

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 Michael S Melski,) BOARD ORDER 25-058
Fox Hill, LLC Without a Public Hearing.)
Public Works Docket RV-2-2024)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on February 27, 2025. Commissioners Kit Johnston, Mary Starrett and David King being present.

IT APPEARING TO THE BOARD as follows:

A. The Yamhill County Road Vacation Code, YCC Chapter 7.25 (the “Road Vacation Code”) 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. Fox Hill, LLC, an Oregon limited liability company (the “Applicant”) petitioned for the vacation of a portion of a dedicated public road, known as Fox Hill Road. See Exhibit A, attached hereto and incorporated herein by this reference. The Applicants own 100% of the underlying fee title and 100% of the property abutting the portion of Fox Hill Road that is proposed to be vacated.

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. The Road Vacation Code 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. The Road Vacation Code 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 James Stevenson has prepared a written report, signed by the county road official, Yamhill County Public Works Director Mark Lago, and by Surveyor Stevenson that states this proposed vacation is in the public interest. See Exhibit B, attached hereto and incorporated herein by this reference. The property currently serves no public function.

H. The Road Vacation Code 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 county road official report reflects that the proposed vacation is in the public interest and, Applicant being the only adjoining property owner, the portion of Fox Hill Road as described in Exhibit A is hereby vacated.
2. Title to the portion of Fox Hill 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 February 27, 2025.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

KERI HINTON

County Clerk

Handwritten signature of Kit Johnston in blue ink.

Chair

KIT JOHNSTON

By: Carolina Rook

Deputy Carolina Rook

Handwritten signature of Marry Starrett in black ink.

Commissioner

MARRY STARRETT

Handwritten signature of David Bubba King in black ink.

Commissioner

DAVID "BUBBA" KING

FORM APPROVED BY:

Handwritten signature of Christian Boenisch in black ink.

Christian Boenisch
County Counsel

Approved by the Yamhill County Board of
Commissioners on 02/27/2025
via Board Order 25-058

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

OFFICIAL USE ONLY

979-24-006524-NGRY
Docket No. RV-2-2024
Date 12/17/24
Rec'd By K
Receipt #
Fee \$ 355.00

NOTE: Fees are non-refundable.

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).

Board of Commissioners:

Date rec'd: _____

Date informal: _____

Hearing date: _____

PETITIONER	CO-PETITIONERS, if any
Please print or type: FOX HILL, LLC MELSKI MICHAEL S. Last Name First MI 17531 KELOK ROAD Mailing Address (Street or PO Box) LAKE OSWEGO OR 97034 City State Zip (503) 803-3838 Telephone Fax	Please print or type _____ _____ _____ _____
Describe the public road or other county property proposed to be vacated, including county tax lot references: Please see attached. _____ _____ _____ _____	

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 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:

[Signature] [Signature] 12/13/24

STATE OF OREGON

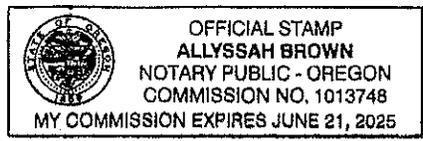
County of Washington

} ss

This instrument was acknowledged before me on the 13 day of December 20 24 by the following

persons: (attach additional notarized acknowledgments, if necessary) Michael Meiski

[Signature]
 Notary Public for Oregon
 My commission expires: June 21 2025



EXPIRES 31 DECEMBER 2024

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

13 August 2024



Description of Real property for: FOX HILL, LLC – Easement Vacations in *FOX HILL FARM* subdivision.

All that portion of FOX HILL ROAD (a private easement for ingress and egress, and its associated 10 foot wide private utilities easement per notes 5, 6, and 7 of the plat of *FOX HILL FARM*, recorded as Instrument No. 200723698, Official Records of the Yamhill County Clerk) inuring to Tract A, Lot 11, Lot 12 and that portion of Lot 10 of said plat, lying southerly and easterly of the southwesterly prolongation of the east line of Lot 1, located in Section 24 Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, as shown on Exhibit "_____", a map attached hereto and made a part thereof.

