

**VACATION OF A PORTION OF OLD  
COUNTY ROAD NO. 407 IN THE  
CITY OF ADAMS**

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**ROAD REPORT**

**MAY, 2011**

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## County Road No. 407 (Adams) Vacation Report

### History

County Road No. 407 was established by court order in 1892. It began at the intersection of Main and Center Streets in Adams, ran southeasterly across Wildhorse Creek to the railroad right of way, then southwesterly to the line between Sections 3 and 4 and finally south along the section lines to what is now the intersection of Mann and Duff Roads. In 1939 an attempt was made to vacate all of the road within the O. W. R. & N. Co. right of way, but an error in the description vacating the road has left a portion of the road right of way intact within the old railroad depot grounds now owned by Eric Sederburg.

### Issue

Mr. Sederburg is in the process of partitioning his land (Tax Lot 600 on Map 3N 34 03) and the un-vacated road interferes with the configuration of the new parcels. He has submitted a vacation petition, which is attached.

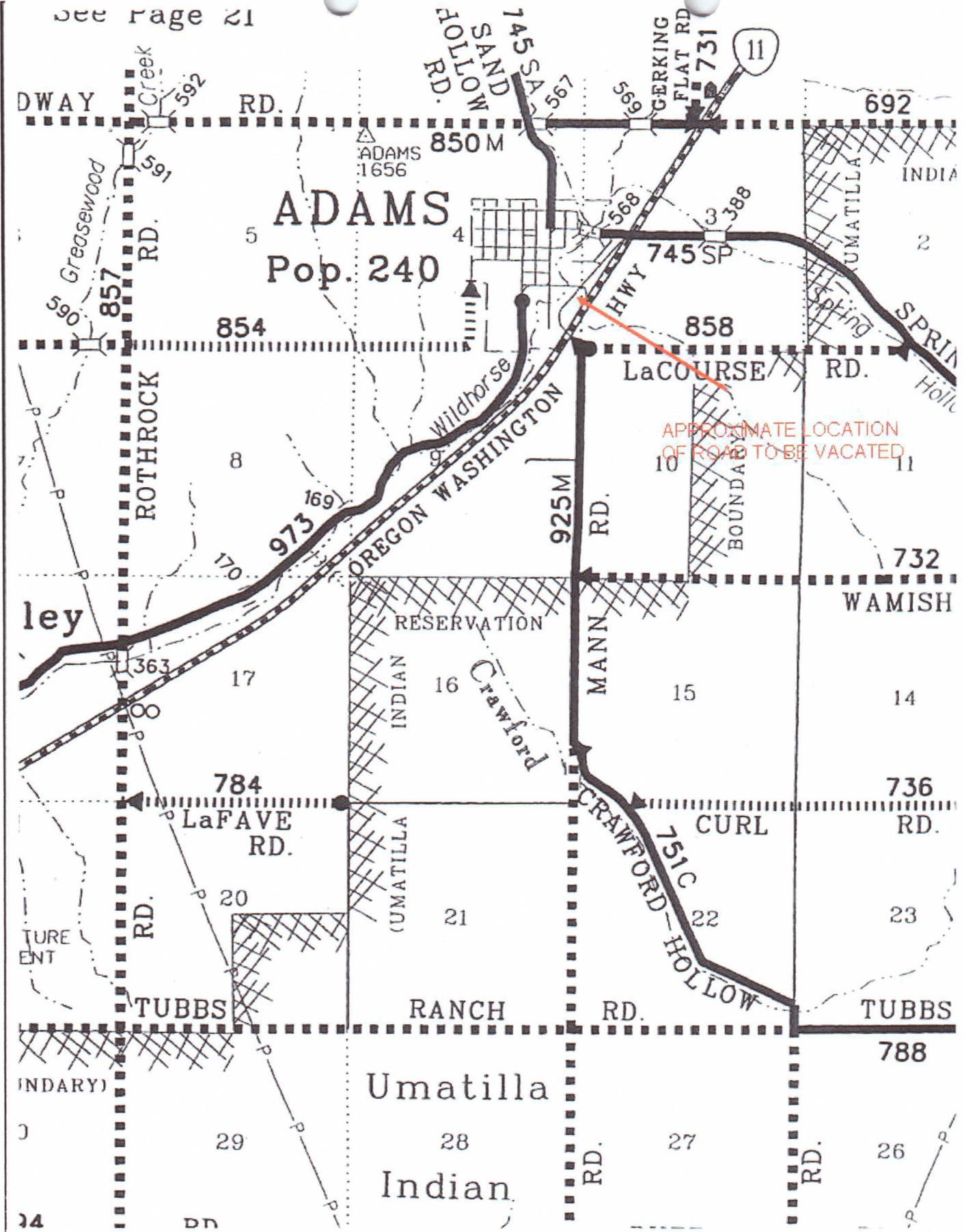
### Vacation Without Hearing

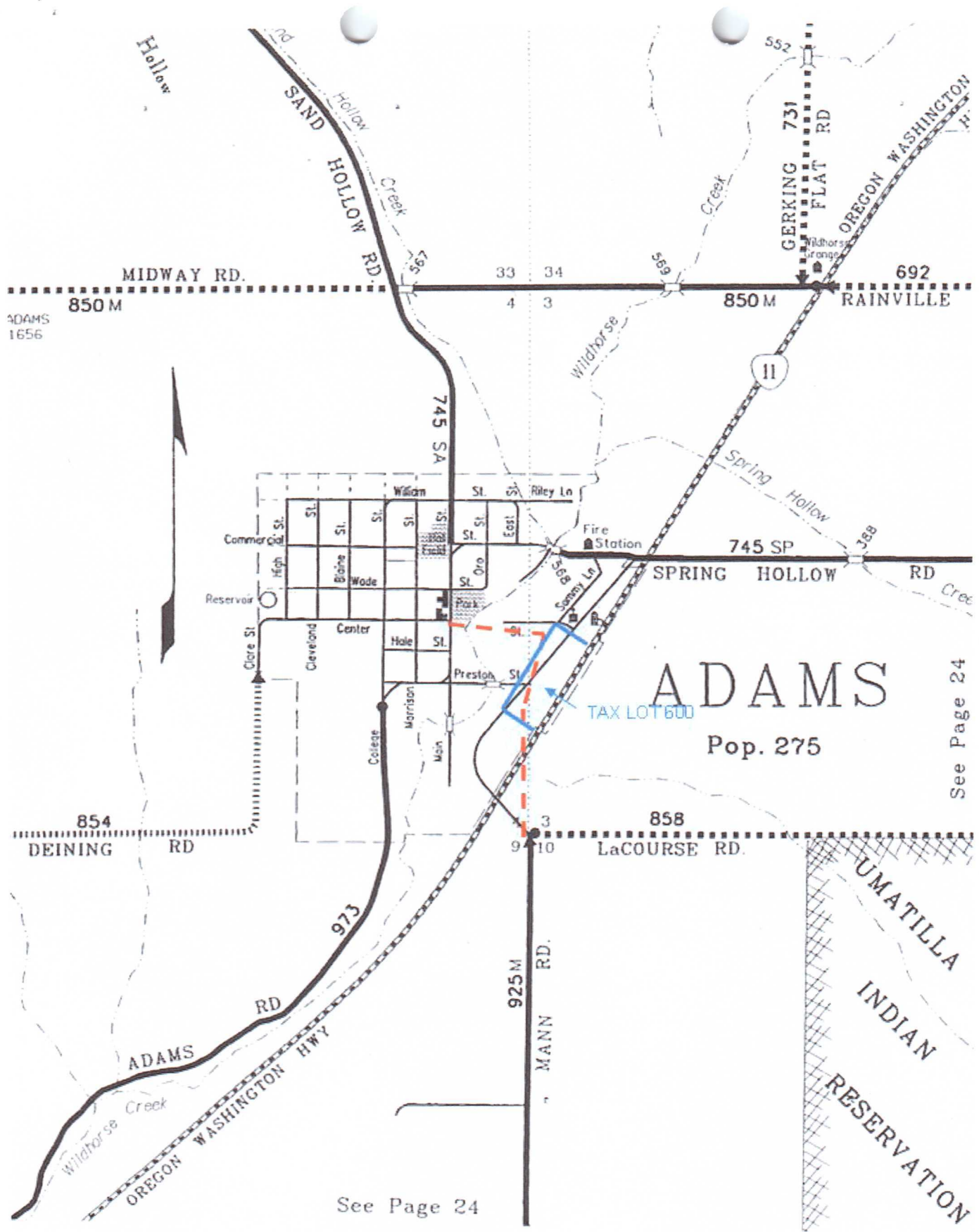
ORS 368.351 allows a county governing body to vacate a road if 100% of abutting property owners sign the petition. Eric Sederburg owns the property on both sides of the road and it is recommended that a determination be made without holding a public hearing. Because the road is within the Adams city limits, ORS 368.361(3) requires that the City, by resolution or order, concurs with the County's findings before the vacation becomes final.

