

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

<p>IN THE MATTER OF THE ALTERATION OF NORTH ENTERPRISE ROAD AND NORTH MORNINGSTAR ROAD (COUNTY ROAD NUMBERS 311, 665 AND 397) (18-02-34 &amp; 19-02-03)</p>	<p>) ) ) )</p>	<p>FINAL ORDER OF ALTERATION  11-3-15-12</p>
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**THIS MATTER** now coming before the Board of County Commissioners for Lane County, Oregon, and the Board deeming it is in the best interest of Lane County to accept fee and other interests in land and to alter portions of North Enterprise and North Morningstar Roads (County Road Numbers 311, 665 and 397). The portion of right of way extends from State Highway 58 south approximately 1.06 miles and includes approximately 0.13 miles of North Morningstar Road; and

**WHEREAS**, through the adoption of the Capital Improvement Programs for FY 90-91 through FY 94-95, and Resolution and Order No. 91-1-2-16, and through Order No. 83-4-27-29 adopting Capital Improvement Programs for FY 83-83 through FY 87-88, the Board of Commissioners ordered that staff acquire right of way necessary to improve the road to serve the needs of Lane County for the general use and benefit of Lane County; and

**WHEREAS**, certain right of way acquisitions for North Enterprise Road and North Morningstar Road were made and deeds were recorded for public record by the Lane County Department of Public Works in 1983, 1984, 1991 and 1992, but were never formally accepted by the Board of County Commissioners; and

**WHEREAS**, since the time that the project began there have been conveyances to the State of Oregon near the intersection of Willamette Highway (State Highway 58) to widened North Enterprise Road where it meets Highway 58, however these conveyances are not included in the right of way that is being accepted by the County; and

**WHEREAS**, the Department of Public Works 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 Public Works Department has completed the construction of the North Enterprise Road project, in accordance with the plans and specifications prepared and administered by the Public Works Director; and

**WHEREAS**, the Department of Public Works has filed road survey numbered County Survey File 30370 through 30375 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>GRANTOR'S</u>	<u>RECORDING DATE</u>	<u>LANE COUNTY DEED RECORDS</u>	<u>LANE COUNTY TAX LOT NUMBER</u>
Dexter Baptist Church	2/11/1991	1679R/9107217	18-02-34 4002
Penelope Schlueter	1/11/1991	1673R/9101632	18-02-34 4202
Carl J. Jr. and Lois M. McKee	6/17/1991	1701R/9128003	18-02-34 4200
Alen K. and Joan D. Bell	1/24/1991	1675R/9103925	18-02-34 4400
Max G. and Janice J. Boles	9/04/1991	1715R/9142289	18-02-34 4303
Donald A. and Pamela S. Lenhart	6/21/1991	1702R/9129049	18-02-34 4305
Rett C. and Kathy M. Hubbard	5/09/1991	1695R/9121538	18-02-34 4302
Ronald O. and Carol L. Stobbe	5/21/1991	1697R/9123588	18-02-34 4700
Max G. and Janice J. Boles and Thomas G. and Lorene L. Stewart	8/14/1991	1712R/9138772	18-02-34 4500
George F. and Rhea Mae Wingard	10/18/1991	1723R/9150436	18-02-34 1800 & 4501
George F. and Rhea Mae Wingard	10/18/1991	1723R/9150434	18-02-34 4600
Pleasant Hill School District No 1, Union High School District No. 1	1/10/1991	1673R/9101330	18-02-34 1900
Kalvin L. and Lori L. Waetzig	1/23/1992	1740R/9204014	19-02-03 102
Dorothea L. Bruchner	6/24/1991	1703R/9129278	19-02-03 108
James Robert and Joan B. Hladky	3/06/1991	1683R/9110683	19-02-03 113
Charles E. and Almetta F. Marsh	5/22/1991	1697R/9123728	19-02-03 106
R. Earl Gingerich	7/18/1991	1707R/9133944	19-02-03 100
Phillip Michael and Marion Ellen Burton	3/08/1991	1684R/9111194	19-02-03 116
Rob A. and Elspeth A. Humphries	5/09/1991	1695R/9121540	19-02-03 103
Marlen Stansbury Clough	2/08/1991	1679R/9107090	19-02-03 110

