

After recording, return to:
Board of County Commissioners
Columbia County Courthouse
230 Strand Street
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 First Street in the Goble Plat

ORDER NO. 37-2020

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, First Street is a platted, unconstructed right-of-way in the Goble Plat, near Rainier, Oregon; and

WHEREAS, in December 2019, Theo Howe, who owns property abutting both sides of First Street, filed a Petition requesting that the Board vacate the portion of First Street abutting his properties; and

WHEREAS, County Roadmaster Mike Russell filed a report dated April 3, 2020, 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 Attachment B, which is attached hereto and incorporated herein by this reference, and is generally depicted on Exhibits 1C, 2 and 3 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; 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 Roadmaster files with the Board a written report that concluding that the vacation is in the public interest; and

WHEREAS, the Board finds that the petition submitted by Theo Howe meets the requirements of ORS 368.341 and contains the acknowledged signature and owner's approval as required by ORS 368.351; and

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board finds that the portion of First Street abutting Theo Howe's property, as described and depicted in Attachments A and B, is a platted, unconstructed right-of-way in the Goble Plat, near Rainier, Oregon, and vacation of such right of way is in the public interest.
2. The property described in Attachment B 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 right-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]	\$ 0.00
Hearing (if required)	\$100.00	\$0.00
Recording Final Order by the Clerk	\$91.00 [first page]	\$91.00
	\$5.00 [each additional page x 27 pp.]	\$135.00
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 54 pp.]	\$13.50
Posting the Approved Road Vacation by County Surveyor	\$100.00 [per parcel]	\$100.00
	TOTAL EXPENSES	\$375.50

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 : \$247.00
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 29 day of April, 2020.

BOARD OF COUNTY COMMISSIONERS FOR
COLUMBIA COUNTY, OREGON

By: Alex Tardif
Alex Tardif, Chair

By: Margaret Magruder
Margaret Magruder, Commissioner

By: Henry Heimuller
Henry Heimuller, Commissioner

Approved as to form
By: St. Robin McIntyre
Office of County Counsel

COLUMBIA COUNTY

Department of Public Works



ST. HELENS, OR 97051

1054 Oregon St.

Direct (503) 397-5090

Fax (503) 397-7215

publicworks@co.columbia.or.us

www.co.columbia.or.us

To: Board of County Commissioners
From: Michael Russell, Public Works Director
Date: April 3, 2020

Subject: Road Vacation request for a section of 1st Street, Goble

Road Official's Report

Theo Howe has petitioned the Board of County Commissioners to vacate that section of 1st Street between Lake Street and River Street (about 100 feet). See Exhibit 1 that includes all his submitted Exhibits. All the roads mentioned in this report are unimproved platted roads within the Goble Plat. Access to the various residences have been accomplished through a combination of establishing easements or using only portions of the platted right-of-ways but none of the roads have been constructed to public road standards.

The portion of road proposed to be vacated is outlined in red on the maps in Exhibit 2 and 3 attached. Mr. Howe owns the adjacent property east and west of the proposed road vacation and is identified as Tax Lots 1500 and 1600 on the map.

1st Street has a ROW of 60 feet. The beginning point for 1st Street is the north side of the Nicolai Road and travels north for a total of approximately 650 feet to Foster Street. See Exhibit 1B for ground level pictures of the site.

Because Mr. Howe owns the adjacent property on both sides of the right-of-way, the road vacation request may be approved without a hearing in accordance with ORS 368.351.

By vacating this right-of-way, Mr. Howe indicates he will be able to establish a functioning septic system for the home located on Tax Lot 1500. Due to soil conditions and severe terrain limitations, the right-of-way has been determined to be the best place to locate the septic field.

Request for Comment

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

Natahan Woodward, County Surveyor:

"I believe it is important to be consistent and clear as to the description of the land to be vacated. In reviewing the provided Vacation documents I find:

The PETITION FOR VACATION, legal description states "1st Street in the town of Goble Columbia County Oregon. It transcends Lake Street and River Street".

The CONSENT OF ABUTTING PROPERTY OWNERS, legal description states "1st Street in the Town of Goble between Lake St and River Street."

The Exhibit B Survey, highlighted area illustrates only a portion of that being legally described. I would like to see a consistent legal description throughout which matches the exhibit.

Matt Laird, Land Development Services Planner:

“LDS Planning has reviewed the proposed public right-of-way vacation and has no objections.

