

AGENDA ITEM FOR ADMINISTRATIVE MEETING () Discussion only
(X) Action

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: Thorn Hollow Bridge Project

<p>Background:</p> <p>The Thorn Hollow Bridge project is progressing. The engineers are in the process of drafting right of way services agreement. As part of the process, there is a request for potential use of eminent domain to acquire right of way for the project. The matter is before the Board for discussion and approval.</p>	<p>Requested Action:</p> <p>Adopt Order No. RD2023-02</p>
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ATTACHMENTS: Proposed Order

*****For Internal Use Only*****

Checkoffs:

- () Dept. Heard (copy)
- () Human Resources (copy)
- () Fiscal
- (X) Legal (copy)
- () (Other - List:)

To be notified of Meeting:
Tom Fellows

Needed at Meeting:

Scheduled for meeting on: February 22, 2023

Action taken:

Follow-up:

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Resolution)
Exercising the Power of) Order No. RD2023-02
Eminent Domain for Right of)
Way for the Thorn Hollow Road)
Bridge Project)

WHEREAS Umatilla County may exercise the power of eminent domain pursuant to the Umatilla County Charter and the Law of the State of Oregon generally, when the exercise of such power is deemed necessary by the Umatilla County Board of Commissioners to accomplish public purposes for which Umatilla County has responsibility;

WHEREAS Umatilla County has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public within Umatilla County;

WHEREAS the project known as the Thorn Hollow Road Bridge project ("Project") has been planned in accordance with appropriate engineering standards for the construction, maintenance or improvement of said transportation infrastructure, such that property damage is minimized, transportation promoted, travel safeguarded;

WHEREAS to accomplish the project or projects set forth above it is necessary to acquire the interests in the property described in "Exhibit 1" attached to this order and, by this reference incorporated in this order.

NOW THEREFORE the Board of Commissioners resolves and orders that:

1. The foregoing statements of authority and need are, in fact, the case. The Project for which the property is required and is being acquired are necessary in the public interest, and the same have been planned, designed, located, and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury;

2. The power of eminent domain is hereby authorized to be exercised with respect to any of the interests in property described in Exhibit 1. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon

law;

3. The Umatilla County Public Works Director and Umatilla County Counsel along with the Oregon Department of Transportation and the Attorney General are authorized and requested to attempt to agree with the owner and other persons in interest as to the compensation to be paid for each acquisition, and, in the event that no satisfactory agreement can be reached, to commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by the Umatilla County Board of Commissioners.

4. Umatilla County expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

DATED this 7th day of February, 2023.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Daniel N. Dorran, Chair

John M. Shafer, Commissioner

Celinda A. Timmons, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Records Officer

EXHIBIT 1
(7 Pages)

Exhibit A - Page 1 of 1

FILE No. T2NR35E-TL100
TAX LOT 2N35-100
04-19-2022

Tract 1 – Slope Easement

A tract of land located in Northwest one-quarter of Section 4, Township 2 North, Range 35 East, Willamette Meridian, Umatilla County, Oregon and being a portion of the property described in that Patent to Florence Ross, an Indian of the Umatilla Reservation, Issued December 13, 1920 as Patent number 786707; said Tract 1 being a portion of said property contained in a strip of land, 55 feet in width, more particularly described as follows:

Beginning at a point on the Westerly Right-of-Way of Thorn Hollow Road which bears S26°17'39"E, 832.20 feet from the Northwest corner of said Section 4; thence along said Right-of-Way, 73.09 feet along a curve to the right having a radius of 976.77 feet, and a central angle of 4°17'14" (chord bears S11°10'55"E, 73.07 feet); thence leaving said Right-of-Way S80°57'43"W, 55.00 feet; thence 68.97 feet along a non-tangent curve to the left having a radius of 921.77 feet, and a central angle of 4°17'14" (chord bears N11°10'55"E, 68.96 feet); thence N76°40'28"E, 55.00 feet to the Point of Beginning.

