

**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 Vacation of a Portion of Pine  
Avenue near Scappoose in Columbia County, Oregon

ORDER NO. 38-2019

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, Pine Avenue is a platted, unconstructed right-of-way near Scappoose, Columbia County, Oregon; and

WHEREAS, on December 6, 2018, Trevor and Kara Rogers, who own the property abutting both sides of the platted right-of-way, filed with the Board a Petition, which is included in Exhibit 1 of Attachment A, which is attached hereto and incorporated herein by this reference, requesting that the Board vacate that portion of the unnamed Right-Of-Way; and

WHEREAS, County Roadmaster Mike Russell has filed a report, dated February 14, 2019, attached hereto as Attachment A and 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 in Attachment A, Exhibit 1, page 1, and is generally depicted in Attachment A, Exhibit 1, page 5; 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; 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 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. Vacation of Pine Avenue near Scappoose, Oregon, as more particularly described and shown in Exhibit 1 is in the public interest.

2. The property described on page 1 and depicted on page 5 in Exhibit 1 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.

ORDER NO. 38-2019, Vacating a Portion of Pine Ave.

Page 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 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 10 pp.]	\$50.00
Two Certified Copies by the Clerk [one to Assessor, one to Surveyor]	\$3.75 [per copy x 2 ]	\$7.50
	\$00.25 [per page x 22 pp.]	\$5.50
Posting the Approved Road Vacation by County Surveyor	\$100.00 [ per parcel]	\$100.00
	TOTAL EXPENSES	\$234.00

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

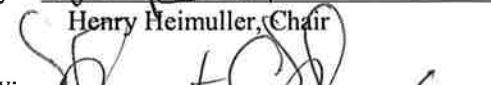
To County Clerk: \$ 106.00  
 To County Surveyor: \$ 100.00

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 24<sup>th</sup> day of July, 2019.


BOARD OF COUNTY COMMISSIONERS  
 FOR COLUMBIA COUNTY, OREGON

By:   
 Henry Heimuller, Chair

By:   
 Margaret Magruder, Commissioner

APPROVED AS TO FORM:

By:   
 Office of County Counsel

By:   
 Alex Tardif, Commissioner



**Columbia County Road Department**

1054 Oregon Street, St. Helens, OR 97051

**Michael Russell, Public Works Director**

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

e-mail: [Michael.Russell@co.columbia.or.us](mailto:Michael.Russell@co.columbia.or.us)

**To:** Board of County Commissioners  
**From:** Michael Russell, Public Works Director  
**Date:** February 14, 2019

**Subject: Road Vacation Request for a section of Pine Ave. in Columbia Acres No. 3**

**Road Official's Report**

Trevor and Kara Rogers have petitioned the Board of County Commissioners to vacate 240 feet of the southern portion of Pine Avenue, starting at the southern line of lot 8, block 20, within the Columbia Acres No. 3 Subdivision. Exhibit 1

The portion of street proposed to be vacated is outlined in red on attached Exhibit 2. Trevor and Kara Rogers own all of the adjacent property to the proposed road vacation. The existing streets are shown as highlighted in yellow, and the existing undeveloped streets are highlighted in blue.

I have also included an aerial map with a contour topo overlay (Exhibit 3) for your reference.

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-way proposed to be vacated is on terrain that is very steep (19%), and not practical to construct a roadway. This portion of Pine Ave. is undeveloped forestland.

By vacating these right-of-way, the Rogers' will be able to better use the parcel.

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

***Natahan Woodward, County Surveyor:***

*"I have no objection to the Road Vacation, however I think the General Description should read "A public right-of-way being a portion of Columbia Acres Number 3, located in the Northeast one-quarter of Section 23, Township 3 North, Range 2 West, Willamette Meridian, Columbia County Oregon, being more particularly described below:"*

*I really dislike the Legal Description: The "southerly dead end" does not really describe the south line. We can assume that means the southerly end of road not vacated, but!*

*I would prefer, they used common language used in the prior vacation. Such as "That portion of Pine Avenue (60.00 feet wide) as dedicated on the plat of Columbia Acres Number 3, bounded by the Northeasterly extension of the Northwest line of Lot 3, Block 20 on the South side and the Northeasterly extension of the southeast line of Lot 8, Block 20 on the North side."*

***Debbie Jacob, Land Development Services Planner:***

*Land development Services does not have any objections to the proposed Road Vacation of the south 241 feet of 60 foot wide platted right-of-way for Pine Avenue within the Columbia Acres #3 Subdivision. This vacation is located in a portion of the County that is zoned for Rural Residential (RR-5) development. All future land uses and development of this vacated right-of-way will be required to comply with applicable RR-5 provisions in the County's Zoning and/or Subdivision and Partitioning Ordinances.*

**Jeff Pricher, Columbia River and Fire, Fire Marshal.**

**No comments received**

**Therefore,** it is extremely impractical that the portion of Pine Avenue proposed to be vacated would ever be constructed for vehicular use due to steep terrain. It is likely, however, that most other streets in this subdivision could be developed to some extent which allows access to all other lots. I do not believe that this proposed vacation will hinder development on any other property.

