



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](http://www.deschutes.org)

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## **AGENDA REQUEST & STAFF REPORT**

### **For Board Business Meeting of March 21, 2016**

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

**DATE:** March 16, 2013

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

**TITLE OF AGENDA ITEM:**

Consideration of Signature of Document No. 2016-193, An Acceptance Deed for a Permanent Easement granted by Edward Stabb for the Tetherow Bridge Replacement Project in Deschutes County

**PUBLIC HEARING ON THIS DATE?** NO.

**BACKGROUND AND POLICY IMPLICATIONS:**

Deschutes County is working with ODOT to replace the existing bridge located on Tetherow Road. This project will involve removal of the existing weight limited structure and replacement with a new structure that will provide more clearance over the stream and will meet Federal requirements for bridge structures. A portion of property owned by Edward Stabb is needed to provide the necessary area for the road reconstruction on the road approach to the bridge. Signature of Document No. 2016-193 will accept it as a public easement.

**FISCAL IMPLICATIONS:**

The amount \$5,000 required for this Permanent Easement is budgeted in FY 2015-2016.

**RECOMMENDATION & ACTION REQUESTED:**

The Road Department recommends signature of Document 2016-193, accepting the permanent easement on Tetherow Road from Edward Stabb

**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:** March 16, 2016

**Department:** Road

**Contractor/Supplier/Consultant Name:** Edward Stabb

**Contractor Contact:**                     

**Contractor Phone #:**                     

**Type of Document:** Acceptance Deed

**Goods and/or Services:** Acceptance Deed for a Permanent Easement granted by Edward Stabb for the Tetherow Bridge Replacement Project in Deschutes County

**Background & History:** Deschutes County is working with ODOT to replace the existing bridge located on Tetherow Road. This project will involve removal of the existing weight limited structure and replacement with a new structure that will provide more clearance over the stream and will meet Federal requirements for bridge structures. A portion of property owned by Edward Stabb is needed to provide the necessary area for the road reconstruction on the road approach to the bridge.

**Agreement Starting Date:** upon signature

**Ending Date:** N/A

**Annual Value or Total Payment:** \$5,000

☐ 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:**

  
Signature

03/16/16  
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.

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**Official Review:**

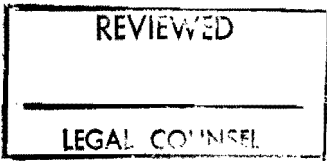
County Signature Required (check one): ☐ BOCC ☐ Department Director (if <\$25K)

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

Legal Review \_\_\_\_\_

Date \_\_\_\_\_

Document Number DC 2016-193



ACCEPTANCE

Deschutes County, acting by and through its Board of County Commissioners, does hereby accept the foregoing Permanent Easement as a public road pursuant to ORS 92.014.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2016.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ALAN UNGER, CHAIR

ATTEST:

\_\_\_\_\_  
TAMMY BANEY, VICE CHAIR

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
ANTHONY DEBONE, COMMISSIONER

STATE OF OREGON            )  
  ) SS.  
County of Deschutes        )

Before me, a Notary Public, personally appeared Alan Unger, Tammy Baney and Anthony DeBone 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: \_\_\_\_\_

**PERMANENT EASEMENT**

**EDWARD D. STABB**, Grantor, for the true and actual consideration of \$5,000.00, does grant to the **DESCHUTES COUNTY, a political subdivision of the State of Oregon**, Grantee, its successors and assigns, a permanent easement to construct, reconstruct, repair, and maintain a public highway and its appurtenances and facilities, and also to construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under and across the property described as **Parcels 1 and 2 on Exhibit "A" dated 12/10/2015**, attached hereto and by this reference made a part hereof.

Grantor covenants to and with Grantee, its successors and assigns, that Grantor is the owner of said property, and will warrant the easement rights herein granted from all lawful claims whatsoever.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all reduction in value to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

**AFTER RECORDING RETURN TO:**  
OREGON DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY SECTION  
4040 FAIRVIEW INDUSTRIAL DRIVE SE MS#2  
SALEM OR 97302-1142

Map and Tax Lot #: 14S-12E-36D-1200

Property Address:

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the Deschutes County, a political subdivision of the State of Oregon, unless and until accepted and approved by the recording of this document.


