

Tillamook County, Oregon
12/13/2021 03:18:03 PM
DEED-VACAT

2021-010224

\$90.00 \$11.00 \$61.00 \$10.00 \$25.00 \$16.50 - Total = \$213.50



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:

Austin J. Cherry
Tax Lot #T1S R10W 02A 000600
7535 Baseline Road
Bay City, OR 97107

John and Gretchen Power
Tax Lot #T1S R10W 02A 000500
7945 Baseline Road
Bay City, OR 97107

Richard Ott
Tax Lot #T1S R10W 02A 000800
7930 Seattle Avenue
Bay City, OR 97107

Michael and Sherry Smith
Tax Lot #T1S R10W 02A 000400
4655 Salmon Street
Bay City, OR 97107

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

In the Matter of the Vacation of
An Unnamed Alley, Unincorporated Bay City
Tillamook County, Oregon

) ORDER
) #21- Olof
)

This matter came before the Tillamook County Board of Commissioners on December 8, 2021, at the request of Chris Laity, Public Works Director, Public Works, Road Department, at which time it appears that Road Vacation #565 was filed by property owners on October 28, 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 #565 was properly filed with the Tillamook County Clerk on October 28, 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 8th DAY OF December, 2021.

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent

M.F. Bell
Mary Faith Bell, Chair

8 /

David Yamamoto
David Yamamoto, Vice-Chair

8 /

Erin D. Skaar
Erin D. Skaar, Commissioner

✓ /



ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By: Kelly Dultz
Special Deputy

Joel W. Stevens
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 #565 PUBLIC WORKS STAFF REPORT

Date: November 23rd, 2021

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

I. GENERAL INFORMATION

- Request: Petition to vacate an unnamed and undeveloped alleyway between Baseline Road and Seattle Avenue near Bay City.
- Area of Interest: An area of dedicated Public Right of Way between blocks 4 and 5 in Bewley's Addition located as shown in map T01S R10W Sec. 02A.
- 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 #565 requests the vacation of an undeveloped public right of way recorded as an unnamed alley located between Baseline Road and Seattle Avenue outside of the incorporated boundaries of Bay City. The right of way in question and all of the parcels identified in the petition are created in the 1891 Plat of Bewley's Addition to Bay City. The original names of Baseline Road and Seattle Ave in this plat were Bewley Ave and Morton Ave respectively. The alleyway proposed for vacation separated Block 4 and 5 between these two streets and was not named when created.
- 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.

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 has no impact on access to rivers, beaches, or other recreational property.

V. STATUS OF PUBLIC UTILITIES

- 1) Due to absence of developed transportation or private land in the petition vicinity, there are no existing public utilities in the existing Right of Ways indicated in the petition. Future development shall include private agreements between individual landowners and their chosen utility providers.

VI. PETITION CONCLUSION AND RECOMMENDATIONS:

- 1) Tillamook County Engineering staff has reviewed the subject petition, its supporting documentation, and visited the site.
- 2) The subject property is located between block 4 and block 5 of Bewley's Addition. It is bounded on the North by Baseline Road right of way and on the South by Seattle Avenue right of way.
- 3) The expressed intent of the Petitioner is to remove all remaining public right of way as described in the survey documents provided with the Petition.
- 4) Engineering staff recommends **Approval** of Vacation Petition #565 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 BOCC 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.

VII. EXHIBIT LIST:

1. Petition Verification letters from Tillamook County Clerk & Assessor
2. Original Petition
3. Legal descriptions to be vacated.
4. Maps including surveyor's map, tax map, and the original Plat #C-0278
5. Images from satellite and local perspective



Land of Cheese, Trees and Ocean Breeze

Exhibit 1

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

October 29, 2021

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

Received

NOV -1 2021

Tillamook County
Board of Commissioners

RECEIVED

NOV 02 2021

TILLAMOOK COUNTY ROAD DEPT

**RE: Petition No. 565 – Petition to vacate of an unnamed 30 foot alley way
running North to South between Baseline Road and Seattle Avenue**

Dear Commissioners:

Enclosed is a certified copy of Amended Petition No. 565 filed October 28, 2021, to vacate of an unnamed 30 foot alley way running North to South between Baseline Road and Seattle Avenue.

Certification from the Assessor regarding ownership was received on October 29, 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

October 29, 2021

RECEIVED
OCT 29 2021
TASSI O'NEIL
COUNTY CLERK

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

RE: Petition No. 565 – Petition to vacate an unnamed 30 foot alley way running North to South between Baseline Road and Seattle Avenue.

