AGENDA REQUEST & STAFF REPORT
For Board Business Meeting of August 15, 2016

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

DATE: August 10, 2016
FROM: George Kolb, County Engineer Road 541-322-7113

TITLE OF AGENDA ITEM:
Consideration of signature of Document No. 2016-514, An Acceptance Deed for a Slope Easement off of Powell Butte Highway from Terry Bourgeois

PUBLIC HEARING ON THIS DATE? NO.

BACKGROUND AND POLICY IMPLICATIONS:
The Deschutes County Road Department constructed a roundabout at the intersection of Powell Butte Highway/Neff Road and Alfalfa Market Road. Part of the project was the installation of a landscape berm located in the northeast corner of the roundabout. After the landscape berm was constructed, it was found that a portion of the berm was located outside the right of way on property owned by Terry Bourgeois. The Contractor was given two options to remedy the situation:
1. Relocate the berm back onto the public right of way
2. Contact the property owner and secure a slope easement for the berm which will allow it to remain on the property.

The Contractor worked with the property owner who was amenable to having a slope easement on his property to cover the landscape berm.

FISCAL IMPLICATIONS:
None. The Contractor paid for the surveying and legal description necessary for the slope easement.

RECOMMENDATION & ACTION REQUESTED:
The Road Department recommends signature of Document 2016-514, accepting the Slope Easement off of Powell Butte Highway from Terry Bourgeois

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: Road

Contractor/Supplier/Consultant Name: Terry Bourgeois
Contractor Contact: Terry Bourgeois
Contractor Phone #: [ ]

Type of Document: Acceptance Deed

Goods and/or Services: Acceptance Deed for a Slope Easement off of Powell Butte Highway from Terry Bourgeois

Background & History: The Deschutes County Road Department constructed a roundabout at the intersection of Powell Butte Highway/Neff Road and Alfalfa Market Road. Part of the project was the installation of a landscape berm located in the northeast corner of the roundabout. After the landscape berm was constructed, it was found that a portion of the berm was located outside the right of way on property owned by Terry Bourgeois. The Contractor was given two options to remedy the situation:

1. Relocate the berm back onto the public right of way
2. Contact the property owner and secure a slope easement for the berm which will allow it to remain on the property.

The Contractor worked with the property owner who was amenable to having a slope easement on his property to cover the landscape berm.

Agreement Starting Date: [upon signature] Ending Date: N/A

Annual Value or Total Payment: $0.00

☐ 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

8/4/2016
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 8/8/16

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 __________________________ Date __________________________

Document Number _____

8/4/2016
GENERAL KEY

- BLACK LINES - ITEMS TO BE INSTALLED
- DASHED LINES - ITEMS TO CONSIDER
- THIN LINES - ITEMS TO CONSIDER
- FILL AREA - ITEMS TO CONSIDER

GENERAL IRRIGATION NOTES

1. PROVIDE AND INSTALL FULLY AUTOMATIC IRRIGATION SYSTEM - LS

SEE IRRIGATION SHEET IR1.1 FOR IRRIGATION DETAILS
Easement Deed

Terry A. Bourgeois, grantor, does hereby grant to Deschutes County, a political subdivision of the State of Oregon, Grantee, a permanent slope easement over, across and through that certain parcel of land described in Exhibit "A", attached hereto and by this reference incorporated herein, to construct and maintain slopes and other roadway facilities.

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.

DATED this 02 day of AUGUST, 2016.

Terry A. Bourgeois

STATE OF OREGON )
) SS.
County of Deschutes )

Before me, a Notary Public, personally appeared Terry A. Bourgeois, acknowledged the foregoing instrument.

Dated this 02 day of AUGUST, 2016.
ACCEPTANCE

Deschutes County, acting by and through its Board of County Commissioners, does hereby accept the foregoing Permanent Slope 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:
________________________
TAMMY BANEY, VICE CHAIR

Recording Secretary
________________________
ANTHONY DEBONE, COMMISSIONER

STATE OF OREGON  )
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: __________
SLOPE EASEMENT

A parcel of land located in the southeast quarter of the southeast quarter (SE ¼, SE ¼) of Section 30, Township 17 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Commencing at the southeast corner of said Section 30, thence along the south line of said Section 30, North 89°56'36" West, 88.02 feet to the TRUE POINT OF BEGINNING and a point on the north right-of-way of Alfalfa Market Road; thence along said north right-of-way, North 73°48'21" West, 71.43 feet to a point of non-tangent curvature; thence along the arc of a 131.80 foot radius curve to the right, through a central angle of 07°50'15", an arc length of 18.03 feet (the chord of which bears North 31°40'53" West, 18.01 feet) to a point of non-tangency, thence leaving said north right-of-way, South 82°42'08" East, 55.85 feet; thence South 38°49'47" East, 36.15 feet to the TRUE POINT OF BEGINNING.
**SLOPE EASEMENT**

**DESCHUTES COUNTY**

**OREGON**

**SCALE: 1"=40'**

**DRAWING NAME: EXHIBIT**

**DATE: 07/25/2016**

**SHEET: 1 OF 1**