


W.G.D.I.

Memorandum Date: June 3, 2011
 Order Date: June 22, 2011

TO: Board of County Commissioners

DEPARTMENT: Public Works/Land Management Division

PRESENTED BY: Mike Jackson, Lane County Surveyor 

AGENDA ITEM TITLE: IN THE MATTER OF RELEASING, DEDICATING AND ACCEPTING PARCEL "A" OF THE PLAT OF HILL TOP ACRES, FIRST ADDITION, AS RIGHT OF WAY FOR GREEN ACRES LOOP (COUNTY ROAD NUMBER 1837) (21-03-16)

I. MOTION

TO APPROVE THE ORDER RELEASING, DEDICATING AND ACCEPTING PARCEL "A" OF THE PLAT OF HILL TOP ACRES, FIRST ADDITION, AS RIGHT OF WAY FOR GREEN ACRES LOOP (COUNTY ROAD NUMBER 1837) IN SECTION 16, TOWNSHIP 21 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN.

II. AGENDA ITEM SUMMARY

The Board is being asked to decide whether or not to release and dedicate a 1-foot reserve strip that has been held in public trust and to accept it for county road purposes for Green Acres Loop (County Road Number 1837), in Section 16, Township 21 South, Range 3 West of the Willamette Meridian.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Green Acres Loop was created on the plat of Hill Top Acres, First Addition, in 1965 as a public road. In 1970, the road was established as County Road Number 1837. A 1-foot reserve strip was created in conjunction with the subdivision along the northerly side of Green Acres Loop where it adjoined property outside the subdivision. The strip is approximately 560 feet in length and prevented access off of Green Acres Loop to the adjoining property with the exception of a 15-foot wide easement for use of one residence.

The owner of the adjoining property has received preliminary approval from Lane County Land Management Division to partition the property, creating the possibility of a new home site. One of the conditions of approval for the partition is to create a 30-foot wide easement for a shared access off Green Acres Loop for the two parcels. The Surveyor's Office has received a request from the Land Management section of the Department of Public Works to release the 1-foot wide strip of land that has been held in public trust, and

to dedicate it to the public and accept it for county road purposes for Green Acres Loop (County Road Number 1837). This will allow the landowner to widen the existing 15 foot easement to 30 feet wide in order to meet this condition of approval.

B. Policy Issues

Lane County Planning Commission approved by a majority vote of their entire membership, on August 14, 1975, a resolution delegating authority to recommend the release of reserve strips to the Chairman, Land Development Review Committee.

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. Part of Lane County's Strategic Plan is to contribute to appropriate community development in the area of transportation and land development (Lane County Strategic Plan, Goals, P. 18). The release, dedication, and acceptance of the reserve strip as described in the Final Order are consistent with this part of the Strategic Plan.

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 60.854. Lane County Public Works determined that the special benefit to the applicant for the release of the parcel strip is de minimis.

E. Analysis

The parcel strip was originally created to control access off of Green Hill Loop. Lane County Land Management Division has given preliminary approval for a partition along the north side of Green Acres Loop and has required a 30-foot shared access to be taken off Green Acres Loop. Release, dedication, and acceptance of Parcel "A" as shown on Hill Top Acres, First Addition, will ensure that adjacent land owners have access to a public road.

F. Alternatives/Options

The Board of County Commissioners has the options to:

1. Release the reserve strip, dedicating it for public use, and accepting it as right of way to be used for County road purposes.
2. Deny the request to release the reserve strip.
3. Continue the matter for further consideration.

IV. TIMING/IMPLEMENTATION

Timing in this matter is important in order to facilitate timely recording of the partition plat and ensure adjacent landowners have legal access to a public road.

V. RECOMMENDATION

It is recommended the Board support Alternative Number 1, approving the release, dedication and acceptance of the reserve strip shown as Parcel "A" on Hill Top Acres, First Addition.

