

PETITION FOR VACATION

TO THE BOARD OF COUNTY COMMISSIONERS FOR UMATILLA COUNTY, OREGON

IN THE MATTER OF THE VACATION OF

portion of County Road #1202 )

Umatilla County, Oregon )

PETITION TO VACATE

Xy We, Mary Lou McEachern, Spudnik Equipment Co. and Blue Mountain

Community College Scholarship and\*\* petition the Board of County

Commissioners of Umatilla County, Oregon, to vacate a portion of County

Road #1202, more particularly described as follows:  
\*\*Development Association

(attach legal description)  
See Exhibit "I" attached hereto.

II

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

III

No portion of the street 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 property are: (attach extra page if necessary)

HOW PROPERTY IS USED

See Exhibit "2" attached hereto.

CONDITION OF PROPERTY

" "

REASONS FOR VACATION

" "

V

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

Mary Lou McEachern

605 Peardale Lane #28  
Longview, WA 98632-3244

Blue Mountain Community College

c/o Ronald L. Daniels

Scholarship & Development Association  
P.O. Box 100, Pendleton, OR 97801

Spudnik Equipment Co.

P.O. Box 1045, Blackfoot, ID 83221

\*To be included if all property owners petition.

NOTE: All petitions must be accompanied by a \$100.00 recording fee. If petitions for vacation is granted, a \$15.00 recording fee and a \$15.00 survey fee is required. This is to be paid by the petitioners and must be prepaid. If vacation is located in a subdivision, an additional \$12.00 survey fee is due.

Blank lines for additional petitioners.

1.	Mary Lou McEachern * Mary Lou McEachern	605 Peardale Lane #28 Longview, WA 97532-3244
2.	SPUDNIK EQUIPMENT CO. By: * <i>M. J. ...</i> Title: * <i>...</i>	P.O. Box 1045 Blackfoot, ID 83221
3.	BLUE MOUNTAIN COMMUNITY COLLEGE SCHOLARSHIP AND DEVELOPMENT ASSOCIATION By: * <i>...</i> Title: * <i>...</i>	c/o Ronald L. Daniels P.O. Box 100 Pendleton, OR 97801

NAME ADDRESS

PETITIONERS

Dated this 6<sup>th</sup> day of *April*, 19 94.

Petitioners request that after the giving of notice as required by law, a hearing be held on this petition before the Board of County Commissioners, and that an order be entered vacating the property more particularly described above.





8ed McEachern, cer

Kimela K Sager  
Notary Public for Oregon  
Residing at Hermiston  
My Commission Expires: 10-17-97

On this 14th day of May, 1994, personally appeared Dante L. Dattoso as (title) Chairman of Blue Mountain Community College Scholarship and Development Association and acknowledged the foregoing to be his voluntary act and deed.

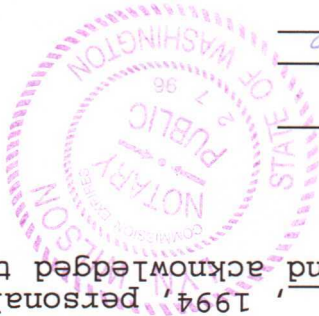
STATE OF OREGON  
)  
) Hermiston  
)  
County of Umatilla  
SS. )



Paul J. J. J.  
Notary Public for Idaho  
Residing at Blackfoot, Bingham Co.  
My Commission Expires: 2-15-96

On this 15th day of April, 1994, personally appeared Melvin E. Comria as (title) Wife of Spudnik Equipment Co., an Idaho corporation, and acknowledged the foregoing to be his voluntary act and deed.

STATE OF IDAHO  
)  
) Bingham  
)  
County of Bingham  
SS. )



John Wilson  
Notary Public for Washington  
Residing at Clark Co.  
My Commission Expires: 2-7-96

On this 6th day of April, 1994, personally appeared the above named Mary Lou McEachern and acknowledged the foregoing to be her voluntary act and deed.

