

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 an Order Vacating a Portion of)
A Public Street at the Request of Julie L. Haughton) BOARD ORDER 22-23
and Co-Petitioners, Without a Public Hearing,)
Public Works Docket RV-3-2021)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on January 20, 2022. Commissioners Lindsay Berschauer, Casey Kulla, and Mary Starrett being present.

IT APPEARING TO THE BOARD as follows:

A. Ordinance 625 provides that the county will follow vacation procedures established in ORS Chapter 368, unless otherwise provided therein.

B. Under ORS 368.341(c), a county governing body may initiate proceedings to vacate property under ORS 368.326-368.366 if:

“(c) The owner of property abutting public property files with the county governing body a petition meeting the requirements of this section and requesting vacation of the public property that abuts the property owned by the person.”

C. Julie Haughton, together with Christopher Haughton, Carissa Bongiorno, Richard Valeika, and Jeremy Hutchinson (the “applicants”), petitioned for the vacation of a dedicated public street. The applicants collectively own 100% of the private property proposed to be vacated and 100% of the abutting properties. The petition identifies an 800-foot stretch of property that was dedicated to the public as a street in 1910 as part of a plat for Hill-Crest Addition. The street was never developed.

D. ORS 368.351 provides that where a petition is signed by the owners of 100% of the private property proposed to be vacated, and 100% of the property abutting the public property proposed to be vacated, a county governing body may determine the vacation without a public hearing, so long as the county road official provides a written report finding that vacation is in the public interest.

E. Ordinance 625 provides that the county road official must further include in this report a description of the ownership of the property and the current uses of the property proposed to be vacated.

F. Ordinance 625 provides that the county road official may refer applications or petitions for the vacation of public property to the Yamhill County Surveyor.

G. Yamhill County Surveyor Jason Foose has prepared a written report, signed by county road official and Yamhill County Public Works Director Mark Lago on November 15, 2021, that states this proposed vacation is in the public interest. The report includes a legal description of the property that was provided by the applicants and notes that the property currently “serves little or no public function.”

H. Ordinance 625 provides that, upon the receipt of the report and the return of any referrals, the Board shall consider whether initiation of vacation proceedings is “appropriate or in the best interest of the citizens of Yamhill County.”

I. The Board hereby accepts the findings in the surveyor’s report that this vacation is in the public interest. NOW, THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. The segment of undeveloped public road extending from Center Street in the City of Sheridan, Oregon, onto the lot identified as Tax Lot 5626-2700 is hereby vacated.
2. Title to the segment of public road vacated by this Board Order vests in the underlying holders of fee title and their successors in interest.
3. No costs are imposed on the applicants as a result of this vacation. It is the responsibility of the applicants to record this vacation Order in the Deed and Mortgage records of Yamhill County, and to pay any recording fees.

DONE at McMinnville, Oregon on January 20, 2022.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

Chair

Lindsay Berschauer

LINDSAY BERSCHAUER

By: *Carolina Rook*
Deputy Carolina Rook

Commissioner

Casey Kulla
CASEY KULLA

FORM APPROVED BY:

Commissioner

Mary Starrett
MARY STARRETT

Colton Totland
Colton M. Totland
Assistant County Counsel

STAFF ACTION REPORT RV-3-2021

Summary of Action: Petitioners want to vacate about 800 feet of a platted/dedicated street shown on the circa 1910 Hill-Crest Addition Plat. The Street has not been administratively developed nor apparently relied on for public roadway use. The street currently terminates at the petitioners' boundary and serves little or no public function. The character of the right-of-way could accurately be classified as undeveloped surface use right arbitrarily bisecting the underlying parcel.

Authority: ORS 368.341(1)(c) Petition by owner. ORS 368.351(1) Written report of county road official

Fiscal Effect(s): Incidental costs associated with administrative processing (diminutive).

Public Support: Lawfully submitted petition by impacted owner.

Public Dissent: None known at this time.

Current uses of the property proposed to be vacated: Property is used as a residential shared private driveway and adjoining lawn/yard.

Public interest assessment: This proposed vacation is in the public interest because the platted alignment serves little or no public function nor appears to accurately follow petitioner's driveway alignment.