VI. FOLLOW-UP

If the Board of County Commissioners approves the Order to release, dedicate and accept the reserve strip, 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 – Exhibit "A"
- Special Benefit Determination Staff Report – Exhibit "B"
- Attachment – Site Map

Contact Person: Mike Jackson x4198

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

IN THE MATTER OF RELEASING, DEDICATING AND)
ACCEPTING PARCEL "A" OF THE PLAT OF HILL TOP)
ACRES, FIRST ADDITION, AS RIGHT OF WAY FOR) ORDER NO.
GREEN ACRES LOOP (CO. RD. 1837) (21-03-16))

WHEREAS, by previous action the following land, described as Parcel "A", Hill Top Acres, First Addition, Book 46, Page 19, Lane County, Oregon Plat Records, was conveyed to Lane County, Oregon, by that certain Bargain and Sale Deed, recorded on Reel 271-D, Recorder's Reception Number 14687, Lane County, Oregon Deed Records; and

WHEREAS, the Lane County Planning Commission approved by a majority vote of their entire membership, on August 14, 1975, a resolution delegating authority to recommend the release of reserve strips to the Chairman, Land Development Review Committee; and

WHEREAS, the Lane County Planning Director has requested that said parcel, be released and dedicated to provide access to the adjacent property; and

WHEREAS, the Director of Lane County Public works has provided a written report marked as Exhibit "B", determining that the special benefit to the applicant is de minimis pursuant to Lane Manual 60.854 (8)(c); and

WHEREAS, said parcel need no longer remain as a parcel of County owned Real Estate, but should be dedicated for road purposes; now, therefore, it is hereby

ORDERED, that the Real Estate as described in the attached Dedication, marked as Exhibit "A" and depicted on the attached map be, and is hereby, Released, Dedicated and Accepted as a County Road by this Order; and it is further

ORDERED, that the above Order be entered into the records of the Board of County Commissioner's Journal of Administration and in the road records for County Road Number 1837; and further that the attached Dedication be recorded in the Lane County, Oregon Deed Records, and the Reel and Instrument Number be noted on this Order.

EFFECTIVE DATE : _____ day of _____, 2011.

DEPARTMENT OF PUBLIC WORKS
LAND MANAGEMENT DIVISION

LANE COUNTY BOARD OF
COMMISSIONERS

Approved June 6, 2011

By _____
Chair

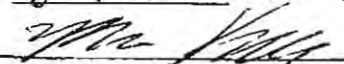
By 
Matt Laird, Division Manager

Dedication Recorded on Document Number _____, Lane County, Oregon Deed Records.

APPROVED AS TO FORM

Date 6-9-11 lane county

Attachment: Map


OFFICE OF LEGAL COUNSEL
Page 1 of 1

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, and that Lane County acquired title by that certain Bargain and Sale Deed from D. Hugh Peniston and Phrynnette A. Peniston, husband and wife, and Ronald I. Pupke and Gladeus E. Pupke, husband and wife, recorded on Reel 271-D, Recorder's Reception Number 14687 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 tract of land, to wit:

Parcel "A", Hill Top Acres, First Addition as platted and recorded in Book 46, Page 19, Lane County Oregon Record of Plats, Lane County, Oregon.

It being the intent to release said parcel and dedicate it to the public as right of way for Green Acres Loop (Co. Rd. 1837). 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 _____, 2011

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

STATE OF OREGON)
COUNTY OF LANE) ss.

On _____, 2011, personally appeared the above-named _____

_____, County Commissioners of Lane County, Oregon, and

acknowledged the foregoing instrument to be their voluntary act before me.

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____

T. L.: 21-03-16-00-625


LANE COUNTY

Notification of Determination of Amount of Special
Benefit Deposit in Connection with Proposed Release and
Dedication of a control strip pursuant to Lane Manual 60.854.

Pursuant to the provisions of Lane Manual 60.854, my determination of the amount of "Special Benefit" and therefore the amount of deposit required in connection with the proposed release and dedication of Parcel "A" as shown on the plat of Hill Top Acres First Addition, as platted and recorded in Book 46, page 19, of the Lane County, Oregon Plat Records, is \$00.00.

My determination is based on a Staff Report and recommendation, a copy of which is attached hereto and marked as "Attachment 1".

Dated this 2nd day of JUNE, 2011.



