


Memorandum Date: February 3, 2011
Order Date: February 23, 2011

TO: Board of County Commissioners

DEPARTMENT: Public Works, Land Management Division

PRESENTED BY: Mike Jackson, Lane County Surveyor 

AGENDA ITEM TITLE: IN THE MATTER OF THE DEDICATION AND ESTABLISHMENT OF A PUBLIC ROAD WITHIN HOWARD BUFORD RECREATION AREA (HBRA) AS A COUNTY ROAD, LOCATED IN SECTION 7, TOWNSHIP 18 SOUTH, RANGE 2 WEST AND SECTION 12, TOWNSHIP 18 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN

I. MOTION

TO APPROVE THE ORDER DEDICATING AND ESTABLISHING A PUBLIC ROAD WITHIN HOWARD BUFORD RECREATION AREA (HBRA) AS A COUNTY ROAD, LOCATED IN SECTION 7, TOWNSHIP 18 SOUTH, RANGE 2 WEST AND SECTION 12, TOWNSHIP 18 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN

II. AGENDA ITEM SUMMARY

Pursuant to ORS 275.330, a public hearing is required to consider the Dedication and Establishment of the subject portion of existing roadway within Howard Buford Recreation Area as a County Road. The Board is being asked to decide whether or not to approve the Order of Dedication and Establishment.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

In 1989 the Department of Public Works reported to the Lane County Board of Commissioners that county park roads were receiving inadequate maintenance due to revenue constraints that existed within the Parks Division. As a solution to the problem, the Board of Commissioners discussed the financial and legal feasibility of bringing certain park roads into the County Road System. On January 30, 1991 Order 91-1-30-15 was approved in the matter of amending Chapter 15 (15.260) of the Lane Manual to add procedures and standards to provide for the establishment of roads within County parks as County roads.

The land comprising Howard Buford Recreation Area was acquired by deed from the State of Oregon Department of Transportation's Parks and Recreation Division, which was filed on May 5, 1982, Reception Number 8213090, Lane County Office of Deeds and Records. The deed specified that the transferred parcel be used for "scenic, public

park or public forest and recreation purposes”.

As early as 2003, discussions within Lane County Public Works supported plans to make certain roads within Howard Buford Recreation Area County roads, consistent with the completed establishments of County roads in other parks pursuant to Order 91-1-30-15.

In late 2004, as part of a Land Management Division special use permit within HBRA, plans were included to bring portions of roads within HBRA into the County Road System, including a portion of a road known as Frank Parrish Road which was established as a “road of public easement”, but not a County road, on April 6, 1932. At that time the intentions were to remove Frank Parrish Road from the chip seal list and add it to the proposed '06-'07 Capital Improvement Program (CIP), including bringing it into the County Road System.

Interdepartmental correspondence in the year 2007 indicates that the Frank Parrish Road improvement project was removed from the CIP list, and was instead performed as a County Maintenance chip seal project because it was more affordable. The design, survey, and improvements to the road were accomplished during 2007 and 2008 (Project No. 1882), and a road survey was filed on December 19, 2008 as County Survey File Number 41329. However, the formal Road Dedication and Establishment process that normally takes place on CIP projects was overlooked when the project type was changed.

By previous action, the Board of County Commissioners approved Order No. 11-2-2-9 setting a Public Hearing for February 23, 2011.

It is now necessary to complete the legal process of Dedication and Establishment for that portion of Frank Parrish Road as surveyed and improved. The subject portion of road begins at the ending point of Seavey Way (County Road No. 1084) just east of the Frank Parrish Bridge across the Coast Fork of the Willamette River near the entrance to the Mt. Pisgah Arboretum within Howard Buford Recreation Area, which is also the ending point of a previously completed Alteration of a portion of Seavey Way approved by Order No. 07-7-11-3. The subject portion of road thence extends northerly approximately 0.7 miles to its terminus in a cul-de-sac at an established horse arena. Only part of the subject road follows the original 1932 alignment of Frank Parrish Road. An earlier dedication to widen a portion of Frank Parrish Road filed April 23, 1971 on Reel 528R, Instrument No. 44155, Lane County Office of Deeds and Records was accepted as County road by Board of Commissioners' Order No. 71-4-21-2, and lies both within and beyond the limits of the portion of road herein considered for Dedication and Establishment. This prior area of dedication is shown on Survey No. 41329.

