



Tillamook County, Oregon  
04/04/2024 01:56:03 PM  
DEED-VACAT

2024-001347

\$85.00 \$11.00 \$61.00 \$10.00 \$25.00 \$24.50 - Total = \$216.50



00242404202400013470170174

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

Christy Nyseth, Tillamook County Clerk

AFTER RECORDING, RETURN AND  
SEND ALL TAX STATEMENTS TO:

R3 Costal LLC, Robert Shannon  
T1S R10W Sec.26 TL#2300 & #500  
62570 Eagle Road  
Bend, OR 97701

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

In the Matter of the Vacation of )  
McKinley Moorage Road Tillamook )  
County, Oregon )

ORDER #23- 081

This matter came before the Tillamook County Board of Commissioners on December 20, 2023, at the request of at the request of Chris Laity, Director of Tillamook County Public Works, Road Department, at which time it appears that Road Vacation #571 was filed by property owners on March 27, 2023, in accordance with ORS 368.341. The road to be vacated is described in the attached Exhibit A.

The Board of Commissioners being fully apprised of the above-named person, the records and files herein, finds as follows:

1. Road Vacation Petition #571 was properly filed with the Tillamook County Clerk on March 27, 2023, 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 right of way under the jurisdiction of Tillamook County.
5. Public Notices were not required as a part of this petition as indicated in ORS 368.351.

6. The Tillamook County Public Works Director 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 engineer's report provided by the Director of Tillamook County Public Works, as well as 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 20th day of December, 2023

THE BOARD OF COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

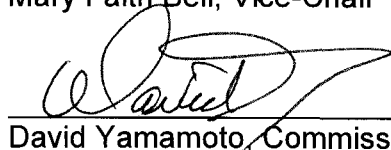
Aye    Nay    Abstain/Absent

  
Erin D. Skaar, Chair

✓          /

  
Mary Faith Bell, Vice-Chair


0          /

  
David Yamamoto, Commissioner

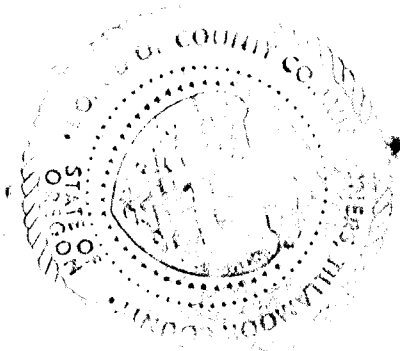
✓          /

ATTEST: Christy Biggs,  
County Clerk

APPROVED AS TO FORM:

By:   
Special Deputy

  
William K. Sargent, County Counsel





## PUBLIC WORKS DEPARTMENT

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](mailto:pubwks@co.tillamook.or.us)  
TTY Oregon Relay Service

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*Land of Cheese, Trees, and Ocean Breeze*

### PETITION TO VACATE PUBLIC RIGHT OF WAY #571 PUBLIC WORKS STAFF REPORT

**Date: November 30<sup>th</sup>, 2023**

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

#### **I. GENERAL INFORMATION**

Request: Petition to vacate the remaining portion of McKinley Moorage Road east of the Tillamook River.

Area of Interest: An area of dedicated public right of way located 0.8 miles west of The City of Tillamook as shown in the map for Township 1 south, Range 10 west, Section 26 of the Willamette Meridian.

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 #571 requests the vacation of a public right of way currently named McKinley Moorage Road. This road alignment was originally recorded in 1909 on map F41-107 as one portion of Tillamook County Market Road #2. This market road served to connect the communities of Tillamook and Netarts. This particular section of that road was the eastern connection to a 162' swing span rotating drawbridge over the Tillamook River.
- 2) **Prior Vacation / Dedication / Property Line Adjustment** – Since the time of the original road survey the two adjacent lots were divided by the southern boundary of the right of way. In 1940 the road was designated as a Secondary Highway by the Oregon Highway Commission. In 1958 the realignment of a portion of Netarts Highway called the McKinley Moorage - Radio Station section, resulted in the present alignment of Highway 131 and connected it to a new bridge crossing Tillamook River. The remaining right of way south of this alignment reverted to Tillamook County Jurisdiction as McKinley Moorage Road. This road was named as such due to southern property ownership and their private moorage, the pilings of which remain visible in the Trask River Slough today.

**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 affected landowners are participating in the petition.

**IV. PUBLIC ACCESS / TRANSPORTATION SYSTEM or FINANCIAL IMPACT:**

- 1) There is no impact to the County wide transportation system.
- 2) There are no financial costs to Tillamook County.
- 3) This petition does not impact any existing access to rivers, beaches, or recreational property.

