

RIGHT OF WAY VACATION Street Vacation Check List

DISCLAIMER: Completion of this application does not constitute approval of the street vacation. The ultimate decision will be made by the Warrenton City Commission.

To help facilitate the street vacation process, you must complete the steps below in the order presented.

I have read the "Vacating A Street" brochure.

I have called and spoken to Adam Niles, Scott Cooter- Deputy Surveyor at Clatsop County's Cartography Department (503-325-8522) to see who will own the right-of-way area after the vacation is completed. (In most cases the vacated area is split down the middle and reverts back to the adjacent property owner.) **Please list who receives property:** Kenneth J Yuill

I have talked with all owners of the properties that abut all sides and corners of the portion of right-of-way to be vacated and they will support the vacation request (**objecting property owners will complicate or stop the process**).

I have contacted private utilities to determine if the companies will support the vacation, with or without special conditions. To ensure that you have a complete understanding of affected utilities, a utility locate should be requested by calling: 800-332-2344.

SIGN TO CONFIRM:

I have completed all of the above *Kenneth J. Yuill* 9/18/2023
Signature Date

After you have done all of the above and it appears that a right-of-way vacation may be feasible, a written right-of-way vacation petition (attached) and a Seven Hundred Fifty Dollar (\$750.00) application fee is required - Three Hundred Fifty Dollar (\$350.00) non-refundable deposit to be paid with petition submission; Four Hundred Dollar (\$400.00) balance to be paid before the street vacation goes before the commission. If multiple streets are involved, or it affects multiple lots, a land use review by the Planning Department and Planning Commission is required. The petition fee is One Thousand Dollars (\$1,000) when it is required to go before the Planning Commission.

Upon receipt of this checklist, the petition, the required fee, and all necessary signatures, (see ORS 271.080 – attached), the City Recorder shall review the petition. If petition is deemed incomplete, it will be returned to the petitioner for additional signatures or other required information. If required percentages of consent is confirmed, the matter will be placed on the City Commission's Agenda to consider setting a public hearing or referred to the Planning Commission, if required. Please allow four weeks for the review of the petition.

Kenneth J. Field

Petitioner

9/18/2003

Date

Return To:

City of Warrenton
P.O. Box 250
225 S. Main Street
Warrenton, OR 97146

For Questions – Contact:

Dawne Shaw, City Recorder
Phone: 503- 861-0823
Email: cityrecorder@ci.warrenton.or.us



location
147 s. main avenue
warrenton or 97146

mailing
po box 1149
warrenton or 97146

office 503-861-0119
fax 503-861-0220

toll free 1-888-887-4990
tdd 1-800-927-9275

www.nwoha.org

September 11, 2023

City of Warrenton
225 South Main Street
Warrenton, OR 97146

To Whom It May Concern,

The Northwest Oregon Housing Authority, as Administrative General Partner and Special Limited Partner of Trillium House Limited Partnership and Northwest Housing Alternatives as Managing General Partner of Trillium House Limited Partnership, Tax Lot 810278C01400 is in favor of the proposed street vacation to the area where Trillium House's storm drain line runs through Mr. Ken Yuill's property.

With the approval of the street vacation, it will protect the integrity of the storm line for our property. We support the street vacation.

If you have any questions, please don't hesitate to contact me at 503-861-0119.

Thank you,

Trillium House Limited Partnership

James Evans, Administrative General Partner

Destin Ferdun, Managing General Partner

Northwest Oregon Housing Authority


James Evans, Interim Executive Director
as Special Limited Partner

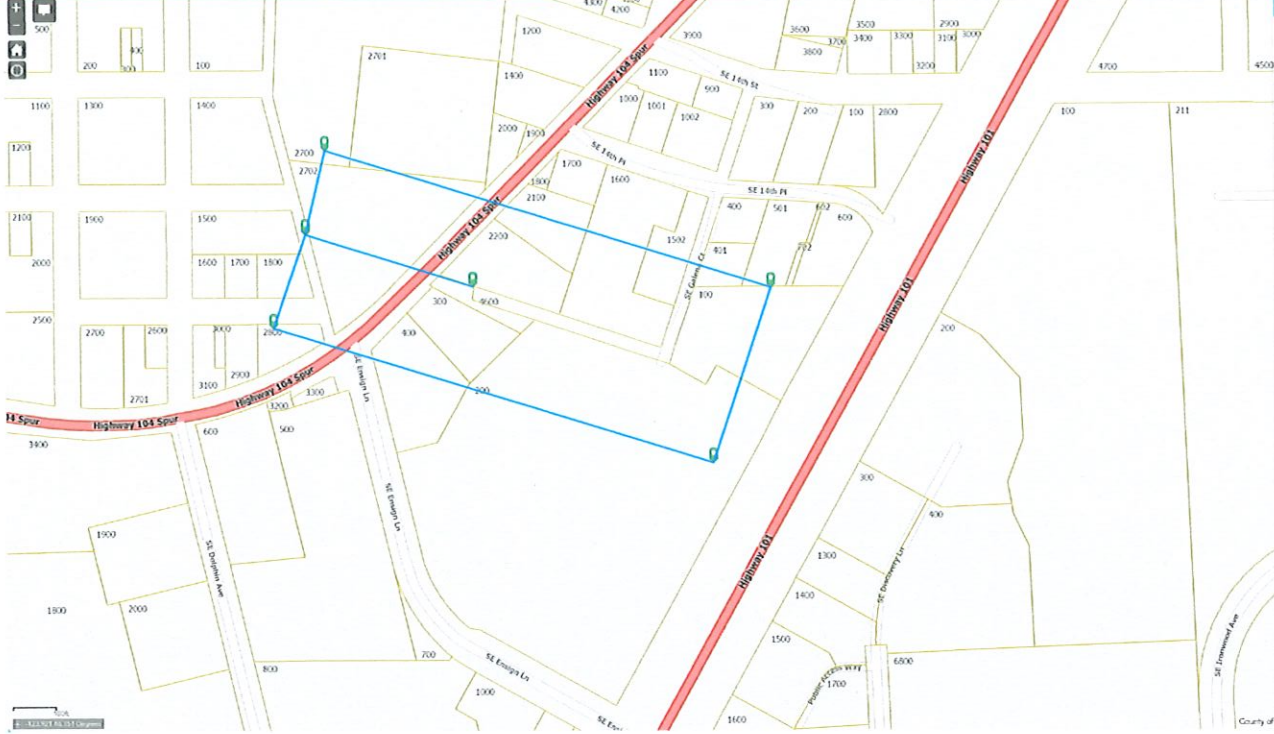
To the City of Warrenton:

We support the street vacation to the portion of the unnamed street right-of-way that runs through the property that is owned by Ken Yuill At 580 Hwy 101 Alt. Warrenton Oregon 97146.

Our Tax Lot is 81027CB 0300, This is South of Mr. Yuill's Tax Lot 81027BC04600.

Kim Hamilton  Date: 9/9/2023

Kelly Keightly  Date: 9/9/23



Measurement

1 Feet

Measurement Feet

3,375.1 Feet

To Do List

Owners name address City state zip code tax lot account number

List

Column 1	Column 2	Column 3	Column 4	Column 5
Judith M Kujala	225 SE Galena Ave	Warrenton Or 97146	81027BC 02700	32064
Judith M Kujala	225 SE Galena Ave	Warrenton Or 97146	81027AD 01500	32293
Van Bilisen Freeman LLC	600 Citadel Dr.	Commerce CA 90040	81027BC 0272	32064
Nicholas F Zorich				
Mary Kaye Zorich	1814 NW 140th Cir	Vancouver Wa 98685	81028AD 01800	32296
Richard M Aberle	84226 Lorane Hwy	Eugene Or 97405-9413	81027BC 0271	32063
Clatsop RCA LLC	35373 Gustagson Ln	Astoria Or 97103	81027CB 00400	57253
Home Depot USA Inc.	P.O. Box 105842	Atlanta Ga 30348-5842	81027CB 00200	31829
Home Depot USA Inc.	P.O. Box 105842	Atlanta Ga 30348-5842	81027CB 0100	57252
Heather Janee Vazquez				
Jorge Vazquez				
James Floyd	P.O. Box 731	Warrenton Or 97146	81027BC 01502	32046
Trillium House				
Limited Partnership	2316 S.E. Willard ST.	Portland Or 97222	81027BC 01600	32048
LBC Holdings LLC	91683 Lewis &Clark Rd	Astoria, Or 97103	81027BC 00401	54946

