

Tillamook County, Oregon
11/17/2021 09:00:03 AM

2021-009582

DEED-VACAT

\$120.00 \$11.00 \$61.00 \$10.00 \$25.00 \$19.50 - Total = \$246.50



I hereby certify that the within
instrument was received for record and
recorded in the County of Tillamook,
State of Oregon.

Tassi O'Neil, Tillamook County Clerk

AFTER RECORDING, RETURN AND
SEND ALL TAX STATEMENTS TO:

Andrew Ewing
Tax Lot #T4S R10W 06CB 012600
17822 South Fieldstone Lane
Oregon City, OR 97045

Shawna Newell (Den Family LLC)
Tax Lot # T4S R10W 06CB 09700
1275 Southwest Orinda Way
Portland, OR 97225

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF TILLAMOOK IN THE STATE OF OREGON

In the Matter of the Vacation of
A Portion of Eloise Avenue, Tierra Del Mar
Tillamook County, Oregon

) ORDER
) #21-062
)

This matter came before the Tillamook County Board of Commissioners on November 10, 2021, at the request of Chris Laity, Public Works Director, Public Works, Road Department, at which time it appears that Road Vacation #562 was filed by property owners on August 19, 2021, in accordance with ORS 368.341. The road to be vacated is described in the attached Exhibit A.

The Board being fully advised in the premise, records, and files herein, makes the following findings:

1. The Road Vacation Petition #562 was properly filed with the Tillamook County Clerk on August 19, 2021, in accordance with ORS 368.341.
2. The Petitioners own 100% percent of the properties fronting the road vacation.
3. The road to be vacated is legally a Public Road.
4. The road to be vacated is a County Road.
5. Public Notices were not required as a part of this petition as indicated in ORS 368.351.
6. The Tillamook County Director of Public Works prepared and filed with the Board a written report which includes the assessment that the proposed vacation would be in the public interest, in accordance with ORS 368.351.

7. Therefore, after considering the Tillamook County Director of Public Work's Engineer Report, records and files regarding this matter, the Board determines that the proposed vacation of the above described road is in the public interest, and that the above described road should be vacated.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

8. In accordance with ORS 368.351, the road as described in Exhibit A be and hereby is vacated.

DATED this 10th DAY OF November, 2021.

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent

MF Bell
Mary Faith Bell, Chair

8 /

[Signature]
David Yamamoto, Vice-Chair

0 /

[Signature]
Erin D. Skaar, Commissioner

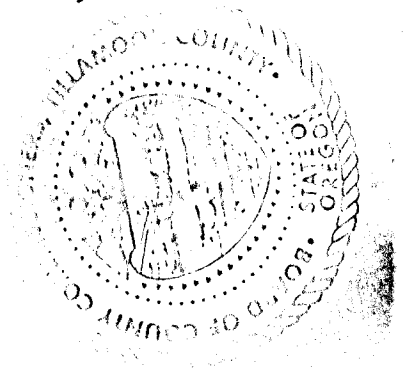
✓ /

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By: [Signature]
Special Deputy

[Signature]
Joel W Stevens, County Counsel





PUBLIC WORKS DEPARTMENT

Exhibit A

503 Marolf Loop Road
Tillamook, Oregon 97141
Roads (503) 842-3419
Solid Waste (503) 815-3975
FAX (503) 842-6473
Email: pubwks@co.tillamook.or.us
TTY Oregon Relay Service

Land of Cheese, Trees and Ocean Breeze

PETITION TO VACATE PUBLIC RIGHT OF WAY #562 PUBLIC WORKS STAFF REPORT

Date: September 15th, 2021

Report Prepared by: Jasper Lind, Engineering Technician
For Chris Laity, P.E., Director

I. GENERAL INFORMATION

Request: Petition to vacate a portion of Eloise Ave. in Tierra Del Mar.

Area of Interest: An area of dedicated Public Right of Way located within the Tierra Del Mar Community shown in map T04S R10W Sec. 06CB.

Petitioner: The petitioners represent 100% of private land abutting the Right of Way identified in the petition and all are signatories to the petition

II. APPLICABLE STATUTES / ORDINANCES:

- 1) ORS 368.326 to 368.426
- 2) (By Reference from ORS Ch. 92.180 thru 92.192)

III. REVIEW:

1. Right of Way History

- 1) **Creation** – Petition #562 requests Vacation of a portion of the Public Right of Way recorded as Eloise Avenue in Tierra Del Mar. The Right of Way and all of the parcels identified in the Petition are created on the Plat of Tierra Del Mar recorded in the Tillamook County Surveyor's permanent records as Plat #C-0122.
- 2) **Prior Vacation / Dedication / Property Line Adjustment** – Since the time of the original Plat many of the original lots have been consolidated into larger residential parcels. The current version of the Tillamook County Assessor's Tax Map represents the current private parcel configuration.

2. Current Petition to Vacate

- 1) The stated intent of the petitioners is to remove Public Right of Way from the land identified in the petition.
- 2) 100% of the adjacent or effected landowners are participating in the petition.
- 3) A 10 foot wide section of the Right of Way is to be retained in the center of the vacated area for pedestrian access to the beach

IV. PUBLIC ACCESS / TRANSPORTATION SYSTEM or FINANCIAL IMPACT:

- 1) There are no impacts to the County wide transportation system.
- 2) There are no financial costs to Tillamook County.
- 3) This petition results in converting land not suitable for vehicular use to private ownership.
- 4) This petition's only impact on any access to rivers, beaches, or recreational property is to preserve an existing beach footpath within a 10' wide remnant of the dedicated Public Right of Way.

