

W. 7. E. 1.

## AGENDA COVER MEMO

**DATE:** November 24, 2004  
**TO:** LANE COUNTY BOARD OF COMMISSIONERS  
**FROM:** Bill Robinson, Lane County Surveyor *BR*  
**DEPARTMENT:** Public Works/Land Management Division

**AGENDA ITEM TITLE: IN THE MATTER OF DEDICATING AND ACCEPTING A PARCEL  
OF COUNTY OWNED LAND AS RIGHT OF WAY FOR AN UNNAMED  
PUBLIC ROAD (18-10-07)**

**I. MOTION:**

In the Matter of Dedicating and Accepting a Parcel of County Owned Land as Right of Way for an Unnamed Public Road (18-10-07)

**II. ISSUE:**

To decide whether to dedicate and accept a parcel of County owned land as a public road easement, in Section 7, Township 18 South, Range 10 West of the Willamette Meridian.

**III. DISCUSSION:**

**A. Background:**

The Surveyor's Office has received a request from the Transportation Planning section of the Department of Public Works to dedicate a parcel of County owned land to the use of the public and accept it as public road. The subject property is located off State Highway Number 126 (also known as Oregon State Highway Number 36), between Mapleton and Florence, in the community of Tiernan.

The parcel proposed to be dedicated is Tax Lot 702 of Assessor's Map 18-10-07. It appears that this parcel of property had been separated from Tax Lot 703 at some point in time for the intent of being included with an existing public road, but it was never formally dedicated and accepted as a public road. This property was acquired by Lane County in 1995 through tax foreclosure and has existed as County owned real estate since that time. It is not needed for any use other than that of road purposes.

**B. Analysis:**

The parcel of property proposed to be dedicated for road purposes is adjacent to the aforementioned existing road. The existing road, having a variable width right of way ranging from 25 feet to 50 feet wide, was dedicated to the public in 1961, and accepted by the Board of Commissioners as a public road in 1962. It stops short of Tax Lot 703 leaving that property

landlocked with no legal access to the highway. County Survey File Number 30540, included as Exhibit "B" of the attached dedication, portrays the vicinity of the proposed right of way addition. The proposed dedication and acceptance of the county owned property, together with the previously dedicated property, will provide a 60-foot wide right of way that extends across the northerly boundary of Tax Lot 703, and continues westerly and northerly, to the southerly right of way of State Highway Number 126.

The road will be classified as a Public Road, but not part of the County Road System.

C. Alternatives/Options:

The Board of County Commissioners has the options to:

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

D. Recommendations:

It is recommended that the Board support Alternative Number 1, approving the dedication and acceptance of this parcel of County owned real estate for public road purposes, but not a County Road.

E. Timing:

Timing is important to facilitate a proposed property development.

**IV. IMPLEMENTATION/FOLLOW-UP:**

If the Board of County Commissioners approves the Order to dedicate and accept the parcel of land for a Public Road Easement, the Order is to be entered in the records of the Board of County Commissioners' Journal of Administration, and the Deed shall be recorded in the Lane County Deed Records, after which copies are to be forwarded to the County Surveyor and County Assessor for appropriate action.

**V. ATTACHMENTS:**

Order  
Dedication of Public Road Easement  
Exhibit "A"-Description of Tax Lot 703  
Exhibit "B"-Drawing of area to be dedicated  
Vicinity Map

Contact Person: Bill Robinson x-4198

**IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY,  
STATE OF OREGON**

**IN THE MATTER OF DEDICATING AND ACCEPTING )  
A PARCEL OF COUNTY OWNED LAND AS RIGHT OF )  
WAY FOR AN UNNAMED PUBLIC ROAD ) ORDER NO.  
(18-10-07) )**

**THIS MATTER** now coming before the Board of County Commissioners of Lane County, and the Board deeming it to be in the best interest of Lane County and the public to dedicate a certain tract of land conveyed to Lane County by that certain deed, recorded on Reel 2097-R, Recorder's Reception Number 9552390 of the Lane County Oregon Deed Records; and

**WHEREAS** Lane County acquired the real property by a Deed recorded on September 19, 1995; and

**WHEREAS** the Lane County Board of Commissioners have provided a good and sufficient deed, forever dedicating a parcel of land for public road purposes, and the Board of 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 not as a county road; and

**IT IS FURTHER ORDERED** that the above Order shall be entered in the records of the Board of County Commissioners' Journal of Administration, Lane County, Oregon; and

**IT IS FURTHER ORDERED** that the deed be recorded in the Deed Records of the County and the Instrument Number be noted on this Order.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

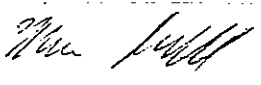
DEPARTMENT OF PUBLIC WORKS  
LAND MANAGEMENT DIVISION

BOARD OF COUNTY  
COMMISSIONERS  
LANE COUNTY, OREGON

Approved 11-23, 2004

\_\_\_\_\_  
Chair

By   
Jeff Towery, Director

11-25-04  


Deed Instrument Number \_\_\_\_\_, Lane County, Oregon Deed Records.

