

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed Vacation of a )  
Portion of Fifth Street Situated in the South )  
St. Helens Addition, St. Helens, Oregon )  
)  
[Johns/Forsyth Petition] )

**ORDER NO. 77-01**

WHEREAS, pursuant to ORS 368.341(1)(b) the Board of County Commissioners for Columbia County, Oregon adopted Order No. 31-00 initiating proceedings to vacate a portion of a platted, undeveloped right-of-way known as Fifth Street in the South St. Helens Addition near St. Helens, Oregon; and

WHEREAS, the Port of St. Helens, owner of property adjacent to that proposed for vacation, thereafter advised that it was opposed to the vacation of that portion of Fifth Street proposed for vacation; and

WHEREAS, that County Roadmaster, Dave Hill has filed a report with the Board outlining his assessment that the vacation would not 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, pursuant to ORS 368.346, a public hearing was scheduled for January 24, 2001, at or after 10:00 a.m. in the Commissioners' Meeting Room, Room 308 of the Columbia County Courthouse, St. Helens, Oregon, to determine if the proposed vacation was in the interest of the public; and

WHEREAS, pursuant to ORS 368.401 to 368.426, notice of the hearing was provided by posting and publication and by service on each person with a recorded interest in the proceeding; and

WHEREAS, before deliberating at the hearing, the Board of Commissioners urged the petitioners and the Port of St. Helens to attempt to reach a compromise, which attempts were unsuccessful; and

WHEREAS, the petitioners thereafter withdrew their petition for vacation, a copy of said withdrawal being attached hereto as Exhibit B and incorporated herein by this reference, and requested reimbursement of a portion of the fee paid;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. 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 Keith Forsythe and U.S.I.A. U/W Equipment Sales Corp.:

<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	\$100.00
Recording Final Order by the Clerk	\$26.00 [first page]	\$00.00
	\$5.00 [each additional page x 7 pp.]	\$00.00
Two Certified Copies By the Clerk [one to Assessor, one to Surveyor]	\$3.75 [per copy x 2]	\$00.00
	\$00.25 [per page x 16 pp.]	\$00.00
Posting the Approved Road Vacation by County Surveyor	\$45.00 [ per parcel]	\$00.00
<b>TOTAL OWED</b>		<b>\$303.50</b>


2. 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:

<b>County Clerk</b>	:	<b>\$ 00.00</b>
<b>County Treasurer</b>	:	<b>\$275.00</b>
<b>Keith Forsythe</b> 32292 Tide Creek Road Deer Island, OR 97054	:	<b>\$ 98.25</b>
<b>U.S.I.A. U/W Equipment Sales</b> Post Office Box 1071 St. Helens, OR 97051	:	<b>\$ 98.25</b>

3. This order shall not be recorded with the County Clerk.

DATED this 11 day of October, 2001.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Chair

APPROVED AS TO FORM:

By:   
Office of County Counsel

By:   
Commissioner

By:   
Commissioner

EXHIBIT A



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

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**Public Works Director**

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Phone (503) 397-5090  
Fax 397-7215

**TO:** Board of County Commissioners

**FROM:** Dave Hill, Public Works Director  **DATE:** December 8, 2000

**REF:** Petition for Road Vacation, Fifth Street, South St. Helens

**LOCATION:** A portion of Fifth Street between Block 9 and Block 10, South St. Helens

**RECOMMENDATION:** Deny Petition for Road Vacation at this location

**DISCUSSION:** This section of 5<sup>th</sup> Street is level enough that construction of a public road is possible, and it has direct (shortest) access to the back of tax lots 900 and 1100 (owned by the Port of St. Helens).

