

REVIEWED
LEGAL COUNSEL



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Vacating Blazer Lane and a Portion *
of a Public Road Easement in Deschutes *
County, Oregon * ORDER NO. 2022-053

WHEREAS, proceedings for vacating the right of way for Blazer Lane 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 Blazer Lane filing a petition, attached hereto as Exhibit "E" and by this reference incorporated herein, and upon adoption of Resolution No. 2022-065; and

WHEREAS, proceedings for vacating a portion of a public access easement described in Exhibit "C" and depicted in Exhibit "D", 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 public access easement filing a petition, attached hereto as Exhibit "F" and by this reference incorporated herein, and upon adoption of Resolution No. 2022-065; and

WHEREAS, said petitions contains the acknowledged signatures of owners of one hundred percent of property abutting the subject right of way and public access easement and indicates said owners' approval of vacation; and

WHEREAS, upon request by the Board of County Commissioners, the County Engineer, on behalf of the County Road Official, has prepared and filed with the Board a written report, attached hereto as Exhibit "G" 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 Exhibits "A" and "C" and depicted in the attached Exhibits "B" and "D" is in the public interest:

Section 2. That the property described in the attached Exhibits "A" and "C" and depicted in the attached Exhibits "B" and "D" 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 the Deschutes County Surveyor is directed to mark the plat as provided in ORS 271.230.

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

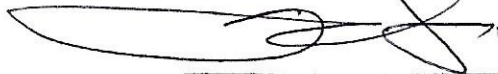
VACATION OF BLAZER LANE – 60’ WIDE RIGHT OF WAY

A 60’ WIDE STRIP OF LAND SITUATED IN LOT 10, BLOCK 1, FREMONT CANYON, A SUBDIVISION OF RECORD SITUATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 14 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON. SAID RIGHT OF WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF BLAZER LANE, A 60’ WIDE RIGHT OF WAY, LOCATED WITHIN LOT 10, BLOCK 1, FREMONT CANYON LYING SOUTH OF THE NORTH LINE OF SAID LOT 10 AND NORTH OF THE NORTHERLY RIGHT OF WAY LINE OF WILT ROAD.

6-16-2022

REGISTERED
PROFESSIONAL
LAND SURVEYOR



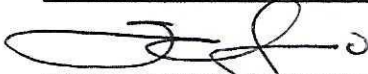
OREGON
JULY 17, 1981
FREDERICK A. AST, JR.
1938

Renews 12-31-2023

EXHIBIT B

Co-16-2022

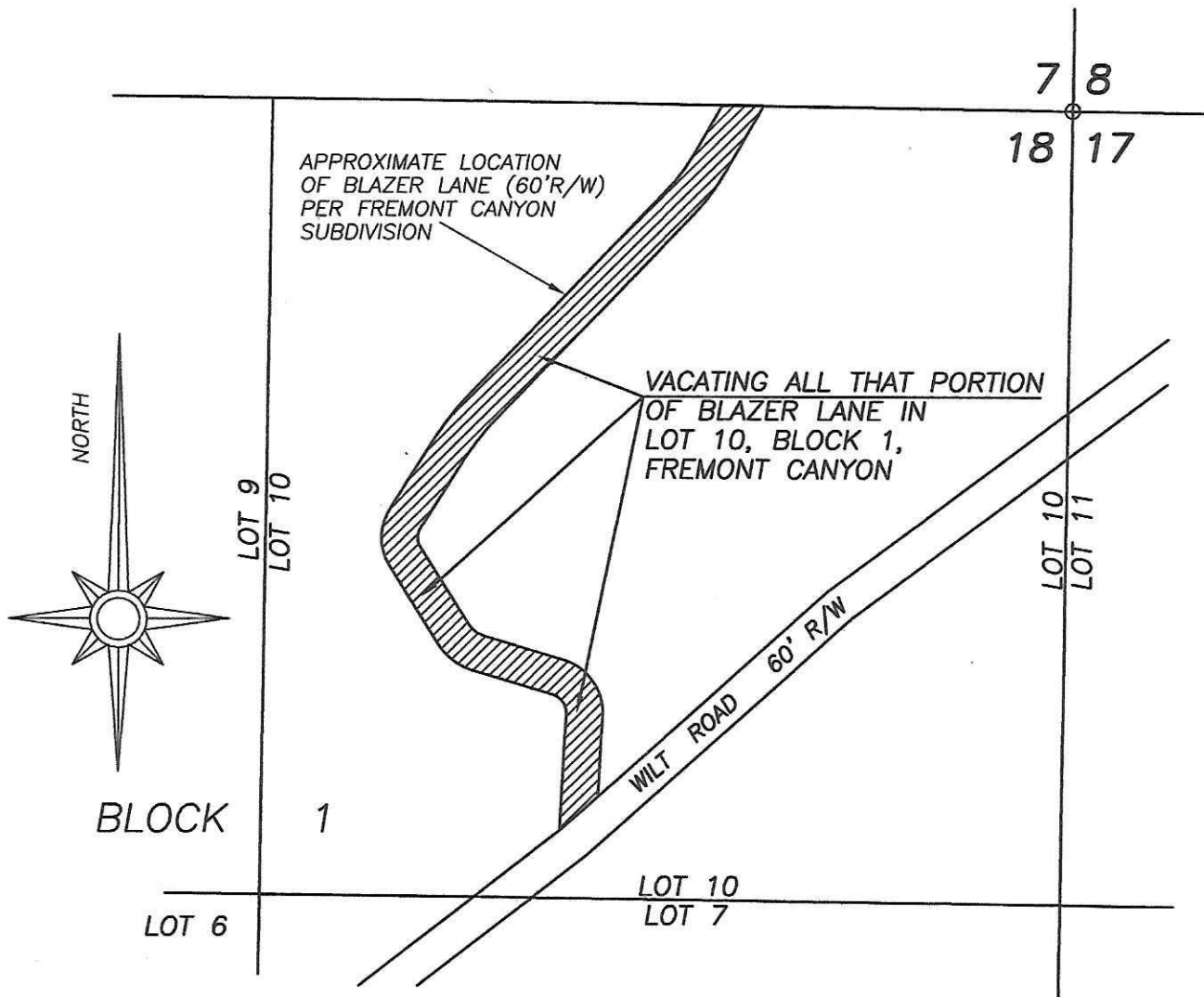
REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 17, 1981
FREDERICK A. AST, Jr.
1938

