

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 Two Public)
Rights-of-Way near Cove Orchard Road without) BOARD ORDER 23-270
a Public Hearing, Public Works Docket RV-2-2023)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on July 20, 2023. Commissioners Lindsay Berschauer, Kit Johnston, 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. Laura Johnson and Raul P. Garcia (the “applicants”), petitioned for the vacation of a dedicated public road. *See* Exhibit A. The applicants owns 100% of the property abutting the portion of the road that is proposed to be vacated, and no other individuals hold a private interest in the property proposed to be vacated. This petition seeks to vacate a right-of-way dedication that was never 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, provides the requisite description of the property and concludes the 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 is adjacent and to the southwest of Tax Lot R2423CD 00200, which measures roughly 350 feet long, is hereby vacated.
2. The segment of undeveloped public road that is adjacent and to the northeast of Tax Lot R2423CD 00102, which measures roughly 350 feet long, is hereby vacated.
3. Title to each segment of public road vacated by this Board Order shall vest in the owners of the land abutting each vacated property, by extension of the owners' abutting property boundaries to the center of each vacated property.
4. 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 July 20, 2023.

ATTEST

KERI HINTON
County Clerk

By: Carolina Rook
Deputy Carolina Rook

FORM APPROVED BY:

Christian Boenisch on behalf of
Christian Boenisch
County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS

Lindsay Berschauer
Chair LINDSAY BERSCHAUER

Kit Johnston
Commissioner KIT JOHNSTON

Mary Starrett
Commissioner MARY STARRETT

Accepted by Yamhill County
Board of Commissioners on
7.20.23 by Board Order
B.O. 23-270

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

OFFICIAL USE ONLY

Docket No. RV-____-20____
 Date _____
 Rec'd By _____
 Receipt # _____
 Fee \$ **300**

NOTE: Fees are non-refundable.

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.

Board of Commissioners:

By: _____ Title: _____ Date: _____

Date rec'd: _____

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).

Date informal: _____

Hearing date: _____

PETITIONER	CO-PETITIONERS, If any
<p>Please print or type:</p> <p><u>Johnson Laura L.</u> Last Name First MI</p> <p><u>22181 NE Cove Orchard</u> Mailing Address (Street or PO Box)</p> <p><u>Yamhill OR 97148</u> City State Zip</p> <p><u>971-221-9779</u> Telephone Fax</p>	<p>Please print or type</p> <p><u>Raul Perez Garcia</u> <u>21896 NE Graham Ave</u> <u>Yamhill OR 97148</u> <u>503 619 7187</u></p>
<p>Describe the public road or other county property proposed to be vacated, including county tax lot references:</p> <p><u>Meadow St Lots 220-223 FC Grahams</u></p> <p><u>Cove Orchard 2423 CD-200-100</u></p> <p><u>(Meadow st + Beaver st)</u></p>	

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.

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: See attaches

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.

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.

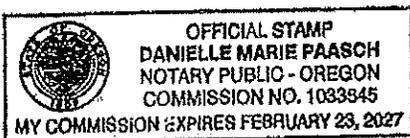
We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the above information is true and correct to the best of our knowledge. We hereby grant permission for and consent to Yamhill County, its officers, agents, and employees to come upon our property to gather information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

SIGNATURES OF ALL PETITIONERS: Aura Johnson Ravi Perez Garcia

STATE OF OREGON }
County of Yamhill } ss

This instrument was acknowledged before me on the 28th day of June, 2023 by the following persons: (attach additional notarized acknowledgments, if necessary) _____

Danielle Marie Paasch exp 2/23/27
Notary Public for Oregon
My commission expires:



Laura Johnson ✓
22181 NE. Cove Orchard
Yamhill, OR 97148

The road in question (Meadow St)
has not been developed and will
not be used as a road. I'm the
~~owner~~ only owner.

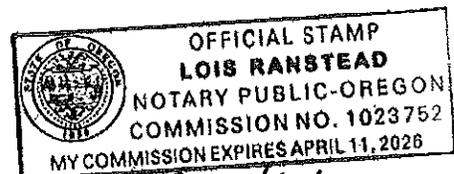
Thank you

Laura L. Johnson

I agree to the above statement

X Raul Perez Garcia

21896 NE Graham Ave
Yamhill OR 97148



Lois Ranstead

SE 1/4 SW 1/4 SEC 23 T2S R4W W.M.,
YAMHILL COUNTY

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SEE MAP 2 4 23

100
9.7 AC

O.S.H 47
RAILROAD

PACIFIC
G. GALLAGHER

MEADOW

16.2

GALLAGHER

RD

16.2

COVE

16.2

ORCHARD

SEE MAP 2 4 25

SOUTHERN
BEAVER

SEE MAP 2 4 23CC

101
0.5 AC

101
0.5 AC

BREMNER

COVE

SEE MAP 2 4 23CC

SEE MAP 2 4 25

COUNTY ROAD OFFICIAL REPORT

on

ROADWAY VACATION PETITION

Docket No. RV-2-2023

Background

1. **Location and approximate length of proposal:** Two strip roads in Cove Orchard each approximately 350' long of undeveloped right-of-way, extending northwesterly off of Cove orchard Road, no farther than the Southern Pacific rail corridor in the heart of Cove Orchard. Roadway was dedicated and accepted by F.C. Graham's Cove Orchard Subdivision Plat recorded in 1909 (see attached).

Required information under Yamhill County Ord. 625, Section 4

1. **Ownership description:** Abutting lot owners with disposal rights have signed the petition.
2. **Current uses of the property:** Undeveloped vacant land.

Conclusion

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):

Road Official's Signature & Title:

M. A. [Signature] PUBLIC WORKS DIRECTOR