

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed Vacation of a )  
Portion of the Cul-De-Sac Lying at the )  
End of Chase Road, in the Warren – )  
St. Helens Area )  
)  
[Richard Otis Petition]\_\_\_\_\_ )

**ORDER NO. 40-01**  
(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, Richard Otis is the owner of Parcels 1, 2 and 3, Partition Plat 2000-34, from which Chase Road was dedicated. Mr. Otis has filed a petition to vacate a portion of the platted but unimproved cul-de-sac at the end of Chase Road, said cul-de-sac lying entirely within Parcel 3, in the Warren – St. Helens, Oregon, area. The vacated portion, if approved, would decrease the size of the cul-de-sac, allowing the installation of a septic system on Parcel 3.

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

WHEREAS, the petition submitted by Richard Otis complies with the petition requirements of ORS 368.341(3); and

WHEREAS, the area proposed to be vacated is generally described as a portion of the northwest section of the cul-de-sac at the end of Chase Road, which lies within the property commonly described as Tax Account No. 4107-040-00102, is more particularly described as shown in the attachment labeled Exhibit B, which is incorporated herein by this reference; and,

WHEREAS, a map of that portion of the cul-de-sac at the end of Chase Road proposed to be vacated and a map of the general vicinity are attached as Exhibits C and D, respectively, and are 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 signature of the owner of 100 percent of any private property proposed to be vacated and the acknowledged signature of the owner of 50 percent of property abutting the public property proposed to be vacated and the petition indicates such 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 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 the cul-de-sac at the end of

Chase Road as described and depicted on Exhibits B and C hereto.

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 <sup>May</sup> ~~2nd~~ day of ~~April~~, 2001.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: *Jeta M. Richard*  
Chair

APPROVED AS TO FORM:

By: *not present*  
Commissioner

By: *Sarah Thomas*  
Office of County Counsel

By: *Joe Corning*  
Commissioner

EXHIBIT A

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

STATE OF OREGON  
COLUMBIA COUNTY  
RECORDED OR FILED

01 APR 30 AM 11:10

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
ELIZABETH HUSER, CO. CLK

BY: Jaime DEF

In the Matter of the Vacation )  
of Certain Property Located ) INSTRUMENT  
in Columbia County, Oregon ) NO. PV 2001-02  
\_\_\_\_\_ ) PETITION FOR VACATION

I, (we) RICHARD OTIS, 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: NORTHWESTERN PORTION OF THE UNIMPROVED PORTION OF CHASE ROAD.

2. Legal Description: -See attached

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

1. Type of property interest: SOLE OWNERSHIP

2. Legal Description of property: PARCEL 3 OF partition plat 2000-34

- C. Statement of reasons for vacation (attach additional sheets if necessary): *See attached*
- D. Names and addresses of all persons holding any recorded interest in the property proposed to be vacated (attach additional sheets if necessary): ~~THE~~ *NONE*
- 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): *RICHARDS DTIC  
34977 MILLARD Rd., WARREN, OR*
- 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) Richard Otis, 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.

R. Otis

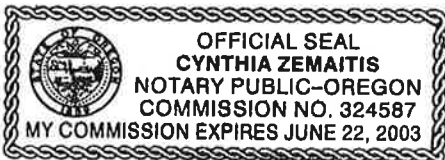
(Petitioner's Name)

4-23-01  
(Date)

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

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

Subscribed and sworn to before me this 23rd day of April, 19 2000.



Cynthia Zemaitis  
Notary Public for Oregon  
My Commission Expires:

Chase Road was dedicated to the county as  
a requirement for the completion of the  
partition that was originally recorded  
August 5, 2000, rerecorded October 28, 2000 and rerecorded  
January 31, 2000. As a requirement for partitioning  
the property, the new parcels that would be created  
needed to be evaluated by the sanitarian and  
be approved for a septic system. Test holes  
were excavated and parcel 3 of the partition  
was approved for a standard septic system. The  
paved road was completed to the specifications  
required by the road department to complete  
the partition prior to recording the plat.