Adam S Kirby

Cindy Courtwright Kirby

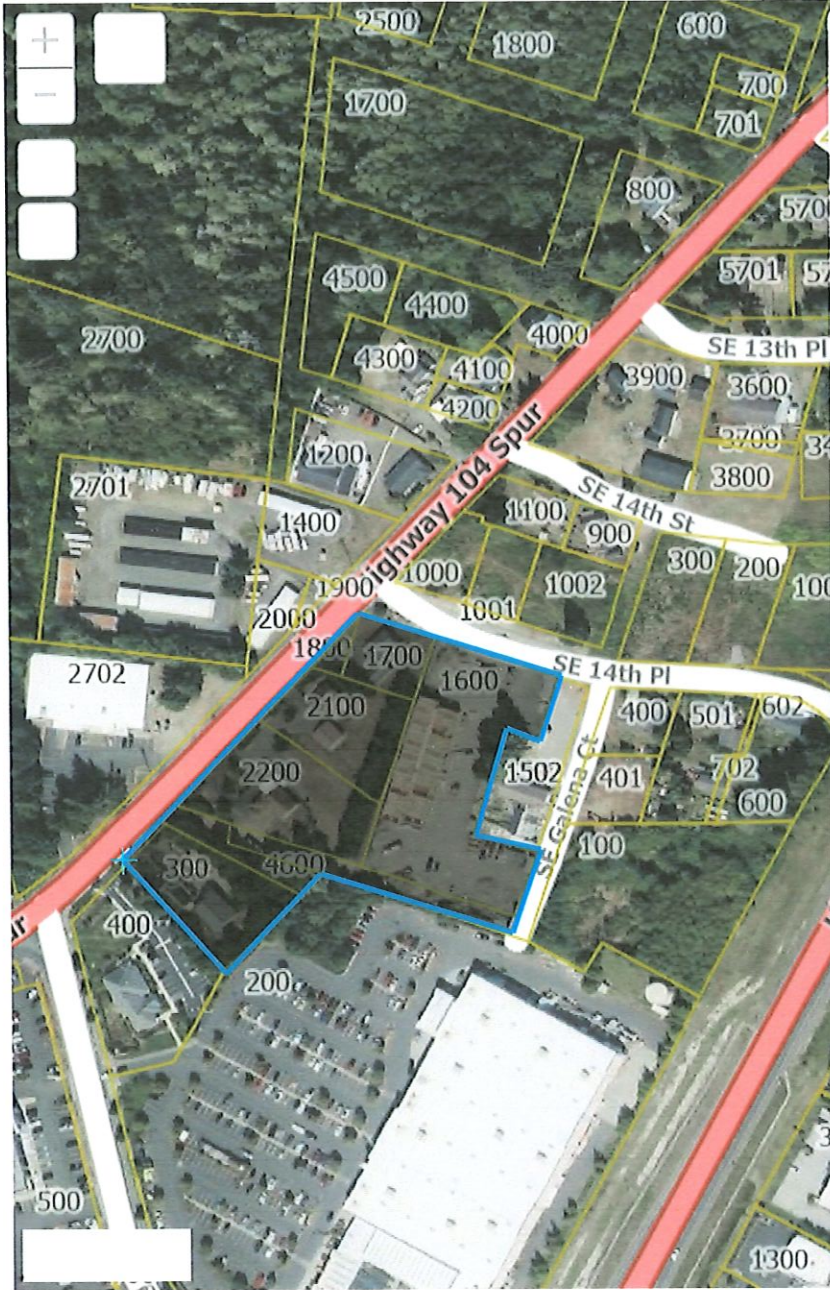
P.O. Box 1171

Warrenton Or 97146

81027BC 00501

32033

List of owners in the area



Measurement

1 Sq Feet

Measurement Result

191,714.4 Sq Feet

Clear



Measurement

| Feet (US)

Measurement Result

151.4 Feet (US)

Clear

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLATSOP

Kenneth Yuill, an individual,
Plaintiff,

vs.

Home Depot, USA, Inc., a Delaware corporation and Oregon foreign business corporation; the State of Oregon, by and through its Department of Transportation; Clatsop County of Oregon; Douglass Land and Trust Company a/k/a Douglas Land and Trust Company, an inactive Oregon corporation; All Other Occupants and Claimants, if any,
Defendants.

Case No.: 21CV29018

**GENERAL JUDGMENT BY DEFAULT
AGAINST DEFENDANTS CLATSOP
COUNTY OF OREGON AND THE
STATE OF OREGON, BY AND
THROUGH ITS DEPARTMENT OF
TRANSPORTATION**

This matter came before this Court on Plaintiff's motion for a Judgment by Default against Defendant Clatsop County of Oregon ("Clatsop County") and Defendant the State of Oregon by and through its Department of Transportation ("ODOT"). It appeared to the Court from an examination of the records and files that an order of default was entered against Clatsop County on September 1, 2021, and that an order of default was entered against ODOT on 10-7-2021.

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Based on the records and files herein, the Court finding generally in favor of Plaintiff and against Defendants Clatsop County and ODOT (together, "Defendants"), and the Court being fully advised in the premises;

Now, therefore, IT IS HEREBY ADJUDGED that:

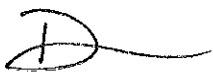
A. Plaintiff is the owner in fee simple of the Property (as described in Plaintiff's Complaint) and is entitled to possession thereof, free of any estate, title, claim, lien, or interest of Defendants or those claiming under Defendants. Title in the premises and in the Property is quieted in Plaintiff. The Property is legally described as follows:

A tract of land situated in the Northwest quarter of Section 27, Township 8 North, Range 10 West, Willamette Meridian, City of Warrenton, County of Clatsop, State of Oregon, being bounded as follows:
On the West by the Warrenton Cut Off Road No. 200;
On the South by the Westerly projection of the South line of the Subdivision of Tract 3, Chelsea, as recorded in Plat Book 1, page 13, dated December 3, 1889;
On the East by said Tract 3; and
On the North by the Westerly projection of the South line of Lot 9, Block 2, said Tract 3.

B. Defendants and those claiming under Defendants are enjoined from asserting any estate, title, claim, lien, or interest in the premises or Property or any portion thereof; and

C. Neither Plaintiff nor Defendants shall be awarded their costs, disbursements, or attorney fees incurred herein.

Signed: 10/7/2021 10:29 AM



Circuit Court Judge Dawn M. McIntosh

Submitted by:
Christian Zupancic, OSB #135475
Attorney for Plaintiff Kenneth Yuill

1 UTCR 5.100 CERTIFICATE OF COMPLIANCE

2 The proposed order or judgment submitted with this certificate is ready for judicial signature because:

3 1. Each opposing party affected by this order or judgment has stipulated to the order or
4 judgment, as shown by each opposing party's signature on the document being submitted.

5 2. Each opposing party affected by this order or judgment has approved the order or
6 judgment, as shown by signature on the document being submitted or by written confirmation of
7 approval sent to me.

8 3. I have served a copy of this order or judgment on all parties entitled to service and:

9 a. No objection has been served on me.

10 b. I received objections that I could not resolve with the opposing party
11 despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which
12 objections remain unresolved.


13 c. After conferring about objections, _____ [role and
14 name of opposing party] agreed to independently file any remaining objection.

15 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
16 otherwise.

17 5. This is a proposed judgment that includes an award of punitive damages and notice has
18 been served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of
19 this rule.

20 6. Other: _____.

21 DATED: October 4, 2021.

22
23
24 
25 _____
26 Christian Zupancic, Counsel for Plaintiff

REGISTERED
PROFESSIONAL
LAND SURVEYOR

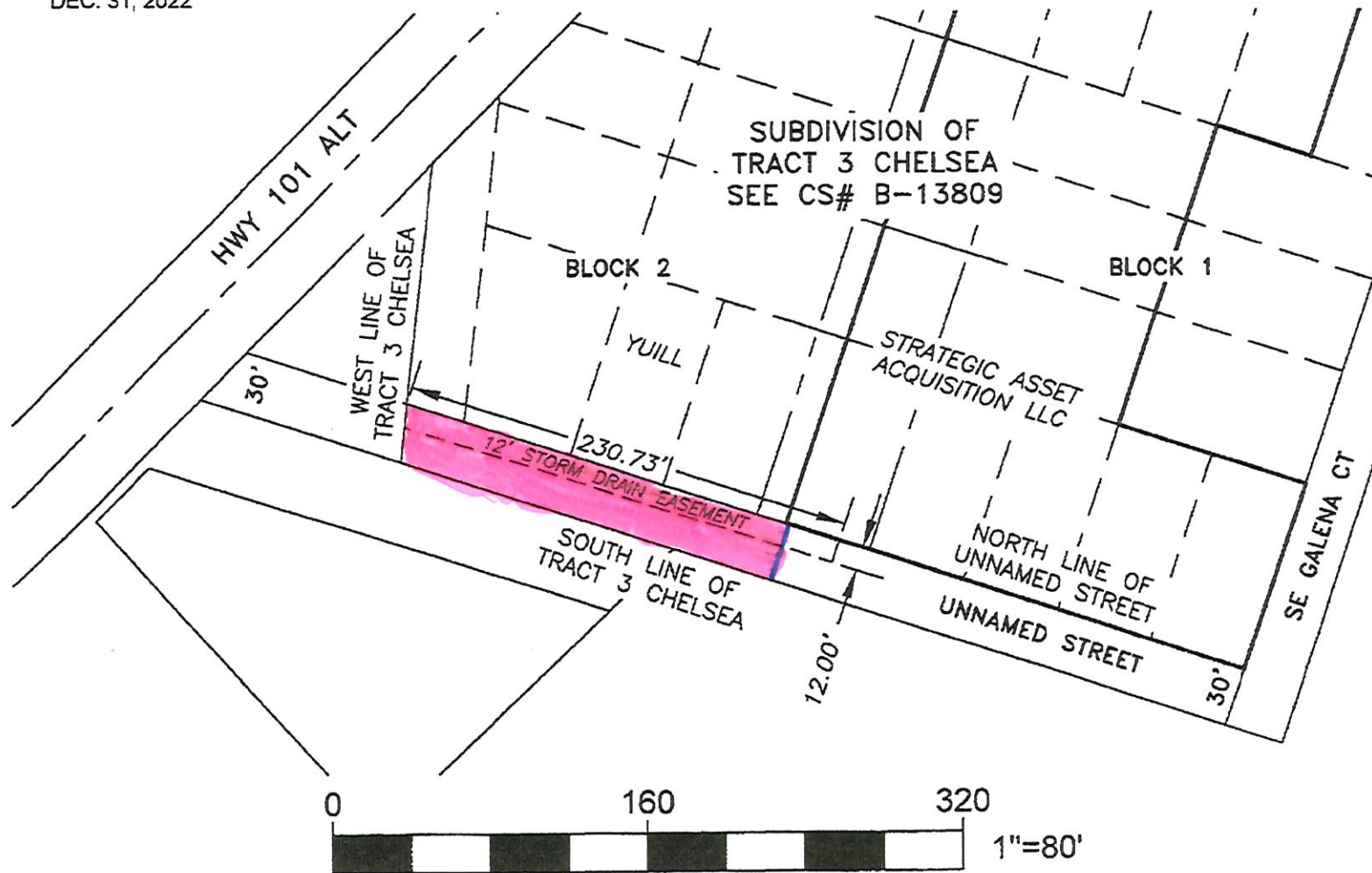
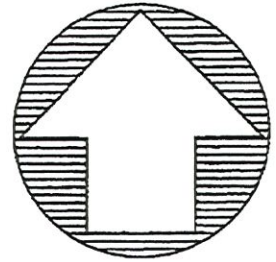
Michael Magyar

