

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed Vacation of)
Fifth Street, South St. Helens Addition)
Near St. Helens, Oregon) **ORDER NO. 98 - 2002**
) (Initiating/Finalizing Vacation Proceedings)
[Johns/Forsythe Petition])

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, Lana Johns, Joseph Johns, Kimberly Johns, and Keith Forsythe own property abutting that portion of platted, unconstructed Fifth Street in the South St. Helens Addition near St. Helens, Oregon, proposed to be vacated, and have filed with the Board a petition requesting the Board vacate said portion of Fifth Street lying between Railroad Avenue and Morris Avenue; and

WHEREAS, the Port of St. Helens, as an adjoining property owner, was given notice of this vacation proceeding and has given its conditional consent to the vacation of Fifth Street; and

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

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

WHEREAS, that portion of Fifth Street proposed to be vacated by Lana Johns, Joseph Johns, Kimberly Johns, and Keith Forsythe is more particularly described as follows:

That portion of Fifth Street that runs between the Easterly right of way line of Railroad Avenue and the Westerly right of way line of Morris Avenue, lying between Blocks 9 and 10, South St. Helens Addition to St. Helens, Columbia County, Oregon; and

WHEREAS, a map of that portion of Fifth Street proposed to be vacated by Lana Johns, Joseph Johns, Kimberly Johns, and Keith Forsythe is attached hereto, labeled Exhibit B, and 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 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 and the petition indicates the owners' 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 Roadmaster, files with the Board a written report that contains his assessment that the vacation is in the public interest; and

WHEREAS, the County Roadmaster, Dave Hill, has filed a report dated November 21, 2002, with the Board indicating that, after formal notification to the Port of St. Helens that a public meeting had been scheduled for November 27, 2002, to discuss this proposed road vacation, and barring any objections from the Port as to the proposed vacation, it was his assessment that the vacation would be in the public interest; a copy of the Roadmaster's report being attached hereto, labeled Exhibit C and incorporated herein by this reference; and

WHEREAS, on November 22, 2002, a letter was faxed to the Port of St. Helens by the Office of County Counsel advising them of the public meeting, a copy of the letter being attached hereto, labeled Exhibit D and incorporated herein by this reference; and

WHEREAS, by letter dated November 25, 2002, the Port of St. Helens advised that they would support the vacation of Fifth Street provided that an easement for a sub-surface utility corridor is preserved to service the Port of St. Helens' properties within the area known as the South St. Helens Addition, and further executed a formal consent form; a copy of the letter and consent form is attached hereto as Exhibit E and is incorporated herein by this reference; and

WHEREAS, Joseph F. Johns, Lana S. Johns and Kimberly A. Johns, owners of property commonly known as Tax Account No. 02-01 4109-024-00600, and more particularly described as all of Block 9, South St. Helens Addition to St. Helens, Oregon, have agreed to provide such easement for a sub-surface utility corridor along the portion of Fifth Street proposed for vacation; and

WHEREAS, Keith Forsythe, owner of property commonly known as Tax Account No. 02-01 4109-021-01000, and more particularly described as all of Block 10, South St. Helens Addition to St. Helens, Oregon, has also agreed to provide such easement for a sub-surface utility corridor along the portion of Fifth Street proposed for vacation; and

WHEREAS, the Board finds that the petition 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 certain platted, unconstructed right-of-way comprised of a portion of

Fifth Street lying between Blocks 9 and 10, South St. Helens Addition, Columbia County, Oregon, as more particularly described above and as shown in Exhibit B, is in the public interest.

2. The property described as above and depicted in Exhibit B shall be vacated upon compliance with the provisions of paragraph 4 below, and shall hereby vest in the abutting property owners as provided in ORS 368.366(1)(d) by extension of said owners' abutting property boundaries to the centerline of the vacated platted road.

3. This vacation is being made with a specific reservation of any existing right-of-way for utility easements.

4. This vacation is conditioned upon, and shall become effective when, Keith Forsythe, Joseph F. Johns, Lana S. Johns and Kimberly A. Johns formally grant the Port of St. Helens an easement for a sub-surface utility corridor on the vacated property, said easement to be recorded in the deed records of the Columbia County Clerk and copied to the Office of Columbia County Counsel.

5. Pursuant to Order No. 55-2001, the required fee of \$1,000 was paid by the petitioners, \$500 deposited directly into the County Road Fund and \$500 into the General Fund, Fees for Services, Road Vacations, Line Item No. 100-00-00-3255, out of which the following costs shall be paid:

<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
Hearing (if required)	\$100.00	\$00.00
Recording Final Order by the Clerk	\$26.00 [first page]	\$26.00
	\$5.00 [each additional page x 24 pp.]	\$120.00
Two Certified Copies by the Clerk [one to Assessor, one to Surveyor]	\$3.75 [per copy x 2]	\$ 7.50
	\$00.25 [per page x 48 pp.]	\$12.00
Posting the Approved Road Vacation by County Surveyor	\$45.00 [per parcel]	\$45.00
TOTAL OWED		\$239.00

6. The \$28.50 filing fee has already been paid to the County Clerk. The Treasurer is hereby authorized to disburse the following amounts from the Fees for Services, Road Vacations

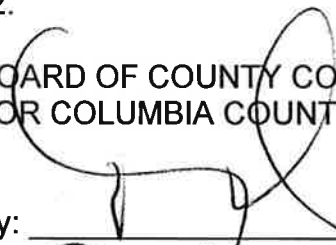
account as follows:

To County Clerk	:	\$ 165.50
To County Surveyor	:	\$ 45.00

7. This order shall be recorded with 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 4th day of December, 2002.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Chair

By: 
Commissioner

By: 
Commissioner

APPROVED AS TO FORM:

By: 
Office of County Counsel

S:\COUNSEL\ROADS\FIFTH\2002 ACTION\ORDER INITIATING & FINALIZING.wpd

EXHIBIT A

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

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

COLUMBIA COUNTY)
NOV 18 2002)

INSTRUMENT)
NO. _____)
PETITION FOR VACATION)

COUNTY COUNSEL

I, We, Lana Johns, Joseph Johns, Kimberly Johns, and Keith Forsythe petition the Board 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 Fifth Street between Block 9 and Block 10.
2. Legal Description: That portion of Fifth Street from Railroad Avenue North to Morris Avenue that is between Lots 1 to 16 inclusive in Block 9 (owned by Lana, Joseph and Kimberly Johns) and Lots 1 to 16 inclusive in Block 10 (owned by Keith Forsythe).

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

1. Type of property interest: Acreage
2. Legal Description of property: Lots 1 through 16, inclusive, in Block 9, SOUTH ST. HELENS, in the County of Columbia and State of Oregon. TOGETHER WITH those portions of Fourth Street and Morris Avenue which inured thereto by reason of Vacation, City of St. Helens Ordinance No. 2586, filed October 13, 1989.

