

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 as Requested by Sigmund Holdings) BOARD ORDER 19-487
LLC, Troodle Enterprises, LLC and Patrick Casey,)
Without a Public Hearing, and Accepting)
Dedication of a Reconfigured Public Road, to)
Improve Sight Distance; Public Works Docket)
RV-3-19)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on December 5, 2019, Commissioners Richard L. “Rick” Olson, Mary Starrett and Casey Kulla 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. Sigmund Holdings LLC, Troodle Enterprises LLC and Patrick Casey (the “applicants”) petitioned for the vacation of part of a dedicated public road. The eastern half of the 60-foot road was dedicated to the public and accepted by the county on June 27, 2019 (Board Order 19-223) and recorded in the Deed and Mortgage records on July 1, 2019 (# 201908595). The western half of the road was created by Partition Plat 2019-14, recorded May 31, 2019 (# 201906867). The applicants are the owners of all abutting property. The road is being reconfigured and re-dedicated to public use to improve sight distance at the intersection of the road with Bell Road, (County Road #62).

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. The County Engineer/Surveyor submitted a Memorandum dated October 29, 2019 indicating that the proposed vacation is in the public interest and recommending approval. 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.

G. 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.”

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

I. The Board also accepts the dedication of the 50-foot public road right-of-way at its reconfigured location as described in Exhibit A of the attached Roadway Deed and as indicated on the survey attached as Exhibit B. NOW, THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. The public road created by Partition Plat 2019-14 (# 201906867) and Deed and Mortgage records document # 201908595 (Board Order 19-223) is hereby vacated.
2. Title to the segment of public road vacated by this Board Order vests in the underlying holders of fee title and their successors in interest.
3. Upon recording in the Deed and Mortgage Records of Yamhill County, the Board accepts the dedication of the reconfigured public road right-of-way as described in the attached Roadway Deed and as indicated on the attached “Exhibit Map” labeled “Exhibit B.”

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4. 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 December 5, 2019.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk



Unavailable for signature

RICHARD L. "RICK" OLSON

By: Carolina Rook
Deputy Carolina Rook

Commissioner

Mary Starrett
MARY STARRETT

FORM APPROVED BY:

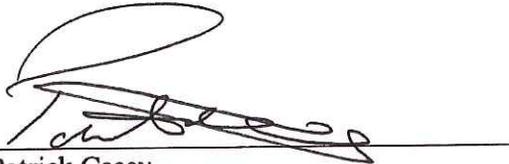
Commissioner

Casey Kulla
CASEY KULLA

Timothy S. Sadlo
Timothy S. Sadlo
Senior Assistant County Counsel

SIGNATURE AND NOTARY PAGE FOR ROADWAY DEED

BELLA VISTA DRIVE

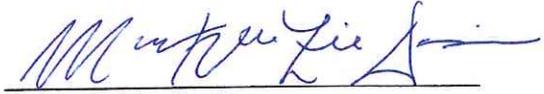


Patrick Casey

State of Oregon)
) ss
County of YAMHILL)

Personally appeared the above-named Patrick Casey before me who acknowledged execution of the foregoing document to be his voluntary act and deed.

Subscribed and sworn to before me this 14th day of OCTOBER, 2019.



Notary Public for Oregon
My commission expires: 2-9-20

RENEWS 31 DECEMBER 2020

Leland MacDonald & Assoc., LLC
Land Surveyors
3765 Riverside Drive
McMinnville, OR 97128
Phone: 472-7904
Fax: 472-0367



EXHIBIT "A"

15 October 2019

Description of real property for: SIGMUND HOLDINGS LLC, TROODLE ENTERPRISES, LLC & PATRICK CASEY: Public Right-of-Way Description.

A tract of land of variable width for road & utility purposes, located in Section 9, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, the perimeter of which tract being more particularly described as follows:

Commencing at an iron rod on the south margin of Bell Road, marking the northwest corner of Parcel 3 of Partition Plat 2019-14, Survey Records of Yamhill County, Oregon; thence along said south margin EAST 252.68 feet to the POINT OF BEGINNING, said point being the beginning of a non-tangent curve concave to the northeast and having a radius of 210.00 feet; thence 192.53 feet southeasterly along said curve, the chord of which bears South 26°14'48" East 185.86 feet to the beginning of a curve concave to the southwest and having a radius of 160.00 feet; thence 146.69 feet southeasterly along said curve, the chord of which bears South 26°14'47" East 141.61 feet; thence South 00°01'06" West 541.97 feet to a point on the north line of Parcel 1 of said Partition; thence along said north line North 89°58'02" West 35.00 feet (passing an iron rod at 5.00 feet); thence leaving said north line South 00°01'06" West 20.00 feet; thence South 89°58'30" East 120.00 feet; thence North 00°01'06" East 20.00 feet; thence North 89°59'46" West 35.00 feet (passing an iron rod at 30 feet); thence North 00°01'06" East 541.99 feet to beginning of a curve concave to the southwest and having a radius of 210.00 feet; thence 192.53 feet northwesterly along said curve, the chord of which bears North 26°14'47" West 185.86 feet to the beginning of a curve concave to the northeast and having a radius of 160.00 feet; thence 146.71 feet northwesterly along said curve, the chord of which bears North 26°14'38" West 141.62 feet to a point in said south margin of Bell Road; thence along said south margin WEST 50.00 feet to the POINT OF BEGINNING, as shown on a map attached hereto and made a part thereof.

