

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed Vacation)
of a Portion of An Unnamed Road or)
Alleyway Lying Adjacent to the Neer)
City Subdivision, Goble, Oregon)
)
[Godsey Petition]

AMENDED RESOLUTION NO. 45-01
(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, Gerald R. and Cindy K. Godsey own property abutting a portion of an unnamed, unconstructed road or alleyway lying adjacent to the plat of Neer City near Goble, Oregon, which is proposed to be vacated, and filed with the Board on or about May 7, 2001, a petition requesting that the Board vacate said unnamed road or alleyway; and

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

WHEREAS, by Order No. 45-01, this Board initiated proceedings for the vacation of the unnamed road or alleyway described above, said proceedings to be held without a hearing; and

WHEREAS, the Public Works Department subsequently determined that there were additional abutting property owners whose consent to vacate said unnamed road or alleyway had not been obtained; and

WHEREAS, Gerald and Cindy Godsey advised Columbia County that they would take steps to secure the additional consents needed; and

WHEREAS, the Godseys have now advised that they are unable to obtain 100 percent of the required signatures of the owners of land abutting the property proposed for vacation and desire to proceed with the vacation proceedings through a hearing; and

WHEREAS, Mr. and Mrs. Godsey seek vacation of a portion of this unnamed road or alleyway lying between other parcels owned by them to assist in meeting the fire safety zone standards outlined in the Columbia County Zoning Ordinance; and

WHEREAS, that portion of the unnamed road or alleyway proposed to be vacated by the Godseys is generally described as lying between properties commonly described as Tax Account Nos. 6202-000-01300 and 6211-011-00100 on the west, and Tax Account Nos. 6212-022-00801 and 6212-022-00900 on the east, all of said property being owned by Mr. and Mrs. Godsey, and beginning at the southerly section line of Section 2, Township 6 North, Range 2 West, and running in a southerly direction to the northern line of Neer City Road; and,

WHEREAS, at the request of the Public Works Department and for general mapping purposes, the Board of County Commissioners hereby petitions for the vacation of the entire unnamed road or alleyway, to include that portion lying south of Neer City Road; and

WHEREAS, maps further identifying the unnamed road or alleyway proposed to be vacated are attached as Exhibit B and are incorporated herein by this reference, with that area proposed to be vacated by the Godseys lying to the north of Neer City Road identified by slash marks and the area intended to be vacated by the Board of County Commissioners lying south of Neer City Road completely filled in ; and

WHEREAS, the petition submitted by Mr. and Mrs. Godsey complies with the Petition requirements of ORS 368.341(3); and

WHEREAS, it appears that 100 percent of the abutting property owners have not petitioned nor consented to the vacation of this unnamed road or alleyway; and

WHEREAS, prior to the Board's making the final determination on the matter, ORS 368.346 requires the County Roadmaster to prepare and file with the Board a written report containing a description of the ownership and uses of the property proposed to be vacated and an assessment by the County Roadmaster of whether the vacation would be in the public interest; and

WHEREAS, prior to the Board's making the final determination on the matter, ORS 368.346 requires a time and place for a hearing be established to consider whether the proposed vacation is in the public interest;

WHEREAS, this amended resolution is necessary in order to initiate the vacation proceedings by requiring a hearing before the Board of County Commissioners as well as to augment the request for vacation by including that portion of the unnamed road or alleyway lying south of Neer City Road;

NOW, THEREFORE, IT IS HEREBY ORDERED, as follows:

1. The Board hereby initiates vacation proceedings for the unnamed road or alleyway lying adjacent to the plat of Neer City near Goble, Oregon, as described on Exhibit A and shown on Exhibit B.
2. The Board of County Commissioners declares the intent to vacate that portion of the unnamed road or alleyway lying south of Neer City Road as shown on Exhibit B;
3. The County Roadmaster is directed to prepare and file with the Board of County Commissioners a report containing the following:
 - (a) A description of the ownership and uses of the property proposed to be vacated;
 - (b) An assessment by the County Roadmaster of whether the road vacation would be in the public interest; and

(c) Any other information the Board may require.

4. The Board of County Commissioners will hold a public hearing on February 25, 2004, at or after 10:00 a.m. in the Commissioners' Meeting Room, Room 308, Columbia County Courthouse, St. Helens, Oregon, to consider whether the proposed vacation is in the public interest.

