

AFTER RECORDING, RETURN TO:

Board of County Commissioners
Columbia County Courthouse
230 Strand, Room 331
St. Helens, OR 97051

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed Vacation of a)
Portion of County Road # 3 and County Road) **ORDER NO. 42 - 2007**
44 near Vernonia, Oregon) (Finalizing Road Vacation)
)
[Dan & DeLinda Baer and Columbia County, Petitioners])

WHEREAS, Dan and DeLinda Baer filed a petition to vacate that portion of County Road # 44 crossing their property known as Tax Account No. 5427-000-00500; and

WHEREAS, the Baer petition met the requirements of ORS 368.341 by containing the signatures of owners of 100 percent of any private property proposed to be vacated and signatures of owners of 100 percent of property abutting any public property proposed to be vacated approving the proposed vacation; and

WHEREAS, proceedings for the vacation of a public right-of-way based on the petition were initiated administratively upon the filing of the petition with the Board; and

WHEREAS, pursuant to ORS 368.346, the petition was directed to the County road official with a request to file a written report containing (1) a description of the ownership and uses of the property proposed to be vacated, (2) an assessment of whether the vacation would be in the public interest, and (3) any other information required by the Board; and

WHEREAS, Dave Hill, the County Roadmaster, filed a report with the Board stating his assessment that it would be in the public interest to not only vacate that portion of County Road # 44 running through the Baer property, but to extend the vacation of County Road # 44, also known as County Road # 3 in some areas, from the Baer property to the west side of the Nehalem River, a copy of the Roadmaster's report being attached hereto, labeled Exhibit 1 and incorporated herein by this reference; and

WHEREAS, the right-of-way of a portion of County Road # 44 and County Road # 3 proposed to be vacated by the Baers and the County Roadmaster is generally described as:

All of County Road # 3 and County Road # 44 (prescriptive road as traveled and the dedicated road as described in the records of the County Clerk) located in Sections 22, 23, and 27 of Township 5 North, Range 4 West, Willamette Meridian, beginning at the centerline of the unnamed creek as proposed in the petition at the southerly end, and extending to the west bank of the Nehalem River at the northerly end.

And more specifically described as follows:

Beginning at the intersection of the center of County Road # 44 as traveled and an unnamed creek, said point being South 76°35'12" West 1008.68 feet from the Northeast corner of the Northwest one-quarter of the Southwest one-quarter of Section 27, Township 5 North, Range 4 West, Willamette Meridian, Columbia County, Oregon; thence easterly and northeasterly along the center of the County Roads in Sections 22, 23 and 27, Township 5 North, Range 4 West, Willamette Meridian, to the ordinary high water mark on the west bank of the Nehalem River.

and

WHEREAS, a map of the area proposed to be vacated is attached hereto, labeled Exhibit 2 and incorporated herein by this reference; and

WHEREAS, pursuant to ORS 368.341(1)(b) the Board of County Commissioners for Columbia County, Oregon, adopted Order No. 21 - 2007 initiating proceedings to vacate that certain public right-of-way comprised of a portion of County Road # 44 and County Road # 3 near Vernonia, Oregon, upon the recommendation of the County Roadmaster that the proposed vacation be extended from the Baer's northern property line to the west bank of the Nehalem River; and

WHEREAS, extending the proposed vacation as recommended by the County Roadmaster required the additional consents of abutting property owners Weyerhaeuser, Longview Fibre and John Hancock, which were obtained; and

WHEREAS, although the consents approving the proposed vacation were obtained from 100 percent of the owners of any private property proposed to be vacated and 100 percent of owners of property abutting any public property proposed to be vacated, the signatures on 2 of those consents were not acknowledged before a notary public as required by ORS 368.351 and, therefore, a hearing on the proposed vacation was required; and

WHEREAS, pursuant to ORS 368.346, a public hearing was held on March 21, 2007, at 10:00 a.m. in the Commissioners' Meeting Room, Room 308 of the Columbia County Courthouse, St. Helens, Oregon, to determine if the vacation of County Road # 44 and County Road # 3 as proposed by the Baers and the County Roadmaster 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.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Vacation of a portion of the public right-of-way known as County Road # 44 and County Road # 3, more particularly described as above and as shown in Exhibit 2, is in the public interest.

2. The property described above and depicted in Exhibit 2 is hereby vacated 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 public right-of-way.

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

4. Pursuant to Order No. 55-2001 and the decision of the Board of County Commissioners, the required fee of \$1,000 was paid by the petitioner, \$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:

SERVICE	FEE	SUBTOTAL
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
Recording Final Order by the Clerk	\$26.00 [first page]	\$ 26.00
	\$5.00 [each additional page x 14 pp.]	\$ 70.00
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 15 pp. x 2]	\$ 7.50
Posting the Approved Road Vacation by County Surveyor	\$70.00 [per parcel]	\$ 70.00
	TOTAL EXPENSES	\$209.50

5. 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	:	\$ 111.00
To County Surveyor	:	\$ 70.00

6. 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 28 day of March, 2007.