Loren L. and Patricia Mitchell	3/25/1991	1686R/9113579	19-02-03	401
Kenneth D. and Margaret A. McClusky	3/18/1991 4/19/1984 10/12/1983	1685R/9112544 1293R/8416828 1266R/8336824	19-02-03	109 & 705

and, it is further

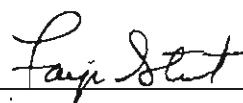
**ORDERED**, that the portions of said County Roads referred to above and commonly known as North Enterprise Road and North Morningstar Road (County Road Numbers 311, 665 and 397) be hereby altered as described in the legal descriptions attached hereto, made a part hereof and marked Exhibit "A" by this Order; and it is further

**ORDERED**, that all portions of County Road Numbers 311, 665 and 397 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 portion of County Road Numbers 311, 665 and 397, 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 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 North Enterprise Road and North Morningstar Road, and to accept it as part of County Road Numbers 311, 665, and 397.

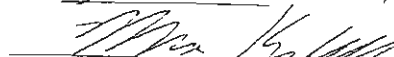
**EFFECTIVE DATE:** 15th day of March, 2011.



Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 3-3-11 lane county



OFFICE OF LEGAL COUNSEL

**NORTH ENTERPRISE ROAD and NORTH MORNINGSTAR ROAD****Centerline Description**

A strip of land variable feet in width lying on both sides of the centerline of North Enterprise Road, in Section 34, Township 18 South, and Section 3, Township 19 South, Range 2 West of the Willamette Meridian, Lane County, Oregon, as surveyed by Lane County in 1990; the centerline and widths in feet being described as follows:

Beginning at the Enterprise Road Engineers' Centerline Station L 0+91.23 POT Bk. = L<sup>2</sup> 0+91.23 PI Ahd., said station being 2,417.87 feet North and 47.26 feet East of a Brass Cap marking the Northeast Corner of the E. Mulholland Sr. Donation Land Claim Number 57, in Section 34, Township 18 South, Range 2 West of the Willamette Meridian, Lane County, Oregon; run thence South 2° 35' 12" West, 243.97 feet; thence along a 11,459.16 foot radius curve left (the long chord of which bears South 1° 51' 12" West, 293.38 feet) a distance of 293.39 feet; thence South 1° 07' 11" West, 507.81 feet; thence along a 22,918.31 foot radius curve left (the long chord of which bears South 0° 42' 38" West, 327.44 feet) a distance of 327.44 feet; thence South 0° 18' 04" West, 372.63 feet; thence along a 22,918.31 foot radius curve right (the long chord of which bears South 0° 42' 38" West, 327.44 feet) a distance of 327.44 feet; thence South 1° 07' 11" West, 109.11 feet; thence along a 22,918.31 foot radius curve left (the long chord of which bears South 0° 33' 06" West, 454.33 feet) a distance of 454.33 feet; thence South 0° 00' 58" East, 310.06 feet; thence along a 22,918.31 foot radius curve right (the long chord of which bears South 0° 23' 28" West, 325.66 feet) a distance of 325.67 feet; thence South 0° 47' 53" West, 1,328.89 feet; thence along a 954.93 foot radius curve left (the long chord of which bears South 15° 41' 54" East, 542.31 feet) a distance of 549.87 feet to Engineers' Centerline Station L<sup>2</sup> 52+41.84 PT Bk. = L 52+44.57 POT Ahd.; thence South 32° 11' 40" East, 455.43 feet to Engineers' Centerline Station L 57+00.00 POT, and there ending, all in Lane County, Oregon.

