

Umatilla County Road Department

3920 Westgate • Pendleton, Oregon 97801 • 503-276-2962

FAX: 503-276-3906

Commissioners

Bill Hensell
Glen Youngman
Emile Holeman

Roadmaster

Hal Phillips

Assistant Roadmaster

Tom Fellows

KORVOLA ROAD LEGALIZATION REPORT

That portion of County Road #1307 (Korvola Road) from its intersection with S. W. 44th Street to the east boundary of the Westfield Subdivision (approximately 1 mile) has been surveyed and monumented as per your order dated 12/2/94 (attached) in anticipation of legalization.

This department determined that the entire road from its intersection with S. W. 44th Street to Birch Creek needs to be surveyed and legalized. However, due to the ongoing and increasing development near the north end of the road, it was deemed best to legalize it in two sections, beginning with the north one mile, in order to resolve the questions of alignment, ownership, and utility location (thus, the "Phase 1" on the survey maps).

The road was surveyed through a series of curves and tangents instead of angle points in order to match the existing road as closely as possible. It was monumented at a width of 60 feet (30 feet each side of centerline), which was the width dedicated in 1901.

Right-of-way lines generally follow the tops of the cut banks. In a few areas, they fall on the sides of the banks due to the banks sloughing over time and not due to any maintenance or reconstruction on the Road Department's part. The alignment could not be moved to force the right-of-way lines to the tops of the banks in these areas without causing right-of-way shortages on the other side of the road and hold the required 60-foot width.

Ownership maps were drawn separately from the main survey maps so that some of the detail could be removed from the main maps and make the ownership lines more clearly seen. A separate utility map with utilities in contrasting colors was drawn to show the general locations and types of utilities present in our old dedicated right-of-way and in the new right-of-way should the road be legalized.

FILED
UMATILLA COUNTY CLERK
94 DEC -5 P 12: 13

THE BOARD OF COUNTY COMMISSIONERS OF UMATILLA COUNTY
STATE OF OREGON

In the Matter of Surveying)
County Road 1307, Korvola Road) SURVEY ORDER NO. SV94-007

WHEREAS, The Umatilla County Director of Public Works has determined that the existing records on County Road 1307, Korvola Road, are inaccurate or incomplete because this road as traveled and used for ten (10) years or more does not conform to the location of the road described in County records, and

WHEREAS, on June 6, 1994, the Board of Commissioners voted unanimously to legalize the present location of this road as it has been traveled for ten (10) years or more:

NOW THEREFORE, IT IS HEREBY ORDERED that County Road 1307, Korvola Road, be surveyed by the Umatilla County Director of Public Works in anticipation of legalizing of this road as traveled and used for ten (10) years or more.