RENEWAL DATE 12/31/23

VACATION OF BLAZER LANE, A 60'
WIDE RIGHT OF WAY LOCATED IN
LOT 10, BLOCK 1, FREMONT CANYON,
SITUATED IN THE NORTHEAST QUARTER
OF SECTION 18, TOWNSHIP 14 SOUTH,
RANGE 11 EAST, WILLAMETTE MERIDAIN,
DESCHUTES COUNTY, OREGON



300 0 300 600 900

20-164BLAZER LN 11/22/2021

GRAPHIC SCALE - FEET

**EXHIBIT C - LEGAL DESCRIPTION
FOR THE VACATION OF A PORTION OF THE
PUBLIC ACCESS EASEMENT DESCRIBED IN DOC. NO. 2018-04422**

A strip of land, 60.00 feet in width, lying in the SE 1/4 of Section 7, Township 14 South, Range 11 East, W.M., Deschutes County, Oregon, being 30.00 feet on each side of the following described centerline:

Beginning at a point which bears N89°53'55" W 555.28 feet from the Southeast corner of Section 7, Township 14 South, Range 11 East, W.M.; thence along the centerline surveyed and shown on CS14480 as filed in the Deschutes County Surveyor's Office (and also as described in the Public Access Easement recorded in Instrument No. 2018-04422 in the Deschutes County Clerk's Office) N30°36'09" E 134.00 feet; thence 147.75 feet along the arc of a 255.72 foot radius curve to the left, the long chord of which bears N14°03'02"E a distance of 145.70 feet to the terminus of said centerline, also being the terminus of the centerline described in the Deed of Dedication recorded in Instrument No. 2022-23922 in the Deschutes County Clerk's Office.

The sidelines of said strip to be extended or shortened to terminate at the south line of said Section 7.

Bearings are based on the south line of said Section 7 per CS14480 as filed in the Deschutes County Surveyor's Office.

The strip of land described above is depicted on the attached map titled "EXHIBIT D" which is incorporated by this reference.