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

<u>STATION TO STATION</u>		<u>WIDTH ON WEST'LY SIDE OF C/LINE</u>	<u>WIDTH ON EAST'LY SIDE OF C/LINE</u>
L 0+91.23 POT Bk. =L <sup>2</sup> 0+91.23 PI Ahd.	L <sup>2</sup> 3+00.00 POT	30 ft tapering on a straight line to 24.6ft	20 ft tapering on a straight line to 25.4 ft
L <sup>2</sup> 3+00.00 POT	L <sup>2</sup> 3+35.20 PC	24.6 ft tapering on a straight line to 26ft	25.4 ft tapering on a straight line to 26.25 ft
L <sup>2</sup> 3+35.20 PC	L <sup>2</sup> 6+28.59 PT	26 ft tapering on a straight line to 35 ft	26.25 ft tapering on a straight line to 30 ft
L <sup>2</sup> 6+28.59 PT	L <sup>2</sup> 24+70.00 POT		30 ft
L <sup>2</sup> 6+28.59 PT	L <sup>2</sup> 13+00.00 POC	35 ft	
L <sup>2</sup> 13+00.00 POC	L <sup>2</sup> 13+75.00 POC	35 ft tapering on a straight line to 45 ft	

<u>STATION TO STATION</u>		<u>WIDTH ON WEST'LY SIDE OF C/LINE</u>	<u>WIDTH ON EAST'LY SIDE OF C/LINE</u>
L <sup>2</sup> 13+75.00 POC	L <sup>2</sup> 14+63.84 PT	45 ft tapering on a straight line to 35 ft	
L <sup>2</sup> 14+63.84 PT	L <sup>2</sup> 22+73.02 PC	35 ft	
L <sup>2</sup> 22+73.02 PC	L <sup>2</sup> 25+00.00 POC	35 ft tapering on a straight line to 30 ft	
L <sup>2</sup> 24+70.00 POC	L <sup>2</sup> 24+88.85 POC		30 ft tapering on a straight line to 65 ft
L <sup>2</sup> 24+88.85 POC	L <sup>2</sup> 25+28.97 POC		65 ft
L <sup>2</sup> 25+28.97 POC	L <sup>2</sup> 25+60.00 POC		65 ft tapering on a straight line to 30 ft
L <sup>2</sup> 25+60.00 POC	L <sup>2</sup> 32+00.00 POT		30 ft
L <sup>2</sup> 32+00.00 POT	L <sup>2</sup> 33+00.00 POT		30 ft tapering on a straight line to 35 ft
L <sup>2</sup> 25+00.00 POC	L <sup>2</sup> 30+00.00 POT	30 ft	
L <sup>2</sup> 30+00.00 POT	L <sup>2</sup> 30+37.41 PC	30 ft tapering on a straight line to 28 ft	
L <sup>2</sup> 30+37.41 PC	L <sup>2</sup> 33+63.08 PT	28 ft tapering on a straight line to 30 ft	
L <sup>2</sup> 33+63.08 PT	L <sup>2</sup> 37+00.00 POT	30 ft	
L <sup>2</sup> 37+00.00 POT	L <sup>2</sup> 38+50.00 POT	30 ft tapering on a straight line to 40 ft	
L <sup>2</sup> 33+00.00 POT	L <sup>2</sup> 46+91.97 PC		35 ft
L <sup>2</sup> 46+91.97 PC	L <sup>2</sup> 49+50.00 POC		35 ft tapering on a straight line to 35 ft

<u>STATION TO STATION</u>		<u>WIDTH ON WEST'LY SIDE OF C/LINE</u>	<u>WIDTH ON EAST'LY SIDE OF C/LINE</u>
L <sup>2</sup> 49+50.00 POC	L 56+50.00 POT		35 ft
L 56+50.00 POT	L 57+00.00 POT		35 ft tapering on a straight line to 20 ft
L <sup>2</sup> 38+50.00 POT	L <sup>2</sup> 46+50.00 POT	40 ft	
L <sup>2</sup> 46+50.00 POT	L <sup>2</sup> 46+91.97 PC	40 ft tapering on a straight line to 45 ft	
L <sup>2</sup> 46+91.97 PC	L <sup>2</sup> 48+00.00 POC	45 ft tapering on a straight line to 50 ft	
L <sup>2</sup> 48+00.00 POC	L <sup>2</sup> 48+29.67 POC	50 ft tapering on a straight line to 88.45 ft	
L <sup>2</sup> 48+29.67 POC	L <sup>2</sup> 48+49.91 POC	88.45 ft tapering on a straight line to 171.53 ft	
L <sup>2</sup> 48+49.91 POC	L <sup>2</sup> 49+08.55 POC	171.53 ft tapering on a straight line to 158.41 ft	
L <sup>2</sup> 49+08.55 POC	L <sup>2</sup> 49+12.24 POC	158.41 ft tapering on a straight line to 93.56 ft	
L <sup>2</sup> 49+12.24 POC	L <sup>2</sup> 50+50.00 POC	93.56 ft tapering on a straight line to 40 ft	
L <sup>2</sup> 50+50.00 POC	L <sup>2</sup> 52+41.84 PT Bk=L 52+44.57 POT Ahd.	40 ft	
L <sup>2</sup> 52+41.84 PT Bk=L 52+44.57 POT Ahd.	L 53+00.00 POT	40 ft tapering on a straight line to 35 ft	
L 53+00.00 POT	L 56+00.00 POT	35 ft	

