

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 at the Request of Robert A. Long        )        BOARD ORDER 22-265  
And Susan D. Olmstead Without a Public Hearing,        )  
Public Works Docket RV-3-2022                                )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on August 18, 2022. Commissioners Lindsay Berschauer, Casey Kulla, and Mary Starrett being present.

IT APPEARING TO THE BOARD as follows:

A. Ordinance 625 provides that the county will follow vacation procedures established in ORS Chapter 368, unless otherwise provided therein.

B. 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.”

C. Robert Long and Susan Olmstead (the “applicants”) petitioned for the vacation of a dedicated public road. *See* Exhibit A. The applicants own 100% of the underlying fee title and 100% of the property abutting the portion of the road that is proposed to be vacated. The petition identifies an alleyway that was dedicated to the public but to date has not been developed.

D. ORS 368.351 provides that where a petition is signed by the owners of 100% of the private property proposed to be vacated and 100% of the property abutting the public property proposed to be vacated, a county governing body may determine the vacation without a public hearing, so long as the county road official provides a written report finding that vacation is in the public interest.

E. Ordinance 625 provides that the county road official must further provide a description of the ownership of the property and the current uses of the property proposed to be vacated.

F. Ordinance 625 provides that the county road official may refer applications or petitions for the vacation of public property to the Yamhill County Surveyor.

G. A written report signed by county road official and Yamhill County Public Works Director Mark Lago states this proposed vacation is in the public interest. *See* Exhibit B. The

property currently serves no public function.

H. Ordinance 625 provides that, upon the receipt of the report and the return of any referrals, the Board shall consider whether initiation of vacation proceedings is "appropriate or in the best interest of the citizens of Yamhill County."

I. The Board hereby accepts the findings in the written report that this vacation is in the public interest. NOW, THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. The segment of undeveloped public road that runs between R2426BB-00400 on one side, and R2426BB-00300 and R2426BB-00200 on the other, is hereby vacated.
2. Title to the segment of public road vacated by this Board Order vests to the owners of these three properties by extension of each property's boundaries to the center of the vacated property.
3. No costs are imposed on the applicants as a result of this vacation. It is the responsibility of the applicants to record this vacation Order in the Deed and Mortgage records of Yamhill County, and to pay any recording fees.

DONE at McMinnville, Oregon on August 18, 2022.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

KERI HINTON  
County Clerk

*Lindsay Berschauer*  
 \_\_\_\_\_  
 Chair LINDSAY BERSCHAUER

By: *Megan Marasco*  
 \_\_\_\_\_  
 Deputy Megan Marasco

*Casey Kulla*  
 \_\_\_\_\_  
 Commissioner CASEY KULLA

*Mary Starrett*  
 \_\_\_\_\_  
 Commissioner MARY STARRETT

FORM APPROVED BY:

*Christian Boenisch*  
 \_\_\_\_\_  
 Christian Boenisch  
 County Counsel

**Yamhill County, Oregon**  
**Petition for Vacation of Public Road**  
**Where no Public Hearing is Required**

Department of Public Works, 2060 Lafayette Ave, McMinnville, OR 97128  
 Tel: 503-434-7515 • Fax: 503-472-4068

**FOR ROAD OFFICIAL'S USE ONLY:** After reviewing the petition below, the County Road Official has determined this petition is sufficient for consideration of the proposed vacation by Board of Commissioners.

By: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

**THE PETITION MUST INCLUDE:**

- Completed petition form, signed by all petitioners. All signatures must be acknowledged by a notary public.
- All required attachments.
- Filing fee (make check payable to Yamhill County).
- A homeowners title insurance policy, in an amount not to exceed \$25,000, disclosing names and addresses of all persons or entities holding an interest in any property adjoining the road, or any portion thereof, together with all private easements, claims, liens or encumbrances on the property. The policy must not be more than 30 days old at the time of submission to the county road official.

