


W.S.F.S.

Memorandum Date: May 7, 2010  
 Order Date: June 9, 2010

**TO:** Board of County Commissioners

**DEPARTMENT:** Public Works, Land Management Division

**PRESENTED BY:** Mike Jackson, Lane County Surveyor 

**AGENDA ITEM TITLE:** IN THE MATTER OF SETTING A PUBLIC HEARING TO CONSIDER THE PROPOSED LEGALIZATION OF A PORTION OF HAMM ROAD (COUNTY ROAD NUMBER 715½), LOCATED IN SECTIONS 15 AND 16, TOWNSHIP 19 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN (19-04-15 & 16)

**I. MOTION**

To Approve the Resolution and Order to Set a Public Hearing Date of July 14, 2010 at 1:30 p.m. at the Lane County Courthouse, Eugene, Oregon, for the Purpose of Conducting a Public Hearing to Consider the Approval of the Final Order Legalizing a Portion of Hamm Road.

**II. AGENDA ITEM SUMMARY**

The Board is being asked to approve the Resolution and Order to set a public hearing date of July 14, 2010 at 1:30 p.m. at the Lane County Courthouse, Eugene, Oregon for the purpose of conducting a public hearing to consider the approval of the Final Order legalizing a portion of Hamm Road.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

Hamm Road, as it is commonly known, is located west of Creswell and runs from Territorial Highway to Camas Swale Road. The portion proposed for legalization is the most easterly segment, being approximately 1.2 miles in length. It extends from a point near the southeast corner of Section 16, Township 19 South, Range 4 West to the point where it meets Camas Swale Road and Weiss Road.

Hamm Road was established in 1912, providing a public outlet to several residents between Coyote Valley and Camas Swale Valley. It was established as a 40 foot wide right of way.

The traveled road has been used for well over 10 years in its present location but does not conform to the location of the road described in the county road records.

In accordance with ORS 368.206 the proposal is to legalize the described portion of right of way at the original width of 40 feet. A centerline description of the portion of road to be legalized is attached to, and made a part of the Resolution and Order, as Exhibit "A".

A final survey of the centerline with monuments set to define the right of way lines of the project will be completed in accordance with ORS Chapter 368 if the road is legalized. The survey indicating the alignment and monumentation of the road will be filed for public record in the County Surveyor's Office.

**B. Policy Issues**

ORS 368.201 provides that a county governing body may initiate proceedings to legalize a county road based upon: A) The determination that through conditions of omission or defect, doubt exists as to the legal establishment or evidence of establishment of a public road; or B) If the location of the road cannot be accurately determined; or, C) If the road as traveled and used for 10 years or more does not conform to the location of a road described in the county records. The subject portion of Hamm Road does not conform to the location of the road described in the field notes of the survey of the road in 1911, but has been traveled and used in the existing location for well over 10 years.

In the legalization proceedings any person may file information that may controvert any matter presented as a part of these proceedings.

**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 (Lane County Strategic Plan, Goals, P. 8). The legalization of this road would be of public utility and a benefit to the public.

**D. Financial and/or Resource Considerations**

Legalization of this portion of Hamm Road as a County Road would not incur any new costs to Lane County, as the road is already part of the county road maintenance system.

**IV. ANALYSIS**

Discrepancies in the location of the legal alignment in relation to the traveled roadway have long existed. Aerial photos from the 1950's and 1960's reveal that the location of Hamm Road during that time period closely matches its present day location. No additional dedications for public right of way or acceptance by Lane County as public or county road along the subject portion of Hamm Road have been found since the original establishment.

Approving the Resolution and Order to set a public hearing to consider legalizing the portion of Hamm Road from a point near the southeast corner of Section 16, Township 19 South, Range 4 West, northeasterly to the point where it meets Camas Swale Road and Weiss Road will facilitate the timely progression of the legalization process.

**V. ALTERNATIVES/OPTIONS**

The Board of County Commissioners has the option to:

1. Approve the Resolution and Order to set a public hearing to consider the legalization of Hamm Road as proposed.
2. Not approve the Resolution and Order to set a public hearing to consider the legalization of the subject portion of Hamm Road.
3. Continue the matter for further consideration.

**VI. TIMING/IMPLEMENTATION**

Timing of this matter is important in order to facilitate progression of the legalization process in a timely manner.

