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Memorandum Date: September 10, 2009
 Order Date: September 30, 2009

TO: Board of County Commissioners

DEPARTMENT: Public Works, Land Management Division

PRESENTED BY: Mike Jackson, Lane County Surveyor
 Marsha Miller, Public Works Director 

AGENDA ITEM TITLE: IN THE MATTER OF WITHDRAWAL OF COUNTY ROAD STATUS (BUT NOT THE PUBLIC ROAD STATUS) OF A PORTION OF BARRETT CREEK LANE (COUNTY ROAD NUMBER 2277), LOCATED IN THE NORTHWEST ONE QUARTER OF THE SOUTHEAST ONE QUARTER (NW1/4 SE1/4) OF SECTION 34, TOWNSHIP 18 SOUTH, RANGE 12 WEST OF THE WILLAMETTE MERIDIAN (18-12-34-42)

I. MOTION

TO APPROVE THE FINAL ORDER TO WITHDRAW COUNTY ROAD STATUS (BUT NOT THE PUBLIC ROAD STATUS) OF A PORTION OF BARRETT CREEK LANE (COUNTY ROAD NUMBER 2277).

II. AGENDA ITEM SUMMARY

The Board is being asked to approve the Final Order to Withdraw County Road status (but not the public road status) of a portion of Barrett Creek Lane (County Road Number 2277).

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Surveyor's Office of the Department of Public Works has received direction from the Director of Public Works to withdraw the County Road status (but not the public road status) of a portion of Barrett Creek Lane, which was legalized as County Road #2277 by Final Order Number 08-8-20-2.

The portion of Barrett Creek Lane proposed for withdrawal is located in the Glenada area southwest of the City of Florence, south of the Hwy 101 bridge over the Siuslaw River and west of Hwy 101, and runs from the westerly right of way of Old Ferry Road westerly 550 feet to the easterly right of way of Cherry Street. Barrett Creek Lane has historically been used as access for various improved and unimproved parcels which were originally established in the plats of Glenada (Vol. W, P. 261), the South Florence Addition to Glenada (Bk. 2, P. 9) and the Amended Map of South Florence Addition to Glenada (Bk. 2, P. 13), as platted and recorded in the Lane County, Oregon Plat

Records.

In 2007 vacations of portions of the above mentioned plats as part of the transferal of County owned parcels to the State of Oregon Department of Parks and Recreation raised public comment regarding the status of Barrett Creek Lane. Questions had long existed as to the status and exact location of Barrett Creek Lane as traveled. No dedications for public right of way or acceptance by Lane County as public or county road were found for Barrett Creek Lane at that time.

After ensuing discussion and dissention regarding the status of Barrett Creek Lane, which included notice from one of the landowners denying Lane County access across their property using Barrett Creek Lane as historically traveled, Lane County Public Works initiated the process of legalizing Barrett Creek Lane as a county road. Board of Commissioners Order 08-1-8-5 authorized the use of County Road Funds to pursue legalization of Barrett Creek Lane. A preliminary survey having a right of way width of 20 feet and a legal description of the portion of Barrett Creek Lane proposed for legalization were completed, and the final survey was filed in the Office of the Lane County Surveyor as County Survey File Number 41557.

The matter of legalizing the road was brought before the Board of Commissioners on June 25, 2008 and the Board approved Resolution and Order Number 08-6-25-17, setting a public hearing date of August 20, 2008.

On August 20, 2008 a public hearing was held in the matter of Legalizing Barrett Creek Lane. After public testimony and dissenting discussion, a decision on the Legalization was postponed in order that Commissioner Bill Fleenor and Public Works Director Marsha Miller have an opportunity to invite and engage interested and affected parties in further discussion to examine the possibility of a consensual alternative solution.

During the period from September, 2008 through May, 2009 meetings were held by Commissioner Fleenor, Public Works Director Marsha Miller and Public Works staff wherein progress was made toward a solution among affected landowners in the form of a private easement as an alternative to legalization. However, that solution eventually failed due to reluctance of one landowner to sign the easement.

The matter was returned to the Board of Commissioners on June 24, 2009, at which time the Board voted unanimously to approve Final Order 08-8-20-2 legalizing the subject portion of Barrett Creek Lane as County Road #2277. At that time Public Works Director Marsha Miller informed the Board that Public Works would at some future date initiate proceedings for withdrawal of County Road status of that portion of Barrett Creek Lane.

