

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 Vacating Portions of Canyon Drive, Hillside Drive, and Pine Avenue in the Columbia Acres No. 3 Plat near Scappoose, Oregon

ORDER NO. 67-2017

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, Canyon Drive, Hillside Drive, and Pine Avenue are platted, unconstructed rights-of-way in the Columbia Acres No. 3 plat, near Scappoose, Oregon; and

WHEREAS, on December 12, 2016, Trevor and Kara Rogers, who own property abutting both sides of the platted rights-of-way, filed a Petition requesting that the Board vacate portions of the aforementioned rights-of-way; and

WHEREAS, County Roadmaster Dave Hill has filed a report dated July 6, 2017, which is attached hereto as Attachment A and is incorporated herein by this reference, indicating that the proposed vacation would be in the public interest; and

WHEREAS, the area proposed for vacation is described on page 10 of Attachment A, and is generally depicted on pages 4 and 5 of Attachment A; and

WHEREAS, in accordance with ORS 368.351, the Petition contains the acknowledged signatures of owners of 100 percent of the land abutting the property proposed to be vacated and the acknowledged signatures of 100 percent of the owners of property abutting any public property proposed to be vacated. All abutting property owners consent to the 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 County Roadmaster, files with the Board a written report that contains an assessment that the vacation is in the public interest; and

WHEREAS, the petition submitted by Trevor and Kara Rogers complies with the petition requirements of ORS 368.341(3); and

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. The Board finds that it is in the public interest to vacate portions of Canyon Drive, Hillside Drive, and Pine Avenue, which are platted, unconstructed rights-of-way in the Columbia Acres No. 3 plat, near Scappoose, Oregon.

2. The property described in the "Property Description" on page 10 of Attachment A, is hereby vacated, and shall hereby vest in the abutting property owners as provided in ORS 368.366(1)(d) by extension of said owners' abutting property boundaries to the centerline of the vacated platted right-of-way.

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 petitioner; \$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]	\$ 00.00
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 16 pp.]	\$80.00
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 17 pp.]	\$4.25
Posting the Approved Road Vacation by County Surveyor	\$100.00 [per parcel]	\$100.00
	TOTAL EXPENSES	\$266.25

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:

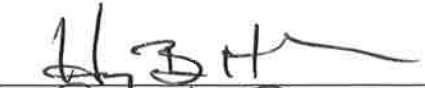
To County Clerk : \$ 137.75

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 16th day of August 2017.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Henry Helmuller, Chair

By: 
Margaret Magruder, Commissioner

By: 
Alex Tardif, Commissioner

APPROVED AS TO FORM:

By: 
Office of County Counsel



Columbia County Road Department

1054 Oregon Street, St. Helens, OR 97051

David Hill, Public Works Director

Ph: (503) 397-5090 Fax: 397-7215

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

To: Board of County Commissioners
Via: Robin McIntyre, County Counsel
From: David Hill, Public Works Director
Date: July 6, 2017

A handwritten signature in blue ink that reads "David Hill".

**Subject: Road Vacation Request in Columbia Acres No. 3;
Road Official's Report**

Trevor and Kara Rogers have petitioned the Board of County Commissioners to vacate portions of Canyon Drive, Pine Avenue, and Hillside Drive within the Columbia Acres No. 3 Subdivision.

The streets proposed to be vacated are highlighted in pink on attached Exhibit 1. Trevor and Kara Rogers own all of the adjacent property to the proposed road vacation as highlighted in green on attached Exhibit 1. The existing streets are shown as highlighted in yellow.

I have also included an aerial map (Exhibit 2) and a topo map (Exhibit 3) for your reference. The petition for vacation is included as Exhibit 4.

Because the Rogers' own all of the adjacent property, the road vacation request may be approved without a hearing in accordance with ORS 368.351. The right-of-ways proposed to be vacated are on terrain that is very steep and not practical to construct roadways within. Pine Ave is on terrain that is up to 28% grade, and Hillside Drive also crosses a small canyon that does not show on the topo map. Canyon Drive crosses a stream and significant wetland and I am certain the environmental permitting agencies would frown on any road construction in this area. All of the streets proposed to be vacated are undeveloped forestland.

By vacating these right-of-ways, the Rogers' will be able to combine lots to make one large buildable lot that is most likely accessed off of Summit Drive. The Land Development Services Department is processing an application for property line adjustment as submitted by the Rogers'.

