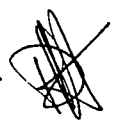


Memorandum Date: November 21, 2007
Order Date: December 12, 2007

TO: Board of County Commissioners

DEPARTMENT: Public Works/Land Management

PRESENTED BY: D. Michael Jackson, Lane County Surveyor 

AGENDA ITEM TITLE: IN THE MATTER OF THE ALTERATION OF A SEGMENT OF DUNNING ROAD (COUNTY ROAD NO. 1076), (21-35-22)

I. MOTION

To approve an Order Altering a segment of Dunning Road (County Road No. 1076) (21-35-22)

II. AGENDA ITEM SUMMARY

Right of way acquisition and safety improvements associated with the realignment and construction have been completed on a segment of Dunning Road (County Road No. 1076) (21-35-22). It is now necessary for the Board of Commissioners to decide whether the completed road project and its alignment should be legally altered.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Dunning Road was established as a 50 foot wide County Road by the County Commissioner's Court on May 8, 1931. The road begins on Fish Hatchery Road and runs easterly for approximately 1.7 miles. Minor safety improvements were determined to be needed by the County Engineer at the railroad intersection to bring the road closer to County standards. The project was approved for funding through the adoption of the FY 94/95 through FY 98/99 Capital Improvement Program by Order No. 94-5-11-10.

The Order allowed for the acquisition of right-of-way for Dunning Road in the area of its intersection with the railroad. Lane County has acquired and accepted fee title and other interests through deeds recorded in Lane County Deeds and Records in accordance with ORS Chapter 93.808 and LM 21.400(3) and a Record of Survey was filed with the Lane County Surveyors Office as County Survey File No. 32714.

The Surveyor's Office has received a request from the Right of Way Management program of the Department of Public Works to alter a segment of Dunning Road (County Road Number 1076) and to accept the alignment including acquisitions of property made as a part of this project, as county road right of way.

B. Policy Issues

The acquisition of right of way and safety improvements for Dunning Road (County Road No. 1076) was approved through the adoption of the Capital Improvement Program FY 94/95– FY 98/99 by Order No. 94-5-11-10. This project appears to be consistent with Oregon Revised Statute 368, which allows for the acquisition of property, and Lane Code Chapter 15, which provides for improvement, development or redevelopment of County Roads in accordance with the Comprehensive Plan.

C. Board Goals**GOALS****Lane County's Goals**

Lane County Government exists to ensure the safety and well being of the people who live, work and visit our communities. That includes personal safety, security of property, preservation of infrastructure, health safety, and assisting in providing for our citizens' basic needs. One such goal is to protect the public's assets by maintaining, replacing or upgrading the County's investments in systems and capital infrastructure. (GOALS, LANE COUNTY STRATEGIC PLAN 2001-2005, Page 13)

D. Financial and/or Resource Considerations

The acquisition of property and the safety improvements associated with the realignment and construction of a segment of Dunning Road (County Road No. 1076) have been completed. Therefore, no substantial costs will be incurred as a result of completing the legal alteration of the roads.

E. Analysis

The Public Works Director's Report, attached to the Order as Exhibit "B", notes that the alteration and safety improvements of a segment of Dunning Road (County Road No. 1076) have been completed and the road is open for public travel. The final phase of the project is to complete the legal alteration of this road in accordance with ORS Chapter 368. The Order of Alteration accomplishes that action, including the acceptance of land acquired for right of way as a part of this project. The centerline description of the new alignment, including right of way widths is marked Exhibit "A" and attached to the Final Order and is depicted in County Survey No. 32714. The survey includes road centerline and right of way monumentation in compliance with ORS Chapters 209.250 and 368.106.

F. Alternatives/Options

The Board of County Commissioners has the options to:

1. Approve the Order of Alteration for Dunning Road (County Road No 1076).
2. Have staff review and alter any component of the Order of Alteration of said segment of Dunning Road, or
3. Continue the matter for further consideration.

IV. TIMING/IMPLEMENTATION

Timing is important, as ORS 368.106 requires that the Order of Alteration and deeds or other documents establishing an interest in real property for public road purposes be recorded.

V. RECOMMENDATION

It is recommended that the Board of Commissioners approve Option 1. This will approve the Order of Alteration of this segment of Dunning Road, as proposed and supported by the Public Works Director.

VI. FOLLOW-UP

Upon approval by the Board of County Commissioners, the Order of Alteration and related attachments will be filed with the County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration and into the County Road Files administered by the Lane County Department of Public Works and the Lane County Surveyor; and said Order will operate to alter a segment of Dunning Road, and will accept it as County Road Number 1076.

