

Tillamook County, Oregon 2021-009583  
11/17/2021 09:05:29 AM  
DEED-VACAT  
\$105.00 \$11.00 \$61.00 \$10.00 \$25.00 \$18.00 - Total = \$230.00



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 AND SEND ALL TAX STATEMENTS TO:

Dave Cauble  
Tax Lot #T4S R10W 06BC 10500  
910 SW Simpson Avenue  
Bend, Oregon 97702

Jimmy & Jennifer Cloer  
Tax Lot #T4S R10W 06BC 13600  
427 NE Grant St.  
Hillsboro, OR 97124

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 Guardenia Avenue, Tierra Del Mar ) #21- 061  
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 #564 was filed by property owners on July 22, 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 #564 was properly filed with the Tillamook County Clerk on July 22, 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 10<sup>th</sup> DAY OF November, 2021.

THE BOARD OF COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

Aye    Nay    Abstain/Absent

MF Bell  
Mary Faith Bell, Chair

8    —    —/—

[Signature]  
David Yamamoto, Vice-Chair

8    —    —/—

[Signature]  
Erin D. Skaar, Commissioner

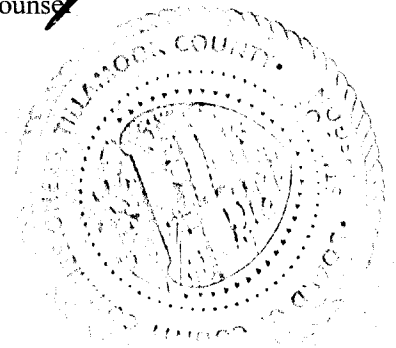
✓    —    —/—

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By: [Signature]  
Special Deputy

[Signature]  
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](mailto: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 15<sup>th</sup>, 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

RECEIVED  
JUL 27 2021  
TASSI O'NEIL  
COUNTY CLERK

July 27<sup>th</sup>, 2021

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 its western terminus.**


Dear Ms. O'Neil:

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

<u>MAP ID</u>	<u>OWNER(S)</u>	<u>OWNERSHIP</u>
4S106BC10500	David & Lynnette Cauble	Tenants by Entirety
4S106BC13600	Jimmy (Jim) & Jennifer Cloer	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

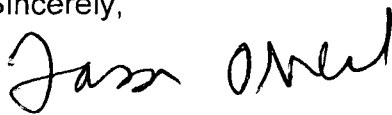
**RE: Petition No. 564 – Petition to vacate a section of Guardenia Avenue  
in Tierra Del Mar at it's western terminus.**

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

# 564  
FILED

FOR TILLAMOOK COUNTY, OREGON

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)
<u>David and Lynette Cauble</u> <u>2633 NW Three Sisters Dr.</u> <u>Bend, OR 97703</u>	<u>4S10W6BC10500</u>

<u>Jim and Jennifer Cloer</u> <u>427 NE Grant St. Hillsboro, OR 97124</u>	<u>4S10WBC13600</u>
--	---------------------

(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 Guardiania 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

Signed and Dated this 16<sup>th</sup> day of JUNE, 20 21

David and Lynette Couble  
Signature

2633 NW Three Sisters Dr.  
Address

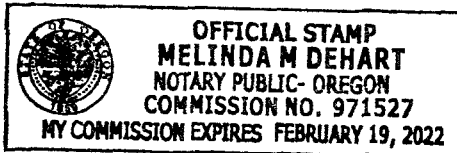
Lynette G. Couble  
Signature  
David and Lynette Couble

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 Guardina 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

Signed and Dated this 17<sup>th</sup> day of JUNE, 2021  
22<sup>nd</sup> JK

[Signature]  
Signature

427 NE Grand St  
Address

[Signature]  
Signature

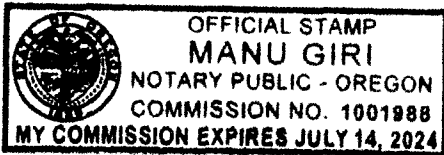
Hillsboro OR 97124  
City, State, Zip

Jim + Jennifer Cloer

ACKNOWLEDGEMENT

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

On 22<sup>nd</sup> June, 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: 07/14/2024

EXHIBIT 'A'

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

EXHIBIT 'A'

EXHIBIT 'A'

LEGAL DESCRIPTION FOR PROPOSED VACATION  
OF A PORTION OF GUARDENIA AVENUE  
15.00 foot wide portion to be conveyed to Cloer Tax Lot 13600  
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*

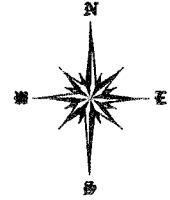
OREGON  
FEBRUARY 3, 1983  
DOUGLAS H. KELLOW  
2027

