UMATILLA COUNTY PUBLIC WORKS DEPARTMENT

LEGALIZATION OF A PORTION OF LEE STREET GRADE, ALSO KNOWN AS 8TH STREET

COUNTY ROAD NO. 983

ROAD REPORT 11/4/2015

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LEE STREET GRADE (8TH STREET) LEGALIZATION REPORT

GENERAL

The portion of Lee Street Grade, County Road No. 983, that was surveyed in anticipation of this legalization is located adjacent to the city limits and urban growth boundary of the City of Pendleton between Southeast Byers Avenue and the unimproved public roadway accepted by the City of Pendleton and the Umatilla County Commissioners, Reel 78, Pages 1355 through 1363, Umatilla County Deed Records. The road to be legalized is located in the Southwest ¼ of Section 2, Township 2 North, Range 32 E.W.M.

HISTORY

In 1877, Jacob's Addition (Lee Street and the blocks west of Lee Street south of the Umatilla River) was recorded. There are no distances shown on the north-south lot lines between Lewis Street (Southeast Byers Avenue) and the River.

In 1879 County Road #33A was established. It began at the intersection of Court and Mill (Southeast 6th) Streets, ran north to Lewis Street (Southeast Byers Avenue), east to a point near Granger (Southeast 7th) Street, north and northeast to and across the Umatilla River, then north and northwest to the "Weston and Pendleton Road" (a.k.a. "Wildhorse and Pendleton Road"), most of which has been vacated.

In 1881 The Addition to the Addition of Jacob's Addition was recorded which included the blocks east of Lee Street. Again, no distances are shown on the north-south lot lines west of Lee Street between Lewis Street and the Umatilla River.

In 1890 County Road #333 was established. It began at a point on the north bank of the Umatilla River opposite the north end of Lee Street and ran north and west to the "Pendleton and Cold Springs Road" (now County Road No. 1092, Johns Lane). This is the road now known as Lee Street Grade (County Roads 983 and 1003), though the field notes and plat of the old road do not exactly match its current physical location (thus the need for legalization).

In 1892 the north end of Lee Street bridge was referred to in a deed from W. S. Byers to the City of Pendleton which places it close to where it is currently.

In 1897 a deed from T. C. Taylor to W. S. Byers refers to "the inside of the northeast corner of the abutment on the north side of the Umatilla River as the bridge crosses said river, at the north end of Granger Street in Jacob's Addition" indicating there was a bridge over the River at that time which would be close to the described location in the Road 33A notes.

Our only records show that the existing bridge was originally constructed in 1909 and partially reconstructed in 1955.

ISSUES

The City of Pendleton, OBEC Consulting Engineers, and O. D. O. T. are currently working on designing a new bridge which will require acquisition of more right-of-way. In order to acquire additional right-of-way, the location of the existing right-of-way needs to be established, as it does not match existing road records. There is a gap between the platted streets south of the Umatilla River and the beginning of the county road (old Road 333) on the north side of the River. Also, Road 333 was described through a series of angle points and tangents; the traveled road has curves in it. Owners of the river bed itself have been deceased for quite some time and the river has changed location over the years.

IMPACTS TO UTILITIES AND PROPERTY OWNERS

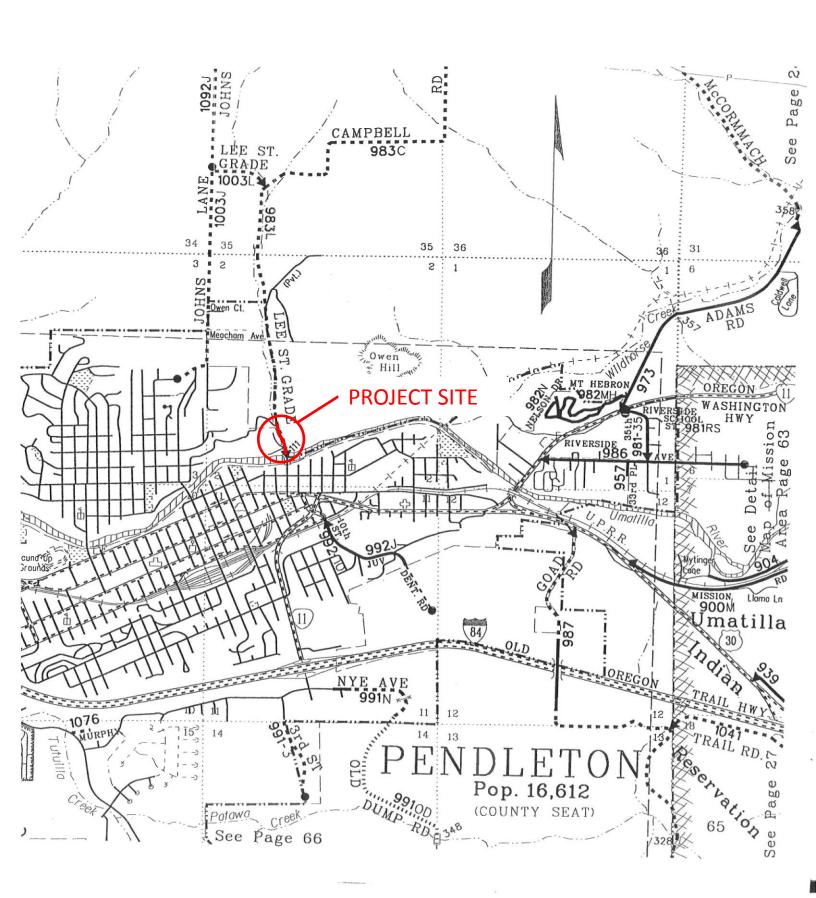
Legalizing the road as shown on the attached survey map and as described in the final order will have no adverse impacts to utilities or adjacent property owners. Impacts to property owners and utilities due to new bridge construction will be dealt with as part of the bridge replacement contract.

