



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: Wednesday, September 1, 2021

SUBJECT: Consideration of Order No. 2021-016, Vacating Butte Drive in Township 20 South, Range 10 East, Section 34

RECOMMENDED MOTION:

Move approval of Order No. 2021-016.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Road Department has received a petition to vacate the public right of way for Butte Drive. Petitioners for the vacation are:

- Thomas L. Wilkerson (Chief Petitioner), sole trustee of the Thomas L. Wilkerson Revocable Trust, owner of Tax Lot 1800 on Assessor's Map 20-10-34A (Lot 17; 55150 Butte Drive, Bend, Oregon)
- Nicholas C. and Kayla J. Rotunno and Steven J. and Maryann C. Sinkler, owners of Tax Lot 1600 on Assessor's Map 20-10-34A (Lot 15; 16377 Bates Drive, Bend, Oregon)
- Patrick D. and Debbie J. Smith, owners of Tax Lot 1700 on Assessor's Map 20-10-34A (Lot 16; 16391 Bates Drive, Bend, Oregon)
- Vince and Julie Barghigiani, owners of Tax Lot 1900 on Assessor's Map 20-10-34A (Lot 18; 1632 Carrington Avenue, Bend, Oregon)

These tax lots comprise all of the abutting or underlying properties to the subject right of way.

The subject right of way was established in 1966 by the Second Addition to River Forest Acres plat (Deschutes County Official Records Document No. 1966-000010). The right of way is 50 ft. in width and connects Bates Road to Carrington Drive. The northerly portion of Butte Drive adjacent to Tax Lots 1600 and 1700 consists of a cinder road providing access from Bates Street to those adjacent lots. Within the southerly portion of Butte Drive adjacent to Tax Lots 1800 and 1900, a paved driveway approach exists providing access from Carrington Drive to Tax Lot 1800. Approximately 70 ft. north of the northern terminus of the paved driveway approach, a large rock outcropping exists which prevents vehicles from driving through on Butte Drive between Carrington Drive and Bates Street. Utilities located within the right of way of Butte Drive appear to consist of power and

communication facilities providing service to the adjacent lots. Butte Drive exists within the River Forest Acres Special Road District, but the District does not maintain the road.

All of the underlying and abutting property owners have signed the vacation petition, allowing the Board of County Commissioners to make a determination for the vacation without a public hearing pursuant to ORS 368.351.

Adoption of Order No. 2021-016 will vacate the subject right of way, vesting it with the rightful owners holding title according to law pursuant to ORS 368.366(1)(c).

BUDGET IMPACTS:

None. The Petitioners have paid the vacation petition fee in the amount of \$500.00.

ATTENDANCE:

Cody Smith, County Engineer (REQUEST CONSENT AGENDA)