

VACATION OF A PORTION OF
CABLE CREEK ROAD NO. 1477
(A.K.A. ROAD NO. 338 AND ROAD
NO. 572)

ROAD REPORT

OCTOBER, 2011

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Report on Vacation of a Portion of County Road No. 1477, Cable Creek Road

History

The portion of Cable Creek Road affected by this vacation proceeding is that portion lying south of its intersection with Mossie Road. Part of the road was originally established in 1890 as Road No. 338. The other part of the road was established in 1905 as Road No. 572. The original surveys of the road are attached.

There are also several other roads that were established in the area and have since been vacated. Road No. 379 in Section 22 was opened in 1891 and vacated in 1962. Road No. 381 in Sections 21, 27, and 28 was opened in 1892; a portion was vacated in 1901 and another portion was vacated in 1962. Road No. 502 located in Sections 27, 28, and 34 was opened in 1898 and vacated in 1962. A portion of Road No. 338 in Sections 15 and 22 was vacated in 1905; another portion in Sections 21 and 22 was vacated in 1962. The location of these vacated roads in relation to the road being considered for vacation in this proceeding can be seen on the attached ownership map.

Issue

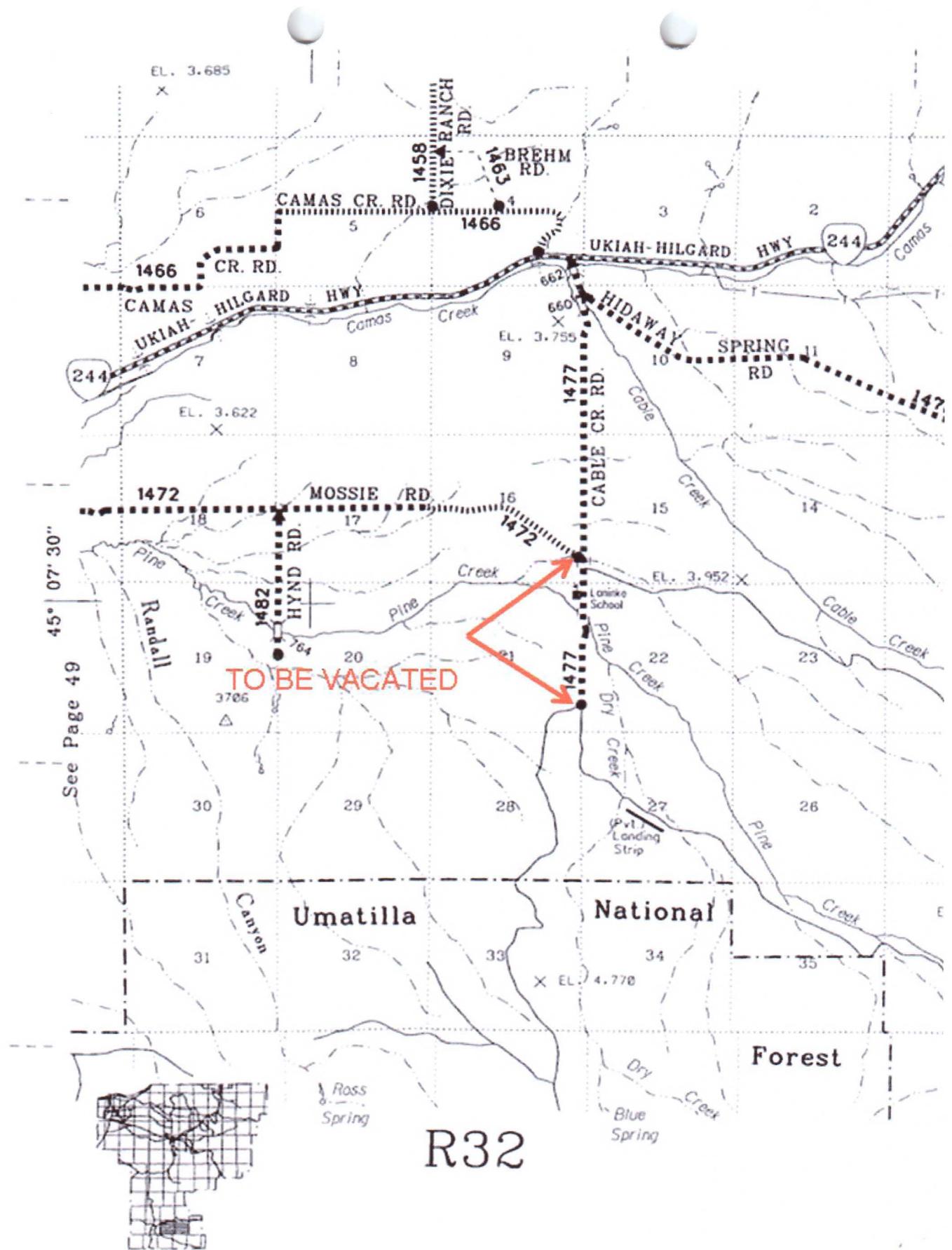
In October a petition to vacate was received containing signatures of 100% of the abutting landowners. The reasons stated for requesting the vacation were to reduce vandalism, trespassing, and theft. The road currently serves as nothing more than an access to private property and is rarely if ever maintained by the County.

