

Court met this day pursuant to adjournment, present the same officers as on the last day. The Journal of the last day's proceedings was read and is hereby approved and signed, and among other proceedings the following were had, to-wit:

[Handwritten signatures]
County Judge
Commissioner
Commissioner

AGREEMENT

THIS AGREEMENT, Made and entered into this 12th day of December, 1960, by and between the STATE OF OREGON, by and through its State Highway Commission, hereinafter called "State," and UMATILLA COUNTY, a political subdivision of the State of Oregon, by and through its County Court, hereinafter called "County," and the CITY OF ATHENA, a municipal corporation, by and through its city officials, hereinafter called "City of Athena," and the CITY OF WESTON, a municipal corporation, by and through its city officials, hereinafter called "City of Weston";

WITNESSETH:

RECITALS:

- 1. For the purpose of furthering the development of a highway system adapted in all particulars to the needs of the people of the State of Oregon, State proposes to relocate and construct the Athena-Blue Mountain Station Section of the Oregon-Washington Highway, State Primary Highway No. 8, in Umatilla County. Hereinafter, all acts necessary to accomplish this end shall be referred to as "project."
2. Pursuant to ORS 366.300, State may enter into an agreement with County for the disposition of portions or units of any state highway that may be eliminated from the original route by the relocation and realignment of said highway.
3. Pursuant to ORS 366.290, the State Highway Commission may, by mutual agreement with the county courts of the several counties, select market roads and other county roads, and designate and adopt such roads as secondary state highways; and all rights of way owned or held by the several counties over or along any such roads adopted as state highways shall be vested in State, pursuant to ORS 366.320(3).
4. ORS 373.010 provides that, whenever the route of any state highway passes through the corporate limits of any city of this state, State shall select and designate the city streets over which the state highway shall be routed and may alter or change such routing when in its opinion the interests of the motoring public will be better served.
5. The relocation and construction of the aforesaid section of the Oregon-Washington Highway, State Primary Highway No. 8, will make possible the elimination by State of portions of the original route, hereinafter described as Units "A," "B," "C," and "E," and shown on the map attached hereto, marked Exhibit "A" and by this reference made a part hereof. The parties hereto plan and propose that jurisdiction and control over Units "A," "C," and "E," shown colored in red on the attached Exhibit "A," shall pass to County and shall be maintained under the jurisdiction and control of County as part of the county road system so long as needed to serve the persons living thereon or communities served thereby; and that said Oregon-Washington Highway shall no longer be routed over Unit "B" in the City of Athena, as shown colored in orange, or Unit "D" in the City of Weston, as shown colored in brown on the attached Exhibit "A"; that all jurisdiction and control over Unit "B" shall pass to the City of Athena and all jurisdiction and control over Unit "D" shall pass to the City of Weston, and that said Units "B" and "D" shall be maintained by said cities as part of their respective city street systems.
6. Units "A," "C," and "E," of the former route of the Oregon-Washington Highway as shown colored in red, Unit "B" as shown colored in orange, and Unit "D" as shown colored in brown on the attached Exhibit "A" are described approximately as follows:

- Unit "A" Beginning at the Oregon-Washington Highway as relocated south of the City of Athena; thence northerly along said highway as formerly routed to the south city limits of Athena.
Unit "B" Beginning on the Oregon-Washington Highway as formerly routed at the south city limits of Athena; thence northerly along said highway as formerly routed to a junction with the Athena-Holdman Highway at the intersection of Main and Third Streets in the City of Athena.
Unit "C" Beginning at the Oregon-Washington Highway as relocated west of the City of Weston; thence easterly along said highway as formerly routed to the westerly city limits of the city limits of the City of Weston.
Unit "D" Beginning on the Oregon-Washington Highway as formerly routed at the westerly city limits of the City of Weston; thence easterly and northerly along said highway as formerly routed to the northerly city limits of the City of Weston.
Unit "E" Beginning on the Oregon-Washington Highway as formerly routed at a junction with the existing Weston-Elgin Highway; thence northerly along the said highway as formerly routed to the Oregon-Washington Highway as relocated northeast of the City of Weston.

NOW, THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

THINGS TO BE DONE BY STATE:

- 1. After the relocated Athena-Blue Mountain Station Section of the Oregon-Washington Highway, State Primary Highway No. 8 has been completed and opened to public travel, State, by resolution, shall formally eliminate Units "A," "C," and "E" as a part of said Oregon-Washington Highway and the state highway system; and all right, title, and interest which state has in the rightof way of said Units "A," "C," and "E" shall thereupon pass to and vest in County.

2. After the aforesaid relocated section of the Oregon-Washington Highway has been completed and opened to public travel, State, by resolution, shall eliminate Units "B" and "D" as a part of said Oregon-Washington Highway and the state highway system; and all right, title, and interest which State has in the right of way of Unit "B" shall pass to and vest in the City of Athena; and all right, title, and interest which State has in the right of way of Unit "D" shall pass to and vest in the City of Weston.

