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

AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of April 22, 2015

DATE: 04/09/2015

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

TITLE OF AGENDA ITEM:
Consideration of Signature of Order No. 2015-024, Causing a Portion of Tetherow Road in Deschutes County to be Surveyed, Causing the County Road Official to File a Report on the Matter and Causing Notice of the Legalization Process for a portion of Tetherow Road to be Provided.

Note: This action was previously presented through Order No. 2015-015 and Resolution No. 2015-015, but due to scheduling issues, the hearing date was changed from May 6, 2015 to June 3, 2015.

PUBLIC HEARING ON THIS DATE? NO.

BACKGROUND AND POLICY IMPLICATIONS:
On February 3, 2015, a portion of an existing retaining wall gave way on Tetherow Road located on the uphill grade to the east of the bridge across the Deschutes River (see attached photos labeled Exhibit 1). County crews came in for emergency repairs and as a result of clearing the road, the side slope of the road was extended onto private property owned by Platt Properties, LLC. The property owners were notified of the project and the County was given permission to complete the work located on their property with the understanding that a slope easement would be acquired by the County to cover the portion of private property needed for the repair.

When the Road Department went to write the legal description for the slope easement, it was determined that the centerline of the existing road does not match the approximate location of the A.J. Warrin (Jordan) Road that was established 3/6/1879, Wasco County CJ "B" PG 499, right of way width 60 feet or the 1892 D.W. Barnett Road that was established 5/5/1892, Crook County CJ 2. PG 28, right of way width 60 feet (see attached maps). In order to write a legal description for the slope easement, the existing centerline of the road will have to be legalized per Oregon Revised Statutes. The proposed legalization will encompass the 0.27 mile segment of the road beginning 75 feet westerly of the east line of the Central Oregon Park and Recreation Districts "Tetherow Crossing Park" and ending at the north property line of Tax Lot 141236D000400 (Platt Properties LLC). The legalization process involves the following:

1. A Resolution is signed by the Board of County Commissioners initiating the legalization proceedings

2. Signature of an Order which:
   - Initiates the survey of a portion of Tetherow Road
   - Requires a written report from the Road Department concerning the legalization.
   - Sets a public hearing before the Board concerning the legalization
   - Causes notice of the legalization to be provided to the public
3. Signature of an Order after the public hearing which:

3. Signature of an Order after the public hearing which:
   - Accepts or rejects the Road Departments report
   - Determines the status of the legalization based on public testimony and the Engineer's report.
   - Approves or denies the legalization of a portion of Tetherow Road

4. Filing of the new right-of-way map of this portion of Tetherow Road at the County Surveyor's office.

Signature of Order No. 2015-024 will cause a portion of Tetherow Road to be surveyed and sets a public hearing for the legalization of a portion of Tetherow Road on June 3, 2015.

FISCAL IMPLICATIONS:
None. ORS 368.211 does require compensation to property owners if they have a structure located within the legalization area but there are no structures that will be affected by the legalization.

RECOMMENDATION & ACTION REQUESTED:
Move approval of Board Signature on Order No. 2015-024, Causing a Portion of Tetherow Road in Deschutes County to be Surveyed, Causing the County Road Official to File a Report on the Matter and Causing Notice of the Legalization Process for a Portion of Tetherow Road to be Provided. Board Chair will also have to sign Exhibit "B", Notice of Road Legalization Hearing.

ATTENDANCE: George Kolb, County Engineer

DISTRIBUTION OF DOCUMENTS:
Copy to Sheila Odle (ext. 7148) at the Road Department

