

PUBLIC HEARING VACATION OF A PORTION OF FRYREAR ROAD

WEDNESDAY, OCTOBER 5, 2022



ROAD
DEPARTMENT



AGENDA

- Background Information
- Road Department Findings and Recommendation
- Public Hearing
- Consideration of Order No. 2022-042

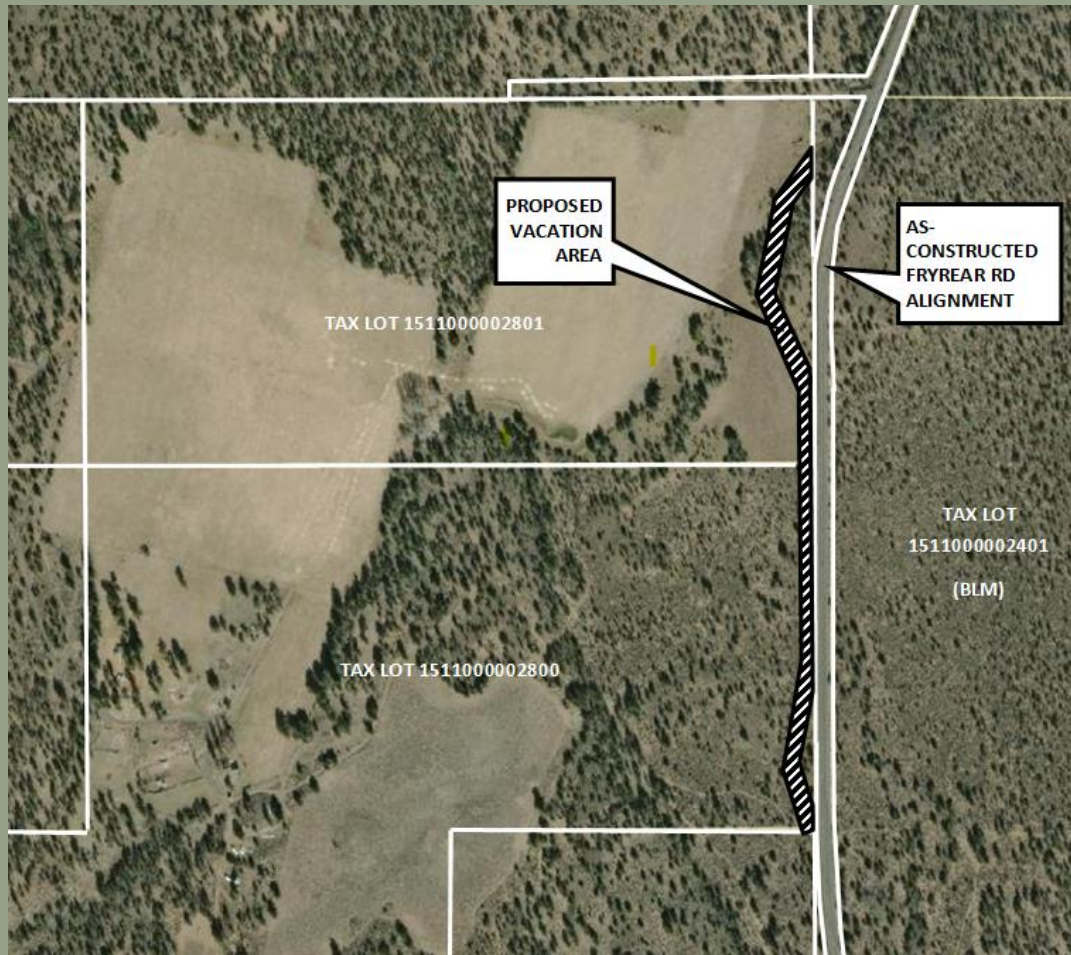


BACKGROUND INFORMATION

- Oregon Revised Statutes (ORS) 368.326 to 368.366 provide procedure for counties to vacate public roads, public property, or other public property interest under their jurisdiction.
- Deschutes County Road Department has received petition for the vacation of a an unused portion of the right of way for Fryrear Road established in 1921.
- The subject right of way abuts BLM-managed federal lands. Because the petition was not signed by the BLM (100% of the abutting property owners), a public hearing is required under ORS 368.346.

