



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 March 25, 2015

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

DATE: March 18, 2015

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

TITLE OF AGENDA ITEM:

Consideration of Signature of Order No. 2015-015, 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

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 easment, 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:
 - 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. 2015-015 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 May 6, 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. 2015-015, 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.

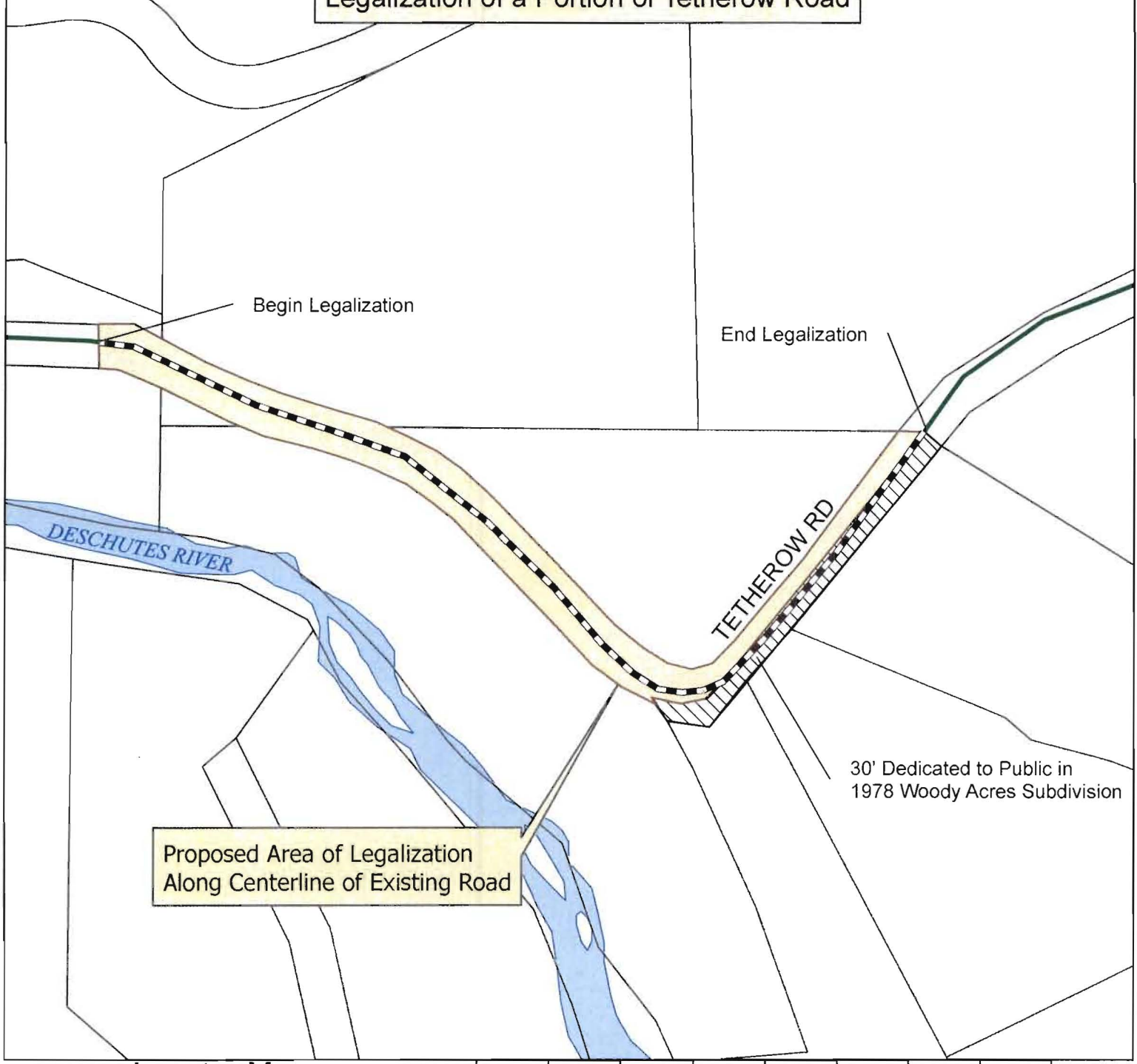
ATTENDANCE: George Kolb, County Engineer

DISTRIBUTION OF DOCUMENTS:

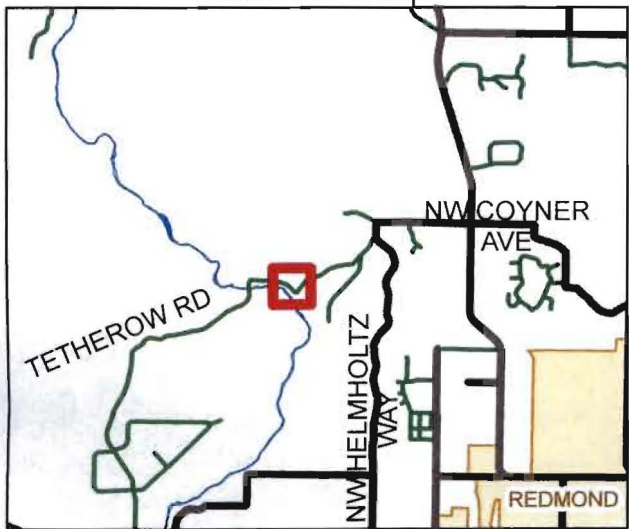
Copy to Sheila Odle (ext. 7148) at the Road Department



Legalization of a Portion of Tetherow Road



Locator Map



0 200 400 600 800 Feet

Key

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



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

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.