Lane County has never maintained any portion of Barrett Creek Lane, and no allocation of funding has been made for Barrett Creek Lane maintenance. The subject portion of Barrett Creek Lane was legalized as a method of establishing public status for that portion of road.

On August 18, 2009, Resolution and Order Number 09-8-18-5 was passed by the Board of Commissioners which set a public hearing date of September 30, 2009 to consider this withdrawal action.

Qwest Communications, Central Lincoln People's Utility District, Northwest Natural Gas, the City of Florence, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and the adjoining and other neighboring landowners were notified by mail regarding the proposed withdrawal of County Road status. John Maitland, owner of tax lot 18-12-34-13-1200, responded with suggestions for improvements he feels should be made to the road by the county prior to the withdrawal. His comments are attached to the Final Order as Exhibit "D". Charles C. Rosecrans, owner of tax lots 18-12-34-42-400 and 500, responded with an objection to the legalization of Barrett Creek Lane and a demand for compensation for the taking of his property. Although Mr. Rosecrans' response addresses the legalization action which was approved by the Board of Commissioners in their June 24, 2009 meeting (Order No. 08-8-20-2), his comments are included herewith and are attached to the Final Order of Withdrawal as Exhibit "E". The other agencies and landowners either had no objection to the withdrawal or did not respond to the referral.

B. Policy Issues

As per Lane Manual 15.300, a copy of which is attached to the Final Order as Exhibit "C", conversion of County Roads to Local Access Road or Public Road (non-county maintained) by withdrawal of County Road status, pursuant to ORS 368.026, may be considered where little need exists for the road to be part of the County Road System. The described portion of Barrett Creek Lane falls within the guidelines of withdrawing County Road status per Lane Manual 15.300(3), Roads that are undeveloped rights of way, are dirt roads, or are not currently maintained by County forces.

C. Board Goals

One of the goals listed in Lane County's Strategic Plan is to contribute to appropriate community development in the area of transportation (2001's Lane County Strategic Plan, Goals, P. 8). The purpose of the recent legalization of this road was to assure local landowner and public rights to use the road. Two points in Lane County's new vision for Lane County government in the immediate future state 1) County government will exist at a level the public supports and 2) The purpose of County government and scope of County services may be limited. The withdrawal of this portion of road is consistent with these two points.

D. Financial and/or Resource Considerations

Withdrawal of County Road status of this portion of Barrett Creek Lane will relieve Lane County of future maintenance responsibility and associated expenditures. Costs associated with the processing of this withdrawal will be paid from the road fund, and are estimated at approximately \$4000.

IV. ANALYSIS

If the order to withdraw County Road status is approved, this portion of Barrett Creek Lane will be reclassified as a Public Road and the maintenance shall become the responsibility

of the owners of the adjacent properties and/or the users of the road. The public interest will be served, as this portion of road is not an integral part of the County Road system and withdrawing County Road status on this portion of road will eliminate any future expenditure of public funds to maintain it. Residents will continue to be able to access their property and the public will still have the right to use the road.

During the legalization process of this portion of Barrett Creek Lane reasonable efforts were made by Lane County to seek an acceptable alternative to legalization among landowners and users of the road. When no alternative was successfully reached, the legalization process was continued in order to establish public status of the road, while leaving the option of withdrawal as a possible subsequent action.

ORS 368.026 states that a governing body may initiate proceedings to withdraw county road status by having the county road official prepare a report stating reasons for the proposed withdrawal and the effects the proposed withdrawal may have on land abutting the County Road proposed to be withdrawn. The Director's Final Report, attached to the Final Order as Exhibit "A", addresses these issues.

The proceedings which would withdraw County Road status (but not the Public Road status) have provided ample opportunity for comment from the public, affected property owners and outside agencies.

All required legal notice has been provided in accordance with ORS 368.401 to 368.426, as evidenced by the Affidavit of Posting, Publication and Mailing attached to the Final Order as Exhibit "B", and the Board is free to make a decision at this time.

V. ALTERNATIVES/OPTIONS

The Board of County Commissioners has the option to:

1. Adopt the Final Order to withdraw County Road status (but retain Public Road status) for a portion of Barrett Creek Lane, as described and defined by staff.
2. Direct staff to alter the limits of the withdrawal of County Road status (but not Public Road status) as the Board may wish. An amended Final Order would be scheduled for a future Board meeting.
3. Refuse to withdraw the County Road status of the described portion of Barrett Creek Lane. An order to discontinue the proceedings would be prepared for a future agenda date.
4. Postpone this matter for further fact-finding or consideration at a future date to be chosen by the Board.

