

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed Vacation of a)
Portion of Elder Street Situated in the)
Hillcrest Subdivision, Part 1, near)
Scappoose, Oregon)
)
[Columbia Hills/Gravestock/Hunt/Simons)
and Nelson Petition])

ORDER NO. 22-2000
(Initiating Vacation Proceedings)

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, the Columbia Hills Development Company, Donald Gravestock, William and Lesley Hunt, Terri Simons and Monika Nelson (nee Zimmerman) own property abutting that portion of Elder Street in the Hillcrest Subdivision, Part 1, near Scappoose, Oregon proposed to be vacated, and have filed with the Board a petition requesting the Board vacate said portion of Elder Street; and

WHEREAS, a copy of the petition is attached hereto, labeled Exhibit A and incorporated herein by this reference; and

WHEREAS, the interests of Donald Gravestock, William and Lesley Hunt, Terri Simons and Monika Nelson (nee Zimmerman) in this petition to vacate a portion of Elder Street are being represented by J. Richard Recht, President, Hillcrest Investments, LTD., through an Irrevocable Power of Attorney and Proxy, a copy of which is attached hereto as Exhibit B and incorporated herein by this reference; and

WHEREAS, the petition submitted by the Columbia Hills Development Company, Donald Gravestock, William and Lesley Hunt, Terri Simons and Monika Nelson (nee Zimmerman) complies with the petition requirements of ORS 368.341(3); and

WHEREAS, that portion of Elder Street proposed to be vacated by the Columbia Hills Development Company, Donald Gravestock, William and Lesley Hunt, Terri Simons and Monika Nelson (nee Zimmerman) is more particularly described as shown in the attachment labeled Attachment A to Exhibit A and incorporated herein by this reference; and

WHEREAS, a map of that portion of Elder Street proposed to be vacated by the Columbia Hills Development Company, Donald Gravestock, William and Lesley Hunt, Terri Simons and Monika Nelson (nee Zimmerman) is attached hereto, labeled Attachment B to Exhibit A and incorporated herein by this reference; and

WHEREAS, pursuant to ORS 368.351(2), the proceedings for vacation were initiated by a petition that contains the acknowledged signatures, or the acknowledged signature of the attorney-in-

fact, of owners of 100 percent of any private property proposed to be vacated and acknowledged signatures, or the acknowledged signature of the attorney-in-fact, of owners of 100 percent of property abutting any public property proposed to be vacated and the petition indicates the owner's approval of the proposed vacation; and

WHEREAS, because the petition meets the signature requirements of ORS 368.351(2), the Board may make a determination about the vacation without holding a hearing if the county road official, i.e., the Roadmaster, files with the Board a written report that contains his assessment that the vacation is in the public interest;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board hereby initiates proceedings to vacate that portion of Elder Street adjacent to Lots 23 through 32 in Block 16, and Lots 2 through 9 in Block 17, Hillcrest Subdivision, Part 1, near Scappoose, Oregon, as described in Attachments A and B to Exhibit A.

2. The Public Works Director is directed to prepare and file with the Board of County Commissioners a written report which contains his assessment whether the proposed vacation is in the public interest.

DATED this 15th day of March, 2000.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: John R. Peterson
Chair

By: Julia M. Richard
Commissioner

By: _____
Commissioner

APPROVED AS TO FORM:

By: John K. [Signature]
Office of County Counsel

S:\ROADS\ELDER\ORDER INITIATING.wpd

EXHIBIT A

Rec'd
12/30/99

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Vacation) INSTRUMENT
Of Certain Property Located) NO. _____
In Columbia County, Oregon)
_____) PETITION FOR VACATION

We, Columbia Hills Development Company, Donald Gravestock, William and Lesley Hunt, Terri Simons and Monika Nelson (nee Zimmerman), petition the Board 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:

Elder Street in the Hillcrest Subdivision, from its intersection with Fir Street on the west to the far corners of Lot 32, Block 16 and Lot 2, Block 17 on the east.

2. Legal Description:

See Attachment "A".

