

11<sup>TH</sup> STREET (HERMISTON  
ORCHARDS) VACATION REPORT

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UMATILLA COUNTY  
DEPARTMENT OF PUBLIC  
WORKS

MARCH, 2010

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## 11<sup>th</sup> Street (Hermiston Orchards) Vacation Report

### History

11<sup>th</sup> Street was platted as a portion of Hermiston Orchards in 1909. Its southerly terminus is Highland Avenue and its northerly terminus is Newport Avenue which was platted as a part of the Highland Summit development. 11<sup>th</sup> Street was never actually constructed, probably due to the fact that an expensive bridge would be needed to cross the Maxwell Canal and other public roads are available for property access.

### Issue

Nancylynn Joynes is the owner of Tax Lot 802 (Parcel 1 of Partition Plat 1994-30) on Tax Map 4N 28 C. It is bisected by 11<sup>th</sup> Street. She intends to divide it into two parcels and desires to have the road vacated, as it is of no use to her or area property owners. A petition meeting the requirements of ORS 368.341 was submitted to the Road Department and a copy is attached.

### Planning Issues

Clint Spencer, City of Hermiston Planner, was contacted regarding any concerns the City may have about future impacts of vacating the road. His reply is attached and basically states that they have none.

### Vacation Without Hearing

ORS 368.351 allows a county governing body to vacate a road if 100% of abutting property owners sign the petition. Nancylynn Joynes owns the property on both sides and based on the City of Hermiston's comments, it is recommended that a determination be made without holding a public hearing.

### Recommendation

The Road Department recommends that the road be vacated, as it has never been used since it was platted in 1909 and no future need is anticipated for it. The Public would be benefitted by the addition of 0.43 acre to the tax rolls.

## Gary Roberts

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**From:** Clint Spencer [CSpencer@hermiston.or.us]  
**Sent:** Thursday, February 18, 2010 1:56 PM  
**To:** groberts@co.umatilla.or.us  
**Subject:** Joynes Vacation

The City of Hermiston has no objection to vacating that portion of the county road designated as Eleventh Street which runs through the property owned by Nancy Lynn Joynes in Section 12 of Township 4N Range 28E. The city does not see a need for a future street connection connecting the Highland Summit subdivision with Highland Avenue and the existing and future dwellings which exist south of that development can be served through future improvements of the existing streets at such time that city development occurs in the area.

Clint Spencer  
City Planner  
cspencer@hermiston.or.us  
(541)567-5521

PETITION FOR VACATION

TO THE BOARD OF COUNTY COMMISSIONERS FOR UMATILLA COUNTY, OREGON, IN THE MATTER OF THE VACATION OF A portion of the undeveloped county road known as 11<sup>th</sup> street as shown on Hermiston Orchards Plat.

I, Nancylynn Joynes, petition the Board of County Commissioners of Umatilla County, Oregon to vacate 11<sup>th</sup> st. on Orchards Plat, more particularly described as follows:

( Attach legal description )

II

Petitioners are the owners, as shown in the records of Umatilla County, of property abutting the property sought to be vacated, ( and petitioners are the only persons or corporations particularly affected by the proposed vacation of the property\* ).

III

(attached)

No portion of the street proposed to be vacated is situated within the corporate limits of any city.

IV

The particular circumstances that justify granting a vacation of the described property are: ( attach extra page if necessary )

HOW PROPERTY IS USED  
CONDITION OF PROPERTY  
REASON FOR VACATION

Homesite, Barn + Pastureland <sup>Adjacent to Maxwell Canal</sup>  
Pastureland w/ moderate slope to south line.  
Plated roadway never developed or used, is not essential for access to surrounding properties and interferes w/ irrigation of my farmground and utilization of my training arena.

Names and addresses of all persons holding any recorded interest in and / or owning any real property abutting the property proposed to be vacated: ( Including any property on the opposite side of road ).

Nancylynn Joynes

1076 E Pine Ave., Hermiston, OR 97838

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- To be included if all property owners petition.

VI

Petitioners request that after the giving of notice as required by law , a hearing be held on this petition before the Board of county Commissioners , and that an order be entered vacating the property more particularly described above.

Dated this 11<sup>th</sup> day of February, 20 10.

PETITIONERS

| NAME             | ADDRESS           | T.L. |
|------------------|-------------------|------|
| NancyLynn Joynes | 1076 E. Pine Ave. | 802  |
|                  | Hermiston, OR     |      |
|                  | 97838             |      |
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**NOTE:** All petitions must be accompanied by a \$ 500.00 recording fee. If petitions for vacation is granted and a \$ 20.00 recording fee. This is to be paid by the petitioners and must be prepaid. If vacation is located in a subdivision , an additional \$ 12.00 survey fee is due.

