

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

90857

In the Matter of Vacating )  
the Alley of Block 5, Old )  
Town of Etna, Umatilla )  
County, State of Oregon )

FINDINGS OF FACT:  
CONCLUSIONS OF LAW:  
ORDER OF VACATION

SYNOPSIS:

On January 7, 1983, the Helix Telephone Company, through its president, E.M. Smith, and Tillman Stone, Conservator for Herman Gillanders, filed a petition with the Umatilla County Board of Commissioners requesting vacation of the following described alley in Umatilla, County, Oregon:

Alley of Block 5, Old Town of Etna, Between Lots 1 thru 5 and 6 thru 10.

Pursuant to ORS 368.346, a public hearing was held before the Umatilla County Board of Commissioners on March 2, 1983. At the March 2, 1983, hearing after considering all of the evidence presented, the Board of Commissioners approved the vacation of the above-described alley, making the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. A petition to vacate the above-described alley of Block 5 was filed in proper form with the Umatilla County Board of Commissioners on January 7, 1983.
2. On January 26, 1983, the Board of Commissioners signed a resolution initiating vacation proceedings and setting a date for a hearing to be held on the vacation on March 2, 1983, at 10:45 a.m.
3. Also on January 26, 1983, the Board of Commissioners by order directed the County Roadmaster to examine the road to be vacated and make a report in writing to be filed with the County Clerk pursuant to ORS 368.356.
4. Notice of the March 2, 1983, hearing was given by the Umatilla County Roadmaster as follows. On January 26, 1983, notice of the hearing was posted at the north and south ends and at a place equidistance from these ends on the above-referenced alley to be vacated. A fourth notice was posted on the bulletin board located at the entrance of the Umatilla County Courthouse in Pendleton, Oregon. These notices remained posted in excess of

thirty (30) days. In addition, notice of the hearing was given by certified mail pursuant to ORS 368.575 to the Helix Telephone Company, and Tillman Stone, Conservator for Herman Gillanders.

5. At the March 2, 1983, hearing, 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. The Umatilla County Planning Commission recommended approval of the vacation because it would not have any adverse impacts on the surrounding area.

10. The Umatilla County Roadmaster in his report submitted March 2, 1983, recommended that the alley 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.

11. There were no objections to the vacation at the March 2, 1983, hearing on the matter.

12. The alley to be vacated has not been used in over ten years and there is no reason to believe that the alley will be used in the future.

#### CONCLUSIONS OF LAW

1. Notice for all hearings was properly given pursuant to ORS 368.346.

2. The provisions of ORS 368.326 to ORS 368.366 were complied with in conducting the vacation hearings.

3. Because the alley 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-described alley 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 the above-described alley is approved and the above-described alley is hereby vacated.

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 15<sup>th</sup> DAY OF March, 1983.

Umatilla County  
Board of Commissioners

Robert Ten Eyck  
Robert Ten Eyck

A. L. Draper  
A. L. Draper

William S. Hansell  
William Hansell

Attest:

J. Dean Fouquette, Sr.  
J. Dean Fouquette, Sr.  
County Clerk

INDEXED  
SERIALIZED  
FILED

FILED  
J. DEAN FOUQUETTE, SR.  
UMATILLA COUNTY CLERK

1983 MAR 17 A 9:40

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STATE OF OREGON, }  
COUNTY OF UMATILLA, } ss

I, J. Dean Fouquette, Sr., County Clerk,  
certify that this instrument was received and  
recorded

ON MAR. 17 1983

at 9:40 o'clock A.M. in the record  
of DEEDS of said County in

Book Page  
R-100 142

J. DEAN FOUQUETTE, SR.  
County Clerk

By *Michael H. Parker* Deputy  
Fees \$ XXX No. 90857

*Rose Lips*  
*Betz*