



Deschutes County Board of Commissioners  
1300 NW Wall St., Suite 200, Bend, OR 97701-1960  
(541) 388-6570 - Fax (541) 385-3202 - [www.deschutes.org](http://www.deschutes.org)

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**AGENDA REQUEST & STAFF REPORT**  
**For Board Business Meeting of April 8, 2015**

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*Please see directions for completing this document on the next page.*

**DATE:** March 31, 2015

**FROM:** George Kolb                      Road Department                      322-7113

**TITLE OF AGENDA ITEM:**

Consideration of Signature of Order No. 2015-017, Vacating a portion of 17th Street Between F Avenue and E Avenue Located in Terrebonne, Oregon,

**PUBLIC HEARING ON THIS DATE?** NO. This is a 100% vacation and no public hearing is required per ORS 368.351.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Road Department was contacted by Linda Abbas who is representing property owners Raymond and Sharon Struck concerning the vacation of a portion of 17th Street between F Avenue and E Avenue in Terrebonne, Oregon. This section of 17th Street is bordered on both sides by property owned by the Strucks. Staff made a field trip out to the site and found there are no roadway improvements or utilities located in this right-of-way and it appears it has never been open to traffic.

The sections of 17th Street north of F Avenue have already been vacated. The section of 17th Street from F Ave. to G Ave. was vacated in 1988 and the remainder of 17th Street from G Avenue to the north boundary of Hillman Subdivision was vacated in 1977. Since there is no reason for constructing a road in this right-of-way, the applicants would like to vacate the right-of-way to allow them better utilize their property. Signature of Order No. 2015-017 will finalize the vacation of the right-of-way

**FISCAL IMPLICATIONS:**

None. All fees for this vacation process have been paid by the applicant.

**RECOMMENDATION & ACTION REQUESTED:**

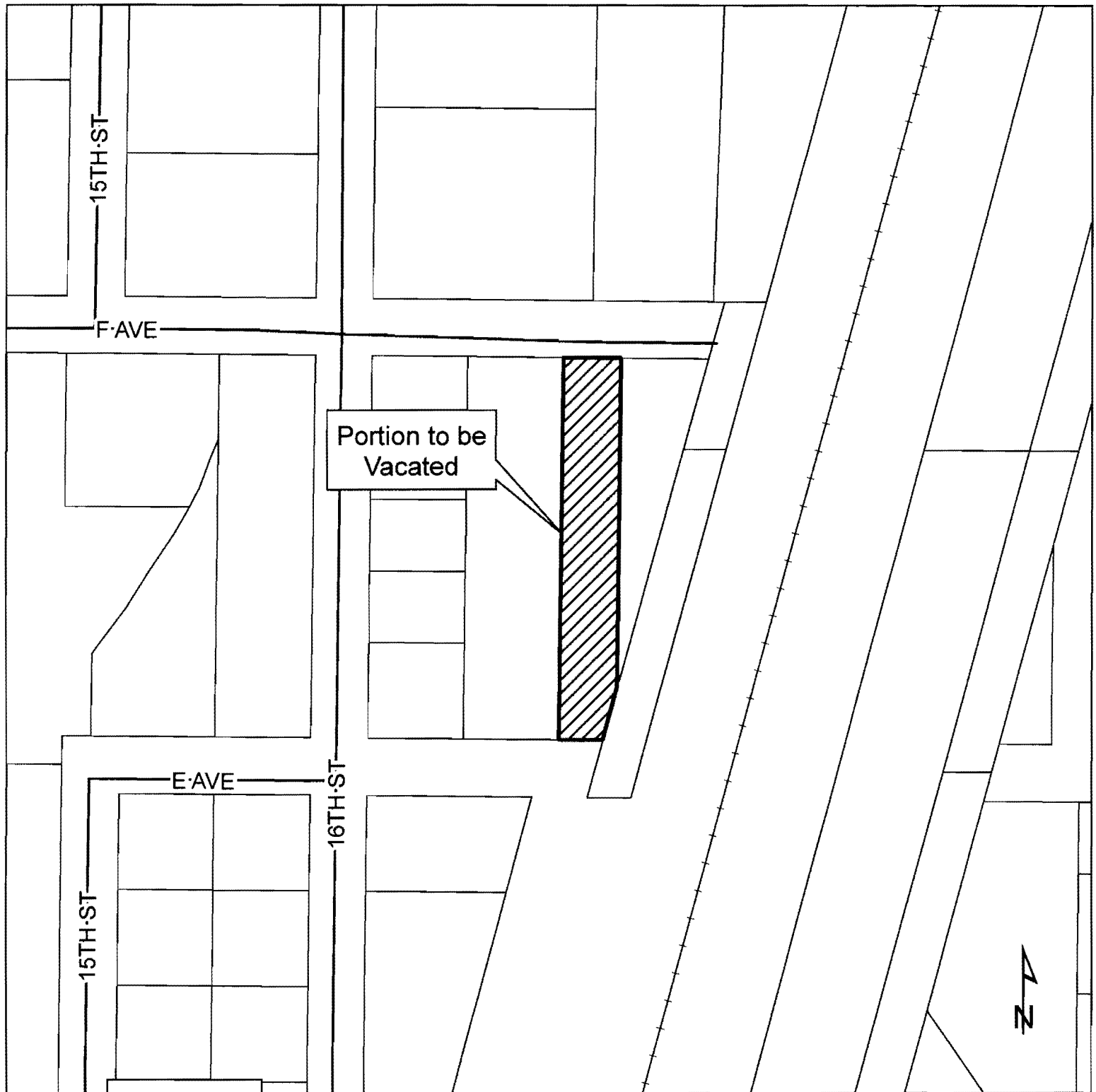
The Road Department recommends signature of Order No. 2015-017

