

AFTER RECORDING RETURN TO:

City Recorder
City of Dunes City
PO Box 97
Westlake OR 97493



\$142.00

04/15/2021 10:20:21 AM

RPR-ORDN Cnt=1 Pgs=10 Stn=45 CASHIER 04
\$50.00 \$20.00 \$11.00 \$61.00

TAX STATEMENT MAIL TO LIST ATTACHED

**CITY OF DUNES CITY
LANE COUNTY, OREGON**

ORDINANCE NO. 257

AN ORDINANCE VACATING A PORTION OF HELKAT TRAIL, ESTABLISHED AS A PUBLIC RIGHT-OF-WAY BY THE BUCKSKIN BOB CAMP SUBDIVISION DATED 30 JUNE 1910

WHEREAS, the Dunes City street currently known as Helkat Trail was platted and established as a fifty-foot (50') wide, twenty-two hundred foot (2,200') long public right-of-way by the Buckskin Bob Camp Subdivision dated 30 June 1910. A copy of the Buckskin Bob Camp Subdivision Map is attached hereto as Exhibit A; and

WHEREAS, Helkat Trail is within the city limits of the City of Dunes City and not owned by Lane County; and

WHEREAS, Helkat Trail was established to provide public access; and

WHEREAS, Dunes City Code 155.4.3.200(F) provides: Vacation of streets. All street vacations shall comply with the procedures and standards set forth in ORS Section 271; and

WHEREAS, ORS 271.080 (Vacation in incorporated cities) provides: (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 therefore 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; and

WHEREAS, such petition was made by Gregory K. Bonham and Jacqueline T. Bonham, husband and wife, 2 July 2020. A copy of the petition is attached hereto as Exhibit B; and

WHEREAS, ORS 271.080 (Vacation in incorporated cities) provides: (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; and

WHEREAS, written consents from the owners of all abutting property and not less than two-thirds in area of the real property affected were submitted to the Dunes City Recorder by petitioners and are on file at Dunes City City Hall; and

WHEREAS, ORS 271.120 (Hearing; Determination) requires the City's governing body to hear the petition and any objections filed thereto in a public hearing and determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof; and

WHEREAS, Dunes City's City Council held a public hearing on 23 September 2020 pursuant to ORS 271.120 which was duly noticed and posted pursuant to ORS 271.110 (Notice of Hearing), and the City Council determined that the consent of the owners in the requisite area had been obtained, that there were no objections to the vacation from the public, and that posted notices had been provided pursuant to ORS 271.110(2); and

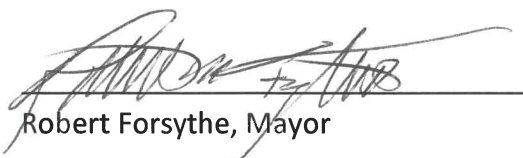
WHEREAS, after holding the public hearing on 23 September 2020, Dunes City's City Council determined that the public interest would not be prejudiced by the vacation of a portion of Helkat Trail as described in Exhibit B.

NOW, THEREFORE, DUNES CITY ORDAINS AS FOLLOWS:

The southern three-hundred foot (300') long portion of Helkat Trail established as a fifty-foot (50') wide public right-of-way by the Buckskin Bob Camp Plat dated 30 June 1910, at Book 4 Page 54, Lane County Real Property Records, and described in Exhibit B as that portion of Helkat Trail bordered on the east by Tax Lots 19-12-26-13, Map Numbers 1700, 1900, 2000, 2200, 2300, and 2400 and that portion of Helkat Trail bordered on the west by Tax Lots 19-12-26-13, Map Numbers 3000, 2900, 2800, 2700, and 2600 is hereby vacated. Title to the vacated land shall vest in the owners of the land bordering the vacated right-of-way in accordance with ORS 271.140. This vacation shall become effective only upon the recording by Lane County.

ADOPTED BY THE DUNES CITY COUNCIL THIS 24th DAY OF MARCH 2021

Ayes: 5 Nays: 0 Abstain: 0 Absent: 1 Vacant: 0


Robert Forsythe, Mayor

Signed and sworn to, or affirmed, before me this 25th day of MARCH 2021.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.



Karen Ruth Norton

Notary Public for the State of Oregon

County of Lane

My Commission expires: January 27, 2024

ATTEST:

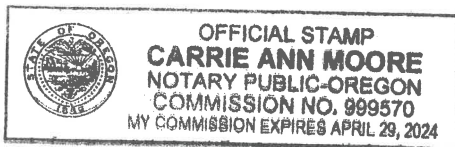
Jamie Mills
Jamie Mills, City Administrator/Recorder

STATE OF OREGON

County of Lane

Signed and sworn to, or affirmed, before me this 1 day of April 2021.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.