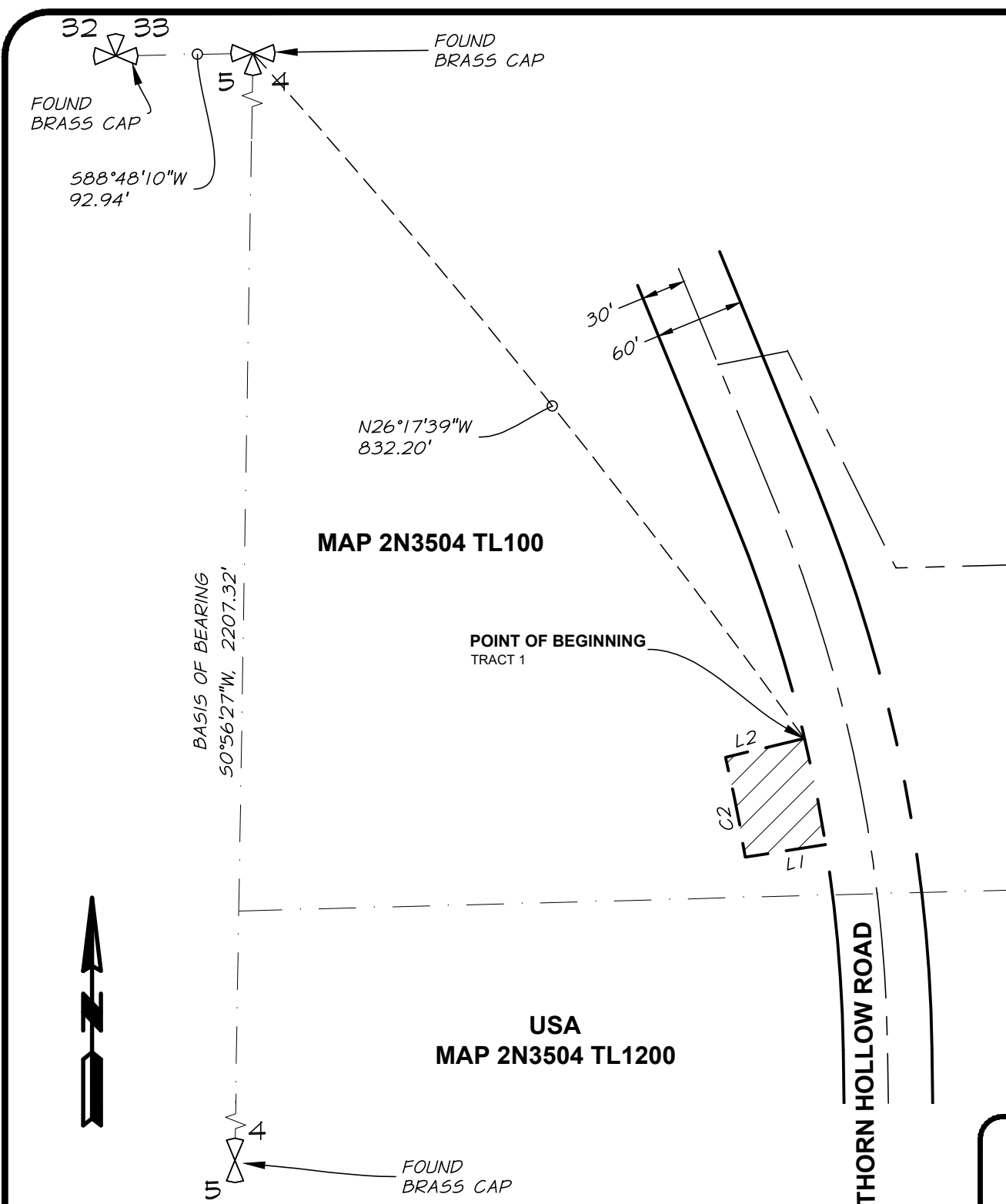
Tract 1 contains 3,907 square feet, or 0.090 acres, more or less.