B. Petitioners' property interests in area proposed for vacation (attach additional sheets if necessary):

1. Type of property interest:

The petitioners are all of the abutting property owners with the exception of Thom Simons, a co-owner.

2. Legal Description of property:

Lots 23-32, Block 16 and
Lots 2-9, Block 17,
Hillcrest Subdivision, Part 1

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

The street has never been used and is unsuitable for access to the abutting lots because of terrain.

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

Not applicable.

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

Not applicable.

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

Name	Lots, Block	Tax ID #
Thom and Terri Simons 31750 Callahan Road Scappoose, OR 97056	Lots 27-28, Block 16	0108-2-3222-14-38, 39
William and Lesley Hunt	Lots 23-24 and 29-30, Block 16	0108-2-3222-13-83, 84 0108-2-3222-14-36, 37
Donald Gravestock	Lots 25-26, Block 16 and Lots 2-4, Block 17	0108-2-3222-13-82 and 0108-2-3222-14-40 0108-2-3222-14-46, 47 & 48
Columbia Hills Development Company	Lots 31-32, Block 16	0108-2-3222-14-34, 35
Monika Nelson (nee Zimmerman)	Lots 5-9, Block 17	0108-2-3222-14-4 through 45

The same address should be used for William and Lesley Hunt, Donald Gravestock, Columbia Hills Development Company, and Monika Nelson (nee Zimmerman):

c/o J. Richard Recht, Attorney-in-Fact
830 Woodside Road, Suite 4
Redwood City, CA 94061

G. The petitioners, whose signatures are acknowledged before a notary or other person authorized to take acknowledgements of deeds, are one hundred (100) percent of the owners of land abutting the property proposed to be vacated.

H. The vacated property will be assigned to each of the abutting Hillcrest Subdivision lots from the centerline to the original lot line.

The petitioners respectfully request that the northeastern 275 feet of the road area vacated (adjacent to Lots 29-32, Block 16) be added to the property to the northwest (Lots 29-32) and the remainder be added to the property to the southeast (Lots 6-9, Block 17). Such an allocation appears to have no disadvantages for the general population and better allows future Hillcrest homeowners to conform to the 1998 zoning ordinance amendment.

I. A true and accurate map of the proposed vacation is attached as Attachment "B".

J. We verify that we caused the flagging of 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 is attached.

Special Note 1 - Prevention of landlocking.

No property ownerships will be "landlocked" due to this vacation. All ownerships will have access on either Callahan Road or Wayside Drive. This is shown on the accompanying map, Attachment "C."

Special Note 2 - Power of Attorney

The petitioners, except for Terri Simons, have granted J. Richard Recht a power-of-attorney for actions such as this petition. The power-of-attorney is recorded as instrument 94-05386 in the records of Columbia County.

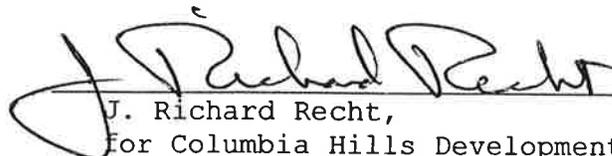
L. Signatures and verifications:

We, Columbia Hills Development Company, Donald Gravestock, William and Lesley Hunt, Terri Simons and Monika Nelson (nee Zimmerman) are the petitioners 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 their knowledge.



Terri Simons

12/28/99
Date



J. Richard Recht,
For Columbia Hills Development
Company, signing for itself and as
attorney-in-fact for Donald
Gravestock, William and Lesley Hunt,
and Monika Nelson (nee Zimmerman)

12/27/99
Date

STATE OF OREGON)

County of Columbia) ss.

Subscribed and sworn to before me by Teri Simons this
28th day of December, 1999.

Michelle Millar
Notary Public for Oregon
My Commission Expires:



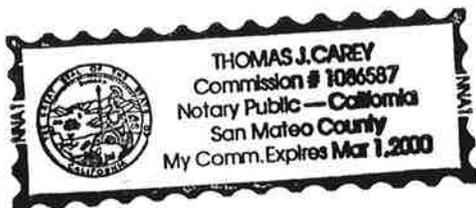
STATE OF OREGON)
) ss.
County of _____)

Subscribed and sworn to before me by Teri Simons this
_____ day of _____, 19____.

