Agenda

Shady Cove Regular City Council Meeting

Shady Cove City Council Chamber
22451 Highway 62, Shady Cove, Oregon
Thursday, January 21, 2016
6:00 p.m.

I. Call to Order

A. Roll call
B. Pledge of Allegiance
C. Announcements by Presiding Officer

1. This meeting is being digitally recorded.
2. The next meeting of the Planning Commission will be January 28 at 6:30 p.m. in the Council Chamber.
3. The City Council will hold a study session on February 4 at 5:30 p.m. in the City Council Chamber to review the 2014-2015 annual financial statement.
4. The next regular meeting of the City Council will be February 4 at 6:00 p.m. in the Council Chamber.
5. The February 4 regular meeting of the City Council will include a Public Hearing regarding a Riparian Ordinance.
6. City Hall will be closed February 15, 2016 in observance of President's Day.

II. Public Hearing

None

III. Public Comment

The public may comment on agenda items as they come up for discussion, but before deliberation by the Council.

IV. Presentation

A. Jackson County Sheriff Office – Shady Cove Law Enforcement Report

V. Consent Calendar

A. Regular Meeting Minutes of January 7, 2016 (pg. 3-5)

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

VI. Written Communications

None

VII. Staff Reports

A. Mid-Year Budget Report

VIII. Unfinished Business

A. Second Reading – Ordinance Amending the Comprehensive Plan and Changing the Zoning Map of the City of Shady Cove (pg. 6-12)

B. Update – Wastewater Treatment Plant Facility Assessment

IX. New Business

A. Resolution 16-05 – Donation Permanent Easement and Subordination, 34-1W-15BA-5500 (pg. 13-23)

B. Resolution 16-06 – Donation Permanent Easement and Subordination, 34-1W-10CD-2000 (pg. 24-35)

X. Public Comment on Non-Agenda Items

Public must state name and address and standing to discuss issue. Issues must have city-wide impact and not be personal issues.

XI. Council Comments

XII. Executive Session

None

XIII. Adjournment

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

City of Shady Cove
City Council Regular Meeting Minutes
Thursday, January 07, 2016

CALL TO ORDER

Mayor Anderson called the Regular City Council Meeting to order at 6:00 p.m. in the City Council Chamber.

Council Present: Mayor Anderson, Councilor Ulrich, Councilor Sanderson, Councilor Burgess and Councilor Mitchell

Staff Present: Aaron Prunty, City Administrator; Dick Converse, Contract Planner, and Bonnie Pickett, Administrative Assistant

ANNOUNCEMENTS

The Mayor led the audience in the Pledge of Allegiance and made the announcements on the agenda. City Hall will be closed on January 18, 2016 in observance of Martin Luther King Jr. Day.

The Mayor recessed the council meeting at 6:02 pm.

PUBLIC HEARING

A. Public Hearing in the Matter of a Proposed Comprehensive Plan Amendment from Public to Commercial and a Change of Zone from P (Public Uses) to GC (General Commercial) for Property Located at 22501 Hwy 62, Shady Cove, Oregon

Mayor Anderson opened the public hearing at 6:02 p.m. to consider a zone change at 22051 Hwy 62.

Council Present: Mayor Anderson, Councilor Ulrich, Councilor Sanderson, Councilor Burgess and Councilor Mitchell.

The City Administrator read the public hearing opening statement.

Jurisdiction was not questioned and there was no conflict of interest. Mayor Anderson stated he had contact with the gentleman that will purchase the property at a pre application conference.

City Planner Dick Converse read the high points of his staff report along with addressing the approval criteria, findings and recommendation.

Applicant's Testimony:
Mr. Dodson had no additional information to provide.

Proponent's Testimony
Roger Tompkins described his plan for the property.

The Council asked if the lot will be paved and what type of security he will have on the buildings.

Mayor Anderson closed the public hearing at 6:23 pm

PUBLIC COMMENT

None.

CONSENT CALENDAR

Regular Meeting Minutes of December 03, 2015

Motion to Approve the Consent Calendar
Motion: Councilor Ulrich Second: Councilor Mitchell
All ayes. Motion carried 5-0

STAFF REPORT

The City Administrator answered questions regarding the bills paid list.

NEW BUSINESS

A. First Reading – Ordinance Amending the Comprehensive Plan and Changing the Zoning Map of the City of Shady Cove
The City Administrator read the ordinance in its entirety.

B. Resolution 16-01 – Intent to Reduce the Marijuana Business License Fee
The City Administrator read the resolution in its entirety.

The Mayor added additional language noting the City Council will forgo the supplemental marijuana business license fee for the balance of the current fiscal year and refund the supplemental fee in full.

Motion to Approve Resolution 16-01 – Intent to Reduce the Marijuana Business License Fee
Motion: Councilor Ulrich Second: Councilor Sanderson
All ayes. Motion carried 5-0

C. Resolution 16-02 – Fee Schedule
The City Administrator read the resolution in its entirety.

Motion to Approve Resolution 16-02 – Fee Schedule
Motion: Councilor Mitchell Second: Councilor Sanderson
All ayes. Motion carried 5-0

D. Resolution 16-03 – Investigate Reestablishing a City of Shady Cove Public Works Department
The City Administrator read the resolution in its entirety.

Motion to Approve Resolution 16-03 – Investigate Reestablishing a City of Shady Cove Public Works Department
Motion: Councilor Burgess Second: Councilor Mitchell
All ayes. Motion carried 5-0

E. Resolution 16-04 – Directing City Staff to Pursue a Formal Wastewater Facility Assessment
The City Administrator read the resolution in its entirety.

Motion to Approve Resolution 16-04 – Directing City Staff to Pursue a Formal Wastewater Facility Assessment
Motion: Councilor Mitchell Second: Councilor Ulrich
All ayes. Motion carried 5-0

PUBLIC COMMENTS

Dan Gilbert of Kush Gardens requested the council look into allowing indoor recreational marijuana production facilities in the City of Shady Cove. He also requested a zone change allowing agricultural uses in the City of Shady Cove.

COUNCIL COMMENTS

Councilor Ulrich thanked Carl Tappert, RVSS for coming to the meeting to answer questions. He also thanked Roger Tompkins for opening a new business in Shady Cove.

Councilor Mitchell noted his concern regarding the level of water in the detention pond in front of Dollar General Store.

ADJOURNMENT

There being no further business before the council, the Mayor adjourned the regular meeting at 7:07 p.m.

