Memorandum Date: March 2, 2023
Order Date: March 21, 2023

TO:	Board of County Commissioners
DEPARTMENT:	Public Works/Engineering and Construction Services/Surveyors
PRESENTED BY:	Mikeal J. Blommé, Lane County Surveyor
AGENDA ITEM TITLE:	ORDER / IN THE MATTER OF DEDICATING LAND OWNED BY LANE COUNTY AND ACCEPTING IT FOR PUBLIC AND COUNTY ROAD PURPOSES FOR JASPER ROAD, COUNTY ROAD NO. 2273. (18-02-05-24)

I. MOTION

TO APPROVE THE ORDER DEDICATING A STRIP OF LAND CONVEYED TO LANE COUNTY BY A BARGAIN AND SALE DEED RECORDED ON INSTRUMENT 2022-031368, LANE COUNTY OREGON DEEDS AND RECORDS, LANE COUNTY, OREGON, TO BE DEDICTED AS A PUBLIC ROAD EASEMENT, AND SPECIFICALLY AS PART OF COUNTY ROAD NO. 2273. APPROVAL OF THIS REQUEST WILL FORMALLY DEDICATE THE BARGAIN AND SALE DEED AS A PUBLIC ROAD EASEMENT AND COUNTY ROAD.

II. AGENDA ITEM SUMMARY

The Board is being asked to decide whether or not to dedicate and accept a portion of Jasper Road as County Road.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

A private landowner has conveyed a strip of land by Bargain and Sale Deed to Lane County to provide for right of way required as a condition of approval by City of Springfield Staff for an 11-lot subdivision recorded as Jasper Gardens on Instrument 2022-031366, Lane County Oregon Plat Records, Lane County, Oregon. The Bargain and Sale Deed needs to be dedicated to public use as part of Jasper Road, County Road No. 2273.

B. Policy Issues

This dedication is consistent with Oregon Revised Statute 368 and Lane Code Chapter 15, which provides for improvement, development of redevelopment of County Roads in accordance with the Comprehensive Plan and Lane Manual Chapter 15.

C. Board Goals

One of Lane County's Strategic Priorities for 2022-2024 is Robust Infrastructure. Dedicating the strip of land for right of way purposes will help ensure the improvements located within the right of way will be held for public use.

D. Financial and/or Resource Considerations

Acceptance as a County Road will place the public road easement under Lane County maintenance jurisdiction. Therefore, it will be maintained by Lane County.

E. Health Implications

There are no health implications.

F. Analysis

The strip of land was conveyed to Lane County as a Condition of Approval for an 11-lot subdivision recorded as Jasper Gardens. The strip is intended to widen the right of way adjacent to this subdivision from 30 feet to 40 feet from the centerline of Jasper Road. Dedication of this strip for public use will ensure it will be maintained for the use of the traveling public along Jasper Road.

G. Alternatives/Options

The Board of County Commissioners has the options to:

1. Approve the dedication of the public road easement referred to in the Order as part of County Road No. 2273.

2. Deny the Order to dedicate the public road easement.

IV. RECOMMENDATION

Staff recommends the Board support Option Number 1, approving the dedication of the strip of land recorded on Instrument 2022-031368 as a public road easement, and specifically as County Road.

V. TIMING/IMPLEMENTATION

Staff request the Board consider this in a timely manner.

VI. FOLLOW-UP

If the Board of County Commissioners approves the Order dedicating the strip of land acquired by Bargain and Sale Deed as a Dedication of Public Road Easement, the Dedication Deed should be forwarded to Lane County Deeds & Records for recording. The Order is to be filed into the Board of County Commissioners' Journal of Administration, after which copies are to be forwarded to the County Surveyor for appropriate action. If the Order is denied, an Order to Deny will be presented to the

Board at a later regularly scheduled meeting.

VII. ATTACHMENTS

Order with Exhibits:
Bargain and Sale Deed 2022-031368 – Exhibit "A"
Draft Dedication of Public Road Easement – Exhibit "B"
Map – Exhibit "C"
Dedication of Public Road Easement

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 23-03-21-04	IN THE MATTER OF DEDICATING LAND OWNED BY LANE COUNTY AND ACCEPTING IT FOR PUBLIC AND COUNTY ROAD PURPOSES FOR JASPER ROAD, COUNTY ROAD NO. 2273. (18-02-05-24)

THIS MATTER now coming before the Board of County Commissioners of Lane County and said Board deeming it in the best interest of Lane County to dedicate to the public the real property which was conveyed by a Bargain and Sale Deed to Lane County for the purpose of widening the right of way of Jasper Road, County Road No. 2273.