RENEWS: 06/30/23

EXHIBIT 'A'

# PROPOSED VACATION OF A PORTION OF GUARDENIA AVE.

IN BLOCK 3 AND 4 OF "TIERRA DEL MAR BEACH"  
 TAX LOT 10500 & 13600, 4S-10-06-BC  
 TILLAMOOK CO., OR



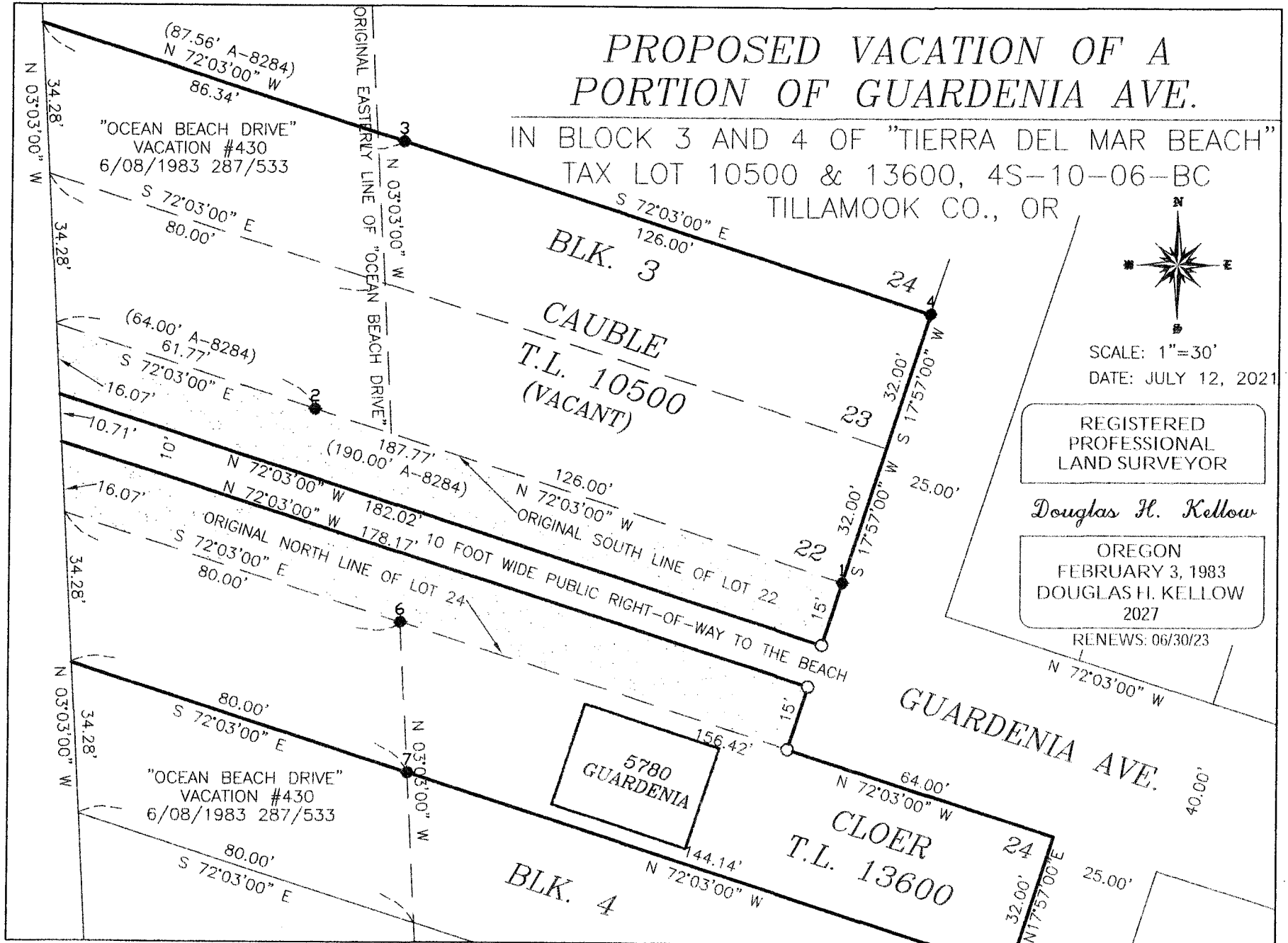
SCALE: 1"=30'  
 DATE: JULY 12, 2021

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Douglas H. Kellow*

OREGON  
 FEBRUARY 3, 1983  
 DOUGLAS H. KELLOW  
 2027

RENEWS: 06/30/23

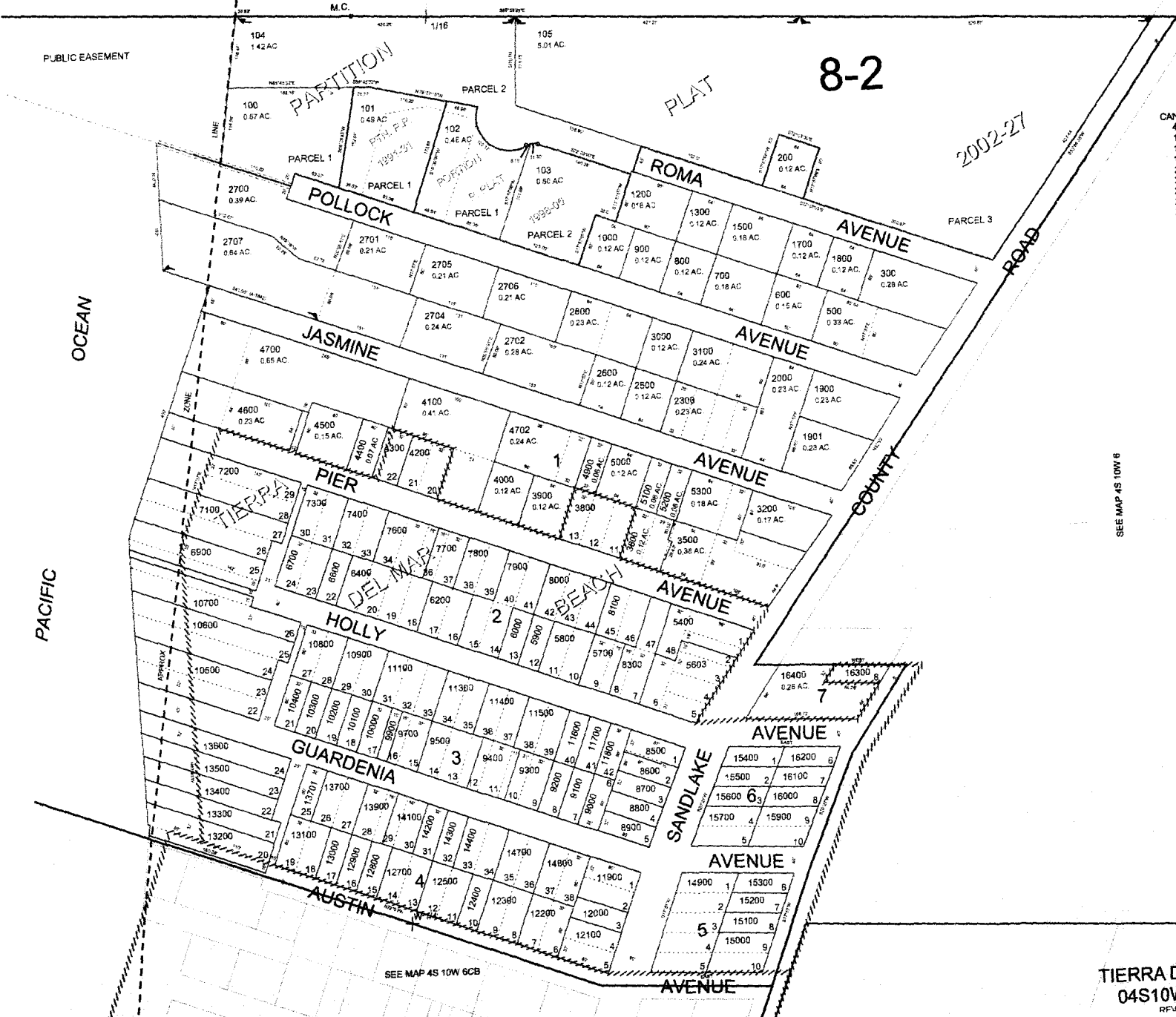


FOR ASSESSMENT AND TAXATION ONLY, NOT SUITABLE FOR  
LEGAL, ENGINEERING, OR SURVEY PURPOSES

S.W.1/4 N.W.1/4 SEC.6 T.4S. R.10W. W.M.  
Tillamook County  
1" = 100'

04S10W06BC  
TIERRA DEL MAR

SEE MAP 4S 10W 6



- CANCELLED:
- 400
  - 1100
  - 1400
  - 1600
  - 2100
  - 2200
  - 2400
  - 2703
  - 2900
  - 3300
  - 3301
  - 3400
  - 4701
  - 4800
  - 5500
  - 5600
  - 5601
  - 5602
  - 6100
  - 6500
  - 7000
  - 7500
  - 8400
  - 9800
  - 9800
  - 9800
  - 11000
  - 11200
  - 12600
  - 13600
  - 14000
  - 14001
  - 14500
  - 14600
  - 15800
  - 3700
  - 8200
  - 2001
  - 6300
  - 6800

