

W-9-a.

## AGENDA COVER MEMO

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DATE: January 16, 2004

TO: Lane County Board of Commissioners

DEPT.: Public Works

PRESENTED BY: Frank Simas  
Right of Way Manager

AGENDA ITEM TITLE: In the Matter of Acquiring Fee or Other Interests in Certain Real Properties or Portions Thereof for the Reconstruction and Improvement of Royal Avenue (County Road No. 28) at Fisher Road (County Road No. 668) Intersection.

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### I. MOTION

THAT THE RESOLUTION AND ORDER BE ADOPTED AUTHORIZING ACQUISITION OF FEE OR OTHER INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTIES ALONG ROYAL AVENUE AT FISHER ROAD INTERSECTION AS LISTED IN EXHIBIT "A" BY CONDEMNATION, IF NECESSARY.

### II. ISSUE OR PROBLEM

Should the Board authorize acquisition of fee or other interests in portions of certain real properties related to the Royal Avenue at Fisher Road Improvement Project that is scheduled to be constructed in Spring of 2004?

### III. DISCUSSION

#### A. Background

This project was identified through the Capital Improvement Program (CIP) annual adoption process. The location has experienced numerous vehicle crashes that are related to the right-angle intersection geometry and predominant movements at the intersection.

Since 1988 there have been 12 crashes ranging in severity from property damage only to one fatality in December 1989. The significant factor attributed to these crashes are drivers missing the turn at Fisher Road, and proceeding straight ahead to the dead end of

Royal Avenue that terminates at an Army Corps of Engineers gate. (See figure 1)  
Several of the crashes involved vehicles hitting this gate, including the fatal one.

Similarly, 3 crashes have occurred during the same timeframe when drivers proceeding northbound on Fisher Road miss the turn onto Royal Avenue and continue on into adjacent fields. (See Figure 1)

The predominant movement at the subject intersection is westbound Royal Avenue to southbound Fisher Road and, vice versa, northbound Fisher Road to eastbound Royal Avenue. The intent of the project is to facilitate this movement as a “free” movement. That is, the traffic making the predominant movements will be able to proceed without stopping at a traffic control device, thus reducing the number of turning conflicts and increasing driver expectancy. (See Figure 2)

