



00245704202400037320260265

I hereby certify that the within  
instrument was received for record and  
recorded in the County of Tillamook,  
State of Oregon

Christy Nyseth, Tillamook County Clerk

AFTER RECORDING, RETURN AND  
SEND ALL TAX STATEMENTS TO:

Charles A. Reeder and Christy A. Reeder  
T1S R10W Sec. 30CD TL #1200 & #1128  
222 Reeder Street NW  
Tillamook, Oregon 97141

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

In the Matter of the Vacation of a ) ORDER #24 - 053  
Portion of South Avenue, Tillamook )  
County, Oregon )

This matter came before the Tillamook County Board of Commissioners on August 28, 2024, at the request of Chris Laity, Director of Tillamook County Public Works, Road Department, at which time it appears that Road Vacation #573 was filed by property owners on August 14, 2023, in accordance with ORS 368.341. The road to be vacated is described in the attached Exhibit A.

The Board of Commissioners being fully apprised of the above-named person, the records and files herein, finds as follows:

1. Road Vacation Petition #573 was properly filed with the Tillamook County Clerk on August 14, 2023, in accordance with ORS 368.341.
2. The Petitioners own 100% percent of the properties fronting the road vacation.
3. The road to be vacated is legally a public road.
4. The road to be vacated is a right of way under the jurisdiction of Tillamook County.
5. Public Notices were not required as a part of this petition as indicated in ORS 368.351.

6. The Tillamook County Public Works Director prepared and filed with the Board a written report which includes the assessment that the proposed vacation would be in the public interest, in accordance with ORS 368.351.
7. Therefore, after considering the engineer's report provided by the Director of Tillamook County Public Works, as well as records and files regarding this matter, the Board determines that the proposed vacation of the above-described road is in the public interest, and that the above-described road should be vacated.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

8. In accordance with ORS 368.351, the road as described in Exhibit A be and hereby is vacated.

DATED this 28th day of August, 2024

THE BOARD OF COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

Aye    Nay    Abstain/Absent

M.F. Bell  
Mary Faith Bell, Chair

8    —    — 1 —

Doug Olson  
Doug Olson, Vice-Chair

X    —    — 1 —

Erin D. Skaar  
Erin D. Skaar, Commissioner

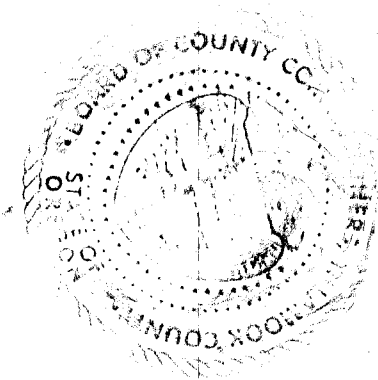
✓    —    — 1 —

ATTEST: Christy Nyseth,  
County Clerk

APPROVED AS TO FORM:

By: Dora Garlow  
Special Deputy

William K. Sargent  
William K. Sargent, County Counsel





**Tillamook County Public Works**

503 Marolf Loop Road, Tillamook, OR 97141  
County Road Phone: 503-842-3419  
Solid Waste Phone: 503-815-3975  
Email: pubwks@co.tillamook.or.us  
TTY Oregon Relay Service

*Land of Trees, Cheese, and Ocean Breeze*

**PETITION TO VACATE PUBLIC RIGHT OF WAY #573  
PUBLIC WORKS STAFF REPORT**

**Date: August 14<sup>th</sup>, 2024**

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

**I. GENERAL INFORMATION**

- Request: This petition seeks to vacate that portion of the South Avenue Public Right of Way which exists west of Glenwood Street in the Avalon Subdivision of Tillamook, Oregon.
- Area of Interest: A section of improved public right of way located in Township 1 South, Range 10 West, Section 30CD of the Willamette Meridian and dedicated to the public through subdivision plat #C-0037 of the Tillamook County Survey Records.
- Petitioner: The petitioners represent 100% of private land abutting the right of way identified in the petition and all are signatories to the petition.

**II. APPLICABLE STATUTES / ORDINANCES:**

- 1) ORS 368.326 to 368.426
- 2) (By Reference from ORS Ch. 92.180 thru 92.192)

**III. REVIEW:**

**1. Right of Way History**

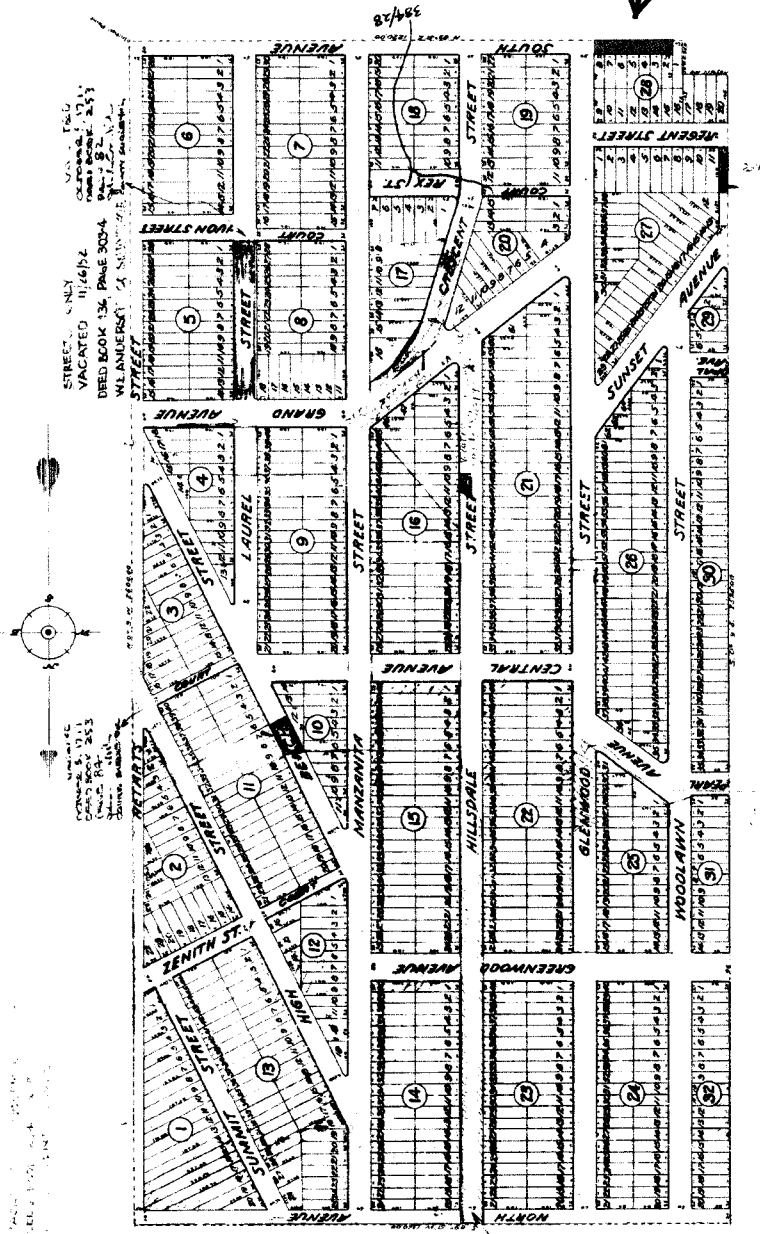
- 1) **Creation** – Petition #573 requests the vacation of a portion of the South Avenue Public Right of Way which is 175 feet long and 30 feet wide. This road alignment was originally recorded on the 1910 Avalon Subdivision Platt filed in the Tillamook County Survey Records as survey #C-0037.
- 2) **Prior Vacation / Dedication / Property Line Adjustment** – Since the time of the original plat, a large portion of the map was altered through the establishment of State Highway 131. Many of the original lots have been consolidated into larger residential parcels, and a number of other right of ways have had sections vacated. The current version of the Tillamook County Assessor's Tax Map represents the current private parcel configuration.

