

BE IT REMEMBERED, that at a regular term of the Union County Board of Commissioners, for the County of Union, sitting for the transaction of the County business, begun and held at the Joseph Building Annex in the City of La Grande, in said County and State, on Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable COLLEEN MACLEOD CHAIR
STEVE MCCLURE COMMISSIONER
JOHN J. HOWARD COMMISSIONER

WHEN, on Wednesday the 18th day of September, 2002, among others the following proceedings were had to-wit:

IN THE MATTER OF VACATING }
THREE SEGMENTS OF OLD } COURT ORDER
OREGON HIGHWAY 82 EAST OF } 2002-31
THE CITY OF ELGIN } (Page 1 of 2)

WHEREAS, Union County received a petition on April 9, 2002, from Robert & Edith Byerly and on May 20, 2002, from Robert & Edith Byerly, Edwin Hug and Steve McClure to vacate the following road segments:

Unit B
Beginning at State Highway Engineer’s Station 1327+00 of the relocated Wallowa Lake Highway in the Northeast quarter of the Northwest quarter of Section 14, Township 1 North, Range 39 EWM; thence northeasterly via the former route of the Wallowa Lake Highway to State Highway Engineer’s Station 1337+60 of the relocated Wallowa Lake Highway in the Southwest quarter of the Southeast quarter of Section 11, Township 1 North, Range 39 EWM.

Unit D
Beginning at State Highway Engineer’s Station 1345+00 of the relocated Wallowa Lake Highway in the Southwest quarter of the Southeast quarter of Section 11, Township 1 North, Range 39 EWM; thence easterly via the former route of the Wallowa Lake Highway to a point opposite State Highway Engineer’s Station 1371+70 of the relocated Wallowa Lake Highway in the Northwest quarter of the Southwest quarter of Section 12, Township 1 North, Range 39 EWM.

Unit E
Beginning at a point opposite State Highway Engineer’s Station 1371+70 of the relocated Wallowa Lake Highway in the Northwest quarter of the Southwest quarter of Section 12, Township 1 North, Range 39 EWM,; thence northerly via the former route of the Wallowa Lake Highway to State Highway Engineer’s Station 1380+50 of the relocated Wallowa Lake Highway in the Southwest quarter of the Northwest quarter of Section 12, Township 1 North, Range 39 EWM.

WHEREAS, the Oregon Highway Commission, by Resolution No. 180, on April 1, 1949, attached in part, affixed to and becoming a part of this Court Order, resolved that Unit D identified above be maintained by the County as a county road for the benefit and service of persons living thereon and communities served thereby, and the Oregon Highway Commission surrendered all jurisdiction thereover, consenting that jurisdiction over said road be assumed and exercised by the County Court (Board of County Commissioners) of Union County; and Unit B & Unit E shall be abandoned as a part of the state highway and shall be under the jurisdiction and control of the County and may be vacated or kept by the County for such public use as the County may determine;

WHEREAS, Edwin Hug, executor of the Hug Estate submitted a letter dated April 5, 2002 in support of the vacation request;

WHEREAS, the Board of Commissioners advertised and held public hearings on May 15, 2002 & June 19, 2002, to accept testimony, deliberate and potentially make a decision.

NOW THEREFORE, BE IT ORDAINED BY THE UNION COUNTY BOARD OF COMMISSIONERS, STATE OF OREGON:

SECTION 1: ROAD VACATION

The following road segments are vacated to adjacent landowners per ORS 368.366(1)(d) that states "vacated property shall vest in the owner of the land abutting the vacated property by extension of the person's abutting property boundaries to the center of the vacated property":

Unit B

Beginning at State Highway Engineer's Station 1327+00 of the relocated Wallowa Lake Highway in the Northeast quarter of the Northwest quarter of Section 14, Township 1 North, Range 39 EWM; thence northeasterly via the former route of the Wallowa Lake Highway to State Highway Engineer's Station 1337+60 of the relocated Wallowa Lake Highway in the Southwest quarter of the Southeast quarter of Section 11, Township 1 North, Range 39 EWM.