The Road Department sent out a request for comment on the proposed road vacation and received the following:

Chris Negelspach, Scappoose City Engineer:

"I have reviewed the proposed street vacation request from Trevor and Kara Rogers to vacate portions of platted right-of-way for Canyon Drive, Pine Avenue and Hillside Drive within the Columbia Acres No. 3. Subdivision.

As outlined in the memo and attached information you emailed to me on June 28, 2017, I agree with your assessment that due to the difficult terrain including creek crossing and wetlands located along the proposed street alignment, that the vacation request is reasonable and will allow development to occur with more reasonable access from the Summit Drive alignment."

Natahan Woodward, County Surveyor:

"I have no objection to the Road Vacation and the legal descriptions correctly describe the area illustrated."

Todd Dugdale, Land Development Services Director:

"Land Development Services is processing a property line adjustment application (PLA 17-10) to combine the parcels anticipated in this proposed vacation. LDS has no objection to the vacation request. We would request that the final action/recording of the vacation be conditioned on the prior approval by LDS of the revised legal description for the parcel resulting from the combination of constituent parcels."

Richard Zeller received a notice of the proposal for a lot line adjustment as submitted by the Rogers' and was concerned about eliminating access to property he and the Bess Family Trust own in the area. Their ownership is shown on the map provided by the Rogers' as Exhibit C of the road vacation petition. After some email communication back and forth (attached Exhibit 5), he writes: *"I think the current application to combine lots makes sense as a reasonable use of these otherwise individually unbuildable properties. Since none of the remaining lots in Columbia Acres is likely to ever be developed as they are, it makes good sense to combine lots in sizes that match or exceed the minimum allowable acreage (is it at least 2.5 acres?). If and when that occurs, my concern, in addition to access, is that the County not approve any combination of plots that would leave our lots (or any lots in this area), isolated and of insufficient size to allow building. We are in the corner here and would like to be assured that future grants of lot expansions not isolate us in a completely irrelevant position as far as future development goes. I hope this is understandable to you. If it doesn't make sense, let me know and I'll try again."*

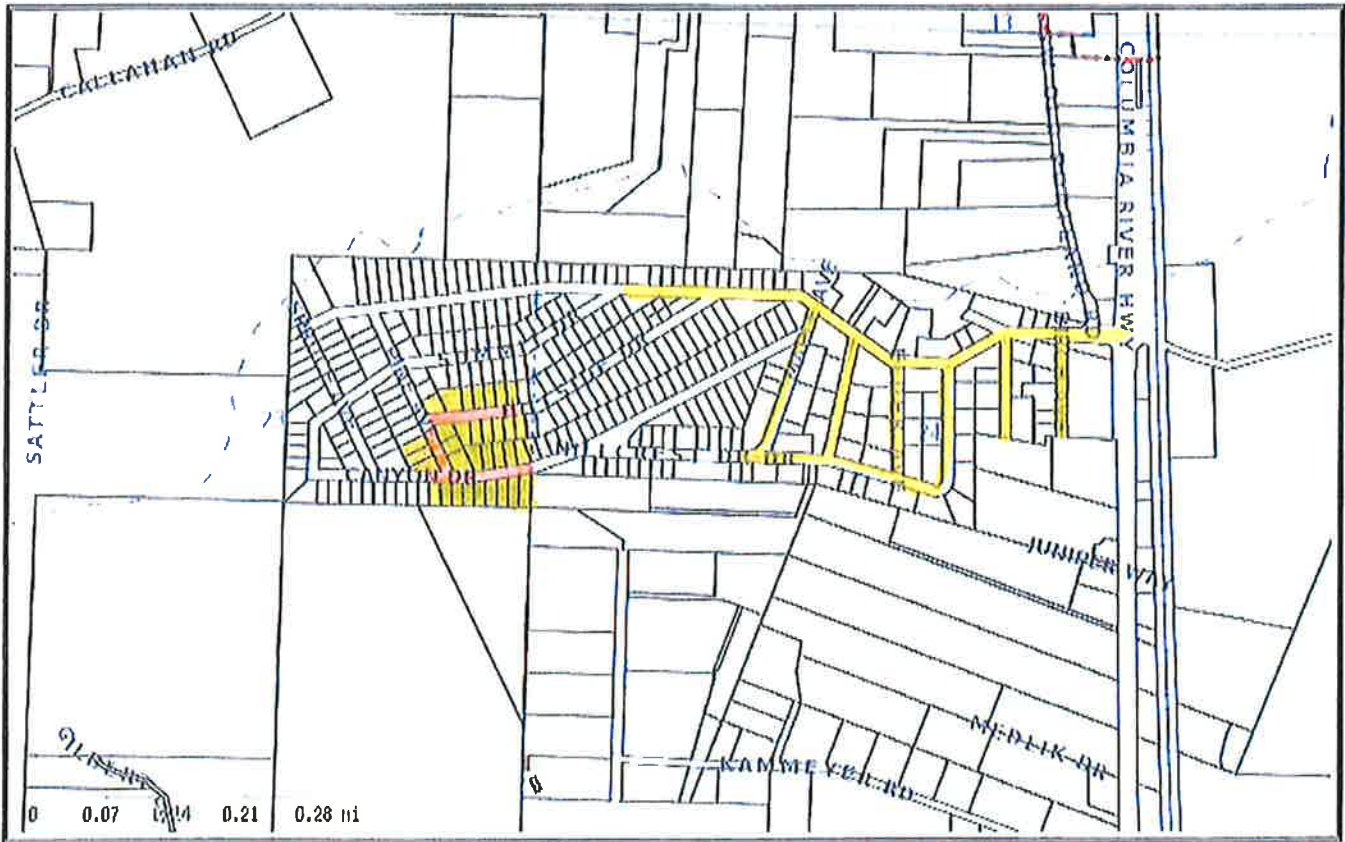
Therefore, it is extremely impractical that the streets proposed to be vacated would ever be constructed for vehicular use due to steep terrain and wetland issues. It is likely, however, that most other streets in this subdivision could be developed to some extent which allows access to all other lots. Combination of lots seems necessary to provide for residential development. I do not believe that this proposed street vacation would hinder access to the Zeller property nor any other property, and would likely improve access to other properties if the Rogers' were to construct Summit Drive to access their land.

