

T. J. C. / ORIGINAL

Memorandum Date: December 22, 2006
Order Date: January 17, 2007

TO: Board of County Commissioners
DEPARTMENT: Public Works/Land Management/Surveyors
PRESENTED BY: Bill Robinson, Lane County Surveyor BR
AGENDA ITEM TITLE: IN THE MATTER OF ACCEPTING A DEED OF LAND TO BE USED AS A PUBLIC ROAD EASEMENT FOR SHOESTRING ROAD (COUNTY ROAD NO. 1074) (22-04-35 & 36)

I. MOTION

TO APPROVE THE ORDER ACCEPTING A DEED OF LAND TO BE USED AS A PUBLIC ROAD EASEMENT FOR SHOESTRING ROAD (COUNTY ROAD NO. 1074) (22-04-35 & 36)

II. AGENDA ITEM SUMMARY

The Board is being asked to decide whether or not to accept a deed of land to be used as a public road easement for Shoestring Road (County Road no. 1074) (22-04-35 & 36)

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

County Road 1074 (Shoestring Road) was established by the County Commissioner's Court on February, 1931. In 2005, the Road Advisory Committee recommended safety and stability improvements along Shoestring Road. Improvement of Shoestring Road at MP 2.95 was approved for funding through the adoption of the FY 2004-05 through FY 2008-09 Capital Improvement Plan. Order No. 05-1-3-2 resolved to acquire and immediately occupy real property in order to make improvements. Real Property was acquired by Lane County from Roseboro Lumber Company, LLC by Warranty Deed 2005-019405, Lane County, Oregon Deed and Records, dated 3/21/2005 and a Record of Survey was filed with the Lane County Surveyor's Office, as County Survey No. 39878.

The Surveyor's Office has received a request from the Right of Way Management program of the Department of Public Works to accept said parcel of County owned land as a Public Road Easement for Shoestring (County Road Number 1074).

B. Policy Issues

Lane Code Chapter 15 provides for improvement, development or redevelopment of County Roads in accordance with the Comprehensive Plan.

C. Board Goals

Lane County Government exists to ensure the safety and well being of the people who live, work and visit our communities. That includes personal safety, security of property, preservation of infrastructure, health safety, and assisting in providing for our citizens' basic needs. One such goal is to protect the public's assets by maintaining, replacing or upgrading the County's investments in systems and capital infrastructure. (GOALS, LANE COUNTY STRATEGIC PLAN 2001-2005, Page 13)

D. Financial and/or Resource Considerations

This acquisition is part of the FY 2004-05 through FY 2008-09 Capital Improvement Plan. All right of way acquisition and road improvements have been made. No additional cost will be incurred as a result of completing the acceptance of this deed for Shoestring Road.

E. Analysis

Shoestring road is a 50 foot wide rural minor collector road. The additional right of way was designed by the Engineering Design Section to redirect the road around the slide area to make necessary safety and stability improvements.

F. Alternatives/Options

The Board of County Commissioners has the options to:

1. Approve the acceptance of the property referred to in the Order.
2. Deny the acceptance of property referred to in the Order.
3. Continue the matter for further consideration

V. TIMING/IMPLEMENTATION

Implementation of the proposed order will ensure the road is maintained as a County Road.

VI. RECOMMENDATION

It is recommended by the Director of Public Works that the Board support Alternative Number 1, approving the acceptance of this parcel of County owned land for public road purposes and as a County Road

VII. FOLLOW-UP

If the Board of County Commissioners approves the Order accepting said deed as a part of County Road Number 1074 (Shoestring road), it is to be entered in the records of the Board of County Commissioners Journal of Administration after which copies are to be forwarded to the County Surveyor and County Assessor for appropriate action

VII. ATTACHMENTS

Order
Map

IN THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON

IN THE MATTER OF ACCEPTING A DEED)
OF LAND TO BE USED AS A PUBLIC ROAD)
EASEMENT FOR SHOESTRING ROAD) ORDER NO.
(COUNTY ROAD NO. 1074) (22-04-35 & 36))

THIS MATTER now coming before the Board of County Commissioners of Lane County and Roseboro Lumber Company, LLC, an Oregon Limited Liability Company, owning land within Lane County which is not within the limits of an incorporated city or town, having presented to the Board of County Commissioners of Lane County a good and sufficient Warranty Deed recorded on March 21, 2005, Instrument Number 2005-019405 of the Lane County, Oregon Deed Records; and the Board of County Commissioners of Lane County deeming it proper, as a convenience for property owners in the area and as a benefit to the general public, to accept said deed for a public road easement;

