

AFTER RECORDING, RETURN AND
SEND ALL TAX STATEMENTS TO:

Timothy & Peggi Linn
T1S R11W Sec. 25AA TL #5000
PO Box 293
Rescue, California 95672

William Kaye & Kayoko Kaye
Kaye Revocable Trust
T1S R11W Sec. 25AA TL #4900
1901 NW Pentland Street
Portland, Oregon 97229



00250095202500011090220227

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

Christy Nyseth, Tillamook County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of the Vacation of an) ORDER #25 - 014
Unnamed Alley in the Community of)
Oceanside, Tillamook County, Oregon)

This matter came before the Tillamook County Board of Commissioners on March 26, 2025, at the request of Chris Laity, Director of Tillamook County Public Works, Road Department, at which time it appears that Road Vacation #579 was filed by property owners on December 11, 2024, in accordance with ORS 368.341. The road to be vacated is described in the attached Exhibit A.

The Board of Commissioners being fully apprised of the above-named person, the records and files herein, finds as follows:

1. Road Vacation Petition #579 was properly filed with the Tillamook County Clerk on December 11, 2024, 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 right of way under the jurisdiction of Tillamook County.
5. Public Notices were not required as a part of this petition as indicated in ORS 368.351.

6. The Tillamook County Public Works Director 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 engineer's report provided by the Director of Tillamook County Public Works, as well as 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:

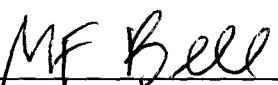
8. In accordance with ORS 368.351, the road as described in Exhibit A be and hereby is vacated.

DATED this 26th day of March 2025

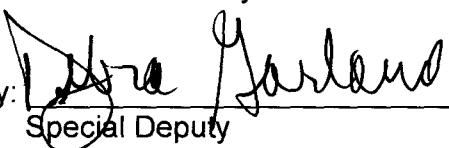
THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON


Erin D. Skaar, Chair

Paul Fournier, Vice-Chair


Mary Faith Bell, Commissioner

ATTEST: Christy Nyseth,
County Clerk

By: 
Doreen Garland
Special Deputy

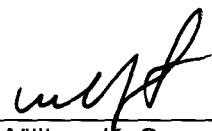
Aye Nay Abstain/Absent

 _____ / _____

 _____ / _____

 _____ / _____

APPROVED AS TO FORM:


William K. Sargent, County Counsel

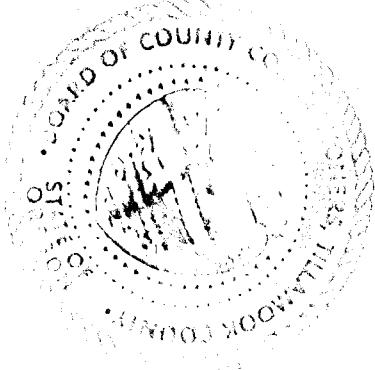


EXHIBIT A



Tillamook County Public Works

503 Marolf Loop Road, Tillamook, OR 97141
County Road Phone: 503-842-3419
Solid Waste Phone: 503-815-3975
Email: pubwks@co.tillamook.or.us
TTY Oregon Relay Service

Land of Trees, Cheese, and Ocean Breeze

PETITION TO VACATE PUBLIC RIGHT OF WAY #579 PUBLIC WORKS STAFF REPORT

Date: March 19th, 2025

Report Prepared by: Jasper Lind, Engineering Technician II
For Chris Laity, P.E., Director of Tillamook County Public Works

I. GENERAL INFORMATION

Request: This petition seeks to vacate an unnamed alley located between Rosenberg Loop and Maxwell Mountain Road adjacent to the Third Addition to Oceanside, Tillamook, Oregon.

Area of Interest: A 10 foot wide section of unimproved public right of way located in Township 1 South, Range 11 West, Section 25AA of the Willamette Meridian, and dedicated to the public through subdivision plat #C-0106 of the Tillamook County Survey Records.

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 #579 requests the vacation of an unnamed alley which is 10 feet wide and 30 feet long. This right of way alignment was recorded on the 1924 plat for the Third Addition to Oceanside filed in the Tillamook County Survey Records as survey #C-0106.
- 2) **Prior Vacation / Dedication / Property Line Adjustment** – Since the time of the original plat, a number of the alleys have been vacated or consolidated to provide better access to tax lots. Many of the original lots have been consolidated into larger residential parcels, and a number of other right of ways have had sections vacated or have been renamed. The current version of the Tillamook County Assessor's Tax Map represents the present 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 no impact to the county wide transportation system. Only two properties are accessed by this section of alley, both of which have substantial frontage on both Maxwell Mountain Road and Rosenberg Loop.
- 2) There are no financial costs to Tillamook County.
- 3) This petition does not directly impact any existing access to rivers, beaches, or recreational property.

V. STATUS OF PUBLIC UTILITIES

- 1) The utilities responding to our inquiry through the Oregon Utility Notification Center only had infrastructure located in the adjacent public right of ways.

