



**File No: VA 23-01 Street Right-Of-Way Vacations- NE Woods Road and NE Millersburg Drive**

**Proposal:** The City is proposing four distinct, but related street right-of-way (ROW) modifications. Two are proposed street ROW vacations, two are street dedications. This Land Use action is specific to the vacations, the dedications are being processed at the same time, but are not considered Land-Use actions and therefore require a different process. The dedications are being processed with a separate staff report/action.

The two ROW vacations proposed are one on NE Woods Road and one on NE Millersburg Drive. Both streets will remain fully functional, and no physical changes or construction are planned. More specifically the vacations include:

1. NE Woods Road on the east side of the street, a piece of property about 10 feet wide and 314.74 feet long, starting at the corner with NE Millersburg Dr. will be vacated.
2. A portion of the ROW for NE Millersburg Drive, on the south side of the street spanning the full length of the Miller Cemetery, about 10 feet deep, will be vacated.

**I. BACKGROUND**

A. Applicant: City of Millersburg

B. Location: See map. Near the intersection of NE Woods Road and NE Millersburg Drive. At the time this was published the area included portions of the following tax lots: 10S-03W-17DD-01000, 01100, 01200, 01300, and 10S-03W-17D-02700.

C. Review Type: The proposal is a street vacation. The Millersburg Development Code is silent on street vacations, therefore the State requirements for vacations guided this action. Street vacations are regulated by Oregon Revised Statutes (ORS) 271.080 through 230. This section specifies that a hearing before the City Council is required. This is considered a legislative action. Any appeal of the City Council's decision relating to this matter should be made with the circuit court (ORS 271.130(4)).

D. Public Notice and Hearing: Pursuant to ORS 271.110 a notice was posted twice in the Democrat Herald, notices were sent to surrounding property owners on August 29, and signs were posted in 4 locations near the site of the vacations on August 29. Information related to the hearing is posted on the City's website here <https://www.cityofmillersburg.org/planning/page/va-23->

## [01-ne-woods-road-and-ne-millersburg-drive-street-right-way-vacations](#)

- E. Review Criteria: Street vacations are regulated by Oregon Revised Statutes (ORS) 271.080 through 230. There are no criteria for the proposed Land Use action, only laws. These regulations are used in place of criteria because the City has no criteria for street vacations.
- F. Current Zoning: Residential Low (RL) and Public Facilities (PF)
- G. Proposed Zoning: N/A
- H. Background: The property lines surrounding the Miller Cemetery have needed corrected for some time. The lot lines for the Cemetery show that ½ of NE Woods Road is within the Cemetery property, and on the north side, there are grave sites within the City ROW.

The Cemetery Board and the City are cooperatively addressing these issues. The City hired a survey company to do research on the historical lot lines and street ROW and determine the best path forward to correct these lines. The proposed vacations and dedications (dedications are under a separate staff report/action), will correct the lines. This staff report represents just the vacations, because they require a separate Land Use action, dedications do not.

In the course of doing the research the surveyor found that the street ROW, for a portion of NE Woods Road, includes area within residential back yards on the east side of NE Woods Road. Previous surveys had not identified this as street ROW and current taxlot maps show it as part of the residential lots. One of the vacations will address this by removing this area from the street ROW. This will not change the currently understood property size of the residential lots. Because current tax lots do not identify the ROW, vacating the ROW will not alter the taxes for the property owners.

On the north, NE Millersburg Drive was constructed, and future improvements are designed, to reduce in width adjacent to the Cemetery to avoid possible internments near the street. The street ROW, however, was wider and included area within the Cemetery, including grave sites. In conjunction with the dedication, the revised ROW limits will assure that all Cemetery property is outside the street ROW. Additionally, the vacation will clarify the gravel area near the street intersection. This was part of the original Woods Road but is now a make-shift parking area for the Cemetery. This vacation will

clarify that the gravel area is actually part of the Cemetery, which will assure a long-term parking solution. The Cemetery is not full. The Cemetery Board plans to sell additional plots within the grounds, thus allowing for funerals on the site. This parking area will help that happen.

Lastly, it is important to clarify, these changes will not result in any changes to the physical streets or neighboring properties. No construction or physical changes of any kind are proposed. This is a paper exercise intended to address boundary issues. NE Woods Road nor NE Millersburg Drive will change in any way, and no road closures will result from this action.

## II. REGULATIONS

### ORS 271.080-230

The State requirements for street vacations are structured in two parts- private petitions to vacate, and public agency sponsored vacations. The private vacations are regulated by ORS 271.080 through 271.120. Public vacations are regulated by ORS 271.130, though the text of this section continually references the private vacations. Sections 271.140 through 170 apply to both public and private vacations. The remainder of the ORS section (271.180 through 230) apply only to port districts and are not applicable. All applicable regulations are reviewed below.

### ORS 271.130

- (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 (Vacation in incorporated cities) and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110 (Notice of hearing), but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080 (Vacation in incorporated cities), object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.**

**ANALYSIS:** The vacations were noticed using the requirements of ORS 271.110 which requires posting in a newspaper, two consecutive weeks, it requires signs to be posted at the site of the vacation, and it requires notices to be mailed to surrounding property owners. The property owners were identified using the process identified in ORS 271.080. Maps of these areas are attached to show

conformance. Regarding the consent of the neighboring property owners, the City did not seek direct written consent because the vacations will not 'substantially affect the market value' of the properties. The regulations explain that if the property value is not affected, the requirement for their consent does not apply. Staff did talk to each property owner along NE Woods Road and all seemed content with this vacation. The vacations along NE Woods Road will simply remove any confusion caused by the ROW, and the vacation on NE Millersburg Drive will assure that the fence line of the Cemetery is also the true property line of the Cemetery.

**FINDING:** Based on the analysis above, the project meets these regulations.

**(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.**

**ANALYSIS:** The proposal includes two vacations. Consistent with this regulation. The two proposed street ROW vacations have been bundled into this one Land Use action.

**FINDING:** Based on the analysis above, the project meets this regulation.

**(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.**

**ANALYSIS:** Based on a review by staff at the time this staff report was drafted, all residential lots affected by the NE Woods Road vacation have all taxes paid. City staff used the Linn County Assessor website to check the taxes due for each property.<sup>1</sup> The Cemetery has all taxes paid as well. As such, this regulation is satisfied.

