


**AGENDA COVER MEMO**

**DATE:** July 11, 2005  
**TO:** LANE COUNTY BOARD OF COMMISSIONERS  
**FROM:** Bill Robinson, Lane County Surveyor   
**DEPARTMENT:** Public Works/Land Management Division

**AGENDA ITEM TITLE:** IN THE MATTER OF ACCEPTING AND ESTABLISHING A PORTION OF DELTA ROAD AS A COUNTY ROAD, BEING LOCATED IN SECTION 16, TOWNSHIP 16 SOUTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN (16-55-16)

**I. MOTION**

Move to Approve an Order to Accept and Establish a Portion of Delta Road as a County Road, being located in Section 16, Township 16 South, Range 5 East of the Willamette Meridian.

**II. ISSUE**

To decide if Delta Road, from King Road to the northeasterly side of Horse Creek Bridge, should be accepted and established as a county road.

**III. DISCUSSION**

**A. Background**

Delta Road, as it is commonly known, is in the McKenzie Bridge area on the south side of the McKenzie River. The road begins near Mile Post 1 of King Road and extends northeasterly approximately one mile, serving about 45 residences, including leased homes on Forest Service land. The U.S. Forest Service granted a 60-foot wide easement to Lane County for the public use of Delta Road in 1972, recorded on Reel 578-R, Records's Reception No. 91129, Lane County, Oregon Deed Records. Subsequently, the easement was accepted as a public road (a local access road not maintained by the County) by Board Order No. 72-3-22-9. In 1976, King Road was altered and established slightly to the south of its original description. Physically, Delta Road continued to intersect with King Road but the alteration resulted in a gap of about 50 feet between the legal descriptions of the two roads. An amendment to the original easement from the U.S. Forest Service has been recorded on Instrument No. 2005-025707, Lane County, Oregon Deed Records, extending Delta Road to intersect the relocated King Road.

The portion of Delta Road proposed to be accepted as a county road is approximately 800 feet in length, beginning at King Road, and extending just past the West Fork Horse Creek Bridge. The West Fork Horse Creek Bridge is an old timber bowstring truss bridge built in 1949 and the bridge is likely to be eligible for the Register of Historic Places due to its age and the scarcity of construction. The bridge began to show signs of deterioration and became a safety problem, but because of its historic value the decision was made to rehabilitate the bridge rather than replace it. Board Order No. 00-1-19-6 amended Board Order No. 98-4-22-2 to accept the bridge and a section of Delta Road as a County Road after the completion of the bridge rehabilitation. Board Order 00-2-23-3 was adopted establishing the financial responsibilities of the bridge project, with 80% of

the funds being provided by the Federal Highway Administration Highway Bridge Replacement and Rehabilitation grant. The bridge was rehabilitated in 2003-2004. To fulfill conditions of the grant, it is necessary to now accept the bridge and road leading from King Road up to the bridge into the County Road system.

In early discussions with the Board, the assumption was that the bridge would be replaced and meet current County standards, as would the road leading up to the bridge. Since rehabilitation of the bridge was determined to be more appropriate to preserve its historic value, the bridge does not meet current County standards for a Rural Local Road, and although the legal right of way width of 60-feet meets the county standards for a rural local road, widening the physical road would be inconsistent with the width of the bridge and the low traffic volume.

B. Analysis

The portion of Delta Road proposed to be established as a county road has been conveyed to the County for public use and the road is of benefit to the general public.

The Order of Establishment has been prepared. The Order document will provide a method to adopt the road as County Road by accepting a portion of the public road easement conveyed to the Lane County in 1972, and recorded on Reel 578-R, Recorder's Reception No. 91129, and an amendment to that easement, recorded on Instrument No. 2005-025707, Lane County, Oregon Deed Records. It will provide a public record of the legal right of way description of the road as shown on Exhibit "A", attached to and made a part of the Order of Establishment.

The Public Works Department has surveyed the subject portion of Delta Road in compliance with ORS Chapters 209.250 and 368.106 and has filed a road survey (County Survey File No. 39356) in the Lane County Surveyor's Office.

