

ROAD VACATION PRELIMINARY REPORT

County Road No. 1213

LEATHERS ROAD

**Located in the Northeast 1/4 of Section 7,
Township 4 North, Range 29 E.W.M.**

July 8, 1997

Umatilla Co. Dept. of Public Works

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HISTORY

A petition to vacate a portion of County Road #1213 (Leathers Road) dated May 5, 1997, was received by the Public Works Department from Richard and Kathryn Erz (Pages 6-13 of this report) and was found to meet the requirements of ORS 368.341(3).

Before the petition was received by the Public Works Department, Ann Beier from County Planning had a chance to review the vacation request and her thoughts concerning it are on two attached notes dated 4/18/97 and 5/21/97 (Pages 3 and 4).

At their June 19, 1997 meeting, the County Planning Commission voted unanimously to recommend the Board of Commissioners approve the proposed vacation (See memo, Page 5).

FACTS AND FINDINGS

The right-of-way was originally established in 1918 and began at the center of Section 6, T. 4 N., R. 29 E.W.M. (in the center of what is now Baxter Road), then ran south approximately $\frac{3}{4}$ of a mile across the "C"-Line and "A"-Line Canals, where it turned Northeast and ran along the south side of the "A"-Line Canal to the Southeast Corner of Section 6 in the center of what is now Canal Road (See Original Survey Plat, page 2 of this report). The only portion of the dedicated right-of-way that has ever been used as a traveled road is that portion running from Baxter Road south to a point midway between the "C"-Line and "A"-Line Canals.

The portion of the road proposed to be vacated was established on the ground from the 1918 plat and photos were taken at various locations labeled with the letters "A" through "N" (See page 2 of this report for photo locations). It was found when establishing the centerline of the road that the portion between points "G" and "L" would be impossible to build within the 40-foot right-of-way because of extremely marshy conditions.

Richard and Kathryn Erz own all property abutting the section of road and currently use it as cattle pasture.

PRELIMINARY RECOMMENDATION

Because of the unbuildable nature of a large portion of the road and the lack of a crossing over the "C"-Line Canal, the Public Works Department feels that it would be in the public interest to vacate the road and recommends that the Board begin the hearing process by setting a hearing date via the draft order included with this report and referring the vacation proposal back to Public Works for further action.