Bearings and distances are based on the Oregon State Plane Coordinate System, North Zone, NAD83(2011).

For purposes of this description, the West one-quarter corner of said Section 4 bears S00°56'27"W, 2,207.32 feet from said Northwest corner of said Section 4 Township and Range.



EXPIRES: 6/30/2022



CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEAR	CHORD DIST
C1	976.77'	73.09'	4°17'14"	S11°10'55"E	73.07'
C2	921.77'	68.97'	4°17'14"	N11°10'55"W	68.96'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S80°57'43"W	55.00'
L2	N76°40'28"E	55.00'

FOR RECORDING USE

THE PURPOSE OF THIS PROPERTY EXHIBIT A & EXHIBIT B IS TO DESCRIBE A SLOPE EASEMENT FOR UMATILLA COUNTY ROAD DEPARTMENT.

THE FIELD SURVEY FOR THESE LOCATIONS WAS PERFORMED BY ANDERSON PERRY & ASSOCIATES, INC. IN MARCH 2021.

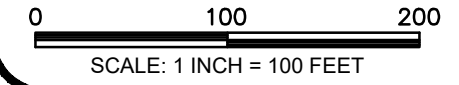
THE BASIS OF BEARING FOR THIS SURVEY IS ALONG THE WEST LINE OF SECTION 4, AS SHOWN. IT IS BASED ON THE OREGON STATE PLANE COORDINATE SYSTEM NORTH ZONE, NAD83 2011, (EPOCH 2010).

LEGEND

- FOUND MONUMENT AS NOTED
- NEW EASEMENT LINE
- NEW EASEMENT AREA
- RIGHT OF WAY LINE
- SECTION LINE

???????????? - PROPERTY EXHIBIT
 SEC. 4, T. 2 N, R. 35 E., W.M.
 MAP 2N35 TL 100

NOTE: SEE EXHIBIT "A" FOR THE LEGAL DESCRIPTIONS OF THIS EASEMENT
 TRACT 1 - NEW SLOPE EASEMENT = 3,902 S.F. OR 0.090 ACRES, MORE OR LESS



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

PRELIMINARY
 OREGON
 FEBRUARY 8, 2000
 RICHARD E. STEIN
 49593PLS
 EXPIRES: 6/30/2022

Anderson Perry
 & associates, inc.

UMATILLA COUNTY
 TEMPORARY CONSTRUCTION EASEMENT FOR ROADWAY
 UMATILLA COUNTY, OREGON

EXHIBIT B
 EASEMENT
 SKETCH
 1/1

FILE No. T2NR35ES04-TL1200
TAX LOT 2N3504-1200
USA 08-03-2022

Tract 1 – Proposed Right-of-Way Acquisition

A tract of land located in Northwest one-quarter of Section 4, Township 2 North, Range 35 East, Willamette Meridian, Umatilla County, Oregon and being a portion of the property described in that Warranty Deed to the United States of America, Recorded September 2, 1994 as Document number 1994-198223 of Umatilla County Deed Records; said Tract 1 being a portion of said property contained in a strip of land, 20 feet in width, more particularly described as follows:

Beginning at a point on the Westerly Right-of-Way of Thorn Hollow Road which bears S19°36'30"E, 1183.59 feet from the Northwest corner of said Section 4;
 thence along said Right-of-Way S00°51'12"E, 199.38 feet;
 thence continuing along said Right-of-Way, 142.03 feet along a curve to the right having a radius of 622.29 feet, and a central angle of 13°04'37" (chord bears S05°41'06"W, 141.72 feet);
 thence leaving said Right-of-Way N77°46'36"W, 30.00 feet;
 thence 137.46 feet along a non-tangent curve to the left having a radius of 602.29 feet, and a central angle of 13°04'37" (chord bears N05°41'06"E, 137.16 feet);
 thence N00°51'12"W, 199.38 feet;
 thence N89°08'48"E, 30.00 feet to the **Point of Beginning**.