STATE OF WASHINGTON  
)  
) Cowlitz  
)  
County of Cowlitz  
SS. )

CERTIFICATIONS

1/18/94

**B.M.C.C. & McEACHERN VACATION  
Parcel "C" "D"**

That portion of the Southwest Quarter of Section 13 and the Northwest Quarter of Section 24, T 4 N, R 28 E, W. M., Umatilla County, Oregon, being described as follows:

Beginning at the point of intersection of the section line common to said Sections 13 and 24, with the westerly right of way line of U.S. Highway #395 and running; thence S 89° 34' 39" E along said Section line 4.64 feet to the Northeast corner of Lot 1, Block 1, "HIGHLANDER CENTER SUBDIVISION - UNIT ONE"; thence S 49° 04' 18" E along the Easterly line of said Lot 1 a distance of 50.81 feet to a point which lies 33 feet South of the North line of said Section 24 when measured at right angles; thence N 89° 34' 39" W parallel with the North line of said Section 24 a distance of 152.32 feet to a point on the Northwest line of said Lot 1; thence N 40° 55' 24" E along said Northwest line and said Northwest line projected a distance of 86.80 feet to a point which lies 33 feet North of the South line of Section 13 when measured at right angles; thence S 89° 34' 39" E parallel with the South line of said Section 13 a distance of 13.98 feet to a point on the Westerly right of way line of U.S. Highway #395; thence S 49° 07' 08" E along said right of way line 50.86 feet to the Point of Beginning.



When the McEachern commercial building was built in the 1970's, it was mistakenly built on an unused county right of way shown as Parcel D on the attached map. The right of way still is unused and dead ends a short distance to the Northwest. However, Spudnik does not want the whole roadway vacated, hoping that at some time it will be useable to afford better access to its property.

However, because the right of way presently runs into Highway 395 at a severe angle, the State of Oregon will not allow the right of way to be used for access onto Highway 395, and thus the right of way is presently worthless even for Spudnik.

When McEachern contacted Spudnik about possibly vacating the whole easement, Spudnik suggested that possibly the part of the right of way where the McEachern building encroaches and which intersects Highway 395 could be vacated and moved northward, and also make the right of way intersect Highway 395 at a 90 degree angle. With the right of way abutting the highway at this angle, the State of Oregon might some day allow this road to be used.

McEachern's attorney George L. Anderson contacted Blue Mountain Community College about possibly moving the east end of the right of way northward, and Blue Mountain is agreeable to the vacation of Parcels C and D of the right of way and also to its dedicating Parcel A to the county as a replacement for the vacated right of way. McEachern has agreed, and by signing this application hereby agrees, to pay Blue Mountain the sum of \$1,223 for its dedicated real property and legal costs of \$135. A copy of the Blue Mountain Community College "Dedication of Public Roadway" instrument is attached as Exhibit 3, and Blue Mountain is willing to give that instrument to Umatilla County and record it if this partial vacation is approved and by signing this agreement agrees to do that if this application is approved. McEachern has deposited the sum of \$1,358 in her attorney George L. Anderson's trust account and by signing this application gives him irrevocable authority to pay all or part of this sum to Blue Mountain Community College for the Parcel A purchase price and legal fees when Blue Mountain is prepared to record the "Dedication of Public Roadway" attached hereto as Exhibit 3. McEachern also agrees to reimburse Blue Mountain Community College for any recording fees it incurs.

