

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 THE ESTABLISHING A PUBLIC ROAD WITHIN PERKINS PENINSULA PARK, A LEASED CORPS OF ENGINEERS PARK, AS A COUNTY ROAD, BEING LOCATED IN SECTIONS 27, 28, 33 AND 34, TOWNSHIP 17 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN

I. MOTION

In the Matter of Establishing a Public Road within Perkins Peninsula Park, a Leased Corps of Engineers Park, as a County Road being Located in Sections 27, 28, 33, and 34, 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 Perkins Peninsula that are in need of maintenance. They have been classified as Public Roads and the lease agreement has been recorded. It is necessary to decide whether to complete this process by adding these roads to the County Road system so that they 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. DACW57-1-99-0014) for public park and recreational purposes at Perkins Peninsula Park. This lease documentation has been recorded on Deed Instrument No. 2004-093946, Lane County, Oregon Deed Records, to establish a clear record of public right to use. The park is located within the Fern Ridge Reservoir area northerly of State Highway No. 126 in Sections 27, 28, 33 and 34, Township 17 South, Range 5 West of the Willamette Meridian. There is approximately 0.58 miles of access roads within the leased area that were classified as Public Roads by Lane County Board of Commissioners by Order Number 04-12-1-7.

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 Perkins Peninsula Park have been accepted as Public Roads and the lease agreement has been recorded. The Army Corps of Engineers have been given notice of these proceedings, and have consented to the acceptance of these roads into the County Road system.

The road complies with the adopted standards for acceptance of park roads 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 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 Perkins Peninsula Park as a County Road.
2. Deny the Order to establish the described public road in Perkins Peninsula Park 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 Perkins Peninsula Park as a 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. 4068

IN THE MATTER OF ESTABLISHING A PUBLIC)
 ROAD WITHIN PERKINS PENINSULA PARK,)
 A LEASED CORPS OF ENGINEERS PARK, AS A) ORDER NO.
 COUNTY ROAD, BEING LOCATED IN SECTIONS)
 27, 28, 33, AND 34, 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 Perkins Peninsula Park as a County Road, enabling the right of way 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 Perkins Peninsula Park, which is a leased park from the Corps of Engineers, were classified as Public Road by Board Order No. 04-12-1-7; and

WHEREAS, the lease agreement between Corps of Engineers and Lane County was recorded on December 8, 2004 on Instrument No. 2004-093946 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 Perkins Peninsula Park 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 0.58 miles of park roads within the Perkins Peninsula Park as described in Exhibit "A", attached hereto and made a part hereof by this Order, be accepted and established as a 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. 2265.

DATED this _____ day of _____, 2005

Chair, Lane County Board of Commissioners

2-25-05
[Signature]

PERKINS PENINSULA PARK ROADS

"L" LINE

A parcel of land lying in Sections 27, 28, 33 and 34, Township 17 South, Range 5 West, of the Willamette Meridian. Said parcel being a strip of land 60 feet in width, 30 feet on each side of the centerline of a road known as the Perkins Peninsula Park Road. The right of way lines of this strip of land begin and end at the right of way lines of the intersection roads. The Centerline of said strip is more particularly described as follows.

Beginning at Oregon State Highway No. 126 Engineers' Centerline Station 462+87.53 POT = Perkins Peninsula Park Road Centerline Station L 0+00.00 POB. Said Station being S 21° 24' 29" W, 1322.32 feet from the Brass Cap in a stone marking the Southwest Corner of Section 27, Township 17 South, Range 5 West of the Willamette Meridian; thence N 19° 44' 07" E, 115.48 feet along the centerline of said Perkins Peninsula Park Road to the True Point of Beginning at the northerly right of way of said Oregon State Highway No. 126; RUN thence N 19° 44' 07" E, 1274.63 feet; thence along the arc of a 126.00 foot radius curve left (the long chord of which bears N 12° 15' 53" W, 133.54 feet) a distance of 140.74 feet; thence along the arc of a 142.00 foot radius curve left (the long chord of which bears S 75° 44' 07" W, 245.95 feet) a distance of 297.40 feet; thence S 15° 44' 08" E, 32.81 feet; thence along the arc of a 100.00 foot radius curve left (the long chord of which bears S 21° 15' 12"E, 120.33 feet) a distance of 129.12 feet; thence S 58° 14' 33" E, 197.78 feet to Centerline Station "L" 21+87.96 EOP = "L" 12+01.07 POT and there ending all in Lane County, Oregon.

