



Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of September 2, 2015

Please see directions for completing this document on the next page.

DATE: August 24, 2015

FROM: George Kolb, County Engineer Road 541-322-7113

TITLE OF AGENDA ITEM:

Consideration of Signature of Document No. 2015-571, An Acceptance Deed for a Temporary Construction Easement on Powell Butte Highway from the Marcia J. Bischoff Family Trust in Bend OR

PUBLIC HEARING ON THIS DATE? NO.

BACKGROUND AND POLICY IMPLICATIONS:

The Deschutes County Road Department is in the process of designing a roundabout to be constructed at the intersection of Powell Butte Highway/Neff Road and Alfalfa Market Road. During this design process, it was determined that a temporary bypass road will be necessary to allow Powell Butte Highway to remain open during a majority of the construction. A portion of the Bischoff property will be needed to provide the necessary area for the temporary bypass road. This temporary construction easement will be in effect until the completion of the road project at which point it will no longer be in effect.

FISCAL IMPLICATIONS:

The amount \$2,500.00 required for this temporary construction easment is budgeted in FY 2015-2016.

RECOMMENDATION & ACTION REQUESTED:

The Road Department recommends signature of Document 2015-571, accepting the Temporary Construction Easement from the Marcia J. Bischoff Family Trust.

ATTENDANCE: George Kolb, County Engineer

DISTRIBUTION OF DOCUMENTS:

Copy to Sheila Odle (ext. 7148) at the Road Department after recording.

DESCHUTES COUNTY DOCUMENT SUMMARY

(NOTE: This form is required to be submitted with ALL contracts and other agreements, regardless of whether the document is to be on a Board agenda or can be signed by the County Administrator or Department Director. If the document is to be on a Board agenda, the Agenda Request Form is also required. If this form is not included with the document, the document will be returned to the Department. Please submit documents to the Board Secretary for tracking purposes, and not directly to Legal Counsel, the County Administrator or the Commissioners. In addition to submitting this form with your documents, please submit this form electronically to the Board Secretary.)

Please complete all sections above the Official Review line.

Date:

Department:

Contractor/Supplier/Consultant Name:

Contractor Contact:

Contractor Phone #:

Type of Document: Acceptance Deed

Goods and/or Services: Acceptance Deed for Temporary Construction Easement granted by the Marcia J. Bischoff Family Trust for the Powell Butte Highway Roundabout in Bend, OR

Background & History: The Deschutes County Road Department is in the process of designing a roundabout to be constructed at the intersection of Powell Butte Highway/Neff Road and Alfalfa Market Road. During this design process, it was determined that a temporary bypass road will be necessary to allow Powell Butte Highway to remain open during a majority of the construction. A portion of the Bischoff property will be needed to provide the necessary area for the temporary bypass road. This temporary construction easement will be in effect until the completion of the road project at which point it will no longer be in effect.

Agreement Starting Date:

Ending Date:

Annual Value or Total Payment:

Insurance Certificate Received (check box)

Insurance Expiration Date:

Check all that apply:

RFP, Solicitation or Bid Process

Informal quotes (<\$150K)

Exempt from RFP, Solicitation or Bid Process (specify – see DCC §2.37)

Funding Source: (Included in current budget? Yes No

If **No**, has budget amendment been submitted? Yes No

Is this a Grant Agreement providing revenue to the County? Yes No

8/24/2015

Special conditions attached to this grant:

Deadlines for reporting to the grantor:

If a new FTE will be hired with grant funds, confirm that Personnel has been notified that it is a grant-funded position so that this will be noted in the offer letter: Yes No

Contact information for the person responsible for grant compliance:

Name:

Phone #:

Departmental Contact and Title: George Kolb, County Engineer

Phone #: 541-322-7113

Department Director Approval:


Signature

08/24/15
Date

Distribution of Document: Who gets the original document and/or copies after it has been signed? Include complete information if the document is to be mailed.

