

VACATION OF ELGIN ROAD NO.
961 (A.K.A. ROAD NO. 778) AND
PORTIONS OF OLD ROAD NO. 245
(A.K.A. ROAD NO. 115)

ROAD REPORT

MAY, 2011

Report on Vacation of Old County Road No. 778 and Portions of Old County Roads No.
245 and No. 115

History

County Road No. 115 was established by court order in 1882. The portion of it in Sections 20 and 29 ran along the north – south centerlines of the sections. An error was discovered in the 1882 survey and County Road No. 115 was re-surveyed and established as County Road No. 245 in 1885. Road 245 overlapped Road 145 in Sections 20 and 29. Parts of both roads were vacated in 1917, but not along the north – south centerlines of these sections.

In 1916 a petition was received from Peter Tachella and others by the County Court to establish a road beginning at a point near the center of Section 20 and then running west for approximately 900 feet and then southerly and southeasterly along a ravine to what is now Adams Road. The route was surveyed and the County Court ordered it open as Road No. 778 in the same year. One oddity is that there are two different Road Viewers' Reports for the road dated the same day. One recommended that the road as surveyed not be opened, as it was "longer, more crooked, more sandy, and not as desirable as the route of the present road" and recommended improving the existing road by slight changes which would use less money. The second report, written by Willard Bradley, County Surveyor, recommended opening the road as surveyed in order to obtain a grade that would not exceed 5%, even though the new route would be longer than the present one. The existing road they were both referring to at that time was Road No. 245 (Road No. 115). Obviously, the County Court accepted Willard Bradley's recommendation.

In 1928, 12 years after establishing Road No. 778, deeds were granted to Umatilla County for right of way to improve sections of Myrick Road. One of the Grantors was Peter Tachella, one of the chief petitioners in the establishment of Road 778. It is apparent that Road 778 was never constructed and that the recommendation by the other Road Viewers' Report was adopted. Page 23 is a portion of the 1914 Standard Atlas for Umatilla County showing the roads as they existed at that time. What is now assumed to be Elgin Road was in existence at that time (2 years prior to establishment of Road 778) and is highlighted in yellow. Myrick Road as traveled at that time is highlighted in green and Adams Road is highlighted in blue. Page 24 is a portion of the 1932 Metsker's Atlas of Umatilla County showing the roads as they existed then. Road 778 is not on the map, indicating it was never constructed. Elgin Road is also not on the map, indicating it was not considered a county road at that time.

Pages 2 through 4 contain the field notes and plat of the Road 115 survey; pages 5 through 9 contain the field notes and plat of the Road 245 survey; page 10 is the petition to open Road 778; pages 11 through 15 contain the field notes, plat, and survey drawings for Road 778; pages 16 and 17 are the two conflicting Road Viewers' Reports; page 18 is the order opening Road 778; and pages 19 through 22 are the deeds for the Myrick Road improvements.

To the Hon County Court
 Wmataille County Orga } D. L. Thompson

I hereby submit the following as the
 notes taken on the survey of a road
 running up and across Wild Horse
 and intersecting road Centerville and
 Audleton

commencing at the point designated
 on petition I set post marked R.
 and after qualifying Viewers and Chairman
 I ran Var 51

N 37- E
 " 10- N
 " 10- N
 " 54 E
 " 54 E
 North
 North
 North
 East
 N 23 E
 S 31 N
 East
 East
 East
 South
 East
 East
 S 14 E
 S 18 N
 N 50 E
 S 60 E
 N 50 E
 S 85- E

3.2 Chain
 48
 set post marked I
 21
 set post marked III
 59
 8
 set post marked IIII
 72
 80
 set post marked IV
 8
 48
 50
 7
 50
 set post marked V
 80
 set post marked VI
 50
 20
 set post marked VII
 8
 12
 5 50
 16 50
 6
 15- 50
 7 50

115

S 70 E

5 Chains

Set Post Marked VIII

S 70 E

80 Chains

Set Post Marked IX and R'
for terminus to said road

I hereby certify that the above notes
and accompanying plat are correct

Geo. H. Reading
Deputy County Surveyor



Plot 30
Plot 31
Plot 32
Plot 33
Plot 34
Plot 35
Plot 36

115

To the Hon. County Court for
Umatilla County, Oregon: -

In the matter of Resurvey of
County road, beginning at the point
where County road leading southward
from S.E. cor. of Sec. 30 T.4N. R.33E. crosses
Wild Horse Creek, thence up said creek
&c. I have to report as follows: -

I selected Ira Buzan to act as flag-
man, Lincoln Jay and Olin Ross as
chainbearers, and Lincoln Jay, marker;
after qualifying each, according, as required
in law, I commence at the foregoing
designated point, Oct. 20. 1884, and
run according to original field notes,
and find, after properly testing, courses &
distances, that the courses are very incor-
rect, and, consequently, the Field Notes of
no assistance. - I postpone further work
until Oct. 23. 1884, and engage in getting
together evidence concerning courses as
stated. Resuming the survey at the latter
date, after qualifying Sylvester Kelsay to
act as chainbearer, or marker, as req. by law,
I return to point of beginning, and
set sawed fir post 4x4x42 ins. marked R. on
E. side near S. bank of Wild Horse Creek

7⁴⁵ I run, thence — wa. 21° E.
 N. 79° E. 32.25 chs. found original A. S. (angle stakes)
 set same in mound, to S. of traveled road.
 N. 33° 30' E. 80.00 chs. Set saved fir post, as described, marked 11M
 38 links W. of R. C. (road center) near Res. of Town
 21.00 chs. Set A. S. at foot of bluff, near creek on N.
 N. 67° 00' E. 35.00 " Set A. S. in mound, at foot of bluff, 45 links
 S. of R. C., and drove stake at R. C.
 N. 51° 20' E. 80.00 " Up Wild Horse Creek, along traveled road,
 Set post, as above described, marked 11M,
 45 lks. N. of R. C. — Beale's house N. 38° 45' W.
 (At this point I run a series of random lines
 and locate line running N. + S. through
 center Sec. 29 T. 3 N. R. 33 E.)
 " 6.40 chs. intersect line running N. + S. through
 center Secs. 29 T. 3 N. R. 33 E. about 2 rods S.W. of bridge,
 at crossing of W. H. Creek. Set A. S. about 25 ft. N.W.
 North 7.50 chs. along said N. + S. line through 29 to W. H. creek
 80.00 " " " cross creek along
 traveled road in lane ascending. Set post
 as before described, marked 111M, 45 lks. E.
 (At this point I run a series of random lines
 and prove the 1/4 S. cor. bet. Secs. 20 + 29 to have
 been correctly reestablished.)
 " 2.50 chs. 1/4 S. cor. bet. Secs. 20 + 29 T. 3 N. R. 33 E.
 80.00 chs. on random N. + S. line through center Sec 20
 Set Temp. 4 mile post.
 (At this point, failing to find 1/4 S. cor. bet.

Secs. 20 & 17, after diligent search, the same being a contested point, I proceed to Gov. Cor. for Secs. 17, 18, 19 & 20; find charred stake (in state of decay) mound, pits &c; I reset basalt stone 6x6x15 inches, 6 dim notches on E. cut with spade, thence, I run

East

40.20 chs. along fencing - on random - finding no corner - set temp $\frac{1}{4}$ S. cor and continue line

80.40 chs. along traveled road in lane, failing to find Cor. for Secs. 16, 17, 20 & 21, I proceed to establish it as follows: After setting Temp cor. last named, I find Gov. $\frac{1}{4}$ S. cor. bet. Secs. 20 & 21 charred stake, mound & pits; I set in place of stake, a basalt stone $6\frac{1}{2} \times 8 \times 18$ ins. marked $\frac{1}{4}$ on N. side, and run, thence, (ba. $20^{\circ}50' E.$

North

40.00 chs. set 2" Temp cor., 2 lks. west of 1" Temp cor. for said Secs. 16, 17, 20 & 21.

80.00 chs. find no corner. set Temp $\frac{1}{4}$ S. cor. bet Secs. 16 & 17. and continue along trav. road in ^{lane}

119.43 chs. find Gov. Cor. for Secs. 8, 9, 16 & 17 in crossing of roads N. & S. and E. & W.

Peck's School House bears $S.46^{\circ}W. 182$ links.

The charred stake being in state of decay, I set, in mound, a basalt stone $7 \times 12 \times 23$ ins. marked 4 notches on E.

and 2 notches on N. - I also set basalt stone $7 \times 12 \times 23$ ins. in mound in cor. of field 19 links S. of Temp. cor. for Secs. 16, 17, 20 & 21, for Perm. Cor. for said sections.

I find the line from this cor. to cor. for Secs. 17, 18, 19 & 20 to bear $S.89^{\circ}W.$ I, therefore, set basalt stone

3x6x15 ins. marked $\frac{1}{4}$ on N. side, one link N. of
 Tem. Cor or 40.19 chs. from either N. cor. to said Sec.
 20, and on line bet same, for Perm. $\frac{1}{4}$ S. cor. as des-
 cribed. While setting this corner, the original Gov.
 charred stake was dug up about 30 inches S.W. of
 pt. I established, and I reset stone in exact original
 Gov. Cor.

I am now prepared to set Perm. 4 mile post, ss:
 sawed fir, as before described, marked 1VM. and
 set about 30 lks. E. of line run N. & S. through
 center Sec. 20 or R. 6.