## DEDICATION OF A PUBLIC ROAD EASEMENT

### LANE COUNTY

KNOW ALL MEN BY THESE PRESENTS, that Lane County (Grantor), a political subdivision of the State of Oregon, is the owner of certain real property, lying in the Southwest one-quarter (SW 1/4) of Section 7, Township 18 South, Range 10 West, of the Willamette Meridian, Lane County, Oregon, and that Lane County acquired title by that certain deed recorded September 19, 1995, on Reel 2097-R, Recorder's Reception Number 9552390, Lane County Oregon Deed Records, said parcel being described in the Statutory Bargain and Sale Deed conveyed to John A. Tiffany and Pauline W. Tiffany, Trustees of the Tiffany Joint Trust, and Recorded September 27, 1988, on Reel 1536-R, Recorder's Reception Number 8840280, Lane County Oregon Deed Records, and that said Lane County does hereby dedicate to the free use of the public (Grantee), for public road purposes, the following described tract of land, to wit:

An area North of the parcel of land described in the attached Exhibit "A", 60 feet in width or of such width as will constitute a 60 foot right of way access North of said parcel and Westerly of said parcel following existing road right of ways sufficient to create a 60-foot road to the South edge of Oregon State Highway Number 36. The area constituting this property is attached hereto as Exhibit "B" and shown thereon as a crosshatched area.

It being the intent herein to dedicate right-of-way for an unnamed public road, and with this dedication, will result in a right-of-way width of 60 feet.

Said parcel being forever dedicated to the use of the public for road purposes.

There is no consideration for this dedication.

---

---

---

---

---

---

---

---

---

---

After recording return to:  
Lane County Surveyor's Office. 125 E. 8<sup>th</sup> Ave., Eugene, OR 97401

IN WITNESS WHEREOF, the undersigned have executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

STATE OF OREGON     )  
                              )     ss.  
County of Lane        )

On \_\_\_\_\_, 2004, personally appeared \_\_\_\_\_

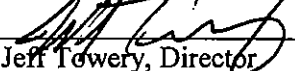
\_\_\_\_\_  
\_\_\_\_\_  
who, duly being sworn, did say that they are members of the Board of Commissioners of Lane County, Oregon and that said instrument was signed and sealed in behalf of Lane County by authority of its Board of Commissioners; and they acknowledged said instrument to be its voluntary act and deed. Before me:

\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires: \_\_\_\_\_

DEPARTMENT OF PUBLIC  
WORKS, LAND MANAGEMENT  
DIVISION

Approved 11-23, 2004

By   
Jeff Towery, Director

The Board of Commissioners hereby accepts this dedication as described herein and approves it for recording.

LANE COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Chair  
Lane County Board of Commissioners

