

DESCHUTES COUNTY OFFICIAL RECORDS NANCY BLANKENSHIP, COUNTY CLERK

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For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order vacating a portion of "F" Avenue between 2nd and 3rd Streets located in Terrebonne in Deschutes County, Oregon,

ORDER NO. 2007-015

WHEREAS, proceedings for vacating a portion of "F" Avenue between 2nd and 3rd Streets located in Terrebonne in Deschutes County, Oregon, were initiated by a petition filed by owners of property abutting said road and trails pursuant to ORS 368.341(1) (c); and

WHEREAS, said petition meets the requirements of ORS 368.341(3); and

WHEREAS, said petition contains the acknowledged signatures of owners of 100 percent of property abutting the property proposed to be vacated and indicates said owners' approval of said vacation; and

WHEREAS, as requested by the Board of County Commissioners pursuant to ORS 368.346(1), the County Road Official has prepared and filed with the Board a written report pertaining to the vacation; and

WHEREAS, said report contains the County Road Official's assessment that the proposed vacation is in the public interest; and

WHEREAS, the Board of County Commissioners finds that the proposed vacation is in the public interest; now, therefore

THE BOARD OF COUNTY COMMISSIONERS FOR DESCHUTES COUNTY, OREGON, ORDERS as follows:

Section 1 That the petition filed by the owners of 100 percent of the property abutting the property proposed for vacation, attached hereto as Exhibit "A" and by this reference incorporated herein, is hereby accepted and approved.

Section 2. That the County Road Official's written report, attached as Exhibit "B" and by this reference incorporated herein, is hereby accepted and approved.

<u>Section 3.</u> That the property, described in Exhibit "C" attached hereto and by this reference incorporated herein, is hereby vacated.

<u>Section 4.</u> That the property, vacated in Section 3 herein shall vest in the owner of the land abutting the vacated property by extension of the person's abutting property boundaries to the north boundary of the vacated property.

<u>Section 5.</u> That the Deschutes County Surveyor is directed to mark the plat as provided in ORS 271.230.

<u>Section 6.</u> That this Order shall be recorded with the Deschutes County Clerk, and copies shall be filed with the Deschutes County Surveyor and County Assessor.

DATED this 2 day of February, 2007.

BOARD OF COUNTY COMMISSIONERS OF DESCHUTES, COUNTY, OREGON

MICHAEL M. DALY, CHAIR

ATTEST:

Buu Buu Recording Secretary PENNIS R. LUKE, VICE CHAIR

TAMME BANEY, COMMISSIONER

STATE OF OREGON

County of Deschutes

Before me, a Notary Public, personally appeared, MICHAEL M. DALY, DENNISTR. LUKE 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 28th day of February, 200

SS.

NOTARY PUBLIC FOR OREGON
My Commission Expires: 20 10, 20

Page 2 of 2 - ORDER NO. 2007-015



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:	Street From	z M stree	/
to 3rd street Exc.	Ept for A utiliz	Ly EASEM	ENT.
Located in TEHMS bownE	, Deschutes County.		
Reason for road vacation request:	60ts ADO & ADI		
A 30' Rock Cliff SEPER	,		etsho:
At the Cliff she Asas	first sof pack as	e le simi	7-1
At the Coliff Sofee ASAS It would benifit Both tax Lots DATED this /Z day of	AS to where The Hom	es carbe d	10, Located,
NAME	ADDRESS	CITY	STATE ZIP
Officilitiams	2846 SW 37 "	of Reda	and 972
LOIS Williams	2846 Sw 374,		· · · · · · · · · · · · · · · · · · ·
	=		
STATE OF OREGON)			
County of <u>Deschutes</u>) ss.			
On this 1st day of December, in the year appeared Or 1/2 Williams + Lo/S me (or proved to me on the basis of satisfactory subscribed to this instrument, and acknowledged	I that he (she, they) executed it. WITNESS my hand and official	se name(s) is(are)	
OFFICIAL SEAL BLAKE HENSLEY	Notary Public for Oregon. My Commission expires: $\Delta \mu$	a 27 2007	