**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 uses the revised legal descriptions of the right-of-way being vacated and the resulting legal description for the parcel, resulting from the vacation, is approved by the Surveyor's Office and Land Development Services.

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:

*Kogers.trevor@cumeastonet*

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

a. General Description:

Portion of Pine Avenue from the southernly dead end to the northeasterly extension of the east corner of Lot 8, Block 20. *South*

b. Legal Description:

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. Portion of Pine Avenue (60.00 feet wide) as dedicated on plat of Columbia Acres Number 3 bounded by the southerly dead end to the northeasterly extension of the east corner of Lot 8, Block 20. *South*

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 lot which abuts the property proposed for vacation

b. Legal Description of your property:

COLUMBIA ACRES NO. 3  
Block - 19 Lot - 9

3. Creation of Public Interest.

See Exhibit A, 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]:

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 B.







THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

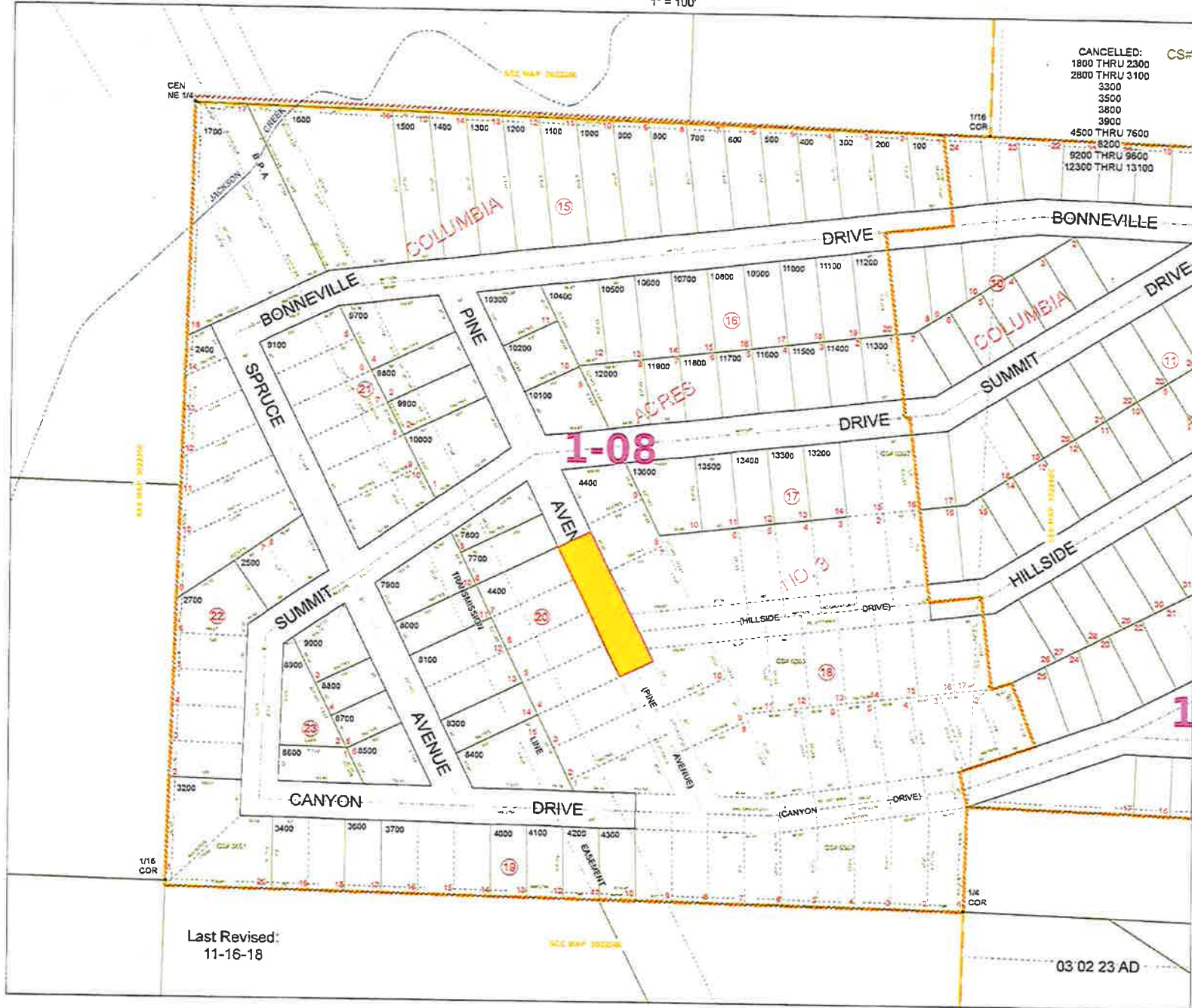
S.E.1/4 N.E.1/4 SEC.23 T.3N. R.2W. W.M.

