ROAD LEGALIZATION REPORT

A PORTION OF COUNTY ROAD #1000 FEEDVILLE ROAD

LOCATED IN SECTIONS 19 & 30 TOWNSHIP 4 NORTH, RANGE 29 E.W.M.

JULY 8, 1998

Umatilla Co. Dept. of Public Works

INDEX TO PHOTOS

Photo #	Description
1	At Feedville Road/Highway 395 intersection looking southwesterly
2	At Highway 395 looking west along proposed northerly right-of-way line of Feedville Road
3	Proposed northerly right-of-way line of Feedville Road at Highway 395
4	At Highway 395 looking west along proposed southerly right-of-way line of Feedville Road
5	On proposed right-of-way centerline of Feedville Road looking west to the east end of old County Road #608 at the Ott Road intersection
6	At the intersection of Ott Road and Feedville Road (end of County Road #608) looking east toward Highway 395 and along the proposed right-of-way centerline of Feedville
7	Road Ott Road/Feedville Road intersection

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3	Tax Map
4	Plat of Old Road #608
5	Quadrangle Map
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10-13	Survey Maps

LEGALIZATION REPORT

Reason For Legalization

Recent research by the Department of Public Works has determined that there is a lack of original road records for the portion of Feedville Road from South Ott Road to U.S. Highway 395. It is not known whether the records have been lost or whether they never existed.

Survey

A survey order dated May 1, 1998 was issued by the Board of Commissioners to survey and monument a portion of County Road #1000, Feedville Road, for legalization purposes. Research of existing survey records showed several recent surveys done along Feedville Road between the South Ott Road intersection and U. S. Highway 395, all of which agree with each other on the location of the road, and it was determined that no further survey was needed. Copies of the survey plats are attached to this report with the road highlighted.

Facts and Findings

A copy of the original 1907 plat of County Road #608 (Attached) shows the road terminating at what is now the intersection of South Ott and Feedville Road. It has long been assumed that old County Road #608 extended to what is now Highway 395. The attached survey plats all show the road extending to Highway 395 and having a width of 66 feet. Attached descriptions for all of the abutting properties either specifically call for County Road #608 or except out the acreage within the roads and highways. Tax maps show the road as a 66' wide county road and acreage was subtracted from some of the abutting parcels by the Assessor's Office in 1965.

Road Department personnel have verified that Umatilla County has maintained the road in question for many years, as it was always assumed to be a county road. A copy of a portion of a U.S.G.S. Quadrangle map created from aerial photography clearly shows the road existing on the ground. The photography was done in 1958.

Impacts to Utilities and Property Owners

Legalizing the road as shown on the various survey maps would have no adverse impacts to property owners or utilities, as it has always been assumed that the road exists as shown and no structures exist within the proposed right-of-way. Not legalizing the road would obviously have major impacts to many area businesses, property owners, and utility companies. The road is extensively used by Wal-Mart, Pendleton Grain Growers, farmers, and many other people. Wal-Mart has recently improved this section of road in conjunction with the construction of its distribution center.

Statutes

ORS 368.201(1) provides for a county governing body initiating proceedings to legalize a road if, through omission or defect, doubt exists as to the legal establishment or evidence of legal establishment of a county road and ORS 368.201(2)(c) provides for a county governing body initiating proceedings to legalize a road if the location of the road cannot be accurately determined due to loss or destruction of the original survey of the road.

Recommendation

The Public Works Department recommends that the road be legalized as shown on the attached maps and as described in the final order.







EXHIBIT "A"

Beginning at a point in the West Half of the Southwest Quarter of Section 19, Township 4 North, Range 29, E. W. M., where the centerline of County Road No. 608 intersects the centerline of State Highway No. 32; thence Northwesterly along said highway centerline, 750 feet; thence Southwesterly at right angles to said highway centerline, 350 feet; thence Southeasterly in a straight line 376 feet, more or less to a point in the centerline of County Road No. 608; which said point is 637 feet West of when measured along said centerline from the point of beginning; thence East along said centerline 637 feet to the point of beginning.

EXCEPTING THEREFROM that tract of land conveyed to the State of Oregon by and through its Department of Transportation, Highway Division by deed recorded in Microfilm R-99, Page 756, Deed Records and all that portion lying within the boundaries of highways and roads.

All being East of the Willamette Meridian, Umatilla County, Oregon.

SUBJECT TO any and all water rights of way.