5. Notice of the hearing shall be provided under ORS 368.401 to 368.426 by posting and publication, and by service on each person with a recorded interest in any of the following:

- (a) The property proposed to be vacated;
- (b) An improvement constructed on public property proposed to be vacated; and
- (c) Real property abutting public property proposed to be vacated.

6. During or before the hearing, any person may file information with the Board that controverts any matter presented to the Board in the proceeding or that alleges any new matter relevant to the proceeding.

DATED this 14th day of January, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: Sarah Tyson
Office of County Counsel

By: Lita M. Berhard
Chair

By: [Signature]
Commissioner

By: [Signature]
Commissioner

S:\COUNSEL\ROADS\VALLEY NEER CITY\INITIATE ORDER AMD.wpd

EXHIBIT A

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

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

I, (we) Gerald R. + Cindy K. Godsey, 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:

The 16' (sixteen foot) by 282.25' (two hundred eighty two and one quarter foot) alley between our two lots and our 1.85 ac.

2. Legal Description:

Sixteen (16') by (282') two hundred eighty two foot alley abutting all of lots seven (7) and (6) six in block (1) one, in the town of Neer City, and all of parcel number 100 in the NE corner of Sec. 11, Township 6 N., Range 2 W, of the Willamette meridian. Col. Co, Oregon.

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

1. Type of property interest:

We own all of the property on both sides of the alley.

2. Legal Description of property:

Parcel number 100 beginning at a point 44 ft. S. and 16 ft. W. of the N.E. corner of Sec. 11, Township 6 N., Range 2 W. of the Willamette meridian, Col. Co., Oregon; thence running West 16 rods, thence South 20 rods, thence East 16 rods, thence North 20 rods to the place of beginning.

Also have a property interest in:

All of Lots Six (6) Seven (7) and (8) Eight
in Block one (1) in the Town of Neer City,
as the same appears of record and on file
in the office of the County Clerk of
Columbia County, Oregon.

- C. Statement of reasons for vacation (attach additional sheets if necessary): *Would like to have all of are property abutting. So we can include it in the fire safety zone.*
- D. Names and addresses of all persons holding any recorded interest in the property proposed to be vacated (attach additional sheets if necessary):
Public Road.
- E. Names and address of all persons owning any improvements constructed on property proposed to be vacated (attach additional sheets if necessary):
No Improvements.
- F. Names and addresses of all persons owning any real property abutting the property proposed to be vacated (attach additional sheets if necessary):
Gerald R. + Cindy K Godsey - 70850 Neer City Rd. Rainier
- 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) Gerald R. & Cindy K. Godsey, 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.

Gerald R. Godsey 4-30-01
(Petitioner's Name) (Date)

