



TILLAMOOK COUNTY BOARD OF COMMISSIONERS NOTICE OF MEETING AGENDAS

BOARD OF COMMISSIONERS:

Mary Faith Bell, Chair mfbell@co.tillamook.or.us
David Yamamoto, Vice-Chair dyamamoto@co.tillamook.or.us
Erin D. Skaar, Commissioner eskaar@co.tillamook.or.us

CONTACT:

201 Laurel Avenue
Tillamook, Oregon 97141
503.842.3403
www.co.tillamook.or.us

COMMUNITY UPDATE MEETING

Tuesday, November 9, 2021 at 8:00 a.m.

Teleconference

971-254-3149, Conference ID: 736 023 979#

BOARD MEETING

Wednesday, November 10, 2021 at 9:00 a.m.

Teleconference

971-254-3149, Conference ID: 736 023 979#

PUBLIC COMMENT

Those intending to provide public comment for the board may email submissions to publiccomments@co.tillamook.or.us. Public comments received by 5:00 p.m. on Tuesday will be distributed to the board and become part of the public record. Public comments can also be mailed to the Board of Commissioners' Office, 201 Laurel Avenue, Tillamook, Oregon, 97141.

JOIN THE BOARD OF COMMISSIONERS MEETINGS

The Board is committed to community engagement. Due to Oregon COVID-19 restrictions for public gatherings, the board provides opportunity for public participation during meetings via the options below. Live video and audio capabilities are listen-only and are offered on a best effort for the public.

- **Community Meetings: Tuesdays at 8:00 a.m.** (Teleconference & KTIL-FM at 95.9)
Dial 971-254-3149, Conference ID: 736 023 979#
- **Board Meetings: Wednesdays at 9:00 a.m.** YouTube Live Stream: <https://youtu.be/-eELEoJ2VY>
Dial 971-254-3149, Conference ID: 736 023 979#
Agenda items are for discussion or consideration.

AGENDAS

COMMUNITY UPDATE – 2021-11-09 COMMUNITY UPDATE AUDIO.MP4

CALL TO ORDER: Tuesday, November 9, 2021 8:01 a.m.

1. 00:40 Welcome and Board of Commissioners' Roll Call
2. 01:19 Adventist Health Tillamook
3. 03:09 Coastal Caucus
4. 18:42 Tillamook County Community Health Center
5. 28:05 Rinehart Clinic
6. 29:52 Tillamook Family Counseling Center
7. 31:37 Sheriff's Office/Emergency Management
8. Board of Commissioners
1:01:19 **UNSCHEDULED:** Discussion and Consideration of an Order Rescinding Order #21-046 Closing Certain Tillamook County Offices to the Public and Directing County Employees to Telework to the Greatest Extent Possible/Commissioner Mary Faith Bell
1:01:56 Coordinating with City of Tillamook/Commissioner David Yamamoto
1:06:18 Health Department Information/Commissioner Erin Skaar

A motion was made by Commissioner Skaar and seconded by Vice Chair Yamamoto.
The motion passed with three aye votes. The Board signed Order #21-060.
9. Cities
1:12:04 Bay City
1:12:50 Tillamook
1:22:57 South County

ADJOURNED – 9:27 a.m.

MEETING – 2021-11-10 BOCC MEETING AUDIO.MP4
(Meeting Livestreamed via YouTube)

CALL TO ORDER: Wednesday, November 10, 2021 9:02 a.m.

1. 01:04 Welcome & Request to Sign Guest List
2. 01:14 Pledge of Allegiance
3. 01:39 Non-Agenda Items:
One Unscheduled Item After Agenda Item #6/Commissioner Mary Faith Bell
4. 01:58 COVID-19 Vaccine Update/Ed Colson, Emergency Preparedness Coordinator, Ready Northwest
5. 07:30 Household Hazardous Waste Collection Services Presentation/David McCall, Program Manager, Solid Waste Department
- 17:55 Recycling Schedule in Tillamook County/Commissioner Mary Faith Bell

LEGISLATIVE – ADMINISTRATIVE

6. 18:46 Weekly Discussion and Update Concerning Employees Working Remotely and Courthouse Schedule/Commissioner Mary Faith Bell
- 20:17 Social Distancing Requirements for County Departments and Board Meetings/Commissioner David Yamamoto
- 21:49 City of Tillamook Reopening/Commissioner Erin Skaar
- 23:11 **UNSCHEDULED:** Discussion and Consideration of a Non-Prevailing Wage Rate Contract for Construction with Arden Olson Flooring for the Correctional Facility Flooring Replacement Project/Sheriff Josh Brown, Sheriff's Office

A motion was made by Commissioner Skaar and seconded by Vice-Chair Yamamoto. The motion passed with three aye votes. The Board signed the contract.
7. 28:22 Discussion and Consideration of a Resolution in the Matter of Proclaiming November 15, 2021 "America Recycles Day" and the Week of November 14-20, 2021 as "Recycling Awareness Week" in Tillamook County, Oregon/David McCall, Program Manager, Solid Waste Department

A motion was made by Commissioner Skaar and seconded by Vice-Chair Yamamoto. The motion passed with three aye votes. The Board signed R#21-17, SWSD #21-001.

8. 38:28 Discussion and Consideration of Modification #9 to Professional Services Agreement #4370 with Parametrix, Inc. for Monitoring and Engineering for the Closed Landfill and Operating Transfer Station/David McCall, Program Manager, Solid Waste Department
- A motion was made by Commissioner Skaar and seconded by Vice-Chair Yamamoto. The motion passed with three aye votes. The Board signed the modification.
- 42:38 Livestreaming Difficulties/Rachel Hagerty, Chief of Staff
- 43:50 Public Meeting Requirements/Joel Stevens, County Counsel
9. 45:30 Discussion Concerning an Oregon Department of Environmental Quality Grant #055-18 Update/David McCall, Program Manager, Solid Waste Department
10. 50:11 Discussion and Consideration of a Professional Services Agreement with Great West Engineering for Transfer Station Engineering Services/David McCall, Program Manager, Solid Waste Department
- A motion was made by Commissioner Skaar and seconded by Vice-Chair Yamamoto. The motion passed with three aye votes. The Board signed the agreement.
11. 53:58 Discussion and Consideration of an Order in the Matter of the Vacation of a Portion of Guardenia Avenue, Tierra del Mar, Tillamook County, Oregon/Chris Laity, Director, Public Works Department
- 1:11:19 Oregon Parks and Recreation Department (OPRD) Neutral Standpoint/Chris Laity Director, Public Works Department
- 1:11:48 Oregon Parks and Recreation Department (OPRD) and Fire Chief Oeder Comments/Commissioner David Yamamoto
- 1:13:15 Public Parking on Dunes and Fire Concerns/Commissioner Erin Skaar
- 1:15:52 Public Access Not Removed/Commissioner Mary Faith Bell
- A motion was made by Commissioner Skaar and seconded by Vice-Chair Yamamoto. The motion passed with three aye votes. The Board signed Order #21-061.
12. 53:25 Discussion and Consideration of an Order in the Matter of the Vacation of a Portion of Eloise Avenue, Tierra del Mar, Tillamook County, Oregon/Chris Laity, Director, Public Works Department
- A motion was made by Commissioner Skaar and seconded by Vice-Chair Yamamoto. The motion passed with three aye votes. The Board signed Order #21-062.

13. 1:17:36 Discussion and Consideration of a Professional Services Agreement with McGee Engineering, Inc. for the Temporary Bridge Repairs Project/Chris Laity, Director, Public Works Department
- A motion was made by Commissioner Skaar and seconded by Vice-Chair Yamamoto. The motion passed with three aye votes. The Board signed the agreement.
14. 1:31:11 Discussion and Consideration of a Professional Services Agreement with DOWL for Engineering Consultant Services for the Big Trout (Three Rivers) Bridge (57C82A) Replacement Project/Chris Laity, Director, Public Works Department
- A motion was made by Commissioner Skaar and seconded by Vice-Chair Yamamoto. The motion passed with three aye votes. The board signed the agreement.
15. 1:39:02 Discussion and Consideration of an Invoice from the Oregon Association of Counties to Support the Upcoming "County Solutions: Water Needs" Forums in 2022/Commissioner Erin Skaar
- 1:42:08 Water Infrastructure and Restrictions/Commissioner David Yamamoto
- 1:44:07 Aging Water Districts and Investment/Commissioner Mary Faith Bell
- A motion to approve the invoice was made by Commissioner Skaar and seconded by Vice-Chair Yamamoto. The motion passed with three aye votes.
16. Board Concerns – Non-Agenda Items
- 1:47:00 Veteran's Day Wishes/Commissioner Mary Faith Bell
- 1:48:24 Annual Veteran's Day Event and Community Support/Joel Stevens, County Counsel
17. 1:48:15 Board Announcements

ADJOURN – 10:53 a.m.

MEETING INFORMATION AND RULES

- Matters for discussion and consideration by the board shall be placed on an agenda prepared by the Board Assistant and approved by the board chair. Any commissioner may request items on the agenda.
 - Public hearings are formal proceedings publicized in advance through special public notice issued to media and others. Public hearings held by the board are to provide the board an opportunity to hear from the public about a specific topic. Public hearings are therefore different regarding audience participation at regular and workshop meetings.
 - Individuals who wish to testify in-person during meetings and hearings shall do so at the table placed in front of the dais. Individuals testifying will, for the record, first identify themselves.
 - Commissioners will be addressed by their title followed by their last name.
 - Commissioners shall obtain approval from the chair before speaking or asking questions of staff, presenters, and public. As a courtesy, the chair shall allow an opportunity, by the commissioner who has the floor, to ask immediate follow-up questions.
 - A majority of the board shall constitute a quorum and be necessary for the transaction of business.
 - All board meeting notices are publicized in accordance with public meeting laws.
 - All board meetings will commence with the Pledge of Allegiance.
 - The chair will utilize the gavel as needed to maintain order, commence and adjourn meetings, and signal approval of motions.
 - The board reserves the right to recess to executive session as may be required at any time during noticed public meetings, pursuant to ORS 192.660(1).
 - The courthouse is accessible to persons with disabilities. If special accommodations are needed for persons with hearing, visual, or manual impairments who wish to participate in the meeting, please contact (503) 842-3403 at least 24 hours prior to the meeting so that the appropriate communications assistance can be arranged.
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AGENDAS

COMMUNITY UPDATE

CALL TO ORDER: Tuesday, November 9, 2021 8:00 a.m.

1. Welcome and Board of Commissioners' Roll Call
2. Adventist Health Tillamook
3. Coastal Caucus
4. Tillamook County Community Health Center
5. Rinehart Clinic
6. Tillamook Family Counseling Center
7. Sheriff's Office/Emergency Management
8. Governor's Office
9. Board of Commissioners
10. Cities
 - a. Manzanita
 - b. Nehalem
 - c. Wheeler
 - d. Rockaway Beach
 - e. Garibaldi
 - f. Bay City
 - g. Tillamook
 - h. South County

ADJOURN

MEETING

CALL TO ORDER: Wednesday, November 10, 2021 9:00 a.m.

1. Welcome & Request to Sign Guest List
2. Pledge of Allegiance
3. Non-Agenda Items

4. COVID-19 Vaccine Update/Ed Colson, Emergency Preparedness Coordinator, Ready Northwest
5. Household Hazardous Waste Collection Services Presentation/David McCall, Program Manager, Solid Waste Department

LEGISLATIVE – ADMINISTRATIVE

6. Weekly Discussion and Update Concerning Employees Working Remotely and Courthouse Schedule/Commissioner Mary Faith Bell
7. Discussion and Consideration of a Resolution in the Matter of Proclaiming November 15, 2021 "America Recycles Day" and the Week of November 14-20, 2021 as "Recycling Awareness Week" in Tillamook County, Oregon/David McCall, Program Manager, Solid Waste Department
8. Discussion and Consideration of Modification #9 to Professional Services Agreement #4370 with Parametrix, Inc. for Monitoring and Engineering for the Closed Landfill and Operating Transfer Station/David McCall, Program Manager, Solid Waste Department
9. Discussion of an Update on the Oregon Department of Environmental Quality Grant #055-18/David McCall, Program Manager, Solid Waste Department
10. Discussion and Consideration of a Professional Services Agreement with Great West Engineering for Transfer Station Engineering Services/David McCall, Program Manager, Solid Waste Department
11. Discussion and Consideration of an Order in the Matter of the Vacation of a Portion of Guardenia Avenue, Tierra del Mar, Tillamook County, Oregon/Chris Laity, Director, Public Works Department
12. Discussion and Consideration of an Order in the Matter of the Vacation of a Portion of Eloise Avenue, Tierra del Mar, Tillamook County, Oregon/Chris Laity, Director, Public Works Department
13. Discussion and Consideration of a Professional Services Agreement with McGee Engineering, Inc. for the Temporary Bridge Repairs Project/Chris Laity, Director, Public Works Department
14. Discussion and Consideration of a Professional Services Agreement with DOWL for Engineering Consultant Services for the Big Trout (Three Rivers) Bridge (57C82A) Replacement Project/Chris Laity, Director, Public Works Department
15. Discussion and Consideration of an Invoice from the Oregon Association of Counties to Support the Upcoming "County Solutions: Water Needs" Forums in 2022/Commissioner Erin Skaar
16. Board Concerns – Non-Agenda Items
17. Board Announcements

ADJOURN

OTHER MEETINGS AND ANNOUNCEMENTS

The Emergency Medical Services Advisory Council has scheduled a meeting on **Tuesday, November 9, 2021 at 1:00 p.m.** The meeting will be held in the Stan Sheldon Board Room at the Tillamook County Emergency Communications District, 2311 Third Street, Tillamook, Oregon.

The Commissioners will hold a Board Briefing on **Wednesday, November 10, 2021 at 2:00 p.m.** to discuss weekly commissioner updates. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#

Veterans Day is an observed holiday for the County and the Oregon State Circuit Court. All the offices in the Tillamook County Courthouse will be CLOSED on **Thursday, November 11, 2021**. In addition, the Tillamook County Library, administrative offices in the Jail and Justice Facility, Public Works Department, Community Development Department, Surveyor's Office, and the Health and Human Services Department and clinics will be closed.

The Commissioners will attend a Local Public Safety Coordinating Council meeting on **Monday, November 15, 2021 at 12:00 p.m.** The teleconference number is: 971-254-3149, Conference ID: 113 785 794#.

The Commissioners will attend the annual Association of Oregon Counties Conference in Eugene from **Monday, November 15 through Friday, November 19, 2021**.

There is **NO** Community Update teleconference scheduled for **Tuesday, November 16, 2021**, and

There is **NO** Board of Commissioners' regularly scheduled Board Meeting or Board Briefing scheduled for **Wednesday, November 17, 2021**.

Wednesday, November 10, 2021

no sign-ins

(Please use reverse if necessary)

AFTER RECORDING, RETURN AND
SEND ALL TAX STATEMENTS TO:

Andrew Ewing
Tax Lot #T4S R10W 06CB 012600
17822 South Fieldstone Lane
Oregon City, OR 97045

Shawna Newell (Den Family LLC)
Tax Lot # T4S R10W 06CB 09700
1275 Southwest Orinda Way
Portland, OR 97225

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF TILLAMOOK IN THE STATE OF OREGON

In the Matter of the Vacation of) ORDER
A Portion of Eloise Avenue, Tierra Del Mar) #21-_____
Tillamook County, Oregon)

This matter came before the Tillamook County Board of Commissioners on November 10, 2021, at the request of Chris Laity, Public Works Director, Public Works, Road Department, at which time it appears that Road Vacation #562 was filed by property owners on August 19, 2021, in accordance with ORS 368.341. The road to be vacated is described in the attached Exhibit A.

