



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 January 28, 2015**

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**DATE:** January 14, 2015

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

**TITLE OF AGENDA ITEM:**

Consideration of Signature of Order No. 2015-001, Vacating a Right-of-Way located off of Tumalo Rim Drive, Dedicated on Volume 268 Page 34 and Volume 268 Page 35 and Located in the Tumalo Rim Subdivision 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:**

The Road Department was approached by Scott Baxter concerning the vacation of a strip of land in the Tumalo Rim Subdivision located off of Tumalo Rim Drive. This strip of land was created on the 1977 Tumalo Rim subdivision plat as a common area with a width of 50 feet. In 1978, the Tumalo Rim Property Owners Association (TRPOA) dedicated this strip of common area to the public per deed Volume 268 Page 35. Two additional five (5) foot wide strips were dedicated on the two abutting lots by the original developers to create a total right-of-way width of 60 feet. It appears the purpose of this dedication was to provide public access from Tumalo Rim Drive to the lot to the west (tax lot 1711010000700) for future development. In 1992, the lot to the west did a partition, MP-92-62 which dedicated the right-of-way for Tamoli Lane. This dedication provided public access to tax lot 1711010000700 therefore the right-of-way dedicated by the Property Owners Association and the original developers was not needed for public right of way purposes.

Mr. Baxter also worked with TRPOA to insure that they were not opposed to either the vacation of the property or the vesting of the property to the adjoining property owners, Scott and Andrea Baxter to the south of the right-of-way and Cynthia Harvey to the north of the right-of-way. A Memorandum of Agreement concerning the vesting of the property was signed by the TRPOA stating they were in favor of the property vesting to the Baxter's and Cynthia Harvey. Signature of Order No. 2015-001 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. 2015-001

**ATTENDANCE:** George Kolb, County Engineer

**DISTRIBUTION OF DOCUMENTS:**

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

# Vacation of Right-of-way in Tumalo Rim Subdivision Taxmap - 171206C

Right-of-way to  
be Vacated

17-11-01

17-12-06

TAMOLI LN

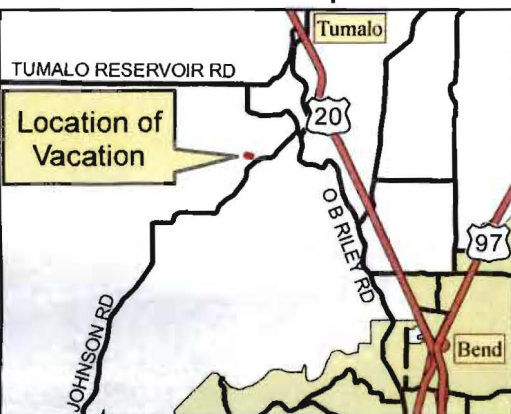
TUMALO RIM DR

JOHNSON RD



0 300 600 900 1,200 Feet

Locator Map



Printed: October 15, 2014

## Legend

- Vacation Location
- Road Centerlines
- Taxlots
- Section Lines

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**

P:\ArcGIS\_Projects\Vacations\Tumalo Rim

REVIEWED

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 Tumalo Rim Drive, Dedicated on  
Volume 268 Page 34 and Volume 268 Page  
35 and Located in the Tumalo Rim  
Subdivision in Deschutes County, Oregon,

\*  
\*  
\*  
\*

ORDER NO. 2015-001

WHEREAS, proceedings for vacating a right-of-way located off of Tumalo Rim Drive, dedicated on Volume 268 Page 34 and Volume 268 Page 35 and located in the Tumalo Rim Subdivision located in Deschutes County, 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 utility easements shall be reserved upon the vacated parcel for existing utilities per Documents 2015-00295 and Document 2015-00296 for Central Electric Co-op and Documents 2015-02045 and Document 2015-02046 for Bendbroadband

Section 5. 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) and as shown on Exhibit "D" attached hereto and by this reference incorporated herein.

Section 6. That the Deschutes County Surveyor is directed to mark the plat as provided in ORS 271.230.

Section 7. 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: \_\_\_\_\_

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: A Right-of-way located in Tumalo Rm  
Subdivision in Section 171206 C

Located in \_\_\_\_\_, Deschutes County.

Reason for road vacation request: Right-of-way is no longer needed for  
roadway purposes

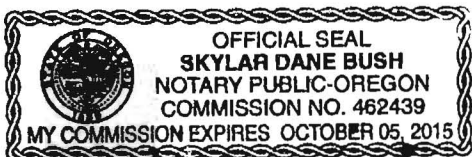
DATED this 10<sup>th</sup> day of October, 2014.

PRINT NAME	SIGNATURE	ADDRESS	CITY	STATE	ZIP
<u>Cindy Harvey</u>	<u>Cindy Harvey</u>	<u>64103 Tumalo Rm Dr.</u>	<u>Bend</u>	<u>OR</u>	<u>97701</u>
<u>Scott Baxter</u>	<u>S.B.</u>	<u>64089 Tumalo Rm Dr.</u>	<u>Bend</u>	<u>OR</u>	<u>97701</u>
<u>Andrea Baxter</u>	<u>Andrea Baxter</u>	<u>64089 Tumalo Rm Dr.</u>	<u>Bend</u>	<u>OR</u>	<u>97701</u>
<u>Chris Capdevila</u>	<u>[Signature]</u>	<u>64095 Tumalo Ln</u>	<u>Bend</u>	<u>OR</u>	<u>97701</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

STATE OF OREGON )  
County of Deschutes ) ss.