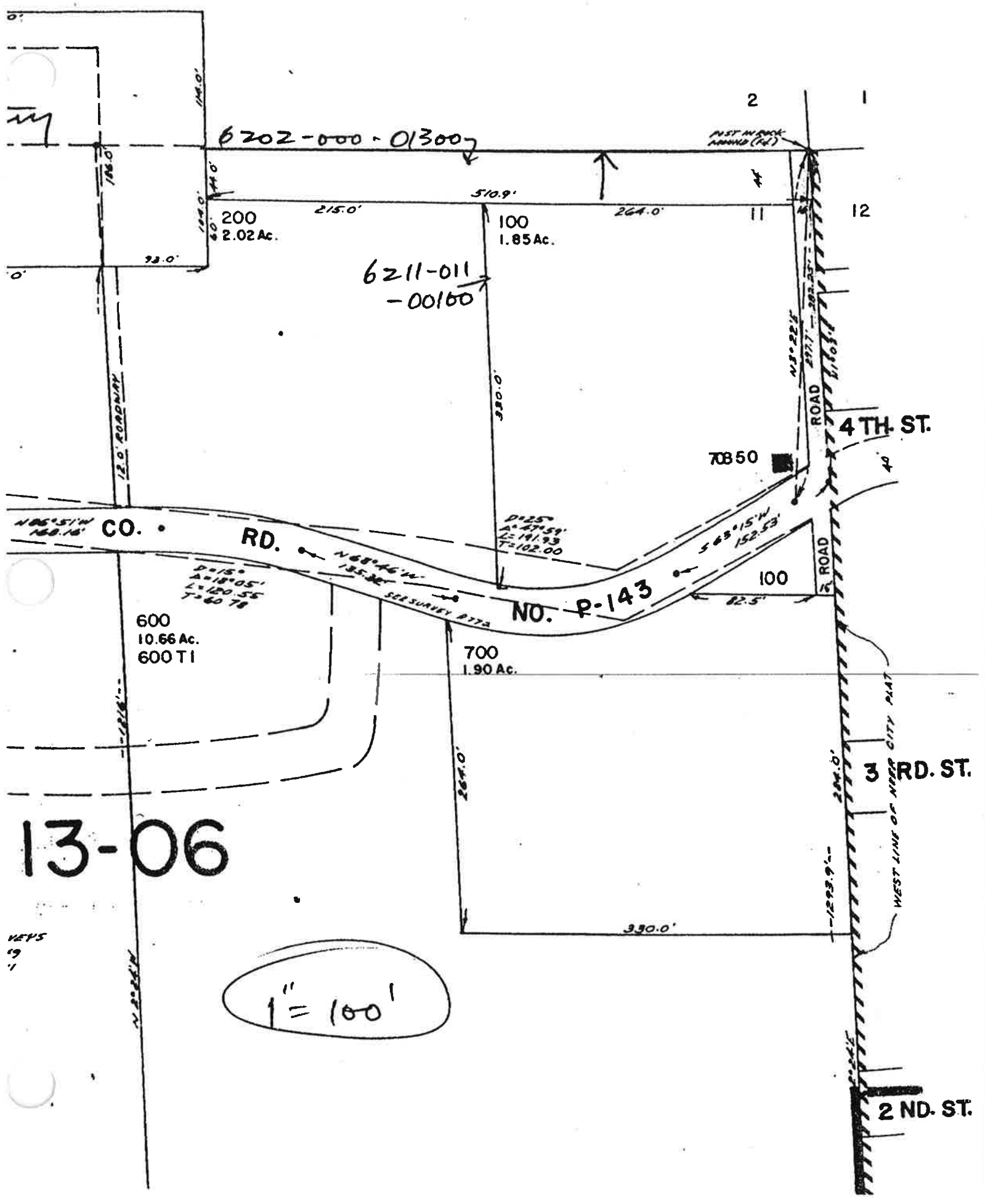
Cindy K. Godsey
(Co-Petitioner's Name (if any))

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

Subscribed and sworn to before me this 30th day of April, 2001.

Sarah J. Matson
Notary Public for Oregon
My Commission Expires: Aug 1, 2003





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

1. Name of Abutting Property Owner(s): Gerald R. Sr. & Cindy K. Godsey
2. Mailing Address of Abutting Property Owner(s): 70850 Neer City Rd. Rainier, OR 97048
3. Legal Description of Abutting Property (attach additional sheets if necessary): Beginning at a point 44 feet South and 16 feet West of the Northeast corner of Section 11, Township 6 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon; thence running West 16 rods; thence South 20 rods; thence East 16 . Tax Lot No. 100
4. Legal Description of Property Proposed for Vacation (attach additional sheets if necessary): A tract of land beginning at the Northeast Corner of Section 11, Township 6 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon; thence running West 16 feet; thence South 297 feet; thence East 16 feet; thence North 297 feet to the place of beginning.
5. I (we) am (are) the owner(s) of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.

Gerald R. Godsey 4-30-01
(Property Owner's Signature) Date
Cindy K. Godsey 4-30-01
(Co-Property Owner's Sig. (if any)) Date

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 30th day of April, 2001 by Gerald Godsey and Andy Godsey



Sarah Matson
Notary Public for Oregon
My Commission Expires: Aug 1, 2003

roads: three North 20 rods to the place of
beginning.

