


W. 3. F. 1.

Memorandum Date: January 29, 2008
Order Date: February 20, 2008

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 BERNHARDT HEIGHTS ROAD, COUNTY ROAD NO. 1112 (18-11-15 & 16)**

I. MOTION

To Approve the Order altering Bernhardt Heights Road, County Road Number 1112, located in Sections 15 and 16, Township 18 South, Range 11 West of the Willamette Meridian.

II. AGENDA ITEM SUMMARY

All land acquisitions and construction of the relocated Bernhardt Heights Road (County Road Number 1112) have been completed. It is now necessary to decide whether to complete this process by accepting fee and other interests in land and to alter Bernhardt Heights Road, County Road No 1112.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Bernhardt Heights Road (County Road Number 1112) is a rural local road serving roughly nine single family dwellings. The road was established as a 40 foot wide County Road in 1934 and extends from the centerline of County Road 924 southwesterly for approximately 1850 feet.

On November 6, 2002, a public hearing was held to consider the realignment of Bernhardt Heights Road. The Board determined that it is the public's interest to acquire fee and other interest and resolved to immediately occupy real property in order to realign Bernhardt Heights Road. Board Order 02-12-4-2 amended the Capital Improvement Project for FY 03 to FY 07 to include Bernhardt Heights Road and approved a project design concept to realign said County Road. The altered segment of road extends from the beginning of the original alignment of County Road No. 1112 for approximately 1.07 miles until it reconnects to the original alignment near the end of the original alignment.

B. Policy Issues

The initiation and acquisition of property and construction was authorized by the adoption of the amended Capital Improvement Program FY 03 to FY 07, and by Board Order No. 02-12-4-2, for the Bernhardt Heights Road Realignment Project.

The road is of benefit to the general public and meets the criteria for acceptance as a County Road. The realignment of Bernhardt Heights Road was based on an approved design concept and allowing other standards and exceptions to be made by the County Engineer.

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 and Lane Manual 15 which provides policies and standards applicable to County Roads in Lane County.

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 acquisitions were part of the FY 03 to FY 07 Capital Improvement Plan. All right of way acquisitions and road improvements have been made along realigned Bernhardt Heights Road. No additional cost will be incurred as a result of completing the alteration of this County Road.

E. Analysis

The Public Works Director's Report, attached to the Order as Exhibit "B", notes that the realignment and construction of Bernhardt Heights Road has 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 and vacating portions of the former right of way determined to be in excess while retaining an easement for public utilities as a part of this project. The centerline description of the new alignment, including right of way widths, is attached to the Order as Exhibit "A".

The Lane County Public Works Department has filed County Survey File No. 40884 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 Bernhardt Heights Road as a County Road.
2. Deny the Order of Alteration for Bernhardt Heights Road as a County Road.
3. Continue the matter for further consideration.

IV. TIMING/IMPLEMENTATION

Timing is essential in the matter so as to ensure the altered road is maintained as a County Road. Upon approval of the Order to Alter the roadway, it shall be forwarded to the County Clerk for filing in the Commissioner's Journal of Administration, after which copies shall be forwarded to the County Surveyor and the County Assessor for road indexing and mapping actions.

V. RECOMMENDATION

It is recommended that the Board of County Commissioners approve Option 1. This will approve the Order altering the described realignment of Bernhardt Heights Road as a County Road, as proposed and supported by the Public Works Director. This will allow the road to be entered into the County Road system and placed on a schedule to receive regular maintenance.

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. Copies of the approved Order shall also be forwarded to the County Assessor for appropriate action.

VII. ATTACHMENTS

Order w/ attachments:

Legal Description - Exhibit "A"
Director's Report - Exhibit "B"
Vicinity Map - Attachment "A"

Contact Person: D. Michael Jackson, County Surveyor, extension 4198

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

File No. 4157

IN THE MATTER OF THE ALTERATION OF) ORDER OF ALTERATION
 BERNHARDT HEIGHTS ROAD, COUNTY ROAD) NO.
 NO. 1112 (18-11-15 & 16))

THIS MATTER now coming before the Board of County Commissioners for Lane County, and the Board deeming it in the best interest of Lane County to accept fee and other interests in land and to alter Bernhardt Heights Road, County Road No. 1112.

