

AGENDA ITEM FOR ADMINISTRATIVE MEETING () Discussion only
(X) Action

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: Road Vacation

<p>Background:</p> <p>The County received a petition from property owners for the vacation of SW “S” Avenue in Westland Estates. All of the adjoining property owners signed the petition, so action can be taken without the need of a public hearing. The unimproved road does not serve any purpose, and is overrun with weeds. The department is recommending vacation.</p>	<p>Requested Action:</p> <p>Adopt Order No. RD2019-11</p>
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ATTACHMENTS: Petition; Proposed Order

*****For Internal Use Only*****

Checkoffs:

- () Dept. Heard (copy)
- () Human Resources (copy)
- () Fiscal
- (X) Legal (copy)
- () (Other - List:)

To be notified of Meeting:
Matt Kenny

Needed at Meeting:

Scheduled for meeting on: May 15, 2019

Action taken:

Follow-up:

We petitioners hereby petition the Board of County Commissioners of Umatilla County, Oregon to vacate Southwest S Avenue as dedicated in the plat of Westland Estates, recorded in Book 10, Page 5 of Town Plats, Umatilla County, Oregon, more particularly described as follows:

Beginning at the Northeast corner of Lot 7, Block 1 of said plat of Westland Estates; thence South 89°11'10" West, 350.00 feet to the Northwest corner of said Lot 7, Block 1; thence North 00°48'50" West, 50.00 feet to the Southwest corner of Lot 1, Block 2 of said plat of Westland Estates; thence North 89°11'10" East, 350.00 feet to the Southeast corner of said Lot 1, Block 2; thence South 00°48'50" East, 50.00 feet to the Point of Beginning, containing 0.40 acres, more or less.

(See attached for additional drawing)

II

Petitioners are the owners, as shown in the records of Umatilla County, of property abutting the property proposed to be vacated.

III

No portion of the property 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: Right of way for back of property.

CONDITION OF PROPERTY: Overgrown with weeds, goatheads, and gophers.

REASON FOR VACATION: property improvement. Eradication of puncture weed.

V

Names and addresses of all persons holding any recorded interest in and/or owning any real property abutting the road proposed to be vacated, and all persons owning any improvements constructed on the property proposed to be vacated: ALSO "PETITIONERS"

Map & Tax Lot: 4N2819A, T.L. # 601 JEFFREY DARCY AND SHELLY DARCY
Name: [Signature]
Address: 78476 Agnew Rd. Hermiston OR. 97838

Map & Tax Lot: 4N2819D, T.L. # 700 DEAN CHERRY
Name: [Signature]
Address: 78462 Agnew Rd. Hermiston OR. 97838

Map & Tax Lot: 4N2819D, T.L. # 800 MARGARET GASS
Name: Margaret A. Gass
Address: 20130 S. South End Rd. Oregon City, OR. 97045

Map & Tax Lot: _____
Name: _____
Address: _____

Map & Tax Lot: _____
Name: _____
Address: _____

Map & Tax Lot: _____
Name: _____
Address: _____

VI

We, the following petitioners (See "PETITIONERS" attached hereto) hereby request that the Board of county Commissioners consider this petition for vacation of public property and that an order be entered vacating the property more particularly described above.

Dated this 24 day of April, 2019.

SEE ABOVE SECTION "V".

Certification

On this 18 day of April, 2019, before me, the undersigned, Margaret Gass, personally appeared, known to me to be the identical individual described in and who executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.

STATE OF OREGON)
COUNTY OF Clackamas) ss



Alaina Nicole Heywood
NOTARY PUBLIC FOR OREGON

My Commission Expires 12/20/2019

Certification

On this 23rd day of April, 2019, before me, the undersigned, Dean A. Cherry, personally appeared, known to me to be the identical individual described in and who executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.

STATE OF OREGON)
COUNTY OF Umatilla)



Ian Michael Coyle
NOTARY PUBLIC FOR OREGON

My Commission Expires 8/23/2019

Certification

On this 23rd day of April, 2019, before me, the undersigned, Jeffrey W Darcy & Shelly J. Darcy, personally appeared, known to me to be the identical individual described in and who executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.

STATE OF OREGON)
COUNTY OF Umatilla)