**OFFICIAL USE ONLY**

Docket No. RV- \_\_\_\_-20\_\_\_\_  
 Date \_\_\_\_\_  
 Rec'd By \_\_\_\_\_  
 Receipt # \_\_\_\_\_  
 Fee \$ \_\_\_\_\_

NOTE: Fees are non-refundable.  
 \*\*\*\*\*

**Board of Commissioners:**

Date \_\_\_\_\_  
 rec'd: \_\_\_\_\_  
 Date \_\_\_\_\_  
 Informal: \_\_\_\_\_  
 Hearing date: \_\_\_\_\_

PETITIONER	CO-PETITIONERS, if any
Please print or type: <u>LONG ROBERT A</u> Last Name First MI <u>7225 NE Highway 240</u> Mailing Address (Street or PO Box) <u>Yamhill OREGON 97148</u> City State Zip <u>480-216-2627</u> Telephone Fax	Please print or type <u>SUSAN DIANE OLMSTEAD</u> _____ _____ _____

Describe the public road or other county property proposed to be vacated, including county tax lot references:  
20 ft unnamed easement south of tax lot 400 and north of tax lot 200 and 300 running east to west between Washington Ave and old Railroad grade

(Fill out the form completely. Attach additional pages if necessary. There will be an additional filing fee required, if a vacation order is issued by the county board of commissioners, for filing the final order in the office of the Yamhill County Clerk)

**PETITION:** The petitioner or petitioners identified above (referred to as "Petitioners") hereby petition the Yamhill County Board of Commissioners to vacate a certain public road or other county property described above. We hereby represent as follows:

1. Petitioners are the owners, as shown in the Deed and Mortgage Records of Yamhill County, of 100% of any private property proposed to be vacated and 100% of property abutting any public property proposed to be vacated.

TALKED TO Marty Glass PLANNING  
 JASON FOOLES

2. No portion of the public road or other public property proposed to be vacated is situated within the corporate limits of any city.

3. This vacation is requested for the following reasons (mark all that apply):

- The property sought to be vacated is not now used for any public road or other public purposes.
- The property sought to be vacated is now used by petitioners in conjunction with and as part of their property.
- Other reasons: Never been used. Other legal access  
Washington Ave.

4. No person or other owner holds any recorded interest in the property proposed to be vacated except for the following whose addresses are listed below: (If none, so state.)

None

5. If any person owns any improvements constructed on public property proposed to be vacated, the name and address of the owner or owners is as follows: (If none, so state.)

None

6. If the petition is for vacation of property that will be redivided in any manner, a subdivision plan or partition plan is attached to show the redivision. N/A

7. The proposed vacation would not deprive an owner of a recorded property right of access necessary for the exercise of that right.

8. The Petitioners request this petition be considered under ORS 368.326 to 368.366 and Yamhill County Ordinance 625.

We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the above information is true and correct to the best of our knowledge. We hereby grant permission for and consent to Yamhill County, its officers, agents, and employees to come upon our property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this petition.

SIGNATURES OF ALL PETITIONERS:

X Robert A. Long 6-6-2022

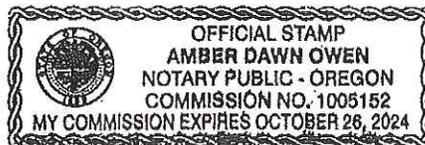
Susan Diane Olmstead 6-6-2022

6-6-2022

STATE OF OREGON }  
County of Yamhill } ss

This instrument was acknowledged before me on the 6 day of June, 2022 by the following persons: (attach additional notarized acknowledgments, if necessary) Robert Long

Oct. 26 2024 Amber Dawn Owen  
Notary Public for Oregon  
My commission expires:





YAMHILL COUNTY

Property Account Summary

As Of 6/9/2022 Status: Active

Account No.: 12694 Alternate Property Number: R2426BB 00300  
 Account Type: Real Property  
 TCA: 16.7  
 Situs Address: 10995 NE GRAHAM AVE  
 OR  
 Legal: Pt Lot 169 in GRAHAMS, F.C. COVE ORCHARD

Parties:

Role	Name & Address
Owner	LONG ROSE M TRUSTEE 7225 NE HIGHWAY 240 YAMHILL OR 97148
Owner	LONG ROBERT A TRUSTEE 7225 NE HIGHWAY 240 YAMHILL OR 97148
Owner	LONG ROBERT A & ROSE M REVOC LIVING TRUST 7225 NE HIGHWAY 240 YAMHILL OR 97148
Taxpayer	LONG ROBERT A & ROSE M REVOC LIVING TRUST 7225 NE HIGHWAY 240 YAMHILL OR 97148

