ORIGINAL

W.5.D2

Memorandum Date: April 15, 2009 Order Date: May 6, 2009

TO:

Board of County Commissioners

DEPARTMENT:

Public Works/Land Management

PRESENTED BY:

Mike Jackson, Lane County Surveyor

AGENDA ITEM TITLE:

IN THE MATTER OF THE ALTERATION OF A PORTION OF

BOLTON HILL ROAD (COUNTY ROAD NUMBERS 405 & 1183)

(17-06-36)

I. <u>MOTION</u>

To approve the Order altering a portion of Bolton Hill Road, County Road Numbers 405 and 1183, located in Section 36, Township 17 South, Range 6 West of the Willamette Meridian.

II. AGENDA ITEM SUMMARY

Right of way acquisition and improvements associated with reconstruction have been completed by the Lane County Department of Public Works on Bolton Hill Road. It is now necessary for the Lane County Board of Commissioners to decide whether the completed road project and its alignment should be legally altered.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. <u>Board Action and Other History</u>

County Road #405 was originally established in 1886, beginning at the road that is now the State Highway known as Territorial Highway and extending westerly approximately 12-1/2 miles to near the present day intersection of State Highway 126 and Penn Road. A portion of County Road #405, beginning at Territorial Highway and extending southwesterly approximately 3.3 miles to the Crow-Vaughn Road, was relocated and altered in 1940 and established as County Road #1183. The portion herein proposed for alteration begins at Territorial Highway and extends westerly approximately 0.68 miles to just south of Dogwood Lane, and generally follows the alignment of the 1940 alteration which established County Road #1183.

The portion of Bolton Hill Road herein considered for alteration is an Urban Major Collector and is entirely within the city limits of the City of Veneta. The City of Veneta requested this project be included in Lane County's Capital Improvement Program to improve the road to urban standards, and agreed to contribute a portion of project costs. On July 30, 2007 Lane County executed an Intergovernmental Agreement (IGA) with the City of Veneta per ORS 373.260(1) whereby the City authorized Lane County to make improvements, acquire right of way, and assess properties within the corporate limits of the city. The IGA also stipulates the City of Veneta will accept surrender as a city street the project

portion of Bolton Hill Road upon completion of the project.

Lane County staff conducted two public meetings regarding the proposed Bolton Hill Road improvement project, consisting of an open house on December 12, 2006 and a public hearing on January 31, 2007. In response to public comment, and upon recommendation by the Roads Advisory Committee (RAC), on February 27, 2007 Lane County Public Works and City of Veneta staff met and arrived at a revised design concept, which was subsequently released by the RAC in their March 21, 2007 meeting.

Through adoption of the Capital Improvement Program for FY 07/08 through FY 11/12 by Order No. 07-5-16-7, and additionally by Order No. 07-7-11-7, the Lane County Board of Commissioners authorized the Lane County Department of Public Works to prepare a right-of-way plan necessary to construct the road, pursue all necessary planning actions, acquire right-of-way and prepare plans and specifications for the improvement of this portion of Bolton Hill Road.

Under the administration of the Lane County Department of Public Works, in cooperation with the City of Veneta, the Bolton Hill Road project construction plans were prepared and all necessary surveying, alignment design and mapping, additional right of way acquisition and construction has been completed, and the road is open for public travel.

B. Policy Issues

The initiation and acquisition of property and construction was authorized by the adoption of the Capital Improvement Program for FY 07/08 through FY 11/12 by Order No. 07-5-16-7, and additionally by Order No. 07-7-11-7, for the Bolton Hill Road general construction project.

An Intergovernmental Agreement was executed between Lane County and the City of Veneta per ORS 373.260(1).

The road is of benefit to the general public and meets the criteria for acceptance as a County Road. The alteration of Bolton Hill Road was based on an approved design concept allowing other standards and exceptions to be made by the County Engineer in cooperation with the City of Veneta.

This project appears to be consistent with Oregon Revised Statute 368 which allows for the initiation and acquisition of property, 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. <u>Financial and/or Resource Considerations</u>

The acquisitions and construction were part of the FY 07/08 through FY 11/12 Capital Improvement Program. All right of way acquisitions and road improvements have been made for this project. No additional cost will be incurred as a result of completing the alteration of this County Road.