February, a potential buyer was completing his  
due diligence for the purchase of parcel 3 of the  
plat when it was discovered by the sanitarian that  
the test hole for parcel 3 was excavated on  
what is now the unimproved portion of the  
cul-de-sac at the end of Chase Rd. Additional  
test holes were evaluated at other locations  
on parcel 3, however no other location would  
support a standard septic system. The vacating  
of this property that is part of the unimproved  
portion of parcel 3 would enable a standard  
septic system to be installed for parcel 3. The  
area ~~to be vacated~~  
for the proposed vacation was determined  
by a meeting and review from the road department  
prior to this application. Had it been brought to  
our attention earlier, we would have requested  
these changes to the configuration of Chase Rd. prior  
to recording the plat.

Thank you for your

EXHIBIT B

**Keenon Land Services**

Keenon Land Services  
1224 Alder St.  
Vernonia, Oregon  
97064

Phone: 429-6115  
Fax: 429-6115

VACATED PORTION

A tract of land in The Southeast one-quarter of Section 7, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at the Northeast corner of Parcel 2, Partition Plat No. 2000-34; thence 207.26 feet along the Northerly line of Chase Road, being the arc of a curve to the right, with a Radius of 50.00 feet, a Delta of 237°30'04" and a Chord which bears N 27°53'59" E 87.67 feet to a point; thence 120.86 feet along the arc of a curve to the left having a Radius of 45.00 feet, a Delta of 153°52'50" and a Chord which bears S 27°53'59" W 87.67 feet to the point of beginning.