County Reviewers:

Office	YEA	NAY	No Objection	Signature/Date or See attached objection
County Surveyor	✓			<i>Ja EA 11/12/21</i>
Planning Director	✓			<i>KJ 11/12/21</i>
Public Works Director	✓			<i>Madeline 11/15/21</i>

*B.D. 22-23
Exhibit "A"
Pg. 1 of 11.*

Yamhill County, Oregon
Petition for Vacation of Public Road
Where no Public Hearing is Required

Department of Public Works, 2060 Lafayette Ave, McMinnville, OR 97128
 Tel: 503-434-7615 • Fax: 503-472-4068

FOR ROAD OFFICIAL'S USE ONLY: After reviewing the petition below, the County Road Official has determined this petition is sufficient for consideration of the proposed vacation by Board of Commissioners.

OFFICIAL USE ONLY

Docket No. RV-____-20____
 Date _____
 Rec'd By _____
 Receipt # _____
 Fee \$ _____

NOTE: Fees are non-refundable.

Board of Commissioners:

By: _____ Title: _____ Date: _____

THE PETITION MUST INCLUDE:

- Completed petition form, signed by all petitioners. All signatures must be acknowledged by a notary public.
- All required attachments.
- Filing fee (make check payable to Yamhill County).

Date rec'd: _____

Date Informal: _____

Hearing date: _____

PETITIONER	CO-PETITIONERS, If any
Please print or type: <u>Haughton Julie L</u> Last Name First MI <u>808 Oasis Drive</u> Mailing Address (Street or PO Box) <u>Chapel Hill NC 27516</u> City State Zip <u>919-918-7712 919-280-9861</u> Telephone Fax cell	Please print or type: <u>Christopher Haughton</u> <u>Carissa Borgiorno</u> <u>Richard Valeika</u> <u>Jeremy Hutchinson</u>

Describe the public road or other county property proposed to be vacated, including county tax lot references:

The Northern end of NE Centu Street across tax lot 5626-2700.

This easement is not in use and there are no plans for future development by land owners and adjacent properties

PETITION: The petitioner or petitioners identified above (referred to as "Petitioners") hereby petition the Yamhill County Board of Commissioners to vacate a certain public road or other county property described above. We hereby represent as follows:

1. Petitioners are the owners, as shown in the Deed and Mortgage Records of Yamhill County, of 100% of any private property proposed to be vacated and 100% of property abutting any public property proposed to be vacated.

*Julie.haughton@gmail.com
 (919) 918-7712*

2. No portion of the public road or other public property proposed to be vacated is situated within the corporate limits of any city.

3. This vacation is requested for the following reasons (mark all that apply):

- The property sought to be vacated is not now used for any public road or other public purposes.
- The property sought to be vacated is now used by petitioners in conjunction with and as part of their property.
- Other reasons: _____

4. No person or other owner holds any recorded interest in the property proposed to be vacated except for the following whose addresses are listed below: (If none, so state.)

Carissa Bongiorno / Richard Valeika 440 Monticello St. San Francisco CA 94127
Jeremy Hutchinson 20400 SW Cherry Hill Road, Sheridan, OR

5. If any person owns any improvements constructed on public property proposed to be vacated, the name and address of the owner or owners is as follows: (If none, so state.)

N/A

6. If the petition is for vacation of property that will be redivided in any manner, a subdivision plan or partition plan is attached to show the redivision.

7. The proposed vacation would not deprive an owner of a recorded property right of access necessary for the exercise of that right.

8. The Petitioners request this petition be considered under ORS 368.326 to 368.366 and Yamhill County Ordinance 625.

We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the above information is true and correct to the best of our knowledge. We hereby grant permission for and consent to Yamhill County, its officers, agents, and employees to come upon our property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this petition.

