



# Umatilla County Road Department

3920 Westgate • Pendleton, Oregon 97801 • 541-278-5424

Fax: 541-278-5427

Commissioners

Bill Hansell  
Larry Givens  
Dennis Doherty

Roadmaster

Hal Phillips

Assistant Roadmaster

Tom Fellows

March 18, 2010

To: Doug Olsen, County Counsel

From: Gary Roberts

RE: Old Vacated Right-of-Way West of Rieth

Ted and Robert Forth are in the process of doing some boundary adjustments and land partitions on their property west of Rieth in Section 15, Township 2 North, Range 31 E.W.M. and hired Steve Haddock as their surveyor. Upon doing research, he found that some of the deeds still show the old right-of-way that was deeded to the County in 1919 as an encumbrance. The right of way was vacated in 1929, but in the order no mention of how ownership of the vacated property would vest is mentioned. Going by today's statutes, the County would still own the property, though from our records that was clearly not the intent and it doesn't show up on assessor maps as a separate tax lot. Since the vacation has already taken place, could an amended order simply be recorded adding the language that ownership of the vacated property would vest in Ted and Robert Forth without going through another vacation process? They own all of the surrounding property and there is no actual road on the ground.

I've attached a copy of the deed (Book 120, Page 19), an assessor map (2N 31 A) showing the approximate location of the road and ownerships, a copy of a portion of the old plat book showing the old road being vacated, and a copy of the 1929 vacation order. Please let me know what you think. Thanks.



In Testimony Whereof, I have hereunto set my hand and affixed my official seal, this the day and year first in this, my certificate, written.

I. M. SCHANNAP  
NOTARY PUBLIC  
STATE OF OREGON

I. M. Schannep  
Notary Public for Oregon  
My Commission expires Sept. 29, 1924.

Filed for record, September 23rd, 1922, at 1:43 P.M.

*B. S. Burroughs*  
Recorder of Conveyances.

GRANTORS, James H. Sturgis and Cecile Sturgis, his wife, of Pendleton, Oregon, in consideration of One (1) Dollar, to them in hand paid by Oregon-Washington Railroad & Navigation Company, have Bargained and Sold and by these presents do Grant, Bargain, Sell and Convey to Umatilla County, State of Oregon, the following described real property, in Southeast quarter of Northwest quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) and Northeast quarter of Southwest quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section Fifteen (15), Township 2 North, Range Thirty-one (31) East, W.M., in Umatilla County, State of Oregon, particularly described as follows:

A strip of land forty (40) feet wide, being twenty (20) feet on each side of and parallel with the following described center line: Beginning at a point on the south line of County Road No 248, designated as "County Road between Despain Gulch and Barnhart" which said point is twenty (20) feet easterly from the westerly terminus thereof, said point being N 75° 01' E, twenty-three hundred eighty-eight and five tenths (2308.5) feet from the west quarter corner of said section; thence, S 4° 51' W, seven hundred seventy (770) feet to a point in the northerly line of the right of way of Oregon-Washington Railroad & Navigation Company's railroad as relocated, said point being one hundred fifty (150) feet distant, measured northerly at right angles from the center line of the main track of said railroad as the same is constructed and operated over and across said subdivision.

TO HAVE AND TO HOLD the above described and granted premises unto said Umatilla County its successors and assigns, for the purpose of a county road, forever. And the said Grantors, for themselves and for their executors, administrators, heirs and assigns, that they are lawfully seized in fee simple of the above granted premises; that the same are free from all incumbrances, and that they will, and their heirs, executors, administrators and assigns shall Warrant and Forever Defend the same, and every part thereof, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, said Grantors have hereunto set their hands, this 13th day of August, 1919.

WITNESSES:  
J S Johns  
Ellsworth Benham

James H. Sturgis  
Cecile Sturgis

(Seal)  
(Seal)

STATE OF OREGON )  
COUNTY OF UMATILLA ) SS.

BE IT REMEMBERED, That on this, 13th day of August, 1919, before me, the undersigned, a Notary Public in and for said county and state, personally appeared the within named James H Sturgis and Cecile Sturgis, his 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 executed the same freely and voluntarily.

