



**City of Prineville**  
**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**  
**PLANNING COMMISSION RECOMMENDATION**  
**FOR THE VACATION OF A PORTION OF 4<sup>TH</sup> ST.**

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**TO:** City Council

**FROM:** Planning Commission

**CC 1<sup>ST</sup> HEARING:** May 12, 2009

**PC HEARING:** June 2, 2009

**CC 2<sup>ND</sup> HEARING:** June 9, 2009

**EXHIBITS:** EXHIBIT A "Legal Description"  
EXHIBIT B "Aerial View"  
EXHIBIT C "Tax Map"  
EXHIBIT D "Deed"

**City Commission Members Present:** Marty Bailey, Seth Crawford, Linda Chadwick, Don Wood, Will Van Vactor, Deb Harper, Al Baensch

**Staff Present:** Scott Edelman, Josh Smith

**Provided Testimony in support:**

Parks Staff: Maureen Crawford, Jeannie Searcy

Parks Board Members: Forest Carbaugh, Donna White

**Provided Written Testimony:**

Parks Board Member: Jerry Coale

Business owners: Jim and Peg Petersen

Planning Commission Recommendation

After hearing public testimony and a period of questions and answers, among staff, the Commission and proponents of the vacation, the commission closed the hearing and went into deliberations.

From this deliberation the Commission decided unanimously to recommend **approval** of the proposed 4<sup>th</sup> St. Vacation.

The following is information and concerns the Planning Commission took into consideration:

Information

When this property was deeded to the Parks District on April 12, 1985 a deed restriction was placed on the property that does not allow the Parks district to use the property for anything other than parks or recreation purposes. If it is not used for parks or recreation purposes, the property automatically reverts back to City ownership.

Concerns

- 1) The property south of the pool site is zoned commercial. The concern was that parks may use the property to lease commercial businesses. However the deed restriction should prevent this.
- 2) Although current transportation plans do not call for 4<sup>th</sup> St. to continue through to Juniper St., members of the Commission expressed that the City may decide it is a necessity for a local east west connection.
- 3) Parks and Rec. may build their new office in the newly vacated portion, and then may decide not to build a new pool or other recreation facility on the existing pool site. It is unlikely that Parks wouldn't utilize this property but it could put the city in the position of having to condemn the "new office" if the City wanted the street right-of-way back because the existing pool site is not being used for Parks & Recreation.
- 4) Overall the Planning Commission determined that the value of this property for community recreational purposes outweighs the benefits of 4<sup>th</sup> St. continuing through the site. However concern was expressed that the pool site may end up vacant or used for a parking lot rather than a recreational facility. In such a case the benefit of 4<sup>th</sup> St. as a through street would take precedent.

Marty Bailey

WMM Bailey 6-15-09  
Planning Commission Chair

Legal Description

Armstrong Surveying & Engineering, Inc.

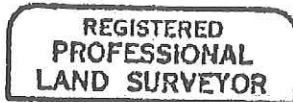
267 NE Second Street, STE 100 - Prineville, Oregon 97754-(541) 447-7791 - fax: (541) 416-1602

EXHIBIT A

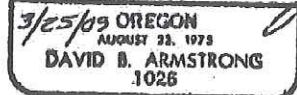
VACATION DESCRIPTION OF A PORTION OF NE FOURTH STREET IN FOURTH ADDITION TO CITY OF PRINEVILLE, CROOK COUNTY, OREGON

LEGAL DESCRIPTION

A portion of NE Fourth Street located in Fourth Addition to the City of Prineville, Crook County, Oregon, more particularly described as follows: Beginning at a point on the North line of Block Fifteen (15) of said plat located 180 feet West of the Northeast corner of said Block 15, thence West along the North line of said Block 15 a distance of 60 feet to the Northwest corner of said Block 15; thence North a distance of 80 feet to the Southwest corner of Block Seventeen (17) of said plat; thence East along the South line of said Block 17 a distance of 60 feet to a point located North of the point of beginning; thence South a distance of 80 feet to the point of beginning.



