

Memorandum Date: March 28, 2011  
Order Date: April 27, 2011

W. S. F. I.

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**TO:** Board of County Commissioners  
**DEPARTMENT:** Public Works  
**PRESENTED BY:** Frank Simas, Right of Way Supervisor  
**AGENDA ITEM TITLE:** In the Matter of Accepting a Right of Way Grant Offer from the Bureau of Land Management for Row River Road in Connection the With the Minor Realignment and Replacement of the Row River Bridge at M. P. 16.64, and Authorizing the County Administrator to Sign the Right of Way Grant Offer

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**I. MOTION**

Move approval of the Order.

**II. AGENDA ITEM SUMMARY**

A Right of Way Grant Offer from the Bureau of Land Management needs to be accepted for Row River Road at M. P. 16.64, so that it may be included in the formal Order of Alteration to be proposed by the County Surveyor's office for the affected portion of County Road pursuant to ORS 93.80 and Lane Manual 21.400.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

The Board awarded a contract for minor realignment and construction of a new bridge on Row River Road at M. P. 16.64 on November 21, 2006 per Order 06-11-21-5. The project was completed in January of 2008, and a survey showing the road centerline and right of way monumentation was filed in the Office of the Lane County Surveyor, under County Survey No. 41468 on May 5, 2009. The additional and revised right of way needs to be accepted as County Right of Way and the attached Offer of Grant Right of Way Grant needs to be accepted and executed on behalf of Lane County prior to recordation.

**B. Policy Issues**

Through adoption of the Lane County Transportation System Plan, the Board has established that maintenance of the road system is a core priority for the use of the Road Fund and Department Resources. Acceptance of the Right of Way Grant Offer is consistent with said priority.

**C. Board Goals**

This project was consistent with the County Goals of contributing "to appropriate community development in the areas of transportation and telecommunications infrastructure, housing, growth management and land development", and protection of the public's assets by maintaining, replacing or upgrading the County's investments in systems and capital infrastructure". Also, in the Lane County Strategic Plan under Section B-3(d)(6), it is stated that

"Operation, maintenance, and preservation (OM&P) of the existing County road system will receive the highest priority".

**D. Financial and/or Resource Considerations**

No additional expense will be incurred in connection with this project once the Alteration Order has been approved. Although the verbiage in Paragraph 3 calls for the payment of rent, none is required pursuant to 43 CFR, Part 2806.14 which exempts federal, state and local governments unless the right of way is used for commercial purposes or for municipal utility purposes wherein the source of revenue is customer charges.

**E. Analysis**

The Board is being asked to authorize the County Administrator to sign and accept Right of Way Grant No. 63540 as shown on Attachment 1 so that it may be recorded in the Office of Deeds and Records of Lane County and included in the proposed Order of Alteration.

**F. Alternatives/Options**

1. Approve the Order accepting the Offer of Right of Way Grant No. 63540 and authorize the County Administrator to sign the grant on behalf of Lane County.

**IV. RECOMMENDATION**

Option 1.

**V. TIMING/IMPLEMENTATION**

N. A.

**VI. FOLLOW-UP**

Upon Authorization by the Board, the Right of Way Grant Offer will be processed for signature by the County Administrator and Recorded in the Office of Deeds and Records.

**VII. ATTACHMENTS**

1. Copy of Offer of Right of Way Grant No. 63540

IN THE BOARD OF COUNTY COMMISSIONERS  
OF LANE COUNTY, OREGON

ORDER NO.

( IN THE MATTER ACCEPTING A RIGHT OF  
( WAY GRANT OFFER FROM THE BUREAU  
( OF LAND MANAGEMENT FOR ROW RIVER  
( ROAD IN CONNECTION WITH THE MINOR  
( REALIGNMENT AND REPLACEMENT OF  
( THE ROW RIVER BRIDGE AT M. P. 16.64,  
( AND AUTHORIZING THE COUNTY  
( ADMINISTRATOR TO SIGN THE RIGHT OF  
( WAY GRANT OFFER

**WHEREAS**, Lane County awarded a contract for a minor realignment of Row River Road and replacement of the bridge at M. P. 16.64 by Order 06-11-21-5; and

**WHEREAS**, in connection with said project the County made application to the Bureau of Land Management for a Grant of Right over lands under its jurisdiction adjacent to Row River Road and including additional land needed in connection with the construction of the new bridge at M. P. 16.64; and

**WHEREAS**, said project was completed in January of 2008, and the Offer of Right of Way Grant needs to be accepted on behalf of Lane County so that it may be included in the Order of Alteration needed to formally accept the alignment, including the additional right of way acquired for the project as County Road Right of Way in accordance with ORS 93.808 and Lane Manual 21.400(3); and

**WHEREAS**, said Offer of Right of Way Grant may be recorded upon acceptance on behalf of Lane County.

**NOW THEREFORE, BE IT**

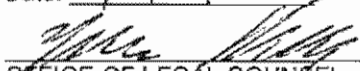
**ORDERED**, that Bureau of Land Management Grant No. 63540 as shown on Attachment 1 shall be and is hereby accepted on behalf of Lane County; and that the County Administrator is authorized to sign the acceptance of the terms and conditions of said Grant on behalf of the County; and

**IT IS FURTHER ORDERED** that the above Order shall be entered in the records of the Board of County Commissioners' Journal of Administration and shall be recorded in the Deed Records of the County.

