

DEED-VACAT

\$115.00 \$11.00 \$61.00 \$10.00 \$25.00 \$19.00 - Total = \$241.00



00245363202400035050230237

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:

Charles Craig Thornes and Darcy K. Thornes  
T2S R10W Sec. 05BD & 05DB TL #6400 & #2801  
2205 Shuholm Avenue W.  
Tillamook, Oregon 97141

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

In the Matter of the Vacation of a ) ORDER #24 - 051  
Portion of Shuholm Avenue, Tillamook )  
County, Oregon )

This matter came before the Tillamook County Board of Commissioners on August 14, 2024, at the request of Chris Laity, Director of Tillamook County Public Works, Road Department, at which time it appears that Road Vacation #572 was filed by property owners on July 18, 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 #572 was properly filed with the Tillamook County Clerk on July 18, 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 14th day of August, 2024

THE BOARD OF COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

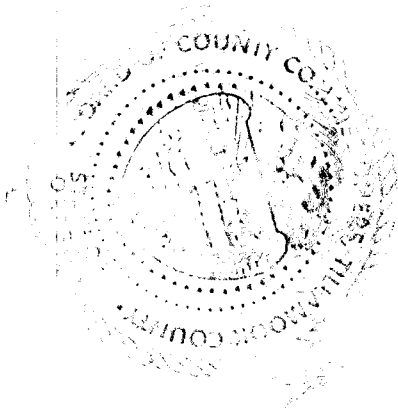
	Aye	Nay	Abstain/Absent
<u>MF Bell</u> Mary Faith Bell, Chair	X	—	— / —
<u>Doug Olson</u> Doug Olson, Vice-Chair	X	—	— / —
<u>Absent</u> Erin D. Skaar, Commissioner	—	—	— / X

ATTEST: Christy Nyseth,  
County Clerk

By: [Signature]  
Special Deputy

APPROVED AS TO FORM:

[Signature]  
William K. Sargent, County Counsel





## Tillamook County Public Works

503 Marolf Loop Road, Tillamook, OR 97141

County Road Phone: 503-842-3419

Solid Waste Phone: 503-815-3975

Email: pubwks@co.tillamook.or.us

TTY Oregon Relay Service

*Land of Trees, Cheese, and Ocean Breeze*

# PETITION TO VACATE PUBLIC RIGHT OF WAY #572 PUBLIC WORKS STAFF REPORT

Date: July 30<sup>th</sup>, 2024

Report Prepared by: Jasper Lind, Engineering Technician II  
For Chris Laity, P.E., Director of Tillamook County Public Works

## I. GENERAL INFORMATION

- Request: This petition seeks to vacate that portion of the Shuholm Avenue Public Right of Way which exists between Portland Avenue and Old Netarts Road Right of Ways in the Willson Beach Subdivision of Tillamook County, Oregon.
- Area of Interest: A section of public right of way located in Township 2 South, Range 10 West, Sections 05BD & 05DB of the Willamette Meridian between tax lots #6400 and #2801.
- 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 #572 requests the vacation of a portion of the Shuholm Avenue Public Right of Way which is 40 feet wide and approximately 70 feet long at the centerline. This road alignment was originally recorded on the 1937 Wilson Beach Subdivision Platt filed in the Tillamook County Survey Records as survey #C-130.
- 2) **Prior Vacation / Dedication / Property Line Adjustment** – Since the time of the original platt, large portions of the map have been vacated. Many of the original lots have been consolidated into larger residential parcels. A number of other right of ways have had sections vacated including a portion of Portland Avenue which is currently part of tax lot #2801. 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 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) Communication utilities who responded to our OUNC inquiry were not within the vacation area.
- 2) NOSD, Netarts Water District, and TPUD have confirmed that they have infrastructure within this vacation area.
- 3) Stormwater drainage structures exist within this vacation area.

## **VII. PETITION CONCLUSION AND RECOMMENDATIONS:**

- 1) Tillamook County Engineering staff has reviewed the subject petition, its supporting documentation, and have visited the site.
- 2) The subject property is located within the Willson Beach Platt (C-130) in Tillamook County where Shuholm Avenue is bounded by the Old Netarts Road Right of Way and the Portland Avenue Right of Way.
- 3) The expressed intent of the petitioner is to remove the county public right of way as described by ORS 368.366.1.d where the vacated property shall vest in the owner of the land abutting by an extension of the person's property boundaries to the centerline of the vacated right of way.
- 4) Engineering staff **recommends approval** of vacation petition #572 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) A utility easement, which meets the requirements of sanitary, water, and electric utility agencies, shall be recorded to allow for the maintenance, repair, and replacement of their infrastructure.
  - c) A stormwater easement, which meets Tillamook County Public Work's requirements, shall be recorded to allow for maintenance, repair, and replacement of the existing stormwater drainage.
  - d) All fees associated with professional services, document preparation and public recording are to be the sole responsibility of the petitioners. Required final field survey and property line adjustments are to be completed based on BOCC approval, all recordings to be completed within one calendar year.

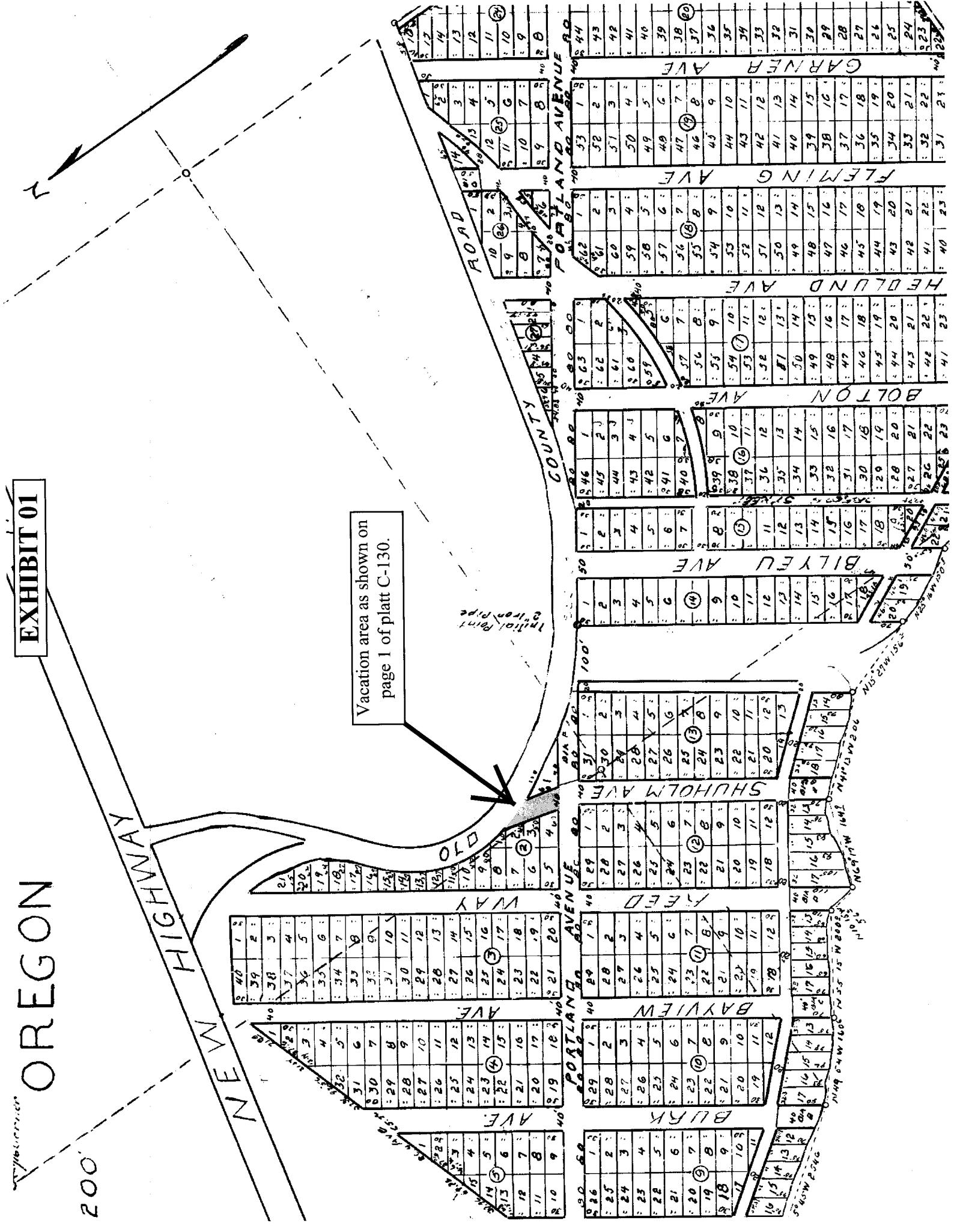
## **VIII. EXHIBIT LIST:**

1. Maps from the original Platt C-130, the Assessor's Office, and local surveys.
2. Satellite and street view images.
3. Petition verification letters from Tillamook County Clerk & Assessor.
4. The original petition to vacate public right of way.

