

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Vacating a Portion of NW Helmholtz  
Way in Deschutes County, Oregon

\*  
\*

ORDER NO. 2025-013

WHEREAS, proceedings for vacating the public right of way for a portion of NW Helmholtz Way, described in Exhibit "A" and depicted in Exhibit "B", attached hereto and by this reference incorporated herein, were initiated by the Board of County Commissioners pursuant to ORS 368.341 upon the owners of property abutting said portion of NW Helmholtz Way filing a petition, attached hereto as Exhibit "C" and by this reference incorporated herein; and

WHEREAS, said petition contains the acknowledged signatures of owners of one hundred percent of property abutting said portion of the right of way for NW Helmholtz Way and indicates said owners' approval of vacation; and

WHEREAS, the County Engineer, on behalf of the County Road Official, has prepared and filed with the Board of County Commissioners a written report, attached hereto as Exhibit "D" and by this reference incorporated herein, concerning the proposed vacation pursuant to ORS 368.346(1); and

WHEREAS, said report contains the County Engineer's assessment that the proposed vacation is in the public interest; now, therefore,

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

Section 1. That vacation of the property described in the attached Exhibit "A" and depicted in the attached Exhibit "B" is in the public interest.

Section 2. That the property described in the attached Exhibit "A" and depicted in the attached Exhibit "B" is hereby vacated.

Section 3. That the property vacated in Section 2 herein shall vest with the rightful owner or owners holding title according to law in accordance with ORS 368.366(1)(c).

Section 4. That this Order shall be recorded in the Official Records with the Deschutes County Clerk, and that copies shall be filed with the Deschutes County Surveyor and Deschutes County Assessor.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DEBONE, Chair

ATTEST:

\_\_\_\_\_  
PATTI ADAIR, Vice Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner

## EXHIBIT "A"

### ROAD VACATION

A portion of the South One-Half of the Northwest One-Quarter of the Southeast One-Quarter (S 1/2 NW 1/4 SE 1/4) of Section Seven (7), Township Fifteen (15) South, Range Thirteen (13) East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the Northwest corner of Parcel 2 of Partition Plat 1991-70, Deschutes County, Oregon, said point being the TRUE POINT OF BEGINNING, thence along the West line of said Parcel 2, South 00°36'15" West 668.24 feet, to the Southwest corner of said Parcel 2; thence leaving said West line and along the South line of said Parcel 2 North 89°41'45" West 19.48 feet; thence leaving said South line North 06°30'00" West 69.05 feet; thence North 07°30'00" West 85.02 feet to a point on the North-South Center section line of said Section 7; thence along said North-South Center section line of said Section 7 North 00°36'15" East 426.65 feet; thence leaving said North-South Center section line along an arc of a 688.79 foot radius curve to the left 91.46 feet, the chord of which bears North 14°08'55" East 91.40 feet to a point on the North line of said Parcel 2; thence along said North line South 89°50'55" East 18.60 feet to the TRUE POINT OF BEGINNING.

Containing 24,010 square feet, more or less.

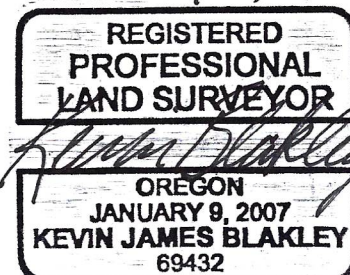


EXHIBIT "B"

# ROAD VACATION MAP

LOCATED IN THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER  
OF SOUTHEAST ONE-QUARTER OF SECTION 7, TOWNSHIP 15 SOUTH,  
RANGE 13 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON

CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	DELTA
C1	688.79'	91.46'	91.40'	N14°08'55"E	7°36'30"

PARCEL 1 OF PP 1991-70  
[TAX LOT 15-13-07-1000]

