

W. 3. B. 1.

Memorandum Date: April 25, 2007

Board Order Date: May 9, 2007

TO: Board of County Commissioners

DEPARTMENT: CAO/Community & Economic Development

PRESENTED BY: Mike McKenzie-Bahr, Community and Economic Development Coordinator

AGENDA ITEM TITLE: IN THE MATTER OF AMENDING ORDER NO. 07-3-14-11:
"ORDERING THE FORMATION OF THE ROW RIVER VALLEY
WATER DISTRICT"

I. MOTION

MOVE FOR THE APPROVAL OF THE ORDER AMENDING ORDER NO. 07-3-14-11

II. AGENDA ITEM SUMMARY

On March 14, 2007, the Board adopted Order 07-3-14-11, forming the Row River Valley Water District.

The Order, its attached Exhibit A - the metes and bounds of the District, and cadastral maps showing the District boundary, were sent to the Oregon Department of Revenue prior to a March 31, 2007 deadline as required by ORS 308.225.

On April 10, 2007, the Oregon Department of Revenue disapproved the boundary change. The letter from the Department of Revenue included a list of reasons for the change: a typo in Board Order No. 07-3-14-11; two errors in the metes and bounds description; and incorrect lines on four of the maps.

The adoption of the attached Board Order, along with the now corrected metes and bounds description and cadastral maps, will allow the resubmission of the boundary change request to the Oregon Department of Revenue. We anticipate that making these correction will lead to approval of the boundary changes.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The formation of the Row River Valley Water District has been necessitated by the City of Cottage Grove's plans to terminate service to 110 current water

connections, serving approximately 140 homes and businesses. That termination will occur in June 2008.

Following months of community meetings, public hearings and feasibility assessments, on March 14, 2007, the Lane County Board of Commissioners adopted order 07-3-14-11, forming the Row River Valley Water District.

The formation package was submitted to the Oregon Department of Revenue as part of the state prescribed District formation process. The Department of Revenue received the package on March 29, 2007.

On April 10, 2007, the Oregon Department of Revenue disapproved the boundary change. The reasons for the disapproval were as follows:

- 1) a typo in item 2 of Board Order No. 07-3-14-11 that incorrectly stated the name of the District as the "Row River Water Valley District."
- 2) two errors on page 1 of the metes and bounds description. One error misidentified a corner and another stated a line length as 960 feet instead of 860 feet
- 3) Four lines on the maps that were incorrectly drawn so they did not exactly follow the metes and bounds.

A follow-up conversation with a staff person at the Oregon Department of Revenue about the best way to fix the issues led to a) the attached order correcting the legal name and b) Paula Taylor at the Boundary Commission fixing the metes and bounds description and the maps. The filing of the correction will be done under the initial filing, so the timeline for filing by March 31, 2007 will still be met.

B. Policy Issues

Should the Board of Commissioners approve the Board Order to fix mistakes in the District formation paper work?

C. Board Goals

The approval of the District by the State will enable this project to meet the following board goals:

- Provide opportunities for citizen participation in decision-making, voting, volunteerism and civic and community involvement.
- Contribute to appropriate community development in the areas of transportation and telecommunications infrastructure, housing, growth management, and land development.

- Maintain a healthy environment with regard to air quality, water quality, waste management, land use and parks.
- Protect the public's assets by maintaining, replacing or upgrading the County's investments in systems and capital infrastructure.

D. Financial and/or Resource Considerations

Adopting the Order to fix the mistakes will not take any additional staff time as the corrections have been made and now just need Board approval.

E. Analysis

Without the adoption of the attached Board Order and the filing of the Order and the other corrections with the Department of Revenue, the District boundaries will not be recognized by the State of Oregon.

F. Alternatives/Options

1. The Board of Commissioners can adopt the order.
2. The Board of Commissioners could request more information and delay action until that information is provided. Such a delay will result in a delay of recognition of the District by the State.
3. The Board of Commissioners can reject the request to adopt the attached order.

