

Eric Evans

From: EDEN John W <John.W.EDEN@odot.state.or.us>
Sent: Tuesday, January 19, 2021 9:46 AM
To: Eric Evans
Subject: FW: BK92 Steens Hwy & Folly Farm Rd

From: EDEN John W
Sent: Thursday, January 14, 2021 4:44 PM
To: Debra Griffin <debra.griffin@smartlinkgroup.com>
Cc: Chip O'Hearn <chip.ohearn@smartlinkgroup.com>
Subject: RE: BK92 Steens Hwy & Folly Farm Rd

Hi Debbie,
Sorry for the delay in getting back with you. We were trying to explore all of the options for this access.

Our Salem right of way office has confirmed that the existing driveway you were looking at using for access to the proposed cell tower site on DSL land is not currently permitted nor does it have a legal access right to the highway. Here are the research notes:
RW Map 6B-34-7; Harney Co. 28S-36E-36-TL 1100 (File 15464): Access is controlled to the Steens Highway. With a reservation of access to serve the remaining property at or near sta. 1280+00, not to exceed 25', S side, and shall not be used in connection with any commercial institution or activity established or conducted on the adjoining property, which in any manner, caters to, invites, solicits from or is dependent upon the users of said highway. Subject to frontage road language in the deed.

If you were to look up the deed recorded at the time the current highway alignment was built in the 50's, you would find the above language in the property deed.

There was an old leg of the previous highway alignment right there but it did not follow the path of the current road that goes up the hill. I would guess that someone thought it would be okay to have a driveway there because of the old road bed. There is a deeded access right on the other side of the highway serving the tax lot but that appears to be on the side where the majority of TL 1100 is located and it looks like it is being used for range access.

There is an option to apply for a grant of access that could make the driveway legal. As I had said before it is a lengthy process and there are fees. It also involves appraising the land with and without the subsequent access. Then the difference has to be paid back to the state to make the highway trust fund whole. Let me know if you have questions and I will provide reference info for you on the grant process.

John Eden
ODOT District 14 Access & Utility permits
1390 SE 1st Ave. Ontario, OR 97914
Office: 541-823-4016
Fax: 541-889-6600

EXHIBIT # 2