HARDY MYERS
ATTORNEY GENERAL

PETER D. SHEPHERD
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

1162 Court Street NE
Justice Building
Salem, Oregon 97301-4096
Telephone: (503) 378-4400
TTY: (503) 378-5938

August 9, 2004

Dolores A. Skillstad
P.O. Box 957
Warrenton, OR 97146

Petitition for Public Records Disclosure Order
Oregon Department of Transportation Records

Dear Ms. Skillstad:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on August 3, 2004, asks the Attorney General to direct the Oregon Department of Transportation (ODOT) to make available Right of Way Deed 7916 and particular survey, or resoluted right of way, maps relating to Warranty Deed 11443. For the reasons that follow, we respectfully deny your petition.[1]

We have conferred with Mike Spaeth, ODOT District 1 Manager, who informed us that ODOT has responded to each of your past requests for this information, and has not denied your request nor denied you access to these documents. Mr. Spaeth informed us that, to the contrary, ODOT has prepared copies of Right of Way Deed 7916, Warranty Deed 11443, ODOT R/W Map 10C-50-8 and ODOT "As Constructed" map 3V-311 Astoria Naval Hospital Section of Nehalem Highway, and that Mr. Spaeth has attempted to contact you so that you may pick up these documents from the District 1 office. Those documents are available by contacting Mr. Spaeth at 503-325-7222; or at his office at 350 W. Marine Drive, Astoria, Oregon.

[1] Your petition was also directed to the Clatsop County District Attorney and, in part, related to Clatsop County records. We will not address that portion of your petition relating to Clatsop County records, as they are outside of the Attorney General's authority.

Therefore, because ODOT has not denied your request for public records, we respectfully deny your petition.

Sincerely,

Peter D. Shepherd
Deputy Attorney General
Administration Section

PDS:gvk/AGS14361
cc: Mike Spaeth, ODOT District 1