Memorandum Date: April 26, 2024
Order Date: May 14, 2024

TO: Board of County Commissioners

DEPARTMENT: Public Works/Engineering and Construction Services/Surveyors

PRESENTED BY: Trevor J. Ross/Deputy Lane County Surveyor

AGENDA ITEM TITLE: ORDER / IN THE MATTER OF RELEASING AND DEDICATING PARCEL A AS PUBLIC RIGHT OF WAY FOR WINDWARD PLACE, A PUBLIC ROAD. (18-05-04).

I. MOTION

TO RELEASE AND DEDICATE PARCEL A AS PUBLIC RIGHT OF WAY FOR WINDWARD PLACE, A PUBLIC ROAD, IN SECTION 4, TOWNSHIP 18 SOUTH, RANGE 5 WEST, OF THE WILLAMETTE MERIDIAN.

II. AGENDA ITEM SUMMARY

The Board is being asked to approve the Order to release a one-foot-wide access control strip, described as Parcel A on a Bargain and Sale Deed recorded on Reel 108-D, Recorder's Reception Number 45047 to Lane County and to release and dedicate the strip as public right of way for Windward Place, a public road.

III. BACKGROUND / IMPLICATIONS OF ACTION

A. Board Action and Other History

The west 30 feet of Windward Place was dedicated to the public, reserving the most westerly one-foot strip as Parcel A to restrict access to properties from the east until such time the restriction is released and dedicated as public right of way. Lane County Public Works Transportation Planning has requested the release and dedication of this strip in conjunction with an approval of a proposed Land Partition Plat located west of the reserve strip. Additional property has been previously dedicated to the public, the northerly 507 feet, 30 feet in width, along the west side of Parcel A, creating a full 60' width right of way for Windward Place along this northerly extent.

B. Policy Issues

Lane Code 13.080(e) allows the County to require a developer to dedicate a strip of land contiguous to a public road for the County to hold in trust for the purpose of preventing access to the side of a road where additional width or improvement is required where future subdivision or land division action is proposed. The strip was granted to Lane County for this purpose in 1961 on the aforementioned Bargain and Sale Deed. Adjacent property to the west of Parcel A is now being partitioned. The release and dedication to the public for Windward Place will allow legal access from Windward Place to the adjacent properties along the west 30' of public right of way.

C. Board Goals

One of the areas of focus in Lane County's 2022-2024 Strategic Plan is to maintain and invest in resilient infrastructure that creates the highest return for safety, community connectivity, enjoyment of life, and local economic success. Release and dedication of the one-foot parcel strip as public right of way for a public road easement will allow for legal access to adjacent properties and provide connectivity and access to the new parcels of a proposed Land Partition Plat along Windward Place.

D. Financial and/or Resource Considerations

The County's cost of processing the parcel release has been paid in full by the landowner as authorized by Lane Manual 60.800.010.

E. Health Implications

There are no significant health implications.

F. Analysis

Windward Place is an existing public road running north from Pickens Road approximately 1465 feet with a 30-foot width east of centerline (inclusive of Parcel A) and a 30-foot width west of centerline along the northerly 507 feet, resulting in a variable width of 30 feet and 60 feet respectively. The release of this reserve strip will allow for access to properties being divided along the west margin of the easterly 30-foot section being divided under a proposed Land Partition Plat.

G. Alternatives / Options

The Board of County Commissioners has the options to:

1. Approve the Order to Release and Dedicate Parcel A per Bargain and Sale Deed as public right of way for Windward Place.

2. Deny the Order.

3. Continue the matter for further consideration.

IV. RECOMMENDATION

It is recommended the Board of County Commissioners approve the Order to release the reserve strip shown as Parcel A along the west margin of the 30-foot dedication to the public for Windward Place and to dedicate it for public road purposes.

V. TIMING/IMPLEMENTATION

Implementation of the Order will allow adjacent landowners have legal access over the dedicated right of way.

VI. FOLLOW-UP

If the Board of County Commissioners approves the Order to release and dedicate the reserve strip, it is to be entered in the records of the Board of County Commissioners Journal of Administration, after which copies are to be forwarded to the County Surveyor and County Assessor 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:
Draft Dedication of Public Road Easement – Exhibit "A"
Release and Dedication of Public Road Easement

Contact Person: Trevor J. Ross x 6938.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 24-05-14-04	IN THE MATTER OF RELEASING AND DEDICATING PARCEL A AS PUBLIC RIGHT OF WAY FOR WINDWARD PLACE, A PUBLIC ROAD. (18-05-04).

