

POLK COUNTY BOARD OF COMMISSIONERS

DATE: January 18, 2023
TIME: 9:00 a.m.
PLACE: Polk County Courthouse, Dallas, Oregon

THE LOCATION OF THIS MEETING IS ADA ACCESSIBLE. PLEASE ADVISE THE BOARD OF COMMISSIONERS AT (503-623-8173), AT LEAST 24 HOURS IN ADVANCE, OF ANY SPECIAL ACCOMMODATIONS NEEDED TO ATTEND OR TO PARTICIPATE IN THE MEETING VIRTUALLY.

PAGE: **AGENDA ITEMS**

- 1. CALL TO ORDER AND NOTE OF ATTENDANCE**
- 2. ANNOUNCEMENTS**
 - (a)** Regular meetings of the Board of Commissioners are held on Tuesday and Wednesday each week. Each meeting is held in the Courthouse Conference Room, 850 Main Street, Dallas, Oregon. Each meeting begins at 9:00 a.m. and is conducted according to a prepared agenda that lists the principal subjects anticipated to be considered. Pursuant to ORS 192.640, the Board may consider and take action on subjects that are not listed on the agenda. The Board also holds a department staff meeting at 9:00am on every Monday in the Commissioners Conference Room at 850 Main Street, Dallas, Oregon.
 - (b)** The Service Extension District will be meeting at 10:00 am on January 18, 2022. The meeting will be in the main conference room located on the first floor of 850 Main St Dallas OR 97338.
- 3. COMMENTS (for items not on this agenda)**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF THE MINUTES FROM January 11, 2023**
- 6. APPROVAL OF CONSENT CALENDAR**

CONSENT CALENDAR

- (a)** Polk County Order No. 23-03, Vacating a portion of Morris Road (Eric Berry, County Surveyor)
- (b)** Polk County Order No. 23-04, Vacating portions of undeveloped right of way in the incorporated community of Ballston.
(Eric Berry, County Surveyor)

**THE BOARD OF COMMISSIONERS WILL MEET IN EXECUTIVE SESSION
PURSUANT TO ORS 192.660.**

ADJOURNMENT

POLK COUNTY BOARD OF COMMISSIONERS
MINUTES January 11, 2023

1. CALL TO ORDER & ATTENDANCE

At 9:00 a.m., Commissioner Gordon declared the meeting of the Polk County Board of Commissioners to be in session. Commissioner Pope and Commissioner Mordhorst were present.

Staff present: Greg Hansen, Administrative Officer
Morgan Smith, County Counsel
Matt Hawkins, Administrative Services Director

2. ANNOUNCEMENTS

Regular meetings of the Board of Commissioners are held on Tuesday and Wednesday each week. Each meeting is held in the Courthouse Conference Room, 850 Main Street, Dallas, Oregon. Each meeting begins at 9:00 a.m. and is conducted according to a prepared agenda that lists the principle subjects anticipated to be considered. Pursuant to ORS 192.640, The Board may consider and take action on subjects that are not listed on the agenda. The Board also holds a department staff meeting at 9:00 a.m. on every Monday in the Commissioners Conference Room at 850 Main Street, Dallas, Oregon.

The Homeless Prevention Advisory Council will be meeting on January 11, 2023 from 12:00 pm to 1:30 pm located in the first floor conference room at 182 SW Academy St, Dallas Oregon, 97338.

The Polk Extension Service District will be meeting at 10:00 am on January 18, 2022. The meeting will be in the main conference room located on the first floor of 850 Main St Dallas OR 97338.

3. COMMENTS

None.

4. APPROVAL OF AGENDA

Commissioner Gordon stated for the record that we needed to approve the agenda with the addition of two agenda items. The vacation of a portion of Morris Road and the Vacation of several portions of undeveloped right of way in the un-incorporated community of Ballston. Commissioner Gordon provided a brief recap of the two public hearings that were held on December 21, 2022 for both items and stated that the record was kept open for seven days until 5:00pm on December 28, 2022 and that the Board would make a decision two weeks after the record was closed.

MOTION: COMMISSIONER POPE MOVED, COMMISSIONER MORDHORST SECONDED, TO APPROVE THE AGENDA WITH THE ADDED ITEMS.

MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.

5. APPROVAL OF MINUTES OF BOARD MEETING OF January 4, 2023

MOTION: COMMISSIONER MORDHORST MOVED, COMMISSIONER POPE SECONDED, TO APPROVE THE MINUTES OF January 4, 2023.

MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.

6. APPROVAL OF CONSENT CALENDAR

MOTION: COMMISSIONER POPE MOVED, COMMISSIONER MORDHORST SECONDED, TO APPROVE THE CONSENT CALENDAR.

MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.

7. VACATION OF A PORTION OF MORRIS ROAD

Commissioner Pope stated after looking over all the documents that the BOC office received in regards to the vacation of Morris Road as well as speaking with legal counsel, that he was ready to make a motion. Commissioner Gordon stated that there is no compelling case that retaining this right of way is in the public interest.

MOTION: COMMISSIONER POPE MOVED, COMMISSIONER MORDHORST SECONDED, TO APPROVE THE VACATION OF A PORTION OF MORRIS ROAD.

MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.

8. VACATION OF SEVERAL PORTIONS OF UNDEVELOPED RIGHT OF WAY IN THE UNINCORPORATED COMMUNITY OF BALLSTON

MOTION: COMMISSIONER MORDHORST MOVED, COMMISSIONER POPE SECONDED, TO APPROVE THE VACATION OF SEVERAL PORTIONS OF UNDEVELOPED RIGHT OF WAY IN UNINCORPORATED COMMUNITY OF BALLSTON.

MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.

Morgan Smith, County Counsel, stated for the record that he would be putting together the Board Orders for each item which will be on next week's consent calendar.

7. LENTH OF SERVICE AWARDS

The Board of Commissioners and staff recognized the following employee for their years of service:

- Lynn Hall, 20 years of service

The following items were approved by Motion under **5. APPROVAL OF CONSENT CALENDAR:**

- a) Notification of intent to award a contract, Buena Vista Boat Launch
Cascade Civil Corp
(Matt Hawkins, Admin Services Director)**
- b) Polk County Order No. 22-02, Fair Board Reappointment
(Morgan Smith, County Counsel)**
- c) Polk County Contract No. 23-04, Service Contract
(Bekah Quiner, Behavioral Health)**
- d) Polk County Contract No. 23-05, Employment Agreement
(Morgan Smith, County Counsel)**

There was no need for an executive session and Commissioner Gordon adjourned the meeting at 9:05 am.

POLK COUNTY BOARD OF COMMISSIONERS

Jeremy Gordon, Chair

Craig Pope, Commissioner

Lyle Mordhorst, Commissioner

Minutes: Nicole Pineda
Approved: January 18, 2023

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3
4 **BEFORE THE BOARD OF COMMISSIONERS FOR**
5 **POLK COUNTY, OREGON**
6

7 In the Matter of vacating a portion of Morris Road)
8 See Exhibit "A", "B" and "C".)
9)
10

11 **ORDER NO. 23-03**
12

13 **WHEREAS**, a member of the public has submitted a petition to Public Works
14 requesting that proceedings be initiated to vacate a portion of Morris Road, more
15 particularly described in Exhibit "A" and depicted in Exhibit "B" and "C"; and
16

17 **WHEREAS**, this matter came before a regularly scheduled public hearing on
18 December 21, 2022; and
19

20 **WHEREAS**, Public Works has recommended that a portion of Morris Road,
21 described in Exhibit "A" and depicted in Exhibit "B" and "C" be vacated; and
22

23 **WHEREAS**, it appearing to the board that it is in the best interest of the public to
24 vacate the said portions of Morris Road, described in Exhibit "A" and depicted in
25 Exhibit "B" and "C"; and
26

27 **WHEREAS**, notice of the public hearing was posted and all owners of abutting
28 property affected by the vacations were notified of the public hearing; and
29

30 **WHEREAS**, ORS 368.326 to 368.366 specifies the procedure for vacation of
31 County property; now, therefore,
32

33 **THE POLK COUNTY BOARD OF COMMISSIONERS ORDERS AS FOLLOWS:**
34

- 35 (1) It is in the best interest of the public to vacate the portion of Morris Road, more
36 particularly described in Exhibit "A" and depicted in Exhibit "B" and "C."
37 Accordingly, the portion of Morris Road, more particularly described in Exhibit
38 "A" and depicted in Exhibit "B" and "C are hereby vacated pursuant to ORS
39 368.326 *et seq.*
40
41

1 (2) This order takes effect upon signing and the completion of the requirements of ORS
2 368.356(3).
3

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5 Dated: January 18, 2023 at Dallas, Oregon.
6

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8 **POLK COUNTY BOARD OF COMMISSIONERS**
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12 _____
13 Jeremy Gordon, Chair
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16 Approved as to Form _____
17 Lyle Mordhorst, Commissioner

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19 _____
20 Morgan Smith
County Counsel _____
Craig Pope, Commissioner

EXHIBIT "A"

Legal Description

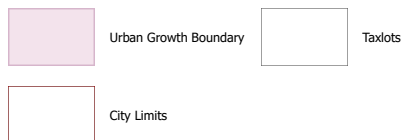
A tract of land, 40 feet wide, laying in the SW $\frac{1}{4}$ of Section 35 of Township 6 South, Range 5 West of the Willamette Meridian in Polk County and The State of Oregon.