C. Statement of reasons for vacation (attach additional sheets if necessary): U.S.I.A. has received an order from the United States Government for goods in the amount of \$4.72 million dollars. This project is for national defense priority items. We need to expand our facility immediately. We need additional parking, an expanded septic field, build an additional building to help accomodate over 60 employees (40-50 new hires). The Federal Government has threatened to move this contract out of Columbia County if we are unable to comply. Confirmation of this requirement may be obtained from Mike Carl, Chemical, Biological, Radiological Defense Program Manager, NAVSEA-05P7, (202)-781-4058.

- D. Names and addresses of all persons holding any recorded interest in the property proposed to be vacated (attach additional sheets if necessary):
- E. Names and addresses of all persons owning any improvements constructed on property proposed to be vacated (attach additional sheets if necessary):
- F. Names and addresses of all persons owning any real property abutting the property proposed to be vacated (attach additional sheets if necessary):

Lana Johns
P.O. Box 1071
St. Helens, Oregon 97051

Joseph Johns
1806 S.E. St. Andrews Drive
Portland, Oregon 97202

Kimberly Johns
P.O. Box 1071
St. Helens, Oregon 97051

Keith Forsythe
1800 Railroad Avenue
St. Helens, Oregon 97051

- G. The signature (s), acknowledged before a notary or other person authorized to take acknowledgements of deeds, or 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 \$1,000.00 is attached.
- L. Signature and Verification(s): Please see pages 3, 4, and 5 of this petition.

L. continued

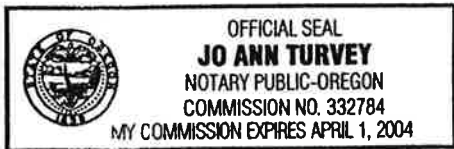
STATE OF OREGON)
) ss.
County of Columbia)

I, (we) Lana Johns, Kimberly Johns and Keith Forsythe, am (are) the
 (Petitioner's or Petitioners'; Name (s))
petitioner (s) herein and 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.


Lana Johns

11/18/02
Date

Subscribed and sworn to before me this 18th day of November, 2002.

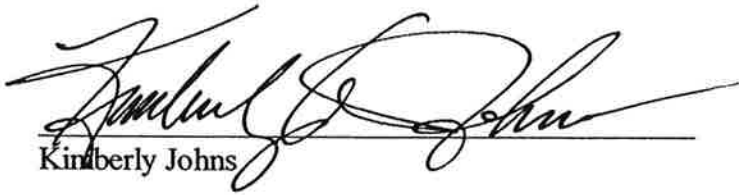



Notary Public for Oregon
My Commission Expires: 4-1-04

L. continued

STATE OF OREGON)
) ss.
County of Columbia)

I, (we) Lana Johns, Kimberly Johns and Keith Forsythe, am (are) the
 (Petitioner's or Petitioners'; Name (s))
petitioner (s) herein and 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.



Kimberly Johns

18 NOV 02

Date

Subscribed and sworn to before me this 18th day of November, 2002.





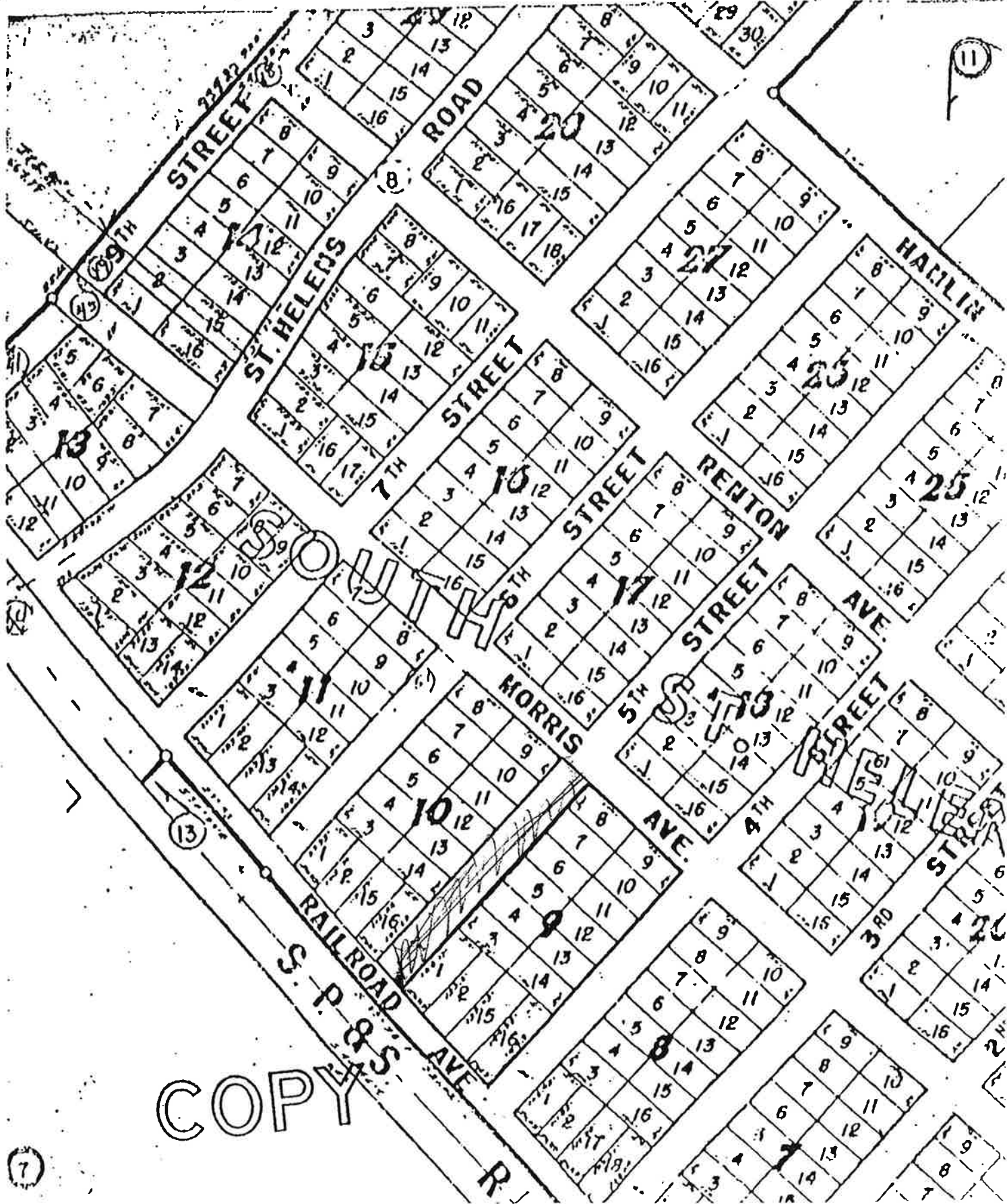
Notary Public for Oregon
My Commission Expires: 4-1-04

The sketch below is made solely to show the location of the premises and the company assumes no liability for variations in dimensions and location, ascertained by actual survey.

