



## AGENDA: REGULAR SESSION

WEDNESDAY, FEBRUARY 13, 2019

WASCO COUNTY BOARD OF COMMISSIONERS

WASCO COUNTY COURTHOUSE, RM #302, 511 WASHINGTON ST, THE DALLES, OR 97058

**PUBLIC COMMENT:** *Individuals wishing to address the Commission are required to give their name and address. Please limit comments from three to five minutes, unless extended by the Chair.*

**NOTE:** With the exception of Public Hearings, the Agenda is subject to last minute changes; times are approximate – please arrive early. Meetings are ADA accessible. For special accommodations please contact the Commission Office in advance, (541) 506-2520. TDD 1-800-735-2900. If you require and interpreter, please contact the Commission Office at least 7 days in advance.

*Las reuniones son ADA accesibles. Por tipo de alojamiento especiales, por favor póngase en contacto con la Oficina de la Comisión de antemano, (541) 506-2520. TDD 1-800-735-2900. Si necesita un intérprete por favor, póngase en contacto con la Oficina de la Comisión por lo menos siete días de antelación.*

2:00 p.m.	CALL TO ORDER
2:00 p.m.	<a href="#">Road Vacation Petition</a> – Arthur Smith
	NEW/OLD BUSINESS
	ADJOURN

If necessary, an Executive Session may be held in accordance with: ORS 192.660(2)(a) – Employment of Public Officers, Employees & Agents, ORS 192.660(2)(b) – Discipline of Public Officers & Employees, ORS 192.660(2)(d) – Labor Negotiator Consultations, ORS 192.660(2)(e) – Real Property Transactions, ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection, ORS 192.660(2)(g) – Trade Negotiations, ORS 192.660(2)(h) - Conferring with Legal Counsel regarding litigation, ORS 192.660(2)(i) – Performance Evaluations of Public Officers & Employees, ORS 192.660(2)(j) – Public Investments, ORS 192.660(2)(m) –Security Programs, ORS 192.660(2)(n) – Labor Negotiations



## MEMORANDUM

**SUBJECT: PETITION TO VACATE PUBLIC ROADS IN TYGH VALLEY, OREGON**

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TO: BOARD OF COUNTY COMMISSIONERS

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FROM: ARTHUR SMITH

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DATE: 2/7/19

The Wasco County Public Works has received a properly prepared petition by landowners to vacate certain roads and sections of road in Tygh Valley, Oregon. The request includes:

A portion of Lawrence Avenue (60 feet in width) from the North line of Lot 8 - Block 24, (Third Street) to Fourth Street;

Leonard Avenue (60 feet in width) between Block 23 and 22, from (Third Street) to Fourth Street and Leonard Avenue (60 feet in width) West of Block 27, from Fourth Street to Fifth Street;

A portion of Church Avenue (60 feet in width) from between the South line of Lot 1 – Block 27 and the South line of Lot 8 – Block 28, to Fifth Street;

A portion of Fourth Street (50 feet in width) between Church Avenue and Leonard Avenue and Fourth Street (50 feet in width) from Leonard Avenue to Lawrence Avenue, excepting that road section between Lot 5 - Block 23 and Lot 4 - Block 24, along the South line of St Charles Avenue;

Fifth Street (50 feet in width), between the South line of Lot 4 – Block 28 (French Avenue) and Leonard Avenue;

All lying within the Plat of Tygh Valley, located in Section 10 BB, Township 4 South, Range 13 East, Willamette Meridian.

See attached map.

The petition included the required information:

1. A legal description of the roads proposed to be vacated.
2. A statement of the reason for requesting the vacation of the roads.
3. Names and addresses of all persons affected by the roads proposed to be vacated.
4. Notarized signatures of either owners of 60 percent of the land abutting the road proposed to be vacated or 60 percent of the owners of land abutting the road to be vacated.

The petitioners also deposited with the Public Works Department a check in the amount of \$500.00 which is the correct fee for initiating a petition for vacation of a road or public right-of-way.

**To move forward with this request, the Wasco County Board of Commissioners would need to direct the County Road Official to prepare a written report on the proposed vacation.**

The report must contain:

1. A description of the ownership of the road proposed to be vacated.
2. A description of the present use of the road proposed to be vacated.
3. An assessment of whether the vacation would be in the public interest.

