

*SIMPLOT ROAD VACATION
COUNTY ROAD #1324*

ROAD OFFICIAL'S REPORT

*UMATILLA COUNTY DEPARTMENT
OF PUBLIC WORKS*

SEPTEMBER 21, 2000

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Simplot Road Vacation

Road Official's Report

Background

County Road #1324, Simplot Road, was originally dedicated in 1907 as County Road #602. The original road extended from the Southwest Corner of Section 27, Township 4 North, Range 28 E.W.M. near the south end of Simplot Road as it is now constructed north to the Northwest Corner of Section 3, Township 4 North, Range 28 E.W.M., a point approximately ¼ mile north of Umatilla River Road. It included what is now known as Simplot Road, approximately 1.8 miles of State Highway 207, and approximately 1.4 miles of 11th Street.

In 1911, that portion of Road #602 lying north of Umatilla River Road was vacated. In 1923, Umatilla County initiated proceedings to vacate a portion of what is now 11th Street from Umatilla River Road south ¼ mile. The vacation did not take place due to objections by area residents. In 1982, J. R. Simplot Company petitioned the County for vacation of the south 1081 feet of what is now County Road #1324. According to correspondence in road files, Simplot felt it had “worked out appropriate alternatives” with the roadmaster and withdrew its petition. In 1997, Simplot petitioned the County for vacation of all of the improved portion of County Road #1324 lying south of the Union Pacific Railroad right of way. A question as to whether Pacific Power and Light Company would have legal access to its property abutting the road arose and the proceedings were never completed.

Facts and Findings

Another petition for vacation was received from J. R. Simplot Company and Hermiston Power Partnership on August 16, 2000, and it meets the requirements of ORS 368.341. The petition is for the vacation of the improved portion of County Road #1324 lying south of the Union Pacific Railroad right of way. Though assessor maps and county road map books don't reflect it, there still exists a dedicated, unimproved right of way lying from the end of the improved road at the railroad tracks north to Highway 207 and a public access road (which shows on assessor maps as a county road) lying immediately south of the UPRR right of way. See attached drawing for details.


Simplot recently granted an easement to PacifiCorp (PP&L) for a power transmission right of way. This easement, along with other recorded easements, ensures that if the road was vacated PP&L would have adequate access to their property for ingress-egress and power line maintenance. This was a concern of the Planning Commission in their 1997 review of the vacation. See attached drawing for a summary of existing easements. Another Planning Commission concern was how the Hermiston Power Partnership felt about the proposed vacation. The Hermiston Power Partnership is a Petitioner for the vacation this time. Their 1997 comments are attached, as is the summary of Planning Commission concerns.

