

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)
an Alleyway in Block 16, Mellinger's)
First Addition to Vernonia, Oregon)
)
[John A. and Teresa L. Williams])
_____)

ORDER NO. 10 - 2012
(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 January 26, 2012, John A. and Teresa L. Williams, who own the property abutting the alleyway proposed for vacation, filed with the Board a Petition requesting that the Board vacate the alleyway platted in Block 16 to Mellinger's First Addition to Vernonia; and

WHEREAS, the Petition was also signed by Christopher and Leslie Barnes, who own the property to the west of the alleyway to be vacated, giving their consent to the vacation; 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 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 February 9, 2012, with the Board indicating that he has determined that the proposed vacation of the platted alleyway in Block 16, Mellinger's First Addition to Vernonia 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, a map of the platted alleyway proposed to be vacated is attached hereto, labeled Exhibit 3, and incorporated herein by this reference; and

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

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Vacation of the platted alleyway as more particularly described below and as shown in Exhibit 3 is in the public interest:

All that portion of the 15 foot platted alleyway within Block 16 of Mellinger's First Addition to Vernonia, recorded in Deed Volume L, Page 544, Columbia County deed records.

2. 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 was 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 11 pp.]	\$ 55.00
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 12 pp. x 2]	\$ 6.00
Posting the Approved Road Vacation by County Surveyor	\$100.00 [per parcel]	\$100.00
	TOTAL EXPENSES	\$273.00

3. 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	:	\$ 114.50
To County Surveyor	:	\$ 130.00

4. This Order shall be recorded with the County Clerk without costs, a copy inserted in the appropriate road jacket, and certified copies shall be filed with the County Surveyor and the County Assessor.

DATED this 14th day of March, 2012.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____

Anthony Hyde, Chair

By: _____

Earl Fisher, Commissioner

By: _____

Henry Heimuller, Commissioner

APPROVED AS TO FORM:

By: _____
Office of County Counsel

S:\COUNSEL\ROADS\ALLEY (WILLIAMS)\ORD INITIAT & FINAL.wpd

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Vacation of Alley }
Way }
Located Near Keasey RD vernonia }
Columbia County, Oregon }

PETITION FOR VACATION

PV 2012-02

I/We, John A. and Teresa L Williams, [insert name(s) of all petitioners], who
reside at 61001 Edens RD vernonia, OR 97064 [insert address],
503-429-5051 [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: Right off Keasey RD.
Alleyway running between
Lots 1 thru 6, Block 16 Mellingers 1st addition

b. Legal Description: Alleyway running between
Lots 1 thru 6, Block 16 Mellingers 1st addition

5N4W33-CD-00700

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:

Lots 1 thru 6, Block 16

b. Legal Description of your property:

COLUMBIA COUNTY CLERK'S OFFICE

JAN 26 2012

DATE RECEIVED

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]:

We purchased lots on both side of alley way, would like to utilize for building our home.

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

John & Teresa Williams
61001 Edens RD
Vernonia, OR 97064

Chris & Leslie Barnes
18300 Keasey RD
Vernonia, OR 97064

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

John & Teresa Williams

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

John & Teresa Williams
61001 Edens RD
Vernonia, OR 97064

Chris & Leslie Barnes
18300 Keasey RD
Vernonia, OR 97064

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 1.

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 John A. and Teresa L. Williams, 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.

12-22-11

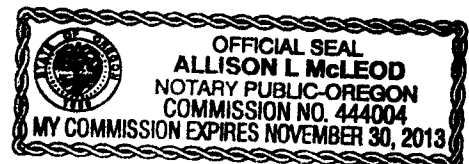
Teresa Williams and John Williams
(Petitioner's Name) (Date)

Justin Barnes 12.22.11
(Co-Petitioner's Name [if any])

[Signature] 12-22-11
(Co-Petitioner's Name [if any])

Subscribed and sworn to before me this 22 day of December 22, 2011
200_.

Allison L. McLeod
Notary Public for Oregon
My Commission Expires:



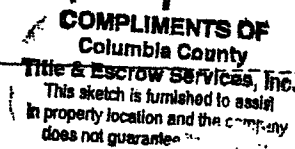


EXHIBIT 2



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: Cynthia Zemaitis, County Counsel's Office

from: David Hill, Public Works Director

date: February 9, 2012

Reference: Proposed Vacataion of a portion of an alleyway in the Mellingers 1st addition to Vernonia.

John and Teresa Williams have petitioned the Board of County Commissioners to vacate an alleyway between lots 1 through 6, block 16, Mellinger's 1st Addition to Vernonia.

The property proposed to be vacated is currently used as open pasture land. The alleyway is 15 feet in width and 180 feet in length, as shown on the attached maps. The William's apparently own on both sides of the alleyway. I do not believe that the alleyway is needed for access to this subdivision and may actually be restricting development of the property.

Land Development Services does not have any objection to the proposed vacation (see attached memo).

Therefore, in the matter of public interest, I recommend vacation of the subject right-of-way as requested.

