

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: Road Gate Permit

<p>Background:</p> <p>The County received an application for the placement of a gate on County Road. No. 562 (Whiteman Road). The application has been signed by all of the impacted property owners. The gate would be place on the east end of the road past its intersection with Powerline Road. This portion of the road receives minimal maintenance and is used to access farm fields. The property owners are complaining of trespassers and debris dumping. The Public Works Director is in support of the gate permit.</p>	<p>Requested Action:</p> <p>Authorize placement of gate and sign permit agreement</p>
--	---

ATTACHMENTS: Map; Tucker Letter

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

Checkoffs:

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

To be notified of Meeting:  
Tom Fellows

Needed at Meeting:

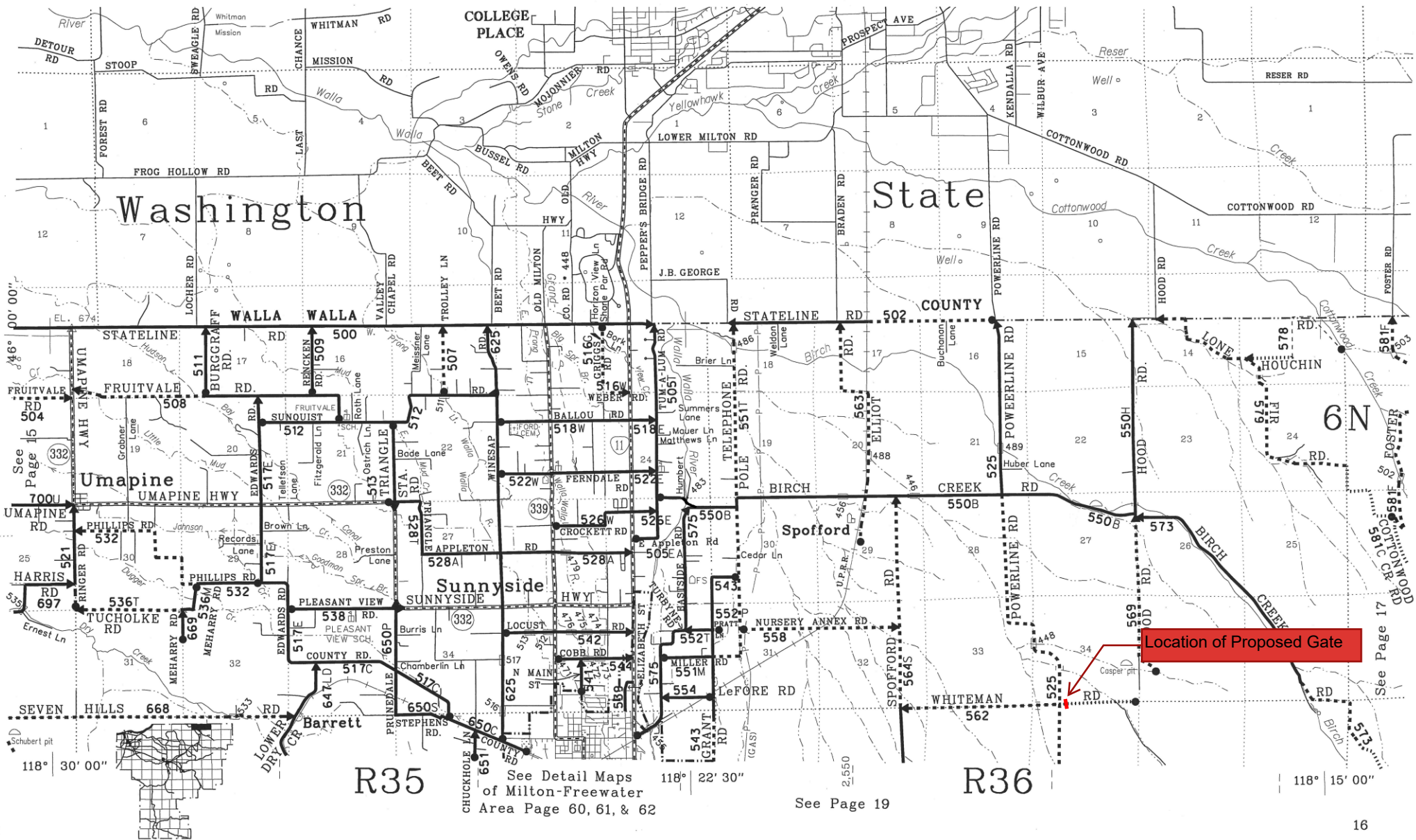
\*\*\*\*\*

Scheduled for meeting on: December 29, 2021

Action taken:

\*\*\*\*\*

Follow-up:



# Monahan, Grove & Tucker

Attorneys At Law

105 North Main Milton-Freewater, OR 97862

Toll Free Number: 888-727-3635

Phone: (541) 938-3377 Fax: (541) 938-6112

Samuel E. Tucker  
Molly Tucker Hasenbank  
Brooklynn Armesto-Larson

sam@mgtlegal.com molly@mgtlegal.com brooklynn@mgtlegal.com

John U. Grove, Retired  
J.T. Monahan, Deceased

December 16, 2021

Umatilla County Road Department  
3920 Westgate St.  
Pendleton, OR 97801

RE: RD 532 Gate

Dear Friends:

I represent Dennis and Nathan Rea and their farming businesses. County Road 532, a dirt road, extends east of Dennis's home toward the mountains and then ends. People are using the termination at the east end of this road as a dump site. I understand that this has been cleaned by the county before. It still accumulates trash. Trespassing on adjacent land is a problem.

Attached are pictures showing the west end, east end and some of the debris dumped on the east side.

The Rea family owns land adjacent to the road. Richie Ranch LLC also owns the land bordering the road. The property owners adjacent to the road request that the county allow Rea to construct, at Rea's cost, a gate across the West entrance to the road. There is no east entrance to the road.

Enclosed is a County Road Gate Agreement signed by the parties. It includes highlighted county assessor's maps identifying the road and the proposed location of the gate. It includes pictures of the location where the gate would be installed, the east end of the road and the illegal dump area at the east end.

Please review this request and contact Dennis, Nathan or me at the email addresses shown. Please tell us what we must do to complete the application process and get approval for the installation of a gate. Thank you in advance for your consideration in this matter.

Sincerely,

MONAHAN, GROVE & TUCKER



Sam Tucker  
ST:co  
Enclosures:

- c. Doug Olsen: [doug.olsen@umatillacounty.net](mailto:doug.olsen@umatillacounty.net)
- Dennis Rea [drea@htreafarms.com](mailto:drea@htreafarms.com)
- Nathan Rea <[nrea@htreafarms.com](mailto:nrea@htreafarms.com)>

COUNTY ROAD GATE PERMIT  
AGREEMENT

THIS AGREEMENT, made and entered into the day last signed as indicated on Page 2, by and between Marilyn Friend AKA Marilyn McQueen and Dennis C. Rea, Trustee under Trusts established under the Last Will and Testament of H. Tremayne Rea (“Rea”); Ritchie Ranch LLC, a Washington Limited Liability Company (“Ritchie”); J. Milo Anderson (“Anderson”) and all jointly after referred to as “Owners,” and UMATILLA COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as County.

WITNESSETH:

WHEREAS, Rea owns 5N 36 Tax Lot 600, Ritchie owns 5N 36 Tax Lot 700 and 6N 36 Tax Lot 8100, and Anderson owns 5N 36 Tax Lot 400, all located east of Milton-Freewater, Umatilla County, Oregon (“Property”), and

WHEREAS, Owners border on the north side, south side and land served by an easement extending from the east end of the portion of County Road identified below to the Anderson property,

WHEREAS, Owners desire to have Rea install a gate on the west end of the county road as described herein, and

WHEREAS, County desires to assist Owners in preventing unwanted trespass and illegal dumping, and

WHEREAS, attached pictures show the approximate proposed location of the gate and illegal dump site on County Road 562 (29), and

