



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

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

DATE: April 9, 2015

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

TITLE OF AGENDA ITEM:

Consideration of Signature of Resolution No. 2015-030, Initiating Legalization Proceedings for a Portion of Tetherow Road.

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

- Causes notice of the legalization to be provided to the public
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.

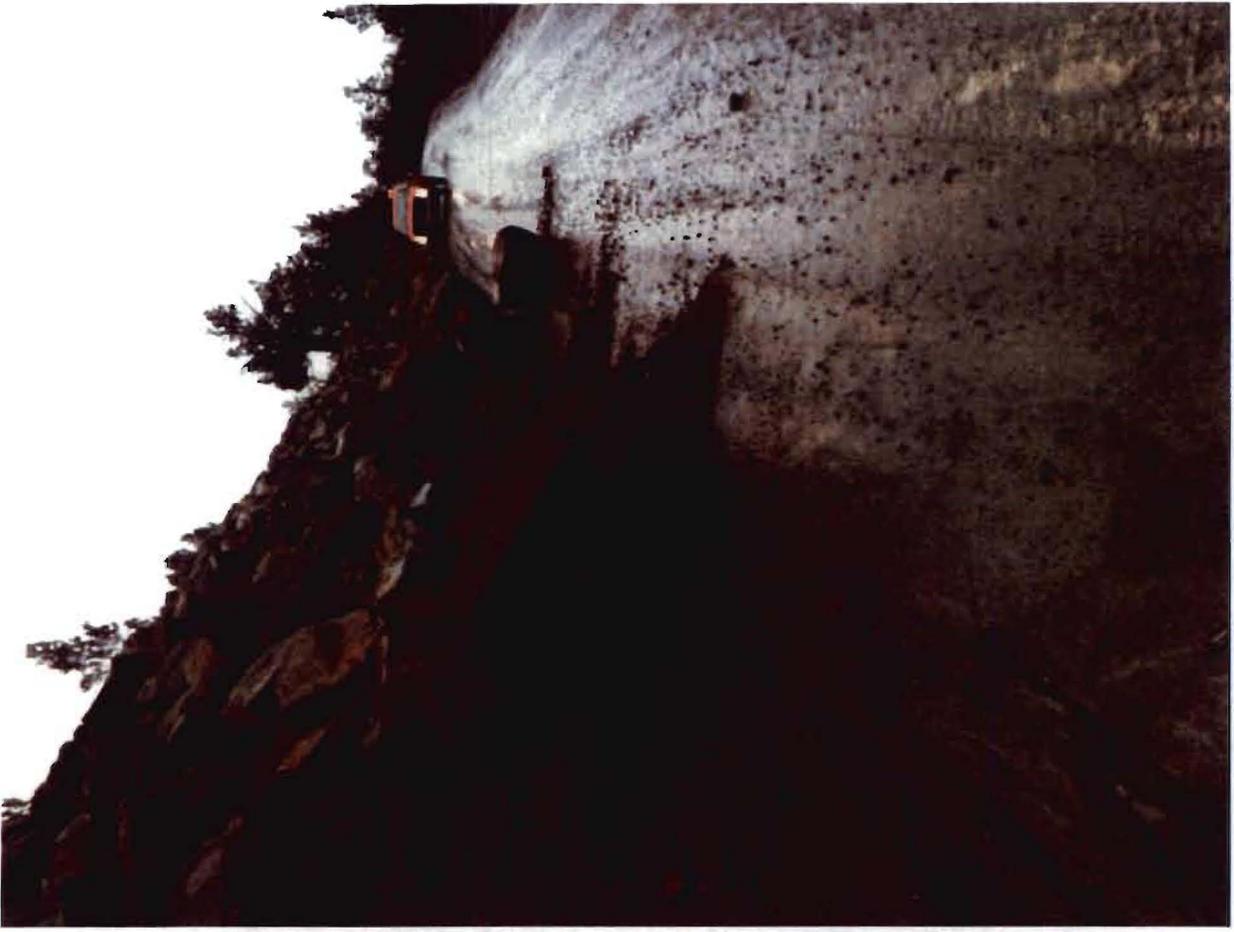
RECOMMENDATION & ACTION REQUESTED:

