

Tillamook County, Oregon 2023-003098

07/17/2023 04:28:53 PM

DEED-VACAT

\$160.00 \$11.00 \$61.00 \$10.00 \$25.00 \$23.50 - Total = \$290.50



00236794202300030980320322

I hereby certify that the within instrument was received for record and recorded in the County of Tillamook, State of Oregon.

Tassi O'Neil, Tillamook County Clerk

AFTER RECORDING, RETURN AND SEND ALL TAX STATEMENTS TO:

Arthur Robert Taylor (Bob)
Tax Lot #T4S R10W 19CA 1601
22675 SW Vermillion Drive
Tualatin, OR 97062

Howard Davidson LLC
c/o Steve Howard
Tax Lot #T4S R10W 19CA 1500
21516 NW 31st Avenue
Ridgefield, WA 98642

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

In the Matter of the Vacation of a Portion) ORDER
of Spring Street, Pacific City, Tillamook) #23-045
County, Oregon)

This matter came before the Tillamook County Board of Commissioners on July 5th, 2023, at the request of at the request of Chris Laity, Director, Public Works at which time it appears that Road Vacation #23-569 was filed by property owners on March 20th, 2023, in accordance with ORS 368.341. The road to be vacated is described in the attached Exhibit A.

The Board of Commissioners being fully appraised of the records and files herein, finds as follows:

1. The Road Vacation Petition #23-569 was properly filed with the Tillamook County Clerk on March 20th, 2023, in accordance with ORS 368.341.
2. The Petitioners own 100% percent of the properties fronting the road vacation.
3. The road to be vacated is legally a Public Road.

4. The road to be vacated is a County Road.
5. Public Notices were not required as a part of this petition as indicated in ORS 368.351.
6. The Tillamook County Director of Public Works prepared and filed with the Board of Commissioners a written report which includes the assessment that the proposed vacation would be in the public interest, in accordance with ORS 368.351.
7. Therefore, after considering the Tillamook County Director of Public Work's engineer report, records, and files regarding this matter, the Board of Commissioners determines that the proposed vacation of the above described road is in the public interest and that the above described road should be vacated.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

8. In accordance with ORS 368.351, the road as described in Exhibit A be and hereby is vacated.

DATED this 5th day of July 2023.

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent

Erin D. Skaar
Erin D. Skaar, Chair

✓ /

Mary Faith Bell
Mary Faith Bell, Vice-Chair

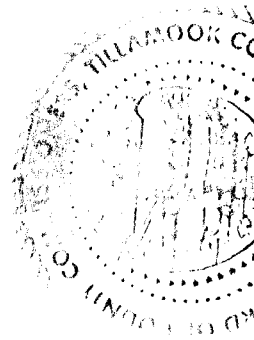
0 /

David Yamamoto
David Yamamoto, Commissioner

[Signature] /

ATTEST: Tassi O'Neil
County Clerk
By: *Tassi O'Neil*
Special Deputy

APPROVED AS TO FORM:
[Signature]
William K. Sargent, County Counsel



PUBLIC WORKS DEPARTMENT



503 Marolf Loop Road
Tillamook, Oregon 97141
Roads (503) 842-3419
Solid Waste (503) 815-3975
FAX (503) 842-6473
Email: pubwks@co.tillamook.or.us
TTY Oregon Relay Service

Land of Cheese, Trees, and Ocean Breeze

**PETITION TO VACATE PUBLIC RIGHT OF WAY #569
PUBLIC WORKS STAFF REPORT**

Date: June 15th, 2023

Report Prepared by: Jasper Lind, Engineering Technician
For Chris Laity, P.E., Director

I. GENERAL INFORMATION

Request: Petition to vacate the west end of Spring Street between Brooten Road and the Nestucca River, in Pacific City.

Area of Interest: An area of dedicated public right of way between blocks 16 and 17 in Malaney's Addition located in Township 04 South, Range 10 West, Section 19CC, of the Willamette Meridian, Tillamook, Oregon.

Petitioner: The petitioners represent 100% of private land abutting the Right of Way identified in the petition and all are signatories to the petition

II. APPLICABLE STATUTES / ORDINANCES:

- 1) ORS 368.326 to 368.426
- 2) (By Reference from ORS Ch. 92.180 thru 92.192)

III. REVIEW:

1. Right of Way History

- 1) **Creation** – Petition #569 requests the vacation of a portion of public right of way originally recorded in the 1895 plat of Malaney's Addition to Ocean Park, Tillamook County, Oregon. The Spring Street right of way was initially an unnamed road within this map.
- 2) **Prior Vacation / Dedication / Property Line Adjustment** – Since the time of the original Plat many of the original lots have been consolidated into larger parcels. Some right of ways have been renamed (First Street became Brooten Road), while others have been vacated. The current version of the Tillamook County Assessor's Tax Map represents the current private parcel configuration.

2. Current Petition to Vacate

- 1) The stated intent of the petitioners is to remove Public Right of Way from the land identified in the petition.
- 2) 100% of the adjacent or affected landowners are participating in the petition.

IV. PUBLIC ACCESS / TRANSPORTATION SYSTEM or FINANCIAL IMPACT:

- 1) There is an improvement to the County wide transportation system due to a newly offered stormwater easement.
- 2) There are no financial costs to Tillamook County.
- 3) This petition results in converting land not suitable for transportation use to private ownership.
- 4) This petition has no impact on access to beaches, or other recreational property.
- 5) This petition does have a minor impact on access to the Big Nestucca River (see attached images).

V. STATUS OF PUBLIC UTILITIES

- 1) There are no existing public utilities in the right of way indicated in the petition except for Pacific City Joint Water and Sanitary Authority who has an existing easement agreement with the petitioners. Any future development shall include private agreements between individual landowners and their chosen utility providers.

