



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: April 24, 2019

Department: Public Works Agenda Planning Date: April 18, 2019 Time required: 15 min.

Audio/Visual aids: [X] PowerPoint

Contact: Phil Jones Phone: 503-588-7966

Department Head Signature: Brian Nicholas

TITLE: Consider the vacation of a portion of County Road 648 - N. Pershing Street, near Mt. Angel.

Issue, Description & Background: Public Works received a petition requesting to vacate of a portion of N. Pershing Street. In 1938, N. Pershing Street was established as a county road that extended N. Pershing Street north from the old city limits of Mt. Angel. This road runs north, adjacent to, and along the west boundary of Beck Subdivision; then east, adjacent to and along the north boundary of Beck Subdivision to the Union Pacific Railroad; then northerly, adjacent to and along the west boundary of the railroad; and, then ending at the south line of what is presently the Schmitz Ag Lands property. The portion proposed for vacation includes the east-west portion, commencing at the point adjacent to the northwest corner of Lot 6, Beck Subdivision, and the portion adjacent to the Union Pacific Railroad. If the vacation of this right-of-way is granted, the east-west portion would be vested to the property owners to the north and south of the right-of-way, and the property adjacent to the railroad would be vested to the property owners to the west of the right-of-way. The road proposed for vacation is a 40 and 45-foot wide right-of-way, approximately 1856 feet in length, with a 16-foot wide gravel road. A search of the Surveyor's Office reveals no record of any previous vacation or abandonment of this right-of-way. There are utilities that would need to be protected by easements if the right-of-way is vacated. The petition is signed by all of the adjacent property owners, except for the Union Pacific Railroad. The petition states that the railroad was contacted about this proposed vacation, but did not sign the petition. The railroad's contact person stated that they were not opposed to the vacation proposal. The Surveyor's Office contacted the railroad representative directly in an attempt to secure a signed letter of support such that the vacation process may, with the board's permission, proceed without a public hearing process. An email from the railroad's legal department was received, stating that the railroad has no objection to the road vacation. The petition states that a subdivision, Maryhill Park 3, located in the City of Mt. Angel, is in the process of development. When the plat of Maryhill Park 3 is recorded, the City of Mt. Angel intends to take over jurisdiction of the portion of N. Pershing Street currently along the west boundary of Beck Subdivision that is not proposed for vacation. The east-west portion proposed for vacation will be replaced with a private access and public utility easement created by the Maryhill Park 3 plat. N. Pershing Street will be re-located by the Maryhill Park 3 plat, connecting the original portion to the south and ending at the south line of that property described in Reel 4057, Page 240, Deed Records. All streets within the subdivision will be city streets. The portion of N. Pershing Street, proposed for vacation, and lying north of the future Maryhill Park 3 subdivision currently serves six properties. The owners of these properties have agreed to grant permanent private access and public utility easements to replace the existing N. Pershing Street right-of-way. The order of the steps to change the alignment and maintain legal access to all parties is critical



MARION COUNTY BOARD OF COMMISSIONERS

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and has been agreed to by the developer, the city, and the county. The vacation of the existing alignment needs to happen prior to the recording of the plat, which cannot happen until all improvements are completed and accepted by the city. Upon review of this right-of-way the Planning, Land Development & Permits, and Traffic Engineering sections have no objections to this vacation, if approved. The area is zoned EFU and UT-20. The current use conforms to the zoning. The Public Works Department has determined that the vacation of this public road would be in the public interest, as this is a dead-end gravel road that will be partially replaced with a realigned urban street under the jurisdiction of the City of Mt. Angel. The new street will also be able to serve the next phase of the subdivision which is in the early planning stage.

Financial Impacts: There is no fiscal impact created by this proposed road vacation.

Impacts to Department & External Agencies: There are no impacts to county departments or external entities.

Options for Consideration: 1. Grant the vacation of a portion of County Road 648, N. Pershing Street, vesting the right-of-way to the abutting property owners. 2. Deny the vacation of this right-of-way, leaving it in its present status.

Recommendation: It is the recommendation of the Public Works Department that the Marion County Board of Commissioners grant the vacation of a portion of County Road 648, N. Pershing Street, vesting the right-of-way to the abutting property owners.

List of attachments: Original Petition, Road Official's Report, Maps, Photographs, Board Order - Road Vacation, Exhibit A - Legal Description, Exhibit B - Map

Presenter: Phil Jones

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to: Phil Jones - PRJones@co.marion.or.us

PETITION TO VACATE

**BEFORE THE HONORABLE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON**

In the matter of the Vacation of)
A portion of N. Pershing Street,)
County Road 648,)
in Section 3, Township 6 South,)
Range 1 West, Willamette Meridian,)
Marion County, Oregon)

We the undersigned, do hereby petition the Marion County Board of Commissioners to vacate a portion of N. Pershing Street (CR 648) as herein described. This is a dead end road. All of adjacent and affected property owners are in support of this Petition to Vacate and therefore we ask that the Marion County Board of Commissioners waive the public hearing. Union Pacific Railroad has been contacted and they stated by phone that they are not opposed to the Petition to Vacate. Our contact, Mark Jensen, from Union Pacific, stated that Union Pacific will not attend a public hearing if such hearing is not waived but their policy is not to sign any petitions. He can be reached at 402-544-1102 or by email at mjensen1@up.com. According to Marion County records, N Pershing Street was created in 1938 and the ROW land came from the property owners on the west side, not from any property owned by Union Pacific.

Area A (*See Map*): A subdivision, Maryhill Park 3, located in the City of Mt. Angel is in the process of being developed. The section of N. Pershing Street which runs east-west, and is just south of the new development, is in the city limits of Mt. Angel. Once Maryhill Park 3 is platted, the City will have jurisdiction over this section of N. Pershing Street. Because the new subdivision will reroute N. Pershing Street and remove the sharp north-to-east S-turn, this existing portion of N. Pershing Street will, at the recommendation of the City of Mt. Angel, become a private access way. We are requesting this section be vacated as part of this application.

- Adjacent and affected properties:
- 12484 Foltz Lane NE Map Tax Lot 061W03C01700
- 975 N. Pershing Street Map Tax Lot: 061W03CC02600
- 995 N. Pershing Street Map Tax Lot: 061W03CC02700
- 1005 N. Pershing Street Map Tax Lot: 061W03CC00200
- Union Pacific Railroad running along parts of Area A

Area B (*See Map*): A subdivision, Maryhill Park 3, located in the City of Mt. Angel is in the process of being developed. At the southeast corner of the new subdivision, the existing N. Pershing Street takes a sharp east-to-north S-turn and then runs north, adjacent to the Union Pacific Railroad right-of-way. The approved subdivision will remove this sharp turn and reroute N. Pershing Street through the new subdivision. We are requesting that the existing N. Pershing Street, abutting the railroad right-of-way and within the subdivision area, be vacated as part of this application.

- Adjacent and affected property:
- 12484 Foltz Lane NE Map Tax Lot 061W03C01700
- Union Pacific Railroad running along the length of Area B

Area C (*See Map*): The existing N. Pershing Street which lies north of the Maryhill Park 3 subdivision and adjacent to the Union Pacific Railroad right-of-way, will serve no practical purpose to the public once the new subdivision is developed. There are six properties remaining to the north of the new development which have access to the road which are held by three owners. These property owners wish to eliminate the County Road. Each property owner would like to take possession of the vacated area abutting their property and agree to grant access easements, as necessary, to the property owners to the north so that each parcel has access to the realigned N. Pershing Street right-of-way within the Maryhill Park 3 subdivision plat. We are requesting this section be vacated as part of this application.

Adjacent and affected properties:

11011 N. Pershing Street	Map Tax Lot: 061W03C01300
un-addressed parcel	Map Tax Lot 061W03C01400
12514 Foltz Lane NE	Map Tax Lot 061W03C01500
un-addressed parcel	Map Tax Lot 061W03C01600
un-addressed parcel	Map Tax Lot 061W04 00400
11071 N. Pershing Street	Map Tax Lot: 061W03C00900
Union Pacific Railroad running along the length of Area C	

Legal description of the portion of N. Pershing Street included in this Petition to Vacate:

All that portion of N. Pershing Street (County Road No. 648) lying easterly and northerly of the following described line: Beginning at the northwest corner of Lot 6, Beck Subdivision, as the same is platted and recorded in Volume 26, Page 31 of the Marion County Book of Town Plats, and running thence North 05° 44' 48" East 45.22 feet to a point on the north right-of-way line of said N. Pershing Street.