NOTARY PUBLIC- OREGON COMMISSION NO. 372004 MY COMMISSION EXPIRES AUG 27, 2007

Exhibit "A" Page 1 of 3

Road Vacation Summary - Page 4

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: F STREET From Zwo Shines 160 Street Located in ________, Deschutes County. Reason for road vacation request: Lots 400 + 401 ARE CORNER Lots AND 20' Set BACKS ARE REQUIED ON 2nd St & Sheet + 3,2 STREET A CLIFF of 30' PIVIDES CO+ 400+ 401 MAKING F ST. IMPASSABLE DATED this 29 day of Soplem Ru NAME **ADDRESS** CITY STATE ZIP 1750 N.W ODAM TERR 97766 tarrison Terrelanne OR 97760 1750 NW Odem Are STATE OF OREGON SS. County of Deschutes On this <u>U</u> day of <u>OCTODED</u>, in the year 20<u>OQ</u> before me, a Notary Public, personally appeared <u>JODO M. HOMESON</u> personally known 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 sea OFFICIAL SEAL

OFFICIAL SEAL
LESLIE M POVEY
NOTARY PUBLIC- OREGON
COMMISSION NO. A389966
MY COMMISSION EXPIRES FEB 24, 2008

Notary Public for Oregon.

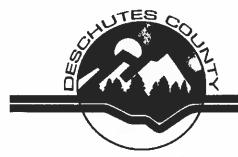
My Commission expires: 2344209

Exhibit "A" Page 2 of 3

Road Vacation Summary - Page 4

STATE OF OREGON)			
County of Deschutes) ss.			
known to me (or proved to me on the basis of	e year 20 00 before me, a Notary Public, personally personally personally of satisfactory evidence) to be the person(s) whose t, and acknowledged that he (she, they) executed it. WITHESS my handland official seal Notary Public for Oregon. My Commission expires: 24 200		
STATE OF OREGON) ss. County of)			
On this day of, in the appeared known to me (or proved to me on the basis o	year 20, before me, a Notary Public, personally personally f satisfactory evidence) to be the person(s) whose, and acknowledged that he (she, they) executed it. WITNESS my hand and official seal		
	Notary Public for Oregon. My Commission expires:		
STATE OF OREGON) 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		
	ADDRESS		
TELEPHONE:			
Exhibit "A"			

Page 3 of 3 Road Vacation Summary – Page 5



Road Department

61150 SE 27th St. • Bend, Oregon 97702 (541) 388-6581 • FAX (541) 388-2719

ENGINEER'S REPORT

TO: Board of County Commissioners

FROM: George Kolb, County Engineer, Deschutes County Road Department

DATE: February 13, 2007

SUBJECT: Vacation of a portion of F Ave in Terrebonne, Oregon

This report is made pursuant to ORS 368.351, concerning the vacation of property without a public hearing. A county governing body may make a determination about a vacation of property without a public hearing if:

- (1) The county road official files with the county governing body a written report that contains the county road official's assessment that any vacation of public property is in the public interest; and
- (2) The proceedings for a vacation were initiated by a petition that contains acknowledged signatures of 100 percent of the property owners abutting any public property to be vacated.

Background:

The Road Department was contacted by property owners Orlie Williams and John Harrison concerning the vacation of a portion of F Ave in Terrebonne, Oregon. Because of the rim rock, there is no possibility of a road ever being constructed in this location. Mr. Williams has a structure located within the current right-of-way and would like to vacate a portion of the right-of-way to allow his building to remain in its current location. Mr. Harrison agreed to the vacation to allow him to get more usable property since a majority of his property is located within the rim area.

When the vacation was originally proposed, the parties wanted to vacate the entire 60 feet but in discussions with Terrebonne Water Company, it was discovered that there is a water line in the north half of the right-of-way so they opposed the vacation unless it was scaled down to delete the portion where they are located. The property owners and the Road Department agreed that this was a good solution and the vacation was allowed to proceed.