**VII. RECOMMENDATION**

It is recommended that the Board of Commissioners approve Option 1, to proceed with the legalization of Hamm Road by approving the Resolution and Order setting a date for a public hearing which will enable the consideration of the approval of a Final Order to legalize a portion of Hamm Road as proposed and supported by the Public Works Director who has provided a Director's Preliminary Report attached to the Resolution and Order as Exhibit "B".

**VIII. FOLLOW-UP**

If the Board of County Commissioners approves the Resolution and Order setting a date for a public hearing to consider legalizing Hamm Road, the Resolution and Order with related attachments are to be forwarded to the Lane County Clerk for filing, indexing and entry into the Commissioner's Journal of Administration, after which copies are to be forwarded to the County Surveyor who will provide the Notice of Hearing as required by ORS 368.206(c) by service to owners of abutting land and other interested parties and by posting. If the Board wishes to postpone the matter, or to terminate proceedings, an Order to Postpone or Terminate will be presented to the Board at a later regularly scheduled meeting.

**IX. ATTACHMENTS**

Resolution and Order w/attachments:  
 Legal Description – Exhibit "A"  
 Director's Preliminary Report – Exhibit "B"  
 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 SETTING A PUBLIC HEARING TO )  
CONSIDER THE PROPOSED LEGALIZATION OF A ) RESOLUTION AND  
PORTION OF HAMM ROAD (COUNTY ROAD NUMBER ) ORDER NO.  
715½), LOCATED IN SECTIONS 15 AND 16, TOWNSHIP 19 )  
SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN )  
(19-04-15 & 16) )

**THIS MATTER** now coming before the Board of County Commissioners for Lane County, Oregon and the Board having duly determined to institute proceedings to legalize a portion of a Hamm Road, said portion is approximately 1.2 miles in length, extending from a point near the southeast corner of Section 16, Township 19 South, Range 4 West of the Willamette Meridian, to the intersection of Camas Swale Road and Weiss Road; and

**WHEREAS**, ORS 368.201 provides that a county governing body may initiate proceedings to legalize a county road based upon: A) The determination that through conditions of omission or defect, doubt exists as to the legal establishment or evidence of establishment of a public road; or B) If the location of the road cannot be accurately determined; or, C) If the road as traveled and used for 10 years or more does not conform to the location of a road described in the county records; and

**WHEREAS**, the location of the current traveled and constructed road does not conform to the original road alignment as described in the 1911 field notes, however aerial photos from the 1950's and 1960's reveal that road has been constructed and used in the present day location for well over 10 years; and

**WHEREAS**, no dedications for public right of way or acceptance by Lane County as public or county road have been found for the subject portion of Hamm Road since the original establishment of the road in 1912; and

**WHEREAS**, the Lane County Public Works Engineering and Construction Services Division has completed a preliminary survey of the portion of Hamm Road herein proposed to be legalized, as now constructed and traveled; and

**WHEREAS**, in accordance with ORS 368.206 the original right of way width of 40 feet is proposed to be legalized and a centerline description of the subject portion of road is described in Exhibit "A", attached hereto and made a part hereof by this Resolution and Order; and

**WHEREAS**, the Public Works Director has prepared a preliminary report marked Exhibit "B" in conformance with ORS 368.206, and is attached hereto and made a part hereof by this Order; now therefore it is hereby

**RESOLVED AND ORDERED** that pursuant to ORS Chapter 368.201 to ORS 368.221, the Board of County Commissioners for Lane County does hereby declare its intent to legalize



the said road as described in Exhibit "A" attached hereto and made a part hereof by these proceedings; and, it is further

**ORDERED**, that a public hearing on legalization of the portion of Hamm Road as described in Exhibit "A" be conducted by the Board of County Commissioners on July 14, 2010, at 1:30 p.m. at the Lane County Courthouse/Public Service Building, Eugene, Oregon. Notice of this hearing shall be provided by the County Surveyor's Office, Department of Public Works, in accordance with ORS 368.206(c). Purpose of the hearing shall be to hear and determine whether the subject road shall be legalized as a lawful public road having a right of way width of 40 feet. Objections, claims for damages and/or information that controvert any matter presented to the Board of County Commissioners must be filed or presented to said Board of County Commissioners on or before the close of the hearing to legalize this road.

