' bound lots covenant as recorded ✓

B-6 copy of property line adjustment #2

Exhibit B-7

After Recording Return To:

Land Development Services
230 Strand Street
St. Helens, OR 97

Columbia Hills Development Company
2255 Tioga Drive
Menlo Park, CA 94025

No Change in Tax Statements

IRREVOCABLY BOUND PARCEL CREATION COVENANT

**and
NOTICE OF ANNEXATION**

Tonneson

Stan Hans Tonneson and Jeniece J. ~~Tonneson~~ owners of Lots 2-~~7~~ Block 19A (together hereinafter "Owners") of the Hillcrest Subdivision, Part 1, Columbia County (hereinafter, "Lots"). They hereby irrevocably bind the Lots together and subject them to covenants, conditions and restrictions as set forth below.

1. Bound Parcel

Lots 2-7, Block 19A are hereby perpetually bound together and are hereinafter to be treated as bound together as one parcel (the "Parcel"). Neither Owners nor Owners' heirs, successors or assigns shall sell, encumber or otherwise hypothecate title of any Lot without also selling, encumbering or otherwise hypothecating all Lots.

2. Homesite Restrictions

Only one dwelling may be constructed on the Parcel. For the purpose of this covenant, "dwelling" shall mean a single family residence; the construction of housing units other than single family dwellings is prohibited. No building permit will be issued for this Parcel unless it is being supplied with water by the Columbia Hills Homeowners Association or another public water system. Wells are not allowed, except for those owned by the Columbia Hills Homeowners Association or another public water system.

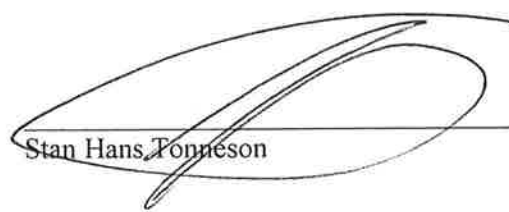
3. Annexation to Homeowners Association

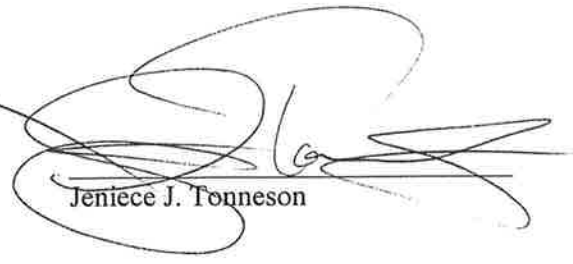
Pursuant to the provisions of the Supplemental Declaration of Protective Covenants, Conditions and Restrictions Affecting Columbia Hills recorded September 6, 1994 as Document 94-08582 (the CC&Rs) and the rights of Columbia Hills Development Company per Article VII, Section 3(b) thereof, the Parcel is hereby annexed to the lands subject to the CC&Rs and the provisions of said CC&Rs, now and as amended, shall henceforth apply to said property.

4. Perpetuity and Severability

This covenant's terms shall be perpetual, shall run with the land, shall be binding on Owner and Owners heirs, assigns and successors in interest, and shall be for the benefit of Columbia County and the Columbia Hills Homeowners Association. In the event that any portion of this Irrevocably Bound Parcel Creation Covenant is found by a court of competent jurisdiction to be unenforceable, the remaining portion or portions of such Covenant shall remain in full force and effect.

Dated this 22 day of March, 2010



Stan Hans Tonneson


Jeniece J. Tonneson

ACKNOWLEDGMENTS

County of Columbia, Oregon

Before me this 22 day of March, 2010, Stan Hans Tonneson and Jeniece J. Tonneson appeared before me and acknowledged the foregoing instrument.


