

HILLTOP DRIVE
ROAD VACATION REPORT

UMATILLA COUNTY
DEPARTMENT OF PUBLIC
WORKS

JUNE 28, 2007

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119° 07' 30"



TUMALUM 842

WASHINGTON STATE

BENTON
UMATILLA

COLUMBIA COUNTY
COLUMBIA COUNTY

Cold Springs

Cold Springs Jct.

HAT ROCK STATE PARK

Hat Rock

HAT ROCK STATE PARK

See Page 3

CINCO 514

Box Canyon

COLUMBIA RIVER
LAKE WALLULA

LANDING RIVER

RIM Δ 693

18

17

16

17

16

15

1274 19

PURDY RD.

COLUMBIA RIVER HWY

Springs

UNION PA

1268B

25A

W. CANTON RD.

PROGRESS RD.

1268WP

E. PROGRESS RD.

RD.

1262W

30 W.

SPEARMAN RD.

129

E. SPEARMAN RD.

27

1266

W.

WALLS RD.

1258W

E. WALLS RD.

24

1254W

252

RD.

1254E

COLUMBIA LN.

35

1252

33

DALLAS RD.

1252

SPRINGS

241

1211NQ

N/P

OTT RD.

1250EP

PUNKIN CTR.

242

1207

REED

DIAGONAL RD.

1203

CANAL RD.

243

1201

S.

EDWARDS RD.

1253SE

RD.

244

R29

COLD SPRING RESERVOIR

Salmon

Salmon Point

Marine Ln.

Hill Top Dr.

McNary Yacht Club

Beach Shore Dr.

River View Dr.

RV Park

Hot Rock Rd.

HWY

Hot Rock Rd.

Hot Rock Rd

Hill Top Drive Vacation Report

General

A petition was received in April, 2007 from property owners living in the southwestern portion of the Hat Rock Tracts Subdivision to vacate a portion of Hill Top Drive, a platted public road. The petition was reviewed and found to meet the requirements of ORS 368.341. The petition was signed by 100% of the property owners whose lands abut the proposed vacation. Reasons for the request are outlined in the petition.

History

The subdivision was created (recorded) in 1950. Several portions of the platted roads within this subdivision have been vacated over the years. A map summarizing those vacations is attached. A portion of Beach Shore Drive that was vacated in 2001 was under water. This portion of Hill Top Drive has never been constructed, probably due to the steep rocky bluff it would need to traverse.

Access Issues

No property would be landlocked by vacating the road. As it has never been constructed, all property owners are accessing their property via River View Drive to the west, Beach Shore Drive to the south, C Street to the east, or the improved portion of Hill Top Drive to the north.

Emergency Vehicles

Vacating the road would not limit access for emergency vehicles, as there would still be an improved public road on at least one side of every lot.

Utilities

No utilities exist in this portion of Hill Top Drive.

Public Benefits

Vacation of this strip of road, which is approximately 569 feet long and 50 feet wide would return approximately 0.65 acre to the tax rolls. It would also allow the property owners to block it off to prevent illegal dumping.

Public Hearing

A public hearing is not required (ORS 368.351), as 100% of the abutting owners have signed the petition.

Recommendation

The Public Works Department considers the road to be useless, and recommends that it be vacated as requested in the petition.

NOTE 2: R = 200, A = 66-09-38, T = 130.11, L = 230.72
 NOTE 3: R = 100, A = 66-29-36, T = 68.08, L = 119.54
 NOTE 4: R = 80, A = 66-29-38, T = 34.04, L = 59.77
 NOTE 5: R = 150, A = 19-39-30, T = 25.99, L = 51.47
 NOTE 6: R = 100, A = 19-39-30, T = 17.33, L = 34.31
 NOTE 7: R = 150, A = 19-39-30, T = 25.99, L = 51.47
 NOTE 8: R = 100, A = 19-39-30, T = 17.33, L = 34.31

PETITION
 DENIED
 1996

VACATED
 1990

VACATED
 1986

STATE OF OREGON 38
 COUNTY OF UMATILLA

On the 1st day of JUNE, 1950, Charles Kik, to m
 to be the individual described in and who executed the fore-
 instrument and acknowledged the foregoing instrument to be
 tary act and deed.