VI. TIMING/IMPLEMENTATION

Timing of this matter is important in order that Lane County's maintenance responsibilities for the road be relinquished and vested in users of the road in as timely a manner as possible.

VII. RECOMMENDATION

The Lane County Public Works Director's Final Report recommends that the Board withdraw County Road status (but not Public Road status) from Barrett Creek Lane as described in the Final Order. This action will relieve Lane County of responsibility for future road maintenance on this portion of Barrett Creek Lane. The adjoining landowners, and any other users, will continue to be served by the road, and no one will be denied access if this section of Barrett Creek Lane is reduced from County Road to Public Road.

VIII. FOLLOW-UP

If the Board of County Commissioners approves the Final Order withdrawing County Road status (but not the Public Road status) it is to be forwarded to the Lane County Clerk for filing and recording, after which copies are to be forwarded to the County Surveyor who will update appropriate County Road records, and the County Engineer, who will update maintenance program records. If the Board wishes to postpone the matter or to terminate proceedings, an Order to Postpone or Discontinue will be presented to the Board at a later regularly scheduled meeting

IX. ATTACHMENTS

Final Order w/attachments:

- Director's Final Report – Exhibit "A"
- Affidavit of Posting, Publication and Mailing– Exhibit "B"
- Lane Manual 15.300 – Exhibit "C"
- Comments by John Maitland (TL18-12-34-13-1200) – Exhibit "D"
- Comments by Charles C. Rosecrans (TL's 18-12-34-42-400 & 500) – Exhibit "E"
- Site Map - Attachment "A"

Contact Person: Mike Jackson x-4198

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

IN THE MATTER OF WITHDRAWAL OF COUNTY ROAD)	
STATUS (BUT NOT THE PUBLIC ROAD STATUS) OF A)	FINAL ORDER
PORTION OF BARRETT CREEK LANE (COUNTY ROAD)	NO.
NUMBER 2277), LOCATED IN THE NORTHWEST ONE)	
QUARTER OF THE SOUTHEAST ONE QUARTER (NW1/4)	
SE1/4) OF SECTION 34, TOWNSHIP 18 SOUTH, RANGE 12)	
WEST OF THE WILLAMETTE MERIDIAN)	
(18-12-34-42))	

THIS MATTER now coming before the Board of County Commissioners for Lane County, Oregon, and it appearing that a portion of Barrett Creek Lane (County Road #2277), being approximately 550 feet in length, is no longer needed as part of the County's road system; and

WHEREAS, by Resolution and Order Number 09-8-18-5 the Board of County Commissioners set September 30, 2009 at 1:30 P.M. to conduct a public hearing to consider the proposed withdrawal of county road status of a portion of Barrett Creek Lane (County Road Number 2277); and

WHEREAS, the portion of Barrett Creek Lane herein proposed for Withdrawal of County Road status (but not the public road status) was legalized as a County Road by Board of Commissioners Final Order No. 08-8-20-2; and

WHEREAS, the legalization of this portion of Barrett Creek Lane was initiated by Lane County in response to long-standing questions and dissention regarding its status, and the notice by one landowner denying Lane County access across their property using Barrett Creek Lane as historically traveled; and

WHEREAS, during the legalization process of this portion of Barrett Creek Lane reasonable efforts were made by Lane County to seek an acceptable alternative to legalization among landowners and users of the road; and

WHEREAS, when attempts by Lane County and local landowners to reach an alternative solution to legalization yielded no solution, the legalization process was continued in order to establish public status of the road, while leaving the option of withdrawal as a possible subsequent action; and

WHEREAS, Lane County has never maintained any portion of Barrett Creek Lane, and no allocation of funding has been made for Barrett Creek Lane maintenance; therefore, this road meets the criteria for withdrawing County Road status per Lane Manual 15.300 (3), Roads that are undeveloped right-of-ways, are dirt roads, or are not currently maintained by County forces; and

WHEREAS, the adjoining landowners, as well as any other users, will continue to be served by this road as a Public Road, and no one will be denied access if the road is reduced in status from being a County Road to a Public Road; and

WHEREAS, various public and private agencies and neighboring landowners were notified by mail regarding the proposed withdrawal of County Road status; and