E. Analysis

Construction of the altered portion of Bolton Hill Road has been completed and is open for public travel. The final phase of the project is to complete the legal alteration of the 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 and vacates portions of the former right of way determined to be in excess. The centerline description of the new alignments including right of way widths is attached to the Order of Alteration as Exhibit "A".

The Lane County Public Works Department has filed County Survey File No. 41391 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 option to:

- 1. Approve the Order of Alteration of Bolton Hill Road (County Road Numbers 405 and 1183) as described in Exhibit "A".
- Have staff review and alter any component of the Order of Alteration of said portion of Bolton Hill 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. Also, completion of this alteration will facilitate timely surrender of a portion of Bolton Hill Road to the City of Veneta as stipulated in the Intergovernmental Agreement between Lane County and the City of Veneta.

V. RECOMMENDATION

It is recommended that the Board of Commissioners approve Option 1. This will approve the Order of Alteration of this portion of Bolton Hill 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 w/ attachments:

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

Contact Person: Mike Jackson, County Surveyor, extension 4198

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

IN THE MATTER OF THE ALTERATION OF A)	ORDER OF ALTERATION
PORTION OF BOLTON HILL ROAD (COUNTY)	
ROAD NUMBERS 405 & 1183) (17-06-36))	

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 reconstruct the portion of Bolton Hill Road that runs from Territorial Highway westerly approximately 0.68 miles, said road consisting of portions of County Road Numbers 405 and 1183; and

WHEREAS, a public meeting was held on December 12, 2006 and a public hearing was held on January 31, 2007 regarding the proposed road improvements, and through adoption of the Capital Improvement Program from FY 2007/08 through FY 2011/12 by Order No. 07-5-16-7, and additionally by Order No. 07-7-11-7, the Board of Commissioners authorized the Lane County Department of Public Works to proceed with the right of way plans; pursue all necessary planning actions; acquire right of way and prepare plans and specifications for the improvement of the Bolton Hill Road Project; and

WHEREAS, the entire subject portion of right of way lies within the city limits of Veneta, and Lane County and the City of Veneta entered into an Intergovernmental Agreement per ORS 373.260(1) whereby the City authorized Lane County to make improvements, acquire right of way, and assess properties within the limits of the city; and

WHEREAS, the Intergovernmental Agreement entered into by Lane County and the City of Veneta also stipulates that the City of Veneta will accept surrender as a city street the project portion of Bolton Hill Road upon completion of the project; and

WHEREAS, the Lane County Department of Public Works, in cooperation with the City of Veneta, 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 Lane County Department of Public Works, in cooperation with the City of Veneta, has completed the construction of the Bolton Hill Road project, in accordance with the plans and specifications prepared and administered by the Public Works Director; and

WHEREAS, the subject portion of Bolton Hill Road, all lying within the city limits of the City of Veneta, has been improved to conform to urban standards; and

WHEREAS, it has been determined necessary to legally alter this portion of Bolton Hill Road, and accept the alignments including acquisitions made as a part of this project, as county road right of way; and

WHEREAS, the Department of Public Works has filed County Survey File 41391 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, or portions thereof, which lie within the road right of way 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>GRANTORS</u>	RECORDING <u>DATE</u>	LANE COUNTY DEED RECORDS	LANE CO TAX LOT N	
Central Little School, Inc.	Jan. 11, 2008	2008-002061	17-06-36-41	1000
State of Oregon Board of Forestry	Feb. 25, 2008	2008-010164	17-06-36-44	202
State of Oregon Board of Forestry	Oct. 14, 1955	Reel 68R/68482	17-06-36-44	202
Walter E. Macklin Kattie Lee Macklin	Oct. 14, 1955	Reel 68R/68489	17-06-36-41	1000, 1100, 1200
Kip L. Babb	Jan. 3, 2008	2008-000556	17-06-36-41	1100
Ella J. Petty	Nov. 19, 2007	2007-077587	17-06-36-41	1200
Samantha Hart	Jan. 3, 2008	2008-000557	17-06-36-41	1300
Henry J. Oswald Gertrude Oswald	Oct. 14, 1955	Reel 68R/68501	17-06-36-41	1300
Gale E. Kearns Milton L. Kearns	Oct. 14, 1955	Reel 68R/68502	17-06-36-41	1300
Kevin McCarthy	Jan. 4, 2008	2008-000892	17-06-36-41	1400
Charles C. Quimby Pearl M. Quimby	Oct. 14, 1955	Reel 68R/68485	17-06-36-41	1400–1900, 7300, 8400
Western Lane Forest Protective Association	Oct. 14, 1955	Reel 68R/68500	17-06-36-44	100, 201, 202
Lane County	Mar. 26, 2004	2004-021419	17-06-36-44	100
City of Veneta	July 2, 2008	2008-038968	17-06-36-44	100, 201
Irene F. Christiansen Hilmer C. Christiansen	Oct. 14, 1955	Reel 68R/68494	17-06-36-42	7400, 7500, 7600
David L. Davis Kimberly S. Davis	Nov. 30, 2007	2007-079870	17-06-36-42	7400

