

11/03/2010

CL 2010-1195

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY OREGON

BARBARA E. NIELSEN, COUNTY CLERK

IN THE MATTER OF THE VACATION OF A )	
PORTION OF 5 <sup>TH</sup> STREET IN WINCHESTER )	ORDER GRANTING VACATION OF
BAY IN SECTION 7, TOWNSHIP 22 SOUTH,) )	PROPERTY UPON PERFORMANCE OR
RANGE 12 WEST, W.M., DOUGLAS )	FULFILLMENT OF CONDITIONS
COUNTY, OREGON )	)

This matter comes before the Board of Commissioners upon a petition of Richard and Deborah Ludwig and Blue Heron Land Company LLC for vacation of that portion of dedicated road right-of-way described in the attached Exhibit "A".

All of the owners of 100% of the property abutting the property proposed to be vacated signed the petition and approved the vacation.

The Board of Commissioners entered a preliminary order dated October 20, 2010, approving vacation of the property described above without a hearing subject to the following conditions:

An assessment of special benefits for the value of the property to be vacated in the sum of \$500.00 shall be paid to Douglas County Public Works Department by petitioners Richard and Deborah Ludwig prior to the Board of County Commissioners authorizing vacation of the property and vesting title in the petitioners.

The County Road Official has notified the Board of Commissioners that all conditions stated above have been performed or fulfilled within the time allowed.

NOW, THEREFORE, IT IS HEREBY ORDERED that the property described in this order is vacated, except that any existing utilities or owners of drainage facilities located within said property will have unrestricted access to service, maintain, upgrade or replace their facilities. Title

FILED

Date: 1/27/2011 By: NW  
 This survey consists of:  
 Map: CS 67/34-2 A thru i  
 Narrative: \_\_\_\_\_  
 Corner Rpt: \_\_\_\_\_

DOUGLAS COUNTY  
SURVEYOR

1 - ORDER GRANTING VACATION C  
(cb/ g:\....\5th street w)

\*\*\*\*\*

\*Grantor DOUGLAS COUNTY \*

\*Grantee Ludwig \*

\*Consideration \_\_\_\_\_ \*

\*All Tax Statements To GRANTEE \*

\* \_\_\_\_\_ \*

\* \_\_\_\_\_ \*

\*After Recording Return To P/W ADMIN \*

DOUGLAS COUNTY OFFICIAL RECORDS  
BARBARA E. NIELSEN, COUNTY CLERK

2010-017835



00283763201000178360030039

NO FEE

11/04/2010 11:15:15 AM

VAC-VAC Cnt=1 Stn=13 CAROL

This is a no fee document

to the vacated property will vest in the petitioners Richard and Deborah Ludwig, pursuant to ORS 368.366. The vacated property vesting in the petitioners will attach to their abutting property and will not become a separate parcel.

Dated this 3<sup>rd</sup> day of November 2010.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON

By   
Chair

By   
Commissioner

By   
Commissioner


REVIEWED AS TO FORM  
By   
Office of County Legal Counsel  
Date: 10/29/2010

Exhibit "A"

A parcel of land in the NE¼ of Section 7, Township 22 South, Range 12 West, W.M., Douglas County, Oregon and being a portion of the right-of-way for 5<sup>th</sup> Street in the Townsite of Winchester Bay as shown in Volume 5, Page 26, Subdivision Records of Douglas County, Oregon and being described as follows:

All that portion of the above described property lying easterly of the easterly right-of-way line of Broadway Avenue in said Townsite of Winchester Bay.

BEFORE THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, OREGON

IN THE MATTER OF THE VACATION OF A )  
PORTION OF 5<sup>TH</sup> STREET IN WINCHESTER )  
BAY IN SECTION 7, TOWNSHIP 22 SOUTH, )  
RANGE 12 WEST, W.M., DOUGLAS )  
COUNTY, OREGON )

PETITION

Petitioners Richard and Deborah Ludwig and Blue Heron Land Company LLC hereby request the Board of Commissioners of Douglas County, Oregon, to vacate that portion of dedicated road right-of-way described in Exhibit "A" attached to this petition and incorporated herein.

Petitioners request vacation of the unused County road right-of-way as it is not necessary for road use, it serves only as a driveway to the Ludwig property and dead ends into a steep hillside and the vacation would be a benefit to the public.

Douglas County is the only entity with any recorded interest in the property proposed to be vacated.

Petitioners driveway to the Ludwig property is the only improvement constructed on the proposed vacation.

Petitioners are the owners of 100% of the property abutting the proposed vacation and each petitioner approves of the vacation.