On this 29 day of September, in the year 2014, before me, a Notary Public, personally appeared Cynthia Harvey 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



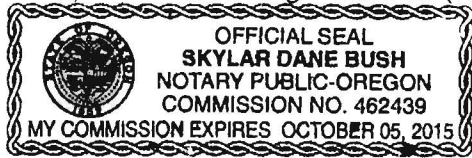
Notary Public for Oregon.

My Commission expires: 10/05/2015



STATE OF OREGON )  
County of Deschutes ) ss.

On this 29 day of September, in the year 2014, before me, a Notary Public, personally appeared Scott Baxter 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.



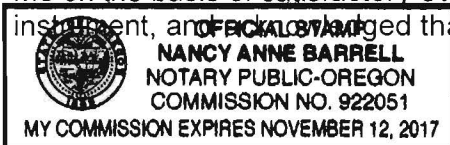
WITNESS my hand and official seal

Notary Public for Oregon.

My Commission expires: 10/05/2015

STATE OF OREGON )  
County of Deschutes ) ss.

On this 29 day of September, in the year 2014, before me, a Notary Public, personally appeared Andrea Baxter 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

Nancy Anne Barrell  
Notary Public for Oregon.

My Commission expires: 11-12-17

STATE OF OREGON )  
County of Deschutes ) ss.

On this 3rd day of October, in the year 2014, before me, a Notary Public, personally appeared Chris Capdevila 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

Kurtis B  
Notary Public for Oregon.

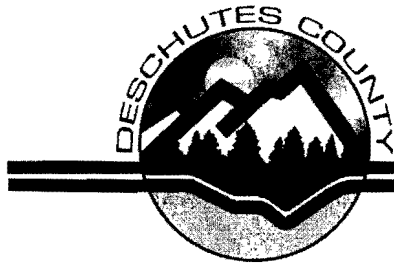
My Commission expires: march 12 2016

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

S.B.  
SIGNATURE

64089 Tumalo Run dr. Bend, OR 97701  
ADDRESS

TELEPHONE: 541-408-3672



## 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 14, 2015

SUBJECT: Vacation of a portion of a right-of-way located off of Tumalo Rim Drive, dedicated on Volume 268 Page 34 and Volume 268 Page 35, and located in the Tumalo Rim Subdivision.

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:

The Road Department was approached by Scott Baxter concerning the vacation of a strip of land in the Tumalo Rim Subdivision located off of Tumalo Rim Drive. This strip of land was created on the 1977 Tumalo Rim subdivision as a common area with a width of 50 feet. In 1978, the Tumalo Rim Property Owners Association (TRPOA) dedicated this strip of common area to the public per deed Volume 268 Page 35. Two additional five (5) foot wide strips were dedicated on the two abutting lots by the original developers to create a total right-of-way width of 60 feet. It appears the purpose of this dedication was to provide public access from Tumalo Rim Drive to the lot to the west (tax lot 1711010000700) for future development. In 1992, the lot to the west did a partition, MP-92-62 which dedicated the right-of-way for Tamoli Lane. This dedication provided public access to tax lot 1711010000700 therefore the right-of-way dedicated by the Property Owners Association and the original developers was not needed for public right of way purposes.

Mr. Baxter also worked with TRPOA to insure that they were not opposed to either the vacation of the property or the vesting of the property to the adjoining property owners, Scott and Andrea Baxter to the south of the right-of-way and Cynthia Harvey to the north of the right-of-way. A Memorandum of Agreement concerning the vacation of this right-of-way between the adjoining property owners and TRPOA is attached as Exhibit 1, Page 1 of 2 to this Engineers report.

## **Exhibit B**

Page 2 of 3

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:

**Arnold Irrigation:** No Response

**Avion Water:** No Response

**Bend Broadband:** Response from Jeff Liberty, *"We currently have facilities in this location and need to continue to have our facilities here."*

Email from Dave Munsell dated 12/22/2014 states, *"I am sending you this email to let you know that our requirements have been met for the attached easements and have no further objections to the vacation of the ROW."* (See attached Exhibit 2)

01/20/2015: Easements were recorded for Bendbroadband per documents 2015-02045 and 2015-02046

**Cascade Natural Gas:** No Response

**Central Electric:** Response from Parneli Perkins dated 10/23/2014, *"CEC has facilities in the area of the proposed vacation and is requesting an easement be reserved."*

Letter from Parneli Perkins dated 01/06/2015 states, *"Since the recordation of the attached Central Electric Cooperative Power Line Easements 2015-00295 & 2015-00296; recorded on 01/05/2015, Central Electric Cooperative is favorable to the right-of-way vacation."* (See attached Exhibit 1, Page 2 of 2)

**Central Oregon Irrigation District:** No Response

**Pacific Power:** No Response

**PGT:** No Response

**Centurylink:** No Response

**Swalley Irrigation:** No Response

**Tumalo Irrigation:** No Response

**Tumalo Town District:** No Response

**Deschutes County Community Development Department:** Response from Paul Blikstad, *"Doesn't appear that this right of way is needed. Recommend approval."*

