

A G R E E M E N T

THIS AGREEMENT, made and entered into this 5th day of December, 1946, by and between the STATE OF OREGON, by and through its State Highway Commission, hereinafter called the "State," party of the first part, and UMATILLA COUNTY, a political subdivision of the State of Oregon, by and through its County Court, hereinafter called the "County", party of the second part;

W I T N E S S E T H :

RECITALS:

1. For the purpose of making possible the construction and maintenance of a highway adapted in all particulars to the needs of transportation of persons and property thereover the Highway Commission has relocated a section of the Pendleton-John Day Highway, Highway No. 28, in Umatilla County. The highway over said relocated section of the Pendleton-John Day Highway has not been constructed, but it is the purpose and plan of the Highway Commission to place said section under contract for construction during the season of 1946.
2. It is recognized that the construction of a highway over said new route will result in the abandonment of some sections of the old route as parts of the Pendleton-John Day Highway.
3. It is further recognized that a section of said old route, which is hereafter more particularly defined as Section or Unit "A", cannot be abandoned as a public highway, but must be maintained for the benefit and service of persons living thereon and communities served thereby, and the sections more particularly defined as sections or Units "B" and "C", while

abandoned as parts of the right of way of said highway, may be retained by the County for public purposes or may be vacated by the County.

4. It is the purpose and plan of the County and the State that said unit or section of the Pendleton-John Day Highway, which by reason of said relocation will no longer be part of said Highway No. 28, shall nevertheless be maintained for public use as a county road by the County Court.

NOW, THEREFORE, based in part on the foregoing recitals, it hereby is mutually agreed by these parties as follows:

1. That as soon as the section of the Pendleton-John Day Highway which begins at State Highway Engineer's Station 140+32 on the new route and ends at State Highway Engineer's Station 190+30.1 of the new route is completed and made available for travel, the sections of the old route herein defined and described as Units "A", "B", and "C" shall no longer be parts of the route of the Pendleton-John Day Highway, but shall be eliminated therefrom.

2. The following section of the old route of the Pendleton-John Day Highway, State Highway No. 28, shall not be abandoned as a public highway but shall be maintained by the County as a county road for the benefit and service of persons living thereon and communities served thereby. Said section for the purpose of this agreement is identified as Unit "A" and is more particularly described as follows:

Unit "A"

Beginning opposite Highway Engineer's Station 168+10 of the relocated Pendleton-John Day Highway in the Northeast quarter of the Northeast quarter of Section 16, Township 2 North, Range 32 East, W. M., thence northerly via the former route of the Pendleton-John Day Highway to Highway Engineer's Station 182+50 of the relocated Pendleton-John Day Highway in the Southeast quarter of the Southeast quarter of Section 9, Township 2 North, Range 32 East, W. M.

3. Upon the completion of said new route and the opening of the same to the public, then the above defined Unit "A" shall pass to the jurisdiction and control of the County and shall be maintained by the County as a county road.

4. The sections of the old route of the Pendleton-John Day Highway which, for the purpose of this agreement, are identified as Units "B" and "C", and are more particularly described as follows:

Unit "B"

Beginning at Highway Engineer's Station 182+65 of the relocated Pendleton-John Day Highway in the Southeast quarter of the Southeast quarter of Section 9, Township 2 North, Range 32 East, W. M.; thence northerly via the former route of the Pendleton-John Day Highway to Highway Engineer's Station 188+40 of the relocated Pendleton-John Day Highway in the Southeast quarter of the Southeast quarter of Section 9, Township 2 North, Range 32 East, W. M., and

Unit "C"

Beginning at Highway Engineer's Station 192+80 of the relocated Pendleton-John Day Highway in the Southeast quarter of the Southeast quarter of Section 9, Township 2 North, Range 32

East, W. M.; thence Northeasterly via the former route of the Pendleton-John Day Highway to Highway Engineer's Station 195+50 of the relocated Pendleton-John Day Highway in the Northeast quarter of the Southeast quarter of Section 9, Township 2 North, Range 32 East, W. M.,

shall, when said new route is completed and thrown open to travel, be abandoned as parts of said state highway and thereafter shall be under the jurisdiction and control of the County and may be vacated or kept by the County for such public use as the County may determine.

