

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 the Vacation of a )  
Portion of Bayou Drive, as ) RESOLUTION 15 - 9-24-1  
Platted, near McMinnville, Oregon ) BOARD ORDER 15-395  
Docket No. RV-1-20-14 )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on September 24, 2015, commissioners Allen Springer, Mary Starrett and Stan Primozych being present.

WHEREAS, on February 13, 2014 the Yamhill County Board of Commissioners adopted Board Order 14-85, in the form of Resolution 14-2-13-1 to initiate proceedings to vacate a portion of Bayou Drive, a public road located near McMinnville, Oregon, in Yamhill County, Oregon

WHEREAS, pursuant to ORS 368.346(1) the county road official prepared and filed a written report, entitled “Road Officials Report” with the Yamhill County Board of Commissioners.

WHEREAS, following receipt of the Road Officials Report, and pursuant to ORS 368.401, the Yamhill County Board of Commissioners noticed a public hearing to discuss and receive public comment on the proposed vacation of a portion of Bayou Drive; said public hearing was held, as noticed, on March 27, 2014 at 10am in Room 32 of the Yamhill County Courthouse, 535 East Fifth Street, McMinnville, Oregon 97128.

WHEREAS the vacation of a portion of Bayou Drive, as described herein and as detailed on Exhibits A and B which are attached hereto and incorporated herein by this reference, a public road located near McMinnville Oregon would be beneficial to the general public and to the adjacent landowners.

WHEREAS, this vacation of a portion of Bayou Drive is occurring subsequent to the dedication of immediately adjacent property for use as the newly relocated section of Bayou Drive (Resolution 15 - /Board Order \_\_\_\_\_) as further detailed in Exhibit C which is also attached hereto and incorporated herein by this reference.

WHEREAS, both the section of Bayou Drive that would be vacated pursuant to this Resolution/Board Order and the portion of Bayou Drive that has been newly dedicated are further detailed in Exhibit D, which is attached hereto and incorporated herein by this reference.

WHEREAS, the newly dedicated section of SW Bayou Drive provides (i) safer ingress and egress to adjacent landowners and the general public, (ii) ensures continuous access to and use of Bayou Drive, and (iii) does not impact access to Highway 99W from Bayou Drive. NOW THEREFORE

**IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:**

Section 1. Expressly subject to the conditions stated in Sections, 2, 3, 4 and 5 of this Resolution/Board Order, vacation of the following described property is hereby ordered.

See attached Exhibits "A", "B" and "C"

Section 2. An easement upon the vacated property described in Section 1 is hereby reserved in favor of any public or private utilities located thereon as of the date of Board approval of this Resolution/Board Order. Further, the vacation described in Section 1 does not vacate any right of way occupied by a public or private utility as of the date of Board approval of this Resolution/Board Order. The utility shall continue to be permitted to occupy the property in accordance with ORS 758.010(1).

Section 3. This Resolution/Board Order may be recorded in the Yamhill County Deed Records upon authorization for recordation by the Yamhill County Counsel and tender of recording fees, if any.

Section 4. Effective upon the date of the recordation of this Resolution/Board Order in the Yamhill County Deed Records, the public interest in the portion of the public road described in Section 1 shall be and hereby is vacated except as provided in Section 2.

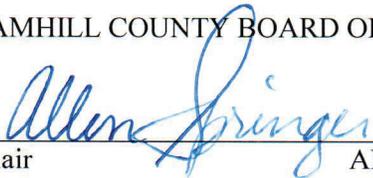
Section 5. Title to the property vacated by this Resolution/Board Order shall fully vest in the owner of the land abutting the vacated property by extension of the person's abutting property boundaries to the limits of the vacated property.

