CJ2020-00131

AFTER RECORDING, RETURN & SEND ALL TAX STATEMENTS TO:

Steve Maffin Tax Lot # T1SR10W 2A TL 3102 6125 Main Street Bay City, OR 97107

Haakon Smith & Julianne Stasch Tax Lot # T1SR10W 2A TL 3103 9075 12th Street Bay City, OR 97107

Robert & Martha Corbin Tax Lot # T1SR10W 2A TL 200 6709 SE 72nd Avenue Portland, OR 97206 Tillamook County, Oregon 06/19/2020 01:40:59 PM DEED-VACAT

\$100.00 \$11.00 \$61.00 \$10.00 \$25.00 \$17.50 - Total =\$224.50



2020-003759

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

David & Heidi Smith Tax Lot # T1SR10W 2A TL 3101 45-553A Kuu Home Place Kanoehe, HI 96744

Frederik & Audry Haines Tax Lot # T1SR10W 2A TL 3301 8725 Doughty Road Bay City, OR 97107

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

In the Matter of the Vacation of a Portion of Parmer St. and Seattle St., Bay City Tillamook County, Oregon) ORDER) #20-<u>02</u>

This matter came before the Tillamook County Board of Commissioners on June 10, 2020 at the request of Chris Laity, Public Works Director, Public Works, Road Department, at which time it appears that Road Vacation Petition #20-547 was filed by property owners on April 29, 2020 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 premises, records and files herein, makes the following findings:

- 1. The Road Vacation Petition #20-547 was properly filed with the Tillamook County Clerk on April 29, 2020 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 Works' 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.

_____DAY OF _______, 2020. DATED this

THE BOARD OF COMMISSIONERS FOR TILLAMOOK COUNTY, OREGON

Nay Abstain/Absent Ave

Bill Bartle

Bill Baertlein, Chair

Mary Faith Bell, Vice-Chair

amamoto. Commissioner

ATTEST:

Tassi O'Neil, County Clerk

By: Specia

APPROVED AS TO FORM:

County Counsel Stevens,

Page 2 of 2 - ORDER TO VACATE ROAD - PARMER ST. AND SEATTLE ST., BAY CITY, TILLAMOOK COU

Tillamook County

PUBLIC WORKS DEPARTMENT



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

Land of Cheese, Trees and Ocean Breeze

EXHIBIT A

PETITION TO VACATE PUBLIC RIGHT OF WAY #547 PUBLIC WORKS STAFF REPORT

Date: JUNE 10, 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 Parmer St. and Seattle St. in Bay City.
Area of Interest:	Two areas of dedicated public Right of Way Located in T01S R10W Sec. 2A Located within the City of Bay City Urban Growth Boundary
Petitioner:	The five petitioners represent 100% of private land abutting the Right of Ways identified in the petition and all are signatories to the petition.

II. <u>APPLICABLE STAUTES / ORDINANCES:</u>

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

III. <u>REVIEW:</u>

1. Right of Way History

- <u>Creation</u> Petition #547 requests Vacation of portions the Public Right of Ways recorded as Seattle St. and Parmer St. Seattle St. was originally dedicated as Morton St. along with Parmer St. on the 1891 Plat of Bewley's Addition to Bay City. The Bewley's Addition Plat is recorded in the Tillamook County Surveyor's permanent records as Plat #C-278.
- 2) Prior Vacation / Dedication / Property Line Adjustment Since the original dedication there have been various boundary actions adjacent to the Right of Way affecting private parcel configuration. The original Plat recorded a typical "Lot and Block" configuration with the blocks subdivided into ¼ block parcels. The current version of the Tillamook County Assessor's Tax Map represents the current private parcel configuration. Since the original dedication the only action taken impacting the dedicated Right of Ways is the renaming of Morton St. to Seattle St.

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.

AN EQUAL OPPORTUNITY EMPLOYER

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-suitable for transportation system purposes to private ownership. Roadway construction across the land identified in this petition would be expensive to build and maintain resulting in only serving the parcels currently identified in the petition.
- 4) This petition does not impact any existing access to any rivers, beaches or other recreational property.

V. STATUS OF PUBLIC UTILITIES

1) Due to absence of developed transportation or private land in the petition vicinity, there are no existing public utilities in the existing Right of Ways indicated in the petition. Future development shall include private agreements between individual land owners and their chosen utility providers.

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 Bewley Street and North of Doughty Road.
- 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 #547 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 future 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) Original Petition with Surveyor's map and legal descriptions to be vacated
- 2) Petition Verification letters from Tillamook County Clerk & Assessor
- 3) Current Tillamook County Assessor's Map mark up
- 4) Petition Vicinity Map with aerial image background
- 5) Local Images



May 6, 2020

Land of Cheese, Trees and Ocean Breeze

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

Received

MAY 7 2020

Tillamook County Board of Commissioners

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

RE: Petition No. 547 – Petition to vacate a section of Parmer Street and Seattle Avenue, both of which terminate directly to the East.