NOW, THEREFORE, IT IS HEREBY ORDERED that the said deed shall be and is hereby accepted by the Board of County Commissioners of Lane County as a public road easement; and

IT IS FURTHER ORDERED that the described right-of-way be expressly accepted as County Road by this Order; and

IT IS FURTHER ORDERED that the above Order shall be entered in the records of the Board of County Commissioners' Journal of Administration and in the road records for County Road Number 1074 in the regular numbered road files in the County Surveyor's Office.

DATED this _____ day of _____, 2007.

DEPARTMENT OF PUBLIC WORKS
LAND MANAGEMENT DIVISION

BOARD OF COUNTY
COMMISSIONERS
LANE COUNTY, OREGON

Approved 12-26, 2006

Chair

By [Signature]
For: Jeff Towery, Division Manager

APPROVED AS TO FORM

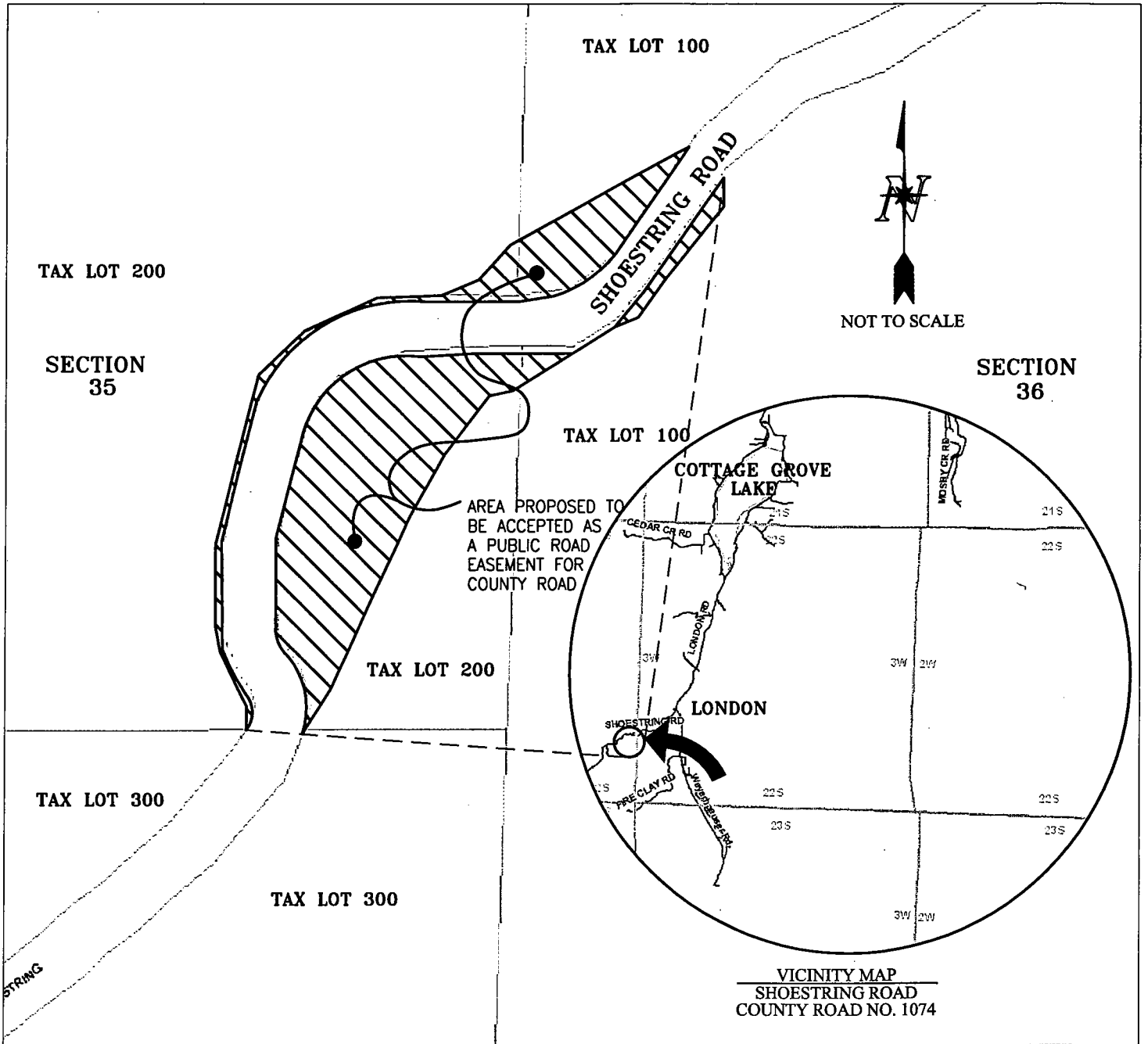
Date 1-4-07 lane county

[Signature]
OFFICE OF LEGAL COUNSEL

Deed Instrument Number 2005-019405, Lane County, Oregon Deed Records.

ATTACHMENT "A"

DEPICTION OF COUNTY ROAD 1074
IN THE MATTER OF ACCEPTING A DEED
OF LAND TO BE USED AS A PUBLIC ROAD
EASEMENT FOR SHOESTRING ROAD
(COUNTY ROAD NO. 1074) (22-04-35 & 36)



ELT-2005-03

Division of Chief Deputy Clerk
Lane County Deeds and Records

2005-019405



\$10.00

03/21/2005 01:44:15 PM

RPR-DEEDCO Cnt=1 Stn=4 CASHIER 02
\$10.00

After Recording Return to, and
Send Tax Statements to:
Lane County Public Works
Right of Way Management Section
3040 N. Delta Highway
Eugene, Oregon 97408

FOR LEGAL REVIEW ONLY
DO NOT RECORD

WARRANTY DEED

ROSBORO LUMBER COMPANY, LLC, an Oregon Limited Liability Company, hereinafter called GRANTOR, for the true and actual consideration of ONE THOUSAND THREE HUNDRED TWO Dollars and no/100s (\$1,302.00), conveys to LANE COUNTY, a political subdivision of the State of Oregon, hereinafter called GRANTEE, fee simple interest in all that real property situated in Lane County, State of Oregon, described as follows:

A parcel of land lying in the Southeast one-quarter of the Northeast one-quarter (SE ¼ NE ¼) of Section 35 and the Southwest one-quarter of the Northwest one-quarter (SW ¼ NW ¼) of Section 36, Township 22 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being a portion of that tract of land conveyed to ROSBORO LUMBER COMPANY LLC, an Oregon Limited Liability Company, by that certain deed recorded December 21, 2001, Recorder's Reception Number 2001-086517, LANE COUNTY OREGON DEED RECORDS, included in a strip of land variable feet in width lying on the both sides of the centerline of Shoestring Road as surveyed by Lane County in 2004; the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station L 711+65.33 PT, said station being 892.18 feet North and 148.77 feet East of the 1" Iron Rod with aluminum cap marking the Quarter Corner common to Sections 35 and 36, Township 22 South, Range 4 West of the Willamette Meridian, Lane County, Oregon; run thence South 37° 06' 35" West, 93.47 feet to Engineers' Centerline Station L 712+58.80 PC Bk. = L2 712+58.80 POT Ahd; thence continuing South 37° 06' 35" West, 174.13 feet; thence along a 286.48 foot radius curve right (the long chord of which bears South 45° 05' 41" West, 79.59 feet) a distance of 79.85 feet; thence South 53° 04' 46" West, 180.18 feet; thence along a 204.63 foot radius curve left (the long chord of which bears South 27° 25' 16" West, 177.21 feet) a distance of 183.27 feet; thence South 1° 45' 46" West, 261.78 feet; thence along a 190.99 foot radius curve right (the long chord of which bears South 13° 07' 24" West, 75.24 feet) a distance of 75.74 feet to Engineers' Centerline Station L2 722+13.75 POC Bk. = L 724+98.28 PCC Ahd. and there ending, all in Lane County, Oregon.