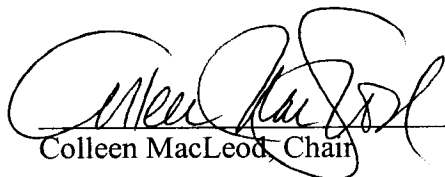
Unit D

Beginning at State Highway Engineer's Station 1345+00 of the relocated Wallowa Lake Highway in the Southwest quarter of the Southeast quarter of Section 11, Township 1 North, Range 39 EWM; thence easterly via the former route of the Wallowa Lake Highway to a point opposite State Highway Engineer's Station 1371+70 of the relocated Wallowa Lake Highway in the Northwest quarter of the Southwest quarter of Section 12, Township 1 North, Range 39 EWM.

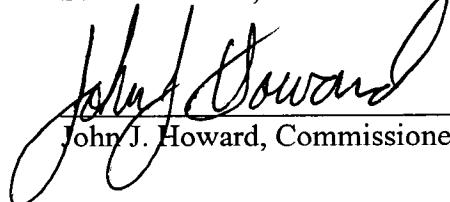
Unit E

Beginning at a point opposite State Highway Engineer's Station 1371+70 of the relocated Wallowa Lake Highway in the Northwest quarter of the Southwest quarter of Section 12, Township 1 North, Range 39 EWM; thence northerly via the former route of the Wallowa Lake Highway to State Highway Engineer's Station 1380+50 of the relocated Wallowa Lake Highway in the Southwest quarter of the Northwest quarter of Section 12, Township 1 North, Range 39 EWM. (See attached map)

PASSED AND ADOPTED THIS 18th day of September, 2002, by a vote of the following members of the Union County Board of Commissioners voting therefore.


Colleen MacLeod, Chair

Steve McClure, Commissioner


John J. Howard, Commissioner

Attached: Oregon State Highway Commission Resolution No. 180
Oregon State Highway Commission Strip Map

CO 02-31

Oregon Department of Transportation



CERTIFIED COPY

ATTACHED

I CERTIFY THAT I HAVE COMPARED THE FOREGOING

A&R 180, dated February 28, 1949, on _____

(DESCRIBE DOCUMENT)

Wallowa Lake Highway. Attached map is part
of original map.

CONSISTING OF 7 PAGE(S) WITH THE ORIGINAL IN THIS OFFICE, THAT I AM THE CUSTODIAN, AND THE ATTACHED FOREGOING IS A TRUE AND CORRECT COPY.

Salem _____, OREGON

August 5, 2002

DATE
Carolyn Philp
SIGNATURE

Carolyn Philp, Archivist
NAME (TYPE OR PRINT)

CUSTODIAN

731-0256(3-02)

0002-31

ABANDONMENT AND RETENTION
RESOLUTION FILE NO. 180

OFFICE COPY

R E S O L U T I O N

OFFICE COPY

WHEREAS, the Highway Commission has found it necessary and desirable to relocate the section of the Wallowa Lake Highway known as the Elgin-Boswell Ranch Section in Union County, the southerly terminus of which is at Highway Engineer's Station 1302+59.4 of the relocated line and the northerly terminus of which is at Highway Engineer's Station 1635+00 of the relocated line; and

WHEREAS, by reason of the relocation of said section of said highway portions or units of the right of way of the highway as formerly located have been eliminated from the boundary of the new location, which eliminated sections or units will no longer be needed for state highway purposes; and

WHEREAS, Union County and the Highway Commission have entered into an agreement under date of February 11, 1948, relating to the use and jurisdiction of the abandoned sections; and

WHEREAS, the contract for the construction of this relocated section of the Wallowa Lake Highway was completed on October 5, 1948, and highway traffic is now routed over said section; and

WHEREAS, it is the purpose of the Highway Commission to take official action and impress upon the Commission's records the disposition to be made of the several sections or units of the right of way of said highway which are affected by reason of said relocation;

NOW, THEREFORE, BE IT AND IT HEREBY IS RESOLVED by this Commission, all members being present and affirmatively voting, as follows:

OFFICE COPY

Adopted by Highway Commission
Date February 28, 1948
Secretary

1. That the portions of the old right of way, which by reason of the relocation of said highway are no longer within the boundaries of the new right of way, which for the purpose of this resolution are identified as Units "D" and "F" and are shown colored in red on map attached hereto and marked "Exhibit A", and are more particularly described as follows:

Unit "D"

Beginning at State Highway Engineer's Station 1345+00 of the relocated Wallowa Lake Highway in the Southwest quarter ($SW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of Section 11, Township 1 North, Range 39 East, W. M.; thence easterly via the former route of the Wallowa Lake Highway to a point opposite State Highway Engineer's Station 1371+70 of the relocated Wallowa Lake Highway in the Northwest quarter ($NW\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section 12, Township 1 North, Range 39 East, W. M.

Unit "F"

Beginning at State Highway Engineer's Station 1380+50 of the relocated Wallowa Lake Highway in the Southwest quarter ($SW\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section 12, Township 1 North, Range 39 East, W. M.; thence northeasterly via the former route of the Wallowa Lake Highway to a point opposite Highway Engineer's Station 1386+00 of the relocated line of said highway in the Southwest quarter ($SW\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section 12, Township 1 North, Range 39 East, W. M.

shall hereafter, pursuant to the provisions of said State-County agreement, be maintained by the County as county roads for the benefit and service of persons living thereon and communities served thereby, but the Commission hereby surrenders all jurisdiction thereover, and hereby consents that jurisdiction over said roads may be assumed and exercised by the County Court of Union County, and said roads shall thereafter be maintained by the County as county roads for public travel.

2. The sections of the old route of the Wallowa Lake Highway which, for the purpose of this resolution, are identified as Units "A," "B," "E," "G," "H," "I," "J," "K," "L," "M," and "N," shown colored in brown on map attached hereto and marked "Exhibit A" and are more particularly described as follows:

Unit "A"

Beginning at State Highway Engineer's Station 1302+59.4 of the relocated Wallowa Lake Highway in the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 14, Township 1 North, Range 39 East, W. M.; thence northerly via the former route of the Wallowa Lake Highway to State Highway Engineer's Station 1312+00 of the relocated Wallowa Lake Highway in the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 14, Township 1 North, Range 39 East, W. M.

Unit "B"

Beginning at State Highway Engineer's Station 1327+00 of the relocated Wallowa Lake Highway in the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 14, Township 1 North, Range 39 East, W. M.; thence northeasterly via the former route of the Wallowa Lake Highway to State Highway Engineer's Station 1337+60 of the relocated Wallowa Lake Highway in the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section 11, Township 1 North, Range 39 East, W. M.

Unit "E"

Beginning at a point opposite State Highway Engineer's Station 1371+70 of the relocated Wallowa Lake Highway in the Northwest quarter (NW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section 12, Township 1 North, Range 39 East, W. M.; thence northerly via the former route of the Wallowa Lake Highway to State Highway Engineer's Station 1380+50 of the relocated Wallowa Lake Highway in the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 12, Township 1 North, Range 39 East, W. M.

Unit "G"

Beginning at State Highway Engineer's Station 1386+00 of the relocated Wallowa Lake Highway in the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 12, Township 1 North, Range 39 East, W. M.; thence easterly via the former route of the Wallowa Lake Highway to State Highway Engineer's Station 1393+00

of the relocated Wallowa Lake Highway in the Southeast quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 12, Township 1 North, Range 39 East, W. M.

Unit "H"

Beginning at State Highway Engineer's Station 1393+70 of the relocated Wallowa Lake Highway in the Southeast quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 12, Township 1 North, Range 39 East, W. M.; thence easterly via the former route of the Wallowa Lake Highway to State Highway Engineer's Station 1442+00 of the relocated Wallowa Lake Highway in the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 7, Township 1-North, Range 40 East, W. M.