1997-3160933 3 of 4

TAXLOT 1002

MEL 261 Page 1441

200028

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A tract of land located in West Half of Southwest Quarter of Section 19, Township 4 North, Range 29, described as beginning at intersection of centerline of County Road No. 608 and State Highway No. 32; thence Northwesterly along said highway centerline, 750 Basford, et ux, by Deed recorded in Book 340, Page 277, Deed thence North 49* 05' 57" West along centerline of Highway No. 32 a North49* 05' 57" West along centerline of Highway No. 32 a North49* 03' 55" West along centerline of Highway No. 32 a South 45* 03' 04" East along Northeasterly line of Said Ellenberger, recorded in Contract to Jerald P. South 45* 03' 04" East along Northeasterly line of said Ellenberger Fract, 415.02 feet to centerline of County Road No. 608 aka said County Road, 214.70 feet, mence or less, to most Southwesterly Westerly line of said Basford Tract, 277 feet; thence North 40° 54' 30" East along Westerly line of said Basford Tract 350 feet to the point of beginning;

EXCEPTING THEREFROM that portion lying with State Highway No. 32, U. S. Highway No. 395 and County Road No. 608 aka Feedville Road;

SUBJECT to any and all water rights of way;

10/21/94

All being East of the Willamette Meridian, Umatilla County, Oregon.

SUBJECT TO: (1) The premises herein described are within the boundaries of the Stanfield Irrigation District, and this property is therefore subject to all easements, levies and assessments thereof. (2) Easement, Irrigation District to Umatilla Electric Cooperative Association, including the terms and provisions thereof, granted by Stanfield recorded April 14, 1938, Book 120, Page 521, Deed Records. (3) Easement, including the terms and provisions thereof, granted by W.F. Zastrow, 30, 1964, Book 277, Page 414, Deed Records. (4) Access Restrictions, Robert M. Kenney, et ux, to State of Oregon, Department of Transportation, Highway Division, recorded Cotober 21, 1983, the terms and provisions thereof, SI Easement, including Patrick C. Wallace, et ux, recorded May 6, 1994, Microfilm R-253,

TAX LOTS 1000, 1007, 1008

1.1.74 52839 .: R 51 PAGE 720 KNOW ALL MEN BY THESE PRESENTS, That Kathy J. Ellenberger ----10-321 . hereinalter called grantor, for the consideration hereinalter stated, does hereby grant, bargain, sell and convey unto Jerald P. Ellenberger hereinalter called granter, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, bereditaments and apputtenances thereunto belonging or in anywise appertaining, situated in the County of "Umatilla", State of Orecon, described as follows, to-wit: , State of Oregon, described as follows, to-wit: Beginning at the SW corner of Section 19, Township 4 North, Range 29, E.W.M.; thence North along the West line thereof, a distance of 639 feet; thence Southeasterly in a straight line to a point in the South line of said Section 19, which point is 639 feet East of the SW corner of said Section 19; thence West along said South line a distance of 639 feet to the point of beginning; All being East of the Willamette Meridian, in the County of Umatilla, State of Oregon; EXCEPTING any and all water rights of way and roads; SUBJECT TO: Regulations, including easements, levics and assess-ments of Stanfield Irrigation District; Edsement recorded April 14, 1938, in Book 120, Page 521, Deed Records; and Easement recorded September 30, 1964, in Book 277, Page 414, Deed Records. III SALL INDUCTION DESCRIPTION ON PIVISE SUCCESSORS and assigns forever. To Have and to Huld the same unto the said grantee and grantee's heirs, successors and assigns forever. The frue and actual gansideration paid for this transfer, stated in terms of dollars, is \$ none--awarded blocknext Name xwak too more how to the too so to the terms of dollars, is \$ none--awarded the transfer wak too more how to the terms to the terms of dollars, to the terms of terms of the terms of the terms of the terms of the terms of terms of the terms of terms of the terms of terms o The BIRDOM MINICIPED RECORDING OF HIT X THE X MARKER AND A MARKER HIS X HIS MARKER MARKER AND A HIS X HIS AND A HIS In construing this deed and where the context so requires, the singular includes the plural and all grammatical the constrong and where and where the context so requires, the angular incluses the points and an granutational changes shall be implied to make the provisions hereol apply equally to corporations and to individuals. In Witness Whereol, the grantor has executed this instrument this? If day of $\mathcal{X} = \mathcal{M} \mathcal{W} \mathcal{Y}$, 1979; if a corporate grantor, it has caused its name to be signed and seal allized by its officers, duly authorized thereto by . 1979 : order of its board of directors. Katty J. Ellenberger TAX LOT 1003 \$1 ownered by a susperation affin surporate seal STATE OF GARGONACWashington) STATE OF OREGON, County el. May all Dont-... 19 × 16 ,19 79. Personally appeared ch for himsell and not one for the other, did say that the former is the Rathy J. Ellenberger president and that the latter is the secretary of -----... and that the seal allised to the foregoing instrument is the corporation, of said corporation and that said instrument was signed and corporate seal hall of said corporation by suthority of its board of directors; and each of them exhow-ledged said instrument to be its voluntary set and deed. Belores me: led fed the fore foind instru Bet X (OFFICIAL X SEAL) Flitz (OFFICIAL SEAL) Netery Public for Children Washington My commission expires & 10 . 19 . 19 Notary Public for Oregon My commission expires: CLOLIN V Kathy J. Ellenberger FARED STATE OF OREGON. COUNTY OF UNATILLA. SAANTOR S RAME AND ADDRESS Jerald P. Ellenberger Rt 1, Box 160 Stanfield, OR 97875 I, J. Dean Fouquette, Sr., County Clerk. certify that this instrument was received and os JUN 14 1979 ---------ing return to ----and 40 o'clock P. W. in the record Jerald P. Ellenberger DEEDS Rt 1, Box 160 of sold County in Stanfield, OR 97875 Book Page R.51 720 (mani a change is requested all tax sta Jerald P. Ellenberger Rt 1, Box 160 Stanfield, OR 97875 J. DEAN FOUQUETTE, SR. » malel in Forlyoming - No_ 52839 1 m 1 3 HST-6

