

DEED-VACAT
\$90.00 \$11.00 \$61.00 \$10.00 \$25.00 - Total = \$197.00



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

Tassi O'Neil, Tillamook County Clerk

AFTER RECORDING, RETURN
& SEND ALL TAX STATEMENTS TO:

Alana & Patricia Dannen
Tax Lot # T4SR10W 30BA
PO Box 552
Pacific City, OR 97135

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of the Vacation of)
a Portion of Hillcrest St, Pacific City,)
Tillamook County, Oregon)

ORDER
20- 020

This matter came before the Tillamook County Board of Commissioners on May 20, 2020 at the request of Chris Laity, Public Works Director, at which time it appears that Road Vacation Petition #19-546 was filed by property owner on October 21, 2019 in accordance with ORS 368.341. The road to be vacated is described in the attached Exhibit A.

The Board being fully apprised in the premises, records, and files herein, finds as follows:

1. The Road Vacation Petition #19-546 was properly filed with the Tillamook County Clerk on October 21, 2019 in accordance with ORS 368.341.
2. The Petitioners own 100% percent of the properties fronting the road vacation.
3. The road to be vacated is legally a Public Road.
4. The road to be vacated is a County Road.
5. Public Notices were not required as a part of this petition as indicated in ORS 368.351.
6. The Tillamook County Director of Public Works prepared and filed with the Board of Commissioners, a written report which includes the assessment that the proposed vacation would be in the public interest, in accordance with ORS 368.351.

7. Therefore, after considering the Tillamook County Director of Public Works' Engineer Report, records and files regarding this matter, the Board of Commissioners determines that the proposed vacation of the above described road is in the public interest, and that the above described road should be vacated.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

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

DATED this 20th DAY OF May, 2020.

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent

Bill Baertlein
Bill Baertlein, Chair

MFB
Mary Faith Bell, Vice-Chair

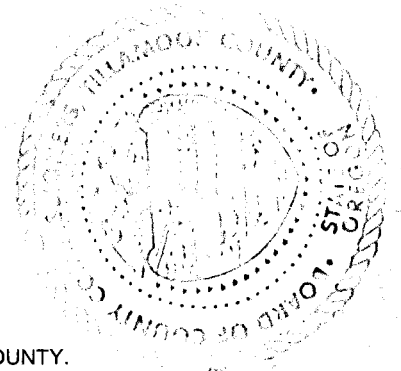
David Yamamoto
David Yamamoto, Commissioner

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By: [Signature]
Special Deputy

[Signature]
William K. Sargent, County Counsel





PUBLIC WORKS DEPARTMENT

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

Land of Cheese, Trees and Ocean Breeze

EXHIBIT A

**PETITION TO VACATE PUBLIC RIGHT OF WAY #546
PUBLIC WORKS STAFF REPORT**

Date: March 11, 2020

Report Prepared by: Ron Newton, Engineering Technician III
For Chris Laity, P.E., Director

I. GENERAL INFORMATION

Request: Petition to vacate a portion of Hillcrest St. in Pacific City.

Area of Interest: An area of dedicated public Right of Way Located in T04S R10W Sec. 30BA

Petitioner: Patricia and Alana Dannon represent 100% of private land abutting the Right of Way identified in the petition and both are signatories to the petition.

II. APPLICABLE STAUTES / 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 #546 requests Vacation of the 20’ wide portion of Hillcrest St. extending south of the main two-way road portion of Hilcrest. The Plat of Fishers Subdivision is recorded in the Tillamook County Surveyor’s permanent records as Plat #C-0099 recorded April 10, 1940, attached.
- 2) **Prior Vacation / Dedication / Property Line Adjustment** – Since the original dedication there have been two actions that created parcel boundary changes. Both actions changed boundaries interior to the subject parcels. The first property line adjustment was completed in 1978 and recorded on Tillamook County Survey Plat A-3422, attached. The most recent Property Line Adjustment was completed in February of 2020 as preparation to submit the subject petition to vacate. Tillamook County Land Use Approval 851-19-000528 was approved February 26, 2020, cover attached. Deeds were recorded to complete the 2020 PLA on 04/29/2020 and match the provided exhibit map and legal descriptions. Public Works finds no record of prior Petitions to Vacate

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.