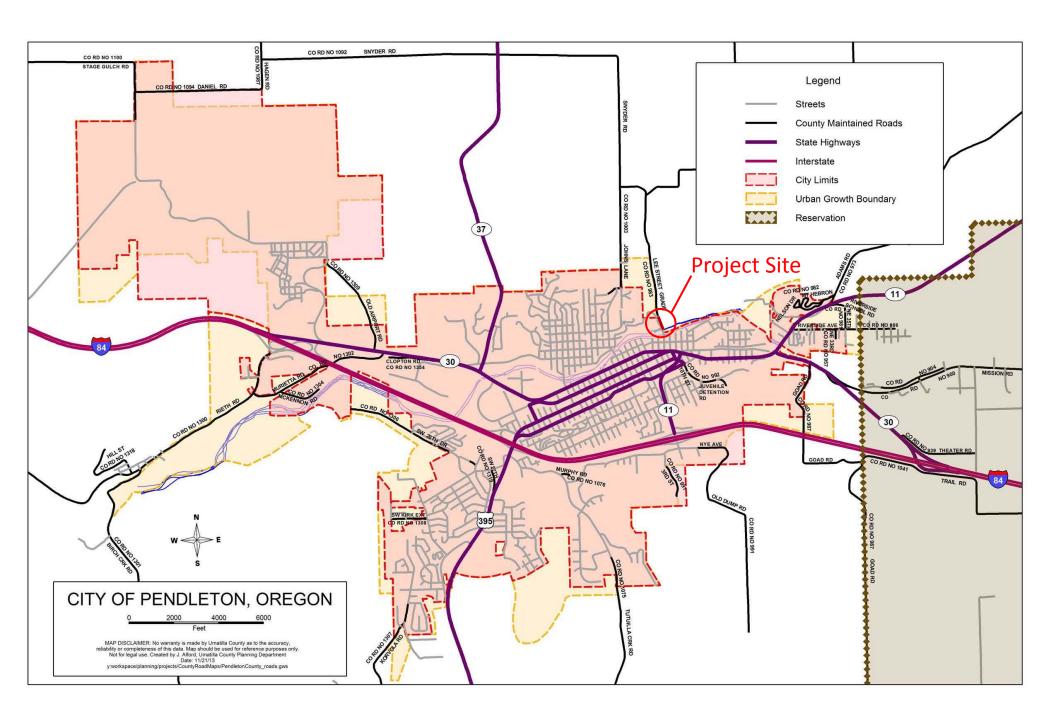
STATUTES

ORS 368.201(1) provides for a county governing body to initiate proceedings to legalize a road if, through omission or defect, doubt exists as to the legal establishment or evidence of establishment of a public road; ORS 368.201(3) provides for a county governing body to initiate proceedings to legalize a road if the road as traveled and used for 10 years or more does not conform to the location of a road described in the county records; ORS 368.201(2)(a) provides for a county governing body to initiate proceedings to legalize a road if its location cannot be accurately determined due to numerous alterations of the road.