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\COUNTY RD 44\ORD FINAL.WPD


Columbia County Road Department

1054 Oregon Street, St. Helens, OR 97051

 Dave Hill, Public Works Director

Ph: (503) 366-3964 Fax: 397-7215

 e-mail: hilld@co.columbia.or.us

COLUMBIA COUNTY

JUN 30 2006

COUNTY COUNSEL

to: Board of County Commissioners
 via: Cynthia Zenzler, County Counsel
 from: Dave Hill, Public Works Director
 date: June 23, 2006

subject: Road Vacation, County Road #44, Petition by Baer

Dan and Delinda Baer have petitioned the Board of Commissioners to vacate a section of County Road #44 at the end of Woods Road near Vernonia, as shown on the attached maps. We have researched the records and we feel confident that either County Road #3 or County Road #44 (a relocation of County Road #3) exists in the vicinity as shown on the attached USGS topo maps. At Highway 47 near Pittsburg, I found old bridge pilings at the end of an old road grade that I believe to be the original county road in this area. I have also attached the original survey map of County Road #44 prepared in 1889, and the recent survey prepared by KLS Surveying of the area proposed to be vacated. County Road #44 was originally located from the Washington County line near Highway 47, through Vernonia, Pittsburg, and Mist to the Clatsop County line west of Birkenfeld.

The Baer's currently live at the end of what is commonly known as Woods County Road. The road ends at their residence. The land beyond the Baer residence has been recently cleared by a dozer and in a wet condition it is impassible by motor vehicles. The land would be used as farm land for either timber production or pasture. There is evidence of an old road grade (dirt road only) beyond the Baer property and on John Hancock property that I assume is the old County Road but this is not confirmed.

I have attached the Assessor's maps and I have indicated on the maps the location where I believe to be the old County Road. I have also indicated the landowners between the area proposed to be vacated and the Nehalem River near Pittsburg. Those landowners are John Hancock, Stimson, and Longview Fibre. (John Hancock Co. has signed the consent for the proposed vacation and they will apparently retain an easement across this vacated area to access some of their property.)

I recommend that the County initiate vacation of all of County Road #3 and #44 between the Nehalem River and the area proposed to be vacated, which is a much longer section of County Road to be vacated than what is asked for by the Baers. There are adequate timber harvest roads in this area and there is no need to use this right-of-way for any other purpose. Highway 47 is

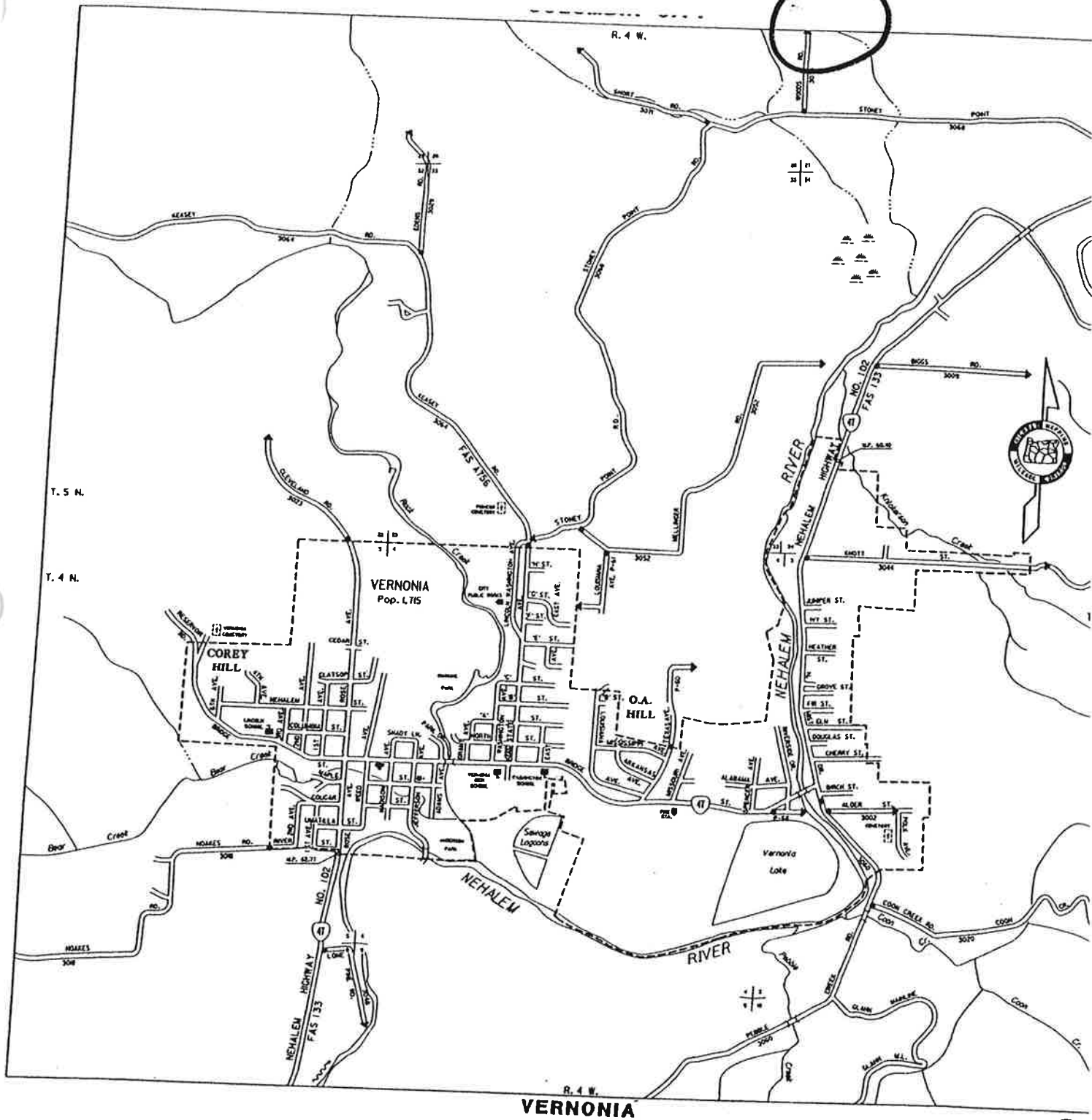
located just east of the Nehalem River, and there may be reason to keep access to the river, so I would not recommend vacating beyond the west bank of the Nehalem River.