North
 East

2.77 chs. along said N. & S. line - $\frac{1}{4}$ S. cor. N. boundary ²⁰
 Set A. S., in mound, about 10 ft. W. of R. 6.

42.96 chs. Cor. for Secs. 16, 17, 20 & 21 T. 3 N. R. 33 E.

There being no trouble about the road
 beyond this point, I conclude the survey
 Oct. 25th 1884.

J. C. Arnold, Surveyor.

Field Notes of the
 survey of road up
 N. H. Cor. to sec. from
 crossing of same by
 Co. Road leading S. from
 S. E. Cor. Sec. 30 T. 4 N. R. 33 E.

Filed Dec 29th 1884

J. P. Bushnell
 Collector

Report accepted
 and road was found according
 Jan 21-1885

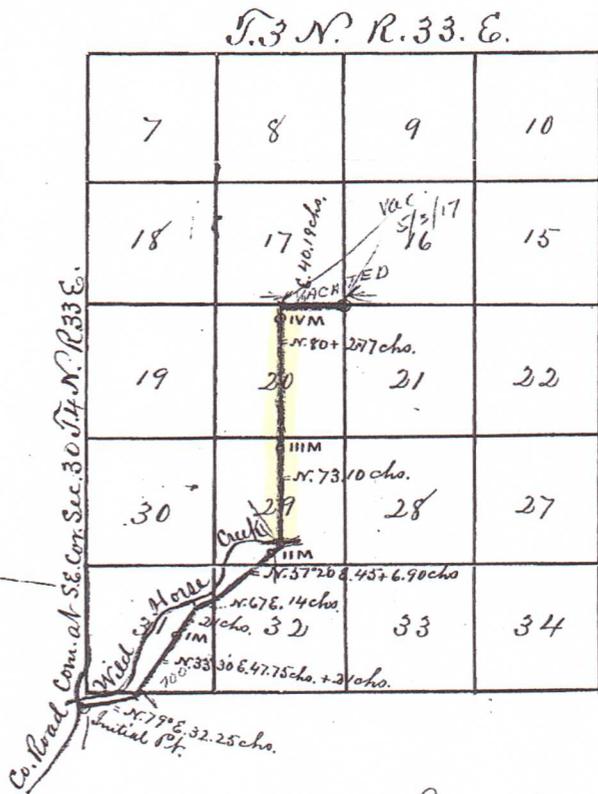
J. J. Lacey
 Co. Surveyor

J. P. Ramsey and son
 Com

245

Plat of County Road.
 Leading up Wild Horse Creek,
 from crossing of same by County
 road leading southward from
 S.E. Cor. Sec. 30 T. 4 N. R. 33 E. &c.

Scale 80chs. = 1 inch



Jno. C. Arnold,
 Survr.

To the Honorable County Court of the State of Oregon, for Umatilla County

WE THE UNDERSIGNED, your petitioners, who are freeholders of said Umatilla County, Oregon, and who reside in the road district, or districts where said road is to be laid out, respectfully petition your honorable body to cause to be laid out, located, and established a County road in said County and State, commencing, running and terminating as follows,

to-wit: Commencing at a point which is 200.0 feet North of the center of Section 20, T. 3 N., R. 33 E.W.M., and running thence by a curve to the Southwest of 200.0 feet radius, 314.1 feet to a point on the East and West center line of said Section 20, thence West along the East and West center line 913.0 feet, thence by a curve to the left of 200 foot radius a distance of 126.6 feet, thence running in a southerly direction along the East side of the ravine to a point on the section line between sections 20 and 29, said township and range, 2051.5 feet west of the 1/4 cor. common to sections 20 and 29, thence continuing down said ravine on the most practical route to a point in the present macadamized road, said point being N. 5° 45' E. 900.0 feet from the 1/4 cor. common to Secs. 29 and 32, T. 3 N., R., 33 E.W.M. and there terminating.

Said Road to be forty feet wide.

And your petitions will ever pray.

Dated this 5th day of January, 1916

NAMES

NAMES

Peter Cucchella	
R. Stephens	
C. G. C. G. in	
E. D. C. G. in	
H. K. Neil	
J. B. English	
W. B. Sutherland	
Edward Morgan	
Wm. H. C. G. in	
W. C. Anderson	
J. B. Kells	
J. B. C. G. in	
J. H. C. G. in	
J. H. C. G. in	
J. H. C. G. in	

-----NOTES OF THE SURVEY OF ROAD NO.778. -----

Survey made ,March 13,-14-15,and 16th. 1916.

Party.

L.C.Rothrock, chairman.
 Henry Mills, "
 W.J.Stockman, Flagman.
 Willard Bradley, County Surveyor, Transitman.

Began at a point 200 feet North of the center of Section 20, T.3.N.:
 R.33 E.W.M.,at which point we placed a stone 10"x10"x14" marked Rx, I4"
 in the ground, from which a fence post marked R.778 Bears N.85°W. 19.6
 feet.

" " " " " " " " " S.71°40'E.

23.5 feet.

Thence to the Southwest by a curve of 200 feet radius, 314.1 feet, to
 a point on the East and West center line of Section 20.

Thence ,N.89°-20'W. 913.0 feet.

" ,by a curve to the left of 200 feet radius 125.6 feet.

" ,S.31°-10'W. ----373.6 feet.

" S.21°-37'W. -----543.7 " .

" S.41°-32'W. ----- 530.0 " .

" S.14°-17'W. ---- 400.0 " .

" S.2°-28'E. --- 500.0 " .

" S.7°-05'W. ---- 300.0 " .

" S.10°-55'E. ---- 219.8 " to a point on the section line between
 Sec's.20&29- 2051.5 feet West of the
 1/4 corner.

----- 400.0 "

" S.7°-07'E. ---- 500.0 " .

" S.15°-14'E. -- 150.0 " .

" S. 0°-10'E. --- 150.0 " .

" S. 7°-30'E. --- 80.0 " Mile post (I) one , turned right
 angle to line to left and at 25 ft.
 set stone marked MI ,and at 37.3
 ft,marked cross on bluff, at 4 ft.

--- 310.0 "
 --- 345.0 " height.
 -I- Ravine.

Thence S.51°-50'E. -----283.0 feet.
 " S.63°-20'E. ----- 272.0 "
 " S.78°-45'E. ----- 420.0 "
 " S.45°-26'E. ----- 169.0 "
 " S.13°-0'E. ----- 611.0 "
 " S.37°-09'E. ----- 347.0 " to a point on the center line
 of section 29, 530.1 feet west
 of the center of the section.

-----400.0 "
 " S.21°-0'E. ----- 400.0 "
 " S.24°-17'E, ----- 300.0 "
 " S.56°-35'E. ----- 70.0 " *To Ravine.*
 ----- 500.0 "
 " S.23°-46'E. -----265.0 "
 " S.12°-14'W. ----- 180.0 "
 " S.26°-07'W. ----- 400.0 " to point of terminating ,

which is a spike in the center of the macadam road. From which a
 power pole marked R.778 bears S.87°-05'E. 70.7 feet.

And S.87°-05'W. 60.0 feet a set stone marked R.x .

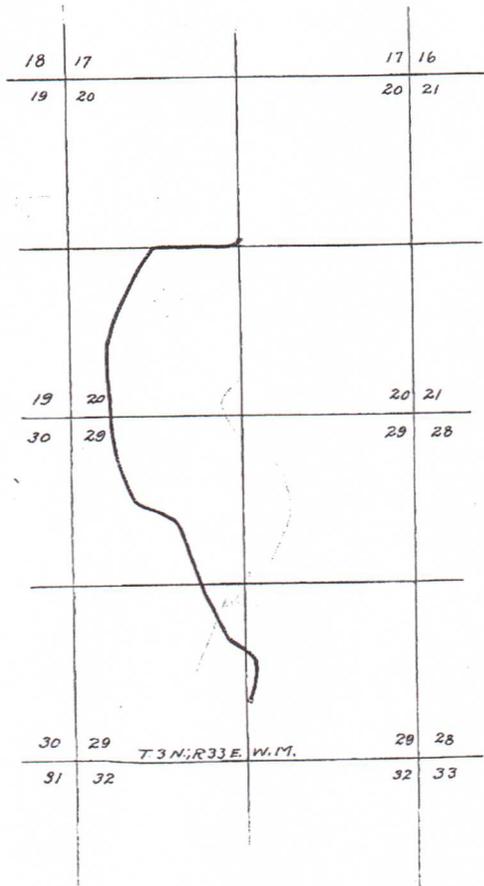
" " " 25.3 " a stone in a stone wall marked x,