WHEREAS, A Public Hearing was held on November 6, 2002 to consider the realignment of Bernhardt Heights Road (County Road Number 1112), and upon consideration of public testimony and recommendations, and further, through adoption of the Capital Improvement Programs from FY 03 through FY 07 and the amendment thereof by Board Order 02-12-4-2, the Lane County Board of Commissioners authorized the Public Works Department to proceed with the final road designs and begin right of way acquisitions for the realignment of Bernhardt Heights Road; and

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

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

WHEREAS, the Board of County Commissioners are satisfied that the road will be of public utility and benefit; and

WHEREAS, it has been determined necessary to legally alter Bernhardt Heights Road and accept the alignment including acquisitions of property 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, County Survey File 40884, with the County Surveyor for public record, all in compliance with ORS chapters 209.250 and 368.106; now therefore it is hereby

ORDERED that the deeds conveying fee or other interests, or portions thereof, which lie within the road right of way specified herein, presented to the Board of County Commissioners through purchase, donation, agreement, or condemnation, 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>GRANTORS</u>	<u>LANE COUNTY RECORDING DATE</u>	<u>LANE COUNTY DEED RECORDS</u>	<u>TAX LOT NUMBER</u>
Central Oregon & Pacific Railroad, Inc.	08/16/2005	2005-063674	17-04-26-00, 1401
Davidson Industries, Inc.	07/26/2005	2005-057100	18-11-16-00, 100
Coast Marina & R.V. Association, Inc.	09/15/2005	2005-072909	18-11-15-00, 1100

<u>GRANTORS</u>	<u>LANE COUNTY RECORDING DATE</u>	<u>LANE COUNTY DEED RECORDS</u>	<u>TAX LOT NUMBER</u>
United States of America	08/22/2006	2006-060743	18-11-16, 600, 701
Verna E. Morse, Traci R. Luchik, and Terri M. Taniguchi	07/14/2006	2006-049171	18-11-16-00, 503
Daniel A. Gray and Elisa M. Gray	02/09/2006	2006-009223	18-11-16-00, 501
Linn W. Wills and Kathy A. Wills	01/18/2006	2006-003824	18-11-16-00, 505
Verna E. Morse, Traci R. Luchik, and Terri M. Taniguchi	01/30/2007	2007-006457	18-11-16-00, 503
Arthur Y. Perkins Trust Dated 01 January 1996, Greg Lucas, Trustee	01/03/2008	2008-000558	18-11-16-00, 1001

and, it is further

ORDERED, that the said County Road referred to above, and herein known as Bernhardt Heights Road, is hereby altered as described in the legal description attached hereto, made a part hereof and marked Exhibit "A" by this Order; and it is further

ORDERED, that all portions of County Road Number 1112 lying between the termini specified herein above which are not included within the limits of the road herein above described are HEREBY DECLARED VACATED in accordance with ORS 368.126, and retaining unto any and all existing public utilities the right to preserve, maintain, repair, replace, remove or reinstall any public utility that may now exist within the bounds of the segment of County Road Number 1112 herein described by these proceedings as vacated; 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 filed with the County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration and into the County Road Files administered by the Lane County Department of Public Works and the Lane County Surveyor, and that a copy of the Order be forwarded to the County Assessor for appropriate action; and that said Order be, and is hereby final and does operate to alter said Bernhardt Heights Road, County Road Number 1112.