Therefore, in the matter of public interest, I recommend vacating all of County Road #3 and County Road #44 (prescriptive road as traveled and the dedicated road as described in the records of the County Clerk) located in Sections 22, 23, and 27 of Township 5 North Range 4 West, WM., beginning at the centerline of the unnamed creek as proposed in the petition at the southerly end, and extending to the west bank of the Nehalem River at the northerly end, more specifically described as follows:

Beginning at the intersection of the center of County Road as traveled and an unnamed creek, said point being $S76^{\circ}35'12''W$ 1008.68 feet from the Northeast corner of the Northwest one-quarter of the Southwest one-quarter of Section 27, T5N R4W, WM, Columbia County, Oregon; thence easterly and northeasterly along the center of the County Roads in Sections 22, 23, and 27 to the ordinary high water mark on the west bank of the Nehalem River.

In order to accomplish this I recommend that the County send a copy of this report to John Hancock, Stimson, and Longview Fibre and ask that they sign the consent to the vacation.

SUBJECT AREA



VICINITY MAP

Send To Printer

Back To TerraServer

Change to 11x17 Print Size

Show Grid Lines

Change to Landscape

USGS 3 km NE of Vernonia, Oregon, United States 01 Jul 1979

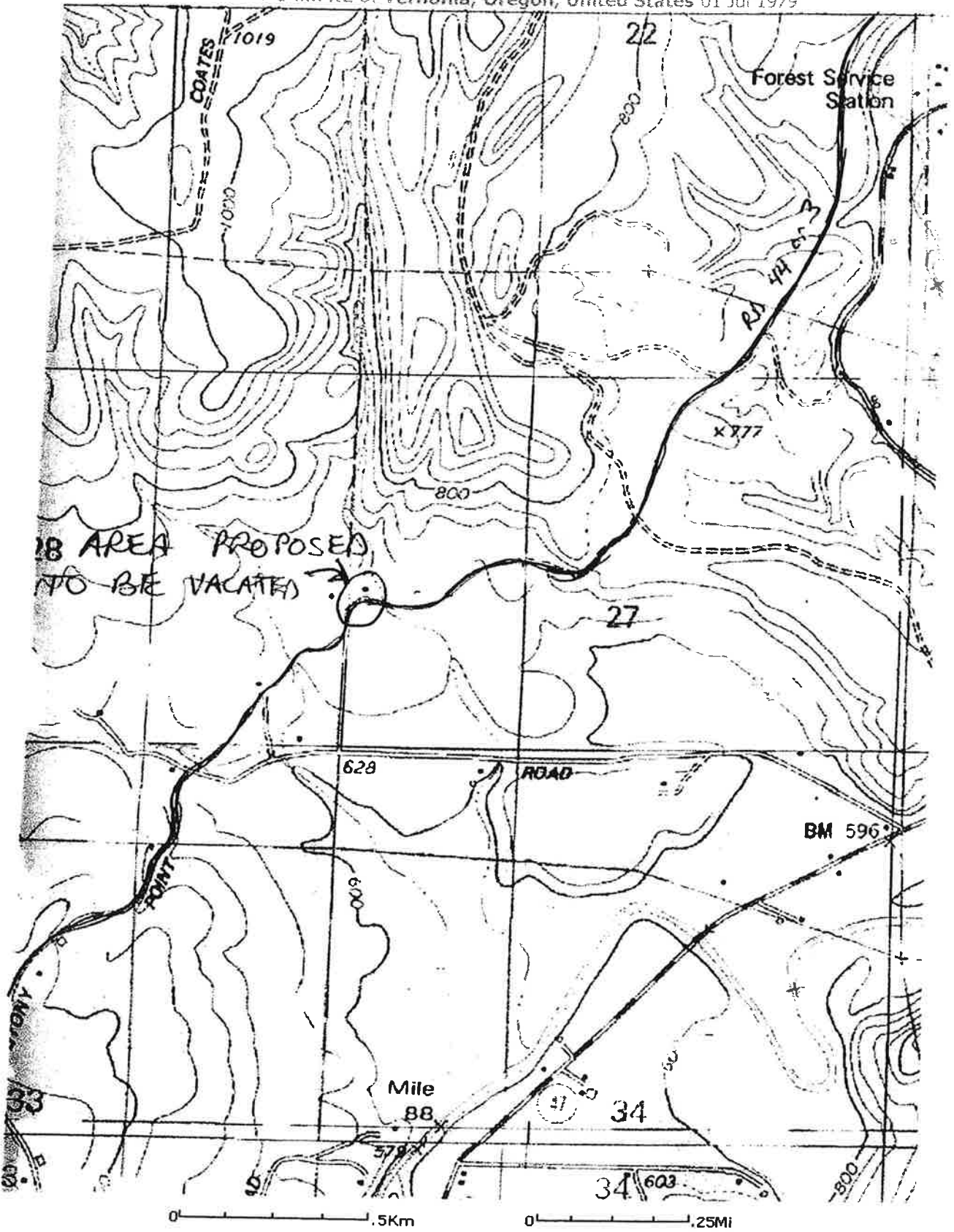


Image courtesy of the U.S. Geological Survey

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Send To Printer

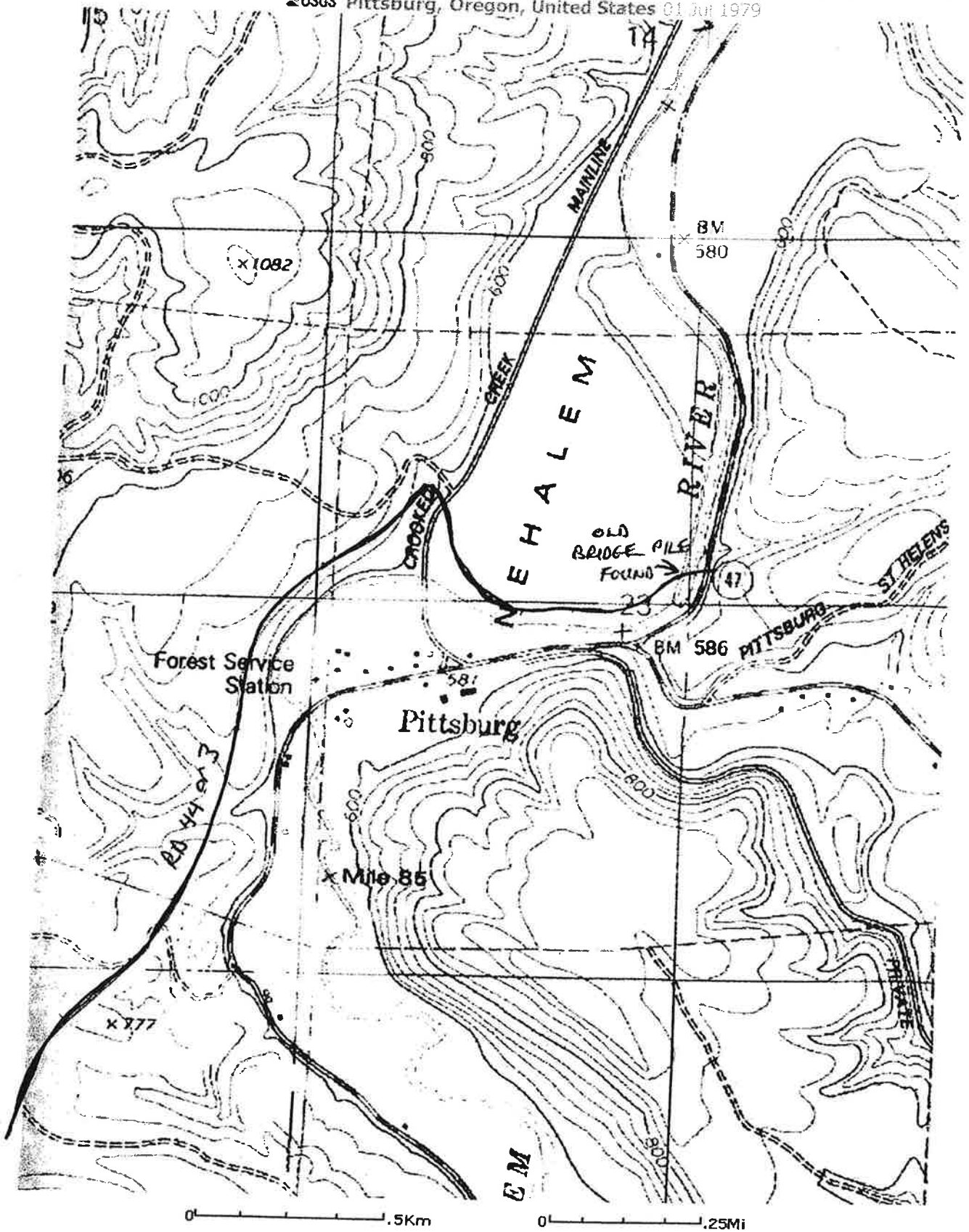
Back To TerraServer

Change to 11x17 Print Size

Show Grid Lines

Change to Landscape

USGS Pittsburg, Oregon, United States 01 Jul 1979



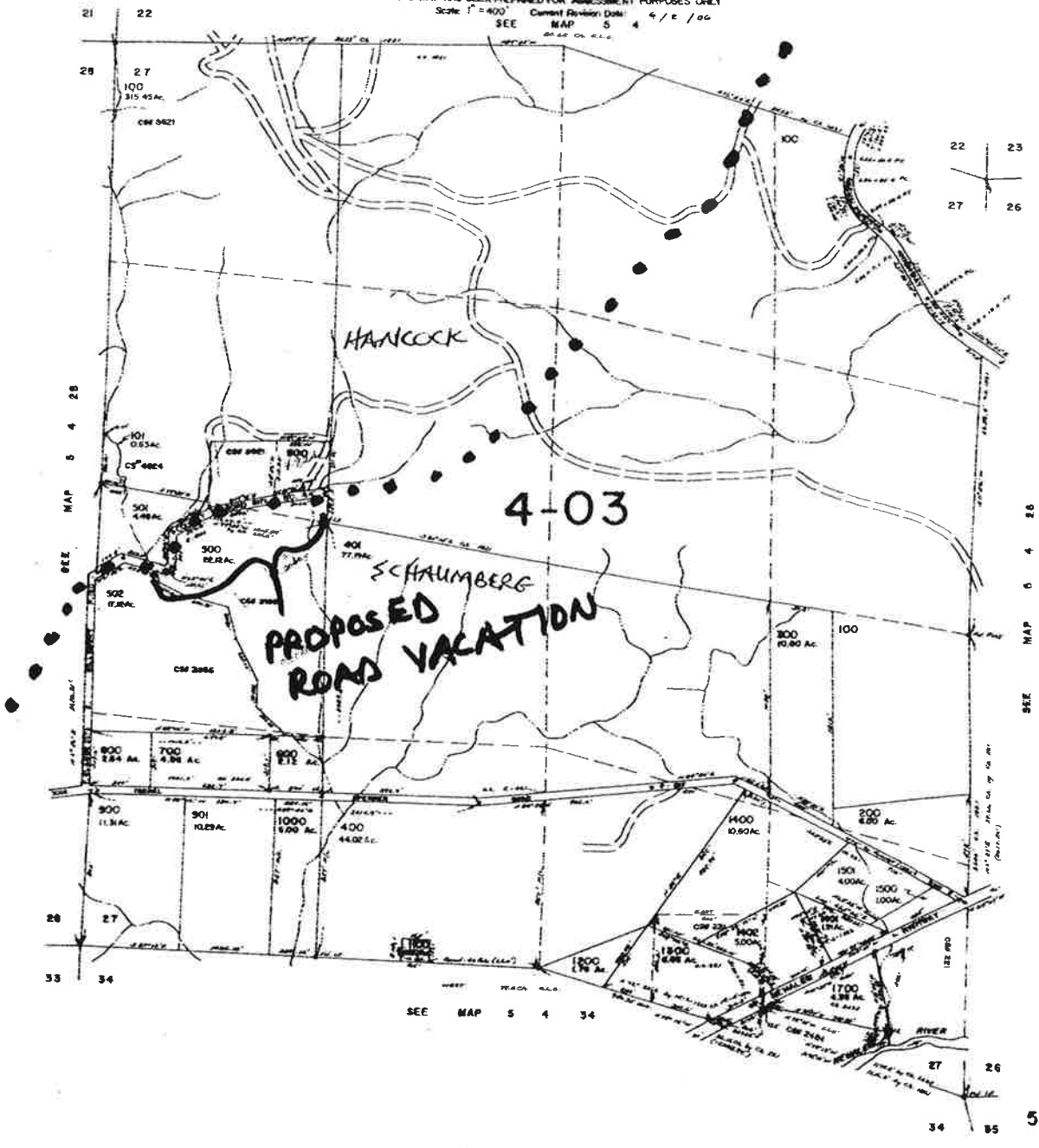
SECTION 27 T5N R4W W.M.

