

RETURN TO AFTER RECORDING:

City of Warrenton
225 S. Main Ave.
Warrenton OR 97146



Recording Instrument #: 202500493
Recorded By: Clatsop County Clerk
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Transaction date: 1/31/2025 11:40:59
Deputy: nhill

ORDINANCE NO. 1287

INTRODUCED BY ALL COMMISSIONERS

AN ORDINANCE LEGALIZING A PORTION OF THIRD AVENUE IN THE CITY OF WARRENTON,
OREGON

WHEREAS, ORS 223.935 permits cities to initiate the street legalization process if doubt exists as to the legal establishment or evidence of establishment of a public road, if the location of the road cannot be accurately determined, or if the road as traveled and used for 10 years or more does not conform to the location of a road described in the city records; and

WHEREAS, the Warrenton City Commission has found evidence that the location of the road cannot be accurately determined due to conflicting plats regarding the width of Third Avenue; and

WHEREAS, the Warrenton City Commission has found it is in the public's best interest to accurately define the location of the road; and

NOW, THEREFORE, BE IT RESOLVED that THIRD AVENUE in the City of Hammond Oregon as described herein as the 50' right of way between Lots 5-8 of Block 3, and lots 5-8 Block 4, and Lots 1-6 of Block 5, and Lots 1-6 of Block 6, lying between the east line of Lake Drive and the west line of Neptune Street in the First addition to Kindred Park, and as further described in Exhibit A, is hereby legalized.

Nothing contained herein shall cause or require the removal or obstruction of any prior drainage ditch, abandonment of any sewer, water main conduit, utility line, pole, or any other easement or thing used or intended to be used for public service.

The City Recorder of the City of Warrenton shall hereby make this street legalization a matter of public record; and the City Recorder shall file with the clerk, assessor, and the surveyor of Clatsop County, a certified copy of this ordinance.

Adopted by the City Commission of the City of Warrenton, Oregon this 28th day of January 2025.

First Reading: January 11, 2025

Second Reading: January 28, 2025

APPROVED

Henry A. Balensifer III, Mayor

ATTEST:

~~Dawne Shaw, CMG, City Recorder~~

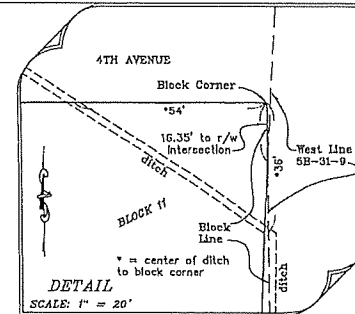
Hanna Bentley, Deputy City Recorder

PRELIMINARY SURVEY REPORT COPY FOR: CLATSOP COUNTY AND CITY OF WARRENTON

See Sheet 2 for Detail
of Subject Area

NORTHWEST CORNER
B.C. KINDRED DONATION
LAND CLAIM No. 46
(EAST 525')
N89°53'13"E 524.14'