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 un-usable for transportation system purposes to private ownership.
- 4) This petition does not impact any existing access to any rivers, beaches or recreational property.

V. STATUS OF PUBLIC UTILITIES

- 1) All public utilities serving the subject properties are supported by easement documents included with the petition.

IV. 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 East of Brooten Road and accessed off Ferry Street.
- 3) The expressed intent of the Petitioner is to remove all remaining public Right of Way as described in the survey documents provided with the Petition.
- 4) Engineering staff recommends **Approval** of Vacation Petition #546 with the following conditions:
 - a) Approval of this petition for vacation in no way relieves the affected properties, their heirs or assigns, from easements or encumbrances not identified herein.
 - b) All fees associated with professional services, document preparation and public recording are to be the sole responsibility of the petitioners. Final field survey and mapping are to be completed based on BOCC approval with all recording to be completed 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.

V. EXHIBIT LIST:

- 1) Petition Verification letters from Tillamook County Clerk & Assessor
- 2) Petition Vicinity Map
- 3) 1940 Plat of Fishers Subdivision
- 4) 1978 Property Line Adjustment Plat
- 5) 2020 Property Line Adjustment Approval Letter
- 6) Post Vacation Easement Map
- 7) Post Vacation Utility Easement Map
- 8) Local Images



Land of Cheese. Trees and Ocean Breeze

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

October 24, 2019

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

RE: Petition No.546 – Petition to vacate a portion of Hillcrest Street

Dear Commissioners:

Enclosed is a certified copy of Petition No. 546 filed October 21, 2019, to vacate a portion of Hillcrest Street.

Certification from the Assessor regarding ownership was received on October 24, 2019 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,

Christy Biggs
Chief Deputy County Clerk

Enclosures

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

FILED
OCT 24 2019
TASSI O'NEIL
COUNTY CLERK

October 24, 2019

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

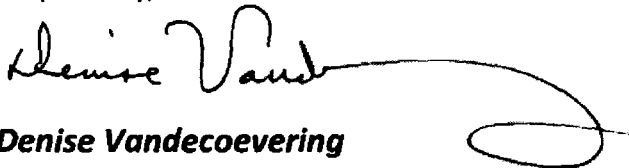
RE: Petition No. 546 – Petition to Vacate a portion of Hillcrest Street

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 Vandecoevering
Tillamook County Assessor

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

#544

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

FILED

OCT 21 2019

TASSI O'NEIL
COUNTY CLERK

IN THE MATTER OF THE VACATION OF)
A Portion of HillCrest Street)
_____)
_____)

PETITION TO VACATE

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

A portion of Hillcrest Street in Pacific City, Oregon. See Exhibit A for legal description and Exhibit B for the 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:

The portion of Hillcrest Street sought to be vacated is a dead-end and serves no public purpose other than to provide access and utilities to the properties which are owned by the signatories of this Petition. It is not in the public's interest to continue to own the area sought to be vacated.

(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
Patricia Dannen PO Box 552, Pacific City, OR 97135	owner
Alana Dannen PO Box 552, Pacific City, OR 97135	owner

(Use separate sheet if more space is needed)

