



AGENDA COVER MEMO

Memorandum Date: February 21, 2025
Agenda Date: March 11, 2025

TO: Board of County Commissioners

DEPARTMENT: Public Works/Engineering and Construction Services/Surveyors

PRESENTED BY: Mikeal J. Blommé, County Surveyor

AGENDA ITEM TITLE: ORDER / IN THE MATTER OF AUTHORIZING THE CONVEYANCE OF THE UNDERLYING FEE TITLE TO MCKINLEY AVENUE, A PRIVATE ROAD, TO THE CITY OF COTTAGE GROVE BY QUITCLAIM DEED. (21-03-04-21).

I. MOTION:

APPROVE THE MOTION TO DONATE AND CONVEY THE UNDERLYING FEE TITLE FOR MCKINLEY AVENUE TO THE CITY OF COTTAGE GROVE BY QUITCLAIM DEED.

II. AGENDA ITEM SUMMARY:

The City of Cottage Grove has requested Lane County relinquish ownership of the underlying fee title for a private road known as McKinley Avenue. Approval by the Board will enable the city to annex and provide city services to the property owners.

III. BACKGROUND/IMPLICATIONS OF ACTION:

A. Board Action and Other History

The subject property is owned by Lane County and is relied upon by 16 properties for legal access. Lane County was conveyed the property for “roadway purposes” in 1956 through two warranty deeds recorded on Reel 82-D, Instrument No. 88377 and Reel 87-D, Instrument No. 94689, Lane County Oregon Deeds and Records. Neither deed has been accepted by the Board of County Commissioners as required per Lane Manual Chapter 15.

Records show in 1994 County Counsel determined the status of McKinley Avenue was private. Discussions between Public Works staff at that time determined the road was not a candidate for public road status, as the road right of way was substandard, and does not meet the minimum width required for right of way along its entire length. No additional actions by the County have taken place since 1994, and the road status remains private.

McKinley Avenue is currently located outside the Cottage Grove city limits, but it is located within the UGB. Conversations with Cottage Grove staff indicate the city plans on annexing the road into city limits, after which, they will install city services.

B. Policy Issues

ORS 271.310 provides for the transfer or lease of real property owned or controlled by a political subdivision. Lane County may convey title when the land is not needed for public purposes or whenever the public interest may be furthered.

C. Board Goals

This divestment is in line with Strategic Priority 3, maintain and invest in resilient infrastructure that creates the highest return for safety, community connectivity, enjoyment of life, and local economic success.

The land will be relinquished to the City of Cottage Grove and will continue to provide legal access, and city services for the residents residing along the road.

D. Financial and/or Resource Considerations

Upon approval and execution of the attached Quitclaim Deed, Right of Way Services staff will close the transaction and deliver the deed to the City of Cottage Grove. Since the land will be donated, there will be no proceeds to be deposited into the Road Fund.

E. Health Implications

There are no health implications.

F. Analysis

Lane County Public Works has no operational need for the underlying property of McKinley Avenue. The City of Cottage Grove has asked for Lane County to donate and convey fee title to the city, so they can annex and provide city services to their residents. Lane County Public Works staff are in support of this motion.

G. Alternatives/Options

The Board of County Commissioners has the options to:

1. Approve the donation and conveyance of the underlying property of McKinley Avenue by Quitclaim Deed to City of Cottage Grove.
2. Reject the donation and conveyance and retain the property under County ownership.

IV. RECOMMENDATION

It is recommended that Option 1 above be pursued.

V. TIMING/IMPLEMENTATION

The City of Cottage Grove requests this matter to be considered in a timely manner, so annexation of the property can proceed.

VI. FOLLOW-UP

Upon the Board's approval and Chair's signature on the Quitclaim Deed, the Surveyor's Office staff will record the deed with the Lane County Clerk.

This Order shall be filed with the Lane County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration, after which copies are to be forwarded to the County Surveyor and County Assessor for appropriate action.

VII. ATTACHMENTS

Order with Exhibits:

Exhibit A – City of Cottage Grove Request

Exhibit B – “DRAFT” Quitclaim Deed to City of Cottage Grove

Exhibit C - Map

Executable Quitclaim Deed

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AUTHORIZING THE
CONVEYANCE OF THE UNDERLYING FEE TITLE
TO MCKINLEY AVENUE, A PRIVATE ROAD, TO
THE CITY OF COTTAGE GROVE BY QUITCLAIM
DEED. (21-03-04-21).