### Recommendation

The Road Department recommends that the road be vacated, as it does not physically exist on the ground and as mentioned previously the intent was to vacate it in 1939. The Public would be benefitted by the addition of approximately 0.08 acre to the tax rolls.

See page 21





See Page 24

See Page 24

I (We), **SEE "PETITIONERS" NEXT PAGE**, petition the Board of County Commissioners of Umatilla County, Oregon to vacate A portion of County Road No. 407, more particularly described as follows:

( Attach description and drawing )

II

Petitioners are the owners, as shown in the records of Umatilla County, of property abutting the road sought to be vacated, ( and petitioners are the only persons or corporations particularly affected by the proposed vacation of the road).

III

~~No portion of the road 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 road are: (attach extra page if necessary )

HOW PROPERTY IS USED See attached addendum  
CONDITION OF PROPERTY \_\_\_\_\_  
REASON FOR VACATION \_\_\_\_\_

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: ( Including any property on the opposite side of road ).

<u>Eric Seiderburg</u>	<u>P.O. Box 72</u>
<u>Eric Seiderburg</u>	<u>365 Riley Lane</u>
_____	<u>Adams, OR 97810</u>
_____	_____
_____	_____
_____	_____
_____	_____

VI

Petitioners request that after the giving of notice as required by law, a hearing be held on this petition before the Board of county Commissioners, and that an order be entered vacating the property more particularly described above.

Dated this 25<sup>th</sup> day of February, 20 11.

### PETITIONERS

NAME	ADDRESS	T.L.
<u>Eric Sederburg</u>	<u>P.O. Box 72</u>	<u>3N 34 03 Tax Lot 600</u>
<u>Eric Sederburg</u>	<u>365 Riley Lane</u>	
	<u>Adams, OR 97810</u>	



**Certification**

On this 25<sup>th</sup> day of February 2011, before me, the undersigned, Eric Sederburg, 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 ) ss  
 COUNTY OF Umatilla )

Jean Hemphill  
 NOTARY PUBLIC FOR OREGON  
 My Commission Expires September 5, 2014



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LEGAL DESCRIPTION OF THE VACATION OF A PORTION OF  
COUNTY ROAD NO. 407

A strip of land located in the SE1/4 of Section 4 and the SW1/4 of Section 3, Township 3 North, Range 34 East, Willamette Meridian, Umatilla County, Oregon being more particularly described as:

All that portion of that road known as County Road No. 407 (now known as County Road 925) as said road was established by final order recorded on November 12, 1892 in Commissioners Journal I at Page 350 lying on, over and across that tract of land commonly referred to as the "Depot Grounds" granted to the Oregon Railway & Navigation Company by the Act of October 17, 1888, (25 Stat. 558) and approved by the Commissioner of Indian Affairs on March 7, 1891 as recorded in Book 128, Page 250 of the Umatilla County, Oregon Deed Records, said Depot Grounds being described as follows: Commencing at a point One Thousand and Thirty Eight and One Half feet (1038.5') north of the Southeast corner of Section Four, Township Three North, Range Thirty-Four East, Willamette Meridian, and on the East line of said Section Four; thence North Fifty-Seven degrees West Two Hundred and Fifty and Three Tenths feet (250.3') to a point Three Hundred and Fourteen and Eight Tenths feet (314.8') from the main track of the Oregon Railway and Navigation Company's railroad; thence North Thirty-Three degrees East One Thousand and Fifty feet (1050') on a line parallel with the main track of said railroad at this point; thence South Fifty-Seven degrees East Four Hundred and Fourteen and Eight Tenths feet (414.8'); thence South Thirty-Three degrees West One Thousand and Fifty feet (1050'); thence North Fifty-Seven degrees West One Hundred feet (100') to the center of the main track of said railroad; thence North Fifty-Seven degrees West Sixty-Four and One Half feet (64.5') to the place of beginning.



