

AGENDA COVER MEMO

DATE: February 17, 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 ESTABLISHING A PUBLIC ROAD WITHIN RICHARDSON PARK CAMPGROUND (PHASE 2), A LEASED CORPS OF ENGINEERS PARK, AS A COUNTY ROAD, BEING LOCATED IN SECTION 5, TOWNSHIP 17 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN

I. MOTION

In the Matter of Establishing a Public Road within Richardson Park Campground (Phase 2), a Leased Corps of Engineers Park, as a County Road, being located in Section 5, Township 17 South, Range 5 West of the Willamette Meridian

II. ISSUE

Lane County has access roads within the leased Corps of Engineers Park at Richardson Park Campground (Phase 2) that are in need of maintenance. They have been classified as Public Roads and the lease agreement between the Army Corps of Engineers and Lane County has been recorded and is a matter of public record. It is necessary to decide whether to complete this process by adding the described roadway to the County Road system so that it can receive regularly scheduled maintenance.

III. DISCUSSION

A. Background

Lane County entered into a 25 year lease agreement with the Army Corps of Engineers in 1999 (Lease No. DACW57-1-99-0011) for public park and recreational purposes at Richardson Park. This lease documentation has been recorded on Deed Instrument No. 2004-093947, Lane County, Oregon Deed Records, to establish a clear record of public right to use. The park is located near the Fern Ridge Reservoir area easterly of Territorial Road in Section 5, Township 17 South, Range 5 West of the Willamette Meridian. There is approximately 0.65 miles of access roads within the leased area that were classified as Public Roads by Lane County Board of Commissioners by Order Number 04-12-1-6.

Stipulations of the lease agreement require adequate maintenance of improvements within the park. In 1989 the Department of Public Works reported to the Lane County Board of

Commissioners that county park roads are receiving inadequate maintenance due to revenue constraints that exist within the Parks Division. The Board of County Commissioners directed Public Works staff to proceed with a means to achieve adequate road maintenance.

Lane Manual 15.260 provides for the acceptance of park roads on leased lands into the County Road system provided that the road has been designated as a Public Road; that the park land lease documents are recorded and are a matter of public record; and that the owners of the land are provided written notice of the proceedings and consent to the acceptance of the park roads into the County Road system.

B. Analysis

The roads within Phase 2 of Richardson Park Campground Park have been classified as Public Roads and the lease agreement has been recorded and is a matter of public record. The Army Corps of Engineers have been given notice of these proceedings, and have consented to the acceptance of this road into the County Road system.

The road complies with the adopted standards for acceptance of park roads as set forth in Lane Manual 15.260, as noted by the Director of the Department of Public Works in the Director's Report attached to the Order as Exhibit "B".

Establishing this roadway as a County Road is in the best interest of the public, as it will provide a means of regular maintenance of the roads for the safety and convenience of the public. The County Road status of these roads shall continue for the 25 year length of the Corps of Engineers' Lease Agreement, or the extension thereof, and shall continue until terminated by Board Order under the provisions of ORS 368 for vacation, or withdrawal of County Road status.

C. Alternatives/Options

The Board of County Commissioners has the options to:

1. Approve the Order to establish the described public road in Richardson Park Campground (Phase 2) as a County Road.
2. Deny the Order to establish the described public road in Richardson Park Campground (Phase 2) as a County Road.
3. Continue the matter for further consideration.

D. Recommendations

The Public Works Director's report recommends that the right of way described in the Order be established as a County Road. This will allow the road to be put into the County Road system and put on a schedule to receive regular maintenance.

It is recommended that the Board adopt option number one above and approve the Order establishing the right of way described as County Road.

E. Timing

The timing is important, as the Department of Public Works will be able to begin scheduling regular maintenance of the park roads after the roads have been accepted into the County Road system.

IV. IMPLEMENTATION/FOLLOW-UP

Upon approval of the Order to establish the roadway within Phase 2 of Richardson Park Campground as County Road, it shall be forwarded to the County Clerk for filing in the Commissioner's Journal of Administration, after which copies shall be forwarded to the County Surveyor and the County Assessor for road indexing and mapping actions.