**ATTENDANCE:** George Kolb, County Engineer

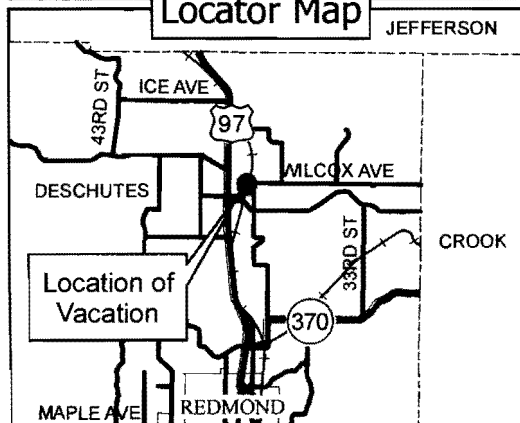
**DISTRIBUTION OF DOCUMENTS:**

Copy to Sheila Odle (ext. 7148) at the Road Department

# Vacation of a Portion of 17th Street



Locator Map



Printed: March 11, 2015

## Legend

- Railroad
- State Highway
- Road Centerlines
- Vacation
- Taxlots

The information on this map was derived from digital databases on Deschutes County's G.I.S. Care was taken in the creation of this map, but it is provided "as is". Deschutes County cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. There are no warranties, express or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

**DESCHUTES COUNTY**

**John Anderson, GIS Analyst**  
 Phone: (541) 322-7102  
 Email: john.anderson@deschutes.org  
 Address: 61150 SE 27th St  
 Bend, OR 97702

**Road Department**

P:\ArcGIS\_Projects\Vacations\17th\_St\_Tumalo

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Vacating a Portion of 17<sup>th</sup> Street  
Between F Avenue and E Avenue located in  
Terrebonne, Oregon,

\*  
\*  
\*  
\*

ORDER NO. 2015-017

WHEREAS, proceedings for vacating a portion of 17<sup>th</sup> Street Between F Avenue and E Avenue located in Terrebonne, Oregon, were initiated by a petition filed by owners of property abutting said road and trails pursuant to ORS 368.341(1) (c); and