WHEREAS, John Maitland, owner of tax lot 18-12-34-13-1200, responded with suggestions for improvements he feels should be made to the road by the county prior to the withdrawal, and his comments are marked Exhibit "D", attached hereto and made a part hereof by this Order; and

WHEREAS, Charles C. Rosecrans, owner of tax lots 18-12-34-42-400 and 500, responded with an objection to the legalization of Barrett Creek Lane and a demand for compensation for the taking of his property, and although Mr. Rosecrans' response addresses the legalization action which was approved by the Board of Commissioners in their June 24, 2009 meeting (Order No. 08-8-20-2) rather than this Withdrawal action, his comments are marked Exhibit "E" and are attached hereto and made a part hereof by this Order; and

WHEREAS, the other agencies and landowners either had no objection to the withdrawal or did not respond to the referral; and

WHEREAS, the Director of Public Works has prepared a Final Report in support of withdrawing the County Road status (but not Public Road status) from the described portion of Barrett Creek Lane, said report being marked Exhibit "A", attached hereto and made a part hereof by this Order; and

WHEREAS, all statutory procedures under Oregon Revised Statutes Chapter 368 necessary for this withdrawal of County Road status have been complied with, including public notice as evidenced by the Affidavit of Posting, Publication and Mailing marked as Exhibit "B", attached hereto and made a part hereof by this Order; and

WHEREAS, the Board has considered the listed items, as specified in Lane Manual 15.300, a copy of which is marked as Exhibit "C", attached hereto and made a part hereof by this Order; and

WHEREAS, Oregon Revised Statutes, Chapter 368, after a Public Hearing, permits the withdrawal of County Road status (but not the Public Road status) from a County Road when the Board deems it appropriate to do so, and NOW, THEREFORE, IT IS HEREBY

ORDERED, that in accordance with Oregon Revised Statutes, Chapter 368, the County Road status (but not the Public Road status) of a portion of Barrett Creek Lane, said road being 20 feet wide, and being more particularly described as follows:

A strip of land twenty (20) feet in width lying ten (10) feet on each side of the centerline of Barrett Creek Lane, located in Section 34, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon, as surveyed by Lane County in 2008; the centerline being described as follows:

Beginning at Engineers' Centerline Station L 0+00.00 POB, said station being 2,066.78 feet North and 1,337.17 feet East of the Brass Cap marking the South One-Quarter Corner of Section 34, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon, said station also being 15.44 feet right of Engineer's Centerline Station 17+82.18 POT of Old Ferry Road, formerly known as the ROOSEVELT COAST HIGHWAY as shown on Oregon State Highway Department Drawing Number 2B23-5 dated February 1930; run thence North 62° 00' 00" West, 79.72 feet; thence on an eighteen (18) degree curve left (the long

chord of which bears North 69° 00' 00" West, 77.58 feet) a distance of 77.78 feet; thence North 76° 00' 00" West, 40.79 feet; Thence on a forty (40) degree curve right (the long chord of which bears North 67°00'00" West, 44.82 feet) a distance of 45.00 feet; thence North 58°00'00" West, 47.96 feet; thence on a forty-four (44) degree curve left (the long chord of which bears South 89° 00' 00" West, 141.84 feet) a distance of 150.00 feet; thence South 56° 00' 00" West, 108.75 feet to Engineers' Centerline Station L 5+50.00 POT and there ending, all in Lane County, Oregon.

EXCEPT: That portion lying within the right of way of Old Ferry Road, formerly known as the ROOSEVELT COAST HIGHWAY as shown on Oregon State Highway Department Drawing Number 2B23-5 dated February 1930.

ALSO EXCEPT: That portion lying within the right of way of Cherry Street lying within GLENADA, as platted and recorded in Volume "W", Page 261 and the AMENDED MAP OF SOUTH FLORENCE ADDITION TO GLENADA, as platted and recorded in Book 2, Page 13, Lane County Oregon Plat Records.

The bearings used herein are based on the Oregon Coordinate System (NAD 83/91), South Zone.

is hereby

WITHDRAWN; and it is further

ORDERED, that this Order be filed with the County Clerk's Office, entered into the Commissioner's Journal and a copy be retained in the County Road Records administered by the Director of Public Works and the County Surveyor.

Dated this _____ day of _____, 2009.