Notary Public for 4-20-10 Oregon

My commission expires 4-20-10



Exhibit 8

After Recording Return To:

Land Development Services
230 Strand Street
St. Helens, OR 97

Columbia Hills Development Company
2255 Tioga Drive
Menlo Park, CA 94025

No Change in Tax Statements

IRREVOCABLY BOUND PARCEL CREATION COVENANT and NOTICE OF ANNEXATION

Columbia Hills Development Company is the owner of Lots 32 through 3~~7~~⁸ Block 18A hereinafter "Owner") of the Hillcrest Subdivision, Part 2, Columbia County (hereinafter, "Lots"). Owner hereby irrevocably binds the Lots together and subjects them to covenants, conditions and restrictions as set forth below.

1. Bound Parcel 8

Lots 32-3~~7~~⁸ Block 18A are hereby perpetually bound together and are hereinafter to be treated as bound together as one parcel (the "Parcel"). Neither Owner nor Owner's heirs, successors or assigns shall sell, encumber or otherwise hypothecate title of any Lot without also selling, encumbering or otherwise hypothecating all Lots.

2. Homesite Restrictions

Only one dwelling may be constructed on the Parcel. For the purpose of this covenant, "dwelling" shall mean a single family residence; the construction of housing units other than single family dwellings is prohibited. No building permit will be issued for this Parcel unless it is being supplied with water by the Columbia Hills Homeowners Association or another public water system. Wells are not allowed, except for those owned by the Columbia Hills Homeowners Association or another public water system.

3. Annexation to Homeowners Association

Pursuant to the provisions of the Supplemental Declaration of Protective Covenants, Conditions and Restrictions Affecting Columbia Hills recorded September 6, 1994 as Document 94-08582 (the CC&Rs) and the rights of Columbia Hills Development Company per Article VII, Section 3(b) thereof, the Parcel is hereby annexed to the lands subject to the CC&Rs and the provisions of said CC&Rs, now and as amended, shall henceforth apply to said property.

4. Perpetuity and Severability

This covenant's terms shall be perpetual, shall run with the land, shall be binding on Owner and Owner's heirs, assigns and successors in interest, and shall be for the benefit of Columbia County and the Columbia Hills Homeowners Association. In the event that any portion of this Irrevocably Bound Parcel Creation Covenant is found by a court of competent jurisdiction to be unenforceable, the remaining portion or portions of such Covenant shall remain in full force and effect.

Dated this 23 day of march, 2010

Michael Stone President

Michael Stone, President,
Columbia Hills Development Company

ACKNOWLEDGMENTS

State of Oregon
County of Columbia

Before me this 23rd day of march, 2010, Michael Stone, personally known to me, appeared before me and acknowledged the foregoing instrument.

Debi Corsiglia
Notary Public for Oregon

My commission expires 07/05/2011



Exhibit 9

After Recording Return To:

Land Development Services
230 Strand Street
St. Helens, OR 97

Columbia Hills Development Company
2255 Tioga Drive
Menlo Park, CA 94025

No Change in Tax Statements

IRREVOCABLY BOUND PARCEL CREATION COVENANT and NOTICE OF ANNEXATION

Columbia Hills Development Company is the owner of Lots 8 and 9, Block 19A hereinafter "Owner") of the Hillcrest Subdivision, Part 2, Columbia County (hereinafter, "Lots"). Owner hereby irrevocably binds the Lots together and subjects them to covenants, conditions and restrictions as set forth below.

1. Bound Parcel

Lots 8-9, Block 19A are hereby perpetually bound together and are hereinafter to be treated as bound together as one parcel (the "Parcel"). Neither Owner nor Owner's heirs, successors or assigns shall sell, encumber or otherwise hypothecate title of any Lot without also selling, encumbering or otherwise hypothecating all Lots.

2. Homesite Restrictions

Only one dwelling may be constructed on the Parcel. For the purpose of this covenant, "dwelling" shall mean a single family residence; the construction of housing units other than single family dwellings is prohibited. No building permit will be issued for this Parcel unless it is being supplied with water by the Columbia Hills Homeowners Association or another public water system. Wells are not allowed, except for those owned by the Columbia Hills Homeowners Association or another public water system.