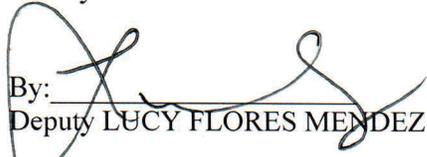
Section 6. A copy of this Resolution/Board Order shall be filed with the county surveyor and county assessor.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

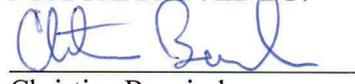
BRIAN VAN BERGEN  
County Clerk

  
Chair ALLEN SPRINGER

By:   
Deputy LUCY FLORES MENDEZ

  
Commissioner and Vice Chair MARY STARRETT

FORM APPROVED BY:

  
Christian Boenisch  
Yamhill County Counsel

  
Commissioner STAN PRIMOZICH

Accepted by Yamhill County  
Board of Commissioners on  
9.24.15 by Board Order  
# 15-395

Exhibit A  
(see attached)

## EXHIBIT "A"

### BAYOU DRIVE

#### VACATION OF 60' RIGHT OF WAY

Being a portion of roadway dedicated in Bayou Golf Estates Subdivision No. 1 and lying in Section 31, Township 4 South, Range 4 West, Willamette Meridian in Yamhill County, Oregon, and being only that portion of the below described property described in Book 226, Page 1973 of the Deed and Mortgage Records of Yamhill County, Oregon, and being more particularly described as follows:

A strip of land dedicated in Bayou Golf Estates Subdivision No. 1 for roadway and utility purposes, this strip of land to be vacated excludes the 40 foot wide strip of land being dedicated in Exhibit B, this strip being 60 feet in width, lying 30 feet on either side of the following described public road centerline:

Beginning at a point shown in County Survey 12966 described as "PT: 4+98.15", this point being where the centerline of the dedicated centerline as described in Exhibit "A" terminates and a point on the original road centerline of Bayou Golf Estates Subdivision No. 1; thence on the original road centerline following along a curve concave to the northeast having a radius of 413.37 feet (chord bearing S83° 53' 27"E chord distance 134.20 feet) a distance of 84.39 feet to the intersection of the South right of way line of the proposed dedicated 40' R/W as described in Exhibit "A" and the True Point of Beginning of this centerline; thence continuing along the same curve 50.40 feet to the point of tangency; thence N86° 46' 03"E 191.44 feet; thence along a curve concave to the northwest having a radius of 123.26 feet (chord bearing N48° 34' 02"E chord distance 152.45 feet) a distance of 164.36 feet more or less to a point on the West right of way line of Oregon Highway 99W, this point being the terminus of the described centerline to be vacated.

The East end of this described right of way at the North and South 30 foot offset lines are to be extended or shortened, respectively, to intercept the West right of way line of Oregon Highway 99W. The West end of this described right of way at the 30 foot offset lines are extended on the South line to intercept the East line of lot 1, Block 1 of Bayou Golf Estates Subdivision No. 1, and the North line to intercept the South line of the Proposed Dedicated 40' R/W as shown on county survey 12966 and described in Exhibit "A".

Exhibit B  
(see attached)

## EXHIBIT "B"

### BAYOU DRIVE

#### DEDICATION OF 40' RIGHT OF WAY

Being a portion of real property lying in Section 31, Township 4 South, Range 4 West, Willamette Meridian in Yamhill County, Oregon, and being only that portion of the below described property described in Book 226, Page 1973 of the Deed and Mortgage Records of Yamhill County, Oregon, and being more particularly described as follows:

A strip of land for roadway and utility purposes being 40 feet in width, lying 20 feet on either side of the following described public road centerline:

Beginning at a point lying on the West Right of Way of Oregon Highway 99W as shown in County Survey 12966 and being North 445.95 feet and East 2036.95 feet from the corner common to sections 31 and 32, Township 4 South, Range 4 West and sections 5 and 6, Township 5 South, Range 4 South, Willamette Meridian in Yamhill County, Oregon; thence following along the centerline of the Proposed Dedicated 40' R/W (13691 SQ FT) S85° 41' 09"W 94.34 feet to an angle point called "PI: 0+94.34" in survey 12966; thence S88° 10' 41"W 181.55 feet to a point of curvature labeled "PC: 2+75.90" in survey 12966; thence following along a curve, concave to the southeast having a radius of 217.18 feet (chord bearing S74° 05' 58"W chord distance 96.12 feet) a distance of 96.93 feet to a point of reverse curvature labeled "PRC: 3+72.82" in survey 12966; thence following along a curve, concave to the northwest having a radius of 170.16 feet (chord bearing S83° 31' 33"W chord distance 122.51 feet) a distance of 125.33 feet to a point of tangency labeled "PT: 4+98.15" in survey 12966, said point being the terminous of this described centerline.