Persons wishing further information regarding the proposed legalization of the portion of Hamm Road as described in Exhibit "A" may contact the Lane County Surveyor, Mike Jackson, at (541) 682-4198 or by writing the Lane County Surveyor's Office at 125 E. 8th Avenue; Eugene, OR 97401.

**EFFECTIVE DATE:** \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 6-1-10 lane county

  
OFFICE OF LEGAL COUNSEL

## EXHIBIT "A"

**HAMM ROAD  
CENTERLINE DESCRIPTION**

A strip of land forty (40) feet in width lying twenty (20) feet on each side of the centerline of Hamm Road, located in Sections 15 and 16, Township 19 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, as surveyed by Lane County in 2009; the centerline being described as follows:

Beginning at Engineers' Centerline Station L2 230+20.87 POB, said point being located 194.50 feet South and 137.94 feet West of the Brass Cap marking the Southeast corner of Section 16, Township 19 South, Range 4 West of the Willamette Meridian, Lane County, Oregon; run thence North 14° 41' 54" East 888.77 feet; thence along a 358.10 foot radius curve right (the long chord of which bears North 32° 35' 57" East, 220.14 feet) a distance of 223.76 feet; thence North 50° 30' 00" East 305.45 feet; thence along a 337.03 foot radius curve left (the long chord of which bears North 35° 15' 00" East, 177.30 feet) a distance of 179.41 feet; thence North 20° 00' 00" East, 166.45 feet; thence along a 159.15 foot radius curve right (the long chord of which bears North 49° 30' 00" East, 156.74 feet) a distance of 163.89 feet; thence North 79° 00' 00" East, 49.24; thence along a 358.10 foot radius curve left (the long chord of which bears North 72° 30' 00" East, 81.08 feet) a distance of 81.25 feet; thence North 66° 00' 00" East 52.72 feet; thence along a 220.37 foot radius curve right (the long chord of which bears North 84° 30' 00" East, 139.85 feet) a distance of 142.31 feet; thence South 77° 00' 00" East 119.40 feet; thence along a 286.48 foot radius curve left (the long chord of which bears North 88° 00' 00" East, 148.29 feet) a distance of 150.00 feet; thence North 73° 00' 00" East 35.17 feet; thence along a 130.22 foot radius curve left (the long chord of which bears North 34° 00' 00" East, 163.90 feet) a distance of 177.27 feet; thence North 5° 00' 00" West 83.75 feet; thence along a 136.42 foot radius curve right (the long chord of which bears North 50° 15' 00" East, 224.18 feet) a distance of 263.10 feet; thence South 74° 30' 00" East 190.55 feet; thence along a 572.96 foot radius curve right (the long chord of which bears South 71° 45' 00" East, 54.98 feet) a distance of 55.00 feet; thence South 69° 00' 00" East 83.85 feet; thence along a 716.20 foot radius curve left (the long chord of which bears South 71° 15' 00" East, 56.24 feet) a distance of 56.25 feet; thence South 73° 30' 00" East 287.69 feet; thence along a 1145.92 foot radius curve right (the long chord of which bears South 71° 45' 00" East, 69.99 feet) a distance of 70.00 feet; thence South 70° 00' 00" East 88.91 feet; thence along a 572.96 foot radius curve left (the long chord of which bears South 79° 52' 42" East, 196.59 feet) a distance of 197.57 feet; thence South 89° 45' 25" East 510.28 feet; thence along a 300.00 foot radius curve left (the long chord of which bears North 66° 59' 15" East, 236.90 feet) a distance of 243.53 feet; thence North 43° 43' 55" East 130.26 feet; thence along a 250.00 foot radius curve right (the long chord of which bears North 84° 02' 40" East, 323.48 feet) a distance of 351.79 feet; thence South 55° 38' 35" East 219.61 feet; thence along a 120.00 foot radius curve left (the long chord of which bears North 75° 34' 55" East, 180.51 feet) a distance of 204.31 feet; thence North 26° 48' 25" East 48.89 feet; thence along a 120.00 foot radius curve right (the long chord of which bears North 59° 40' 35" East, 130.25 feet) a distance of 137.68 feet; thence South 87° 27' 15" East 692.68 feet to Engineers' Centerline Station L2 296+71.65 Back =L39+00.00 Ahead and there ending, said Station being the point of beginning of the Alteration of

## EXHIBIT "A"

Camas Swale Road as approved by the Board of Commissioners on September 7, 1966, and said point also being the intersection of Camas Swale Road (County Road No. 1344) and Weiss Road (County Road No. 9) all in Lane County, Oregon.

