

W.4.C.2.

ORIGINAL

Memorandum Date: May 24, 2007
Order Date: June 20, 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 DEEDS OF LAND TO BE USED AS A PUBLIC ROAD EASEMENT FOR COUNTY ROAD NUMBER 1026 (ALLISON ROAD) (17-06-07)

I. MOTION

TO APPROVE THE ORDER ACCEPTING DEEDS OF LAND TO BE USED AS A PUBLIC ROAD EASEMENT FOR COUNTY ROAD NUMBER 1026 (ALLISON ROAD), IN SECTION 7, TOWNSHIP 17 SOUTH, RANGE 6 WEST OF THE WILLAMETTE MERIDIAN.

II. AGENDA ITEM SUMMARY

The Board is being asked to decide whether not to accept deeds for land to be used as a public road easement for County Road Number 1026 (Allison Road), in Section 7, Township 17 South, Range 6 West of the Willamette Meridian.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

County Road 1026 (Allison Road) was established by the County Commissioner's Court in February, 1927 as a 30.00 foot wide County Road and is currently a rural local road. A Resolution dated May 25, 1946 ordered the acquisition of additional right-of-way at its intersection with Poodle Creek Road which would allow any truck and trailer to make the turn. Preliminary plans were drawn, but no final order establishing additional right-of-way for Allison Road at the intersection was completed.

Property was acquired by Lane County in 2004 to widen the intersection allowing for improvements to be made for log trucks to make the turn into Allison Road. Also, a Record of Survey was filed with Lane County Surveyors Office, County Survey No. 40246.

The Surveyor's Office has received a request from the Right of Way Management program of the Department of Public Works to accept parcels of County owned land as a public road

easement for County Road Number 1026 (Allison Road)

B. Policy Issues

Lane Code Chapter 15 provides for improvement, development or redevelopment of County Roads in accordance with the Comprehensive Plan. Also, the Resolution by the Board in 1946, which ordered additional right-of-way for purposes of truck and trailer turns, demonstrates a long term need for additional right-of-way.

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 not part of a Lane County Capital Improvement Program. All Improvements have been completed privately. Furthermore, no additional cost will be incurred as a result of completing the acceptance and dedication of right of way for Allison Road.

E. Analysis

The 30 foot right-of-way entrance from Poodle Creek road into Allison Road did not allow for trucks to safely enter. It was therefore necessary to acquire additional property to construct a wider entrance. All necessary deeds have been obtained, a survey has been filed, construction is complete and the road is open for travel. The 1946 Resolution to improve and widen the entrance never materialized. Therefore the acceptance of this dedication appears to be consistent with this Resolution.

F. Alternatives/Options

The Board of County Commissioners has the options to:

1. Approve the acceptance of the deeds for land to be used as a Public Road Easement as referred to in the Order.
2. Deny the acceptance of the deeds for land to be used as a Public Road Easement as referred to in the Order.
3. Continue the matter for further consideration.

IV. TIMING/IMPLEMENTATION

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

V. RECOMMENDATION

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

VI. FOLLOW-UP

If the Board of County Commissioners approves the order of acceptance of deeds of land as a part of County Road Number 1026 (Allison Road), it is to be entered in the records of the Board of County Commissioners Journal of Administration after which it is to be forwarded to the Lane County Recorder for filing in the Commissioners Journal, after which copies are to be forwarded to the County Surveyor and County Assessor for appropriate action.

