

AGENDA ITEM FOR ADMINISTRATIVE
MEETING () Discussion only
(X) Action

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: Road Vacation

<p>Background:</p> <p>The County received a petition from property owners adjacent to Center Street to vacate a portion of the unimproved Public Road. Since all of the adjoining property owners signed the petition, a public hearing is not required. A Road Vacation Report is submitted from the Public Works Department, recommending that the portion of the road be vacated. The petition is before the Board for consideration.</p>	<p>Requested Action:</p> <p>Adopt Order No. RD2022-06</p>
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ATTACHMENTS: Report; Proposed Order

*****For Internal Use Only*****

Checkoffs:

- () Dept. Head (copy)
- () Human Resources (copy)
- (X) Legal (copy)
- () (Other - List:)

To be notified of Meeting:
Tom Fellows
Needed at Meeting:

Scheduled for meeting on: November 9, 2022

Action taken:

Follow-up:

**UMATILLA COUNTY
LOCAL ACCESS ROAD
CENTER STREET**

Road Vacation Report

Umatilla County Public Works Department

**TABLE OF
CONTENTS**

ROAD DETAILS **1-2**

Location of proposed vacation 1
Map #1: Location map 1
Road history and details 2
Map #2: Area Proposed for Vacation 2

EXAMINATION OF PROPERTY **3-5**

Description of ownership and property uses 3
Map #3: Aerial Image 4
Assessment of public interest 4
Department recommendation 4-5

ATTACHMENTS AND SUPPORTING DOCUMENTS **5-9**

Road vacation petition 6-7
Road establishment documents 8-9

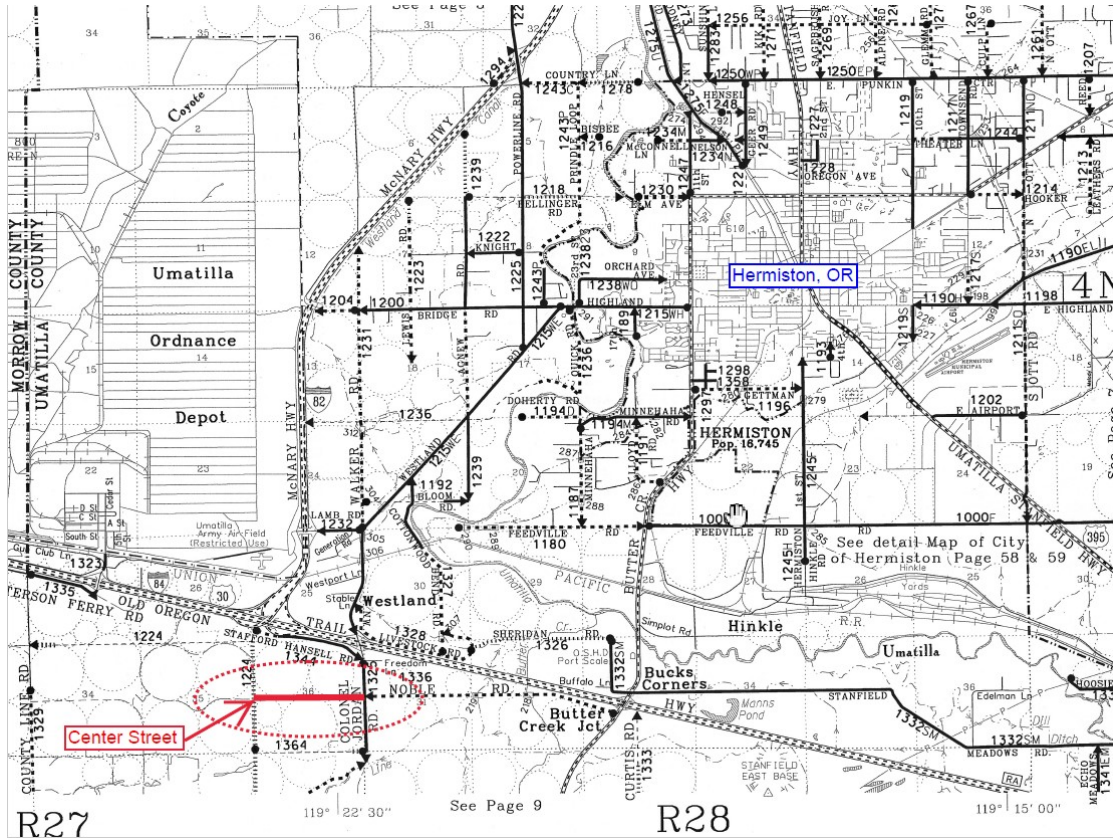
ROAD DETAILS

LOCATION OF PROPOSED VACATION

Center Street is located approximately 5 miles southwest of Hermiston, Oregon, one mile west and 0.5 miles south of the intersection of Interstate 84 and Colonel Jordan Road. Center Street runs east and west through the center of Section 36, Township 4 North, Range 27 East, W.M. That portion proposed for vacation lies

between Lot 3, Block 2, and Lot 2, Block 3 of the Plat of Meadow Valley.