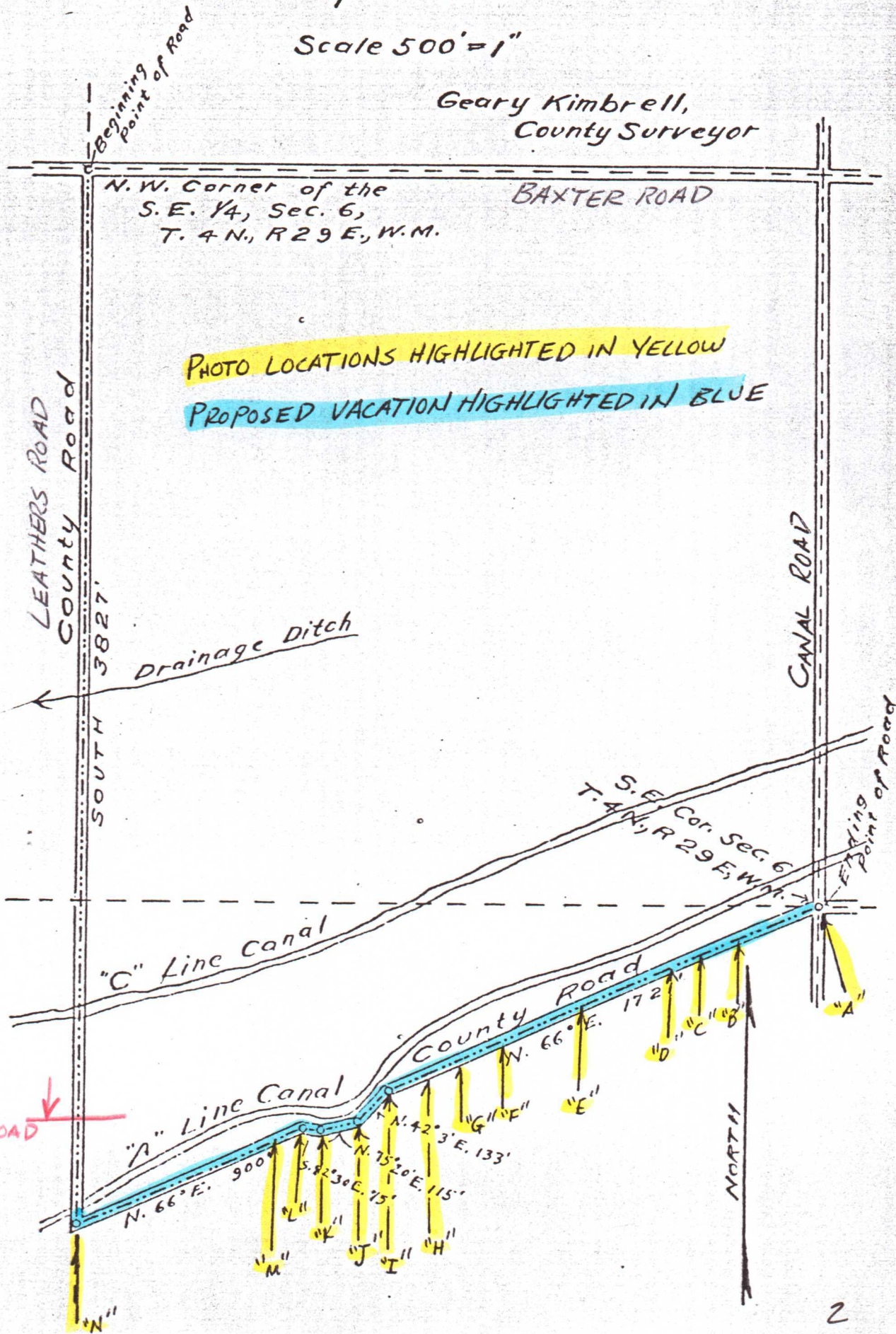
Map of
W. A. Leathers Road

Apr. 1918.

Scale 500' = 1"

Geary Kimbrell,
County Surveyor

ORIGINAL SURVEY PLAT AND PHOTO GUIDE



Vacate undeveloped
easement

4N 2907 B

4N 2907 A tax lot

Ⓟ Vacate Leathers
road

OK with planning dept

An Beer
4/13/97

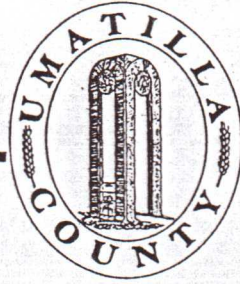
The Erz's are the only property owners affected by the proposed vacation. There is no bridge over the "A" line canal. The extension of Leathers Road (highlighted in pink) has never been established (it merely shows up on the map). Adjacent properties have access via other developed roads.

An Beri
Sr. Planner
5/21/97
541-278-6249

If you have questions, please contact Mr. or Mrs. Erz at Home: 567-2656 or work 567-6041.

Umatilla County

Department of Resource Services and Development



Director
Dennis Olson

MEMO

Land & Water
Resources
Division:

LAND USE PLANNING
541-278-6252

UMATILLA BASIN
WATERSHED COUNCIL
541-278-3836

Emergency
Management
Division:

EMERGENCY
MANAGEMENT
541-278-6253

RURAL ADDRESSING
PROGRAM
541-278-6253

CHEMICAL STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM (CSEPT)
541-567-2084

County/State
Services
Division:

COUNTY FAIR
541-567-6121

STATE AGENCY
LIAISONS:

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456

RECEIVED

JUN 27 1997

Umatilla County
Road Dept.

TO: Board of Commissioners

FROM: Planning Staff *not*

DATE: June 25, 1997

SUBJECT: Petition to vacate Leathers Road

At their June 19, 1997 meeting, the County Planning Commission reviewed the petition filed by Richard and Kathryn Erz to vacate that portion of Leathers Road (County Road No. 1213) west of Canal Road (County Road No. 1203) and that portion of the road laying south of the Hermiston Irrigation A-Line Canal (see attached maps).

By a unanimous vote, the Commission recommended the Board of Commissioners approve the proposed vacation. A copy of the minutes from the June 19 meeting will be forwarded to you when they are complete.