WHEREAS, the Lane County Board of Commissioners deems it in the best interest of Lane County to donate and convey the following property to the City of Cottage Grove; and

WHEREAS, the subject property was deeded to Lane County by Warranty Deeds recorded on on Reel 82-D, Instrument No. 88377 and Reel 87-D, Instrument No. 94689, Lane County Oregon Deeds and Records for “roadway purposes”; and

WHEREAS, the Lane County owned property is currently being used as a private road, commonly known as McKinley Avenue, for the benefit of adjacent landowners for legal access; and

WHEREAS, Lane County Public Works staff has determined the subject property is not needed for Lane County operational needs or transportation purposes; and

WHEREAS, the City of Cottage Grove has requested Lane County to donate and convey the property to the city; and

WHEREAS, ORS 271.310 provides the transfer or lease of real property owned or controlled by a political subdivision if the real property is not needed for public use, or whenever the public interest may be furthered; and

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

1. The donation and conveyance of the real property to the City of Cottage Grove as conveyed to Lane County by the Warranty Deeds cited above IS HEREBY APPROVED.
2. The Board Chair is authorized to sign the Quitclaim Deed on behalf of the Board of County Commissioners.
3. Lane County Surveyor’s Office Staff is instructed to record the deed with the Lane County Clerk.
4. This Order be filed with the Lane County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration, after which copies are to be forwarded to the County Surveyor and County Assessor for appropriate action.

ORDERED this _____ day of _____, 2025.

David Loveall, Chair
Lane County Board of Commissioners

Exhibit A

BLOMME' Mikeal Jay

From: Faye Stewart <pwdirector@cottagegrove.org>
Sent: Tuesday, February 11, 2025 3:16 PM
To: BLOMME' Mikeal Jay
Cc: Faye Stewart; Leni Crow
Subject: Re: McKinley Ave question

[EXTERNAL 

Jay,

Please accept this email as a formal request of Lane County to convey the two deeds comprising McKinley Avenue to the City of Cottage Grove. McKinley Avenue is a 14 feet gravel road within the Urban Growth Boundary that serves approximately 9 homes and 4 duplexes. 4 of the property owners desire to annex into the City and receive City water and sewer service. Acquiring this road from Lane County will allow the annexation to proceed and facilitate the City providing water and sewer services to 4 properties.

Thank you for considering this request.

Sincerely,

Faye Stewart
Public Works & Development Director
City of Cottage Grove

Exhibit B

After Recording Return to, and
Send Tax Statements to:
City of Cottage Grove
Finance Department
400 E. Main Street
Cottage Grove, Oregon 97424

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

QUITCLAIM DEED

LANE COUNTY, a political subdivision of the State of Oregon, **GRANTOR**, for the true and actual consideration of **0 (zero)** dollars, does hereby release and quitclaim to **CITY OF COTTAGE GROVE**, a municipal corporation of the State of Oregon, **GRANTEE**, all its rights, title and interest in that real property situated in Lane County, State of Oregon, described as follows:

All that real property known as McKinley Avenue as conveyed to Lane County by those certain Warranty Deeds recorded on June 26, 1956, on Reel 82-D, Instrument No. 88377 and on September 14, 1956, on Reel 87-D, Instrument No. 94689, Lane County Oregon Deed Records, Lane County, Oregon, more particularly described as follows:

Beginning at a point on the east line of the County Road 10.64 chains South and 35.04 chains West, more or less, of the Northeast corner of Lot 1, Section 4, Township 21 South, Range 3 West, W.M., run thence South 393.7 feet to the True Point of Beginning; thence East 155.0 feet; thence South 10.0 feet; thence East 237.0 feet; thence South 20.0 feet; thence West 392.0 feet to the East boundary of said County Road; thence along said East County Road boundary North 30.0 feet to the True Point of Beginning, in Lane County, Oregon.

AND:

Beginning at a point on the east line of the County Road 10.64 chains South and 35.04 chains West, more or less, of the Northeast corner of Lot 1, Section 4, Township 21 South, Range 3 West, W.M., run thence East 699.0 feet and South 115.0 feet to the True Point of Beginning; thence West 214.0 feet; thence South 37°53' West 171.0 feet; thence South 153.7 feet; thence east 30.0 feet; thence North 153.7 feet; thence North 37°53' East 133.0 feet; thence east 207.3 feet; thence North 30.0 feet to the True Point of Beginning, in Lane County, Oregon.

Subject to the right of legal access for all properties abutting the roadway located within the above described.

STATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT
BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL
92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR
LINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PR
D IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORIN
S, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECT
R 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, O
D SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

ESS WHEREOF, the undersigned have executed this instrument this _____ day of
_____, 2025.

Loveall, Chair
County Board of Commissioners

OF OREGON)
) ss.
Lane)

2025, personally appeared David Loveall, Chair of the Lane Co

_____, 2025.

SS.