The Dedication and Establishment of this portion of road will be considered an extension of Seavey Way, County Road No. 1084.

B. Policy Issues

Approving the Dedication and Establishment of this portion of Seavey Way (County Road #1084) is consistent with Board of Commissioners' Order 91-1-30-15, which amended Chapter 15 (15.260) of the Lane Manual to add procedures and standards to provide for the establishment of roads within County parks as County roads. It will also be consistent with prior acceptances of numerous Parks roads into the County Road System.

C. Board Goals

This action is consistent with the *Strategic Plan* goal of protecting the public's assets by maintaining, replacing or upgrading the County's investments in systems and capital infrastructure, and with the County goal of contributing to "appropriate community development in the area of transportation and telecommunications infrastructure, housing, growth management and land development".

D. Financial and/or Resource Considerations

Establishing this road as a County road will allow it to become part of the County Road System, qualifying it for County Road Fund funding, and will facilitate regular maintenance of the road for the safety and convenience of the public.

IV. ANALYSIS

The design, survey and improvements to the subject portion of road have been completed. The Lane County Public Works Department has filed County Survey File No. 41329 with the County Surveyor, which includes road centerline and right of way monumentation in compliance with ORS Chapters 209.250 and 368.106. The road complies with the adopted standards for acceptance of park roads as outlined in Lane Manual 15.260.

The Board of Commissioners met on February 2, 2011 for the first reading of the proposed Dedication and Establishment of the subject portion of road within the Howard Buford Recreation Area as a County road. In accordance with ORS 275.330, Order No. 11-2-2-9 set a public hearing date of February 23, 2011 to consider the merits of establishing as County road the portion of road as described in the Dedication labeled Exhibit "A" of the attached Order.

All required legal notice has been provided and the Board is free to act at this time. If the Board approves this action, it will complete the Dedication and Establishment process.

Establishing this road as a County road will allow it to become part of the County Road System, which will facilitate regular maintenance of the road for the safety and convenience of the public.

V. ALTERNATIVES/OPTIONS

The Board of County Commissioners has the option to:

1. Approve the Order to Dedicate and Establish the subject portion of road described in Exhibit "A" as County Road.
2. Deny the Order to Dedicate and Establish the subject portion of road as described in Exhibit "A" as County Road.
3. Continue the proposed action for further consideration.

VI. TIMING/IMPLEMENTATION

Timing in this matter is important as establishing this road as a County Road will allow it to be included as part of the Lane County Road Maintenance System.

VII. RECOMMENDATION

The Director of the Lane County Department of Public Works has prepared a written report recommending that the Board support Option 1. This will approve the Order to Dedicate and Establish the portion of road within Howard Buford Recreation Area as described in Exhibit "A" of the Final Order as a County Road.

VIII. FOLLOW-UP

Upon approval of the Final Order dedicating and establishing the roadway within Howard Buford Recreation Area as a County Road, the Final Order with attachments shall be forwarded to the County Clerk for filing and recording. The dedication Exhibit "A" shall be recorded in the Deed Records of the County and the document number be noted on the Final Order. The Final Order shall be filed in the Commissioners' Journal of Administration, after which, copies of the Final Order, including the dedication "Exhibit "A" shall be forwarded to the County Assessor and County Surveyor for road indexing and mapping actions.

IX. ATTACHMENTS

Final Order w/attachments:

- Dedication - Exhibit "A"
- Director's Final Report - Exhibit "B"
- Affidavit of Posting and Publication - Exhibit "C"
- Vicinity Map - Attachment "A"

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

IN THE MATTER OF THE DEDICATION AND)
ESTABLISHMENT OF A PUBLIC ROAD WITHIN)
HOWARD BUFORD RECREATION AREA (HBRA) AS) FINAL ORDER NO.
A COUNTY ROAD, LOCATED IN SECTION 7,)
TOWNSHIP 18 SOUTH, RANGE 2 WEST AND)
SECTION 12, TOWNSHIP 18 SOUTH, RANGE 3 WEST)
OF THE WILLAMETTE MERIDIAN)

WHEREAS, by Order Number 11-2-2-9 the Board of Commissioners set February 23, 2011 at 1:30 P.M. to conduct a public hearing in the matter of the Dedication and Establishment of a portion of road within Howard Buford Recreation Area as a County Road; and