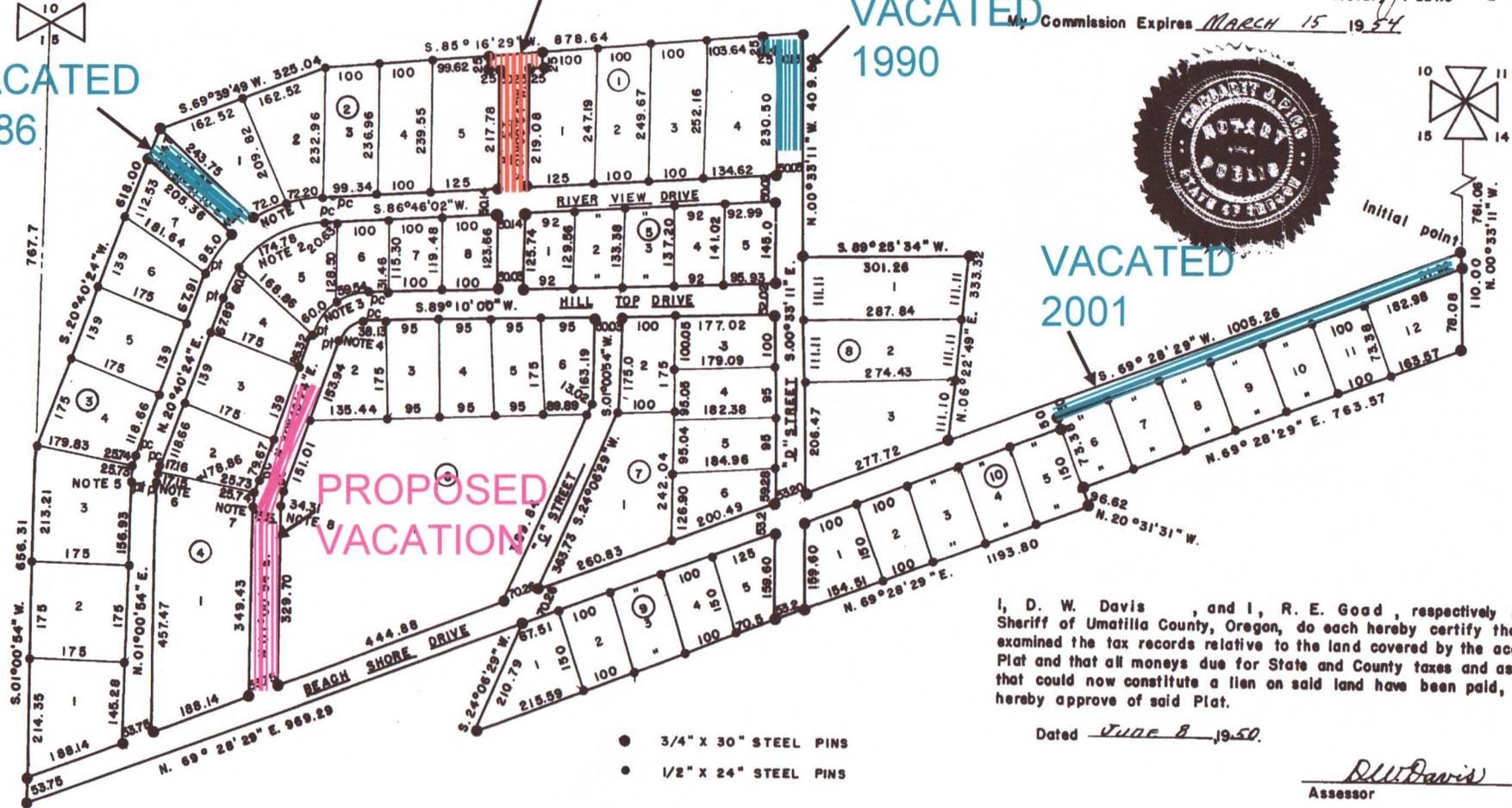
Margaret J. Pigg
 Notary Public

My Commission Expires MARCH 15 1954



Initial point
 110.00 761.00
 N. 00° 33' 11" W. 409.80

VACATED
 2001



PROPOSED
 VACATION

- 3/4" X 30" STEEL PINS
- 1/2" X 24" STEEL PINS

I, D. W. Davis, and I, R. E. Good, respectively Ast
 Sheriff of Umatilla County, Oregon, do each hereby certify that
 examined the tax records relative to the land covered by the accor
 Plat and that all moneys due for State and County taxes and asse
 that could now constitute a lien on said land have been paid, an
 hereby approve of said Plat.

Dated JUNE 8 1950.

D.W. Davis
 Assessor

R.E. Good
 Sheriff By *Thina Hoak*
Signu

The accompanying Plat is approved by resolution of the
 undersigned, duly adopted on 29 MAY 1950 and re-
 part of said approval duly filed.

CITY PLANNING COMMISSION
 CITY OF UMATILLA, OREGON

A. H. Johnson

ATTEST:
 I, Mrs. E. B. Casteel, County Clerk of Umatilla County,
 Oregon, do hereby certify that the above named were
 on the date of said order above specified and now
 are the duly qualified, elected, sworn and acting
 Judge and Commissioners of said County; that the
 above signatures are the genuine signatures thereof;
 and that the seal hereto affixed is the seal of
 my office.

This is to certify that the accompanying Plat is approved for filing
 record in "Record of Town Plats" of Umatilla County, Oregon, by the
 signed by its order dated June 8, 1950, recorded in County C
 Journal 1 page .

COUNTY COURT OF UMATILLA COU
 STATE OF OREGON

By *James H. Stewart*

Petition to Vacate Road

To
The Umatilla County Commissioners
April 16, 2007

I. Declaration of Intent to Vacate:

It is the intent of the property owners whose land abuts Hilltop Drive in the Hat Rock Tracts to vacate approximately 524 feet of Hill Top Drive road and return the road to the property owners. We understand, according to ORS 368.351, that if 100% of the land owners abutting the land/road proposed to be vacated, the county will seriously consider the petition to vacate. All 100% of the abutting land owners agree to vacate. Therefore, we, the petitioners, petition the Board of County Commissioners of Umatilla County, Oregon to vacate a portion of Hilltop Drive.

II. Description of Property Vacated:

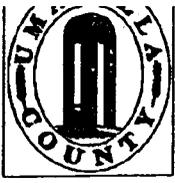
The property requested to be vacated is a section of unused road in the Hat Rock Tracts. The road is Hilltop Drive. Specifically, the petition and request to vacate the unused road begins at the southern most part of Hilltop Drive where Hilltop Drive connects with Beach Shore Drive and runs due north approximately 524 feet the entire width of the road (approximately 50 feet wide) to 43 feet south from the northern most property line of lot #1005 of the Hat Rock Tracts (NW ¼ NE ¼ SEC 15 T5N R29E WM). Please see the attached map for the exact location and illustration of the request to vacate. Also, please contact Mr. Fred Cullers, Lot #1005, for exact location.

