

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: Canal Road

<p>Background:</p> <p>Previously the Board adopted an order requiring that a utility be moved within the right of way of Canal Road. Since that time, discussions have occurred with the utility provider and other parties, and a resolution does appear possible, but additional time is needed, and the order is no longer needed. The request is to rescind the order.</p>	<p>Requested Action:</p> <p>Adopt Order No. RD2023-03</p>
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ATTACHMENTS: Proposed Order

*****For Internal Use Only*****

Checkoffs:

- () Dept. Heard (copy)
- () Human Resources (copy)
- () Fiscal
- (X) Legal (copy)
- () (Other - List:)

To be notified of Meeting:

Needed at Meeting:

Scheduled for meeting on: May 4, 2023

Action taken:

Follow-up:

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Relocation)
of Utilities in Canal Road) Order No. RD2023-03
Right of Way)

WHEREAS under ORS 758.010 any person has a right and privilege to construct, maintain and operate its water, gas, electric or communication services lines, fixtures and other facilities along the public roads in Oregon and such lines, fixtures and facilities shall not be constructed so as to obstruct any public road;

WHEREAS a county governing body has the authority to designate the location upon roads under its jurisdiction where the lines, fixtures and facilities may be located, may order the location of any such line, fixture or facility to be changed when the governing body deems it expedient;

WHEREAS on February 22, 2023, the Board of Commissioners adopted Order No. RD2023-01, requiring utilities within a road right of way to be moved;

WHEREAS in discussions within the utility provider and other parties, it appears a resolution can be accomplished but additional time is needed, and without the need of an order.

NOW THEREFORE the Board of Commissioners orders that Order No. RD2023-01, adopted on February 22, 2023, is rescinded.

DATED this 4th day of May, 2023.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Daniel N. Dorran, Chair

John M. Shafer, Commissioner

Celinda A. Timmons, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Records Officer