WHEREAS, the land comprising Howard Buford Recreation Area was acquired by deed from the State of Oregon Department of Transportation's Parks and Recreation Division, which was filed on May 5, 1982, Reception Number 8213090, Lane County Office of Deeds and Records; and

WHEREAS, on January 30, 1991 Order 91-1-30-15 was approved in the matter of amending Chapter 15 (15.260) of the Lane Manual to add procedures and standards to provide for the establishment of roads within County parks as County roads; and

WHEREAS, the subject portion of road being considered for Dedication and Establishment as a County road is approximately 0.7 miles in length and is an extension of Seavey Way (County Road No. 1084); and

WHEREAS, the Lane County Board of Commissioners will provide a good and sufficient deed forever dedicating this portion of road for public road purposes and expressly as a County road; and

WHEREAS, the road complies with the adopted standards for acceptance of park roads as outlined in Lane Manual 15.260; and

WHEREAS, the Lane County Public Works Department has filed County Survey File No. 41329 with the County Surveyor, which includes road centerline and right of way monumentation in compliance with ORS Chapters 209.250 and 368.106; and

WHEREAS, public notice of these proceedings has been provided in accordance with ORS 275.330 as evidenced by the Affidavit of Posting and Publication, marked as Exhibit "C", attached hereto and made a part hereof; and

WHEREAS, the Public Works Director of Lane County recommends that this portion of road be dedicated and established as a County road, as stated in the Final Director's Report, marked as Exhibit "B", attached hereto and made a part hereof by this Order; and

WHEREAS, on February 23, 2011 the Board of Commissioners conducted a public hearing to consider testimony on the proposed Dedication and Establishment of this portion of road within Howard Buford Recreation Area as County road to serve the park, and has duly determined that it is in the best interest of the public to approve this action; now, therefore, it is

ORDERED, that the deed shall be, and is hereby dedicated, accepted and established by the Board of County Commissioners for Lane County, Oregon as a public road easement, and expressly as a County road, being an extension of Seavey Way, County Road No. 1084, and having a right-of-way width as noted on the dedication, attached hereto, marked Exhibit "A", and made a part hereof by this Order; and it is further

ORDERED, that all portions of Frank Parrish Road, County Road Number 1092, lying between Station L3 20+66.93 and approximate station L3 37+00 POT which are not included within the limits of the road as described in the dedication attached hereto, marked Exhibit "A", are **HEREBY DECLARED VACATED**; and **ALSO**, that all portions of that dedication from Kenneth I. Kienzle and Hazel Kienzle to Lane County for road purposes as part of County Road 1092, recorded on reel 528-R, Recorder's Reception Number 44155, Lane County, Oregon Deed Records which are not included within the limits of the road as described in the dedication attached hereto, marked Exhibit "A", are **HEREBY DECLARED VACATED**, all in accordance with ORS 368.126, and retaining unto any and all existing public utilities the right to preserve, maintain, repair, replace, remove or reinstall any public utility that may now exist within the bounds of the segments of County Road Number 1092 herein described by these proceedings as vacated; and it is further

ORDERED, that in support of this action, the Board of Commissioners does hereby adopt the Director's Final Report as set forth in Exhibit "B", attached hereto, and made a part hereof by this Order; and it is further

ORDERED, that this Order shall be entered into the Lane County Board of Commissioners' Journal of Administration and further entered into the Road Index Books administered by the Lane County Department of Public Works and the County Surveyor and that said Order shall be and is hereby final and does operate to dedicate and establish said road as public right-of-way and specifically as a County road, being an extension of Seavey Way, County Road No. 1084; and it is further

ORDERED, that this Order be filed with the Lane County Clerk in the Commissioners' Journal of Administration and copies be forwarded to the Lane County Assessor, the Lane County Surveyor and the Department of Public Works for updating appropriate indexes and County Road records; and it is further

ORDERED, that the dedication Exhibit "A" be recorded in the Deed Records of the County and the Document Number be noted on this Order.

EFFECTIVE DATE: _____ day of _____, 2011

Chair
LANE COUNTY BOARD OF COMMISSIONERS

Document Number _____, Lane County, Oregon Deed Records.

APPROVED AS TO FORM:

Date 2-10-11 Lane County.



OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

DEDICATION OF A PUBLIC ROAD EASEMENT

LANE COUNTY

KNOW ALL MEN BY THESE PRESENTS, that Lane County, a political subdivision of the State of Oregon, is the owner of a certain tract of land and that said Lane County acquired title by that certain deed, recorded on Reel 1191R, Recorder's Reception Number 8213090 of the Lane County, Oregon Deed Records, and that Lane County does hereby dedicate to the free use of the public, for park and public road purposes, the following described tract of land, to wit:

A strip of land variable feet in width lying on each side of the centerline of Seavey Way in Section 7, Township 18 South, Range 2 West and Section 12, Township 18 South, Range 3 West, of the Willamette Meridian, Lane County, Oregon, as surveyed by Lane County in 2007; the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station L3 0+630.000 POT Bk (metric stationing from Lane County Board of County Commissioner's Order of Alteration 07-7-11-3 for Seavey Way) = L3 20+66.93 POT Ahd, said station being 422.70 feet North and 3,714.69 feet East of the Brass Cap marking the one-quarter corner common to Sections 12 and 13, Township 18 South, Range 3 West of the Willamette Meridian, Lane County, Oregon; run thence North 26°22'39" West, 129.64 feet; thence along a 28° curve right (the long chord of which bears North 19°41'19" West, 47.67 feet) a distance of 47.78 feet; thence North 13°00'00" West, 199.30 feet; thence along a 5° curve left (the long chord of which bears North 16°35'00" West, 143.24 feet) a distance of 143.33 feet; thence North 20°10'00" West, 419.01 feet; thence along a 24° curve left (the long chord of which bears North 31°30'00" West, 93.83 feet) a distance of 94.44 feet; thence North 42°50'00" West, 419.30 feet; thence along a 36° curve right (the long chord of which bears North 37°40'00" West, 28.66 feet) a distance of 28.70 feet; thence North 32°30'00" West, 380.72 feet; thence along an 8° curve right (the long chord of which bears North 31°05'00" West, 35.41 feet) a distance of 35.42 feet; thence North 29°40'00" West, 343.95 feet; thence along a 26° curve right (the long chord of which bears North 0°20'00" West, 215.91 feet) a distance of 225.64 feet; thence North 29°00'00" East, 12.91 feet; thence along a 24° curve left (the long chord of which bears North 15°10'00" East, 114.16 feet) a distance of 115.28 feet; thence North 1°20'00" East, 298.77 feet; thence along a 28° curve right (the long chord of which bears North 51°50'00" East, 315.79 feet) a distance of 360.71 feet; thence South 77°40'00" East, 299.55 feet; thence along a 28° curve left (the long chord of which bears South 81°05'00" East, 24.39 feet) a distance of 24.40 feet; thence South 84° 30' 00" East, 36.10 feet; thence North 5° 30' 00" East, 31.00 feet to Engineers' Centerline Station L3 57+12.92 EOP and there ending, all in Lane County, Oregon.

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

EXHIBIT "A"

<u>STATION TO STATION</u>		<u>WIDTH ON LEFT SIDE OF CTR/LINE</u>	<u>WIDTH ON RIGHT SIDE OF CTR/LINE</u>
L3 0+630.000 POT Bk = L3 20+66.93 POT Ahd	L3 56+81.92 Ang. Pt.		25.00 ft.
L3 56+81.92 Ang. Pt.	L3 57+12.92 EOP		25.00 ft tapering along a 56.00 foot radius curve left (the long chord of which bears North 50°30'00" East, 79.20 ft) to 56.00 ft.
L3 0+630.000 POT Bk = L3 20+66.93 POT Ahd	L3 56+02.39 POT	25.00 ft.	
L3 56+02.39 POT	L3 56+22.49 POC	25.00 ft tapering along a 20.00 foot radius curve left (the long chord of which bears North 60°32'00" East, 26.66 ft) to 42.77 ft.	
L3 56+22.49 POC	L3 57+12.92 EOP	42.77 ft tapering along a 56.00 foot radius curve right (the long chord of which bears South 77°53'00" East, 111.25 ft) to L3 57+12.92 EOP, 56.00 ft right.	

Bearings for this project are based on True Bearings as determined by survey ties to recovered monuments from County Survey File number 30513.

It being the intent herein to dedicate and establish a County Road (a continuation of Seavey Way, Co. Rd. 1084) having variable width.

There is no consideration for this dedication.

DATED this _____ day of _____, 2011

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

EXHIBIT "A"

STATE OF OREGON)
COUNTY OF LANE) ss.