PETITION

TO THE WASCO COUNTY BOARD OF COMMISSIONERS  
511 WASHINGTON STREET  
THE DALLES, OR 97058

LADIES/GENTLEMEN:

We, the following undersigned property owners of Wasco County, hereby petition you to vacate the following described portion of:

DESCRIPTION ALL OF 4TH & 5TH STREETS & LEONARD AS WELL AS PORTIONS OF LAWRENCE, ST. CHARLES & CHURCH AVE (SEE MAP)

Attached hereto and by this reference made a part hereof is a map marked Exhibit "A", which shows in detail the above described road or street.

REASON TO Roads are not necessary & land would be better used as larger parcels.

LIST OF ALL ABUTTING LANDOWNERS

ADDRESS

HAROLD LINDELL  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

80661 Friend Rd, Dufur, 97021  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All petitioners must be owners of property abutting the road sought to be vacated. Each petitioner must attaché a signature page signed before a Notary. If 100% of the abutting landowners sign the petition, the road may be vacated without Public Hearing.

PETITIONED ROAD: 4TH, 5TH, Lawrence, St. Charles, Leonard, Church

NAME OF PETITIONER/ADDRESS Coyote Ridge Properties, LLC  
57589 Church Ave  
Tygh Valley OR 97063

[Signature]  
Signature Howard McClung

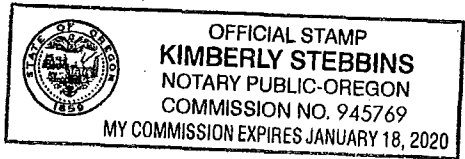
STATE OF Oregon

COUNTY OF Wasco

DATE October 07<sup>th</sup> 2018

Personally appeared the above named Howard McClung, Melissa McClung & David Colburn  
and acknowledged the foregoing instrument to be a voluntary act and deed. Before me:

Kimberly Stebbins



Notary Public for Oregon (State)

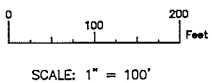
My Commission Expires: January 18, 2020

Note: If ownership is jointly held, simply add another signature line.

# EXHIBIT A

## COYOTE RIDGE

DEED DOCUMENT 2018-000877  
 BLOCKS 21, 22, 23, 24, 27, AND 28 OF TYGH PROPER ALONG WITH  
 VACATED PORTIONS OF THIRD STREET AND FRENCH AVENUE  
 SECTION 10, TOWNSHIP 4 SOUTH, RANGE 13 EAST, WILLAMETTE MERIDIAN,  
 COUNTY OF WASCOS, STATE OF OREGON



APPLICANT: DAVID COLBURN  
 57889 CHURCH AVE  
 TYGH VALLEY, OR 97063

PROPERTY OWNER: COYOTE RIDGE PROPERTIES, LLC

PLANNING DEPARTMENT FILE NO. 921-18-000888-PLNG

TAX LOT: 4S 13E 10BB 1700, ACCT# 10658

### LEGAL DESCRIPTION:

A TRACT OF LAND LYING IN THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 13 EAST, WILLAMETTE MERIDIAN, COUNTY OF WASCOS, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE BRASS CAP AT THE NORTHWEST CORNER OF SAID SECTION 10;

THENCE WEST ALONG THE NORTH LINE OF SECTION 9, TOWNSHIP 4 SOUTH, RANGE 13 EAST, WILLAMETTE MERIDIAN, NORTH 89°02'49" WEST 30.00 FEET TO THE WEST RIGHT OF WAY LINE OF LAWRENCE AVENUE, SAID POINT BEING ON THE NORTHERNMOST EAST LINE OF THAT TRACT OF LAND DESCRIBED IN DOC. NO. 2017-04574, WASCOS COUNTY DEED RECORDS;

THENCE SOUTH ALONG SAID NORTHERNMOST EAST DEED LINE SOUTH 0°57'11" WEST 255 FEET MORE OR LESS TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE VACATED PORTION OF THIRD STREET; SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 0°57'11" WEST 475.00 FEET ALONG SAID EAST DEED LINE TO THE EASTERNMOST NORTH LINE OF SAID DOC. NO. 2017-04574;