DATED this 2nd day of December, 1994

UMATILLA COUNTY BOARD OF COMMISSIONERS

William S. Hansell
William S. Hansell, Chairman

Glenn Youngman
Glenn Youngman, Commissioner

Emile M. Holeman
Emile M. Holeman, Commissioner

ATTEST: Thomas L. Groat
Thomas L. Groat, Clerk

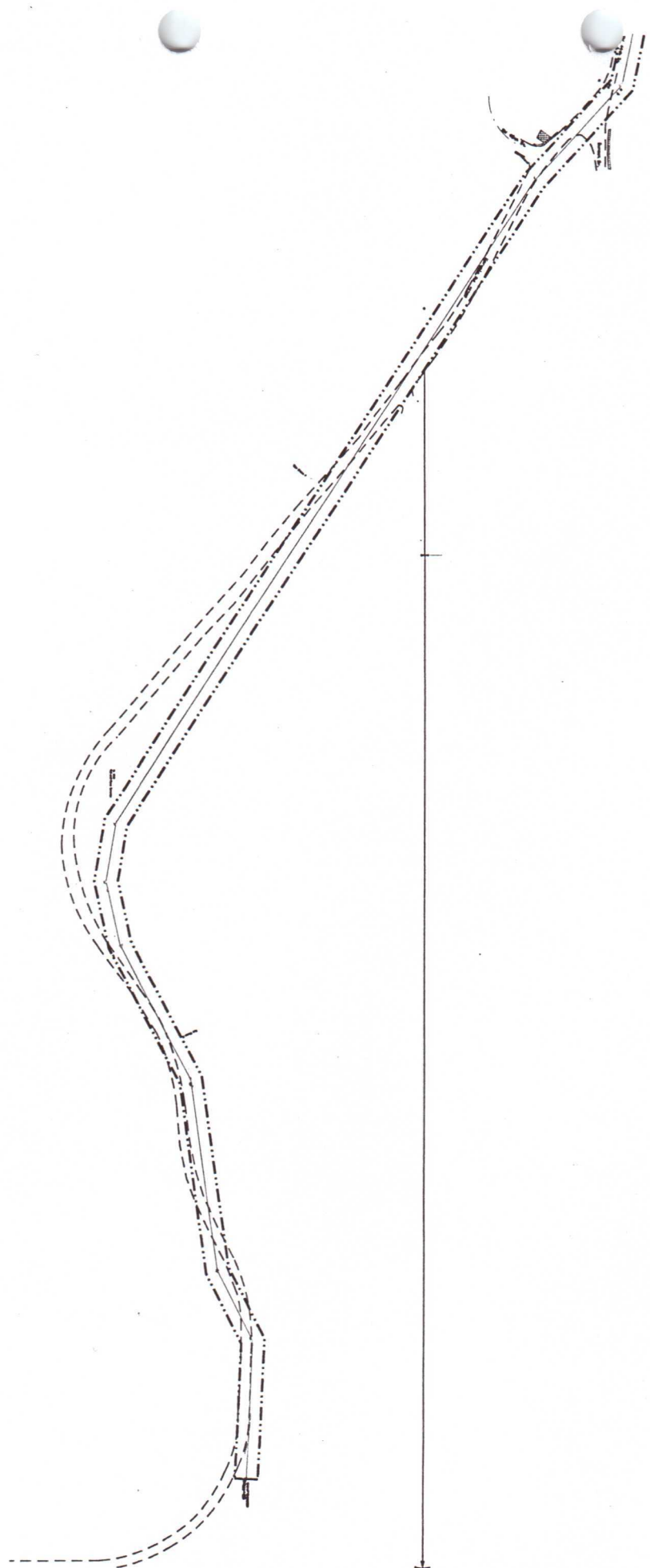
ROAD LOCATION

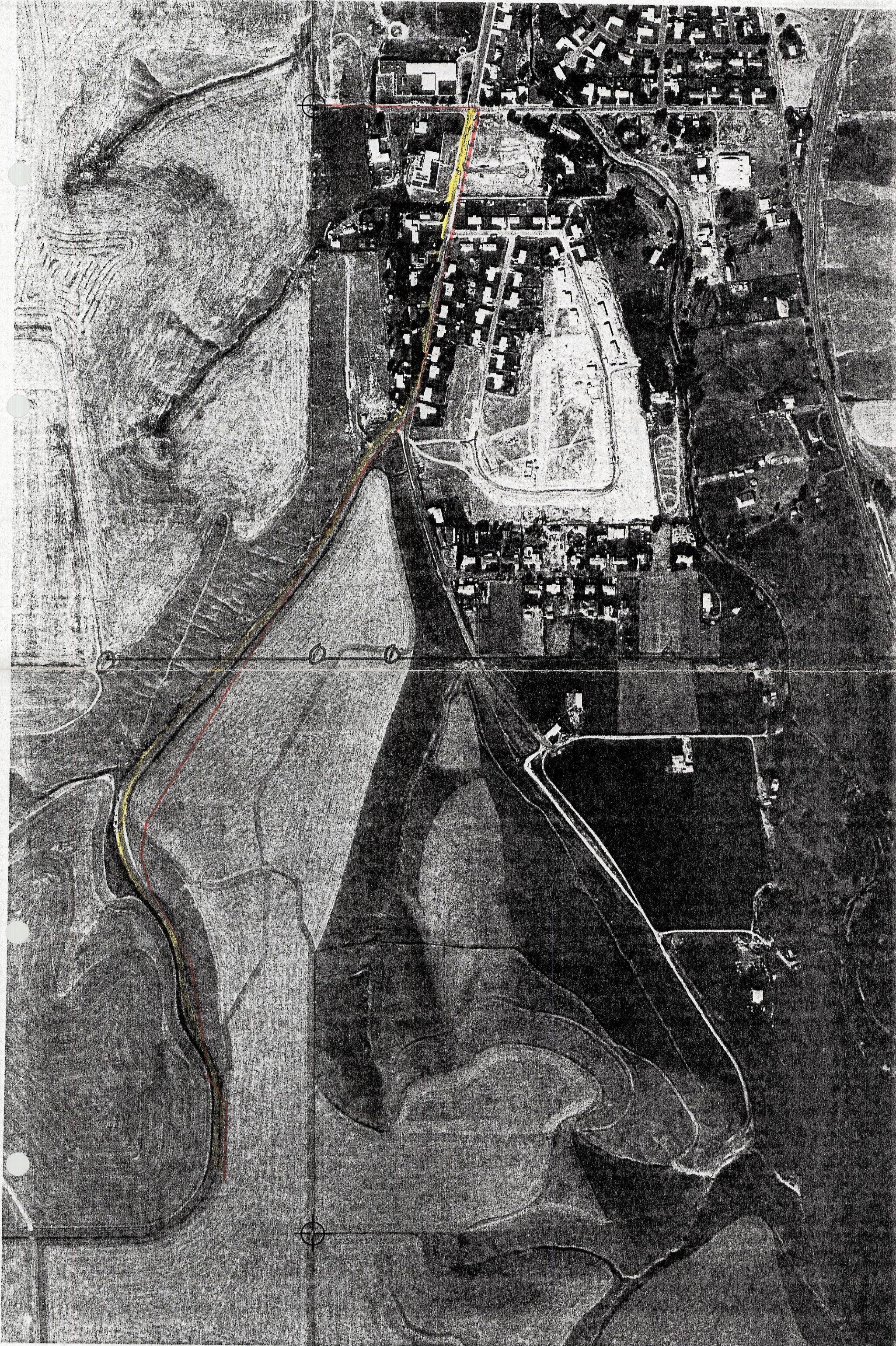
One area land owner claims that our travelled road has moved because of our maintenance activities and he can prove it. He wants us to put our road "back on our right-of-way".

ORS 368.201(2)(a) states, in effect, that a county governing body may initiate proceedings to legalize a county road if the location of the road cannot be accurately determined due to numerous alterations of the road. Even though no major maintenance requiring any realignment has been performed to the road in anyone's recent memory, this statute sanctions initiating legalization proceedings even if it had happened.

On the following page of this report is a to-scale drawing of the old dedicated right-of-way (1 inch = 400 feet) of Road #523 as produced from 1901 survey notes and the gravel road as it now exists. The old right-of-way is shown as the wider strip with darker dashed lines. The travelled gravel road as it exists today is shown as the narrower strip with lighter dashed lines. On the following page is an aerial photograph taken in 1977 with the same scale as the drawing. The red line is the old right-of-way centerline; the highlighted yellow portion is the travelled road. When the photograph is laid over the drawing and placed on a light table so the drawing shows through the photograph, the travelled road today (from this survey) matches the travelled road from the 1977 photograph nearly perfectly.

After the photograph is a copy of a portion of the Fendleton quadrangle map. The map was created from aerial photographs taken in 1964. After completion, the features on the map were field-checked in 1965. The section of the road highlighted in yellow is the portion represented by the survey. One contention is that the road on the north end used to be "farther to the west where the dedicated right-of-way is". The road today closely follows a natural drainage which lies on the west side of the road until the end of the first big curve going south, where the road is in the bottom of the drainage. On the quadrangle map, the contour lines indicating a drainage tend to be pointed towards the upstream direction in the bottom of the drainage. If you look closely at the contour lines, it shows the drainage very close to, but to the west of, the travelled road until the end of the first big curve going south, where it looks like the road becomes the drainage. The shape of the road is exactly the same as that on both the aerial photograph and the small-scale drawing of this survey as nearly as can be seen. Nothing on this 1964 map indicates the road is in any different location today than it was then.







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DEDICATED RIGHT-OF-WAY LOCATION

Many surveying principles and land ownership decisions are based on the intent of the original surveyor. In 1901 when County Road #523 was surveyed, traffic was probably 99% horse-drawn. When the original field notes are used to draw an alignment on a map or to physically stake the dedicated right-of-way, the alignment generally follows the bottom of the drainage for about 1100 feet from the 44th Street intersection, then runs up over the top of a hill and back down the other side onto the existing road. It would have been a real struggle for a horse to pull a loaded wagon to the top of the hill and then stop going down the other side. In 1901, road-building equipment was limited, so there couldn't have been any intention of cutting through the hill; 60 feet of right-of-way would not have been nearly enough if that would have been intended.

ORS 368.201(2)(b) states that a county governing body may initiate proceedings to legalize a county road if the location of the road cannot be accurately determined due to a defective survey of the road or adjacent property. In 1901 when this portion of the road was surveyed, compasses were widely used to determine bearings. The differences in the bearings were used to determine angles at each angle point. For distance measurement, a Gunter's chain, which was a 66-foot long chain comprised of 100 8-inch links, was widely used. Many things caused errors with these two instruments. Local magnetic attraction, which can be anything from the surveyor having something containing iron on his person to the natural rock in the area containing iron can render a compass almost useless. A worn Gunter's chain would read shorter than the distance actually was; chaining errors such as not enough tension or not measuring on a horizontal plane caused significant errors. Probably the most important question is the skill of the surveyor and his personnel, which is impossible to ascertain now. Even though the aerial photo shows the travelled road and the dedicated alignment in different places, the shapes of the two are similar, indicating that the road was probably surveyed along the drainage, but some improper bearings and/or distances were recorded.

Recorded surveys dated 1950 and earlier show the east right-of-way line of Road #523 (east side of 44th Street) monumented 30 feet from a centerline which runs southerly from an initial point (the intersection of the centerlines of what are now Quinney and 44th) which is approximately 775 feet east of the northwest corner of Section 21. All of the more recent surveys and subdivisions also used this distance, most likely because 44th Street was already established using that distance to the initial point. However, the original field notes (attached next page) state "Beginning at a point on the north line of Section 21, T. 2 N., R. 32 E.W.M. 805 feet east of the N. W. corner of said section where west 30 feet from initial point I set post 3 1/2 feet long 18 inches in ground, raised mound, and dug trench. Said post being marked R523." The initial point was not where he set the

post, but 30 feet east of there. It was the practice in those days to establish the initial point of a road and then set a post marking the road at an offset, much as surveyors today set pins on the right-of-way lines. The road surveys around this time that used the post as the initial point stated that they set the post as the initial point and usually ran in a cardinal direction from it, indicating the post was set on a section line or a subdivision thereof. Attached after the old survey notes is a copy of a portion of a map drawn by the Umatilla County Road Department in 1959. It shows the P.O.B. of Road #523 on the easterly line of the "existing" right-of-way at a distance of 805 feet as per original survey. The significance this has is that when reproducing the old survey, the existing centerline as monumented cannot be used in conjunction with the remainder of the original angles and distances going up Korvola Road, as at least one surveyor has done; by doing this, the remainder of the road to its terminus would be approximately 30 feet farther west than intended.