Move approval of Board Signature on Resolution No. 2015-030, Initiating Legalization Proceedings for a Portion of Tetherow Road

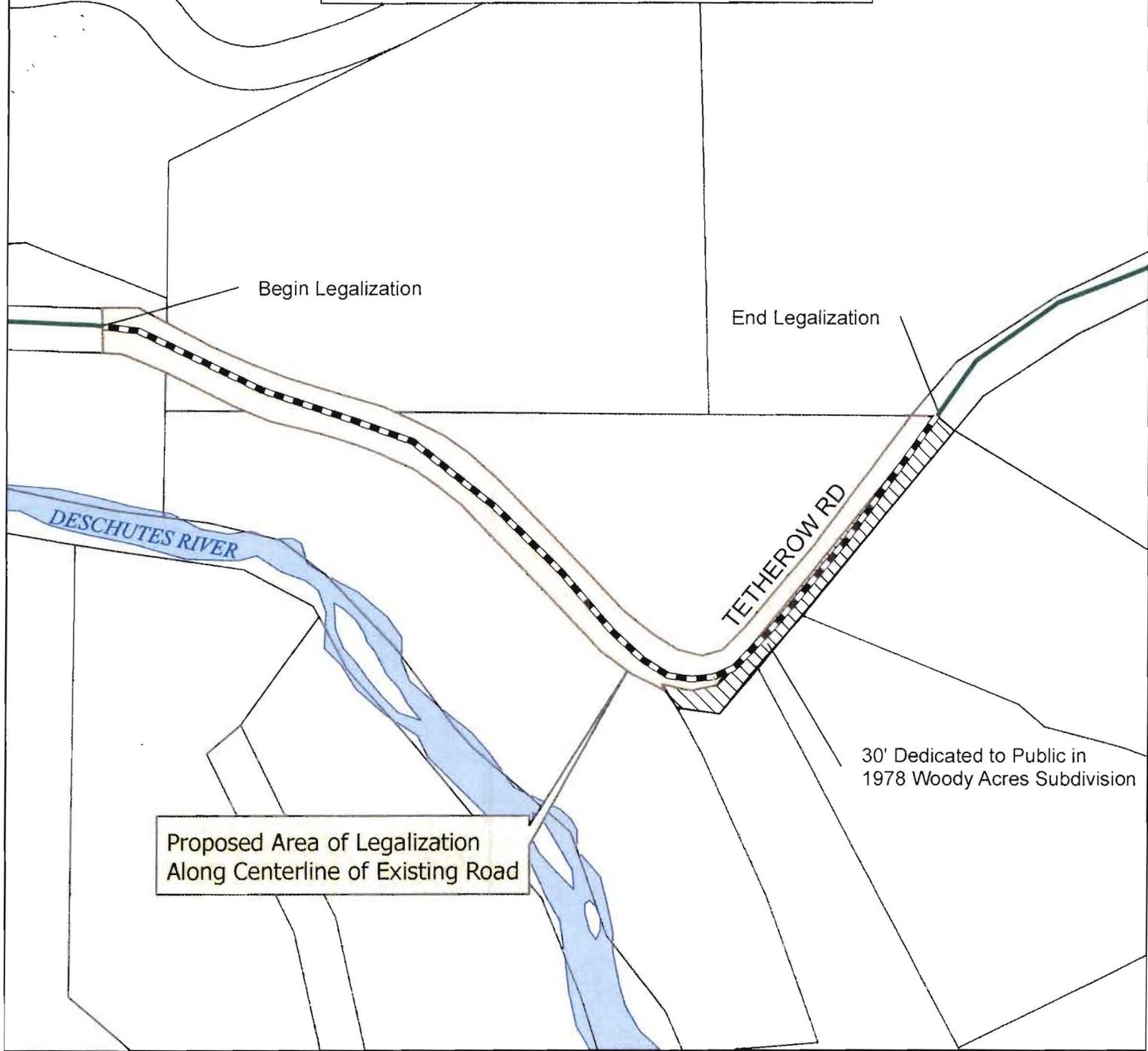
ATTENDANCE: George Kolb, County Engineer

DISTRIBUTION OF DOCUMENTS:

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



Legalization of a Portion of Tetherow Road



Proposed Area of Legalization Along Centerline of Existing Road

30' Dedicated to Public in 1978 Woody Acres Subdivision

Locator Map



0 200 400 600 800 Feet

Key

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



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.

