

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed Vacation of a)
Portion of Columbia Way and Third Street)
Within Unit "C" West Rainier Subdivision,)
Rainier, Oregon)
)
[Leno/Irby Petition])

ORDER NO. 112 -2000
(Initiating Vacation Proceedings)

WHEREAS, pursuant to ORS 368.341(1) the Board of Commissioners for Columbia County, Oregon (hereinafter referred to as the Board) may initiate proceedings to vacate property under ORS 368.326 to 368.366; and

WHEREAS, Daniel Leno, Josephine Leno and Dwight D. Irby own property abutting certain portions of Columbia Way and Third Street lying within the plat of Unit "C" West Rainier, Rainier, Oregon, which is proposed to be vacated, and have filed with the Board a petition requesting that the Board vacate said portions of Columbia Way and Third Street; and

WHEREAS, this petition is attached hereto as Attachment 1, and is incorporated herein by this reference; and

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

WHEREAS, that portion of Columbia Way proposed to be vacated lies generally between Lots 11 and 12, Block 39 and Lots 19 through 23, Block 40, Unit "C" West Rainier, on the north, and Lot 8, Block 50, Unit "C" West Rainier on the south; and, that portion of Third Street proposed to be vacated lies generally between Lot 11, Block 39 on the east, and Lot 23, Block 40 on the west, Unit "C" West Rainier; and

WHEREAS, a map of that portion of Columbia Way and Third Street proposed to be vacated is attached hereto as Attachment 2, and is incorporated herein by this reference; and

WHEREAS, petitioners' reason for this request is to facilitate their intent to build and operate a commercial establishment with a connected parking area; and

WHEREAS, the County cartographer has advised that the legal description of the area proposed to be vacated attached to the petition as Exhibit "A" does not accurately describe such area; and

WHEREAS, by letter dated December 11, 2000, the petitioners have been requested to submit a corrected legal description; and

WHEREAS, the proposed vacation as submitted, if approved, would result in leaving a small section of platted public right-of-way at the western-most end of Columbia Way to its intersection with the southern right-of-way line of Highway 30 as depicted on the ODOT highway map which is attached hereto as Attachment 3 and is incorporated herein by this reference; and

WHEREAS, the Oregon Department of Transportation ("ODOT") is the owner, in fee simple, of this western-most end of Columbia Way to its intersection with the southern right-of-way line of Highway 30; and

WHEREAS, absent the consent of 100 percent of abutting property owners, prior to the Board's making the final determination on the matter, ORS 368.346 requires that a time and place for a hearing be established to consider whether the proposed vacation is in the public interest; and

WHEREAS, prior to the Board's making the final determination on the matter, ORS 368.346 also requires the County Roadmaster to prepare and file with the Board a written report containing a description of the ownership and uses of the property proposed to be vacated and an assessment by the County Roadmaster of whether the vacation would be in the public interest;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board hereby initiates proceedings to vacate that portion of Columbia Way which lies generally between Lots 11 and 12, Block 39 and Lots 19 through 23, Block 40, Unit "C" West Rainier, on the north, and Lot 8, Block 50, United "C" West Rainier on the south, and that portion of Third Street proposed to be vacated lies generally between Lot 11, Block 39 on the east, and Lot 23, Block 40 on the west, Unit "C" West Rainier, as depicted in Attachment 2.

2. The County Roadmaster is directed to prepare and file with the Board of County Commissioners a written report containing a description of the ownership and uses of the property proposed to be vacated and an assessment of whether the proposed vacation is in the public interest.

3. ODOT shall be advised of the request of the petitioners for vacation of a portion of Columbia Way and Third Street as hereinabove described and given the opportunity to join in the petition for vacation which may include a request to extend the proposed vacation of Columbia Way to its intersection with the southern right-of-way line of Highway 30.

DATED this 13th day of December, 2000.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Jack P. Peterson
Chair

By: Victoria M. Richardson
Commissioner

By: [Signature]
Commissioner

APPROVED AS TO FORM:

By: Sarah Tyson
Office of County Counsel

ATTACHMENT 1

Records 11/29/00
County Counselor
STATE OF OREGON
COLUMBIA COUNTY
CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

00 DEC -6 AM 9 16

In the Matter of the Vacation)
of Certain Property Located)
in Columbia County, Oregon)
_____)

INSTRUMENT
NO. PV 2000-4
PETITION FOR VACATION

STATE OF OREGON
COLUMBIA COUNTY
CLERK
Garman

I, we Josephine & Daniel Leno and Dwight Irby, petition the Board
(Petitioner's or Petitioners' Name(s))

of County Commissioners for the vacation of the following property:

A. Description of property proposed for vacation (attach additional sheets if necessary):

1. General Description:
Exhibit "A" paragraph 1

2. Legal Description:
Exhibit "A" paragraph 2

B. Petitioner's(s') property interest(s) in area proposed for vacation (attach additional sheets if necessary):

1. Type of property interest:
We own abutting property on both sides of the undeveloped street.

2. Legal Description of property:
Exhibit "B"

C. Statement of reasons for vacation (attach additional sheets if necessary):

To build parking lot for proposed retail building.