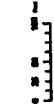
COLUMBIA COUNTY

FEB 13 2012

COUNTY COUNSEL

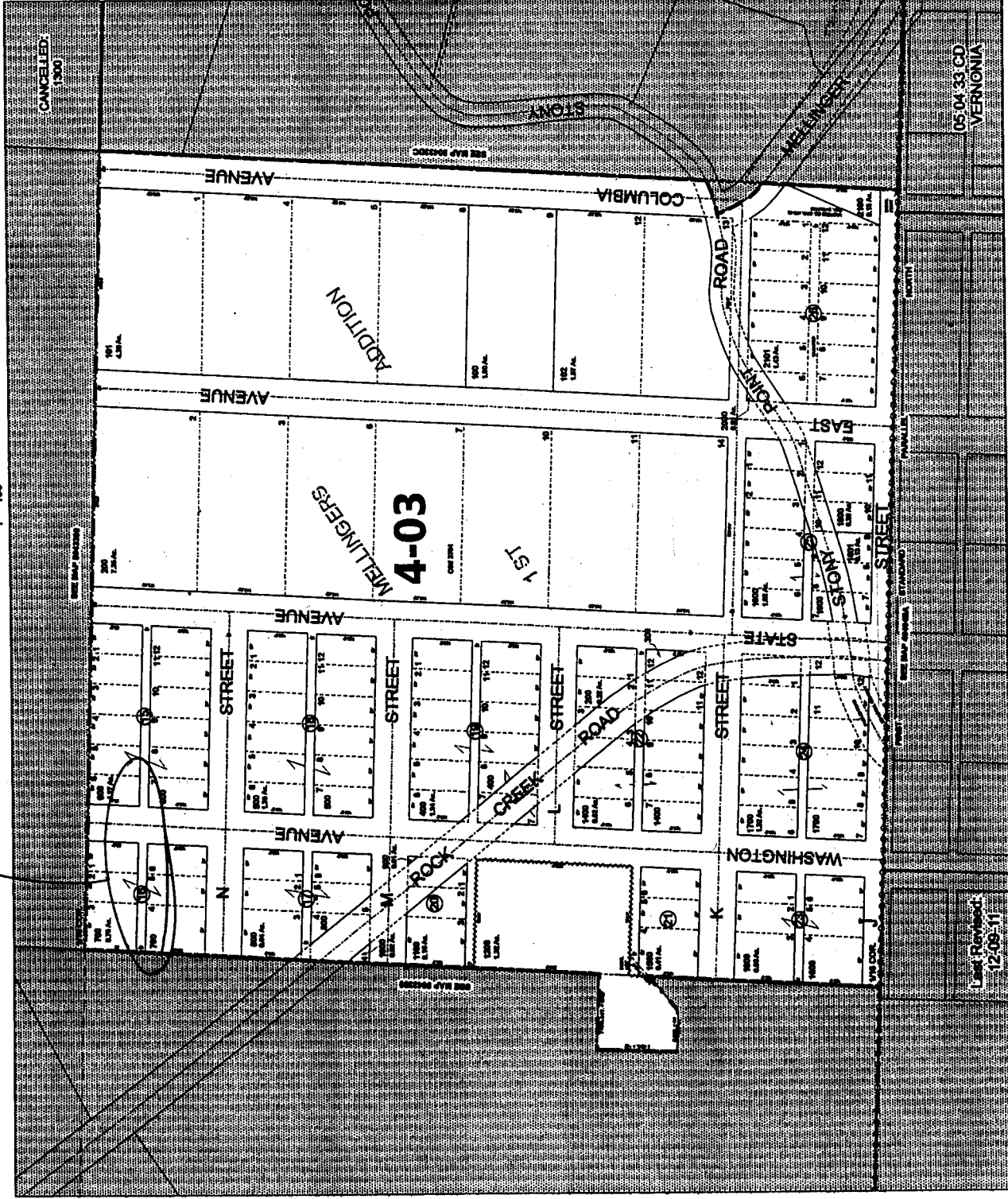
ALLEN PROPOSED
 BE
 TO VACATED

THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSE ONLY



S.E. 1/4 S.W. 1/4 SEC. 33 T.5N. R.4W. W.M.
 COLUMBIA COUNTY
 1" = 100'

05.04.33 CD
 VERNONIA



Last Revised:
 12-09-11

05.04.33 CD
 VERNONIA

Columbia County
Community Development

⌵ Roads
Taxlot12

ALLEN PROPOSED
TO BE
VACATED



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.

1 in. = 122 ft.



2/9/2012



MEMORANDUM

Land Development Services Department

TO: Cynthia Zemaitis. Counsel Office
FROM: Glen Higgins, Planning Manager
RE: Recommendation Proposed Vacation of Alleyway
DATE: February 9, 2012

Amended Memo, original e-mailed 2/9/12 at 11:01AM

Property location: Proposed Vacation of an Alleyway in Mellinger's 1st Addition to Vernonia
Tax Map No.: Alleyway through 5N4W33-CD-00700, 0.76 acres

Zoning: Subject property is zoned Rural Residential (RR-5) as is all of Mellinger's First Addition subdivision; subject property is in the northwest corner of the subdivision, adjoining to the north is a large 38 acre TL zoned Primary Forest PF-80 and to the west is a large 44 acre TL zoned Forest-Agriculture FA-80.

It is not anticipated that the City of Vernonia will be providing sewer service to the lots of Mellinger First Addition in the foreseeable future, thereby allowing development at subdivision densities.

Vacating Alleyway and consolidating existing lots could provide a rural homesite; although the resultant lot would be non-conforming to the 5 acre minimum size. A residence could be allowable on the subject property, with community water service and on-site sewer approval. However, if City of Vernonia water is not available approval of a dwelling would require the subject lots when combined with other lots of the subdivision to total 2.3 acres in size.

The vacation of the Alleyway does not restrict existing platted streets of Subdivision for access to remaining existing lots.

Recommendation: Land Development Services has no Objection to the proposed Vacation.
NOTE: Land owner needs to be advised of the buildable lot size if no Community Water System is available.

Attachments: GIS Tax Lot Map
Zoning Map

