



MARION COUNTY BOARD OF COMMISSIONERS

## Board Session Agenda Review Form

Meeting date: March 29, 2017

Department: Public Works Agenda Planning Date: March 23, 2017 Time required: 10 min.

☐ Audio/Visual aids

Contact: Mark Riggins Phone: 503-373-4316

Department Head Signature:

**TITLE** Consider the dedication of Tax Lot 102W05A00700 for Permanent Roadway Easement.

**Issue, Description & Background** The Public Works Department is in the process of preparing construction plans to replace bridge 47C12 over Marion Creek on Market Road 35, Jefferson-Marion Road. To facilitate the new bridge and associated road drainage, it has been determined the property north of the bridge site, which is currently owned by Marion County, would need to be dedicated as a permanent road easement. This particular strip of property lays between the existing road right-of-way and the railroad right-of-way. It is approximately 1 acre in size and is not a feasible building site because a portion of it is designated as forested wetlands. Marion County obtained the property through foreclosure from Louis E. Peterson in 1959, recorded in deed volume 488, page 521, Marion County Clerk's deed records.

**Financial Impacts:** The financial impact is approximately \$66.00 in recording fees with the Clerk's office.

**Impacts to Department & External Agencies** The impact to the the Public Works Department will be the additional road right-of-way to maintain, but this will be offset by accommodating the planned bridge improvements. No other external agencies will be impacted by this action.

**Options for Consideration:** 1. Dedicate Tax Lot 102W05A00700 for Permanent Roadway Easement.  
2. Do not approve the request to dedicate Tax Lot 102W05A00700 at this time.

**Recommendation:** Public Works and Business Services (via Jeff White) recommends the board of commissioners dedicate Tax Lot 102W05A00700 for Permanent Roadway Easement.

**List of attachments:** Dedication Deed  
Exhibit Map

**Presenter:** Mark Riggins, County Surveyor

*Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)*

**Copies to:** Mark Riggins mriggins@co.marion.or.us



## RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING (ORS 205.234). ANY ERRORS IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTIONS CONTAINED WITHIN THE DOCUMENT.

A. Names of the Transactions described in the attached instrument:

### **Dedication of Right of Way**

B. Names of First Parties: **Marion County, a political subdivision of the State of Oregon**

Names of Second Parties: **Marion County, a political subdivision of the State of Oregon**

C. Consideration Paid: (if applicable): **None**

D. Lien or Satisfaction Amount: (if applicable): **N/A**

E. Until a change is requested, all tax statements shall be sent to the following address:

**Exempt, Public Property**  
(Roadway Purposes)

F. Name and address of person authorized to receive the instrument after recording:

**Mark Riggins, County Surveyor**  
**Marion County Department of Public Works**  
**5155 Silverton Road NE**  
**Salem, Oregon 97305**

## RIGHT-OF-WAY DEDICATION

**Marion County** ("Grantor"), hereby dedicates a perpetual right-of-way for street purposes on, over, and under the following described property, and forever dedicates for use as a public street all of the following described real property situated in Marion County, Oregon:

Reserve Block A, as recorded in Marion County deed records, Volume 684, Page 154 and shown on Ditter Hill Tracts, recorded in Volume 24, Page 34, Town Plats, Marion County, Oregon Clerk's Office.

Grantor warrants that (1) Grantor has marketable title to the property, (2) Marion County may peaceably enjoy the rights and benefits of this dedication, (3) there are no other interests in property that conflict with Marion County's intended use of this dedication, (4) the dedicated property is free of encumbrances except those of which Grantor has notified Marion County, and (5) Grantor has the unrestricted right to dedicate the property without additional consent or permission.

True and actual consideration for this transfer is no money, but for other valuable consideration.

The following is the notice as required by Oregon law: "THIS INSTRUMENT WILL 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 RIGHTS TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 93.040."

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*This section intentionally left blank.*

**Grantor:**  
**MARION COUNTY**  
**BOARD OF COMMISSIONERS**

\_\_\_\_\_  
**CHAIR**

\_\_\_\_\_  
**COMMISSIONER**

\_\_\_\_\_  
**COMMISSIONER**

STATE OF OREGON            )  
County of Marion            )       ss.

This instrument was acknowledged before me on this \_\_\_\_\_ day of January 2016, by  
\_\_\_\_\_ as **Chair** for Marion County Board of Commissioners

By \_\_\_\_\_  
Notary Public of Oregon  
My Commission Expires: \_\_\_\_\_

STATE OF OREGON            )  
County of Marion            )       ss.