**V. STATUS OF PUBLIC UTILITIES**

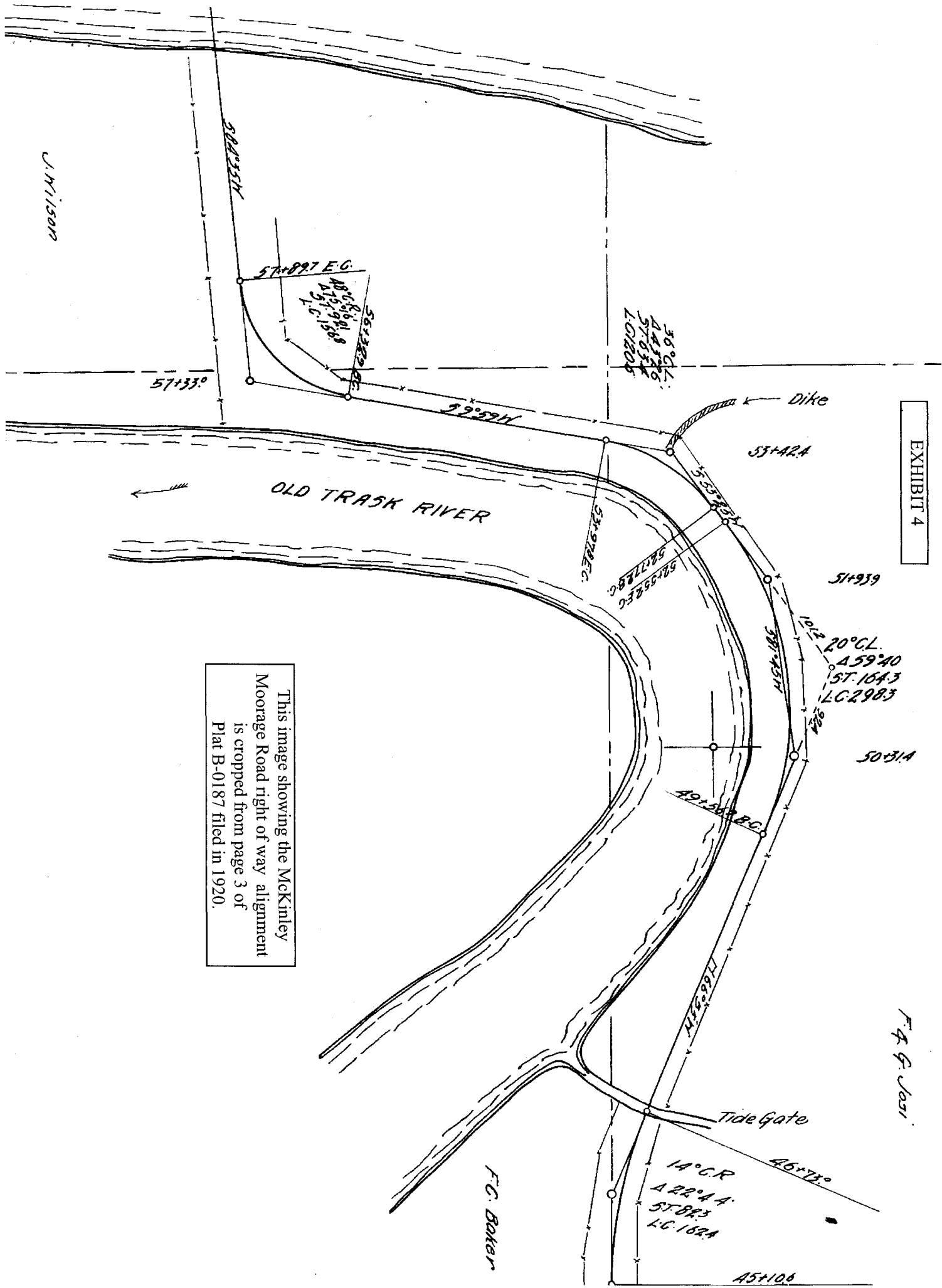
- 1) All utilities currently within the petition vicinity will either be relocated into the remaining Public Right of Way or will be covered by an easement if they are within any resultant private property. This explicitly includes Tillamook County People's Utility District lines which cross this private property as they span the Tillamook River.

**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 between the eastern bank of the Tillamook River, the western bank of the Trask River Slough and the southern boundary of the public right of way for Oregon State Highway 131.
- 3) The expressed intent of the petitioner is to remove the public right of way as described in the survey documents provided with the Petition.
- 4) Engineering staff recommends **Approval** of Vacation Petition #571 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 within one calendar year.
  - c) It is the sole responsibility of the petitioners to establish and maintain utility easements as may be necessary to facilitate existing and future utilities over and across the land affected by approval of this petition.
  - d) It is the sole responsibility of the petitioners to work with Oregon Department Of Transportation to establish both an approved road approach permit for vehicular access via Highway 131, and a bridge maintenance easement for temporary staging during future bridge repairs.