TRANSIT & TAPE SURVEY MAP
for

JAMES WRIGHT

on
LOT 16 & North 25 feet, LOT 12, BLOCK 4
FISHERS SUBDIVISION

in
Section 30, T. 4 S., R. 10 W., W.M.
March --1978

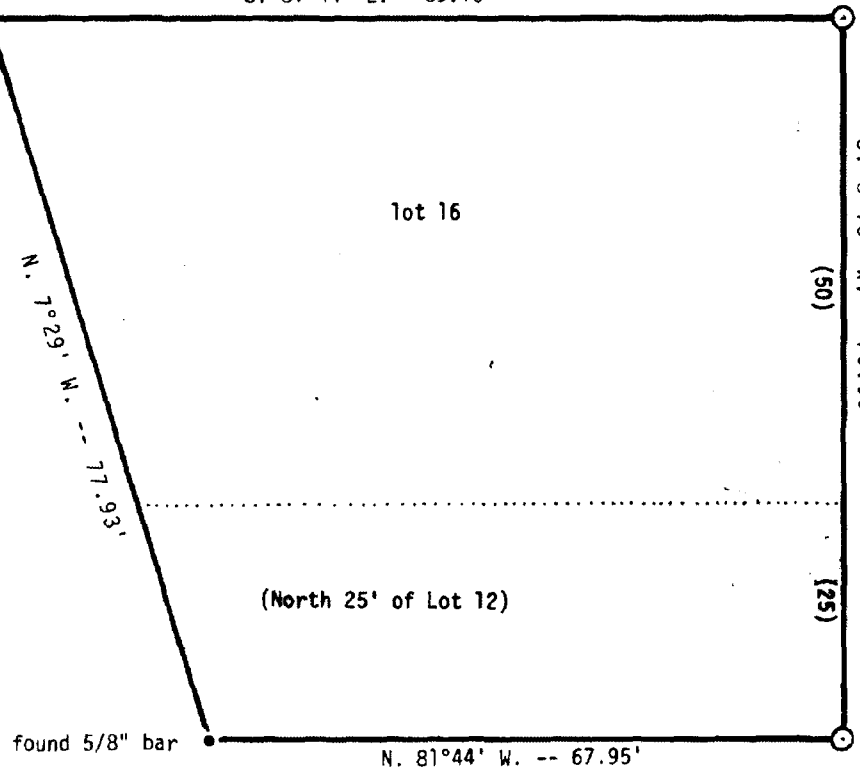
SCALE 1" = 15 FEET

⊙ = 1/2" iron bar I set at bound
refer to C.S. Map "A-1923"

S. 81°44' E. --89.10'

HILLCREST

found 5/8" bar



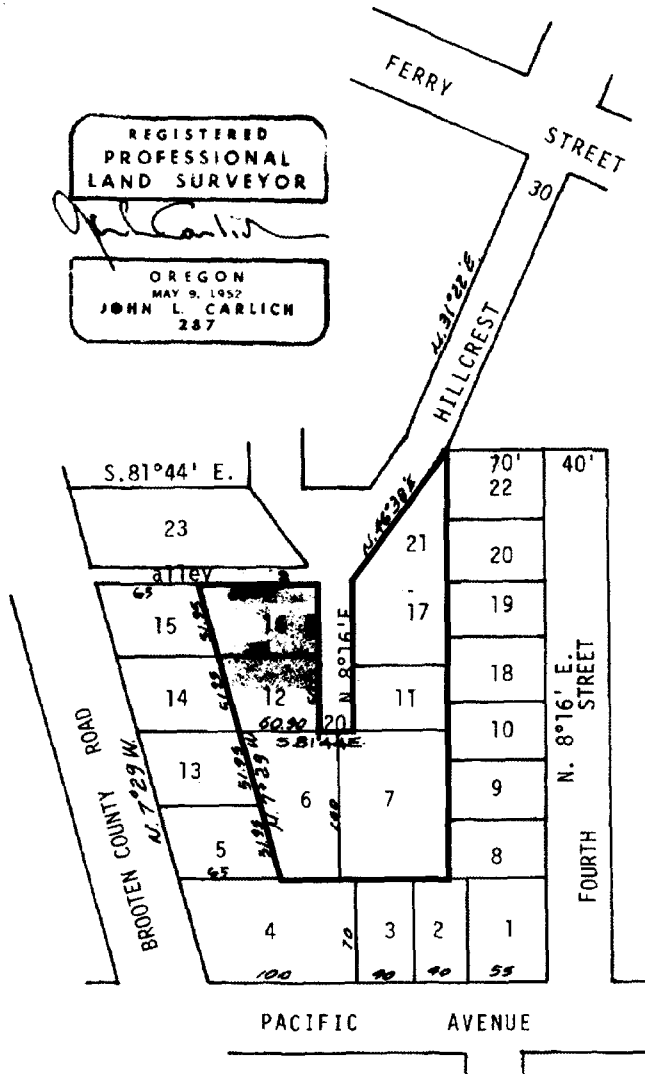
(50)
(25)

