

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of the Vacation of an)
Undeveloped Segment of Road in the Home)
Acres Subdivision by 100 percent of the) BOARD ORDER 18-06
Owners and Abutting Owners; Applicants)
Jeffry L. Lane and Stephen H. Waldroup;)
Without a Hearing Under ORS 368.351)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of County business in formal session on January 4, 2018, Commissioners Mary Starrett, Richard L. “Rick” Olson and Stan Primozich being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

- A. On July 25, 2017, Jeffry L. Lane and Stephen H. Waldroup applied to the Public Works Department to vacate a segment of public road previously dedicated as part of the Home Acres Subdivision. The road segment proposed to be vacated is described in Exhibit A, and shown on the survey in Exhibit B, both attached to this Board Order and incorporated herein by reference.
- B. ORS 368.351 states:

“368.351 Vacation without hearing. A county governing body may make a determination about a vacation of property under ORS 368.326 to 368.366 [vacation procedures] without complying with ORS 368.346 [notice and hearing requirements] if the proceedings for vacation were initiated by a petition under ORS 368.341 [initiation of vacation proceedings] that indicates the owners’ approval of the proposed vacation and that contains the acknowledged signatures of owners of 100 percent of private property proposed to be vacated and acknowledged signatures of 100 percent of property abutting public property proposed to be vacated and either:

(1) The county road official files with the county governing body a written report that contains the county road official’s assessment that any vacation of public property is in the public interest; or

(2) The planning director of the county files a written report with the county governing body in which the planning director, upon review, finds that an interior lot line vacation affecting private property complies with applicable land use regulations and facilitates development of the property subject to interior lot line vacation.” [bracketed materials added]

C. County Engineer and Surveyor Bill Gille referred the application to the Planning Department, which noted that an access easement that is at least 30 feet wide should be surveyed and recorded, to preserve access to Tax Lot 3219CB-802. Mr. Gille's written report, dated August 31, 2017, addressed the application and concluded that, if the condition proposed by the Planning Department were to be met, the application would comply with the requirements of ORS 368.351 and that the proposed vacation, as conditioned, is in the public interest (ORS 368.356(1)). By instrument No. 201719174, recorded on November 30, 2017, applicant Jeffrey L. Lane of L.L. Investments, LLC, provided the easement recommended by the Planning Department.

NOW THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. Subject to the conditions stated in this Board Order, rights of the public to the property described in the attached Exhibit A and as shown on the attached Exhibit B survey are hereby vacated.
2. Title to the property vacated by this order shall vest in the owners of the land abutting the vacated property by extension of the abutting property boundaries to the center of the vacated property, as more specifically described and shown on the attached Exhibits C and D (to north property) and Exhibits E and F (to south property), incorporated into this Board Order by reference.
3. Following approval and signing of this Board Order, the applicants shall record this Board Order in the Yamhill County Deed Records at their expense.
4. Other than application fees that have already been paid, no additional costs are imposed.

DONE at McMinnville, Oregon on January 4, 2018.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

Chair


STAN PRIMOZICH

By: 
Deputy

Commissioner


MARY STARRETT

FORM APPROVED BY:


Timothy S. Sadlo
Senior Assistant County Counsel

Commissioner


RICHARD L. "RICK" OLSON

EXHIBIT A

LEGAL DESCRIPTION:
RIGHT-OF-WAY VACATION
OCTOBER 5, 2017

A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

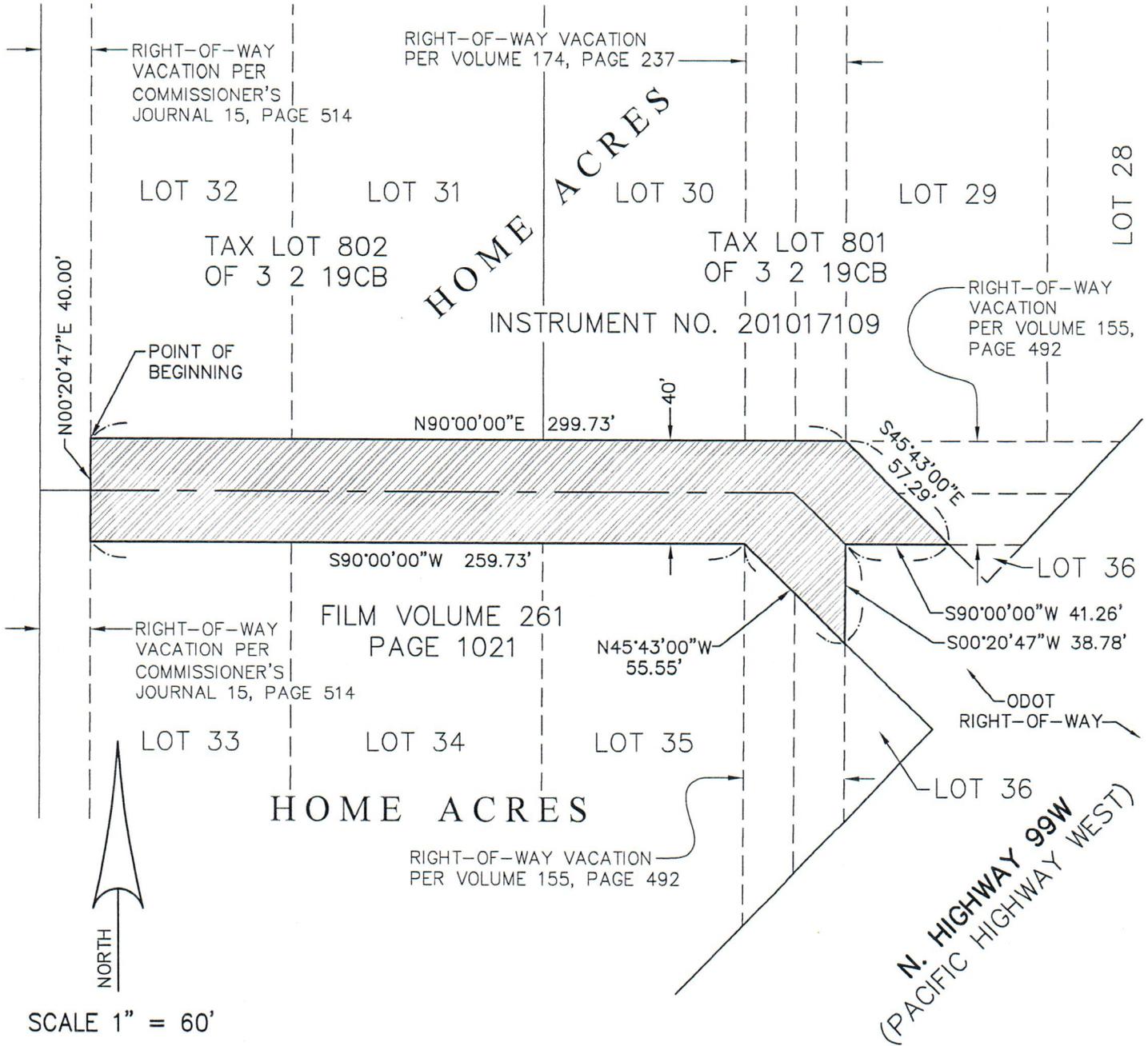
BEGINNING AT THE SOUTHWEST CORNER OF LOT 32 OF THE PLAT OF "HOME ACRES", YAMHILL COUNTY RECORDS; THENCE ALONG THE SOUTHERLY LINES OF LOTS 32, 31, 30, AND THAT RIGHT-OF-WAY VACATED PER VOLUME 174, PAGE 237, YAMHILL COUNTY DEED RECORDS, NORTH 90°00'00" EAST, 299.73 FEET TO THE SOUTHWEST CORNER OF LOT 29 OF SAID PLAT; THENCE SOUTH 45°43'00" EAST, 57.29 FEET TO THE NORTHERLY LINE OF LOT 36 OF SAID PLAT; THENCE ALONG THE NORTHERLY LINE OF LOT 36 SOUTH 90°00'00" WEST, 41.26 FEET TO THE NORTHWEST CORNER OF SAID LOT 36; THENCE ALONG THE WESTERLY LINE OF SAID LOT 36 SOUTH 00°20'47" WEST, 38.78 FEET TO THE NORTHWESTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN FILM VOLUME 261, PAGE 1021, RECORDED NOVEMBER 6, 1991, YAMHILL COUNTY DEED RECORDS; THENCE ALONG SAID NORTHWESTERLY LINE NORTH 45°43'00" WEST, 55.55 FEET TO THE NORTHEAST CORNER OF LOT 35 OF SAID PLAT; THENCE ALONG THE NORTHERLY LINES OF LOTS 35, 34, AND 33 OF SAID PLAT SOUTH 90°00'00" WEST, 259.73 FEET TO THE NORTHWEST CORNER OF SAID LOT 33; THENCE NORTH 00°20'47" EAST, 40.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 13,590 SQUARE FEET, MORE OR LESS