**2. Current Petition to Vacate**

# MAP OF AYALON

LOCATED IN  
E 1/2 OF THE SW 1/4 SECTION 30  
T. 5. R. 10 W. WILLAMETTE MERIDIAN  
SCALE 1:5000

Surveyed January 1896 by G.M. Thomas C.E.



**ABSTRACT**  
 From the record of the Survey of the Ayalon, Oregon, made by G.M. Thomas, C.E., on the 18th day of January, 1896, it appears that the Ayalon is a subdivision of the SW 1/4 Section 30, Township 5 North, Range 10 West, Meridian 10 West, and is bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. There are 30 lots in this subdivision, each of which is described as follows: Lot 1, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 2, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 3, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 4, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 5, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 6, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 7, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 8, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 9, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 10, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 11, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 12, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 13, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 14, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 15, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 16, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 17, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 18, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 19, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 20, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 21, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 22, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 23, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 24, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 25, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 26, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 27, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 28, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 29, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W. Lot 30, 1/2 Acre, bounded by the following corners and bearings: N. 1/2 Sec. 30, T. 5 N., R. 10 W., M. 10 W.

Witnesses  
 G.M. Thomas  
 G.M. Thomas  
 G.M. Thomas

**ACKNOWLEDGEMENT**

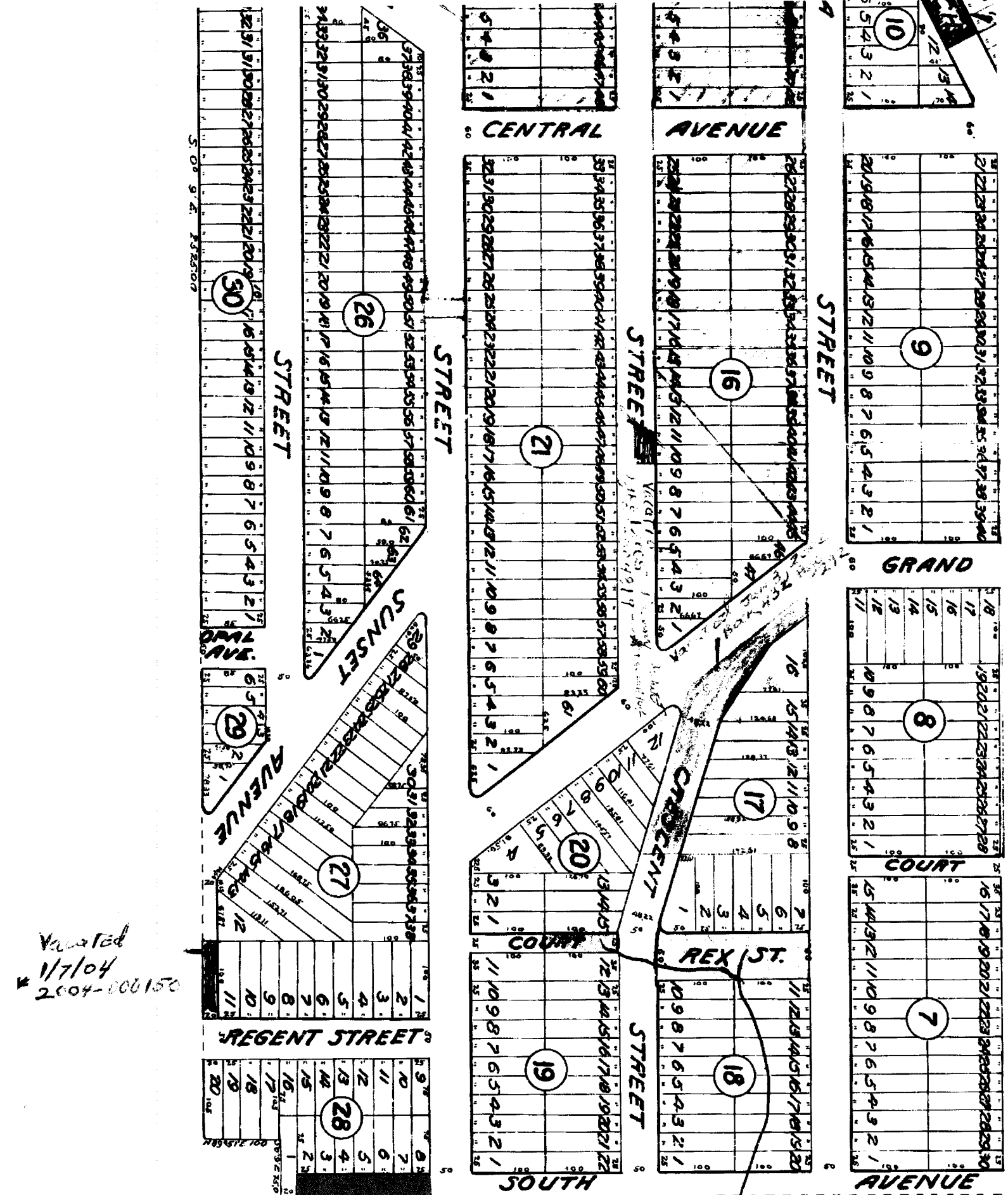
State of Oregon  
 County of Multnomah  
 This certificate that on this 6th day of May AD 1910, before me the undersigned a Notary Public in and for the County and State aforesaid, personally appeared the above named Henry Public Surveyor, who is known to me to be the person whose name is subscribed to the foregoing instrument and who executed the same freely and voluntarily for the uses and purposes therein mentioned. In testimony whereof, I have hereunto set my hand and official seal the day and year first above written.  
 J. H. Spang,  
 Notary Public  
 Commission expires Spring 1911.