ADDENDUM TO THE PETITION FOR VACATING A PORTION OF  
COUNTY ROAD No. 407 IN THE CITY OF ADAMS, OREGON  
PETITION ITEM No. IV

This proposal is to vacate that portion of County Road 407 (Now County Road No. 925) that runs across the former Depot Grounds of the Oregon Railway & Navigation Company's Railroad at the City of Adams, Oregon.

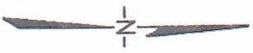
The Railroad has long been abandoned with the former railroad bed now occupied by Oregon Highway 11 and the former Depot Grounds now being the property of Mr. Eric C. Sederburg as per the deed recorded in Microfilm Reel 299, Page 428 of the Umatilla County Deed Records. The property is currently used as a log storage area for the small saw mill that operates on the property. This site is inside the Adams City Limits and is zoned for commercial / industrial use.

The County Road ceased to be used as a public road when the State of Oregon relocated Oregon Highway 11 in 1939 from its former location along the Wildhorse Creek drainage to the location shown as "Old Highway 11" on the attached sketch marked Exhibit "A". In 1985 the State of Oregon again relocated Highway 11 to its present location along the roadbed of the railroad tracks.

The reason for this vacation request is that vacating this portion of the County Right of Way would make this segment of the commercial / industrial ground usable for its current zoning designation.

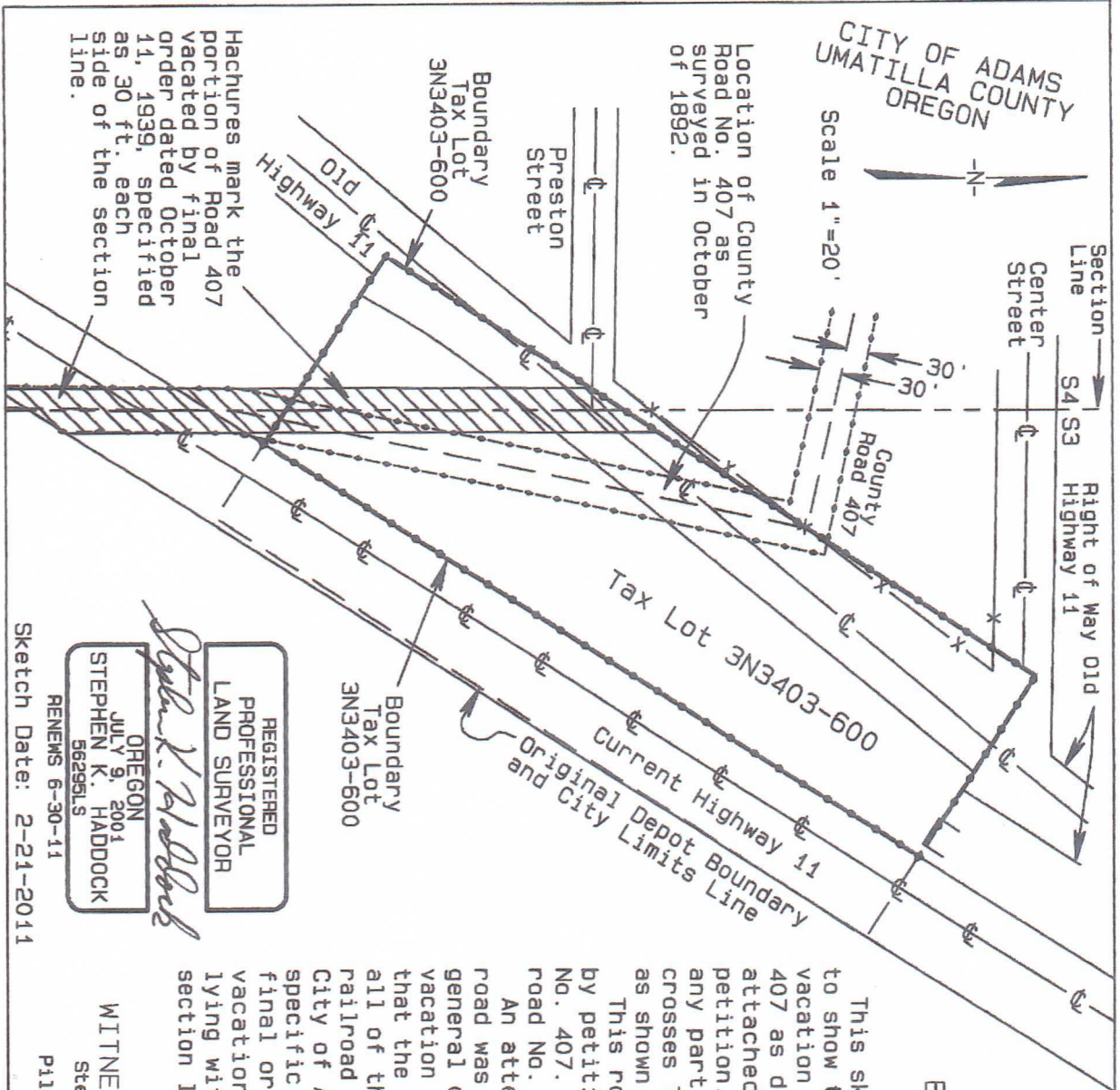
The Old Highway 11 runs along the northwest side of this property and the current Highway 11 runs along the southeast side. The State of Oregon refuses all access rights along the new Highway in this area so the County Road has no purpose. Use of this segment of the road has been completely closed off since 1996 when a chain link security fence was erected around the property. The County attempted to vacate this portion of road in 1939 when the State Highway first replaced it but the vacation order only vacated that portion of the County Road lying within 30 feet of the Section line.

