



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 February 4, 2015**

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

**DATE:** January 22, 2015

**FROM:** George Kolb, County Engineer                      Road                      541-322-7113

**TITLE OF AGENDA ITEM:**

Consideration of signature of Document No. 2015-086, An Acceptance deed for Right-of-Way Dedicated by Tom and Cheryl Edwards in T. 15 S., R. 11 E., Section 17

**PUBLIC HEARING ON THIS DATE?** NO.

**BACKGROUND AND POLICY IMPLICATIONS:**

Tom and Cheryl Edwards are the applicants for this road vacation. They own two lots off of Warrin Road, TL 1511170000900 (Lot 1) and TL 1511170000800 (Lot 2) (See attached maps on Exhibit 1). They approached the County to vacate the right of way that is located on Lot 1 that provides public access to Lot 2 for privacy reasons as they were having problems with people using the right of way to access Lot 2 and discharging guns and trespassing on their property to the point that they did not feel safe.

This right of way was dedicated on MJP-81-6 and discussion with the Community Development Department indicated that vacating the right of way would land lock Lot 2 and possibly violate the code provisions in place at the time of the development. As a result of this information, the Edwards were told it would not be possible to vacate the road. The Edwards then approached the Deschutes County Property Management Department concerning a lot line adjustment that would move Lot 2 from its current location south of Lot 1 directly to the east of Lot 1. The reason for this lot line adjustment is the Edwards want to develop Lot 2 and it will be much less expensive to provide utilities to this parcel in the new location.

The Edwards then approached the Road Department concerning the vacation of the right of way that is located on Lot 1 as they felt the right of way would not be needed after the lot line adjustment is finalized. This right of way vacation was discussed with James Lewis, Property Management Specialist with Deschutes County and he felt that the right of way to be vacated would still be needed to provide future access to the County property. Based on this, he felt that before the right of way could be vacated, the Edwards would have to provide another right of way across Lot 2 for access from Warrin Road south to the County parcel. Per conversation with the Community Development Department, since the road dedication is a replacement dedication, the Edwards do not have to go through a conditional use permit for the dedication. Both the vacation and the right of way dedication will be presented to the Board of County Commissioners concurrently for signature. Signature of Document No. 2015-086 will accept the dedication as public right-of-way

**FISCAL IMPLICATIONS:**

None. This is a replacement for a right-of-way that is being vacated therefore there is no cost to the County. The County will not be responsible for any road maintenance within this right-of-way.

**RECOMMENDATION & ACTION REQUESTED:**

The Road Department recommends signature of Document 2015-086

**ATTENDANCE:** George Kolb, County Engineer

**DISTRIBUTION OF DOCUMENTS:**

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

## DESCHUTES COUNTY DOCUMENT SUMMARY

(NOTE: This form is required to be submitted with ALL contracts and other agreements, regardless of whether the document is to be on a Board agenda or can be signed by the County Administrator or Department Director. If the document is to be on a Board agenda, the Agenda Request Form is also required. If this form is not included with the document, the document will be returned to the Department. Please submit documents to the Board Secretary for tracking purposes, and not directly to Legal Counsel, the County Administrator or the Commissioners. In addition to submitting this form with your documents, please submit this form electronically to the Board Secretary.)

Please complete all sections above the Official Review line.

**Date:**

**Department:**

**Contractor/Supplier/Consultant Name:**

**Contractor Contact:**

**Contractor Phone #:**

**Type of Document:** Acceptance Deed

**Goods and/or Services:** Acceptance of Right-of-Way Dedicated by Tom and Cheryl Edwards in T. 15 S., R. 11 E., Section 17

**Background & History:** Tom and Cheryl Edwards own two lots off of Warrin Road, TL 1511170000900 (Lot 1) and TL 1511170000800 (Lot 2) (See attached maps on Exhibit 1). They approached the County to vacate the right of way that is located on Lot 1 that provides public access to Lot 2 for privacy reasons as they were having problems with people using the right of way to access Lot 2 and discharging guns and trespassing on their property to the point that they did not feel safe. This right of way was dedicated on MJP-81-6 and discussion with the Community Development Department indicated that vacating the right of way would land lock Lot 2 and possibly violate the code provisions in place at the time of the development. As a result of this information, the Edwards were told it would not be possible to vacate the road. The Edwards then approached the Deschutes County Property Management Department concerning a lot line adjustment that would move Lot 2 from its current location south of Lot 1 directly to the east of Lot 1. The reason for this lot line adjustment is the Edwards want to develop Lot 2 and it will be much less expensive to provide utilities to this parcel in the new location. The Edwards then approached the Road Department concerning the vacation of the right of way that is located on Lot 1 as they felt the right of way would not be needed after the lot line adjustment is finalized. This right of way vacation was discussed with James Lewis, Property Management Specialist with Deschutes County and he felt that the right of way to be vacated would still be needed to provide future access to the County property. Based on this, he felt that before the right of way could be vacated, the Edwards would have to provide another right of way across Lot 2 for access from Warrin Road south to the County parcel. Per conversation with the Community Development Department, since the road dedication is a replacement dedication, the Edwards do not have to go through a conditional use permit for the dedication. Both the vacation and the right of way dedication will be presented to the Board of County Commissioners concurrently for signature. Signature of Document No. 2015-086 will accept the dedication as public right-of-way.

