



CITY OF ST. HELENS PLANNING DEPARTMENT

M E M O R A N D U M

TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner
RE: Consideration of right-of-way dedication for the “Comstock property” which is the same property considered for annexation as part of file Annexation A.5.21
DATE: December 30, 2021 (for January 11, 2022 meeting)

The “Comstock property” is being considered for annexation. This will help facilitate this property’s development. Another aspect for development is access.

Due to significant wetlands that cut two swaths through the property and isolates the most southerly developable portion from any public-right-of-way, how to connect this property to the nearest right-of-way, Barr Avenue, is a riddle to solve.

One solution is to dedicate right-of-way to bring the right-of-way to the subject property. Doing this in advance of a development design is unusual. As such this is being presented to the Planning Commission for consideration and possible recommendation to the City Council.

Public right-of-way that can be used for a standard city street is recommend instead of an easement to maximize potential. An easement could provide access to no more than six lots and is thus restrictive.

The property subject to right-of-way dedication is owned by the Meadowbrook Homeowners Association. The president of the HOA is aware and open to this concept. The Meadowbrook development is based on retaining a minimum amount of open space. Because most of this area is driveway already and entirely within a private access easement, there is no impact to the minimum open space.

In addition to access for people and vehicles, access for utilities needs to be considered too. This is why this concept includes an area with the northern line 10’ north from the sanitary sewer manhole within Barr Ave. Though mailboxes and street lighting will need to be moved if/when a new street is constructed, a new sanitary sewer line could branch off the manhole.

This is a logical place for a new street being at the “sweet spot” between Ruby Ct. and Sykes Road along Barr Ave. The right-of-way width for a local classified street is 40’ or 50’, which can be accommodated by the proposed area of dedication.

If the Council consents to this right-of-way dedication, we will need a legal description prepared by others in addition to any other information the Council deems necessary. The Meadowbrook HOA would need to sign a dedication deed prepared by the city and then the council accept that for recordation with the County Clerk’s office.

If the right-of-way dedication doesn’t work, the landowner can still work with the Meadowbrook Homeowners Association to do a Lot Line Adjustment to bring the “Comstock property” to the right-of-way as another option.



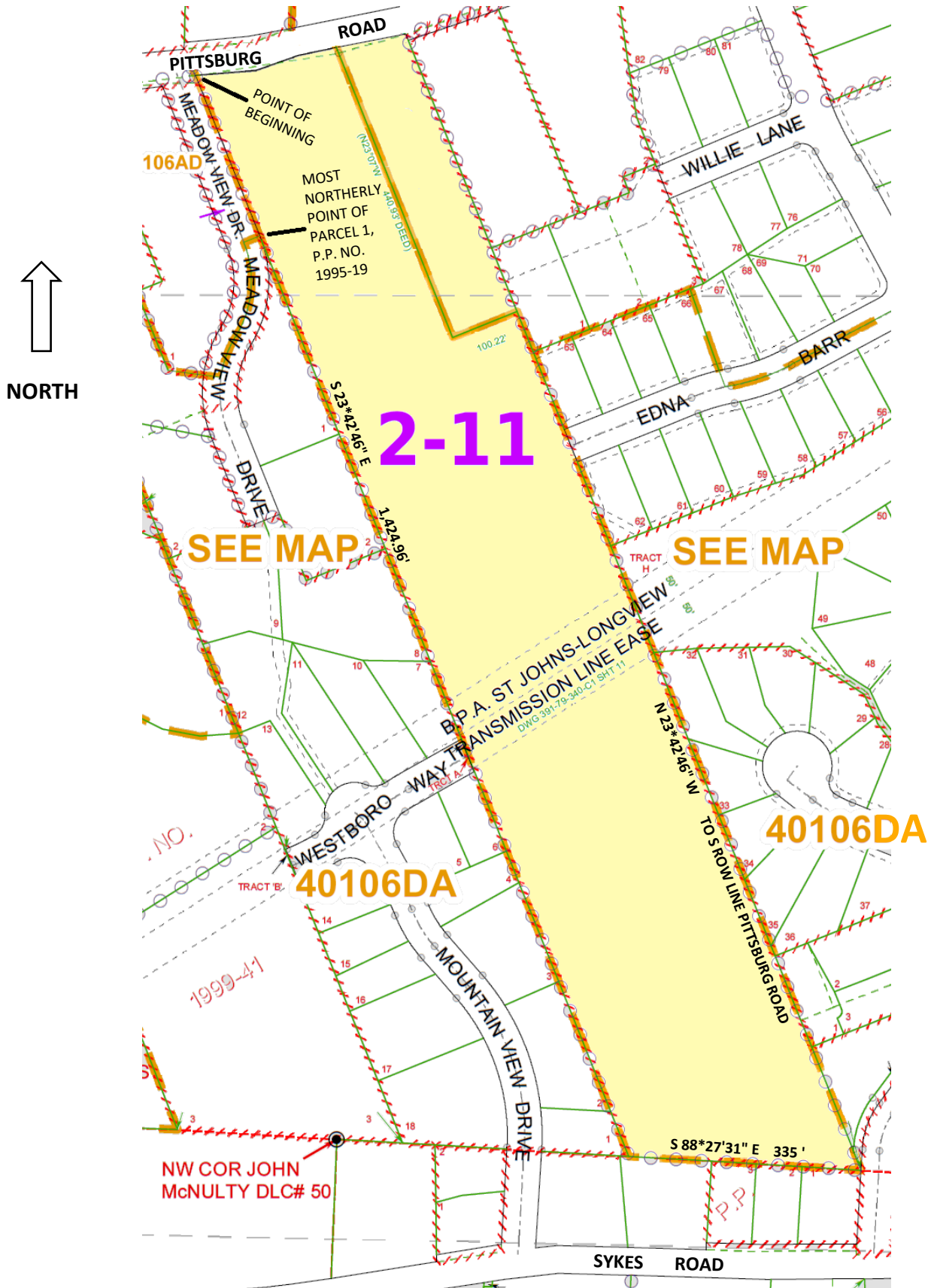
Two photos showing the area proposed to be dedicated as public right-of-way as viewed from Barr Avenue. Note the sanitary sewer manhole in the photo to the left. Mailboxes and light pole will be affected and possible some other utilities (note above ground vaults in above photo).

