Dickerson Road Vacation County Road #727

ROAD OFFICIAL'S REPORT

UMATILLA COUNTY DEPARTMENT OF PUBLIC WORKS

February, 2002

TABLE OF CONTENTS

DESCRIPTION

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PAGE NO.

REPORT	1,2
PETITION	3,4,5,6,7
BPA CORRESPONDENCE	8
PROPERTY OWNERSHIPS	9,10,11
OWNERSHIP MAP	12
FIELD NOTES, OLD ROAD #717	13,14
PLAT OF OLD ROAD #558	15
FIELD NOTES, OLD ROAD #558	16
TOPOGRAPHICAL MAPS	17,18,19
DICKERSON/SCHUBERT ROAD INTERSECTION DRAWINGS	20,21,22
PHOTOS	A,B,C,D,E,F,G

Vacation Report Dickerson Road (County Road #727)

ISSUE

The vacation of a portion of County Road #727 (Dickerson Road), a primitive and unimproved right-of-way located in Section 33, Township 6 North, Range 34 E.W.M. and Section 4, Township 5 North, Range 34 E.W.M. approximately 7 miles west of Milton-Freewater.

BACKGROUND

This road was originally established in 1911 as County Road #717 and contained parts of what are now County Road #708 (Schubert Road) and County Road #731 (Gerking Flat Road). It began near the intersection of Schubert Road and Hudson Bay Road, ran west to where the Columbia County Rural Electric substation is now, and then ran southerly to what is now the intersection of Gerking Flat Road and Wayland Road.

PROPERTY OWNERSHIP AND USES

The portion of the road to be vacated lies entirely across land owned by Robert and Betty Schubert. Current land use is agricultural.

FACTS AND FINDINGS

In the areas where there actually is a visible road, the road is in a very primitive condition. In other areas, the road has been completely eradicated by farming operations. It is not possible to drive from one end of the road to the other at the present time.

There are also some discrepancies between where the road is described and where the road actually is on the north end. Attached drawings show that the traveled road is approximately 200 feet from where the road records describe it, assuming a single-proportioned ¼ corner on the south line of Section 28 based on current survey monuments. There may have been errors in the original road surveys concerning the location of the South ¼ Corner of Section 28 (the beginning point of the road).

In 1904, County Road #558 was established. It included what is now Hudson Bay Road and a portion of Schubert Road. John Kimbrell, County Surveyor, ran south from a point in the then-existing county road (which was 24.28 chains south of the state line) for a distance of 202 chains (approximately 2 ½ miles), then ran easterly for approximately 76 chains to the ¼ corner between Sections 27 and 34. He did not call the point where he turned and ran east the ¼ corner common to Sections 28 and 33. In 1911 when Road #717 was surveyed, Kimbrell began at the ¼ corner common to Sections 28 and 33 and ran west. I believe that it was assumed that the ¼ corner was where Road

#558 turned and ran east. The distance of 76 chains from the angle point in Road #558 to the ¼ corner common to Sections 27 and 34 is approximately 276 feet short of the distance between the two points using current survey monuments and the single-proportioned South ¼ Corner of Section 28, making Road #717 (now #727) as it was actually surveyed and built east of where it is described. The road as it actually exists is in the only logical location; to construct it where it is described would have been almost impossible with a 40-foot right-of-way.

IMPACTS TO UTILITIES

The Bonneville Power Administration, who has transmission lines in the vicinity, was asked for comments. BPA has requested that they retain easement rights over the road if it is vacated for access to their transmission line if needed. Language in the vacation order, should it be vacated, will reserve easement rights for BPA. No other utilities exist within the road right-of-way.

Columbia County Rural Electric has a substation near the north end of the proposed vacation and depends on the east-west portion of the road for access. The petition for vacation includes the north-south portion only in Section 33 and all of the road in Section 4. Vacation of the portion of the road described in the petition would not affect access to the substation (see attached drawings).

FISCAL IMPACTS

Vacation of the road would return approximately 14 acres to the tax rolls.

RECOMMENDATIONS

Because the road is only 40 feet wide, right-of-way is not sufficient to build a road to any kind of a modern standard due to the sharp angles in its alignment and the steep and hilly terrain it crosses. Even if a road was constructed, it would be very expensive to maintain. The Public Works Department feels the road is not needed by the Public and it would be in the Public interest to vacate the road based on fiscal and maintenance issues.