Field Notes of Survey of Road # 523
 Beginning at a point on the North line
 of Section 21 T. 27. R. 32. E. W. M. 805 feet
 East of the N. W. Corner of said Section, when
 West 30 feet from initial point I set post
 3/4 feet long 1 1/2 inches in ground raised mound
 and dug trench. Said post being marked R. 523.
 Thence Dist. ft. L R Total Dist.

	Dist. ft.	L	R	Total Dist.
S 11° 39' W	1470	78° 21'	-	
S 42° 42' W	340		31° 03'	1780
S 33° 18' W	1996	9° 24'		3776
S 9° 39' W	154	23° 39'		3930
S 12° 24' E	170	22° 03'		4100
S 28° 15' E	400	15° 51'		4500
S 8° 02' E	500		20° 13'	5000
S 26° 45' E	206	18° 43'		5206
				5280
S 2° 38' W	360		29° 23'	5566

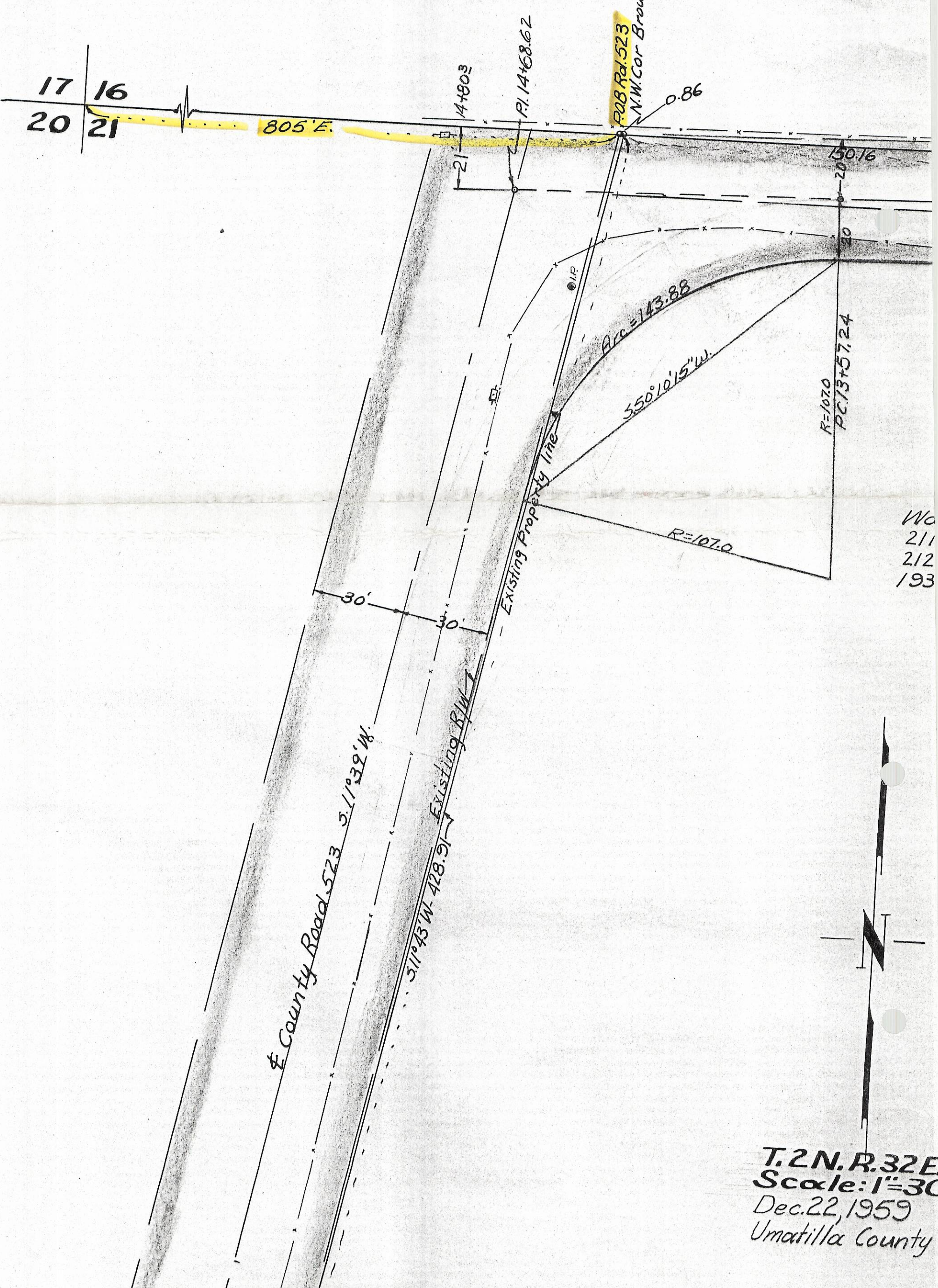
End of Survey at Post 30' East 3/4 ft in
 ground marked R. 523. raised mound &
 as per instructions.

C. E. Macomber,
 County Surveyor.

Hereby certify that the foregoing notes
 are a true copy of notes made
 of Survey of Road # 523. Jan 18, 1901.

C. E. Macomber
 County Surveyor.

bb A 50/70
Box 108
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T. 2 N. R. 32 E.
Scale: 1" = 30'
Dec. 22, 1959
Umatilla County