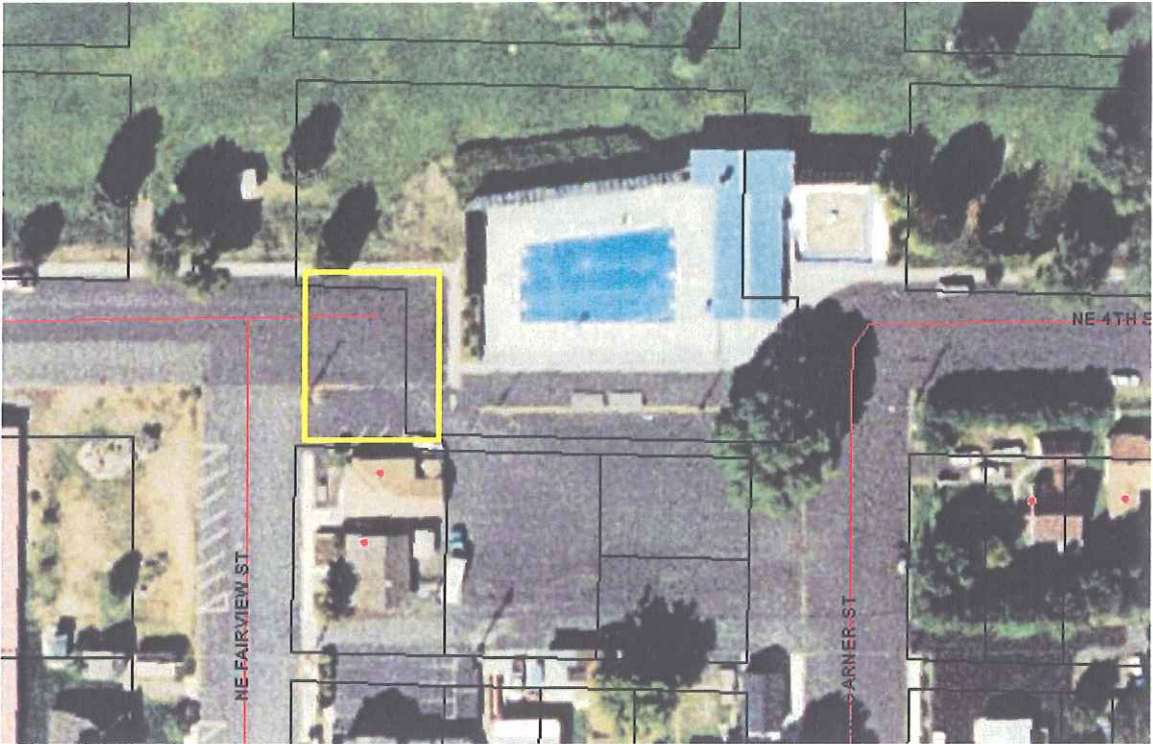
*David B. Armstrong*



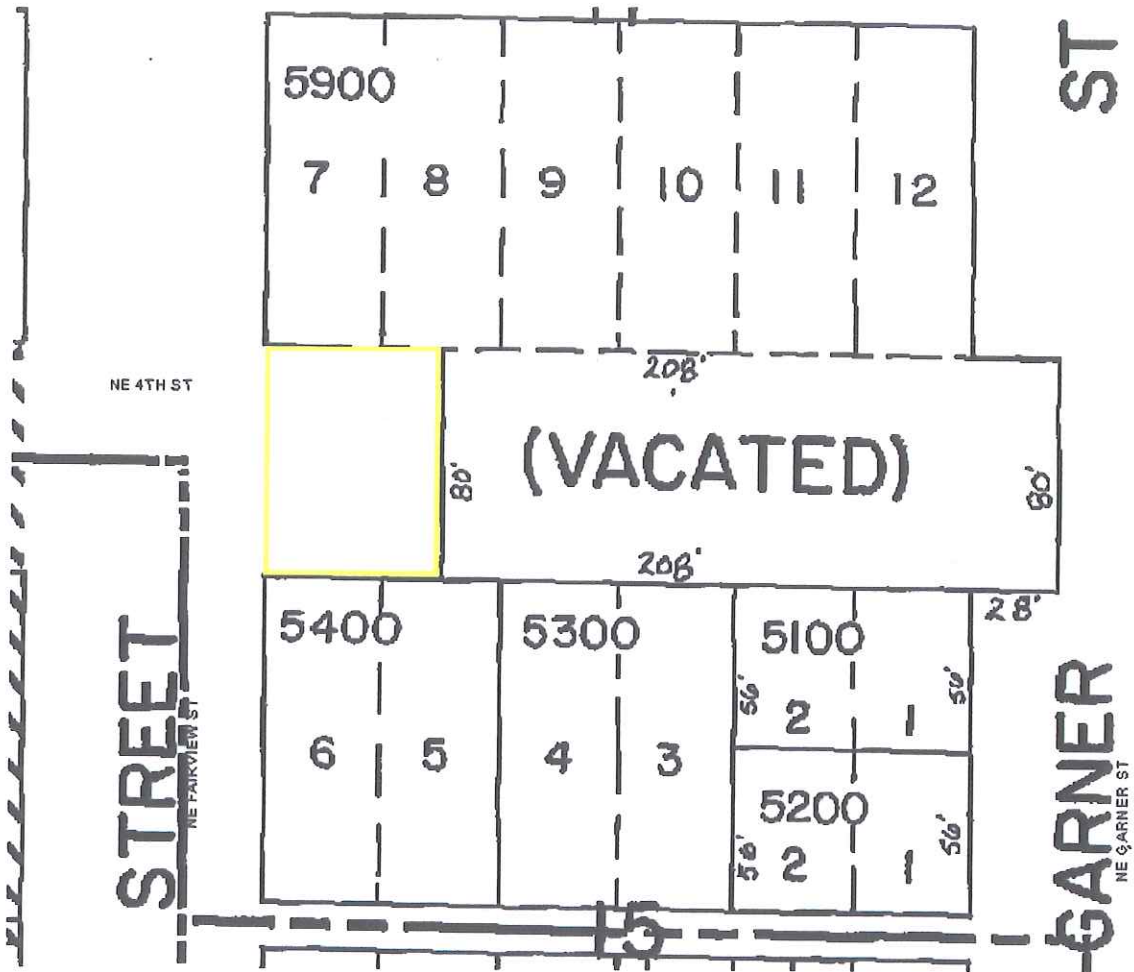
*Renews 12/31/09*



Aerial Map



Tax Map



DEED

The CITY OF PRINEVILLE, a municipal corporation, Grantor, conveys to CROOK COUNTY PARKS & RECREATION DISTRICT, a municipal corporation, Grantee, the real property described at Exhibit "A" attached hereto and by this reference made a part hereof, to have and hold the above described real property so long as Grantee shall continue to exist and so long as all the above real property is used for park or recreation purposes. When said District shall no longer exist or when any of the above described real property is not used for park or recreation purposes, the interest of Grantee, its successors or assigns as to all of the above described real property shall automatically terminate and revert to the Grantor, its successors or assigns.

If a legal proceeding is commenced against either or both of the parties concerning the right or ability of Grantor to transfer any of the property transferred to Grantee or the manner of said transfer, that Grantor and Grantee shall evaluate the legal proceeding to determine the probability of the proceeding's success. If Grantee or both Grantor and Grantee in good faith believe the legal proceeding will not succeed, Grantee shall defend against the proceeding and shall indemnify Grantor from any and all costs and expenses concerning said proceeding. If Grantor alone believes the legal proceeding will not succeed, it will defend against the proceeding. If both Grantor and Grantee agree legal proceeding will succeed, the property in question shall be transferred to Grantor by Grantee at no cost to Grantor.

Reserving unto Grantor, its successors and assigns, a permanent easement for the placement, repair, maintenance and replacement of an underground waterline on the above described parcel 14 and the permanent right to enter upon said parcel 14 to place, repair, maintain, or replace said waterline. Grantor reserves the permanent right to excavate and refill ditches and trenches for the location of said pipeline, and the further right to remove trees, bushes, undergrowth and other obstructions interfering with the placement, repair, maintenance or replacement of said pipeline, and to do any other act Grantor deems necessary to carry out the purpose of this easement. Grantor shall use its best efforts to not interfere with Grantee's use of said property.

