

BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF BAKER

IN THE MATTER OF DECIDING)
THE INTENT TO VACATE A)
PORTION OF COUNTY RIGHT-OF-WAY)
ON COUNTY ROAD #994)
BAKER COUNTY, OREGON) ORDER NO. 2020-141

WHEREAS, a declaration of intent to vacate a portion of right-of-way on Snake River Road #994, Baker County, more particularly described as:

Land in the NW1/4SW1/4 of Section 27, T.12S., R.45E., W.M., Baker County, Oregon, as follows:

That portion of Snake River Road (County Road No. 994), conveyed to Baker County by deed recorded June 9, 1959, in Deed Book 169, Page 655, records of Baker County, Oregon, said portion being more particularly described as follows:

Commencing at the West ¼ Comer Section 27, T.12S., R.45E., W.M.;

thence S.00°02'00"W., 194.54 feet along the west line of said Section 27 to the west right of way line of said county road and the TRUE POINT OF BEGINNING;

thence S.33°43'41"E., 84.59 feet to a 5/8" iron pin with yellow plastic cap marked "BENCHMARK SURVEYING", situated 30.00 feet left of engineer's centerline station 1279+77.78;

thence S.06°17'00"E., 14.89 feet;

thence 138.54 feet along the arc of a 298.73 foot radius non-tangent curve left (the long chord of which bears S.17°37'30"W., 137.31 feet);

thence S.04°20'20"W., 23.61 feet;

thence N.06°17'00"W., 48.85 feet to the west line of Section 27;

thence along said west line N.00°02'00"E., 191.00 feet to the point of beginning.

All according to Exhibit "B" attached hereto and by this reference made a part hereof.

came before the Board of Commissioners on the 3rd day of June, 2020; and

WHEREAS, the Board initiated vacation proceedings to vacate said property under ORS 368.341 in declaring the intent to vacate the unused portion of right-of-way on Snake River Road #994; and that the area proposed to be vacated is currently maintained by the adjoining landowners; and

WHEREAS, Daybreak Ranch, LLC and Five Way, LLC are the legal owners of property described herein; and

WHEREAS, the County Roadmaster filed a written report with the description of ownership, uses, and an assessment of that portion of right-of-way on Snake River Road #994 proposed to be vacated; and

WHEREAS, the Board has considered the findings of the report filed by the Baker County Roadmaster and his assessment being that vacation of the portion of right-of-way on Snake River Road #994, as described above, is in the public interest; and

WHEREAS, the vacation of this portion of right-of-way on Snake River Road #994, as described in the attached Exhibit "A" and Exhibit "B", would eliminate any future requirements of County maintenance; and

WHEREAS, the Board adopts Exhibit "A" and Exhibit "B" as its own findings; and

WHEREAS, the section of shaded area shown with diagonal lines on Exhibit "B" is the portion of 1959 right-of-way to be retained as County right-of-way; and

WHEREAS, that subsequent to acceptance of the proposed vacation, a public hearing was held on July 15, 2020, in the hearing room of the Board of Commissioners in the Baker County Courthouse, Baker City, Oregon; that notice of the pendency of the proposed vacation and time and place of the hearing was given as provide by law, and proof of the posting and notices is filed herein; and finding the property proposed for the vacation to have no value to the County, no liabilities are to be incurred resulting from the vacation; and the Board of Commissioners finding that it would be in the public interest to vacate that portion of right-of-way on Snake River Road #994 as described above; and

WHEREAS, after considering all matters presented under ORS 368.346 including the County Roadmaster Report and the testimony given at the public hearing;

NOW, THEREFORE, the Board of Commissioners being otherwise fully advised in the premises, finds that the vacation should be granted and it is hereby ORDERED:

1. That all that portion of right-of-way on Snake River Road #994, as described above, in Baker County, Oregon, should be and is hereby vacated.
2. That the adjoining landowners to this portion of the right-of-way on Snake River Road #994 shall each receive all right, title and interest to that portion which adjoins their property.
3. That this vacation order shall be filed with the Baker County Clerk and notice of the vacation shall be given to the Baker County Assessor's Office.

Done and Dated this 15th day of July, 2020.

William Harvey, Commission Chair

Bruce Nichols, Commissioner

Mark E. Bennett, Commissioner