AGENDA REQUEST & STAFF REPORT
For Board Business Meeting of July 18, 2016

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

DATE: July 5, 2016

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

TITLE OF AGENDA ITEM:
Consideration of signature of Document No. 2016-471, An Acceptance deed for Slope Easement and Temporary Construction Easement on Tetherow Road from Platt Properties, LLC.

PUBLIC HEARING ON THIS DATE? NO.

BACKGROUND AND POLICY IMPLICATIONS:
In the fall of 2015, a retaining wall located on Tetherow Road gave way sending dirt and rocks onto the road surface effectively blocking the road to public travel. The County Road Department came in and removed the material and built a concrete block wall as a temporary fix until a final design could be done to fix the entire road. The County Road Department prepared plans and specifications to allow for the road to be widened out to a final width of 22 feet and also worked to alleviate sight distance issues that existed at the top of the road grade.

Part of this design required a slope easement along with a temporary construction easement on property owned by Platt Properties, LLC (tax lot 141236D000400). The slope easement will be permanent but the temporary construction easement will only be in effect until the road construction is completed. The Road Department will be constructing this improvement in conjunction with the replacement of the Tetherow Bridge as Tetherow Road will be closed to through traffic and there will be no impact to the traveling public.

FISCAL IMPLICATIONS:
The final cost for both the slope easement and the temporary construction easement $7,223.00 and is budgeted in the FY 2016-17.

RECOMMENDATION & ACTION REQUESTED:
The Road Department recommends signature of Document 2016-471, accepting the Slope Easement and Temporary Construction Easement on Tetherow Road from Platt Properties, LLC.

ATTENDANCE: George Kolb, County Engineer

DISTRIBUTION OF DOCUMENTS:
Copy to Sheila Odle (ext. 7148) at the Road Department after recording.
Please complete all sections above the Official Review line.

Date: July 5, 2016

Department: Road

Contractor/Supplier/Consultant Name: Platt Properties, LLC
Contractor Contact: Gilbert and Suzanne Platt
Contractor Phone #: 541-548-4697

Type of Document: Acceptance Deed

Goods and/or Services: Acceptance Deed for Slope Easement and Temporary Construction Easement from Platt Properties, LLC

Background & History: In the fall of 2015, a retaining wall located on Tetherow Road gave way sending dirt and rocks onto the road surface effectively blocking the road to public travel. The County Road Department came in and removed the material and built a concrete block wall as a temporary fix until a final design could be done to fix the entire road. The County Road Department prepared plans and specifications to allow for the road to be widened out to a final width of 22 feet and also worked to alleviate sight distance issues that existed at the top of the road grade. Part of this design required a slope easement along with a temporary construction easement on property owned by Platt Properties, LLC (tax lot 141236D000400). The slope easement will be permanent but the temporary construction easement will only be in effect until the road construction is completed. The Road Department will be constructing this improvement in conjunction with the replacement of the Tetherow Bridge as Tetherow Road will be closed to through traffic and there will be no impact to the traveling public.

Agreement Starting Date: upon signature

Ending Date: N/A

Annual Value or Total Payment: $7,223.00

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

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: 

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 _____

7/1/2016
Platt Properties LLC., grantor, does hereby grant to Deschutes County, a political subdivision of the State of Oregon, Grantee, the following two easements:

Permanent Slope Easement (Tract 1)
A permanent easement over, across and through that certain parcel of land described in Exhibit “A” as “Tract 1”, attached hereto and by this reference incorporated herein, to construct and maintain slopes and other roadway facilities.

Temporary Construction Easement (Tract 2)
A Temporary Construction Easement for construction purposes, over and across the Grantor's property as described in Exhibit “A” as “Tract 2”, attached hereto and by this reference incorporated herein.

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 Tetherow Road Reconstruction project.

The term and duration of this temporary construction easement shall be from August 1, 2016 to the completion of the Tetherow Road Reconstruction project.

This Temporary Construction Easement is intended to grant the easement on the property described, not to convey fee title or any interest in the underlying property except as expressly stated herein. The easement 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/they/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.
The true consideration for this conveyance is $7,223.00.

DATED this 29th day of JUNE, 2016.

[Signatures of Gilbert M. Platt and Suzanne Platt]

STATE OF OREGON )
) SS.
County of Deschutes )

Before me, a Notary Public, personally appeared Gilbert M. Platt and Suzanne Platt, acknowledged the foregoing instrument, on behalf of Platt Properties LLC.

Dated this 29th day of JUNE, 2016.
ACCEPTANCE

Deschutes County, acting by and through its Board of County Commissioners, does hereby accept the foregoing Permanent Slope Easement and the Temporary Construction Easement on behalf of the public pursuant to ORS 93.808.

