

STOCK DRIVE ROAD RIGHT OF
WAY DONATION AND VACATION
OF PORTIONS OF OLD ROAD
#908A

ROAD OFFICIAL'S REPORT

UMATILLA COUNTY
DEPARTMENT OF PUBLIC
WORKS

AUGUST, 2009

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Stock Drive Road Right of Way Donation and Vacation Report

General

The portion of Stock Drive Road, County Road No. 1388, which this action pertains to is located in the southeast $\frac{1}{4}$ of Section 8, Township 1 South, Range 32 E.W.M., immediately west of the city limits of but within the urban growth boundary of the City of Pilot Rock. It is approximately $\frac{1}{4}$ mile long.

History

Established rights of way in the area include Road No. 672 and 908A. Road No. 672 was established in 1909 by court order. A copy of the original plat is attached. Road No. 908A was created by deeds from Mrs. J. M. Boyer and Harry and Margaret Schultz in 1934. Copies of the deeds are attached and its location can be seen on the realignment and vacation detail, also attached.

In 1976 an effort was made to relocate a portion of what was mistakenly called Road #672 (should have been Road #908A) at the request of Ron Reeser. A survey was performed, descriptions were written, a public hearing was held, and an order filed accepting the relocated right of way and vacating the portion to be relocated.

Issues

As can be seen on the realignment and vacation detail, the traveled road is nowhere near any legally established right of way. Another problem is that the 1976 order actually vacated the proposed new alignment and accepted the existing one, and is therefore not valid. There were also discrepancies in private surveys in the area in regards to the location of Road #908A. They didn't match each other or the descriptions on the right of way deeds. There were also discrepancies in the deeds for the surrounding parcels. In 2008 a boundary line was agreed upon and a boundary adjustment completed between the Hatleys and Cooks to solve the private property line issues. The realignment and vacation detail reflects the corrected boundary lines.

Proposal

James, Evelyn, and Jerry Hatley intend to annex their property into the City and then partition or subdivide it and wish to have the road location issue resolved. They have offered to deed to the County a 60-foot wide strip of land that would connect to the existing traveled road on each end of their parcel in exchange for vacation of parts of the unused Road #908A right of way. The deeded land would include much of the traveled

road and some of the area that was supposed to be the “new” alignment in 1976. See the realignment and vacation detail.

A road vacation petition was submitted by the Hatleys, Cooks, Austins, and Mary Koch for the vacation of portions of Road #908A. They constitute 100% of the abutting property owners. All would benefit by vacation of the old unused right of way.

Procedure and Statutes

ORS 368.073(2)(b) allows a county governing body to initiate proceedings to acquire property for public road purposes if a written proposal to dedicate or donate land is submitted by the persons owning the land. Paragraph 4 of the attached vacation petition satisfies this requirement.

ORS 368.096(1)(a) allows a county governing body to acquire the property by acceptance of a dedication or donation. The Hatleys’ attorney has prepared a bargain and sale deed offering the property to the County.

The vacation petition submitted meets the requirements of ORS 368.341. Included with the petition are descriptions of how the vacated right of way would vest with the abutting property owners. ORS 368.366(2) allows the county governing body to determine the vesting of the property vacated in the vacation order.

ORS 368.351 allows vacation of property without a public hearing if 100% of the abutting property owners sign the petition. Because 100% have signed this petition, no hearing is required.

Recommendation

The Public Works Department recommends that the deed for the new right of way be accepted and that those portions of Road #908A as described in the final order be vacated and ownership vest as described. This will benefit the public by establishing the exact location of the road, which has been in doubt for a long time. It would also return 0.45 acre to the tax rolls.