SCALE: 1" = 200'

TICOR TITLE INSURANCE

9-4-1



COPY

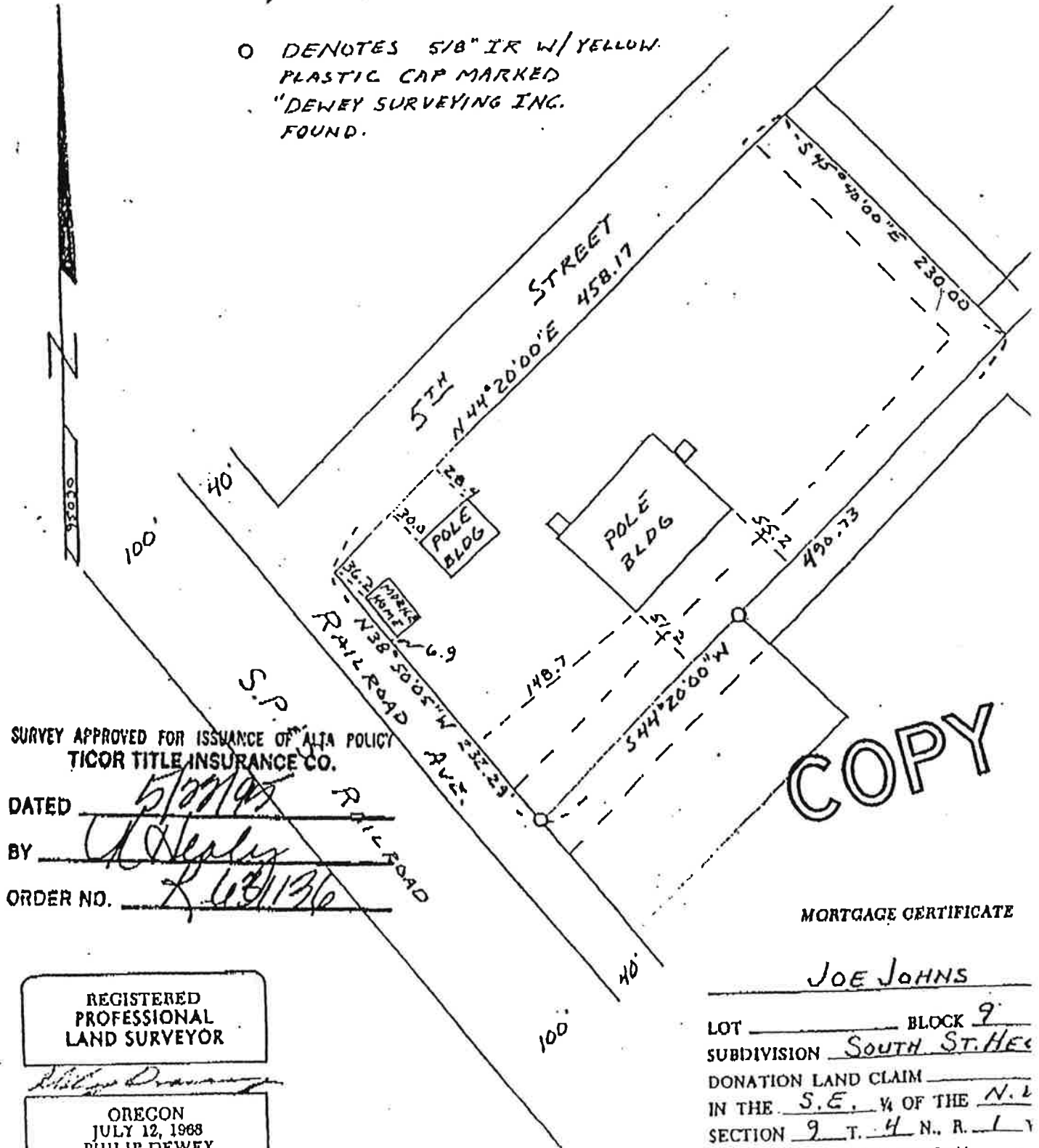
7

I hereby certify that this mortgage certificate made under my supervision correctly shows the relation of the buildings and other structures to the property line of and indicated hereon, and that there is no encroachment or overlap onto adjoining property of buildings or structures located on said land, nor encroachment of adjoining buildings or structures onto said land.

This certificate is made only for the immediate and exclusive use of the party requesting it and no responsibility is assumed or implied for any other uses or parties.

Signed: Philip Dewey

O DENOTES 5/8" IR W/YELLOW PLASTIC CAP MARKED "DEWEY SURVEYING INC. FOUND.



SURVEY APPROVED FOR ISSUANCE OF ALTA POLICY TICOR TITLE INSURANCE CO.

DATED 5/27/95

BY Philip Dewey

ORDER NO. 2631136

COPY

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JULY 12, 1968 PHILIP DEWEY 847

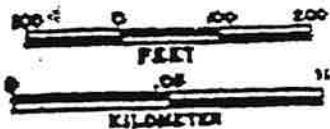
MORTGAGE CERTIFICATE

JOE JOHNS

LOT _____ BLOCK 9
SUBDIVISION SOUTH ST. HELENS
DONATION LAND CLAIM _____
IN THE S.E. 1/4 OF THE N.2
SECTION 9 T. 4 N., R. 1 W
COLUMBIA COUNTY, OREGON.
DATE 5-1-95 Scale: 1" = _____