Unit "I"

Beginning at State Highway Engineer's Station 1536+30 of the relocated Wallowa Lake Highway in the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section 4, Township 1 North, Range 40 East, W. M.; thence easterly via the former route of the Wallowa Lake Highway to State Highway Engineer's Station 1550+00 of the relocated Wallowa Lake Highway in the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 9, Township 1-North, Range 40 East, W. M.

Unit "J"

Beginning at State Highway Engineer's Station 1562+00 of the relocated Wallowa Lake Highway in the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 9, Township 1 North, Range 40 East, W. M.; thence easterly via the former route of the Wallowa Lake Highway to State Highway Engineer's Station 1574+00 of the relocated Wallowa Lake Highway in the Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 9, Township 1-North, Range 40 East, W. M.

Unit "K"

Beginning at State Highway Engineer's Station 1575+00 of the relocated Wallowa Lake Highway in the Northwest quarter (NW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 9, Township 1 North, Range 40 East, W. M.; thence northeasterly via the former route of the Wallowa Lake Highway to State Highway Engineer's Station 1589+00 of the relocated Wallowa Lake Highway in the Northeast quarter (NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 9, Township-1 North, Range 40 East, W. M.

Unit "L"

Beginning at State Highway Engineer's Station 1589+00 of the relocated Wallowa Lake Highway in the Northeast quarter

(NE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 9, Township 1 North, Range 40 East, W. M.; thence easterly via the former route of the Wallowa Lake Highway to State Highway Engineer's Station 1596+00 of the relocated Wallowa Lake Highway in the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 10, Township 1 North, Range 40 East, W. M.

Unit "M"

Beginning at State Highway Engineer's Station 1598+50 of the relocated Wallowa Lake Highway in the Northwest quarter (NW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 10, Township 1 North, Range 40 East, W. M.; thence easterly via the former route of the Wallowa Lake Highway to State Highway Engineer's Station 1608+00 of the relocated Wallowa Lake Highway in the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 10, Township 1 North, Range 40 East, W. M.

Unit "N"

Beginning at State Highway Engineer's Station 1610+50 of the relocated Wallowa Lake Highway in the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 10, Township 1 North, Range 40 East, W. M.; thence easterly via the former route of the Wallowa Lake Highway to State Highway Engineer's Station 1624+00 of the relocated Wallowa Lake Highway in the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section 3, Township 1 North, Range 40 East, W. M.

shall be abandoned as a part of said state highway and hereafter shall be under the jurisdiction and control of the County and may be vacated or kept by the County for such public use as the County may determine.

3. The area shown colored in green on said "Exhibit A" includes right of way acquired for the location and construction of the said highway and includes also some parts or areas of the old right of way not now incorporated within the boundaries of the right of way proper. In connection with all the said area colored in green, it is the judgment and finding of the Commission that all of said area is and will be needed for highway right of way, and likewise for highway construction, improvement, maintenance and other highway purposes and uses.