Approved:

_____
Tom Anderson
Mayor

Attest:

_____
Aaron Prunty
City Administrator

Council Vote:
Mayor Anderson _____
Councilor Ulrich _____
Councilor Sanderson _____
Councilor Burgess _____
Councilor Mitchell _____

After recording, return to:
City of Shady Cove
22451 Highway 62
PO Box 1210
Shady Cove OR 97539

City of Shady Cove

Ordinance No.

AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON AMENDING THE COMPREHENSIVE PLAN AND CHANGING THE ZONING MAP OF THE CITY OF SHADY COVE

Whereas, the City of Shady Cove received an application for a Comprehensive Plan Amendment from Public to Commercial and a Zoning Map Change from P (Public) to GC (General Commercial), referred to as ZC15-01 and located at the southwest corner of Cleveland Street and Highway 62; and

Whereas, a Public Hearing was convened before the Council of the City of Shady Cove on January 7, 2016, to consider a recommendation for approval from the Shady Cove Planning Commission; and

Whereas, the Council of the City of Shady Cove determined, based on the hearings record and the approved findings, that the request for a Comprehensive Plan Amendment and Zone Change is consistent with the applicable criteria and approved the request.

THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS FOLLOWS:

The Comprehensive Plan Map Amendment and Zoning Map Change are approved as follows:

Section 1: Title	This Ordinance shall be known as the amended Comprehensive Plan and Zoning Map Ordinance of the City of Shady Cove, Oregon.
Section 2: Description	A map, attached as Exhibit B, identifies the property which is referenced as Tax Lots 1800 & 1900 on the Jackson County Assessor's Map No. 34-1W-10CD.

Section 3: Amendment The Shady Cove Comprehensive Plan Map is amended from Public to Commercial and the Zoning Map is amended to change the zoning of Tax Lots 1800 & 1900 on Jackson County Assessor's Map No. 34-1W-10CD from P (Public) to GC (General Commercial).

Section 4: The City Council adopts as its own, and incorporates by reference, the findings attached as Exhibit A.

PASSED AND APPROVED by the Council of the City of Shady Cove this 21st day of January, 2016.

Approved:

_____
Tom Anderson
Mayor

Attest:

_____
Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson ____
Councilor Burgess ____
Councilor Mitchell ____
Councilor Sanderson ____
Councilor Ulrich ____

EXHIBIT A

Type IV Staff Report
Comprehensive Plan Amendment and Zone Change

Date: December 2, 2015 **Application No: ZC 15-01**

Owner / Applicant: Bellwood Properties, Inc.

Proposal: Comprehensive Plan Amendment from Public to Commercial and a Change of Zone from P (Public Uses) to GC (General Commercial).

Address: 22501 Highway 62, Shady Cove, OR 97539

Legal Description of Property: 34-1W-10CD, Tax Lots 1800 and 1900

Acreage: 1.01 acres

Zoning: Public Uses

The City of Shady Cove planner has reviewed an application for Comprehensive Plan Amendment and Zone Change to permit commercial uses on the property described above.

Section154.439 establishes the following criteria:

1. The proposal shall be consistent with the City's adopted goals and policies pertaining to land use, growth, and development.

Pertinent policies identified by the applicant and staff are as follows (Letters and numbers are not chronological because they reflect the format of the Comprehensive Plan):

C. Economic Development

Policy #3: the City of Shady Cove shall continue to review and refine its Land Use Regulations to ensure that they are reasonably and accurately reflect the goals and objectives of the community.

Policy #5: The City of Shady Cove shall work with landowner and developers through the Site Plan Review process to ensure that Plan concepts and actual development plans are in accordance with the City's Plans and Zoning.

Policy #9: New commercial and industrial development shall be supported by an adequate transportation system.

Finding: The property is zoned Public Uses, reflecting its former use as the site of the Masonic Lodge, a quasi-public building. "The purpose of the P District is to provide for the uses of various units of government as they serve the public interest." Now that the property is private ownership, the current comprehensive plan and zoning designations are not appropriate. The proposed commercial designation will permit a wider variety of uses than the present zoning allows. The property is at the corner of Highway 62 and Cleveland Street, but access will be limited to Cleveland Street and appears to be consistent with the stated purpose of the GC zone "to provide for the development of a centrally-located and easily accessible commercial area, primarily along Crater Lake Highway, that will accommodate a mixture of retail businesses, service and professional offices . . ." The existing building can accommodate commercial uses and the site appears large enough to accommodate additional structures and associated parking.

F. Public Facilities and Services

Policy #1: The City of Shady Cove will continue improving its wastewater disposal system, consistent with recommendations in the June 1998 Wastewater Collection and Treatment System Facility Update Plan prepared by Carollo Engineers.

Finding: The City completed updates to its wastewater treatment plant and collection system to accommodate future growth. The present treatment plant can accommodate approximately 2,597 EDUs. Rogue Valley Sewer Services commented that it had no concerns about the proposed zone change.

Policy #3: The availability and quality of public services, especially streets, sewers, and water, will be considered in approval or denial of comprehensive plan amendments, zoning map changes, and land partitioning.

Finding: Chapter 7 of the Local Street Network Plan includes several policies and strategies for improving transportation systems in Shady Cove. Those that pertain to the application are listed here.

> **Implementation Strategy 2.3.D** Identify and minimize conflict points between transportation modes (pedestrians, bicycles and vehicles) and vehicle purposes (commercial vehicles, traffic operating on residential streets and through traffic).
>
> Policy 4.4 Protect current transportation systems and accommodate future transportation needs by balancing transportation systems with land uses.

Land use ordinances and zoning codes shall reflect the purpose of the adjoining transportation system.

Implementation Strategy 4.4.A Ensure that development proposals assess and mitigate the direct and cumulative impacts of a project on the transportation system.

Finding: The current application is for a comprehensive plan amendment and zone change, and therefore OAR 660-012-0060 requires notification to ODOT for its consideration of impacts to Highway 62. ODOT participated in the pre-application conference and expressed no concern with the proposal as long as access to the site continues from Cleveland Street. The Highway 62 frontage is part of the proposed ODOT reconstruction project that will include sidewalks.

The existing building is connected to sewer. RVSS commented that location of sewer lines will affect the ability to construct new buildings unless the lines are moved.

The property is served by a well.

H. Land Use

Policy #3: Zoning regulations will include clear and objective standards for the review of conditional uses, site plans and variances.