Chair, Lane County Board of Commissioners

Attachment: Site Map

APPROVED AS TO FORM

Date 9-17-09 lane county

[Signature]
OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

County Road status per Lane Manual 15.300(3), Roads that are undeveloped rights of way, are dirt roads, or are not currently maintained by County forces.

Qwest Communications, Central Lincoln People's Utility District, Northwest Natural Gas, the City of Florence, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and the adjoining and other neighboring landowners were notified by mail regarding the proposed withdrawal of County Road status. John Maitland, owner of tax lot 18-12-34-13-1200, responded with suggestions for improvements he feels should be made to the road by the county prior to the withdrawal, and his comments are attached to the Final Order as Exhibit "D". Charles C. Rosecrans, owner of tax lots 18-12-34-42-400 and 500, responded with an objection to the legalization of Barrett Creek Lane and a demand for compensation for the taking of his property. Although Mr. Rosecrans' response addresses the legalization action which was approved by the Board of Commissioners in their June 24, 2009 meeting (Order No. 08-8-20-2), his comments are included herewith and are attached to the Final Order of Withdrawal as Exhibit "E". The other agencies and landowners either had no objection to the withdrawal or did not respond to the referral.

The proceedings that would withdraw County Road status (but not the Public Road status) have provided ample opportunity for comment from the public, affected property owners and outside agencies. All required legal notice has been provided in accordance with ORS 368.401 to 368.426 and the Board is free to make a decision at this time.

If the Final Order to withdraw County Road status is approved, the subject portion of Barrett Creek Lane will be reclassified as Public Road and the maintenance of that portion of road shall become the responsibility of the owners of the adjacent properties and/or the users of the road. The public interest will be served, as this portion of road is not an integral part of the County's road system, and withdrawing County Road status on this portion of road will eliminate any future expenditure of public funds to maintain it. Residents will continue to be able to access their property and the public will still have the right to use the road.

It is recommended that the Board withdraw County Road status (but not Public Road status) from the portion of Barrett Creek Lane as described in the Final Order. This action will relieve Lane County of responsibility for future road maintenance on this portion of Barrett Creek Lane.

DATED this 16th day of September, 2009.



 Director
 Department of Public Works

EXHIBIT "B"

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

IN THE MATTER OF WITHDRAWAL OF COUNTY ROAD STATUS)	
(BUT NOT THE PUBLIC ROAD STATUS) OF A PORTION OF)	
BARRETT CREEK LANE (COUNTY ROAD NUMBER 2277), LOCATED)	AFFIDAVIT OF
IN THE NORTHWEST ONE QUARTER OF THE SOUTHEAST ONE)	POSTING,
QUARTER (NW1/4 SE1/4) OF SECTION 34, TOWNSHIP 18 SOUTH,)	PUBLICATION
RANGE 12 WEST OF THE WILLAMETTE MERIDIAN)	AND MAILING
(18-12-34-42))	

I, Mike Jackson, Lane County Surveyor, certify as follows:

That on the 9th day of September, 2009 I caused to be posted three (3) copies of the Notice of Hearing in the above entitled matter in three places, positioned to be visible to the traveling public, as follows:

1. Posted on the westerly side of a "Stop" sign post in the island at the southwesterly corner of the intersection of Old Ferry Road and Highway 101 on westerly side of Highway 101, approximately 50 feet southeasterly from a bank of mailboxes serving the neighborhood.
2. Posted on the southerly side of a "Dead End" sign post on the east side of Old Ferry Road approximately 50 feet southerly from the junction of the easterly end of Barrett Creek Lane with Old Ferry Road, opposite apartments addressed 85676 Old Ferry Road.
3. Posted on the easterly side of a "Stop" sign post at the most southerly intersection of Old Ferry Road and Highway 101, westerly of both Highway 101 and Old Ferry Road.

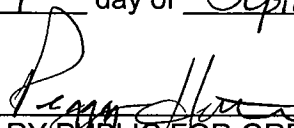
The undersigned further certifies that on September 9, 2009 and September 26, 2009 notice is scheduled to run in the Register Guard, and that on September 2, 2009 and September 26, 2009 notice is scheduled to run in the Siuslaw News. Also, that on August 28, 2009 notice was sent to adjacent owners by Certified Mail, and to various other private entities and public agencies having an interest in these Withdrawal proceedings by General Mail.



Mike Jackson
Lane County Surveyor

State of Oregon)
County of Lane)

Subscribed and sworn to before me this 14th day of September, 2009 by
Mike Jackson.