**Agreement Starting Date:**

**Ending Date:**

**Annual Value or Total Payment:**

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Insurance Certificate Received (check box)

Insurance Expiration Date:

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Check all that apply:

- RFP, Solicitation or Bid Process
  - Informal quotes (<\$150K)
  - Exempt from RFP, Solicitation or Bid Process (specify – see DCC §2.37)
- 

**Funding Source:** (Included in current budget?  Yes  No

If **No**, has budget amendment been submitted?  Yes  No

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**Is this a Grant Agreement providing revenue to the County?**  Yes  No

Special conditions attached to this grant:

Deadlines for reporting to the grantor:

If a new FTE will be hired with grant funds, confirm that Personnel has been notified that it is a grant-funded position so that this will be noted in the offer letter:  Yes  No

Contact information for the person responsible for grant compliance:

Name:

Phone #:

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**Departmental Contact and Title:** George Kolb, County Engineer

**Phone #:** 541-322-7113

**Department Director Approval:** \_\_\_\_\_

  
Signature

01/23/15  
Date

**Distribution of Document:** Who gets the original document and/or copies after it has been signed? Include complete information if the document is to be mailed.

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**Official Review:**

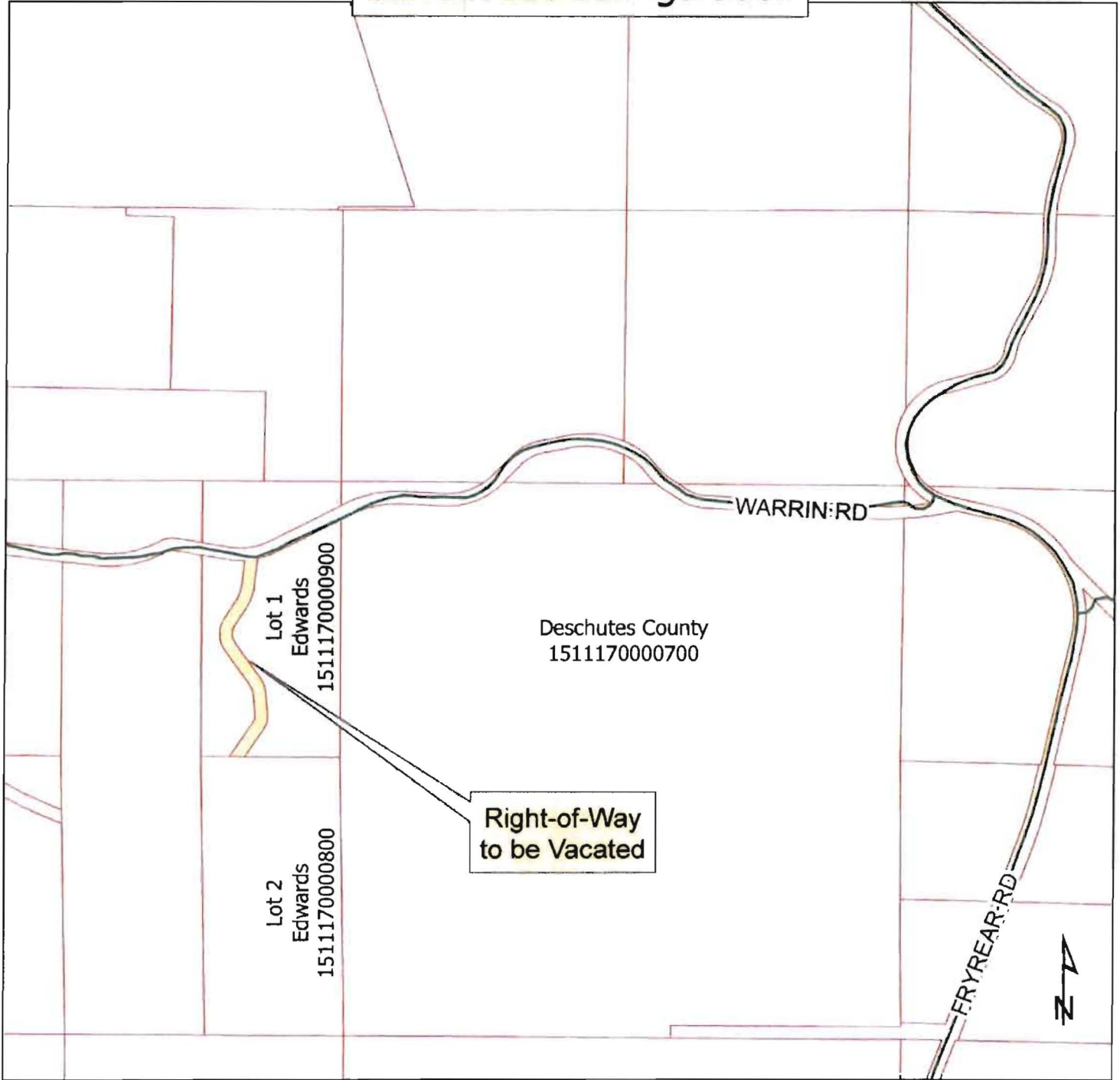
County Signature Required (check one):  BOCC  Department Director (if <\$25K)

