



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                      Road Department                      322-7113

**TITLE OF AGENDA ITEM:**

Consideration of Signature of Resolution No. 2015-002, Initiating the Vacation of 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 Resolution No. 2015-002 initiates the vacation process.

**FISCAL IMPLICATIONS:**

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

**RECOMMENDATION & ACTION REQUESTED:**

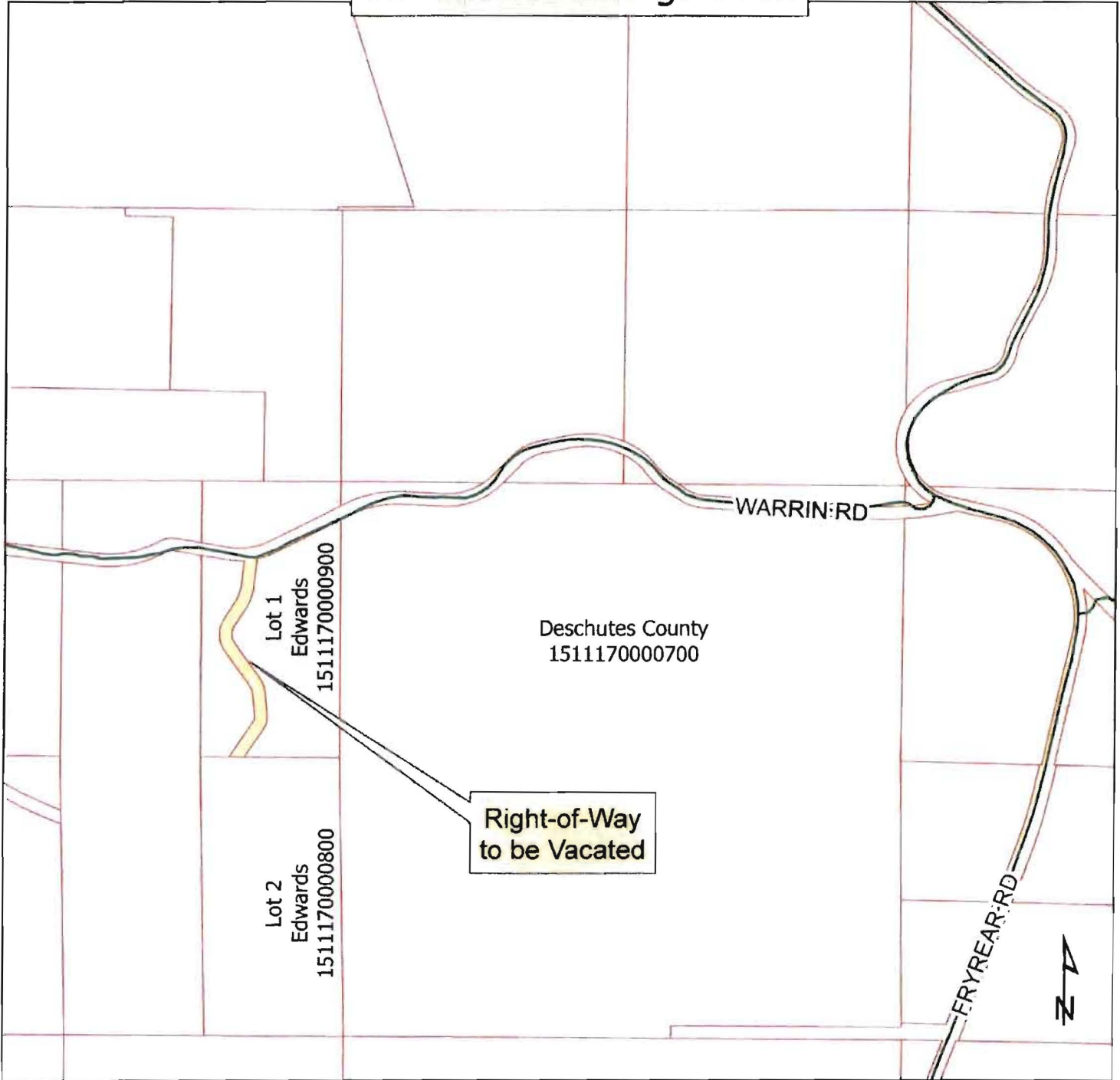
Move approval of Board signature of Resolution No. 2015-002, Initiating the Vacation of a Right-of-Way located off of Warrin Road in T. 15 S., R. 11 E., Section 17 in Deschutes County Oregon