NOTARY PUBLIC FOR OREGON
My Commission Expires:

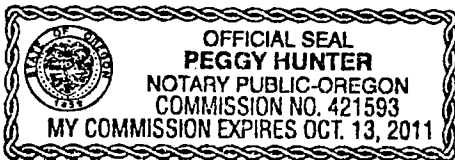


EXHIBIT "C"

LANE MANUAL 15.300 General Requirements

Vacation of County Roads pursuant to the process provided in LM 15.305 or conversion of County Roads to Local Access Road or Public Road (non-County maintained) status by withdrawal of County Road status pursuant to ORS Chapter 368 may be considered where little need exists for the road to be part of the County Road System. The following categories of County Roads may be considered by the Board of County Commissioners for vacation or withdrawal of County Road status:

- (1) Dead-end roads which serve four or fewer permanent residences.
- (2) Roads within National Forest boundaries, within Bureau of Land Management ownership areas, or adjacent to resource land areas under single ownership.
- (3) Roads that are undeveloped rights-of-way, are dirt roads, or are not currently maintained by County forces.
- (4) Roads that have received County maintenance, but are unusually difficult to maintain because of substandard road width, right-of-way width, steep topography, or materials or construction practices, which may result in excessive cost and liability exposure.
- (5) The following items shall be considered by the Board in reviewing these actions on a case-by-case basis:
 - (a) The need for a public right-of-way to provide for the orderly development of adjacent property.
 - (b) The need for public maintenance of the right-of-way.
 - (c) School bus traffic.
 - (d) Bridges and the potential for public safety problems associated with bridges.
 - (e) Railroad crossings and PUC requirements for County participation in applications for railroad crossing improvement or establishment.
 - (f) The potential for landslide and stability problems.
 - (g) Resource hauling (timber, agriculture, sand and gravel) that would unfairly burden other property owners.
 - (h) Use by law enforcement or fire protection personnel.
 - (i) Potential use as detour routes in the case of construction or disaster.
 - (j) Potential for elimination of right of access that is a matter of public record.

(Revised by Order No. 04-5-5-8, Effective 6.4.04)

YOU MAY WRITE YOUR COMMENTS ON THIS PAGE AND RETURN THIS DOCUMENT TO THE ATTENTION OF Jeff Ray, LANE COUNTY SURVEYOR'S OFFICE, 125 E. 8TH AVE., EUGENE, OR. 97401.
FAX NUMBER: 541-682-3947.

Date: 7/20/09

From: JOHN MAITLAND
6037 PINE RIDGE PL
EUGENE, OR 97402

Comments: We greatly appreciate Lane County's efforts to legalize Barrett Creek Lane and provide property owners who rely on this road for access to their homes and property their basic right to legal access. However, before responsibility is transferred to the property owners, Lane County should make some basic improvements to the existing road to meet minimal safety needs. These improvements should include:

- widening the existing roadway's travel surface to at least 12 feet.
- improving visibility where the road crosses from tax lot 18-12-34-42-1000 to 18-12-34-42-400/500
- improve/widen the intersection of Barrett Creek Lane and Cherry St.
- improve the roadbed's grade to accommodate water run-off.
- improve the roadbed by adding gravel

If you wish us to accept responsibility for the long-term maintenance of this road, please provide us with a road that would meet Lane County's minimal standard for acceptance and safety.

CALL IF QUESTIONS -
541-517-0763

Sincerely,
John Maitland

EXHIBIT "E" (Page 1 of 1)

Charles C. Rosecrans transmittal:

From: Rosecrans, Charles C [mailto:crosecrans@firstam.com]
Sent: Friday, July 17, 2009 2:29 PM
To: FLEENOR Bill A
Cc: DWYER Bill J; STEWART Faye H; SORENSON Pete; HANDY Rob M
Subject: Barrett Creek Lane

Commissioners:

I must go on record as objecting to the legalization of Barrett Creek Lane. I just found out that the Easement which was prepared was not satisfactory. I recall during one of our meetings that it was stated by county staff that Mr. Gardner's consent was not critical to the easement. I was not notified of the last meeting where the Commissioners voted to declare Barrett Creek Lane a public road.

Also, I will once again ask Lane County to enter my demand for compensation for the taking of my property.

**Respectfully,
Charles C. Rosecrans**

NW1/4SE1/4 Section 34, T. 18 S. R. 12 W., W.M.

LANE COUNTY

NO SCALE