Subject to easements, restrictions, reservations and rights-of-way of record.

The true and actual consideration for this conveyance is Zero Dollars (\$0.). The consideration for this conveyance consists of other value given which is the whole consideration.

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED: April 12, 1985.

CITY OF PRINEVILLE

By Ronald E. Scanlon

By Marge Levens

STATE OF OREGON )  
                          ) ss.  
County of Crook )

Personally appeared RONALD E. SCANLON and MARGE LEVENS, each being first duly sworn, did say that the former is the Mayor and that the latter is the City Administrator of the City of Prineville, a municipal corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its City Council, and each of them acknowledged said instrument to be its voluntary act and deed.

Before me this 12th day of April, 1985.

Patricia L. Herberich  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 9/20/86



EXHIBIT "A"

Parcel #1

The East 20 feet of Lot One (1), and the East 20 feet of the North 15 feet of Lot Two (2) in Block Three (3) of the First Addition to Prineville, Oregon, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon.

Parcel #2

All of Block Number 2 of the Oregon & Western Addition to the City of Prineville, Crook County, State of Oregon, according to the plat and survey thereof now on file and of record in the office of the County Clerk of Crook County, State of Oregon.

Parcel #3

Beginning at a point on the East line of East "J" Street as platted in the Fourth Addition to Prineville, Oregon, said point being 297.42 feet North of the North line of East Third Street, thence North 262.58 feet, thence East to a point on the Westerly bank of Ochoco Creek, thence Southeasterly following the Westerly bank of Ochoco Creek to a point due East of the point of beginning, thence due West to the point of beginning.

Parcel #4

Beginning at the Northwest corner of the Northwest quarter of the Northeast quarter of Section 5 in Township 15 South of Range 16 East of the Willamette Meridian, thence North 89°49'41" East along said North line 185.98 feet to a point on the West line of Juniper Street extended to the North, thence South 7°06' East along said Juniper Street a distance of 126.08 feet, more or less, to a point on the North line of East Fifth Street, thence West along the North line of said East Fifth Street 203.6 feet, more or less, to a point on the West line of the Northwest quarter of the Northeast quarter of said Section 5, thence North along said West line 122.2 feet, more or less, to the point of beginning.

Parcel #5

Beginning at a point 80 feet West of the Northeast corner of Tract 6 of the Steve W. Yancey Addition to Prineville, Oregon, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon, thence West 250 feet, thence South 280 feet, thence East 250 feet, thence North 280 feet to the point of beginning, EXCEPTING the following described tract: Beginning at the intersection of the West boundary of Harwood Street extended and the South boundary of Eighth Street, thence South 0°11' East 277.04 feet to a point thence West 57.59 feet to an iron pipe, thence North 11°34' East 282.79 feet to the point of beginning.

Parcel #6

Beginning at the Southeast corner of Section 6 in Township 15 South of Range 16 East of the Willamette Meridian, thence North 1129.85 feet along the East line of said Section 6, thence West 547.8 feet, more or less, to a point on the East line of the tract deeded to Columbus J. Johnson by deed recorded in Book 41 of Deeds at page 532, Records of Crook County, Oregon, thence South along the East line of said tract to a point on the South line of said Section 6, thence East along the South line of said Section 6 a distance of 547.8 feet, more or less, to the point of beginning.

Also, beginning at a point on the West line of Section 5 in Township 15 South of Range 16 East of the Willamette Meridian, said point being 1009.85 feet North of the Southwest corner of said Section 5, thence South along the West line of said Section 5 a distance of 100 feet, thence East to a point on the Westerly right of way line of the Crooked River Highway, as now located and constructed, thence Northwesterly along said right of way line to a point due East of the point of beginning, thence West 136.85 feet, more or less, to the point of beginning.