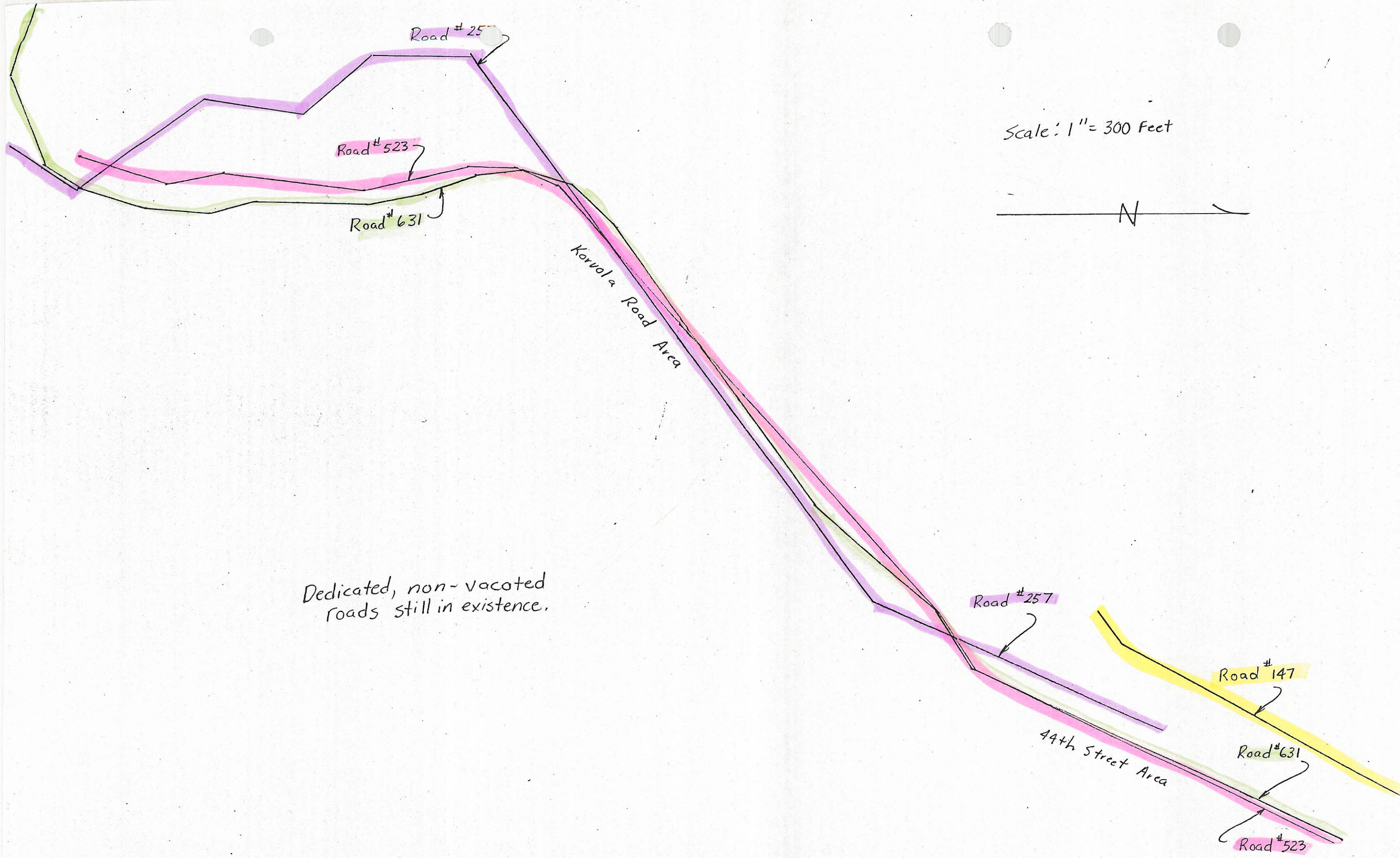
OTHER DEDICATED COUNTY ROADS

Our road files show that there are several unvacated roads still existing in the area. The next page shows a sketch of all of the unvacated roads in the area. At one time Road #147 was dedicated all the way to Birch Creek. All except the yellow portion shown has been vacated. Road #631 lies very close to #523. The vacated portion of Road #147 was very close in shape to Road #257 and they are both similar to Roads #523 and #631. All of the roads except #523 are described from the center of Section 29 to the south. Road #523 is described from the northwest corner of Section 21. As you can see by the shapes of the roads and knowing something about the terrain, all of these roads were probably surveyed along more or less the same route in this area, but because of differences in survey instruments, personnel, etc. when they are drawn on a map or laid out on the ground, there are vast differences in locations.

UNKNOWN OWNERSHIP

After the unvacated road sketch is a copy of a portion of sheet 4 of the survey. The portion colored in red is the area between the old dedicated right-of-way line as reproduced from 1901 field notes using the correct distance along the north line of Section 21 to the initial point of Road #523 and the easterly boundary of the Valley View Estates Subdivision. Normally, if the travelled road was legalized, this property would accrue to the owners of the lots on the west upon vacation of the old right-of-way and probably still should, as should the property shaded in pink above it, which is the area in between the old dedicated right-of-way and our new right-of-way line if the road is legalized. If the old right-of-way is vacated, a utility easement needs to be reserved for the utilities in the area.

The portion shaded in yellow is a kind of "no-man's land". The 1960 Chula Vista Subdivision, the 1960 Glendale Subdivision, and the 1980 Valley View Subdivision all show this as a wide area lying outside of our right-of-way. No ownership shows up on any records at the Assessor's Office.



Road #25

Road #523

Road #631

Kerrola Road Area

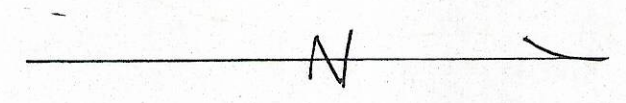
Road #257

Road #147

Road #631

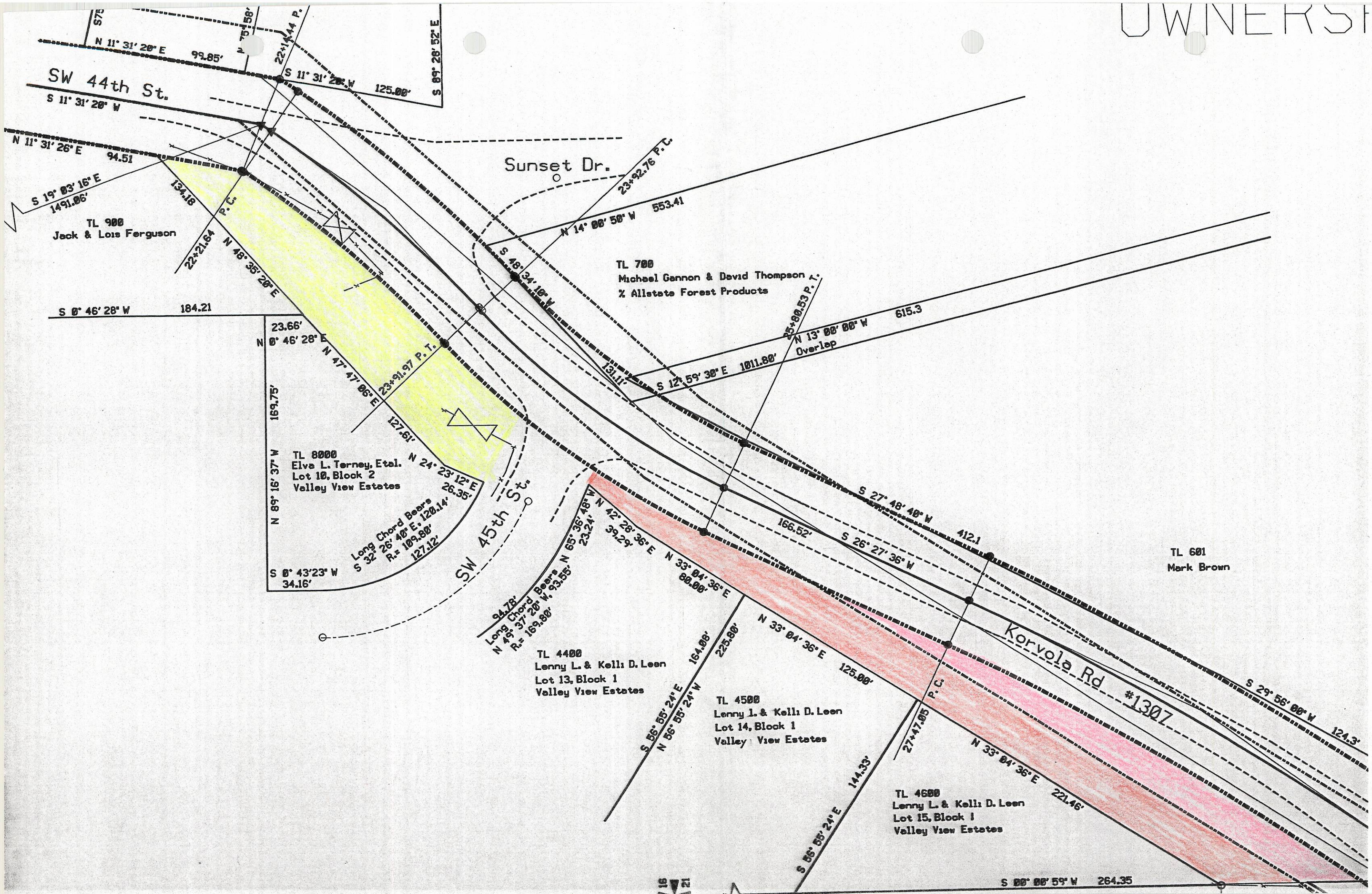
Road #523

Scale: 1" = 300 Feet



Dedicated, non-vacoted roads still in existence.

