



Umatilla County Department of Public Works

3920 Westgate • Pendleton, Oregon 97801 • 503-276-2962

July 1, 1994

Commissioners

Bill Hansell
Glen Youngman
Emile Holeman


Roadmaster

Hal Phillips

Assistant Roadmaster

John Leyendecker

STAFF REPORT

TO: Umatilla County Board of Commissioners
FROM: Department of Public Works
RE:  Shumway Road Vacation of Co. Rd. #636, Umatilla County, OR

BACKGROUND

The board of commissioners at its March 15, 1993, meeting accepted the vacation petition from Leona Shumway, of a portion Co. Rd. #636 located in tax lot 7000 in Sections 35 and 36 T4N R37 E.W.M. South of Hwy 204, West of Tollgate, East of McDougall Camp, and about 6 miles Northeast of Bingham Springs, approximately 18 miles Easterly of the city of Weston, Umatilla County, Oregon, referred it to the director of public works for action, and scheduled a public hearing. The Public Works Dept. placed the required legal notices and provided notice to the affected property owners and utility companies.

FACTS AND FINDINGS

The petition has been filed with the prescribed fee of \$100.00.

The prescribed notices have been sent and posted. Notices were published in the East Oregonian on June 15, 25, 1994 and posted in the Umatilla County Courthouse entrance, at each end of the proposed vacation, on a large tree on the southwest side of the intersection of Hwy 204 and the entrance to McDougall Camp, and inside the store at Tollgate. Concerns for access have been received from the Planning Commission are made part of this report. The U. S. Forest Service has addressed a letter dated June 27, 1994, addressing the proposed road vacation stating it has no adverse objection as there is a Forest Road branching off the road to McDougall Camp to the forest property south of the proposed road vacation. Umatilla Electric Cooperative have written to state they have no objections to the proposed vacation.

The portion of Co. Rd. #636 is located in tax lot 7000 of Section 35 & 36, T4N, R37 E.W.M., the recorded owner for the tax lot being Leona Shumway, the petitioner, and Philip Baldner, Dan Baldner, Lindsay Winsor, Jean D. Shumway, Kay Wolf who have recorded interest in tax Lot 7000 and abutting property owners James L. & Terri R. Fulper and Wayne & Janice Richards, tenants in common who have all signed the petition to vacate said portion of Co, Rd, 636. The Legal description of the proposed vacation is as follows:

The portion of the County Road known as the Weston/Elgin Forest Highway, eighty feet wide, located upon the southeast & northeast quarter of section 35 and the southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of Section 36, Township 4 North, Range 37 E.W.M., Umatilla County, Oregon.

The purpose of the proposed vacation as stated in the Petition To Vacate are as follows:

"The portion of the road proposed to be vacated is not situated within the corporate limits of any city."

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

- a. The property is currently used for mountain grazing land and timber production.
- b. Petitioners desire to limit access of vehicles of the public to their property so that grazing and forest production may be intensified.
- c. The current condition of the property is basically an abandoned lane.
- d. The reason for vacation is that this road is not needed for access to any other properties. Furthermore, the road has not been maintained by the County nor has the road ever been used as a county road since it was proposed over 64 years ago on August 28, 1928."

The proposed vacation was first visited on May 23, 1994 by Andy Millar, Attorney for Mrs. Leona Shumway; Tamra Mabbott, Umatilla Co. Planning Dept.; Hal Phillips, Public Works Director; and Kate Kletzer, Public Works Dept. The second on June 6, 1994 by Andy Millar, Leona Shumway, Kate Kletzer, and Gary Roberts - Public Works Dept. The third time, Andy Millar and Gary Roberts took Commissioners Bill Hansell and Emile Holeman to view the proposed vacation.

Jim Whitney of Whitney & Associates, owner of tax lots 6800, 6700, and 6600, and Robin Fletcher, Mr. Whitney's associate, have voiced concern to having an easement, to travel with the land, to tax lots 6700 and 6600. Mr. Whitney says that he is willing to work with Mrs. Shumway on this issue. Neither Mr. Whitney or Mr. Fletcher will not be able to be present at the July 6, 1994 meeting, so visited with Commissioner Emile Holeman, Co. Council Bill Jones, and Kate Kletzer Friday, July 1, 1994, about their concerns.