WHEREAS, the dedication was required by City of Springfield Staff as a condition of approval for Jasper Gardens, platted and recorded on Instrument No. 2022-031366, Lane County Oregon Plat Records, Lane County, Oregon; and

WHEREAS, the Bargain and Sale Deed conveyed to Lane County has been executed as Instrument No. 2022-031368, Lane County Oregon Deeds and Records, Lane County, Oregon; and

WHEREAS, the County Surveyor's Office is required to submit to the Board this deed for formal dedication of public road easement, pursuant to Lane Manual Chapter 15; and

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

1. The Dedication of Public Road Easement be formally accepted as Public Road Easement, specifically as part of County Road No. 2273, and the attached Dedication of Public Road Easement be executed and recorded at Lane County Oregon Deeds and Records; and

2. The Dedication of Public Road Easement has been recorded at Lane County Oregon Deeds and Records on Instrument No. _____; and

3. The 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 2273 in the regular numbered road files in the County Surveyor's Office.

ADOPTED this 21st day of March, 2023.

_____
Pat Farr, Chair
Lane County Board of Commissioners

Exhibit "A"

BARGAIN AND SALE DEED

Tax Map & Lot Numbers 18-02-05-24, 6700 & 6800 (on the date of execution)

KNOW ALL BY THESE PRESENTS, that Jasper Road, LLC, Grantor(s), in consideration of the acceptance by the Lane County, Oregon, Grantee; said Grantor hereby grants, bargains, sells and conveys unto the said Grantee, its successors and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Lane and State of Oregon, bounded and described as follows:

THE SOUTH 10 FEET OF JASPER GARDENS as recorded July 19 2021 **at Instrument No.** 2022-031366, **Lane County Oregon Deeds and Records, also recorded at County Survey File (CSF) No.** 45750, **Lane County Surveyors Office, in Lane County, Oregon.**

TO HAVE AND HOLD, the above described and granted premises unto the said Grantee, its successors and assigns forever.

THE CONSIDERATION for this conveyance is None.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the Grantors above named have hereunto set their hands and seals on

April 25, 2022.

SIGNATURE: _____ manager / Jasper Road LLC
(TITLE & COMPANY)

PRINT NAME: Tim Weiskind

STATE OF OREGON
COUNTY OF LANE } SS

This instrument was acknowledged before me on April 25, 2022 by Tim Weiskind as manager of Jasper Road LLC.

OFFICIAL STAMP
YUMIE SHIOTSUKI SAGMILLER
NOTARY PUBLIC - OREGON
COMMISSION NO. 1013891
MY COMMISSION EXPIRES JUNE 27, 2025

_____
Notary Public for Oregon

THE CONVEYANCE set forth in this instrument conveying title or interest to Lane County, a Political Subdivision of the State of Oregon, is hereby approved, and the title or interest conveyed therein is hereby accepted.

LANE COUNTY

By: _____ 7/18/2022
Date

RETURN TO: LANE COUNTY
3050 N. DELTA HWY.
EUGENE, OREGON 97408

SEND TAX STATEMENT TO: LANE COUNTY
3050 N. DELTA HWY.
EUGENE, OREGON 97408

Lane County Clerk
Lane County Deeds and Records **2022-031368**

\$71.00

02033283202200313680020022

07/19/2022 10:12:58 AM

RPR-DEEDCO Cnt=1 Pgs=2 Stn=1 CASHIER 05
\$10.00 \$61.00

Certification of Charges Paid

(2015 Oregon Laws Chapter 96)

All of the charges against the real property have been paid that is the subject of the deed between:

Account #

0563021, 0563013

Grantor:

JASPER ROAD LLC

Consideration Amount:

$0.00

Grantee:

LANE COUNTY

Deed Signed on Date:

4/25/2022

Assessor's Signature (or representative):

Karly Welty

Date:

7/19/2022

Exhibit "B"