The centerline of said portion of N. Pershing Street being more particularly described as follows, to wit:

Beginning on the centerline of N. Pershing Street (County Road No. 648) at a point which bears North 05° 44' 48" East 25.12 feet from the northwest corner of Lot 6, Beck Subdivision, as the same is platted and recorded in Volume 26, Page 31 of the Marion County Book of Town Plats, and running thence South 89° 56' 50" East, along said centerline, 152.83 feet, more or less, to an angle point in said centerline; thence North 09° 51' 20" West, continuing along said centerline, 1,703 feet, more or less, to the south line of that tract of land conveyed to Schmitz Ag Lands, LLC by deed recorded in reel 3847, Page 422 of the Marion County Deed Records, and there terminating, all being situated within the southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter and the southwest quarter of the southwest quarter of Section 3 in Township 6 South, Range 1 West of the Willamette Meridian in Marion County, Oregon.

SEE ATTACHED MAPS 1, 2 AND 3

SEE ATTACHED NOTORIZED SIGNATURES OF PROPERTY OWNERS
ABUTTING THE ROAD PROPOSED TO BE VACATED.

I am a property owner abutting the road proposed to be vacated. I am in support of the Petition to Vacate N. Pershing Street.

Signed this 15th day of May, 2018.

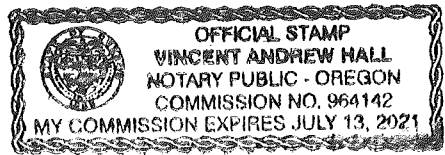
Antonia Cam
Signature of Property Owner

Abutting Property Address
12484 Foltz Lane NE
Mt. Angel, OR 97362
Map Tax Lot: 061W03C01700

Name and Mailing Address:
Antonia Cam, Vice President
G Cam Ltd.
PO Box 1144
Canby, OR 97013

STATE of OREGON)
) SS.
County of Clackamas)

This instrument was acknowledged before me on 15th day of May 2018, 2018 by Antonia Cam, Vice President of G Cam Ltd., an Oregon Corporation, who stated that execution hereof was the authorized act of said corporation.



Vincent A. Hall
Notary Public for Oregon

My Commission Expires: July 13, 2021

I am a property owner abutting the road proposed to be vacated. I am in support of the Petition to Vacate N. Pershing Street.

Signed this 15th day of May, 2018.

Antonia Cam
Signature of Property Owner

Abutting Property Address
12514 Foltz Lane NE
Mt. Angel, OR 97362
Map Tax Lot: 061W03C01500

Name and Mailing Address:
Antonia Cam, Vice President
G Cam Ltd.
PO Box 1144
Canby, OR 97013

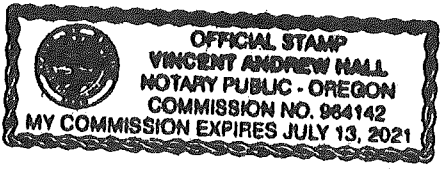
STATE of OREGON)
) SS.
County of Clackamas)

This instrument was acknowledged before me on 15th day of May 2018, 2018 by Antonia Cam, Vice President of G Cam Ltd., an Oregon Corporation, who stated that execution hereof was the authorized act of said corporation.

Vincent Andrew Hall

Notary Public for Oregon

My Commission Expires: July 13, 2021



I am a property owner whose property uses the road proposed to be vacated for access. I am in support of the Petition to Vacate N. Pershing Street.

Signed this 3rd day of April, 2018.

[Signature]
Signature of Property Owner

[Signature]
Signature of Property Owner

Name and Address:

Randall West
1005 N. Pershing Street
Mt. Angel, OR 97362
Map Tax Lot: 061W03CC00200

Wendy A. West
1005 N. Pershing Street
Mt. Angel, OR 97362
Map Tax Lot: 061W03CC00200

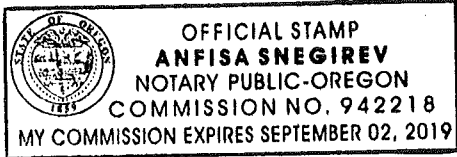
mailing address:
PO Box 1177
Mt Angel, OR 97362

STATE of OREGON)
) SS.
County of Marion)

This instrument was acknowledged before me on 3rd day of April, 2018 by Randall West.

[Signature]
Notary Public for Oregon

My Commission Expires: 9/2/19

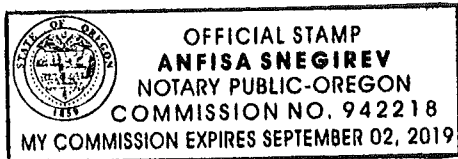


STATE of OREGON)
) SS.
County of Marion)

This instrument was acknowledged before me on 3rd day of April, 2018 by Wendy A. West.

[Signature]
Notary Public for Oregon

My Commission Expires: 9/2/19



I am a property owner abutting the road proposed to be vacated. I am in support of the Petition to Vacate N. Pershing Street.

Signed this 3rd day of April, 2018.

Gregory J. Schmidt
Signature of Property Owner

Gayle A. Schmidt
Signature of Property Owner

Name and Address:

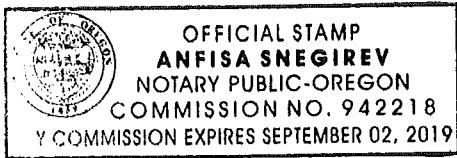
Gregory J. Schmidt
995 N. Pershing Street
Mt. Angel, OR 97362
Map Tax Lot: 061W03CC02700

Gayle A. Schmidt
995 N. Pershing Street
Mt. Angel, OR 97362
Map Tax Lot: 061W03CC02700

mailing:
PO Box 377

STATE of OREGON)
) SS.
County of Marion)

This instrument was acknowledged before me on 3rd day of April, 2018 by Gregory J Schmidt.

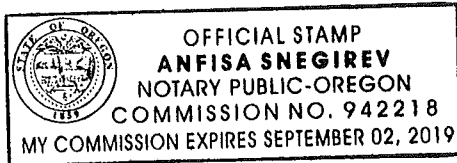


Anfisa SNEGIREV
Notary Public for Oregon

My Commission Expires: 9/2/19

STATE of OREGON)
) SS.
County of Marion)

This instrument was acknowledged before me on 3rd day of April, 2018 by Gayle A Schmidt.



Anfisa SNEGIREV
Notary Public for Oregon

My Commission Expires: 9/2/19

I am a property owner abutting the road proposed to be vacated. I am in support of the Petition to Vacate N. Pershing Street.

Signed this 3rd day of April, 2018.

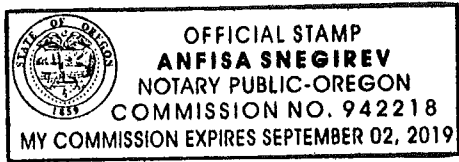
Diane Sparks
Signature of Property Owner

Name and Address:

Diane Gay Sparks
975 N. Pershing Street
Mt. Angel, OR 97362
Map Tax Lot: 061W03CC02600

STATE of OREGON)
) SS.
County of Marion)

This instrument was acknowledged before me on 3rd day of April, 2018 by Diane Gay Sparks.



Anfisa Snegirev
Notary Public for Oregon

My Commission Expires: 9/2/19

I am a property owner abutting the road proposed to be vacated. I am in support of the Petition to Vacate N. Pershing Street.

Signed this 30 day of March, 2018.