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

- Name of Abutting Property Owner(s): Gerald R. Sr. & Cindy K. Godsey
- Mailing Address of Abutting Property Owner(s): 70850 Neer City Rd. Rainier, OR 97048
- Legal Description of Abutting Property (attach additional sheets if necessary): All of Lots Seven (7) and Eight (8) in block one (1), in the town of Neer City, as the same appears of record and on file in the office of the County Clerk of Columbia County, Oregon.
Tax Lot No. 900
- Legal Description of Property Proposed for Vacation (attach additional sheets if necessary): A tract of land beginning at the Northeast Corner of Section 11, Township 6 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon; thence running West 16 feet; thence South 297 feet; thence East 16 feet; thence North 297 feet to the place of beginning.
- I (we) am (are) the owner(s) of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.

Gerald R. Godsey 4-30-01
(Property Owner's Signature) Date

Cindy K. Godsey 4-30-01
(Co-Property Owner's Sig. (if any)) Date

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 30th day of April, 19 2001 by Gerald Godsey and Cindy Godsey



Sarah J. Matson
Notary Public for Oregon
My Commission Expires: Aug 1, 2003

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

1. Name of Abutting Property Owner(s): Gerald R. Sr. & Cindy K. Godsey
2. Mailing Address of Abutting Property Owner(s): 70850 Neer City Rd. Rainier, OR 97048
3. Legal Description of Abutting Property (attach additional sheets if necessary): All of Lot Six (6) in Block one (1) in the Town of Neer City, as the same appears of record and on file in the office of the County Clerk of Columbia County, Oregon.
Tax Lot No. 801
4. Legal Description of Property Proposed for Vacation (attach additional sheets if necessary): A tract of land beginning at the Northeast Corner of Section 11, Township 6 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon, thence running West 16 feet; thence South 297 feet; thence East 16 feet; thence North 297 feet to the place of beginning.
5. I (we) am (are) the owner(s) of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.

Gerald R. Godsey 4-30-01
(Property Owner's Signature) Date
Cindy K. Godsey 4-20-01
(Co-Property Owner's Sig. (if any)) Date

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 30th day of April, 19 2001 by Gerald Godsey and Cindy Godsey



Sarah J. Matson
Notary Public for Oregon
My Commission Expires: Aug 1, 2003

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

1. Name of Abutting Property Owner(s): Gerald R. Sr. & Cindy K. Godsey
2. Mailing Address of Abutting Property Owner(s): 70850 Neer City Rd. Rainier, OR 97048
3. Legal Description of Abutting Property (attach additional sheets if necessary): A tract of land in the Ns 1/4 of the Ns 1/4 of Section 11, Township 6 North, Range 2 West of the Willamette Meridian, beginning at the Northeast Corner of Section 11, in said Township and Range, Thence South 44 feet along the Tax Lot No. 300
4. Legal Description of Property Proposed for Vacation (attach additional sheets if necessary): A tract of land beginning at the Northeast Corner of Section 11, Township 6 North Range 2 West of the Willamette Meridian, Columbia County, Oregon; thence running West 16 feet; thence South 297 feet; thence East 16 feet; thence North 297 feet to the place of beginning.
5. I (we) am (are) the owner(s) of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.

<u>Gerald R. Godsey</u> (Property Owner's Signature)	<u>4-30-01</u> Date
<u>Cindy K. Godsey</u> (Co-Property Owner's Sig. (if any))	<u>4-30-01</u> Date

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 30th day of April, 2001 by Gerald Godsey and Cindy Godsey.



Sarah Matson
Notary Public for Oregon
My Commission Expires: Aug 1, 2003

line between Sections 11 and 12 of said township and Range, then West 510.9' more or less to the west line of Nier City Cemetery, Thence North along the west line of said Cemetery 44 feet to the Common Section line Between Sections 11 and 12 of said Township and Range, Thence East along said common Section Line 510.9' feet more or less to the place of beginning.

