In the Matter of the Vacation of Certain Property Located in Coos County, Oregon)

PETITION FOR VACATION

I, We JOAN M. McLENN/Marie M. McLENN petition the Board of Commissioners for the vacation of the following property:

A. Description (attach additional sheets if necessary):

1. General Description:
   (Example, 15th Street between Irving Street and Johnson Street)

   WESTERN MOST PORTION OF VESTA STREET IN THE SUNSET CITY SUBDIVISION.

2. Legal Description:
   (Example, Portion of 15th Street lying between Lots 1 and 14 of Block 2 and Block 3 of Creager's Plat on T27S R12W Section 31BC)

   PORTION OF VESTA STREET ABOUNDING BLOCKS 5 + 12 IN THE SUNSET CITY SUBDIVISION. IT IS THE PORTION OF VESTA STREET WEST OF THE WESTERN EDGE OF THE ALLEY. THIS PORTION ABUTS TAX LOTS 1500 AND 1705, TAX MAP 279S-15W-01CB.

B. Petitioner's property interest in area proposed for vacation (attach additional sheets if necessary):

1. Attach a copy of the recorded deed that granted you the interest in the property. ATTACHED.

2. Legal description of interest:
   (Example, T27S R12W Section 31 BC, tax lot 1300)

   T29S R15W SECTION 1 CB TAX LOT 2805

C. Statement of reason(s) why the vacation is in the public interest (Refer to page 1 of instructions for grounds for granting the vacation):

   THIS WESTERN MOST PORTION OF VESTA STREET IS OVERLOOKED AND NOT USED BY THE PUBLIC. IN FACT IT DEAD ENDS AT THE TOP OF A 30' SEA CLIFF. IT IS CURRENTLY UNUSED AND IF IMPROVED WOULD ONLY SERVE TAX LOTS 1500 AND 2805. THERE WOULD OBVIOUSLY BE COST IN REMOVAL THE ROAD AS WELL AS MAINTENANCE COSTS.

   ADDITIONALLY, IF IT WERE REMOVED THE KIDS COULD ENCOUNTER TRAFFIC (BOTH VEHICULAR AND WALKER) WHICH POSES A LIABILITY RISK IN THAT THE ROAD DEAD ENDS INTO AND OVER A 30' SEA CLIFF WITH ALMOST IMPOSSIBLE BEACH ACCESS. LASTLY THERE IS NO PUBLIC USE OF THIS PORTION OF THE ROAD WENT VACATED IN THAT IT IS CURRENTLY UNSUED AND THERE IS CURRENTLY AN EXISTING DESIGNATED AND ENCLOSED PUBLIC ACCESS ONE BLOCK SOUTH ON MAIN STREET.

   OTHER VACATIONS HAVE OCCURRED IN THIS AREA AND THIS –
D. Names and addresses of all persons holding any recorded interest in the property proposed to be vacated and/or all persons owning any real property including easements or other interests less than fee title, abutting the property proposed to be vacated (attach additional sheets if necessary):

JOHN M. + SUSAN L. MURIEL

STEVE + DEANNE WERNER

E. Names and addresses of all persons owning any improvements, including underground and/or overhead utilities, constructed on the property proposed to be vacated (attach additional sheets if necessary):

AS ABOVE

F. How the property proposed to be vacated is to be divided between abutting landowners (state law usually requires that the property is split equally between abutting landowners):

SPLIT EQUALLY

(Example, split equally between abutting landowners)

G. The notarized signature(s) of either owners of sixty (60) percent of the land abutting the property proposed to be vacated or sixty (60) percent of the owners of land abutting the property proposed to be vacated are attached (attach signature sheets).

ATTACHED

H. If the petition is for the vacation of property that will be redivided in any manner, a subdivision plan or partitioning plan showing the proposed redivision is attached.

N/A

I. A true and accurate map of the proposed vacation is attached (refer to Instructions for correct marking of the map).

TERENCE CAMPBELL, SURVEYOR, HAS PROVIDED MAP (ATTACHED)

J. I verify that I have flagged ALL CORNERS of the area proposed to be vacated and that the flags are reliably and accurately located and are easily visible.

TERENCE CAMPBELL HAS STaked ALL CORNERS.
K. Filing fees for $1561.00 plus $100 for each additional street or alley (or portion thereof) within or adjoining a block. An additional amount of $951.00 may be necessary if a hearing is required. If the vacation is granted, you will be responsible for the recording fee.

L. By signing this form, I acknowledge that I have received no legal advice and acknowledge that County staff cannot provide legal advice to me.

M. Signature and Verification:

STATE OF OREGON  )
                  ) ss.
COUNTY OF COOS  )

I am the petitioner(s) herein and hereby swear, under penalties of perjury, that the statements made in this petition, and the attachments hereto, are true to the best of my knowledge. I shall hold harmless and indemnify Coos County from any liability arising out of the County's reliance on information submitted in this petition.