**FINDING:** Based on the analysis above, the project meets this regulation.

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<sup>1</sup> <https://gis.co.linn.or.us/portal/apps/webappviewer/>

- (4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases.

**ANALYSIS:** This section simply explains the process for an appeal.

**FINDING:** This regulation is informational only.

#### **ORS 271.140**

**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.**

**ANALYSIS:** In this case the neighboring property owners will not be getting any property they did not already own. The sale of each residential lot already included the ROW area that is to be vacated. As mentioned before, the tax maps already include this area as well. The actual amount of property for the residential lots along NE Woods Road will not change, simply because this ROW action is establishing the boundaries in the locations they had been understood to be by previous surveys. The vacation will not expand, or add to, any existing lot.

**FINDING:** Based on the analysis above, this regulation is met.

#### **ORS 271.150**

**A certified copy of the ordinance vacating any street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the county clerk. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.**

**FINDING:** The City will record all required documents with the County Clerk after the City Council adopts the Ordinance.

### **ORS 271.160**

**No street shall be vacated upon the petition of any person when it is proposed to replat or rededicate all or part of any street in lieu of the original unless such petition is accompanied by a plat showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof which may subsequently be made meets with the approval of the city governing body, it shall require a suitable guarantee to be given for the carrying out of such replatting or rededication or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededication.**

**FINDING:** This regulation does not apply. The area vacated will not be used to rededicate ROW to the City.

### **ORS 271.170**

**The provisions of ORS 271.080 (Vacation in incorporated cities) to 271.160 (Vacations for purposes of rededication) are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of public access to and from transportation terminals and navigable waters.**

**ANALYSIS:** This section allows the City to adopt regulations to use in place of the ORS street vacation regulations. The City has not, to date, adopted any regulations for street vacations. As such, the State regulations are used.

**FINDING:** Based on the analysis above, the appropriate regulations have been used for this proposed Land Use action.

### **III. STAFF RECOMMENDATION**

Staff recommends the City Council approve VA 23-01 and adopt Ordinance 206-23.

### **IV. EXHIBITS**

A. DRAFT Ordinance 206-23

- B. NE Woods Road ORS 271.080 200'x400' Map
- C. NE Millersburg Drive ORS 271.080 200'x400' Map
- D. Map showing NE Woods Road Street ROW Vacation
- E. Map showing NE Millersburg Drive Street ROW Vacation
- F. Map showing both vacations in color
- G. Map showing all four street ROW changes in color
- H. Public Hearing Notice

## **ORDINANCE NO. 206-23**

### **AN ORDINANCE VACATING RIGHT-OF-WAY ON A PORTION OF NE WOODS ROAD AND NE MILLERSBURG DRIVE**

**WHEREAS**, the City wishes to vacate portions of the right-of-way (ROW) on NE Woods Road and NE Millersburg Drive as shown on Exhibits 1 and 2; and,

**WHEREAS**, both areas of ROW proposed to be vacated appear to have been mapping errors and will be adding actual land to any neighboring property, nor will taxes change because the vacated areas are already included in the tax lots for neighboring properties; and,

**WHEREAS**, the vacations will have no substantial affect to the market value of each property abutting the vacation; and,

**WHEREAS**, the vacations will not require any physical changes to the streets, rather they would vacate areas that already feature private property improvements of different kinds including fences, structures and historical internments; and,

**WHEREAS**, all taxes are current on all affected properties; and,

**WHEREAS**, all public hearing notice requirements from ORS 271.110 have been met, including a notices published in the Albany Democrat Herold twice on consecutive weeks, notices sent to all surrounding addresses on August 29, 2023 as required in ORS 271.080, and a total of four signs placed (2 on each vacation area) on site on August 29, 2023; and,

**WHEREAS**, the proposal was reviewed by City staff for consistency with ORS 271.080 through 271.120 and found to be compliant; and,

**WHEREAS**, the Millersburg City Council held a fully noticed hearing on September 12, 2023; and,

**WHEREAS**, the City Council finds that all regulations are met and all findings are included in the staff report dated September 5, 2023;

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS:** the portions of ROW shown on Exhibits 1 and 2 are hereby vacated:

**PASSED by the Council and signed by the Mayor this 12<sup>th</sup> day of September, 2023.**



**This ordinance takes effect 30 days from the date of adoption.**

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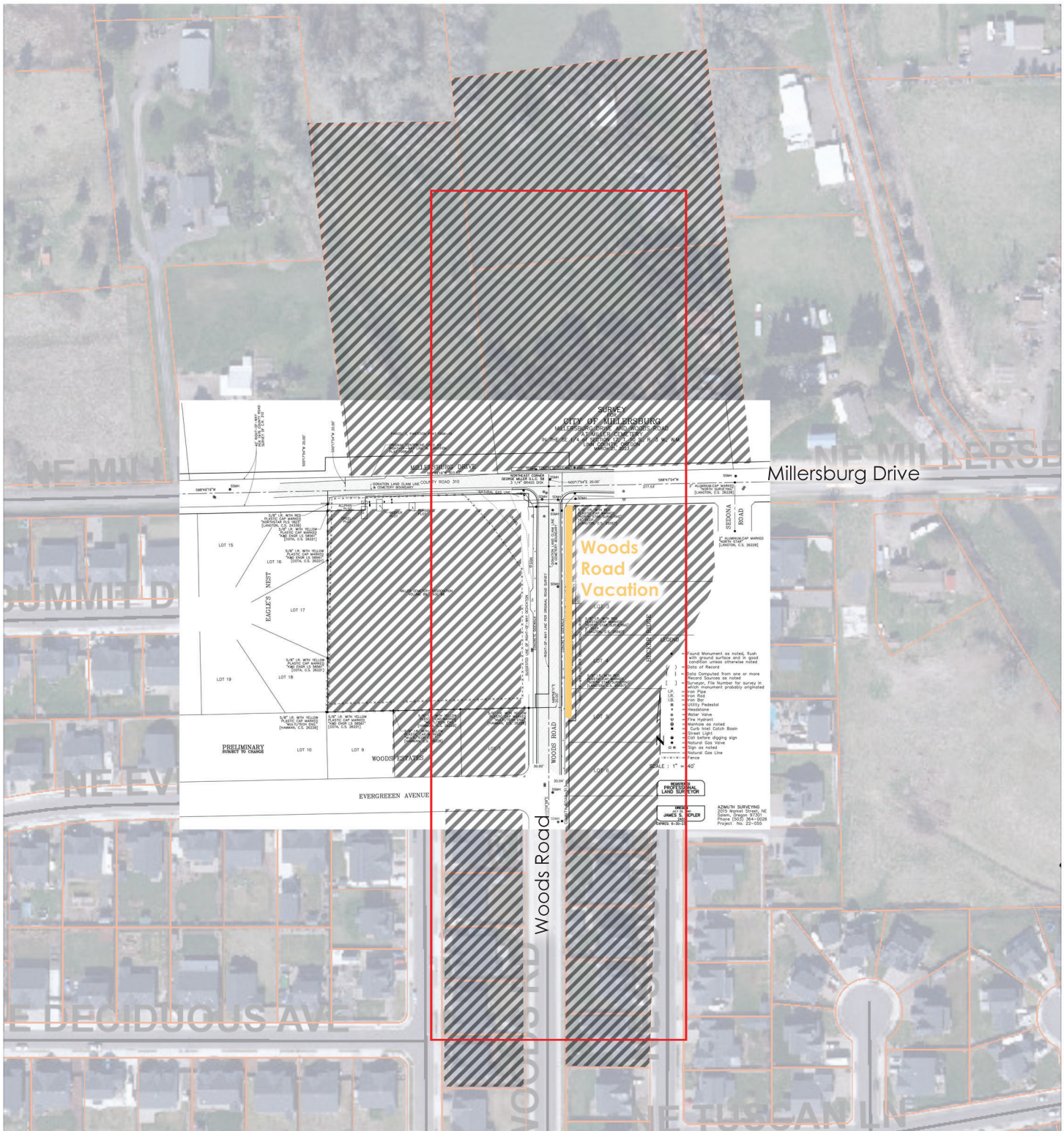
Scott Cowen,  
Mayor