*[Handwritten Signature]*  
Signature \_\_\_\_\_

**Certification**

On this 11<sup>th</sup> day of Feb, 192010, before me, the undersigned, Nancy Lynn Jones, personally appeared, known to me to be the identical individual described in and who executed the same freely and voluntarily.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed my official seal the day and year last written above.

STATE OF OREGON ) ss  
COUNTY OF Umatilla )



*[Handwritten Signature: Cindi Pullen]*  
NOTARY PUBLIC FOR OREGON  
My Commission Expires 8-17-2012

**Certification**

On this \_\_\_ day of \_\_\_, 19\_\_\_, before me, the undersigned, \_\_\_\_\_, personally appeared, known to me to be the identical individual described in and who executed the same freely and voluntarily.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed my official seal the day and year last written above.

STATE OF OREGON ) ss  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires \_\_\_\_\_

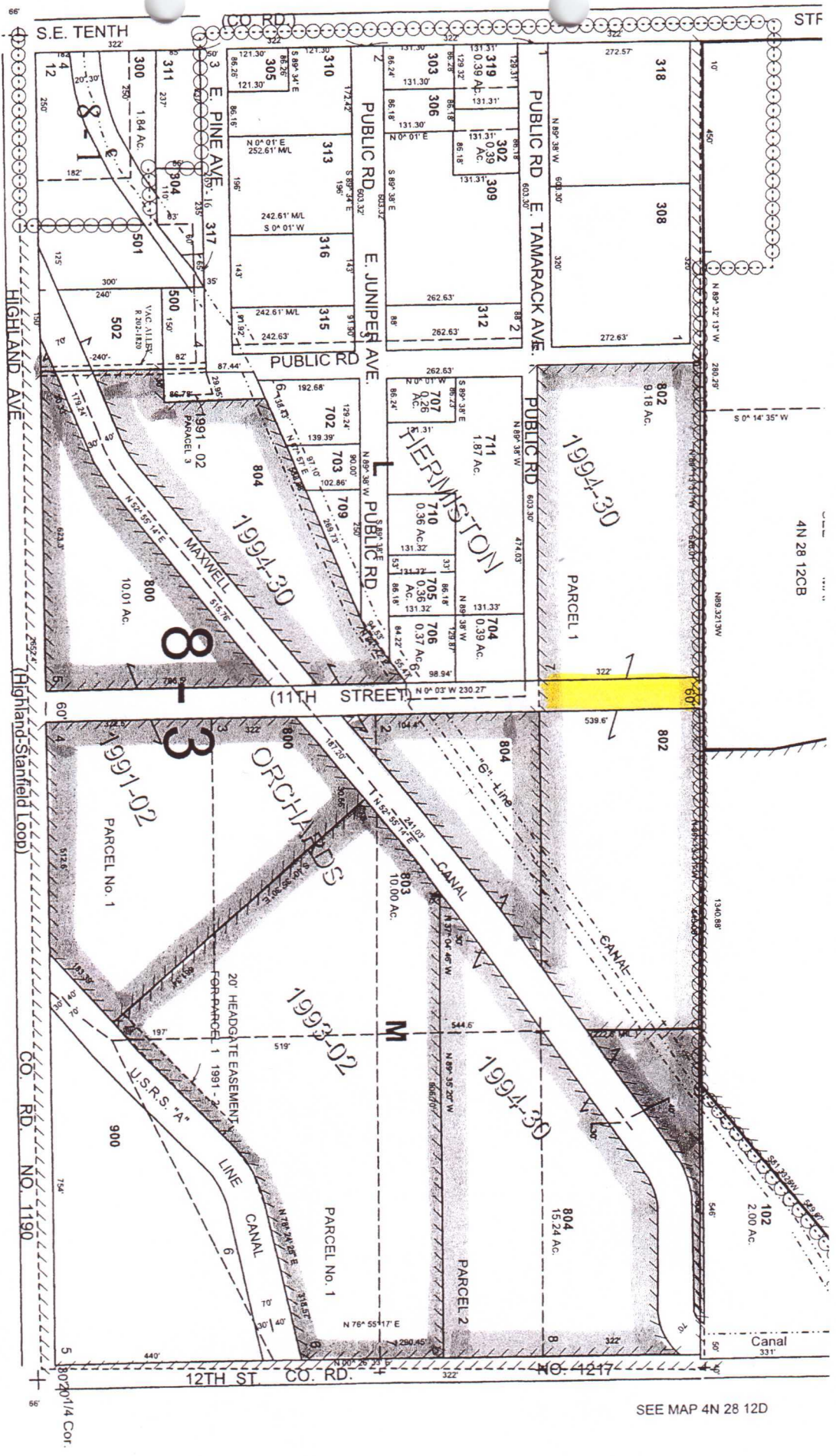