SIGNATURES OF ALL PETITIONERS:

<u>Carissa Bongiorno</u> 8/9/21	<u>Richard Valeika</u> 8/9/21	<u>Jeremy Hutchinson</u> 14-SEP-2021
<u>Julie Haughton</u> 14 Sep 2021	<u>Greg W.</u> 14-SEPT 2021	

STATE OF OREGON

County of _____

} ss

This instrument was acknowledged before me on the _____ day of _____, 20____ by the following persons: (attach additional notarized acknowledgments, if necessary) _____

Notary Public for Oregon
My commission expires:

Please see attached
California
Acknowledgement

STATE OF OREGON)
) ss
County of _____)

This instrument was acknowledged before me on the _____ day of _____, 20____ by the following persons: (attach additional notarized acknowledgments, if necessary):

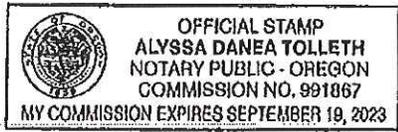
Please see attached
California
Acknowledgement

Notary Public for Oregon
My commission expires:

STATE OF OREGON)
) ss
County of Yamhill)

This instrument was acknowledged before me on the 14th day of September, 2021 by the following persons: (attach additional notarized acknowledgments, if necessary):

Julie Houghton, Jeremy Hutchinson



Alyssa D. Tolleth
Notary Public for Oregon
My commission expires:

STATE OF OREGON)
) ss
County of Yamhill)