Official Review:

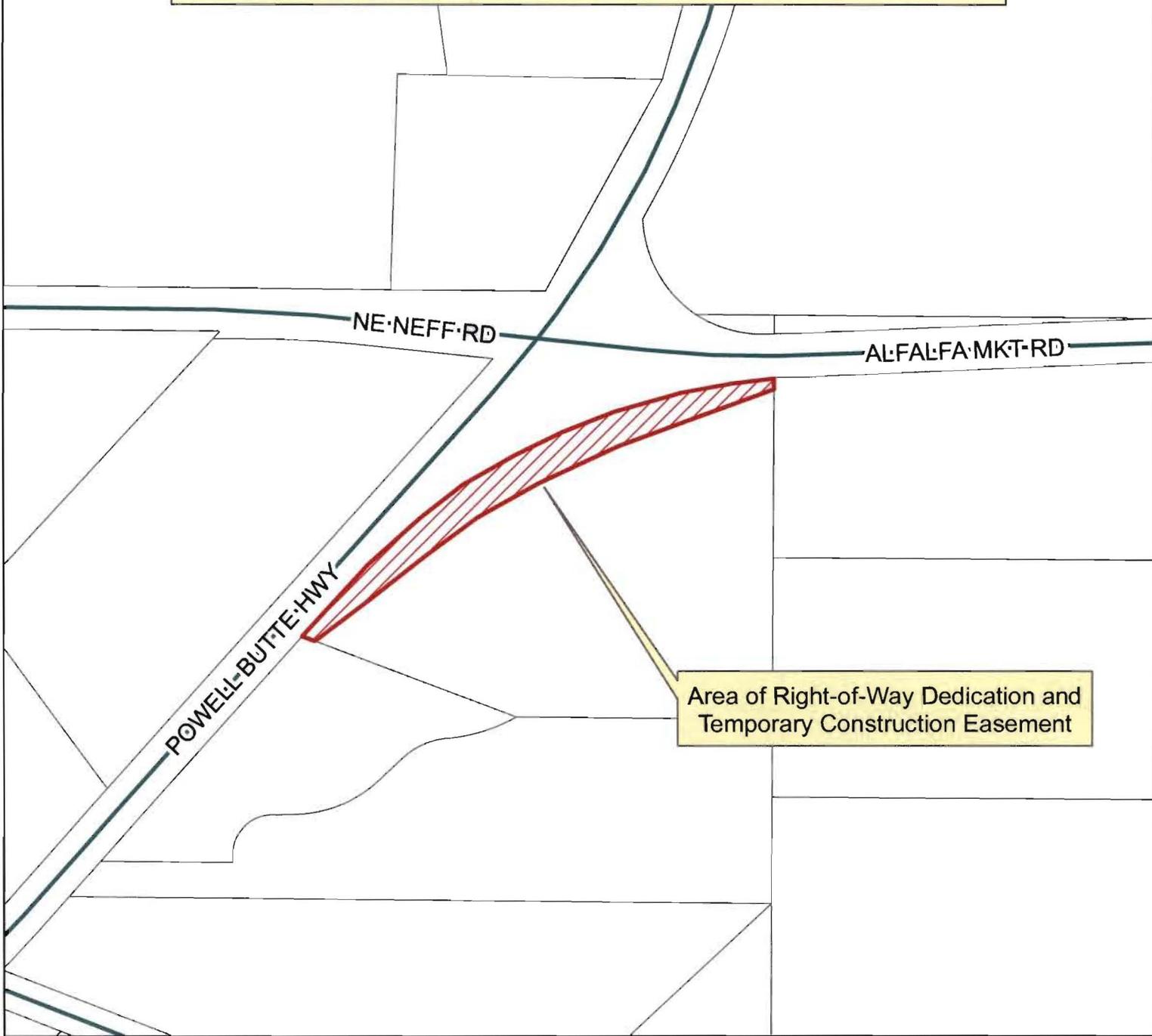
County Signature Required (check one): BOCC Department Director (if <\$25K)

Administrator (if >\$25K but <\$150K; if >\$150K, BOCC Order No. _____)

Legal Review _____ Date _____

Document Number _____

Bischoff Family Right-of-Way Dedication & Temporary Construction Easement



Area of Right-of-Way Dedication and Temporary Construction Easement

Locator Map



0 200 400 600 Feet

Legend

-  Taxlots
-  Dedication
-  Road Centerlines



Printed: August 24, 2015

The information on this map was derived from digital databases on Deschutes County's G.I.S. Care was taken in the creation of this map, but it is provided "as is". Deschutes County cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. There are no warranties, express or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



John Anderson, GIS Analyst
 Phone: (541) 322-7102
 Email: john.anderson@deschutes.org
 Address: 61150 SE 27th St
 Bend, OR 97702

Road Department

After recording return to:
Deschutes County Road Dept.
61150 S.E. 27th Street
Bend, Oregon 97701

TEMPORARY CONSTRUCTION EASEMENT

Marcia J. Bischoff Family Trust dated 7-28-95, Grantor, does hereby grant to Deschutes County, Oregon, Grantee, its successors and assigns, a Temporary Construction Easement for construction purposes, over and across the Grantor's property as described in Exhibit "A", attached hereto and by this reference incorporated herein.

