

JURISDICTION TRANSFER REPORT

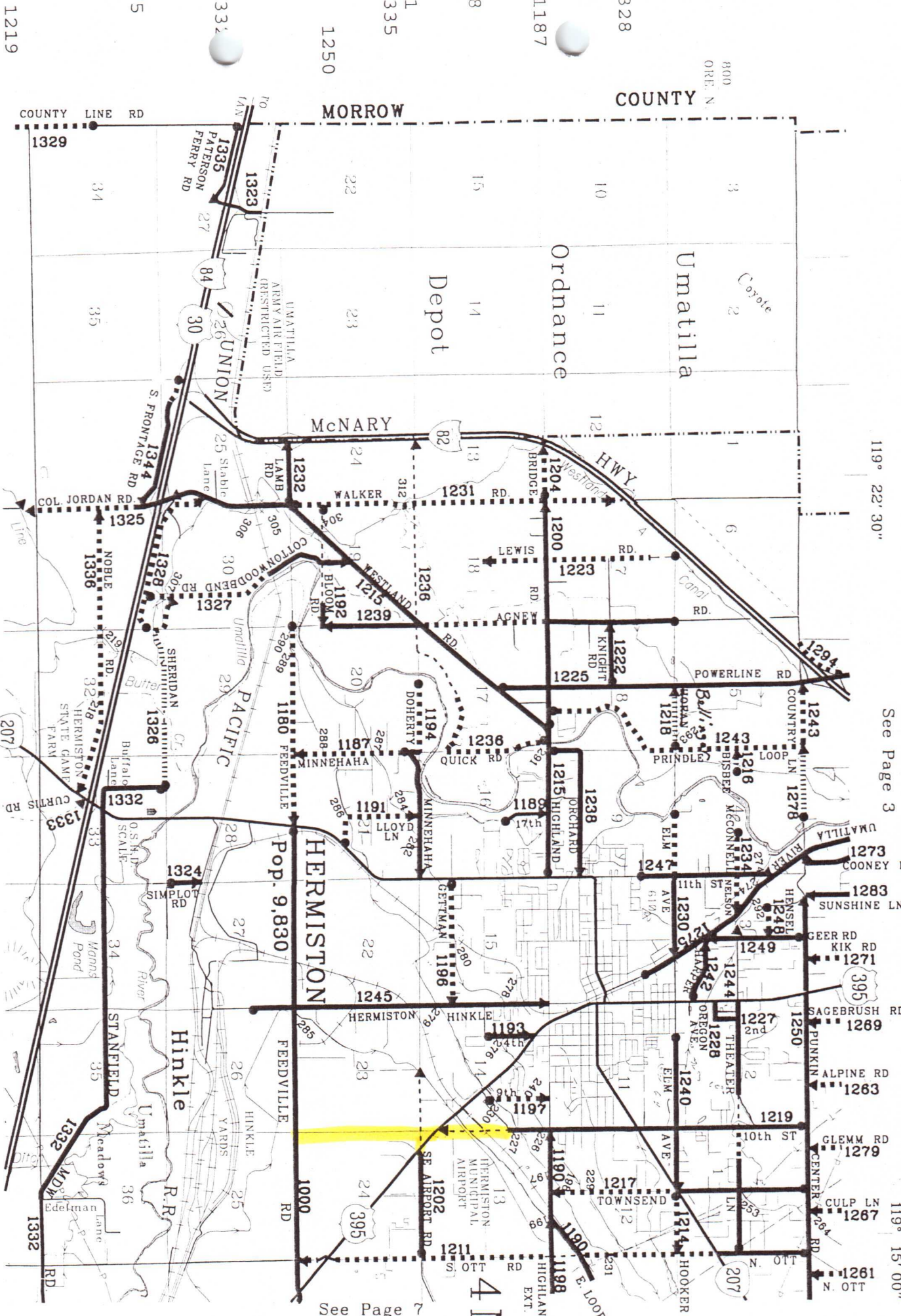
**County Road No. 1202, S. E. Airport
Road, Lying between U. S. Highway 395 and
County Road No. 1219 (S.E. 10th Street);
County Road No. 1219, S. E. 10th Street,
Lying between Feedville Road and S. E.
Columbia Drive.**