On _____, 2011, personally appeared the above named

_____, County Commissioners of Lane

County, Oregon and acknowledged the foregoing instrument to be their voluntary act.

NOTARY PUBLIC FOR OREGON

My Commission Expires: _____

DEPARTMENT OF PUBLIC WORKS
LAND MANAGEMENT DIVISION

The Board of Commissioners
hereby accepts and approves for
recording this dedication as described herein.

Approved Feb. 3, 2011

LANE COUNTY BOARD OF
COMMISSIONERS

By 
Matt Laird, Manager

By _____
Chair

EXHIBIT "B"

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

IN THE MATTER OF THE DEDICATION AND)	
ESTABLISHMENT OF A PUBLIC ROAD WITHIN)	
HOWARD BUFORD RECREATION AREA (HBRA) AS A)	DIRECTOR'S FINAL
COUNTY ROAD, LOCATED IN SECTION 7, TOWNSHIP)	REPORT
18 SOUTH, RANGE 2 WEST AND SECTION 12,)	
TOWNSHIP 18 SOUTH, RANGE 3 WEST OF THE)	
WILLAMETTE MERIDIAN)	

In 1989, the Department of Public Works reported to the Lane County Board of Commissioners that county park roads were receiving inadequate maintenance due to revenue constraints that existed within the Parks Division. As a solution to the problem, the Board of Commissioners discussed the financial and legal feasibility of bringing certain park roads into the County Road System. On January 30, 1991 Order 91-1-30-15 was approved in the matter of amending Chapter 15 (15.260) of the Lane Manual to add procedures and standards to provide for the establishment of roads within County parks as County roads.

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As early as 2003, discussions within Lane County Public Works supported plans to make certain roads within Howard Buford Recreation Area County roads, consistent with the completed establishments of County roads in other parks pursuant to Order 91-1-30-15.

In late 2004, as part of a Land Management Division special use permit within HBRA, plans were included to bring portions of roads within HBRA into the County Road System, including a portion of a road known as Frank Parrish Road which was established as a "road of public easement", but not a County road, on April 6, 1932. At that time the intentions were to remove Frank Parrish Road from the chip seal list and add it to the proposed '06-'07 Capital Improvement Program (CIP), including bringing it into the County Road System.

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By previous action, the Board of County Commissioners approved Order No. 11-2-2-9 setting a Public Hearing for February 23, 2011.

It is now necessary to complete the legal process of Dedication and Establishment for that portion of Frank Parrish Road as surveyed and improved. The subject portion of road begins at

EXHIBIT "B"

the ending point of Seavey Way (County Road No. 1084) just east of the Frank Parrish Bridge across the Coast Fork of the Willamette River near the entrance to the Mt. Pisgah Arboretum within Howard Buford Recreation Area, which is also the ending point of a previously completed Alteration of a portion of Seavey Way approved by Order No. 07-7-11-3. The subject portion of road thence extends northerly approximately 0.7 miles to its terminus in a cul-de-sac at an established horse arena. Only part of the subject road follows the original 1932 alignment of Frank Parrish Road. An earlier dedication to widen a portion of Frank Parrish Road filed April 23, 1971 on Reel 528R, Instrument No. 44155, Lane County Office of Deeds and Records was accepted as County road by Board of Commissioners' Order No. 71-4-21-2, and lies both within and beyond the limits of the portion of road herein considered for Establishment and Dedication. This prior area of dedication is shown on Survey No. 41329.

County Survey File No. 41329 filed by the Department of Public Works includes road centerline and right of way monumentation in compliance with ORS Chapters 209.250 and 368.106. The road complies with the adopted standards for acceptance of park roads as outlined in Lane Manual 15.260.

The Dedication and Establishment of this portion of road will be considered an extension of Seavey Way, County Road No. 1084.

Establishing this road within the Howard Buford Recreation Area as a County road is in the best interest of the public, as it will serve the park and become part of the County Road System which will facilitate regular maintenance of the road for the safety and convenience of the public.

A Final Order dedicating and establishing the subject portion of road within Howard Buford Recreation Area as a County road has been prepared. The dedication of right-of-way for the road proposed for establishment is marked Exhibit "A" and is attached to the Final Order.

All legal notice to the public as required by ORS 275.330 has been provided.

It is therefore recommended that the Final Order dedicating and establishing the subject portion of road be approved.

