

COUNTY COURT JOURNAL
FILED

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

NOV 18 2009
4:55 PM
TASSI O'NEIL
COUNTY CLERK

In the Matter of Annexation of Land)
And Territory to the Nehalem Bay) ORDER #09-086
Fire and Rescue District) NUNC PRO TUNC

This matter came before the Board of Commissioners for Tillamook County, Oregon, under a Petition of various landowners and electors to annex certain real properties to the Nehalem Bay Fire and Rescue District. Being fully advised of the premises, records and files herein, the Board of Commissioners makes the following findings of fact and order:

WHEREAS:

1. On October 21, 2009 the Board of County Commissioners signed Order #09-086 to which was attached an incorrect legal description provided by the Petitioner outlining the property to be annexed.
2. A new Order Nunc Pro Tunc must be entered into to correct the incorrect legal description. Attached hereto and incorporated herein is Exhibit "A-1" evidencing the legal description of the property to be annexed.
3. The Board of County Commissioners has jurisdiction over this matter pursuant to ORS 198.795. Annexations are governed by ORS 198.800 – 198.820 and 198.850 – 198.867.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

4. The real property described on the attached Exhibit "A-1", incorporated herein, be and is annexed to and made a part of the Nehalem Bay Fire and Rescue District effective on the date that this annexation is approved by the Oregon Department of Revenue and is subject to the District's outstanding indebtedness, bonded or otherwise, as provided by law and existing on the effective date of the annexation. In all other respects the exhibits and substance of the original Order shall remain in place.

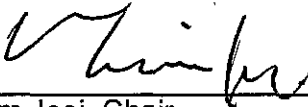
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Two (2) certified copies of this Order shall be provided to the Oregon Department of Revenue. One (1) certified copy of this Order shall be provided to the Oregon Secretary of State. One (1) certified copy shall be filed with the Clatsop County Clerk and the Tillamook County Clerk in the Clerk's records pertaining to the District. One (1) certified copy shall be provided to the Tillamook County Assessor and the Clatsop County Assessor. One (1) certified copy shall be provided to the Nehalem Bay Fire and Rescue District.

DATED this 16th day of November, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent


Tim Josi, Chair

✓ 1


Mark Labhart, Vice-Chair

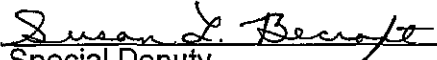
✓ 1


Charles J. Hurliman, Commissioner

✓ 1

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By: 
Special Deputy


William K. Sargent, County Counsel

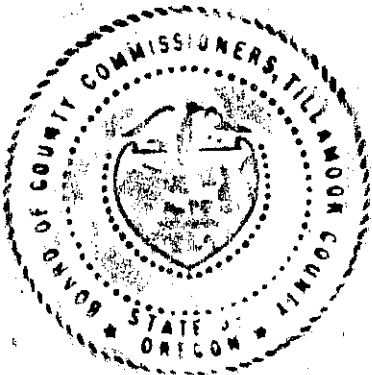


EXHIBIT "A-1"

**EXTERIOR BOUNDARY DESCRIPTION OF MISCELLANEOUS ANNEXED
PROPERTIES**

Beginning at the Section corner between Section 5 and 6, Township 3 North, Range 9 West of the Willamette Meridian, in Tillamook County, Oregon and Sections 31 and 32, Township 4 North, Range 9 West of the Willamette Meridian, in Clatsop County, Oregon;

thence Westerly along the South line of Township 4 North, Range 9 West to the Southwesterly corner of Lot 3, RIVERSIDE ESTATES, Clatsop County, Oregon and THE TRUE POINT OF BEGINNING;

thence Northwesterly along the Westerly line of Lots 3, 4, 5, 6, 7 and 8, RIVERSIDE ESTATES to a point lying South $15^{\circ} 15' 33''$ East, a distance of 42.00 feet from the Northwest corner of Lot 8;

thence due West a distance of 234.35 feet;

thence South $74^{\circ} 44' 42''$ West, a distance of 114.02 feet;

thence South $61^{\circ} 38' 10''$ West, a distance of 251.61 feet;

thence South $36^{\circ} 10' 26''$ West, a distance of 435.27 feet;

thence South $31^{\circ} 29' 26''$ West, a distance of 183.64 feet;

thence North $72^{\circ} 10' 12''$ West, a distance of 1106.99 feet;

thence North $33^{\circ} 25' 31''$ West, a distance of 30 feet;

thence North $56^{\circ} 34' 29''$ East, a distance of 989.10 feet; thence on a 200.00 feet radius curve to the left (long chord bears North $39^{\circ} 49' 04''$ East, a distance of 115.32 feet) an arc distance of 116.99 feet;

thence North $23^{\circ} 03' 39''$ East, a distance of 154.81 feet;

thence on a 97.56 feet radius curve to the right (long chord bears North $56^{\circ} 40' 52''$ East, a distance of 108.03 feet) an arc distance of 114.49;

thence on a 285.23 feet radius curve to the right (long chord bears South $72^{\circ} 06' 49''$ East, a distance of 172.35 feet) an arc distance of 175.09 feet, to a point on the Northwesterly right of way of Estate Drive in the Plat of RIVERSIDE ESTATES", in

Section 31, Township 4 North, Range 9 West, Willamette Meridian, Clatsop County, Oregon.