ATTACHMENT A

Todd Dugdale requests that “the final action/recording of the vacation be conditioned on the prior approval by LDS of the revised legal description for the parcel resulting from the combination of constituent parcels.”

Therefore, in the interest of the public, I recommend that this road vacation be approved as requested with the condition that the final action/recording of the vacation be conditioned on the prior approval by LDS of the revised legal description for the parcel resulting from the combination of constituent parcels.

Road Vacation Request



Columbia County



Columbia County Web Maps

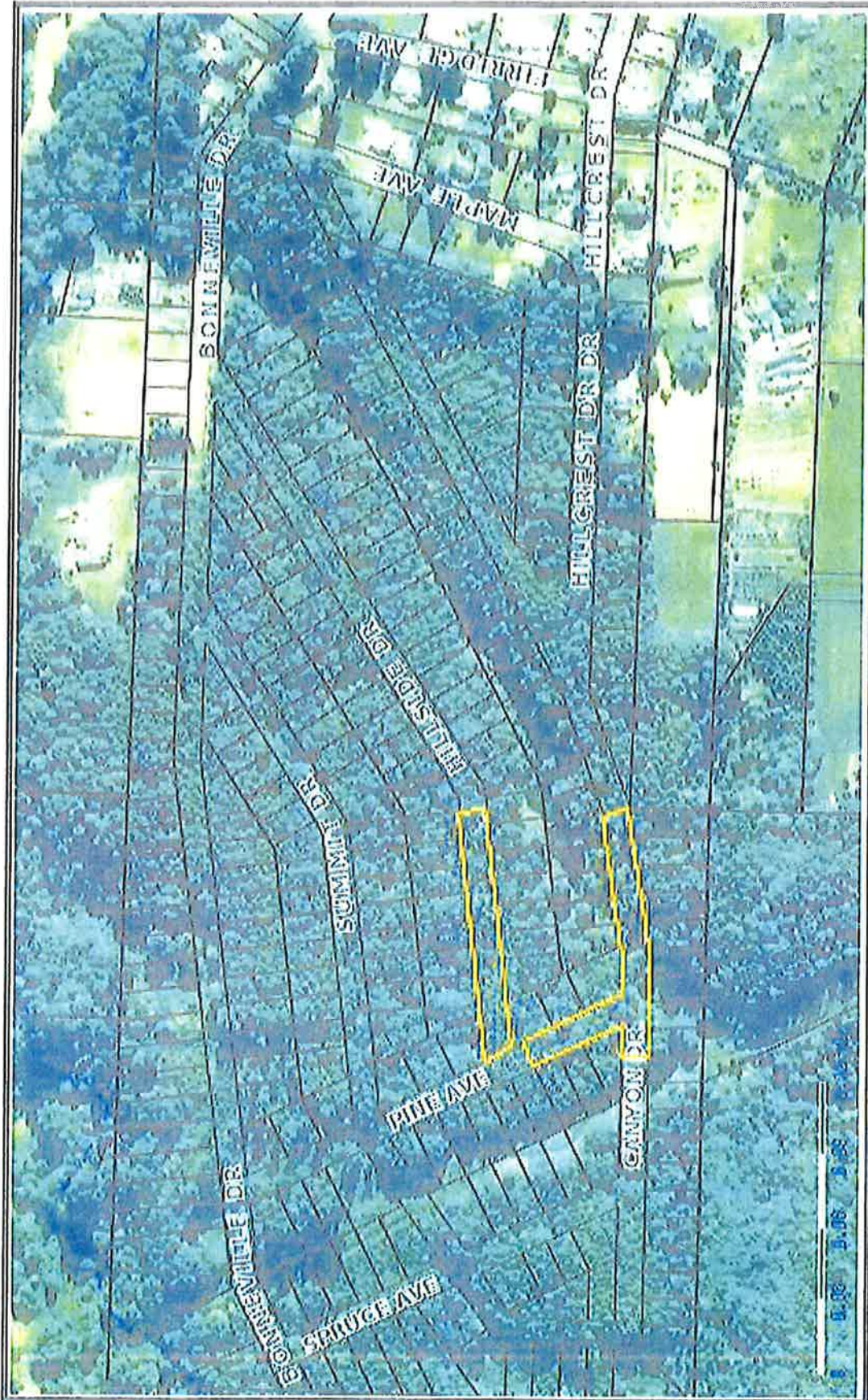
Disclaimer: This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard to the collection, performance or use of information on this map.