44th Street Area



CONFLICT WITH TAX LOT 1013

A recorded deed and survey sketch on the next three pages describe a parcel of land purchased by Mr. Val Toronto from Birch Creek Farms in 1993. The property is described along the centerline of what Mr. Toronto believed was our dedicated right-of-way to where it intersects the center of the existing road and then along the center of the existing road and the acreage of 4.74 acres bears out the fact that no acreage was excepted out for any county road. ORS 275.027 states "The rights of any county to public lands are not extinguished by adverse possession. No title or property rights to public lands shall be acquired against the county through operation of a statute of limitations". This seems to make the deed invalid. Attached after the deed and survey sketch is a small-scale print of this legalization survey with old right-of-way lines shown as reproduced from the 1901 survey using the correct initial point. The entire colored area represents the description of tax lot 1013. The orange areas are areas that conflict with original right-of-way locations as described in the 1901 survey. The yellow area is the area described in the deed that would conflict with the legalized right-of-way. The green areas represent no conflict with either; however, Tax Lot 1013 was purchased from Birch Creek Farms which own the land to the west of the county road. Straughaus' property on the east side of the road is described as Lot 4 and the NE1/4 of the SE1/4 of Section 20 lying easterly of the county road. A portion of Tax Lot 1013 has been farmed for many years by Straughaus and an old fence near our new right-of-way line is present. It seems there might be doubt as to whether this ground was even purchased from the right owners.

7
Dover

21132

135

FORM NO. 726 - BARBARK AND SALE DEED (Individual or Corporate)

REEL 246 PAGE 203 BARBARK AND SALE DEED 189366

KNOW ALL MEN BY THESE PRESENTS, That Birch Creek Ranch
Russell and Bernice A. Kuhn Husband and Wife, hereinafter called grantor,
 for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto
Val and Nina Toronto Husband and Wife
 hereinafter called grantees, and unto grantees's heirs, successors and assigns all of that certain real property with the
 tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County
 of Umatilla, State of Oregon, described as follows, to-wit:

A PARCEL OF LAND SITUATED IN THE EAST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 20, TOWNSHIP 2 NORTH, RANGE 32 EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST ONE-QUARTER CORNER OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 32 EAST OF THE WILLAMETTE MERIDIAN, SAID QUARTER CORNER BEING A FOUND 1-1/2" BRASS CAP SET ON A GALVANIZED IRON PIPE AND MARKED AS THE WEST ONE-QUARTER CORNER OF SAID SECTION 21:

THENCE FOLLOWING THE EAST-WEST CENTER OF SECTION LINE OF SAID SECTION 20 ON A BEARING OF NORTH 89° 34' 26" WEST, 380.47 FEET TO A POINT ON THE CENTER LINE OF THE RIGHT-OF-WAY OF COUNTY ROAD NUMBER 1307; THENCE ALONG SAID CENTERLINE ON A BEARING OF SOUTH 33° 02' 24" WEST, 829.17 FEET TO AN ANGLE POINT IN SAID CENTERLINE; THENCE CONTINUING ALONG SAID CENTERLINE ON A BEARING OF SOUTH 09° 23' 24" WEST, 154.00 FEET TO AN ANGLE POINT IN SAID CENTERLINE; THENCE CONTINUING ALONG SAID CENTERLINE ON A BEARING OF SOUTH 12° 38' 36" EAST, 170.00 FEET TO AN ANGLE POINT IN SAID CENTERLINE; THENCE CONTINUING ALONG SAID CENTERLINE ON A BEARING OF SOUTH 28° 30' 36" EAST, 400.00 FEET TO A POINT WHERE IN SAID CENTERLINE INTERSECTS THE CENTERLINE OF AN EXISTING GRAVEL ROAD; THENCE DEPARTING SAID RIGHT-OF-WAY CENTERLINE AND ALONG THE CENTERLINE OF SAID GRAVEL ROAD ON A BEARING OF NORTH 31° 52' 48" WEST, 370.18 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID CENTERLINE ON A CURVE RIGHT THROUGH A CENTRAL ANGLE OF 12° 10' 03", HAVING A RADIUS OF 917.22 FEET, AN ARC LENGTH OF 194.79 FEET (CHORD BEARS NORTH 25° 47' 47" WEST, 184.42 FEET); THENCE CONTINUING ALONG SAID CENTERLINE ON A BEARING OF NORTH 19° 42' 45" WEST, 5.53 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID CENTERLINE ON A CURVE RIGHT THROUGH A CENTRAL ANGLE OF 29° 14' 24", HAVING A RADIUS OF 361.01 FEET, AN ARC LENGTH OF 184.24 FEET (CHORD BEARS NORTH 05° 05' 33" WEST, 182.24 FEET); THENCE CONTINUING ALONG SAID CENTERLINE ON A BEARING OF NORTH 09° 23' 24" EAST, 16.98 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID CENTERLINE ON A CURVE RIGHT THROUGH A CENTRAL ANGLE OF 25° 23' 02", HAVING A RADIUS OF 327.38 FEET, AN ARC LENGTH OF 150.75 FEET (CHORD BEARS NORTH 22° 43' 10" EAST, 149.43 FEET); THENCE CONTINUING ALONG SAID CENTERLINE ON A BEARING OF NORTH 35° 54' 41" EAST, 55.21 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID CENTERLINE ON A CURVE RIGHT THROUGH A CENTRAL ANGLE OF 05° 57' 47", HAVING A RADIUS OF 1490.99 FEET, AN ARC LENGTH OF 181.19 FEET (CHORD BEARS NORTH 39° 23' 35" EAST, 181.08 FEET); THENCE CONTINUING ALONG SAID CENTERLINE ON A BEARING OF NORTH 42° 52' 28" EAST, 252.40 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID CENTERLINE ON A CURVE LEFT THROUGH A CENTRAL ANGLE OF 09° 50' 04", HAVING A RADIUS OF 3475.74 FEET, AN ARC LENGTH OF 578.58 FEET (CHORD BEARS NORTH 37° 57' 20" EAST, 575.65 FEET) TO A POINT OF INTERSECTION OF THE CENTERLINE OF SAID GRAVEL ROAD AND THE CENTERLINE OF SAID RIGHT-OF-WAY; THENCE ALONG THE CENTERLINE OF SAID RIGHT-OF-WAY ON A BEARING OF NORTH 33° 02' 24" EAST, 332.05 FEET TO A POINT OF INTERSECTION OF THE CENTERLINE OF SAID RIGHT-OF-WAY WITH THE WEST LINE OF SAID SECTION 21; THENCE ALONG SAID WEST LINE ON A BEARING OF SOUTH 00° 03' 11" EAST, 568.95 FEET TO THE POINT OF BEGINNING.

AFTER RECORDING RETURN TO: VAL TORONTO
 4231 S.W. BROAD LANE
 SEND TAX STATEMENTS TO: PENDLETON, OREGON 97801

93 DEC 28 A D 56

CONTAINING 208,562 SQUARE FEET (4.74 ACRES) MORE OR LESS.

