



Deschutes County Board of Commissioners  
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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 Resolution No. 2015-001, Initiating the Vacation 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 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 Resolution No. 2015-001 will start the vacation process.

**FISCAL IMPLICATIONS:**

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

**RECOMMENDATION & ACTION REQUESTED:**

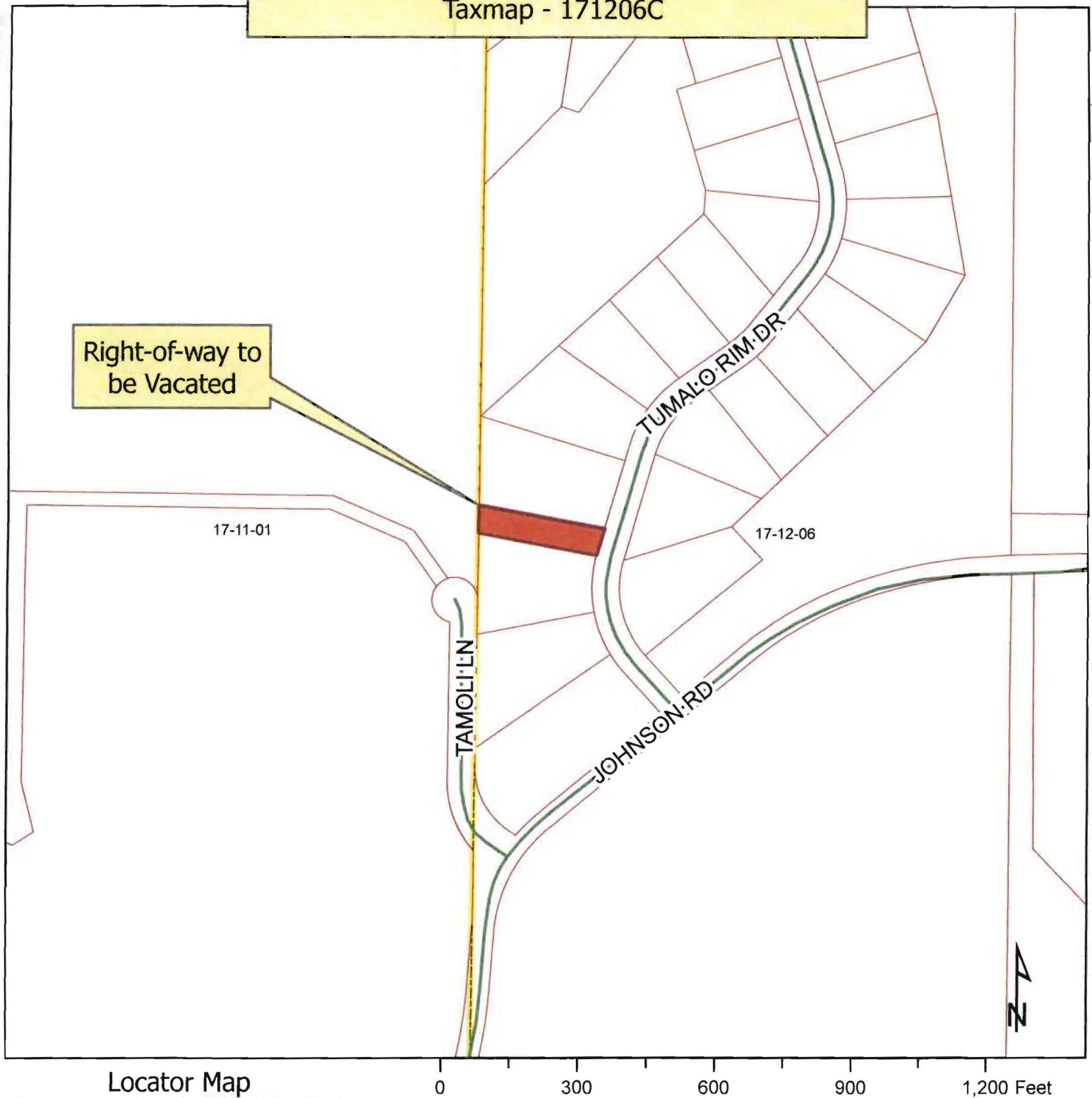
The Road Department recommends signature of Resolution No. 2015-001

**ATTENDANCE:** George Kolb, County Engineer

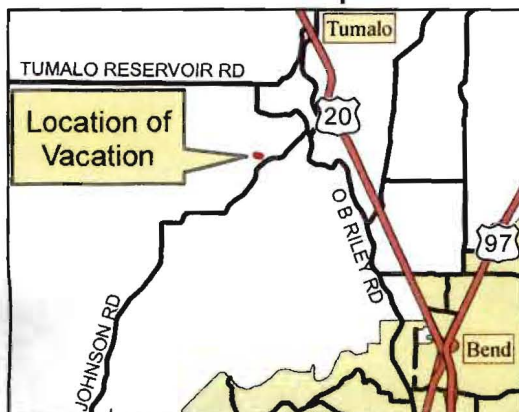
**DISTRIBUTION OF DOCUMENTS:**

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

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



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.

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**Road Department**

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REVIEWED

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 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, Describing the Property Proposed to be Vacated, the Reasons for the Vacation, and Requesting that the County Road Official File a Report.

RESOLUTION NO. 2015-001

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 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; 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 Tumalo Rim Drive, dedicated on Volume 268 Page 34 and Volume 268 Page 35 and located in the Tumalo Rim Subdivision; 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

EXHIBIT "A"

**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-