PETITION FOR VACATION

TO THE BOARD OF COUNTY COMMISSIONERS FOR UMATILLA COUNTY, OREGON

IN THE MATTER OF THE VACATION OF)	
(Greaking Flat no. 7/7)	PETITION TO VACATE
UMATILLA COUNTY, OREGON)	
In <u>Novert</u> <u>Schubert</u> Umatilla County, Oregon, to vacate <u>(see Attach</u> (attach legal d	etition the Board of County Commissioners of more particularly described as follows:

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

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 Farming + farm CONDITION OF PROPERTY fields and dirt (uninproved) Road, REASONS FOR VACATION We are nonly Deop use

To be included if all property owners petition.

*

Petition to Vacate - Page 1

Certification
On this $\underline{54}$ day of $\underline{Menember}$, $\underline{560}$, before me, the undersigned, $\underline{BETTYLouScihuBerr}$, personally appeared, known to me to be the identical individual described in and who excuted 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 $ORE Grave$
OFFICIAL SEAL OFFICIAL SEAL CECELIA A. LEIGHTY NOTARY PUBLIC-OREGON COMMISSION NO. 335793 MY COMMISSION EXPIRES AUG. 30, 2004 If y Commission Expires <u>8/30/04</u>
Certification
On this <u>5th</u> day of <u>Movember</u> , <u>seed</u> , before me, the undersigned, <u>ROBERT GILMORE SCHUBER</u> personally appeared, known to me to be the identical individual described in and who excuted 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.
COUNTY OF UMATILLA
OFFICIAL SEAL CECELIA A. LEIGHTY NOTARY PUBLIC-OREGON MU Commission MU Commis

COMMISSION NO. 335793 MY COMMISSION EXPIRES AUG: 30, 2004 COMMISSION NO. 335793 MY COMMISSION EXPIRES AUG: 30, 2004 Certification On this _____ day of _____ ____, 1999, before me, the undersigned, _____ appeared, known to me to be the identical individual described in and who excuted the same freely and voluntarily. _, personally IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above. STATE OF) ss COUNTY OF) Notary Public My Commission Expires _____ - - - - - -- - - - - ------Certification On this _____ day of ______, 1999, before me, the undersigned, _____ appeared, known to me to be the identical individual described in and who excuted the same freely and voluntarily. ___, personally IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above. STATE OF) ss COUNTY OF)

Notary Public

- - - - - -

My Commission Expires

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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 the road).

V

NAME ADDRESS R.G. Schubert 170 S.E. 6th Ave, Mitton -4 h. Schabert Freender, One, 97862 Libbole 170 SE 6 Miton greewole IC hecheck ette 0 170 D. E. Coth melton Specing

Petition to Vacate - Page 2

UMATILLA COUNTY ROAD # 727 - VACATING DESCRIPTION

That portion of County Road #727 (old #717), lying in Section 4, T. 5 North, Range 34 E. W. M. Together wit that portion lying Southerly of Angle Point #1, as described in original road field notes in Section 33, T. 6 North, Range 34 E.W.M. Excepting therefrom that portion needed to provide access to Tax Lot #901 in Sections 28 and 29





Department of Energy

Bonneville Power Administration 1520 Kelly Place Walla Walla, Washington 99362

February 22, 2002 In reply refer to: TRF/Walla Walla

Umatilla County Road Department Attn: Gary Roberts, Surveying Supervisor 3920 Westgate Pendleton, OR 97801

RE: Portion of County Road #727 to be Vacated

Dear Gary:

Thank you for the opportunity to review BPA's access road needs in the vicinity of the proposed vacated road. It has been determined that BPA does need to retain rights to travel on this road. I would like to request that Umatilla County grant or reserve BPA an easement right to use this road prior to any release of public rights to use the road.

Would you please let me know if there is a process for BPA to follow or if there is more documentation that I should provide your office to facilitate reserving the easement. I can be contacted at 509-527-6266 or 1520 Kelly Place, Walla Walla, WA 99362.