thence Northerly along said Northwesterly right of way line of Estate Drive to the Southerly line of that tract conveyed to Pastoral Remix LLC, by Bargain and Sale Deed recorded March 30, 2006, as Instrument No. 200603634, Clatsop County Records;

thence leaving said right of way following the Southerly and Westerly lines of said Pastoral Remix LLC tract, on a curve to the right having a radius of 25.00 feet (long chord bears South 83° 20' 44" West, a distance of 31.23 feet) an arc distance of 33.73 feet to a found 5/8 inch rebar;

thence on a curve to the left, having a radius of 315.23 feet (long chord bears North 73° 51' 01" West, a distance of 172.18 feet) an arc distance of 174.39 feet to a found 5/8 inch rebar;

thence on a curve to the left, having a radius of 127.56 feet (long chord bears South 82° 29' 04" West, a distance of 34.70 feet) an arc distance of 34.81 feet to a set 5/8 inch rebar;

thence North 68° 44' 06" West, a distance of 264.27 feet to a set 5/8 inch rebar;

thence North 49° 35' 06" West, a distance of 114.06 feet to a set 5/8 inch rebar;

thence North 37° 36' 56" West, a distance of 219.85 feet to a set 5/8 inch rebar;

thence North 42° 46' 56" West, a distance of 105.03 feet to a set 5/8 inch rebar;

thence North 60° 34' 51" West, a distance of 142.74 feet to a set 5/8 inch rebar;

thence North 36° 00' 00" West, a distance of 78.03 feet to a set 5/8 inch rebar on the East-West centerline of said Section 31;

thence South 89° 45' 49" East along said centerline, a distance of 1430.46 feet to the Northwest corner of Tract C PARK, RIVERSIDE ESTATES and the most Southwesterly corner of PARCEL 2, PARTITION PLAT 1996-034, Clatsop County Records;

thence continuing North 0° 00' 54" East along the Westerly line of PARCEL 2, PARTITION PLAT 1996-034, Clatsop County Records to the Northwest corner thereof which is also the Southwest corner of PARCEL 1, PARTITION PLAT 1996-034, Clatsop County Records;

thence North 0° 00' 54" East along the Westerly line of PARCEL 1, PARTITION PLAT 1996-034, Clatsop County Records to the Northwest corner of said PARCEL 1;

thence East 115.37 feet, more or less, to the Northwest corner of Lot 11, RIVERSIDE ESTATES;

thence continuing along the North line of Lot 11, RIVERSIDE ESTATES to the Northeast corner of said Lot 11 which is also the Northwest corner of Lot 12, RIVERSIDE ESTATES;

thence Easterly along the North line of Lot 12, RIVERSIDE ESTATES, to the Northeasterly corner thereof;

thence South $41^{\circ} 25' 21''$ East along the Northeasterly line of Lot 12 to a point in the centerline of Estate Drive, RIVERSIDE ESTATES, as platted;

thence Northeasterly along the centerline of Estate Drive to the West line of Lot 14, RIVERSIDE ESTATES;

thence continuing along the Westerly line of Lot 14, RIVERSIDE ESTATES, in a Northeasterly direction to a point on the North line of Lot 14, RIVERSIDE ESTATES; thence East along the North line of Lot 14, RIVERSIDE ESTATES, to the centerline of the Nehalem River;

thence South along the centerline of the Nehalem River to the South line of Lot 15;

thence North $63^{\circ} 10' 16''$ West along the South line of Lot 15, RIVERSIDE ESTATES to a point in the centerline of Estate Drive;

thence Southwesterly along the centerline of Estate Drive to the Northwesterly extension of the North line of Lot 18, RIVERSIDE ESTATES;

thence Southeasterly along said Northwesterly extension and North line and Southeasterly extension of said North line to the centerline of the Nehalem River;

thence Southerly along the centerline of the Nehalem River to the South line of Township 4 North, Range 9 West;

thence Westerly along the South line of Township 4 North, Range 9 West to the Southwesterly corner of Lot 3, RIVERSIDE ESTATES, Clatsop County, Oregon and THE TRUE POINT OF BEGINNING.

EXCEPT the 30 foot strip of land being 30 feet on the Southerly side of the following described centerline:

Beginning at a point on the Northwesterly right of way of Estate Drive in the Plat of RIVERSIDE ESTATES, in Section 31, Township 4 North, Range 9 West, Willamette Meridian, said point being South 78° 09' 28" West, a distance of 534.84 feet from the Southwest corner of Tract "C" of RIVERSIDE ESTATES, and said point also being North 21° 27' 27" East, a distance of 2174.34 feet from the South one-quarter corner of said Section 31;

thence on a 285.23 foot radius curve (long chord bears North 72° 06' 49" West, a distance of 172.35 feet) an arc distance of 175.09 feet;

thence on a 97.56 foot radius curve to the right (long chord bears South 56° 40' 52" West, a distance of 108.03 feet) an arc distance of 114.49;

thence South 23° 03' 39" West, a distance of 154.81 feet;

thence on a 200.00 foot radius curve to the left (long chord bears South 39° 49' 04" West, a distance of 115.32 feet) an arc distance of 116.99 feet;

thence South 56° 34' 29" West, a distance of 989.10 feet, being the end of said 30 foot strip of land.