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

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

36 1412

TETHEROW ROAD

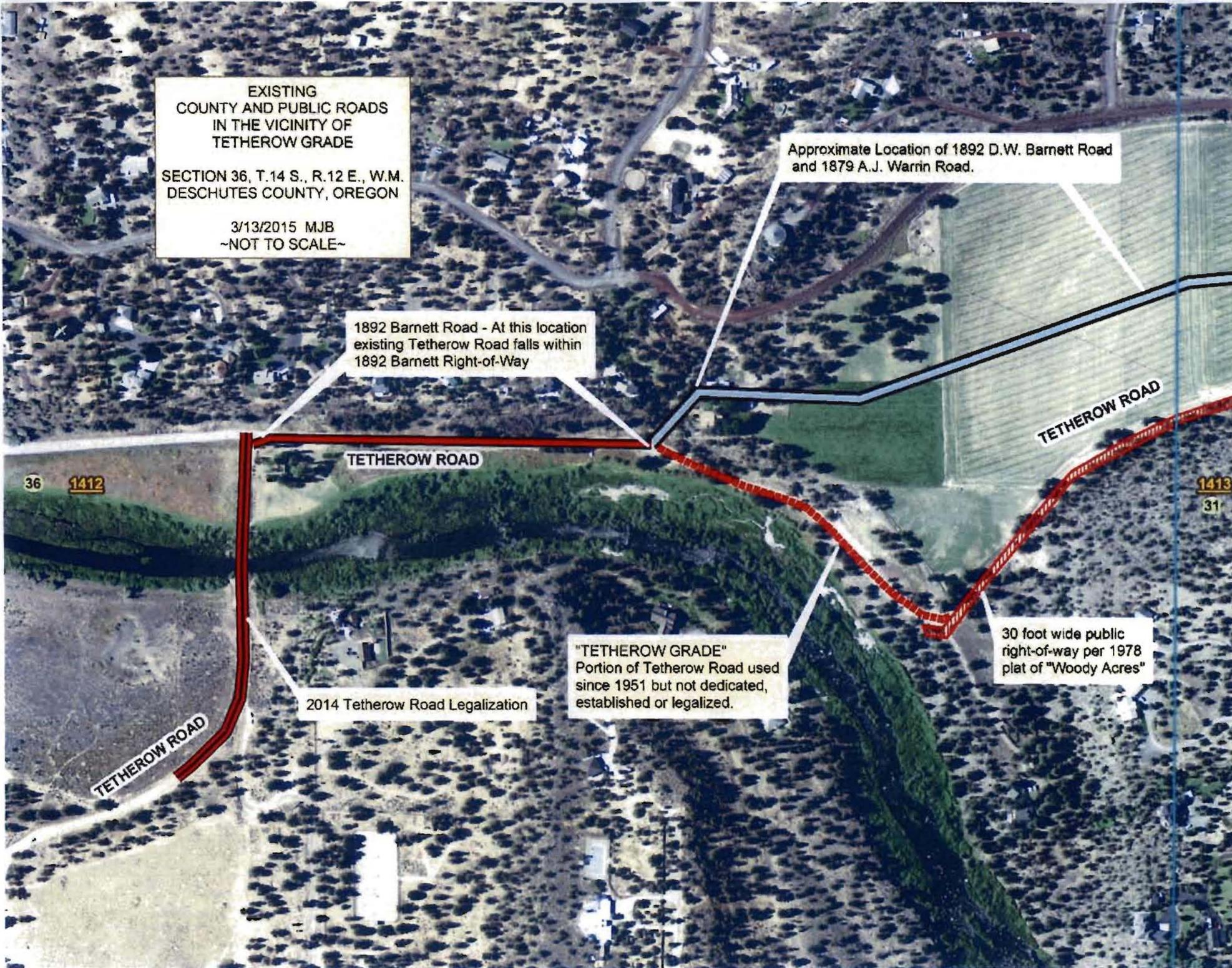
1413
31

"TETHEROW GRADE"
Portion of Tetherow Road used
since 1951 but not dedicated,
established or legalized.