Jeffrey A Rosenblad
Signature of Property Owner

Name and Address:

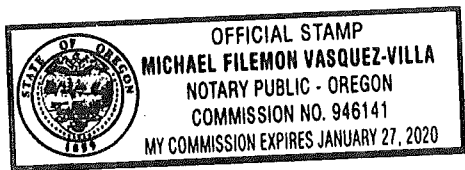
Jeffrey A. Rosenblad
11011 N. Pershing Street
Mt. Angel, OR 97362
Map Tax Lot: 061W03C01300

STATE of OREGON)
) SS.
County of Marion)

This instrument was acknowledged before me on 30th day of March, 2018 by Jeffrey A. Rosenblad.

[Signature]
Notary Public for Oregon

My Commission Expires: January 27, 2020



I am a property owner abutting the road proposed to be vacated. I am in support of the Petition to Vacate N. Pershing Street.

Signed this 30 day of March, 2018.

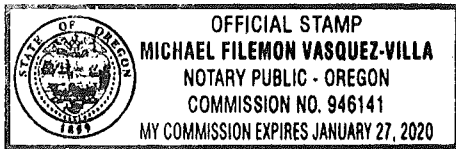
Jeffrey A Rosenblad
Signature of Property Owner

Name and Address:

Jeffrey A. Rosenblad
11011 N. Pershing Street
Mt. Angel, OR 97362
Map Tax Lot: 061W03C01400

STATE of OREGON)
) SS.
County of Marion)

This instrument was acknowledged before me on 30th day of March, 2018 by Jeffrey A. Rosenblad.



Michael Filemon Vasquez-Villa
Notary Public for Oregon

My Commission Expires: January 27, 2020

I am a property owner abutting the road proposed to be vacated. I am in support of the Petition to Vacate N. Pershing Street.

Signed this 3 day of April, 2018.

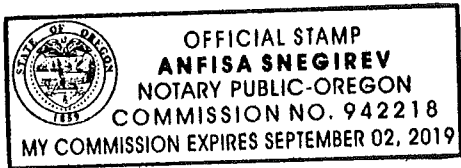
Katherine Schmitz
Signature of Property Owner

Abutting Property Address:
11071 N. Pershing Street
Mt. Angel, OR 97362
Map Tax Lot: 061W03 00900

Name and Mailing Address:
Schmitz Ag Lands LLC
Katherine Schmitz, Member
PO Box 666
Mt. Angel, OR 97362

STATE of OREGON)
) SS.
County of Marion)

This instrument was acknowledged before me on 3rd day of April, 2018 by Katherine Schmitz, Member of Schmitz Ag Lands LLC, an Oregon Limited Liability Company, who stated that the execution hereof was the authorized act of said limited liability company.

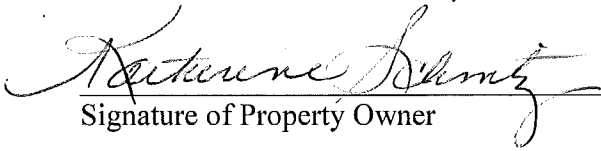


Anfisa Snegirev
Notary Public for Oregon

My Commission Expires: 9/2/19

I am a property owner abutting the road proposed to be vacated. I am in support of the Petition to Vacate N. Pershing Street.

Signed this 3 day of April, 2018.

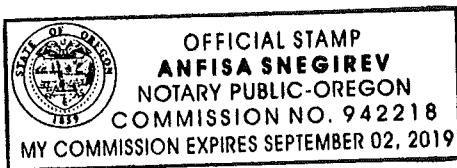

Signature of Property Owner

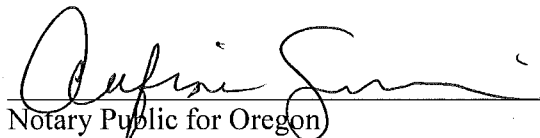
Abutting Property Address:
Unaddressed
Map Tax Lot: 061W04 00400

Name and Mailing Address:
Schmitz Ag Lands LLC
Katherine Schmitz, Member
PO Box 666
Mt. Angel, OR 97362

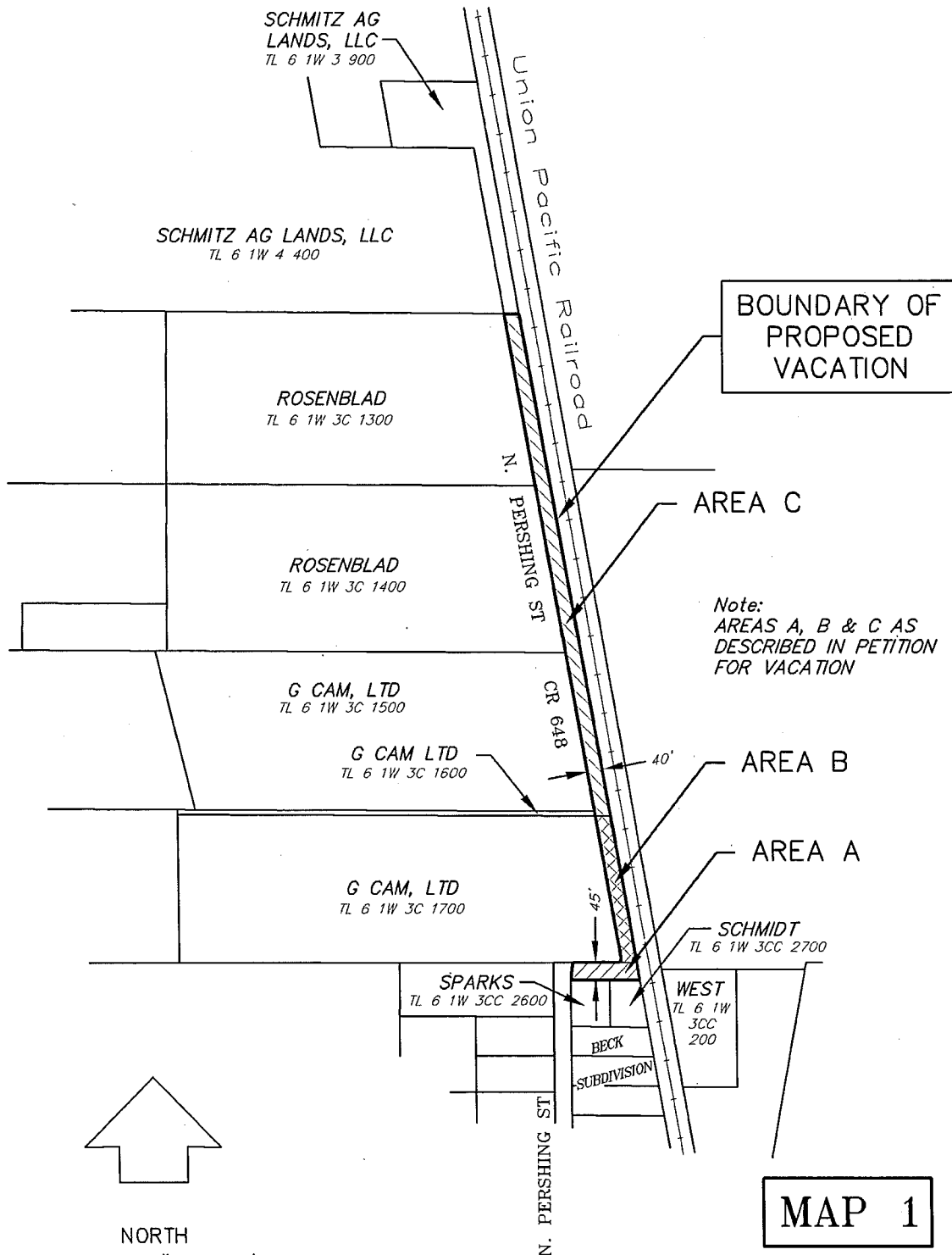
STATE of OREGON)
) SS.
County of Marion)

This instrument was acknowledged before me on 3rd day of April, 2018 by Katherine Schmitz, Member of Schmitz Ag Lands LLC, an Oregon Limited Liability Company, who stated that the execution hereof was the authorized act of said limited liability company.