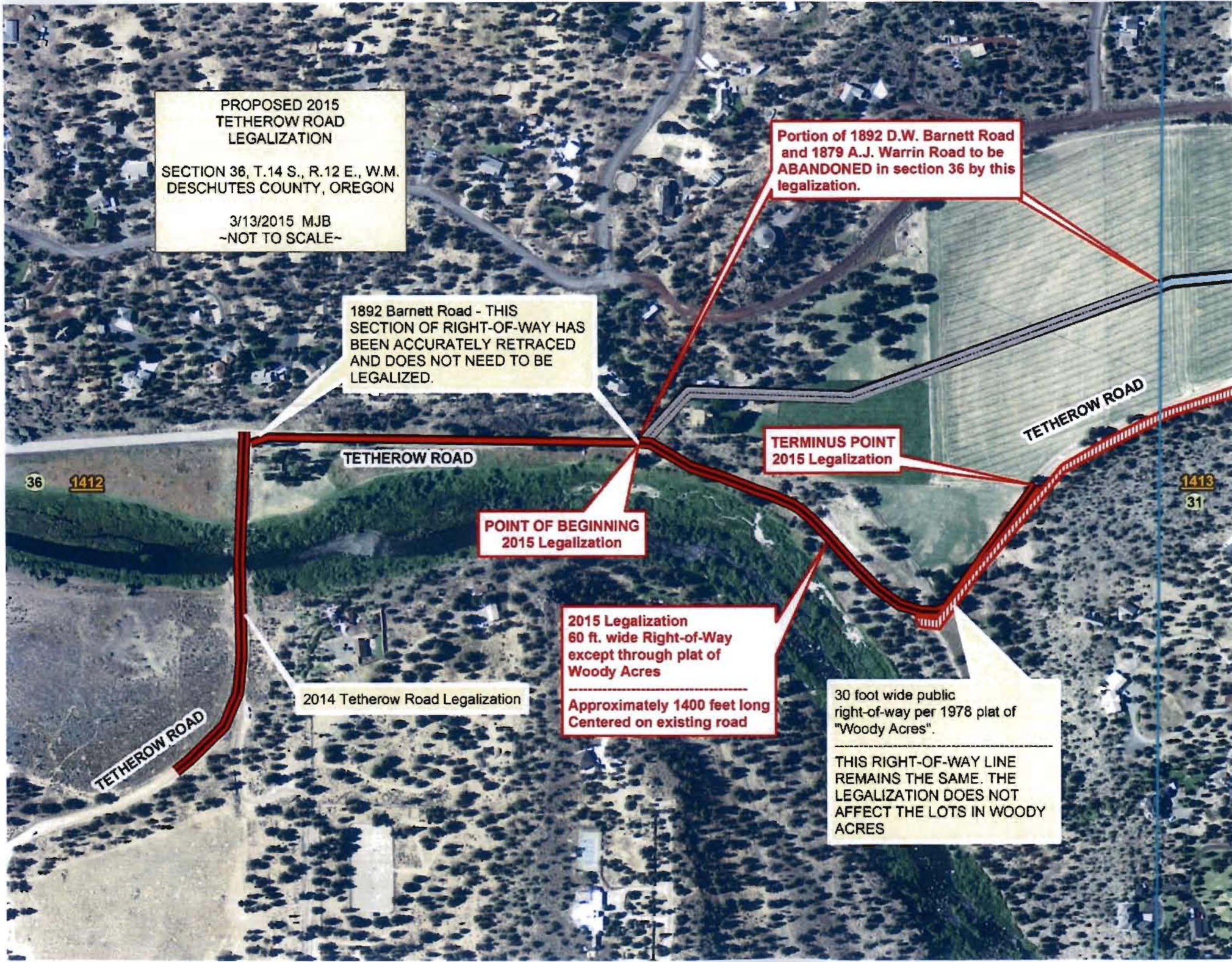
TERMINUS POINT
2015 Legalization

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



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

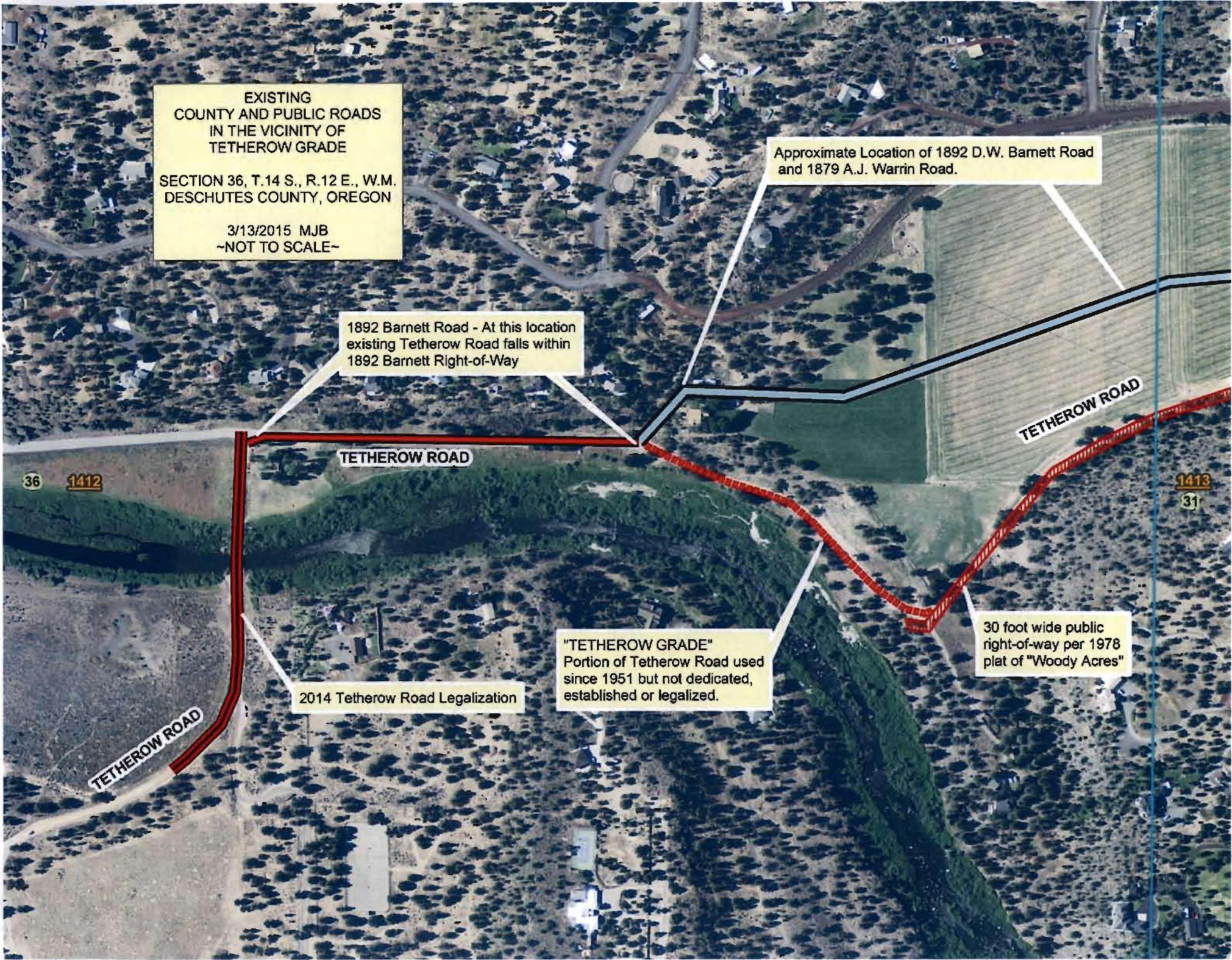
1413
31

2014 Tetherow Road Legalization

"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"

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. 2015-015

WHEREAS, pursuant to ORS 368.201, and by Resolution No. 2015-015, the Board of County Commissioners initiated the legalization of a portion of Tetherow Road, in Deschutes County, Oregon; and

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, May 6, 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 with 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

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.

