



Deschutes County Board of Commissioners
1300 NW Wall Street, Suite 200, Bend OR 97701-1960
541.388.6570 – Fax 541.385.3202 – www.deschutes.org

AGENDA REQUEST AND STAFF REPORT

For Board Business Meeting of: December 21, 2015

DATE: December 11, 2015

FROM: Chris Doty Road Department Phone: 541.322.7105

TITLE OF AGENDA ITEM:

Consideration for Board approval of an acquisition of a clear vision easement and acceptance of a public right-of-way dedication at the intersection of Fryrear Road/Cascade Estates Drive, east of Sisters.

PUBLIC HEARING ON THIS DATE? No

BACKGROUND AND POLICY IMPLICATIONS:

The Deschutes County Road Department has completed negotiations to purchase a clear vision easement from a property owner at the intersection of Fryrear Road/Cascade Estates Drive, east of Sisters. Acquisition of the 1,758 square foot easement, at a cost of \$2,250, will allow the Road Department to remove a sight obstructing tree currently inhibiting clear vision at the intersection, and therefore improve the safety and operation of the intersection.

In addition to the easement, the property owner has offered to dedicate public right-of-way, at no cost to Deschutes County, for Cascade Estates Drive. The road alignment of Cascade Estates Drive deviates from the public right-of-way and onto property owned by Mr. Jack Boatwright at 67325 Fryrear Road (Bend). The property owner is concerned about potential liabilities associated with the physical location of the road on his property; this dedication will ensure that the alignment is contained within public right-of-way. Cascade Estates Drive is a local access road that is not maintained by Deschutes County. The dedication will not affect the status of the road as Cascade Estates Drive will remain a local access road – not maintained by Deschutes County.

FISCAL IMPLICATIONS:

Funds for this acquisition are included in the right-of-way line (325.5000.431.9120) of the Road Department budget (Fund #325).

RECOMMENDATION AND ACTION REQUESTED:

Move to approve with suggested motion: “I move to purchase a clear vision easement and accept a right-of-way dedication from Jack Boatwright at the intersection of Fryrear Road/Cascade Estates Drive.”

ATTENDANCE: Chris Doty

DISTRIBUTION OF DOCUMENTS: Return signed documents to Chris Doty at the Road Department for filing and distribution.

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

After Recording Return to:
Deschutes County Road Dept.
61150 S.E. 27th Street
Bend, Oregon, 97701

PUBLIC RIGHT-OF-WAY DEDICATION AND CLEAR VISION EASEMENT GRANT

JACK E. BOATWRIGHT, Grantor, does hereby DEDICATE to THE PUBLIC, for roadway and utility purposes PARCEL 1 described in Exhibit "A", attached hereto and by this reference incorporated herein.

The true consideration for this dedication is \$0.00 (Zero dollars).

And does further GRANT to DESCHUTES COUNTY, a political subdivision of the State of Oregon, Grantee, a permanent easement to remove vegetation and other obstructions to maintain intersection sight distance upon the property described as PARCEL 2 in Exhibit "B", attached hereto and by this reference incorporated herein.

The true consideration for this easement is \$2,250 (two-thousand two-hundred and fifty dollars).

This instrument shall not be construed as a land use, building, safety or health permit approval.

DATED this 8 day of December, 2015

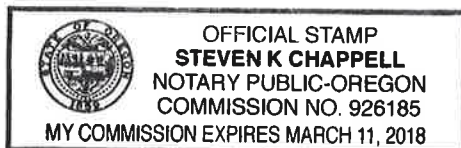

JACK E. BOATWRIGHT

STATE OF OREGON)
) SS.
County of Deschutes)

Before me, a Notary Public, personally appeared JACK E. BOATWRIGHT, and acknowledged the foregoing instrument to be his voluntary act.

Dated this 8th day of DECEMBER, 2015.


NOTARY PUBLIC FOR OREGON
My Commission Expires: 3/11/18



ACCEPTANCE

Deschutes County, acting by and through its Board of county commissioners, does hereby accept the forgoing Deed of Dedication as a public road pursuant to ORS 92.014 and does hereby accept the foregoing Clear Vision Easement for the purposes stated.

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

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, acknowledged the foregoing instrument, on behalf of Deschutes County, Oregon.