THENCE SOUTH 89°02'49" EAST 520 FEET ALONG SAID EASTERNMOST NORTH DEED LINE, SAID LINE ALSO BEING THE SOUTH LINE OF THE TO BE VACATED PORTION OF FOURTH STREET TO THE WEST RIGHT OF WAY LINE OF THE TO BE VACATED PORTION OF LEONARDO AVENUE;

THENCE SOUTH 0°57'11" WEST 450.00 FEET ALONG SAID WEST RIGHT OF WAY LINE OF LEONARDO AVENUE TO THE SOUTH RIGHT OF WAY LINE OF FIFTH STREET;

THENCE SOUTH 89°02'49" EAST 550.00 FEET ALONG SAID SOUTH RIGHT OF WAY LINE OF FIFTH STREET TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE VACATED PORTION OF FRENCH AVENUE;

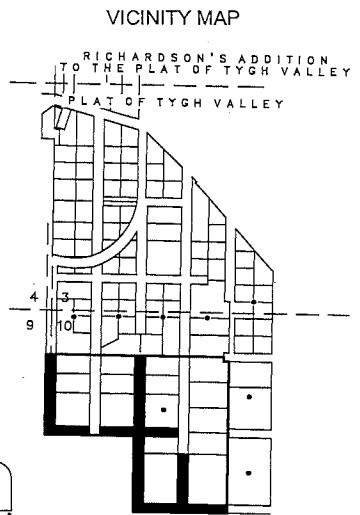
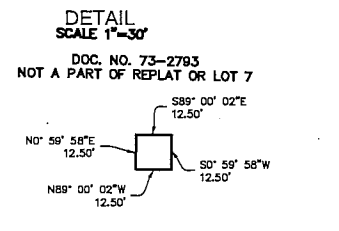
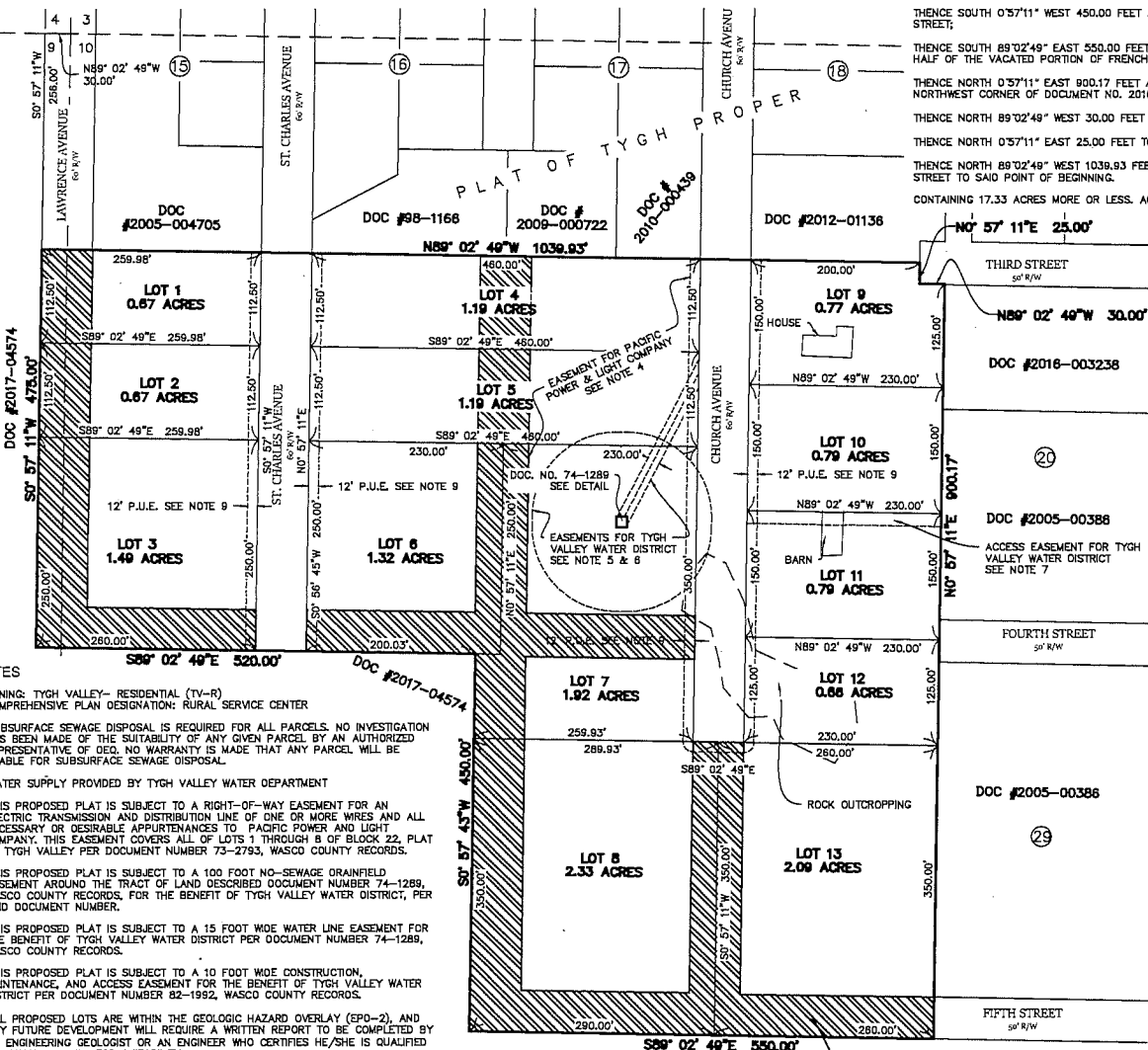
THENCE NORTH 0°57'11" EAST 800.17 FEET ALONG THE EAST LINE OF THE WEST HALF OF THE VACATED PORTION OF FRENCH AVENUE TO THE NORTHWEST CORNER OF DOCUMENT NO. 2016-003238, WASCOS COUNTY DEED RECORDS;