The name and address of persons owning real property adjacent to the proposed vacation or owning any improvements constructed on the proposed vacation are:

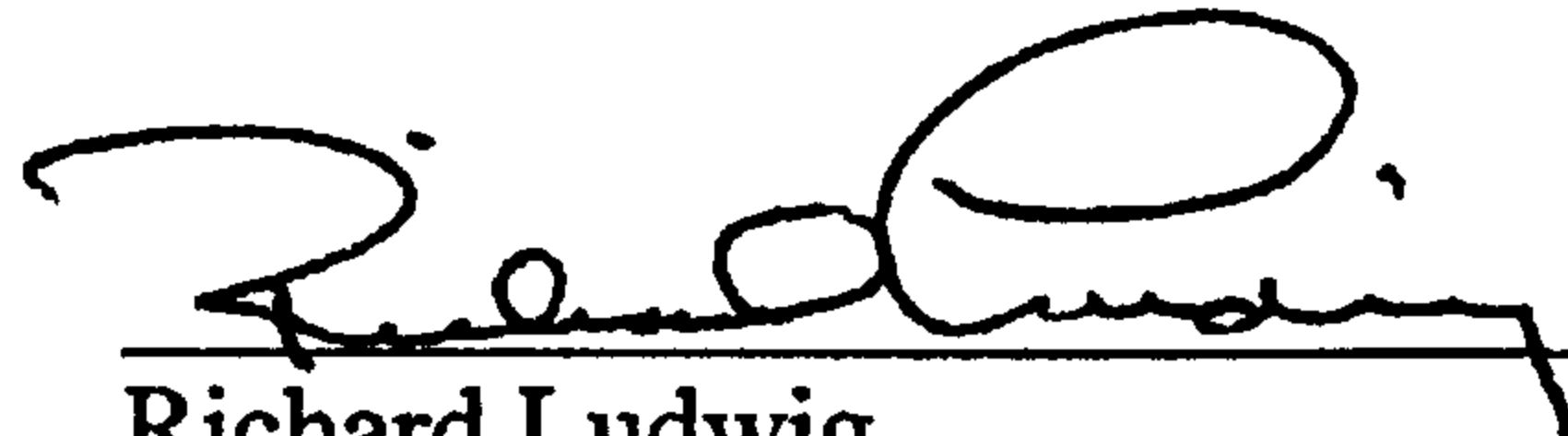
Richard and Deborah Ludwig  
490 Broadway Avenue  
Winchester Bay, Oregon 97467

Henry Westbrook Jr.  
Blue Heron Land Company LLC  
560 Curry Road  
Roseburg, Oregon 97471

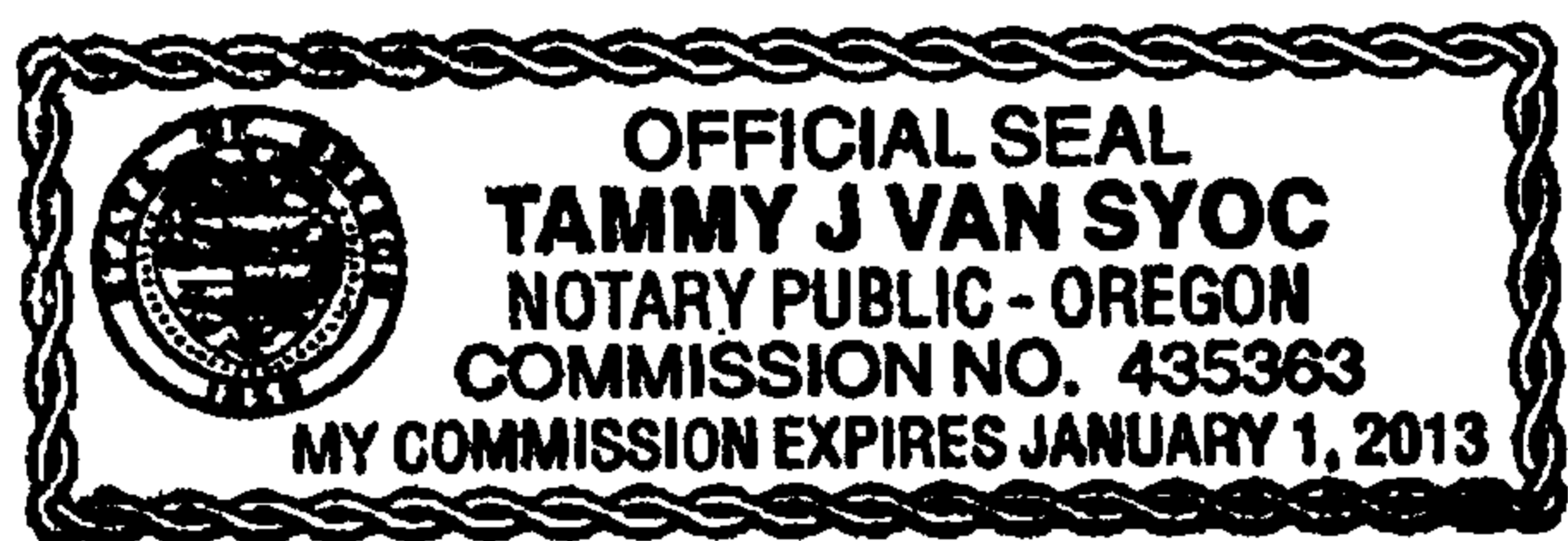
Petitioners request the Board of Commissioners to vacate the excess right-of-way without hearing pursuant to ORS 368.351.