**ATTENDANCE:** George Kolb, County Engineer

**DISTRIBUTION OF DOCUMENTS:**

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

# Current Lot Configuration



Locator Map



Printed: December 16, 2014

**Legend**

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

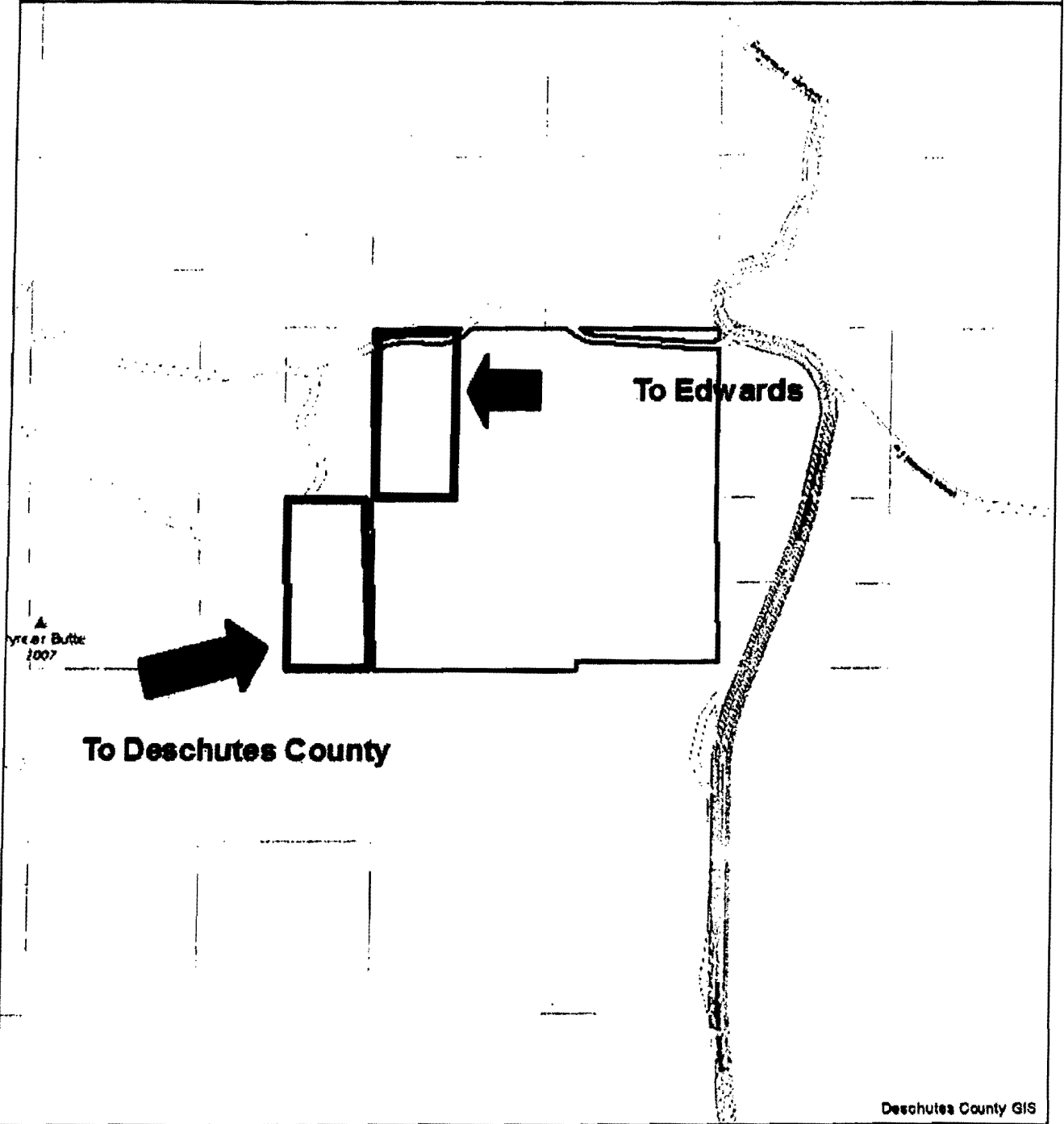
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**John Anderson, GIS Analyst**  
 Phone: (541) 327-7102  
 Email: john.anderson@deschutes.org  
 Address: 61150 SE 27th St  
 Bend, OR 97702

**Road Department**

# 15-11-17 / 700 Deschutes County

Edwards - Proposed Land Trade



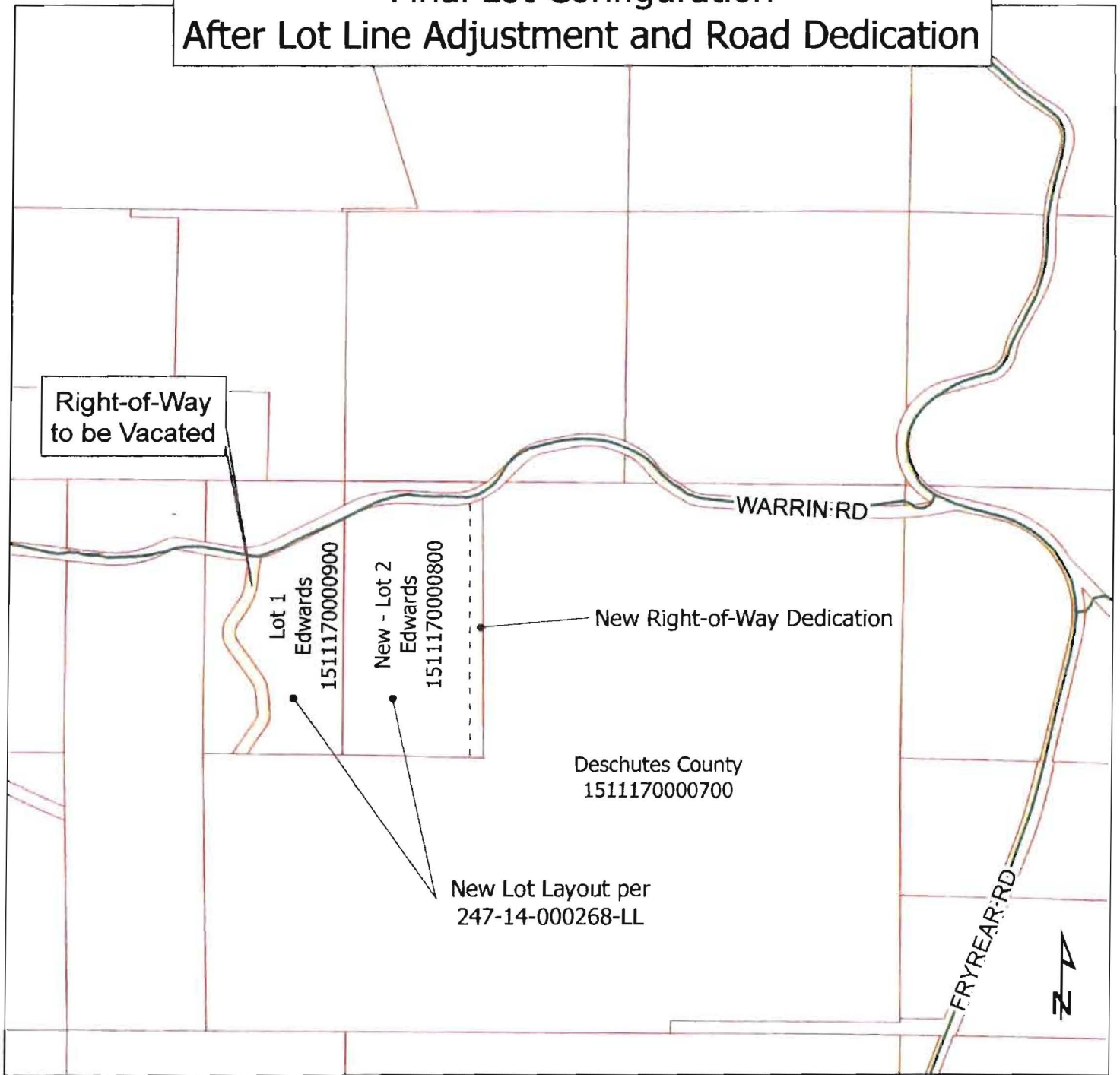
Deschutes County GIS



— 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

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**DESCHUTES COUNTY**

John Anderson, GIS Analyst  
 Phone: (541) 323-7102  
 Email: john.anderson@deschutes.org  
 Address: 61150 SE 27th St  
 Bend, OR 97702

**Road Department**

REVIEWED  

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LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Vacating a Right-of-Way Located  
off of Warrin Road in T. 15 S., R. 11 E.,  
Section 17 in Deschutes County, Oregon,

\*  
\*  
\*  
\*

ORDER NO. 2015-002

WHEREAS, proceedings for vacating a right-of-way located off of Warrin Road in T. 15 S., R. 11 E., Section 17 in Deschutes County, Oregon,, 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 the in the rightful owner holding title according to law, in accordance with ORS 368.366(1)(c).