**Certification**

On this \_\_\_ day of \_\_\_, 19\_\_\_, before me, the undersigned, \_\_\_\_\_, personally appeared, known to me to be the identical individual described in and who executed the same freely and voluntarily.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed my official seal the day and year last written above.

STATE OF OREGON ) ss  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires \_\_\_\_\_



SEE MAP 4N 28 13BB  
 SEE MAP 4N 28 13  
 BLUE 800 = Deney To Pallet  
 ORANGE 802 = Nancy Lynn Tegnes  
 GREEN 803 = Ben & Missy Doherty  
 PINK 801 = Betty To Tegnes (Trade)

4N 28 12C

DENNIS D. DOHERTY  
 567-4254 HOME  
 720-3799-4411

SEE MAP 4N 28 12D

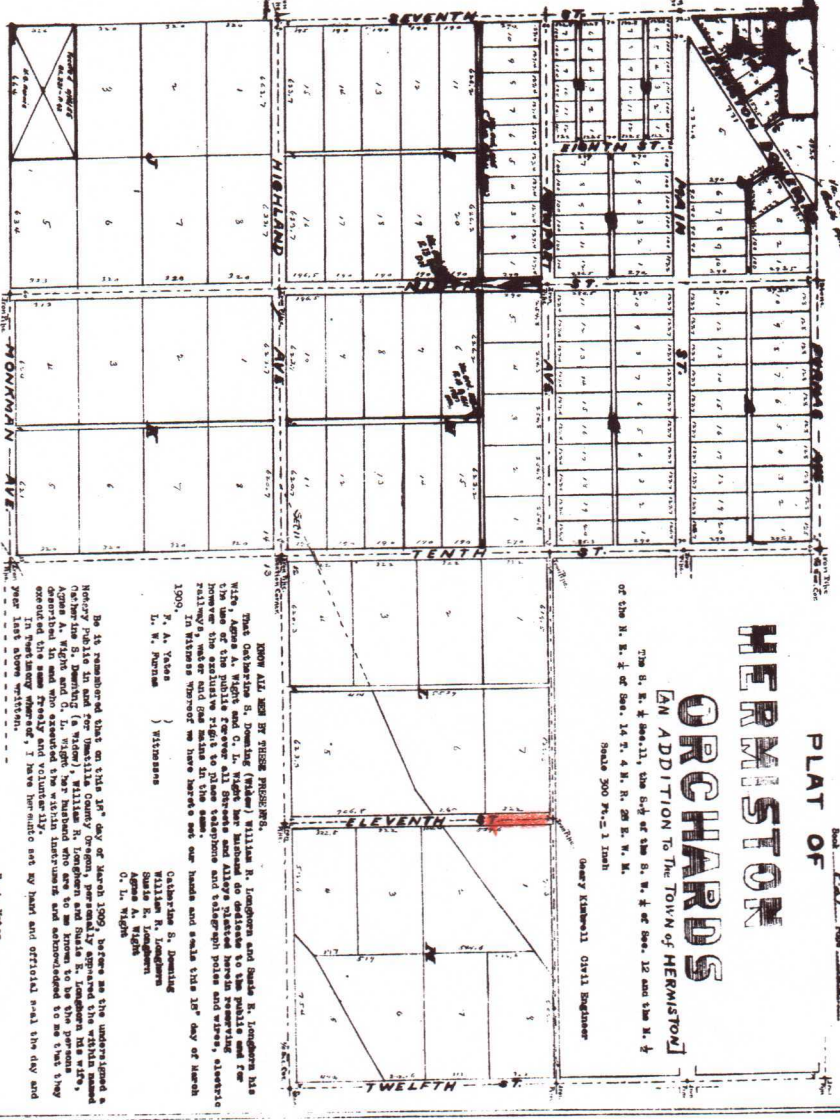


BR 2

# HERMISTON ORCHARDS

PLAT OF  
[AN ADDITION TO THE TOWN OF HERMISTON]  
The S. E. 1/4 of Sec. 14 T. 4 N. R. 28 W. N. M.  
of the S. E. 1/4 of Sec. 14 T. 4 N. R. 28 W. N. M.  
Shals 200 P. 1-1 1/2 inch

Osway Kinnearl Civil Engineer



KNOW ALL MEN BY THESE PRESENTS, That Oskelvia S. Dowling (widow) William R. Longhorn and Sude R. Longhorn his wife, agree to make forever all streets and alleys shown herein reserving however the exclusive right to place telegraph and telephone poles and wires, electric railways, water and gas mains in the same.