III. Statement of Reasons for Request to Vacate:

A. History:

The Hat Rock Tracts were established by Charlie Kik in 1946. Over time, lots have been sold and resold, lots have been divided, and lot boundary lines have been redrawn. This has caused the development to look different today than when it was originally platted. Thus, some of the originally platted roads are not used or in use. For example, there have been two previous roads vacated in the Hat Rock Tracts approved by the County Commissioners. ("A" Street on January 7, 1986 / Uni Rec file 1-30-86 / J.V. 40419-420 / 5N2915AB; and, "D" Street on December 17, 1990 / R 200 - 1119/159453)

red for
as only.

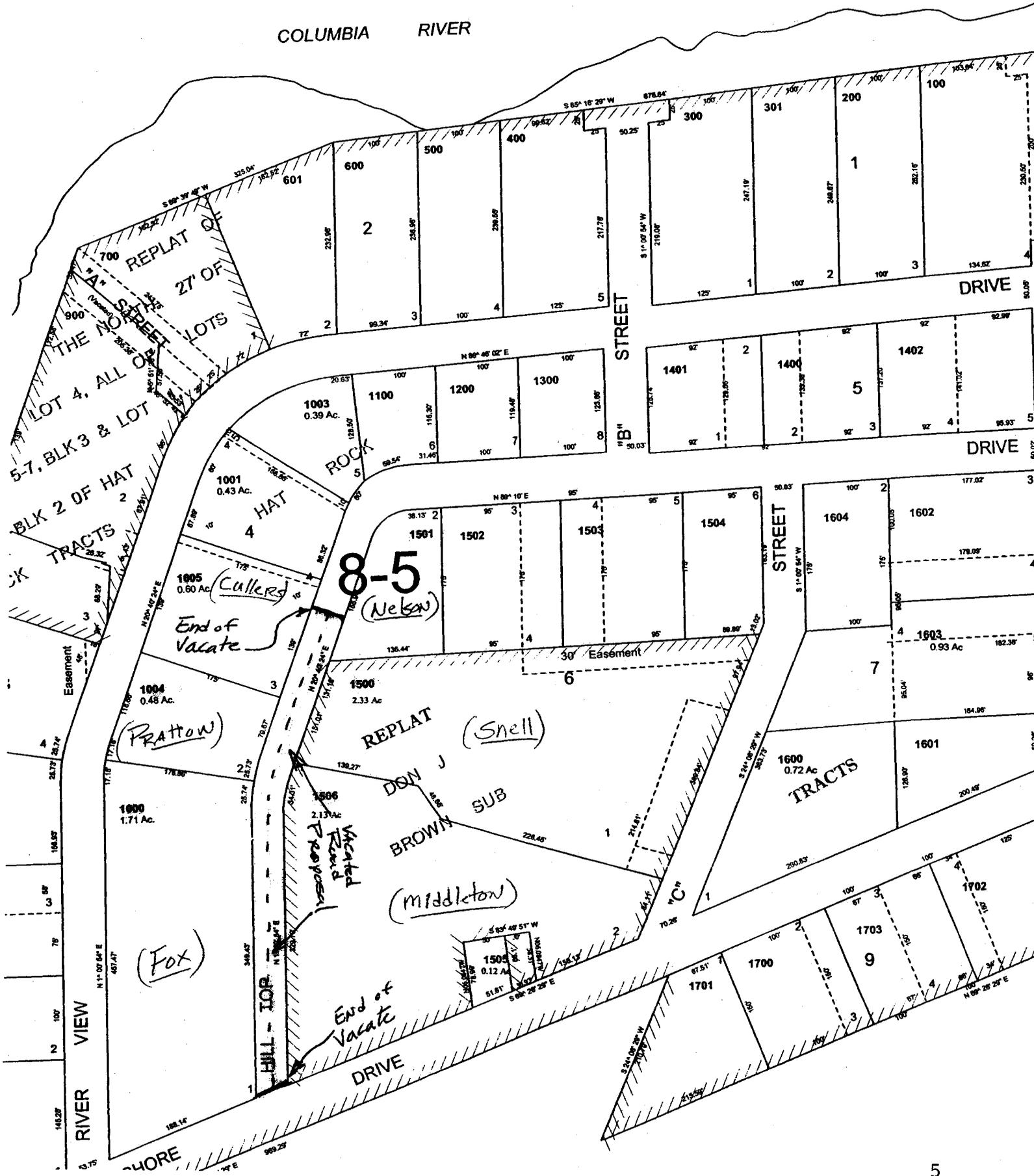


NW 1/4 NE 1/4 SEC 15 15N R29E W1W1

MATILLA COUNTY, OR

SCALE: 1" = 100'

COLUMBIA RIVER



B. How Property is Used:

The road requested to be vacated is in non-use and has been since it was originally platted. In fact, it cannot be used as a through road due to a large basalt cliff that exists in the middle of the road which renders the road impossible to traverse for approximately 200 feet. Part of the road on the north end has been used as a dumping area by some owners and others, used as a burning area, and sometimes used to park unused vehicles. Occasionally, people not familiar with the area try to traverse the road and get stuck in the soft blow sand in the north region of Hilltop Drive.