COLUMBIA COUNTY

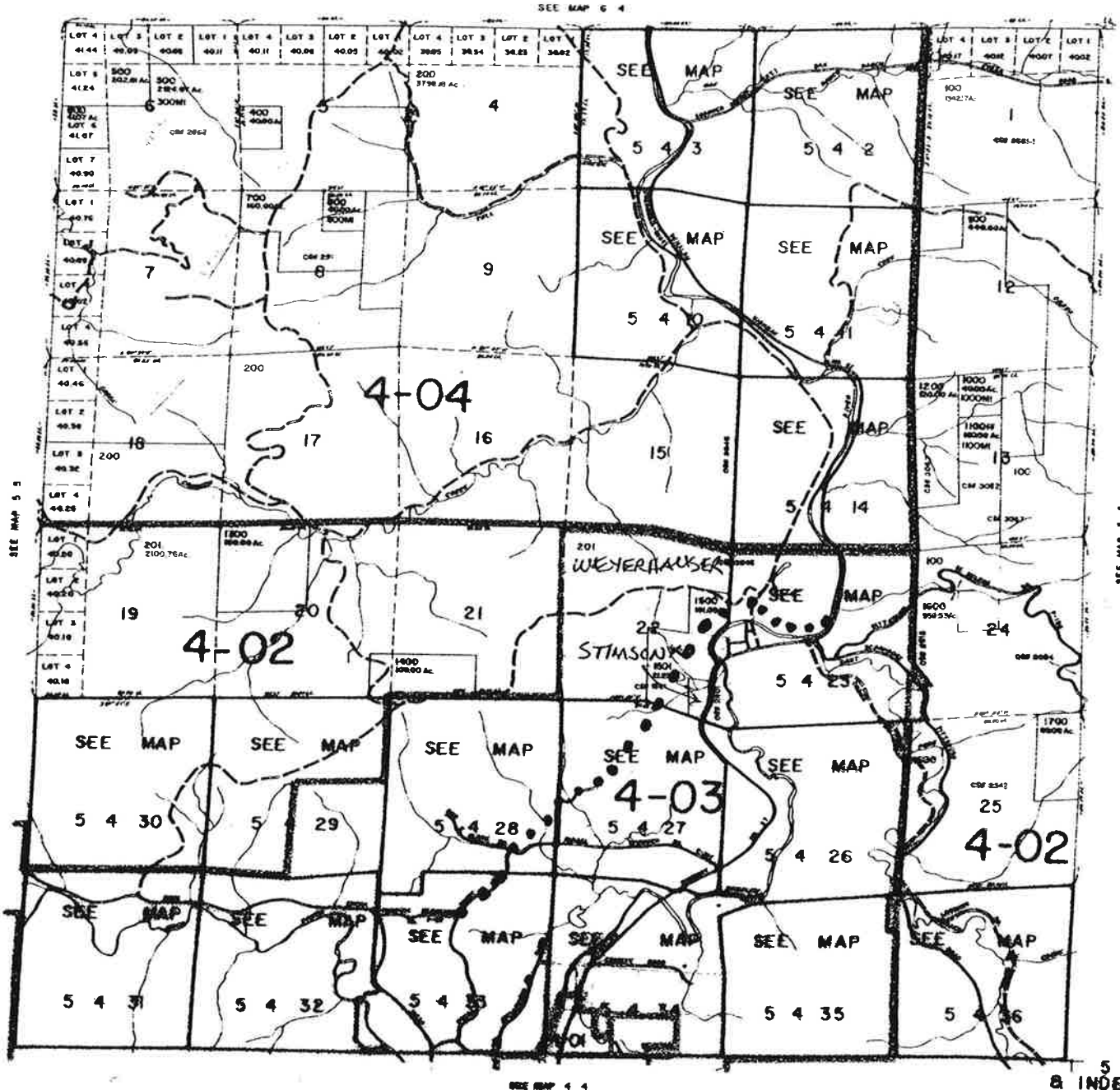
THIS MAP HAS BEEN PREPARED FOR AGGREGATION PURPOSES ONLY

Scale: 1" = 400' Current Revision Date: 4/2/00

SEE MAP 5 4

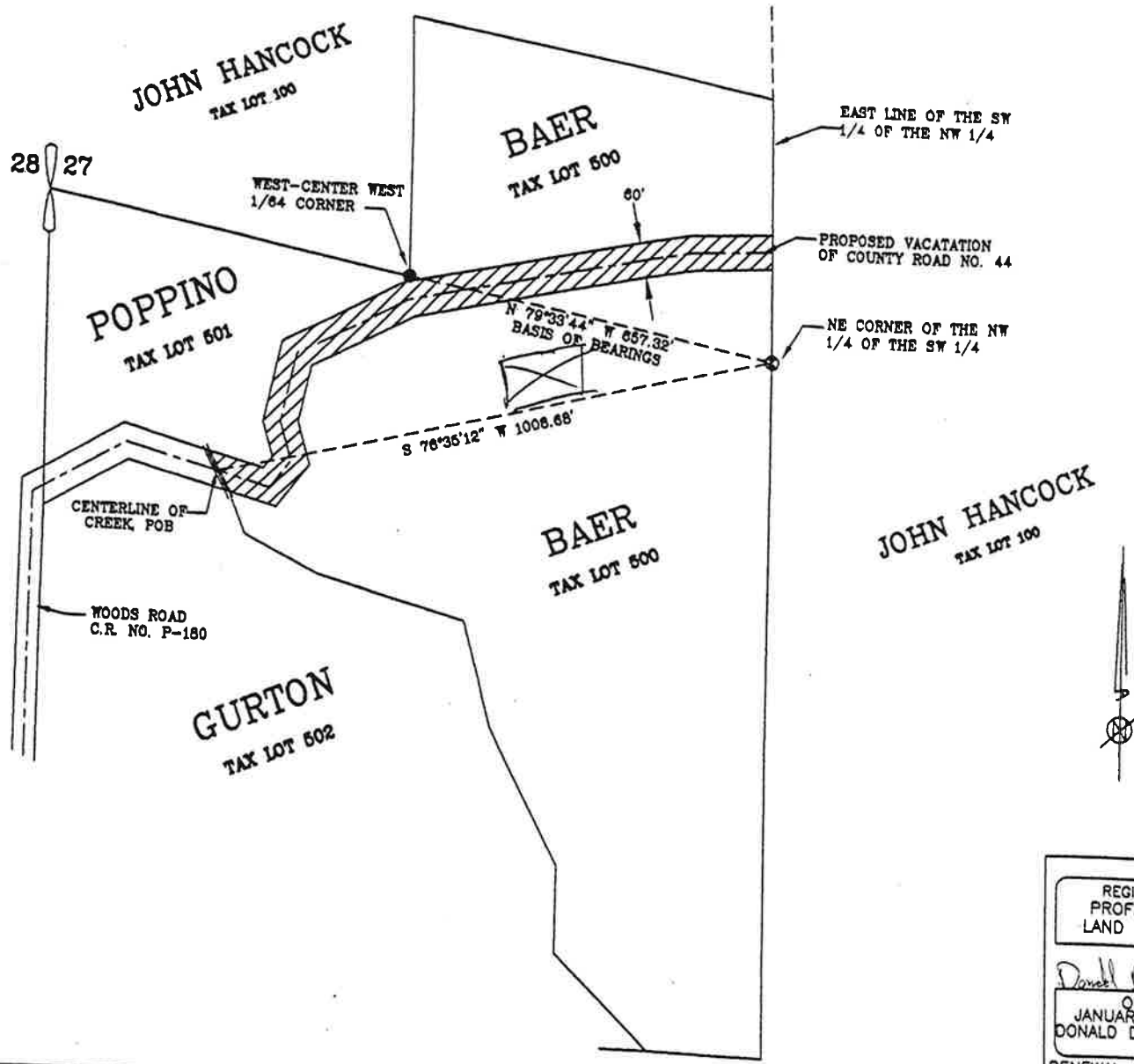


SEE MAP 5 4 34



COUNTY RD # ORIGINAL MAP





PROPOSED VACATION OF
 COUNTY ROAD NO. 44
 IN THE WEST 1/2 OF
 SECTION 27, T5N, R4W, W.M.,
 COLUMBIA COUNTY, OREGON
 SCALE 1" = 200' DEC. 27, 2005

