

W. O. F. S.

ORIGINAL

AGENDA COVER MEMO

DATE: March 3, 2005
TO: Lane County Board of Commissioners
FROM: Bill Robinson, Lane County Surveyor *BR*
DEPARTMENT: Public Works/Land Management Division

AGENDA ITEM TITLE: IN THE MATTER OF THE ALTERATION OF A PORTION OF DELTA HIGHWAY (COUNTY ROAD NO. 1354) LOCATED IN SECTIONS 18 AND 19, TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN.

I. MOTION

In the Matter of the Alteration of a Portion of Delta Highway (County Road No. 1354) located in sections 18 and 19, Township 17 South, Range 3 West of the Willamette Meridian.

II. ISSUE

To decide whether to approve the Order of Alteration that would accept a dedication of county-owned road fund land for public road purposes and also vacate the excess right of way.

III. DISCUSSION

A. Background

Delta Highway was established as County Road Number 1354 in 1968 with a variable right of way width. The portion of road proposed to be altered is located within the City of Eugene between Belt Line Road and Valley River Drive. The City of Eugene has proposed a water resource project involving the Delta Ponds area of Eugene in partnership with the U.S. Army Corps of Engineers. Lane County is working with the City of Eugene in their endeavor to enhance the wetland and riparian resources in the Delta Ponds area. Portions of the lands needed for the project are currently in Lane County ownership and are either excess right of way, or excess County-owned road fund land. An alteration of Delta Highway will establish what property is needed for right of way and clarify what lands can be relinquished to the City for the Delta Ponds project.

The Board of Commissioners approved Resolution and Order No. 04-2-18-4 directing Public Works staff to assist the City of Eugene with the Delta Ponds Restoration Project by providing necessary surveying and engineering needed to prepare the legal descriptions to submit the transfer and/or vacation proceedings for consideration of the Board.

B. Analysis

Altering Delta Highway will provide for the dedication and acceptance of portions of the County-owned road fund property as public right of way, for use as right of way now or retained for future improvements of Delta Highway. The alteration will also vacate certain areas that are not needed for use as right of way, with the intent to transfer the excess right of way, as well as excess

County-owned road fund property to the City of Eugene in connection with the Delta Ponds Restoration project.

The report by the Director of the Department of Public Works, attached to the Order as Exhibit "B", notes that no new construction of the Highway is planned at this time, but the alteration of Delta Highway is in anticipation for future transportation needs of the citizens of Lane County. The Order of Alteration provides for the dedication and acceptance of county-owned property. The centerline description of the new alignment, including right of way widths, is attached to the Order as Exhibit "A."

C. Alternatives/Options

The Board of County Commissioners has the options to:

1. Approve the Order of Alteration of a portion of Delta Highway (County Road No. 1354).
2. Have staff review and alter any component of the Order of Alteration.
3. Continue the motion for further consideration

D. Recommendations

It is recommended that the Board of Commissioners approve Option 1. This will approve the Order of Alteration of a portion of Delta Highway as proposed and supported by the Public Works Director.

E. Timing

Timing is important, as the Alteration of Delta Highway will allow portions of county-owned land in this area to be relinquished to the City of Eugene for the Delta Ponds Project.

IV. IMPLEMENTATION/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 will be filed and indexed into the Road Index Books and legal County Road Files administered by the Department of Public Works and the County Surveyor.

V. ATTACHMENTS

Order with Attachments:

- Exhibit "A" - Legal Description
- Exhibit "B" - Director's Report
- Exhibit "C" - Dedication of Public Road Easement
- Attachment "A" - Vicinity Map

Contact Person: Bill Robinson x-4198

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

File No. 4123

IN THE MATTER OF THE ALTERATION OF)
A PORTION OF DELTA HIGHWAY (COUNTY) ORDER OF
ROAD NO. 1354) LOCATED IN SECTIONS 18 & 19,) ALTERATION
TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE) NO.
WILLAMETTE MERIDIAN.)

