

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.: 20-10-20-07

IN THE MATTER OF LEGALIZING A PORTION
OF GILHAM ROAD LOCATED IN SECTION 8,
TOWNSHIP 17 SOUTH, RANGE 3 WEST OF
THE WILLAMETTE MERIDIAN WITH A
PUBLIC HEARING. (17-03-08)

THIS MATTER now coming before the Board of County Commissioners for Lane County, Oregon, and the Board through the adoption of Order No. 20-08-18-14 has deemed that it may be in the public interest to legalize a portion of a road, now commonly known as Gilham Road, said portion being located north of its intersection with Ayres Road within the City of Eugene Urban Growth Boundary, running northerly from said intersection approximately 0.51 miles to a point marked by an End of County Maintenance sign, in the West One-Half of Section 8, Township 17 South, Range 3 West of the Willamette Meridian; and

WHEREAS, a centerline description of the portion of road to be legalized, including right of way width, is described in Exhibit "A", attached hereto and made a part hereof by this Order; and

WHEREAS, Oregon Revised Statutes 368.201 to ORS 368.221 provide for legalization of County Roads where any of the following conditions exist: A) Through omission or defect, doubt exists as to the legal establishment or evidence of establishment of a public road; B) The location of a County Road cannot be accurately determined; or C) The road used or traveled for 10 or more years does not conform to the location of a road described in the County Road records; and

WHEREAS, it has been determined that the section of Gilham Road that lies north of said intersection is a public road, not a County Road; and

WHEREAS, it has been the long held belief by County staff that the first 0.51 miles of Gilham Road north of Ayres Road was a County Road, evidenced by continuous road maintenance activities and missing and defective road records; and

WHEREAS, the portion of Gilham Road to be legalized and accepted into the County Road system is the portion currently being maintained as a County Road; and

WHEREAS, the portion of Gilham Road being legalized has already been properly dedicated to the public, although many records have been incorrectly accepted as County Road for County Roads with numbers not contiguous with this portion of Gilham Road, and it is acknowledged that no additional private property outside of the existing right of way is being acquired by approving this action; and

WHEREAS, funding has been secured by County staff for an important safety improvement project that will add sidewalks, planting strips, and curbs and gutters to portions of the road that has long been considered to be a County Road; and

WHEREAS, funding for the safety improvement project will be in jeopardy unless this section of Gilham Road is brought into the County Road system; and

WHEREAS, it is County staff's opinion that legalizing Gilham Road is in the public's best interest, as it has historically been considered a County Road, and accepting Gilham Road into the County Road system will correct missing road records, defective road acceptances, and allow an important safety improvement project to move forward; and

WHEREAS, the Director of the Department of Public Works has prepared a final written report in conformance with ORS 368.206 in support of the legalization of this road, attached hereto and made a part hereof as Exhibit "B"; and

WHEREAS, all necessary procedures for road legalization have been complied with, pursuant to ORS Chapter 368.201 through 368.221, including the giving of notice as evidenced by the Affidavits of Posting and Certification of Mailing marked as Exhibit "C", attached hereto, and made a part hereof by this Order; and

WHEREAS, a Public Hearing was held on October 20, 2020, at 1:30 p.m. via webinar to hear and consider public testimony prior to the Board's decision; and

WHEREAS, the Board of County Commissioners are satisfied that bringing Gilham Road into the County Road system will be of public utility and benefit, and will enable the County to resume maintenance of the road under the conditions set forth in ORS 368;

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

1. The above said road, commonly known as Gilham Road, is hereby legalized as a County Road and specifically as County Road Number 2283, the legal description of which being more particularly described on Exhibit "A" attached hereto and made a part hereof by this Order.
2. The Director of the Lane County Department of Public Works shall cause to have the road surveyed within the limits of these described proceedings, the right of way monumented, and a survey map prepared in accordance with ORS Chapters 209.250 and 368.206.
3. Any portion of road right of way described in Exhibit "A" that is located within County Road 302 (Ayres Road) as surrendered to the City of Eugene pursuant to Lane County Board of Commissioners Order No. 87-12-16-1, or within an area that has been annexed into the city limits of the City of Eugene are excluded from this Order and are not to be vacated.