Sincerely,

th Efour

Michelle E. Doiron Realty Specialist

TOWNSHIP	RANGE	SECTION	TAX LOT	OWNER
6 NORTH	34 EAST	28, 29	900	JEAN WEIDERT
				c/o RAYMOND WILLIAMS
				85170 MARCH ROAD
				MILTON-FREEWATER, OR 97862
	34 EAST	28, 29	901	GERALD & JUDITH WEIDERT
6 NORTH	34 EAS I	20, 29	301	c/o MELINDA EDEN, AG
				85170 MARCH ROAD
				MILTON-FREEWATER, OR 97862
6 NORTH	34 EAST	28	3700	COLUMBIA COUNTY RURAL ELECTRIC ASSN.
				115 EAST MAIN
				DAYTON, WASHINGTON
6 NORTH	34 EAST	28	3400	JAMES AND LETHA SCHUBERT
				85556 TUM-A-LUM ROAD
				MILTON-FREEWATER, OR 97862
6 NORTH	34 EAST	32, 33	4200	R. G. & BETTY SCHUBERT
DNORTH	34 EAST	32, 33	4200	170 SE 6TH AVENUE
				MILTON-FREEWATER, OR 97862
6 NORTH	34 EAST	32	3800	JAMES AND LETHA SCHUBERT
				85556 TUM-A-LUM ROAD
				MILTON-FREEWATER, OR 97862
5 NORTH	34 EAST	5	790	JAMES AND LETHA SCHUBERT
	012.00			85556 TUM-A-LUM ROAD
				MILTON-FREEWATER, OR 97862
	04 5407	4.5	600	R. G. & BETTY SCHUBERT
5 NORTH	34 EAST	4,5	600	170 SE 6TH AVENUE
				MILTON-FREEWATER, OR 97862
				MILTON-FREEWATER, OR 97862
5 NORTH	34 EAST	5,8	800	GREG AND KEVIN RICE
				11305 SE KENT-KANGLEY ROAD #10-4
				KENT, WASHINGTON 98031
				JAMES RICE
				701 POST LAKE PLACE #215
				APOPKA, FLORIDA 32703
			500	
5 NORTH	34 EAST	8,9	500	CHARLES SCHUBERT
				85149 TUM-A-LUM ROAD
				MILTON-FREEWATER, OR 97862
				ARLENE KESSLER
				51032 UMAPINE ROAD
				MILTON-FREEWATER, OR 97862

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TOWNSHIP	RANGE	SECTION	TAX LOT	OWNER
5 NORTH	34 EAST	8	1300	GREG AND KEVIN RICE
				11305 SE KENT-KANGLEY ROAD #10-4
				KENT, WASHINGTON 98031
				JAMES RICE
				701 POST LAKE PLACE #215
				APOPKA, FLORIDA 32703
				APOPKA, FLORIDA 32703
5 NORTH	34 EAST	8,9,16	1400	SUNNY COVE RANCHES
	012.001	-,-,-		80768 GERKING FLAT ROAD
				ATHENA, OREGON 97813
			1000	GREG AND KEVIN RICE
5 NORTH	34 EAST	17	1390	
				11305 SE KENT-KANGLEY ROAD #10-4
				KENT, WASHINGTON 98031
				JAMES RICE
	ta.			701 POST LAKE PLACE #215
				APOPKA, FLORIDA 32703
5 NORTH	34 EAST	9,16	1500	MAUREEN MCCORMACH
				319 NW 11TH ST.
				PENDLETON, OREGON 97801
				JEAN MARSHA LLC
				82561 WEST HAT ROCK
		5		HERMISTON, OREGON 97838
				AMANDA PUGH
				75780 HELIX HIGHWAY
				ADAMS, OREGON 97810
5 NORTH	34 EAST	20	1380	GREG AND KEVIN RICE
SNORTH	54 LAGT	20	1000	11305 SE KENT-KANGLEY ROAD #10-4
				KENT, WASHINGTON 98031
				JAMES RICE
				701 POST LAKE PLACE #215
				APOPKA, FLORIDA 32703
5 NORTH	34 EAST	20	2300	GREG AND KEVIN RICE
UNION	J- LAUI	20	2000	11305 SE KENT-KANGLEY ROAD #10-4
				KENT, WASHINGTON 98031

TOWNSHIP	RANGE	SECTION	TAX LOT	OWNER
5 NORTH	34 EAST	21	2500	GREG AND KEVIN RICE
ononn				11305 SE KENT-KANGLEY ROAD #10-4
				KENT, WASHINGTON 98031
				JAMES RICE
				701 POST LAKE PLACE #215
				APOPKA, FLORIDA 32703



