



AGENDA

Lincoln County Board of Commissioners

Board of Commissioners
225 West Olive Street
Room 110
Newport, OR 97365
Phone: 541.265.4100
FAX: 541.265.4176

Wednesday, August 17, 2016

9:30 a.m.

**Commissioner's Meeting Room
Lincoln County Courthouse
225 W. Olive Street, Room 108
Newport, Oregon**

I. CALL TO ORDER

II. ROLL CALL - ESTABLISHMENT OF A QUORUM

III. RECOGNITION/PROCLAMATION

IV. ADOPTION OF CONSENT CALENDAR

A. Minutes of Board of Commissioners Meeting

1. Order #8-16-230 Board of Commissioner Meeting Minutes July 13, 2016
2. Order #8-16-231 Board of Commissioner Meeting Minutes July 20, 2016
3. Order #8-16-232 Lincoln County Board of Commissioners Joint Work Session with Siletz City Council Minutes of August 3, 2016
4. Order #8-16-233 Board of Commissioner Meeting Minutes August 3, 2016

B. Commission Appointments and Resignations

C. License Applications or Renewals

D. Tax Foreclosure, Right-of-Way, Sales and Deeds

E. General Budget Resolutions

F. Acting as Governing Body of County Wide Service Districts

G. Documents and Recording Matters in the Commissioners Journal

1. Order #8-16-234 Intergovernmental Agreement for Law Enforcement Services between Lincoln County and the City of Waldport (Terms: July 1, 2016 until terminated)
2. Order #8-16-235 Lease for Surplus Storage and Law Library between Newport Coast Investments and Lincoln County. (Terms: July 1, 2016 – June 30, 2019; \$4,290 per month)

H. Execution of Documents

V. PUBLIC HEARING

VI. DECISION/ACTION

- A. Order #8-16-236 Temporary Easement for Road #522 Trapp Creek Bridge Project – Presented by: Roy Kinion

VII. DISCUSSION/INFORMATION

- A. Toledo Rural Fire Protection District Update – Presented by: David Boyce and Jeff Doyle

VIII. BOARD OF COMMISSIONERS AS THE GOVERNING BODY OF COUNTY-WIDE SERVICE DISTRICTS

IX. REPORTS

- A. Elected Officials/Department Directors/Program Coordinators and Consultants
1. Commissioners

X. CONSTITUENT INPUT (Limited to five minutes per constituent)

XI. EXECUTIVE SESSION

- A. Pursuant to ORS 192.660(2)(d) to discuss labor negotiations

XII. ADJOURNMENT

XIII. OTHER SCHEDULED MEETINGS AND APPOINTMENTS OF THE BOARD

Monday, August 22, 2016 – 9:00 a.m. – Office Meeting and Board Briefing in the Commissioner’s Small Meeting Room, Lincoln County Courthouse Room #110, 225 West Olive Street, Newport; meeting to cover office priorities, operations, procedures and workflow

Monday, August 22, 2016 – 9:45 a.m. – Nurse Family Partnership Presentation with Senator Roblan, Health and Human Services, Western Title Building - Room 207, 255 SW Coast Hwy, Newport

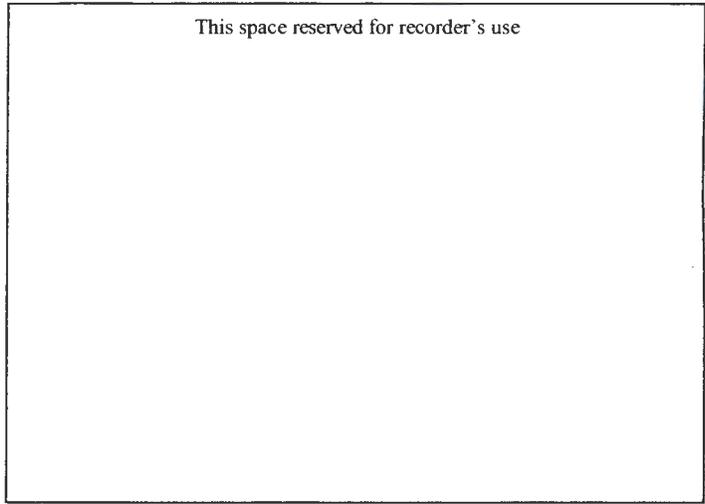
Monday, August 22, 2016 – 1:00 p.m. – Annual Meeting with the Confederated Tribes of the Siletz Indians in the Council Chambers, CTSI Office, 201 SE Swan Avenue, Siletz

Wednesday, August 24, 2016 – 9:30 a.m. – Board of Commissioners Meeting in the Commissioner’s Meeting Room, Lincoln County Courthouse Room #108, 225 West Olive Street, Newport.