Petitioners request that the vacated property be vested in the petitioners Richard and Deborah Ludwig, pursuant to ORS 368.366.

STATE OF OREGON )  
 )ss.  
COUNTY OF DOUGLAS )

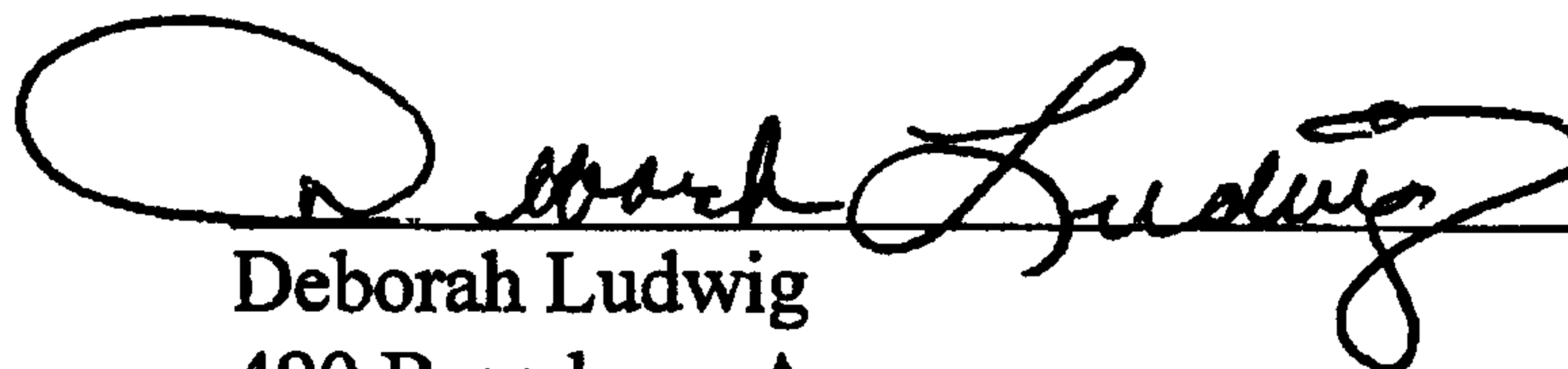
  
Richard Ludwig  
490 Broadway Avenue  
Winchester Bay, Oregon 97467

Personally appeared, Richard Ludwig, on 7/15/10 and acknowledged the foregoing instrument to be his voluntary act and deed.

