


W.3.D.4.

Memorandum Date: October 9, 2007
 Order Date: October 31, 2007

TO: Board of County Commissioners

DEPARTMENT: Public Works/Land Management

PRESENTED BY: D. Michael Jackson, Lane County Surveyor 

AGENDA ITEM TITLE: IN THE MATTER OF THE ALTERATION OF A SEGMENT OF MCBETH ROAD (COUNTY ROAD NO. 1015) (18-04-22)

I. MOTION

To approve an Order Altering a segment of McBeth Road (County Road No. 1015), (18-04-22)

II. AGENDA ITEM SUMMARY

Right of way acquisition and safety improvements associated with realignment and construction of the road have been completed on a segment of McBeth Road (County Road No. 1015) (18-04-22). It is now necessary for the Board of Commissioners to decide whether the completed road project and its alignment should be legally altered.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

McBeth Road was established as a 40 foot wide County Road by the County Commissioner's Court in 1926. It is an approximately 3.5 mile long rural minor collector from Lorane Highway to Fox Hollow Road. Minor safety improvements were determined to be needed by the County Engineer at the north intersection with Lorane Highway to bring the road closer to County standards. The project was approved for funding through the adoption of the FY 01/02 through FY 05/06 Capital Improvement Program by Order No. 01-5-9-5 and as a County Force Project by Public Works Road Maintenance Division.

The Order allowed for the acquisition of right-of-way which was used to make identified safety improvements to McBeth Road's intersection with Lorane Highway. Lane County acquired fee title through deeds recorded in Lane County Deeds and Records and a Record of Survey was filed with the Lane County Surveyor's Office as County Survey No. 38445.

The Surveyor's Office has received a request from the Right of Way Management program of the Department of Public Works to accept deeds of land and alter this segment of McBeth Road (County Road Number 1015).

B. Policy Issues

The acquisition of right of way and safety improvements for McBeth Road (County Road No. 1015) were identified and recommended by the County Engineer and funded as a County Force Project through the Public Works Road Maintenance Division. The adoption of the Capital Improvement Program FY 01/02 – FY 05/06 by Order No. 01-5-9-5 authorized small safety improvement projects, such as McBeth Road, which were not identified in the Capital Improvement Program for FY 02 and FY 03. This project appears to be consistent with Oregon Revised Statute 368, which allows for the initiation and acquisition of property, and Lane Code Chapter 15, which provides for improvement, development or redevelopment of County Roads in accordance with the Comprehensive Plan.

C. Board Goals**GOALS****Lane County's Goals**

Lane County Government exists to ensure the safety and well being of the people who live, work and visit our communities. That includes personal safety, security of property, preservation of infrastructure, health safety, and assisting in providing for our citizens' basic needs. One such goal is to protect the public's assets by maintaining, replacing or upgrading the County's investments in systems and capital infrastructure. (GOALS, LANE COUNTY STRATEGIC PLAN 2001-2005, Page 13.)

D. Financial and/or Resource Considerations

The acquisition of property and the safety improvements associated with realignment and construction of a segment of McBeth Road (County Road No. 1015) have been completed. Therefore, no substantial costs will be incurred as a result of completing the legal alteration of the road.

E. Analysis

The Public Works Director's Report, attached to the Order as Exhibit "A", notes that the alteration and safety improvements of a segment of McBeth Road (County Road No.1015) have been completed and the road is open for public travel. The final phase of the project is to complete the legal alteration of this road in accordance with ORS Chapter 368. The Order of Alteration accomplishes that action, including the acceptance of land acquired for right of way as a part of this project. The centerline description of the new alignment, including right of way widths is contained within the deeds and depicted in County Survey No. 38445.

The Lane County Public Works Department has filed County Survey File No. 38445 with the County Surveyor, which includes road centerline and right of way monumentation in compliance with ORS Chapters 209.250 and 368.106.

F. Alternatives/Options

The Board of County Commissioners has the options to:

1. Approve the Order of Alteration for McBeth Road (County Road No 1015) as presented in the deeds and filed survey.
2. Have staff review and alter any component of the Order of Alteration of said segment of McBeth Road, or
3. Continue the motion for further consideration.

IV. TIMING/IMPLEMENTATION

Timing is important, as ORS 368.106 requires that the Order of Alteration and deeds or other documents establishing an interest in real property for public road purposes be recorded.

V. RECOMMENDATION

It is recommended that the Board of Commissioners approve Option 1. This will approve the Order of Alteration of this segment of McBeth Road, as proposed and supported by the Public Works Director.

VI. FOLLOW-UP

Upon approval by the Board of County Commissioners, the Order of Alteration and related attachments will be forwarded to the County Clerk for filing and entering into the Board of Commissioners' Journal of Administration. The Order of Alteration and the road survey will be entered into the Road Index Books and County Road Files administered by the Department of Public Works and the County Surveyor for public record.

