

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, and Dedication of Additional)
Property to the Same Cul-de-Sac Lying at the End)
of Chase Road in the Warren - St. Helens Area)
)
[Richard D. Otis Petition])

ORDER NO. 44-01
(Finalizing Vacation Proceedings,
Accepting Dedication)

WHEREAS, pursuant to ORS 368.341(1)(b) the Board of County Commissioners for Columbia County, Oregon adopted Order No. 40-01 initiating proceedings to vacate a portion of the cul-de-sac lying at the end of Chase Road in the Warren-St. Helens, Oregon, area pursuant to a petition filed with the Board by Richard D. Otis; and

WHEREAS, the subject area proposed for vacation is generally described as a reduction of the radius of the cul-de-sac lying at the end of Chase Road adjacent to Tax Lot No. 4107-040-00102 by approximately 5 feet. The area proposed for vacation is more particularly described in the legal description and survey attached hereto, labeled Exhibits A and B, respectively, and by this reference incorporated herein; and

WHEREAS, this cul-de-sac, as platted, was oversized and Mr. Otis now seeks to vacate the excess portion of the cul-de-sac lying adjacent to Tax Lot No. 4107-040-00102 for the eventual placement of a septic system on said parcel and to assist in meeting the requirements for a building permit; and

WHEREAS, Mr. Otis has agreed to dedicate additional property on the northeast corner of said cul-de-sac to achieve a more uniform radius, and has delivered to the County for acceptance a Dedication Deed, a copy of which is attached hereto, labeled Exhibit C and is incorporated herein by this reference; and

WHEREAS, the additional property to be dedicated is particularly described in the legal description and survey attached as Exhibits A and B hereto, and as Attachments 1 and 2 to the Dedication Deed; and

WHEREAS, the desire and intent of Mr. Otis is to dedicate this additional property to the cul-de-sac at the end of Chase Road, Warren-St. Helens, Oregon, to the public for road and utility purposes forever; and

WHEREAS, pursuant to ORS 368.351, the Board may make its determination about the vacation of property without holding a hearing if: (1) the County road official 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, the County road official has filed a report with the Board stating his assessment that the vacation and dedication would be in the public interest; a copy of the Roadmaster's report being attached hereto, labeled Exhibit D and incorporated herein by this reference; and

WHEREAS, the Board finds that the petition for vacation meets the requirements of ORS 368.341 and contains the acknowledged signatures and owners' approval as required by ORS 368.351(2);

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Vacation of that portion of the cul-de-sac at the end of Chase Road in the Warren-St. Helens area adjacent to Tax Lot No. 4107-040-00102, more particularly described in the exhibits attached hereto, is in the public interest.

2. The property described is hereby vacated and shall hereby vest in the abutting property owner as provided in ORS 368.366(1)(d) by extension of said owners' abutting property boundaries to the newly-created boundary of the cul-de-sac as described herein.

3. This vacation is being made with a specific reservation of any existing rights-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 David E. Dutra:

<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 No. 44-01 by the Clerk	\$26.00 [first page]	\$26.00
	\$5.00 [each additional page x 8 pp.]	\$40.00
Recording Dedication Deed	\$26.00	\$26.00
Two Certified Copies of Order No. 44-01 By the Clerk [one to Assessor, one to Surveyor] ...	\$3.75 [per copy x 2]	\$ 7.50
Plus	\$00.25 [per page x 16 pp.]	\$4.00

Two Certified Copies of Dedication Deed by the Clerk [one to Assessor, one to Surveyor] ...	\$3.75 [per copy x 2]	\$7.50
Plus	\$00.25 [per page x 2 pp.]	\$00.50
Posting the Approved Road Vacation by County Surveyor	\$45.00 [per parcel]	\$45.00
TOTAL OWED		\$360.00

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	:	\$111.50
To County Treasurer	:	\$220.00
To David Dutra	:	\$140.00

6. The Dedication Deed from Richard D. Otis s hereby accepted by the County.

7. The additional property being dedicated, as described on Exhibit A herein and Exhibit A of the Dedication Deed, is accepted for public road and utility purposes as a Local Access Road only, and not as a County road.

8. The Dedication Deed and this Order shall be filed with and recorded by the County Clerk, a copy inserted in the appropriate road jacket, and certified copies of it shall be filed with the County Surveyor and the County Assessor.