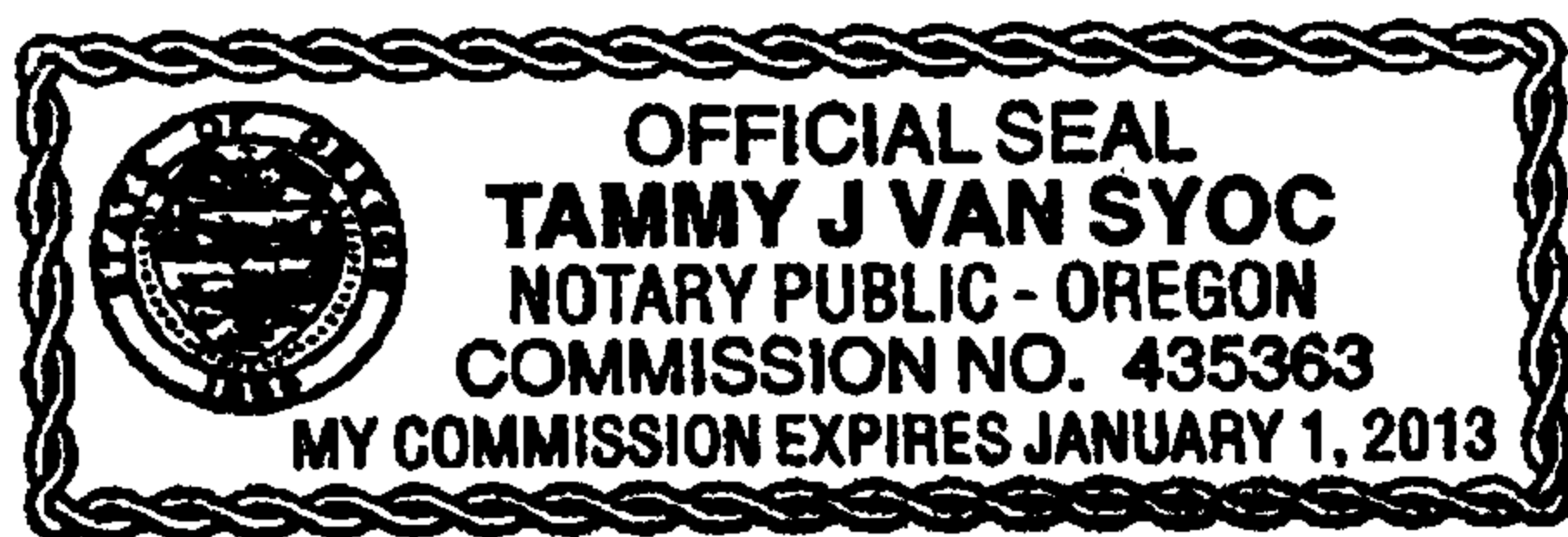



  
Notary Public for Oregon  
My Commission expires: 1/1/13

STATE OF OREGON )  
 )ss.  
COUNTY OF DOUGLAS )

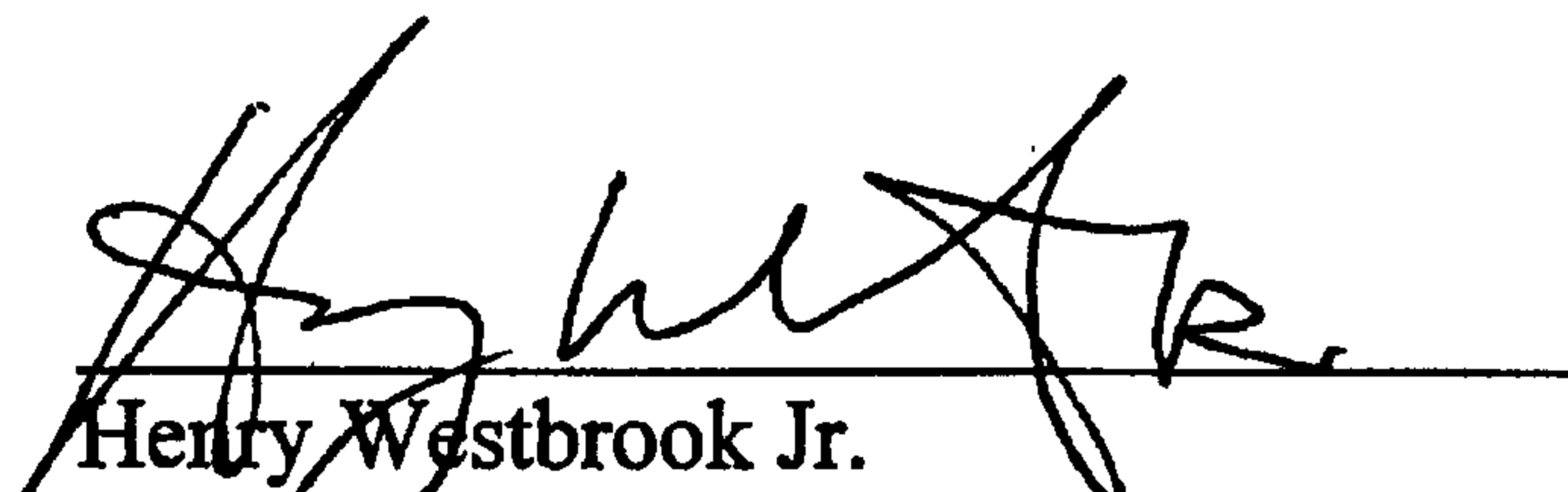
  
Deborah Ludwig  
490 Broadway Avenue  
Winchester Bay, Oregon 97467

Personally appeared, Deborah Ludwig, on 7/15/10 and acknowledged the foregoing instrument to be her voluntary act and deed.