APPROXIMATE LOCATION OF ROAD 672

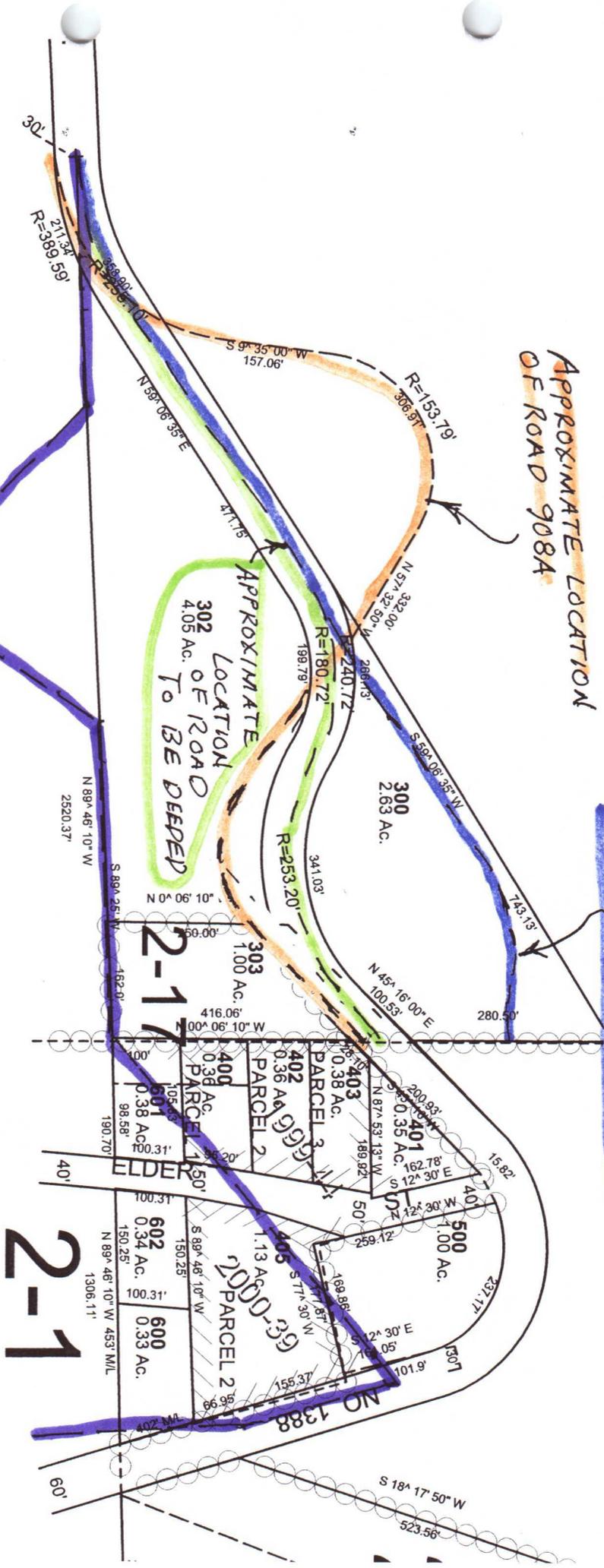
APPROXIMATE LOCATION OF ROAD 9084

APPROXIMATE LOCATION OF TRAVELED ROAD

APPROXIMATE LOCATION OF ROAD 302 OF ROAD TO BE DEEDED

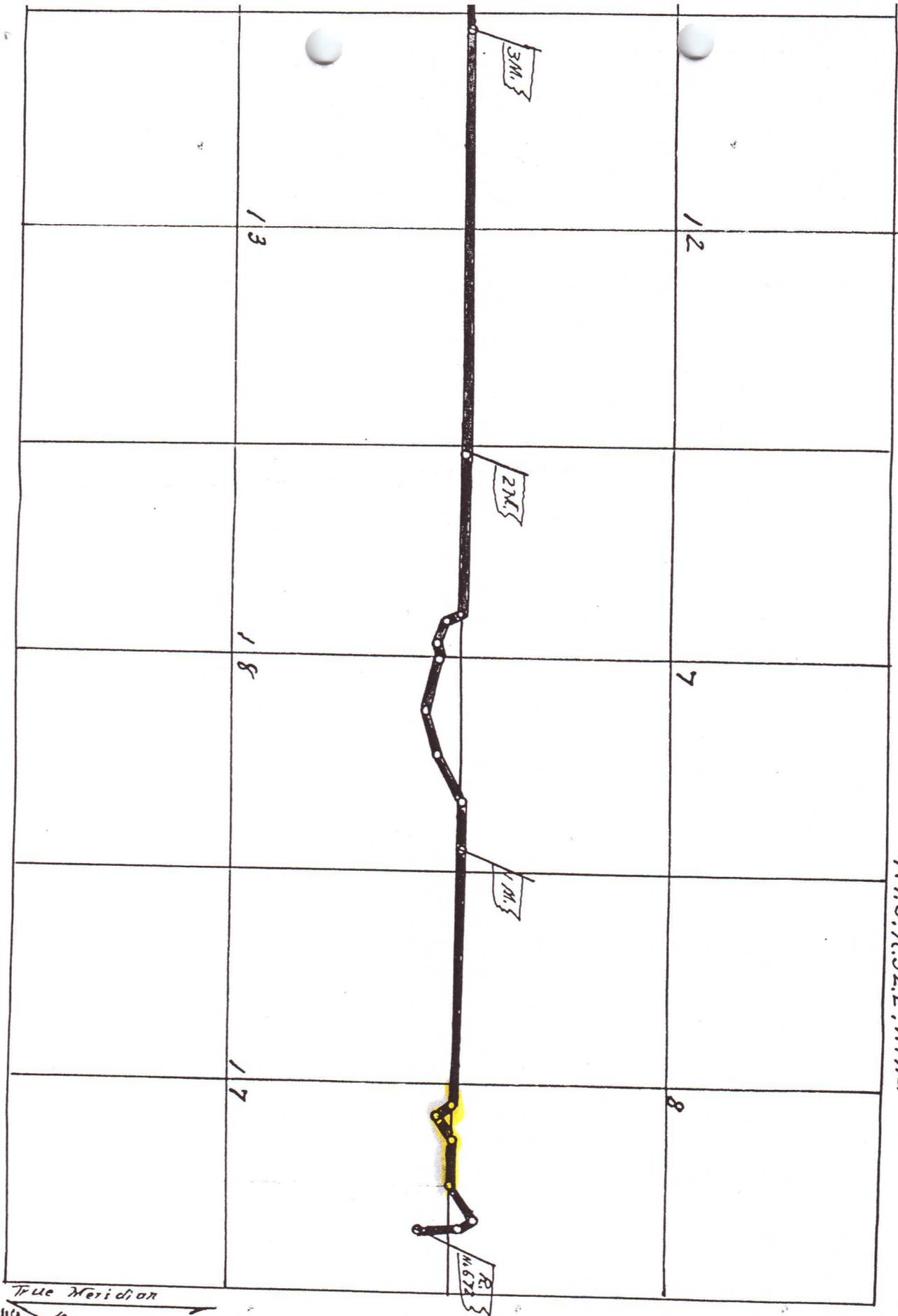
2-1

See Map 1S 32 17AA



Plat of Road No. 672

T.1.S.R.32.E.W.M.



In the Matter of Oregon Road,

known as the County Road Number 908A

Know all men by these presents, That Henry Schultz and Margaret Schultz his wife

of the County of Umatilla

in the State of Oregon, in consideration of the benefits and other valuable considerations, and the sum of _____ Dollar

paid to them the receipt whereof is hereby acknowledged by them

have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey

unto the County of Umatilla, State of Oregon, the following described parcel of land, situate in

Umatilla County, State of Oregon, to-wit: A strip of land 60 feet wide, being 30 feet

wide on each side of the center line described as follows: beginning at a

point which point is 364 feet north of the southwest corner of the SW 1/4 of

SE 1/4 of Section 8, Township 1 South, Range 32, E.W.M.: thence along a tangent

with a bearing of S 47° 30' West for a distance of 213.2 feet; thence around

a 24° curve right with a central angle of 76° 37' Right for a distance of

319.2 feet; thence along a tangent with a bearing of N 55° 53' West for a

distance of 399.9 feet; thence around a 30° curve left with a central angle of

112° 25' left for a distance of 313.2 feet; thence along a tangent with

a bearing of S 11° 42' West for a distance of 141.4 feet; thence around a

20° curve right with a central angle of 79° 43' Right for a distance of

398.6 feet to a point in the center of the present County Road, said point

being 1254 feet west of the point of beginning.

Should be 20° even

next

To have and to hold the same, unto the County of Umatilla, State of Oregon, for the purpose of a public road forever.

In Witness Whereof, they have hereunto set their hands and their seal this 10th day of Dec, 1934.

