

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: Utility Relocation

<p>Background:</p> <p>Improvements are planned for a portion of Canal Road. There are a number of power poles and lines that are located within the road right of way, approximately in the center of the road. Starting in November, 2022, Pacific Power has been requested to relocate the utilities to the east side of the road right of way. At this time, the utility company has not relocated the utilities, and the matter is before the Board to declare the utilities a public nuisance and authorize removal if not moved by the deadline.</p>	<p>Requested Action:</p> <p>Adopt Order No. RD2023-01</p>
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ATTACHMENTS: Proposed Order

*****For Internal Use Only*****

Checkoffs:

- () Dept. Heard (copy)
- () Human Resources (copy)
- () Fiscal
- (X) Legal (copy)
- () (Other - List:)

To be notified of Meeting:
Tom Fellows

Needed at Meeting:

Scheduled for meeting on: February 22, 2023

Action taken:

Follow-up:

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Relocation)
of Utilities in Canal Road) Order No. RD2023-01
Right of Way)

WHEREAS under ORS 758.010 any person has a right and privilege to construct, maintain and operate its water, gas, electric or communication services lines, fixtures and other facilities along the public roads in Oregon and such lines, fixtures and facilities shall not be constructed so as to obstruct any public road;

WHEREAS a county governing body has the authority to designate the location upon roads under its jurisdiction where the lines, fixtures and facilities may be located, may order the location of any such line, fixture or facility to be changed when the governing body deems it expedient, and if any such line, fixture or facility remains in a different location, it may be declared a public nuisance and be abated accordingly;

WHEREAS on or about November 8, 2022, Pacific Power was notified in writing of request to relocate facilities in the right of way for Canal Road (County Road No. 1179), provided plans of a potential project, and requested that utilities be relocated to the East side of the right of way;

WHEREAS the facilities located in the right of way include a number of power poles located in the approximate center of the road right of way;

WHEREAS once road improvement work begins, utilities within the road right of way will be impacted;

WHEREAS Pacific Power has not moved the utilities as request.

NOW THEREFORE the Board of Commissioners orders as follows:

1. Improvements to Canal Road are needed to enhance the safety and use by the traveling public and it is in the public interest for the project to be timely completed.

2. It is necessary and expedient to relocate any utilities within the project area that will be impacted or damaged by the project or the construction of the project.

3. It is deemed expedient to relocate the power poles and other electric utilities within the road right of way of Canal Road.

4. Any utility relocation within the project area for the Canal Road improvements project must be completed by April 1, 2023.

5. Any power poles, electric lines and associated equipment that are not on the East side of the road right of way by April 1, 2023, are a public nuisance.

6. The public nuisance may be abated by any available legal means, including removal, and the costs for the abatement billed to the utility owner.

DATED this 7th day of February, 2023.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Daniel N. Dorran, Chair

John M. Shafer, Commissioner

Celinda A. Timmons, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Records Officer