

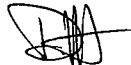
W. 3. E. 3.

ORIGINAL

Memorandum Date: August 6, 2007
Order Date: August 29, 2007

TO: Board of County Commissioners

DEPARTMENT: Public Works/Land Management/Surveyors

PRESENTED BY: D. Michael Jackson, Interim 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 BUSHNELL LANE EAST, (COUNTY ROAD NUMBER 1236) (17-04-15-10)

I. MOTION

TO APPROVE THE ORDER DEDICATING LAND OWNED BY LANE COUNTY AND ACCEPTING IT FOR PUBLIC AND COUNTY ROAD PURPOSES, COUNTY ROAD NUMBER 1236 (BUSHNELL LANE EAST), IN SECTION 15, TOWNSHIP 17 SOUTH, RANGE 4 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 1236 (Bushnell Lane East), in Section 15, Township 17 South, Range 4 West of the Willamette Meridian.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

County Road 1236 (Bushnell Lane East) is an Urban Local road established in 1945 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 Bushnell East Road, mp 0.47 Bridge Project.

Property was acquired by Lane County for the purpose of widening the right of way of County Road Number 1236 (Bushnell Lane East) in the vicinity of County Bridge #17-4W-15B. Additionally, a Record of Survey was filed with Lane County Surveyor's Office, County Survey No. 40246, but no final order establishing additional right-of-way for the Bushnell Lane East was completed.

The Surveyor's Office has received a request from the Right of Way Management program of the Department of Public Works to dedicate land owned by Lane County and dedicate it as a public road easement for County Road Number 1236 (Bushnell Lane East).

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 Bushnell East Road, mp 0.47 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 2001-2005, 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 Bushnell Lane East.

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 Bushnell Lane East. 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 County Road Number 1236 (Bushnell Lane East), 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)
BUSHNELL LANE EAST,)
(COUNTY ROAD NUMBER 1236) (17-04-15-10)**

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 that certain deed from RES INC., an Oregon Corporation, recorded on reel 1923R, Recorder's Reception number 9411644 and from Bruhl Szymanski, by that certain deed recorded on reel 1919R, Recorder's Reception number 9408929 Lane County Deed Records, a surveyed alignment of which is filed under County Survey File Number 32427, Lane County Surveyor's Department, 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 1236 (Bushnell Lane East) in the vicinity of County Bridge #17-4W-15B, 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 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 1236 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 August 7, 2007

Chair

By Craig Starz
Craig Starz, Interim Division Manager

APPROVED AS TO FORM

Date 8-14-07 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 that certain deed from RES INC., an Oregon Corporation, recorded on reel 1923R, Recorder's Reception Number 9411644 and from Bruhl Szymanski by that certain deed recorded on reel 1919R, Recorder's Reception Number 9408929 Lane County Deeds and 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 (NE 1/4) of Section 15, Township 17 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 each side of centerline of Bushnell Lane East Road survey as said road has been resurveyed in 1994, the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station 29+00.00 POT said station being 542.04 feet North and 1,007.65 feet East of a Brass Cap marking the Southwest corner of Parker Bryan Donation Land Claim Number 49, located in Section 15, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon; run thence South 89° 54' 00" East, 200.00 feet to Engineers' Centerline Station 31+00.00 POT 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 NORTHERLY SIDE OF C/LINE</u>	<u>WIDTH ON SOUTHERLY SIDE OF C/LINE</u>
29+00.00 POT	29+75.00 POT	25 ft	
29+75.00 POT	30+05.00 POT	25 ft tapering on a straight line to 44 ft	
30+05.00 POT	30+25.89 POT	44 ft	
30+25.89 POT	30+19.33 POT	44 ft tapering back on a straight line to 25 ft	

<u>STATION TO STATION</u>		<u>WIDTH ON NORTHERLY SIDE OF C/LINE</u>	<u>WIDTH ON SOUTHERLY SIDE OF C/LINE</u>
29+67.00 POT	29+73.71 POT		20 ft tapering on a straight line to 40 ft
29+73.71 POT	29+79.11 POT		40 ft tapering on a straight line to 20 ft

The Northerly line of the above described strip of land cross Grantor's Southerly and Easterly property lines opposite Engineer's Station 29+41.59 POT and 30+25.89 POT respectively and the Southerly line of the above described strip of land crosses Grantor's northerly and easterly property lines opposite Engineers' Station 29+67 POT and 29+73.71 POT.

The parcel of land to which this description applies contains .03 acres, more or less, exclusive of existing right of way.

The bearings used herein are based upon a 1994 survey of Bushnell Lane East by the Lane County Department of Public Works.

It being the intent herein to widen County Road Number 1236 to a variable feet from centerline on both sides of the centerline as road was surveyed in 1994.

The consideration from this dedication is \$0.00

DATED this _____ day of _____, 2007

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

STATE OF OREGON)
COUNTY OF LANE) SS.

On _____, 2007, 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 August 7, 2007

By Craig Starr
Craig Starr, Interim 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

VICINITY MAP
NOT TO SCALE