Discussion:

The Road Department mailed out notices to all interested parties and also utilities serving the area to determine if there was any interest in maintaining a utility easement. The following are the utilities notified and their response to the vacation

EXHIBIT "B"
PAGE 1 OF 3
Quality Services Performed with Pride

Cascade Natural Gas: No Response

Central Electric Co-op: No Response

Central Oregon Irrigation District: No Response

Pacific Power: In the original application where the entire 60 feet was proposed to be vacated, Pacific Power requested an easement be retained for their facilities. After the vacation was revised to leave the northerly 25 feet as public right-of-way, Pacific Power did not request an easement and did not have any comments on the second utility comment submittal.

PGT: No Response

Qwest Communications: In the original application where the entire 60 feet was proposed to be vacated, Qwest requested an easement be retained for their facilities. After the vacation was revised to leave the northerly 25 feet as public right-of-way, Qwest did not request an easement and did not have any comments on the second utility comment submittal.

Terrebonne Domestic Water District: Response from Doug McLaughlin, Manager, "The Terrebonne Domestic Water District has a pipeline in the north 25' of "F" Avenue but we have no facilities in the southern 35' portion."

Redmond Fire Department: Response dated 1/10/07 from J. Meyer, "No Comments".

Deschutes County Community Development Department: Response from Kevin Harrison, Principal Planner, CDD, "Looks ok to us. Topographically, this road doesn't appear to be warranted or possible."

Mark Amberg, County Legal Counsel: No Response

Findings:

Based upon preliminary responses, and the Department's research of the proposed vacation, the Road Department makes the following findings:

- 1. The Road Department has verified that a petition under ORS 368.341 has initiated proceedings for this vacation and contains the acknowledged signatures of the owners of 100 percent of the property abutting the proposed vacation.
- 2. The portion of right-of-way being vacated is no longer needed for public roadway purposes
- 3. A utility easement does not have to be retained on the right-of-way being vacated.
- 4. The vacation will allow the applicants to better utilize their property.

EXHIBIT "B" PAGE 2 OF 3

Recommendation;

It is the Road Department's assessment that the proposed vacation is in the public interest as it returns the right-of-ways to the tax roles and allows the property owners to better utilize their properties. The Road Department recommends that the Board approve the vacation of the parcels as described in the attached Order No. 2007-015 subject to the following conditions:

- 1. The vacated property shall vest according to Section 4, Order no. 2007-015
- 2. A utility easement does not have to be retained on the vacated property



POVEY & ASSOCIATES—LAND SURVEYORS

REGISTERED PROFESSIONAL LAND SURVEYORS, OREGON NO. 1652 and 2039.

P.O. BOX 131 • OFFICE 338 S.W. 7th • REDMOND, OREGON 97756 • (541) 548-6778 Fax (541) 548-0478

EXHIBIT "C"

Description ORLIE WILLIAMS

located in the "Plat of Hillman" (Terrebonne, Oregon), a subdivision in West 1/2 of Section 16, T.14S.,R.13E.,W.M. 35-FOOT WIDE "F" AVENUE VACATION

Description of a tract of land situate in the "Plat of Hillman", a subdivision located in the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) and the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 16, Township 14 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Commencing at a 1/2" rebar monumenting the Southeast corner of Lot 11, Block 1, John and Pauline Forster's Replat of Hillman, the Initial Point; thence \$18\oldsymbol{0}6'57"E along the prolongation of the East line of said Lot 11 - 26.31 feet to the North line of the South 35 feet of "F" Avenue and to the true POINT OF BEGINNING; thence \$18\oldsymbol{0}6'57"E along the prolongation of the East line of said Lot 11 - 36.83 feet to the North line of Block 24, Plat of Hillman, from which a 1/2" rebar monumenting the Northeast corner of said Block 24 bears \$89\oldsymbol{0}58'29"E - 32.59 feet;

thence N89^O58'29"W along the North line of said block - approximately 167.41 feet to the NW cornerr of Lot 16 of said Block 24;

thence N00^o01'31"E normal to said North line - 35.00 feet; thence S89^o58'29"E - approximately 155.95 feet to the POINT

The same containing approximately 0.13 land acres (5659 square feet).