THIS MATTER now coming before the Board of County Commissioners for Lane County, Oregon, and the Board through adoption of Resolution and Order No. 04-2-18-4 has directed the Department of Public Works staff to assist the City of Eugene with the Delta Ponds Restoration project, by providing necessary surveying and engineering needed to prepare the legal descriptions to submit the transfer and/or vacation proceedings for consideration of the Board; and

WHEREAS, portions of the lands needed for the Delta Ponds Restoration project are currently in Lane County ownership and are either excess right of way or excess County-owned road fund land; and

WHEREAS, it has been determined necessary to alter a portion of Delta Highway, modifying the legal right of way to incorporate certain areas of county-owned road fund property and vacating certain areas that are not needed for use as road, prior to the relinquishment of County-owned lands; and

WHEREAS, Lane County acquired the real property by those certain deeds recorded March 31, 1961, on Reel 170, Recorder's Reception Number 27771; February 18, 1965, on Reel 260, Recorder's Reception Number 92821; January 15, 1963, on Reel 210, Recorder's Reception Number 96237; October 30, 1963, on Reel 230, Recorder's Reception Number 31211; February 11, 1963, on Reel 211, Recorder's Reception Number 99211; and October 7, 1963, on Reel 228, Recorder's Reception Number 28090 and 28091; and

WHEREAS, the Lane County Board of Commissioners have provided a good and sufficient deed, Deed Instrument Number _____, recorded on the ____ day of _____, 2005, Lane County, Oregon Deed Records, forever dedicating three parcels of land for public road purposes, said deed marked as Exhibit "C", attached hereto and made a part hereof, and the Board of Commissioners deeming it proper, as a benefit to the general public, to accept said deed for a public road easement; now therefore, it is hereby

ORDERED, that the portion of Delta Highway (County Road Number 1354), as described in the legal description marked Exhibit "A", attached hereto made a part hereof, be hereby altered by this Order; and it is further

ORDERED, that all portions of Delta Highway (County Road Number 1354), which are not included within the limits of the road right of way as described in said Exhibit 'A' 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 Number 1354 as 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 the deed be recorded in the Deed Records of the County and the Instrument Number be noted on 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 entered 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 is hereby final and does operate to alter the said portion of County Road Number 1354, herein known as Delta Highway.

DATED this _____ day of _____, 2005.

Chair
Lane County Board of Commissioners

5-18-05

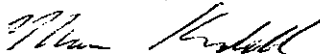


EXHIBIT "A"

DELTA HIGHWAY

CENTERLINE DESCRIPTION

A strip of land variable feet in width lying on each side of the centerline of Delta Highway, in Sections 18 and 19, Township 17 South, Range 3 West of the Willamette Meridian, Lane County, Oregon, as surveyed by Lane County in 2004; the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station L 21+60.47 POT, said station being on the Southerly line of Belt Line Road (County Road Number 1353) said Station also being 917.33 feet North and 511.31 feet East of the Northwest corner of the Alexander King Donation Land Claim Number 55 in Section 18, Township 17 South, Range 3 West of the Willamette Meridian; and run thence South 19° 33'50" West, 4,830.27 feet to Engineers' Centerline Station L 69+90.74 POT Bk = L² 69+92.38 PS Ah; thence on a 500 foot spiral curve left in which a = 0.8 and s = 10° (the long chord of which curve bears South 16°13'53" West 499.32 feet); thence along a 1432.39 foot radius curve left (the long chord of which curve bears South 2° 41'10" East, 607.84 feet) a distance of 612.50 feet; thence on a 500 foot spiral curve left in which a = 0.8 and s = 10° (the long chord of which curve bears South 21° 36'14" East, 499.32 feet) to Engineers' Centerline Station L² 86+04.88 PT 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 WEST'LY SIDE OF C/LINE</u>	<u>WIDTH ON EAST'LY SIDE OF C/LINE</u>
L 41+63.40 POT	L 42+94.62 POT	400 ft	
L 42+94.62 POT	L 42+42.73 POT	400 ft tapering back along a 1482.89 ft radius curve left to 568.28 ft	
L 42+42.73 POT	L 43+20.71 POT	568.28 ft tapering on a straight line to 567.14 ft	
L 43+20.71 POT	L 46+61.98 POT	567.14 ft tapering on a straight line to 575.17 ft	
L 46+61.98 POT	L 49+66.93 POT	575.17 ft tapering on a straight line to 528.13 ft	
L 49+66.93 POT	L 50+68.59 POT	528.13 ft tapering along a 250 ft radius curve left to 488.32 ft	
L 50+68.59 POT	L 52+20.00 POT	488.32 ft tapering along a 450 ft radius curve left to 315.45 ft	
L 52+20.00 POT	L 52+20.00 POT	315.45 ft tapering on a straight line to 141.28 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 46+00.00 POT	L 52+09.60 POT		400 ft tapering on a straight line to 122.91 ft
L 52+09.60 POT	L 57+00.00 POT		122.91 ft tapering on a straight line to 80 ft
L 57+00.00 POT	L 59+00.00 POT		80 ft
L 59+00.00 POT	L 61+00.00 POT		80 ft tapering on a straight line to 85 ft
L 61+00.00 POT	L ² 74+92.38 PSC		85 ft
L ² 74+92.38 PSC	L ² 76+00.00 POC		85 ft tapering on a straight line to 83.71 ft
L ² 76+00.00 POC	L ² 76+19.00 POC		83.71 ft tapering on a straight line to 80 ft
L 52+20.00 POT	L 53+00.00 POT	141.28 ft tapering on a straight line to 115 ft	
L 53+00.00 POT	L 57+00.00 POT	115 ft tapering on a straight line to 95 ft	
L 57+00.00 POT	L 61+00.00 POT	95 ft	
L 61+00.00 POT	L 63+00.00 POT	95 ft tapering on a straight line to 85 ft	
L 63+00.00 POT	L 69+90.74 POT Bk = L ² 69+92.38 PS Ah.	85 ft	
L 69+90.74 POT Bk = L ² 69+92.38 PS Ah.	L ² 73+00.00 POS	85 ft tapering on a straight line to 105 ft	
L ² 73+00.00 POS	L ² 77+00.00 POC	105 ft	
L ² 77+00.00 POC	L ² 77+82.00 POC	105 ft tapering on a straight line to 100 ft	
L ² 77+82.00 POC	L ² 78+00.00 POC	100 ft	