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 \_\_\_\_\_ 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, TAMMY BANEY, ANTHONY DEBONE, ALAN UNGER, the above-named Board of County Commissioners of Deschutes County, Oregon, and acknowledged the foregoing instrument on behalf of Deschutes County, Oregon.

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

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



OCT 17 2014

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: Private driveway Located at 17771 Warren Rd. Vacating the right of way

Located in Sisters, Deschutes County.

Reason for road vacation request: SEE ATTACHED AS DISCUSSED WITH JAMES LEWIS AND GEORGE KORB, DESCHUTES COUNTY PLANNING AND ROAD COMMISSION DEPTS.

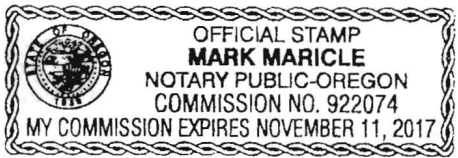
DATED this 15<sup>th</sup> day of October, 20 14.

PRINT NAME	SIGNATURE	ADDRESS	CITY	STATE ZIP
<u>Tommy L. Edwards</u>	<u>Tommy J. Edwards</u>	<u>17771 WARREN</u>	<u>SISTERS</u>	<u>OR.</u>
<u>CHERYL A. EDWARDS</u>	<u>Cheryl A. Edwards</u>	<u>17771 WARREN</u>	<u>SISTERS</u>	<u>OR.</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

STATE OF OREGON )  
County of WASHINGTON ) ss.

On this 15<sup>th</sup> day of OCTOBER, in the year 2014, before me, a Notary Public, personally appeared TOMMY L. EDWARDS 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.

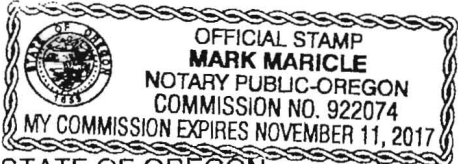
WITNESS my hand and official seal  
[Signature]  
Notary Public for Oregon.  
My Commission expires: 11/11/2017





STATE OF OREGON )  
County of WASHINGTON ) ss.

On this 15<sup>th</sup> day of OCTOBER, in the year 2014, before me, a Notary Public, personally appeared CHEVEL A. EDWARDS 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: 11/11/2017

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: \_\_\_\_\_

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:** \_\_\_\_\_

## COUNTY MEETING

We are proposing that we grant easement to the county on the existing road that exits Warrin Rd onto our acquired East parcel in lieu of vacating the present driveway we use for access to our home.

### **Reasons for this are:**

The driveway we put in will not hold up to a lot of public or residential traffic. It is impassable for two vehicles at the same time. A vehicle is unable to back up due to the curves, grade and drop offs present on the driveway.

It is too steep and curvy for access of any future development, should there be any, as we had a very difficult time navigating it with what we had to finish ourselves. Any large trucks or excavating equipment would severely damage our access. We were also informed that the needed percentage of curves would prohibit the navigation of trusses or other needed transport for building. The road is simply a driveway to our home and should be left as such. It was extremely expensive to develop along with the county road we had to complete on our own, and we would not want to lose the money invested should it be damaged from greater traffic in the future.

It is much farther away from the paved access of Fryrear road than the easement offered on the East parcel is. The distance to the back parcel we are exchanging is also less from the new easement road.

Our benefit is that we will feel safer, as you know we have had occurrences of trespass from ATV's and hunters coming into our home. We should be able to feel safe here, especially not being close to other neighbors or any form of help should something happen. When we are gone, we should be able to lock our gate as others do to prevent vandalism and other losses, as again, we are alone out here.

We worked with the fire department to open access on curves for them to approach ONE home, not many. It would be extremely difficult for them to navigate the driveway and turnouts for more than one residence. The flatter, straighter easement road offered on the East Parcel would provide a much closer and attainable access in emergencies. We do not want to compromise any help they could give us in a fire situation or similar circumstance with a road that is not totally intact.

### **We see multiple benefits to the county, as mentioned above, but in addition, it should be noted:**

Using the East parcel access would prevent needed and costly improvements on the county road leading to our driveway.

The East parcel easement offered here provides access to all of the county's property and would be perfect if ever they were to split into the three parcels mentioned in the past. The road continues through the county property and all the way through to Fryrear Rd, as we have walked it all the way through.

Many off shoots of dirt roads access the easement we are offering, making it perfect if ever developed.

This easement road is also much less costly if ever the county made improvements to the county road and the easement driveway. It is straight, relatively flat, and very wide, providing safe passage for multiple vehicles or excavating equipment, something our present driveway is not.

In the event of emergencies or snow/weather issues, it is much easier to get in and out of this road than our present driveway, as discussed above.

We fully believe our offering of this easement will benefit the county and improve the value of their land.



## 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: January 20, 2015

SUBJECT: Vacation of a right-of-way located off of Warrin Road in T. 15 S., R. 11 E., Section 17 in Deschutes County, 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.

#### Discussion:

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 Community Development 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 parcel 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

## Exhibit B

Page 2 of 3

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. The road dedication is being done by the Edwards. Both the vacation and the right of way dedication will be presented to the Board of County Commissioners concurrently for signature.

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 facilities within this right of way

**Central Electric:** No Response

**Central Oregon Irrigation District:** No Response

**Pacific Power:** No Response

**PGT:** No Response

**Centurylink:** No Response

**Squaw Creek Irrigation:** No Response

**Deschutes County Community Development Department:** Response from Paul Blikstad, *"I am not sure that you can vacate this right of way because it was established to provide road frontage for Parcel 2 of MJP-81-6. If you vacate it, Parcel 2 has no road frontage and possibly violates the code provisions in place at that time".* I replied back to Paul on 12/10/2014, *"The applicants are working with the County and James Lewis on a lot line adjustment and subsequent right of way dedication to replace the one that is being vacated. The road vacation and subsequent dedication will go to the Board on the same date so we should be covered as far as your comment is concerned."* Paul's reply, *"Didn't know about this other info you mention. If you're comfortable with it, move forward."*

**Deschutes County Legal Counsel:** No Response

**Deschutes County Property Management:** Response from James Lewis dated 11/24/2014, *"This vacation NOT to be approved until such time as new R-O-W is dedicated (approved) to provide access to County property per Property Mgmt. & Road Department approval. The applicants and their surveyor are aware of this requirement and the location of the new R-O-W."*

