

1983 MAY -4 A 11: 33

In the Matter of Vacating)
a Portion of County Road)
#915, County of Umatilla)
State of Oregon)

FINDINGS OF FACT:
CONCLUSIONS OF LAW:
ORDER OF VACATION

SYNOPSIS:

On March 9, 1983, Michael Murphy, Loren Murphy and John Cole, filed a petition with the Umatilla County Board of County Commissioners requesting the vacation of a portion of County Road # 915, as shown on Exhibit "A", in Umatilla County, Oregon.

Pursuant to ORS 368.346, a public hearing was held before the Umatilla County Board of Commissioners on April 20, 1983. At that hearing, after consideration of all of the evidence presented, the Board of Commissioners approved the vacation of a portion of County Road # 915, as shown on Exhibit "A", making the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. A petition to vacate a portion of County Road # 915 as shown on Exhibit "A", was filed in proper form with the Umatilla County Board of Commissioners on March 9, 1983.
2. On March 16, 1983, the Board of Commissioners signed a resolution initiating vacation proceedings and setting a date for a hearing to be held on the vacation on April 20, 1983, at 10:30 AM,
3. Also on March 16, 1983, the Board of Commissioners by order directed the County Roadmaster to examine the road to be vacated and make a report in writing to be filed with the County Clerk pursuant to ORS 368.356.

4. Notice of the April 20, 1983, hearing was given by the Umatilla County Roadmaster as follows. On March 16, 1983, notice of the hearing was posted at the North and South ends and at a place equidistance from these ends on the above reference portion of the street to be vacated. A fourth notice was posted on the bulletin board located at the entrance of the Umatilla County Courthouse in Pendleton, Oregon. These notices remained posted in excess of 20 days. In addition, notice of the hearing was given by certified mail pursuant to ORS 368.406 to Loren and Hazel Murphy, Emery and Hazel Purcell, and John and Doris Cole. Pursuant to ORS 368.416, a notice of hearing was published twice in a newspaper of general circulation, once being more than 20 days prior to the hearing and once being within 10 days of the hearing..

5. At the April 20, 1983, hearing no challenges for bias, prejudice or personal interest were made to the qualifications of any Commissioner by any proponent or opponent of the proposed vacation.

6. No Board member disqualified himself due to any personal or other conflict of interest.

7. There were no objections to the jurisdiction of the Board to hear the matter.

8. At the commencement of each hearing, the presiding officer announced the nature and purpose of the hearing.

9. The Umatilla County Planning Commission recommended approval of the vacation because it would not have any adverse impacts on the surrounding area.

10. The Umatilla County Roadmaster in his report submitted April 20, 1983, recommended that the portion of the county road in question should be vacated as requested because it is of no significant use to the county road system and other access to adjoining properties is present.

11. There were no objections to the vacation at the April 20, 1983 hearing on the matter.

12. The portion of the road to be vacated has not been used in over ten years and there is no reason to believe that the road will be used in the future.,

CONCLUSIONS OF LAW

1. Notice for all hearings was properly given pursuant to ORS 368.346.

2. The provisions of ORS 368.326 to ORS 368.366 were complied with in conducting the vacation hearings.

3. Because the portion of County Road #915 requested to be vacated does not serve the general public at this time, is of no significant use to the county road system and other access to adjoining properties is present, the vacation of the above-referenced portion of County Road #915 will be in the public interest.

Based on the above findings of fact and conclusions of law,

IT IS HEREBY ORDERED that the petition for vacation of that portion of County Road #915 as shown in Exhibit "A", is approved and that the portion of County Road #915 as shown in Exhibit "A" is hereby vacated.

No costs result from the approval of this vacation.

This order shall be final on the date indicated below and shall become effective when filed with the County Clerk, County Surveyor and County Assessor pursuant to ORS 368.356 (3).

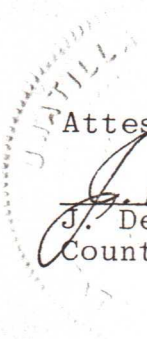
Dated this 4th day of May, 1983.

Umatilla County
Board of Commissioners

Robert Ten Eyck
Robert Ten Eyck

A. L. Draper
A. L. Draper

William S. Hansell
William S. Hansell



Attest.

J. Dean Fouquette, Sr.
J. Dean Fouquette, Sr.
County Clerk



EXHIBIT A

LANDS OF

T.P. MCCA...

N $\frac{1}{4}$ COE SEC 15
TWP 2N R32E W.M.

LANDS OF
E.O. PURCELL ET UX

LANDS OF L.R. MURPHY ET UX
CITY ZONE R-1
(PRESENT USE - RESIDENTIAL & VACANT)

TBM - SPIKE
IN POLE-EL 1097⁹⁴

PROPOSED VACATION

CO. RD. #915

LANDS OF
J.G. COLE ET UX

CITY ZONE R-1
(COMMERCIAL USE)

TUTULLA CR. ROAD

EXISTING 12" WATER

BUILDING TO BE REMOVED

SW. MARSHALL AVE SW

N-S CENTERLINE SEC 15

PROPOSED 20' EASEMENT

N 0° 10' 41" W
139.67'

N 53° 21' 31" E
222.00'

S 65° 52' 14" E
180.00'

S 81° 45' 19" W
267.04'

LANDS OF J.G. RINEHART ET UX
CITY ZONE R-1
(COMMERCIAL USE)

