

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] )

**AMENDED ORDER NO. 94-2000**  
(Finalizing Vacation Proceedings)

WHEREAS, pursuant to ORS 368.341(1)(b), the Board of County Commissioners for Columbia County, Oregon, adopted Order No. 78-2000 initiating proceedings to vacate a certain easement comprised of a portion of Columbia Road in the Beaver Homes area near Rainier, Oregon, pursuant to a petition filed with the Board by Garret E. Bates and Teri L. Bates; and

WHEREAS, that easement 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 legally 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; and

WHEREAS, Columbia County, as the owner of Tax Account No. 6215-013-00600, is the owner of 50 percent of property abutting this public property proposed to be vacated, and gave its approval of the proposed vacation for the purpose of initiating vacation proceedings; and

WHEREAS, pursuant to ORS 368.351, the Board of County Commissioners may make a determination of whether to vacate 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 written report with the Board containing his assessment that the vacation would be in the public interest; a copy of the Roadmaster's report being attached hereto, labeled Exhibit A and incorporated herein by this reference; and

WHEREAS, a map of the area proposed to be vacated is attached hereto, labeled Exhibit B 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); and

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Vacation of that easement comprised of a portion of Columbia Road lying between Tax Account No. 6215-013-00300 and Tax Account No. 6215-013-00600 within the plat of Beaver Homes near Rainier, Oregon, as more particularly described above and shown in Exhibit B, is in the public interest.

2. The property described above, and depicted in Exhibit 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 center of the vacated platted road.

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 Garret E. and Teri L. Bates:

<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 (or portion thereof)]	\$00.00
Hearing (if required)	\$100.00	\$00.00
Recording Final Order by the Clerk	\$26.00 [first page]	\$26.00
	\$5.00 [each additional page x 4 pp.]	\$20.00
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 10 pp.]	\$02.50
Posting the Approved Road Vacation by County Surveyor	\$45.00 [per parcel]	\$45.00
	<b>TOTAL OWED</b>	<b>\$304.50</b>

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: Garret E. Bates	:	\$195.50

31515 Beaver Homes Road  
Rainier, OR 97049

6. This Amended Order No. 94-00, adopted to correct a scrivener's error in the calculated disbursements, shall be recorded with the County Clerk without costs.

DATED this 4<sup>th</sup> day of <sup>OCTOBER</sup>~~September~~, 2000.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: not present  
Chair

By: [Signature]  
Commissioner

By: [Signature]  
Commissioner

APPROVED AS TO FORM:

By: [Signature]  
Office of County Counsel

EXHIBIT A



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

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**Transportation Planner**

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Phone (503) 397-5090

Fax 397-7215

**TO:** The Columbia County Board of County Commissioners

**FROM:** Lonny R. Welter

**DATE:** Sept 11, 00

**REF:** Order No. 78-2000, Vacation of a portion of Columbia Road

**LOCATION:** Near intersection of Beaver Homes Road and Nick Thomas Roads, that portion of Columbia Road right-of-way (not constructed), lying between properties commonly described as tax account no. 6215-013-00300 and 6215-013-00600.

**SITUATION:** The house owned by the Bates on tax lot 6215-013-00300 was constructed and rests partially within the Columbia Road right-of-way. The Bates are not the original owners, nor builders of the house, and did not create the problem.

**DISCUSSION:** Garrett and Teri Bates own tax lot 6215-013-00300 and have petitioned a request to have the above described right-of-way vacated. This right-of-way is part of the original Beaver Homes Platt, and has never been constructed for road purposes. Tax lot 6215-013-00600 is owned by the County. By granting the vacation, 30 feet of property frontage will be added to the southern property line of 6215-013-00300, and 30 feet to the northern property line 6215-013-00600. This will put the Bates house within the tax lot 300 property lines. The house will still not meet county set back requirements for an RR5 zoning of 30 feet from the road right-of-way, but the vacation will be an improvement. There are not any apparent utilities within the subject right-of-way which is currently being used as a lawn for the Bates residence.

Having walked the right-of-way proposed for vacation, my assessment is that it is in the public's best interest to allow this vacation. There is in existence property, owned by the county, to the south of this vacation that abuts the Beaver Homes Road right-of-way that could be used for future road improvements at this location.

As a separate issue, the purchase of additional frontage along the southern property line of tax lot 300 by the Bates, from the county owned tax lot 600, may be considered, to meet the RR5 zoning requirements of a 30 foot set back. A transfer of this nature would not adversely impact the needs of the existing public right-of-ways.