# OREGON

## EXHIBIT 01

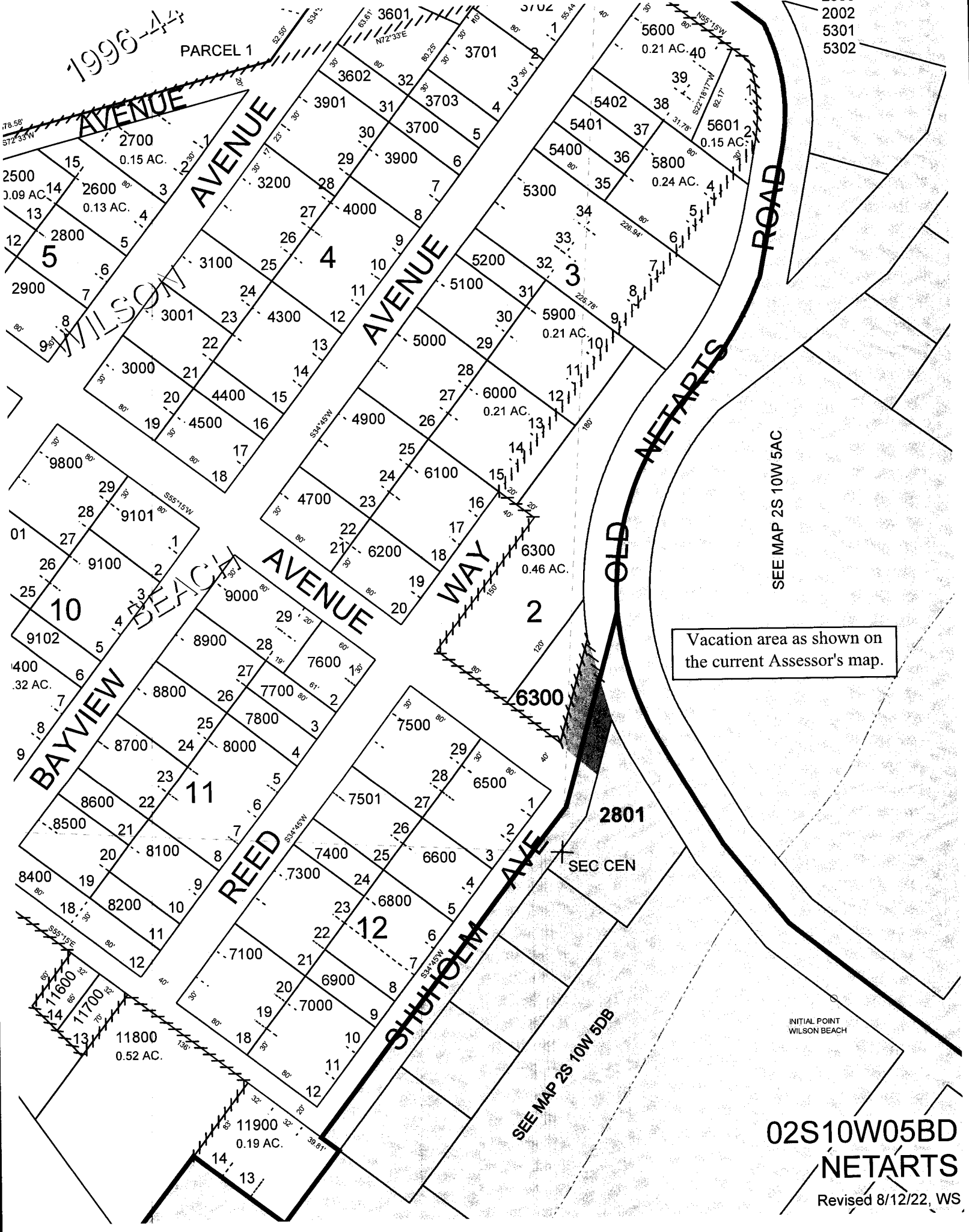
Vacation area as shown on page 1 of platt C-130.



1996-44

PARCEL 1

2002  
5301  
5302



Vacation area as shown on the current Assessor's map.

SEE MAP 2S 10W 5AC

SEE MAP 2S 10W 5DB

02S10W05BD  
NETARTS  
Revised 8/12/22, WS

INITIAL POINT  
WILSON BEACH

A-7352

# SURVEY FOR HARRY RAMSEY

LOTS 1, 2, AND 3, BLOCK 12, "WILSON BEACH", IN THE SE 1/4 NW 1/4 SEC. 5, T. 2 S., R. 10 W. W.M., TILLAMOOK CO., OR.

NARRATIVE: THE PURPOSE OF THIS SURVEY WAS TO LOCATE, OR ESTABLISH, THE BOUNDARY LINES AND CORNERS FOR LOTS 1, 2, AND 3, BLOCK 12, "WILSON BEACH". THE BASIS OF BEARINGS WAS DERIVED ACROSS EXISTING MONUMENTS OF RECORD THAT WERE ESTABLISHED BY SURVEY AND SHOWN ON C.S. MAP A-4565. THE MONUMENTS THAT WERE HELD FOR CONTROL ARE LOCATED ALONG THE EASTERLY SIDELINE OF SHUHOLM AVENUE. THE PROPORTION FACTOR SHOWN ON C.S. MAP A-4565 WAS ALSO

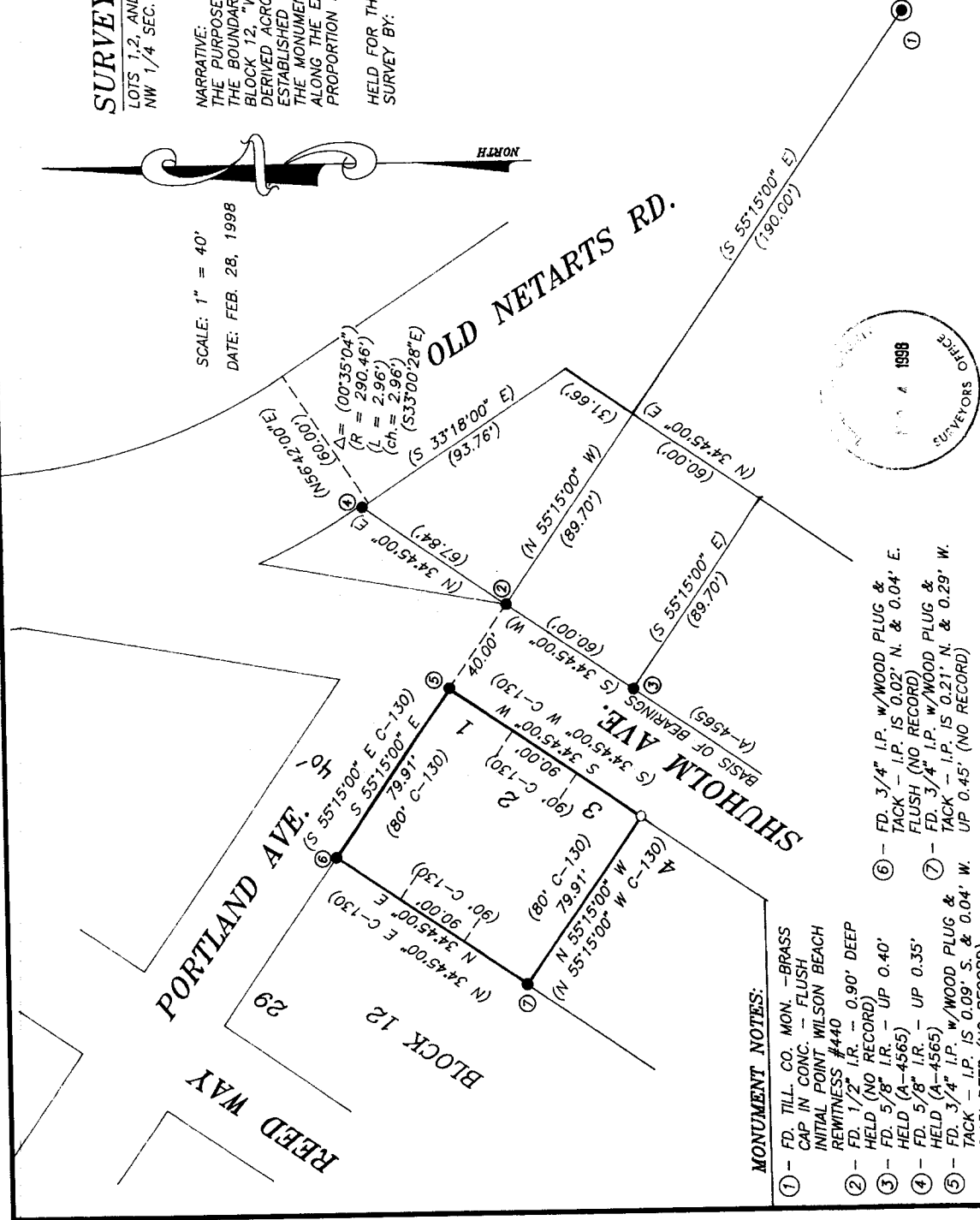
HELD FOR THIS SURVEY  
SURVEY BY: KELLOW LAND SURVEYING  
P.O. BOX 335  
PACIFIC CITY, OR 97135  
(503)965-4664

