

1984 DEC 20 P 2:47

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR UMATILLA COUNTY, STATE OF OREGON

In the Matter of Vacating West Third )  
Street between Robnett and Kik Street )  
in First Amended and Supplement Plat )  
of Charles Tract, County of Umatilla, )  
State of Oregon )

FINDINGS OF FACT:  
CONCLUSIONS OF LAW:  
ORDER OF VACATION

SYNOPSIS:

On September 4, 1984, Charles Kik, Richard Whacton, Mike Jewett, and Merle Jewett, filed a petition with the Umatilla County Board of Commissioners requesting the vacation of West Third Street between Robnett and Kik Street in First Amended and Supplemental Plat of Charles Tract, in Umatilla County, Oregon.

Pursuant to ORS 368.346, a public hearing was held before the Umatilla County Board of Commissioners on November 21, 1984. At that hearing, after consideration of all of the evidence presented, the Board of Commissioners approved the vacation of West Third Street between Robnett and Kik St in First Amended and Supplemental Plat of Charles Tract, making the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. A petition to vacate West Third Street between Robnett and Kik Street in First Amended and Supplemental Plat of Charles Tract, was filed in proper form with the Umatilla County Board of Commissioners on September 4, 1984.
2. On October 17, 1984, the Board of Commissioners signed a resolution initiating vacation proceedings and setting a date for a hearing to be held on the vacation on November 21, 1984,
3. Also on October 17, 1984, the Board of Commissioners by order directed the County Roadmaster to examine the road to be vacated and make a report in writing to be filed with the County Clerk pursuant to ORS 368.356.
4. Notice of the November 21, 1984, hearing was given by the Umatilla County Roadmaster as follows, On October 18th, 1984, notice of the hearing was posted at the North and South ends and at a place equidistance from these ends on the above referenced portion of the street to be vacated. A fourth notice was posted on the bulletin board located at the entrance of the Umatilla County Courthouse in Pendleton, Oregon. These notices remained posted in excess of 20 days. In addition, notice of the hearing was given by certified mail pursuant to ORS 368.406 to Merle Jewett, Charlie Kik, Sanitary Disposal, County Planning, Umatilla Electric Coop. Assn. Pacific Northwest Bell, Cascade Natural Gas. Pursuant to ORS 368.416, a notice of hearing was published twice in a newspaper of general circulation, once being more than 20 days prior to the hearing (October 31) and once being within 10 days of the hearing.

5. At the November 21, 1984, hearing no challenges for bias, prejudice or personal interest were made to the qualifications of any Commissioners by any proponent or opponent of the proposed vacation.

6. No Board member disqualified himself due to any personal or other conflict of interest.

7. There were no objections to the jurisdiction of the Board to hear the matter.

8. At the commencement of the hearing, the presiding officer announced the nature and purpose of the hearing.

9. The Umatilla County Planning Commission recommended approval of the vacation because it would not have any adverse impacts on the surrounding area.

10. The Umatilla County Roadmaster in his report submitted November 21, 1984, recommended that the portion of W. Third Street in question should be vacated as requested because it is of no significant use to the county road system and other access to adjoining properties is present.

11. There were no objections to the vacation at the November 21, 1984 hearing on the matter.

12. The portion of the road to be vacated has not been used in over ten years and there is no reason to believe that the road in the future.

#### CONCLUSIONS OF LAW

1. Notice for all hearings was properly given pursuant to ORS 368.346.

2. The provisions of ORS 368.326 to ORS 368.366 were complied with in conducting the vacation hearings.

3. Because the portion of West Third Street requested to be vacated does not serve the general public at this time, is of no significant use to the County road system and other access to adjoining properties is present, the vacation of West Third Street will be in the public interest.

Based on the above findings of fact and conclusions of law,

IT IS HEREBY ORDERED that the petition for vacation of West Third Street, between Robnett and Kik Street in First Amended and Supplemental Plat of Charles Tract, is approved, and that West Third Street between Robnett and Kik Street in First Amended and Supplemental Plat of Charles Tract is hereby vacated.

A one hundred dollar (\$100.00) fee was paid to cover the cost of the approval of this vacation.

This order shall be final on the date indicated below and shall become effective when filed with the County Clerk, County Surveyor, and County Assessor pursuant to ORS 368.356 (3).

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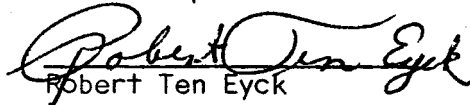
FILED  
J. DEAN FOUQUETTE, SR.  
UMATILLA COUNTY CLERK

Dated this 20<sup>TH</sup> day of DECEMBER, 1984.

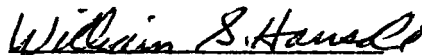
Umatilla County  
Board of Commissioners



A. L. Draper

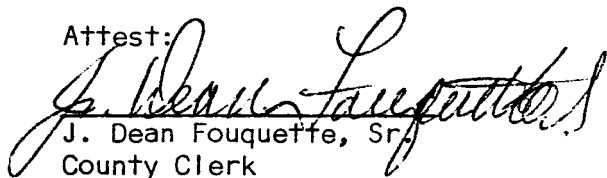


Robert Ten Eyck



William S. Hansell

Attest:



J. Dean Fouquette, Sr.  
County Clerk

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UMATILLA COUNTY CLERK  
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