In witness whereof we have signed our own hands and seals this 12<sup>th</sup> day of March 1909.

Oskelvia S. Dowling  
Sude R. Longhorn  
W. R. Perkins ) Witnesses  
O. L. Nelson

Be it remembered that on this 12<sup>th</sup> day of March 1909, before me the undersigned a Notary Public in and for Washita County, Oregon, personally appeared the within named Oskelvia S. Dowling (a widow), William R. Longhorn and Sude R. Longhorn, all of whom are known to me to be the persons described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

In testimony whereof, I have hereunto set my hand and official seal the day and year last before written.

W. A. Yates  
Notary Public for Oregon

Approved this 26th day of March 1909.  
John W. Kasevall  
County Surveyor

Approved this 29 day of March 1909  
O. P. Bryman  
County Assessor

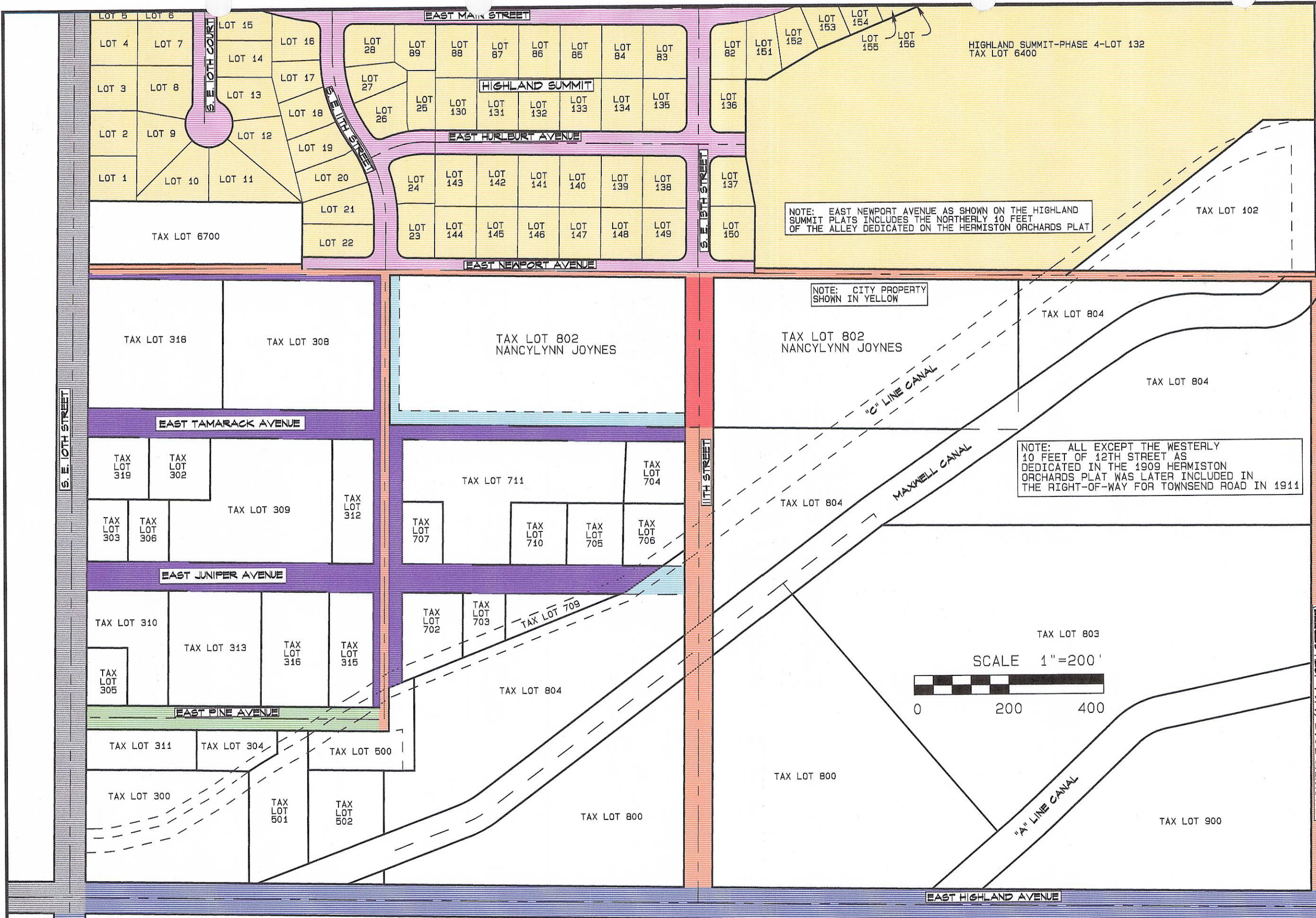
Filed for record April 7th 1909  
at 4:11 PM  
Herbert P. Crawford

