

YAMHILL COUNTY COUNSEL
535 NE FIFTH STREET
MCMINNVILLE, OR 97128

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

202002309



\$156.00

02/13/2020 10:55:37 AM

PR-VACPR Cnt=2 Stn=3 SUTTONS
\$5.00 \$50.00 \$25.00 \$5.00 \$11.00 \$60.00

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 Segment of)
Old Station Road, County Road No. 438,) BOARD ORDER 20-51
Following a Public Hearing, as Requested by Dan)
Ramsey; and Accepting Dedication of an Easement)
For Emergency Access Vehicles; Public Works)
Docket RV-4-19)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (“the Board”) sat for the transaction of county business in formal session on February 13, 2020, Commissioners Casey Kulla and Mary Starrett being present, and Richard L. “Rick” Olson being excused.

IT APPEARING TO THE BOARD as follows:

A. 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 vacataion of the public property that abuts the property owned by the person.” Dan Ramsey (the “applicant”) owns property abutting the section of Old Station Road under consideration, and requested that it be vacated by petition delivered to the Public Works Department.

B. The petition submitted by the applicant included all of the information required by ORS 368.341. The applicant owns more than 60% of the property on both sides of the segment of road to be vacated. A hearing was required in this instance because the only other owner of abutting property objected to vacation of the road. The objection was “based upon a lack of evidence that emergency vehicles would have effective entrance and egress to the area properties.” Based on those concerns, the applicant consulted with fire officials and agreed to build, dedicate and maintain an access easement for emergency vehicles, partially in the area vesting in the applicant as a result of this road vacation.

C. Ordinance 625 provides that the county will follow vacation procedures established in ORS Chapter 368.

D. ORS 368.346 provides that, when a vacation proceeding has been initiated under ORS 368.351,

“The county governing body shall direct the county road official to prepare and file with the county governing body a written report containing the following:

(a) A description of the ownership and use of the property proposed to be vacated;

(b) An assessment by the county road official of whether the vacation would be in the public interest; and

(c) Any other information required by the county governing body.”

E. Ordinance 625 states that, upon the receipt of the report and the return of any referrals, the Board shall consider at its next formal session, whether initiation of vacation proceedings is “appropriate or in the best interest of the citizens of Yamhill County.”

F. In this case, a neighboring landowner requested a hearing. Mailed, published, and posted notice of the hearing was provided in accordance with State law. The hearing was held on January 23, 2020, and no testimony was received in opposition to the vacation request.

G. The Board finds that the vacation request is in the public interest. NOW, THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. Subject to the conditions stated in this Board Order, right of the public to the property described in the attached Exhibits A and B, and as shown on the attached Exhibit C, (a segment of Old Station Road, County Road #438), is hereby vacated.

2. Title to the entire width of Old Station Road shall vest in the owner of Tax Lot 5405-1300 where it passes through Tax Lot 5405-1300. Title to the segment of road between Tax Lot 5405-1201 and Tax Lots 5405-1205 and 5405-1206 shall vest in the owners of those lots and their successors in interest at the centerline of the pre-vacation Old Station Road.

3. No costs are imposed on any person as a result of this vacation. It is the responsibility of the applicant to record this vacation Order in the Deed and Mortgage records of Yamhill County, and to pay any recording fees.

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4. Upon recording in the Deed and Mortgage Records of Yamhill County, the Board accepts the dedication of the Emergency Vehicle Access & Turnaround Easement described in the attached Exhibit D, incorporated in this Board Order by reference.

DONE at McMinnville, Oregon on February 13, 2020.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

Chair

CASEY KULLA

By: Carolina Rook
Deputy Carolina Rook

Commissioner

MARY STARRETT

Unavailable for signature

FORM APPROVED BY:

Commissioner

RICHARD L. "RICK" OLSON

T. Sadlo
Timothy S. Sadlo
Senior Assistant County Counsel

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



EXHIBIT "A"

6 February 2020

Description of real property for: DAN RAMSEY – Vacation of a portion of Old Station Road over and across Tax Lot 5405 – 1300.