ATTEST:

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Sheena Dickerman,  
City Recorder

# Woods Road Vacation 200x400 buffer



 200'x400' Buffer

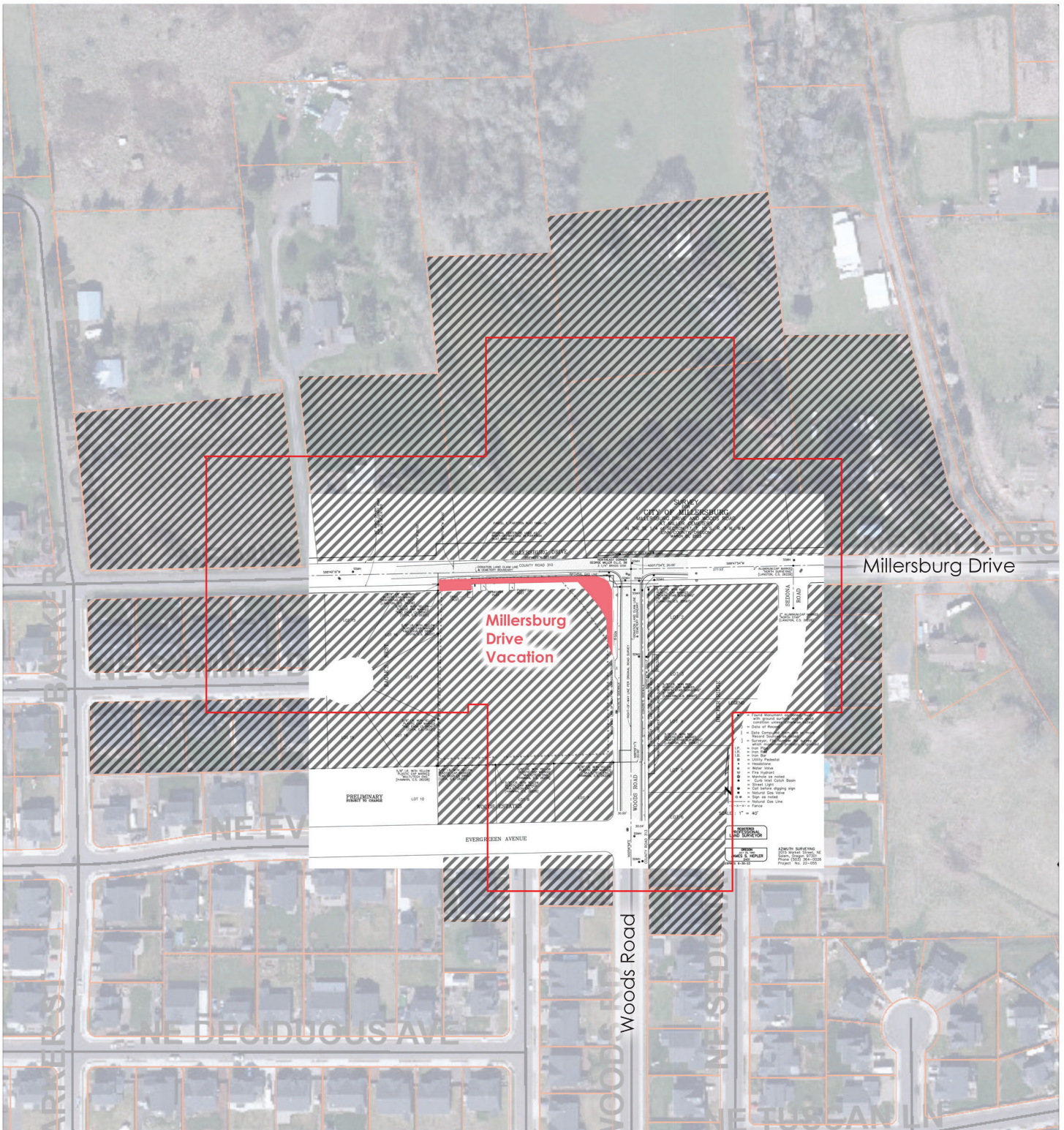
 Selected Lots

 Tax Lots



Linn County GIS, City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA, GeoTerra, 2021

# Millersburg Drive Vacation 200x400 buffer



**— 200'x400' Buffer**

**▨ Selected Lots**

**▭ Tax Lots**



Linn County GIS, City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA, GeoTerra, 2021

