

W.4.D.1.

Memorandum Date: February 26, 2008

Order Date: April 9, 2008

TO: Board of County Commissioners**DEPARTMENT:** Public Works/Land Management/Surveyors**PRESENTED BY:** D. Michael Jackson, Lane County Surveyor **AGENDA ITEM TITLE:** IN THE MATTER OF DEDICATING LAND OWNED BY LANE COUNTY AND ACCEPTING IT FOR PUBLIC AND COUNTY ROAD PURPOSES FOR CHEZEM ROAD (COUNTY ROAD NUMBER 992) (18-04-27)**I. MOTION**

TO APPROVE THE ORDER DEDICATING LAND OWNED BY LANE COUNTY AND ACCEPTING IT FOR PUBLIC AND COUNTY ROAD PURPOSES FOR CHEZEM ROAD (COUNTY ROAD NUMBER 992) (18-04-27).

II. AGENDA ITEM SUMMARY

The Board is being asked to decide whether or not to dedicate land owned by Lane County and accept it as a public road easement for Chezem Road (County Road Number 992) in Section 27, Township 18 South, Range 4 West of the Willamette Meridian.

III. BACKGROUND/IMPLICATIONS OF ACTION**A. Board Action and Other History**

Chezem Road (County Road 992) is a Rural Local road established in 1925 as a 40.00 foot wide County Road. The adoption of Capital Improvement Program FY 92/93-FY 96/97 authorized Lane County to initiate property acquisitions for the Chezem Road, mp 1.52 Bridge Project.

Property was acquired by Lane County in accordance with LM 21.400(3) for the purpose of widening the right of way of Chezem Road (County Road Number 992) in the vicinity of old County Bridge #18-4W-27B. Additionally, a Record of Survey was filed with Lane County Surveyors Office, County Survey File No. 32131, but no final order establishing additional right-of-way for the Chezem Road was completed.

The Surveyor's Office has received a request from the Right of Way Management section of the Department of Public Works to dedicate land owned by Lane County and accept it as a public road easement for Chezem Road (County Road Number 992).

B. Policy Issues

Lane Code Chapter 15 provides for improvement, development or redevelopment of County Roads in accordance with the Comprehensive Plan. Also, the Capital Improvement Program FY 92/93-FY 96/97 authorized Lane County to initiate property acquisitions for the Chezem Road, mp 1.52 Bridge Project.

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 2001-2011, Page 13)

D. Financial and/or Resource Considerations

This acquisition was part of a Lane County Capital Improvement Project. All improvements have been made. Moreover, no additional cost will be incurred as a result of completing the dedication and acceptance of right of way for Chezem Road.

E. Analysis

Through the adoption of FY 92/93-FY 96/97 Capital Improvement Program, Order No. 92-4-28-10, Lane County Public Works was granted authority to acquire real property in order to make bridge improvements. The land owned by Lane County was acquired for the purposes of widening Chezem Road. The dedication and acceptance of land owned by Lane County will ensure that adjacent land owners and the public have access to the County road and that it be maintained as such.

F. Alternatives/Options

The Board of County Commissioners has the options to:

1. Dedicate land owned by Lane County and accept it as right of way to be used for Public and County road purposes
2. Not dedicate land owned by Lane County and/or deny the acceptance of it for Public and County road purposes as referred to in the Order.
3. Continue the matter for further consideration.

IV. TIMING/IMPLEMENTATION

Implementation of the proposed order will ensure that adjacent landowners have legal access and that the land 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 of County owned land and accept it for public road purposes and as County Road.

VI. FOLLOW-UP

If the Board of County Commissioners approves the order dedicating land owned by Lane County and accepts it as a public road easement as part of Chezem Road (County Road Number 992), 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:
Dedication of Public Road Easement
Attachment "A" Map

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON

IN THE MATTER OF DEDICATING LAND OWNED)
BY LANE COUNTY AND ACCEPTING IT FOR) ORDER NO.
PUBLIC AND COUNTY ROAD PURPOSES FOR)
CHEZEM ROAD)
(COUNTY ROAD NUMBER 992) (18-04-27))

THIS MATTER now coming before the Board of County Commissioners of Lane County, Oregon and the said Board deeming it in the best interest of Lane County to dedicate to the public the real property which was conveyed to Lane County by those certain deeds from Douglas T. and Cindy L. Gruver, and from Edward D. and Barbara R. Aster, recorded on reels 1852R and 1838R, Recorder's Reception numbers 9333839 and 9320495, respectively, Lane County, Oregon Deed Records, a surveyed alignment of which is filed under County Survey File Number 32131, Lane County Surveyor's Office, and