?, Columbia River Fire & Rescue, Fire Marshal:

No comments received.

Analysis and Recommendation

Every vacation request has distinct circumstances and should be reviewed thoroughly, however, in general, the Public Works Director does not favor vacating public rights-of-way as a matter of public interest. Once right-of-way is vacated, it is difficult to reacquire if needed and must follow prescribed processes that ensure fair value is given in compensation for the acquisition.

In this case, the Goble Plat appears to have been drawn without regard to constructability of any of the roads as it pertains to the terrain. There are severe slopes and rock outcroppings that make constructing several of the roads unfeasible. As such, residents have found other ways to access their properties using a combination of easements and platted right-of-ways. The portion of 1st Street being considered for vacation will likely never be constructed as a result.

Several roads in this plat have already been vacated. In 2015, under Board Order 43-2015, portions of Foster, River, Lake, and 2nd Streets were vacated. In that process, staff stated that they support owner replats together with vacating the applicable streets to better facilitate development. Staff also acknowledged at that time that the terrain did not make the platted layout of roads feasible.

As an alternative, Public Works staff did discuss the option of Mr. Howe applying for a permit to place the septic system within the right-of-way and avoid having to vacate an established right-of-way, but Mr. Howe indicated that he preferred to move forward with the vacation process.

As the Public Works Director/Roadmaster for Columbia County I find that there is no compelling need for the right-of-way of this portion of 1st Street to remain and support the vacation request.

Therefore, in the interest of the public, I recommend that the request for vacating this section of 1st Street be approved.

If this vacation request is ultimately approved by the Board of Commissioners, Public Works staff will work with Mr. Howe and the County Surveyor's Office to address the concerns raised by the County Surveyor to more accurately and consistently describe the portion of right-of-way to be vacated.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Vacation of 1st Street)
Between Tax Lot 1500 and 1600)
Located Near The Town of Goble)
Columbia County, Oregon)
_____)

PETITION FOR VACATION

I/We, Theo Howe, (insert name(s) of all petitioners), who
reside at 33824 SE Rose Lane Scappoose Or. 97056 _____ [insert address],
503-841-8178 _____ [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:

The property is very steep and rocky terrain. See Exhibit B for picture of property.

b. Legal Description:

1st Street in the town of Goble Columbia County Oregon. It transcends Lake Street and River Street

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:

I need to have a pipe cross over 1st St. to get to my drain field on the other side. It is a very challenging area as it is very rocky and I have limited options for my drain field. I recently purchased Lot 1600 for this purpose. I also want to put a bigger culvert to mitigate flooding from Lake Street. Water accumulates at the base of the valley that is Lake Street. It can and has overflowed during high water events. This will improve all around flood control for everyone.

b. Legal Description of your property:

Town of Goble Block 7 lot 3 , 4.

Town of Goble Block 4 lot 13, 14

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].

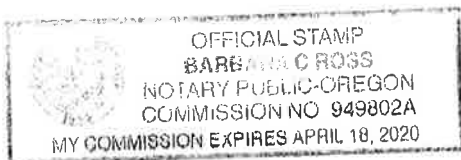
4. Statement of reasons for vacation [attach additional sheets if necessary]:
To run a drain field pipe to my drain field on my property on the other side of 1st Street and install a bigger culvert to mitigate flooding and erosion. These improvements I am doing will prevent road erosion downhill by preventing the gully of Lake Street to over flow in an uncontrolled manner. These improvements will also prevent my house from being flooded. I have spoken with the road department as well as the planning department and they both agree this is a good idea. I am working with Aqua Resource Design & Consulting firm and Erin O'Connell of Columbia County to design my septic system. Having access to this property will allow me to maintain the property, my septic system, and prevent flooding and erosion.
5. Names and addresses of all persons holding any recorded interest in the property proposed to be vacated [attach additional sheets if necessary]:
Theo Howe 33824 SE Rose Lane. 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]:
Theo Howe 33824 SE Rose Lane. Scappoose, Or. 97056
7. Names and addresses of all persons owning any real property abutting the property proposed to be vacated [attach additional sheets if necessary]:
Theo Howe 33824 SE Rose Lane. Scappoose, Or. 97056
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 .

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):

[illegible]

I/We Theo Howe, 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.

