

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 Survey

Located in Schibel Rd Bend, Deschutes County.

Reason for road vacation request: _____

DATED this 29 day of July, 2022.

| PRINT NAME | SIGNATURE | ADDRESS | CITY | STATE | ZIP |
|-----------------------------------|------------------------|----------------------|-------------|-----------|--------------|
| <u>Hollyhock Living Trust</u> | <u>Marlene Wheeler</u> | <u>64245 Schibel</u> | <u>Bend</u> | <u>OR</u> | <u>97703</u> |
| <u>TERRY RENNIE TRUST</u> | <u>[Signature]</u> | <u>64245 Schibel</u> | <u>Bend</u> | <u>OR</u> | <u>97703</u> |
| <u>Hollyhock Survivor's TRUST</u> | <u>Marlene Wheeler</u> | <u>64225 Schibel</u> | <u>Bend</u> | <u>OR</u> | <u>97703</u> |

STATE OF OREGON)
County of Deschutes) ss.

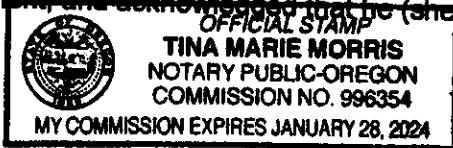
On this 29 day of July, in the year 2022, before me, a Notary Public, personally appeared Marlene Wheeler Rennie personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal
Tina Marie Morris
Notary Public for Oregon.
My Commission expires: 01/28/2024



STATE OF OREGON)
County of Deschutes) ss.

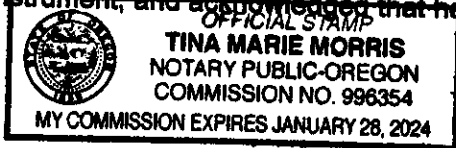
On this 29th day of JULY, in the year 2022, before me, a Notary Public, personally appeared TERRY A. Rennie personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.



WITNESS my hand and official seal
Tina Marie Morris
Notary Public for Oregon.
My Commission expires: 01/28/2024

STATE OF OREGON)
County of Deschutes) ss.

On this 29th day of JULY, in the year 2022, before me, a Notary Public, personally appeared Marlene Wheeler Rennie 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
Tina Marie Morris
Notary Public for Oregon.
My Commission expires: 01/28/2024

STATE OF OREGON)
County of _____) ss.

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: _____

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

Located in _____, Deschutes County.

Reason for road vacation request: See attached

DATED this 29 day of July, 2022.

Table with 5 columns: PRINT NAME, SIGNATURE, ADDRESS, CITY, STATE ZIP. Rows include Kathryn Gates, Trustee and Jeffrey Gates, Trustee.

STATE OF OREGON)
County of Deschutes) ss.

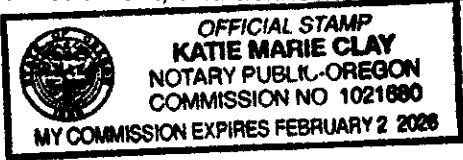
On this 29 day of July, in the year 2022 before me, a Notary Public, personally appeared Kathryn Gates, Trustee of the Jeffrey & Kathryn Gates Rev LIV Trust, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal
Notary Public for Oregon.
My Commission expires: 2/2/2026



STATE OF OREGON)
County of Deschutes) ss.

On this 29 day of July, in the year 2020, before me, a Notary Public, personally appeared Jeffrey Gates, Trustee of the Jeffrey & Kathryn Gates Rev LIV Trust, 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: 2/2/2026

STATE OF OREGON)
County of _____) ss.

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)
County of _____) ss.

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.

Kathryn J. Gates
SIGNATURE
64227 Schibel Rd
ADDRESS
TELEPHONE: 541-815-9608

Reason for Vacating the southern portion of Schibel Rd

1-Invalid Dedication due to Restrictions and Reservations-

Septic was installed & permitted by Deschutes County in 1980, repaired and permitted by Deschutes County in 1991.

The Deed of Dedication was accepted in 1994 by Deschutes County. The 60foot width encroaches upon the septic system, that was approved by Deschutes County.