Drawn: Date: 12-21-95

SCALE 1:2400



SE 1/4 NW 1/4 SEC 9 T4N R1W WM

COLUMBIA COUNTY

THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY

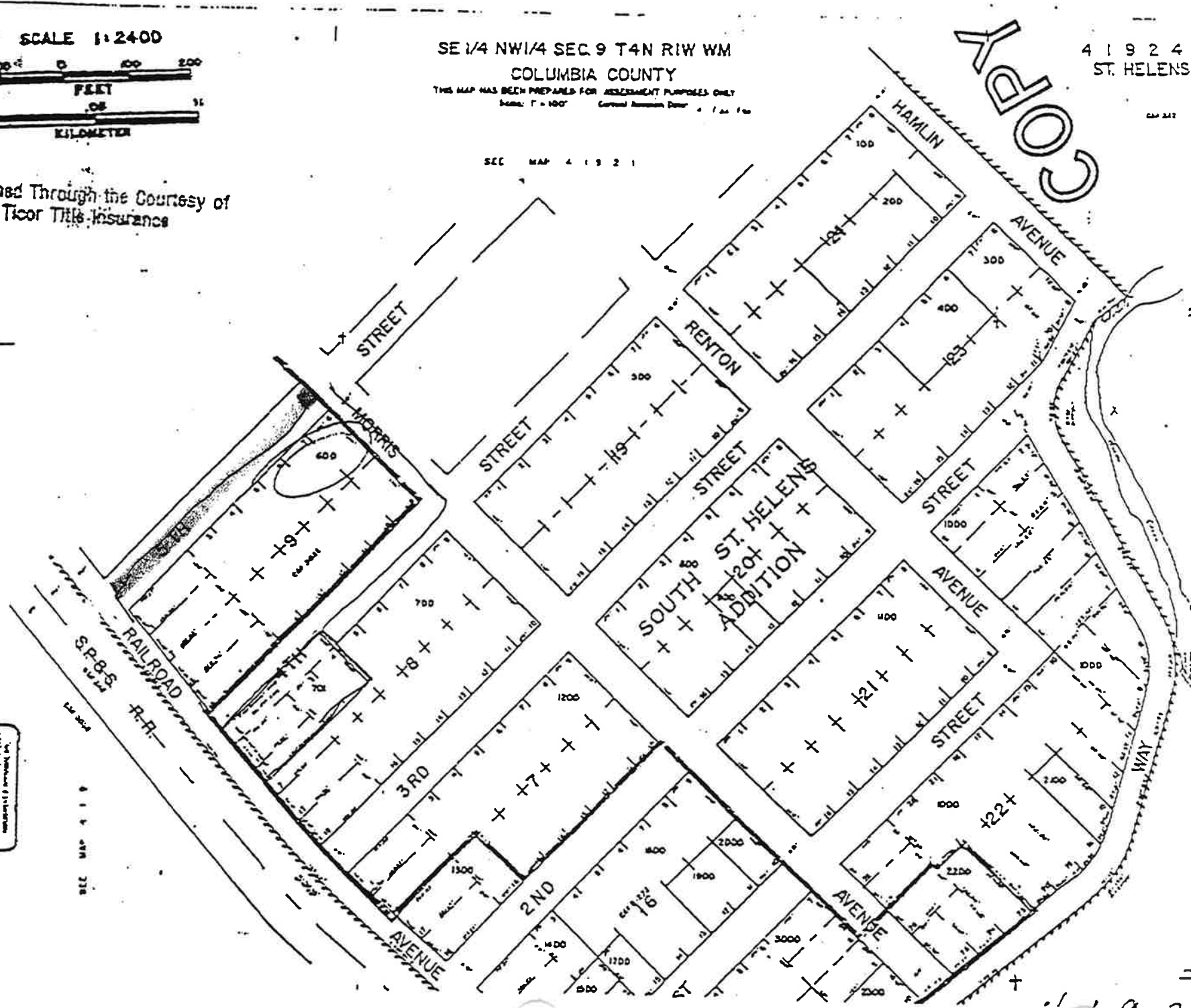
Scale: 1" = 100' Current Revision Date: 1/24/95

4 1 9 2 4
ST. HELENS

200 212

SEC MAP 4 1 9 2 1

Furnished Through the Courtesy of
Ticor Title Insurance



006

CFI-TEL

18:09

03/03/95

RECEIVED
MAY 03 1995
BY: [unclear] [unclear]
[unclear] THROUGH [unclear]

21

4

 **TICOR TITLE INSURANCE**

Report No. K631136

LEGAL DESCRIPTION

Lots 1 through 16, inclusive, in Block 9, SOUTH ST. HELENS, in the County of Columbia and State of Oregon.

TOGETHER WITH those portions of Fourth Street and Morris Avenue which inured thereto by reason of Vacation, City of St. Helens Ordinance No. 2586, filed October 13, 1989.

COPY

5
RECORDATION REQUESTED BY:

WEST ONE BANK, OREGON S.B.
C/O LOAN OPERATIONS / CLOC
P.O. BOX 2882
PORTLAND, OR 97208

WHEN RECORDED MAIL TO:

WEST ONE BANK, OREGON S.B.
C/O LOAN OPERATIONS / CLOC
P.O. BOX 2882
PORTLAND, OR 97208

SEND TAX NOTICES TO:

JOSEPH F. JOHNS, LANA S. JOHNS and KIMBERLY A. JOHNS
1600 RAILROAD AVENUE
ST. HELENS, OR 97051

COPY
COPY

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

**WEST ONE
BANK**

DEED OF TRUST

THIS DEED OF TRUST IS DATED OCTOBER 2, 1995, among JOSEPH F. JOHNS, LANA S. JOHNS and KIMBERLY A. JOHNS, whose address is 1600 RAILROAD AVENUE, ST. HELENS, OR 97051 (referred to below as "Grantor"); WEST ONE BANK, OREGON S.B., whose address is C/O LOAN OPERATIONS / CLOC, P.O. BOX 2882, PORTLAND, OR 97208 (referred to below sometimes as "Lender" and sometimes as "Beneficiary"); and TICOR TITLE INSURANCE, whose address is 50 PLAZA / P.O. BOX 1155, ST. HELENS, OREGON 97051 (referred to below as "Trustee").

CONVEYANCE AND GRANT. For valuable consideration, Grantor conveys to Trustee for the benefit of Lender as Beneficiary all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, located in COLUMBIA County, State of Oregon (the "Real Property"):

Lots 1 through 16, inclusive, in Block 9, SOUTH ST. HELENS, in the County of Columbia and State of Oregon.

TOGETHER WITH those portions of Fourth Street and Morris Avenue which inured thereto by reason of Vacation, City of St. Helens Ordinance No. 2586, filed October 13, 1989.

The Real Property or its address is commonly known as 1600 RAILROAD AVENUE, ST. HELENS, OR 97051.

Grantor presently assigns to Lender (also known as Beneficiary in this Deed of Trust) all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants Lender a Uniform Commercial Code security interest in the Rents and the Personal Property defined below.

DEFINITIONS. The following words shall have the following meanings when used in this Deed of Trust. Terms not otherwise defined in this Deed of Trust shall have the meanings attributed to such terms in the Uniform Commercial Code. All references to dollar amounts shall mean amounts in lawful money of the United States of America.

Beneficiary. The word "Beneficiary" means WEST ONE BANK, OREGON S.B., its successors and assigns. WEST ONE BANK, OREGON S.B. also is referred to as "Lender" in this Deed of Trust.

Deed of Trust. The words "Deed of Trust" mean this Deed of Trust among Grantor, Lender, and Trustee, and includes without limitation all assignment and security interest provisions relating to the Personal Property and Rents.

Grantor. The word "Grantor" means any and all persons and entities executing this Deed of Trust, including without limitation JOSEPH F. JOHNS, LANA S. JOHNS and KIMBERLY A. JOHNS.

Guarantor. The word "Guarantor" means and includes without limitation any and all guarantors, sureties, and accommodation parties in connection with the Indebtedness.

Improvements. The word "Improvements" means and includes without limitation all existing and future improvements, fixtures, buildings, structures, mobile homes affixed on the Real Property, facilities, additions, replacements and other construction on the Real Property.

Indebtedness. The word "Indebtedness" means all principal and interest payable under the Note and any amounts expended or advanced by Lender to discharge obligations of Grantor or expenses incurred by Trustee or Lender to enforce obligations of Grantor under this Deed of Trust, together with interest on such amounts as provided in this Deed of Trust. In addition to the Note, the word "Indebtedness" includes all obligations, debts and liabilities, plus interest thereon, of Grantor to Lender, or any one or more of them, as well as all claims by Lender against Grantor, or any one or more of them, whether now existing or hereafter arising, whether related or unrelated to the purpose of the Note, whether voluntary or otherwise, whether due or not due, absolute or contingent, liquidated or unliquidated and whether Grantor may be liable individually or jointly with others, whether obligated as guarantor or otherwise, and whether recovery upon such Indebtedness may be or hereafter may become barred by any statute of limitations, and whether such Indebtedness may be or hereafter may become otherwise unenforceable.

