

W. 8. C.

AGENDA COVER MEMO

DATE: November 3, 2005

TO: Lane County Board of Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Sonny Chickering, County Engineer

TITLE: IN THE MATTER OF INITIATING THE LEGALIZATION OF A PORTION OF
HULBERT LAKE ROAD (COUNTY ROAD NO. 160)

I. MOTION

Discussion only.

II. ISSUE

Engineering and County Surveyor's staff need further direction as to beginning the Legalization process for the northerly portion of Hulbert Lake Road.

III. DISCUSSION

A. Background

At the June 8, 2005, meeting of the Board, Public Works staff was given direction to start the process to legalize the right of way for the northerly 1.94 miles of Hulbert Lake Road. More specifically, the direction was to begin legalization of the road to a width corresponding with the distance between the existing fences, up to a maximum width of 40 feet. The Board also agreed that staff should report back if additional surveying disclosed that any fences were too close to allow the road to be efficiently maintained or if they represented a hazard to the users of the road, particularly with regard to sight distance across the inside of horizontal curves.

Subsequent to the June 8, 2005, Board meeting, the Public Works Field Engineering Section refreshed the survey of Hulbert Lake Road that was completed in March and April of 2003, and which included information as to the centerline of the traveled way and the locations of other physical features on the ground, including fences.

For this most recent survey, completed in July, 2005, the locations of any new or relocated fencing were tied and plotted on the map of the previous survey.

B. Analysis

The only new fencing found is along a portion of the frontage of the Strome/Durrant property, where it was found that about 310 l. f. of new fencing was noted on the east side, and about 434 feet had been constructed on the west side of the road. This fencing was apparently installed after the 2003 survey, but prior to the July, 2005 survey work. The fencing on the west side of the road consists of a single strand of wire strung on metal posts. It varies from 13.6 feet to 21.4 feet from centerline along its length, with an average of about 16.31 feet from centerline.

The fencing on the east side consists of an "extra" set of wood posts that do not appear to be set into the ground, but are held up by being wired to the metal posts of the fencing that is located directly behind. These posts range from 12.4 to 30.0 feet from centerline, but the average of all posts is 14.96 feet.

The set of maps identified as Attachment 1 illustrates six curves where the sight line representing the requirement for safe stopping distances at 25 mph and 35 mph design speeds falls outside of the existing paved area and is obstructed by fencing. The table below shows the right of way width measured from the surveyed centerline that would be needed in order to encompass the 25 mph and 35 mph sight line for each of the six curves.

CURVE NO.:	CURVE LOCATION:	Width from Centerline Needed to Attain Sight Lines:	
		@25 MPH	@35 MPH
1	Sta. 27+ 26.59 to 29+61.36	Contained Within Existing Pavement	18'
2	Sta. 30+57.17 to 32+36.17	Contained Within Existing Pavement	23'
3	Sta. 55+80.66 to 58+01.03	16'	26'
4	Sta. 59+13.25 to 60+60.69	20'	40'
5	Sta. 64+84.97 to 66+43.78	Contained Within Existing Pavement	17'
6	Sta. 68+77.67 to 69+90.23	14'	30'

In addition, the bridge that was constructed in 1994 at approximate Engineer's Station 64+30 is 38 feet in width. The minimum reasonable width needed for continuing maintenance of the bridge and its approaches is 50 feet total.

The road frontage along both sides of the road proposed for legalization totals about 20,400 lineal feet. About 7,300 l. f. of the frontage is unfenced, and approximately 13,100 l. f. is fenced and, the fencing primarily consists of either woven wire or a single strand of barbed or plain wire on metal posts. All but about 12% of the existing fencing is located at a distance of 18 feet or greater from the traveled centerline. The fencing that is less than 18 feet from centerline is mostly located on three properties near the north end of the project, including

one where the fencing is within about 13 feet of centerline on the inside of a curve. This curve is identified as Curve No. 5 above.

The table below shows the breakdown between the fenced and unfenced frontages along the road, and the ranges of the average distance from centerline.