2-Reduces property values of the 3 tax lots requesting this Vacation, which is 75% of the owners.

3-Decades old trees and landscaping would be lost.

4-Since 1994, the county has never used, improved, nor plowed this road to our knowledge. Not once that we know of has the county plowed the snow during the major snowstorms of 2017 & 2019.

5-The southern portion of the road that is requested to be vacated has not been used by the general public and has only been used as access and a driveway for tax lots 1800 and 1901.

6-Traffic will increase, and no traffic study has been done that we know of.

7-Safety of the young children living on Schibel Road is a concern of the parents and neighbors

8-It is not in the General Public's best interest.

9-Induced to sign the dedication under false pretenses. We were told we could remove the southern portion of the dedication with a "single item deletion"

10-Tax lot 100 to the south will not suffer loss of access as the site address of 64145 Old Bend Redmond Hwy is permitted, approved and installed.

EXHIBIT A
SCHIBEL ROAD – VACATION

A STRIP OF LAND BEING 60.00 FEET WIDE, 30.00 FEET ON EACH SIDE OF CENTERLINE (WHEN MEASURED AT RIGHT ANGLES) LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (SE 1/4, SW 1/4, NW 1/4) AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW 1/4, SW 1/4), ALL IN SECTION 5, TOWNSHIP 17 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE CENTER WEST ONE-SIXTEENTH CORNER OF SAID SECTION 5 BEARS NORTH 34°42'51" EAST, 51.73 FEET, THENCE NORTH 00°43'51" WEST, 161.76 FEET; THENCE SOUTH 88°32'18" WEST, 76.94 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 16°54'37", AN ARC LENGTH OF 88.54 FEET (THE CHORD OF WHICH BEARS SOUTH 80°05'00" WEST, 88.22 FEET); THENCE SOUTH 71°37'41" WEST, 39.52 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 110.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 65°21'54", AN ARC LENGTH OF 125.49 FEET (THE CHORD OF WHICH BEARS NORTH 75°41'22" WEST, 118.80 FEET); THENCE NORTH 43°00'25" WEST, 81.60 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 140.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 80°07'12", AN ARC LENGTH OF 195.77 FEET (THE CHORD OF WHICH BEARS NORTH 02°56'49" WEST, 180.21 FEET); THENCE NORTH 37°06'47" EAST, 125.37 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 27°17'49", AN ARC LENGTH OF 142.93 FEET (THE CHORD OF WHICH BEARS NORTH 50°45'42" EAST, 141.58 FEET); THENCE NORTH 64°24'36" EAST, 40.87 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 150.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 48°27'11", AN ARC LENGTH OF 126.85 FEET (THE CHORD OF WHICH BEARS NORTH 40°11'00" EAST, 123.10 FEET) TO A POINT ON THE ONE-SIXTYFORTH LINE AND THE TERMINUS OF THIS CENTERLINE DESCRIPTION, THE SIDELINES ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE AT SAID ONE-SIXTYFORTH LINE AND AT THE SOUTH LINE OF TAX LOT 171205B001800.

TOGETHER WITH THE FOLLOWING DESCRIBED STRIP OF LAND BEING 60.00 FEET WIDE, 30.00 FEET ON EACH SIDE OF CENTERLINE (WHEN MEASURED AT RIGHT ANGLES) WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH-SOUTH CENTERLINE OF THE NORTHWEST QUARTER OF SAID SECTION 5 FROM WHICH THE CENTER WEST ONE-SIXTEENTH CORNER BEARS SOUTH 00°43'51" EAST, 536.04 FEET, THENCE NORTH 83°16'31" WEST, 147.04 FEET TO THE SIDELINE OF THE ABOVE DESCRIBED STRIP OF LAND AND THE TERMINUS OF THIS CENTERLINE DESCRIPTION, THE SIDELINES ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE AT SAID SIDELINE OF THE ABOVE DESCRIBED STRIP OF LAND AND AT SAID NORTH-SOUTH CENTERLINE OF THE NORTHWEST QUARTER.