VII. ATTACHMENTS

Order w/ attachments:

Legal Description - Exhibit "A"

Director's Report - Exhibit "B"

Vicinity Map - Attachment "A"

Contact Person: D. Michael Jackson, extension 4198

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

File No. 4156

IN THE MATTER OF THE ALTERATION OF A SEGMENT OF DUNNING ROAD (COUNTY ROAD NO. 1076) (21-35-22))))	ORDER OF ALTERATION
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THIS MATTER now coming before the Board of County Commissioners for Lane County, Oregon, and the Board through adoption of the Capital Improvement Program for the Department of Public Works has determined that it was necessary to alter and make safety improvements along a segment of Dunning Road (County Road No.1076). The segment of right of way is located in the area of its intersection with the Southern Pacific Railroad; and

WHEREAS, The acquisition of right of way and safety improvements for Dunning Road (County Road No. 1076) were authorized through the adoption of the Capital Improvement Program FY 94/95 – FY 98/99 by Order No. 94-5-11-10; and

WHEREAS, the Department of Public Works has completed the final road design and has acquired and accepted all necessary right of way on and over which the project has been laid out in accordance with ORS Chapter 93.808 and LM 21.400(3); and

WHEREAS, the Public Works Department has completed the construction of the Dunning Road project, in accordance with the plans and specifications prepared and administered by the Public Works Director; and

WHEREAS, it has been determined necessary to legally alter this segment of Dunning Road, and accept the alignment including acquisitions of property made as a part of this project, as county road right of way; and

WHEREAS, the Department of Public Works has filed road survey numbered County Survey File 32714 with the County Surveyor for public record all in compliance with ORS 209.250 and 368.106; and

WHEREAS, the Board of County Commissioners is satisfied that necessary road construction and improvements have been completed and will be of public utility and benefit; now therefore, it is hereby

ORDERED that the deeds specified herein, presented to the said Board of County Commissioners through purchase, donation, or agreement, as herein set forth below, on the dates set after the names of the Grantors, and before the recording information in the Lane County Deed Records, are hereby accepted as County road right of way:

<u>GRANTOR'S</u>	<u>RECORDING DATE</u>	<u>LANE COUNTY DEED RECORDS</u>	<u>LANE COUNTY TAX LOT NUMBER</u>
Bald Knob Land and Timber Company	7/21/1994	1975R/9453956	21-35-22-.20 100
Southern Pacific Railroad Transportation Company	11/29/1994	2016R/9482665	21-35-22

and, it is further

ORDERED, that the segment of said county road referred to above and commonly known as Dunning Road be hereby altered as described in the legal description attached hereto, made a part hereof and marked Exhibit "A" by this Order; and it is further

ORDERED, that in support of this action, the said Board of County Commissioners does hereby adopt the report of the Director of Public Works as set forth in Exhibit "B", which is attached hereto, and made a part hereof, by this Order; and it is further

ORDERED, that this Order be filed with the County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration and into the County Road Files administered by the Lane County Department of Public Works and the Lane County Surveyor; and that said Order be, and is hereby final and does operate to alter said segment of Dunning Road, and to accept it as County Road Number 1076.

DATED this _____ day of _____, 2007.

Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 11-30-07 lane county

OFFICE OF LEGAL COUNSEL

DUNNING ROAD**CENTERLINE DESCRIPTION**

A strip of land variable feet in width lying on the each side of the centerline of Dunning Road in Section 22, Township 21 South, Range 3 East of the Willamette Meridian, Lane County, Oregon, as surveyed by Lane County in 1993; the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station L 9+00.00 POT Bk = L² 9+00.00 POT Ah, said station being 620.35 feet South and 2,258.96 feet West of the Brass Cap marking the Northeast Corner of Section 22, Township 21 South, Range 3 East of the Willamette Meridian, Lane County, Oregon; run thence South 33° 38' 00" East 1.26 feet; thence along a 572.96 foot radius curve right (the long chord of which bears South 12° 11' 37" East, 418.86 feet) a distance of 428.79 feet; thence South 9° 14' 46" West, 256.37 feet; thence along a 187.86 foot radius curve left (the long chord of which bears South 32° 52' 14" East, 251.97 feet) a distance of 276.18 feet; thence South 74° 59' 14" East, 143.22 feet; thence along a 572.96 foot radius curve left (the long chord of which bears South 83° 21' 07" East, 166.70 feet) a distance of 167.29 feet to Engineers' Centerline Station L² 21+73.12 PT Bk = L 21+75.97 POT Ah and there ending, all in Lane County, Oregon.