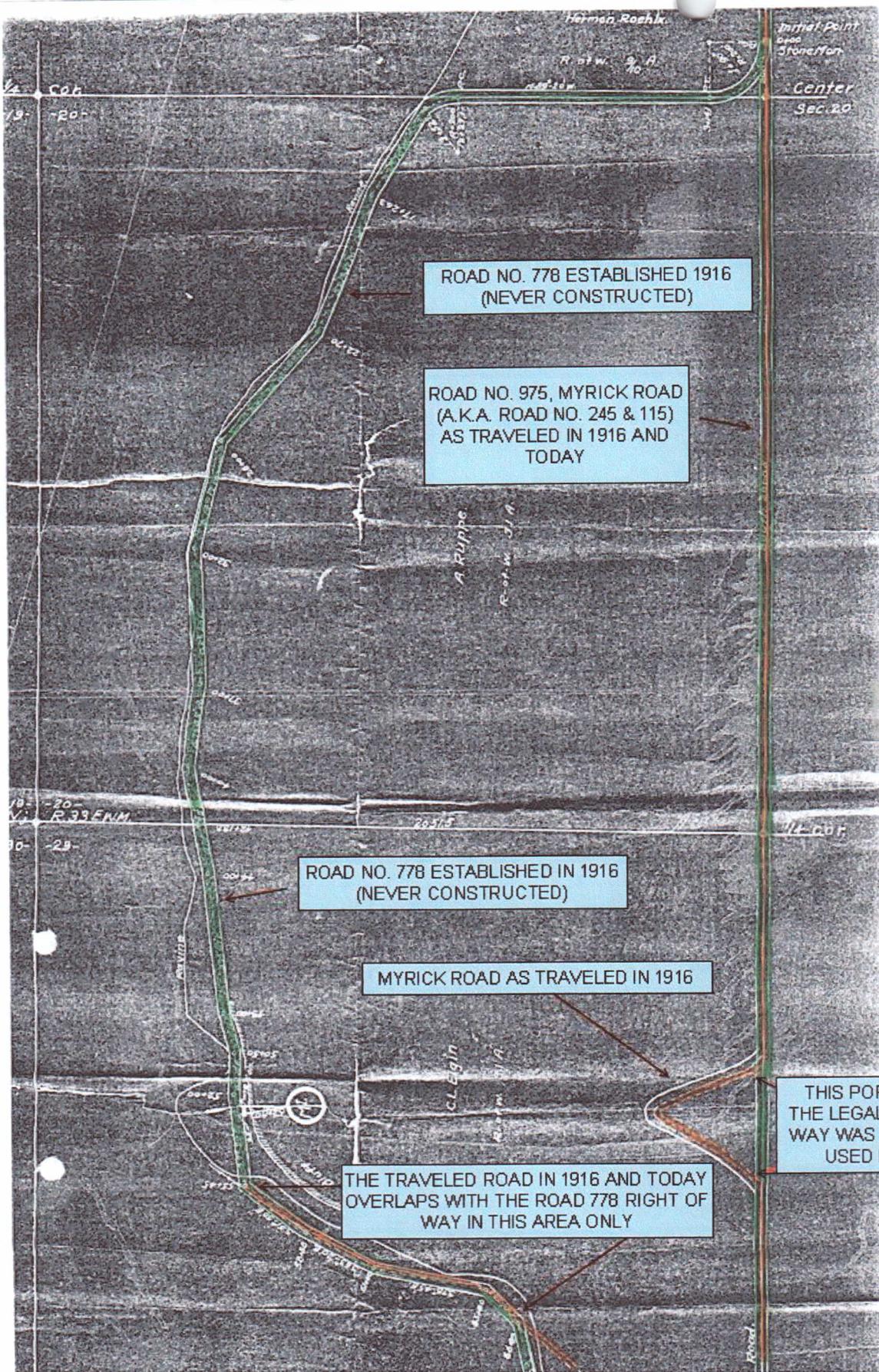
The point of terminating is N.5°-45'E. of ^{1/4} cor. common to Secs.
 29 & 32 , T.3 N.; R.33 E.W.M.

I hereby certify that the above is a true copy of the notes
 of the survey of Road No.778.

William Bradley
 County Surveyor.

Road No. 778.





ROAD NO. 778 ESTABLISHED 1916
(NEVER CONSTRUCTED)

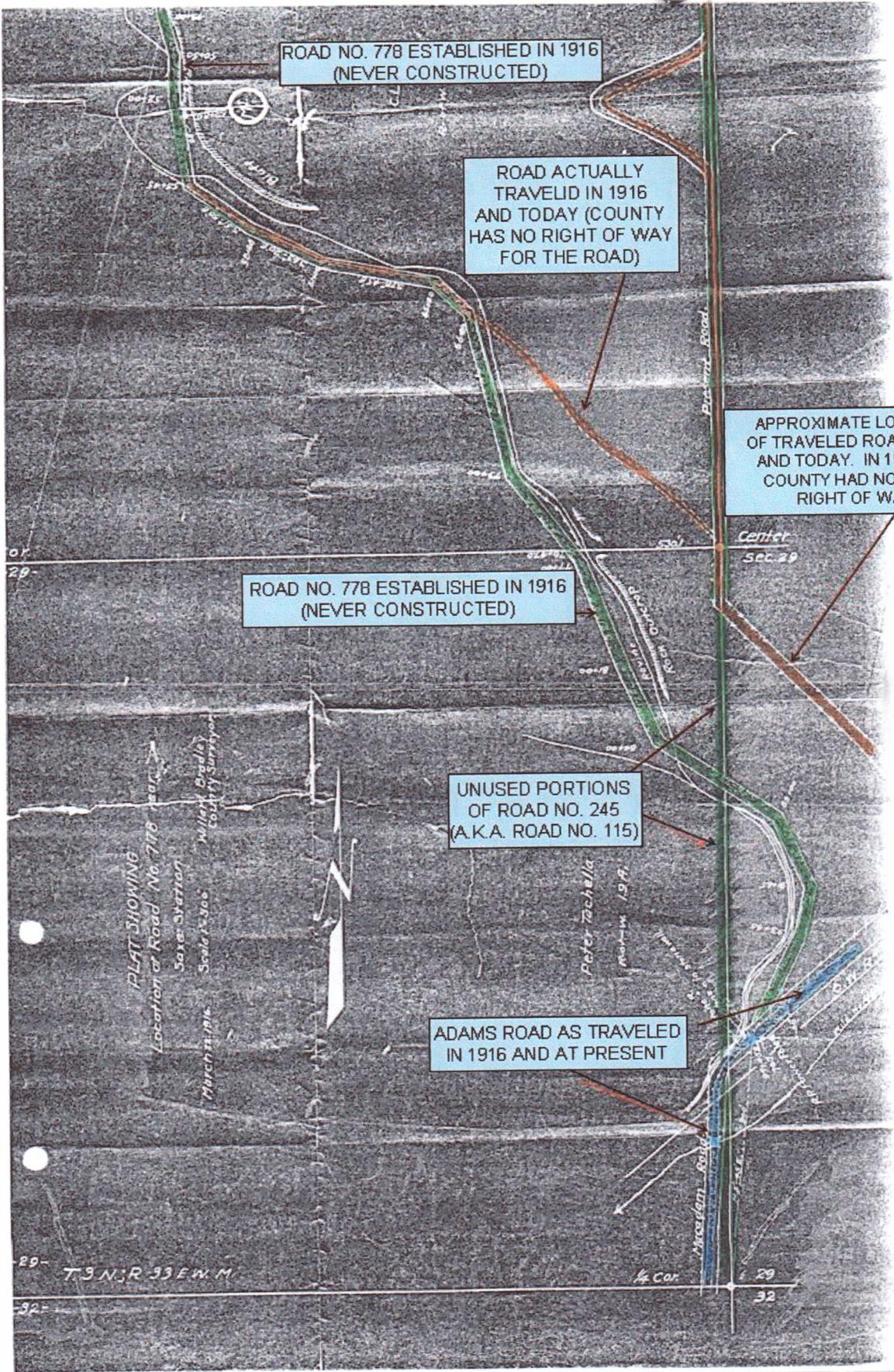
ROAD NO. 975, MYRICK ROAD
(A.K.A. ROAD NO. 245 & 115)
AS TRAVELED IN 1916 AND
TODAY

ROAD NO. 778 ESTABLISHED IN 1916
(NEVER CONSTRUCTED)

MYRICK ROAD AS TRAVELED IN 1916

THIS PORTION OF
THE LEGAL RIGHT OF
WAY WAS NOT BEING
USED IN 1916

THE TRAVELED ROAD IN 1916 AND TODAY
OVERLAPS WITH THE ROAD 778 RIGHT OF
WAY IN THIS AREA ONLY



ROAD NO. 778 ESTABLISHED IN 1916
(NEVER CONSTRUCTED)

ROAD ACTUALLY
TRAVELED IN 1916
AND TODAY (COUNTY
HAS NO RIGHT OF WAY
FOR THE ROAD)

APPROXIMATE LOCATION
OF TRAVELED ROAD IN 1916
AND TODAY. IN 1916 THE
COUNTY HAD NO LEGAL
RIGHT OF WAY.

ROAD NO. 778 ESTABLISHED IN 1916
(NEVER CONSTRUCTED)

UNUSED PORTIONS
OF ROAD NO. 245
(A.K.A. ROAD NO. 115)

ADAMS ROAD AS TRAVELED
IN 1916 AND AT PRESENT

PLAT SHOWING
Location of Road No. 716 sec.
Save Station
Scale 1/4" = 500' Willet D. Bradly
County Surveyor
March 1974

Peter Zschella
March 1974

29- T3 N; R 33 E; M

1/4 Cor

29

32-

**REPORT OF
BOARD OF COUNTY ROAD VIEWERS**

IN THE MATTER OF VIEWING, SURVEYING AND LAYING OUT
COUNTY ROAD NO. 778

TO THE HONORABLE COUNTY COURT OF THE STATE OF OREGON, FOR UMATILLA COUNTY.