Notary Public for Oregon
My Commission Expires:

STATE OF CALIFORNIA)
) ss.
County of San Mateo)

Subscribed and sworn to before me this 27th day of
December, 1999.



Thomas J. Carey

Notary Public for California
My Commission Expires:

ATTACHMENT A

Legal Description of Property to be Vacated

Legal Description

December 21, 1999

Vacation of a Portion of Elder Street

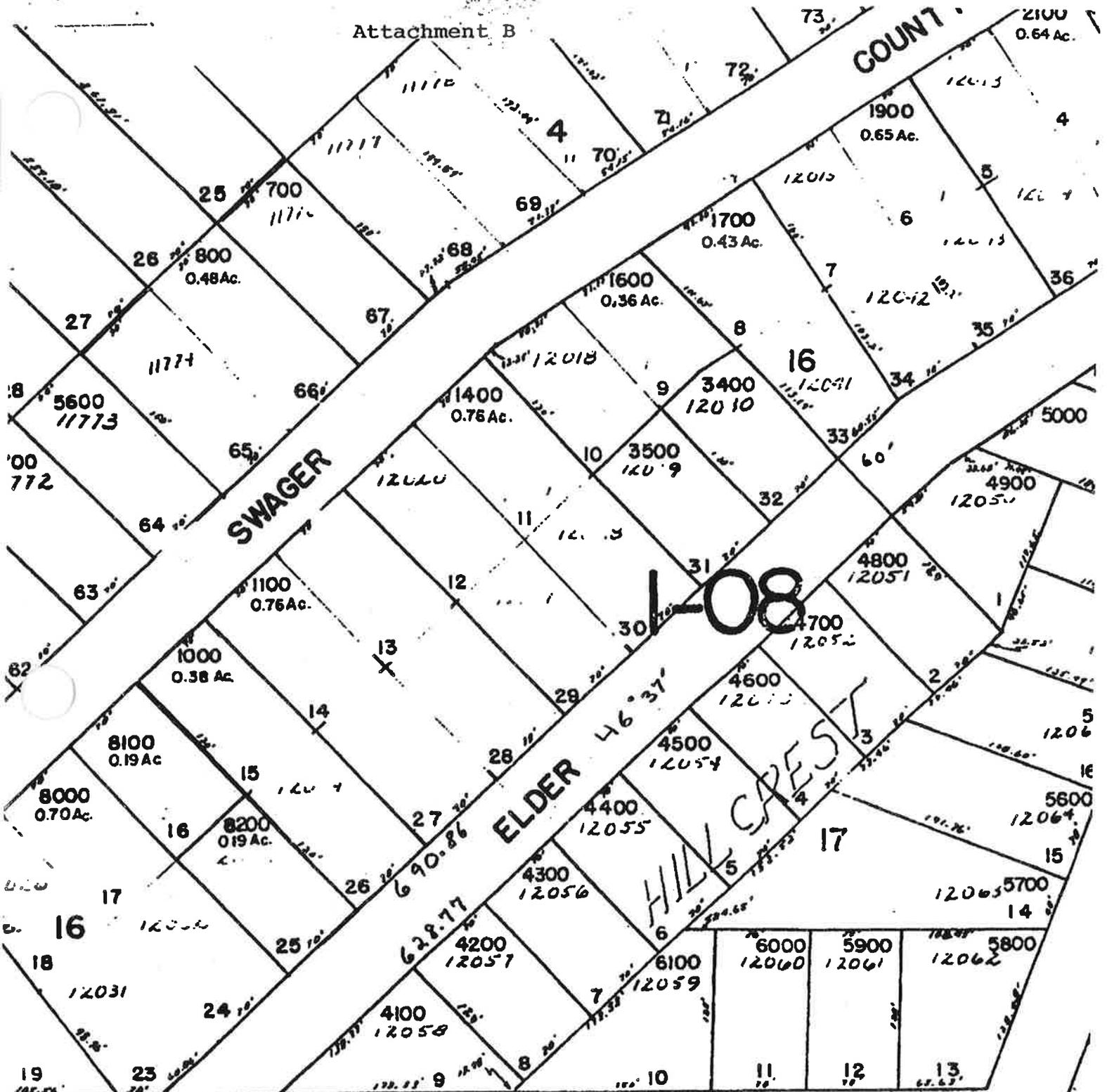
Hillcrest Subdivision, Part 1

Section 22, Township 3 North, Range 2 West, Willamette Meridian

Beginning at the Southwest corner of Block 17, Hillcrest Subdivision, Part 1, as per plat on file and of record in the clerk's office of Columbia County, Oregon; thence Northeast along the Northwest line of said Block 17 and the Southeast line of Elder Street a distance of 628.77 feet to the Northeasterly corner of Lot 2, Block 17; thence Northwest a distance of 60 feet to the Southeast corner of Lot 32, Block 16 of said Hillcrest; thence Southwest along the Southeast line of said Block 16 and the Northwest line of said Elder Street a distance of 690.86 feet to the Southeast corner of said Block 16 (in Lot 23); thence East a distance of 86.34 feet to the point of beginning.

Attachment B

COUNT



86.34'

FIR

ST.

8600 12149	8500 12148
2	1
10600 12169	10700 12170

6200 12156	7300 12147
1	12
6300 12137	7200 12146
2	11
6400 12138	7100 12145
21	

AVE

7400 12124	8500 12135
1	12
7500 12125	8400 12134
2	11
7600 12124	8300 12133
20	

WAYSIDE

SIGNATURE SHEETS OF ABUTTING PROPERTY OWNERS

- Names of Abutting Property Owners: Thom and Terri Simons
- Mailing Address of Abutting Property Owners: 31750 Callahan Road Scappoose, OR 97056
