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ORIGINAL

Memorandum Date: May 28, 2008
Order Date: June 28, 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 CANTRELL ROAD (COUNTY ROAD NUMBER 418) (18-05-02)

I. MOTION

TO APPROVE THE ORDER DEDICATING LAND OWNED BY LANE COUNTY AND ACCEPTING IT FOR PUBLIC AND COUNTY ROAD PURPOSES FOR CANTRELL ROAD (COUNTY ROAD NUMBER 418), IN SECTION 2, TOWNSHIP 18 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 Cantrell Road (County Road Number 418), in Section 2, Township 18 South, Range 5 West of the Willamette Meridian.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Cantrell Road is a Rural Local Collector with various portions consisting of County Road Numbers 323, 379 and 418 which were established as a 60.00 foot wide County Road in 1876, 1884 and 1887 respectively. The adoption of Capital Improvement Program FY 86/87-FY 90/91 authorized Lane County to initiate property acquisitions for the Cantrell Road, mp 3.13 Bridge Project.

Property was acquired by Lane County for the purpose of widening the right of way of Cantrell Road (County Road Number 418) in the vicinity of County Bridge #18-5W-2. Additionally, a Record of Survey was filed with Lane County Surveyors Office, County Survey File No. 28843, but no final order establishing additional right-of-way for the Cantrell 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 Cantrell Road (County Road Number 418).

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 86/87-FY 90/91 authorized Lane County to initiate property acquisitions for the Cantrell Road, mp 3.13 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 Cantrell Road.

E. Analysis

Through the adoption of FY 86/87-FY 90/91 Capital Improvement Program, Order No. 86-4-9-14, 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 Cantrell 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 dedicate and accept right of way acquired for this project and will ensure it 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 accepting 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 Cantrell Road (County Road Number 418), 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)
CANTRELL ROAD (COUNTY ROAD NUMBER 418))
(18-05-02))

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 Herbert I. Ott and Robert A. Ott, Willis A. Johnson and Doris W. Johnson, and Brian R. Tallman and Deborah D. Tallman, recorded on reel 1523R, Recorder's Reception Numbers 8827873, 8827874 and 8827875, Lane County, Oregon Deed Records, a surveyed alignment of which is filed as County Survey File Number 28843 in the Lane County Surveyor's Office; and

WHEREAS, the Department of Public Works acquired said real property for Lane County for the purpose of widening the right of way of Cantrell Road (County Road Number 418) in the vicinity of County Bridge #18-5W-2; 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 418 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 June 5, 2008

Chair

By 
Matt Laird, Division Manager

APPROVED AS TO FORM

Date 6-14-08 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 Herbert I. Ott and Robert A. Ott, Willis A. Johnson and Doris W. Johnson, and Brian R. Tallman and Deborah D. Tallman, recorded on reel 1523R, Recorder's Reception Numbers 8827873, 8827874 and 8827875, Lane County, Oregon Deed Records; and that said Lane County does hereby dedicate to the free use of the public, for public 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 Northwest One Quarter (NW1/4) of Section 2, Township 18 South, Range 5 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 southerly side of centerline of Cantrell Road-Coyote Creek survey as said road has been resurveyed in 1989, the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station L 1+00.00 POB said station being 27.44 feet South and 346.52 feet East of a Brass Cap marking the Northwest (NW) corner of Section 2, Township 18 South, Range 5 West of the Willamette Meridian, Lane County, Oregon; run thence North 85° 02' 20" East, 402.96 feet; thence on a 916.73 foot radius curve right (the long chord of which bears North 88° 12' 12" East, 101.21 feet) a distance of 101.27 feet to Engineer's Centerline Station L 6+04.23 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 NORTHERLY SIDE OF C/LINE</u> | <u>WIDTH ON SOUTHERLY SIDE OF C/LINE</u> |
|---------------------------|---------------|--|--|
| L 1+00.00 POB | L 3+00.00 POT | | 32 ft tapering on a straight line to 29.5 ft |
| L 3+00.00 POT | L 3+00.00 POT | | 29.5 ft tapering on a straight line to 49.5 ft |
| L 3+00.00 POT | L 5+02.96 PC | | 49.5 ft tapering on a straight line to 46.5 ft |

L 5+02.96 PC

L 6+04.23 PT

46.5 ft tapering
on 870.23 ft
radius curve right
to 47 ft

The parcel of land to which this description applies contains .14 acres, more or less, exclusive of existing right of way.

The bearings used herein are true bearings based upon survey number 28843 as filed in the Office of the Lane County Surveyor.

It being the intent herein to widen County Road Number 418 to variable feet from centerline on the southerly side of centerline as road was surveyed in 1989.

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

_____, _____, _____,

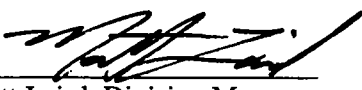
_____, _____, _____, County Commissioners of Lane County, Oregon
and acknowledged the forgoing instrument to be their voluntary act before me:

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____

Department of Public Works
Land Management Division

Approved June 5, 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 DEDICATING LAND OWNED BY LANE COUNTY
AND ACCEPTING IT FOR PUBLIC AND COUNTY ROAD PURPOSES
FOR CANTRELL ROAD
COUNTY ROAD NUMBER 418 (18-05-02)

TALLMAN, JOHNSON & OTT
TO LANE COUNTY
WARRANTY DEEDS
8827875, 8827874 & 8827873