RECOMMENDATION

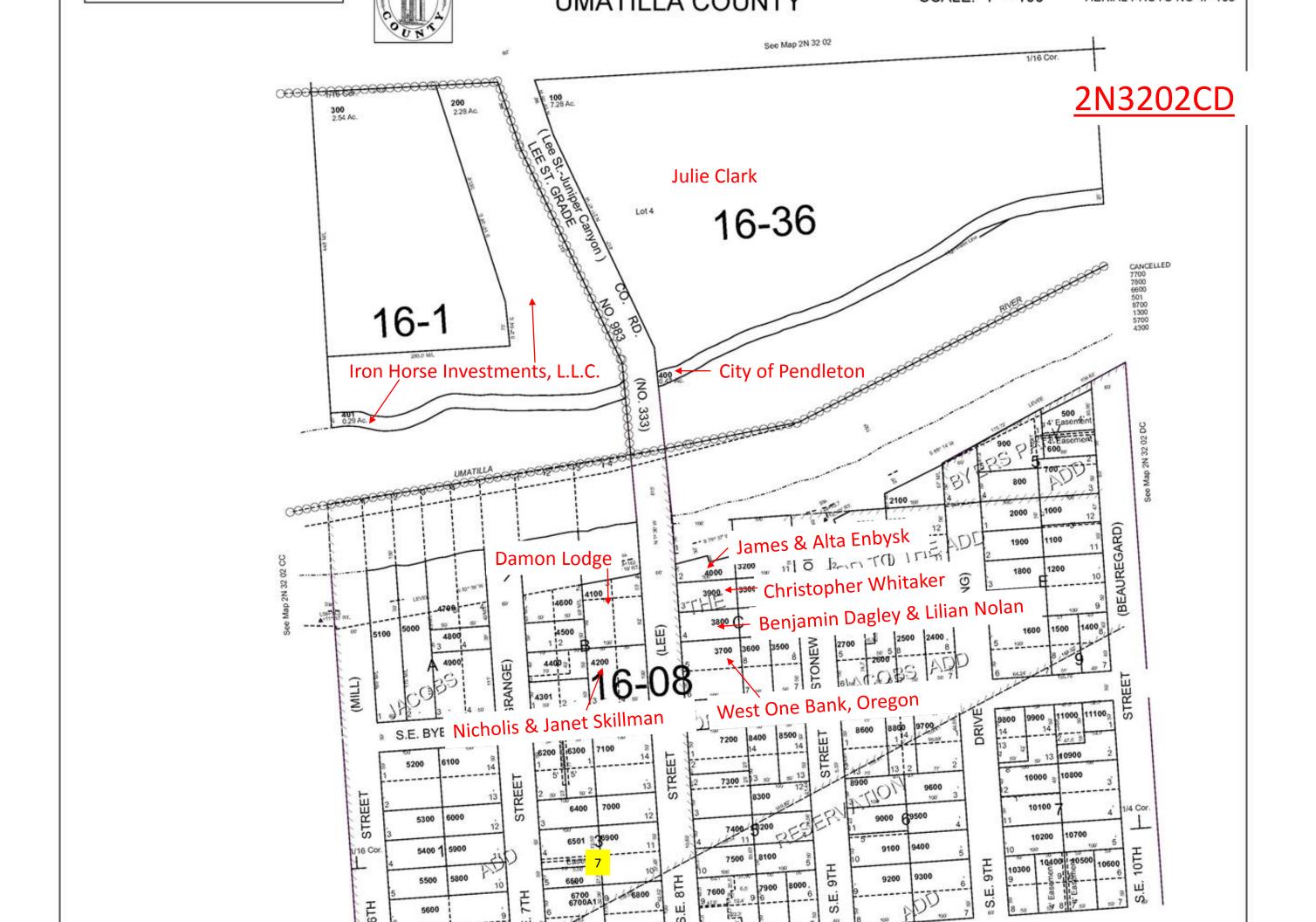
The Public Works Department recommends that the road be legalized in the location and at the width shown on the road survey and as described in the final order except that the portion south of the Umatilla River (Engineer's Station 0+00.00 to 2+75.00) that is in the same location as the platted city street will remain unchanged and under the jurisdiction of the City of Pendleton.