Notary Public for Oregon

My Commission Expires: 9/2/19



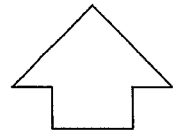
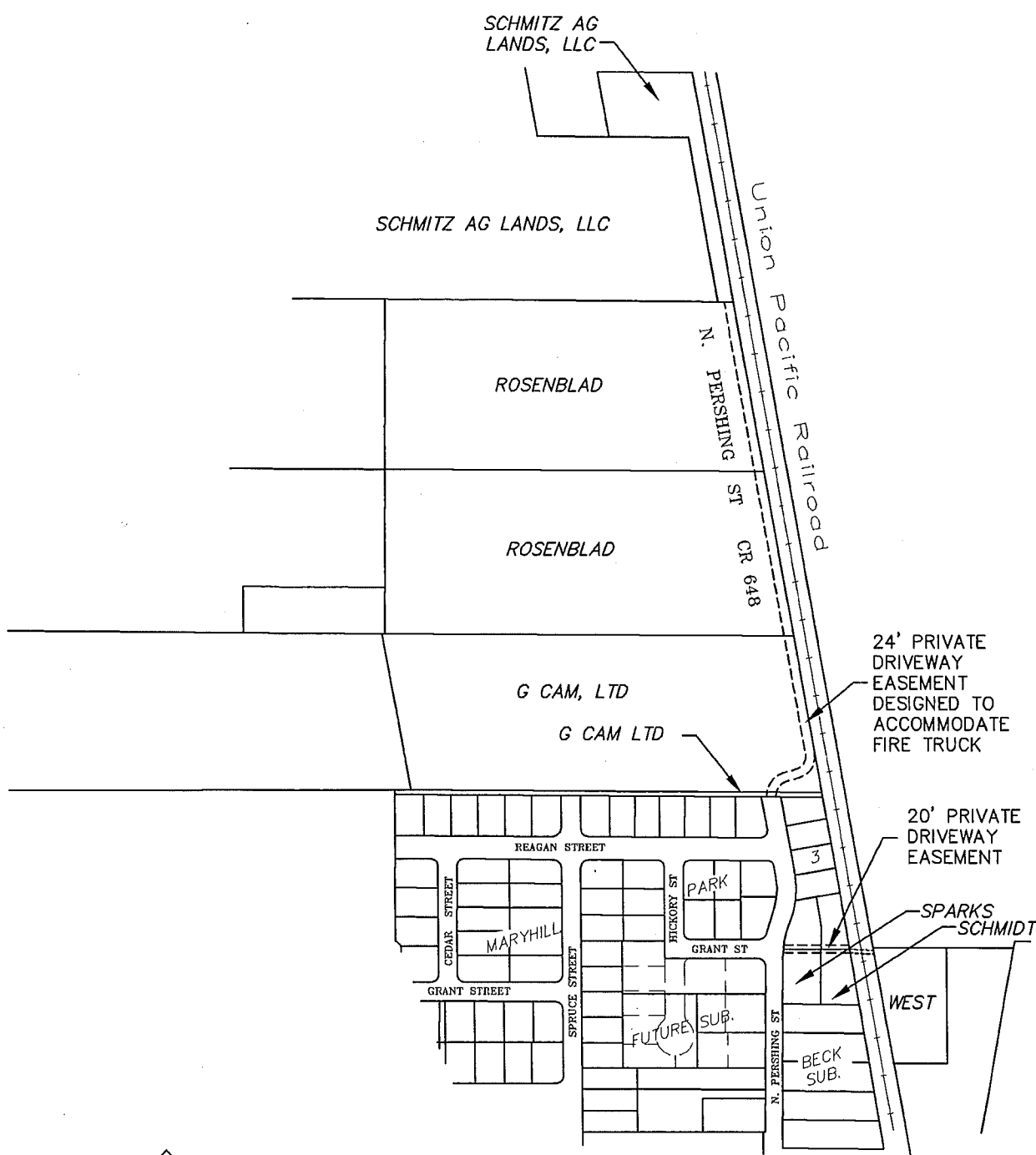
MAP 1

**PETITION TO VACATE
N. Pershing Street CR 648
CURRENT ALIGNMENT**

Section 3, Township 6 South, Range 1 West, WM
Marion County, Oregon

NORTH
SCALE: 1" = 400'
January 4, 2018

Prepared by:
Bootwright Engineering, Inc.
Salem, Oregon



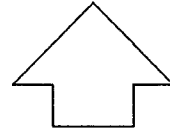
NORTH
 SCALE: 1" = 400'
 January 4, 2018