**Deschutes County Legal Counsel:** No Response

### **Findings:**

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



## **Exhibit B**

Page 3 of 3

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.
3. A utility easement will be retained on the vacated property per documents 2015-00295 & 2015-00296, recorded 01/05/2015 for Central Electric Cooperative and per documents 2015-02045 & 2015-02046, recorded 01/20/2015 for Bendbroadband.
4. 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. 2015-001 subject to the following conditions:

1. The vacated property 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).
2. A utility easement will be retained on the vacated property per documents 2015-00295 & 2015-00296, recorded 01/05/2015 for Central Electric Cooperative and per documents 2015-02045 & 2015-02046, recorded 01/20/2015 for Bendbroadband.
3. No opposition to the vacation is reported to the County prior to presentation to the Board of County Commissioners.

9-9-2014

**Memorandum of Agreement (MOA)**  
**NOTE: This is not a legally binding document**

Exhibit 1  
Page 1 of 2

Parties: Tumalo Rim Property Owners Association (TRPOA) Board of Directors,

Scott and Andrea Baxter, owner of Lot 2, Block 1, Tumalo Rim, Deschutes County, Oregon, also known as 64089 Tumalo Rim Drive, Bend, Oregon

Cynthia Harvey, owner of Lot 3, Block 1, Tumalo Rim, Deschutes County, Oregon, also known as 64103 Tumalo Rim Drive, Bend, Oregon.

The purpose of the MOA is to:

- a. express the intent of the parties with regard to the disposition of a strip of land located between Lots 2 and 3, Block 1, Tumalo Rim, Deschutes County, Oregon, which is currently dedicated to Deschutes County, Oregon, for public road purposes, and
- b. provide a basis for a formal agreement between the parties concerning the disposition of the described land, with the formal agreement to be prepared by legal counsel.

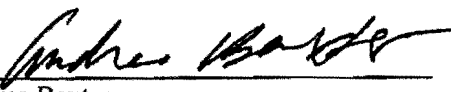
Background: The strip of land between Lots 2 and 3, Block 1, Tumalo Rim, is shown as Common Area on the Deschutes County Plat No. 292, Tumalo Rim, filed April 27, 1977. This 50 foot wide strip of land plus adjoining 5 foot strips from Lots 2 and 3, Block 1, were conveyed and dedicated to Deschutes County, Oregon, for public road purposes on February 16, 1978. Subsequent attempts to rededicate this property involve a long and confusing history, paperwork of which is in a file maintained by the President for reference. As of August, 2014, the strip remains Deschutes County property.

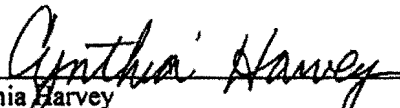
The parties to this MOA, by the agreements stated below, wish to have this road dedication vacated and the land involved transferred to the adjacent property owners, Baxter and Harvey, in accordance with county statutes.

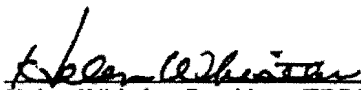
**Agreements:**


1. Baxter and Harvey will make application to have the subject road dedications vacated and bear all costs associated with said vacation process.
2. The TRPOA Board has agreed to NOT pursue any interest in having the subject land returned to the status of TRPOA common property when the vacation process is complete, assuming that during the vacation process this land is NOT found to be TRPOA property.

  
\_\_\_\_\_  
Scott Baxter

  
\_\_\_\_\_  
Andrea Baxter

  
\_\_\_\_\_  
Cynthia Harvey

  
\_\_\_\_\_  
Helen Whistler, President, TRPOA Board

  
\_\_\_\_\_  
Audrey Adams, Secretary, TRPOA Board

Date: September 9, 2014



**CENTRAL ELECTRIC  
COOPERATIVE, INC.**

**January 6, 2015**

**George Kolb, PE**  
Deschutes County Road Department  
6150 SE 27<sup>th</sup> Street  
Bend Oregon 97702

**Dear Mr. Kolb,**

I am writing regarding the proposed vacation of a portion of the roads in Tumalo Rim Subdivision, adjacent to Lot 2 & 3, (Baxter & Harvey).

Since the recordation of the attached Central Electric Cooperative Power Line Easements 2015-00295 & 2015-00296; recorded on 01/05/2015, Central Electric Cooperative is favorable to the right of way vacation.

If you need any additional information, please feel free to contact me.