REGISTERED  
LAND SURVEYOR

*Douglas H. Kellow*  
ORIGON  
FEBRUARY 3, 1983  
DOUGLAS H. KELLOW  
2027  
RENEWAL DATE: 6/30/99

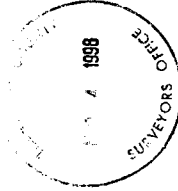
LEGEND:  
● FOUND MONUMENT (AS NOTED)  
○ SET 5/8" X 30" I.R. w/ I.P.C.  
(xxxx) MARKED: "KELLOW PLS 2027"  
○ RECORD DATA FROM C.S. MAP A-4565 (EXCEPT AS NOTED)  
I.P. IRON PIPE  
I.R. IRON ROD  
Y.P.C. YELLOW PLASTIC CAP

SCALE: 1" = 40'  
DATE: FEB. 28, 1998

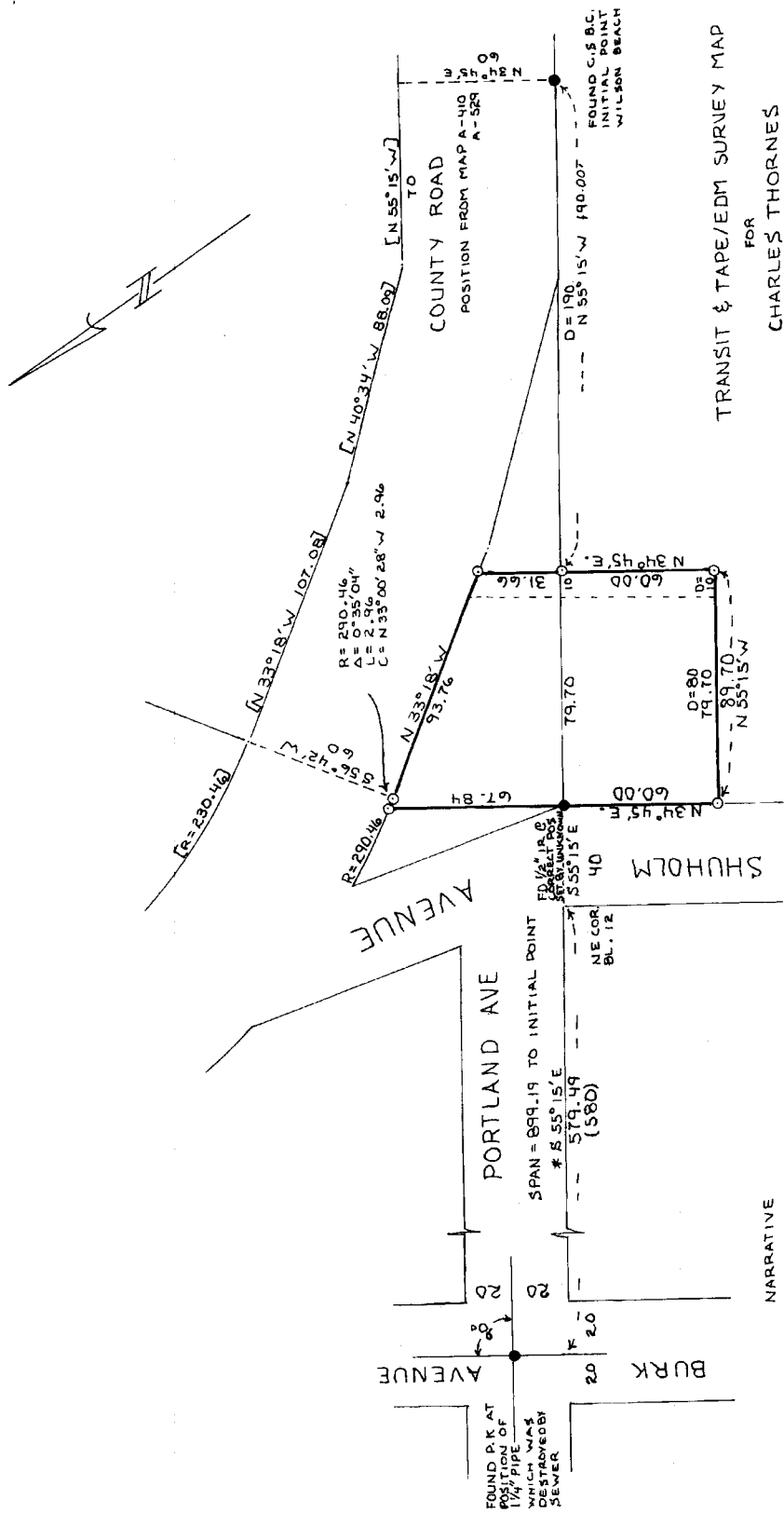


### MONUMENT NOTES:

- ① - FD. TILL. CO. MON. - BRASS CAP IN CONC. - FLUSH INITIAL POINT WILSON BEACH REWITNESS #440
- ② - FD. 1/2" I.R. - 0.90' DEEP HELD (NO RECORD)
- ③ - FD. 5/8" I.R. - UP 0.40' HELD (A-4565)
- ④ - FD. 5/8" I.R. - UP 0.35' HELD (A-4565)
- ⑤ - FD. 3/4" I.P. w/ WOOD PLUG & TACK - I.P. IS 0.09' S. & 0.04' W. 0.15' DEEP (NO RECORD)
- ⑥ - FD. 3/4" I.P. w/ WOOD PLUG & TACK - I.P. IS 0.02' N. & 0.04' E. FLUSH (NO RECORD)
- ⑦ - FD. 3/4" I.P. w/ WOOD PLUG & TACK - I.P. IS 0.21' N. & 0.29' W. UP 0.45' (NO RECORD)



A-7352



TRANSIT & TAPE/EDM SURVEY MAP

FOR  
CHARLES THORNES

IN  
SECTION 5, T.2S., R.10 W. W.M.  
(PORTION OF VACATED WILSON BEACH)  
TILLAMOOK COUNTY, OREGON  
OCTOBER 11, 1981  
SCALE 1" = 40 FEET

NARRATIVE  
THIS SURVEY WAS CONDUCTED TO MONUMENT THE SUBJECT PARCEL WHICH IS DESCRIBED IN BOOK 232, P. 276, BOOK 237 P. 668 & FOUND MONUMENTS WERE DERIVED TO POSITION THE NE CORNER OF BLOCK 12. THE EAST LINE OF SHUHLIM WAS HELD AT PROPORTION DISTANCE. THE EAST LINE OF THE TRACT DESCRIBED IN BOOK 277 P. 696 WAS HELD AT THE POSITION VERIFIED BY CHECK AGAINST THE POSITION OF THE COUNTY CORNER FROM THE PLAT & CALCULATIONS INVOLVING MAPS A-410 & A-529 (ANDERSON 1920 & 1952) WERE USED TO POSITION THE COUNTY ROAD.