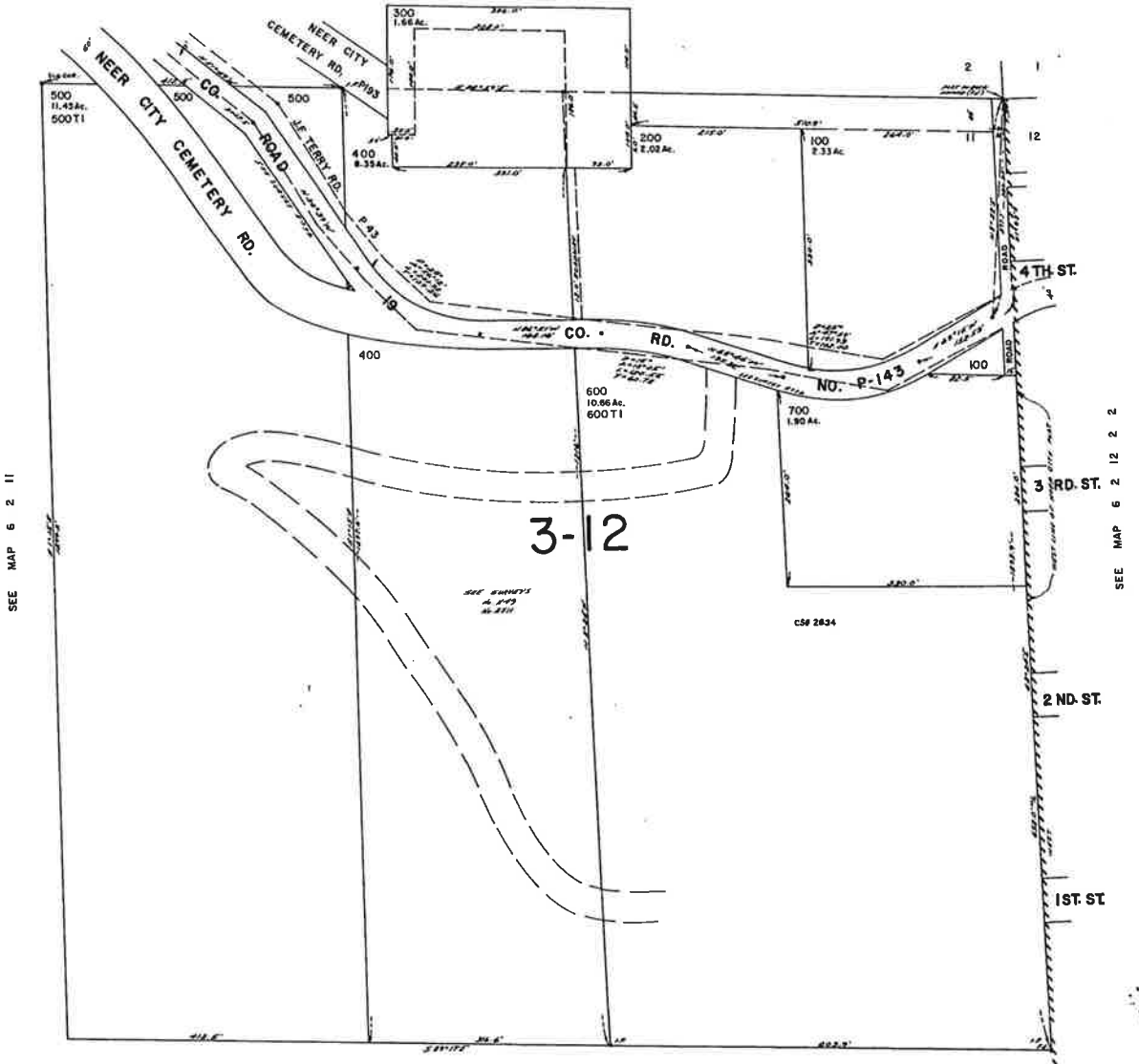
NE 1/4 NE 1/4 SEC. 11 T.6N. R.2W. W.M.
COLUMBIA COUNTY

6 2 11 1 1

THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY
Scale: 1" = 100' Current Revision Date: 1 / 25 / 02