A 40 foot wide strip of land located in Section 5, Township 5 South, Range 4 West, of the Willamette Meridian, Yamhill County, Oregon, the centerline of said strip being more particularly described as follows:

BEGINNING at a point in the existing center of OLD STATION ROAD (County Road No. 438), from which point the southwest corner of Parcel 1 of Yamhill County Partition 1990 – 29, bears North 08°37'00" East 21.43 feet; thence northwesterly along the existing road centerline 700 feet, more or less to the easterly margin of Oregon State Highway 99W (Pacific Highway West) and the terminus of the centerline of said 40 foot wide strip, the side lines of said strip to extend and shorten with said easterly margin and with the westerly lines of Parcels 1 and 2 of said Partition No. 1990 – 29, containing 0.64 acres of land, more or less, as shown on a map attached hereto and made a part thereof.

END DESCRIPTION

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

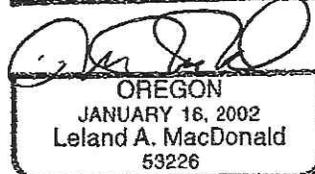
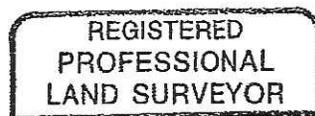


EXHIBIT "B"

6 February 2020

Description of real property for: DAN RAMSEY – Vacation of a portion of Old Station Road southerly of Tax Lot 5405 – 1201.

A 40 foot wide strip of land located in Section 5, Township 5 South, Range 4 West, of the Willamette Meridian, Yamhill County, Oregon, the perimeter of said strip being more particularly described as follows:

BEGINNING at the southwest corner of Parcel 1 of Yamhill County Partition 1990 – 29, being a point on the northerly margin of OLD STATION ROAD (County Road No. 438); thence South 60°21'30" East 665.73 feet to a corner in said north margin of said road; thence leaving said north margin South 63°49'15" West 48.35 feet to a corner in the southerly margin of said road, being the northeast corner of Parcel 3 of Yamhill County Partition No. 2017 – 09; thence North 60°21'30" West 623.19 feet along the southerly margin of said road to the northwest corner of Parcel 2 of said Partition No. 2017 – 09; thence North 08°37'00" East 42.85 feet to the POINT OF BEGINNING, containing 0.59 acres of land, more or less, as shown on a map attached hereto and made a part thereof.

END DESCRIPTION

Road Vacation Map for : Dan Ramsey

Exhibit "C"