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

Daniel and Josephine Leno 76880 Atkins Rd Rainier Or
503-728-3686

Dwight Irby 6114 Willow Grove Longview, WA 98632

E. Names and address of all persons owning any improvements constructed on property proposed to be vacated (attach additional sheets if necessary):

none

F. Names and addresses of all persons owning any real property abutting the property proposed to be vacated (attach additional sheets if necessary):

Daniel & Josephine Leno
Dwight Irby

G. The signature(s), acknowledged before a notary or other person authorized to take acknowledgements of deeds, of either 1) owners of sixty (60) percent of the land abutting the property proposed to be vacated or 2) sixty (60) percent of the owners of land abutting the property proposed to be vacated are attached (attach signature sheets).

H. 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.

I. A true and accurate map of the proposed vacation is attached.

- J. 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.
- K. The deposit of \$500.00 is attached.
- L. Signature and Verification(s) :

STATE OF OREGON)
) ss.
 County of Columbia)

I, (we) Daniel & Josephine (eno & Dwight Frby, am (are) the
 (Petitioner's or Petitioners' Name(s))

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.

Josephine Enos 10/27/00
 (Petitioner's Name) (Date)
Paul R Enos
 (Co-Petitioner's Name (if any))
Dwight Frby Lien holder
 (Co-Petitioner's Name (if any))
 NO CHARGE FOR Q.W.I.

Subscribed and sworn to before me this 27th day of
October, 2000.

Linda D. Moore
 Notary Public for Oregon ~~OREGON~~ WASHINGTON
 My Commission Expires:

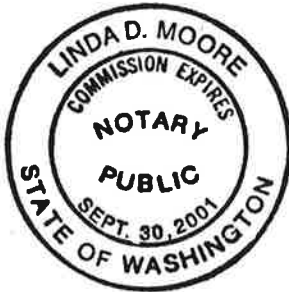


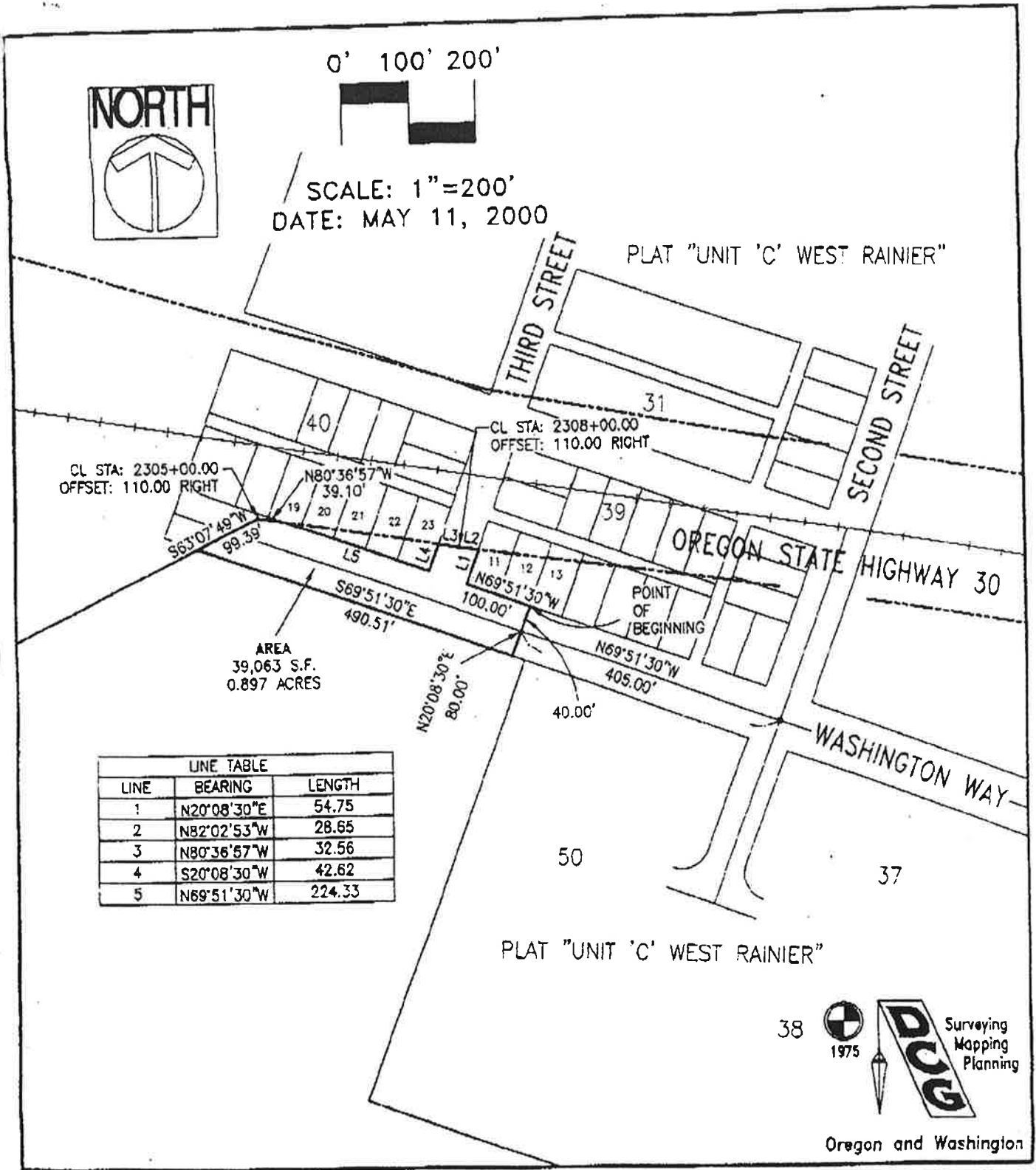
EXHIBIT A

EXHIBIT ~~B~~ "A"
LEGAL DESCRIPTION FOR
PROPOSED STREET VACATION
CITY OF RAINIER, COLUMBIA COUNTY, OREGON
FOR DAN LENO
May 11, 2000

A tract of land located in the James Dobbins D.L.C., also lying within the northwest one-quarter of Section 17, T.7N., R.2W., W.M., City of Rainier, Columbia County, Oregon. Being portions of Washington Way (formerly Columbia Way), and Third Street lying within the plat of "Unit 'C' West Rainier", a duly recorded plat in said County, being more particularly described as follows:

Commencing at the centerline intersection of Washington Way and Second Street as shown on said plat, a found 1-1/2" iron rod a with tack in center in a monument box; thence along the centerline of Washington Way N.69°51'30"W., 405.00 feet to a point in said centerline; thence N.20°08'30"E., 40.00 feet to the southwest corner of Lot 13, Block 39 of said plat, also being a point on the northerly right-of-way line of Washington Way and the **Point of Beginning** of the herein described tract; thence continuing along said northerly right-of-way line N.69°51'30"W., 100.00 feet to the southwest corner of Lot 11, Block 39 of said plat, also being a point on the easterly right-of-way line of Third Street; thence along said easterly right-of-way line N.20°08'30"E., 54.75 feet to a point on the South right-of-way line of Oregon State Highway 30; thence along said South right-of-way line N.82°02'53"W., 28.65 feet to an angle point in said South right-of-way line designated as "Engineer's Station 2308+00.00, 110.00 feet right"; thence continuing along said South right-of-way line N.80°36'57"W., 32.56 feet to a point on the East line of Lot 23, Block 40 of said plat, also being a point on the westerly right-of-way line of Third Street; thence along said westerly right-of-way line S.20°08'30"W., 42.62 feet to the southeast corner of said Lot 23, also being a point on said northerly right-of-way line of Washington Way; thence continuing along said northerly right-of-way line N.69°51'30"W., 224.33 feet to a point on said South right-of-way line of Oregon State Highway 30; thence along said South right-of-way line N.80°36'57"W., 39.10 feet to an angle point in said South right-of-way line designated as "Engineer's Station 2305+00.00, 110.00 feet right"; thence continuing along said South right-of-way line S.63°07'49"W., 99.39 feet to a point on the southerly right-of-way line of Washington Way; thence continuing along said southerly right-of-way line S.69°51'30"E., 490.51 feet; thence N.20°08'30"E., 80.00 feet to the **Point of Beginning**.

Containing 39,063 square feet (0.897 acres), more or less.



CL STA: 2305+00.00
OFFSET: 110.00 RIGHT

CL STA: 2308+00.00
OFFSET: 110.00 RIGHT

AREA
39,063 S.F.
0.897 ACRES

LINE TABLE		
LINE	BEARING	LENGTH
1	N20°08'30"E	54.75
2	N82°02'53"W	28.65
3	N80°36'57"W	32.56
4	S20°08'30"W	42.62
5	N69°51'30"W	224.33

38

Oregon and Washington

EXHIBIT B
PROPOSED STREET VACATION
PORTIONS OF WASHINGTON WAY AND THIRD STREET
CITY OF RAINIER, COLUMBIA COUNTY, OREGON
FOR: DAN LENO

DAVIS CONSULTING GROUP, INC.
 1228 LEWIS RIVER ROAD
 WOODLAND, WASHINGTON 98674
 (360) 225-1449

EXHIBIT B

EXHIBIT B

LEGAL DESCRIPTION

PARCEL 1:

BEGINNING at a point in the center line of the Old Columbia River Highway where the Westerly line of the Dobbins Donation Land Claim intersects said center line at a point 728.4 feet North of that corner of the James Dobbins Donation Land Claim that is the Northeast quarter of Section 18, Township 7 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon; Thence running South 85° 04' East 158.1 feet; Thence South 31° 13' East 195.6 feet; Thence South 50° 41' East 138.8 feet; Thence South 63° 40' East 158.5 feet; Thence South 53° 14' East 141.9 feet; Thence South 86° 12' East 112.6 feet; Thence North 62° 33' East 178.1 feet; Thence South 68° 45' East 109.7 feet; Thence South 29° 00' East 164.7 feet; Thence South 50° 51' East 135.9 feet; Thence leaving center line of said highway South 07° 00' West 82.1 feet to point on the South line of the James Dobbins Donation Land Claim; Thence along said South line of James Dobbins Donation Land Claim South 89° 59' East 1813.6 feet, more or less to a point 1504.25 feet West of the Southeast corner of the James Dobbins Donation Land Claim; Thence along the Southerly line of the Plat of Unit C, WEST RAINIER, as the same is platted and recorded on Page 63, Book 2, Plat records of Columbia County, Oregon, North 72° 24' 15" West 499.23 feet; Thence North 17° 35' 45" East 700.0 feet; Thence North 72° 24' 15" West 562.89 feet; Thence along a curve to the right a radius of 613.69 feet for the distance of 336.8 feet; Thence South 31° 42' West 94.63 feet; Thence North 58° 18' West 285.0 feet; Thence South 31° 42' West 193.6 feet; Thence North 58° 18' West 1815.95 feet to the Southwesterly corner of Unit A, WEST RAINIER and on a West line of the said James Dobbins Donation Land Claim; Thence along said West line South 1271.18 feet, more or less, to the PLACE OF BEGINNING;

EXCEPT THEREFROM that portion lying within the relocated Columbia River Highway and also EXCEPTING THEREFROM Lot 8, Block 50, UNIT C, WEST RAINIER, Columbia County, Oregon;

ALSO EXCEPTING THEREFROM all that portion, if any, described in Deed to Longview Bridge Company by deed recorded June 3, 1939 in Book 64, Page 261, Deed Records of Columbia County, Oregon.

continued.....

PARCEL 2:

A parcel of land lying in Lots 11, 12 and 13, Block 39, UNIT "C", WEST RAINIER, Columbia County, Oregon; The said parcel being that portion of said Lots lying Southerly of the following described line:

BEGINNING at a point which is opposite and 110 feet Southerly of engineer's Station 2308+00 on the center line of the relocated Columbia River Highway; Thence Easterly in a straight line to a point which is opposite and 100 feet Southerly of Engineer's Station 2312+00 on said center line, which center line is described as follows:

BEGINNING at engineer's center line station 2305+00, said station being 424.22 feet North and 748.65 feet West of the intersection of the center lines of 2nd Street and Columbia Way in Rainier; Thence South $80^{\circ} 37' 30''$ East 1000 feet to engineer's center line station 2315+00.

PARCEL 3: Lot 8, Block 50, UNIT "C", WEST RAINIER, County of Columbia and State of Oregon.

PARCEL 4:

Lots 19, 20, 21, 22 and 23, Block 40, UNIT "C", WEST RAINIER, Columbia County, Oregon;
EXCEPTING THEREFROM that portion in Final Judgement entered January 7, 1970 in Suit #17477, Records of Columbia County, Oregon.

Articles of Incorporation of Rainier Drainage Improvement Company, including the terms and provisions thereof,

Recorded: July 1, 1997
Instrument No: 97-06674

9. Contract of Sale, including the terms and provisions thereof,

Dated: September 4, 1999
Recorded: September 30, 1999
Instrument No.: 99-13412
Vendor: Dwight W. Irby
Vendee: Daniel Leno and Josephine Leno

10. Necessity to re-record contract due to the erroneous legal description given for Parcel 4.

END OF EXCEPTIONS

NOTE: Taxes for the fiscal year 1999-00, Paid in Full

Original Amount: \$667.07
Amount Paid: \$647.06 (credit for early payment)
Amount due: \$ 00.00
Account No.: 03-05 2 7218-010-00300
Affects Parcel 1

NOTE: Taxes for the fiscal year 1999-00, Paid in Full

Original Amount: \$624.18
Amount Paid: \$605.45 (credit for early payment)
Amount due: \$ 00.00
Account No.: 03-05 2 7217-000-00200
Affects Parcel 1

NOTE: Taxes for the fiscal year 1999-00, Paid in Full

Original Amount: \$34.48
Amount Paid: \$33.45 (credit for early payment)
Amount due: \$00.00
Account No.: 03-99 2 7217-022-1000
Affects Parcel 2

NOTE: Taxes for the fiscal year 1999-00, Paid in Full

Original Amount: \$20.04
Amount Paid: \$19.44 (credit for early payment)
Amount due: \$00.00
Account No.: 03-05 2 7217-023-00200
Affects Parcel 3

NOTE: Taxes for the fiscal year 1999-00, Paid in Full

Original Amount: \$23.32
Amount Paid: \$22.62 (credit for early payment)
Amount due: \$00.00
Account No.: 03-99 7217-022-00900
Affects Parcel 4

400
23.85 Ac.



