



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](http://www.deschutes.org)

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## **AGENDA REQUEST AND STAFF REPORT**

**For Board Business Meeting of: December 21, 2015**

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**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/Cascades 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. 27<sup>th</sup> 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*  
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 8<sup>th</sup> day of DECEMBER, 2015.

*Steven K. Chappell*  
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.

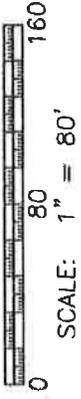
Bearings are grid bearings based on the Deschutes County Surveyor's Office Central Oregon Coordinate System.

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	DELTA	CHORD
C1	43.13'	542.96'	4°33'06"	N12°47'14"W 43.12'

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

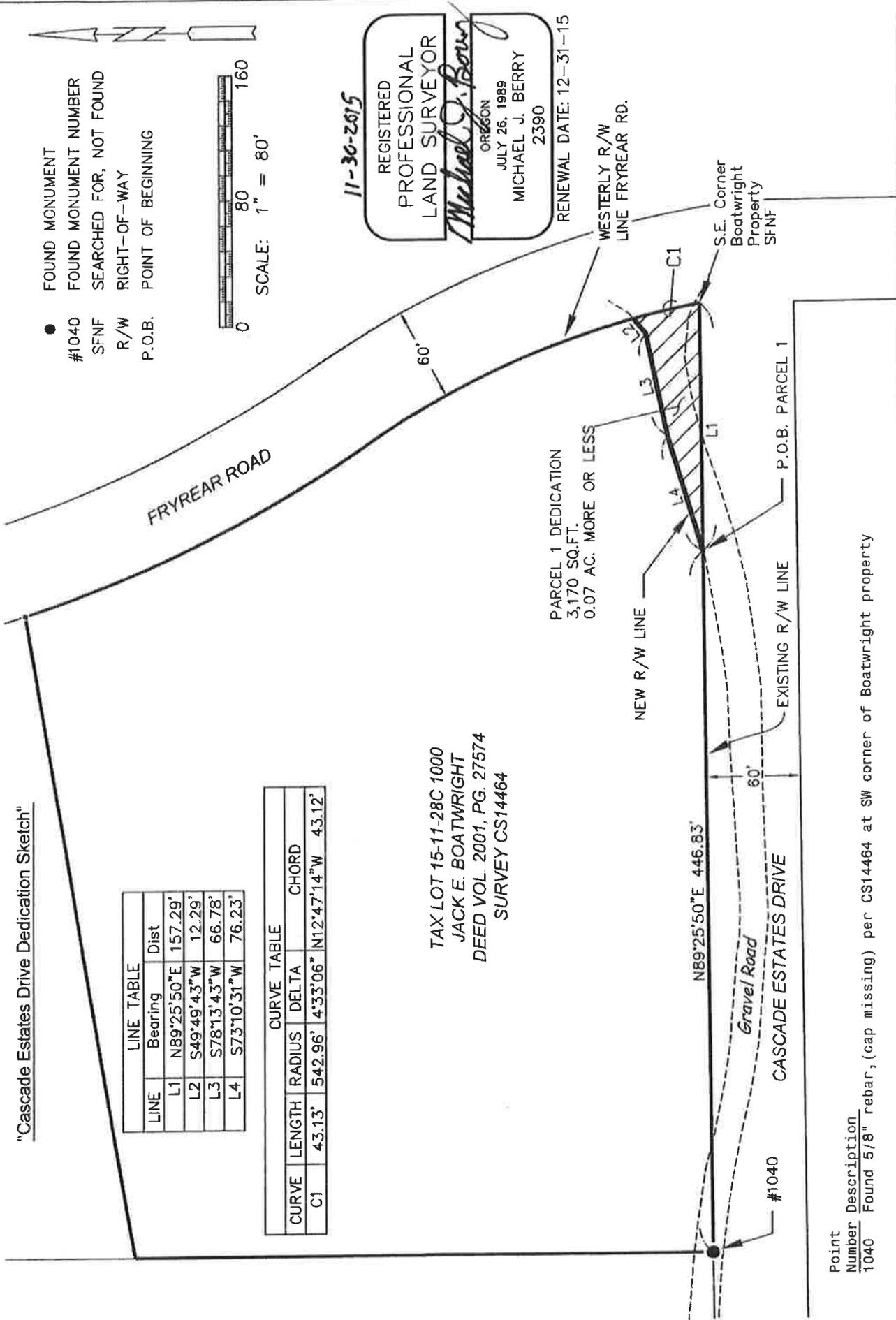
11-30-2015

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Michael J. Berry*

