

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed Vacation of a)
Portion of Columbia Road Lying Within the)
Plat of Beaver Homes, near Rainier,)
Oregon)
)
[Bates Petition] _____)

ORDER NO. 78-2000
(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, Garret E. and Teri L. Bates own property abutting a portion of Columbia Road lying within the plat of Beaver Homes near Rainier, Oregon, which is proposed to be vacated, and have filed with the Board, a petition requesting that the Board vacate said portion of Columbia Road; and

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

WHEREAS, that portion of Columbia Road proposed to be vacated is generally described as lying between properties commonly described as Tax Account No. 6215-013-00300 and Tax Account No. 6215-013-00600, and is more particularly described as:

A tract of land in Section 15, Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

All that portion of Columbia Road which lies Southerly of Tract 60, Section 2, Beaver Homes Subdivision, as recorded in Plat Book 1, Page 10, records of Columbia County, Oregon, lying between Nick Thomas Road (also known as Roadrucka Avenue) to the West and vacated Holbrook Avenue to the East as per plat on file and of record in the Clerk's Office of Columbia County, Oregon.

WHEREAS, a map of that portion of Columbia Road proposed to be vacated is attached to Exhibit A and is 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 of owners of 100 percent of any private property proposed to be vacated and acknowledged signatures of owners of 50 percent of property abutting the public property proposed to be vacated and the petition indicates such owners' approval of the proposed vacation; and

WHEREAS, Columbia County as the owner of Tax Account No. 6215-013-00600, is the owner of 50 percent of property abutting the public property proposed to be vacated; and

WHEREAS, Columbia County, by and through the Board, has given its approval of the proposed

vacation of such portion of Columbia Road, as described herein, for the purpose of initiating vacation proceedings, said approval being attached as Exhibit B and incorporated herein by this reference; and

WHEREAS, the petition submitted by Mr. and Mrs. Bates, with the attached approval of Columbia County, complies with the petition requirements of ORS 368.341(3); and

WHEREAS, because the petition, with the attached approval of Columbia County, 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 Public Works Director, files with the Board, a written report that contains an 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 Columbia Road, which lies Southerly of Tract 60, Section 2, Beaver Homes Subdivision, as recorded in Plat Book 1, Page 10, records of Columbia County, Oregon, lying between Nick Thomas Road (formerly Roadrucka Avenue) to the West and Holbrook Avenue to the East as per plat on file and of record in the Clerk's Office of Columbia County, Oregon, and as described in Exhibit A.

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

DATED this 9th day of August, 2000.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: John R. Peterson
Chair

By: Lita M. Gerhard
Commissioner

APPROVED AS TO FORM:

By: Sarah W. Tyea
Office of County Counsel

By: not present
Commissioner

0 AUG -2 AM 11: 07 BEFORE THE BOARD OF COUNTY COMMISSIONERS COLUMBIA COUNTY

BOOK _____ PAGE _____
ELIZABETH HUSER, CO. CLK

FOR COLUMBIA COUNTY, OREGON

JUL 06 2000

BY James DEF

COUNTY COUNSEL

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

INSTRUMENT
NO. PV 2000-03
PETITION FOR VACATION

I, (we) Garret E. + Teri L. Bates, 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:

We wish to vacate the portion of Columbia Road running to the south of our property. This is a plated road.

2. Legal Description:

Columbia Road "plated" between vacated Holbrock Ave. to the east, and Nick Thomas Rd. to the west, located south of Tax Lot 03-12-2-6215-013-00300 MA4 Neighborhood 43 Track 60

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

1. Type of property interest:

I own Track 60 Lots 1-7 inclusive abutting this plated Road.

2. Legal Description of property:

Map # 03-12-2-6215-013-00300

Plat of Beaver Homes Section 2-15

Township 6 North

Range 2 West

Willamette Meridian

Columbia Co., Oregon

- C. Statement of reasons for vacation (attach additional sheets if necessary): *Because the house I purchased sits over its property line, onto platted Columbia Road.*
- D. Names and addresses of all persons holding any recorded interest in the property proposed to be vacated (attach additional sheets if necessary):
*Garret E. + Teri L. Bates Columbia County
31515 Beaver Homes Rd.
Rainier, Ore. 97048*
- E. Names and address of all persons owning any improvements constructed on property proposed to be vacated (attach additional sheets if necessary):
*Garret E. + Teri L. Bates
31515 Beaver Homes Rd.
Rainier, Ore. 97048*
- F. Names and addresses of all persons owning any real property abutting the property proposed to be vacated (attach additional sheets if necessary):
*Garret E. + Teri L. Bates
31515 Beaver Homes Rd.
Rainier, Ore. 97048*
- 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)
County of Columbia) ss.