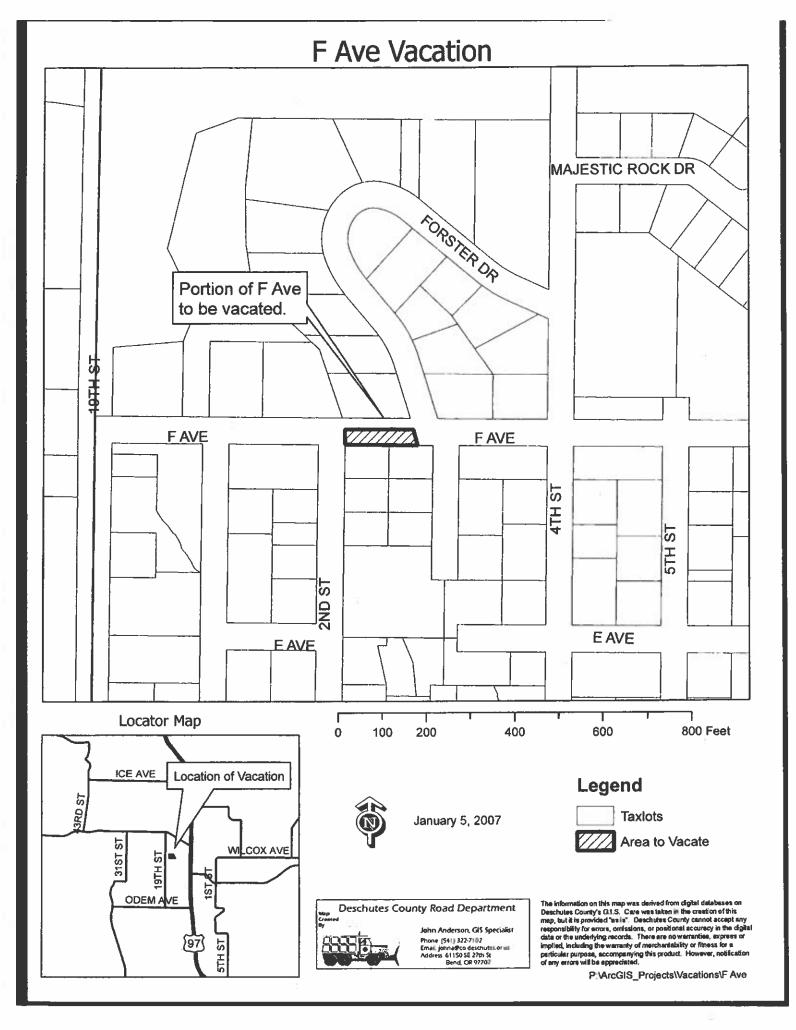
PAGE 1 DESCRIPTION

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PROFESSIONAL LAND SURVEYOR

> OREGON JULY 14, 1978 ROBERT R. POVEY

Renews: 12/31/06

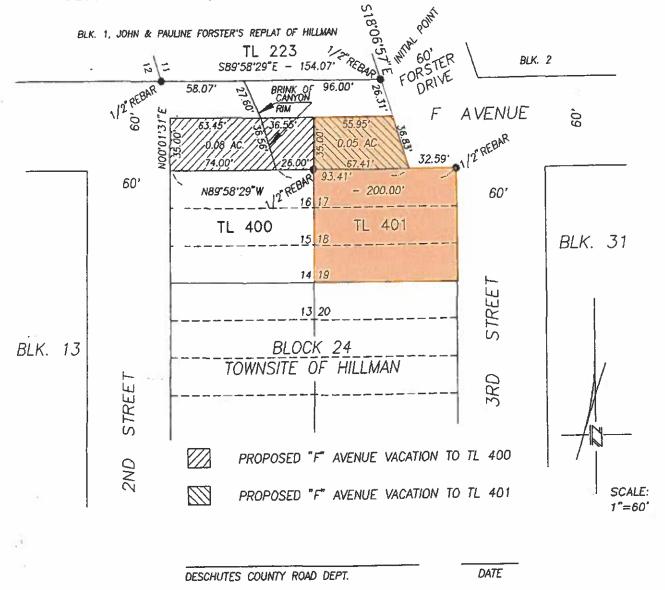


PROPOSED F AVENUE VACATION

FOR: ORLIE WILLIAMS

SITUATE IN THE PLAT OF HILLMAN (TERREBONNE) LOCATED IN THE WEST 1/2 OF SECTION 16, T.14S., R.13E., W.M.