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

#565

Exhibit 2

FILED

OCT 28 2021

TASSI O'NEIL
COUNTY CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

IN THE MATTER OF THE VACATION OF)
AN UNNAMED 30 foot alleyway running)
North to South between Baseline Road)
and Seattle Avenue)

PETITION TO VACATE

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

All of the unnamed alleyway between blocks 4 and 5 of
Bowley's Addition to Bay City, see attached exhibit map
and Tillamook County Assessor's map 1S 102A.

(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:

The alleyway was created for additional access between blocks 4 & 5. However, the 4 adjoining lots petitioning for vacation represent the entirety of the accessed land and are not allowed to be further subdivided due to Bay City Development Ordinance. All four properties currently have access and utilities through their frontage on either Baseline Road or Seattle Avenue. Vacation of this alley would reduce areas of County liability while increasing property values and County revenue without impacting community transportation and utility infrastructures.

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 Public Works | Public Right of Way |
| City of Bay City | Public Right of Way |

(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:

There is currently no improvements constructed on the property in question, this includes all utilities according to Oregon Utility Notification Center.

(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) |
|---|---|
| <u>Austin J. Cherry - 7535 Baseline Road - Bay City 97107</u> | <u>01S10W02A TL#600</u> |
| <u>John E. & Gretchen M. Power, 7945 Baseline Rd - Bay City</u> | <u>01S10W02A TL#500</u> |
| <u>Richard Ott, 7930 Seattle Avenue Bay City 97107</u> | <u>01S10W02A TL# 800</u> |
| <u>Michael C. & Sherry L. Smith, 7940 Seattle Ave, Bay City 97107</u> | <u>1S10W02A TL# 400</u> |
| <u>(mailing address - P.O. Box 3379 - Bay City OR 97107)</u> | |

(Use separate sheet if more space is needed)

VI. Attached to this Petition are 4 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:

01S1002A Bewley's Addition, Alleyway between Blocks 4 and 5

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

01S1002A Bewley's Addition, Block 4, lots 1 and 2, Tax lot 600

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 12 day of AUGUST, 2021

Austin J. Cherry

Signature Address

7535 Baseline Road, Bay City, Oregon 97107

ACKNOWLEDGEMENT

NOTARY PUBLIC)

STATE OF OREGON)

ss.

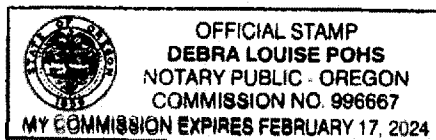
County of Tillamook)

On AUGUST 12, 2021, the above named person appeared before me and acknowledged the foregoing instrument to be a voluntary act and deed.

Debra Louise Pohs

Notary Public for the State of Oregon

My Commission Expires: FEB. 17, 2024



TILLAMOOK COUNTY

PETITION TO VACATE

SIGNATURE SHEET

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

01S1002A Bewley's Addition, Alleyway between Blocks 4 and 5

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

01S1002A Bewley's Addition, Block 5, lots 1 and 2, Tax lot 500

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 8th day of August, 2021

John E. Power John E Power

Gretchen M. Power Gretchen M Power

Signature Address
7945 Baseline Road, Bay City, OR 97107

ACKNOWLEDGEMENT

NOTARY PUBLIC)

STATE OF OREGON) ss.

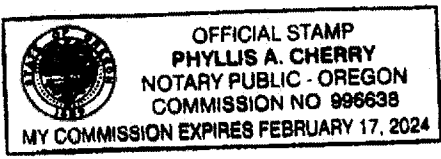
County of Tillamook)

On August 8, 2021, the above named person appeared before me and acknowledged the foregoing instrument to be a voluntary act and deed.

Phyllis A. Cherry

Notary Public for the State of Oregon

My Commission Expires: 02/17/2024



TILLAMOOK COUNTY

PETITION TO VACATE

SIGNATURE SHEET

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

01S1002A Bewley's Addition, Alleyway between Blocks 4 and 5

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

01S1002A Bewley's Addition, Block 4, lots 3 and 4, Tax lot 800

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 7th day of August, 2021

Richard Ott Richard Ott

Signature Address

7930 Seattle Avenue

PO Box 76, Tillamook, OR 97141

ACKNOWLEDGEMENT

NOTARY PUBLIC)

STATE OF OREGON)

ss.

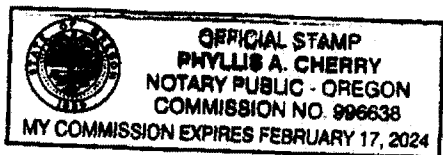
County of Tillamook)

On August 17, 2021, the above named person appeared before me and acknowledged the foregoing instrument to be a voluntary act and deed.