5. It is expressly understood that until the Pendleton-John Day Highway has been constructed over the new route and made available for travel the sections of the old route herein designated as Units "A", "B" and "C" shall be maintained by the State.

6. The County's obligation with respect to Unit "A" shall attach and become effective only upon the date upon which the State shall officially accept as completed and made available for travel the new route of the Pendleton-John Day Highway between the termini herein mentioned.

7. There is attached hereto and made a part hereof a print on which there is shown colored in ^{*}red the section of the old route of the Pendleton-John Day Highway herein designated as Unit "A", which unit pursuant to the terms of this agreement is to be eliminated from the route of the Pendleton-John Day Highway and maintained by the County, and shown colored in ^{*}brown are the sections of the old route of the Pendleton-John Day Highway herein designated as Units "B" and "C", which units pursuant to the terms of this agreement may be vacated by the County, and

* All colored
pink on this
copy

title to the rights of way which constitute Units "B" and "C" may revert to and vest in the abutting owners or the county at its option may retain said rights of way for such public use as the County Court may deem proper. There are also shown on said map colored in green the rights of way or real properties which are to be retained by the Highway Commission for highway right of way and for other highway or other public purposes and uses.

IN WITNESS WHEREOF, the parties hereto have subscribed their names and affixed their seals the day and year first above written.

ATTEST:

15/ H. B. Blair
Secretary

APPROVED:

[Signature]
State Highway Engineer

APPROVED:

[Signature]
Chief Counsel

ATTEST:

[Signature]
County Clerk

STATE OF OREGON, by and through its State Highway Commission

By _____
As Chairman

By A. W. Schaupp
As Commissioner 15/

By Ben R. Chandler
As Commissioner 15/

(SEAL)

Party of the First Part

UMATILLA COUNTY, by and through its County Court

By [Signature]
County Judge

By [Signature]
County Commissioner

By [Signature]
County Commissioner

Party of the Second Part

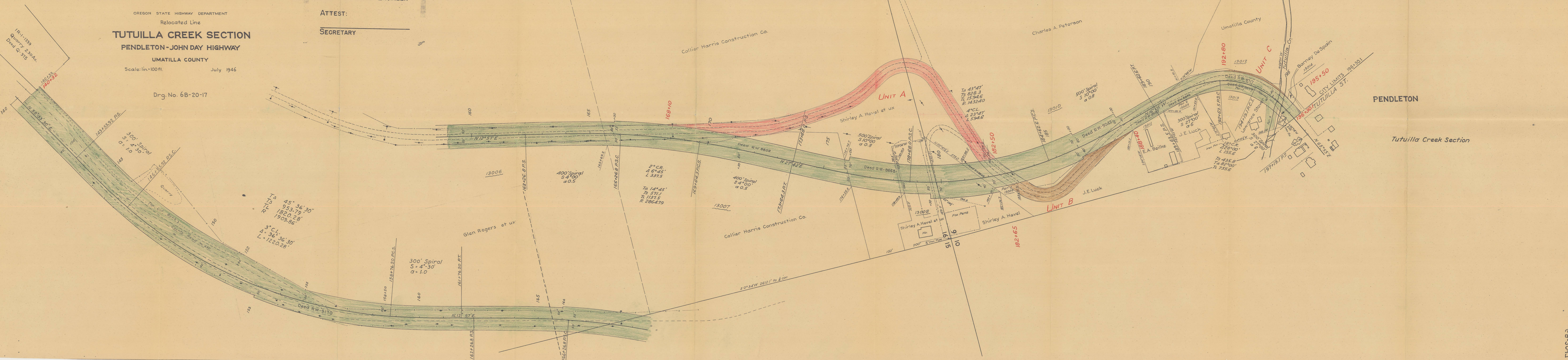
JMD:BDR
10/10/46

T.2N. R.32E. W.M.

EXHIBIT A

APPROVED:
STATE HIGHWAY ENGINEER
ATTEST:
SECRETARY

OREGON STATE HIGHWAY DEPARTMENT
Relocated Line
TUTUILLA CREEK SECTION
PENDLETON-JOHN DAY HIGHWAY
UMATILLA COUNTY
Scale: lin=100ft. July 1946
Drg. No. 6B-20-17



PENDLETON

Tutuilla Creek Section

Tutuilla Creek Section

6B-50-11