3. Annexation to Homeowners Association

Pursuant to the provisions of the Supplemental Declaration of Protective Covenants, Conditions and Restrictions Affecting Columbia Hills recorded September 6, 1994 as Document 94-08582 (the CC&Rs) and the rights of Columbia Hills Development Company per Article VII, Section 3(b) thereof, the Parcel is hereby annexed to the lands subject to the CC&Rs and the provisions of said CC&Rs, now and as amended, shall henceforth apply to said property.

4. Perpetuity and Severability

This covenant's terms shall be perpetual, shall run with the land, shall be binding on Owner and Owner's heirs, assigns and successors in interest, and shall be for the benefit of Columbia County and the Columbia Hills Homeowners Association. In the event that any portion of this Irrevocably Bound Parcel Creation Covenant is found by a court of competent jurisdiction to be unenforceable, the remaining portion or portions of such Covenant shall remain in full force and effect.

Dated this 23 day of March, 2010

Michael Stone, President

Michael Stone, President,
Columbia Hills Development Company

ACKNOWLEDGMENTS

State of Oregon
County of Columbia

Before me this 23rd day of March, 2010, Michael Stone, personally known to me, appeared before me and acknowledged the foregoing instrument.

Debi Corsiglia
Notary Public for Oregon

My commission expires 07/05/2011



EXHIBIT 10

COLUMBIA COUNTY, OREGON 2008-002279
DEED-C&R
Cnt=2 Pgs=2 HUSERB 03/07/2008 03:22:04 PM
\$10.00 \$5.00 \$11.00 \$10.00 Total:\$36.00



I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon
certify that the instrument identified herein was recorded in the Clerk
records.
Elizabeth E. Huser - County Clerk

After Recording Return To:

Land Development Services
230 Strand Street
St. Helens, OR 97

Columbia Hills Development Company
2255 Tioga Drive
Menlo Park, CA 94025

No Change in Tax Statements

**IRREVOCABLY BOUND PARCEL CREATION COVENANT
and
NOTICE OF ANNEXATION**

81926-10

Monika Zimmermann is the owner of Lots 6 and 7, Block 19A and Don Gravestock is the owner of Lots 2-5, Block 19A (together hereinafter "Owners") of the Hillcrest Subdivision, Part 1, Columbia County (hereinafter, "Lots"). They hereby irrevocably bind the Lots together and subject them to covenants, conditions and restrictions as set forth below.

1. Bound Parcel

Lots 2-7, Block 19A are hereby perpetually bound together and are hereinafter to be treated as bound together as one parcel (the "Parcel"). Neither Owners nor Owners' heirs, successors or assigns shall sell, encumber or otherwise hypothecate title of any Lot without also selling, encumbering or otherwise hypothecating all Lots.

2. Homesite Restrictions

Only one dwelling may be constructed on the Parcel. For the purpose of this covenant, "dwelling" shall mean a single family residence; the construction of housing units other than single family dwellings is prohibited. No building permit will be issued for this Parcel unless it is being supplied with water by the Columbia Hills Homeowners Association or another public water system. Wells are not allowed, except for those owned by the Columbia Hills Homeowners Association or another public water system.

3. Annexation to Homeowners Association

Pursuant to the provisions of the Supplemental Declaration of Protective Covenants, Conditions and Restrictions Affecting Columbia Hills recorded September 6, 1994 as Document 94-08582 (the CC&Rs) and the rights of Columbia Hills Development Company per Article VII, Section 3(b) thereof, the Parcel is hereby annexed to the lands subject to the CC&Rs and the provisions of said CC&Rs, now and as amended, shall henceforth apply to said property.

4. Perpetuity and Severability

This covenant's terms shall be perpetual, shall run with the land, shall be binding on Owner and Owners heirs, assigns and successors in interest, and shall be for the benefit of Columbia County and the Columbia Hills Homeowners Association. In the event that any portion of this Irrevocably Bound Parcel Creation Covenant is found by a court of competent jurisdiction to be unenforceable, the remaining portion or portions of such Covenant shall remain in full force and effect.