C. Condition of the Property:

The road is composed of soft blow sand and some gravel we have spread to abate the blowing sand. It grows brush and weeds which we try to clear each year. The road has also been an attractive nuisance for dumping. Essentially, the road is in "non-use" as a road and "inappropriate use" as a road.

D. Reasons to Vacate the Road:

The particular circumstances that justify granting a vacation of the described road are:

1. The road is not used as a road and has been in non-use essentially since it was platted in 1946.
2. The road dead ends from the south going north at a basalt rock cliff, and it dead ends from the north going south at the same basalt rock cliff. It will never be a through street without blasting the basalt cliff away.
3. The road, though not used as a road, has been used for dumping debris or parking vehicles or trailers in the road way.
4. It is not an improved road and never has been. It is not paved or graveled or compacted. In fact, vehicles will get stuck in the soft sand.
5. Due to non-use, weeds and brush have grown up where the road should be which is esthetically unsightly and also causes a fire load right next to buildings.
6. All (100%) of the neighbors whose land directly abuts this property want the road vacated. All agree with this petition request to vacate.

E. Steps Taken:

1. The homeowners informally discussed the desire to vacate (Summer 2006).

2. We met with an attorney, Mr. David Hadley, who advised us on vacate rules, procedures, and ORS 368.326 – 368.366. (October 19, 2006 @ 3:00 PM)
3. We met with the fire marshall, Mr. Mike Roxbury, to share our plans and to find out if he had any concerns that would prevent a petition to vacate. He had no reasons to deny a request to vacate from his point of view as fire marshall. (January 23, 2007 @ 10:00 AM)
4. We met with county road master, Hal Phillips, and survey supervisor, Gary Roberts, to obtain their advice and to ascertain any concerns they might have. At that conversation, though they could not offer an official and final decision, they saw no reason to prevent a road vacate. (January 30, 2007 @ 4:00 PM)
5. It appears as though this road is of little or no value to the county and is of no liability to the county. And, no portion of the road proposed to be vacated is situated within the limits of any city.
6. We then met formally as a group of neighbors to discuss a petition to vacate and all agreed. (March 5, 2007 @ 7:30 PM & April 2, 2007 @ 7:30 PM)

IV. People Filing the Petition:

All of these people have land directly abutting the requested vacate road:

1. George and Ruth Fox (Lot #1000)
33945 Beach Shore Drive
Hermiston, OR 97838
2. Bob and Carol Middleton (Lot #1506)
29270 Bloom Road
Hermiston, OR 97838
3. Robert and Jo Nelson (Lot #1501)
33936 Hill Top Drive
Hermiston, OR 97838
4. Jerry and Norah Pratton (Lot #1004)
33886 River View Drive
Hermiston, OR 97838
5. Fred and Bev Cullers (Lot # 1005)
33890 River View Drive
Hermiston, OR 97838
6. Jeff and Lori Snell (Lot #1500)
82578 C Street
Hermiston, OR 97838

V. Notarized Signatures of All People (Both Spouses) Owning Property:

(See attached notarized signatures)

VI. Filing Fee

The petitioners request that the Board of County Commissioners consider this road vacate petition according to ORS 368.351, or if necessary, ORS 368.431.

Dated this 16th day of April, 2007.

Enclosed are three (3) separate checks for a total of five hundred thirty-two dollars (\$532.00).

- \$500 – filing fee
- \$ 20 – county records
- \$ 12 – county surveyor

Public Notary Signatures

For

“Petition to Vacate Road”

submitted by

1. George and Ruth Fox
2. Bob and Carol Middleton
3. Robert and Jo Nelson
4. Jerry and Norah Pratton
5. Fred and Bev Cullers
6. Jeff and Lori Snell

Lot Owners' Signatures

<u>Printed Name</u>	<u>Signature</u>
(1) <u>George Fox</u>	<u>[Signature]</u>
(2) <u>Ruth Fox</u>	<u>[Signature]</u>

Certification

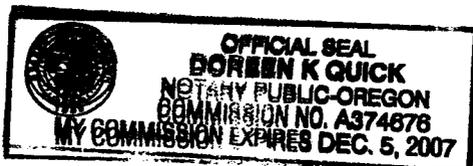
On this 3rd day of April, 2007, before me, the undersigned, George Fox & Ruth Fox personally appeared, known to me to be the identical individual described in and who executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.

STATE OF OREGON)
COUNTY OF UMATILLA)ss

[Signature]
NOTARY PUBLIC FOR OREGON

My Commission Expires 12.05.07



Public Notary Signatures

For

“Petition to Vacate Road”

submitted by

1. George and Ruth Fox
2. Bob and Carol Middleton
3. Robert and Jo Nelson
4. Jerry and Norah Pratton
5. Fred and Bev Cullers
6. Jeff and Lori Snell

Lot Owners’ Signatures

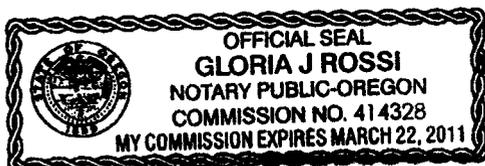
<u>Printed Name</u>	<u>Signature</u>
(1) <u>Robert L. Middleton</u>	<u>Robert L. Middleton</u>
(2) <u>Carol R. Middleton</u>	<u>Carol R. Middleton</u>

Certification
 On this 10th day of April, 2007, before me, the undersigned, Robert L. Middleton + Carol R. Middleton personally appeared, known to me to be the identical individual described in and who executed R. Middleton 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)
 COUNTY OF Umatilla)ss