WE, THE UNDERSIGNED Board of County Road Viewers, heretofore instructed to view, survey, and locate Road No. 778, submit the following report:

Pursuant to an order of the Honorable County Court, we met at the point of beginning
as called for in Order of County Court, on the 13th day of March, 1946.
We called to our aid
Henry Mills Chainman
L. C. Rothrock Chainman
H. J. Stockman Flagman
Marker

who were by the Surveyor each duly sworn. We viewd, surveyed, and located said Road No. 778, as specified in our order. We find said route is longer, more crooked, more sandy, and not as desirable as the route of the present road. We find that the amount of money expended on the present road, equal to that which it will cost to secure right of way and construct road No. 778, will make a more desirable road of the present County road.

By slight changes in the present road and no expenditure of money not to exceed the cost of Road No. 778, the present road will give the most desirable and practical route. We therefore recommend that Road No. 778 be not established as a County Highway.

Respectfully Submitted.

W. H. Stockman
L. C. Rothrock

Board of County
Road Viewers of
Umatilla County,
State of Oregon.

REPORT OF BOARD OF COUNTY ROAD VIEWERS

IN THE MATTER OF VIEWING, SURVEYING AND LAYING OUT
COUNTY ROAD NO. 77.8

TO THE HONORABLE COUNTY COURT OF THE STATE OF OREGON, FOR UMATILLA COUNTY.

WE, THE UNDERSIGNED Board of County Road Viewers, heretofore instructed to view, survey, and locate Road No. 77.8, submit the following report:

Pursuant to an order of the Honorable County Court, we met at the point of beginning as given in Order of County Court, on the 13 day of March, 1916,

We called to our aid

<u>Henry Mills</u>	Chainman
<u>L. C. Rottrock</u>	Chainman
<u>H. J. Stockman</u>	Flagman
	Marker

who were by the Surveyor each duly sworn. We viewd, surveyed, and located said Road No. 77.8, as specified in our order. We find said route practical, giving a grade

not to exceed at any point of 5%, and eliminates a steep hill on the present road with grades of 10% or 15%. The alignment is good, but longer than the present route, but I feel the additional length of line is justifiable, where the steep rock grades of present road is eliminated.

I would recommend that the following damages be allowed, to cover right of way and fencing,

<u>Herman Roehlke</u>	<u>90</u>
<u>H. Ruppe</u>	<u>500</u>
<u>C. L. Elgin</u>	<u>75</u>
<u>Pete Sachella</u>	<u>110</u>
<u>Total</u>	<u>\$775</u>

If the right of way for this road can be secured for the above amounts I recommend that said road No. 77.8, be adopted as a County Highway.

Respectfully Submitted,
Willard Bradley
County Surveyor.

Board of County
Road Viewers of
Umatilla County,
State of Oregon.

Court met on this day pursuant to adjournment, present the same officers as on the last day and 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:

Charles Marshall COUNTY JUDGE.
Wm Leathburn COUNTY COM.

In the Matter of Transferring
 Lots 5 and 6, of Block 1, of
 Kirk's Addition to Centerville,
 (Now Athena), to A. M. Deardorff.

It duly appearing that A. M. Deardorff is the present occupant of Lots 5 and 6, in Block 1 of Kirk's Addition to Centerville (now Athena) Umatilla County, Oregon, and that Umatilla County owns an interest therein by reason of sales for delinquent taxes for the years 1893, 1894 and 1895, for \$20.52, principal, and \$6.18 interest;

IT IS NOW ORDERED that Frank Saling, Clerk of said County and of this Court, do make a quit-claim deed for and in the name of the County, by himself as Clerk, under the Seal of this Court, conveying said two lots to said A. M. Deardorff, on payment of \$26.70, being principal and interest invested in said lots by said County.

In the Matter of County Road, No. 777,
 Petitioned for by Herman Beilke, et al.

No. 777

Now on this day this matter coming on regularly to be heard upon the report of the Board of County Road Viewers heretofore instructed to view, survey, stake and lay out said proposed road No. 777, petitioned for as follows: Commencing on the North line of the County Road at the Southwest corner of Section 30, Township One, North, Range 32 E. W. M. Thence running North along the township line to the South line of the County Road at the Northwest corner of Section 30 Township one North, Range 32, E. W. M. said road to be 40 feet wide, the same having been publicly read on two different days of the same term of Court. And the Board of County Road Viewers having recommended that said road be established and the plat and field notes being on file and there being no remonstrance on file against said road,

IT IS HEREBY ORDERED by the Court that said report of the County Road Viewers be approved and that the road supervisor through whose district said road runs be, and he is hereby ordered to open said road for public use on condition that the petitioners pay the cost of changing fence and for the cost of construction of said road.

In the Matter of County Road, No. 778,
 Petitioned for by Peter Tachella, et al.

Road No. 778

Now on this day this matter coming on regularly to be heard upon the report of the Board of County Road Viewers heretofore instructed to view, survey, stake and lay out said proposed road No. 778, petitioned for as follows: Commencing at a point which is 200.0 feet North of the center of Section 20, T. 3 N. R. 33 EWM and running thence by a curve to the southwest of 200.0 feet radius, 314.1 feet to a point on the East and West center line of said Section 20, thence West along the East and West center line 913.0 feet, thence by a curve to the left of 200 feet radius a distance of 125.6 feet, thence running in a southerly direction along the East side of the ravine to a point on the section line between sections 20 and 29, said township and range, 2051.5 feet West of the $\frac{1}{4}$ cor. common to sections 20 and 29, thence continuing down said ravine on the most practical route to a point in the present macadamized road said point being N. 5 degrees 45' E. 900.0 feet from the $\frac{1}{4}$ cor. common to Secs. 20 and 32, T. 3 N. R. 33 EWM and there terminating, said road to be 40 feet wide, the same having been publicly read on two different days of the same term of Court. And the Board of County Road viewers, to-wit: L. C. Rothrock and W. J. Stockman, recommending that said road be not established, and the County Surveyor Willard Bradley recommending that said road should be established, and the plat and field notes being on file and there being no remonstrance on file against said road,

IT IS HEREBY ORDERED by the Court that the report of Willard Bradley be approved, and that the road supervisor through whose district said road runs be, and he is hereby ordered to open said road to public use.

In The Matter of Oregon Road,

Known as the

Know all men by these presents, That C. L. Elgin and Metha M. Elgin
husband and wife

of the County of Umatilla

in the State of Oregon, in consideration of the benefits and other valuable considerations, and the sum of
One Dollar

paid to them the receipt whereof is hereby acknowledged

has granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto
the County of Umatilla, State of Oregon, the following described parcel of land, situate in Umatilla County, in
the State of Oregon, to-wit: A strip of land sixty feet wide, being thirty feet wide on each
side of the following described center line as surveyed across the Northwest Quarter of
Section 29, T. 3 N. R. 33 E. W.M.; Beginning at a point 348 feet west of the Quarter
Section corner common to Sections 20 and 29, thence South 19° 18' West, 0.0 feet, thence
on a 10 curve left, 177.9 feet, thence South 1° 31' West, 141.7 feet, thence on a 12
curve left, 225.0 feet, thence South 32° 41' East, 305.8 feet, thence on a 6 curve
right, 524.7 feet to a point on the section line, 1337 feet South of the Quarter Section
corner common to Sections 20 and 29. All in Township 3 North, Range 29 East, W.M.
Also; Beginning at a point 291 feet north of the Center of Section 29, thence South, 0.0
feet, thence on a 16 curve right, 189.3 feet, thence South 28° 51' West, 4.4 feet,
thence on a 12 curve left, 124.4 feet to a point on the Quarter Section line, 92 feet
West of the Center of Section 29, All in Township 3 North, Range 33 East, W.M.

The foregoing is charged with a trust during the lifetime
of Emma S. Elgin, mother of said grantor, C. L. Elgin, but such
trust does not impede this conveyance.

On here and to hold the same, unto the County of Umatilla, State of Oregon, for the purpose of a
public road forever.

In Witness Whereof, We have hereunto set our hands and seals
this 17th day of March, 1928.

Signed, sealed and delivered in presence of

[Signatures of witnesses]

C. L. Elgin (Seal)
Metha M. Elgin (Seal)

Book 120 Pg. 239

In The Matter of Oregon Road,

Known as the

Know all men by these presents. That Peter Tachella and Isjenia Tachella, his wife,

of the County of Umatilla

in the State of Oregon, in consideration of the benefits and other valuable considerations, and the sum of One Dollar

paid to them the receipt whereof is hereby acknowledged

have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the County of Umatilla, State of Oregon, the following described parcel of land, situate in Umatilla County, in the State of Oregon, to-wit: A strip of land sixty feet wide being thirty feet wide on each side of the following described center line as surveyed across the South Half of Section 29, T. 3 N. R. 33 E. W.M.: Beginning at a point 1158 feet South and 792 feet East of the Center of Section 29, thence North 49° 14' West, 219.3 feet, thence on a 10 curve left, 200.2 feet, thence North 69° 16' West, 75.5 feet, thence on a 16 curve right, 240.7 feet, thence North 30° 45' West, 43.1 feet, thence on a 16 curve left, 110.5 feet, thence North 48° 26' West, 13.1 feet, thence on a 10 curve right, 260.7 feet, thence North 22° 22' West, 97.2 feet, thence on a 16 curve right, 164.7 feet, thence North 3° 59' East, 58.2 feet, thence on a 12 curve right, 82.8 feet to a point on the Quarter Section line, 92 feet West of the Center of Section 29, all in Township 3 North, Range 33 East, W.M.

To have and to hold the same, unto the County of Umatilla, State of Oregon, for the purpose of a public road forever.

In Witness Whereof, We have hereunto set our hands and our seals this 7th day of March, 1928.

