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**BEFORE THE BOARD OF COMMISSIONERS  
FOR LINCOLN COUNTY, OREGON**

In the Matter of )  
)  
**INITIATING PROCEEDINGS FOR** )  
**LEGALIZING A PORTION OF** )  
**OCEAN VEIW DRIVE, COUNTY ROAD # 813** )

**ORDER NO. 8-17-233**

WHEREAS the Board of Commissioners (BOC) has been advised by the Lincoln County Road Department that a portion of Ocean View Drive, County Road #813 in Yachats needs to be legalized from the centerline of 4<sup>th</sup> Street southerly and easterly to the westerly right-of-way line of Pontiac Street so that a specific right-of way will be established. This legalization is necessary because of defects in the original survey information for this portion of the road, and/or because the location of the road cannot be accurately determined due to alteration of the road, ORS 368.201(2)(a) and (b). In addition, and as a separate basis for the legalization for a portion of the road, the road as traveled and used for 10 years or more does not conform to the location of the road as described in the County records, ORS 368.201(3); and

WHEREAS ORS 368.201 provides that the BOC may initiate proceedings to legalize a County road if the aforementioned conditions exist; and

WHEREAS the Road Department desires to legalize a portion of Ocean View Drive, County Road #813. A copy of the Public Works Director's request is attached hereto and incorporated herein as Exhibit "A";

NOW, THEREFORE IT IS HEREBY ORDERED THAT:

1. Proceedings are hereby commenced to legalize a portion of Ocean View Drive, County Road #813, in Yachats Oregon as more particularly described in Exhibit "B" attached hereto and incorporated herein.

2. The portion of the road to be legalized shall be surveyed, and the Public Works Director shall file a report with the Board, including the survey, pursuant to ORS 368.206(1)(b).

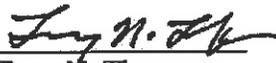
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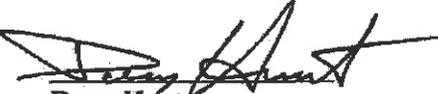
3. Upon completion of the report and survey, the Public Works Director shall cause notice of the legalization proceeding to be provided in the manner required by law.

4. A copy of this Order shall be forwarded to the Public Works Director, County Surveyor, County Counsel and to the City of Yachats through the City Administrator.

DATED this 9<sup>th</sup> day of August, 2017.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

  
Terry N. Thompson  
Chair

  
Doug Hant  
Commissioner

  
Bill Hall  
Commissioner

## EXHIBIT "A"



**Lincoln County Public Works**  
Roy L. Kinion  
Public Works Director

**County of Lincoln**

880 NE 7th Street  
Newport, Oregon 97365-2599  
Phone (541) 265-5747  
FAX (541) 574-1295

July 24, 2017

Lincoln County  
Board of Commissioners  
225 W. Olive  
Newport, Oregon 97365

**Re: Legalization of a Portion of Ocean View Drive No. 813**

Honorable Chair and Commissioners:

The Road Department would like to legalize a portion of Ocean View Drive No. 813, from the centerline of 4<sup>th</sup> Street southerly and easterly to the westerly right-of-way line of Pontiac Street, so that a specific right-of-way will be established. The County is considering a jurisdictional transfer to the City of Yachats and preliminary work by the County Surveyor's office reveals defects in the original survey information for this portion of the road.

Under ORS 368.201(2)(a) and (b) the governing body may initiate proceedings to legalize a county road if the location of the road cannot be accurately determined due to numerous alterations of the road or if there is a defective survey of the road or adjacent property.

Also, under ORS 368.201(3) the governing body may initiate proceedings to legalize a county road if the road as traveled and used for 10 years or more does not conform to the location of a road described in the county records.

Please contact me if you have any questions or comments.

Sincerely,

Roy Kinion  
Public Works Director

xc: John Waffenschmidt, County Surveyor  
Wayne Belmont, Legal Counsel  
File

# EXHIBIT "B"



## COUNTY OF LINCOLN

Lincoln County Surveyor's Office  
Eathan D. Nicley - *PLS CWRE*  
Deputy County Surveyor

880 NE 7th  
Newport, Oregon 97365  
(541) 265-4147

Legalization Description  
for portion of Ocean View Drive  
Including portions of Lots 8, 9 and 10, of Block 2  
Third Addition to Yachats  
owned by  
Eric A. Powell  
and  
Richard Stanley Urbanski

July 17, 2017

Legalization description for a portion of Ocean View Drive, being a street 50 feet in width, as dedicated to the Public in 1933 as Ocean Drive, with the Plat of the Third Addition to Yachats, recorded in Book 7, Page 51, Plat Records, of Lincoln County, Oregon. The center line of said street legalization portion being more particularly described as follows:

Commencing at the Southwest corner of that property described in Book 415, Page 539, in Lincoln County Microfilm Records, said point being marked with a 5/8" rebar as established by surveyor Bud Burdett in 1966, with CS 3131; thence North 86°14'07" West 25.00' to the centerline of Ocean View Drive and the true point of beginning of this portion to be legalized; thence North 04°47'52" East 64.92' to a point; thence North 14°12'37" East 60.67' to a point on the Westerly extension of the South right of way of W 4th Street, also being the North line of Lot 10, of Block 2, of the Third Addition to Yachats (said point being located North 87°16'03" West, 10.51 feet from the Northwest corner of said Lot 10, as marked upon the ground by surveyor Gary Nyhus, with CS 15325 Lincoln County Survey Records).