WHEREAS, the Department of Public Works acquired real property for Lane County in accordance with LM 21.400(3) for the purpose of widening the right of way of Chezem Road (County Road Number 992) in the vicinity of old County Bridge #18-4W-27B, and

WHEREAS, the Board of County Commissioners of Lane County has been provided a valid dedication, recorded on reception number _____, Lane County, Oregon Deed Records;

NOW, THEREFORE, IT IS HEREBY ORDERED that the said dedication shall be and is hereby accepted by the Board of County Commissioners of Lane County as a public road easement, and is expressly accepted as a County Road, having a right of way width as noted on the dedication marked "DEDICATION OF PUBLIC ROAD EASEMENT," attached hereto and made a part hereof by this Order; and

IT IS FURTHER ORDERED that this 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 992 in the regular numbered road files in the County Surveyor's Office;

DATED this _____ day of _____, 2008.

DEPARTMENT OF PUBLIC WORKS
LAND MANAGEMENT DIVISION

BOARD OF COUNTY
COMMISSIONERS
LANE COUNTY, OREGON

Approved 3/27, 2008

Chair

By 
For Matt Laird, Division Manager

APPROVED AS TO FORM

Date 3-27-08 lane county


OFFICE OF LEGAL COUNSEL

DEDICATION OF PUBLIC ROAD EASEMENT

KNOW ALL MEN BY THESE PRESENTS that Lane County, a political subdivision of the State of Oregon, is the owner of certain real property, and that Lane County acquired title by those certain deeds from Douglas T. and Cindy L. Gruver, and from Edward D. and Barbara R. Aster, recorded on reels 1852R and 1838R, Recorder's Reception Numbers 9333839 and 9320495, respectively, Lane County, Oregon Deed Records; and that said Lane County does hereby dedicate to the free use of the public, for public road and County road purposes and expressly for widening a County road, the following described tract of land, to-wit:

A parcel of land lying in the Northeast One Quarter of the Southeast One Quarter (NE 1/4 SE 1/4) of Section 27, Township 18 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being more particularly described as follows:

A strip of land variable width lying variable feet on easterly side of centerline of Chezem Road survey as said road has been resurveyed in 1994, the centerline and widths in feet being described as follows:

Beginning at Engineer's Centerline Station L 101+75.00 POT said station being 334.22 feet South and 1,271.42 feet West of a Brass Cap marking the East One Quarter Corner of Section 27, Township 18 South, Range 4 West of the Willamette Meridian, Lane County, Oregon; run thence South 13° 30' 13" East, 100.08 feet; thence on a 286.48 foot radius curve right (the long chord of which bears South 0° 29' 47" West, 138.61 feet) a distance of 140.00 feet; thence South 14° 29' 47" West, 100.13 feet; thence on a 286.48 foot radius curve left (the long chord of which bears South 6° 59' 47" West, 74.79 feet) a distance of 75.00 feet to Engineer's Centerline Station L 105+90.21 PT 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 WESTERLY SIDE OF C/LINE</u>	<u>WIDTH ON EASTERLY SIDE OF C/LINE</u>
L 101+96.45 POT	L 101+98.84 POT		17.01 ft tapering on a straight line to 27.13 ft
L 101+98.84 POT	L 102+38.55 POT		27.13 ft tapering on a straight line to 28.89 ft
L 102+38.55 POT	L 102+75.08 PC		28.89 ft tapering on a straight line to 35 ft
L 102+75.08 PC	L 103+25.00 POC		35 ft tapering on a straight line to 40 ft

L 103+25.00 POC	L 104+15.08 PT	40 ft tapering on a straight line to 35 ft
L 104+15.08 PT	L 105+15.21 PC	35 ft tapering on a straight line to 40 ft
L 105+15.21 PC	L 105+90.21 PT	40 ft
L 105+90.21 PT	L 107+00.00 POT	40 ft tapering on a straight line to 30 ft
L 107+00.00 POT	L 107+25.00 POT	30 ft tapering on a straight line to 24.74 ft
L 107+25.00 POT	L 108+87.62 POT	24.74 ft tapering on a straight line to 23.88 ft

The parcel of land to which this description applies contains 0.26 acres, more or less, exclusive of existing right of way.

The bearings used herein are based upon a bearing of South 89°50'00" West between the Center-East Sixteenth corner and the East Quarter corner of Section 27, Township 18 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, said bearing from County Survey Number 6120 filed March, 1945.

It being the intent herein to widen County Road Number 992 to variable feet from centerline on the east side of the centerline as road was surveyed in 1994.

There is no consideration for this dedication.

