



# Lane County Board of Commissioners

W. 10. b.

Bill Dwyer  
Bill Fleener  
Rob Handy  
Pete Sorenson  
Faye Hills Stewart

# DRAFT

September 16, 2009

Cliff and Kathy Larson  
1100 Hodson Lane  
Eugene, OR 97404

**Subject: Hodson Lane Annexation**

Dear Cliff and Kathy:

I am writing this letter on behalf of the Lane County Board of Commissioners. The Commissioners asked staff to respond to questions, issues and concerns raised regarding the annexation of Hodson Lane. This letter was written to provide a summary of the results of the research and investigation and answer your questions regarding the status of Hodson Lane.

Hodson Lane was annexed into the City of Eugene in 2006 under the authority of the Lane County Boundary Commission. The annexation followed the expedited review process as required by state law. Annexation applications go through a notification process, including an interagency referral process, prior to final action. Public notification to affected agencies was provided for the Hodson Lane annexation as part of the Sherbina annexation application. The Lane County Board of Commissioners and Lane County staff were notified and were provided an opportunity to comment. The Boundary Commission no longer exists, but it is possible that the City of Eugene may be able to provide information about who was notified about the annexation proposal.

Transportation staff responded to the request on February 27, 2006. The comments included a statement that Hodson Lane was inventoried by Lane County as a private road. Staff found no evidence of a public dedication and official County acceptance that would have created Hodson Lane as a public road. Roads have to be dedicated and officially accepted to have public or county road status. (According to state law, a "public road" is "a road over which the public has a right of use that is a matter of record." Lane County further defines a public road as "a road that has been dedicated for use by the public for road purposes either by good and sufficient deed presented to and accepted by the Board, or by a partition map and plat or a subdivision plat presented to and accepted by the Board.")

Hodson Lane appears to have been created by a survey in 1948. The survey shows the road was intended to provide access to the lots drawn within the survey. (At that time the regulations for creating lots, and access to the lots, was relatively undefined. Today a

formal subdivision process is required.) Ownership of lands in this area changed over time. Hodson Lane appears on the Assessor's Map as a road and is not part of any of the adjacent properties or property deeds. Although Hodson Lane is considered a private road by Lane County, it may meet the state definition of a public road due to the use by the public and the supporting public documents.

In summary, ownership of Hodson Lane is unclear, and further, it does not meet the Lane County definition of a public road. It is possible that a legal determination would be necessary to definitively establish the ownership and status of Hodson Lane.

The Lane County Board of Commissioners requested that staff thoroughly research the situation to respond to your questions and concerns. I hope the information provided is helpful to you.

Sincerely,

Pete Sorenson, Chair  
Lane County Board of Commissioners

cc: John Dotson  
James Seaberry