Original Field Notes

	-
Kuport of Bard	
County Road Viewers) In the matter of viewing, s	
.) County Ro	ad No. 717.
To the Monorable County Court of the State of Orego	n, For Umatilla County.
We, the undersigned Board of County Road Viewer	s, heretofore instructed to view,
	K report:
Fursuant to an order of the Honorable County Co	urt, we mat at the commencing point
resuld road, on the 28th day of June, 1911 L.C.Rothr	ock Chainman
W.J.Stock	
	enson Flagman
J.W.Kimbr	
the were by the surveyor each duly sworn. We viewed	
117, as specified in our order. We find said route	
cally recommend the same be established and dellared	
reger. The cost of Construction to place the same	
1 aut 0300.00	
The lamage to property owners, by reason of the	location of suid Roud will be nothing
Goary K.	inbrell by John W. Kimbrell
Wisht of County Road Viewers of Umatilla (W.J.Sto	
County, State of OreGon. (L.C.Rot)	IFOCK
Field Notes of Road No. 717.	
Contending at the N.E.Corner of the N.W. of Section	ZZ in T G N R ZA L'W' att
seat marked R. 717 made mound 18" high 4' wide at Bas	30 xm
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" " S. 32% 15'W 2.20 Chains,	14.20 A.2
" S. 1° 30'W. 2.46 "	16.66 A.3
" S. 13° 15'W. 3. 31 "	19 97 A.4
" S. 14° 15'E. 4.46 "	24.43 4.5
" S. 27° 25'E. 10.55	34.98 A.6
" S. 32° E. 7.46 " " S. 35° F. 4.75 "	42.44 A.7
0. 05 1. 4.75	47.19 A.B
" S. 49° 15'E. 3.62 ." S. 34° 45'E. 6.10- "	50.31 A.9 56.91 A.10
" S 26° 55'E 2 30. "	59.21 A.11
" S. 39° E. 2.48 "	61-69 A.12
" S. 76° 15'E. 3.18 "	64.67 A.13
S. 50° 40'E. 6 13 "	71 00 A.14.
S. 35° 40'E. 4 98	75 98 A.15
S. 28° 40'E. 4 02- "	80 00 Set post marked 1.M.
S. 28° 40'E. 11.25 45	A.16
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" S. 23° W. 250 "	37 33 A.20
" S. 1° 30'W. 8 35 "	45 68 A 21
" S. 30° 10'". 11 90 - "	57 58 A.22
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S. 16° W. 8 55 M	GA.23
S. 33° 10'W. 25 52	34 07 A.24
W. 43 68 "	77 95 4.25
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Made mound 18'' high 4' wide South 785 "	
South 785 " S. 70° 15'W. 424 "	A.26
N. 89° W. 8 57 -	12 00 A.27 20 66 A.28
N. 70° W. 5 07 "	25 73 A.29
N. 79º 10'W. 4 15	29 88 A,30 ⁻
N. 65° 30'W. 2 38	32 26 A.31
N. 87° W. 1 982 "	34 24 A.32
S. 3º 10' 1 47.	35 71 A.33
S. 66° 30'E.1 85 - " #250	37 65 A.34
S. 53° 30'E. 610 "	45 66 A.35
S.43° E. 4 35 "	48 01 A.36
S. 62° 40'H, 10 69 " S. 8° 20'E, 3 86 "	59 70 A.37
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Field Not of fordel No. 558 Commencing at a print in presont County Brase 24.28 chains but of closing 14 teo er on that Ino het, Oregon and Washington on Noith Soundary of Fractional fea 16 1 6 N 16 34 6 With Oregon Set Stone it initial Paint 18+8+ 6 inches in md. of earth There fout through center basid \$10 16 80,00 cho, I mil marked 1. m. on forse lost is feat The left duy dito NBS and raised mid, of Goit disonned Post. There fourth 80,00 bet Post 4 ft long Hindus Sopore 20 feet to right - mortied Z.M. duy lits N & S and raised mound of borth woord Part These fout 42.00 dist-A1 · 6ast :600 4.800 AZ 51.70 · 128° 6 370 A 3 " NHOO & 415 5585 × 4 " Gast A ST 515 6100 " \$ 40° 6 255 6358 A6 · N36° 6 260 6618 AG 8 000 2 mile let Post 4 bet line win : " hoor 1382 20 feet to right - morked 3 M. duy lits & raised and forst meters Huce Gast 43 30 thans B. T. in County Brad at 14 fe Eorner het fies 27 and 34 in J6 NOB 346 Tr. ML. Marked S.T. No 558 on Port 4 feet long 4 ino Br. 30 feet in the of Jermines of Grad duy Fits out caused Mound of Grit orround Post I hereby certify that the frigging are a correct-Poly Aila pato fund Nosst co larged by me Morel 78 8 29# 1904 Armin Minhiel Count horizon



3-D TopoQuads Copyright © 1999 DeLorme Yarmouth, ME 04096 Source Data: USGS 500 ft Scale: 1 : 12,800 Detail: 14-0 Datum: WGS84



3-D TopoQuads Copyright © 1999 DeLorme Yarmouth, ME 04096 Source Data: USGS 500 ft Scale: 1 : 12,800 Detail: 14-0 Datum: WGS84

























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THE ROAD HAS BEEN COMPLETELY ERADICATED BEYOND THIS POINT