WHEREAS, said petition meets the requirements of ORS 368.341(3); and

WHEREAS, said petition contains the acknowledged signatures of owners of 100 percent of property abutting the property proposed to be vacated and indicates said owners' approval of said vacation; and

WHEREAS, as requested by the Board of County Commissioners pursuant to ORS 368.346(1), the County Road Official has prepared and filed with the Board a written report pertaining to the vacation; and

WHEREAS, said report contains the County Road Official's assessment that the proposed vacation is in the public interest; and

WHEREAS, the Board of County Commissioners finds that the proposed vacation is in the public interest; now, therefore

THE BOARD OF COUNTY COMMISSIONERS FOR DESCHUTES COUNTY, OREGON, ORDERS as follows:

Section 1 That the petition filed by the owners of 100 percent of the property abutting the property proposed for vacation, attached hereto as Exhibit "A" and by this reference incorporated herein, is hereby accepted and approved.

Section 2. That the County Road Official's written report, attached as Exhibit "B" and by this reference incorporated herein, is hereby accepted and approved.

Section 3. That the property, described in Exhibit "C" attached hereto and by this reference incorporated herein, is hereby vacated.

Section 4. That the property, vacated in Section 3 herein shall vest in the owners of the land abutting the vacated property by extension of the person's abutting property boundaries to the center of the vacated property, in accordance with ORS 368.366(1) (d).

Section 5. That the Deschutes County Surveyor is directed to mark the plat as provided in ORS 271.230.

Section 6. That this Order shall be recorded with the Deschutes County Clerk, and copies shall be filed with the Deschutes County Surveyor and County Assessor.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2015

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DEBONE, Chair

\_\_\_\_\_  
ALAN UNGER, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
TAMMY BANEY, Commissioner

PETITION FOR VACATION OF A PUBLIC ROAD

TO: THE DESCHUTES COUNTY BOARD OF COMMISSIONERS

We, the undersigned (holding recorded interest or abutting the proposed property or owning improvements constructed on the proposed property for vacation), respectfully request the following described road be vacated.

Description of road to be vacated: 17th Street between "F" Ave  
and "E" Ave, Terrebonne

Located in Terrebonne, Deschutes County.

Reason for road vacation request: Road is not used.

DATED this 6th day of March, 2015.

PRINT NAME	SIGNATURE	ADDRESS	CITY	STATE	ZIP
<u>Raymond STRUCKS</u>	<u>[Signature]</u>	<u>8572 16th ST.</u>	<u>Terrebonne, Or</u>	<u>OR</u>	<u>97760</u>
<u>SHARON STRUCKS</u>	<u>[Signature]</u>	<u>8572 16th ST.</u>	<u>Terrebonne</u>	<u>OR</u>	<u>97760</u>
<u>JAMES LEWIS</u>	<u>[Signature]</u>	<u>P.O. Box 6005</u>	<u>BEAD</u>	<u>OR</u>	<u>97706</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

STATE OF OREGON                     )  
County of Deschutes            ) ss.

On this 6 day of March, in the year 2015, before me, a Notary Public, personally appeared Raymond Strucks and Sharon Strucks personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal

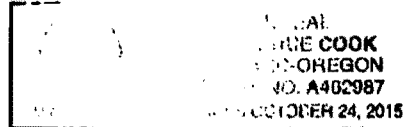
[Signature]  
Notary Public for Oregon.

My Commission expires: 11/20/17



Exhibit A  
Page 2 of 2

STATE OF OREGON )  
County of DESCHUTES ) ss.



On this 9<sup>TH</sup> day of MARCH, in the year 2015, before me, a Notary Public, personally appeared JAMES J. LEWIS personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal

Jane Cook

Notary Public for Oregon.

My Commission expires: 10-24-15

STATE OF OREGON )  
County of Deschutes ) ss.