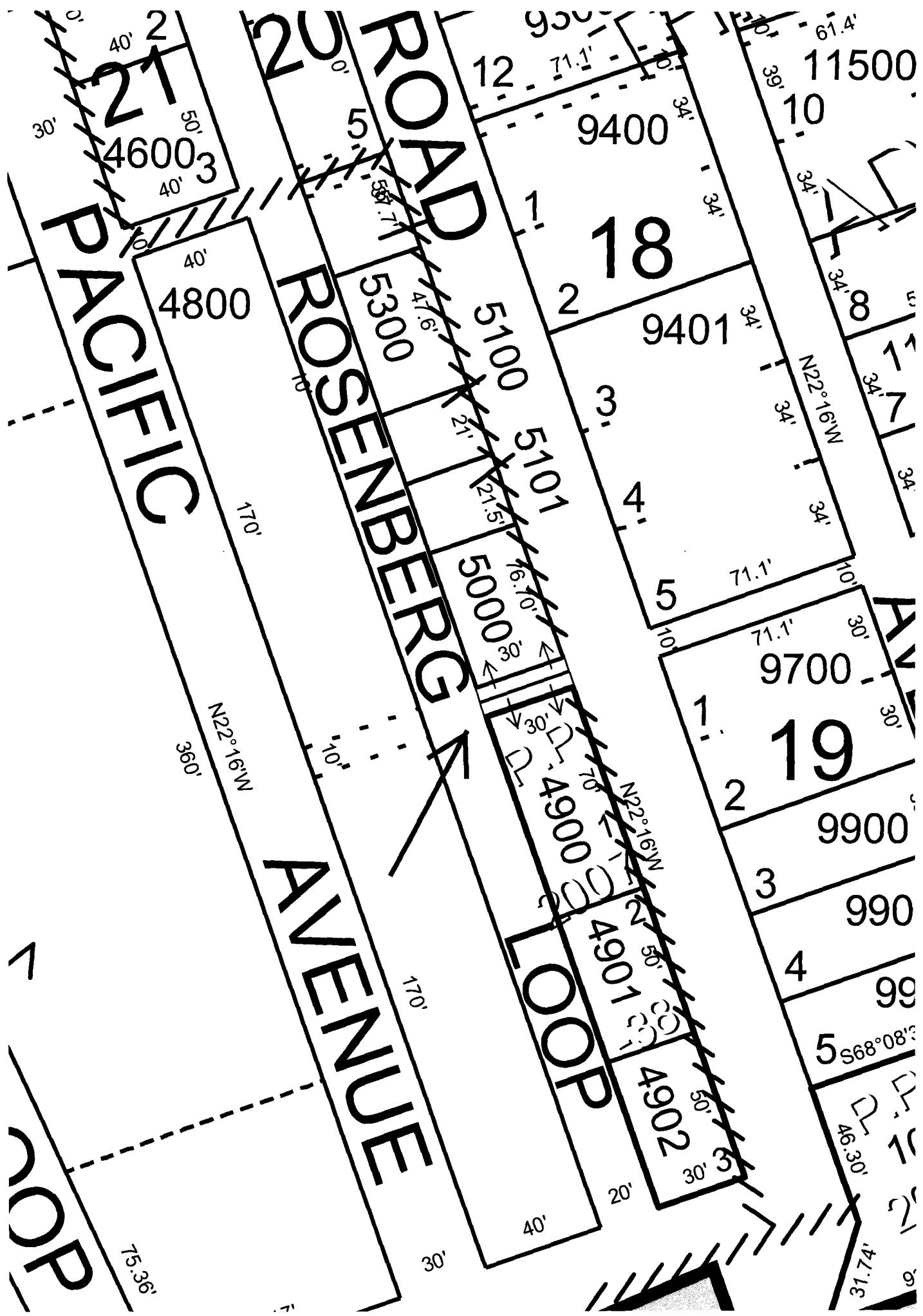
VII. PETITION CONCLUSION AND RECOMMENDATIONS:

- 1) Tillamook County Engineering staff has reviewed the subject petition, as well as its supporting documentation, and have visited the site.
- 2) The subject property is located within the Oceanside community of Tillamook County. The area proposed for vacation is bounded by tax lot 5000 to the north, tax lot 4900 to the south, Maxwell Mountain Road Right of Way to the east, and Rosenberg Loop Right of Way to the west.
- 3) The expressed intent of the petitioners is to remove public right of way and vest it equally to the adjacent property owners by dividing it along its centerline as illustrated on the attached assessor map.
- 4) Engineering staff recommends **Approval** of Vacation Petition #579 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. The required final field survey and property line adjustments are to be completed based on BOCC approval, all recordings to be completed within one calendar year.

VIII. EXHIBIT LIST:

1. A tax map showing the proposed legal vesting pattern of the vacated public right of way.
2. The map of the 1924 Third Addition to Oceanside and other relevant surveys.
3. Satellite and street view images.