Gloria J Rossi
 NOTARY PUBLIC FOR OREGON
 My Commission Expires 3/22/2011



Public Notary Signatures

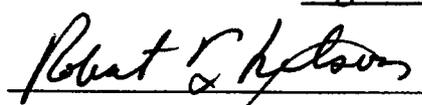
For

“Petition to Vacate Road”

submitted by

1. George and Ruth Fox
2. Bob and Carol Middleton
3. Robert and Jo Nelson
4. Jerry and Norah Pratton
5. Fred and Bev Cullers
6. Jeff and Lori Snell

Lot Owners' Signatures

<u>Printed Name</u>	<u>Signature</u>
(1) ROBERT T. Nelson	
(2) Jo Nelson	

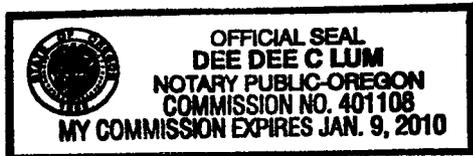
Certification

On this 12 day of April, 2007, before me, the undersigned Robert T. Nelson & Jo Nelson 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)
COUNTY OF Umatilla)ss


NOTARY PUBLIC FOR OREGON
My Commission Expires January 9, 2010



Public Notary Signatures

For

“Petition to Vacate Road”

submitted by

1. George and Ruth Fox
2. Bob and Carol Middleton
3. Robert and Jo Nelson
4. Jerry and Norah Pratton
5. Fred and Bev Cullers
6. Jeff and Lori Snell

Lot Owners' Signatures

<u>Printed Name</u>	<u>Signature</u>
(1) <u>JERRY PRATTON</u>	<u>Jerry Pratton</u>
(2) <u>NORAH PRATTON</u>	<u>Norah Pratton</u>

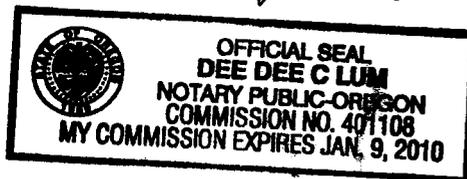
Certification

On this 5 day of April, 2007, before me, the undersigned Jerry Pratton & Norah Pra 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)
COUNTY OF (Umatilla))ss

Dee Dee C Lum
NOTARY PUBLIC FOR OREGON
My Commission Expires January 9, 2010



Public Notary Signatures

For

"Petition to Vacate Road"

submitted by

1. George and Ruth Fox
2. Bob and Carol Middleton
3. Robert and Jo Nelson
4. Jerry and Norah Pratton
5. Fred and Bev Cullers
6. Jeff and Lori Snell

Lot Owners' Signatures

<u>Printed Name</u>	<u>Signature</u>
(1) FRED D. Cullers	<u>Fred D. Cullers</u>
(2) Beverly M. Cullers	<u>Beverly M. Cullers</u>

Certification

On this 5th day of April, 2007, before me, the undersigned, Fred D. & Beverly M. Cullers 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)
COUNTY OF Umatilla) ss

Tia Hays
NOTARY PUBLIC FOR OREGON
My Commission Expires 6-23-10



Public Notary Signatures

For

“Petition to Vacate Road”

submitted by

1. George and Ruth Fox
2. Bob and Carol Middleton
3. Robert and Jo Nelson
4. Jerry and Norah Pratton
5. Fred and Bev Cullers
6. Jeff and Lori Snell

Lot Owners’ Signatures

<u>Printed Name</u>	<u>Signature</u>
(1) <u>Jeffrey G. Snell</u>	<u>Jeffrey G. Snell</u>
(2) <u>Lori Snell</u>	<u>Lori Snell</u>

Certification

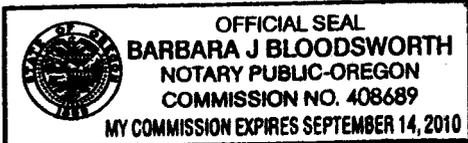
On this 3 day of April, 2007, before me, the undersigned, Jeffrey Snell
Lori Snell
 personally appeared, known to me to be the identical individual described in and who executed
 the same freely and voluntarily.