Phyllis A. Cherry

Notary Public for the State of Oregon

My Commission Expires: 02/17/2024



TILLAMOOK COUNTY

PETITION TO VACATE

SIGNATURE SHEET

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

01S1002A Bewley's Addition, Alleyway between Blocks 4 and 5

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

01S1002A Bewley's Addition, Block 5, lot 4, Tax lot 400

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 8 day of August, 2021

Michael C. Smith *Michael C. Smith*

Sherry L. Smith *Sherry L. Smith*

Signature Address
7940 Seattle Avenue
PO Box 3373, Bay City, OR 97107

ACKNOWLEDGEMENT

NOTARY PUBLIC)

STATE OF OREGON) ss.

County of Tillamook)

On August 8, 2021, the above named person appeared before me and acknowledged the foregoing instrument to be a voluntary act and deed.

Phyllis A. Cherry

Notary Public for the State of Oregon

My Commission Expires February 17, 2024

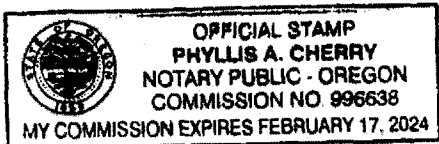


Exhibit 3

BAYSIDE SURVEYING LLC

"Quality where every inch counts"

DALLAS W. ESPLIN, MANAGER

**11765 HWY 101 SOUTH
TILLAMOOK, OR 97141**

OFFICE 503-842-5551

FAX 503-842-5552

BAYSIDESURVEYING@GMAIL.COM

BAYSIDESURVEYING.LAND

August 16, 2021

LEGAL DESCRIPTION FOR:

CHERRY

VACATE ALLEY BETWEEN BLOCKS 4 AND 5

ALL OF THE ALLEYWAY AND OR UN-NAMED STREET AND OR ROADWAY BETWEEN BLOCKS 4 AND 5, BEWLEY'S ADDITION TO BAY CITY, TILLAMOOK COUNTY PLAT RECORDS, SEE MAP C-278, TILLAMOOK COUNTY SURVEY RECORDS.

THIS DESCRIPTION IS BASED ON MAP C-278, TILLAMOOK COUNTY SURVEYORS OFFICE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dallas Esplin