Impacts to Utilities

The only utilities installed in the road right-of-way are service lines used only by the Petitioners. No adverse impacts to utility companies are anticipated.

Recommendation

Because the road crosses Pine Creek and no bridge or culvert is installed (see photo #9), vacation of the road would remove liability from the County should someone be injured or worse when trying to cross the creek (it does run a lot of water at times). Vacation of the road would also add approximately 7 acres to the tax rolls. Because of the previous road vacations in the area, there is no longer any access to public lands to the south. For these reasons, the Public Works Department recommends that the road as described in the vacation petition and on the final vacation order be vacated.



ROAD VACATION PETITION

We (SEE "PETITIONERS" NEXT PAGE) petition the Board of County Commissioners of Umatilla County, Oregon to vacate

The last (southern most) 5170 ft ± of Cable Creek Rd County Road #338 and or #572 starting at the northern line of Tax Lot 1600 thence south to the terminus of the County Road located in T5S R32E Sec's 15, 16, 21, 22 (Drawing Attached)

II

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

III

No portion of the road 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 road are:

The road is surrounded by private property, the majority of which is one owner. There is no access to public property. Landowner is trying to reduce vandalism, theft and trespassing.

V

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

Spin & Marty LLC
14312 Stenback Way NE
Aurora, OR 97002

Merlin & Claudia Hughes
6045B Little Butter Cr. Rd
Heppner, OR 97836

Certification

On this 26 day of Sept, 2011, before me, the undersigned, Michael T. Wilson, 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)

SPIN + MORTY LLC BY [Signature] MGR.



[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires 05/23/2013

Certification

On this 30 day of Sept, 2011, before me, the undersigned, Claudia Hughes, 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.

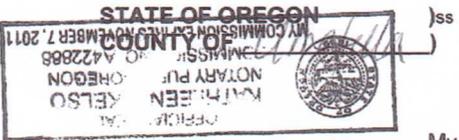


[Signature]
[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires 11/7/11

Certification

On this 30 day of Sept, 2011, before me, the undersigned, Merlin Hughes, 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.



[Signature]
[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires 11/7/11

Certification

On this ___ day of _____, 20___, before me, the undersigned _____, personally appeared, known to me to be the identical individual described in and who executed the same freely and voluntarily.

Field Notes of Road survey No. 338, for Immatilla County Oregon

I meet full board of viewers on R. 338 at time and place appointed for the same, and administer to each the usual form of oath. We call Edgar Thomeon and S. E. Clark to chain and mark and L. M. M. Reynolds as axeman and qualify each according to law. I commence at a pt. on R. 271 at foot of steep grade on N. side of Camas Creek in S.W. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ of Sec. 7 T. 5 S. R. 32 E. and on var 20° (Initial post 75 pouth of foot of grade and 110 N. of Camas Creek) I run from said initial post

S. 46.18° W	315	Center of Camas Creek course 85.7° W 50 wide
	389	Set angle post cut A on alder in branch on S side of creek, and turn,
518.31° E	502	Set angle post, and turn,
$N76.14^\circ$ E	584	Foot of grade, ascend.
	650	Head " " less ascent.
	841	Set angle post, and turn,
$S.86.46^\circ$ E.	1678	Cut A on S. side of Pine stump, 14" high, 2" dia and turn
$S.45.20^\circ$ E.	2046	Pine tree 2" dia. on line, notched 3 notches in line.
	2320	Set angle post, about 25° E. of Pine grove, and turn,
$S.42.35^\circ$ E.	3000	Summit.
	3758	Low pine, 18" dia, notched on opposite sides, 3 notches. Cut A on west side
	4220	Intersect line bet. Secs. 9+10. set angle post in mound with pits, and turn,
South	5120	$\frac{1}{4}$ Sec. Cor. bet. Secs. 9+10, continue on sec. line
	5280	Set 1 M. P. 20° E. of line.
	2470	Cor. for Secs. 9-10-15+16.
	5133	" " $\frac{1}{4}$ Sec bet. Secs. 15+16
	5280	Set 2 M. P. 20° E. of line. Cut A on "mile post" turn
373.30° E	1206	" angle post, in mound, and turn,
	2869	Cor. fences S+W. on west side of N. end of lane 20 wide course N+S. Cut A on cor. post, and turn
South	2660	Ravine 25 wide run N.W. - rocky.
	5385	Cut 1 M. P. on on a porous basalt rock in place 48x30x20 ins.
	95	S. end of lane. Cut A on cor post fences N+W. on west side of lane, and turn
50.20° W.	7444	Set angle post in traveled road, and turn,
76.12° W.	1195	" " " " " " " "
87.27° W.	1561	" " " " " " " "
76.58° W.	1924	" " " " " " " "
85.37° W.	2274	" " " " " " " "