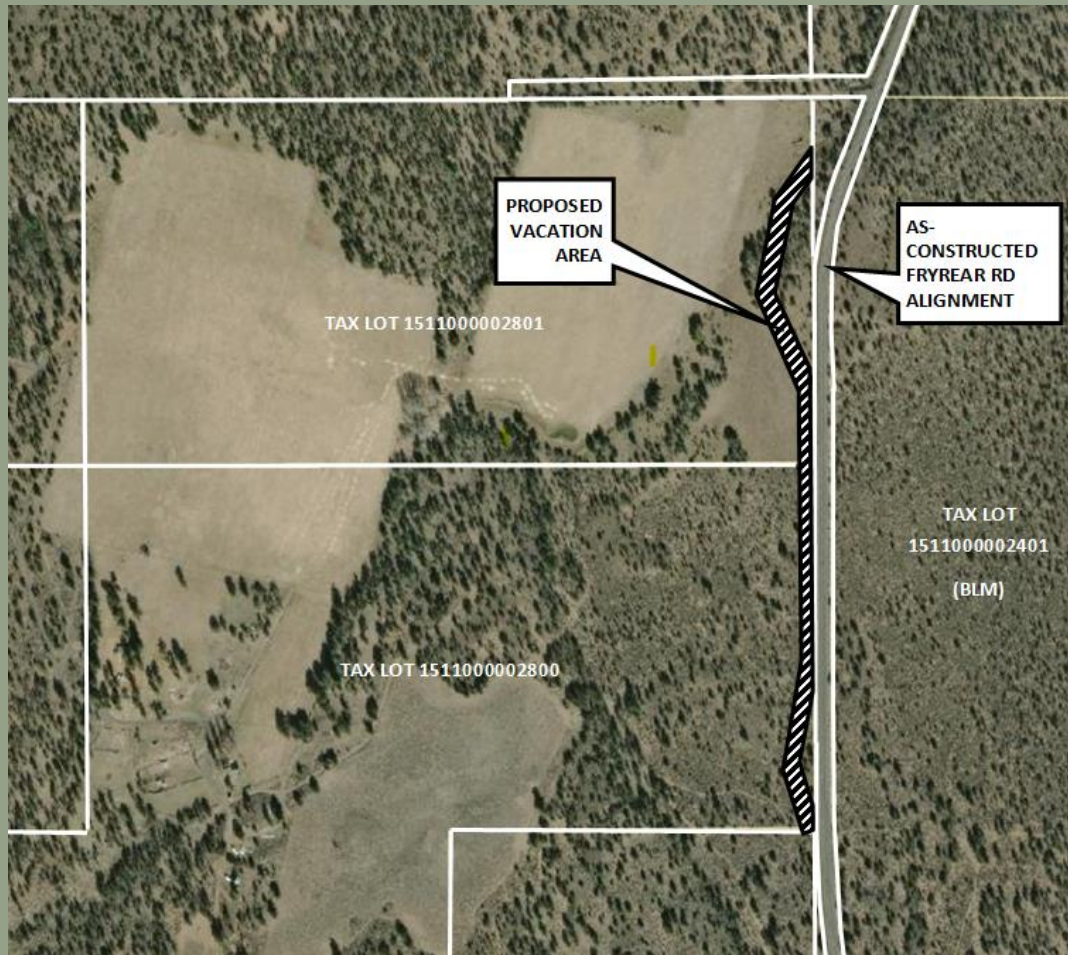


BACKGROUND INFORMATION





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- Petitioners
 - Eric H. Vetterlein, General Partner, on behalf of Desert Springs Ranch Limited Partnership, owner of Tax Lots 2800 and 2801(Chief Petitioner)
- United States of America (BLM), the owners of Tax Lot 2401, are not petitioners.



BACKGROUND INFORMATION

- Notice of petition and notice of public hearing mailed to adjoining property owners and affected utilities and agencies.

- No comments received



FINDINGS

Road Department makes the following findings:

- The subject right of way was established by Deschutes County order in 1921 (Deschutes County Commissioner's Journal Volume 1, Pages 341 and 342) (ORS 368.326).
- The proposed vacation will not deprive access to any owners of a recorded property right (ORS 368.331).
- The petitioners, who represent the owners of more than 60 percent of property abutting the subject right of way, have submitted a complete petition and submitted the required fee (ORS 368.341(1)(c); ORS 368.341(3); ORS 368.341(4); ORS 368.351).



RECOMMENDATION

- Based on the above findings, the Road Department has determined that the proposed vacation is in the public interest.
- Road Department recommends that the Board of County Commissioners approve the vacation of an unused portion of the right of way for Fryrear Road by adoption of Order No. 2022-042 subject to the following conditions:
 - No opposition to the vacation is reported to the County prior to vacation order presentation to the Board of County Commissioners or during the required public hearing.
 - The vacated property shall vest with the rightful owner or owners holding title according to law in accordance with ORS 368.366(1)(c).



PUBLIC HEARING

- At this time, I request that the Board chair open the public hearing.
- After public testimony has been given this morning and subject to any testimony disputing the matter, I request that the Board chair close the public hearing and that the Board consider adoption of Order No. 2022-042.