The bearings used herein are based upon the Oregon State Coordinate System (NAD-83/91) South Zone.

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

File No. 4123

IN THE MATTER OF THE ALTERATION OF)	
A PORTION OF DELTA HIGHWAY (COUNTY)	
ROAD NO. 1354) LOCATED IN SECTIONS 18 & 19,)	DIRECTOR'S REPORT
TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE)	
WILLAMETTE MERIDIAN)	

Delta Highway was established as County Road Number 1354 in 1968 with a variable right of way width. The portion of road proposed to be altered is located within the City of Eugene between Belt Line Road and Valley River Drive. The City of Eugene has proposed a water resource project involving the Delta Ponds area of Eugene in partnership with the U.S. Army Corps of Engineers. Lane County is working with the City of Eugene in their endeavor to enhance the wetland and riparian resources in the Delta Ponds area. Portions of the lands needed for the project are currently in Lane County ownership and are either excess right of way or excess County-owned road fund land. An alteration of Delta Highway will establish what property is needed for right of way and clarify what lands can be relinquished to the City for the Delta Ponds project.


Altering Delta Highway will modify the legal right of way to incorporate areas of county-owned road fund property that are either needed for use as public right of way now, or will be retained for future road improvements. The alteration will also vacate portions of the existing right of way that are not needed now, or in the foreseeable future.

The Board of Commissioners approved Resolution and Order No. 04-2-18-4 directing Public Works staff to assist the City of Eugene with the Delta Ponds Restoration Project by providing necessary surveying and engineering needed to prepare the legal descriptions to submit the transfer and/or vacation proceedings for consideration of the Board. The surveying and engineering of the new alignment has been completed. An Order to legally alter Delta Highway has been prepared. The Order of Alteration provides for acceptance of a deed, marked as Exhibit "C", dedicating three parcels of county-owned road fund land for public road easement. The legal description of the new alignment, including right of way widths, is marked Exhibit "A" and attached to the Order.

No new construction of Delta Highway is planned at this time. The alteration of Delta Highway is in anticipation for the future transportation needs of the citizens of Lane County.

Upon approval, the Order will be filed with the Lane County Clerk and entered in the Board of Commissioners Journal of Administration. The Order will also be filed and indexed into the Road Index Books and legal County Road Files administered by the Department of Public Works and the County Surveyor.

DATED this 15th day of March, 2005.