DATED this 9th day of May, 2001.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Chair

By: [Signature]
Commissioner

By: [Signature]
Commissioner

APPROVED AS TO FORM:

By: [Signature]
Office of County Counsel

EXHIBIT A

**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.

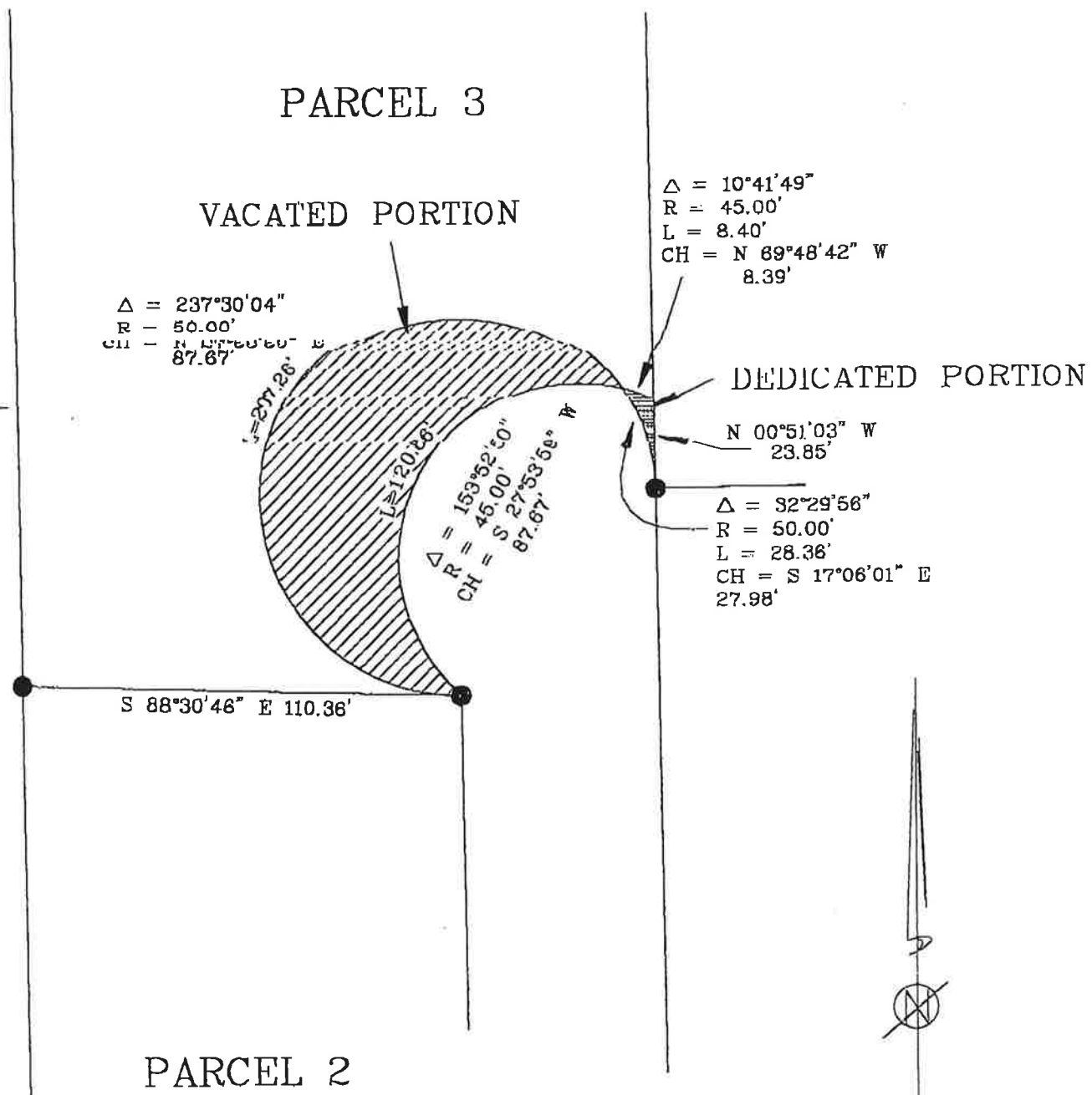
Post-It™ brand fax transmittal memo 7671		# of pages ▶	2
To	DAVE DITTA	From	J Keenon
Co.		Co.	
Dept.		Phone #	429 6115
Fax #	281-4456	Fax #	

