

MURPHY ROAD LEGALIZATION  
COUNTY ROAD #1076

ROAD OFFICIAL'S REPORT

---

UMATILLA COUNTY  
DEPARTMENT OF PUBLIC  
WORKS

DATE: APRIL 5, 2000

**INDEX**

Report..... 1,2

Vicinity Map.....3

Survey Map.....4

Change-in-Right-of-Way Drawing.....5

Photographs.....6-8

# RIETH ROAD LEGALIZATION REPORT

## HISTORY

In 1939, a road platted as the "Extension of Road from Olney's Cemetary to Connect with Road No. 382" and also called Tutuilla Road was ordered surveyed and opened. The road had been physically in existence for many years, but the field notes and papers could not be found. A portion of this road was what is now known as Murphy Road. In the 1950's Tutuilla Road was realigned and placed more or less in its present position, leaving a section of unused right-of-way lying to the northeast of the new traveled road. In 1956 a portion of the north-south right-of-way lying between the beginning of a curve to the northwest and the northeasterly right-of-way line of the new road was vacated. In 1983, the remainder of the old right-of-way lying east of the north-south centerline of Section 15 (hatched area on attached drawing) was vacated, leaving Murphy Road.

In the late 1980's, Tutuilla Road was improved to City of Pendleton Standards complete with sidewalks and driveways. The driveway entrance for Murphy Road doesn't fit the right-of-way location very well, indicating that the legal location of the road was not known at that time, the traveled road was not in its correct location, or both. Encroachments on the south side of the right-of-way include chain link fences, retaining walls, landscaping, and a portion of the Cole Building (McLaughlin Landscaping) which was reportedly built there in 1958. Utilities are present adjacent to the north edge of the traveled road and lie outside of the right-of-way as it exists presently.

## Survey

A survey order dated September 8, 1999 was issued by the Board of Commissioners to survey and monument Murphy Road. The encroachment problems were found in conducting the survey. The road was monumented at a lesser width than originally dedicated in order to avoid encroachments.

## General

Attached to this report is a portion of the Pendleton quadrangle map showing the location of the road. Also attached is a reduced-size copy of the road survey, a drawing showing the relationship between the existing right-of-way and the proposed right-of-way, and some photographs showing the approximate locations of the existing and proposed right-of-way lines.

## Impacts to Utilities and Property Owners

Pacific Power and Light Company, U.S. West, and the City of Pendleton have utilities adjacent to the road. The proposed legalization would include the visible power poles, telephone pedestals, water meters, and sewer manholes within the right-of-way.