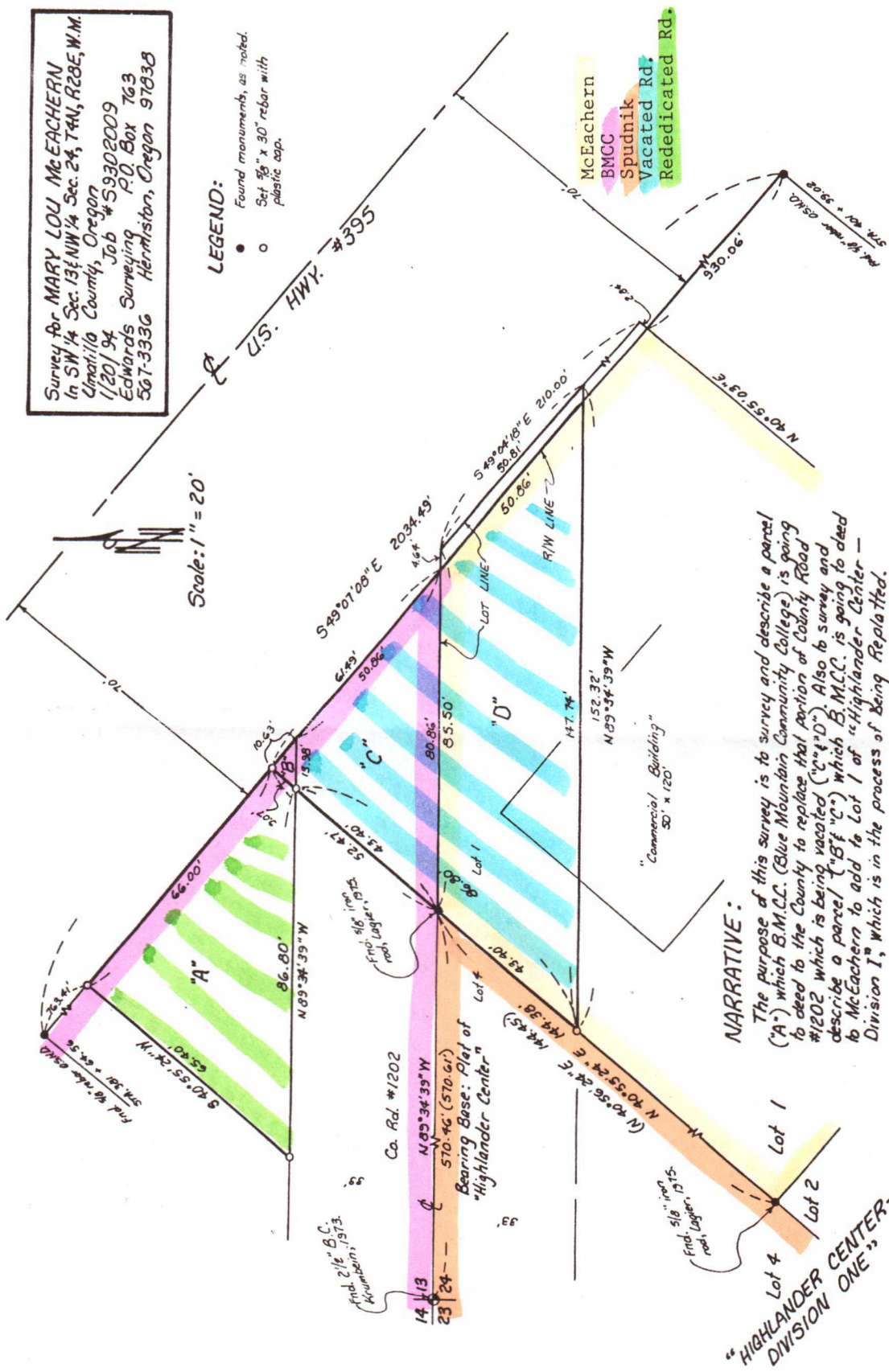
Blue Mountain Community College hereby agrees that upon payment of said \$1,358, it will deliver to McEachern's attorney, George L. Anderson, that Bargain and Sale Deed to Parcels B and C attached as Exhibit 4 so that McEachern's property lines are squared up.

Umatilla County should make approval of this application contingent upon Blue Mountain Community College recording the "Dedication of Public Roadway" instrument so that land to replace the vacated part of the right of way is dedicated to Umatilla County.

End

Survey for MARY LOU McEACHERN  
 In SW 1/4 Sec. 13, NW 1/4 Sec. 24, T4N, R28E, W.M.  
 Clatsop County, Oregon  
 1/20/94 Job # S9302009  
 Edwards Surveying P.O. Box 763  
 507-3336 Hartsister, Oregon 97038

Scale: 1" = 20'  
 LEGEND:  
 • Found monuments, as noted.  
 ○ Set 3/4" x 30" rebar with plastic cap.



