



Memorandum Date: August 20, 2024
Order Date: September 17, 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 DEDICATING LANE COUNTY OWNED REAL PROPERTY FOR PUBLIC ROAD PURPOSES FOR WILKES DRIVE (17-04-02-43).

I. MOTION

TO APPROVE THE ORDER DEDICATING LANE COUNTY OWNED REAL PROPERTY FOR PUBLIC ROAD PURPOSES FOR WILKES DRIVE.

II. AGENDA ITEM SUMMARY

Lane County Right of Way Services staff is asking the Board to approve dedicating seven Lane County owned properties for public road purposes at the request of the City of Eugene. If approved, the real property will be considered right of way for the benefit of Wilkes Drive.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

In the early 1970's, Lane County purchased seven lots along the north side of Wilkes Drive to facilitate a road realignment project at its intersection with River Road. The project design resulted in road improvements being constructed through the southerly portion of the acquired lots, including the road and a pedestrian path on the north side of the roadway. The portions of the lots north of the pedestrian path are currently unimproved. Normally upon project completion, the portions of lands used for the road infrastructure per the engineering design are dedicated as right of way for public use. In the case of the 1970's Wilkes Drive project, the dedication process was never completed, and the land acquired for the project is considered Lane County owned real property, not public right of way, even though road facilities are located within portions of them.

The City of Eugene has agreed to annex Wilkes Drive into the city limits and has agreed to formally request jurisdictional transfer of Wilkes Drive once the annexation is complete. In discussions with the city, the City of Eugene has asked Lane County to dedicate the portions of the lots currently used for road purposes as public right of way. In addition, the city has also requested the unimproved portion of the lots be dedicated as public right of way, as the unimproved portions of the lots have the potential to be used for future road design considerations, such as stormwater retention. In summary, the City of Eugene has expressly asked the entirety of the Lane County owned real property be dedicated for public road purposes prior to the jurisdictional transfer. If this is approved by the Board, the real property will be considered Wilkes Road right of way and will automatically transfer jurisdiction to the City of Eugene upon future Board consideration and approval for jurisdictional transfer of Wilkes Drive.

It is important to note Lane County would retain the underlying fee title ownership to the properties, but the City of Eugene would have full jurisdiction to manage the road facilities and public use of the road.

B. Policy Issues

This dedication is consistent with Oregon Revised Statute 368 and Lane Code Chapter 15, which provides for improvement, development, or redevelopment of roads in accordance with the Comprehensive Plan and with Lane Manual Chapter 15 that includes policies and standards applicable to the oversight, management, and maintenance of roads in Lane County.

C. Board Goals

One of Lane County's Strategic Priorities for 2022-2024 is Robust Infrastructure. Dedicating the Lane County owned real property for right of way purposes will help the city with future projects by having enough right of way for stormwater retention or other road related needs.

D. Financial and/or Resource Considerations

The City of Eugene has requested this action as a condition to request jurisdictional transfer after annexation has been completed. Lane County staff has determined the best-use for the properties is for the current use of the road and future road design infrastructure, such as stormwater detention. Once jurisdictional transfer has taken place, Lane County will be relieved of any obligation to bring the road up to current road and stormwater standards.

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 dedication of the Lane County owned real property for public road use as described in the Order.
2. Deny the Order to dedicate the real property as public road.

IV. RECOMMENDATION

Staff recommends the Board support Option Number 1, approving the dedication of the Lane County owned real property as public right of way to be used for Wilkes Drive.

V. TIMING/IMPLEMENTATION

Staff respectfully requests the Board consider this in a timely manner, to allow City of Eugene and Lane County staff to move forward with the annexation and eventual jurisdictional transfer of Wilkes Drive.

VI. FOLLOW-UP

If the Board of County Commissioners approves the Order to dedicate the Lane County owned real property for public road purposes, the Public Road Easement shall be recorded at Lane County Deeds and Records, and 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:
Draft of Public Road Easement – Exhibit "A"
Map – Exhibit "B"
Public Road Easement Document

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 24-09-17-06

IN THE MATTER OF DEDICATING LANE
COUNTY OWNED REAL PROPERTY FOR
PUBLIC ROAD PURPOSES FOR WILKES DRIVE
(17-04-02-43).