*Lonny R. Welter*  
Lonny R. Welter

CONCURRENCE:

*David A Hill*

CM 2390

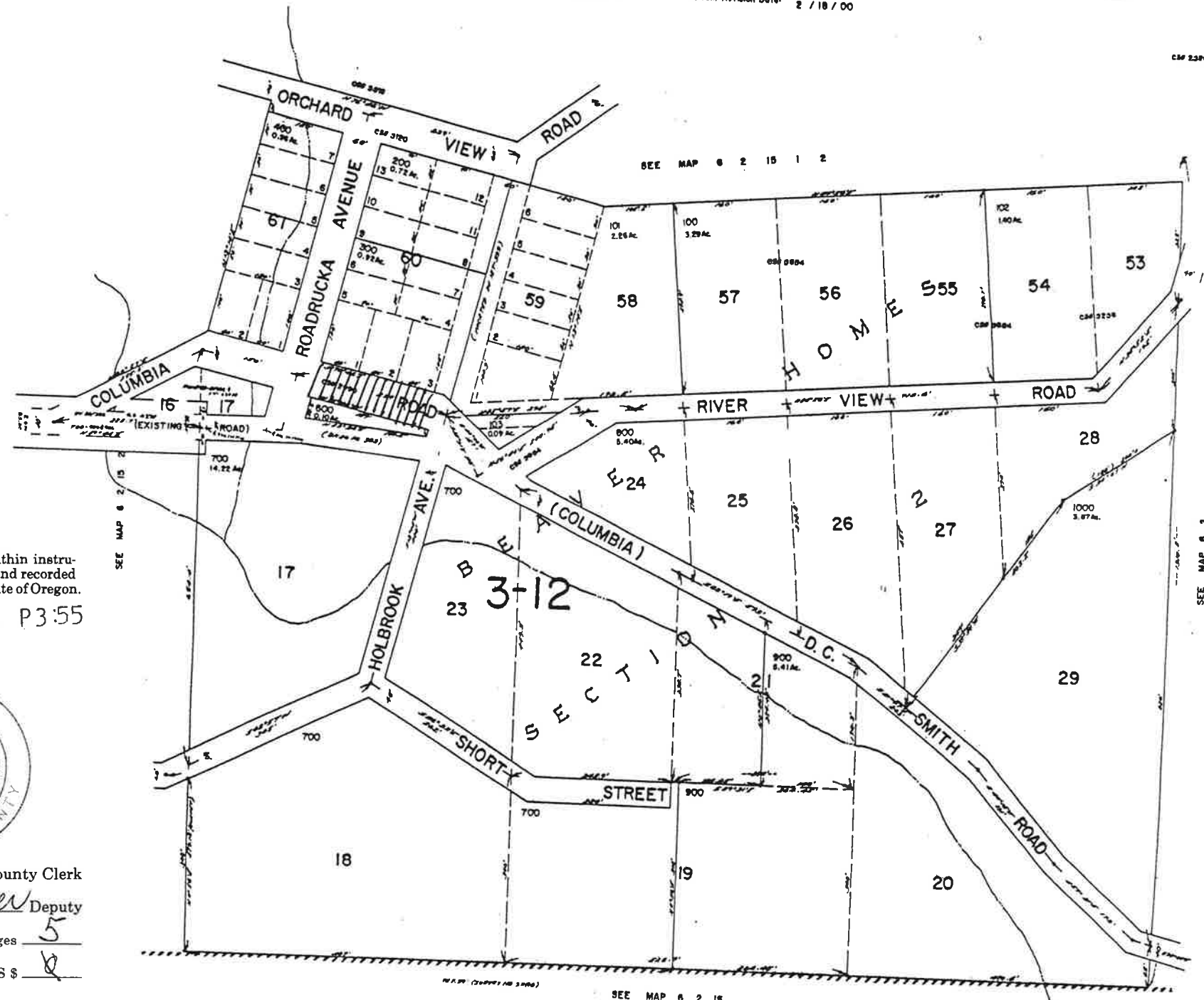


EXHIBIT B

SEE MAP 6 2

I hereby certify that the within instrument was received for record and recorded in the County of Columbia, State of Oregon.

9824 '00 OCT -4 P3:55



ELIZABETH HUSER, County Clerk  
 By: *E. Huser* Deputy  
 Receipt # *8* # of Pages *5*  
 FEES \$ *8*

MAP (COPY) (3396)

SEE MAP 6 2 15