DESCHUTES COUNTY, OREGON



AND SURVEYOR rvay 12-28-2006

REGISTERED **PROFESSIONAL**

OREGON JULY 14, 1978 ROBERT R. POVEY

Renewal Date: 12/31/06

POVEY AND ASSOC., LAND SURVEYORS P.O. BOX 131, REDMOND, OR 97756 (541) 548-5778 05-356V.DWG

W MOOSHO SHIP

SHEET 3 OF 3

HECKLAND WILLIAMS & ASSOCIATES BY IS STRUCTURE BY, SAT IN ABOU, OWEDIN OTHER PROPERTY.

PETER A HANLEY
2214
RDEVAL DATE 12/21/04

BLOCK 175 LOT 16

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FOUND 3/4" MON PAPE FLUSH METH GROUND PET (F3).

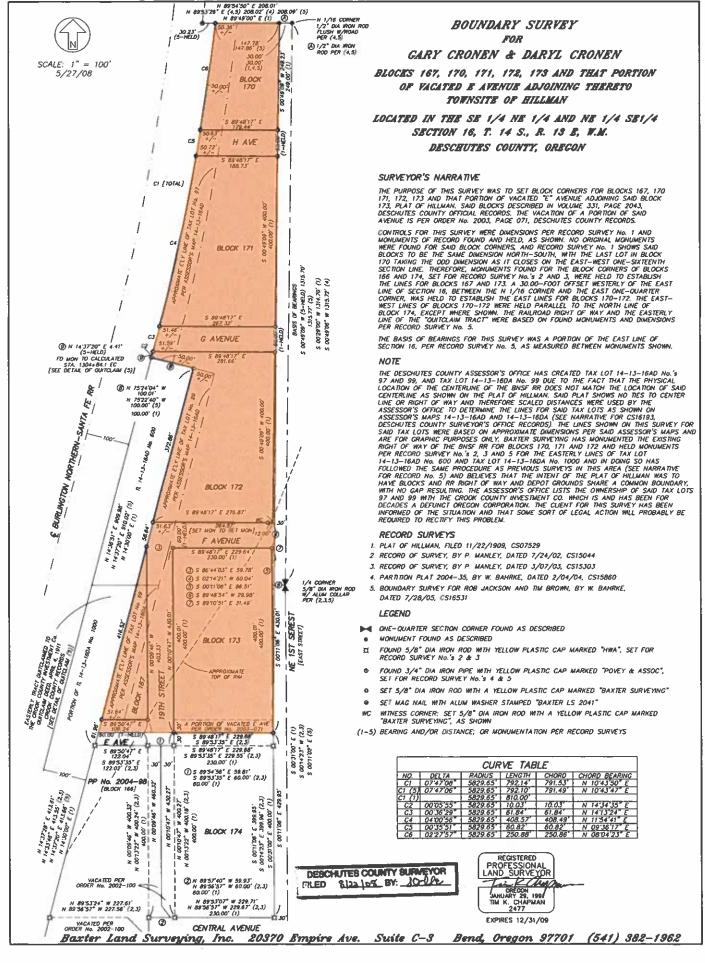
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SCHWITCHE DOD

THE CALL ST.







TO: Deschutes County Board of Commissioners

FROM: Will Groves, Planning Manager

DATE: February 26, 2025

SUBJECT: Land Use Compatibility for Annexation, Lot(s) Described Herein - Terrebonne Sanitary

District

The materials contained in the resolution propose to annex lands to the Terrebonne Sanitary District, as described in the attached proposal. There are no county planning or zoning obstacles to the proposed annexation.