IV. TIMING/IMPLEMENTATION

If the Board of Commissioners adopts the attached Order, the order along with the corrected metes and bounds and maps will immediately be sent to the Oregon Department of Revenue.

V. RECOMMENDATION

Staff recommends that the Board of Commissioners adopt the attached order.

VI. FOLLOW-UP

Once the order is adopted and the corrected materials are sent to the State, County staff will follow-up with the Department of Revenue to ensure they approve the district boundary.

VII. ATTACHMENTS

Board Order with attached Exhibit "A", Legal Description Metes and Bounds

Note: District Boundary maps are available for review with the Board Secretary.

ORDER NO.) IN THE MATTER OF AMENDING ORDER
) NO. 07-3-14-11: "ORDERING THE
) FORMATION OF THE ROW RIVER
) VALLEY WATER DISTRICT"

APPROVED AS TO FORM
Date 5/1/07 Los Angeles county
Teresa J. [Signature]
OFFICE OF LEGAL COUNSEL

EXHIBIT A

Row River Valley Water District Legal Description- Metes and Bounds

Beg at the NW cor of S19 T21S R01W, sd pt being common to ~~S13 and S24 T21S R02W and S18 and S19 T21S R01W;~~

th N88°18'E 1,302.30 ft to the N/S c/l of the NW¼ of S19 sd twp and rng, sd pt being the NE cor of the NW¼ NW¼ S19;

th Sly alg sd N/S c/l 1,325.00 ft m/l to SE cor of the NW¼ NW¼ sd sec;

th S45°22'06"E 932.91 ft;

th S01°16'04"E 675.00 ft m/l to the E/W c/l of sd sec;

th N88°33'00"E 647.40 ft m/l to the cen of S19 sd twp and rng;

th S00°21'40"E 1,875.00 ft m/l to a pt on the N li of L. Van Arbury DLC No. 37;

th N88°17'36"W 1,400.00 ft m/l to the Wly r/w of co rd no. 407 and 1009 commonly known as Row River Road in S19 sd twp and rng;

th Sly alg sd r/w 210.00 m/l;

th leaving sd r/w S12°12'W 675.00 ft m/l to N li of S30 T21S R01W;

th E on sd N li of S30 150.00 ft m/l to its int wi the E r/w of co rd 1089 commonly known as Row River Road;

th Sly alg sd r/w of sd co rd to a pt 630.00 ft m/l N of the S li of S30 T21S R01W;

th N75°04'50"E 157.60 ft;

th S40°21'34"E 237.57 ft to the Wly r/w of the abandoned Oregon Pacific and Eastern Railroad (OP&E) in S30 sd twp and rng;

th SEly alg sd Wly r/w to its inter wi the E/W c/l of the NE¼ of S31 T21S R01W;

th Ely alg sd c/l 200.00 ft m/l to the NE cor SW¼ NE¼ sd S31;

th S 140.00 ft m/l to the Sly r/w of sd abandoned OP&E;

th SEly alg sd r/w to its int wi the E/W c/l of S32 T21S R01W;

th alg sd c/l S89°01'08"E ~~960.00~~ 860.00 ft m/l to a 2-inch iron pipe;

Final Order 1298 (Revised 4/10/07)

W RRV 07 – 04

Page 1 of 11

th S09°40'12"E 718.10 ft;

th E 210.00 ft;

th S09°40'12"E 692.00 ft to th Nly r/w of Booth Kelly Private Road;

th NWly alg sd r/w 130.00 ft m/l;

th SWly and perp to the c/l of the rd 70.00 ft to the Sly r/w of sd Booth Kelly Private Road;

th SEly alg sd r/w to the N/S c/l of the SE¼ S32 sd twp and rng;

th Nly 2,030.00 ft m/l to the E/W c/l S32 sd twp and rng;

th S89°01'08"E 1,338.49 ft m/l to the W li of S33 sd twp and rng, sd pt also being the W¼ cor sd sec;

th Ely alg the E/W c/l of sd S33 to its inter wi the N/S c/l of sd sec sd twp and rng;