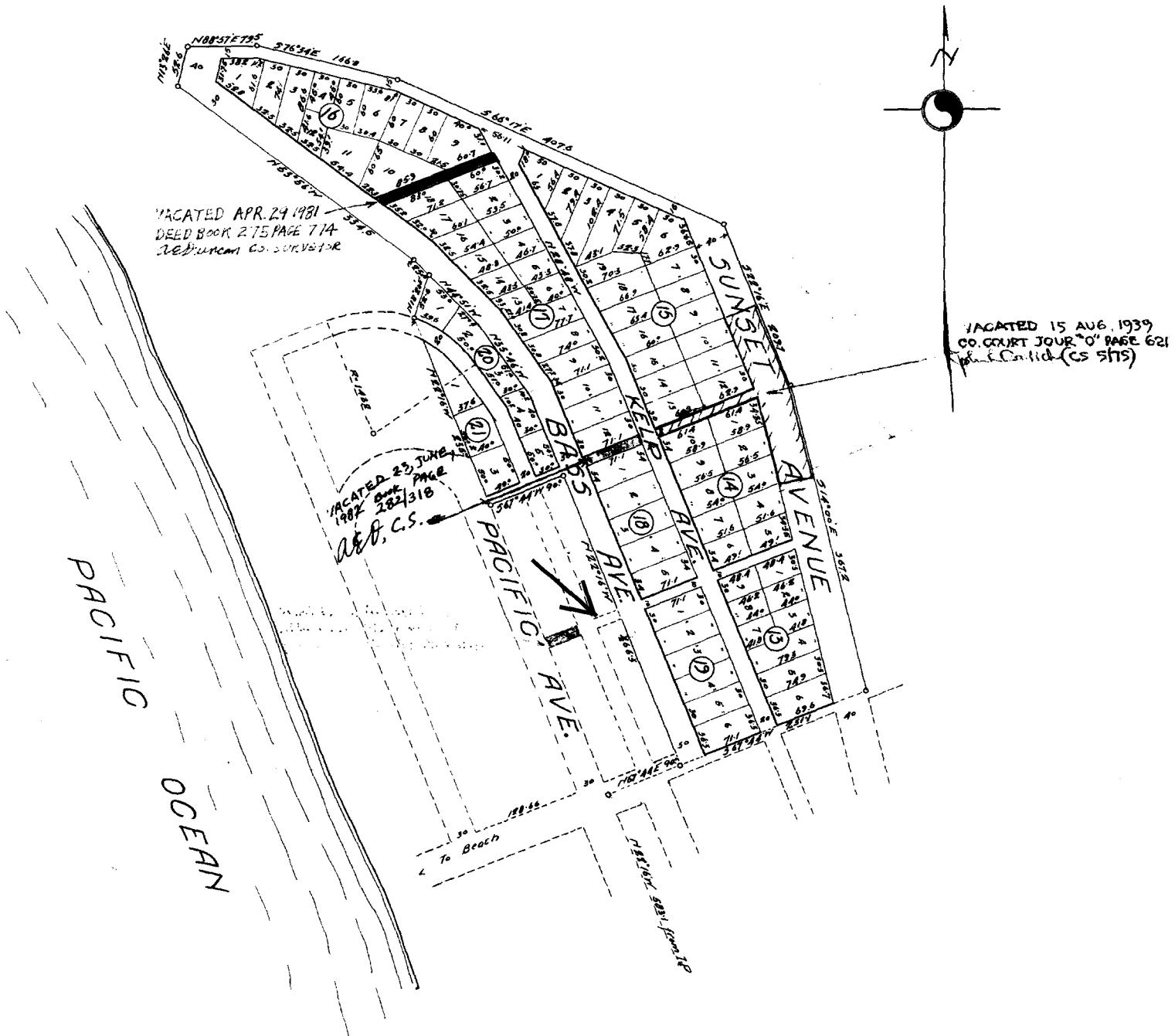
EXHIBIT 01

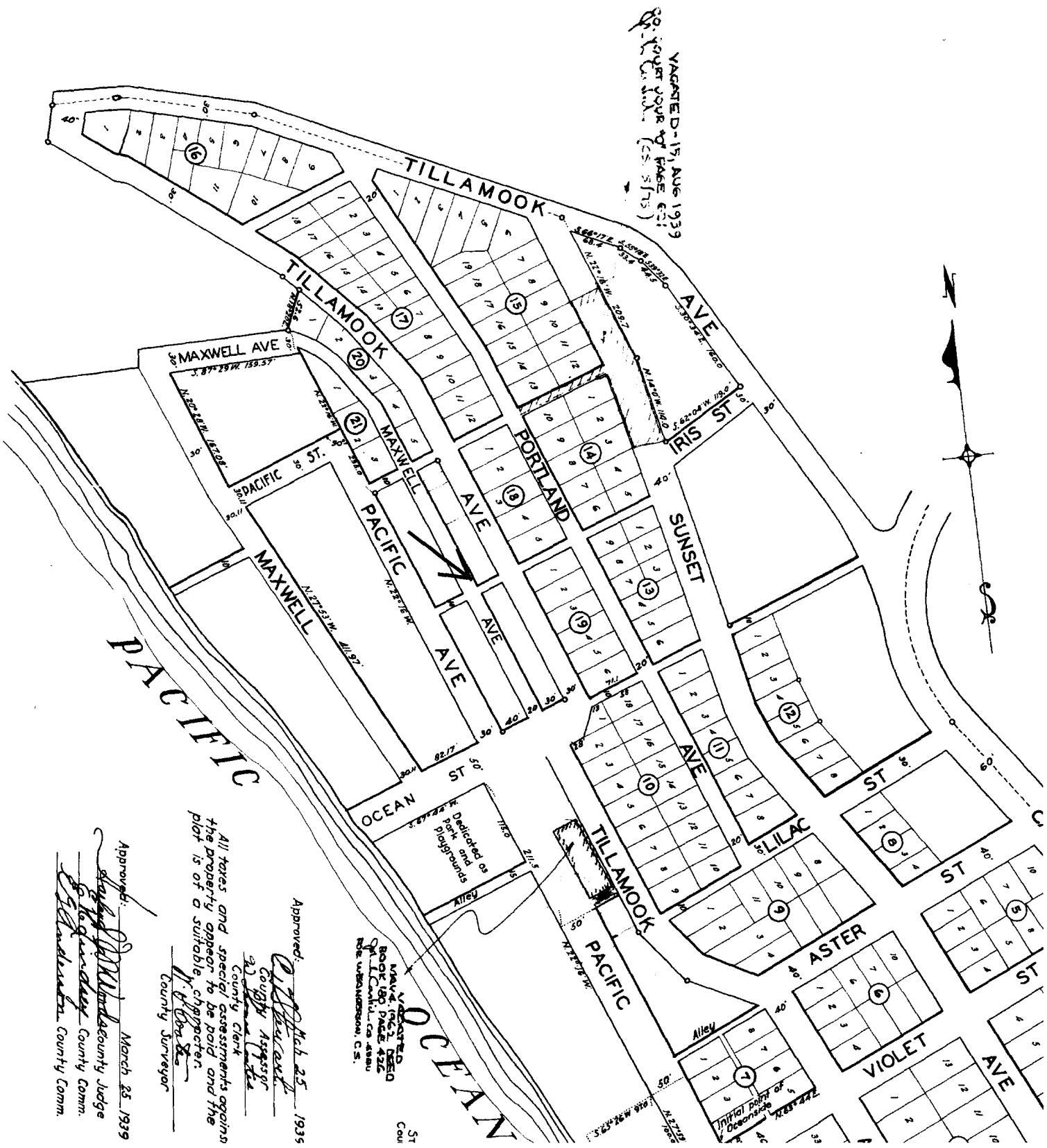


THIRD ADDITION
TO
OCEANSIDE
LOT 1. SEC 25 T15 R11 W:WM.
TILLAMOOK COUNTY. OREGON

SCALE 1"=100'

W. S. GOATES. SURV.





Approve: John W. Woods County Judge
John W. Woods County Comm.
John W. Woods County Comm.