On this 9 day of \_\_\_\_\_, in the year 20\_\_\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal

\_\_\_\_\_  
Notary Public for Oregon.

My Commission expires: \_\_\_\_\_

STATE OF OREGON )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal

\_\_\_\_\_  
Notary Public for Oregon.

My Commission expires: \_\_\_\_\_

I CERTIFY THAT THIS IS THE TRUE AND ORIGINAL PETITION CIRCULATED BY ME.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE: \_\_\_\_\_



## **Road Department**

61150 SE 27th St. • Bend, Oregon 97702  
(541) 388-6581 • FAX (541) 388-2719

Exhibit B  
Page 1 of 3

### **ENGINEER'S REPORT**

TO: Board of County Commissioners

FROM: George Kolb, County Engineer, Deschutes County Road Department

DATE: March 31, 2015

SUBJECT: Vacation of a portion of a portion of 17<sup>th</sup> Street between F Avenue and E Avenue in Terrebonne, Oregon

This report is made pursuant to ORS 368.351, concerning the vacation of property without a public hearing. A county governing body may make a determination about a vacation of property without a public hearing if:

- (1) The county road official files with the county governing body a written report that contains the county road official's assessment that any vacation of public property is in the public interest; and
- (2) The proceedings for a vacation were initiated by a petition that contains acknowledged signatures of 100 percent of the property owners abutting any public property to be vacated.

#### **Background:**

The Road Department was contacted by Linda Abbas who is representing property owners Raymond and Sharon Struck concerning the vacation of a portion of 17<sup>th</sup> Street between F Avenue and E Avenue in Terrebonne, Oregon. This section of 17<sup>th</sup> Street is bordered on both sides by property owned by the Strucks. Staff made a field trip out to the site and found there are no roadway improvements or utilities located in this right-of-way and it appears it has never been open to traffic. The sections of 17<sup>th</sup> Street north of F Avenue have already been vacated. The section of 17<sup>th</sup> Street from F Ave. to G Ave. was vacated in 1988 and the remainder of 17<sup>th</sup> Street from G Avenue to the north boundary of Hillman Subdivision was vacated in 1977. Since there is no reason for constructing a road in this right-of-way, the applicants would like to vacate the right-of-way to allow them better utilize their property.

Discussion:

The Road Department mailed out notices to all interested parties and also utilities serving the area to determine if there was any interest in maintaining a utility easement. The following are the utilities notified and their response to the vacation:

**Bend Broadband:** No Response

**Cascade Natural Gas:** No Response

**Central Electric Co-op:** No Response

**Central Oregon Irrigation District:** No Response

**Pacific Power:** No Response

**PGT:** No Response

**CenturyLink:** Response dated March 19, 2015 from Debbie Isenstein, CenturyLink Right of Way Agent;  
*"In response to your vacation notification, I have review the area with our engineer and determined that CenturyLink does not have facilities in place. Therefore, We have no objection to the vacation as proposed."*

**Terrebonne Domestic Water District:** No Response

**Redmond Fire Department:** Response dated March 24, 2015 from Clara Butler, Deputy Fire Marshall,  
*"The following access requirements shall be met anytime a property is developed. If the property along 17<sup>th</sup> St., Terrebonne is developed at a later date and 17<sup>th</sup> St. is not maintained the following requirements may not be met."* See attached Exhibit 1 for the remainder of the memo. Both lots that are created by this vacation will have public right of way access onto F Avenue on the north boundary and E Avenue on the south boundary so all access requirements are met. I did discuss the vacation with Clara Butler and after the phone conversation, she sent an e-mail stating, *"After speaking with you, the fire department is ok with the vacation of 17<sup>th</sup> St. in Terrebonne."*

**Deschutes County Community Development Department:** Response dated March 17, 2015 from Paul Blikstad, *"It doesn't appear to be needed for street connections in Terrebonne. Recommend approval."*

**Deschutes County Property Management Department:** No Response

**Deschutes County Legal Department:** No Response



**Findings:**

Based upon preliminary responses, and the Department's research of the proposed vacation, the Road Department makes the following findings:

1. The Road Department has verified that a petition under ORS 368.341 has initiated proceedings for this vacation and contains the acknowledged signatures of the owners of 100 percent of the property abutting the proposed vacation.
2. The portion of right-of-way being vacated is no longer needed for public roadway purposes
3. No utility easement will be required.
4. The vacation will allow the applicants to better utilize their property.

