



\$116.00

01/21/2021 03:15:22 PM

PR-VACPR Cnt=1 Stn=6 MILLSA
\$15.00 \$25.00 \$5.00 \$11.00 \$60.00

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Order Vacating a Portion of)
a Public Road Created Through the 1911 Revenue) BOARD ORDER 21-39
Orchards Subdivision, at the Request of Walter and)
Jane Scott, and Donald and Denise Cranfill,)
Without a Public Hearing, Public Works Docket)
RV-1-2020)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on January 21, 2021, Commissioners Mary Starrett, Casey Kulla and Lindsay Berschauer being present.

IT APPEARING TO THE BOARD as follows:

A. Under ORS 368.341(c), a county governing body may initiate proceedings to vacate property under ORS 368.326-368.366 if:

“(c) The owner of property abutting public property files with the county governing body a petition meeting the requirements of this section and requesting vacation of the public property that abuts the property owned by the person.”

B. Walter R. Scott and Jane A. Scott, 23540 SW Red Prairie Road, Sheridan, own Tax Lots 6604-0200 and 6604-0100. Walter R. and Jane A. Malecky-Scott (same parties) own Tax Lot 5634-1600. Donald and Denise Cranfill, 24100 SW Red Prairie Road, Sheridan, own Tax Lot 6604-0300. These properties are all north of Oregon State Highway, west of Red Prairie Road, and South of Mill Creek Road. The right-of-way that these parties seek to vacate runs north from Highway 18 through the Cranfill property, then north and east through the Scott property to SW Red Prairie Road. The segment of road that the parties seek to vacate has never been developed as a road.

C. The petition submitted by the applicants included all of the information required by ORS 368.341.

D. Ordinance 625 provides that the county will follow vacation procedures established in ORS Chapter 368.

E. ORS 368.346 provides that, when a vacation proceeding has been initiated under ORS 368.351:

“The county governing body shall direct the county road official to prepare and file with the county governing body a written report containing the following:

(a) A description of the ownership and uses of the property proposed to be vacated;

(b) An assessment by the county road official of whether the vacation would be in the public interest; and

(c) Any other information required by the county governing body.”

F. County Engineer/Surveyor Bill Gille (now retired) investigated the petition and concluded:

“Access to tax lot R6604-00200 would be eliminated [by the vacation], however since the owner is one of the applicants “...consent of the owner” [required under ORS 368.331] is assumed for the purposes of this report.

Therefore, I find that the vacation of the road right of way requested would be in the public interest and recommend that you approve this request.”

G. Under ORS 368.351, no hearing is required in this instance because owners of 100 percent of all property abutting the road approve of this vacation.

H. Ordinance 625 states that, upon the receipt of the report and the return of any referrals, the Board shall consider at its next formal session, whether initiation of vacation proceedings is “appropriate or in the best interest of the citizens of Yamhill County.”

I. In this case, the Board accepts the County Engineer/Surveyor’s report and recommendation. NOW, THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. The segment of undeveloped public road extending from Oregon State Highway 18 north through Tax Lots 6604-0300 and 6604-0200, then east adjacent to tax lot 5636-1600 and tax lots 6604-0200 and 6604-0100, established in 1911 as part of the Revenue Orchards Subdivision, is hereby vacated.

2. Title to the segment of public road vacated by this Board Order vests in the neighboring property owners, to the centerline of the public road as it existed prior to being vacated. At

locations where the right-of-way is bordered on both sides by the Cranfill property, title vests solely in the owners of the Cranfill property, and where the right-of-way is bordered on both sides by the Scott property title vests solely in the owners of the Scott property.

3. No costs are imposed on any person as a result of this vacation. It is the responsibility of the applicants to record this vacation and acceptance of dedication Order in the Deed and Mortgage records of Yamhill County, and to pay any recording fees.

DONE at McMinnville, Oregon on January 21, 2021.

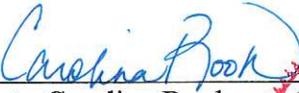
ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

Chair


MARY STARRETT

By: 
Deputy Carolina Rook

Commissioner


CASEY KULLA

FORM APPROVED BY:

Commissioner


LINDSAY BERSCHAUER


Timothy S. Sadlo
Senior Assistant County Counsel