Response from James Lewis dated 01/16/2015, *"The dedication along the entirety of the eastern property boundary as shown on Fred Ast's last drawing (see attached drawing – this is along the entirety of the new boundary with the adjacent County property to the east – extending from Warrin Road on the north to the County property on the south), will suffice as the replacement for the right of way proposed for vacation on the adjacent property to the west (15-11-17/900) also owned by the Edwards. I have no further need to see any profile drawings of potential construction and suggest approval of the dedication as shown, with the subsequent vacation to follow the formal dedication."*

## **Exhibit B**

Page 3 of 3

### **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 right-of-way proposed for vacation will not be needed for public travel in the future. This right of way will be replaced with a new right of way dedication on the new parcel created by 247-14-000268-LL.
3. The vacation allows the applicants to better utilize their property and cleans up the title to 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-way 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. 2015-002 subject to the following conditions:

1. The vacated property shall vest entirely with tax lot 1511170000900, the rightful owner holding title according to law in accordance with ORS 368.366 (1)(c).
2. No utility easements will be required on this vacated right of way
3. This right of way will be replaced with a new right of way dedication on the new parcel created by 247-14-000268-LL
4. No opposition to the vacation is reported to the County prior to presentation to the Board of County Commissioners.

Legal Description  
Road Vacation

All of that 60 foot wide Public Way dedicated as a "public access easement" across Parcel 1 of Major Partition No. MJP 81-6 (Survey CS00675), lying south of the right-of-way of Warrin Road situated in the East Half of the Northeast Quarter of the Southwest Quarter of Section 17, Township 15 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon


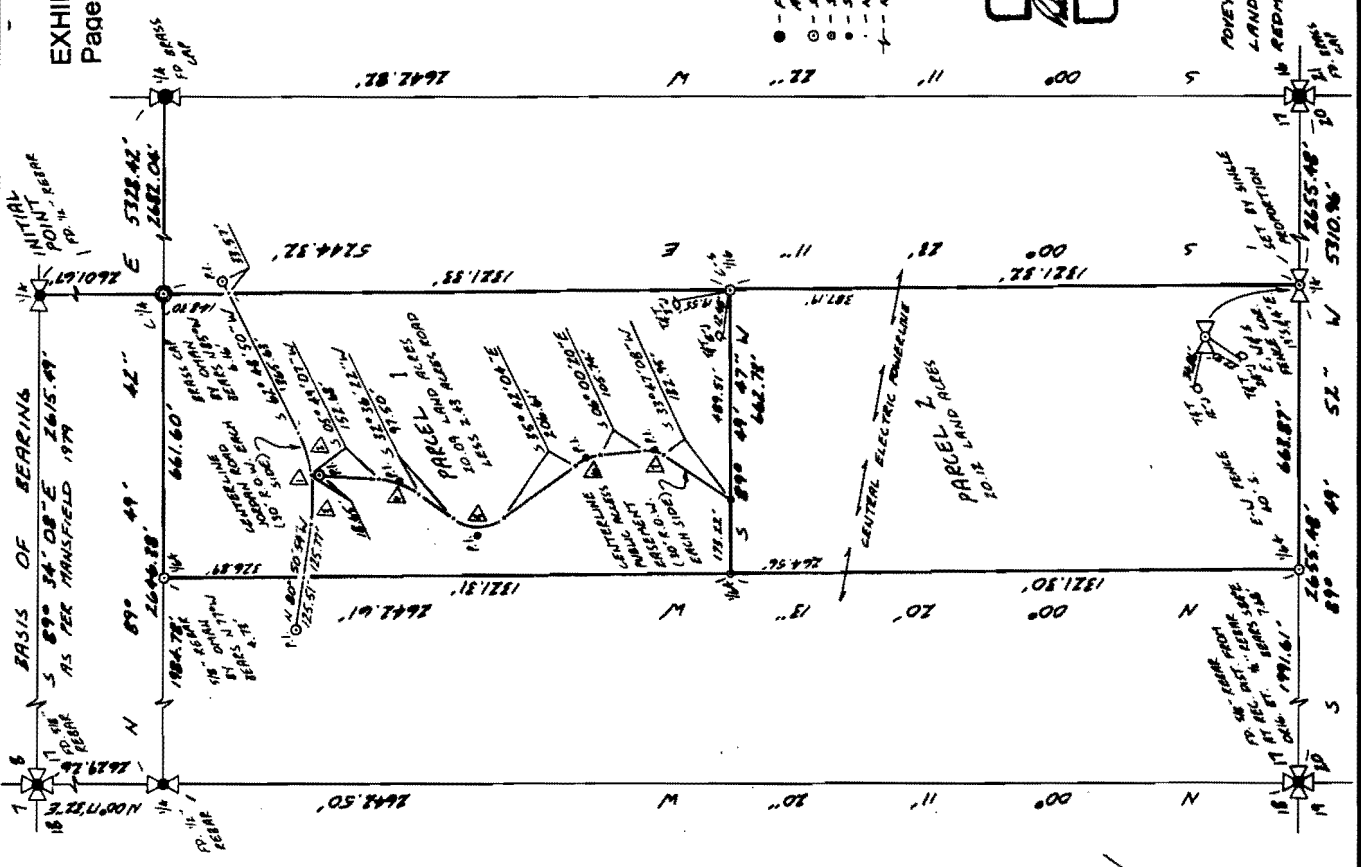
11-13-2014  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
  
OREGON  
JULY 17, 1909  
FREDERICK A. AST, JR.  
1938  
RENEWS 12-31-2015



EXHIBIT "C" Page 2 of 2



**MAJOR PARTITION NO. MJP 81-6**  
 A 40.21 ACRE PARTITION IN THE E 1/2 OF THE SW 1/4 OF SECTION 17, T. 15S., R. 11E., W. 1M., DEWHEES COUNTY, OREGON OWNERS AND PARTITIONERS: RUSSELL AND DOROTHY YODER 22244 S. SCOPPE ROAD CANBY, OREGON 97013