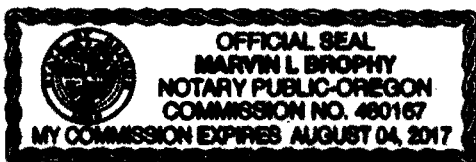
Dated this day of March 15, 2016.



Edward D. Stabb

STATE OF OREGON, County of DESCHUTES

Dated MARCH 15, 2016. Personally appeared, and signed before me by, the above named Edward D. Stabb, who acknowledged the foregoing instrument to be his voluntary act. Before me:

  
Notary Public for Oregon  
My Commission expires 8/14/17

**PARCEL 1 – Permanent Easement for Roadway Right of Way Purposes**

A parcel of land lying in the NW¼SE¼ of Section 36, Township 14 South, Range 12 East, W.M., Deschutes County, Oregon and being a portion of that property described as Parcel 2 in that Bargain and Sale Deed to Edward D. Stabb, Trustee and Joann C. Stabb, Trustee of the 1988 Stabb Living Trust, dated Feb 5, 1988, recorded December 4, 2000 in Volume 2000, Page 49103, Deschutes County Records; the said parcel being that portion of said property lying between lines at right angles to the center line of the relocated Tetherow Road at Engineer's Station 14+15.00 and 15+40.00 and included in a strip of land 40.00 feet in width, lying on the Westerly side of said center line, which center line is described as follows:

Beginning at a point at said relocated Tetherow Road Engineer's center line Station 10+00.00, said station being 1378.01 feet North and 190.44 feet East of the South quarter corner of Section 36, Township 14 South, Range 12 East, W.M.; thence South 00° 52' 31" West 396.69 feet; thence South 00° 46' 05" East 248.11 feet; thence on the arc of a 384.90 foot radius non-tangent curve to the right (the long chord of which bears South 24° 13' 45" West 325.25 feet) 335.80 feet; thence South 49° 14' 16" West 44.93 feet; thence on the arc of a 735.10 foot radius non-tangent curve to the right (the long chord of which bears South 50° 19' 37" West 25.56 feet) 25.56 feet to Engineer's center line Station 20+51.09.

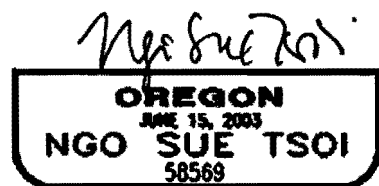
Bearings are based on Oregon Coordinate Reference System (OCRS), Bend-Redmond-Prineville zone.

This parcel of land contains 1250 square feet, more or less, outside of the existing right of way.

**PARCEL 2 – Permanent Easement for Roadway Right of Way Purposes**

A parcel of land lying in the NW¼SE¼ of Section 36, Township 14 South, Range 12 East, W.M., Deschutes County, Oregon and being a portion of that property described as Parcel 2 in that Bargain and Sale Deed to Edward D. Stabb, Trustee and Joann C. Stabb, Trustee of the 1988 Stabb Living Trust, dated Feb 5, 1988, recorded December 4, 2000 in Volume 2000, Page 49103, Deschutes County Records; the said parcel being that portion of said property lying between lines at right angles to the center line of the relocated Tetherow Road at Engineer's Station 14+15.00 and 15+70.00 and included in a strip of land 40.00 feet in width, lying on the Easterly side of said center line, which center line is described in Parcel 1.