For special physical, language or other accommodations at Board's meeting, please contact the Board at 265-4100 (voice) or dial 7-1-1 Relay Service and include e-mail as soon as possible, but at least 48 hours before the meeting.

After recording return to:

**Lincoln County
Public Works Department
880 NE 7th Street
Newport, OR 97365**



**BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON**

In the Matter of)
)
Accepting a Temporary Access Easement) Order #
For Trapp Creek County Road # 522)
(Bridge Replacement Project))

WHEREAS the bridge over the Yaquina River at Trapp Creek County Road #522¹ will be replaced by Lincoln County (County) and the Oregon Department of Transportation (ODOT) pursuant to a Highway Bridge Program (HBP) Project, ODOT contract # 27292; and

WHEREAS ODOT and County have determined that in lieu of constructing a temporary replacement bridge while the main bridge is reconstructed, access to the residences and properties served by Trapp Creek County Road #522 can be provided by the use of a limited duration (temporary) easement granted by Nestucca Forests LLC, off of the new Hwy 20 alignment on the southern end of the current improved portion of County Road # 522; and

WHEREAS the parties have agreed to the following conditions: (1) Nestucca Forests LLC will grant the temporary easement for public access to County Road #522 until the end of the bridge replacement project or three years from the start of construction, whichever is sooner; with other conditions as set forth in the Letter of Agreement from Right of Way Associates dated July 29, 2016²; (2) ODOT will grant necessary permits to allow the temporary access off of the new Hwy 20 alignment for the duration of the easement; and (3) County will take the temporary easement granting public access as a continuation of County Road #522 meaning that the temporary easement will be part of the County Road system (with County responsibility, liability jurisdiction and control of the temporary easement) for the duration of the easement;

Now, therefore

IT IS HEREBY ORDERED THAT:

1. The Lincoln County Board of Commissioners accepts the Temporary Easement for Bridge Detour for the Trapp Creek County Road Bridge project, ODOT Contract #27292, as provided in Exhibit 1 attached hereto and incorporated herein. The Easement includes the area described and shown in Exhibits A and B to the Easement and the July 29, 2016 Letter of Agreement from Right of Way Associates to Nestucca Forests LLC.

¹ Yaquina River (Trapp Creek County Road) Bridge No. 12188A

² Note under the Agreement the use of the easement is being donated by Nestucca Forests LLC

2. The temporary easement area is hereby added to the Lincoln County Road System as a part of Lincoln County Road #522 for the duration of the easement. The area shall automatically be removed from the County Road system upon expiration of the easement without further action required by the County.

3. This document be recorded by the County Clerk in the deed records and filed in the Commissioners' Journal.

3. A copy of this Order with attachments, after recordation as required in paragraph 3, be forwarded to the Public Works Department to send to ODOT, Nestucca Forests LLC, and other appropriate parties.

Dated this 17th day of August, 2016.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Bill Hall, Chair

Doug Hunt, Commissioner

Terry N. Thompson, Commissioner

Exhibit 1

LINCOLN COUNTY
880 NE 7th Street
Newport, Oregon 97365

TEMPORARY EASEMENT FOR BRIDGE DETOUR
(2 years and 11 months or duration of project, whichever is sooner)

Nestucca Forest LLC, a Delaware limited liability company, Grantor, hereby grants to Lincoln County, a political subdivision of the State of Oregon, Grantee, a temporary construction easement for the purpose of constructing and maintaining an access road for public travel over and across the real property described on Exhibit "A", and as shown on Exhibit "B", attached hereto and incorporated by reference and made part of this document as though fully incorporated herein.

The true consideration for this conveyance is \$0.00; however, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

SEE LETTER DATED JULY 29, 2016

IT IS EXPRESSLY UNDERSTOOD that this easement does not convey any right, title, or interest except those expressly stated in this easement, nor otherwise prevent Grantor from the full use and dominion thereover; provided, however, that such use shall not interfere with the uses and purposes of the intent of the easement.

The rights granted by this easement shall terminate at the end of the project or three years from the start of construction, whichever is sooner.

DATED this 31 day of AUGUST, 2016.

