



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: Monday, June 13, 2022

SUBJECT: Consideration of Order No. 2022-031, Vacating a Portion of W.R. Wilkinson Road

RECOMMENDED MOTION:

Move approval of Order No. 2022-031.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Road Department has received a petition to vacate the public right of way for a portion of W.R. Wilkinson Road in Section 35, Township 17S, Range 12E, W.R. Chief Petitioner for the proposed vacation is H. Porter Burns on behalf of Porter Kelly Burns Landholdings LLC, owner of Tax Lot 100 on Assessor's Map 17 12 35DC; additional Petitioner for the proposed vacation is Craig R. Smith on behalf of Hayden Homes. Tax Lot 100 on Assessor's Map 17 12 35DC comprises all of the abutting or underlying properties to the subject right of way.

The subject right of way was established on January 12, 1908 by Crook County order recorded as Crook County Commissioners Journal Volume 4, Page 189, which established a 60-foot wide right of way. The subject right of way is contained within the area of the HB 4079 – City of Bend Affordable Housing Pilot Program, which will include expansion of the Bend Urban Growth Boundary and annexation by the City of Bend of the subject tax lot to provide for development of 347 housing units, including 108 affordable housing units. The subject property was approved for a zone change, from Multiple Use Agricultural (MUA10) to Urbanizable Area (UA), on May 20, 2022 under County Land Use File No. 247-22-00124-ZC. Presently, the subject right of way contains no road improvements but does contain public utilities. Bear Creek Road, an improved public road, exists immediately south of the area proposed for vacation. The proposed vacation will facilitate the platting of Phases 2 and 7 of the HB 4079 – City of Bend Affordable Housing Pilot Program on the subject tax lot.

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. 2022-031 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