Dear Commissioners:

Enclosed is a certified copy of Petition No. 547 filed April 29, 2020, to vacate a portion of a section of Parmer Street and Seattle Avenue, both of which terminate directly to the East.

Certification from the Assessor regarding ownership was received on May 6, 2020 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,

Jas mert

Tassi O'Neil Tillamook County Clerk

Enclosures

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

FILED

MAY - 6 2020 TASSI O'NEIL COUNTY CLERK

May 6th, 2020

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

RE: Petition No. 547 – Petition to vacate a section of Parmer Street and Seattle Avenue, both of which terminate directly to the East.

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,

Basardon forson

KaSandra Larson Tillamook County Chief Deputy Assessor/Tax Collector

cc. Wendy Schink, GIS Cartographic Analyst cc. Denise Vandecoevering, Assessor

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

)

#547

FILED APR 2 9 2020

TASSI O'NEIL COUNTY CLERK

IN THE MATTER OF THE VACATION OF

A section of Parmer Street and Seattle Avenue, both of which terminate

directly to the East

PETITION TO VACATE

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

Steve Maffin David and Heidi Smith Haakon Smith & Julianne Stasch Frederik & Audry Haines Robert & Martha Corbin

(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:

> In order to build a residence on lot 3102, it is necessary for Mr. Mallin to connect a driveway to Doughty Road from lot 3102 to lot 3300, this requires going through Parmer Street. Additionally, by Tillamook County road construction rules, to extend Seattle Avenue would require the road to terminate in a creek. Both Parmer Street and Seattle Avenue terminate to the East as the abutting properties own the original road easement running North to South, and therefore there is no possibility of a future connecting road

> > (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

Public/Tillamook County

(Use separate sheet if more space is needed)

Petition to Vacate, Page 1

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



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

NAME & ADDRESS

.

DESCRIPTION OF PROPERTY

		(Use Tax Lot No. If available)	
Steve Maffin	6125 Main St., Bay City, OR, 97107	01S10W02A Parcels 3200, 3300 3102	
David & Heidi Smith	45-553A Kuu Home PL, Kaneohe, HI, 96744	01S10W02A Parcel 3101	
Haakon Smith & Julianne Stasch	9075 12th St , Bay City, OR 97107	01S10W02A Parcel 3103	
Frederik & Audry Haines	8725 Doughty Rd , Bay City, OR, 97107	01S10W02A Parcel 3301	
Robert & Martha Corbin	6709 SE 72nd Ave, Portland, OR, 97206	01S10W02A Parcel 200	

(Use separate sheet if more space is needed)

- VI. Attached to this Petition are <u>pages containing the notarized signatures of</u>:
 - (x) 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:
 - (x) Will not be redivided in any manner.
 - () Will be redivided as shown on the attached subdivision or partition plan.

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

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

01S 10W 02A Parcels 3200, 3300, 3102

a na bio <u>alia taka mina</u> kata mata kata mata kata a

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 7th day of October, 2019 6125 Main St Bay City OR 97107 Address Bay City, OR, 97107 City, State, Zip Signature Signature ACKNOWLEDGEMENT NOTARY PUBLIC) SS.)

On \underline{OCH} . \underline{HH} , 2019, 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: 2.23.21

STATE OF OREGON County of Tillamook

OFFICIAL STAMP

HEIDI TEEPLES NOTARY PUBLIC - OREGON COMM SSION NO. 959776 MY COMMISSION EXPIRES FEBRUARY 23, 2021

Petition to Vacate, Page 3

Signature required in Section VI of the Petition to Vacate the following described property: Seattle Avenue adjacent Bewley's 2nd add to Bay City Blk-7 Lot -2.

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

Code: 5616; Map 16 1002 A003101; Acres 1.25 Legal : Bewley's 2nd Add to Bay City BlK-7 Lot-2

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 thisd	lay of November, 2019
David G. Smith	45-553 A Kuu Home Pl.
Signature	Address
Allafan Sut Herdi He	insenSmith Kaneohe, H1 96744 City, State, Zip
Signature	City, State, Zip
AC	KNOWLEDGEMENT
NOTARY PUBLIC)	
STATE OF OREGON HAW) TH ss.	
County of Tillamook monuluu	
On NOVEMPCE 1 ^{CT} , 201 acknowledged the foregoing instrument	$\frac{a}{1}$, the above named person appeared before me and to be a voluntary act and deed.
White Y K	Willing Court & STACET & MINTH
No. Ot	Notary Public for the State of Oregon itra write the
	William Mar Commission Frankran W/2012-2
	664 **
Manana OF	HAMMIN EN K. NO
Do	c. Date OV 0 1 2019 # Pages: 3 ime: Stacey K. Nishiki Circuit pc. Description: <u>re1110 N 10</u> yrc(nte Other Stacey K. Nishiki YC(nte Other Stacey K. Nishiki NOV 0 1 2019
Petition to Vacate, Page 3 Ne	me: <u>Stacey K. Nishiki</u> <u>Circuit</u>
	Description: <u>PETITION TO</u>
-	
No	NOTARY CERTIFICATION

