


Memorandum Date: December 17, 2007

Order Date: February 13, 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 LETZ CREEK ROAD (COUNTY ROAD NUMBER 398) (20-05-20)

---

**I. MOTION**

**TO APPROVE THE ORDER DEDICATING LAND OWNED BY LANE COUNTY AND ACCEPTING IT FOR PUBLIC AND COUNTY ROAD PURPOSES FOR COUNTY ROAD NUMBER 398 (LETZ CREEK ROAD), IN SECTION 20, TOWNSHIP 20 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN.**

**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 County Road Number 398 (Letz Creek Road), in Section 20, Township 20 South, Range 5 West of the Willamette Meridian.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

County Road 398 (Letz Creek Road) is a Rural Local road established in 1886 as a 60 foot wide County Road. The adoption of Capital Improvement Program FY 92/93-FY 96/97 by Order No. 92-4-28-10 authorized Lane County to initiate property acquisitions for the Letz Creek Road Milepost 0.89 Bridge Project.

Property was acquired by Lane County for the purpose of widening the right of way of County Road Number 398 (Letz Creek Road) in the vicinity of County Bridge #20-5W-20E. Additionally, a Record of Survey was filed with Lane County Surveyor's Office, County Survey File No. 32346, but no final order establishing additional right-of-way for Letz Creek 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 as a public road easement for County Road Number 398 (Letz Creek 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 Capital Improvement Program FY 92/93-FY 96/97 authorized Lane County to initiate property acquisitions for the Letz Creek Road Milepost 0.89 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 Letz Creek 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 Letz Creek 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 for Letz Creek Road (County Road #398).
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 County Road Number 398 (Letz Creek 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:

Dedication of Public Road Easement  
Attachment "A"—Site 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 LETZ )  
CREEK ROAD (COUNTY ROAD NUMBER 398) )  
(20-05-20) )**

**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 Warranty Deeds from Richard Mitchell, Denice Goodheart, Terence L. Mitchell and Ann M. Crawford, recorded on reel 1830R, Recorder's Reception Number 9313266 and re-recorded on reel 1893R, Recorder's Reception Number 9371251, and on reel 1964R, Recorder's Reception Number 9446081, Lane County, Oregon Deed Records, a surveyed alignment of which is filed under County Survey File Number 32346, Lane County Surveyor's Office, and

**WHEREAS**, the Department of Public Works acquired real property for Lane County for the purpose of widening the right of way of County Road Number 398 (Letz Creek Road) in the vicinity of old County Bridge #20-5W-20E, and

**WHEREAS**, The Board of County Commissioners of Lane County have been provided a good a sufficient deed, recorded on reception number \_\_\_\_\_, Lane County, Oregon Deed Records;

**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 is expressly accepted as a County Road, having a right of way width as noted on the deed 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 398 in the regular numbered road files in the County Surveyor's Office;

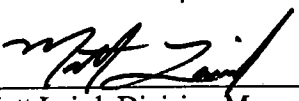
**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

DEPARTMENT OF PUBLIC WORKS  
LAND MANAGEMENT DIVISION

BOARD OF COUNTY  
COMMISSIONERS  
LANE COUNTY, OREGON

Approved January 9, 2008

\_\_\_\_\_  
Chair

By   
Matt Laird, Division Manager

APPROVED AS TO FORM

Date 2-4-08 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 Warranty Deeds from Richard Mitchell, Denice Goodheart, Terence L. Mitchell and Ann M. Crawford, recorded on reel 1830R, Recorder's Reception Number 9313266 and re-recorded on reel 1893R, Recorder's Reception Number 9371251, 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 strip of land variable feet in width lying on the westerly side of the centerline of Letz Creek Road in Section 20, Township 20 South, Range 5 West of the Willamette Meridian, Lane County, Oregon, as surveyed by Lane County in 1993, the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station L 46+13.05 PT, said station being 865.64 feet North and 1,517.46 feet East of a Brass Cap marking the Southwest corner of Section 20, Township 20 South, Range 5 West of the Willamette Meridian, Lane County, Oregon; run thence South 12° 48' 31" West, 198.19 feet; thence along a 288.73 foot radius curve left (the long chord of which bears South 3° 55' 55" West, 89.11 feet) a distance of 89.46 feet; thence South 4° 56' 40" East, 140.11 feet to Engineers' Centerline Station L 50+40.81 PC and there ending, all in Lane County, Oregon.

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

<u>STATION TO STATION</u>		<u>WIDTH ON WEST'LY SIDE OF C/LINE</u>
L 47+75.00 POT	L 48+11.24 PC	30 ft tapering on a straight line to 35 ft
L 48+11.24 PC	L 49+50.00 POT	35 ft
L 49+50.00 POT	L 49+90.00 POT	35 ft tapering on a straight line to 50 ft
L 49+90.00 POT	L 50+40.81 PC	50 ft tapering on a straight line to 30 ft.