**VIII. EXHIBIT LIST:**

1. Petition Verification letters from Tillamook County Clerk & Assessor
2. Original Petition
3. Legal description and surveyor's map for the right of way to be vacated.
4. Maps including historic survey maps, tax map, and satellite images.

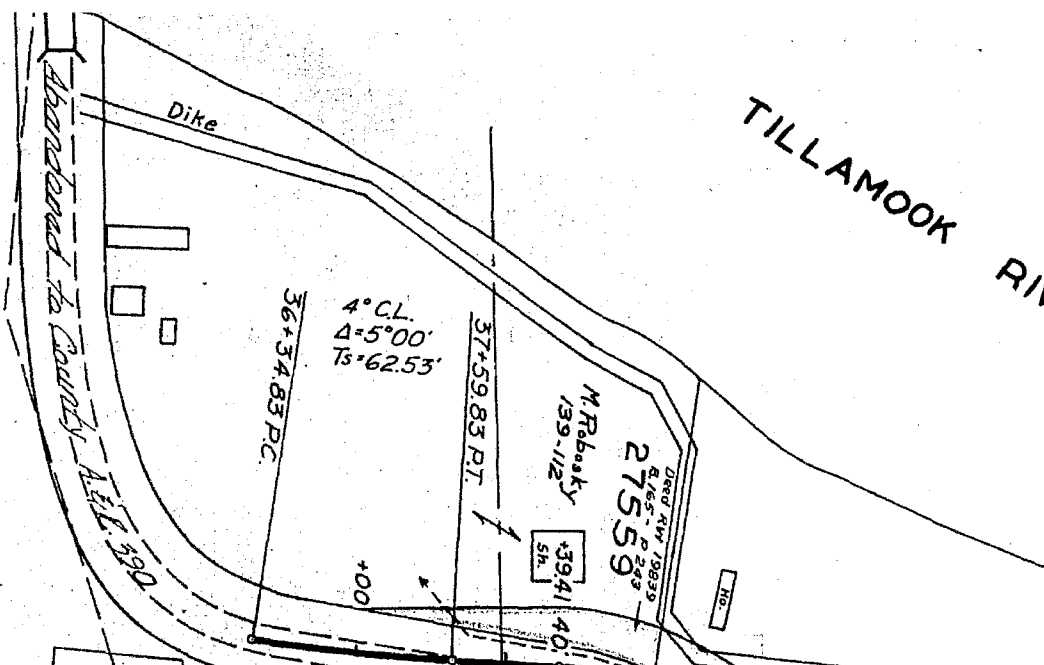


This image showing the McKinley Moorage Road right of way alignment is cropped from page 3 of Plat B-0187 filed in 1920.

F. G. Jones

TILLAMOOK RIVER

H.R. & Flora M. Kinley  
40-372



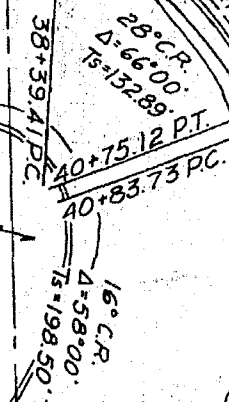
Gottfried Josi et ux  
37-270  
27753

This map showing the McKinley Moorage Road right of way alignment as Netarts State Highway is cropped from document F-2716 filed in 1958.

Arnold Walker Jr  
47-354

Underground Cable

OLD TRASK RIVER



16° C.R.  
Δ=58°00'  
Ts=198.50'

M. Robosky 139-112

M.S. Savage  
66-417418

12° C.L.  
Δ=38°00'  
Ts=64.40'

Tillamook Broadcasting Co.  
47+71.00 P.T. 105-299

Lorin R. & Lucille M. Shoemaker  
141-311

326 P.5.C.

25 R

00

18" Conc. Pipe  
88' + 32

TILLAMOOK

Channel Chge

Metal Guard Rail - 500' @ 100'

RIVER

6° C.R. 115"  
TA = 146° 46' 15"  
LMC = 2046.18'

Metal Guard Rail - 25'

R.O.D.G. Precast Beam &  
Steel Spall Structure - 650'  
26' Roadway - 16489 - 16495 Incl.  
Drg. No's: 14657, 14660, & 12762

Sec. 26 T. 1 S. R. 10 W. W.M.