"PL" LINE

ALSO: A strip of land 60 feet in width, lying 30.00 feet on each side of the following described centerline. The right of way lines of this strip of land begin and end at the right of way lines of the intersecting roads.

Beginning at Perkins Peninsula Park Road Centerline Station "L" 3+67.19 POT = "PL" 0+00.00 POB, said station being S 22° 03' 03" W 955.35 feet from a Brass Cap in a stone marking the Southwest corner of Section 27, Township 17 South, Range 5 West of the Willamette Meridian; RUN thence N 84° 56' 45" E, 145.93 feet; thence along the arc of a 50.00 foot radius curve left (the long chord of which bears N 64° 52' 08" E 34.33 feet) a distance of 35.04 feet; thence N 44° 47' 31" E, 233.46 feet; thence along the arc of a 55.75 foot radius curve left (the long chord of which bears N 26° 14' 14" E 35.48 feet) a distance of 36.11 feet.; thence N 7° 40' 56" E, 53.47 feet to Centerline Station "PL" 5+04.01 EOP = "BR" 2+62.41 POT and there ending, all in Lane County, Oregon.

"BR" LINE

ALSO: A strip of land 60 feet in width, lying 30.00 feet on each side of the following described centerline. The right of way lines of this strip of land begin and end at the right of way lines of the intersecting roads.

Beginning at Perkins Peninsula Park Road Centerline Station "L" 6+67.46 POT = "BR" 0+00.00 POB located S 23° 06' 42" W 655.43 feet from the Brass Cap in a stone marking the Southwest Corner of Section 27, Township 17 South, Range 5 West, of the Willamette Meridian; RUN thence S 88° 58' 21" E, 388.07 feet to Centerline Station "BR" 3+88.07 EOP and there ending, all in Lane County, Oregon.

The bearings used herein are based upon NAD 83 coordinates at LCCM No. 609 and LCCM No. 58 (KVAL Television Tower). The Grid Bearing between the two LCCM's was rotated by a theta angle of -1° 54' 33" to arrive at a True Bearing of S 68° 25' 56" E, which is the basis of bearings for this description.

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

File No. 4068

IN THE MATTER OF ESTABLISHING A PUBLIC ROAD)	
WITHIN PERKINS PENINSULA PARK, A LEASED)	
CORPS OF ENGINEERS PARK, AS A COUNTY ROAD,)	
BEING LOCATED IN SECTIONS 27, 28, 33 AND 34,)	DIRECTOR'S
TOWNSHIP 17 SOUTH, RANGE 5 WEST OF THE)	REPORT
WILLAMETTE MERIDIAN)	

Perkins Peninsula Park is located within the Fern Ridge Reservoir boundary north of State Highway 126 in Sections 27, 28, 33 & 34, 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. DACW57-1-99-0014) for public park and recreational purposes at Perkins Peninsula 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 Road by Board Order No. 04-12-1-7. The Lease agreement between the Army Corps of Engineers and Lane County was recorded on December 8, 2004, on Instrument No. 2004-093946 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 Perkins Peninsula Park as a County Road, and have consented to the acceptance of the park roads into the County road system.

The roadway within Perkins Peninsula Park 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 Perkins Peninsula Park, as described in Exhibit 'A' of the Order, justifies the expenditure of County road funds for maintenance of these roads.

Establishing the roadway within Perkins Peninsula Park 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 a 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 Perkins Peninsula Park as County Road be approved.