th Nly alg sd c/l 1,290.00 ft m/l to its inter wi the E/W c/l NE¼ S33 sd twp and rng, sd pt being the NW cor SW¼ NE¼;

th Ely alg the E/W c/l of sd NE¼ to the W li of S34 sd twp and rng, sd pt being the N 1/16 cor S34 sd twp and rng;

th Ely alg the 1/16 li S34 to the E li sd sec;

th S01°26'E 1,310.00 ft m/l alg the E sec li sd sec to the E/W c/l S35 sd twp and rng;

th Ely alg the E/W c/l 3,960.00 ft m/l to the SW cor SE¼ NE¼ sd S35;

th N00°24'51"E 1,294.00 ft m/l alg the N/S c/l NE¼ S35 T21S R01W to the E/W c/l NE¼ sd sec;

th Ely alg the E/W c/l sd ¼ sec 1,322.75 ft m/l to the W li of S36 T21S R01W;

th Nly alg sd W li of S36 625.00 ft m/l to the NW cor SW¼ NW¼ NW¼ sd S36;

th Ely alg the projection of the E/W c/l NW¼ NW¼ sd twp and rng 2,110 ft m/l;

th N 625.00 ft m/l to the N li sd S36;

th alg sd N li of S36 S86°31'E 4,470.00 ft to the NE cor sd S36;

th Sly alg the E li sd S36 1,260.00 ft to the NE cor of Gov Lot 6 in sd S36;

th alg the N li of sd Gov Lot 6 N86°17'40"W 622.89 ft;
th SWly 115.72 ft;
th S57°40'W 325 ft;
th S64°30'W 377.58 ft;
th N87°45'W 150.00 ft;
th N59°15'W 425 ft;
th N87°00'W 265.00 ft;
th S72°00'W 390.00 ft;
th N89°00'W 265.00 ft;
th N71°15'W 400 ft;
th N87°45'W 1045.00 ft;
th N81°19'W 311.92 ft;
th N89°15'W 342.96 ft;
th S75°15'W 790.00 ft;
th S75°15'W 296.93 ft;
th N12°00'W 125.64 ft;
th S78°00'W 60.00 ft;
th S12°00'E 135.64 ft
th S78°00'W 396.16 ft;
th S72°00'W 269.28 ft to the E li of S35 T21S R01W;
th S00°14'28"E alg sd E li 393.90 ft to the E¼ sd S35;
th N88°04'09"W 880.00 ft m/l to a pt on the W r/w of private Booth Kelly Logging Road;
th SWly alg sd W r/w 1,115.00 ft;

th leaving sd r/w and following alg the projection thereof 375.00 ft m/l to the Sly r/w of Row River Road

th Wly alg sd r/w 100.00 ft m/l;

th leaving sd r/w S02°52'E 377.00 ft m/l;

th W 95.00 ft m/l;

th N 84.00 ft m/l;

th N86°35'W 442.00 ft m/l to the C-S 1/16 cor on the W li of the SE¼ S35;

th N87°15'30"W 2,620.00 ft m/l to the E li S34 T21S R01W;

th N84°00'W 1,039.90 ft;

th N30°15'W 580 ft to the c/l of Row River;

th NWly alg the c/l 1,200.00 ft m/l to the E/W c/l S34 T21S R01W;

th Wly alg sd E/W c/l 280.00 ft m/l to the Wly r/w of co rd no 1089, commonly known as Row River Road;

th Sly alg sd r/w to its inter wi the N/S c/l sd S34;

th Sly alg the N/S c/l to its inter wi the E/W c/l of the SW¼ of S34 sd twp and rng, sd pt being the SE cor NE¼ SW¼;

th Wly alg the E/W c/l SW¼ S34 to the E li of S33 T21S R01W;

th Wly alg the E/W c/l SE¼ S33 1,307.00 ft m/l to its inter wi the N/S c/l sd SE¼ S33 T21S R01W, sd pt being the NW cor SE¼ SE¼ S33;