Sincerely,



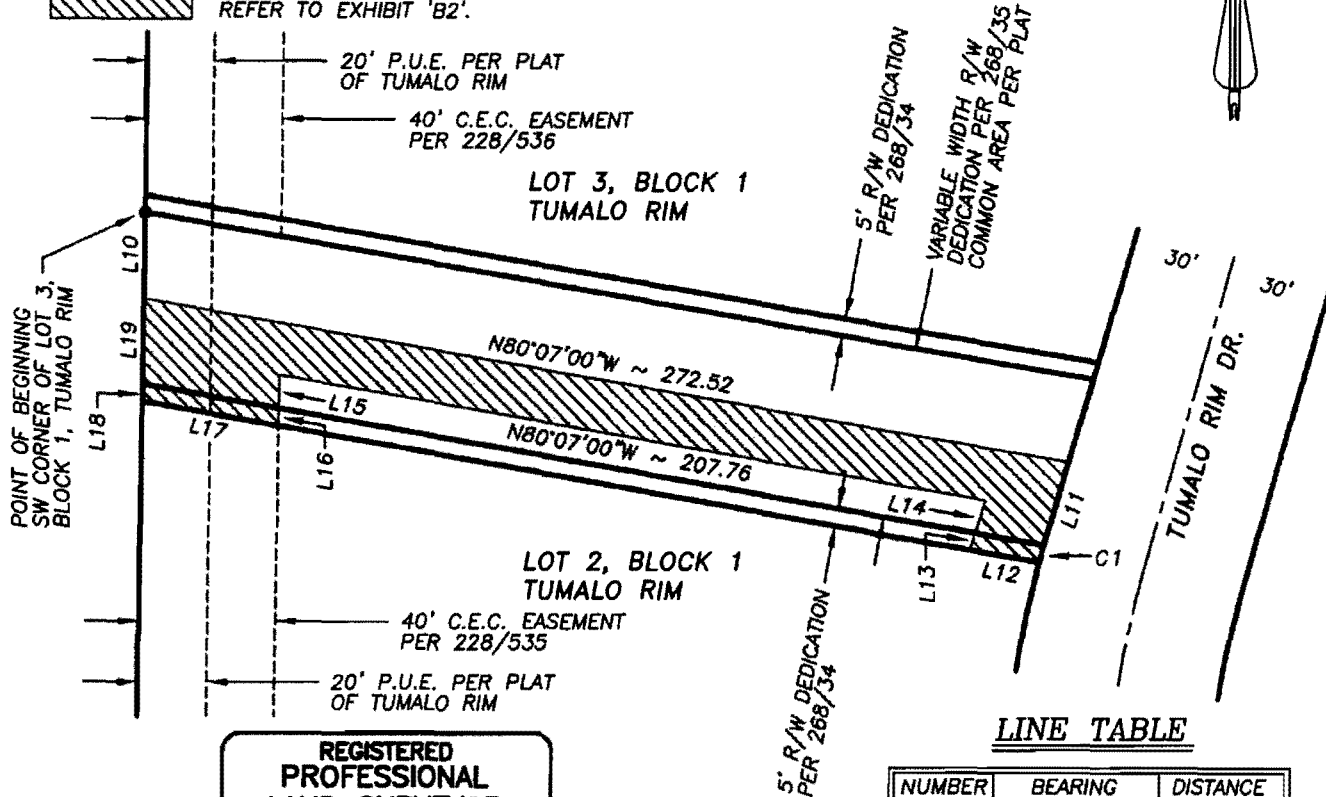
**Parneli J. Perkins**  
Land and Right of Way Specialist

**PROPOSED BENDBROADBAND EASEMENT**  
A PORTION OF UNNAMED ROAD LOCATED WITHIN THE W1/2 OF THE SW1/4  
OF SECTION 6, T17S, R12E, W.M., DESCHUTES COUNTY, OREGON

**LEGEND**

- EXISTING PROPERTY LINE.
- L1 LINE DESIGNATION — REFER TO TABLE.
- C1 CURVE DESIGNATION — REFER TO TABLE.
- LIMITS OF EXISTING EASEMENT PER RECORD DOCUMENT NOTED.
- ▨ LIMITS OF PROPOSED EASEMENT — 4951 S.F. REFER TO EXHIBIT 'B2'.

SCALE 1" = 50'



**LINE TABLE**

NUMBER	BEARING	DISTANCE
L10	N00°06'50"E	24.99
L11	S15°35'15"W	25.00
L12	N80°03'44"W	20.14
L13	N15°35'15"E	5.02
L14	N15°35'15"E	9.91
L15	S00°06'50"W	9.80
L16	S00°06'50"W	5.07
L17	N80°03'44"W	40.60
L18	N00°06'50"E	5.07
L19	N00°06'50"E	24.99

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jerry D. Stichler* 12/17/14

OREGON  
JULY 25, 1991  
JERRY D. STICHLER  
2527

RENEWES 6/30/16

**CURVE TABLE**

NUMBER	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	280.00	01°01'38"	5.02	S15°04'26"W	5.02

DATE: 12/17/14 ACAD: 1491EASE

PROPOSED BENDBROADBAND EASEMENT  
PORTION OF PROPOSED R/W VACATION (UNNAMED ROAD)  
LOCATED IN THE W1/2 OF THE SW1/4 OF SECTION 6,  
T17S, R12E, W.M., DESCHUTES COUNTY, OREGON

PRECISION LAND SURVEYING, INC.  
P.O. BOX 2062  
REDMOND, OREGON 97756  
(541) 648-8092  
(541) 923-8873 FAX

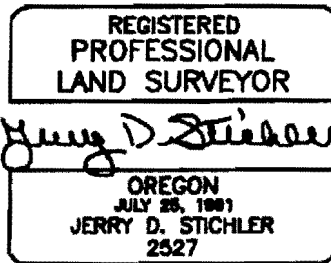
**Precision Land Surveying, Inc.**  
Professional Land Surveyors

**PROPOSED BENDBROADBAND EASEMENT**  
A PORTION OF THE W1/2 OF THE SW1/4 OF SECTION 6, T17S, R12E, W.M.  
(PORTION OF UNNAMED STREET PER CURRENT TAX MAP)

