

PETITION FOR VACATION

TO THE BOARD OF COUNTY COMMISSIONERS FOR UMATILLA COUNTY, OREGON

IN THE MATTER OF THE VACATION OF)

Beach Shore Drive)

PETITION TO VACATE

Umatilla County, Oregon)

I, Richard Carlton, Chief, Real Estate Division, petition the Board of County Commissioners of Umatilla County, Oregon, to vacate a portion of Beach Shore Drive, more particularly described as follows: The Eastern 785' of Beach Shore Drive, as seen on Umatilla County Assessors Map 5N2915AA.

(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

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 See Attachment 1
CONDITION OF PROPERTY See Attachment 1
REASONS FOR VACATION See Attachment 1

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)

US Army Corps of Engineers
Real Estate Division
201 North 3rd Avenue
Walla Walla, Washington 99362-1876

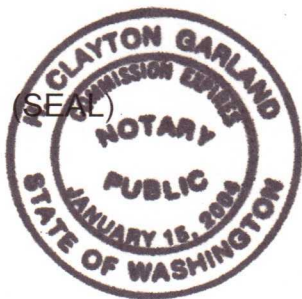
McNary Yacht Club
P.O. Box 463
Pendleton, Oregon 97801

*To be included if all property owners petition.

STATE OF WASHINGTON)
) ss
COUNTY OF WALLA WALLA)

On this day personally appeared before me Richard Carlton, to me known to be the _____ Chief, Real Estate Division, Walla Walla District, Corps of Engineers, who executed the within and foregoing instrument, and acknowledged that he signed the same in the capacity above stated by authority of the Secretary of the Army and for the uses and purposes therein mentioned.

Given under my hand and official seal this 16th day of April, 2001.



H. Clayton Garland

Notary Public in and for the State of Washington,
residing at Walla Walla

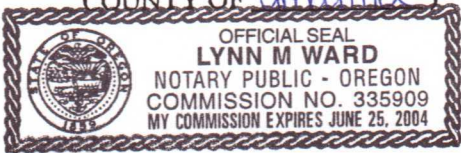
My commission expires on 15 January 2004

Certification

On this 23 day of April, 2001 before me, the undersigned, Alan Feves, 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)



Lynn M. Ward
Notary Public for Oregon

My Commission Expires 6/25/04

Certification

On this 23 day of April, 2001 before me, the undersigned, Bill Bench, 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)



Lynn M. Ward
Notary Public for Oregon

My Commission Expires 6/25/04

Certification

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

Notary Public for Oregon

My Commission Expires _____

ATTACHMENT TO PETITION FOR VACATION

ITEM IV

HOW PROPERTY IS USED: The eastern most 785-feet of Beach Shore Drive under petition for vacation is on property owned by the Department of the Army, U.S. Army Corps of Engineers (Corps). The portion of the right-of-way on Corps property has never been developed into an actual road. The right-of-way occupies a portion of Corps property leased by the McNary Yacht Club (Yacht Club). The Yacht Club has leased the area for private recreation purposes since at least 1969. Their current 10-year lease expires in December of 2009 at which time the club will have the opportunity to acquire a new lease for another 10-year term.

CONDITION OF THE PROPERTY: The property under petition for vacation borders the developed lawn area of the Yacht Club to the north and a filled but otherwise unimproved area to the south. The Corps inspected the area in January 2000 and found no apparent environmental contamination. The property is in good condition.

REASONS FOR VACATION: Since 1998, the Yacht Club has been working with the Oregon Department of Environmental Quality (DEQ) on the location, design and installation of a new and upgraded septic system on club-leased Corps' property. Components of the system will be located north and south of the Beach Shore Drive right-of-way. DEQ has determined that this is the acceptable location for the system components given the proximity of the Columbia River.

After over a year of attempting to work through the DEQ permitting process for the septic system, the Yacht Club has learned that the existence of the Beach Shore Drive right-of-way in their leased area is a significant obstacle to their obtaining a permit for the system.

In 1999, the Yacht Club attempted to obtain the DEQ permits needed for installation of the system. Upon applying for the permits, the Yacht Club learned that DEQ Administrative Rule 340-071-0130 imposes highly restrictive permitting and operating conditions if the land used for a septic system contains property lines such as tax lot lines along which the property can potentially be severed. The DEQ advised the Yacht Club that the leased area was considered "severable property" because Umatilla County records showed that tax lot lines were present within the Corps-owned property leased by the Yacht Club.

DEQ advised the Yacht Club that the tax lot lines would need to be eliminated to allow the club to install the new septic system under less restrictive permit conditions. In an effort to assist the Yacht Club obtain a less restrictive permit, the Corps arranged to have all of the tax lot lines abolished in the leased area. This was accomplished late in 1999.

After the tax lot lines were eliminated, the Yacht Club again applied to DEQ for the less restrictive permit. DEQ then told the club that the eastern most portion of the Beach

Shore Drive right-of-way that lies within the leased area constitutes another severable property situation. DEQ advised that this remaining severable property condition would also have to be eliminated for the less restrictive permit to be issued. DEQ advised this could be accomplished by having the portion of the road right-of-way within the Corps boundary vacated by Umatilla County.

The Corps supports the vacation of the road right of way on Corps property. The lack of roadway development has never adversely affected the use of the area by the Corps, the public users who are entitled to launch boats at the Yacht Club or the Yacht Club members themselves. The vacation of the road right of way is not expected to cause any access problems.

Vacation of the road will eliminate the remaining administrative obstacle faced by the Yacht Club in securing a reasonable permit for septic system construction, operation and maintenance. The Corps supports the environmental and public health benefits that will result from the Yacht Club's installation of the new septic system. For these reasons, it will be advantageous to the public and private users of the area to have the eastern most 785-feet of Beach Shore Drive vacated.