COMPLIMENTS OF
FIRST AMERICAN
TITLE

COMPANY OF
COLUMBIA COUNTY
This sketch is furnished
to assist in property
location and the company
does not guarantee
its accuracy.

35.74

300
23.75 Ac.

3-05

Parcel
1

3-95
46

3-09

30

700
12.79 Ac.

LOT 2

37.61

900
2.00 Ac.

1000
1.07 Ac.

1100
2.10 Ac.

1101
2.90 Ac.

S. S.W. COR.
HEIRS OF JAMES
D.L.C. NO. 37

DOBBINS

1400
6.05 Ac.

LOT 3

7.40

RIVER

HIGHWAY

U.S.

NO.

OLD

COLUMBIA
RIVER

HWY.

MESERVE

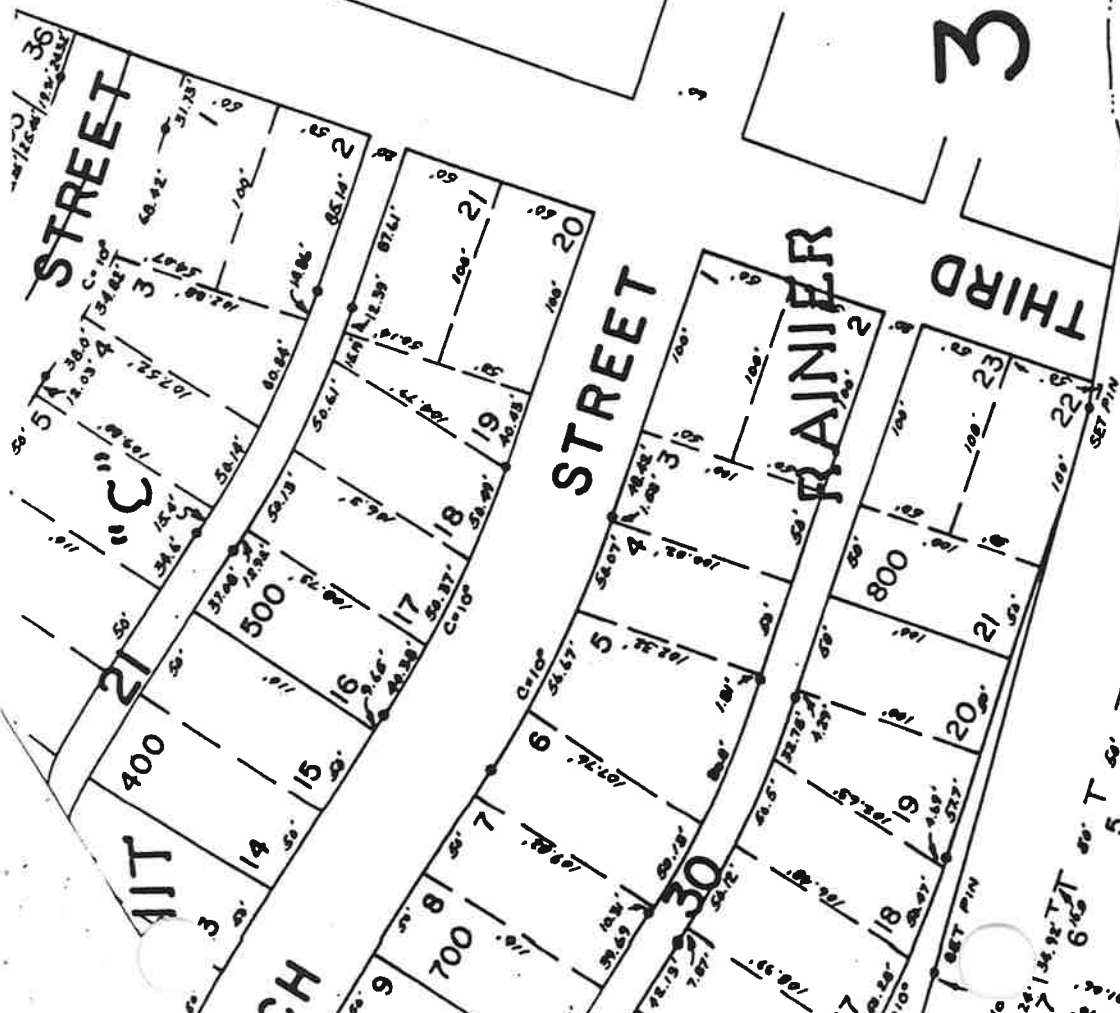
SEE MAP 7 2 17 2 3



COMPLIMENTS OF
FIRST AMERICAN
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COMPANY OF
COLUMBIA COUNTY
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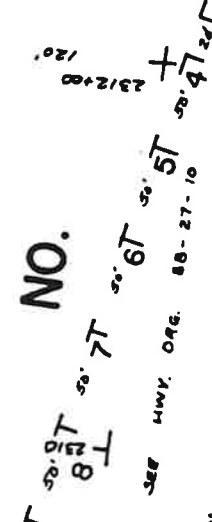
SEE

