



Memorandum Date: July 19, 2024
Order Date: August 6, 2024

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 ACCEPTING A DEDICATION FOR A PERMANENT PUBLIC ROAD EASEMENT TO BE USED FOR PUBLIC ROAD PURPOSES FOR WILKES DRIVE. (17-04-02-44-00400).

I. MOTION

TO APPROVE THE ORDER ACCEPTING A PERMANENT ROAD EASEMENT FOR WILKES DRIVE RECORDED ON INSTRUMENT 2024-020180, LANE COUNTY OREGON DEEDS AND RECORDS, LANE COUNTY, OREGON.

II. AGENDA ITEM SUMMARY

A private landowner holding title to map and tax lot number 17-04-02-44-00400 has dedicated a permanent public road easement to provide additional right of way for Wilkes Drive at the request of Lane County Right of Way Services. This dedication is being presented to the Board of County Commissioners for formal acceptance as required by Lane Manual Chapter 15.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

In the early 1970's, Lane County acquired right of way from multiple properties along Wilkes Drive to facilitate a road realignment project at the westerly end of Wilkes Drive at its intersection with River Road. A road realignment project was eventually constructed and completed soon thereafter.

Recently, the Lane County Surveyor's Office completed a road right of way retracement survey along Wilkes Drive between River Road and River Loop #1. During the research portion of the retracement survey, it was discovered a right of way dedication did not exist for the subject property from which this dedication was recently acquired from. Lane County solicited the services of Evergreen Land & Title Company to perform a complete title search for the subject property in the hopes that a dedication from the 1970's would be located. Unfortunately, Evergreen Land & Title Company confirmed our suspicions that right of way was never legally acquired as part of the 1970's road

realignment project. Since the as-traveled road currently is constructed within the area recently acquired, it was necessary to legally acquire the permanent public road easement from the current landowners. Lane County staff contacted the landowners and successfully negotiated the right of way that should have been acquired during the 1970's road realignment project.

In addition, the City of Eugene has agreed to annex Wilkes Drive into the city limits and has indicated a willingness to formally request jurisdictional transfer of the road once the annexation is complete, thus adding to the justification to acquire the needed right of way to include in the annexation description and eventual jurisdictional transfer.

B. Policy Issues

Lane Manual Chapter 15 requires that the County Surveyor's Office present to the Board all public road and County Road easements for formal acceptance.

C. Board Goals

One of Lane County's Strategic Priorities for 2022-2024 is Robust Infrastructure. Accepting the recently recorded permanent public road easement for right of way purposes will help ensure the improvements located along Wilkes Drive are within legally dedicated right of way.

D. Financial and/or Resource Considerations

Lane County paid \$750 dollars for the permanent public road easement, which is our minimum compensation per policy. There are no other financial considerations or future costs related to this item.

E. Health Implications

There are no health implications.

F. Analysis

Approval of the acquired right of way by the Board will ensure it meets the requirements for formal acceptance as required by Lane Manual Chapter 15.

G. Alternatives/Options

The Board of County Commissioners has the options to:

1. Approve the acceptance of the public road easement referred to in the Order.
2. Deny the Order to accept the public road easement.

IV. RECOMMENDATION

Staff recommends the Board support Option Number 1, approving the acceptance of the permanent public road easement recorded on Instrument 2024-020180 for the benefit of Wilkes Drive.

V. TIMING/IMPLEMENTATION

Staff respectfully requests the Board consider this in a timely manner.

VI. FOLLOW-UP

If the Board of County Commissioners approves the Order accepting the Public Road Easement, 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 Attachment:
Executed Deed & Map – Attachment "A"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 24-08-06-03

IN THE MATTER OF ACCEPTING A DEDICATION
FOR A PERMANENT PUBLIC ROAD EASEMENT TO
BE USED FOR PUBLIC ROAD PURPOSES FOR
WILKES DRIVE. (17-04-02-44-00400).