Dated this ____ day of _____, 2015.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

EXHIBIT A
PUBLIC RIGHT-OF-WAY DEDICATION

PARCEL 1:

A tract of land located in the in the Northeast one-quarter of the Southwest one-quarter (NE¼ SW¼) of Section 28, Township 15 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of the land described in that deed recorded in the Deschutes County Clerk's Office Official Records on June 11, 2001 in Vol. 2001 Pg. 27574 and also depicted on survey CS14464 on file at the Deschutes County Surveyor's office, and being more particularly described as follows:

Commencing at the Southwest corner of said Vol. 2001 Pg. 27574 land, a 5/8" rebar as shown on said survey CS14464; thence along the south line of said land (being the north right-of-way line of Cascade Estates Drive), N89°25'50"E a distance of 446.83 feet to the **Point of Beginning**; thence continuing along said south line N89°25'50"E a distance of 157.29 feet to the Southeast corner of said land (being the intersection of the north line of Cascade Estates Drive and the westerly right-of-way line of Fryrear Road); thence along said Fryrear Road right-of-way line 43.13 feet along the arc of a 542.96 foot radius non-tangent curve to the left, the long chord of which bears N12°47'14"W a distance of 43.12 feet; thence leaving said right-of-way line S49°49'43"W a distance of 12.29 feet; thence S78°13'43"W a distance of 66.78 feet; thence S73°10'31"W a distance of 76.23 feet to the **Point of Beginning**. Containing 3,170 square feet (0.07 acres) more or less.

Bearings are grid bearings based on the Deschutes County Surveyor's Office Central Oregon Coordinate System.

Parcel 1 is depicted on the attached map titled "Cascade Estates Drive Dedication Sketch" which is incorporated herein by this reference.



EXHIBIT B
CLEAR VISION EASEMENT

PARCEL 2:

A tract of land located in the in the Northeast one-quarter of the Southwest one-quarter (NE¼ SW¼) of Section 28, Township 15 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of the land described in that deed recorded in the Deschutes County Clerk's Office Official Records on June 11, 2001 in Vol. 2001 Pg. 27574 and also depicted on survey CS14464 on file at the Deschutes County Surveyor's office, and being more particularly described as follows:

All of that portion of said Vol. 2001 Pg. 27574 land lying easterly of the following described line:

Commencing at the Southeast corner of said Vol. 2001 Pg. 27574 land at the intersection of the westerly right-of-way line of Fryrear Road and the north right-of-way line of Cascade Estates Drive and from which the 5/8" rebar monumenting the Southwest corner of said land bears N89°25'50"E a distance of 604.12 feet; thence along the north right-of-way line of Cascade Estates Drive N89°25'50"E a distance of 7.59 feet to the **Point of Beginning**, thence leaving said right-of-way line N18°28'02"W a distance of 188.42 feet to the westerly right-of-way line of Fryrear Road, the **Terminus Point** of said line from which a ½" rebar on said westerly right-of-way line (point #1042 on the attached sketch) bears N32°13'38"W a distance of 27.46 feet. Containing 1,758 square feet (0.04 acres) more or less gross and Containing 1,379 square feet (0.03 acres) more or less net lying outside of the Exhibit A Parcel 1 Right-of-Way dedication area.

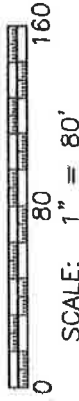
Bearings are grid bearings based on the Deschutes County Surveyor's Office Central Oregon Coordinate System.

This parcel is depicted on the attached map titled "*Clear Vision Easement Sketch*" which is incorporated herein by this reference.



"Cascade Estates Drive Dedication Sketch"

- FOUND MONUMENT
- #1040 FOUND MONUMENT NUMBER
- SFNF SEARCHED FOR, NOT FOUND
- R/W RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING



LINE TABLE		
LINE	Bearing	Dist
L1	N89°25'50"E	157.29'
L2	S49°49'43"W	12.29'
L3	S78°13'43"W	66.78'
L4	S73°10'31"W	76.23'

CURVE TABLE			
CURVE	LENGTH	RADIUS	CHORD
C1	43.13'	542.96'	N12°47'14"W 43.12'

