


W.4.D.3.

ORIGINAL

Memorandum Date: February 21, 2008  
Order Date: April 9, 2008

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**TO:** Board of County Commissioners  
**DEPARTMENT:** Public Works/Land Management/Surveyors  
**PRESENTED BY:** D. Michael Jackson, Lane County Surveyor   
**AGENDA ITEM TITLE:** IN THE MATTER OF DEDICATING LAND OWNED BY LANE COUNTY AND ACCEPTING IT FOR PUBLIC AND COUNTY ROAD PURPOSES FOR JACKSON-MARLOW ROAD (COUNTY ROAD NUMBER 962) (19-05-24)

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**I. MOTION**

**TO APPROVE THE ORDER DEDICATING LAND OWNED BY LANE COUNTY AND ACCEPTING IT FOR PUBLIC AND COUNTY ROAD PURPOSES FOR JACKSON-MARLOW ROAD (COUNTY ROAD NUMBER 962) (19-05-24)**

**II. AGENDA ITEM SUMMARY**

The Board is being asked to decide whether or not to dedicate land owned by Lane County and accept it as a public road easement for Jackson-Marlow Road (County Road Number 962) in Section 24, Township 19 South, Range 5 West of the Willamette Meridian.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

County Road 962 (Jackson-Marlow Road) is an Urban Local road established in 1923 as a 40.00 foot wide County Road and widened in 1981 to 60 feet. The adoption of Capital Improvement Program FY 89/90-FY 93/94 authorized Lane County to initiate property acquisitions for the Jackson-Marlow Road, mp 0.24 Bridge Project.

Property was acquired and accepted by Lane County in accordance with LM 21.400(3) for the purpose of widening the right of way of County Road Number 962 (Jackson-Marlow Road) in the vicinity of County Bridge #19-5W-24B. Additionally, a Record of Survey was filed with Lane County Surveyors Office, County Survey File No. 32166, but no final order establishing additional right-of-way for the Jackson-Marlow Road was completed.

The Surveyor's Office has received a request from the Right of Way Management program of the Department of Public Works to dedicate land owned by Lane County and accept it as a public road easement for County Road Number 962 (Jackson-Marlow Road).

**B. Policy Issues**

Lane Code Chapter 15 provides for improvement, development or redevelopment of County Roads in accordance with the Comprehensive Plan. Also, the Capital Improvement Program FY 89/90-FY 93/94 authorized Lane County to initiate property acquisitions for the Jackson-Marlow Road, mp 0.24 Bridge Project.

**C. Board Goals**

*Lane County Government exists to ensure the safety and well being of the people who live, work and visit our communities. That includes personal safety, security of property, preservation of infrastructure, health safety, and assisting in providing for our citizens' basic needs. One such goal is to protect the public's assets by maintaining, replacing or upgrading the County's investments in systems and capital infrastructure. (GOALS, LANE COUNTY STRATEGIC PLAN 2001-2005, Page 13)*

**D. Financial and/or Resource Considerations**

This acquisition was part of a Lane County Capital Improvement Project. All improvements have been made. Moreover, no additional cost will be incurred as a result of completing the dedication and acceptance of right of way for Jackson-Marlow Road.

**E. Analysis**

Through the adoption of FY 89/90-FY 93/94 Capital Improvement Program, Order No. 89-4-26-5, Lane County Public Works was granted authority to acquire real property in order to make bridge improvements. The land owned by Lane County was acquired for the purposes of widening Jackson-Marlow Road. The dedication and acceptance of land owned by Lane County will ensure that adjacent land owners and the public have access to the County road and that it be maintained as such.

**F. Alternatives/Options**

The Board of County Commissioners has the options to:

1. Dedicate land owned by Lane County and accept it as right of way to be used for Public and County road purposes
2. Not dedicate land owned by Lane County and/or deny the acceptance of it for Public and County road purposes as referred to in the Order.
3. Continue the matter for further consideration.

**IV. TIMING/IMPLEMENTATION**

Implementation of the proposed order will ensure that adjacent landowners have legal access and that the land is maintained as a County Road.

**V. RECOMMENDATION**

It is recommended by the Public Works Director that the Board support Alternative Number 1, approving the Dedication of County owned land and accepting it for public road purposes and as County Road.

**VI. FOLLOW-UP**

If the Board of County Commissioners approves the order dedicating land owned by Lane County and accepting it as a public road easement as part of Jackson-Marlow Road (County Road Number 962), it is to be entered in the records of the Board of County Commissioners Journal of Administration after which it is to be forwarded to the Lane County Recorder for filing in the Commissioners Journal, after which copies are to be forwarded to the County Surveyor and County Assessor for appropriate action.

