



## **AGENDA REQUEST & STAFF REPORT**

### **For Board Business Meeting of February 4, 2015**

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

**DATE:** January 20, 2015

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

**TITLE OF AGENDA ITEM:**

Consideration of Signature of Order No. 2015-002, Vacating a Right-of-Way located off of Warrin Road in T. 15 S., R. 11 E., Section 17 in Deschutes County 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:**

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 Order No. 2015-002 will finalize the vacation process.

**FISCAL IMPLICATIONS:**

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

**RECOMMENDATION & ACTION REQUESTED:**

Move approval of Board signature of Order No. 2015-002, Vacating a Right-of-Way located off of Warrin Road in T. 15 S., R. 11 E., Section 17 in Deschutes County Oregon

**ATTENDANCE:** George Kolb, County Engineer

**DISTRIBUTION OF DOCUMENTS:**

After recording, please return a copy to Sheila Odle (ext. 7148) at the Road Department