## EXHIBIT "A"

<u>STATION TO STATION</u>		<u>WIDTH ON WEST'LY SIDE OF C/LINE</u>	<u>WIDTH ON EAST'LY SIDE OF C/LINE</u>
L 56+00.00 POT	L 57+00.00 POT	35 ft tapering on a straight line to 20 ft.	

**ALSO:** A strip of land variable feet in width lying on both sides of the centerline of North Morningstar Road as surveyed by Lane County in 1990; the centerline and widths in feet being described as follows;

Beginning at Engineers' Centerline Station L<sup>2</sup> 48+75.00 POC Bk. (North Enterprise Road) = NM 6+14.79 Ahd. (North Morningstar Road), said station being 2,364.26 feet South and 5.44 feet West of a Brass Cap marking the Northeast Corner of the E. Mulholland Sr. Donation Land Claim Number 57 in Section 34, Township 18 South, Range 2 West of the Willamette Meridian, Lane County, Oregon; run thence South 79° 48' 57" West, 63.61 feet; thence along a 520.87 foot radius curve left (the long chord of which bears South 74° 17' 20" West, 100.33 feet) a distance of 100.49 feet; thence South 68° 45' 43" West, 221.11 feet to Engineers' Centerline Station NM 10+00.00 POT Bk. = L 0+00.00 POT Ahd.; thence continuing South 68° 45' 43" West, 400.00 feet to Engineers' Centerline Station L 4+00.00 POT 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 NORTH'LY SIDE OF C/LINE</u>	<u>WIDTH ON SOUTH'LY SIDE OF C/LINE</u>
NM 6+61.70 POT	NM 7+00.00 POC	78.84 ft tapering on a straight line to 50 ft	
NM 7+10.00 POC	NM 7+78.89 PT		40 ft tapering on a straight line to 30 ft
NM 7+78.89 PT	L 2+00.00 POT		30 ft.
NM 7+00.00 POC	NM 7+78.89 PT	50 ft tapering on a straight line to 40 ft	
NM 7+78.89 PT	L 3+50.00 POT	40 ft	
L 3+50.00 POT	L 4+00.00 POT	40 ft tapering on a straight line to 30 ft.	

The bearings used herein are based upon a bearing of South 89° 50' 00" West between the Southeast Corner of the Elijah Bristow Donation Land Claim Number 69 and the Northwest Corner of the E. Mulholland Jr. Donation Land Claim Number 58 as referenced in the original field notes of County Road Number 665.

## EXHIBIT "B"

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

<b>IN THE MATTER OF THE ALTERATION OF NORTH ENTERPRISE ROAD AND NORTH MORNINGSTAR ROAD (COUNTY ROAD NUMBERS 311, 665 AND 397) (18-02-34 &amp; 19-02-03)</b>	) ) ) ) )	<b>DIRECTOR'S REPORT</b>
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North Enterprise Road (County Road Numbers 311 and 665) is a rural minor collector road consisting of two County Roads. County Road Number 311 was established in 1875 with a width of 60 feet. County Road 665 was established in 1910 with a width of 40 feet. North Morningstar (County Road Number 397) is a rural local road established in 1886 as a 40 foot wide County Road with a connection to North Enterprise Road.