GeoInfo

Printed 06/28/2017

- PROPOSED STREETS TO VACATE
- CONSTRUCTED STREETS
- OWNERSHIP BY TREVOR AND KARA ROGERS

Map



Columbia County

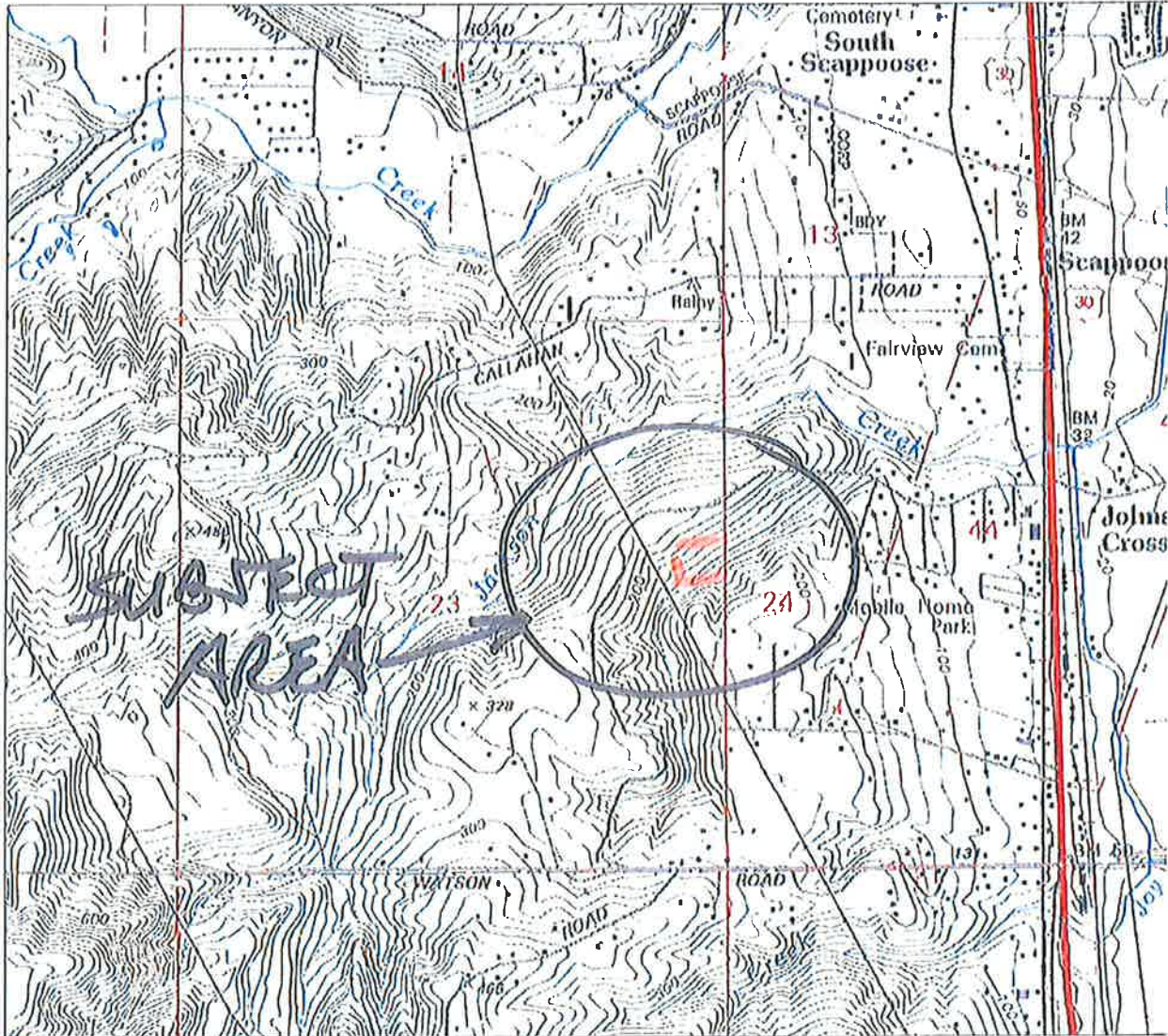


Columbia County Web Maps

See below

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EXHIBIT 3



Map provided by MyTopo.com

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Vacation of _____
Located Near _____
Columbia County, Oregon

PETITION FOR VACATION

I/We, Trevor Rogers and Kara Rogers (insert name(s) of all petitioners), who
reside at 52100 SE 9th Street Scappoose, OR 97056 (insert address),
(503)720-0140 (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:

See Exhibit A attached hereto

b. Legal Description:

See Exhibit A attached hereto

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:

Owners of all Tax Lots which abuts the property proposed for vacation

b. Legal Description of your property:

Columbia Acres No. 3 Lots 1-7, 15 and 16 in Block 17, Lots 1-17 in Block 18,
Lots 1-9 in Block 19 and Lots 1-3 in Block 20

ATTACHMENT A

3. Creation of Public Interest.

See Exhibit **B** 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):

To combine lots into single buildable lot via Property Line Adjustment and construct single family residential home within RR-5 zoning.

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

Trevor and Kara Rogers, 52100 SE 9th Street Scappoose OR 97056

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):

None

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 **C**.

Exhibit A

**NORTHWEST
SURVEYING, INC.**

BOUNDARY TOPOGRAPHIC CONSTRUCTION CADASTRAL,
Licensed in OR & WA

1815 NW 169TH PLACE, SUITE 2090
BEAVERTON, OR 97006

TELEPHONE: (503) 848-2127
FAX: (503) 848-2179

PROPERTY DESCRIPTION

November 15, 2016
NWS Project No. 1604
Rights-of-Way Vacation Descriptions

Public rights-of-way being a portion of Columbia Acres Number 3 and located in the northeast one-quarter of Section 23, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Tract 1:

That portion of Hillside Drive (60.00 feet wide) as dedicated on the plat of Columbia Acres Number 3 bounded by the easterly right-of-way line of Pine Avenue on the west side and the southerly extension of the easterly line of Lot 1, Block 17 on the east side.

Tract 2:

That portion of Canyon Drive (60.00 feet wide) as dedicated on the plat of Columbia Acres Number 3 bounded by the easterly boundary of said plat on the east side and the northerly extension of the westerly line of Lot 9, Block 19 on the west side.