Twp. Rge. E Sec. 1/4 1/1 Map Number					
ACCOUNT N	Incarriop. (ea III)		6	4N	29
		Section	n		lange E.
	-TL 1103				
Lot No.	Block No.	Addition		City	
Indent Each New Course To This Point	Additional Description and Record of Change	Formerly Part		Record Ac	cres
	And the	of T. L. No. 1100	On This Card Vol	. Pg. Rema	aining
Lot 2 of the Northwe Quarter of Section 30, Town Except that portion of Section 30 lying North and I line of the Columbia River H Also excepting there Umatilla County, Oregon, b 16 of the Deed Records of U Also excepting the E the Southwest Quarter of the All being East of the of Umatilla and State of Ore Excepting any and al road rights of way and canal	of Lot 2 in the Northwest Quarter of East of the Northeasterly right of way Highway as the same is now located. (1200 from that tract of land conveyed to by Deed recorded in Book 210 at page (R/W) matilla County, Oregon. Ast Half of the Southeast Quarter of ast Half of the Southeast Quarter of willamette Meridian, in the County gon. Il highways, water rights of way, rail- is.		OT 1103		
IN WITNESS WHEREO	F, the Grantor above named executes this -				지 않지 않을 만큼 날
this 19 day of Aly	_, 1967.		11-67 291	290 96	15
					+
		N.C.	5-74 336	518 R/	15 IR Easement
Assessed	by Dept Rev.		7-74 Let Dept 7-19 Class #197	Rev. -74	
Also vac.	Co. Rd. No. 635 ly				
adj on W.	Cont. 1.76 A	Ac.	6-75 C.C	Jr. 167 97.	91
1975 by error.	essable D.R. thru P.C.M.#19				
1983.	Sable as omitted they for	1979 thtu	11-83		
Conveyanc	e of Access Right to State	e. Add Ref	5-85 R126	24 Jay	×



LEGEND:

Found monuments: \$18" reber with pleshe cap \$351 set by Me in 1394 Survey for Robert Kenney, unless noted otherwise.

Set 5/8" x 30" rebar with plastic cap #951.

APPROVALS: Approved this 16 day of March

Unatilla County Surveyor

Approved this 27 day of March 1995. mo. Umatille County Planning Director

Taxes are paid in full. Approved this 22 day of March

Unatilla County Tax Collector Dyster

DEDICATION:

1995.

, 1995.

We, the owners of the land shown on this Plat, hereby acknowledge that we have caused this Partition Plat to be prepared. We hereby dedicate the 20 fool utility easements, as shown, for private and for public utilities. We also dedicate the 30 fool access and utility easement along the Northerly line of Parcel #1 for the use of Parcel #1 and Parcel #2.