VI. PETITION CONCLUSION AND RECOMMENDATIONS:

- 1) Tillamook County Engineering staff has reviewed the subject petition, its supporting documentation, and visited the site.
- 2) The subject property is located between block 16 and block 17 of Malaney's Addition to Ocean Park, Tillamook County, Oregon. It is bounded on the east by the Brooten Road Right of Way and on the west by Big Nestucca River.
- 3) The expressed intent of the Petitioner is to remove all remaining public right of way as described in the documents provided with the Petition.
- 4) Engineering staff recommends **Approval** of Vacation Petition #569 with the **following conditions**:
 - a) Approval of this petition for Vacation in no way relieves the affected properties, their heirs or assigns, from easements or encumbrances not identified herein.
 - b) All fees associated with professional services, document preparation and public recording are to be the sole responsibility of the petitioners. Final field survey and mapping are to be completed based on BOCC approval with all recording to be completed within one calendar year.
 - c) It is the sole responsibility of the petitioners to establish and maintain access and utility easements as may be necessary to facilitate existing and future access, egress, and utilities over and across the land affected by approval of this petition.

VII. EXHIBIT LIST:

1. Petition Verification letters from Tillamook County Clerk & Assessor
2. Original Petition
3. Proposed Stormwater Easement
4. Maps including tax map, surveys, and the original Plat #C-0232
5. Images from satellite and local perspective



Land of Cheese, Trees and Ocean Breeze

**TASSI O'NEIL
TILLAMOOK COUNTY CLERK
201 LAUREL AVENUE
TILLAMOOK, OR 97141
(503) 842-3402**

Received

MAR 23 2023

Tillamook County
Board of Commissioners

Tillamook County Board of Commissioners
201 Laurel Avenue
Tillamook, OR 97141

**RE: Petition No. 569 – Petition to vacate the west end of Spring Street,
Pacific City**

Dear Commissioners:

Enclosed is a certified copy of Petition No. 569 filed March 20, 2023, to vacate the west end of Spring Street, Pacific City

Certification from the Assessor regarding ownership was received on March 21, 2023, a copy of which is enclosed along with a certified copy of the Petition.

Thank you in advance for your assistance in this matter.

Sincerely,

Tassi O'Neil
Tillamook County Clerk

Enclosures

Tillamook County
Department of Assessment and Taxation
201 Laurel Avenue
Tillamook, Oregon 97141

March 21, 2023

Tassi O'Neil
Tillamook County Clerk
201 Laurel Avenue
Tillamook, Oregon 97141

FILED
MAR 21 2023
TASSI O'NEIL
COUNTY CLERK

RE: Petition No. 569 – Petition to vacate the west end of Spring Street, Pacific City

Dear Ms. O'Neil:

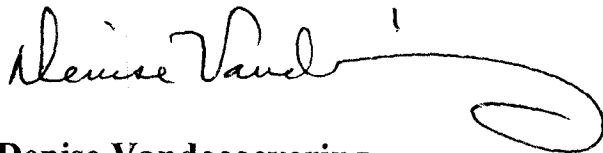
I have researched our records and certify the following in the proposed vacation:

Map 4S10 19CA 01601-Petitioner Bob Taylor, 22675 SW Vermillion Drive, Tualatin, 97062
-Owner of record shows ARTHUR ROBERT TAYLOR, same mailing address

Map 4S10 19CA 01500-Owner of Record is HOWARD DAVIDSON LLC
-Petitioners are Steve Howard, President; Vince Howard, Member;
And Jeremy Davidson, Member

This certification is in accordance with ORS 368.341(3)(f).

Respectfully,



Denise Vandecoevering
Assessor & Tax Collector

cc. Wendy Schink, GIS Cartographic Analyst
cc. KaSandra Larson, Chief Deputy of Assessment & Taxation

569

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FILED

FOR TILLAMOOK COUNTY, OREGON

MAR 20 2023

TASSI O'NEIL
COUNTY CLERK

IN THE MATTER OF THE VACATION OF)
WEST END OF SPRING)
STREET, PACIFIC CITY)

PETITION TO VACATE

I. The undersigned person(s) hereby petitions the Tillamook County Board of Commissioners to vacate the following described property:

THE DEAD END PORTION OF SPRING STREET
WEST OF BROOKEN ROAD IN PACIFIC CITY
OREGON

(Use separate sheet if more space is needed)
and certifies that all information contained in this Petition is true and complete.

II. The reasons for requesting this vacation are:

THIS WILL PROVIDE ADDITIONAL PARKING
FOR RIVERHOUSE NESTUCCA RESTAURANT,
AS WELL AS PLACING THE DUMPSTER
AND ITS STRUCTURE WITHIN PRIVATE PROPERTY.
IT WILL ALSO INCREASE PROPERTY SIZE AND
VALUE.

(Use separate sheet if more space is needed)

III. Names and addresses of all persons holding any recorded interest in the property proposed to be vacated are:

NAME & ADDRESS	DESCRIPTION OF INTEREST
<u>TILLAMOOK COUNTY</u> <u>OF WAY</u>	<u>PUBLIC RIGHT</u>

(Use separate sheet if more space is needed)

IV. The names and addresses of all persons (including utilities) owning any improvements constructed on the property proposed to be vacated:

TILLAMOOK COUNTY PUBLIC WORKS (STORM WATER DRAINAGE)

PACIFIC CITY WATER & SEWER

STEVE HOWARD - DUMPSTER ENCLOSURE

(Use separate sheet if more space is needed)

V. The names and addresses of all persons owning any real property abutting the property proposed to be vacation are:

NAME & ADDRESS

DESCRIPTION OF PROPERTY

(Use Tax Lot No. if available)

STEVE HOWARD - RIVERHOUSE NESTUCCA RESTAURANT
HOWARD DAVIDSON LLC 34450 BROOKER RD. PACIFIC CITY OR
TAX MAP 451019CA01500

BOB TAYLOR - SOUTH ADJUTING UNDEVELOPED PARCEL
451019CA01601 LOT #1601

(Use separate sheet if more space is needed)

VI. Attached to this Petition are 4 pages containing the notarized signatures of:

Owners of 100% of the land abutting the property proposed to be vacated.