**SURVEYORS CERTIFICATE**

State of Oregon  
 County of Multnomah  
 I, G.M. Thomas, being first duly sworn, depose and say that I have carefully surveyed the land embraced in the plat of Ayalon, that the survey thereof is correctly delineated on the map thereon and that I am a duly qualified and sworn Surveyor of the State of Oregon. I declare under penalty of perjury that the surface located by the subdivision shown between Section 30 and Section 31 is a true and correct line of survey.  
 G.M. Thomas  
 Surveyor  
 Subscribed and sworn to before me this 7th day of March 1910.  
 Fred C. Anderson, Notary Public  
 Commission Expires April 22, 1911

Approved May 10 1910 C. M. Hunt County Recorder  
 Approved May 6th 1910 C. M. Hunt County Surveyor  
 Approved May 6th 1910 W. H. Hunt County Judge  
 Approved May 6th 1910 W. H. Hunt County Commissioner  
 Approved May 6th 1910 W. H. Hunt County Clerk  
 Approved May 6th 1910 W. H. Hunt County Sheriff

Taxes are paid prior to 1901  
 Taxes are paid 1901 to 1910

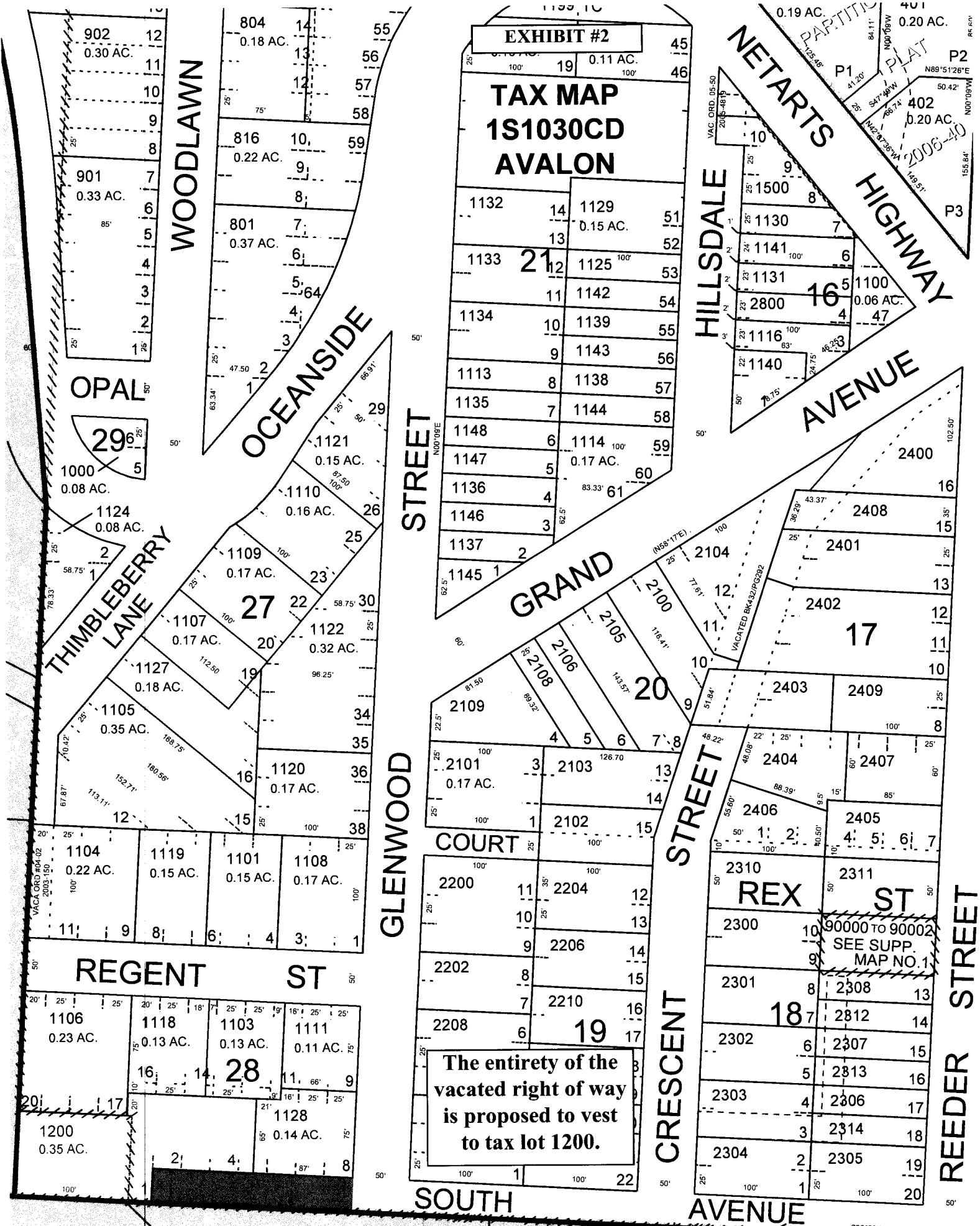


Area proposed for vacation.