3-99

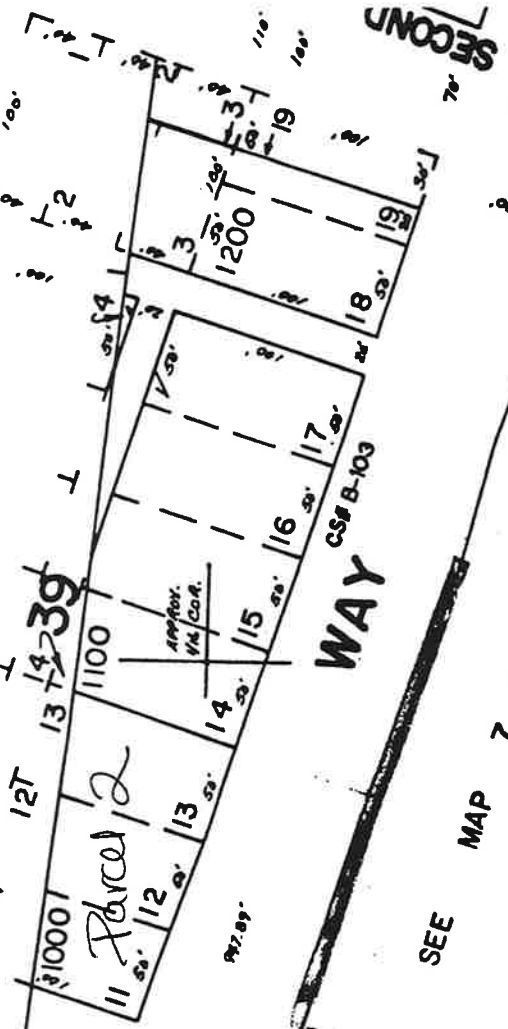


HIGHWAY 30

NO. 30



COLUMBIA WAY



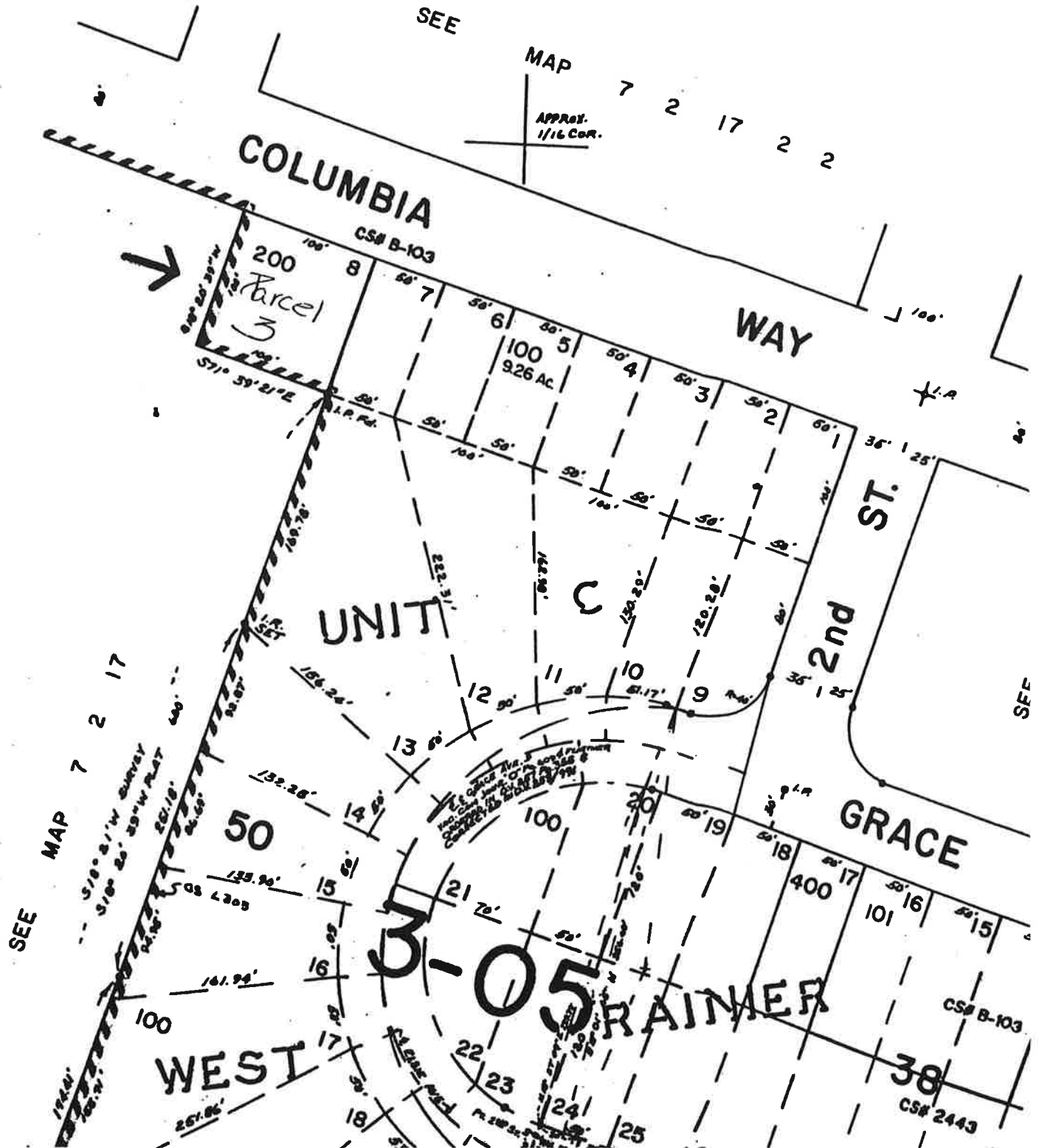
SEE MAP 7 2

SECOND

COMPLIMENTS OF
FIRST AMERICAN
TITLE

COMPANY OF
COLUMBIA COUNTY

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SEE
MAP
7 2 17 2 2
APPRX.
1/16 COR.

COLUMBIA
WAY

WAY

ST.