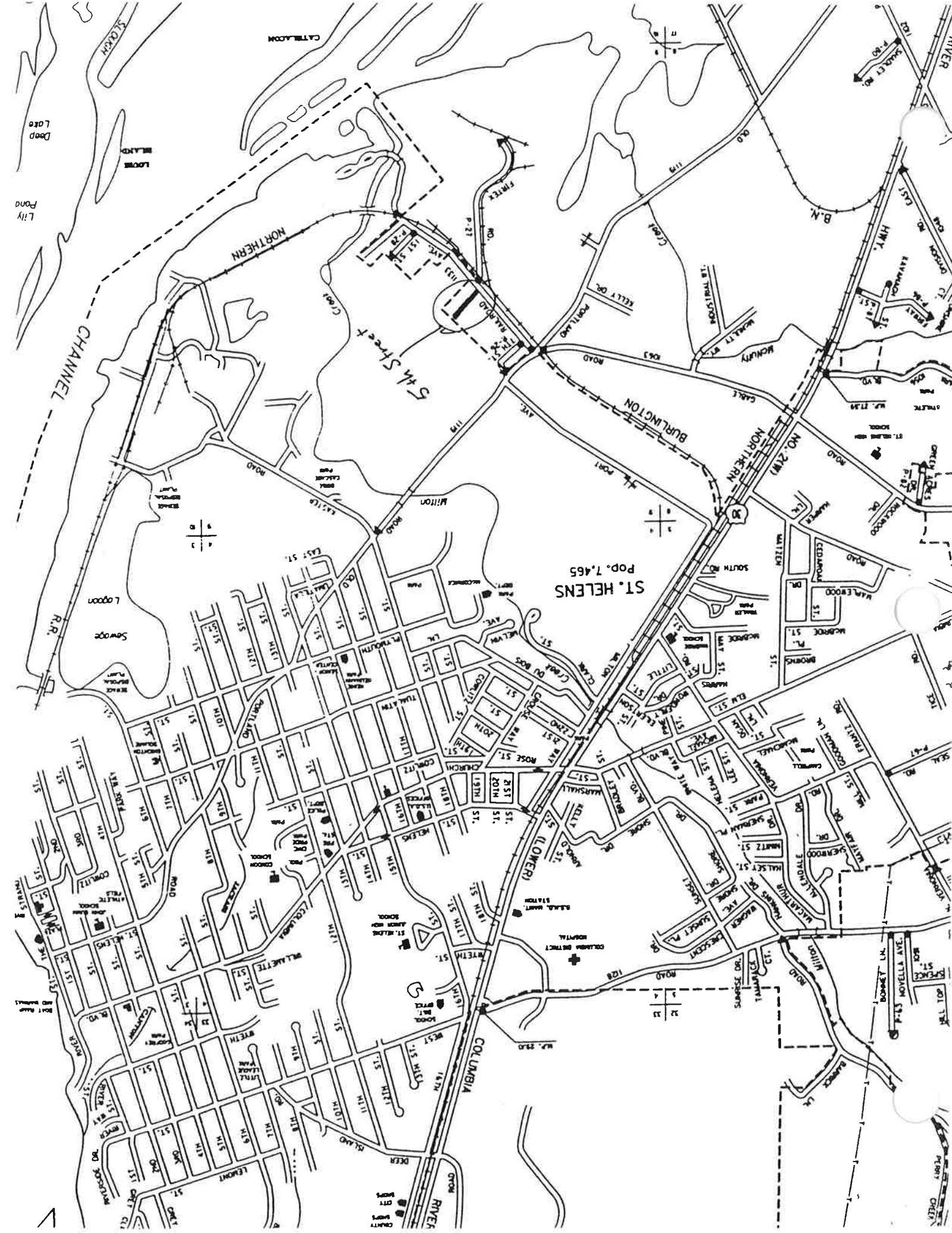
6<sup>th</sup> Str., between RR Ave. and Morris Ave., 4<sup>th</sup> Str. Between RR Ave. and Hamlin, 3<sup>rd</sup> Str. Between RR Ave. and Hamlin, Morris Ave. between 5<sup>th</sup> Str. and 2<sup>nd</sup> Str., Renton Ave. between 6<sup>th</sup> Str. and 1st Str., have all been vacated. I am reluctant at this time to recommend approval of the vacation of the remainder of 5<sup>th</sup> Str. Once gone it will be very difficult, if ever possible, to get back.

By vacating this section of 5<sup>th</sup> Str., if the Port of St. Helens seeks access from Rail Road Avenue, they will need to construct a road up 7<sup>th</sup> Str., then down Morris Avenue, to get to the back of their property.

The Port of St. Helens, in a meeting held April 17, 2000, discussed the vacation petition. The Port Commissioners voted at its May 31, 2000, Port meeting to deny the vacation proposal. The Port of St. Helens does not have the authority to approve or deny the petition, but as a property owner who may be adversely affected in the future by this action, it is important to consider their views.

It appears that a portion of a structure has been wrongly constructed within the 5<sup>th</sup> Str. right-of-way. This may pose a problem in the future if / when 5<sup>th</sup> Str. is to be constructed, but should not be a criteria for the approval of vacation.

I feel it is in the best interests of the Public to deny the petition to vacate this portion of 5<sup>th</sup> Str.



ST. HELENS  
Pop. 7,465

CHANNEL

NORTHERN

LOOM  
ISLAND

Deep  
Lake

Lily  
Pond

CATSLAUND

ROAD

ST. HELENS

ROAD

Sewage  
Lagoon

R.R.