The true consideration for this conveyance is \$2,500.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

The Grantee's use of the easement shall include the right for the Grantee, its employees, agents, assigns, contractors and employees of contractors, to enter and use the easement area for construction work in connection with the Powell Butte Highway Roundabout project.

The term and duration of this temporary construction easement shall be from October 1, 2015 to the completion of the Powell Butte Highway Roundabout project. **OR DEC 31, 2016** **WHICHEVER IS EARLIER.** 

This document is intended to grant easements on the property described, not to convey fee title or any interest in the underlying property except as expressly stated herein. The easements granted shall not prevent Grantors from the use of said property provided, however, that such use shall not be permitted to interfere with the rights herein granted. Grantor shall not be permitted to endanger the lateral support of any facilities constructed within or adjacent to the easements granted herein.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property and the construction or improvement in the public way.

Grantor(s) hereby covenant(s) to and with Grantee that it/theyis/are the owner of said property, which is free from all encumbrances, except for easements, conditions and restrictions of record, and will warrant and defend the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

IN WITNESS WHEREOF, this document is executed this 12th day of AUGUST, 2015.

Marcia J. Bischoff Family Trust dated 7-28-95.

By: *Christopher M Bischoff*, TRUSTEE
Christopher M Bischoff, Trustee

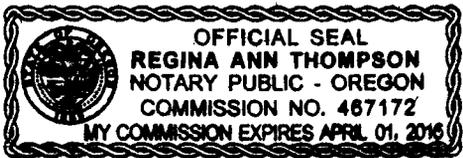
By: *Marcia J. Bischoff*, Trustee
Marcia J. Bischoff, Trustee

STATE OF OREGON)
) SS.
County of Deschutes)

Before me, a Notary Public, personally appeared Christopher M. Bischoff and Marcia J. Bischoff as Trustees of the Marcia J. Bischoff Family Trust dated 7-28-95 and acknowledged the foregoing instrument to be their voluntary act.

Dated this 15 day of August, 2015.

Regina Ann Thompson
NOTARY PUBLIC FOR OREGON
My Commission Expires: Apr. 1, 2015



ACCEPTANCE

Deschutes County, acting by and through its Board of County Commissioners, does hereby accept the foregoing Temporary Construction Easement.

DATED this ____ day of _____, 2015.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

TAMMY BANEY, COMMISSIONER

ATTEST:

ANTHONY DEBONE, CHAIR

Recording Secretary

ALAN UNGER, VICE-CHAIR

STATE OF OREGON)
) SS.
County of Deschutes)

Before me, a Notary Public, personally appeared Anthony DeBone, Alan Unger and Tammy Baney, the above-named Board of County Commissioners of Deschutes County, Oregon, acknowledged the foregoing instrument, on behalf of Deschutes County, Oregon.

Dated this ____ day of _____, 2015.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

EXHIBIT "A"

Project 297-259-001
Drawing BE-2509-001-V-AQ
07/22/15

Parcel 3 - Temporary Easement for Construction

A Parcel of land lying in the Northeast One-Quarter (NE1/4) of Section 31, Township 17 South, Range 13 East, W.M., Deschutes County, Oregon and being a portion of that property described in that Bargain and Sale Deed to Christopher M. Bischoff and Marcia J. Bischoff, Trustees of Marcia J. Bischoff Family Trust, dated July 28, 1995, recorded August 7, 2008 in Volume 2008, Page 33039 of Deschutes County Official Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of 1928 Bend-Prineville Market Road RD01455 (Powell Butte Highway), which center line is described in Parcel 1:

The width in feet of said strip of land is as follows:

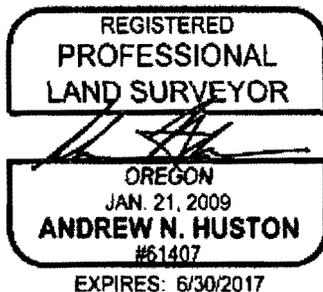
<u>Station</u>	<u>to</u>	<u>Station</u>	<u>Width on Easterly Side of Center Line</u>
39+75.50		43+19.28	30.00 in a straight line to 152.91
43+19.28		43+69.61	152.91 in a straight line to 167.07
43+69.61		44+31.57	167.07 in a straight line to 174.69
44+31.57		44+97.11	174.69 in a straight line to 172.71