February, 1997

Umatilla Co. Dept. of Public Works

Table of Contents

Vicinity Map.....	1
Report.....	2-3
B.O.C. Minutes.....	4
Deed.....	5
City of Hermiston Correspondence.....	6
City of Hermiston Resolutions.....	7
Procedure Chart.....	8



R27

R28

See Page 9

See Page 7

119° 22' 30"

See Page 3

119° 15' 00"

1219

5

332

1250

335

1

1187

328

800
ORE. N.

COUNTY

COUNTY LINE RD

MORROW

1329

34

35

1335
PATERSON
FERRY RD

1323

27

84

30

25

Stable Lane

1344

S. FRONTAGE RD

1325

NOBLE

1336

302

1328

302

1326

32

218

1332

33

1333

33

1332

34

1332

36

1332

RD

UMATILLA
ARMY AIRFIELD
(RESTRICTED USE)

McNARY

82

1232

LAMB RD

305

306

1192

1192

1187

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1202

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RD

Ordinance

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Umatilla

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Westford

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Canal

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Powerline

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Umatilla River

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RD

11th St

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History - County Road No. 1219 - 10th Street

In 1989, at the request of the City of Hermiston, that portion of 10th Street from Feedville Road to Highway 395, an unimproved county road, was deeded from the County to the City of Hermiston. However, neither the City or County have any records that a public hearing was held, as required by ORS 373.270. A copy of the Board of Commissioners Meeting minutes and the deed are attached.

In 1995 a petition to vacate that portion of 10th Street from Highway 395 to Airport Way was circulated to area property owners, although it never made it to the Road Department. The City wrote the Road Department a letter expressing several concerns regarding the vacation. A copy of that letter is also attached to this report. The concerns included maintaining easements for City utilities and not landlocking any of the parcels by vacating the road.

History - County Road No. 1202 - Southeast Airport Road

In 1994, a portion of County Road No. 1202 was vacated near its intersection with the west side of Highway 395 when it became apparent that a building was on the original right-of-way. In return, a small parcel of land was dedicated to the County adjacent to the vacated portion to allow legal access to Highway 395. All of that portion of County Road No. 1202 west of Highway 395 is an unimproved right-of-way.

Summary

The City of Hermiston adopted two resolutions (#1437 and #1438) dated December 9, 1996, requesting transfer of jurisdiction of that portion of Southeast Airport Road from Highway 395 to 10th Street and those portions of 10th Street from Feedville Road to Highway 395 and from Highway 395 to Southeast Columbia Drive. The roads are unimproved and are either within the Hermiston City Limits or within their urban growth boundary. Because of the aforementioned concerns and development plans in the area, the City deemed it in the best interest of all parties to acquire jurisdiction of the roads.

Statutes

ORS 373.270 governs the transfer of county roads to city jurisdiction. All notice requirements under this section have been met and all area property owners have been sent copies of the notice of hearing. Pursuant to ORS 373.270(6)(b), a county can surrender jurisdiction with no further action by the city if the city requests the transfer and the county adopts an order transferring the road.

Recommendation

The Public Works Department recommends that the jurisdiction of the roads described in this report be transferred to the City of Hermiston unless any testimony in this hearing shows it not to be in the public interest.

Att: Aaron Henson

FILE COPY
Co Ro 604

Norpac Road Transfer
November 13, 1989

Meeting called to order at 10:10 AM. Present are Commissioners Youngman and Hansell; Bill Petersen from the City of Hermiston is also here, as well as county counsel, Jacki Haggerty-Foster.

Mr. Petersen explained the City of Hermiston annexed the area around the road back in 1976. With Hermiston Foods, Incorporated, beginning proceedings necessitating opening the road.

Neither Commissioner Hansell or Youngman had problems with the transfer of this road.

Jacki noted she would need an exact specific legal description for deed purposes.

Even tho Mr. Petersen would like to open the road from 395, he stated it is not within the corporate boundaries and may not be possible to do so.

Jacki noted once the Board takes action, she and Mr. Petersen can work out the details. The Statutes requires the Commissioners Journal Entry page number on the deed. If Bill doesn't mind waiting for the recorded document with the page number....