The area around the proposed vacation is riddled with trails, some of which have been traveled by vehicles leading to cabins and some nothing more than cow trails. The area believed to be the proposed road vacation (as show on attached aerial photo) is not much more

than a cow trail, if that. There has been some question as to the exact location of the dedicated Co. Road. #636, old #877.

During the winter months, there are marked trails for use by snow mobile clubs. As such, these trails would not be effected by the proposed vacation of the portion of Co. Rd. #636.

FISCAL IMPACT

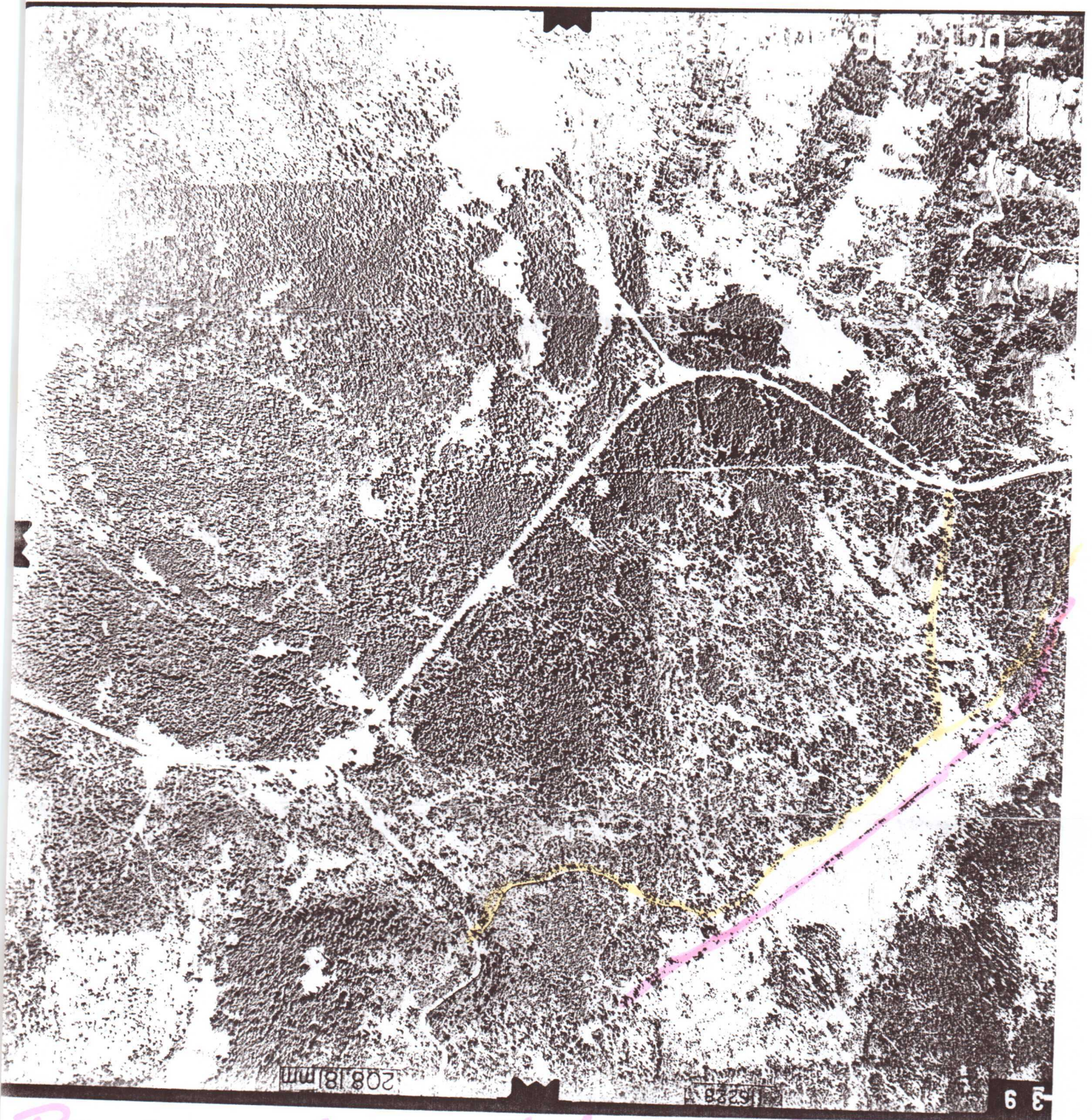
This property would have minimal market value for the County and this road is not maintained by the County. If some equitable solution can be made for tax lots 6600 and 6700, it would benefit the adjacent property owners to have this portion of road vacated.