County of Washita } ss  
County Clerk of Washita County, S. E. 1/4 of Section and Quarter 14 of the Township of Hermiston, Oregon, do hereby certify that the within plat has been approved by the County Clerk.

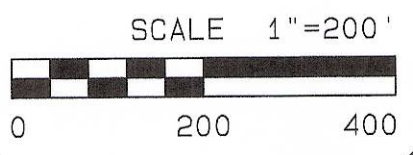
In witness whereof I have hereunto set my hand and seal of said County Clerk this 12<sup>th</sup> day of March 1909.

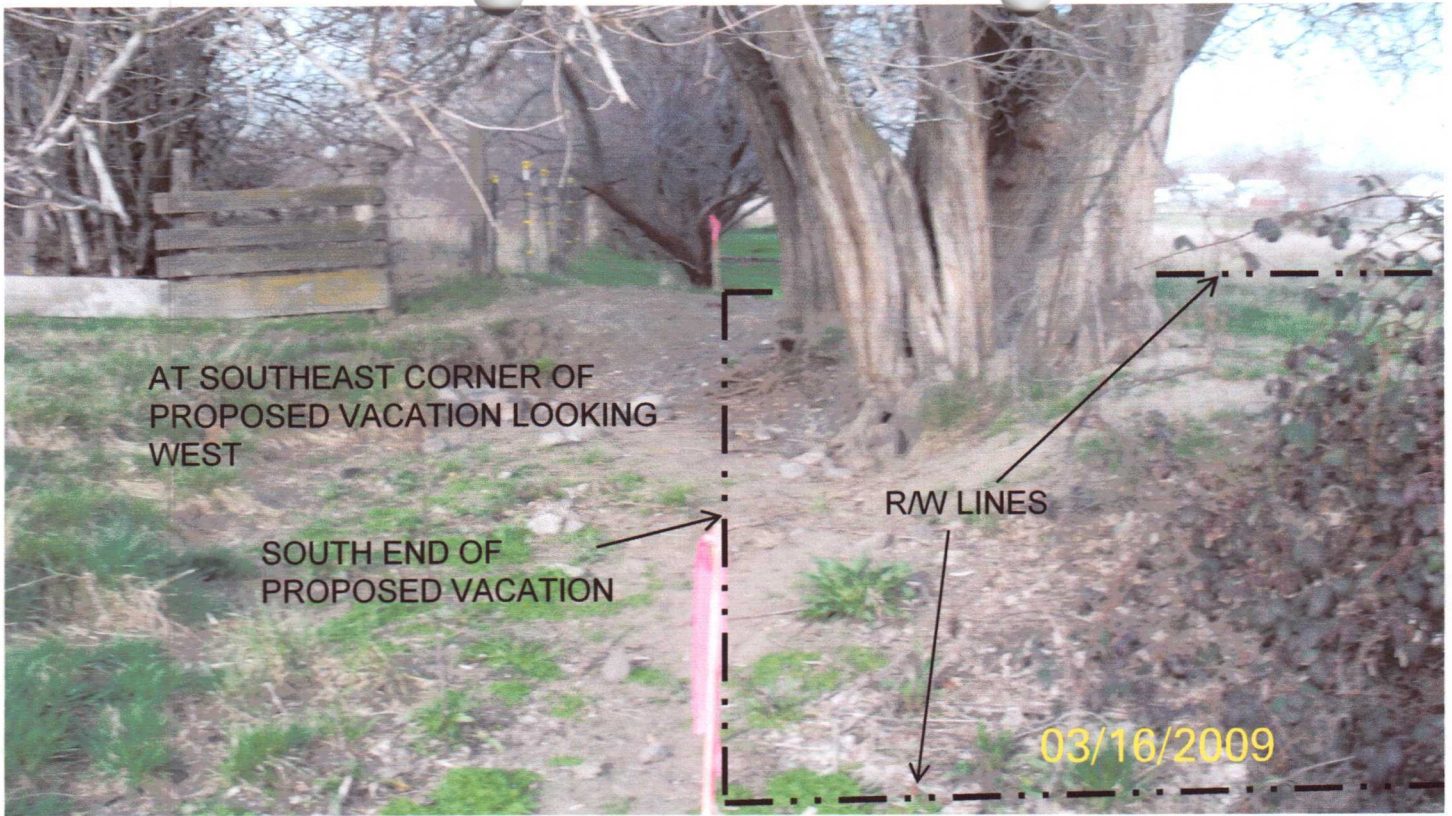
County Clerk Washita County  
Great Salt Lake  
County Clerk  
By H. T. Brown, Deputy