**VII. ATTACHMENTS**

Order with Attachments:

Dedication of Public Road Easement  
Attachment "A" - Map

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANE COUNTY, OREGON

IN THE MATTER OF DEDICATING LAND OWNED )  
BY LANE COUNTY AND ACCEPTING IT FOR ) ORDER NO.  
PUBLIC AND COUNTY ROAD PURPOSES FOR )  
JACKSON-MARLOW ROAD )  
(COUNTY ROAD NUMBER 962) (19-05-24) )

THIS MATTER now coming before the Board of County Commissioners of Lane County, Oregon and the 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 by that certain deed from Martin Hansen III and Mary K. Hansen, recorded on reel 1697R, Recorder's Reception number 9123592, Lane County, Oregon Deed Records, a surveyed alignment of which is filed under County Survey File Number 32166, Lane County Surveyor's Office, and

WHEREAS, the Department of Public Works acquired and accepted real property for Lane County in accordance with LM 21.400(3) for the purpose of widening the right of way of County Road Number 962 (Jackson-Marlow Road) in the vicinity of County Bridge #19-5W-24B, and

WHEREAS, the Board of County Commissioners of Lane County has been provided a valid dedication, recorded on reception number \_\_\_\_\_, Lane County, Oregon Deed Records;

NOW, THEREFORE, IT IS HEREBY ORDERED that the said dedication shall be and is hereby accepted by the Board of County Commissioners of Lane County as a public road easement, and is expressly accepted as a County Road, having a right of way width as noted on the dedication marked "DEDICATION OF PUBLIC ROAD EASEMENT," attached hereto and made a part hereof by this Order; and

IT IS FURTHER ORDERED that this 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 962 in the regular numbered road files in the County Surveyor's Office.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

DEPARTMENT OF PUBLIC WORKS  
LAND MANAGEMENT DIVISION

BOARD OF COUNTY  
COMMISSIONERS  
LANE COUNTY, OREGON

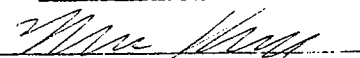
Approved 3-27, 2008

\_\_\_\_\_  
Chair

By   
For Matt Laird, Division Manager

APPROVED AS TO FORM

Date 3-27-08 lane county

  
OFFICE OF LEGAL COUNSEL

## DEDICATION OF PUBLIC ROAD EASEMENT

KNOW ALL MEN BY THESE PRESENTS that Lane County, a political subdivision of the State of Oregon, is the owner of certain real property, and that Lane County acquired title by that certain deed from Martin Hansen III and Mary K. Hansen, recorded on reel 1697R, Recorder's Reception Number 9123592, Lane County, Oregon Deed Records; and that said Lane County does hereby dedicate to the free use of the public, for public road and County road purposes and expressly for widening a County road, the following described tract of land, to-wit:

A parcel of land lying in the Thomas Bailey Donation Land Claim Number 43, said parcel also lying in the Northwest One-Quarter of the Southeast One-Quarter (NW1/4 SE1/4) of Section 24, Township 19 South, Range 5 West of the Willamette Meridian, Lane County, Oregon, and being more particularly described as follows:

A strip of land variable width lying variable feet on the southerly side of centerline of Jackson-Marlow survey as said road has been resurveyed in 1994, the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station L 10+53.10 PT said station being 250.28 feet South and 2,929.94 feet West of a 1 inch rod marking the Northeast Corner of the Thomas Bailey Donation Land Claim Number 38, located in Section 19, Township 19 South, Range 5 West of the Willamette Meridian, Lane County, Oregon; run thence North 13° 27' 03" West, 148.53 feet to Engineer's Centerline Station L 12+01.63 POT Bk = L<sup>2</sup> 12+01.63 PC Ah; thence on a 100.00 foot radius curve right (the long chord of which bears North 14° 55' 06" East, 95.03 feet) a distance of 99.03 feet; thence North 43° 17' 15" East, 148.93 feet; thence on a 1,432.40 foot radius curve right (the long chord of which bears North 47° 32' 46" East, 212.73 feet) a distance of 212.93 feet to Engineers' Centerline Station L<sup>2</sup> 16+62.52 PT Bk = L 16+83.12 POT Ah and there ending, all in Lane County, Oregon.