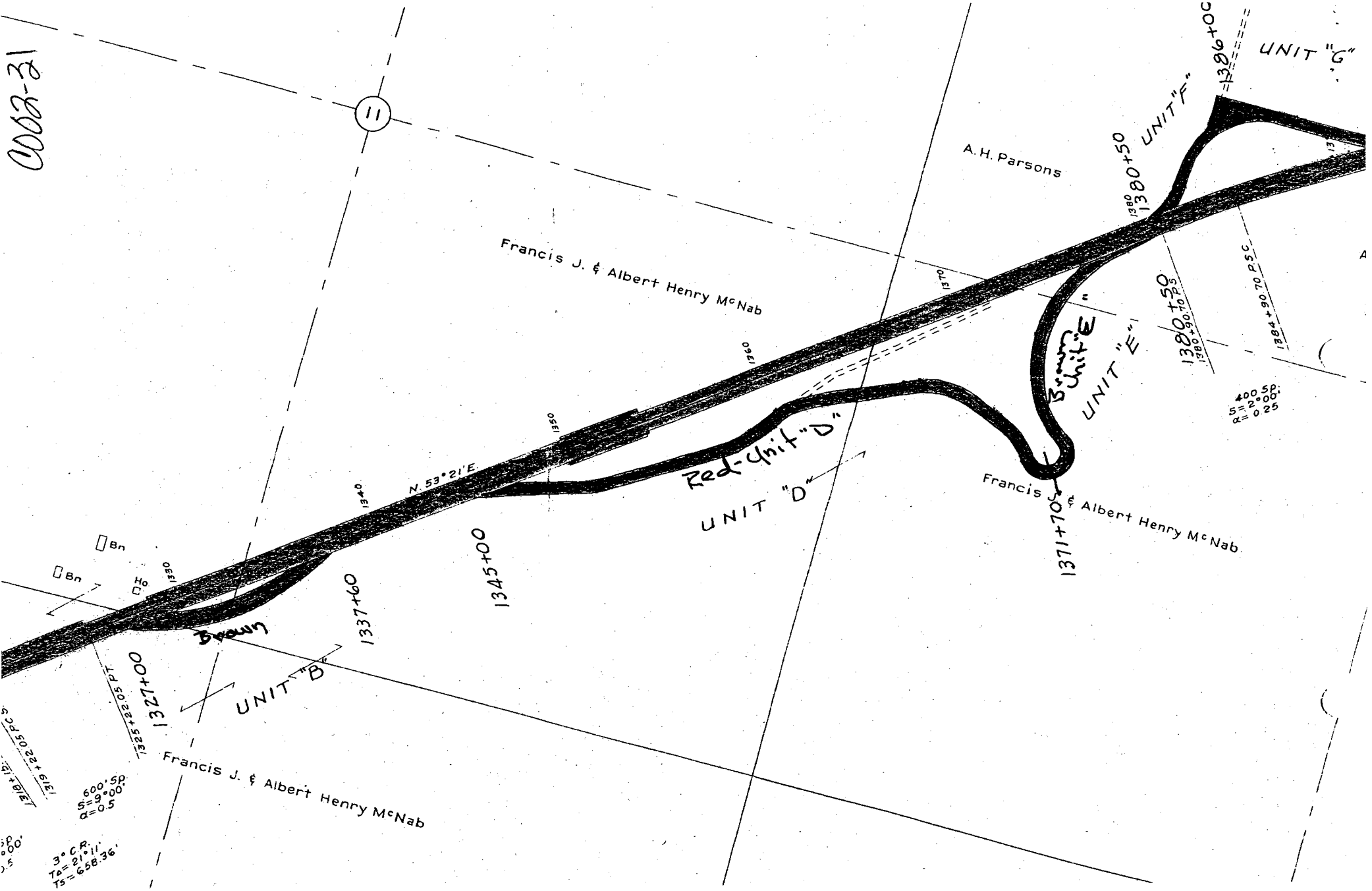
For such uses and purposes, therefore, the Commission does hereby declare and order that possession of and title to all of the land or area shown colored in green on said "Exhibit A" shall be retained and held by the State, and shall not be permitted to revert to or become the property of abutting owners.

4. The boundaries of all real properties acquired for rights of way, and the boundaries of all real properties, title to which is to be retained by the State, shall be appropriately and properly marked on the ground by the Engineer with proper monuments, and such boundary monuments shall thereafter be maintained in place.

5. This resolution shall be entered in the minutes and records of the Commission, and the Secretary hereby is directed to mail to the County Court of Union County a duly certified copy thereof, and said County Court hereby is respectfully requested to take appropriate official action, by resolution or otherwise, in keeping with the provisions of said State-County agreement.

JMD:avh
1/27/49

0002-21



11

A. H. Parsons

Francis J. & Albert Henry McNab

UNIT "G"

UNIT "F"

Brown Unit "E"

Red-Unit "D"

Francis J. & Albert Henry McNab

UNIT "B"

Francis J. & Albert Henry McNab

400.50
5=2.00
2=0.25

128.15
132.50
132.22
132.61
132.15

600.50
S=9.00
Q=0.5

3° C.P.
Ts = 21.11
Ts = 658.36

1337+60

1345+00

1371+70

1380+50

1380+50

1386+00

N. 53° 21' E.

0.512

0.151

1384+90.70 P.S.C.

A