After Recording Return to, and
Send tax statements to:
Lane County Public Works
Right of Way Management Section
3040 N. Delta Highway
Eugene, Oregon 97408

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

DEDICATION OF A PUBLIC ROAD EASEMENT

LANE COUNTY, a political subdivision of the State of Oregon, GRANTOR, hereby dedicates to the **PUBLIC**, GRANTEE, a public road easement on and over the following described property:

A strip of land lying in the Northwest one-quarter (NW ¼) of Section 5, Township 18 South, Range 2 West of the Willamette Meridian, Lane County, Oregon, and being a tract of land conveyed to LANE COUNTY in that certain Bargain and Sale Deed recorded July 19, 2022 at Instrument No. 2022-031366, LANE COUNTY OREGON DEED RECORDS, said strip of land being more particularly described as follows:

The south 10 feet of Jasper Gardens as recorded July 19, 2022 at Instrument No. 2022-031366, Lane County Oregon Deed Records, also recorded as County Survey File (CSF) No. 45750, Lane County Surveyors Office, in Lane County Oregon.

The parcel of land to which this description applies contains 0.50 of an acre (21,663 sq. ft.), more or less.

The bearings used herein are based on Jasper Gardens as recorded on July 19, 2022 at Instrument No. 2022-031366, Lane County Oregon Deed Records, also filed as County Survey File (CSF) No. 45750, Lane County Surveyors Office, in Lane County Oregon.

Said parcel being forever dedicated to the use of the public for road purposes, and specifically part of Jasper Road, County Road No. 2273.

Dated this _____ day of _____, 2023.

_____
Pat Farr, Chair
Lane County Board of County Commissioners

DRAFT

STATE OF OREGON)
) ss.
County of Lane)

On _____, 20_____, personally appeared the above-named _____

_____

who acknowledged the foregoing instrument to be a voluntary act before me.

_____
Notary Public for Oregon

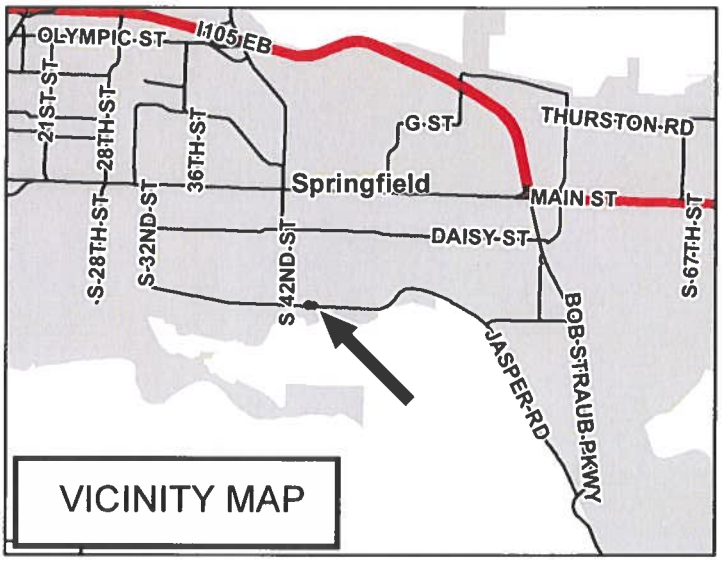
My Commission Expires: _____

DRAFT

Exhibit "C"

