

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

FILED
J. DEAN FOUQUETTE, SR.
UMATILLA COUNTY CLERK

1983 NOV 23 P 3: 21

In the Matter of Vacating the)
Public Alley of Block 6, Original)
Town of Meacham, County of Umatilla)
State of Oregon)

FINDINGS OF FACT:
CONCLUSIONS OF LAW:
ORDER OF VACATION

SYNOPSIS:

On July 6, 1983, Gary Tennant filed a petition with the Umatilla County Board of County Commissioners requesting the vacation of the public alley of Block 6, Original Town of Meacham, in Umatilla County, Oregon.

Pursuant to ORS 368.346, a public hearing was held before the Umatilla County Board of Commissioners on October 19th, 1983. At the hearing, after consideration of all of the evidence presented, the Board of Commissioners approved the vacation of the public alley of Block 6, Original Town of Meacham, making the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. A petition to vacate the public alley of Block 6, Original Town of Meacham, was filed in proper form with the Umatilla County Board of Commissioners on July 6, 1983.
2. On September 7, 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 October 19, 1983, at 10:30 AM.
3. Also on September 7, 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 October 19, 1983, hearing was given by the Umatilla County Roadmaster as follows. On September 8, 1983, notice of the hearing was posted at the North and South ends and at a place equidistance from these ends on the public alley of Block 6, Original Town of Meacham 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 20 days. In addition, notice of the hearing was given by certified mail pursuant to ORS 368.406 to those persons and/or firms listed on Exhibit A. Pursuant to ORS 368.416, a notice of the hearing was published twice in a newspaper of general circulation, once being more than 20 days prior to the hearing and once being within 10 days of the hearing.

5. At the October 19, 1983 hearing no challenges for bias, prejudice or personal interest were made to the qualifications of any Commissioner by any proponent 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.

10. The Umatilla County Roadmaster in his report submitted October 19, 1983, recommended that the public alley of Block 6, Original Town of Meacham 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 October 19, 1983 hearing on the matter.

12. The public alley of Block 6, Original Town of Meacham, 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 public alley of Block 6, Original Town of Meacham 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-referenced 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 public alley of Block 6, Original Town of Meacham, is approved and the public alley of Block 6, Original Town of Meacham is hereby vacated.

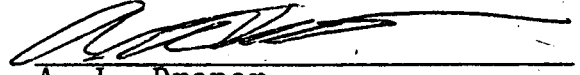
The \$100.00 filing fee covered all costs resulting from the approval of this vacation.

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 23RD day of November, 1983.

Umatilla County
Board of Commissioners

Robert Ten Eyck



A. L. Draper



William S. Hansell

Attest:



J. Dean Fouquette, Sr.
County Clerk