4. This Order be filed with the County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration and entered into the Road Index Records 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 legalize said portion of Gilham Road as County Road Number 2283.

ADOPTED this 20th day of October, 2020.

A handwritten signature in cursive script, appearing to read "Heather Buch", written in black ink.

Heather Buch, Chair
Lane County Board of Commissioners

EXHIBIT "A"

Gilham Road Legal Description

Beginning at Engineers' Centerline Station L 21+00.00 POT, said station being North 0°06'26" East 2,100.00 feet from a 2-3/4 inch Lane County Surveyor's Office brass cap marking the Southeast Corner of the A.B. Stevens Donation Land Claim No. 40, Township 17 South, Range 3 West of the Willamette Meridian, said centerline station being on the east line of said claim; run thence North 0°06'26" East, along the east line of said claim, 3,223.16 feet to Engineers' Centerline Station L 53+23.16 POT, said station being a 2-3/4 inch Lane County Public Works Department brass cap marking the Northeast Corner of the A.B. Stevens Donation Land Claim No. 40, and there ending, all in Lane County, Oregon.

The widths in feet of the strip of land herein described are as follows:

<u>STATION TO STATION</u>		<u>WIDTH ON WEST SIDE OF CENTERLINE</u>
L 21+00.00 POT	L 23+09.64 POT	21.45 ft. tapering on a straight line to 21.36 ft.
L 23+09.64 POT	L 23+09.64 POT	21.36 ft. tapering on a straight line to 28.86 ft.
L 23+09.64 POT	L 27+89.01 POT	28.86 ft. tapering on a straight line to 28.64 ft.
L 27+89.01 POT	L 27+89.01 POT	28.64 ft. tapering on a straight line to 31.45 ft.
L 27+89.01 POT	L 43+27.09 POT	31.45 ft. tapering on a straight line to 30.58 ft.
L 43+27.09 POT	L 43+27.09 POT	30.58 ft. tapering on a straight line to 30.00 ft.
L 43+27.09 POT	L 47+28.00 POT	30.00 ft.

<u>STATION TO STATION</u>		<u>WIDTH ON EAST SIDE OF CENTERLINE</u>
L 21+00.00 POT	L 23+18.65 POT	26.27 ft. tapering on a straight line to 26.37 ft.
L 23+18.65 POT	L 23+18.64 POT	26.37 ft. tapering on a straight line to 28.82 ft.
L 23+18.64 POT	L 25+47.13 POT	28.82 ft. tapering on a straight line to 28.88 ft.

STATION TO STATION**WIDTH ON EAST
SIDE OF CENTERLINE**

L 25+47.13 POT	L 27+69.64 POT	28.88 ft. tapering on a straight line to 28.81 ft.
L 27+69.64 POT	L 27+69.61 POT	28.81 ft. tapering on a straight line to 19.04 ft.
L 27+69.61 POT	L 29+95.00 POT	19.04 ft. tapering on a straight line to 18.94 ft.
L 29+95.00 POT	L 32+20.50 POT	18.94 ft. tapering on a straight line to 19.11 ft.
L 32+20.50 POT	L 32+20.47 POT	19.11 ft. tapering on a straight line to 28.98 ft.
L 32+20.47 POT	L 38+96.93 POT	28.98 ft. tapering on a straight line to 29.18 ft.
L 38+96.93 POT	L 38+96.93 POT	29.18 ft. tapering on a straight line to 27.50 ft.
L 38+96.93 POT	L 41+22.72 POT	27.50 ft.
L 41+22.72 POT	L 41+22.72 POT	27.50 ft. tapering on a straight line to 25.00 ft.
L 41+22.72 POT	L 42+75.74 POT	25.00 ft.
L 42+75.74 POT	L 42+75.74 POT	25.00 ft. tapering on a straight line to 19.29 ft.
L 42+75.74 POT	L 43+25.66 POT	19.29 ft. tapering on a straight line to 19.41 ft.
L 43+25.66 POT	L 43+25.71 POT	19.41 ft. tapering on a straight line to 30.00 ft.
L 43+25.71 POT	L 47+28.00 POT	30.00 ft.