GRANTOR
Nestucca Forest LLC, a Delaware limited liability company

By: 

Name: JERRY W. ANDERSON

Title: REGION MANAGER



Lincoln County Surveyor's Office
Charles M. Malarkey PLS
Cadastral Surveyor

880 NE 7th
Newport, Oregon 97365
(541) 265-4147

Exhibit A

Description of an Access Easement between
Lincoln County Road #522, Trapp Creek Road &
The Northerly Right of Way of the Realigned US Highway 20

The following easement description is based on monuments and data from ODOT Horizontal Control and Monument Survey CS 18815, of Lincoln County Survey Records;

A parcel of land, 60 foot wide lying 30 feet each side of the following centerline, where the sidelines extend and trim to the northerly Right of Way of the realigned US Highway 20 in the Northwest 1/4 of Section 6, Township 11 South, Range 9 West, and the Southwest 1/4 of Section 31, Township 10 South, Range 9 West, Willamette Meridian, Lincoln County, Oregon.

Beginning at the 3 inch brass cap set in Corner Condition Report CS 15894 for the south Section Corner common to Sections 31 & 32, Township 10 South, Range 9 West, Willamette Meridian;

thence S 87°34'42" W, a distance of 2928.91 to a 5/8 inch iron rod with a yellow plastic cap marked "DEA-INC" set in CS 18815 for the northerly Right of Way Limit at station 757+70.00 of the realigned US Highway 20;

thence along said northerly right of way limit North 77°34'34" East, a distance of 58.59 feet to the True Point of Beginning of this description, said True Point of Beginning also being South 77°34' 34" West a distance of 139.45 from a 5/8 inch iron rod with a yellow plastic cap marked "DEA-INC" set in CS 18815 for the northerly Right of Way Limit at station 763+75.63 of the realigned US Highway 20;

thence from said True Point of Beginning N 20°01' 54" W, 5.52 feet to a point of curvature (PC 0+05.52);

thence along a 137.65 foot radius curve to the left a distance 95.92 feet, (the long chord of which bears N39°59'41"West a distance of 93.99) to a point of tangency PT 1+01.44;

thence North 59°57'29" West a distance of 51.43 feet a point of curvature PC 1+52.87;

thence along a 112.94 foot radius curve to the right a distance 51.50 feet, (the long chord of which bears N46°53'46"West a distance of 51.05) to a point of tangency PT 2+04.36;

thence North33°50'02"West a distance of 186.81 feet a point of curvature PC 3+91.17;



COUNTY OF LINCOLN

Lincoln County Surveyor's Office
Charles M. Malarkey PLS
Cadastral Surveyor

880 NE 7th
Newport, Oregon 97365
(541) 265-4147

thence along a 151.41 foot radius curve to the left a distance 107.15 feet, (the long chord of which bears N54°06'28"West a distance of 104.93 feet) to a point of tangency (PT 4+98.33);

thence North 74°22'30"West a distance of 98.73 feet a point of curvature PC 5+97.05;

thence along a 355.37 foot radius curve to the right, a distance of 62.99 feet, the long chord of which bears North 69° 18' 16" West, a distance of 62.90 feet to a point of tangency (PT 6+60.04);

thence North 64°13'37"West a distance of 69.21 feet a point of curvature (PC 7+29.25);

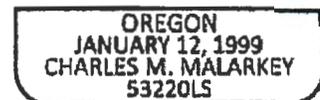
thence along a 275.55 foot radius curve to the left, a distance of 73.96 feet, the long chord of which bears North 71° 54' 58" West, a distance of 73.73 feet to a point of tangency (PT 8+03.20);

thence North 79°36'18"West a distance of 44.42 feet to the point of intersection with the as traveled centerline of Lincoln County Rd. #522, Trapp Creek Road, said point of intersection being South 6°46'38" East, 14.05 feet of a 1/2 inch iron pipe set in CS 1448 for the southerly limit of a parcel described in MF390-0772 Lincoln County Deed Records, and being South 82°49'05" East, 14.3 feet of a bent over 5/8" iron rod of uncertain origin, and the terminus of this centerline description (EOP 8+47.62).

Area of easement is 1.17 acres.