The widths in feet of the strip of land herein described are as follows:

<u>STATION TO STATION</u>		<u>WIDTH ON WEST'LY SIDE OF C/LINE</u>	<u>WIDTH ON EAST'LY SIDE OF C/LINE</u>
L 711+65.33 PT	L 712+00.00 POT	25 feet tapering on a straight line to 40 feet	25 feet tapering on a straight line to 45 feet
L 712+00.00 POT	L2 714+32.93 PC	40 feet tapering on a straight line to 75 feet	

Page 1 of 4 **WARRANTY DEED**
1376-01A Shoestring Road (Co Rd No 1074) - rr/jes - 02/16/2005
1376-02A 22-04-35 200, 22-04-36 100, 200
1376-03A

RETURN TO EVERGREEN LAND TITLE CO.

STATION TO STATION**WIDTH ON WEST'LY
SIDE OF C/LINE****WIDTH ON EAST'LY
SIDE OF C/LINE**

L2 714+32.93 PC	L2 715+12.78 PT	75 feet tapering on a straight line to 65 feet	
L2 715+12.78 PT	L2 715+60.00 POT	65 feet tapering on a straight line to 60 feet	
L2 715+60.00 POT	L2 716+00.00 POT	60 feet tapering on a straight line to 125 feet	
L2 716+00.00 POT	L2 716+92.96 PC	125 feet tapering on a straight line to 155 feet	
L2 716+92.96 PC	L2 717+45.00 POC	155 feet tapering on a straight line to 155 feet	
L2 717+45.00 POC	L2 718+00.00 POC	155 feet tapering on a straight line to 110 feet	
L2 718+00.00 POC	L2 718+76.23 PT	110 feet tapering on a straight line to 92 feet	
L2 718+76.23 PT	L2 720+15.00 POT	92 feet tapering on a straight line to 110 feet	
L2 720+15.00 POT	L2 721+38.01 PC	110 feet tapering on a straight line to 40 feet	
L2 721+38.01 PC	L2 722+13.75 PCC Bk = L 724+98.28 PCC Ahd	40 feet tapering on a straight line to 25 feet	
L 712+00.00 POT	L2 713+00.00 POT		45 feet
L2 713+00.00 POT	L2 713+75.00 POT		45 feet tapering on a straight line to 40 feet
L2 713+75.00 POT	L2 714+32.93 PC		40 feet tapering on a straight line to 50 feet
L2 714+32.93 PC	L2 714+75.00 POC		50 feet tapering on a straight line to 55 feet
L2 714+75.00 POC	L2 715+12.78 PT		55 feet tapering on a straight line to 55 feet
L2 715+12.78 PT	L2 715+55.00 POT		55 feet tapering on a straight line to 35 feet

Page 2 of 4 **WARRANTY DEED**

1376-01A Shoestring Road (Co Rd No 1074) - rr/jes - 02/16/2005

1376-02A 22-04-35 200, 22-04-36 100, 200

1376-03A

STATION TO STATION

**WIDTH ON WEST'LY
SIDE OF C/LINE**

**WIDTH ON EAST'LY
SIDE OF C/LINE**

L2 715+55.00 POT	L2 716+00.00 POT	35 feet
L2 716+00.00 POT	L2 716+92.96 PC	35 feet tapering on a straight line to 70 feet
L2 716+92.96 PC	L2 718+76.23 PT	70 feet tapering on a straight line to 90 feet
L2 718+76.23 PT	L2 721+75.00 POC	90 feet tapering on a straight line to 70 feet
L2 721+75.00 POC	L2 722+13.75 POC Bk = L 724+98.28 PCC Ahd.	70 feet tapering on a straight line to 25 feet

The westerly line of the above described strip of land crosses GRANTOR'S interior property line opposite Engineers' Centerline Stations L 711+65.33 PT and L2 722+13.75 POC Bk = L 724+98.28 PCC Ahd.

The easterly line of the above described strip of land crosses GRANTOR'S interior property line opposite Engineers' Centerline Stations L 711+65.33 PT and L2 722+13.75 POC Bk = L 724+98.28 PCC Ahd.

The parcel of land to which this description applies contains 2.20 acres, more or less, exclusive of existing right of way.

The bearings used herein are based on the East-West centerline of Section 35, Township 22 South, Range 4 West, W.M. from County Survey File Number 30561 by D.L. Peel in 1992, said bearing being North 89° 25' 07" East.

To have and to hold the said premises unto said GRANTEE and covenants the GRANTOR is the owner of the above described property free and clear of all encumbrances except easements, conditions and restrictions of record and will warrant and defend the same against all persons who may lawfully claim the same, except as may be shown above.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE INTEREST TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN O.R.S. 30.930.