Tract 1 contains 10,139 square feet, or 0.233 acres, more or less.

Tract 2 – Proposed Right-of-Way Acquisition

A tract of land located in Northwest one-quarter of Section 4, Township 2 North, Range 35 East, Willamette Meridian, Umatilla County, Oregon and being a portion of the property described in that Warranty Deed to the United States of America, Recorded September 2, 1994 as Document number 1994-198223 of Umatilla County Deed Records; said Tract 1 being a portion of said property contained in a strip of land, 20 feet in width, more particularly described as follows:

Beginning at a point on the Westerly Right-of-Way of Thorn Hollow Road, also being a point on the Northerly line of said property, which bears S24°27'56"E, 935.99 feet from the Northwest corner of said Section 4;
 thence along said Right-of-Way, 105.02 feet along a curve to the right having a radius of 976.77 feet, and a central angle of 6°09'38" (chord bears S03°56'01"E, 104.97 feet);
 thence continuing along said Right-of-Way S00°51'12"E, 21.44 feet;
 thence leaving said Right-of-Way S89°08'48"W, 10.00 feet;

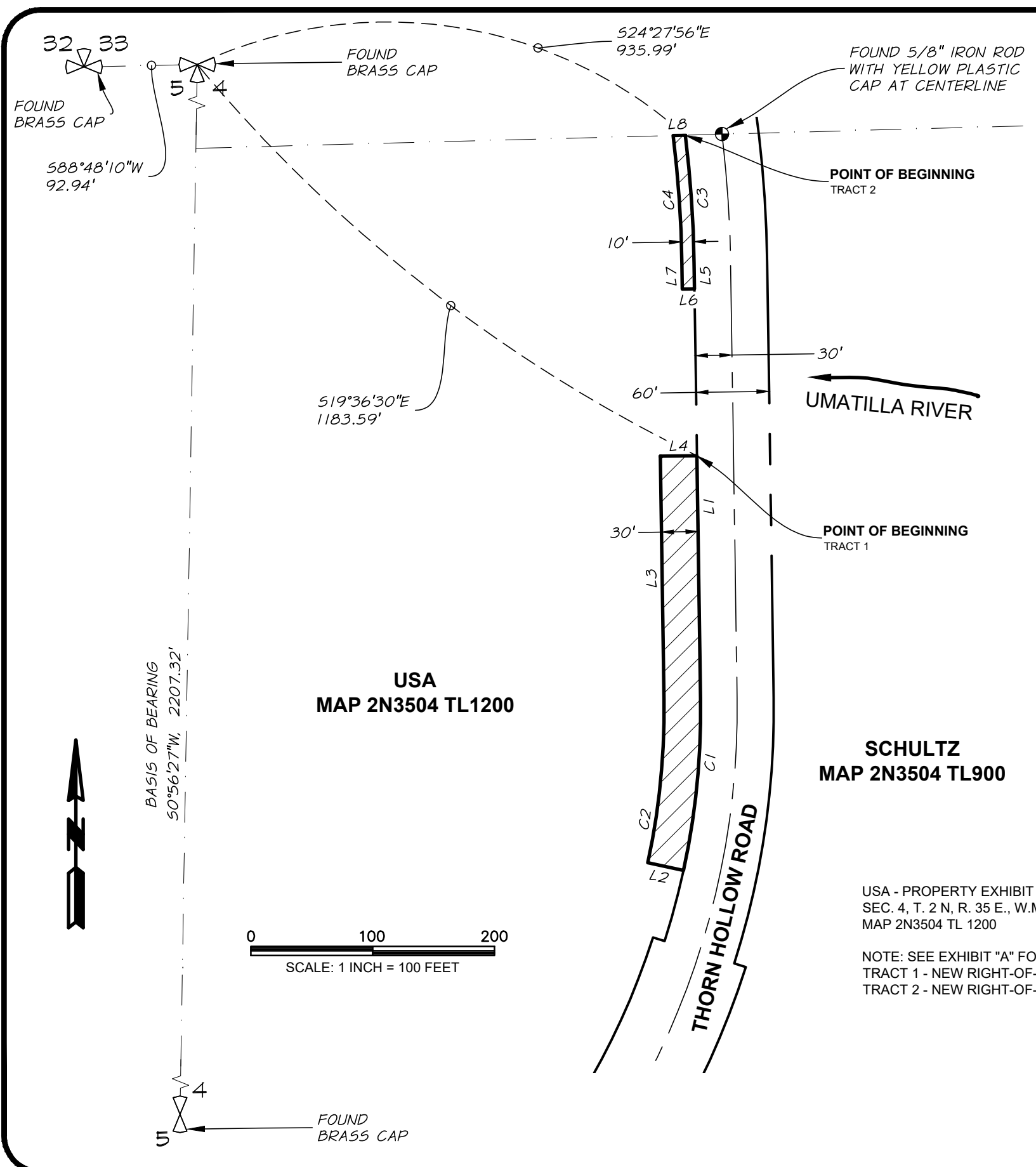
thence N00°51'12"W, 21.44 feet;
thence 104.91 feet along a curve to the left having a radius of 966.77 feet, and a central angle of 6°13'02" (chord bears N03°57'43"W, 104.85 feet) to a point on the Northerly line of said property;
thence N88°27'06"E, along said Northerly line, 10.05 feet to the **Point of Beginning**.