Except Therefrom: All that portion of County Road No. 302 surrendered to the City of Eugene pursuant to Lane County Board of Commissioners Order No. 87-12-16-1.

Also Except Therefrom: All those portions of right of way within the above described that has been annexed into the city limits of the City of Eugene.

The bearings used herein are based on the Oregon Coordinate Reference System (OCRS), Eugene Zone, NAD83 (CORS 2011), Epoch 2010.00.

EXHIBIT "B"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR'S FINAL REPORT

IN THE MATTER OF LEGALIZING A PORTION OF
GILHAM ROAD, LOCATED IN SECTION 8,
TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE
WILLAMETTE MERIDIAN WITH A PUBLIC HEARING.
(17-03-08)

The Lane County Department of Public Works has resolved to legalize as a County Road a portion of Gilham Road as now constructed and traveled, in accordance with ORS 368.201.

The portion of Gilham Road proposed to be legalized, is located north of its intersection with Ayres Road, in Section 8, Township 17 South, Range 3 West of the Willamette Meridian. The road is proposed to be legalized beginning at its intersection at Ayres Road, running in a northerly direction, ending at the existing "End of County Maintenance" sign, approximately 0.51 miles in length.

Lane County has historically maintained this road as a County Road, as current staff and County resources incorrectly indicated it was a County Road. A 1989 research folder found in the files of the Lane County Surveyor's Office confirms what current staff recently discovered, that the road is not a County Road, but rather a Local Access Road. Surveyor's Office staff has been unable to locate an Establishment Order for this portion of Gilham Road, which would have formally brought the road into the County Road system and assigned it a County Road number. In addition, many of the previous strip dedications acted upon by the Board in the past are in error, as those dedications that were accepted as County Road were erroneously assigned County Road numbers for roads that are not contiguous with this section of Gilham Road.

ORS 368.201 allows legalization proceedings to be used if any of the following conditions exist:

- (1) If, through omission or defect, doubt exists as to the legal establishment or evidence of establishment of a public road.
- (2) If the location of the road cannot be accurately determined due to:
 - (a) Numerous alterations of the road;
 - (b) A defective survey of the road or adjacent property; or
 - (c) Loss or destruction of the original survey of the road.
- (3) 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.

It has been determined that Section (1) of this statute satisfies establishing Gilham Road as a County Road using the legalization process due to the numerous defects in the road records and to the long held belief the section of Gilham Road located north of Ayres Road was a County Road.

Lane County was recently awarded funding through a grant that would facilitate a Safety Improvement Project along a portion of the road proposed to be legalized. The funding is dependent upon the road being a County Road, so unless the road is brought into the County Road system, the funding for the project will be in jeopardy.

The Safety Improvement Project will add sidewalks, curbs and gutters, and improve storm drainage facilities where needed.

Legalization of the road will also correct the missing and defective road records for this road.

It is recommended the Order be approved by the Board of County Commissioners to legalize the portion of Gilham Road as described in Exhibit "A" to the Order, and as depicted on the site map attached as Exhibit "D".

Dated this _____ day of _____, 2020.