C. Alternatives/Options

The Board of County Commissioners has the options to:

1. Approve the Order of Establishment of a portion of Delta Road as a County Road.
2. Deny all or any portion of the Order of Establishment of a portion of Delta Road as a County Road.
3. Continue the motion for further consideration.

D. Recommendations

It is recommended that the Board of Commissioners approve Option 1. This will approve the Order of Establishment of a portion of Delta Road as a County Road, as proposed and supported by the Public Works Director.

E. Timing

Timing is important, as establishing the subject portion of Delta Road as a county road will allow it to be included as part of the Lane County Road Maintenance System which was agreed upon when the County accepted the grant for the rehabilitation of West Fork Horse Creek Bridge.

**IV. IMPLEMENTATION/FOLLOW-UP**

Upon approval by the Board of County Commissioners, the Order of Establishment and related attachments will be forwarded to the Lane County Clerk for filing and entering into the Board of Commissioners' Journal of Administration. The Order will be filed and indexed into the Road Index Books and legal County Road Files administered by the Department of Public Works and the County Surveyor.

**V. ATTACHMENTS**

Order with Attachments:

Exhibit "A" - Legal Description

Exhibit "B" - Director's Report

Attachment "A" - Vicinity Map

Contact person: Bill Robinson, x4198

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

**File No. 4127**

<b>IN THE MATTER OF ACCEPTING</b>	)	
<b>AND ESTABLISHING A PORTION</b>	)	
<b>OF DELTA ROAD AS A COUNTY</b>	)	<b>ORDER OF</b>
<b>ROAD, BEING LOCATED IN SECTION</b>	)	<b>ESTABLISHMENT</b>
<b>16, TOWNSHIP 16 SOUTH, RANGE 5</b>	)	<b>NO.</b>
<b>EAST OF THE WILLAMETTE MERIDIAN</b>	)	
<b>(16-55-16)</b>	)	

**THIS MATTER**, now coming before the Board of County Commissioners for Lane County, Oregon, and the Board deeming it in the best interest of Lane County and the public to accept and establish a portion of Delta Road, from King Road to the northeasterly side of the West Fork Horse Creek Bridge, as a county road; and

**WHEREAS**, the portion of road to be established as a county road is variable width, with the minimum width being 60 feet, and approximately 800 feet in length; and

**WHEREAS**, Delta Road is reported to have a paved travel surface of 22-24 feet wide, and leads up to the historical single-lane bowstring truss bridge that is 20-22 feet wide; and

**WHEREAS**, in the last decade the bridge began to show signs of deterioration and became a safety problem, and in earlier discussions with the Board, the assumption was that the bridge would be replaced and brought up to current county standards, as well as the road leading up to it; but because of bridge's historic value the decision was made to rehabilitate the bridge rather than replace it, and widening the adjacent road at this time would be inconsistent with the narrow bridge width and the low traffic volume in this area; and

**WHEREAS**, Board Order No. 00-1-19-6 amended Board Order No. 98-4-22-2 to accept the bridge, and the section of Delta Road between King Road and the bridge, as a County Road after the completion of the bridge rehabilitation; and

**WHEREAS**, the bridge rehabilitation has been completed; and

**WHEREAS**, the Department of Public Works has filed a road survey (County Survey File No. 39356) with the County Surveyor for public record and for the County Road files all in compliance with ORS chapters 209.250 and 368.106; and

**WHEREAS**, the Board of County Commissioners is satisfied that establishing the subject portion of Delta Road as a County Road will be of benefit to the general public; now, therefore, it is hereby

**ORDERED**, that the portion of Delta Road, conveyed to Lane County by U.S. Forest Service, as a public road easement, recorded on March 10, 1972 on Reel 578-R, Recorder's Reception No. 91129,

Lane County, Oregon Deed Records, and amended on April 12, 2005, on Instrument No. 2005-025707, Lane County, Oregon Deed Records, that lies within the road right of way specified herein, presented to the said Board of County Commissioners, is hereby accepted as right of way; and it is further,