SEE MAP 4S 10W 6

SEE MAP 4S 10W 6CB

TIERRA DEL MAR  
04S10W06BC  
REVISED 2/18/16 WS

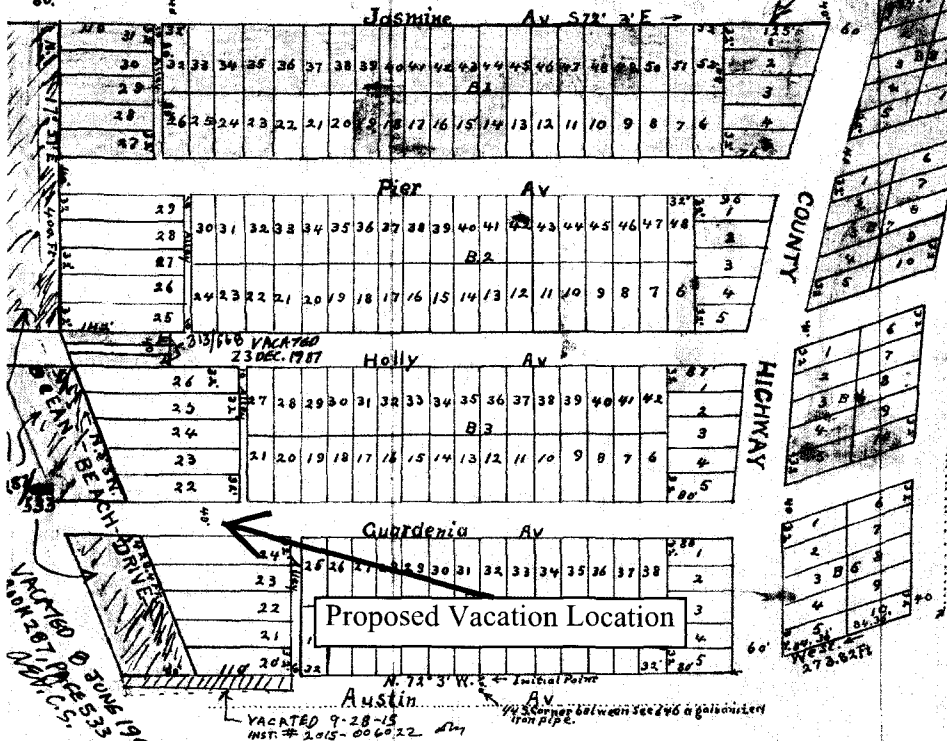
121-D

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 Dunham, C.S.

**Surveyors Certificate**  
 STATE of OREGON } S.S.  
 COUNTY of TILLAMOOK } S.S.

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. 72° 3' W. 424 feet. Thence S. 17° 57' E. 400 feet. Thence S. 72° 3' E. 594 feet. Thence East 275 feet Thence S. 32° W. 480 feet. Thence S. 20° W. 360 feet. Thence West 275 feet. Thence N. 72° 3' W. 304 feet. to the place of beginning.

A. M. Austin Surveyor.

Subscribed and sworn to before me this 10<sup>th</sup> day of September 1935

J. H. Boyner  
 NOTARY PUBLIC FOR OREGON

My Commission expires May 19, 1937.

VACATED 9-28-15  
 INST. # 2015-006022  
 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 10<sup>th</sup> day of September 1935  
 M. F. Pollock Seal.

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

Be it known that on the 10<sup>th</sup> 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. Boyner Notary Public for Oregon

My Commission expires May 19, 1937.

Approved *[Signature]* County Surveyor.