Peter Tachella (Seal)

Isjenia Tachella (Seal)

Signed, sealed and delivered in presence of

Ralph Tachella (Seal)

G. J. Elgin (Seal)

Book 120 Pg. 238

TO HAVE AND TO HOLD, the above described and granted premisses unto the said grantee, his heirs and assigns, forever.

IN WITNESS WHEREOF, We, the grantors above named, have hereunto set our hands and seals this 24th day of October, A. D. 1928.

Executed in the Presence of
R. T. Brown
Lucille Sullivan

I. M. SCHANNAP (SEAL)
County Judge
J. O. HALES (SEAL)
County Commissioner
County Commissioner

STATE OF OREGON }
COUNTY OF UMATILLA } ss

BE IT REMEMBERED, That on this 24th day of October, 1928, before me, the undersigned, County Clerk in and for said County and State, personally appeared the within named I. M. Schannep County Judge, and J. O. Hales, one of the County Commissioners of Umatilla County, State of Oregon, who are known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

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

R. T. BROWN, County Clerk of Umatilla County, Ore.

COUNTY COURT
UMATILLA COUNTY
STATE OF OREGON
THE UNION

C. E. Gibson
Recorder of Conveyances.

Filed for record October 27th, 1928 at 11:10 A. M.

A. RUPPE, ET UX }
TO } DEED
UMATILLA COUNTY, }

A. Ruppe and Edith A. Ruppe,
Grantors,
to
Umatilla County, Grantee.

THIS DEED, made by A. Ruppe and Edith A. Ruppe, his wife, Grantors, to Umatilla County, State of Oregon, WITNESSETH:

That said Grantors in consideration of the sum of Two Hundred Dollars (\$200.00) to them paid, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto said Grantee, its successors and assigns, all that real property situated in the County of Umatilla, State of Oregon, and described as follows, to-wit:

A strip of land in the Southwest quarter of Section 20, Township 3 North of Range 33 E. W. M., more particularly described as follows:

Beginning at a point 720.0 feet North and 20.0 feet West of the Quarter Section corner common to Sections 20 and 29, Township 3 North of Range 33 E. W. M., thence South 240.4 feet thence South 23° 20' West 0.00 feet; thence on a curve to the right of radius 603.0 feet a distance of 126.6 feet, thence South 35° 32' West 287.4 feet; thence on a curve to the left of radius 543.0 feet a distance of 143.3 feet; thence West 63.8 feet; thence North 18° 18' East 0.00 feet; thence on a curve to the right of radius 603.0 feet a distance of 181.4 feet; thence North 35° 32' West 287.4 feet; thence on a curve to the left of radius 543.0 feet a distance of 337.7 feet; thence East 10.0 feet to the place of beginning containing 0.93 acres more or less.

WITNESS our hands and seals this 17th day of October, 1928.

Executed in the presence of:
H. J. Laidlaw
Rose S. Moore

A. RUPPE (SEAL)
EDITH A. RUPPE (SEAL)

STATE OF OREGON }
COUNTY OF MULTNOMAH } ss

BE IT REMEMBERED, That on this 17th day of October, A. D. 1928, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within

named A. Ruppe and Edith A. Ruppe, husband and wife, who are known to me to be the identical persons described in and who executed the within instrument, and acknowledged to me that they acknowledged the same freely and voluntarily.
IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year last above written.

M. J. LAIDLAW
NOTARY PUBLIC
STATE OF OREGON

M. J. LAIDLAW, Notary Public for Oregon
My commission expires Feb. 26, 1932.

Filed for record October 27th, 1928 at 4:00 P. M.

C. E. Graham
Recorder of Conveyances.

WILLIAM JOHNSON ET UX }
TO } W A R R A N T Y D E E D .
L. I. JOHNSON }

THIS INDENTURE, Made this 31 day of Aug. A. D. 1928, between William Johnson & Emma J. Johnson, parties of the first part, and L. I. Johnson, party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Dollars, to us in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, convey and confirm unto the said party of the second part, his heirs and assigns forever, that certain real property situated and being in the County of Umatilla, State of Oregon, and described as follows, to-wit:

South one-half of the North one-half of section twenty-seven, Township five South, Range Thirty-one East of the Willamette Meridian:

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said party of the second part, his heirs and assigns forever. And the said William Johnson & Emma J. Johnson, parties of the first part, for he & her heirs, executors and administrators, does covenant with the said party of the second part, his heirs and assigns, that He & Her well seized in fee of the lands and premises aforesaid; and has good right to sell and convey the same in manner and form aforesaid; that the same are free from all incumbrances.

And the above bargained and granted lands and premises, in the quiet and peaceable possession of the said party of the second part, their heirs and assigns, against all persons lawfully claiming, or to claim, the whole or any part thereof, the said parties of the first part will warrant and forever defend.

IN TESTIMONY WHEREOF, The said parties of the first part has hereunto set their hand and seal the day and year first above written.

Executed in presence of:
W. G. McCluskey
A. R. Dahmen

His
WILLIAM X. JOHNSON (SEAL)
Mark
EMMA J. JOHNSON (SEAL)

STATE OF WASHINGTON }
COUNTY OF SPOKANE } ss

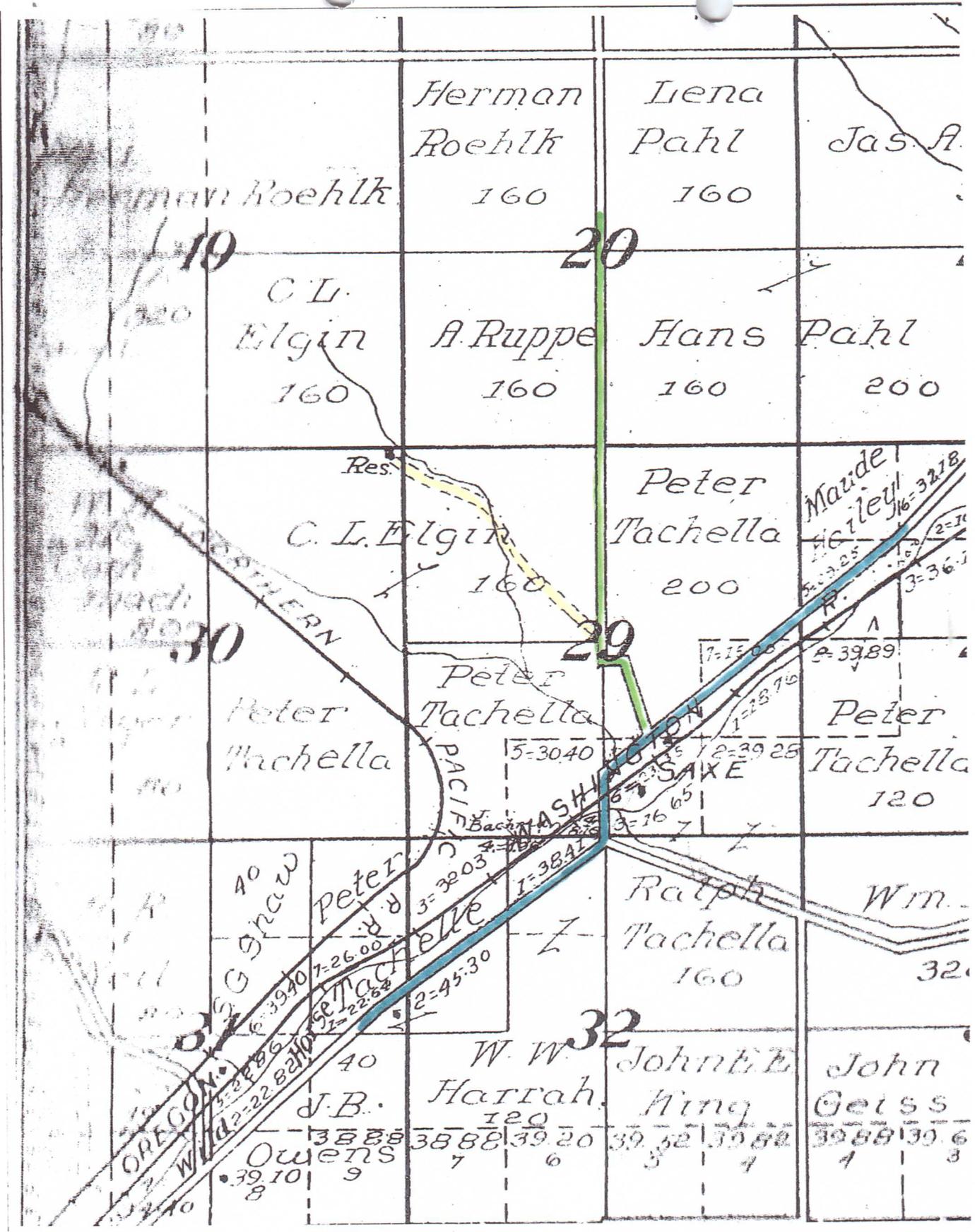
I, W. L. Jackson, a Notary Public in and for the State of Washington, do hereby certify that on this 31st day of August, A. D. 1928, personally appeared before me William Johnson and Emma J. Johnson, his wife, to me known to be the individuals described in, and who executed the within instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.
GIVEN under my hand and official seal this 31st day of August, A. D. 1928.