Finding: The GC zone contains several standards for new development. Any change of use will be subject to findings of compliance with Development Review and Site Design Review standards in Section 154.310 of the Code of Ordinances.

Policy # 6: The availability and quality of public services, especially streets, sewers, storm drains, and water, will be considered in approval or denial of comprehensive plan amendments, zoning map changes.

Finding: See finding under Public Facilities element.

Policy # 8: In areas designated commercial or public, new developments, substantial modifications, or changes of use will be subject to site plan review.

Finding: Site review will be required for new or modified uses of the property.

Policy #11: The zoning regulations will contain specific requirements for off-street parking.

Finding: The site appears large enough to accommodate a variety of commercial uses, both in the existing building and future structures.

2. *The proposal shall be consistent with all applicable statewide planning goals.*

- Goal 6: Air, Water and Land Resources Quality: The purpose of this goal is to ensure that discharges from development do not 1) exceed the carrying capacity of air, water and land resources; 2) degrade such resources; or 3) threaten the availability of such resources.

  Finding: Runoff from the property will be strictly controlled and must be designed to not exceed pre-development flows.

- Goal 11: Public Facilities and Services: The Goal is to plan and develop a timely, orderly and efficient arrangement of public facilities to serve as a framework for urban and rural development.

  Finding: Agencies providing public facilities and services were notified of the proposal.

3. *A conceptual or specific development plan shall accompany the application to show how the site will be developed and to show that property facilities, services and utilities can be provided by the developer or other provider to serve the site needs.*

   Finding: The application includes a conceptual plan showing the existing building and an additional building near the highway. The plan demonstrates that adequate area exists to provide parking for a variety of uses, and landscaping to increase the aesthetics of the site.

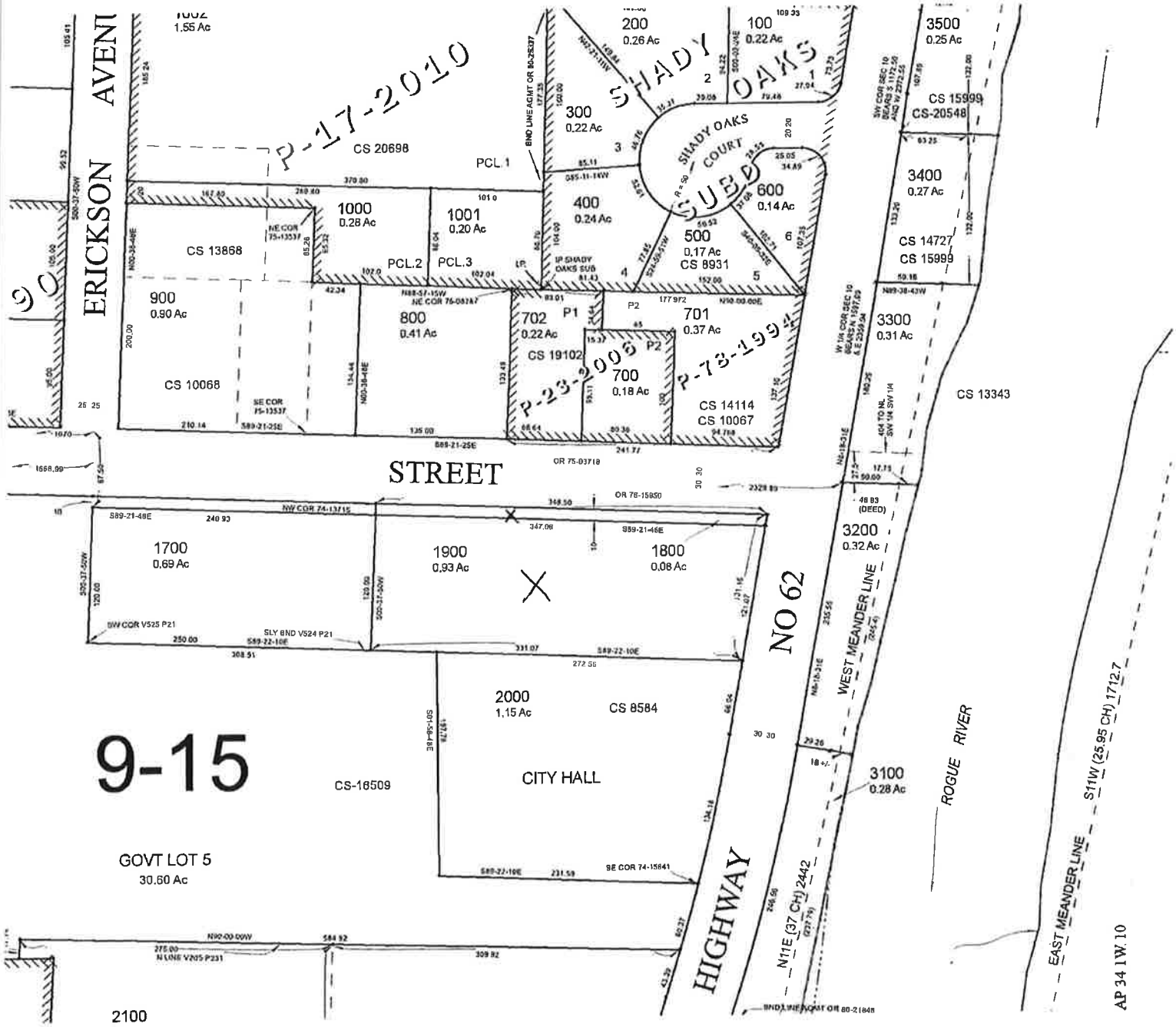
Conclusion: The proposed comprehensive plan and zone change reflect the owner's desire to convert a property previously occupied by a quasi-public use to one that accommodates commercial uses. The current Public zoning no longer applies because the property is privately owned, and the property appears to support the purposes of the General Commercial District.

Staff recommends approval of the proposed Comprehensive Plan Amendment from Public to Commercial and a change of zone from P (Public Uses) to GC (General Commercial).

_____

Dick Converse, CFM, City Planner

EXHIBIT B



34-1W-10CD TL 1800/1900

City of Shady Cove

Resolution No. 16-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE, OREGON, GRANTING OREGON DEPARTMENT OF TRANSPORTATION A PERMANENT EASEMENT ACROSS SCHOOLHOUSE LN.