A STRIP OF LAND WITH VARIABLE WIDTH BEING A PORTION OF COMMON AREA AND A PORTION OF LOT 2 IN BLOCK 1 OF TUMALO RIM, ACCORDING TO THE OFFICIAL PLAT THEREOF AS RECORDED IN THE OFFICE OF COUNTY CLERK FOR DESCHUTES COUNTY, OREGON AND LOCATED IN THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER (W1/2 SW1/4) OF SECTION 6, TOWNSHIP 17 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, THE BOUNDARY OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 IN BLOCK 1 OF TUMALO RIM, ACCORDING TO THE OFFICIAL PLAT THEREOF AS RECORDED IN THE OFFICE OF COUNTY CLERK FOR DESCHUTES COUNTY, OREGON; THENCE S00°06'50"W - 24.99 FEET ALONG THE WESTERLY BOUNDARY OF COMMON AREA OF SAID TUMALO RIM AND ALSO OF THAT PARCEL OF LAND AS DESCRIBED BY ROAD DEDICATION DEED VOLUME 268, PAGE 35 OF DESCHUTES COUNTY DEED RECORDS TO THE TRUE POINT OF BEGINNING; THENCE S80°07'00"E - 272.52 FEET TO THE EASTERLY BOUNDARY OF SAID COMMON AREA AND ALSO OF THAT PARCEL OF LAND AS DESCRIBED BY SAID VOLUME 268, PAGE 35; THENCE S15°35'15"W - 25.00 FEET ALONG THE EASTERLY BOUNDARY OF SAID COMMON AREA AND ALSO OF THAT PARCEL OF LAND AS DESCRIBED BY SAID VOLUME 268, PAGE 35 TO THE NORTHEAST CORNER OF LOT 2 IN BLOCK 1 OF SAID TUMALO RIM; THENCE FOLLOWING THE ARC OF A 280.00 FEET RADIUS CURVE TO THE LEFT A DISTANCE OF 5.02 FEET (THE LONG CHORD OF WHICH BEARS S15°04'26"W - 5.02 FEET) ALONG THE EASTERLY BOUNDARY OF SAID LOT 2 TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND AS DESCRIBED BY ROAD DEDICATION DEED VOLUME 268, PAGE 34 OF DESCHUTES COUNTY DEED RECORDS; THENCE N80°03'44"W - 20.14 FEET ALONG THE SOUTHERLY BOUNDARY OF THAT PARCEL OF LAND AS DESCRIBED BY SAID VOLUME 268, PAGE 34; THENCE N15°35'15"E - 5.02 FEET TO THE NORTHERLY BOUNDARY OF SAID LOT 2; THENCE CONTINUING N15°35'15"E - 9.91 FEET; THENCE N80°07'00"W - 207.76 FEET; THENCE S00°06'50"W - 9.80 FEET TO THE NORTHERLY BOUNDARY OF SAID LOT 2; THENCE CONTINUING S00°06'50"W - 5.07 FEET TO THE SOUTHERLY BOUNDARY OF THAT PARCEL OF LAND AS DESCRIBED BY SAID VOLUME 268, PAGE 34; THENCE N80°03'44"W - 40.60 FEET ALONG THE SOUTHERLY BOUNDARY OF THAT PARCEL OF LAND AS DESCRIBED BY SAID VOLUME 268, PAGE 34 TO THE WESTERLY BOUNDARY OF SAID LOT 2; THENCE N00°06'50"E - 5.07 FEET ALONG THE WESTERLY BOUNDARY OF SAID LOT 2 TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE N00°06'50"E - 24.99 FEET ALONG THE WESTERLY BOUNDARY OF COMMON AREA OF SAID TUMALO RIM AND ALSO OF THAT PARCEL OF LAND AS DESCRIBED BY SAID VOLUME 268, PAGE 35 TO THE TRUE POINT OF BEGINNING.

STRIP OF LAND CONTAINS 4951 SQUARE FEET SUBJECT TO ALL OTHER EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD PERTAINING TO THE ABOVE DESCRIBED LANDS.