[Signatures]

Petitioner's Signature

Address

Park City, UT 84060

Telephone

435-659-0957

[Notary Public Stamp]

Notary Public for Oregon
My Commission Expires: 3/22/10

[Notary Public Stamp]

Notary Public for Utah
Comm. No. 6553643
My Commission Expires Mar 22, 2016

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SIGNATURE SHEET OF ABUTTING PROPERTY OWNER

1. Name(s) of Abutting Property Owner(s):
   
   STEPHEN R WIRKUS, TTEE
   DIANE R WIRKUS, TTEE

2. Legal Description of Abutting Property (attach additional sheets if necessary):
   
   SEE ATTACHED SHEET

3. Legal Description of Property Proposed for Vacation (attach additional sheets if necessary):

4. How the property proposed to be vacated is to be divided between abutting property owner (state law usually requires that the property is split equally between abutting property owners):
   
   SPLIT EQUALLY

5. I/We understand that this does X does not ___ (Mark one) deprive me/us, the abutting property owner(s), of a recorded property right of access necessary for the exercise of that property right.

6. I/We are the owner(s) of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.

   STEPHEN R WIRKUS TTEE
   3303 CADENCIA ST.
   CARLSBAD, CA 92009
   (760) 436-0841

   DIANE WIRKUS TTEE
   3303 CADENCIA ST.
   CARLSBAD, CA 92009
   (760) 436-0841

   COUNTY OF OREGON
   STATE OF CALIFORNIA
   ss.

   The foregoing instrument was acknowledged before me this 21st day of December 2012 by

   SUZANNE E. JEWELL, Notary Public

   Notary Public for Oregon
   San Diego, CA
   Commission Expires: Nov 26, 2015

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LEGAL DESCRIPTION

Lots 12, 13, 14, 15 and 16, Block 5, Sunset City, Coos County, Oregon, together with vacated Gould Street abutting the West line of said Lots that would inure to said property by operation law.

ALSO:

That portion of the following described property bounded on the North by the Southerly line extended Westerly of Lot 17, Block 5, Sunset City and bounded on the South by the Southerly line extended Westerly of Lot 12, Block 5, Sunset City; that portion of the Northwest quarter of the Southwest quarter of Section 1, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, lying between the Westerly boundary line of the Plat of Sunset City and the line of vegetation per O.R.S. 390-770.
After recording return to:
John M. Mueller and Susan L. Mueller
P.O. Box 510
Park City, UT 84060

Until a change is requested all tax statements shall be sent to the following address:
John M. Mueller and Susan L. Mueller
P.O. Box 510
Park City, UT 84060

File No.: 7132-1965309 (kad)
Date: September 28, 2012

STATUTORY WARRANTY DEED

Bell State Bank & Trust (Who acquired title as State Bank & Trust), Grantor, conveys and warrants to John M. Mueller and Susan L. Mueller as tenants by the entirety, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:
1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is $225,000.00. (Here comply with requirements of ORS 93.030)
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 5th day of November, 2012.

Bell State Bank & Trust (formerly known as State Bank & Trust)

[Signature]

By: Gustav Staahl, Vice President

Bell State Bank & Trust (formerly known as State Bank & Trust)

[Signature]

By: Jon Farsvold, Senior Vice President
STATE OF __ND____ )
County of __Cass____ )

This instrument was acknowledged before me on this __5__ day of __Nov.____, 2012 by Gustav Staahl as Vice President of Bell State Bank & Trust (formerly known as State Bank & Trust), on behalf of the Bank.

MATTHEW STENEHJEM
Notary Public
State of North Dakota
My Commission Expires June 1, 2015

Notary Public for __State of ND____
My commission expires: ______________________

STATE OF __ND____ )
County of __Cass____ )

This instrument was acknowledged before me on this __5__ day of __Nov.____, 2012 by Jon Aarsvold as Senior Vice President of Bell State Bank & Trust (formerly known as State Bank & Trust), on behalf of the Bank.

MATTHEW STENEHJEM
Notary Public
State of North Dakota
My Commission Expires June 1, 2015

Notary Public for __ND____
My commission expires: ______________________
EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Coos, State of Oregon, described as follows:

Parcel A;

That portion of the following described property bounded on the North by the Northerly line extended Westerly of Lot 22, Block 12, Sunset City and bounded on the South by the Southerly line extended Westerly of Lot 20, Block 12, Sunset City; that portion of the Northwest quarter of the Southwest quarter of Section 1, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, lying between the Westerly boundary line of the Plat of Sunset City and the line of vegetation per O.R.S. 390-770.

Parcel B;

Lots 20, 21 and 22, Block 12, Sunset City, Coos County, Oregon, together with that portion of vacated Gould Avenue that would inure to said property by operation of law, save and except therefrom any portion of the vacated alley in said Block 12, abutting said lots.