OREGON
DECEMBER 3, 2014
DALLAS W. ESPLIN
83827

RENEWAL DATE: DECEMBER 31, 2021

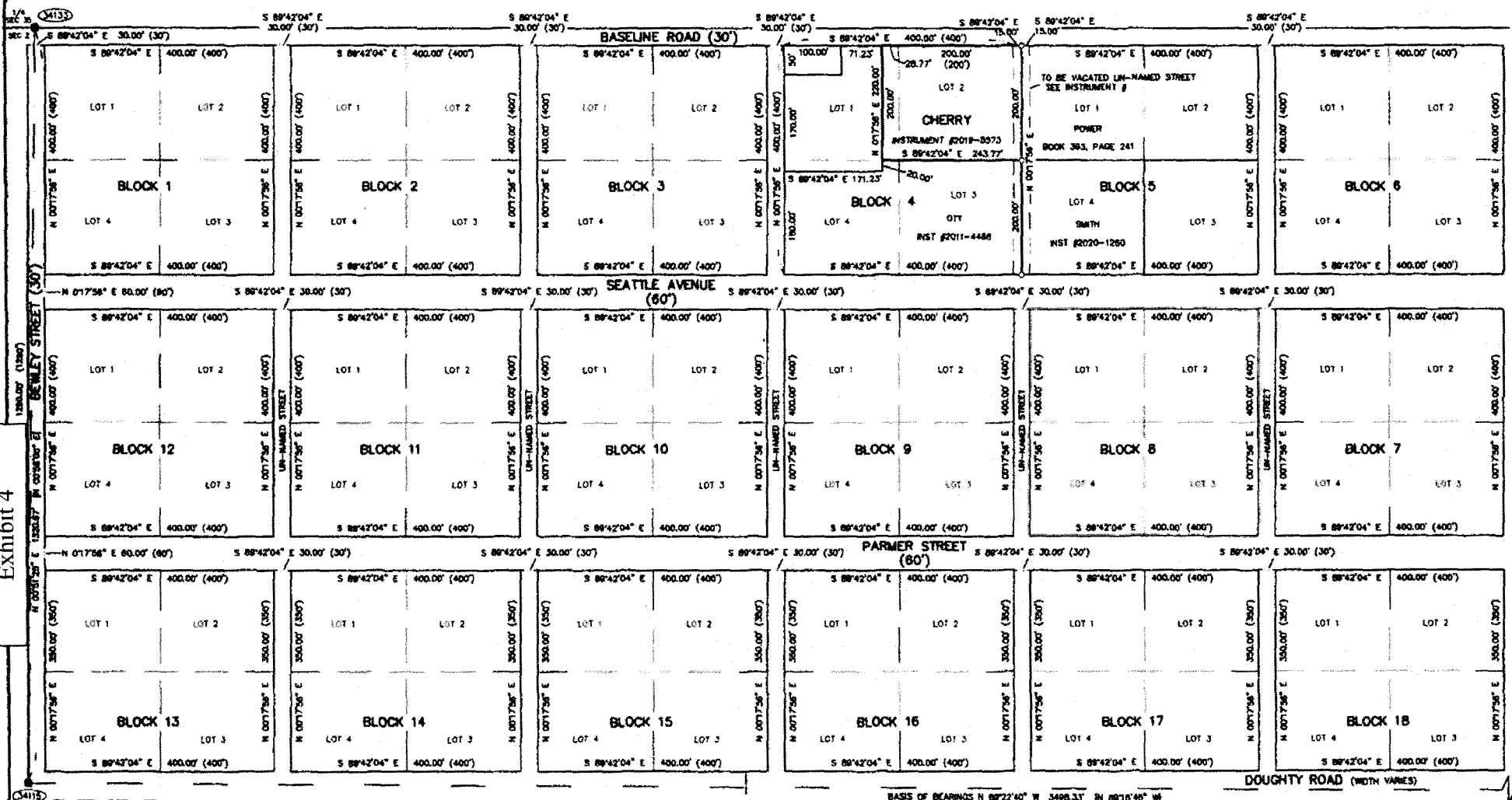


Exhibit 4

BASIS OF BEARINGS

THE BASIS OF BEARINGS IS NORTH AS DETERMINED BY D.P.S. OBSERVATIONS USING THE OREGON COAST ZONE COORDINATE SYSTEM. THIS GIVES A BEARING OF NORTH 89°22'40" WEST BETWEEN MONUMENTS 34144 AND 34115.

THIS IS A ROTATION OF 0°05'55" COUNTERCLOCKWISE FROM MAP A-2535.

**OREGON COORDINATE REFERENCE SYSTEM
OREGON COAST ZONE**

OBLIQUE MERCATOR PROJECTION
NORTH AMERICAN DATUM OF 1983
LATITUDE OF LOCAL ORIGIN: 44°45'00" N
LONGITUDE OF LOCAL ORIGIN: 124°03'00" W
FALSE NORTHING: -4,800,000.000 METERS
FALSE EASTING: -300,000.000 METERS
SHEW AXIS SCALE: 1:000,000 (EXACT)
SHEW AXIS AZIMUTH AT LOCAL ORIGIN: +5°30'00"
(THE ABOVE INFORMATION IS RECORDED FROM OREGON COORDINATE REFERENCE SYSTEM HANDBOOK AND MAP SET, VERSION 3.01 2-28-2017, APPENDIX A, PAGE A-52, SEE 0007 RECORDS)

NARRATIVE

THIS IS A DEPENDENT SURVEY OF THE ALLEYWAY BETWEEN BLOCKS 4 AND 5 BEWLEY ADDITION TO BAY CITY, TILLAMOOK COUNTY PLAT RECORDS. SEE MAP C-278, TILLAMOOK COUNTY SURVEY RECORDS. THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE NEW BOUNDARY AFTER THE VACATION OF SAID ALLEYWAY.

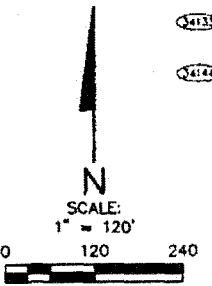
THE PLAT OF BEWLEY'S ADDITION (MAP C-278) WAS LAID OUT FROM THE SSW CORNER OF WEBBER D/LC (MONUMENT 34115) USING RECORD VALUES FROM MAP A-2535, ROTATED 0°05'55" COUNTERCLOCKWISE TO MY BASIS OF BEARING.