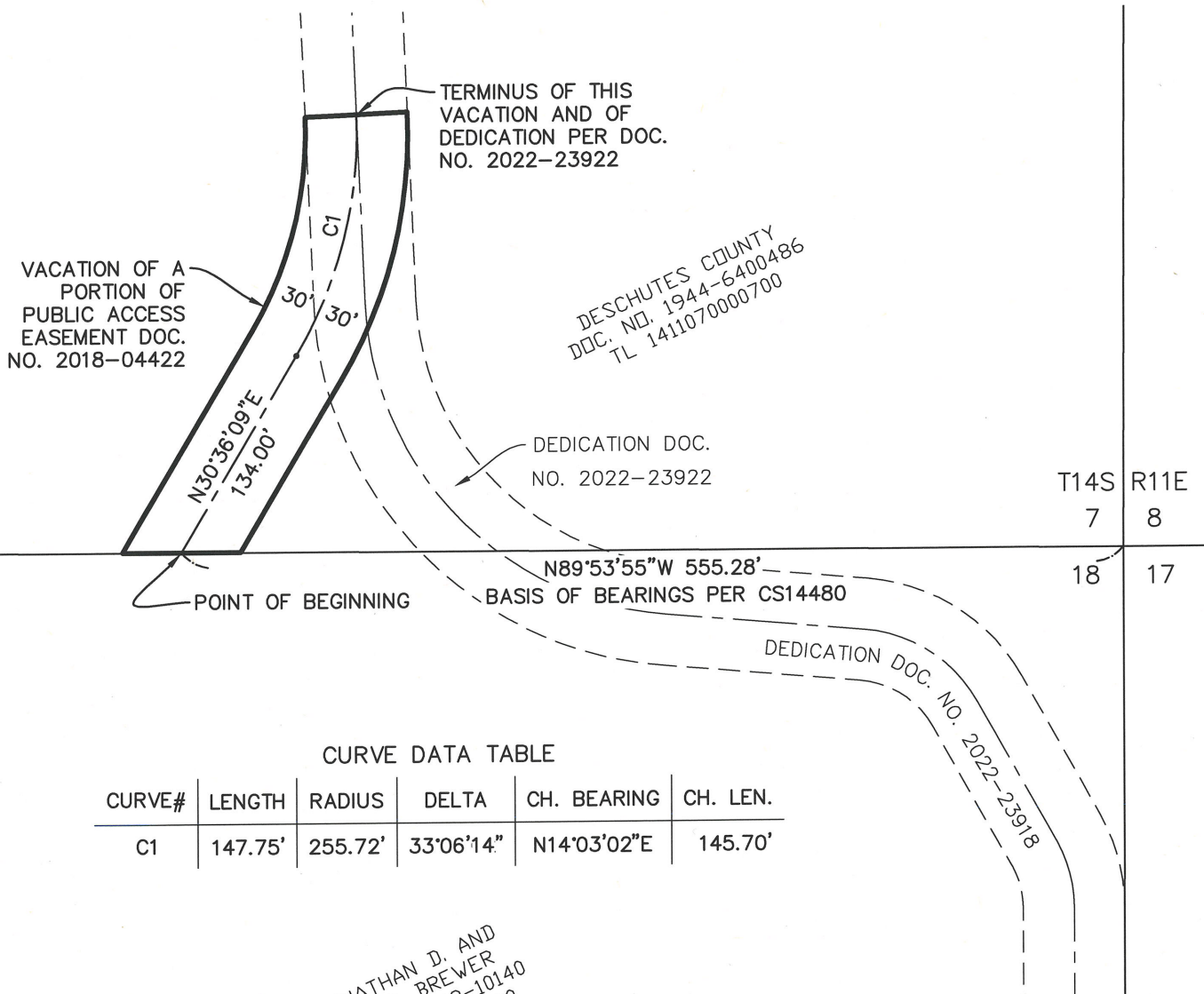
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kevin Samuel

OREGON
DECEMBER 28, 2009
KEVIN R. SAMUEL
77040PLS

6/30/2024

RENEWAL



TERMINUS OF THIS VACATION AND OF DEDICATION PER DOC. NO. 2022-23922

VACATION OF A PORTION OF PUBLIC ACCESS EASEMENT DOC. NO. 2018-04422

DESCHUTES COUNTY
DOC. NO. 1944-6400486
TL 1411070000700

DEDICATION DOC. NO. 2022-23922

T14S R11E
7 8
18 17

N89°53'55\"W 555.28'
BASIS OF BEARINGS PER CS14480

DEDICATION DOC. NO. 2022-23918

CURVE DATA TABLE

CURVE#	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LEN.
C1	147.75'	255.72'	33°06'14"	N14°03'02\"E	145.70'

JONATHAN D. AND
ANN S. BREWER
DOC. NO. 2018-10140
TL 1411180000100
LOT 10, BLOCK 1,
FREMONT CANYON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
DEC. 28, 2009
KEVIN R. SAMUEL
77040PLS

RENEWS: 6/30/2024



EXHIBIT D – VACATION OF A PORTION OF PUBLIC ACCESS EASEMENT
SE 1/4 SEC. 7. T14S, R11E, WM

DESCHUTES COUNTY SURVEYOR'S OFFICE
61150 S.E. 27TH STREET, BEND, OR. 97702

SCALE: 1"=100' DRAWN BY: KRS
FILE: DCRD Blazer Ln Vacation.dwg

DATE: 8/22/2022

SHEET
1 OF 1

EXHIBIT "E"

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: See attached Exhibit A.