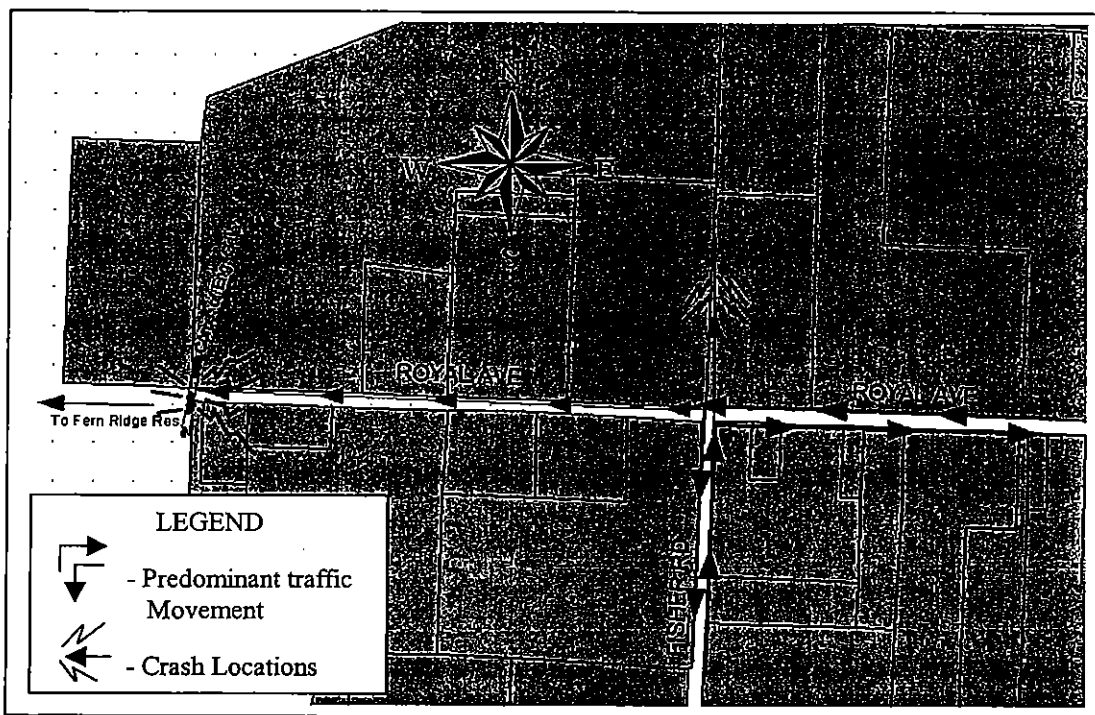


FIGURE 1

The Royal Avenue at Fisher Road intersection project is being developed as part of the Capital Improvement Program FY 03-04 to FY 07-08 as adopted by Board Order 03-5-7-11, which includes funds for safety improvement for the localized road network.

B. Analysis

Royal Avenue is classified as a Rural Minor Collector up to the intersection at Fisher Road at MP 5.078. From Fisher Road to the Corps of Engineers gate, the road is classified as a Rural Local Road. Fisher Road is classified as a Rural Minor Collector from Royal Avenue to Hwy 126.

Recorded traffic volumes at the intersection indicate approximately 2,500 vehicles per day use the intersection, as shown on the table below.

<u>LOCATION</u>			<u>Year</u> <u>2002</u>
Fisher Road	MP 1.170	0.030 miles S. of Royal Avenue	2450
Royal Avenue	MP 5.048	0.030 miles E. of Fisher Road	2500

Table 1

The proposed project will include construction of a 35 MPH curve beginning along Royal Avenue, and connecting to Fisher Road. Royal Avenue, west of Fisher Road, will be realigned slightly to connect with the new curve at a right angle intersection. These improvements will improve safety to the traveling public, by more clearly denoting the predominant movements and reducing potential for vehicles running off the north end of Fisher Road, or for mistakenly continuing westbound on Royal Avenue after crossing the Fisher intersection. A copy of the preliminary plan for the intersection improvements is attached and marked as Attachment "1".