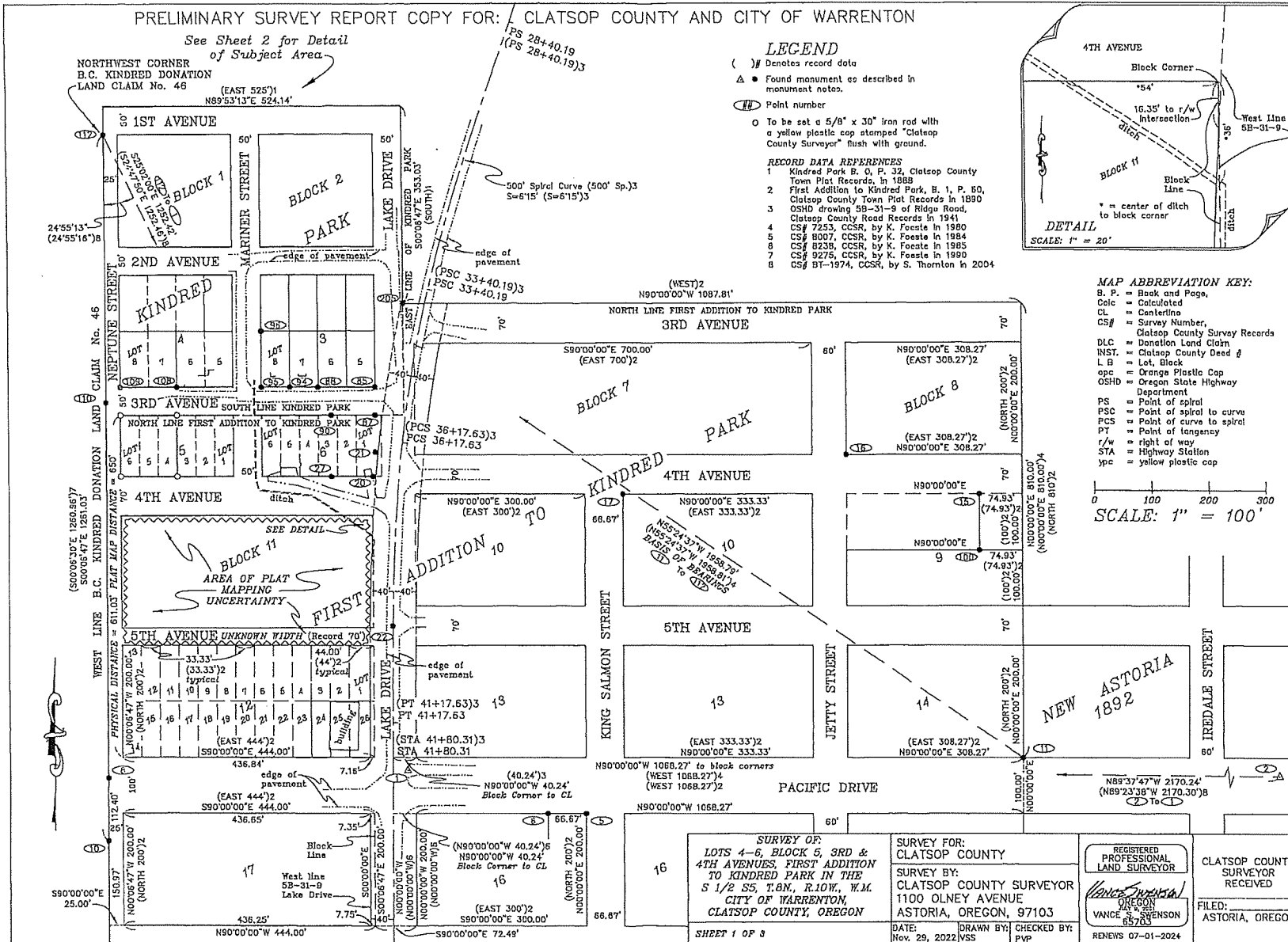
- LEGEND**
- Denotes record data
 - Found monument as described in monument notes.
 - Point number
 - To be set a 5/8" x 30" iron rod with a yellow plastic cap stamped "Clatsop County Surveyor" flush with ground.
- RECORD DATA REFERENCES**
- Kindred Park B. O. P. 32, Clatsop County Town Plat Records, in 1888
 - First Addition to Kindred Park, B. 1, P. 50, Clatsop County Town Plat Records in 1890
 - OSHD drawing 58-31-9 of Ridge Road, Clatsop County Road Records in 1941
 - CS# 7253, CCSR, by K. Foote in 1980
 - CS# 8007, CCSR, by K. Foote in 1984
 - CS# 8238, CCSR, by K. Foote in 1985
 - CS# 9275, CCSR, by K. Foote in 1990
 - CS# 91-1974, CCSR, by S. Thornton in 2004



MAP ABBREVIATION KEY:

B. P. = Book and Page,
Calc = Calculated
CL = Centerline
CS# = Survey Number,
Clatsop County Survey Records
DLC = Donation Land Claim
INST. = Clatsop County Deed #
L. B. = Lot, Block
opc = Orange Plastic Cap
OSHD = Oregon State Highway
Department
PS = Point of spiral
PSC = Point of spiral to curve
PCS = Point of curve to spiral
PT = Point of tangency
r/w = right of way
STA = Highway Station
ypc = yellow plastic cap