Charles M. Malarkey



RENEWAL DATE: DEC 31, 2016

12/31/2016

Exhibit B

Sketch to Accompany Written Description
of Temporary Easement
T10S, R9W, SEC 31 WM
T11S, R9W, SEC 6 WM

10-02-31-00-01302-00
MF 390-0772

EASEMENT C/L CURVE TABLE

C1	C2	C3	C4	C5
DELTA=39°55'36"	DELTA=26°07'28"	DELTA=40°32'53"	DELTA=10°09'18"	DELTA=15°22'42"
R=137.65'	R=112.94'	R=151.41'	R=355.37'	R=275.55'
A=95.92'	A=51.50'	A=107.15'	A=62.99'	A=73.96'
CD=93.99'	CD=51.05'	CD=104.93'	CD=62.90'	CD=73.73'
CB=N39°59'41"W	CB=N46°53'46"W	CB=N54°06'28"W	CB=N69°18'16"W	CB=N71°54'58"W

EASEMENT C/L LINE TABLE

L1	N20°01'54"W	5.52
L2	N59°57'29"W	51.43
L3	N33°50'02"W	186.81
L4	N74°22'55"W	98.73
L5	N64°13'37"W	69.21
L6	N79°36'18"W	44.42

10-09-31-00-01301-00
PARCEL 099
DOC 2008-12944
NESTUCCA FORESTS LLC
DOC2008-12944

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Charles M. Malarkey

OREGON
JANUARY 12, 1999
CHARLES M. MALARKEY
53220LS

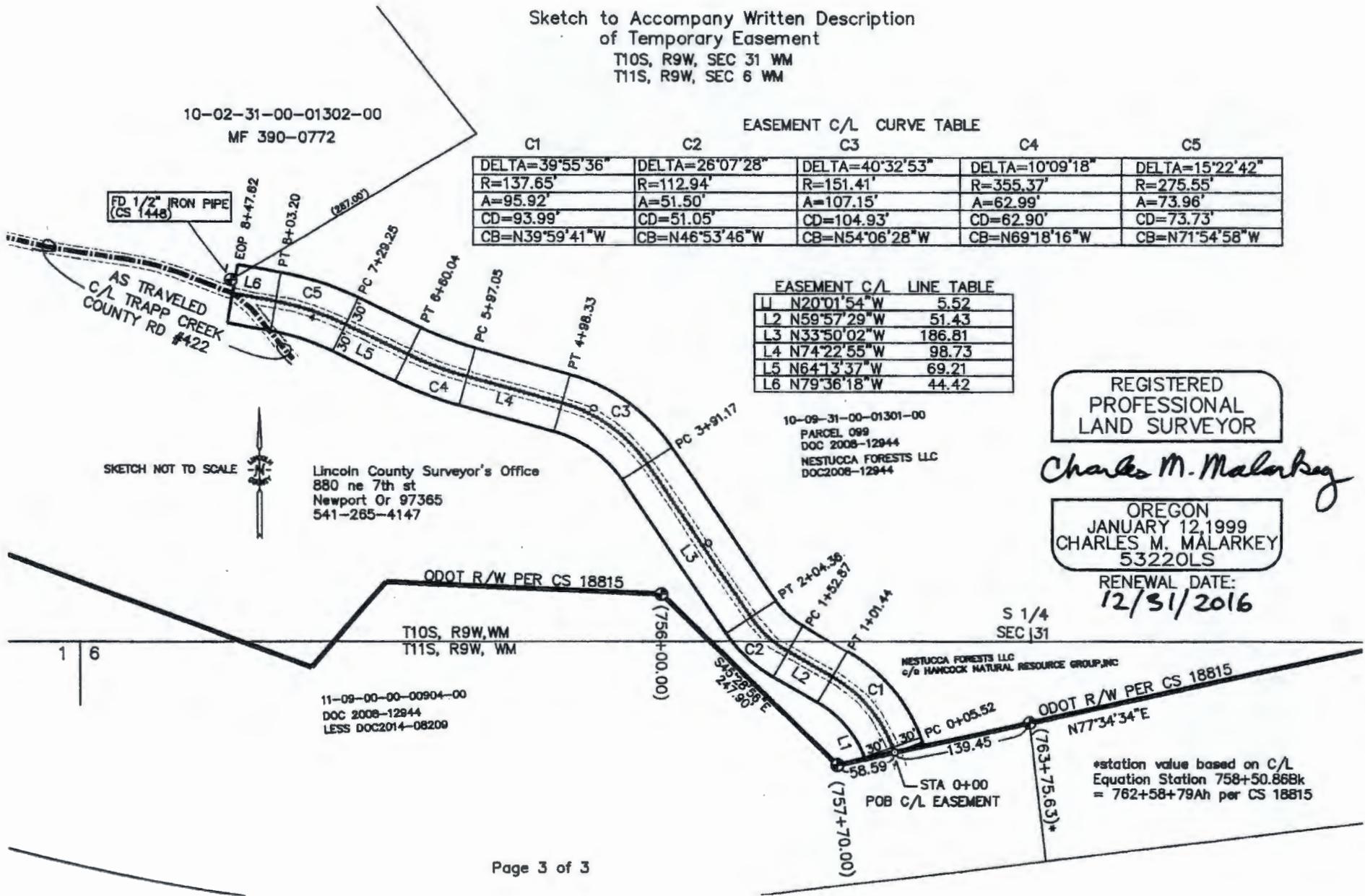
RENEWAL DATE:
12/31/2016

S 1/4
SEC 31

NESTUCCA FORESTS LLC
c/o HANCOCK NATURAL RESOURCE GROUP, INC

ODOT R/W PER CS 18815
N77°34'34"E

*station value based on C/L
Equation Station 758+50.868k
= 762+58+79Ah per CS 18815



SKETCH NOT TO SCALE

Lincoln County Surveyor's Office
880 ne 7th st
Newport Or 97365
541-285-4147

11-09-00-00-00904-00
DOC 2008-12944
LESS DOC2014-08209



10186 SW LAUREL STREET
BEAVERTON OR 97005
P (503) 644-3436 | F (503) 644-7400
INFO@ROWAINC.COM
WWW.ROWAINC.COM

July 29, 2016

Index: 12-001-004

Nestucca Forests LLC
Attn: Hancock Forest Management
Seth Sanders, Forest Engineer
17700 SE Mill Plain Blvd #180
Vancouver, WA 98683

Subject: Yaquina River (Trapp Creek Road) Covered Bridge Project
Re: Tax Assessor's I.D. R376604, 10S09W31 TL 1301
Letter of Agreement

Dear Mr. Sanders,

In response to your email of July 5, 2016 in answer to the County request for a Temporary Construction Easement over Nestucca Forests property, Lincoln County has selected option #2. The Temporary Construction Easement will be converted into a Lincoln County legal right-of-way for the duration of the construction work on the bridge so that any accidents or issues on this road or with this road will be the responsibility of the county, as with any Lincoln County road.

The executed Temporary Construction Easement must be submitted to the County Commissioners for them to execute a Board Order proclaiming the alignment to be a Lincoln County Legal right of way for the duration of the project.