th Sly alg sd c/l 50.00 ft m/l to Nly r/w of sd Row River Road;

th Wly alg sd r/w to its inter wi the N/S c/l sd S33;

th Sly alg sd N/S c/l 600.00 ft m/l to the E/W c/l SE¼ SW¼ sd S33;

th Wly alg sd E/W c/l to its inter wi the N/S c/l SE¼ SW¼ sd sec;

th Sly alg sd N/S c/l to its inter wi the S li of S33 sd twp and rng;

th Wly alg sd S li to a pt S89°59.4'E 274.78 ft fr the SW cor sd S33;

th S12°47'W 35.20 ft;
 th N87°04'W 75.60 ft;
 th S87°18'W 57.90 ft;
 th S71°52'W 47 ft;
 th S57°16'W 105.8 ft to the E li of S05 T22S R01W;
 th Nly alg E li of S5 105.07 ft to its inter wi the Sly r/w of sd Row River Road;
 th SWly and NWly alg sd r/w to its inter wi the c/l of Row River;
 th Wly alg sd c/l of Row River to its inter wi the N sec li sd S05;
 th N89°30.4'W 250.00 ft m/l to the Wly r/w of co rd no. 679 commonly known as Sharps Creek Road;
 th contg alg sd r/w Nly to center of Row River;
 th NWly alg sd center of Row River to its inter with the E/W c/l SW¼ S32 T21S R01W;
 th W alg sd E/W c/l to the W li sd S32 sd twp and rng, sd pt being the NE cor SE¼ SE¼ S31 sd twp and rng;
 th N01°36'27"E 1,415.00 ft m/l to the E/W c/l S31 T21S R01W, sd pt being the E¼ cor sd S31 twp and rng;
 th Nly alg sd W li of S32 to a pt 52.4.00 ft Nly from the W¼ cor sd S32;
 th S31°00'W 75.00 ft;
 th N40°56'W 146.50 ft
 th N53°19'E 70.00 ft m/l;
 th N54°10'W 25.00 ft;
 th N53°19'E 70.00 ft m/l to the Sly r/w of co rd no. 407 and 1009 commonly known as Row River Road;
 th NWly alg sd r/w 1,775.00 ft m/l to a pipe;
 th leaving sd r/w S85°15'45"W 660.00 ft m/l to a found pipe by survey;

th N28°27'35"W 162.00 ft to the 1/16 li by dependent resurvey (BLM-1958);

th Wly alg sd 1/16 li 274.53 ft to a brass cap, sd pt being on the N/S c/l S31 sd twp and rng;

th N01°13'E 325.00 ft m/l to the Wly r/w of co rd no. 407 and 1009 commonly known as Row River Road;

th alg sd r/w NWly to the S sec li S30 T21S R01W;

th contg Nly 1,340.00 ft m/l alg sd r/w to its inter wi the S li of Gov Lot 4 sd S30;

th leaving sd r/w W 100.00 ft m/l to the c/l of Row River;

th Nly alg the c/l of Row River 500.00 ft m/l;

th W 100.00 ft to the W li of sd Gov Lot 4;

th S alg W li of sd Govt Lot 4 495.00 ft to the SW cor of Gov Lot 4;

th S84°55'31"W 1,282.24 ft to the W sec li sd S30, sd pt being the SW cor sd NW¼ SW¼;

th N00°08'23"E 1,300.66 ft to the W¼ cor S30 sd twp and rng;

th N01°06'39"W 2,638.80 ft to the SW cor S19 T21S R01W;

th N01°13.7'W 2,643.00 ft m/l alg the W li S19 to the NE cor SE¼ S24 T21S R02W;

th Wly alg the E/W c/l of sd S24 5,274.00 ft m/l to the NW cor SW¼ sd S24;

th Nly alg the W li of sd S24 2,603.00 ft m/l to the SW cor of the Mark Calvert DLC No. 43, sd pt also being the sec corner common to S13, S14 , S23, and S24 T21S R02W;