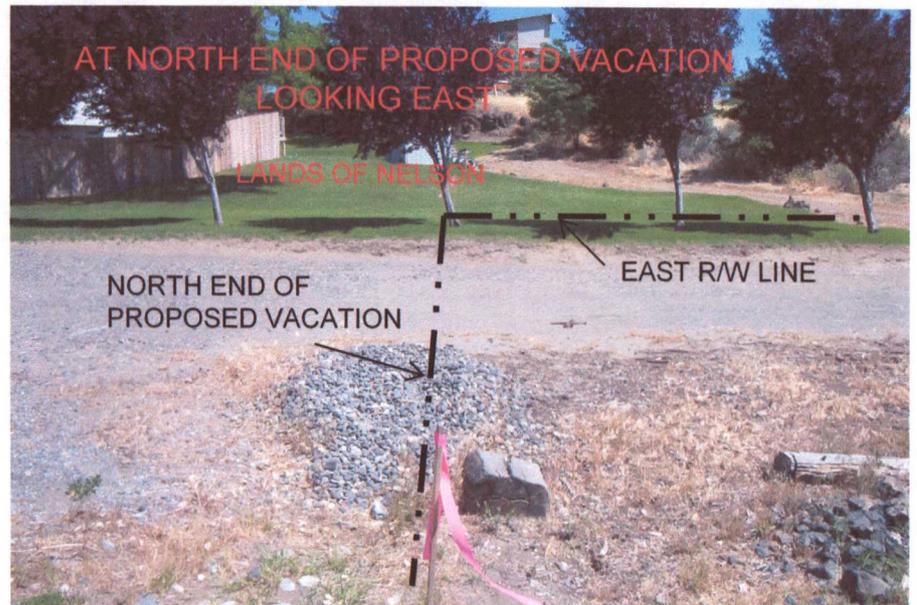
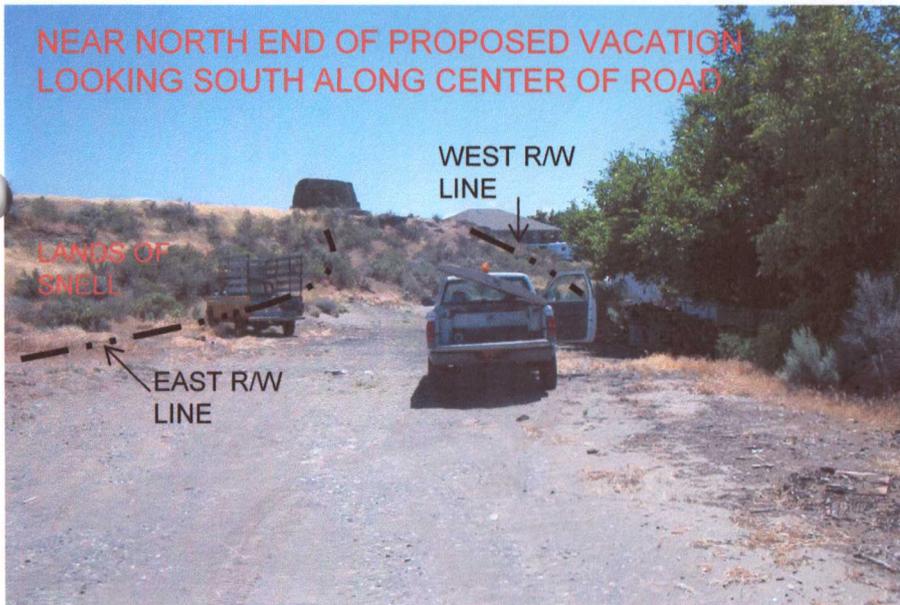
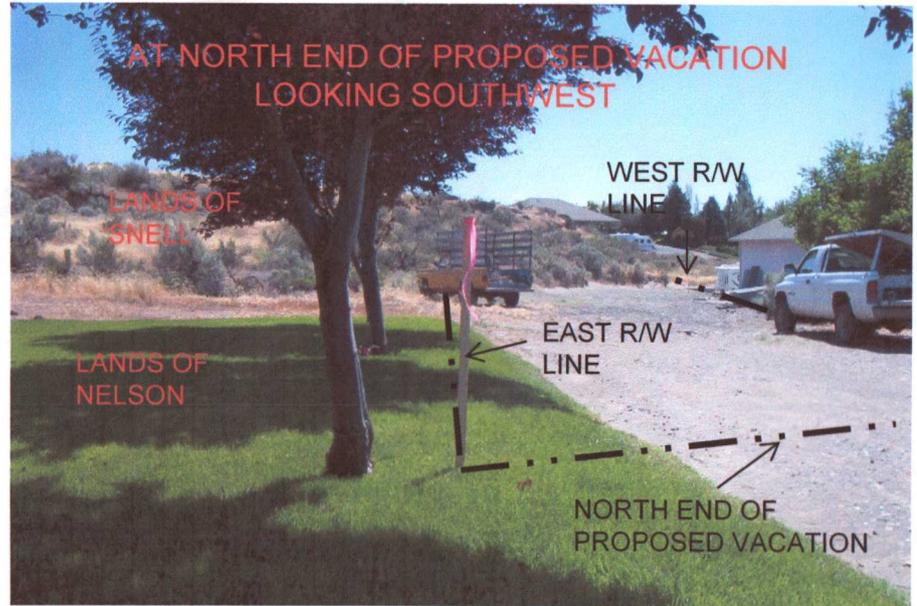
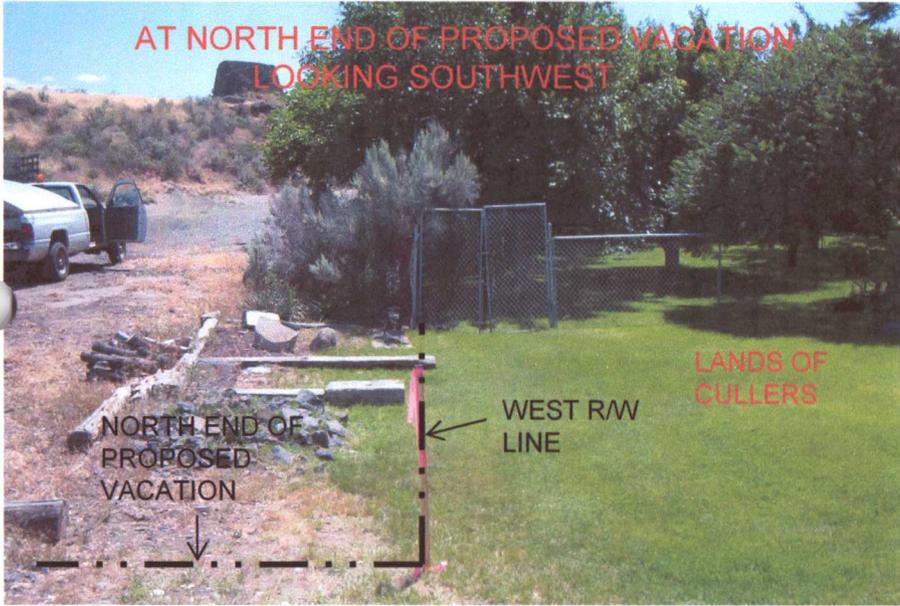
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.