Attached: General map of property (Exhibit B for the Oregon Department of Revenue for annexation)
 Preliminary wetland delineation map with city required upland protection zones shown
 Partition Plat No. 2005-04
 Map showing private access easement and potential right-of-way dedication area
 Map showing potential right-of-way dedication area detail

EXHIBIT B

E. 1/2 SEC.6 T.4N. R.1W. W.M.

COLUMBIA COUNTY



PARTITION PLAT

S.E. QUARTER OF SECTION 6
TOWNSHIP 4 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN
CITY OF ST. HELENS, COLUMBIA COUNTY, OREGON

PARTITION PLAT NO. 2005-4
A A-834

SURVEYED BY:

BURTON ENGINEERING & SURVEYING
10121 NE GLISAN ST.
PORTLAND, OREGON 97220
(503) 251-2947

LEGEND:

- SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "BURTON ENGINEERING LS 590"
- FOUND 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "BURTON ENGINEERING LS 590", UNLESS OTHERWISE NOTED.

APPROVALS

APPROVED THIS 28th DAY OF January, 2004

Willa Denny
COLUMBIA COUNTY SURVEYOR

APPROVED THIS 27th DAY OF December, 2004

P.E. Burton
CITY OF ST. HELENS, PLANNING DEPT.

TAXES FROM July 1, 2004

THROUGH June 30, 2005

HAVE BEEN PAID

COLUMBIA COUNTY DIRECTOR OF FINANCE AND TAXATION

BY Margaret Guen, deputy
STATE OF OREGON S.S.

COUNTY OF COLUMBIA

I DO HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED FOR RECORDING ON THIS 1st DAY OF February, 2005 AT 10 O'CLOCK PM AND RECORDED AS INSTRUMENT NO. 2005-264 AND AS PARTITION PLAT NO. 2005-4

BY: Willa Denny, deputy



DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT D-CAV INVESTMENTS, INC. IS THE OWNER OF THE LAND REPRESENTED ON THE ANNEXED MAP, & MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND HAS CAUSED THE SAME TO BE PARTITIONED AND SURVEYED INTO PARCELS AS SHOWN IN ACCORDANCE WITH ORS CHAPTER 92 AND HEREBY DEDICATE ALL EASEMENTS AS SHOWN OR NOTED HEREON.

Donald E. Barnett
DONALD E. BARNETT, PRESIDENT
D-CAV INVESTMENTS, INC.

ACKNOWLEDGEMENT

STATE OF OREGON S.S.
COUNTY OF COLUMBIA

KNOW ALL MEN BY THESE PRESENTS, ON THIS 24 DAY OF January, 2004, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY PERSONALLY APPEARED DONALD E. BARNETT WHO BEING DULY SWORN, DID SAY THAT HE IS THE IDENTICAL PERSON NAMED IN THE DECLARATION, AND THAT HE EXECUTED SAID DECLARATION FREELY AND VOLUNTARILY.

