

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 Lea J. Gillette) BOARD ORDER 22-286
And Alban H. Debeaulieu Without a Public Hearing,)
Public Works Docket RV-2-2022)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on September 8, 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. Lea J. Gillette and Alban H. Debeaulieu (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. The petition identifies a roadway that was dedicated to the public but that to date has not been developed.

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. A written report, signed by county road official and Yamhill County Public Works

Director Mark Lago, describes the ownership of the property and states that there are no apparent public uses of the property proposed to be vacated. See Exhibit B. The report concludes that the proposed vacation is in the public interest.

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 located entirely within tax lot R2426 00902, bordered on the east by tax lot R2426 00903 and running to the easternmost point of tax lot R2426BB 01302, 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 applicants 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 September 8, 2022.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

KERI HINTON
County Clerk

Chair

Handwritten signature of Lindsay Berschauer in blue ink.

LINDSAY BERSCHAUER

By: 
Deputy Megan Marasco

Commissioner

Handwritten signature of Casey Kulla in blue ink.

CASEY KULLA

Commissioner

Handwritten signature of Mary Starrett in blue ink.

MARY STARRETT

FORM APPROVED BY:


Christian Boenisch
County Counsel

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: Michelle Kays Title: DIRECTOR OF PUBLIC WORKS Date: 7/14/22

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
Please print or type: <u> Gillette, Lea J. & Debeaulieu, Alban H. </u> <hr/> Last Name First MI <u> 8775 NE Sunset Knoll Rd </u> <hr/> Mailing Address (Street or PO Box) <u> Yamhill, OR 97148 </u> <hr/> City State Zip <u> (808) 937-2840 </u> <hr/> Telephone Fax	Please print or type <u> Foley, James G. & Carol D. </u> <hr/> <u> 8850 NE Sunset Knoll Rd </u> <hr/> <u> Yamhill, OR 97148 </u> <hr/> <u> (253) 709-4310 </u> <hr/>
Describe the public road or other county property proposed to be vacated, including county tax lot references: <u> A portion of Forest Drive highlighted in blue in the attachment, that divides our tax lot, </u> <u> #00902, and passes through our front yard. The preceding section, highlighted in yellow, </u> <u> is overgrown, unused, and unusable. Our property and all others beyond these sections </u> <u> are now accessed via Sunset Knoll Road. </u> <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

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 825.

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:

[Handwritten signatures]

STATE OF OREGON

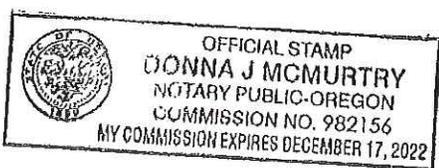
County of Yamhill

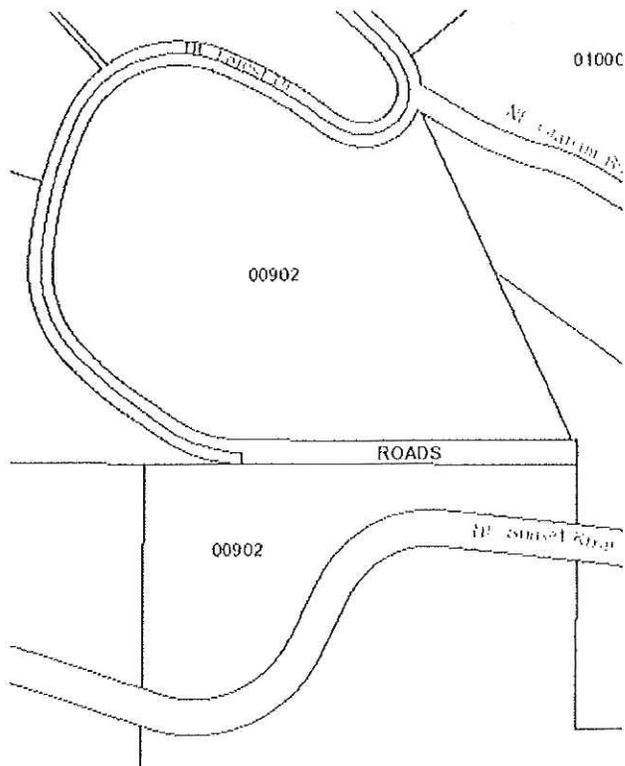
} ss

This Instrument was acknowledged before me on the 28 day of June, 2022, by the following

