

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR UMATILLA COUNTY, OREGON

90858

In the Matter of Vacating)	FINDINGS OF FACT;
a Portion of College Street,)	CONCLUSIONS OF LAW;
Old Town of Etna, County of)	ORDER OF VACATION
Umatilla, State of Oregon.)	

SYNOPSIS:

On July 26, 1982, the Helix Telephone Company, through its president, E. M. Smith, filed a petition with the Umatilla County Board of Commissioners requesting a vacation of the following-described portion of College Street in Umatilla County, Oregon:

South Side of Lots 5 and 6, Block 5, Old Town of Etna from Old Highway east to Union Pacific Railroad right of way.

Pursuant to ORS 368.346, a public hearing was held before the Umatilla County Board of Commissioners on December 15, 1982. At that hearing, the Commissioners decided that additional landowners should be notified of the vacation proceedings. Therefore, the hearing was recessed until January 19, 1983. At the January 19, 1983, hearing, after considering all of the evidence presented, the Board of Commissioners approved the vacation of the above-described portion of College Street, making the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. A petition to vacate the above-portion of College Street was filed in proper form with the Umatilla County Board of Commissioners on July 26, 1982.

2. On November 10, 1982, the Board of Commissioners signed a resolution initiating vacation proceedings and setting a date for a hearing to be held on the vacation on December 15, 1982, at 10:30 a.m.

3. Also on November 10, 1982, 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 December 15, 1982, hearing was given by the Umatilla County Roadmaster as follows. On November 10, 1982, notice of the hearing was posted at the west and east ends and at a place equidistance from these ends on the above-referenced portion of the street 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 30 days. In addition, notice of the hearing was given by certified mail pursuant to ORS 368.575 to the Helix Telephone Company, Union Pacific Railroad Company, and Tillman Stone, Conservator for Herman Gillanders.

5. At the December 15, 1982, hearing no challenges for bias, prejudice or personal interest were made to the qualifications of any Commissioner by any proponent or opponent 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 because it would not have any adverse impacts on the surrounding area.

10. The Umatilla County Roadmaster in his report submitted December 15, 1982, recommended that the portion of the street in question 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. Tillman Stone, on behalf of the estate of Herman Gillanders, owner of adjoining property, submitted a written consent to the vacation.

12. The Oregon-Washington Railroad and Navigation Company, and its lessee, Union Pacific Railroad Company, consented to the vacation of that portion of College Street only on the condition that a portion of the property vacated should vest in the Railroad upon vacation.

13. There were no objections to the vacation at either the December 15, 1982, or the January 19, 1983, hearings on the matter.

14. The portion of the road to be vacated has not been used in over ten years and there is no reason to believe that the road 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 portion of College Street 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-described portion of College Street 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 above-described portion of College Street is approved and the above-described portion of College Street is hereby vacated.

IT IS FURTHER ORDERED that title to the entire portion of property to be vacated as described above shall vest in the Helix Telephone Company. No costs result 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 15th day of March, 1983.

ATTEST: County Clerk

UMATILLA COUNTY BOARD OF COMMISSIONERS:

J. Dean Fouquette, Sr.
J. Dean Fouquette, Sr.

Robert Ten Eyck
Robert Ten Eyck, Chairman

A. L. Draper
A. L. Draper

William S. Hansell
William Hansell



FILED
J. DEAN FOUQUETTE, SR.
UMATILLA COUNTY CLERK

1983 MAR 17 A 9:42

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STATE OF OREGON, }
COUNTY OF UMATILLA, } ss

I, J. Dean Fouquette, Sr., County Clerk,
certify that this instrument was received and
recorded

ON MAR 17 1983

at 9:43 o'clock A. M. in the record
of DEEDS of said County in

Book Page
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J. DEAN FOUQUETTE, SR.
County Clerk

By *Michael H. Jankins* Deputy
Fees \$ XXX No. 90858

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Helix Telephone Company. No costs result from the approval of
this resolution.
This order shall be final on the date indicated hereon
and shall become effective when filed with the County Clerk,
County Surveyor and County Treasurer pursuant to ORS 268.356(3).
DATED this 17th day of March, 1983.
ATTEST: Corney Clark
County Clerk
J. Dean Fouquette, Sr.
Michael H. Jankins
William H. Hensell