285

N. 70° 48' W	2466	Set angle post on flat E. of Pine creek and turn,
S 13° 58' E	3024	" " in traveled road and turn.
S 9° 32' W	3065	Pine Creek, 50 across Course N.W.; Ascend,
	3273	Set angle post, and turn,
N. 81° 43' W	3454	" " " on summit, and turn,
S 65° 02' W	3860	Cor. for 4 sec. bet. Secs. 21 & 22 - log fence N. & S. Cut A on fence at cor. and turn on sec. line
South	5220	Set 4 M. P. 20' E. of line
	1160	" Terminus - post in mound.

I hereby certify that the foregoing is a true copy
of the original notes of the Survey of R. No 338 of,
Ramatilla County Co.
Jno. C. Arnold, Surveyor.

Wm. Survey 338
 Field Notes

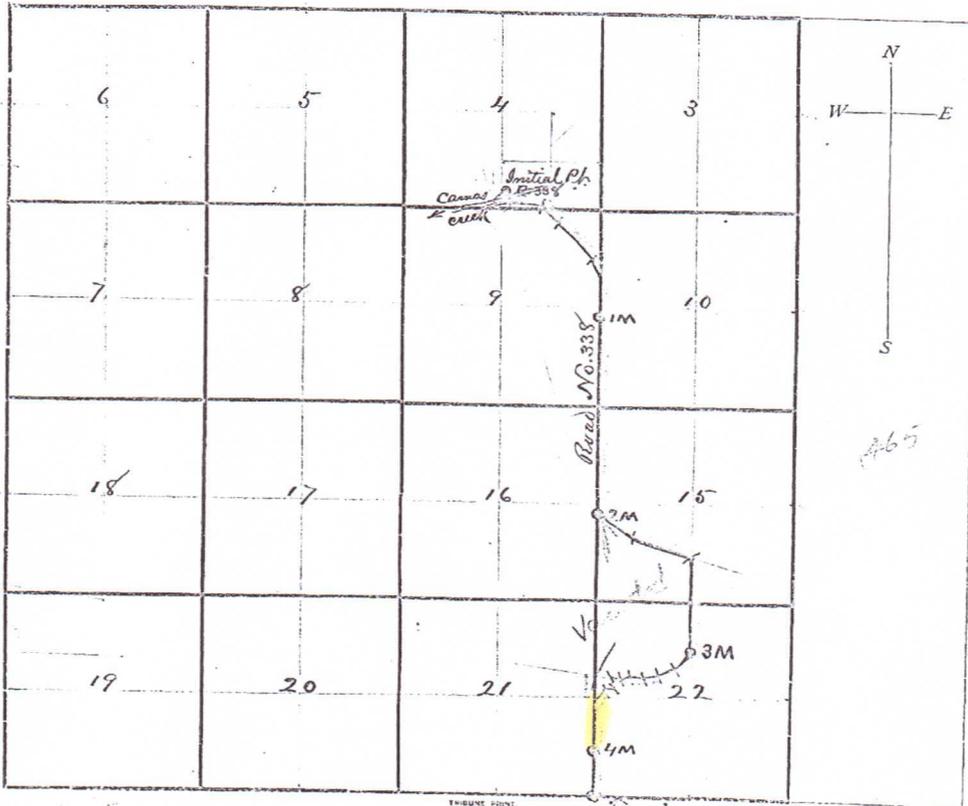
FILED JUL 10 1880
 J. M. Pierce, Clerk
 Deputy

Record in Sec. R. T. 21 & 22
 Ex. 18 89

LAWS OF OREGON, CHAPTER LVI, § 13.

"County surveyor shall be allowed fees for their services as follows: For every survey, five dollars; for every chain over eighty chains, five cents per chain lineal measure; for calculating the quantity of each tract of land not divided, one dollar; for making each plat, fifty cents; for recording plat and certificate, one dollar; for each copy of plat and certificate, fifty cents; for traveling to and from place of survey, ten cents per mile; provided, that all expenses of chain-carriers and markers shall be paid by the person at whose request the survey is made."

I hereby certify the following to be a correct plat of the ~~reconventional~~ survey of Road 338 Township 5S Range 32, East of Willamette Meridian, as made by me, July 12. 3 a. 19. 1890 Jno. L. Arnold, Surveyor for Umatilla County, Oregon.