V. ATTACHMENTS

Order w/ attachments:

Legal Description - Exhibit "A"

Director's Report - Exhibit "B"

Vicinity Map - Attachment "A"

Letters from Army Corps of Engineers - Attachment "B"

Contact Person: Bill Robinson x-4198

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

File No. 4069

IN THE MATTER OF ESTABLISHING A PUBLIC)
 ROAD WITHIN RICHARDSON CAMPGROUND)
 PARK (PHASE 2), A LEASED CORPS OF ENGINEERS) ORDER NO.
 PARK, AS A COUNTY ROAD, BEING LOCATED)
 IN SECTION 5, TOWNSHIP 17 SOUTH, RANGE)
 5 WEST OF THE WILLAMETTE MERIDIAN)

THIS MATTER now coming before the Board of Commissioners for Lane County and the Board deeming it in the best interest of Lane County to accept the public roads in Richardson Campground Park (Phase 2) as a County Road, enabling them to become a part of the County road system and receive regularly scheduled maintenance.

WHEREAS, Lane Manual 15.260 provides for the acceptance of park roads on leased lands into the County Road system, provided that the road has been designated as Public Road; that the park land lease documents are recorded and are a matter of public record; and that the owners of the land are provided a written notice of the proceedings and consent to the acceptance of the park roads into the County Road system; and

WHEREAS, the access roads located within Richardson Campground Park (Phase 2), which is a leased park from the Corps of Engineers, were classified as Public Road by Board Order No. 04-12-1-6; and

WHEREAS, the lease agreement between Corps of Engineers and Lane County was recorded on December 8, 2004 on Instrument No. 2004-093947 in Lane County, Oregon Deed Records; and

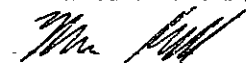
WHEREAS, the Corps of Engineers have been given written notice of the County's intent to establish the roads within Richardson Campground Park (Phase 2) as a County Road, and have consented to the acceptance of the park roads into the County road system; now therefore it is hereby

ORDERED, that the 0.65 miles of park roads within the Richardson Campground Park (Phase 2) as a described in Exhibit "A", attached hereto and made a part hereof by this Order, be accepted and established as County Road; and it is further

ORDERED, that in support of this action, the 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 shall be entered into the Lane County Board of Commissioners Journal of Administration and further entered into the Road Index Books administered by the Lane County Department of Public Works and the County Surveyor, and that said Order shall be and is hereby final and does operate to establish said right of way as County Road No. 2266.

DATED this ____ day of _____, 2005

2-27-05


Chair, Lane County Board of Commissioners

EXHIBIT "A"

RICHARDSON PARK CAMPGROUND ROADS (PHASE 2)
Legal Description

A parcel of land lying in the south one half (S ½) of Section 5, Township 17 South, Range 5 West of the Willamette Meridian. Said parcel being a strip of land 60 feet in width, lying 30 feet on each side of the following described centerline of a road to be known as Richardson Park Campground Road Phase II as said road was surveyed in 2000.

"L1" Line

Beginning at Engineers Centerline Station L 6+11.26 P.O.T. Richardson Park Road = L1 0+00 P.O.B. Richardson Park Campground Road Phase II; said station being 2035.42 feet South and 2635.62 feet West of the brass cap found marking the Northwest corner of the B. Richardson Donation Land Claim Number 42 in Township 17 South, Range 5 West of the Willamette Meridian; RUN THENCE North 88° 34' 32" West a distance of 444.38 feet; thence along the arc of a 107.05 feet radius curve left (the long chord of which bears South 66° 23' 18" West 90.60 feet) a distance of 93.55 feet; thence South 41° 21' 08" West a distance of 325.32 feet; thence along the arc of a 57.04 feet radius curve left (the long chord of which bears South 0° 06' 49" West 75.20 feet) a distance of 82.11 feet; thence South 41° 07' 30" East a distance of 147.64 feet; thence along the arc of a 243.32 feet radius curve left (the long chord of which bears South 54° 58' 38" East 116.51 feet) a distance of 117.65 feet; thence South 68° 49' 45" East a distance of 220.00 feet; thence along the arc of a 260.41 feet radius curve left (the long chord of which bears South 83° 52' 30" East 135.20 feet) a distance of 136.77 feet; thence along the arc of a 135.43 feet radius curve left (the long chord of which bears North 41° 07' 48" East 173.93 Feet) a distance of 188.86 feet; thence North 1° 10' 51" East a distance of 487.84 feet to Engineers Centerline Station L1 0+85.82 P.O.T. Richardson Park Campground Road Phase II = L1 22+44.12 E.O.P.; said station being 2033.29 feet South and 2721.42 feet West of the said brass cap found marking the Northwest corner of the B. Richardson Donation Land Claim Number 42 in Township 17 South, Range 5 West of the Willamette Meridian; and there ending all in Lane County, Oregon. Excepting any portion lying within the right-of-way of Richardson Park Road.