This instrument was acknowledged before me on the 14th day of September, 2021 by the following persons: (attach additional notarized acknowledgments, if necessary):

Christopher Houghton



Julie A. Culp
Notary Public for Oregon
My commission expires:

STATE OF OREGON)
) ss
County of _____)

This instrument was acknowledged before me on the _____ day of _____, 20____ by the following persons: (attach additional notarized acknowledgments, if necessary):

Notary Public for Oregon
My commission expires:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

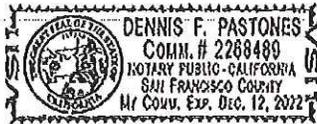
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Francisco)
On August 9, 2011 before me, Dennis F. Pastores, Notary Public,
Date Here Insert Name and Title of the Office
personally appeared Richard Thomas Vakeika and
Name(s) of Signer(s)
Cerissa Prongipno

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature D. Pastores
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Corporate Officer -- Title(s): _____

Partner -- Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

Signer's Name: _____

Corporate Officer -- Title(s): _____

Partner -- Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

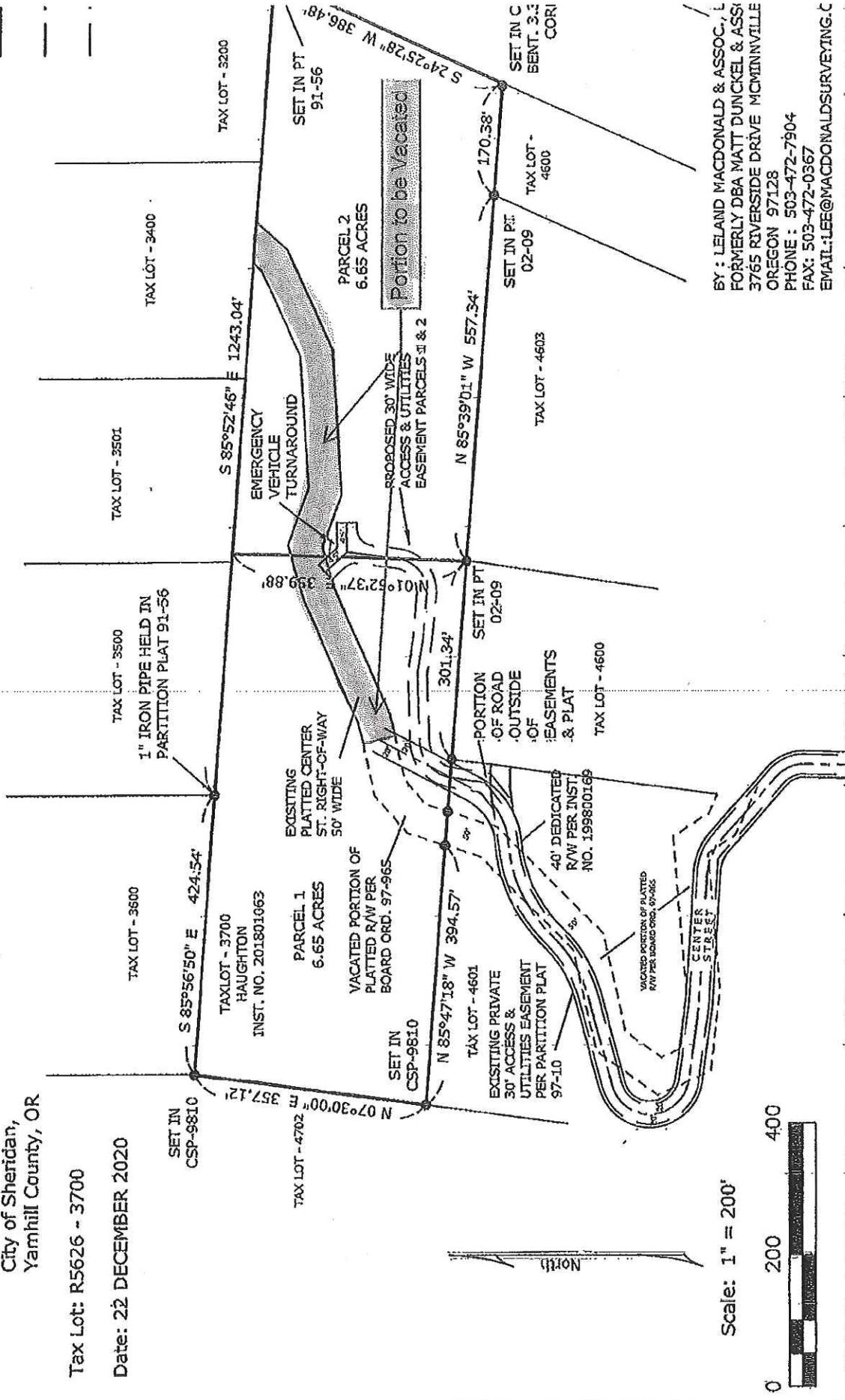
Tentative Partition Plan for:

Christopher Haughton

Location: 1/4 Section 26 T. 5 S., R. 6 W., WM.,
 Block 4 of HILL-CREST ADDITION,
 City of Sheridan,
 Yamhill County, OR

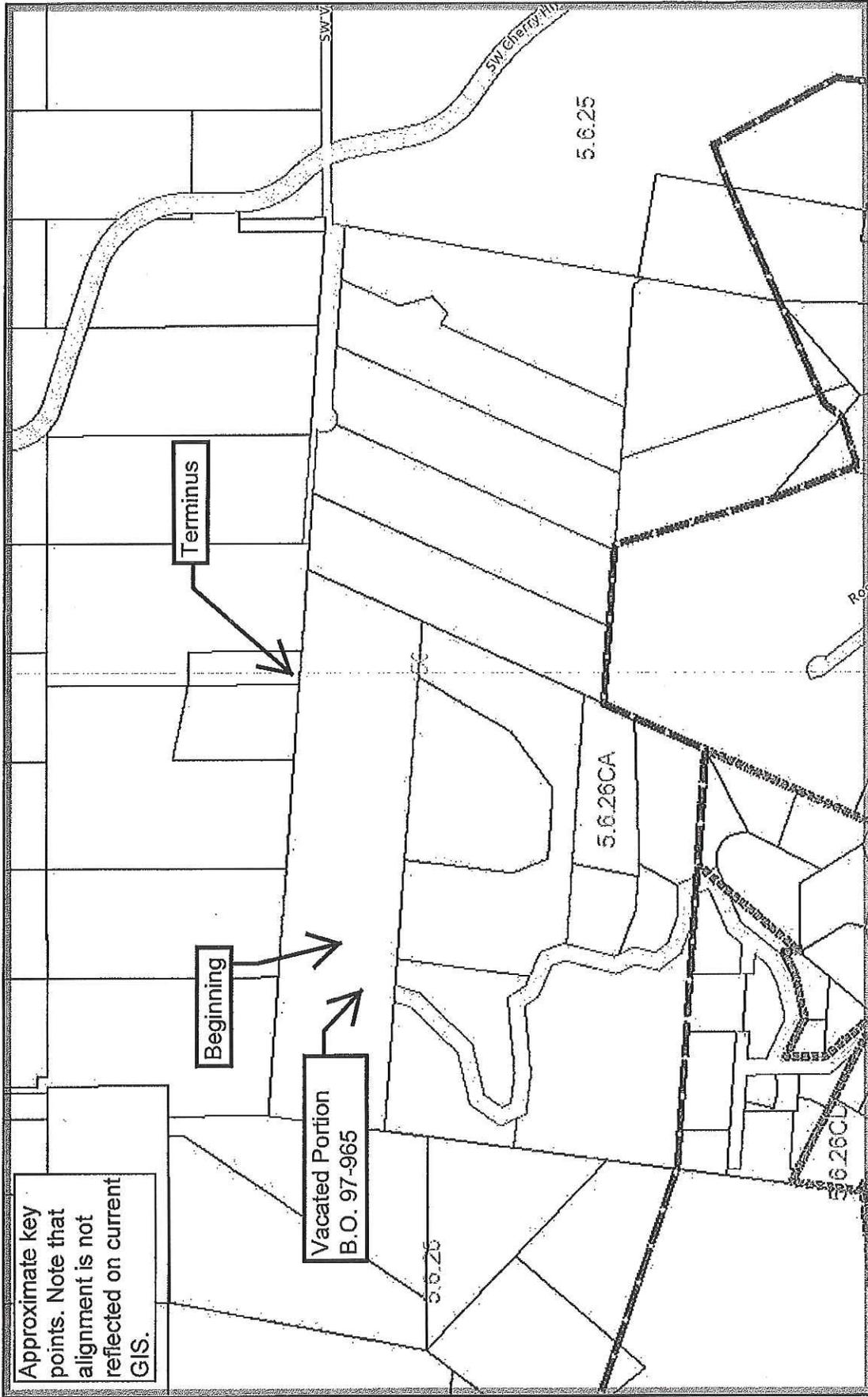
Tax Lot: R5626 - 3700

Date: 22 DECEMBER 2020



BY: LELAND MACDONALD & ASSOC., L
 FORMERLY DBA MATT DUNCKEL & ASS
 3765 RIVERSIDE DRIVE MCMINNVILLE
 OREGON 97128
 PHONE: 503-472-7904
 FAX: 503-472-0367
 EMAIL: LEE@MACDONALDSURVEYING.C

Yamhill County Map



Approximate key points. Note that alignment is not reflected on current GIS.

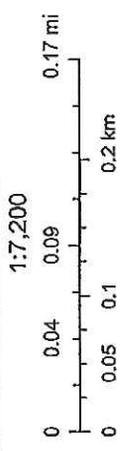
Terminus

Beginning

Vacated Portion
B.O. 97-965

5.6.25

5.6.26CA

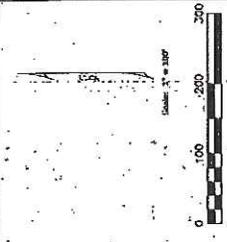


October 4, 2021

- SL County
- UGB_YamhillCo
- City Boundary
- Roads
- County Roads
- Surveys1
- Townships
- Taxlots
- Tax Label