Legalization of a Portion of Tetherow Road

Begin Legalization

End Legalization

DESCHUTES RIVER

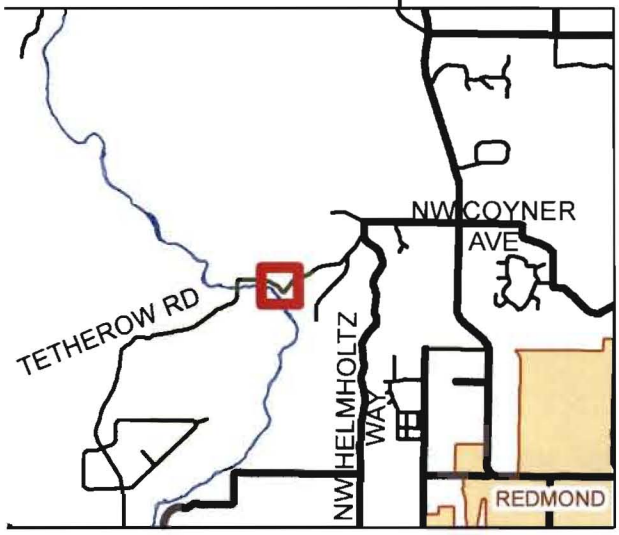
TETHEROW RD

30' Dedicated to Public in
1978 Woody Acres Subdivision

Proposed Area of Legalization
Along Centerline of Existing Road

0 200 400 600 800 Feet

Locator Map



Key

- Legalization CL
- County Routes
- Legalization
- 1978 Woody Acres
- Taxlots
- Deschutes River