DATED this _____ day of _____, 2008

Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 2-6-08 lane county

OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

BERNHARDT HEIGHTS ROAD

CENTERLINE DESCRIPTION

A strip of land variable feet in width lying on each side of the centerline of the relocated Bernhardt Heights Road, in Sections 15 and 16, Township 18 South, Range 11 West of the Willamette Meridian, Lane County, Oregon, as surveyed by Lane County in 2006; the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station L 0+50.00 POB, said station being 752.86 feet South and 1,240.01 feet West of the Brass Cap marking the Quarter Corner common to Sections 15 and 16, Township 18 South, Range 11 West of the Willamette Meridian, Lane County, Oregon; run thence North 51° 00' 00" East, 556.69 feet; thence along a 716.20 foot radius curve left (the long chord of which bears North 47° 20' 00" East, 91.60 feet) a distance of 91.67 feet; thence North 43° 40' 00" East, 106.43 feet; thence along a 1,145.92 foot radius curve right (the long chord of which bears North 46° 25' 00" East, 109.96 feet) a distance of 110.00 feet; thence North 49° 10' 00" East, 247.67 feet; thence along a 286.48 foot radius curve left (the long chord of which bears North 44° 05' 00" East, 50.77 feet) a distance of 50.83 feet; thence North 39° 00' 00" East, 32.80 feet; thence along a 220.37 foot radius curve right (the long chord of which bears North 47° 45' 00" East, 67.05 feet) a distance of 67.31 feet; thence North 56° 30' 00" East, 42.04 feet; thence along a 1,145.92 foot radius curve left (the long chord of which bears North 53° 00' 00" East, 139.91 feet) a distance of 140.00 feet; thence North 49° 30' 00" East, 28.44 feet; thence along a 409.26 foot radius curve right (the long chord of which bears North 52° 00' 00" East, 35.70 feet) a distance of 35.71 feet; thence North 54° 30' 00" East, 132.13 feet; thence along a 1,145.92 foot radius curve left (the long chord of which bears North 52° 45' 00" East, 69.99 feet) a distance of 70.00 feet; thence North 51° 00' 00" East, 66.49 feet; thence along a 52.09 foot radius curve left (the long chord of which bears North 5° 15' 00" West, 86.62 feet) a distance of 102.27 feet; thence North 61° 30' 00" West, 22.32 feet; thence along a 572.96 foot radius curve right (the long chord of which bears North 54° 10' 00" West, 146.27 feet) a distance of 146.67 feet; thence North 46° 50' 00" West, 71.97 feet; thence along a 440.74 foot radius curve right (the long chord of which bears North 40° 25' 00" West, 98.51 feet) a distance of 98.72 feet; thence North 34° 00' 00" West, 49.30 feet; thence along a 358.10 foot radius curve left (the long chord of which bears North 43° 30' 00" West, 118.21 feet) a distance of 118.75 feet; thence North 53° 00' 00" West, 78.60 feet; thence along a 67.41 foot radius curve left (the long chord of which bears North 87° 05' 00" West, 75.55 feet) a distance of 80.20 feet; thence South 58° 50' 00" West, 70.71 feet; thence along a 381.97 foot radius curve right (the long chord of which bears South 71° 50' 00" West, 171.85 feet) a distance of 173.33 feet; thence South 84° 50' 00" West, 168.16 feet; thence along a 238.73 foot radius curve right (the long chord of which bears North 83° 57' 30" West, 92.81 feet) a distance of 93.40 feet; thence North 72° 45' 00" West, 34.22 feet; thence along a 409.26 foot radius curve right (the long chord of which bears North 62° 40' 16" West, 143.24 feet) a distance of 143.99 feet; thence North 52° 35' 32" West, 83.27 feet; thence along a 409.26 foot radius curve left (the long chord of which bears North 58° 03' 26" West, 77.95 feet) a distance of 78.07 feet; thence North 63° 31' 20" West, 190.68 feet; thence along a 150.78 foot radius curve left (the long chord of which bears North 89° 10' 44" West, 130.57 feet) a distance of 135.03 feet; thence South 65° 09' 53" West, 83.74 feet; thence along a 150.78 foot radius curve left (the long chord of which bears South 35° 22' 22" West, 149.83 feet) a distance of 156.80 feet; thence South 5° 34' 51" West, 543.63 feet; thence along a 286.48 foot radius curve right (the long chord of which bears South 19° 07' 10" West, 134.13 feet) a distance of 135.39 feet; thence South 32° 39' 29" West, 78.86 feet; thence along a 119.37 foot radius curve left (the long chord of which bears South 4° 57' 53" East, 145.74 feet)