th S89°08'56"W 1,326.30 ft to the N/S c/l SE¼ S14 T21S R02W, sd pt being the SW cor SE¼ SE¼;

th N00°49'15"E 2,030.00 ft m/l to the Sly r/w of co rd no. 30 commonly known as Shoreview Drive;

th NWly alg sd r/w 720.00 ft m/l;

th leaving sd r/w S 68° 58'W 210.90 ft;

th S14°E 329.57 ft;

th Ely 213.29 ft;

th S01°08'W 351 ft;

th S12°00'E 478.3 ft;

th Wly 667.15 ft;

th N01°08'E 818.90 ft;

th Wly 330.00 ft m/l to the N/S c/l S14 sd twp and rng;

th N00°49'52"E 420.00 ft m/l, sd pt being S 50.00 ft of the E/W c/l sd sec;

th S69°52'W 310.50 ft;

th N05°36'W 146.59 ft;

th S88°12'30"W 1,030.00 ft m/l to the N/S c/l SW¼ sd sec, sd pt being the NE cor NW¼ SW¼;

th Sly 1,320.00 ft m/l alg sd N/S c/l to its inter wi the E/W c/l of the SW¼ sd sec, sd pt being the SE cor NW¼ SW¼;

th Wly alg sd E/W c/l to its inter wi the W li of sd sec by I.E. Humphrey survey;

th Wly 80.00 ft m/l to a pt on the W li S14;

th Nly 3,959.00 ft m/l to the SE cor S10 T21S R02W;

th N01°20'50"E 650.00 ft m/l;

th Wly 1,010.00 ft m/l within the SE¼ sd sec;

th Nly 675.00 ft m/l to the N li SE¼ SE¼;

th Ely 335.00 ft m/l;

th N01°09'10"E 380.00 ft m/l to the Sly r/w of relocated Market Road No. 30 now known as co rd no. 1279 commonly known as Shoreview Drive in S10 sd twp and rng;

th NWly alg sd r/w to the E/W c/l of S10 sd twp and rng;

th S89°23'10"W 2,270.00 ft m/l to the N/S c/l of the NW¼ sd sec, sd pt being the SW cor of the SE¼ NW¼;

th Nly alg sd c/l to the E/W c/l NW¼ sd sec, sd pt being the NW cor SE¼ NW¼;

th Wly alg sd c/l 1,340.00 ft m/l to the W li of sd sec, sd pt being the SW cor NW¼ NW¼;

th N01°20'E 1,320.00 ft to the SE cor S04 T21S R02W;
 th S88°40'W 229.84 ft;
 th N46°47'58"E 57.91 ft;
 th N35°58'44"E 105.50 ft;
 th N01°57'35"E 38.89 ft;
 th N64°16'02"E 64.78 ft;
 th N34°50'26"E 81.91 ft;
 th N59°41'35"E 107.31 ft;
 th N29°50'29"E 80.34 ft;
 th N44°01'29"E 161.21 ft to the SWly r/w li of Shoreview Drive, co rd no.1279;
 th alg sd SWly r/w li 2,430.00 ft m/l;
 th S02°46'30"W 115.56 ft;
 th W 626.84 ft m/l;
 th Nly 175.00 ft m/l to sd SWly r/w li of Shoreview Drive;
 th NWly along sd SWly r/w li 1,975.00 ft m/l to the E/W c/l sd S04;
 th Wly alg sd E/W c/l 275.00 ft m/l to the SE cor SW¼ NW¼ sd S04;
 th Nly alg the N/S c/l of the NW¼ sd S04 500.00 ft m/l to the NEly r/w of sd Shoreview Drive;
 th NWly alg sd r/w li 1,150.00 ft m/l to the N li of Lot 8, Lazy Acres;
 th NEly alg sd N li 30.00 ft m/l to the Reservation Boundary li of Dorena Reservoir;
 th alg sd bndry li S47°20'E 971.00 ft to U.S. Mon 4-2;
 th S67°16'30"E 821.09 ft to U.S. Mon 4-3;
 th S0°46'30"W 440.02 ft to U.S. Mon 4-4;
 th leaving sd bndry N89°09'30"E 300.00 ft m/l to the shr li of Dorena Reservoir;