NOTARY Willa Denny
NOTARY SIGNATURE

NOTARY PUBLIC - OREGON
COMMISSION NO. 356209
MY COMMISSION EXPIRES March 30, 2006

NARRATIVE

PURPOSE OF THIS SURVEY IS TO PARTITION A PORTION OF THAT TRACT DESCRIBED IN INSTRUMENT NO. 94-07554 INTO 3 TRACTS. THE BASIS OF BEARINGS AND CONTROL FOR THIS SURVEY IS THE CENTERLINE OF BARR AVENUE DEFINED BY 2 FOUND 5/8" IRON RODS WITH YELLOW PLASTIC CAP MARKED "BURTON ENGINEERING", POINTS A AND B SET ON "MEADOWBROOK PLANNED COMMUNITY" PLAT. CONTROL AND PARTITION BOUNDARIES WERE FURTHER VERIFIED BY FOUR 9/8 MONUMENTS AT SOUTHEAST CORNER OF LOT 37 POINT C, "MEADOWBROOK PLANNED COMMUNITY NO. 2" AND THE 3/4" IRON PIPE POINT D FOUND ON THE WEST RIGHT OF WAY LINE OF BARR AVENUE AS SHOWN FOUND ON "MEADOWBROOK PLANNED COMMUNITY" PLAT AND POINT E, THE INITIAL POINT.

THE LOCATION OF THE WESTERLY LINE OF THE PARTITION BEGAN AT POINT D AT THE INTERSECTION OF THE WESTERLY EXTENSION OF THE WESTERLY LINE OF "MEADOWBROOK PLANNED COMMUNITY NO. 2" WITH THE WESTERLY RIGHT OF WAY LINE OF BARR AVENUE EXTENDED TO THE SOUTHWEST CORNER OF "MEADOWBROOK PLANNED COMMUNITY NO. 2". THE NORTHERLY LINE OF THE PARTITION WAS THEN EXTENDED FROM POINT E THE MOST SOUTHERLY CORNER OF LOT 36 ALONG THE SOUTHERLY LINE OF "MEADOWBROOK PLANNED COMMUNITY NO. 2" TO POINT C THE SOUTHWESTERLY CORNER OF LOT 38, "MEADOWBROOK PLANNED COMMUNITY NO. 2". THE EASTERLY LINE OF THE PARTITION WAS ESTABLISHED ALONG THE WESTERLY LINE OF SAID LOT 38 TO THE MOST SOUTHERLY CORNER THEREOF, THEN SOUTHERLY ALONG THE WESTERLY LINE OF THAT TRACT DEEDED TO HOME OWNERS ASSOCIATION IN INST. NO. 02-13661 THROUGH POINTS H AND J TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF THAT TRACT DEEDED TO D-CAV INVESTMENTS IN DOCUMENT 94-07554, 8/3/94, COLUMBIA COUNTY DEED RECORDS. THE SOUTHERLY LINE WAS ESTABLISHED FROM POINT J WESTERLY ALONG THE SOUTHERLY LINE OF SAID D-CAV TRACT TO THE MOST SOUTHERLY CORNER THEREOF AND TRUE POINT OF BEGINNING OF SAID D-CAV TRACT DEED.

SURVEYOR'S CERTIFICATE

I, THOMAS H. BURTON, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED PARTITION MAP WITH THE BOUNDARIES BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP MARKED "BURTON ENGINEERING" AT THE MOST SOUTHERLY CORNER OF LOT 36, "MEADOWBROOK PLANNED COMMUNITY NO. 2". A DULY RECORDED SUBDIVISION PLAT IN COLUMBIA COUNTY PLAT RECORDS; THENCE NORTH 66°17'14" EAST ALONG THE SOUTHERLY LINES OF LOTS 36 AND 37 SAID "MEADOWBROOK PLANNED COMMUNITY NO. 2" A DISTANCE OF 200.00 FEET TO THE SOUTHWESTERLY CORNER OF LOT 38, SAID "MEADOWBROOK PLANNED COMMUNITY NO. 2"; THENCE SOUTH 23°42'46" EAST ALONG THE WESTERLY LINE OF SAID LOT 38 A DISTANCE OF 100.00 FEET TO THE MOST SOUTHERLY CORNER THEREOF; THENCE SOUTH 12°37'23" EAST ALONG THE WESTERLY LINE OF THAT TRACT DEEDED TO THE HOME OWNERS ASSOCIATION IN INSTRUMENT NO. 02-13661 A DISTANCE OF 22.70 FEET; THENCE CONTINUING ALONG SAID HOME OWNERS ASSOCIATION TRACT SOUTH 01°57'51" EAST A DISTANCE OF 20.16 FEET TO THE SOUTH LINE OF THAT TRACT DEEDED TO D-CAV INVESTMENTS IN INSTRUMENT NO. 94-07554, 8/3/94; THENCE SOUTH 66°17'14" WEST ALONG THE SOUTH LINE OF SAID D-CAV TRACT A DISTANCE OF 188.16 FEET TO THE INTERSECTION OF THE WESTERLY LINE EXTENDED OF "MEADOWBROOK PLANNED COMMUNITY PHASE 2; THENCE NORTH 23°42'46" WEST ALONG SAID WESTERLY LINE EXTENDED A DISTANCE OF 141.00 FEET TO THE INITIAL POINT.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 18, 1983
THOMAS H. BURTON
#590
EXPIRES 12/31/05

I CERTIFY THIS PLAT WAS PREPARED USING HP PRODUCT 5160A ON CONTINENTAL #JPCM2 POLYESTER FILM.

