

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 Street at the Request of Kim M. Greene, ) BOARD ORDER 22-43  
Without a Public Hearing, Public Works Docket )  
RV-5-2021 )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on February 17, 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. Kim M. Greene (the “applicant”), petitioned for the vacation of a dedicated public street. The applicant owns 100% of the underlying fee title and 100% of the property abutting the portion of the street that is proposed to be vacated. The petition identifies a 600-foot stretch of property that was dedicated to the public on the plat for Sheridan Heights.

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 include in this report 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. Yamhill County Surveyor Jason Foose has prepared a written report, signed by county road official and Yamhill County Public Works Director Mark Lago on November 15,

2021, that states this proposed vacation is in the public interest. The report includes a legal description of the property that was provided by the applicant and notes that the property currently serves little or no public function and is instead used as a residential private driveway and adjoining lawn.

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 surveyor’s 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 within Tax Lot R5626-04501 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. No costs are imposed on the applicants as a result of this vacation. It is the responsibility of the applicant 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 February 17, 2022.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN  
County Clerk

*Lindsay Berschauer*  
Chair  
LINDSAY BERSCHAUER

By: *Caroline Rook*  
Deputy Carolina Rook

*Casey Kulla*  
Commissioner  
CASEY KULLA

FORM APPROVED BY:

*Mary Starrett*  
Commissioner  
MARY STARRETT

*Colton Totland*  
Colton M. Totland  
Assistant County Counsel

**BOC STAFF ACTION REPORT RV-5-2021**

**Summary of Action:** Petitioner wants to vacate a portion of platted roadway that is surrounded by and ends within their lot. The platted way is about 600 feet long, on paper serves only the petitioner's property and has not been constructed nor maintained by the County. The subject way is a legacy design item circa 1910 shown on the plat of Sheridan Heights.

**Authority:** ORS 368.341(1)(c) Petition by owner. ORS 368.351(1) Written report of county road official.

**Fiscal Effect(s):** Incidental costs associated with administrative processing (diminutive).

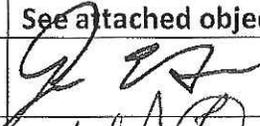
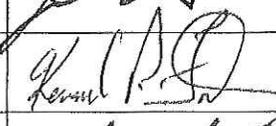
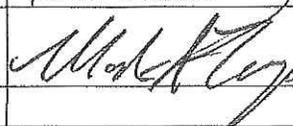
**Public Support:** Lawfully submitted petition by impacted owner.

**Public Dissent:** None known at this time.

**Current uses of the property proposed to be vacated:** Property is used as a residential private driveway and adjoining lawn/yard.

**Public interest assessment:** This proposed vacation is in the public interest because the platted alignment serves little or no public function nor appears to accurately follow petitioner's driveway alignment.

**County Reviewers:**

Office	YEA	NAY	No Objection	Signature/Date or See attached objection
County Surveyor	✓			 11/12/21
Planning Director	✓			 11/12/21
Public Works Director	✓			 11/15/21

**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).
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**OFFICIAL USE ONLY**

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

**NOTE: Fees are non-refundable.**  
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**Board of Commissioners:**

Date \_\_\_\_\_  
 rec'd: \_\_\_\_\_

Date \_\_\_\_\_  
 informal: \_\_\_\_\_

Hearing date: \_\_\_\_\_

PETITIONER	CO-PETITIONERS, If any
<p>Please print or type:</p> <p>GREENE, KIM M.</p> <hr/> <p>Last Name                      First                      MI</p> <p>430 S. BRIDGE ST.</p> <hr/> <p>Mailing Address (Street or PO Box)</p> <p>SHERIDAN, OR 97378</p> <hr/> <p>City                                      State                      Zip</p> <p>503-434-0472</p> <hr/> <p>Telephone                      Fax</p>	<p>Please print or type</p> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>Describe the public road or other county property proposed to be vacated, including county tax lot references:</p> <p>AT THE END OF THE PAVEMENT AT THE TOP OF NE HILL ST. SHERIDAN, JUST BEFORE NE SKYLINE DRIVE IS A PUBLIC RIGHT OF WAY. SEE ATTACHED MAP. IT RUNS IN A STRAIGHT LINE ALONG TAX LOT 4400 AND TAX LOT 4402, THEN TURNS NORTH TURNS INTO A "Y" AND RUNS INTO MY PROPERTY AT 1777 NE SKYLINE DRIVE/TAX LOT 4501. THE PORTION I WANT VACATED IS SOLELY ON MY PROPERTY AND IS THE LEFT "ARM OF THE Y". THAT PORTION IS HIGHLIGHTED YELLOW ON THE ATTACHED MAP.</p> <hr/> <hr/>	

**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: \_\_\_\_\_

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

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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

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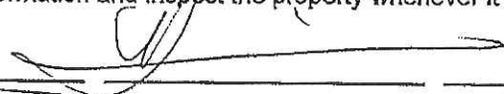
6. If the petition is for vacation of property that will be redivided in any manner, a subdivision plan or partition plan is attached to show the redivision.