V. STATUS OF PUBLIC UTILITIES

- 1) All utilities currently within the petition vicinity will either be relocated into the remaining Public Right of Way or will be covered by an easement if they are within any resultant private property.

VII. PETITION CONCLUSION AND RECOMMENDATIONS:

- 1) Tillamook County Engineering staff has reviewed the subject petition, supporting documentation, and visited the site.
- 2) The subject property is located at the western most terminus of Eloise Avenue which is accessed from Sandlake Road.
- 3) The expressed intent of the Petitioner is to remove specific portions of the public Right of Way as described in the survey documents provided with the Petition.
- 4) Engineering staff recommends **Approval** of Vacation Petition #562 with the following conditions:
 - a) Approval of this petition for Vacation in no way relieves the affected properties, their heirs or assigns, from easements or encumbrances not identified herein.
 - b) All fees associated with professional services, document preparation and public recording are to be the sole responsibility of the petitioners. Final field survey and mapping are to be completed based on Board of County Commissioners approval with all recording to be completed by the end of the current calendar year.
 - c) It is the sole responsibility of the petitioners to establish and maintain access and utility easements as may be necessary to facilitate existing and future access, egress, and utilities over and across the land affected by approval of this petition.

5) **EXHIBIT LIST:**

1. Petition Verification letters from Tillamook County Clerk & Assessor
2. Original Petition (refiled after minor amendment)
3. Legal descriptions to be vacated.
4. Maps including surveyor's map, tax map, and the original Plat #C-0122
5. Images from satellite and local perspective



Land of Cheese, Trees and Ocean Breeze

**TASSI O'NEIL
TILLAMOOK COUNTY CLERK
201 LAUREL AVENUE
TILLAMOOK, OR 97141
(503) 842-3402**

August 19, 2021

Received

AUG 20 2021

Tillamook County
Board of Commissioners

Tillamook County Board of Commissioners
201 Laurel Avenue
Tillamook, OR 97141

RE: Amended Petition No. 562 – Petition to vacate a section of Eloise Avenue in Tierra Del Mar at western terminus.

Dear Commissioners:

Enclosed is a certified copy of Amended Petition No. 562 filed August 19, 2021, to vacate a section of Eloise Avenue in Tierra Del Mar at western terminus.

Certification from the Assessor regarding ownership was received on August 19, 2021, a copy of which is enclosed along with a certified copy of the Petition.

Thank you in advance for your assistance in this matter.

Sincerely,

Tassi O'Neil
Tillamook County Clerk

Enclosures

Tillamook County
Department of Assessment and Taxation
201 Laurel Avenue
Tillamook, Oregon 97141

FILED

August 19, 2021

AUG 19 2021

**TASSI O'NEIL
COUNTY CLERK**

Tassi O'Neil
Tillamook County Clerk
201 Laurel Avenue
Tillamook, Oregon 97141

RE: Amended Petition No. 562 – Petition to vacate a section of Eloise Avenue in Tierra Del Mar at western terminus.

Dear Ms. O'Neil:

I have researched our records and certify that the petitioners are the adjacent landowners in the proposed vacation.

This certification is in accordance with ORS 368.341(3)(f).

Respectfully,



Denise Vandecoevering
Assessor & Tax Collector

cc. Wendy Schink, GIS Cartographic Analyst
cc. KaSandra Larson, Chief Deputy of Assessment & Taxation

Petition #562 Amendment
BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

FILED
AUG 19 2021
TASSI O'NEIL
COUNTY CLERK

IN THE MATTER OF THE VACATION OF)
A section of Eloise Avenue in) PETITION TO VACATE
Tierra Del Mar at Western terminus)

I. The undersigned person(s) hereby petitions the Tillamook County Board of Commissioners to vacate the following described property:

The western most portion of Eloise Ave in Tierra Del Mar which is located between tax lots 9700 and 12600 with the exception of a 10' right of way to be used for pedestrian access and utilities. See attached legal descriptions and exhibit map.

(Use separate sheet if more space is needed)

and certifies that all information contained in this Petition is true and complete.

II. The reasons for requesting this vacation are:

Driving is not allowed on this section of the beach and the County has no plans to develop this road access and this vacation maintains a 10' wide pedestrian access. Also this vacation brings lot #4S16W06CB09700 into compliance with county setback rules and will allow lot #4S16W06CB12600 to also comply with county setback rules for future use.

(Use separate sheet if more space is needed)

III. Names and addresses of all persons holding any recorded interest in the property proposed to be vacated are:

NAME & ADDRESS DESCRIPTION OF INTEREST

Tillamook County

(Use separate sheet if more space is needed)

IV. The names and addresses of all persons (including utilities) owning any improvements constructed on the property proposed to be vacated:

Tillamook PUD, 115 Pacific Ave, Tillamook, OR 97141

Tierra Del Mar Water Co, 26600 Sand Lake Rd, Clatskanie, OR 97112

An access and utility easement will be recorded to address both utilities. See attached legal description and exhibit map.