Whereas, Oregon Department of Transportation (ODOT) plans to proceed with the OR62: Rogue River Dr. – Cleveland St. Streetscape project; and

Whereas, Oregon Department of Transportation (ODOT) requires a 105 square foot permanent easement for slopes, water, gas, electric and communication service lines, fixtures and facilities across Schoolhouse Ln.; and

Whereas, the City of Shady Cove finds it in the best interest of the City to grant a permanent easement to ODOT for these purposes, across City-owned property located on Schoolhouse Ln. (Map and Tax Lot # 34-1W-15BA-5500), for no monetary consideration.

Now, therefore be it resolved, by the City Council of the City of Shady Cove, Oregon, that Mayor Anderson is hereby authorized to sign the ODOT Donation Permanent Easement document granting a permanent easement across the City-owned Schoolhouse Ln. property (Map and Tax Lot # 34-1W-15BA-5500).

Adopted by the City Council of the City of Shady Cove, Oregon this 21st day of January, 2016.

Approved:

_____
Tom Anderson
Mayor

Attest:

_____
Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson	_____
Councilor Ulrich	_____
Councilor Sanderson	_____
Councilor Burgess	_____
Councilor Mitchell	_____

Oregon
Kate Brown, Governor

Department of Transportation
Region 3 Right-of-Way, Survey, & Utilities
3500 NW Stewart Parkway
Roseburg, OR 97470-1600
Phone: (541) 957-3559
Fax: (541) 672-5363

December 30, 2015

City of Shady Cove
Attn: Aaron Prunty, City Administrator
22451 Highway 62
Shady Cove, OR 97524

File No.: 7701-006
Section: OR62: Rogue River Dr. - Cleveland St.
Highway: Crater Lake
County: Jackson
FAP#: N/A

The Oregon Department of Transportation (ODOT) plans to proceed with the OR62: Rogue River Dr. – Cleveland St. Streetscape project. As part of this project, we need to acquire a 105 square foot permanent easement for slopes, water, gas, electric and communication service lines, fixtures and facilities from your property located at Schoolhouse Lane in Shady Cove, Oregon.

Oregon law provides a **minimum** 40 days from the date of this initial written offer for you, the owner, to consider accepting or rejecting it. You may choose to accept or reject the offer at any time prior to the expiration of the 40-day period. If no attempt has been made to resolve issues and the offer is neither accepted nor rejected at the end of the 40-day period, the offer will be considered rejected. The 40-day provision does not apply when an emergency has been declared by the road authority.

The Donation Agreement and Donation Deed cover the terms of the donation. Please read these documents carefully and, if acceptable, sign where indicated. The legal document must be notarized. Return these signed forms to this office. After the Right of Way Manager accepts the legal document and related agreements, you will receive notification of that acceptance. It is important that you understand that you are entitled to just compensation based upon an approved appraisal. By signing the enclosed Donation Agreement, you waive your right to compensation and relieve the State of its obligation to appraise.

We will also need a Resolution stating the intent to convey to ODOT and setting forth the person/s that are authorized to sign.

RELOCATION BENEFITS

For an outline of any relocation benefits available to you, see the "Relocation Summary Statement" which is also attached.

If you have any questions or concerns, please call me at (541) 957-3562, or toll free at 1-888-769-7343. I am also prepared to meet with you at your convenience and will be available to assist you and work with you throughout the process.
Thank you for your time and timely attention to this matter. I look forward to working closely with you through successful completion of the acquisition process.

Sincerely,

Jennifer Williams

Jennifer Williams
Right of Way Agent

Form #734-1714 (1/2009)

File No.:	7701-006
Grantor:	City of Shady Cove, an Oregon municipal corporation
Section:	FFO-OR62: Rogue River Dr-Cleveland St Streetscape
Highway:	022 - Crater Lake
County:	Jackson
FAP No.:	6655(001)

DONATION AGREEMENT

When a public improvement project requires any government agency or its contractor to acquire or enter upon private property, the owners of that property are entitled to compensation under federal and state law. Federal law is the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, PL 91-646, and state law is in Oregon Revised Statutes, 35.510, as amended.

The above federal and state laws also allow property owners to donate necessary property rights if they wish. To accomplish a donation, you only need to acknowledge that the agency has informed you of the right to compensation and that you wish to donate.

If you elect to donate the property rights as described in the attached Exhibit A or deed, subject to the above information, please date and sign this Donation Agreement in the space below.

☐ **I release ODOT from providing a valuation report.**

YOUR COPY
RETURN ORIGINAL

City of Shady Cove, an Oregon municipal corporation

Date

File 7701006
Drawing 11B-7-29
7/01/2014

Permanent Easement for Slopes, Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities

A parcel of land lying in the NE¼NW¼ of Section 15, Township 34 South, Range 1 West, W.M., Jackson County, Oregon; said parcel being a portion of that property described in that Deed to City of Shady Cove, an Oregon municipal corporation, recorded August 29, 1984 as Document No. 84-14268 of the Official Records of Jackson County; the said parcel being that portion of said property included in a strip of land 40.00 feet in width, lying on the Westerly side of the center line of the relocated Crater Lake Highway, which center line is described as follows:

Beginning at Engineer's center line station 1244+01.82, said station being 8,101.14 feet South and 2,741.10 feet East of the Northwest corner of Section 3, Township 34 South, Range 1 West, W.M.; thence South 12°04'34" West 1,041.12 feet; thence on a 2,864.79 foot radius curve left (the long chord of which bears South 9°58'54" West 209.40 feet) 209.44 feet; thence South 7°53'14" West 551.97 feet; thence on a 1,909.86 foot radius curve right (the long chord of which bears South 13°26'39" West 369.89 feet) 370.47 feet; thence South 19°00'05" West 75.78 feet to Engineer's center line station 1266+50.60 Back equals 1266+50.00 Ahead; thence South 19°00'05" West 2,519.00 feet; thence on a 1,637.02 foot radius curve left (the long chord of which bears South 12°06'46" West 392.69 feet) 393.64 feet; thence South 5°13'27" West 786.85 feet; thence on a 1,637.02 foot radius curve right (the long chord of which bears South 15°24'2" West 578.85 feet) 581.90 feet; thence South 25°35'27" West 205.94 feet to Engineer's center line station 1311+37.33.

Bearings are based on the Oregon Coordinate Reference System, Grants Pass – Ashland zone, NAD 83(CORS96, epoch 2002.00).