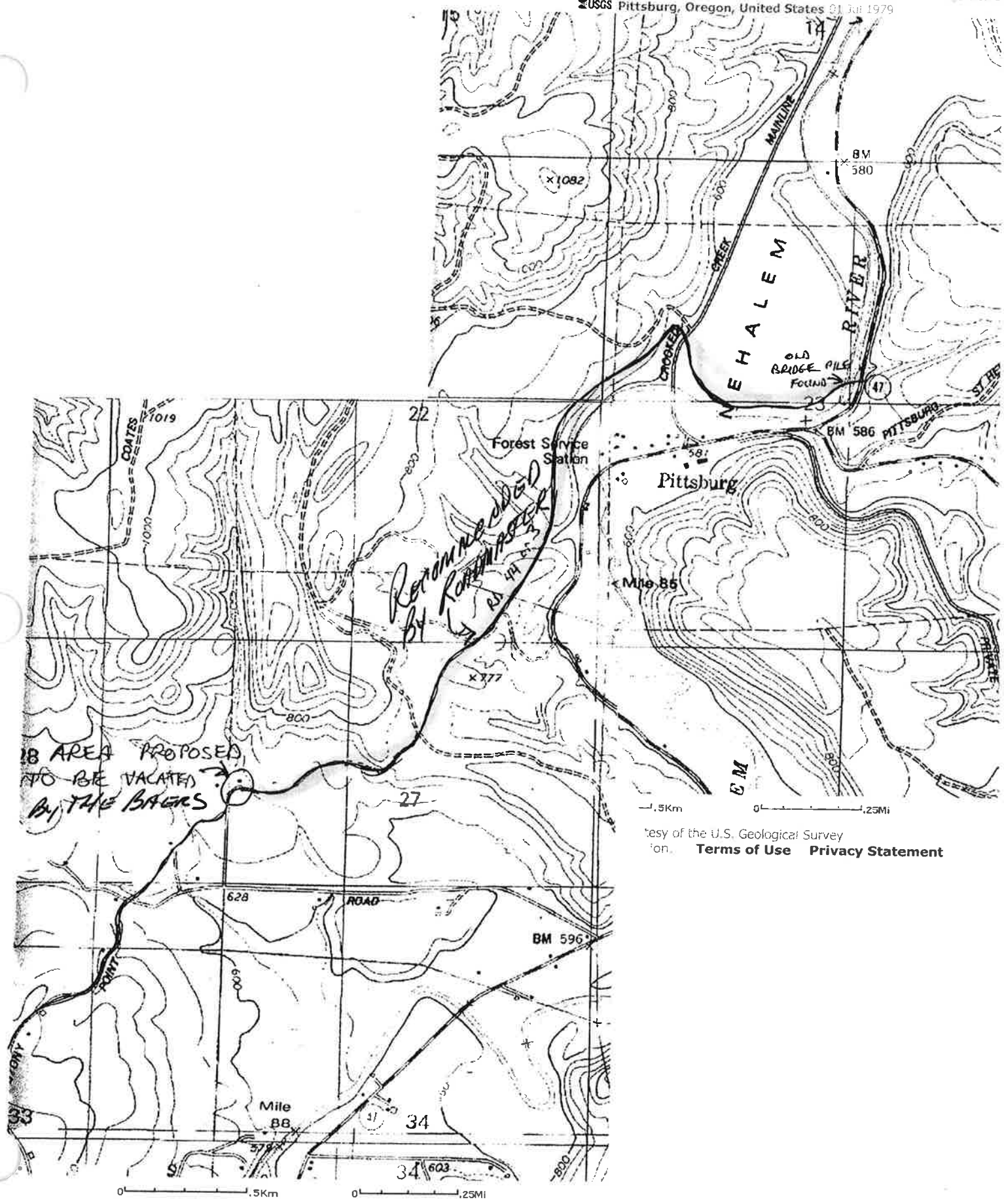
LEGAL DESCRIPTION OF VACATION:
 BEGINNING AT THE INTERSECTION OF THE CENTER OF
 COUNTY ROAD NO. 44 AND AN UNNAMED CREEK, SAID POINT
 BEING S 78°36'12" W 1008.68 FEET FROM THE NORTHEAST
 CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4
 OF SECTION 27, T5N, R4W, W.M., COLUMBIA COUNTY, OREGON;
 THENCE EASTERLY AND NORTHEASTERLY ALONG THE
 CENTER OF SAID COUNTY ROAD NO. 44, 1230 FEET MORE OR
 LESS TO THE INTERSECTION WITH THE EAST LINE OF THE
 SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION
 27, SAID POINT BEGIN THE TERMINUS THEREOF.

LEGEND

- = MONUMENT FOUND PER CS NO. 3621
- ⊙ = MONUMENT FOUND PER CS NO. 3562
- CS NO. = RECORD SURVEY NO.

REGISTERED PROFESSIONAL LAND SURVEYOR <i>Donald D. Wallace Jr.</i> OREGON JANUARY 19, 1993 DONALD D. WALLACE JR. 2601 RENEWAL DATE 6/30/06	K.L.S. SURVEYING INC. 1224 ALDER ST. VERNONIA, OR 97064 (503) 429-6115	JOB No. 05-210
		PROJECT No. 05-210
		DRAWN BY: SND
		FIELD: SND/TBM
		EQUIPMENT: GTS300/TDS48
		REVISED: 11/10/05

USGS Pittsburg, Oregon, United States 31 Jul 1979



U.S. Geological Survey
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