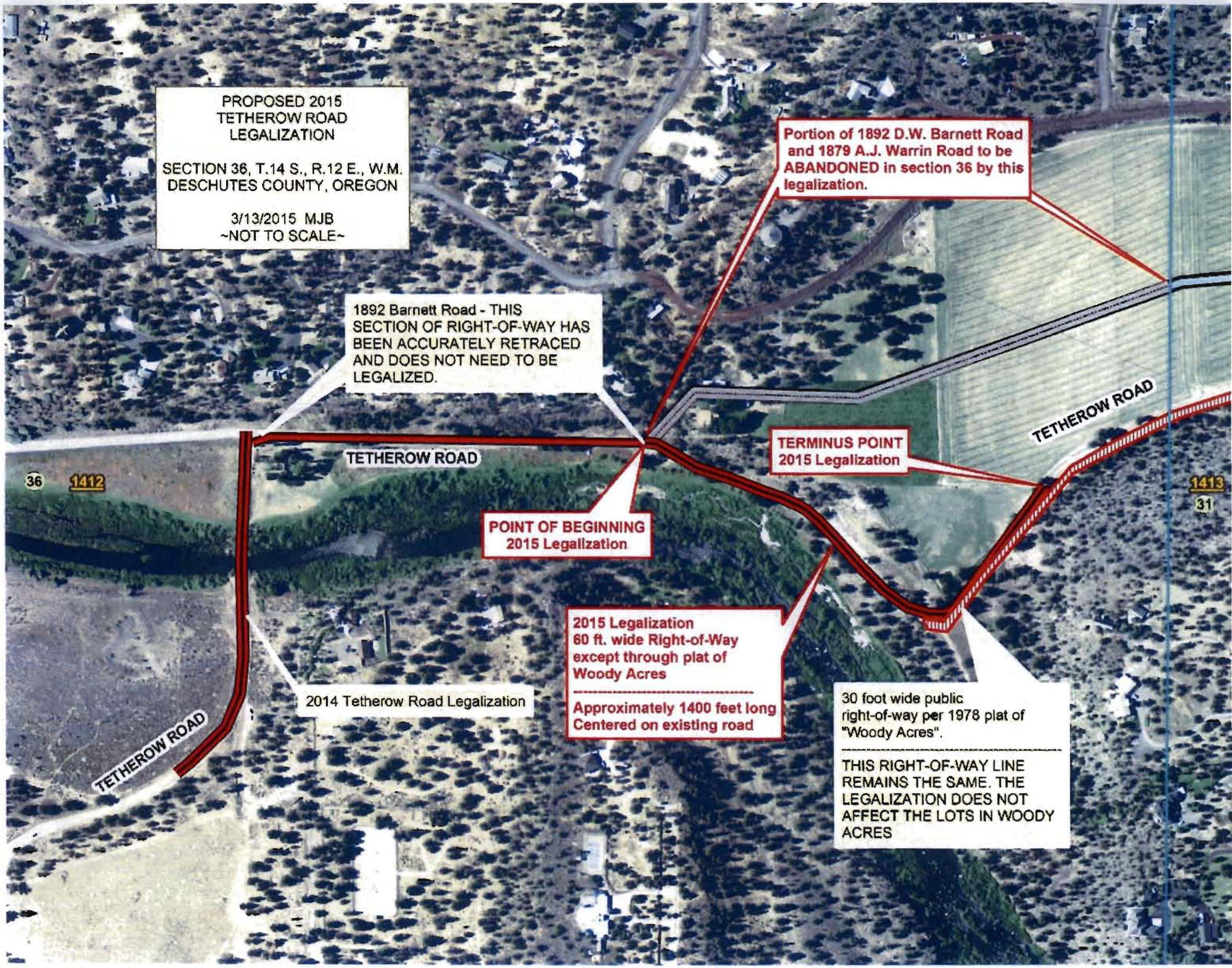
N

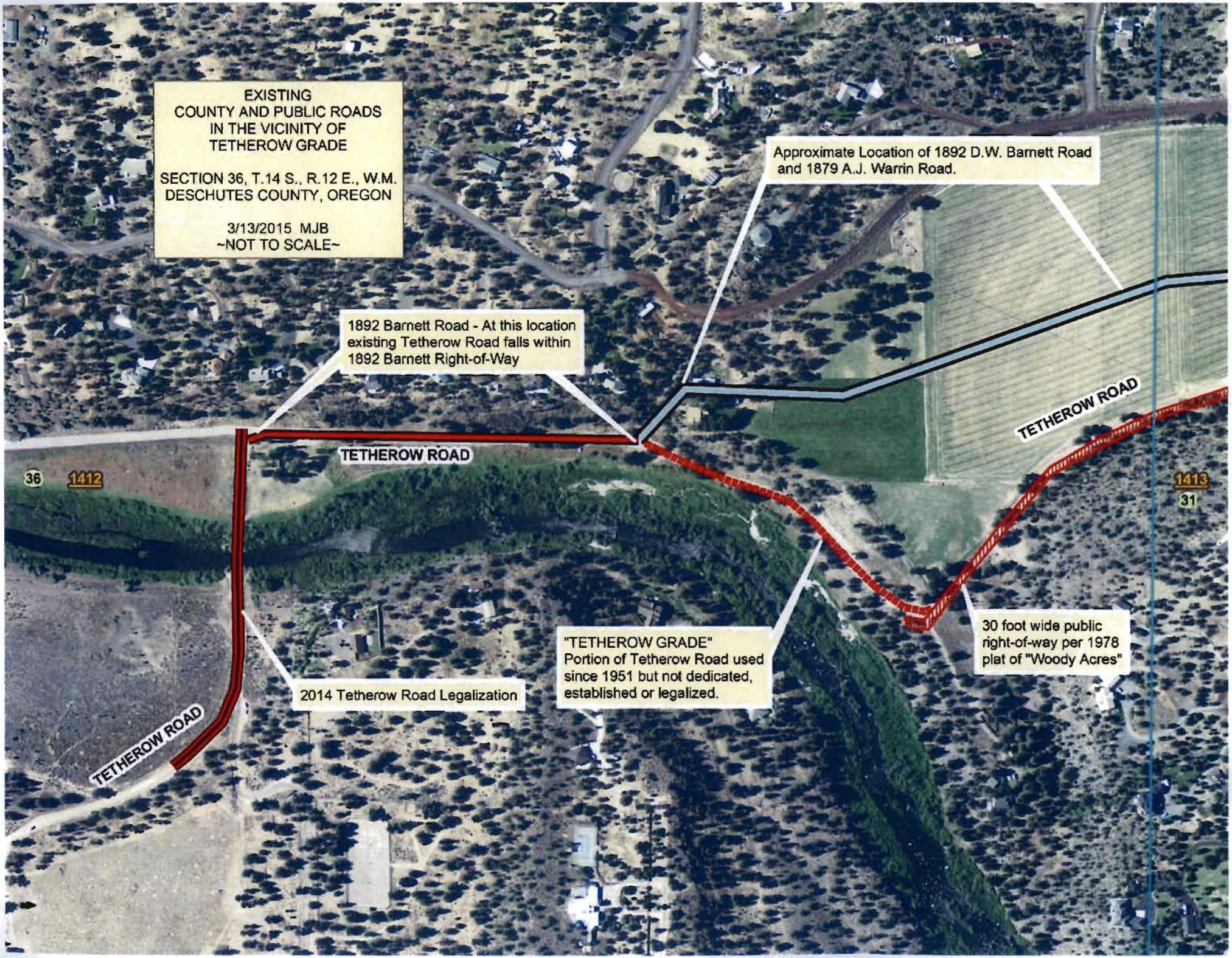
Printed:
March 13, 2014

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\Legalization\Tetherow2


PROPOSED 2015
TETHEROW ROAD
LEGALIZATION
SECTION 36, T.14 S., R.12 E., W.M.
DESCHUTES COUNTY, OREGON
3/13/2015 MJB
~NOT TO SCALE~
Portion of 1892 D.W. Barnett Road and 1879 A.J. Warrin Road to be ABANDONED in section 36 by this legalization.
1892 Barnett Road - THIS SECTION OF RIGHT-OF-WAY HAS BEEN ACCURATELY RETRACED AND DOES NOT NEED TO BE LEGALIZED.
TETHEROW ROAD
36
1412
TERMINUS POINT
2015 Legalization
TETHEROW ROAD
1413
31
POINT OF BEGINNING
2015 Legalization
2015 Legalization
60 ft. wide Right-of-Way
except through plat of
Woody Acres
Approximately 1400 feet long
Centered on existing road
2014 Tetherow Road Legalization
TETHEROW ROAD
30 foot wide public
right-of-way per 1978 plat of
"Woody Acres".
THIS RIGHT-OF-WAY LINE
REMAINS THE SAME. THE
LEGALIZATION DOES NOT
AFFECT THE LOTS IN WOODY
ACRES


EXISTING
COUNTY AND PUBLIC ROADS
IN THE VICINITY OF
TETHEROW GRADE
SECTION 36, T.14 S., R.12 E., W.M.
DESCHUTES COUNTY, OREGON
3/13/2015 MJB
~NOT TO SCALE~
Approximate Location of 1892 D.W. Barnett Road and 1879 A.J. Warrin Road.
1892 Barnett Road - At this location existing Tetherow Road falls within 1892 Barnett Right-of-Way
TETHEROW ROAD
TETHEROW ROAD
36
1412
1413
31
30 foot wide public right-of-way per 1978 plat of "Woody Acres"
"TETHEROW GRADE"
Portion of Tetherow Road used since 1951 but not dedicated, established or legalized.
2014 Tetherow Road Legalization
TETHEROW ROAD

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONER OF DESCHUTES COUNTY, OREGON

An Order Causing a portion of Tetherow Road in Deschutes County, Oregon to be Surveyed, Causing the County Road Official to File a Report on the Matter and Causing Notice of the Legalization Process for Tetherow Road to be provided.	* * * * * * *	ORDER NO. 2015-024