THIS LEGAL DESCRIPTION AND EXHIBIT MAP ARE BASED ON COUNTY SURVEY NO. 11789.



'EXHIBIT B' SCHIBEL ROAD VACATION

LOCATED IN THE SW 1/4, NW 1/4 AND THE NW 1/4,
SW 1/4 OF SECTION 5, T. 17 S., R. 12 E., W. M.

S-N 1/64 LINE N89°58'42"W 795.52'

102.86'

HOLLYHOCK 1994 LIVING TRUST
64245 SCHIBEL ROAD
TAX LOT 171205B001901

PORTION OF SCHIBEL ROAD
TO BE VACATED

JEFF AND KATHY GATES
64227 SCHIBEL ROAD
TAX LOT 171205B001800

LEGAL DESCRIPTION AND EXHIBIT MAP
ARE BASED ON COUNTY SURVEY NO. 11789

N-S CENTERLINE OF NW 1/4
S00°43'51"E 536.04'

CW 1/16 CORNER
SECTION 5
T17S, R12E, W.M.



SCALE 1" = 100'

E-W CENTER 1/4 LINE

| CURVE TABLE | | | | | |
|-------------|---------|---------|-----------|-------------|---------|
| CURVE | LENGTH | RADIUS | DELTA | BEARING | CHORD |
| C1 | 88.54' | 300.00' | 16°54'37" | S80°05'00"W | 88.22' |
| C2 | 125.49' | 110.00' | 65°21'54" | N75°41'22"W | 118.80' |
| C3 | 195.77' | 140.00' | 80°07'12" | N02°56'49"W | 180.21' |
| C4 | 142.93' | 300.00' | 27°17'49" | N50°45'42"E | 141.58' |
| C5 | 126.85' | 150.00' | 48°27'11" | N40°11'00"E | 123.10' |

P.O.B. OF 60' WIDE
EASEMENT BEARS
S34°42'51"W, 51.73'
FROM CW 1/16 CORNER

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian W. Reeves

OREGON
JULY 19, 1994
BRIAN W. REEVES
2677

RENEWAL DATE: 12-31-2024

EXHIBIT A
SCHIBEL ROAD – DEDICATION

A STRIP OF LAND BEING 60.00 FEET WIDE, 30.00 FEET ON EACH SIDE OF CENTERLINE (WHEN MEASURED AT RIGHT ANGLES) LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SE 1/4, SW 1/4, NW 1/4) IN SECTION 5, TOWNSHIP 17 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH-SOUTH CENTERLINE OF THE NORTHWEST QUARTER OF SAID SECTION 5 FROM WHICH THE CENTER WEST ONE-SIXTEENTH CORNER BEARS SOUTH 00°43'51" EAST, 536.04 FEET, THENCE NORTH 83°16'31" WEST, 3.92 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 105.88 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 82°05'22", AN ARC LENGTH OF 151.70 FEET (THE CHORD OF WHICH BEARS NORTH 42°13'50" WEST, 139.05 FEET); THENCE NORTH 01°11'09" WEST, 20.44 FEET TO A POINT ON THE ONE-SIXTYFORTH LINE AND THE TERMINUS OF THIS CENTERLINE DESCRIPTION, THE SIDELINES ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE AT SAID NORTH-SOUTH CENTERLINE OF THE NORTHWEST QUARTER AND AT THE ONE-SIXTYFORTH LINE.

THIS LEGAL DESCRIPTION AND EXHIBIT MAP ARE BASED ON COUNTY SURVEY NO. 11789.



**'EXHIBIT B'
SCHIBEL ROAD
DEDICATION**

LOCATED IN THE SE 1/4, SW 1/4, NW 1/4 OF
SECTION 5, T. 17 S., R. 12 E., W. M.

