



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 May 11, 2016**

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

**DATE:** April 29, 2016

**FROM:** James Lewis                      Property & Facilities                      541-385-1414

**TITLE OF AGENDA ITEM:**

Consideration of Board signature of Document 2016-270, the grant of a Public Access Easement to the City of Bend.

**PUBLIC HEARING ON THIS DATE?** No

**BACKGROUND AND POLICY IMPLICATIONS:**

As part of the City of Bend land use review process for the Deschutes County parking lot expansion for the OSP building, a public sidewalk along the Poe Sholes Road and Service Road frontages was required. Typically, all public sidewalks are located with the adjacent street right of way. Due to site design constraints and the location of public utilities in the right of way, small portions of the sidewalk had to be located on the adjoining County owned property where the parking lot was constructed. As a result, the City required that a public access easement be dedicated for the portions located on the County property, outside of the right of way.

**FISCAL IMPLICATIONS:**

No on-going implications. Deschutes County will grant the easement to the City of Bend, for no consideration to meet the land use condition of approval.

**RECOMMENDATION & ACTION REQUESTED:**

Staff recommends signature of Document 2016-270

**ATTENDANCE:** James Lewis, Property Manager

**DISTRIBUTION OF DOCUMENTS:**

Original to James Lewis.

REVIEWED

LEGAL COUNSEL

## **CITY OF BEND PUBLIC ACCESS EASEMENT**

Deschutes County, Grantor, conveys and warrants to the CITY OF BEND, an Oregon municipal corporation, Grantee, the following public access and sidewalk easement over the property described in Exhibit "A" and "B".

This easement is granted on the following terms and conditions:

1. The easement shall be a permanent, perpetual and exclusive right to maintain and to allow public travel and access on the surface of the easement. City shall have the right to immediate possession of the property described in this easement.
2. All improvements including landscaping, fencing, driveways, and any other form or type of improvement within the easement areas are subject to disruption and/or removal with no cost to be incurred by the City of Bend for removal, repair and replacement of said improvements, landscaping and construction.
3. Grantor shall not erect any structures on the easement, but may use the surface of the easement provided such use does not interfere with City's operation and maintenance of its sidewalk or public travel and access.
4. There is no consideration for this easement.
5. Grantor warrants and represents that the property subject to this easement is free and clear of all liens and free and clear of all encumbrances that would interfere with Grantee's exclusive use of the easement and that the Grantor has the right to grant this utility easement.

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

**CITY**

Accepted by: \_\_\_\_\_

STATE OF OREGON  
County of Deschutes

This instrument was acknowledged before me on \_\_\_\_\_

by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON

REVIEWED

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LEGAL COUNSEL

DATED this \_\_\_\_ day of \_\_\_\_\_

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 and acknowledged the foregoing instrument on behalf of Deschutes County, Oregon.

DATED this \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires: \_\_\_\_\_

## EXHIBIT A

A parcel of land containing 125 square feet more or less, being a portion of that property described in Statutory Warranty Deed recorded July 16, 2004, Instrument No. 2004-42165, Deschutes County Official Records, and a portion of that property described in Bargain and Sale Deed recorded December 8, 2009, Instrument No. 2009-51447, said records, located in the Southeast One-Quarter (SE1/4) of Section 17, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

**Beginning** at the intersection of the southerly right of way line of Poe Sholes Drive with the east line of that property described in Dedication Warranty Deed recorded November 13, 2009, Instrument No. 2009-48233, Deschutes County Official Records,

thence along said right of way line, 27.00 feet along a curve to the left with a radius of 330.00 feet, the chord of which bears North 65°45'40" East a distance of 26.99 feet; thence leaving said right of way line, South 60°33'19" West a distance of 24.96 feet; thence South 15°55'19" East a distance of 7.00 feet; thence 8.01 feet along the arc of a tangent curve to the right with a radius of 13.00 feet, the chord of which bears South 01°43'15" West for a distance of 7.88 feet; thence South 19°21'49" West a distance of 10.04 feet; thence 4.39 feet along the arc of a tangent curve to the left with a radius of 13.00 feet, the chord of which bears South 09°40'54" West for a distance of 4.37 feet; thence South 00°00'00" East a distance of 1.51 feet; thence North 90°00'00" West a distance of 0.50 feet to said east line of Instrument No. 2009-48233; thence along said east line, North 00°00'00" West a distance of 31.09 feet to the **Point of Beginning**, the terminus of this description.

### **Together With:**

A parcel of land containing 134 square feet more or less, being a portion of that property described in said Bargain and Sale Deed recorded December 8, 2009, Instrument No. 2009-51447, Deschutes County Official Records, located in the Southeast One-Quarter (SE1/4) of Section 17, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

**Beginning** at the northeast corner of said Instrument No. 2009-51447; thence along the east boundary of said Instrument, South 00°06'43" West a distance of 2.09 feet; thence leaving said boundary, South 73°45'01" West a distance of 6.52 feet; thence South 85°38'45" West a distance of 12.98 feet; thence South 88°24'09" West a distance of 11.79 feet; thence North 74°19'01" West a distance of 8.90 feet to the southerly right of way line of Poe Sholes Drive; thence along said right of way line, 39.70 feet along a non-tangent curve to the right with

a radius of 270.00 feet, the chord of which bears North 85°54'40" East a distance of 39.66 feet to the **Point of Beginning**, the terminus of this description.