**ORDERED**, that the road right of way referred to in these proceedings, commonly known as Delta Road, be hereby established as a County Road, as described in the legal description attached hereto, marked Exhibit "A" and made a part hereof, 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 entered into the records of the Lane County Board of Commissioners Journal of Administration and entered into the Road Index Books 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 establish said road as County Road Number 2270, herein known as Delta Road.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

Attachment: Map

APPROVED AS TO FORM

Date 7-18-05 lane county

*William A. ...*

OFFICE OF LEGAL COUNSEL

**DELTA ROAD  
CENTERLINE DESCRIPTION**

A strip of land variable feet in width lying on both sides of the centerline of Delta Road, in the Southwest quarter (SW ¼) of the Southeast quarter (SE ¼) of Section 16, Township 16 South, Range 5 East of the Willamette Meridian, Lane County, Oregon, as said centerline was surveyed by Lane County in August 2004, the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station L5 0+00.00 POT, said station being located on the centerline of King Road and being 99.18 feet North and 542.67 feet East of a 2-inch Brass Cap marking the South One-quarter Corner of Section 16, Township 16 South, Range 5 East of the Willamette Meridian, Lane County, Oregon; run thence North 25°50'50" East 11.57 feet; thence along a 190.99 foot radius curve right (the long chord of which bears North 48°49'05" East, 149.07 feet) a distance of 153.14 feet to Engineers' Centerline Station L5 1 + 64.71 PT Bk=L3 0+94.98 POT Ah; thence North 71°47'20" East 133.33 feet; thence along a 572.96 foot radius curve left (the long chord of which bears North 63° 43'42" East, 160.68 feet) a distance of 161.21 feet; thence North 55°40'05" East 1.04 feet to Engineers' Centerline Station L3 3+90.56 PT Bk=L4 3+90.56 POT Ah; thence North 55°40'05" East 305.00 feet; thence along a 73.46 foot radius curve right (the long chord of which bears North 81°31'43" East 64.08 feet) a distance of 66.31 feet to Engineers' Centerline Station L4 7+61.87 and there ending, all in Lane County, Oregon.

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

<u>LOCATION</u>		<u>WIDTH ON NORTH'LY SIDE OF C/LINE</u>	<u>WIDTH ON SOUTH'LY SIDE OF C/LINE</u>
L <sup>5</sup> 0+00.00 POT	L <sup>5</sup> 0+79.86 POC	30 ft	30 ft
L <sup>5</sup> 0+79.86 POC	L <sup>5</sup> 0+87.19 POC	30 ft tapering on a straight line to 49.55 ft	30 ft
L <sup>5</sup> 0+87.19 POC	L <sup>5</sup> 1+64.71 PT Bk = L <sup>3</sup> 0+94.98 POT Ah	49.55 ft tapering on a straight line to 30 ft	30 ft
L <sup>5</sup> 1+64.71 PT Bk = L <sup>3</sup> 0+94.98 POT Ah	L <sup>3</sup> 2+28.31 PC	30 ft	30 ft
L <sup>3</sup> 2+28.31 PC	L <sup>3</sup> 3+90.56 PT Bk = L <sup>4</sup> 3+90.56 POT Ah	30 ft	30 ft
L <sup>4</sup> 3+90.56 POT Ah	L <sup>4</sup> 7+61.87 PT	30 ft	30 ft

EXCEPT therefrom, any portion of the above described strip of land lying within the established right of way of the relocated King Road (County Road Number 2077).

The bearings used herein are based on a bearing of North 2° 56' 05" East between L.C.C.M. 911 and L.C.C.M. 708, said bearing based upon the Oregon Coordinate System (NAD 83/91), South Zone.