ALSO:

"L2 " Line

A strip of land 60.00 feet in width, lying 30 feet on each side of the following described centerline.

Beginning at Engineers Centerline Station L1 6+06.07 P.O.T. Richardson Park Campground Road Phase II = L2 0+00 P.O.B; said station being 2111.82 feet South and 3207.90 feet West of the brass cap found marking the Northwest corner of the B. Richardson Donation Land Claim Number 42 in Township 17 South, Range 5 West of the Willamette Meridian; RUN THENCE South 65° 45' 00" East a distance of 526.90 feet to Engineers Centerline Station L1 19+49.12 P.O.T. Richardson Park Campground Road Phase II = L2 5+26.90 E.O.P.; said station being 2328.22 feet South and 2727.50 feet West of the said brass cap found marking the Northwest corner of the B. Richardson Donation Land Claim Number 42 in Township 17 South, Range 5 West of the Willamette Meridian; and there ending all in Lane County, Oregon. With the lines of the right-of-way being shortened as necessary to prevent the overlap of the L1 and L2 right-of-way lines.

RICHARDSON PARK CAMPGROUND ROADS (PHASE 2)
Legal Description

ALSO:

"L3 Line"

A strip of land 60.00 feet in width, lying 30 feet on each side of the following described centerline.

Beginning at Engineers Centerline Station L1 7+87.44 P.O.T. Richardson Park Campground Road Phase II = L3 0+00 P.O.B; said station being 2247.96 feet South and 3327.73 feet West of the brass cap found marking the Northwest corner of the B. Richardson Donation Land Claim Number 42 in Township 17 South, Range 5 West of the Willamette Meridian; RUN THENCE South 60° 51' 00" East a distance of 450.31 feet; thence along the arc of a 341.78 feet radius curve left (the long chord of which bears South 70° 48' 25" East 118.19 feet) a distance of 118.79 feet; thence South 80° 45' 49" East a distance of 92.56 feet to Engineers Centerline Station L1 17+56.28 P.T. Richardson Park Campground Road Phase II = L3 6+61.66 E.O.P.; said station being 2521.02 feet South and 2731.47 feet West of the said brass cap found marking the Northwest corner of the B. Richardson Donation Land Claim Number 42 in Township 17 South, Range 5 West of the Willamette Meridian; and there ending all in Lane County, Oregon. With the lines of the right-of-way being shortened as necessary to prevent the overlap of the L1 and L3 right-of-way lines.

The bearings used herein are based on the Richardson Park Campground Road as surveyed in 1994 by the Lane County Surveyors Office that located the Lane County Public Works Department Brass Cap dated 1973, marking the Northwest Corner of B. Richardson Donation Land Claim No. 42 and the United States Corps of Engineers Brass Cap marked "S-340 1939". The Grid Bearing between the two monuments was rotated by a theta angle of $-1^{\circ}55'28''$ to arrive at the True Bearing of North $18^{\circ}26'14''$ East, which is the basis of bearings for this description.