- Legal Description of Abutting Property: Lots 27-28, Block 16. Tax Lot No. 0-108-2-3222-14-38, 39.
- Legal Description of Property Proposed for vacation (attach additional sheets if necessary): Attachment "A".
- We are the owners of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.



Terri Lahti Simons 12/28/99
 Property Owner's Signature Date

 Property Owner's Signature Date

STATE OF OREGON)
) ss.
 County of Columbia)

The foregoing instrument was acknowledged before me this 28th
 day of December, 1999 by _____
Terri Lahti Simons.

Michelle Millar
 Notary Public for Oregon
 My Commission Expires:
June 22, 2003

STATE OF OREGON)
) ss.
 County of Columbia)

The foregoing instrument was acknowledged before me this _____
 day of _____, 19____ by _____

 Notary Public for Oregon
 My Commission Expires:

SIGNATURE SHEETS OF ABUTTING PROPERTY OWNERS

- Names of Abutting Property Owners: Thom and Terri Simons
- Mailing Address of Abutting Property Owners: 31750 Callahan Road Scappoose, OR 97056
- Legal Description of Abutting Property: Lots 27-28, Block 16.
Tax Lot No. 0-108-2-3222-14-38, 39.
- Legal Description of Property Proposed for vacation (attach additional sheets if necessary): Attachment "A".
- We are the owners of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.

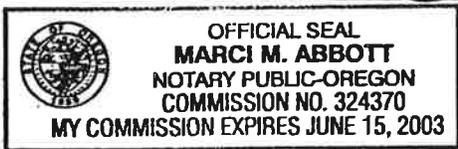
COLUMBIA COUNTY
 FEB 29 2000
 COUNTY COUNSEL

Thom A. Simons 2-7-00
 Property Owner's Signature Date

 Property Owner's Signature Date

STATE OF OREGON)
) ss.
 County of Columbia)

The foregoing instrument was acknowledged before me this 7th day of February, ~~19~~2000 by Thomas A. Simons



Marc M. Abbott
 Notary Public for Oregon
 My Commission Expires: 6/15/03

STATE OF OREGON)
) ss.
 County of Columbia)