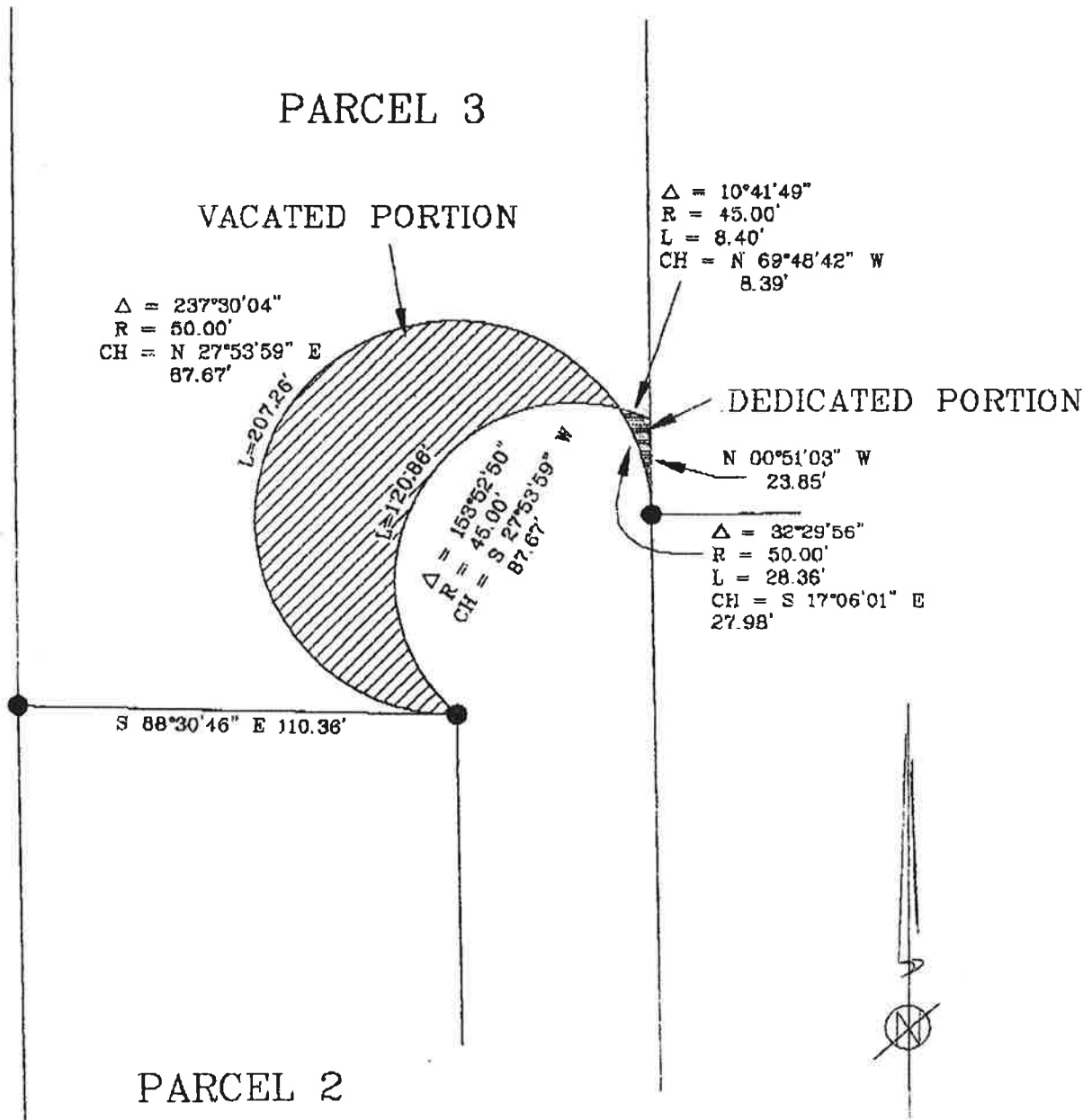
DEDICATED PORTION

A tract of land in The Southeast one-quarter of Section 7, Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at the Easterly Southeast Corner of Parcel 3, Partition Plat No. 2000-34; thence N 00°51'03" W along the East line of said Parcel 3 for 23.85 feet to a point; thence 8.40 feet along the arc of a non tangent curve to the left having a Radius of 45.00 feet, a Delta of 10°41'49" and a Chord which bears N 69°48'42" W 8.39 feet to a point on the North line of Chase Road; thence 28.36 feet along the North line of said Chase Road, being an arc of a Curve to the right having a Radius of 50.00 feet, a Delta of 32°29'56" and a Chord which bears S 17°06'01" E 27.98 feet to the point of beginning.

Post-It™ brand fax transmittal memo 7671		# of pages ▶	2
To	DAVE DITTA		
From	J KEENON		
Co.			
Dept.			
Phone #	429 6115		
Fax #	281-4456		

COUNTY ROAD VACATION  
 IN PARCEL 3, P.P. 2000-34 IN  
 THE E 1/2 OF SECTION 7, T4N, R1W, W.M.  
 COLUMBIA COUNTY, OREGON  
 SCALE 1" = 40' APRIL 11, 2001