Carrie A. Moore

Notary Public for the State of Oregon

County of Lane

My Commission expires: 4.29.24

KNOW ALL MEN BY THESE PRESENTS THAT WE ROBERT SMITH AND AMANDA SMITH HIS WIFE, DO HEREBY DEDICATE TO PUBLIC USE THE STREETS SHOWN ON THE WITHIN PLAT WHICH IS DESIGNATED AS "BUCKSKIN BOB'S CAMP" AND WHICH INCLUDES THE WHOLE OF LOT FIVE (5) IN SECTION TWENTY-SIX (26) TOWNSHIP NINETEEN (19) SOUTH, RANGE TWELVE (12) WEST, W.M.

WITNESS OUR HANDS AND SEALS THIS 30th DAY OF JUNE 1910

WITNESSES

John Woolf
C. E. Harwood

Robert Smith (Seal)
Amanda Smith (Seal)

STATE OF OREGON }
 COUNTY OF LAKE } ss.

ON THIS 30th DAY OF JUNE 1910 PERSONALLY APPEARED BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY THE WITHIN NAMED ROBERT SMITH AND AMANDA SMITH HIS WIFE KNOWN TO ME TO BE THE SAME PERSONS WHO EXECUTED THE WITHIN INSTRUMENT AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME

WITNESS MY HAND AND SEAL THIS 30th DAY OF JUNE 1910

John Woolf
 NOTARY PUBLIC

STATE OF OREGON }
 COUNTY OF LAKE } ss.

I, C. E. HARWOOD, DO HEREBY CERTIFY AND AFFIRM THAT I AM THE SURVEYOR WHO SURVEYED THE LANDS INCLUDED IN THE WITHIN PLAT DESIGNATED AS "BUCKSKIN BOB'S CAMP", THAT THE LANDS DESCRIBED IN SAID PLAT INCLUDE THE WHOLE OF LOT FIVE (5) IN SECTION TWENTY-SIX (26) TOWNSHIP NINETEEN (19) SOUTH, RANGE TWELVE (12) WEST, WILLAMETTE MERIDIAN; THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS AS THEREIN REPRESENTED THAT I PLANTED A MONUMENT AT THE SOUTH-WEST CORNER OF SAID LOT FIVE (5) ACCORDING TO THE GOVERNMENT SURVEY OF THE SAME WHICH INDICATES THE INITIAL POINT OF THE SURVEY OF SAID PLAT AND WHICH POINT IS SHOWN ON SAID PLAT AND MARKED "INITIAL STAKE" AND THAT SAID MONUMENT IS OF GALVANIZED IRON PIPE TWO INCHES IN DIAMETER AND THREE FEET LONG AND IS DRIVEN SIX INCHES BELOW THE SURFACE OF THE GROUND

WITNESS MY HAND THIS SECOND DAY OF JULY 1910

C. E. Harwood

SWORN TO AND SUBSCRIBED BEFORE ME THIS SECOND DAY OF JULY 1910

John Woolf
 NOTARY PUBLIC LAKE COUNTY OREGON

STATE OF OREGON }
 COUNTY OF LAKE } ss.

I, C. E. HARWOOD, DO CERTIFY AND AFFIRM THAT FROM THE INITIAL POINT MENTIONED IN THE ABOVE AFFIDAVIT, AND SHOWN ON THE WITHIN PLAT, THE NORTH-WEST CORNER OF SECTION TWENTY-SIX, TOWNSHIP NINETEEN SOUTH RANGE TWELVE WEST, W.M., BEARS NORTH 160 RODS, AND THENCE WEST 160 RODS, AS PER THE GOVERNMENT SURVEY THEREOF.

DIMENSIONS OF THE LOTS AND STREETS AND ALL DISTANCES SHOWN ON SAID PLAT ARE GIVEN IN FEET AND INDICATED BY A MARK, THIS.