PS:vt

attachment: maps

cc: County Road Department ✓
Richard and Kathryn Erz

Richard V. Erz
Kathryn A. Erz
P. O. Box 171
Hermiston, OR 97838

Umatilla County Road Dept.
3920 Westgate
Pendleton, OR 97801

May 5, 1997

Dear Sirs:

Please find attached our petition to vacate a road. We have attached the completed petition as requested. We would like to state some pertinent facts.

The portion of Leathers Road we are asking to be vacated has never been a road. It was put on the county maps, but has never been in actual existence. It is doubtful that it would ever be used because there is no bridge across the canal.

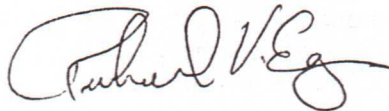
We own all of the land on both sides of the road and as presently shown serves no practical purpose. The road is plotted through a section of land that sub-irrigates each year and would be difficult to maintain.

We are also attaching the two checks requested in the petition.

We appreciate your time and effort in helping us resolve this.

Thank you.

Sincerely,



Richard V. Erz



Kathryn A. Erz

PETITION FOR VACATION

TO THE BOARD OF COUNTY COMMISSIONERS FOR UMATILLA COUNTY, OREGON, IN THE MATTER OF THE VACATION OF LEATHERS A PORTION OF COUNTY ROAD NO. 1213, UMATILLA COUNTY, OREGON

I, Richard V. & Kathryn A. Erz, petition the Board of County Commissioners of Umatilla County, Oregon to vacate a portion of County Road No. 1213, more particularly described as follows:

(Attach legal description)

II

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

III

(attached)

No portion of the street 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) **The portion of the street we want vacated is on the map only and has never been built or used.**

HOW PROPERTY IS USED	<u>Pasture - raising cattle</u>
CONDITION OF PROPERTY	<u>Property sub-irrigates - springs located on property</u>
REASON FOR VACATION	<u>Road would be impractical to build and would serve no Purpose</u>

V

Names and addresses of all persons holding any recorded interest in and / or owning any real property abutting the property proposed to be vacated: (Including any property on the opposite side of road).

Richard V. Erz P. O. Box 171, Hermiston, Ore. 97838

Kathryn A. Erz P. O. Box 171, Hermiston, Ore. 97838

4N2907 A, code 8-3, tax lot 600, 31.4 acres

4N2907 B, code 8-3, tax lot 900, 37.4 acres

- To be included if all property owners petition.

Certification

On this 12 day of May, 1997, before me, the undersigned, Richard V. Erz, 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) ss

Richard V. Erz
Richard V. Erz



Connie Johnston
NOTARY PUBLIC FOR OREGON
My Commission Expires July 12, 1999

Certification

On this 12 day of May, 1997, before me, the undersigned, Kathryn A. Erz, 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) ss

Kathryn A. Erz
Kathryn A. Erz



Connie Johnston
NOTARY PUBLIC FOR OREGON
My Commission Expires July 12, 1999

Certification

On this ___ day of ___, 19___, before me, the undersigned, _____, 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 _____)