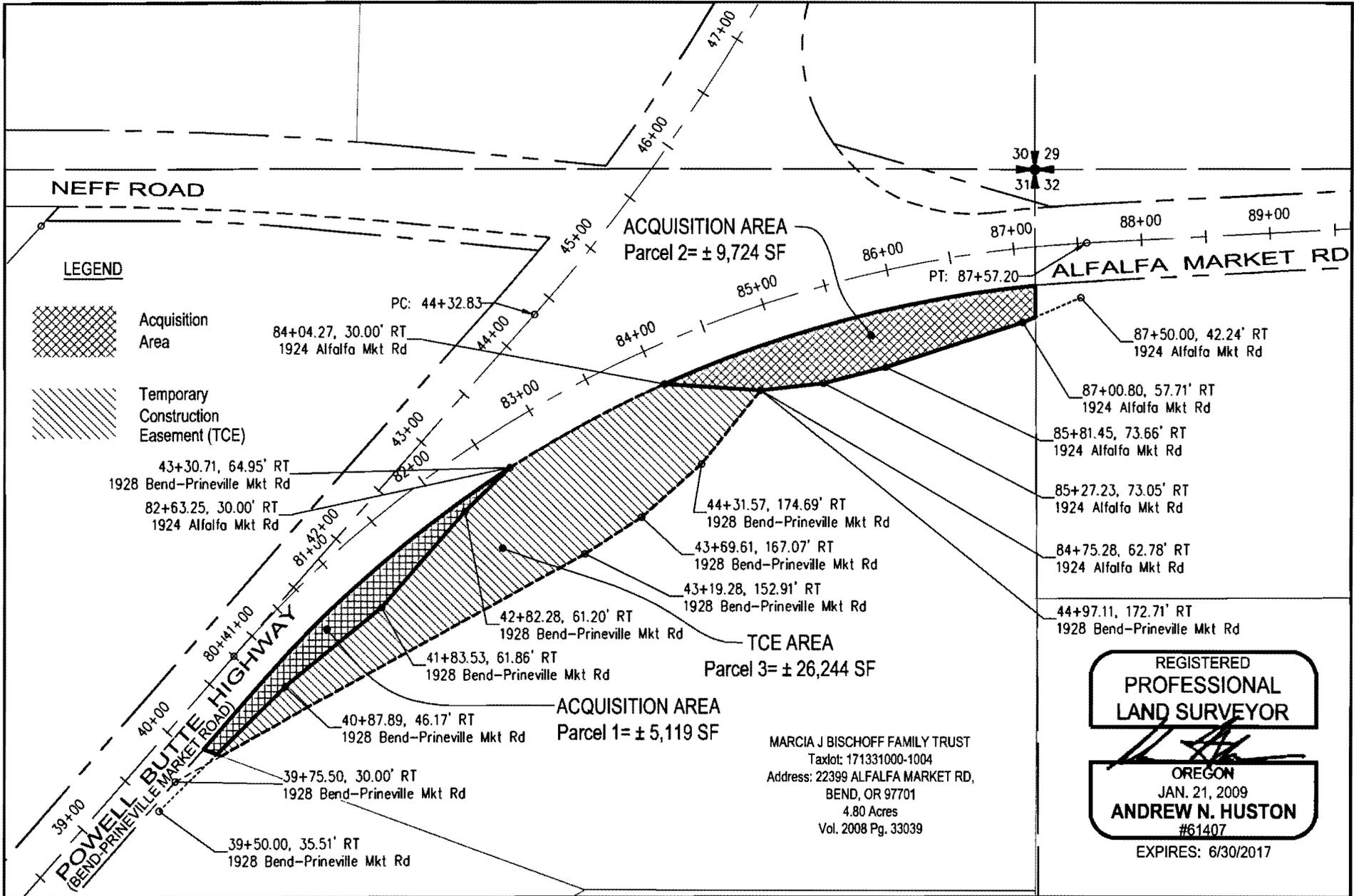
This parcel of land contains 26,244 square feet more or less, outside of the existing right of way.

Except therefrom Parcel 1 and Parcel 2.

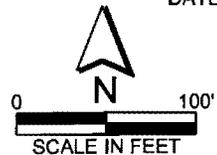
Subject to any easements, restrictions and rights of way of record and those common and apparent on the land.

Bearings are based on County Survey No. 18806, filed December 12, 2014, Deschutes County Oregon.





Parametrix DATE: July 22, 2015 FILE: BE-2509-001-V-AQ



**RIGHT-OF-WAY ACQUISITION FOR:
MARCIA J. BISCHOFF FAMILY TRUST
DESCHUTES COUNTY ROADS DEPARTMENT
POWELL BUTTE HIGHWAY ROUNDABOUT**