Dist. to Centerline	Amount of Frontage	Percentage of Total
13' to 18'	2,430	12%
18' to 19'	2,880	14%
19' to 20'	1,700	8%
20'+	6,200	30%
No Fence	7,300	35%

The Board's direction to staff on June 8th was to approach the legalization process based on the existing width between fences. An alternative is to have a uniform right of way. Either alternative might also be modified at specific horizontal curves to provide adequate sight distance for either 25 MPH or 35 MPH design speeds.

The lists below summarize some of the positive and negative aspects of both alternatives.

Uniform Width Right of Way

- Maintenance activities for a majority of the road to be legalized will be limited now and in the future by narrowest width, even for the 13,500 feet of total frontage where there is either no fence or where the fence is 20' or more from centerline
- A uniform width will allow abutting owners to more easily determine right of way limits when installing or replacing existing fencing.
- If right of way were established based on the closest fencing, maintenance forces would not be able to properly maintain the existing bridge including the guardrails and debris removal after and during flood events. The existing bridge is approximately 38 feet in width.
- A right of way width consistent with some of the narrower areas may not provide for safe passage of farm equipment such as combines, which may range up to 14' or more in width.
- Legalization of a lesser width may have the same effect as a vacation with regard to utilities, except that in the case of a vacation, easements are reserved so that utilities can remain. It is unknown whether the utility providers have utility easements that were acquired along the road frontage that would allow for continuing maintenance of the existing utilities. The utility information was not plotted as part of the survey, but it is apparent that some poles and pedestals are located more than 20 feet from centerline. Therefore, this issue may be moot for legalization of any width less than 20 feet on each side of centerline.

- A uniform width will be less costly in terms of preparing the survey and manumitting the right of way to be legalized.

Variable Width Right of Way

- A variable width will increase costs for legal description, preparation of survey and monumentation.
- A 40' width in areas where no fencing exists would allow routine maintenance operations and would allow for a clear zone now and in the future, except on the inside of specific horizontal curves.
- Equity issues arise if legalization is for 40' width in some areas and as narrow as 25' in others. The perception among property owners may be that they are "giving up" 40 feet, while others are "giving up" nothing other than a foot or two outside of the paved area.
- A 40-foot width would reserve the unfenced portions and the areas where fences are more than 20 feet on either side of centerline (approximately 13,500 l. f.) for future uses such as clear zone, ditching and utilities.
- A variable width would allow continued maintenance of the bridge and approaches, which was constructed in 1994.

Additional Considerations

- Legalizing a width of less than 50 feet in width would be inconsistent with Lane Code 15.705, which specifies a minimum right of way width of 50 feet and with ORS 368.036 which provides that "County roads and work performed on county roads shall comply with specifications and standards, including standards for width, adopted by the county governing body." ORS 368.221 allows for legalization of a lesser width if the County governing body determines that: "(1) The legalization of the road at a lesser width is in the public interest or (2) An encroachment on the road may not be practically removed under ORS 368.211."

C. Alternatives / Options

1. Do Nothing.

2. Variable right of way @ fences or to 40' as directed by the Board:

(a)(i) Legalize additional right of way on inside of horizontal curves to provide 25 MPH safe stopping distance; legalize 50' width at bridge and approaches.

(a)(ii) Purchase additional right of way on inside of horizontal curves to provide 25 MPH safe stopping distance; purchase 50' width at bridge and approaches.

(b)(i) Legalize additional right of way on inside of horizontal curves to provide 35 MPH safe stopping distance: legalize 50' width at bridge and approaches.

(b)(ii) Purchase additional right of way on inside of horizontal curves to provide 35 MPH safe stopping distance: Purchase 50' width at bridge and approaches.

3. Uniform right of way width of 40' in accordance with consensus at public meeting in Junction City.

(a)(i) Legalize additional right of way on inside of horizontal curves to provide 25 MPH safe stopping distance; legalize 50' right of way at bridge and approaches.

(a)(ii) Purchase additional right of way on inside of horizontal curves to provide 25 MPH safe stopping distance; purchase 50' right of way at bridge and approaches.

(b)(i) Legalize additional right of way on inside of horizontal curves to provide 35 MPH safe stopping distance; legalize 50' right of way at bridge and approaches.