Oliver P. Snowden, Director
Department of Public Works

EXHIBIT "C"

After Recording Return to, and
Send tax statements to:
Lane County Public Works
Right of Way Management Section
3040 North Delta Highway
Eugene, Oregon 97408

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

DEDICATION OF A PUBLIC ROAD EASEMENT

GRANTORS, grant and dedicate to LANE COUNTY, a political subdivision of the State of Oregon,
GRANTEE, a public road easement on and over the following described properties:

Parcel 1: A parcel of land lying in the Southwest one-quarter (SW ¼) of Section 18 and the Northwest one quarter (NW ¼) of Section 19, Township 17 South, Range 3 West, of the Willamette Meridian, Lane County, Oregon, and being portions of those tracts of land conveyed to Lane County by those certain deeds recorded March 31, 1961, on Reel 170, Recorder's Reception Number 27771, February 18, 1965, on Reel 260, Recorder's Reception Number 92821, January 15, 1963, on Reel 210, Recorder's Reception Number 96237, and October 30, 1963, on Reel 230, Recorder's Reception Number 31211, LANE COUNTY OREGON DEED RECORDS, said parcel being described as follows:

Beginning at a point of the westerly right of way of Delta Highway (County Road Number 1354) said point being 959.67 feet South and 580.22 feet West of the NW corner of the Alexander King Donation Land Claim Number 55 in Section 18, Township 17 South, Range 3 West of the Willamette Meridian, said point also being 400 feet right of Engineers' Centerline Station L 42+94.62 POT; thence along the existing right of way of Delta Highway South 19°33'50" West, 5.38 feet to a point being 400 feet right of Engineers' Centerline station L 43+00 POT; thence continuing along said right of way South 3°38'05" East, 761.58 feet to a point being 100 feet right of Engineers' Centerline station L 50+00 POT; thence continuing along said right of way South 19°33'50" West, 600 feet to a point being 100 feet right of Engineers' Centerline station L 56+00 POT; thence leaving said right of way, North 16°42'05" East, 300.38 feet to a point being 115 feet right of Engineers' Centerline station L 53+00 POT; thence North 1°22'44" East, 84.21 feet to a point being 141.28 feet right of Engineers' Centerline station L 52+20 POT; thence North 70°26'10" West, 174.17 feet to a point being 315.45 feet right of Engineers' Centerline station L 52+20 POT; thence along a 450 foot radius curve right (the long chord of which bears North 29°13'27" West, 229.81 feet) a distance of 232.38 feet to a point being 488.32 feet right of Engineers' Centerline station L 50+68.59 POT; thence along a 250 foot radius curve right (the long chord of which bears North 1°49'06" West, 109.18 feet) a distance of 110.06 feet to a point being 528.13 feet right of Engineers' Centerline station 49+66.93 POT; thence North 10°47'38" East, 308.56 feet to a point being 575.17 feet right of Engineers' Centerline station 46+61.98 POT; thence North 20°54'41" East, 341.36 feet to a point being 567.14 feet right of Engineers' Centerline station L 43+20.71 POT; thence North 18°43'48" East, 77.99 feet to a point being 568.28 feet right of Engineers' Centerline station L 42+42.73 POT, said point also being on the southerly margin of Goodpasture Island Loop; thence along said southerly margin along a 1482.89 foot radius curve right (the long chord of which bears South 53°18'04" East, 176.09 feet) a distance of 176.20 feet to the point of beginning and there ending, all in Lane County, Oregon.

EXHIBIT "C"

Parcel 2: A parcel of land lying in the Northwest one quarter (NW ¼) of Section 19, Township 17 South, Range 3 West, of the Willamette Meridian, Lane County, Oregon, and being portions of those tracts of land conveyed to Lane County by those certain deeds recorded February 11, 1963, on Reel 211, Recorder's Reception Number 99211, and October 30, 1963, on Reel 230, Recorder's Reception Number 31211, LANE COUNTY OREGON DEED RECORDS, said parcel being described as follows:

Beginning at a point of the Easterly right of way of Delta Highway (County Road Number 1354) said point being 1,996.92 feet South and 393.89 feet West of the NW corner of the Alexander King Donation Land Claim Number 55 in Section 18, Township 17 South, Range 3 West of the Willamette Meridian, said point also being 122.91 feet left of Engineers' Centerline Station L 52+09.60 POT; thence along the existing right of way of Delta Highway South 44°00'28" West, 55.37 feet to a point being 100 feet left of Engineers' Centerline station L 52+60 POT; thence continuing along said right of way South 19°33'50" West, 211.43 feet to a point being 100 feet left of Engineers' Centerline station L 54+71.43 POT; thence leaving said right of way, North 24°33'52" East, 262.83 feet to the point of beginning and there ending, all in Lane County, Oregon.