Lender. The word "Lender" means WEST ONE BANK, OREGON S.B., its successors and assigns.

Note. The word "Note" means the Note dated October 2, 1995, in the principal amount of \$294,000.00 from Grantor to Lender, together with all renewals, extensions, modifications, refinancings, and substitutions for the Note. The maturity date of the Note is October 1, 2005.

L. continued

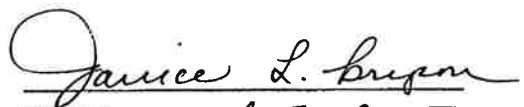
STATE OF Georgia)
) ss.
County of Barlow)

I, (we) Lana Johns, Kimberly Johns and Keith Forsythe, am (are) the
(Petitioner's or Petitioners; Name (s))
petitioner (s) herein and 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.


Keith Forsythe

11/18/02
Date

Subscribed and sworn to before me this 18th day of November, 2002.


Notary Public for Barlow County
My Commission Expires:
Notary Public, Barlow County, Georgia
My Commission Expires June 7, 2004

L. continued

STATE OF OREGON)
County of Multnomah) ss.

I, (we) Lana Johns, Kimberly Johns, Joseph Johns and Keith Forsythe, am (are) the
(Petitioner's or Petitioners'; Name (s))
petitioner (s) herein and 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.

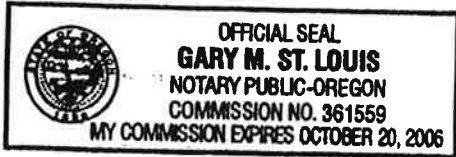


Joseph Johns

11/20/2002

Date

Subscribed and sworn to before me this 20th day of November, 2002.





Notary Public for Oregon
My Commission Expires: 10/20/02

SEE MAP 4 1 9

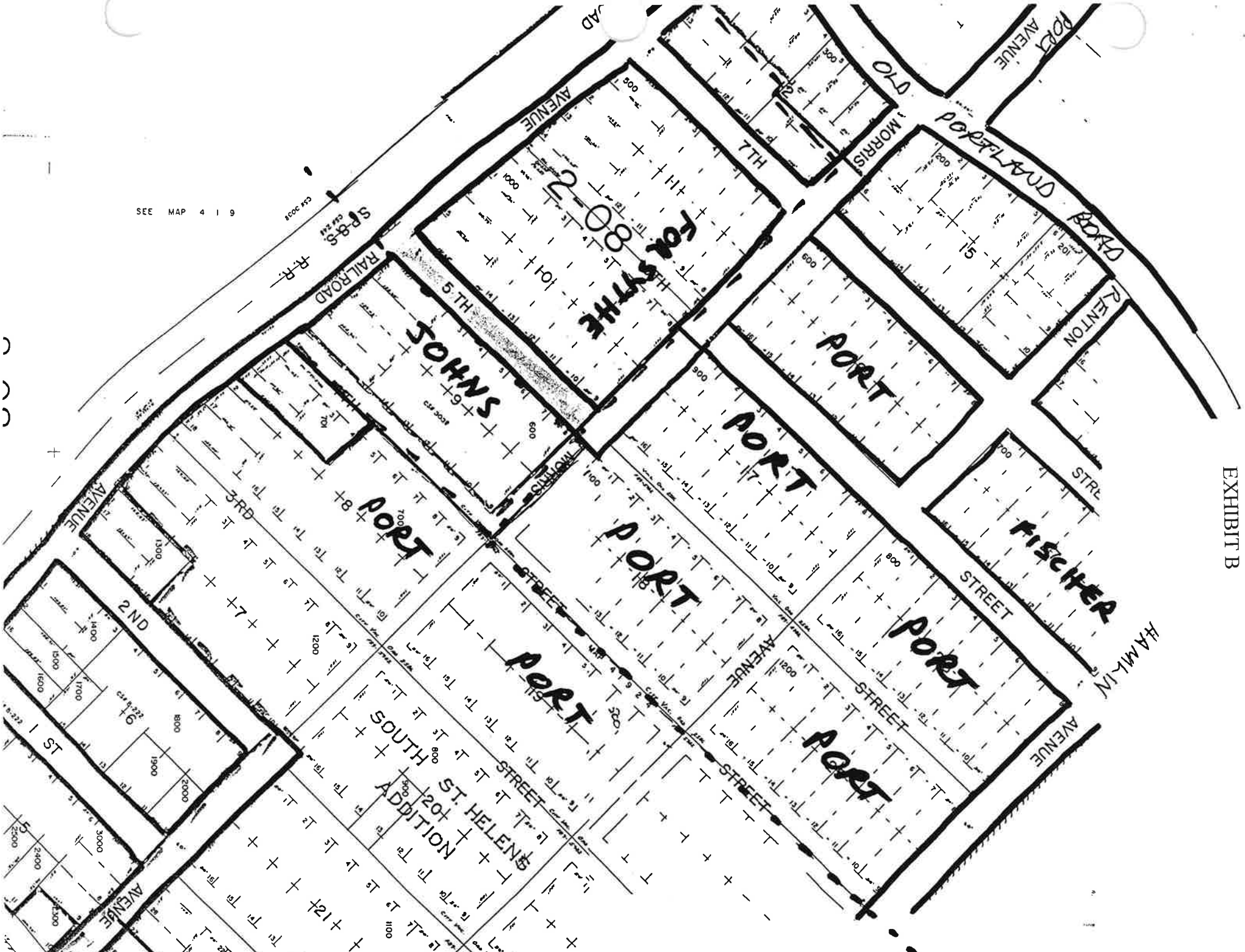


EXHIBIT B



Columbia County Road Department

P.O. Box 366, 1004 Oregon Street, St. Helens, OR 97051

Phone: 503-397-5090 Fax: 503-397-7215

E-mail: colroad@columbia-center.org

MEMORANDUM

to: Board of County Commissioners
Cynthia Zemaitis, Legal Assistant ✓

from: David Hill, Public Works Director

subject: Proposed Road Vacation - 5th St., South St Helens Addition

date: November 21, 2002

Recommendation: Notify the Port of St. Helens about a public meeting to discuss this proposed road vacation, and lacking any objection from the Port, I recommend approval of this road vacation as requested, reserving the right for utilities in the subject right-of-way.

Kimberly Johns, Lana Johns, Joseph Johns, and Keith Forsythe have petitioned the Board of Commissioners for the vacation of that portion of 5th St in St Helens between Railroad Ave. and Morris Ave. Lana and Kimberly Johns have signed the petition and signatures from Joseph Johns and Keith Forsythe are due in the mail.

The subject road is located as shown on the attached drawings. This section of 5th St has a gravel access road constructed on it with a gate at the end which apparently has been used to access the property owned by the Port of St Helens. The subject right-of-way also has a fence constructed down the approximate centerline, apparently placed by USIA many years ago.