The Board being fully advised in the premise, records, and files herein, makes the following findings:

1. The Road Vacation Petition #562 was properly filed with the Tillamook County Clerk on August 19, 2021, 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 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 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 _____ DAY OF _____, 2021.

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent

Mary Faith Bell, Chair

_____ / _____

David Yamamoto, Vice-Chair

_____ / _____

Erin D. Skaar, Commissioner

_____ / _____

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By: _____
Special Deputy

Joel W Stevens, County Counsel



PUBLIC WORKS DEPARTMENT

Exhibit A

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 #562 PUBLIC WORKS STAFF REPORT

Date: September 15th, 2021

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

I. GENERAL INFORMATION

Request: Petition to vacate a portion of Eloise Ave. in Tierra Del Mar.

Area of Interest: An area of dedicated Public Right of Way located within the Tierra Del Mar Community shown in map T04S R10W Sec. 06CB.

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 #562 requests Vacation of a portion of the Public Right of Way recorded as Eloise Avenue in Tierra Del Marr. The Right of Way and all of the parcels identified in the Petition are created on the Plat of Tierra Del Mar recorded in the Tillamook County Surveyor's permanent records as Plat #C-0122.
- 2) **Prior Vacation / Dedication / Property Line Adjustment** – Since the time of the original Plat many of the original lots have been consolidated into larger residential parcels. 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 effected landowners are participating in the petition.
- 3) A 10 foot wide section of the Right of Way is to be retained in the center of the vacated area for pedestrian access to the beach

IV. PUBLIC ACCESS / TRANSPORTATION SYSTEM or FINANCIAL IMPACT:

- 1) There are no impacts to the County wide transportation system.
- 2) There are no financial costs to Tillamook County.
- 3) This petition results in converting land not suitable for vehicular use to private ownership.
- 4) This petition's only impact on any access to rivers, beaches, or recreational property is to preserve an existing beach footpath within a 10' wide remnant of the dedicated Public Right of Way.

V. STATUS OF PUBLIC UTILITIES

- 1) All utilities currently within the petition vicinity will either be relocated into the remaining Public Right of Way or will be covered by an easement if they are within any resultant private property.

VII. PETITION CONCLUSION AND RECOMMENDATIONS:

- 1) Tillamook County Engineering staff has reviewed the subject petition, supporting documentation, and visited the site.
- 2) The subject property is located at the western most terminus of Eloise Avenue which is accessed from Sandlake Road.
- 3) The expressed intent of the Petitioner is to remove specific portions of the public Right of Way as described in the survey documents provided with the Petition.
- 4) Engineering staff recommends **Approval** of Vacation Petition #562 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 Board of County Commissioners approval with all recording to be completed by the end of the current 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.

5) EXHIBIT LIST:

1. Petition Verification letters from Tillamook County Clerk & Assessor
2. Original Petition (refiled after minor amendment)
3. Legal descriptions to be vacated.
4. Maps including surveyor's map, tax map, and the original Plat #C-0122
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**

August 19, 2021

Received

AUG 20 2021

Tillamook County
Board of Commissioners

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

RE: Amended Petition No. 562 – Petition to vacate a section of Eloise Avenue in Tierra Del Mar at western terminus.

Dear Commissioners:

Enclosed is a certified copy of Amended Petition No. 562 filed August 19, 2021, to vacate a section of Eloise Avenue in Tierra Del Mar at western terminus.

Certification from the Assessor regarding ownership was received on August 19, 2021, 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**

FILED

August 19, 2021

**AUG 19 2021
TASSI O'NEIL
COUNTY CLERK**

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

RE: Amended Petition No. 562 – Petition to vacate a section of Eloise Avenue in Tierra Del Mar at western terminus.

Dear Ms. O'Neil:

I have researched our records and certify that the petitioners are the adjacent landowners in the proposed vacation.

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

Respectfully,


Denise Vandecoeving
Assessor & Tax Collector

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

Petition #562 Amendment
BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

FILED
AUG 19 2021
TASSI O'NEIL
COUNTY CLERK

IN THE MATTER OF THE VACATION OF)
A section of Eloise Avenue in)
Tierra Del Mar at western terminus)

PETITION TO VACATE

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

The western most portion of Eloise Ave in Tierra Del Mar which is
located between tax lots 9700 and 12600 with the exception of
a 10' right of way to be used for pedestrian access and
utilities. See attached legal descriptions and exhibit
map.

(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:

Driving is not allowed on this section of the beach and the County
has no plans to develop this road access and this vacation
maintains a 10' wide pedestrian access. Also this vacation brings
lot #4S16W06CB09700 into compliance with County setback
rules and will allow lot #4S16W06CB12600 to also comply with
County setback rules for future use.

(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

Tillamook County

(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 PUD, 115 Pacific Ave, Tillamook, OR 97141

Tierra Del Mar Water Co 26600 Sand Lake Rd, Clatskanie, OR 97112

An access and utility easement will be recorded to address both utilities. See attached legal description and exhibit map.

(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 vacated are:

NAME & ADDRESS

DESCRIPTION OF PROPERTY

(Use Tax Lot No. if available)

Shawna Newell (Don Family LLC)

7810 W 06C B09700

1275 SW Orinda Way

Portland, OR 97225

Andrew M Ewing & Constance R Ewing

4510 W 06C B12600

17822 S. Fieldstone Lane

Ewing Family Renewable Living Trust

Oregon City, OR 97045

(Use separate sheet if more space is needed)

- VI. Attached to this Petition are 2 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:

The western most portion of Eleise Avenue in Tierra Del Mar
which is located between tax lots 4700 and 12600 with the
exception of a 10 foot wide Right of Way to be used for
pedestrian access and utilities.

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

Tax Lot 4S10W06CB12600

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 10th day of August, 2021

Andrew M. Ewing, Trustee
Signature

17822 S. Fieldstone Lane
Address

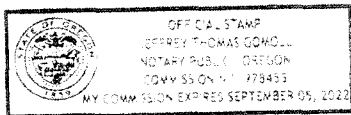
Constance R. Ewing Trustee
Signature
Ewing Family Revocable Living Trust

Oregon City, OR 97045
City, State, Zip

ACKNOWLEDGEMENT

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

On August 10, 2021, 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: September 05, 2022

TILLAMOOK COUNTY
PETITION TO VACATE
SIGNATURE SHEET

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

The western most portion of Eloise Avenue in Tierra Del Mar
which is located between tax lots 9700 and 12600 with
the exception of a 16 foot wide Right of Way to be used
for pedestrian access and utilities.

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

Tax Lot 4S16W06C B09700

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 13th day of August, 2021

Sharon Newcep
Signature

Den Family LLC

Signature

1275 SW Orinda Way
Address

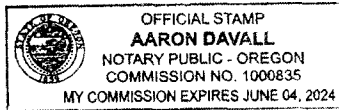
Portland, OR 97225
City, State, Zip

ACKNOWLEDGEMENT

NOTARY PUBLIC)
STATE OF OREGON)
County of Tillamook)

ss.

On August 13th, 2021, the above named person appeared before me and acknowledged the foregoing instrument to be a voluntary act and deed.



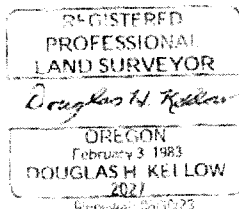
[Signature]
Notary Public for the State of Oregon

My Commission Expires: 06/04/2024

Exhibit 3

LEGAL DESCRIPTION FOR PROPOSED VACATION
OF A PORTION OF ELOISE AVENUE
15.60 foot wide portion to be conveyed to Ewing Tax Lot 12600
August 2, 2021

Beginning at the Northeast corner of Lot 18, Block 5, Tierra Del Mar located in Section 6, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon; thence North $72^{\circ}03'00''$ West, along the Westerly extension of the North line of said Lot 18, a distance of 44.00 feet to the True Point of Beginning; and running thence North $17^{\circ}57'00''$ East 15.00 feet; thence North $72^{\circ}03'00''$ West, parallel with the aforesaid North line of Lot 18, a distance of 162.93 feet, more or less, to the Easterly line of Ocean Beach Drive; thence South $08^{\circ}27'00''$ West, along said Easterly line of Ocean Beach Drive, a distance of 15.21 feet to the Northwest corner of said Lot 18; thence South $72^{\circ}03'00''$ East, along said North line of Lot 18, a distance of 160.42 feet to the True Point of Beginning.



LEGAL DESCRIPTION FOR PROPOSED VACATION
OF A PORTION OF FLOISF AVENUE

15.00 foot wide portion to be conveyed to Den Family, L.L.C. - Newell T.L. 9700

August 2, 2021

Beginning at the Southeast corner of Lot 15, Block 4, Tierra Del Mar located in Section 6, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon; thence North 72°03'00" West, along the Westerly extension of the South line of said Lot 15, a distance of 12.00 feet to the True Point of Beginning; and running thence South 17°57'00" West 15.00 feet; thence North 72°03'00" West, parallel with the aforesaid South line of Lot 15, a distance of 164.57 feet, more or less, to the Easterly line of Ocean Beach Drive; thence North 08°27'00" East, along said Easterly line of Ocean Beach Drive, a distance of 15.21 feet to the Southwest corner of said Lot 15; thence South 72°03'00" East, along said South line of Lot 15, a distance of 167.09 feet to the True Point of Beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Douglas H. Kellow

OREGON
February 3, 1983
DOUGLASH KELLOW
2321

Revised: 08/02/21

LEGAL DESCRIPTION FOR A PROPOSED ACCESS & UTILITY
EASEMENT WITHIN A PORTION OF THE VACATED ELOISE AVENUE

A 10.00 foot deep by 15.00 foot wide Access & Utility Easement
Granted in favor of Tax Lot 9700 Den Family LLC – Newell Tract

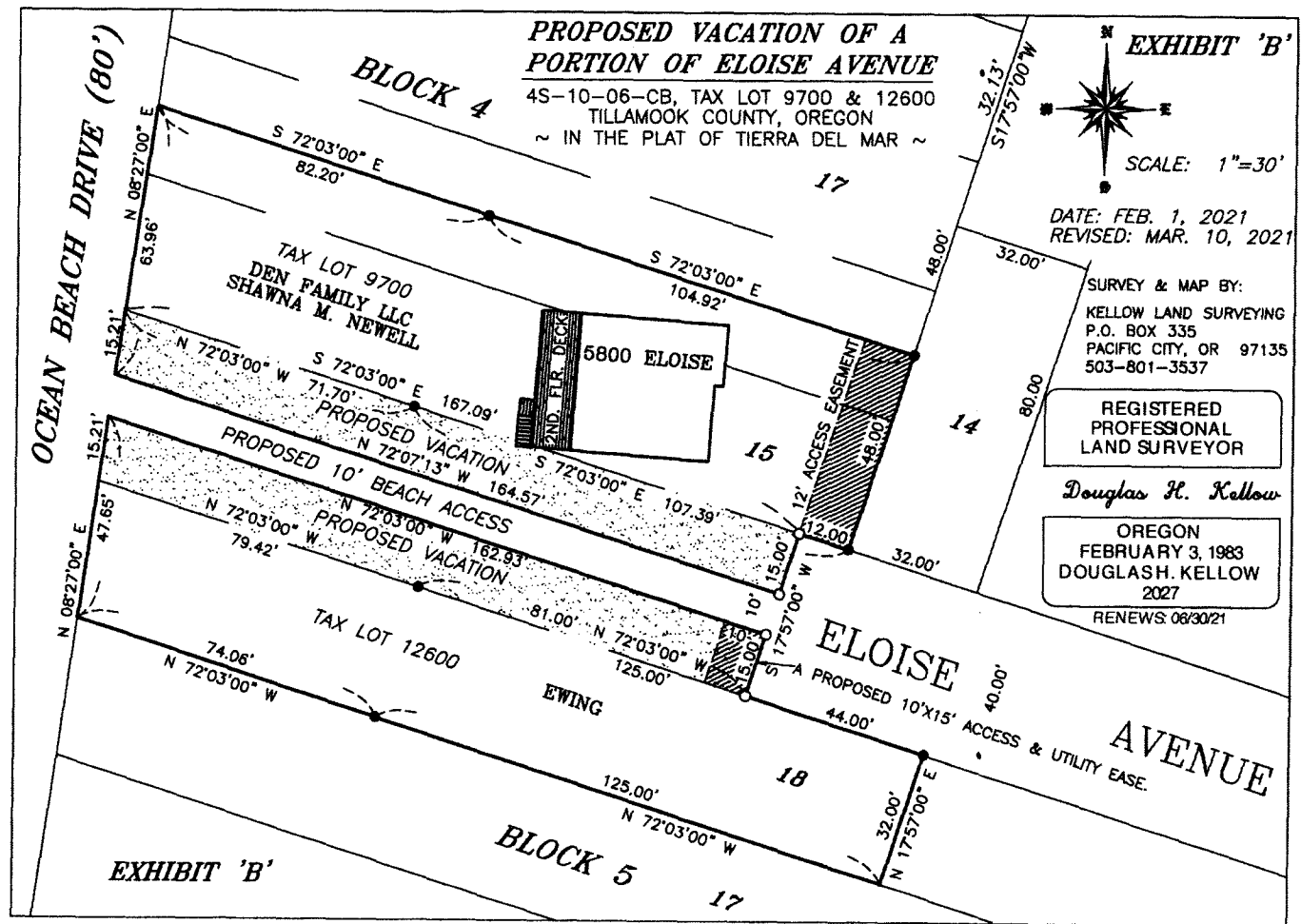
March 10, 2021

Beginning at the Northeast corner of Lot 18, Block 5 of Tierra Del Mar, located in Section 6, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon; thence North 72°03'00" West, along the Westerly extension of the North line of said Lot 18, a distance of 44.00 feet to the True Point of Beginning; and running thence North 17°57'00" East 15.00 feet; thence North 72°03'00" West, parallel with the aforesaid North line of Lot 18, a distance of 10.00 feet; thence South 17°57'00" West a distance of 15.00 feet to the point of intersection with the platted North line of said Lot 18; thence South 72°03'00" East, along said North line of Lot 18, a distance of 10.00 feet to the point of beginning.