DATED this _____ day of _____, 2008

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

STATE OF OREGON) SS.
COUNTY OF LANE)

On _____, 2008, personally appeared the above named

_____, _____, _____,


_____, _____, _____, County Commissioners of Lane County, Oregon
and acknowledged the forgoing instrument to be their voluntary act before me:

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____

Department of Public Works
Land Management Division

Approved March 20, 2008

By 
Matt Laird, Division Manager

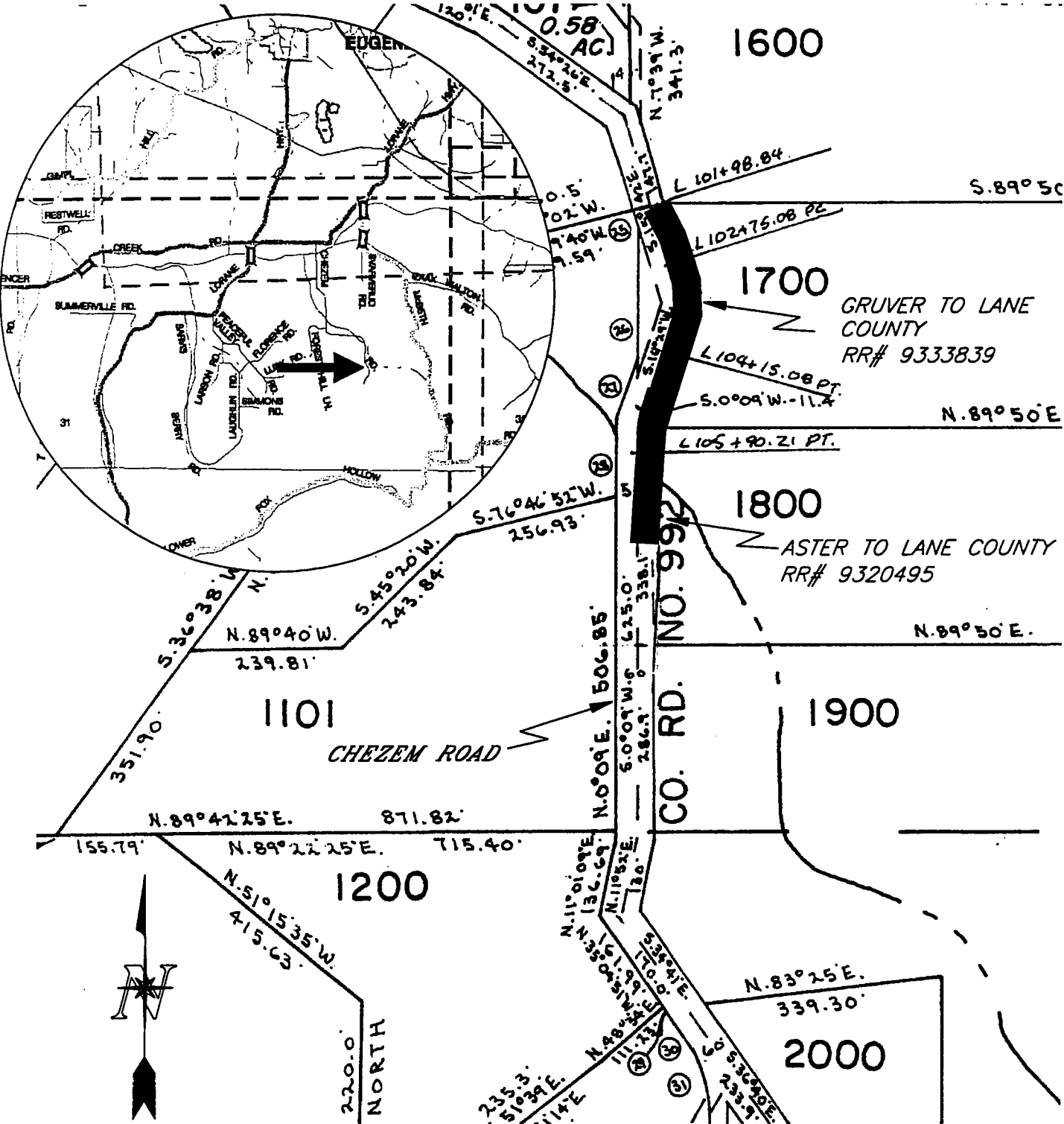
The Board of County Commissioners hereby
accepts and approves for recording this dedication
as described herein,

LANE COUNTY BOARD OF
COMMISSIONERS

By _____
Chair

ATTACHMENT "A"

IN THE MATTER OF DEDICATING LAND OWNED BY LANE COUNTY AND ACCEPTING IT FOR PUBLIC AND COUNTY ROAD PURPOSES FOR CHEZEM ROAD (COUNTY ROAD NUMBER 992) (18-04-27)



NOT TO SCALE