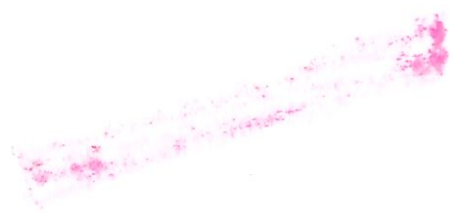
OREGON
JULY 12, 2016
MICHAEL G. MAGYAR
PLS 90788

EXPIRES: DEC. 31, 2022

EXHIBIT MAP FOR A 12-FOOT-WIDE STORM DRAIN EASEMENT

SHOWING PLANNING LEVEL PARCEL OWNERSHIP &
A PROPOSED STORM DRAIN EASEMENT CROSSING CITY RIGHT OF WAY
SERVING THE FUTURE TRILLIUM HOUSE
SUBDIVISION OF TRACT 3 CHELSEA, WARRENTON, OREGON
DECEMBER 21, 2021





Property Line Adjustment Survey

NW 1/4 SEC. 27, T8N, R10W, W.M.
CITY OF WARRENTON, COUNTY OF CLATSOP, STATE OF OREGON
MAY 3, 2023

CLATSOP COUNTY SURVEYOR
RECVD: 5/04/23
FILED: 8/21/23 SK
ASTORIA, OREGON

CLIENT:
KENNETH YUILL
WARRENTON, ORE. 97146-9522

SURVEYOR:
MAGYAR
POB 1309
ASTORIA, ORE. 97103

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael Magyar

OREGON
JULY 12, 2016
MICHAEL G. MAGYAR
PLS 90788

EXPIRES: DEC. 31, 2024

MONUMENT NOTES

FOUND AND HELD 5/8 IN. RB W/YPC "WRG DESIGN"
AT THE SE CORNER OF SUBD OF TR. 3 CHELSEA; SEE
CS# B-12154; TOP FLUSH W/GROUND.

FOUND AND HELD 5/8 IN. RB W/YPC "HLB INC."
AT THE SOUTH LINE OF SUBD. TRACT 3 CHELSEA; SEE
CS# B-9762; TOP 1 IN. BELOW GROUND.

FOUND AND HELD 5/8 IN. RB W/RPC "CRITES LS"
MARKING THE NW 1/4 LINE OF THE HWY 101 ALT
ENTON CUTOFF NO. 200; SEE CS# B-8960; TOP 1
IN. BELOW GROUND.

FOUND & HELD 5/8 IN. RB W/YPC "HLB & ASSOC."
MARKING THE SE 1/4 LINE OF THE HWY 101 ALT
ENTON CUTOFF NO. 200; SEE CS# B-11876. TOP
1 IN. BELOW GROUND.

FOUND 3/4 INCH IRON BOLT BEN NE'LY, EXCAVATED
MEASURED SPIN HOLE. DEED MONUMENT PER B173.
SEE CS# B-6368. ACCEPTED AS A POINT ON THE
LINE OF THE KEIGHTLY & HAMILTON TRACT, NOT
RECORDED AS MARKING THE HIGHWAY RIGHT OF WAY.

FOUND 1-1/4" IRON BOLT WITH ROUNDED HEAD, BENT
EXCAVATED AND MEASURED SPIN HOLE. DEED
MONUMENT PER B173, P271; SEE CS# B-6368.

SUBDIVISION OF TRACT 3 CHELSEA
SEE CS# B-13890

LEGEND

- ⊙ FOUND 5/8 IN. REBAR W/PINK PLASTIC CAP STAMPED "MAGYAR"; SEE CS# B-14151
 - FOUND 5/8 IN. REBAR W/BLUE PLASTIC CAP STAMPED "MAGYAR PLS90788"; SEE CS# B-13890
 - FOUND MONUMENT AS NOTED
 - SET 5/8 IN. REBAR W/PINK PLASTIC CAP STAMPED "MAGYAR";
 - ⊖ FOUND RUSTY AND BENT TIE ROD SET ON CLATSOP COUNTY SURVEY NO. 6368 AND REBURIED WITH A ONE INCH IRON PIPE W/PINK PLASTIC CAP STAMPED "MAGYAR"; OLD IRON TIE ROD BURIED ALONGSIDE PIPE.
- BOUNDARY LINE
- - - OLD PROPERTY LINE
- - - PLATTED LOT LINE
N18° 11' 58"E OBLIQUE TEXT INDICATES DETERMINED LINE VALUES
() SUBDIVISION TRACT 3 OF CHELSEA
()2 CS# B-9762
()3 CS# B-6368
()4 WARRENTON DEPOT SUBDIVISION

METADATA

Units: International Foot
Horizontal Datum: NAD83 (2011) Epoch 2010.0 (ORGN)
Height Datum: NAVD88 (GRS80/GEOD18)
Coordinate System: OCRS, Oregon Coast Zone
Basis of Bearing: Grid North, Oregon Coast Zone
Convergence Angle: Monument 155, +0°05'34"
On this survey, grid distances = ground distances

SURVEY NARRATIVE

The purpose of this survey is to depict and monument a Property Line Adjustment between that tract awarded by judgment (Quiet Title Claim) to Kenneth Yuill, Case No. 21CV29018 in the Circuit Court of the State of Oregon and as recorded in Instrument No. 202111924 and as shown on Clatsop County Survey No. B-14151, and that tract described in Instrument No. 201908153 and as shown on Clatsop County Survey No. B-14178, records of the Clatsop County Clerk.

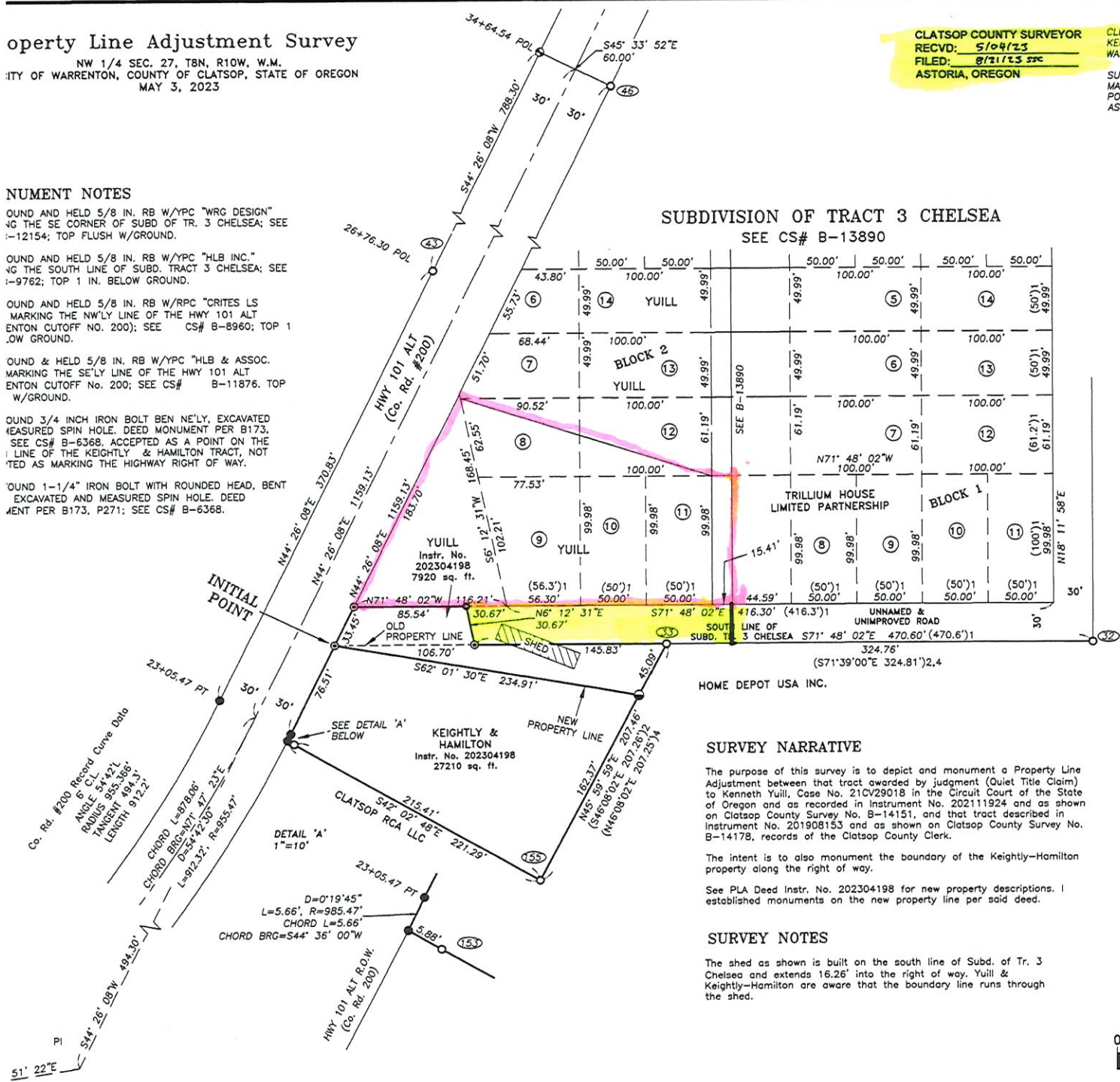
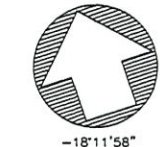
The intent is to also monument the boundary of the Keightly-Hamilton property along the right of way.