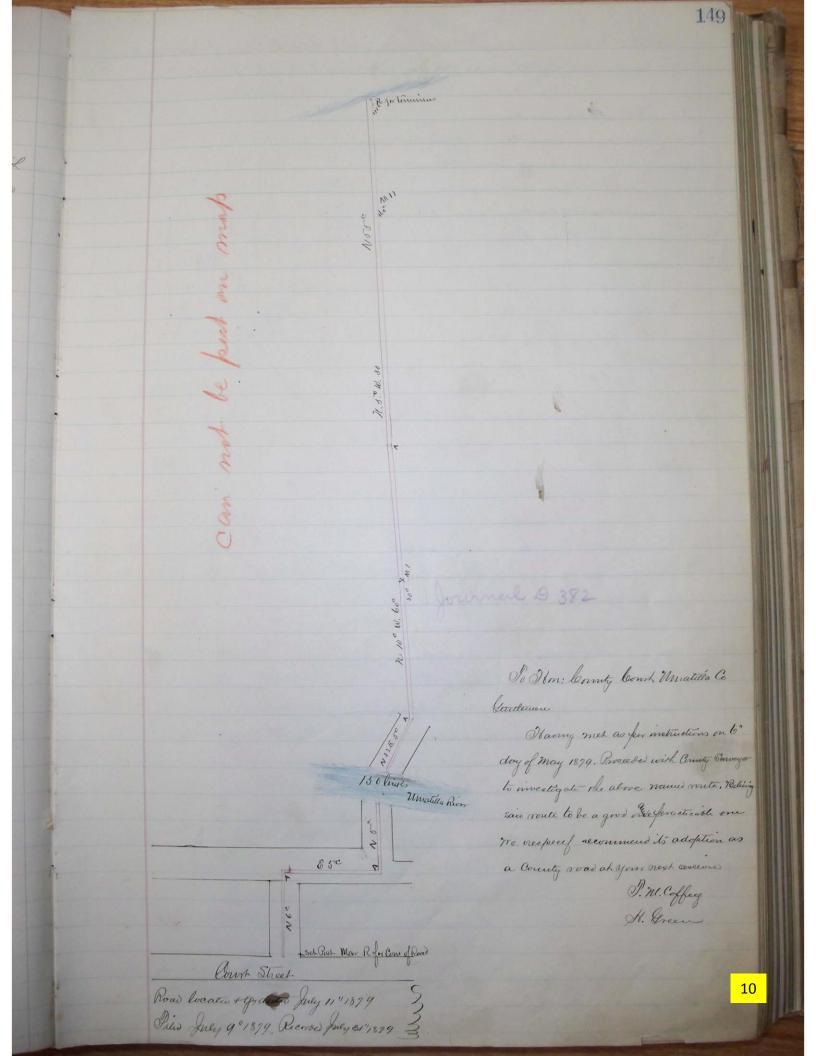




2N3202CB NW1/4 SW1/4 SEC 2 T2N R32E WM This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable 1-20-09 for legal, engineering or surveying purposes. UMATILLA COUNTY, OR AERIAL PHOTO NO 4P-103 SCALE: 1" = 100' See Map 2N 32 02 100 10.41 Ac. Parcel 2 16-1 Renton & Katherine Feller ROAD R784395 6-36 1999-16 1600 0.33 Ac. 1500 1400 0.48 Ac. S 89157 C618 040.767 Wells Fargo Financial, Oregon, Inc. 6 2N3202CB



148 Plat & Report of Genveryors & Viewers on Jeropased Roads running from Sultimestion of Court + Street in Boun of Buddeton Sut: of Will Stone & Rendeston Road To Oton; Co: Court of Umatree'a Co. Or. I. M. Coffey - C. O. Paring & Heston Green, Viewers & S. Craw, + Mr. Eleis Shairman Streets. Run as feer instructions from Sut: of Ourt + set "a" part thence 6 chrs " Croso Und noor 150 links n 32° 16 " at 80° Set "N" Pot 1 . . Jul of Weston + Pendletin Road - n 55. Dist of Road & miles + to chain Route good. Jot Raley Co Surveyor



County Court July New 1879 5th Judicial day Friday 11th

Court met pursuant to adjournment at the Court House in Pendliton matita County Oregon on July 11'1879 the Dance being the 5th Judicial Day thereof There were presents officers as of gesterday and after due proclamation of the opening of the Court by the proper officers the following proceedings were had

In Matter of County Road from 86 Rods
Last from the N. Councies of the S. E. 14 of ero30,
D. 4. A B 34 East, to 3 miles West of the N. E.
Comes of the D. M. 1/4 of ero & D. H. A. R. 33 E.

the report of the viewers appointed, on the above oneutioned Road for final reading, the same having been nad on a previous day of this meeting to mit shey 10' 1879, and there being no remonstrance on file horim against the statut oneut of said road, and the recions having reported formation about recommending the establishment of word as a Country road of the field notes oblat of the somey threof having here filed routy leakfield by the lamby smooger It is therefore ordered by the Court that said road be located and established as a Country road in accordance with the prayer of the Petitemens and report of the crewins and that said road as a located that said report of the crewins and that said report field notes oblat of said load he recorded as by law required.