EFFECTIVE this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

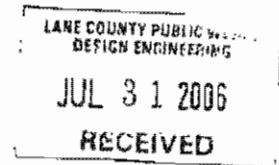
APPROVED AS TO FORM:

Date: 4-1-11

  
OFFICE OF LEGAL COUNSEL

\_\_\_\_\_  
Faye Stewart, Chair  
Board of County Commissioners

# ATTACHMENT 1



FORM 2800-14  
(August 1985)

Issuing Office  
Eugene District, Oregon

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER OROR 63540

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of interest:

a. By this instrument, the holder:

Lane County, Oregon  
Department of Public Works  
3040 North Delta Highway  
Eugene, Oregon 97408-1696

receives a right to construct, operate, maintain, and terminate a roadway and bridge on public lands described as follows:

T 22 S., R. 1 W., W.M., Lane County, Oregon: Those portions of the NE¼NE¼ of Sec. 5 located as shown on the attached Exhibit A.

b. The right-of-way or permit area granted herein is between 10 feet and 35 feet wide and approximately 240 feet long and contains 0.15 acres more or less.

c. This instrument is perpetual unless it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. Notwithstanding early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

## ATTACHMENT 1

### 3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

### 4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, descriptions or designs set forth in Exhibits A and B, dated May 12, 2006 attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g. This grant supercedes any right-of-way obtained pursuant to the Act of July 26, 1866 (Revised Statute 2477). The right-of-way for Lane County Road No. 4086 across the lands included in this grant shall henceforth be administered according to the terms and conditions of this grant and applicable Federal laws and regulations.

ATTACHMENT 1

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

\_\_\_\_\_  
(Signature of Holder)

William O'Sullivan  
(Signature of Authorized Officer)

\_\_\_\_\_  
(Title)

Field Manager  
(Title)

\_\_\_\_\_  
(Date)

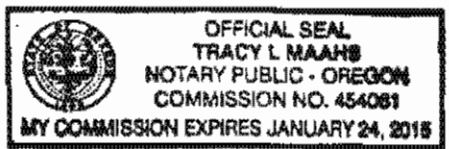
3/24/11  
(Effective Date of Grant)

AGENCY ACKNOWLEDGMENT

STATE OF OREGON            )  
  )  
COUNTY OF LANE            )

On this 24 day of March, 11, before me appeared William O'Sullivan to me personally known, who being duly sworn, did say that \_\_\_\_\_ is the Field Manager of the Upper Willamette Resource Area of the Eugene District of the Bureau of Land Management, United States Department of the Interior, and that he is authorized to sign the said instrument on behalf of the said Bureau, and he acknowledged that he executed the said instrument as a voluntary act and deed.

(SEAL)



Notary Public in and for the Tracy Maahs  
State of Oregon  
Residing at Springfield  
My commission expires: 1-24-15

ATTACHMENT 1

HOLDER ACKNOWLEDGEMENT

STATE OF OREGON    )  
                                  )  
COUNTY OF LANE    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2011, personally appeared the above-named  
\_\_\_\_\_, Acting County Administrator of Lane County, Oregon  
and acknowledged the foregoing instrument to be his voluntary act before me:

(SEAL)