Theo Howe 12-2-2019
(Petitioner's Name) (Date)



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

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

Subscribed and sworn to before me this 2nd day of December 2019

Barbara C. Ross

Notary Public for Oregon
My Commission Expires: April 18, 2020

CONSENT OF ABUTTING PROPERTY OWNER(S)
(Each co-owner of abutting property must sign)

EXHIBIT 1

1. Name(s) of abutting property owner(s): Theo Howe
2. Mailing address of abutting property owner(s): 33824 SE Rose ^{Ln}
Scappoose OR. 97056
3. Legal description of abutting [YOUR] property (attach additional sheets if necessary; your deed or title report can be attached in lieu of writing legal description): Town of Goble Block 4 Lot 13 and 14

Tax Account No. 19403

4. Legal description of property proposed for vacation (attach additional sheets if necessary): 1st Street in the Town of Goble Between Lake St and River Street.
5. I/We am/are the owner(s) of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.

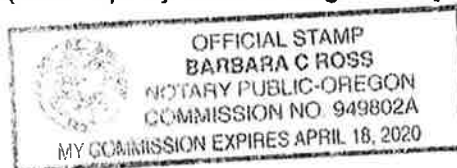
Theo Howe
(Property Owner's Signature)

12-2-2019
Date

(Co-Property Owner's Signature [if any])

Date

STATE OF OREGON)
County of Columbia) ss.



The foregoing instrument was acknowledged before me this 2nd day of December, 2019
~~2001~~, by Theo Howe

Barbara C. Ross
Notary Public for Oregon
My Commission Expires: April 18, 2020

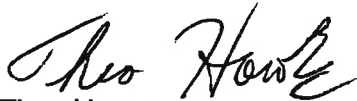
Exhibit A

December 9, 2019

Creation of Public Interest:

I take the stewardship of our lands very seriously. I will maintain this land with the upmost care. I already have an easement on my property (est. 1966) so all my neighbors have access to their homes. So, vacating this property will not hinder access to any of my neighbors. I will make improvements that will prevent flooding and road erosion down the hill. This will benefit my neighbors down the hill from me as their road won't flood in a high water event. I will also pay property taxes on this land after it is vacated. It is very unlikely this will be a road as it is very steep and rocky terrain. All corners are properly surveyed and marked. I have attached the map of the survey as well as proof of ownership. I am a long time Columbia County resident and I love living here. This is going to be my retirement home in the future and this decision is very important to me. Thank you for your consideration.

Best Regards,

A handwritten signature in black ink, appearing to read "Theo Howe". The signature is fluid and cursive, with the first name "Theo" and last name "Howe" clearly distinguishable.

Theo Howe
33824 SE Rose Lane
Scappoose, Or. 97056

EXHIBIT 1A



2534 Sykes Road, Ste C
St Helens, OR 97051
Phone: (503)397-3537 / Fax: (503)397-4851

Pensco Trust Company LLC Custodian
Fbo Theo Howe Ira
PO Box 173859
Denver CO 80217-3859

Date: September 28, 2019
Order No.: 360419003084-JS
Property: Vacant Land
Rainier, OR 97048

PENSCO Trust Company, LLC, a Colorado limited liability company, Custodian F/B/O Theo Howe IRA

Thank you for choosing Ticor Title Company of Oregon to provide your title insurance. Attached, please find the following:

Owners Policy

Thank you for allowing us the opportunity to provide for your title and escrow needs. Please let us know if there is anything more we can do.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Joy Spangler
Title Processor
Joy.Spangler@tlicortitle.com

OWNER'S POLICY OF TITLE INSURANCE**EXHIBIT 1A**

Issued By:

Policy Number:


**CHICAGO TITLE
INSURANCE COMPANY**
360419003084

Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, CHICAGO TITLE INSURANCE COMPANY, a Florida corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;
 - (c) the subdivision of land; or
 - (d) environmental protection

if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.

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EXHIBIT 1A

CHICAGO TITLE INSURANCE COMPANY

POLICY NO. 360419003084

6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated in Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
 - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
 - (i) to be timely, or
 - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

IN WITNESS WHEREOF, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed by its duly authorized officers.