I, (we) Garret E. + Teri L. Bates, am (are) the
(Petitioner's or Petitioners' Name(s))

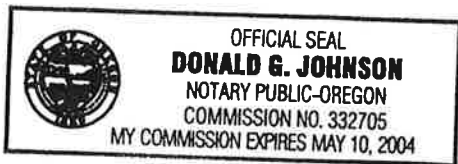
petitioner(s) herein and hereby swear, under penalties of perjury, that the statements made in this petition, and the attachments hereto, are true to the best of my (our) knowledge.

Garret E. Bates 7-5-00
(Petitioner's Name) (Date)

Teri L. Bates
(Co-Petitioner's Name (if any))

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

Subscribed and sworn to before me this 6th day of
July, ~~19~~ 2009.



Donald G. Johnson
Notary Public for Oregon
My Commission Expires:

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR

COLUMBIA COUNTY, OREGON

BOOK 187 PAGE 333

In the Matter of the Vacation of a)
Portion of Holbrook Road, River View)
Road, and Columbia Road lying within)
the Plat of Beaver Homes, Section 2)
and Section 15, Township 6 North,)
Range 2 West, Willamette Meridian,)
Columbia County, Oregon.)

NO.

ORDER

The petition of James L. Leddy and Bonnie B. Leddy, husband and wife, and William J. Ellis and Barbara Ellis, husband and wife, praying for the vacation of a portion of Holbrook Road, River View Road, and Columbia Road lying within the plat of Beaver Homes, Section 2 and Section 15, Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, more particularly hereinafter described, having been filed herein; and

It appearing from the affidavit of Bonnie B. Leddy on file herein that notice of hearing on said petition on the 11th day of March, 1970, at the hour of 2:00 p.m., in Room 317, Columbia County Court House, St. Helens, Oregon, was given by posting notice thereof in three public and conspicuous places within the vicinity of the roads sought to be vacated, and that at the time named in said notice, the Board of County Commissioners considered said petition and referred the same to the Roadmaster for a report as to the advisability of said vacation of said portion of said roads and the Roadmaster having filed his report and having recommended that the petition for vacation be granted; and

It appearing that the roads sought to be vacated are not within the corporate limits of any city or town; that the petitioners are the owners of all the property immediately adjoining the part of the roads to be vacated, and that no objection has been filed by any person to the vacation of said portion of said roads; and

It further appearing that the said portion of said roads are useless as a part of the general road system and burdensome to maintain and the public will be benefited by their vacation, and the Board being duly advised in the premises herein, it is, hereby

ORDERED that the following described roads in Columbia County, Oregon, to-wit:

All that part of Holbrook Avenue South of the Southerly right of way line of Orchard View Road, as per plat of Beaver Homes, Section 2 on file in the Clerk's Office of Columbia County Oregon, and North of the Northerly right of way line of Columbia Road as relocated and described in Deed Book 20 at Page 383.

All that part of Columbia Road East of the East right of way line of Holbrook Avenue, as per plat of Beaver Homes, Section 2, on file and of record in the Clerk's Office of Columbia County Oregon, and Northwesterly of the Northerly right of way line of Columbia Road as relocated and described in Deed Book 20 at Page 383.

All that part of River View Road East of the East right of way line of Holbrook Avenue, as per plat of Beaver Homes, Section 2, on file and of record in the Clerk's Office of Columbia County Oregon, and West of the Westerly right of way line of the new road hereinafter described:

A 60 foot road being 20 feet on the West side and 40 feet on the East side of the following described centerline; Beginning at a point in the centerline of Columbia Road, as relocated and described in Deed Book 20 at Page 383, which is South 28° 31' East 108.0 feet from the intersection of the centerlines of Holbrook Avenue, River View Road and the Old Columbia Road, as per plat of Beaver Homes, Section 2, on file and of record in the Clerk's Office of Columbia County Oregon; thence North 56° 40' East a distance of 200.95 feet to a point in the centerline of River View Road that is North 85° 57' East 220.0 feet from said intersection of Holbrook Avenue, River View Road and the Old Columbia Road.

be and the same is hereby vacated, excepting and reserving therefrom any and all existing public utility installations therein or thereon until such time as they are lawfully removed.