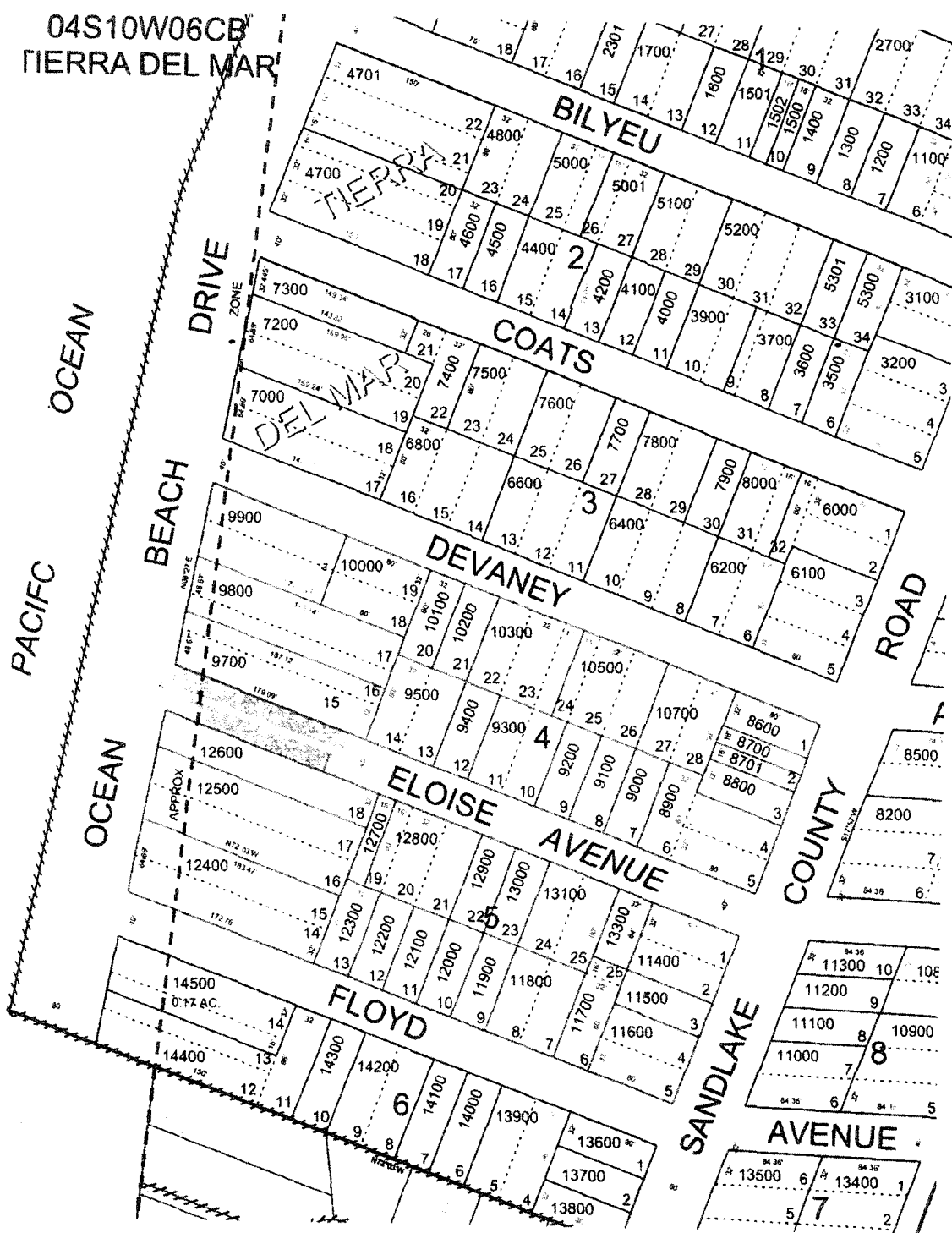
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Douglas H. Kellow

OREGON
February 3, 1983
DOUGLAS H. KELLOW
2027
Renewal: 06/30/21



04S10W06CB
TIERRA DEL MAR



04S10W06CB
TIERRA DEL MAR

SEE MAP AS TOW NO.

~~14~~ CANCELLED.

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PAPER 101

NOTE: $\text{Ba}_2\text{P}_2\text{O}_7$ A-1 + 90% SiO_2

TIERRA DEL MAR
04S10W06CB

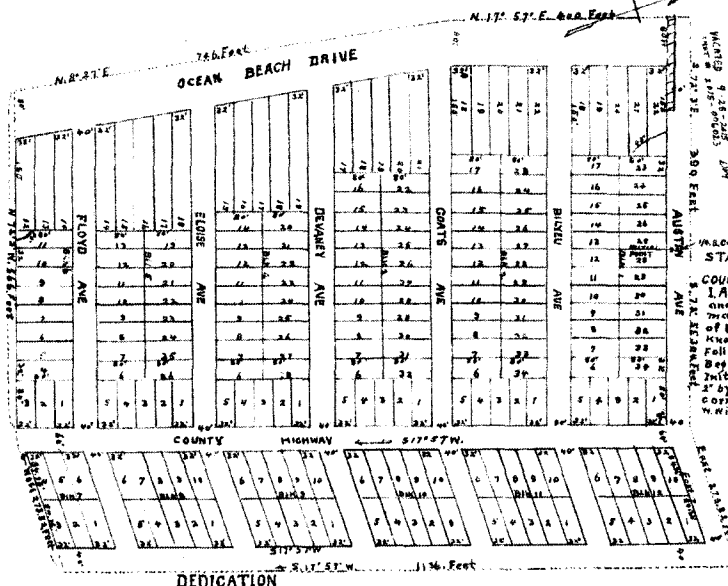
121

MAP OF TIERRA DEL MAR

In Section 6 and 1 Tp. 4 S. R. 10. and 11 W. M. Ore

Scale 1"=100.00

Figures take precedence.



SURVEYORS CERTIFICATE STATE OF OREGON

SS
COUNTY OF TILLAMOOK
I, A. M. Austin, Being first duly sworn depose and say that I have correctly surveyed and marked with proper monuments the tract of land shown on the within map to be known as TIERRA DEL MAR and bounded as follows, To wit:
Beginning at a point N. 17° 57' E. 300 feet from the Initial Point which is a galvanized iron pipe 2" by 2" driven in the ground at the S. E. corner on the west line of section 6, T. 4 S. R. 10. W. 11 W. M. Ore. Thence S. 72° 15' E. 300 feet.
Thence East 278.8 feet.
Thence West 278.8 feet.
Thence N. 72° 15' W. 300 feet.
Thence N. 82° 15' E. 300 feet.
Thence N. 17° 57' E. 300 feet.
Thence S. 72° 15' E. 300 feet to the Beginning Point.
A. M. Austin, Surveyor

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That I, Marie F. Pollock, a single person, on the other in fee simple of the tract of land described in the surveyors certificate above and that as established and located on the within map to be the site and official map of TIERRA DEL MAR and hereby dedicate to the public in ever without reservation all rights and streets shown hereon as such.
IN WITNESS WHEREOF I hereunto set my hand and seal this 6th day of April 1935
Marie F. Pollock

Subscribed and Sworn to before me this 6th day of April, 1935
J. H. Byrne, Notary Public for Oregon.
My Commission expires May 19, 1937.

STATE OF OREGON COUNTY OF TILLAMOOK

Be it known that on the 6th day of April 1935 before me the undersigned Notary Public in and for said County and State personally appeared the within named Marie F. Pollock well known by me to be the identical person described in and who executed the within instrument and acknowledged to me that he executed the same

J. H. Byrne, Notary Public for Oregon
My Commission expires May 19, 1937

Approved: W. E. Johnson County Surveyor
Approved: A. M. Austin County Assessor
Approved by the County Court of Tillamook County Aug 1, 1935
H. B. Ramsey County Judge
E. J. Gardner County Commissioner
E. J. Gardner County Commissioner
Taxes are paid in full.
W. E. Johnson County Sheriff
Attest: W. E. Johnson County Clerk

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

BY Tassi O'Neil co clerk
DEPUTY



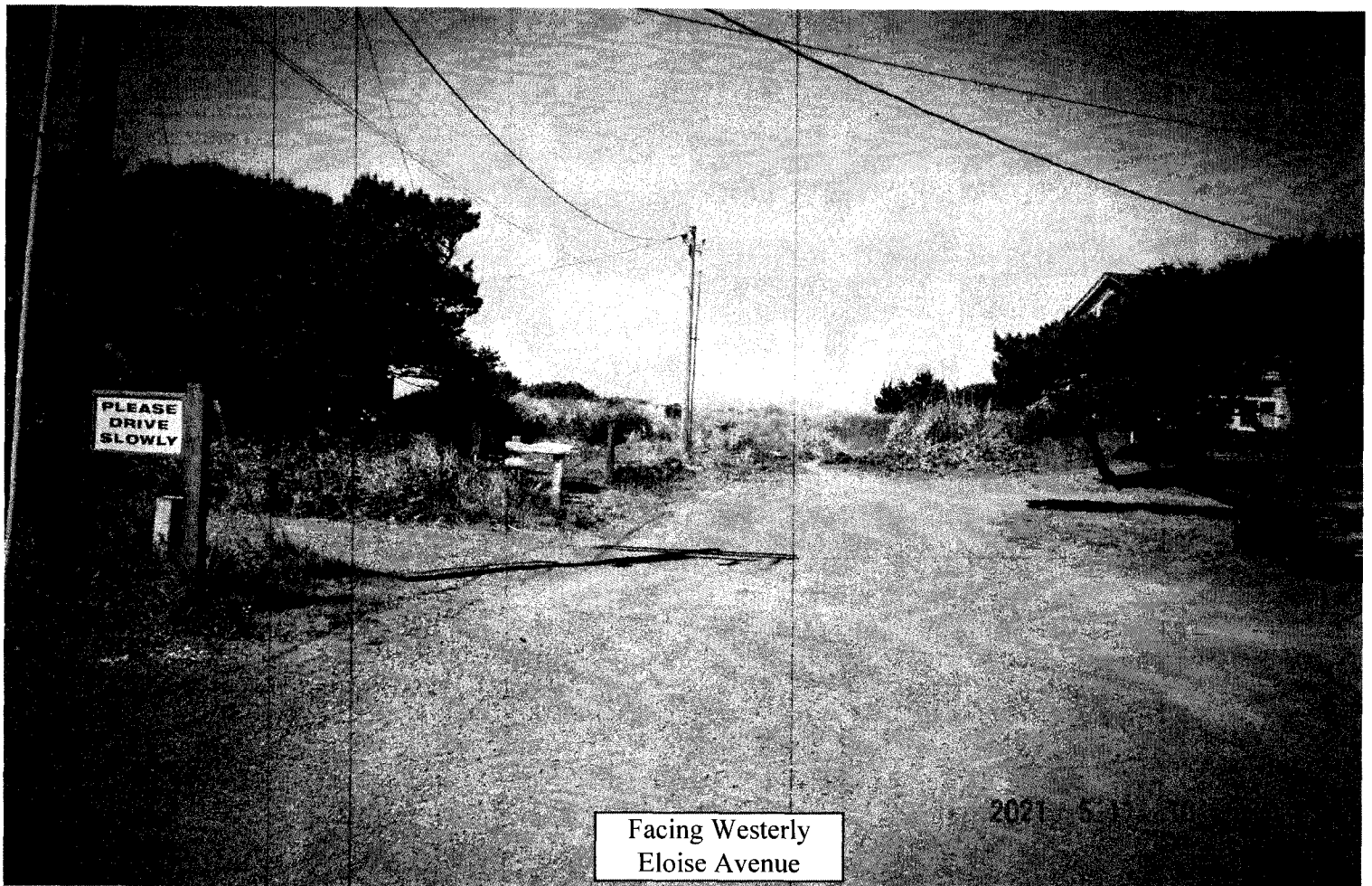
Aerial Image of Tierra Del Mar
Area shown in Surveyor's Plat C-0122



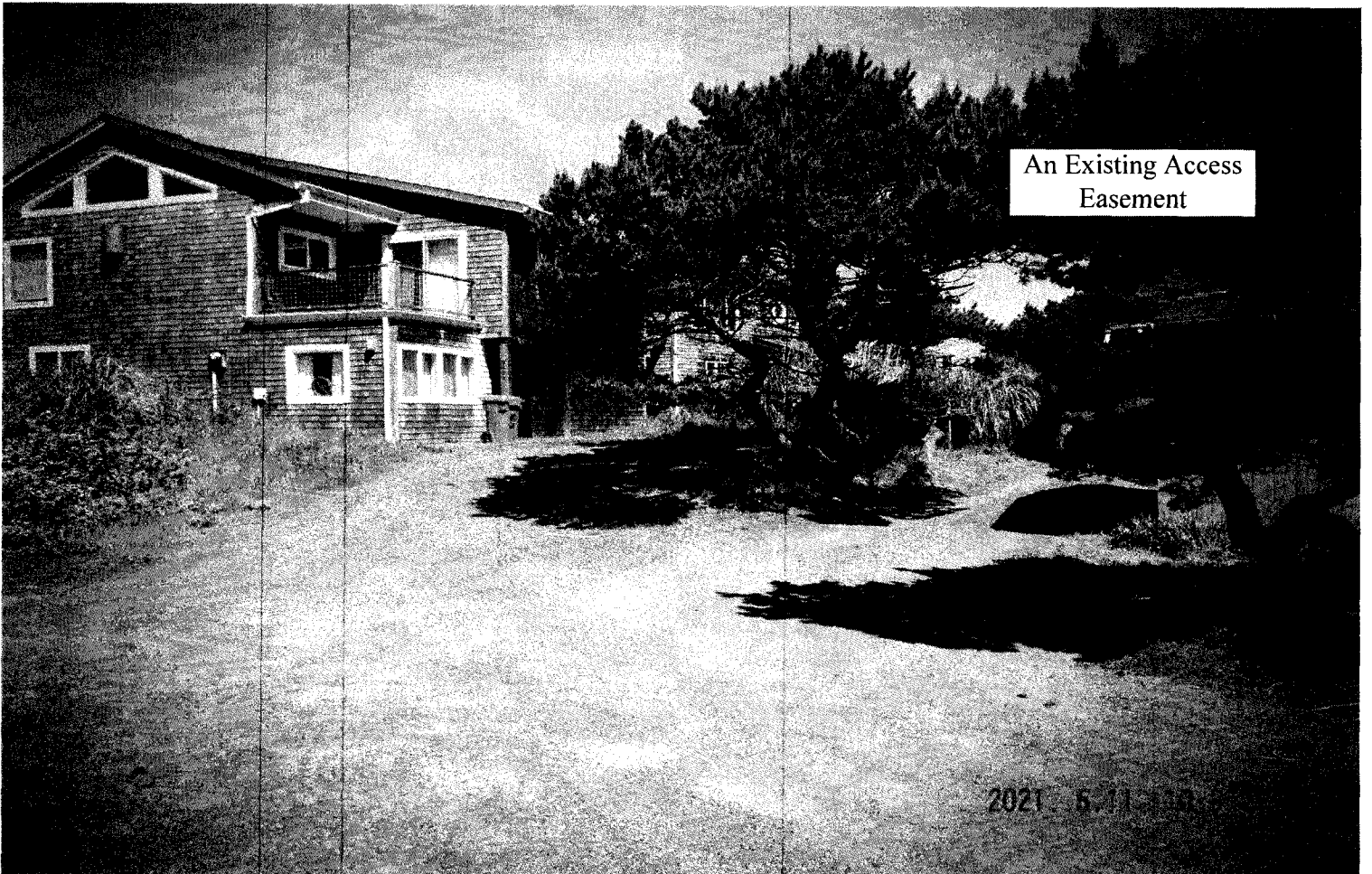
Proposed Eloise Avenue Vacation

Terminus of Eloise Avenue between lots 9700 and 12600 except for a 10' wide pedestrian access.