VII. ATTACHMENTS

Order with attachments:

- Exhibit "A" - Director's Report
- Attachment "A" - Vicinity Map

Contact Person: D. Michael Jackson, x 4198

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

File No. 4154

IN THE MATTER OF THE ALTERATION OF A) ORDER OF
SEGMENT OF MCBETH ROAD) ALTERATION
(COUNTY ROAD NO. 1015) (18-04-22))

THIS MATTER now coming before the Board of County Commissioners for Lane County, Oregon, and the Board through adoption of the Capital Improvement Program for the Department of Public Works has determined that it was necessary to alter and make safety improvement along a segment of McBeth Road (County Road No.1015). The segment of right of way is located at the north end of McBeth Road at the intersection of Lorane Highway; and

WHEREAS, The acquisition of right of way and safety improvements for McBeth Road (County Road No.1015) were identified and recommended by the County Engineer and funded as a County Force Project through the Public Works Road Maintenance Division. The adoption of the Capital Improvement Program FY 01/02 – FY 05/06 by Order No. 01-5-9-5 authorized small safety improvement projects, such as McBeth Road, which were not identified in the Capital Improvement Program for FY 02 and FY 03; and

WHEREAS, the Department of Public Works has completed the final road design and acquired all necessary right of way on and over which the project has been laid out; and

WHEREAS, the Public Works Department has completed the construction of the McBeth Road project, in accordance with the plans and specifications prepared and administered by the Public Works Director; and

WHEREAS, it has been determined to be necessary to legally alter this segment of McBeth Road, and accept the alignments included in the acquisitions made as a part of this project, as county road right of way; and

WHEREAS, the Department of Public Works has filed a road survey numbered File 38445 with the County Surveyor for public record all in compliance with ORS 209.250 and 368.106; and

WHEREAS, the Board of County Commissioners is satisfied that necessary road construction and improvements have been completed and will be of public utility and benefit; now therefore, it is hereby

ORDERED that the deeds specified herein, presented to the said Board of County Commissioners through purchase, donation, or agreement, as herein set forth below, on the dates set after the names of the Grantors, and before the recording information in the Lane County Deed Records, are hereby accepted as County road right of way:

<u>GRANTOR'S</u>	<u>RECORDING DATE</u>	<u>LANE COUNTY DEED RECORDS</u>	<u>LANE COUNTY TAX LOT NUMBER</u>
Kayrin H. Gregory	5/03/2002	2002-034821	18-04-22 600
Spencer Creek Grange No. 855	10/24/2002	2002-082568	18-04-22 700

and, it is further

ORDERED, that the segment of said county road referred to above and commonly known as McBeth Road be hereby altered as described in the legal descriptions of said deeds and depicted on County Survey File 38445; 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 "A", which is attached hereto, and made a part hereof, by this Order; and, it is further

ORDERED, that this Order be filed with the County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration and into the Road Index Books and County Road Files 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 alter said segment of McBeth Road, and to accept it as County Road Number 1015.

DATED this _____ day of _____, 2007.

Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 10-19-07 lane county



OFFICE OF LEGAL COUNSEL

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

File No. 4154

IN THE MATTER OF THE ALTERATION OF A) DIRECTOR'S
SEGMENT OF MCBETH ROAD) REPORT
(COUNTY ROAD NO. 1015) (18-04-22))

McBeth Road was established as a 40 foot wide County Road by the County Commissioner's Court in 1926. It is an approximately 3.5 mile long rural minor collector from Lorane Highway to Fox Hollow Road. Minor safety improvements were determined to be needed by the County Engineer at the north intersection with Lorane Highway to bring the road closer to County standards. The project was approved for funding through the adoption of the FY 01/02 through FY 05/06 Capital Improvement Program by Order No. 01-5-9-5 and as a County Force Project by Public Works Road Maintenance Division.

The adoption of the Capital Improvement Program FY 01/02 – FY 05/06 by Order No. 01-5-9-5 authorized small safety improvement projects, such as McBeth Road, which were not identified in the Capital Improvement Program for FY 02 and FY 03. This project appears to be consistent with Oregon Revised Statute 368, which allows for the acquisition of property, and Lane Code Chapter 15, which provides for improvement, development or redevelopment of County Roads in accordance with the Comprehensive Plan.

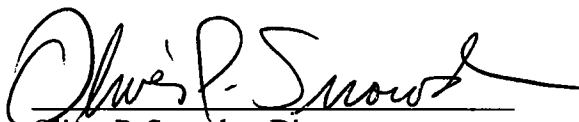
The McBeth Road Safety Improvement Project construction plans were prepared and all necessary surveying, alignment design and mapping, additional right of way acquisition and reconstruction have been completed. All construction of this segment of road was completed in accordance with plans and specifications administered by the Department of Public Works and the road is now open for public travel.

An Order of Alteration to legally alter this segment of McBeth Road has been prepared. The Order provides for acceptance of parcels of land and portions thereof acquired as right of way in conjunction with this project. The legal description of the new alignment including right of way widths is contained within the deeds and depicted in County Survey No. 38445.

The Department of Public Works has filed County Survey File No.38445 with the County Surveyor, which includes centerline and right of way monumentation in compliance with ORS Chapters 209.250 and 368.106.

The public interest will be served by the alteration of this road. It is therefore recommended that the Order of Alteration and related attachments be approved and that it be filed with the County Clerk and entered in the Board of Commissioners Journal of Administration. The Order of Alteration and the road surveys will then be entered into the legal County Road Files administered by the Department of Public Works and the County Surveyor for public record.

DATED this 12th day of October, 2007.


Oliver P. Snowden, Director
Department of Public Works

IN THE MATTER OF THE ALTERATION OF McBETH ROAD
(COUNTY ROAD NO. 1015), (18-04-22)

