

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 Establishing a Public)
Hearing Date and Time to Consider the Vacation)
Of a Segment of Old Station Road, County Road) BOARD ORDER 19-517
#438, at the request of Dan Ramsey, Public Works)
Docket RV-4-19)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on December 19, 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 a public road under ORS 368.326-368.366 if: “(c) The owner of property abutting public property [in this case, a County Road] files with the county governing body a petition meeting the requirements of this section and requesting vacataion of the public property that abuts the property owned by the person.” Dan Ramsey (the “applicant”) owns property abutting the section of Old Station Road under consideration, and requested that it be vacated, by petition delivered to the Public Works Department.

B. The petition submitted by the applicant included all of the information required by ORS 368.341. The applicant owns more than 60% of the property on both sides of the segment of road to be vacated. A hearing is required in this instance because the only other owner of abutting property objected to vacation of the segment of road under consideration. The objection was “based upon a lack of evidence that emergency vehicles would have effective entrance and egress to the area properties.” Based on those concerns, the applicant consulted with fire officials and agreed to build and dedicate a turnaround capable of accommodating emergency vehicles, at the proposed northern terminus of what will become the “fire truck easement” along the northern side of Old Station Road following this vacation.

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

D. 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 use 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.”

E. ORS 368.401 to 368.426 contains requirements for service, posting and publication of notice of a hearing concerning the vacation of a public road. Ordinance 625 states 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.”

F. Pursuant to state law, all adjacent property owners will be provided written notice at least 30 days prior to the hearing; notice will be posted at the southern end of the segment of road in question and at the entrances to Old Station road at 99W, “plainly visible” from a traveled public road; and notice will be published in the Yamhill Valley News-Register once at least 20 days before the hearing, and once within 10 days.

G. The Board will accept written testimony regarding the proposal before and during the public hearing, and oral testimony at the hearing and, if it concludes that the vacation request is in the public interest, will adopt an Order vacating the segment of Old Station Road under consideration. NOW, THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. A hearing will be held before the Board regarding a proposal to vacate a segment of Old Station Road described in the attached Exhibit “A,” at 10:00 a.m. on January 23, 2020, in Room 32 of the Yamhill County Courthouse, 535 NE Fifth Street, McMinnville, Oregon.
2. County staff shall serve, post and publish notice of the hearing prior to the hearing, in accordance with law.

DONE at McMinnville, Oregon on December 19, 2019.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN

County Clerk

Chair

RICHARD L. "RICK" OLSON

By:
Deputy Carolina Rook

Commissioner

MARY STARRETT

FORM APPROVED BY:

Timothy S. Sadlo
Senior Assistant County Counsel

Commissioner

CASEY KULLA

Road Vacation Map for : Dan Ramsey

Exhibit "A"

B.O. 19-517
(page 1 of 3)