Tract 2 contains 1,264 square feet, or 0.029 acres, more or less.

Bearings and distances are based on the Oregon State Plane Coordinate System, North Zone, NAD83(2011).

For purposes of these descriptions, the West one-quarter corner of said Section 4 bears S00°56'27"W, 2,207.32 feet from said Northwest corner of said Section 4 Township and Range.





LINE TABLE		
LINE	BEARING	DISTANCE
L1	500°51'12"E	199.38'
L2	N77°46'36"W	30.00'
L3	N00°51'12"W	199.38'
L4	N89°08'48"E	30.00'
L5	500°51'12"E	21.44'
L6	S89°08'48"W	10.00'
L7	N00°51'12"W	21.44'
L8	N88°27'06"E	10.05'

CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEAR	CHORD DIST
C1	622.29'	142.03'	13°04'37"	S05°41'06"W	141.72'
C2	592.29'	135.18'	13°04'37"	N05°41'06"E	134.89'
C3	976.77'	105.02'	6°09'38"	S03°56'01"E	104.97'
C4	966.77'	104.91'	6°13'02"	N03°57'43"W	104.85'

FOR RECORDING USE

THE PURPOSE OF THIS PROPERTY EXHIBIT A & EXHIBIT B IS TO DESCRIBE A SLOPE EASEMENT FOR UMATILLA COUNTY ROAD DEPARTMENT.

THE FIELD SURVEY FOR THESE LOCATIONS WAS PERFORMED BY ANDERSON PERRY & ASSOCIATES, INC. IN MARCH 2021.

THE BASIS OF BEARING FOR THIS SURVEY IS ALONG THE WEST LINE OF SECTION 4, AS SHOWN. IT IS BASED ON THE OREGON STATE PLANE COORDINATE SYSTEM NORTH ZONE, NAD83 2011, (EPOCH 2010).