Parcel #7

A tract of land in Section Five (5) Township 15 South, Range 16 East, W.M., more particularly described as follows: Beginning at the Northwest corner of Block Sixteen (16) of the First Addition to Prineville, Oregon, running thence North along the produced east line of East "D" Street of said addition, 54 feet; thence South 82°18' East 241.2 feet to the West line of East "E" Street of said addition; thence South along said West line of East "E" Street 22.5 feet to the Northeast corner of said Block 16, thence West along the North line of said Block 16 240 feet to the place of beginning.

Parcel #8

Beginning at a point 140 feet east and 30 feet south of the southeast corner of Block 11, Newsom's First Addition to Prineville, according to the duly recorded plats thereof; thence South to the Southerly boundary of a certain tract of land heretofore conveyed by Chas. Altschul and wife to S. J. Newsom, by quitclaim deed recorded in Deeds 27 page 158, Records of Crook County, Oregon; thence Easterly along said south boundary line to the West boundary of East "E" Street; thence North along the West line of said East "E" Street to a point due East of the place of beginning; thence west to the place of beginning.

Parcel #9

Lots 1, 2, 3, 4, 5 and 6 of Block 15 and all of Blocks 16, 17, 18, 19 and 20 of the Fourth Addition to Prineville, Oregon, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon.

Parcel #10

Beginning at the quarter corner of North line of Section 5 of Township 15 South, Range 16 East of the Willamette Meridian, thence West along the township line 1120.2 feet to a point, thence South 120 feet more or less to the North line of East 5th Street, thence East along the North line of East 5th Street 1120.2 feet more or less to a point South of the point of beginning, thence North to the point of beginning.

Parcel #11

All of Block 16 of the First Addition to Prineville, Oregon, according to the official plat thereof on file and of record in the office of the County Clerk for Crook County, Oregon.

Parcel #12

Beginning at a point 30 feet South and 30 feet East from the Southeast corner of Block 11 of Newsom's First Addition to Prineville, Oregon, thence South to the southerly boundary line of a tract of land heretofore conveyed by Chas. Altschul and wife to S. J. Newsom by quitclaim deed, which is recorded in Volume 27 at page 158, Records of Deeds of Crook County, Oregon; thence northwesterly along said southerly boundary line 571 feet, more or less, to the north line of Section 5, Township 15 South of Range 16 East of the Willamette Meridian; thence easterly along said Section line to a point due South of the Southeast corner of Block 10 of Newsom's First Addition, thence South 30 feet, thence East 330 feet, more or less, to the point of beginning.

Parcel #13

That part of the following described parcel located North of Ochoco Creek. The entire parcel being described as follows: Beginning on the Township line between Section 32 in Township 14 South of Range 16 East of the Willamette Meridian and Section 5 in Township 15 South of Range 16 East of the Willamette Meridian; thence South 79°02' East 331.5 feet; thence South 76°01' East 308.2 feet; thence South 82°18' East 32.9 feet thence South along the East line of East D Street in the City of Prineville, Oregon, 54 feet more or less to the Northwest corner of Block 16, First Addition to Prineville, thence West along the North line of Block 8 and 9 of said First Addition 640 feet, more or less to the Northwest corner of said Block 8; thence North 4°12' West 197.5 feet, more or less to the place of beginning, all in Section 5, Township 15 South of Range 16 East of the Willamette Meridian in Crook County, Oregon.