CITY OF ADAMS  
UMATILLA COUNTY  
OREGON



Scale 1"=20'

Location of County  
Road No. 407 as  
surveyed in October  
of 1892.



Hachures mark the  
portion of Road 407  
vacated by final  
order dated October  
11, 1939, specified  
as 30 ft. each  
side of the section  
line.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Stephen K. Haddock*

OREGON  
JULY 9, 2001  
STEPHEN K. HADDOCK  
5629515

RENEW 6-30-11

Sketch Date: 2-21-2011

Exhibit "A"

This sketch was prepared to show the extent of the vacation of County Road No. 407 as described in the attached road vacation petition. That extent is any part of Road 407 that crosses Tax Lot 3N3403-600 as shown hereon.

This road was established by petition in 1892 as road No. 407. It is now known as road No. 925.

An attempt to vacate this road was made in 1939. The general description in that vacation proceeding indicated that the intent was to vacate all of the roadway on the railroad depot grounds at the City of Adams. However, the specific language in the final order limited that vacation to the strip lying within 30 ft. of the section line as shown hereon.

WITNESS TREE SURVEYING

Stephen K. Haddock, PLS  
P.O. Box 6  
Pilot Rock, Oregon 97868  
(541) 443-2922

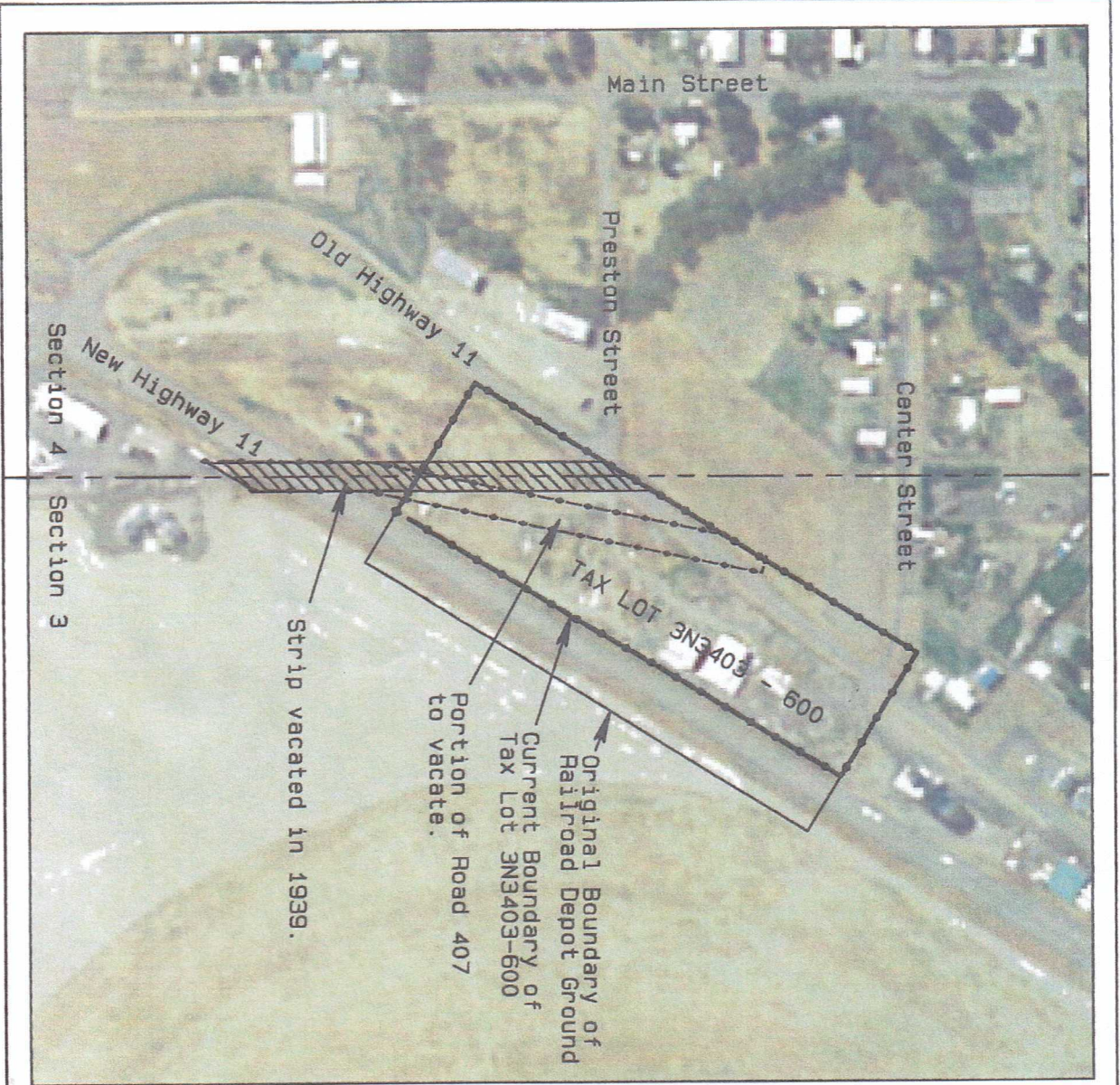


PHOTO SHOWING TAX  
 LOT 3N3403-600.  
 LOCATION OF  
 PROPOSED ROAD  
 VACATION FOR  
 ROAD NO. 407

CITY OF ADAMS  
 UMATILLA COUNTY  
 STATE OF OREGON

VICINITY MAP

Scale 1"=300'



Field Notes of Road Survey No. 407 for Umatilla County, Or.

I meet J. F. Adams, Jno. Morrison and Jno. Price, viewers on Road Survey No. 407, for Umatilla County, Or., at Adams in said county, Oct. 22<sup>nd</sup>, 1892, and after qualifying each according to law, we call Mrs. Baker + H. M. Ritner to chain, who were each, likewise, duly qualified.

Under direction of said viewers, I find the center of the crossing of Main and Center streets in said town of Adams, for the initial point of said survey, from which a post supporting the sidewalk in front of A. J. Marsh's store building, on S.W. of Main + Center streets in said town, bears S. 42° 45' W. of said initial point <sup>(.587th dist.)</sup> upon the E. side of which I set 0 R 407 for initial post in said survey.

