



BOARD OF COMMISSIONERS
Agenda Item Summary

2023-005119
Klamath County, Oregon



00316463202300051190060060

06/29/2023 09:36:33 AM

Fee: NO FEE

Agenda Category: Other

Item No: 13.2

Date: June 27, 2023

Originating Department: Public Works

Issue: In the matter of procuring right-of-way for road and public utilities purposes along Crest Street.

Background: On February 7, 2023 the County executed a construction contract for the 2023 Stearns Corridor Roadway and Sidewalk Improvements project. Due to right-of-way (property line) constraints, some land procurement is required to move forward with future phases of this project. The settlement agreement in question was negotiated by the County, with a willing seller.

Recommended Motion: Board to approve and sign the Right-of-Way dedication of approximately 805.0 square feet of real property and authorize payment of \$1,747.00 to Betty Smalley for acquisition costs. Fiscal impact is \$1,747.00 expenditure to the Public Works Operating Budget.

DONE AND DATED this 27 day of June, 2023.

Chair

Approved ☒

Denied ☐

Vice-Chair

Approved ☐

Denied ☐

Commissioner

Approved ☒

Denied ☐



KLAMATH COUNTY - PUBLIC WORKS DEPARTMENT

ROAD DEPARTMENT • WEED CONTROL DIVISION
305 MAIN STREET • KLAMATH FALLS, OR 97601
(541) 883-4696 • FAX (541) 882-3046

May 24, 2023

Betty Smalley
2423 Homedale Road
Klamath Falls, OR 97603

Re: Right-of-Way Acquisition
3909-010DA-02200

In consideration for the property described in the attached Right-of-way exhibits, Klamath County's offer for the purchase of property rights is as follows:

Residential zoned property: 805.0 Sq. Ft.	\$ 1747.00
Total:	\$ 1747.00

If you accept this offer, please sign and date this letter, the enclosed Dedication Deed, and the W-9. Return all documents to Klamath County Public Works. If you have any questions or concerns regarding these document Klamath County recommends consulting your attorney prior to signing. Once Klamath County receives the signed documents, final closing and disbursement will be performed by Klamath County. Payment will be available to you after closing.

If you have questions or require further discussion please contact Ryan Hamilton at 541-883-4696 or by email at rhamilton@klamathcounty.org.

Sincerely,

Jeremy Morris, P.E.
Director of Public Works

I accept Klamath County's offer as set forth above.

Betty Smalley, Grantor

6-9-23
Date

Delivered: Hand

AFTER RECORDING RETURN TO:

Klamath County Public Works
305 Main Street
Klamath Falls, OR 97601

GRANTOR:

Betty Smalley
2423 Homedale Road
Klamath Falls, OR 97603

GRANTEE:

Klamath County
305 Main Street
Klamath Falls, OR 97601

ROAD RIGHT OF WAY

KNOW ALL BY THESE PRESENTS that Betty Smalley, hereinafter called Grantor, does hereby grant unto Klamath County, a political subdivision of the State of Oregon and Grantee, hereinafter called the "County", a strip of land for road right of way and public utilities purposes on, over, and under the following described real property situated in Klamath County, Oregon:

- See attached Exhibit 'A' Legal Description and;
- See attached Exhibit 'B' Sketch Map

All attached hereto and by this reference incorporated herein.

The true consideration of this conveyance is for \$1747.00, the receipt of which is hereby acknowledged by GRANTOR.

And the GRANTOR warrants that 1) GRANTOR has marketable title to the property, 2) the County may peaceably enjoy the rights and benefits of this land, 3) there are no other interests in the property which conflict with the County's intended use of this land, 4) the property is free of encumbrances except those of which GRANTOR has notified the County, and 5) GRANTOR has the unrestricted right to deed the property without additional consent or permission.

Dated this Enl day of 6-9, 20 13.

GRANTOR:

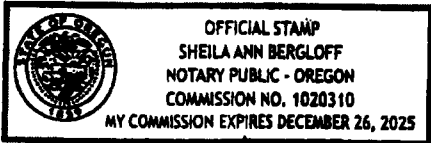
Betty Smalley 6-9-23
Betty Smalley Date

ROAD RIGHT OF WAY

STATE OF OREGON)
)ss.
COUNTY OF KLAMATH)

This instrument was acknowledged before me on this 9th day of June, 2023 by

Betty Smalley



Sheila Bergloff
Notary Public for Oregon
My commission expires: December 26, 2025

Klamath County Signatures

Approved as to Form

[Signature]
Klamath County Counsel

Accepted on behalf of Klamath County by the Klamath County Board of Commissioners

[Signature]
Chair

[Signature]
Commissioner

[Signature]
Commissioner

6/27/23
Date

6/27/23
Date

6/27/23
Date

EXHIBIT 'A'

CREST ST RIGHT OF WAY
SMALLEY PROPERTY

A strip of land for right of way and public utility purposes, situate in the NE 1/4, SE 1/4, Section 10, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being a portion of that property recorded in deed Volume 2007 Page 006632 of the Klamath County Clerk's Office and being more particularly described as follows:

Beginning at a point at the intersection of the Northerly boundary line of Landis Park subdivision and the Easterly right of way of Crest Street, thence Northerly along the Easterly right of way of Crest Street a distance of 80.5 feet; thence Easterly at a right angle to Crest Street a distance of 10.0 feet; thence Southerly and Parallel to the Easterly right of way of Crest Street to the Northerly boundary line of Landis Park subdivision; thence Westerly along said line a distance of 10.0 feet more or less to the beginning, containing 805 square feet more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

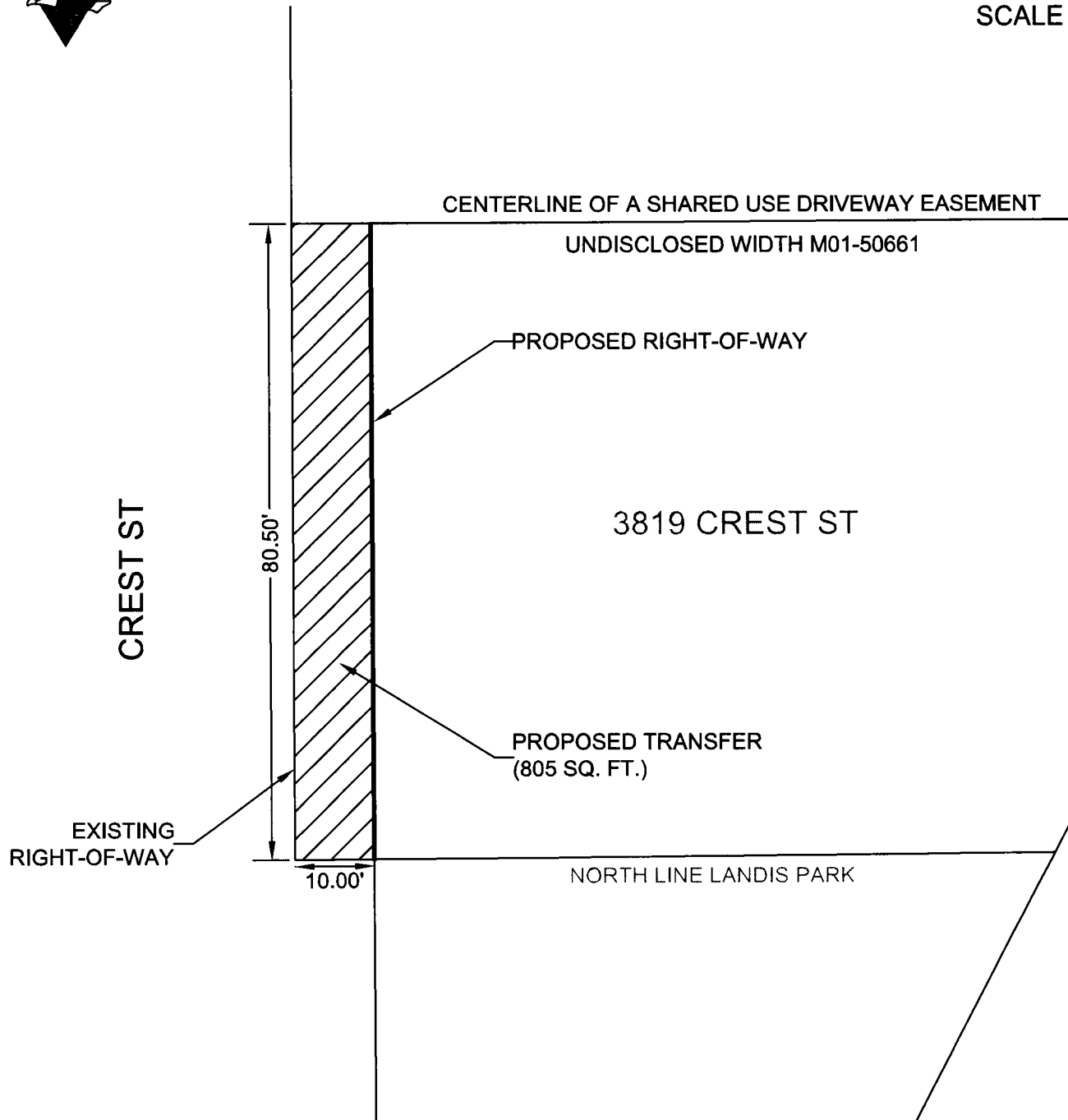
Jonathan S. Redd

OREGON
SEPTEMBER 13, 2022
JONATHAN S REDD
98873

EXPIRES: DECEMBER 31, 2024



SCALE 1"=20'



TITLE: 3819 CREST ST RIGHT OF WAY EXHIBIT

0 1"
THIS LINE IS 1 INCH AT FULL SCALE
VERIFY AND ADJUST SCALE AS
NEEDED

REVISION NO.
1
DATE
05/30/23

SKETCH
EXHIBIT-B