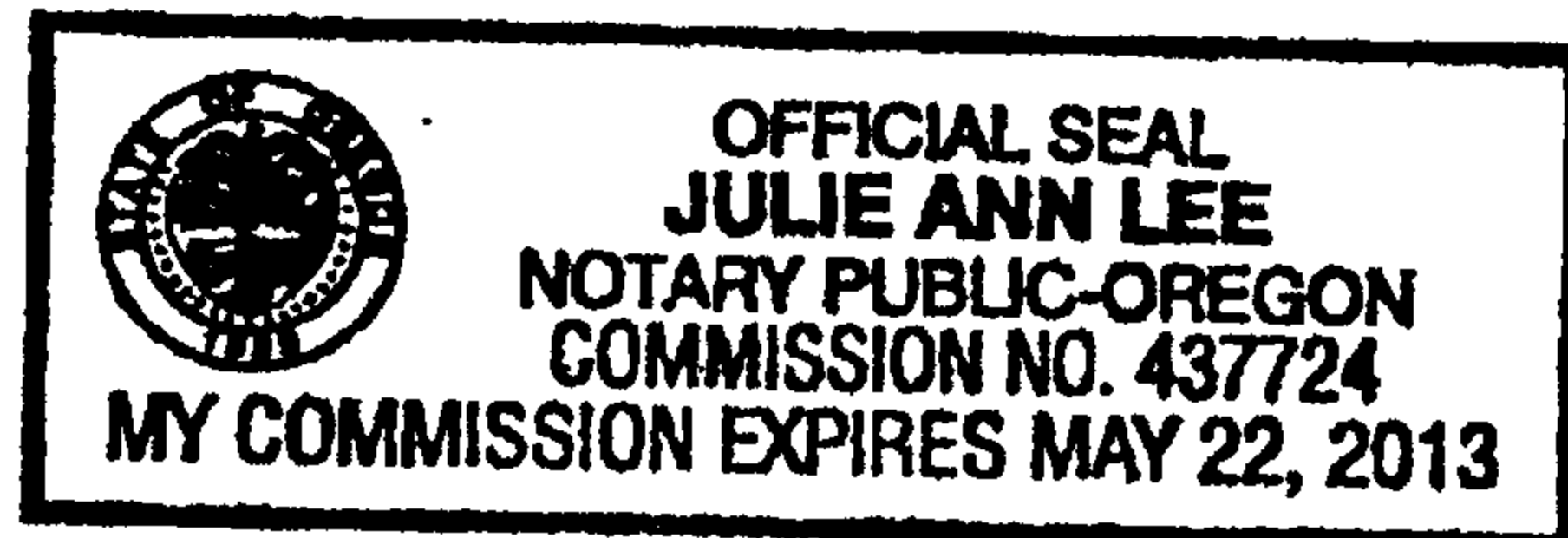


  
Notary Public for Oregon  
My Commission expires: 1/1/13

STATE OF OREGON )  
 )ss.  
COUNTY OF DOUGLAS )

  
Henry Westbrook Jr.  
Blue Heron Land Company LLC  
560 Curry Road  
Roseburg, Oregon 97471

Personally appeared, Henry Westbrook Jr., on 08/11/10 and acknowledged the foregoing instrument to be his voluntary act and deed.