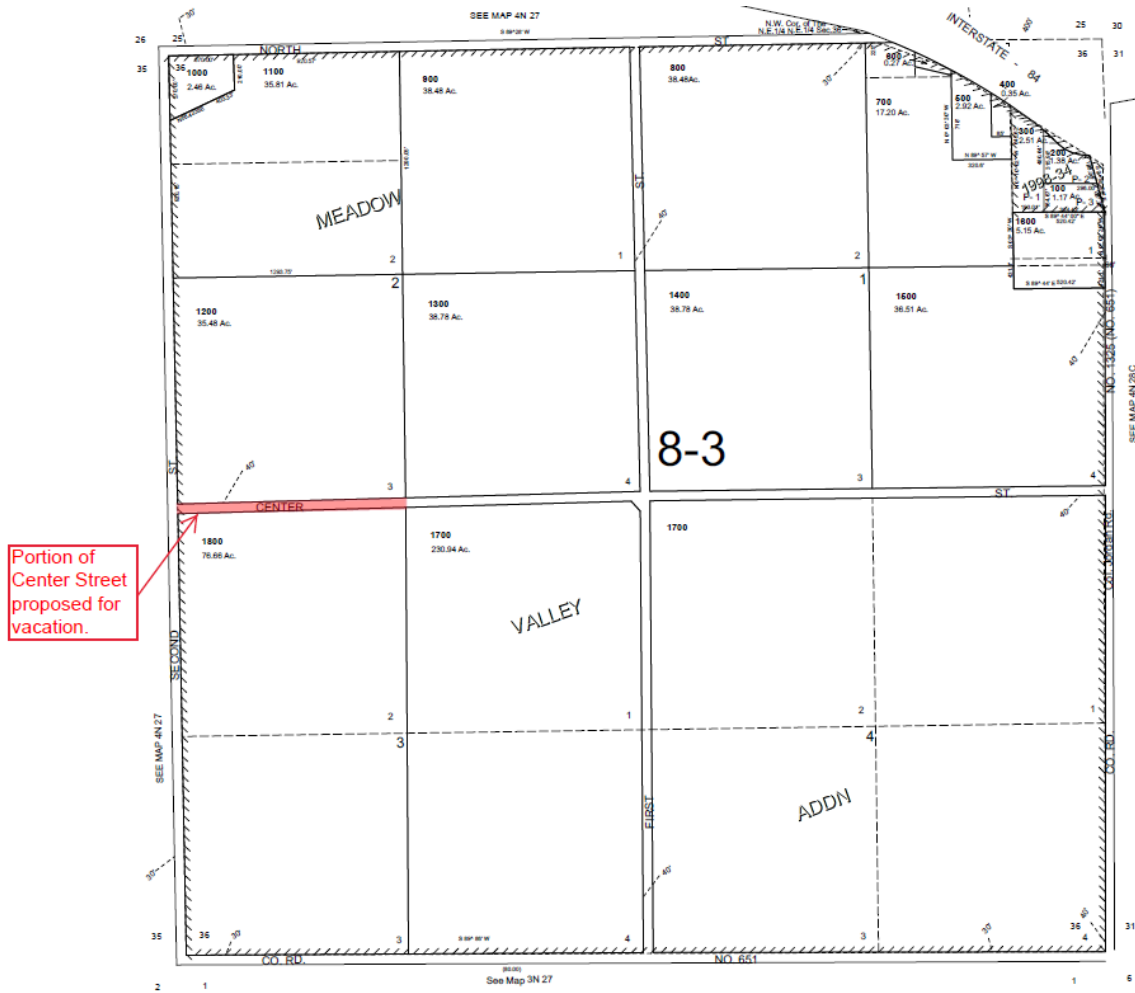
Map #1: Location Map



ROAD HISTORY AND VACATION DETAILS

Center Street was dedicated to the public at a width of 30 feet per the Plat of Meadow Valley in 1910. The Plat of Meadow Valley was surveyed by John Kimbrell, County Surveyor, in January of 1910, and the plat was subsequently filed for record in April of 1910. That portion proposed for vacation is outlined in red as shown below in Map #2. Petitioners are the owners of 100% of the abutting property (tax lots 1200 & 1800). Petitioners state the road has not been used or developed outside of normal farming operations. The vacation area is proposed to be mined, with the remainder of Center Street proposed to serve the mining operation.

