



AGENDA REQUEST & STAFF REPORT

MEETING DATE: January 4, 2023

SUBJECT: Public Hearing - Consideration of Order No. 2023-003, Vacating a Public Right of Way in Section 19 of Township 18S, Range 12E, W.M.

RECOMMENDED MOTION:

Following the public hearing, move approval of Board signature of Order No. 2023-003 to vacate a specified public right-of-way within the River Bend Estates subdivision.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Road Department has received a petition to vacate an unimproved, unnamed public right of way within the River Bend Estates subdivision in Section 19 of Township 18S, Range 12E, W.M.

The petitioners, who are owners of abutting or underlying property to the proposed vacation area, are:

- Benjamin Miller, authorized representative for Bend Christian Fellowship, owner of Tax Lot 2200 on Assessor's Map 18-12-19A (Chief Petitioner);
- Thomas D. Snell, joint owner of Tax Lot 15100 on Assessor's Map 18-12-19C;
- Bryan W. and Donna F. Stiff, owners of Tax Lot 14400 on Assessor's Map 18-12-19C;
- David K. McNaughton and Cherlyn L. Vanover, trustees of the McNaughton-Vanover Living Trust, owner of Tax Lot 14300 on Assessor's Map 18-12-19C; and
- Paul J. and Cindy B. Shonka, owners of Tax Lot 14200 on Assessor's Map 18-12-19C.

The following individuals are owners of abutting or underlying property to the proposed vacation area who are not petitioners to the proposed vacation:

- Shanna L. Snell, joint owner of Tax Lot 15100 on Assessor's Map 18-12-19C;
- Bryan C. and Cady Zivney, owners of Tax Lot 800 on Assessor's Map 18-12-19CD;
- and
- William J. and Jessica C. Steed, owners of Tax Lot 900 on Assessor's Map 18-12-19CD.

The subject right of way is 50 ft. wide and was created by dedication deed recorded at the Deschutes County Clerk's Office as Deed No. 1970-1720616. Road Department records do not indicate why the subject deed was recorded and do not indicate that the subject

dedication was accepted by the Board of County Commissioners in accordance with ORS 93.808; nonetheless, the portion of the right of way described in Deed No. 1970-1720616 located east of present-day Tax Lot 2200 was vacated by Deschutes County Order No. 90-066. The Arnold Irrigation District (AID) Main Canal crosses the southern limits of the proposed vacation area within a separate underlying right of way that is not subject to these vacation proceedings. Private outbuildings appear to exist within the proposed vacation area. There are presently no public road improvements and no public utilities within the proposed vacation area except the aforementioned AID facility.

The vacation of the subject right of way across Tax Lot 2200 would allow for planned site improvements for Bend Christian Fellowship, including new building and parking space; however, vacation of the subject right of way over just Tax Lot 2200 would leave an orphaned right of way over and across the remain underlying properties to the south. As such, the chief petitioner has gathered additional abutting property owner signatures as listed above.

A public hearing will be held to allow interested parties to provide testimony regarding the proposed vacation. Upon conclusion of the public hearing, the Board of Commissioners will be asked to consider adoption of Order No. 2023-003, which would 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 applicable vacation petition fee.

ATTENDANCE:

Cody Smith, County Engineer/Assistant Road Department Director