

AGREEMENT

THIS AGREEMENT, made and entered into by and between the STATE OF OREGON, by and through its State Highway Commission, hereinafter called "State," and UMATILLA COUNTY, a political subdivision of the State of Oregon, by and through its County Court, hereinafter called "County";

W I T N E S S E T H:

RECITALS:

1. For the purpose of furthering the development of a highway system adapted to the needs of the people of the State of Oregon and for the promotion of the safe and expeditious flow of traffic, State and County plan and propose to construct the Pendleton-Emigrant Hill Section of the Old Oregon Trail, State Primary Highway No. 6 (I-60N), as a throughway as that term is defined in ORS 374.010. Hereinafter, all acts necessary to effectively accomplish this end shall be referred to as "project."

2. Pursuant to ORS 366.775, ORS 374.075, and ORS 374.080, State and County may enter into agreements for the construction, reconstruction, improvement, or repair of any throughway, road, highway, or street.

3. Pursuant to ORS 374.060, and ORS 374.065, State is empowered, with the official approval of County, to close any street, highway, or road of the county at or near its point of intersection with said throughway, or to make provision for the carrying of the street or road over or under the throughway, or may provide a connection with the throughway by means of a utility or service road to a suitable point of connection, and do any and all work on said streets, highway, or roads, as is necessary therefore. ORS 374.065 further provides that after the establishment of the throughway no county road shall be constructed running into or intersecting the throughway unless the plans and specifications have first been submitted to and approved in writing by State.

4. Pursuant to ORS 366.320(3), all rights of way owned or held by County over or along any roads adopted as state highways are vested in State.

5. Attached hereto, marked "Exhibit A" and by this reference made a part hereof, is a sketch map showing the general plans and location of said project.

NOW, THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

THINGS TO BE DONE BY STATE:

1. State, by execution of this agreement, approves the RECITALS herein, Exhibit A, the provisions of THINGS TO BE DONE BY COUNTY, and all other provisions of this agreement.

2. State shall prepare all plans, obtain the necessary right of way by purchase or otherwise, let and award all contracts, and supervise construction of the project.

3. State shall construct and thereafter maintain on the Pendleton-Emigrant Hill Section of the Old Oregon Trail, hereinafter called throughway, the following interchanges, connections, and separation structures, approximately as shown colored in green on the attached Exhibit A:

- a. Mission Road Interchange (Umatilla Mission Highway and Mission South Road).
- b. Old Cabbage Hill Road (County Road) separation structure of east bound lanes of throughway (Section 2, Township 1 North, Range 33 East, W.M.).
- c. Old Cabbage Hill Road (County Road) separation structure of west bound lanes of throughway (Section 7, Township 1 North, Range 34 East, W.M.).
- d. Emigrant Hill Interchange (Old Emigrant Hill Scenic Road-Poverty Flat Road).

4. State shall relocate and construct or reconstruct various road connections and/or frontage roads approximately as shown colored in orange on the attached Exhibit A. Upon completion by State, said road connections and frontage roads, shown colored in orange, shall revert to County for jurisdiction, control, and maintenance, and are further described as follows:

- a. Frontage Road lying southerly of the throughway in Section 17, Township 2 North, Range 33 East, W.M., from its connection with Theatre Road (Road No. S-18), thence easterly and southerly a distance of approximately two and one half miles to a connection with St. Andrews Road. ✓ X
- b. Mission South Road (reconstructed) southerly of the throughway, including a structure over Patawa Creek, with direct access to the Mission Road Interchange. ✓
- c. Frontage road between the Umatilla Mission Highway and an unnamed road, lying northerly of the throughway, with access to the Mission Road Interchange, all within Section 22, Township 2 North, Range 33 East, W.M. ✓
- d. Old Cabbage Hill Road (relocated) intermittently along the southerly and northerly side of the west bound lanes of the throughway, located in Sections 7 and 8, Township 1 North, Range 34 East, W.M., westerly of the Emigrant Hill Interchange with access thereto.
- e. Poverty Flat Road (relocated) southerly of the throughway with direct access to the Emigrant Hill Interchange.
- f. Frontage road, lying southerly of the throughway, from its connection with Poverty Flat Road near Emigrant Hill Interchange, thence easterly approximately one and three-quarter miles therefrom.

