

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed Vacation of a)
Portion of Birch Avenue in the Columbia Acres)
Part I subdivision near Scappoose, Oregon)
)
[Mike and Virginia Taylor, Petitioners])

ORDER NO. 69-01
(Initiating Road Vacation)

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, Michael T. and Virginia Taylor, husband and wife, have filed with the Board a petition to vacate a portion of Birch Avenue in the Columbia Acres Part 1 subdivision near Scappoose, Oregon, which is located adjacent to their property, the petition being attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the reason for this road vacation is that this portion of Birch Avenue is an undeveloped street not used as a thoroughfare and the Taylors desire to make better use of their property which lies on both sides of this portion of Birch Avenue; and

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

WHEREAS, one hundred percent (100%) of the abutting property owners have not petitioned to vacate the road; and

WHEREAS, the portion of the road proposed to be vacated is generally described as lying between Tax Account Nos. 3224-024-05800 and 5900 on the west and Tax Account No. 3224-024-05000 on the east, and is more particularly described as:

All that portion of Birch Avenue lying Southerly of the North line of Lot 2, Block 3, Columbia Acres Part I extended Easterly to the West line of Lot 8, Block 2, Columbia Acres Part I, as per plat on file and of record in the Clerk's Office of Columbia County.

WHEREAS, a map of the portion of the road proposed to be vacated is attached hereto, labeled Exhibit B and incorporated herein by this reference; 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;

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

1. The Board hereby initiates vacation proceedings for that portion of Birch Avenue in the Columbia Acres Part I subdivision near Scappoose, Oregon, as described above and on Exhibit A, and as shown on Exhibit B.

2. 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.

3. The Board of County Commissioners will hold a public hearing on September 12, 2001, 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.

4. 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) Any improvement constructed on public property proposed to be vacated; and
- (c) Real property abutting public property proposed to be vacated.

5. 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 18th day of July, 2001.

Approved as to form

By: Sarah T. [Signature]
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Chair

By: _____
Commissioner

By: [Signature]
Commissioner

EXHIBIT A

STATE OF OREGON
COLUMBIA COUNTY
RECORDED OR FILED

BEFORE THE BOARD OF COUNTY COMMISSIONERS

01 JUL 12 PM 4:37

FOR COLUMBIA COUNTY, OREGON

COLUMBIA COUNTY

BOOK _____ PAGE _____
ELIZABETH HUSER, CO. CLK

JUL 09 2001

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

INSTRUMENT
NO. PV-200107 COUNTY COUNSEL
PETITION FOR VACATION

I, (we) Michael T. & Verginia Taylor, 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:

A portion of Birch Ave. in Columbia Acres No. 1

2. Legal Description:

*** All that portion of Birch Ave. lying Southerly of the North line of
lot 2, Block 3, Columbia Acres No.1 extended Easterly to the West line of
lot 8, Block 2, Columbia Acres No.1, as per plat on file and of record in
the Clerk's Office of Columbia County.

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

1. Type of property interest:

Abutting property owner

2. Legal Description of property:

Lots 1 & 2, Block 3 and all of Block 2 Columbia Acres No. 1

COLUMBIA COUNTY

JUL 13 2001

COUNTY COUNSEL

C. Statement of reasons for vacation (attach additional sheets if necessary): To make better use of my land.

D. Names and addresses of all persons holding any recorded interest in the property proposed to be vacated (attach additional sheets if necessary): 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):

Stanton Alan Wirta, Winston Olavi Wirta

Graydon Viljo Wirta, Vivica Liisa Wirta

P.O. Box 83861

Portland, OR 97283

Michael & Verginia Taylor

50602 Birch Ave.

Scappoose, OR 97056

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) Michael T. Taylor & Virginia Taylor, 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.

Michael T Taylor 5-18-01
(Petitioner's Name) (Date)

Virginia Taylor 5/18/01
(Co-Petitioner's Name (if any))

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

Subscribed and sworn to before me this 18th day of
May, ~~19~~2001.

Susan A. Harris
Notary Public for Oregon
My Commission Expires: 9-12-04



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

1. Name of Abutting Property Owner(s): Michael T. Taylor & Virginia Taylor
2. Mailing Address of Abutting Property Owner(s): 50602 Birch Ave. Scappoose, OR 97056
3. Legal Description of Abutting Property (attach additional sheets if necessary): Lot 1 & 2, Block 3 and all of Block 2, Columbia Acres No.1

_____ Tax Lot No. 5000, 5100, 5800, & 5900
4. Legal Description of Property Proposed for Vacation (attach additional sheets if necessary): *** All that portion of Birch Ave. lying Southerly of the North line of Lot 2, Block 3, Columbia Acres No.1 extended Easterly to the West line of Lot 8, Block 2, Columbia Acres No.1 as per plat on file and of record in the Clerk's Office of Columbia County.

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.

Michael T Taylor
(Property Owner's Signature)

5-18-01
Date

Virginia Taylor
(Co-Property Owner's sig. (if any))

5/18/01
Date

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 18th
day of May, 2001 by _____



Susan A. Harris
Notary Public for Oregon
My Commission Expires: 9-12-04