This as-built drawing showing the McKinley Moorage Road right of way alignment relative to the new Hwy 131 Tillamook River Bridge is cropped from document F40-240 filed in 1961.

OLD TRASK RIVER

40' O.A.M.A. P.C.S.

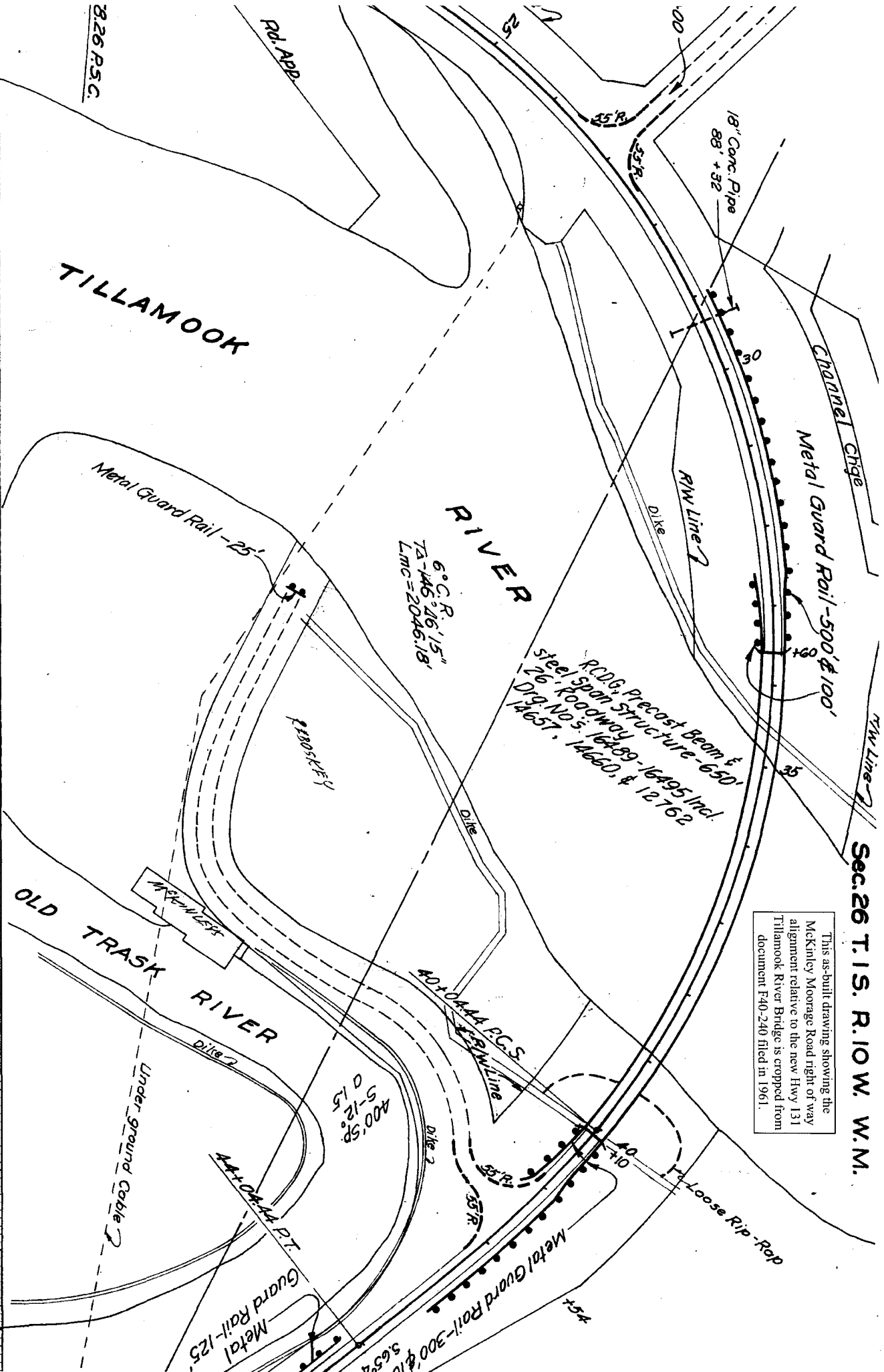
400' SP  
S-12.8  
D 1.5'