Fiscal Impacts

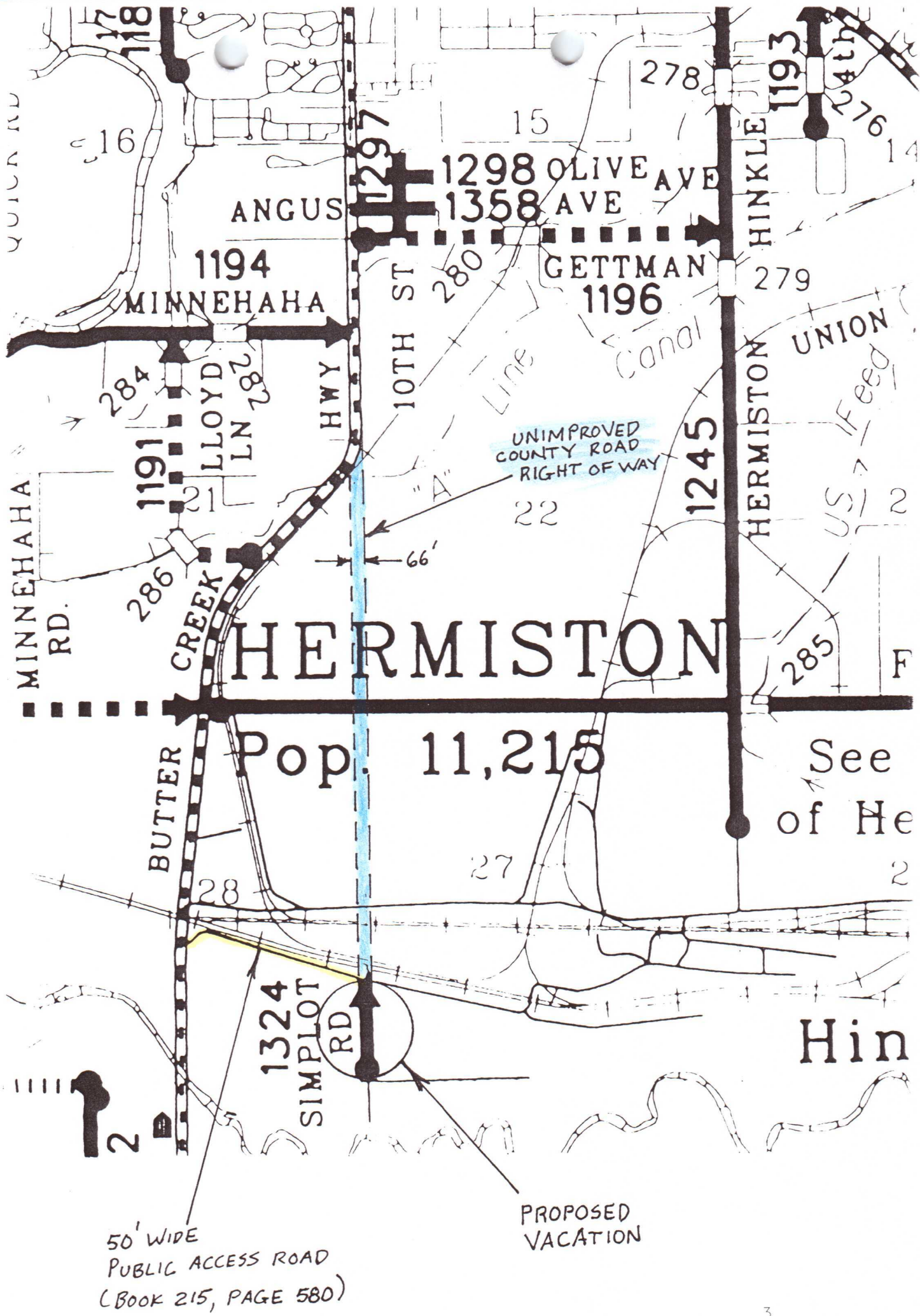
Vacating the road would return approximately 2.1 acres to the tax rolls. Vacating the road would also eliminate Road Department maintenance costs (patching and chip sealing)

Recommendation

Simplot Road serves very little purpose for the traveling public and in large part benefits only J. R. Simplot Company. Because it is isolated from other roads maintained by the Road Department, it is bothersome to make special efforts to move maintenance equipment into the area to maintain such a short length of road. The Public Works Department recommends the road be vacated.



Hal Phillips
Public Works Director



50' WIDE
PUBLIC ACCESS ROAD
(BOOK 215, PAGE 580)

PROPOSED
VACATION

PETITION FOR VACATION

TO THE BOARD OF COUNTY COMMISSIONERS FOR UMATILLA COUNTY, OREGON

IN THE MATTER OF THE VACATION OF)
SIMPLOT ROAD (#1324))
)
)
UMATILLA COUNTY, OREGON)

PETITION TO VACATE

I, J.R. SIMPLOT COMPANY & HERMISTON POWER PARTNERSHIP, petition the Board of County Commissioners of Umatilla County, Oregon, to vacate SIMPLOT ROAD #1324, more particularly described as follows:

(attach legal description)

Simplot Road is a county road located in Township 4 North, Range 28 East, between Sections 27 and 28, lying and being North of the Umatilla River. Simplot Road runs North and South adjacent to Petitioner's potato processing facility. Simplot Road is approximately 66 feet in width and approximately 1,395.25 feet in length. Simplot Road is depicted in the color yellow on Attachment I, attached hereto and incorporated herein by reference.

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*). EXCEPT for a 1.24 acre parcel owned by Pacific Power & Light (PP&L) and certain recorded mineral rights owned by Oregon-Washington Railroad & Navigation Co., Petitioners own all of the property on either side of Simplot Road. A Utility easement for ingress and egress to PP&L's property abutting Simplot Road exists of record.

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).

HOW PROPERTY IS USED Roadway
CONDITION OF PROPERTY Good
REASONS FOR VACATION Petitioners wish to control access to Simplot Road for security purposes relating to their facilities located adjacent to Simplot Road.

* To be included if all property owners petition.

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 the road).