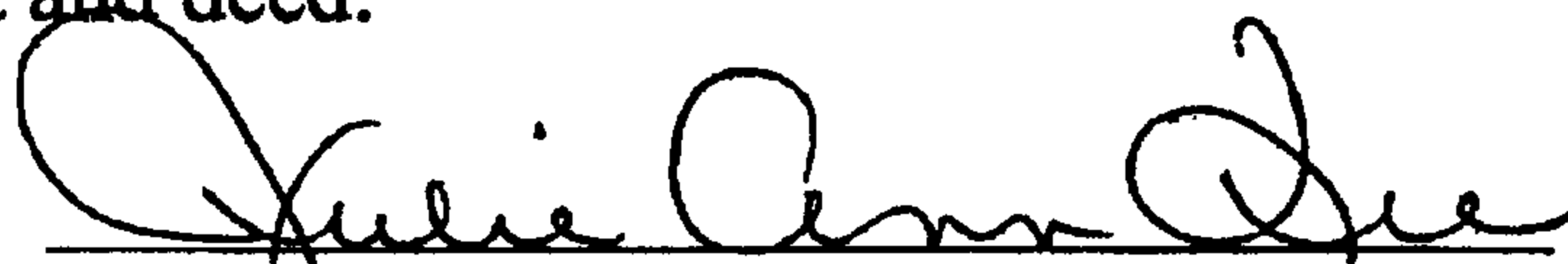
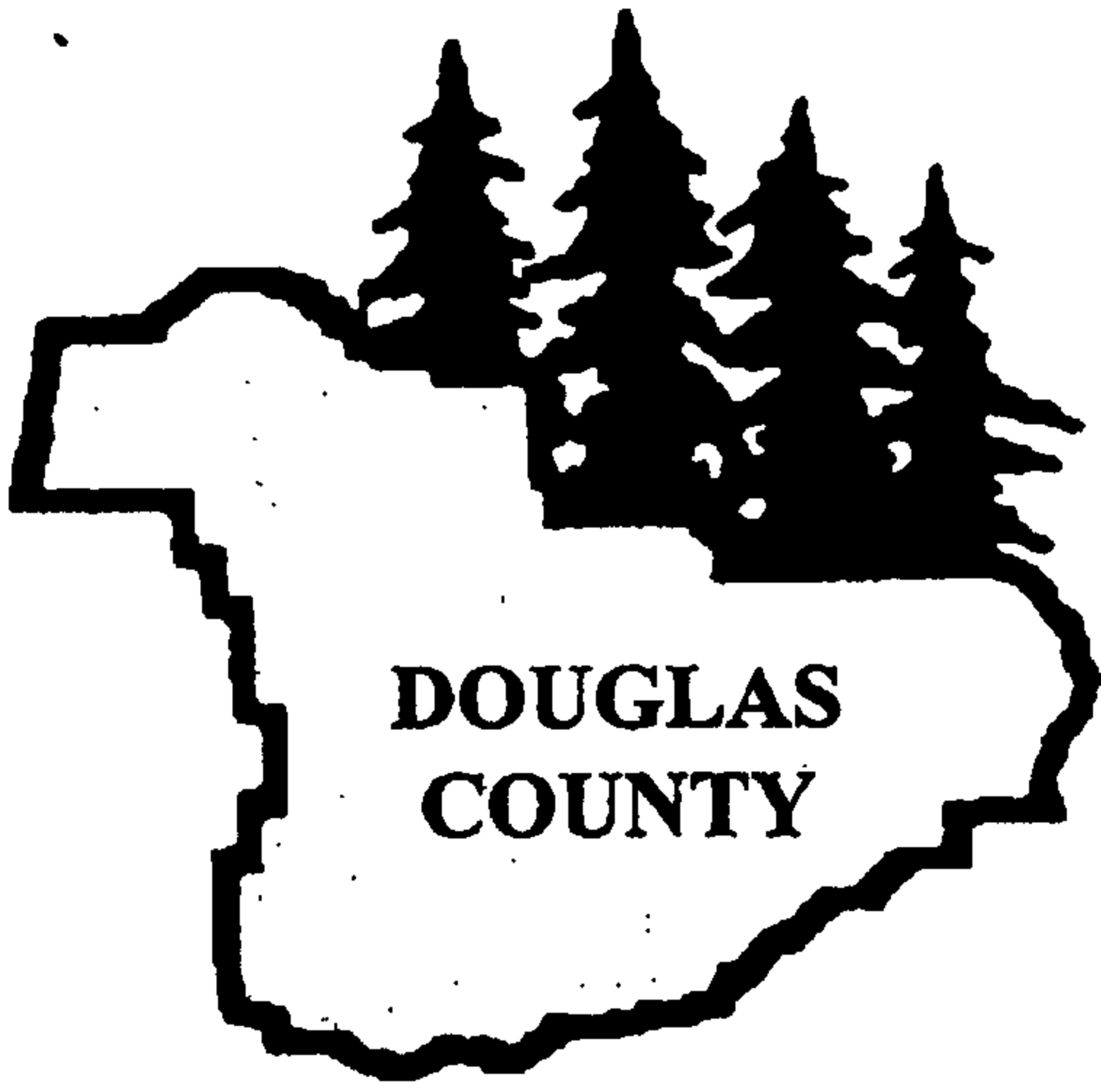
  
Notary Public for Oregon  
My Commission expires: 05/22/13

Exhibit "A"

A parcel of land in the NE $\frac{1}{4}$  of Section 7, Township 22 South, Range 12 West, W.M., Douglas County, Oregon and being a portion of the right-of-way for 5<sup>th</sup> Street in the Townsite of Winchester Bay as shown in Volume 5, Page 26, Subdivision Records of Douglas County, Oregon and being described as follows:

All that portion of the above described property lying easterly of the easterly right-of-way line of Broadway Avenue in said Townsite of Winchester Bay.