MAP 2

**PETITION TO VACATE
 N. Pershing Street CR 648
 PROPOSED ALIGNMENT**

Section 3, Township 6 South, Range 1 West, WM
 Marion County, Oregon

Prepared by:
 Boatwright Engineering, Inc.
 Salem, Oregon



NORTH
SCALE: 1" = 200'
January 4, 2018

LINE COURSES

A	N 05° 44' 48" E	45.22'
B	N 05° 44' 48" E	25.12'
C	S 89° 56' 50" E	152.83'
D	N 09° 51' 20" W	1,703'±

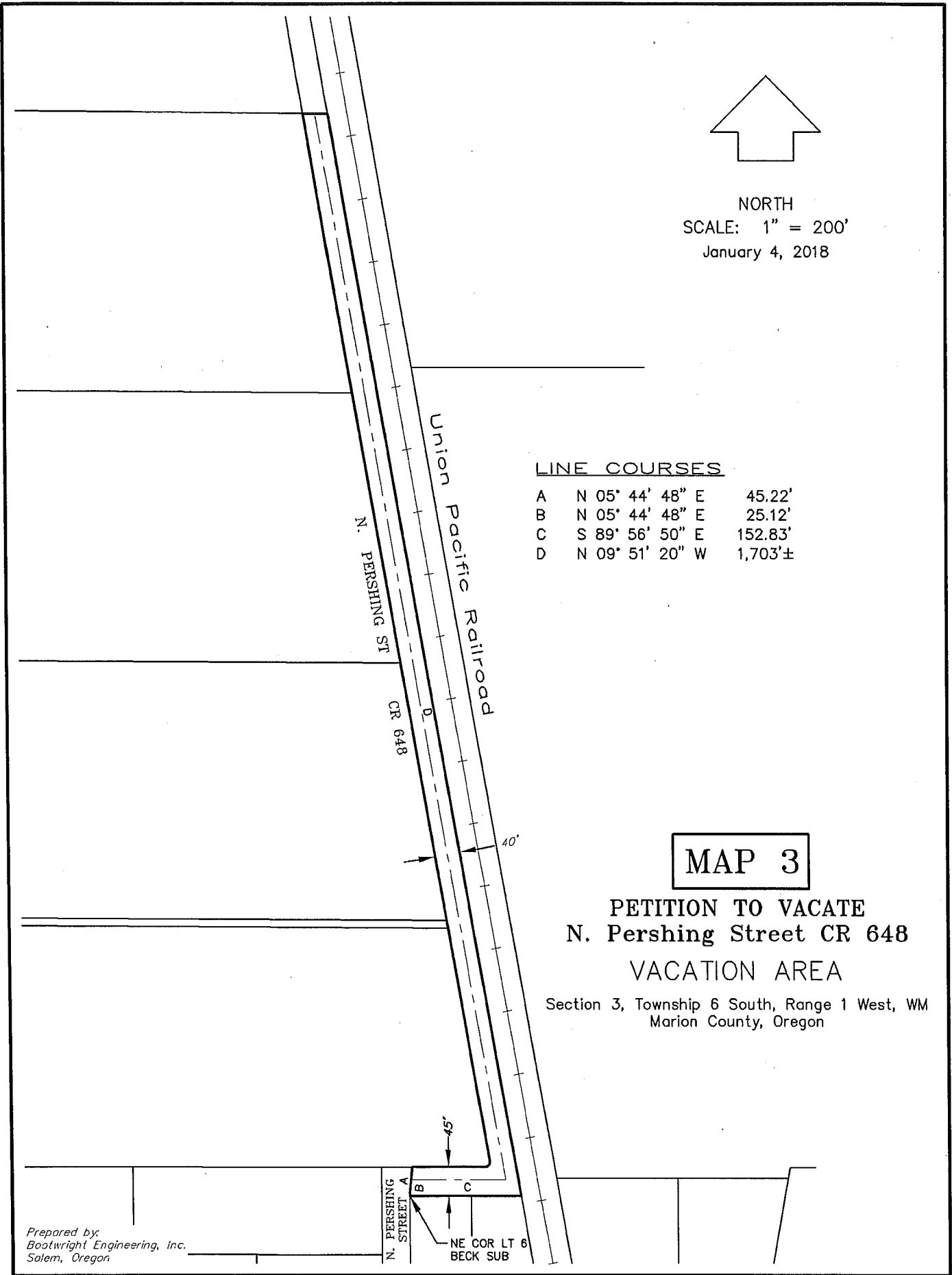
MAP 3

**PETITION TO VACATE
N. Pershing Street CR 648
VACATION AREA**

Section 3, Township 6 South, Range 1 West, WM
Marion County, Oregon

Prepared by:
Bootwright Engineering, Inc.
Salem, Oregon

N. PERSHING STREET A
B
C
NE COR LT 6
BECK SUB

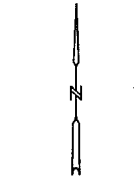


Proposed

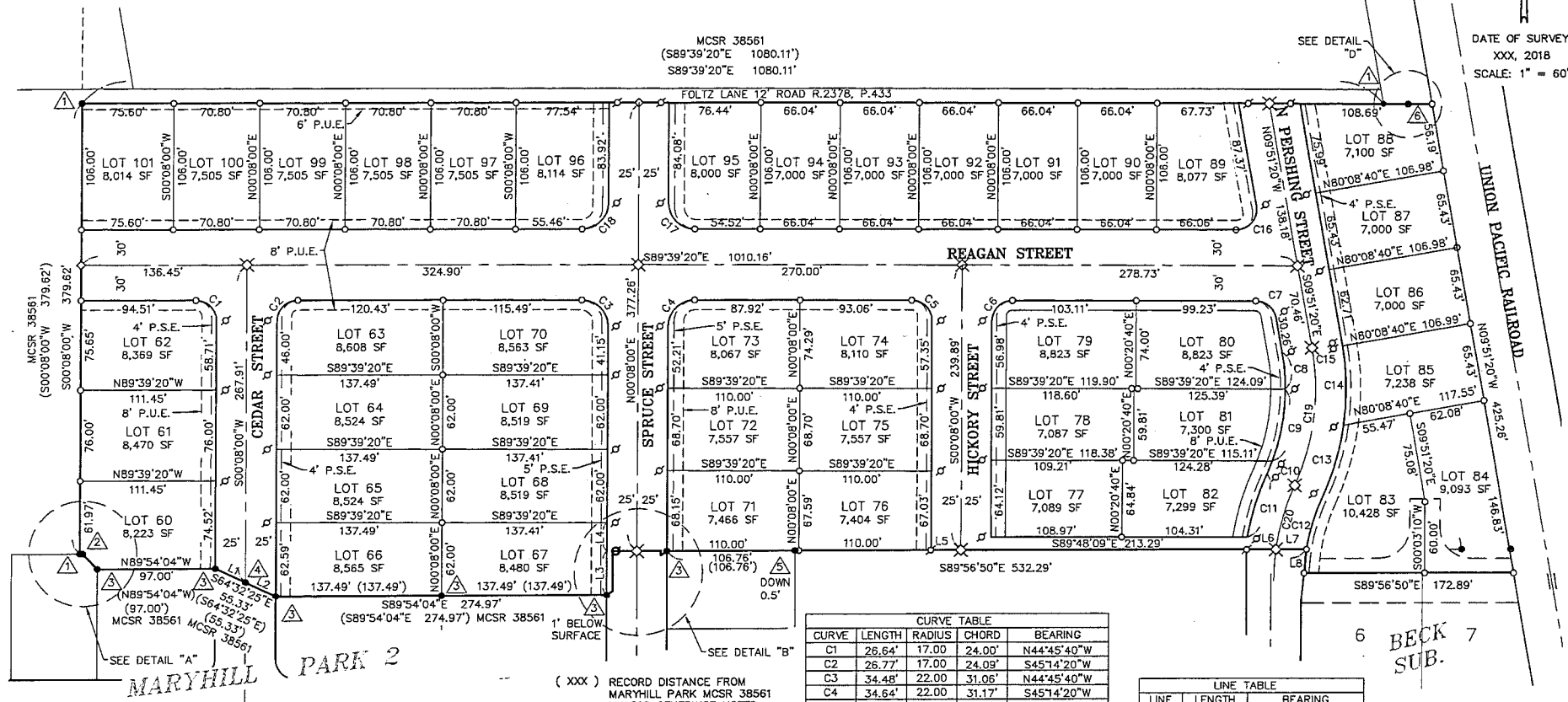
MARYHILL PARK 3

In the Southwest 1/4 of Section 3, and the Southeast 1/4 of Section 4,
Township 6 South, Range 1 West, Willamette Meridian
in the City of Mt. Angel, Marion County, Oregon

Property Owner: G Cam Ltd.



DATE OF SURVEY:
XXX, 2018
SCALE: 1" = 60'



CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	26.64'	17.00	24.00'	N44°45'40"W
C2	26.77'	17.00	24.09'	S45°14'20"W
C3	34.48'	22.00	31.06'	N44°45'40"W
C4	34.64'	22.00	31.17'	S45°14'20"W
C5	26.64'	17.00	24.00'	N44°45'40"W
C6	26.77'	17.00	24.09'	S45°14'20"W
C7	28.73'	17.00	24.06'	N15°16'36"E
C8	30.43'	175.00	30.30'	N50°49'53"E
C9	61.00'	175.00	60.58'	S17°44'07"W
C10	11.39'	175.00	11.39'	N15°16'36"E
C11	56.39'	225.00	56.21'	N01°37'44"W
C12	43.57'	175.00	43.52'	N49°48'10"W
C13	62.96'	225.00	62.78'	N06°57'19"E
C14	66.52'	225.00	66.43'	S15°45'41"W
C15	2.72'	225.00	2.72'	S36°00'44"W
C16	29.76'	17.00	26.10'	N40°11'50"E
C17	34.48'	22.00	31.06'	S44°45'40"E
C18	34.64'	22.00	31.17'	N45°14'20"E
C19	117.51'	200.00	117.02'	N09°39'15"W
C20	56.38'	200.00	56.28'	N09°39'15"W

LINE TABLE		
LINE	LENGTH	BEARING
L1	27.67'	S64°32'25"E
L2	27.66'	S64°32'25"E
L3	37.10'	S00°00'17"W
L4	24.31'	N00°08'00"E
L5	25.00'	S89°56'50"E
L6	24.25'	S89°56'50"E
L7	25.25'	S89°56'50"E
L8	20.10'	N05°44'48"E

EASEMENTS
 REAGAN ST- 8' P.U.E. ON BOTH SIDES
 CEDAR, HICKORY, AND PERSHING ST- 4' P.S.E. ON INSIDE OF ROW WITH 8' P.U.E. BEHIND IT - BOTH SIDES
 SPRUCE ST- 5' P.S.E. ON INSIDE OF ROW WITH 8' P.U.E. BEHIND IT - BOTH SIDES

