

REVIEWED
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Resolution to Acquire Right of Way for
Construction of Road Improvements for
Powell Butte Highway and Butler Market
Road

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RESOLUTION NO. 2023-049

WHEREAS, by virtue of the laws of the State of Oregon as set forth and defined in Oregon Revised Statutes, Deschutes County is authorized and empowered to acquire by purchase, agreement, donation or by the exercise of the power of eminent domain, real property, or any right or interest therein, including any easement or right-of-way, for the construction, extension, alteration, widening, straightening or otherwise changing of any roads, highways, bridges or approaches within Deschutes County; and

WHEREAS, for the purpose of constructing improvements to Powell Butte Highway and Butler Market Road, it is necessary to acquire additional right-of-way as shown in Exhibit "A" attached hereto and incorporated herein by reference; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, as follows:

Section 1. The Board hereby finds and declares that certain interests in, or fee simple title to, certain parcels of real property, as shown in Exhibit "A", is needed and required for the construction, improvement and betterment of the Deschutes County road system, particularly constructing improvements to Powell Butte Highway and Butler Market Road.

Section 2. That the specified section of highway and the highway facilities for which said parcels of real property are proposed to be acquired will be planned, designed, located and constructed in a manner which will be most compatible with the greatest public good and the least private injury.

Section 3. That Deschutes County Road Department and the Deschutes County Legal Department are hereby authorized to negotiate with the owners of the subject parcels for the acquisition by County of all right, title and interest in and to said parcels, free and clear from any liens or encumbrances and subject to final approval by the Board of County Commissioners of any proposed acquisition.

Section 4. This resolution shall take effect immediately upon passage.

Dated this _____ day of _____, 20____.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

ATTEST:

PATTI ADAIR, Vice Chair

Recording Secretary

PHIL CHANG, Commissioner

Exhibit "A"

LEGAL DESCRIPTION

CWE-01

April 28, 2023

Page 1 OF 1

RIGHT OF WAY DEDICATION

A tract of land, being a portion of that property described in Document Number 2021-68988 Deschutes County Official Records, located in the Northeast one-quarter of the Northeast one-quarter of Section 19, Township 17 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

All of that property described in said Document Number 2021-68988 falling north and east of the following line:

Beginning at a point on the centerline of Bend – Prineville Market Road No.14 ("B") at station 101+92.84;

Thence, North 11°41'15" West a distance of 148.46 feet to the west Right-of-Way of Bend – Prineville Market Road No.14 ("B");

Thence, continuing North 11°41'15" West a distance of 92.04 feet;

Thence, North 00°01'47" West a distance of 264.47 feet;

Thence, North 27°40'55" West a distance of 186.85 feet;

Thence, North 47°10'19" West a distance of 201.87 feet;

Thence, North 70°32'52" West a distance of 298.43 feet to a point on the south Right-of-Way of Butler Market Road No.5, said point being 30.00 feet right of Butler Market Road No.5 ("A" - Main) centerline station 289+74.37.

Thence, continuing North 70°32'52" West a distance of 89.22 feet to the centerline of Butler Market Road No.5 ("A" – Main) at station 288+90.35.

Contains 78,955 square feet more or less.

Bearings and road centerline stationing are based on CS21027, Deschutes County Survey Records.