(b)(ii) Purchase additional right of way on inside of horizontal curves to provide 35 MPH safe stopping distance; purchase 50' right of way at bridge and approaches.

Option 1 will not formally establish the County road status of this portion of Hulbert Lake Road, so that Road Funds may be expended to resume maintenance on it.

Option 2(a)(i, or ii) will formally establish the County road status of this portion of Hulbert Lake Road and allow maintenance to resume. Either will provide 25 MPH safe stopping distance sight lines at the 6 specific curves and will allow resumption of normal maintenance of the bridge and its approaches, but will not facilitate vegetation, shoulder and drainage maintenance in areas not in the vicinity of the six identified curves and where fences are situated at or near the edge of the pavement.

Option 2(b) (i or ii) will formally establish the County road status of this portion of Hulbert Lake Road and allow maintenance to resume. Either will provide 35 MPH safe stopping distance sight lines at the 6 specific curves and will allow resumption of normal maintenance of the bridge and its approaches, but will not facilitate vegetation, shoulder and drainage maintenance in areas not in the vicinity of the six identified curves where fences are situated at or near the edge of the pavement.

Option 3(a)(i or ii) will formally establish the County road status of this portion of Hulbert Lake Road and allow maintenance to resume. Legalization or purchase of a 50-foot wide right of way at the bridge and its approaches will assure the ability to maintain them in the future. The 40-foot uniform width will provide 25 MPH safe stopping distance sight lines at all of the six identified curves and will

allow normal maintenance practices to be followed in those area where fences now encroach near the pavement.

Option 3(b)(i or ii) will formally establish the County road status of this portion of Hulbert Lake Road and allow maintenance to resume. Legalization or purchase of a 50-foot wide right of way at the bridge and its approaches will assure the ability to maintain them in the future. The 40-foot uniform width will provide 35 MPH safe stopping distance sight lines at only Curves No. 1 and 5, and will allow normal maintenance in areas where fences now encroach.

For any legalization option requiring owners to move existing fences, they could file a claim for compensation for the costs of moving the fencing at the time for the hearing to complete the legalization.

For any of the purchase options, separate board authorization would be required and the normal acquisition procedure would be followed are required by ORS and Uniform Act requirements. An appraisal would be prepared and an offer to purchase would be made based on the appraisal.

D. Recommendation

Any of the Options under Option 3, (Uniform width of 40' in accordance with consensus at public meeting in Junction City) is recommended.

IV. IMPLEMENTATION/FOLLOW-UP

If directed, the County Surveyor will proceed with the Legalization process. If directed, staff will prepare an Agenda Item for the Consent Calendar requesting authorization for the purchase of additional right of way on the inside of the six horizontal curves.

ATTACHMENTS

Attachment 1- Sight distance diagrams.

27+26.59 PC

35 mph sight line

Hose Bib

35 mph

CC Curb

CC Curb

CC Dwy PT

PP #116200

29+61.34

Hilbert Lake

30+57.17 PC

Parcel 15-05-1
Bob & Ro.