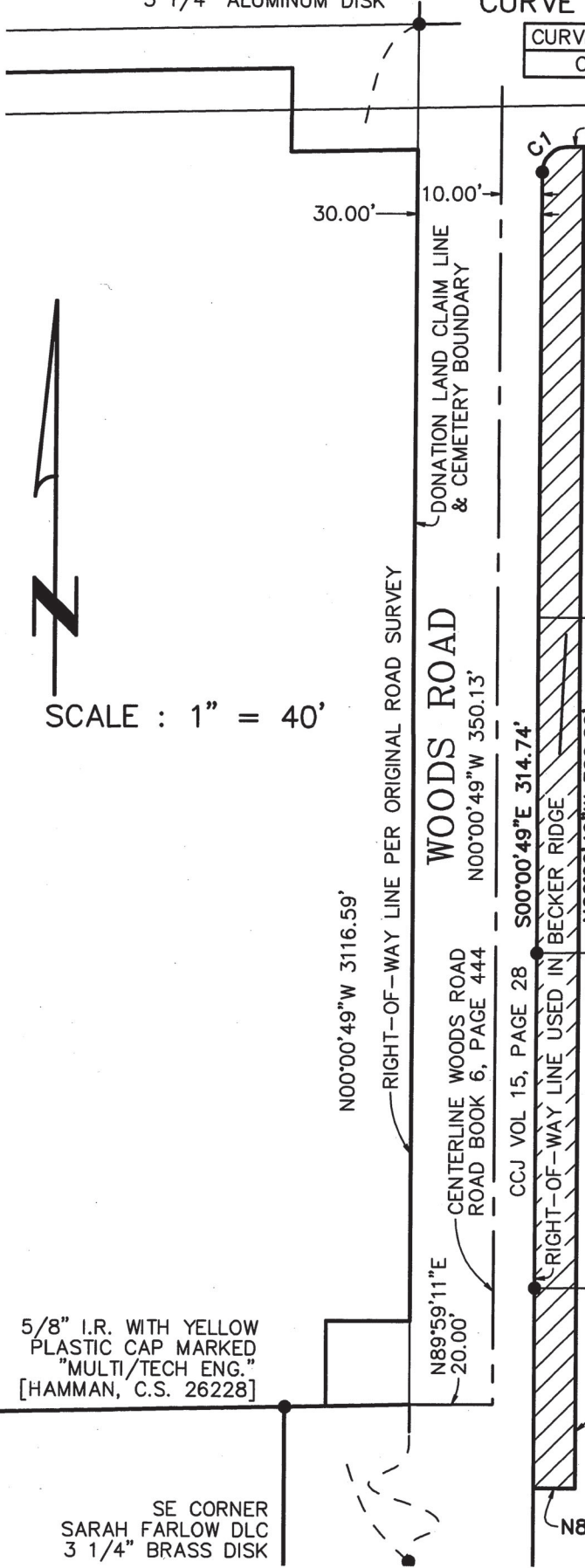
# RIGHT-OF-WAY VACATION FOR CITY OF MILLERSBURG

A PORTION OF WOODS ROAD  
IN THE SE 1/4 of SECTION 17, T. 10 S., R. 3 W., W.M.  
LINN COUNTY, OREGON  
MAY 5, 2023

NORTHEAST CORNER  
GEORGE MILLER D.L.C. 58  
3 1/4" ALUMINUM DISK

### CURVE DATA

CURVE	ARC	RADIUS	DELTA	CHORD BEARING	CHORD
C1	9.30'	6.00'	88°48'35"	S44°23'03"W	8.40'



S88°47'54"W 4.13'

5/8" I.R. WITH RED  
PLASTIC CAP MARKED  
"NORTH STAR SURVEYING"  
18" DEEP  
[LANGTON, C.S. 25597]

### LEGEND

- = Found Monument as noted, flush with ground surface and in good condition unless otherwise noted
- [ ] = Surveyor, File Number for survey in which monument probably originated
- I.R. = Iron Rod
- = Right-of-way Vacation

LOT 2

LOT 3

LOT 4

LOT 5

5/8" I.R. WITH RED  
PLASTIC CAP MARKED  
"NORTH STAR SURVEYING"  
8" DEEP  
[LANGTON, C.S. 25597]

5/8" I.R. WITH RED  
PLASTIC CAP MARKED  
"NORTH STAR SURVEYING"  
[LANGTON, C.S. 25597]

BECKER RIDGE

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*James S. Hepler*

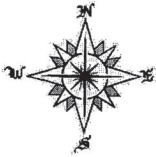
**OREGON**  
JULY 25, 1990  
**JAMES S. HEPLER**  
2451

EXPIRES: 6-30-25

### NOTE:

BASIS OF BEARINGS: OREGON COORDINATE  
REFERENCE SYSTEM SALEM ZONE - NAD 83  
(2011), EPOCH 2010.00

**AZIMUTH SURVEYING**  
2015 Market Street, NE  
Salem, Oregon 97301  
Phone (503) 364-0026  
Project No. 22-055



# AZIMUTH SURVEYING

2015 Market Street NE Salem, Oregon 97301

Phone (503) 364-0026

May 5, 2023

## Legal Description for City of Millersburg

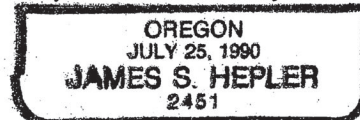
### Woods Road Vacation

Beginning at a 5/8" iron rod at the westerly northwest corner of Lot 2, Becker Ridge, Linn County, Oregon, which point is 30.00 feet easterly from and at right angle to the west line of the Sarah Farlow Donation Land Claim in Township 10 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, and running thence South 00°00'49" East, parallel with the west line of said Farlow Donation Land Claim, a distance of 314.74 feet to a re-entrant corner in the east line of Woods Road; thence North 89°59'11" East, along the most easterly south line of said Woods Road, a distance of 10.00 feet to an ell corner in the east line of said Woods Road; thence North 00°00'49" West, along the most northerly east line of said Woods Road, a distance of 320.82 feet to a point on the north line of Lot 2 of said Becker Ridge; thence South 88°47'54" West, along the north line of said Lot 2, a distance of 4.13 feet to the beginning of a 6.00 foot radius curve to the left; thence along the northwest line of said Lot 2 and along said curve to the left, the chord of which bears South 44°23'03" West 8.40 feet, and having a central angle of 88°48'35", a distance of 9.30 feet to the point of beginning.

