


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 TWO SEGMENTS OF DEADWOOD CREEK ROAD (COUNTY ROAD NO. 44 AND 720), (16-08-18 & 16-08-19)

I. MOTION

To approve an Order Altering two segments of Deadwood Creek Road (County Road No. 44 and 720) (16-08-18 & 16-08-19)

II. AGENDA ITEM SUMMARY

Right of way acquisition and improvements associated with the alignment and construction of the road has been completed on two segments of Deadwood Creek Road (County Road No. 44 and 720) (16-08-18 & 16-08-19). 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

Deadwood Creek Road is the amalgamation of two 40 foot wide County Roads established by the County Commissioner's Court in 1896 and 1912 to provide better travel. It is an approximately 11.5 mile long rural minor collector beginning at Highway 36 and running northerly along Deadwood Creek. Construction projects were determined to be needed at two slide areas located near MP 7.2 and MP 8.4. The project was approved for funding through the adoption of the FY 92/93 through FY 96/97 Capital Improvement Program by Order No. 92-4-28-10.

The Order allowed for the acquisition of right-of-way which was used to make identified improvements on two areas along Deadwood Creek Road. Lane County acquired and accepted fee title through deeds recorded in Lane County Deeds and Records in accordance with ORS 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.'s 32188 and 32766-32767. After the surveys were filed, an additional tract was acquired to cover more slide area.

The Surveyor's Office has received a request from the Right of Way Management program of the Department of Public Works to accept deeds for land and alter these segments of Deadwood Creek Road (County Road Number 44 and 720).

B. Policy Issues

The acquisition of right of way and improvements for Deadwood Creek Road (County Road No. 44 and 720) were authorized through the adoption of the Capital Improvement Program FY 92/97 – FY 96/97, Order No. 92-4-28-10. This project appears to be consistent with Oregon Revised Statute 368, which allows for the acquisition of property for roads, 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 alignment and construction of segments of Deadwood Creek Road (County Road No. 44 and 720) have been completed. The final phase for this project is to legally alter the road. As a result, the costs associated with the completion of this process are minimal.

E. Analysis

The Public Works Director's Report, attached to the Order as Exhibit "B", notes that the alteration and improvements of the two segments of Deadwood Creek Road (County Road No. 44 and 720) 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 is attached to the Order of Alteration and is marked Exhibit "A."

The Lane County Public Works Department has filed County Survey File No's 32188 and 32766-32767 with the County Surveyor, which 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 Deadwood Creek Road (County Road No 44 and 720) as presented in the centerline description of the alignment attached to the Order of Alteration and marked Exhibit "A."
2. Have staff review and alter any component of the Order of Alteration of said segments of Deadwood Creek Road, or
3. Continue the motion 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 these segments of Deadwood Creek 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 forwarded to the County Clerk for filing and entering into the Board of Commissioners' Journal of Administration. The Order of Alteration and the road survey will be entered into the County Road Files administered by the Department of Public Works and the County Surveyor for public record.

VII. ATTACHMENTS

Order with attachments:

- Exhibit "A" – Centerline Description
- Exhibit "B" – Director's Report
- Attachment "A" - Vicinity Map

Contact Person: D. Michael Jackson, extension 4198

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

File No. 4155

IN THE MATTER OF THE ALTERATION OF TWO) SEGMENTS OF DEADWOOD CREEK ROAD) (COUNTY ROAD NO. 44 AND 720) (16-08-18 & 16-08-19))	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 improvement along two segments of Deadwood Creek Road (County Road No.44 and 720). The segments of right of way are located near MP 7.2 and MP 8.4; and

WHEREAS, the acquisition of right of way and improvements along two segments of Deadwood Creek Road (County Road No.44 and 720) was identified as being needed at two slide area locations and was authorized through the adoption of the Capital Improvement Program FY 92/97 – FY 96/97 by Order No. 92-4-28-10; and

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

WHEREAS, the Public Works Department has completed the construction of the Deadwood Creek 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 these segments of Deadwood Creek Road, and accept the alignments including the acquisitions made as a part of this project, as county road right of way; and

WHEREAS, the Department of Public Works has filed two road surveys numbered County Survey File No. 32188 and 32766-32767 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>
Clinton E. Helvey and Carol Schlanger	11/05/1993	1893R/9371589	16-08-18 200
Marilyn Gayle Black-Carr	4/27/1994	1945R/9431241	16-08-18 101
Rock Creek Canyon, Inc.	4/27/1994	1945R/9431242	16-08-18 101
Alpha Farm Cooperative, Inc	10/28/1996	2230R/9672595	16-08-19 200
Alpha Farm Cooperative, Inc.	6/29/1993	1858R/9339607	16-08-19 200

and, it is further

ORDERED, that the two segments of said county road referred to above and commonly known as Deadwood Creek Road be hereby altered as described in the legal descriptions 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 Deadwood Creek Road, and to accept it as County Road Number 44 and 720.