(Use separate sheet if more space is needed)

V. The names and addresses of all persons owning any real property abutting the property proposed to be vacation are:

NAME & ADDRESS

DESCRIPTION OF PROPERTY

(Use Tax Lot No. if available)

Shawna Newell (Don Family LLC)
1275 SW Orinda Way
Portland, OR 97225

4810 W 06C B 09700

Andrew M Ewing & Constance R Ewing
17822 S. Fieldstone Lane
Oregon City, OR 97045

4510 W 06C B 12600

Ewing Family Revocable Living Trust

(Use separate sheet if more space is needed)

VI. Attached to this Petition are 2 pages containing the notarized signatures of:

- Owners of 100% of the land abutting the property proposed to be vacated.
- Owners of at least 60% of the land abutting the property proposed to be vacated.
- At least 60% of the owners of the land abutting the property proposed to be vacated.

VII. The property proposed to be vacated:

- Will not be redivided in any manner.
- Will be redivided as shown on the attached subdivision or partition plan.

TILLAMOOK COUNTY
PETITION TO VACATE
SIGNATURE SHEET

Signature required in Section VI of the Petition to Vacate the following described property:

The western most portion of Eloise Avenue in Tierra Del Mar
which is located between tax lots 9700 and 12600 with the
exception of a 10 foot wide Right of Way to be used for
pedestrian access and utilities.

Description of owned property that abuts the property proposed to be vacated (Use legal description or Tax Lot Number)

Tax Lot 4S10W06CB12600

I certify that I am the owner of property that abuts the property proposed to be vacated, and approve of the proposed vacation

Signed and Dated this 10th day of August, 2021

Andrew M Ewing, Trustee
Signature

17822 S. Fieldstone Lane
Address

Constance R. Ewing Trustee
Signature
Ewing Family Revocable Living Trust

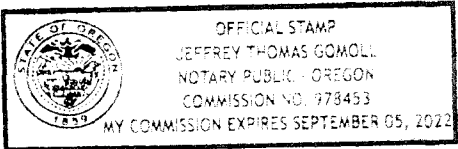
Oregon City, OR 97045
City, State, Zip

ACKNOWLEDGEMENT

NOTARY PUBLIC)
STATE OF OREGON)
County of Tillamook)
(Clackamas) OR)

ss.

On August 10, 2021, the above named person appeared before me and acknowledged the foregoing instrument to be a voluntary act and deed.



[Signature]
Notary Public for the State of Oregon
My Commission Expires: September 05, 2022

TILLAMOOK COUNTY
PETITION TO VACATE
SIGNATURE SHEET

Signature required in Section VI of the Petition to Vacate the following described property:

The western most portion of Eloise Avenue in Tierra Del Mar
which is located between tax lots 9700 and 12600 with
the exception of a 10 foot wide Right of Way to be used
for pedestrian access and utilities.

Description of owned property that abuts the property proposed to be vacated (Use legal description or Tax Lot Number)

Tax Lot 4SIDW060809700

I certify that I am the owner of property that abuts the property proposed to be vacated, and approve of the proposed vacation

Signed and Dated this 13th day of August, 2021

Shauna Newell
Signature
DEN family LLC

1275 SW Orinda Way
Address
Portland, OR 97225
City, State, Zip

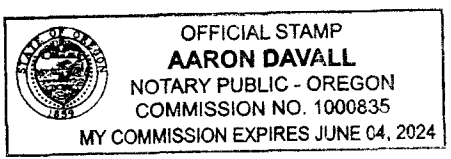
Signature

ACKNOWLEDGEMENT

NOTARY PUBLIC)
STATE OF OREGON)
County of Tillamook)
Washington

ss.

On August 13th, 2021, the above named person appeared before me and acknowledged the foregoing instrument to be a voluntary act and deed.



[Signature]
Notary Public for the State of Oregon
My Commission Expires: 06/04/2024

EXHIBIT 'A'

LEGAL DESCRIPTION FOR PROPOSED VACATION
OF A PORTION OF ELOISE AVENUE
15.00 foot wide portion to be conveyed to Ewing Tax Lot 12600
August 2, 2021

Beginning at the Northeast corner of Lot 18, Block 5, Tierra Del Mar located in Section 6, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon; thence North $72^{\circ}03'00''$ West, along the Westerly extension of the North line of said Lot 18, a distance of 44.00 feet to the True Point of Beginning; and running thence North $17^{\circ}57'00''$ East 15.00 feet; thence North $72^{\circ}03'00''$ West, parallel with the aforesaid North line of Lot 18, a distance of 162.93 feet, more or less, to the Easterly line of Ocean Beach Drive; thence South $08^{\circ}27'00''$ West, along said Easterly line of Ocean Beach Drive, a distance of 15.21 feet to the Northwest corner of said Lot 18; thence South $72^{\circ}03'00''$ East, along said North line of Lot 18, a distance of 160.42 feet to the True Point of Beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Douglas H. Kellow

OREGON
February 3, 1983
DOUGLAS H. KELLOW
2021

Renewal: 06/30/23

EXHIBIT 'A'

EXHIBIT 'A'

LEGAL DESCRIPTION FOR PROPOSED VACATION
OF A PORTION OF FLOIST AVENUE

15.00 foot wide portion to be conveyed to Den Family, LLC - Newell T.L. 9700

August 2, 2021

Beginning at the Southeast corner of Lot 15, Block 4, Tierra Del Mar located in Section 6, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon; thence North $72^{\circ}03'00''$ West, along the Westerly extension of the South line of said Lot 15, a distance of 12.00 feet to the True Point of Beginning; and running thence South $17^{\circ}57'00''$ West 15.00 feet; thence North $72^{\circ}03'00''$ West, parallel with the aforesaid South line of Lot 15, a distance of 164.57 feet, more or less, to the Easterly line of Ocean Beach Drive; thence North $08^{\circ}27'00''$ East, along said Easterly line of Ocean Beach Drive, a distance of 15.21 feet to the Southwest corner of said Lot 15; thence South $72^{\circ}03'00''$ East, along said South line of Lot 15, a distance of 167.09 feet to the True Point of Beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Douglas H. Kellow

