

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 at the Request of June K. Wolff) BOARD ORDER 22-249
and Eric A. Wolff Without a Public Hearing,)
Public Works Docket RV-4-2021).

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on July 28, 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. The June K. Wolff Trust and Eric A. Wolff (the “applicants”), petitioned for the vacation of a dedicated public road. *See* Exhibit A. The applicants own 100% of the underlying fee title and 100% of the property abutting the portion of the road that is proposed to be vacated. An earlier order, Board Order 21-465, accepted the dedication of a right-of-way for the existing path of Peavine Road. This petition seeks to vacate an older right of way that runs parallel to Peavine Road and presumably is where the road had been originally planned to run.

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. Yamhill County Surveyor Jason Foose has prepared a written report, signed by county road official and Yamhill County Public Works Director Mark Lago, that states this proposed vacation is in the public interest. See Exhibit B. The property currently serves little or 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 within Tax Lot R4521-00700 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 July 28, 2022.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

KERI HINTON
County Clerk

Chair

Handwritten signature of Lindsay Berschauer in cursive.

LINDSAY BERSCHAUER

By: Handwritten signature of Megan Marasco in cursive.
Deputy Megan Marasco

Commissioner

Handwritten signature of Casey Kulla in cursive.

CASEY KULLA

FORM APPROVED BY:

Commissioner

Handwritten signature of Mary Starrett in cursive.
MARY STARRETT

Handwritten signature of Christian Boenisch in cursive.
Christian Boenisch
County Counsel

RV-4-2021

11/18/2021
B RIC

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: 503-434-7615 • 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).

OFFICIAL USE ONLY

Docket No. RV-____-20____

Date _____

Rec'd By _____

Receipt # _____

Fee \$ _____

NOTE: Fees are non-refundable.

Board of Commissioners:

Date _____

rec'd: _____

Date _____

Informal: _____

Hearing date: _____

PETITIONER	CO-PETITIONERS, if any
<p>Please print or type:</p> <p><u>June K. Wolff TRUST</u></p> <p>Last Name First MI</p> <p><u>1973 SW Peavine Rd</u></p> <p>Mailing Address (Street or PO Box)</p> <p><u>McMinnville, OR 97128</u></p> <p>City State Zip</p> <p><u>503-474-0665</u></p> <p>Telephone Fax</p>	<p>Please print or type</p> <p><u>ERIC A. WOLFF TRUSTEE</u></p> <p><u>ERIC A. WOLFF 7L4521-00800</u></p>
<p>Describe the public road, or other county property proposed to be vacated, including county tax lot references:</p> <p><u>APPROX 2,000 FEET OF PEAVINE ROAD SHOWN AS "OLD CO. RD. 40' WIDE" IN BOND ORDER 21-465 AND COUNTY SURVEY No. 13754 BY LEBLAND MACDONALD ASSOC.</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: VACATION COMPLETES ROAD ALIGNMENT CORRECTION
INITIATED IN BOARD ORDER 21-465

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 162.076 and 162.086) 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:

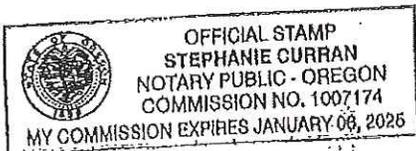
[Signature] TRUSTEE
[Signature] TL4521-00800

STATE OF OREGON

County of Yamhill } ss

This Instrument was acknowledged before me on the 4th day of April, 2002 by the following persons: (attach additional notarized acknowledgments, if necessary) Eric Wolff

Stephanie Curran
Notary Public for Oregon
My commission expires:



Right of Way Exhibit for: Yamhill Soil & Water Conservation District

LOCATION: E 1/2 Section 28 and SE 1/4 Section 21, T. 4 S.,
R. 5 W., WM., Yamhill County, OR

Tex Lot: R4528-05500, R4521-00700

Date: 24 September 2021

Scale: 1" = 200'

Exhibit "B"

BY: IRLAND MACDONALD & ASSOC., LLC
FORMERLY DEAMATT DUNCKEL & ASSOC.
3765 RIVERSIDE DRIVE
MCMINVILLE, OREGON 97128
PHONE: 503-472-7904
FAX: 503-472-0367
EMAIL: IRE@MACDONALDSURVING.COM