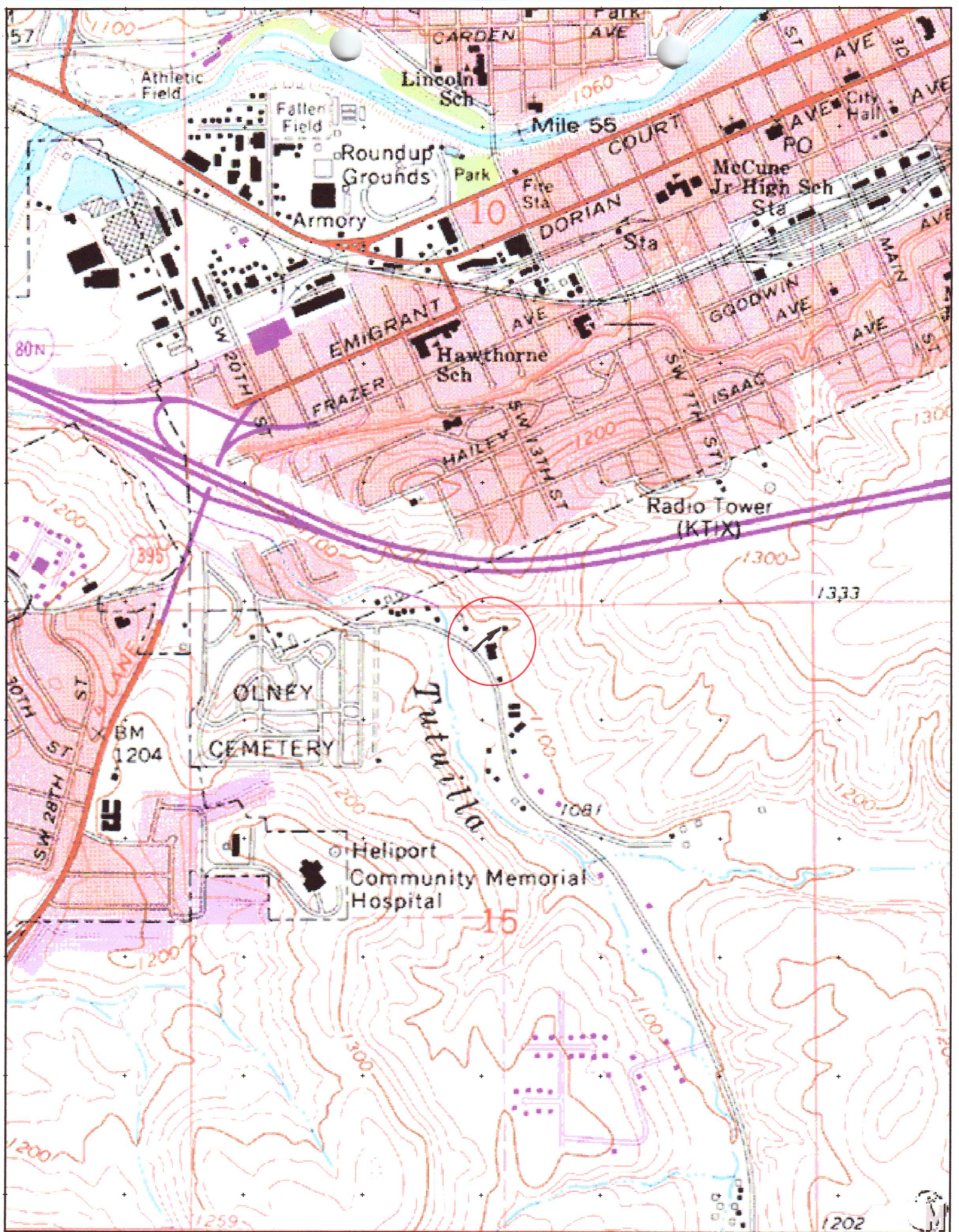
The attached drawing showing the relationship of the existing right-of-way to the proposed right-of-way shows that legalization of the road would result in a net gain of property for the landowners north and south of the road, with little or no impact to the property owners east of where the road ends. Legalization of the road as shown would also alleviate the encroachment problem on the south side.

## Statutes

ORS 368.201(3) provides a basis for the county governing body to initiate legalization proceedings if a road as traveled and used for 10 years or more does not conform to the location of a road described in county road records. ORS 368.221 provides for legalization at a width lesser than originally established if legalization of the road at a lesser width is in the public interest or an encroachment may not be practically removed.

## Recommendation

Murphy Road serves more or less as a driveway for 4 property owners and dead-ends approximately 350 feet from Tutuilla Road. The majority of use is by the 2 property owners east of the end of the road. The City of Pendleton has been contacted and has given no adverse comment to legalizing it at a narrow width (the narrowest part is approximately 25 feet wide). The Public works Department recommends that the road be legalized as shown on the attached survey map and as described in the final order.



CURVE DATA (MEASURED)