County of Lane

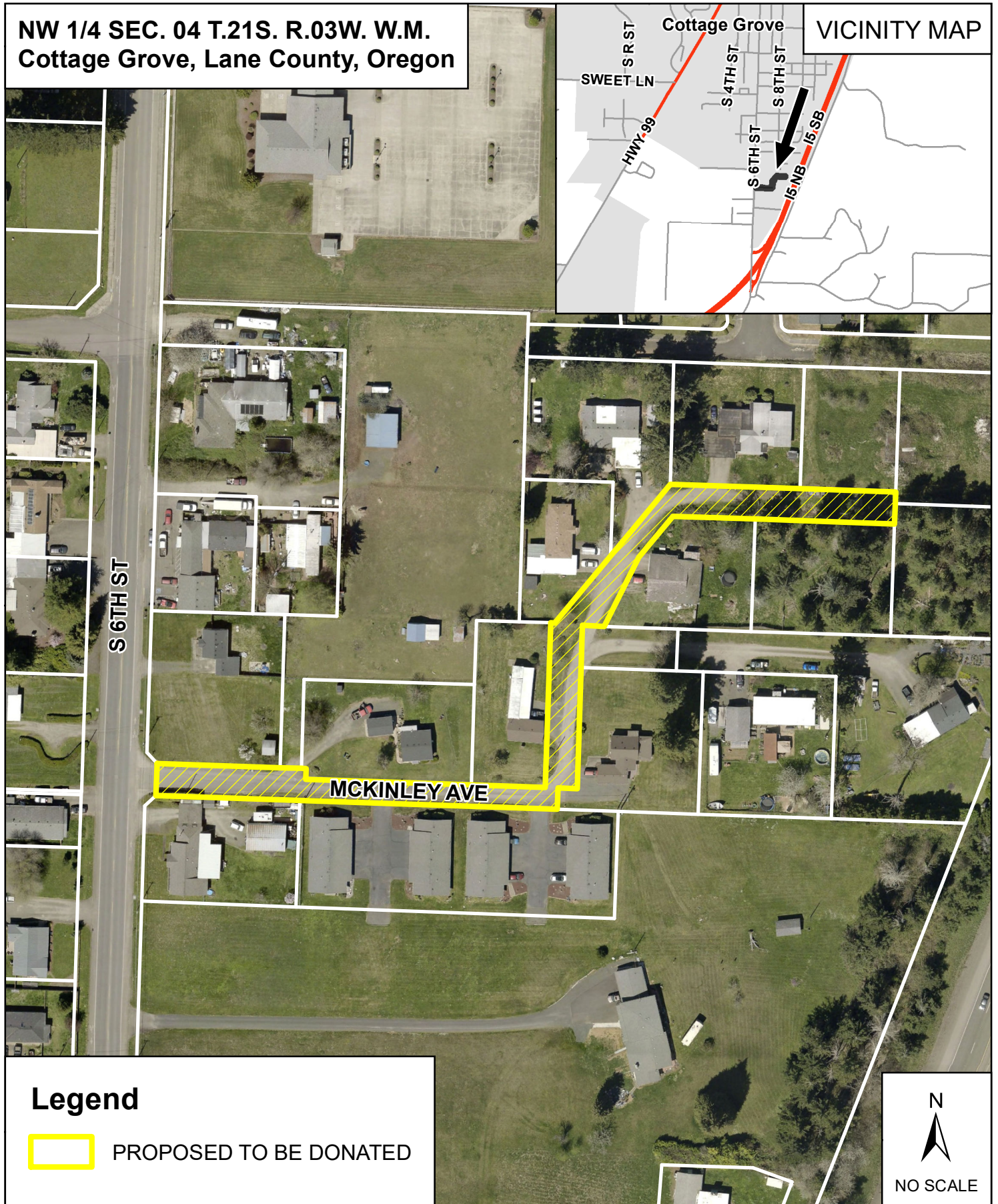
On _____, 2025, personally appeared David Loveall, Chair of the Lane County Board of Commissioners, who being duly sworn, acknowledges that said instrument was signed and sealed on behalf of Lane County by authority of its Board of Commissioners; and they acknowledged said instrument to be its voluntary act and deed. Before me:

Notary Public for Oregon

My Commission Expires: _____

Exhibit C
MCKINLEY AVENUE

- PROPOSED TO BE DONATED TO THE CITY OF COTTAGE GROVE-



After Recording Return to, and
Send Tax Statements to:
City of Cottage Grove
Finance Department
400 E. Main Street
Cottage Grove, Oregon 97424

RECORDING INFORMATION

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Subject to the right of legal access for all properties abutting the roadway located within the above described.