**Recommendation:**

It is the Road Department's assessment that the proposed vacation is in the public interest as it returns the right-of-ways to the tax roles and allows the property owners to better utilize their properties. The Road Department recommends that the Board approve the vacation of the parcels as described in the attached Order No. 2015-017 subject to the following conditions:

1. The vacated property shall vest according to Section 4, Order no. 2015-017
2. No opposition to this vacation is received by the Road Department or Board of County Commissioners prior to signature of Order No. 2015-017.

**PRELIMINARY VACATION NOTICE**

**TO: ALL UTILITIES AND MUNICIPALITIES**  
**FROM: DESCHUTES COUNTY ENGINEER**  
**SUBJECT: VACATION OF A PORTION OF 17<sup>TH</sup> STREET BETWEEN F**  
**AVENUE AND E AVENUE IN TERREBONNE, OR.**

Deschutes County has received a Petition to Vacate the property described in Exhibit "A", attached hereto.

**NOTE:**

In contrast to the County's past policy, a utility easement will not be reserved on vacated public road right-of-way parcels a utility company provides evidence of an existing facility, or there is a specific request from a utility company to retain an easement for a planned future facility.

If you currently have any facilities located on this property, have a possible future interest in this property, or wish to comment on the proposed vacation, please complete this form and **RETURN TO: The Road Department, Attn: Sheila Odle, 61150 SE 27th Street, Bend, Oregon 97702, within fourteen (14) days. FAX NUMBER: (541) 388-2719**

DATED this 12<sup>TH</sup> DAY OF MARCH, 2015.

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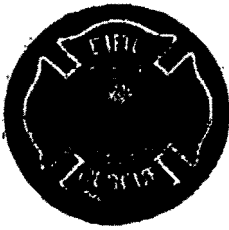
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Redmond Fire Department  
341 NW Dogwood Ave  
Redmond, OR 97756

**REDMOND  
FIRE & RESCUE**

MAR 16 2015

APPROVED BY Bm



**Redmond Fire and Rescue Residential Comments**

Date: March 24, 2015

Location: 'F' Ave and 17<sup>th</sup> St, Terrebonne

Subject: Vacation a portion of 17<sup>th</sup> St between F Ave and E Ave

From: Clara Butler, Deputy Fire Marshal

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If there are questions regarding Fire Code issues, please contact the Redmond Fire and Rescue Deputy Fire Marshal at 541-504-5016 or email at [clara.butler@redmondfireandrescue.org](mailto:clara.butler@redmondfireandrescue.org).

The following access requirements shall be met anytime a property is developed. If the property along 17<sup>th</sup> St, Terrebonne, is developed at a later date and 17<sup>th</sup> St is not maintained the following requirements may not be met.

**ACCESS:**

- **Premises Identification – 2014 OFC 505.1**
  - Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street fronting the property. Said numbers shall contrast with their background and visible at night. Number/letter shall be a minimum of 4" high and a .5 "stroke width.
- **Required Access – 2014 OFC 504.1**
  - Exterior doors and openings shall be made readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided.
- **Fire Apparatus Access Roads – 2014 OFC Section 503 & Appendix D**
  - Fire apparatus access roads shall extend to within 150 ft of all portions of the building as measured by an approved route around the exterior of the building.
  - Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
  - Fire apparatus roads shall be designed and maintained to support the imposed loads of 70,000 lbs and shall be surfaced so as to provide all-weather driving capabilities.
  - The required turning radius of a fire apparatus access road shall be 30 feet inside and 50 feet outside.
  - The grade of the fire apparatus access roads shall be within the limits established by the fire code official (10%).
- **Fire Lanes – 2014 OFC 503.3 & Appendix D**
  - Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Such signs or notices shall be kept in legible conditions at all times. The stroke shall be 1 inch with letters 6 inches high and read "No Parking Fire Lane". Spacing for signage shall be every 50 feet.