See PLA Deed Instr. No. 202304198 for new property descriptions. I established monuments on the new property line per said deed.

SURVEY NOTES

The shed as shown is built on the south line of Subd. of Tr. 3 Chelsea and extends 16.26' into the right of way. Yuill & Keightly-Hamilton are aware that the boundary line runs through the shed.

MAP DISPLAY ROTATION



RE: Combining Tax Lots and Street Vacation

Adam Niles <aniles@clatsopcounty.gov>

Mon 8/28/2023 12:30 PM

To: Scott Cooter <scooter@clatsopcounty.gov>; Vance Swenson <VSWENSON@clatsopcounty.gov>

Cc: 'kjuuill@msn.com' <kjuuill@msn.com>

Hi Scott,

Ken did stop by A&T this morning. He is going to hold off submitting the consolidation form, it doesn't really matter if it's submitted now or when the vacation is recorded. We are locked out from making changes while we are preparing the new tax roll, so early October will be the soonest we can make changes. (Ken, if you change your mind you can submit the form anytime.)

The vacated right-of-way will inure to tax lot 2200 (the tax lot to the north), you are exactly right. No new tax lot would be created, the area will be added to 2200.

Thanks,

Adam Niles – Cartographer

Clatsop County Assessment & Taxation

820 Exchange St., Suite 210

Astoria, OR 97103

(503) 338-3673

From: Scott Cooter <scooter@clatsopcounty.gov>

Sent: Monday, August 28, 2023 10:25 AM

To: Adam Niles <aniles@clatsopcounty.gov>; Vance Swenson <VSWENSON@clatsopcounty.gov>

Cc: 'kjuuill@msn.com' <kjuuill@msn.com>

Subject: Combining Tax Lots and Street Vacation

Hi Vance and Adam,

Ken Yuill stopped by a while ago. We are getting ready to file the Property Line Adjustment Survey that is associated with Instrument No. 202304198.

Mr. Yuill wanted to ask a couple questions:

1. Should he do the request for combining tax lots on 4600 & 2200 map 81021BC (I asked if there was a mortgage on either lot and Ken said no)
 - **I suggested that he go ahead and do the combining now**
2. Ken also will be in the process of vacating a portion of the unnamed street shown on the attachment. He was under the impression from Mike Magyar that the street if vacated would all inure to his property (tax lots 2200 & 4600) as the original plat did not include the home depot property. He was also wanting the newly vacated portion of the street to combine with the other tax lots.
 - **I agreed that if the plat of Chelsea did not have lots to the south of the vacated street that all of the vacated street would be in the ownership of the abutting portion that is within Chelsea per ORS chapter 271 (I believe, check me if I'm wrong see ORS snip below). Or would a small portion of the vacation on the SE side go to the Home Depot property (TL 200) ?I'm assuming that after the vacation, Adam you will create a new tax lot for the vacated portion. Is that correct? And then Ken would do another combining of Tax Lots at that point or something else?**

271.140 Title to vacated areas. The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city.
[Amended by 1981 c.153 §58]

Does that all sound correct. Let me and Ken know what your thoughts are on these two items. I have copied him on this email.

Thank you,

Scott Cooter
Deputy County Surveyor
1100 Olney Avenue
Astoria, OR 97103
(503)325-8631
scooter@clatsopcounty.gov

This message has been prepared on resources owned by Clatsop County, Oregon. It is subject to the Internet and Online Services Use Policy and Procedures of Clatsop County.

Property Line Adjustment Survey

NW 1/4 SEC. 27, T8N, R10W, W.M.
OF WARRENTON, COUNTY OF CLATSOP, STATE OF OREGON
MAY 3, 2023

CLATSOP COUNTY SURVEYOR
RECVD: 5/04/23
FILED: 8/21/23
ASTORIA, OREGON

CLIENT:
KENNETH YUILL
WARRENTON, ORE. 97146-9522

SURVEYOR:
MAGYAR
POB 1309
ASTORIA, ORE. 97103

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael Magyar

OREGON
JULY 12, 2010
MICHAEL G. MAGYAR
PLS 90788

EXPIRES: DEC. 31, 2024

MENT NOTES

D AND HELD 5/8 IN. RB W/YPC "WRG DESIGN"
HE SE CORNER OF SUBD OF TR. 3 CHELSEA; SEE
154; TOP FLUSH W/GROUND.

D AND HELD 5/8 IN. RB W/YPC "HLB INC."
HE SOUTH LINE OF SUBD. TRACT 3 CHELSEA; SEE
62; TOP 1 IN. BELOW GROUND.

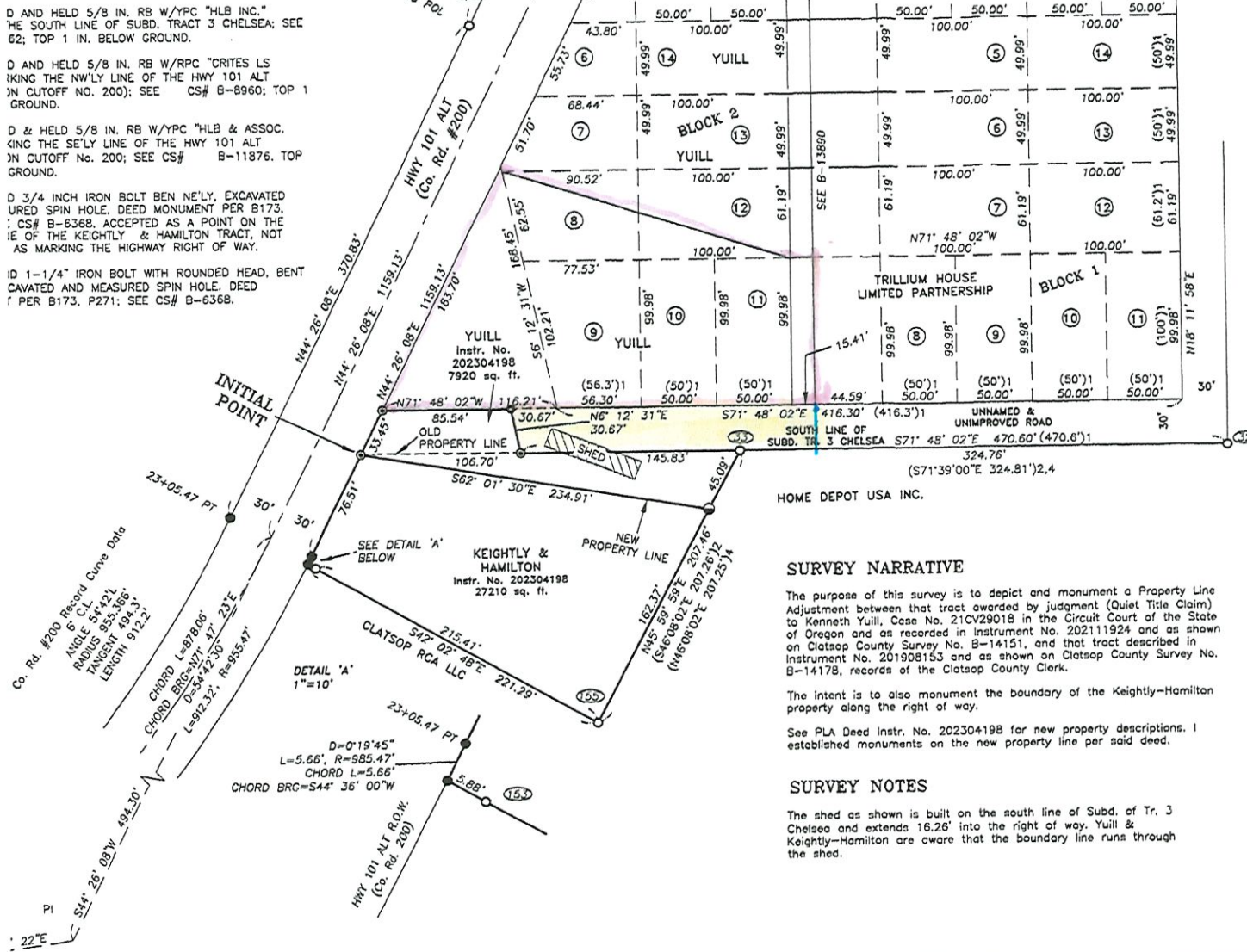
D AND HELD 5/8 IN. RB W/RPC "CRITES LS"
MARKING THE NW'LY LINE OF THE HWY 101 ALT
IN CUTOFF NO. 200; SEE CS# B-8960; TOP 1
GROUND.