LEGEND

- SET 5/8" DIA. REBAR WITH PLASTIC CAP MARKED "DALLAS ESPLIN LS 63827"
- ⊙ FOUND MONUMENT AS NOTED, HELD
- () RECORD VALUE FROM PLAT OF BEWLEY'S ADDITION, MAP C-278
- || RECORD VALUE FROM MAP A-2535
- NO () OR || MEASURED VALUE

MONUMENT NOTES

- (34115) FOUND 3" TILLAMOOK COUNTY BRASS CAP STAMPED "SSW CORNER WEBBER D/LC #5 287 1974" IN MONUMENT BOX IN CENTERLINE-CENTERLINE BEWLEY ST AND DOUGHTY RD. SEE REWITNESS BOOK 6, PAGE 409, HELD
- (34135) FOUND 2" TILLAMOOK COUNTY BRASS CAP "1IN R10W 1/4 S35 S2 T16 R10W 2011" AT CENTERLINE CENTERLINE BASELINE ROAD AND BEWLEY STREET, SEE REWITNESS BOOK 7 PAGE 807, HELD FOR 1/4 CORNER
- (34144) FOUND 3" TILLAMOOK COUNTY ALUMINUM CAP MARKED "SE COR WEBBER D/LC 2008", FLUSH WITH PAVEMENT IN CENTERLINE DOUGHTY ROAD, HAT SECTION BEARS N4E 22.5° AND 14° FBI BEARS N4E 26.7°, HELD



REGISTERED PROFESSIONAL LAND SURVEYOR
Dallas Esplin
OREGON
DECEMBER 3, 2014
DALLAS W. ESPLIN
83827
RENEWED DECEMBER 31, 2021

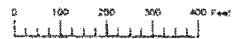
BAYSIDE SURVEYING LLC
11765 HWY 101 SOUTH
TILLAMOOK, OR 97141
503-842-5551

SURVEY FOR:
AUSTIN CHERRY
ALLEY BETWEEN BLOCKS 4 AND 5, BEWLEY'S ADDITION
BAY CITY
NE 1/4 SECTION 2
T1S, R10W, W.M.
TILLAMOOK COUNTY, OREGON

| | | | | | |
|------|-------------------------|-------|-------|---------|------------|
| DATE | EQUIPMENT | FIELD | DRAWN | CHECKED | JOB NUMBER |
| DATE | FC-8000 HYPER-V, ES-103 | DCA/ | DWE | DWE | 2798 |