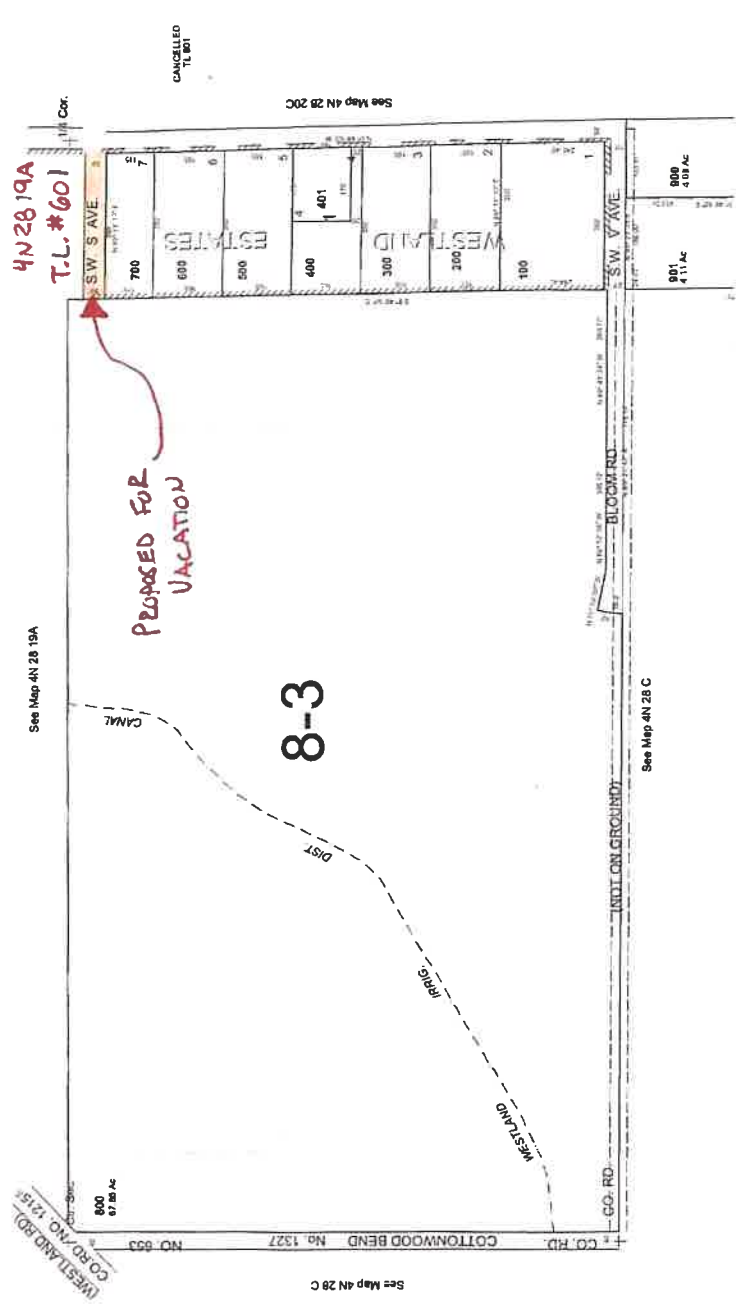
Ian Michael Coyle
NOTARY PUBLIC FOR OREGON

My Commission Expires 8/23/2019

SE1/4 SEC 19 T4N R28E WM
 UMATILLA COUNTY
 SCALE 1"=200'

This map was prepared
 for assessment purposes

4N 28 19D
 AERIAL PHOTO NO. 2P-26



THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Vacation of)
a Public Road Dedicated in) ORDER NO. RD2019-11
Westland Estates Subdivision)

WHEREAS, pursuant to ORS 368.341, the Umatilla County Board of Commissioners received and accepted a petition from owners of 100 percent of the abutting property, to initiate proceedings to vacate a Public Road dedicated as SW "S" Ave. in the plat for the Westland Estates and located in the Northeast Quarter of the Southeast Quarter, Section 19, Township 4 North, Range 28, E.W.M., and

WHEREAS, pursuant to ORS 368.346, the Board of Commissioners directed the Public Works Director to prepare and file a written report including a recommendation as to whether the vacation would be in the public interest, and

WHEREAS, the Director of Public Works, after reviewing the proposed action, has recommended that the road be vacated, and

WHEREAS, ORS 368.351 allows a county governing body to vacate public property without holding a public hearing if the petition to vacate contains signatures of 100 percent of owners of property abutting a proposed vacation.

NOW THEREFORE, the Board of Commissioners orders that:

1. The Public Road and right-of-way in its entirety, identified as SW "S" Ave. and dedicated in the plat of Westland Estates. recorded in Book 10, Page 5 of Town Plats, Umatilla County, Oregon, is vacated, more particularly described as follows:

Beginning at the Northeast corner of Lot 7, Block 1 of said plat of Westland Estates; thence South 89°11'10" West, 350.00 feet to the Northwest corner of said Lot 7, Block 1; thence North 00°48'50" West, 50.00 feet to the Southwest corner of Lot 1, Block 2 of said plat of Westland Estates; thence North 89°11'10" East, 350.00 feet to the Southeast corner of said Lot 1, Block 2;

thence South 00°48'50" East, 50.00 feet to the Point of Beginning, containing 0.40 acres, more or less.

2. In accordance with ORS 368.366, the vacated property shall vest in the owner of the land abutting the vacated property to the north and south by extension of the person's abutting property boundaries to the center of the vacated property.

DATED this 15th day of May, 2019.

UMATILLA COUNTY BOARD OF COMMISSIONERS

George L. Murdock, Chair

John M. Shafer, Commissioner

William J. Elfering, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Records Officer