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Irland A. Macdonald

OREGON
January 16, 2002
IRLAND A. MACDONALD
53226

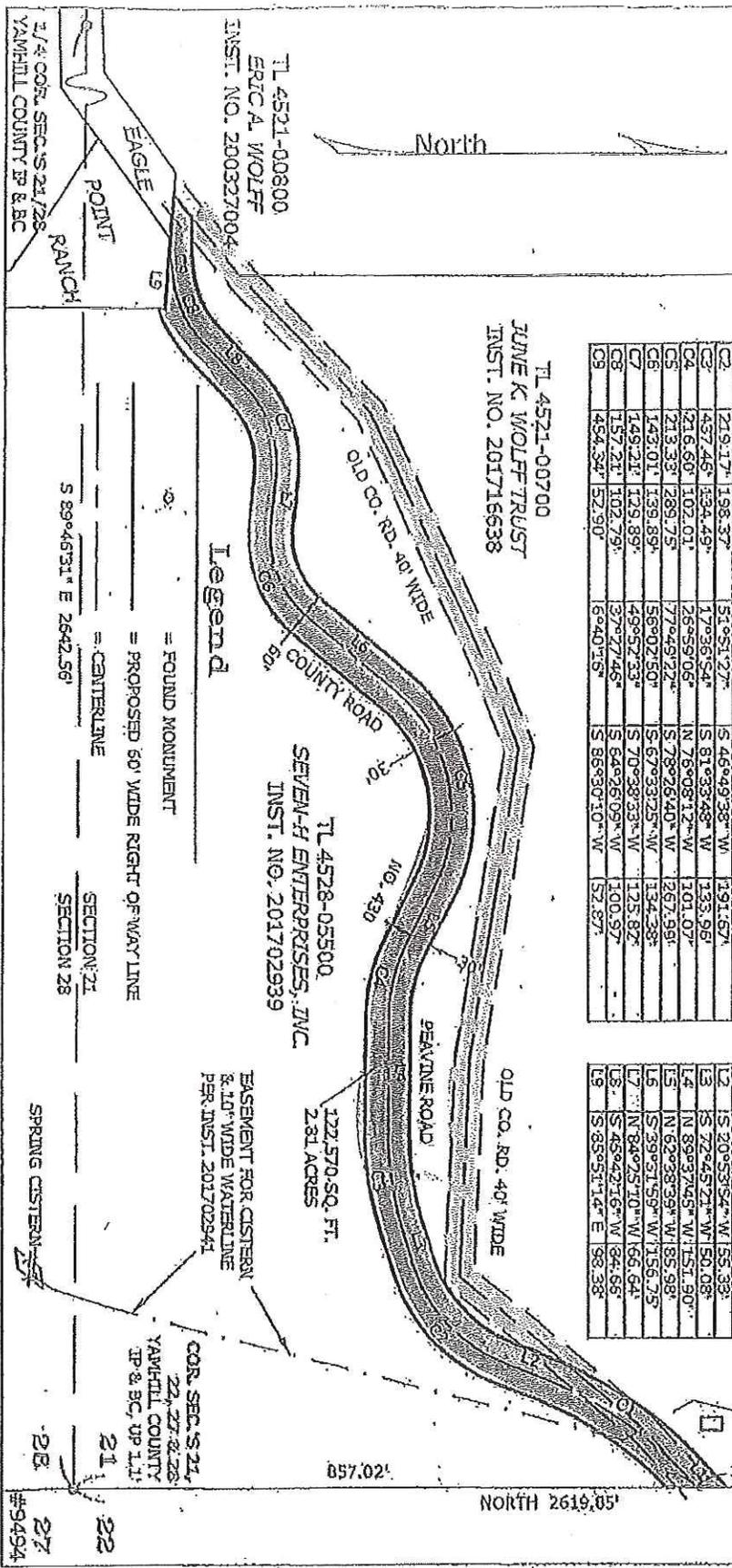
~~PROPOSED VACATION~~

Renews 31 December 2022

~~CORRECTED ALIGHMENT GIVEN TO
COUNTY NOV 2021 (GMS #202122313)~~

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	517.76	1232.34'	259°45'37"	S 33°47'12" W	230.98'
C2	215.17'	156.37'	51°58'12"	S 46°49'38" W	191.67'
C3	457.46'	134.49'	17°36'54"	S 81°33'48" W	133.98'
C4	216.60'	102.01'	26°59'06"	N 76°08'12" W	101.07'
C5	213.33'	1281.75'	77°49'12"	S 78°26'40" W	1267.96'
C6	143.01'	159.89'	56°02'50"	S 67°33'25" W	134.38'
C7	149.21'	129.89'	49°52'33"	S 70°38'33" W	125.82'
C8	157.21'	102.79'	37°27'46"	S 64°26'09" W	100.97'
C9	454.34'	52.90'	6°40'18"	S 86°30'10" W	52.87'