Location: SE 1/4 Section 5, T. 5 S.,
R. 4 W., WM., Yamhill County, OR

Tax Lot: 5405 - 1201, 1300

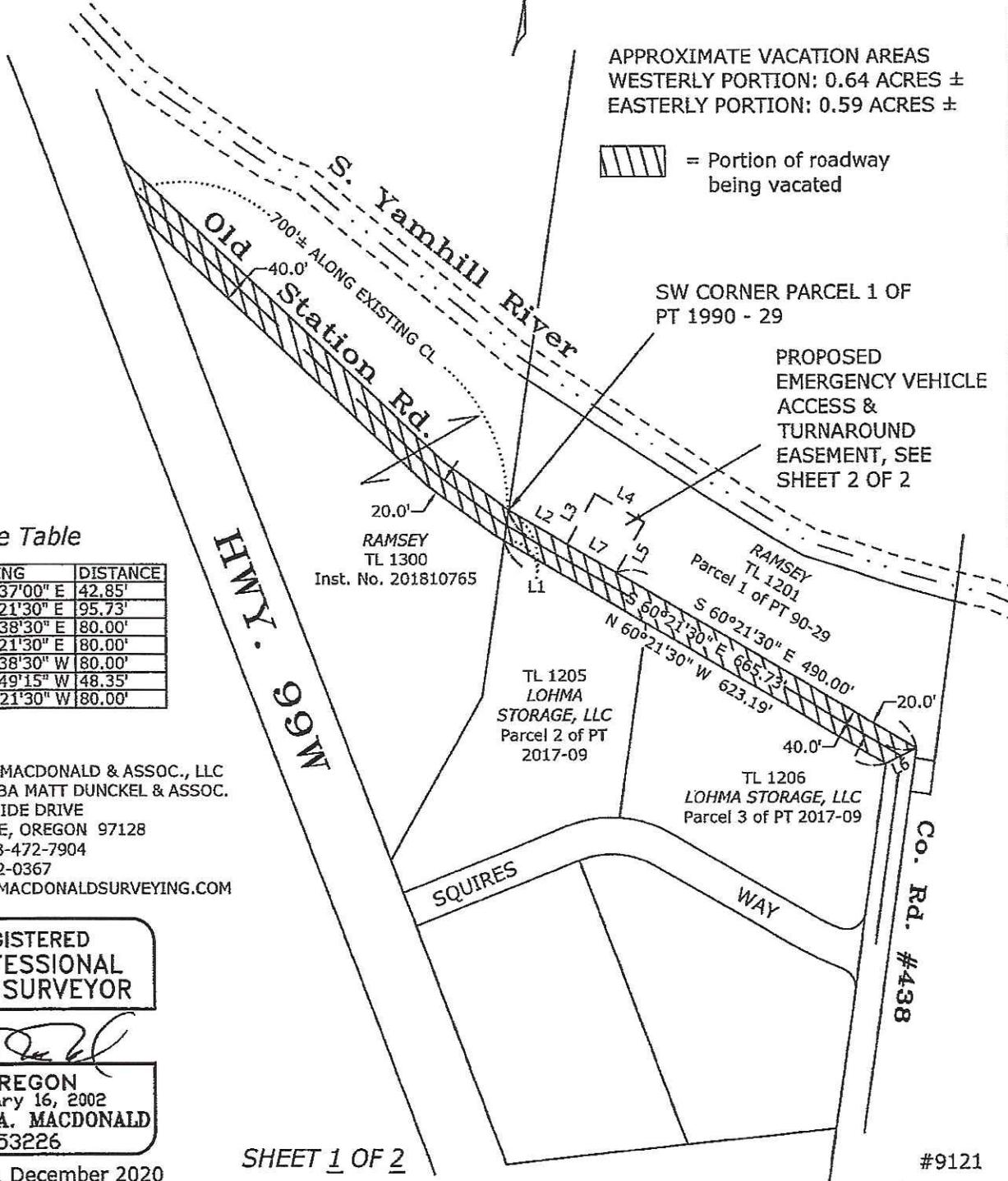
Date: 5 FEBRUARY 2020

Scale: 1" = 200'



APPROXIMATE VACATION AREAS
WESTERLY PORTION: 0.64 ACRES ±
EASTERLY PORTION: 0.59 ACRES ±

 = Portion of roadway being vacated



Line Table

LINE	BEARING	DISTANCE
L1	N 08°37'00" E	42.85'
L2	S 60°21'30" E	95.73'
L3	N 29°38'30" E	80.00'
L4	S 60°21'30" E	80.00'
L5	S 29°38'30" W	80.00'
L6	S 63°49'15" W	48.35'
L7	N 60°21'30" W	80.00'

BY : LELAND MACDONALD & ASSOC., LLC
FORMERLY DBA MATT DUNCKEL & ASSOC.
3765 RIVERSIDE DRIVE
MCMINNVILLE, OREGON 97128
PHONE : 503-472-7904
FAX: 503-472-0367
EMAIL: LEE@MACDONALDSURVEYING.COM

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**


OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Renews 31 December 2020

SHEET 1 OF 2

#9121

After Recording, Return To:

Yamhill County
Office of County Counsel
535 NE Fifth Street
McMinnville, Oregon 97128

ACCEPTED AND APPROVED BY:



Casey Kulla, Chair, Yamhill County
Board of Commissioners for:
YAMHILL COUNTY

2-13-2020

Date

EASEMENT

DAN RAMSEY, "Grantor", hereby grants to YAMHILL COUNTY, a political subdivision of the State of Oregon, "Grantee," a permanent, perpetual, exclusive easement, over and across real property situated in Yamhill County, as more particularly described in the attached Exhibit A and as shown on the attached survey Exhibit B, incorporated herein by reference ("Easement Area" or "Emergency Vehicle Access & Turnaround Easement")