OREGON
February 3, 1983
DOUGLAS H. KELLOW
2021

Revised: 06/30/21

EXHIBIT 'A'

EXHIBIT 'A'

LEGAL DESCRIPTION FOR A PROPOSED ACCESS & UTILITY
EASEMENT WITHIN A PORTION OF THE VACATED ELOISE AVENUE

A 10.00 foot deep by 15.00 foot wide Access & Utility Easement
Granted in favor of Tax Lot 9700 Den Family LLC – Newell Tract
March 10, 2021

Beginning at the Northeast corner of Lot 18, Block 5 of Tierra Del Mar, located in Section 6, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon; thence North 72°03'00" West, along the Westerly extension of the North line of said Lot 18, a distance of 44.00 feet to the True Point of Beginning; and running thence North 17°57'00" East 15.00 feet; thence North 72°03'00" West, parallel with the aforesaid North line of Lot 18, a distance of 10.00 feet; thence South 17°57'00" West a distance of 15.00 feet to the point of intersection with the platted North line of said Lot 18; thence South 72°03'00" East, along said North line of Lot 18, a distance of 10.00 feet to the point of beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Douglas H. Kellow

OREGON
February 3, 1983
DOUGLAS H. KELLOW
2027

Renewal: 06/30/21

EXHIBIT 'A'