DATED this _____ day of ________________________, 2016.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

________________________
ALAN UNGER, CHAIR

ATTEST:

________________________
TONY DEBONE, COMMISSIONER

Recording Secretary

________________________
TAMMY BANEY, COMMISSIONER

STATE OF OREGON )
County of Deschutes ) SS.

Before me, a Notary Public, personally appeared Alan Unger, Tony DeBone 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 ________________________, 2016.

________________________
NOTARY PUBLIC FOR OREGON
My Commission Expires: ___________
EXHIBIT A

TRACT 1

A strip of land lying in the NE ¼ SE ¼ of Section 36, Township 14 South, Range 12 East, W.M., Deschutes County, Oregon and being a portion of that property conveyed to Platt Properties, LLC in that Bargain and Sale Deed recorded August 15, 2012 in Volume 2012, Page 31911 of Deschutes County Official Records, and being more particularly described as follows:

That portion of said Platt property included in a strip of land variable in width, lying on the Northerly and Easterly (left) side of the center line of the 2015 Legalization of a Portion of Tetherow Road section legalized per Deschutes County Commissioners’ Order 2015-016 and depicted on the survey filed at the Deschutes County Surveyor’s Office as CS19029 titled “Right-of-Way Map For the 2015 Legalization of a Portion of Tetherow Road (Tetherow Grade Section)” which centerline is described as follows:

Commencing at the 5/8” rebar monumenting the Southwest Corner of Lot 9, Block 2, Tetherow Crossing Phase II; thence along the north right-of-way line of Yucca Avenue N86°21'18"E a distance of 595.17 feet to a 5/8" rebar monumenting the Southeast Corner of Lot 7, Block 2, Tetherow Crossing Phase II; thence leaving said Yucca Avenue right-of-way line, S87°16'05"E a distance of 1136.35 feet to a point at the centerline of the 1892 Barnett Road identified as Point “B” on the survey filed at the Deschutes County Surveyor’s Office as CS18696 titled “2014 Right-of-Way Map For the Legalization of a Portion of Tetherow Road”, said Point “B” being Engineer’s Station 30+00.00 and the Point of Beginning of this 2015 centerline description; thence S88°41'11"E a distance of 24.66 feet to Engineer’s Station 30+24.66 P.I.; thence S64°42'32"E a distance of 148.40 feet to Engineer’s Station 31+73.06 P.C.; thence 106.97 feet along the arc of a 631.87 foot radius curve to the left, the long chord of which bears S69°33'32"E a distance of 106.84 feet to Engineer’s Station 32+80.03 P.T.; thence S74°24'31"E a distance of 81.02 feet to Engineer’s Station 33+61.05 P.C.; thence 219.69 feet along the arc of a 413.18 foot radius curve to the right, the long chord of which bears S59°10'35"E a distance of 217.11 feet to Engineer’s Station 35+08.74 P.T.; thence S43°56’39"E a distance of 213.41 feet to Engineer’s Station 37+94.15 P.C.; thence 65.53 feet along the arc of a 335.12 foot radius curve to the left, the long chord of which bears S49°32'45"E a distance of 65.42 feet to Engineer’s Station 38+59.68 P.T.; thence S55°08’50"E a distance of 23.51 feet to Engineer’s Station 38+83.19 P.C.; thence 65.00 feet along the arc of a 160.00 foot radius curve to the left, the long chord of which bears S66°47’08”E a distance of 64.55 feet to Engineer’s Station 39+48.19 P.C.C.; thence 84.84 feet along the arc of a 80.00 foot radius compound curve to the left, the long chord of which bears N 71°1’45"E a distance of 80.92 feet to Engineer’s Station 40+33.03 P.T.; thence N40°48’55"E a distance of 61.24 feet to Engineer’s Station 40+94.27 P.C.; thence 250.64 feet along the arc of a 2470.37 foot radius curve to the left, the long chord of which bears N 37°54’31"E 250.54 feet to Engineer’s Station 43+44.92 P.T.; thence N35°00’07"E a distance of 104.67 feet to Engineer’s Station 44+49.58 P.C.; thence 8.29 feet along the arc of a 320.17 foot radius curve to the right, the long chord of which bears N35°44’37”E 8.29 feet to Engineer’s Station
EXHIBIT A

44+57.87 P.O.C., at the east-west centerline of said Section 36, being the easterly Terminus Point of this centerline description, from which the 3" diameter aluminum Deschutes County Surveyors Office cap stamped “L.S. 804” marking the east one-quarter corner of said Section 36 bears S89°34'45"E a distance of 347.23 feet along said east-west centerline and also from which the 1/2" iron rod marking an angle point in the exterior boundary of the plat of “Woody Acres” at the prolongation of the lot line common to lots 5 and 6 of said plat bears N89°34'45"W 1.31 feet. The bearings for this description are based on the Deschutes County Surveyor’s Office Central Oregon Coordinate System.