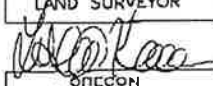

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EXHIBIT B

COUNTY ROAD VACATION
 IN PARCEL 3, P.P. 2000-34 IN
 THE E 1/2 OF SECTION 7, 14N, R1W, W.M.
 COLUMBIA COUNTY, OREGON

SCALE 1" = 40' APRIL 11, 2001



REGISTERED PROFESSIONAL LAND SURVEYOR  OREGON JULY 30, 1976 LICENSE NO. 011414111 (10/20) RENEWAL DATE 6/30/01	LAND SERVICES  KEENON LAND SERVICES VERNONIA, OR 97064 (503) 429-6115	JOB No. 01-046
		PROJECT No. 08-001
		DRAWN BY: DJW
		EQUIPMENT:
		REVISED: 4/11/01

DEDICATION DEED

I, RICHARD D. OTIS, the undersigned, owner of certain real property situated in Columbia County, Oregon, do hereby forever dedicate to the public for road purposes the land which is described as on the attached document labeled Exhibit "A", and which is shown by the survey map of April 11, 2001, labeled Exhibit "B", both of said Exhibits being attached hereto and incorporated herein by this reference. .

The property described on Exhibits "A" and "B" is to be dedicated for use for public road and utility purposes only.

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 SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration for this conveyance is \$0.00, stated in terms of dollars.

DATED this _____ day of May, 2001.

DEDICATOR:

Richard D. Otis

ACKNOWLEDGMENT

STATE OF OREGON)
County of Columbia) ss.

THIS INSTRUMENT was acknowledged before me on the ___ day of May, 2001, by Richard D. Otis.

Notary Public for Oregon
My Commission Expires: _____

ACCEPTANCE

Columbia County, a political subdivision of the State of Oregon, by and through its Board of County Commissioners, hereby accepts the above dedication of land from Richard D. Otis for public road and utility purposes forever on behalf of the public. This land is expressly accepted as a Local Access Road only, and not as a County road.

DATED this ___ day of _____, 2001.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

GRANTOR'S NAME AND ADDRESS:

RICHARD D. OTIS
34977 Millard Road
Warren, OR 97053

By: _____
Chair

By: _____
Commissioner

By: _____
Commissioner

AFTER RECORDING RETURN TO:

OFFICE OF COUNTY COUNSEL
ROOM 318, COURTHOUSE
ST. HELENS, OREGON 97051

ATTACHMENT 1

Keenon Land Services

Keenon Land Services
1224 Alder St.
Vernonia, Oregon
97064

Phone: 429-6115
Fax: 429-6115

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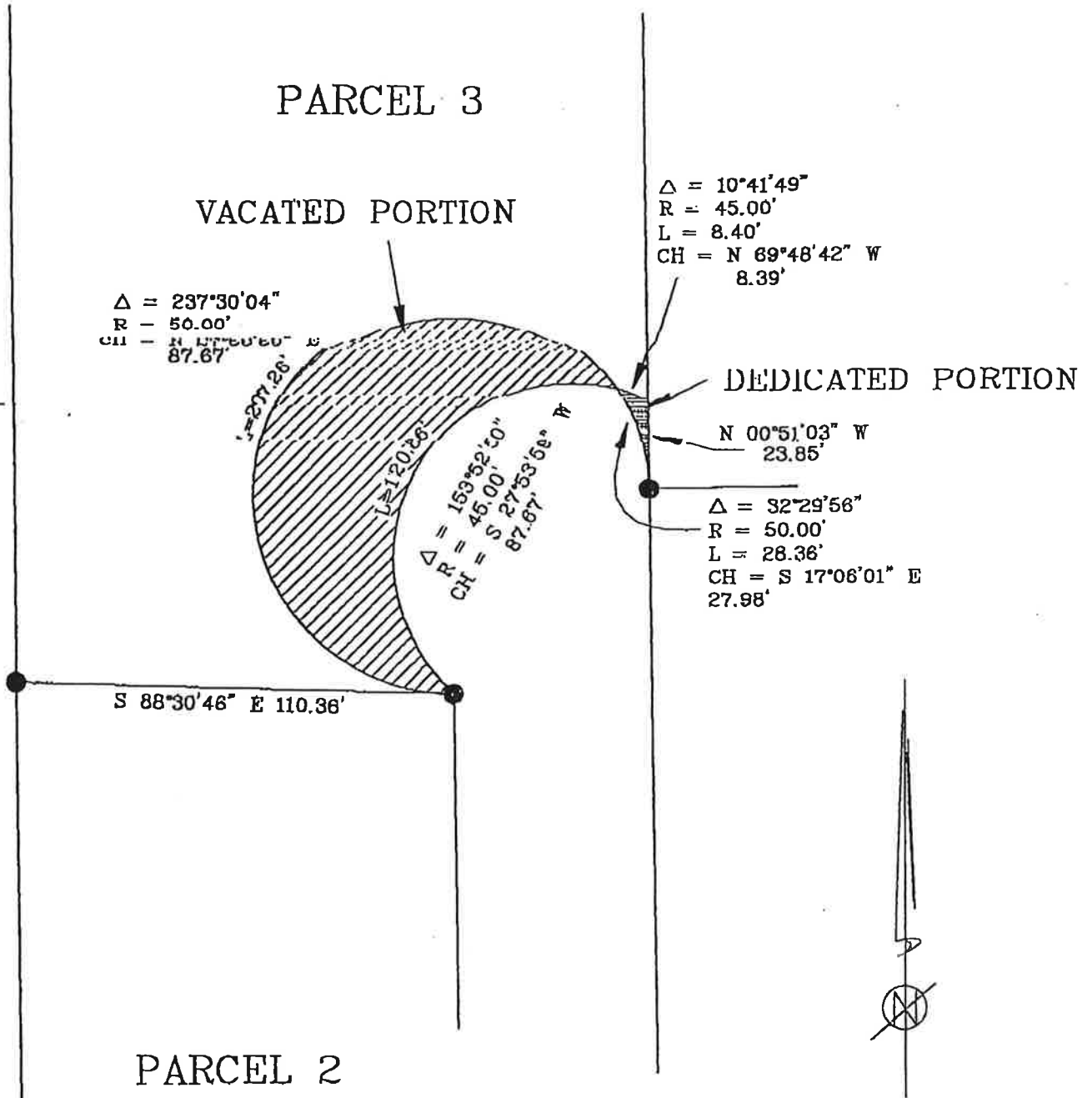
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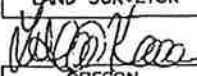
REGISTERED PROFESSIONAL LAND SURVEYOR  OREGON JULY 30, 1975 (S.C.R. 11-11-1975) RENEWAL DATE 6/30/01	LAND SERVICES  KEENON LAND SERVICES VERNONIA, OR 97064 (503) 429-6116	JOB No. 01-046
		PROJECT No. 98-001
DRAWN BY: DUW		EQUIPMENT:
		REVISED: 4/11/01

EXHIBIT D



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

Transportation Planner

Phone (503) 397-5090

Fax 397-7215

TO: Cynthia Zemaitis

FROM: Lonny R. Welter

DATE: May 1, 01

REF: Proposed Vacation, a portion of the cul-de-sac lying at the end of Chase Road, Warren - St. Helens, OR (Richard Otis Petition)

LOCATION: Tax parcel 4107-040-00102, off of Millard Road, St. Helens, OR

DISCUSSION:

Tax parcel 4107-040-00102, which is to be, or has been partitioned into 3 separate parcels, is zoned R-10 and owned by Richard Otis. It is currently open ground / pasture, gently sloped down to the north, with a small pond on the north side. Mr. Otis intends to develop all three parcels of the for residential use.

The situation with the property, the septic requirements, the fact that the original cul-de-sac located at the end of Chase Road on parcel 3, was over sized by 5 feet (radius), and that this new public road will allow adjacent property owners to partition their properties. I feel it is in the best interest of the owners, and public in general, to best utilize the available property, and allow this vacation of the oversized cul-de-sac, and the dedication of a portion of property, as shown in the new survey by Keenon Land Services. This will shift the center of the cul-de-sac to east, resulting in an incomplete circle for the cul-de-sac, of which can be completed by an additional dedication by the adjacent property owner when they so desire to partition.

Overall, I see this vacation and dedication as being in the best interests of the public.