A - 3422

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John L. Carlich

OREGON
MAY 9, 1952
JOHN L. CARLICH
287



PETITION #546
1978 PROPERTY LINE ADJUSTMENT

BLOCK 4 VICINITY MAP
SCALE 1" = 100 FEET



1510-B Third Street
 Tillamook, Oregon 97141
www.tillamook.or.us

Building (503) 842-3407
 Planning (503) 842-3408
 Sanitation (503) 842-3409
 FAX (503) 842-1819
 Toll Free (800) 488-8280

PROPERTY LINE ADJUSTMENT REVIEW 851-19-000528-PLNG: KELLOW & DANNON

Ministerial Review Report Date: February 26, 2020
Prepared By: Sarah Absher, CFM, Director

Applicant: Douglas Kellow, PLS, Kellow Land Surveying, P.O. Box 335, Pacific City, OR 97135

EXISTING PROPERTIES							
Township	Range	Section	Tax Lot	Township	Range	Section	Tax Lot
4S	10W	30BA	3400	4S	10W	30BA	3600
Owner: Patricia Dannen				Owner: Patricia Dannen			
Property Address: N/A				Property Address: N/A			
Mailing Address (Street or PO Box): P.O. Box 552, Pacific City, OR 97135				Mailing Address (Street or PO Box): P.O. Box 552, Pacific City, OR 97135			
Zone: PCW-R3				Zone: PCW-R3			
Township	Range	Section	Tax Lot	Township	Range	Section	Tax Lot
4S	10W	30BA	4200	4S	10W	30BA	4300
Owner: Patricia Dannen				Owner: Alana Dannen			
Property Address: 34915 Hillcrest Street				Property Address: N/A			
Mailing Address (Street or PO Box): P.O. Box 552, Pacific City, OR 97135				Mailing Address (Street or PO Box): P.O. Box 552, Pacific City, OR 97135			
Zone: PCW-R3				Zone: PCW-R3			
Township	Range	Section	Tax Lot	Township	Range	Section	Tax Lot
4S	10W	30BA	4400	4S	10W	30BA	4900
Owner: Alana Dannen				Owner: Alana Dannen			
Property Address: 34930 Hillcrest Street				Property Address: N/A			
Mailing Address (Street or PO Box): P.O. Box 552, Pacific City, OR 97135				Mailing Address (Street or PO Box): P.O. Box 552, Pacific City, OR 97135			
Zone: PCW-R3				Zone: PCW-R3			

Proposed Unit	Existing Area	Proposed Area
A (Tax Lot 3400)	0.15 acres	0.00 acres
B (Tax Lot 3600)	0.08 acres	0.00 acres
C (Tax Lot 4200)	0.14 acres	0.37 acres
D (Tax Lot 4300)	0.04 acres	0.00 acres
E (Tax Lot 4400)	0.14 acres	0.30 acres
F (Tax Lot 4900)	0.13 acres	0.00 acres

Materials Submitted: “Proposed Property Line Adjustment Survey for Alana Dannen and Patricia Dannen” by Douglas Kellow, PLS, Kellow Land Surveying, dated October 21, 2019.

CRITERIA & FINDINGS:

i. Parcel Creation. No additional parcel or lot is created by the property line adjustment;

Findings:

- Staff concludes that no new lots are being created as a result of the property line adjustment (Exhibit B).

ii. Lot standards.