End of Description

Exhibit Map for: Sigmund Holdings LLC, Troodle Enterprises, LLC, & Patrick Casey

Exhibit "B"

LOCATION: NW 1/4 SECTION 9 T. 3 S., R. 2 W.,
WM., IN A PORTION OF THE SOLOMON HEATER
D.L.C. #48, YAMHILL COUNTY, OR

TAX LOT: 3209 - 1000 & 1001

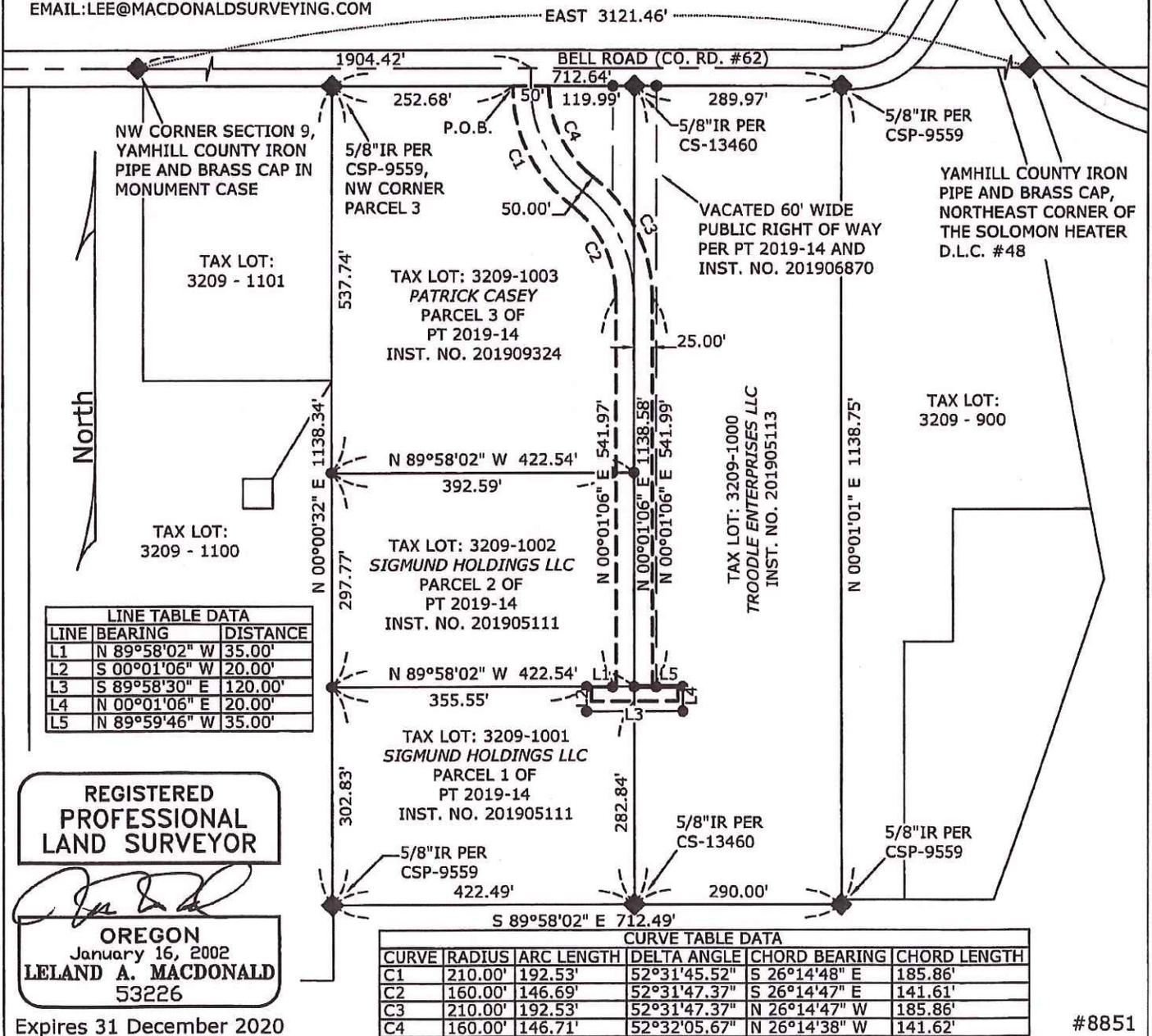
DATE: 15 OCTOBER 2019

SCALE: 1" = 200'

BY : LELAND MACDONALD & ASSOC., LLC
FORMERLY DBA MATT DUNCKEL & ASSOC.
3765 RIVERSIDE DRIVE
MCMINNVILLE, OREGON 97128
PHONE : 503-472-7904
FAX: 503-472-0367
EMAIL: LEE@MACDONALDSURVEYING.COM

Legend

- = 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "L. MACDONALD & ASSOC. LLC" SET IN PT 2019-14, IN GOOD CONDITION UNLESS OTHERWISE STATED.
- ◆ = MONUMENT FOUND, FLUSH TO 0.2' DOWN, IN GOOD CONDITION UNLESS OTHERWISE STATED. ORIGIN STATED IF KNOWN.
- = PROPOSED RIGHT OF WAY (PUBLIC)
- - - = EXISTING RIGHT OF WAY (PUBLIC)
- P.O.B. = POINT OF BEGINNING



LINE TABLE DATA		
LINE	BEARING	DISTANCE
L1	N 89°58'02" W	35.00'
L2	S 00°01'06" W	20.00'
L3	S 89°58'30" E	120.00'
L4	N 00°01'06" E	20.00'
L5	N 89°59'46" W	35.00'

CURVE TABLE DATA					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	210.00'	192.53'	52°31'45.52"	S 26°14'48" E	185.86'
C2	160.00'	146.69'	52°31'47.37"	S 26°14'47" E	141.61'
C3	210.00'	192.53'	52°31'47.37"	N 26°14'47" W	185.86'
C4	160.00'	146.71'	52°32'05.67"	N 26°14'38" W	141.62'

REGISTERED PROFESSIONAL LAND SURVEYOR

[Signature]

OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Expires 31 December 2020