TAX LOT 15-11-28C 1000
JACK E. BOATWRIGHT
DEED VOL. 2001, PG. 27574
SURVEY CS14464

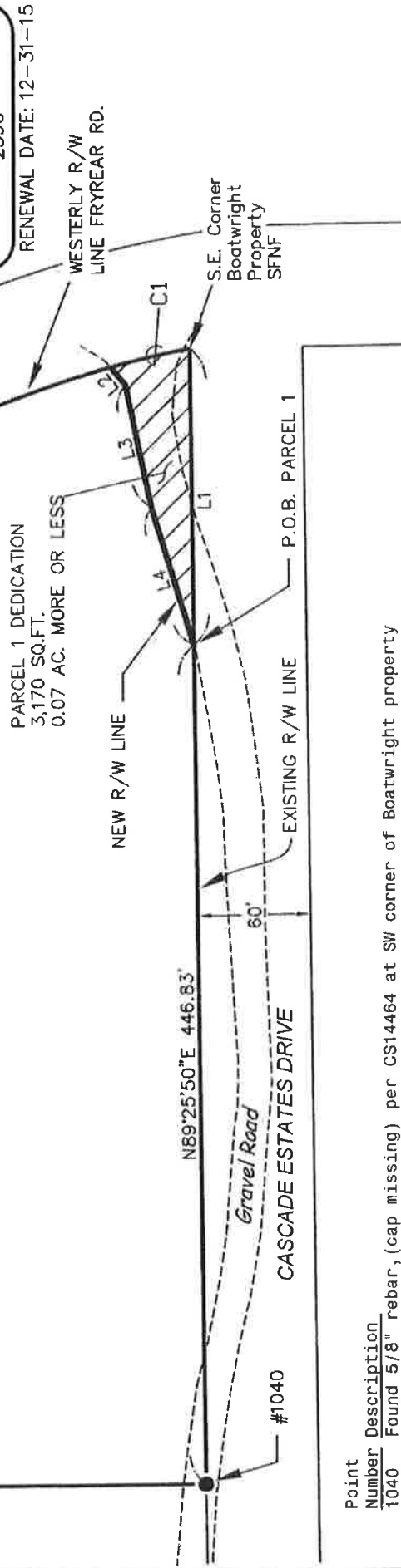
11-30-2015

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael J. Berry

OREGON
JULY 26, 1989
MICHAEL J. BERRY
2390

RENEWAL DATE: 12-31-15



Point
Number 1040
Description Found 5/8" rebar, (cap missing) per CS14464 at SW corner of Boatwright property



Cascade Estates Drive Dedication Sketch

Located in the NE1/4 SW1/4 S.28, T15S, R11E, W.M., DESCHUTES COUNTY, OREGON

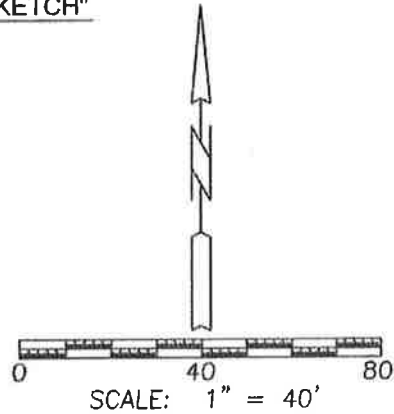
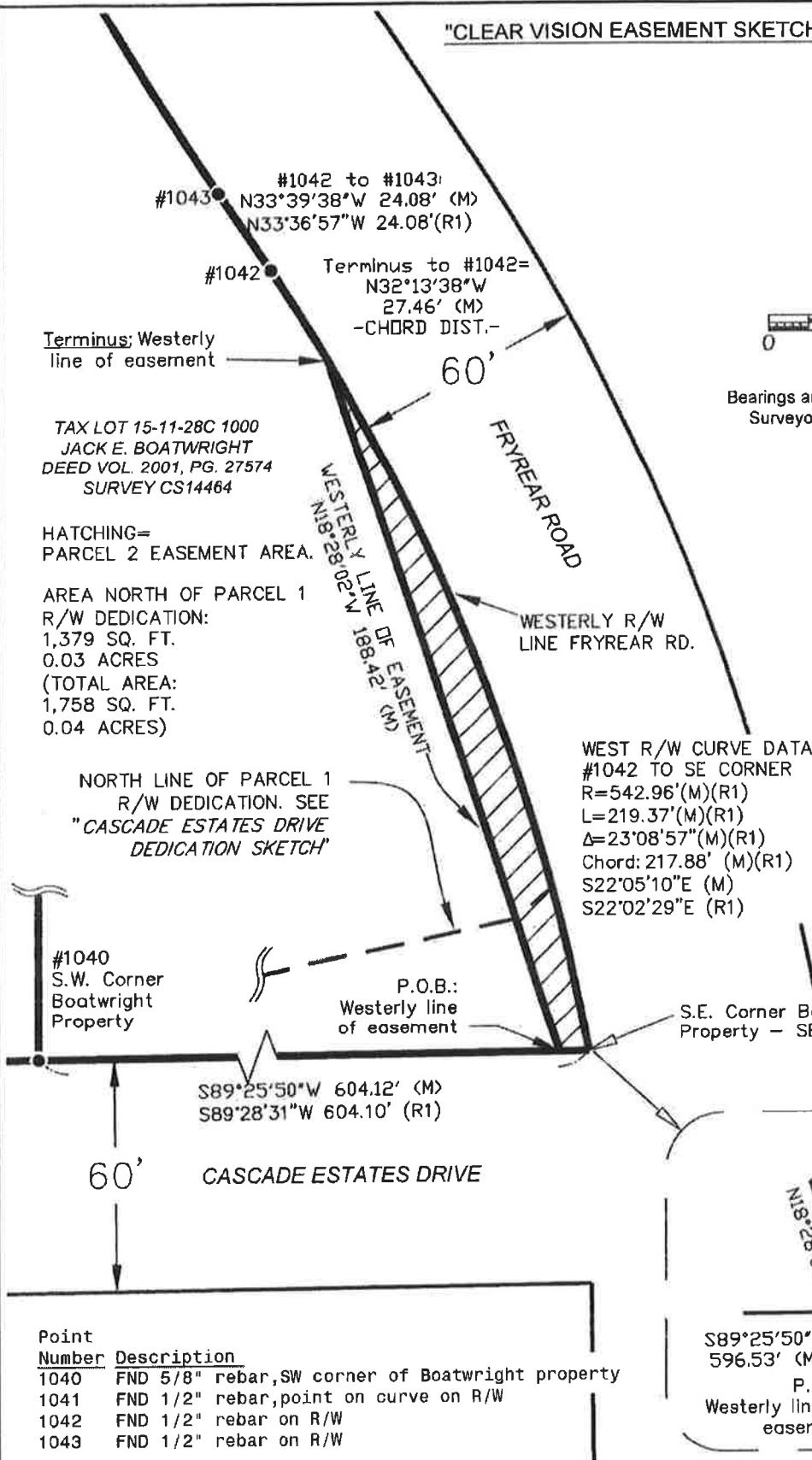
DESCHUTES COUNTY ROAD DEPARTMENT SCALE: 1" = 80' DRAWN BY: M.J.B. DATE: 11/30/2015