**SURVEYOR'S CERTIFICATE**

I, ROBERT R. POVEY, OREGON REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1482, HEREBY CERTIFY THAT, BASED ON THE MONUMENTS SHOWN AS FOUND, I HAVE ACCURATELY SURVEYED AND PARTITIONED INTO PARCELS AND A PUBLIC ACCESS EASEMENT THE LANDS SHOWN ON THIS MAJOR PARTITION NO. MJP 81-6. THE BOUNDARY OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A 7 1/2" REBAR MONUMENTING THE NORTH 1/4 CORNER OF SECTION 17, T. 15S., R. 11E., W. 1M., THE INITIAL POINT; THENCE S 00° 27' 11" E ALONG THE EAST LINE OF THE NW 1/4 OF SAID SECTION 17, 260.67 FEET TO A 3/4" PIPE AT THE CENTER 1/4 CORNER AND THE TRUE POINT OF BEGINNING; THENCE S 00° 23' 11" E ALONG THE EAST LINE OF THE SW 1/4 OF SAID SECTION 17, 244.2 FEET TO A 3/4" PIPE AT THE SOUTH 1/4 CORNER; THENCE S 89° 49' 52" W ALONG THE SOUTH LINE OF SAID SW 1/4 443.87 FEET TO A 3/4" PIPE ON THE WEST LINE OF SAID SW 1/4; THENCE N 89° 49' 52" W ALONG SAID WEST LINE OF SAID SW 1/4 262.61 FEET TO A 3/4" PIPE ON THE NORTH LINE OF SAID SW 1/4; THENCE N 89° 49' 52" W ALONG SAID NORTH LINE 641.60 FEET TO THE POINT OF BEGINNING. SAID CONTAINING 40.51 LAND ACRES SUBJECT TO ALL EXISTING EASEMENTS AND RIGHTS OF WAY OVER AND ALONG THE ABOVE DESCRIBED PARCEL OF LAND.

**DEDICATION**

STATE OF OREGON: ss. COUNTY OF DECATUR: ss. KNOW ALL MEN BY THESE PRESENTS, THAT WE, RUSSELL AND DOROTHY YODER, HUSBAND AND WIFE, SAY THAT WE ARE THE OWNERS OF THIS MAJOR PARTITION NO. MJP 81-6, THE BOUNDARY OF WHICH IS MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND THAT WE WISH THE SAME TO BE PARTITIONED INTO PARCELS AND A PUBLIC ACCESS EASEMENT, AND DO HEREBY SUBMIT FOR RECORD AND APPROVAL SAID PARTITION, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC THE SAID PARCELS AND EASEMENT.

**ACKNOWLEDGEMENT**

STATE OF OREGON: ss. COUNTY OF DECATUR: ss. WE HEREBY REMEMBER THAT RUSSELL AND DOROTHY YODER, HUSBAND AND WIFE, PERSONALLY APPEARED BEFORE ME, WHO ARE KNOWN TO BE THE IDENTICAL INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE ABOVE DEDICATION, ACKNOWLEDGING THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY, IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL THIS DAY, MONTH AND YEAR, 1981. SUBSCRIBED AND SWORN TO ME THIS DAY OF APRIL, 1981. NOTARY PUBLIC FOR OREGON

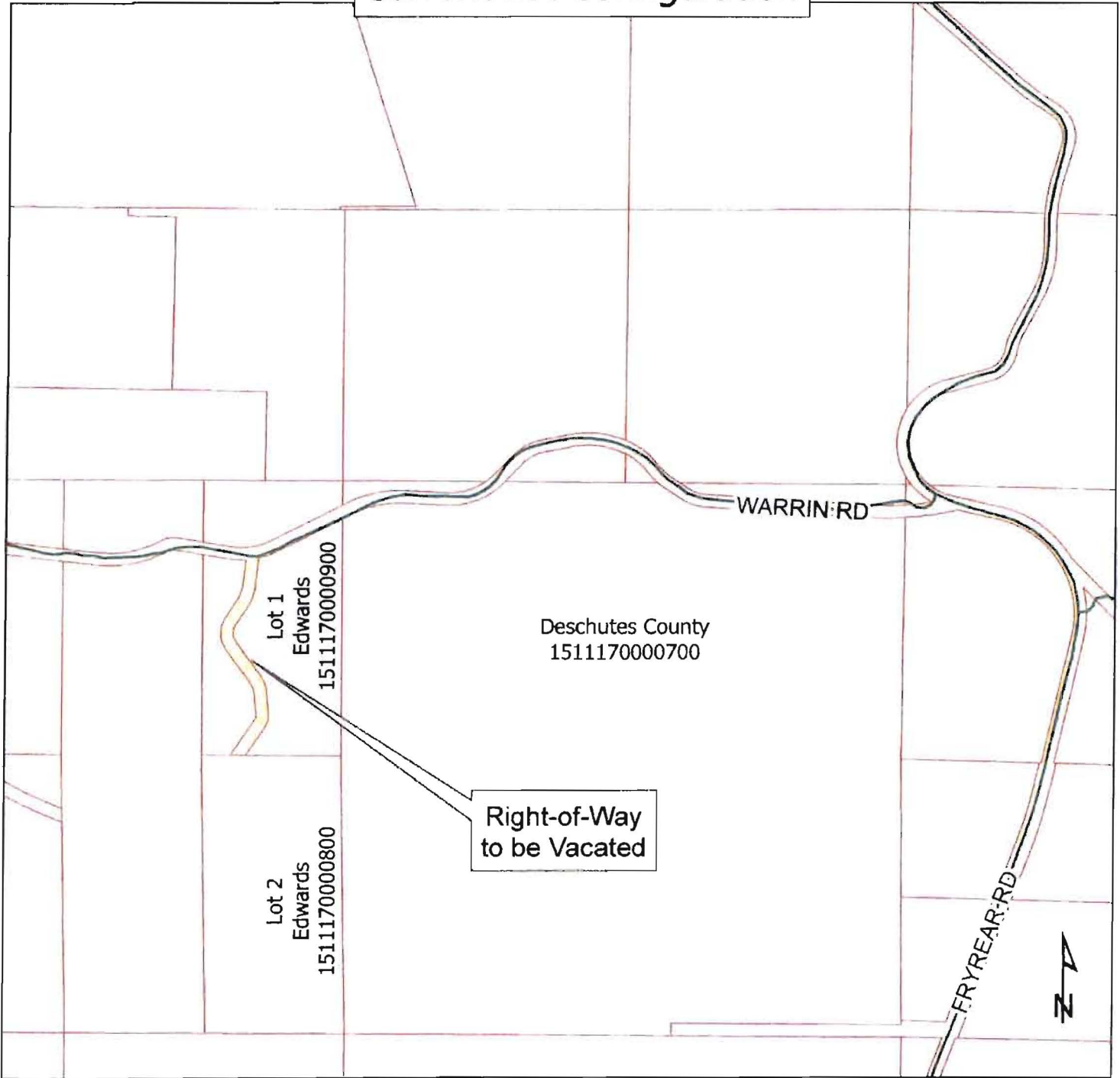


**APPROVALS**  
 BY DECATUR COUNTY COMMISSIONERS: [Signatures]  
 BY SURVEYOR: [Signature]  
 BY PARTITIONERS: [Signatures]