SCALE: 1" = 100'



SURVEY OF:
LOTS 4-6, BLOCK 5, 3RD &
4TH AVENUES, FIRST ADDITION
TO KINDRED PARK IN THE
S 1/2 SS, T.8N, R.10W, W.M.
CITY OF WARRENTON,
CLATSOP COUNTY, OREGON

SURVEY FOR:
CLATSOP COUNTY

SURVEY BY:
CLATSOP COUNTY SURVEYOR
1100 OLNEY AVENUE
ASTORIA, OREGON, 97103

DATE:
Nov. 29, 2022

DRAWN BY:
VSS

CHECKED BY:
PVP

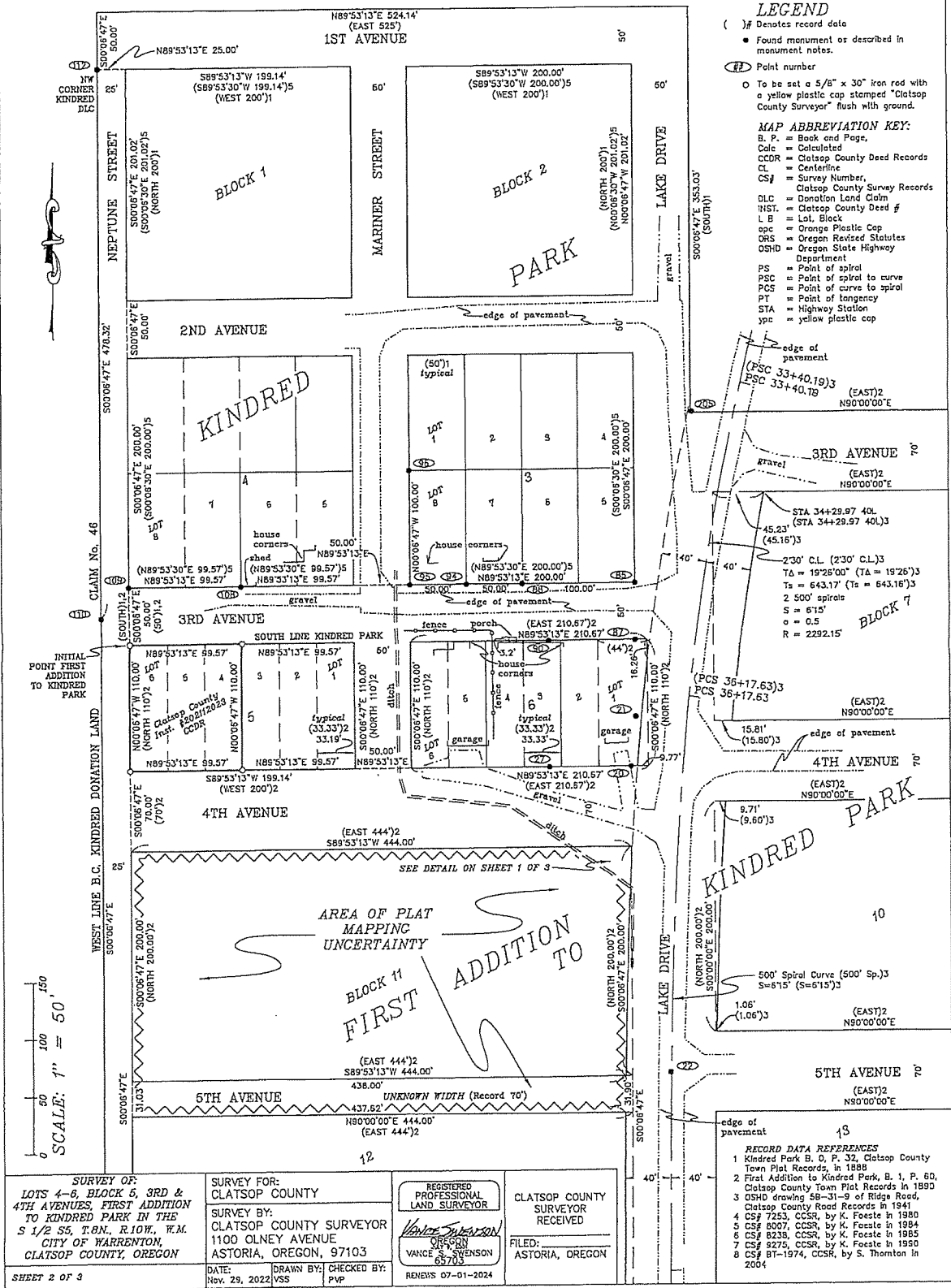
**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