12/17/14

RENEWS 6/30/16


PO Box 2062  
Redmond, Oregon 97756

(541) 548-6092  
(541) 923-8873 FAX  
plsurveying@gmail.com

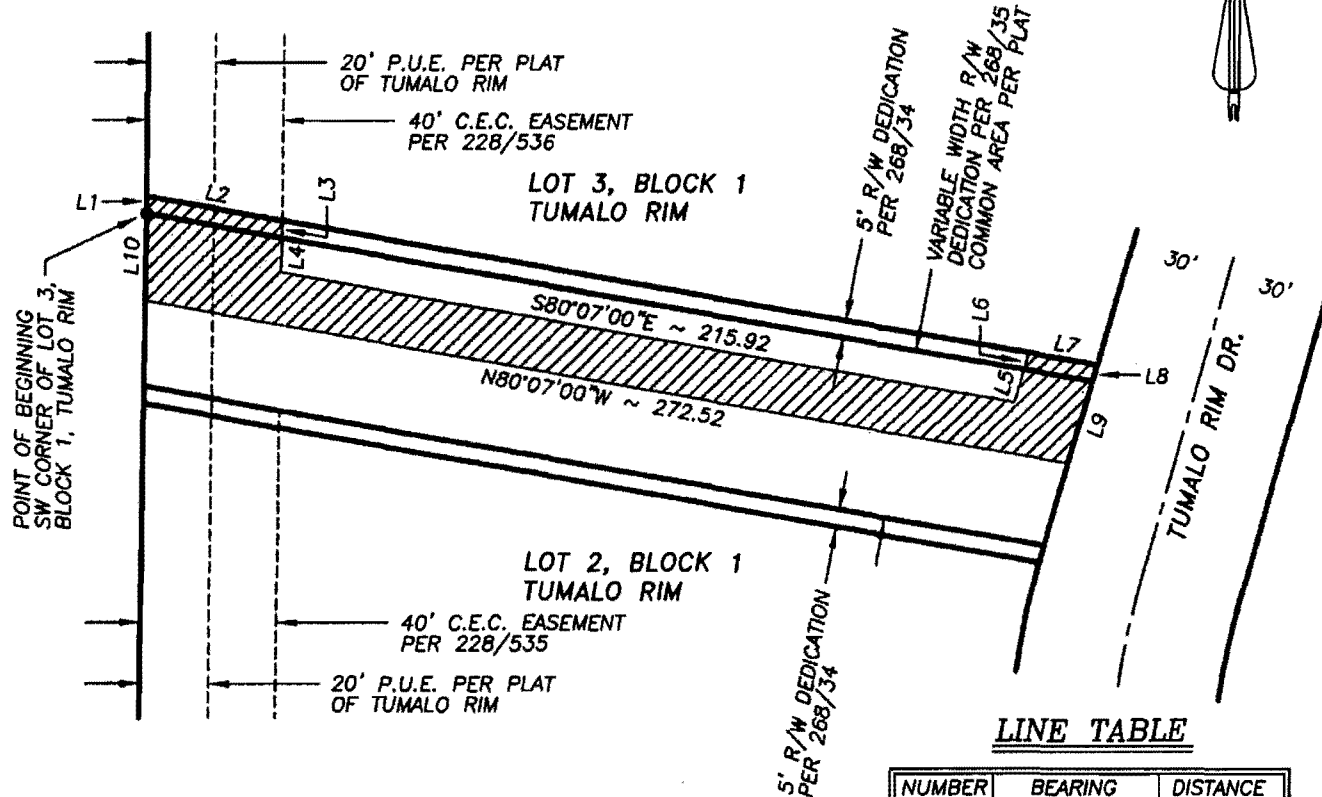
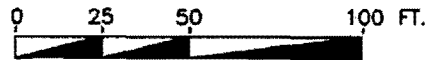


**PROPOSED BENDBROADBAND EASEMENT**  
A PORTION OF UNNAMED ROAD LOCATED WITHIN THE W1/2 OF THE SW1/4  
OF SECTION 6, T17S, R12E, W.M., DESCHUTES COUNTY, OREGON

**LEGEND**

- EXISTING PROPERTY LINE.
- L1 LINE DESIGNATION - REFER TO TABLE.
- LIMITS OF EXISTING EASEMENT PER RECORD DOCUMENT NOTED.
-  LIMITS OF PROPOSED EASEMENT - 5012 S.F. REFER TO EXHIBIT 'B1'.

SCALE 1" = 50'



**LINE TABLE**

NUMBER	BEARING	DISTANCE
L1	N00°04'10"W	5.08
L2	S80°10'07"E	40.60
L3	S00°06'50"W	5.07
L4	S00°06'50"W	9.80
L5	N15°35'15"E	9.91
L6	N15°35'15"E	5.03
L7	S80°10'07"E	20.10
L8	S15°35'15"W	5.03
L9	S15°35'15"W	25.00
L10	N00°06'50"E	24.99

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jerry D. Stichler* 12/17/14

OREGON  
JULY 25, 1991  
JERRY D. STICHLER  
2527

RENEWS 6/30/16

DATE: 12/17/14 ACAD: 1491EASE

PROPOSED BENDBROADBAND EASEMENT  
PORTION OF PROPOSED R/W VACATION (UNNAMED ROAD)  
LOCATED IN THE W1/2 OF THE SW1/4 OF SECTION 6,  
T17S, R12E, W.M., DESCHUTES COUNTY, OREGON

PRECISION LAND SURVEYING, INC.  
P.O. BOX 2062  
REDMOND, OREGON 97756  
(541) 548-6092  
(541) 923-8873 FAX

**Precision Land Surveying, Inc.**

Professional Land Surveyors

**PROPOSED BENDBROADBAND EASEMENT**

A PORTION OF THE W1/2 OF THE SW1/4 OF SECTION 6, T17S, R12E, W.M.  
(PORTION OF UNNAMED STREET PER CURRENT TAX MAP)

A STRIP OF LAND WITH VARIABLE WIDTH BEING A PORTION OF COMMON AREA AND A PORTION OF LOT 3 IN BLOCK 1 OF TUMALO RIM, ACCORDING TO THE OFFICIAL PLAT THEREOF AS RECORDED IN THE OFFICE OF COUNTY CLERK FOR DESCHUTES COUNTY, OREGON AND LOCATED IN THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER (W1/2 SW1/4) OF SECTION 6, TOWNSHIP 17 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, THE BOUNDARY OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