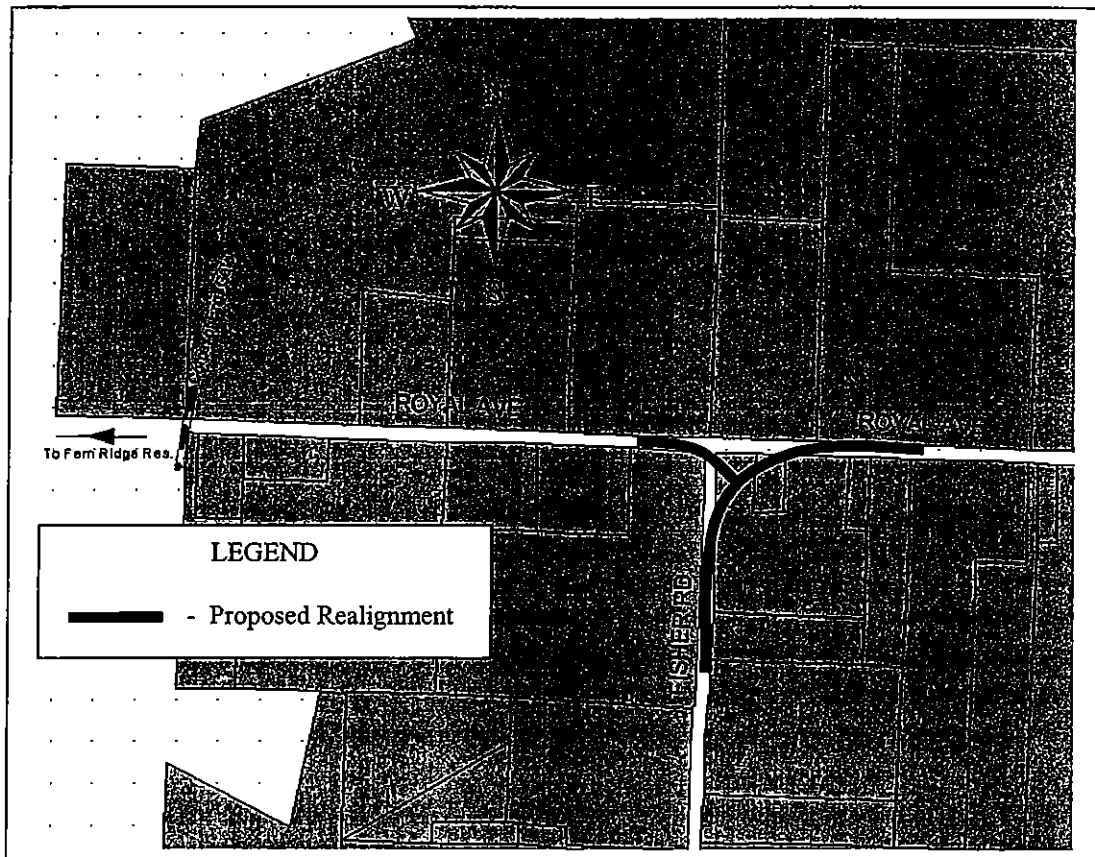


FIGURE 2

The proposed project is programmed in the County's Capital Improvement Program (CIP) under the Safety Improvement category. It is budgeted in the CIP for construction in the 2003-2004 fiscal year at an estimated cost of \$250,000.

C. Alternatives/Options

1. Approve the Resolution and Order as proposed.
2. Deny approval of the Resolution and Order and approve a modified form of Order and Resolution.
3. Postpone or terminate the project.

D. Recommendations

It is recommended that the Board approve this Resolution and Order, to keep the Royal Avenue at Fisher Road intersection project on schedule.

