

W.9.E.2
ORIGINAL
03-10-15-10

AGENDA COVER MEMO

DATE: September 29, 2003

TO: LANE COUNTY BOARD OF COMMISSIONERS

FROM: Bill Robinson, Interim County Surveyor

DEPARTMENT: Public Works/Land Management Division

AGENDA TITLE: **IN THE MATTER OF SETTING A PUBLIC HEARING TO CONSIDER THE PROPOSED LEGALIZATION OF A PORTION OF HULBERT LAKE ROAD (COUNTY ROAD NO. 160), BEING LOCATED WITHIN SECTIONS 11, 13, AND 14, TOWNSHIP 15 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN. (15-05-11, 13, AND 14).**

I. MOTION: TO APPROVE THE RESOLUTION, NOTICE OF HEARING AND ORDER SETTING A DATE OF DECEMBER 10, 2003 AT 1:30P.M. AT THE LANE COUNTY COURTHOUSE, EUGENE, OREGON, FOR THE PURPOSE OF CONDUCTING A PUBLIC HEARING TO CONSIDER THE APPROVAL OF THE FINAL ORDER LEGALIZING A PORTION OF HULBERT LAKE ROAD.

II. ISSUE: To decide whether or not to approve the Resolution and Order to set a public hearing to consider the legalization of a portion of Hulbert Lake Road, as said road is constructed and traveled.

III. DISCUSSION:

A. Background:

Hulbert Lake Road, as it is commonly known, currently runs from Ferguson Road northerly approximately 2.39 miles to the Lane/Benton County Line in Sections 11, 13, 14, 23 and 24, Township 15 South, Range 5 West, of the Willamette Meridian. The road (referred to as the road from Benton County line due south of William Crow's to intersect the county road near J. B. Hayes) was originally laid out through road proceedings for County Road No. 160 in the Lane County Courts in 1855. Questions exist, however, as to the formal establishment and the exact location of the road as laid out in those proceedings.

The portion of the road proposed to be legalized begins at the Lane/Benton County Line and runs southerly approximately 1.94 miles to the beginning of County Road No. 270 (being 60 feet in width), originally established in 1871 as a change in the County Road, said beginning located at the Southeast Corner of Section 14, in said Township and

Range, approximately 0.45 miles north of Ferguson Road. This portion of road provides access to at least 12 parcels of land.

From County records, the road appears to have been in existence since the late 1800's and has been maintained by Lane County for more than 50 years. The 1936 Traffic Station Map for Lane County and the 1942 Oregon Quadrangle Map for this area appear to show the road in its present location. The road as now constructed and traveled has been surveyed and is included in the Capital Improvement Program for reconstruction in 2005.

B. Analysis:

That, pursuant to ORS 368.201 to 368.221, a county governing body may initiate proceedings to legalize a county road based upon the determination that, through conditions of omission or defect, doubt exists as to the legal establishment or evidence of establishment of a public road; or, if the location of the road cannot be accurately determined; or, if the road as traveled and used for 10 years or more does not conform to the location of a road described in the county records.

Hulbert Lake Road has been in existence and maintained by the County for more than 50 years. The location of the road cannot be determined by the existing records of said road and although there was no width for the road stated in the original petition or road proceedings, the standard width for roads during that period of time was 60 feet per Oregon Statutes. The legalization will provide for the vacation of the portions of County Road No. 160, which are not included within the limits of the road to be legalized as they pertain to this section of road.

In the legalization proceedings any person may file information that may controvert any matter presented as a part of these proceedings.

Pursuant to ORS 368.211, the county governing body may provide compensation to any person who has established a structure that encroaches into the road right of way subject to the legalization proceedings. There appear to be two structures within this proposed right of way that may be subject to this provision.

Planned improvements to Hulbert Lake Road, which include re-surveying, alignment design, mapping and road construction in conjunction with the Capital Improvement Program are scheduled for the summer of 2005. The initial phase of the project is to complete the legalization of the road in accordance with ORS Chapter 368. A centerline description of the new alignment including right of way width is attached to the Resolution, Notice of Hearing and Order as Exhibit "A".

A final survey of the centerline with monuments set to define the right of way lines of the project will be completed in accordance with ORS Chapter 368 if the road is legalized. The survey indicating the alignment and monumentation of the road will be filed for public record in the County Surveyor's Office and also placed in the County Road Records.