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

DEADWOOD CREEK ROAD**CENTERLINE DESCRIPTION**

A strip of land variable feet in width lying on each side of the centerline of Deadwood Creek Road in Section 18 and 19, Township 16 South, Range 8 West 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 90+63.36 PC BK = L4 90+63.36 PC AH, said station being 3,626.62 feet South and 475.90 feet East of a Brass Cap marking the North Quarter Corner of Section 19, Township 16 South, Range 8 West of the Willamette Meridian, Lane County, Oregon; run thence along a 243.81 foot radius curve left (the long chord of which bears North 33° 19' 37" East, 418.04 feet) a distance of 502.25 feet; thence North 25° 41' 15" West, 61.05 feet; thence along a 409.26 foot radius curve right (the long chord of which bears North 15° 11' 39" West, 149.07 feet) a distance of 149.90 feet; thence North 4° 42' 04" West, 87.50 feet; thence along a 716.20 foot radius curve left (the long chord of which bears North 7° 43' 46" West, 75.68 feet) a distance of 75.71 feet, thence North 10° 45' 29" West, 104.07 feet; thence along a 716.20 foot radius curve right (the long chord of which bears North 5° 18' 30" West, 136.04 feet) a distance of 136.24 feet; thence North 0° 08' 29" East, 90.74 feet; thence along a 409.26 foot radius curve left (the long chord of which bears North 7° 01' 49" West, 102.19 feet) a distance of 102.45 feet; thence North 14° 12' 08" West, 11.80 feet to Engineer's Centerline Station L4 103+85.09 PC BK = L 103+83.58 PC AH; thence along a 1,145.92 foot radius curve right (the long chord of which bears North 9° 18' 14" West, 195.69 feet) a distance of 195.93 feet to Engineers' Centerline Station L 105+79.51 PT.

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>
L4 92+00.00 POC	L4 92+50.00 POC	20 ft tapering on a straight line to 30 ft	
L4 92+50.00 POC	L4 93+50.00 POC	30 ft tapering on a straight line to 50 ft	
L4 93+50.00 POC	L4 94+50.00 POC	50 ft tapering on a straight line to 65 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>
L4 94+50.00 POC	L4 95+00.00 POC	65 ft tapering on a straight line to 80 ft	
L4 95+00.00 POC	L4 95+65.61 PT	80 ft tapering on a straight line to 80 ft	
L4 95+46.04 POC	L4 95+65.61 PT		20 ft tapering on a straight line to 20.85 ft
L4 95+65.61 PT	L4 96+26.66 PC	80 ft tapering on a straight line to 65 ft	20.85 ft tapering on a straight line to 30 ft
L4 96+26.66 PC	L4 99+00.00 POC	65 ft	30 ft
L4 99+00.00 POC	L4 99+39.78 PT	65 ft tapering on a straight line to 50 ft	30 ft
L4 99+39.78 PT	L4 102+70.83 PC	50 ft	30 ft
L4 102+70.83 PC	L4 103+73.29 PT	50 ft	30 ft tapering on a straight line to 20 ft
L4 103+73.29 PT	L4 103+85.09 PC Bk=L 103+83.58 PC Ah	50 ft	20 ft
L4 103+85.09 PC Bk=L 103+83.58 PC Ah	L 104+50.00 POC	50 ft tapering on a straight line to 20 ft	20 ft
L 104+50.00 POC	L ² 105+79.51 PT	20 ft.	20 ft.