Parcel #14

A portion of the West half of the Northwest quarter of Section 8 in Township 15 South, Range Sixteen East of the Willamette Meridian, Crook County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of said Section 8, thence South 00°06'25" East 80.00 feet along the West line of Section 8 to a point on the Easterly right-of-way line of Peoples Irrigation Canal; thence leaving said section line along said canal right-of-way along the following courses: South 34°33'56" East 33.60 feet; thence South 47°47'00" East 74.00 feet; thence South 26°00'00" East 132.00 feet; thence South 41°06'00" East 148.00 feet; thence South 08°44'00" East 164.00 feet; thence South 20°05'00" East 189.00 feet; thence leaving said canal right-of-way South 64°28'00" East 312.00 feet; thence South 11°08'00" East 290.00 feet; thence South 20°26'00" West 118.00 feet; thence South 24°56'00" East 360.00 feet; thence South 49°35'00" East 278.00 feet; thence South 09°03'00" East 175.00 feet; thence South 31°15'00" East 212.00 feet; thence South 44°37'00" East 270.00 feet more or less to a point on the East line of the West one-half of the Northwest one-quarter of said Section 8; thence Northerly along said line 160 feet more or less to a point of intersection of said line and the Southwesterly right-of-way line of Crooked River Highway; thence North 43°36'47" West 103.00 feet more or less to the beginning point for a curve, said point lying South 2069.34 feet East 1245.07 feet from the Northwest corner of said Section 8; thence continuing along said right-of-way along the following courses; along the arc of a 571.70 foot radius curve right 550.22 feet; (the long chord of which bears North 16°02'29" West 529.23 feet); thence North 11°31'48" East 628.04 feet; thence along the arc of a 627.17 foot radius curve left 499.56 feet; (the long chord of which bears North 11°17'20" West 486.46 feet); thence North 34°06'28" West 567.83 feet to a point on the North line of said Section 8; thence leaving said right-of-way line South 89°52'09" West along said section line 810.73 feet to the Northwest corner of said Section 8, said point being the point of beginning and terminus of this description.

Jerry Coale  
906 NW Rollo Lane  
Prineville, OR 97754  
447-0747

May 29, 2009

Prineville City Planning Commission  
387 NE Third Street, Prineville OR 97754

Subject: City Planning Commission meeting on 6/2/09 to hear public input concerning Crook County Parks and Recreation District request to the City of Prineville to vacate a portion of NE Fourth Street.

Commissioners:

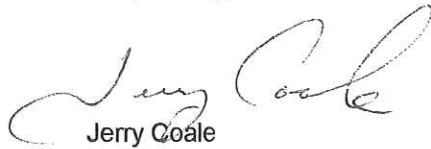
Please be advised that the CCPRD Board of Directors vote to authorize CCPRD staff to research the possibility of constructing a new CCPRD office building on a portion of NE Fourth Street that is adjacent to the swimming pool, and to file a request with the City of Prineville to vacate this property, was not unanimous. The voting tallied: four board members in favor; one board member opposed. It is also true that CCPRD board meeting deliberations to arrive at this vote focused on properties that are proximate to the swimming pool. Other CCPRD owned properties that are also potential office building sites have yet to receive fair evaluation from the CCPRD Board of Directors. Two such properties that the board may consider prior to a final decision on the proposed office project are:

1. The CCPRD property on NE Juniper Street that contains the dated skate park and tennis court facilities is due for redevelopment. Currently a citizen led committee proposes to redevelop this property into a modern skate park facility. There may be adequate space here for both the Skate Park and CCPRD office facilities.
2. The CCPRD properties on NE Elm Street that contain the CCPRD Maintenance Office and Maintenance Equipment Yard are zoned R4 for Residential Redevelopment. It is reasonable to expect that the CCPRD will eventually want to redevelop these properties into a conforming use, which could be a creek side park with CCPRD office and recreation activity facilities.

This park district has a history of being able to foster community partnerships, and to receive grants and donations as a means to achieve significant results, even though the park district's own resources are limited. I am confident that the proposed office project will likewise evolve into a partnership project that benefits the community at large as well as CCPRD staff.

I apologize for not being available to attend the City Planning Commission hearing in person.

Respectfully,



Jerry Coale  
CCPRD Board Member and Board Chairman

JAMES G. PETERSEN, D.M.D., P.C.

607 N.E. Third Street

Prineville, OR 97754

Telephone: (541) 447-3855

April 24, 2009

City of Prineville  
387 NE third Street  
Prineville, Oregon 97754

Department of Planning & Community Development

Joshua Smith and City Counsel

In response to the notice of street vacation of NE Fourth street lying between blocks 15 and 17. We would like to see possible parking spaces added in this area. As busniess owners @ address 607 NE Third Street we find at numerous time 's of the year this certain area does not have enough parking. We find that folks utilizing the pool etc park and or block our lot which has our patients seeking additional parking elsewhere. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jim & Peg Petersen". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Jim and Peg Petersen