VII. ATTACHMENTS

Order with Attachments:
Copies of Recorded Deeds
Map

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON**

IN THE MATTER OF ACCEPTING DEEDS OF LAND TO BE USED AS A PUBLIC ROAD EASEMENT FOR COUNTY ROAD NUMBER 1026 (ALLISON ROAD) (17-06-07)))))	ORDER NO.
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THIS MATTER now coming before the Board of County Commissioners of Lane County and Leonia C. Rebman and Beulah W. Adams, both owning land within Lane County which is not within the limits of an incorporated city or town, having on this day presented to the Board of County Commissioners of Lane County good and sufficient deeds recorded on reception numbers 2004-009545, recorded on February 02, 2004, and 2004-010222, recorded on February 13, 2004, a surveyed alignment of which is filed under County Survey File Number 40246, Lane County Surveyor's Department, said deeds being properly executed and forever conveying such land to Lane County, 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 deeds for a public road easement;

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

IT IS FURTHER ORDERED that the right of way as described in said deeds be expressly accepted as a 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 1026 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 May 30, 2007

Chair

By 
Craig Starr, Interim Division Manager

Deed Instrument Numbers 2004-009545 and 2004-010222, Lane County, Oregon Deed Records.

APPROVED AS TO FORM

Date 6-7-07 lane county


OFFICE OF LEGAL COUNSEL

ELT-2004-02

RETURN TO EVERGREEN LAND TITLE CO.

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

Division of Chief Deputy Clerk
Lane County Deeds and Records

2004-009545



\$10.00

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RPR-DEEDCO Cnt=1 Stn=5 CASHIER 07
\$10.00

WARRANTY DEED

BEULAH W. ADAMS, hereinafter called **GRANTOR**, for the true and actual consideration of **SIX HUNDRED AND THIRTY dollars and no/100s**, 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 Southwest one-quarter of the Southeast one-quarter (SW ¼ SE ¼) of Section 7, Township 17 South, Range 6 West of the Willamette Meridian, Lane County, Oregon, and being a portion of that tract of land conveyed to **BEULAH W. ADAMS**, by that certain deed recorded August 27, 1963, on Reel 226, Recorder's Reception Number 23302, **LANE COUNTY OREGON DEED RECORDS**, included in a strip of land variable feet in width lying on the southerly side of the centerline of Allison Road as surveyed by Lane County in 2003; the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station L 44+00.00 POT, said station being 111.43 feet North and 857.05 feet East of the Brass Cap marking the Quarter Corner of Sections 7 and 18, Township 17 South, Range 6 West of the Willamette Meridian, Lane County, Oregon; run thence South 88° 23' 08" East, 109.70 feet to Engineers' Centerline Station L 45+09.70 POT Bk. = L2 45+09.70 PC Ahd.; thence along a 477.46 foot radius curve right (the long chord of which bears South 80° 10' 58" East, 136.25 feet) a distance of 136.71 feet; thence South 71° 58' 48" East, 20.42 feet to Engineers' Centerline Station L2 46+66.83 POT (Allison Road) = L 127+84.00 POT (Poodle Creek Road) and there ending, all in Lane County, Oregon.

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

STATION TO STATION

WIDTH ON SOUTH'LY SIDE OF C/LINE

L 44+90.00 POT	L2 45+80.00 POC	15 ft tapering on a straight line to 35 ft
L2 45+80.00 POC	L2 46+34.76 POC	35 ft tapering on a straight line to 85 ft.

The southerly line of the above described strip of land crosses **GRANTOR'S** northerly and easterly property lines opposite approximate Engineers' Centerline Stations L 44+90 POT and L2 46+35 POC.

The parcel of land to which this description applies contains 0.09 of an acre, more or less, exclusive of existing right of way.

The bearings used herein are based on ties to LCCM 919 and 17-06-07 SW, rotated by a theta angle of -2° 02' 03" at LCCM 919, to true bearings.

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.

Dated this 10th day of February, 2004.

For Beulah W. Adams
BEULAH W. ADAMS

Alberta J. Smith
By ALBERTA J. SMITH as Power of Attorney
on behalf of BEULAH W. ADAMS

STATE OF OREGON)
) ss.
County of Lane)

On this 10th day of February, 2004, personally appeared the above-named ALBERTA J. SMITH as Power of Attorney on behalf of BEULAH W. ADAMS, and acknowledged the foregoing instrument to be her voluntary act before me.