**CURVE DATA**

CHORD	ARC	ANGLE	AREA	PERIMETER
1	245.00	174° 22' 16"	1717.94	3.8045858° W 2187.91
2	348.00	149° 58' 01"	101.94	3.5142928° W 1035.9
3	448.00	126° 47' 15"	100.52	3.8942447° W 99.61
4	548.00	104° 07' 27"	78.37	3.043251° E 118.08
5	648.00	82° 41' 44"	60.44	3.104971° E 87.94
6	748.00	61° 49' 29"	44.81	3.1845224° W 48.28

# Current Lot Configuration



## Locator Map




Printed: December 16, 2014

### Legend

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

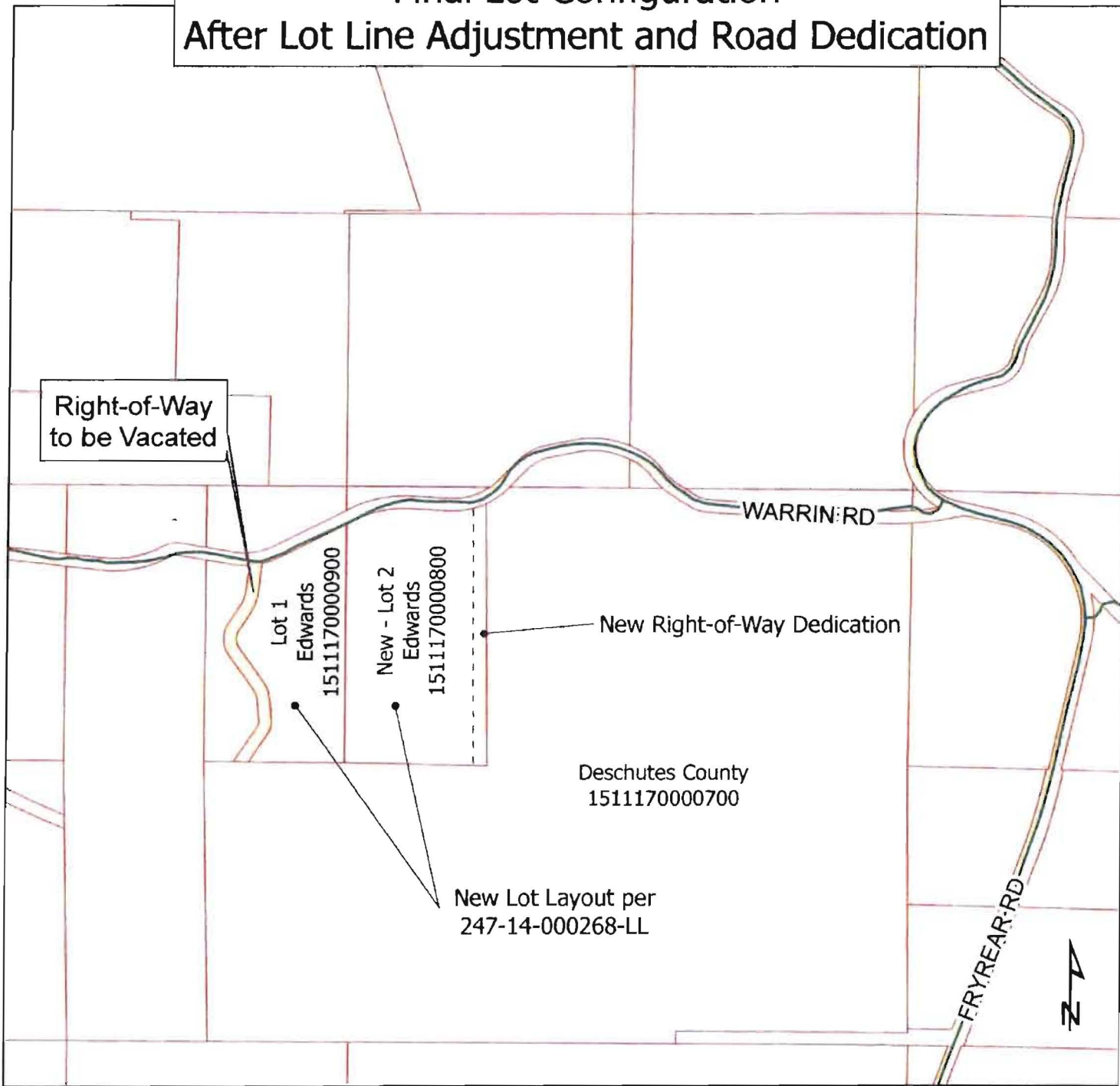
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**John Anderson, GIS Analyst**  
 Phone: (541) 327 7102  
 Email: john.anderson@deschutes.org  
 Address: 81150 SE 27th St  
 Bend, OR 97702