<u>GRANTORS</u>	RECORDING DATE	LANE COUNTY DEED RECORDS	LANE COU TAX LOT NU	
R.H. Sellers Henrietta A. Sellers	Oct. 14, 1955	Reel 68R/68487	17-06-36-42 17-06-36-43	7302 4800, 5600
E.E. Steele	Oct. 14, 1955	Reel 68R/68486	17-06-36-43	200
Leo C. Casterline Annette M. Casterline	Oct. 14, 1955	Reel 68R/68493	17-06-36-43	300
Mark W. Christensen, Trustee Leota Christensen, Trustee Christensen Living Trust	August 25, 2008	2008-048593	17-06-36-43	300
Oscar E. Williams Hazel L. Williams	Oct. 14, 1955	Reel 68R/68545	17-06-36-34	1600, 1800, 1900, 2000, 2100, 2200
			17-06-36-43	1210, 1211, 1212, 1301, 1311, 1313
Henry J. Oswald Gertrude Oswald	Oct. 14, 1955	Reel 68R/68503	17-06-36-43	900, 1001, 1100
Gilbert U. Strasen Viola K. Strasen	Oct. 14, 1955	Reel 68R/68504	17-06-36-43	900, 1001, 1100
Robert Shaw Kaeser	Dec. 3, 2007	2007-080177	17-06-36-43	1100
Rick D. Hunter Donya M. Hunter	Nov. 29, 2007	2007-079474	17-06-36-34	100
Waldo C. Hunter Irene Hunter	Oct. 14, 1955	Reel 68R/68483	17-06-36-34	100, 200, 299, 300
Irene Hunter (aka Irene M. Hunter)	Nov. 13, 2007	2007-076448	17-06-36-34	299

and, it is further

ORDERED, that the portions of said county road referred to above and commonly known as Bolton Hill Road be hereby altered as described in the legal descriptions attached hereto, made a part hereof and marked Exhibit "A" by this Order; and it is further

ORDERED, that all portions of County Road Numbers 405 and 1183 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 portions of County Road Numbers 405 and 1183 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 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 portion of Bolton Hill Road, and to accept it as part of County Road Numbers 405 and 1183.

DATED thisday of	, 2009.
	Chair
	Lane County Board of Commissioners

APPROVED AS TO FORM

Date 1-23-09

lane county

OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

BOLTON HILL ROAD

CENTERLINE DESCRIPTION

A strip of land variable feet in width lying on each side of the centerline of Bolton Hill Road, in Section 36, Township 17 South, Range 6 West of the Willamette Meridian, Lane County, Oregon, as surveyed by Lane County in 2007; the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station 0+00.00 POB, said station being 1,312.86 feet North and 18.79 feet East of the Brass Cap marking the Southeast corner of Section 36, Township 17 South, Range 6 West of the Willamette Meridian, Lane County, Oregon; run thence North 87° 26' 30" West, 0.03 feet to Engineers' Centerline Station 0+00.03 POT Bk = L 0+00.00 POT Ah; thence North 87°26'30" West, 1,332.11 feet: thence along a 12 degree curve left (the long chord of which bears South 73° 29' 30" West, 311.95 feet) a distance of 317.78 feet to Engineers' Centerline Station L 16+49.88 PT Bk = L 16+57.26 POT Ah; thence South 54° 25' 30" West, 1,143.18 feet to Engineers' Centerline Station L 28+00.44 POT Bk = L 28+00.78 PC Ah; thence along a 12 degree curve right (the long chord of which bears South 70° 29' 45" West, 264.35 feet) a distance of 267.85 feet; thence South 86° 34' 00" West, 90.33 feet; thence along a 12 degree curve left (the long chord of which bears South 60° 42' 15" West, 416.55 feet) a distance of 431.04 feet to Engineers' Centerline Station L 35+89.99 PT Bk = L 36+13.16 POT Ah and there ending, all in Lane County, Oregon.

