

**EAST 2ND STREET
ROAD VACATION
REPORT**

CHARLIE KIK, PETITIONER

**UMATILLA COUNTY
DEPT. OF PUBLIC
WORKS**

APRIL 5, 1999

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EAST 2ND STREET (CHARLES TRACTS) ROAD VACATION REPORT

HISTORY

East Second Street is a platted street in the Charles Tracts Subdivision north of Hermiston. It lies approximately 200 feet east of and roughly parallel to U. S. Highway 395. A petition was received from Charlie Kik to vacate that portion of the street lying between Kik Street (now vacated) and Robnett Street. Several other streets and portions of streets in the Charles Tracts Subdivision have already been vacated, probably due to the fact that the property has become more widely used for industrial and commercial purposes than residential, as is stated in the Planning Commission minutes, which are attached.

CURRENT USES

The northerly portion of the street is undulating ground covered with sagebrush and cheatgrass. A travelable road has never been built. The southerly portion lies in a fenced storage area owned by the Petitioner and leased by Production Hydraulics.

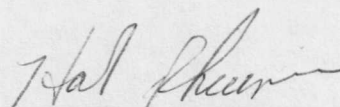
PROPERTY OWNERSHIPS

The Petitioner owns all abutting properties. Because Kik Street on the south has already been vacated, no other properties rely on 2nd Street for access.

RECOMMENDATION

The Public Works Department recommends that the street vacation be granted based upon the following:

- 1) There has never been a road constructed within the right-of-way and it has not caused any hardships.
- 2) The Petitioner owns all abutting property. If he ever sold any of the property he would have to grant them an easement from Robnett Street across his own land anyway.
- 3) The streets in Charles Tracts were platted assuming it would be a residential area. Because it is used for industrial and commercial purposes, the platted lots are much too small and most tax lots include several subdivision lots; thus not as many streets are needed.
- 4) Discussions with other property owners indicates they are in favor of the vacation.



Hal Phillips, Public Works Director

STREET

NW1/4

ROBNETT

STREET

EAST 2ND

(KIK ST)

CHARLIE KIK
6-3

CC 1 Pg 342

LANDS OWNED BY PETITIONER

PROPOSED VACATION

CHARLIE KIK

201 J.E. Vershnik
L.F. Logsdan

301 Mechanix, Inc.

300 Kenneth +
JoAnne Wilson

400 Kenneth +
JoAnne Wilson

403 Mechanix, Inc.

402

501

500 Carol and
Helen Northrop

14

600

700

HWY. No. 321

NO. 0
125496.17
RS
200.51
S. 0118' 45"
0125496.17
PSC.
0° 15' 01"
4.0153' 45"
10 = 394.82'
1264.9750
0 R.C.S.

VAC.

(S.E. 3rd St.)

VAC.

VAC.

2

UCPC MTG OF 3/18/99

Charles Kik Road Vacation. Bob Perry explained that this is a request by Mr. Kik to vacate a portion of East 2nd Street in the Charles Tracts Subdivision north of Hermiston. Originally this was platted for housing back when the dam was constructed; but over the years it ended up being used for industrial and commercial developments. The entire subdivision has numerous streets and roads, several of which have already been vacated due to the industrial and commercial developments requiring larger pieces of land.

The south 262 feet of street proposed for vacation does not consist of an actual developed road on the property. It is situated within the property leased to Production Hydraulics and lies east of the former Northrop building within a fenced storage area. The balance of the street is in sage brush and is not used. The applicant states that the street has never been used as a road and never will be because of the rolling and uneven topography, and because over half of the street lies within this fenced area; and the south end of the street terminates there.

Mr. Perry noted that Charles Kik owns all the property around the proposed vacation site. Staff's initial concern was that this vacation could result some of the adjacent businesses losing access to their properties. However, it was later determined that they would have access from Klaus Lane (a county road) and from East Third Street and Robnett Street (unimproved roads within the subdivision).

By unanimous consensus, the Planning Commission recommended that the Board of Commissioners approve the proposed vacation. It was felt that there were enough existing streets to provide access to the adjacent industrial properties, should these be developed in the near future. The Commission also noted that since Mr. Kik owns all the property around the proposed vacation site, this would address their concern that adjacent landowners who might be affected by the vacation were properly notified and given an opportunity to comment.

Next PC meeting: Is scheduled for **Thursday, April 29 at 7:00 pm.** It will be held in the newly constructed Justice Center near the Pendleton Airport exit.