CHERRY-VACATION.DOC
PSYCHERRY-VAC.DWG
FILE.CRS

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

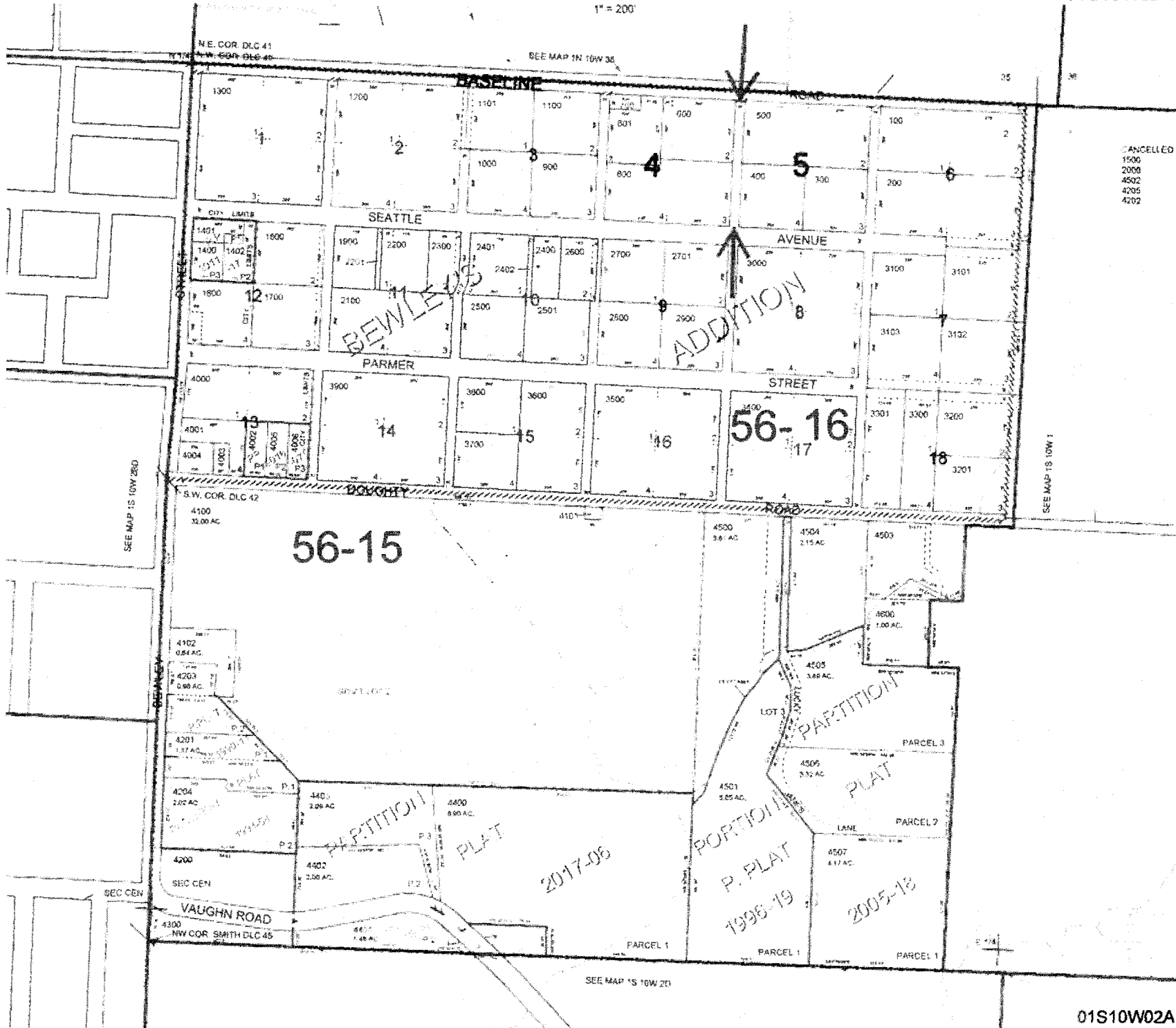


N.E. 1/4 SEC. 2 T.15S. R.10W. W.M.

TILLAMOOK COUNTY

1" = 200'