Marsha A. Miller,
Director of Public Works

ATTACHMENT 1

STAFF REPORT

Recommendation in the Matter of Determination of Special Benefit
in Connection with a Proposed Release and Dedication of "Parcel A"
as shown on the plat of Hill Top Acres First Addition.

Date: May 31, 2011

Applicant: Greenhill Acres, LLC

Proposed Release: Access control strip, 1' wide by approximately 565' long located on the north side of Green Acres Loop off London Road and shown as Parcel "A" on Plat of Hill Top Acres First Addition, as platted and recorded in Book 46, Page 19, of the Lane County, Oregon Deed Records, and as shown on the legal description attached hereto and marked as "Exhibit A".

Tax Lots Adjacent to Proposed Release: Map 21-03-16-00, Tax Lot 625

Nature of Benefit to be Received if Proposed Release is Approved: Release of the control strip will allow the property to be divided and utilized as two homesites versus the existing single homesite use, by allowing the present 15 foot access width to be increased to 30 feet.

Value Indication of Property to be Benefited: The total land area of the access strip proposed for Release is approximately 565 square feet, all of which lies within Lane County's RR-5 (Rural Residential, 5-acre minimum) zoning designation. Release of the access strip will allow the existing 15-foot wide access off Green Acres Loop to be expanded to 30 feet and allow development of a second homesite from the existing 13.25-acre Parent Parcel (Tax Lot 625). At face value, release of the access strip would appear to create a substantial benefit to the property owner in terms of creating and allowing access to two buildable homesites versus the single existing parcel and this theory would be applicable were alternate access points not available.

In this case, two alternate access points, both off London Road, could provide access to the new parcel in the event release of the access strip was not approved. (See attached Exhibit B) One access would be directly off London Road, near the Green Acres Loop intersection and the second alternative access would also be off London Road, though approximately 500 feet north of Green Acres, and through a contiguous parcel owned by this applicant, specifically Map 21-03-09-00, Tax Lot 2007. Based on an on-site inspection, the appraiser noted no significant topographical differences between the Green Acres Loop area and potential London Road approaches that would dictate a measureable increase in cost for constructing either the proposed or potential alternative approaches. A search of recent rural residential sale and listing properties indicated no quantifiable value differences between rural residential parcels accessed via intersecting roads versus those with direct access to major arterials.

ATTACHMENT 1

Summary and Recommendation of Special Benefit: Based on a review of recent rural residential land sales and listings, the appraiser finds no measureable distinctions in market value between parcels accessed from a major arterial versus an intersecting collector. Under Lane Code 15.137 (c), access for corner lots is limited to the intersecting street with the lowest expected traffic volume. London Road is classified as a Rural Major Collector, while Green Acres Loop is a lower functional class and is classified as Rural Local. For the safety of the traveling public, the preferred access point would be Green Acres Loop. As part of the planning process, release of the strip will require it be dedicated and accepted as public right-of-way. The land owner would not gain any property but would acquire the ability to have additional access to the property that is, under present zoning, legally dividable into a second homesite. Based on the availability of alternative access points, denial of the release request would not constitute limiting access to or use of the property. It would, however, initiate a subsequent request for access to London Road, which would not be the preferred access by Lane County. As market data reveals no measureable indication of a "special benefit" accruing as a result of the Release, the appraiser recommends no consideration be required.



Doug Freeman,
Sr. Real Property Officer
Lane County Public Works
(A.I.C. for Frank Simas,
Right of Way Manager)

EXHIBIT A
(Legal description of Parcel "A" to be released)

3202

Sections 9 & 16, Twp. 21 South, Range 3 West, W.M.

HILL TOP ACRES FIRST ADDITION

D. Hugh & Phrynnette A. Peniston, H/W	B & S Deed	Filed: August 11, 1965
& Ronald I. & Gladeus E. Pupke, H/W		Reel No: 271-D
to	\$1.00	Recorder's Reception No: 14687
Lane County, Oregon		

PARCEL "A" in Hill Top Acres First Addition as platted and recorded in Volume 46, Page 19 Lane County Oregon Plat Records, in Lane County, Oregon.