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

	STATION TO	<u>STATION</u>	WIDTH ON S'LY SIDE OF C/LINE	WIDTH ON N'LY SIDE OF C/LINE
L 0+28	.46 POT	L 0+60.00 POT		60.00 ft tapering on a straight line to 35.00 ft
L 0+60	.00 POT	L 4+00.00 POT		35.00 ft
L 4+00	.00 POT	L 4+75.00 POT		35.00 ft tapering on a straight line to 30.00 ft
L 4+75.	.00 POT	L 10+36.08 POT		30.00 ft
L 10+3	5.08 POT	L 10+36.13 POT		30.00 ft tapering on a straight line to 35.00 ft
L 10+36	5.13 POT	L 12+84.22 POT		35.00 ft
L 12+84	4.22 POT	L 12+84.17 POT		35.00 ft tapering back on a straight line to 30.00 ft
L 12+84	1.17 POT	L 14+90.00 POC		30.00 ft
L 14+90	0.00 POC	L 14+99.51 POC		30.00 ft tapering on a straight line to 50.00 ft

EXHIBIT "A"

STATION TO	O STATION	WIDTH ON S'LY SIDE OF C/LINE	WIDTH ON N'LY SIDE OF C/LINE
L 14+99.51 POC	L 15+57.49 POC		50.00 ft tapering on a straight line to 30.00 ft
L 0+34.80 POT	L 0+60.00 POT	62.30 ft tapering on a straight line to 35.00 ft	
L 0+60.00 POT	L 4+25.00 POT	35.00 ft	
L 4+25.00 POT	L 5+50.00 POT	35.00 ft tapering on a straight line to 30.00 ft	
L 5+50.00 POT	L 7+80.00 POT	30.00 ft	
L 7+80.00 POT	L 7+80.00 POT	30.00 ft tapering on a straight line to 35.00 ft	
L 7+80.00 POT	L 7+85.00 POT	35.00 ft tapering on a straight line to 45.00 ft	
L 7+85.00 POT	L 18+00.00 POT	45.00 ft	
L 18+00.00 POT	L 21+00.00 POT	45.00 ft tapering on a straight line to 40.00 ft	
L 21+00.00 POT	L 22+00.00 POT	40.00 ft tapering on a straight line to 35.00 ft	
L 22+00.00 POT	L 28+67.45 POC	35.00 ft	
L 28+67.45 POC	L 28+64.75 POC	35.00 ft tapering back on a straight line to 30.00 ft	
L 28+64.75 POC	L 35+89.99 PT Bk = L 36+13.16 POT Ah	30.00 ft	
L 15+57.49 POC	L 16+78.57 POT		30.00 ft
L 16+78.57 POT	L 16+74.72 POT		30.00 ft tapering back on a straight line to 35.00 ft
L 16+74.72 POT	L 19+69.75 POT		35.00 ft
L 19+69.75 POT	L 19+73.59 POT		35.00 ft tapering on a straight line to 30.00 ft
L 19+73.59 POT	L 22+40.00 POT		30.00 ft

EXHIBIT "A"

STATION TO	STATION	WIDTH ON S'LY SIDE OF C/LINE	WIDTH ON N'LY SIDE OF C/LINE
L 22+40.00 POT	L 23+50.00 POT		30.00 ft tapering on a straight line to 35.00 ft
L 23+50.00 POT	L 23+65.45 POT		35.00 ft tapering on a straight line to 70.00 ft
L 23+65.45 POT	L 24+72.24 POT		70.00 ft tapering on a straight line to 30.00 ft
L 24+72.24 POT	L 27+12.00 POT		30.00 ft
L 27+12.00 POT	L 27+08.48 POT		30.00 ft tapering back on a straight line to 35.00 ft
L 27+08.48 POT	L 27+90.00 POT		35.00 ft
L 27+90.00 POT	L 28+00.44 POT Bk = L 28+00.78 PC Ah	=	35.00 ft tapering on a straight line to 30.00 ft
L 28+00.44 POT Bk = L 28+00.78 PC Ah	L 28+55.00 POC	1	30.00 ft
L 28+55.00 POC	L 29+60.00 POC		30.00 ft tapering on a straight line to 45.00 ft
L 29+60.00 POC	L 30+68.62 PT		45.00 ft tapering on a straight line to 30.00 ft
L 30+68.62 PT	L 35+89.99 PT Bk = L 36+13.16 POT Ah		30.00 ft