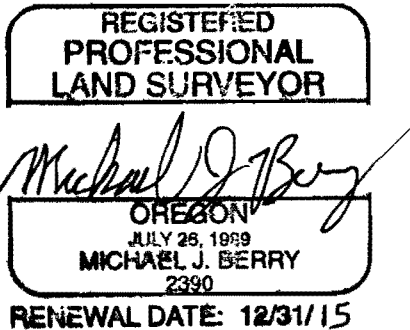
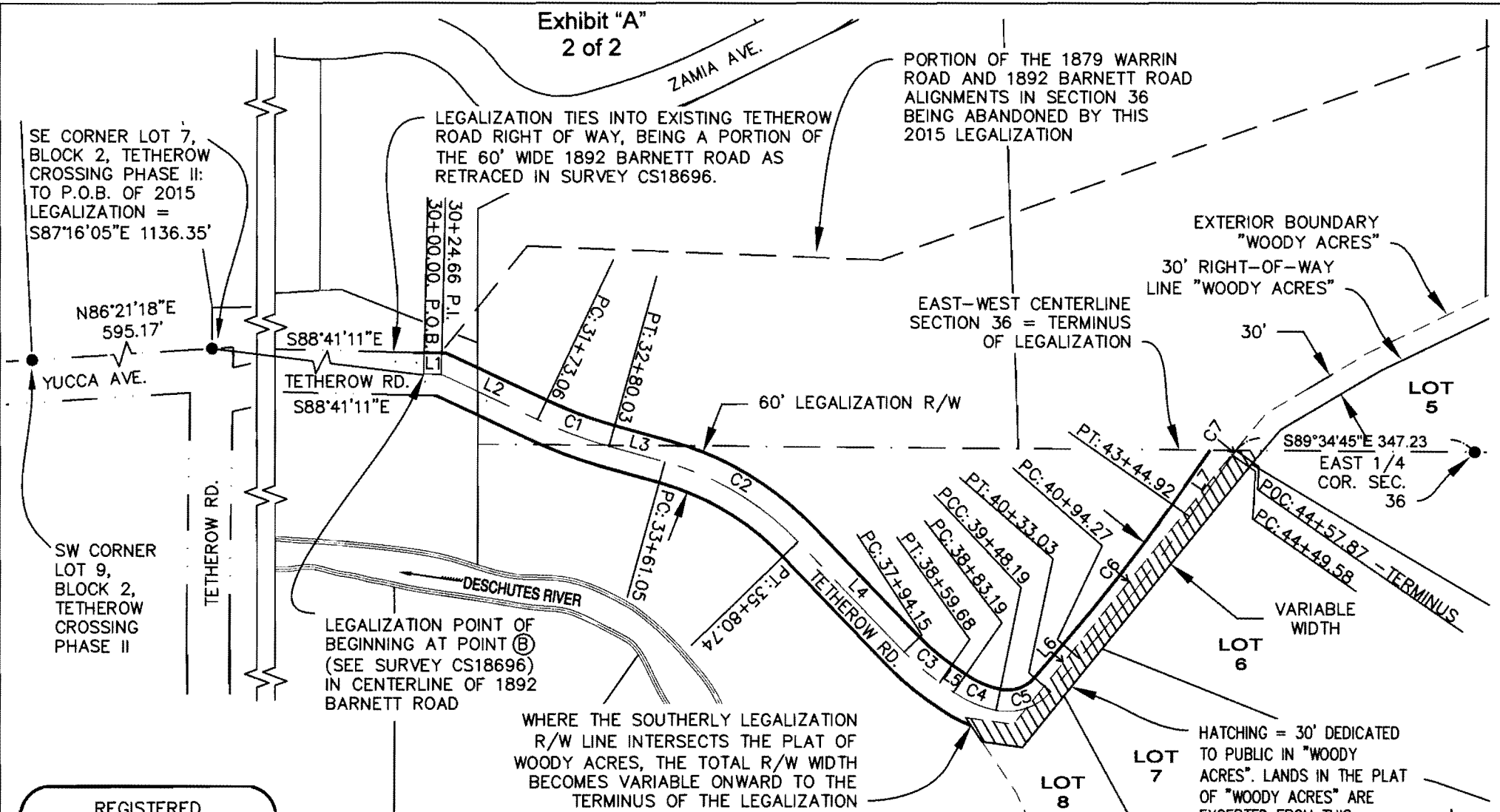


Exhibit "A"
2 of 2



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

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

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, DR. 97702 | SCALE: 1"=200' | DRAWN BY: M.J.B. | DATE: 3/4/2015 | REVISIONS: | SHEET 1 OF 1 |
|---|----------------|------------------|----------------|------------|-----------------|

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 MAY 6 , 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: April 16, 2015 & April 26, 2015
POSTED: April 16, 2015
MAILED: April 6, 2015