EXCEPT: That portion lying south of the south line of Section 16, Township 19 South, Range 4 West of the Willamette Meridian.

The bearings used herein are based on the Oregon Coordinate System (NAD 83/91), South Zone based on Global Positioning System (GPS) tie to Lane County System (LCCM) control station 1080. The project theta angle is  $-1^{\circ}48'25.4''$  with distances and coordinates being ground measured while the bearings are on the grid.

EXHIBIT 'B'

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

IN THE MATTER OF SETTING A PUBLIC HEARING TO )  
CONSIDER THE PROPOSED LEGALIZATION OF A )  
PORTION OF HAMM ROAD (COUNTY ROAD NUMBER )  
715½), LOCATED IN SECTIONS 15 AND 16, TOWNSHIP )  
19 SOUTH, RANGE 4 WEST OF THE WILLAMETTE )  
MERIDIAN (19-04-15 & 16) )

DIRECTOR'S  
PRELIMINARY  
REPORT

The Lane County Department of Public Works has resolved to legalize as a county road a portion of Hamm Road as now constructed and traveled. In accordance with ORS 368.206, the original right of way width of 40 feet is proposed to be legalized. All legal criteria for proceeding with the legalization have been met.

The portion of Hamm Road proposed to be legalized, is approximately 1.2 miles in length and is the most easterly section of Hamm Road. It extends from a point near the southeast corner of Section 16, Township 19 South, Range 4 West of the Willamette Meridian, to the intersection of Camas Swale Road and Weiss Road.

The location of the current traveled and constructed road does not conform to the original road alignment as described in the field notes in 1911, however aerial photos and maps reveal that location of Hamm Road has been built and traveled in its current location for over 40 years. No additional dedications for public right of way or acceptance by Lane County as public or county road have been found for the subject portion of Hamm Road since it was established in 1912.

It is recommended the Resolution and Order be approved and that a date be set for conducting a public hearing by the Board of County Commissioners to consider the legalization of said portion of Hamm Road.

A complete report will be submitted prior to the time of the public hearing.

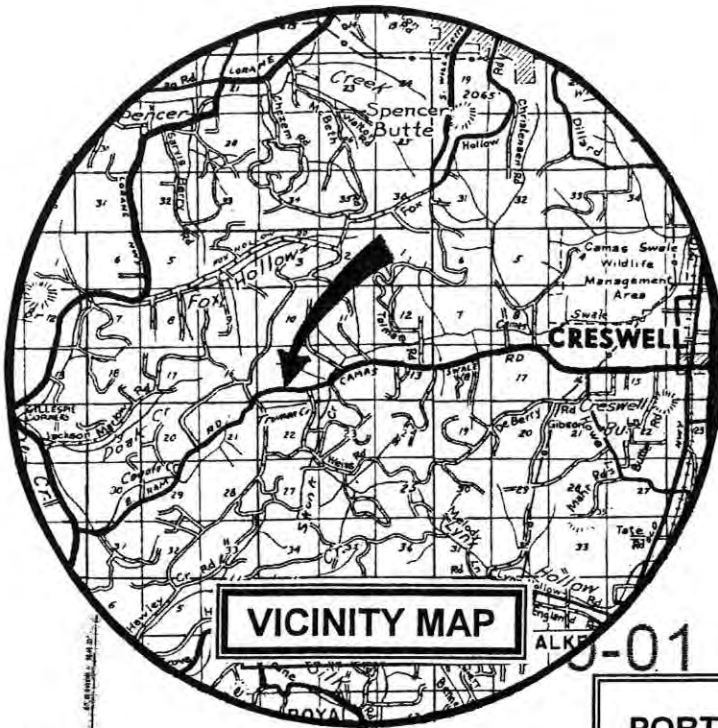
Dated this 19 day of May, 2010.

  
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Director  
Department of Public Works



ATTACHMENT 'A'

LEGALIZATION OF A PORTION OF HAMM ROAD (COUNTY ROAD NO. 715 1/2 )  
SECTIONS 15 & 16, TOWNSHIP 19 S., RANGE 4 W., W.M.  
Lane County



NO SCALE