**Road Department**

# 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

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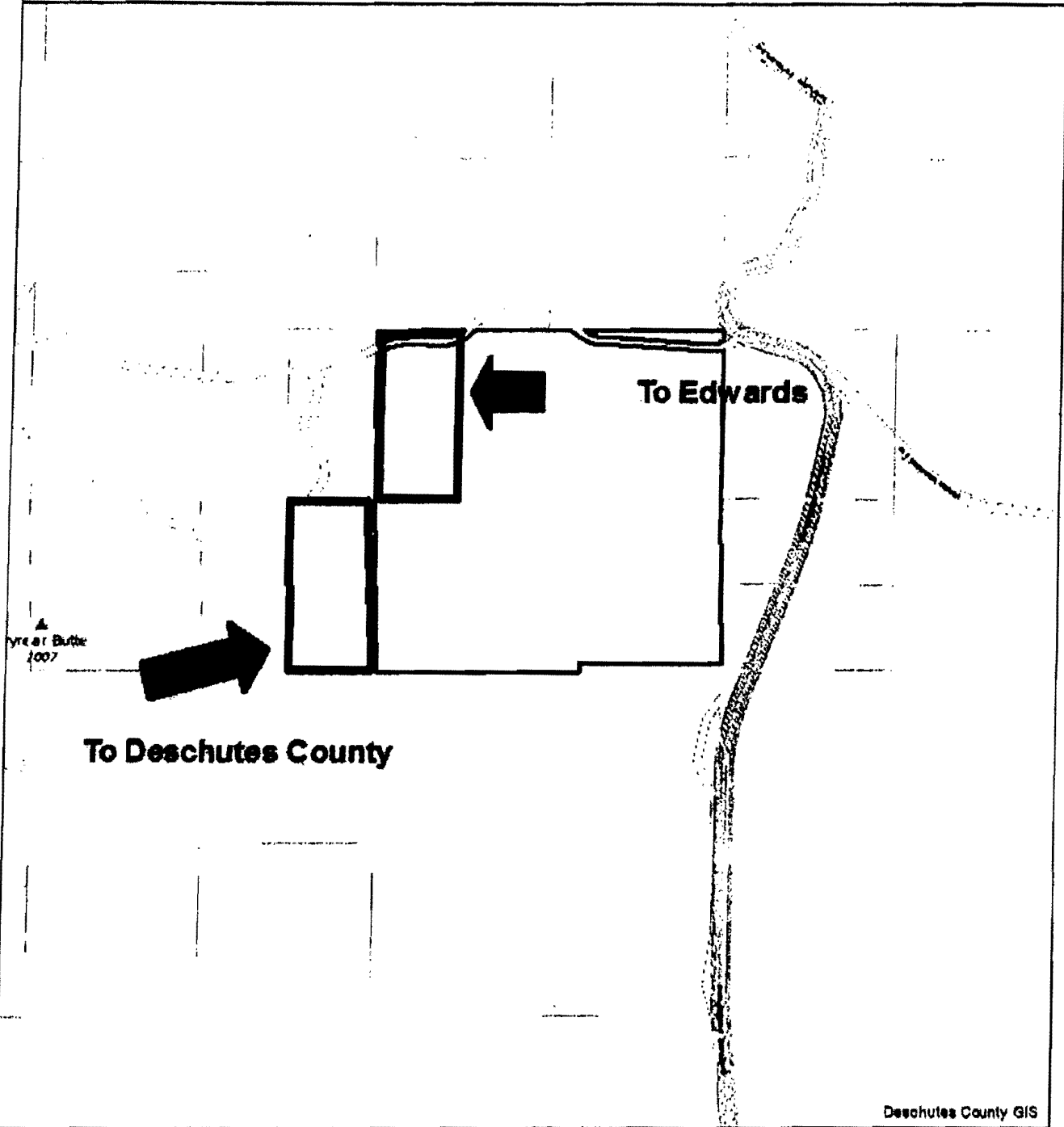
DESCHUTES COUNTY

John Anderson, GIS Analyst  
Phone: (541) 325-7107  
Email: john.anderson@deschutes.org  
Address: 84150 SE 22nd St  
Bend, OR 97702

**Road Department**

# 15-11-17 / 700 Deschutes County

Edwards - Proposed Land Trade



DES. Co.  
PROP. BOUNDARY

Deschutes County GIS



REVIEWED

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LEGAL COUNSEL



For Recording Stamp Only

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON**

A Resolution Initiating the Vacation of a  
Right-of-Way located off of Warrin Road in T.  
15 S., R. 11 E., Section 17 in Deschutes  
County, Oregon, Describing the Property  
Proposed to be Vacated, the Reasons for the  
Vacation, and Requesting that the County  
Road Official File a Report.

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RESOLUTION NO. 2015-002

WHEREAS, the owners of land abutting the proposed right-of-way to be vacated, petitioned for the vacation of a right-of-way located off of Warrin Road in T. 15 S., R. 11 E., Section 17 in Deschutes County, Oregon; and

WHEREAS, the Board of County Commissioners has determined it to be in the public interest to consider such vacation; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, as follows:

Section 1. That it is the intent of the Board of County Commissioners of Deschutes County, Oregon, to vacate a right-of-way located off of Warrin Road in T. 15 S., R. 11 E., Section 17; described in Exhibit "A", attached hereto and by this reference incorporated herein, because it appears the right-of-way is no longer needed for public use, and will not be needed in the future.

Section 2. That the County Road Official shall file a Report with the Board of Commissioners, describing the ownership and uses of property to be vacated, and whether the vacation would be in the public interest, within fourteen (14) days of the date of this Resolution.

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

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

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

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

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

ATTEST:

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

Legal Description  
Road Vacation

All of that 60 foot wide Public Way dedicated as a "public access easement" across Parcel 1 of Major Partition No. MJP 81-6 (Survey CS00675), lying south of the right-of-way of Warrin Road situated in the East Half of the Northeast Quarter of the Southwest Quarter of Section 17, Township 15 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon

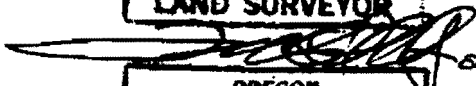
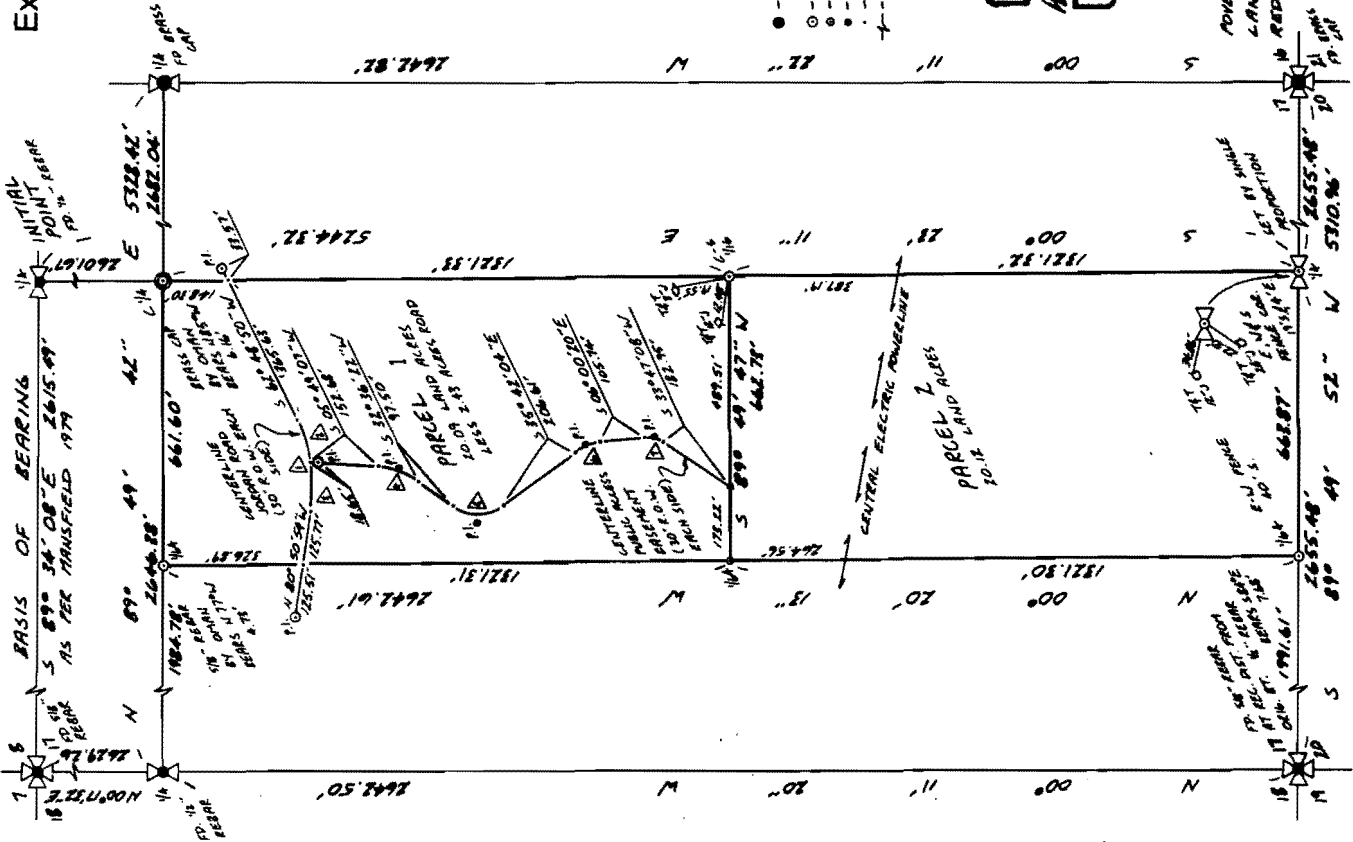
11-13-2014  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
  