Richard V. Erz

State of Oregon 355 County of Umatilla 355

Subscribed and sworn before me on this 15th day of MARCH , 1995.

arol A Daylor

Notary Public for Oregon My commission expires Jul 21, 199?

CILICITY . CAPOL J. 1A-1 C LUE COLIC DE OLIC SIGNAL C "EGO"

NOTE: There are no water rights on this properly.

STATE OF OREGON. COUNTY OF UMATTLLA, I. Thomas L. Groat, County Clerk, certify that ument was received and recorded

OMAPR 27, 1995 at 1:57 o'clock P. of Partition Plat of said County in

Book Page 1995 10

THOMAS L. GROAT By ...

> RECEIVED BY Umatilla County Surveyor Data 5-95 Rec'd Ey_KK No. 95- 25-R

SURVEYOR'S NARRATIVE:

The purpose of this survey is to partition that tract of land decided to Richard and Kathryn Erz by deed, recorded on Reel 261, Page 1440, Unnetilla County Deed Records, into 3 parcels for the pending sole of Parcel #3 and possible future sales. I surveyed this parcel in a 1994 survey for Robert Kenney.

REGISTERED PROFESSIONAL LAND SURVEYOR De Deanis Edwards, PLS 951 OREGON G. DENNIS EDWARDS 951 **BENEWS 12/31/95**

LEGAL DESCRIPTION:

A tract of land located in the West Half of the Southwest Quarter of Section 19, Township 4 North, Range 29 East, Willemette Meridian, Umetille County, Oregon, being described as beginning at the intersection of the centerline of County Road #608 and State at the intersection of the centerline of County Rood #608 and State Highway #32; thence Northwesterly along said Highway centerline 750.00 feel to the Northwesterly corner of the Iract of land conveyed to Stanley L. Bescomb, et us., by Deed recorded in Book 340, Page 277, Urnatille County Deed Records, and the true point of beginning for this description; thence N 49°05'57" W along said centerline of Highway #32 a distance of 300.00 feel; thence 5 40°54'03" W 522.14 feel to the Northcesterly line of that Iract of land described in Contract to Jerald P. Ellenberger, recorded in Book 314, Page 252, Urnatille County Deed Records; thence 5 45°03'04" E along the Northeesterly line of said Ellenberger tract 415.02 feel to the centerline of County Road #608 (Feedville Road); thence N 89°58'30" E along the centerline of said County Road 204.79 feel, more or less, to the most Southwesterly corner of said Basford tract; thence N 35°02'28" E along the corner of said Basford tract; thence N 35°02'28"E along the Westerly line of sid Besford treel 277.00 feel; thence N 40°54'30"E along the Westerly line of said Bastard tract 350.00 feel to the

Point of Beginning. Excepting therefrom that portion lying with State Highway #32, U.S. Highway #395 and County Road #608, also known as Fredville Road.

The above described center line of Highway #32 is as if existed before 1984.

> This is an exact copy. y Domail Sum

Survey for RICHARD & KATHRYN ERZ In SW 1/4 Section 19, TAN, RZ9E, W.M., Umatillo County, Oregon Job #59412150 2/13/95 P.O. Box 763 Edwards Surveying Hermiston, Oregon 97838 503-567-3336 DRWN. BY: S.K.B.



Survey for ROBERT KENNEY In SW 4 Section 19, T4N, R29E, W.M., Umahille County, Oregon 2/22/94 Job #59402016 Edwards Surveying RO. Box 763 567-3336 Hermiston, OR. 97838 Section status

NARRATIVE:

NABRATIVE: The purpose of this survey is to stake the corners of three tax lots described in the unrecorded files at the Assessor's office. This property is described in a deed to Robert Kenney, et an., recorded on Reel 83, Page 1314, Umalille County Deed Records. There is a pending sale for the Northerly two tax lots. The points of beginning for all of these parcets are on the centerline of Highway # 395 at designated distances from where said centerline inter-sects the South line of Section 19. Said centerline inter-sects the South line of Section 19. Said centerline thas been relocated after the descriptions were written. When the Highway was wolened, the additional Right of Way was taken aff of the Northeasterly side. The original R/W was GO fect and the Southwesterly R/W line has stayed in the same location (I assume) so I computed the original Highway centerline to be 30 ket Northeasterly of the Southwesterly R/W.

REGISTERED PROFESSIONAL LAND SURVEYOR Dimi El OREGON CKP. 12/31/95

FEEDVILLE

ROAD

Received and

. M. Wie in









