

Section 5. That this Order shall be recorded with the Deschutes County Clerk, and that copies shall be filed with the Deschutes County Surveyor and County Assessor.

Dated this _____ day of _____, 2022.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PATTI ADAIR, Chair

ATTEST:

ANTHONY DEBONE, Vice Chair

Recording Secretary

PHIL CHANG, Commissioner

EXHIBIT A

W.F. Fryrear Road Vacation

All of that certain right-of-way of the W.F. Fryrear Road established by Deschutes County in 1921 lying within the Northeast One-Quarter of the Northeast One-Quarter (NE1/4 NE1/4) and the Southeast One-Quarter of the Northeast One-Quarter (SE1/4 NE1/4) of Section 20, Township 15 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon.

See attached Exhibit B, entitled "W.F. Fryrear Road Vacation", which is made a part hereof.

6/27/2022

REGISTERED
PROFESSIONAL
LAND SURVEYOR

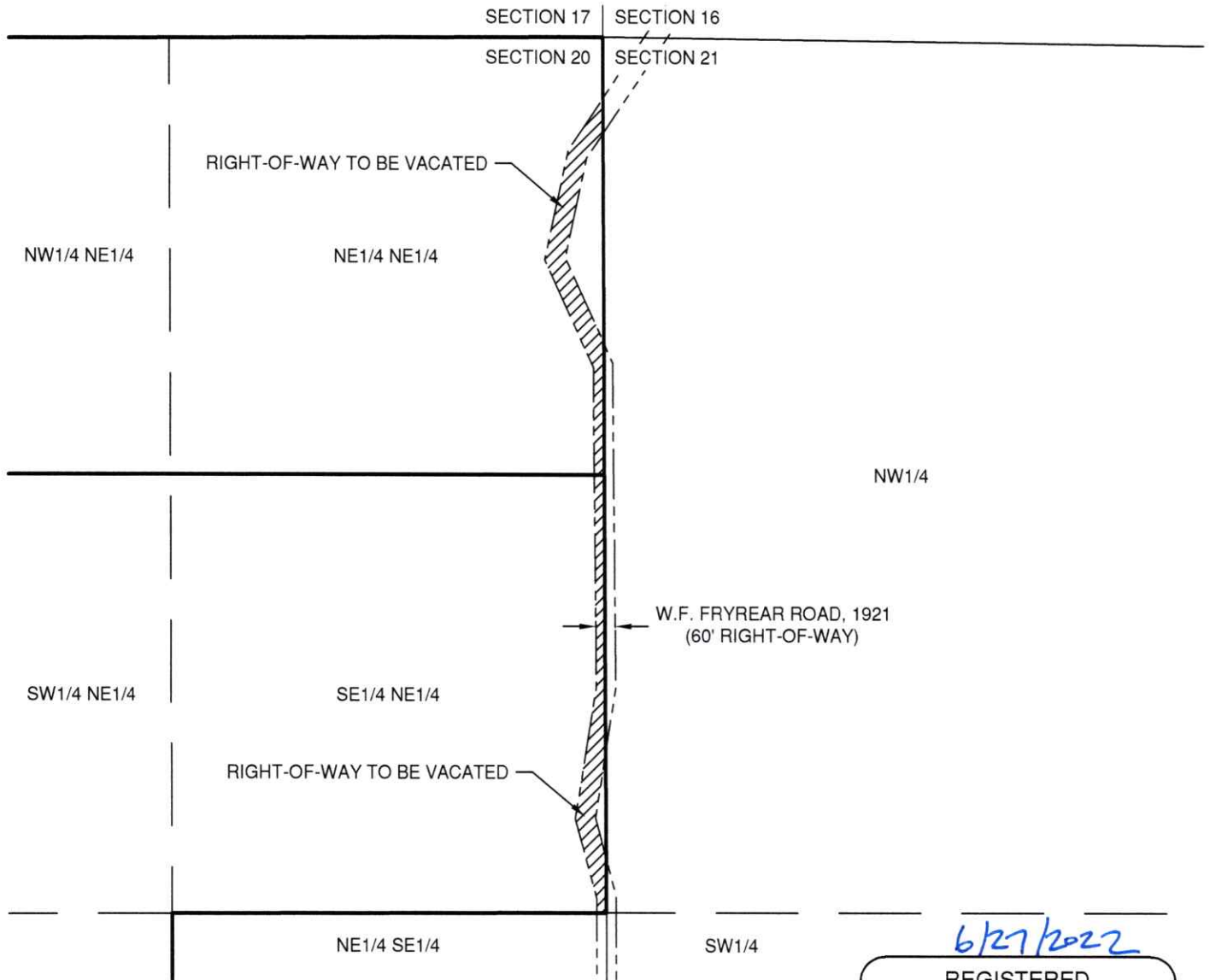
Christopher R. Munson

OREGON
MARCH 11, 2014
CHRISTOPHER R. MUNSON
80548PLS

RENEWS: 12/31/2022

EXHIBIT B
W.F. FRYREAR ROAD VACATION

LOCATED IN A PORTION OF THE NE1/4 NE1/4 AND THE SE1/4 NE1/4
OF SECTION 20, TOWNSHIP 15 SOUTH, RANGE 11 EAST,
WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON



PREPARED BY:



Munson & Associates
civil engineers | land surveyors

845 NORTHEAST 11TH STREET
BEND, OREGON 97701



SCALE: 1" = 500'
DATE: 6/27/2022
W.O.#: 21-019

6/27/2022
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Christopher R. Munson
OREGON
MARCH 11, 2014
CHRISTOPHER R. MUNSON
80548PLS

RENEWS: 12/31/2022

PETITION FOR VACATION OF A PUBLIC ROAD

TO: THE DESCHUTES COUNTY BOARD OF COMMISSIONERS

We, the undersigned (holding recorded interest or abutting the proposed property or owning improvements constructed on the proposed property for vacation), respectfully request the following described road be vacated.

Description of road to be vacated:

All of that certain right-of-way of the W.F. Fryrear Road established by Deschutes County in 1921 lying within the Northeast One-Quarter of the Northeast One-Quarter (NE1/4 NE1/4) and the Southeast One-Quarter of the Northeast One-Quarter (SE1/4 NE1/4) of Section 20, Township 15 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon.

Reason for road vacation request:

Road was never built or used within right-of-way petitioned to be vacated. Fryrear Road as currently built and used lies entirely within a separate right-of-way outside the area petitioned to be vacated.

DATED this 31 day of May, 2022.

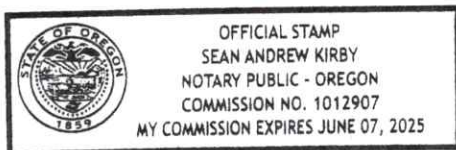
PRINT NAME	SIGNATURE	ADDRESS	CITY	STATE	ZIP
<u>Desert Springs Ranch</u> <u>Limited Partnership</u> <u>By: Eric H. Vetterlein,</u> <u>General Partner</u>	<u>[Signature]</u>	<u>17830 Forked Horn</u> <u>Dr.</u>	<u>Sisters,</u>	<u>OR</u>	<u>97759</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

STATE OF OREGON)
County of Deschutes) ss.

On this 31st day of May, in the year 2022, before me, a Notary Public, personally appeared Eric H. Vetterlein personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal

[Signature]
Notary Public for Oregon.
My Commission expires: June 07, 2025



STATE OF OREGON)
) ss.
County of _____)

On this ____ day of _____, in the year 20____, before me, a Notary Public, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal

Notary Public for Oregon.
My Commission expires: _____

STATE OF OREGON)
) ss.
County of _____)

On this ____ day of _____, in the year 20____, before me, a Notary Public, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal

Notary Public for Oregon.
My Commission expires: _____

STATE OF OREGON)
) ss.
County of _____)

On this ____ day of _____, in the year 20____, before me, a Notary Public, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal

Notary Public for Oregon.
My Commission expires: _____

I CERTIFY THAT THIS IS THE TRUE AND ORIGINAL PETITION CIRCULATED BY ME.