In the Matter of County Road from Solutioned of Court of Mul shut to the Solution of Huton Road in massette & Cont ou this day Come the report of the riewers appointed to view report when the location of the above mentioned want for final reading the same having been read on a provious day of this meeting to with July 10 1879 and there being no remonstrance on file against the establishing of said road and the viewers having suported farmably and recommending the establishing of said road as a County road and the field notes of said road as a County road and the field notes of said locati County, Livrogor of said County,

County Court July Dem 1849 5 Judicial Day Prinday 11th

It is therefore ordered by Court that said road he located and established as a county road in accordance with the progres of the Petitioners and report of the viewers and that said report field notes ablat of said Robb he recorded as by law required

In the matter of a Country Road of from Pilot Rock to intersect the 3 Dailey Road Matter to Ogn 3

the report of the viewers appointed to sain and reportupon the location of said, Road for final reading the same having been rad on a prinous day of this term trush July 10"1879, and the remonstrance filed herin having a less number of resident householder subscribed times than Petitioners herein and the viewers having report is favorably and recommending the establishing of said road as a County road, and the field notes to Plat of enroy of said road having hem filed and Auly lostepied by the County surveyer of paid lainty It is therefore ordered by the bourt that said wad he located and established as a county wad in accomdance with the prayer of the Petitioners and report of the riewers and that said report field notes to that of said Road be recorded as by law regioned

In the Matter of the location of a Court and Main street, in Budleton & to mean head of By or o to Mill Race &

He report of the viewers appointed to vive report upon the location of the above mentioned road for a final reading the same having hem read on a provious day of this term touch July 10' 1879. I there being no remon strance on file against the establishing of said road and the viewers having reported favorably thereon to recommending the establishing of said road as a county.

each of whom was qualified as directed by Law, I raise slight mound of earth on n Bank of Umatilla River at point of commencing for paid road, and in line with the center of hee Street in m Gendleton set initial post in mound 30 East of station ed point, or commencing, and with Solar Compass, disrch regarding solar observations. I run. Var 20° E Th n20°40W accend along & side of gulch 720 ft. Let angle post 30 6 of line and turn 200 10 Right 2155 - 10'x 20 3005 .. Let angle post 30' & of line and turn 6° 37' Right 890 n. 4° 28' W 3340 .. Ravne SW. - 2' x 2' ne, n. 2° 57 € 5280 .. let 1.M.P. on & hill side 30' West of line. Continue Course Ere .. Let angle post 30 & of line and turn 550 33' Left .. Cavine. Soll M.52º 36 W 970 Fouse depopulated bears M. 90 Dist . Set angle post 30 & of line, and turn 38° 10 heft 1391 " Fence on & side of road in lane n + 8 889014W2164 " Station point, I cut ton post in fence on to 2194 side of lane and ser angle post by fence on West achside of lane, and turn along center of road in int atilla north 5280 .. Set 2 m. P. 30' & of line against fence of & side of liton lane, and, about 2007th South of new. Cor of see oad 35 9 4 MR 306 - Every station point is marked bay a slight mound of earth- all posts are of the eize. and marked and set in mound as required by law. I hereby certify that the foregoing field notes of Road Europy no 333 for Umatilla bounty. Oregon are correct. Ino lo arnold Surveyor Fild may 7" 1890 at 4.a. Hartman Clerk.

14

I hereby Certify the following to be a correct plat of the No 333 Road . Survey Tonnships 2 13 Range 32 East of Willamette theridian as made by me April 21" 1890

Ino Chrnold Suregor for Umatilla County Oregon.

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Filed May 7-1890

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It is there for ordered by the , but that the report of said rewins be accepted What said Road be established in accordance with said Report What the report of said viewers, field notes Eplat of survey there of he recorded as by law required, Ethat the Road Supervisor through whose district said Road passes be arrected to open the same for public use as a formity Road.

an the matter of a family Road Con. at NW B. of SW Sec. 30 Jp. 5NR. 33 E. suming north to intersect County Road at NW Co. Sec 18 Jp. 5 N. P. 33. E.

Road No. 332 Dorhet, No. 129

Now on this day comes the report of We tern & W. a Sample the ordin heretofue appointed at the March Form 1890 of this Point, to view out Export upon the location of the above mentioned Road for final hearing the same having been read on a previous day of this term of this Point to wit. May Form 1890 & the raid viewers having reported favorable & recommending the establishing of the same as a County Road & the field notes & plat of curry of said Road Rung chily on file & certified to by the curry of afformed to survey the same & there being no remonstrance on file against earl road

accepted what said Road be established in accordance with said report of said reviews be accepted what said Road be established in accordance with said report what the report of said neuros field notes & plat of survey thereof be seconded as by law required what the Road supervisor through whose district said Road passes of directed to offen the same for public use as a County Road.