OREGON  
 JULY 26, 1989  
 MICHAEL J. BERRY  
 2390

RENEWAL DATE: 12-31-15



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

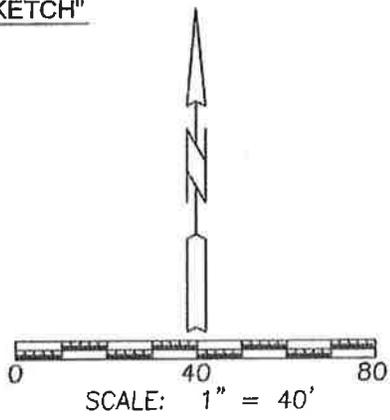
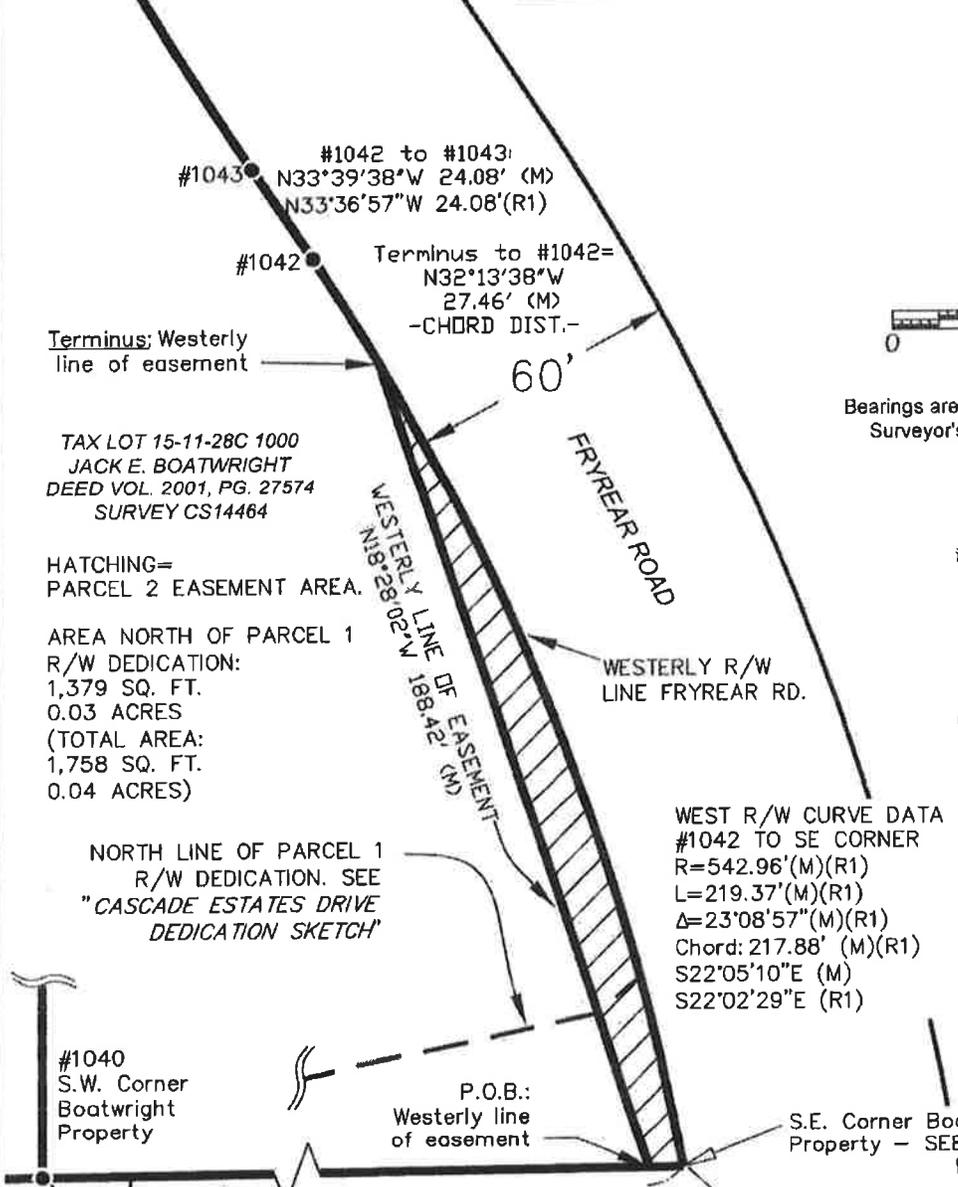


Cascade Estates Drive Dedication Sketch

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

DESCHUTES COUNTY ROAD DEPARTMENT 61150 S.E. 27TH STREET, BEND, OR. 97702	SCALE: 1" = 80' FILE: RD1134-Fryrear-15-11-28.dwg	DRAWN BY: M.J.B. DATE: 11/30/2015	REVISIONS: 11/30/15—changed to one R/W parcel per owner correspondence	SHEET 1 OF 1
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"CLEAR VISION EASEMENT SKETCH"



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

LEGEND

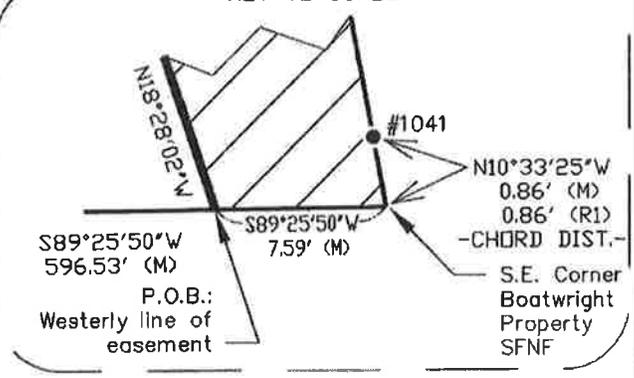
- FOUND MONUMENT
- #1000 FOUND MONUMENT NUMBER
- (M) MEASURED DATA
- (R1) RECORD DATA PER CS14464
- SFNF SEARCHED FOR, NOT FOUND
- R/W RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING
- FND FOUND

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
FILE: RD1134-Fryrear-15-11-28.dwg	SHEET 1 OF 1		11/30/2015