Property Values:

Value Name		2021	2020	2019	2018	2017
Assessed Value	AVR	\$50,646	\$49,171	\$47,739	\$46,349	\$2,152
Taxable Value	TVR	\$50,646	\$49,171	\$47,739	\$46,349	\$2,152
Real Market Land	MKLT	\$72,410	\$72,410	\$69,511	\$69,511	\$3,526
Real Market Buildings	MKITL	\$24,042	\$19,210	\$20,892	\$18,493	\$0
Real Market Total	MKTTL	\$96,452	\$91,620	\$90,403	\$88,004	\$3,526

Property Characteristics:

Tax Year	Characteristic	Value
2021	Neighborhood	County Wide Unincorporated
	Land Class Category	401 Tract Residential Improved
	Account Acres	0.1300
	Parcel Acres	0.1300
	Change Property Ratio	Tract Land

Exemptions:

(End of Report)



YAMHILL COUNTY

Property Account Summary

As Of 6/9/2022 Status: Active

Account No.: 12462 Alternate Property Number: R2426BB 00400
Account Type: Real Property
TCA: 16.7
Situation Address:
Legal: Lots 19-22 & Vac in GRAHAMS, F.C. COVE ORCHARD

Parties:

Table with 2 columns: Role, Name & Address. Lists Owner (LONG ROSE M TRUSTEE), Owner (LONG ROBERT A TRUSTEE), Owner (LONG ROBERT A & ROSE M REVOC LIVING TRUST), and Taxpayer (LONG ROBERT A & ROSE M REVOC LIVING TRUST).

Property Values:

Table with 6 columns: Value Name, 2021, 2020, 2019, 2018, 2017. Rows include Assessed Value, Taxable Value, Real Market Land, Real Market Buildings, and Real Market Total.

Property Characteristics:

Table with 3 columns: Tax Year, Characteristic, Value. Shows characteristics for 2021 such as Neighborhood (Rural Yamhill Carlton) and Land Class Category (471 Tract Perm Disqualified Improved).

Exemptions:

(End of Report)



YAMHILL COUNTY

Property Account Summary

As Of 6/7/2022 Status: Active

Account No.: 12685 Alternate Property Number: R2426BB 00200  
 Account Type: Real Property  
 TCA: 16.7 Guest Property Account(s): 480358 (Host is Primary)  
 Situs Address: 21935 NE GRAHAM AVE  
 OR  
 Legal: Township 2S Range 4W Section 26 Qtr B QQtr B TaxLot 00200 Lot 169 SubdivisionName GRAHAMS, F.C. COVE ORCHARD

Parties:

Role	Name & Address
Owner	OLMSTEAD MICHAEL D & SUSAN 15214 SILETZ HWY 229 SILETZ OR 97380
Taxpayer	OLMSTEAD MICHAEL D & SUSAN 15214 SILETZ HWY 229 SILETZ OR 97380

*Note: MICHAEL OLMSTEAD PASSED AWAY 9/2015*

Property Values:

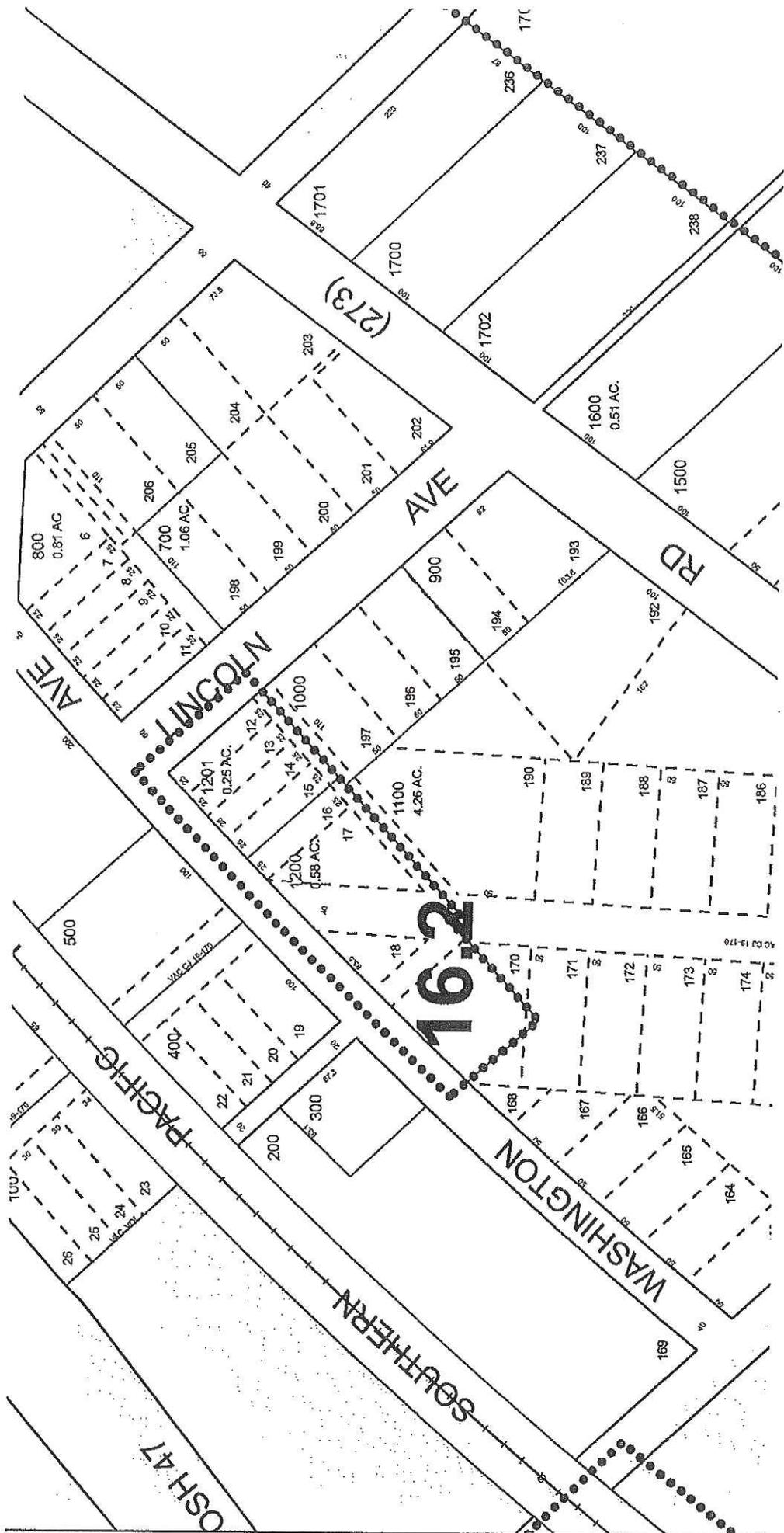
Value Name		2021	2020	2019	2018	2017
Assessed Value	AVR	\$78,289	\$76,009	\$73,795	\$71,646	\$69,559
Taxable Value	TVR	\$78,289	\$76,009	\$73,795	\$71,646	\$69,559
Real Market Land	MKLTL	\$128,716	\$129,216	\$118,003	\$118,083	\$31,326
Real Market Buildings	MKITL	\$107,448	\$85,290	\$48,302	\$44,041	\$51,205
Real Market Total	MKTTL	\$236,164	\$214,506	\$166,305	\$162,124	\$82,531