Located in Township 14 South, Range 11 East, Section 18, W.M., Deschutes County, Oregon.

Reason for road vacation request: This vacation request is the final step of relocating Blazer Lane. The new road dedication deeds were recorded as Instrument Nos. 2022-23922 and 2022-23918.

DATED this 16th day of August, 2022.

PRINT NAME	SIGNATURE	ADDRESS	CITY	STATE ZIP
<u>Ann Brewer</u>	<u>[Signature]</u>	<u>17550 Wilt Rd</u>	<u>Sisters</u>	<u>OR 97759</u>
<u>Jonathan Brewer</u>	<u>[Signature]</u>	<u>17550 Wilt Rd</u>	<u>Sisters</u>	<u>OR 97759</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

STATE OF OREGON)
County of Deschutes) ss.

On this 16th day of August, in the year 2022, before me, a Notary Public, personally appeared Jonathan D. Brewer 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: March 5, 2024



STATE OF OREGON)
) ss.
County of Deschutes)

On this 16th day of August, in the year 2022, before me, a Notary Public, personally appeared Ann S. Brewer 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

Margaret S Moore

Notary Public for Oregon.

My Commission expires: MARCH 5, 2024

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

C Brewer

SIGNATURE

17550 Wilt Rd, Sisters, OR

ADDRESS

97759

TELEPHONE: 210-259-1117

EXHIBIT "F"

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: See attached Exhibits "C" and "D"

Located in Township 14 South, Range 11 East, Section 7, W.M., Deschutes County.

Reason for road vacation request: This vacation request is the final step of relocating Blazer Lane. The new road dedication deeds were recorded as Instrument Nos. 2022-23922 and 2022-23918.

DATED this 12th day of September, 2022.

PRINT NAME	SIGNATURE	ADDRESS	CITY	STATE ZIP
Kristie Bollinger, Deschutes Co. Property Manager		14 NW Kearney Avenue, Bend,		OR 97703

STATE OF OREGON)
) ss.
County of Deschutes)

On this 12th day of September, in the year 2022 before me, a Notary Public, personally appeared Kristie Bollinger 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

Deborah Larue Cook
Notary Public for Oregon.
My Commission expires: 10-1-2023





MEMORANDUM

TO: Board of County Commissioners

FROM: Cody Smith, County Engineer

DATE: September 13, 2022

SUBJECT: **Road Official's Report
Vacation of Blazer Lane in Section 18, Township 14S, Range 11E, W.M., and a Portion of a
Public Access Road Easement in Section 7, Township 14S, Range 11E, W.M.**

Background:

Deschutes County Road Department has received a petition to vacate Blazer Lane. Chief Petitioners for the proposed vacation are Jonathan D. Brewer and Ann S. Brewer, the owners of Tax Lot 100 on current Assessor's Tax Map 14-11-18. Additionally, the Road Department has received a petition to vacate a section of a public access easement that serves as a northerly continuation of Blazer Lane across County-owned Tax Lot 700 on current Assessor's Tax Map 14-11-07; Chief Petitioner for this proposed vacation is Kristie Bollinger, the Deschutes County Property Manager, on behalf of Deschutes County.

The subject right of way for Blazer Lane ("Area 1"), which is described and depicted in proposed Order No. 2022-053, Exhibits "A" and "B", was dedicated to and accepted on behalf of the public with the FREEMONT CANYON subdivision plat (1978). Area 1 exists entirely over and across Tax Lot 100 on current Assessor's Tax Map 14-11-18 (FREEMONT CANYON Lot 10, Block 1). The subject public access easement portion ("Area 2"), which is described and depicted in proposed Order No. 2022-053, Exhibits "C" and "D", was created in 2018 by instrument recorded as Document Number 2018-004422. Area 2 exists entirely over and across Tax Lot 700 on current Assessor's Tax Map 14-11-07. Collectively, Areas 1 and 2 shall be referred to as "the proposed vacation area" for the remainder of this report.