In the Matter of a County Poad Com. at a point on the Unratilla Paire of Special the north and of See Sheet in the City of Smalletin & Endlish at a point on the Findletin & Pold Spring Road Estuated about 20 Rods S. of N. W. Co. of Sec. 35 Jp. 3 N. P. 32 E.

Road no. 333 Daket no. 130

Now in this day comes the report of ? Barnhart I Daughtrey E. Johnson, the viewer heret of a appointed at the March From 1890 of this land to view out & report upon the Creation of the above mentioned Road for final hearing, the same having been read on a previous day of this term

In County Court, May 6 , Judicial Day, Satur day May 10" 1890

Derm, 1890

of this Pant to vist: May Form 1890 Ethe said viewers having reported favorably Erecommending the establishing of the same as a County Hoad, Whe field notes & plat of survey of said Road being duly on file certified to by the Surveyor appointed to survey the same Ethere being no remon strance on file against said road.

It is therefore ordered by the But that the report of said newers be accepted & that said Road be established in accordance with said report What the uport of said vewer, fuld notes & plat of survey there of he recorded as by law required & that the Supervisor through where district said road parses be directed to open the same for public use as a County Road.

In the matter of a County Road Com. at S. E. Ca. of Sec. 16 7/2. 4 n. R. 33 E. Vending at n Ela of Sec. 15 Op. 4 n R. 33 Eum

Goad no 835 Dochet no. 131

now in this day comes the report of J. M. Barger, D.a Ruder & J.M. Stone the receiver heretofore appointed at the March Ferm 1890 of this Court to view out & report upon the location of said Road as a County Road for final hearing, the same having been read on a previn day of this term of this Court, to-rist: May Jerm 1890 w the and viewers having reported favorably & recommending the Establishmig of said Road as a County Road Ethe field notes Eplat of survey of said Koad being duly on file & there being no remonstrance in file against said Road

It is therefore ordered by the Court that the report of said viewers be accepted Ethat said road be established in accordance with said report, Ethat the report of said neurs, field notes & plat of survey be recorded as by law reguned & that the road supervisor through whose district and Road passes be directed to open the same for

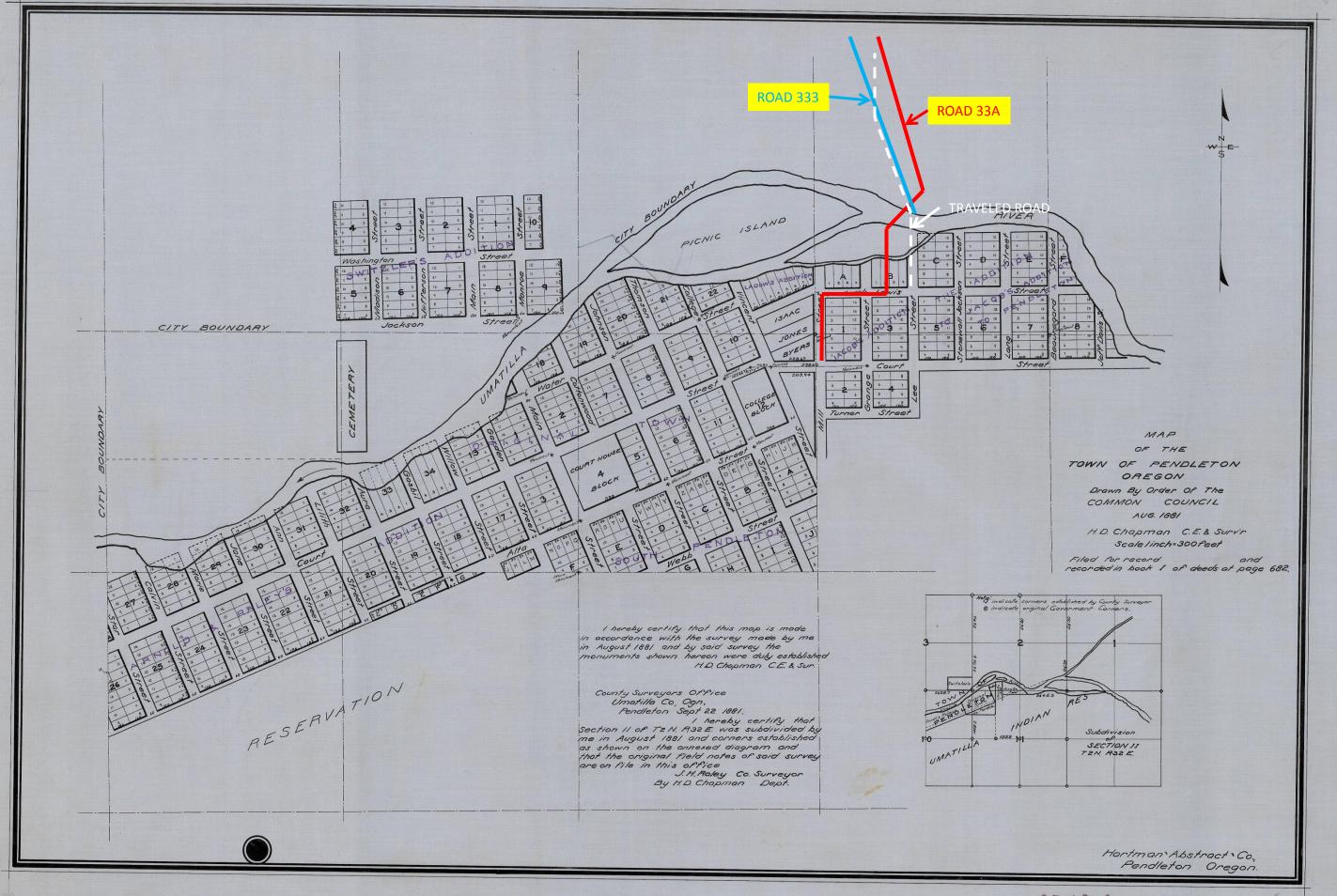
public use as a County Road.