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

ELLSWORTH BENHAM  
NOTARY PUBLIC  
STATE OF OREGON

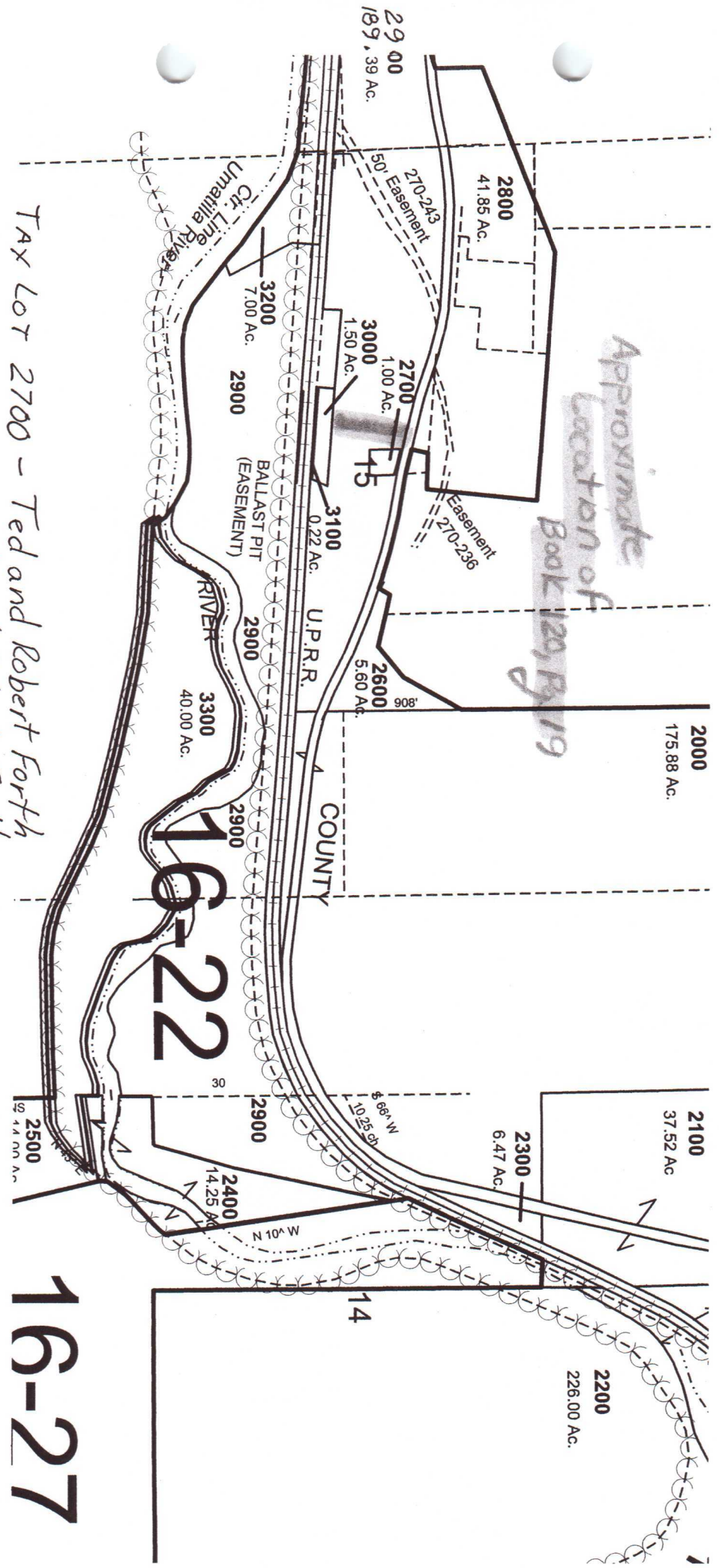
Ellsworth Benham  
Notary Public for Oregon  
My Commission expires 20 Jan'y, 1920.

Filed for record, September 23rd, 1922, at 1:44 P.M.

*B. S. Burroughs*  
Recorder of Conveyances.



TAX LOT 2700 - Ted and Robert Forth  
 TAX LOT 2900 - Ted and Robert Forth  
 TAX LOT 3000 - MRT Exploration Co.  
 TAX LOT 3100 - Oregon-Washington RR + Navigation Co.  
 TAX LOT 2800 - Barnhart Rock L.L.C.



16-22

16-27

Approximate  
 location of  
 Book 120, Pg 19

4

Sec. 3

Sec. 2

9

Sec. 10

Sec. 11

Approximate  
Current Location  
of Barnhart Road  
←

vacated  
Nov. 17, 1929

R. 570

R. 799 + R. 6

vacated

R. 6

R. 799 + 6

R. 2289

Conceded Sep 23, 1922

Sec. 15

vacated  
11/14/29

Sec. 14

16

N. Railroad

BARNHART  
RIVER

c. 21

Sec. 22

Sec. 23



IN THE COUNTY COURT OF THE STATE OF OREGON FOR UMATILLA COUNTY.

In the Matter of the Petition :  
of Ralph Perry et al, for the :  
vacating of a county Road in : ORDER VACATING SAID ROAD.  
Sec. 10 Tp. 2 North, Range 31 :  
East W. M., :

NOW ON THIS DAY this matter coming on to be heard, this being the time and term for the final decision of the Court upon said matter.

It appearing that due and lawful advertisement of the final hearing herein has been given by the posting of three certified copies of order in three public places and in the vicinity of said road which is proposed to be vacated and also by the posting of a certified copy of the order of the Court, on the bulletin board at the West door of the County Court/<sup>House</sup>in Pendleton, Oregon, being the place of holding the County Court, and for at least thirty days before the date set by the Court for the hearing and

It appearing that due proof of the posting of said order or notices is on file herein and that such affidavit is now before the Court, and

The Court finds that there is a remonstrance to said petition on file herein signed by E. C. McCook et al and the Court being fully advised in the premises finds there are no objections to the vacating of said road beginning at center of Sec. 10 instead of center of Sec. 3 Tp 2 N. R. 31.

And it appearing that said road as hereinafter described is not useful as a part of the general/<sup>road</sup>system of Umatilla County, Oregon, and it appearing that the public will be benefitted by such vacating and that such road will not in the future be useful as a part of the general road system and is not of sufficient public benefit to warrant the same being maintained by the County.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that said

road be vacated as follows:

Beginning at center of Section 10 Township 2 North Range 31 EWM and thence continuing and following the road as it at present meanders in a southerly direction to its termination at a point on the northerly boundary line of the Columbia River Highway, said terminus being in Section 15, in said township and range.

Also commencing at a point on the Southerly boundary line of the Columbia River Highway, 200 yards west of the center of said Section 15, said Tp. and Range, and running thence in a southerly direction to its termination at the Railroad right of way of the O.W.R. & N. Co., at Barnhart Station.

is useless, dangerous and burdensome to maintain, is of no value to individuals or to the general public and is useless as a part of the road system of Umatilla County, and that the public will be benefitted by its vacation and the same is hereby vacated.

DATED this 14th day of November, 1929.

*A. Schaner*  
County Judge.

*J. O'Hale*  
County Commissioner

*R. E. T. P.*  
County Commissioner.