Basis of Bearings: Oregon Coordinate Reference System - Salem Zone - NAD 83 (2011), Epoch 2010.00



*James S. Hepler*



*Expires: 6-30-25*

**LEGEND**

- = Found Monument as noted, flush with ground surface and in good condition unless otherwise noted
- = Surveyor, File Number for survey in which monument probably originated
- = Iron Rod
- = Right-of-way Dedication
- = Right-of-way Vacation (see notes)



SCALE : 1" = 40'

**RIGHT-OF-WAY VACATION FOR CITY OF MILLERSBURG**

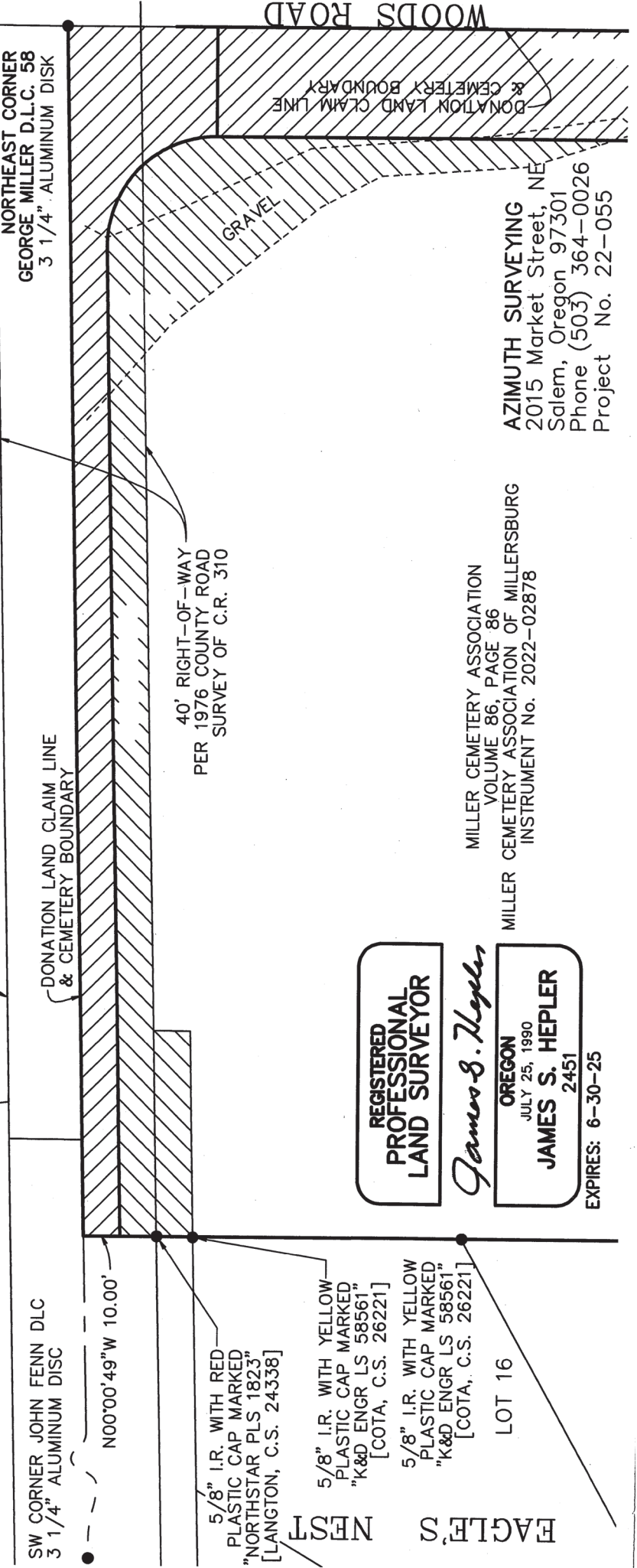
MILLERSBURG DRIVE  
 IN THE SE 1/4 of SECTION 17, T. 10 S., R. 3 W., W.M.  
 LINN COUNTY, OREGON  
 MAY 5, 2023

**NOTES:**

BASIS OF BEARINGS: OREGON COORDINATE REFERENCE SYSTEM SALEM ZONE - NAD 83 (2011), EPOCH 2010.00  
 BECAUSE OF AMBIGUOUS EVIDENCE THIS MAP IS TO INDICATE THE GENERAL LOCATION OF THE VACATION, WHICH SHOULD BE CONSTRUED ACCORDING TO THE LEGAL DESCRIPTION

ORIGINAL CENTERLINE PER ORIGINAL SURVEY NO WIDTH GIVEN; 60' WIDTH BY STATUTE

**MILLERSBURG DRIVE**



NORTHEAST CORNER  
 GEORGE MILLER D.L.C. 58  
 3 1/4" ALUMINUM DISK

40' RIGHT-OF-WAY  
 PER 1976 COUNTY ROAD  
 SURVEY OF C.R. 310

DONATION LAND CLAIM LINE  
 & CEMETERY BOUNDARY

WOODS ROAD

DONATION LAND CLAIM LINE  
 & CEMETERY BOUNDARY

SW CORNER JOHN FENN DLC  
 3 1/4" ALUMINUM DISC

N00°00'49"W 10.00'

5/8" I.R. WITH RED  
 PLASTIC CAP MARKED  
 "NORTHSTAR PLS 1823"  
 [LANGTON, C.S. 24338]

5/8" I.R. WITH YELLOW  
 PLASTIC CAP MARKED  
 "K&D ENGR LS 58561"  
 [COTA, C.S. 26221]

5/8" I.R. WITH YELLOW  
 PLASTIC CAP MARKED  
 "K&D ENGR LS 58561"  
 [COTA, C.S. 26221]

LOT 16

**REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR**

*James S. Hepler*

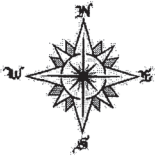
OREGON  
 JULY 25, 1990  
**JAMES S. HEPLER**  
 2451

EXPIRES: 6-30-25

MILLER CEMETERY ASSOCIATION  
 VOLUME 86, PAGE 86  
 MILLER CEMETERY ASSOCIATION OF MILLERSBURG  
 INSTRUMENT No. 2022-02878

