

RESOLUTION NO. 10-07

**A RESOLUTION RELATING TO VACATION OF A PORTION OF COUNTY ROAD D,
ALSO KNOWN AS WEST LANE ROAD**

WHEREAS, pursuant to ORS 368.341(1) and ORS 368.361, the Columbia County Board of Commissioners ordered that portion of County Road D, also known as West Lane Road and more particularly described and shown in Exhibit 1, attached hereto and incorporated by reference, be vacated, subject to the concurrence of the City of Scappoose; and

WHEREAS, the portion of County Road D as described and depicted in Exhibit 1 herein is now an abandoned right-of-way due to a reconfiguration of the road; and

WHEREAS, the owner of the abutting property has requested vacation of the former roadway; and

WHEREAS, this portion of County Road D also known as West Lane Road is under County jurisdiction but lying within the Scappoose City Limits; and

WHEREAS, the proposed vacation would maintain a remaining right-of-way width of 66 feet, consistent with the City's Major Collector functional classification; and


WHEREAS, the vacated area would be subject to a public utility easement to accommodate existing utilities;

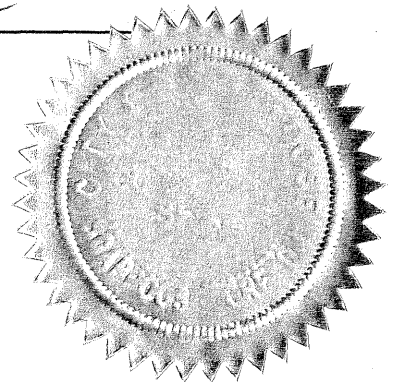
NOW, THEREFORE BE IT RESOLVED, that the City of Scappoose concurs with the findings of the Columbia County Board of Commissioners' Order No. 5-2010 Initiating/ Finalizing Vacation Proceedings In the Matter of the Proposed Vacation of a Portion of County Road D aka West Lane Road in Scappoose, Oregon, a copy of such findings is attached hereto as Exhibit 2 and hereby incorporated by reference.

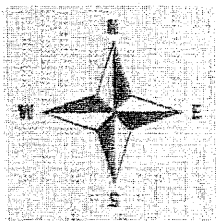
PASSED AND ADOPTED by the City Council this 3rd day of May, 2010, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON


Scott Burge, Mayor

Attest: 
Susan Reeves, CMC
City Recorder





**REYNOLDS
LAND
SURVEYING,
INC.**

32990 Stone Road
Warren, OR 97146
(503) 397-5516
Fax (503) 397-5518

Exhibit 1

February 2, 2010

West Lane Road - Proposed Road Vacation - Revised

A tract of land in the Northeast quarter of Section 12, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon being a portion of West Lane County Road D and also being all of the most Southerly "Street Dedication" as depicted Sheet 4 of the Subdivision Plat of "Harmony Park" as recorded on December 29, 2005 in Plat Book 6 on Page 74, Instrument No. 2005-17632, Clerk's Records of Columbia County, Oregon, said tract of land being more particularly described as follows:

Beginning at the most Southerly corner of said Southerly "Street Dedication", said point being at the intersection of the Easterly right of way line of the "West Lane" road dedication as depicted on said Sheet 4 of "Harmony Park" and the Westerly right of way line of said West Lane County Road D; thence North 03°35'05" West, along said Easterly right of way line of the new "West Lane" road dedication, a distance of 4.74 feet to the beginning of Curve "C9" as depicted on said Sheet 4 of "Harmony Park"; thence Northerly, along the arc of said Curve "C9" and the Northerly prolongation of said Curve "C9" to a point on the West line of Lot 6, of Block C of "Hudkins Subdivision" as recorded on June 8, 1954 in Plat Book 2, Page 105, Clerk's Records of Columbia County, Oregon; thence Southerly, along the West line of said Block C of "Hudkins Subdivision" to the Southwest corner thereof; thence Northwesterly, along the Westerly extension of the South line of said Block C of "Hudkins Subdivision" to a point that is South 03°35'05" East from the point of beginning; thence North 03°35'05" West a distance of 15.55 feet to the point of beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 22, 1985
DAVID E. REYNOLDS
2157

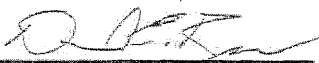
RENEWAL DATE: 12-31-2010

09070R LD3

Proposed Road Vacation
 Situated In The N.E. 1/4
 Section 12, T.3N., R.2W., W.M.
 City of Scappoose
 Columbia County, Oregon
 February 1, 2010

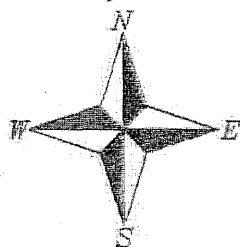
Reynolds
 Land Surveying, Inc.
 32990 Stone Road
 Warren, Oregon 97053
 (503) 397-5516