ROAD

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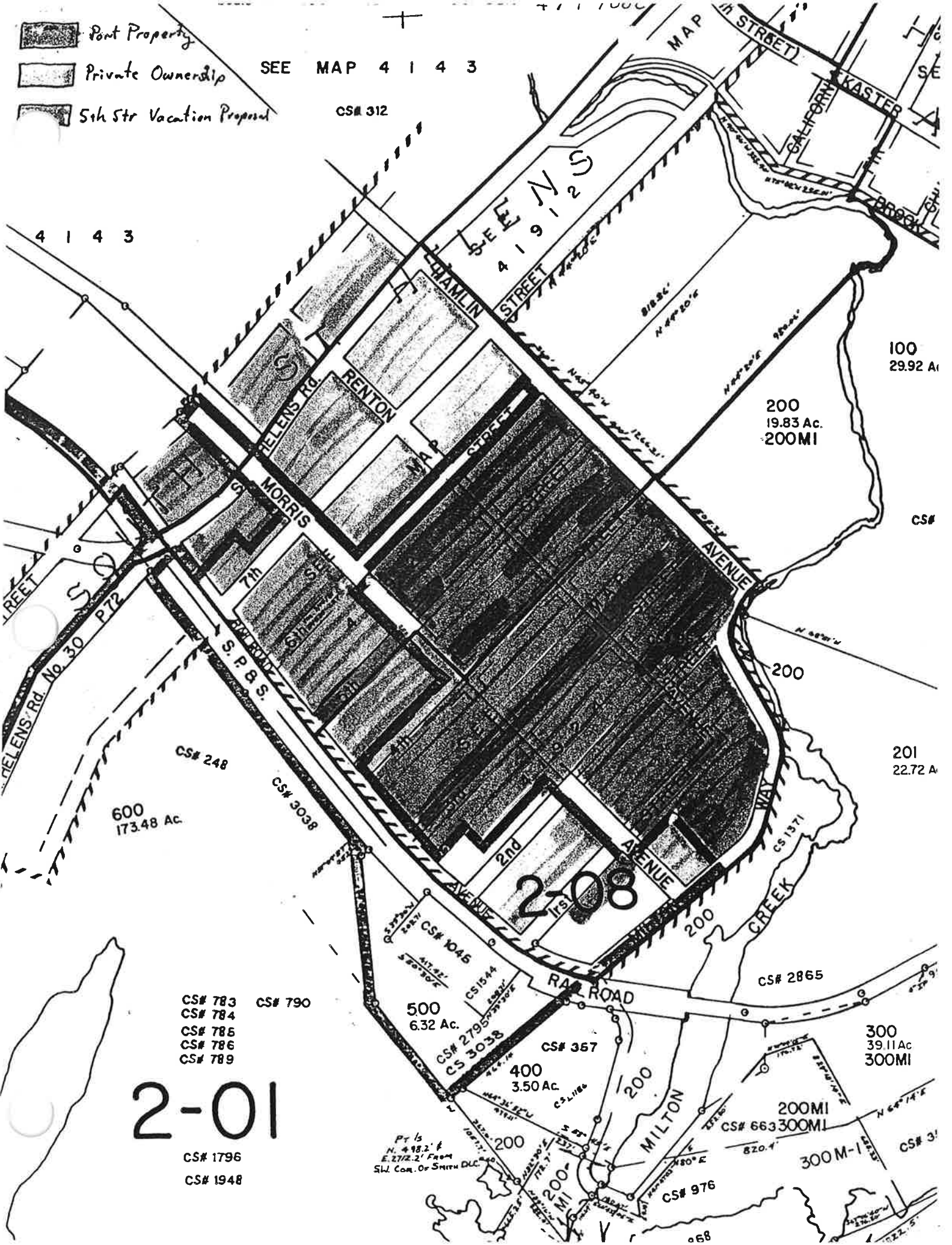
ROAD

ROAD

-  Port Property
-  Private Ownership
-  5th Str Vacation Proposal

SEE MAP 4 1 4 3

CS# 312



4 1 4 3

LEVENS  
4-19-25

100  
29.92 Ac

200  
19.83 Ac.  
200MI

CS#

201  
22.72 Ac

600  
173.48 Ac.

CS# 248

CS# 3038

2-08

CS# 783  
CS# 784  
CS# 785  
CS# 786  
CS# 789

CS# 790

500  
6.32 Ac.

400  
3.50 Ac.

CS# 357

300  
39.11 Ac  
300MI

2-01

CS# 1796  
CS# 1948

Pt 15  
N. 498.2' &  
E. 277.2' From  
SW. Cor. Of Smith D.C.

200MI  
CS# 663300MI

300 M-1

CS# 976

CS# 31

068

EXHIBIT B

August 24, 2001

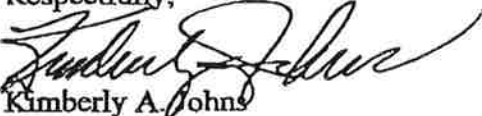
Cynthia Zemaitis  
Legal Assistant  
318 County Courthouse  
St. Helens OR 97051

Cynthia,

After further evaluation, we have decided to withdraw our petition for the vacation of 5<sup>th</sup> Street at this time. We would also accept any portion of our filing fees which may be refundable.

Thank you for your time and prompt attention concerning this matter.

Respectfully,



Kimberly A. Johns  
Property Owner  
1600 Railroad Ave



Keith Forsythe  
Property Owner  
1800 Railroad Ave

COLUMBIA COUNTY

AUG 24 2001

COUNTY COUNSEL