

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

FILE NO. 4085

IN THE MATTER OF INITIATING PROCEEDINGS TO)
WITHDRAW COUNTY ROAD STATUS (BUT NOT THE)
PUBLIC ROAD STATUS) FROM CONLEY ROAD)
(COUNTY ROAD NUMBER 56), LOCATED OFF OF THE)
MCKENZIE HIGHWAY (STATE HIGHWAY NUMBER)
126) IN SECTION 32, TOWNSHIP 16 SOUTH, RANGE)
3 EAST OF THE WILLAMETTE MERIDIAN (16-35-32-3))

RESOLUTION,
NOTICE OF HEARING
AND ORDER NO.

03-1-21-16

THIS MATTER now coming before the Board of County Commissioners for Lane County, Oregon, and it appearing that Conley Road, located off the McKenzie Highway, approximately 5 miles east of Vida, is no longer needed as part of the County's road system; and

WHEREAS, the County Surveyor has reviewed the Commissioner's Journal and road records and it is concluded that County Road Number 56 was established as a county road in 1896, and the State of Oregon was later given jurisdiction and it became State Highway Number 126, which was later realigned, bypassing the segment that is now known as Conley Road; and

WHEREAS, Conley Road is used primarily by the residents living along this road, for access to and from their property off the McKenzie Highway; and

WHEREAS, the adjoining landowners, as well as any other users, will continue to be served by this road as a public road, and no one will be denied access if the road is reduced in status from being a county road to a public road; and

WHEREAS, various public and private agencies and neighboring landowners were notified by mail regarding the proposed withdrawal of county road status (but not the public road status); and

WHEREAS, the County Surveyor's Office has received three responses from adjoining landowners who oppose the change of status of Conley Road; and

WHEREAS, ORS 368.026 states that a governing body may initiate proceedings by having the county road official prepare a report stating reasons for the proposed withdrawal and the effects the proposed withdrawal may have on land abutting the county road proposed to be withdrawn, and a Preliminary Director's Report has been prepared to address these issues; and

WHEREAS, Conley Road is a gravel road and is no longer being maintained by the county, therefore this road meets the criteria of LM 15.410 (7)(c) "Roads that are undeveloped right-of-ways, are dirt roads, or are not currently maintained by County forces."; and

WHEREAS, Oregon Revised Statutes, Chapter 368, requires a public hearing to withdraw county road status from a county road and the Board deems it appropriate to conduct a public hearing to decide whether to withdraw the county road status (but not the public road status) from Conley Road. The Public Works Director has prepared a Preliminary Report, marked Exhibit "A", attached hereto and made a part hereof these proceedings, recommending that proceedings be initiated to consider withdrawal of county road status, but not the public road status, on the described Conley Road; and **NOW, THEREFORE, IT IS HEREBY**

RESOLVED, that in accordance with Oregon Revised Statutes, Chapter 368, proceedings be undertaken to withdraw the county road status (but not the public road status) from all of Conley Road (County Road Number 56), said road being more particularly described as follows:

Beginning at a point on the Southerly right of way line of the McKenzie Highway, opposite and 40.0 feet distant Southwesterly when measured at right angles from Engineers centerline station 1683+64.17 P.O.T., said point being 901.16 feet North and 1146.40 feet West of the meander corner on the right bank of the McKenzie River, which is on the South line of Section 32, Township 16 South, Range 3 East, Willamette Meridian, and running thence South 40°57' West 112.00 feet; thence South 46°32'39" East 596.93 feet; thence South 64°18'09" East 557.67 feet to Engineers centerline station 12+66.60=McKenzie Highway Station 1694+98.84 P.O.C. said point being on the southerly right of way of said McKenzie Highway opposite and 40.00 feet distant Southwesterly from said station 1694+98.84 P.O.C. and there ending, all within Section 32, Township 16, Range 3 East of the Willamette Meridian, Lane County, Oregon.

The width of the strip of land referred to above is as follows:

| <u>STATION TO STATION</u> | | <u>Width in feet on SE'ly and NE'ly side of C/L</u> | <u>Width in feet on NW'ly and SW'ly side of C/L</u> |
|---------------------------|--------------------------------|---|---|
| 0+00 | 0+85.89 | 25.00 feet | 25.00 feet |
| 0+85.89 | 10+15.75 | 25.00 feet | |
| 0+85.89 | 1+12.00 A.P. | | 25.00 feet tapering on a straight line to 26.09 feet |
| 1+12.00 A.P. | 1+62.04 centerline extended | | 26.09 feet tapering on a straight line to 27.19 feet |
| 1+12.00 A.P. | 12+66.60 | | 25.00 feet |
| 10+15.75 | 10+22.57 | 25.00 feet tapering on a straight line to 57.10 feet | |
| 10+22.57 | 10+83.93 | 57.10 feet tapering on a straight line to 40.37 | |

| <u>STATION TO STATION</u> | | <u>Width in feet on SE'ly and NE'ly side of C/L</u> | <u>Width in feet on NW'ly and SW'ly side of C/L</u> |
|---------------------------|----------|---|--|
| 10+83.93 | 12+66.60 | 40.37 feet tapering on a 1989.86 feet radius curve left to 0.0 feet | |
| 12+66.60 | 13+17.66 | | 25.0 feet excepting that portion lying within the right of way of McKenzie Highway |

and it is hereby

ORDERED, that March 19, 2003 be established as the date for conducting a public hearing regarding the proposed withdrawal of county road status (but not the public road status) from Conley Road, and that the said hearing be held at 1:30 p.m. at the Lane County Courthouse, 125 E. 8th Avenue, in Eugene, Lane County Oregon; and it is further