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

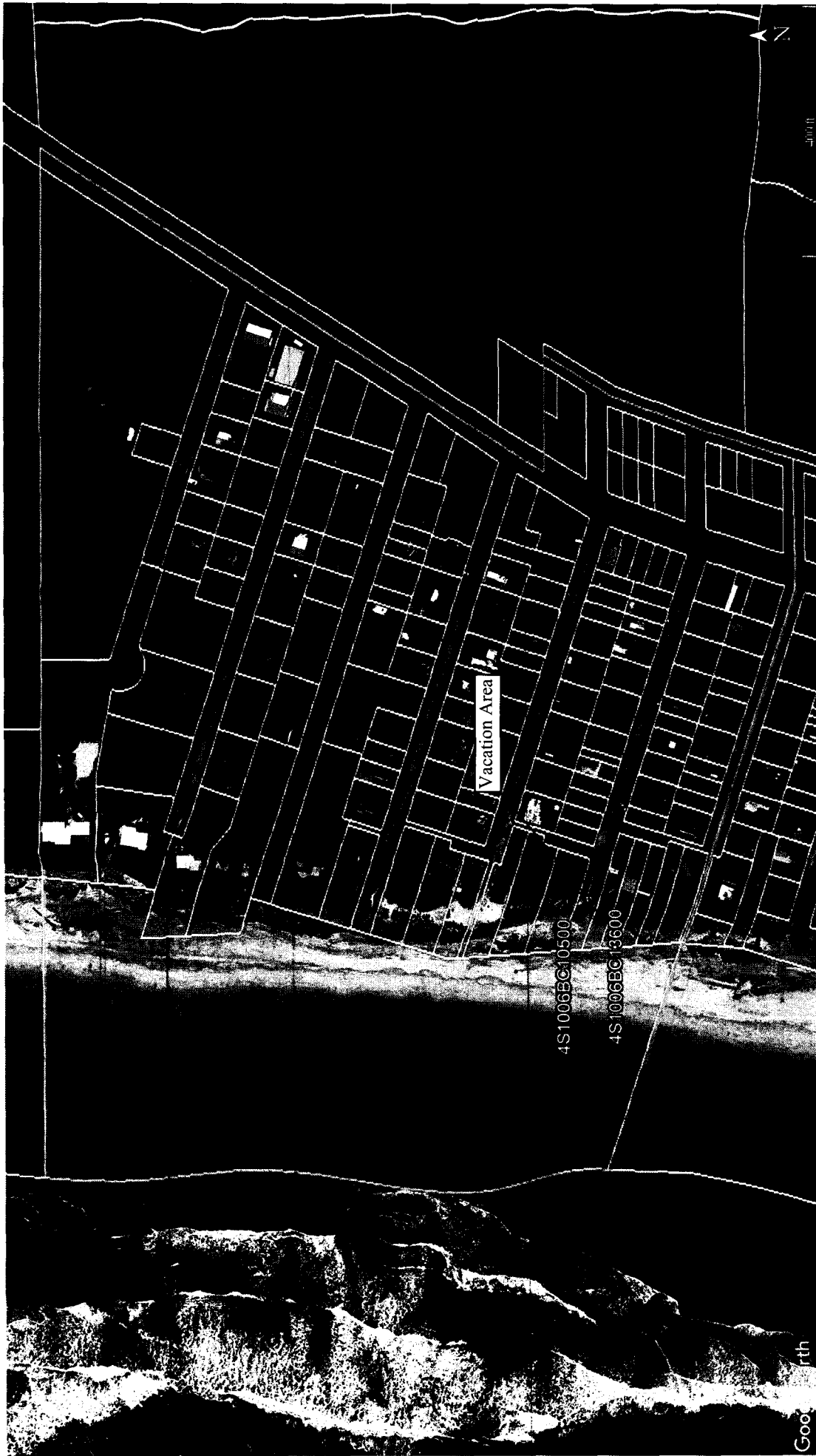
*[Signature]* County Judge  
*[Signature]* County Commissioner  
*[Signature]* County Commissioner

Taxes are paid in full *[Signature]* County Sheriff  
*[Signature]* County Assessor