- |  |           |      |   |
|--|-----------|------|---|
|  | 79° 08' E | 120  | Foot Iron thence, West bank of Wild-Horse creek, 25 ft. wide course S.W.  |
|  |           | 145  | East " " Bridge 75 ft. long, 15 ft. to R.   |
|  |           | 960  | North boundary of R. R. of way = Set angle post mhd. ↑ Thence R 89° 18'   |
|  | 10° 10' W | 1752 | A point 50 ft. N. of center of main R.R. track = Set angle post mhd. ↑ Intersect line bet. Pcs. 3 + 4 T 3 N. R 34 E. Thence L 10° 56' to sev. line = trav. R. in lane N. + S. |
|  | 10° 46' E | 1803 | Center of main track of U. P. R. R. bears N 32° 14' E + S 32° 14' W   |
|  |           | 2875 | Cor. to pcs. 3-4-9-10 = Lane runs East.   |
|  |           | 5280 | Set 1 m. P. against fence on E. side of lane about 25' E. of line. Ascend gently, along trav. R., in lane N. + S.   |
|  |           | 213  | The 1/4 sec. cor. bet. pcs. 9 + 10.   |
|  |           | 2833 | Cor. to pcs. 9-10-15-16 = Gentle N. slope - Lane crosses E. + W.  |
|  |           | 3000 | Summit.   |
|  |           | 3200 | Descend.  |
|  |           | 4050 | Foot of descent; Ascend gently.   |
|  |           | 5000 | Cross old road course E. + W.   |
|  |           | 5280 | Set 2 m. P. against fence on E. side of lane, 25 ft. E. of line.  |
|  |           | 227  | The 1/4 sec. cor. bet. pcs. 15 + 16.  |
|  |           | 600  | Summit; Descend gently.   |
|  |           | 740  | Sway; Nearly level.   |
|  |           | 1400 | Descend.  |
|  |           | 2250 | Center of Crawford hollow N.W. + S.E., about - 50 ft. Ascend steep sandy hill.  |
|  |           | 2904 | Cor. to pcs. 15-16-21-22, on N. face of hill; lane crosses E. + W.  |
|  |           | 4960 | Summit; level.  |
|  |           | 5280 | Set 3 m. P. against fence on E. side of lane, 25' E. of line; Ascend.   |

300 The  $\frac{1}{4}$  sec. cor. bet pces 21 & 22.  
 500 Summit.  
 2971 Cor. to pces. 21-22-27-28.  
 4308 The  $\frac{1}{16}$  sec. cor. on N.  $\frac{1}{2}$  of line bet. pces. 27 & 28.  
 5280 Set 4 m p. about 25 ft. E. of line, a gamut fence on E. side of lane.  
 3037 Cor. to pces 27-28-33-34.  
 I set post in S.E. angle of lane crossing N. & S. and E. & W.  
 at cor. of fences E. & S.  
 All the posts are of legal size, correctly marked  
 and set, in regulation earth mounds.

I hereby certify that the foregoing Field Notes of  
 Road Survey No. 407, for Umatilla Co., Oregon, are correct.  
 Jno. C. Arnold, Surveyor.

Field Notes.

Road Survey 407.

FILED NOV 9 1892

Wm Pierce Clerk  
 B. M. Pierce Depy.

STATE OF OREGON,  
 County of Umatilla, ss.

I certify that the within

instrument was received for record on the

day of \_\_\_\_\_ 1892

at \_\_\_\_\_ M., and recorded

in Book 13 Page 270 Records of

County Roads

of said County.

Witness my hand and seal of office

affixed.

By \_\_\_\_\_ County Clerk.