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Signature required in Section VI of the Petition to Vacate the following described property: Section of Parmer Rd. adjacent to the poperty Description of owned property that abuts the property proposed to be vacated (Use legal description or Tax Lot Number) Bawley'S ZNO ADD TO BAY CITY BLK-7 LOT-4 151002A003103 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 5 day of November, 2019 Hardkon Smith 9075 12th St. Address Julianne Stasch Bry City, OR, 97107 City, State, Zip gnature Signatu ACKNOWLEDGEMENT NOTARY PUBLIC STATE OF OREGON) SS. County of Tillamook On November 5th, 2019, 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: August (OFFICIAL STAMP CHRISTINA ARLENE BIGGS _ WU NOTARY PUBLIC-OREGON COMMISSION NO. 964902

MY COMMISSION EXPIRES AUGUST 06, 2021

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

Description of owned property that abuts the property proposed to be vacated (Use legal description or Tax Lot Number) 01S 10W 02A Parcel 3301				
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 <u>9th</u> day of <u>October</u> , 2019				
Frader. K Hanes 8725 Doughty Rd Signature Address				
Signature City, State, Zip				
ACKNOWLEDGEMENT				
NOTARY PUBLIC)STATE OF OREGON)Ss.County of Tillamook				

On <u>October</u> 9^{++} , 20_{19} , the above named person appeared before me and acknowledged the foregoing instrument to be a voluntary act and deed.

Kebeurg Vean Terriel Notary Public for the State of Oregon

My Commission Expires: Feb. 13, 2033-



Petition to Vacate, Page 3

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Signature required in Section VI of the Petition to Vacate the following described property: West Find of Seque Aven Ve

ad Joining property Belew -

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

2 ACVELOT TO NOV Work vacated Street above, Lot TO North west of end of existing Seattle Avenue. Lot # 200, Block 6, MAD 56-16, JManok 1 BAYCIAY UGR (ALIA) **NT**

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 19th day of September 2019.
Refert D, Carl_ robert Corbin 67095572nd Ave Signature Address
Matha a. Cybin Murtha Corbin PURTLAND, OR 97206 Signature City, State, Zip
ACKNOWLEDGEMENT
NOTARY PUBLIC)
STATE OF OREGON) ss.
County of Fillamook) CLACKAMAS
On <u>September 18</u> , 2019 , the above named person appeared before me and
acknowledged the foregoing instrument to be a voluntary act and deed.
1 seildur
OFFICIAL STAMP Notary Public for the State of Oregon
DEBBIE ANN HUNZEKER My Commission Expires: 5141202
COMMISSION NO. 962078
MY COMMISSION EXPIRES MAY 04, 2021

Petition to Vacate, Page 3

BAYSIDE SURVEYING

11765 HWY 101 South Tillamook, Oregon 97141 Terry L. Jones 503-842-5551 Fax 503-842-5552

DECEMBER 4, 2019

LEGAL DESCRIPTION FOR SMITH, SMITH, STASCH, AND MAFFIN SEATTLE STREET AND PARMER STREET TO BE VACATED

A PORTION OF MORTON STREET AND PARMER STREET IN THE PLAT OF BEWLEY'S ADDITION TO BAY CITY AS RECORDED IN DEED BOOK "J" PAGE 618-619, TILLAMOOK COUNTY DEED RECORDS, SEE ALSO MAP C-278, TILLAMOOK COUNTY SURVEY RECORDS, IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 10 WEST, WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF MORTON (NOW SEATTLE STREET) NORTH OF LOT 2, BLOCK 7 AND SOUTH OF LOT 3, BLOCK 6, BEWLEY'S ADDITION TO BAY CITY.

THAT PORTION OF PARMER [STREET] NORTH OF LOTS 1 AND 2, BLOCK 18 AND SOUTH OF LOTS 3 AND 4, BLOCK 7, BEWLEY'S ADDITION TO BAY CITY.

THIS DESCRIPTION IS BASED ON ATTACHED SKETCH.

V:\BSS\LGL\SMITH-BC-VACATION.DOC



CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL TASSI O'NEIL COUNTY tom Opeil BY ____

OF C





RIGHT OF WAY PETITION #547 EXISTING CONDITIONS IMAGES



LOOKING SOUTH FROM SEATTLE ST. ACROSS PARMER ST RIGHT OF WAY



LOOKING WEST FROM THE EAST END OF THE SEATTLE ST. RIGHT OF WAY



LOOKING WEST ALONG THE PARMER ST RIGHT OF WAY