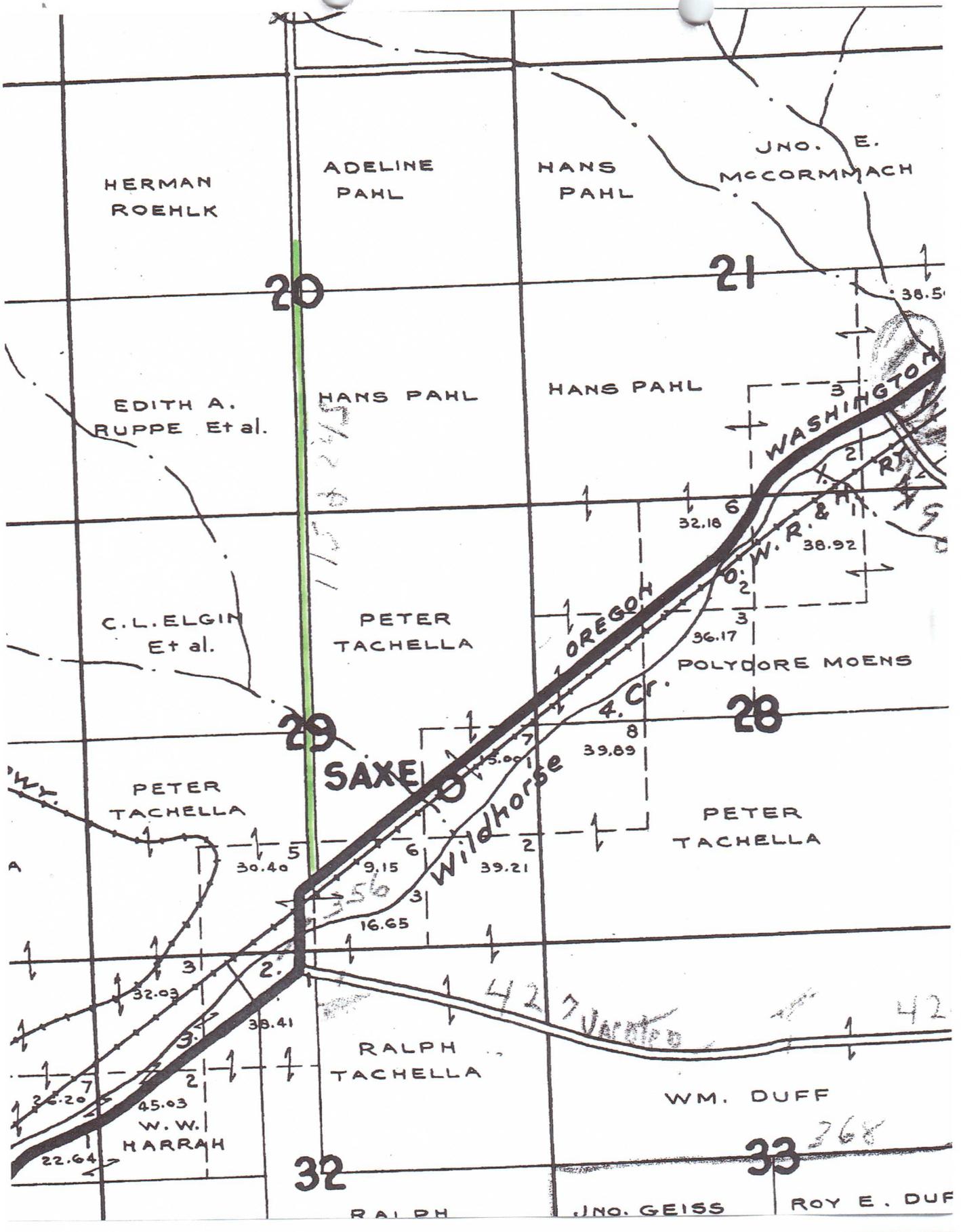
W. L. JACKSON, NOTARY PUBLIC
STATE OF WASHINGTON. COMMISSION EXPIRES MA- 5, 1930

W. L. JACKSON, Notary Public
Residing at Spokane, Wash.

Filed for record October 29th, 1928 at 11:00 A. M.

C. E. Graham
Recorder of Conveyances.





Issue

In July, 2010 a petition was submitted by Jason and Janelle Hill to vacate County Road No. 961, Elgin Road. The petition is on pages 26 through 28. Research of the road's right of way showed that most of the road that physically exists today does not lie within any legal right of way (see survey drawing for Road 778 and map of Sections 20 and 29 on the last page of this report). Research also showed that no portion of Road 778 or those portions of Road 245 (Road 145) no longer used because of the 1928 deeds were ever vacated. Although the petition for vacation from the Hills only deals with Elgin Road, the Public Works Department determined it would be a good time to vacate all of the unused right of ways.

Procedures

Because several different people own land that abuts the proposed vacations, a public hearing is necessary. Notice of the time and place of the hearing was posted in six places, and abutting property owners were served notice of the hearing by certified mail. Notice of the hearing was published in the East Oregonian. Notice of the hearing and a drawing of the proposed vacations were hand-delivered to Pacific Power and Light Company. Posting and service affidavits are on pages 29 through 31.

Impacts to Utilities and Landowners

Pacific Power has a service line that runs from Myrick Road along Elgin Road to the Hills' house. Most of the poles are outside of any legal county road right of way and any time they need to access their facilities they contact the Hills who let them in their locked gate (they were issued a gate permit in 2008; see pages 32 and 33). Vacation of any of these rights of way would have no adverse impacts to any landowners in the area as far as access is concerned, as none of them is currently being used. The only parcel that would be affected is Tax Lot 6380, owned by the Petitioners. If it was ever sold to another party, an easement across Tax Lot 6390 would need to be granted by the Hills to whomever they sold it to.

Recommendation

As of May 19, 2011, no negative comments have been received by the Public Works Department concerning the road vacations. Vacation of the roads would either add approximately 14 acres to the tax rolls or prevent 14 acres from being deducted from the tax rolls, thus benefitting the Public. For this reason, the Public Works Department recommends that the roads be vacated as described in the final order.

PETITION FOR VACATION

TO THE BOARD OF COUNTY COMMISSIONERS FOR UMATILLA COUNTY, OREGON, IN THE MATTER OF THE VACATION OF

I, Jason Hill, petition the Board of County Commissioners of Umatilla County, Oregon to vacate Elgin Road, more particularly described as follows:

see Attached

(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

(attached)

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	<u>ACCESS TO Farm house / Field Road</u>
CONDITION OF PROPERTY	<u>Good</u>
REASON FOR VACATION	<u>Security OF House and Farm Equipment</u>

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).

<u>Jason + Janelle Hill</u>	<u>PO Box 1594</u>
<u>44606 Fulton Road</u>	<u>Pendleton OR</u>
<u>Pendleton OR 97801</u>	<u>97801</u>
	<u>(541) 379-5010</u>

- To be included if all property owners petition.

Certification

On this 12th day of May, 2010, before me, the undersigned, Jason Hill, 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)



Laura D Grove
NOTARY PUBLIC FOR OREGON

My Commission Expires 05/23/13

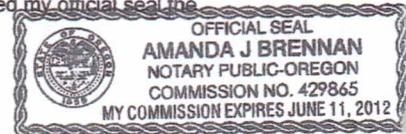
Laura D Grove

Certification

On this 12th day of July, 2010, before me, the undersigned, Janelle Hill, 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)



Amanda J Brennan
NOTARY PUBLIC FOR OREGON

My Commission Expires 6/11/12

Certification

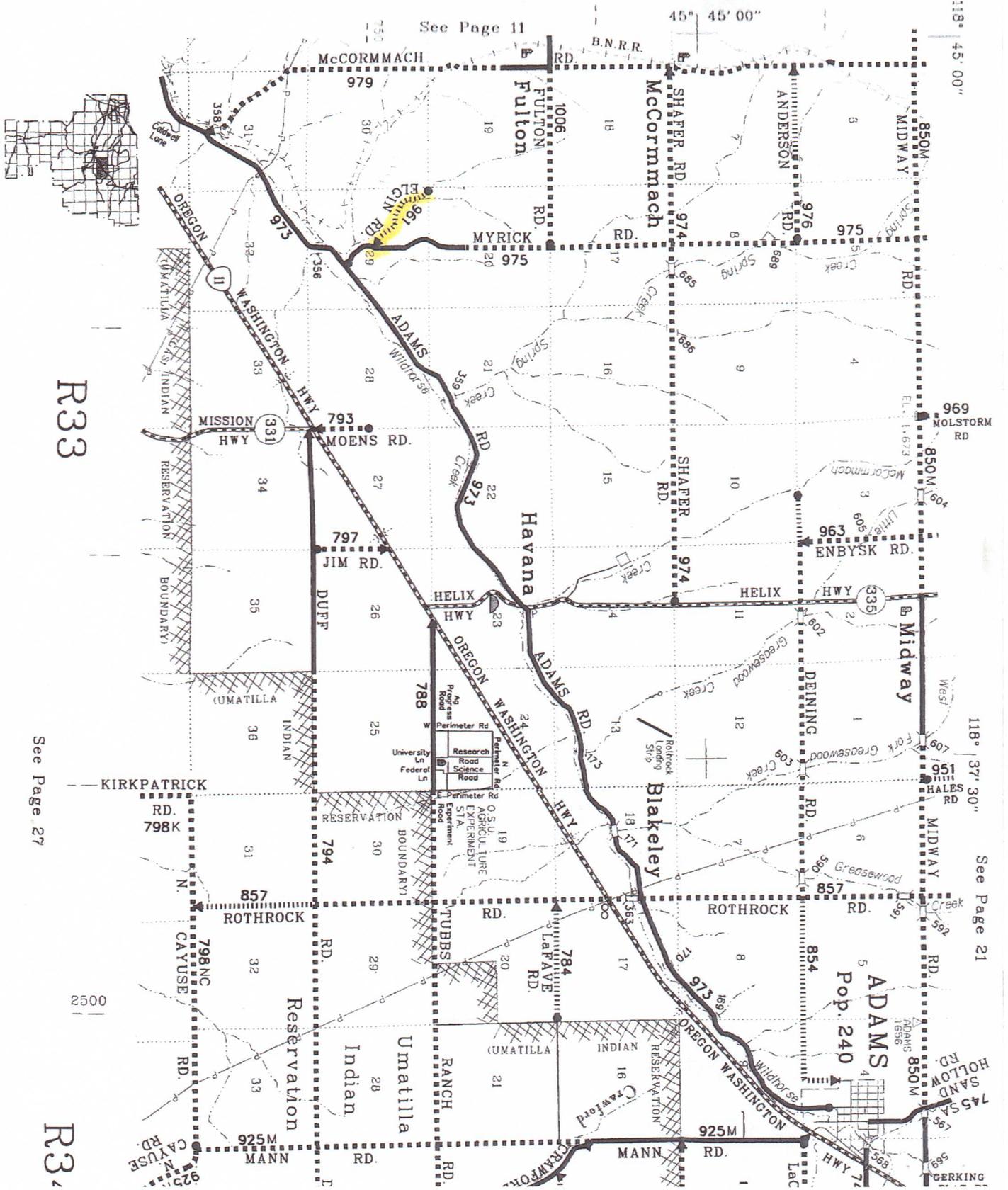
On this ___ day of ___, 19___, before me, the undersigned, _____, personally appeared, known to me to be the identical individual described in and who executed the same freely and voluntarily.