Found 3/4" Iron Pipes  
w/"POVEY & ASSOC." Caps  
per PP 2009-27

TRUE POINT OF BEGINNING  
Northwest corner of Parcel 2  
of Partition Plat 1991-70  
Held Rock Nail

EXHIBIT "A"

PARCEL 2 OF PP 1991-70  
[TAX LOT 15-13-07-1002]

(Volume 2014, Page 3822)

ROAD VACATION  
Portion of that 40.00 feet  
dedicated in Partition Plat  
1991-70 filed 10/31/1991  
(24,010 S.F. to be vacated)



1" = 100'

PARCEL 1 OF PP 2009-27  
[TAX LOT 15-13-07-500]

Found 3/4" Iron Pipe  
w/"POVEY & ASSOC." Cap  
per PP 2009-27

LINE	BEARING	DISTANCE
L1	N89°41'45"W	19.48'
L2	N06°30'00"W	69.05'
L3	N07°30'00"W	85.02'
L4	S89°50'55"E	18.60'

Edge of Pavement

As-built Centerline

Found 3/4" Iron Pipes  
w/"POVEY & ASSOC." Caps  
per PP 2009-27

Found 5/8" Iron Rods  
w/"SCE&S" Caps

Southwest corner of Parcel 2  
of Partition Plat 1991-70  
Held 5/8" Iron Rod  
w/"HWA" Cap

## LEGEND

⊙ = Found monument as noted

1/15/25  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 9, 2007  
KEVIN JAMES BLAKLEY  
69432

RENEWABLE 12-31-2025



EXHIBIT "C"

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: Please see attachments: #1 'Road Vacation Map' and #2 'Road Vacation'

Located in Redmond, Deschutes County.

Reason for road vacation request: Extend property line to eliminate dangerous public pull-out area.

DATED this 19<sup>th</sup> day of November, 2024.

PRINT NAME	SIGNATURE	ADDRESS	CITY	STATE ZIP
Natascha Atias		5090 NW Hemlock Ave.	Redmond	OR, 97756
<u>Ramona H. Kase</u>	<u>My [Signature]</u>	<u>500 NW Helmholtz</u>	<u>Redmond</u>	<u>OR 97756</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

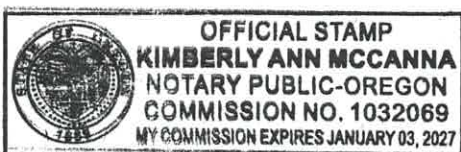
STATE OF OREGON                    )  
County of Deschutes            ) ss.

On this 19<sup>th</sup> day of November, in the year 2024, before me, a Notary Public, personally appeared Natascha Atias 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

Kim McCanna  
Notary Public for Oregon.

My Commission expires: January 3, 2027



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: \_\_\_\_\_

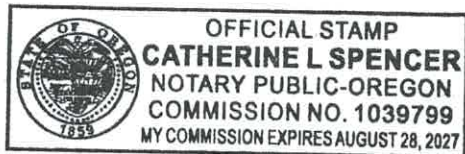
STATE OF OREGON )  
 ) ss.  
County of Deschutes )

On this 27<sup>th</sup> day of November, in the year 2021, before me, a Notary Public, personally appeared Randolph Kruse 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

Catherine Spencer  
Notary Public for Oregon.

My Commission expires: 8-28-27



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

[Signature]  
SIGNATURE

500 NW Helmholtz way Redmond, OR  
ADDRESS

97756  
TELEPHONE: 541-408-2055



## MEMORANDUM

TO: Board of County Commissioners

FROM: Cody Smith, County Engineer/Assistant Road Department Director

DATE: May 27, 2025

SUBJECT: **Road Official's Report**  
**Vacation of a Portion of NW Helmholtz Way in Section 7, Township 15S, Range 13E, W.M.**

### **Background:**

The Deschutes County Road Department has received a petition to vacate a portion of the public road right-of-way of NW Helmholtz Way within Section 7, Township 15S, Range 13E, W.M. The chief petitioner, Randy Kruse, is the signatory of Kruse Family Development Company LLC, the owner of Tax Lot 1002 on Assessor's Map 15-13-07, which encompasses all underlying property to the subject right-of-way.