C. Alternatives/Options:

The Board of County Commissioners has the options to:

1. Approve the Resolution, Notice of Hearing and Order to set a Public Hearing to consider the legalization of Hulbert Lake Road as proposed.
2. Not approve the Resolution, Notice of Hearing and Order to set a Public Hearing to consider the legalization of Hulbert Lake Road.
3. Continue the matter for further consideration.

D. Recommendations:

It is recommended that the Board of Commissioners approve Option 1 to proceed with the legalization of Hulbert Lake Road by approving the Resolution and setting a date for a public hearing which will enable the consideration of the approval of a Final Order to legalize Hulbert Lake Road as proposed and supported by the Public Works Director.

E. Timing:

In order to proceed with the planned construction on Hulbert Lake Road, it is beneficial to approve the Resolution and Notice of Hearing at this time.

IV. IMPLEMENTATION/FOLLOW UP:

The County Surveyor will provide the Notice of Hearing as required by ORS 368.401 to 368.426 by service to owners of abutting land, posting and by publication.

V. ATTACHMENTS:

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

Contact person: Bill Robinson x4198

EXHIBIT- B

**IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON**

File No. 4104

IN THE MATTER OF SETTING A PUBLIC HEARING)	
TO CONSIDER THE PROPOSED LEGALIZATION OF A)	
PORTION OF HULBERT LAKE ROAD (COUNTY ROAD)	DIRECTOR'S
NO. 160), BEING LOCATED WITHIN SECTIONS 11, 13,)	PRELIMINARY
AND 14, TOWNSHIP 15 SOUTH, RANGE 5 WEST, OF)	REPORT
THE WILLAMETTE MERIDIAN. (15-05-11, 13, AND 14))	

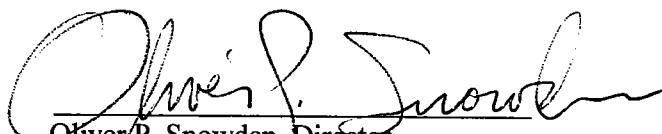
The Lane County Department of Public Works has resolved to legalize as a county road, a portion of County Road No. 160 (commonly known as Hulbert Lake Road) as now constructed and traveled. All legal criteria for proceeding with the legalization have been met.

Hulbert Lake Road, as it is commonly known, currently runs from Ferguson Road, northerly approximately 2.39 miles to the Lane/Benton County Line. It is located in Sections 11, 13, 14, 23 and 24, Township 15 South, Range 5 West, of the Willamette Meridian. The portion of the road proposed to be legalized runs from the Lane /Benton County Line, southerly, approximately 1.94 miles to the Southeast Corner of said Section 14 at the beginning of County Road No. 270. The Lane County Public Works Department has maintained this segment of road for more than 50 years and it has been open for public travel during this period of time. There are planned improvements associated with this project, which included re-surveying, alignment design, mapping and road construction in conjunction with the Capital Improvement Program for 2005.

It is recommended the Resolution be approved and that a date be set for conducting a public hearing by the Board of County Commissioners to consider the legalization of said portion of Hulbert Lake Road.

A complete report will be submitted prior to the time of the public hearing.

Dated this 2nd day of October, 2003.