The Brewers, Chief Petitioners for Area 1, have caused for the dedication and construction of a new alignment for Blazer Lane over and across Tax Lot 100 on current Assessor's Tax Map 14-11-18 and Tax Lot 700 on current Assessor's Tax Map 14-11-07 under Land Use File No. 247-20-000795-RD. The new road alignment provides for public access to properties north of Tax Lot 100, leaving the proposed vacation area unnecessary for public

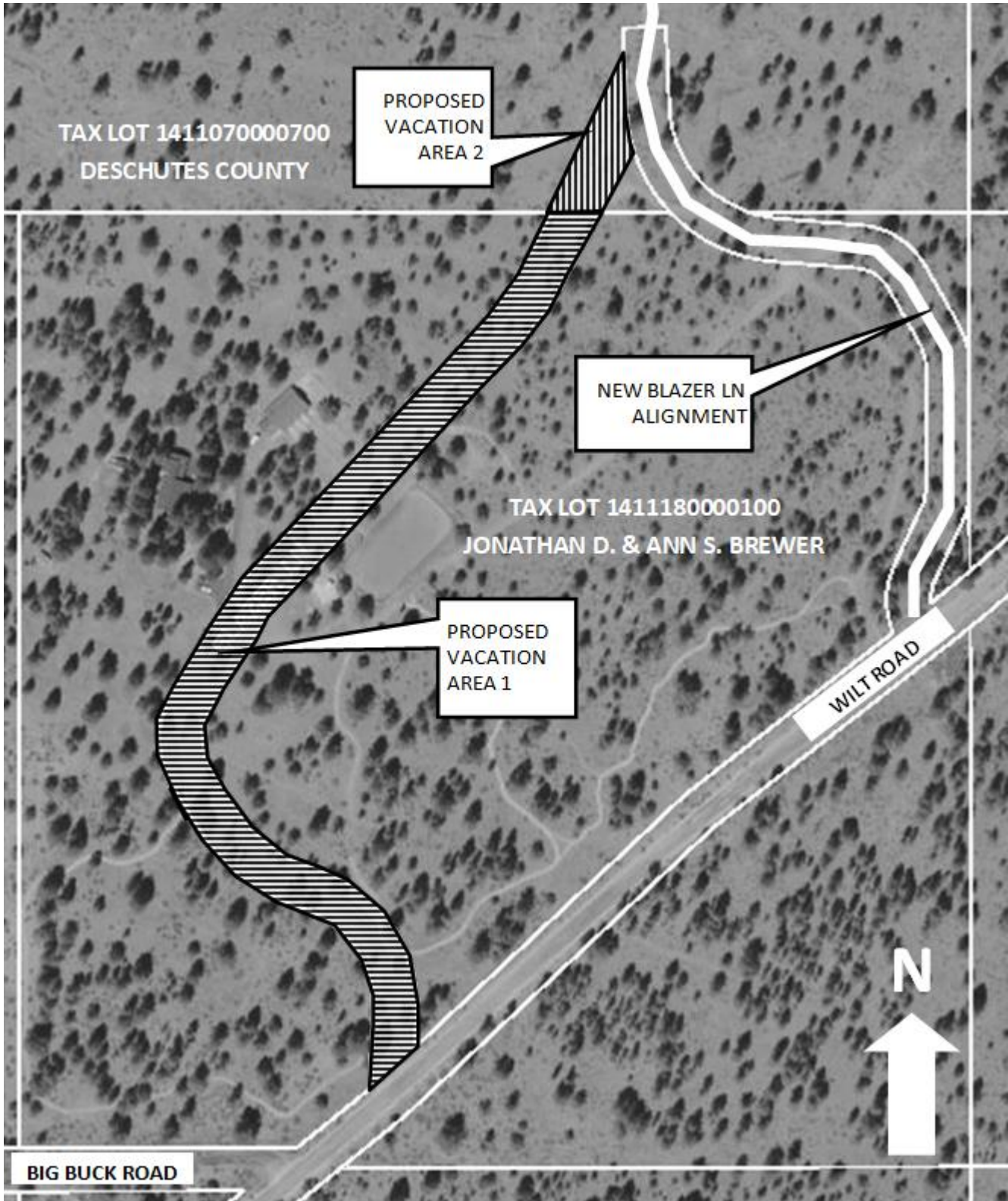


Figure – Aerial Photo of Proposed Vacation Area

access. The proposed vacation area contains existing gravel road improvements that will remain to provide access for Tax Lot 100. No utility facilities have been identified within the proposed vacation area.

The Petitioners provided the following reason for the proposed vacation:

“This vacation request is the final step of relocating Blazer Lane. The new road dedication deeds were recorded as Instrument Nos. 2022-23922 and 2022-23918.”

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:

- 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 public’s interest in the proposed vacation area was established by the FREEMONT CANYON subdivision plat and by instrument recorded as Document No. 2018-004422 (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 100 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).
- The subject right of way does not contain public utilities and does not contain public road improvements of value to the public.
- 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 proposed vacation as described in proposed Order No. 2022-053 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.
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.