Owners of at least 60% of the land abutting the property proposed to be vacated.

At least 60% of the owners of the land abutting the property proposed to be vacated.

VII. The property proposed to be vacated:

Will not be redivided in any manner.

Will be redivided as shown on the attached subdivision or partition plan.



TILLAMOOK COUNTY
PETITION TO VACATE
SIGNATURE SHEET

Signature required in Section VI of the Petition to Vacate the following described property:

PACIFIC CITY, OREGON
THE DEAD END PORTION OF SPING STREET (WEST END)
AT BROOKEN ROAD AND BORDERING NESTUCLA
RIVER

Description of owned property that abuts the property proposed to be vacated (Use legal description or Tax Lot Number)

4S1019CA01601, Lot# 1601
Brooken Road, PACIFIC CITY OR 97135

I certify that I am the owner of property that abuts the property proposed to be vacated, and approve of the proposed vacation

Signed and Dated this 6 day of January, 2023



Signature BOB TAYLOR

22675 SW Vermillion Drive
Tualatin OR 97062

Address

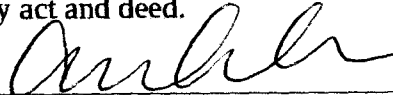
Signature

City, State, Zip

ACKNOWLEDGEMENT

NOTARY PUBLIC)
STATE OF OREGON) ss.
County of ~~Tillamook~~ Clackamas

On January 6th, 2023, the above named person appeared before me and acknowledged the foregoing instrument to be a voluntary act and deed.



Notary Public for the State of Oregon
My Commission Expires: 9-26-2026

TILLAMOOK COUNTY
PETITION TO VACATE
SIGNATURE SHEET

Signature required in Section VI of the Petition to Vacate the following described property:

PACIFIC CITY OREGON
THE DEAD END PORTION OF SPRING ST (WEST END)
AT BROOKEN ROAD AND BORDERING NESTUCCA
RIVER

Description of owned property that abuts the property proposed to be vacated (Use legal description or Tax Lot Number)

TAX MAP 451019CA 01500

I certify that I am the owner of property that abuts the property proposed to be vacated, and approve of the proposed vacation

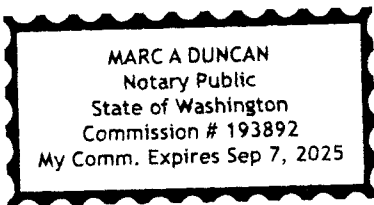
Signed and Dated this 13 day of JANUARY, 2023

[Signature] 21516 NW 31st Ave Ridgefield
Signature STEVE HOWARD - PRESIDENT Address WA 98642
HOWARD DAVIDSON LLC

ACKNOWLEDGEMENT

NOTARY PUBLIC)
STATE OF OREGON) ss.
County of Tillamook)

On 01/13, 2023, the above named person appeared before me and acknowledged the foregoing instrument to be a voluntary act and deed.



[Signature]
Notary Public for the State of Oregon
My Commission Expires: 09/07/2025

TILLAMOOK COUNTY
PETITION TO VACATE
SIGNATURE SHEET

Signature required in Section VI of the Petition to Vacate the following described property:

Pacific City Oregon
The dead end portion of Spring St. (west end)
AT BROOKEN ROAD AND BORDERING NESTUCKA
RIVER.

Description of owned property that abuts the property proposed to be vacated (Use legal description or Tax Lot Number)

TAX MAP 451019CA01500

I certify that I am the owner of property that abuts the property proposed to be vacated, and approve of the proposed vacation

Signed and Dated this 21 day of JAN, 2023

Vince Howard
Signature VINCE HOWARD
MEMBER HOWARD DAVIDSON LLC

10804 W. Camino Dr.
Address

Signature

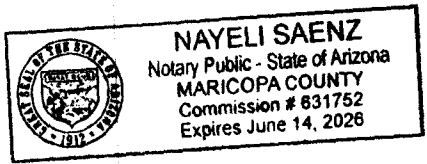
Sun City, Arizona
City, State, Zip 85351

ACKNOWLEDGEMENT

NOTARY PUBLIC
STATE OF ~~OREGON~~) Arizona
County of ~~TILLAMOOK~~) MARICOPA

On January 21, 2023, the above named person appeared before me and acknowledged the foregoing instrument to be a voluntary act and deed.

Nayeli Saenz
Notary Public for the State of ~~Oregon~~ Arizona
My Commission Expires: June 14, 2026



TILLAMOOK COUNTY
PETITION TO VACATE
SIGNATURE SHEET

Signature required in Section VI of the Petition to Vacate the following described property:

PACIFIC CITY OREGON
The dead end portion of SPRING STREET (west end)
AT BROOTEN ROAD AND BORDERING NESTUCKA
RIVER.

Description of owned property that abuts the property proposed to be vacated (Use legal description or Tax Lot Number)

34450 BROOTEN RD. PACIFIC CITY, OR 97135
CODE: 2202
MAP: 4S1019CA01500

I certify that I am the owner of property that abuts the property proposed to be vacated, and approve of the proposed vacation

Signed and Dated this 27 day of January, 2023

[Signature]
Signature JEREMY DAVIDSON
MEMBER HOWARD DAVIDSON LLC

P.O. BOX 441
Address

Signature

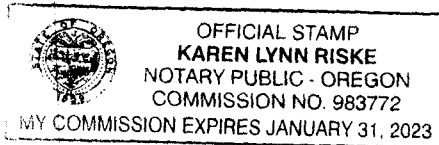
Pacific City Oregon 97135
City, State, Zip

ACKNOWLEDGEMENT

NOTARY PUBLIC)
STATE OF OREGON) ss.
County of Tillamook)

On January 27, 2023, the above named person appeared before me and acknowledged the foregoing instrument to be a voluntary act and deed.