ORDERED, that the Director of the Lane County Department of Public Works cause the Lane County Surveyor to examine the road proposed to be withdrawn from county road status and that the Director provide a written Final Report, as required by ORS 368.026, of his findings which are to be incorporated into the Final Order; and it is further

ORDERED, that notice of the public hearing be provided by service, posting and publication in accordance with ORS Chapter 368.401 to 368.426.

Inquiries regarding these proceedings may be directed to K. Robert Ezell, Lane County Surveyor, Public Service Building, 125 East 8th Avenue, Eugene, Oregon 97401, telephone (541) 682-4195.

Dated this 21st day of January, 2003



 Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Attachment: Map

Date 1-10-03 lane county



 OFFICE OF LEGAL COUNSEL

EXHIBIT "A"
IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

FILE NO. 4085

IN THE MATTER OF INITIATING PROCEEDINGS)
TO WITHDRAW COUNTY ROAD STATUS (BUT NOT)
THE PUBLIC ROAD STATUS) FROM CONLEY ROAD)
(COUNTY ROAD NUMBER 56), LOCATED OFF OF)
THE MCKENZIE HIGHWAY (STATE HIGHWAY)
NUMBER 126) IN SECTION 32, TOWNSHIP 16 SOUTH,)
RANGE 3 EAST OF THE WILLAMETTE MERIDIAN)
(16-35-32-3))

DIRECTOR'S
PRELIMINARY
REPORT

It is recommended that the proceedings be initiated for consideration of withdrawal of county road status (but not the public road status) from Conley Road (County Road Number 56). Conley Road is not maintained as a county road and is not needed as part of the County's road system.

County Road Number 56 was established in 1896, and was later transferred to the State and it became part of State Highway Number 126 (McKenzie Highway). During the period of 1926-1933, the State realigned and improved several segments of the McKenzie Highway and the portion now known as Conley Road was bypassed, creating a loop road having skewed intersections with the new alignment of McKenzie Highway. The eastern end of this road has been blocked off by ODOT making it a dead-end road. The western end of the road was vacated in 1963 and new right of way was conveyed to the County connecting the new alignment of McKenzie Highway to Conley Road. Conley Road is a gravel road and is used primarily by the eight adjoining landowners to access their property off the McKenzie Highway. The adjoining landowners, and any other users, will continue to be served by this road if it is reduced in status from being a county road to a public road.

Conversion of county roads to "local access roads" (non-county maintained) by withdrawal of county road status pursuant ORS 368 may be considered where little need exists for the road to be part of the county road system. Conley Road is not maintained by the County, and does not provide a needed extension or improvement in the overall road network, therefore, there is little justification for retaining the road as a part of the County's maintained road system. Conley Road meets the guidelines for withdrawing County road status as stated in LM 15.410 (7)(c), "Roads that are undeveloped right-of-ways, are dirt roads, or are not currently maintained by County forces." The public interest will be served, as this portion of road is not an integral part of the County's road system and withdrawing county road status will eliminate the expenditure of county road funds to maintain it in the future.

Qwest Communications, Lane Electric Cooperative, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of Lane County Department of Public Works, and adjoining landowners were notified by mail regarding the proposed withdrawal of county road status. Three of the adjoining landowners replied to the referral stating their objections to the change of road status of Conley Road, requesting instead that Lane County begin providing regular road maintenance.

It is recommended that the Resolution be approved and a date be set for conducting a public hearing by the Board of County Commissioners.

A final report will be provided prior to the public hearing as required by ORS 368.026.

DATED this 8th day of January, 2003

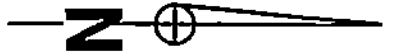

 Oliver P. Snowden, Public Works Director

ATTACHMENT "A"