Administrator (if >\$25K but <\$150K; if >\$150K, BOCC Order No. \_\_\_\_\_)

Legal Review \_\_\_\_\_ Date \_\_\_\_\_

Document Number \_\_\_\_\_

# Current Lot Configuration



Locator Map



Printed: December 16, 2014

**Legend**

- State Highway
- Road Centerlines
- Taxlots
- Right-of-Way to Vacate

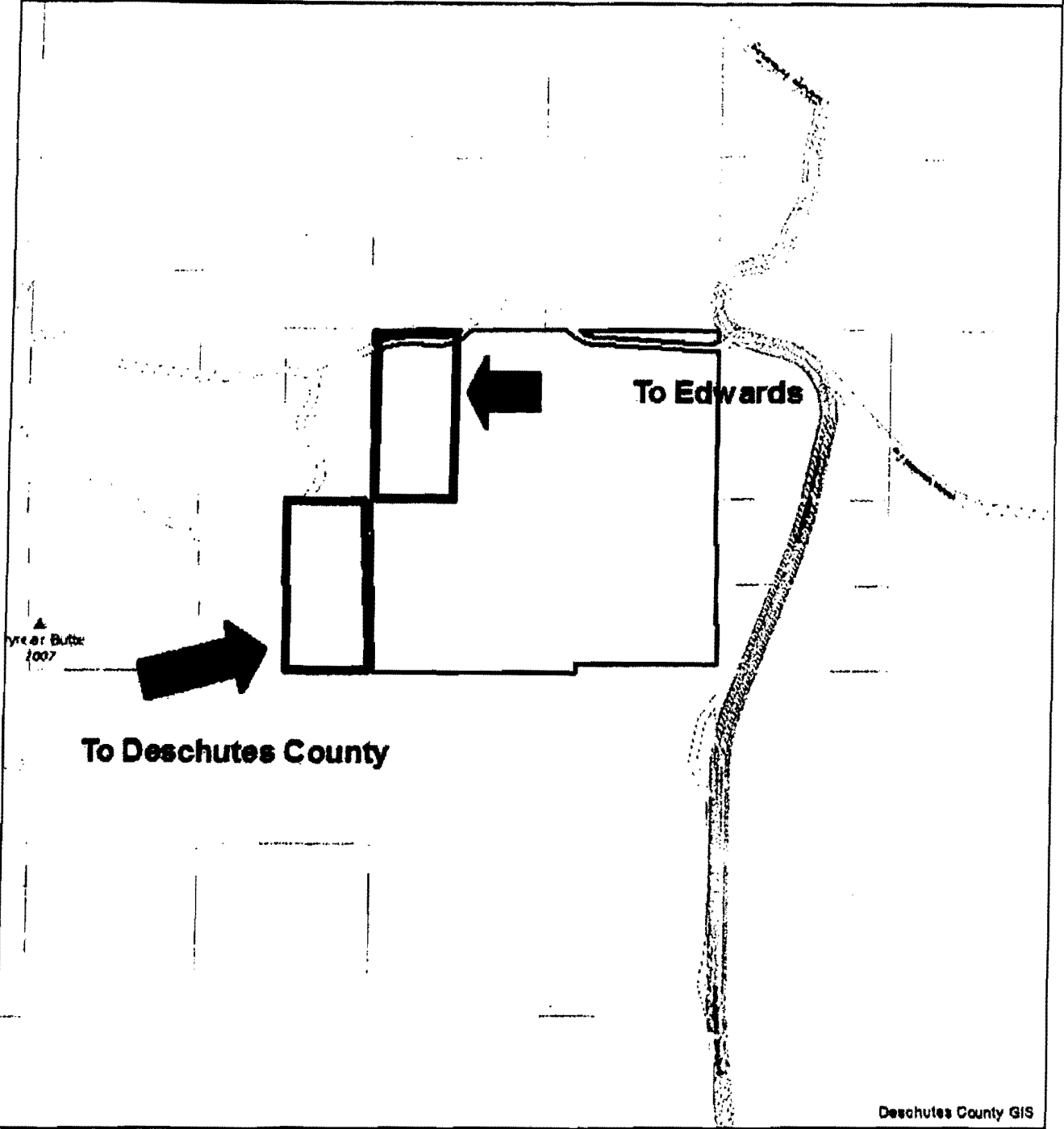
The information on this map was derived from digital databases on Deschutes County's G.I.S. Care was taken in the creation of this map, but it is provided "as is". Deschutes County cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. 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.