- INITIAL CORNER
- SET 5/8" x 30" IRON ROD W/ YELLOW PLASTIC CAP MARKED "BEI LS 41562" SET FLUSH WITH GROUND
- ⊗ SET 5/8" x 30" IRON ROD W/ ALUMINUM CAP MARKED "B.E.I. LS 41562" IN MONUMENT BOX
- ◇ SET 5/8" x 30" IRON ROD W/ ALUMINUM CAP MARKED "B.E.I. LS 41562" SET FLUSH WITH GROUND
- ♠ SET 1" BRASS PLUG MARKED "BEI LS 41562" ON TOP OF CURB
- MONUMENTS FOUND
 - ALL MONUMENTS FOUND FLUSH WITH GROUND UNLESS OTHERWISE NOTED
- △ 5/8" I.R. W/ YPC MARKED "BEI LS 41562" MCSR 38561
- △ 5/8" I.R. W/ YPC MARKED "WESTLAKE CONSULTANTS" MCSR 36823
- △ 5/8" I.R. W/ YPC MARKED "BEI LS 41562" S46-95
- △ 5/8" I.R. W/ ALUMINUM CAP MARKED "B.E.I. LS 41562" S46-95
- △ 3/4" I.P. MCSR 5498
- △ 1" I.P. DOWN 0.5" MCSR 6066
- {XXX} RECORD DISTANCE FROM MARYHILL PARK MCSR 38561 UNLESS OTHERWISE NOTED
- {CALC} CALCULATED
- I.R. IRON ROD
- I.P. IRON PIPE
- W/ WITH
- YPC YELLOW PLASTIC CAP
- B.O.T.P. BOOK OF TOWN PLATS
- P.P. PARTITION PLAT
- P.U.E. PUBLIC UTILITY EASEMENT
- P.S.E. PUBLIC SIDEWALK EASEMENT
- R. P. REEL PAGE MARION COUNTY DEED RECORDS
- V. P. VOLUME, PAGE MARION COUNTY DEED RECORDS

REGISTERED PROFESSIONAL LAND SURVEYOR
Colby Boatwright
 OREGON
 JUNIOR # 294
 CORBEY BOATWRIGHT
 41562
 EXPIRES: DEC. 31, 2019

Prepared by:
 Boatwright Engineering, Inc.
 2613 12th Street SE
 Salem, Oregon 97302
 (503) 363-9225

ROAD OFFICIAL'S REPORT

VACATION OF A PORTION OF C.R. 648, N. PERSHING STREET, NEAR MT. ANGEL

CLERK'S FILE: 5745

April 11, 2019

Prepared by: Phil Jones

On May 15, 2018, a petition was filed with Marion County to vacate a portion of County Road 648 – N. Pershing Street, near Mt. Angel. The petition is signed by all of the adjacent property owners, except for the Union Pacific Railroad. The petition states that the railroad was contacted about this proposed vacation, but did not sign the petition. The Surveyor's Office contacted the railroad representative directly in an attempt to secure a signed letter of support such that the vacation process may proceed without a public hearing. Their representative sent back an email stating that the railroad is not opposed to the proposed vacation. The petition requests that the Marion County Board of Commissioners waive the public hearing process because all of the adjacent and affected property owners are in support of this proposed vacation, and that the right-of-way came from the adjoining property owners, and not the railroad.

In 1938, N. Pershing Street was established as a county road that extended N. Pershing Street north from the old city limits of Mt. Angel. This road runs north, adjacent to, and along the west boundary of Beck Subdivision, then east, adjacent to and along the north boundary of Beck Subdivision to the Union Pacific Railroad, then northerly, adjacent to and along the west boundary of the railroad and ending at the south line of what is presently the Schmitz Ag Lands property. The portion proposed for vacation includes the east-west portion, commencing at the point adjacent to the northwest corner of Lot 6, Beck Subdivision, and the portion adjacent to the Union Pacific Railroad. If the vacation of this right-of-way is granted, the east-west portion would be vested to the property owners to the north and south of the right-of-way, and the property adjacent to the railroad would be vested to the property owners to west of the right-of-way.

The road proposed for vacation is a 40 and 45-foot wide right-of-way, approximately 1856 feet in length, with a 16-foot wide gravel road. A search of the Surveyor's Office reveals no record of any previous vacation or abandonment of this right-of-way. There are utilities that would need to be protected by easements if the right-of-way is vacated.

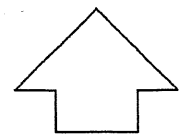
The petition states that a subdivision, Maryhill Park 3, located in the City of Mt. Angel, is in the process of development. When the plat of Maryhill Park 3 is recorded, the City of Mt. Angel intends to take over jurisdiction of the portion of N. Pershing Street currently along the west boundary of Beck Subdivision that is not proposed for vacation. The east-west portion proposed for vacation will be replaced with a private access and public utility easement, created by the Maryhill Park 3 plat. N. Pershing Street will be re-located by the Maryhill Park 3 plat, connecting the original portion to the south, and ending at the south line of that property

described in Reel 4057, Page 240, Deed Records. All streets within the subdivision will be city streets.

The portion of N. Pershing Street, proposed for vacation, and lying north of the future Maryhill Park 3 subdivision currently serves six properties. The owners of these properties have agreed to grant permanent private access and public utility easements to replace the existing N. Pershing Street right-of-way. The order of the steps to change the alignment and maintain legal access to all parties is critical and has been agreed to by the developer, the city, and the county. The vacation of the existing alignment needs to happen immediately prior to the recording of the plat, which cannot happen until all improvements are completed and accepted by the city.

Upon review of this right-of-way, the Planning, Land Development & Permits, and Traffic Engineering sections have no objections to this vacation, if approved. The area is zoned EFU and UT-20. Current use conforms to the zoning.

The Public Works Department has determined that the vacation of this public road would be in the public interest, as this is a dead-end gravel road that will be partially replaced with a re-aligned urban street under the jurisdiction of the City of Mt. Angel. The new street will also be able to serve the next phase of the subdivision which is in the early planning stage.