WHEREAS, ORS 368.056 allows the County governing body to issue permits for gate installations on Public Roads under the jurisdiction of the County:

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties hereto mutually agree as follows:

1. Rea agrees to construct or have constructed, at no expense to the County, a gate or gates across the county road or roads at the location shown on the attached maps and pictures, and to maintain said gate at no expense to the County in a condition satisfactory to the Umatilla County Director of Public Works.
2. Owners agree to insure and assume responsibility for any liability or potential liability associated with the use of said gate by themselves, the public, or any other entity. Owners shall save and hold harmless the County from any claim or action arising out of any injury to person or to property that may occur as a result of the use of or operation of this gate. Notwithstanding the foregoing obligations with respect to the use of or operation of

said gate, County acknowledges and agrees that the County remains responsible and liable for the maintenance, operation and use of the road by the public to the same extent as any County Road.

- 3. Owners further agree that should Owners fail for any reason to fulfill any duty or responsibility contained within this agreement to the total satisfaction of the Umatilla County Board of Commissioners, that County has the absolute right to remove said gate and to assess against and collect from Owners the cost of said removal.

IN WITNESS WHEREOF, the parties have signed this agreement on the dates set forth below.

**OWNERS**

Marilyn McQueen  
Marilyn Friend AKA Marilyn McQueen

Dated: 11/22, 2021.

\_\_\_\_\_

Dated: \_\_\_\_\_, 2021.

Dennis C. Rea, Trustee

Ritchie Ranch LLC, a Washington Limited Liability Company

By: \_\_\_\_\_  
Authorized Member

Dated: \_\_\_\_\_, 2021.

\_\_\_\_\_   
J. Milo Anderson

Dated: \_\_\_\_\_, 2021.

**UMATILLA COUNTY**

By: \_\_\_\_\_  
Tom Fellows, Public Works Director  
UMATILLA COUNTY

Dated: \_\_\_\_\_, 2021.

\_\_\_\_\_  
Commissioner George Murdock

\_\_\_\_\_  
Commissioner John Shafer

\_\_\_\_\_  
Commissioner Dan Dorran

**ATTEST:**  
Office of County Records

Dated: \_\_\_\_\_, 2021.

\_\_\_\_\_  
Records Officer

said gate, County acknowledges and agrees that the County remains responsible and liable for the maintenance, operation and use of the road by the public to the same extent as any County Road.

- 3. Owners further agree that should Owners fail for any reason to fulfill any duty or responsibility contained within this agreement to the total satisfaction of the Umatilla County Board of Commissioners, that County has the absolute right to remove said gate and to assess against and collect from Owners the cost of said removal.

IN WITNESS WHEREOF, the parties have signed this agreement on the dates set forth below.

OWNERS

\_\_\_\_\_  
Marilyn Friend AKA Marilyn McQueen Dated: \_\_\_\_\_, 2021.

\_\_\_\_\_  
Dennis C. Rea, Trustee Dated: \_\_\_\_\_, 2021.

Ritchie Ranch LLC, a Washington Limited Liability Company  
By: Catherine Ritchie Dated: 12/06/, 2021.  
Authorized Member

\_\_\_\_\_  
J. Milo Anderson Dated: \_\_\_\_\_, 2021.

UMATILLA COUNTY

By: \_\_\_\_\_ Dated: \_\_\_\_\_, 2021.  
Tom Fellows, Public Works Director  
UMATILLA COUNTY

\_\_\_\_\_  
Commissioner George Murdock

\_\_\_\_\_  
Commissioner John Shafer

\_\_\_\_\_  
Commissioner Dan Dorran

ATTEST:  
Office of County Records Dated: \_\_\_\_\_, 2021.

\_\_\_\_\_  
Records Officer

said gate, County acknowledges and agrees that the County remains responsible and liable for the maintenance, operation and use of the road by the public to the same extent as any County Road.

- 3. Owners further agree that should Owners fail for any reason to fulfill any duty or responsibility contained within this agreement to the total satisfaction of the Umatilla County Board of Commissioners, that County has the absolute right to remove said gate and to assess against and collect from Owners the cost of said removal.