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

**Road Department**

# 15-11-17 / 700 Deschutes County

Edwards - Proposed Land Trade



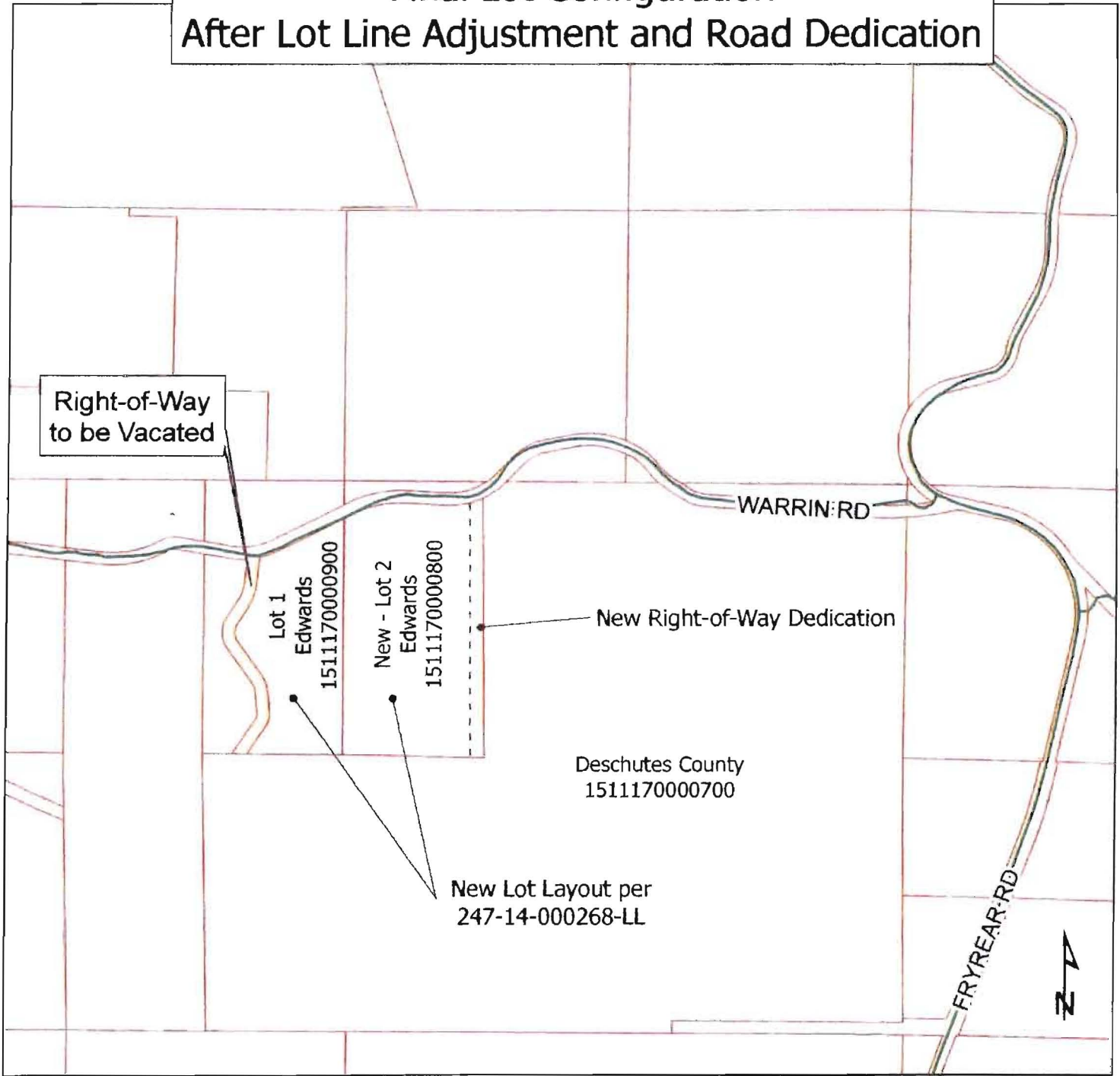
Deschutes County GIS



DES. CO.  
PROP. BOUNDARY

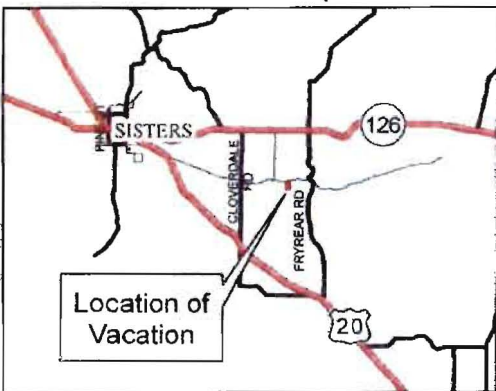


# Final Lot Configuration After Lot Line Adjustment and Road Dedication



Locator Map

0 0.25 0.5 Miles



Printed: January 6, 2015

**Legend**

- State Highway
- Road Centerlines
- Final\_Taxlots
- Right-of-Way to Vacate

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**  
Road Department

John Anderson, GIS Analyst  
Phone: (503) 577-7107  
Email: john.anderson@deschutes.gov  
Address: 94150 SE 27th St  
Bend, OR 97702

After recording return to: Deschutes County Road Dept. 61150 S.E. 27 <sup>th</sup> Street Bend, Oregon 97701	For Recording Stamp Only
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DEED OF DEDICATION

Tom L. Edwards Sr. and Cheryl Anne Edwards, do hereby dedicate to the public for roadway and utility purposes that real property as described in Exhibit "A", attached hereto and by this reference incorporated herein

IN WITNESS WHEREOF, this document is executed this 21 day of January, 2015.

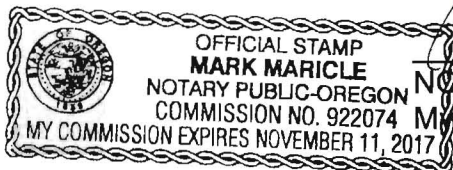
Tom L. Edwards Sr.  
Tom L. Edwards Sr.

Cheryl Anne Edwards  
Cheryl Anne Edwards

STATE OF OREGON            )  
  ) SS.  
County of Deschutes        )