Vacated  
11/7/04  
2004-006150

384/28

**EXHIBIT #2**  
**TAX MAP**  
**1S1030CD**  
**AVALON**



The entirety of the  
vacated right of way  
is proposed to vest  
to tax lot 1200.

SEE MAP 1S 10 31BA

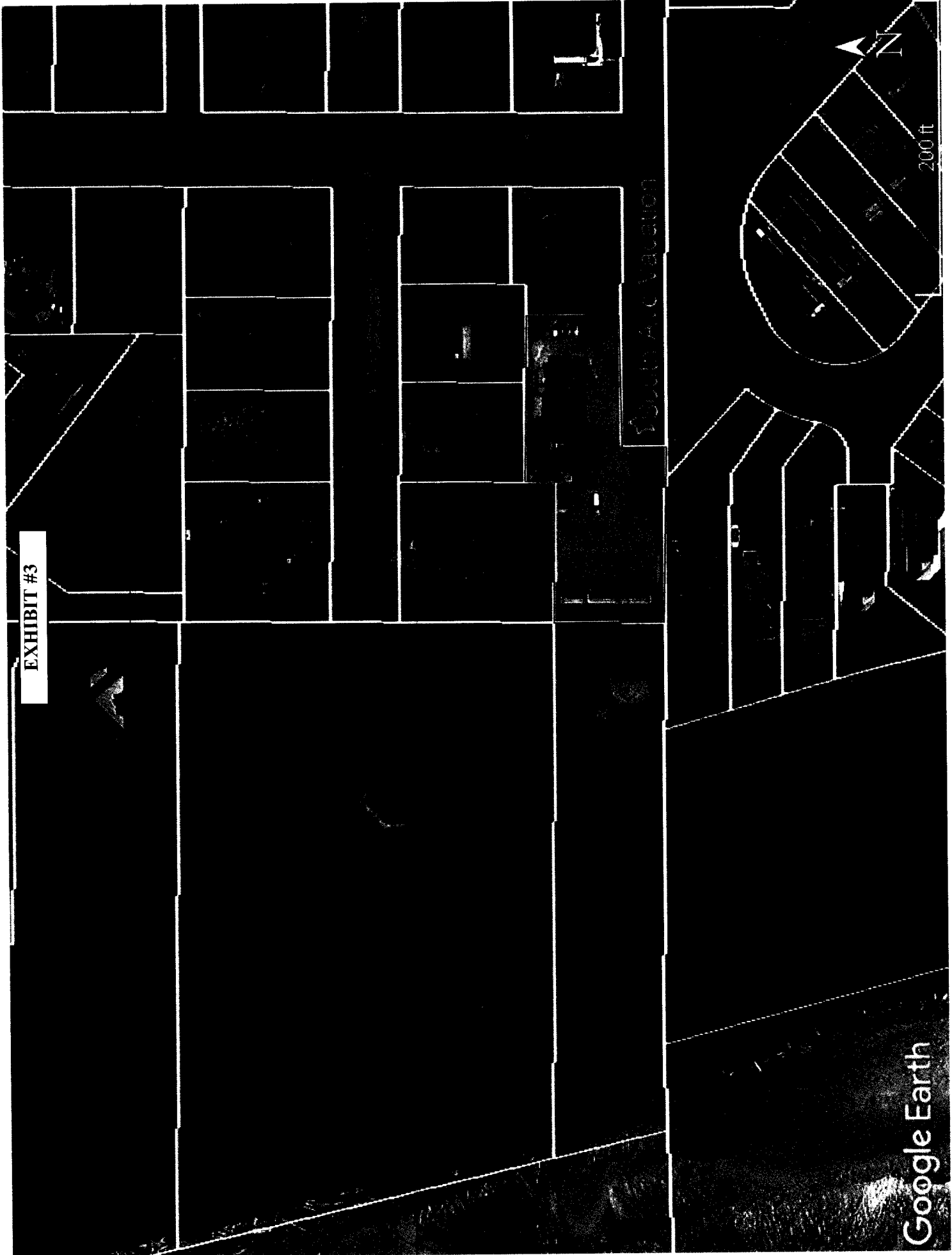
S89°22'23"E

EXHIBIT #3

10000 A.C. Vacation

Google Earth

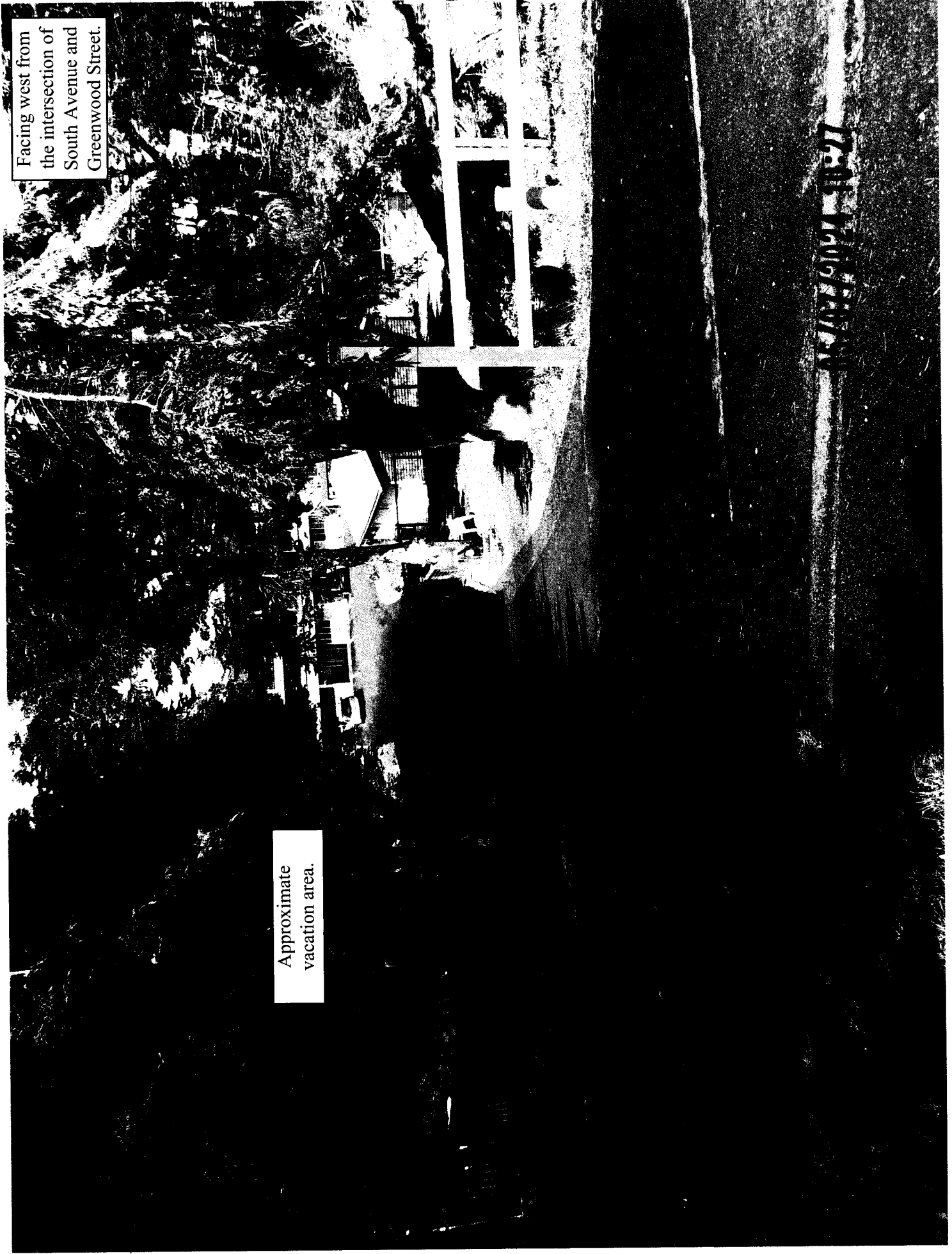
200 ft



Facing west from  
the intersection of  
South Avenue and  
Greenwood Street.

Approximate  
vacation area.

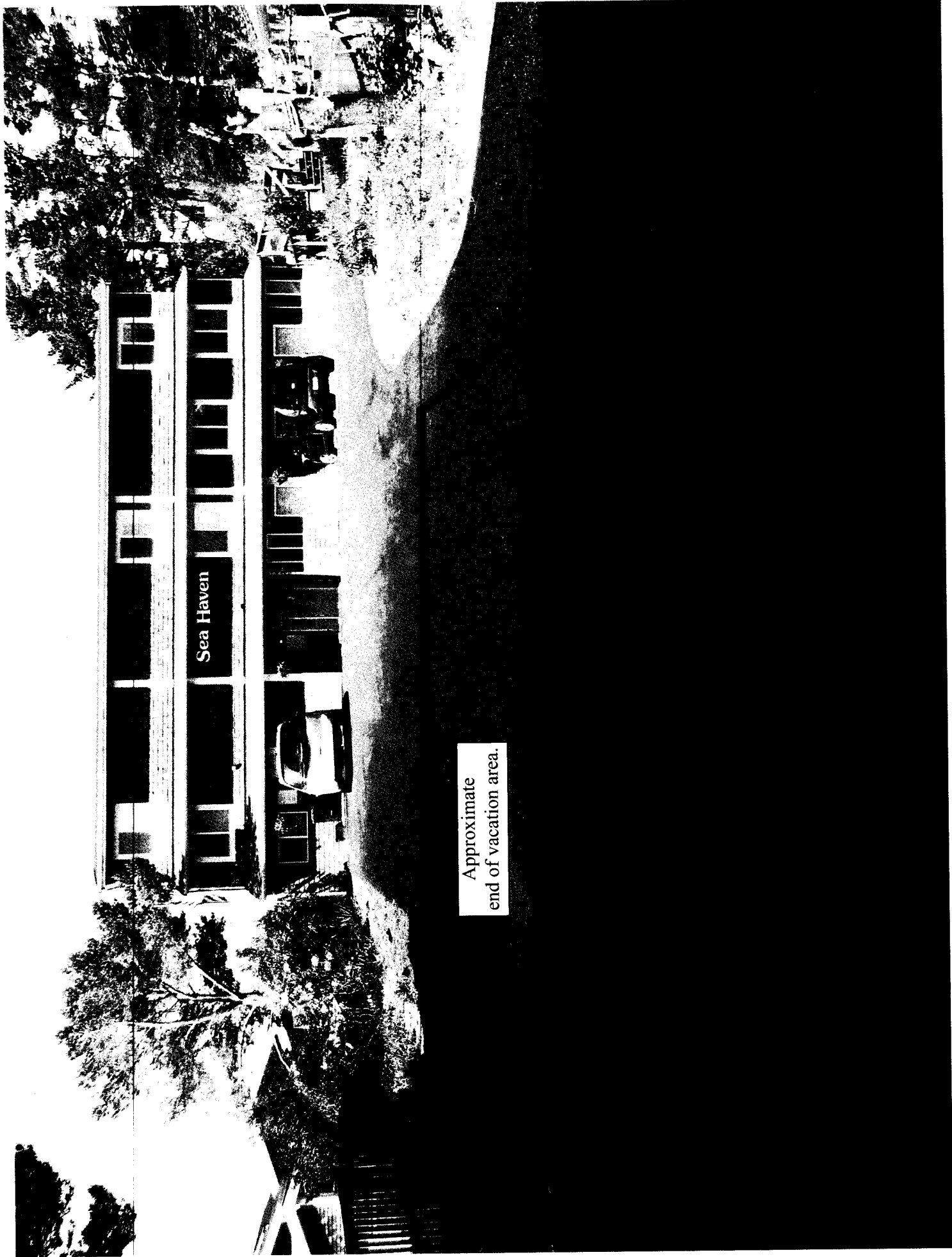
17-01 12-06-2010





07/2024 10:28





Approximate  
end of vacation area.

Approximate  
vacation area.

05/07/2024 10:28





Facing East across  
the intersection of  
South Avenue and  
Greenwood Street.

Approximate  
end of vacation area.





*Land of Cheese, Trees and Ocean Breeze*

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

August 17, 2023

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

**RE: Petition No. 573 – Petition to vacate West end portion of South Ave.  
In Avalon West**

Dear Commissioners:

Enclosed is a certified copy of Petition No. 573 filed August 14, 2023, to vacate West end portion of South Ave. in Avalon West.