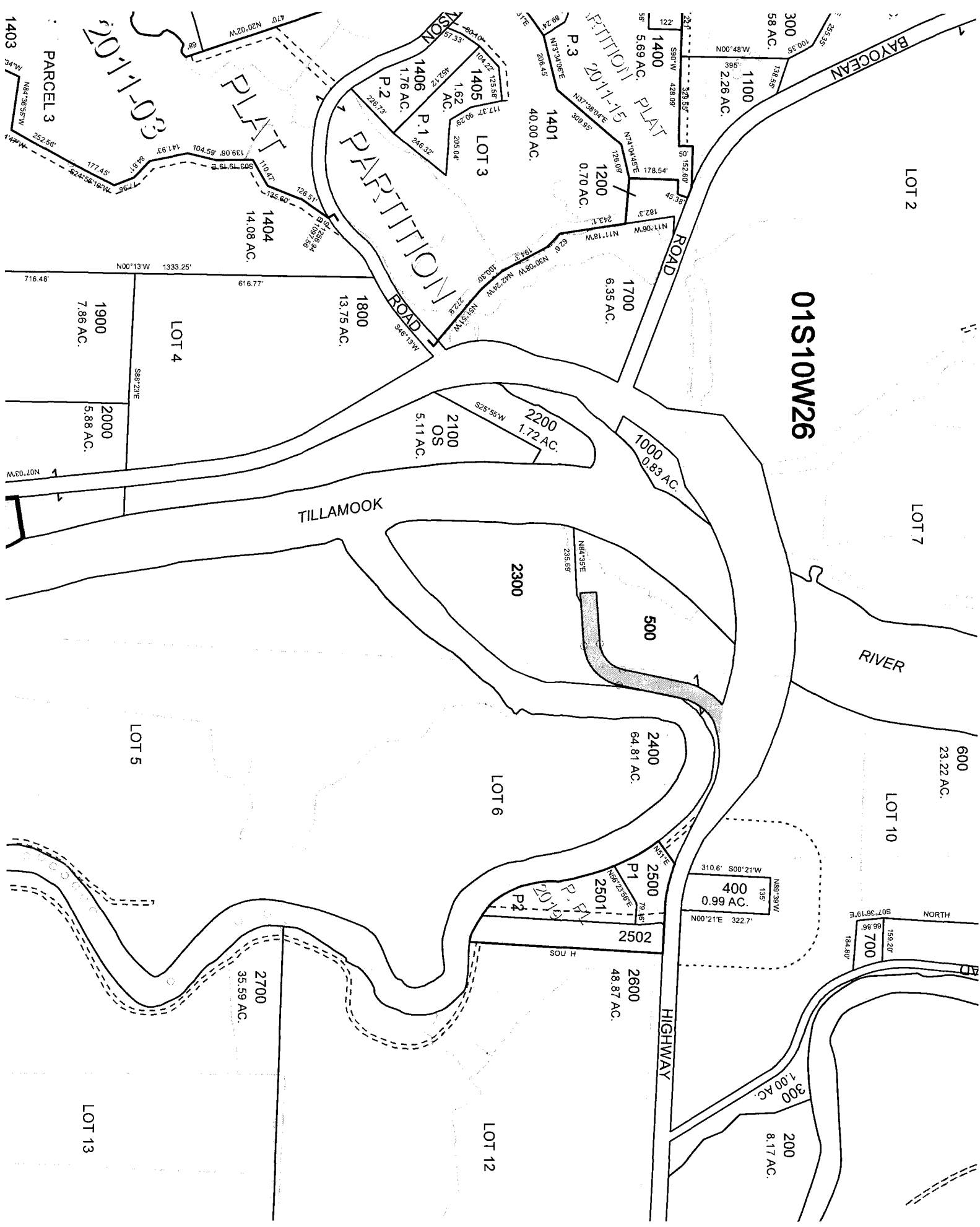
Under ground Cable

Metal Guard Rail - 125'

Metal Guard Rail - 300' @ 10'

Loose Rip-Rap





01S10W26

LOT 2

LOT 7

RIVER

600  
23.22 AC.

LOT 10

700  
159.20  
96.86  
184.80

NORTH

300  
1.00 AC.  
200  
8.17 AC.

HIGHWAY

2600  
48.87 AC.