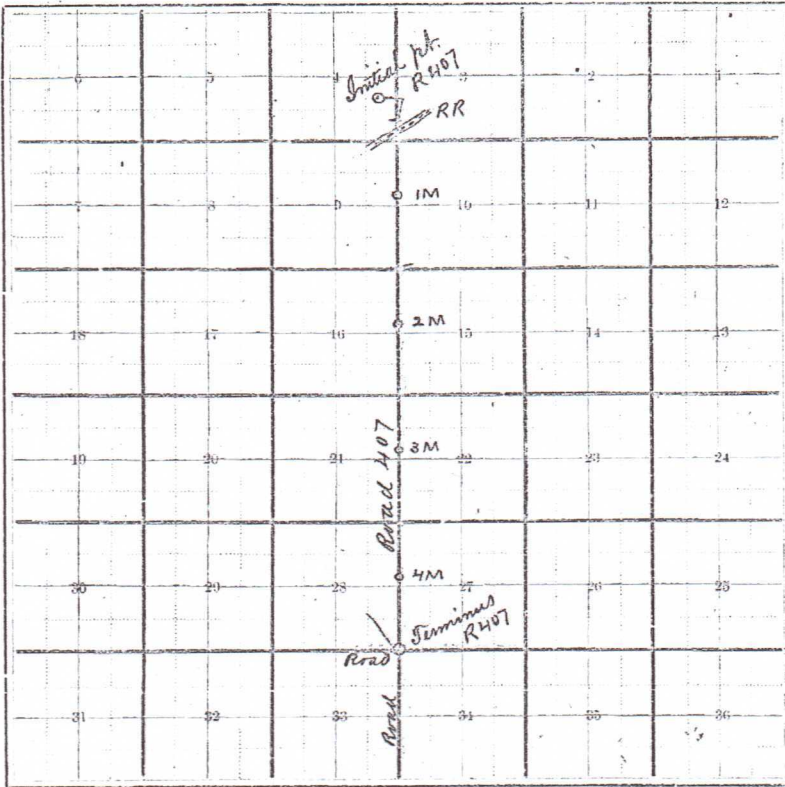
Deputy

Fees \$ \_\_\_\_\_

407

I hereby certify that the following plat of  
 Road Survey No. 407, for Umatilla Co., Oregon, is correct.  
 Jno. C. Arnold, Surveyor

TOWNSHIP 37N RANGE 34 E. W. M.



locate and establish a County road in said County and State, commencing, running and terminating as follows, to-wit:

Commencing in the center of Main & center  
 st. in the Town of Adams County of  
 Umatilla State of Oregon the S. E. 1/4 of  
 Sec 4 T. 3 N. R. 34 E. W. M. Thence  
 running South East to the Right of  
 road N. P. R. R. 60 Thence south  
 West to the sec. line between Sec 3  
 & 4 Thence South to the M. C. C.  
 of Sec 34 T. 3. N. R. 34 E. W. M.

IN THE COUNTY COURT OF THE STATE OF OREGON FOR THE COUNTY OF UMATILLA

In the matter of the Vacation  
of that portion of County Road  
No 407 lying between the North  
and South Right of Way Line of  
the O. W. R. & N. Co. in the Town  
of Adams, Oregon.

FINAL ORDER

This matter coming on now regularly to be heard upon the Resolution of this Court duly adopted by this Court on the 7th day of September 1939 for closing a portion of Road 407 in Umatilla County, Oregon, and the report of the Surveyor thereon as duly filed in this matter on the 4th day of October, and upon the Order fixing time for hearing duly adopted by this court on the 11th day of October, 1939.

And it duly appearing to the court that due notice was given of the hearing in this matter and that proof of posting notices thereof was duly filed with the Clerk of this Court on the 11th day of October 1939, and that this is the time set for hearing on said report and resolution.

And it further appearing that no persons have made or filed any objections to the vacating of the said portion of said road or any part thereof, and that the said road is not useful as a part of the general road system of the County, and that the public will be benefited by the vacation thereof.

It is therefore hereby ORDERED that that portion of County Road No 407 in Umatilla County, Oregon, lying between the North and South Right of Way line of the O. W. R. & N. Co. in the SE $\frac{1}{4}$  of Section 4, and the SW $\frac{1}{4}$  of Section 3, Township 3 North Range 34 E. W. M. Being more particularly described as being 60 feet wide, 30 feet on each side of the center line. The point of beginning being at the intersection of the divisional line between sections 3 and 4, in Township 3 N. R. 34 E. W. M. with the South Right of Way line of the O. W. R. & N. Co. said point being 890 feet more or less North of the corner common to sections 3, 4, 9 and 10 in T. 3 N. R. 34 E. W. M. thence North and along the divisional line between sections 3 and 4 said Township and Range a distance of 665 feet more or less to the North Right of Way line of the O. W. R. & N. Co.

IN THE COUNTY OF ...  
be and the same is hereby and from thenceforth shall be vacated and  
closed.

ENTERED this 11th day of October 1939.

*W. W. ...*  
County Judge

*Wm. B. Meiness*  
County Commissioner

*W. H. ...*  
County Commissioner