NOTARY PUBLIC FOR OREGON
My Commission Expires _____

ERZ, Richard V.
C08615

ADDENDUM TO CONTRACT OF SALE

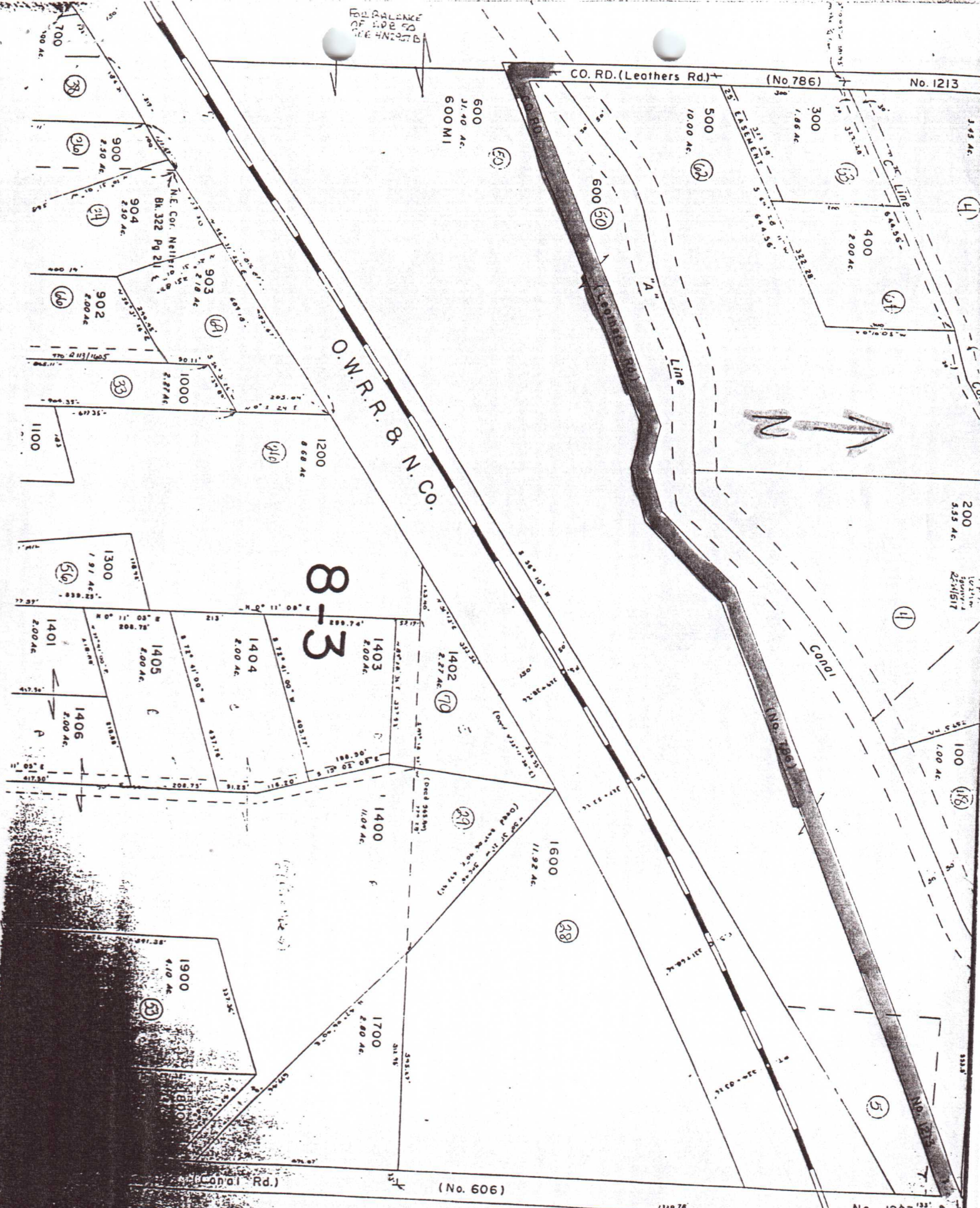
Legal Description: Erz Property

Beginning at Section corner common to Sections 5, 6, 7 and 8, Township 4 North, Range 29; thence South along East line of said Section 7, a distance of 133 feet to North right of way line of O. W. R. N. & Co., right of way; thence South 56° 10' West along said right of way a distance of 4940 feet to Southeast corner of tract of land conveyed to Robert O. Behrman, by Deed recorded in Book 268, Page 447, Deed Records; thence North along East line of said Behrman Tract a distance of 730 feet to Northeast corner thereof, said point also being the intersection with South right of way boundary of "A" Line Canal of Hermiston Irrigation District; thence in a generally Northeasterly direction along said South right of way to an intersection with North boundary line of said Section 7; thence East along North line of said Section 7, a distance of 553.5 feet to Northeast corner of said Section 7 and the point of beginning;

All being East of the Willamette Meridian, Umatilla County, Oregon;

SUBJECT to any and all water rights of way and roads.

Road Description: That portion of Umatilla County Road 1213 (Leathers Road) west of Umatilla County Road 1203 (Canal Road) and that portion of the road laying south of the Hermiston Irrigation A-Line canal. (see portion of road colored pink on attached maps.