EXHIBIT B

RIGHT-OF-WAY DEDICATION
LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 19,
TOWNSHIP 3 SOUTH, RANGE 2 WEST, W.M.
YAMHILL COUNTY, OREGON

OCTOBER 5, 2017



SCALE 1" = 60'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

D.S.H.

OREGON
JANUARY 11, 2005
DARREN S. HARR
56181

RENEWAL DATE: 6-30-19

LEGEND:



— RIGHT-OF-WAY VACATION
AREA=13,590 SQUARE FEET
(0.312 ACRES)

PREPARED BY:

TerraCalc
Land Surveying Inc.
1615 N.E. Miller Street
McMinnville, OR 97128
(503) 857-0935
www.Terra-calc.com

EXHIBIT C

LEGAL DESCRIPTION:
RIGHT-OF-WAY VACATION
TO NORTH PARCEL
OCTOBER 5, 2017

A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

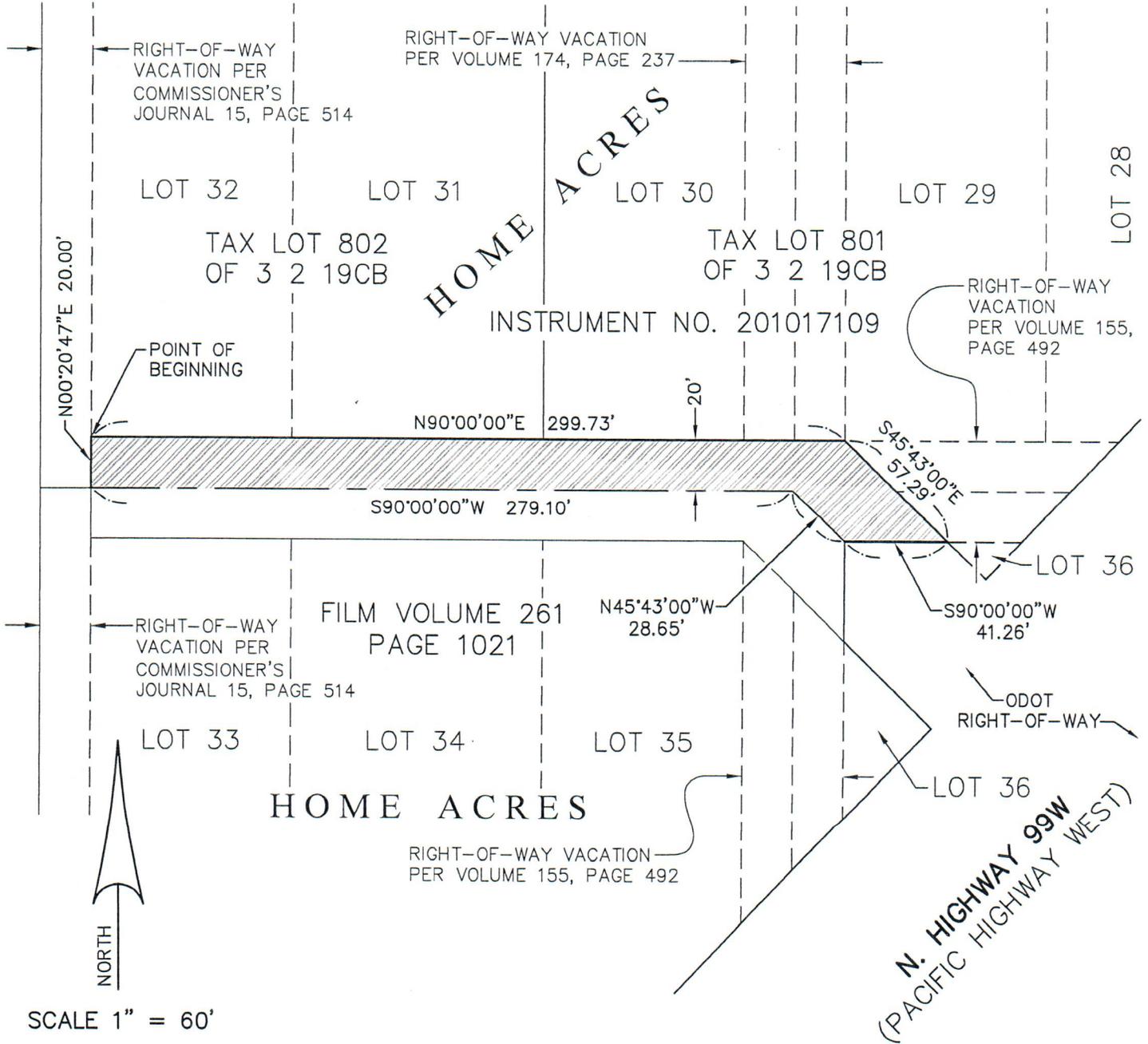
BEGINNING AT THE SOUTHWEST CORNER OF LOT 32 OF THE PLAT OF "HOME ACRES", YAMHILL COUNTY RECORDS; THENCE ALONG THE SOUTHERLY LINES OF LOTS 32, 31, 30, AND THAT RIGHT-OF-WAY VACATED PER VOLUME 174, PAGE 237, YAMHILL COUNTY DEED