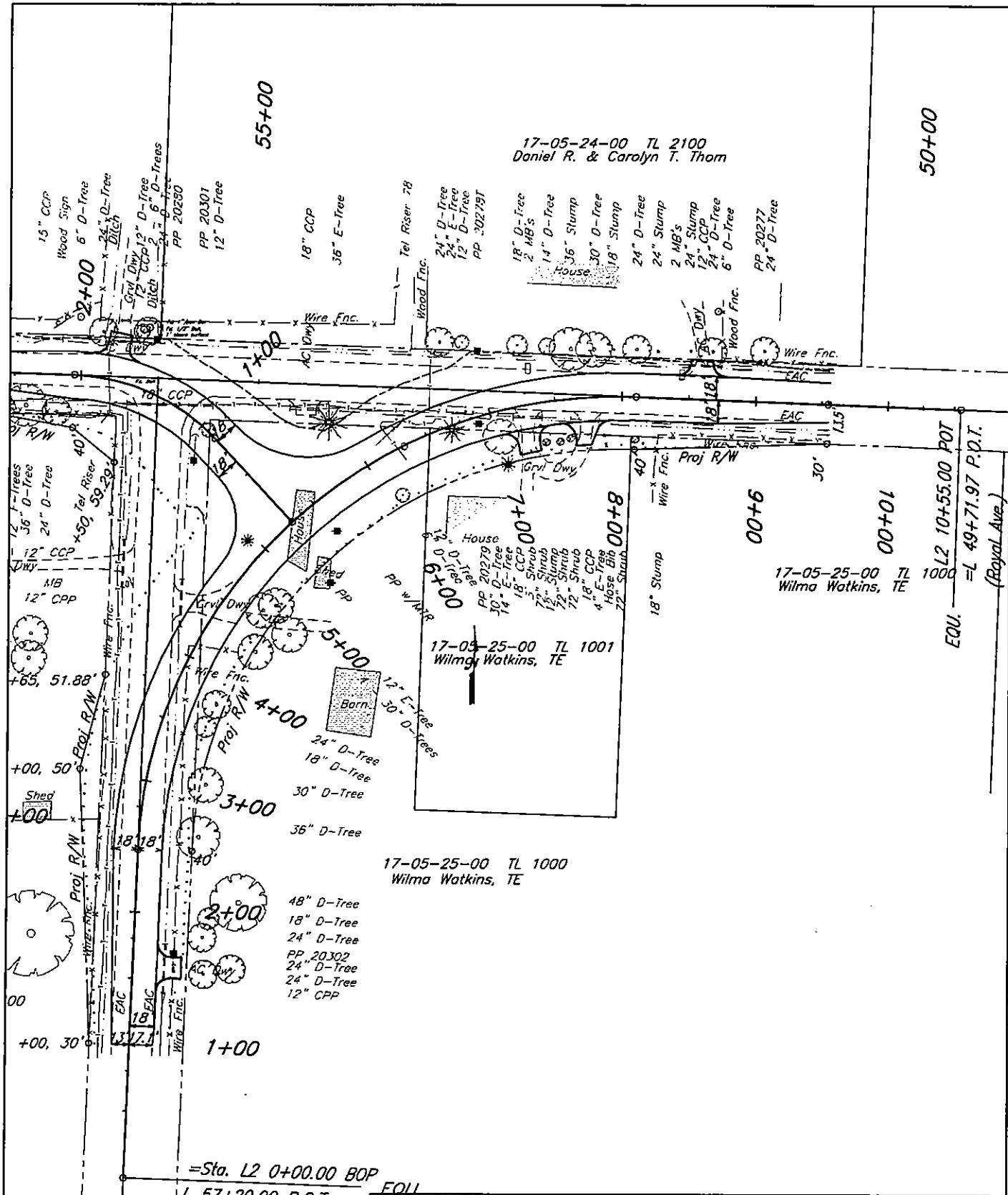
IV. IMPLEMENTATION/FOLLOW-UP

Staff will keep Board informed of proceedings in this matter.

V. ATTACHMENTS

Order with attached Exhibit "A" - Real properties from which portions are to be acquired for Royal Avenue at Fisher Road intersection.

Attachment "1" – Preliminary Plan for proposed intersection improvements.



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 L 57+20.00 P.O.T.  
 (Fisher Road)

<b>Royal Ave @ Fisher Road Intersection Improvement</b>		
DATE	PROJECT NO.	ROAD NO.
April 2004	1455-3	M-1455

LANE COUNTY  
 DEPARTMENT OF PUBLIC WORKS  
 ENGINEERING DIVISION

DILNER P. SHOWNEN  
 Public Works Director

SEYMOUR PA. CHICKERING  
 County Engineer

GRAPHIC SCALE: 0 50 100 (in Feet)



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

**RESOLUTION AND  
ORDER NO.**

(IN THE MATTER OF ACQUIRING FEE  
(OR OTHER INTERESTS IN CERTAIN  
(REAL PROPERTIES OR PORTIONS  
(THEREOF FOR THE RECONSTRUCTION  
(AND IMPROVEMENT OF ROYAL  
(AVENUE (COUNTY ROAD NO. 28) AT  
(FISHER ROAD (COUNTY ROAD NO. 668)  
(INTERSECTION.

**THIS MATTER** now coming before the Board of County Commissioners of Lane County, and the Board determining it is necessary and in the public's interest to acquire fee or other interests in certain properties or portions thereof as listed in Exhibit "A", attached hereto and made a part hereof, from owners and others as their interests may appear of record to serve the needs of Lane County, and that the public welfare will be benefited by the improvement of said public road and the Board being fully advised; and

**WHEREAS**, the Board of County Commissioners has adopted a Public Works five-year Capital Improvement Program FY 03/04 – FY 07/08 by Board Order No. 03-5-7-11 which includes funds for safety improvements for the localized road network. The intersection of Royal Avenue and Fisher Road, which consists of a right angle intersection, has had multiple accidents indicating a safety hazard to the traveling public; and

**WHEREAS**, the improvements are being done to improve safety and include constructing a 35 MPH curve beginning along Royal Avenue East connecting to Fisher Road and connecting Royal Avenue West by a right angle intersection. The project is compatible with the greatest public good and the least private injury; **NOW THEREFORE**,

**IT IS HEREBY RESOLVED** that under the authority granted in ORS Chapter 35 and consistent with ORS Chapter 281, that there exists a necessity to acquire and immediately occupy the real property in order to improve the public road to serve the needs of Lane County for the general use and benefit of Lane County; and

**IT IS FURTHER RESOLVED AND ORDERED** that if Lane County is unable by negotiations to reach an agreement for the acquisition of necessary real property, the Office of Legal Counsel of Lane County is hereby authorized to commence and prosecute in the Circuit Court of Lane County, in the name of Lane County, any necessary proceedings for the condemnation and immediate possession of necessary real property rights and for the assessment of damages for the taking thereof.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 1-28-04 lane county

\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

**EXHIBIT A**

**REAL PROPERTY, OR PORTION(S) THEREOF, TO BE ACQUIRED FOR  
ROYAL AVENUE & FISHER ROAD INTERSECTION IMPROVEMENT PROJECT**

<b><u>TAX MAP</u></b>	<b><u>TAX LOT</u></b>
17-05-25	1000
17-05-25	1001
17-05-25	1400
17-05-24	2100
17-05-24	2200