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

**FILE NO. 4127**

<b>IN THE MATTER OF ACCEPTING</b>	)	
<b>AND ESTABLISHING A PORTION</b>	)	
<b>OF DELTA ROAD AS A COUNTY</b>	)	
<b>ROAD, BEING LOCATED IN SECTION</b>	)	<b>DIRECTOR'S REPORT</b>
<b>16, TOWNSHIP 16 SOUTH, RANGE 5</b>	)	
<b>EAST OF THE WILLAMETTE MERIDIAN</b>	)	
<b>(16-55-16)</b>	)	

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The portion of Delta Road proposed to be established as a county road has been conveyed to Lane County for public use and the road is of benefit to the general public. An Order of Establishment has been prepared. The Order document will provide a method to adopt the segment of road as County Road by accepting a portion of the public road easement conveyed to Lane County in 1972, and recorded on Reel 578-R, Recorder's Reception No. 91129, and to accept an amendment to that easement, recorded on Instrument No. 2005-025707, Lane County, Oregon Deed Records. It will also provide a public record of the legal right-of-way description as shown on Exhibit "A" attached to and made a part of the Order of Establishment.

In early discussions with the Board, the assumption was that the bridge would be replaced and meet current County standards, as would the road leading up to the bridge. Since rehabilitation of the bridge was determined to be more appropriate to preserve its historic value, the bridge does not meet current County standards for a Rural Local Road, and even though the legal right of way has a minimum width of 60-feet, widening the physical road at this time would be inconsistent with the narrow width of the bridge and the low traffic volume in the area.

The Public Works Department has surveyed the portion of Delta Road proposed to be accepted as County Road, in compliance with ORS Chapters 209.250 and 368.106 and has filed a road survey (County Survey File No. 39356) in the Lane County Surveyor's Office.

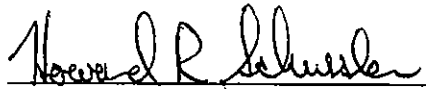
Upon approval by the Board of County Commissioners, the Order of Establishment and related attachments will be forwarded to the Lane County Clerk for filing and entering into the Board of

## EXHIBIT "B"

Commissioners' Journal of Administration. The Order will be filed and indexed into the Road Index Books and legal County Road Files administered by the Department of Public Works and the County Surveyor.

It is recommended that the portion of Delta Road described in the Order of Establishment be accepted as a County Road.

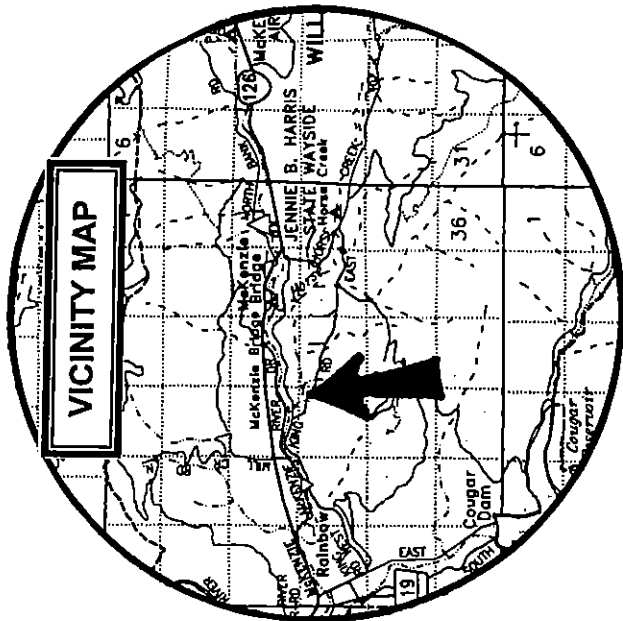
DATED this 13 day of JULY, 2005.

  
for Oliver P. Snowden, Director  
Department of Public Works



ATTACHMENT 'A'

S.E. Sec. 16, T.16S. R.5E., W.M.  
LANE COUNTY



ORIGINAL

PROPOSED TO BE  
ESTABLISHED AS  
COUNTY ROAD NO. 2270

PORTION OF THE EASEMENT  
GRANTED TO LANE COUNTY  
(REEL 578, RR #91129, LCODR)

16-55-16-43 TL 100  
DEPT OF AGRICULTURE,  
FOREST SERVICE

16-55-16-43 TL 100  
DEPT OF AGRICULTURE,  
FOREST SERVICE

AREA GRANTED TO LANE COUNTY  
BY AMENDED EASEMENT  
(INST. # 2005-025707, LCODR)

KING ROAD  
N 88°19'42" E

49.55'

N 71°47'20" E

NOT TO SCALE

N