EXHIBIT "B"

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

File No. 4069

**IN THE MATTER OF ESTABLISHING A PUBLIC)
ROAD WITHIN RICHARDSON CAMPGROUND)
PARK (PHASE 2), A LEASED CORPS OF ENGINEERS) **DIRECTOR'S**
PARK, AS A COUNTY ROAD, BEING LOCATED) **REPORT**
IN SECTION 5, TOWNSHIP 17 SOUTH, RANGE)
5 WEST OF THE WILLAMETTE MERIDIAN)**

Richardson Park is located near the Fern Ridge Reservoir easterly of Territorial Road in Section 5, Township 17 South, Range 5 West of the Willamette Meridian. Lane County entered into a 25 year lease agreement with the Army Corps of Engineers in 1999 (Lease No. DACW57-1-99-0011) for public park and recreational purposes at Richardson Park.

Stipulations of the lease agreement require adequate maintenance of improvements within the park. In 1989, the Department of Public Works reported to the Lane County Board of Commissioners that county park roads are receiving inadequate maintenance due to revenue constraints that exist within the Parks Division. The Board of County Commissioners directed Public Works staff to proceed with a means to achieve adequate road maintenance.

Lane Manual 15.260 provides for the acceptance of park roads on leased lands into the County Road system provided that the road has been designated as a Public Road; that the park land lease documents are recorded and are a matter of public record; and that the owners of the land are provided a written notice of the proceedings and consent to the acceptance of the park roads into the County Road system.

The access roads within the park were classified as Public Roads by Board Order No. 04-12-1-6. The lease agreement between the Army Corps of Engineers and Lane County was recorded on December 8, 2004, on Instrument No. 2004-093947 in Lane County, Oregon Deed Records, and is now a matter of public record. The Corps of Engineers have been given written notice of the County's intent to establish the roads within Richardson Park Campground (Phase 2) as County Road, and have consented to the acceptance of the park roads into the County road system.

The roadway within Richardson Park Campground (Phase 2) complies with the standards set forth in Lane Manual 15.260. The right of way is 60 feet wide, and the traveled surface meets the minimum surface width requirements. The roads have been surveyed as presently traveled and used by the public. Public use of the roads in Richardson Park Campground (Phase 2), as described in Exhibit 'A' of the Order, justifies the expenditure of County road funds for maintenance of these roads.

Establishing the roadway within Richardson Park Campground (Phase 2) as County Road is in the best interest of the public. It will provide a means of regular maintenance of the roads for the safety and convenience of the public. The County Road status of these roads shall continue for the length of the Corps of Engineers' Lease Agreement, or the extension thereof, and shall continue until terminated by Board Order under the provisions of ORS 368 for vacation, or withdrawal of County Road status.

It is therefore recommended that the Order to establish the public roads in Richardson Park Campground (Phase 2) as a County Road be approved.

DATED this 25th day of February, 2005.


Oliver P. Snowden, Director - Department of Public Works

ATTACHMENT "A"

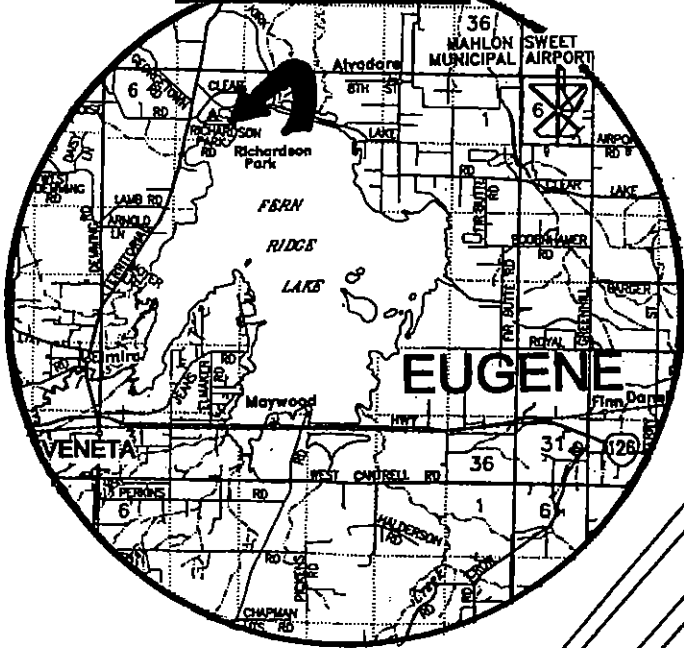
Sections 5 T.17S. R. 5 W. W.M.

