

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.



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Heather Buch, Chair  
Lane County Board of Commissioners