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

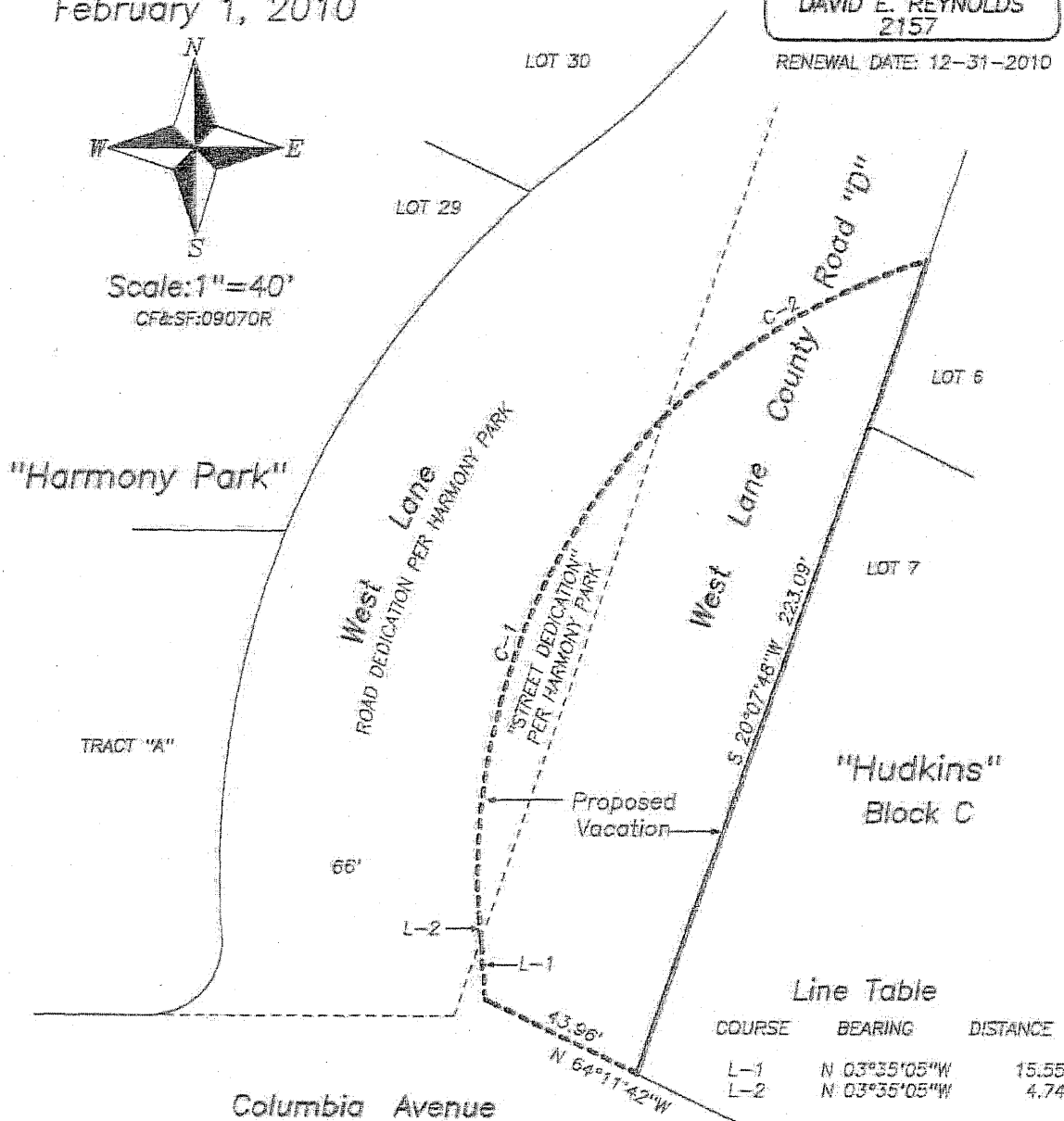


OREGON
 JULY 26, 1985
 DAVID E. REYNOLDS
 2157

RENEWAL DATE: 12-31-2010



Scale: 1" = 40'
 CF&SF: 09070R



Line Table

COURSE	BEARING	DISTANCE
L-1	N 03°35'05"W	15.55'
L-2	N 03°35'05"W	4.74'

Curve Table

CURVE	RADIUS	TANGENT	LENGTH	DELTA	CHORD	CH.BEARING
C-1	167.00'	76.12'	142.84'	49°00'22"	138.52'	N 20°55'06"E
C-2	167.00'	40.86'	80.15'	27°29'51"	79.38'	N 59°10'13"E

After recording, return to:
Board of County Commissioners
Columbia County Courthouse
230 Strand, Room 331-
St. Helens, OR 97051

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed Vacation of)
a Portion of County Road D aka West Lane)
Road in Scappoose, Oregon.)
)
[Brian Rosenthal])
_____)

ORDER NO. 5 - 2010
(Initiating/Finalizing Vacation Proceedings)

WHEREAS, pursuant to ORS 368.341(1), the Board of Commissioners for Columbia County, Oregon, may initiate proceedings to vacate property under ORS 368.326 to 368.366; and