th SEly alg sd shr li to the int of the E sec li S04 sd twp and rg;
 th contg alg sd shr li 510.00 ft m/l to a pt N of U.S. Mon 3-1;
 th S 106.00 ft m/l to U.S. Mon 3-1 on the Reservation Boundary Line;
 th alg sd Reservation Boundary Line S01°32'30"W 920.00 ft to U.S. Mon 3-2;
 th N88°03'50"E 100.00 ft to U.S. Mon 3-3;
 th N23°05'10"E 385.17 ft to U.S. Mon 3-4;
 th N51°59'20"E 285.59 ft to U.S. Mon 3-5;
 th S33°32'E 900.00 ft to U.S. Mon 3-6;
 th S00°54'50"W 200.00 ft to U.S. Mon 3-10;
 th leaving sd bndry li S88°04'52"W 260.00 ft m/l;
 th N83°01'33"W 70.00 ft;
 th S8°25'27"W, 11 ft to the N li S10 T21S R2W;
 th alg sd N li of S10 S88°04'52"W 110.00 ft m/l to the NEly r/w li of Shoreview Drive;
 th SEly alg sd r/w li 1,450.00 ft m/l to a pt 40.00 feet fr when measured at rt angles to c/l sta 156+50;
 th SWly at a rt angle to sd c/l 200.00 ft to the SWly r/w sd co rd;
 th S 100.00 ft m/l;
 th N88°44'15"E 190.00 ft;
 th S00°56'20"E 910.00 ft;
 th S89°23'10"W 200.00 ft;
 th S00°56'20"W 200.00 ft;
 th N89°23'10'E 200.00 ft;
 th N40°48'30"E 1,050.00 ft;
 th S69°24'E 200.00 ft to the NEly r/w sd Shoreview Drive;

th SEly alg sd Nly r/w to the W li S11 T21S R02W;

th SEly alg sd r/w to the N li S14;

th SEly alg sd r/w 720.00 ft m/l to pt 80.00 ft SEly of engineering station 226+00 on sd r/w;

th leaving sd r/w N81°41'50"E 564.43 ft;

th S28°04'30"W 440.60 ft to the Nly r/w of relocated Market Road No. 30, commonly known as co rd no. 1279 Shoreview Drive;

th SEly alg sd r/w 1,890.00 ft m/l to a pt, sd pt being 120.00 ft m/l S of the S li of James R. Hobson DLC No. 42;

th leaving sd r/w N89°19'E 450.00 ft m/l;

th S38°18'15"E 682.29 ft;

th S33°23'53"E 1,113.35 ft m/l;

th S64°00'34"E 791.00 ft m/l to U.S. Mon 14-3 at the NE cor SE¼ SE¼ S14;

th Sly 480.00 ft m/l alg the E ln sd Sec 14 to the Nly r/w of relocated Market Road No. 30, commonly known as co rd no. 1279 Shoreview Drive;

th SEly alg the Nly r/w of sd co rd to its inter wi the Sly r/w of co rd no. 407 commonly known as Row River Road;

th NWly alg the Sly r/w of co rd no. 407 to its inter wi the E li S14 T21S R02W;

th NWly alg the Sly r/w of co rd no. 407 and 1283 commonly known as Row River Road to its inter wi the Sly r/w of the abandoned Oregon Pacific and Eastern Railway;

th SEly alg sd Sly r/w to the E li sd S14;

th cont alg sd Sly r/w, SEly to its inter wi the S li of DLC 43 in S13 T21S R02W;

th alg sd S li of DLC 43 S88°57'59"E 2,330.00 ft m/l to the SE cor sd DLC 43;

th Nly 230.00 ft m/l to the POB, being the NW cor of S19 T21S R13W WM, all in Lane County, Oregon.