WHEREAS, pursuant to ORS 368.201, and by Resolution No. 2015-030, the Board of County Commissioners initiated the legalization of a portion of Tetherow Road, in Deschutes County, Oregon; and

WHEREAS; this action was previously presented through Order No. 2015-015 and Resolution 2015-015, but due to scheduling issues, the hearing date was changed from May 6, 2015 to June 3, 2015;

WHEREAS, the Board of County Commissioners seeks to undertake proceedings to legalize a portion of Tetherow Road according to the requirements of ORS 368.201 to 368.221; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS FOR DESCHUTES COUNTY, OREGON ORDERS as follows:

Section 1. That the portion of Tetherow Road 75 feet westerly of the east line of the Central Oregon Park and Recreation Districts "Tetherow Crossing Park" and ending at the north property line of Tax Lot 141236D000400 as shown in Exhibit "A", attached hereto and incorporated herein, be surveyed to determine the location and width of the road according to the laws governing the width of roads at the time Tetherow Road was originally established, including road right of way subsequently dedicated to the public in conjunction with adjacent development.

Section 2. That the County Road official file a written report with the Board of County Commissioners including the survey required by Section 1 herein and any other information requested by the Board.

Section 3. That a hearing before the Board of County Commissioners shall be held on Wednesday, June 3, 2015, at 10:00 a.m. in the Deschutes County Commissioner's Hearings Room, Deschutes County Services Center, 1300 NW Wall Street, Bend, Oregon 97701, for consideration of information contained in the County Road official's report as well as any information that controverts or supports matters presented to the Board in the course of the legalization proceedings or that alleges any new matter relevant to the proceeding.

