

FILED  
J. DEAN FOUQUETTE, SR.  
UMATILLA COUNTY CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR UMATILLA COUNTY, STATE OF OREGON

1984 MAR -7 A 11: 27

In the Matter of Vacating a )  
Portion of County Road #506, )  
County of Umatilla, State )  
of Oregon )

Findings of Fact  
Conclusions of Law:  
Order of Vacation

SYNOPSIS:

On February 18, 1982, Donald Gray, filed a petition with the Umatilla County Board of Commissioners requesting the vacation of a portion of County Road #506, as shown on Exhibit "A", in Umatilla County, Oregon.

Pursuant to ORS 368.346, a public hearing was held before the Umatilla County Board of Commissioners on November 23, 1983. At that hearing after consideration of all of the evidence presented, the Board of Commissioners approved the vacation of a portion of County Road #506, as shown in Exhibit "A", making the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. A petition to vacate a portion of County Road #506, as shown on Exhibit "A", was filed in proper form with the Umatilla County Board of Commissioners on February 18, 1982.
2. On September 7, 1983, the Board of Commissioners signed a resolution initiating vacation proceedings and setting a date for a hearing to be held on the vacation at 10:30 on October 19, 1983.
3. Also on September 7, 1983, the Board of Commissioners by order directed by County Roadmaster to examine the road to be vacated and made a report in writing to be filed with the County Clerk pursuant to ORS 368.356.
4. Notice of the October 19, 1983, hearing was given by the Umatilla County Roadmaster as follows. On September 8, 1983, notice of the hearing was posted at the east and west ends and at a place equidistance from these ends on the above referenced portion of the road to be vacated. A fourth notice was posted on the bulletin board located at the entrance to the Umatilla County Courthouse in Pendleton, Oregon. These notices remained posted in excess of 20 days. In addition, notice of the hearing was given by certified mail pursuant to ORS 368.406 to City of Pendleton, Pacific Power and Light, Pacific Northwest Bell, Cascade Natural Gas, Columbia Television Co., Donald Gray, American Village Corp., and Pendleton Income Investors. Pursuant to ORS 368.416, a notice of hearing was published twice in a newspaper of general circulation, once being more than 20 days prior to the hearing and once being within 10 days of the hearing.
5. At the October 19, 1983 and November 23, 1983 hearings no challenges for bias, prejudice or personal interest were made to the qualifications of any Commissioner by any proponent or opponent of the proposed vacation.

6. No Board member disqualified himself due to any personal or other conflict of interest.
7. There were no objections to the jurisdiction of the Board to hear the matter.
8. At the commencement of each hearing, the presiding officer announced the nature and purpose of the hearing.
9. Pacific Power and Light requested that the final order contain language preserving a utility easement over the entire 30 foot wide strip.
10. The City of Pendleton Planning Commission approved the vacation and requested that the final order contain language preserving a utility easement over the entire 30 foot wide strip.
11. The City of Pendleton City Council approved the vacation and requested that the final order contain language preserving a utility easement over the entire 30 foot wide strip.
12. The Umatilla County Roadmaster in his report submitted October 5, 1983, recommended that the portion of County Road #506 in question should be vacated as requested because it is of no significant use to the county road system and other access to adjoining properties is present.
12. There were no objections to the vacation at the October 19, 1983 or the November 23, 1983, hearing on the matter.

#### CONCLUSIONS OF LAW

1. Notice for all hearings was properly given pursuant to ORS 368.346.
2. The provisions of ORS 368.326 to 368.366 were complied with in conducting the vacation hearings.
3. Because the portion of County Road 506 requested to be vacated does not serve the general public at this time, is of no significant use to the county road system and other access to adjoining properties is present, the vacation of the above referenced portion of County Road #506 will be in the public interest.

Based on the above findings of fact and conclusions of law,

IT IS HEREBY ORDERED that the petition for vacation of that portion of County Road #506 as shown in Exhibit "A" is approved excepting that nothing contained herein shall cause or require the removal or abandonment of any wire, pole, conduit, conduit, pipe, or cable of any kind or any other facility support or appurtenance used or intended to be used for any public utility service and the right hereby is reserved to the owners thereof, and their successors, to maintain, continue, repair, reconstuct, renew, replace, rebuild, and enlarge any and all such facilities.