04S10W06CB
PIERRA DEL MAR

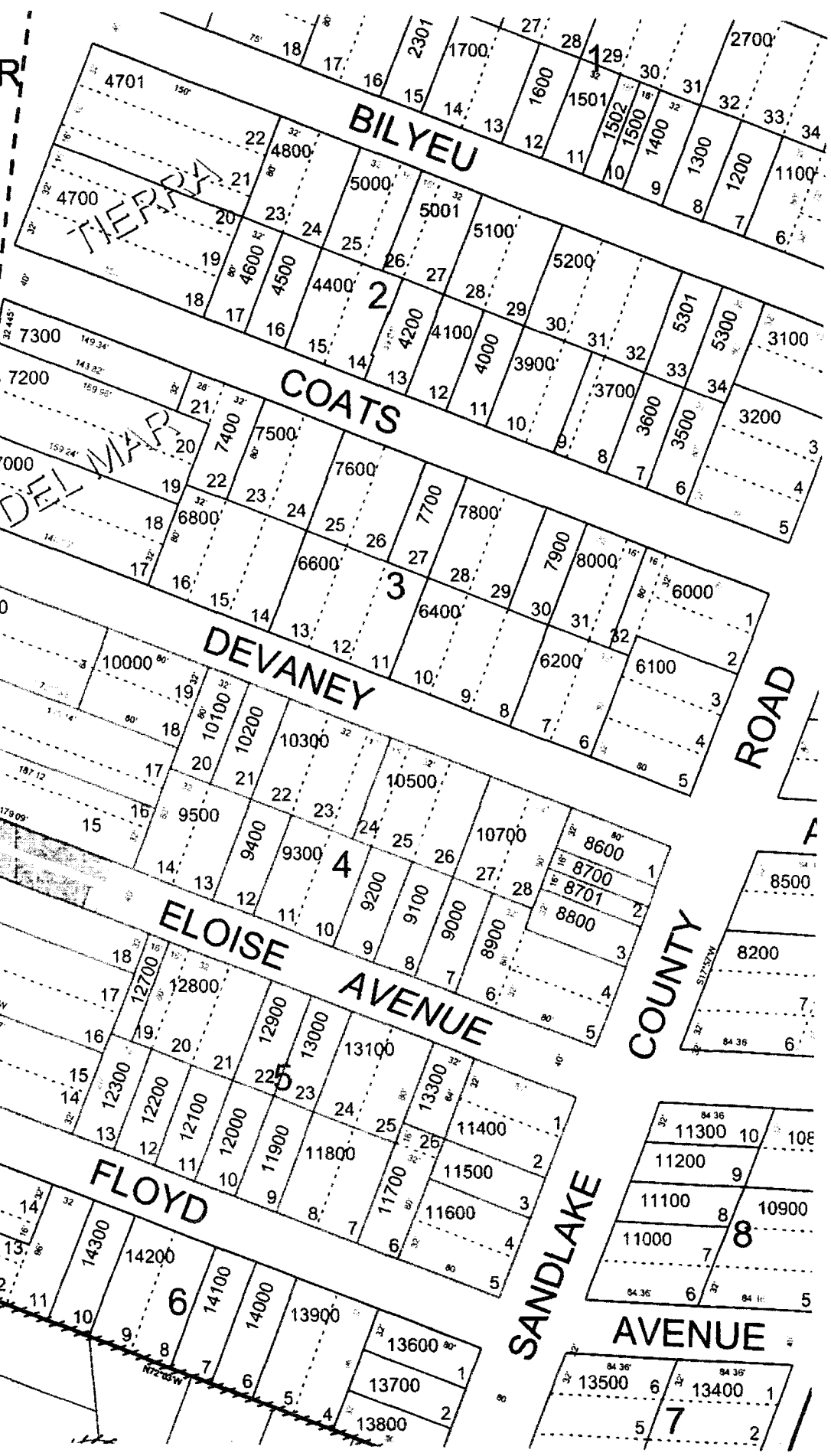
PACIFIC OCEAN

DRIVE BEACH ZONE

OCEAN

APPROX

0.17 AC.



BILYEU

COATS

DEVANEY

ELOISE AVENUE

FLOYD

SANDLAKE AVENUE

COUNTY ROAD

PIERRA DEL MAR

DEER WALK

AVENUE

APPROX

0.17 AC.

Aerial Image of Tierra Del Mar

Area shown in Surveyor's Plat C-0122



Vacation Area

4S1006CB09700

4S1006CB12600



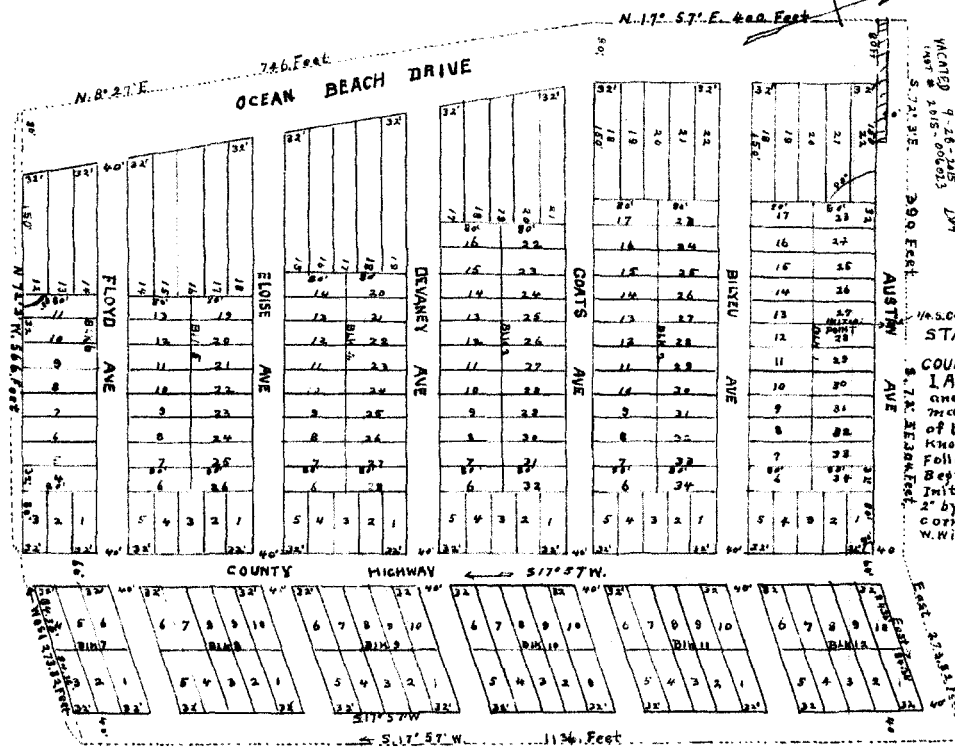
121

MAP OF TIERRA DEL MAR

In Section 6 and 1, Tp. 4. S. R. 10. and 11, W. W. M. Ore

Scale: 1"=100. Ft

Figures take precedence.



SURVEYORS CERTIFICATE
 STATE OF OREGON } SS
 COUNTY OF TILLAMOOK }
 I, A.M. Austin, being first duly sworn deposes and say that I have correctly surveyed and marked with proper monuments the tract of land shown on the within map to be known as TIERRA DEL MAR and bounded as follows. To wit
 Beginning at a point N. 17° 57' E. 400 feet from the Initial Point which is a galvanised iron pipe 2" by 3" driven in the ground at the 1/4 Section corner on the west line of Section 6, Tp. 4. S. R. 10. W. Will. Mar. Ove.
 Thence S. 72° SE 300 feet.
 Thence East 273.8 feet.
 Thence S. 17° 57' W. 1136 feet.
 Thence West 273.8 feet.
 Thence N. 72° 3' N. 566 feet.
 Thence N. 8° 27' E. 706 feet.
 Thence N. 17° 57' E. 400 feet.
 Thence S. 72° SE 300 feet to the Beginning Point.
 A.M. Austin Surveyor

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That I, Marie F. Pollock a single person am the owner in fee simple of the tract of land described in the Surveyors certificate above and do hereby dedicate, and declare the within map to be the true and official map of TIERRA DEL MAR and I hereby dedicate to the public for ever without reservation all roads and streets shown hereon as such. IN WITNESS WHEREOF I hereunto set my hand and seal this 6th day of April 1935
Marie F. Pollock

Subscribed and Sworn to before me this 6th day of April, 1935
J. H. Payne Notary Public for Oregon.
 My Commission expires May 19th, 1937.

STATE OF OREGON }
 COUNTY OF TILLAMOOK } SS

Be it known that on the 6th day of April 1935 before me the undersigned Notary Public in and for said County and State personally appeared the within named Marie F. Pollock well known by me to be the identical person described in and who executed the within instrument and acknowledged to me that he executed the same

J. H. Payne Notary Public for Oregon
 My Commission expires May 17, 1937.

Approved W. E. Ludman County Surveyor
 Approved J. M. Lane County Assessor
 Approved by the County Court of Tillamook County Aug 1, 1935
Holden County Judge
E. Johnson County Commissioner
E. Johnson County Commissioner

Taxes are paid in full.
J. H. Payne County Sheriff
 Attest W. L. Homan County Clerk

Proposed Eloise Avenue Vacation

Terminus of Eloise Avenue between lots 9700 and 12600 except for a 10' wide pedestrian access.