Said tract being a portion of what is now known as Morris Road (CR 7501). Said road was originally known as John Morris Road (Old Road No. 162 and 197) and being further described as:

Beginning at a point in the centerline of the existing Morris Road, which point is N0°09'55"E 264.47 feet and S89°12' 21"E 15.06 feet from the reentrant corner of the Henry Landers CL 61 per RE10478; Thence N89°12' 21"W 15.06 feet; Thence S89°59'21"W 304.54 feet; Thence N89°14'01"W 685.61 feet; Thence N0°09'08"E 607.00 feet to the terminus of this description. Also to include the Easterly 20 feet of right-of-way of a line projected N0°09'08"E 40 feet from the point of terminus. As shown on Exhibit "C". The bearings and distances herein are per CS16644.

Save and except any public utilities that may exist in the existing right of way.

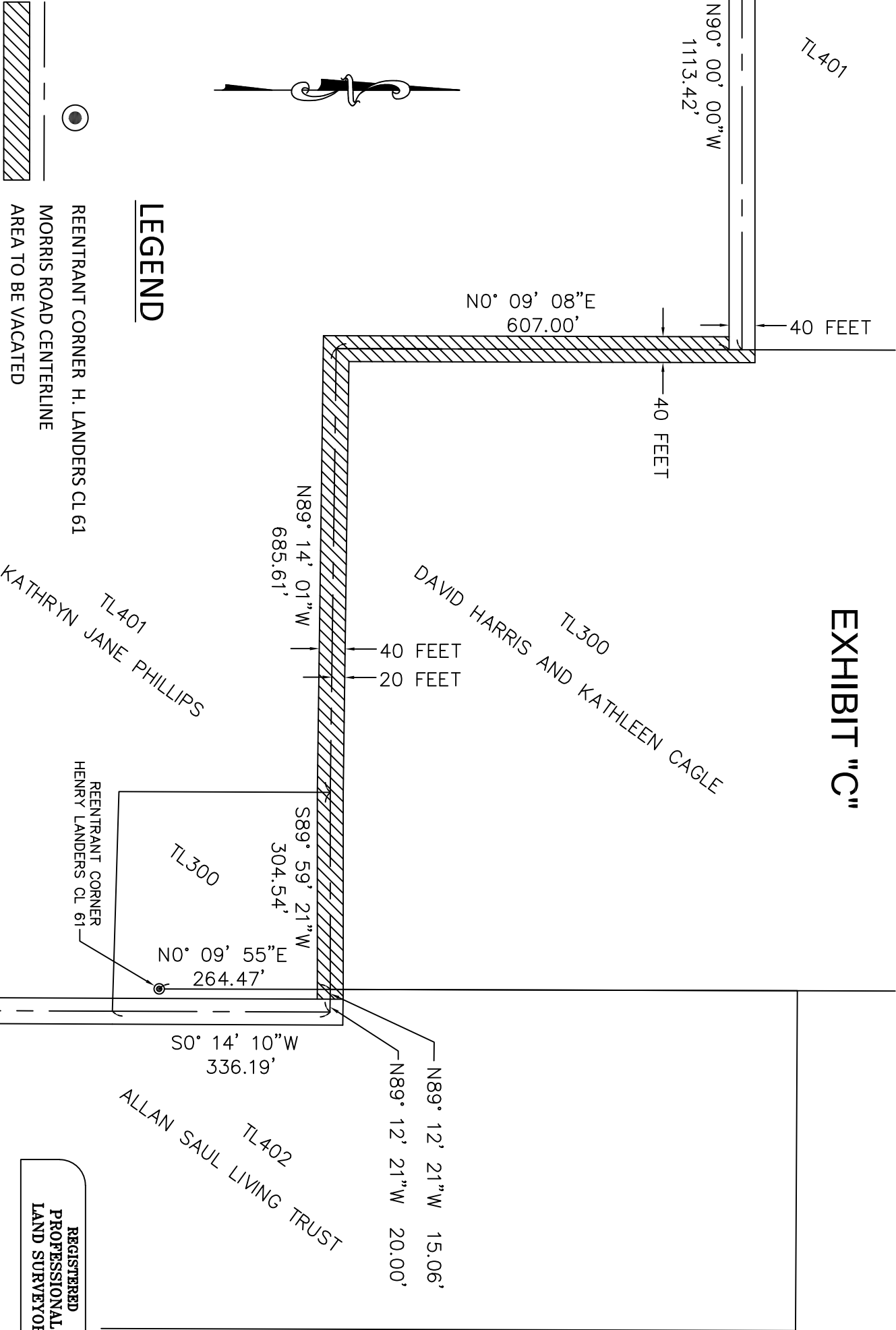
EXHIBIT "B"