 Oliver P. Snowden, Director
 Department of Public Works

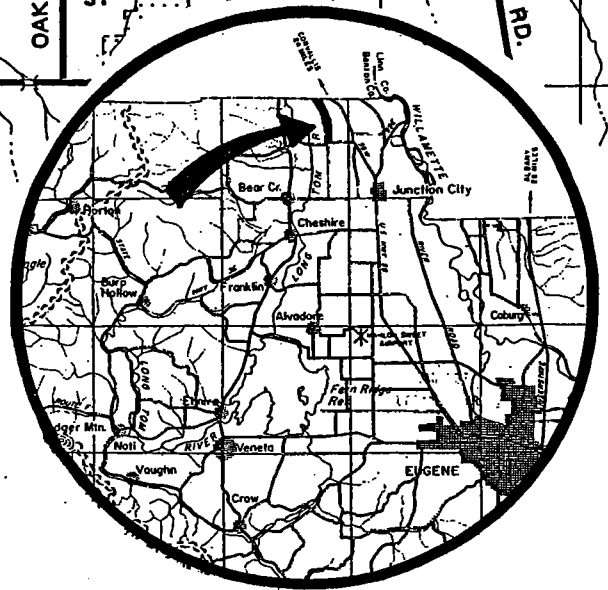
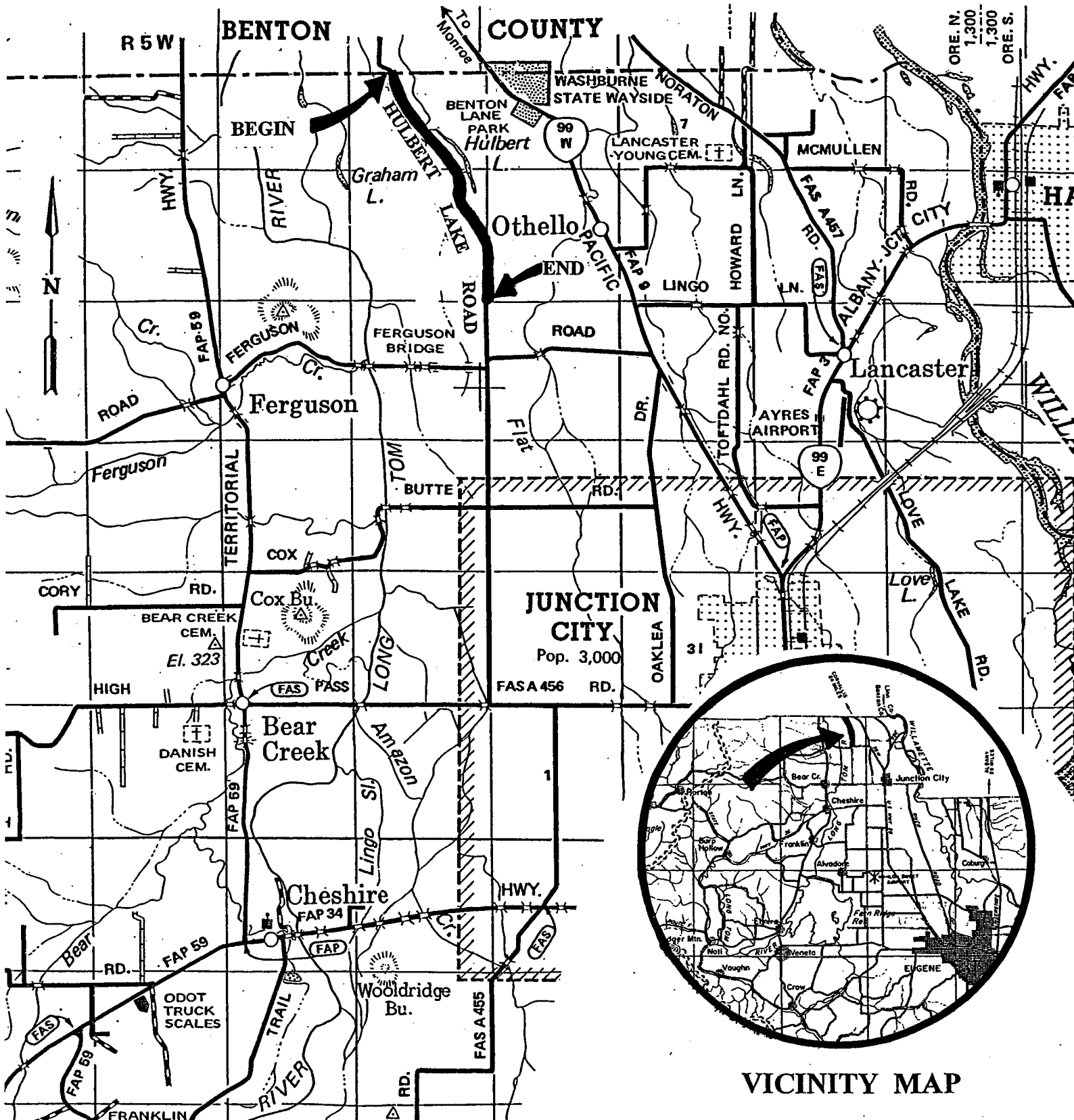
ATTACHMENT "A"

ORIGINAL

SECTIONS 11, 13 & 14, T 15 S, R 2 W, W. M.