EXHIBIT "A" page 2 of 3 included herein by Reference.

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 1.00 .

However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 91.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and individuals.

In Witness Whereof, the grantor has executed this instrument this 28 day of Dec 1973.

If a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

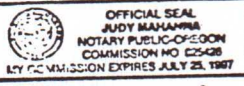
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Birch Creek Ranch by Russell Kuhn
Birch Creek Ranch by Bernice A. Kuhn

STATE OF OREGON, County of _____) ss.
 This instrument was acknowledged before me on _____ 19__

by _____
 This instrument was acknowledged before me on December 28 1973
 by RUSSELL KUHN / BERNICE A. KUHN
 as PARTNERS
 of BIRCH CREEK RANCH

Judy Mahan
 Notary Public for Oregon
 My commission expires July 25, 1997



Russell and Bernice A. Kuhn
2022 Heather Court
Richland Washington - 99352
 Grantor's Name and Address

Judy Mahan
4161 Terrace - 101st Terrace
9215 N. Boardman Ave
Pendleton Oregon 97261
 Notary's Name and Address

Judy Mahan
4161 Terrace - 101st Terrace
9215 N. Boardman Ave
Pendleton Oregon 97261
 After recording return to (Name, Address, Zip)

Judy Mahan
4161 Terrace - 101st Terrace
9215 N. Boardman Ave
Pendleton Oregon 97261
 Shall represent alterations and all the statements to (Name, Address, Zip)

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON,) ss.
 County of _____)
 I certify that the within instrument was received for record on the _____ day of _____ 19__ at _____ o'clock _____ M., and recorded in book/roll/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____ Record of Deeds of said County. Witness my hand and seal of County attized.

NAME _____ TITLE _____
 By _____ Deputy

EXHIBIT 'A'
 LOCATED IN THE EAST 1/2
 OF THE SE 1/4 OF SECTION 20
 T 2 N, R 32 E, W.M.
 UMATILLA COUNTY, OREGON

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	3475.74'	596.58'	595.85'	N 37°57'26" E	09°50'04"
C2	1490.99'	181.19'	181.08'	S 39°23'35" W	06°57'47"
C3	327.38'	150.75'	149.43'	S 22°43'10" W	26°23'02"
C4	361.01'	184.24'	182.24'	S 05°05'33" E	29°14'24"
C5	917.22'	194.79'	194.42'	S 25°47'47" E	12°10'03"

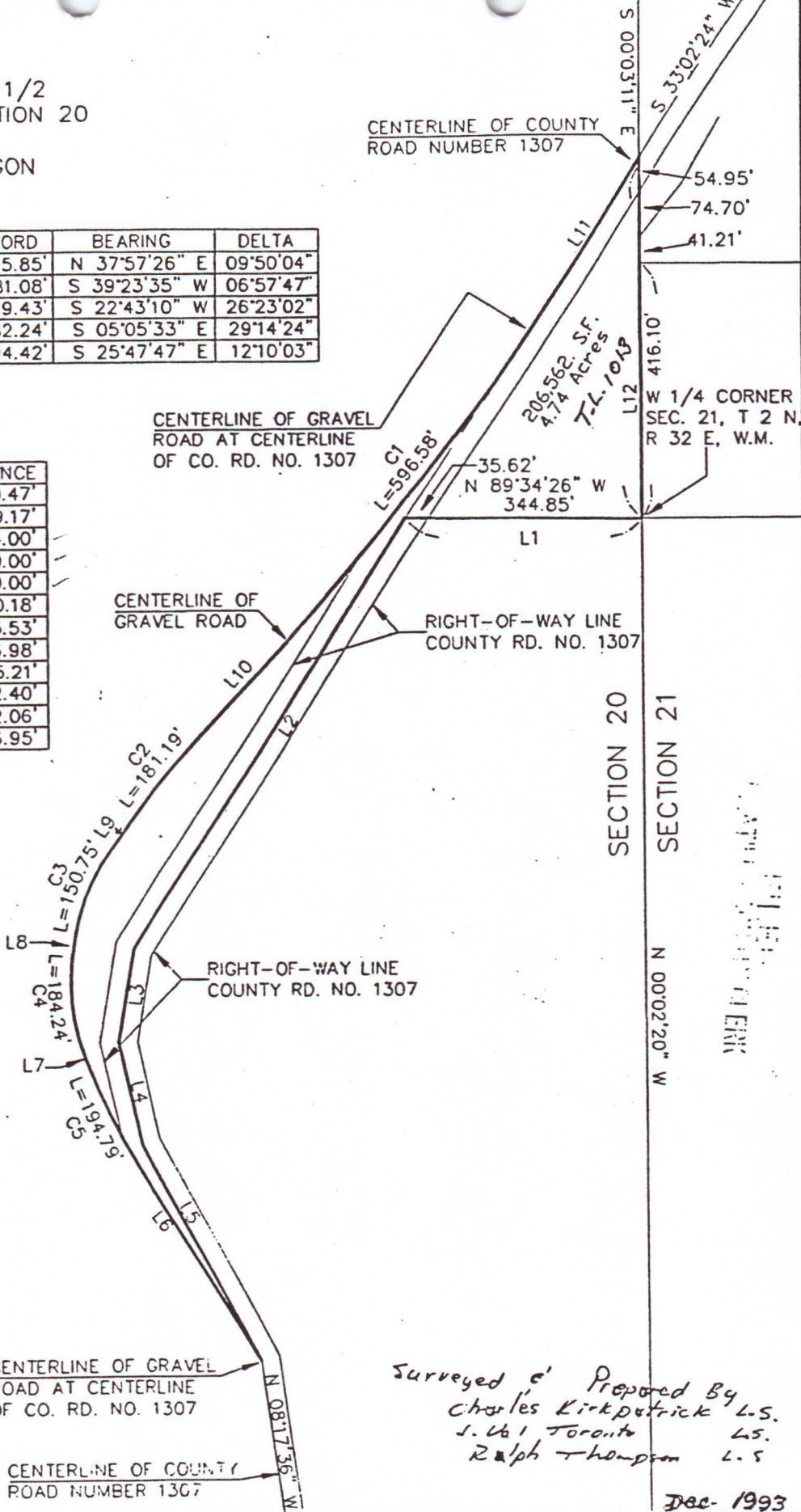
LINE	DIRECTION	DISTANCE
L1	S 89°34'26" E	380.47'
L2	N 33°02'24" E	829.17'
L3	N 09°23'24" E	154.00'
L4	N 12°39'36" W	170.00'
L5	S 28°30'36" E	400.00'
L6	S 31°52'48" E	370.18'
L7	N 19°42'45" W	5.53'
L8	N 09°23'24" E	16.98'
L9	S 35°54'41" W	55.21'
L10	S 42°52'28" W	252.40'
L11	S 33°02'24" W	332.06'
L12	N 00°03'11" W	586.95'



NOT TO SCALE

CENTERLINE OF GRAVEL ROAD AT CENTERLINE OF CO. RD. NO. 1307

CENTERLINE OF COUNTY ROAD NUMBER 1307



Surveyed & Prepared By
 Charles Kirkpatrick L.S.
 J. Val Toronto L.S.
 Ralph Thompson L.S.

Dec-1993

Colored areas indicate the parcel described in Reel 246, Pages 203 through 205 of the Umatilla County Deed Records (Attached). Orange indicates the portion in conflict with the original (1901) R/W description. Yellow indicates the portion in conflict with the to-be-legalized R/W. Green indicates no conflict. Contains

4.74 acres.