Date: 7/8/2022

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EXHIBIT "C"



POLK COUNTY SURVEYOR 820 S.W. ASH ST. DALLAS OREGON 97338 (503) 623-1887		
DRAWN BY: DB	DATE DRAWN: 7-15-2022	PROJECT NO.
CHECKED BY: EB	SURVEY DATE: N/A	SCALE: 1" = 200'

1
2 **BEFORE THE BOARD OF COMMISSIONERS FOR**
3 **POLK COUNTY, OREGON**
4

5 In the Matter of vacating several portions of undeveloped)
6 right of way in the un-incorporated community of Ballston.)
7 See Exhibit "A" and "B".)
8

9 **ORDER NO. 23-04**
10

11 **WHEREAS**, a member of the public has submitted a petition to Public Works
12 requesting that proceedings be initiated to vacate several portions of undeveloped and
13 unnamed right of way in the un-incorporated community of Ballston, more particularly
14 described in Exhibit "A" and depicted in Exhibit "B"; and "C"
15

16 **WHEREAS**, this matter came before a regularly scheduled public hearing on
17 December 21, 2022; and
18

19 **WHEREAS**, Public Works has recommended that several portions of
20 undeveloped and unnamed right of way in the un-incorporated community of Ballston,
21 more particularly described in Exhibit "A" and depicted in Exhibit "B" and "C" be
22 vacated; and
23

24 **WHEREAS**, it appearing to the board that it is in the best interest of the public to
25 vacate the said portions of undeveloped and unnamed right of way in the un-incorporated
26 community of Ballston, described in Exhibit "A" and depicted in Exhibit "B" and "C";
27 and
28

29 **WHEREAS**, notice of the public hearing was posted and all owners of abutting
30 property affected by the vacations were notified of the public hearing; and
31

32 **WHEREAS**, ORS 368.326 to 368.366 specifies the procedure for vacation of
33 County property; now, therefore,
34

35 **THE POLK COUNTY BOARD OF COMMISSIONERS ORDERS AS FOLLOWS:**
36

- 37 (1) It is in the best interest of the public to vacate several portions of undeveloped and
38 unnamed right of way in the un-incorporated community of Ballston, more
39 particularly described in Exhibit "A" and depicted in Exhibit "B" and "C."
40 Accordingly, the several portions of undeveloped and unnamed right of way in the
41 un-incorporated community of Ballston, more particularly described in Exhibit "A"
42 and depicted in Exhibit "B" and "C are hereby vacated pursuant to ORS 368.326 *et*
43 *seq.*
44
45

1 (2) This order takes effect upon signing and the completion of the requirements of ORS
2 368.356(3).
3

4
5 Dated: January 18, 2023 at Dallas, Oregon.
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8 **POLK COUNTY BOARD OF COMMISSIONERS**
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13 Jeremy Gordon, Chair
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16 Approved as to Form _____
17 Lyle Mordhorst, Commissioner
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19 _____
20 Morgan Smith
County Counsel _____
Craig Pope, Commissioner

EXHIBIT "A"