Certification from the Assessor regarding ownership was received on August 17, 2023, a copy of which is enclosed along with a certified copy of the petition.

Thank you in advance for your assistance in this matter.

Sincerely,

Christy Biggs  
Chief Deputy Clerk

Enclosures

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

August 17, 2023

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

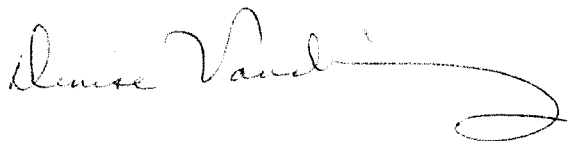
**RE: Petition No. 573 – Petition to vacate West end portion of South Ave. in Avalon West**

Dear Ms. O'Neil:

I have researched our records and certify that the petitioners are the adjacent landowners in the proposed vacation.

This certification is in accordance with ORS 368.341(3)(f).

Respectfully,



**Denise Vandecoevering**  
Assessor & Tax Collector

cc. Wendy Schink, GIS Cartographic Analyst  
cc. KaSandra Larson, Chief Deputy of Assessment & Taxation

#573

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

FILED

AUG 14 2023

IN THE MATTER OF THE VACATION OF

West end portion of  
South Ave in Avalon West

TASSI O'NEIL  
COUNTY CLERK

I The undersigned person(s) hereby petitions the Tillamook County Board of Commissioners to vacate the following described property.

This is a short section of the West end of South Avenue. It is approximately 150 feet long. This section of South Ave was recently paved by Charles & Christy Reeder from the junction of Glenwood Street all the way to the Reeder's front door. The section is bordered by a 6-ft tall fence along the entire South Section of South Ave. all need.  
(Use separate sheet if more space is needed) (continued on separate sheet)

II The reasons for requesting this vacation are:

We are respectfully requesting to vacate this section for 3 main reasons: (1) this section of South Ave is maintained solely by the Reeder's. They recently paid \$25,000. to pave this section of the street. (2) Because the Reeder's are the only individuals that own property where this section of road is and there is no reason for the public to have access to this portion of the road as it  
(Use separate sheet if more space is needed) (continued on separate sheet)

III Names and addresses of all persons holding any recorded interest in the property proposed to be vacated are:

NAME & ADDRESS	DESCRIPTION OF INTEREST
<u>Tillamook County Public Works</u>	<u>Public Right of Way</u>
<u>Prior Private Easement (the Reeder's)</u>	<u>Access to tax lot 902</u>
<u>Charles &amp; Christy Reeder 5450 South Ave NW, Tillamook</u>	

(Use separate sheet if more space is needed)



IV. The names and addresses of all persons (including utilities) owning any improvements constructed on the property proposed to be vacated.

There is nothing physically located that would need to be moved if the street is granted this vacation.

(Use separate sheet if more space is needed)

V. The names and addresses of all persons owning any real property abutting the property proposed to be vacation are:

NAME & ADDRESS

DESCRIPTION OF PROPERTY  
(Use Tax Lot No. if available)

Charles & Christy Reeder  
5450 South Ave NW  
Tillamook, OR 97141

tax lots 1200, 1128

The Capes Home Owners Assoc. Tax lot 7500  
605 Capes Dr. PO Box 404, Oceanside 97134

(Use separate sheet if more space is needed)

VI. Attached to this Petition are 2 pages containing the notarized signatures of:

- Owners of 100% of the land abutting the property proposed to be vacated.
- Owners of at least 60% of the land abutting the property proposed to be vacated.
- At least 60% of the owners of the land abutting the property proposed to be vacated.

VII. The property proposed to be vacated

- Will not be redivided in any manner.
- Will be redivided as shown on the attached subdivision or partition plan.

**TILLAMOOK COUNTY  
PETITION TO VACATE  
SIGNATURE SHEET**

Signature required in Section VI of the Petition to Vacate the following described property:

Please see attached tax maps. The section highlighted in yellow is currently public right of way and is ~~being~~ the area being proposed for vacation in this petition. Lot 7500 owned by the Capes HOA is the southern border of this proposed vacation request.

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

Please see attached tax maps. Lot 7500 is owned by the Capes HOA. There is a 6ft tall fence that runs along the Capes Property line. Lot 7500 is a common area in the Capes and there are no structures on it. This will not interfere with the Capes emergency access gate located at the end of Glenwood Street.

I certify that I am the owner of property that abuts the property proposed to be vacated, and approve of the proposed vacation

Signed and Dated this 28 day of June, 2023

[Signature]  
Signature

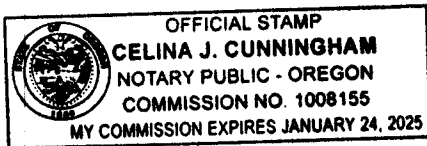
605 Capes Dr, 97141  
Address  
Tillamook, OR 97141  
Seaside, OR 97134  
City, State, Zip

\_\_\_\_\_  
Signature

**ACKNOWLEDGEMENT**

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

On 28 June, 2023, the above named person appeared before me and acknowledged the foregoing instrument to be a voluntary act and deed.



[Signature]  
Notary Public for the State of Oregon  
My Commission Expires: 1-24-2025

**TILLAMOOK COUNTY  
PETITION TO VACATE  
SIGNATURE SHEET**

Signature required in Section VI of the Petition to Vacate the following described property:

Please see attached tax maps. The section highlighted in yellow is currently public right of way. As you can see there is no reason for the public to have access to this section of South Ave as it dead ends at the Reeder's property.

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

Please see Attached tax maps. Lots 1128 and 1200 are owned by Charles & Christy Reeder. Lot 1128 is a bare lot. Lot 1200 was the Reeder's residence and shop on it. Reeder's are the only property owners touching the North and West areas of this proposed vacation of South Ave.

I certify that I am the owner of property that abuts the property proposed to be vacated, and approve of the proposed vacation

Signed and Dated this 28 day of JUNE, 2023

[Signature]  
Signature

5450 South Ave NW  
Address

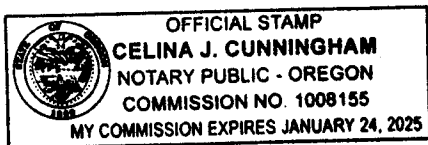
[Signature]  
Signature

Tillamook, OR 97141  
City, State, Zip

**ACKNOWLEDGEMENT**

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

On 28 June, 2023, the above named person appeared before me and acknowledged the foregoing instrument to be a voluntary act and deed.