2502

2500

P1

2501

P4

2400

64.81 AC.

500

2300

2200

1.72 AC.

2100

OS

5.11 AC.

1000

0.83 AC.

1700

6.35 AC.

1401

40.00 AC.

1200

0.70 AC.

1400

5.69 AC.

1100

2.26 AC.

300

58 AC.

1403

PARCEL 3

1404

14.08 AC.

1800

13.75 AC.

1900

7.86 AC.

2000

5.88 AC.

LOT 4

LOT 5

LOT 6

LOT 12

LOT 13

TILLAMOOK ROAD

BAYOCEAN ROAD

PLAT

PLAT

PLAT

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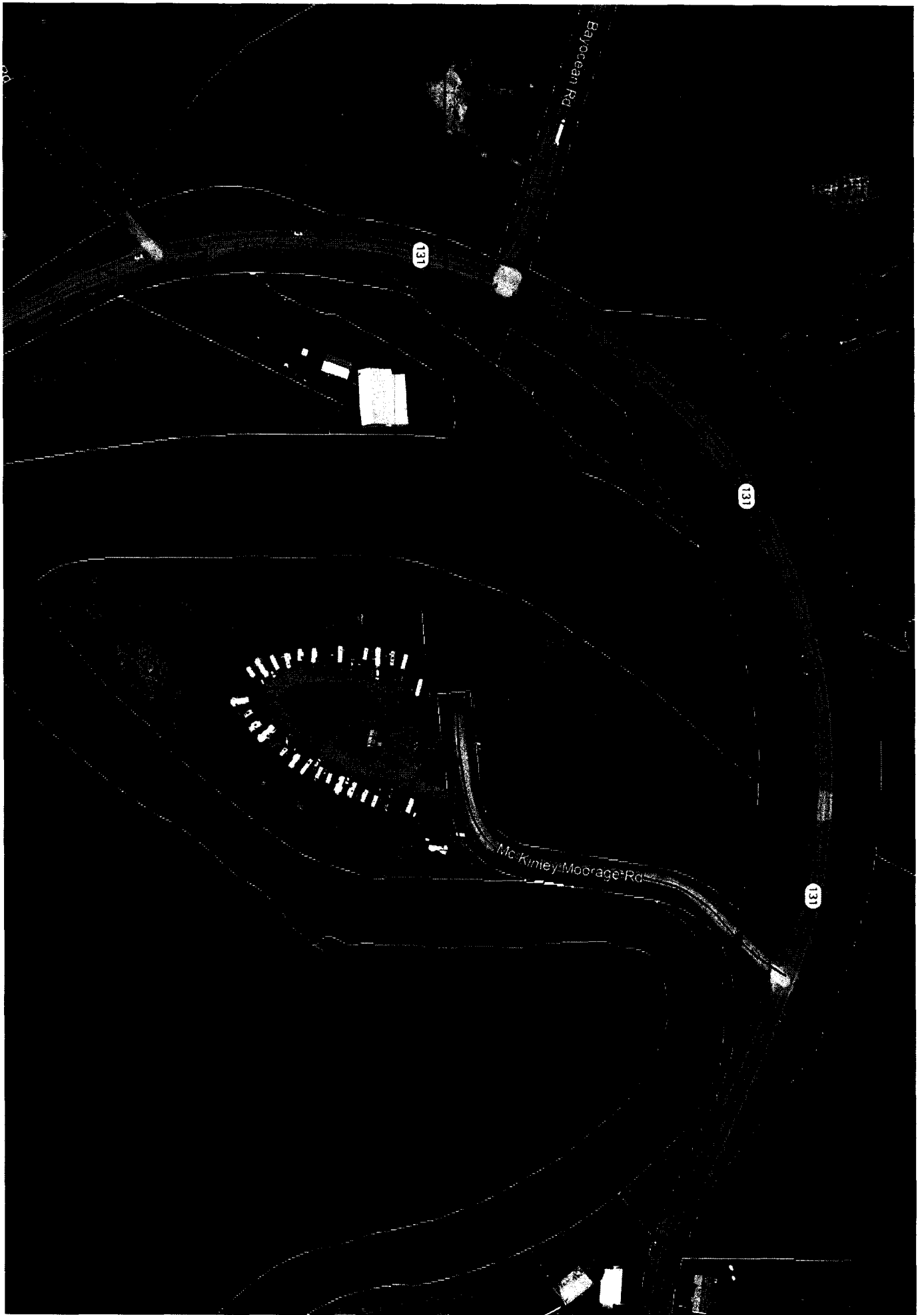
PLAT

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PLAT







*Land of Cheese, Trees and Ocean Breeze*

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

March 28, 2023

Received

MAR 28 2023

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

Tillamook County  
Board of Commissioners

**RE: Petition No. 571 – Petition to vacate Market Road No. 2, McKinley  
Moorage Road**

Dear Commissioners:

Enclosed is a certified copy of Petition No. 571 filed March 27, 2023, to vacate Market Road No. 2, McKinley Moorage Road.

Certification from the Assessor regarding ownership was received on March 28, 2023, 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,

Christy Biggs  
Chief Deputy County Clerk

Enclosures

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

March 28, 2023

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

**RE: Petition No. 571 – Petition to vacate Market Road No. 2, McKinley Moorage Road**

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,

A handwritten signature in cursive script, reading "Denise Vandecoevering". The signature is written in black ink and includes a long, sweeping horizontal stroke at the end.