SIGNATURE Eric H. Vetterlein

17830 Forked Horn Dr., Sisters, OR 97759
ADDRESS

TELEPHONE: 541-548-3910



MEMORANDUM

TO: Board of County Commissioners

FROM: Cody Smith, County Engineer

DATE: August 17, 2022

SUBJECT: **Road Official's Report**
Vacation of a Portion of Fryrear Road Rd in Section 20, Township 15S, Range 11E, W.M.

Background:

Deschutes County Road Department has received a petition to vacate an unused portion of the public right of way for Fryrear Road (also identified as "W.F. Fryrear Road" and "the Fryrear Road" in certain public records). Chief Petitioner for the proposed vacation is Eric H. Vetterlein, General Partner, on behalf of Desert Springs Ranch Limited Partnership, owner of Tax Lots 2800 and 2801 on Assessor's Map 15-11-00.

The subject right of way, which is described and depicted in proposed Order No. 2022-042, Exhibits "A" and "B", was established on March 14, 1921 by Deschutes County order recorded as Deschutes County Commissioners Journal Volume 1, Pages 341 and 342, which established a 60-foot wide right of way.

The subject right of way exists across land owned by Desert Springs Ranch Limited Partnership, and portions of the right of way abut federal land managed by the Bureau of Land Management, Prineville District (BLM). No road improvements, utilities, or other improvements existing within the proposed vacation area. The as-constructed Fryrear Road exists to the east of the proposed vacation area across BLM-managed federal lands within a separate right of way granted under BLM Grant No. OR 51362, issued circa December 7, 1995. The BLM is not a petitioner for the proposed vacation.

The Petitioner provided the following reason for the proposed vacation:

"Road was never built or used within right-of-way petitioned to be vacated. Fryrear Road as currently built and used lies entirely within a separate right-of-way outside the area petitioned to be vacated."