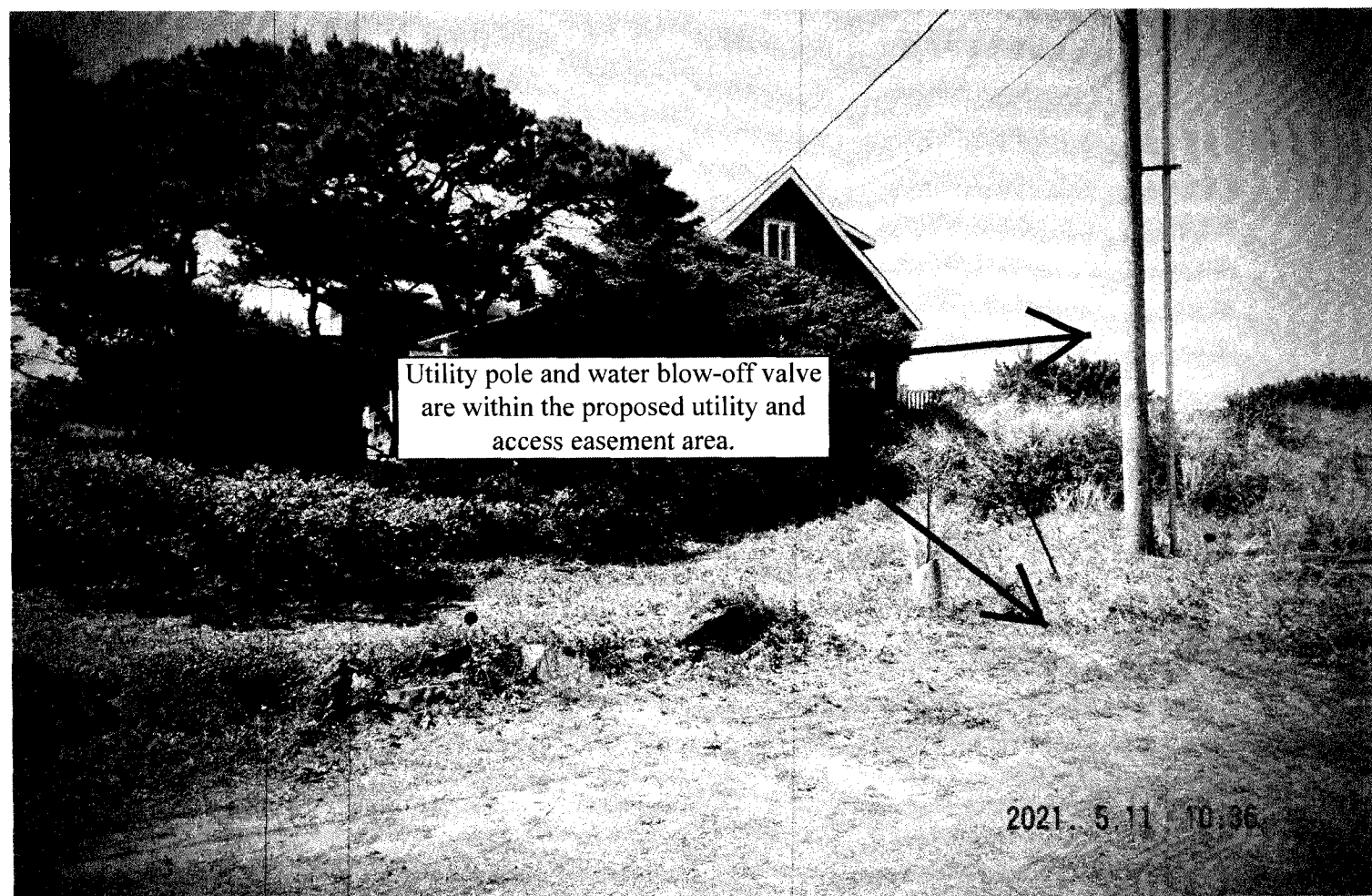
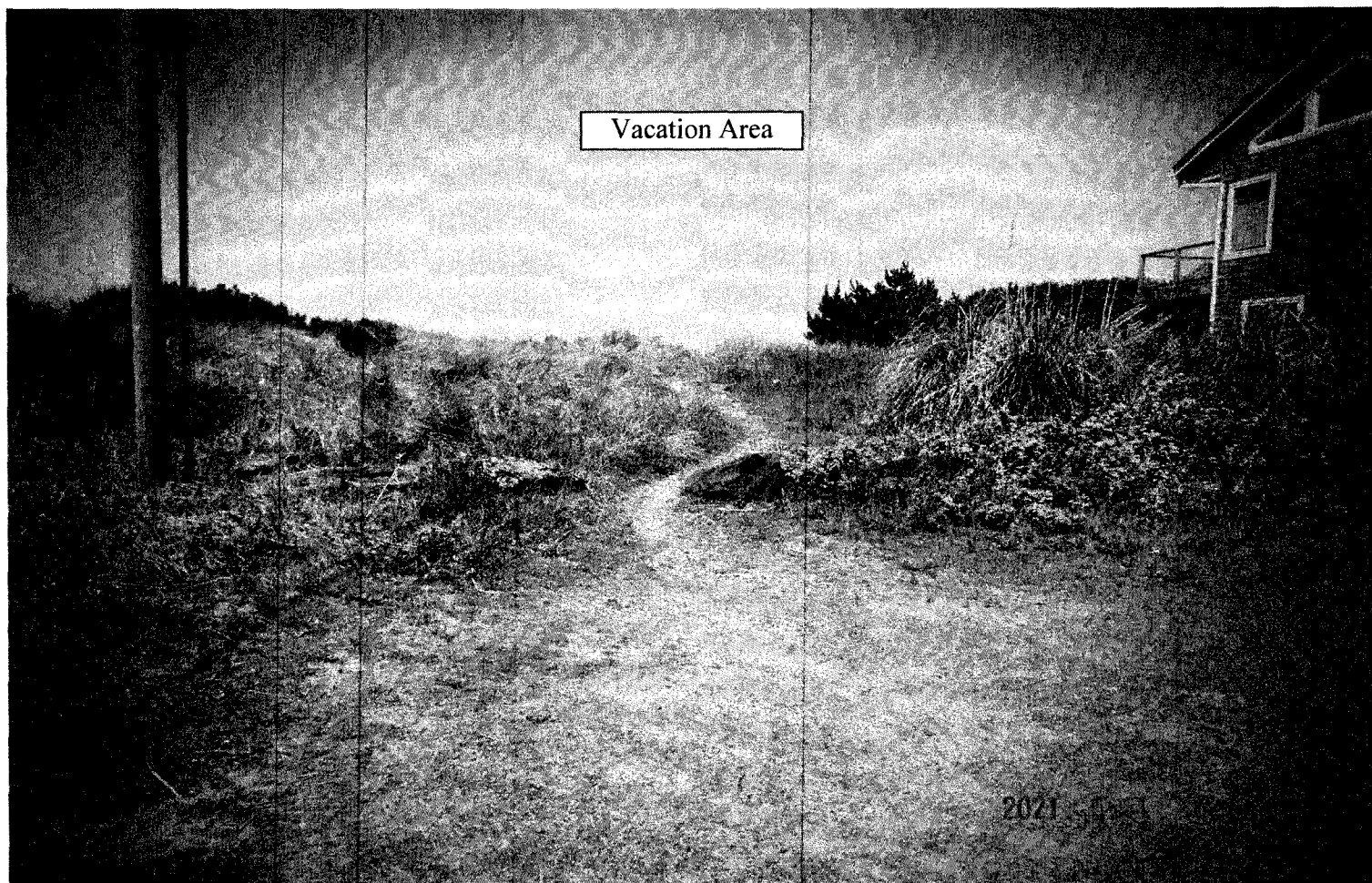


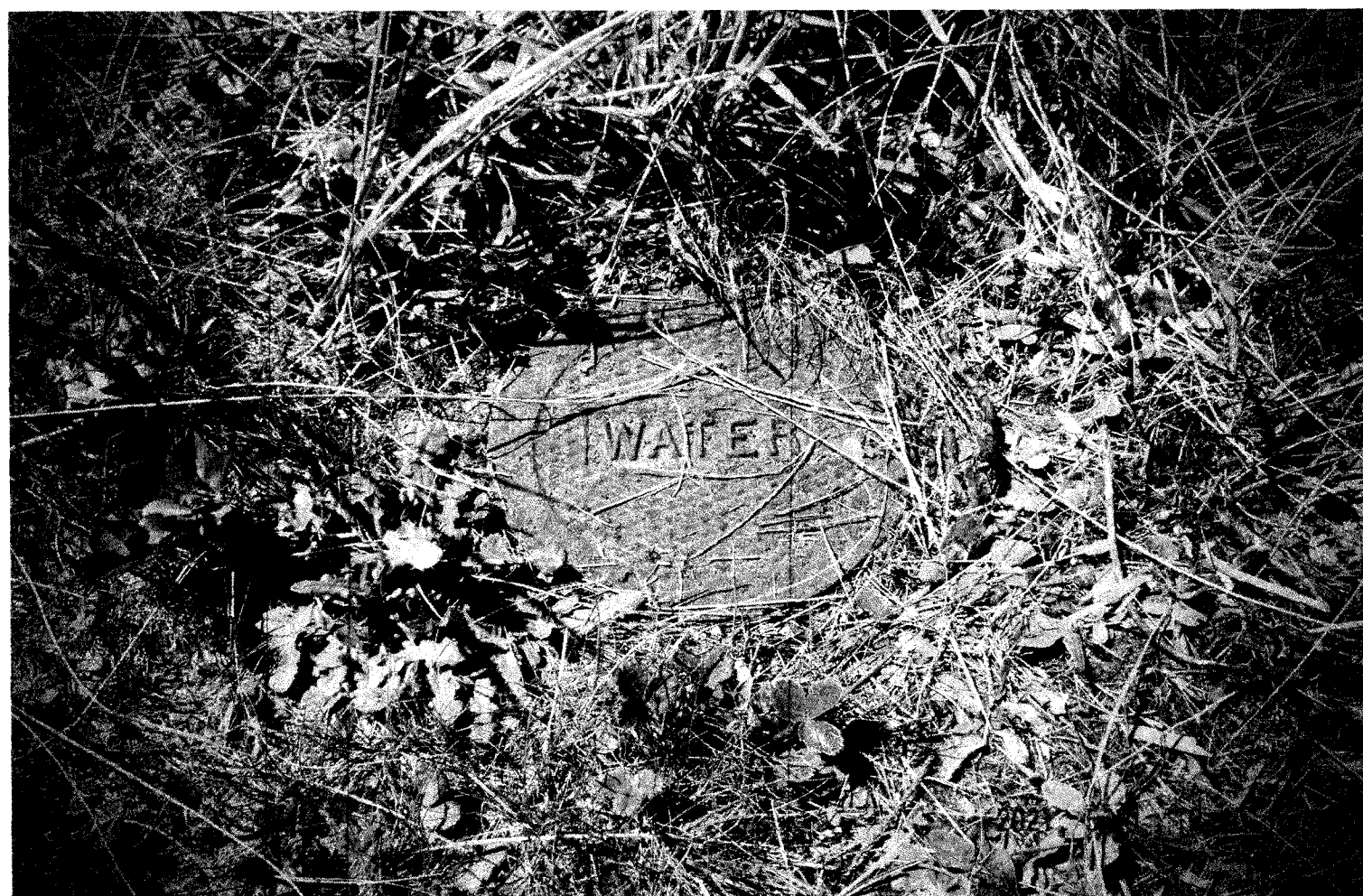


Facing Westerly
Eloise Avenue



An Existing Access
Easement







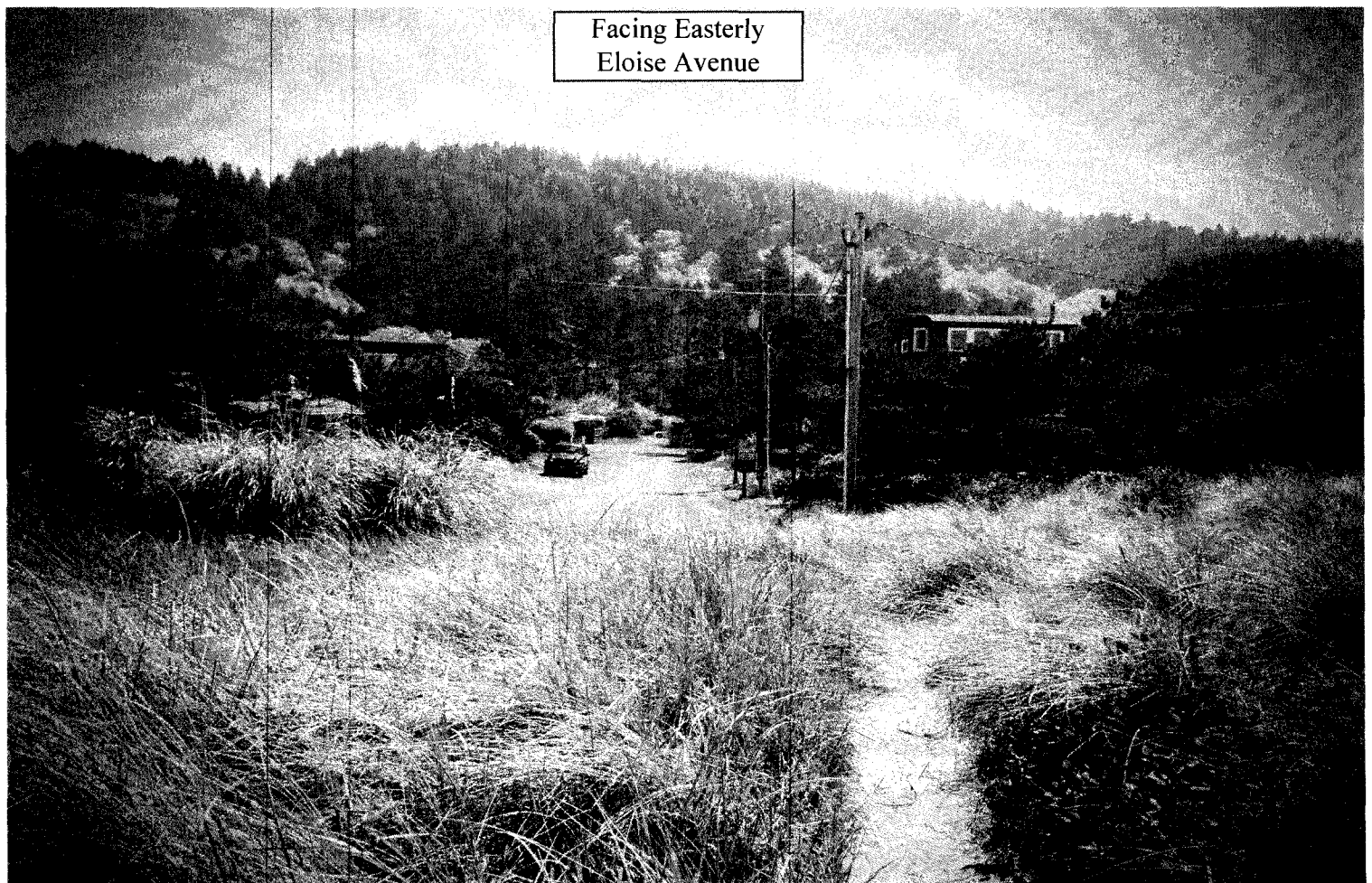
Flag marking the southwestern corner of the utility and access easement area.