Attest *[Signature]* County Clerk

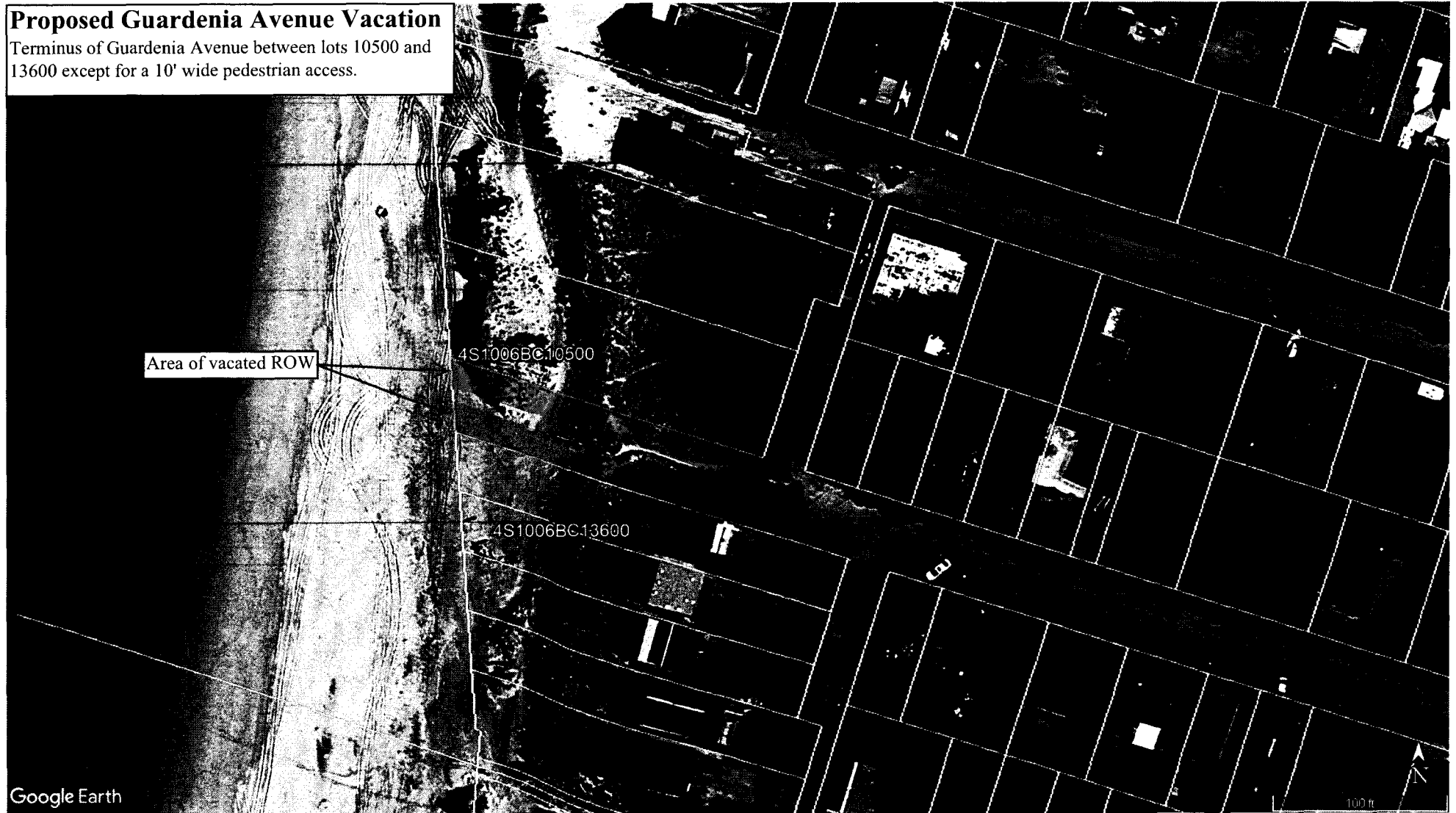


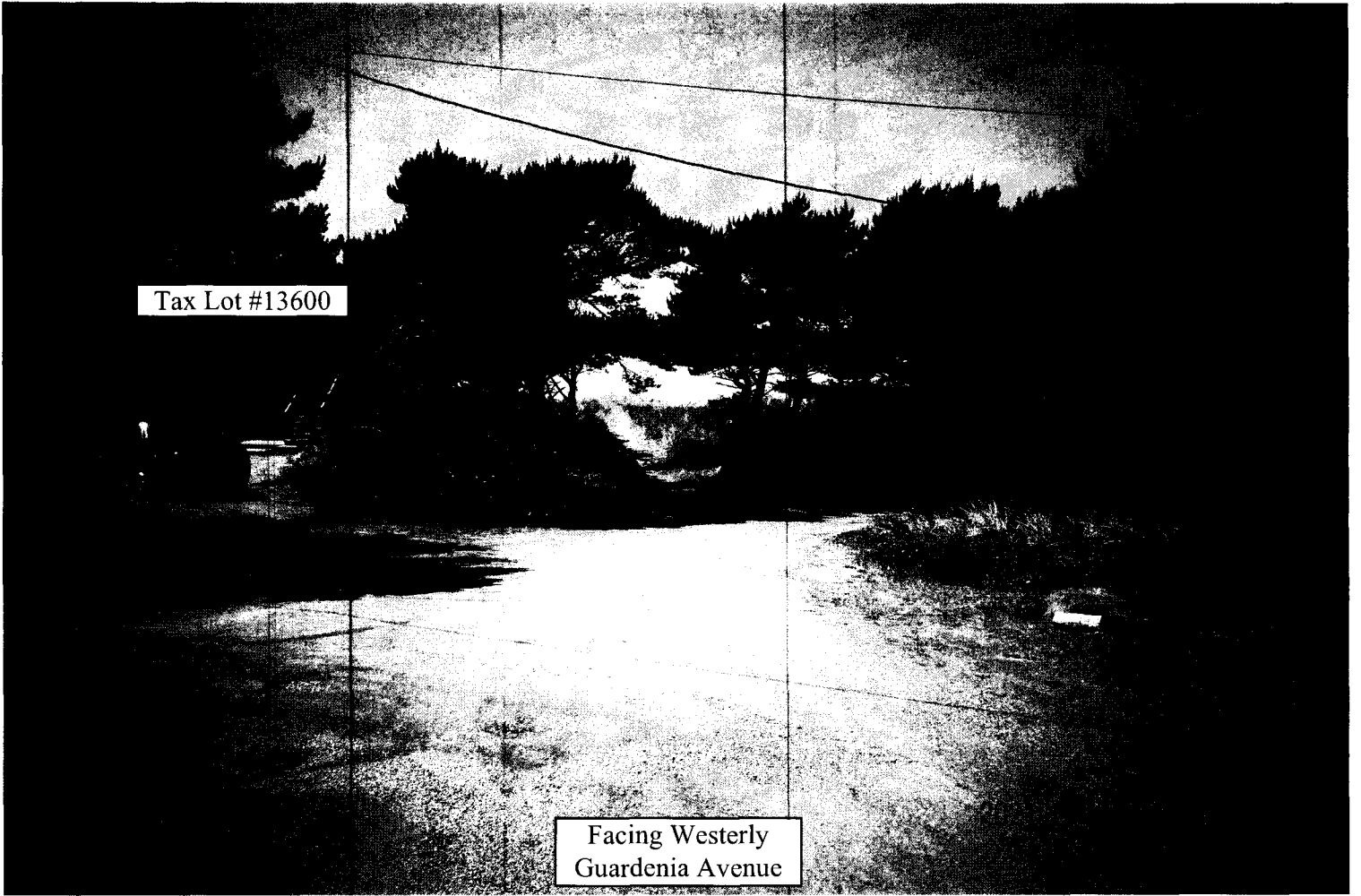
Exhibit 5