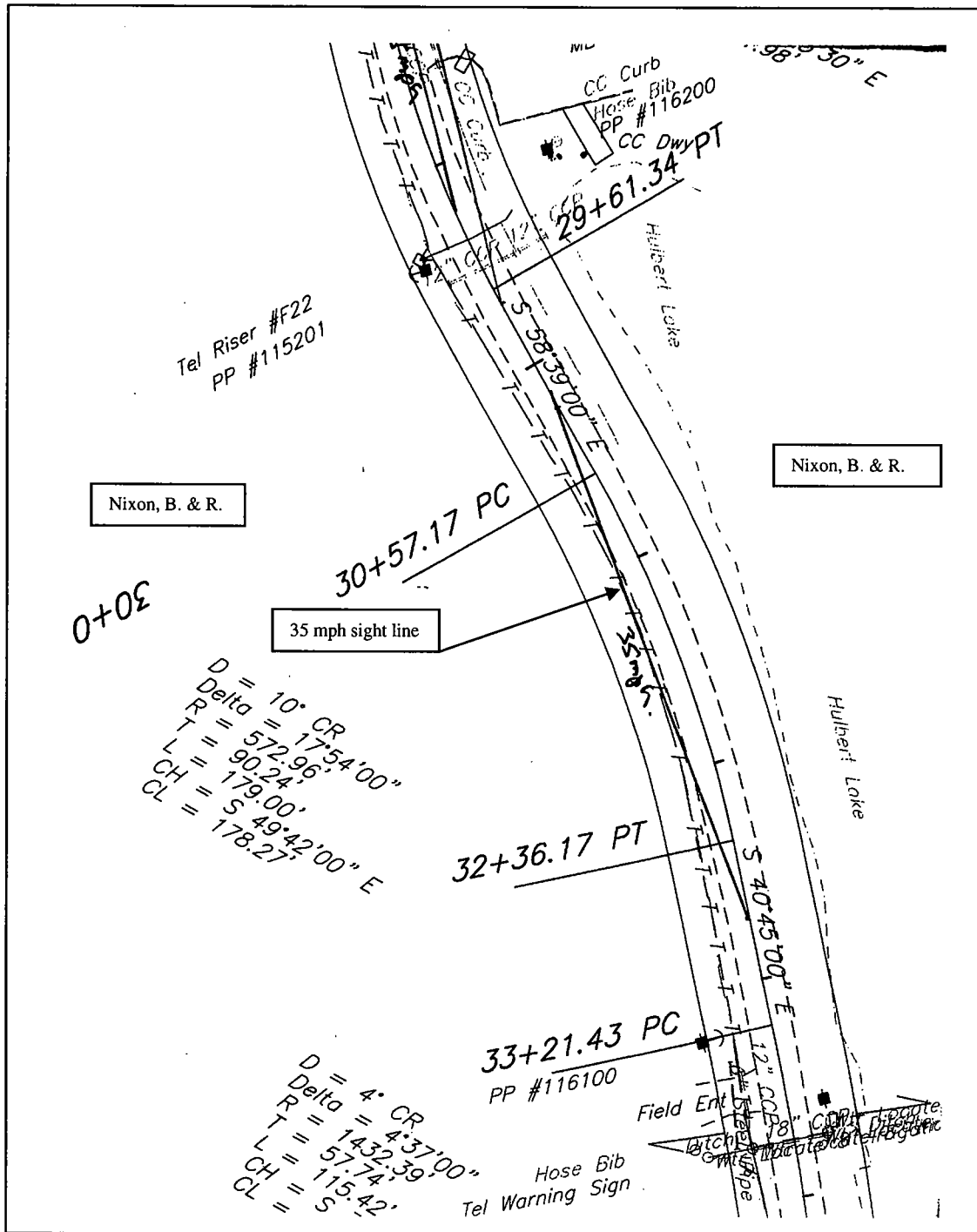
Nixon, B. & R.

North

Curve Data:
 $D = 13' \text{ CL}$
 $\Delta = 30^\circ 31' 00''$
 $R = 440.74'$
 $L = 120.23'$
 $CH = 234.74'$
 $CL = S 43^\circ 23' 30'' E$
 $231.98'$