Parcel 3: A parcel of land lying in the West one half (W ½) of Section 19, Township 17 South, Range 3 West, of the Willamette Meridian, Lane County, Oregon, and being portions of those tracts of land conveyed to Lane County by those certain deeds recorded October 7, 1963, on Reel 228, Recorder's Reception Number 28090, October 7, 1963, on Reel 228, Recorder's Reception Number 28091 and October 30, 1963, on Reel 230, Recorder's Reception Number 31211, LANE COUNTY OREGON DEED RECORDS, said parcel being described as follows:

Beginning at a point of the Westerly right of way of Delta Highway (County Road Number 1354) said point being 3,849.84 feet South and 1,284.55 feet West of the NW corner of the Alexander King Donation Land Claim Number 55 in Section 18, Township 17 South, Range 3 West of the Willamette Meridian, said point also being 100 feet right of Engineers' Centerline Station L² 72+50.82 POS; thence along the existing right of way of Delta Highway along a 100 foot offset to a portion of the 500 foot centerline spiral curve left in which $a = 0.8$ and $s = 10^\circ$, the chord of which bears South 13°35'51" West, 254.18 feet to a point being 100 feet right of Engineers' Centerline station L² 74+92.38 PSC; thence continuing along said right of way along a 1532.39 foot radius curve left (the long chord of which bears South 3°46'17" West, 309.31 feet) a distance of 309.84 feet to a point being 100 feet right of Engineers' Centerline station L² 77+82 POC; thence leaving said right of way North 3°38'13" West, 88.00 feet to a point being 105 feet right of Engineer's Centerline station L² 77+00; thence along a 1537.39 foot radius curve right (the long chord of which bears North 5°24'41" East, 222.64 feet) a distance of 222.84 feet to a point being 105 feet right of Engineers' Centerline station L² 74+92.38 PSC; thence along a 105 foot offset to a portion of the 500 foot centerline spiral curve right in which $a = 0.8$ and $s = 10^\circ$, the chord of which bears North 12°54'15" East, 203.67 feet to a point being 105 feet right of Engineers' Centerline station L² 73+00 POS; thence North 21°55'52" East, 51.42 feet to the point of beginning and there ending, all in Lane County, Oregon.

The bearings used herein are based the Oregon State Coordinate System (NAD 83/91) South zone.

It is the intent of the GRANTOR to dedicate that portion of the above tract of land lying outside the existing right of way lines of County Road Number 1354 (Delta Highway) as said road abuts the GRANTOR'S property.

Said parcel being forever dedicated to the use of the public for road purposes.

There is no consideration for this dedication.

EXHIBIT "C"

IN WITNESS WHEREOF, the undersigned have executed this instrument this _____ day of _____, 20__.

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

STATE OF OREGON)
) ss.
County of Lane)

On _____, 20____, personally appeared _____

who, duly being sworn, did say that they are members of the Board of Commissioners of Lane County, Oregon and that said instrument was signed and sealed in behalf of Lane County by authority of its Board of Commissioners; and they acknowledged said instrument to be its voluntary act and deed. Before me:

Notary Public for Oregon

My Commission Expires: _____

DEPARTMENT OF PUBLIC
WORKS, LAND MANAGEMENT
DIVISION

Approved 3-9, 2005
By: [Signature]
For: Jeffrey Towery, Director

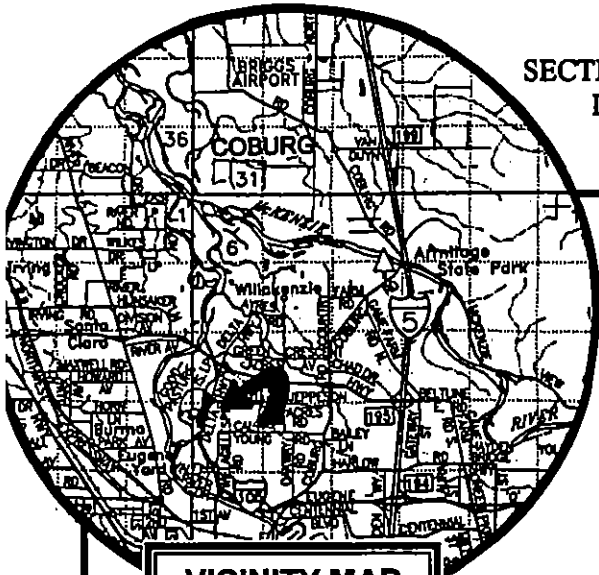
The Board of Commissioners hereby accepts this dedication as described herein and approves it for recording.