Approved this 26th day of March 1909  
W. A. Yates, Notary Public for the City of Hermiston Ore.



- LEGEND**
- CITY STREET ACQUIRED FROM COUNTY VIA ROAD TRANSFER
  - PUBLIC ROAD OR ALLEY DEDICATED IN 1909 PLAT OF HERMISTON ORCHARDS
  - COUNTY ROAD RIGHT-OF-WAY
  - CITY STREETS DEDICATED IN HIGHLAND SUMMIT PLATS
  - PUBLIC EASEMENTS DEDICATED BY PARTITION PLAT 1994-30
  - STREET DECEDED TO CITY IN 1962 FOR STREET PURPOSES
  - STREETS SHOWN ON AN UNRECORDED PLAT TITLED "HUMBERT ADDITION". ALSO SHOWN ON ASSESSOR MAPS AS PUBLIC ROADS.
  - PORTION OF 11TH STREET PLATTED IN HERMISTON ORCHARDS TO BE VACATED

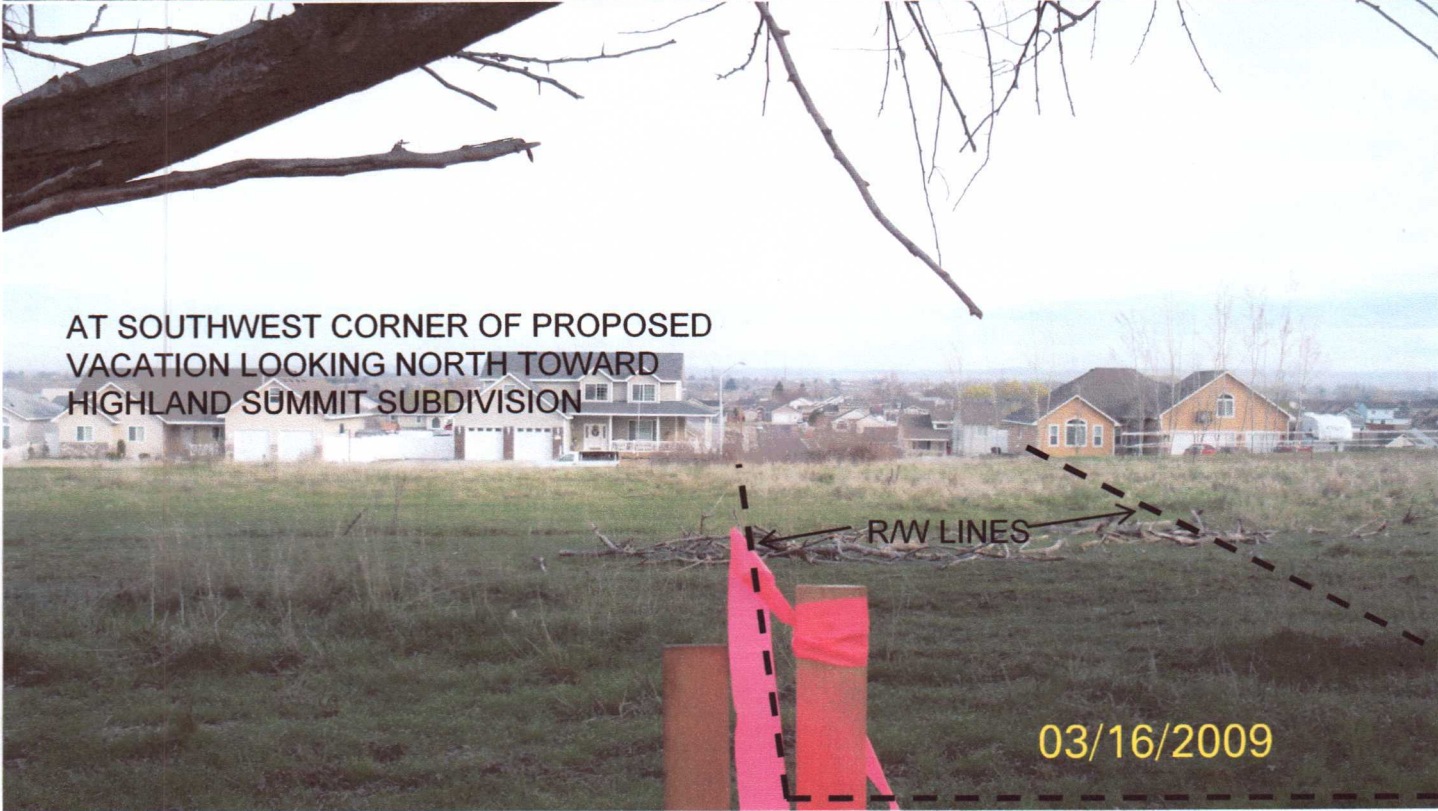






AT SOUTH END OF PROPOSED VACATION LOOKING SOUTH DOWN CENTERLINE OF PLATTED ROAD TOWARD EAST HIGHLAND AVENUE

03/16/2009

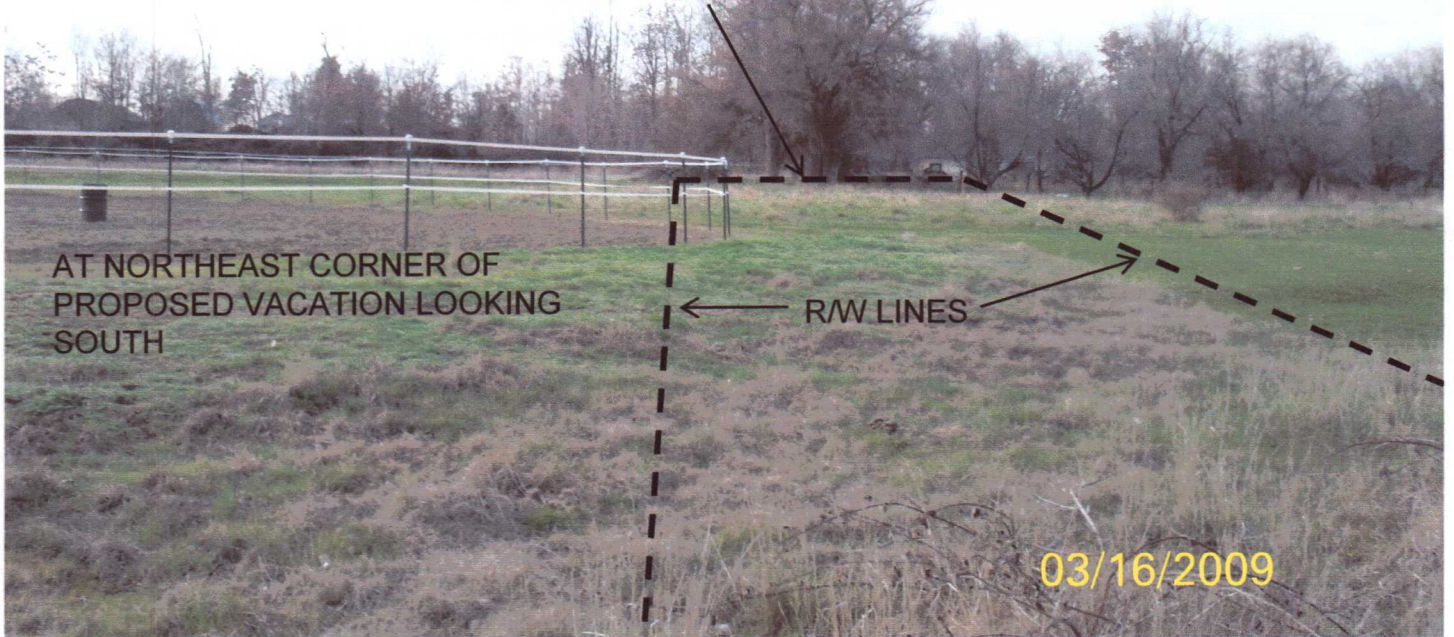