Section 4. That notice of the proceedings for legalization of a portion of Tetherow Road, including the hearing set by Section 3 herein, be provided by posting, publication and by service to abutting land in a form that substantially conforms to Exhibit "B", attached hereto and by this reference incorporated herein, pursuant to the notice requirements established by ORS 368.401 to 368.426.

DATED this _____ day of _____, 2015.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

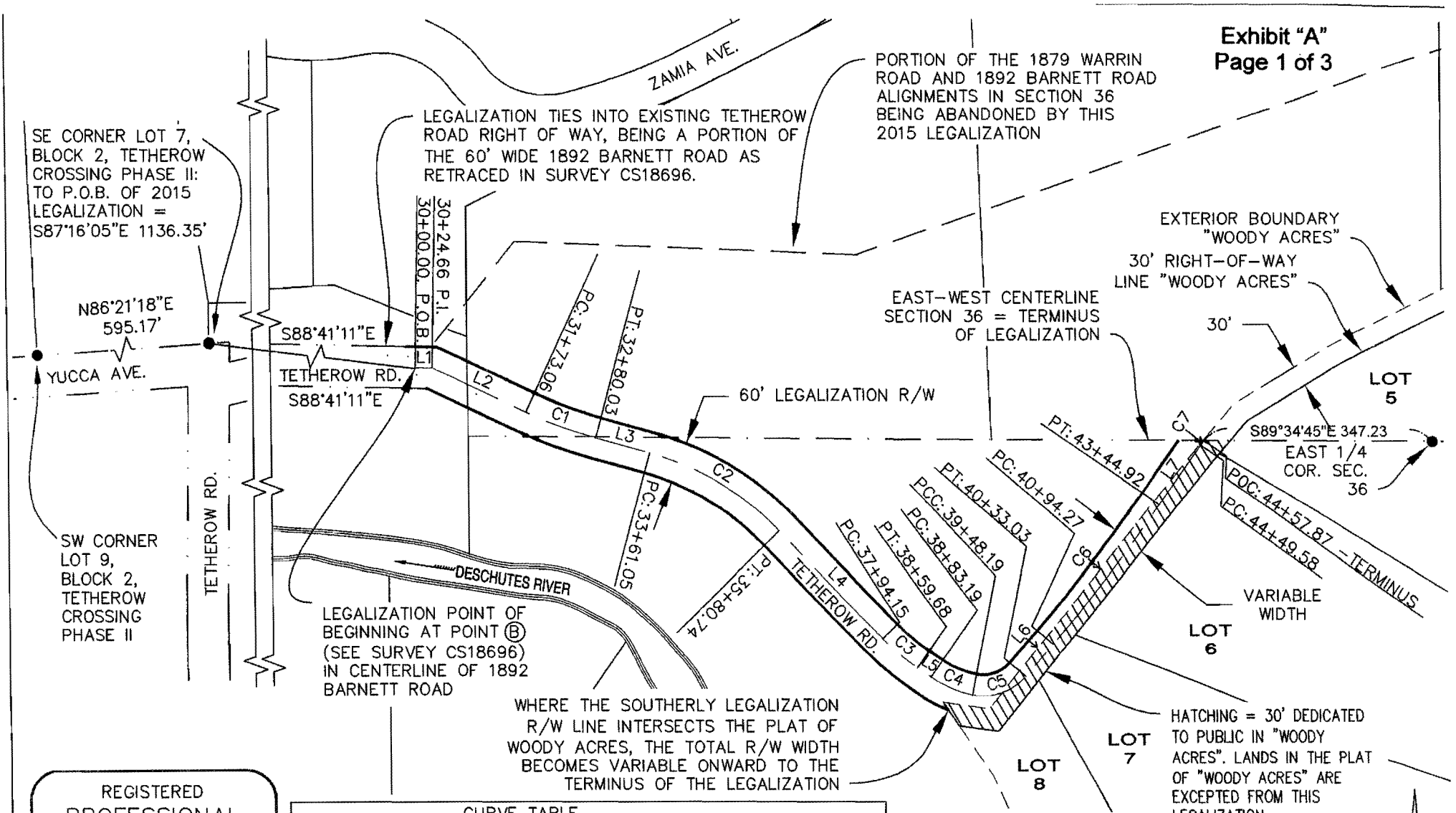
_____
ANTHONY DEBONE, CHAIR

ATTEST:

_____
ALAN UNGER, VICE CHAIR

_____
Recording Secretary

_____
TAMMY BANEY, COMMISSIONER



REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON
JULY 26, 1989
MICHAEL J. BERRY
2390
RENEWAL DATE: 12-31-15

CURVE TABLE					
CURVE	LENGTH	RADIUS	TAN	DELTA	CHORD
C1	106.97'	631.87'	53.61'	9°42'00"	S69°33'32"E 106.84'
C2	219.69'	413.18'	112.51'	30°27'52"	N59°10'35"W 217.11'
C3	65.53'	335.12'	32.87'	11°12'12"	S49°32'45"E 65.42'
C4	65.00'	160.00'	32.95'	23°16'35"	S66°47'08"E 64.55'
C5	84.84'	80.00'	46.90'	60°45'40"	N71°11'45"E 80.92'
C6	250.64'	2470.37'	125.43'	5°48'48"	N37°54'31"E 250.54'
C7	8.29'	320.17'	4.15'	1°29'01"	S35°44'37"W 8.29'

LINE TABLE		
LINE	Bearing	Dist
L1	S88°41'11"E	24.66'
L2	S64°42'32"E	148.40'
L3	S74°24'31"E	81.02'
L4	S43°56'39"E	213.41'
L6	N40°48'55"E	61.24'
L7	N35°00'07"E	104.67'

2015 TETHEROW ROAD LEGALIZATION SKETCH

LOCATED IN THE SW1/4 NE1/4, SE1/4 NE1/4 & NE1/4 SE1/4 SEC. 36, T14S, R12E, W.M. DESCHUTES CO., ORE.

DESCHUTES COUNTY ROAD DEPARTMENT
61150 S.E. 27TH STREET, BEND, OR. 97702

SCALE: 1"=200' | DRAWN BY: M.J.B. | DATE: 3/4/2015 | REVISIONS: | SHEET 1 OF 1

FILE: W660 TETHEROW 2015 for BOCC.dwg

\\tsclient\j\CAD\Projects\W660-TETHEROW-SLIDE\dwg\W660 TETHEROW 2015 for BOCC.dwg

03/04/2015

Legal Description for the 2015 Legalization of A Portion of Tetherow Road

A 60.00 foot wide strip of land for roadway and utility purposes located in the Southwest one-quarter of the Northeast one-quarter (SW1/4 NE1/4), the Southeast one-quarter of the Northeast one-quarter (SE1/4 NE1/4) and the Northeast one-quarter of the Southeast one-quarter (NE1/4 SE1/4) of Section 36, Township 14 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, lying 30.00 feet on either side of the following described centerline:

Commencing at the 5/8" rebar monumenting the Southwest Corner of Lot 9, Block 2, Tetherow Crossing Phase II; thence along the north right-of-way line of Yucca Avenue N86°21'18"E a distance of 595.17 feet to a 5/8" rebar monumenting the Southeast Corner of Lot 7, Block 2, Tetherow Crossing Phase II; thence leaving said Yucca Avenue right-of-way line, S87°16'05"E a distance of 1136.35 feet to a point at the centerline of the 1892 Barnett Road identified as Point "B" on the survey filed at the Deschutes County Surveyor's Office as CS18696 titled "2014 Right-of-Way Map For the Legalization of a Portion of Tetherow Road", said Point "B" being Engineer's Station 30+00.00 and the **Point of Beginning** of this 2015 centerline description; thence S88°41'11"E a distance of 24.66 feet to Engineer's Station 30+24.66 P.I; thence S64°42'32"E a distance of 148.40 feet to Engineer's Station 31+73.06 P.C.; thence 106.97 feet along the arc of a 631.87 foot radius curve to the left, the long chord of which bears S69°33'32"E a distance of 106.84 feet to Engineer's Station 32+80.03 P.T.; thence S74°24'31"E a distance of 81.02 feet to Engineer's Station 33+61.05 P.C.; thence 219.69 feet along the arc of a 413.18 foot radius curve to the right, the long chord of which bears S59°10'35"E a distance of 217.11 feet to Engineer's Station 35+08.74 P.T.; thence S43°56'39"E a distance of 213.41 feet to Engineer's Station 37+94.15 P.C.; thence 65.53 feet along the arc of a 335.12 foot radius curve to the left, the long chord of which bears S49°32'45"E a distance of 65.42 feet to Engineer's Station 38+59.68 P.T.; thence S55°08'50"E a distance of 23.51 feet to Engineer's Station 38+83.19 P.C.; thence 65.00 feet along the arc of a 160.00 foot radius curve to the left, the long chord of which bears S66°47'08" E a distance of 64.55 feet to Engineer's Station 39+48.19 P.C.C.; thence 84.84 feet along the arc of a 80.00 foot radius compound curve to the left, the long chord of which bears N 71°11'45"E a distance of 80.92 feet to Engineer's Station 40+33.03 P.T.; thence N40°48'55"E a distance of 61.24 feet to Engineer's Station 40+94.27 P.C.; thence 250.64 feet along the arc of a 2470.37 foot radius curve to the left, the long chord of which bears N 37°54'31" E250.54 feet to Engineer's Station 43+44.92 P.T.; thence N35°00'07"E a distance of 104.67 feet to Engineer's Station 44+49.58 P.C.; thence 8.29 feet along the arc of a 320.17 foot radius curve to the right, the long chord of which bears N35°44'37"E 8.29 feet to Engineer's Station 44+57.87 P.O.C., at the east-west centerline of said Section 36, being the easterly **Terminus Point** of this centerline description, from which the 3" diameter aluminum Deschutes County Surveyors Office cap stamped "L.S. 804" marking the east one-quarter corner of said Section 36 bears S89°34'45"E a distance of 347.23 feet

along said east-west centerline and also from which the 1/2" iron rod marking an angle point in the exterior boundary of the plat of "Woody Acres" at the prolongation of the lot line common to lots 5 and 6 of said plat bears N89°34'45"W 1.31 feet.

The sidelines of said 60.00 foot strip to be extended or shortened to begin at the right-of-way lines of the 1892 Barnett Road segment west of the aforementioned point "B" that bear S88°41'11"E on the aforementioned survey CS18696, and to terminate at the east-west centerline of said Section 36 at said station 44+57.87 P.O.C.

EXCEPTING THEREFROM any portion of said 60.00 foot strip lying within the boundary of the plat of "Woody Acres", the intent being to honor the location of the thirty foot wide dedication in said plat and not create new right-of-way southeasterly beyond the existing Woody Acres right-of-way.

The bearings for this description are based on the Deschutes County Surveyor's Office Central Oregon Coordinate System.

This parcel is depicted on the attached map titled "2015 Tetherow Road Legalization Sketch" which is incorporated herein by this reference.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 28, 1989
MICHAEL J. BERRY
2390

RENEWAL DATE: 12/31/15

EXHIBIT "B"

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

NOTICE OF ROAD LEGALIZATION HEARING

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS WILL HOLD A PUBLIC HEARING ON JUNE 3 , 2015 , AT 10:00 A.M. IN THE DESCHUTES COUNTY SERVICES BUILDING, 1300 NW WALL STREET BEND, OREGON, ON THE PROPOSED ROAD LEGALIZATION PROCEEDING DESCRIBED BELOW. ALL INTERESTED PERSONS MAY APPEAR AND BE HEARD.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

The location of a portion of Tetherow Road, as used by the public, is different from the location of the road as described in County records. Deschutes County has initiated proceedings to legalize a portion of Tetherow Road from 75 feet westerly of the east line of the Central Oregon Park & Recreation Districts "Tetherow Crossing Park" and ending at the north property line of tax lot 141236D000400 in Deschutes County, Oregon, as shown in Exhibit "A" attached hereto and incorporated herein.

Persons interested in obtaining more detailed information or a map of the proposed legalization may contact George Kolb at the Deschutes County Road Department, 61150 S.E. 27th Street, Bend, Oregon, (541) 322-7113.

ORS 368.201 to 368.221 provides authority for road legalization.

BOARD OF COUNTY COMMISSIONERS
DESCHUTES COUNTY, OREGON

_____
Tony DeBone, Chair

PUBLISHED: May 14, 2015 & May 24, 2015
POSTED: May 14, 2015
MAILED: April 23, 2015