**AZIMUTH SURVEYING**  
 2015 Market Street, NE  
 Salem, Oregon 97301  
 Phone (503) 364-0026  
 Project No. 22-055

EAGLE'S NEST



# AZIMUTH SURVEYING

2015 Market Street NE Salem, Oregon 97301

Phone (503) 364-0026

May 5, 2023

## Legal Description for City of Millersburg

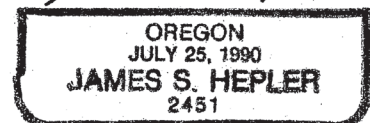
### Millersburg Drive Vacation

That portion of Millersburg Drive and the transition to Woods Road, whether acquired by road proceedings or prescription, which lies within that certain tract of land conveyed to Miller Cemetery Association of Millersburg by Instrument No. 2022-02878 of the deed records for Linn County, Oregon, **Save and Except** the following: Beginning at the northeast corner of that certain tract of land conveyed to Miller Cemetery Association of Millersburg by Instrument No. 2022-02878 of the deed records for Linn County, Oregon which northeast corner is northeast corner of the donation land claim of George Miller Sr. and wife, Notification No. 1674 and Claim No. 58 in Township 10 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, and running thence South 00°00'49" East, along the east line of said Miller Donation Land Claim, a distance of 41.22 feet; thence South 89°59'11" West, a distance of 30.00 feet to the beginning of a 30.00 foot radius curve to the left; thence along said curve to the left, the chord of which bears North 45°35'45" West 42.86 feet, and having a central angle of 91°09'45", a distance of 47.73 feet; thence South 88°49'19" West, a distance of 269.38 feet to the west line of said Miller Cemetery Association of Millersburg tract; thence North 00°00'49" West, along the west line of said Miller Cemetery Association of Millersburg tract, a distance of 10.00 feet to the northwest corner of said Miller Cemetery Association of Millersburg tract; thence North 88°49'19" East, along the north line of said Miller Donation Land Claim a distance of 330.00 feet to the point of beginning; **Further Save and Except** the following: Beginning at a point on the east line of that certain tract of land conveyed to Miller Cemetery Association of Millersburg by Instrument No. 2022-02878 of the deed records for Linn County, Oregon that is South 0°00'49" East 41.22 feet from the northeast corner of the donation land claim of George Miller Sr. and wife, Notification No. 1674 and Claim No. 58 in Township 10 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, and running thence South 89°59'11" West, a distance of 30.00 feet; thence South 00°00'49" East, parallel with the east line of said Miller Donation Land claim, a distance of 289.39 feet to the south line of said Miller Cemetery Association of Millersburg tract; thence North 88°49'19" East, along the south line of said Miller Cemetery Association of Millersburg tract, a distance of 10.00 feet to the west line of Woods Road; thence North 00°00'49" West, along the west line of said Woods Road, a distance of 20.41 feet; thence North 89°59'11" East, along the north line of said Woods Road, a distance of 20.00 feet; thence North 00°00'49" West, along the west line of said Woods Road, a distance of 268.78 feet to the point of beginning.

Basis of Bearings: Oregon Coordinate Reference System - Salem Zone - NAD 83 (2011), Epoch 2010.00



*James S. Hepler*



*Expires: 6-30-25*

# MILLERSBURG DRIVE

S88°49'19"W 303.60'

DONATION LAND CLAIM LINE COUNTY ROAD 310 & CEMETERY BOUNDARY

NORTHEAST CORNER GEORGE MILLER D.L.C. 58 3-1/4" BRASS DISK

N0017°54'E 20.00'

S88°47'54"W 277.53'

CONCRETE SIDEWALK SSMH

RIGHT-OF-WAY LINE PER ORIGINAL ROAD SURVEY

RIGHT-OF-WAY LINE USED IN BECKER RIDGE

CONCRETE SIDEWALK

RIGHT-OF-WAY LINE PER ORIGINAL ROAD SURVEY

CONCRETE SIDEWALK

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CONCRETE SIDEWALK

RIGHT-OF-WAY LINE PER ORIGINAL ROAD SURVEY

CONCRETE SIDEWALK

RIGHT-OF-WAY LINE PER ORIGINAL ROAD SURVEY

NATURAL GAS LINE

GRAVEL

SUGGESTED LINE OF RIGHT-OF-WAY DEDICATION

CONCRETE SIDEWALK

RIGHT-OF-WAY LINE PER ORIGINAL ROAD SURVEY

CONCRETE SIDEWALK

RIGHT-OF-WAY LINE PER ORIGINAL ROAD SURVEY

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CONCRETE SIDEWALK

RIGHT-OF-WAY LINE PER ORIGINAL ROAD SURVEY

ALLPIN PLOT

CREEL PLOT

MEEKER PLOT

PURSIFULL PLOT

MILLER CEMETERY ASSOCIATION VOLUME 86, PAGE 86

LOT 15

LOT 16

LOT 17

LOT 18

LOT 19

LOT 7

LOT 8

LOT 9

LOT 10

5/8" I.R. WITH RED PLASTIC CAP MARKED "NORTHSTAR PLS 1823" [LANGTON, C.S. 24338]

5/8" I.R. WITH YELLOW PLASTIC CAP MARKED "K&D ENGR LS 58561" [COTA, C.S. 26221]