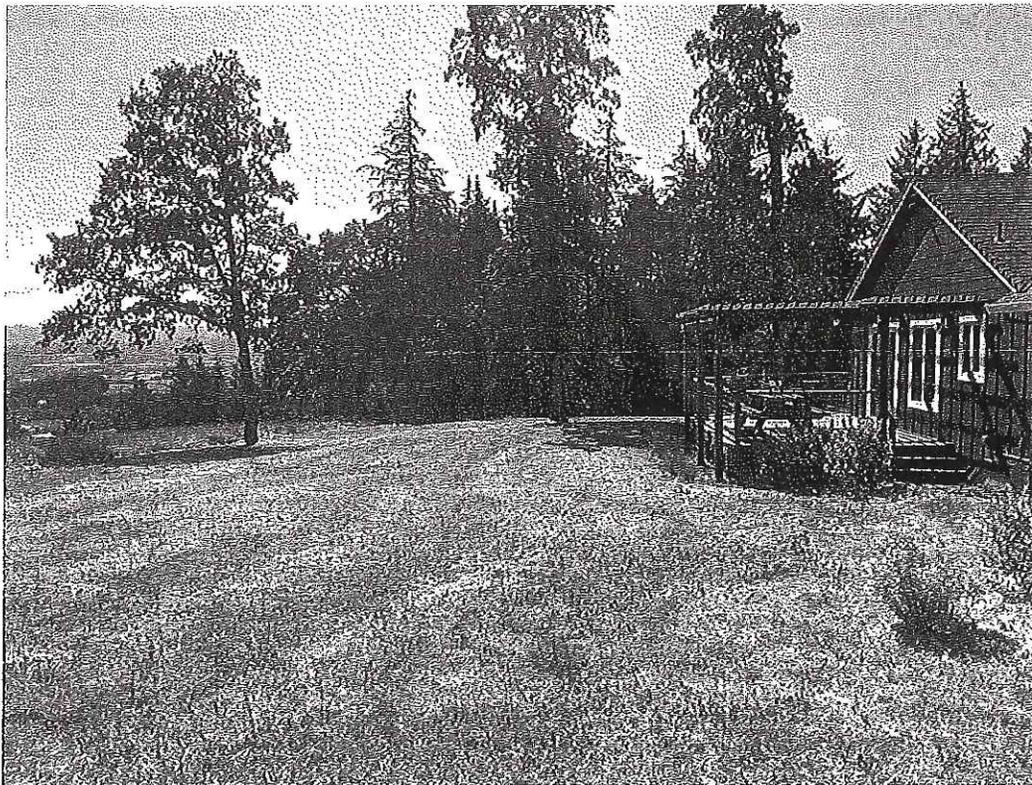
persons: (attach additional notarized acknowledgments, if necessary) Lea S Gillette,
Alban H Debeautiey, James C Foley & Carol D Foley

[Handwritten signature]
Notary Public for Oregon
My commission expires: 2-17-2022





Portion of Forest Dr. proposed to be vacated.
We mow and maintain this area and use it
as our front yard.



COUNTY ROAD OFFICIAL REPORT

on

ROADWAY VACATION PETITION

Docket No. RV-2-2022

Background

1. **Location and approximate length of proposal:** Along the south line of Cove Orchard Plat running the entire length of south line of Lot 252 Cove Orchard (TL R2426 00902) to the most easterly corner of and point of Lot 247 (R2426BB 01302). Map length scaled at 570 feet subject to any lengthening or shortening that may be revealed by an accurate field survey.

Required information under Yamhill County Ord. 625, Section 4

1. **Ownership description:** Applicant is underlying owner. Co-applicant is an impacted party at the end of the alignment. Ownership would vest solely to applicant under ORS 368.366 as owner of both sides of roadway.
2. **Current uses of the property:** No apparent road or public use. Applicant indicates land is treated as yard space.

Conclusion

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):

Road Official's Signature, Date & Title:

Mark Lopez 8/18/22
PUBLIC WORKS DIRECTOR