AND THE CONDITIONS OF THE ABOVE SUBSCRIBED TO BE, THAT, UNLESS THE ABOVE NAMED

J. E. Clark J. A. Banks and Elmer and others,

have petitioned the County Court of said County of Umatilla, at the May Term, 1890, thereof, for a County Road, commencing at the intersection of the present county road and Cowan's Creek at S.W. corner, $2\frac{3}{4}$ of sec. 4-T-5-R-32-E-W.6. thence following a southeasterly course by the most practical route as set forth in the accompanying petition, to the S.E. corner of S-21-T-5-R-32-E-W.6.

NOW, if the above named J. E. Clark and J. A. Banks.

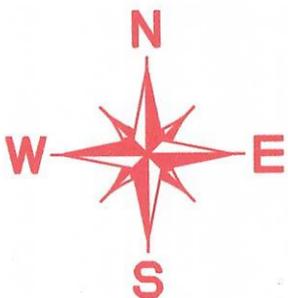
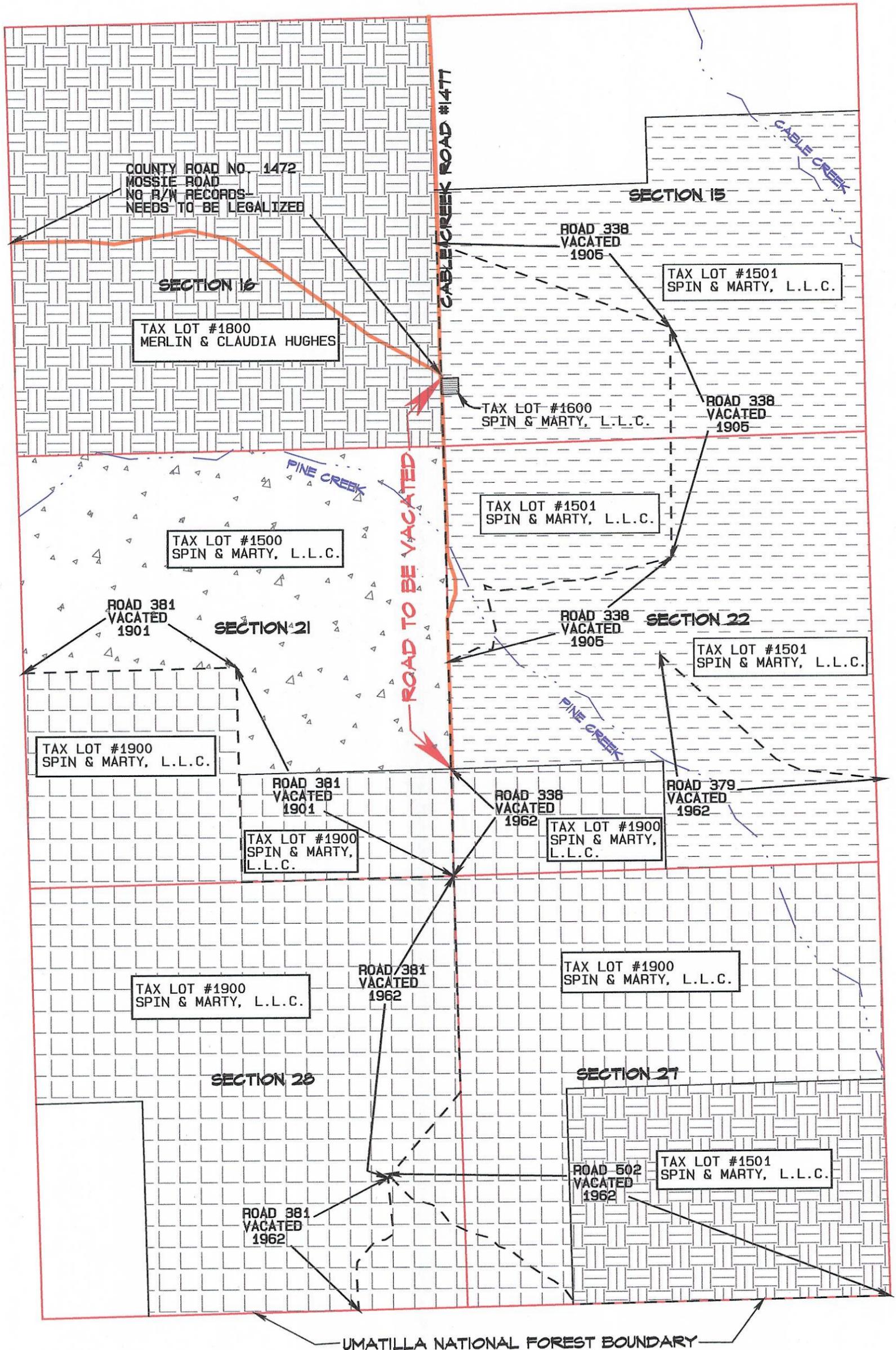
Field Notes of Road No 572