AT SOUTHWEST CORNER OF PROPOSED VACATION LOOKING NORTH TOWARD HIGHLAND SUMMIT SUBDIVISION

R/W LINES

03/16/2009

SOUTH END OF  
PROPOSED VACATION

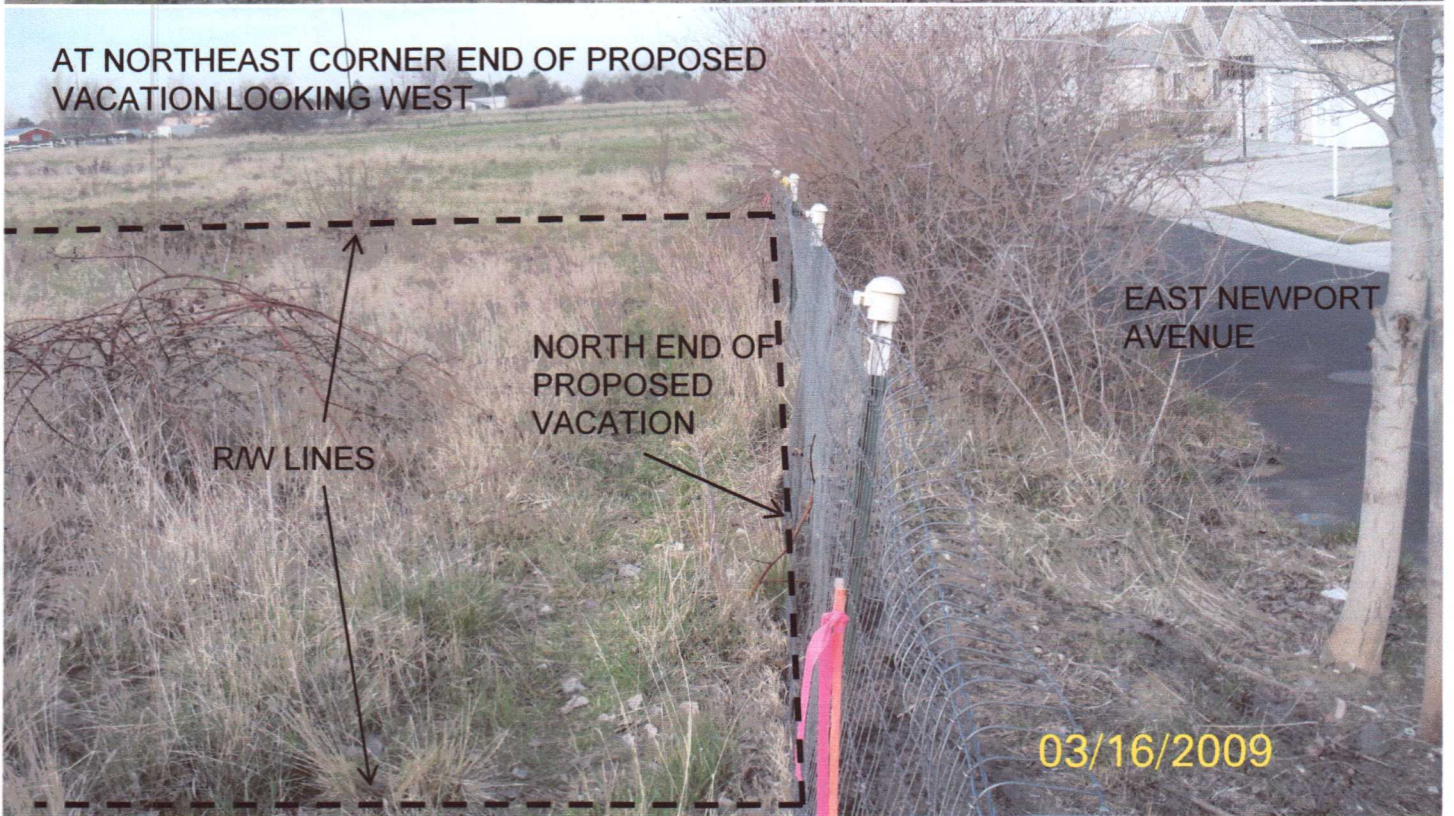


AT NORTHEAST CORNER OF  
PROPOSED VACATION LOOKING  
SOUTH

R/W LINES

03/16/2009

AT NORTHEAST CORNER END OF PROPOSED  
VACATION LOOKING WEST



EAST NEWPORT  
AVENUE

NORTH END OF  
PROPOSED  
VACATION

R/W LINES

03/16/2009