3. State shall place Units "A," "B," "C," "D," and "E" in serviceable condition either before they are eliminated and turned over to County and the Cities of Athena and Weston, or within a reasonable time thereafter.

4. State shall extend the Athena-Holdman Highway, State Secondary Highway No. 334, from its present terminus in the City of Athena easterly along a portion of the original Oregon-Washington Highway to a junction with the relocated Oregon-Washington Highway east of Athena, as shown colored in purple on the attached Exhibit "A".

5. State shall extend the Weston-Elgin Highway, State Secondary Highway No. 330, from its present terminus northeast of the City of Weston southwesterly and thence northerly along a portion of the original Oregon-Washington Highway, a portion of an existing Umatilla County Road, and thence along new location to a junction with the relocated highway, which said extension is shown colored in yellow on the attached Exhibit "A".

6. State shall extend the Sunnyside-Umapine Highway, State Secondary Highway No. 332, from its present terminus with the Freewater Highway at Sunnyside easterly along the Sunnyside County Road to a junction with the Oregon-Washington Highway north of Milton-Freewater, as shown colored in blue on the map attached hereto, marked Exhibit "B" and by this reference made a part hereof.

7. State shall retain possession of and title to that portion of the right of way of the existing Athena-Blue Mountain Station Section of the Oregon-Washington Highway together with any and all real property acquired by State for highway or other public purposes, approximately as shown colored in green on the attached Exhibit "A".

THINGS TO BE DONE BY COUNTY:

1. County, by execution of this agreement, does hereby consent to and approve of all the provisions of this agreement, including the plans attached hereto and marked Exhibits "A" and "B".

2. County shall, upon the completion of said project, assume jurisdiction and control over Units "A," "C," and "E" and shall maintain them at its sole expense as part of the county road system so long as needed for the service of people living thereon or communities served thereby.

3. County acknowledges the scope and effect of ORS 366.320 (3) and, pursuant thereto, agrees that those portions of the right of way of the Umatilla County Road and Sunnyside County Road or any part thereof owned or held by County over or along which the Weston-Elgin Highway and the Sunnyside-Umapine Highway are to be extended by State shall be vested in State.

4. County agrees to execute this agreement during a duly authorized session of its County Court.

THINGS TO BE DONE BY CITY OF ATHENA:

1. City of Athena, by execution of this agreement, does hereby consent to and approve all of the provisions of this agreement, including the plans attached hereto and marked Exhibits "A" and "B".

2. City of Athena shall, upon the completion of said project, assume jurisdiction and control over Unit "B" and shall maintain it at its sole expense as part of its city street system.

3. City shall pass an ordinance or resolution, as the case may be, authorizing its mayor and recorder to enter into this agreement and the same shall be made a part hereof and attached hereto.

THINGS TO BE DONE BY CITY OF WESTON:

1. City of Weston, by execution of this agreement, does hereby consent and approve all of the provisions of this agreement, including the plans attached hereto and marked Exhibit "A" and "B".

2. City of Weston shall, upon the completion of said project, assume jurisdiction and control over Unit "D" and shall maintain it at its sole expense as part of its city street system.

3. City shall pass an ordinance or resolution, as the case may be, authorizing its mayor and recorder to enter into this agreement and the same shall be made a part hereof and attached hereto.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their respective officials and have caused their respective seals to be affixed hereto as of the day and year first above written; the city officials of the City of Athena acting pursuant to Resolution No. xx passed by the Council on the 21st day of November, 1960, and the city officials of the City of Weston acting pursuant to Resolution No. xx passed by the Council on the 21st day of November, 1960.

ATTEST: FLOYD Query, Secretary
APPROVED: G. S. PAXON

Assistant State Highway Engineer

APPROVED AS TO FORM: L. I. LINDAS, Chief Counsel

ATTEST: Jessie M. Bell, County Clerk

By FERN MASTERS, Deputy

ATTEST: L. R. PINKERTON

ATTEST: JACK D. WANSLEY (SEAL)

STATE OF OREGON, by and through its
State Highway Commission (SEAL)

By M. K. McIVER, Chairman

By K. N. FRIDLEY, Commissioner

By GLENN L. JACKSON, Commissioner

UMATILLA COUNTY, by and through its
County Court

By D. R. COOK, County Judge

By F. B. HAYES, County Commissioner

By CECIL B. STANTON, County Commissioner

CITY OF ATHENA, by and through its city
Officials

By C. O. HANLON, Mayor (SEAL)

By I. B. Dugger, Recorder

CITY OF WESTON, by and through its city
Officials

By S. E. SWIDER, Mayor (SEAL)

By WM. M. McCULLOUGH, Recorder

MAP ATTACHED --