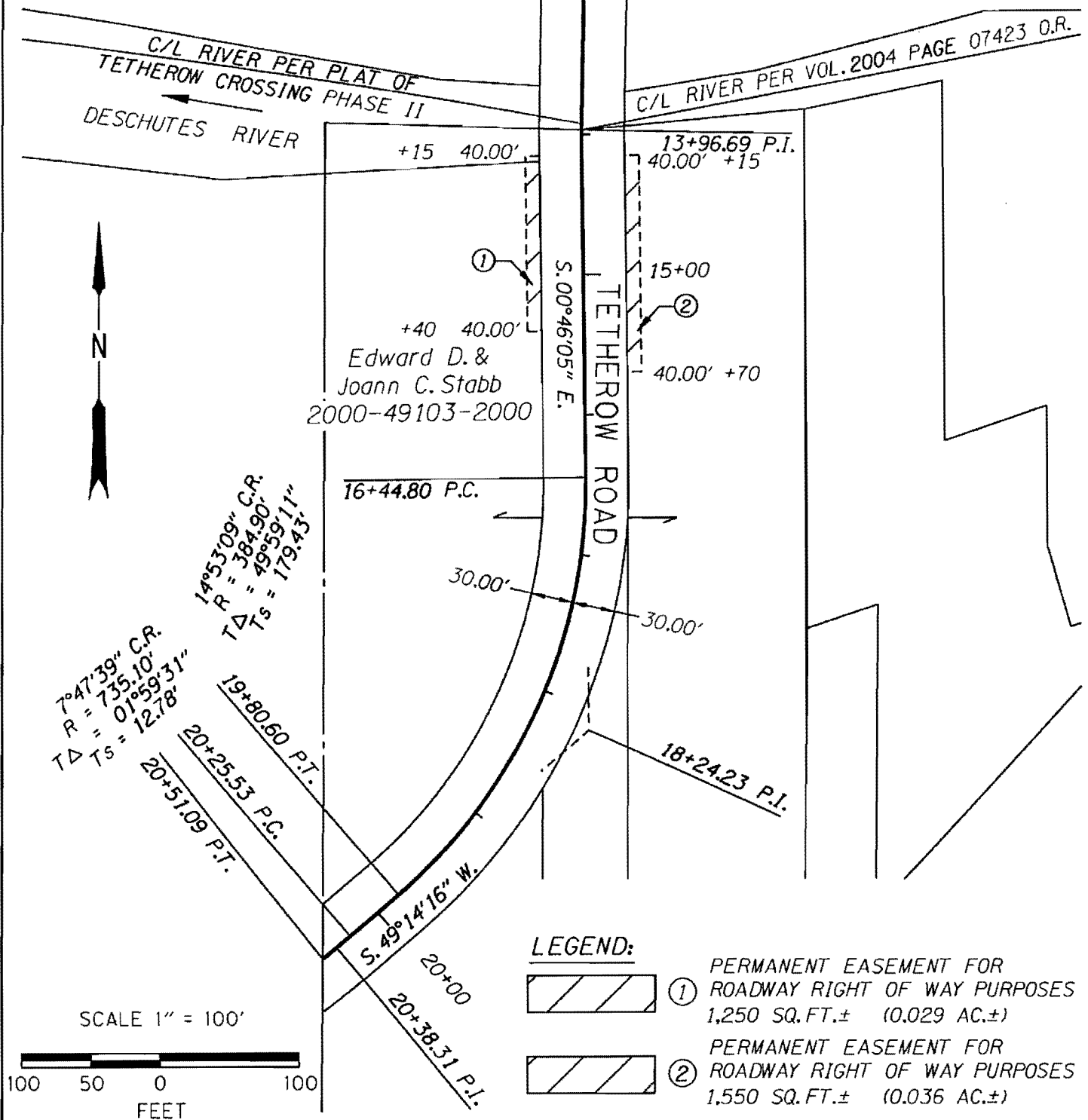
This parcel of land contains 1550 square feet, more or less, outside of the existing right of way.