S-N 1/64 LINE N89°58'42"W 795.52'

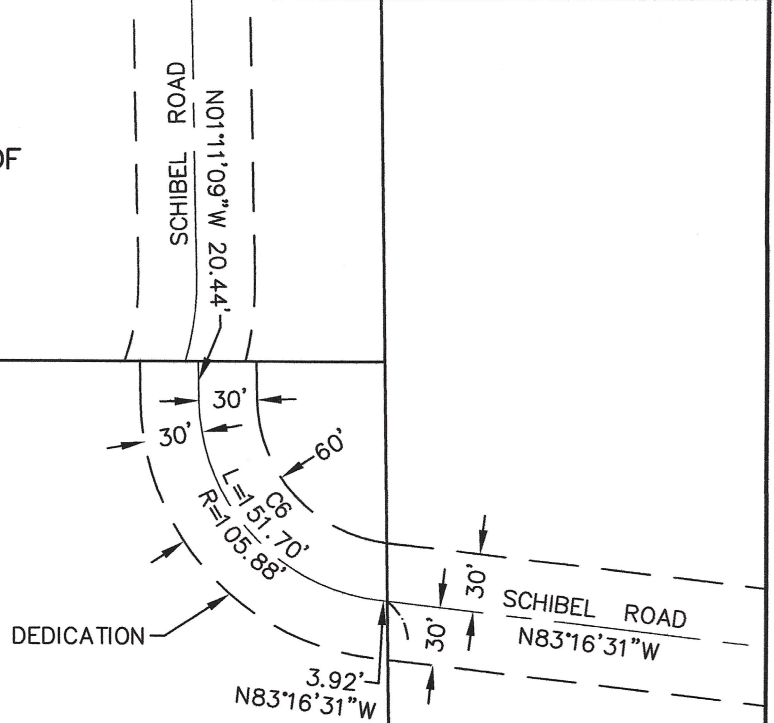
HOLLYHOCK 1994 LIVING TRUST
64245 SCHIBEL ROAD
TAX LOT 171205B001901



SCALE 1" = 100'

E-W CENTER 1/4 LINE

JEFF AND KATHY GATES
64227 SCHIBEL ROAD
TAX LOT 171205B001800



LEGAL DESCRIPTION AND EXHIBIT MAP
ARE BASED ON COUNTY SURVEY NO. 11789

N-S CENTERLINE OF NW 1/4
500.43'± E
536.04'

CW 1/16 CORNER
SECTION 5
T17S, R12E, W.M.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian W. Reeves

OREGON
JULY 19, 1994
BRIAN W. REEVES
2677

RENEWAL DATE 12-31-2024

CURVE TABLE

| CURVE | LENGTH | RADIUS | DELTA | BEARING | CHORD |
|-------|---------|---------|-----------|-------------|---------|
| C6 | 151.70' | 105.88' | 82°05'22" | N42°13'50"W | 139.05' |

VACATION LOSS OF ACCESS CONSENT FORM

We, the undersigned, are the owners of Tax Lot 171205B001901 in Deschutes County, Oregon. The proposed road vacation of a portion of Schibel Road will deprive us of access to a public road necessary for the exercise of our recorded property right.

According to Oregon Revised Statutes 368.331:

368.331 Limitation on use of vacation proceedings to eliminate access. A county governing body shall not vacate public lands under ORS 368.326 to 368.366 if the vacation would deprive an owner of a recorded property right of access necessary for the exercise of that property right unless the county governing body has the consent of the owner.

We hereby give the Board of County Commissioners of Deschutes County, Oregon consent to proceed with the proposed road vacation of a portion of Schibel Road.

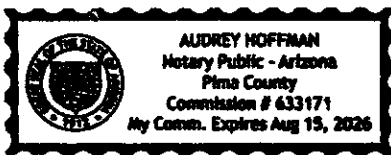
DATED this 27 day of FEBRUARY, 2023.

Marlene Wheeler
Marlene S Wheeler, Owner as Trustee
Hollyhock 1994 Living Trust,

Terry A Rennie, Owner

STATE OF ~~OREGON~~ ^{AH} ARIZONA)
County of ~~Deschutes~~ ^{AH} PIMA) SS.

