

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed Vacation of a)
Portion of Old Portland Road aka County) **AMENDED ORDER NO. 10-00**
Road "D", Scappoose, Oregon) (Finalizing Vacation Proceedings)
)
[Looney Petition] _____)

WHEREAS, pursuant to ORS 368.341(1)(b) the Board of County Commissioners for Columbia County, Oregon adopted Order No. 89-99 initiating proceedings to vacate a certain easement comprised of a portion of Old Portland Road aka County Road "D" in the St. Helens, Oregon, area pursuant to a petition filed with the Board by Charles K. Looney and Bunnette M. Looney; and

WHEREAS, that easement comprised of a portion of Old Portland Road aka County Road "D" proposed to be vacated is legally described as follows:

A parcel of land lying in that portion of the Thomas Jackson Donation Land Claim No. 44 in Section 24, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, being more particularly described as follows:

All that portion of Columbia County Road "D", also known as Old Portland Road, lying Easterly of the West line of Parcel 2 of that certain tract of land conveyed to Charles K. Looney and Bunnette M. Looney by the State of Oregon, by and through its Department of Transportation, Highway Division, as described in deed recorded on November 9, 1990 as Columbia County Clerk's Fee number 90-6472, and the Northerly extension of said West line to the North line, or its Westerly extension, of Parcel 1 of said Charles K. Looney and Bunnette M. Looney deed.

And,

WHEREAS, pursuant to ORS 368.351, the Board may make its determination about the vacation of property without holding a hearing if: (1) the County Roadmaster files with the Board a written report that contains his assessment that the vacation would be in the public interest; and (2) the vacation proceedings were initiated by a petition under ORS 368.341 that contains:

"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. The petition must indicate the owners' approval of the proposed vacation";

and

WHEREAS, County Roadmaster Dave Hill has filed a report with the Board stating his assessment that the vacation would be in the public interest; a copy of the Roadmaster's report being attached hereto, labeled Attachment "1" and incorporated herein by this reference; and

WHEREAS, a map of the area proposed to be vacated is attached hereto, labeled Attachment "2" and incorporated herein by this reference; 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(2);

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Vacation of that easement comprised of a portion of Old Portland Road aka County Road "D" adjacent to Tax Lot Nos. 1401, 1406 and 1407, T3N, R2W, Section 24, Willamette Meridian, Scappoose, Oregon, more particularly described as above and as shown in Attachment "2", is in the public interest.
2. The property described as above, and depicted in Attachment "2", is hereby vacated.
3. This vacation is being made with a specific reservation of any existing right-of-way for utility easements.
4. Pursuant to Order No. 96-93, the following costs are due from this vacation and shall be deducted from the \$500.00 deposit paid by Charles and Bunnette Looney:

<u>SERVICE</u>	<u>FEE</u>	<u>SUBTOTAL</u>
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
Review by other County Departments	\$175.00 [per single street or alley (or portion thereof)]	\$175.00
	\$ 50.00 [each additional street or alley]	\$ 00.00
Hearing (if required)	\$100.00	\$ 00.00
Recording Final Order by the Clerk	\$ 26 .00 [first page] 5.00 [each additional page/ x4]	\$ 26.00 20.00
Two Certified Copies By the Clerk [one to Assessor, one to Surveyor]	\$ 3.75 [per copy/ x 2] \$.25 [per page/10 pp.]	\$ 7.50 2.50
Posting the Approved Road Vacation by County Surveyor	\$ 45.00 [per parcel]	\$45.00
	TOTAL	\$298.50

5. The Clerk has already deducted the \$28.50 filing fee from the \$500.00 deposit, leaving a balance of \$471.50 in the trust account. The Clerk is hereby authorized to disburse the remainder of the deposit as follows:

To County Clerk	:	\$ 56.00
To County Treasurer	:	\$220.00
To: VanNatta & Petersen	:	\$195.50

P.O. Box 748
St. Helens, OR 97054

6. This order shall be recorded with the County Clerk, a copy inserted in the appropriate road jacket, and certified copies of it shall be filed with the County Surveyor and the County Assessor.

DATED this ____ day of February, 2000.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Josh R. Petersen
Chair

By: Jeta M. Strickland
Commissioner

By: [Signature]
Commissioner

APPROVED AS TO FORM:

By: _____
Office of County Counsel

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ATTACHMENT "1"

Columbia County Road Department
P.O. Box 366, 1004 Oregon Street, St. Helens, OR 97051
COLUMBIA COUNTY

M E M O R A N D U M

NOV 22 1999

COUNTY COUNSEL

to: Lisa Nuss, County Counsel
from: Dave Hill 
subject: Road Vacation - Portion of Old Portland Road, Scappoose
date: November 17, 1999

Charles K. Looney and Bunnette Looney have petitioned the Board of Commissioners to vacate a portion of Old Portland Road in Scappoose. (See attached map).

The proposed section of road to be vacated was obliterated when the improvements to Highway 30 were made many years ago. The subject right-of-way is grassland and is not useful for road purposes as the new alignment will be adequate for at least 20 years.

There may be an overhead power line in this area, however I am unclear to the exact location of the abandoned roadway and associated right-of-way. Therefore, I suggest either reserving a right for utilities or sending a notice to the utilities asking for their response.

Please ask the County Surveyor to review the legal description to be certain that it describes what is intended to be vacated.

Therefore, provided that the requirements of utilities are satisfied, I recommend that it is in the public interest to vacate this section of County Road "D".

If you have any questions or need more information, please call.