DATED this 9th day of February, 2011.


 Director
 Department of Public Works

EXHIBIT "C"
IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

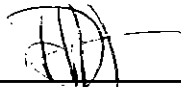
IN THE MATTER OF THE DEDICATION AND)
ESTABLISHMENT OF A PUBLIC ROAD WITHIN) AFFIDAVIT OF POSTING
HOWARD BUFORD RECREATION AREA (HBRA) AS) AND PUBLICATION
A COUNTY ROAD, LOCATED IN SECTION 7,
TOWNSHIP 18 SOUTH, RANGE 2 WEST AND
SECTION 12, TOWNSHIP 18 SOUTH, RANGE 3 WEST
OF THE WILLAMETTE MERIDIAN

I, Mike Jackson, Lane County Surveyor, certify as follows:

That on the 4th day of February, 2011, and in accordance with ORS 275.330(3) and Lane County Surveyor's Office policies, I caused to be posted three (3) copies of the Notice of Hearing in the above entitled matter in three (3) places, positioned to be visible to the traveling public, as follows:

1. Posted on EPUD power pole #072000 at the northeast corner of the intersection of Buford Park Road and Seavey Way (aka Frank Parrish Rd).
2. Posted on a 9" diameter ash tree at the intersection of a road commonly known as Camp Ground Road and Seavey Way (aka Frank Parrish Rd), approximately 175 feet southerly from a gate on Seavey Way.
3. Posted on a 6" x 6" x 5' wooden post at a cattle guard across the subject road being established as a portion of Seavey Way, at the northeasterly end of a curve in said road, approximately 500 feet westerly from the cul-de-sac at the end of the road accessing a horse arena.

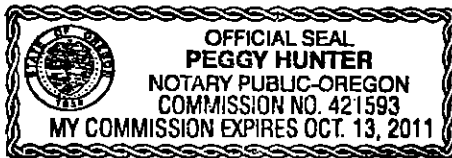
The undersigned further certifies that once during the week of February 7th, 2011 and once during the week of February 14th, 2011 notice is scheduled to run in the Register Guard.

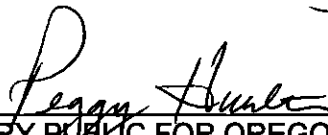


Mike Jackson
Lane County Surveyor

State of Oregon)
County of Lane)

Subscribed and sworn to before me this 4th day of February, 2011 by
Mike Jackson, Lane County Surveyor.





NOTARY PUBLIC FOR OREGON
My Commission Expires:

ATTACHMENT "A"

ESTABLISHMENT OF A PORTION OF PUBLIC ROAD AS COUNTY ROAD IN HOWARD BUFORD RECREATION AREA (EXTENSION OF SEAVEY WAY, CO. RD. #1084)

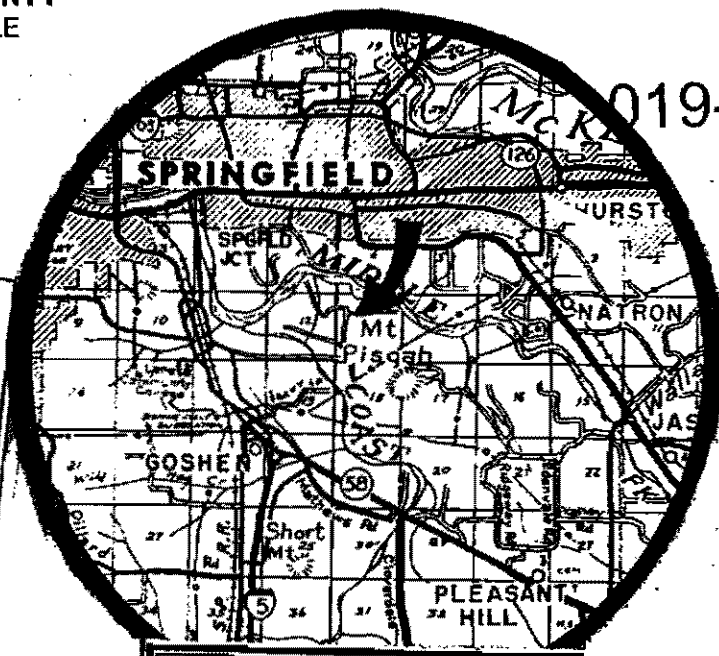
Section 7, T. 18 S., R. 2 W. & Section 12, T. 18 S., R. 3 W. of the W.M.

