

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 21-10-26-07

IN THE MATTER OF ACCEPTING A
DEDICATION OF RIGHT OF WAY TO BE
USED FOR A BIKE/PEDESTRIAN PATH ON
HUNSAKER LANE AND BEAVER STREET IN
EUGENE, OREGON

WHEREAS, Lane County deems it in the best interest of the public to dedicate and accept a strip of land conveyed to Lane County for road purposes as part of the County Road system for a bike/pedestrian path to improve safety for bicyclists and pedestrians; and

WHEREAS, the strip of land was necessary to allow construction of a bike/pedestrian path along the East side of Beaver Street and the North side of a portion of Hunsaker Lane in the Santa Clara area of Eugene, Oregon; and

WHEREAS, the County has substantially completed the construction of the bike/pedestrian pathway as approved by the Board in the Capital Improvements Plan; and

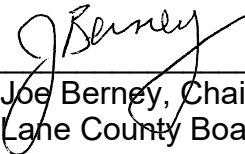
WHEREAS, Lane Manual Chapter 15 requires the Board of County Commissioners to formally accept any dedication that is to be used for public road purposes;

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

1. The strip of land described on the Dedication of Public Road Easement from Delta Property LLC attached to this Order is hereby dedicated and accepted as County Road right of way; and
2. The Board Chair is authorized to execute an original Dedication of Public Road Easement on behalf of the County.

3. The Order shall be entered in the records of the Board of County Commissioners Journal of Administration and in the road records for the County Roads in the regular numbered road files in the County Surveyor's Office.

ADOPTED THIS 26th day of October 2021.



Joe Berney, Chair
Lane County Board of Commissioners

Dedication of Public Road Easement Recorded on Document No. 2021-069112,
Lane County Oregon Deed Records, Lane County, Oregon.

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

DEDICATION OF A PUBLIC ROAD EASEMENT

DELTA PROPERTY LLC, an Oregon Limited Liability Company, hereinafter called GRANTOR(s) grants and dedicates to **LANE COUNTY**, a political subdivision of the State of Oregon, hereinafter called GRANTEE, a public road easement situated in Lane County, State of Oregon (the "Dedication"), described as follows:

SEE EXHIBIT "A"

ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE (THE "DEDICATION AREA")

Purpose of Dedication

A portion of the Dedication Area was conveyed to Grantee in 1946 pursuant to those certain deeds recorded in Book 315, Pages 104 to 105 and Book 316 Pages 334 to 343, Lane County Deeds and Records, and accepted by Grantee pursuant to that certain Lane County Board of Commissioners Order recorded in Book 25, Page 227 (the "1946 Deeds"). Grantee utilized the 1946 Deeds to establish County Road Number 1226, also known as Hunsaker Lane and Beaver Street. Grantor and Grantee agree that the 1946 Deeds should be construed as right of way easements in regard to Grantor's property. Additional land within the Dedication Area was dedicated to Grantee from 1982 to 1998 in order to widen County Road Number 1226, north and east of its centerline, pursuant to the following dedication instruments and County Orders, which are all described as conveying easements to Grantee for right of way purposes:

Lane County Deeds and Records Instrument No.	Lane County Board of Commissioners Order No.
82-39061	82-12-15-5
94-46782	94-6-22-12
96-68559	96-10-8-7
98-05867	98-1-21-6

Grantee now intends to further widen County Road Number 1226 to a variable width in feet from centerline along the frontage of the Grantor's Property. The widened road will include a bicycle path.

In order to enable this construction by Grantee, Grantor agrees to forever dedicate the Dedication Area to the use of the public for road purposes and to grant a public road easement to Grantee for the purposes described in this Dedication. All land conveyed by this Dedication shall become part of County Road Number 1226. This Dedication supersedes any and all prior dedication of the Dedication Area.

There is no consideration for this Dedication.

Grantor's Obligations in Dedicated Area

The Dedication reserves unto the Grantor and specifically excepts from this Dedication any and all subsurface rights 5 feet below the surface elevation of the constructed bicycle path and a right to monitor the existing methane gas monitoring numbers 1, 5, 6 and 8 as shown on Exhibit B, attached hereon and incorporated herein by reference.

Grantor shall indemnify and hold harmless Grantee from any and all harm caused to the public from methane gases resulting from gravel extraction operation from the remaining property.

Grantee's Obligations in Dedicated Area

Grantee shall defend, indemnify and hold harmless Grantor from any and all damages, liabilities and claims arising from Grantee's and the public's use of the Dedicated Area. Grantee also grants immunity to Grantor as authorized by ORS 105.668, as this statute may be amended over time, for public use of the bicycle path in the Dedication Area.