This instrument was acknowledged before me on this \_\_\_\_\_ day of January 2016, by  
\_\_\_\_\_ as **Commissioner** for Marion County Board of Commissioners

By \_\_\_\_\_  
Notary Public of Oregon  
My Commission Expires: \_\_\_\_\_

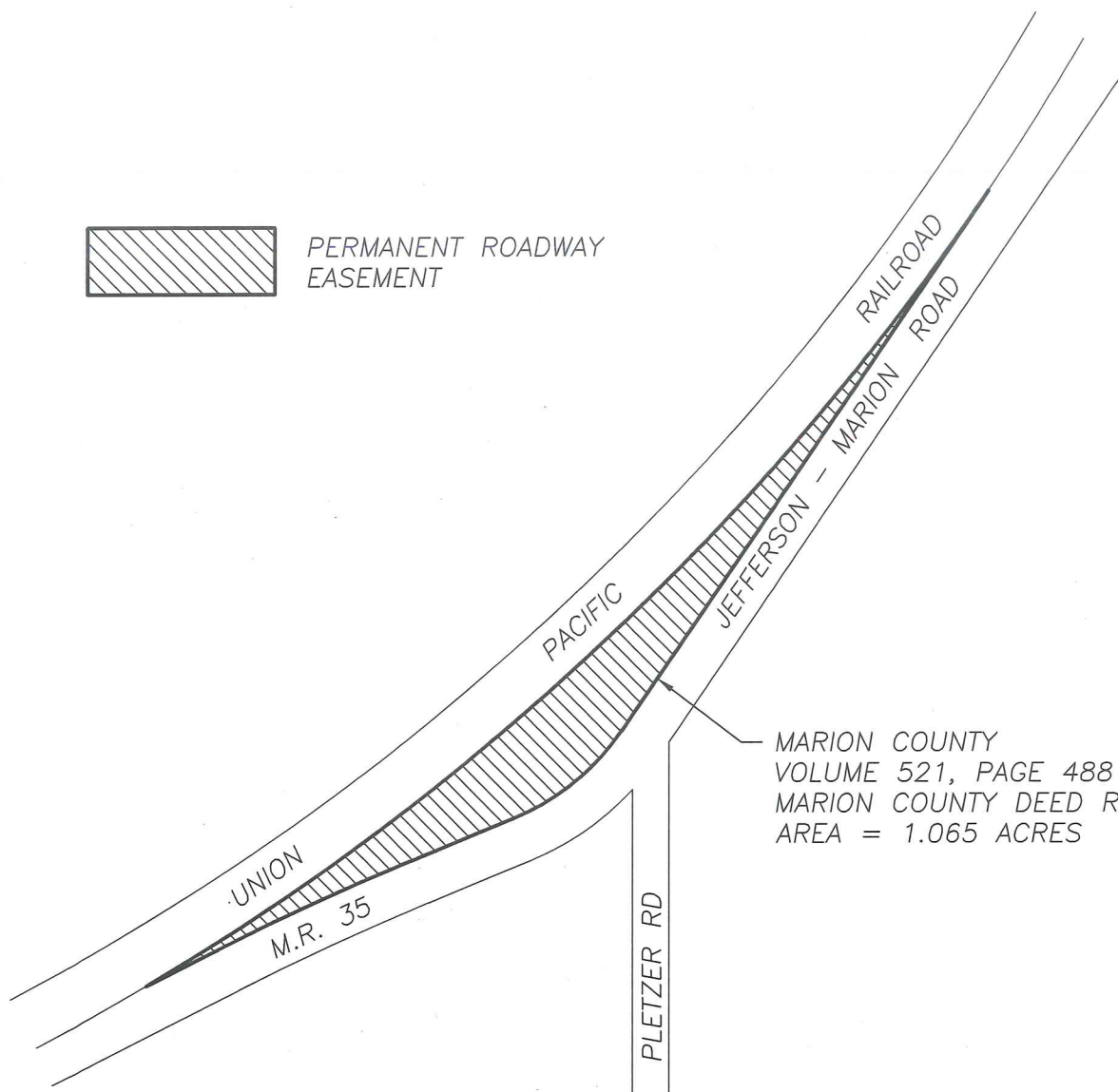
STATE OF OREGON            )  
County of Marion            )       ss.

This instrument was acknowledged before me on this \_\_\_\_\_ day of January 2016, by  
\_\_\_\_\_ as **Commissioner** for Marion County Board of Commissioners

By \_\_\_\_\_  
Notary Public of Oregon  
My Commission Expires: \_\_\_\_\_



PERMANENT ROADWAY  
EASEMENT



MARION COUNTY  
VOLUME 521, PAGE 488  
MARION COUNTY DEED RECORDS  
AREA = 1.065 ACRES



SCALE: 1" = 200'



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Mark E. Riggins*

O R E G O N  
JULY 13, 1979  
MARK E. RIGGINS  
#1857

EXPIRES 12/31/2018

### EXHIBIT MAP

PERMANENT ROADWAY EASEMENT FOR THE PROPERTY  
DESCRIBED IN VOLUME 521, PAGE 488, MARION COUNTY  
DEED RECORDS. SITUATED IN THE NORTHEAST 1/4 OF  
SECTION 5, TOWNSHIP 10 SOUTH, RANGE 2 WEST,  
WILLAMETTE MERIDIAN, MARION COUNTY, OREGON

DATE: MARCH 3, 2017

DRAWN BY: P.R. JONES

CHECK BY: M. RIGGINS

MARION COUNTY  
SURVEYORS OFFICE  
5155 SILVERTON ROAD  
SALEM, OR 97305