LINE	BEARING	DISTANCE
L1	S 46°40'31" W	25.55'
L2	S 30°53'54" W	55.33'
L3	S 72°45'21" W	50.08'
L4	N 83°37'45" W	151.90'
L5	N 62°38'39" W	185.98'
L6	S 39°51'59" W	1156.75'
L7	N 84°25'10" W	166.64'
L8	S 48°42'16" W	84.66'
L9	S 35°51'14" E	98.38'



Legend
 = FOUND MONUMENT
 = PROPOSED 60' WIDE RIGHT OF WAY LINE
 = CENTERLINE

TL 4521-00800
ERICA A. WOLFF
INST. NO. 200327004

TL 4521-00700
JUNE K. WOLFF TRUST
INST. NO. 201716638

TL 4528-05500
SEVEN-4 ENTERPRISES, INC.
INST. NO. 201702939

EASEMENT FOR CISTERN
& 10' WIDE WATERLINE
PER INST. 201702941

COR. SEC. S 21,
T. 4 S., R. 5 W.,
YAMHILL COUNTY
IP & BC, 1P 1.1'

21
22
27
28
#9494

1/4 COR. SEC. S 27/28
YAMHILL COUNTY IP & BC

COUNTY ROAD OFFICIAL ATTACHMENT

to

ROADWAY VACATION PETITION

Docket No. RV-4-21

Location and approximate length of proposal:

Road Official's Signature & Title:  PUBLIC WORKS DIRECTOR

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):

Deed of Dedication

SEVEN-H ENTERPRISES, INC., Grantor(s), does hereby convey unto **YAMHILL COUNTY**, a political subdivision of the State of Oregon, **Grantee**, the real property described in **Exhibit "A,"** dated 9/24/2021, for purposes that shall forever benefit the public, such as public road and utility purposes. Exhibits "A" and "B" are attached hereto and incorporated into this document by reference. The true consideration of this conveyance is for other value given, the receipt of which is hereby acknowledged by Grantor.

Grantor covenants to and with Grantee that Grantor owns said property outright and that said property is free from all liens and encumbrances, and that Grantor and their heirs and personal representatives shall warrant and forever defend the said premises against the lawful claims and demands of all persons claiming by, through, or under the Grantor.

FIRST AMERICAN TITLE

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon Yamhill County, unless and until accepted and approved by the recording of this document. In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

Dated this 8th day of November 2021.

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

202122313

GRANTOR/s



00626218202100223130050053

\$101.00

By:

James R. Hay President
James R. Hay, President

11/10/2021 03:07:58 PM

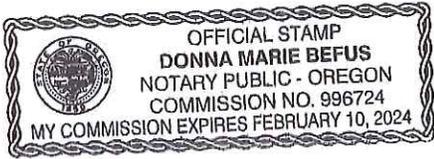
DMR-DDMR Cnt=1 Stn=3 SUTTONS
\$25.00 \$5.00 \$11.00 \$60.00

AFTER RECORDING
RETURN TO:

R. 01-115

State of OREGON)
County of Yamhill) ss.

On this 8 day of November, 2021, personally appeared before me Jama R. Hayes as President who acknowledged said instrument to be his or her voluntary act and deed. Before me: * of Seven H Enterprises INC.



Donna Marie Befus
Notary Public for Oregon
My Commission Expires: 2/10/2024

or

Acceptance of Dedication

Yamhill County, a political subdivision of the State of Oregon, does hereby accept the foregoing dedication to the public.

Dated this 10 day of NOVEMBER 2021.

GRANTEE: YAMHILL COUNTY

By: [Signature]
KEN HUFFER, County Administrator

State of OREGON)
County of Yamhill) ss.