Exhibit C  
(see attached)

After recording, return to:

**RECORDING INFORMATION**

Yamhill County Counsel  
434 NE Evans Street  
McMinnville, OR 97128

Tax statements to:

Yamhill County Counsel  
434 NE Evans Street  
McMinnville, OR 97128

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**Dedication of Public Right of Way**

Meldon Investment Corporation, an Oregon corporation, now known as Bayou Golf Course, Inc., an Oregon corporation (the "Grantor"), for the true and actual consideration of One and 00/100 dollars (\$1.00) does hereby convey unto YAMHILL COUNTY, a political subdivision of the State of Oregon, the "Grantee", a public right of way easement over and to the real property described in Exhibit "A." Exhibit "A" is attached hereto and incorporated into this document by reference.

Grantor hereby covenants to and with Grantee that (i) Grantor owns said property outright, (ii) the individual signing this deed on behalf of Grantor is its duly authorized official and (iii) said property is free from all liens and encumbrances, except for easements, conditions and restrictions of record, and will warrant and defend the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

Grantor agrees that the consideration recited herein is just compensation for the public right of way easement over and to the real property conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from Grantee's negligence.

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.

**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. 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**

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.

Dated this 15th day of September, 2015.

[Signature]  
Printed Name: TERENCE RAY  
Title: Vice President

State of OREGON )  
                          )ss.  
County of Yamhill )  
                  MARION

On this 15 day of September, 2015, personally appeared before me MARIE CLEMENT in their capacity as Vice president for Bayou Golf Course, Inc. who acknowledged said instrument to be their voluntary act and deed.  
Before me:

[Signature]  
Notary Public for Oregon  
My Commission Expires: 04/26/16

Accepted on behalf of Yamhill County:

[Signature]  
chair, Board of Commissioners



Accepted by Yamhill County  
Board of Commissioners on  
9.24.15 by Board Order  
# 15-393

EXHIBIT

A

**BAYOU DRIVE**

**DEDICATION OF 40' RIGHT OF WAY**

Being a portion of real property lying in Section 81, Township 4 South, Range 4 West, Willamette Meridian in Yamhill County, Oregon, and being only that portion of the below described property described in Book 226, Page 1978 of the Deed and Mortgage Records of Yamhill County, Oregon, and being more particularly described as follows:

A strip of land for roadway and utility purposes being 40 feet in width, lying 20 feet on either side of the following described public road centerline:

Beginning at a point lying on the West Right of Way of Oregon Highway 99W as shown in County Survey 12966 and being North 445.95 feet and East 2036.95 feet from the corner common to sections 81 and 82, Township 4 South, Range 4 West and sections 5 and 6, Township 5 South, Range 4 South, Willamette Meridian in Yamhill County, Oregon; thence following along the centerline of the Proposed Dedicated 40' R/W (13591.SQ PT)  $585^{\circ} 41' 09'' W$  94.84 feet to an angle point called "PT: 0+94.84" in survey 12966; thence  $S88^{\circ} 10' 41'' W$  181.55 feet to a point of curvature labeled "PC: 2+75.90" in survey 12966; thence following along a curve, concave to the southeast having a radius of 217.18 feet (chord bearing  $S74^{\circ} 05' 58'' W$  chord distance 96.12 feet) a distance of 93.93 feet to a point of reverse curvature labeled "PRC: 3+72.82" in survey 12966; thence following along a curve, concave to the northwest having a radius of 170.16 feet (chord bearing  $S83^{\circ} 31' 38'' W$  chord distance 122.51 feet) a distance of 125.88 feet to a point of tangency labeled "PT: 4+98.15" in survey 12966, said point being the terminous of this described centerline.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*William A. Gille*