D & HELD 5/8 IN. RB W/YPC "HLB & ASSOC."
MARKING THE SE'LY LINE OF THE HWY 101 ALT
IN CUTOFF No. 200; SEE CS# B-11876. TOP
GROUND.

D 3/4 INCH IRON BOLT BEN NE'LY, EXCAVATED
UNRECORDED SPIN HOLE, DEED MONUMENT PER B173,
CS# B-6368, ACCEPTED AS A POINT ON THE
EAST LINE OF THE KEIGHTLY & HAMILTON TRACT, NOT
AS MARKING THE HIGHWAY RIGHT OF WAY.

ID 1-1/4" IRON BOLT WITH ROUNDED HEAD, BENT
UNRECORDED AND MEASURED SPIN HOLE, DEED
MONUMENT PER B173, P271; SEE CS# B-6368.

SUBDIVISION OF TRACT 3 CHELSEA
SEE CS# B-13890



LEGEND

- FOUND 5/8 IN. REBAR W/PINK PLASTIC CAP STAMPED "MAGYAR"; SEE CS# B-14151
 - FOUND 5/8 IN. REBAR W/BLUE PLASTIC CAP STAMPED "MAGYAR PLS90788"; SEE CS# B-13890
 - FOUND MONUMENT AS NOTED
 - SET 5/8 IN. REBAR W/PINK PLASTIC CAP STAMPED "MAGYAR";
 - FOUND RUSTY AND BENT TIE ROD SET ON CLATSOP COUNTY SURVEY NO. 6368 AND REFURBISHED WITH A ONE INCH IRON PIPE W/PINK PLASTIC CAP STAMPED "MAGYAR"; OLD IRON TIE ROD BURIED ALONGSIDE PIPE.
- BOUNDARY LINE
 - - - - OLD PROPERTY LINE
 - - - - PLATTED LOT LINE
 - N78° 11' 58"E OBLIQUE TEXT INDICATES DETERMINED LINE VALUES
 - (1) SUBDIVISION TRACT 3 OF CHELSEA BOOK 1 PAGE 13
 - (2) CS# B-9762
 - (3) CS# B-6368
 - (4) WARRENTON DEPOT SUBDIVISION

METADATA

Units: International Foot
Horizontal Datum: NAD83 (2011) Epoch 2010.0 (ORGN)
Height Datum: NAVD83 (GRS80/Geoid18)
Coordinate System: OCRS, Oregon Coast Zone
Basis of Bearing: Grid North, Oregon Coast Zone
Convergence Angle: Monument 155, +0°05'34"
On this survey, grid distances = ground distances

HOME DEPOT USA INC.

SURVEY NARRATIVE

The purpose of this survey is to depict and monument a Property Line Adjustment between that tract awarded by judgment (Quiet Title Claim) to Kenneth Yuill, Case No. 21CV29018 in the Circuit Court of the State of Oregon and as recorded in instrument No. 202111924 and as shown on Clatsop County Survey No. B-14151, and that tract described in instrument No. 201908153 and as shown on Clatsop County Survey No. B-14178, records of the Clatsop County Clerk.

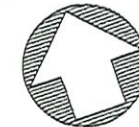
The intent is to also monument the boundary of the Keightly-Hamilton property along the right of way.

See PLA Deed Instr. No. 202304198 for new property descriptions. I established monuments on the new property line per said deed.

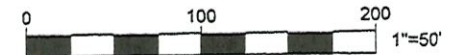
SURVEY NOTES

The shed as shown is built on the south line of Subd. of Tr. 3 Chelsea and extends 16.26' into the right of way. Yuill & Keightly-Hamilton are aware that the boundary line runs through the shed.

MAP DISPLAY ROTATION



-18°11'58"





MAP 8 10 27 BC
 TL'S 2200 & 4600

ORS 271.080

Vacation in incorporated cities

- petition
- consent of property owners

(1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing. [Amended by 1999 c.866 §2]

Location: https://oregon.public.law/statutes/ors_271.080

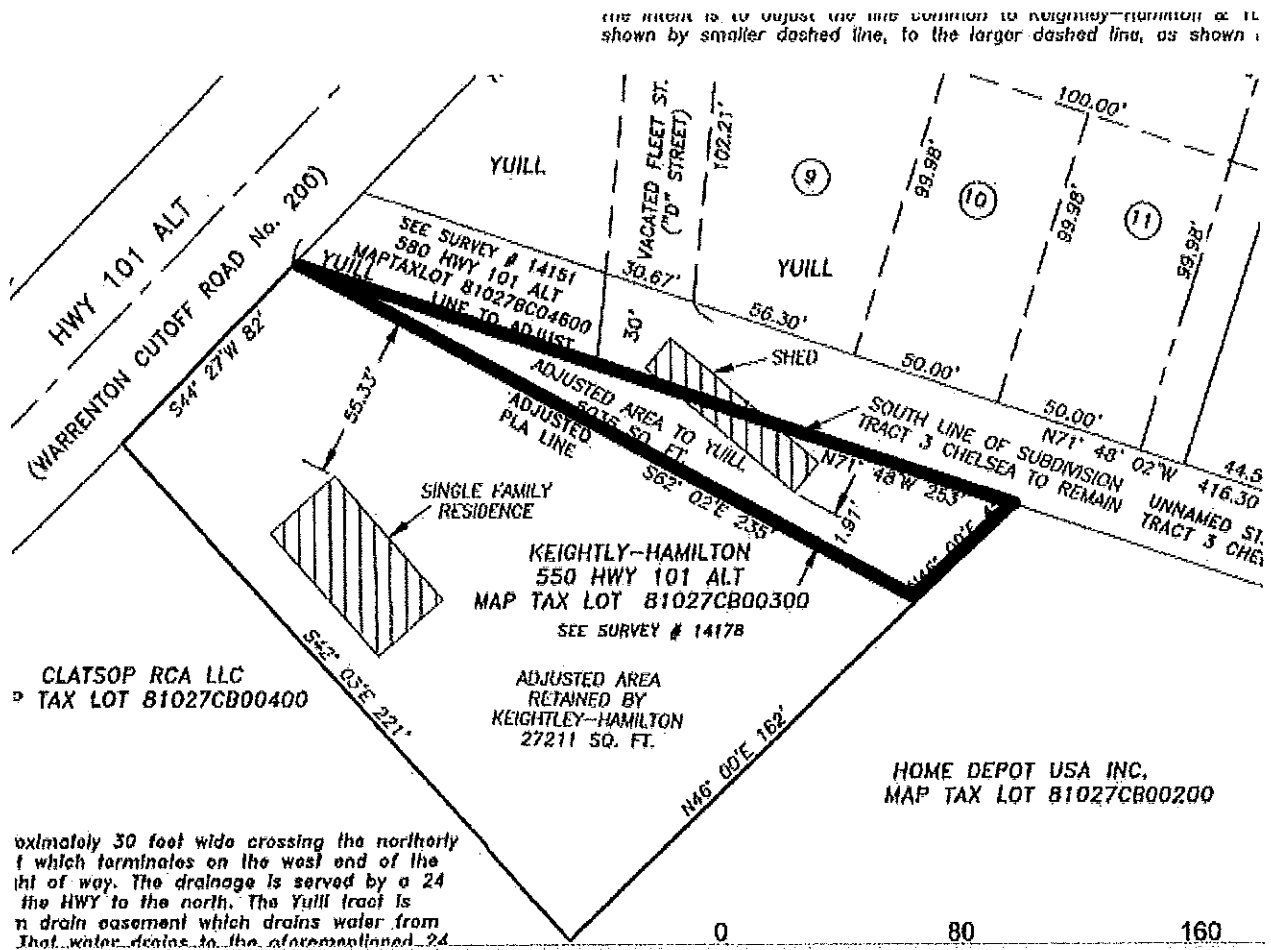
Original Source: Section 271.080 — Vacation in incorporated cities; petition; consent of property owners, https://www.oregonlegislature.gov/bills_laws/ors/ors271.html (last accessed Jun. 16, 2023).

- b. Lot Width: 50 feet
- c. Lot Depth: 70 feet
- d. Setback Front: 15 feet
- e. Setback Side: 8 feet
- f. Setback Rear: 15 feet

Findings Related to Lot line Adjustment:

- 4. The proposal will transfer a triangular shaped parcel to Yuill and then allow Yuill to request vacation of the remaining part of the unnamed and unimproved 30-foot right-of-way.

Graphic 2. Proposed Transfer



- 5. Both residences currently meet these requirements and will meet the requirements after the lot line adjustment.

Property Line Adjustment Survey

NW 1/4 SEC. 27, T8N, R10W, W.M.
CITY OF WARRENTON, COUNTY OF CLATSOP, STATE OF OREGON
MAY 3, 2023

CLATSOP COUNTY SURVEYOR
RECVD: 5/24/23
FILED: 8/11/23
ASTORIA, OREGON

CLIENT:
KENNETH YUILL
WARRENTON, ORE. 97146-9522

SURVEYOR:
MAGYAR
POB 1309
ASTORIA, ORE. 97103

REGISTERED PROFESSIONAL LAND SURVEYOR

Michael Magyar

OREGON
JULY 12, 2016
MICHAEL G. MAGYAR
PLS 90788

EXPIRES: DEC. 31, 2024

NUMENT NOTES

FOUND AND HELD 5/8 IN. RB W/YPC "WRG DESIGN" MARKING THE SE CORNER OF SUBD. OF TR. 3 CHELSEA; SEE INSTRUMENT NO. 12154; TOP FLUSH W/GROUND.