On this 10th day of November, 2021, personally appeared before me KEN HUFFER who stated that (s)he is the County Administrator of Yamhill County, a corporation, and that the instrument was signed in behalf of the said corporation by authority of its board of directors and acknowledged said instrument to be its voluntary act and deed. Before me:



Keri L. Hinton
Notary Public for Oregon
My Commission Expires: June 10, 2022

Accepted by Yamhill County
Board of Commissioners on
11/9/21 by Board Order
21-465

30

EXPIRES 31 DECEMBER 2022

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



24 September 2021

Exhibit "A"

Description of Real property for: County Road No. 430 (Peavine Road) Right of Way dedication over Tax Lot 4528-05500.

A strip of land 60 feet in width, being 30 feet on each side of the centerline thereof, located in Section 21 Township 4 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, said centerline being more particularly described as follows:

BEGINNING at a point on the existing centerline of Peavine Road, said point being North 857.02 feet from the Southeast corner of said Section 21; thence South 46°40'31" West 25.55 feet to the beginning of a curve concave to the southeast and having a radius of 517.76 feet; thence 232.94 feet southwesterly along said curve, the chord of which bears South 33°47'12" West 230.98 feet; thence South 20°53'54" West 55.33 feet to the beginning of a curve concave to the northwest and having a radius of 219.17 feet; thence 198.37 feet southwesterly along said curve, the chord of which bears South 46°49'38" West 191.67 feet; thence South 72°45'21" West 50.08 feet to the beginning of a curve to concave to the north and having a radius of 437.46 feet; thence 134.49 feet westerly along said curve, the chord of which bears South 81°33'48" West 133.96 feet; thence North 89°37'45" West 50.08 feet to the beginning of a curve concave to the northeast and having a radius of 216.60 feet; thence 102.01 feet northwesterly along said curve, the chord of which bears North 76°08'12" West 101.07 feet; thence North 62°38'39" West 85.98 feet to the beginning of a curve concave to the south and having a radius of 213.33 feet; thence 289.75 feet westerly along said curve, the chord of which bears South 78°26'40" West 267.99 feet; thence South 39°31'59" West 156.75 feet to the beginning of a curve concave to northwest and having a radius of 143.01 feet; thence 139.89 feet southwesterly along said curve, the chord of which bears South 67°33'25" West 134.38 feet; thence North 84°25'10" West 66.64 feet to the beginning of a curve concave to the south and having a radius of 149.21 feet; thence 129.89 feet southwesterly along said curve, the chord of which bears South 70°38'33" West 125.82 feet; thence South 45°42'16" West 84.66 feet to the beginning of a curve concave to the northwest and having a radius of 157.21

B.O. 21-465
Exhibit "A"

46

feet; thence 102.79 feet southwesterly along said curve, the chord of which bears South 64°26'09" West 100.97 feet to the beginning of a compound curve concave to the north and having a radius of 454.34 feet; thence 52.90 feet westerly along said curve, the chord of which bears South 86°30'10" East 52.87 feet to a point on the north line of the Plat of Eagle Point Ranch, being the POINT OF TERMINUS, the side lines of said strip of land to extend and shorten with the east line of Eagle Point Ranch and the South line of that tract of land described in deed to ERIC A. WOLFF recorded October 21, 2003 in Instrument No. 200327004, Deed Records of Yamhill County, Oregon, said strip of land contains 12,570 square feet or 2.81 acres of land, more or less, all as shown on Exhibit "B", a map attached hereto and made a part thereof.

END DESCRIPTION

314

Right of Way Exhibit for: Yamhill Soil & Water Conservation District

Exhibit "B"

Location: E 1/2 Section 28 and SE 1/4 Section 21, T. 4 S.,
R. 5 W., WM., Yamhill County, OR

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Leland A. Macdonald

OREGON
January 15, 2002
LELAND A. MACDONALD
53226

Renews 31 December 2022

1/4 COR. SEC.'S 27/28
YAMHILL COUNTY IP & BC

B.O. 21-465
Exhibit "B"

Tax Lot: R4528-05500, R4521-00700

Date: 24 September 2021

Scale: 1" = 200'