PROPORTION FACTOR

$$\frac{\text{BURK TO INITIAL POINT}}{899.19} = \frac{\text{STREETS}}{140} = \frac{759.45}{899.19} = 0.844534$$

$$\frac{\text{BURK TO INITIAL POINT}}{900.19} = \frac{\text{STREETS}}{140} = \frac{720}{900.19} = 0.800000$$

- O = 5/8" IRON BAR 1 SET
- = FOUND MONUMENT
- [ ] = DATA FROM MAPS A-410 & A-529
- ( ) = RECORD VALUE FROM WILSON BEACH
- \* = BASIS OF BEARINGS: S 55° 15' E ALONG SUTHERLY LINE OF PORTLAND AVENUE.
- D = SUBJECT PARCEL DEED CALL

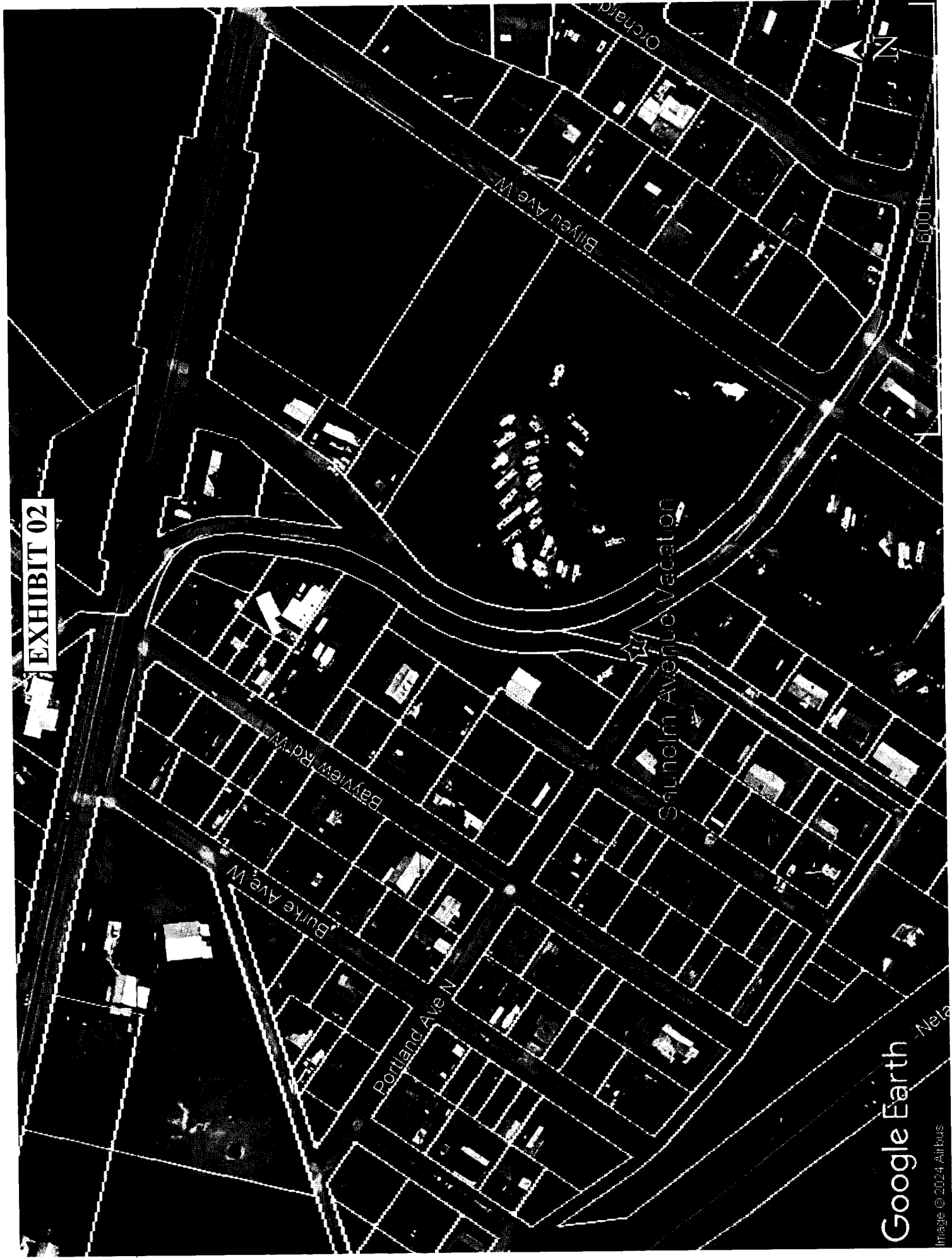
ALLAN E. DUNCAN  
4206 CYPRESS ST.  
TILLAMOOK, OREGON  
97141

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Allan E. Duncan*  
OREGON  
ALLAN E. DUNCAN  
1993



EXHIBIT 02



Google Earth

Image © 2024 Airbus

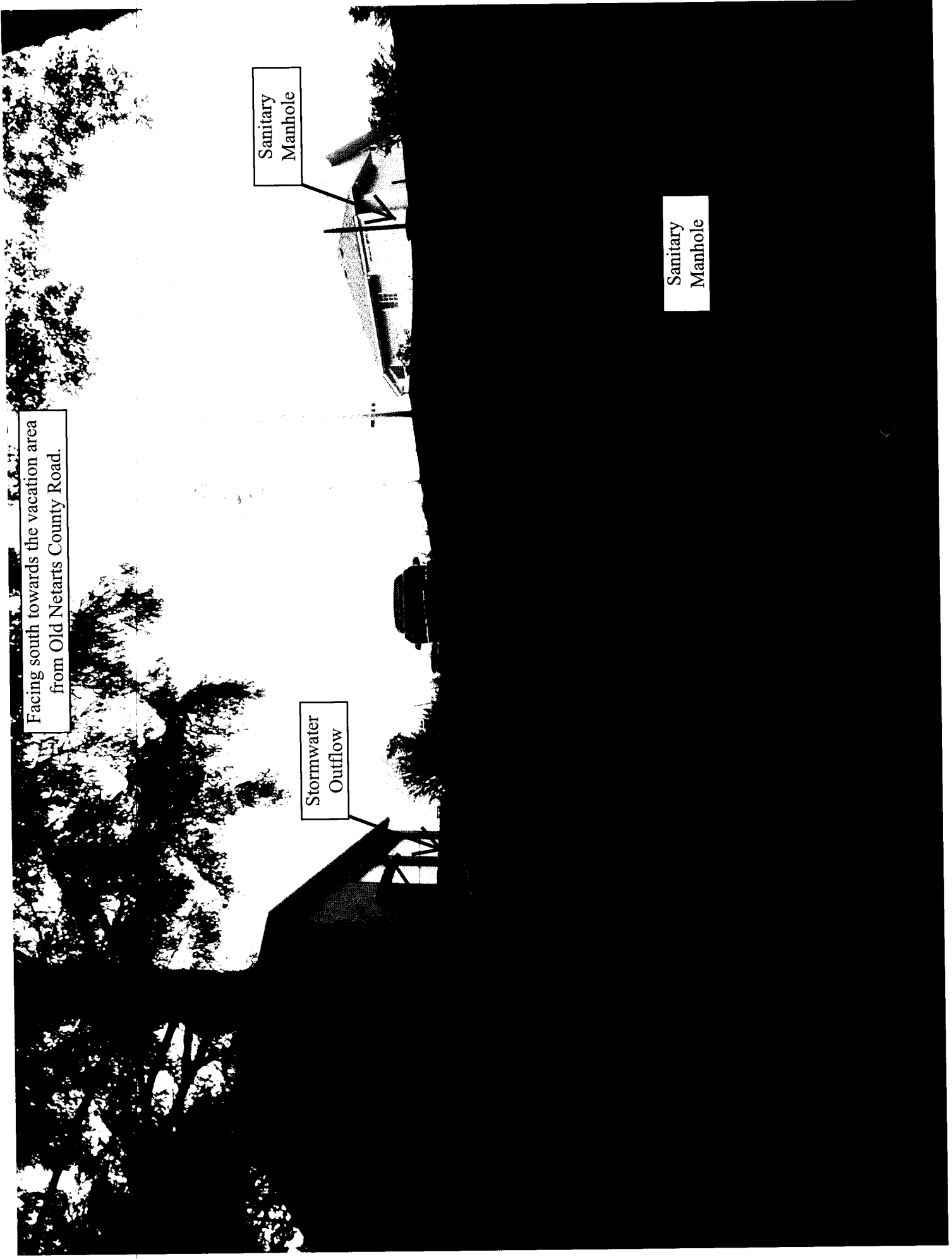
Net

Facing south towards the vacation area  
from Old Netarts County Road.