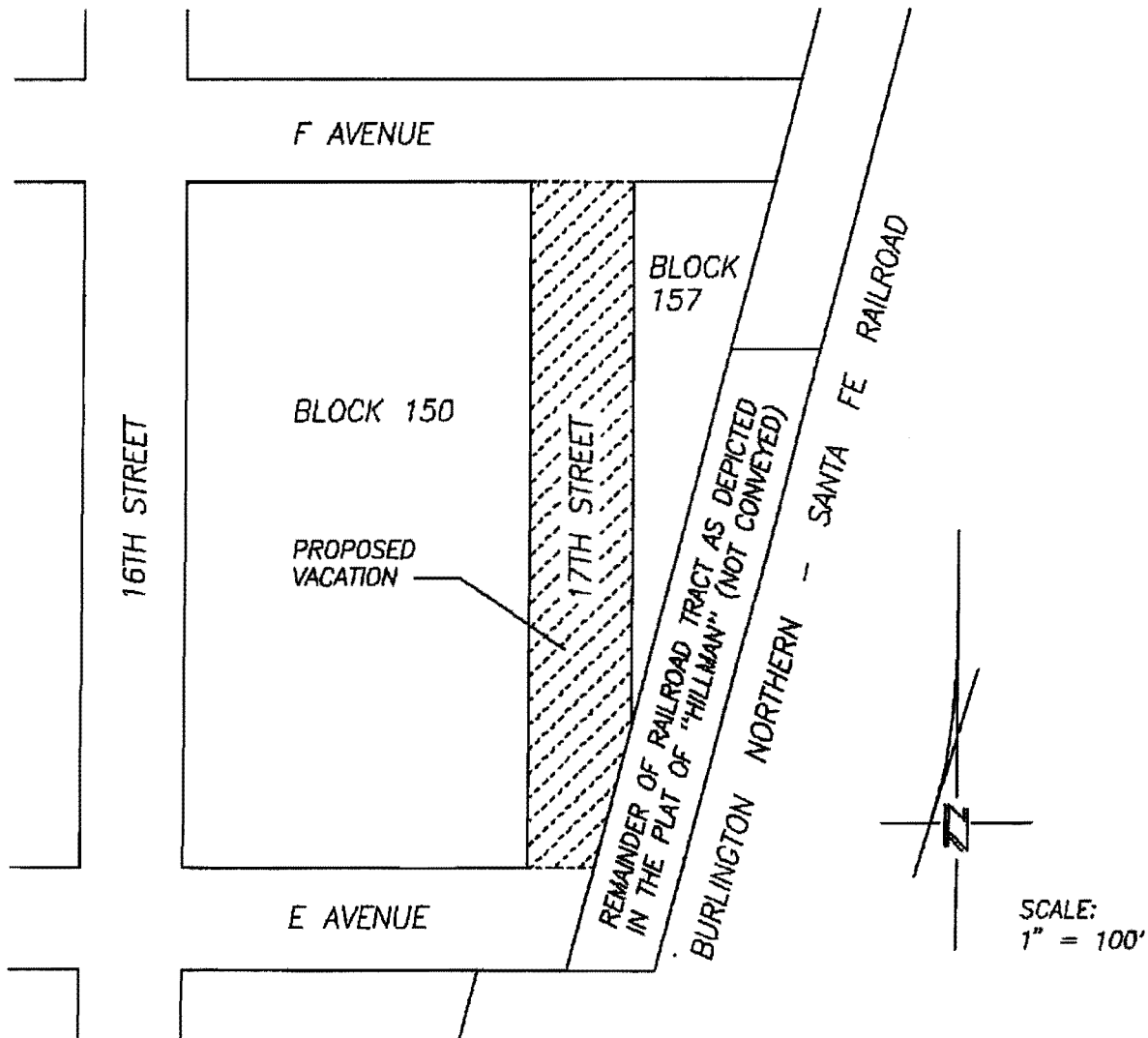
Exhibit 1  
Page 3 of 3

**Redmond Fire & Rescue**  
City of Redmond  
341 NW Dogwood Ave  
Redmond, OR 97756  
541-504-5000  
Fax: 541-548-5512  
[www.redmondfireandrescue.org](http://www.redmondfireandrescue.org)

- Recommended to also (in addition to Fire lane signs) paint fire lane curbs in bright red paint with white letters.
- **Appendix D Section 103.6.1 Roads 20-26 Ft. Wide:** Shall have Fire Lane signs posted on both sides of a fire lane.
- **Appendix D Section 103.6.2 Roads more than 26 Ft. Wide:** Roads 26-32 ft wide shall have a Fire Lane signs posted on one side of the road as a fire lane.
- **Aerial Access Roads – 2014 OFC Appendix D, Section D105**
  - Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads and capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadways.
  - Access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of a building more than 30 feet in height.
  - At least one of the required access routes meeting above requirement shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.
- **Dead-Ends – 2014 OFC 503.2.5**
  - Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Contact Redmond Fire & Rescue for requirements.
    - D 103.4 Table: Length of Dead end: greater than 500 ft shall meet the turnaround requirements and the width of the road shall be a minimum of 26 ft clear for fire apparatus.
- **Additional Access – 2014 OFC 503.1.2**
  - The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, conditions or terrain, climatic conditions or other factors that could limit access.