OREGON  
JANUARY 18, 1902  
WILLIAM A. GILLE  
1978

*expires 6/30/2015*

Exhibit D  
(see attached)

Report of Survey for:  
**Bayou Drive**

Location: Township 4 South, Range 4 West, SW ¼ Section 32  
 WML, H.D. Martin Donation Land Claim No. 59  
 Yamhill County, OR 97128

Taxlot: 4432CD-900

Date: 12 November 2013

**Narrative:**

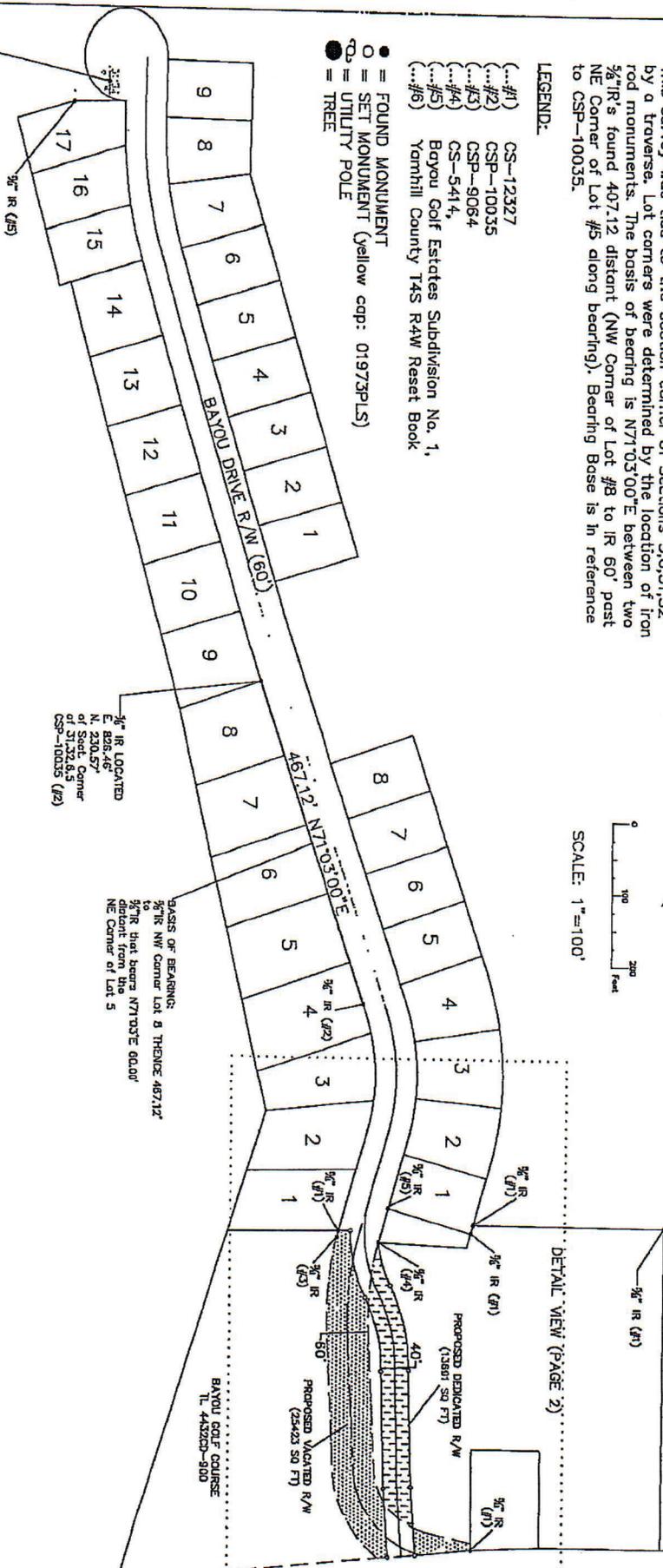
The purpose of this survey is to establish a new right-of-way alignment for Bayou Drive through the BAYOU DRIVE GOLF COURSE. New curve geometry has been created and nine (9) 5/8" iron rods were set to demarcate the dedicated right-of-way boundary. See Page 2 for detail.