Dated this 5 day of March, 2008

Monika Zimmermann by Michael Stone, Don Gravestock, by Michael Stone, President Columbia Hills Development Company, Stone, President Columbia Hills Development Company, Attorney-in-Fact for Monika Zimmermann, Attorney-in-Fact for Chris Nelson

Monika Zimmermann,
by Michael Stone, President,
Columbia Hills Development Company,
Attorney-in-fact for Monika Zimmermann

Don Gravestock,
by Michael Stone, President,
Columbia Hills Development Company,
Attorney-in-fact for Chris Nelson

ACKNOWLEDGMENTS

County of Columbia, Oregon

Before me this 5th day of March, 2008, Michael Stone, personally known to me, appeared before me and acknowledged the foregoing instrument.

Debi Corsiglia
Notary Public for Oregon

My commission expires 07/05/2011



County of Columbia, Oregon

Before me this 5th day of March, 2007, Michael Stone, personally known to me, appeared before me and acknowledged the foregoing instrument.

Debi Corsiglia
Notary Public for Oregon

My commission expires 07/05/2011



EXHIBIT B

COLUMBIA COUNTY



Columbia County Road Department JUL 01 2010
1054 Oregon Street, St. Helens, OR 97051

COUNTY COUNSEL

David Hill, Public Works Director

Ph: (503) 366-3964 Fax: 397-7215
e-mail: David.Hill@co.columbia.or.us

to: Board of County Commissioners
via: Cynthia Zemaitis, County Counsel
from: David Hill, Public Works Director
date: June 30, 2010

A handwritten signature in black ink that reads 'David Hill'.

subject: Proposed Road Vacation, Hemlock Drive, Columbia Hills Development

Stan Hans and Jeniece Tonneson, Michael Stone (President of Columbia Hills Development Company), and Mark Nelson have petitioned the Board of County Commissioners for the vacation of a portion of Hemlock Drive in the Hillcrest Subdivision, in the location as I have shown on Exhibit B-1.

Exhibit B-1 also shows Callahan Road (County Road), the other paved roads in the area, and the gravel roads in the area.

Exhibit B-2 shows the topography of the area in the vicinity of the proposed road vacation. The section of Hemlock Drive proposed to be vacated is very rough terrain and it crosses two streams. Construction of a public road within this right-of-way would be very difficult and impractical, and doing so would disturb pristine riparian areas that have never been disturbed before. The land subject to vacation is currently timberland without any evidence of even any previous logging skid roads. There are no utilities located within this right-of-way.