Signed, sealed and delivered in presence of

J. Hales
Wm. R. Meiners

Henry Schultz (Seal)
Margaret Schultz (Seal)
(Seal)
(Seal)

In the Matter of Oregon Road,

known as the County Road Number 908A

Know all men by these presents, That Mrs. J. M. Royer a widow

of the County of Umatilla

in the State of Oregon, in consideration of the benefits and other valuable considerations, and the sum of _____ Dollar

paid to her the receipt whereof is hereby acknowledged by her

has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the County of Umatilla, State of Oregon, the following described parcel of land, situate in Umatilla County, State of Oregon, to-wit:

A strip of land 60 feet wide, being 30 feet wide on each side of the center line described as follows: beginning at a point which point is approximately N 50°15' East a distance of 587 feet from the southwest corner of the SE 1/4 of SE 1/4 of Section 8, Township 1 South Range 32, E.W.M.; thence along a tangent with a bearing of N 12° 30' West a distance of 101.9 feet; thence around a 40° curve left with a center angle of 120° 00' left for a distance of 300 feet; thence along a tangent with a bearing of S 47° 30' West for a distance of 255.1 feet to a point in the property line which point is 364 feet north of the point of beginning.

Chart 1 B.

To have and to hold the same, unto the County of Umatilla, State of Oregon, for the purpose of a public road forever.

In Witness Whereof, she has hereunto set her hand and her seal this 10th day of Dec, 1924.

Mrs. J. M. Royer (Seal)

Signed, sealed and delivered in presence of _____ (Seal)

J. O. Hales _____ (Seal)

Chas. R. Meiners _____ (Seal)

B 146 P 10

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR UMATILLA COUNTY

STATE OF OREGON

In the Matter of RELOCATING a portion of)
County Road #672.)

O R D E R

WHEREAS Ron Reeser requested that Umatilla County Relocate a portion of County Road #672, and

WHEREAS the portion to be Relocated has the following description:

A portion of County Road #672 being 60 feet wide and lying 30 feet on either side of the following described centerline as situated in the SE 1/4 of Section 8, Township 1 South, Range 32 E., W.M.

Commencing at the SE corner of said Section 8, Thence N 89° 46' 10" W, along the South line of said Section 8, 2,520.37 feet to the point of beginning for this description, Thence on a 225.10 foot radius curve to the left, (Long chord bears N 74° 39' 02" E, 192.69 feet) an arc distance of 195.07 feet, Thence N 59° 06' 35" E, 471.75 feet, Thence on a 210.72 foot radius curve right (Long chord bears S 89° 13' 08" E, 221.28 feet) an arc distance of 232.96 feet to the termination point.

Said parcel containing 1.22 acres.

WHEREAS the Relocated right-of-way will be described as follows:

A portion of Umatilla County Road #672 being 60 feet wide and lying 30 feet on either side of the following described centerline as situated in the SE 1/4 of Section 8, Township 1 South, Range 32 E., W.M.

Commencing at the SE corner of said Section 8, Thence N 89° 46' 10" W, along the South line of said Section 8, 2,520.37 feet to the point of beginning for this description, Thence on a 225.10 foot radius curve to the left (Long chord bears N 49° 53' 15" E, 291.21 feet) an arc distance to 316.69 feet, Thence N 09° 35' 00" E, 157.06 feet, Thence on a 185.79 foot radius curve right (Long chord bears N 66° 01' 05" E, 309.62 feet) an arc distance of 366.00 feet, Thence S 57° 32' 50" E, 332.00 feet to the termination point.

Said parcel contains 1.6 acres.

WHEREAS the portion to be Relocated will be vacated as perscribed in O.R.S. 368.540, and

WHEREAS a Public Hearing was held on September 15, 1976, and

WHEREAS the Umatilla County Roadmaster testified the Relocation as petitioned will
in the best interest of Umatilla County, and

WHEREAS no remonstrances against the Relocation were heard, now

THEREFORE the Umatilla County Board of Commissioners, finding it in the best in-
terest of the citizens of Umatilla County, ORDER that portion of County Road #672 as peti-
tioned to be Relocated be allowed as requested.

DATED the 27 day of September, 1976.