1. Easement uses. The easement conveyed by Grantor to Grantee and Grantee's successors and assigns, is the right of access for emergency vehicles as necessary for emergency response. This grant allows use by emergency vehicles, including emergency vehicles not associated with Grantee, as necessary for emergency response.
2. Maintenance and Repair. Grantor, its successors and/or assigns, shall be responsible for maintenance and repair of the Easement Area to the level necessary to allow continued access by emergency vehicles, and Grantee shall have no responsibility for maintenance or repair. Grantor, its successors and/or assigns, shall be responsible for monitoring the Easement Area to ensure ongoing maintenance as necessary to allow continued access by emergency vehicles providing emergency response and to prevent nuisance and/or safety problems from arising or continuing.
3. Gate. Grantor, its successors and/or assigns, may install a gate to prevent access to the Easement Area by vehicles other than emergency vehicles responding to an emergency. The gate may utilize Knox System or equivalent technology, acceptable to the fire and rescue provider with jurisdiction over the property, to allow access by emergency vehicles.

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4. Consideration. The consideration for grant of this easement consists of the mutual covenants and agreements of the parties contained herein.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on:

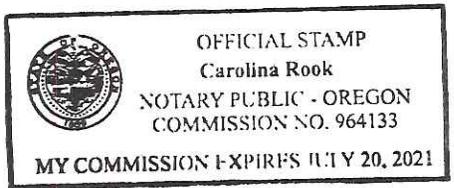
Date: 2-13-2020

By: Dan K. Ramsey

STATE OF OREGON)
)
County of Yamhill)

The foregoing instrument is acknowledged before me this 13th day of February, 2020, by Dan. K. Ramsey.

Carolina Rook
Notary Public for Oregon
My Commission Expires:



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



EXHIBIT "A"

6 February 2020

Description of real property for: DAN RAMSEY – Emergency Vehicle Access & Turnaround easement.

An easement for emergency vehicle access, being a tract of land located in Section 5, Township 5 South, Range 4 West, of the Willamette Meridian, Yamhill County, Oregon, the perimeter of said tract being more particularly described as follows:

Commencing at the southwest corner of Parcel 1 of Yamhill County Partition No. 1990 – 29, being a point on the northerly margin of OLD STATION ROAD (County Road No. 438); thence South 60°21'30" East 95.73 feet along said northerly margin and the south line of said Parcel 1 to the POINT OF BEGINNING; thence North 29°38'30" East 80.00 feet; thence South 60°21'30" East 80.00 feet; thence South 29°38'30" West 80.00 feet to a point on said northerly margin and said south line; thence South 60°21'30" East 490.00 feet; thence leaving said northerly margin South 63°49'15" West 24.18 feet to a point on the centerline of said county road that is 20.00 feet distant from, when measured at right angles to said northerly margin; thence along said centerline and parallel with said northerly margin North 60°21'30" West 556.42 feet to a point; thence leaving said centerline North 29°38'30" East 20.00 feet to the POINT OF BEGINNING, containing 0.40 acres (17,664 square) feet of land, more or less, as shown on a map attached hereto and made a part thereof.

END DESCRIPTION

Easement Map for : Dan Ramsey

Exhibit "B"