This parcel of land contains 105 square feet, more or less, outside the existing right of way.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITAL SIGNATURE

OREGON
JULY 15, 2003
ANDREW DAVID AUSLAND
56136

EXPIRES: 12/31/2015

RELOCATION BENEFIT SUMMARY, Non-Residential Occupants

December 30, 2015

Benefit Determination For:

City of Shady Cove, an Oregon municipal corporation

File No.:	7701-006
Grantor:	City of Shady Cove, an Oregon municipal corporation
Section:	FFO-OR62: Rogue River Dr-Cleveland St Streetscape
Highway:	022 - Crater Lake
County:	Jackson
FAP No.:	6655(001)

Federal and State laws provide relocation benefits for displaced businesses, farms, and non-profit organizations. You may be eligible for the following assistance. **Please read the booklet, *Your Rights and Benefits as a Displaced Person*,** for additional information concerning this assistance.

☐ **RELOCATION ADVISORY ASSISTANCE:** To provide you with current information regarding availability of comparable properties, and to provide information on Federal and State assistance programs, etc.

☐ **SEARCH EXPENSES** in locating a new site, not to exceed $2,500. Expenses may include transportation expenses, meals and lodging away from home, time spent searching based on reasonable salary and earnings, fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of the replacement site.

☐ **ACTUAL DIRECT LOSSES TO TANGIBLE PERSONAL PROPERTY**: This benefit is intended to compensate for personal property that cannot be moved. The payment is based on the actual value of the items not moved or the estimated cost to move the item(s), whichever is less.

☐ **MOVING COST - BASED ON ESTIMATES**: A payment to you for moving your personal property 50 miles (80 kilometers) or less. This amount is based on the lower of two estimates prepared by qualified estimators. **We must be notified of when you plan to move.**

☐ **COMMERCIAL MOVE COST**: A payment based on the actual and reasonable documented cost of moving your personal property 50 miles (80 kilometers) or less by a certified moving company. **We must be notified of when you plan to move.**

☐ **REESTABLISHMENT EXPENSES**: In addition to the payments for actual, reasonable, and related moving expenses, you may be eligible to receive a payment not to exceed $25,000 for expenses incurred in reestablishing your business, farm, or non-profit organization at a replacement site.

☐ **FIXED PAYMENT**: If you apply and are found eligible, no other relocation benefits will be paid. If eligible, a payment of not less than $1,000 nor more than $40,000 will be made. This payment is based on the average annual net earnings of your operations, during the two taxable years prior to displacement.

☒ **YOU ARE NOT ELIGIBLE FOR THE RELOCATION BENEFITS LISTED ABOVE**: A review of this acquisition indicates that you will not be displaced by this project.

☒ **RELOCATION APPEAL:** If you have been denied eligibility for relocation benefits, or if you do not agree with the amount of a relocation payment, you have the right of appeal, and you may file a written request for an appeal of your relocation benefits within 60 days of this notification.

DONATION PERMANENT EASEMENT

CITY OF SHADY COVE, an Oregon municipal corporation, Grantor, for no monetary consideration, does grant to the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION,** Grantee, its successors and assigns, a permanent easement to construct and maintain slopes, and to relocate, construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under, and across the property described on **Exhibit "A" dated 7/01/2014**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the easement herein granted does not convey any right, or interest in the above-described property, except for the purposes stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, or to interfere in any way with the relocation, construction, and maintenance of said utilities, and their appurtenances, as granted herein above.

IT IS UNDERSTOOD that Grantee shall never be required to remove the slope materials placed by it on said property, nor shall Grantee be subject to any damages to Grantor and grantor's heirs, successors and assigns, by reason thereof, or by reason of any change of grade of the public way abutting on said property.

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 #: 34-1W-15BA-5500

Property Address: Schoolhouse Lane
Shady Cove, OR 97539

YOUR COPY
RETURN ORIGINAL

IT IS ALSO UNDERSTOOD that this easement shall be subject to the same conditions, terms and restrictions contained in the easements, licenses and/or permits granted to the owner of any facilities being relocated.

IT IS ALSO UNDERSTOOD that Grantor shall not place or erect any buildings or structures upon the easement area without the written consent of Grantee.

IT IS FURTHER UNDERSTOOD that nothing herein contained is intended to create any obligation on the part of Grantee for the maintenance of said utilities.

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.

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 State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this _____ day of _____,20_____.

APPROVED AS TO FORM:

By_____

CITY OF SHADY COVE, a municipal corporation

By_____
Mayor

YOUR COPY
RETURN ORIGINAL

By_____
Auditor

STATE OF OREGON, County of _____

Dated _____,20_____. Personally appeared _____

and _____, who, being sworn, stated that they are the Mayor and Auditor of the City of Shady Cove, an Oregon municipal corporation, and that this instrument was voluntarily signed on behalf of said municipal corporation by authority of its Ordinance No. _____, passed by the Council of said City on this _____ day of _____, 20_____.

YOUR COPY
RETURN ORIGINAL

_____
Notary Public for Oregon
My Commission expires_____

Accepted on behalf of the Oregon Department of Transportation

_____

File 7701006
Drawing 11B-7-29
7/01/2014

Permanent Easement for Slopes, Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities

A parcel of land lying in the NE¼NW¼ of Section 15, Township 34 South, Range 1 West, W.M., Jackson County, Oregon; said parcel being a portion of that property described in that Deed to City of Shady Cove, an Oregon municipal corporation, recorded August 29, 1984 as Document No. 84-14268 of the Official Records of Jackson County; the said parcel being that portion of said property included in a strip of land 40.00 feet in width, lying on the Westerly side of the center line of the relocated Crater Lake Highway, which center line is described as follows:

Beginning at Engineer's center line station 1244+01.82, said station being 8,101.14 feet South and 2,741.10 feet East of the Northwest corner of Section 3, Township 34 South, Range 1 West, W.M.; thence South 12°04'34" West 1,041.12 feet; thence on a 2,864.79 foot radius curve left (the long chord of which bears South 9°58'54" West 209.40 feet) 209.44 feet; thence South 7°53'14" West 551.97 feet; thence on a 1,909.86 foot radius curve right (the long chord of which bears South 13°26'39" West 369.89 feet) 370.47 feet; thence South 19°00'05" West 75.78 feet to Engineer's center line station 1266+50.60 Back equals 1266+50.00 Ahead; thence South 19°00'05" West 2,519.00 feet; thence on a 1,637.02 foot radius curve left (the long chord of which bears South 12°06'46" West 392.69 feet) 393.64 feet; thence South 5°13'27" West 786.85 feet; thence on a 1,637.02 foot radius curve right (the long chord of which bears South 15°24'2" West 578.85 feet) 581.90 feet; thence South 25°35'27" West 205.94 feet to Engineer's center line station 1311+37.33.