THENCE NORTH 89°02'49" WEST 30.00 FEET TO THE EAST LINE OF BLOCK 21, PLAT OF TYGH, WASCOS COUNTY SURVEY RECORDS;

THENCE NORTH 0°57'11" EAST 25.00 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE VACATED PORTION OF THIRD STREET;

THENCE NORTH 89°02'49" WEST 1039.93 FEET MORE OR LESS ALONG THE NORTH LINE OF THE SOUTH HALF OF THE VACATED PORTION OF THIRD STREET TO SAID POINT OF BEGINNING.

CONTAINING 17.33 ACRES MORE OR LESS. ACREAGE INCLUDES FUTURE VACATED PORTIONS OF PUBLIC ROADWAYS.



- ### NOTES
- ZONING: TYGH VALLEY- RESIDENTIAL (TV-R) COMPREHENSIVE PLAN DESIGNATION: RURAL SERVICE CENTER
  - SUBSURFACE SEWAGE DISPOSAL IS REQUIRED FOR ALL PARCELS. NO INVESTIGATION HAS BEEN MADE OF THE SUITABILITY OF ANY GIVEN PARCEL BY AN AUTHORIZED REPRESENTATIVE OF DEQ. NO WARRANTY IS MADE THAT ANY PARCEL WILL BE USABLE FOR SUBSURFACE SEWAGE DISPOSAL.
  - WATER SUPPLY PROVIDED BY TYGH VALLEY WATER DEPARTMENT
  - THIS PROPOSED PLAT IS SUBJECT TO A RIGHT-OF-WAY EASEMENT FOR AN ELECTRIC TRANSMISSION AND DISTRIBUTION LINE OF ONE OR MORE WIRES AND ALL NECESSARY OR DESIRABLE APPURTENANCES TO PACIFIC POWER AND LIGHT COMPANY. THIS EASEMENT COVERS ALL OF LOTS 1 THROUGH 8 OF BLOCK 22, PLAT OF TYGH VALLEY PER DOCUMENT NUMBER 73-2793, WASCOS COUNTY RECORDS.
  - THIS PROPOSED PLAT IS SUBJECT TO A 100 FOOT NO-SEWAGE GRAINFIELD EASEMENT AROUND THE TRACT OF LAND DESCRIBED DOCUMENT NUMBER 74-1289, WASCOS COUNTY RECORDS, FOR THE BENEFIT OF TYGH VALLEY WATER DISTRICT, PER SAID DOCUMENT NUMBER.
  - THIS PROPOSED PLAT IS SUBJECT TO A 15 FOOT WOE WATER LINE EASEMENT FOR THE BENEFIT OF TYGH VALLEY WATER DISTRICT PER DOCUMENT NUMBER 74-1289, WASCOS COUNTY RECORDS.
  - THIS PROPOSED PLAT IS SUBJECT TO A 10 FOOT WOE CONSTRUCTION, MAINTENANCE, AND ACCESS EASEMENT FOR THE BENEFIT OF TYGH VALLEY WATER DISTRICT PER DOCUMENT NUMBER 82-1992, WASCOS COUNTY RECORDS.
  - ALL PROPOSED LOTS ARE WITHIN THE GEOLOGIC HAZARD OVERLAY (EPO-2), AND ANY FUTURE DEVELOPMENT WILL REQUIRE A WRITTEN REPORT TO BE COMPLETED BY AN ENGINEERING GEOLOGIST OR AN ENGINEER WHO CERTIFIES HE/SHE IS QUALIFIED TO EVALUATE SOILS FOR SUITABILITY.
  - THE PROPOSED PLAT IS SUBJECT TO A 12 FOOT WIDE PUBLIC UTILITY EASEMENT (P.U.E.) ALONG THE FRONTAGE OF ST. CHARLES AVENUE AND CHURCH AVENUE AS SHOWN.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON  
 MAY 26, 2019  
 SAMANTHA KAY TANNER  
 90079