This alteration is one of a number of road alterations that were done in the 1980's and early 1990's wherein right of way deeds were acquired and recorded but never formally accepted, field surveys were performed and maps filed, and construction was completed, yet no final order of alteration was filed.

The initiation and acquisition of property and the improvement of portions of North Enterprise Road and North Morningstar Road was part of a five year Capital Improvement Program, FY 90-91 through FY 94-95. On January 2, 1991, Resolution and Order 91-1-2-16 authorized Public Works to acquire necessary right of way which altered its alignment from State Highway 58 to North Morningstar Road. Previously, on April 4, 1983, the Capital Improvement Program for FY 83-84 through FY 87-88 was adopted by Order No. 83-4-27-29 authorizing acquisition of property necessary for several projects which included a portion of North Morningstar Road near North Enterprise Road. This project is 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.

Lane County acquired title and other interests in 1983-1984 and in 1991-1992 for right of way along North Enterprise Road and North Morningstar Road which were recorded as required by ORS 368.106. Although the acquisitions deeds were recorded, no formal process of acceptance was completed. The Surveyor's Office is presenting herewith an order containing a listing of the deeds for acceptance by the Board of Commissioners.

Since the project began, there have been conveyances to the State of Oregon near the intersection of Willamette Highway (State Highway 58). These conveyances widened North Enterprise Road where it meets Highway 58, but are not part of the right of way that is being accepted by the County.

The North Enterprise Road project improvement plans were prepared and all necessary surveying, alignment design and mapping, additional right of way acquisition and construction have been completed and are open for public travel. The construction of the roads was completed in accordance with plans and specifications administered by the Department of Public Works. A survey map of the North Enterprise Road project was filed by Lane County Public Works Department in 1992.

An Order of Alteration to legally alter these portions of North Enterprise Road and North Morningstar Road (County Road Numbers 311, 665 and 397) has been prepared. The Order provides for acceptance of parcels of land, or portion thereof, acquired as right of way in



conjunction with this project, and vacates portions of the former rights 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.

The Department of Public Works has filed a survey map in the Office of the Lane County Surveyor as County Survey File No. 30370 through 30375, which includes centerline and right of way monumentation in compliance with ORS Chapters 209.250 and 368.106.

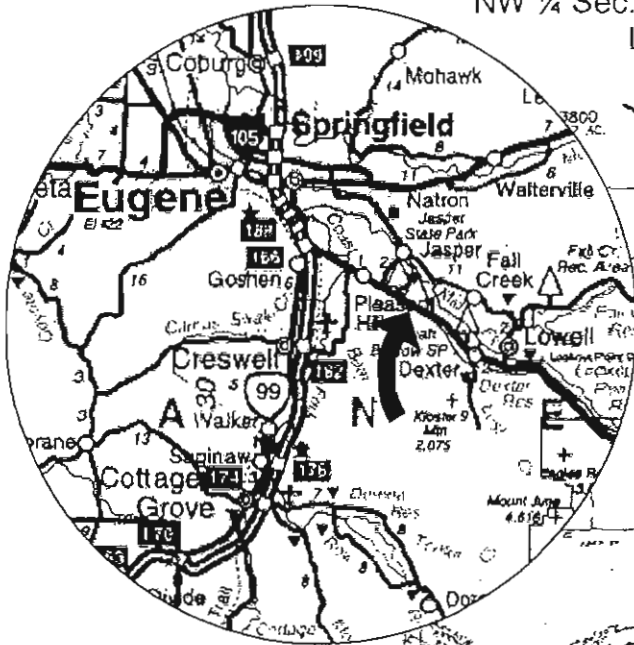
The public interest will be served by the alteration of this road. It is therefore recommended that the Order of Alteration and related attachments be approved and that it be filed with the County Clerk and entered in the Board of Commissioners Journal of Administration. The Order of Alteration and the road surveys will then be entered into the legal County Road Files administered by the Department of Public Works and the County Surveyor for public record.

DATED this 1<sup>st</sup> day of March, 2011.