RECORDS, NORTH 90°00'00" EAST, 299.73 FEET TO THE SOUTHWEST CORNER OF LOT 29 OF SAID PLAT; THENCE SOUTH 45°43'00" EAST, 57.29 FEET TO THE NORTHERLY LINE OF LOT 36 OF SAID PLAT; THENCE ALONG THE NORTHERLY LINE OF LOT 36 SOUTH 90°00'00" WEST, 41.26 FEET TO THE NORTHWEST CORNER OF SAID LOT 36; THENCE ALONG THE CENTERLINE OF A RIGHT-OF-WAY DEDICATED BY SAID PLAT OF "HOME ACRES" NORTH 45°43'00" WEST, 28.65 FEET TO AN ANGLE POINT ON SAID CENTERLINE; THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 90°00'00" WEST, 279.10 FEET TO THE EAST LINE OF THAT RIGHT-OF-WAY VACATED PER COMMISSIONER'S JOURNAL 15, PAGE 514, YAMHILL COUNTY RECORDS; THENCE ALONG SAID EAST LINE NORTH 00°20'47" EAST, 20.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 7,026 SQUARE FEET, MORE OR LESS

EXHIBIT D

RIGHT-OF-WAY DEDICATION
LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 19,
TOWNSHIP 3 SOUTH, RANGE 2 WEST, W.M.
YAMHILL COUNTY, OREGON