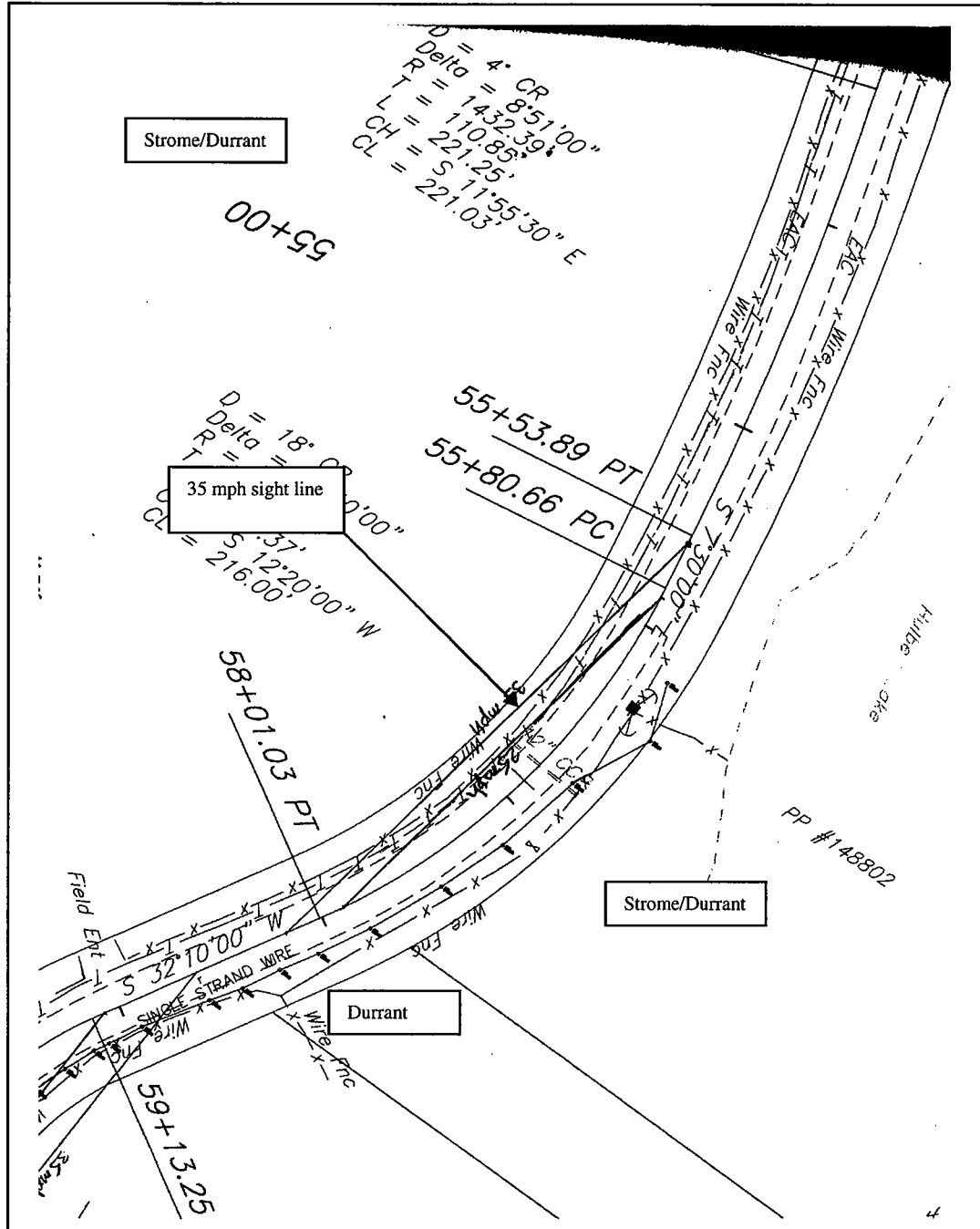
Maps Showing Impairment of Sight Lines along
Hulbert Lake Road MP 0.455 to Benton County Line
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ATTACHMENT 1



CURVE NO. 2

ATTACHMENT 1



CURVE NO. 3

Maps Showing Impairment of Sight Lines along
Hulbert Lake Road MP 0.455 to Benton County Line
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PT

Nail

Ed Conc. Nail

(2) 12" D Trees

(18) 12" D Trees

(12) 4-6" D Tree Clumps

(26) 6" D Tree

(2) 3-12" D Tree Clumps

(18) 12" D Trees

(7) 5-6" D Tree Clump

24" D Tree

2-12" D Tree Clump

Nielsen

(6) 6" D Trees

Guy PP #149603

(3) 6" D Trees

(4) D Tree Clumps

Nielsen

35 mph sight line

PC

68+71.1

CR

31°31'00" PP #149602

69+90.23 PT

25 MPH

Wire Enc

Field

6" D Tree

Drainage

18" CMF

(3) 18" D T

(5) 12" D

(3) 3-6" I

12" D Tree

Maps Showing Impairment of Sight Lines along
Hulbert Lake Road MP 0.455 to Benton County Line
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