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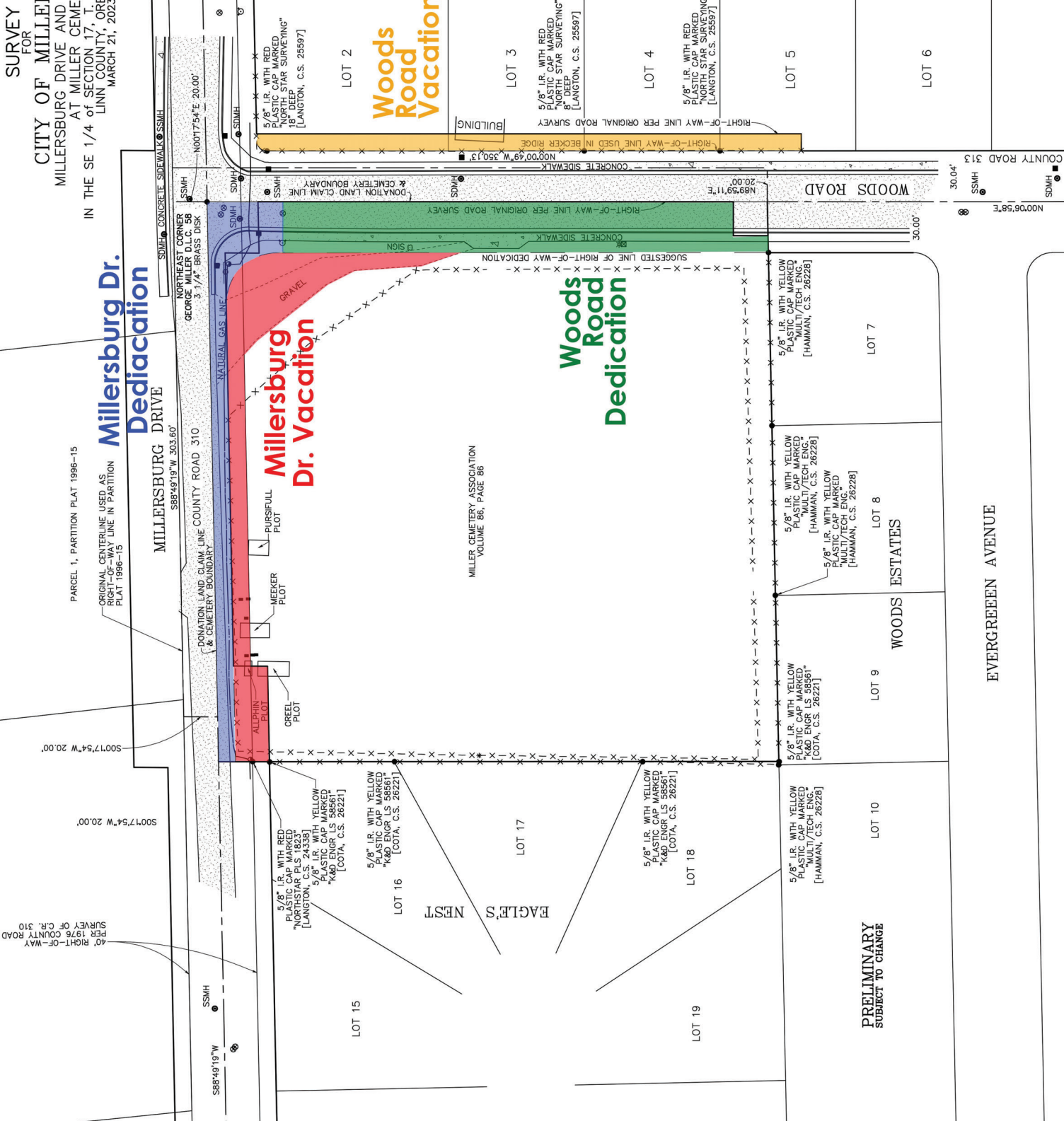
PRELIMINARY SUBJECT TO CHANGE





**SURVEY FOR**  
**CITY OF MILLERSBURG**  
 MILLERSBURG DRIVE AND WOODS ROAD  
 AT MILLER CEMETERY  
 IN THE SE 1/4 OF SECTION 17, T. 10 S., R. 3 W., W.M.  
 LINN COUNTY, OREGON  
 MARCH 21, 2023

**Millersburg Dr.  
 Dedication**



- LEGEND**
- = Found Monument as noted, flush with ground surface and in good condition unless otherwise noted
  - ( ) = Data of Record
  - { } = Data Computed from one or more Record Sources as noted
  - [ ] = Surveyor, File Number for survey in which monument probably originated
  - I.P. = Iron Pipe
  - I.R. = Iron Rod
  - I.B. = Iron Bar
  - ▣ = Utility Pedestal
  - ▢ = Headstone
  - ⊙ = Water Valve
  - ⊕ = Fire Hydrant
  - ⊖ = Manhole as noted
  - ⊗ = Curb Inlet Catch Basin
  - ⊘ = Street Light
  - ⊙ ⊕ = Call before digging sign
  - ⊙ ⊕ ⊖ = Natural Gas Valve
  - ⊙ ⊕ ⊖ ⊗ = Sign as noted
  - ⊙ ⊕ ⊖ ⊗ ⊘ = Natural Gas Line
  - x-x-x- = Fence

SCALE : 1" = 40'

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JAMES S. HEPLER  
 2451  
 EXPIRES: 6-30-23

AZIMUTH SURVEYING  
 2015 Market Street NE  
 Salem, Oregon 97301  
 Phone (503) 364-0026  
 Project No. 22-055

PRELIMINARY  
 SUBJECT TO CHANGE

EAGLE'S NEST

WOODS ESTATES

EVERGREEN AVENUE

Woods Road Vacation

Woods Road Dedication

Millersburg Dr. Vacation

MILLER CEMETERY ASSOCIATION  
 VOLUME 86, PAGE 86

PRELIMINARY  
 SUBJECT TO CHANGE



**NOTICE OF PUBLIC REVIEW**  
**September 12, 2023, 6:30 p.m.**  
**The hearing will be in person and**  
**by phone/computer.**  
**See Agenda on the City website for details.**

The City of Millersburg will hold a **CITY COUNCIL** hearing on September 12, 2023 at the above time and place to consider the action described below. The action may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or attend the hearing. A staff report relating to the proposal will be available seven (7) days prior to the first public hearing. For further information, contact Millersburg City Hall at (458) 233-6306.

The location of the meeting is accessible to the disabled. If you need any special accommodations to attend or participate in the meeting, please notify City Hall twenty-four (24) hours before the meeting.

**APPLICANT:** City initiated

**LOCATION:** Near the intersection of NE Woods Road and NE Millersburg Drive

**CRITERIA:** The City has no criteria for a street right of way vacation, thus the Oregon Administrative Rules (OAR) 271.120 and 130 are applicable.

**FILE No.:** VA 23-01 (Street Right of Way Vacation)

**REQUEST:** The City is proposing two distinct, but related street right of way vacations. The two changes are proposed on NE Woods Road and on NE Millersburg Drive. **Both streets will remain fully functional, and no physical changes or construction are planned.** More specifically the vacations include:

1. NE Woods Road on the east side of the street, a piece of property about 10 feet wide and 314.74 feet long, starting at the corner with NE Millersburg Dr. will be vacated.
2. NE Millersburg Drive again, on the south side of the street, a piece of property located southerly and adjacent to the property listed in number 3 above, about 10 feet deep and about as wide as the existing fence line of the cemetery, will be vacated.