- **Emergency Access Road Gates – 2014 OFC Appendix D 103.5**
  - Minimum 20 feet wide.
  - Gates shall be swinging or sliding type.
  - Shall be able to be manually operated by one person.
  - Electric gates shall be equipped with a means of opening by emergency personnel & approved by fire official.
  - Locking devices shall be fire department padlocks purchased from A-1 Lock, Safe Co., Curtis Safe and Lock, on line at [www.knoxbox.com](http://www.knoxbox.com), or contact Redmond Fire & Rescue for an order form.
  - Section 503.3: Install a sign on the gate "Emergency Access"

Exhibit C  
Page 1 of 1

PROPOSED VACATION OF A PORTION OF 17TH STREET,  
LOCATED IN "HILLMAN", ASSESSOR'S MAP NO. 14 13 16DA,  
DESCHUTES COUNTY, OREGON



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*William G. Bahrke*  
OREGON  
JULY 15, 1983  
WILLIAM G. BAHRKE  
2039

Renewal Date: 12/31/15

PREPARED MARCH 3, 2015

POVEY AND ASSOC. LAND SURVEYORS  
P.O. BOX 131, REDMOND, OR 97756  
(541) 548-6778

DESCRIPTION

A PORTION OF 17TH STREET, PLAT OF "HILLMAN",  
BOUNDED ON THE NORTH BY THE SOUTH LINE OF  
F AVENUE, BOUNDED ON THE EAST BY THE WEST  
LINE OF BLOCK 157, "HILLMAN", AND BY THE WEST  
LINE OF THE "DEPOT AND SIDE TRACK GROUNDS OF  
THE OREGON TRUNK RAILWAY, HILLMAN", BOUNDED  
ON THE SOUTH BY THE NORTH LINE OF E AVENUE,  
AND BOUNDED ON THE WEST BY THE EAST LINE OF  
BLOCK 150, "HILLMAN".

THE SAME CONTAINING 0.53 ACRES, MORE OR LESS.

REF 15-02B/15-006D.DWG