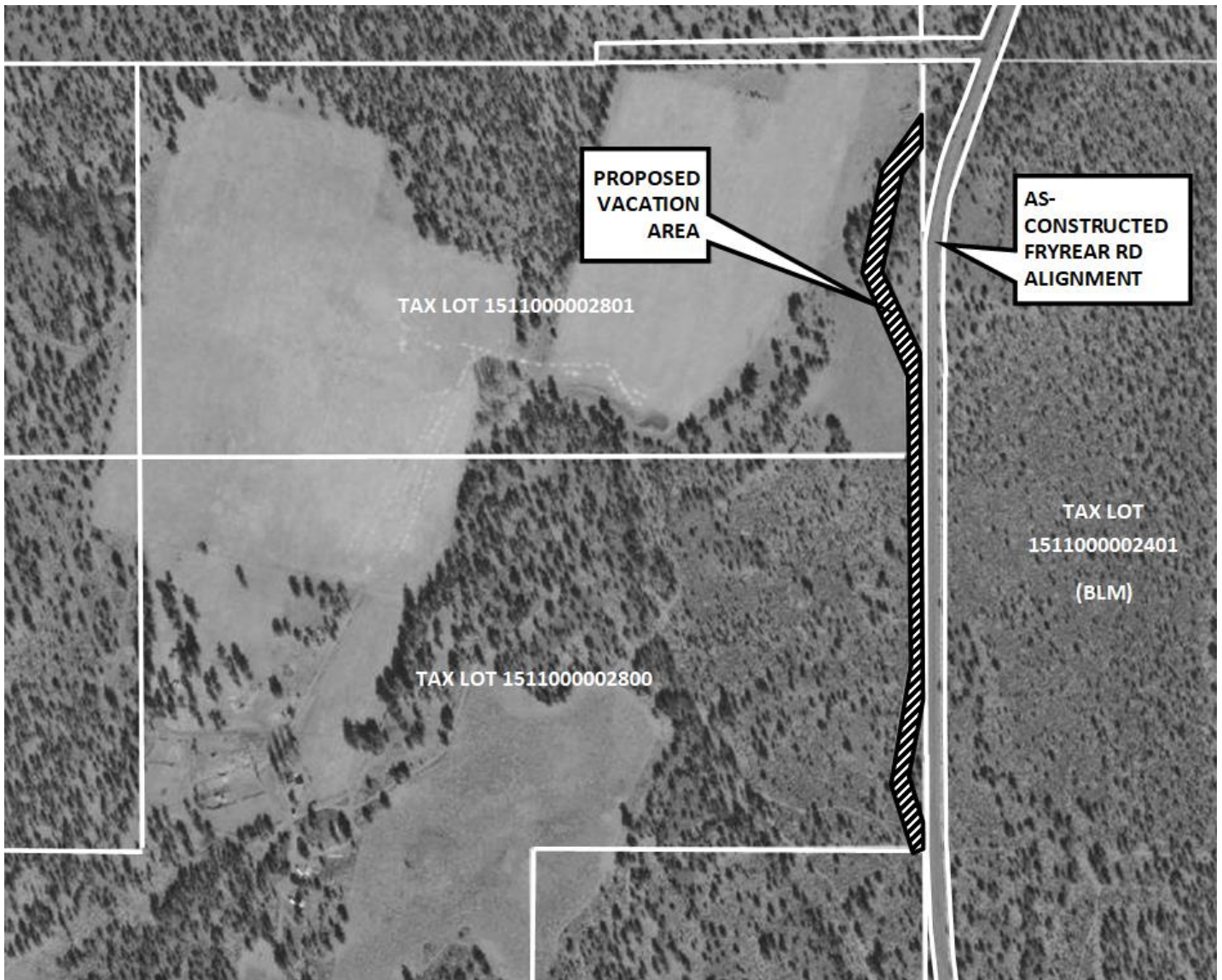


Figure – Aerial Photo of Proposed Vacation Area

The Petitioners submitted completed service provider consent forms from the all service providers within the proposed vacation area; those service providers and their responses are listed below:

- Three Sisters Irrigation District
 - Representative: Marc Thalacker, Manager
 - Service provider does not have existing facilities within the area proposed for vacation
 - **Service provider consents to the proposed vacation**

- Central Electric Cooperative
 - Representative: Parneli Perkins, Land and Right of Way Specialist
 - Service provider does not have existing facilities within the area proposed for vacation
 - **Service provider consents to the proposed vacation**

Findings:

Based upon the submitted petition materials, responses to service provider notices, and the Road Department's research of the subject right of way, the 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).
- No owners of a recorded property right would be deprived of access necessary for the exercise of their property right with the proposed vacation if implemented (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); ORS368.351).
- The subject right of way does not contain public utilities or existing public road improvements.
- As the petition for vacation does not include acknowledged signatures of owners of 100 percent of property abutting the proposed vacation area, the vacation proceedings are subject to a public hearing (ORS 368.346).
- The subject right of way does not appear to be needed for current or future public use.

Recommendation:

Based on the above findings, the Road Department has determined that the proposed vacation is in the public interest. The Road Department recommends that the Board of County Commissioners approve the vacation of an unused portion of the right of way of Fryrear Road as described in proposed Order No. 2022-042 subject to the following conditions:

1. 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.
2. The vacated property shall vest with the rightful owner or owners holding title according to law in accordance with ORS 368.366(1)(c).

This report is made pursuant to ORS 368.326 through 368.366, concerning the vacation of county property.