**Denise Vandecoevering**  
Assessor & Tax Collector

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

#571

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

**FILED**  
**MAR 27 2023**  
**TASSI O'NEIL**  
**COUNTY CLERK**

IN THE MATTER OF THE VACATION OF )  
MARKET ROAD NO. 2, McKINLEY ) PETITION TO VACATE  
MOORAGE ROAD )

I. The undersigned person(s) hereby petitions the Tillamook County Board of Commissioners to vacate the following described property:  
OLD ODOT ROW THAT WAS ABANDONED TO THE COUNTY WHEN THE NEW BRIDGE WAS CONSTRUCTED OVER THE TILLAMOOK RIVER. SEE LEGAL DESCRIPTION FOR SPECIFICS.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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:  
ROAD IS NO LONGER USED BY THE COUNTY AND ONLY SERVES ONE OWNER. REMOVING COUNTY ROW ALLOWS THE REDESIGN THE OF RV PARK, ALLOWING FOR HIGHER PROPERTY VALUE AND REVENUE FOR THE COUNTY. COUNTY WILL NO LONGER HAVE MAINTENENCE REQUIREMENTS OR LIABILITY FOR ACCIDENTS ON SAID PROPERTY.

\_\_\_\_\_  
\_\_\_\_\_

(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	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:

CHARTER COMMUNICATIONS	1014 PACIFIC AVE, TILLAMOOK, OR 97141
TILLAMOOK PUD	PO BOX 433, TILLAMOOK, OR 97141
WEST HILLS WATER COMPANY	PO BOX 372, TILLAMOOK, OR 97141
STILLWELL DRAINAGE DISTRICT	745 3RD. STREET W, TILLAMOOK, OR 97141

(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)
R3 COASTAL, LLC, ROBERT SHANNON	1S10260002300 AND 1S10260000500
<del>60080 RIVER BLUFF TRAIL, BEND, OR 97702</del>	
62570, Eagle Rd Bend, OR 97701	

(Use separate sheet if more space is needed)

VI. Attached to this Petition are 1 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.  
SEE EXHIBIT "B"

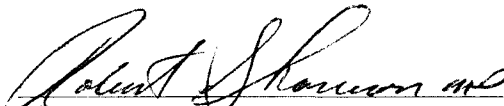
TILLAMOOK COUNTY  
PETITION TO VACATE  
SIGNATURE SHEET

Signature required in Section VI of the Petition to Vacate the following described property:  
OLD ODOT ROW ABANDONED TO THE COUNTY OF TILLAMOOK LOCATED ADJACENT TO  
TAX LOT 1S10260002300 AND 1S10260000500.  
SEE EXHIBIT "A" FOR DESCRIPTION OF ROW.

Description of owned property that abuts the property proposed to be vacated (Use legal  
description or Tax Lot Number)  
TAX LOT 1S10260002300 AND 1S10260000500 AS SHOWN ON ATTACHED EXHIBIT "B".

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 27<sup>th</sup> day of March, 20 23

  
Signature ROBERT L. SHANNON, MEMBER  
R3 COASTAL, LLC

62570 Eagle Rd  
60000 RIVER BLUFF TRAIL  
Address  
BEND, OR 97704  
City, State, Zip

ACKNOWLEDGEMENT

NOTARY PUBLIC )  
STATE OF OREGON ) ss.  
County of Tillamook )

On March 27, 20 23, the above named person appeared before me and  
acknowledged the foregoing instrument to be a voluntary act and deed.



  
Notary Public for the State of Oregon  
My Commission Expires: 9-15-25

EXHIBIT "A"

LEGAL DESCRIPTION

LAND LOCATED IN GOVERNMENT LOT 10 IN SECTION 26, TOWNSHIP 1 SOUTH, RANGE 10 WEST, WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE TILLAMOOK COUNTY ROAD KNOWN AS KCKINLEY MOORAGE ROAD, BEING OLD OREGON DEPARTMENT OF TRANSPORTATION RIGHT OF WAY LOCATED IN SAID GOVERNMENT LOT 10 OF SAID SECTION, BEING SOUTH OF THE SOUTHERLY RIGHT OF WAY OF STATE HIGHWAY 131, TILLAMOOK COUNTY, OREGON.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