See the map on opposite side for areas to be vacated.  
For more information see:

<https://www.cityofmillersburg.org/planning/page/va-23-01-wood-road-and-millersburg-drive-street-right-way-vacations>

# MILLERSBURG DRIVE

588'49'19"W 303.60'

DONATION LAND CLAIM LINE COUNTY ROAD 310 & CEMETERY BOUNDARY

NORTHEAST CORNER  
GEORGE MILLER D.L.C. 58  
3 1/4" BRASS DISK

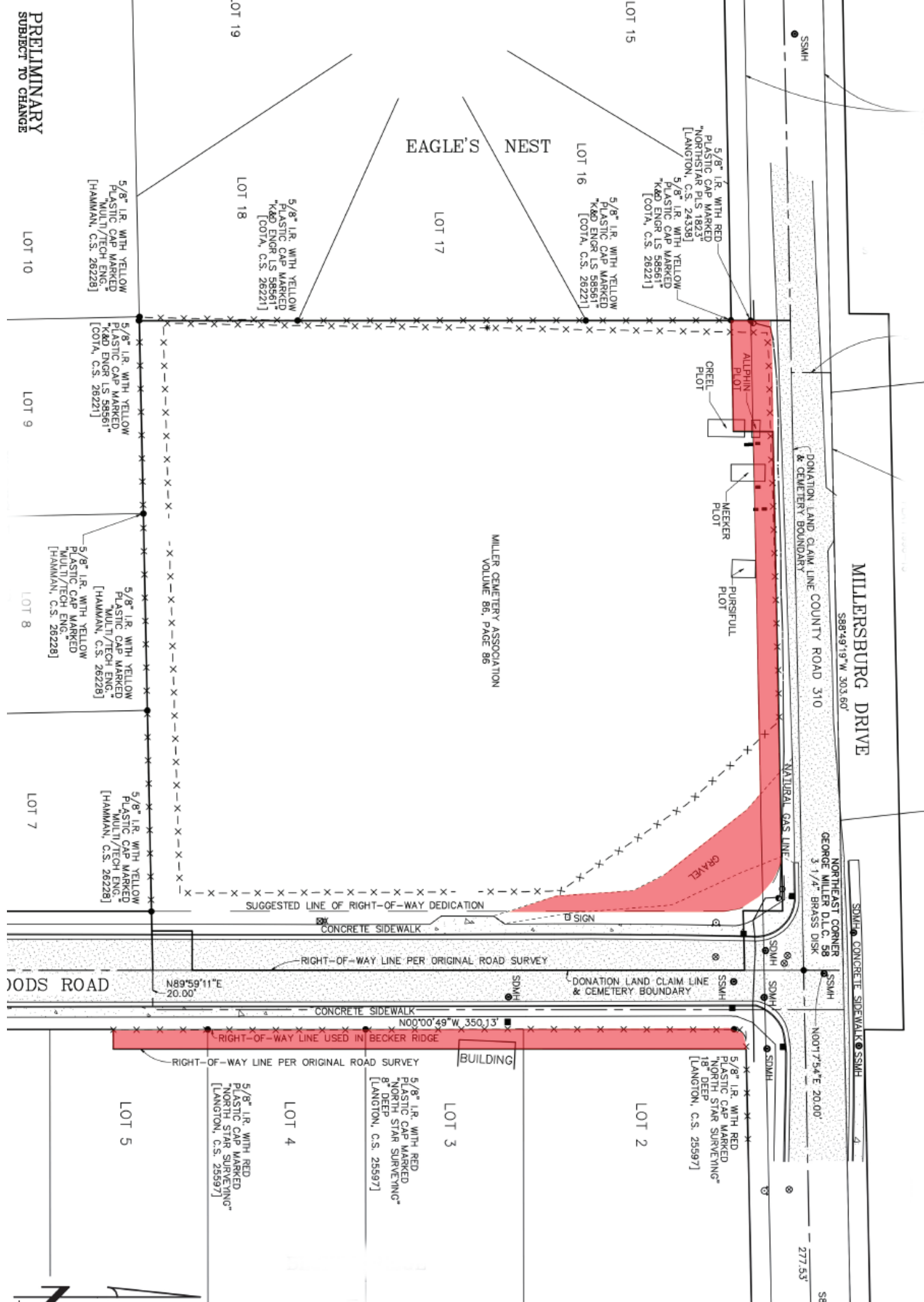
N001°7'54"E 20.00'

277.53'

588'

MILLER CEMETERY ASSOCIATION  
VOLUME 86, PAGE 86

## EAGLE'S NEST



PRELIMINARY  
SUBJECT TO CHANGE

5/8" I.R. WITH YELLOW  
PLASTIC CAP MARKED  
"MULTI/TECH ENG."  
[HAMMAN, C.S. 26228]

5/8" I.R. WITH YELLOW  
PLASTIC CAP MARKED  
"K&D ENGR LS 58561"  
[COTA, C.S. 26221]

5/8" I.R. WITH YELLOW  
PLASTIC CAP MARKED  
"MULTI/TECH ENG."  
[HAMMAN, C.S. 26228]

5/8" I.R. WITH YELLOW  
PLASTIC CAP MARKED  
"MULTI/TECH ENG."  
[HAMMAN, C.S. 26228]

5/8" I.R. WITH RED  
PLASTIC CAP MARKED  
"NORTH STAR SURVEYING"  
[LANGTON, C.S. 25597]

5/8" I.R. WITH RED  
PLASTIC CAP MARKED  
"NORTH STAR SURVEYING"  
[LANGTON, C.S. 25597]

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PLASTIC CAP MARKED  
"NORTH STAR SURVEYING"  
[LANGTON, C.S. 25597]

LOT 19

LOT 18

LOT 17

LOT 16

LOT 15

LOT 10

LOT 9

LOT 8

LOT 7

LOT 5

LOT 4

LOT 3

LOT 2

WOODS ROAD

N89°59'11"E  
20.00'

N00°00'49"W 350.13'

RIGHT-OF-WAY LINE USED IN BECKER RIDGE

DONATION LAND CLAIM LINE & CEMETERY BOUNDARY

NORTHEAST CORNER  
GEORGE MILLER D.L.C. 58  
3 1/4" BRASS DISK

N001°7'54"E 20.00'

277.53'

588'