8-3



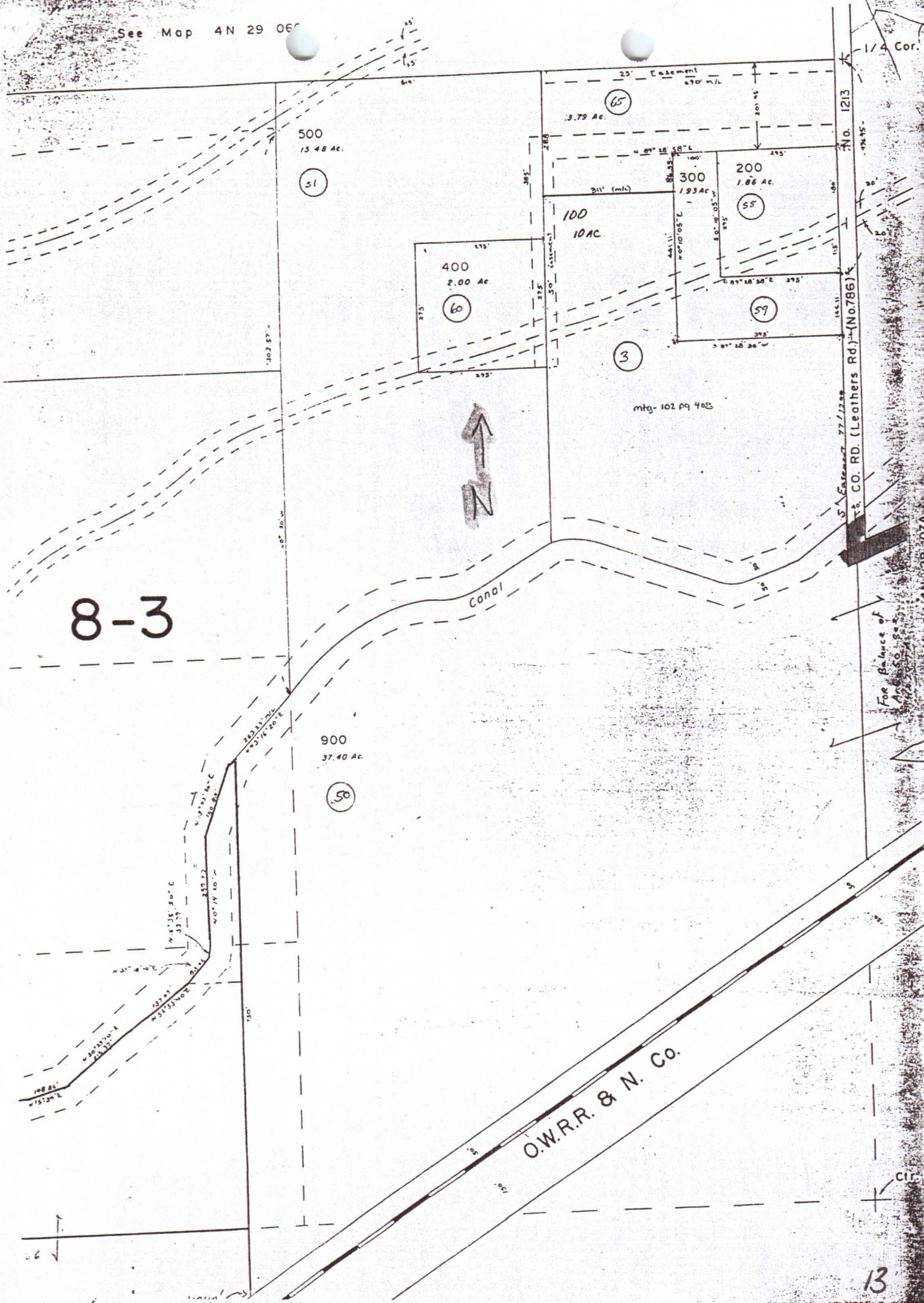
BEFORE BALANCE
OF 1908 TO
THE 4th 1907

See Map 4N 29B

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8-3



Conal

O.W.R.R. & N. Co.

LE CO. RD. (Leathers Rd.) (No. 786)

For Balance of See Map 4N 29 071

ctr. Sec.

13