James S. Lyon
Notary Public for Oregon

My Commission Expires: Oct. 5, 2007

This conveyance is accepted and approved
for recording on behalf of Lane County.

Frank Simas

ECT-2004-02

Division of Chief Deputy Clerk
Lane County Deeds and Records

2004-010222



\$10.00

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02/13/2004 01:46:20 PM

RPR-DEEDCO Cnt=1 Stn=5 CASHIER 07
\$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

WARRANTY DEED

LEONIA C. REBMAN, hereinafter called GRANTOR, for the true and actual consideration of **SIX HUNDRED AND TWENTY dollars and no/100s**, 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 Southwest one-quarter of the Southeast one-quarter (SW ¼ SE ¼) of Section 7, Township 17 South, Range 6 West of the Willamette Meridian, Lane County, Oregon, and being a portion of that tract of land conveyed to CHARLES R. REBMAN and LEONIA C. REBMAN, husband and wife, by that certain deed recorded July 27, 1979, on Reel 1011, Recorder's Reception Number 7944532, LANE COUNTY OREGON DEED RECORDS, included in a strip of land variable feet in width lying on the northerly side of the centerline of Allison Road as surveyed by Lane County in 2003; the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station L 44+00.00 POT, said station being 111.43 feet North and 857.05 feet East of the Brass Cap marking the Quarter Corner of Sections 7 and 18, Township 17 South, Range 6 West of the Willamette Meridian, Lane County, Oregon; run thence South 88° 23' 08" East, 109.70 feet to Engineers' Centerline Station L 45+09.70 POT Bk. = L2 45+09.70 PC Ahd.; thence along a 477.46 foot radius curve right (the long chord of which bears South 80° 10' 58" East, 136.25 feet) a distance of 136.71 feet; thence South 71° 58' 48" East, 20.42 feet to Engineers' Centerline Station L2 46+66.83 POT (Allison Road) = L 127+84.00 POT (Poodle Creek Road) and there ending, all in Lane County, Oregon.

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

STATION TO STATIONWIDTH ON NORTH'LY
SIDE OF C/LINE

L 44+90.00 POT	L2 45+43.00 POC	15 ft tapering on a straight line to 40 ft
L2 45+43.00 POC	L2 46+37.46 POC	40 ft tapering on a straight line to 33.17 ft.

The northerly line of the above described strip of land crosses GRANTOR'S southerly property line opposite approximate Engineers' Centerline Stations L 44+90 POT and L2 46+37 POC.

The parcel of land to which this description applies contains 0.04 of an acre, more or less, exclusive of existing right of way.

RETURN TO EVERGREEN LAND TITLE CO.

The bearings used herein are based on ties to LCCM 919 and 17-06-07 SW, rotated by a theta angle of $-2^{\circ} 02' 03''$ at LCCM 919, to true bearings.

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.

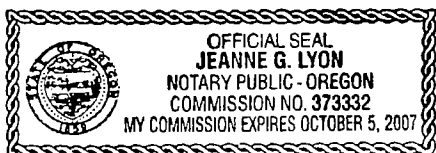
Dated this 12th day of February, 2004.

Leonia C. Reberman

LEONIA C. REBMAN

STATE OF OREGON)
) ss.
County of Lane)

On this 12th day of February, 2004, personally appeared the above-named Leonia C. Reberman and acknowledged the foregoing instrument to be her voluntary act before me.



Jeanne G. Lyon

Notary Public for Oregon

My Commission Expires: October 5, 2007

This conveyance is accepted and approved
for recording on behalf of Lane County.

Frank Sinos

ATTACHMENT "A"

DEPICTION OF ALLISON ROAD
IN THE MATTER OF ACCEPTING DEEDS FOR LAND TO BE
USED AS A PUBLIC ROAD EASEMENT FOR COUNTY ROAD
NUMBER 1026 (ALLISON ROAD) IN SECTION 7 TOWNSHIP 17
SOUTH, RANGE 6 WEST OF THE WILLAMETTE MERIDIAN