03 02 23 AD

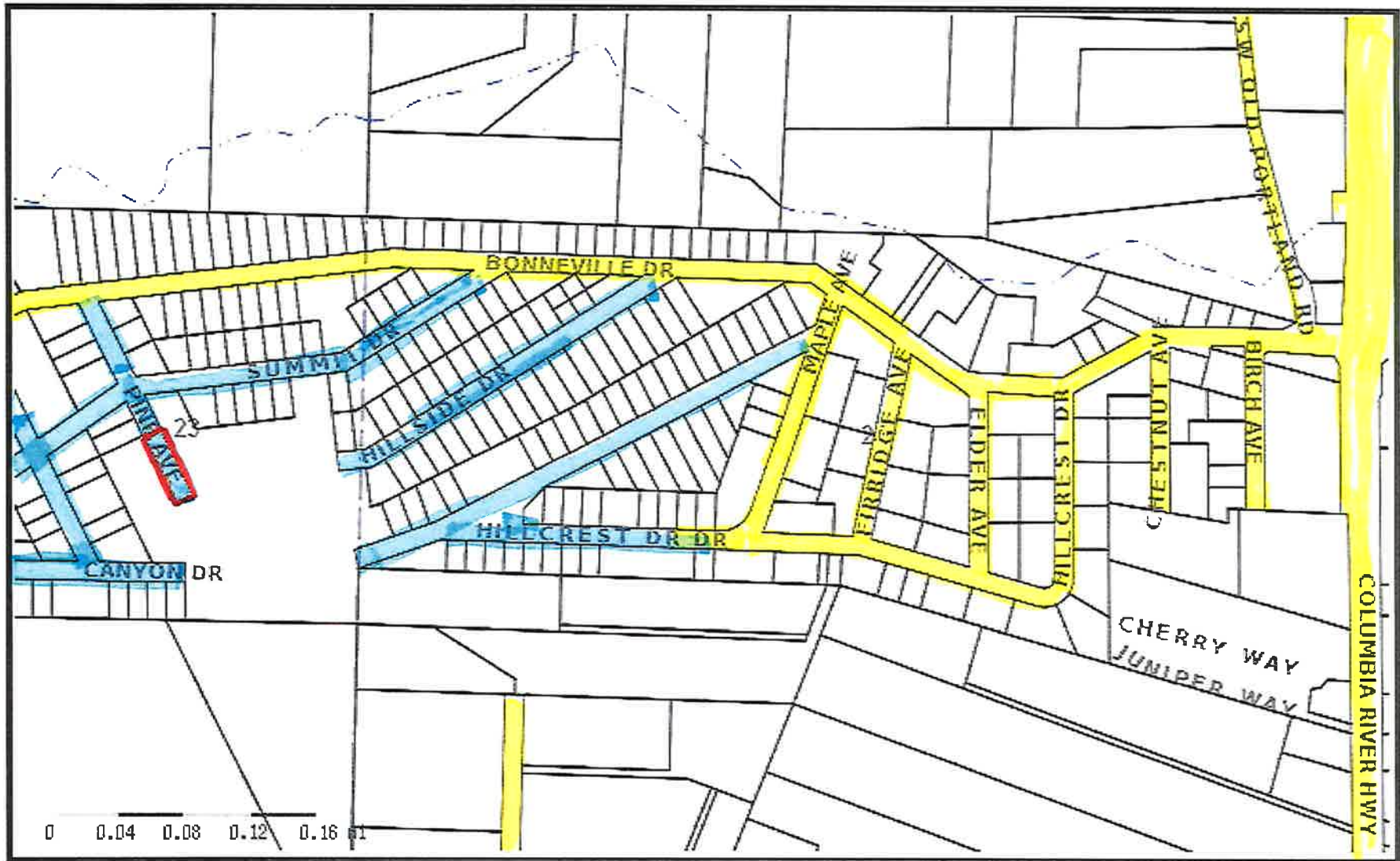
# Exhibit B

COLUMBIA COUNTY

1" = 100'