**CLATSOP COUNTY
SURVEYOR
RECEIVED**

FILED:
ASTORIA, OREGON

SHEET 1 OF 3

PRELIMINARY SURVEY REPORT COPY FOR: CLATSOP COUNTY AND CITY OF WARRENTON



LEGEND

- ()# Denotes record date
 - Found monument as described in monument notes.
 - Point number
 - To be set a 5/8" x 30" iron rod with a yellow plastic cap stamped "Clatsop County Surveyor" flush with ground.
- MAP ABBREVIATION KEY:
- B. P. = Back end Page,
 - Calc = Calculated
 - CCDR = Clatsop County Deed Records
 - CL = Centerline
 - CS# = Survey Number, Clatsop County Survey Records
 - DLC = Donation Land Claim
 - INST. = Clatsop County Deed #
 - L.B. = Lot, Block
 - opc = Orange Plastic Cap
 - ORS = Oregon Revised Statutes
 - OSHD = Oregon State Highway Department
 - PS = Point of spiral
 - PSC = Point of spiral to curve
 - PCS = Point of curve to spiral
 - PT = Point of tangency
 - STA = Highway Station
 - ypc = yellow plastic cap

- RECORD DATA REFERENCES
- Kindred Park B. O. P. 32, Clatsop County Town Plat Records, in 1888
 - First Addition to Kindred Park, B. 1, P. 60, Clatsop County Town Plat Records in 1890
 - OSHD drawing 58-31-9 of Ridge Road, Clatsop County Road Records in 1941
 - CS# 7253, CCSR, by K. Foeste in 1980
 - CS# 6007, CCSR, by K. Foeste in 1984
 - CS# 6238, CCSR, by K. Foeste in 1985
 - CS# 8275, CCSR, by K. Foeste in 1990
 - CS# BT-1974, CCSR, by S. Thomson in 2004