FOUND AND HELD 5/8 IN. RB W/YPC "HLB INC." MARKING THE NW'LY LINE OF THE HWY 101 ALT. ENTON CUTOFF NO. 200; SEE INSTRUMENT NO. 9762; TOP 1 IN. BELOW GROUND.

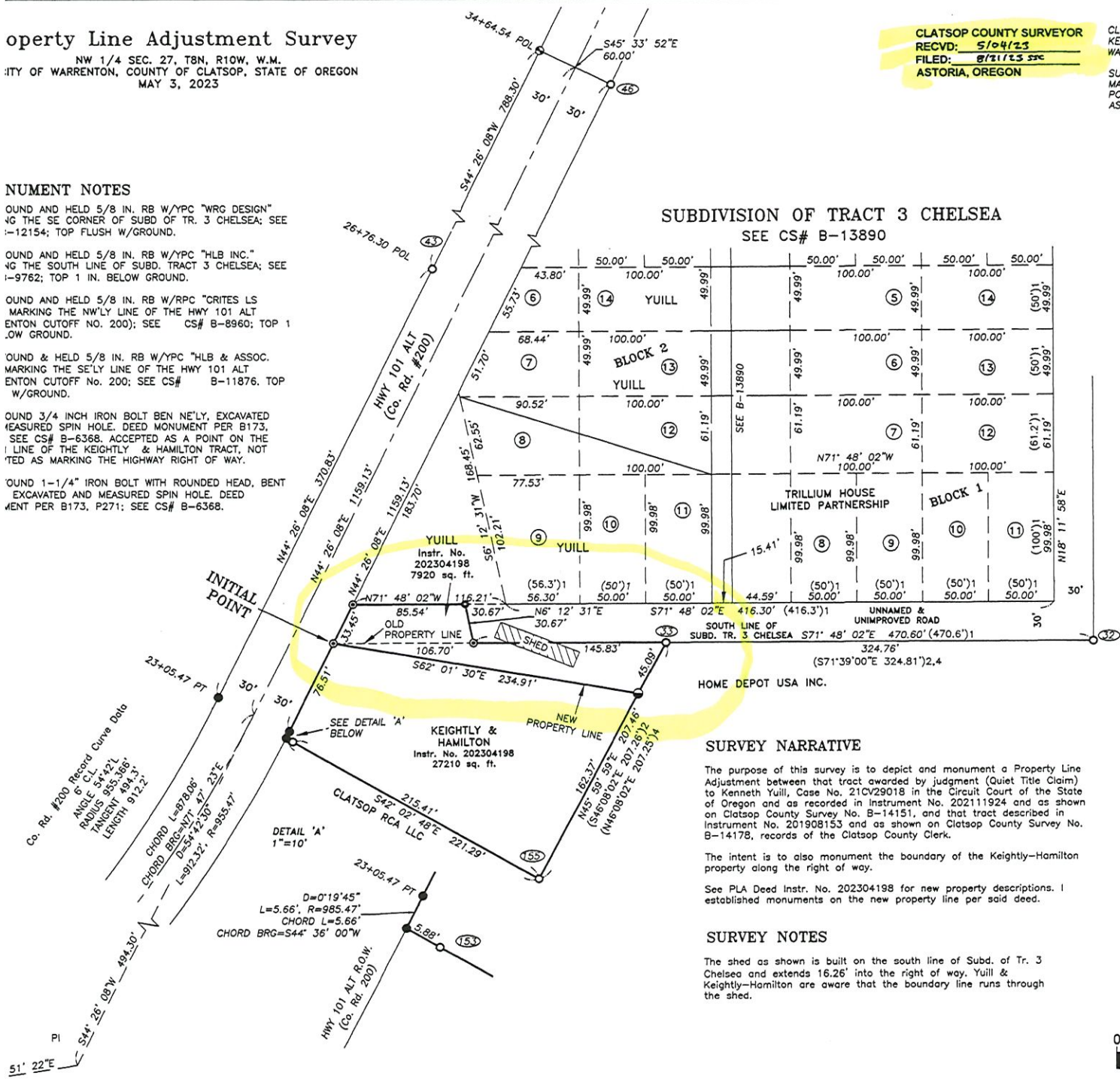
FOUND AND HELD 5/8 IN. RB W/RPC "CRITES L.S." MARKING THE NW'LY LINE OF THE HWY 101 ALT. ENTON CUTOFF NO. 200; SEE INSTRUMENT NO. B-8960; TOP 1 IN. BELOW GROUND.

FOUND AND HELD 5/8 IN. RB W/YPC "HLB & ASSOC." MARKING THE SE'LY LINE OF THE HWY 101 ALT. ENTON CUTOFF NO. 200; SEE INSTRUMENT NO. B-11876. TOP 1 IN. BELOW GROUND.

FOUND 3/4 INCH IRON BOLT BEN NE'LY, EXCAVATED AND MEASURED SPIN HOLE. DEED MONUMENT PER B173. SEE INSTRUMENT NO. B-6368. ACCEPTED AS A POINT ON THE BOUNDARY LINE OF THE KEIGHTLY & HAMILTON TRACT, NOT INTENDED AS MARKING THE HIGHWAY RIGHT OF WAY.

FOUND 1-1/4" IRON BOLT WITH ROUNDED HEAD, BENT AND EXCAVATED AND MEASURED SPIN HOLE. DEED MONUMENT PER B173, P271; SEE INSTRUMENT NO. B-6368.

SUBDIVISION OF TRACT 3 CHELSEA SEE CS# B-13890



LEGEND

- ⊙ FOUND 5/8 IN. REBAR W/PINK PLASTIC CAP STAMPED "MAGYAR"; SEE CS# B-14151
- FOUND 5/8 IN. REBAR W/BLUE PLASTIC CAP STAMPED "MAGYAR PLS90788"; SEE CS# B-13890
- FOUND MONUMENT AS NOTED
- SET 5/8 IN. REBAR W/PINK PLASTIC CAP STAMPED "MAGYAR";
- FOUND RUSTY AND BENT TIE ROD SET ON CLATSOP COUNTY SURVEY NO. 6368 AND REFURBISHED WITH A ONE INCH IRON PIPE W/PINK PLASTIC CAP STAMPED "MAGYAR"; OLD IRON TIE ROD BURIED ALONGSIDE PIPE.

- BOUNDARY LINE
- OLD PROPERTY LINE
- PLATTED LOT LINE
- N18° 11' 58"E OBLIQUE TEXT INDICATES DETERMINED LINE VALUES
- () 1 SUBDIVISION TRACT 3 OF CHELSEA BOOK 1 PAGE 13
- () 2 CS# B-9762
- () 3 CS# B-6368
- () 4 WARRENTON DEPOT SUBDIVISION

METADATA

Units: International Foot
Horizontal Datum: NAD83 (2011) Epoch 2010.0 (ORGN)
Height Datum: NAVD88 (GRS80/GEOID18)
Coordinate System: OCRS, Oregon Coast Zone

Basis of Bearing: Grid North, Oregon Coast Zone
Convergence Angle: Monument 155, +0°05'34"

On this survey, grid distances = ground distances

SURVEY NARRATIVE

The purpose of this survey is to depict and monument a Property Line Adjustment between that tract awarded by judgment (Quiet Title Claim) to Kenneth Yuill, Case No. 21CV29018 in the Circuit Court of the State of Oregon and as recorded in Instrument No. 202111924 and as shown on Clatsop County Survey No. B-14151, and that tract described in Instrument No. 201908153 and as shown on Clatsop County Survey No. B-14178, records of the Clatsop County Clerk.

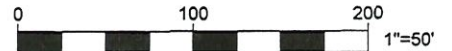
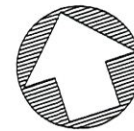
The intent is to also monument the boundary of the Keightly-Hamilton property along the right of way.

See PLA Deed Instr. No. 202304198 for new property descriptions. I established monuments on the new property line per said deed.

SURVEY NOTES

The shed as shown is built on the south line of Subd. of Tr. 3 Chelsea and extends 16.26' into the right of way. Yuill & Keightly-Hamilton are aware that the boundary line runs through the shed.