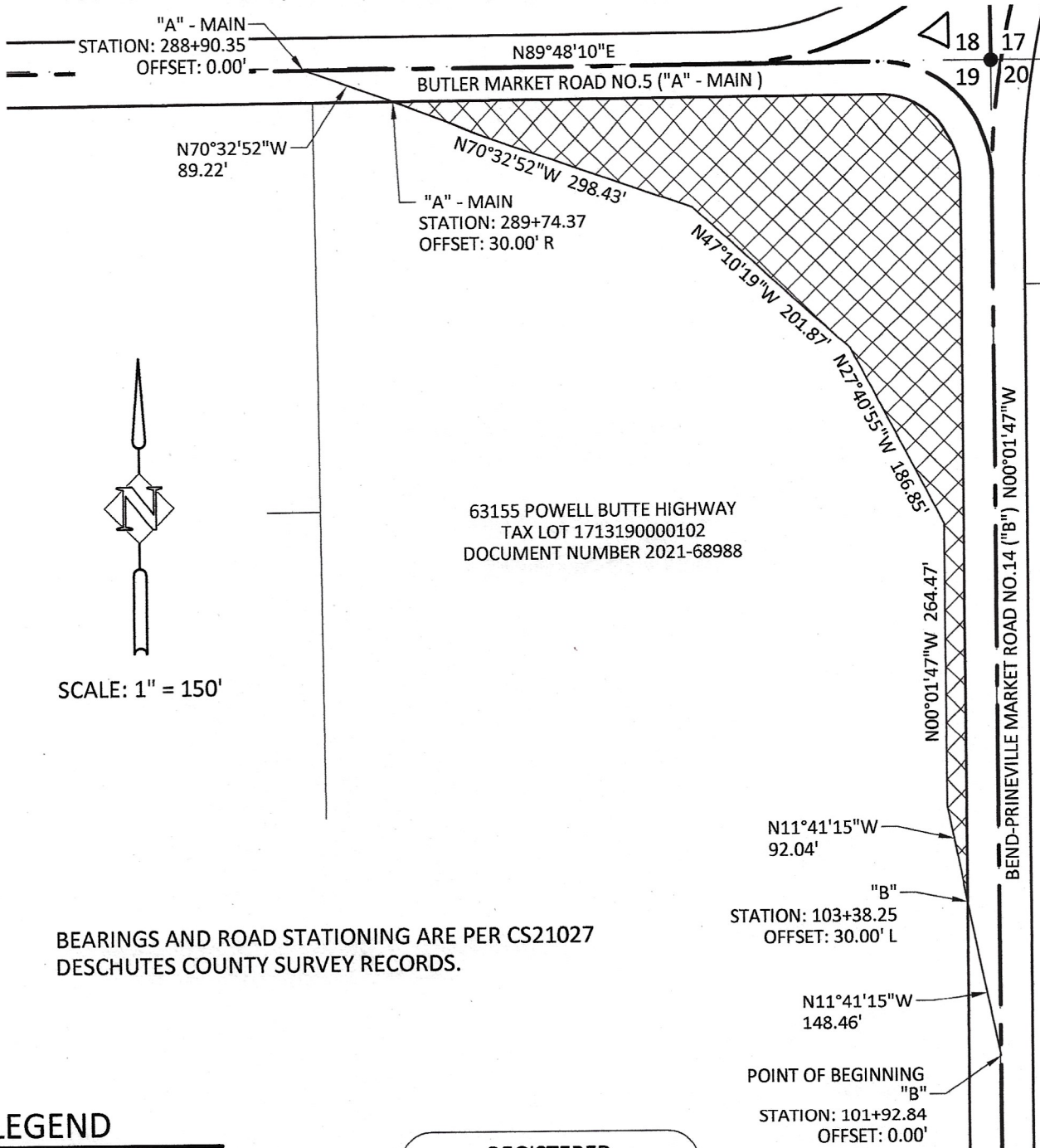
See the attached Exhibit "B", entitled "RIGHT-OF-WAY DEDICATION", which is made a part hereof.



RENEWS: 6-30-25

RIGHT-OF-WAY DEDICATION

LOCATED IN THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 19,
TOWNSHIP 17 SOUTH, RANGE 13 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON



SCALE: 1" = 150'

BEARINGS AND ROAD STATIONING ARE PER CS21027
DESCHUTES COUNTY SURVEY RECORDS.

LEGEND

RIGHT-OF-WAY DEDICATION
± 78,995 SQUARE FEET (1.81 ACRES)

● - FOUND MONUMENT PER CS21027

SEE ATTACHED LEGAL DESCRIPTION
EXHIBIT A.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
NOVEMBER 08, 2010
JOHN TAYLOR HAGLUND
55022

RENEWS: 6-30-2025



**Harper
Houf Peterson
Righellis Inc.**

ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS

250 NW Franklin Avenue, Suite 404, Bend, OR 97703
phone: 541.318.1161 www.hhpr.com fax: 541.318.1141

CWE-01 CLG 4/28/2023 SHEET 1 OF 1

LEGAL DESCRIPTION

CWE-01

April 28, 2023

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RIGHT OF WAY DEDICATION

A tract of land, being a portion of that property described in Document Number 2018-01199 Deschutes County Official Records, located in the Southeast one-quarter of the Southeast one-quarter of Section 18, Township 17 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

All of that property described in said Document Number 2018-01199 falling south and east of the following line:

Beginning at a point on the centerline of Butler Market Road No.5 ("A" - Main) alignment at station 293+68.69;

Thence, North 00°00'35" West a distance of 31.19 feet to the north Right-of-Way of Butler Market Road No.5 ("A" - Main);

Thence, continuing North 00°00'35" West a distance of 65.52 feet;

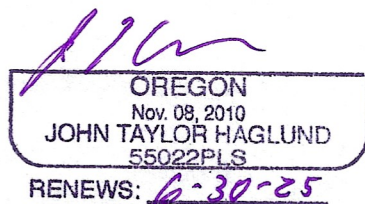
Thence, North 31°12'33" East a distance of 253.27 feet to a point on the west Right-of-Way of Powell Butte Highway, said point being 40.00 feet left of Powell Butte Highway ("C") centerline station 4+44.97;

Thence, continuing North 31°12'33" East a distance of 77.17 feet to a point on the centerline of Powell Butte Highway ("C") at station 5+10.97, said centerline also being the east line of Section 18;

Contains 18,595 square feet more or less.