RENEWS: 6/30/16

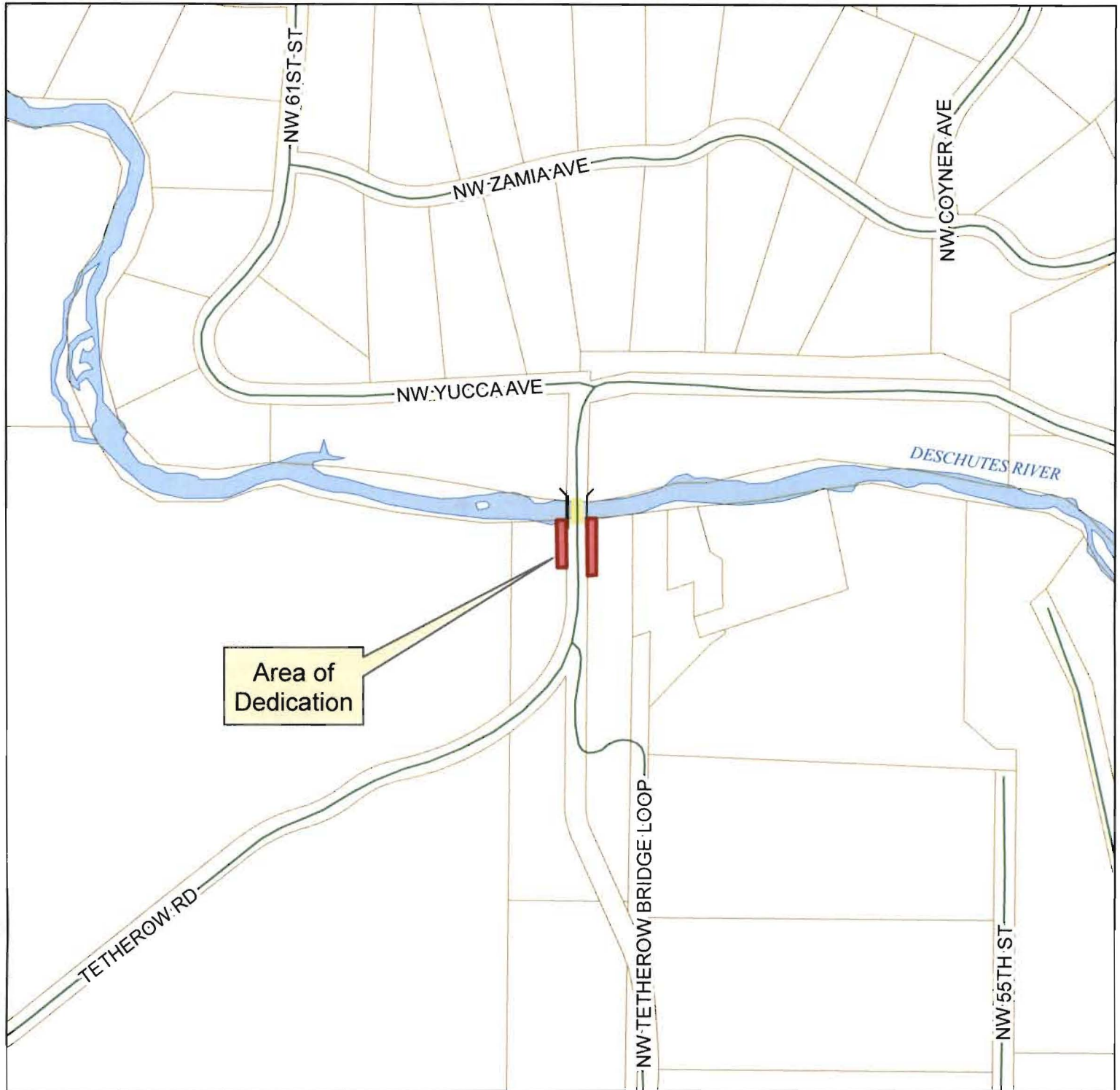


SEC. 36, T.14S., R.12E., W.M.



<div> <div>OREGON DEPARTMENT OF TRANSPORTATION</div> <div>  <div> <div>RIGHT OF WAY</div> <div>ENGINEERING</div> <div>SKETCH MAP</div> </div> </div> </div>	Section	Tetherow Rd: Deschutes River Bridge Replacement		
	Highway	Tetherow Road		
	County	Deschutes	Scale	1" = 100'
	Purpose	Easements	Date	Dec. 2015
	File	9065003		

# Tetherow Road Dedication



Locator Map



## Legend

- Bridge
- Dedication
- State Highway
- Road Centerlines
- River
- Taxlots

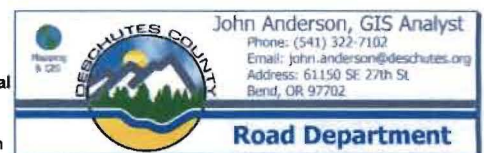
The information on this map was derived from digital databases on Deschutes County's G.I.S. Care was taken in the creation of this map, but it is provided "as is". Deschutes County cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. 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.

0 400 800 1,200 Feet



Printed: March 16, 2016

T14, R12, Sec. 36



P:\ArcGIS\_Projects\Dedications\Tetherow Road