Also: Beginning at Engineers' Centerline Station L 160+34.19 PC Bk = L² 160+34.19 POT Ah, said station being 2,628.74 feet North and 689.94 feet East of a Brass Cap marking the South Quarter Corner of Section 18, Township 16 South, Range 8 West of the Willamette Meridian, Lane County, Oregon; run thence North 6° 24' 01" West, 13.38 feet; thence along a 1,145.92 foot radius curve left (the long chord of which bears North 8° 22' 06" West, 78.71 feet) a distance of 78.73 feet; thence North 10° 20' 12" West, 92.75 feet; thence along a 409.26 foot radius curve left (the long chord of which bears North 14° 00' 59" West, 52.53 feet) a distance of 52.57 feet; thence North 17° 41' 46" West, 75.58 feet; thence along a 260.44 foot radius curve right (the long chord of which bears North 11° 33' 11" West, 55.74 feet) a distance of 55.85 feet; thence North 5° 24' 36" West, 61.93 feet; thence along a 358.10 foot radius curve left (the long chord of which bears North 16° 18' 02" West, 135.31 feet) a distance of 136.13 feet; thence North 27° 11' 28" West, 128.56 feet; thence along a 572.96 foot radius curve right (the long chord of which bears North 23° 50' 57" West, 66.81 feet) a distance of 66.84 feet; thence North 20° 30' 25" West, 368.52 feet; thence along a 572.96 foot radius curve left (the long chord of which bears North 38° 23' 52" West, 352.03 feet) a distance of 357.82 feet; thence North 56° 17' 19" West, 219.78 feet; thence along a 358.10 foot radius curve left (the long chord of which bears North 67° 27' 02" West, 138.64 feet) a distance of 139.52 feet; thence North 78° 36' 44" West, 77.65 feet; thence along a 477.46 foot radius curve left (the long chord of which bears North 83° 28' 29" West, 80.94 feet) a distance of 81.04 feet; thence North 88° 20' 14" West, 227.47 feet to Engineer's Centerline Station L² 182+68.33 POT Bk = L 182+83.61 PC 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 ² 160+47.57 PC	L ² 161+26.30 PT	20 ft tapering on a straight line to 30 ft	20 ft
L ² 161+26.30 PT	L ² 162+19.05 PC	30 ft tapering on a straight line to 50 ft	20 ft tapering on a straight line to 30 ft
L ² 162+19.05 PC	L ² 162+71.62 PT	50 ft tapering on a straight line to 70 ft	30 ft
L ² 162+71.62 PT	L ² 163+47.20 PC	70 ft tapering on a straight line to 55 ft	30 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 ² 163+47.20 PC	L ² 163+75.00 POC	55 ft tapering on a straight line to 30 ft	30 ft
L ² 163+75.00 POC	L ² 164+03.05 PT	30 ft tapering on a straight line to 50 ft	30 ft
L ² 164+03.05 PT	L ² 164+64.98 PC	50 ft tapering on a straight line to 70 ft	30 ft
L ² 164+64.98 PC	L ² 167+29.67 PC	70 ft	30 ft
L ² 167+29.67 PC	L ² 167+96.52 PT	70 ft tapering on a straight line to 50 ft	30 ft
L ² 167+96.52 PT	L ² 170+00.00 POT	50 ft tapering on a straight line to 70 ft	30 ft
L ² 170+00.00 POT	L ² 175+22.86 PT	70 ft	30 ft
L ² 175+22.86 PT	L ² 177+42.64 PC	70 ft tapering on a straight line to 40 ft	30 ft
L ² 177+42.64 PC	L ² 178+82.17 PT	40 ft	30 ft
L ² 178+82.17 PT	L ² 179+59.82 PC	40 ft tapering on a straight line to 35 ft	30 ft tapering on a straight line to 25 ft
L ² 179+59.82 PC	L ² 180+40.86 PT	35 ft tapering on a straight line to 30 ft	25 ft tapering on a straight line to 20 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 ² 180+40.86 PT	L ² 182+68.33 POT Bk=L 182+83.61 PC Ah	30 ft tapering on a straight line to 20 ft.	20 ft.

The bearings used herein are based upon a bearing of North 17° 06' 39" East between two control points "Bassonette" and "Deadwood" established by the Lane County Surveyors Office. This bearing is based upon the Oregon Coordinate System of 1927, Lane County Adjustment, South Zone.

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

File No. 4155

IN THE MATTER OF THE ALTERATION OF TWO)	DIRECTOR'S
SEGMENTS OF DEADWOOD CREEK ROAD)	REPORT
(COUNTY ROAD NO. 44 AND 720) (16-08-18 & 16-08-19))	

Deadwood Creek Road is the amalgamation of two 40 foot wide County Roads established by the County Commissioner's Court in 1896 and 1912 to provide better travel. It is an approximately 11.5 mile long rural minor collector beginning at Highway 36 and running northerly along Deadwood Creek. Construction projects were determined to be needed at two slide areas located near MP 7.2 and MP 8.4. The project was approved for funding through the adoption of the FY 92/93 through FY 96/97 Capital Improvement Program, Order No. 92-4-28-10.

The acquisition of right of way and improvements for Deadwood Creek Road (County Road No. 44 and 720) were authorized through the adoption of the Capital Improvement Program FY 92/97 – FY 96/97, Order No. 92-4-28-10. This project appears to be consistent with Oregon Revised Statute 368, which allows for the acquisition of property for road purposes, and Lane Code Chapter 15, which provides for improvement, development or redevelopment of County Roads in accordance with the Comprehensive Plan.


The Deadwood Creek Road 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. Construction of the two segments 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 these segments of Deadwood Creek Road has been prepared. The Order provides for acceptance of parcels of land acquired as right of way in conjunction with this project. The legal description of the alignments including new right of way widths is marked Exhibit "A" and is attached to and made part of the Order.

The Department of Public Works has filed County Survey File No.'s 32188 and 32766-32767 with the County Surveyor, which includes 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 these two segments of 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"**DEADWOOD CREEK ROAD**

IN THE MATTER OF THE ALTERATION OF
TWO SEGMENTS OF DEADWOOD CREEK
ROAD (COUNTY ROAD NO. 44 AND 720),
(16-08-18 & 16-08-19)