UMATILLA COUNTY
BOARD OF COMMISSIONERS

F. K. Starrett

F. K. STARRETT, CHAIRMAN

Barbara Lynch

BARBARA LYNCH

ATTEST:

Jessie M. Bell

JESSIE M. BELL, COUNTY CLERK

Raymond Bevans

RAYMOND BEVANS

Road Vacation Petition

We, Ivan and Colleen Cook; James, Evelyn, and Jerry Hatley; Douglas and Tammy Austin; and Mary Koch, hereinafter referred to as Petitioners, petition the Umatilla County Board of Commissioners to vacate a portion of County Road No. 908A, a deeded right of way located in the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 8, Township 1 South, Range 32 E.W.M. near the City of Pilot Rock, Oregon. The specific location of the right of way proposed to be vacated and the proposed ownership of the vacated right of way is as shown on the attached drawing and legal descriptions for parcels 1, 2, 3, and 4.

The Petitioners are the owners of property abutting the right of way sought to be vacated or own land across the road from a portion of the right of way proposed to be vacated. The Petitioners are the only persons or corporations directly affected by the proposed vacation.

No portion of the right of way proposed to be vacated is situated within the corporate limits of Pilot Rock, though it is in the urban growth boundary.

The request for vacation is being made to clear up questions as to the legal location of the road. As can be seen on the attached drawing, the road that is actually being used does not lie within any legal record right of way. James, Evelyn, and Jerry Hatley intend to deed the County a 60-foot strip of ground for a road that better utilizes the location of the existing traveled road. The portions of the old right of way not needed for the new road would be vacated and returned to the property owners.

The Petitioners request that the portions of Road No. 908A as described and shown on the attached drawing and legal descriptions be vacated and that the vacated parcels vest as described.

Parcel 1
A Portion of County Road No. 908A
Umatilla County to Ivan and Colleen Cook

Commencing at a brass-capped monument marking the South $\frac{1}{4}$ Corner of Section 8, Township 1 South, Range 32 E. W. M.; thence N39°18'59"E, 34.06 feet to a point on the northerly right of way line of County Road No. 908A and the true point of beginning of this description; thence 287.50 feet along a 256.49-foot radius curve left (the long chord bears N45°51'00"E, 272.69 feet); thence N13°44'18"E, 141.40 feet; thence 371.06 feet along a 189.12-foot radius curve right (the long chord bears N69°56'48"E, 314.34 feet); thence S53°50'42"E, 163.89 feet to a point marking the intersection of the northerly right of way line of County Road No. 908A and the common line between that property owned by Ivan and Colleen Cook and James, Evelyn, and Jerry Hatley; thence S62°15'43"W, 11.50 feet along said common boundary line to a $\frac{5}{8}$ " iron rebar with orange plastic cap; thence S60°36'04"W, 54.57 feet along said common boundary line to its intersection with the southerly right of way line of County Road No. 908A; thence N53°50'42"W, 136.25 feet; thence 253.34 feet along a 129.12-foot radius curve left (the long chord bears S69°56'48"W, 214.61 feet); thence S13°44'18"W, 141.40 feet; thence 139.64 feet along a 316.49-foot radius curve right (the long chord bears S26°22'40"W, 138.51 feet) to the intersection of the southerly right of way line of County Road No. 908A and the common line between the Hatley and Cook parcels; thence S56°10'38"W, 18.67 feet along said common boundary line to a $\frac{5}{8}$ " iron rebar with orange plastic cap; thence S56°10'38"W, 19.01 feet; thence 95.76 feet along a 170.00-foot radius curve left (the long chord bears S72°18'53"W, 94.50 feet); thence S88°27'08"W, 71.09 feet to the point of beginning.

The above described parcel is a portion of County Road No. 908A, deeded to Umatilla County by Mrs. J. M. Royer and Henry and Margaret Schultz in 1934, Book 146, Pages 10 and 11, deed records, and contains 1.14 acres, more or less. Bearings are based on Survey No. 08-139-B filed in the Umatilla County Surveyor's Office.

Parcel #2
A Portion of County Road No. 908A
Umatilla County to James, Evelyn, and Jerry Hatley

Commencing at a brass-capped monument marking the South $\frac{1}{4}$ Corner of Section 8, Township 1 South, Range 32 E.W.M.; thence $N61^{\circ}50'43''E$, 704.38 feet to a point on the southerly right of way line of County Road No. 908A and the true point of beginning; thence $N53^{\circ}50'42''W$, 0.40 foot along said southerly right of way line; thence departing from said southerly right of way line on a bearing of $N60^{\circ}53'25''E$ and a distance of 66.06 feet to a point on the northerly right of way line of said County Road No. 908A; thence $S53^{\circ}50'43''E$, 14.09 feet along said northerly right of way line; thence departing from said northerly right of way line along a 306.70-foot radius curve left a distance of 73.03 feet (the long chord bears $S70^{\circ}42'57''W$, 72.86 feet) to the point of beginning.