C. E. Harwood

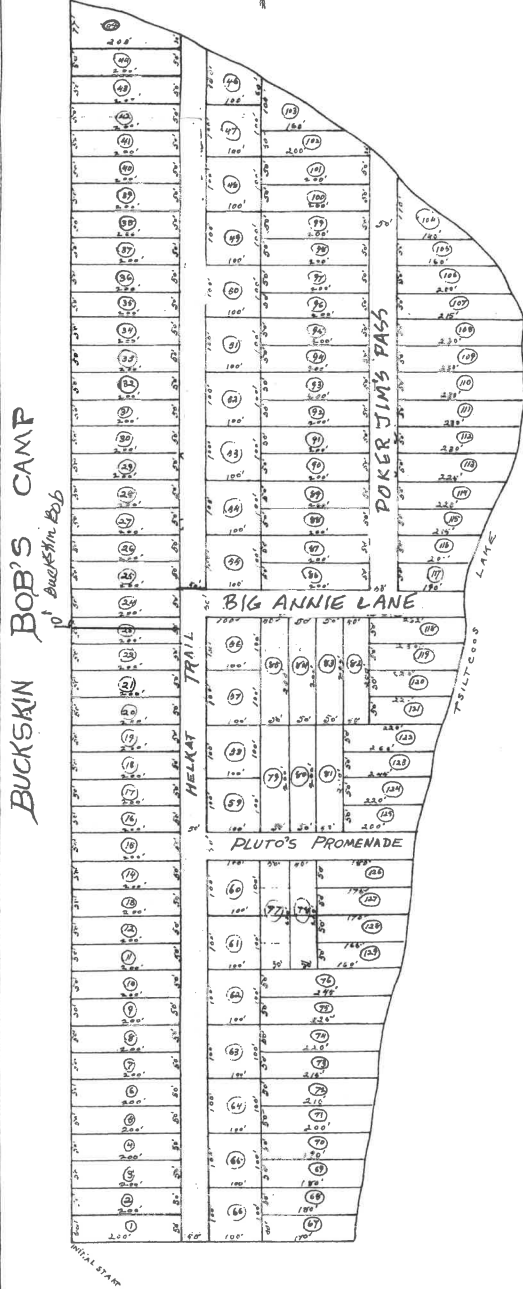
SWORN TO AND SUBSCRIBED BEFORE ME THIS 14th DAY OF JULY, 1910.

John Woolf
 NOTARY PUBLIC, LAKE COUNTY OREGON.

Approved this 2nd day of August - 1910
William H. Thompson County Judge
H. B. Edwards Commissioner
H. M. Train Commissioner
G. F. Keeney County Assessor
E. M. Solheim County Surveyor

FILED

AT _____
 AUG 2 - 1910
W. C. Camp
 CLERK



CITY OF DUNES CITY
LANE COUNTY
OREGON



File No. 2020-VAC-01

IN THE MATTER OF THE VACATION OF)
AN UNDEVELOPED ROADWAY) PETITION TO VACATE
IN DUNES CITY, LANE COUNTY, OREGON)

Pursuant to the procedures set forth in ORS Chapter 271, we the undersigned Gregory K. Bonham and Jacqueline T. Bonham, husband and wife, as owners of real property adjacent to the City of Dunes City's undeveloped roadway known as Helkat Trail, hereby petition for the City of Dunes City to vacate the southerly portion of the undeveloped roadway known as Helkat Trail described as follows:

That portion of Helkat Trail bordered on the east by Tax Lots 19-12-26-13, Map Numbers 1700, 1900, 2000, 2200, 2300, and 2400; and

That portion of Helkat Trail bordered on the west by Tax Lots 19-12-26-13, Map Numbers 3000, 2900, 2800, 2700, and 2600; and

That portion of Helkat Trail bordered on the south by ^{Tax Lot 19-12-26-13, Map #02600} ~~that real property known as Boy Scout~~
~~Camp Baker.~~

WHEREAS, petitioners allege:

1. The undeveloped roadway has not been developed since it was platted in 1910;
2. The undeveloped roadway encompasses a deep ravine and dense natural forest;
3. The undeveloped roadway does not connect to a public road and is surrounded by properties that have access via Boy Scout Road; and
4. There are no utility easements in undeveloped roadway.

WHEREAS, petitioners request vacation of the above described undeveloped roadway in order to use a portion of that land for a homesite.

WHEREAS, petitioners separately and collectively have no objection to Dunes City proceeding under the authority of ORS 271 for vacation.

THEREFORE, petitioners request of the City Council of Dunes City as follows:

1. Set a date for consideration of the above described undeveloped roadway vacation.

2. Upon review of this matter, to direct the vacation of the above described undeveloped roadway and direct that title be vacated and revert and vest in accordance with ORS 271.

DATED this 2nd day of July 2020.

PETITIONERS:

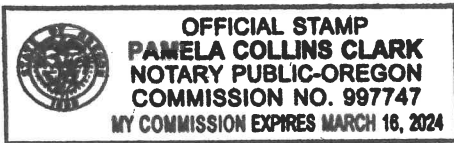
Gregory K. Bonham
Gregory K. Bonham

Jacqueline T. Bonham
Jacqueline T. Bonham

STATE OF OREGON)
) ss
County of ~~Lane~~ Jackson)

Signed and sworn to, or affirmed, before me this 2nd day of July ~~2019~~ 2020.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.



Pamela Collins Clark
Notary Public for the State of Oregon
County of ~~Lane~~ Jackson
My Commission expires: 03/16/2024