The side lines of this legalized right of way are to be extended or foreshortened to begin on the existing right of way lines of Ocean View Drive on the South and to end on the Westerly extension of the South right of way of W 4th Street on the North.

Situated in the SE 1/4 of Section 27, Township 14 South, Range 12 West, Willamette Meridian. Bearings are in the Oregon Coordinate System, Oregon Coast Zone, as defined in O. A. R. 734-005-0015.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Eathan D. Nicley*

OREGON  
FEBRUARY 08, 2000  
EATHAN D. NICLEY  
54725PLS

RENEWS: DEC. 31, 2016

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### OUR GUARANTEE

"Provide friendly, efficient, land records information  
and interpretation for the people of Lincoln County."

# EXHIBIT "B"



Lincoln County Surveyor's Office  
Eathan D. Nicley - PLS CWRE  
Deputy County Surveyor

## COUNTY OF LINCOLN

880 NE 7th  
Newport, Oregon 97365  
(541) 265-4147

### SURVEY DESCRIPTION

For a portion of  
OCEAN VIEW DRIVE  
and Additional Right OF Way to be added  
through Legalization Procedures  
Located within the Plat of the  
First Addition to Yachats  
Lincoln County, State of Oregon.

July 20, 2017

Legal description for a portion of Ocean View Drive (originally platted and dedicated as Ocean Drive), being a right-of-way of varying width, describing a portion of the original right of way as created by the First Addition to Yachats (recorded as Book 7, Page 14, Lincoln County Plat Records), together with additional right of way to be added by legalization process, said additional right of way being portions of Blocks 1, 2 and 3, of said First Addition. The area within the description beginning at Pontiac Street (originally Lots 15 and 16, of Block 3, of said First Addition), running westerly and then northerly to the north line of said First Addition also being the northerly right of way line of W 3rd Street. Being more particularly described as follows:

Commencing at a 1/2" iron pipe situated the Northeast corner of Lot 14, of Block 3, of the First addition to Yachats, as recorded in Book 7, Page 14, of the Lincoln County Plat Records, thence South 02°45'33" West 52.00 feet along the easterly line of said lot 14, to the true Point of Beginning of this legal description; thence South 79°30'00" West for 15.09 feet; thence North 89°42'00" West for 35.33 feet; thence North 78°58'53" West for 50.46 feet; thence North 86°57'21" West for 24.97 feet; thence North 87°29'53" West for 18.15 feet; thence North 81°49'57" West for 32.05 feet; thence North 83°17'25" West for 25.09 feet; thence North 84°44'24" West for 24.85 feet; thence North 86°01'46" West for 64.61 feet; to the beginning of a horizontal curve, the radius point of which bears North 3°58'14" East, and 50.00 feet, thence along said curve through a central angle of 59°06'48" for 51.59 feet; thence North 26°54'59" West for 17.65 feet; to the beginning of a horizontal curve, the radius point of which bears South 63°05'01" West, and 156.00 feet, thence along said curve through a central angle of 12°35'08" for 34.27 feet; thence North 39°30'07" West for 61.20 feet; to the beginning of a horizontal curve, the radius point of which bears North 50°29'53" East, and 186.00 feet, thence along said curve through a central angle of 42°06'59" for 136.72 feet; to the beginning of a compound horizontal curve, the radius point of which bears South 87°23'08" East, and 66.00 feet, thence along said curve through a central angle of 54°22'14" for 62.63 feet; thence non-tangent to the previous curve North 40°05'32" East for 63.37 feet; to the beginning of a horizontal curve, the radius point of which bears North 2°28'28" East, and 68.00 feet, thence along said curve through a central angle of 37°16'51" for 44.25 feet; thence North 50°14'41" West for 95.86 feet; to the beginning of a horizontal curve, the radius point of which bears North 39°45'19" East, and 206.00 feet, thence along said curve through a central angle of 37°26'47" for 134.63 feet; to the beginning of a horizontal curve, the radius point of which bears North 77°12'05" East, and 15.00 feet, thence along said curve through a central angle of 105°32'22" for 27.63 feet to the southerly right of way of W 3rd Street; thence North to the north line of the said First Addition to Yachats, also being the north right of way line of W 3rd Street; thence westerly along said north line to the west right of way line of said Oceanview Drive being described per said plat "the bank at the east side of the Pacific Ocean; thence with the meanderings along the east bank of said ocean . . . to the north bank of the Yachats River"; thence easterly "with the meanderings along the bank of said river" to a point which is South of the true point of beginning; thence North to said true point of beginning;

Situated in the Southeast quarter of Section 27, Township 14 South, Range 12 West, Willamette Meridian. Bearings are in the Oregon Coordinate System, Oregon Coast Zone, as defined in O. A. R. 734-005-0015.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Eathan D. Nicley*

OREGON  
FEBRUARY 08, 2000  
EATHAN D. NIGLEY  
54725PLS

RENEWS: DEC. 31, 2018

C:\Users\jarrabam\Downloads\2017 Rid #04 Legalization Desc. portion in First Addition v2 (3).docx

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and interpretation for the people of Lincoln County."