Commencing at the $\frac{1}{4}$ sec ea bet sec 15 and 16
T 5 S R 32 E W 1/4 set post 4 ft long 4 ins dia
24 ins in the ground 30 feet East of Initial Point -
Marked R No 572 raised mound of stone 18 ins high
4 ft wide at base around post
thence South bet sec 15 & 16
2700 creek 10 ft wide no wet
4000 the corner to sec 15-16-21 and 22
5600 creek to right course $N 20^{\circ} W$
5700 South bank of creek course W
6140 foot of Hill ascend
6400 top of Hill thence gradual ascent $+ 35^{\circ}$
8000 to $\frac{1}{4}$ sec corner bet sec 21 and 22
set stone $24 \times 18 \times 10$ marked $\frac{1}{4}$ R No 572
and raised mound of stone 18 ins high 3 ft wide at base
around stone

I hereby certify that the foregoing are a true copy of
Field Notes of Road Survey No 572 as surveyed by
me on the 25th day of April 1905-

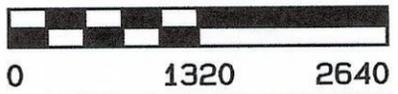
John W. Kimbrell County Surveyor
for W. Matilla County Oregon

CABLE CREEK ROAD VACATION OWNERSHIP MAP TOWNSHIP 5 SOUTH RANGE 32 E.W.M.



VACATED ROADS - - - - -

SCALE 1"=1320'



0 1320 2640

CABLE CREEK ROAD VACATION PHOTO LOCATION DRAWING

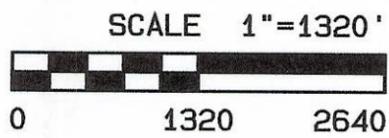
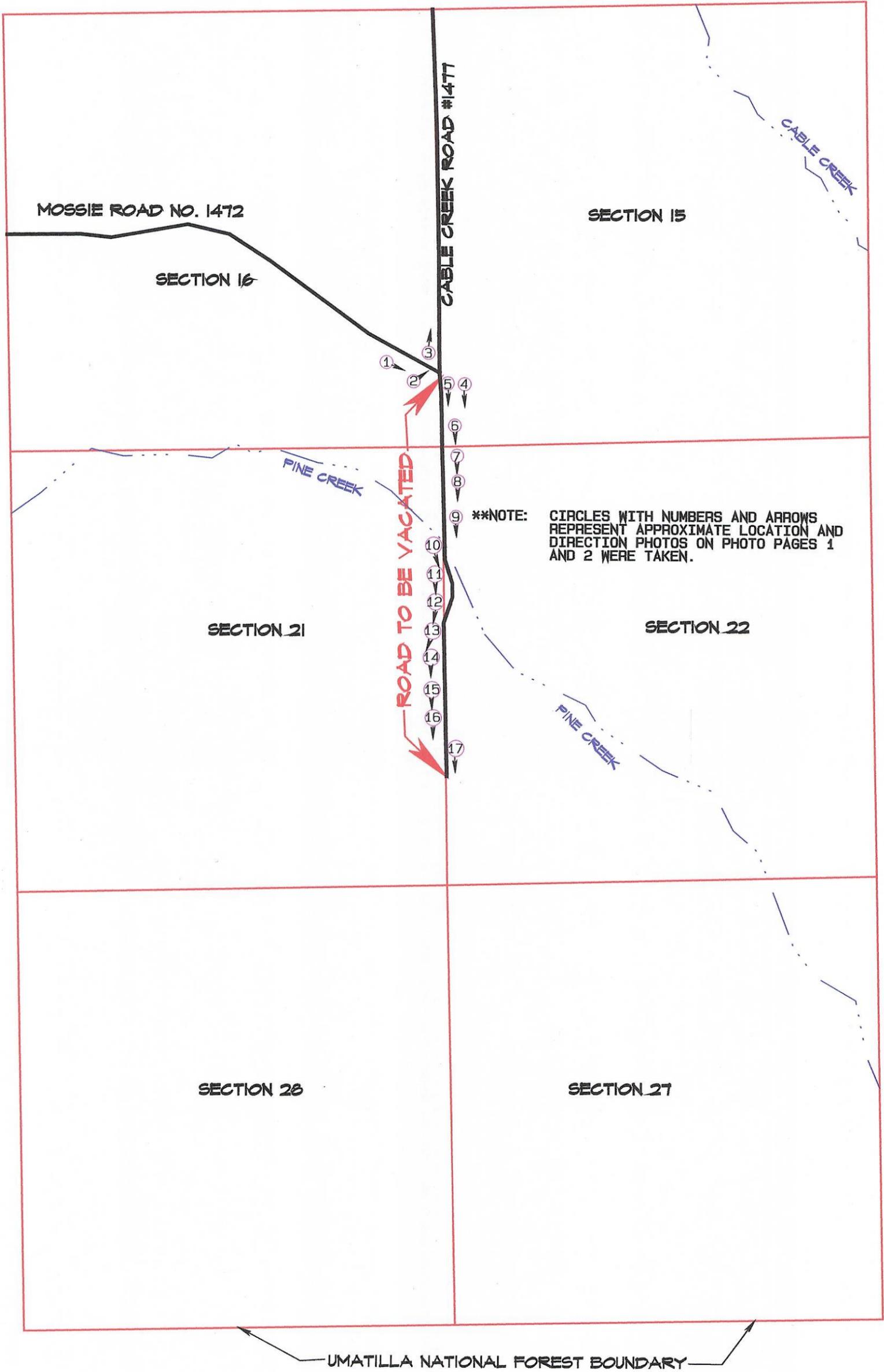
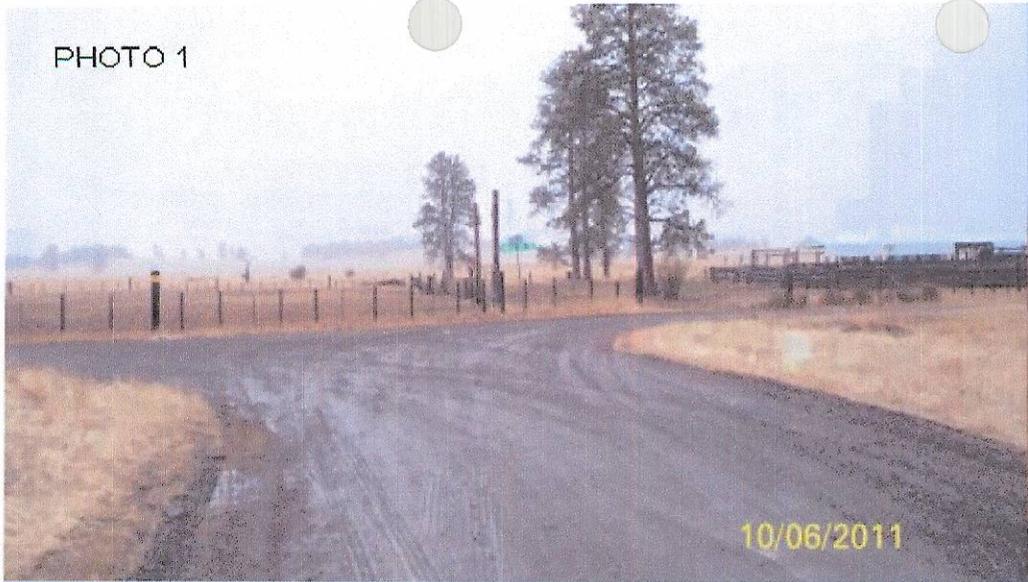