Map #2: Area Proposed for Vacation



EXAMINATION OF PROPERTY

DESCRIPTION OF OWNERSHIP AND PROPERTY USES

Center Street remains undeveloped and unused by the general public. There are currently primitive dirt roads that traverse the general

vicinity of the record location of Center Street, and it appears these roads are used for farming activities only.

The east side of Center Street (at its intersection with Colonel Jordan Road) is gated at various times of the year and access from the north, south, or west can only be accomplished by traveling primitive farm roads or undeveloped rights-of-way.

Tax Lot 1200 to the north and Tax Lot 1800 to the south are the only abutting properties along that portion of Center Street proposed for vacation. Ownership is vested in Girth Dog, LLC (Petitioner) for both of the abutting lots.

Utilities may exist within the property proposed for vacation. There are no visible signs or markers on site; however, area pivots and irrigation pumps indicate possible underground power and irrigation.

Map #3: Aerial Image



ASSESSMENT OF PUBLIC INTEREST

Center Street is not actively used by the general public. The road is primitive, not easily accessible, and traverses through irrigated farmland. County roads Stafford Hansell Road and Colonel Jordan Road provide through routes for the traveling public in this area. The area is zoned EFU making future development and the need for small road networks impactable. We find the vacation request as described in the petition to be in the public interest.

DEPARTMENT RECOMMENDATION

Public Works recommends granting vacation contingent upon petitioners providing verification that no utility facilities (public or private) will be impacted by this vacation. If existing utilities are present, it is recommended that the petitioners work with the utility companies/owners to address any conflicts prior to granting the vacation request.

ATTACHMENTS AND SUPPORTING DOCUMENTS

**ROAD VACATION PETITION (SEE FOLLOWING PAGES
6-7)**

WE, CRAIG AND JANNA COLEMAN, PETITION THE BOARD OF COUNTY COMMISSIONERS OF UMATILLA COUNTY TO VACATE A PORTION OF CENTER STREET AS DEDICATED ON THE PLAT OF MEADOW VALLEY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

That portion of Center Street found in Block 2 Lot 3 and Block 3 Lot 2 as shown on the Plat of Meadow Valley (1910) otherwise described as that portion of Center Street that abuts Tax Lot 1200 to the south and Tax Lot 1800 to the north, both of Assessor's Map 4N 27 36. See attached drawings.

I

Petitioners are the owners, as shown in the records of Umatilla County, of property abutting the property proposed to be vacated. Those properties are tax lot 1200 and 1800 of Assessor's Map 5N 27 36. Petitioners are the only persons particularly affected by the proposed vacation of the property. No person uses the property to be vacated in any respect, to include no person uses the property to be vacated as their access in whole or part.

II

No portion of the property proposed to be vacated is situated within the corporate limits of any city.

III

The circumstances that justify granting a vacation of the described property are:

- The roads dedicated to the public on the Plat of Meadow Valley, recorded in 1910, have never been built or used except for the most easterly road running north and south that is known today as Colonel Jordan Road, not proposed to be vacated.
- The portion of Center Street that this petition seeks to vacate was never built and has been for many years part of a farming operation that has long occurred on property owned by the petitioners.
- The proposed road vacation only addresses the part of Center Street that abuts the subject properties identified above.

The reason for requesting this vacation is that the subject road segment of Center Street has not been developed as a road. Rather Stafford Hansell Road and Colonel Jordan Road serve this area, and the area proposed to be vacated is proposed to be mined. The portion of Center Street not proposed for vacation is identified to support the proposed mining operation.

We, Craig and Janna Coleman, hereby request that the Board of County Commissioners consider this petition for vacation of public property and that an order be entered vacating the property more particularly described above.

Dated this 9 day of June, 2022.