The above described parcel is a portion of County Road No. 908A, deeded to Umatilla County by Mrs. J. M. Royer and Henry and Margaret Schultz in 1934, Book 146, Pages 10 and 11, deed records, and contains 0.01 acre, more or less. Bearings are based on Survey No. 08-139-B filed in the Umatilla County Surveyor's Office.

Parcel #3
A Portion of County Road No. 908A
Umatilla County to James, Evelyn, and Jerry Hatley

Commencing at a brass-capped monument marking the South $\frac{1}{4}$ Corner of Section 8, Township 1 South, Range 32 E. W. M.; thence N66°46'09"E, 737.56 feet to a point on the southerly right of way line of County Road No. 908A and the true point of beginning; thence 85.75 feet along a 246.70-foot radius curve right (the long chord bears N81°28'07"E, 85.32 feet) to a point on the northerly right of way line of County Road No. 908A; thence S53°50'43"E, 132.34 feet along said northerly right of way line; thence 248.70 feet on a 208.73-foot radius curve left (the long chord bears S87°58'44"E, 234.25 feet) along said northerly right of way line; thence departing from said northerly right of way line along a 310.54-foot radius curve left a distance of 44.43 feet to the common boundary line between the parcels owned by James, Evelyn, and Jerry Hatley and Douglas and Tammy Austin; thence S0°22'03"W, 52.87 feet along said common boundary line to a point on the southerly right of way line of County Road No. 908A; thence continuing on said southerly right of way line along a 268.73-foot radius curve right a distance of 333.56 feet (the long chord bears N89°24'15"W, 312.56 feet); thence N53°50'43"W, 193.00 feet to the point of beginning.

The above described parcel is a portion of County Road No. 908A, deeded to Umatilla County by Mrs. J. M. Royer and Henry and Margaret Schultz in 1934, Book 146, Pages 10 and 11, deed records, and contains 0.66 acre, more or less. Bearings are based on Survey No. 08-139-B filed in the Umatilla County Surveyor's Office.

Parcel 4
A Portion of County Road No. 908A
Umatilla County to Douglas and Tammy Austin

Commencing at a brass-capped monument marking the South $\frac{1}{4}$ Corner of Section 8, Township 1 South, Range 32 E. W. M.; thence N81°22'38"E, 1159.24 feet to a point at the intersection of the southerly line of County Road No. 908A and the common boundary line between the parcels owned by James, Evelyn, and Jerry Hatley and Douglas and Tammy Austin and the true point of beginning; thence departing from the southerly road right of way line on a bearing of N0°22'03"E and a distance of 52.87 feet along the common Hatley and Austin boundary line; thence 147.69 feet along a 310.54-foot radius curve left (the long chord bears N60°00'37"E, 146.31 feet); thence N46°23'07"E, 49.69 feet to a 5/8" iron rebar on the north-south centerline of the Southeast $\frac{1}{4}$ of Section 8; thence S0°22'03"W, 22.97 feet along said north-south centerline of the Southeast $\frac{1}{4}$ of Section 8 to a point on the southerly right of way line of County Road No. 908A; thence S49°32'18"W, 187.28 feet along said southerly right of way line; thence continuing on said southerly right of way line along a 268.73-foot radius curve right a distance of 25.79 feet (the long chord bears S52°17'15"W, 25.78 feet) to the point of beginning.

The above described parcel is a portion of County Road No. 908A, deeded to Umatilla County by Mrs. J. M. Royer and Henry and Margaret Schultz in 1934, Book 146, Pages 10 and 11, deed records, and contains 0.10 acre, more or less. Bearings are based on Survey No. 08-139-B filed in the Umatilla County Surveyor's Office.