WHEREAS, West Lane Road near its intersection with East Columbia, Scappoose, was recently reconfigured, leaving a portion of County Road D / West Lane an abandoned right-of-way; and

WHEREAS, on January 6, 2010, Brian Rosenthal, who owns property abutting the abandoned public right-of-way, filed with the Board a Petition requesting that the Board vacate that portion of County Road D aka West Lane Road which had been abandoned; and

WHEREAS, this portion of County Road D aka West Lane is under County jurisdiction but lying within the Scappoose city limits; and

WHEREAS, the Petition is attached hereto, labeled Exhibit 1, and is incorporated herein by this reference; and

WHEREAS, pursuant to ORS 368.361, the petition was forwarded to the City of Scappoose for comments on the proposed vacation; and

WHEREAS, on January 14, 2010, Brian Varricchione, City Planner for the City of Scappoose advised that he did not anticipate any objection from the City Council to the proposed vacation as long as the newly-reconfigured portion of West Lane maintained a width of 66 feet and a public utility easement was maintained over that portion to be vacated; and

WHEREAS, pursuant to ORS 368.351, the proceedings for vacation were initiated by a petition that contains the acknowledged signatures of owners of 100 percent of the land abutting the property proposed

to be vacated and acknowledged signatures of 100 percent of the owners of property abutting any public property proposed to be vacated and the Petition indicates the owners' approval of the proposed vacation; and

WHEREAS, because the Petition meets the signature requirements of ORS 368.351, the Board may make a determination about the vacation without holding a hearing if the county road official, i.e., the Roadmaster, files with the Board a written report that contains his assessment that the vacation is in the public interest; and

WHEREAS, the County Roadmaster, Dave Hill, has filed a report dated February 22, 2010, with the Board indicating that he has determined that the proposed vacation of the portion of County Road D (West Lane Road) would be in the public interest with a slight adjustment to ensure that the reconfigured portion of West Lane Road remains at a width of 66 feet and with the reservation of a public utility easement; and

WHEREAS, a copy of the Roadmaster's report is attached hereto, labeled Exhibit 2, and incorporated herein by this reference; and

WHEREAS, the petition submitted by Brian Rosenthal complies with the petition requirements of ORS 368.341(3); and

WHEREAS, on February 2, 2010, Mr. Rosenthal submitted a revised legal description to alleviate any encroachment of that portion to be vacated upon the 66 foot width of the reconfigured West Lane Road, said revised legal description and survey being attached hereto as Exhibit 3 and incorporated herein by this reference; and

WHEREAS, the Board finds that the petition, as amended, meets the requirements of ORS 368.341 and contains the acknowledged signatures and owners' approval as required by ORS 368.351; and

WHEREAS, pursuant to ORS 368.361, the City of Scappoose, by resolution or order, must concur in these findings;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Vacation of that portion of County Road D aka West Lane Road as more particularly described and shown in Exhibit 3 is in the public interest.
2. Upon the receipt of a resolution or order approved by the City of Scappoose concurring in these findings, which such order or resolution shall be recorded in the County deed records without costs, the property described and depicted in Exhibit 3 is hereby vacated, and shall hereby vest in the abutting property owners as provided in ORS 368.366(1).
3. This vacation is being made with a specific reservation of any existing rights-of-way for utility easements.
4. Pursuant to Order No. 55-2001 and the decision of the Board of County Commissioners, the required fee of \$1,000 for vacations of public rights-of-way was paid by the petitioner; \$500 was deposited directly into the County Road Fund and \$500 into the General Fund, Fees for Services, Road Vacations, Line Item No. 100-00-00-3255, out of which the following costs shall be paid:

SERVICE	FEE	SUBTOTAL
Filing Petition by the Clerk	\$28.50	\$ 28.50
Review for Correct Property Description by County Surveyor [if required]	\$30.00 [per parcel]	\$ 00.00
Hearing (if required)	\$100.00	\$00.00
Recording Final Order by the Clerk	\$46.00 [first page]	\$46.00
	\$5.00 [each additional page x 45 pp.]	\$225.00
Two Certified Copies by the Clerk [one to Assessor, one to Surveyor]	\$3.75 [per copy x 2]	\$ 7.50
	\$00.25 [per page x 46 pp. x 2]	\$23.90
Posting the Approved Road Vacation by County Surveyor	\$100.00 [per parcel]	\$100.00
	TOTAL EXPENSES	\$430.90

5. The \$28.50 filing fee has already been paid to the County Clerk. The Treasurer is hereby authorized to disburse the following amounts from the Fees for Services, Road Vacations account as follows:

To County Clerk	:	\$ 302.40
To County Surveyor	:	\$ 100.00

6. This Order shall be recorded with the County Clerk without costs, a copy inserted in the appropriate road jacket, and certified copies shall be filed with the County Surveyor and the County Assessor.

DATED this 17th day of March, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Chair

By: _____
Commissioner

By: Lita M. Bernhard
Commissioner

APPROVED AS TO FORM:

By: [Signature]
Office of County Counsel