  
Director  
Department of Public Works

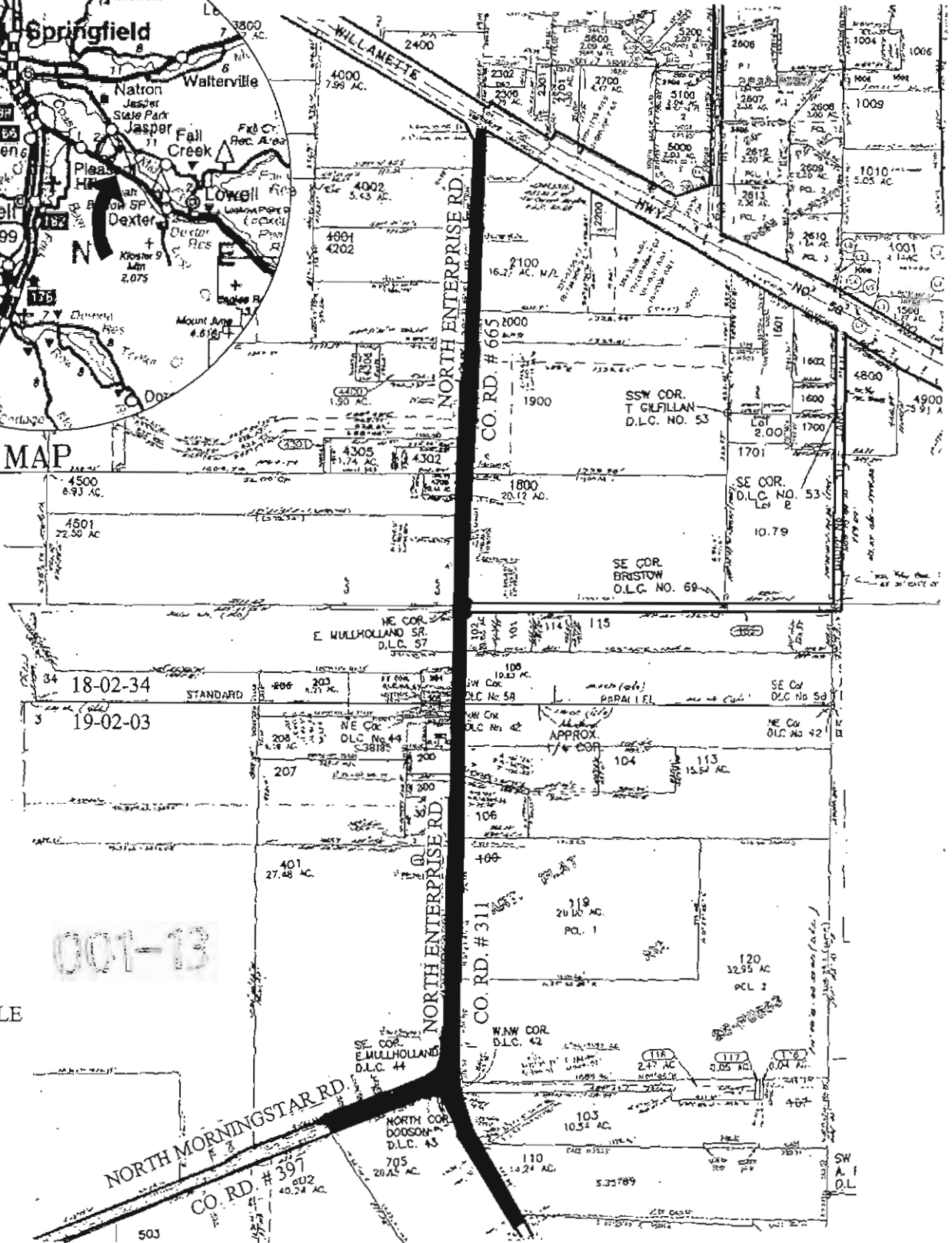
ATTACHMENT 'A'

ALTERATION OF A PORTION OF  
N. ENTERPRISE ROAD and N. MORNINGSTAR ROAD  
W 1/2 Sec. 34, T. 18 S., R. 2 W. W. M.  
NW 1/4 Sec. 3, T. 19 S., R. 2 W. W. M.  
LANE COUNTY



VICINITY MAP

NOT TO SCALE



NOT TO SCALE

001-13