This survey was tied to the section corner of Sections 5,6,31,32 by a traverse. Lot corners were determined by the location of iron rod monuments. The basis of bearing is N71°03'00"E between two 5/8" IRs found 407.12 distant (NW Corner of Lot #8 to IR 60' past NE Corner of Lot #5 along bearing). Bearing Base is in reference to CSP-10035.

**LEGEND:**

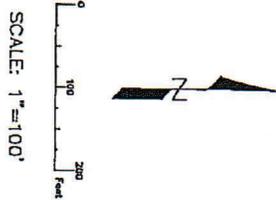
- (...#1) CS-12327
  - (...#2) CSP-10035
  - (...#3) CSP-9064
  - (...#4) CS-5414,
  - (...#5) Bayou Golf Estates Subdivision No. 1,
  - (...#6) Yamhill County T4S R4W Resub Book
- = FOUND MONUMENT
  - = SET MONUMENT (yellow cap: 01973PLS)
  - = UTILITY POLE
  - = TREE

SECTION CORNER  
 FOUND 5/8" IR  
 0.3' BELOW PLUMB  
 BRASS CAP CONE

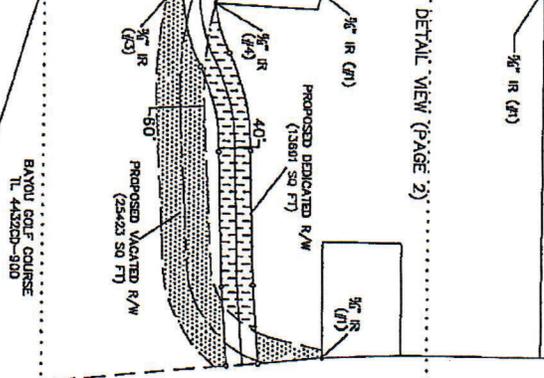


**SURVEYOR:**  
 William Gile  
 2060 NE Lafayette Ave  
 McMinnville, OR 97128  
 Phone: (503)-434-7365  
 Fax: (503)-472-4068  
 Email: gileb@co.yamhill.or.us

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
 William G. Gile  
 OREGON  
 WILLIAM G. GILE  
 1574  
 EXPIRES 06/30/2015



**DETAIL VIEW (PAGE 2)**



**BASIS OF BEARING:**  
 5/8" IR NW Corner Lot 8 THENCE 487.12'  
 to  
 5/8" IR that bears N71°03'E 60.00'  
 distant from the  
 NE Corner of Lot 5

BAYOU GOLF COURSE  
 TL 5405-400

Record of Survey for  
**Bayou Drive**

Location: 4 South, Range 4 West, SW 1/4 Section 32  
Twp. 14S, Range 4W, Sec. 32  
Yarnhill County, OR 97128  
Total: 443200 - 900  
Date: 12 November 2013