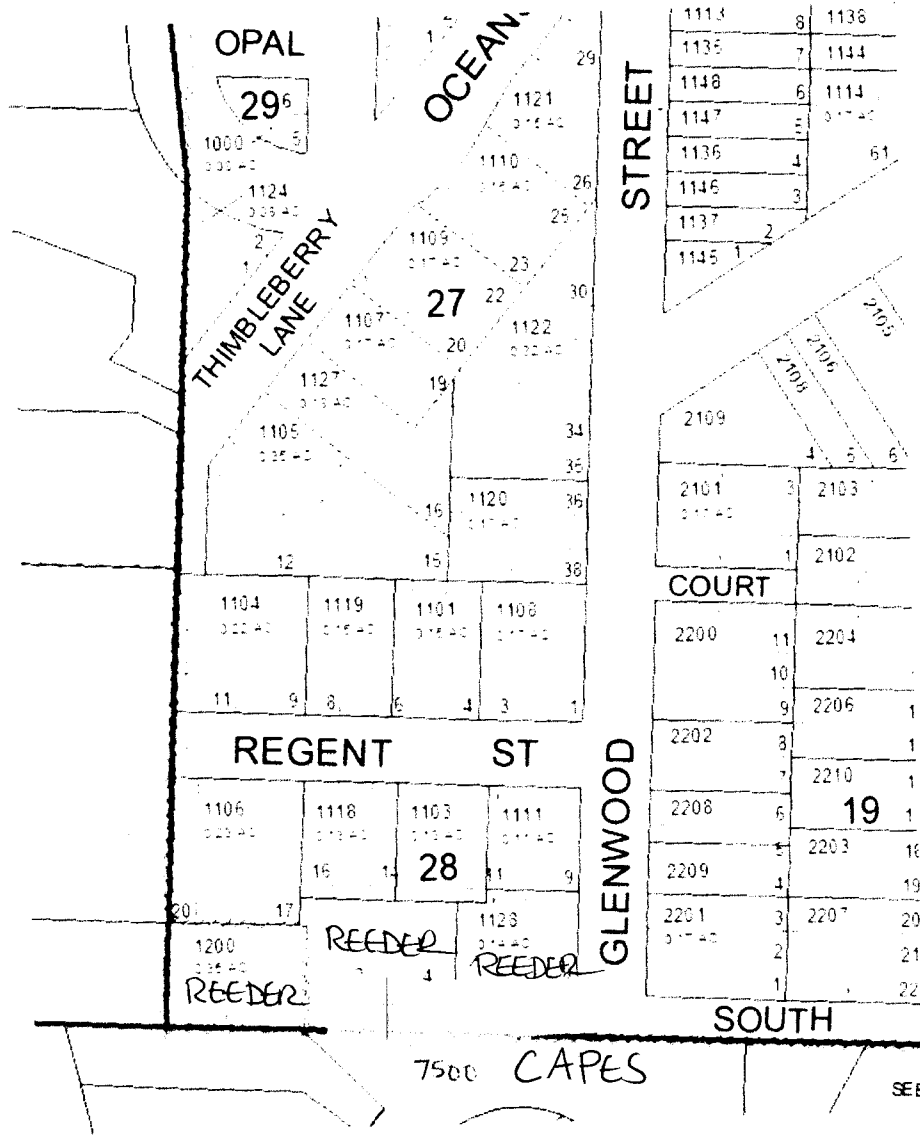
[Signature]  
Notary Public for the State of Oregon  
My Commission Expires: 1-24-2025

I. continued:

and maintained by the Capes Home Owners Association. The fence is the border between the Reeders lots and a common area in the Capes. The North Side of the Street abuts the Reeders two lots. The road dead ends at the Reeders residence.

II. continued:

dead ends at their home. (3) It is also partially beneficial to the Capes as it limits traffic noise on this section of their Northern border.



\* The entirety of the vacation of this portion of South Ave will vest with tax lot 1200.



THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

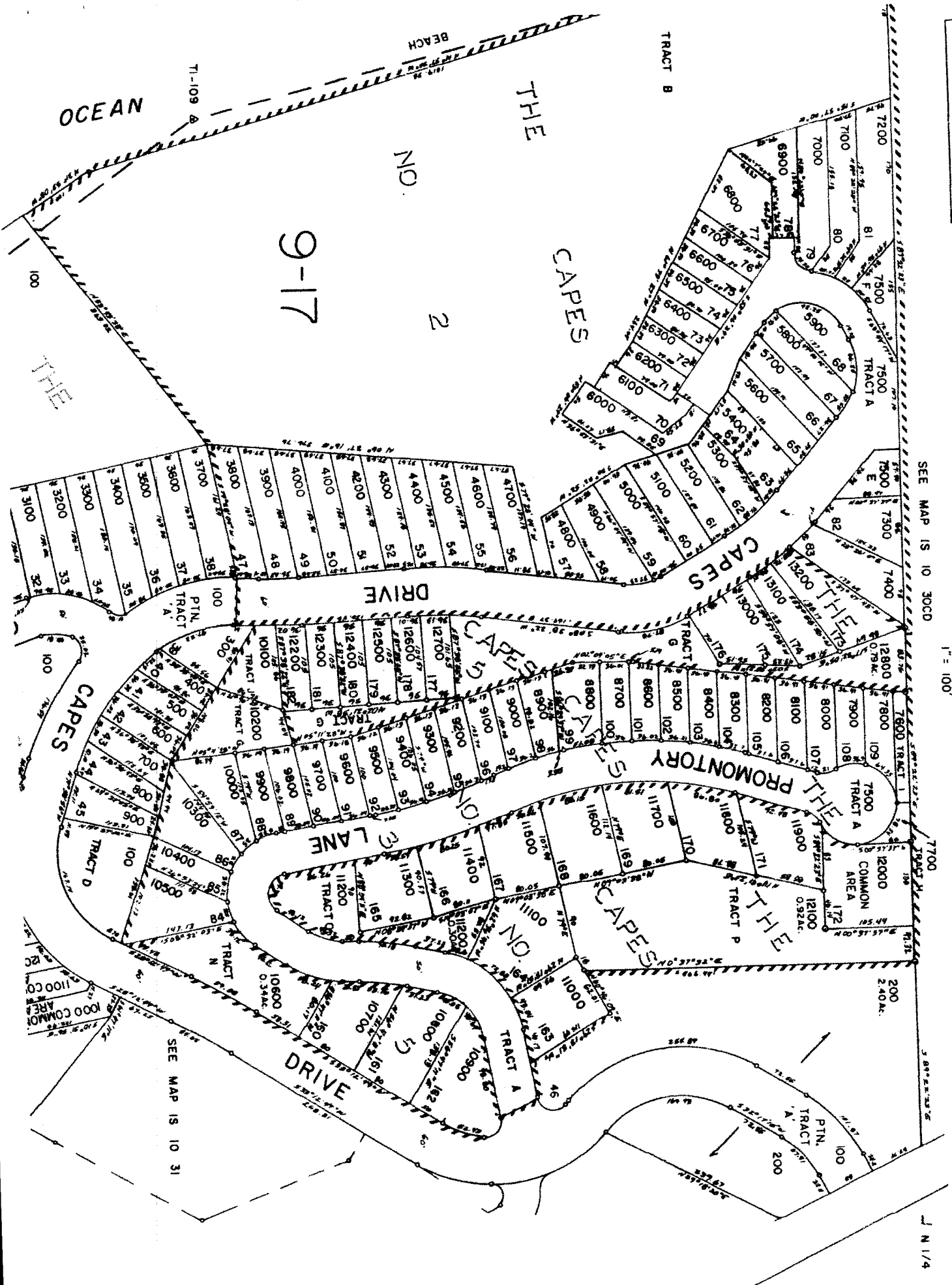
NE1/4 NW1/4 SEC.31 T.1S. R.10W.W.M.  
TILLAMOOK COUNTY