Dan Hurley, Director
Department of Public Works

EXHIBIT "C"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

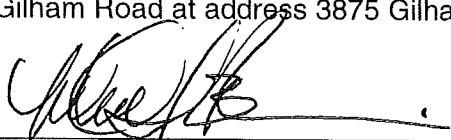
AFFIDAVIT OF POSTING

IN THE MATTER OF LEGALIZING A PORTION OF
GILHAM ROAD LOCATED IN SECTION 8,
TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE
WILLAMETTE MERIDIAN WITH A PUBLIC
HEARING. (17-03-08)

I, Mikeal J. Blommé, Lane County Surveyor, certify as follows:

On the 23rd day of September, 2020, and in accordance with ORS 373.270, I caused to be posted seven (7) copies of the Notice of Hearing in the above entitled matter in seven places, positioned to be visible to the traveling public, as follows:

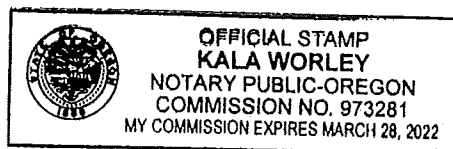
1. Posted on EWEB power pole no. 14567, at the intersection of Gilham Road and Ayres Road.
2. Posted on EWEB power pole no. 14569, at the intersection of Gilham Road and Meadowood Drive.
3. Posted on EWEB power pole no. 14571, located on the east side of Gilham Road at address 3525, Gilham Road.
4. Posted on a power pole located on the east side of Gilham Road at address 3733 Gilham Road.
5. Posted on a power pole located on the east side of Gilham Road at address 3839 Gilham Road.
6. Posted on a power pole located on the west side of Gilham Road at address 3848 Gilham Road.
7. Posted on EWEB power pole no. 14595, at the "End of County Maintenance" sign, east side of Gilham Road at address 3875 Gilham Road.

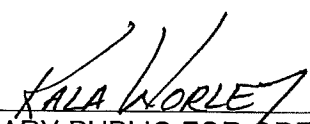


Mikeal J. Blommé
Lane County Surveyor

State of Oregon)
County of Lane)

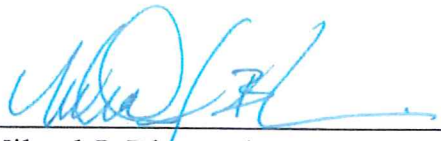
Subscribed and sworn to before me this 23 day of SEPTEMBER, 2020 by
Mikeal J. Blommé, Lane County Surveyor.




NOTARY PUBLIC FOR OREGON
My Commission Expires: 3-28-2022

CERTIFICATION OF MAILING

This is to certify that I, Mikeal J. Blommé, Lane County Surveyor, caused to be mailed a copy of the Public Hearing Notice In The Matter of Legalizing a Portion of Gilham Road Located in Section 8, Township 17 South, Range 3 West of the Willamette Meridian with a Public hearing to the agencies and/or person(s) indicated on the attached mailing list on the 21st day of September 2020.