NAME

ADDRESS

J.R. Simplot Company

P.O. Box 27, Boise ID 83707

Pacific Power & Light

P.O. Box 1150, Hermiston OR 97838

Oregon-Washington Railroad & Navigation Co.
(Owner of recorded mineral rights)

P.O. Box 2500, Broomfield CO 80020

Hermiston Power Partnership

408 E. Main St, Suite B,
Hermiston OR 97838

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 10th Day of August, 1999.

PETITIONERS

NAME:	ADDRESS	T.L.
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<u>J.R. Simplot Company</u>	<u>P.O. Box 27, Boise ID 83707</u>	
-----------------------------	------------------------------------	--

BY: <u><i>Ronald N. Graves</i></u>		
<u>Ronald N. Graves, Vice President, Secretary and General Counsel</u>		

<u>Hermiston Power Partnership</u>	<u>408 E. Main St., Suite B, Hermiston OR 97838</u>	
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BY: <u><i>DL Kieta</i></u>		
<u>Douglas L. Kieta, Senior Vice President</u>		

NOTE: All petitions must be accompanied by a \$500.00 recording fee. If petitions for vacation is granted and a \$20.00 recording fee. This is to be paid by the petitioners and must be prepaid. If vacation is located in a subdivision, an additional \$12.00 survey fee is due.

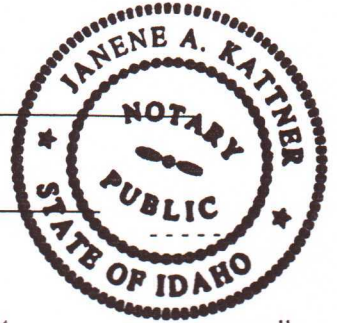
Certification

On this 10th day of August, 2000, 1999, before me, the undersigned, Ronald N. Graves, 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 Idaho) ss
COUNTY OF Ada)

Janene A. Kattner
Notary Public



My Commission Expires 5/31/02

Certification

On this 14 day of August, 2000, 1999, before me, the undersigned, D.L. Kieta, 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 California) ss
COUNTY OF Sacramento)



Notary Public

My Commission Expires 3-15-2003

Certification

On this ___ day of _____, 1999, 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) ss
COUNTY OF)

Notary Public

My Commission Expires _____

Certification

On this ___ day of _____, 1999, before me, the undersigned, _____, personally appeared, known to me to be the identical individual described in and who executed the same freely and voluntarily.

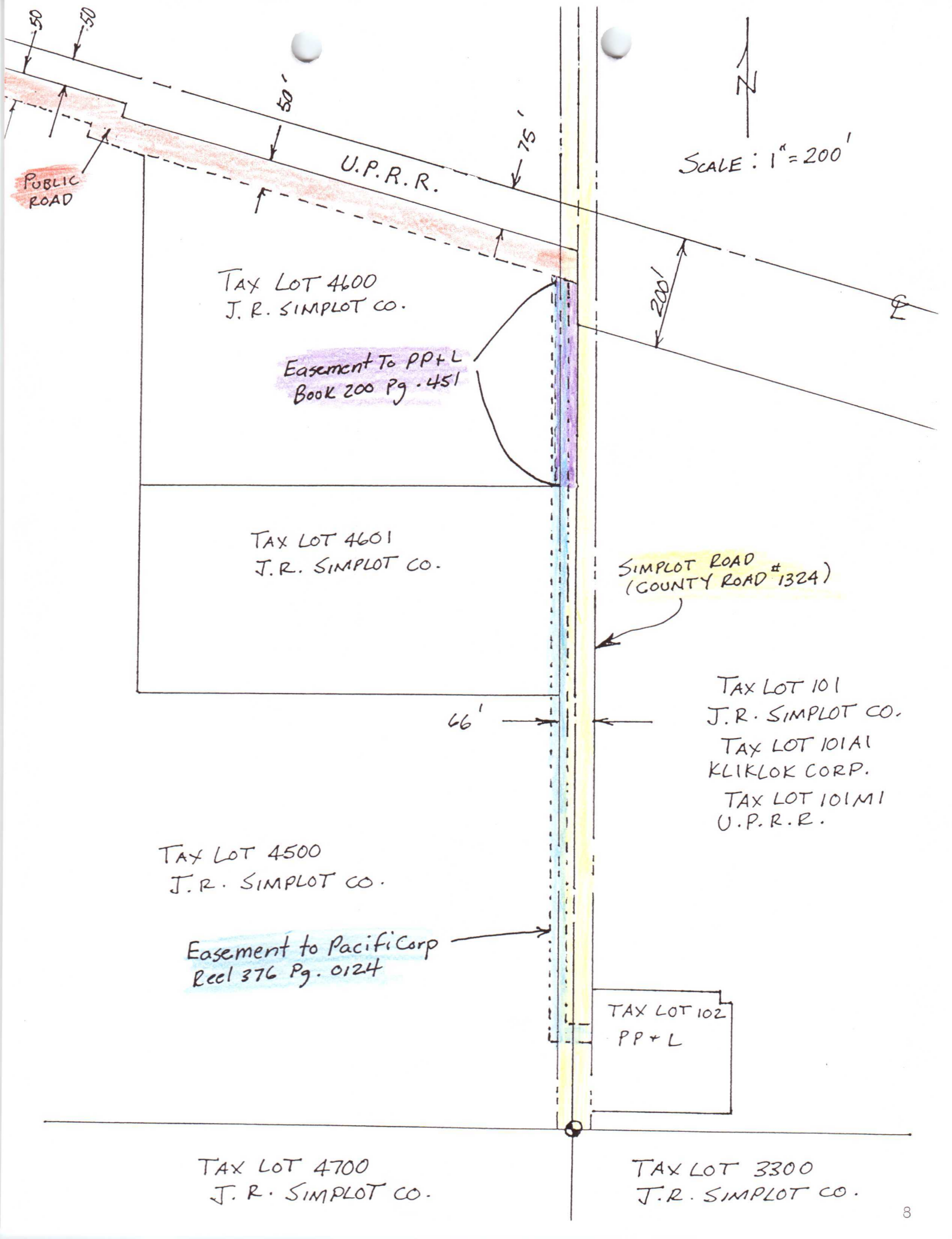
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.