CS# 049
CS# 2511

SEE MAP 6 2 2



SEE MAP 6 2 11

SEE MAP 6 2 12 2 2

SEE MAP 6 2 11

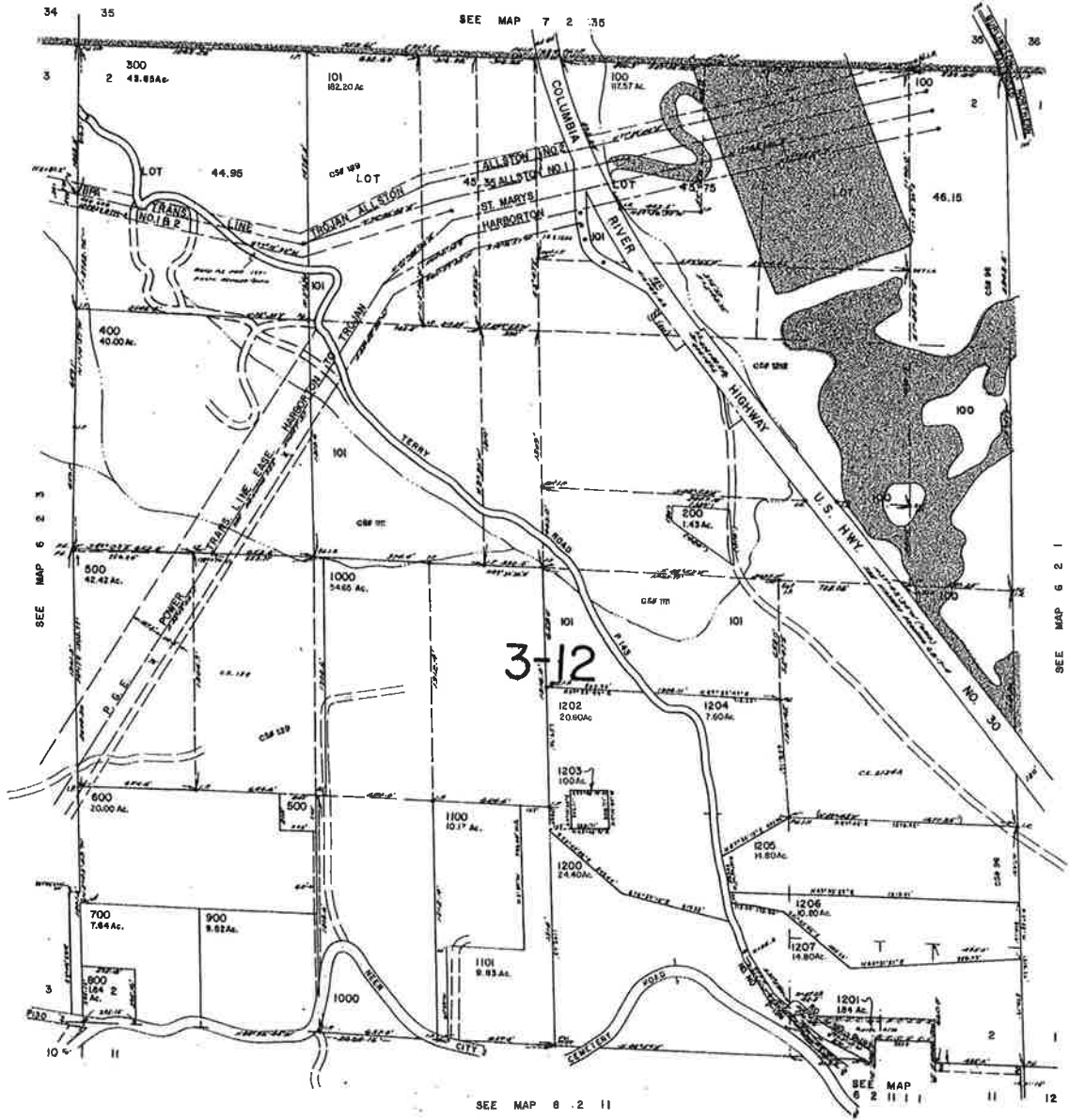
6 2 11 1 1

SECTION 2 T.6N. R.2W. W.M.
COLUMBIA COUNTY

THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY
Scale: 1" = 400' Current Revision Date: 6 / 28 / 02

6 2 2

CGP 109
CGP 1136
CGP 1160A



6 2 2

NW1/4 NW1/4 SEC. 12 T.6N. R.2W. W.M.

COLUMBIA COUNTY

THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY

Scale: 1" = 100' Current Revision Date: 5/04/01

6 2 12 2 2
NEER CITY

SEE MAP 6 2 1

CS9 2834
CS9 2834 A



SEE MAP 6 2 11 1

SEE MAP 6 2 12 2 1

SEE MAP 6 2 12

6 2 12 2 2
NEER CITY