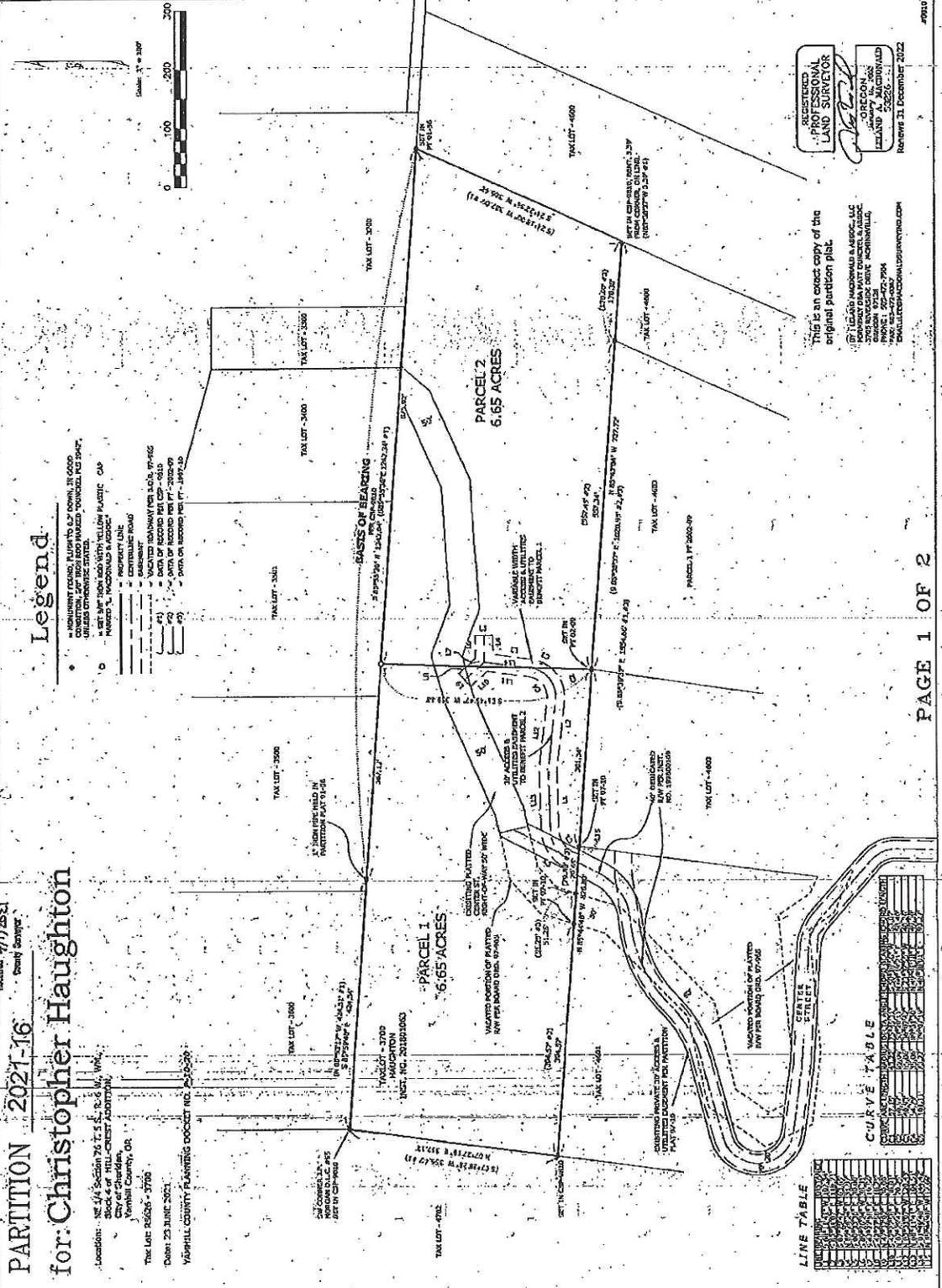
PARTITION 2021-16
for Christopher Houghton

Location: 18441 Saddle Creek Rd, S.E. of Hillsdale, Yamhill County, OR
 Tax Map: R20206 - 3700
 Date: 23 JUNE 2021
 Yamhill County Planning District No. 2-10-370



Legend

- UNIMPROVED CROSSING: Easement, E.P. ROW, R.O. ROW, CONVEYANCE, E.P. ROW, R.O. ROW, UNIMPROVED CROSSING, UNIMPROVED CROSSING
- SETBACK: 100' (MINIMUM) FOLLOW PLATING OR UNIMPROVED CROSSING
- PROPOSED LINE
- EXISTING ROAD
- EASEMENT
- DATA OF RECORD FOR CIP - 07-062
- DATA OF RECORD FOR CIP - 08-10
- DATA OF RECORD FOR CIP - 2002-09
- DATA OF RECORD FOR CIP - 1997-20