The widths in feet of the strip of land above referred to are as follows:

<table>
<thead>
<tr>
<th>Station to Station</th>
<th>Width on Left Side of Center Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>30+00.00 to 33+61.05 PC</td>
<td>30 parallel with centerline</td>
</tr>
<tr>
<td>33+61.05 PC to 33+61.05 PC</td>
<td>30 in a straight line to 50</td>
</tr>
<tr>
<td>33+61.05 PC to 37+00.00</td>
<td>50 parallel with centerline</td>
</tr>
<tr>
<td>37+00.00 to 37+94.15 PC</td>
<td>50 in a straight line to 30</td>
</tr>
<tr>
<td>37+94.15 PC to 44+57.87</td>
<td>30 parallel with centerline</td>
</tr>
</tbody>
</table>

Containing 6,832 square feet (0.16 acres) more or less lying outside of the right-of-way of Tetherow Road.

This strip of land is depicted as “TRACT 1” on the attached map titled “Platt Properties Tract 1 Easement Sketch” which is incorporated herein by this reference.

TRACT 2

A strip of land lying in the NE ¼ SE ¼ of Section 36, Township 14 South, Range 12 East, W.M., Deschutes County, Oregon and being a portion of that property conveyed to Platt Properties, LLC in that Bargain and Sale Deed recorded August 15, 2012 in Volume 2012, Page 31911 of Deschutes County Official Records, and being more particularly described as follows:

That portion of said Platt property included in a strip of land variable in width, lying on the Northerly and Easterly (left) side of the center line of the previously described 2015 Legalization of a Portion of Tetherow Road section legalized per Deschutes County Commissioners’ Order 2015-016 and depicted on the survey filed at the Deschutes County Surveyor’s Office as CS19029 titled “Right-of-Way Map For the 2015 Legalization of a Portion of Tetherow Road (Tetherow Grade Section)”.

The widths in feet of the strip of land above referred to are as follows:

<table>
<thead>
<tr>
<th>Station to Station</th>
<th>Width on Left Side of Center Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>30+00.00 to 35+15</td>
<td>30 parallel with centerline</td>
</tr>
<tr>
<td>35+15 to 35+15</td>
<td>30 in a straight line to 70</td>
</tr>
<tr>
<td>35+15 to 37+65</td>
<td>70 parallel with centerline</td>
</tr>
</tbody>
</table>

(continued next page)
EXHIBIT A

(continued from previous page)

<table>
<thead>
<tr>
<th>Station</th>
<th>to</th>
<th>Station</th>
<th>Width on Left Side of Center Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>37+65</td>
<td>38+40</td>
<td></td>
<td>70 in a straight line to 117</td>
</tr>
<tr>
<td>38+40</td>
<td>40+37</td>
<td></td>
<td>117 in a straight line to 64</td>
</tr>
<tr>
<td>40+37</td>
<td>40+60</td>
<td></td>
<td>64 in a straight line to 30</td>
</tr>
<tr>
<td>40+60</td>
<td>44+57.87</td>
<td></td>
<td>30 parallel with centerline</td>
</tr>
</tbody>
</table>

Containing 17,661 square feet (0.41 acres) more or less lying outside of the right-of-way of Tetherow Road and outside of the area described above as TRACT 1.

This strip of land is depicted as “TRACT 2” on the attached map titled “Platt Properties Tract 2 Easement Sketch” which is incorporated herein by this reference.

REGISTRATION PROFESSIONAL LAND SURVEYOR

OREGON
JULY 28, 1999
MICHAEL J. BERRY
PENAL SEED: 12/31/17

5-20-2016
TRACT 1 - PERMANENT SLOPE EASEMENT:
AREA = 6,832 S.F. (0.16 ACRES) MORE OR LESS

LEGALIZATION CENTERLINE PER CS19029
RIGHT-OF-WAY LINE PER CS19029
APPROXIMATE PROPERTY LINE
EASEMENT EXTENTS
TRACT 1 SLOPE EASEMENT AREA ACROSS PLATT PROPERTY

RENEWAL DATE: 12-31-17

PLATT PROPERTIES TRACT 1 EASEMENT SKETCH
LOCATED IN THE NE ¼ SE ¼ OF SECTION 36, T.14 S., R.12 E., W.M., DESCHUTES COUNTY, OREGON
Slope and Temporary Construction Easement from Platt Properties Inc.

Locator Map

Legend
- Easement
- State Highway
- Taxlots
- Road Centerlines
- River

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.

Printed: July 1, 2016