PRELIMINARY SURVEY REPORT COPY FOR: CLATSOP COUNTY AND CITY OF WARRENTON

FOUND MONUMENT NOTES

- ① "CORKEY'S": a 2" aluminum cap stamped "Clatsop County Surveyor GPS 9201" flush with asphalt, per CS# HCl 810004.
- ② "POINT TRIUMPH": a 2" aluminum cap stamped "Clatsop County Surveyor GPS 9202" flush with asphalt, per CS# HCl 810005.
- ⑤ A 5/8" rebar with an ope stamped "Mendenhall LS2001" per CS# 13380 below ground 2". Calc NE corner of L13, B16 is S84°W 0.13'.
- ⑤ A 5/8" rebar with an ope stamped "Mendenhall LS2001" per CS# 13380 below ground 2". Calc NE corner of L15, B16 is N87°W 0.17'.
- ⑧ A 3" aluminum cap stamped "Corps of Engineers US Army \$260 fine or Imprisonment 21-021 station designation year 2021 rv for disturbing this mark survey mark" per CS# 14098 below ground 2". West line of Kindred DLC is S89°53'13"W 0.16". A 5/8" rebar with no cop (unknown origin) below ground 2" is N25°59'24"W 2.50'.
- ⑩ A 5/8" rebar with a ypc stamped "K. Foeste LS 849" per CS# 9275 flush with ground. Held for west line of the B.C. Kindred Donation Land Claim.
- ⑩ A 1-1/2" iron pipe with a rusty nail in center, listed as found on CS# 7253, below ground 4". Held for basis of bearings and SE corner of B14. The SE corner of historic house is approximately N60°W 16'.
- ⑩ A 5/8" rebar with a ypc stamped "K. Foeste LS 849" per CS# 8633 flush and directly under N-S wood fence. Calc NE corner of L3, B9 is S22°W 0.03'.
- ⑩ A 5/8" rebar with a ypc stamped "K. Foeste LS 849" origin unknown flush with ground. Calc SW corner B8 is S84°W 0.05'.
- ⑩ A 5/8" rebar with a ypc stamped "K. Foeste LS 849" per CS# 8586 flush with ground. Calc NW corner L10 B10 is S63°W 0.14'.
- ⑩ A 5/8" rebar with a ypc stamped "S&F Land Services" per CS# 14058 flush with ground. Calc intersection of S line B6 and W line Lake Drive is N88°36'02"E 6.45'.
- ⑩ A 5/8" rebar with a ypc stamped "S&F Land Services" per CS# 14058 flush with ground. Calc intersection of S line B6 and W line Lake Drive is S01°16'46"E 43.15'.
- ⑩ A 3/4" rebar per CS# 5234 below asphalt 1". N0°00'00"W 34.93' and N80°00'00"W 1108.24' from NE corner B14 (CS# 7253 = N0°00'00"W 34.94' and N80°00'00"W 1109.32', CS# 5234 = N0°00'00"W 35.00' and N80°00'00"W 1108.27')
- ⑩ A 5/8" rebar with a ypc stamped "S&F Land Services" per CS# 14058 flush with ground. Calc intersection of S line B6 and W line Lake Drive is N89°48'18"E 76.17'.
- ⑩ A 5/8" rebar with a ypc stamped "K. Foeste LS 849" origin unknown below ground 3". Calc SE corner B3 is N71°W 0.15'.
- ⑩ A 5/8" rebar with a ypc stamped "S&F Land Services" per CS# 14058 flush with ground. Calc NE corner B6 is N88°59'12"E 10.61'.
- ⑩ A 5/8" rebar with a ypc stamped "WA-RS15646 OR-RS1095" per CS# 8863 below ground 2". Calc SE corner L7, B3 is N76°06'E 0.45'. A N-S fence to East 0.3', a 1" iron pipe, origin unknown, with flared top is N50°W 0.4'.
- ⑩ A 5/8" rebar with a ypc stamped "S&F Land Services" per CS# 14058 flush with ground. Calc NE corner B6 is N89°49'43"E 87.99'.
- ⑩ A 5/8" rebar with a ypc stamped "PLS OR 932 PLS WA 2298" per CS# 12140 flush with ground. Calc SE corner L8 B3 is N38°W 0.11'.
- ⑩ A 5/8" rebar with a ypc stamped "PLS OR 932 PLS WA 2298" per CS# 12140 flush with ground. Calc SW corner B3 is N42°W 0.09'.
- ⑩ A 5/8" rebar with a broken ypc (pieces read LS 849") per CS# 8007 below ground 3". Calc NW corner L8 B3 is N43°W 0.11'.
- ⑩ A 5/8" rebar with a ypc stamped "K. Foeste LS 849" per CS# 8633 flush with ground. Calc SW corner L2 B9 is S89°W 0.07'.
- ⑩ A 5/8" rebar per CS# 8007 with no cop below ground 2" and leaning slightly to South. Calc SE corner L7, B4 is N01°W 0.20' from top of rebar.
- ⑩ A 5/8" rebar per CS# 8007 with no cop flush with ground. Calc SW corner B3 is N22°E 0.05'.
- ⑩ A 3" aluminum cap stamped "Corps of Engineers US Army \$260 fine or Imprisonment 21-022 station designation year 2021 agency 2 for disturbing this mark survey mark" per CS# 14098 below ground 2". West line of Kindred DLC is S89°53'13"W 0.05'.
- ⑩ NORTHWEST CORNER B.C. KINDRED DONATION LAND CLAIM No. 46: a 6" x 6" concrete monument with a 3" brass cap stamped "Clatsop County Surveyor T&N R10W DLC46 LS2014 2004" in center per CS# BT-1974. Held for basis of bearings and plat resolutions.
- ⑩ A 5/8" iron rod with a ypc marked "Otak" per CS# 13340 flush with ground. Calc NW corner of 2nd Avenue is S49°40'W 1.18'.