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON

My commission expires: \_\_\_\_\_

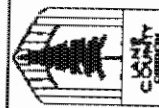
ATTACHMENT 1

OR 63540  
 Exhibit A  
 May 12, 2006  
 Sheet 1 of 4

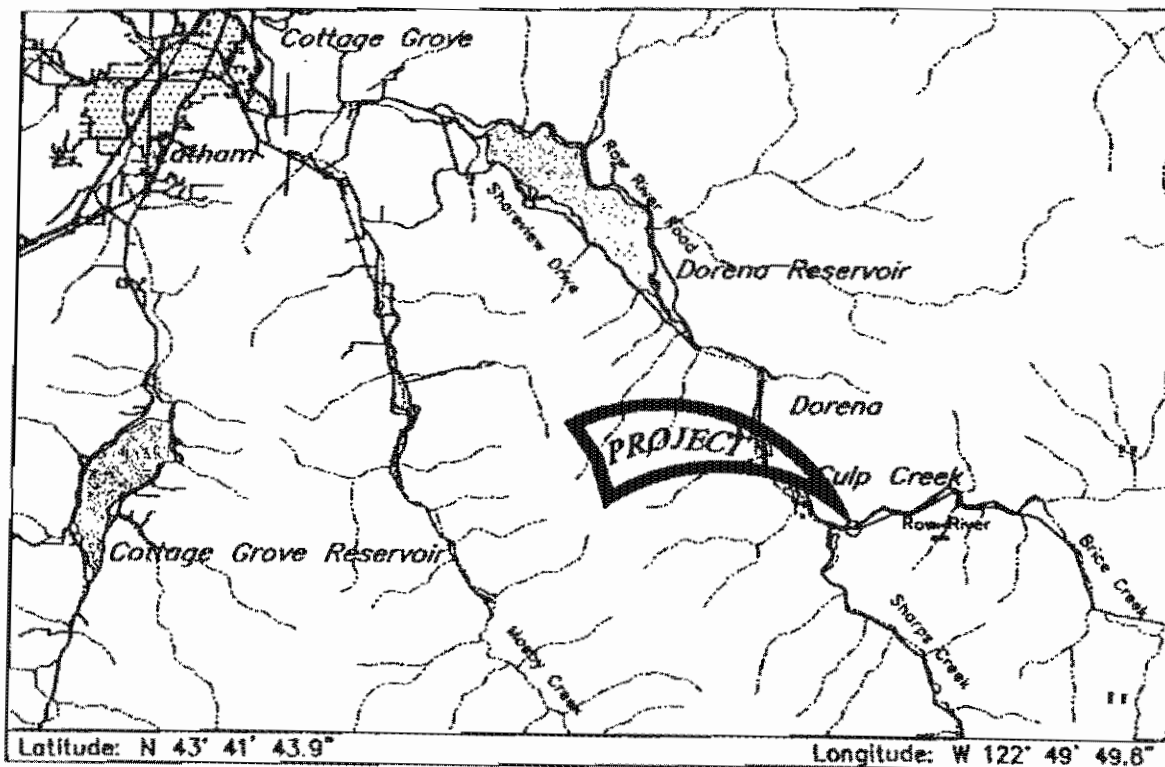
LANE COUNTY  
 DEPARTMENT OF PUBLIC WORKS  
 ENGINEERING DIVISION

BRIDGE REPLACEMENT  
**Row River Bridge**

M.P. 16.64



LANE COUNTY  
 DEPARTMENT OF PUBLIC WORKS  
 ENGINEERING DIVISION  
 ALAN L. JOHNSON  
 Public Works Director  
 2006 P.E. License  
 County Engineer



Latitude: N 43° 41' 43.9"

Longitude: W 122° 49' 49.8"

SEC. 5 & 32, T. 1 W., R. 21 & 22 S., W.M.



SCALE IN MILES

ROW RIVER ROAD  
 (M.P. 16.34 To M.P. 16.79)  
 Row River Bridge (M.P. 16.64)

DATE	PROJECT NO.	ROAD NO.
March 2006	2400-2	M-2400

JPA VICINITY.dwg



# ATTACHMENT 1

OR 63450  
Exhibit A  
Sheet 2 of 4

## EXHIBIT A

### LEGAL DESCRIPTION

A parcel of land lying in the Northeast one-quarter of the Northeast one-quarter (NE ¼ NE ¼ ) of Section 5, Township 22 South, Range 1 West of the Willamette Meridian, Lane County, Oregon, and being a portion of that tract of land conveyed to UNITED STATES OF AMERICA, by that certain deed recorded August 25, 1994, on Reel 1986, Recorder's Reception Number 9462054, LANE COUNTY OREGON DEED RECORDS, included in a strip of land variable feet in width lying on the southerly side of the centerline of the realignment of Row River Road as surveyed by Lane County in 2006; the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station L4 263+10.84 PT, said station being 90.59 feet South and 965.73 feet West of the Northeast Corner of Section 5, Township 22 South, Range 1 West of the Willamette Meridian, Lane County, Oregon; run thence South 51° 08' 30" East, 185.59 feet; thence along a 347.25 foot radius curve left (the long chord of which bears South 89° 52' 03" East, 434.47 feet) a distance of 469.40 feet to Engineers' Centerline Station L4 269+65.83 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 SOUTH'LY SIDE OF C/LINE</u>
L4 263+50.00 POT	L4 264+17.69 POT, more or less, being center of Row River	40 ft tapering on a straight line to 39.59 ft
L4 264+17.69 POT, more or less, being center of Row River	L4 264+22.04 POT, more or less, being center of Row River	39.59 ft tapering on a straight line to 30 ft
L4 264+22.04 POT, more or less, being center of Row River	L4 264+96.43 PC	30 ft
L4 264+96.43 PC	L4 265+22.00 POC	30 ft tapering on a straight line to 40 ft
L4 265+22.00 POC	L4 265+80.00 POC	40 ft tapering on a straight line to 55 ft
L4 265+80.00 POC	L4 267+00.00 POC	55 ft tapering on a straight line to 35 ft
L4 267+00.00 POC	L4 268+00.00 POC	35 ft.

The southerly line of the above described strip of land crosses GRANTOR'S northerly and easterly property lines opposite approximate Engineers' Centerline Stations L4 264+18 POT and L4 267+32 POC, respectively.

## ATTACHMENT 1

OR 63450  
Exhibit A  
Sheet 3 of 4

The parcel of land to which this description applies contains 0.15 of an acre, more or less.

The bearings used herein are based on the record GLO call of East between the Quarter Corner common to Sections 32 and 5, and the Section corner common to Sections 32, 33, 4 and 5 in Townships 21 and 22 South, Range 1 West, W. M.