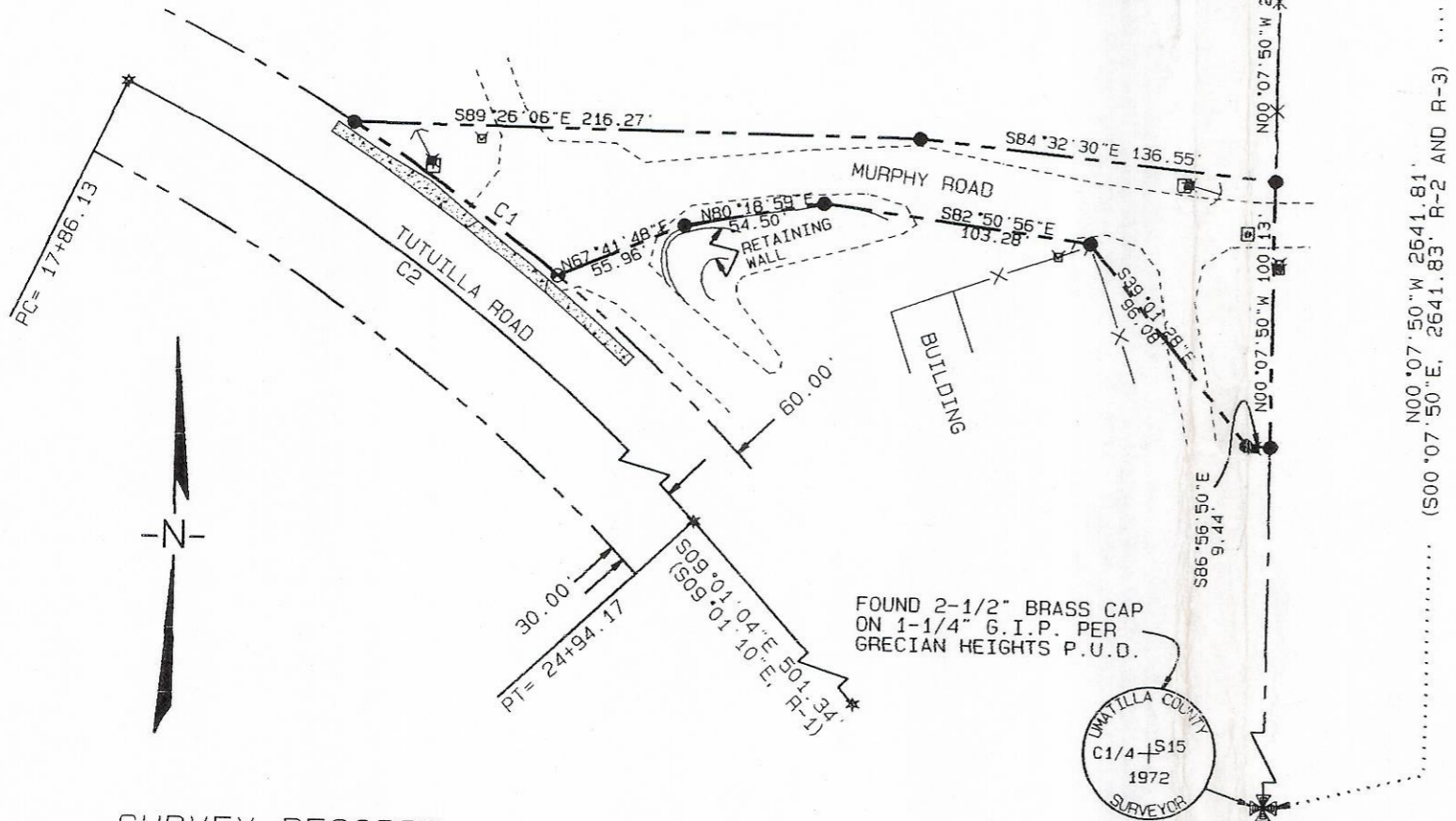
CURVE	ARC LENGTH	CH. LNGTH.	CHORD BRG	RADIUS	TANGENT	DELTA	DEGREE OF CURVE
C1	96.27'	96.21'	S54°15'59"E	765.54'	48.20'	7°12'19"	7°29'04"
C2	708.04'	681.02'	S36°35'41"E	735.54'	384.15'	55°09'14"	7°47'23"

FOUND 2-1/2" BRASS CAP ON G.I.P. IN MOUND OF STONE (WELLS, CS#90-50-C)