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 Lane County owned real property for public road purposes for the benefit of Wilkes Drive, said County owned real property being that portion of real property as conveyed to Lane County on March 16, 1971, by Warranty Deeds recorded on Reel 523-R, Recorder's Reception No. 39292, Reel 523-R, Recorder's Reception No. 39293, and on February 22, 1971 on Reel 520-R, Recorder's Reception No. 36602, Lane County Oregon Deed Records, Lane County, Oregon, said real property being more particularly described as follows:

Lots 1, 4, 5, 8, 9, 12 and 13, Block 8, Estelle Estates as platted and recorded in Book 50, Page 3, Lane County Oregon Plat Records, Lane County, Oregon.

EXCEPT THEREFROM: Beginning at the northwest corner of Lot 1, Block 8 of Estelle Estates, as platted and recorded in Book 50, Page 3 of the Lane County Oregon Plat Records; thence South 89°49'46" East 78.01 feet to the northeast corner thereof; thence South 0°02'21" East 65.79 feet along the easterly line of said Lot 1, to the northerly right of way of Wilkes Drive as surveyed in June, 1971; thence along said northerly right of way North 83°32'41" West 78.50 feet to a point on the westerly line of said Lot 1; thence along said westerly line North 0°02'21" West 57.19 feet to the point of beginning in Lane County, Oregon.

WHEREAS, the City of Eugene has agreed to annex and request jurisdictional transfer of Wilkes Drive and has requested the Lane County owned real property be dedicated for public road purposes; and

WHEREAS, Lane County staff has determined the best use for the Lane County owned real property would be for future stormwater facilities or other road related uses for the benefit of Wilkes Drive; and

WHEREAS, this dedication is consistent with Oregon Revised Statute 368 and Lane Code Chapter 15, which provides for improvement, development, or redevelopment of roads in accordance with the Comprehensive Plan and with Lane Manual Chapter 15 that includes policies and standards applicable to the oversight, management, and maintenance of roads in Lane County.

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

1. The Lane County owned real property as described above be formally dedicated for public road purposes for the benefit of Wilkes Drive, 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

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 17th day of September, 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

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

DECLARATION OF DEDICATION FOR PUBLIC ROAD EASEMENT

LANE COUNTY, a political subdivision of the State of Oregon, acting by and through its **Board of County Commissioners,** does hereby forever dedicate the following described lots of land to the Public for public road purposes:

That portion of real property as conveyed to Lane County on March 16, 1971, by Warranty Deeds recorded on Reel 523-R, Recorder's Reception No. 39292, Reel 523-R, Recorder's Reception No. 39293, and on February 22, 1971, on Reel 520-R, Recorder's Reception No. 36602, Lane County Oregon Deed Records, Lane County, Oregon, said portion of real property being more particularly described as follows:

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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

EXHIBIT "A"

Dated this _____ day of _____, 2024.

Laurie Trieger, Chair
Lane County Board of Commissioners

STATE OF OREGON)
) ss.
County of Lane)

On _____, 2024, personally appeared the above-named Laurie Trieger, Chair of the Lane County Board of Commissioners, of Lane County, Oregon, and that said instrument was signed and sealed in behalf of Lane County by authority of its Board of Commissioners; and they acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

Notary Public for Oregon

My Commission Expires: _____

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

Mikeal J. Blommé, County Surveyor

EXHIBIT "B"

LANE COUNTY OWNED LANDS PROPOSED TO BE DEDICATED TO WILKES DRIVE

SE 1/4 SEC.2. T.17S. R.04W. W.M.
Eugene, Lane County, Oregon

GREENWOOD ST

CASTREY ST

HOYT AVE

WILKES DR

WILKES FRONTAGE RD

MECCA AVE



NO SCALE

Legend



TO BE DEDICATED

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

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Dated this _____ day of _____, 2024.

Laurie Trieger, Chair
Lane County Board of Commissioners

STATE OF OREGON)
) ss.
County of Lane)

On _____, 2024, personally appeared the above-named Laurie Trieger, Chair of the Lane County Board of Commissioners, of Lane County, Oregon, and that said instrument was signed and sealed in behalf of Lane County by authority of its Board of Commissioners; and they acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

Notary Public for Oregon

My Commission Expires: _____

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Mikeal J. Blommé, County Surveyor