T.L. 1000
Birch Creek Ranches

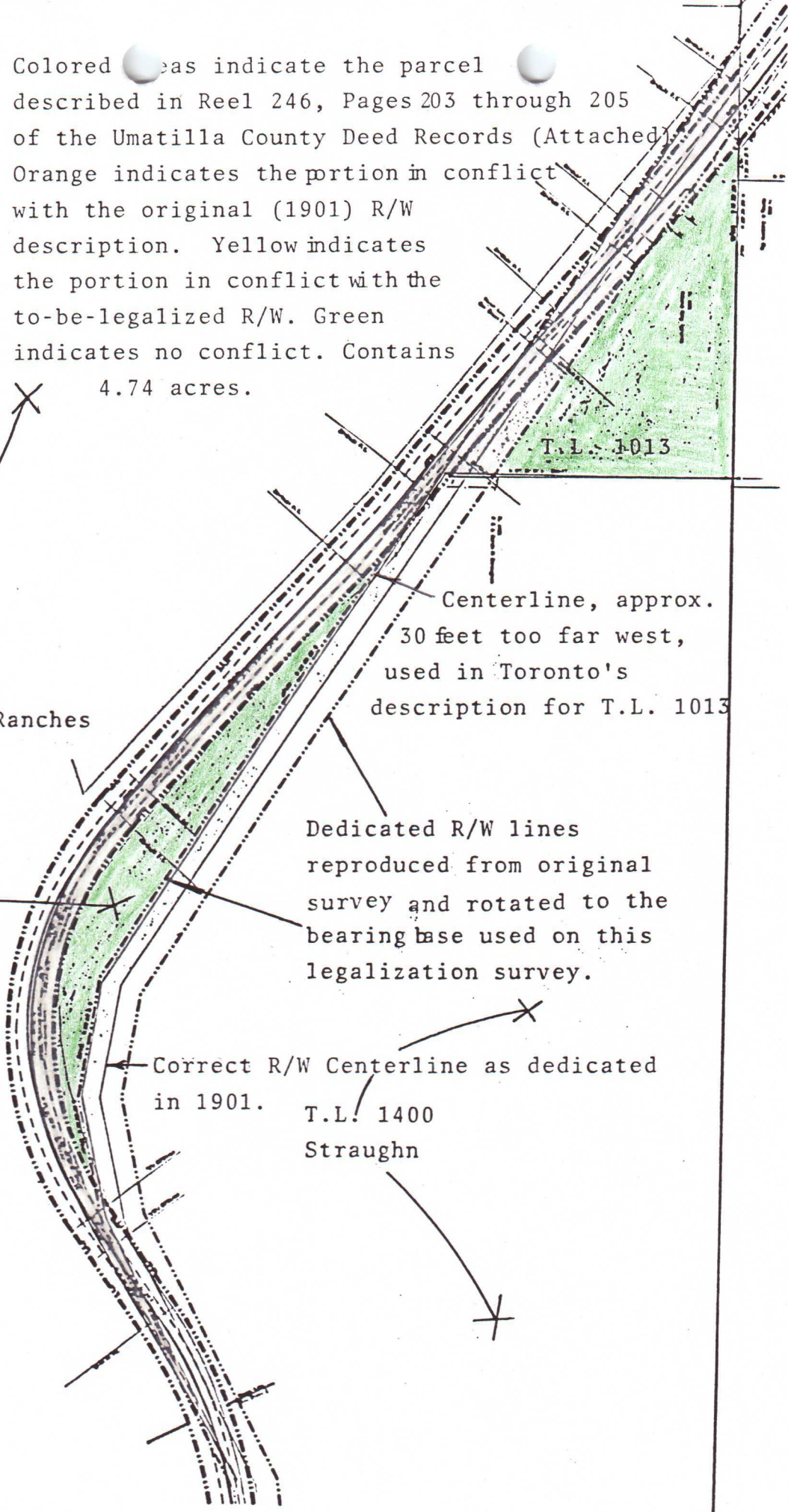
T.L. 1013

Centerline, approx.
30 feet too far west,
used in Toronto's
description for T.L. 1013

Dedicated R/W lines
reproduced from original
survey and rotated to the
bearing base used on this
legalization survey.

Correct R/W Centerline as dedicated
in 1901.

T.L. 1400
Straughn



On the next sheet is the same small-scale drawing showing the parcel with no changes other than deducting out dedicated right-of-way which should have been done in the description if the owner really thought we were going to move our road to its "correct" location. The orange shaded areas are areas in conflict with the road if legalized. The green areas show no conflict. Acreage would be 3.33 acres instead of 4.74 and the parcel would be split into two pieces. It is interesting to note that by using a dedicated centerline that is too far west on the north end of the road, it cuts into the acreage of this property substantially when the dedicated right-of-way is removed.



Colored areas indicate the parcel described in Reel 246, Pages 203 through 205 of the Umatilla County Deed Records, less the R/W dedicated in 1901. Orange represents a conflict with the to-be-legalized R/W. Green indicates no conflict. Contains 3.33 acres. Old R/W is 30 feet from where dedicated, as used by Toronto in his description.

T.L. 1013

Centerline, approx. 30 feet too far west, used in Toronto's description for T.L. 1013