A Temporary Construction Easement with a term of two years and 11 months from date of signature, is enclosed for review. The document is minus the center line legal description which will be available for inclusion in the document within the week. The metes and bounds description in the easement originally submitted with the donation request, will be replaced by the center line description. When the Board Order takes effect, a copy will be transmitted to you.

A Donation Agreement is also attached for signature. This is needed to meet the requirements of federally funded projects when property owners donate property rights without compensation. The Agreement provides evidence to the project reviewer that Nestucca Forest Property is aware that they could be compensated for the property right and voluntarily waives the right to an appraisal and compensation. This is required for federal funding of the project.

Please contact me with any questions or concerns by phone at (503) 644-3436, or by email at david@rowainc.com.

Sincerely,

A handwritten signature in cursive script that reads "R. David Feinauer".

R. David Feinauer, Agent

Enclosures: Revised Temporary Construction Easement, Donation Agreement

c: Douglas Kirkpatrick, P.E., OBEC Engineering
Steve Hodge, P.E., County Engineer

Toledo Rural Fire Protection District

Toledo Fire Eddyville Station #43

Why? The purpose of the Toledo Fire Eddyville Station is to meet the day to day needs of the community.

- Medical,
- Fire
- Rescue
- Community Space / training room

Disaster event

- Cache of supplies,
- water,
- safety equipment,
- potential shelter,
- assembly area
- Command Center for major event

Rest and relief OSP, ODF, County Sheriff Dept. Ambulance service housing

OSU student connection/ Sleeper responder program

Provides responses east of Sam's Creek to county line*

- *In and out of district responses
- *Increasing* role outside district boundaries

New Hwy 20 outside district boundaries

Last two logging accidents responded to were out of district

Approximately 150 to 175 responses per year

Approximately half the calls for district (MVC) Decrease response time

Current Status

Land donated to district Out of FEMA floodplain

ODOT access approval

Conditional land use

County septic approval

Geotechnical assessment

Well drilled

ISO rating

Toledo Rural Fire Protection District

Emergency Cache Disaster Preparedness Grants

Drinking water filtration system 6000 watt generator Medical equipment

Student training at Eddyville School Water tank at Eddyville School

Summary \$100,000 and that much in kind Local architect chosen:

Capri architecture Green building

Needs:

- Avoiding taxing referendum for financial requirements
- Access to sources of revenue streams through contacts
- Community development block grant