Craig Coleman 6-9-22
DATE
Craig Coleman
33896 E Walls Road
Hermiston, Oregon 97838

Janna Coleman 6-9-2022
DATE
Janna Coleman
33896 E Walls Road
Hermiston, Oregon 97838

CERTIFICATION

On this 9th day of June, 2022, before me, the undersigned, Craig Coleman, personally appeared, known to me to be the identical individual described in and who executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.

STATE OF OREGON Oregon) ss
COUNTY OF Umatilla)



Jennifer M. Berry
NOTARY PUBLIC FOR OREGON

My Commission Expires 1/24/2025

CERTIFICATION

On this 9 day of June, 2022, before me, the undersigned, Janna Coleman, personally appeared, known to me to be the identical individual described in and who executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.

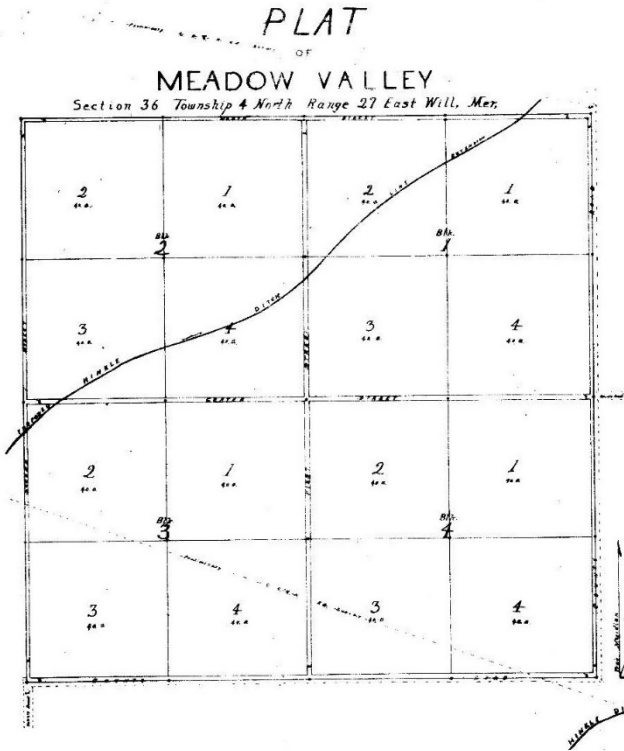
STATE OF OREGON Oregon) ss
COUNTY OF umatilla)



Kaylindi
NOTARY PUBLIC FOR OREGON

My Commission Expires 9-24-2022

ROAD ESTABLISHMENT DOCUMENTS



Know all men by these presents that the Mead Valley Land and Irrigation Company of Eugene Oregon owners of Section 36 in Township 4 North Range 27 East Will. Mer. do hereby dedicate all Roads and Paths as shown on the foregoing plat of Meadow Valley to the Public as Highways.

In witness whereof we have hereunto set our hand and seal this 1st day of Feb. 1900 at Eugene Oregon.

[Signatures]

State of Oregon
County of _____
I, _____, County Clerk, do hereby certify that the foregoing plat of Meadow Valley Land and Irrigation Company of Eugene Oregon is and is made like the originals in and is recorded in the foregoing instrument and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned.

Witness my hand and seal this 1st day of Feb. 1900.

[Signature] County Clerk
for Oregon

I John W. Knudsen do hereby certify that the foregoing Plat of Meadow Valley which is the plat of Section 36 in Township 4 North Range 27 East Will. Mer. in Willamette Oregon is correct as surveyed by me that I have located the boundaries as provided by Law in full accordance with the SE corner of Section 36 and a Stone 1897-1898 under Stone North on east boundary and on the NE corner of Section 36 and Stone 1897-1898 under Stone West on North boundary and on the NW corner of Section 36 and Stone 1897-1898 under Stone South on West boundary and on the SW corner of Section 36 and Stone 1897-1898 under Stone East on South boundary and also the lines of adjoining sections.

John W. Knudsen
for Willamette County Oregon

I Frank Selvig County Clerk of Willamette County State of Oregon and Justice of the Peace do hereby certify that the foregoing Plat has been approved by the County Court in Willamette Oregon and that my seal and seal of said Court this 1st day of March 1900.

[Signature] County Clerk
By *[Signature]* Deputy

The foregoing Plat is hereby approved *[Signature]* Justice

APPROVED BY MEAD VALLEY LAND AND IRRIGATION COMPANY
I, _____, Secretary, do hereby certify that the foregoing plat of Meadow Valley is correct as surveyed by me that I have located the boundaries as provided by Law in full accordance with the SE corner of Section 36 and a Stone 1897-1898 under Stone North on east boundary and on the NE corner of Section 36 and Stone 1897-1898 under Stone West on North boundary and on the NW corner of Section 36 and Stone 1897-1898 under Stone South on West boundary and on the SW corner of Section 36 and Stone 1897-1898 under Stone East on South boundary and also the lines of adjoining sections.