Bearings are based on the Oregon Coordinate Reference System, Grants Pass – Ashland zone, NAD 83(CORS96, epoch 2002.00).

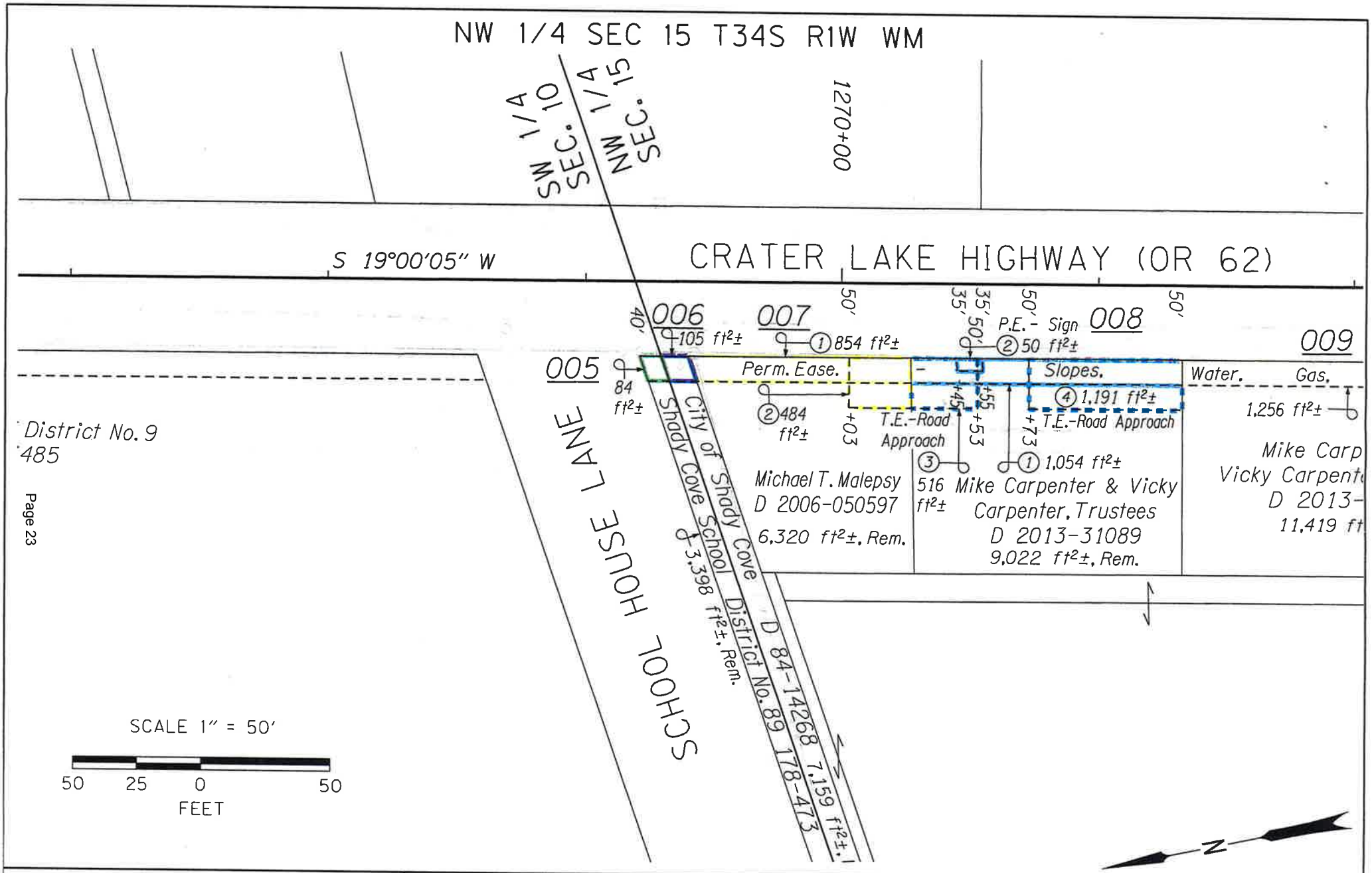
This parcel of land contains 105 square feet, more or less, outside the existing right of way.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITAL SIGNATURE

OREGON
JULY 15, 2003
ANDREW DAVID AUSLAND
56136

EXPIRES: 12/31/2015



OREGON DEPARTMENT OF TRANSPORTATION RIGHT OF WAY ENGINEERING SKETCH MAP	Section	FFO-OR62: Rogue River Dr-Cleveland St Streetscape	Scale	1" = 50'
	Highway	Crater Lake	Date	July 1, 2014
	County	Jackson	File	7701 006
	Purpose	RW Acquisition	See Drawing 11B-7-29	

City of Shady Cove

Resolution No. 16-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE, OREGON, GRANTING OREGON DEPARTMENT OF TRANSPORTATION A PERMANENT EASEMENT ACROSS PROPERTY LOCATED AT 22451 HWY 62

Whereas, Oregon Department of Transportation (ODOT) plans to proceed with the OR62: Rogue River Dr. – Cleveland St. Streetscape project; and

Whereas, Oregon Department of Transportation (ODOT) requires a 2,004 square foot permanent easement for slopes, water, gas, electric and communication service lines, fixtures and facilities along Hwy 62; and

Whereas, the City of Shady Cove finds it in the best interest of the City to grant a permanent easement to ODOT for these purposes, across property located at 22451 Hwy 62, Shady Cove, Oregon (Map and Tax Lot # 34-1W-10CD-2000), for no monetary consideration.

Now, therefore be it resolved, by the City Council of the City of Shady Cove, Oregon, that Mayor Anderson is hereby authorized to sign the ODOT Donation Permanent Easement and Subordination document granting a permanent easement across the property located at 22451 Hwy 62, Shady Cove, Oregon (Map and Tax Lot # 34-1W-10CD-2000).

Adopted by the City Council of the City of Shady Cove, Oregon this 21st day of January, 2016.