Tract 3:

That portion of Pine Avenue (60.00 feet wide) as dedicated on the plat of Columbia Acres Number 3 bounded by the northerly right-of-way line of Canyon Drive on the south side and the northeasterly extension of the northwest line of Lot 3, Block 20 on the north side.



Exhibit B

SURVEYORS CERTIFICATE
STATE OF OREGON
COUNTY OF COLUMBIA

That we, the undersigned, being duly sworn, have surveyed and laid out the above described land in accordance with the laws of the State of Oregon, and the same is shown on the attached map.

Witness our hands and seals this 25th day of September 1956.

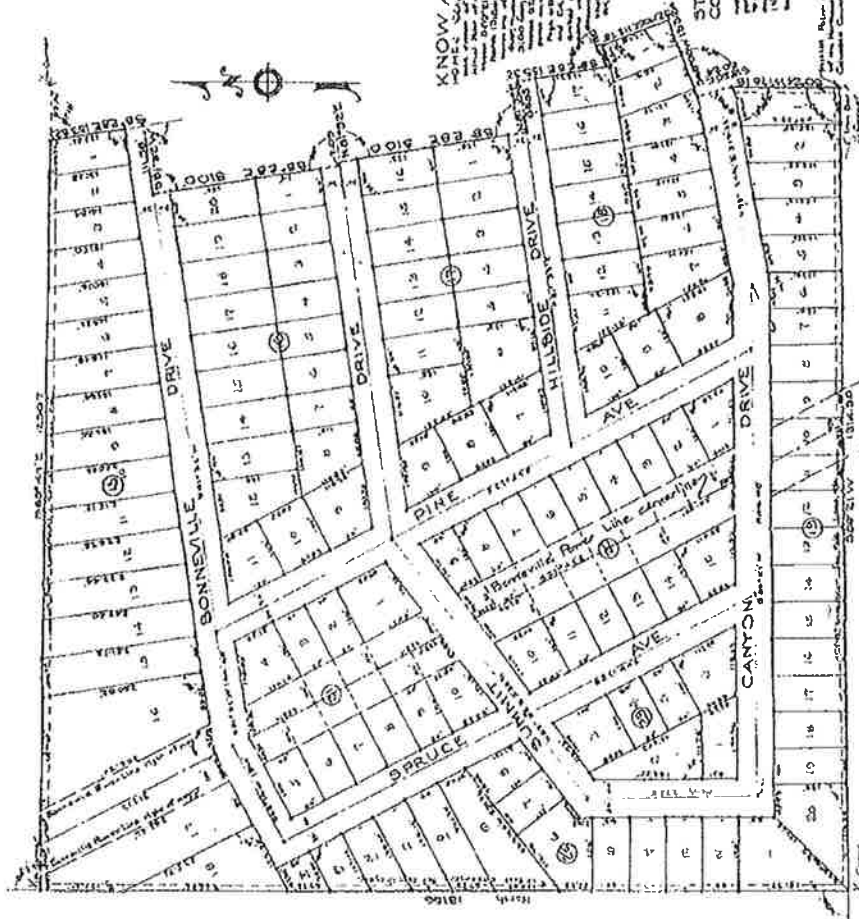
Three from July 27, 1956 - June 30, 1956 have been paid
Approved: _____ County Clerk
_____ County Assessor
_____ County Treasurer

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That the American people, through their representatives in Congress, have declared that it is the policy of the United States to support a free world in which the individual is free to exercise his own initiative and enterprise, and to enjoy the fruits of his own labor. It is the policy of the United States to support a free world in which the individual is free to exercise his own initiative and enterprise, and to enjoy the fruits of his own labor. It is the policy of the United States to support a free world in which the individual is free to exercise his own initiative and enterprise, and to enjoy the fruits of his own labor.

STATE OF OREGON
COUNTY OF COLUMBIA

That the undersigned, being duly sworn, have surveyed and laid out the above described land in accordance with the laws of the State of Oregon, and the same is shown on the attached map.