# PUBLIC WORKS DEPARTMENT

Administration  
1036 SE Douglas, Room 219 • Roseburg, Oregon 97470 • (541) 440-4208

## DIVISIONS

**Administrative Services**  
1036 SE Douglas, Room 220  
Roseburg, Oregon 97470  
(541) 440-4526

**Engineering and Construction**  
1036 SE Douglas, Room 304  
Roseburg, Oregon 97470  
(541) 440-4481

**Natural Resources**  
1036 SE Douglas, Room 306  
Roseburg, Oregon 97470  
(541) 440-4255


**Operations and Maintenance**  
433 Rifle Range Road  
Roseburg, Oregon 97470  
(541) 440-4268

**Work Crew**  
1036 SE Douglas, Room 213  
Roseburg, Oregon 97470  
(541) 957-2072

October 27, 2010

## MEMORANDUM

**TO:** Board of Commissioners

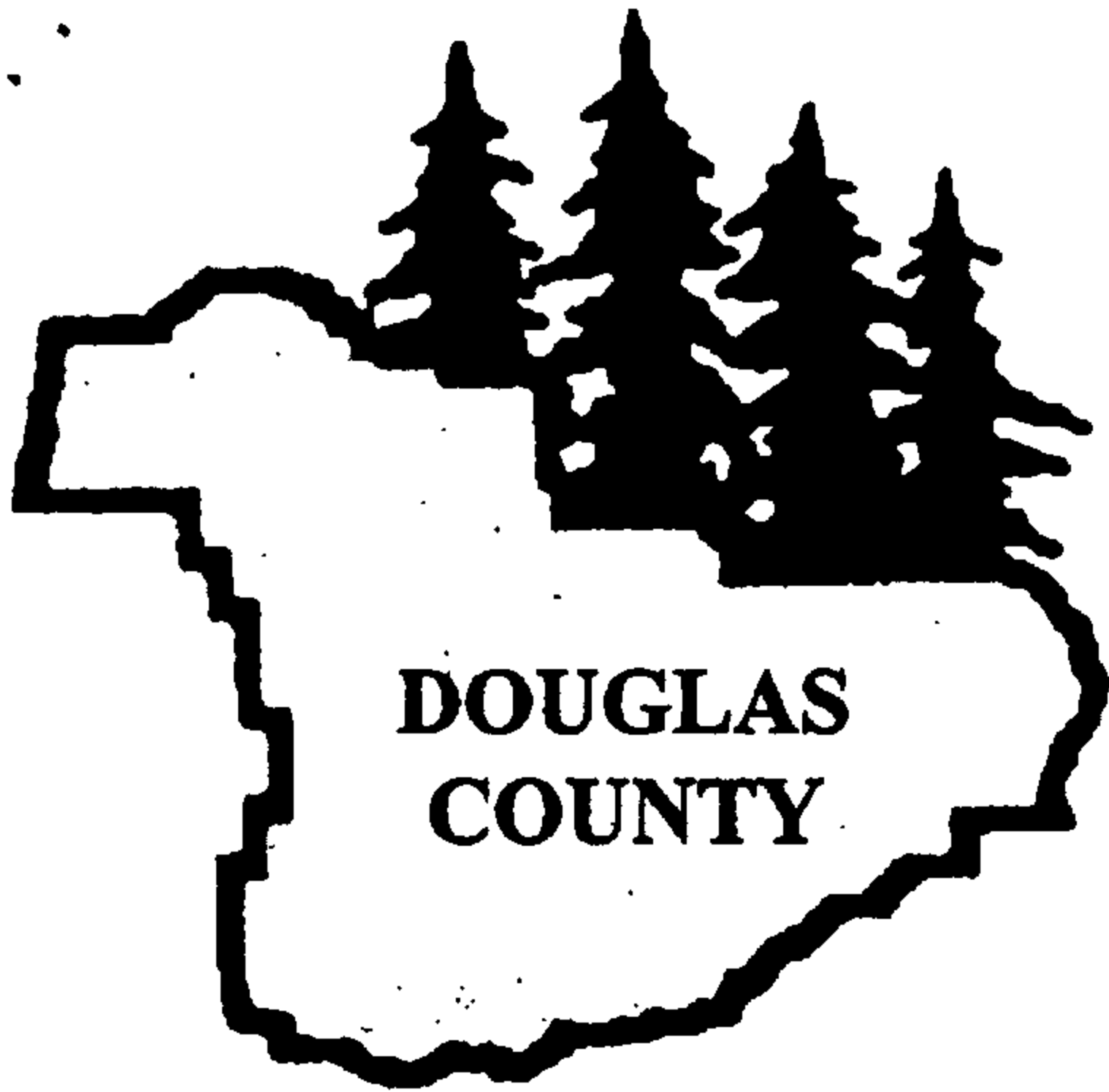
**FROM:** Robb Paul   
County Road Official

**REFERENCE:** Performance or Fulfillment of Conditions for Vacation of a Portion of 5<sup>th</sup> Street in Winchester Bay Lying in Section 7, Township 22 South, Range 12 West, W.M., Douglas County, Oregon

This is to notify you that all conditions as set forth in the Preliminary Order Approving Vacation of Property Without Hearing, dated October 20, 2010, as referenced above have been fulfilled and a Final Order Granting Vacation can now be processed.