LANE COUNTY

NO SCALE






VICINITY MAP



Eugene 16 Miles →

Richardson Park Road

Comfort Station  

Volleyball 

PROPOSED TO BE ESTABLISHED AS COUNTY ROAD

Richardson Park Campground (Phase 1)

MARINA

FERN RIDGE RESERVOIR

Dock

Concession





Parking

Overflow Parking

Territorial Hwy

Clear Lake Road

Richardson Park Campground (Phase 2)

ATTACHMENT "B"



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, PORTLAND DISTRICT
P.O. BOX 2946
PORTLAND, OREGON 97208-2946

REPLY TO
ATTENTION OF:
Real Estate Division

DEC 16 2004

Ms. Peggy Hunter, Engineering Associate
Lane County Surveyor's Office
125 East 8th Avenue
Eugene, OR 97401

Dear Ms. Hunter:

This is in response to your letter dated December 9, 2004, requesting our consent, as lessor, to the County's proposed action of establishing certain roads as County Roads within Perkins Peninsula Park and Richardson Park at the Fern Ridge Lake Project. Also please reference a May 16, 2001, letter from the Corps to Lane County Department of Public Works, same general subject matter.

We have no objection to your proposed action as it is apparent this will aid the County in meeting their operation and maintenance responsibilities under the respective leases for these Parks. The two leases in question, Perkins Peninsula Park (expiration December 31, 2023) and Richardson Park (expiration June 30, 2024), are both for public park and recreation purposes. Please be advised that this consent is conditioned upon the understanding that any County Road status must be terminated at the time the respective leases expire (or extensions thereof with the County remaining as the lessee) and, during the period that the roads in question have the status of County Roads, those portions lying within the leased areas remain subject to all applicable terms and conditions of these said leases with Lane County.

We fully support your efforts in trying to find a way to legally use County Road Funds for the maintenance of these park roads. If you have further questions, please contact Bob Naylor of my staff at (503) 808-4685.

Sincerely,

A handwritten signature in cursive script that reads "Ron D. Musser".

Ron D. Musser
Chief, Real Estate Division

CF:
CENWP-OP-V (Petersen)

ATTACHMENT "B"



DEPARTMENT OF THE ARMY
PORTLAND DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2946
PORTLAND, OREGON 97208-2946

Reply to
Attention of:

Real Estate Division

MAY 16 2001

Mr. Donald Maddox, Real Property Manager
Lane County Department of Public Works
3040 North Delta Highway
Eugene, Oregon 97408-1696

Dear Mr. Maddox:

This is in response to your telephone conversation with Bob Naylor of my staff on May 4, 2001 concerning the maintenance of roads within Corps of Engineers parks leased to Lane County.

The leases in question, Orchard Point Park (June 30, 2024), Richardson Park (June 30, 2024), Zumwalt Park (March 31, 2024), Perkins Peninsula Park (December 31, 2023), Vaughn Park (February 28, 2024), and Baker Bay Park (February 28, 2024) are for public park and recreation purposes and cover a twenty five year period ending as indicated above. Lane County, pursuant to the lease terms and conditions, will provide public access and costs for operation and maintenance during the lease term.

Please be advised that we concur with the two points discussed during the above mentioned telephone conversation, (1) that the existing park roads within the leased areas are for the purpose of providing public access within the parks, and (2) that maintenance of the existing park roads within the leased areas is the responsibility of Lane County. A perpetual easement, from the Corps, is not required for Lane County to include roads within a leased park into the county road system. Any dedication of same can not extend beyond the expiration date of the lease(s).

We are aware that Lane County has had problems in the past for funding maintenance requirements in accordance with standards specified in the lease. Therefore, we fully support your efforts in trying to find way to legally use County Road Funds for the maintenance of park roads.

If you have further questions, please contact Bob Naylor of my staff at (503) 808-4685.

Sincerely,

A handwritten signature in black ink, appearing to read "John S. Minger".

John S. Minger
Chief, Real Estate Division