IN WITNESS WHEREOF, the parties have signed this agreement on the dates set forth below.

OWNERS

\_\_\_\_\_  
Marilyn Friend AKA Marilyn McQueen

Dated: \_\_\_\_\_, 2021.

*Dennis C. Rea*  
\_\_\_\_\_

Dated: 11-19, 2021.

Dennis C. Rea, Trustee

Ritchie Ranch LLC, a Washington Limited Liability Company

By: \_\_\_\_\_  
Authorized Member

Dated: \_\_\_\_\_, 2021.

*J. Milo Anderson*  
\_\_\_\_\_

Dated: 11/19/21, 2021.

UMATILLA COUNTY

By: \_\_\_\_\_  
Tom Fellows, Public Works Director  
UMATILLA COUNTY

Dated: \_\_\_\_\_, 2021.

\_\_\_\_\_  
Commissioner George Murdock

\_\_\_\_\_  
Commissioner John Shafer

\_\_\_\_\_  
Commissioner Dan Dorran

ATTEST:  
Office of County Records

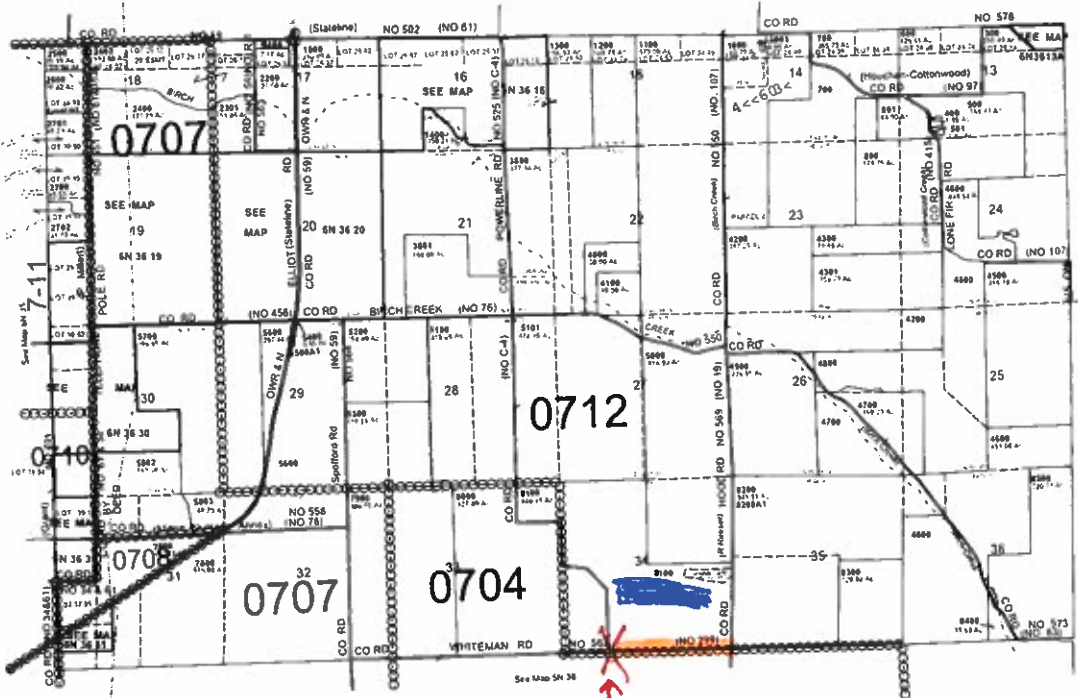
Dated: \_\_\_\_\_, 2021.

\_\_\_\_\_  
Records Officer

This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.

T6N R36E WM  
UMATILLA COUNTY  
SCALE 1"=2000'

6N 36  
AERIAL PHOTO NO. NZ 6P 12-16 & 65-68



CANCELLED  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220

See Map 5N 36  
↑  
GAT

Revised 09-09-2021  
6N 36



This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.