OCTOBER 5, 2017



RIGHT-OF-WAY VACATION PER COMMISSIONER'S JOURNAL 15, PAGE 514

RIGHT-OF-WAY VACATION PER VOLUME 174, PAGE 237

RIGHT-OF-WAY VACATION PER VOLUME 155, PAGE 492

LOT 32

LOT 31

LOT 30

LOT 29

LOT 28

TAX LOT 802 OF 3 2 19CB

TAX LOT 801 OF 3 2 19CB

INSTRUMENT NO. 201017109

POINT OF BEGINNING

N90°00'00"E 299.73'

20'

S45°43'00"E 57.29'

S90°00'00"W 279.10'

LOT 36

RIGHT-OF-WAY VACATION PER COMMISSIONER'S JOURNAL 15, PAGE 514

FILM VOLUME 261 PAGE 1021

N45°43'00"W 28.65'

S90°00'00"W 41.26'

LOT 33

LOT 34

LOT 35

LOT 36

HOME ACRES

RIGHT-OF-WAY VACATION PER VOLUME 155, PAGE 492

ODOT RIGHT-OF-WAY

N. HIGHWAY 99W (PACIFIC HIGHWAY WEST)



SCALE 1" = 60'

REGISTERED PROFESSIONAL LAND SURVEYOR

D.S.A.
OREGON
JANUARY 11, 2005
DARREN S. HARR
56181

LEGEND:

 - RIGHT-OF-WAY VACATION AREA=7,026 SQUARE FEET (0.161 ACRES)

PREPARED BY:

TerraCalc
Land Surveying Inc.
1615 N.E. Miller Street
McMinnville, OR 97128
(503) 857-0935
www.Terra-calc.com