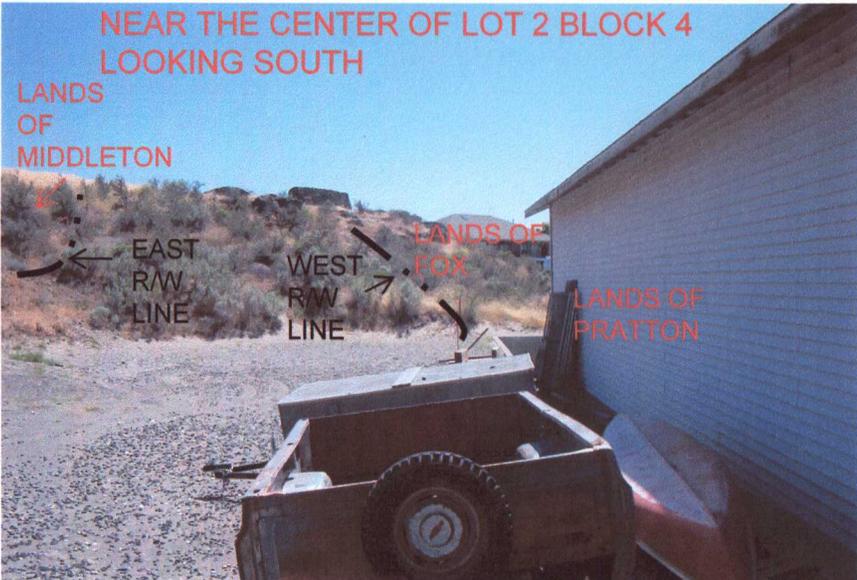
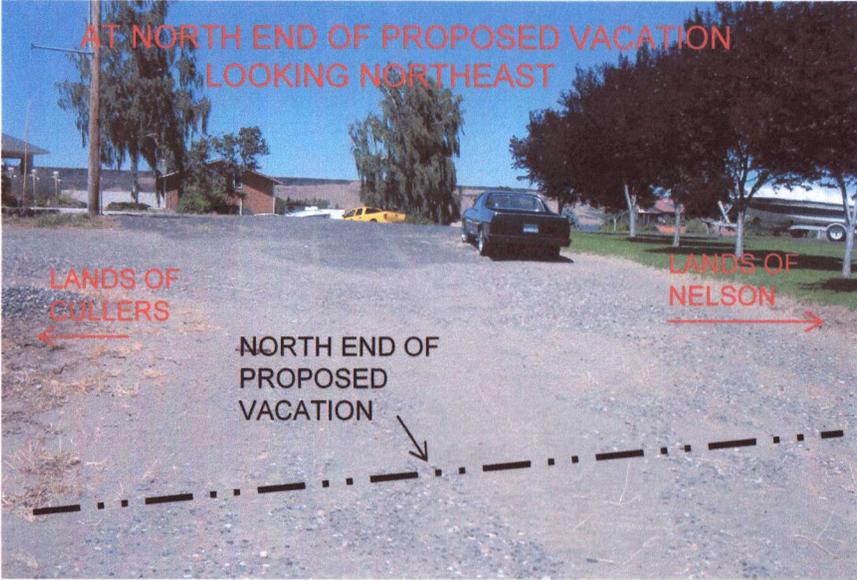
STATE OF OREGON)
COUNTY OF Umatilla)ss