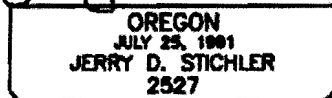
BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 IN BLOCK 1 OF TUMALO RIM, ACCORDING TO THE OFFICIAL PLAT THEREOF AS RECORDED IN THE OFFICE OF COUNTY CLERK FOR DESCHUTES COUNTY, OREGON; THENCE N00°04'10"W – 5.08 FEET ALONG THE WEST BOUNDARY OF SAID LOT 3 TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND AS DESCRIBED BY ROAD DEDICATION DEED VOLUME 268, PAGE 34 OF DESCHUTES COUNTY DEED RECORDS; THENCE S80°10'07"E – 40.60 FEET ALONG THE NORTHERLY BOUNDARY OF THAT PARCEL OF LAND AS DESCRIBED BY SAID VOLUME 268, PAGE 34; THENCE S00°06'50"W – 5.07 FEET TO THE SOUTHERLY BOUNDARY OF SAID LOT 3; THENCE CONTINUING S00°06'50"W – 9.80 FEET; THENCE S80°07'00"E – 215.92 FEET; THENCE N15°35'15"E – 9.91 FEET TO THE SOUTHERLY BOUNDARY OF SAID LOT 3; THENCE CONTINUING N15°35'15"E – 5.03 FEET TO THE NORTHERLY BOUNDARY OF THAT PARCEL OF LAND AS DESCRIBED BY SAID VOLUME 268, PAGE 34; THENCE S80°10'07"E – 20.10 FEET ALONG THE NORTHERLY BOUNDARY OF THAT PARCEL OF LAND AS DESCRIBED BY SAID VOLUME 268, PAGE 34 TO THE EASTERLY BOUNDARY OF SAID LOT 3; THENCE S15°35'15"W – 5.03 FEET ALONG THE EASTERLY BOUNDARY OF SAID LOT 3 TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE S15°35'15"W – 25.00 FEET ALONG THE EASTERLY BOUNDARY OF COMMON AREA OF SAID TUMALO RIM AND ALSO OF THAT PARCEL OF LAND AS DESCRIBED BY ROAD DEDICATION DEED VOLUME 268, PAGE 35 OF DESCHUTES COUNTY DEED RECORDS; THENCE N80°07'00"W – 272.52 FEET TO THE WESTERLY BOUNDARY OF SAID COMMON AREA AND ALSO OF THAT PARCEL OF LAND AS DESCRIBED BY SAID VOLUME 268, PAGE 35; THENCE N00°06'50"E – 24.99 FEET ALONG THE WESTERLY BOUNDARY OF SAID COMMON AREA AND ALSO OF THAT PARCEL OF LAND AS DESCRIBED BY SAID VOLUME 268, PAGE 35 TO THE POINT OF BEGINNING.

STRIP OF LAND CONTAINS 5012 SQUARE FEET SUBJECT TO ALL OTHER EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD PERTAINING TO THE ABOVE DESCRIBED LANDS.



*Jerry D. Stichler*

12/17/14



RENEWES 6/30/16

PO Box 2062  
Redmond, Oregon 97756

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(541) 923-8873 FAX  
plsurveying@gmail.com

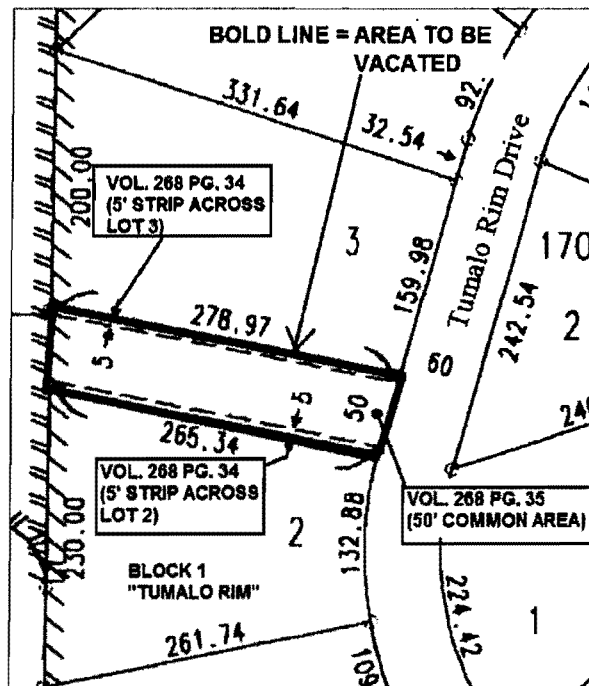
Exhibit C

**Vacation of a Right-of-Way off of Tumalo Rim Drive dedicated in  
Volume 268 Page 34 and Volume 268 Page 35, Deed Records, located in the  
Tumalo Rim Subdivision in Deschutes County, Oregon,**

A sixty foot wide public right-of-way lying between Lots 2 and 3, Block 1 of the official plat of "Tumalo Rim" in the Southwest Quarter of Section 6, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon and being more particularly described as follows:

All of the right-of-way dedicating the fifty foot wide Common Area between said lots 2 and 3 as described in that deed recorded February 21, 1978 in Volume 268 Page 35 together with the two five foot wide strips of additional right-of-way width dedicated across said Lots 2 and 3 as described in that deed recorded February 21, 1978 in Volume 268 Page 35.