OREGON  
JULY 17, 1904  
FREDERICK A. AST, JR.  
1938  
RENEWS 12-31-2015



Exhibit "A"  
2 of 2



**MAJOR PARTITION NO. MJP 81-6**  
 A 40.21 ACRE PARTITION IN THE E 1/4 OF THE SW 1/4 OF SECTION 17, T. 15S., R. 11E., W. 1M., DESCHUTES COUNTY, OREGON  
 OWNERS AND PARTITIONERS: RUSSELL, AND DOROTHY YODER  
 12666 S. KODAK ROAD  
 CANBY, OREGON 97013

**SURVEYOR'S CERTIFICATE**

I, ROBERT R. POVEY, OREGON REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1982, HEREBY CERTIFY THAT, BASED ON THE MONUMENTS SHOWN AS FOUND, I HAVE ACCURATELY SURVEYED AND PARTITIONED THE ABOVE LANDS AND A PUBLIC ACCESS EASEMENT THE LANDS SHOWN ON THIS MAJOR PARTITION NO. MJP 81-6, THE BOUNDARY OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A 1/2" REBAR MONUMENTING THE NORTH 1/4 CORNER OF SECTION 17, T. 15S., R. 11E., W. 1M., THE INITIAL POINT; THENCE S 00° 23' 11" E ALONG THE EAST LINE OF THE NW 1/4 OF SAID SECTION 17, 240.87 FEET TO A 1/4" PIPE AT THE CENTER 1/4 CORNER AND THE TRUE SW 1/4 OF SAID SECTION 17, 244.87 FEET TO A 1/4" PIPE AT THE SOUTH 1/4 CORNER, THENCE S 89° 49' 52" W ALONG THE SOUTH LINE OF SAID SW 1/4, 643.87 FEET TO A 1/4" PIPE ON THE WEST LINE OF THE E 1/4 OF THE SW 1/4 OF SAID SECTION 17, 244.87 FEET TO A 1/4" PIPE ON THE WEST LINE OF SAID SW 1/4; THENCE N 00° 20' 12" W ALONG THE NORTH LINE OF SAID SW 1/4; THENCE N 89° 49' 52" W ALONG SAID NORTH LINE - 861.60 FEET TO THE POINT OF BEGINNING SAME CONTAINING 40.21 LAND ACRES SUBJECT TO ALL EXISTING EASEMENTS AND RIGHTS OF WAY OVER AND ACROSS THE SAME DESCRIBED PARCEL OF LAND.

**DEDICATION**

STATE OF OREGON: S.S.  
 COUNTY OF DESCHUTES: S.S.  
 AND DOROTHY YODER, HUSBAND AND WIFE, SAY THAT WE ARE THE OWNERS OF THIS MAJOR PARTITION NO. MJP 81-6, THE BOUNDARY OF WHICH IS MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND THAT WE WANT THE SAME TO BE PARTITIONED INTO PARCELS AND A PUBLIC ACCESS EASEMENT, AND DO HEREBY SUBMIT FOR RECORD AND APPROVAL SAID PARTITION, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC THEREBY SAID ACCESS EASEMENT.

**ACKNOWLEDGEMENT**

STATE OF OREGON: S.S.  
 COUNTY OF DESCHUTES: S.S.  
 AS IT REMEMBERED THAT RUSSELL AND DOROTHY YODER, HUSBAND AND WIFE, PERSONALLY APPEARED BEFORE ME WHO AM KNOWN TO BE THE IDENTICAL INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE ABOVE DEDICATION, ACKNOWLEDGING THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY, IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL THIS DAY MONTH AND YEAR, 1981.  
 SUBSCRIBED AND SWORN TO ME THIS DAY OF \_\_\_\_\_, 1981.  
 NOTARY PUBLIC FOR OREGON



**APPROVALS**  
 BY DESCHUTES COUNTY  
 Commissioner of Deschutes County 7-23-81  
 County Treasurer 9-23-81  
 County Auditor 9-23-81  
 County Clerk 9-23-81  
 County Assessor 9-23-81  
 County Engineer 9-23-81  
 County Health Officer 9-23-81  
 County Planning Commission 9-23-81  
 County Board of Commissioners 9-23-81

**CURVE DATA**

CHORD	ARC LENGTH	ANGLE	DELTA	PIECE POINT
124.50	142.50	171.54	3.805258	W 215.31
241.00	172.27	102.99	3.712928	W 102.99
357.50	192.54	58.94026	3.591245	W 103.00
474.00	212.75	34.91245	3.441245	W 99.81
590.50	232.96	16.88423	3.281245	W 96.61
707.00	253.17	8.85602	3.121245	W 93.41
823.50	273.38	4.82781	2.961245	W 90.21
940.00	293.59	2.80000	2.801245	W 87.01