Mikeal J. Blommé
Lane County Surveyor

CHARLES ANDERSON
AND CASSI NICHOLE ANDERSON
3994 MIRROR POND WAY
EUGENE, OREGON 97408

DONNELLY FAMILY TRUST
3975 GILHAM ROAD
EUGENE, OREGON 97401

MARIE MCJUNKIN
2099 DON JUAN AVENUE
EUGENE, OREGON 97401

RANDAL AND CINDY WHIPPLE
3993 MIRROR POND WAY
EUGENE, OREGON 97408

WILLIAM H. ROGERS
AND ALDANA-MARIE ROGERS
3875 GILHAM ROAD
EUGENE, OREGON 97408

CHRISTOPHER J. ADAIR
AND LINDSAY C ADAIR
2126 COUNTRY HAVEN DRIVE
EUGENE, OREGON 97408

JOSEPH AND LINDA K. ENDERS
2093 CREEKSIDE WAY
EUGENE, OREGON 97408

BRUCE WIECHERT CUSTOM
HOMES INC.
3073 SKYVIEW LANE
EUGENE, OREGON 97405

SCOTT M. KNOX AND
K. ROBINSON
PO BOX 2145
BEND, OREGON 97709

ANDREW AND JODY KOKKINO
2090 CREEKSIDE WAY
EUGENE, OREGON 97408

JAMES B. DOUGHER AND
DOROTHY L. DOUGHER
35 NELSON LANE
EUGENE, OREGON 97408

NANCY L. SCOTT LIVING TRUST
3735 GILHAM ROAD
EUGENE, OREGON 97408

MARK D. AND REGINA AGERTER
3850 GILHAM ROAD
EUGENE, OREGON 97401

MARK COKENOUR
3756 GILHAM ROAD
EUGENE, OREGON 97408

WALTER A. BIDDLE
3721 GILHAM ROAD
EUGENE, OREGON 97401

JAMES E. BUTRYNSKI AND
IRANA W. HAWKINS
3844 GILHAM RD
EUGENE, OREGON 97408

DARRELL J. GUFFIN
3736 GILHAM ROAD EUGENE,
OREGON 97408

OLESON LIVING TRUST
3715 GILHAM ROAD
EUGENE, OREGON 97401

JOSEPH WILLIAM MULLER JR.
3840 GILHAM ROAD
EUGENE, OREGON 97408

HABITAT FOR HUMANITY
SPRINGFIELD/EUGENE
1210 OAK PATCH ROAD
EUGENE, OREGON 97402

MARCELLA ROSE WEAVER
526 EDWARDS DRIVE
EUGENE, OREGON 97404

ERIC SCHWAKE
2098 STERLING PARK PLACE
EUGENE, OREGON 97408

PETER J. MANUELE SR.
2090 CRIMSON AVENUE
EUGENE, OREGON 97408

GILHAM COMMUNITY CHURCH
3633 GILHAM ROAD
EUGENE, OREGON 97408

MARK COKENOUR