WHEREAS, 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 to Lane County for the purpose of widening the right of way of Wilkes Drive; and

WHEREAS, acquisition of the permanent public road easement was initiated by Lane County and was necessitated by the fact the road right of way was not legally acquired by Lane County during a road realignment project in the early 1970's; and

WHEREAS, the document dedicating a permanent public road easement has been negotiated and secured by County staff and executed as Instrument No. 2024-020180, Lane County Oregon Deeds and Records, Lane County, Oregon; and

WHEREAS, the County Surveyor's Office is required to submit for formal acceptance by the Board all public road and County Road easements pursuant to Lane Manual Chapter 15; and

NOW, THEREFORE, IT IS HEREBY ORDERED the permanent public road easement recorded on Instrument No. 2024-020180 is hereby accepted by the Board of County Commissioners of Lane County as a public road easement for the benefit of Wilkes Drive by this Order; and

IT IS FURTHER ORDERED the above Order shall be entered in the records of the Board of County Commissioners' Journal of Administration and forwarded to the Lane County Surveyor's Office for indexing into the road records.

ADOPTED this 6th day of August, 2024.

Laurie Trieger, Chair
Lane County Board of Commissioners

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

Lane County Clerk
Lane County Deeds and Records

2024-020180



02123265202400201800030030

\$97.00

07/16/2024 11:03:50 AM

RPR-ESMT Cnt=1 Pgs=3 Stn=15 CASHIER 34
\$16.00 \$10.00 \$11.00 \$61.00

PERMANENT ROAD EASEMENT

MAURO DANNY GARZA and **ELIZABETH GARZA**, hereinafter called GRANTORS, for the true and actual consideration of \$750.00 dollars, grants to **LANE COUNTY**, a political subdivision of the State of Oregon, hereinafter called GRANTEE, a permanent road easement on and over the following described property:

A strip of land lying in the Southeast One-Quarter of Section 2, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being a portion of that tract of land conveyed to **Mauro Danny Garza** and **Elizabeth Garza** by that certain Bargain and Sale Deed recorded July 31, 2000 on Instrument No. 2000-043803, Lane County Oregon Deed Records, included in a strip of land 40.00 feet in width lying on the northerly side of the centerline of Wilkes Drive as surveyed by Lane County in 1971, the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station L 8+00.00 POT, said station being 64.99 feet North and 337.23 feet West of the Northwest corner of the L. Poindexter Donation Land Claim No. 52, Township 17 South, Range 4 West, Willamette Meridian; thence South 82°18'27" East 516.33 feet; thence along a 2864.79 feet radius curve left (the long chord of which curve bears South 85°37'32" East 331.58 feet) a distance of 331.076 feet; thence South 88°56'34" East 351.91 feet to Engineers' Centerline Station L 20+00.00 POT, and there ending, all in Lane County, Oregon.

The width in feet of the strip of land herein described is as follows:

<u>STATION TO STATION</u>		<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
L 16+00.00 POC	L 18+00.00 POT	40.00 ft.

The northerly line of the above-described strip of land crosses the southerly property line at approximate Engineer's Centerline Stations L 16+45 and L 17+60 respectively.

This strip of land to which this description applies contains 3216 square feet, more or less.

Bearings used herein are based on the Oregon Coordinate System, South Zone.

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

Dated this 13 day of July, 2024.

Mauro Danny Garza
Mauro Danny Garza

STATE OF OREGON)
) ss.
County of Lane)

On 7/13, 2024, personally appeared the above-named Mauro Danny Garza and acknowledged the foregoing instrument to be their voluntary act before me.

Michael Scott Davis
Notary Public for Oregon

My Commission Expires: September 15, 2026



Dated this 13 day of July, 2024.

Elizabeth Garza
Elizabeth Garza

STATE OF OREGON)
) ss.
County of Lane)

On 7/13, 2024, personally appeared the above-named Elizabeth Garza and acknowledged the foregoing instrument to be their voluntary act before me.

[Signature]
Notary Public for Oregon

My Commission Expires: September 15, 2026



This conveyance is accepted and approved for recording on behalf of Lane County Public Works pursuant to ORS 93.808.

[Signature]
Mikeal J. Blommé, County Surveyor