Flag marking the southwestern corner of the utility and access easement area.



Flagging demarcating the remaining
pedestrian Right of Way.



Facing Easterly
Eloise Avenue

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 _____ DAY OF _____, 2021.

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent

Mary Faith Bell, Chair

_____ / _____

David Yamamoto, Vice-Chair

_____ / _____

Erin D. Skaar, Commissioner

_____ / _____

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By: _____
Special Deputy

Joel W Stevens, County Counsel



PUBLIC WORKS DEPARTMENT

Exhibit A

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 #564 PUBLIC WORKS STAFF REPORT

Date: September 15th, 2021

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

I. GENERAL INFORMATION

Request: Petition to vacate a portion of Guardenia Avenue in Tierra Del Mar.

Area of Interest: An area of dedicated Public Right of Way located within the Tierra Del Mar Community shown in map T04S R10W Sec. 06BC.

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 #564 requests vacation of a portion of the Public Right of Way recorded as Guardenia Avenue in Tierra Del Mar. The Right of Way and all of the parcels identified in the Petition are created on the Plat of Tierra Del Mar recorded in the Tillamook County Surveyor's permanent records as plat #C-0121.
- 2) **Prior Vacation / Dedication / Property Line Adjustment** – Since the time of the original plat many of the original lots have been consolidated into larger residential parcels. 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 effected landowners are participating in the petition.
- 3) A 10 foot wide section of the Right of Way is to be retained in the center of the vacated area for pedestrian access to the beach.

IV. PUBLIC ACCESS / TRANSPORTATION SYSTEM or FINANCIAL IMPACT:

- 1) There are no impacts to the County wide transportation system.
- 2) There are no financial costs to Tillamook County.
- 3) This petition results in converting land not suitable for vehicular use to private ownership.
- 4) This petition's only impact on any access to rivers, beaches, or recreational property is to preserve an existing beach footpath within a 10' wide remnant of the dedicated Public Right of Way.

V. STATUS OF PUBLIC UTILITIES

- 1) All utilities agencies contacted have claimed no infrastructure within the proposed vacation area.

VII. PETITION CONCLUSION AND RECOMMENDATIONS:

- 1) Tillamook County Engineering staff has reviewed the subject petition, supporting documentation, and visited the site.
- 2) The subject property is located at the western most terminus of Guardenia Avenue which is accessed from Sandlake Road.
- 3) The expressed intent of the Petitioner is to remove specific portions of the public Right of Way as described in the survey documents provided with the Petition.
- 4) Engineering staff recommends **Approval** of Vacation Petition #564 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 Board of County Commissioners approval with all recording to be completed by the end of the current 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.

5) EXHIBIT LIST:

1. Petition Verification letters from Tillamook County Clerk & Assessor
2. Original Petition
3. Legal descriptions to be vacated.
4. Maps including surveyor's map, tax map, and the original Plat #C-0121
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

JUL 27 2021

Tillamook County
Board of Commissioners

July 27, 2021

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

**RE: Petition No. 564 – Petition to vacate a section of Guardenia Avenue
in Tierra Del Mar at it's western terminus.**

Dear Commissioners:

Enclosed is a certified copy of Petition No. 564 filed July 22, 2021, to vacate a section of Guardenia Avenue in Tierra Del Mar at it's western terminus.

Certification from the Assessor regarding ownership was received on July 27, 2021, 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

July 27th, 2021

RECEIVED
JUL 27 2021
TASSI O'NEIL
COUNTY CLERK

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

RE: **Petition No. 564 – Petition to vacate a section of Guardenia Avenue in Tierra Del Mar at it's western terminus.**

Dear Ms. O'Neil:

I have researched our records and certify that the petitioners are the adjacent landowners in the proposed vacation.

MAP ID

4S106BC10500

4S106BC13600

OWNER(S)

David & Lynnette Cauble

Jimmy (Jim) & Jennifer Cloer

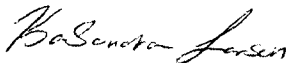
OWNERSHIP

Tenants by Entirety

Tenants by Entirety

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

Respectfully,



KaSandra Larson

Tillamook County Chief Deputy Assessor/Tax Collector

cc. Wendy Schink, GIS Cartographic Analyst

cc. Denise Vandecoevering, Assessor

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

July 22, 2021

Ms. Denise Vandecoevering
Tillamook County Assessor
201 Laurel Avenue
Tillamook, OR 97141

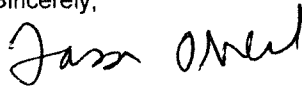
**RE: Petition No. 564 – Petition to vacate a section of Guardenia Avenue
in Tierra Del Mar at it's western terminus.**

Dear Ms. Vandecoevering:

Please certify that the petitioner(s) are landowners in the proposed vacation in
accordance with ORS 368.341(3)(f) by July 28, 2021.

Thank you in advance for your assistance in this matter.

Sincerely,



TASSI O'NEIL
TILLAMOOK COUNTY CLERK

Enclosure

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

564
FILED

JUL 22 2021

TASSI O'NEIL
COUNTY CLERK

IN THE MATTER OF THE VACATION OF)

a section of Guardenia Ave in)Tierra Del Mar at its western terminus)

PETITION TO VACATE

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

The western most portion of Guardenia Avenue between tax
lots 10,500 and 13600 with the exception of a 10 foot
public right away for pedestrian access

-Maps and legal descriptions attached

(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 area of land is currently not used for vehicle
access and Tillamook Public Works has no future plans
for vehicle access to be allowed. Only pedestrian access
currently is in effect on this land. A vacation of this
land would preserve pedestrian access, increase property size
for the adjacent South and North properties and assist
Tillamook County in additional revenue

(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

TILLAMOOK COUNTY

(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:

No utilities facilitated within the vacated area.

(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)

David and Lynette Cauble
2633 NW Three Sisters Dr.
Bend, OR 97703

4510W6BC10500

Jim and Jennifer Cloer
427 NE Grant St. Hillsboro, OR 97124

4510WBC13600

(Use separate sheet if more space is needed)

- VI. Attached to this Petition are 2 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:

The western most portion of Guardenia Avenue between
tax lots 10500 and 13600 with the exception of a
10 (ten) foot right away for public pedestrian access.
- Maps and legal descriptions attached

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

Tax lot 4S10W6BC10500 to the North

Tax lot 4S10W6BC13600 to the South

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

Signed and Dated this 16th day of JUNE, 20 21

David and Lynette Cauble
Signature

2633 NW Three Sisters Dr.
Address

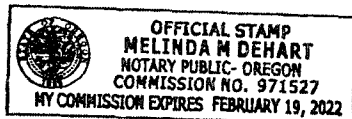
David and Lynette Cauble
Signature
David and Lynette Cauble

Bend, OR 97703
City, State, Zip

ACKNOWLEDGEMENT

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

On JUNE 16, 20 21, the above named person appeared before me and acknowledged the foregoing instrument to be a voluntary act and deed.



Melinda M DeHart
Notary Public for the State of Oregon
My Commission Expires: 02-19-2022

TILLAMOOK COUNTY
PETITION TO VACATE
SIGNATURE SHEET

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

The western most portion of Guarderia Avenue between
tax lots 10500 and 13600 with the exception of a
10 (ten) foot right away for public pedestrian access.
- Maps and legal descriptions attached

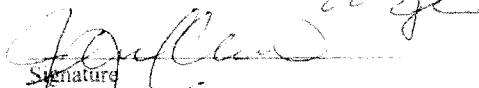
Description of owned property that abuts the property proposed to be vacated (Use legal
description or Tax Lot Number)

Tax lot 4510W6BC10500 to the North

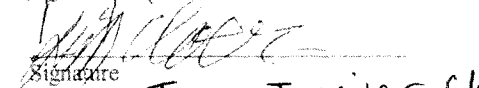
Tax lot 4510W6BC13600 to the South

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 17th day of JUNE, 2021


Signature

427 NE Guard St
Address


Signature

Hillbale OR 97124
City, State, Zip

Jim + Jennifer Cloer

ACKNOWLEDGEMENT

NOTARY PUBLIC)
STATE OF OREGON) ss.
County of Tillamook Washington
(Met)

On 20th June, 2021, 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: 07/14/2024

Exhibit 3

LEGAL DESCRIPTION FOR PROPOSED VACATION
OF A PORTION OF GUARDENIA AVENUE
15.00 foot wide portion to be conveyed to Cauble Tax Lot 10500
July 12, 2021

Beginning at the West One-Quarter Section corner of Section 6, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon said One-Quarter Section corner also being the Initial Point of TIERRA DEL MAR BEACH; thence North 17°57'00" East a distance of 220.00 feet to the Southeast corner of Lot 13, Block 3 of TIERRA DEL MAR BEACH; thence North 72°03'00" West, along the Westerly extension of the South line of the aforesaid Block 3, a distance of 313.00 feet to the True Point of Beginning of the proposed Vacation of a portion of Guardenia Avenue, said point of beginning also being in the South line of Lot 22 of the aforesaid Block 3; and running thence South 17°57'00" West 15.00 feet; thence North 72°03'00" West, parallel with the aforesaid South line of Lot 22, a distance of 182.02 feet to the Westerly line of Ocean Beach Drive; thence North 03°03'00" West, along said Westerly line of Ocean Beach Drive, a distance of 16.07 feet to the point of intersection between the Westerly line of Ocean Beach Drive and the Westerly extension of the South line of Lot 22; thence South 72°03'00" East, along said South line of Lot 22, a distance of 187.77 to the true point of beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Douglas H. Kellow

OREGON
FEBRUARY 3, 1983
DOUGLAS H. KELLOW
2027

RENEWS: 06/30/23

LEGAL DESCRIPTION FOR PROPOSED VACATION
OF A PORTION OF GUARDENIA AVENUE
15.00 foot wide portion to be conveyed to Cloer Tax Lot 1360
July 12, 2021

Beginning at the West One-Quarter Section corner of Section 6, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon said One-Quarter Section corner also being the Initial Point of TIERRA DEL MAR BEACH; thence North 17°57'00" East a distance of 220.00 feet to the Southeast corner of Lot 13, Block 3 of TIERRA DEL MAR BEACH; thence North 72°03'00" West, along the Westerly extension of the South line of the aforesaid Block 3, a distance of 313.00 feet, said point being in the South line of Lot 22 of the aforesaid Block 3; thence South 17°57'00" West 40.00 feet to the True Point of Beginning of the proposed Vacation of a portion of Guardenia Avenue, said point of beginning being the North line of Lot 24, Block 4, TIERRA DEL MAR BEACH; and running thence North 72°03'00" West, along the North line of the aforesaid Lot 24, a distance of 172.42 feet to the Westerly line of Ocean Beach Drive; thence North 03°03'00" West, along said Westerly line of Ocean Beach Drive, a distance of 16.07 feet; thence South 72°03'00" East, parallel with the North line of Lot 24, a distance of 178.17 feet; thence South 17°57'00" West a distance of 15.00 feet to the true point of beginning.

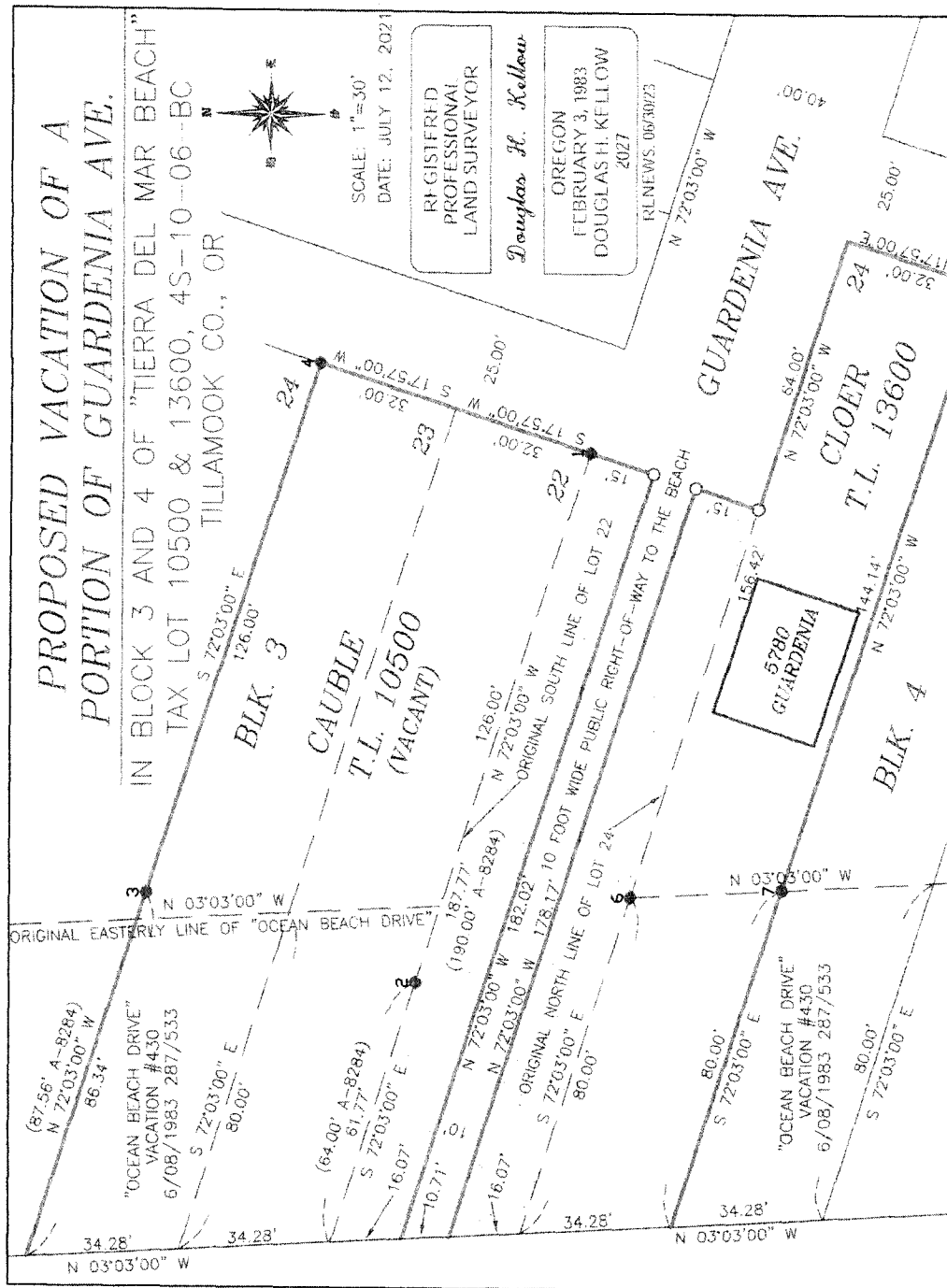
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Douglas H. Kellow