An Existing Access Easement

Area of vacated ROW

4S1006CB09700

4S1006CB12600

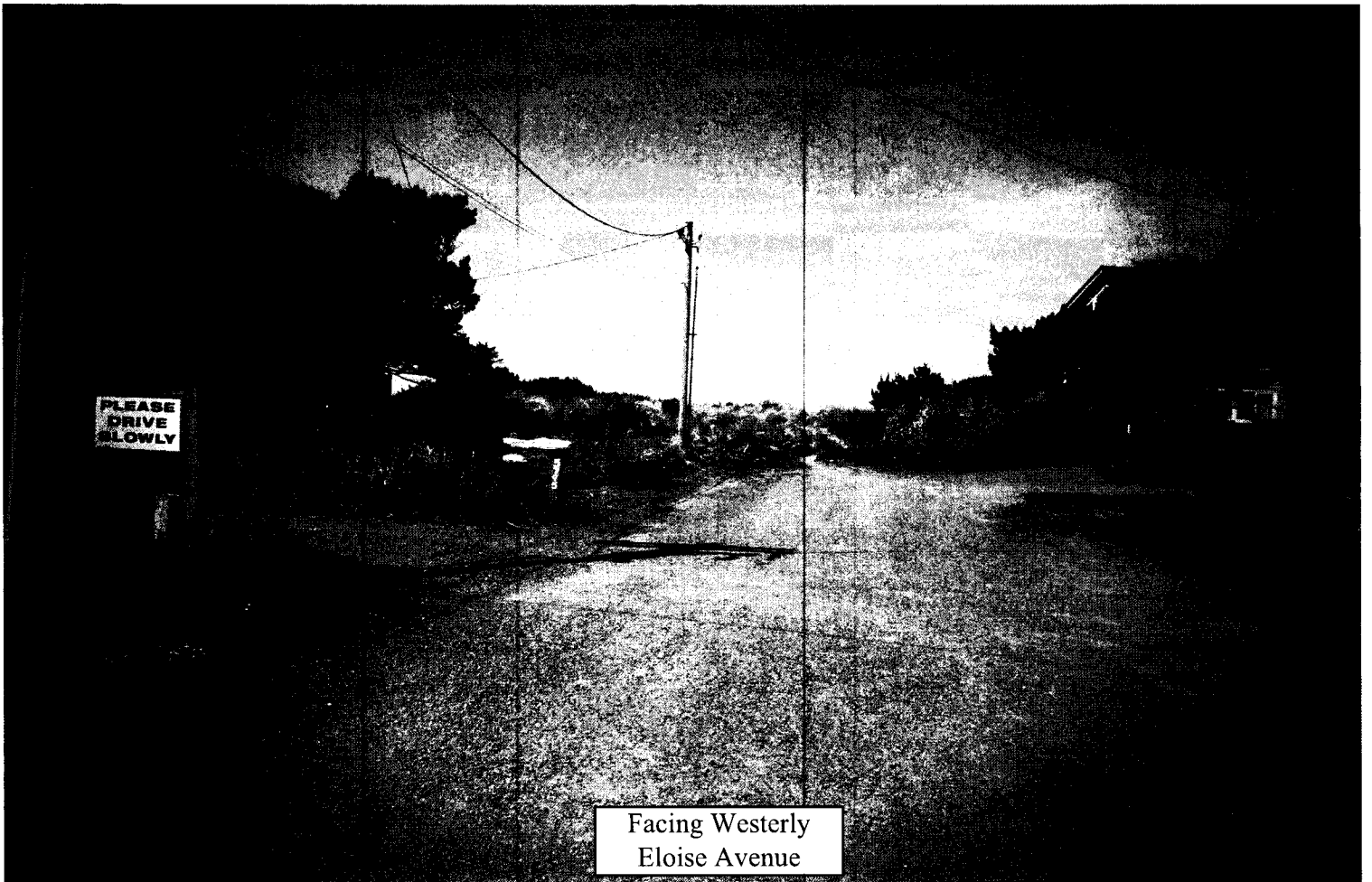
Access and Utility Easement area

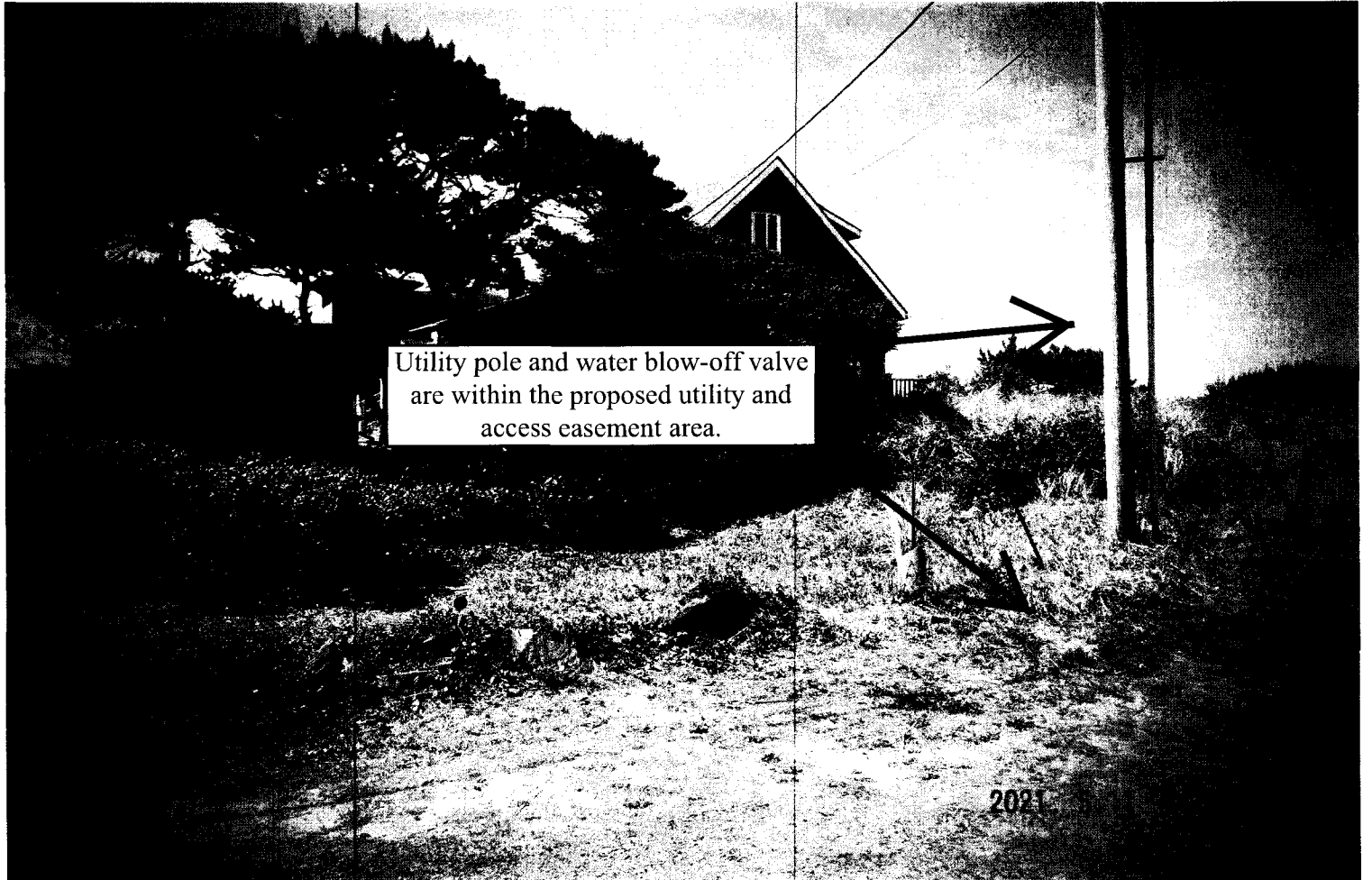