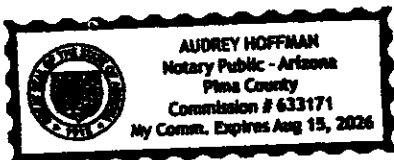
The foregoing instrument was acknowledged before me by Marlene S. Wheeler this 27 day of FEBRUARY, 2023.



Terry A Rennie
NOTARY PUBLIC FOR ~~OREGON~~ ^{AH} ARIZONA
MY COMMISSION EXPIRES: 08/15/26

STATE OF ~~OREGON~~ ^{AH} ARIZONA)
County of ~~Deschutes~~ ^{AH} PIMA) SS.

The foregoing instrument was acknowledged before me by Terry A. Rennie this 27 day of FEBRUARY, 2023.



Terry A Rennie
NOTARY PUBLIC FOR ~~OREGON~~ ^{AH} ARIZONA
MY COMMISSION EXPIRES: 08/15/26

SERVICE PROVIDER CONSENT FOR RIGHT OF WAY VACATION

Kathry Gates, as Chief Petitioner, intends to submit a petition for Deschutes
(Chief Petitioner's Name)

County, Oregon to vacate the public right of way described or depicted in the attached documents.

As a utility or other service provider, Avion Water Company, Inc.

- Does not have existing facilities within the area proposed for vacation.
- Have existing facilities within the area proposed for vacation.

Further, as a utility or other service provider, Avion Water Company, Inc.

- Consents to the vacation of this section of public right of way.
- Consents to the vacation of this section of public right of way but requests that an easement for utilities be granted within the area to be vacated by the underlying property owner.
- Does not consent to the proposed right of way vacation for the following reason:

Mike Heffernan
Print Name of Service Provider Representative

Engineering Department
Representative's Title

Mike Heffernan
Signature

7 / 27 / 22
Date

Ref: Schibel Road Vacation

Avion Water Co. Inc.