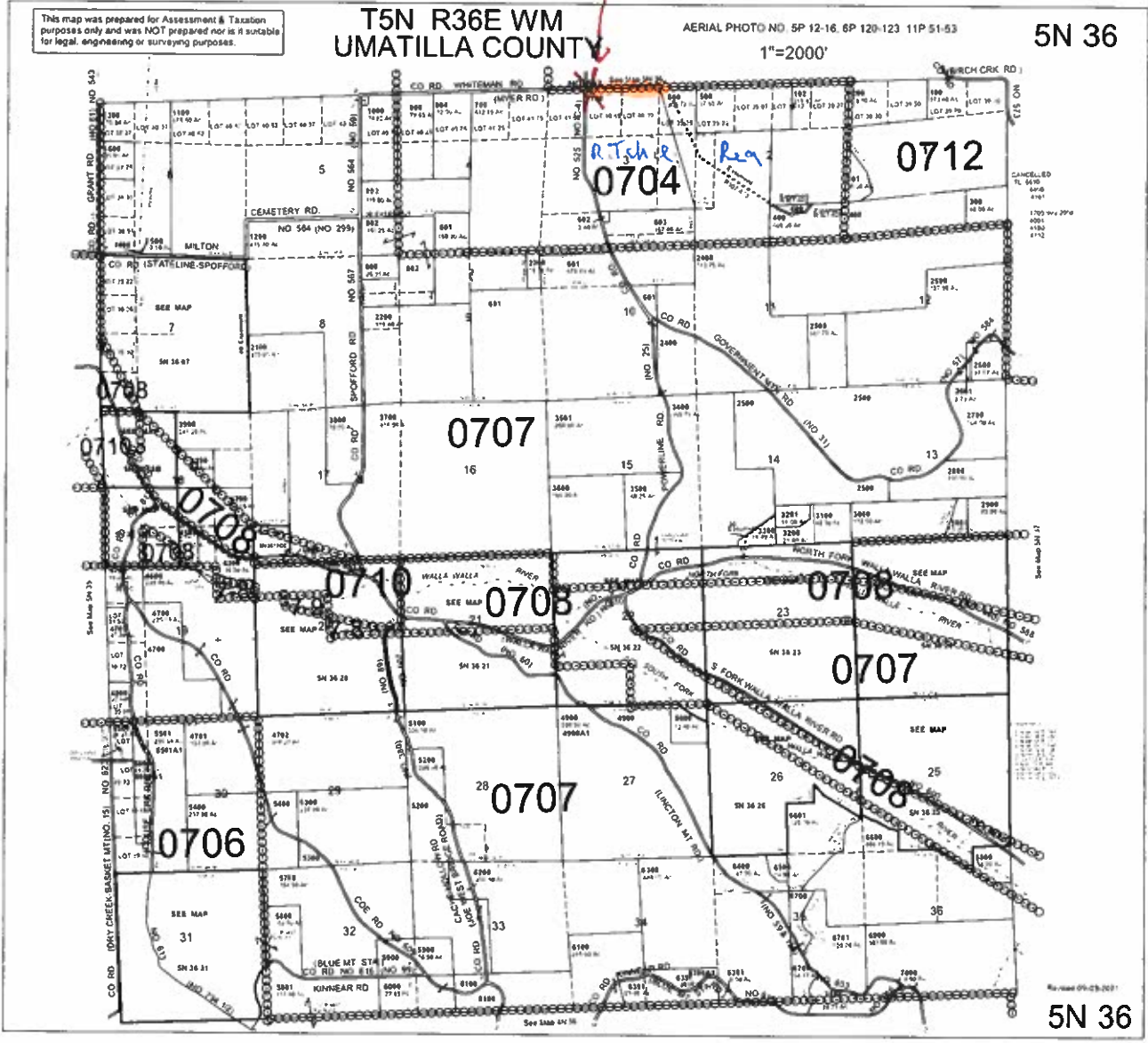
# T5N R36E WM UMATILLA COUNTY

AERIAL PHOTO NO 5P 12-16 6P 120-123 11P 51-53

1"=2000'

5N 36

6aU



5N 36