Devaney Ave

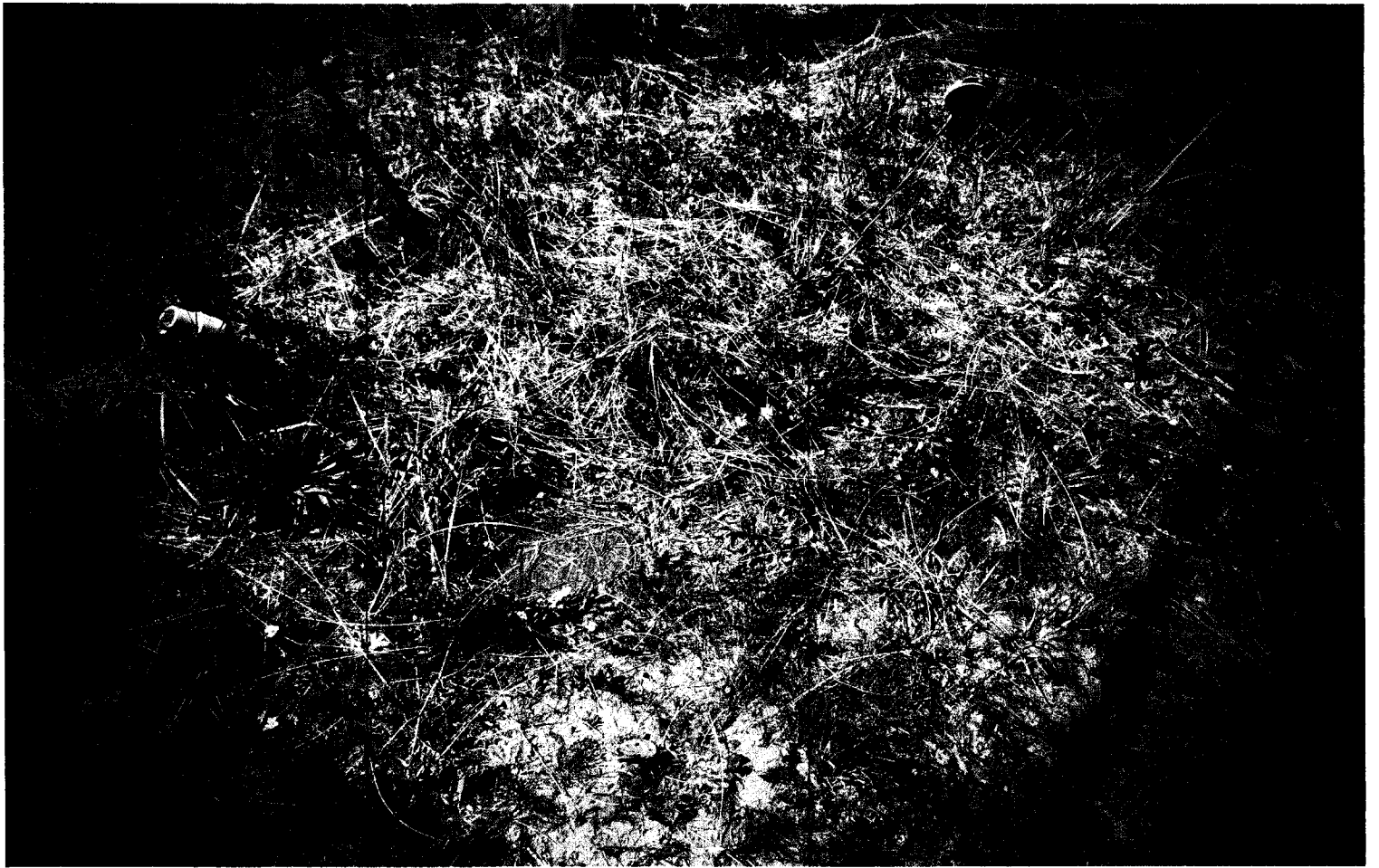
Eloise Ave

100 ft



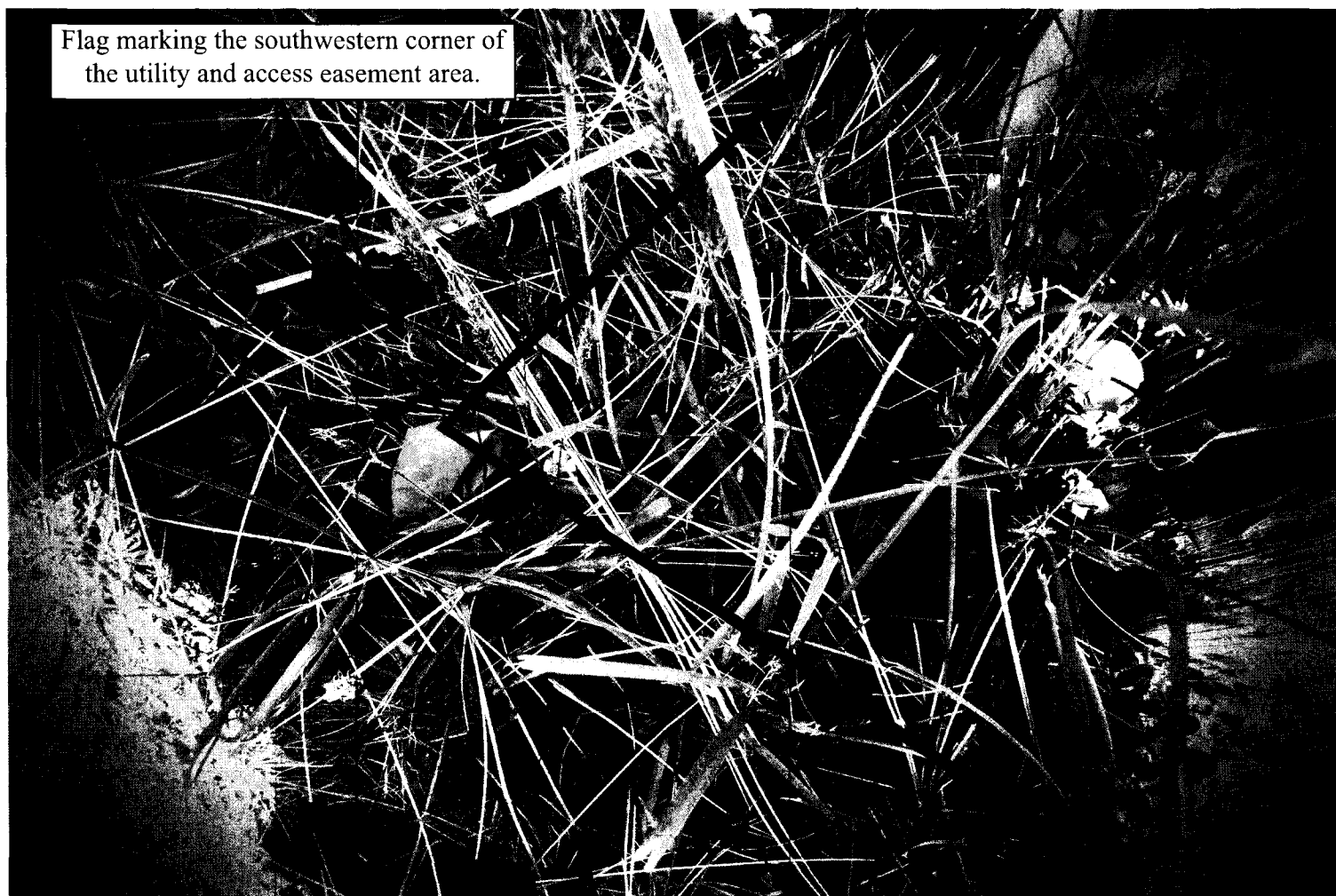








Flag marking the southwestern corner of the utility and access easement area.



Flag marking the southwestern corner of the utility and access easement area.

Flagging demarcating the remaining pedestrian Right of Way.



Facing Easterly
Eloise Avenue