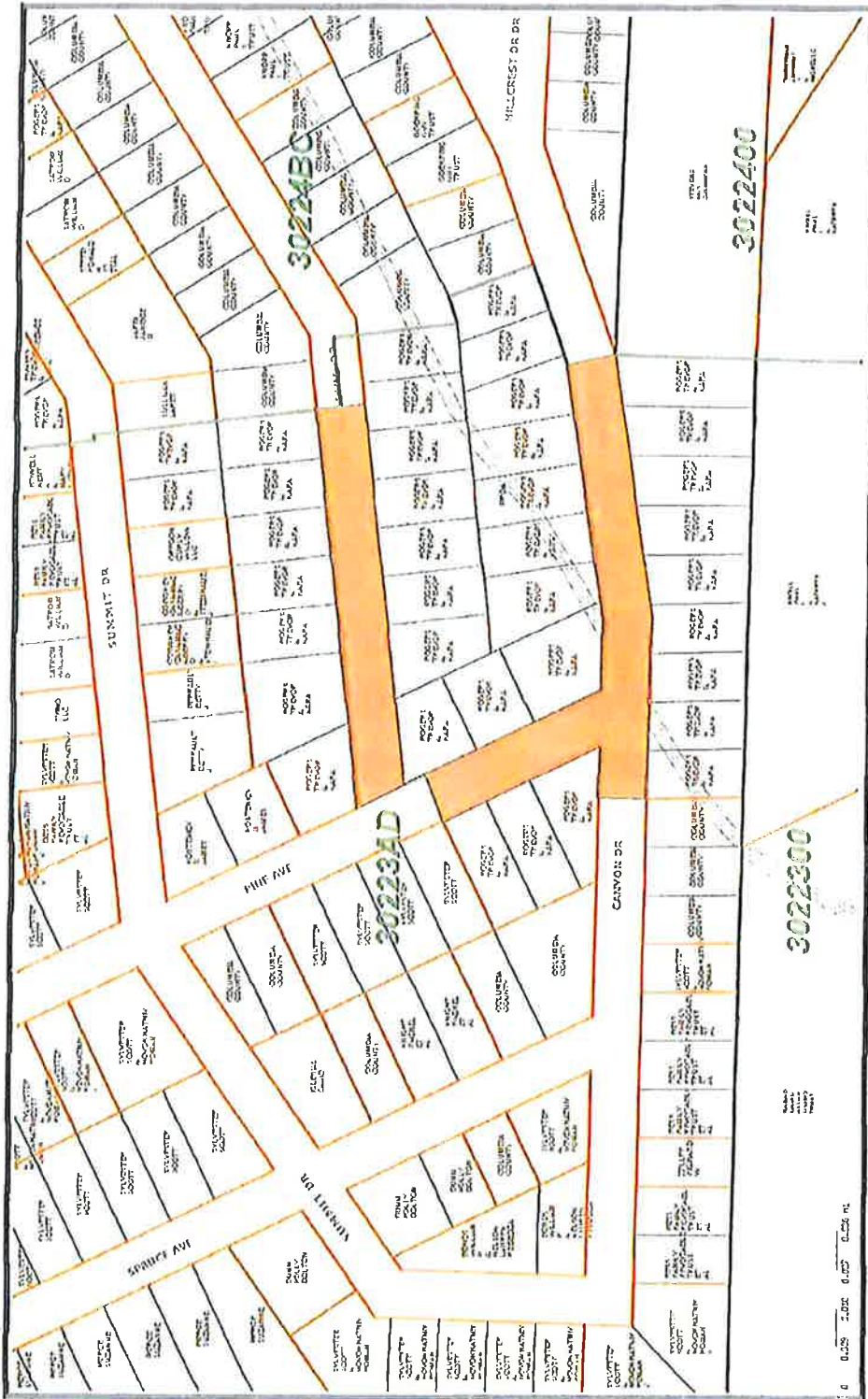


COLUMBIA ACRES
NUMBER 3
SECTIONS 23 & 24 T3N R2W
COLUMBIA COUNTY OREGON
Scale 1" = 100'

Approved: _____ September 27, 1956
County Clerk
Judge
County Commissioner
County Commissioner
County Commissioner
County Commissioner

Exhibit C

Vacation Map



Columbia County

Columbia County Web Maps



Disclaimer: This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard to the selection, performance or use of information on this map.

Printed 11/07/2016

NORTHWEST
SURVEYING, INC.