[Signature]
Notary Public for the State of Oregon
My Commission Expires: 1-31-23





PACIFIC CITY JOINT WATER-SANITARY AUTHORITY

34005 Cape Kiwanda Drive · Post Office Box 520

Pacific City, Oregon 97135

Phone (503) 965-6636 · Fax (503) 965-6056

March 7, 2023

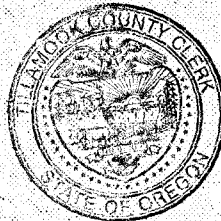
Steve Howard
Riverhouse Nestucca
34450 N Brooten Rd.
Pacific City, OR 97135

Dear Mr. Howard,

As you know, the Pacific City Joint Water-Sanitary Authority (PCJWSA) has an existing easement to enable the utility to access and maintain the Septic Tank Effluent Pumping (STEP) system that serves your property located at 34450 N. Brooten Rd (Tax Lot# 4S1019CA 01500). It is our understanding that you are currently working with Tillamook County to take ownership of the small parcel of land immediately to the South of this property. Please consider this letter to be our confirmation that PCJWSA will continue to honor and enforce the existing easement once this land transfer has taken place.

Sincerely,

John Wesely
Authority Manager



CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
TASSI O'NEIL

BY Tassi O'Neil *ccclerk*
DEPUTY

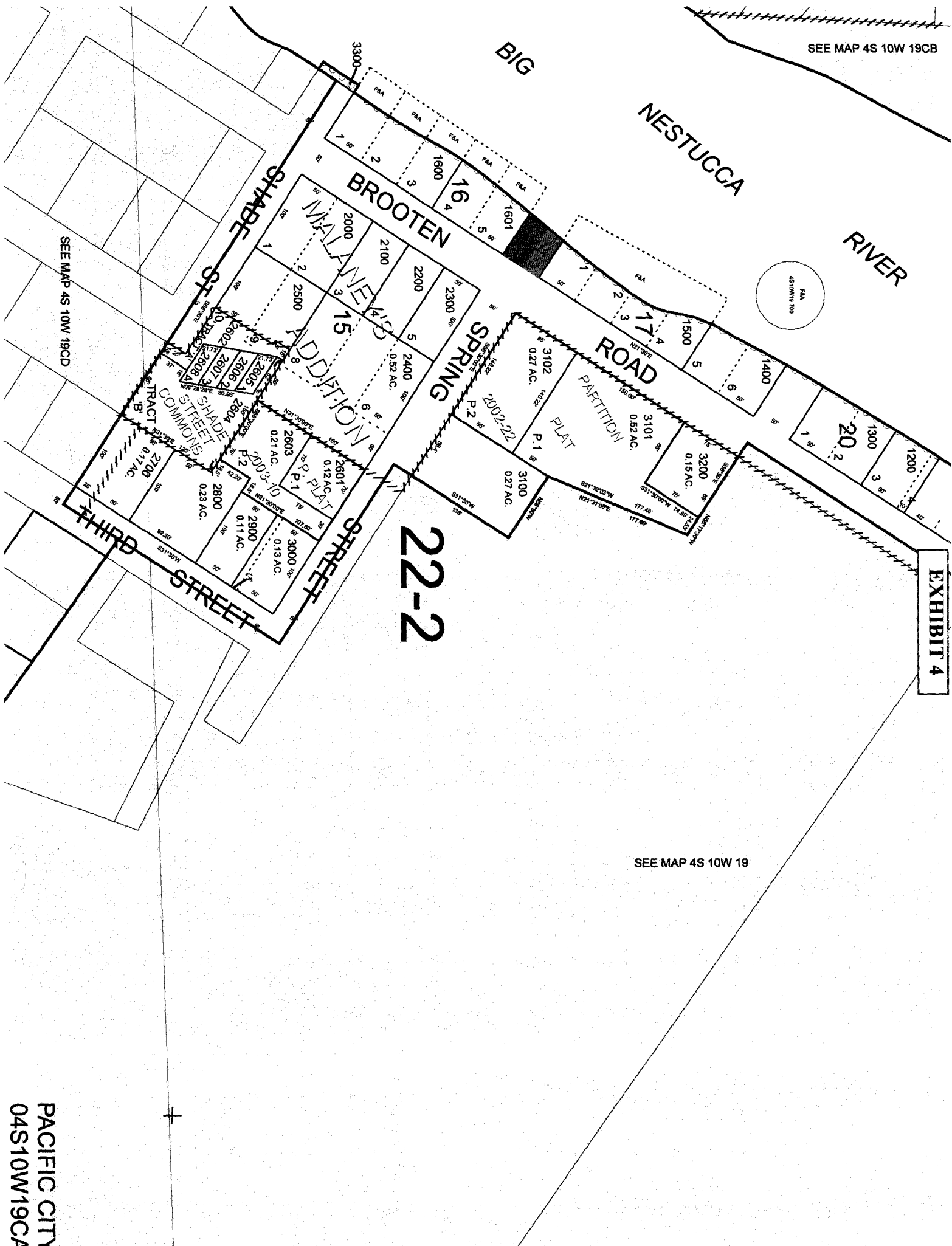
SEE MAP 4S 10W 19CB

BIG

NESTUCCA

RIVER

SEE MAP 4S 10W 19CD

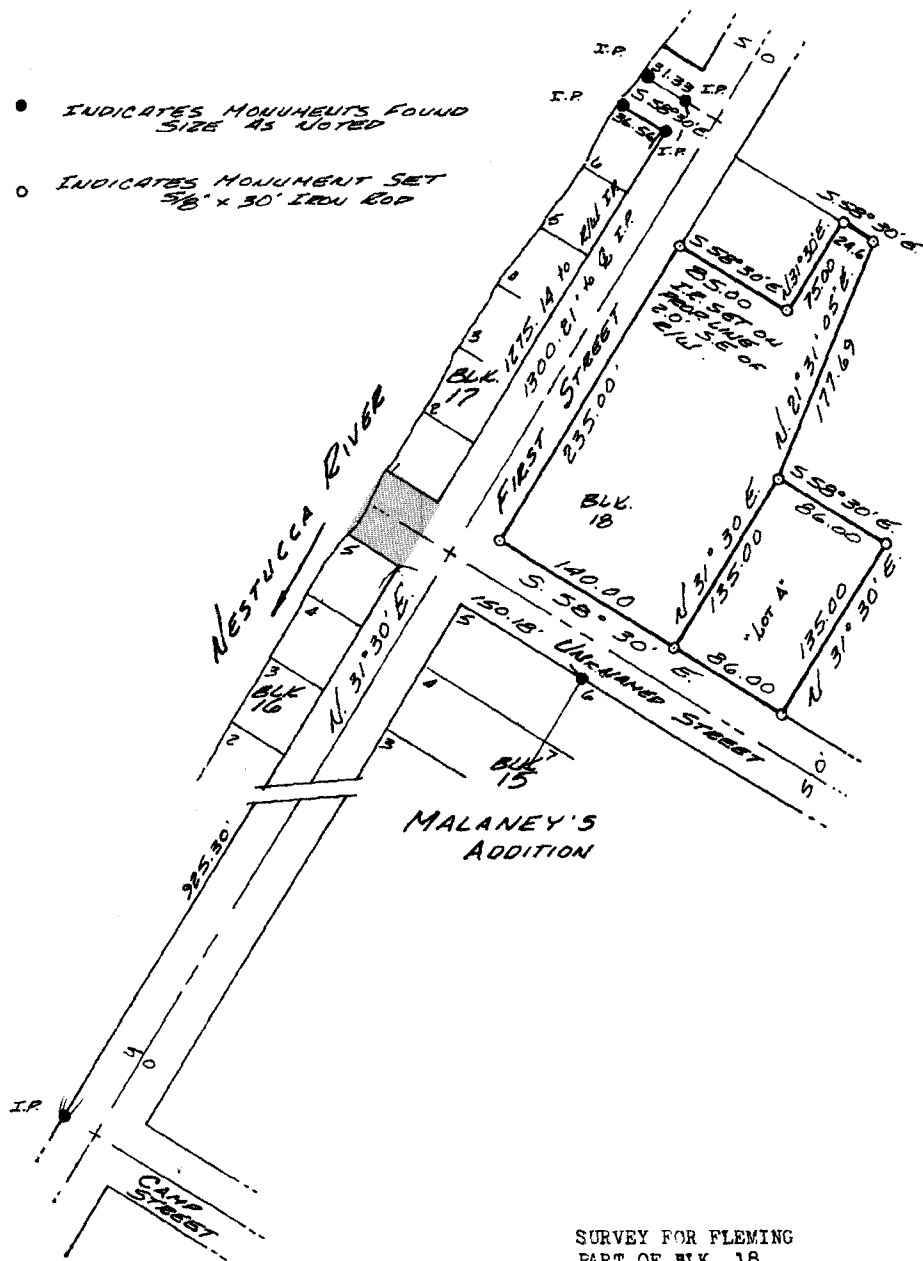


SEE MAP 4S 10W 19

EXHIBIT 4

PACIFIC CITY
04S10W19CA

- INDICATES MONUMENTS FOUND
SIZE AS NOTED
- INDICATES MONUMENT SET
5/8" x 30' IRON ROD



MALANEY'S
ADDITION

SURVEY FOR FLEMING
PART OF BLK. 18,
MALANEY'S ADDITION
SEC. 19, T4S, R10W, WM.
TILLAMOOK COUNTY, OREGON

GAYLORD LAND SURVEYING
15000 Linden Lane
Milwaukie, Oregon 97222
Ph. 654 - 1492

SCALE: 1" = 100'
BEARINGS: DEED
JANUARY 1976 005

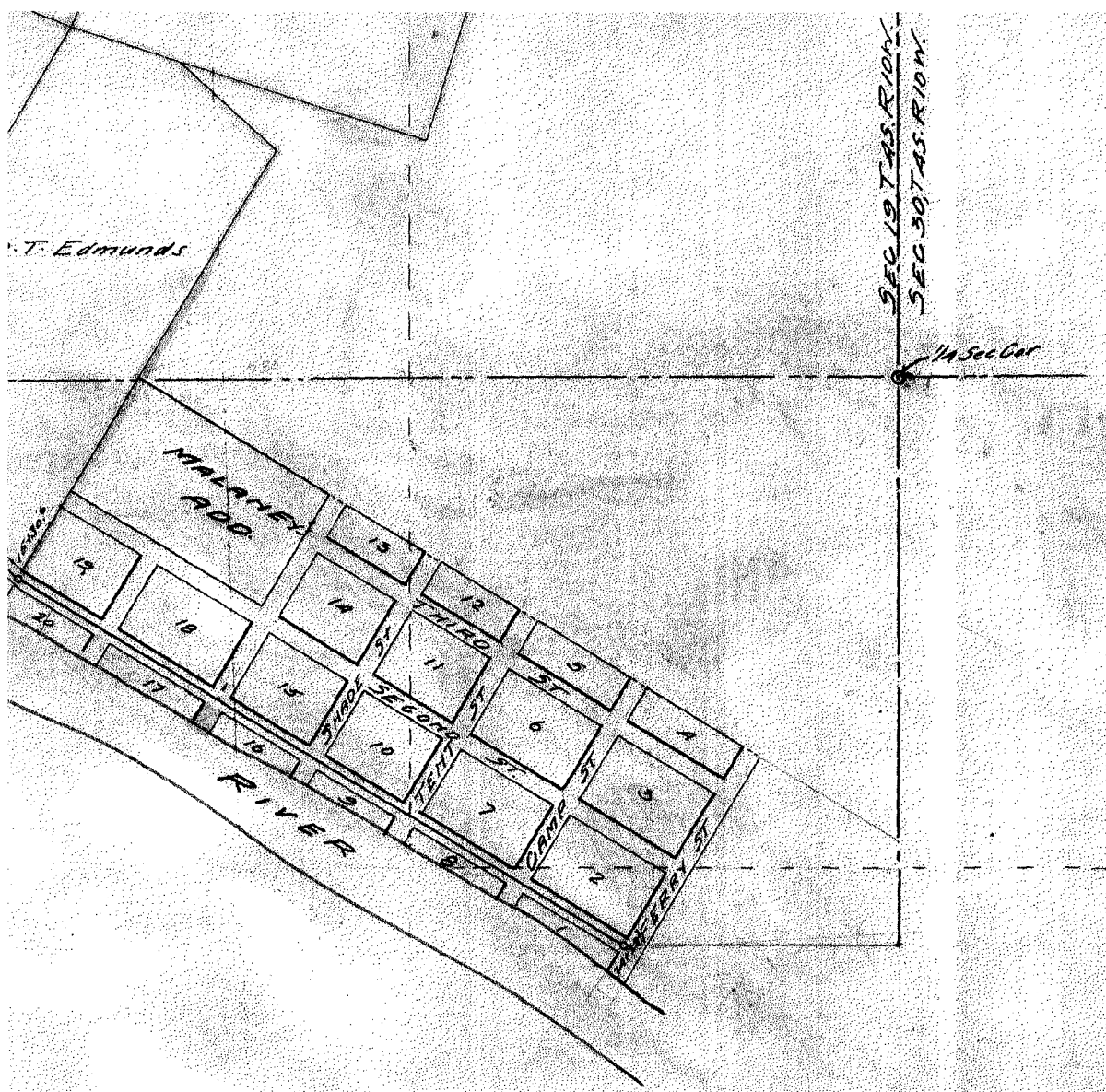
GAYLORD LAND SURVEYING
P.O. Box 103
Beaver, Oregon 97103
398-5553