an the matter of a County Road Com. at a pt. where the 1/2 Src. line running n. & S. through Sec 21 Tp. 49 R. 32 E. croses the County Road running down the middle fork of Cold Spring unding at a pt. where raid 1/2 Sreline running through said Sec. 33 Tp. 5 M.R. 32 8. Intersecto Co. Road running

Road No. 336 Dorhet, no. 132

acobs Addition to Fleudleton Durpey beginning at a point about 14 of a mile East of con ford Sections 2-3-10+11 8.2 & R 32 Gast and opposite of the Il & con bollege Block in Town of Suddelow Court, Granger, Lee alica + Turner Streets 60 ft wide Lewis Street 50 ft wide Loto in Blks 1-2-3+4: 30 x 100 feet. Lots in Blks A +B. 50 ft. on Lewis Street; extending Morth to Mualilla Kiverwit: two ther Spen Start of legalization with (Station 2+75.00) uced, Beck .73 Block ed. 1-hi Lewis Street soft. from this Block Bleck looust-Estret 60 feet. manze Blech 2 Block Street 60 fee Filed for Record Dec. 21. 187

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RECEIVED

JUN 26 2014

UMATILLA COUNTY RECORDS AGREEMENT

I. DATE

The date of this agreement is June 26, 2014.

II. PARTIES

The parties to this agreement are the CITY OF PENDLETON and UMATILLA COUNTY.

III. PURPOSE

These provisions outline a process to transfer roads within the City of Pendleton from the jurisdiction of Umatilla County to the City of Pendleton, incorporating the match for the Lee Street Grade/Eighth Street Bridge grant.

IV. GRANT MATCH

Umatilla County will provide half of the required match for the Local Highway Bridge Program (LHBP) funding for replacement of the Lee Street Grade/Eighth Street Bridge (#59C111). At a matching requirement of 10.27%, the total match required is \$762,034 resulting in the half ascribed to Umatilla County being \$381,017. The match is to be paid annually from bicycle/path funds in the amount of \$75,000 for five years. Upon transfer of the said funds Umatilla County will transfer ownership of the Lee Street Grade/Eight Street Bridge (#59C111) to the City of Pendleton. In addition, Umatilla County will support annexation, as allowed by land use regulations, of sufficient property on the north access to the bridge to assure that the bridge is wholly within the city limits and available to those residents of the city who live in the area immediately adjacent to the north side of the bridge.

V. TRANSFER OF ROADS

- 1. City of Pendleton will immediately assume ownership and maintenance of the following roads for portions within the City of Pendleton that are improved to City Standards:
 - a. Road 957, NE 33rd Place (a cul-de-sac);
 - b. Road 1003, NW Johns Lane (paved portion NW 4th to North Main);
 - c. Road 1302, Murietta Road;
 - d. Road 1304, McKennon Road.
 - e. Road 1306, SW 28th Drive (paved portion to end of Overlook Addition);
 - f. Road 1100, Stage Gulch Road, Portion North from terminus in Order No. RD2009-18/Resolution No. 2397, to Daniel Road intersection;
 - g. Road 1094, Daniel Road, Portion from Stage Gulch Road East to eastern boundary of Airport Business Park.