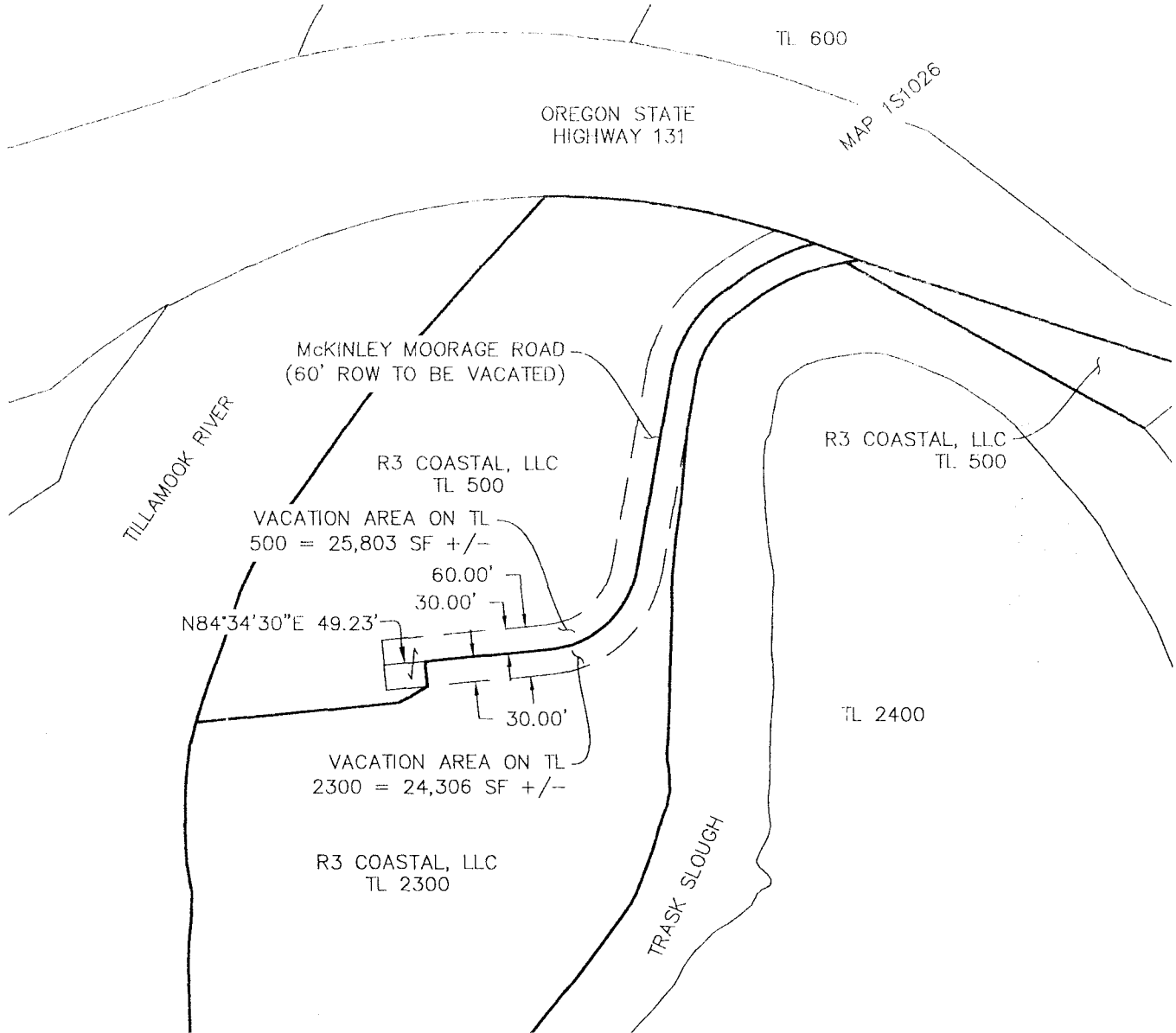
*Alex Hagen*

OREGON  
MARCH 14, 2023  
ALEXANDER J. HAGEN  
93901

RENEWS: JUN. 30, 2025

# EXHIBIT "B"

LOCATED IN GOVERNMENT LOT 10, SECTION 26, TOWNSHIP 1 SOUTH,  
RANGE 10 WEST, WILLAMETTE MERIDIAN, TILLAMOOK COUNTY,  
OREGON



VACATION NOTE: VACATED RIGHT OF WAY IS TO BE APPLIED TO ADJACENT TAX LOTS AS SHOWN.



549 SW MILL VIEW WAY  
SUITE 100  
BEND, OREGON 97702  
(541) 633-3140  
www.beconeng.com

CIVIL ENGINEERING  
& LAND SURVEYING

R3 COASTAL, I.L.C  
60080 RIVER BLUFF TRAIL  
BEND, OR 97702

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Alex Hagen*

OREGON  
MARCH 14, 2023  
ALEXANDER J. HAGEN  
93901

RENEWS: JUN. 30, 2025

DATE: 03/22/2023

SCALE: 1" = 200'

DRAWN BY: AJH

PROJ: 21264





CERTIFIED TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL  
TASSI O'NEIL

BY Wissy Bagg DEPUTY