RECOMMENDATION

This Department feels a survey may be in order to determine the exact location of County Road #636, as described in attached legal description. Upon satisfying all concerns noted in this report and any that may be voiced at the public hearing, granting the petition to vacate said portion of road would be in order.

Attachments

6-27-87



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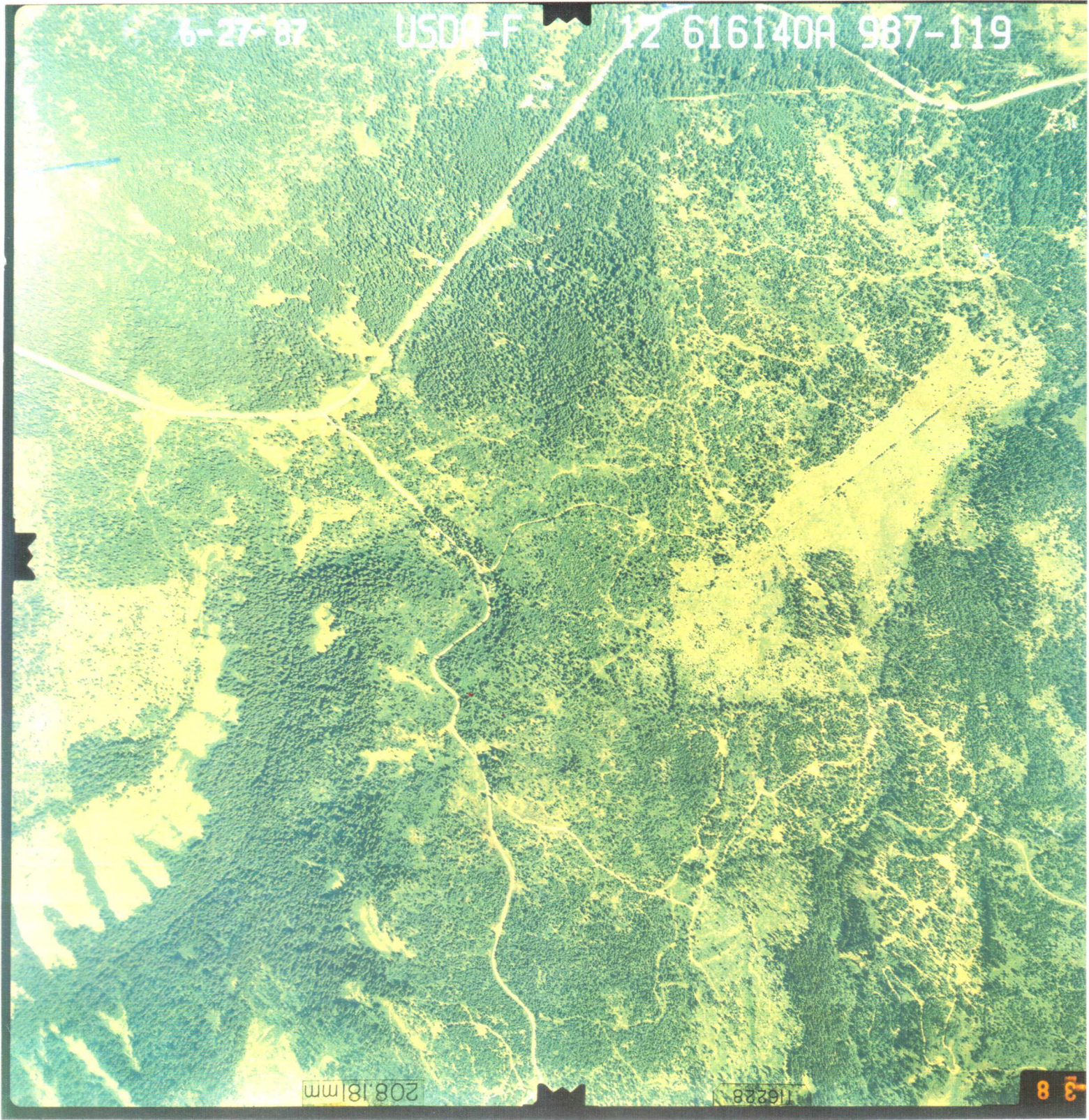
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Proposed vacated portion
Parallel traveled Road

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