The widths in feet of the strip of land herein described are as follows:

<u>STATION TO STATION</u>		<u>WIDTH ON NORTHERLY SIDE OF C/LINE</u>	<u>WIDTH ON SOUTHERLY SIDE OF C/LINE</u>
L 10+53.10 PT	L 12+01.63 POT Bk = L2 12+01.63 PC Ah		30 ft tapering on a straight line to 35 ft
L 12+01.63 POT Bk = L2 12+01.63 PC Ah	L2 13+00.66 PT		35 ft tapering on a straight line to 35 ft

<u>STATION TO STATION</u>		<u>WIDTH ON NORTHERLY SIDE OF C/LINE</u>	<u>WIDTH ON SOUTHERLY SIDE OF C/LINE</u>
L2 12+29.90 POC	L2 13+44.40	35.51 ft tapering on a 134.00 foot radius curve right to 61.97 ft	
L2 13+44.40 POT	L2 14+49.59 PC	61.97 ft tapering on a straight line to 46.22 ft	
L2 13+00.66 PT	L2 14+00.00 POT		35 ft
L2 14+00.00 POT	L2 14+49.59 PC		35 ft tapering on a straight line to 30 ft
L2 14+49.59 PC	L2 16+62.52 PT Bk = L 16+83.12 POT Ah		30 ft

The southerly line of the above described strip of land crosses Grantor's northerly property line at approximate Engineer's Centerline Stations L 10+53 POC and L 16+83 POT.

The parcel of land to which this description applies contains 0.17 acres, more or less, exclusive of existing right of way.

The bearings used herein are based upon County Survey Number 24936 on file in the office of the Lane County Surveyor.

It being the intent herein to widen County Road Number 962 to a variable feet from centerline on the south side of the centerline as road was surveyed in 1994.

There is no consideration for this dedication.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2008

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

STATE OF OREGON ) SS.  
COUNTY OF LANE )

On \_\_\_\_\_, 2008, personally appeared the above named

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

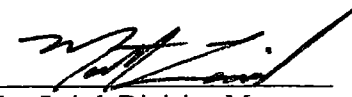
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, County Commissioners of Lane County, Oregon and acknowledged the forgoing instrument to be their voluntary act before me:

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON

My Commission Expires: \_\_\_\_\_

Department of Public Works  
Land Management Division

Approved March 20 2008

By   
Matt Laird, Division Manager

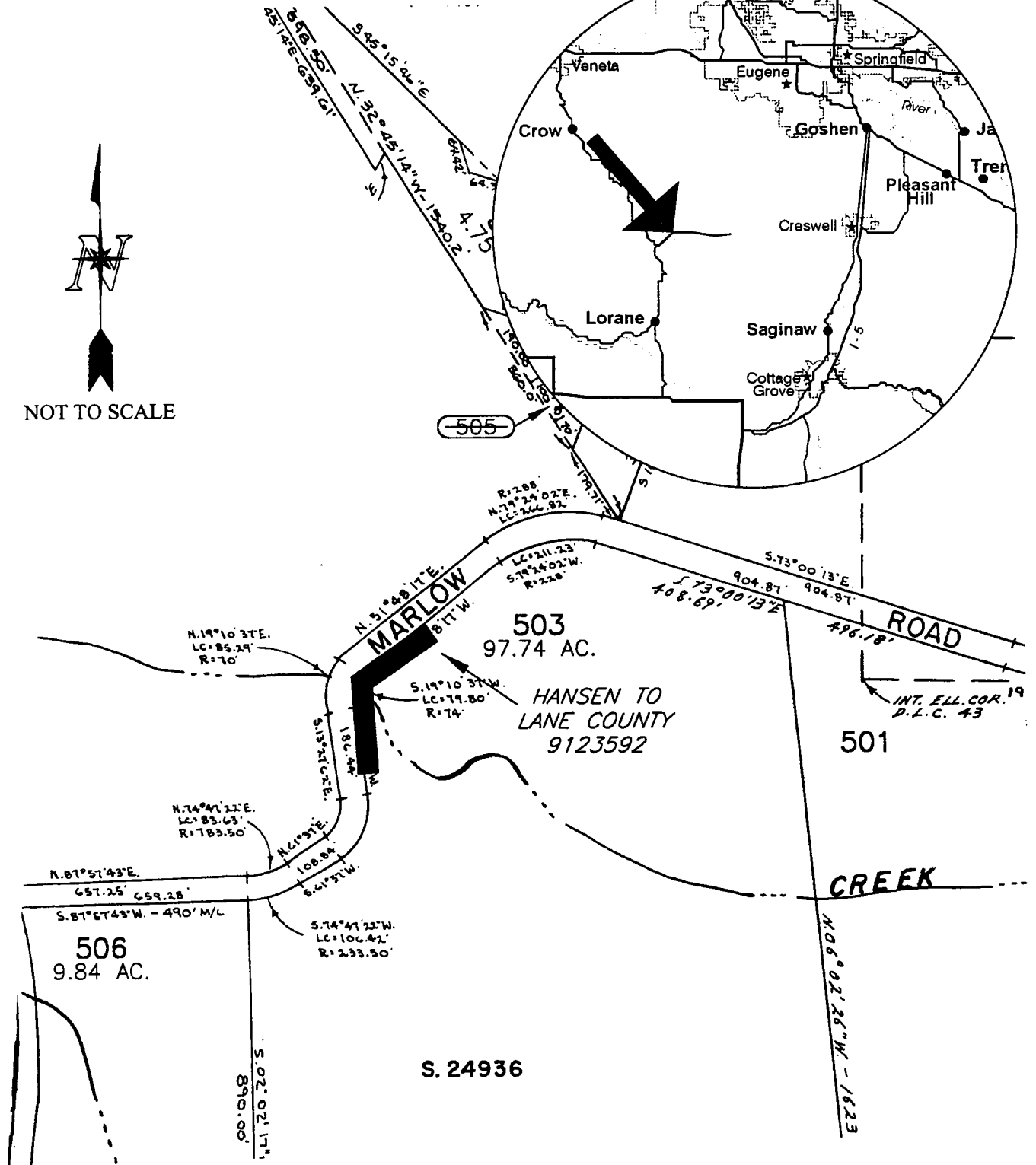
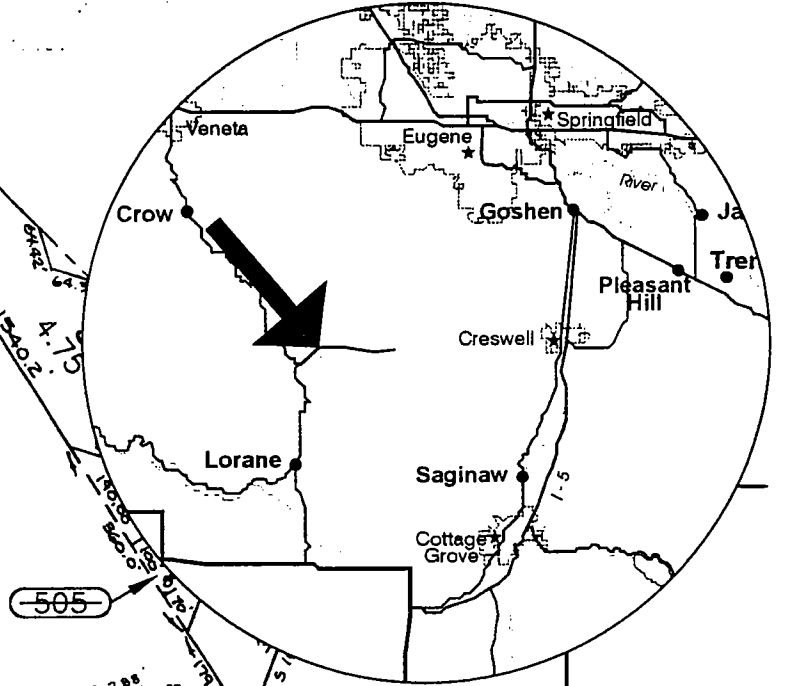
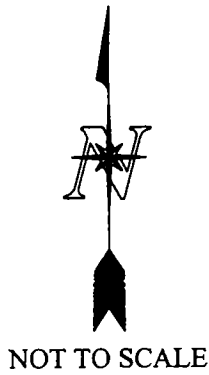
The Board of County Commissioners hereby accepts and approves for recording this dedication as described herein,

LANE COUNTY BOARD OF COMMISSIONERS

By \_\_\_\_\_  
Chair

# ATTACHMENT "A"

IN THE MATTER OF DEDICATING LAND OWNED BY LANE COUNTY  
AND ACCEPTING IT FOR PUBLIC AND COUNTY ROAD PURPOSES  
FOR JACKSON-MARLOW ROAD  
(COUNTY ROAD NUMBER 962) (19-05-24)



S. 24936