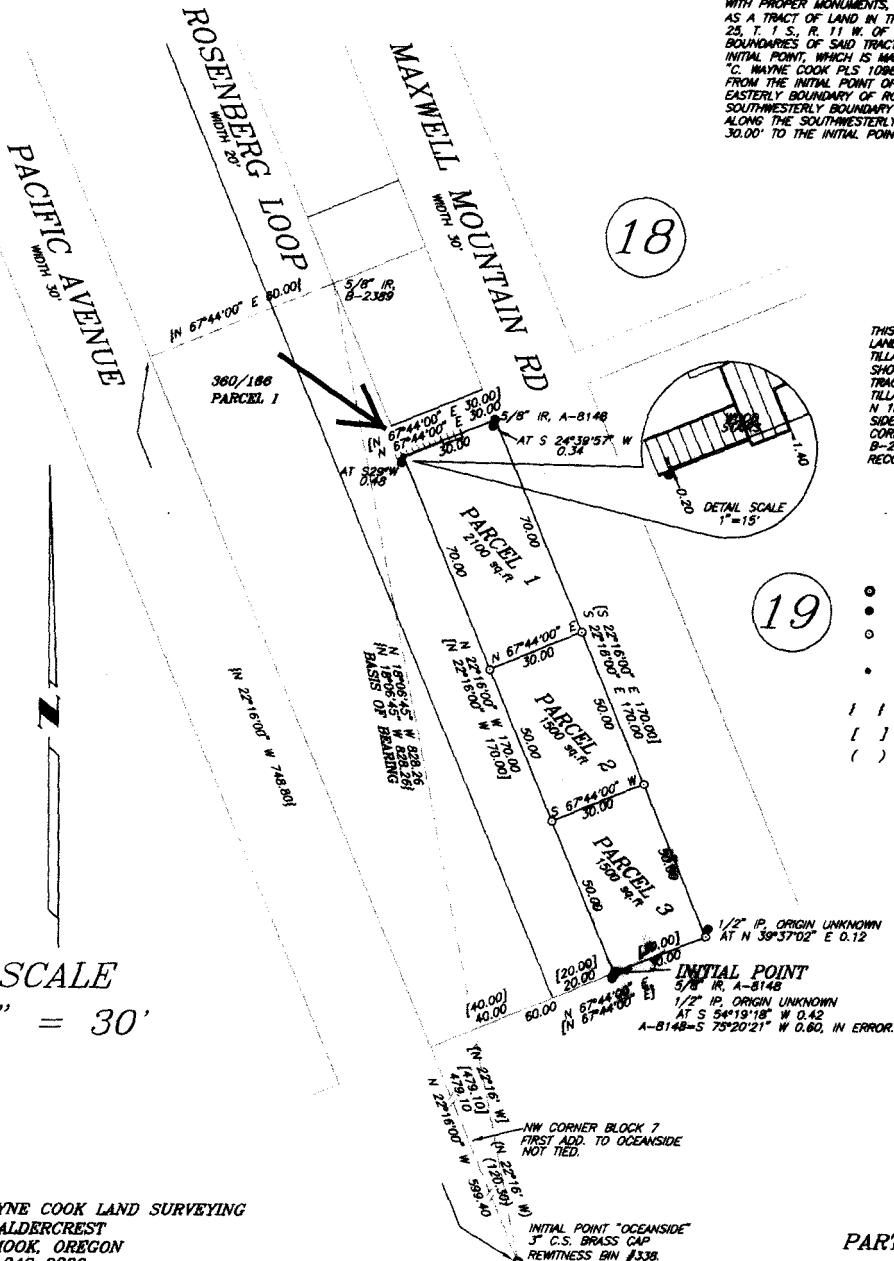
Approved: March 25, 1935
Office of Research.

Country Clerk
All taxes and special assessments against
the property appear to be paid and the
plot is of a suitable character.