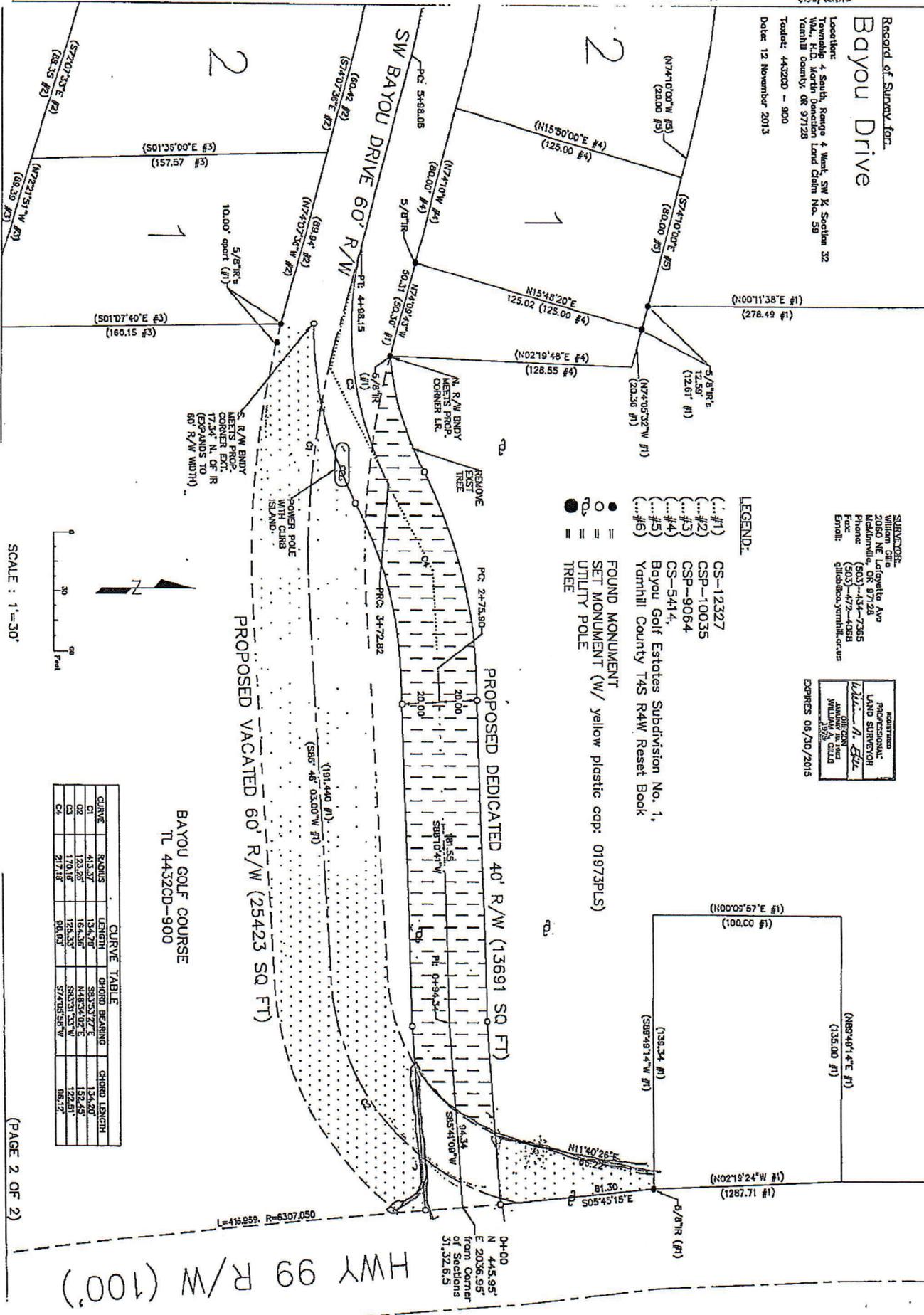
**SURVEYOR:**  
William G. Gille  
2050 NE Lafayette Ave  
Medford, OR 97504  
Phone: (503) 432-7285  
Fax: (503) 472-4088  
Email: gill@wggille.com

**REGISTERED PROFESSIONAL LAND SURVEYOR**  
WILLIAM G. GILLE  
No. 1222  
EXPIRES 06/30/2015

**LEGEND:**

- (...#1) CS-12327
- (...#2) CSP-10035
- (...#3) CSP-9064
- (...#4) CS-5414
- (...#5) Bayou Golf Estates Subdivision No. 1,
- (...#6) Yarnhill County T4S R4W Reset Book

- = FOUND MONUMENT (W/ yellow plastic cap: 01973PLUS)
- = SET MONUMENT (W/ yellow plastic cap: 01973PLUS)
- ⊙ = UTILITY POLE
- ≡ = TREE



**CURVE TABLE**

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
G1	413.37'	134.70'	S83°53'27"E	134.60'
G2	123.26'	164.36'	N48°24'02"E	152.45'
G3	170.16'	126.33'	S83°31'53"W	122.51'
G4	217.18'	96.00'	S74°05'58"W	98.12'

SCALE : 1" = 30'

(PAGE 2 OF 2)