NORTH
SCALE: 1" = 200'
January 4, 2018

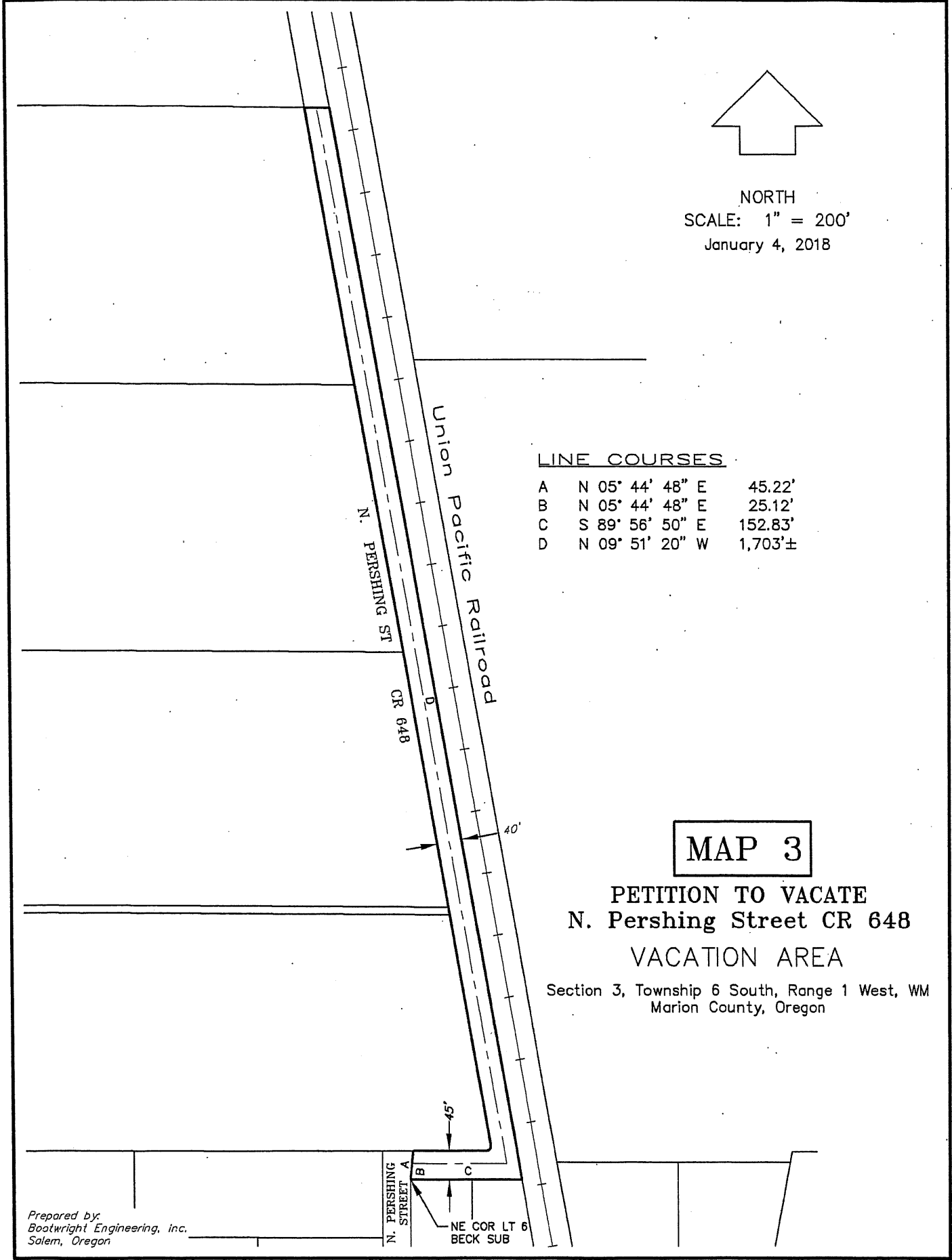
LINE COURSES

A	N 05° 44' 48" E	45.22'
B	N 05° 44' 48" E	25.12'
C	S 89° 56' 50" E	152.83'
D	N 09° 51' 20" W	1,703'±

MAP 3

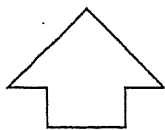
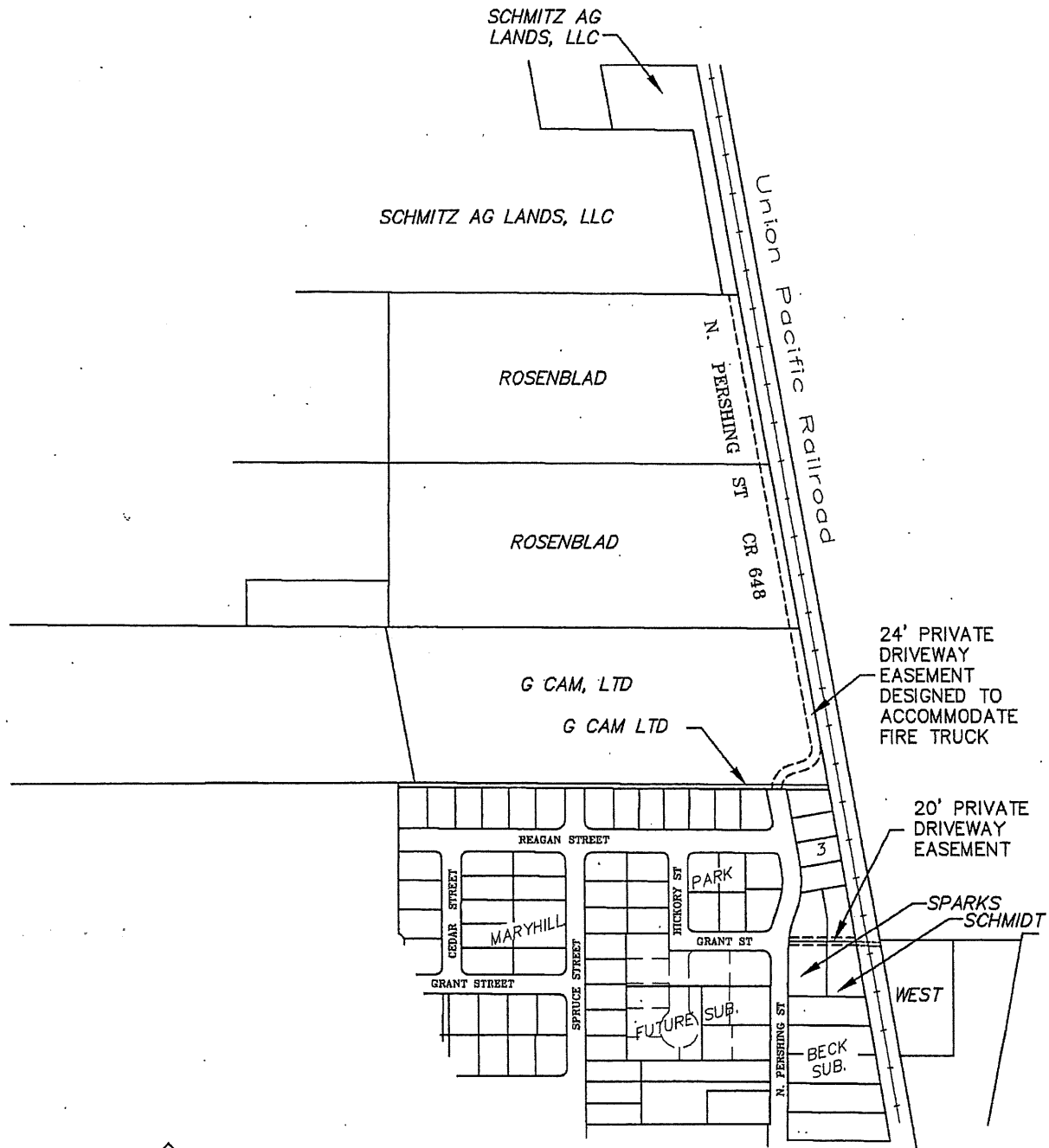
**PETITION TO VACATE
N. Pershing Street CR 648
VACATION AREA**

Section 3, Township 6 South, Range 1 West, WM
Marion County, Oregon



Prepared by:
Bootwright Engineering, inc.
Salem, Oregon

N. PERSHING STREET
A
B
C
D
NE COR LT 6
BECK SUB



NORTH
 SCALE: 1" = 400'
 January 4, 2018

MAP 2

**PETITION TO VACATE
 N. Pershing Street CR 648
 PROPOSED ALIGNMENT**

Section 3, Township 6 South, Range 1 West, WM
 Marion County, Oregon

Prepared by:
 Bootwright Engineering, Inc.
 Salem, Oregon



EAST-WEST SECTION – WEST END, LOOKING EAST



EAST-WEST SECTION – EAST END, LOOKING WEST



NORTH-SOUTH SECTION – SOUTH END, LOOKING NORTH



NORTH-SOUTH SECTION – NORTH END, LOOKING SOUTH



RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING (ORS 205.234). ANY ERRORS IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTIONS CONTAINED WITHIN THE DOCUMENT.

A. Names of the Transactions described in the attached instrument:

Road Vacation Order

B. Names of First Parties: **Marion County**

Names of Second Parties: **Diane G. Sparks
Gregory J. Schmidt and Gayle A. Schmidt
G. Cam LTD
Jeffrey A. Rosenblad
Schmitz Ag Lands LLC**

C. Consideration Paid: (if applicable): **N/A**

D. Lien or Satisfaction Amount: (if applicable): **N/A**

E. Until a change is requested, all tax statements shall be sent to the following address:

Vacated road being attached to existing tax accounts. No separate statement required.

F. Name and address of person authorized to receive the instrument after recording:

**Phil Jones, Survey Tech 3
Marion County Department of Public Works
5155 Silverton Road NE
Salem, Oregon 97305**

**BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY OREGON**

In the Matter of Vacating a Portion of County)
Road No. 648 - N. Pershing Street, Located in) Public Works
Section 3, Township 6 South, Range 1 West,) Clerk's File # 5745
Willamette Meridian, Marion County, Oregon.)

ORDER

This matter came before the Board of Commissioners at a public meeting conducted on _____, 2019; and

WHEREAS, Antonia Cam, Randall West, Wendy A. West, Gregory J. Schmidt, Gayle A. Schmidt, Diane Sparks, Jeffrey A. Rosenblad, and Katherine Schmitz submitted a petition dated May 15, 2018 requesting the vacation of a portion of County Road No. 648 – N. Pershing Street; and

WHEREAS, the Director of Public Works submitted a report, as required by ORS 368.351, stating that the vacation of said road would be in the public interest; and that 100% of the owners of the property to be vacated and 100% of the adjoining property owners signed the road vacation petition as required by ORS 368.351; now therefore

IT IS HEREBY ORDERED that, a portion of County Road No. 648 – N. Pershing Street, located in Section 3, Township 6 South, Range 1 West, Willamette Meridian, as described and identified on the attached Exhibit “A”, be vacated, and that said vacated property shall vest pursuant to ORS 368.366.