3756 GILHAM ROAD
EUGENE, OREGON 97408

JOHN M. AND LYN M. JOST
3968 MIRROR POND WAY
EUGENE, OREGON 97408

BONIN PROPERTIES LLC
2839 WILLAMETTE STREET
EUGENE, OREGON 97405

JOHN AND MAUREEN STADTER
FAMILY TRUST
4075 GILHAM ROAD
EUGENE, OREGON 97408

URI HARDING
PO BOX 2334
EUGENE, OREGON 97402

RAINBOW W. KEEPERS
2111 ASHBURY DRIVE
EUGENE, OREGON 97408

WESTFALL TRUST
2120 ASHBURY DRIVE
EUGENE, OREGON 97408

KENNETH N. FELDMAN
LONA F. FELDMAN
3266 LAKEMONT DRIVE
EUGENE, OREGON 97408

NORDIC HOMES &
CONSTRUCTION LLC
PO BOX 72090
SPRINGFIELD, OREGON 97475

TOM WESTER BUILDER INC.
3533 QUAIL MEADOW WAY
EUGENE, OREGON 97408

ROBERT M. O'BRIEN
AND MARY H. O'BRIEN
270 E. POPE LANE
CASTLE VALLEY, UTAH 84532

AARON A. AND JESSICA R. HILL
2080 MEADOWOOD DRIVE
EUGENE, OREGON 97408

KASEY STEPHENS
3499 GILHAM ROAD
EUGENE, OREGON 97408

DANIEL V. EDGAR
55 AYRES ROAD
EUGENE, OREGON 97402

TIM G. CAMPBELL
AND CHRISTINE A. CAMPBELL
PO BOX 10066
EUGENE, OREGON 97440

DANE A. BUTLER AND
KATHRYN R. BUTLER
3343 WYNDHAM COURT
EUGENE, OREGON 97408

REYNOLDS LIVING TRUST
3520 CELESTE WAY
EUGENE, OREGON 97408

MANDI J. CRANER
AND BRIAN CRANER
812 MCKENZIE CREST DRIVE
SPRINGFIELD, OREGON 97477

RODNEY TURNER
2090 DON JUAN AVENUE
EUGENE, OREGON 97408

ARLEN REXIUS IRA FBO
2181 MEADOWOOD DRIVE
EUGENE, OREGON 97408

SYDNEY BROOKS WRIGHT
3632 GILHAM ROAD
EUGENE, OREGON 97408

MEGAN J. KULIG
3604 GILHAM ROAD
EUGENE, OREGON 97408

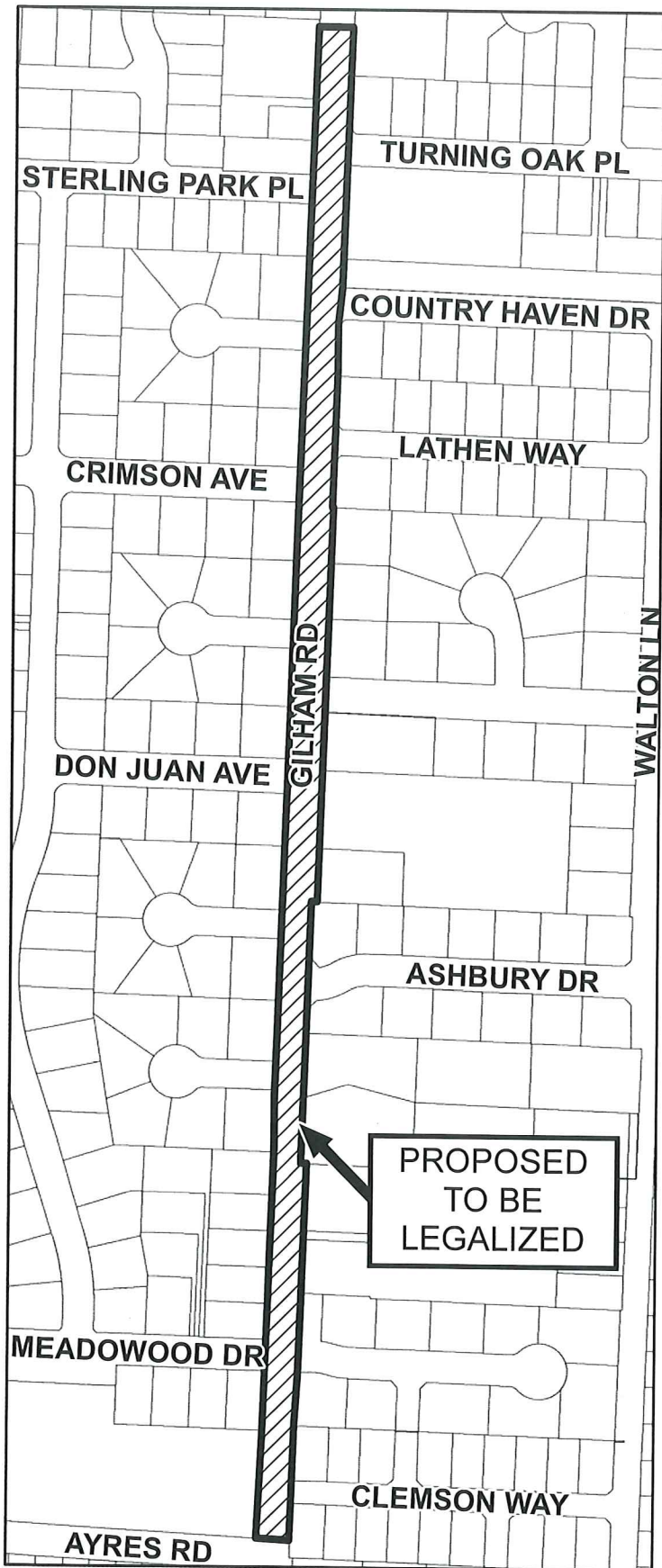
CANDY WALKER
831 SNELL STREET
EUGENE, OREGON 97405

EXHIBIT "D"

PROPOSED TO BE LEGALIZED

PORTION OF GILHAM ROAD

FROM AYRES ROAD TO END OF COUNTY MAINTENANCE



SEC. 8 T.17S. R.3W. W.M.
Eugene, Lane County, Oregon