Approved:

Tom Anderson
Mayor

Attest:

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Ulrich _____
Councilor Sanderson _____
Councilor Burgess _____
Councilor Mitchell _____

Oregon
Kate Brown, Governor

Department of Transportation
Region 3 Right-of-Way, Survey, & Utilities
3500 NW Stewart Parkway
Roseburg, OR 97470-1600
Phone: (541) 957-3559
Fax: (541) 672-5363

December 29, 2015

City of Shady Cove
Attn: Aaron Prunty, City Administrator
22451 Hwy 62
Shady Cove, OR 97539

File No.: 7701-002
Section: OR62: Rogue River Dr. - Cleveland St.
Highway: Crater Lake
County: Jackson
FAP#: N/A

The Oregon Department of Transportation (ODOT) plans to proceed with the OR62: Rogue River Dr. – Cleveland St. Streetscape project. As part of this project, we need to acquire a 2,004 square foot permanent easement for slopes, water, gas, electric and communication service lines, fixtures and facilities from your property located at 22451 Highway 62 in Shady Cove, Oregon.

Oregon law provides a **minimum** 40 days from the date of this initial written offer for you, the owner, to consider accepting or rejecting it. You may choose to accept or reject the offer at any time prior to the expiration of the 40-day period. If no attempt has been made to resolve issues and the offer is neither accepted nor rejected at the end of the 40-day period, the offer will be considered rejected. The 40-day provision does not apply when an emergency has been declared by the road authority.

The Donation Agreement and Donation Deed cover the terms of the donation. Please read these documents carefully and, if acceptable, sign where indicated. The legal document must be notarized. Return these signed forms to this office. After the Right of Way Manager accepts the legal document and related agreements, you will receive notification of that acceptance. It is important that you understand that you are entitled to just compensation based upon an approved appraisal. By signing the enclosed Donation Agreement, you waive your right to compensation and relieve the State of its obligation to appraise.

We will also need a Resolution for Approval of Donation to ODOT and authorization of the signers.

RELOCATION BENEFITS

For an outline of any relocation benefits available to you, see the "Relocation Summary Statement" which is also attached.

If you have any questions or concerns, please call me at (541) 957-3562, or toll free at 1-888-769-7343. I am also prepared to meet with you at your convenience and will be available to assist you and work with you throughout the process.

Thank you for your time and timely attention to this matter. I look forward to working closely with you through successful completion of the acquisition process.

Sincerely,

Jennifer Williams
Right of Way Agent

Form #734-1714 (1/2009)

File No.:	7701-002
Grantor:	City of Shady Cove, a municipal corporation
Section:	FFO-OR62: Rogue River Dr-Cleveland St Streetscape
Highway:	022 - Crater Lake
County:	Jackson
FAP No.:	6655(001)

DONATION AGREEMENT

When a public improvement project requires any government agency or its contractor to acquire or enter upon private property, the owners of that property are entitled to compensation under federal and state law. Federal law is the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, PL 91-646, and state law is in Oregon Revised Statutes, 35.510, as amended.

The above federal and state laws also allow property owners to donate necessary property rights if they wish. To accomplish a donation, you only need to acknowledge that the agency has informed you of the right to compensation and that you wish to donate.

If you elect to donate the property rights as described in the attached Exhibit A or deed, subject to the above information, please date and sign this Donation Agreement in the space below.

☐ **I release ODOT from providing a valuation report.**

YOUR COPY
RETURN ORIGINAL

City of Shady Cove, a municipal corporation Date

RELOCATION BENEFIT SUMMARY, Non-Residential Occupants

December 29, 2015

Benefit Determination For:

City of Shady Cove, a municipal corporation

File No.:	7701-002
Grantor:	City of Shady Cove, a municipal corporation
Section:	FFO-OR62: Rogue River Dr-Cleveland St Streetscape
Highway:	022 - Crater Lake
County:	Jackson
FAP No.:	6655(001)

Federal and State laws provide relocation benefits for displaced businesses, farms, and non-profit organizations. You may be eligible for the following assistance. **Please read the booklet, *Your Rights and Benefits as a Displaced Person*,** for additional information concerning this assistance.

☐ **RELOCATION ADVISORY ASSISTANCE:** To provide you with current information regarding availability of comparable properties, and to provide information on Federal and State assistance programs, etc.

☐ **SEARCH EXPENSES** in locating a new site, not to exceed $2,500. Expenses may include transportation expenses, meals and lodging away from home, time spent searching based on reasonable salary and earnings, fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of the replacement site.

☐ **ACTUAL DIRECT LOSSES TO TANGIBLE PERSONAL PROPERTY:** This benefit is intended to compensate for personal property that cannot be moved. The payment is based on the actual value of the items not moved or the estimated cost to move the item(s), whichever is less.

☐ **MOVING COST - BASED ON ESTIMATES:** A payment to you for moving your personal property 50 miles (80 kilometers) or less. This amount is based on the lower of two estimates prepared by qualified estimators. **We must be notified of when you plan to move.**

☐ **COMMERCIAL MOVE COST:** A payment based on the actual and reasonable documented cost of moving your personal property 50 miles (80 kilometers) or less by a certified moving company. **We must be notified of when you plan to move.**

☐ **REESTABLISHMENT EXPENSES:** In addition to the payments for actual, reasonable, and related moving expenses, you may be eligible to receive a payment not to exceed $25,000 for expenses incurred in reestablishing your business, farm, or non-profit organization at a replacement site.

☐ **FIXED PAYMENT:** If you apply and are found eligible, no other relocation benefits will be paid. If eligible, a payment of not less than $1,000 nor more than $40,000 will be made. This payment is based on the average annual net earnings of your operations, during the two taxable years prior to displacement.

☒ **YOU ARE NOT ELIGIBLE FOR THE RELOCATION BENEFITS LISTED ABOVE:** A review of this acquisition indicates that you will not be displaced by this project.

☒ **RELOCATION APPEAL:** If you have been denied eligibility for relocation benefits, or if you do not agree with the amount of a relocation payment, you have the right of appeal, and you may file a written request for an appeal of your relocation benefits within 60 days of this notification.

DONATION PERMANENT EASEMENT and SUBORDINATION

CITY OF SHADY COVE, a municipal corporation, Grantor, for no monetary consideration, does grant to the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION,** Grantee, its successors and assigns, a permanent easement to construct and maintain slopes, and to relocate, construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under, and across the property described on **Exhibit "A" dated 9/5/2014**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the easement herein granted does not convey any right, or interest in the above-described property, except for the purposes stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, or to interfere in any way with the relocation, construction, and maintenance of said utilities, and their appurtenances, as granted herein above.

IT IS UNDERSTOOD that Grantee shall never be required to remove the slope materials placed by it on said property, nor shall Grantee be subject to any damages to Grantor and grantor's heirs, successors and assigns, by reason thereof, or by reason of any change of grade of the public way abutting on said property.