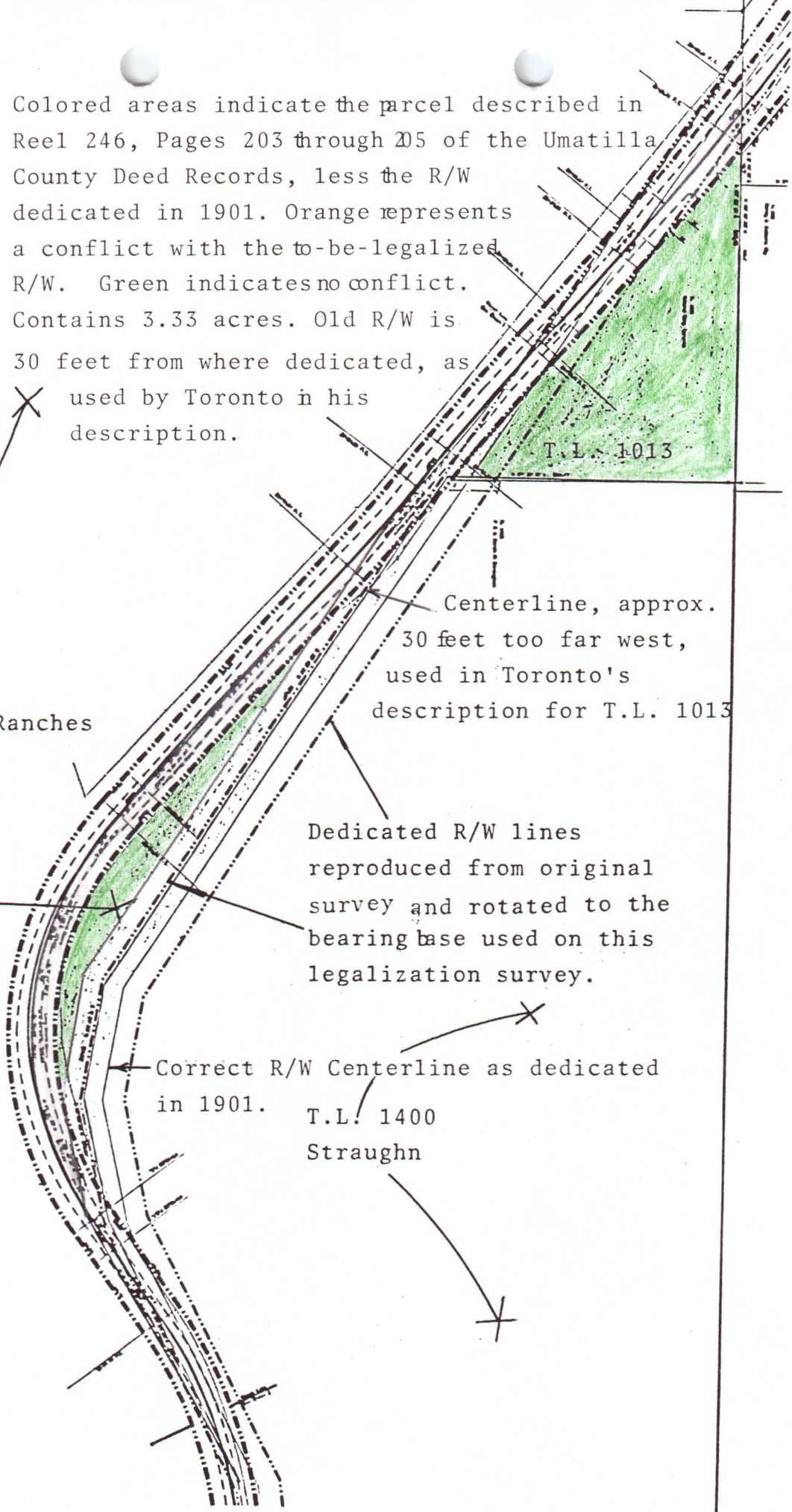
T.L. 1000
Birch Creek Ranches

Dedicated R/W lines reproduced from original survey and rotated to the bearing base used on this legalization survey.

T.L. 1013

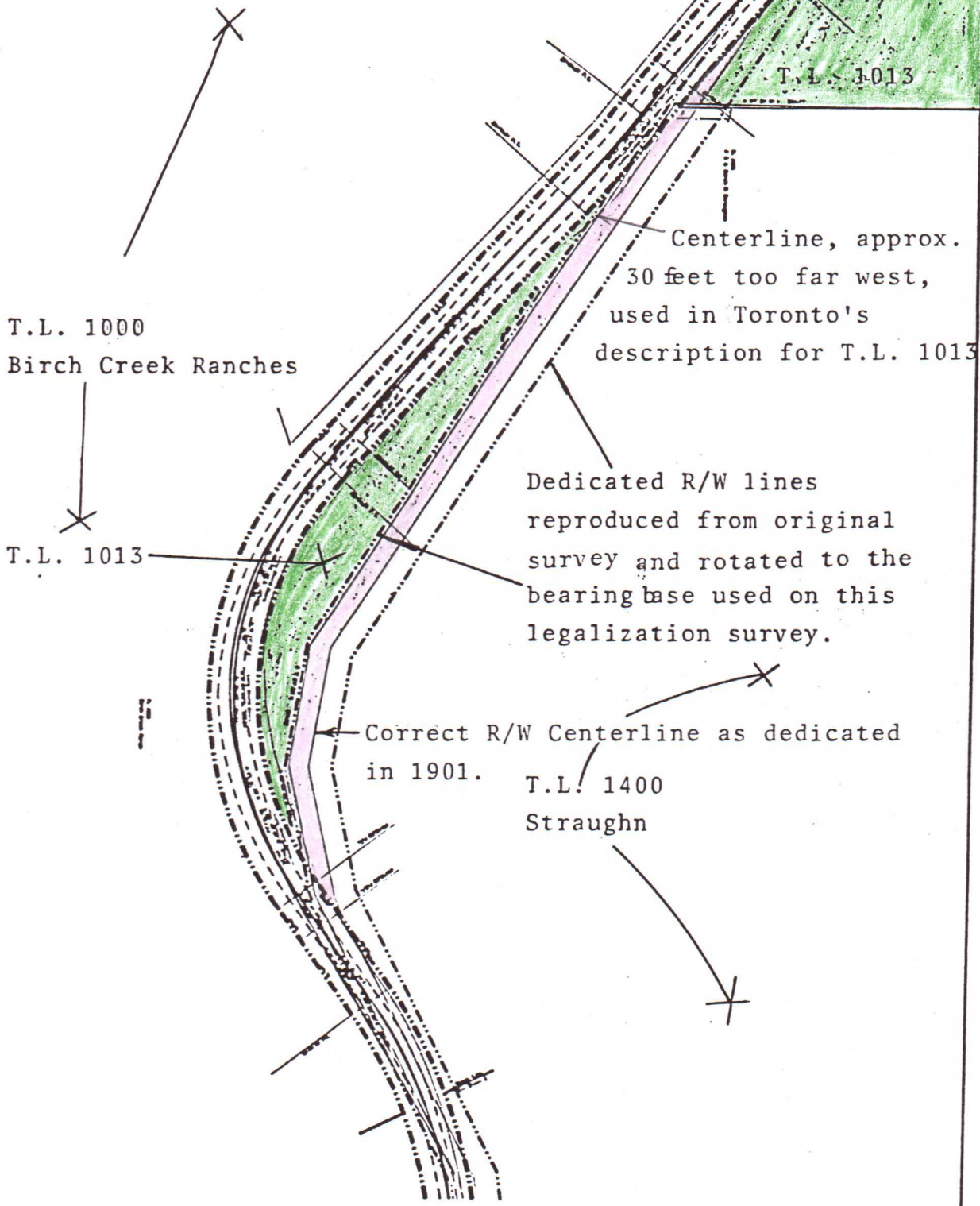
Correct R/W Centerline as dedicated in 1901.

T.L. 1400
Straughn



The last drawing shows the configuration of Tax Lot 1013 if the travelled road is legalized and the correct dedicated right-of-way is vacated. It would re-consolidate it into one parcel. The acreage is 3.71 acres, which is 0.38 acres more than what is owned now if the deed excepted out a county road. The pink shaded area is the right-of-way that would be vacated; the green portion on the bottom is the portion between the dedicated and legalized roads; the green portion on top is everything in the north half of Section 20 lying east of the legalized right-of-way.

Colored areas indicate the location of Tax Lot 1013 if the existing road is legalized and the old dedicated R/W (shown in the correct location) is vacated. Pink indicates the property to be added to tax lot 1013 by the old R/W vacation. Green indicates the portion of the property lying between the new and old R/W's. Contains 3.71 acres.



UTILITIES

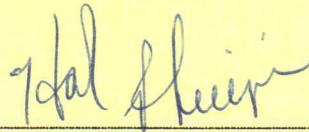
A large-scale utility map is included with this survey to more clearly show their general locations and types. Overhead and buried power lines are colored yellow; Buried telephone and gas lines are colored green; sewer and water are colored red. There are several utilities in the area where ownership is questionable (lower part of the sheet). Any road vacation should retain an easement for utilities.

SUMMARY

All available evidence indicates that Korvola Road is now where it has been for years. Long-time residents in the area say it is exactly in the same location now as it has been since they can remember. Undoubtedly some minor movement of the cut slopes and ditches has occurred over the years due to erosion, but it has been so small and slow as to be imperceptible.

ORS 368.201(2)(b) and (3) describe very closely the situation with this particular road and give the basis to initiate proceedings. ORS 368.211 allows for compensation for property affected by a road legalization, but pertains only to structures. It has already been shown that at least one property owner will have a net gain in acreage.

The Public Works Department recommends that the portion of Korvola Road #1307 as shown on the attached survey be legalized as traveled for more than 10 years.



Hal Phillips, Public Works Director