61150 S.E. 27TH STREET, BEND, OR. 97702 FILE: RD1134-Fryrear-15-11-28.dwg

REVISED: 11/30/15--changed to one R/W parcel per owner correspondence

SHEET 1 OF 1

"CLEAR VISION EASEMENT SKETCH"



Bearings are grid bearings based on the Deschutes County
Surveyor's Office Central Oregon Coordinate System.

LEGEND

- FOUND MONUMENT
- #1000 FOUND MONUMENT NUMBER
- (M) MEASURED DATA
- (R1) RECORD DATA PER CS14464
- SFNF SEARCHED FOR, NOT FOUND
- R/W RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING
- FND FOUND

11-30-2015

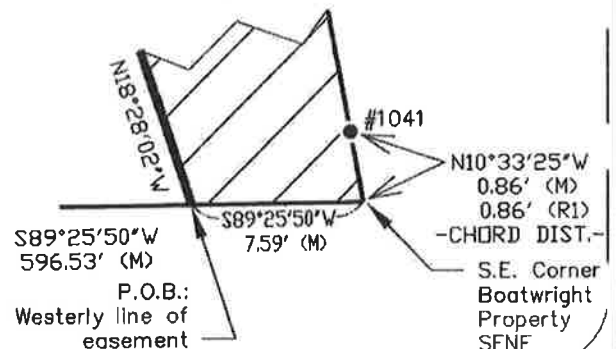
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael J. Berry
OREGON
JULY 26, 1989
MICHAEL J. BERRY
2390

RENEWAL DATE: 12-31-15

DETAIL

NOT TO SCALE



Point Number	Description
1040	FND 5/8" rebar, SW corner of Boatwright property
1041	FND 1/2" rebar, point on curve on R/W
1042	FND 1/2" rebar on R/W
1043	FND 1/2" rebar on R/W



CLEAR VISION EASEMENT SKETCH

NE1/4 SW1/4 S.28, T15S, R11E, W.M., DESCHUTES COUNTY, OREGON

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

SCALE: 1"=40'

DRAWN BY: M.J.B.

DATE: 11/30/2015

SHEET

1 OF 1

FILE: RD1134-Fryrear-15-11-28.dwg

11/30/2015