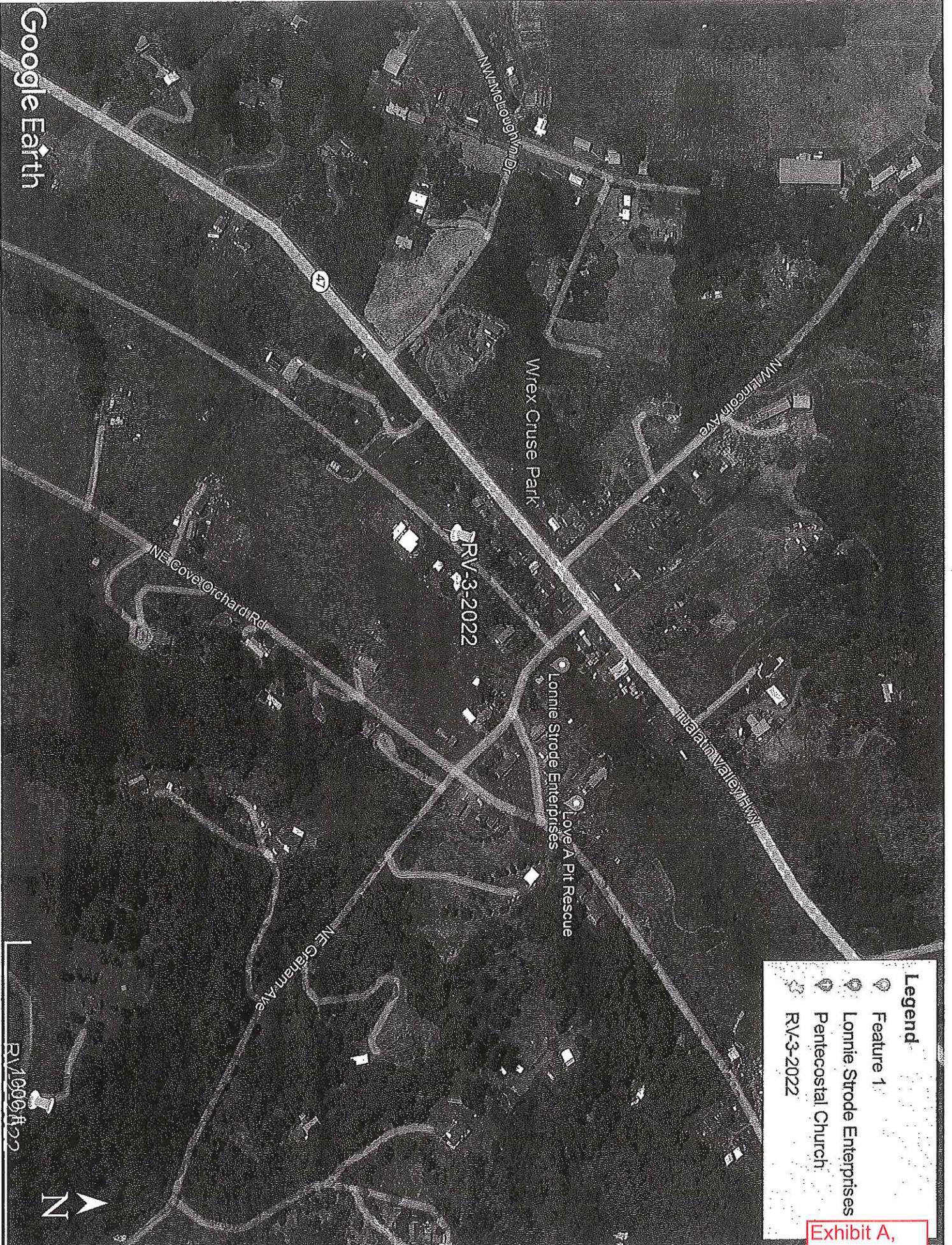
Property Characteristics:

Tax Year	Characteristic	Value
2021	Neighborhood	County Wide Unincorporated
	Land Class Category	479 Tract Perm Disqualified Manufactured Home
	Account Acres	0.8900
	Parcel Acres	0.8900
	Change Property Ratio	Tract Land

Exemptions:

(End of Report)





**Legend**

- Feature 1
- Lonnie Strode Enterprises
- Pentecostal Church
- RV-3-2022

RV10006 #22

# RV-3-2022

Exhibit A.



COUNTY ROAD OFFICIAL ATTACHMENT

to

ROADWAY VACATION PETITION

Docket No. RV-3 - 22

Location and approximate length of proposal:

Road Official's Signature & Title: Mark Ego, PUBLIC WORKS DIRECTOR

The proposed vacation appears to be in the interest of the public and does not appear to deprive access to non-consenting owners. I recommend approval by the Board of Commissioner's.

The proposed vacation does not appear to be in the interest of the public and therefore I recommend denial by the Board of Commissioners citing the following reason(s):