



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 9, 2022

SUBJECT: Consideration of Document No. 2022-182, a Dedication Deed for Bailey Road across Lot 6, Block 36, Townsite of Laidlaw Plat

RECOMMENDED MOTION:

Move approval of Document No. 2022-182.

BACKGROUND AND POLICY IMPLICATIONS:

A portion of the public right of way for Bailey Road coincides with a portion of Lot 6, Block 36 of the Townsite of Laidlaw Plat (Tax Lot 161231D000700, Tumalo). The right of way was established by Crook County in 1913 (Crook County Commissioners Journal Volume 5, Page 108) with a statutory width of 60 feet; however, the Road Department has no records indicating that the right of way established in 1913 has ever been retraced since the original survey or monumented. As such, the current tax map shows a gap in the right of way for Bailey Road where it coincides with the subject property.

In 2001, the Road Department began work to legalize the right of way for the as-built Bailey Road in conjunction with the realignment of OB Riley Road. The Road Department subsequently abandoned this legalization effort that same year, as the owners of almost all the impacted property executed dedication deeds for Bailey Road at that time. During this 2001 effort, Road Department staff were unable to contact the owner of Lot 6, Block 36 of the Townsite of Laidlaw Plat (Tax Lot 161231D000700) to secure a dedication deed for the portion of Bailey Road that coincides with the subject property.

To clarify this matter in the record, the County could conduct a retracement survey of the 1913 road establishment or could assert a prescriptive right by legalizing the right of way according to ORS 368.201 to 368.221. With either of these processes, there would be no County purchase of the portion of the subject property that coincides with Bailey Road. Road Department staff anticipate that a legalization or retracement effort for this matter would cost approximately \$4,700 in Department labor and equipment.



Figure - Bailey Road and Lot 6, Block 36 of the Townsite of Laidlaw Plat

Recently, the subject property was acquired by Daniel and Brooke Lerman, who own and reside on Lot 7, Block 36, easterly adjacent to the subject property. The Lermans have approached Road Department staff about the possibility of County purchase of the area in question. Road Department staff estimated that the cost to prepare a dedication deed to resolve the subject portion of right of way would be \$1,700.00. Finding this to be an easier and more agreeable solution to resolving the right of way at this location than legalization or retracement, the Road Department presented a dedication deed to the Lermans for the purchase price of \$3,000.00, which is the difference between the estimated cost of retracement or legalization at \$4,700.00 and the estimated cost to prepare, execute, and record a dedication deed at \$1,700.00. The Lermans have agreed to this purchase price and executed a dedication deed, Document No. 2022-182.

Board of County Commissioners' acceptance of Document No. 2022-182 will clarify the record regarding the right of way for Bailey Road over the subject property at least cost to the County.

BUDGET IMPACTS:

The purchase price of \$3,000.00 can be easily accommodated in the Road CIP budget for Fiscal Year 2022 with savings anticipated on budgeted capital projects.

ATTENDANCE:

Cody Smith, County Engineer (**REQUEST CONSENT AGENDA**)