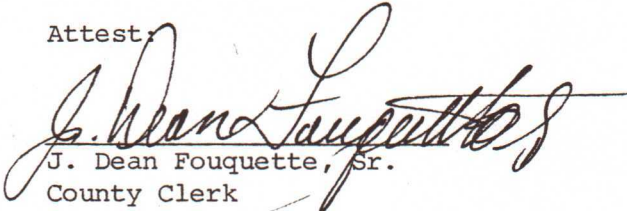
No costs resulted from the approval of this vacation.

This order shall be final on the date indicated below and shall become effective when

filed with the County Clerk, County Surveyor, and County Assessor pursuant to ORS 368.356 (3).

Dated this 7<sup>th</sup> day of March, 1984.

Attest:

  
J. Dean Fouquette, Sr.  
County Clerk

Umatilla County  
Board of Commissioners

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A. L. Draper

  
Robert Ten Eyck

  
William S. Hansell



PLANNING STAFF REPORT  
NOVEMBER 3, 1983

SUBJECT: Recommendation to Umatilla County on request of Donald Gray to vacate a portion of County Road #506 located near S.W. Hailey Avenue and S.W. 29th Street.

EVALUATION: A review of this request disclosed the following facts:

1. On August 26, 1980, the County Board of Commissioner's vacated the subject right of way.
2. The City of Pendleton requested that the action be voided as the required notice to the City was not accomplished and no recommendation obtained.
3. The vacation was voided on May 6, 1981; however, due to a procedural error, the County properly voided the vacation on September 7, 1983.
4. A fifteen foot strip of land on the north side of the proposed vacation was dedicated to the city by Mr. Gray (his share of dedication needed to bring the 30 foot County Road to the 60 foot city standard). The City, in March of 1982, deeded this 15 foot strip back to Mr. Gray as the right of way was no longer needed (due to the alignment of S.W. Goodwin and S.W. 30th Street).
5. The County Commissioner's scheduled a public hearing for October 19, 1983 to consider vacation of the remaining 30 feet of surplus right of way. Notice was provided to the city, but a recommendation to the County from the Planning Commission is necessary and has forced a recess of their hearing until the Commissioner's second meeting in November.
6. The proposed vacation is reasonable due to the new alignment of S.W. Goodwin Place with S.W. Hailey. The county road is now accessed from Goodwin instead of Hailey. Also, the new S.W. 30th Street connection has altered the circulation pattern of the area in compliance with the city's 1983 Comprehensive Plan.
7. The subject right of way contains several utilities, including a 16-inch water line and an 8-inch sewer line. A vacation of the road must be conditioned upon retention of a blanket utility easement covering the entire 30 foot width. (While 15 feet of the road would revert to Mr. Gray and increase his lot area, no buildings will be able to be erected on the vacated area - but it could be used for parking and certain types of landscaping and to increase the possible number of units that could occupy the tax lot.)
8. If vacated, the land will be zoned Medium Density residential, as is the adjoining property.

CONCLUSIONS:

1. The proposed vacation complies with the Pendleton Comprehensive Plan as the road is no longer needed for access to surrounding properties.
2. A blanket utility easement must be retained over the entire 30 foot wide area due to the existence of public utility lines.

RECOMMENDATION: That the Planning Commission recommend to the County Board of Commissioners the vacation of this portion of County Road #506, subject to the condition that a blanket utility easement be retained over the entire 30 foot strip to ensure access to public utilities for maintenance.

Respectfully submitted,

*Mike Hyde*  
mj

Mike Hyde  
Senior Planner



LAND OF GRACE BAPTIST CHURCH

AVENUE

GOODWIN

LAND OF DONALD GRAY

LAND OF PENDLETON INCOME INVESTORS

Ⓒ CURVE DATA

- ① Δ = 2° 40' 12"
- R = 524.05'
- L = 24.42'
- LC = 24.42'
- LCB = N 30° 33' 55" W

CO. RD. 506

SW

LAND OF AMERICAN VILLAGE CORP.

N 29° 13' 45" W - 34.48'

AVENUE

SE. COR. OF THE SW. 1/4 OF THE SE. 1/4 SECTION 9 T2N R32 E.W.M

HAILEY

SW 29TH ST.

SW



RIGHT-OF-WAY TO BE VACATED AND RETAINED AS PUBLIC EASEMENT

CITY OF PENDLETON ENGINEERING DEPT.

EXHIBIT 'E'

COUNTY RIGHT-OF-WAY VACATION

DATE: 2-10-84	SCALE: 1" = 100'	SHEET 1 OF 1
DN: <i>FLV</i>	CKD.	