OREGON
FEBRUARY 3, 1983
DOUGLAS H. KELLOW
2027

RENEWS: 06/30/23

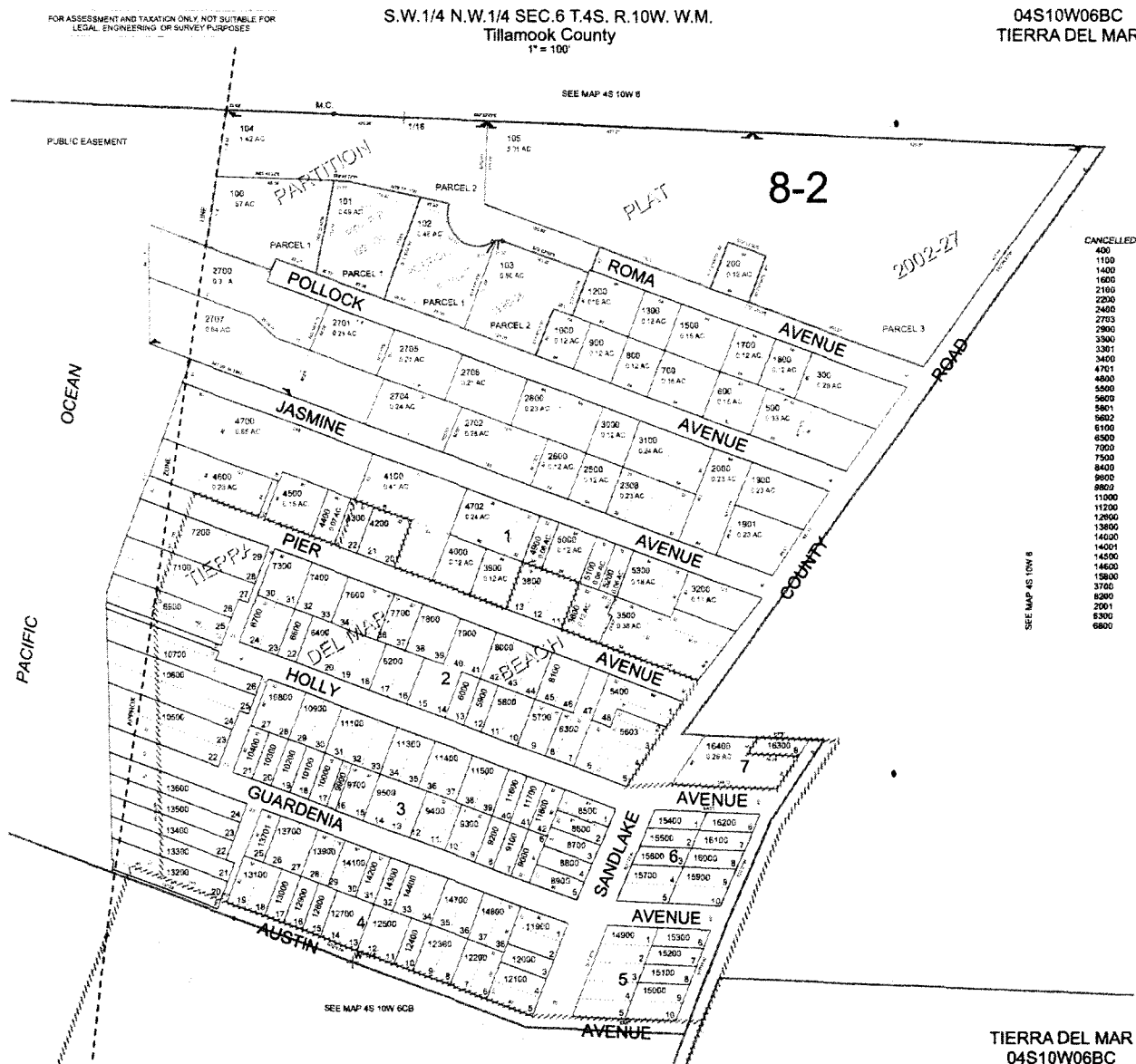
Exhibit 4



04S10W06BC
TIERRA DEL MAR



CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
TASSI O'NEIL
BY Juan Oued colleive
DEPUTY



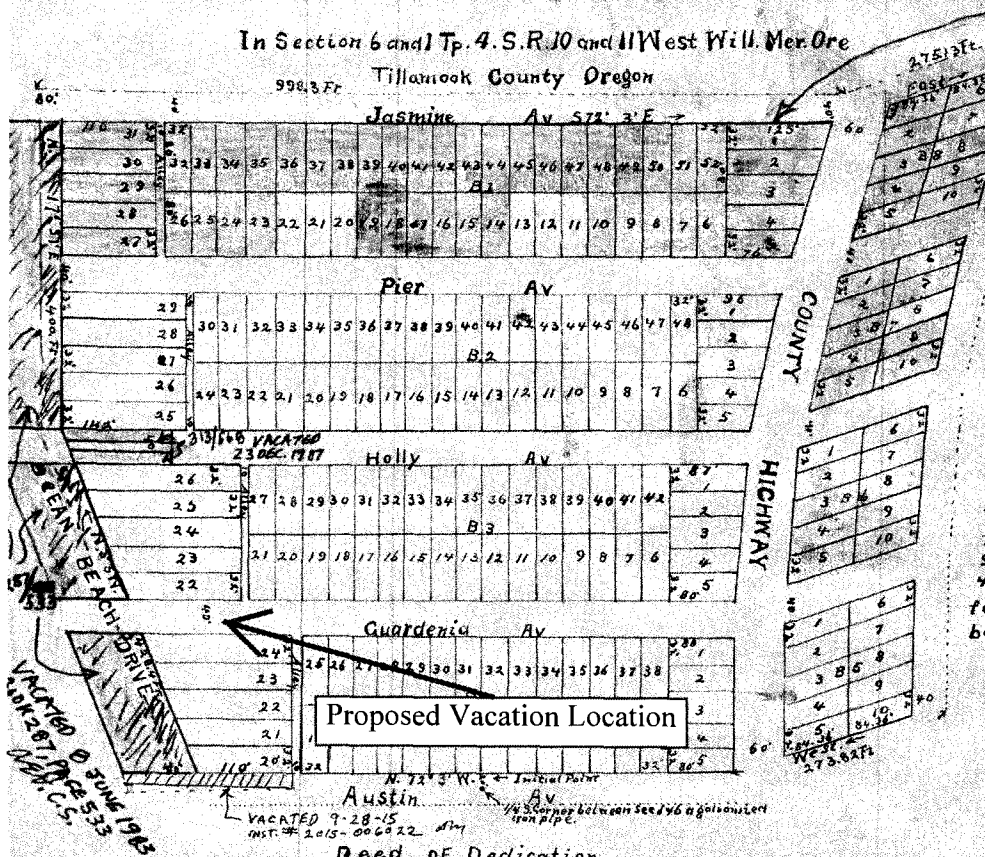
121-D

MAP
OF

TIERRA DEL MAR BEACH

In Section 6 and 1 Tp. 4. S. R. 10 and 11 West Will. Mer. Ore

998.3 Fr Tillamook County Oregon



VACATED
FEB 23, 1942
BOOK 82 PAGE 331, 332
Allen Duncan, C.S.

Surveyors Certificate

STATE OF OREGON } S.S.
COUNTY OF TILLAMOOK }

I AM, Austin, Being first duly sworn depose and say that I have correctly surveyed and marked with proper monuments the tract of Land shown on the within map to be known as TIERRA DEL MAR BEACH and bounded as follows. To wit. Beginning at a point N. 17° 57' E. 20 feet from the 1/4 section corner on the west line of Section 6, Tp. 4. S. R. 10. W. Will. Mer. Ore. Thence N. 74° 3' W. 42.4 feet. Thence N. 34° 41' E. 41.8 feet. Thence N. 17° 57' E. 400 feet. Thence S. 72° 3' E. 99.3 feet. Thence East 275.1 feet. Thence S. 32° W. 480 feet. Thence S. 20° W. 364 feet. Thence West 27.8 feet. Thence N. 72° 3' W. 304 feet to the place of beginning.

A. Austin Surveyor.

Subscribed and sworn to before me this 10th day of September 1935 J. H. Boyer

NOTARY PUBLIC FOR OREGON

My commission expires May 19, 1937.

Deed of Dedication

KNOW ALL MEN BY THESE PRESENTS, That I M. F. Pollock a single person am the owner in fee simple of the tract of land described in the surveyors certificate above and that I do hereby establish and declare the within map to be the true and official Map of Tierra Del Mar Beach and I hereby dedicate to the public for ever with out reservation all roads, streets and alleys shown hereon as such

IN WITNESS WHERE OF I hereunto set my Hand and Seal This 10th day of September 1935

M. F. Pollock Seal.

STATE OF OREGON } S.S.
COUNTY OF TILLAMOOK }

Be it known that on the 10th day of September 1935 before me the undersigned NOTARY PUBLIC in and for said County and State personally appeared the within named M. F. Pollock well known by me to be the identical person described in and who executed the within instrument and acknowledged to me that she executed the same

J. H. Boyer

Notary Public for Oregon

My Commission expires May 19, 1937.

Approved by the County Surveyor.