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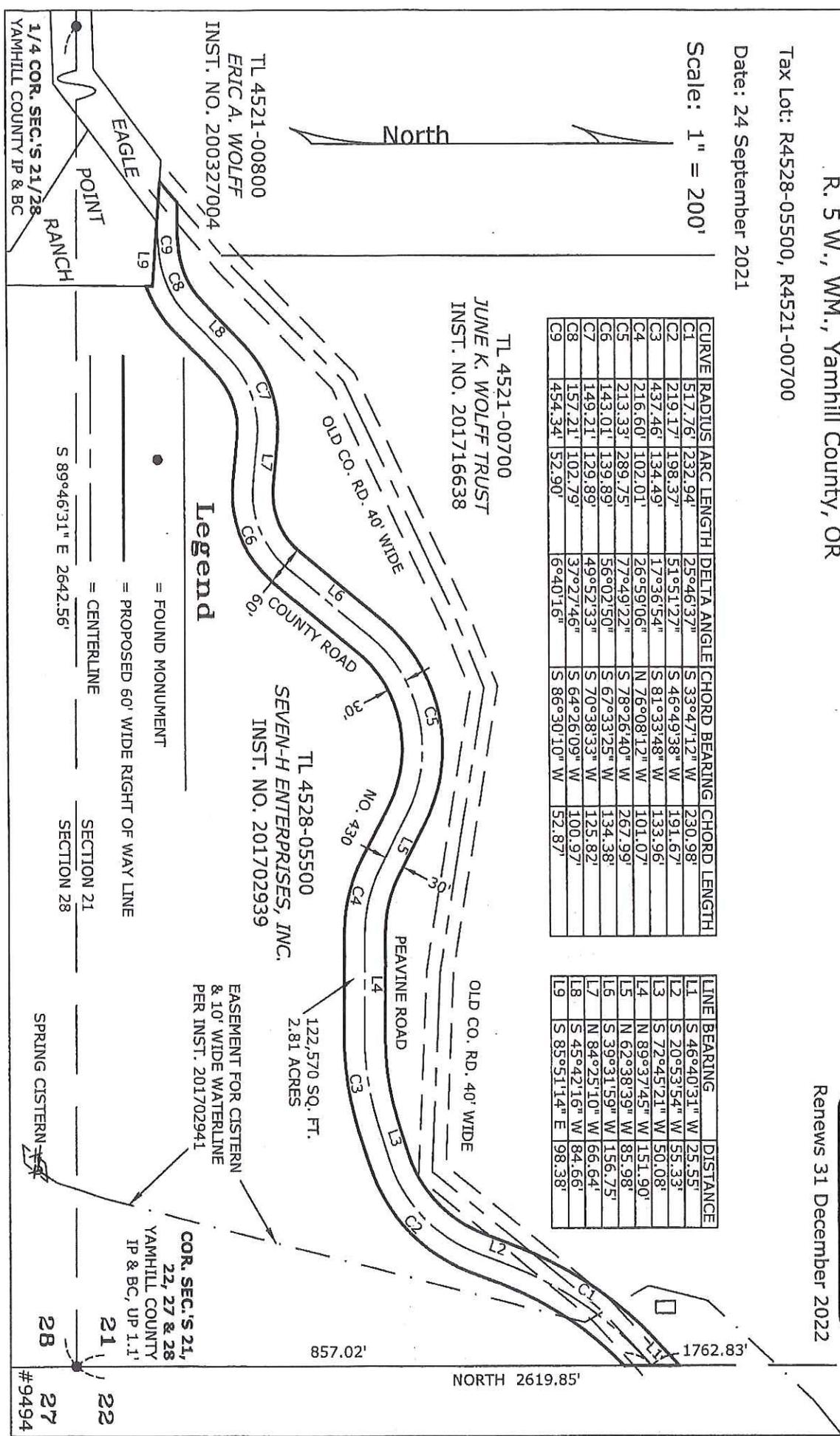
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L9	S 85°51'14" E	98.38'

TL 4521-00700
JUNE K. WOLFF TRUST
INST. NO. 201716638

TL 4528-05500
SEVEN-H ENTERPRISES, INC.
INST. NO. 201702939

122,570 SQ. FT.
2.81 ACRES
EASEMENT FOR CISTERN
& 10' WIDE WATERLINE
PER INST. 201702941

COR. SEC.'S 21,
22, 27 & 28
YAMHILL COUNTY
IP & BC, UP 1.1'



1/4 COR. SEC.'S 21/28
YAMHILL COUNTY IP & BC

27
#9494