60813 Parrell Rd.
Bend, OR 97701

Phone

[541]382-5342

Fax

[541]382-5390

HWY 14, S&S TRUCKS, WADSWORTH

OLD BEND-REDMOND HWY
SCHIBEL RD

ROUTE 04



Completed: 09/2009

Drawn By: TEL

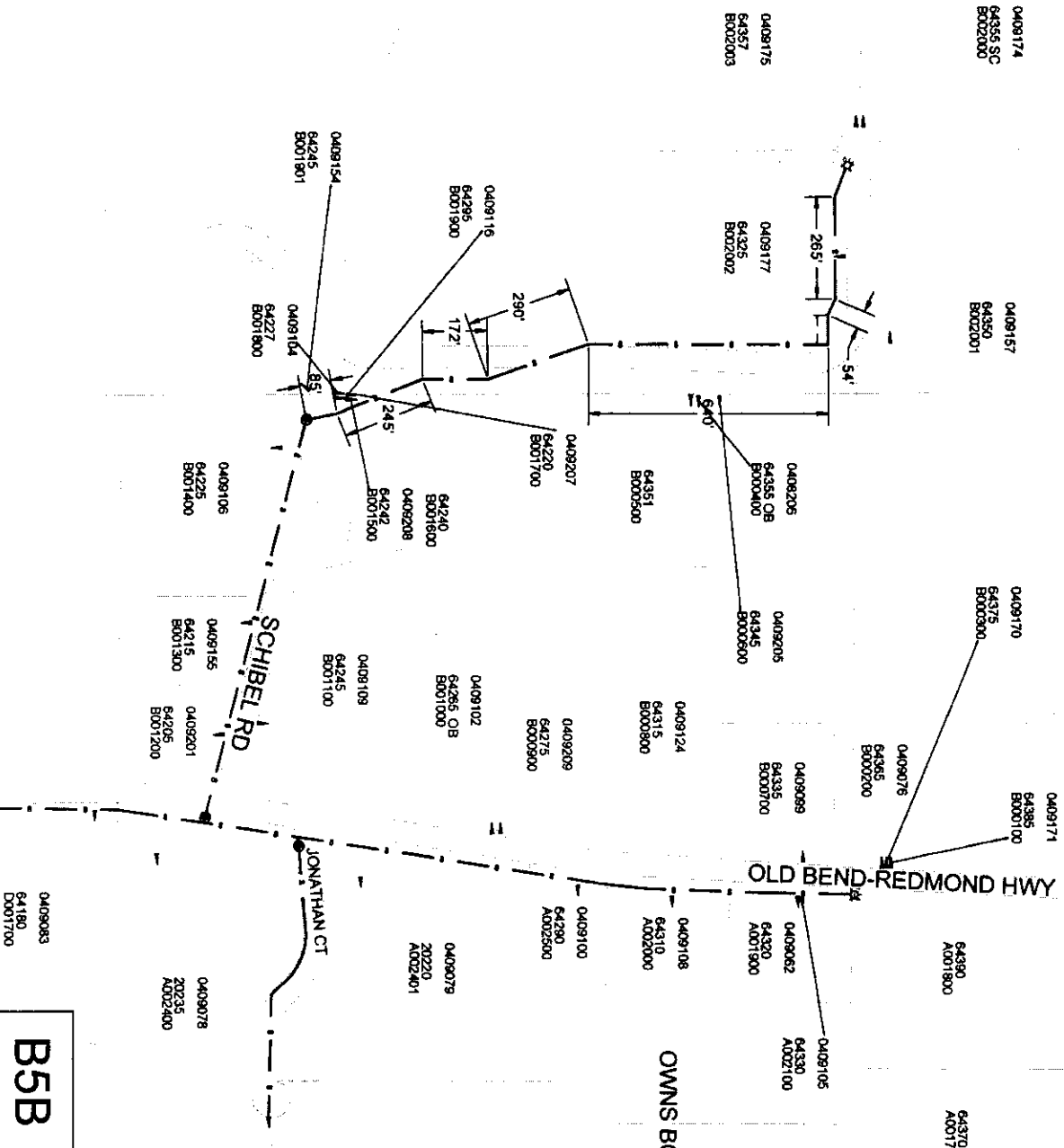
Scale 1"=200"

Legend

- Valve.....
- Fire Hydrant.....
- U Pattern Service.....
- Service.....
- Blow Off.....
- Line Change.....
- Pump Station.....
- Pressure Reducing Valve.....
- Well.....
- Reservoir.....