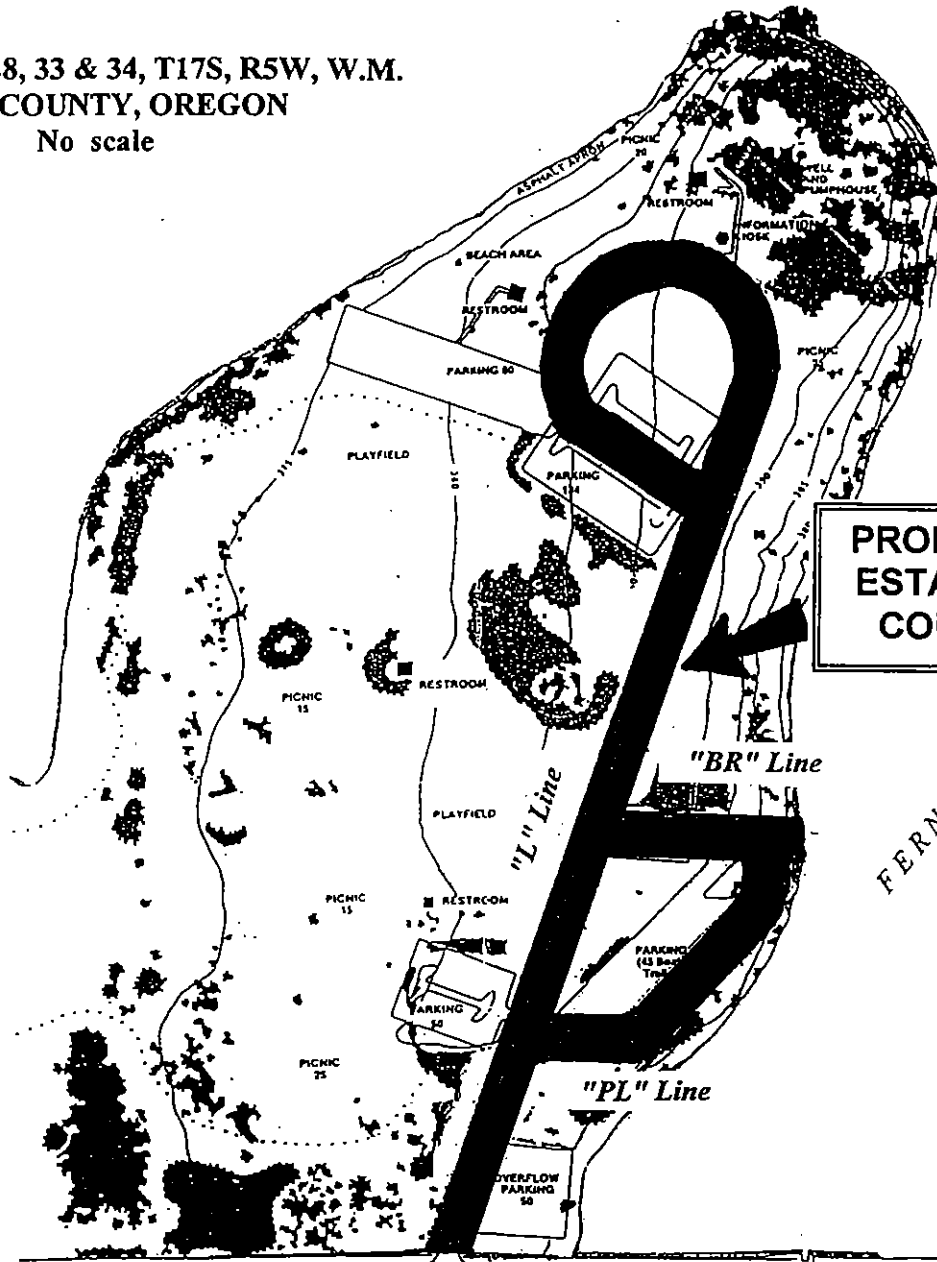
DATED this 22nd day of February, 2005.



 Oliver P. Snowden, Director - Department of Public Works

SECTION 27, 28, 33 & 34, T17S, R5W, W.M.
LANE COUNTY, OREGON
No scale

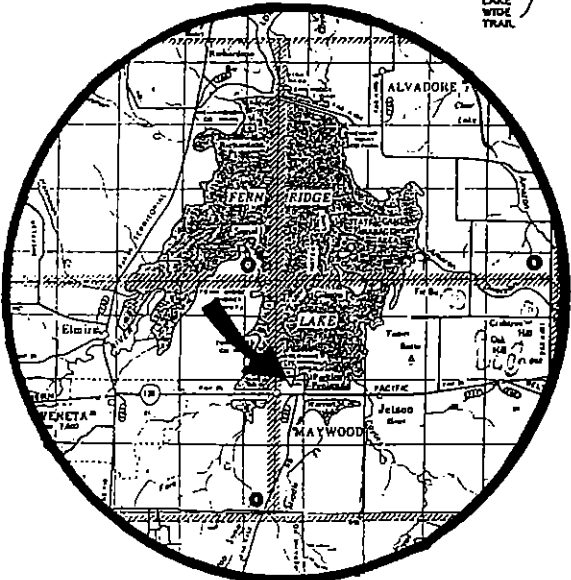
FERN RIDGE
RESERVOIR



**PROPOSED TO BE
ESTABLISHED AS
COUNTY ROAD**

FERN RIDGE
RESERVOIR

PERKINS PENINSULA PARK ROAD



VICINITY MAP

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 2848
PORTLAND, OREGON 97208-2846

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