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Frederick M. Gaylord

OREGON
JULY 17, 1970
FREDERICK M. GAYLORD
929

A-2896



MAP
OF
PACIFIC CITY CO ROAD

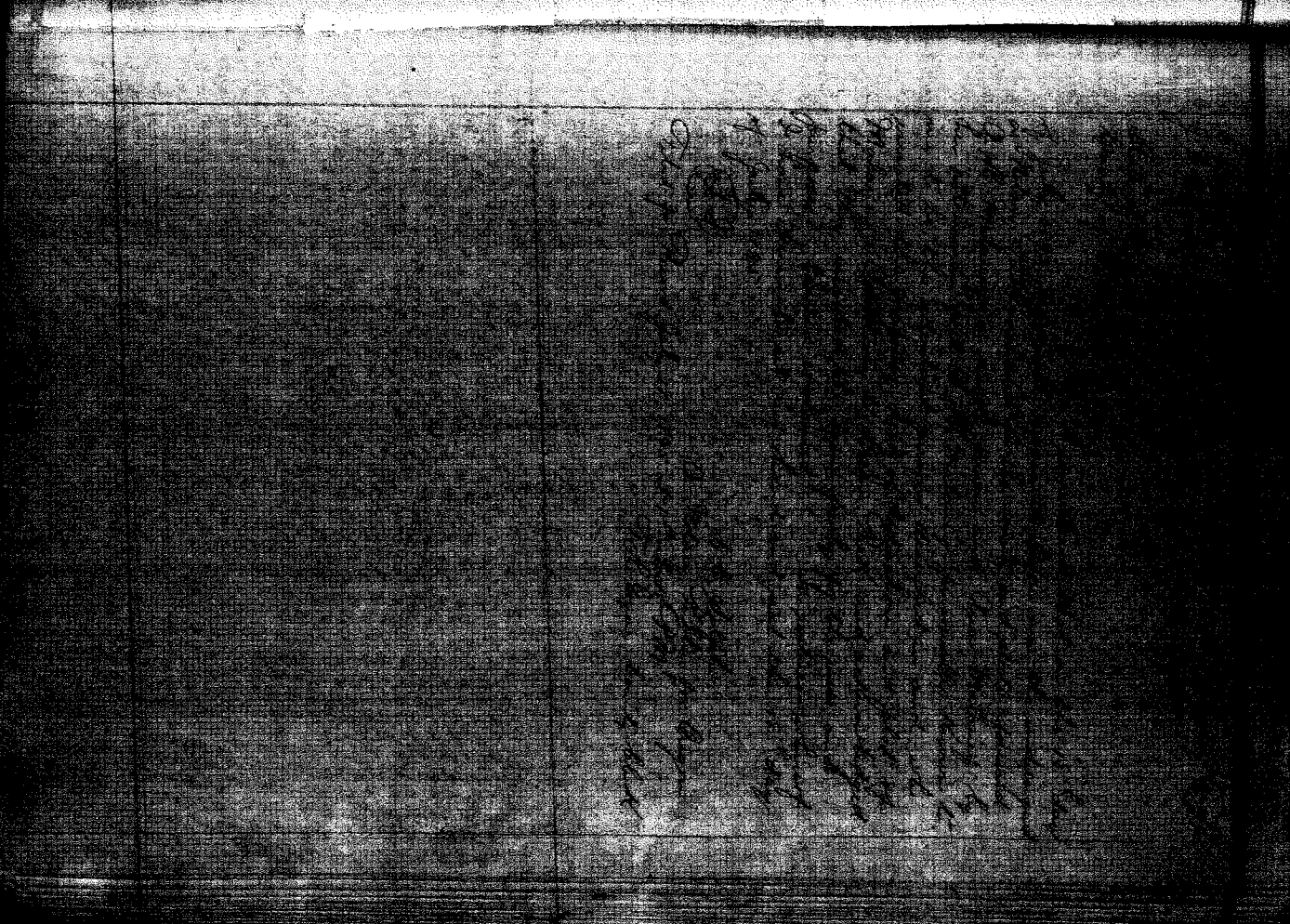
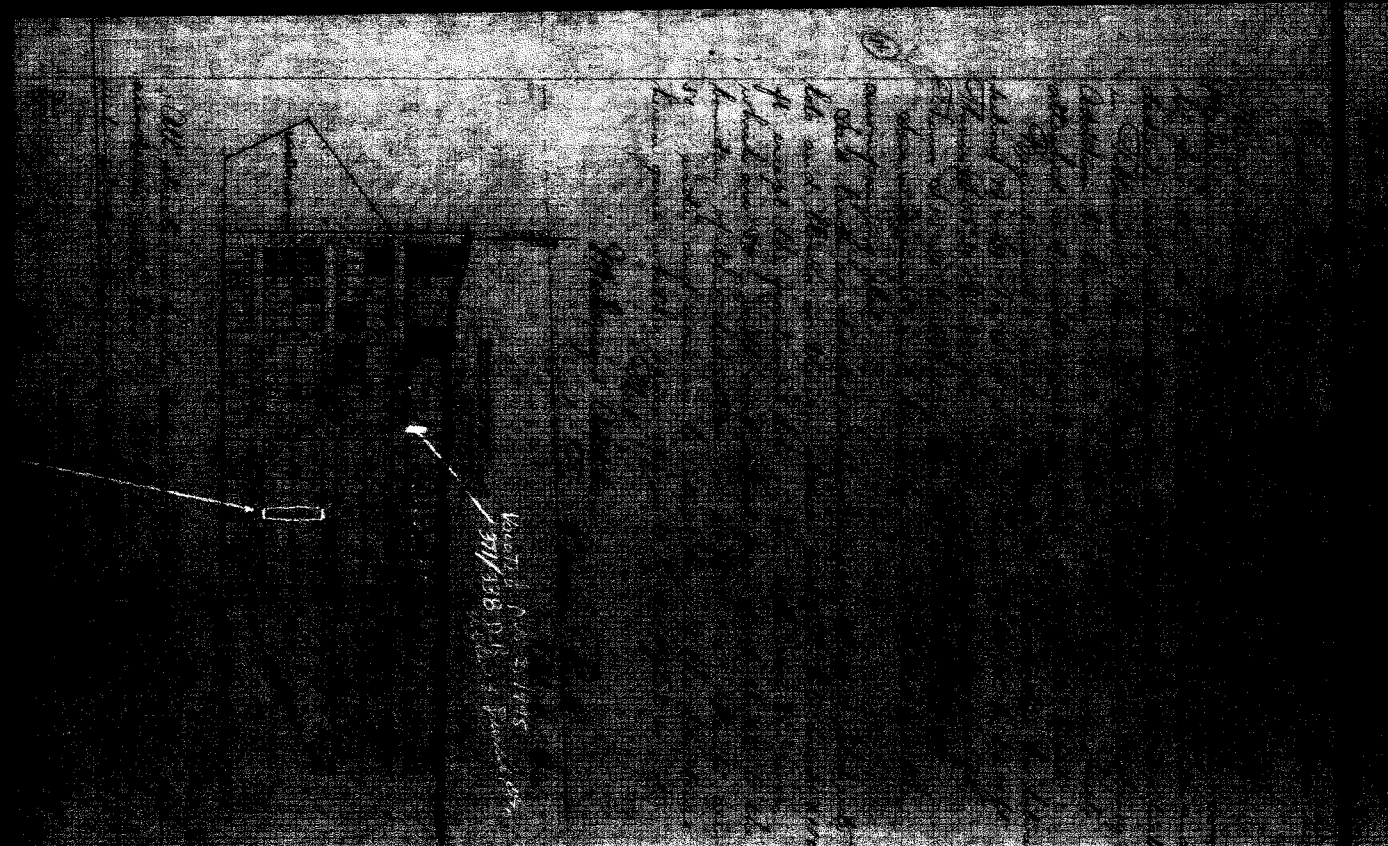
SEC 19, T 43, R 10W.

U.G. Jackson Co Surv.

April, 1914.

SCALE 1"=400'