The foregoing instrument was acknowledged before me this _____ day of _____, 19____ by _____

 Notary Public for Oregon
 My Commission Expires:

EXHIBIT B

AFTER RECORDING, RETURN TO:
Columbia Hills Development
Attn: Dick Recht
212 Broadway #1700
Oakland, CA 94612

REC # 94-05386
6/1/94

IRREVOCABLE POWER OF ATTORNEY
AND PROXY

The undersigned, Hillcrest Investments, Ltd., an Oregon limited partnership, Scappoose Venture (formerly Scappoose Partners, Ltd. and Scappoose Partners), J. Richard Recht, Jeremy David Recht, Donald Gravestock, Chris Nelson, William Hunt, Lesley Hunt, and Monika Z. Nelson (formerly Monika Zimmermann), all holders of interests in Real Property in Columbia County, Oregon known as The Hillcrest Subdivision, Parts 1, 2, 3 and 4, (subsequently called "Hillcrest"), in consideration of our mutual agreement to act in concert to preserve and enhance the value of the Hillcrest properties and recognizing that without concerted action, such preservation may not be possible, and recognizing, further, that Columbia Hills Development Company, a California corporation qualified to conduct business in Oregon, also holds an ownership interest in certain parcels in Hillcrest and is in the process of developing parcels to the end of preserving and enhancing the value of the Hillcrest Subdivision properties, hereby agree with each other to and do irrevocably appoint Columbia Hills Development Company to act as our attorney-in-fact and agent (subsequently called "Agent") in each of our names to manage, conduct, encumber and otherwise deal with all and any part of each of our interests now held and/or hereafter acquired in that certain Real Property in Columbia County, Oregon known as Hillcrest (subsequently called the "Real Property") and to conduct any business of ours connected therewith, as our Agent may deem best as fully as we could or might do if personally present, including, without limiting the generality of the foregoing, all of the following:

1. To enter into any declaration establishing, amending or replacing covenants, conditions and restrictions or supplemental covenants, conditions and restrictions against the Real Property; to grant and accept easements in connection with the Real Property; to enter into or establish and participate in any property or homeowners association in connection with the Real Property and any other property my Agent deems appropriate to include therewith; to bind portions of the Real Property together by irrevocable mutual grants or covenants; to make any amendments to any declaration; to create, agree to eliminate, modify, exercise and amend any special declarant rights; and otherwise to deal with the said Real Property as though it were its own property.

COLUMBIA COUNTY

FEB 03 2000

2. To execute, sign, seal, acknowledge and endorse such declarations, easements, agreements, assignments, conveyances and other instruments necessary or desirable to effect the placement or replacement of covenants, conditions and restrictions on the Real Property or any portion thereof and to transfer any interest we may have in any common property now or hereafter defined in any declaration to any association of property owners or the public.

3. To record and file any instruments necessary or desirable to effect the placement or replacement of any covenants, conditions or restrictions on the Real Property or the transfer of any common property now or hereafter designated to any association of property owners or the public.

4. To vote each of our interests in any association in which all or any of us become members by virtue of owning any of the Real Property. This right shall be deemed a proxy from each of us and shall be irrevocable for the duration of this Irrevocable Power of Attorney and Proxy.

5. To obtain or renew insurance policies or insurance contracts of any kind and to pay the premiums therefor.

6. To execute any petition for and agree to the creation of a road, water, sewage, lighting or other utility or improvement district, to petition for the improvement of any road or other utility, to agree to any assessments on such terms and under such conditions as our Agent may deem appropriate, to approve creation of any district or the making of any improvement, and otherwise to act as though the Real Property were owned by our Agent.

7. To do any act and execute in our name all instruments deemed necessary to carry out and perform all of the powers granted herein and to delegate any or all of the foregoing powers to any person or persons whom our Agent shall select.

8. To grant, bargain, sell, convey and exchange on such terms as to our Agent shall deem appropriate all or any portion of the Real Property now owned and/or hereafter acquired by us or any one of us.