LINE TABLE

LINE NO.	BEARING	DISTANCE
1	N 89° 52' 00" E	120.00
2	S 89° 52' 00" W	120.00
3	S 00° 00' 00" W	120.00
4	N 89° 52' 00" E	120.00
5	S 89° 52' 00" W	120.00
6	S 00° 00' 00" W	120.00
7	N 89° 52' 00" E	120.00
8	S 89° 52' 00" W	120.00
9	S 00° 00' 00" W	120.00
10	N 89° 52' 00" E	120.00
11	S 89° 52' 00" W	120.00
12	S 00° 00' 00" W	120.00
13	N 89° 52' 00" E	120.00
14	S 89° 52' 00" W	120.00
15	S 00° 00' 00" W	120.00
16	N 89° 52' 00" E	120.00
17	S 89° 52' 00" W	120.00
18	S 00° 00' 00" W	120.00
19	N 89° 52' 00" E	120.00
20	S 89° 52' 00" W	120.00
21	S 00° 00' 00" W	120.00
22	N 89° 52' 00" E	120.00
23	S 89° 52' 00" W	120.00
24	S 00° 00' 00" W	120.00
25	N 89° 52' 00" E	120.00
26	S 89° 52' 00" W	120.00
27	S 00° 00' 00" W	120.00
28	N 89° 52' 00" E	120.00
29	S 89° 52' 00" W	120.00
30	S 00° 00' 00" W	120.00

CURVE TABLE

LINE NO.	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE	ARC DISTANCE
1	N 89° 52' 00" E	120.00	N 89° 52' 00" E	120.00	120.00
2	S 89° 52' 00" W	120.00	S 89° 52' 00" W	120.00	120.00
3	S 00° 00' 00" W	120.00	S 00° 00' 00" W	120.00	120.00
4	N 89° 52' 00" E	120.00	N 89° 52' 00" E	120.00	120.00
5	S 89° 52' 00" W	120.00	S 89° 52' 00" W	120.00	120.00
6	S 00° 00' 00" W	120.00	S 00° 00' 00" W	120.00	120.00
7	N 89° 52' 00" E	120.00	N 89° 52' 00" E	120.00	120.00
8	S 89° 52' 00" W	120.00	S 89° 52' 00" W	120.00	120.00
9	S 00° 00' 00" W	120.00	S 00° 00' 00" W	120.00	120.00
10	N 89° 52' 00" E	120.00	N 89° 52' 00" E	120.00	120.00
11	S 89° 52' 00" W	120.00	S 89° 52' 00" W	120.00	120.00
12	S 00° 00' 00" W	120.00	S 00° 00' 00" W	120.00	120.00
13	N 89° 52' 00" E	120.00	N 89° 52' 00" E	120.00	120.00
14	S 89° 52' 00" W	120.00	S 89° 52' 00" W	120.00	120.00
15	S 00° 00' 00" W	120.00	S 00° 00' 00" W	120.00	120.00
16	N 89° 52' 00" E	120.00	N 89° 52' 00" E	120.00	120.00
17	S 89° 52' 00" W	120.00	S 89° 52' 00" W	120.00	120.00
18	S 00° 00' 00" W	120.00	S 00° 00' 00" W	120.00	120.00
19	N 89° 52' 00" E	120.00	N 89° 52' 00" E	120.00	120.00
20	S 89° 52' 00" W	120.00	S 89° 52' 00" W	120.00	120.00
21	S 00° 00' 00" W	120.00	S 00° 00' 00" W	120.00	120.00
22	N 89° 52' 00" E	120.00	N 89° 52' 00" E	120.00	120.00
23	S 89° 52' 00" W	120.00	S 89° 52' 00" W	120.00	120.00
24	S 00° 00' 00" W	120.00	S 00° 00' 00" W	120.00	120.00
25	N 89° 52' 00" E	120.00	N 89° 52' 00" E	120.00	120.00
26	S 89° 52' 00" W	120.00	S 89° 52' 00" W	120.00	120.00
27	S 00° 00' 00" W	120.00	S 00° 00' 00" W	120.00	120.00
28	N 89° 52' 00" E	120.00	N 89° 52' 00" E	120.00	120.00
29	S 89° 52' 00" W	120.00	S 89° 52' 00" W	120.00	120.00
30	S 00° 00' 00" W	120.00	S 00° 00' 00" W	120.00	120.00

REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 LEONARD A. MCDONALD
 No. 25226
 Renewed 31 December 2022

This is an exact copy of the original partition plat.
 LEONARD A. MCDONALD & ASSOCIATES, LLC
 3200 AVENUE 5000 SUITE 1000
 PORTLAND, OREGON 97202-2904
 PHONE: 503-252-7904
 FAX: 503-252-7007
 EMAIL: LAM@LAMCDONALDANDASSOCIATES.COM