T2N R32E  
S10  
S15  
1990  
PLS 1106

NARRATIVE OF SURVEY

THIS SURVEY WAS MADE AT THE REQUEST OF THE UMATILLA COUNTY BOARD OF COMMISSIONERS TO MONUMENT COUNTY ROAD NO. 1076, MURPHY ROAD, FOR LEGALIZATION PURPOSES. AFTER IT WAS DETERMINED THAT THE EXISTING AND TRAVELED ROAD DOES NOT MATCH EXISTING ROAD RECORDS. IN 1939, A ROAD FROM OLNEY'S CEMETARY TO A CONNECTION WITH OLD COUNTY ROAD NO. 382 WAS ESTABLISHED VIA A LEGALIZATION PROCESS. IN THE 1950'S, THE ROAD WAS RE-ALIGNED, LEAVING A PORTION OF THE OLD ROAD RIGHT-OF-WAY LYING TO THE NORTHEAST OF THE NEW ROAD. IN 1956, THE PORTION OF THE OLD RIGHT-OF-WAY LYING NORTH OF THE NEW ROAD AND SOUTH OF "A SHARP CURVE TO THE WEST" WAS VACATED. IN 1983, THE REMAINDER OF THE OLD RIGHT-OF-WAY LYING EAST OF THE NORTH-SOUTH CENTERLINE OF SECTION 15 WAS VACATED, LEAVING A STRIP OF RIGHT-OF-WAY RUNNING EASTERLY FROM TUTUILLA ROAD TO THE NORTH-SOUTH CENTERLINE OF SECTION 15 KNOWN AS MURPHY ROAD. UNFORTUNATELY, THE TRAVELED ROAD DOESN'T FIT THE REMAINING RIGHT-OF-WAY (PER ROAD RECORDS #1 AND #2 AND SURVEY RECORD #R-4) VERY WELL AND IMPROVEMENTS ON THE SOUTH SIDE OF THE ROAD ENCOACH INTO THE DEDICATED RIGHT-OF-WAY. THE RIGHT-OF-WAY WIDTH AS MONUMENTED FOR THIS LEGALIZATION SURVEY VARIES. ORS CHAPTER 368 (COUNTY ROADS) ALLOWS A COUNTY GOVERNING BODY TO LEGALIZE A ROAD AT A LESSER WIDTH THAN THAT ORIGINALLY ESTABLISHED IF THERE ARE ENCOACHMENT PROBLEMS UNKNOWN TO THE PROPERTY OWNERS AT THE TIME THE IMPROVEMENTS WERE BUILT (SEE LEGALIZATION REPORT IN ROAD FILES). THE BEARING BASE FOR THIS SURVEY WAS S00°07'50"E FROM THE NORTH 1/4 CORNER TO THE CENTER 1/4 CORNER OF SECTION 15 AS SHOWN ON KRUMBEIN'S SURVEY FOR LINDA SHAFER, CS#90-22-C AND AS CALCULATED FROM WELLS' SECTION BREAKDOWN ON HIS SURVEY FOR PENDLETON TENNIS CENTER, CS#89-71-C. IN THIS SURVEY I IGNORED THE POSITION OF THE C-N 1/16 CORNER SHOWN ON SOME SURVEYS AND MONUMENTED THE EASTERLY TERMINUS OF MURPHY ROAD ALONG THE LINE BETWEEN THE NORTH 1/4 CORNER AND CENTER 1/4 CORNER OF SECTION 15. (THE PIPE MARKING THE C-N 1/16 HAS BEEN DESTROYED). SURVEYORS USING THE C-N-1/16 POSITION SHOWN ON OLDER SURVEYS SUCH AS THE 1956 CEMETARY SUBDIVISION, CS#F-12-C, OR AS DEFINED BY CITY OF PENDLETON COORDINATES, SHOULD NOTE THAT THE NORTHERLY MONUMENT I SET ON THE EASTERLY TERMINUS OF THE ROAD SHOULD LIE APPROXIMATELY 0.10 FOOT TOO FAR WEST AND THE SOUTHERLY MONUMENT I SET ON THE EASTERLY TERMINUS OF THE ROAD SHOULD LIE APPROXIMATELY 0.14 FOOT TOO FAR WEST. THE LOCATION OF TUTUILLA ROAD WAS ESTABLISHED FROM FOUND P-K NAILS REPORTEDLY SET BY THE CITY OF PENDLETON AND USED IN OTHER SURVEYS FOR LOCATING THE CENTERLINE OF THE ROAD. THIS SURVEY WAS PERFORMED WITH A 2-PERSON CREW USING A NIKON NTD-4 MANUAL TOTAL STATION AND A WILD T-16 THEODOLITE CONNECTED TO A WILD DI-5 EDM AND CLOSED TRAVERSE METHODS. MONUMENTS WERE SET RADIALLY FROM TRAVERSE POINTS.



SURVEY RECORDS

- R-1 CS#90-56-B, KRUMBEIN, PARTITION PLAT #1990-6 FOR KEN HEER
- R-2 CS#90-22-C, KRUMBEIN, SURVEY FOR LINDA SHAFER
- R-3 CS#89-71-C, WELLS, SURVEY FOR PENDLETON TENNIS CENTER
- R-4 CS#F-12-C, EDDLEMAN (CITY OF PENDLETON), CEMETARY SUBDIVISION, 1956

