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 October 26, 2015

DATE: October 22, 2015

FROM: Mike Berry Road/Survey 322-7112

TITLE OF AGENDA ITEM:
Board action to approve and sign Document No. 2015-680, Termination and Release of Easement.

PUBLIC HEARING ON THIS DATE? No.

BACKGROUND AND POLICY IMPLICATIONS:
This easement was reserved by the County in a 1997 Road vacation by Sawyer State Park (McKay's Cottage area and on northward through the Mountain View Mall). In 1997 no utilities were allegedly present as evidenced by the lack of response from all affected utilities at the time of the vacation.

Road has confirmed that no current utilities have relied on this easement reservation.

FISCAL IMPLICATIONS:
None

RECOMMENDATION & ACTION REQUESTED:
Board approval and signature of Document No. 2015-680.

ATTENDANCE: Mike Berry, Road/Survey

DISTRIBUTION OF DOCUMENTS:
Mike Berry

REVIEWED
nam
LEGAL COUNSEL

After recording return to:

John D. Sorlie
Bryant, Lovlien & Jarvis, PC
591 SW Mill View Way
Bend, Oregon 97702

TERMINATION AND RELEASE OF EASEMENT

THIS TERMINATION AND RELEASE OF EASEMENT is made by Deschutes County, a political subdivision of the State of Oregon ("**County**").

RECITALS

A. County enacted Order No. 97-144, recorded November 19, 1997 in Book 470, Page 1050 of the Official Records of Deschutes County, Oregon to vacate a portion of the Hunnell Road public right-of-way (the "**Order**").

B. As part of the Order, County reserved a utility easement within the former Hunnell Road public right-of-way (the "**Easement**")

C. A portion of the Easement is located on the property identified in the attached Exhibit A (the "**Burdened Property**"), which the owner of the Burdened Property desires to extinguish.

D. Notice of the termination was provided to area utility companies and there was no interest in retaining the Easement.

E. County desires to release that portion of the Easement on the Burdened Property as it is no longer needed.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, County hereby terminates, releases and forever discharges all rights in that portion of the Easement located on the Burdened Property.

Dated this ___ Day of October, 2015

DESCHUTES COUNTY BOARD OF COUNTY COMMISSIONERS

_____
ANTHONY DEBONE, CHAIR

_____
ALAN UNGER, VICE CHAIR

_____
TAMMY BANEY, COMMISSIONER

[notary on next page]

DC-2015-680

STATE OF OREGON)
) ss.
County of Deschutes)

Before me, a Notary Public, personally appeared Anthony DeBone, Alan Unger, and Tammy Baney, 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 October, 2015

_____
Notary Public for Oregon.
My Commission Expires: _____

EXHBIT A
LEGAL DESCRIPTION OF BURDENED PROPERTY

PARCEL 1:

A parcel of land in Tract No. 11 of NORWOOD, being also a part of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section Twenty (20), TOWNSHIP SEVENTEEN (17) SOUTH, RANGE TWELVE (12) EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon, and a portion of Parcel 2 of Partition Plat No. 2000-18, Deschutes County, Oregon, more particularly described as follows:

Commencing at the Southeast corner of Parcel 2 of said Partition Plat, also being the True Point of Beginning; thence North 88°02'38" East 41.82 feet; thence South 21°53'30" East 64.59 feet; thence South 88°02'38" West 198.95 feet to a point on the Easterly right-of-way line of O.B. Riley Road; thence along said right-of-way line along an arc of a 1,462.39 foot radius curve to the left 69.89 feet, the chord of which bears North 22°04'55" West 69.88 feet; thence leaving said right-of-way line North 73°14'45" East 159.82 feet; thence South 08°54'52" East 46.05 feet to the True Point of Beginning.