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Licensed in OR & WA

1815 NW 169TH PLACE, SUITE 2090
BEAVERTON, OR 97006

TELEPHONE: (503) 848-2127
FAX: (503) 848-2179

PROPERTY DESCRIPTION

December 6, 2016
NWS Project No. 1604
Resultant Tract
Page 1 of 2

Lots 1 to 7, inclusive, Lot 15 and Lot 16, Block 17, Lots 1 to 17, inclusive, Block 18, Lots 1 to 9 inclusive, Block 19, and Lots 1 to 3, inclusive, Block 20, Columbia Acres Number 3, together with portions of the adjacent rights-of-way of Hillside Drive, Pine Avenue and Canyon Drive, being located in the northeast one-quarter of Section 23 and the northwest one-quarter of Section 24, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

Beginning at the initial point of Columbia Acres Number 3, said point being the southeast corner of said Block 19; thence along the southerly line of said Block 19, North 89°58'39" West a distance of 539.52 feet to the southwest corner of said Lot 9, Block 19; thence along the westerly line of said Lot 9 Block 19, North 01°20'58" West a distance of 119.63 feet to the northwest corner thereof, said point being on the southerly right-of-way line of Canyon Drive; thence perpendicular to the right-of-way of Canyon Drive, North 00°01'26" West a distance of 60.00 feet to a point on the southerly line of said Lot 1, Block 20; thence along the southerly line of said Lot 1, Block 20, South 89°58'34" West a distance of 103.96 feet to the southwest corner thereof; thence along the southwesterly line of said Lot 1, Block 20 and the northwesterly extension thereof, North 27°38'34" West a distance of 139.72 feet to the northwest corner of said Lot 3, Block 20; thence along the northwesterly line of said Lot 3, Block 20, North 62°55'16" East a distance of 148.82 feet to the northeast corner thereof, said point being on the southwesterly right-of-way line of Pine Avenue; thence perpendicular to the right-of-way of Pine Avenue, North 62°20'20" East a distance of 60.00 feet to a point on the southwesterly line of said Lot 10, Block 18; thence along the northeasterly right-of-way line of Pine Avenue, North 27°39'40" West a distance of 166.67 feet to the northwest corner of said Lot 7, Block 17; thence along the northwesterly line of said Lot 7, Block 17, North 62°28'57" East a distance of 99.10 feet to the northeast corner thereof, said point being on the southwesterly line of said Lot 6, Block 17; thence along the southwesterly line of said Lot 6, Block 17, North 27°43'18" West a distance of 17.38 feet to the northwest corner thereof; thence along the northerly line of said Lot 6, Block 17 and the easterly extension thereof, North 81°47'17" East a distance of 308.32 feet to the southwest corner of said Lot 15, Block 17; thence along the westerly line of said Lot 15, Block 17, North 08°46'20" West a distance of 124.51 feet to the northwest corner thereof; thence along the northerly line of said Lot 15, Block 17 and the easterly extension thereof, North 81°45'04" East a distance of 118.85 feet to the northeast corner of said Lot 16, Block 17, thence along the easterly line of said Lot 16, Block 17 and the southerly extension thereof, South 08°51'00" East a distance of 309.18 feet to a point on the northerly line of said Lot 16, Block 18; thence along the northerly line of said Lot 16, Block 18 and the easterly extension thereof, North 81°50'03" East a distance of 85.51

ATTACHMENT A

Resultant Tract
Page 2 of 2

feet to the northeast corner of said Lot 17, Block 18; thence along the easterly line of said Lot 17, Block 18, South $08^{\circ}46'28''$ East a distance of 125.36 feet to the southeast corner thereof, said point being an angle point on the northerly boundary of said Lot 1, Block 18; thence along the northerly boundary of said Lot 1, Block 18, North $69^{\circ}19'02''$ East a distance of 35.11 feet to the northeast corner thereof; thence along the easterly line of said Lot 1, Block 18, South $21^{\circ}18'28''$ East a distance of 112.81 feet to the southeast corner thereof; thence along the southerly line of said Lot 1, Block 18, and the southwesterly extension thereof, South $68^{\circ}41'32''$ West a distance of 131.17 feet to an angle point on the southerly boundary of said Lot 3, Block 18; thence South $15^{\circ}48'41''$ East a distance of 60.31 feet to the northeast corner of said Lot 1, Block 19; thence along the easterly line of said Lot 1, Block 19, South $00^{\circ}02'35''$ West a distance of 176.45 feet to the Point of Beginning.

Said described tract of land contains 8.92 acres, more or less.

Bearings and distances are based on survey C/S 5578 of the Columbia County Survey Records.