RIGHT-OF-WAY DESCRIPTION

A PARCEL OF LAND FOR ROAD PURPOSES LOCATED IN THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 2 NORTH, RANGE 32 EAST OF THE WILLAMETTE MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON REBAR WHICH BEARS S00°07'50"E, 245.29 FEET ALONG THE NORTH-SOUTH CENTERLINE OF SECTION 15 FROM A BRASS-CAPPED MONUMENT MARKING THE 1/4 CORNER COMMON TO SECTIONS 10 AND 15, TOWNSHIP 2 NORTH, RANGE 32 E.W.M.; THENCE N84°32'30"W, 136.55 FEET TO A 5/8" IRON REBAR; THENCE N89°26'06"W, 216.27 FEET TO A 5/8" IRON REBAR SET ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF TUTUILLA ROAD; THENCE CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE 96.27 FEET ALONG A 765.54-FOOT RADIUS CURVE RIGHT (THE CHORD BEARS S54°15'59"E, 96.21 FEET) TO A RAILROAD SPIKE SET FLUSH IN AN ASPHALT DRIVEWAY; THENCE N67°41'48"E, 55.96 FEET TO A 5/8" IRON REBAR; THENCE N80°18'59"E, 54.50 FEET TO A 5/8" IRON REBAR; THENCE S82°50'56"E, 103.28 FEET TO A 5/8" IRON REBAR; THENCE S39°01'28"E, 96.08 FEET TO A 5/8" IRON REBAR; THENCE S86°56'50"E, 9.44 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SECTION 15, SAID POINT MARKED WITH A 5/8" IRON REBAR; THENCE N00°07'50"W, 100.13 FEET ALONG THE NORTH-SOUTH CENTERLINE OF SECTION 15 TO THE POINT OF BEGINNING.

LEGEND

- SET 5/8" X 30" IRON REBAR WITH YELLOW PLASTIC CAP MARKED "UCPWD.....PLS 2627"
- ⊕ SET RAILROAD SPIKE WITH PUNCH MARK STAMPED "LS 2627"
- ⊠ SEWER MANHOLE
- \* FOUND P-K NAIL SET BY CITY OF PENDLETON; HELD FOR TUTUILLA ROAD CENTERLINE
- (XXX) RECORD BEARINGS AND DISTANCES
- ⊕ FOUND SECTION MONUMENT AS NOTED
- ⊕ POWER POLE
- ⊕ WATER METER
- ⊕ TELEPHONE PEDESTAL
- GUY WIRE ANCHOR
- — — — — EDGE OF ROAD
- — — — — FENCE
- ▨ RIGHT-OF-WAY LINE
- ▨ CONCRETE SIDEWALK

ROAD RECORDS

1. MAP SHOWING EXTENSION OF ROAD FROM OLNEYS CEMETARY TO CONNECT WITH ROAD NO. 382, FRANK HAYES, COUNTY SURVEYOR, 1939
2. LEGALIZATION ORDER DATED 3/1/39
3. VACATION ORDER DATED 3/14/56
4. VACATION ORDER DATED 5/4/83

REGISTERED PROFESSIONAL LAND SURVEYOR

GARY R. ROBERTS  
JULY 20, 1993  
RENEWS 12/31/00

ROAD LEGALIZATION SURVEY  
COUNTY ROAD #1076, MURPHY ROAD

LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 2 NORTH, RANGE 32 E.W.M.

UMATILLA COUNTY ROAD DEPT  
3920 WESTGATE  
PENDLETON, OREGON 97801

DATE OF SURVEY: FEBRUARY 2000

REDUCED SCALE FROM ORIGINAL

DRAWN BY: NELL ROBERTS CHECKED BY: G.R.