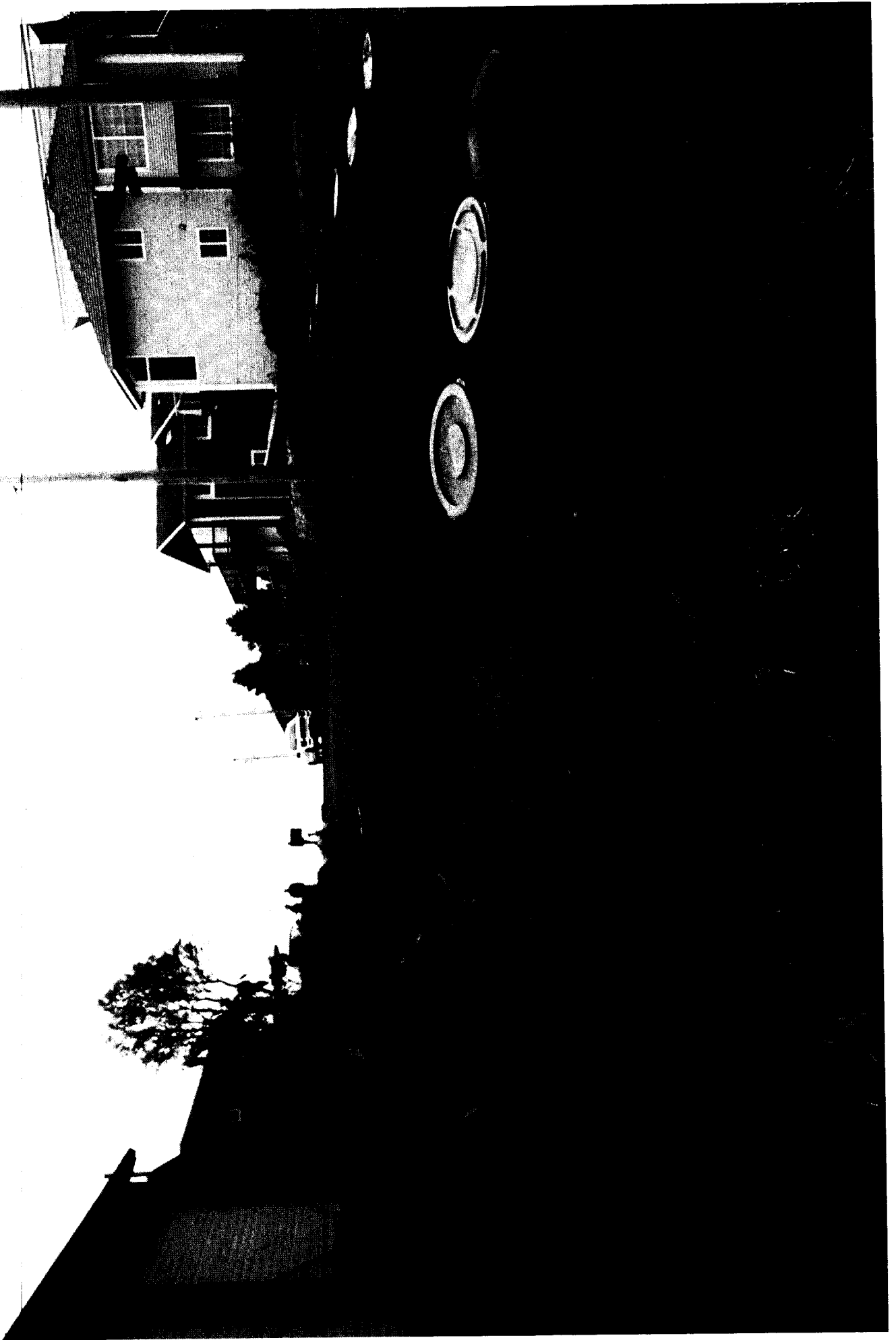
Stormwater  
Outflow

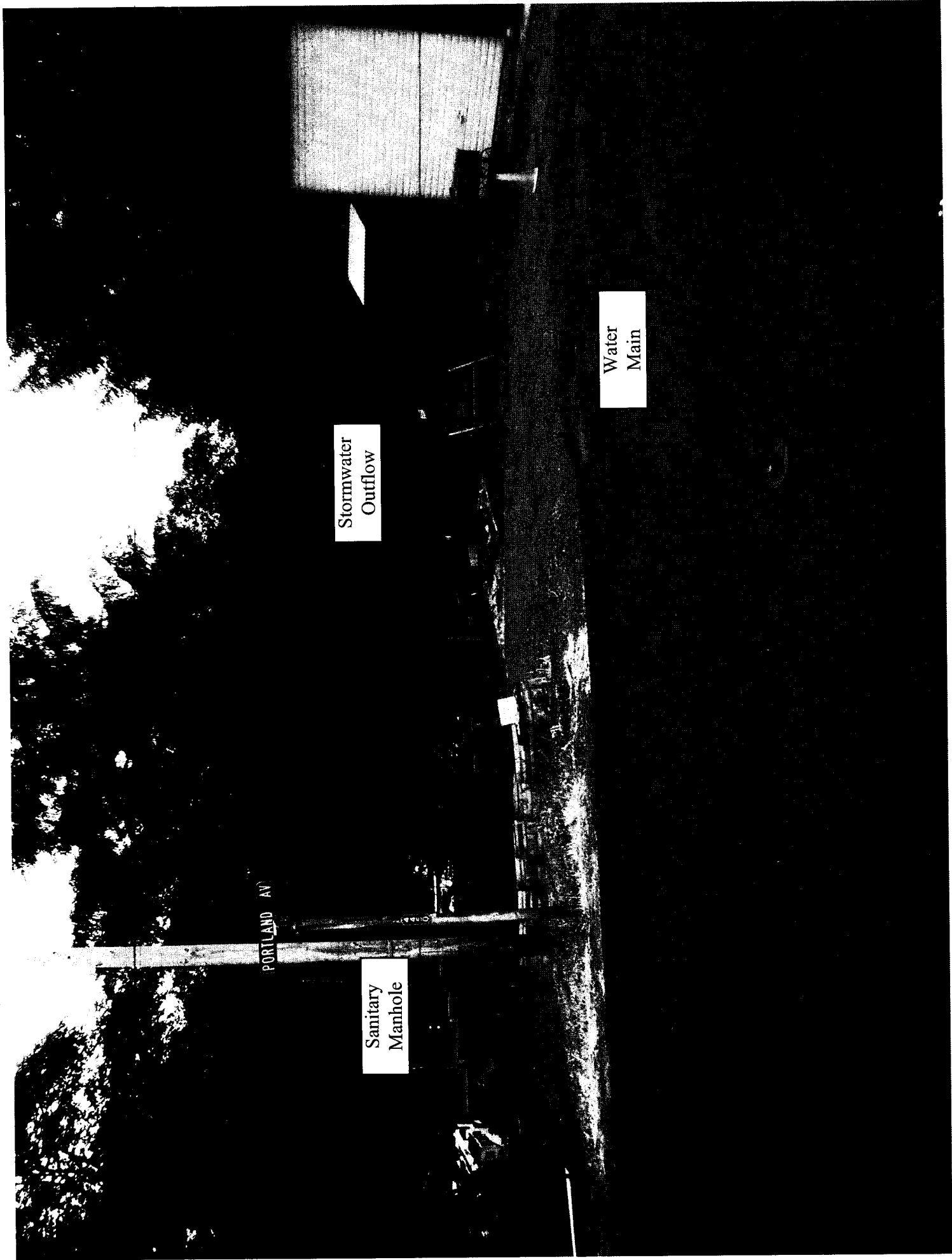
Sanitary  
Manhole

Sanitary  
Manhole



Facing south from the vacation area  
along Shuholm Avenue right of way.