REGISTERED PROFESSIONAL LAND SURVEYOR

PRELIMINARY

REGON
FEBRUARY 8, 2000
RICHARD E. STEIN
49593PLS

EXPIRES: 6/30/2024

LEGEND

NEW RIGHT-OF-WAY LINE	-----
NEW RIGHT-OF-WAY ACQUISITION AREA	▨
EXISTING RIGHT-OF-WAY LINE	-----
SECTION LINE	- - - - -

RES, 08/03/2022 APA JOB #1379-68 (100) Drawing:1379-68 TL1200 ExB 080322.DWG

	UMATILLA COUNTY RIGHT-OF-WAY ACQUISITION	EXHIBIT B EASEMENT SKETCH 1/1
	UMATILLA COUNTY, OREGON	

FILE No. T2NR35ES04-TL900
TAX LOT 2N3504-900
SCHULTZ 04-19-2022

Tract 1 – Temporary Construction Easement

A tract of land located in Northwest one-quarter of Section 4, Township 2 North, Range 35 East, Willamette Meridian, Umatilla County, Oregon and being a portion of the property described in that Warranty Deed to Michael Jay Schultz and Priscilla Schultz, husband and wife, Recorded October 09, 2020 as Instrument number 2020-7090208 of Umatilla County Deed Records; said Tract 1 being a portion of said property contained in a strip of land, 25 feet in width, more particularly described as follows:

Beginning at a point on the Easterly Right-of-Way of Thorn Hollow Road which bears S26°51'12"E, 1000.58 feet from the Northwest corner of said Section 4; thence leaving said Right-of-Way N85°39'19"E, 25.00 feet; thence 40.39 feet along a non-tangent curve to the right having a radius of 1061.77 feet, and a central angle of 2°10'46" (chord bears S03°15'18"E, 40.39 feet); thence S87°50'05"W, 25.00 feet to a point on said Easterly Right-of-Way line; thence along said Right-of-Way line 39.44 along a non-tangent curve to the right having a radius of 1036.77 feet, and a central angle of 2°10'46" (chord bears N03°15'18"W, 39.44 feet) to the Point of Beginning.

Tract 1 contains 1,003 square feet, or 0.023 acres, more or less.

Bearings and distances are based on the Oregon State Plane Coordinate System, North Zone, NAD83(2011).

For purposes of this description, the West one-quarter corner of said Section 4 bears S00°56'27"W, 2,207.32 feet from said Northwest corner of said Section 4 Township and Range.



EXPIRES: 6/30/2022

FOR RECORDING USE

THE PURPOSE OF THIS PROPERTY EXHIBIT A & EXHIBIT B IS TO DESCRIBE A SLOPE EASEMENT FOR UMATILLA COUNTY ROAD DEPARTMENT.

THE FIELD SURVEY FOR THESE LOCATIONS WAS PERFORMED BY ANDERSON PERRY & ASSOCIATES, INC. IN MARCH 2021.