Colleen Cook

Address: 1870 S. 1st St
Hermiston, OR 97838

Tax Lot #: 1S 32 B #1200

Signature: Colleen Cook

STATE OF OREGON
COUNTY OF UMATILLA

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON

May 8th, 2009

BY COLLEEN B. COOK

Carol J Taylor
NOTARY PUBLIC FOR THE STATE OF OREGON

MY COMMISSION EXPIRES: Feb 21, 2013

MY COMMISSION NUMBER: 435 772



Petitioners

Ivan Cook

Address: 1870 S. 1st Street
Hermiston OR 97838

Tax Lot #: 1S 32 B #1200

Signature: Ivan J Cook

STATE OF OREGON
COUNTY OF UMATILLA

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON

May 8th, 2009

BY IVAN J. COOK

Carol J Taylor
NOTARY PUBLIC FOR THE STATE OF OREGON

MY COMMISSION EXPIRES: Feb 21, 2013

MY COMMISSION NUMBER: 435 772



James Hatley

Address: 604880 East Birch Creek Road
Pilot Rock, Oregon 97868

Tax Lot #'s: 1S 32 08D #300, #302

Signature: *James D. Hatley*

STATE OF OREGON
COUNTY OF UMATILLA

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON

4/6/2009

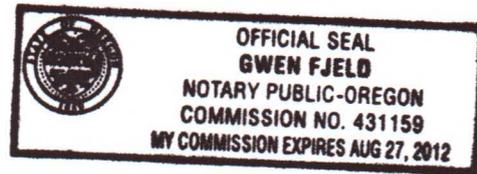
James D. Hatley, 2009

BY JAMES D. HATLEY

Gwen Fjeld
NOTARY PUBLIC FOR THE STATE OF OREGON

MY COMMISSION EXPIRES: 8-27-2012

MY COMMISSION NUMBER: 431159



Evelyn Hatley

Address: 64880 E Birch Cr. Rd
Pilot Rock, Or. 97868

Tax Lot #'s: 1S 32 08D #300, #302

Signature: Evelyn E Hatley

STATE OF OREGON
COUNTY OF UMATILLA

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON

April 6, 2009

BY EVELYN E. HATLEY

Gwen Fjeld
NOTARY PUBLIC FOR THE STATE OF OREGON

MY COMMISSION EXPIRES: 8/27/2012

MY COMMISSION NUMBER: 431159



Jerry Hatley

Address:

3087 SW Riverview Drive

Pendleton, Oregon 97801

Tax Lot #'s: 1S 32 08D #300, #302

Signature:

[Handwritten signature of Jerry Hatley]

STATE OF OREGON
COUNTY OF UMATILLA

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON

April 6th, 2009

BY JERRY A. HATLEY

[Handwritten signature of Gwen Fjeld]
NOTARY PUBLIC FOR THE STATE OF OREGON

MY COMMISSION EXPIRES: 8-27-2012

MY COMMISSION NUMBER: 431159



Douglas Austin

Address: 400 GROC DR.
PILOT ROCK OR 97868

Tax Lot #: 1S 32 08D #303

Signature: Doug Austin

STATE OF OREGON
COUNTY OF UMATILLA

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON

April 21, _____, 2009

BY DOUGLAS G. AUSTIN

Nancy All, Notary Public
NOTARY PUBLIC FOR THE STATE OF OREGON

MY COMMISSION EXPIRES: 6-18-2011

MY COMMISSION NUMBER: 417787



Tammy Austin

Address: 600 Stock Drive
Pilot Rock, Ore 97860

Tax Lot #: 1S 32 08D #303

Signature: (X) 

STATE OF OREGON
COUNTY OF UMATILLA

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON

4-22-, 2009

BY TAMMY J. AUSTIN

Nancy All, Notary Public
NOTARY PUBLIC FOR THE STATE OF OREGON

MY COMMISSION EXPIRES: 6-18-2011

MY COMMISSION NUMBER: 417787



Mary Koch

Address: P.O. Box CC
Pilot Rock, OR. 97868

Tax Lot #: 1S 32 17 #401

Signature: Mary M. Koch

STATE OF OREGON
COUNTY OF UMATILLA

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON

April 14, 2009

BY MARY M. KOCH

Kimberly R. Bedard
NOTARY PUBLIC FOR THE STATE OF OREGON

MY COMMISSION EXPIRES: 10-21-2011

MY COMMISSION NUMBER: 422580



STOCK DRIVE ROAD RE-ALIGNMENT AND RIGHT OF WAY VACATION DETAIL LOCATED IN THE SE 1/4 OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 32 E. W. M. FEBRUARY, 2009