See attached map titled "EXHIBIT B", hereby incorporated by reference.

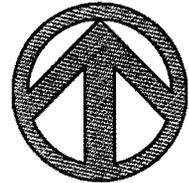
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*[Handwritten signature]* 4-27-16  
OREGON  
JULY 13, 1999  
JOHN A. McCOY  
54857

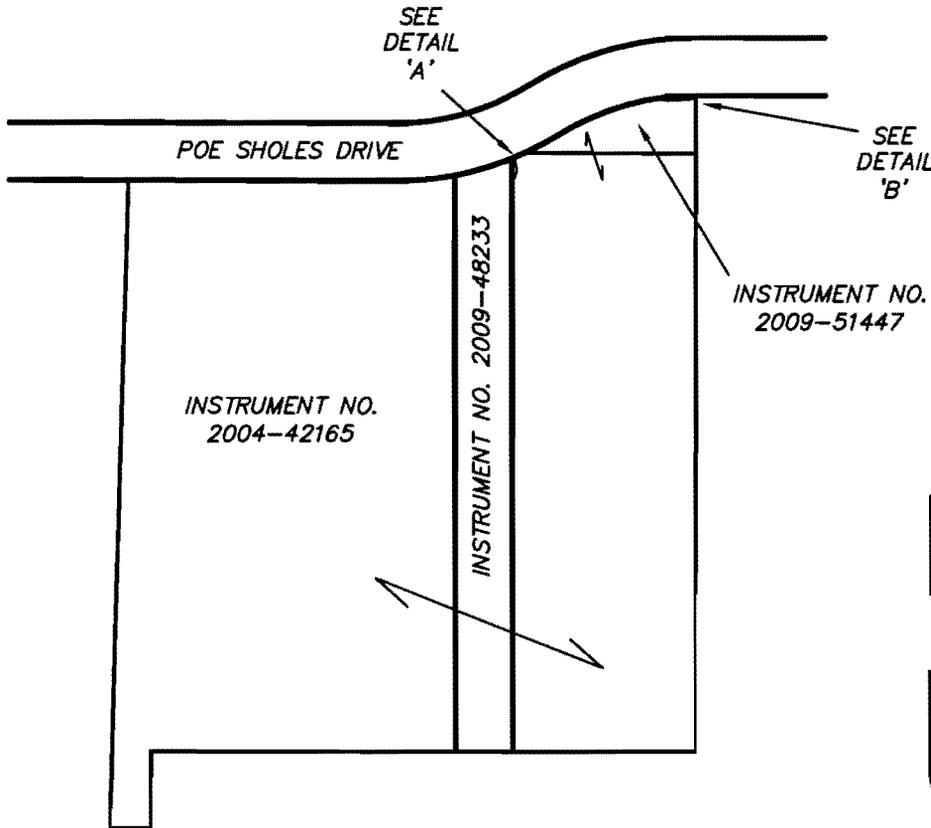
RENEWAL DATE: 12/31/16

# EXHIBIT B

LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 17,  
TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.,  
CITY OF BEND, DESCHUTES COUNTY, OREGON



**NORTH**

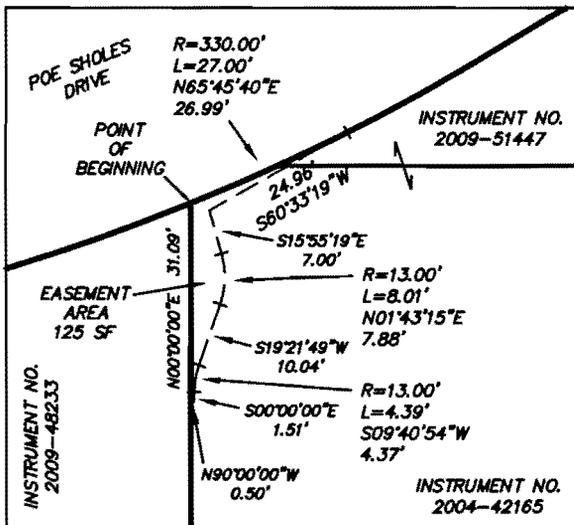


REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

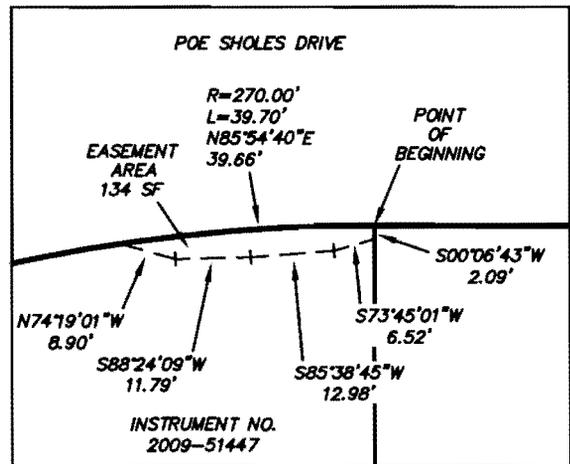
*4-27-16*

OREGON  
JULY 13, 1999  
JOHN A. McCOY  
54857

RENEWAL DATE: 12/31/16



DETAIL 'A'  
1"=30'



DETAIL 'B'  
1"=30'