MAP DISPLAY ROTATION



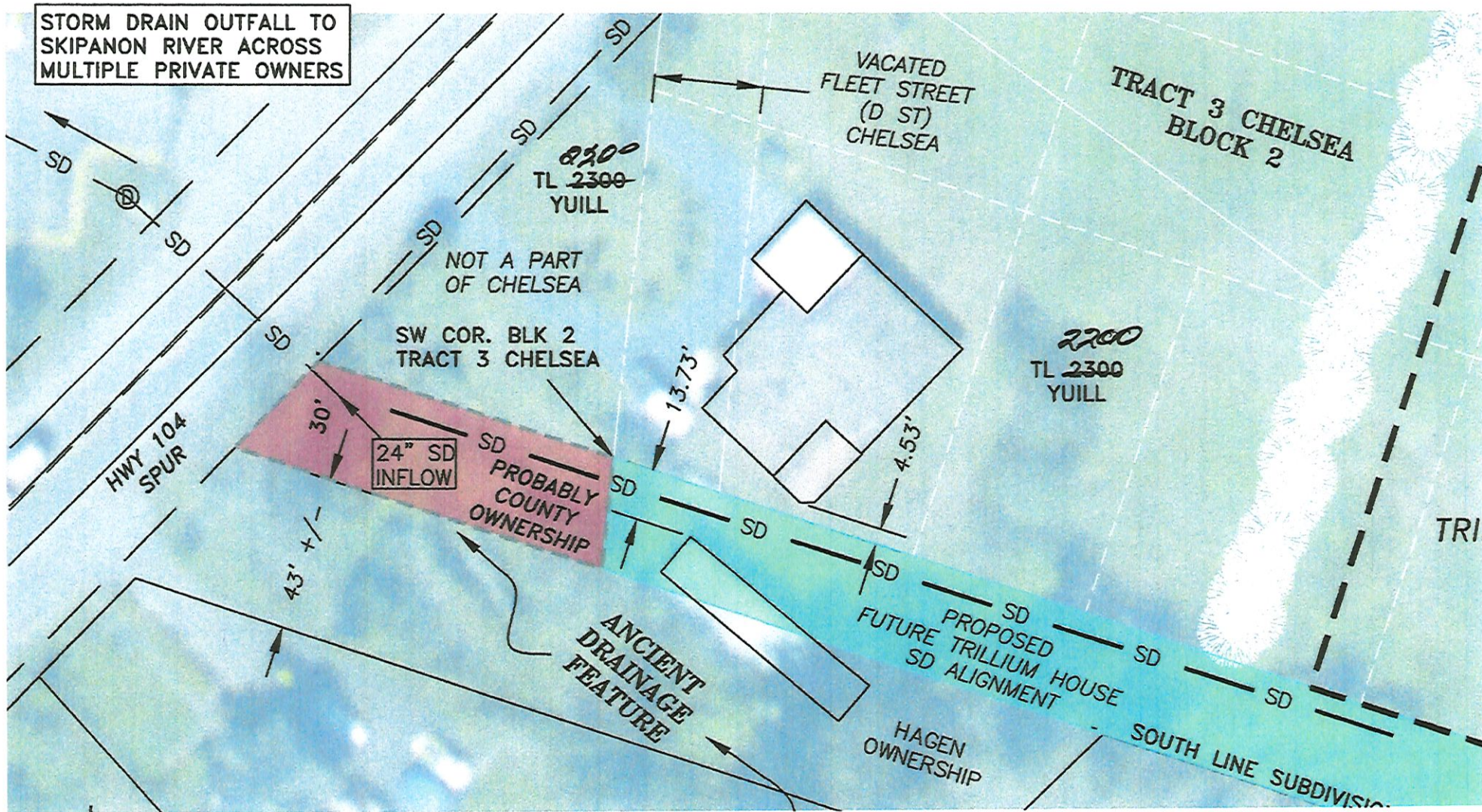
This shows the only utility in the right-of-way

STORM DRAIN EXHIBIT FOR FUTURE TRILLIUM

SHOWING PLANNING LEVEL PARCEL OWNERSHIP &
A PROPOSED STORM DRAIN ALIGNMENT
SERVING THE FUTURE TRILLIUM HOUSE
SUBDIVISION OF TRACT 3 CHELSEA, WARRENTON, OREGON
MARCH 24, 2021

SURVEY NARRATIVE

THE PURPOSE OF THIS EXHIBIT IS TO SHOW THE ALIGNMENT OF A PROPOSED FUTURE TRILLIUM HOUSE STORM DRAIN AND THE ONE PROPOSED TO CROSS. MOST OF THE STORM DRAIN CROSSES PLATTED RIGHT OF WAY, WHILE THE TERMINAL 64 FEET OUTFLOWS OF CLATSOP COUNTY. THE STORM WATER THEN FLOWS THROUGH A 24 INCH STORM DRAIN, CROSSING HWY 104 SPUR AND OUTFALLING



STREET VACATION PETITION
City of Warrenton

Fee: \$750.00

<u>Petitioner</u>	<u>Petitioner's Representative</u>
Name: Kenneth J Yuill	Name: same
Mailing Address: 580 Hwy 101 Alt. Warrenton Or 97146	Mailing Address:
Phone Number: 503-440-1202	Phone Number:
Email Address: yuillkenneth9@gmail.com	Email Address:
<p>1. A description of the right-of-way area to be vacated. <i>(Don't forget to include a map highlighting the area. A survey or professionally developed legal description is required).</i></p> <p style="text-align: center; padding: 20px 0;">See attachment #1</p>	
<p>2. Reason for the Vacation Request. <i>(Advise if any buildings/structures will be in the area to be vacated).</i></p> <p style="text-align: center; padding: 20px 0;">See attachment #2</p> <p style="text-align: center; padding: 10px 0;">Note: If additional room is necessary, please attach extra pages.</p>	
<p>3. Required consent.</p> <ul style="list-style-type: none">a. 100% of abutting property owners.b. Two-thirds in area of real property affected by proposal. Refer to <i>ORS Chapter 271</i> (attached).c. List of all abutting and affected property owners, mailing addresses, and corresponding square footage of property owned.	

Attachment # 1

Description of the right-of-way to be vacated

The area of the unnamed right-of-way sits on the Southernmost part of the SUBD.TR.3 of CHELSEA. The area for vacation would run the length of Tax lot 81027BC 02200 west to tax lot 81027BC 04600. This area is 203 feet +/- . If approved the area will be surveyed for the true distance. After talking with Adam Niles and Scott Cooter from the county, they believe that the requested area would become part of tax lot 81027BC 02200. A small portion on the east side would be abutting the Home Depot but, their property is in a different subdivision Tax lot 81027CB 0200. (See 81027CB map). The vacationed area cannot be divided between two different subdivisions. In the past, Home Depot will not answer any inquiries about giving permission because this would need to come from the board of directors. This is what happened in the request to vacate Galena Ave. I had even filed a suit in Clatsop County Court against Home Depot on the ownership of the property area that is now tax lot 81027BC 04600. Home Depot did not reply even then.

As the notice from Jay Blake points out, I will be combining tax lots in the near future. This cannot be done until October because of the county working on property tax statements. I have already paid the fee for doing so.

Attachment #2

Reason for the Street Vacation

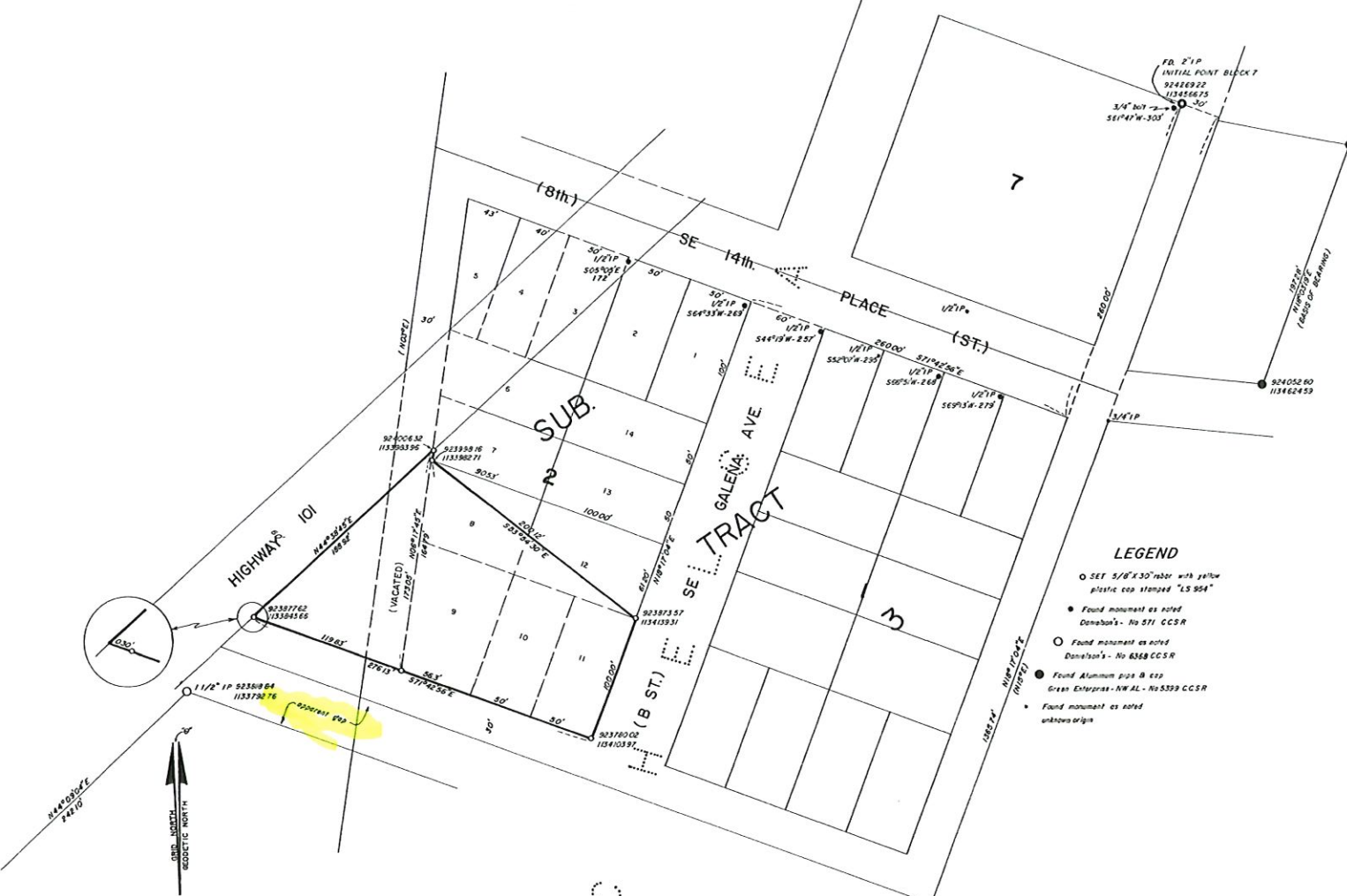
I have lived at 580 Hwy 101 Alt. address since 1977. In 1978 I had Robert Hovden do a survey of the property; it showed the unnamed street that ran just South of my property. It also showed an apparent gap South of the unnamed street. (See survey No. 261). I went to the county and asked about it. They could not give me an answer, since I could not find who owned that area, I could not request a street vacation. So, I have always used and maintained the area as if I did own it. I had even built a shed on part of the area.