ATT: Exhibit "A"  
Exhibit "B"  
Vicinity Map

## EXHIBIT "A"

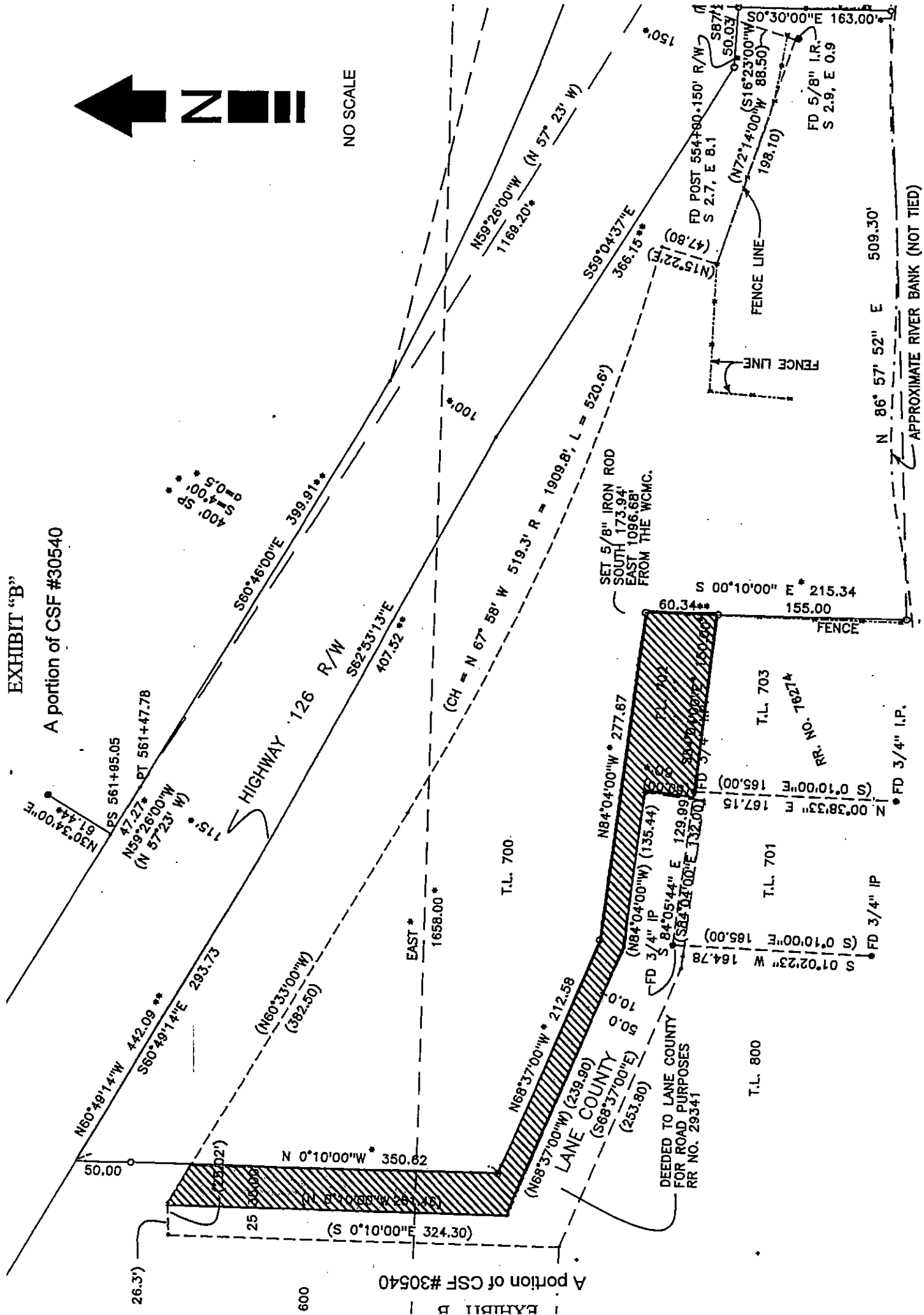
Beginning at a point on the property line fence marking the Southerly line of a parcel of land owned by the State of Oregon, used for a stock pile site, said point being also 1658 feet East and 193 feet South of the Witness corner to the meander corner of the right bank of the Siuslaw River and the West line of Section 7, Township 18 South, Range 10 West, Willamette Meridian; thence South  $83^{\circ}16'$  West 53.9 feet along the fence line to a corner therein; thence South  $16^{\circ}23'$  West 88.5 feet along said fence line to a corner therein; thence North  $72^{\circ}14'$  West 198.1 feet along said fence line to a corner therein; thence North  $15^{\circ}22'$  East 47.8 feet to the Southerly boundary line of the Siuslaw Highway; thence following along said highway on a curve to the right having a radius of 1909.8 feet (the long chord of which bears North  $67^{\circ}58'$  West 519.3 feet) a distance of 520.6 feet; thence North  $60^{\circ}33'$  West 382.5 feet; thence leaving said Highway South  $87^{\circ}26'$  West 26.3 feet; thence South  $0^{\circ}10'$  East 489.3 feet to the right bank of the Siuslaw River; thence along said right bank, Easterly, a distance of 396.0 feet to a point marked by an iron pipe, being the Southeast corner of that tract conveyed to A. R. Tiffany-Trust Fund by John A. Tiffany, Trustee, recorded May 1, 1970, Reception No. 4609, Lane County Oregon Records, being the True Point of Beginning, thence continuing Easterly along the right bank of the Siuslaw River 150 feet to a point; thence North  $0^{\circ}10'$  West 165.0 feet to a point; thence North  $84^{\circ}4'$  West 150 feet to a point North  $0^{\circ}10'$  West of the True Point of Beginning, said point being the Northeast corner of the Tiffany-Trust marked by an iron pin; thence South  $0^{\circ}10'$  East 165 feet, more or less, to the True Point of Beginning, all in Lane County, Oregon.

# EXHIBIT "B"

A portion of CSF #30540



NO SCALE



SIUSLAW RIVER

## Section 7 T. 18S. R. 10W. W.M.