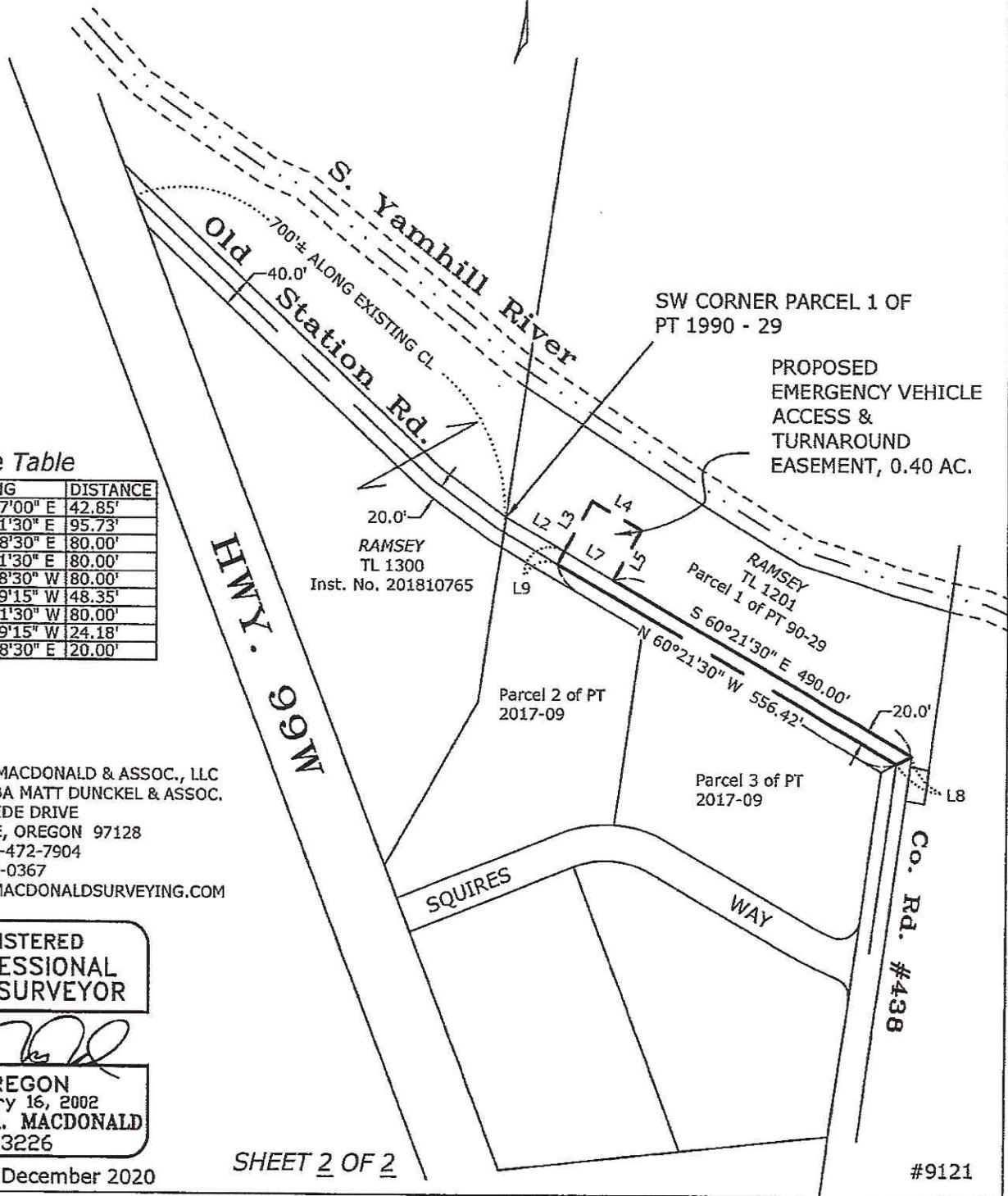
Location: SE 1/4 Section 5, T. 5 S.,
R. 4 W., WM., Yamhill County, OR

Tax Lot: 5405 - 1201, 1300

Date: 5 FEBRUARY 2020

Scale: 1" = 200'

North



Line Table

LINE	BEARING	DISTANCE
L1	N 08°37'00" E	42.85'
L2	S 60°21'30" E	95.73'
L3	N 29°38'30" E	80.00'
L4	S 60°21'30" E	80.00'
L5	S 29°38'30" W	80.00'
L6	S 63°49'15" W	48.35'
L7	N 60°21'30" W	80.00'
L8	S 63°49'15" W	24.18'
L9	N 29°38'30" E	20.00'

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REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]
OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Renews 31 December 2020

SHEET 2 OF 2

#9121