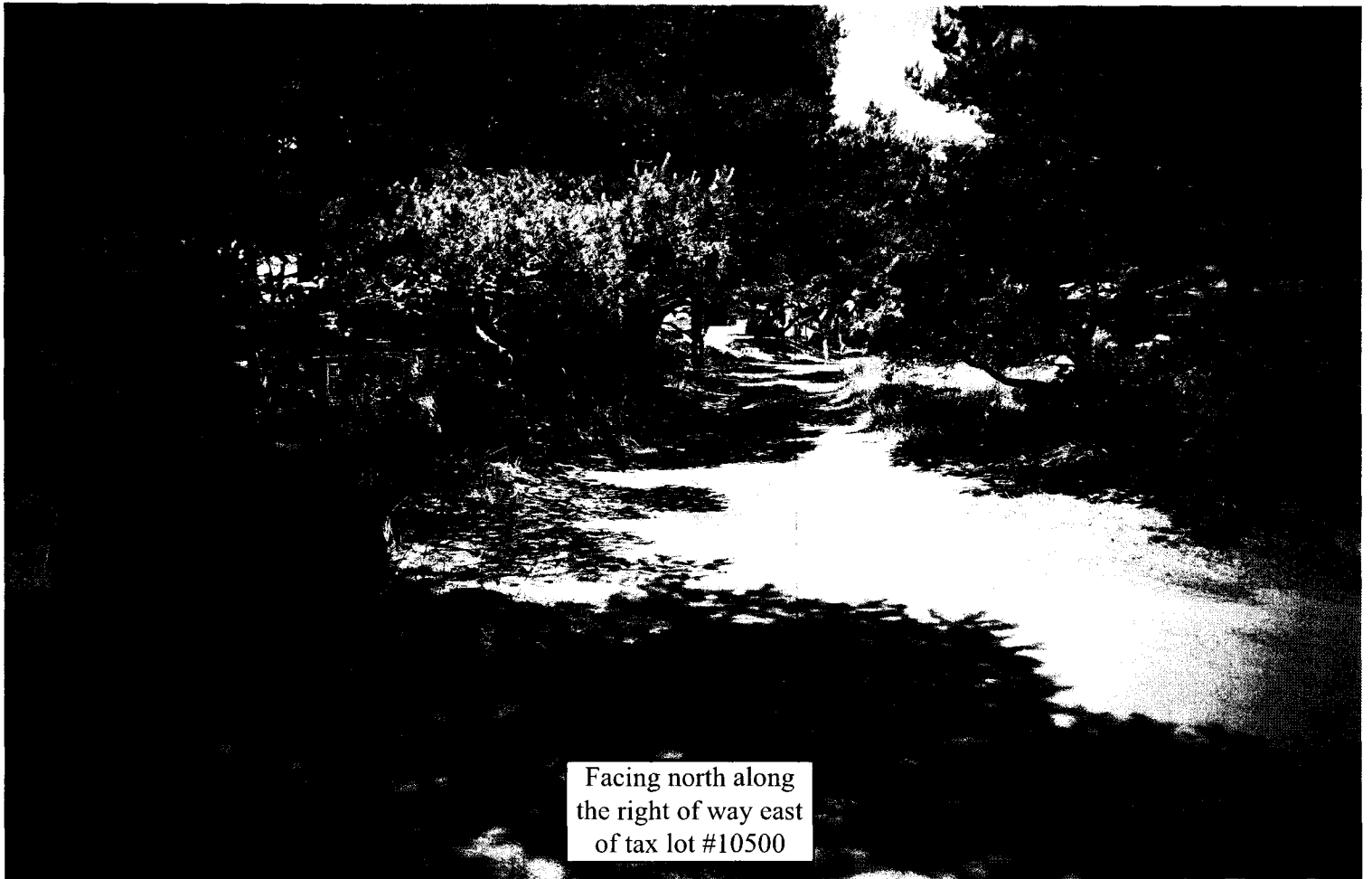


### Proposed Gardenia Avenue Vacation

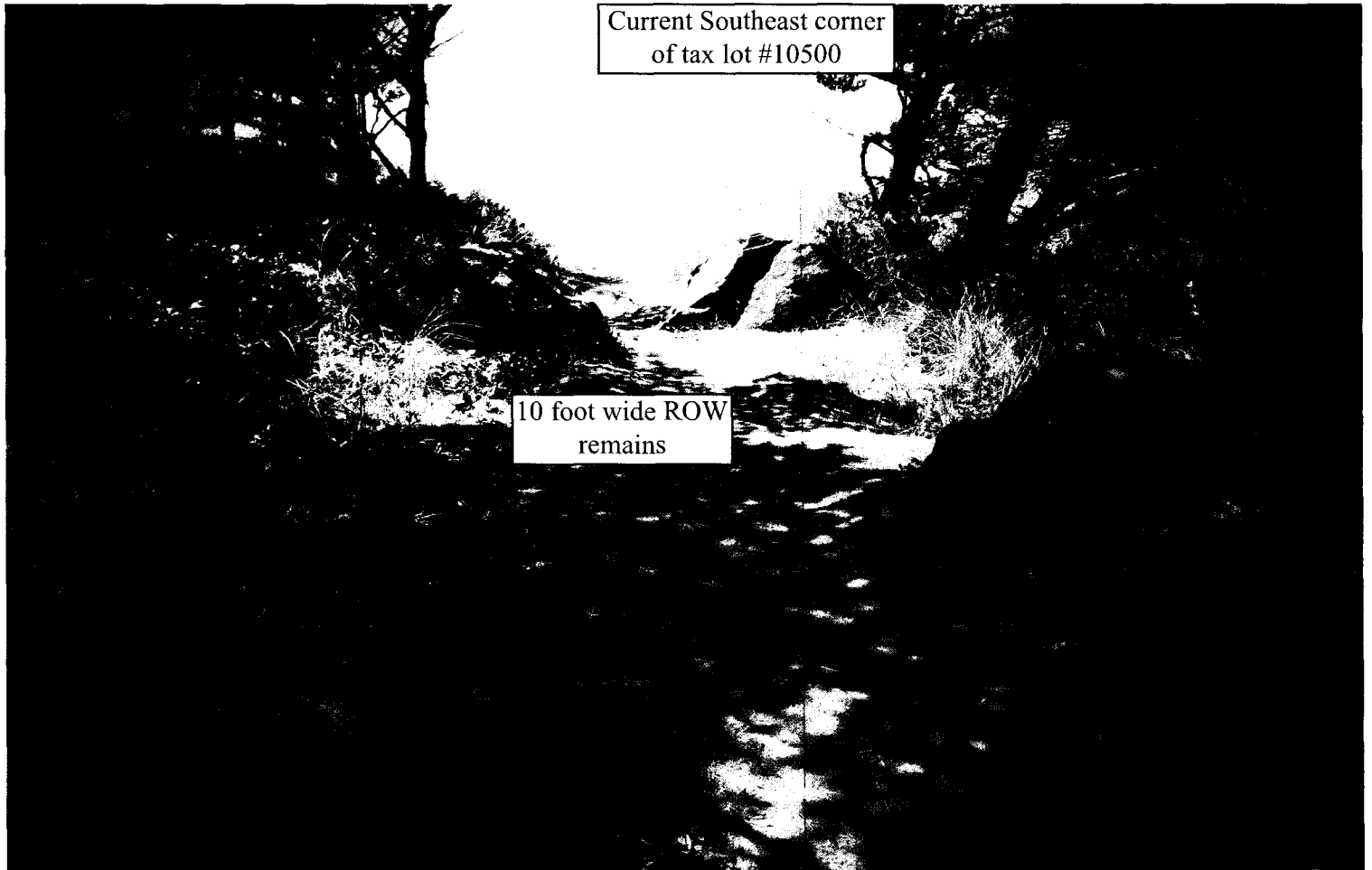
Terminus of Gardenia Avenue between lots 10500 and 13600 except for a 10' wide pedestrian access.







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