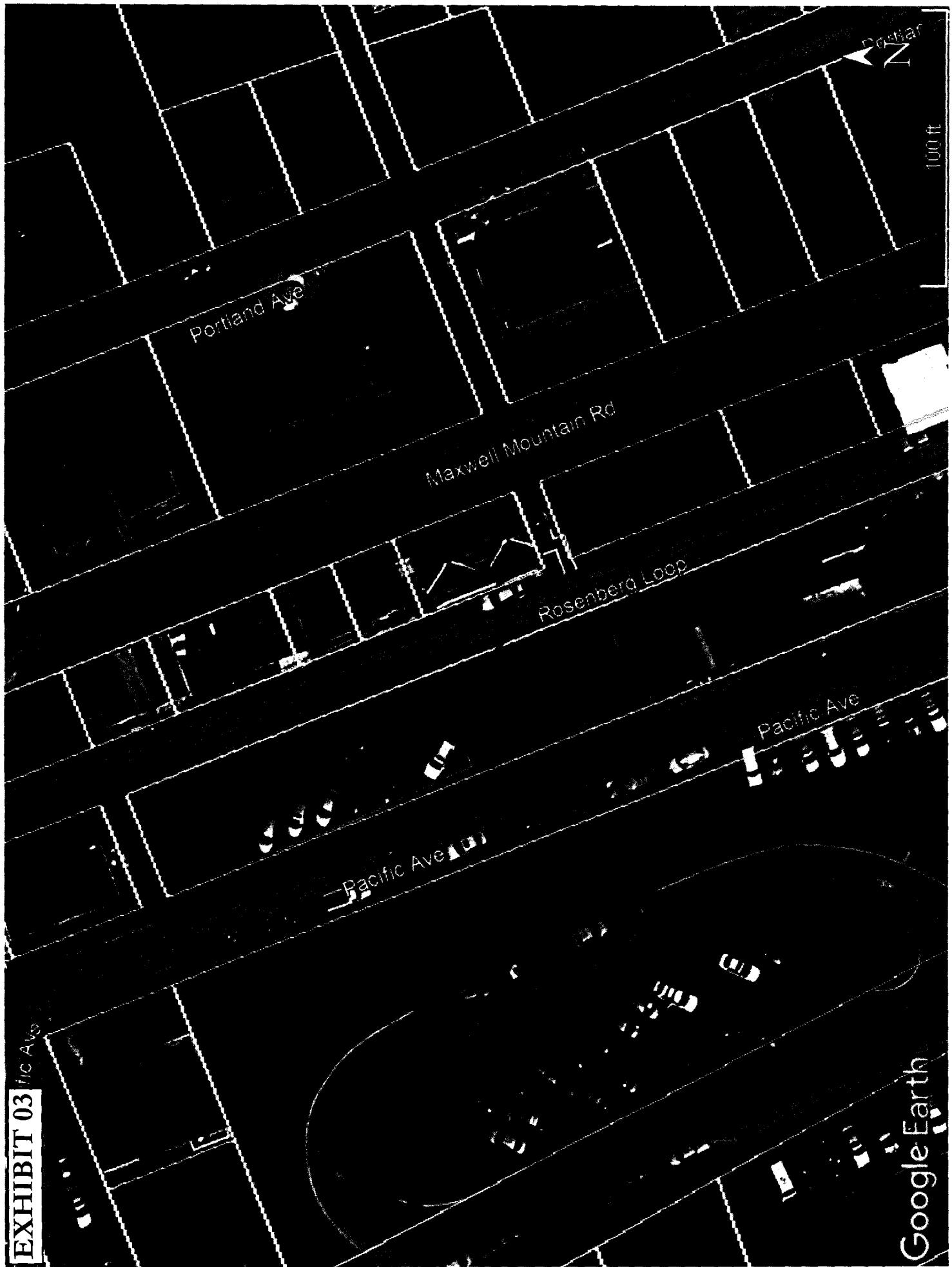
PARTITION PLAT 2007-38

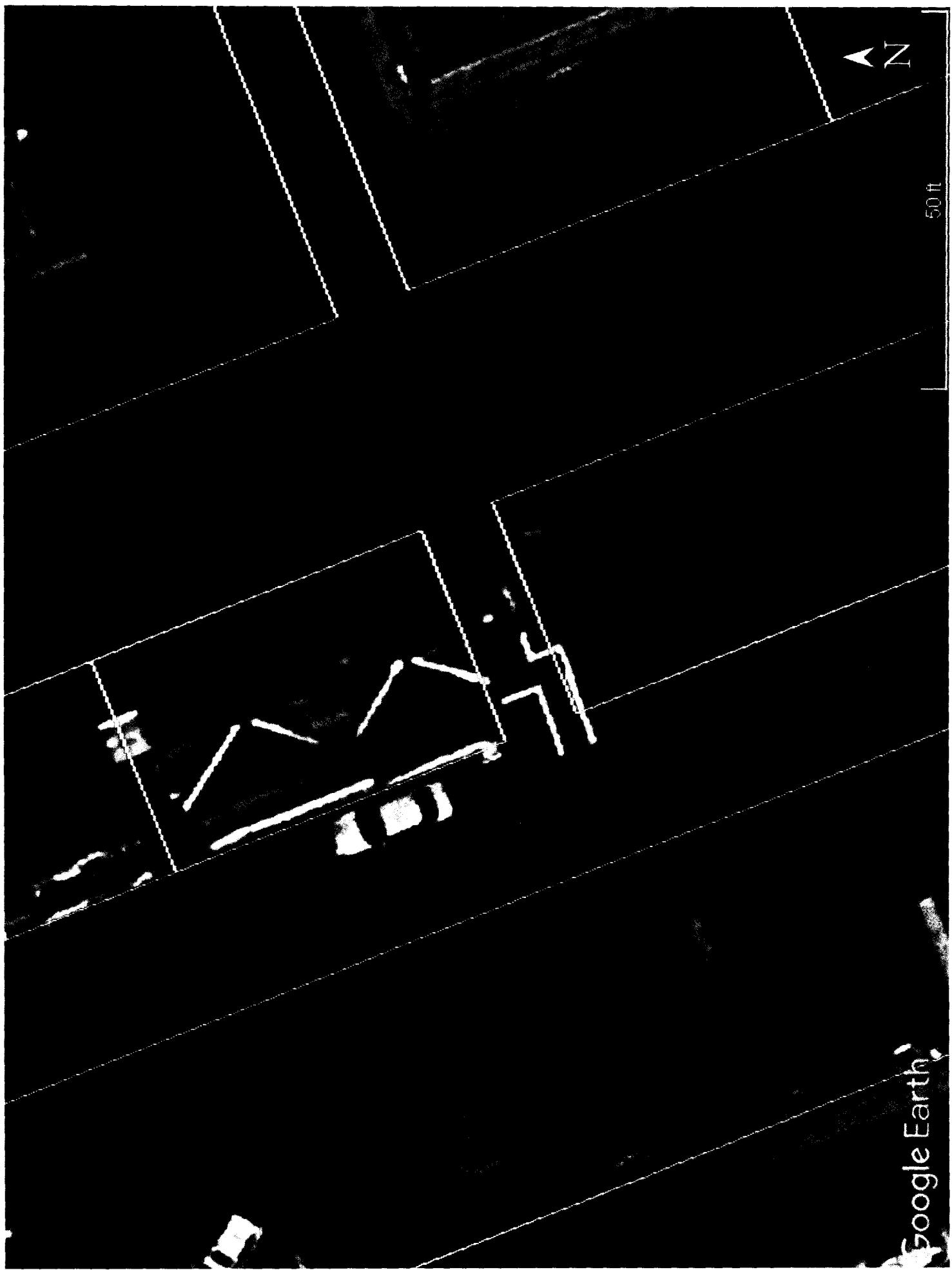
SURVEYOR'S CERTIFICATE

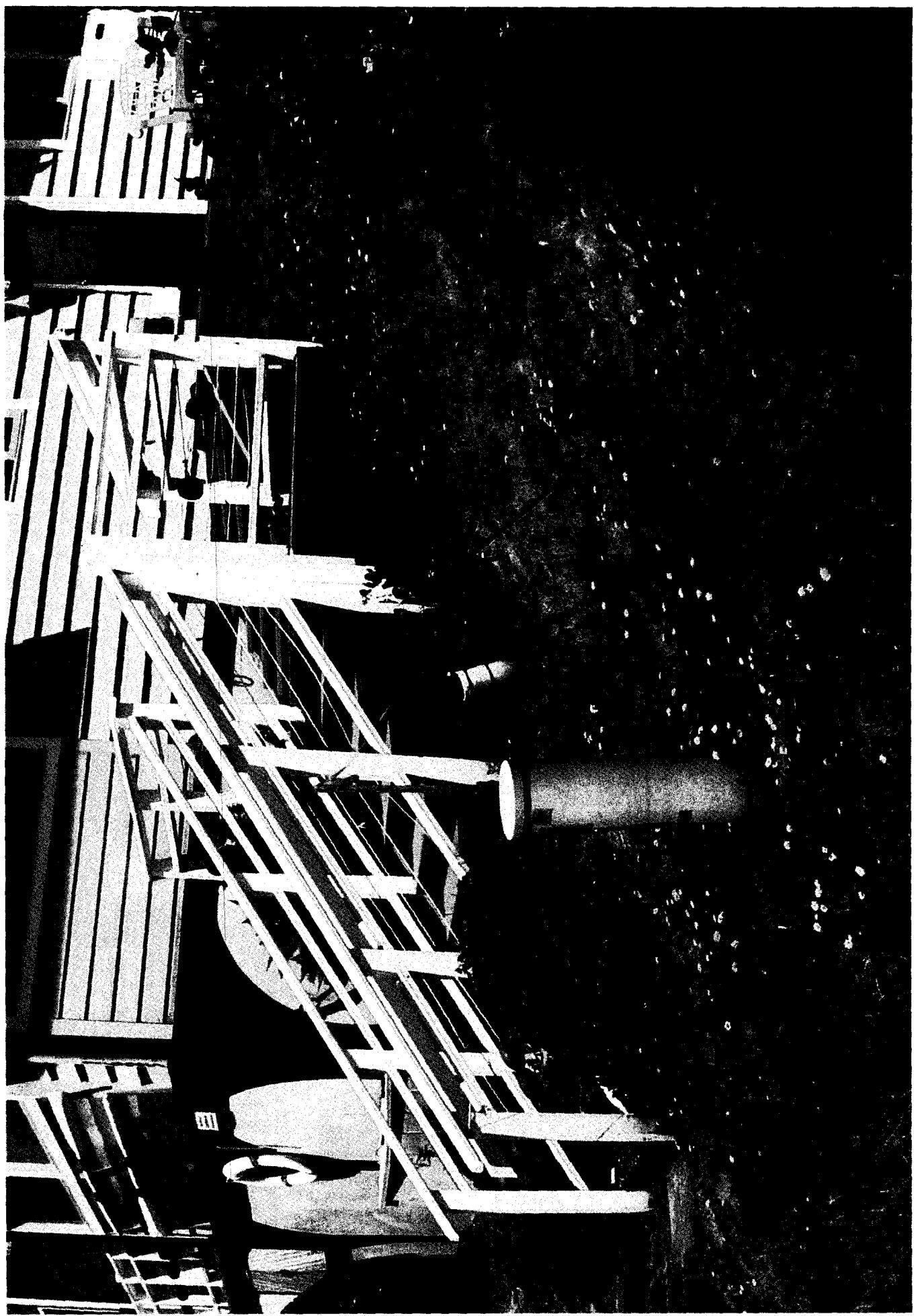
I, C. WAYNE COOK, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED, WITH PROPER MONUMENTS, THE LAND SHOWN ON THIS PARTITION PLAT, SAID LAND DESCRIBED AS A TRACT OF LAND IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, T. 1 S., R. 11 W., ON THE WILLAMETTE MERIDIAN IN TILLAMOOK COUNTY, OREGON, THE BOUNDARIES OF SAID TRACT BEING AS FOLLOWS: BEGINNING AT THE POINT WHICH IS MARKED WITH A 5/8" IRON ROD WITH PLASTIC CAP MARKED "C. WAYNE COOK PLS 1088", AND BEING N 22°16'00" W 59°40' AND E 67°44'00" W 30'00" FROM THE INITIAL POINT OF OCEANSIDE; THENCE N 22°16'00" W 170'00' ALONG THE NORTH-EASTERLY BOUNDARY OF ROSENBERG LOOP ROAD; THENCE N 67°44'00" E 30'00' TO THE SOUTHWESTERLY BOUNDARY OF MAXWELL MOUNTAIN ROAD; THENCE S 22°16'00" E 170'00' ALONG THE SOUTHWESTERLY BOUNDARY OF MAXWELL MOUNTAIN ROAD; THENCE S 67°44'00" W 30'00' TO THE INITIAL POINT.