It seems feasible that roads could be constructed on all the remaining road right-of-ways in the area. Morris Ave could be constructed however the intersection with Old Portland Road is offset from Port Ave and therefore it would be confusing. Access to Old Portland Road at Renton Avenue and Hamlin Avenue is good and there is currently a gravel access road constructed in the right-of-way of Renton Ave.. 1st St is a gravel street in use by several residents. 2nd St is not constructed and passes between two houses very close to the right-of-way. 7th St is unconstructed but has a major overhead power line placed in the right-of-way and the access to Railroad Ave at 7th St would be difficult because of a rock bank complicated by the power lines.

All of the area seems to be on solid rock not far below the surface and it is my belief that the area would benefit from City services. The area owned by the Johns' and Forsythe is a small island outside the City Limits.

COLUMBIA COUNTY

NOV 22 2002

COUNTY COUNSEL

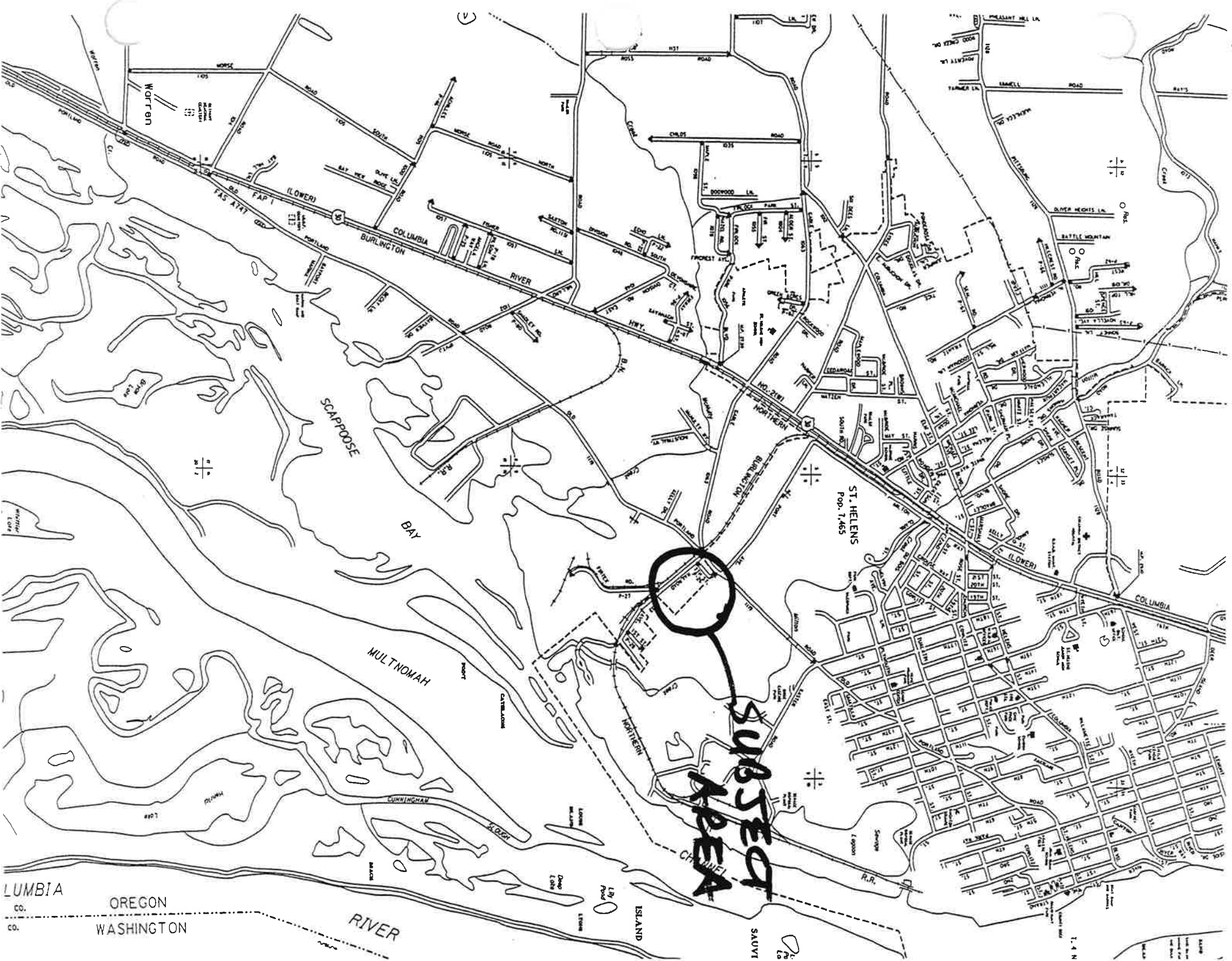
November 21, 2002

My only concern regarding the vacation of the subject right-of-way is for future access to the Port property. The subject right-of-way of 5th St currently has an access road built on it, which lends me to believe that someone long ago thought that it was a the best location for access to the property behind, which is currently owned by the Port. Railroad Ave. is a County Road with a 40 foot right-of-way, and would not be an ideal roadway for a major development on the Port property because of the restrictions of the right-of-way and also because the intersection with Old Portland Road is in the vicinity of the railroad and Gable Road. But it would serve well as a secondary access, until a better one could be built. Renton Avenue and Hamlin Avenue would both serve as good right-of-ways to the Port property but it would mean a longer road to construct for access. If 5th St was vacated as proposed, access to Railroad Ave could be made to the Port property in the vicinity of the vacated 3rd St but there may be some wetland issues to resolve. It has been reported to me that the Port of St Helens will not object to this road vacation, however because it could affect the access to their property, I believe they should be given formal notification.

The reason given for requesting the vacation is for additional building, septic and parking space. I have not seen a site plan for the area for the location of the proposed facilities, but parking could be allowed in the undeveloped right-of-way, variances granted for setbacks and I am unclear to the requirements for septic in this type of ground. The petitioners have agreed to "grant future utility easements to meet the needs of the local community."

Employment, economics, and military defense are also matters to consider in this regard.

Therefore, in the matter of public interest, I recommend notifying the Port of St Helens about the intent to consider this matter at a public meeting, and in the absence of objection by the Port of St Helens, I recommend approval of this road vacation request with a reservation for utilities within the subject right-of-way.



