

DRAFT SUMMARY NOTES
A meeting to discuss right-of-way issues along Hawk Street north
Hosted by the Neskowin Citizen Advisory Committee
July 3, 2017

This special meeting was led by Richard Hook, Chair of the Neskowin Citizen Advisory Committee. He explained that Hawk Street north of Corvallis Avenue has served homes built in the 1920s. The street itself actually entirely crosses 14 private lots and partially crosses another ten, he explained.

Some recent changes in the Tillamook County assessor's maps regarding the "s"-curve at Corvallis Avenue resulted in confusion about the legal status of the road, the location of the rights-of-way versus the actual location of the road, and the complete absence of rights -of-way in some areas. These map changes have caused two property sales along Hawk Street not to close, due to the inability of the sellers to obtain a clear title opinion based on the fact that the current maps do not show any legal public access to the properties. The problems with the road are not a new issue and are not restricted to just one property, Richard noted.

Richard further explained that there are two types of lots along the west side of this section of Hawk St.: some are deep, running from the road through the dunes approximately 600 feet to the high-tide line. Others are shallower, extending approximately 100 feet west of Hawk Street. This is a result of an earlier effort by Tillamook County to gain clear rights of way for Hawk St.; at that time the County offered county property in the dunes in exchange for frontage where Hawk St. crossed the private lots. Some property owners agreed and others did not, thus creating this inconsistent pattern.

Another issue is access for utility easements.

- Troy Trute, General Manager for the Neskowin Regional Water District (NRWD), explained that NRWD has a water line on the east side of Hawk St.; all the meters for the properties on the west side are located on the east side of the street where the line runs. Considering the location of the water line, Troy stated that relocating the road is not an option. The NRWD has surveyed their line at the "s"-curve and is waiting for approval of an easement from the Walton family who owns that property.
- Doug Olson, member of the Board of Directors for the Tillamook Public Utility District (PUD), introduced the PUD's lead engineer, who explained that the power line runs along the west side of Hawk St. and is covered by proscriptive rights, although access is a problem at some points.
- The Neskowin Regional Sanitary Authority (NRSA) sewer lines do not currently extend beyond Corvallis Avenue; all properties to the north are on septic systems. NRSA would like to extend the sewer lines north, but Hawk St. needs to be legalized in order to establish rights-of-way first.

Before opening the floor for questions and discussion, Richard Hook noted that the solution will ultimately involve many owners along the street and will take time, funds, and community support and cooperation. He urged everyone involved to look for solutions rather than dwell on finding blame for the problem.

Richard Hook invited Tillamook County Commissioner David Yamamoto to present the County's perspective on the issue. Commissioner Yamamoto explained that the County had not "vacated" the "s"-curve section of the road on their maps, but had simply corrected the assessor's map on February 16th. Unfortunately, the assessor's software only offered the term "vacate" to describe the action taken. Recorded property deeds in the County Clerk's office did not change. Richard Hook noted that "vacate" was in fact the same term used by the County Assessor on their February 14, 2007 Journal voucher, thus the confusion. According to Commissioner Yamamoto, title companies should not look at the assessor's map, which is not a legal map; they should look at the deeds in the Clerk's office instead. Commissioner Yamamoto said that the County may do a survey of Hawk St. north of the "s"-curve. The Public Works Department and the Assessor's office have

been asked to consider doing this, although when that might occur is uncertain at this time. If funding is available for this, the first step would be for Public Works to research deeds and easements in order to define survey needs.

Commissioner Yamamoto was asked “who maintains Hawk St.?” He reiterated that Tillamook County has done some maintenance on that street in the past, when more funding was available from timber revenue. County maintenance of non-county roads – when funding is available – is a common practice throughout the county, he explained.

Richard Hook noted that clarifying ownership at the “s”-curve does not fix the entire problem, which extends the length of Hawk St. north.

Guy Sievert noted that the key issue is ownership for rights-of-way. Other audience members stated that owners could have public easements on their land if the County would legalize the street in its current location, which would be a low-cost option. Commissioner Yamamoto stated that the County tries to avoid “takings.” Further discussion indicated, however, that property owners could grant the easements without county “takings.” Ron Saxton noted that the County should ask each affected property owner to cooperate with easements and then use the “takings” process to complete the process as necessary.

It was noted that if each property owner did their own survey, the results might be more complicated than if the County conducts one comprehensive survey.

It was also suggested that if the property owners north of Corvallis were to simply grant the County easements to allow the road to be used as it currently exists, where it crosses their property, this would resolve the problem.

Someone asked Commissioner Yamamoto if their tax assessments would be reduced as a function of this problem; Commissioner Yamamoto replied that anyone can appeal their tax assessment.

Another audience member asked whether a class action lawsuit against Tillamook County (on the basis that the changes to the Assessor’s maps made in February constituted a taking from all the owners north of the “s” curve) would motivate the County to work to resolve this issue sooner; Commissioner Yamamoto indicated that he’s not sure that such a suit would be helpful. It was further stated that there are enough persons with “injury,” specifically those who have already had sales fail due to clouded title, to justify a class-action lawsuit.

It was recommended that “the County look at the center line of the street ‘as traveled’ as a way to locate rights-of-way on both sides. Then the County should provide an opportunity for public comment, followed by a vote of the Board of Commissioners that would supersede prior rights-of-way. That would resolve the issue for everyone.”

There appeared to be agreement that Tillamook County should take the leadership role to resolve this issue. Commissioner Yamamoto indicated that the County cannot totally resolve this issue, and they are not willing to become involved in the dispute between the Walton family and the NRSA in the area of the “s”-curve. There also needs to be an acknowledgement by the property owners that Hawk St. as it exists now can be used.

The meeting was adjourned at approximately 11:30 a.m.

Respectfully submitted,
Jean Cameron, Secretary, Neskowin Citizen Advisory Committee