NARRATIVE:

Purpose:

To mark the Clatsop County owned property described in Inst. #202112023 as Lots 4-6, Block 5, First Addition to Kindred Park and to determine the right-of-way lines of Third and Fourth Avenues west of Lake Drive for access to sold lots.

Summary of the subject area of the city blocks North of Pacific Drive and West of Lake Drive in Hammond:

Westerly of Lake Drive, there are mapping uncertainties between the south boundary of the Town Plat of Kindred Park and the north line of Pacific Drive. Since the North-South distance on the ground between Pacific Drive and 3rd Avenue is shorter than the mapped distance on the town plat of First Addition to Kindred Park, Blocks 5, 6, 11, 12, and 4th and 5th Avenues can't all fit on a map at their platted dimensions.

On the ground, Blocks 5 and 6 have been marked and occupied measured from the North, and conform with the location of the original Kindred Park Blocks 1 through 4. Blocks 11 and 12 are vacant land, except for one building in the southeast portion of Block 12 on Pacific Drive.

Analysis:

The 1888 town plat of Kindred Park was laid out from the point #112 at the Northwest Corner of the B.C. Kindred Donation Land Claim and the west line of sold claim. 3rd Avenue was dedicated on the plat of Kindred Park, and the south line of 3rd Avenue is the south line of the plat. There appears to be no conflict on the map, and measurements of the physical streets and structures within the plat appear to conform with the mapped streets and blocks. I held the location of plat of Kindred Park as determined by Karl Foeste in 1984 on CS# 8007 from point #112 at the Northwest Corner of the Kindred DLC and the west line of sold claim.

The 1890 town plat of First Addition to Kindred Park Easterly of Lake Drive is measured Northerly from Pacific Drive, and has no conflicts on the map or physically on the ground, but Westerly of Lake Drive, it does have conflicting information on the map itself, and the plat also conflicts with the physical location of the streets and structures as shown on the attached maps and listed below. My solutions using basic surveying principles and principles to resolve conflicting land description elements as described in ORS chapter 93.310 Westerly of Lake Drive are listed after each:

Westerly of Lake Drive, the measured North-South distances between the physical locations of 3rd Avenue and Pacific Drive is roughly 40 feet shorter than the plat distance. By measuring the locations of the physical streets and houses, it is clear that the occupants within Block 5 and users of 3rd and 4th Avenue relied on record dimensions measured from the south line of Kindred Park and the west line of the Kindred DLC, which would conform to the maps and descriptions on both town plates of Kindred Park and First Addition. I therefore established the north and south lines of Blocks 5 and 6, and 4th Avenue at record plat dimensions from the south line of Kindred Park (south line of 3rd Avenue) and the west line of the Kindred DLC.

It is clear that the building on Lots 24, 25, and 26, Block 12 was placed relying on measured record dimensions from the north line of Pacific Drive. I therefore established the lines of Block 12 at the record plat dimensions from the north line of Pacific Drive and west line of the Kindred DLC.

Block 5 platted dimensions match directly with the mapped southerly extensions of the east and west lines of Block 4, therefore I established it's east and west lines on sold extensions and proportioned the East-West distances of the Lots as shown.

On the plat, the written description of Block 6 differs from the mapped location; the sum total east-west distance of Lots 1 through 6 listed in the description equals 210.67 feet, whereas the mapped lines of Block 6 are drafted as Southerly extensions of the 200 feet wide Block 3. By measuring the location of the ditch in Mariner Street, and the houses in Block 6, it appears that the owners within Block 6 and the users of Mariner Street recognize the east line of Mariner Street as mapped extension of the west line of Block 3. I therefore held the west line of

Block 6 as the Southerly extension of Block 3. It appears that the owners generally, but not accurately, relied on measurements easterly from sold west line. I therefore established the east line of Block 6 at record plat dimension of 210.67 feet from its west line to keep the maximum width of the interior lots. This also practically places the resulting conflict between the west line of the 1890 platted 60 feet wide Lake Drive and the east line of the platted block mostly hidden beneath the 1941 dedicated 80 feet wide Lake Drive.