ADJOURNMENT:

The meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Valeri C. Thorne
Secretary

Post-it [®] Fax Note 7671		Date	# of pages ▶ 1
To	GARY / Kate	From	Valeri
Co./Dept.	Rd Dept.	Co.	Plng Dept
Phone #	X460	Phone #	278-6248
Fax #	278-5427	Fax #	

PETITION FOR VACATION

TO THE BOARD OF COUNTY COMMISSIONERS FOR UMATILLA COUNTY, OREGON

IN THE MATTER OF THE VACATION OF)

STREET)

PETITION TO VACATE

Umatilla County, Oregon)

Charles Kik, Trustee of the Charles Kik
I, Trust, dated April 19, 1994, petition the Board of County
Commissioners of Umatilla County, Oregon, to vacate _____, 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

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 ATTACHED

CONDITION OF PROPERTY SEE ATTACHED

REASONS FOR VACATION SEE ATTACHED

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)

Charles Kik, Trustee of the 33893 River View Drive
Charles Kik Trust, dated April 19, 1994 Hermiston, Oregon 97838

_____ 8996 E. Saguaro Blossom Rd.
WINTER ADDRESS: Gold Canyon, Arizona 85219

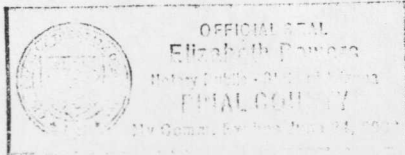
*To be included if all property owners petition.

Certification

On this 3rd day of JANUARY, 1999, before me, the undersigned, CHARLES C. KIK, 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.

ARIZONA
STATE OF ~~OREGON~~) ss
COUNTY OF PINAL)



Elizabeth Powers
Notary Public for Oregon, ARIZONA

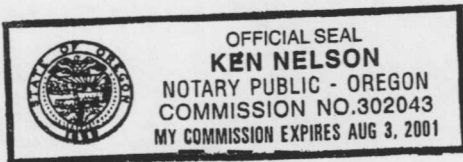
My Commission Expires _____

Certification

On this 22nd day of January, 1999, before me, the undersigned, DAN HEADRICK, 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)



[Signature]
Notary Public for Oregon

My Commission Expires 8-3-2001

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 _____

ATTACHMENTS TO THE PETITION FOR VACATION OF STREET
APPLIED FOR BY Charles Kik, Trustee of the Charles Kik TRUST

SECTION I:

The part of East 2nd street to be vacated is described on the attached EXHIBIT "A" which was prepared by Edwards Surveying of Hermiston, Ore.

Also EXHIBIT "B" attached is a map showing area of street to be vacated.

SECTION II:

Charles Kik Trust owns all property abutting the said part of East 2nd street to be vacated, namely lots 1 thru 7, Block 10 and Lots 8 thru 14, Block 5.

Dan Heading of Production Hydraulics, Hermiston, Oregon has a lease with option to purchase from Charles Kik Trust the former Northrop Steel Fabricating Building and storage areas which affects the approximate South 262 feet of street to be vacated.

LEGEND OF PRIOR OWNERS:

First owner	Northern Pacific Railroad
Second owner	Charles Kik
Third owner	Carrol and Helen Northrop
Fourth owner	Charles Kik
Fifth owner	Charles Kik Trust

SECTION IV:

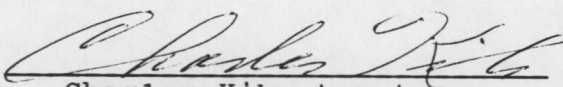
HOW PROPERTY IS USED AND CONDITION OF PROPERTY

The South Approx. 262 feet of street to be vacated is situated ~~is situated~~ within the property leased to Production Hydraulics and lies East of the former Northrop building within a fenced storage area. The balance of the street is in sage brush and not used.

REASON FOR VACATING:

The street has never been used as a road and never will be because of the rolling and uneven topography and because over half of the street lies within the fenced area of an existing business, namely Production Hydraulics and also because the South end of the street terminates there.

CHARLES KIK, TRUSTEE OF THE CHARLES KIK TRUST
dated April 19, 1994

by 
Charles Kik, trustee

EDWARDS SURVEYING, P.O. BOX 763
HERMISTON, OR 97838

541-567-3336
FAX 567-7850

EXHIBIT "A"

DESCRIPTION OF EAST SECOND STREET TO BE VACATED

Beginning at the northeast corner of Block 10, of the FIRST AMENDED AND SUPPLEMENTAL PLAT OF CHARLES TRACTS and running; thence S 10° 26' 45" E along the east line of said Block 10 a distance of 513.89 feet to the southeast corner of said Block 10; thence N 78° 39' 30" E 60 feet to the southwest corner of Block 5 of said CHARLES TRACTS; Thence N 10° 26' 45" W 513.45 feet to the northwest corner of said Block 5; thence S 79° 33' 15" W 60 feet to the point of beginning. Containing 0.71 Acres.

HILLSIDE

NO. 395

ROBNETT

STREET

STREET

EAST 2ND

(S.E. 3rd St.)

State Hwy. No. 321

TRACT

6-3

CH A

(KIK ST.)

CC 1 Pg 342

ORD.

VAC.

VAC.

VAC.

Exhibit "B"

See Map 5N 28 27 A

NW1/4 SE1/4 Sec. 27 T5N. R.28EWM.

UMATILLA COUNTY

1"=100'

See Map 5N 28 27AC

5N 28 27DB

CHARLES TRACTS

BLK 3-5, 10

Aerial Photo No. NZ-1P-104

CANCELLED
TL 202
203
401