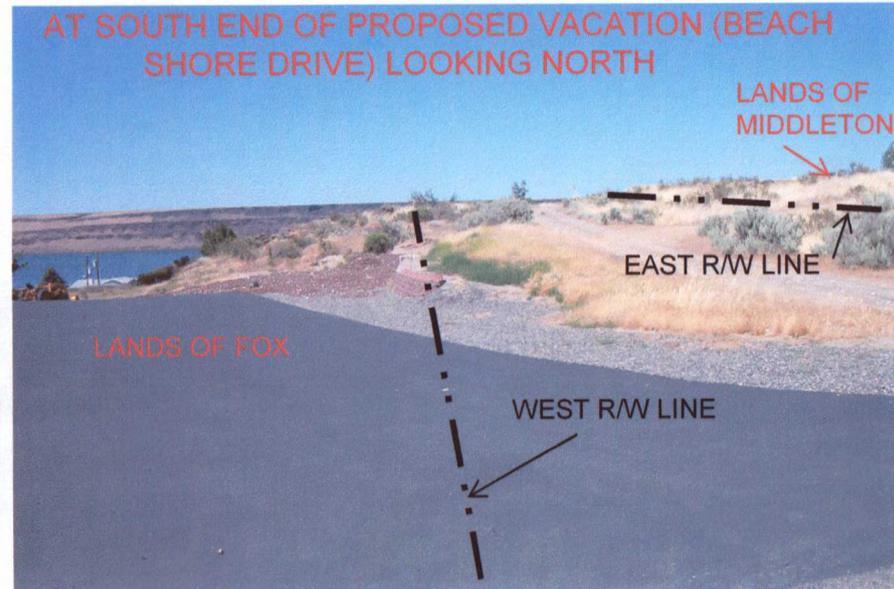
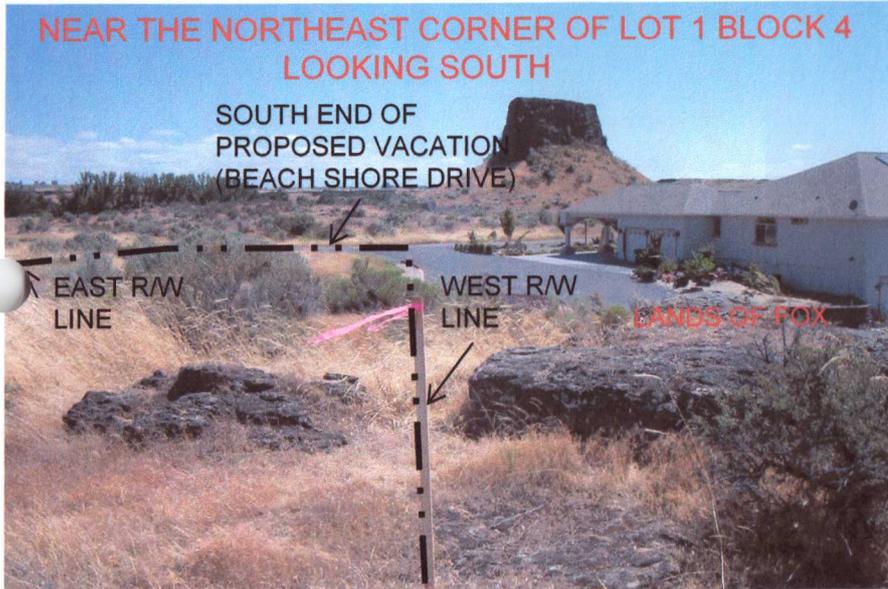
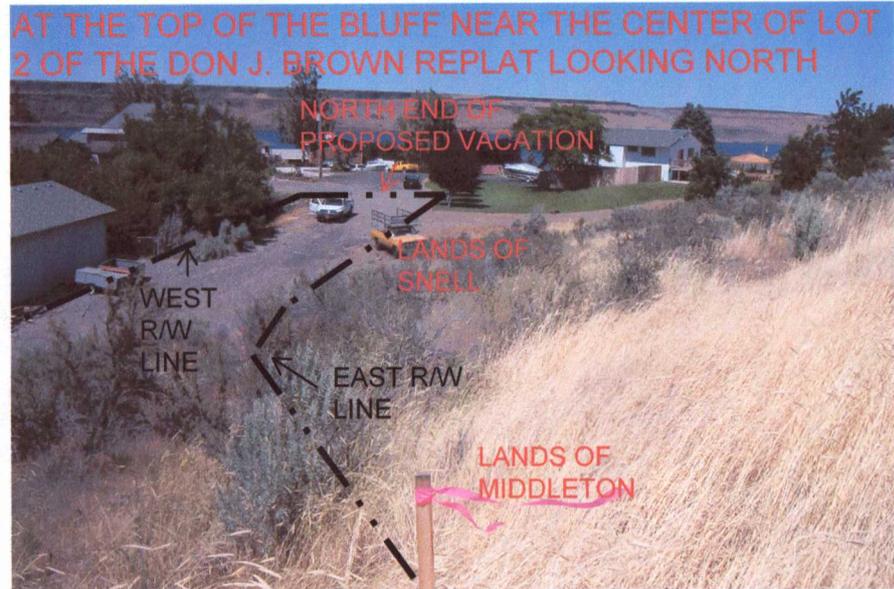
Barbara J. Bloodsworth
NOTARY PUBLIC FOR OREGON

My Commission Expires 09-14-2010

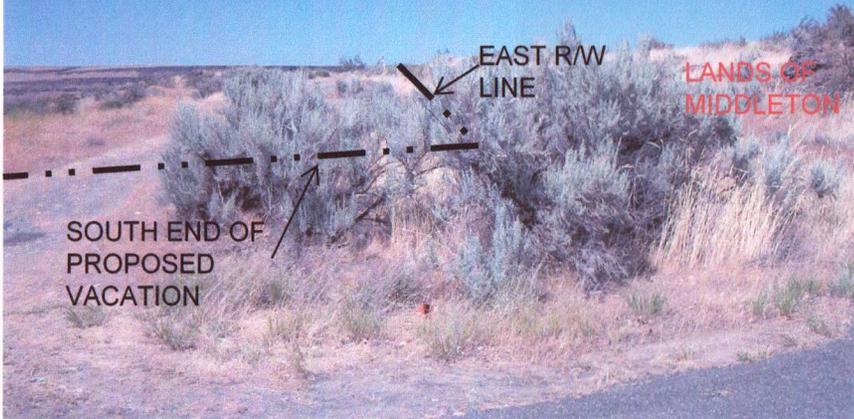








AT SOUTH END OF PROPOSED VACATION (BEACH SHORE DRIVE) LOOKING NORTH



AT BEACH SHORE DRIVE LOOKING NORTH ALONG THE RIGHT-OF-WAY CENTERLINE



NEAR THE TOP OF THE BLUFF LOOKING NORTH ALONG THE RIGHT-OF-WAY CENTERLINE



AT THE TOP OF THE BLUFF LOOKING NORTH ALONG THE RIGHT-OF-WAY CENTERLINE