[Signature] Secretary
for Willamette County Oregon

Meadow Valley Land and Improvement Co

January 30 1910

Chain Links

1	1	2	1
2		- 1/4	
3	4	5	4
		1/4	
2	1	2	1
3		- 1/4	
3	4	3	4

Commencing at the N E corner of Sec 36 T 4 N R 27 E W 1/4
 thence west on South boundary No. 36
 80 32 the corner of Sec 1-2-35 & 36
 thence east on true line
 20 05 set Post for 1/16 cu
 40 16 " " " 1/4 sec cor
 60 24 " " " 1/16 cu
 80 32 to N E cor Sec 36
 thence north on East bdy No. 36
 20 06 set 1/16 cu Post
 40 12 the 1/4 sec cor on E bdy No. 36
 60 18 set 1/16 cu Post
 80 24 the corner of Sec 30-31-25 & 36 at this point I set Stone 20 x 10 x 8 in Place of Post
 thence west set Sec 25 & 36
 20 04 set Post for 1/16 cu
 40 08 set Post for 1/4 sec cor
 60 12 set Post for 1/16 cu
 80 16 the corner to Sec. 25-26-35 & 36 set Stone and post for corner
 thence south set Sec 35 & 36 on true line
 20 03 set Post for 1/16 cu
 40 06 " " " 1/4 sec, cu
 60 09 " " " 1/16 cu
 80 12 the corner to Sec 1-2-35 & 36
 I now proceed to Subdivide No. 36 by alignment into 40 acre tracts
 setting Post 4x4 inches 3 feet long laying out 30 foot Street E & W and N & S through center
 of Sec 36 also leaving 30 feet on N S & E W sides for 1/2 of Roads. Lots & Blks
 are Block No. 1 N 8 1/4 Blk No. 2 NW 1/4 Blk No. 3 S W 1/4 Blk No. 4 S E 1/4 with least
 numbers 1-2-3-4 in each blk
 John W. Simbels County Surveyor

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Vacation of)
Center Street, Meadow Valley,) Order No. RD2022-06
an Unimproved Public Road)

WHEREAS, in accordance with ORS 368.341(1)(c), the Umatilla County Board of Commissioners received and accepted a petition to vacate a portion of Center Street, an unimproved Public Road, dedicated as part of the Meadow Valley Plat in 1910, located on the North line of Northwest Quarter of Southwest Quarter of Section 36, Township 4 North, Range 27, between Lot 3, Block 2, and Lot 2, Block 3, Meadow Valley Addition, which petition had been signed by all of the owners of the property abutting the road, and

WHEREAS, the Public Works Department has prepared a report on the petition, and

WHEREAS, the Director of Public Works, after reviewing the proposed action, has recommended that approximately 1,300 feet of the road be vacated, and

WHEREAS, ORS 368.351 allows a county governing body to vacate public property without holding a public hearing if the petition to vacate contains signatures of 100 percent of owners of property abutting a proposed vacation.

NOW THEREFORE, the Board of Commissioners finds and orders that:

1. It is in the public interest to vacate a portion of Center Street, an unimproved Public Road, 40 feet in width, dedicated as part of the Meadow Valley Plat in 1910, as described below.

2. The following portion of the Public Road identified as Center Street is vacated:

Commencing at the Northwest corner of Lot 2, Block 3, Meadow Valley; thence North 40 feet to the South line of Lot 3, Block 2, Meadow Valley; thence East along the said South line of Lot 3 to the Southeast corner of said Lot 3; thence South 40 feet to the Northeast corner of Lot 2, Block 3, Meadow Valley ; thence West along the North line of said Lot

2 to the point of beginning. All being in Umatilla County, Oregon. Subject to any existing utilities located within the vacated area.

3. Ownership of the vacated right of way shall vest as allowed in ORS 368.366(d) in the owner of the land abutting the vacated property by extension of the abutting property boundaries to the center of the vacated property.

DATED this 9th day of November, 2022.

UMATILLA COUNTY BOARD OF COMMISSIONERS

John M. Shafer, Chair

Daniel N. Dorran, Commissioner

George L. Murdock, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Records Officer