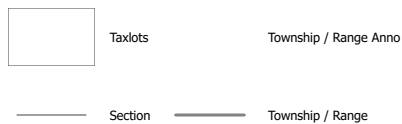
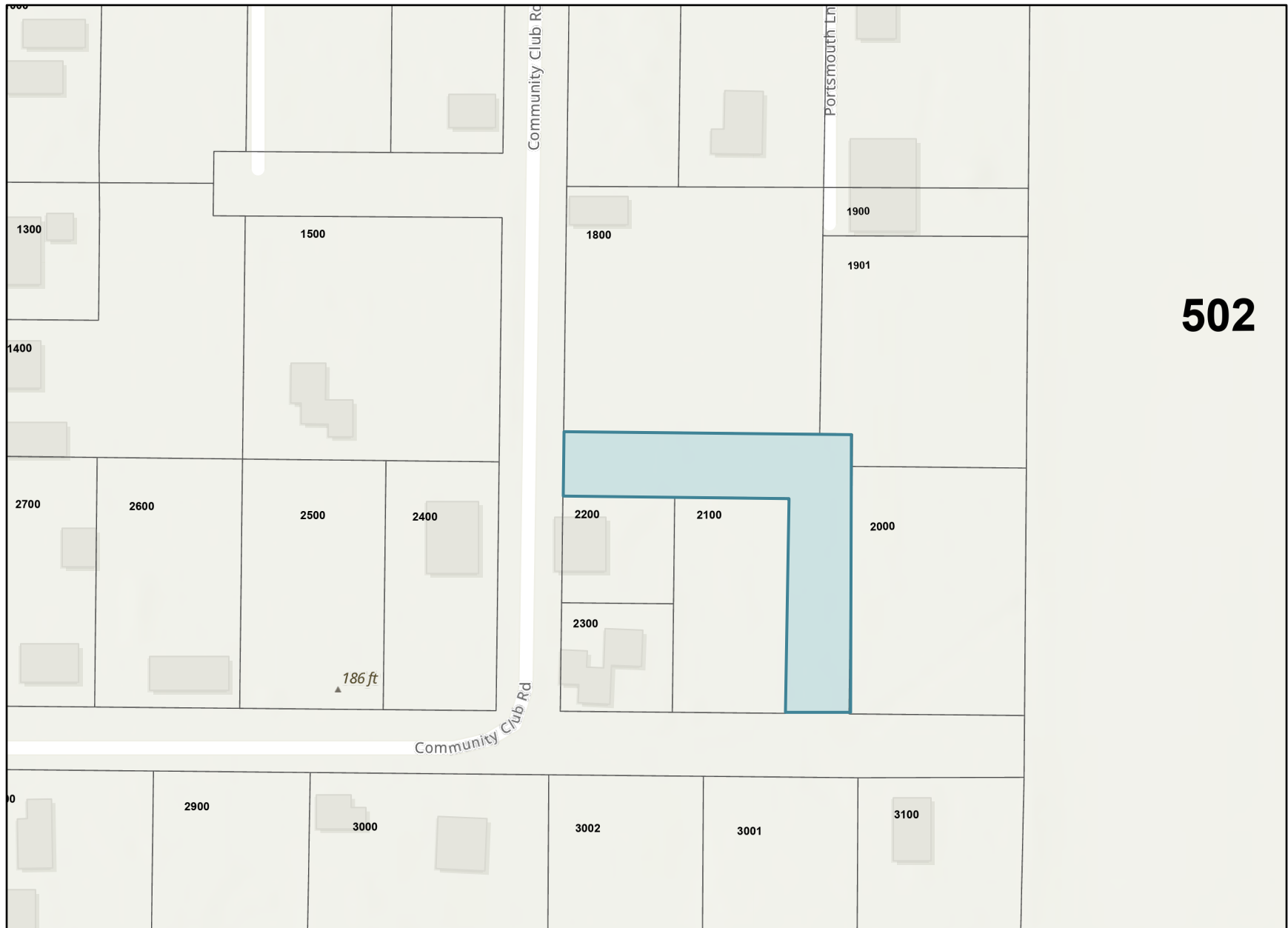
Legal Description

A tract of land lying in the northeast one-quarter of Section 8, Township 6 South, Range 5 West of the Willamette Meridian, Polk County, Oregon and being platted by Salings Addition to the town of Ballston, as recorded in Book 1 pages 46 and 63, Book of Town Plats, Polk County, Oregon and being more particularly described as follows;

All that portion of a 60 foot wide unnamed public right of way lying between Blocks 9 and 10 of said Salings Addition and also that 60 foot wide right of way lying between Blocks 7 and 10. This vacation is to include the intersection of the said unnamed public rights of way that lie between Blocks 7, 8, 9 and 10.

Save and except any public utilities that may exist in the existing right of way.

Exhibit B



Date: 6/30/2022

This map was produced from the Polk County geographic databases to support its governmental activities. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. The county is not responsible for any map errors, possible misuse, or misinterpretation. To report a map error, please call (503)623-0713.