Location: SE 1/4 Section 5, T. 5 S.,
R. 4 W., WM., Yamhill County, OR

Tax Lot: 5405 - 1201, 1300

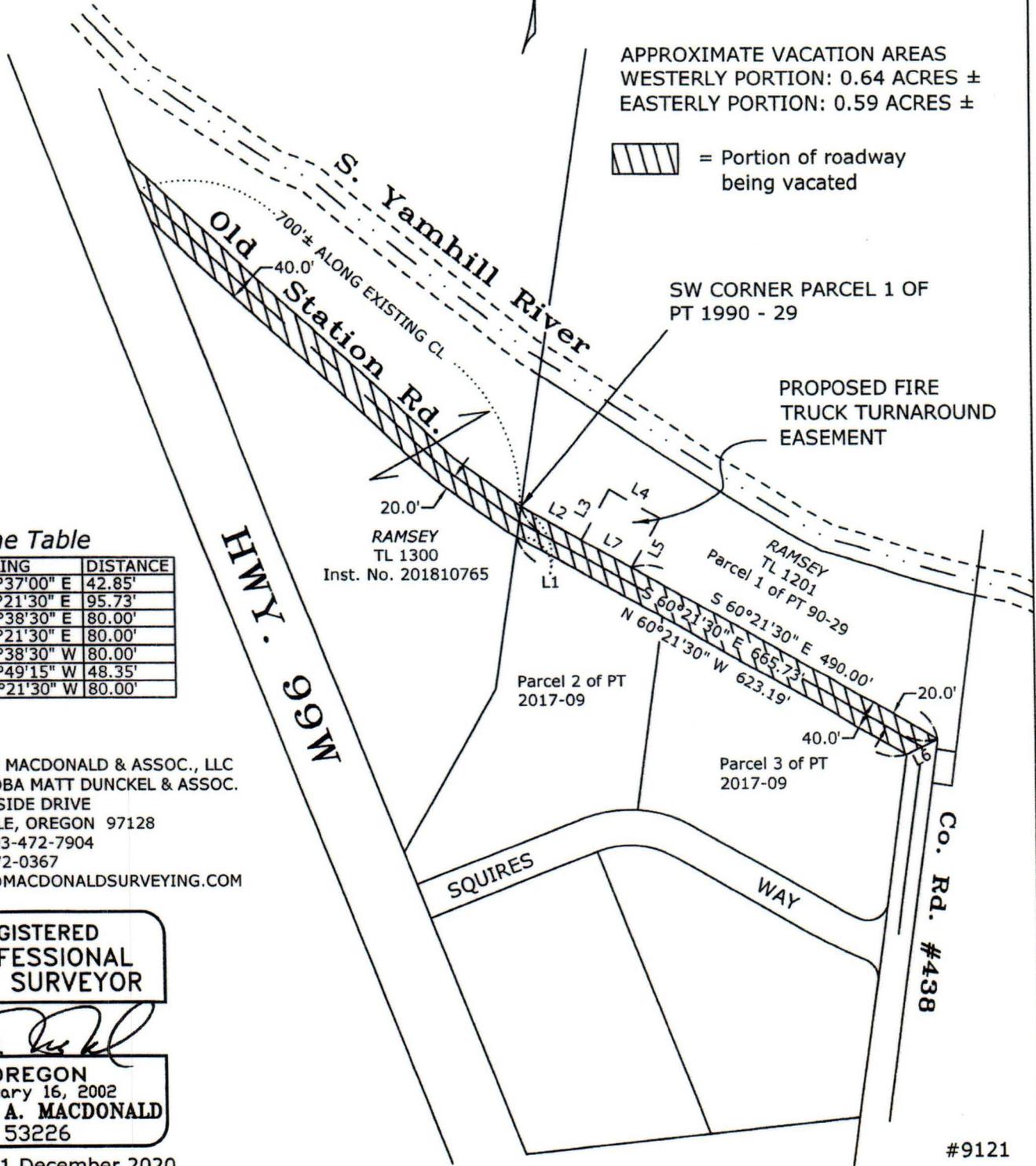
Date: 31 OCTOBER 2019

Scale: 1" = 200'

North

APPROXIMATE VACATION AREAS
WESTERLY PORTION: 0.64 ACRES ±
EASTERLY PORTION: 0.59 ACRES ±

 = Portion of roadway being vacated

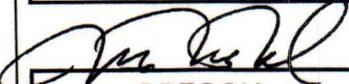


Line Table

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 08°37'00" E | 42.85' |
| L2 | S 60°21'30" E | 95.73' |
| L3 | N 29°38'30" E | 80.00' |
| L4 | S 60°21'30" E | 80.00' |
| L5 | S 29°38'30" W | 80.00' |
| L6 | S 63°49'15" W | 48.35' |
| L7 | N 60°21'30" W | 80.00' |

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REGISTERED
PROFESSIONAL
LAND SURVEYOR


OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Renews 31 December 2020

#9121

Leland MacDonald & Assoc., LLC
Land Surveyors
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EXHIBIT "A"

1 November 2019

Description of real property for: DAN RAMSEY – Vacation of a portion of Old Station Road southerly of Tax Lot 5405 – 1201.

A 40 foot wide strip of land located in Section 5, Township 5 South, Range 4 West, of the Willamette Meridian, Yamhill County, Oregon, the perimeter of said strip being more particularly described as follows:

BEGINNING at the southwest corner of Parcel 1 of Yamhill County Partition 1990 – 29, being a point on the northerly margin of OLD STATION ROAD (County Road No. 438); thence South 60°21'30" East 665.73 feet to a corner in said north margin of said road; thence leaving said north margin South 63°49'15" West 48.35 feet to a corner in the southerly margin of said road, being the northeast corner of Parcel 3 of Yamhill County Partition No. 2017 – 09; thence North 60°21'30" West 623.19 feet along the southerly margin of said road to the northwest corner of Parcel 2 of said Partition No. 2017 – 09; thence North 08°37'00" East 42.85 feet to the POINT OF BEGINNING, containing 0.59 acres of land, more or less, as shown on a map attached hereto and made a part thereof.

END DESCRIPTION