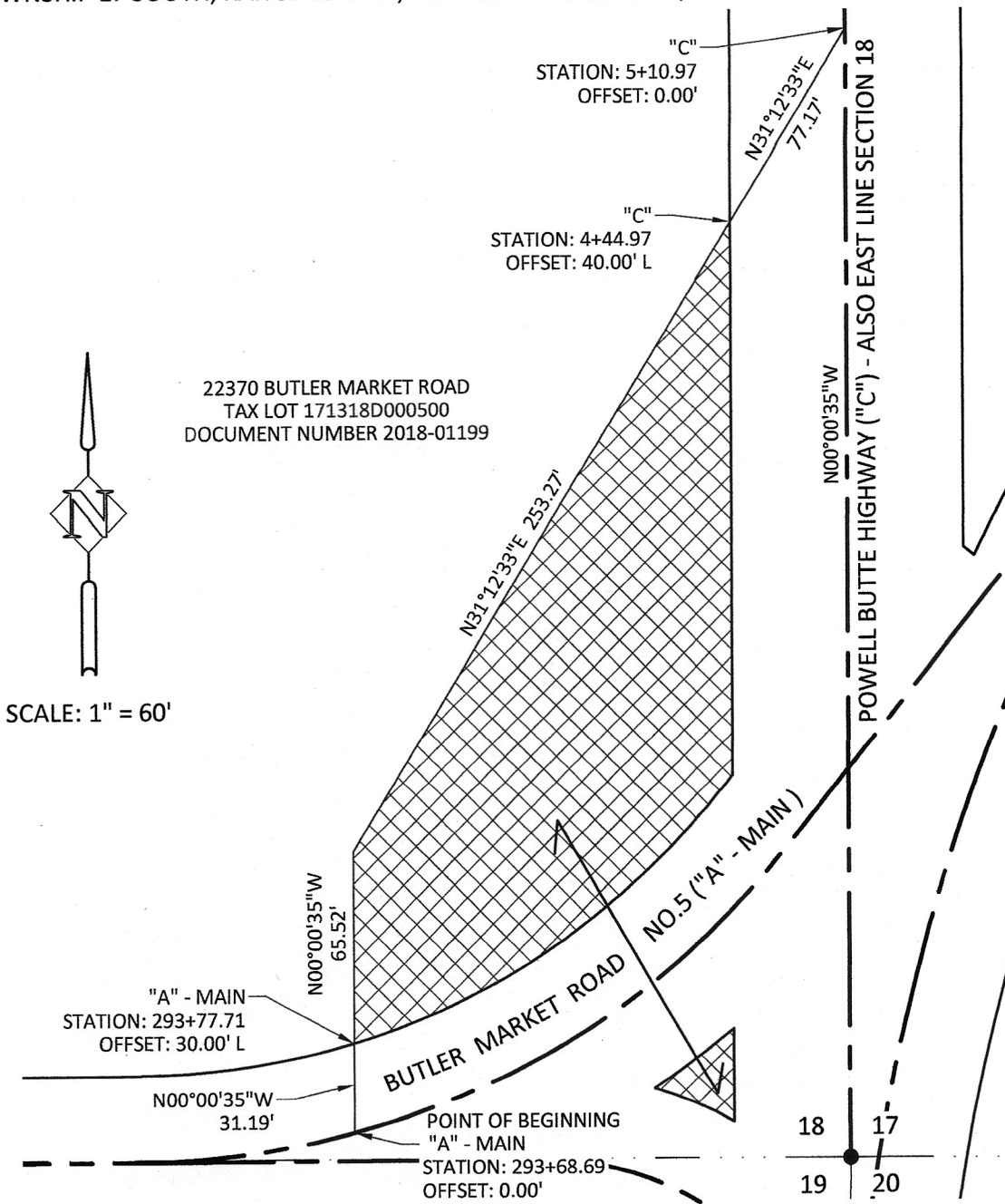
Bearings and road centerline stationing are based on CS21027, Deschutes County Survey Records.

See the attached Exhibit "B", entitled "RIGHT-OF-WAY DEDICATION", which is made a part hereof.



RIGHT-OF-WAY DEDICATION

LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 18,
TOWNSHIP 17 SOUTH, RANGE 13 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON



BEARINGS AND ROAD STATIONING
ARE PER CS21027 DESCHUTES
COUNTY SURVEY RECORDS.

LEGEND

- RIGHT-OF-WAY DEDICATION
± 18,595 SQUARE FEET (0.43 ACRES)
- FOUND MONUMENT PER CS21027

SEE ATTACHED LEGAL DESCRIPTION
EXHIBIT A

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]
OREGON
NOVEMBER 08, 2010
JOHN TAYLOR HAGLUND
55022

RENEWS: 6-30-2025

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