PORTLAND AV

Stormwater  
Outflow

Sanitary  
Manhole

Water  
Main

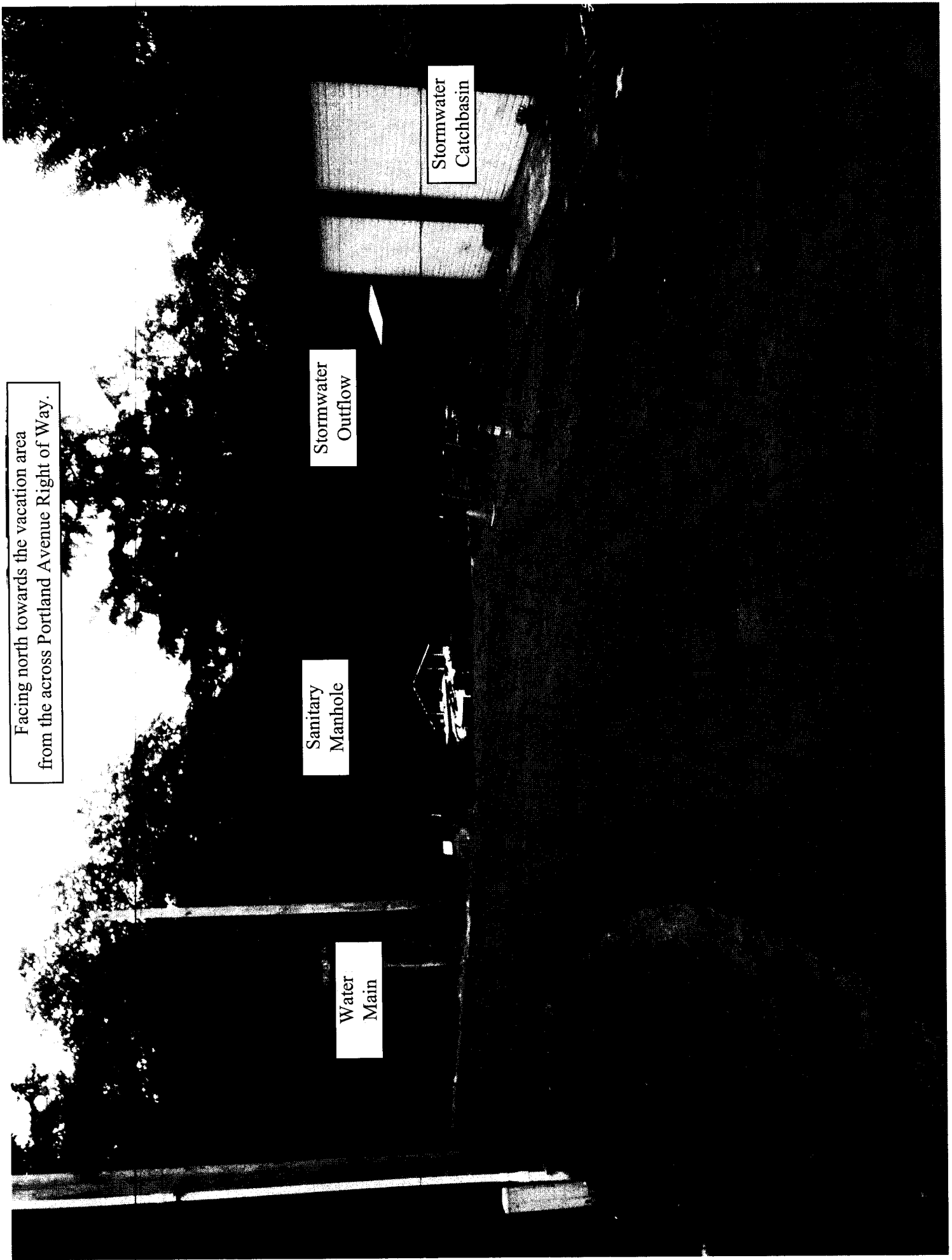
Facing north towards the vacation area  
from the across Portland Avenue Right of Way.

Water  
Main

Sanitary  
Manhole

Stormwater  
Outflow

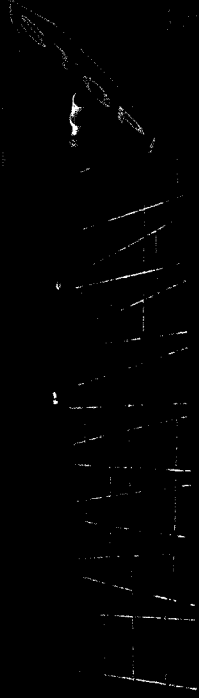
Stormwater  
Catchbasin



Stormwater  
Outflow

Stormwater  
Catchbasin

Sanitary  
Manhole



Sanitary  
Manhole

Sanitary  
Manhole





*Land of Cheese, Trees and Ocean Breeze*

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

Received

JUL 19 2023

Tillamook County  
Board of Commissioners

July 18, 2023

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

**RE: Petition No. 572 – Petition to vacate section of Shuholm Avenue W in  
Netarts**

Dear Commissioners:

Enclosed is a certified copy of Petition No. 572 filed July 18, 2023, to vacate a section of Shuholm Avenue W in Netarts

Certification from the Assessor regarding ownership was received on July 18, 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,

Caitlin Munoz  
Deputy Clerk

Enclosures



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

July 18, 2023

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

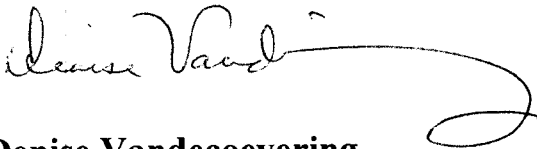
**RE: Petition No. 572 – Petition to vacate section of Shuholm Avenue W in Netarts**

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

#572

FILED

JUL 18 2023

BEFORE THE BOARD OF COUNTY COMMISSIONERS

TASSI O'NEIL  
COUNTY CLERK

FOR TILLAMOOK COUNTY, OREGON

IN THE MATTER OF THE VACATION OF )  
A Section of Shuholm Avenue W in the Netarts  
Area Township 2 South, Range 10 West, )  
Section 5BD & 5DB

PETITION TO VACATE

I. The undersigned person(s) hereby petitions the Tillamook County Board of Commissioners to vacate the following described property:  
Located in the Wilson Beach Plat of Netarts Oregon, Section of Shuholm Ave. W., between Portland Ave. and Old Netarts Road which divides the following Properties, both of which are owned by the Petitioners.

2S1005DB 02801 (Tax Lot 2800)  
2S1005BD 06400 (Tax Lot 6400)

(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:  
This undeveloped Right of Way is preventing future construction which would benefit the adjoining properties. The steep terrain prevents its practical use as a future road.

(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
<u>Tillamook County Public Works</u>	<u>Public Right of way</u>

(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:

Netarts Water District P.O. Box 50, Netarts OR. 97143  
N.O.S.D. 1755 Cape Meares Lp. Rd. 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)
<u>Charles and Darcy Thornes</u> <u>2205 Shuholm Ave. W.</u> <u>Tillamook, OR. 97141</u>	<u>2S1006BD 06400 (Tax Lot 6400)</u> <u>2S1005DB 02801 (Tax Lot 2800)</u>
_____	_____
_____	_____

(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.

TILLAMOOK COUNTY  
PETITION TO VACATE  
SIGNATURE SHEET

Signature required in Section VI of the Petition to Vacate the following described property:  
Located in the Wilson Beach Plat of Netarts Oregon Section of Shuholm Ave. W.,  
between Portland Ave and Old Netarts Road which divides the following Properties,  
both of which are Owned by the Petitioners.