- 1. All lots and parcels conform to the applicable lot standards of the zone including lot area, dimensions, setbacks, and coverage, except where 2. or 3. applies.*
- 2. For properties entirely outside an Unincorporated Community Boundary, where one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment, one property shall be as large or larger than the minimum lot or parcel size for the applicable zone after the adjustment.*
- 3. For properties entirely outside an Unincorporated Community Boundary, both abutting properties are smaller than the minimum lot size for the applicable zone before and after property line adjustment.*

Findings:

- The subject properties are located within the Pacific City/Woods Unincorporated Community and are zoned Pacific City/Woods High Density Residential (PCW-R3).
- As adjusted, the subject properties will be consolidated to create two properties as shown in “Exhibit B”.
- Adjustment of these properties does not result in the creation of substandard properties and as adjusted, the minimum lot width, depth and size requirements of the PCW-R3 zone are met.
- As adjusted and depicted in the preliminary survey included as “Exhibit B”, both properties include residential improvements. Setbacks from these structures to property lines as adjusted meet or exceed the minimum setback requirements of the PCW-R3 zone.
- Staff concludes that these criteria have been met.

4. As applicable, all lots and parcels shall conform to the Tillamook County Flood Hazard Overlay Zone.

Findings:

- The subject properties are located outside an area outside the Area of Special Flood Hazard and are not located within the Tillamook County Flood Hazard Overlay Zone per FEMA Flood Insurance Rate Map (FIRM) panel #41057C0855F dated September 18, 2019 (Exhibit A).

iii. Access and Road Authority Standards. All lots and parcels conform to the standards or requirements of Section 150: Development Standards for Land Divisions and all applicable road authority requirements are met. If a lot is

nonconforming to any road authority standard, it shall not be made less conforming by the property line adjustment.

Findings:

- The subject properties abut Hillcrest Street, a County road, both before and after the proposed property line adjustment (Exhibit B).

CONCLUSION:

Upon completion of review of the submitted materials, staff concludes that the requirements to allow a property line adjustment have been met. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing upon receipt of the appeal and applicable fees. In such case, forms and fees must be filed in the office of this Department before **4:00 PM on March 9, 2020.**

CONDITIONS OF APPROVAL:

1. The existing zoning designations of all units shall not be changed and the standards for each zone will remain following the proposed adjustment.
2. If the adjusted units of land are less than ten acres in size, a survey to monument the new common boundary is required and shall be filed with the Tillamook County Surveyor's Department.
3. The property owner(s) shall record all proper documents, including descriptions of all access and utility easements necessary to serve the properties, in the Tillamook County Clerk's Office. Copies of the recorded documents shall be submitted to this Department.
4. A copy of the filed survey identifying all easements for access and utilities shall be submitted to this Department.
5. The property owner(s) shall fulfill the requirements for recording and filing above and shall submit any required map and documents within one year of the date of this approval. An extension of tentative approval may be available.

Sincerely,

Sarah Absher, CFM, Director

EXHIBITS:

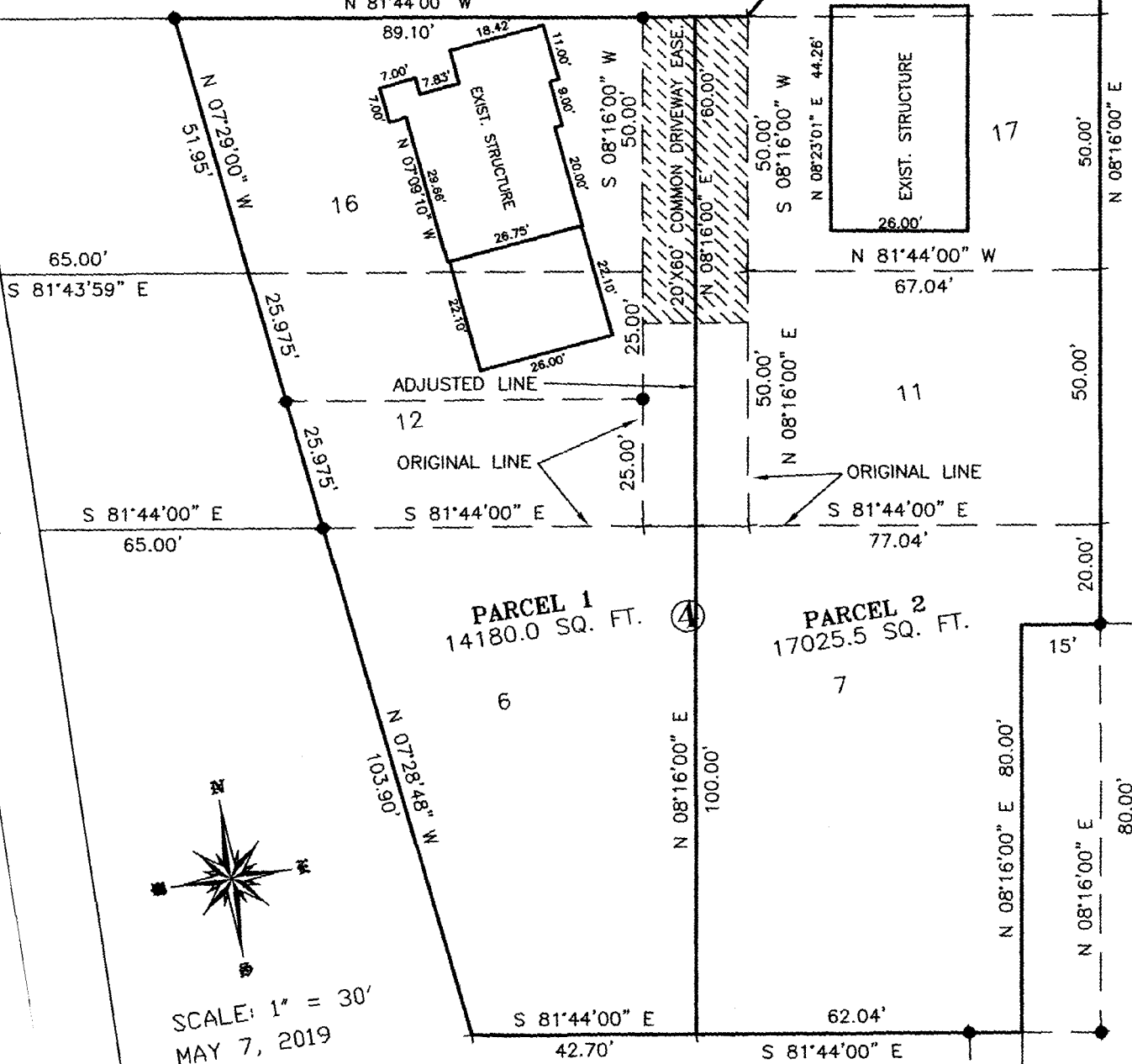
Exhibit A - Zoning Map, Assessors Map, Assessor's Summary Reports, FEMA FIRM