LANE COUNTY

NO SCALE



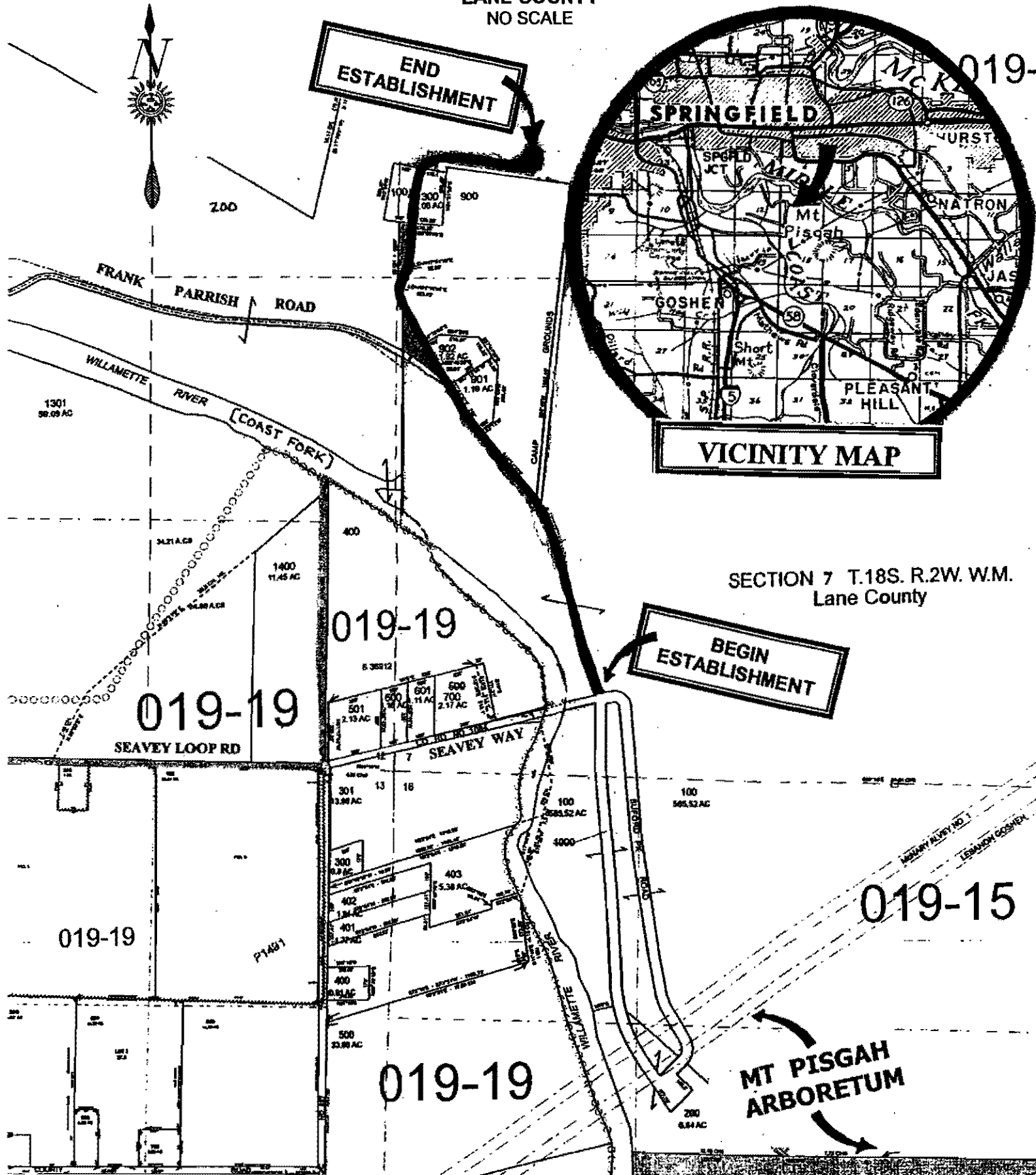
END ESTABLISHMENT



VICINITY MAP

SECTION 7 T.18S. R.2W. W.M.
Lane County

BEGIN ESTABLISHMENT



019-19
SEAVEY LOOP RD

019-19

019-19

019-15

MT PISGAH ARBORETUM