ALSO, a parcel of land lying in the Southeast One Quarter of the Southwest One Quarter (SE1/4 SW1/4) of Section 20, Township 20 South, Range 5 West of the Willamette Meridian, Lane County, Oregon as conveyed to Lane County by that certain Warranty Deed from Richard Mitchell, Denice Goodheart, Terence L. Mitchell and Ann M. Crawford, recorded on reel 1964R, Recorder's Reception Number 9446081, Lane County, Oregon Deed Records, being more particularly described as follows:

Beginning at a point on the westerly right of way line of Letz Creek Road, said point being 30.00 feet right of Engineer's Centerline Station L 51+60.00 POT, and being 317.56 feet North and 1488.97 feet East of a Brass Cap marking the Southwest corner of Section 20, Township 20 South, Range 5 West of the Willamette Meridian, Lane County, Oregon; run thence along the westerly right of way line South 27° 15' 30" East 30.32 feet; thence along a 350.66 feet radius curve right (the long chord of which bears South 22° 57' 43" East 52.54 feet) a distance of 52.59 feet to a 5/8" iron rod; thence along the northerly right of way line of the East-West portion of Letz Creek Road South 44° 59' 59" West 25.12 feet; thence along a 20.07 feet radius curve right (the long chord of which bears South 70° 55' 35" West 17.55 feet) a distance of 18.16 feet; thence North 83° 09' 33" West 72.86 feet; thence leaving said right of way North 84° 26' 18" East 46.89 feet; thence North 69° 27' 58" East 43.40 feet; thence North 14° 26' 52" West 40.12 feet; thence North 9° 00' 18" West 31.93 feet to the point of beginning and there ending, all in Lane County, Oregon.

The bearings used herein are based upon a bearing of North 6° 39' 16" West between stations L 1+59.12 PT and L 6+29.42 POT as shown on the construction plan for County Bridge Number 20-5W-20D.

It being the intent herein to widen County Road Number 398 to variable feet from centerline on the west side of the North-South portion and on the north side of the East-West portion of Letz Creek Road as road was surveyed in 1993.

The consideration for this dedication is \$0.00

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2008

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

STATE OF OREGON ) SS.  
COUNTY OF LANE )

On \_\_\_\_\_, 2008, personally appeared the above named

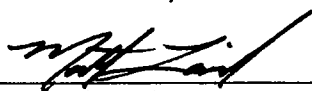
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, 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 January 9, 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

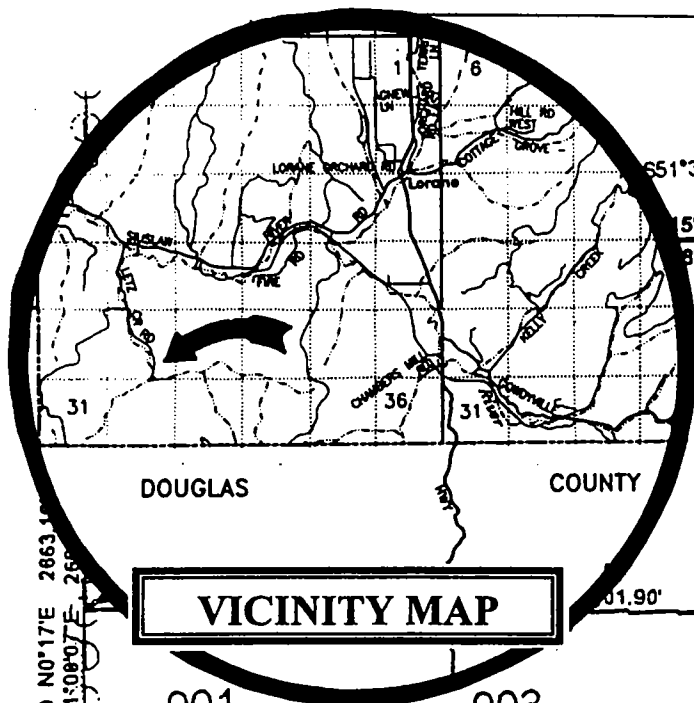
## ATTACHMENT "A"

IN THE MATTER OF DEDICATING LAND OWNED BY LANE COUNTY  
AND ACCEPTING IT FOR PUBLIC AND COUNTY ROAD PURPOSES  
FOR LETZ CREEK ROAD (COUNTY ROAD NUMBER 398) (20-05-20)



NOT TO SCALE

PLAT A



VICINITY MAP

901  
10 AC903  
10 AC904  
14.96 AC906  
12.98 AC

SEE

SURVEY

MITCHELL, ET AL. TO LANE CO.  
RR # 9313266 & 9371231MITCHELL, ET AL. TO LANE CO.  
RR # 9446081

ROAD NO 398

900  
3.82 AC905  
3.9 AC19  
20  
30  
29

SOUTH

N88°42'03"W 2853.41'

60'