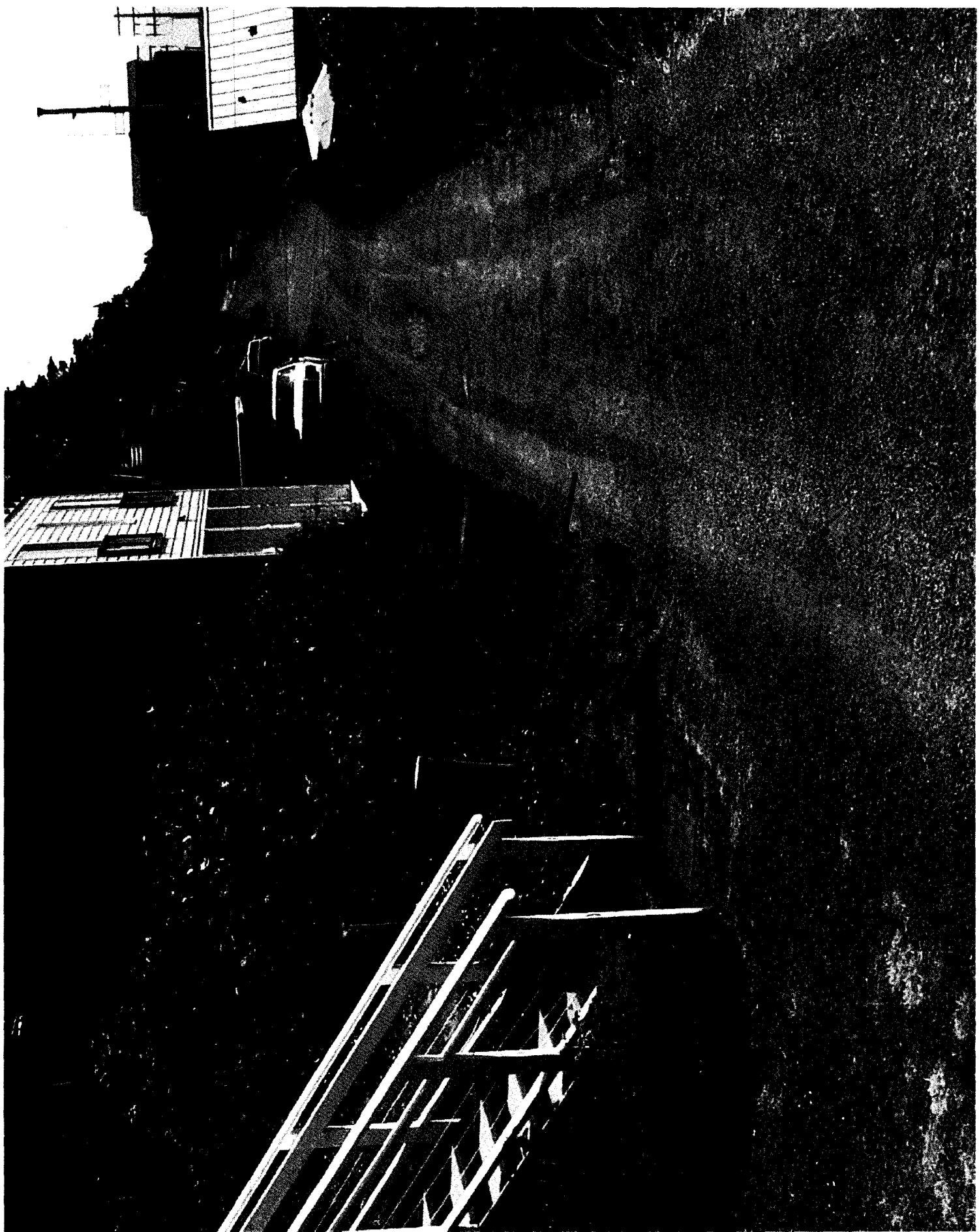


PARTITION SURVEY FOR
JTJ, LLC
NE 1/4 NE 1/4 SECTION 25, T.1S., R.11W., W.M.
TILLAMOOK COUNTY, OREGON
NOVEMBER 7, 2007

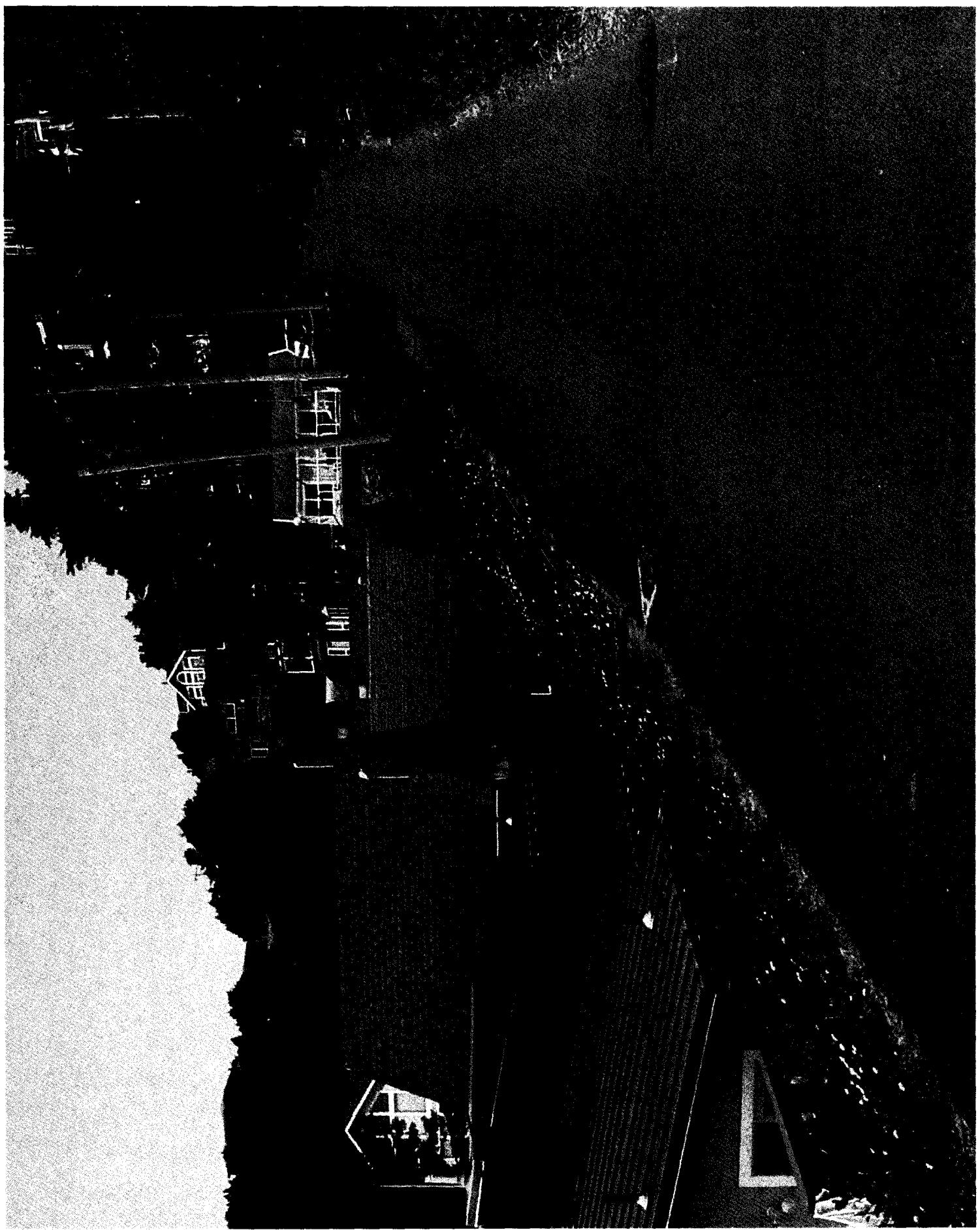














Tillamook County Clerk

Land of Cheese, Trees, and Ocean Breeze

Christy Nyseth, Clerk
201 Laurel Avenue
Tillamook, OR 97141
(503) 842-3402
www.tillamookcounty.gov

Received

December 16, 2024

DEC 16 2024

Tillamook County
Board of Commissioners

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

RE: Petition No. 579 – Vacation of an unnamed alleyway between Rosenberg Loop and Maxwell Mountain Road in Oceanside

Dear Commissioners:

Enclosed is a certified copy of Petition No. 579 filed December 11, 2024, to vacate an unnamed alleyway between Rosenberg Loop and Maxwell Mountain Road in Oceanside.