STATE OF) ss
COUNTY OF)

Notary Public

My Commission Expires _____

Certification



Return to:
PacifiCorp Property Management
1030 PSB
920 S.W. Sixth Avenue
Portland OR 97204

2000-3760124

CORRECTION TRANSMISSION RIGHT OF WAY EASEMENT

For value received, J.R. Simplot Company, Grantor, hereby quitclaims to PacifiCorp, an Oregon corporation, its successors and assigns, Grantee, an easement for a right of way thirty (30) feet in width for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power transmission lines, distribution lines, and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchors, including guys and anchors outside the right of way; wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, vaults and cabinets; along the general course now located by Grantee on, over or under the surface of the real property of Grantor in Umatilla County, State of Oregon, more particularly described as follows and by this reference made a part hereof:

Beginning at the Southeast corner of Section 28, Township 4 North, Range 28 East, W.M.; thence North 10° 35' 30" West 175.75 feet; thence South 85° 36' 12" East 66 feet, more or less, to the West line of Tax Lot 102 in Section 27, Township 4 North, Range 28 East, W.M. and the TRUE POINT OF BEGINNING of the centerline of the 30 foot wide easement; thence

North 85° 36' 12" West 66 feet, more or less, to a point that is North 10° 35' 30" West 175.75 feet from the Southeast corner of said Section 28; thence North 0° 26' 00" West 1311.63 feet, more or less, to a point on the South right of way line of a 50 foot wide public road being the POINT OF TERMINUS.

Assessor's Map No. 4N 28C Tax Parcel No. 4500, 4600, 4601

This Easement is given to correct and supersede that certain Transmission Right of Way Easement dated May 20, 1998, recorded July 30, 1998, in Document No. 1998-3330787, records of Umatilla County, Oregon.

Page 1 of 1

JEER TITLE CO. 641821
SE Court, Pend. OR, 97901

Together with the right of access to the right of way for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep the right of way and adjacent lands clear of all brush, trees, timber, structures and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

Grantee shall indemnify, defend, and hold harmless Grantors and their successors and assigns from and against all claims, demands, damages, losses, liabilities, and any other matter whatsoever, and all costs and expenses, including attorneys' fees, incurred in connection therewith for any injuries, death, or damage arising from Grantee's exercise of the rights and privileges herein granted.

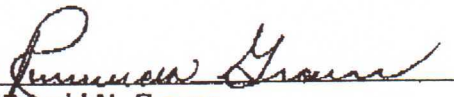
If Grantee ceases to use the easement for the purposes set forth herein, all rights hereunder shall terminate and revert without cost back to Grantor.