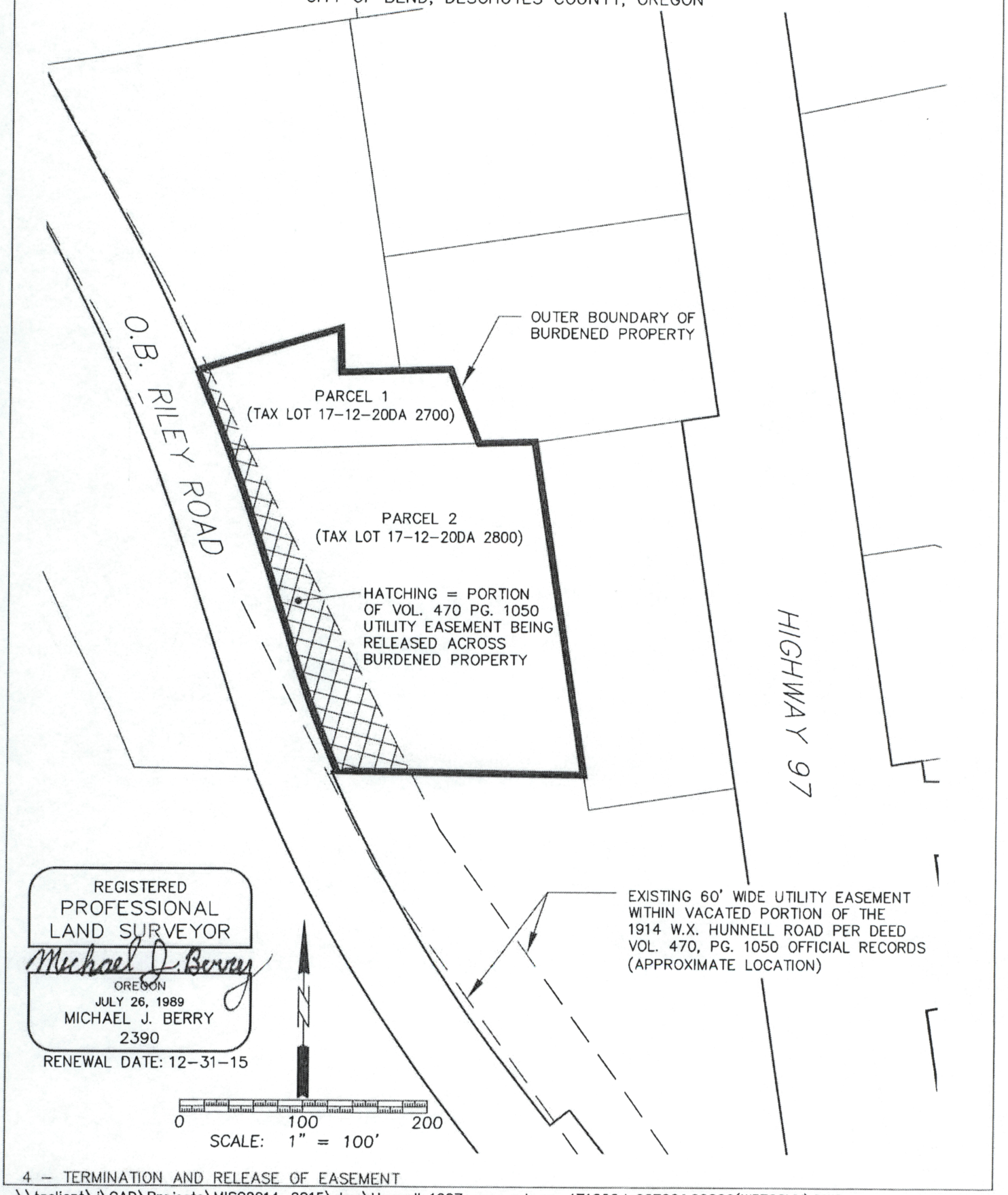
PARCEL 2:

A parcel of land in Tract No. 11 of NORWOOD, being also a part of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section Twenty (20), TOWNSHIP SEVENTEEN (17) SOUTH, RANGE TWELVE (12) EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon, described as follows:

Commencing at a point 271.43 feet North 8°40'30" West from the most Southeast corner of said tract; thence South 8°40'30" East, 271.43 feet to the South line of said tract; thence West along said South line, 203.67 feet to the East boundary of the Dallas-California Highway established in 1919; thence Northerly along said boundary, 271.43 feet; thence Easterly in a direct line to the point of beginning.

EXCEPT that portion as described in a Bargain and Sale Deed to Deschutes County, a municipal corporation, recorded July 5, 1974, in Book 208, Page 115, Deed Records, Deschutes County, Oregon.

EXHIBIT "A" SKETCH
TERMINATION AND RELEASE OF EASEMENT
LOCATED IN THE NE 1/4 SE 1/4 OF SECTION 20, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.,
CITY OF BEND, DESCHUTES COUNTY, OREGON



4 – TERMINATION AND RELEASE OF EASEMENT

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10/22/2015 mjb