PHOTO 1



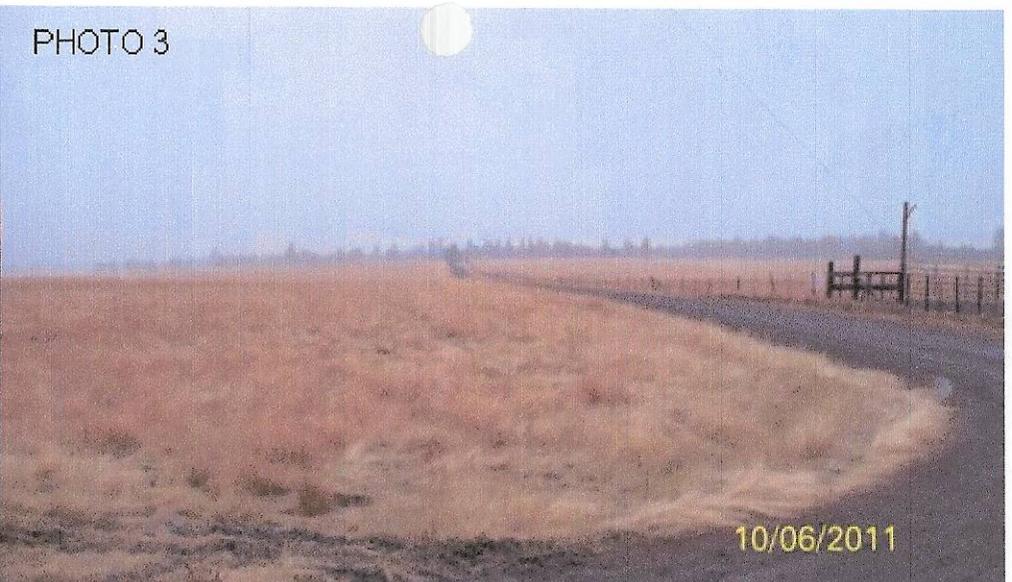
10/06/2011

PHOTO 2



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PHOTO 3



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PHOTO 4



10/06/2011

PHOTO 5



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PHOTO 6



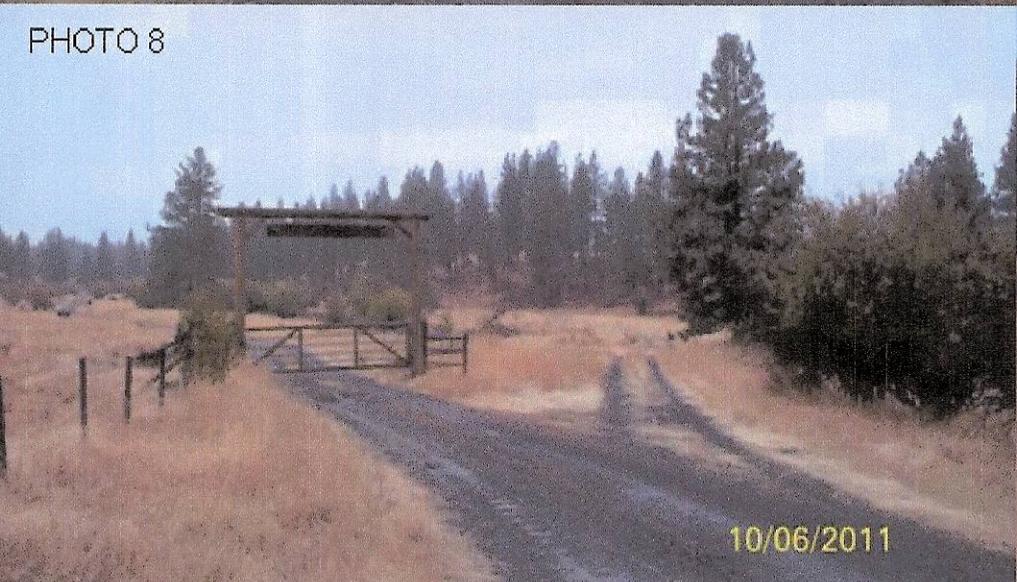
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PHOTO 7



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PHOTO 8