30 foot wide public
right-of-way per 1978
plat of "Woody Acres"

2014 Tetherow Road Legalization

TETHEROW ROAD



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 RETRACTED
AND DOES NOT NEED TO BE
LEGALIZED.

TERMINUS POINT
2015 Legalization

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

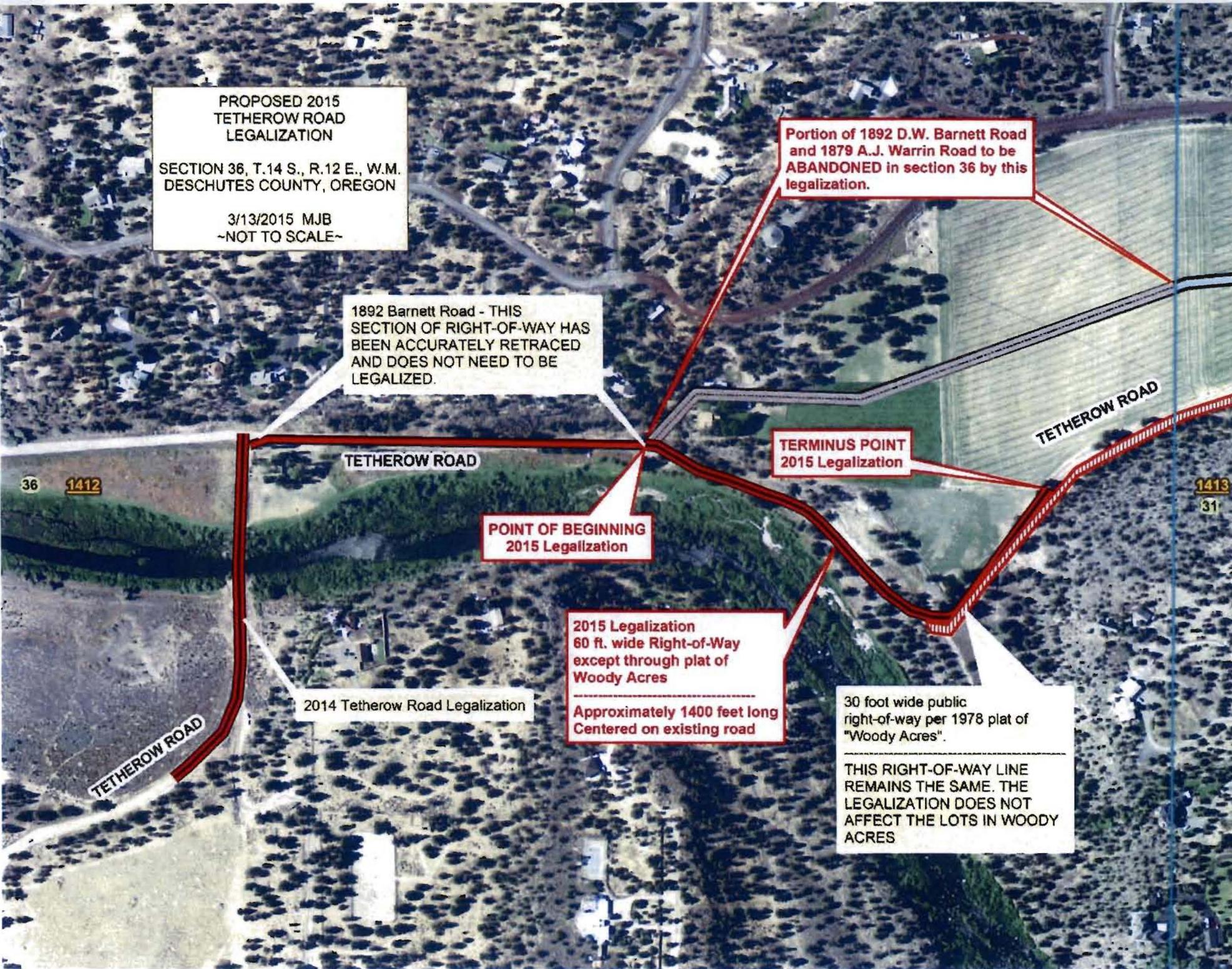
30 foot wide public
right-of-way per 1978 plat of
"Woody Acres".