**NARRATIVE:**  
 The purpose of this survey is to survey and describe a parcel ("A") which B.M.C.C. (Blue Mountain Community College) is going to deed to the County to replace that portion of County Road #1202 which is being vacated ("B" & "D"). Also to survey and describe a parcel ("B" & "C") which B.M.C.C. is going to deed to McEachern to add to Lot 1 of "Highlander Center - Division I", which is in the process of being replatted.

"HIGHLANDER CENTER - DIVISION ONE"



By: \_\_\_\_\_  
Title: \_\_\_\_\_

BLUE MOUNTAIN COMMUNITY COLLEGE  
SCHOLARSHIP AND DEVELOPMENT ASSOCIATION

In Witness Whereof, the grantor has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 1994.  
The true and actual consideration for this conveyance is \$ \_\_\_\_\_.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

Beginning at a point on the Westerly right of way line of U.S. Highway #395 at a point which lies North 49°07'08" West along said right of way line 61.49 feet from its intersection with the South line of said Section 13 and running; thence continuing North 49°07'08" West along said right of way line 66.00 feet; thence South 40°55'24" West 65.40 feet to a point which lies 33 feet North of the South line of said Section 13 when measured at right angles; thence South 89°34'39" East parallel with said South line 86.80 feet to a point which lies on the Northeastly projection of the Northwesterly line of Lot 1, Block 1, of "HIGHLANDER CENTER SUBDIVISION - UNIT ONE"; thence North 40°55'24" East along said Northeastly projection 9.07 feet to the Point of Beginning.

That portion of the Southwest Quarter of Section 13, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon, being described as follows:

BLUE MOUNTAIN COMMUNITY COLLEGE SCHOLARSHIP AND DEVELOPMENT ASSOCIATION, Grantor, conveys to UMATILLA COUNTY, STATE OF OREGON, Grantee, and hereby dedicates as a public roadway the following described real property situated in Umatilla County, Oregon to-wit:

DEDICATION OF PUBLIC ROADWAY

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

After recording, return to:

\_\_\_\_\_  
\_\_\_\_\_

Umatilla County

Send all tax statements to:

58ed BMCC:Dec

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, 1994, by \_\_\_\_\_ as \_\_\_\_\_ of Blue Mountain Community College Scholarship and Development Association on behalf of whom said instrument was executed.

STATE OF OREGON, County of Umatilla ) ss.



By: \_\_\_\_\_  
Title: \_\_\_\_\_

BLUE MOUNTAIN COMMUNITY COLLEGE  
SCHOLARSHIP AND DEVELOPMENT ASSOCIATION

In Witness Whereof, the grantor has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

The true and actual consideration for this conveyance is \$ \_\_\_\_\_.

Beginning at the point of intersection of the South line of said Section 13 with the Westerly right of way line of U.S. Highway #395 and running; thence North 89°34'39" West along said South line 80.86 feet to the most Northerly Northwest corner of Lot 1, Block 1, "HIGHLANDER CENTER SUBDIVISION - UNIT ONE"; thence North 40°55'24" East along the Northeastly projection of the Northwesterly line of said Lot 1 a distance of 52.47 feet to a point on the Westerly right of way line of U.S. Highway #395; thence South 49°07'08" East along said right of way line 61.49 feet to the Point of Beginning.

That portion of the Southwest Quarter of Section 13, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon, being described as follows:

BLUE MOUNTAIN COMMUNITY COLLEGE SCHOLARSHIP AND DEVELOPMENT ASSOCIATION, Grantor, hereby grants, bargains, sells and conveys to MARY LOU McEACHERN, Grantee, the following described real property situated in Umatilla County, Oregon to-wit:

**BARGAIN AND SALE DEED**

After recording, return to:  
George L. Anderson  
Attorney at Law  
475 East Main St.  
Hermiston, OR 97838

Send all tax statements to:  
Mary Lou McEachern  
605 Peardale Lane #28  
Longview, WA 98632-3244