The subject right-of-way varies in width from 18.6 feet to 40 feet and extends approximately 686 feet in length. The subject right-of-way was originally dedicated to the public through Partition Plat 1991-70 for "Helmholtz Street," now NW Helmholtz Way but is not coincidental with the improved, as-travelled roadway for NW Helmholtz Way. Additional right-of-way was dedicated through Partition Plat 2009-27 to fully encompass the existing improved roadway, following the road's centerline, and varying in width from 30 feet to 91.18 feet. The subject right-of-way is bisected by the petitioner's paved driveway approach. The portion of the subject right-of-way north of the paved driveway approach is undeveloped, while the portion of the subject right-of-way south of the paved driveway approach functions as a gravel pullout area. Overhead power utilities owned by Pacific Power exist within portions of the right-of-way, with TDS Broadband fiber optic lines occupying the referenced poles. No roadway improvements exist within the subject right-of-way.

The petitioners provided the following reasons for the proposed vacation:

*Extend property line to eliminate dangerous public pull-out area.*

In conversations with Road Department staff, the chief petitioner has indicated that overnight parking, illicit activities, and other public misuse of the subject right-of-way is frequently occurring and that the proposed vacation will allow for the the chief petitioner to prevent said misuse.



# LEGEND



PROPOSED VACATION AREA



VICINITY MAP



**Figure – Location Map - Proposed Vacation Area (NTS)**

Road Department staff will not address the petitioners' claims regarding public misuse of the subject right-of-way, as staff was unable to verify them. However, Road Department staff note that the pullout in the southerly portion of the subject right-of-way is situated in a natural depression that collects and retains water, leading to the tracking of mud and aggregate onto NW Helmholtz Way following rain or snow events. Additionally, the



road's geometry and surrounding topography at this location significantly reduce sight distance to an unacceptable level. These conditions create safety and operational concerns that make continued use of the pullout unsafe for users of NW Helmholtz Way. Road Department staff have determined that the most effective solution to address these issues is to vacate the subject right-of-way, which would allow for landscaping and management of the underlying property by the adjacent property owner. Further, Road Department staff note that the subject right-of-way is not coincidental with the improved, as-travelled roadway for NW Helmholtz Way and is not necessary for operations or other public road appurtenance.

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

- Pacific Power
  - Representative: Samuel Adams, Operations 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, Lands Specialist
  - Service provider does have existing facilities within the area proposed for vacation
  - Service provider consents to the proposed vacation, a signed easement has been provided to service provider by the petitioner
- TDS Telecommunications
  - Representative: NA
  - Service provider was unresponsive after multiple attempts from the petitioner to contact the utility provider.
  - The Pacific Power representative informed the petitioner that TDS typically utilizes the pole owner's easement and does not require a separate easement of its own
- Central Oregon Irrigation District
  - Representative: Baxter Davies, Operations Manager
  - 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 proposed vacation area was dedicated to the public by plat declaration with Partition Plat 1991-70 (ORS 368.326).
- No owners of a recorded property right would potentially be deprived of access necessary for the exercise of that property right with the proposed vacation (ORS 368.331).

- The Petitioners, who represent the owners of more than sixty (60) percent of property abutting the subject right of way, have submitted complete petitions and submitted the required fee (ORS 368.341(1)(c); ORS 368.341(3); ORS 368.341(4); ORS368.351).
- As the petition for vacation includes acknowledged signatures of owners of 100 percent of property abutting the proposed vacation area, the vacation proceedings are not subject to a public hearing (ORS 368.351).
- The subject right of way does not appear to be necessary 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 proposed vacation with adoption of Order No. 2025-013 subject to a condition that 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.