If any governmental authority requires Grantor to modify, conduct, or construct additional monitoring or mitigation within the Dedicated Area ("Required Actions"), Grantee will permit Grantor to carry out such Required Actions, so long as the Required Actions are undertaken in a manner that does not unreasonably burden Grantee's and the public's use of the Dedicated Area.

Grantee acknowledges that the Dedication Area is not subject to taxation under ORS chapters 307 and 308.

Dated this _____ day of _____, 20____.

DELTA PROPERTY LLC

Name/Title

STATE OF OREGON)
) ss.
County of Lane)

This instrument was acknowledged before me on _____, 20__ by _____
as _____ of _____

Notary Public for Oregon

My Commission Expires: _____

Department of Public Works Engineering
and Construction Services Division

Approved _____

By: _____
Mikael (Jay) Blomme,
Lane County Surveyor

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

LANE COUNTY BOARD OF COMMISSIONERS

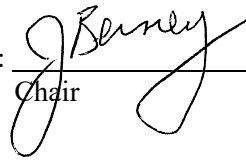
By:  _____
Chair

EXHIBIT A
 Permanent Right Of Way
 Centerline & Right Of Way Description
 Beaver Street-Hunsaker Lane
 Delta Property LLC

A parcel of land lying in the Southwest quarter (SW ¼) of Section 12, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, and being a portion of that tract of land conveyed to DELTA PROPERTY COMPANY, by those certain deeds recorded on Reel 725, Reception No.16966, dated January 15, 1975, Reel 1439, Reception No. 87-01030, dated January 9, and Reel 2582, Reception No. 99-072649, dated August 20, 1999, LANE COUNTY OREGON DEED RECORDS, included in a strip of land variable feet in width lying on north side and the east of the Hunsaker Lane and Beaver Street Centerline, as surveyed between 2014 and 2019 in Lane County, Oregon; the centerline and width in feet being described as follows:

Beginning at Engineer’s Centerline Station Equation L 27+53.00, said station being the initial point of County Road No. 1080 and the Southeast corner of the L. Poindexter D.L.C. in Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon; run thence South 89° 57' 59" East, 165.40 feet to a point of curvature; thence, along a 20° to the right curve right for a distance of 164.58 feet through a central angle 32°55’00” (the long chord of which bears South 73° 30' 29" East, 162.33 feet); thence South 57° 02' 59" East, 15.70 feet to a point of curvature; thence, along a 20° curve to the left for a distance of 164.58 feet through a central angle 36°30’00” (the long chord of which bears South 75° 17' 59" East, 179.43 feet); thence South 86° 27' 01" East, 341.50 feet to a point of curvature; thence, along a 30° curve to the right for a distance of 128.78 feet through a central angle 38°38’00” (the long chord of which bears South 74° 13' 59" East, 126.35 feet); thence South 54° 54' 59" East, 600.70 feet to a point of curvature; thence, along a 20° curve to the right for a distance of 160.00 feet through a central angle 32°00’00” (the long chord of which bears South 38° 54' 59" East, 157.93 feet); thence South 30° 06' 59" East, 25.50 feet to a point of curvature; thence, along a 20° curve to the right for a distance of 149.75 feet through a central angle 29°57’00” (the long chord of which bears South 15° 57' 59" East, 148.05 feet); thence South 0° 09' 59" East, 1064.17 feet to Engineer’s Centerline Station L 60+13.08 E.O.P. and there ending, all in Lane County, Oregon.

The sidelines in feet of the strips of land herein described are as follows:

STATION	TO	STATION	WIDTH ON EAST & NORTH SIDE OF CENTERLINE
L 27+50.00 POT		L 30+82.98 PT	30.00 feet
L 30+82.98 PT		L 42+00.00 PT	36.00 feet
L 42+00.00 PT		L 42+50.00 PT	36.00 feet in a straight line to 34.00 feet
L 42+50.00 PT		L 56+22.00 PT	34.00 feet
L 56+22.00 PT		L 56+42.08 PT	30.00 feet
L 56+42.08 PT		L 59+53.86 PT	34.00 feet
L 59+53.86 PT		L 59+75.88 PT	34.00 feet in a straight line to 56.00 feet

The bearings used herein are based on the Oregon Coordinate Reference System (OCRS), Eugene Zone, NAD 83 (CORS2011) EPOCH 2010.

The northerly line of the above described strip of land crosses GRANTOR’S west property lines opposite approximate Engineers’ Centerline Station L 29+62 POT

The easterly line of the above described strip of land crosses GRANTOR'S south property line opposite approximate Engineers' Centerline Stations L 75+89 POT

The parcel of land to which this description applies contains 0.13 acres, more or less, exclusive of existing right of way.