

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

ORDER NO.

08-1-8-5

(IN THE MATTER OF AUTHORIZING THE
EXPENDITURE OF COUNTY ROAD
FUNDS ON BARRETT CREEK LANE IN
ACCORDANCE WITH ORS 368.031

WHEREAS, Barrett Creek Lane between Old Ferry Road (a.k.a. Oregon Coast Highway) and Cherry Street is a road within Lane County and on December 5, 2007, the Board authorized the filing of suit to have Barrett Creek Lane declared to be a public road and open to the public; and

WHEREAS, the Rosecrans Family Joint Living Trust owns property at 5005 Barrett Creek Lane, over which the road travels in part; and

WHEREAS, the Rosecrans have by writing denied the County the use of Barrett Creek Lane as it exists on their property and have also denied other members of the public use of the road; and

WHEREAS, public use of Barrett Creek Lane has been in excess of 10 years and it remains in the public interest for it to stay accessible to the County and to the public; and

WHEREAS, it is estimated that up to \$30,000 will be expensed to address the adverse possession claim and further Board authorization will be required should expenses exceed \$30,000; and

WHEREAS, further Board approval is needed if additional expenses it is estimated that up to \$30,000 will be expensed to address the adverse possession claim; and


WHEREAS, funding necessary to pursue filing of the suit may come from either County Road Funds or Parks funding from the Glenada land sale. Use of County Road Funds must be in accordance with ORS 368.031; and

WHEREAS, ORS 368.031 prohibits the expenditure of County Funds on local access roads unless, 1) the County road official recommends the expenditure, 2) the public use of the road justifies the expenditure proposed, and 3) the Board enacts an Order or Resolution authorizing the work and designates the work to be either a single project or a continuing program; and

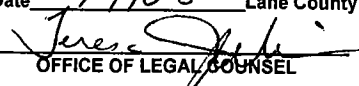
WHEREAS, the Board hereby finds that the County road official recommends the expenditure of County Road Funds and that the public use of Barrett Creek Lane does justify an expenditure of County Road Funds as a single project and a one-time expenditure; **NOW THEREFORE BE IT**

ORDERED, that the use of County Road Funds (Fund 225) in the amount not to exceed \$30,000 is authorized for Barrett Creek Lane, in accordance with ORS 368.031 and the recitals above.

DATED this 8th day of January, 2008.



Faye Stewart, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date 1/4/08 Lane County

OFFICE OF LEGAL COUNSEL