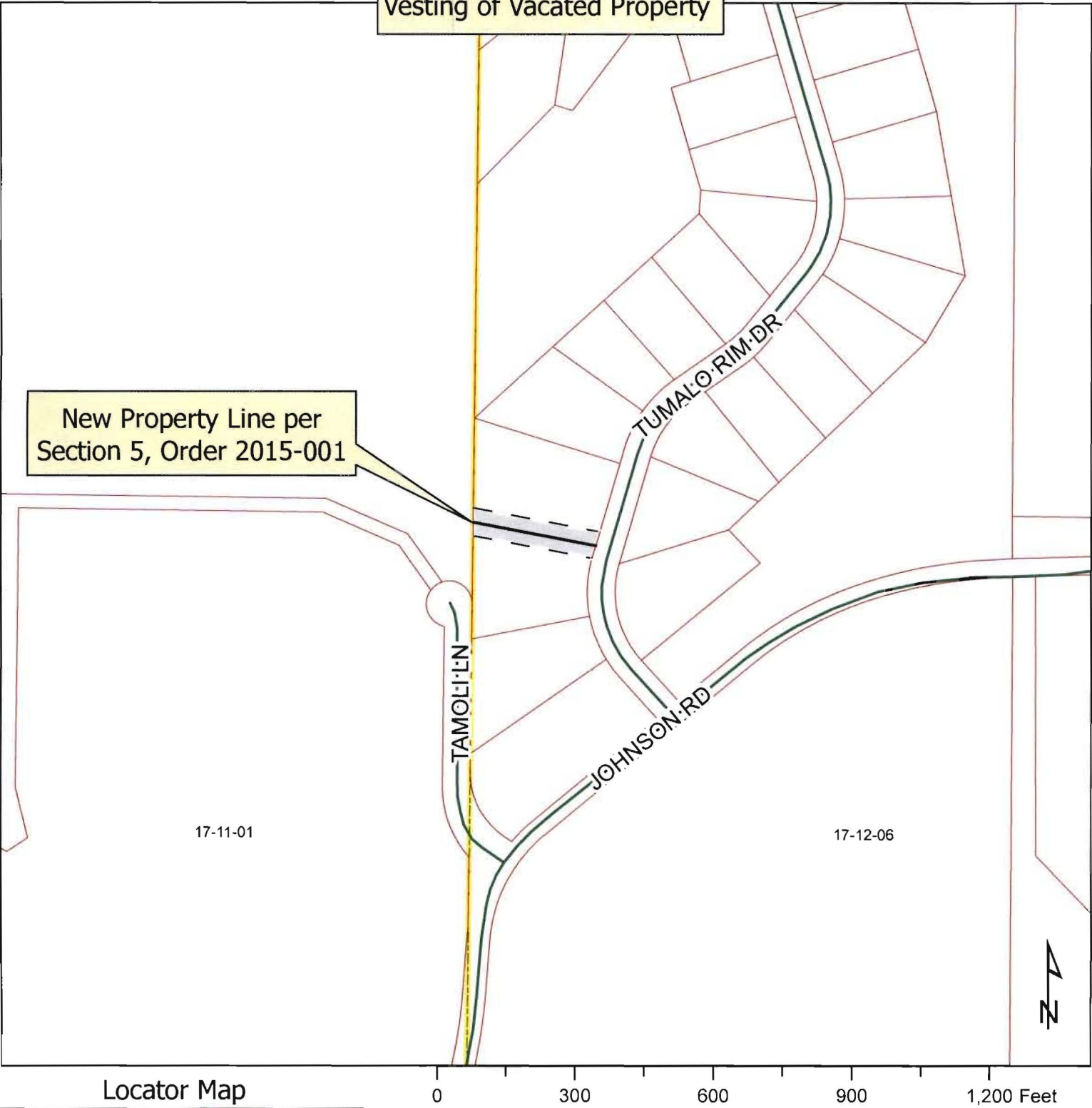
Sketch of Vacation Area  
-Not to Scale-



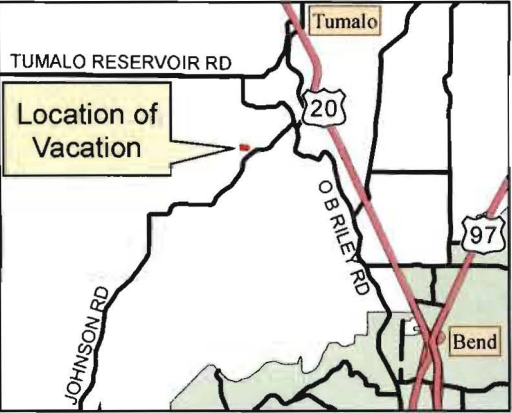
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Michael J. Berry*  
OREGON  
JULY 28, 1989  
MICHAEL J. BERRY  
2390  
RENEWAL DATE: 12/31/15

"Exhibit D"  
Vesting of Vacated Property

New Property Line per  
Section 5, Order 2015-001



Locator Map



Printed: January 14, 2015

- Legend**
- Area being Vacated
  - Road Centerlines
  - Taxlots
  - Section Lines

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**