WHEREAS, by previous action the following land, described as Parcel A by that certain deed, recorded on Reel 108-D, Recorder's Reception Number 45047, Lane County, Oregon Deed Records was conveyed to Lane County; and

WHEREAS, Lane County Transportation Planning has requested the parcel strip be released and dedicated for road purposes to allow for public access to newly created parcels within a proposed Land Partition Plat; and

WHEREAS, Parcel A lies outside an Urban Growth Boundary, and

WHEREAS, said parcel need no longer remain as a parcel of County owned real estate, but should be released and dedicated for public road purposes; and

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

1. The real estate, described as Parcel A by that certain deed, recorded on Reel 108-D, Recorder's Reception Number 45047, Lane County, Oregon Deed Records, and as described in the attached Dedication of a Public Road marked as Exhibit "A," be released and dedicated as public right of way.

2. The Board Chair is authorized to execute an original Dedication of a Public Road Easement on behalf of the County.

3. This Order will be entered into the records of the Board of County Commissioner's Journal of Administration and the attached Dedication be recorded in the Lane County Oregon Deed Records, and the document number be noted on this Order.

ADOPTED this 14th day of May, 2024.

Department of Public Works

LANE COUNTY BOARD OF COMMISSIONERS

Approved _____, 2024.

By _____
Laurie Trieger, Chair

By _____
Dan Hurley, Public Works Director

Dedication Recorded on Document No. _____, Lane County, Oregon Deed Records.

After recording return to:
Lane County Surveyor's Office
3050 N. Delta Hwy
Eugene, OR 97408

EXHIBIT "A"

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, Parcel A, located in Section 4, Township 18 South, Range 5 West of the Willamette Meridian, and Lane County acquired title by that certain Bargain and Sale Deed from Dwight Leroy Knight, Loren Glenn Knight, Phyllis Louise Knight, and Gordon Boyd Knight, Grantors, recorded on Reel 180-D, Recorder's Reception Number 45047 of the 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 Parcel A, to wit:

> Beginning at a point on the Northline of County Road No. 803 (known as the Pickens Road) 1309.75 feet North 89°54'30" West and 20.0 feet North 01°12' West from the Southeast corner of Section 4, Township 18 South, Range 5 West, Willamette Meridian, running thence North 89°54'30" West 1.0 feet, thence North 01°12' West 1465.0 feet, thence South 89°54'30" East 30.0 feet, thence South 01°12' West 1.0 feet, thence North 89°54'30" West 29.0 feet, thence South 01°12' East 1464.0 feet to the place of beginning in Lane County, Oregon.

It being the intent to relinquish and dedicate the one foot reserve strip (Parcel A) as public right of way for Windward Place, a public road. There is no consideration for this dedication.

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

Approved this _____ day of _____, 2024.

DRAFT

_____
Laurie Trieger, Chair
Lane County Board of Commissioners

STATE OF OREGON)
) SS
COUNTY OF LANE)

On this_____day of_____, 2024, personally appeared the above-named Laurie Trieger, as Chair of the Lane County Board of Commissioners and acknowledged the foregoing instrument to be their voluntary act before me.

_____
NOTARY PUBLIC FOR OREGON

My Commission Expires: _____

DRAFT

After recording return to:
Lane County Surveyor's Office
3050 N. Delta Hwy
Eugene, OR 97408

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, Parcel A, located in Section 4, Township 18 South, Range 5 West of the Willamette Meridian, and Lane County acquired title by that certain Bargain and Sale Deed from Dwight Leroy Knight, Loren Glenn Knight, Phyllis Louise Knight, and Gordon Boyd Knight, Grantors, recorded on Reel 180-D, Recorder's Reception Number 45047 of the 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 Parcel A, to wit:

> Beginning at a point on the North line of County Road No. 803 (known as the Pickens Road) 1309.75 feet North 89°54'30" West and 20.0 feet North 01°12' West from the Southeast corner of Section 4, Township 18 South, Range 5 West, Willamette Meridian, running thence North 89°54'30" West 1.0 feet, thence North 01°12' West 1465.0 feet, thence South 89°54'30" East 30.0 feet, thence South 01°12' West 1.0 feet, thence North 89°54'30" West 29.0 feet thence South 01°12' East 1464.0 feet to the place of beginning in Lane County, Oregon.

It being the intent to release and dedicate the one-foot reserve strip (Parcel A) as public right of way for Windward Place, a public road. There is no consideration for this dedication.

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

Approved this _____ day of _____, 2024.

_____
Laurie Trieger, Chair
Lane County Board of Commissioners

STATE OF OREGON)
) SS
COUNTY OF LANE)

On this_____day of_____, 2024, personally appeared the above-named Laurie Trieger, as Chair of the Lane County Board of Commissioners and acknowledged the foregoing instrument to be their voluntary act before me.

_____
NOTARY PUBLIC FOR OREGON

My Commission Expires: _____