LANE COUNTY

Scale: 1"= 1 mile



VICINITY MAP

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

File No. 4104

IN THE MATTER OF SETTING A PUBLIC HEARING)
 TO CONSIDER THE PROPOSED LEGALIZATION OF A) RESOLUTION,
 PORTION OF HULBERT LAKE ROAD (COUNTY ROAD) NOTICE OF HEARING,
 NO. 160), BEING LOCATED WITHIN SECTIONS 11, 13,) AND ORDER NO.
 AND 14, TOWNSHIP 15 SOUTH, RANGE 5 WEST, OF THE)
 WILLAMETTE MERIDIAN. (15-05-11, 13, AND 14))

THIS MATTER now coming before the Board of County Commissioners for Lane County, Oregon and the Board having duly determined to institute proceedings to legalize a portion of a road (now commonly known as Hulbert Lake Road) from the Lane/Benton County Line, southerly approximately 1.94 miles to the Southeast Corner of Section 14, and being located within Sections 11, 13, and 14, Township 15 South, Range 5 West of the Willamette Meridian; and

WHEREAS, Hulbert Lake Road as described above has been in existence since it was originally laid out in road proceedings for County Road No. 160 in 1855, although questions exist as to the formal establishment and alignment of the road at that time; and

WHEREAS, ORS 368.201 provides for the legalization of county roads, if through omission or defect, doubt exists as to the legal establishment or evidence of establishment of a public road, and in the event that the location of the road cannot be accurately determined due to numerous alterations of the road, defective survey of the road, and/or if the road as traveled and used for ten years or more does not conform to the location of the road described in the County road records; and

WHEREAS, Hulbert Lake Road has been maintained by the Lane County Public Works Department, traveled and used by the public for more than 50 years; and

WHEREAS, Hulbert Lake Road, as now constructed and traveled, has been re-surveyed by the Lane County Public Works Engineering Section; and

WHEREAS, legalization of this portion of Hulbert Lake Road will provide for the vacation of those portions of County Road No. 160 which are not included within the limits of the road to be legalized, as they pertain to this section of road; and

WHEREAS, the Public Works Director has prepared a preliminary report marked Exhibit "B" in conformance with ORS 368.206, and is attached hereto, and made a part hereof by this Order; now therefore it is hereby

RESOLVED AND ORDERED that pursuant to ORS Chapter 368.201 to ORS 368.221, the Board of County Commissioners for Lane County does hereby declare its intent to legalize the said road as described in Exhibit "A" attached hereto and made a part hereof by these proceedings; and, it is further

ORDERED that the Director of Public Works cause the road to be surveyed, within the limits of these described proceedings, and that maps and a legal description of the road be made available to the public and that a report, including the survey and other pertinent information be provided to the Board of County Commissioners; and, it is further

ORDERED, that a public hearing on legalization of Hulbert Lake Road be conducted by the Board of County Commissioners on December 10, 2003, at 1:30 P.M, at the Lane County Courthouse, Eugene, Oregon. Notice of this hearing shall be provided by the County Surveyor's Office, Department of Public Works, in accordance with ORS 368.401-426. Purpose of the hearing shall be to hear and determine whether the subject road shall be legalized as a lawful County road having a right of way 60 feet in width. Objections, claims for damages and/or information that controvert any matter presented to the Board of County Commissioners must be filed or presented to said Board of County Commissioners on or before the close of the hearing to legalize this road.

Persons wishing further information regarding the proposed legalization of Hulbert Lake Road may contact the Interim Lane County Surveyor, Bill Robinson, at (541) 682-4198 or by writing the Lane County Surveyor's Office at 125 E. 8th Avenue; Eugene, OR 97401.

DATED this _____ day of _____, 2003.

Peter Sorenson, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 10-7-03 lane county

OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

HULBERT LAKE ROAD CENTERLINE DESCRIPTION

A parcel of land lying in Sections 11, 13, and 14, Township 15 South, Range 5 West of the Willamette Meridian, Lane County, Oregon, said parcel being a strip of land 60.00 feet in width lying 30 feet on each side of the centerline of a road commonly known as Hulbert Lake Road as said road has been surveyed by Lane County in 2003, said centerline being described as follows:

Beginning at Engineers' Centerline Station 2+03.25 POT, said beginning point being on the line between Benton County and Lane County and being located 1474.30 feet South and 975.92 feet West of the Brass Cap marking the North ¼ Corner of Section 11, Township 15 South, Range 5 West of the Willamette Meridian, in Benton County, Oregon; run thence South 20° 56' 45" East, 649.82 feet; thence along a 954.93 foot radius curve left (the long chord of which bears South 25° 12' 52" East, 142.16 feet) a distance of 142.29 feet; thence South 29° 29' 00" East, 1260.19 feet; thence along the arc of a 5729.58 foot radius curve right (the long chord of which bears South 28° 48' 30" East, 135.00 feet) a distance of 135.00 feet; thence South 28° 08' 00" East, 336.04 feet; thence along the arc of a 440.74 foot radius curve left (the long chord of which bears South 43° 23' 30" East 231.98 feet) a distance of 234.74 feet; thence South 58° 39' 00" East, 95.83 feet; thence along the arc of a 572.96 foot radius curve right (the long chord of which bears South 49° 42' 00" East, 178.27 feet) a distance of 179.00 feet; thence South 40° 45' 00" East, 85.26 feet; thence along the arc of a 1432.39 foot radius curve right (the long chord of which bears South 38° 26' 30" East, 115.39 feet) a distance of 115.42 feet; thence South 36° 08' 00" East, 206.28 feet; thence along the arc of a 954.93 foot radius curve left (the long chord of which bears South 41° 48' 00" East, 188.58 feet) a distance of 188.89 feet; thence South 47° 28' 00" East 112.45 feet; thence along the arc of a 2864.79 foot radius curve right (the long chord of which bears South 45° 58' 30" East, 149.15 feet) a distance of 149.17 feet; thence South 44° 29' 00" East, 70.72 feet; thence along the arc of an 1145.92 foot radius curve right (the long chord of which bears South 36° 55' 00" East, 301.79 feet) a distance of 302.67 feet; thence South 29° 21' 00" East, 298.69 feet; thence along the arc of a 440.74 foot radius curve right (the long chord of which bears South 22° 51' 00" East, 99.79 feet) a distance of 100.00 feet; thence South 16° 21' 00" East, 466.94 feet; thence along the arc of a 1432.39 foot radius curve right (the long chord of which bears South 11° 55' 30" East, 221.03 feet) a distance of 221.25 feet; thence South 7° 30' 00" East, 26.77 feet; thence along the arc of a 318.31 foot radius curve right (the long chord of which bears South 12° 20' 00" West, 216.00 feet) a distance of 220.37 feet; thence South 32° 10' 00" West, 112.22 feet; along the arc of a 150.78 foot radius curve left (the long chord of which bears South 4° 11' 30" West, 141.46 feet) a distance of 147.24 feet; thence South 23° 47' 00" East, 424.48 feet; thence along the arc of a 409.26 foot radius curve left (the long chord of which bears South 34° 54' 00" East, 157.82 feet) a distance of 158.81 feet; thence South 46° 01' 00" East, 233.89 feet; thence along the arc of a 204.63 foot radius curve right (the long chord of which bears South 30° 15' 30" East, 111.15 feet) a distance of 112.56 feet; thence, South 14° 30' 00" East, 888.37 feet; thence along the arc of an 1145.92 foot radius curve right (the long chord of which bears South 6° 15' 00" East, 328.86 feet) a distance of 330.00 feet; thence South 2° 00' 00" West, 343.99 feet; thence along the arc of a 2864.79 foot radius curve left (the long chord of which bears South 0° 02' 30" East, 204.12 feet) a distance of 204.17 feet; thence South 2° 05' 00" East, 262.47 feet; thence along the arc of a 1909.86 foot radius curve right (the long chord of which bears

South 0° 15' 00" East, 122.20 feet) a distance of 122.22 feet; thence South 1° 35' 00" West, 1281.47 feet to Centerline Station 104+22.93 P.I. at the Brass Cap marking the Southeast Corner of Section 14, Township 15 South, Range 5 West of the Willamette Meridian and there ending, all in Lane County, Oregon.

The easterly and westerly right of way lines to extend to intersect the Lane Benton county line and the South line of Section 13 and 14, said Township and Range.

The bearings used herein are based on a bearing of South 19°44'45"East, between LCCM 380 and LCCM 382, set by the Lane County Surveyor's Office, said bearing based on the Oregon Coordinate System (NAD 83), South Zone.