EXHIBIT "A"

a distance of 156.76 feet; thence South 42° 35' 14" East, 44.91 feet; thence along a 168.52 foot radius curve right (the long chord of which bears South 13° 03' 13" West, 278.23 feet) a distance of 327.30 feet; thence South 68° 41' 41" West, 165.09 feet; thence along a 286.48 foot radius curve right (the long chord of which bears South 78° 49' 29" West, 100.77 feet) a distance of 101.30 feet; thence South 88° 57' 18" West, 226.78 feet; thence along a 119.37 foot radius curve left (the long chord of which bears South 43° 21' 36" West, 170.55 feet) a distance of 189.98 feet; thence South 2° 14' 05" East, 322.06 feet; thence along a 204.63 foot radius curve right (the long chord of which bears South 14° 48' 09" West, 119.91 feet) a distance of 121.69 feet; thence South 31° 50' 23" West, 129.25 feet; thence along a 102.31 foot radius curve left (the long chord of which bears South 20° 41' 28" West, 39.57 feet) a distance of 39.82 feet; thence South 9° 32' 32" West, 38.63 feet to Engineers' Centerline Station L 66+29.85 EOP and there ending, all in Lane County, Oregon.

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

<u>STATION TO STATION</u>		<u>WIDTH ON LEFT SIDE OF C/LINE</u>	<u>WIDTH ON RIGHT SIDE OF C/LINE</u>
L 0+83.99 POT	L 0+83.89 POT	0.00 ft tapering back on a straight line to 81.55 ft	
L 0+83.89 POT	L 3+37.34 POT	81.55 ft tapering on a straight line to 81.87 ft	
L 3+37.34 POT	L 11+08.82 POT	81.87 ft tapering on a straight line to 49.68 ft	
L 11+08.82 POT	L 11+26.99 POT	49.68 ft tapering on a straight line to 35.47 ft	
L 11+26.99 POT	L 12+94.44 POC	35.47 ft tapering on a straight line to 25.35 ft	
L 0+83.99 POT	L 0+84.00 POT		0.00 ft tapering on a straight line to 9.95 ft
L 0+84.00 POT	L 2+57.02 POT		9.95 ft tapering on a straight line to 9.73 ft
L 2+57.02 POT	L 4+25.60 POT		9.73 ft tapering on a straight line to 8.01 ft
L 4+25.60 POT	L 6+78.83 POC		8.01 ft tapering on a straight line to 11.33 ft
L 6+78.83 POC	L 9+20.46 POT		11.33 ft tapering on a straight line to 10.89 ft
L 9+20.46 POT	L 11+28.00 POT		10.89 ft tapering on a straight line to 14.52 ft

EXHIBIT "A"

<u>STATION TO STATION</u>		<u>WIDTH ON LEFT SIDE OF C/LINE</u>	<u>WIDTH ON RIGHT SIDE OF C/LINE</u>
L 11+28.00 POT	L 12+96.06 POC		14.52 ft tapering on a straight line to 24.65 ft
L 12+96.06 POC	L 18+21.29 POT		24.65 ft tapering on a straight line to 12.31 ft
L 18+21.29 POT	L 18+88.04 POC		12.31 ft tapering on a straight line to 47.69 ft
L 18+88.04 POC	L 19+10.29 POC		47.69 ft tapering on a straight line to 33.50 ft
L 19+10.29 POC	L 19+10.30 POC		33.50 ft tapering on a straight line to 25 ft
L 19+10.30 POC	L 31+36.82 PC		25 ft
L 12+94.44 POC	L 17+27.98 POC	25.35 ft tapering on a straight line to 38.56 ft	
L 17+27.98 POC	L 17+39.62 POC	38.56 ft tapering on a straight line to 51.81 ft	
L 17+39.62 POC	L 19+10.53 POC	51.81 ft tapering on a straight line to 25 ft	
L 19+10.53 POC	L 31+02.60 PT	25 ft	
L 31+02.60 PT	L 31+02.60 PT	25 ft tapering on a straight line to 35 ft	
L 31+02.60 PT	L 37+67.87 PT	35 ft	
L 37+67.87 PT	L 38+00.00 POT	35 ft tapering on a straight line to 45 ft	
L 38+00.00 POT	L 38+51.61 PC	45 ft tapering on a straight line to 35 ft	
L 38+51.61 PC	L 49+23.04 PT	35 ft	
L 31+36.82 PC	L 31+36.82 PC		25 ft tapering on a straight line to 35 ft
L 31+36.82 PC	L 32+00.00 POC		35 ft
L 32+00.00 POC	L 32+80.81 PT		35 ft tapering on a straight line to 55 ft