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PHOTO 9



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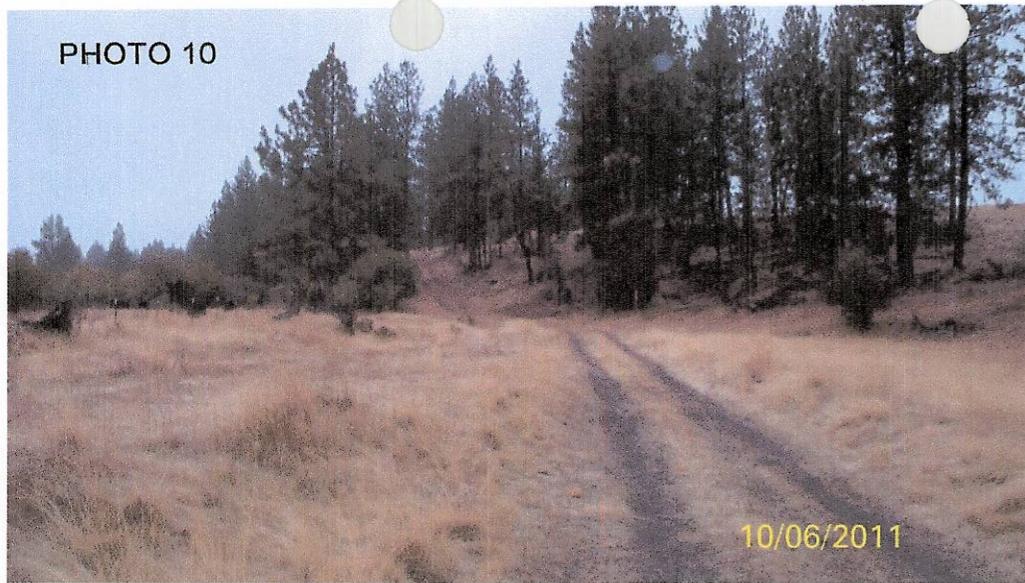


PHOTO 10

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PHOTO 11

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PHOTO 12

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PHOTO 13

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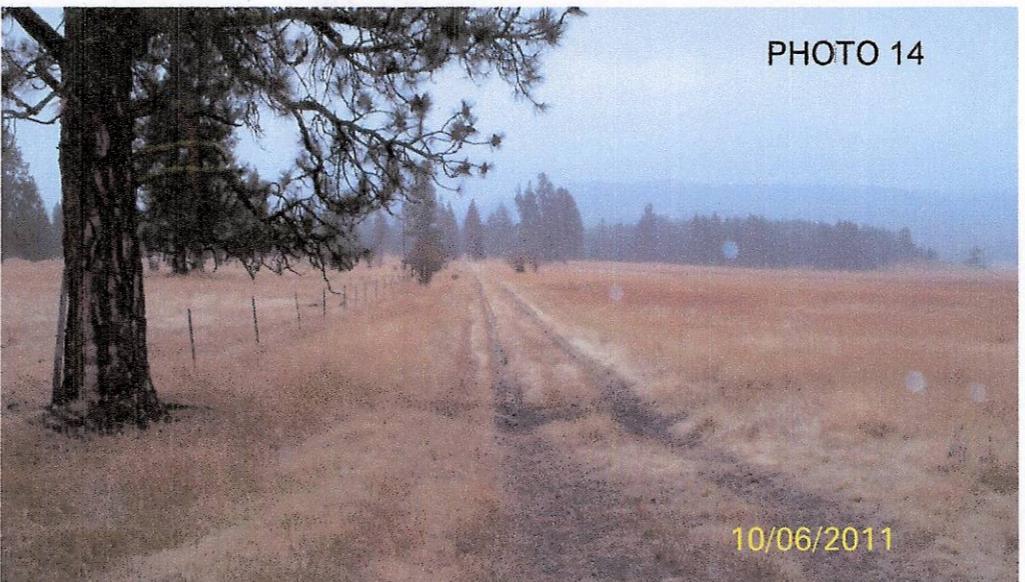