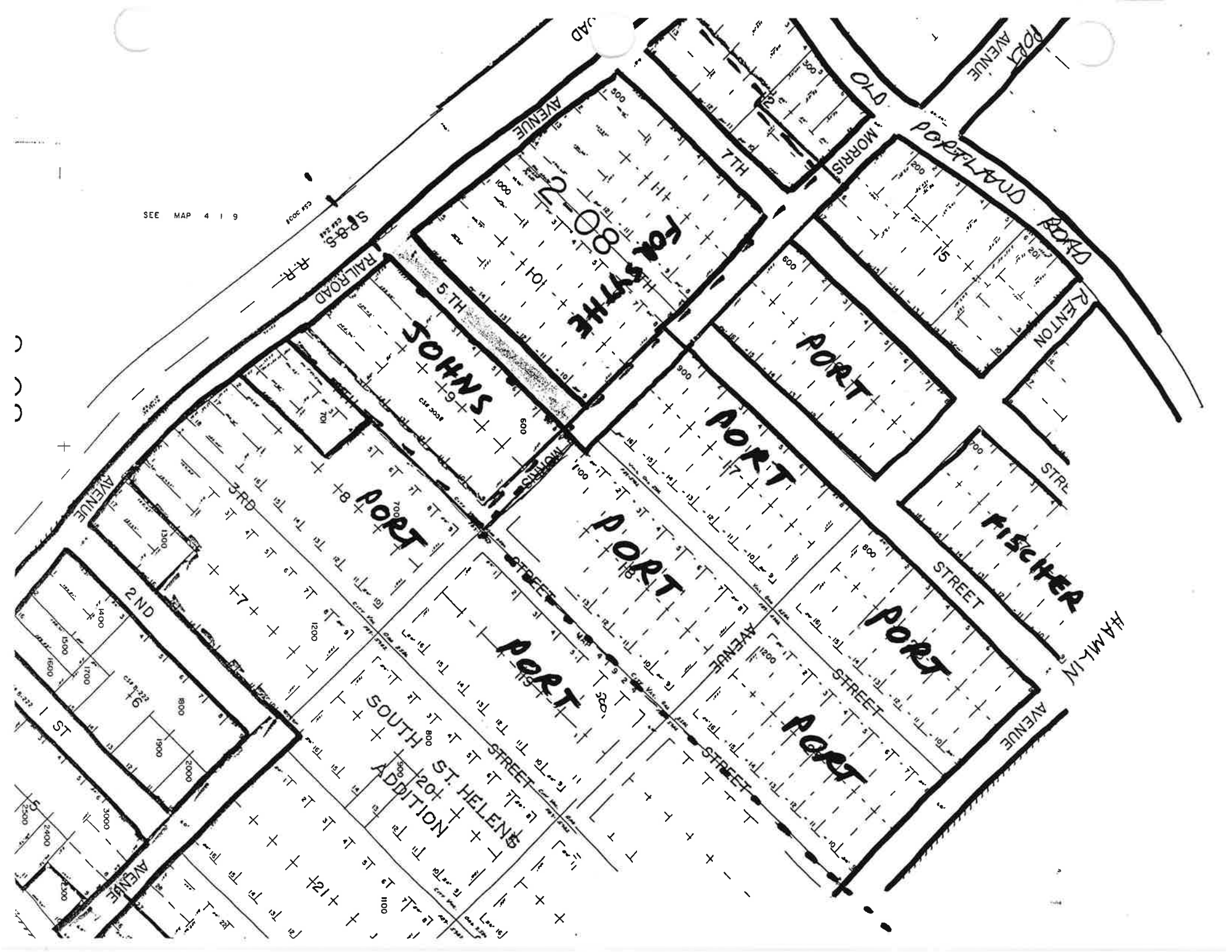
SUBJECT AREA

ST. HELENS
Pop. 7,465

COLUMBIA RIVER
OREGON WASHINGTON

7-4 N

SEE MAP 4 1 9

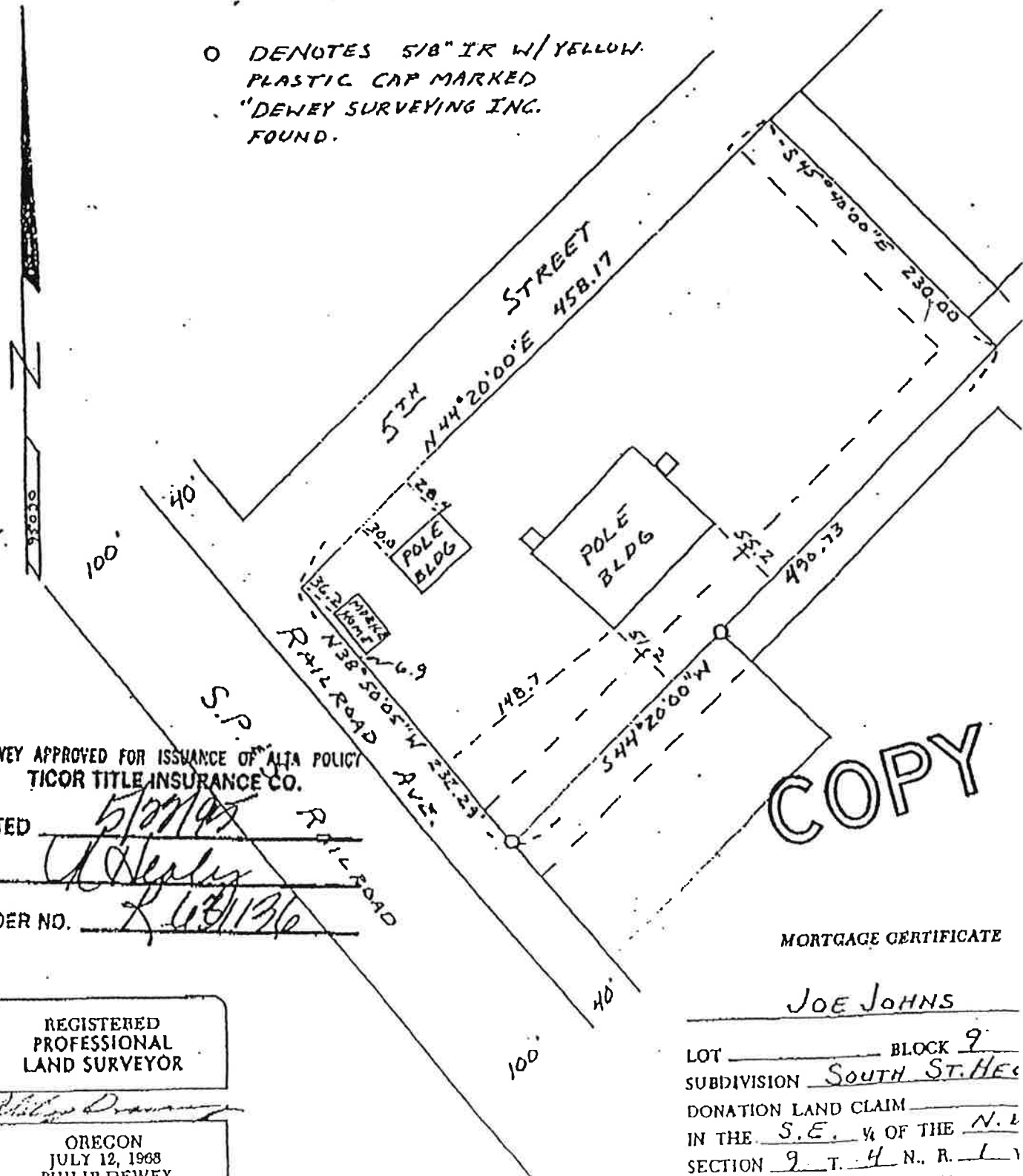


I hereby certify that this mortgage certificate made under my supervision correctly shows the relation of the buildings and other structures to the property line of and indicated hereon, and that there is no encroachment or overlap onto adjoining property of buildings or structures located on said land, nor encroachment of adjoining buildings or structures onto said land.

This certificate is made only for the immediate and exclusive use of the party requesting it and no responsibility is assumed or implied for any other uses or parties.