EXHIBIT "A"

<u>STATION TO STATION</u>		<u>WIDTH ON LEFT SIDE OF C/LINE</u>	<u>WIDTH ON RIGHT SIDE OF C/LINE</u>
L 32+80.81 PT	L 33+64.08 PC		55 ft tapering on a straight line to 35 ft
L 33+64.08 PC	L 35+75.00 POT		35 ft
L 35+75.00 POT	L 36+32.83 PC		35 ft tapering on a straight line to 50 ft
L 36+32.83 PC	L 36+75.00 POC		50 ft tapering on a straight line to 65 ft
L 36+75.00 POC	L 37+25.00 POC		65 ft tapering on a straight line to 75 ft
L 37+25.00 POC	L 37+67.87 PT		75 ft tapering on a straight line to 45 ft
L 37+67.87 PT	L 38+51.61 PC		45 ft
L 38+51.61 PC	L 38+75.00 POC		45 ft tapering on a straight line to 55 ft
L 38+75.00 POC	L 39+25.00 POC		55 ft tapering on a straight line to 60 ft
L 39+25.00 POC	L 40+08.41 PT		60 ft tapering on a straight line to 35 ft
L 40+08.41 PT	L 47+66.28 PC		35 ft
L 47+66.28 PC	L 48+50.00 POC		35 ft tapering on a straight line to 45 ft
L 48+50.00 POC	L 49+23.04 PT		45 ft tapering on a straight line to 65 ft
L 49+23.04 PT	L 49+67.95 PC		65 ft tapering on a straight line to 100 ft
L 49+67.95 PC	L 52+95.25 PT		100 ft tapering on a straight line to 60 ft
L 49+23.04 PT	L 49+67.95 PC	35 ft tapering on a straight line to 65 ft	

EXHIBIT "A"

<u>STATION TO STATION</u>		<u>WIDTH ON LEFT SIDE OF C/LINE</u>	<u>WIDTH ON RIGHT SIDE OF C/LINE</u>
L 49+67.95 PC	L 50+00.00 POC	65 ft tapering on a straight line to 75 ft	
L 50+00.00 POC	L 51+00.00 POC	75 ft tapering on a straight line to 75 ft	
L 51+00.00 POC	L 51+75.00 POC	75 ft tapering on a straight line to 100 ft	
L 51+75.00 POC	L 52+15.00 POC	100 ft tapering on a straight line to 180 ft	
L 52+15.00 POC	L 52+35.00 POC	180 ft tapering on a straight line to 180 ft	
L 52+35.00 POC	L 52+60.00 POC	180 ft tapering on a straight line to 85 ft	
L 52+60.00 POC	L 52+95.25 PT	85 ft tapering on a straight line to 65 ft	
L 52+95.25 PT	L 53+50.00 POT	65 ft tapering on a straight line to 45 ft	
L 53+50.00 POT	L 54+60.34 PC	45 ft	
L 54+60.34 PC	L 55+00.00 POC	45 ft tapering on a straight line to 40 ft	
L 55+00.00 POC	L 55+61.64 PT	40 ft tapering on a straight line to 30 ft	
L 55+61.64 PT	L 57+88.42 PC	30 ft	
L 57+88.42 PC	L 58+40.00 POC	30 ft tapering on a straight line to 32 ft	
L 58+40.00 POC	L 59+78.40 PT	32 ft tapering on a straight line to 30 ft	
L 59+78.40 PT	L 66+12.33 POT	30 ft.	
L 52+95.25 PT	L 53+25.00 POT		60 ft tapering on a straight line to 50 ft

<u>STATION TO STATION</u>		<u>WIDTH ON LEFT SIDE OF C/LINE</u>	<u>WIDTH ON RIGHT SIDE OF C/LINE</u>
L 53+25.00 POT	L 54+60.34 PC		50 ft tapering on a straight line to 35 ft
L 54+60.34 PC	L 66+08.47 POT		35 ft

The bearings used herein are based on the Oregon Coordinate System (NAD 83/91), South Zone, by GPS observation of Lane County Common Mapping monuments 881 and 882.

NOT TO SCALE