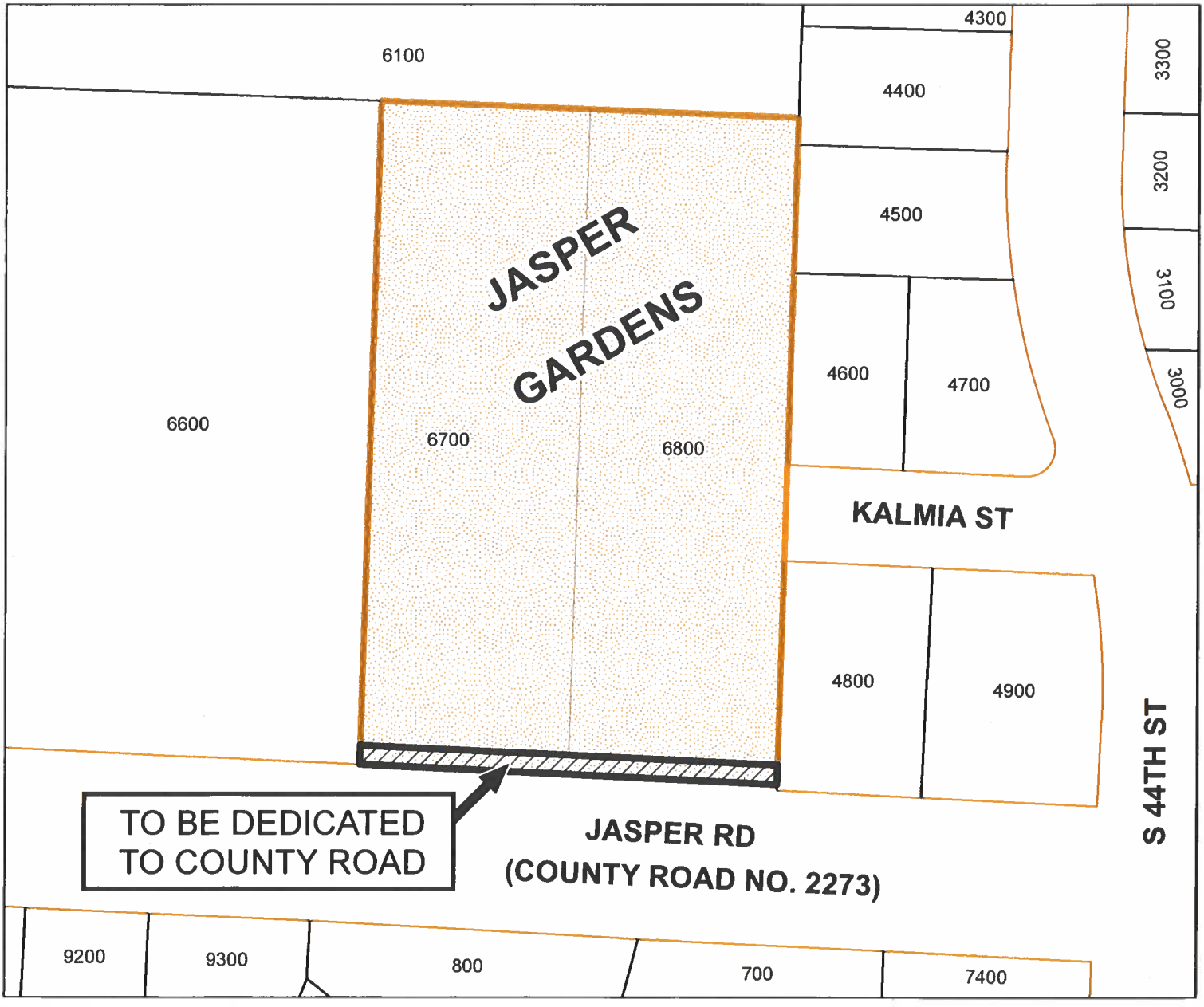
TO BE DEDICATED FOR COUNTY ROAD PURPOSES

JASPER GARDENS
NW 1/4 SECTION 5, T. 18S. R. 2W. W.M.
LANE COUNTY, OREGON



N

NO SCALE



After Recording Return to, and
Send tax statements to:
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Right of Way Management Section
3040 N. Delta Highway
Eugene, Oregon 97408

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The parcel of land to which this description applies contains 0.50 of an acre (21,663 sq. ft.), more or less.

The bearings used herein are based on Jasper Gardens as recorded on July 19, 2022 at Instrument No. 2022-031366, Lane County Oregon Deed Records, also filed as County Survey File (CSF) No. 45750, Lane County Surveyors Office, in Lane County Oregon.

Said parcel being forever dedicated to the use of the public for road purposes, and specifically part of Jasper Road, County Road No. 2273.

Dated this 21st day of March, 2023.

_____
Pat Farr, Chair
Lane County Board of County Commissioners

STATE OF OREGON)
) ss.
County of Lane)

On _____, 20_____, personally appeared the above-named _____

_____

who acknowledged the foregoing instrument to be a voluntary act before me.

_____
Notary Public for Oregon

My Commission Expires: _____