

## AGENDA COVER MEMO

**DATE:** January 3, 2003

**TO:** Lane County Board of Commissioners

**FROM:** K. Robert Ezell, Lane County Surveyor *KR Ezell*

**DEPARTMENT:** Public Works - Land Management Division

**AGENDA ITEM TITLE:** 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)

### **I. MOTION:**

**TO APPROVE THE RESOLUTION, NOTICE OF HEARING AND ORDER SETTING AN AGENDA DATE OF MARCH 19, 2003, AT 1:30 P.M. TO CONSIDER THE MATTER OF INITIATING PROCEEDINGS TO WITHDRAW COUNTY ROAD STATUS (BUT NOT PUBLIC ROAD STATUS) FROM CONLEY ROAD (COUNTY ROAD NUMBER 56), SAID ROAD BEING APPROXIMATELY .25 MILES IN LENGTH, AND 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)**

### **II. ISSUE OR PROBLEM:**

To decide whether to initiate the proceedings which could lead to the withdrawal of county road status (but not the public road status) of Conley Road, if such withdrawal is found to be in the public interest.

### **III. DISCUSSION:**

#### **A. Background**

The Surveyor's Office of the Department of Public Works has received a request from the County Engineer to reduce the road status of Conley Road from county road to public road. The reason for the request is that this road is not maintained as a county road, and is not needed as part of the County Road System. Conley Road is a gravel, dead-end road and primarily serves the local residents.

Conley Road is located in the Southeast one-quarter of the Southwest one-quarter (SE ¼ SW ¼) and Southwest one-quarter of the Southeast one-quarter (SW ¼ SE ¼) of Section 32, Township 16 South, Range 3 East of the Willamette Meridian, approximately 5 miles east of Vida. It has been determined that Conley Road is a county road, being a segment of County Road Number 56, originally established in 1896 as John Brent Road. The jurisdiction of this road was later transferred to the State of Oregon and it became State Highway Number 126 (McKenzie Highway). During the period of 1926-1933, the State realigned and improved several portions 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. The western end of the road was vacated in 1963 and new right of way was conveyed to the County for a relocated connection of the new alignment of McKenzie Highway and Conley Road.

Qwest Communications, Lane Electric Cooperative, Northwest Natural Gas, and 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. The Surveyor's Office received three different letters from adjoining landowners who objected to the change of status of the road, and prefer instead that Lane County begin providing regular road maintenance. The other landowners and agencies either had no objections or did not respond to the referral.

#### **B. Analysis**

The County does not currently maintain Conley Road, and there has been some question as to whether this road is a county road or a local access road. After the realignment of the McKenzie Highway, the road was never formerly transferred back to the County, but based on past practices of jurisdiction of other segments of County Road Number 56, it is concluded that this portion also reverted back to county road status.

Conley Road is a dead-end road and is not used by the traveling public in general. There are eight existing residences along Conley Road and the primary use of the road is the landowners accessing their property. If the order to withdraw county road status is approved, Conley Lane will be reclassified as a public road (local access road) and the maintenance shall become the responsibility of the owners of the adjacent properties and/or the users of the road. The public interest will be served, as this road is not an integral part of the county road system and withdrawing county road status on this portion of road will eliminate the expenditure of public funds to maintain it in the future.

ORS 368.026 states that a governing body may initiate proceedings to withdraw county road status 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. The Director's Preliminary Report addresses these issues.

Conversion of County roads to "local access road" (non-county maintained) status 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 meets the guidelines for withdrawing county road status as outlined in LM 15.410 (7) (c), "Roads that are undeveloped right-of-ways, are dirt roads, or are not currently maintained by County forces." Conley Road is not currently

being maintained by the County and is seldom used by the traveling public, therefore, there is little justification for retaining the road as a part of the County's maintained road system.

The proceedings for withdrawal of county road status, which are proposed to withdraw county road status (but not the public road status), require a public hearing. The setting of a public hearing date of March 19, 2003, will allow the Board of Commissioners to hear and evaluate reasons for the proposal for withdrawal of county road status, and the effects the proposed withdrawal may have on landowners using the road. It will also provide an opportunity for any comments from the public, affected property owners and outside agencies.

### **C. Alternatives/Options**

1. Set the Agenda Hearing date as proposed by the Public Works Director to consider the withdrawal of county road status (but not the public road status) for Conley Road as described.
2. Set any later Agenda Hearing date as the Board may wish.
3. Refuse to set a date, either postponing the matter or refusing to initiate proceedings to withdraw the county road status of Conley Road.

### **D. Recommendation**

The Public Works Director reports that it is advisable to set a public hearing date at this time, thus commencing procedures to withdraw county road status, yet retain the public road status, from Conley Road. Public interest will be served by reducing the status of this road from county road to public road status, as the use of this road is primarily for the adjoining property owners and does not justify county maintenance or improvement of this section of roadway.

### **E. Timing**

Timing is not critical in this matter.

## **IV. IMPLEMENTATION/FOLLOW-UP:**

If the Board of County Commissioners approves the Resolution and Order setting a date for a public hearing for the proposed withdrawal of county road status (but not the public road status), it is to be forwarded to the Lane County Clerk for filing and recording, after which, copies are to be forwarded to the County Surveyor who will provide public notice of the proposed action. If the Board wishes to postpone the matter or terminate proceedings, an Order to Postpone or Terminate will be presented to the Board at a later regularly scheduled meeting.

## **V. ATTACHMENTS:**

Resolution, Notice of Hearing and Order w/ attachments:  
 Director's Preliminary Report – Exhibit "A"  
 Map – Attachment "A"

Contact Person: K. Robert Ezell, X-3626

**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.**

**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 there is little justification for retaining the road as part of the County maintained road system; 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 \_\_\_\_ day of \_\_\_\_\_, 2003

\_\_\_\_\_  
Chair, Lane County Board of Commissioners

Attachment: Map

**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 8<sup>th</sup> 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

MCKENZIE RIVER

GOODPASTURE ROAD EXTENSION

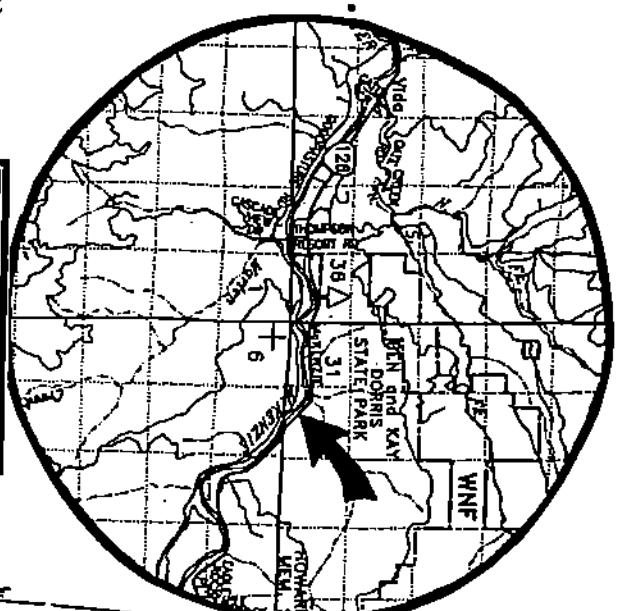
Lot 13

CONLEY ROAD

STATE HIGHWAY NUMBER 126

MCKENZIE SUBDIVISION

VICINITY MAP



22,30.48' 19,37.6' 19,57.48' (P.M. and County Rd.)

1/4 Cor.

N 04°56'E 576.71'