Signed: *[Signature]*

○ DENOTES 5/8" IR W/YELLOW PLASTIC CAP MARKED "DEWEY SURVEYING INC. FOUND."



SURVEY APPROVED FOR ISSUANCE OF ALIA POLICY TICOR TITLE INSURANCE CO.

DATED 5/21/95

BY *[Signature]*

ORDER NO. RUB136

COPY

MORTGAGE CERTIFICATE

JOE JOHNS

LOT _____ BLOCK 9
 SUBDIVISION SOUTH ST. HELENS
 DONATION LAND CLAIM _____
 IN THE S.E. ¼ OF THE N. 2
 SECTION 9 T. 4 N. R. 1
 COLUMBIA COUNTY, OREGON.
 DATE 5-1-95 Scale: 1" = _____

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JULY 12, 1968 PHILIP DEWEY 847

MEMORANDUM

Columbia County Land Development Services Department

TO: Cynthia Zemaitis, Legal Assistant
FROM: Todd Dugdale, Director *TLD*
RE: Vacation Johns/Forsythe Request-Portion of 5th Street, St. Helens
DATE: November 20, 2002

Per your request, we have reviewed the proposed vacation request. The properties adjacent to the proposed street section to be vacated are zoned M-1(Heavy Industrial). This area was originally platted as with a typical city residential grid pattern. The vacation is appropriate to consolidate properties into developable industrial sites and to encourage retention and expansion of USIA.

The primary consideration is future access to property to rear of the subject site. The Port owns approximately 27 acres to the rear of the subject property and has previously expressed concerns about eliminating 5th Street. The right of way is currently fenced in by the applicant. We discussed access with Paul Langer of the Port and he indicated that the Port will not object to vacation on the basis that there are alternate platted public access routes to the Port property (ie 1st Street and 2nd Street). He did express concern that as these vacation/consolidations proceed, the Port will be more vigilant in identifying and preserving remaining access routes. To that end, we suggested that an access plan be prepared for the area that identified ownerships and logical parcel consolidations and vacations.

Based on the above, Land Development Services recommends approval of the subject vacation. Staff will continue to work with the Port of St. Helens toward an parcel consolidation/access plan for the area to guide future vacation requests.

Attachment:
Aerial of Subject Property

COLUMBIA COUNTY
NOV 20 2002
COUNTY COUNSEL

*Tap to Hill
397.7215*

EXHIBIT D

COLUMBIA COUNTY



OREGON

COUNTY COUNSEL

COLUMBIA COUNTY COURTHOUSE ♦ 230 STRAND, ROOM 318 ♦ ST. HELENS, OR 97051-2096
503.397.3839 ♦ 503.366.3925 (FAX) ♦ WWW.CO.COLUMBIA.OR.US

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November 22, 2002

Via Facsimile

Paul Langner
Port of St. Helens
P.O. Box 598
St. Helens, OR 97051

Re: Proposed Vacation of Fifth
Street, South St. Helens Addition

Dear Mr. Langer:

I understand that you have spoken both with Sarah Tyson and Kimberly Johns about the new petition filed with the County for the vacation of Fifth Street. Although I further understand that you advised Ms. Tyson that the Port would consent to this vacation, and that you would have this decision ratified at the Board meeting on Monday, November 25, 2002, I have been asked to formally notify you that our Board of County Commissioners will take this matter under consideration at their regular meeting on Wednesday, November 27, 2002, at or after 10:00 a.m.

The Port, of course, is invited to attend the meeting and comment on this proposed vacation. However, should the Port wish to consent without further comment, I am enclosing a consent form for execution. If you choose this avenue, please fax a copy of the signed consent to this office, followed by delivery of the original consent form for the record.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cynthia Zemaitis".

Cynthia Zemaitis,
Legal Assistant

enclosure

c: Board of Commissioners
Public Works Director

S:\COUNSEL\ROADS\FIFTH\2002 ACTION\LT PORT.wpd

EXHIBIT E



PORT OF ST. HELENS

Mailing Address: P.O. Box 598, St. Helens, Oregon 97051
Office Location: 100 E Street, Columbia City, Oregon 97018
Telephone: (503) 397-2888 Fax: (503) 397-6924
Web Page: www.portsh.org

November 25, 2002

Columbia County Board of Commissioners
Columbia County Courthouse
230 Strand
St Helens OR 97051-2096

Re: **Fifth Street (St Helens) – Vacation Thereof**

Dear Commissioners:

Before you is a request to vacate Fifth Street in St Helens. This request is brought to you by Mr. Kimberly Johns of U.S.I.A., located at 1600 Railroad Avenue. A similar request has come before you in the past. The Port of St. Helens is an affected property owner and has been asked to make comment on the request to vacate the plotted street.

The Port's has two concerns. First, we need physical, surface access to the property we hold. Second, we require utility easement/access for infrastructure to service our property. Because of the extreme geologic conditions of the site, our foremost concern is the utility corridor.

We have spoken with Mr. Johns and asked if an easement for sub-surface utility corridor could be preserved either alongside or within the presently plotted Fifth Street. From Mr. Johns' comments, he stated this was reasonable and, in fact, he had proposed the same to you in his letter requesting the street vacation.

The Port of St. Helens will support the vacation of Fifth Street, St. Helens, provided an easement for a sub-surface utility corridor is preserved to service the Port of St. Helens' properties within the area known as the South St. Helens Addition.

If a sub-surface easement is not reserved along or within the plotted location of Fifth Street, the Port of St. Helens withdraws support for the vacation of Fifth Street and would request you to not grant the vacation.

Please call me if you have questions or require further clarification.

Sincerely,

Paul Langner

Copy: Kim Johns

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

- Name(s) of abutting property owner(s): Port of St Helens
- Mailing address of abutting property owner(s): PO Box 598 ; ST HELENS, OREGON 97051
- Legal description of abutting [YOUR] property (attach additional sheets if necessary; your deed or title report can be attached in lieu of writing legal description):
ALL PROPERTIES held by the port of St Helens.
DESCRIBED IN TAX LOT ID 4109-00-0200
" " " 4109-021-00900 - Block 17
" " " 4109-021-01100 - Block 18
4109-021-00900 Block 17 2
4109-021-01100 Block 18 3
Tax Account No.
- Legal description of property proposed for vacation (attach additional sheets if necessary): THAT PORTION OF PLOTTED FIFTH STREET, SOUTH ST HELENS ADDITION, BETWEEN TAXLOT PARCELS 4109-024-00600 & 4109-021-0100

5. We are the owner(s) of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation, PROVIDED AN EASEMENT FOR SUBSURFACE UTILITY CORRIDORS IS PRESERVED TO SERVICE PORT OF ST HELENS PROPERTIES WITHIN THE AREA KNOWN AS THE SOUTH ST HELENS ADDITION.

Paul W. Langner for Port of St Helens 11/26/2002
(Property Owner's Signature) Date

[Signature] (Co-Property Owner's Signature [if any]) Date

STATE OF OREGON)
) ss.
County of Columbia)

The foregoing instrument was acknowledged before me this 26 day of November 2002, by Paul Langner



Kim Shade Houser
Notary Public for Oregon
My Commission Expires: 9/25/04