2nd

UNIT

3-05 RAINIER

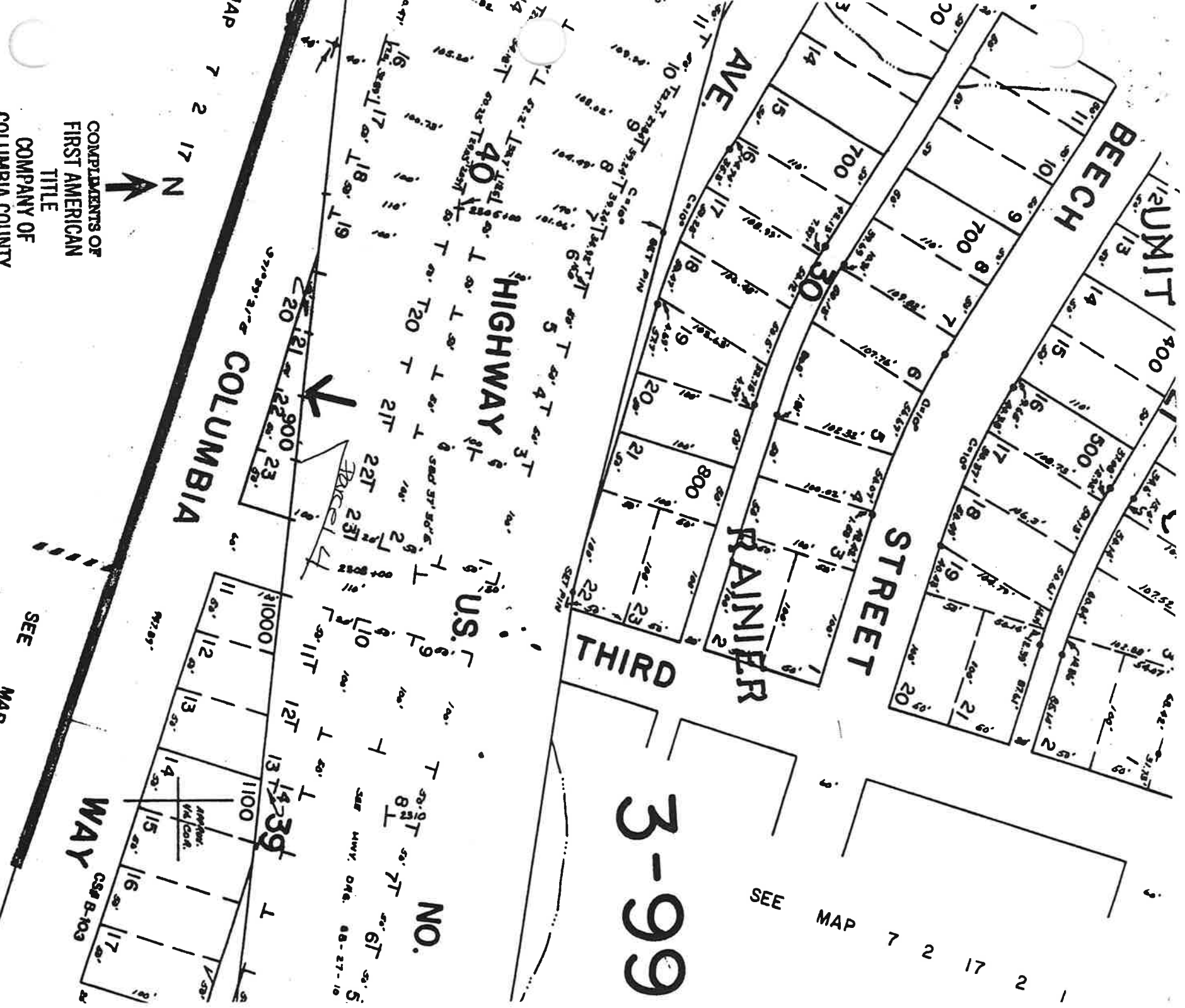
GRACE

WEST

38

CS# B-103

CS# 2443



COMPLIMENTS OF
FIRST AMERICAN
TITLE
COMPANY OF
COLUMBIA COUNTY

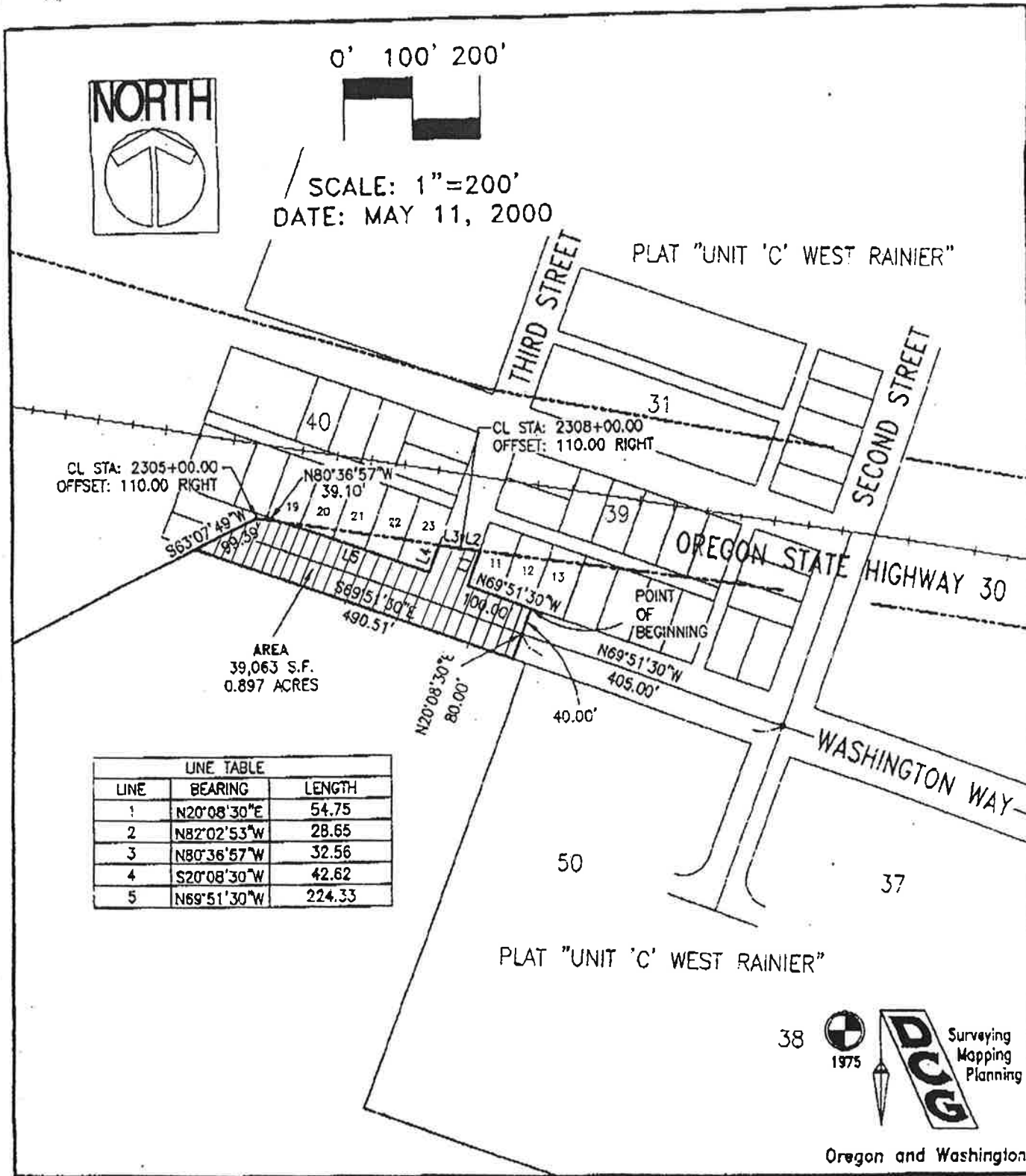
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SEE
MAP 7 2 17 2 3

WAY
CSB B-103

NO.

3-99



CL STA: 2305+00.00
OFFSET: 110.00 RIGHT

CL STA: 2308+00.00
OFFSET: 110.00 RIGHT

AREA
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Surveying
Mapping
Planning

Oregon and Washington

EXHIBIT B
PROPOSED STREET VACATION
PORTIONS OF WASHINGTON WAY AND THIRD STREET
CITY OF RAINIER, COLUMBIA COUNTY, OREGON
FOR: DAN LENO

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