Approved by the County Court of Tillamook County October 9, 1935

H. B. Connelley

County Judge

A. E. Anderson

County Commissioner

E. B. Anderson

County Commissioner

Taxes are paid in full

H. B. Connelley

County Sheriff

J. M. Chase

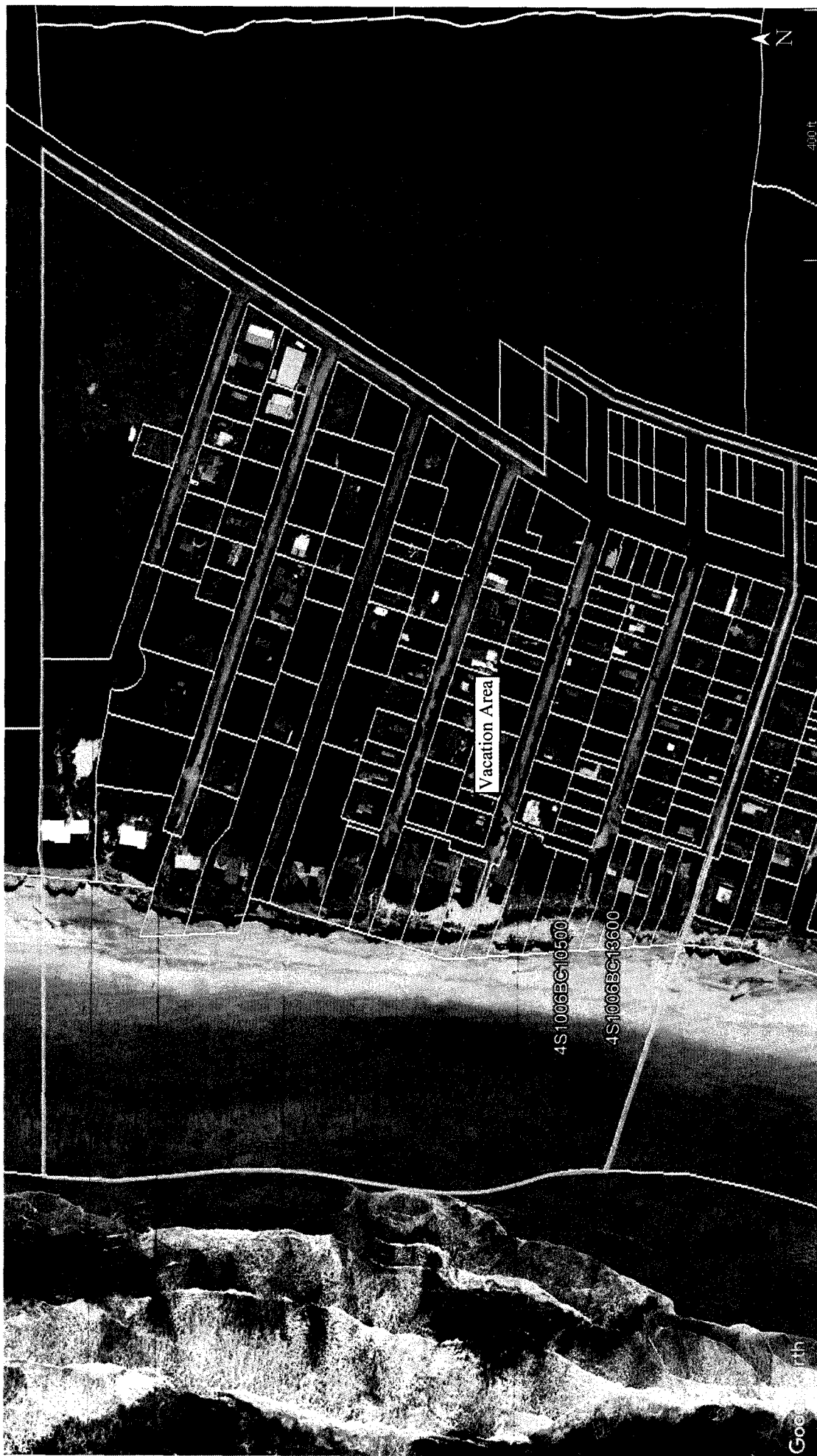
County Assessor

Attest

A. E. Anderson

County Clerk

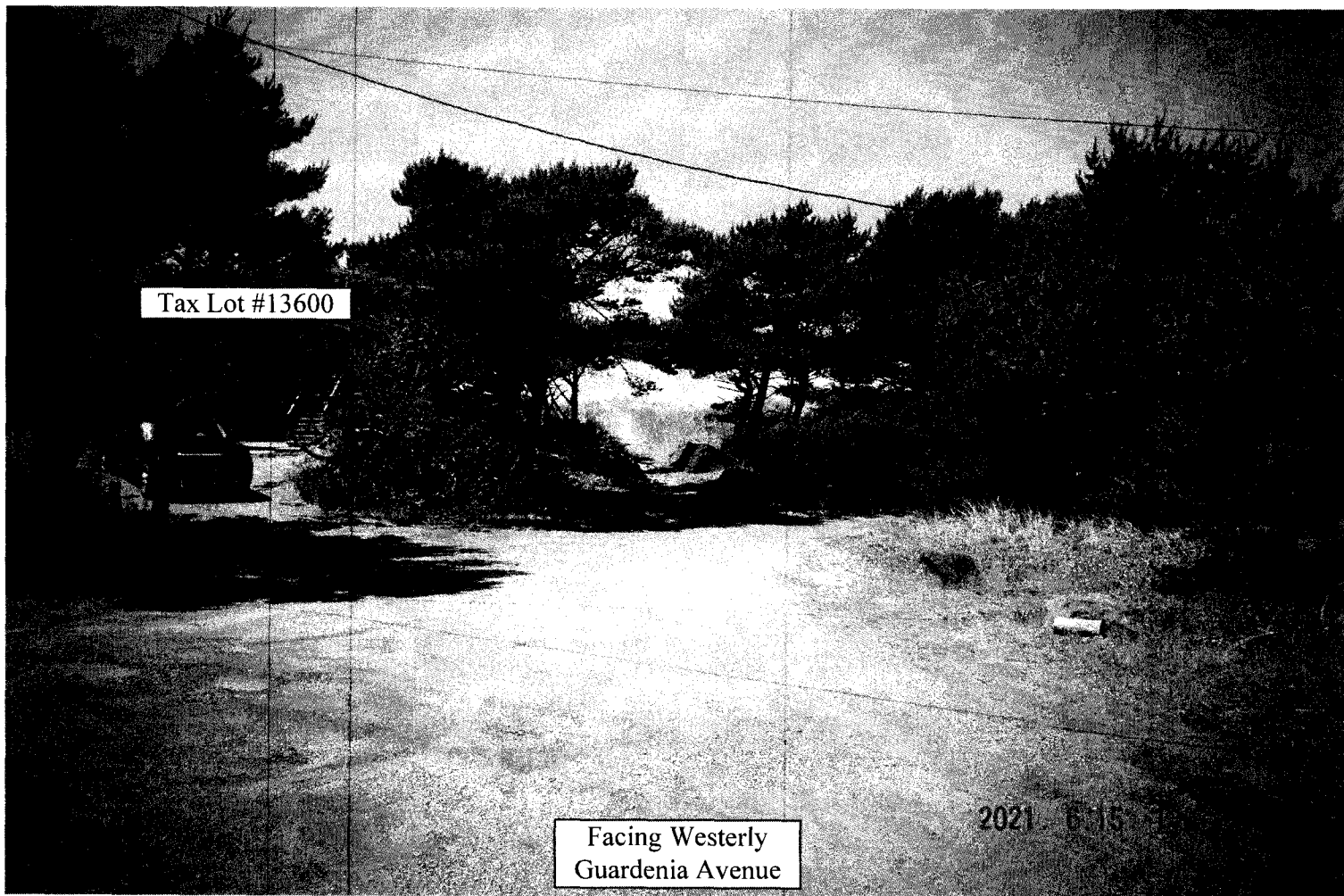
Exhibit 5

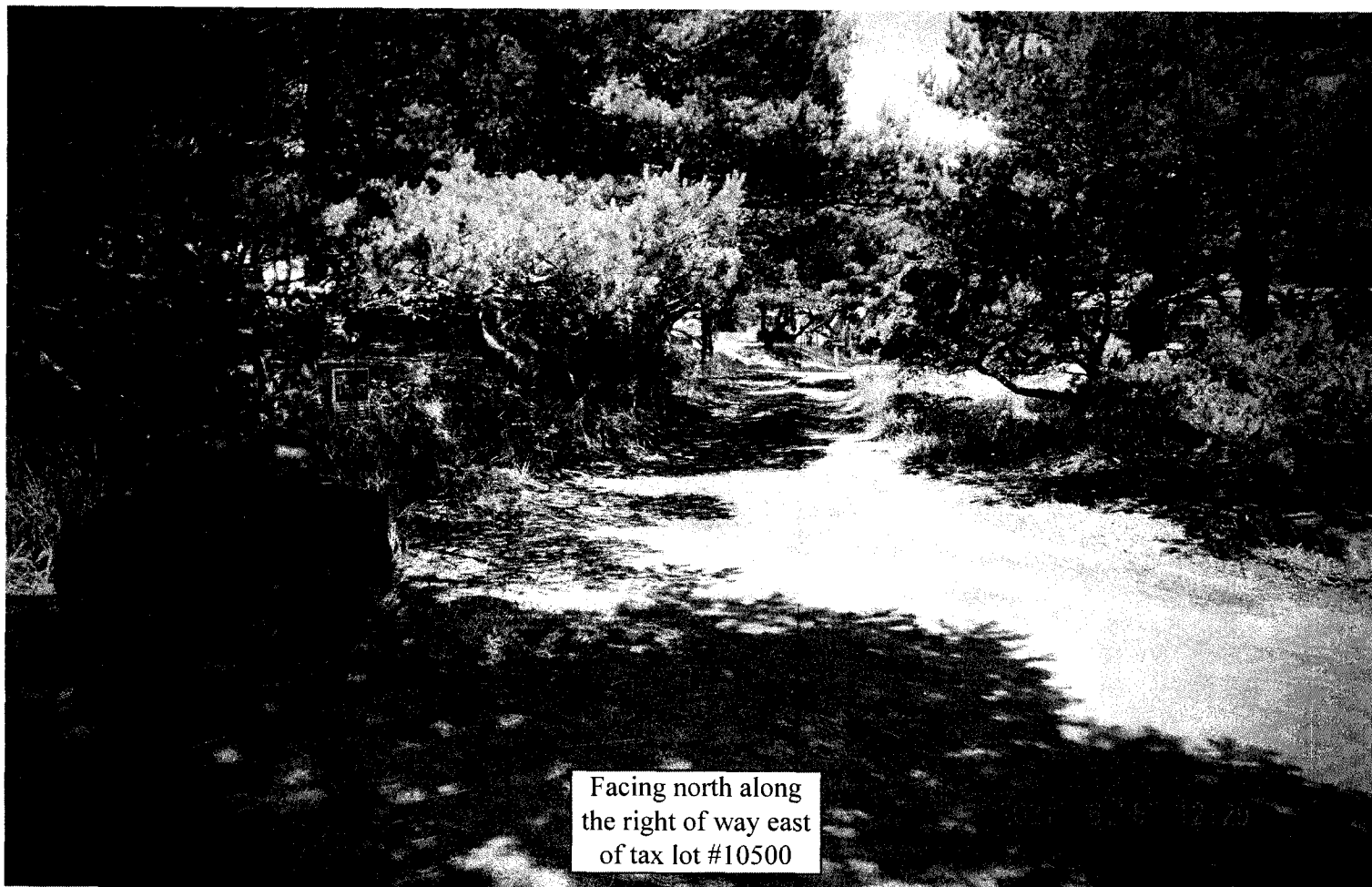


Proposed Guardenia Avenue Vacation

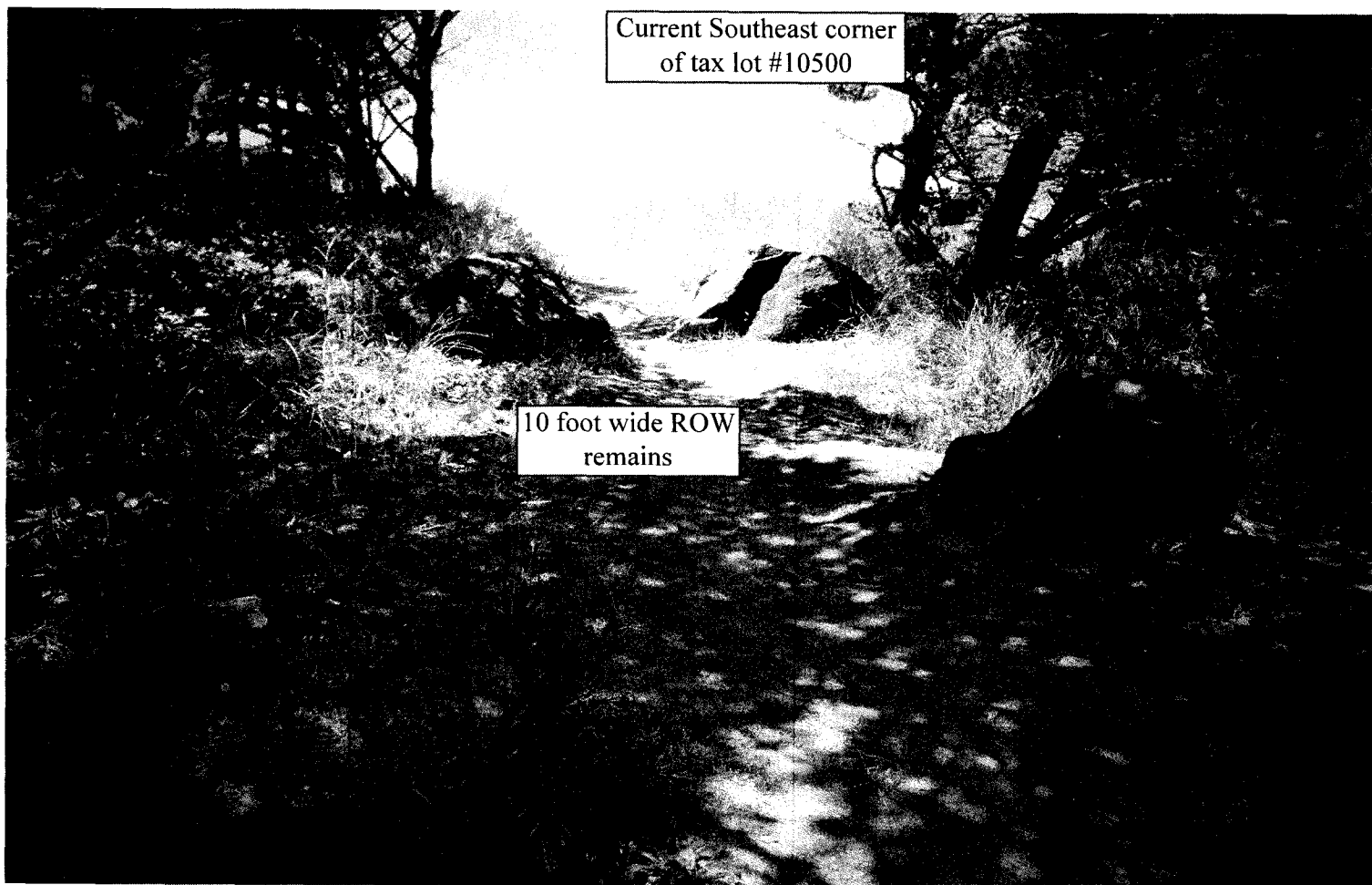
Terminus of Guardenia Avenue between lots 10500 and 13600 except for a 10' wide pedestrian access.







Facing north along
the right of way east
of tax lot #10500



Current Southeast corner
of tax lot #10500

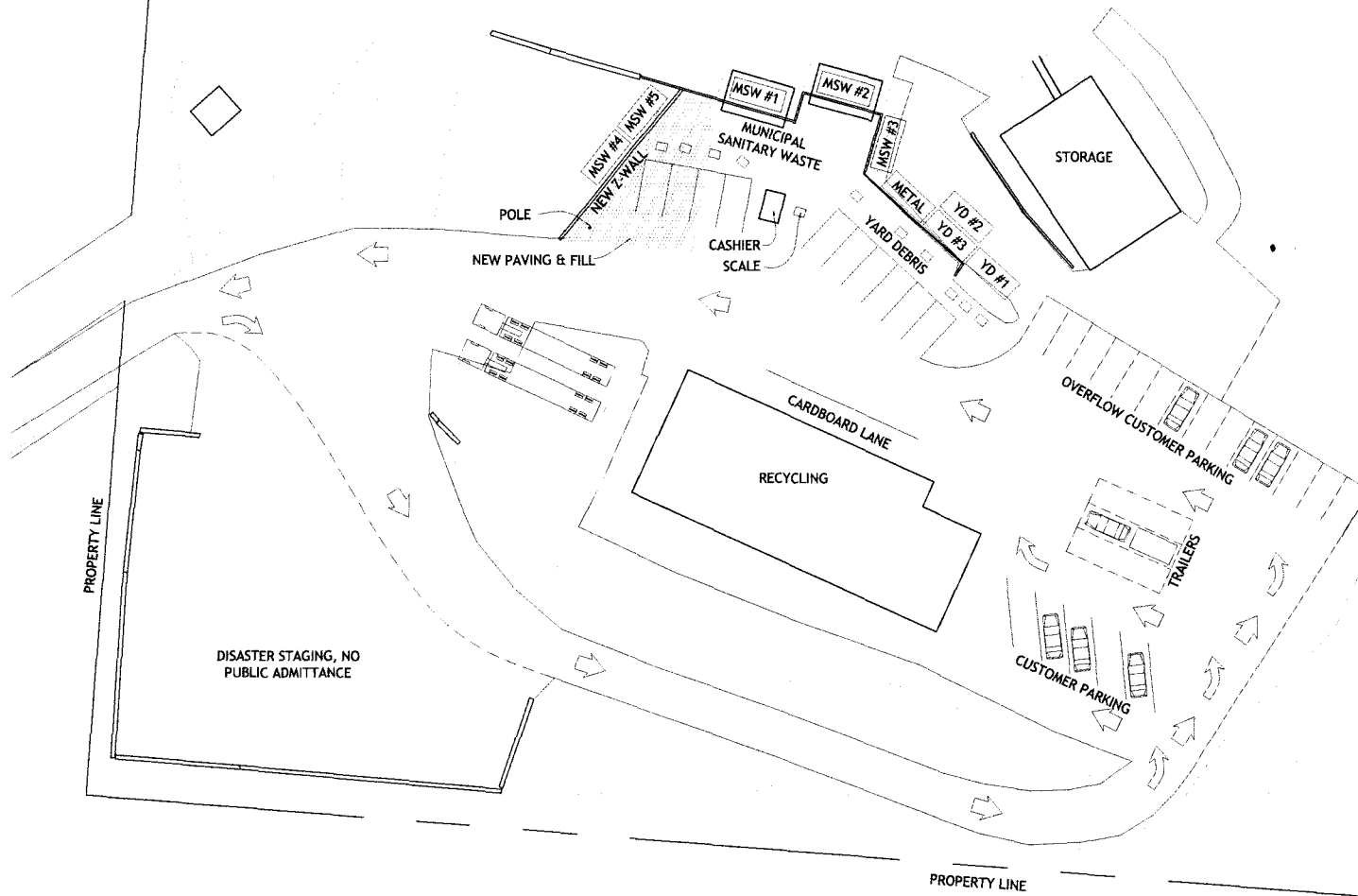
10 foot wide ROW
remains



Current Southeast corner
of tax lot #10500



Survey marker of lot
corner shown in
exhibit map




SITE PLAN- OPTION A
 SCALE: 1"=30'



site flow design for
Manzanita Transfer Station
 34995 Necanicum City Rd
 Manzanita, OR 97130

Date	5/11/2021
Drawn by	REVIEW
Checked by	
Reviewed by	
Approved by	

PRELIMINARY
 NOT FOR CONSTRUCTION

Project Number 2024

A0
 ARCHITECTURAL
 SITE PLAN

Isabel Gilda

From: robin kostrikin <[REDACTED]>
Sent: Tuesday, November 9, 2021 4:05 PM
To: Public Comments
Subject: EXTERNAL: Tillamook County Commissioner Meeting November 10, 2021

[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Dear County Commissioners:

It appears to many of us that you believe that government agencies are beyond reproach and always have our best interests at heart. They would never provide misinformation, censor vital lifesaving treatments, suppress information that conflicts with their official narratives from once well-respected scientists, medical professionals working on the front-lines? That they aren't influenced by the drug industry, or have conflicts of interest. That drug companies are also looking out for our welfare. That seems to be why you continue to quote the death stats by the OHA, CDC, and WHO, and trust the decisions by the OHA, CDC, WHO, FDA and Dr. Fauci/NIH/NAID as the only reputable sources of information. That you continue to quote cases every week using an invalid PCR Test.

How many in the OHA have conflicts of interests with these drug companies? You might start with the criminal/civil lawsuits that have been documented regarding these drug companies. Again, they have NO LIABILITY now. If they were so safe and effective, why did people need to be bribed and coerced into getting them and mandated by our governor? You might look into the sphere of influence the drug industry has in DC and the media? This is unprecedented. What ties does our governor have with the drug industry? Will she be rewarded with a lucrative position when her term expires in the Biden Administration? Many people in these agencies used to hold positions in these drug companies, or go to work for these drug companies when they leave(Dr. Gottlieb of the FDA=hired at Pfizer as a recent example). An incestuous relationship with blatant conflicts of interest.