Dated this 21st day of June, 1972.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By J. H. Barnhill
Chairman

By A. A. Hibern
Commissioner

By Jack Manhoff
Commissioner

APPROVED AS TO FORM:

ROBERT A. LUCAS
District Attorney

By Robert A. Lucas

4360



~~65 JUN 22 9 91~~

98-05480

After recording return to:

GARRET E. BATES
4412 SE TAGGET ST.
PORTLAND, OR 97206

TITLE ORDER NO: 07-15224
KEY ESCROW NO: 07-15224

Until a change is requested tax statements shall be sent to the following address:
SAME AS ABOVE

~~17/60 Beaver Homes~~
~~11500~~

WARRANTY DEED -- STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Esmt over 10/11

DANIEL D. WETHERBEE and JACQUELINE WETHERBEE, as tenants by the entirety
Grantor,

conveys and warrants to:

GARRET E. BATES and TERI L. BATES, as tenants by the entirety, Grantee,

the following described real property free of encumbrances except as specifically set forth herein:

PARCEL: 1

Lots 1 through 7 inclusive, in tract of Block 60, Beaver Homes, in the County of Columbia and State of Oregon. Also the Westerly 30 feet of that portion of vacated Holbrook County Road inures to the above described premises. Excepting therefrom Minerals.

PARCEL 2:

Together with an easement for ingress and egress over that portion of vacated street as conveyed in Fee Number 96-09804, recorded on September 19, 1996, Deed Records of Columbia County, Oregon.

SUBJECT TO:

- The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.
- Covenants and restrictions, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, imposed by instrument, including the terms and provisions thereof,
Recorded: February 10, 1946
Book/Page: 98/206
- An easement created by instrument, including the terms and provisions thereof,
Recorded: May 13, 1953
Book/Page: 118/493
In favor of: Pacific Power and Light
For: electric transmission
- Easement for ingress and egress above and below the surface of the land as created or implied by reservation of mineral rights in deed,
Dated: July 8, 1959
Recorded: July 8, 1959
Book/Page: 139/975
From: Columbia County
To: S. C. Hensley
The mineral interest reserved or excepted above has not been followed out and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title evidence.
- Easement for existing public utilities in vacated street area and the conditions imposed thereby.

07-15224



Tax Account No:

Map No: 03-12-2-6215-013-00300

THIS INSTRUMENT WILL 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

03-12-6215-013-00600
(ROAD USE)

6 (XS 13

6/15/51.2

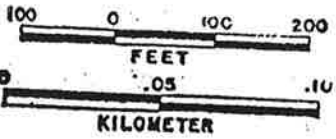
SEE MAP 6 2 13



SEE MAP 6 2 15 1 2

SEE MAP 6 2 15 2

SCALE 1:2400



*Done
for Rd
Project*

EXHIBIT B

SIGNATURE SHEET OF ABUTTING PROPERTY OWNER (Each co-owner of abutting property must sign)

1. Name of Abutting Property Owner(s):

COLUMBIA COUNTY

2. Mailing Address of Abutting Property Owner(s):

**Board of County Commissioners
Room 331, Courthouse
St. Helens, OR 97051**

3. Legal Description of Abutting Property (attach additional sheets if necessary):

Beginning at the point of intersection of the south right of way line of the Columbia Road, with the West right of way line of Holbrook Avenue, at the northeast corner of Tract seventeen (17), Beaver Homes, thence tracing said South right of way line of the Columbia Road, North 76°46' West 189 feet to a point; thence south 13°14' West 33.5 feet to a point; thence south 83°34' East 190.5 feet to a point on the said West right of way line of said Holbrook Avenue, thence tracing said West right of way line North 13°14' East 11 feet to the point of beginning, and all being in Beaver Homes, Columbia County, Oregon, according to the plat thereof on file and of record in the office of the County Clerk of said Columbia County.

Tax Lot No. 6215-013-00600.

4. Legal Description of Property Proposed for Vacation (attach additional sheets if necessary):

Generally described as lying between those properties known as Tax Account No. 6215-013-00300 and Tax Account No. 6215-013-00600, and more particularly described as:

A tract of land in Section 15, Township 6 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

All that portion of Columbia Road which lies Southerly of Tract 60, Section 2, Beaver Homes Subdivision, as recorded in Plat Book 1, Page 10, records of Columbia County, Oregon, lying between Nick Thomas Road (also known as Roadrucka Avenue) to the West and

vacated Holbrook Avenue to the East as per plat on file and of record in the Clerk's Office of Columbia County, Oregon.

- 5. Columbia County, as owner, under ORS 368.336, of the above-described property abutting the property proposed to be vacated, hereby consents to this proposed vacation pursuant to ORS 368.351(2), in order to initiate vacation proceedings to determine whether such proposed vacation is in the public interest.

DATED this 2nd day of August, 2000.

BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON

By: Jack R. Peterson
Chair

By: Rita M. Bernhard
Commissioner

By: Anthony Hyde
Commissioner

Approved as to form

By: Sarah W. Tigauer
Office of County Counsel

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 2nd day of August, 2000, by Jack Peterson, Chair, Rita Bernhard and Anthony Hyde, Board of County Commissioners.

Jan A. Greenhalgh
Notary Public for Oregon