Bill has no problems with waiting.

Commissioner Hansell closes the hearing at this time. Commissioner Youngman motioned to transfer to the City of Hermiston County Road 604 from Feedville Road to Highway 395.

Commissioner Hansell inquired if the motion could reflect that portion which lies within the urban growth boundary.

Commissioner Youngman clarified his motion to include that area lying within the UGB. Commissioner Hansell seconded that motion and instructed county counsel work with the City of Hermiston on the details. If, for some reason the area within the UGB cannot be included, the Board may have to come and rework their decision. Two in favor, none opposed; motion carried.

Meeting adjourned 10:15 AM.

Copy to Road Dept

CANNE HUGHES

Umatilla County, Oregon, a political subdivision of the State of Oregon, conveys to the City of Hermiston, Umatilla County, Oregon, the following described real property:

A parcel of land being the West 33 feet of Section 24 and the East 33 feet of Section 23, Township 4 North, Range 28 East, W.M. and being more particularly described as follows:

Beginning at the Northwest corner of said Section 24, said corner being a 2 1/2 inch Brass Cap, thence North 90 degrees 00'00" East a distance of 33.00 feet; thence South 00 degrees 12'35" West, and along the West line of Hermiston Port - Unit One Addition, a distance of 2635.90 feet to a point on the South line of Penney Avenue in said Addition; thence South 00 degrees 09'56" West a distance of 2612.39 feet to a point on the North right-of-way line of Feedville Road; thence North 89 degrees 48'14" West, along said North right-of-way line, a distance of 66.00 feet; thence North 00 degrees 09'56" East a distance of 2612.59 feet; thence North 00 degrees 12'53" East a distance of 2635.48 feet to a point on the North line of said Section 23; thence North 90 degrees 00'00" East a distance of 33.00 feet to the point of beginning.

All being in the County of Umatilla, Oregon.
Area being 7.95 acres.

Subject to:

The obligation of the City of Hermiston to use the property for public purposes. If the property ceases to be used for public purposes, title shall revert to the grantor.

The true consideration for this conveyance is grantee's obligation to use the parcel for public purposes.

Deed, Norpac Road

Page 2

This deed is executed pursuant to Order of the Board of County Commissioners of Umatilla County approved January 22, 1990, and dated January 22, 1990, recorded at Page _____ of the microfilm Commissioners' Journal for January, 1990.

Recorded on R188 at Page 1047, Umatilla County Deed Records

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Until a change is requested, all tax statements are to be sent to:

City of Hermiston
180 N.E. Second
Hermiston, Oregon 97838

DATED this 22nd day of January, 1990.

ATTEST

Dean Fouquette, Sr.
County Clerk

UMATILLA COUNTY BOARD OF COMMISSIONERS

William S. Hansell
WILLIAM S. HANSELL, CHAIR

Glenn Youngman
GLENN YOUNGMAN

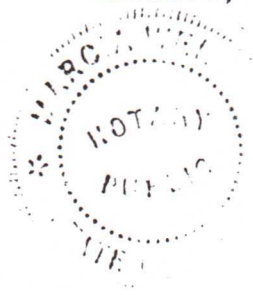
Jeanne Hughes
JEANNE HUGHES

State of Oregon) ss
County of Umatilla)

The foregoing instrument was acknowledged before me this 22nd day of January, 1990, by Jeanne Hughes, Glenn Youngman, and Bill Hansell, as Commissioners for Umatilla County, Oregon.

William S. Hansell
Notary Public for Oregon

My Commission expires 5/11/92



city
of
hermiston

180 N.E. 2ND STREET/HERMISTON. OREGON/97838/FAX (503) 567-5530

Nov. 30, 1995

Hal Phillips, Director
Umatilla County Public Works Dept.
3920 Westgate
Pendleton, OR 97801

RECEIVED

DEC 1 1995
Umatilla County
Road Dept.