Exhibit B - Applicant's Submittal

23
**"FISHERS SUBDIVISION"
 BLOCK 4**

HILLCREST STREET

10' WIDE WALKWAY



SCALE: 1" = 30'
 MAY 7, 2019

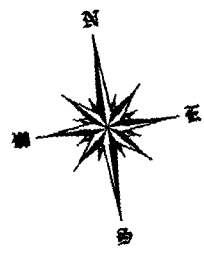
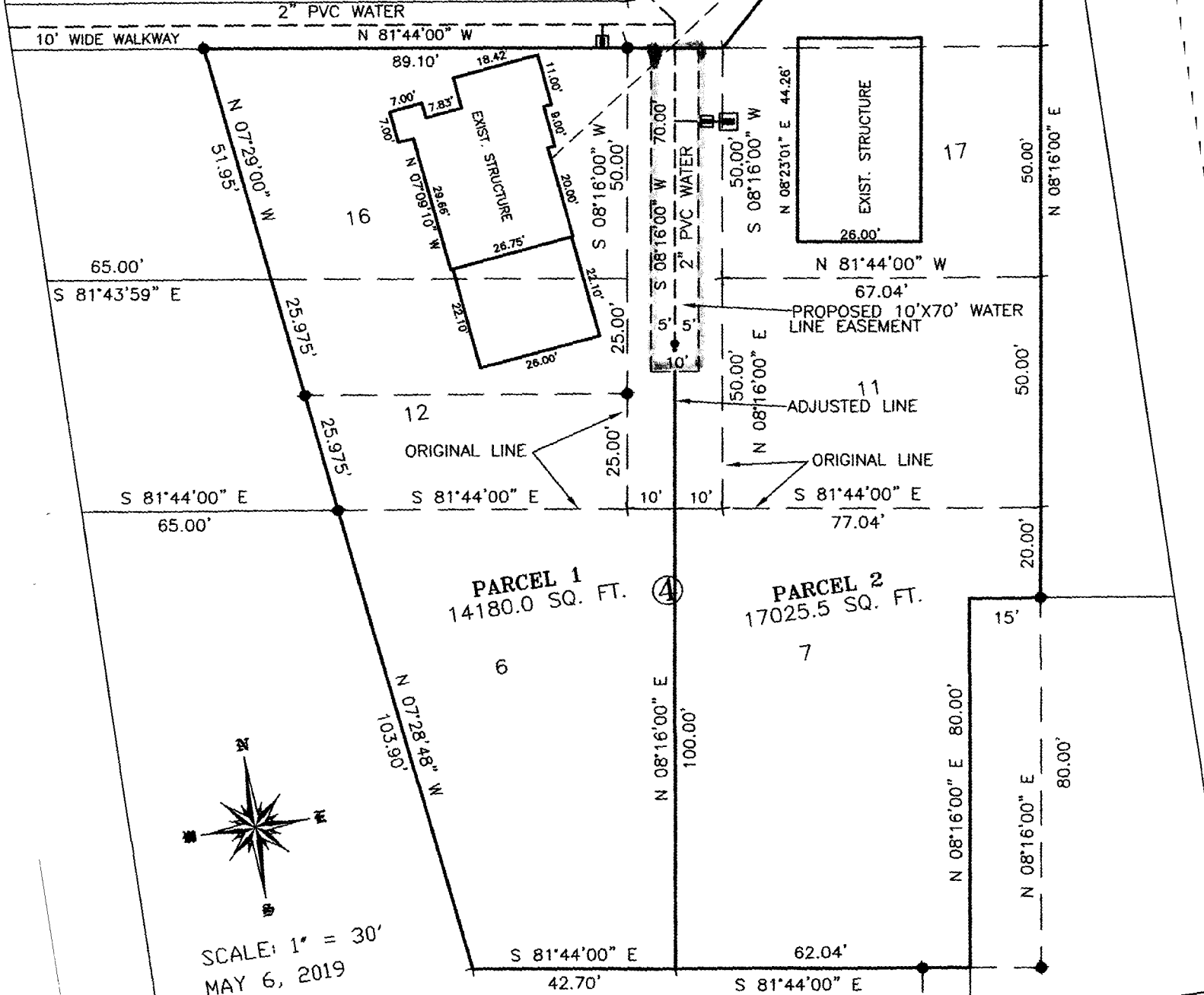
TAX LOTS 3400, 3600, 4200,
 4300, 4400 AND 4900, T.4S.-
 10W-30-BA, TILLAMOOK CO., OR

EXHIBIT 'B'

PETITION #546 PARCEL ACCESS FOLLOWING VACATION

23
"FISHERS SUBDIVISION"
 BLOCK 4

HILLCREST STREET



SCALE: 1" = 30'
 MAY 6, 2019

TAX LOTS 3400, 3600, 4200,
 4300, 4400 AND 4900, T.4S.-
 10W-30-BA, TILLAMOOK CO., OR

EXHIBIT 'B'

PETITION #546 UTILITY ACCESS FOLLOWING VACATION

RIGHT OF WAY VACATION PETITION #546
APO HILLCREST ST., PACIFIC CITY



LOOKING SOUTHEAST AT THE SUBJECT INTERSECTION



LOOKING SOUTH AT THE SUBJECT INTERSECTION & AREA



LOOKING SOUTHWEST AT THE SUBJECT INTERSECTION



LOOKING NORTH AT THE SUBJECT ARE & INTERSECTION