When Trillium house started their applications for construction, it was pointed out that ownership was needed for the storm water to be able to flow on. Mike Magyar did the investigation to the ownership and the survey work to correct these areas of all of the questionable property. With that information, we were able to bring all of the property on to the tax rolls. But, because of the placement of the shed I need to vacate the area of the unnamed right-of-way so I can have total ownership of the property where the shed is on. The distance would be 203 feet+/- . If approved, the area will be surveyed for the true distance. The City of Warrenton granted Trillium house an easement for their storm drain line and I also granted an easement through Tax lot No. 81027 BC 04600. These easements need to stay in place. By vacating this area of the unnamed right-of-way we can protect the integrity of the storm drain line.

Because the unnamed street is at the most Southern part of the Chelsea subdivision the Home Depot would not be able to receive half the area as in a normal street vacation. This is what was explained to me by the County. (See copies of emails from the county).

The other reason is to put more property on the tax rolls.

C.S.# R-6744



LEGEND

- SET 5/8"x30" rebar with yellow plastic cap stamped "LS 954"
- Found monument as noted Danaball's - No 571 CCSR
- Found monument as noted Danaball's - No 6368 CCSR
- Found Aluminum pipe & cap Green Enterprises - NWAL - No 5339 CCSR
- Found monument as noted unknown origin

BEARINGS SHOWN ARE GEODETIC BEARINGS CONVERTED FROM GRID BEARINGS USING A CONSTANT "G" ANGLE - -02°24'52"

COORDINATES SHOWN ARE BASED ON THE OREGON COORDINATE SYSTEM, NORTH ZONE 6181 FcM 10000391

SURVEY No. 261

FOR **K YUILL**

NW 1/4 SECTION 27, T8N, R10W, W.M.
LOTS 9-11 & PORTION OF LOTS 8 & 12
BLOCK 2, SUB. OF TRACT 3, CHELSEA
APRIL 13, 1979 SCALE 1" = 50'

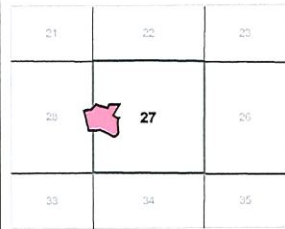
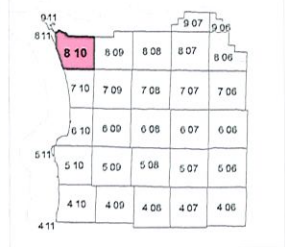
REGISTERED PROFESSIONAL LAND SURVEYOR

Robert A. Hovden

OREGON ROBERT A. HOVDEN 554

POINT on East line CHELSEA
Position col from NW 1/4 Survey
92405240
113162459

8 10 27 CB
CLATSOP COUNTY
 NW 1/4 SW 1/4 SEC.27 T8N R10W WM



CANCELLED TAXLOT NUMBERS

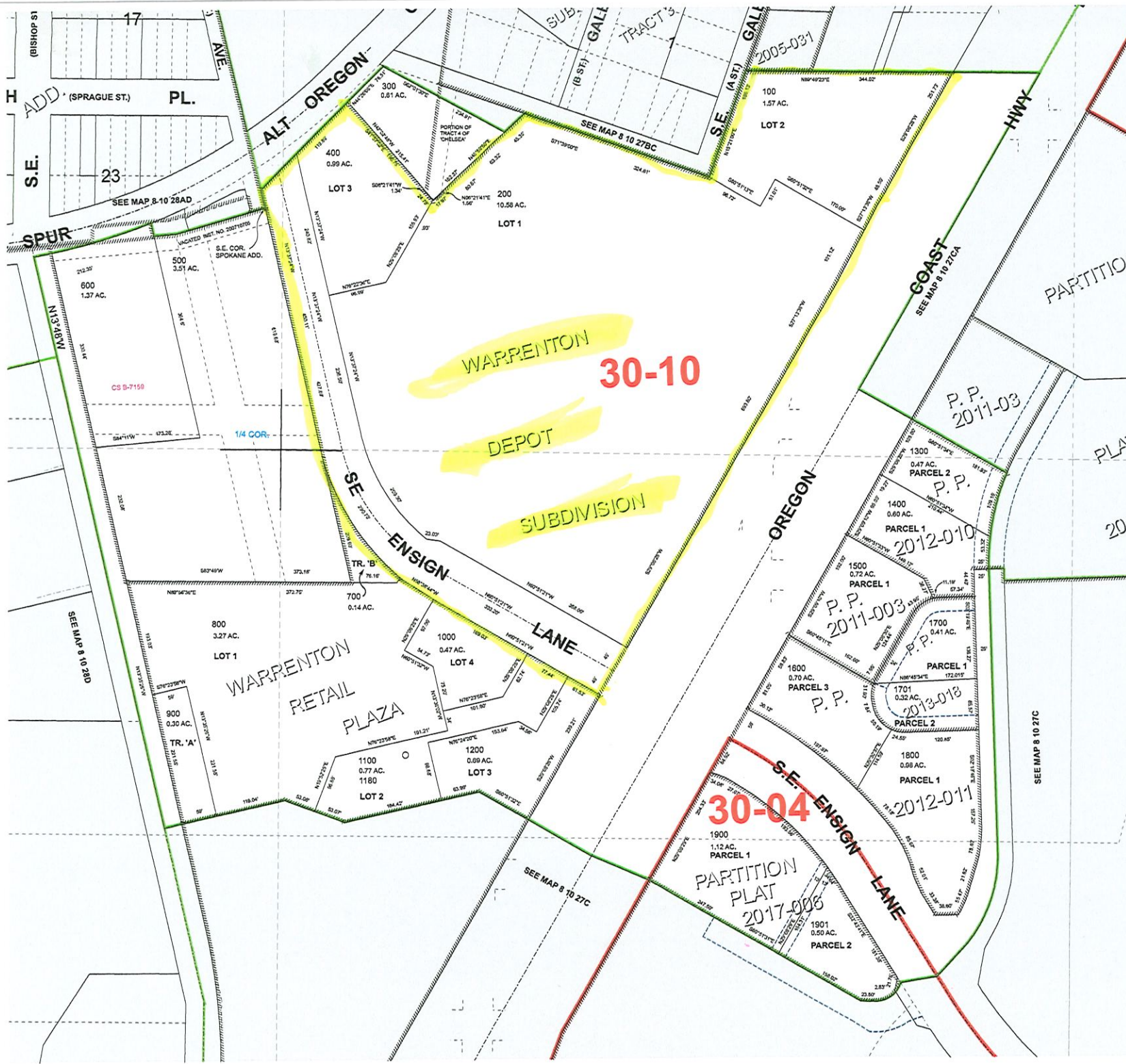
301



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.clatsopcounty.gov

This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misuse, or misinterpretation.

PLOT DATE: 8/15/2023
8 10 27 CB





Clatsop County
Assessment and Taxation

820 Exchange St., Suite 210
Astoria, OR 97103
(503) 325-8522 phone / (503) 338-3638 fax
www.co.clatsop.or.us

REQUEST FOR CONSOLIDATION OF TAX ACCOUNTS

We find there are many instances where land and lot ownership could be advantageously combined to the benefit of the owner and to this office. The following requirements must be met in order to combine tax lots. All property must be: CONTIGUOUS, HELD IN THE SAME LEGAL OWNERSHIP, ALL TAXES MUST BE PAID, A CONTRACT OR MORTGAGE HOLDER SHOULD BE NOTIFIED OF THE CHANGE. We strongly recommend contacting your local jurisdiction if the property has multiple dwellings or other improvements. Combining tax lots may have an effect on future land use. Please call your local planning department before requesting this process. **A fee of \$35.00 in certified funds (cash, cashier's check or money order) must accompany this request.**

Tax Code	Map	Account ID
3031	81027BC 04600	61635
3031	81027BC 02200	32054

The above information may be found on your tax statement or you may call our office for further help.

Please note: It is the property owner's responsibility to notify the mortgagee or lien holder of the legal change to the property. The mortgage company or contract holder may require the mortgage document to be amended. Failure to amend the legal description may result in a segregation of the combined lots if a default was to occur.

Please complete the following:

Is there a mortgage on the property? ___ Yes X No

If yes, have you notified the mortgage company of this change? ___ Yes ___ No

Mortgage Company: _____

I authorize the consolidation of the tax accounts noted above.

Kenneth J. Ueido 8/28/2023 503-440-1201
Owner Signature Date Phone Number

RECEIPT DATE 9/7/23 No. 803694

RECEIVED FROM Ken Yuill \$ 35.00

_____ DOLLARS

FOR RENT
 FOR Combine 601635 & 32054

ACCOUNT	<u>35</u>	-	<input checked="" type="radio"/> CASH
PAYMENT	<u>35</u>	-	<input type="radio"/> CHECK
BAL. DUE			<input type="radio"/> MONEY ORDER
			<input type="radio"/> CREDIT CARD

FROM _____ TO _____

BY HBY

3-11