THIS RIGHT-OF-WAY LINE
REMAINS THE SAME. THE
LEGALIZATION DOES NOT
AFFECT THE LOTS IN WOODY
ACRES

2014 Tetherow Road Legalization

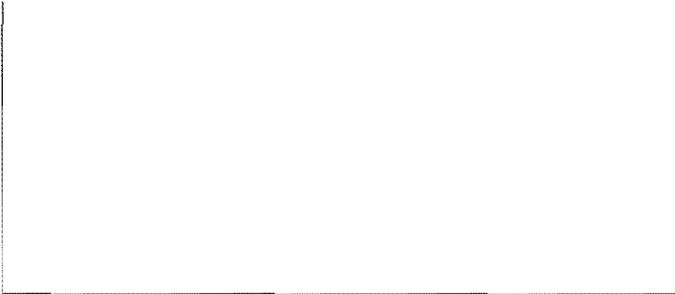
36 1412

1413
31



REVIEWED

LEGAL COUNSEL



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Resolution Initiating Proceedings to *
Legalize a portion of Tetherow Road, in * RESOLUTION NO. 2015-030
Deschutes County, Oregon. *

WHEREAS, ORS 368.201 established County authority to initiate road legalization proceedings; and

WHEREAS, a portion of Tetherow Road in Deschutes County, Oregon has been traveled and used for more than 10 years in a way which does not conform to its location as described in the County records; and

WHEREAS, the Board of County Commissioners seeks to legalize a portion of Tetherow Road according to the process established by ORS 368.201 to 368.221; now, therefore,

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;

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

Section 1. Proceedings for legalization of a portion of Tetherow 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 in Deschutes County, Oregon, as shown in Exhibit "A" attached hereto and incorporated herein, are hereby initiated pursuant to ORS 368.201.

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

SE CORNER LOT 7,
BLOCK 2, TETHEROW
CROSSING PHASE II:
TO P.O.B. OF 2015
LEGALIZATION =
S87°16'05"E 1136.35'

N86°21'18"E
595.17'

YUCCA AVE.

SW CORNER
LOT 9,
BLOCK 2,
TETHEROW
CROSSING
PHASE II

TETHEROW RD.

TETHEROW RD.
S88°41'11"E

LEGALIZATION POINT OF
BEGINNING AT POINT (B)
(SEE SURVEY CS18696)
IN CENTERLINE OF 1892
BARNETT ROAD

LEGALIZATION TIES INTO EXISTING TETHEROW
ROAD RIGHT OF WAY, BEING A PORTION OF
THE 60' WIDE 1892 BARNETT ROAD AS
RETRACED IN SURVEY CS18696.

ZAMIA AVE.

PORTION OF THE 1879 WARRIN
ROAD AND 1892 BARNETT ROAD
ALIGNMENTS IN SECTION 36
BEING ABANDONED BY THIS
2015 LEGALIZATION

EAST-WEST CENTERLINE
SECTION 36 = TERMINUS
OF LEGALIZATION

EXTERIOR BOUNDARY
"WOODY ACRES"
30' RIGHT-OF-WAY
LINE "WOODY ACRES"

30'

LOT
5

S89°34'45"E 347.23
EAST 1/4
COR. SEC.
36

VARIABLE
WIDTH

LOT
6

WHERE THE SOUTHERLY LEGALIZATION
R/W LINE INTERSECTS THE PLAT OF
WOODY ACRES, THE TOTAL R/W WIDTH
BECOMES VARIABLE ONWARD TO THE
TERMINUS OF THE LEGALIZATION

HATCHING = 30' DEDICATED
TO PUBLIC IN "WOODY
ACRES". LANDS IN THE PLAT
OF "WOODY ACRES" ARE
EXCEPTED FROM THIS
LEGALIZATION

LOT
7

LOT
8

WOODY
ACRES

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael J. Berry
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

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" E 250.54 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

Michael J. Berry

OREGON
JULY 25, 1999
MICHAEL J. BERRY
2390

RENEWAL DATE: 12/31/15