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THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS

STATE OF OREGON

In the Matter of Amending)
 1929 Order Vacating Road)
 Right of Way located in) ORDER NO. RD2010-04
 Sections 10 and 15, Township)
 2 North, Range 31, E.W.M.)
 Being a Portion of Road No. 248)

WHEREAS James H. and Cecile Sturgis deeded a 40-foot wide strip of land to Umatilla County in 1919 for road purposes that ran from the southerly terminus of what was known as the "County Road between Despain Gulch and Barnhart", also known as Road No. 248, to the northerly right-of-way line of the Oregon-Washington Railroad and Navigation Company's railroad, said document being recorded in Book 120, Page 19, Deed Records, and

WHEREAS, in 1927 a road now known as Barnhart Road was deeded to the County and area property owners petitioned the County in 1929 to vacate the old "County Road between Despain Gulch and Barnhart" as well as the road deeded in Book 120, Page 19, Deed Records, and

WHEREAS, on November 14, 1929 a hearing was held and it was determined that the old Despain Gulch to Barnhart Road as well as the deeded road were burdensome to maintain and of no value to the general public and an order was entered vacating the roads and the County Court adopted Order Vacating Said Road, a copy of which is attached, and

WHEREAS, no language was in the original 1929 order describing ownership of the vacated property, although it appears from road records and lack of appearance on assessor maps that the intent was for the property to revert to the abutting owners, which was consistent with the general law at that time, and

WHEREAS ORS 368.366 currently states that if the county holds title to the property being vacated in fee, ownership of the property shall vest in the county but it may determine other vesting of ownership of the property by stating so in the order vacating the property.



NOW THEREFORE, the Board of Commissioners orders:

1. That the Order Vacating Said Road adopted November 14, 1929, is amended to include that the ownership of the vacated road right-of-way shall vest in the owner of the land abutting the vacated right of way by extension of the person's abutting property boundaries to the center of the vacated right of way.

2. In the event this order is not sufficient to vest title to the vacated property in the owner of the abutting property, the Board of Commissioners is authorized to execute a quitclaim deed to the current owner of the land abutting the vacated right of way conveying all interest of Umatilla County in the vacated right of way consistent with the terms of this order.

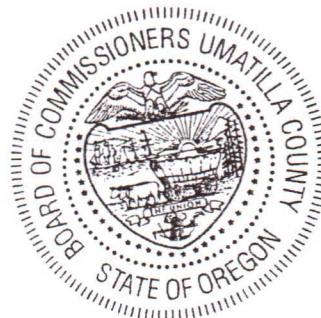
DATED this 30th day of March, 2010.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Dennis D. Doherty
Dennis D. Doherty, Chair

William S. Hansell
William S. Hansell, Commissioner

ABSENT
W. Lawrence Givens, Commissioner



ATTEST:
OFFICE OF COUNTY RECORDS

Steve Chambers
Records Officer





IN THE COUNTY COURT OF THE STATE OF OREGON FOR UMATILLA COUNTY.

In the Matter of the Petition	:	
of Ralph Perry et al, for the	:	
vacating of a county Road in	:	ORDER VACATING SAID ROAD.
Sec. 10 Tp. 2 North, Range 31	:	
East W. M.,	:	

NOW ON THIS DAY this matter coming on to be heard, this being the time and term for the final decision of the Court upon said matter.

It appearing that due and lawful advertisement of the final hearing herein has been given by the posting of three certified copies of order in three public places and in the vicinity of said road which is proposed to be vacated and also by the posting of a certified copy of the order of the Court, on the bulletin board at the West door of the County Court/^{House}in Pendleton, Oregon, being the place of holding the County Court, and for at least thirty days before the date set by the Court for the hearing and

It appearing that due proof of the posting of said order or notices is on file herein and that such affidavit is now before the Court, and

The Court finds that there is a remonstrance to said petition on file herein signed by E. C. McCook et al and the Court being fully advised in the premises finds there are no objections to the vacating of said road beginning at center of Sec. 10 instead of center of Sec. 3 Tp 2 N. R. 31.

And it appearing that said road as hereinafter described is not useful as a part of the general/^{road}system of Umatilla County, Oregon, and it appearing that the public will be benefitted by such vacating and that such road will not in the future be useful as a part of the general road system and is not of sufficient public benefit to warrant the same being maintained by the County.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that said



road be vacated as follows:

Beginning at center of Section 10 Township 2 North Range 31 EWM and thence continuing and following the road as it at present meanders in a southerly direction to its termination at a point on the northerly boundary line of the Columbia River Highway, said terminus being in Section 15, in said township and range.

Also commencing at a point on the Southerly boundary line of the Columbia River Highway, 200 yards west of the center of said Section 15, said Tp. and Range, and running thence in a southerly direction to its termination at the Railroad right of way of the O.W.R. & N. Co., at Barnhart Station.

is useless, dangerous and burdensome to maintain, is of no value to individuals or to the general public and is useless as a part of the road system of Umatilla County, and that the public will be benefitted by its vacation and the same is hereby vacated.

DATED this 14th day of November, 1929.

W. Schaner
County Judge.

J. O'Hales
County Commissioner

R. E. Dean
County Commissioner.

State of Oregon)
County of Umatilla)

This instrument was received and recorded on

03-30-10 at 3:45

in the record of instrument code type DE-ORDER

Instrument Number 2010-5640076
Fee 0.00

Office of County Records

Jean Tompkins
Records Officer