01S10W02A



CANCELLED
1500
2000
4502
4205
4202

SEE MAP 15 10W 28D

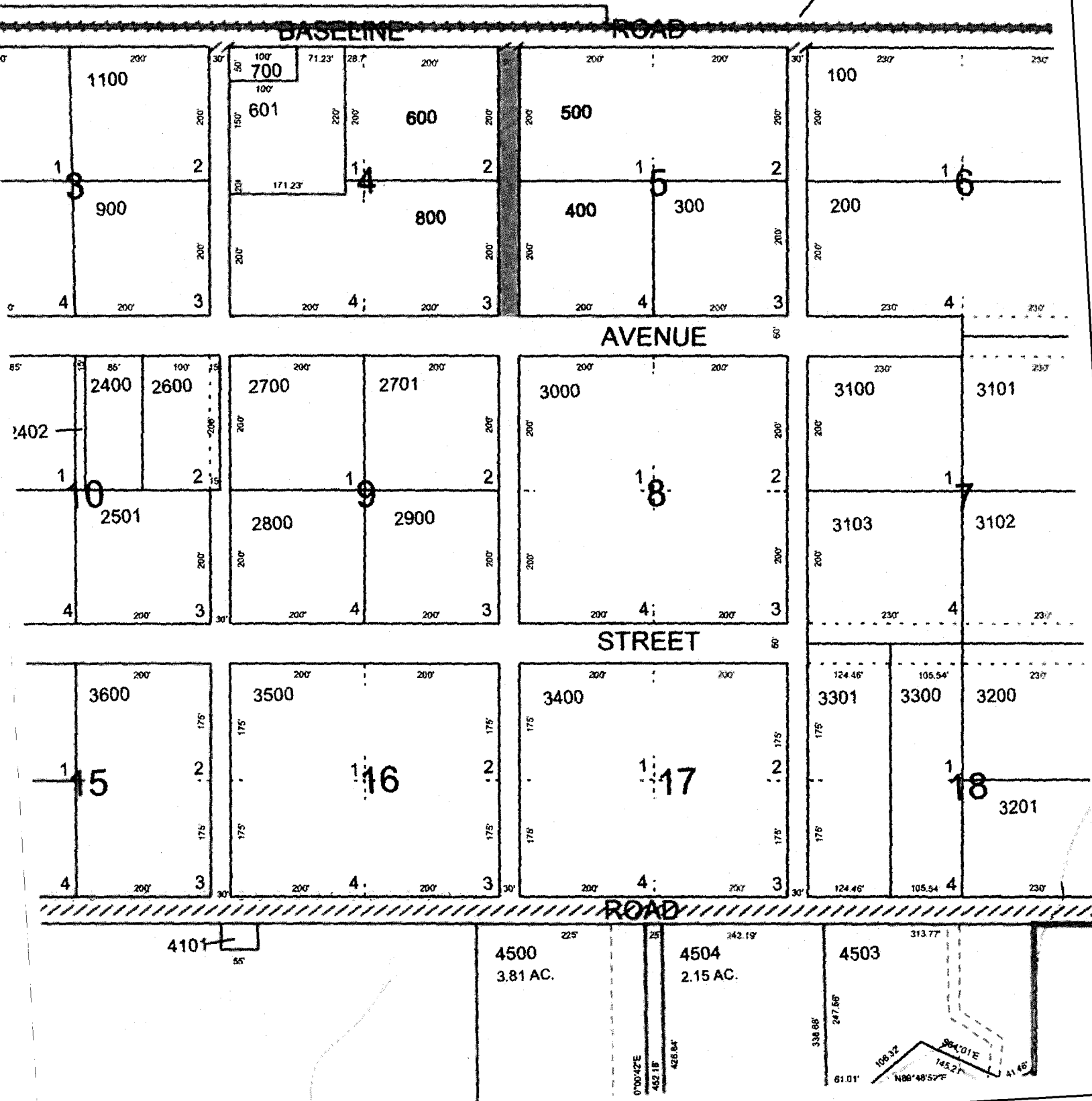
SEE MAP 15 10W 1

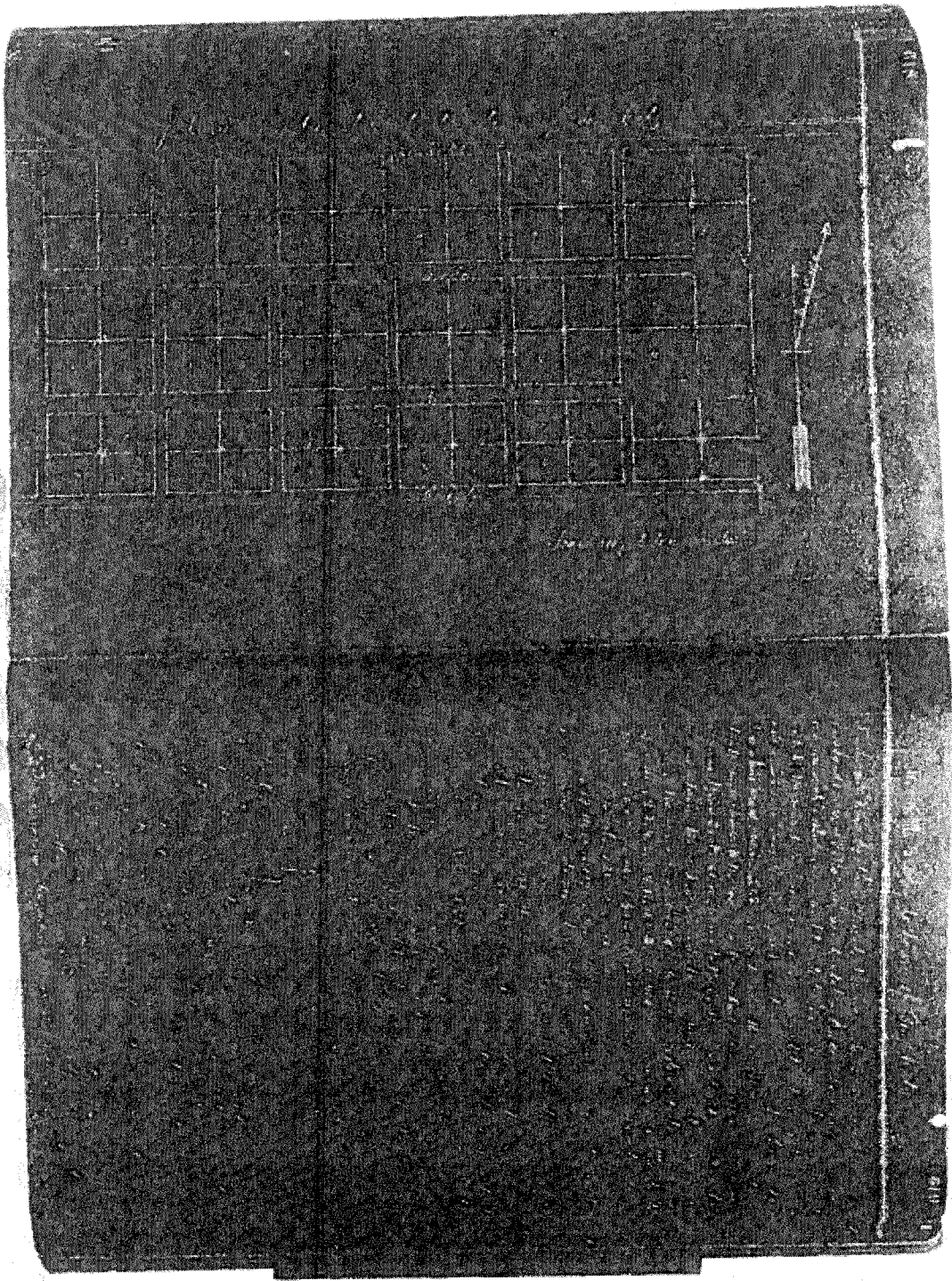
SEE MAP 15 10W 2D

01S10W02A

01S10W02A

SEE MAP 1N 10W 35

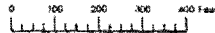




C-278

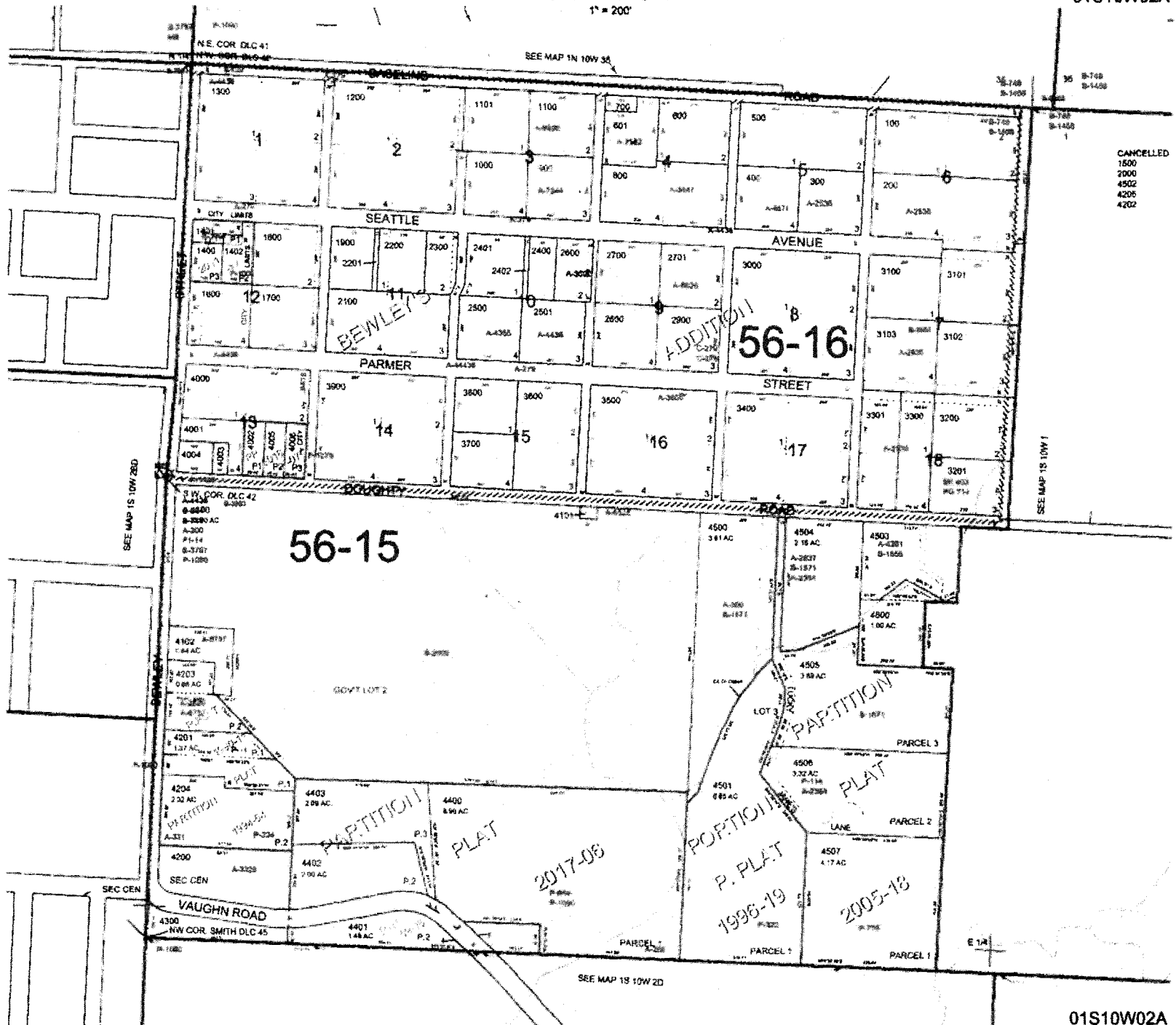
C-278

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



N.E. 1/4 SEC. 2 T. 1 S. R. 10 W. W.M.
TILLAMOOK COUNTY
1" = 200'

01S10W02A



CANCELLED
1500
2000
4502
4205
4202



CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
TASSI O'NEIL
BY *Tassi O'Neil*
DEPUTY



01S10W02A

Standard 08/07/20 V6