ALSO: All of that tract of land conveyed to LANE COUNTY, a political subdivision of the State of Oregon, by that certain deed recorded November 13, 2007, Recorder's Reception Number 2007-076448, Lane County Oregon Deed Records.

The bearings used herein are based on the Oregon Coordinate System (NAD 83/91), South Zone, utilizing a bearing of North 2°09'04" East between Lane County Common Mapping (LCCM) stations 18-05-06 NW and 17-05-31 W 1/4.

EXHIBIT "B"

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

IN THE MATTER OF THE ALTERATION OF A)	
PORTION OF BOLTON HILL ROAD (COUNTY)	DIRECTOR'S REPORT
ROAD NUMBERS 405 & 1183) (17-06-36))	

County Road #405 was originally established in 1886, beginning at the road that is now the State Highway known as Territorial Highway and extending westerly approximately 12-1/2 miles to near the present day intersection of State Highway 126 and Penn Road. A portion of County Road #405, beginning at Territorial Highway and extending southwesterly approximately 3.3 miles to the Crow-Vaughn Road, was relocated and altered in 1940 and established as County Road #1183. The portion herein proposed for alteration begins at Territorial Highway and extends westerly approximately 0.68 miles to just south of Dogwood Lane, and generally follows the alignment of the 1940 alteration which established County Road #1183.

The portion of Bolton Hill Road herein considered for alteration is an Urban Major Collector and is entirely within the city limits of the City of Veneta. The City of Veneta requested this project be included in Lane County's Capital Improvement Program to improve the road to urban standards, and agreed to contribute a portion of project costs. On July 30, 2007 Lane County executed an Intergovernmental Agreement (IGA) with the City of Veneta per ORS 373.260(1) whereby the City authorized Lane County to make improvements, acquire right of way, and assess properties within the corporate limits of the city. The IGA also stipulates that the City of Veneta will accept surrender as a city street the project portion of Bolton Hill Road upon completion of the project.

Lane County staff conducted two public meetings regarding the proposed Bolton Hill Road improvement project, consisting of an open house on December 12, 2006 and a public hearing on January 31, 2007. In response to public comment, and upon recommendation by the Roads Advisory Committee (RAC), on February 27, 2007 Lane County Public Works and City of Veneta staff met and arrived at a revised design concept, which was subsequently released by the RAC in their March 21, 2007 meeting.

Through adoption of the Capital Improvement Program for FY 07/08 through FY 11/12 by Order No. 07-5-16-7, and additionally by Order No. 07-7-11-7, the Lane County Board of Commissioners authorized the Lane County Department of Public Works to prepare a right-of-way plan necessary to construct the road, pursue all necessary planning actions, acquire right-of-way and prepare plans and specifications for the improvement of this portion of Bolton Hill Road.

Under the administration of the Lane County Department of Public Works, in cooperation with the City of Veneta, the Bolton Hill Road project construction plans were prepared and all necessary surveying, alignment design and mapping, additional right of way acquisition and construction has been completed, and the road is open for public travel.

An Order of Alteration to legally alter this portion of Bolton Hill 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, and vacates portions of the former right of way determined to be in excess. The legal description of the new alignment including right of way widths is marked Exhibit "A" and attached to the Order of Alteration.

EXHIBIT "B"

The Department of Public Works has filed County Survey File Number 41391 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 survey will then be entered into the Road Index Books and legal County Road Files administered by the Department of Public Works and the County Surveyor for public record.

DATED this 22 day of April , 200

Director

Department of Public Works

ATTACHMENT "A"

ALTERATION OF A PORTION OF BOLTON HILL ROAD (CO. RD. #405 & #1183) Section 36, T. 17 S. R. 6 W., W.M.