IT IS FURTHER ORDERED that no costs resulting from this vacation shall be assessed; that the County Surveyor shall mark related plats, as required by ORS 271.230; that copies of this order shall be filed with the Marion County Clerk, Surveyor, and Assessor.

Dated this ___ day of _____, 2019.

BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

EXHIBIT A

Description of the Vacated Portion of N. Pershing Street (C.R. 648):

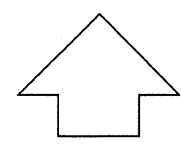
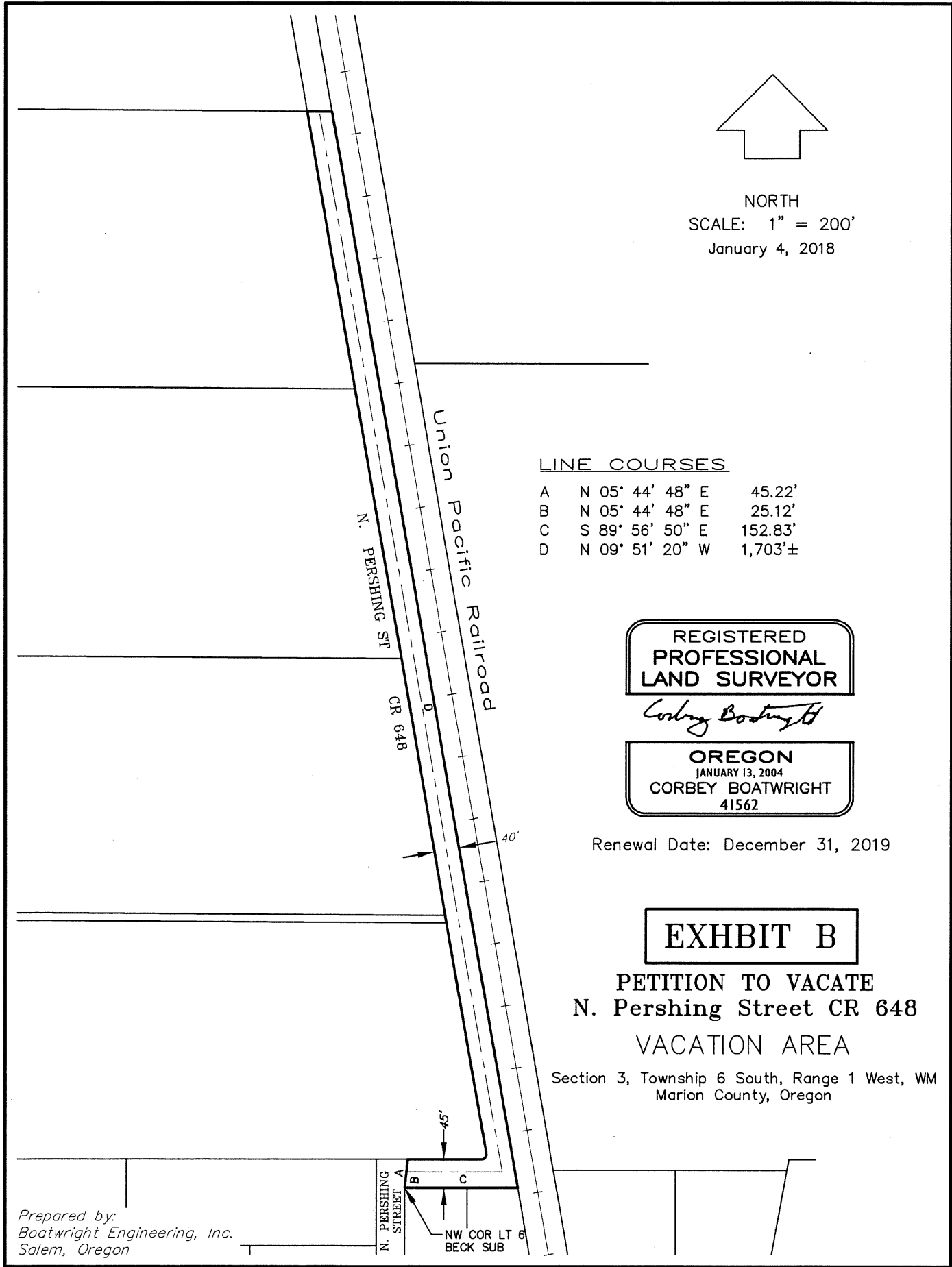
All that portion of N. Pershing Street (County Road No. 648) lying easterly and northerly of the following described line: Beginning at the northwest corner of Lot 6, Beck Subdivision, as the same is platted and recorded in Volume 26, Page 31 of the Marion County Book of Town Plats, and running thence North 05° 44' 48" East 45.22 feet to a point on the north right-of-way line of said N. Pershing Street.

The centerline of said portion of N. Pershing Street being more particularly described as follows, to wit:

Beginning on the centerline of N. Pershing Street (County Road No. 648) at a point which bears North 05° 44' 48" East 25.12 feet from the northwest corner of Lot 6, Beck Subdivision, as the same is platted and recorded in Volume 26, Page 31 of the Marion County Book of Town Plats, and running thence South 89° 56' 50" East, along said centerline, 152.83 feet, more or less, to an angle point in said centerline; thence North 09° 51' 20" West, continuing along said centerline, 1,703 feet, more or less, to the south line of that tract of land conveyed to Schmitz Ag Lands, LLC by deed recorded in reel 3847, Page 422 of the Marion County Deed Records, and there terminating, all being situated within the southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter and the southwest quarter of the southwest quarter of Section 3 in Township 6 South, Range 1 West of the Willamette Meridian in Marion County, Oregon.



Renewal Date: December 31, 2019



NORTH
 SCALE: 1" = 200'
 January 4, 2018

LINE COURSES

A	N 05° 44' 48" E	45.22'
B	N 05° 44' 48" E	25.12'
C	S 89° 56' 50" E	152.83'
D	N 09° 51' 20" W	1,703±

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Corbey Boatwright

OREGON
 JANUARY 13, 2004
 CORBEY BOATWRIGHT
 41562

Renewal Date: December 31, 2019

EXHIBIT B


PETITION TO VACATE
 N. Pershing Street CR 648

VACATION AREA

Section 3, Township 6 South, Range 1 West, WM
 Marion County, Oregon


Prepared by:
 Boatwright Engineering, Inc.
 Salem, Oregon

N. PERSHING STREET A
 B
 C
 NW COR LT 6
 BECK SUB




Vacation Of A Portion of County Road No. 648 North Pershing Street, Near Mt. Angel

April 24, 2019



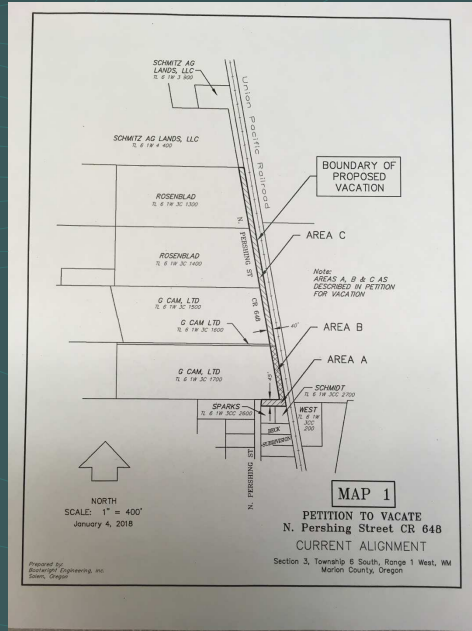
DEPARTMENT OF PUBLIC WORKS



Vacation of C.R. 648 - N. Pershing Street

- ❖ Petition to vacate right-of-way was filed on May 15, 2018.
- ❖ This is a 40 and 45-foot wide, 1850-foot long dead-end right-of-way that was established as a county road in 1938.
- ❖ The adjacent property owners have agreed to provide easements within and outside of the vacated right of way for continued access and the protection of existing utilities.
- ❖ No objections to the proposed vacation have been received prior to this meeting.

Right-of-way Proposed For Vacation



Proposed N. Pershing St. Re-alignment