END DESCRIPTION

EASEMENT VACATION Map for: FOX HILL, LLC

Location: N.E. 1/4 Section 24
T. 3 S., R. 2 W., WM.,
Yamhill County, OR

Tax Lot: R3224 - 202, 203, and 204

Date: 6 AUGUST, 2024

Exhibit " " " "

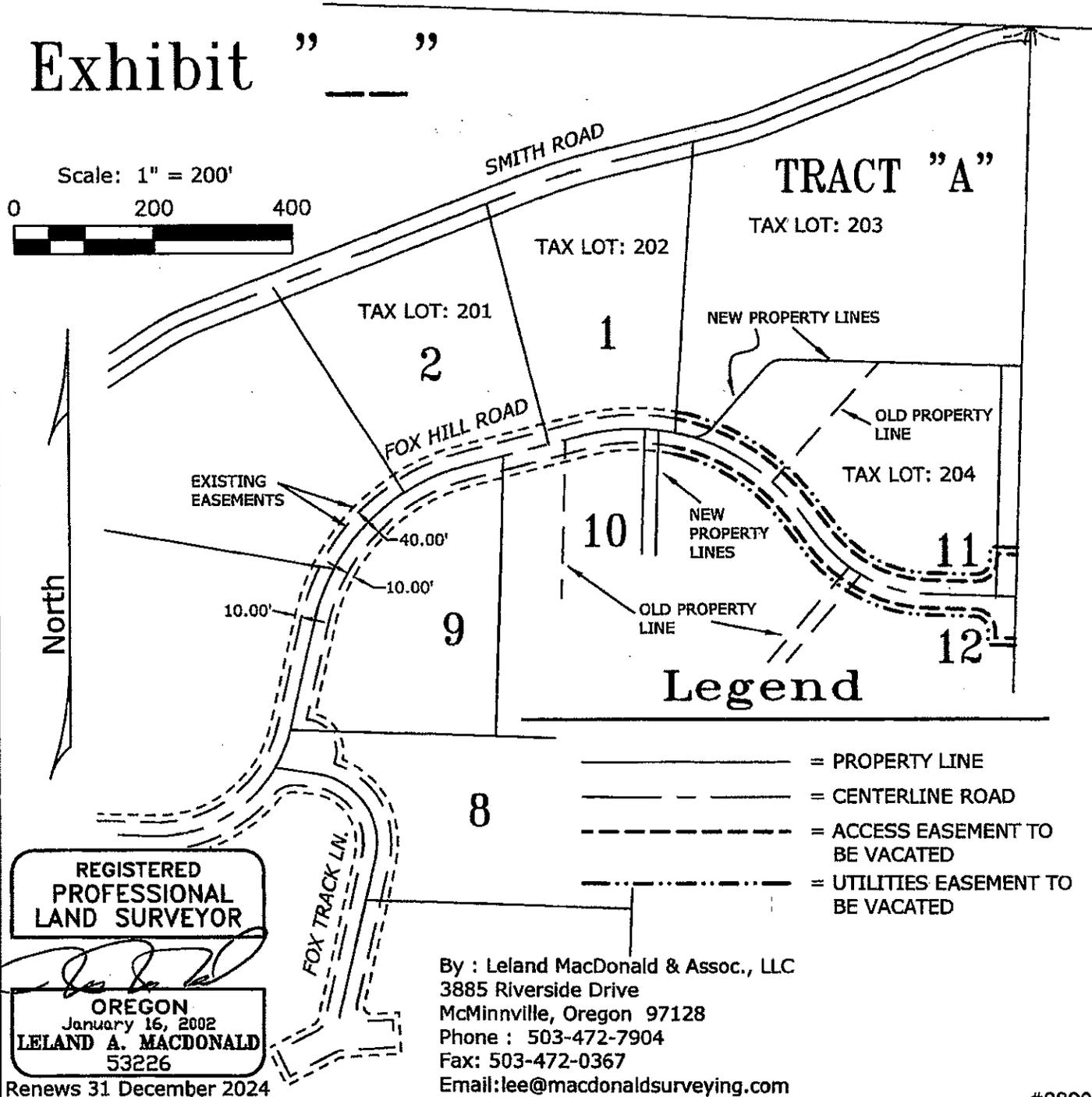


Exhibit B

County Road Official Report

On

Roadway Vacation Petition

Docket Number RV-2-2024

Regarding the proposed vacation of a portion of Fox Hill Road as shown in the "Easement Vacation Map Exhibit A for: Fox Hill, LLC" (dated 6 August 2024) and defined by the accompanying Legal Description (dated 13 August 2024), both prepared by Leland A. MacDonald, PLS, and submitted as part of the "Petition for Vacation of Public Road Where no Public Hearing is Required" by Fox Hill, LLC/Michael S. Melski

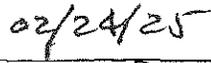
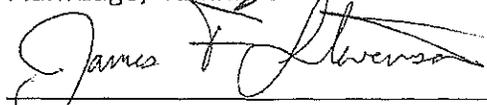
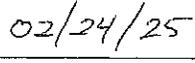
Significant development of an apparent equestrian facility is underway for the land abutting, perhaps including portions of, the segment of Fox Hill Road proposed to be vacated.