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 _____



R33

See Page 27

R32

See Page 11

118° 37' 30"

See Page 21

AFFIDAVIT OF POSTING

The undersigned certifies that on April 21, 2011, notice was posted of the public hearing on the proposed vacation of several unimproved county road rights of way located in Sections 20 and 29, Township 3 North, Range 33 E.W.M. at the following places:

- 1) A fence post on the east side of Myrick Road near the north end of the proposed vacations
- 2) A fence post on the west side of Myrick road near the north end of the proposed vacations
- 3) A fence post on the west side of Myrick Road near its intersection with Elgin Road
- 4) A fence post on the east side of Myrick Road near its intersection with Elgin Road
- 5) A fence post on the east side of Myrick road near its intersection with Adams Road
- 6) On the bulletin board at the Umatilla County Court House

The notice consisted of copies of the Notice of Public Hearing, posted in six places in a manner to facilitate reading by passersby.

Gary Roberts

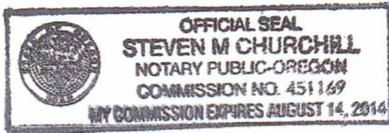
State of OREGON

County of Umatilla

This instrument was acknowledged before me on APRIL 27, 2011

by GARY ROBERTS

Steven Churchill
Notary Public – State of Oregon



AFFIDAVIT OF SERVICE

The undersigned certifies that on April 21, 2011, a notice was served of the proposed vacation of undeveloped county road rights of way located in Sections 20 and 29, Township 3 North, Range 33 E.W.M. to the persons on the attached list.

The notice consisted of copies of the Notice of Public Hearing and was served by certified mail on each person found to have recorded interests in real property abutting the proposed vacations.

Gary Roberts

State of OREGON

County of Umatilla

This instrument was acknowledged before me on APRIL 27, 2011

by GARY ROBERTS

Steven Churchill
Notary Public – State of Oregon



Elgin Road Property Owners

3N 33 6700 Lamar & Vicky Jones
P. O. Box 1068
Pendleton, Oregon 97801

3N 33 6400 Lamar & Vicky Jones

3N 33 6900 Lamar & Vicky Jones

3N 33 6901 Lamar & Vicky Jones

3N 33 6500 Robert & Tamara Pahl
1800 SW Runnion Drive
Pendleton, Oregon 97801

3N 33 6800 Lamar & Vicky Jones
P. O. Box 1068
Pendleton, Oregon 97801

Mary Ruppe
1140 N. Rio Mineral
Green Valley, Arizona 85614

Donna Winchester
1535 Bridget Court
Upland, California 91784

3N 33 6390 Jason & Janelle Hill
P. O. Box 1594
Pendleton, Oregon 97801

3N 33 6380 Jason & Janelle Hill

3N 33 9000 Ralph Tachela
P. O. Box 699
Pendleton, Oregon 97801

FILE COPY

RECEIVED

JUL 09 2008

UMATILLA COUNTY
RECORDS

COUNTY ROAD GATE PERMIT

AGREEMENT

THIS AGREEMENT, made and entered into the day last signed as indicated below, by and between Jason and Janelle Hill hereinafter referred to as **Owners**, and Umatilla County, a political subdivision of the State of Oregon, hereinafter referred to as **County**.

WITNESSETH:

WHEREAS, **Owners** desire to have installed as needed a gate(s) at the following location(s) adjoining or within the right-of-way of County Road Myrick and Elgin Road and numbered 75363 Elgin Road:
See attached diagram and drawing entitled _____ dated _____, consisting of _____ pages, which is incorporated herein.

WHEREAS, **County** desires to assist **Owners** in preventing unwanted trespass and protecting public safety, and

WHEREAS, ORS 368.056 allows the County governing body to issue permits for gate installations on public roads under the jurisdiction of the County:

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties hereto mutually agree as follows:

Owners agree to construct or have constructed, at no expense to the **County**, a gate or gates across the county road or roads at the location(s) specified above, and to maintain said gate(s) at no expense to the **County** in a condition satisfactory to the Umatilla County Director of Public Works. **Owners** further agree to insure and assume responsibility for any liability or potential liability associated with the use of said gate(s) by themselves, the public, or any other entity. **Owners** shall save and hold harmless the **County** from any claim of action arising out of any injury to person or damage to property that may occur as a result of the use of or operation of this gate. **Owners** further agree that should **Owners** fail for any reason to fulfill any duty or responsibility contained within this agreement to the total satisfaction of the Umatilla County Board of Commissioners, that **County** has the absolute right to maintain or remove said gate and to assess against and collect from **Owners** the cost of said maintenance or removal.

GATE PERMIT - Page 2

IN WITNESS WHEREOF, the parties have hereto set their hands this 9
day of July, 2008.

OWNERS

[Signature]

UMATILLA COUNTY ROAD DEPARTMENT

[Signature]
Hal Phillips, Public Works Director

[Signature]
Chairman
Umatilla County Board of Commissioners

ATTEST: OFFICE OF COUNTY RECORDS

[Signature]