# ROAD RECORDS

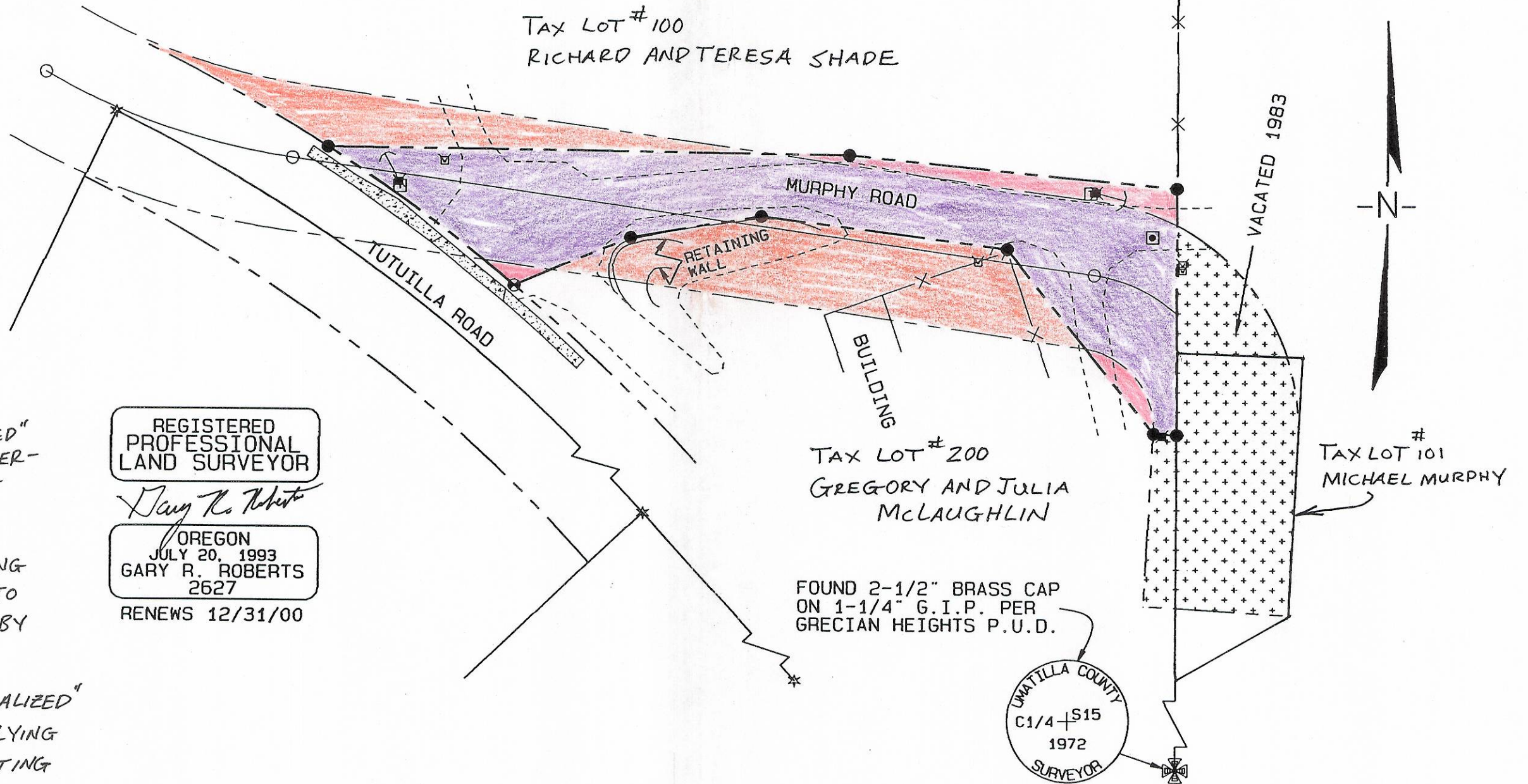
1. MAP SHOWING EXTENSION OF ROAD FROM OLNEYS CEMETARY TO CONNECT WITH ROAD NO. 382, FRANK HAYES, COUNTY SURVEYOR, 1939
2. LEGALIZATION ORDER DATED 3/1/39
3. VACATION ORDER DATED 3/14/56
4. VACATION ORDER DATED 5/4/83

FOUND 2-1/2" BRASS CAP ON G.I.P. IN MOUND OF STONE (WELLS, CS#90-50-C)

T2N R32E  
1/4 S10  
S15  
1990  
P.L.S 1106

TAX LOT #100  
HAZEL MURPHY

TAX LOT #100  
RICHARD AND TERESA SHADE



PORTION OF "LEGALIZED" RIGHT-OF-WAY OVERLAPPING EXISTING RIGHT-OF-WAY

PORTION OF EXISTING RIGHT-OF-WAY TO BE "ABANDONED" BY LEGALIZATION

PORTION OF "LEGALIZED" RIGHT-OF-WAY LYING OUTSIDE OF EXISTING RIGHT-OF-WAY

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Gary R. Roberts*

OREGON  
JULY 20, 1993  
GARY R. ROBERTS  
2627

RENEWS 12/31/00

TAX LOT #200  
GREGORY AND JULIA  
MCLAUGHLIN

TAX LOT #101  
MICHAEL MURPHY

FOUND 2-1/2" BRASS CAP ON 1-1/4" G.I.P. PER GRECIAN HEIGHTS P.U.D.

UMATILLA COUNTY  
C1/4-S15  
1972  
SURVEYOR