LANE COUNTY BOARD OF COMMISSIONERS

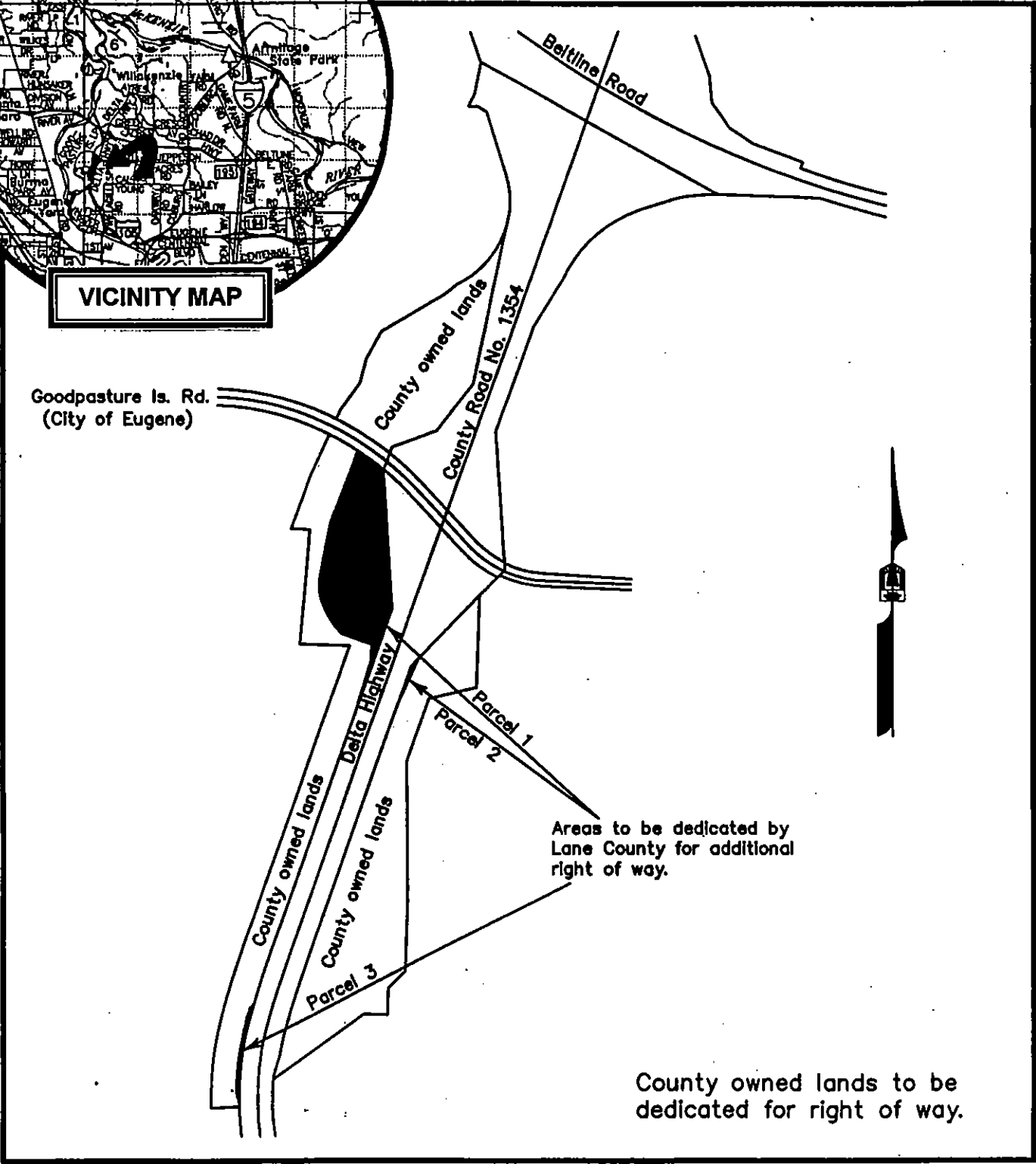
By: _____
Anna Morrison, Chair
Lane County Board of Commissioners

ATT: Map

SECTIONS 18 & 19, T17S, R3W, W.M.
LANE COUNTY, OREGON



VICINITY MAP



Areas to be dedicated by Lane County for additional right of way.