2S1005DB 02801 (Tax Lot 2800)  
2S1005BD 06400 (Tax Lot 6400)

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

2S1005DB 02801 (Tax Lot 2800)  
2S1005BD 06400 (Tax Lot 6400)

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 18 day of July, 2023

C. C. D. Thomas  
Signature

2205 Shuholm Ave W  
Address

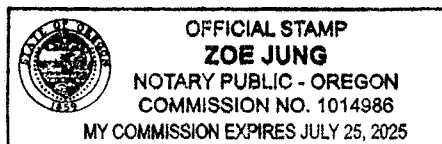
Darcy K. Thomas  
Signature

Tillamook, Or. 97141  
City, State, Zip

ACKNOWLEDGEMENT

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

On July 18<sup>th</sup>, 2023, the above named person appeared before me and  
acknowledged the foregoing instrument to be a voluntary act and deed.

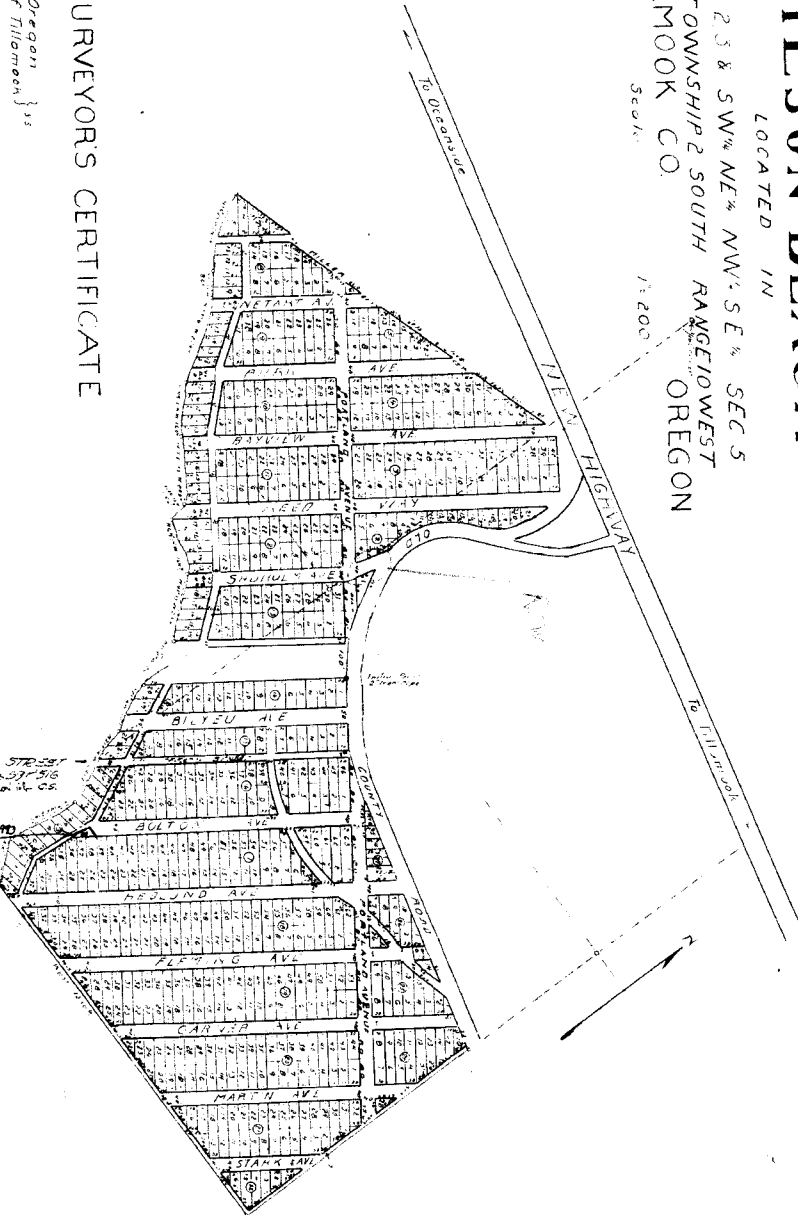


[Signature]  
Notary Public for the State of Oregon  
My Commission Expires: 7/25/2025

# WILSON BEACH

LOCATED IN  
 LOTS 2, 3 & SW 1/4 NW 1/4 SEC 5  
 TOWNSHIP 2 SOUTH RANGE 10 WEST  
 TILLAMOOK CO. OREGON  
 Section

\* NOTE: SEE PAGE 2 FOR VACATED PORTIONS



## SURVEYORS CERTIFICATE

State of Oregon } ss  
 County of Tillamook } ss  
 I, Howard Tillamook, being first duly sworn deponent and say that I have  
 correctly surveyed and marked in 17th primer monuments the tract of land  
 shown in the accompanying map, to be known as Wilson Beach, and is bounded  
 as follows:  
 Beginning at the center of a well defined 32.8 ft diameter  
 40' long driven & located the surface of the ground, which further describe  
 as being 1289.8' South and 2370.6' East of the NW cor of the SW 1/4 Sec 5  
 72 S. R. 10 W. T. 2 S. thence S85°15' E 210.3736 ft. N of South 017° West 1230.6' N 237°15'  
 128' North E 265° North W 244.5' N 251°16' N 150' N 152°20' N 156' N 173°16' N 159'  
 128' North E 265° North W 244.5' N 251°16' N 150' N 152°20' N 156' N 173°16' N 159'  
 N 73°36' W 1055.15' N 200' N 74°54' W 1805' N 75°36' W 237' N 55°15' W 200' N 55°15' W 200'  
 N 73°36' W 1055.15' N 200' N 74°54' W 1805' N 75°36' W 237' N 55°15' W 200'  
 S 55°20' E 128' N 200' N 74°54' W 1805' N 75°36' W 237' N 55°15' W 200'

130  
 C-130  
 Subscribed and sworn to before me this 12th day of September, A.D., 1937  
 Notary Public for Oregon  
 My Commission Expires Nov. 21, 1940

All taxes have been paid to date August 1937

## DEDICATION

State of Oregon } ss  
 County of Tillamook } ss

KNOW ALL MEN BY THESE PRESENTS, That the Netarts  
 Boy Investment Co a duly incorporated company under  
 the laws of the State of Oregon and whose principal  
 place of business is Portland Ore. has caused to be surveyed  
 and platted under the name of Wilson Beach  
 the tract of real property the description of the whereof  
 are fully set forth in the Engineers Certificate herein  
 written, said real property has been divided into blocks  
 Lots Streets & Alleys, the numbers, names, sizes and  
 dimensions thereof shown on said plat which is hereto  
 attached and made part of this deed of dedication. Said  
 Netarts Investment Co do hereby execute and declare said  
 plat to be plat of WILSON BEACH and that said real  
 property shall be henceforth so known and designated. We  
 hereby dedicate to public use forever all portion of said  
 plat all portions delineated there on as Streets, Alleys  
 or Avenues.

## ACKNOWLEDGEMENT

State of Oregon } ss  
 County of Tillamook } ss  
 On this 27th day of August A.D., 1937 before me the undersigned  
 NOTARY PUBLIC in and for the said County and  
 State, personally appeared Allen C. Parris and L. J. Parris  
 to me known to be the identical persons described in and  
 who executed the foregoing instrument and acknowledged  
 to me that they executed the same freely and voluntarily  
 in testimony whereof I have hereunto set my hand  
 and affixed my notarial seal, the day and year  
 last above written.