# Vacation of South Portation of Pine Avenue



Columbia County



Oregon

## 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 02/14/2019

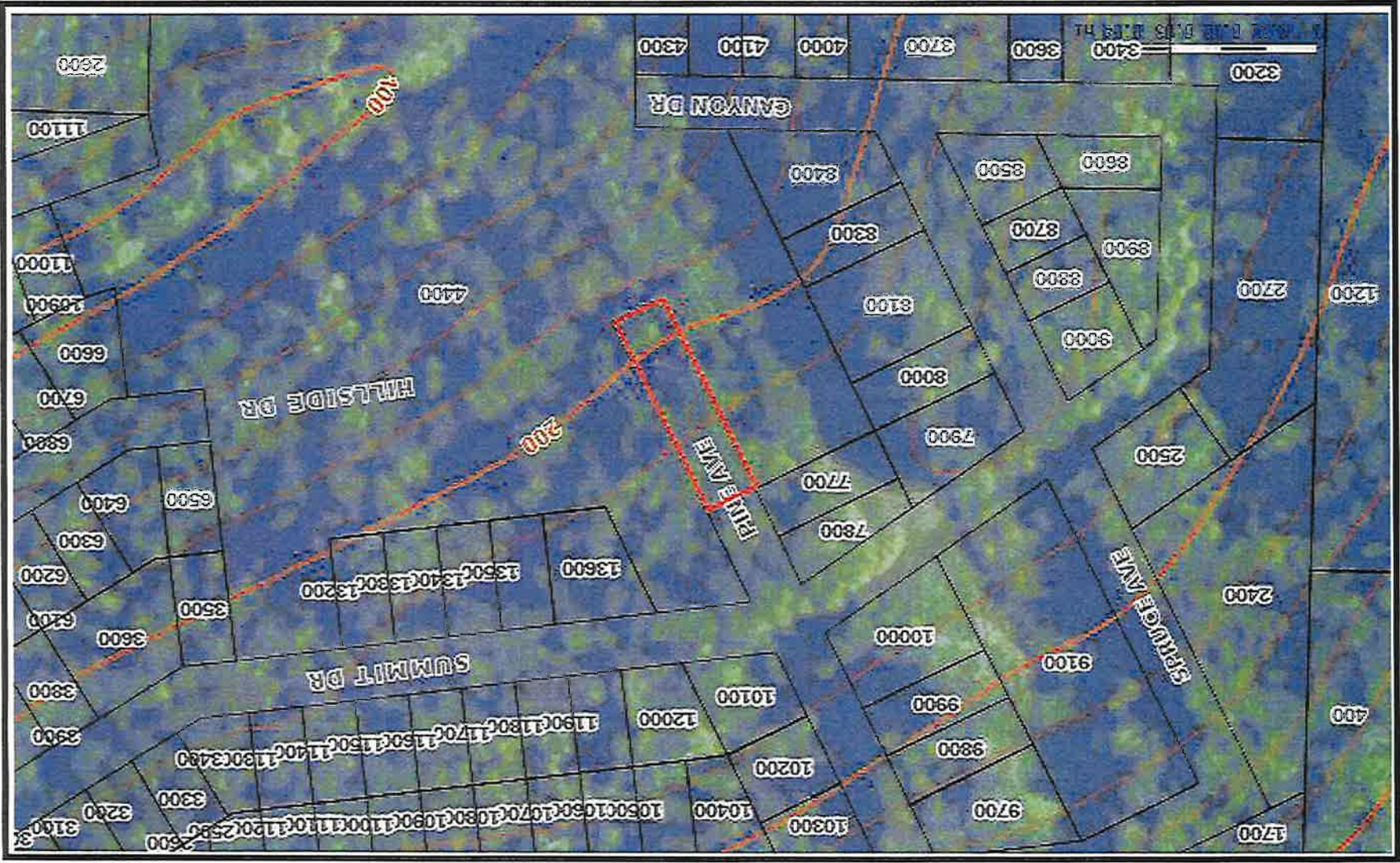
Exhibit 2



# Columbia County Web Maps

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GeoEye



Vacation of south end of Pine Ave. Grade 18-20 %

Exhibit 3