PHOTO 1

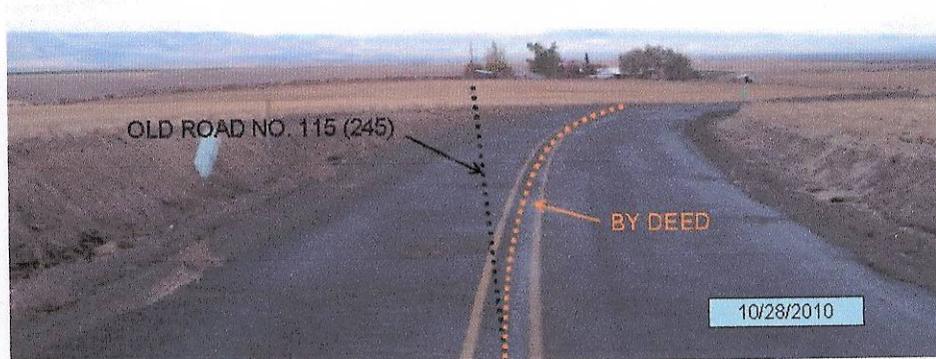


PHOTO 2

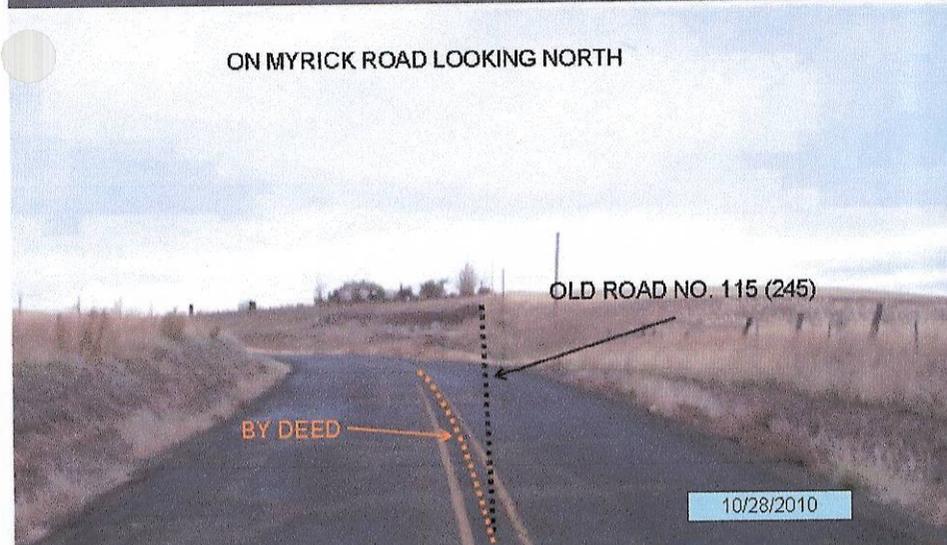


PHOTO 3

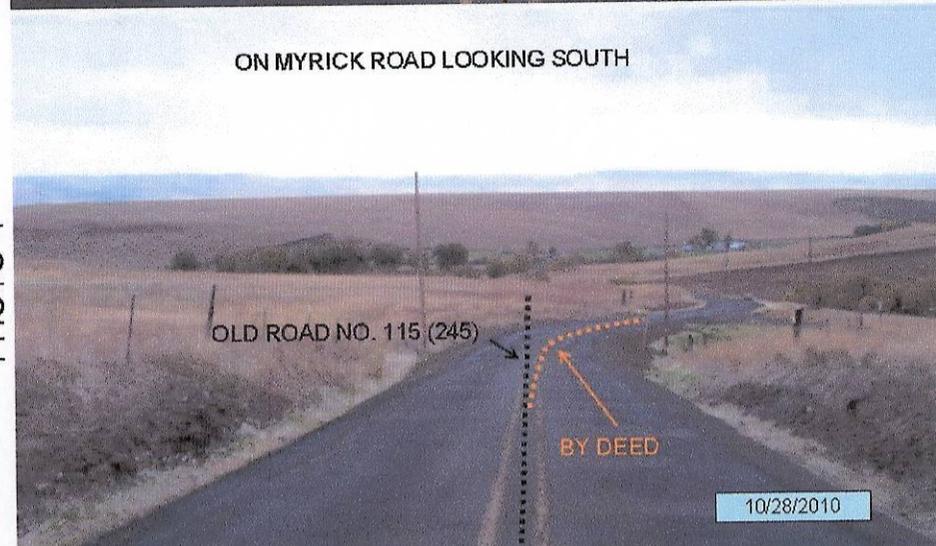


PHOTO 4



PHOTO 5

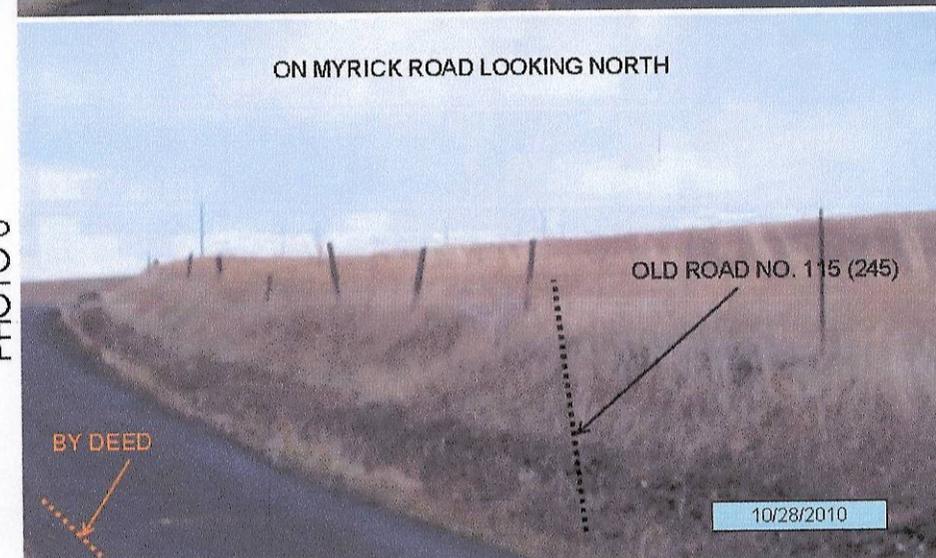


PHOTO 6

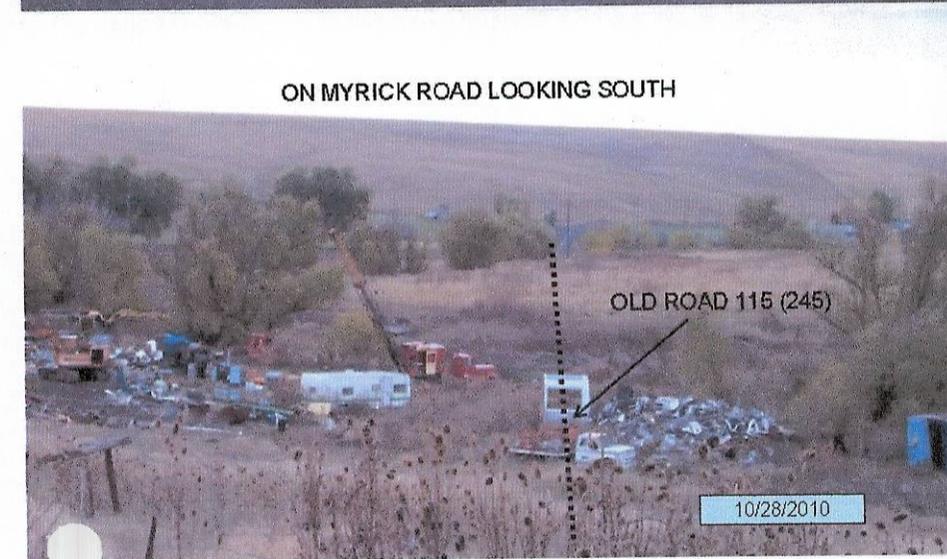


PHOTO 7

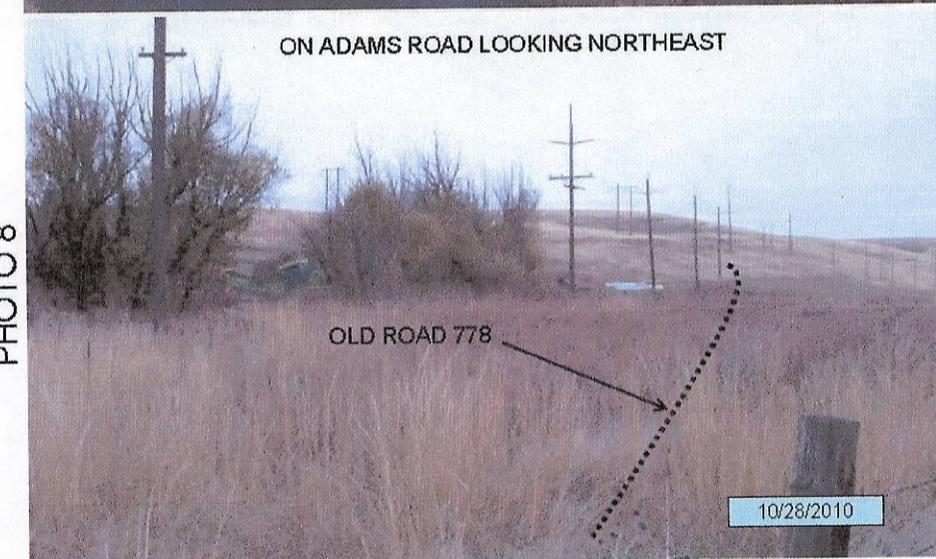


PHOTO 8

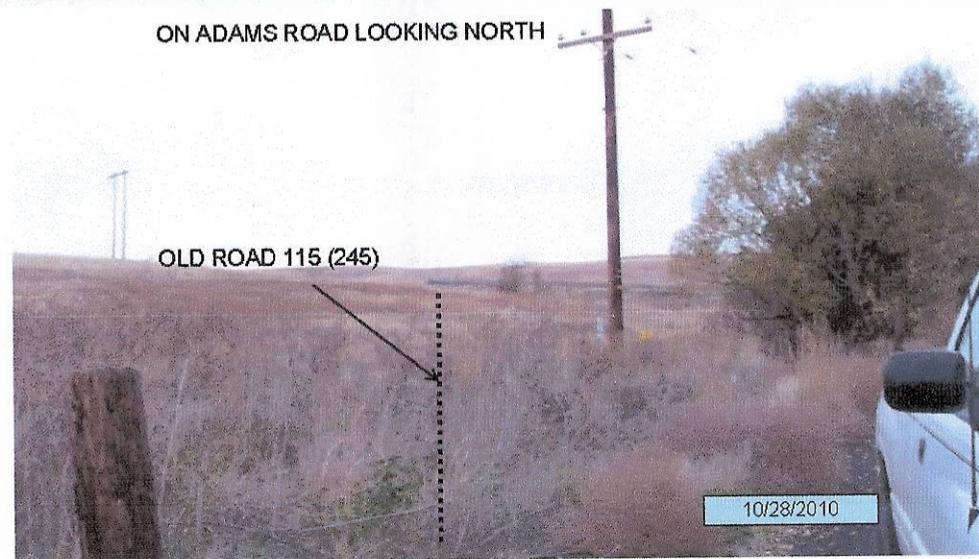


PHOTO 9

MAP OF SECTIONS 20 AND 29,
TOWNSHIP 3 NORTH, RANGE 33 E.W.M.
SHOWING RIGHTS-OF-WAY IN USE
AND UNVACATED RIGHTS-OF-WAY

LEGEND

-  UNVACATED 60-FOOT RIGHT-OF-WAY NOT IN USE
-  UNVACATED 60-FOOT RIGHT-OF-WAY IN USE
-  UNVACATED 40-FOOT RIGHT-OF-WAY NOT IN USE
-  UNVACATED 40-FOOT RIGHT-OF-WAY IN USE
-  ROAD IN USE - NO LEGAL PUBLIC RIGHT-OF-WAY