RGP/cb

Ludwig.mem



# PUBLIC WORKS DEPARTMENT

Administration  
1036 SE Douglas, Room 219 • Roseburg, Oregon 97470 • (541) 440-4208

## DIVISIONS

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(541) 440-4268

**Work Crew**  
1036 SE Douglas, Room 213  
Roseburg, Oregon 97470  
(541) 957-2072

October 8, 2010

## MEMORANDUM

TO: Board of County Commissioners

FROM: Robb Paul   
County Road Official

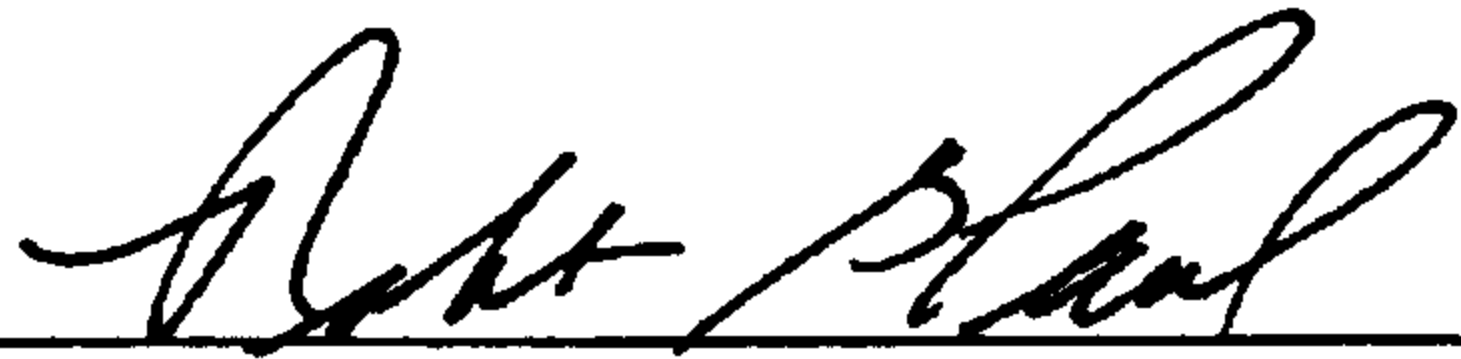
REFERENCE: The Board of County Commissioners has Requested a Report Pursuant to ORS 368.346 on the Proposed Vacation of a Portion of 5<sup>th</sup> Street in Winchester Bay Lying in Section 7, Township 22 South, Range 12 West, W.M., Douglas County, Oregon

This process has been initiated by petition of Richard and Deborah Ludwig and Blue Heron Land Company LLC, who are owners of the property adjacent to the proposed vacation. In accordance with the Board of County Commissioners request, the following information is submitted:

1. The property to be vacated is owned by Douglas County as recorded in the town site of Winchester Bay in Volume 5, Page 26, Subdivision Records of Douglas County, Oregon and is currently used as the driveway to the Ludwig property.
2. The vacation would not deprive an owner of a recorded property right of access necessary for the exercise of that property right.
3. The property is not necessary for public use and it is my assessment the vacation would be in the public interest, except that any existing utilities or owners of drainage facilities located within the portion of right-of-way proposed for vacation will have unrestricted access to service and maintain their facilities.
4. Douglas County will not incur costs that are in excess of the cost covered by the petition filing fee.
5. The property to be vacated should vest in the petitioners Richard and Deborah Ludwig. The vacated property vesting in the petitioners will attach to their abutting property and will not become a separate parcel.

6. The petition contains the acknowledged signatures of all of the owners of 100% of the property abutting the property proposed to be vacated. All such owners approve of the proposed vacation.
7. I recommend that the order vacating property be conditioned upon performance of the following acts by the following persons:

An assessment of special benefits for the value of the property to be vacated in the sum of \$500.00 shall be paid to Douglas County Public Works Department by petitioners Richard and Deborah Ludwig prior to the Board of County Commissioners authorizing vacation of the property and vesting title in the petitioners.



Robert G. Paul, P.E., P.L.S.  
County Road Official

Date: \_\_\_\_\_

10/8/10

RGP/cb

Ludwig.rep