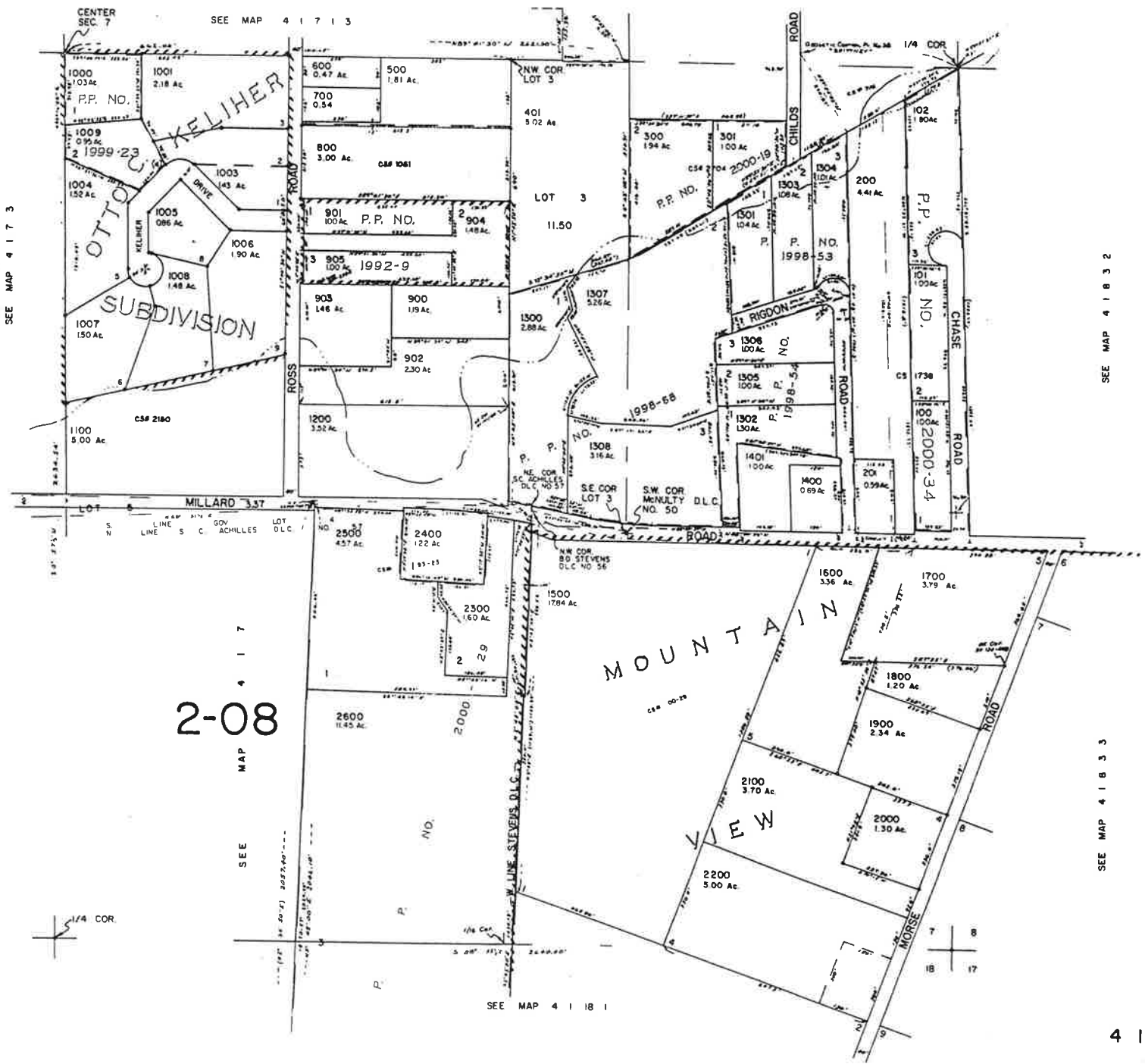


REGISTERED PROFESSIONAL LAND SURVEYOR  OREGON JULY 30, 1976 LESLIE G. KEENON 1080 RENEWAL DATE 6/30/01	<b>LAND SERVICES</b>  KEENON 1224 ALDER ST. VERNONIA, OR 97084 (503) 428-6115	JOB No. 01-046
		PROJECT No. 08-001
DRAWN BY: DDW		
FIELD:		
EQUIPMENT:		
REVISED: 4/11/01		



THIS MAP PREPARED FOR ASSESSMENT PURPOSES ONLY  
Current Revision Date: 2 / 2 / 01

SEE MAP 4 1 7 1 4



SEE MAP 4 1 7 3

SEE MAP 4 1 7 1 3

SEE MAP 4 1 8 3 2

2-08

SEE MAP 4 1 7

SEE MAP 4 1 8 3 3

SEE MAP 4 1 8 1

EXHIBIT D