Notary Public

Approved: \_\_\_\_\_  
 County Judge  
 County Commissioner  
 County Assessor  
 County Surveyor

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

ALDER

EGG

ROAD

SEE MAP 2S 10W 50A

02S10W05BD  
NETARTS

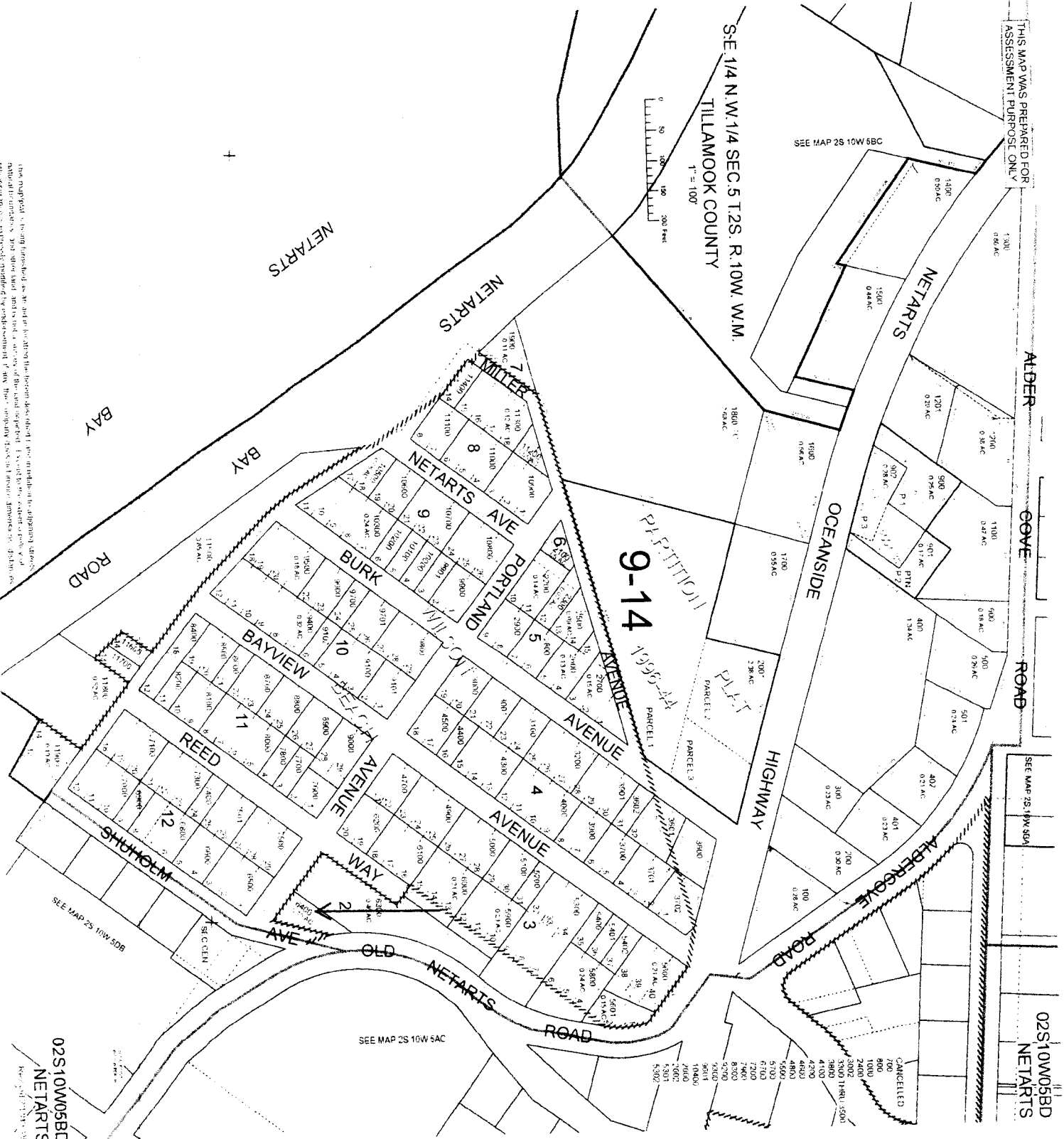
SEE MAP 2S 10W 50C

S.E. 1/4 N.W. 1/4 SEC. 5 T.2S. R.10W. W.M.  
TILLAMOOK COUNTY  
1" = 100'



9-14  
1996-24

9-14  
1996-24

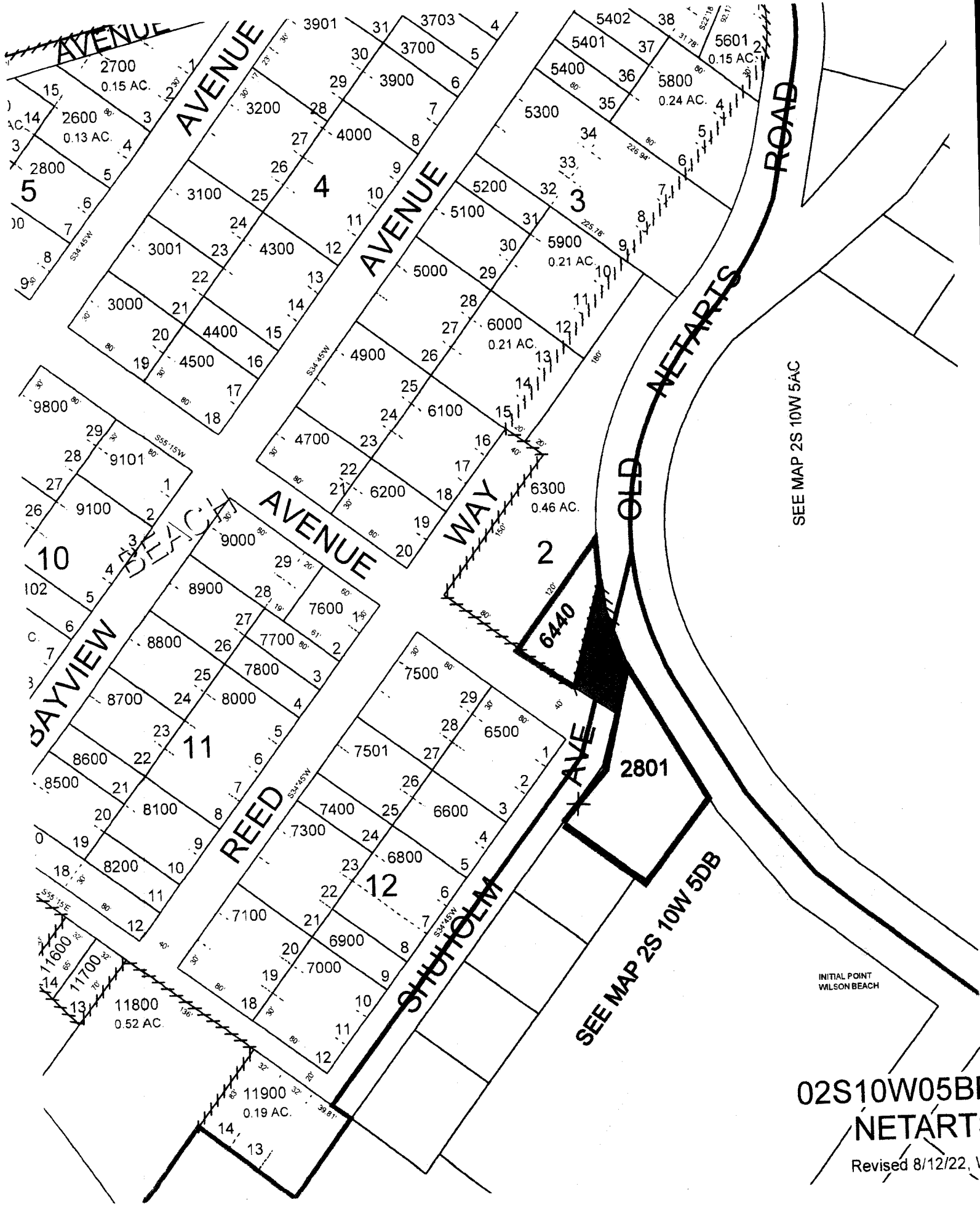


This plat is being prepared as an aid to showing the herein described property in relation to adjoining streets, roads, and other lands, and is not intended to be a substitute for a survey. It is to be understood that the location of the boundaries of any lot or parcel shown on this plat is subject to the actual location of the boundaries as shown on the ground.

02S10W05BD  
NETARTS

SEE MAP 2S 10W 54C

SEE MAP 2S 10W 50B



SEE MAP 2S 10W 5AC

SEE MAP 2S 10W 5DB

INITIAL POINT  
WILSON BEACH

02S10W05BL  
NETARTS

Revised 8/12/22, V