There is one (1) adjoining land owner:

1. Fox Hill, LLC (Tax Lot Nos. R3224 00203, R3324 00204, R3324 00206, R3324 00207; all acquired through Instrument No. 2023 2575.

Road Official's & County Surveyor's Recommendation

The proposed vacation appears to be in the public interest and, there being only one adjoining land owner, I therefore recommend its vacation to the Board of Commissioners.

	
Mark Lago, Yamhill Co. Public Works Director	Date
	
James Stevenson PLS, Yamhill Co. Surveyor	Date

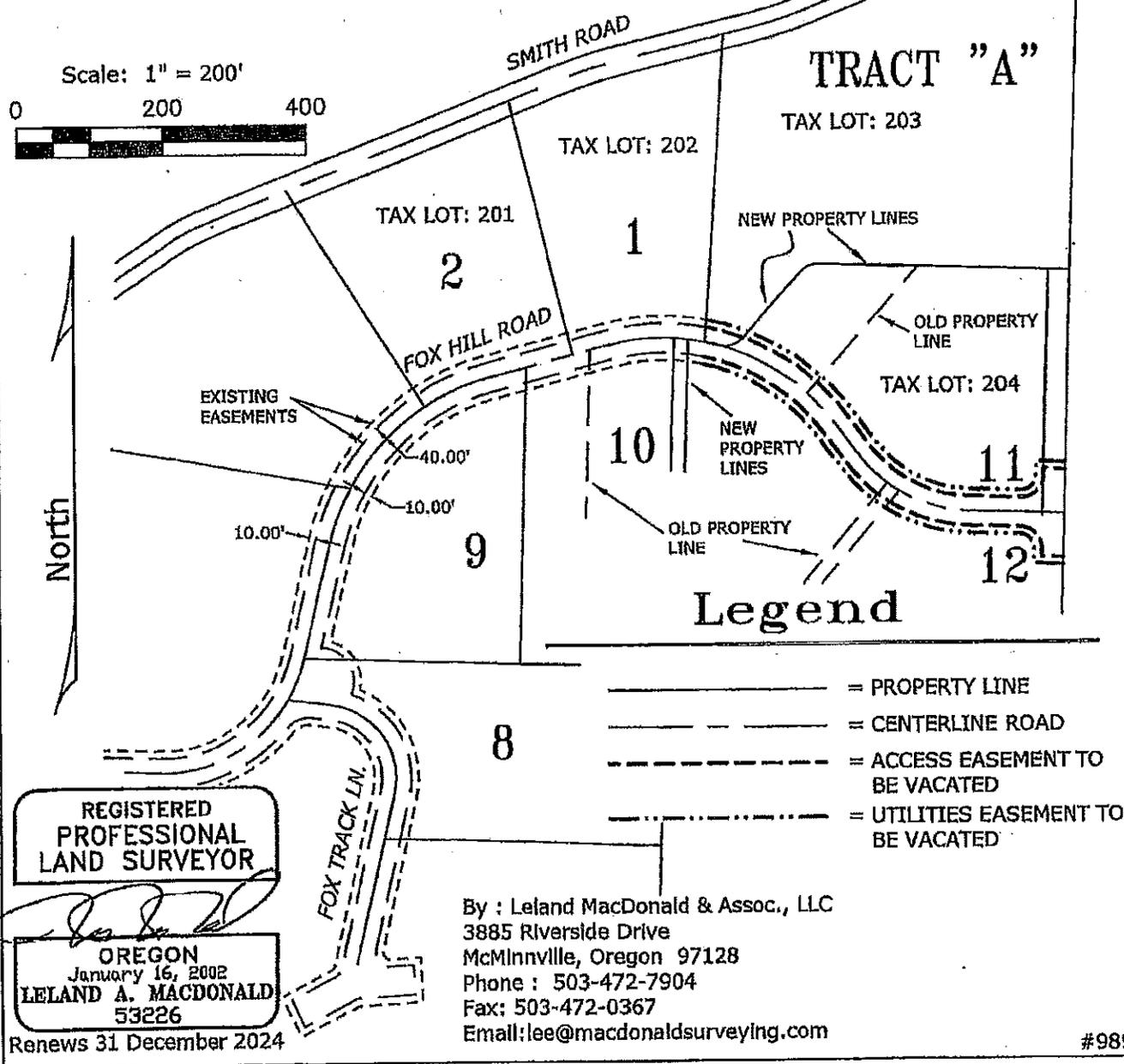
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Location: N.E. 1/4 Section 24
T. 3 S., R. 2 W., WM.,
Yamhill County, OR

Tax Lot: R3224 - 202, 203, and 204

Date: 6 AUGUST, 2024

Exhibit "A"



EXPIRES 31 DECEMBER 2024

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



13 August 2024

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