The widths in feet of the strip of land herein conveyed to Lane County are as follows:

<u>STATION TO STATION</u>		<u>WIDTH ON WEST'LY SIDE OF C/LINE</u>	<u>WIDTH ON EAST'LY SIDE OF C/LINE</u>
L 9+00.00 POT Bk=L ² 9+00.00 POT Ah	L ² 13+30.06 PT	25 ft	25 ft
L ² 13+30.06 PT	L ² 13+30.06 PT		25 ft tapering on a straight line 35.18 ft to the SPRR right of way
L ² 13+30.06 PT	L ² 15+86.43 PC	25 ft tapering on a straight line to 35 ft	35.18 ft tapering on a straight line along the SPRR right of way to 52.92 ft

<u>STATION TO STATION</u>		<u>WIDTH ON WEST'LY SIDE OF C/LINE</u>	<u>WIDTH ON EAST'LY SIDE OF C/LINE</u>
L ² 15+86.43 PC	L ² 16+75.00 POC	35 ft	52.92 ft tapering on a straight line along the SPRR right of way to 39.51 ft
L ² 16+75.00 POC	L ² 17+50.00 POC	35 ft	39.51 ft tapering on a straight line to 35 ft
L ² 17+50.00 POC	L ² 18+38.19 POC	35 ft	
L ² 18+38.19 POC	L ² 18+46.08 POC	35 ft tapering on a straight line to 75 ft	
L ² 18+46.08 POC	L ² 18+62.61 PT	75 ft tapering on a straight line to 74.56 ft	
L ² 18+62.61 PT	L ² 18+80.00 POT	74.56 ft tapering on a straight line to 75 ft	
L ² 18+80.00 POT	L ² 18+80.00 POT	75 ft tapering on a straight line to 35 ft	
L ² 18+80.00 POT	L ² 20+75.00 POC	35 ft	
L ² 20+75.00 POC	L ² 21+73.12 PT Bk=L 21+75.97 POT Ah	35 ft tapering on a straight line to 25 ft.	
L ² 17+50.00 POC	L ² 18+62.61 PT		35 ft tapering on a straight line to 65 ft
L ² 18+62.61 PT	L ² 20+05.83 PC		65 ft tapering on a straight line to 45 ft

<u>STATION TO STATION</u>		<u>WIDTH ON WEST'LY SIDE OF C/LINE</u>	<u>WIDTH ON EAST'LY SIDE OF C/LINE</u>
L ² 20+05.83 PC	L ² 20+60.00 POC		45 ft tapering on a straight line to 25 ft
L ² 20+60.00 POC	L ² 21+73.12 PT Bk=L 21+75.97 POT Ah		25 ft.

The bearings used herein are based upon a bearing of North 6° 57' 00" East along the railroad centerline at the crossing with County Road Number 1076, as called in the original field notes for J. E. Roberts Road, Lane County Master Road File.

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

File No. 4156

IN THE MATTER OF THE ALTERATION)	DIRECTOR'S
OF A SEGMENT OF DUNNING ROAD)	REPORT
(COUNTY ROAD NO. 1076) (21-35-22))	

Dunning Road was established as a 50 foot wide County Road by the County Commissioner's Court on May 8, 1931. The road begins on Fish Hatchery Road and runs easterly for approximately 1.7 miles. Minor safety improvements were determined to be needed by the County Engineer at the railroad intersection to bring the road closer to County standards. The project was approved for funding through the adoption of the FY 94/95 through FY 98/99 Capital Improvement Program by Order No. 94-5-11-10.

This project appears to be consistent with Oregon Revised Statute 368, which allows for the acquisition of property, and Lane Code Chapter 15, which provides for improvement, development or redevelopment of County Roads in accordance with the Comprehensive Plan.


The Dunning Road Safety Improvement Project construction plans were prepared and all necessary surveying, alignment design and mapping, additional right of way acquisition, and acceptance thereof, and reconstruction have been completed. All construction of this segment of road was completed in accordance with plans and specifications administered by the Department of Public Works and the road is now open for public travel.

An Order of Alteration to legally alter this segment of Dunning Road has been prepared. The Order provides for acceptance of parcels of land and portions thereof acquired as right of way in conjunction with this project. The legal description of the new alignment including right of way widths is marked Exhibit "A" and attached to the Final Order.

The Lane County Public Works Department has filed a map with the County Surveyor, which includes road centerline and right of way monumentation in compliance with ORS Chapters 209.250 and 368.106.

The public interest will be served by the alteration of this road. It is therefore recommended that the Order of Alteration and related attachments be approved and that it be filed with the County Clerk and entered in the Board of Commissioners Journal of Administration. The Order of Alteration and the road surveys will then be entered into the legal County Road Files administered by the Department of Public Works and the County Surveyor for public record.

DATED this 29th day of November, 2007.


Oliver P. Snowden, Director
Department of Public Works

ATTACHMENT "A"

IN THE MATTER OF THE
ALTERATION OF A SEGMENT OF
DUNNING ROAD (COUNTY ROAD NO. 1076)
(21-35-22)