ML

This Irrevocable Power of Attorney and Proxy shall terminate at midnight on the 31st day of December, 1999.

The authorized signature of our Agent, Columbia Hills Development Company, for the purpose of this Power of Attorney, is set forth below:

COLUMBIA HILLS DEVELOPMENT COMPANY,
a California corporation

By: J. Richard Recht
J. Richard Recht, President

We hereby give and grant unto our said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as we or each of us might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that said attorney or said attorney's substitute or substitutes shall lawfully do or cause to be done by virtue of these presents.

In construing this instrument and where the context so requires, the singular includes the plural. All or any of the signature and notary pages of this document may be executed in multiple copies. Such signature and notary pages shall be recorded with the one original of the document with the same effect as if each person signed and had such signature duly acknowledged on the original.

IN WITNESS WHEREOF, we have hereunto set our hands this 11th day of June, 1987.

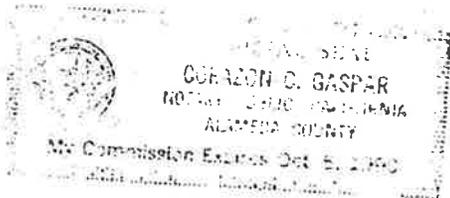
HILLCREST INVESTMENTS, LTD.,
an Oregon limited partnership

BY: PALO INVESTMENTS, INC.,
a California corporation
GENERAL PARTNER

By: J. Richard Recht
J. Richard Recht
President

STATE OF California)
) ss.
County of Alameda)

The foregoing instrument was acknowledged before me this 11th day of June, 1987, by J. RICHARD RECHT, the President of PALO INVESTMENTS, INC., a California corporation, the General Partner of HILLCREST INVESTMENTS, LTD., an Oregon limited partnership.



Corazon C. Gaspar
CORAZON C. GASPAR
Notary Public for California Cty of Alameda
My Commission Expires: OCT 5, 1990 da

J. Richard Recht
J. Richard Recht

STATE OF California)
) ss.
County of Alameda)

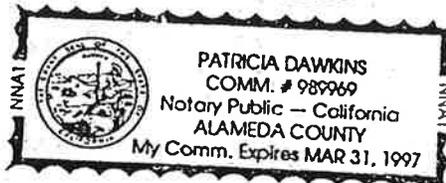
Personally appeared the above-named J. RICHARD RECHT and acknowledged the foregoing instrument to be his voluntary act and deed this 11th day of June, 1987.



Corazon C. Gaspar
CORAZON C. GASPAR
Notary Public for California Cty of Alameda
My Commission Expires: OCT 5, 1990 meda

Donald Gravestock
Donald Gravestock

STATE OF Calif.)
) ss.
County of Alameda)



Personally appeared the above-named DONALD GRAVESTOCK and acknowledged the foregoing instrument to be his voluntary act and deed this 4th day of April, 1987.

Chris Nelson

Chris Nelson, both individually,
and dba Scappoose Venture
formerly dba Scappoose
Partners, Ltd. and Scappoose
Partners*Also Known as Arthur C. Nelson

STATE OF Louisiana)
Parish) ss.
~~COUNTY~~ of St. Tammany)

Personally appeared the above-named CHRIS NELSON a/k/a Arthur C.
(both individually and dba Scappoose Venture, formerly
dba Scappoose Partners, Ltd. and Scappoose Partners) and
acknowledged the foregoing instrument to be his voluntary
act and deed this 8th day of June, 1987.

Joan K. Nelson

Notary Public for ST. TAMMANY PARISH
My Commission Expires: At Death

Monika Z. Nelson
Monika Z. Nelson
(formerly Monika Zimmermann)

STATE OF Louisiana)
Parish) ss.
~~COUNTY~~ of St. Tammany)

Personally appeared the above-named MONIKA Z.
NELSON (formerly Monika Zimmermann) and acknowledged the
foregoing instrument to be her voluntary act and deed
this 8th day of June, 1987.

Joan K. Nelson

Notary Public for ST. TAMMANY PARISH
My Commission Expires: At Death