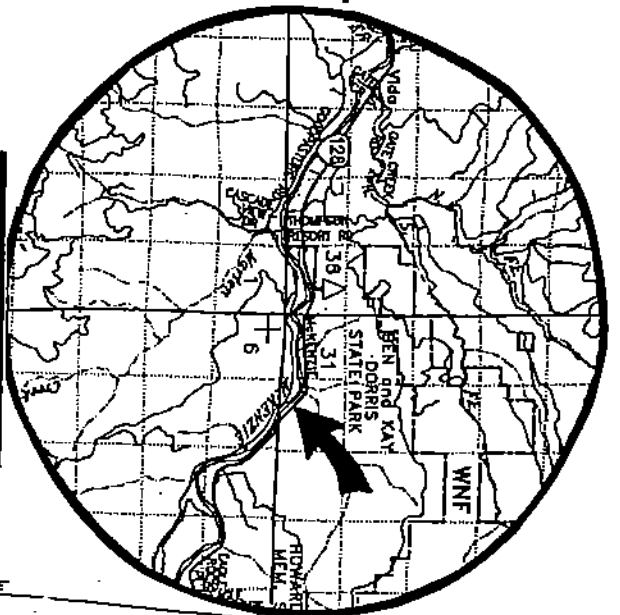
SW 1/4 Section 32 T. 16S. R. 3 E. W.M.

LANE COUNTY

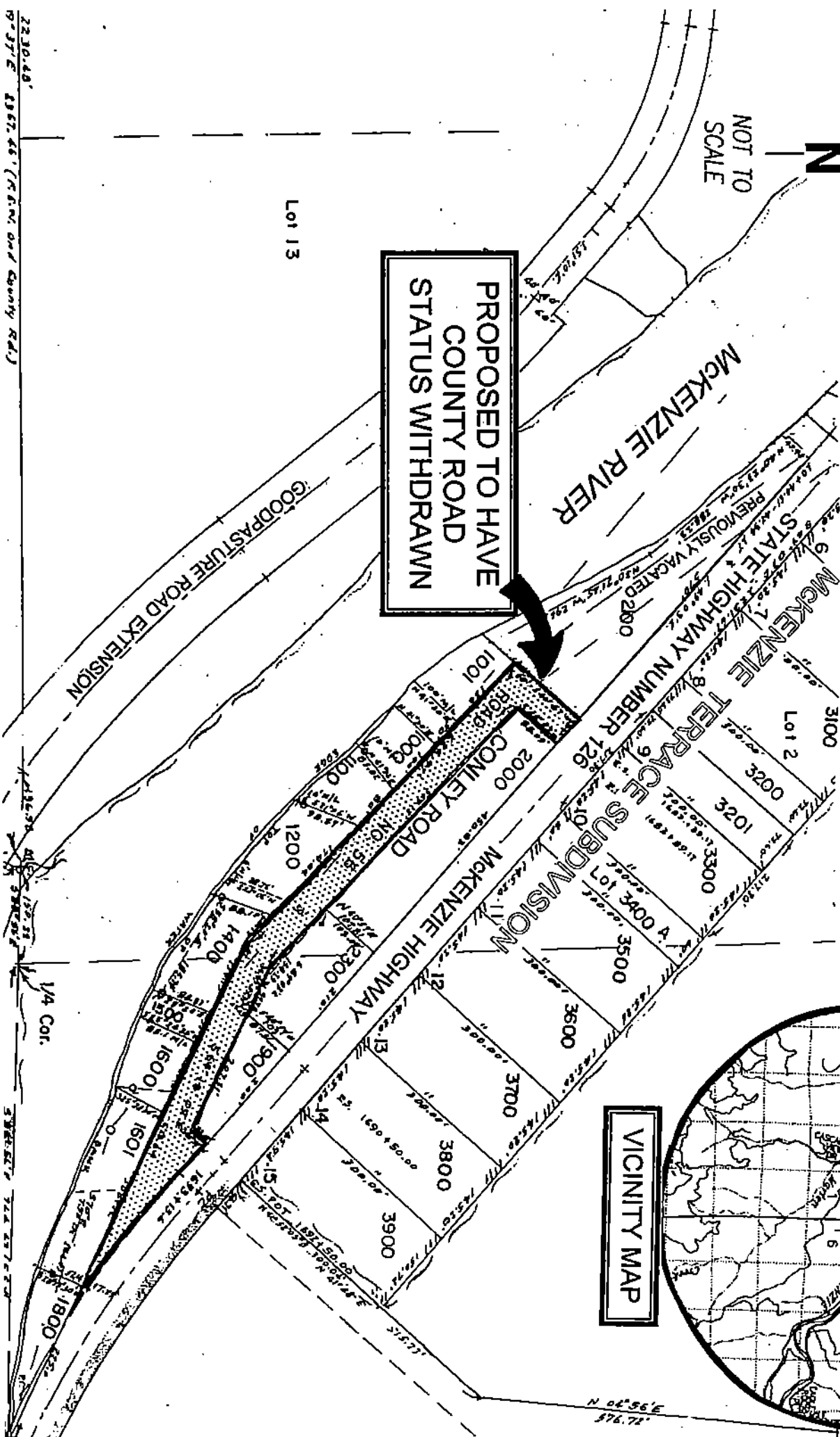
NOT TO SCALE



PROPOSED TO HAVE COUNTY ROAD STATUS WITHDRAWN



VICINITY MAP



2230-48' 19°37' E 1867.46' (Main and County Rd.)