Re: Vacation of County Road #1219 between Airport Way and Highway 395 South

Dear Hal:

The City of Hermiston, as an abutting land owner, was recently presented with a petition for vacation of a portion of County Road #1219 near the Hermiston municipal airport. The segment in question is not an improved roadway, but there are City utilities (water and sewer lines) in the right of way. The City would like to make your department aware of two concerns which relate to the petition.

First, the City must have an easement of sufficient width to accommodate the maintenance of City water and sanitary sewer utility lines along the westerly side of the right of way proposed to be vacated. This does not pose a problem where the utility lines pass through City property, as the City can dedicate the necessary easement. Furthermore, in the event of vacation, the only private landowner to whom ownership of the westerly side of the right of way would revert back has already signed a written agreement with the City to convey an easement for utilities.

Second, none of the surrounding parcels should be "landlocked" as a result of the vacation. ODOT records show that Barry Carter and Stella Thompson share a joint access to Highway 395 South at engineering station 380+68.24. Care should be taken to see that these neighbors come up with a workable agreement for sharing the eventual costs and responsibility of building and maintaining a future private approach road to serve as their joint access to the highway. It may also be necessary to have Stella Thompson record a covenant not to sell any of her parcels separately to prevent them from becoming landlocked by transfer of ownership.

Absent these two concerns, the City has no objections to the proposed vacation of County Road #1219 between Airport Way and Highway 395 South. Any questions relating to the proposed vacation may be addressed to Planning & Administrative Assistant Aaron Henson at (541) 567-5521. Thank you for keeping the City informed about the progress of this petition.

Sincerely,



Edward Brookshier
City Manager

RESOLUTION NO. 1437

WHEREAS, the Hermiston City Council deems it necessary, expedient, and in the best interests of the City of Hermiston to acquire jurisdiction over S.E. 10th Street between S.E. Columbia Drive and Feedville Road to the same extent as it has over other public streets and alleys of the City,


NOW, THEREFORE, the Hermiston City Council does hereby request the Umatilla County Board of Commissioners to initiate a proceeding to transfer jurisdiction over S.E. 10th Street between S.E. Columbia Drive and Feedville Road from Umatilla County to the City of Hermiston in accord with ORS 373.270.

PASSED by the Common Council this 9th day of December, 1996.

APPROVED by the Mayor this 9th day of December, 1996.


MAYOR

ATTEST:


CITY RECORDER

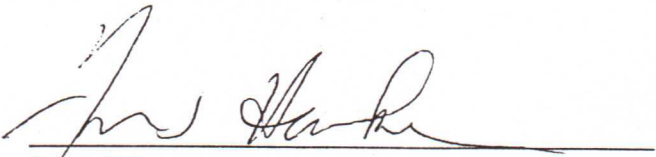
RESOLUTION NO. 1438

WHEREAS, the Hermiston City Council deems it necessary, expedient, and in the best interests of the City of Hermiston to acquire jurisdiction over E. Airport Road between Highway 395 South and S.E. 10th Street to the same extent as it has over other public streets and alleys of the City,


NOW, THEREFORE, the Hermiston City Council does hereby request the Umatilla County Board of Commissioners to initiate a proceeding to transfer jurisdiction over E. Airport Road between Highway 395 South and S.E. 10th Street from Umatilla County to the City of Hermiston in accord with ORS 373.270.

PASSED by the Common Council this 9th day of December, 1996.

APPROVED by the Mayor this 9th day of December, 1996.


MAYOR

ATTEST:


CITY RECORDER

**JURISDICTION TRANSFER
COUNTY TO CITY
INITIATED BY CITY**



**RESOLUTION BY CITY REQUESTING TRANSFER
OF COUNTY ROAD ?
DATE : 12/9/96**

**NOTICE OF PUBLIC
HEARING POSTED
DATE : 1/24/97**

**NOTICE OF PUBLIC
HEARING PUBLISHED
DATE : 1ST: 1/30/97
2ND: 2/6/97
3RD: 2/13/97
4TH: 2/20/97**

**PUBLIC HEARING
DATE: 2/25/97**

**ORDER SIGNED BY
COMMISSIONERS
DATE : ?**

**COPY OF ORDER SENT
TO CITY
DATE : ?**

**COPY OF ORDER SENT TO
ASSESSOR'S
DATE : ?**