Certification from the Assessor regarding ownership was received on December 16, 2024, 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,

A handwritten signature in black ink, appearing to read "Christy Nyseth".
Christy Nyseth
County Clerk



Tillamook County Assessment and Taxation

201 Laurel Ave
Tillamook, OR 97141
503-842-3400
tillamookcounty.gov

December 16, 2024

Christy Nyseth
Tillamook County Clerk
201 Laurel Avenue
Tillamook, Oregon 97141

RE: Petition No. 579 – Vacation of an unnamed alleyway between Rosenberg Loop and Maxwell Mountain Road in Oceanside

Dear Ms. Nyseth:

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

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

Respectfully,

A handwritten signature in black ink, appearing to read "KaSandra Larson".

KaSandra Larson
Chief Deputy Assessor/Tax Collector

cc. Wendy Schink, GIS Cartographic Analyst
cc. Denise Vandecoevering, Assessor/Tax Collector

#579

FILED

DEC 11 2024

CHRISTY NYSETH
COUNTY CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

IN THE MATTER OF THE VACATION OF

An unnamed alleyway between Rosenberg Loop
and Maxwell Mountain Road in Oceanside

)

PETITION TO VACATE

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

An unnamed 10' wide by 30' deep alleyway between tax lot 4900 and 1625 Rosenberg Loop, and Maxwell Mountain Road and Rosenberg Loop in the community of Oceanside.

(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:

Resolve long standing encroachments and equitably return ownership to adjacent landowners.

Vacation of this alleyway would eliminate the county from incurring cost and liability transforming it into a viable and safe passage for pedestrians between the roads. Vacation does not affect beach access for public 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

Tillamook County

DESCRIPTION OF INTEREST

Public Right of Way

(Use separate sheet if more space is needed)

RECEIVED
R
BY:

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

Timothy S. and Peggi Linn
PO Box 293, Rescue, CA 95672

(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) |
|--|---|
| Timothy S. and Peggi Linn PO Box 293, Rescue, CA 95672 | Tax Lot 1S1125AA05000 |
| William M. and Kayoko Kaye 2150 Bayview Ave. W, Tillamook, OR 97141 | Tax Lot 1S1125AA04900 |

(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:

An unnamed 10' wide by 30' deep alleyway between tax lot 4900 and 1625 Rosenberg Loop, and Maxwell Mountain Road and Rosenberg Loop in the community of Oceanside.

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

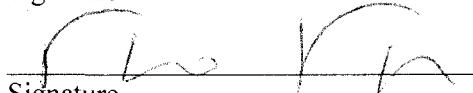
Tax Lot 1S1125AA04900

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 18 day of November, 2024



Signature



Signature

1901 NW Pentland Street

Address

Portland, OR 97229

City, State, Zip

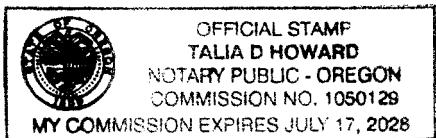
ACKNOWLEDGEMENT

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

On November 18, 2024, 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: July 17, 2028



**TILLAMOOK COUNTY
PETITION TO VACATE
SIGNATURE SHEET**

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

~~An unnamed 10' wide by 30' deep alleyway between tax lot 4900 and 1625 Rosenberg Loop, and Maxwell Mountain Road and Rosenberg Loop in the community of Oceanside.~~

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

~~Tax Lot 1S1125AA05000~~

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 October, 2024

Signature

PO Box 293

Address

Signature

RESCUE CA 95672

City, State, Zip

ACKNOWLEDGEMENT

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

On _____, 20_____, 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: _____

*See attached
for notary*

CALIFORNIA ACKNOWLEDGMENT

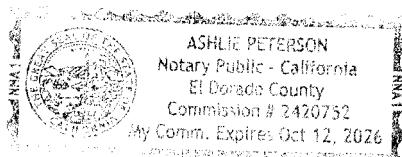
CIVIL CODE § 1189

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

State of California

County of el dorado

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



Place Notary Seal and/or Stamp Above

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

WITNESS my hand and official seal.

Signature

Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Tillamook County Petition to Vacate *sig sheet*

Document Date: 10/17/2024 Number of Pages: 1

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Corporate Officer – Title(s): _____
- Partner – Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator
- Other: _____

Signer is Representing: _____

Signer's Name: _____

- Corporate Officer – Title(s): _____
- Partner – Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator
- Other: _____

Signer is Representing: _____



CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
CHRISTY NYSETH
BY C. M. Murray DEPUTY



TILLAMOOK COUNTY RECORDING**Receipt #:** 178803**Receipt Date:** 03/26/2025 01:57 PM**Station:** 52**Cashier:** MELISSA**Receipt Name:** WILLIAM KAYE - 1901 NW PENTLAND STREET,
PORTLAND, OR 97229**Account Name:** 1057 - TILLAMOOK COUNTY PUBLIC WORKS(No COPIES)**Comments:****RECORDING**

| Document # | Recording Date | Doc Type | Recording | Survey | A&T Fund | NonStd | Other | Total |
|-------------------|------------------------|-----------------|------------------|---------------|---------------------|---------------|--------------|--------------|
| 2025-001109 | 03/26/2025 01:56:01 PM | DEED-VACAT | | | | | 164.50 | \$225.50 |

| Receipt Total | \$225.50 |
|----------------------|-------------------------|
| ACCOUNT | 1057 - TILLAMOOK COUNTY |
| | PUBLIC WORKS(No COPIES) |

Thank You