Issuing Office or Agent:
Ticor Title Company of Oregon
2534 Sykes Road, Ste C
St Helens, OR 97051
(503)397-3537 FAX (503)397-4851

Countersigned By:



Authorized Officer or Agent

Chicago Title Insurance Company



By:



President

Attest:



Secretary

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EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

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CHICAGO TITLE INSURANCE COMPANY

POLICY NO. 360419003084

SCHEDULE A

Name and Address of Title Insurance Company: Chicago Title Insurance Company
c/o Joy Spangler
Ticor Title Company of Oregon
2534 Sykes Road, Ste C
St Helens, OR 97051

Address Reference: Vacant Land, Rainier, OR 97048

Date of Policy	Amount of Insurance	Premium
September 16, 2019 at 11:22 AM	\$10,000.00	\$200.00

1. Name of Insured:

PENSCO Trust Company, LLC, a Colorado limited liability company, Custodian F/B/O Theo Howe IRA

2. The estate or interest in the Land that is insured by this policy is:

A Fee

3. Title is vested in:

PENSCO Trust Company, LLC, a Colorado limited liability company, Custodian F/B/O Theo Howe IRA

4. The Land referred to in this policy is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED

END OF SCHEDULE A

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**SCHEDULE B
EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses that arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2019-2020.
7. Rights of the public to any portion of the Land lying within the limits of public roads, streets or highways.
8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Louise Jean Johnson and Joyce Darlene Johnson, husband and wife
Purpose:	Road
Recording Date:	March 17, 1966
Recording No:	Book 161, page 217
Affects:	Easterly 20 feet of Parcel 1

END OF SCHEDULE B

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EXHIBIT 1A

CHICAGO TITLE INSURANCE COMPANY

POLICY NO. 360419003084

EXHIBIT "A" LEGAL DESCRIPTION

Parcel 1: Lots 13, 14, 15 and 16, Block 4, GOBLE, Columbia County, Oregon.

Parcel 2: Lots 13 and 14, Block 5, GOBLE, Columbia County, Oregon.

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Original Document

EXHIBIT 1A

COLUMBIA COUNTY, OREGON		2018-03375
DEED-D		
Cnt=1 Pgs=2 KLUGD	04/25/2018 09:46:00 AM	
\$10.00 \$11.00 \$10.00 \$20.00 \$5.00	\$56.00	
<small>I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.</small>		
Elizabeth E. Huser - County Clerk		

After recording mail to:
Mail Tax Statements to:

Pensco Trust Company, LLC
Custodian FBO Theo Howe
IRA 100%
P.O. BOX 173859
DENVER, CO 80217

ESCROW NO.: OR-1019-JH
TITLE ORDER: 170184405

SPECIAL WARRANTY DEED (OREGON)

NRZ RED V-2 CORP Grantor, conveys and specially warrant(s) to **PENSCO Trust Company, LLC** Custodian FBO Theo Howe IRA 100% Grantee, the following described real property free of encumbrances created or suffered by the Grantor as specifically set forth herein:

LOTS 3 AND 4, BLOCK 7, TOWN OF GOBLE, COLUMBIA COUNTY, OREGON.

This property is free of all encumbrances created, EXCEPT: [Exceptions to the covenants described in ORS 93.855(2)]

The true consideration for this conveyance is **\$76,000.00**

The Grantor for itself and for its successors in interest does by these presents expressly limit the covenants of the deed to those herein expressed, and excludes all covenants arising or to arise by statutory or other implication, and does hereby warrant and will defend the title to the property against all persons who may lawfully claim the same by, through or under the Grantor.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

After recording mail to:
Mail Tax Statements to:

Pensco Trust Company, LLC
Custodian FBO Theo Howe
IRA 100%
P.O. BOX 173859
DENVER, CO 80217

ESCROW NO.: OR-1019-JH
TITLE ORDER: 170184405

**SPECIAL WARRANTY DEED
(OREGON)**

NRZ REO V-2 CORP Grantor, conveys and specially warrant(s) to **PENSCO Trust Company, LLC**
Custodian FBO Theo Howe IRA 100% Grantee, the following described real property free of
encumbrances created or suffered by the Grantor as specifically set forth herein:

LOTS 3 AND 4, BLOCK 7, TOWN OF GOBLE, COLUMBIA COUNTY, OREGON.