As I stated, RFK Jr. took the CDC to court last summer and proved that they have never done ANY peer reviewed studies on the safety and effectiveness of all the vaccines they have recommended for children and adults for the past 30 years. This court case and the findings is public information so it is verifiable. Congress has been negligent because it's their job to make sure they do these scientific studies. Congress is beholden to the drug industry who has the most powerful lobbyists in DC. The CDC has a blatant conflict of interest in that they have

patents on these vaccines, yet are entrusted to protect our health. Dr. Fauci/NIH has a patent on the Moderna vaccine. No conflict of interest there?

Why do these eight top leaders in the field of medicine say that the science is not to be trusted?

1. Dr. Marcia Angell, former editor-in-chief of the New England Journal of Medicine (NEJM) - "It is simply no longer possible to believe much of the clinical research that is published. I take no pleasure in this conclusion, which I reached slowly and reluctantly over my two decades as an editor of the New England Journal of Medicine."

~~ Taken from this webpage on a U.S. National Institute of Health website

2. Dr. Richard Horton, the current editor-in-chief of the Lancet (considered to be one of the most well-respected peer-reviewed medical journals in the world) - "The case against science is straightforward: much of the scientific literature, perhaps half, may simply be untrue. Science has taken a turn towards darkness."

~~ Taken from this webpage on a U.S. National Institute of Health website

3. Dr. Fiona Godlee, 16 years as editor-in-chief of The BMJ - "It's estimated that 70 per cent of the retractions are based on some form of scientific misconduct. I think we have to call it what it is. It is the corruption of the scientific process."

~~ Taken from this webpage on the website of the CBC (Canadian Broadcast System)

4. Kamran Abbasi, current executive editor of The BMJ - "Science is being suppressed for political and financial gain. COVID-19 has unleashed state corruption on a grand scale, and it is harmful to public health."

~~ Taken from this webpage on the website of The BMJ (formerly British Medical Journal)

5. Dr. Raeford Brown, chair of the Food and Drug Administration (FDA) Committee on Analgesics and Anesthetics - "Congress is owned by pharma. The pharmaceutical industry pours millions of dollars into the legislative branch every single year. In 2016, they put \$100 million into the elections. That's a ton of money."

~~ Taken from The Yahoo! News website

6. Assistant Professor Ray Moynihan, one of the leaders of a campaign sponsored by The BMJ to separate medicine from big Pharma - "When we want to decide on a medicine or a surgery, a lot of the evidence we used to inform that decision is biased. It cannot be trusted ... because so much of that has been produced and funded by the manufacturers of those healthcare products."

~~ Taken from the website of the Sydney Morning Herald

7. A group calling itself CDC Scientists Preserving Integrity, Diligence and Ethics in Research, or (CDC SPIDER), put a list of complaints in writing in a letter to CDC Chief of Staff. The members of the group have elected to file the complaint anonymously for fear of retribution - "It appears that our mission is being influenced and shaped by outside parties and rogue interests

... and Congressional intent for our agency is being circumvented by some of our leaders. What concerns us most is that it is becoming the norm and not the rare exception. These questionable and unethical practices threaten to undermine our credibility and reputation as a trusted leader in public health."

~~ Taken from the website of The Hill

8. Dr. Herbert L. Ley Jr, head of the FDA in the late 1960s - "What the FDA is doing and what the public thinks it is doing are as different as night and day." He complained further that during his 18-month tenure he had been under "constant, tremendous, sometimes unmerciful pressure" from drug industry officials.

~~ Taken from the New York Times website

Commissioner Bell -You believe we need to come together and overcome our differences. The problem is that you ignore that our right of personal choice how we deal with our health is being taken away and why many of us are standing up to protect our personal freedoms. Our governor just did an executive order giving hospitals the right to decide who to treat first=vaccinated first, unvaccinated second. Our new caste system. Hospitals, and clinics are telling people they will not treat them unless they are vaccinated. Criminal. People that have lost employment, lost their businesses, an inability to pay their bills, increase in drug and alcohol use, increase in domestic and child abuse, increased poverty and homelessness, and what we've done to our elderly and children/young people(social isolation). Depression, anxiety and suicide. Forced to get an experimental brand-new untested technology that if you actually looked outside what you are being told, would see the level of adverse reactions and deaths after being vaccinated. So if you care so much, why aren't you speaking out about these mandates that are destroying lives or our other two commissioners? These boosters you are promoting will be the final nail in the coffin especially for our most vulnerable and elderly who will be the first to get them.

Lockdowns cause irreparable harm and we have always protected the vulnerable and the elderly and let the rest of us achieve herd immunity. Do you have any idea where this is going? Last year, our governor created a snitch line to report people who aren't following social distancing, or businesses who aren't requiring employees or customers to wear masks. Last holiday season, we were told we were not allowed more than 6 people at these gatherings and the Oregon State Police were ordered to fine people who were reported. She cleverly made businesses the enforcers because she knew this was unconstitutional because a mandate is not a law. Also, her emergency powers had expired after 30 days. The Oregon Court of Appeals said they could not rule on the case Mooney vs. OHA because they can't rule on something that is not a law.

While our governor has conveniently released criminals onto the streets since this happened, law abiding citizens are being fined, arrested or cited for criminal trespassing. People have lost their livelihoods because of these unconstitutional mandates. Businesses are being fined, or

employees put on administrative leave if they are caught not wearing a mask=local post office thanks to people who are doing exactly what they did in Nazi Germany. These measures are what happens in countries with authoritarian rule=Nazi Germany, former Soviet Union, China, North Korea, yet it is happening in what used to be a free nation.

Many of my activist friends who have been involved in politics for many years saw this coming early last year. The vaccine passport-social credit score much like China has. Seeing who complies with government dictates and who doesn't. It started with masks to see who would be compliant and provide social conditioning and why children must wear them. Turn off our common sense and stop questioning. Promote virtue signaling. Divide people. Creating a caste system, who will be allowed to participate in society and have access to essential services. It's already happened with masks, and now many businesses are requiring proof of vaccination. Spend some time in Manzanita. Let's remember that our borders are being flooded with illegal immigrants who aren't held to the same standard. The White House and Congress are exempt to get these COVID shots, those in our judicial system, postal workers, CDC, FDA employees and employees in these drug companies. Those that make the rules, but are under a different set of standards.

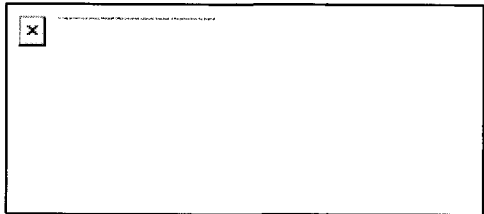
Let's look at the 12 mask studies that the OHA is using. I had a friend who did a FOIA request so I have been able to go through them. None of them are randomized control trials=the gold standard, and instead they have chosen to ignore the 65 plus studies that are the gold standard that show that masks do not prevent the transmission of a virus, and can harm our health. Cherry picking the science to fit the official government narrative-"scientism". First, let's remember that many people are wearing surgical masks made in China with toxic chemicals and breathing that all day=including our children setting them up for lung cancer, and neurological issues. They lower your oxygen levels, and increase CO2 setting people up for heart attacks and strokes, and respiratory illnesses including bacterial pneumonia which we are seeing in hospitals. Did you know it makes you more likely to have a severe reaction to this virus because of how it impacts your respiratory system?

Masks are a breeding ground for bacteria, yet in our infinite wisdom we are forcing children as young as 2 to wear them. As a former special education teacher and parent, I consider what we are doing to our children/young people as child abuse. Also, we have viruses and bacteria in our bodies and that makes you rebreathe them constantly setting you up for being sick and creating an acidic environment. My brother-in-law who is a surgeon has told me that surgical masks do not prevent the spread of a virus(only used to prevent spittle from contaminating the wound site), and they can cause hypoxia=lowered oxygen levels. Let's remember that everyone has been ordered to wear them no matter what their medical condition is, and you have taken the liberty to do the same putting people's health at risk. We are seeing bacterial pneumonia as a result of wearing masks, and i know many people who also have major skin issues, and dental carries/gum disease as it creates dry mouth that predisposes you for this.

Please ask our state epidemiologist why they chose to use 12 studies that are not peer reviewed randomized control trials for masks, and ignore the more than 65 that are considered the gold standard in scientific studies that show that masks do not prevent the transmission of a virus and can harm our health?

Take a few minutes to look at these graphs from the CDC VAERS adverse reactions site for myo=pericarditis. We are seeing this adverse reaction in all ages(including young children) who have been vaccinated. These graphs compare previous years=flu. Just coincidental? Healthy athletes around the world are dropping dead from cardiac arrest, having strokes, heart attacks, and heart inflammation. Unprecedented. This just doesn't happen. What do they all have in common? They all were vaccinated.

<https://openvaers.com/covid-data/myo-pericarditis>



Myo/Pericarditis

VAERS CDC Disclaimer. Source:
VAERS.HHS.GOV VAERS accepts reports of
adverse events and reactions that occur
following vaccination. Healthcare
providers, vaccine manufacturers, and the
public can submit reports to the system.

openvaers.com

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Respectfully yours,
Robin Kostrikin
Pacific City

Isabel Gilda

From: Mike Sears <[REDACTED]>
Sent: Thursday, November 4, 2021 4:17 PM
To: Public Comments
Subject: EXTERNAL: Housing Shortages

[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Honorable Tillamook County Commissioners

Greetings:

Have you noticed all of the vacant houses we have, at least in south county and wondered why they are not used when there is a shortage of homes?

I had a conversation with a local farmer and he was commenting upon the restrictions placed upon him that only allowed occupancy of the homes on his property by his family or hired hands. His situation was that he did not have a hired crew and his family had their own housing, therefore the homes on his dairy remain empty. He did not state where the restrictions came from, what purpose they served or whether the restrictions could be altered.

My purpose in contacting you about this issue is to encourage you to evaluate these conditions and possibly eliminate or modify the restrictions for the betterment of the community.

Thank You for Your Service

Mike Sears

Isabel Gilda

From: Ron Baker [REDACTED]
Sent: Tuesday, November 9, 2021 7:28 AM
To: Public Comments
Subject: EXTERNAL: Agenda items 11 & 12

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

This email is in regards to the proposed road vacations on Eloise avenue and Guardenia avenue in Tierra Del Mar. I'm a homeowner in Tierra Del Mar and believe that all public beach access should be preserved for the greater good of all Oregonians, especially where ADA access is concerned.

As a 17+ year firefighter and paramedic, I'm keenly aware of the importance of good access for emergencies. Diminishing the access from forty feet down to ten feet would make access for emergency vehicles and emergency scene operations extremely difficult if not impossible.

I urge the Board of County Commissioners to deny both road vacations to preserve public access for all and to maintain clearances for our local emergency workers/volunteers.

Ron Baker
Homeowner, Pier Ave
Lieutenant/Paramedic
Tualatin Valley Fire & Rescue Station 21

Isabel Gilda

From: Zachary Best [REDACTED]
Sent: Tuesday, November 9, 2021 10:13 AM
To: Public Comments
Subject: EXTERNAL: Tierra Del Mar

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Tillamook County,
The most valuable thing in Tillamook County is all of the public access that we have to public lands.!

I do understand how the homeowners could get frustrated with people accessing the beach on what they think is a "private street" that is truly public Right-of-way.

When the people bought a house on the street, they knew about the access to the beach and I'm sure that's partly the reason that they bought the house that they did.

Vacating the street would definitely change the ability for fire and rescue to access points of the beach.

I don't have enough money to buy a beachfront house but I sure do love walking on the beach and especially accessing the beach from this point please take this into consideration that you would be changing where I would be able to take my morning walks because I can't afford beach front property.

Thanks for your time!!

Zachary Best

Sent from my iPhone

Isabel Gilda

From: Craig Cleary <[REDACTED]>
Sent: Tuesday, November 9, 2021 11:17 AM
To: Public Comments
Subject: EXTERNAL: Tierra Del Mar

[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

To whom it may concern,

As a resident of Neskowin I have become aware of an action that will limit a beach access point in Tierra Del Mar. I am firmly opposed to any actions that limit beach access in any way. It is very UnOregonian and against the very concept of free and open access to our glorious beaches.

Thank You,

Craig Cleary

Isabel Gilda

From: Gail Saxton <[REDACTED]>
Sent: Tuesday, November 9, 2021 3:08 PM
To: Public Comments
Subject: EXTERNAL: Public comment - Road vacation application

[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Dear Tillamook County Commissioners,

I am writing to you in regards to the two road vacation applications under consideration for approval. Having read through the applications, the reasons for the vacation, and the findings by the Public Works Director, I have one question for which I have not been able to find an obvious answer. Finding # 6 on both applications states: "The Tillamook County Director of Public Works prepared and filed with the Board a written report which includes the assessment that the proposed vacation would be in the public interest, in accordance with ORS 368.351."

Can you please advise me on what "pubic interest" is being met, if these road vacations are approved?

Thank you. I appreciate your time and consideration.

Sincerely,

Gail Saxton

Tierra Del Mar full-time resident



November 8, 2021

Re: Agenda Items 11 and 12:

Dear Tillamook County Commissioners:

On behalf of the Three Capes Chapter of Surfrider Foundation, we submit the following comments pertaining to Agenda Items 11 and 12: Discussion and Consideration of an Order in the Matter of the Vacation of a Portion of Eloise Avenue, Tierra Del Mar, Tillamook County Oregon and Consideration of an Order in the Matter of the Vacation of a Portion of Guardenia Avenue, Tiera Del Mar, Tillamook County, Oregon.

To reiterate our first letter regarding this matter, dated October 5, 2021, vacation of Eloise and Guardenia are not in the public interest and actually takes public property solely for private interest. Given the uncertain impacts of climate change on our coast, there could be unforeseen needs for coastal public property.

Access to the public's beach is protected under the Beach Bill, Goal 17, Goal 18, and their implementing regulations. County land use planning within beach and dune areas must carefully consider impacts to the public's use and access of the beach. Land Use Goal 17 dictates that "local government in coordination with the Parks and Recreation Division shall develop and implement a program to provide increased public access. Existing public ownerships, rights of way, and similar public easements in coastal shorelands which provide access to or along coastal waters shall be retained or replaced if sold, exchanged or transferred."

Vacating these roads will limit potential improvements to these beach accesses, including the opportunity to improve ADA access. Further, diminishing the access to 10' could eliminate the ability to use these platted roads as emergency access points. With a known vacation on Holly avenue, there are few options for access over 10 feet on the north end of Tierra Del Mar. The dune (mostly due to shoreline armoring) begins to rise dramatically on Pier avenue, leaving steep entries and exits on Pier and Pollock. Roma currently does not have public beach access. Thus, the most northerly intact and manageable 40 feet access point is Guardenia.

Once you take these roads away, you take away the option for improvement and emergency access forever.

Respectfully,

Lisa Macy-Baker
Chair
Three Capes Chapter of Surfrider Foundation

Briana Goodwin
Oregon Field Manager
Surfrider Foundation