PHOTO 14

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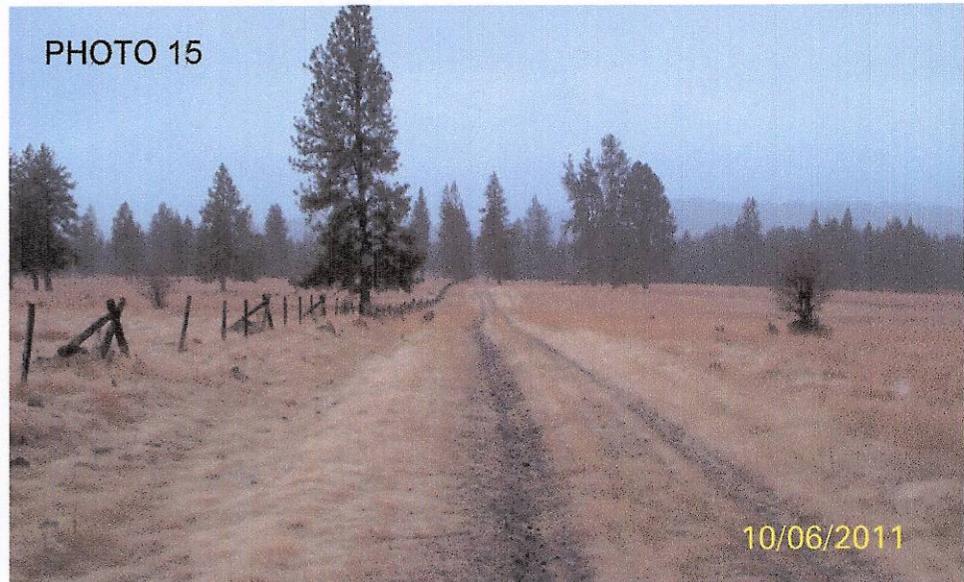


PHOTO 15

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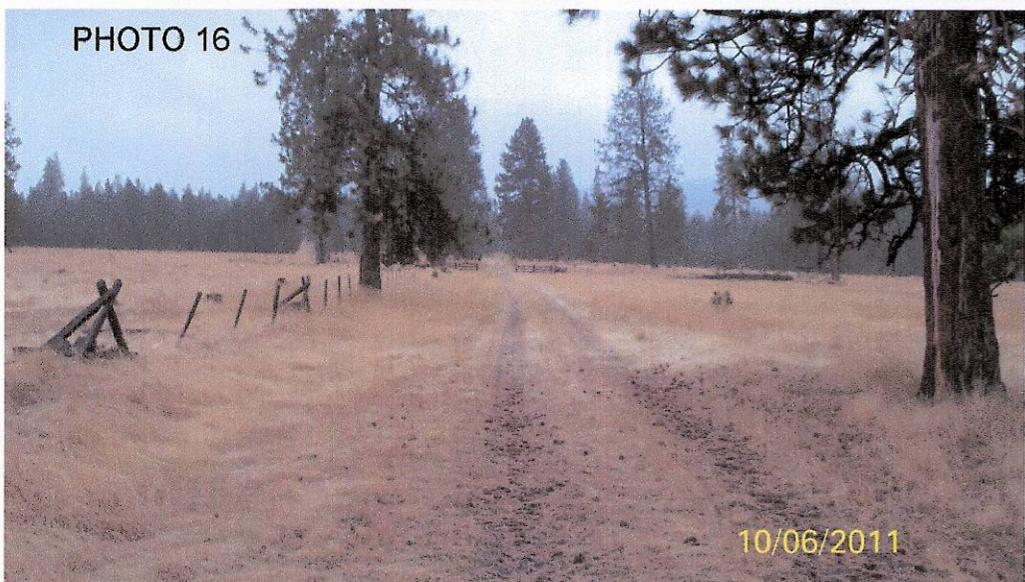


PHOTO 16

10/06/2011



PHOTO 17

10/06/2011