EXHIBIT PAGE 4

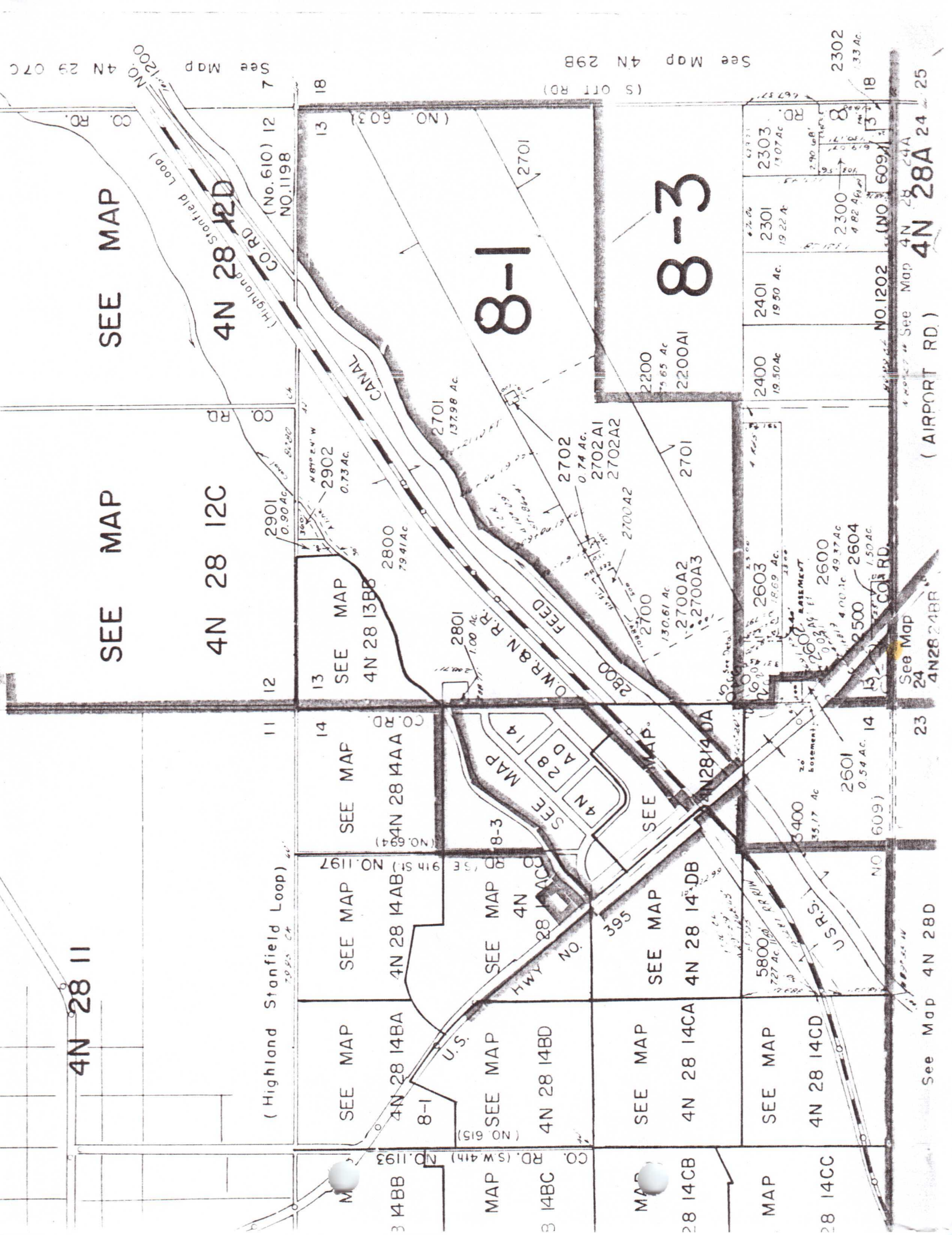
58ed BMCC-2.Dee

Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, 1994, by \_\_\_\_\_ as \_\_\_\_\_ of Blue Mountain Community College Scholarship and Development Association on behalf of whom said instrument was executed.

STATE OF OREGON, County of Umatilla ) ss.





SEE MAP

SEE MAP

SEE MAP

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SEE MAP

SEE MAP

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