RENEWS 6/30/20  
 FILE: 18012 Coyote Ridge  
 12312D18.dwg  
 PLOT DATE: 12/31/2018

FOR COYOTE RIDGE PROPERTIES

45th PARALLEL GEOMATICS, LLC

P.O. BOX 1863  
 HOOD RIVER, OREGON 97031  
 541-392-1157

DATE: 12/31/2018 SHEET: 1 OF 1

HATCHED AREA REPRESENTS VACATED RIGHT OF WAY



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF DIRECTING THE PUBLIC WORKS DIRECTOR TO PREPARE HIS REPORT ON THE PROPOSED VACATION OF PORTION OF LAWRENCE AVENUE, LEONARD AVENUE, A PORTION OF CHURCH AVENUE, A PORTION OF FOURTH STREET AND FIFTH STREET ALL LYING WITHIN THE PLAT OF TYGH VALLEY, LOCATED IN SECTION 10BB, TOWNSHIP 4 SOUTH, RANGE 13 EAST, WILLAMETTE MERIDIAN

**ORDER #19-069**

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of Commissioners being present; and

IT APPEARING TO THE BOARD OF COMMISSIONERS: That a Petition, a copy of which is attached hereto and by this reference made a part hereof, has been duly filed seeking the vacation of roads and portion of roads located in the Plat of Tygh Valley, Section 10BB, Township 4 South, Range 13 East, Willamette Meridian, located in Wasco County, Oregon described as follows:

ROADS IN THE PLAT OF TYGH VALLEY

LEGAL DESCRIPTIONS

A portion of Lawrence Avenue (60 feet in width) from the North line of Lot 8 - Block 24, (Third Street) to Fourth Street;

Leonard Avenue (60 feet in width) between Block 23 and 22, from (Third Street) to Fourth Street and Leonard Avenue (60 feet in width) West of Block 27, from Fourth Street to Fifth Street;

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Fifth Street (50 feet in width), between the South line of Lot 4 – Block 28 (French Avenue) and Leonard Avenue;

All lying within the Plat of Tygh Valley, located in Section 10 BB, Township 4 South, Range 13 East, Willamette Meridian.

Attached hereto and by this reference made a part here of is a map marked Exhibit A.

IT FURTHER APPEARING TO THE BOARD OF COMMISSIONERS: That pursuant to ORS 368.346 when a vacation proceeding has been initiated byPetition the Wasco County Board of Commissioners shall direct the County Road Official to prepare and file with the County Board of Commissioners a written report pursuant to ORS 368.346(1).

NOW, THEREFORE, IT IS HEREBY ORDERED: That the County Director of Public Works examine the above-described road and file a written report pursuant to ORS 368.346(1).

DATED this 6<sup>th</sup> day of February, 2019.

**APPROVED AS TO FORM:**

**WASCO COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Kristen Campbell, County Counsel

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Steven D. Kramer, Commission Chair

\_\_\_\_\_  
Scott C. Hege, Vice-Chair

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Kathleen B. Schwartz, County Commissioner