County owned lands to be dedicated for right of way.

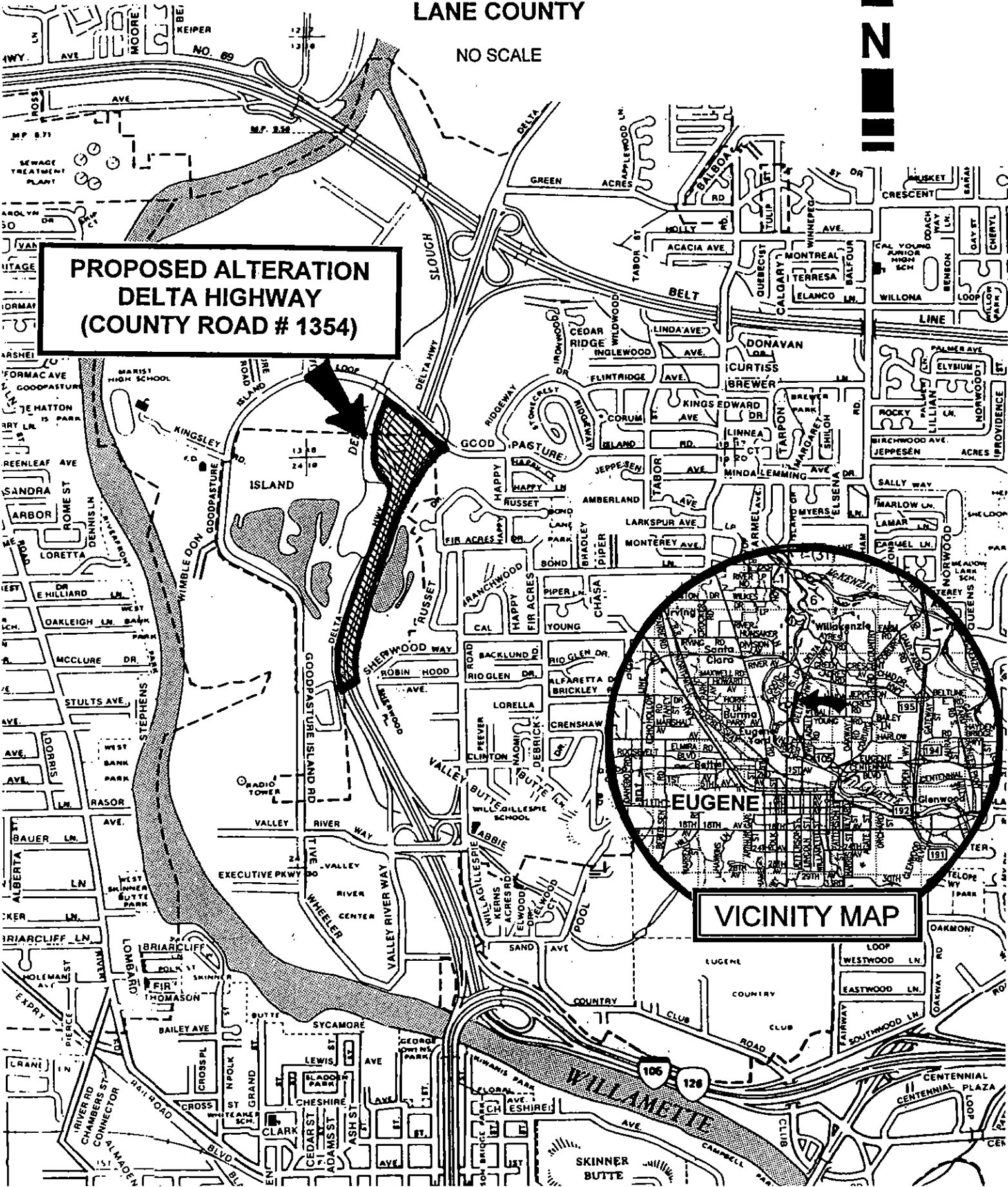
Sections 18 & 19 T.17S. R. 3 W. W.M.

LANE COUNTY

NO SCALE



**PROPOSED ALTERATION
DELTA HIGHWAY
(COUNTY ROAD # 1354)**



VICINITY MAP