IT IS ALSO UNDERSTOOD that this easement shall be subject to the same conditions, terms and restrictions contained in the easements, licenses and/or permits granted to the owner of any facilities being relocated.

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 #: 34-1W-10CD-2000

Property Address: 22451 Hwy 62
Shady Cove OR 97539

YOUR COPY
RETURN ORIGINAL

IT IS ALSO UNDERSTOOD that Grantor shall not place or erect any buildings or structures upon the easement area without the written consent of Grantee.

IT IS FURTHER UNDERSTOOD that nothing herein contained is intended to create any obligation on the part of Grantee for the maintenance of said utilities.

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.

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 State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this _____ day of _____,20_____.

APPROVED AS TO FORM:

By_____

CITY OF SHADY COVE, a municipal corporation

By_____
Mayor

YOUR COPY
RETURN ORIGINAL

By_____
Auditor

STATE OF OREGON, County of _____

Dated _____,20_____. Personally appeared _____

and _____, who, being sworn, stated that they are the Mayor and Auditor of the City of Shady Cove, and that this instrument was voluntarily signed on behalf of said municipal corporation by authority of its Ordinance No. _____, passed by the Council of said City on this _____ day of _____, 20_____.

YOUR COPY
RETURN ORIGINAL

_____
Notary Public for Oregon
My Commission expires_____

Accepted on behalf of the Oregon Department of Transportation

_____

File 7701002
Drawing 11B-7-29
9/5/2014

Permanent Easement for Slopes, Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities

A parcel of land lying in Government Lot 5, Section 10, Township 34 South, Range 1 West, W.M., Jackson County, Oregon; said parcel being a portion of that property described in that Deed to CITY OF SHADY COVE, a municipal corporation, recorded December 5, 1974 as Document No. 1974-15841 of the Official Records of Jackson County; the said parcel being that portion of said property included in a strip of land 40.00 feet in width, lying on the Westerly side of the center line of the relocated Crater Lake Highway, which center line is described as follows:

Beginning at Engineer's center line station 1244+01.82, said station being 8,101.14 feet South and 2,741.10 feet East of the Northwest corner of Section 3, Township 34 South, Range 1 West, W.M.; thence South 12°04'34" West 1,041.12 feet; thence on a 2,864.79 foot radius curve left (the long chord of which bears South 9°58'54" West 209.40 feet) 209.44 feet; thence South 7°53'14" West 551.97 feet; thence on a 1,909.86 foot radius curve right (the long chord of which bears South 13°26'39" West 369.89 feet) 370.47 feet; thence South 19°00'05" West 75.78 feet to Engineer's center line station 1266+50.60 Back equals 1266+50.00 Ahead; thence South 19°00'05" West 2,519.00 feet; thence on a 1,637.02 foot radius curve left (the long chord of which bears South 12°06'46" West 392.69 feet) 393.64 feet; thence South 5°13'27" West 786.85 feet; thence on a 1,637.02 foot radius curve right (the long chord of which bears South 15°24'2" West 578.85 feet) 581.90 feet; thence South 25°35'27" West 205.94 feet to Engineer's center line station 1311+37.33.

Bearings are based on the Oregon Coordinate Reference System, Grants Pass – Ashland zone, NAD 83(CORS96, epoch 2002.00).

This parcel of land contains 2,004 square feet, more or less, outside the existing right of way.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITAL SIGNATURE

CoSign

OREGON
JULY 15, 2003
ANDREW DAVID AUSLAND
56136

EXPIRES: 12/31/2015

SUBORDINATION OF INTEREST

SCHOOL DISTRICT NO. 9 OF JACKSON COUNTY, a municipal corporation, subordinates all rights, title and interest in and to the hereinabove described property, as said interest is set forth in that certain Deed recorded December 5, 1974, as No. 74-15841, Records of Jackson County, Oregon, to that permanent easement for slopes ,water, gas, electric and communication Service Lines, Fixtures and Facilities, the property described as Exhibit "A" dated 9-5-2014, herein granted over said property by City of Shady Cove, a municipal corporation, to the State of Oregon, by and through its Department of Transportation.

SCHOOL DISTRICT NO. 9 OF JACKSON COUNTY, a municipal corporation

By_____
Representative

By_____
Representative

YOUR COPY
RETURN ORIGINAL

STATE OF OREGON, County of _____

Dated _____,20_____. Personally appeared _____ and _____, who, being sworn, stated that they are the representatives for the School District No. 9 of Jackson County, a municipal corporation, and that this instrument was voluntarily signed on behalf of the School District by authority of an order of the School Board. Before me:

YOUR COPY
RETURN ORIGINAL

_____
Notary Public for Oregon
My Commission expires_____

File 7701002
Drawing 11B-7-29
9/5/2014

Permanent Easement for Slopes, Water, Gas, Electric and Communication Service Lines, Fixtures and Facilities

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This parcel of land contains 2,004 square feet, more or less, outside the existing right of way.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITAL SIGNATURE

OREGON
JULY 15, 2003
ANDREW DAVID AUSLAND
56136

EXPIRES: 12/31/2015

SW 1/4 SEC 10 T34S R1W WM

Carolin J. Petersen
D 2009-024030

CRATER LAKE HIGHWAY (OR 62)

1265+00

001

002

003

Permanent Easement for Slopes, Water, Gas, Electric and Communication Service

1,311 ft²±

2,004 ft²±

P.E. - Sign
49 ft²±

Bellwood Properties Inc
D 2013-020425
1.01 Ac.±, Rem.

City of Shady Cove
D 74-15841
1.15 Ac.±, Rem.

1262+04.35 P.C.

599 ft²±

P.E. - Sidewalk
192 ft²±

T.E. - Road Approach
1,230 ft²±

CLEVELAND ST

Eagle Point Sc

D 66-
5.52 A

3°00'00"C.R.
R = 1909.86'
TΔ = 11°06'51"
Ts = 185.82'

SCALE 1" = 50'

50 25 0 50
FEET

N

OREGON DEPARTMENT OF TRANSPORTATION RIGHT OF WAY ENGINEERING SKETCH MAP	Section	FFO-OR62: Rogue River Dr-Cleveland St Streetscape	Scale	1" = 50'
	Highway	Crater Lake	Date	Sept. 5, 2014
	County	Jackson	File	7701 002
	Purpose	RW Acquisition	See Drawing 11B-7-29	