- 2. The following County Roads are located within areas that are fully developed, but lack any development agreements for improvement of the road. The City will immediately assume ownership and maintenance of the following roads:
 - a. Road 1319, SW 27th Street;
 - b. Road 1306, SW 28th Street (portion between SW 30th and Goodwin);
- 3. For the following County Roads, when 1/3 of the properties fronting the existing County Road have provided irrevocable consents to participate in an LID to improve to City Standards, the City will enact the LID and/or accept jurisdiction of the County Road:
 - a. Road 986, Riverside Avenue;
 - b. Road 992, Juvenile Detention, paved portion;
 - c. Road 1003, NW Johns Lane (gravel portion North Main to northerly UGB);
 - d. Road 1307, SW 44th Street (39% ICA triggered);
 - e. Road 1308, SW Kirk Avenue Extension (44% ICA triggered)
- 4. For the following County Roads, when 50% of the properties fronting the existing County Road have provided irrevocable consents to participate in an LID to improve to City Standards, the City will enact the LID and/or accept jurisdiction of the County Road:
 - a. Road 981, NE 35th Street (75% ICA triggered)
 - b. Road 987, Goad Road;
 - c. Road 991, SE 3rd Street;
 - d. Road 1309, [Old] Airport Road;
 - e. Road 1306, SW 28th Drive (gravel portion from end of Overlook Addition to Resource Recover Facility).
- 5. For the following County Road when 50% of the properties fronting the existing County Road have provided irrevocable consents to participate in an LID to improve to City Standards and when the right of way is at least 50 feet, the City will enact the LID and/or accept jurisdiction of the County Road

Road 982, Mt. Hebron/Nelson Drive

County will be the lead for acquisition of additional right of way. County will also support a one-way residential street standard amendment to the City Transportation System Plan.

- 6. For the following County Roads, the County will initiate vacation of the right of way or removal of the road from the County Road System and the City will have no objection to the vacation or removal:
 - a. Road 1076, Murphy Road;
 - b. Road 1354, Clopton Road.

VI. JOINT MANGEMENT AGREEMENT

Sections 23 and 24 of the Joint Management Agreement between the City and the County will be replaced with the following:

- 23. The City will neither accept nor maintain any County road within an annexed area or elsewhere in the UGA unless it meets City Standards in effect at the time and is acceptable to the City's Public Works Department. When development occurs within the City adjacent to a County road or within the UGA, the developer will be required by the City to improve the road to City standards or sign an irrevocable consent for a future Local Improvement District (LID). When 50% of the properties fronting an existing County road have provided irrevocable consent to participate in a LID to improve to City Standards, the City will enact the LID and/or accept jurisdiction of the County Road. The County will not relinquish control and responsibility for any such County road and responsibility for any such improved County road and will continue to maintain all existing County roads unless so approved by the County Board of Commissioners.
- 24. As a condition of annexation, the City will require the applicant to agree to improve to City Standards any included or impacted portion of County roads by improvement to City Standards prior to any development of the said property or sign for irrevocable consent to a future LID.

For County roads along the UGA boundary, the City will require 2/3rds improvements to City Standards and the County will require adjoining County property owners to improve to City Standards the additional 1/3rd improvements prior to any further development of said County properties. 2/3rds improvement entails, at a minimum, sidewalk, curb & gutter, parking lane (if required), and two travels lanes (and/or recovery areas) per City requirements. 1/3rd improvement entails, at a minimum, the remaining parking lane (if required), curb & gutter, sidewalk, and possible portion of a remaining travel lane per City requirements.

6-30-14

CITY OF PENDLETON

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UMATILLA COUNTY

William J. Elfering, Chair Board of Commissioners 0/26/14 Date



Lee Street Grade - Legalization

1 message

Bob Patterson <Bob.Patterson@ci.pendleton.or.us>

Tue, Oct 27, 2015 at 11:16 AM

To: Gary Roberts <gary.roberts@umatillacounty.net>

Cc: Tim Simons <Tim.Simons@ci.pendleton.or.us>, Bob Goodrich <RGoodrich@obec.com>, Stan Petroff <SPetroff@obec.com>

Greetings Gary,

City of Pendleton is fully supportive of legalization of a portion of Lee Street Grade in the vicinity of the 8th Street Bridge project. We understand the legalization survey work was performed by Bill Wells on behalf of our project.

Since I am out of town on Wednesday, November 4, 2015, I have asked Tim Simons, our Community Development Director (and City Engineer / Surveyor) to attend if his schedule allows.

If you have further questions, please don't hesitate to contact me by email reply or at 541.969.3067.

Take care,

Bob

Bob Patterson, PE

Public Works Director

City of Pendleton

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Pendleton, Oregon 97801

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