This property is free of all encumbrances created, EXCEPT: [Exceptions to the covenants described in ORS 93.855(2)]

The true consideration for this conveyance is \$76,000.00

The Grantor for itself and for its successors in interest does by these presents expressly limit the covenants of the deed to those herein expressed, and excludes all covenants arising or to arise by statutory or other implication, and does hereby warrant and will defend the title to the property against all persons who may lawfully claim the same by, through or under the Grantor.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated 4/19/2018

NRZ REQ V-2 CORP

By: [Signature]

MERIDIAN ASSET SERVICES, LLC

AS ATTORNEY IN FACT

Matthew Krueger, Vice President
PRINTED NAME & TITLE

State of Florida

County of Pinellas

On April 19, 2018 before me, Ryan Mauck Notary Public,

Personally appeared Matthew Krueger, VP of Meridian Asset Services LLC, Attorney in Fact for NRZ REQ V-2 Corp

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacities, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Florida that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)



RYAN M. MAUCK
Commission # GG 175956
Expires January 16, 2022
Bonded Thru Budget Notary Services

Exhibit B

EXHIBIT 1B

Looking North on First Street between my two properties.



EXHIBIT 1C

Re: Petition for Vacation

Between Tax Lot 1500 and 1600 in the Town of Goble Or.

January 15, 2020

To whom it may concern,

I am adding the enclosed septic site plan documentation to help clarify the need to vacate this section of First Street. I am working with Brannon Lamp at Aqua resource and Erin O'Connell with Columbia County to design a new septic system. He has informed me that in addition to a pressure transport pipe, he wants to position the septic tank next to the house in the right of way. The location of the old tank is not acceptable. This makes the vacation even more urgent for me to occupy my house. I hope the enclosed site plan will help bring clarity to the need to vacate this lot. It is the ecologically right thing to do and I hope we can move forward with a positive outcome for all. Thank you for your consideration in this matter.

Best Regards,

A handwritten signature in dark ink, appearing to read "Theo Howe". The signature is fluid and cursive, with the first name "Theo" and last name "Howe" clearly distinguishable.

Theo Howe

503-841-8178

SITE PLAN-HOWE, THEO

McDONALD

INST NO.
2015-010068

15

S 87°04'07" W 100.00'

[732]

[755]

14

INST NO.
2019-07525
PARCEL 2

TAX LOT 800

13

99.87'

N 2°56'18" W 100.01'

[731]

N 87°04'42" E

RUPP

INST NO.
2019-04996

12

FIRST STREET

DRIVEWAYS

RIVER STREET

149.91'

49.97'

99.94'

49.97'

16

15

TAX LOT 1600

14

INST NO.
2019-07525
PARCEL 1

13

WEISS / COLWELL

INST NO.
2019-08492

11

TEST PITS TO BE DUG
IN THIS GENERAL AREA

4

12

9

S 3°00'55" E

S 3°00'55" E 200.57'

N 87°04'56" W 200.39'

N 87°04'56" W 200.39'

STURM

INST NO.
2016-001921

1

2

3

INST NO.
2018-03375

TAX LOT 1500

HOUSE

SHED

S 87°05'05" W 100.00'

[703]

N 2°54'55" W 100.00'

S 3°02' E 100.03'

1.3'

7

DERSON
O. 2015-002829


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Sketch Tools

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 [Print Map](#) Search Ta

Basemap	Photo
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GeoMOOSE 2.6.11:3035

X,Y: 7599553, 866179 Lat, Lon: 46.018, -122.872 USNG: 10TER09909

Exhibit 3 - 1st Street Vacation Request – Theo Howe



Columbia County Web Maps

[Disclaimer](#) [Help](#)

Search Tools Sketch Tools Advanced Tools Identify Print Map Search Tax



GeoMOOSE 2.6.1 1:1111

X,Y: 7598078, 865653 Lat, Lon: 46.017, -122.878 USNG: 10TER09464

COLUMBIA COUNTY

Surveyor's Office



ATTACHMENT B

ST. HELENS, OR 97051

230 Strand St., Room 263

Direct (503) 397-2322

columbiacountyor.gov

Legal Description

1st Street Vacation, Town of Goble.

All that portion of 1st Street, lying between Lake and River Street, as recorded in the Town of Goble, Section 12, Township 6 North, Range 2 West, W.M., being more particularly described as follows:

Beginning at the SE corner of Lot 4, Block 7, Town of Goble; thence N 2°54'55" W along the East line of said Block 7 a distance of 100.00' to the NE corner of Lot 3, Block 7; thence N 87°05'05" E a distance of 60.00' to the NW corner of Lot 14, Block 4; thence S 2°54'55" E along the West line of Block 4 a distance of 100.00' to the SW corner of Lot 13, Block 4; thence S 87°05'05" W a distance of 60.00 more or less to the point of beginning.