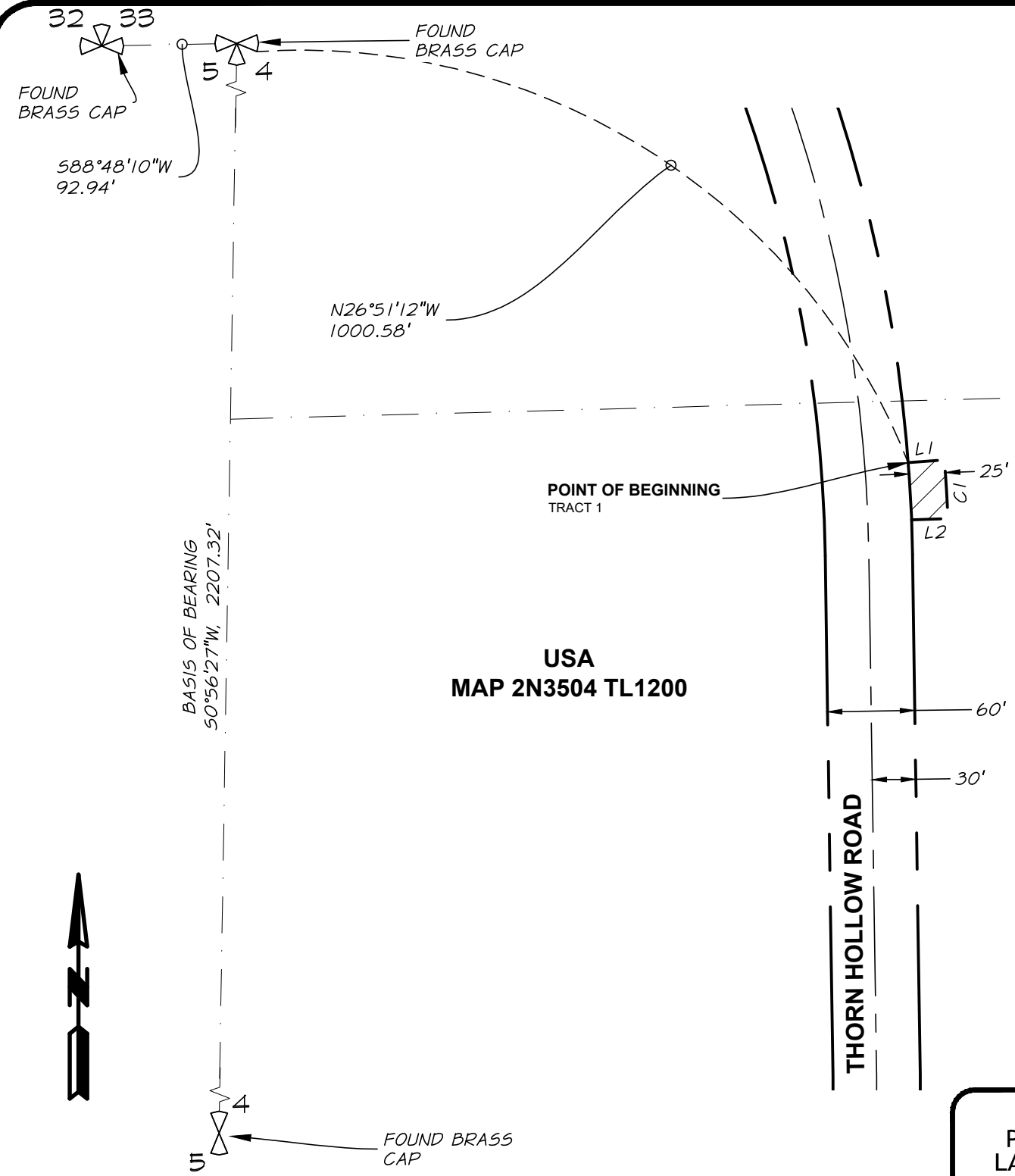
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LINE TABLE		
LINE	BEARING	DISTANCE
L1	N85°39'19"E	25.00'
L2	S87°50'05"W	25.00'

CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEAR	CHORD DIST
C1	1061.77'	40.39'	2°10'46"	S3°15'18"E	40.39'
C2	1036.77'	39.44'	2°10'46"	N3°15'18"W	39.44'

LEGEND

NEW EASEMENT LINE	-----
NEW EASEMENT AREA	//////
RIGHT OF WAY LINE	-----
SECTION LINE	- - - - -



USA
MAP 2N3504 TL1200

SCHULTZ
MAP 2N3504 TL900

THORN HOLLOW ROAD

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
FEBRUARY 8, 2000
RICHARD E. STEIN
49593PLS
EXPIRES: 6/30/2022

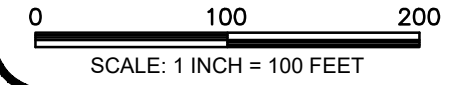
Anderson
Perry
& associates, inc.

UMATILLA COUNTY
TEMPORARY CONSTRUCTION EASEMENT FOR ROADWAY
UMATILLA COUNTY, OREGON

EXHIBIT B
EASEMENT
SKETCH
1/1

SCHULTZ - PROPERTY EXHIBIT
SEC. 4, T. 2 N, R. 35 E., W.M.
MAP 2N3504 TL 900

NOTE: SEE EXHIBIT "A" FOR THE LEGAL DESCRIPTIONS OF THIS EASEMENT
TRACT 1 - NEW SLOPE EASEMENT = 1,003 S.F. OR 0.023 ACRES, MORE OR LESS



RES, 04/12/2022 APA JOB #1379-68 (100) Drawing:1379-68 TL900 ExB 041222.DWG