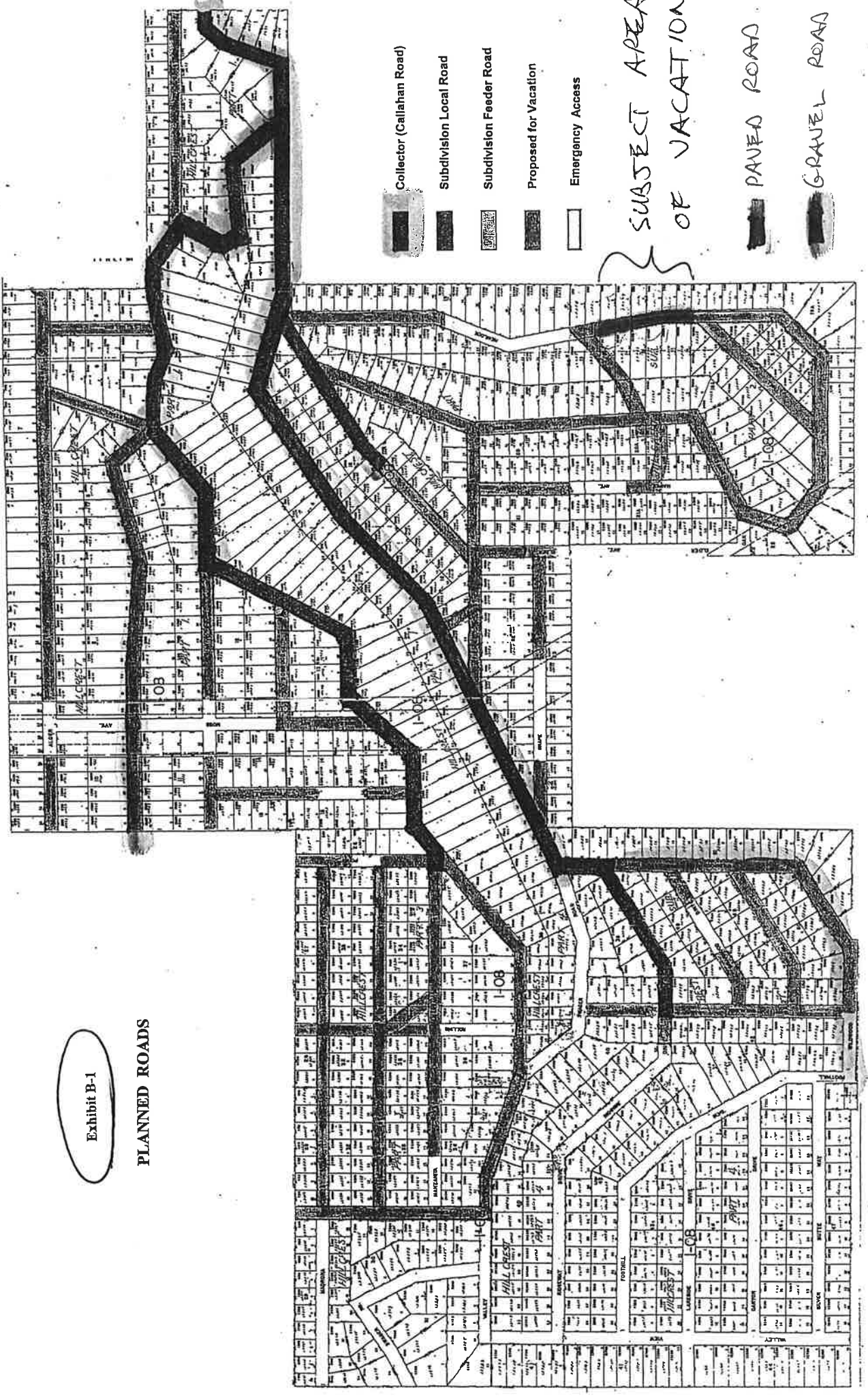
All of the adjacent property owners have apparently signed the petition however this should be verified.

There is potentially good access to all the other lots in this area by the road right-of-ways that have been shaded on Exhibit B-1. Although these right-of-ways have not been constructed to public road standards, there are existing skid roads at these locations and the terrain is such that public roadways could be constructed within the existing right-of-ways to access the other lots, in a much more practical means than across the area proposed to be vacated.

Therefore, in the matter of public interest, I recommend that this vacation be approved as requested.

Exhibit B-1

PLANNED ROADS



- Collector (Callahan Road)
- Subdivision Local Road
- Subdivision Feeder Road
- Proposed for Vacation
- Emergency Access