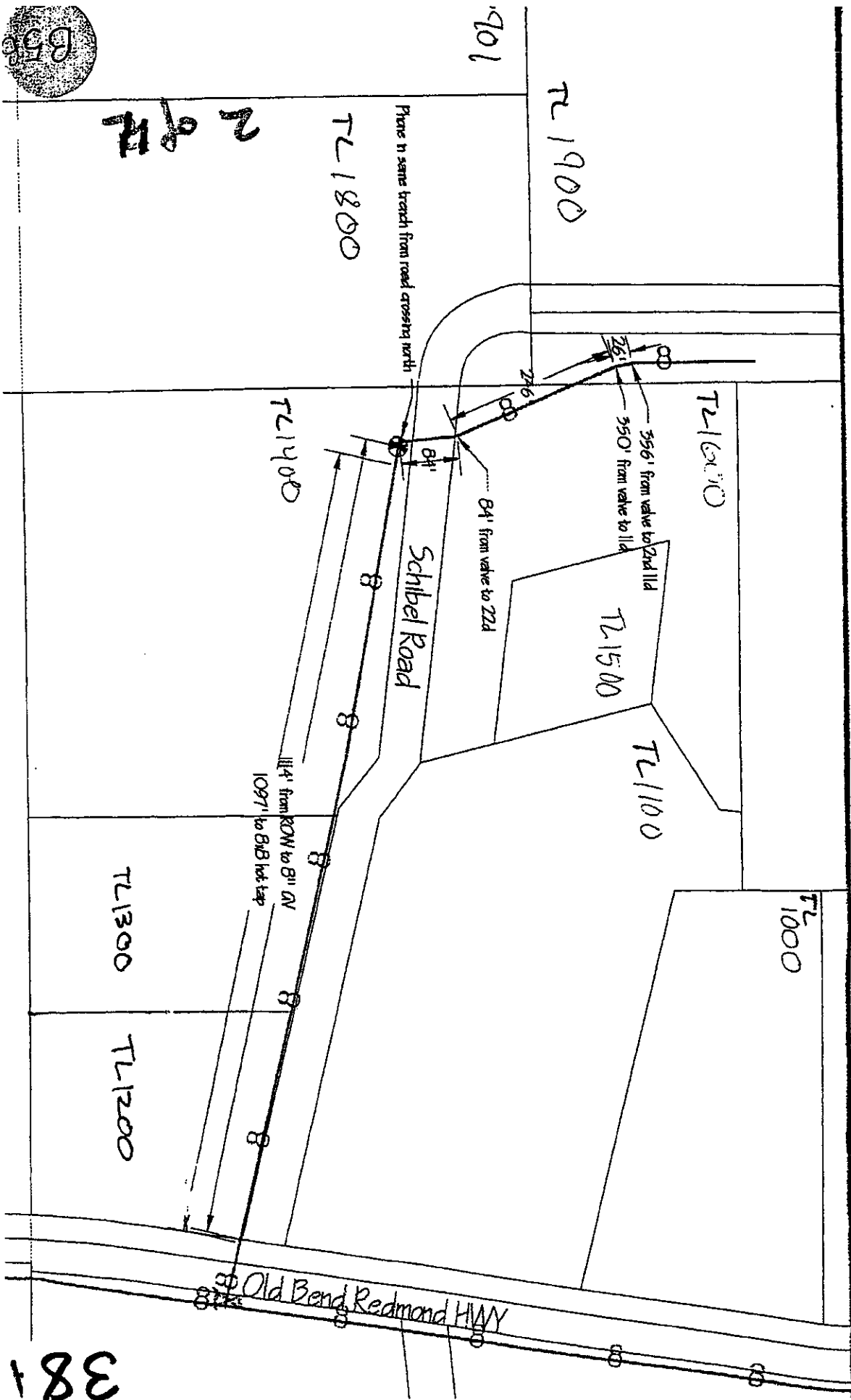
HWY 20



B5B

1712 OS B

Schibel Road



TL 1900

901

TL 1800

Phone in same trench from road crossing north

TL 1400

Schibel Road

TL 1000

356' from valve to 2nd lid
350' from valve to lid

TL 1500

84' from valve to 224

TL 1100

TL 1000

114' from ROW to BI' AV
1097' to BUB hot tap

TL 1300

TL 1200

Old Bend Redmond HWY

381

B58

2 of 12

SERVICE PROVIDER CONSENT FOR RIGHT OF WAY VACATION

Kathy Gates as Chief Petitioner, intends to submit a petition for Deschutes
(Chief Petitioner's Name)

County, Oregon to vacate the public right of way described or depicted in the attached documents.

As a utility or other service provider, Central Electric Cooperative, Inc.
(Service Provider Name)

Does not have existing facilities within the area proposed for vacation.

Have existing facilities within the area proposed for vacation.

Further, as a utility or other service provider, Central Electric Cooperative, Inc.
(Service Provider Name)

Consents to the vacation of this section of public right of way.

Consents to the vacation of this section of public right of way but requests that an easement for utilities be granted within the area to be vacated by the underlying property owner.

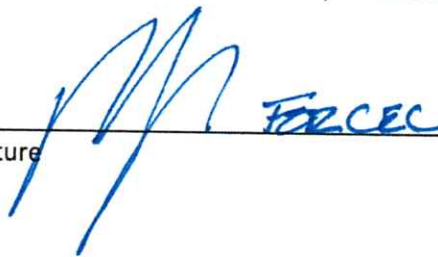
Does not consent to the proposed right of way vacation for the following reason:

If the proposed new Road is dedicated to the public, an easement for CEC's existing facilities located within the proposed new ROW will need to be created.

Parneli Perkins
Print Name of Service Provider Representative

Land & ROW Specialist
Representative's Title

Signature

 FOR CEC

Date

8/18/22