Before me, a Notary Public, personally appeared Tom L. Edwards Sr. and Cheryl Anne Edwards and acknowledged the foregoing instrument.

Dated this 21<sup>st</sup> day of JANUARY, 2015.



Mark Maricle  
NOTARY PUBLIC FOR OREGON  
Commission Expires: 11/11/2017



ACCEPTANCE

Deschutes County, acting by and through its Board of County Commissioners, does hereby accept the foregoing Deed of Dedication as a public road pursuant to ORS 92.014.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2015.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DEBONE, CHAIR

ATTEST:

\_\_\_\_\_  
ALAN UNGER, VICE CHAIR

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

\_\_\_\_\_  
TAMMY BANEY, COMMISSIONER

STATE OF OREGON        )  
                                  ) SS.  
County of Deschutes    )

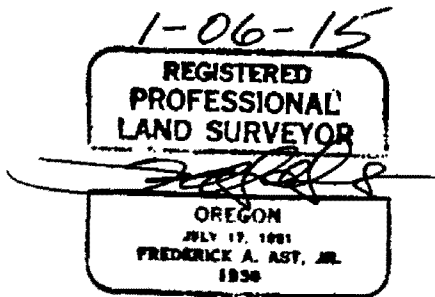
Before me, a Notary Public, personally appeared, Anthony DeBone, Alan Unger and Tammy Baney the above-named Board of County Commissioners of Deschutes County, Oregon, acknowledged the foregoing instrument, on behalf of Deschutes County, Oregon.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: \_\_\_\_\_

**ROAD DEDICATION**

The easterly 60.00 feet of the west half of the northwest quarter of the southeast quarter of Section 17, Township 15 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon, lying southerly of the Warrin Road Right-of-Way



RENEWALS 12-31-15