A recent survey (CS# 14058) of Lots 1 and 2, Block 6 established the east line of Block 6 at the southerly extension of the east line of Block 3. Although this method is valid, it does place the mapped lines even further Westerly of the occupied locations of the houses in Block 6 and Lake Drive, and shortens the width of Lot 6. It should be noted that since the plat has multiple ambiguities relating to the widths of the Lots within Block 6, and the houses don't fit any of the number of lot location options, I recommend that the owners within Block 6 seek legal counsel to resolve the written descriptions of their Interior North-South property lines.

South of 4th Avenue, the streets are listed and depicted as even widths extended Southerly from the plat of Kindred Park, but the Blocks west of Lake Drive are only 444 feet wide versus the 450 feet depicted on the north line of the plat between Lake Drive and Neptune Street. I established the tier of blocks west of Lake Drive at record East-West widths of 444 feet measured Easterly from Neptune Street to keep the record lot widths. This also practically places the resulting conflict between the west line of the 1890 platted 60 feet wide Lake Drive and the east lines of the platted blocks hidden beneath the 1941 dedicated 80 feet wide Lake Drive.

There is no physical occupation within Block 11 and 5th Avenue, therefore I can't use physical evidence to determine which plat map elements the owners intended to hold in that area.

The above described methods isolate nearly all of the remaining plat map conflicts within Block 11 and 5th Avenue. Therefore, I recommend that the owner of Block 11 and the City of Warrenton use the methods described in ORS chapter 271 to vacate both Block 11 and 5th Avenue Westerly of Lake Drive to eliminate the conflicting portion of the plat of First Addition to Kindred Park.

I also recommend that the City of Warrenton use the methods described in ORS chapter 223 to legalize the location of 4th Avenue, Lake Drive, Neptune and Mariner Streets Westerly of the east line of Lake Drive, at the locations shown on the attached survey map to eliminate any future doubt about their location.

Method:

I held Karl Foeste's 1980 CS# 7253 survey of First Addition to Kindred Park to calculate the location of the blocks, streets and avenues East of Lake Drive from point #11. I held Karl Foeste's 1984 CS# 8007 survey to calculate the location of the blocks, streets and avenues of Kindred Park from point #112. Both of these surveys are based on points #11 and #112 and the west line of the Kindred DLC now marked by point #10. I held the line between points #11 and #112 for my basis of bearings.

For Lake Drive, I held Karl Foeste's 1984 CS# 8238 location of the centerline of Lake Drive at West 40.24 feet from the northwest corner of Block 16, and parallel to the west line of Block 16. I then held the record OSHD map 58-31-9 centerline station 41+80.31 at N90°00'00"W 40.24' from the southwest corner of Block 13, and record map 58-31-9 centerline information northerly from this station. The resulting centerline matched extremely well with map 58-31-9 dimensions to the corners of Blocks 7 and 10. It should be noted that the 58-31-9 dimensions to the corners of Blocks 5, 11 and 12 do not match since 58-31-9 depict all the blocks west of Lake Drive at record distances north and west of platted Pacific and Lake Drives, which differs than my block resolutions west of Lake Drive.

Conforming to Foeste's method on CS# 7253 and CS# 8007, I listed findings from found monuments to my calculated lot corners. I recognize that the found monuments that fall within acceptable tolerances represent the actual lot corners.

SURVEY OF: LOTS 4-6, BLOCK 5, 3RD & 4TH AVENUES, FIRST ADDITION TO KINDRED PARK IN THE S 1/2 SE, T.8N, R.10W, W.M. CITY OF WARRENTON, CLATSOP COUNTY, OREGON	SURVEY FOR: CLATSOP COUNTY		REGISTERED PROFESSIONAL LAND SURVEYOR VANCE J. SWENSON OREGON #25,878	CLATSOP COUNTY SURVEYOR RECEIVED
	SURVEY BY: CLATSOP COUNTY SURVEYOR 1100 OLNEY AVENUE ASTORIA, OREGON, 97103			
SHEET 3 OF 3	DATE: Nov. 29, 2022	DRAWN BY: VSS	CHECKED BY: PVP	FILED: ASTORIA, OREGON
			RENEWS 07-01-2024	