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.

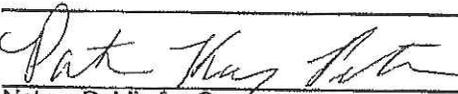
We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that the above information is true and correct to the best of our knowledge. We hereby grant permission for and consent to Yamhill County, its officers, agents, and employees to come upon our property to gather information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

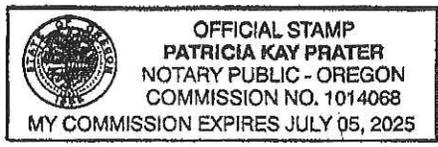
SIGNATURES OF ALL PETITIONERS:

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

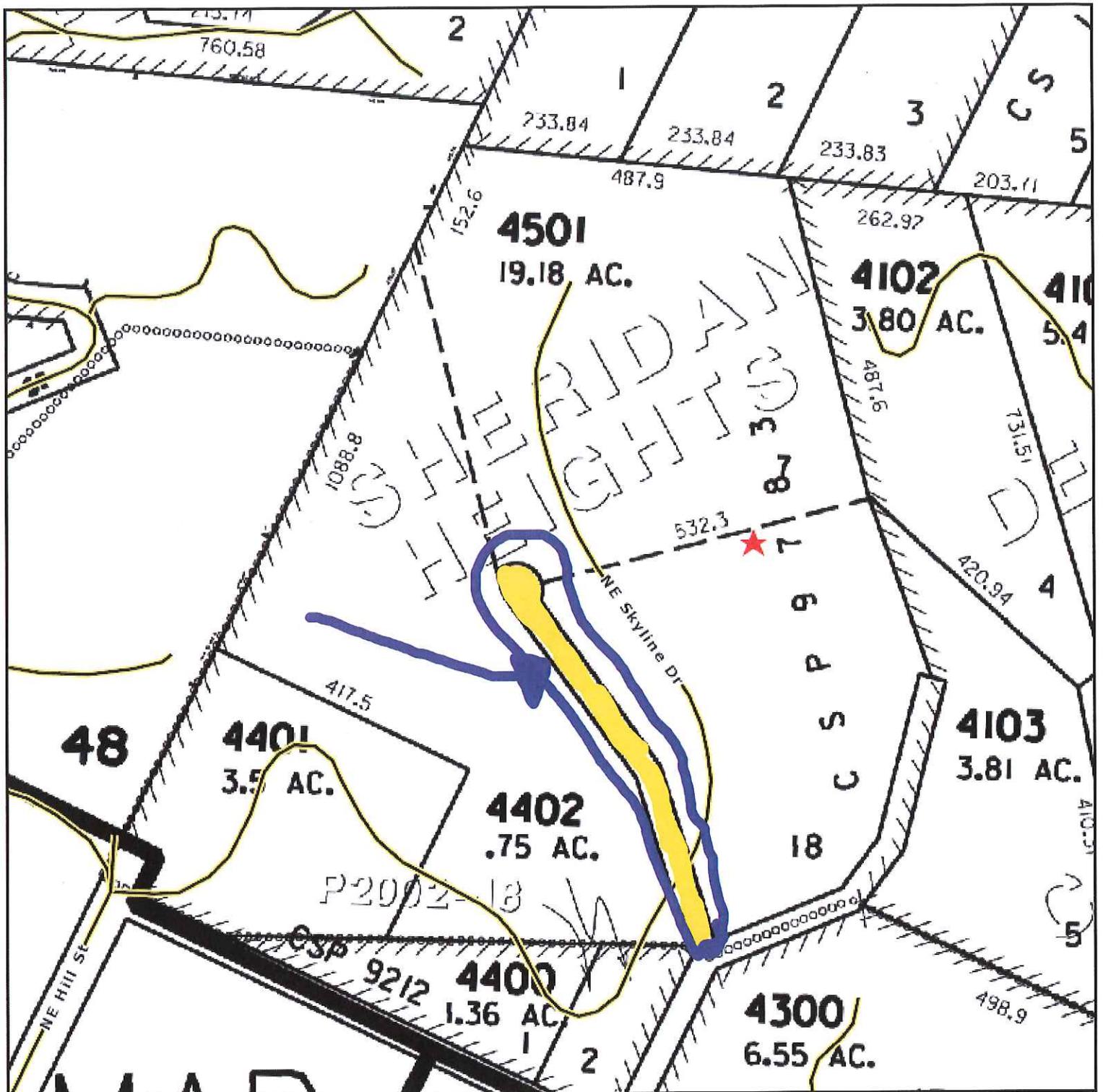
STATE OF OREGON }  
County of Yamhill } ss

This instrument was acknowledged before me on the 21 day of October, 2021 by the following persons: (~~attach additional notarized acknowledgments, if necessary~~) Kimberly M. Greene

  
Notary Public for Oregon  
My commission expires: July 05, 2025







This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



geoAdvantage

Exhibit A  
B.O. 22-43 p 5 of 5