

OFFICIAL YAMHILL COUNTY RECORDS  
BRIAN VAN BERGEN, COUNTY CLERK

201404209



NO FEE

04/16/2014 01:13:28 PM

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This is a no fee document

OFFICIAL YAMHILL COUNTY RECORDS  
BRIAN VAN BERGEN, COUNTY CLERK

201404193



\$81.00

04/16/2014 09:08:07 AM

PR-VACPR Cnt=1 Str=2 MILLSA  
\$20.00 \$25.00 \$5.00 \$11.00 \$20.00

\*\*Being re-recorded to correct  
reference # on page 3  
After recording, return to:  
Board of Commissioners  
535 NE Fifth Street  
McMinnville, Oregon 97128

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 "Vineyards at )  
Dundee Springs" Subdivision, Including All Lots, )  
Dedicated Roads and Easements Within the )  
Subdivision, Upon Petition of 100% of the Owners )  
Of all Land Within the Subdivision and Owners of )  
100% of All Land Abutting Dedicated Public Land )  
To Be Vacated )

BOARD ORDER 14- 197

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on April 10, 2014, Commissioners Mary P. Stern, Allen Springer, and Kathy George being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

1. By Planning Docket S-02-05, Tax Lots 3323-2900, 3325-700, and 3326AA-100, were subdivided by Fox Farm Vineyards, LLC, into the "Vineyards at Dundee Springs." The subdivision is located in Yamhill County, and is not located within a city. It has not been developed, and **Foley Family Wines, Inc.** now owns all lots created by the subdivision, and 100% of all land abutting public land within the subdivision that was dedicated as part of subdivision approval (see page 1 of the plat, Exhibit A to this Board Order, for illustration);
2. On April 3, 2014, Foley Family Wines, Inc. submitted to the County a petition including: a description of the property to be vacated in a form suitable to the County Road Official; the names and addresses of all persons holding any recorded interest in the property proposed to be vacated; the acknowledged signature of a person authorized to act on behalf of Foley Family Wines, Inc. attesting to ownership of the entire subdivision and 100% of all land abutting dedicated public land to be vacated; and a statement of reasons why the property should be vacated. The petition is in full compliance with the requirements of ORS 368.341(3) and 368.351, and County Ordinance 625.
3. The petition requested that the County vacate the entire subdivision, including all lots created and shown on the subdivision plat; all public roads and/or rights-of-way or easements created by the subdivision plat; and all Covenants, Conditions and Restrictions, recorded, or shown on the plat and/or otherwise imposed on the above referenced tax lots through subdivision approval and the recordation of the plat;

4. ORS 368.326 states:

“ORS 368.326 to 368.366 establish vacation procedures by which a county governing body may vacate a subdivision, part of a subdivision, a public road, a trail, a public easement, public square or any other public property or public interest in property under the jurisdiction of the county governing body. The vacation procedures under ORS 368.326 to 368.366:

(1) Shall not be used by the county governing body to vacate property or an interest in property that is within a city.

(2) Are an alternative method to the method established under ORS chapter 92 for the vacation of a subdivision.”;

5. ORS 368.351 states, in relevant part:

“A county governing body may make a determination about a vacation of property under ORS 368.326 to 368.366 without complying with ORS 368.346 [requiring a hearing] if the proceedings for vacation were initiated by a petition under ORS 368.341 that indicates the owners’ approval of the proposed vacation and that contains the acknowledged signatures of owners of 100 percent of private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting public property proposed to be vacated and either:

(1) The county road official files with the county governing body a written report that contains the county road official’s assessment that any vacation of public property is in the public interest; or

(2) The planning director of the county files a written report with the county governing body in which the planning director, upon review, finds that an interior lot line vacation affecting private property complies with applicable land use regulations and facilitates development of the property subject to interior lot line vacation.”

6. Under Ordinance 625, the County has established additional procedures and requirements for vacating land under Chapter 368. Ordinance 625 requires that the County Road Official report to the Board regarding a petition to vacate, and states that the Board, in informal session, “shall determine whether initiation of statutory vacation proceedings is appropriate or in the best interests of the citizens of Yamhill County,” and whether a hearing is “legally required or appropriate to decide whether the property in question should be vacated”; and

7. In this case, the Board has determined that no hearing is necessary or legally required, and agrees with the Road Official that the petitioner has met all requirements of law, and that the vacation of the subject subdivision and dedicated roads is appropriate. NOW THEREFORE,

**IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:**

1. The subdivision named "Vineyards at Dundee Springs," described and shown on a plat recorded in the Official Records of the Yamhill County Clerk, document No. 200912460, (recorded 7/30/2009), is hereby vacated, including: all lots and tracts created by the subdivision and shown on the subdivision plat; including all public roads and/or rights-of-way or easements created by the subdivision plat (a 10' water line easement to the City of Dundee, recorded at Film Volume 93 Page 129, is not vacated, and remains in full force and effect); including all Conditions imposed through Planning Docket S-02-05; including the portion of public road extending through Parcel 1 of Partition Plat 2001-07, as shown on the subdivision plat being vacated; and including all Covenants, Conditions and Restrictions in the Declaration recorded in the Official Records of the Yamhill County Clerk, document No. 200912617 (7/30/2009) or otherwise shown on the face of the plat. By this action the County releases and relinquishes all of the right, title, and interest of the public in the premises arising by reason of the recordation of the above referenced subdivision plat, with ownership of such property vesting in Foley Family Wines, Inc. The Performance Agreement established through Planning Docket S-02-05, and any amendments to the Performance Agreement, which would otherwise ensure construction of Dundee Springs Drive, is also terminated by this vacation of Dundee Springs Drive.

\* 200912461

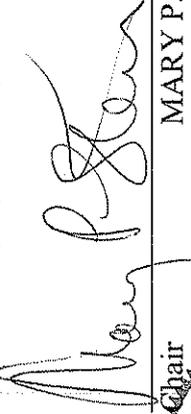
2. This Board Order shall be recorded in the Official Records of the Yamhill County Clerk. In accordance with ORS 271.230 and ORS 368.356, the county surveyor shall mark the plat in the Clerk's Office, and "trace or shade with permanent ink in such manner as to denote that portion so vacated, and shall make the notation 'Vacated' upon the [plat]," with reference to the number of the Board Order, and with reference to the Official Record document number of the recorded Board Order.

DONE at McMinnville, Oregon on April 10, 2014.

ATTEST

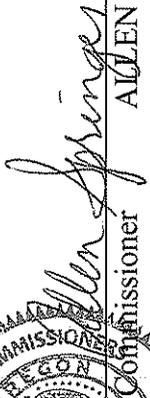
YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN  
County Clerk

  
MARY P. STERN

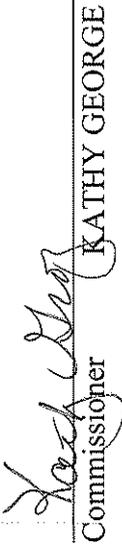


Deputy ANNE BRITT

  
ALLEN SPRINGER

FORM APPROVED BY:

  
TIMOTHY S. SADLO  
Senior Assistant County Counsel

  
Commissioner  
KATHY GEORGE

BD. 14-197  
EXHIBIT A 1/1

CES|NW

15573 SW RANGY ROAD, STE 300  
LAKE OSWEGO, OREGON 97035  
503.968.6655 www.cesnw.com  
1301 NO. 2018  
DWG. NO. 2010PLAT.DWG

### VINEYARDS AT DUNDEE SPRINGS

FOR FOX FARM VINEYARD, LLC  
LOCATED IN THE S.E. 1/4 OF SECTION 23,  
THE S.W. 1/4 OF SECTION 24, THE N.W. 1/4  
OF SECTION 25, AND THE N.E. 1/4 OF  
SECTION 26, TOWNSHIP 3 SOUTH,  
RANGE 3 WEST, W.M.  
YAMHILL COUNTY, OREGON  
JUNE 5, 2009

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Anthony R. Weller*  
OREGON  
MAY 14, 1984  
ANTHONY R. WELLER  
2669  
RENEW: 6/30/10

- LEGEND**
- = FOUND MONUMENT AS NOTED IN THE MONUMENT TABLE ON SHEET 5.
  - = SET 5/8" IRON ROD W/CHANGE PLASTIC CAP DESCRIBED "CESNW 101" OR AS NOTED.
  - ①② = INDICATES FOUND MONUMENT NUMBER

- SHEET INDEX**
- SHEET 1 - BOUNDARY, LEGEND, EXISTING EASEMENTS AND FOUND MONUMENTS
  - SHEET 2 - LOTS 1-8, 32-34, TRACTS 'A', 'B' AND 'C' PLAT DATA, CURVE TABLE AND EASEMENTS
  - SHEET 3 - LOTS 26-31 PLAT DATA, CURVE DATA AND EASEMENTS
  - SHEET 4 - LOTS 22-25, 9-10, PLAT DATA, CURVE DATA AND EASEMENTS
  - SHEET 5 - LOTS 18-21, 37-38, PLAT DATA, CURVE DATA AND EASEMENTS
  - SHEET 6 - DETAILS, FOUND MONUMENTS, NUMBERS AND DESCRIPTIONS
  - SHEET 7 - SURVEYOR'S CERTIFICATE, DECLARATION, ACKNOWLEDGMENTS, APPROVALS AND NOTES