RENEWAL DATE: 6-30-19

EXHIBIT E

LEGAL DESCRIPTION:
RIGHT-OF-WAY VACATION
TO SOUTH PARCEL
OCTOBER 5, 2017

A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

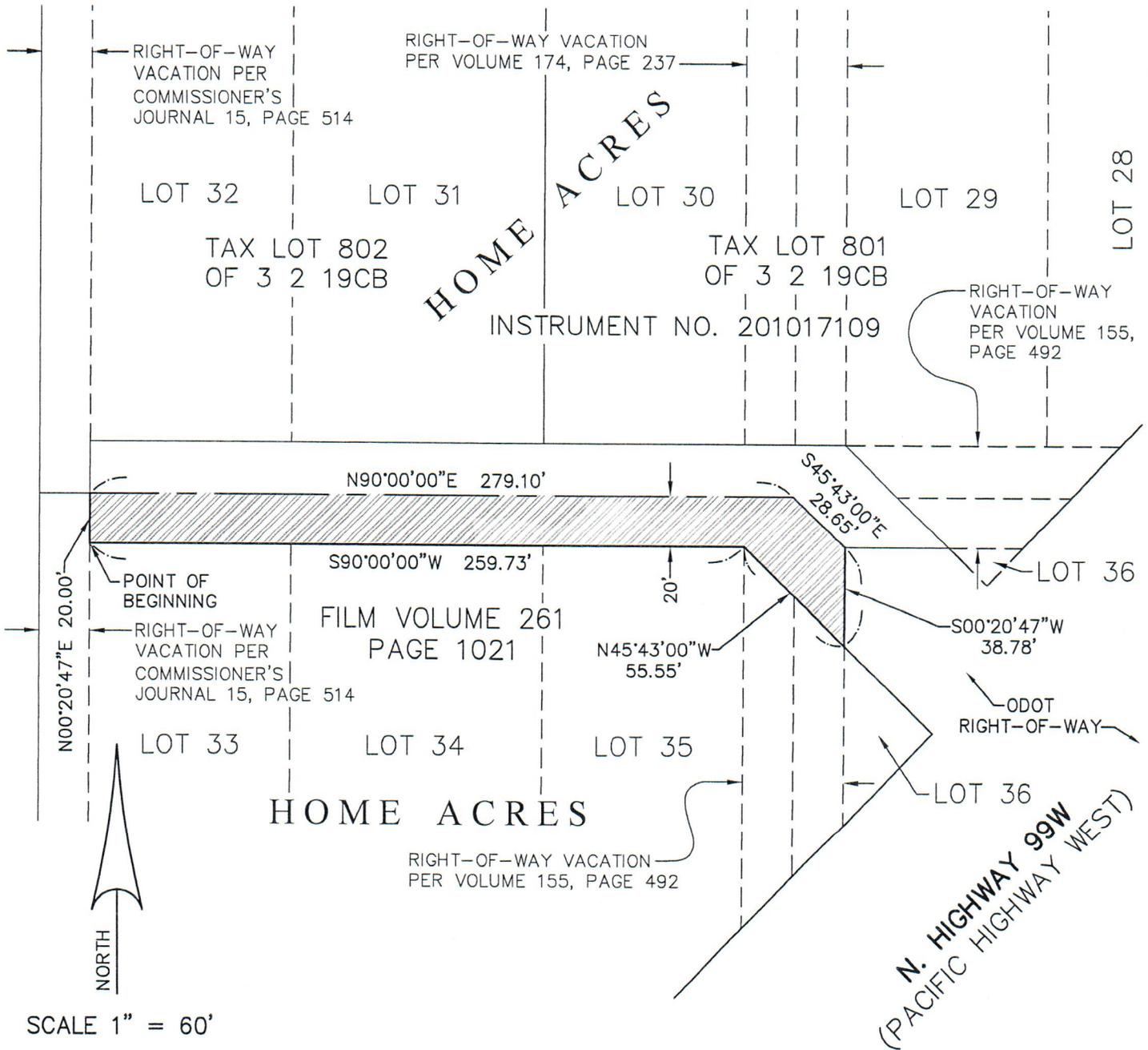
BEGINNING AT THE NORTHWEST CORNER OF LOT 33 OF THE PLAT OF "HOME ACRES", YAMHILL COUNTY RECORDS; THENCE ALONG THE EAST LINE OF THAT RIGHT-OF-WAY VACATED IN COMMISSIONER'S JOURNAL 15, PAGE 514, YAMHILL COUNTY RECORDS, NORTH 00°20'47" EAST, 20.00 FEET TO THE CENTERLINE OF A RIGHT-OF-WAY DEDICATED BY SAID PLAT OF "HOME ACRES"; THENCE ALONG SAID CENTERLINE NORTH 90°00'00" EAST, 279.10 FEET TO AN ANGLE POINT ON SAID CENTERLINE; THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 45°43'00" EAST, 28.65 FEET TO THE NORTHWEST CORNER OF LOT 36 OF SAID PLAT; THENCE ALONG THE WESTERLY LINE OF SAID LOT 36 SOUTH 00°20'47" WEST, 38.78 FEET TO THE NORTHWESTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN FILM VOLUME 261, PAGE 1021, RECORDED NOVEMBER 6, 1991, YAMHILL COUNTY DEED RECORDS; THENCE ALONG SAID NORTHWESTERLY LINE NORTH 45°43'00" WEST, 55.55 FEET TO THE NORTHEAST CORNER OF LOT 35 OF SAID PLAT; THENCE ALONG THE NORTHERLY LINES OF LOTS 35, 34, AND 33 OF SAID PLAT SOUTH 90°00'00" WEST, 259.73 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 6,564 SQUARE FEET, MORE OR LESS

EXHIBIT F

RIGHT-OF-WAY DEDICATION
 LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 19,
 TOWNSHIP 3 SOUTH, RANGE 2 WEST, W.M.
 YAMHILL COUNTY, OREGON

OCTOBER 5, 2017



SCALE 1" = 60'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

[Signature]
 OREGON
 JANUARY 11, 2005
 DARREN S. HARR
 56181

RENEWAL DATE: 6-30-19

LEGEND:

 - RIGHT-OF-WAY VACATION
 AREA=6,564 SQUARE FEET
 (0.151 ACRES)

PREPARED BY:

TerraCalc
 Land Surveying Inc.
 1615 N.E. Miller Street
 McMinnville, OR 97128
 (503) 857-0935
 www.Terra-calc.com
 B.D. 18-06