EXCEPT there is hereby granted, bargained, sold and conveyed to D. Hugh Peniston & Phrynnette A. Peniston, husband and wife, and Ronald I. Pupke and Gladeus E. Pupke, husband and wife, their heirs and assigns, one easement not more than 15.0 feet in width for the sole and exclusive purpose of providing access across said Parcel "A" to the public roadway adjacent to the South side of their property; said easement to terminate forever and be forfeited to Grantee, Lane County, whenever Grantees of the above easement herein attempt to use said remaining property for any other use than that of one residence, provided that the setback for any such residence granted a permit by virtue of this exception shall be a minimum of 45 feet Northerly from and measured at right angles to the centerline of Green Acres Loop Road.

HILL TOP ACRES FIRST ADDITION PLAT

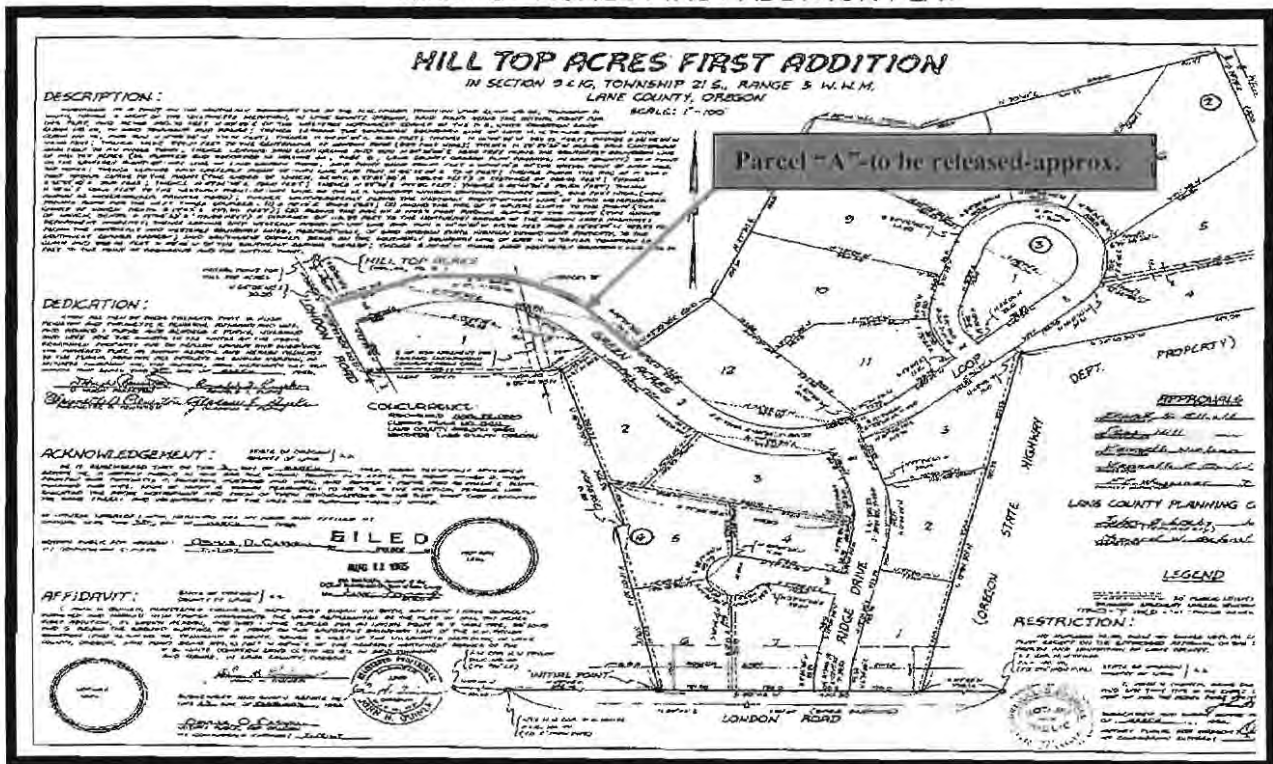


EXHIBIT B