SUBJECT AREA OF VACATION

- PAVED ROAD
- GRAVEL ROAD

Exhibit B-2

TOPOGRAPHICAL MAP

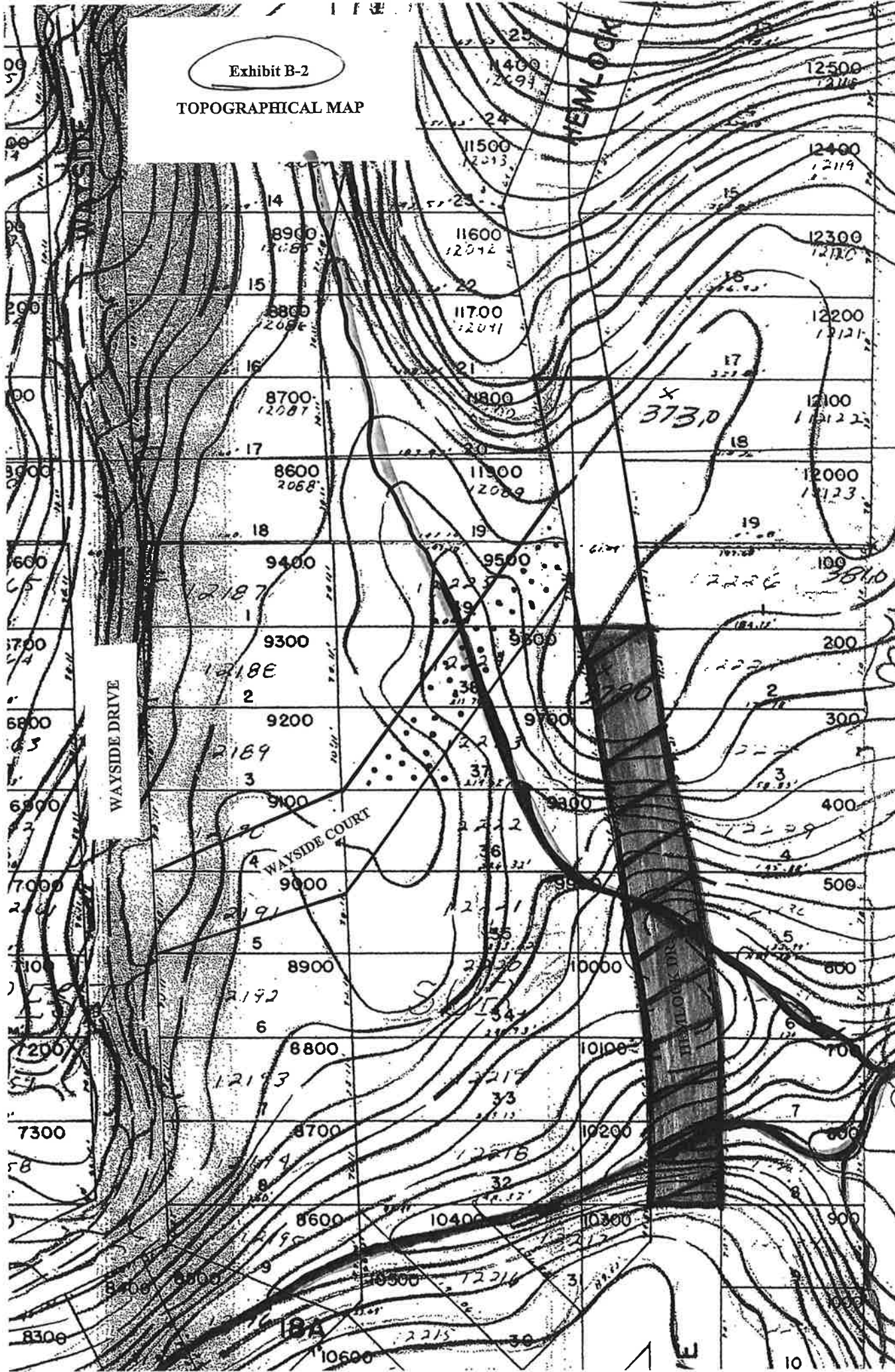
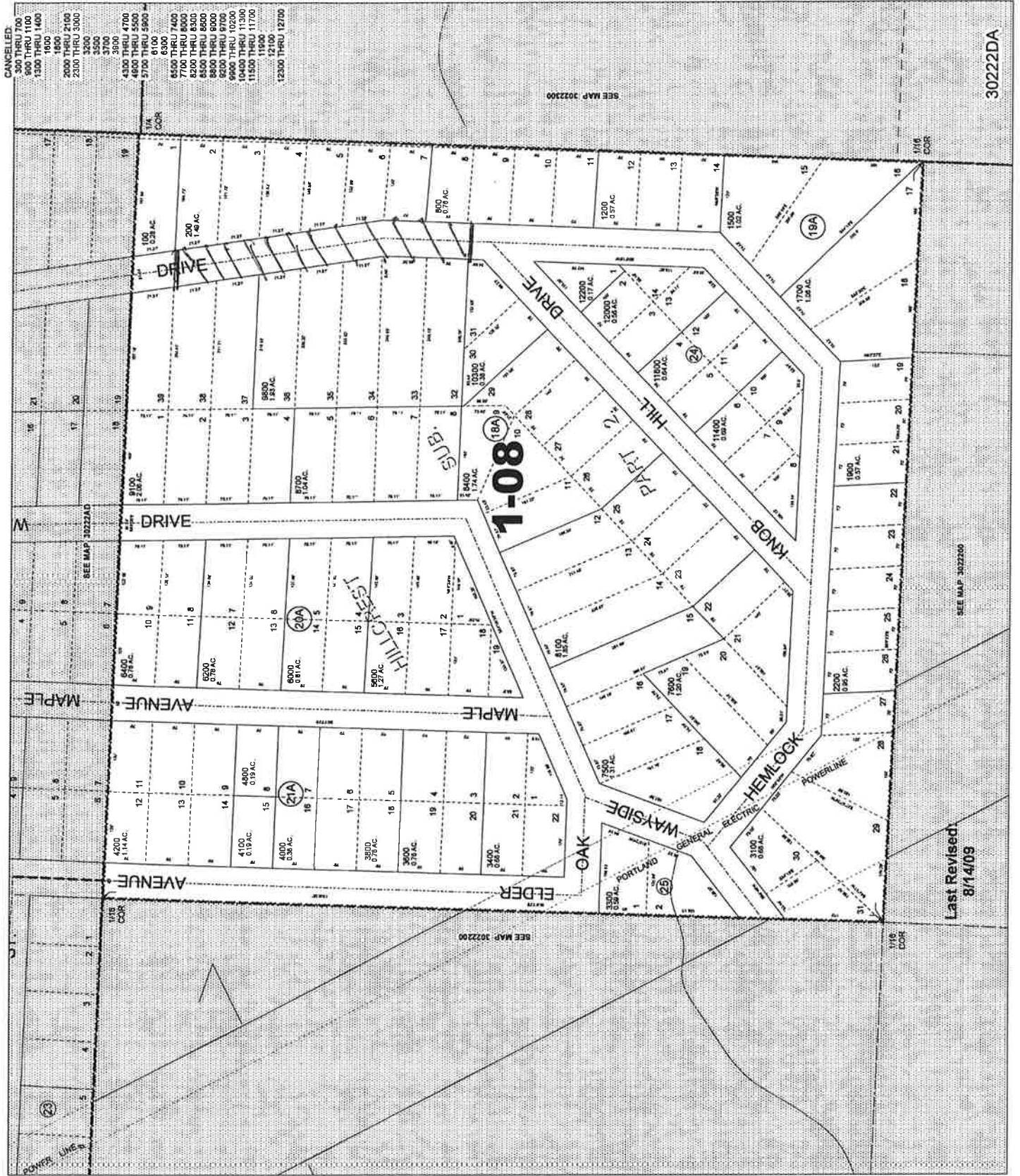


EXHIBIT C

30222DA

N.E. 1/4 S.E. 1/4 SE 3N. R. 2W. W.M.
COLUMBIA COUNTY
1" = 100'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



CANCELLED:
300 THRU 700
800 THRU 1100
1200 THRU 1400
1500
2000 THRU 2100
2300 THRU 3000
3200
3500
3700
4300 THRU 4700
4800 THRU 5500
5700 THRU 5900
6100
6300
6500 THRU 7400
8200 THRU 8300
8500 THRU 8600
8800 THRU 8900
9200 THRU 9700
9900 THRU 10200
10400 THRU 11300
11500 THRU 11700
12100
12300 THRU 12700

30222DA

Last Revised
8/14/09

SEE MAP 3022200

SEE MAP 3022300

SEE MAP 3022200