5. State shall obtain the necessary right of way, by purchase or otherwise, to provide public ways along the throughway approximately as shown colored in blue on the attached Exhibit A. State shall perform a minimal amount of grading and surfacing to provide a road for seasonal agricultural activities. Upon completion of the project by State, said ways, shown colored in blue, shall be dedicated to the public for use as a public way, and are further described as follows:

a. Public way along the northerly right of way boundary line of the west bound lanes of the throughway, between two unnamed roads, lying in Section 16, Township 2 North, Range 33 East, W.M.

b. Public way along the northerly right of way boundary line of the west bound lanes of the throughway from its intersection with St. Andrews Road thence southeasterly, lying in Sections 27, 26 & 35, Township 2 North, Range 33 East, W.M., to a crossing of the said west bound lanes.

c. Public way along the southerly right of way boundary of the west bound lanes of the throughway lying in Section 35, Township 2 North, Range 33 East, W.M., from a crossing of said west bound lanes thence southerly approximately one-half mile therefrom.

d. Public way along the southerly right of way boundary line of the east bound lanes of the throughway, lying in Sections 26, 27, and 35, Township 2 North, Range 33 East, W.M., from its intersection with St. Andrews Road southeasterly therefrom.

e. Public way along the northerly right of way boundary of the east bound lanes of the throughway, lying in Section 8, Township 1 North, Range 34 East, W.M., from its connection with Poverty Flat Road, thence westerly a distance of approximately three-fourths of one mile.

6. State shall close the following roads in the following manner and at the following locations: (Said closures are shown by means of red lines on the attached Exhibit A and shall apply to those portions within the access control area of the throughway).

a. Unnamed roads in Section 17, Township 2 North, Range 33 East, W.M., at their respective northerly and southerly access control lines of the throughway.

b. Unnamed road in Section 21, Township 2 North, Range 33 East, W.M., at the northerly and southerly access control line of the throughway.

c. St. Andrews Road in Section 22, Township 2 North, Range 33 East, W.M., at the northerly and southerly access control line of the throughway.

d. Old Cabbage Hill Road at the northerly and southerly access control lines of the west bound lanes of the throughway at various intermediate points along the throughway within Sections 7 and 8, Township 1 North, Range 34 East, W.M.

e. Poverty Flat Road at the respective access control lines of the throughway within the complex of the Emigrant Hill Interchange.

7. State shall also close any other roads within the right of way boundaries of the throughway that may interfere with the free and convenient flow of traffic on the new facility which are not presently determined and, therefore, not shown on the attached Exhibit A.

8. State shall, upon completion of project, relinquish to County all State's right, title, and interest in those portions of roads referred to in paragraph 4 above and shown colored in orange on the attached Exhibit A; and all jurisdiction, control, and maintenance thereon shall pass to County to be performed at County's sole expense. Said portions of roads lie outside the access controlled area of the throughway.

THINGS TO BE DONE BY COUNTY:

1. County, by execution of this agreement, approves the RECITALS herein, aforesaid Exhibit A, provisions of THINGS TO BE DONE BY STATE, and all other provisions set forth in this agreement.

2. County agrees, upon completion of the project, to assume maintenance of and jurisdiction and control over the reconstructed portions of county roads or frontage roads as described and set forth in paragraphs 4 and 8 under THINGS TO BE DONE BY STATE and as shown colored in orange on the attached Exhibit A.

3. County consents to the closure of those certain roads as described in paragraphs 6 and 7 under THINGS TO BE DONE BY STATE.

4. County agrees that no county roads shall be constructed running into or intersecting said throughway without written approval of State.

5. County acknowledges the effect and scope of ORS 366.320(3) and, pursuant thereto, consents to the vesting in State of those portions of right of way of the county within the right of way boundary lines of the throughway.

6. County shall, upon request by State and without expense to State, relocate or reconstruct or cause to be relocated or reconstructed, all privately or publicly owned utility conduits, lines, poles, mains, pipes, and all other facilities of every kind and nature, where such utilities or facilities are located within the right of way of any presently existing county road, and where such relocation or reconstruction is necessary in order to conform the utilities or facilities to the plans for the project.

7. Upon completion of the project and upon relinquishment by State to County, as provided in paragraph 8 of THINGS TO BE DONE BY STATE, County shall accept State's right, title, and interest in those roads or portions of roads to be relocated and/or constructed, as referred to in paragraphs 4 and 8 under THINGS TO BE DONE BY STATE, and shown colored in orange on the attached Exhibit A, and shall, at County's sole expense, maintain and exercise jurisdiction and control over said portions of roads.

8. County agrees to execute this agreement during a duly authorized session of its County Court.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

This agreement was approved by the Oregon State Highway Commission on July 24, 1967, at which time the Secretary for the Commission was authorized and directed to sign said agreement for and on behalf of the Commission. Said authority is set forth in Volume 52, Page _____, Minute Book of the Oregon State Highway Commission.

APPROVED:

W. Klaboe
Assistant State Highway Engineer

Floyd Query
Floyd Query, Secretary

UMATILLA COUNTY, by and through its
County Court

By D. D. Cook
Judge

ATTEST:

Jessie M. Bell
County Clerk

By Dern Masters, Deputy

By R. Lee
Commissioner

By Walter A. Speer
Commissioner

MCH:mr
5/9/67

OREGON STATE HIGHWAY DEPARTMENT
PENDLETON-EMIGRANT HILL
SKETCH MAP

UMATILLA COUNTY

Scale: 1" = 2000'



EXHIBIT AA