At no time shall Grantor erect or permit the erection of any buildings or structures of any kind or nature, or place or use or permit any equipment or material of any kind that exceeds 12 feet in height, or light any fires, or place or store any flammable materials (other than agricultural crops), on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for roads, agricultural crops and other purposes not inconsistent with the purposes for which this easement has been granted; and Grantee shall reimburse Grantor for any physical damage to Grantor's property or crops caused by Grantee's activities.

The rights and obligations of the parties hereto shall be binding upon and inure to the benefit of their respective heirs, successors and assigns; and this easement shall terminate if and when Grantee shall have abandoned all use of the right of way and no longer has any future need therefore.

Executed this 14th day of September, 2000.

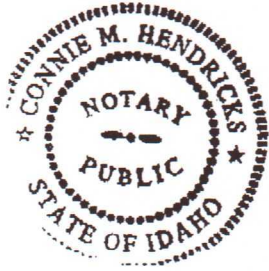
J.R. SIMPLOT COMPANY

By: 
Ronald N. Graves,
Secretary, Vice President and General Counsel

STATE OF IDAHO }
 } ss.
COUNTY OF ADA }

On this 14th day of September, 2000, before me, the undersigned, personally appeared Ronald N. Graves to me known to be the Secretary, Vice President and General Counsel of J.R. Simplot Company, the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that said individual was authorized to execute said instrument.

WITNESS my hand and official seal the day and year first above written.



Notary Public in and for the State of Idaho
Residing at: Boise
Commission expires: 8/22/02

Umatilla County

Department of Resource Services and Development



MEMO

Director
Dennis Olson

TO: Kate Kletzer, Public Works Department

Land & Water
Resources
Division:

FROM: Bob Perry, Assistant Planning Director *BP*

LAND USE PLANNING
541-278-6252

DATE: March 18, 1997

UMATILLA BASIN
WATERSHED COUNCIL
541-278-3836

SUBJECT: Planning Commission recommendation on vacation of Simplot Road

Emergency
Management
Division:

At their March 13, 1997 meeting, the County Planning Commission reviewed J.R. Simplot Company's petition to vacate Simplot Road, which is adjacent to Simplot's potato processing facility in Hermiston. The Planning Commission had several concerns which they felt should be addressed prior to the proposed vacation being approved, as follows:

EMERGENCY
MANAGEMENT
541-278-6253

- (1) Since J.R. Simplot Company owns property surrounding that portion of Simplot Road to be vacated, the Planning Commission felt that those landowners bordering this portion of Simplot property should be notified, as a minimum requirement for property owner notification.
- (2) The Hermiston Power Project co-generation plant is proposed to be located immediately west of that portion of Simplot Road proposed for vacation. The Planning Commission was concerned how the co-generation owners would access their facility, and whether they feel this road may be needed as a public road. In other words, a decision to vacate should consider comments from the co-generation company.
- (3) Prior to this road vacation being approved, the Planning Commission felt it should be determined that no properties will be landlocked by the proposed vacation.

RURAL ADDRESSING
PROGRAM
541-278-6253

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

County/State
Services
Division:

COUNTY FAIR
541-567-6121

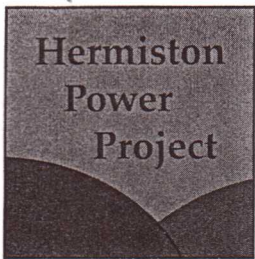
STATE AGENCY
LIAISONS:

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456

If you have any questions concerning the Planning Commission's recommendations, please feel free to contact me.

BP:vt
cc: J.R. Simplot Company, Boise



April 3, 1997

Ms. Kate Kletzer
Umatilla County Road Department
3920 Westgate
Pendleton, OR 97801

Subject: *Vacation of County Road #1324*

RECEIVED
APR 7 1997
Umatilla County
Road Dept.

Dear Ms. Kletzer:

We received and reviewed your letter of March 26, 1997 to Mr. Blaine Graff regarding the petition by the J. R. Simplot Company to vacate County Road #1324. The site of the proposed Hermiston Power Project is indeed adjacent to the subject road, and we appreciate the opportunity to comment.

The Hermiston Power Partnership has no objection to the petition nor do we have any comment to it. The access to the project site will be procured from the J. R. Simplot Company along with the purchase of the property regardless of the status of the county road.

Again, thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Edmund V. Clark". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Edmund V. Clark
Project Manager

cc: Scott Pasley, J. R. Simplot Co.

S:\TEMP\county road vacation.wpd