REFER TO FIELD BK. CT-9 Pa 128



W. Hill on Hill side



Proposed
ROW Vacation

Shelby's Addition

1911/1908 P.D. 1915

Area 2000

EXHIBIT 5



Google Earth

Potential Right of Way Vacation



100 ft







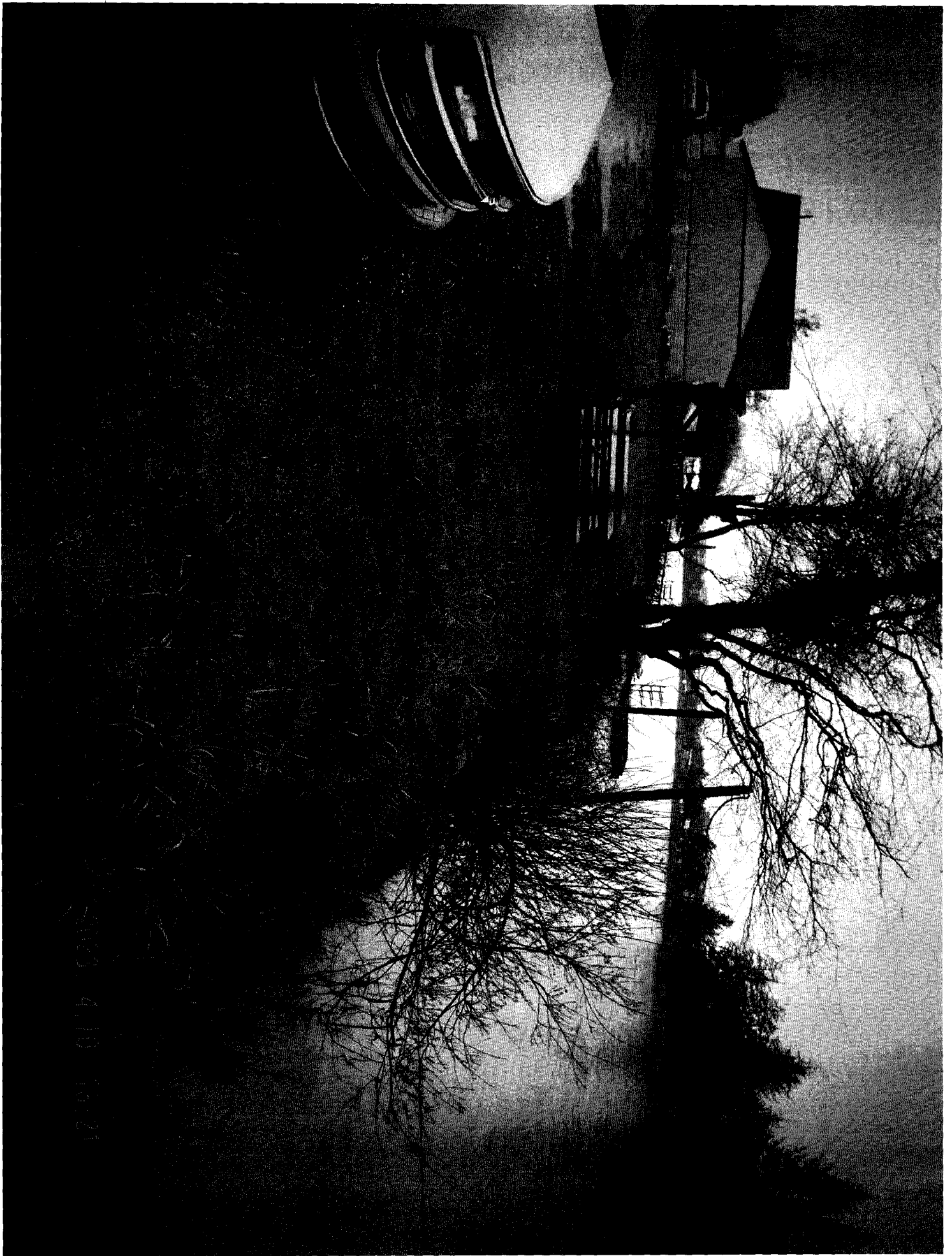


2008-11-19 18:20







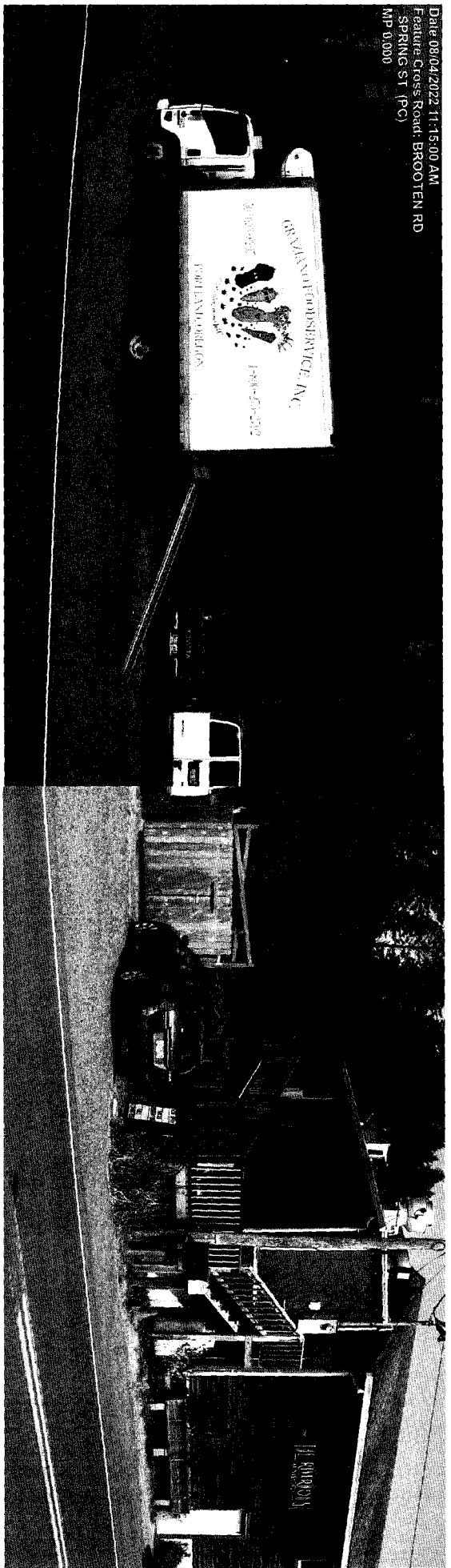








Date: 08/04/2022 11:15:00 AM
Feature: Cross Road: BROOKTEN RD
SPRING ST (PC)
MP: 0.000



Date: 08/04/2022 07:38:00 AM
Feature: Spring St (PC)
MP: 0.008