SEE MAP IS 10 30CD

1" = 100'

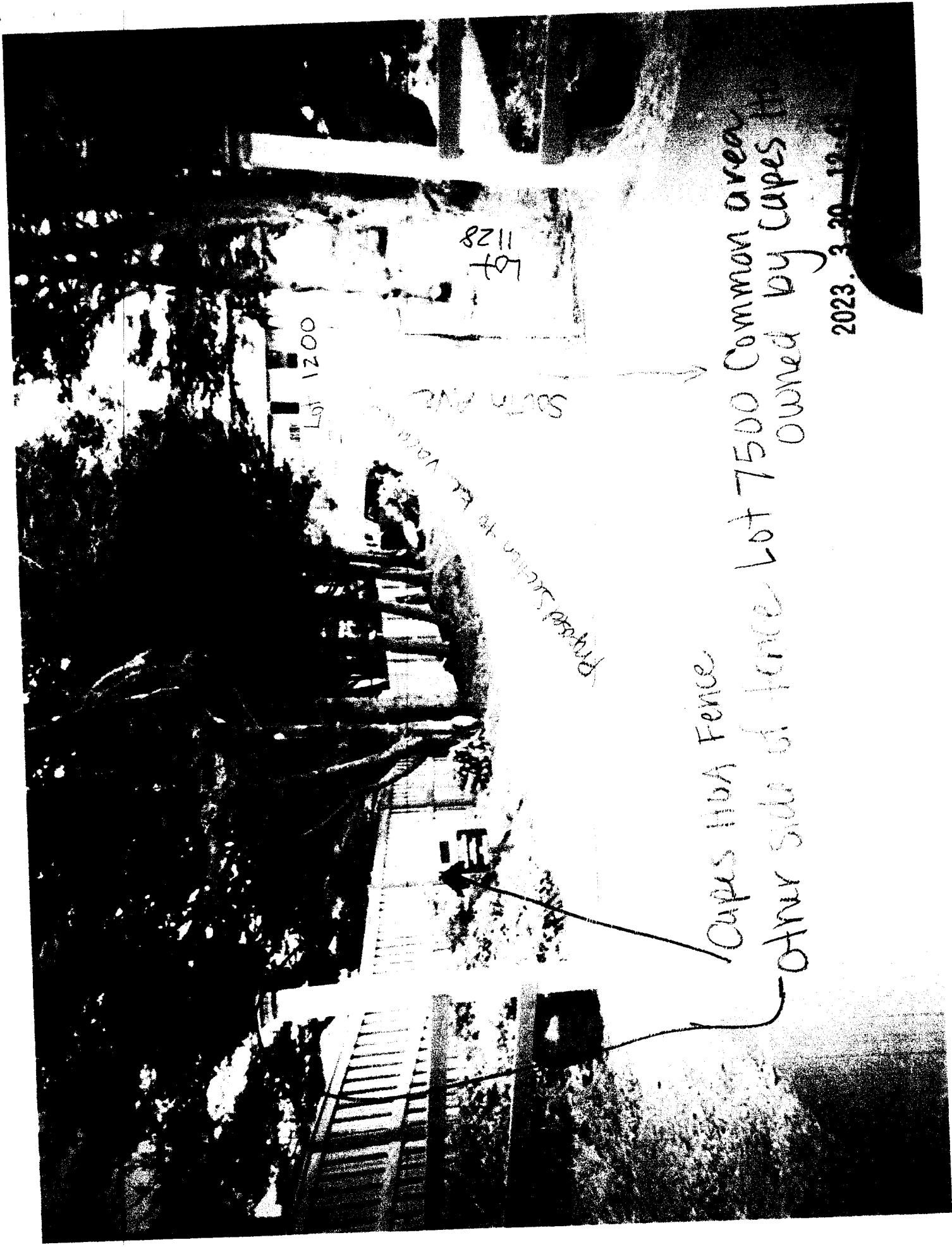
J N 1/4

IS 11  
THE



SEE MAP IS 10 31

SEE MAP IS 10 31AB



Lot 1200

Lot 1128

SOUTH AVE

Private Street to Fall View

Capes HBA Fence

Other side of fence Lot 7500 Common area owned by Capes HBA

2023. 3. 20. 19. 6

House of Ma

Crescent St

South Ave NW

Capes Dr

Regent St W

Capes Dr

Reg

