

Memorandum Date: July 17, 2006
Order Date: August 2, 2006

TO: Board of County Commissioners

DEPARTMENT: Public Works, Land Management Division

PRESENTED BY: Bill Robinson, Lane County Surveyor BR

AGENDA ITEM TITLE: IN THE MATTER OF SETTING A PUBLIC HEARING TO CONSIDER THE PROPOSED LEGALIZATION OF A PORTION OF HULBERT LAKE ROAD (COUNTY ROAD NO. 160), BEING LOCATED WITHIN SECTIONS 11, 13, AND 14, TOWNSHIP 15 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN (15-05-11, 13 AND 14)

I. MOTION

To Approve the Resolution and Order to Set a Public Hearing Date of September 13, 2006 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 Hulbert Lake Road.

II. DISCUSSION

A. Background / Analysis

Hulbert Lake Road, as it is commonly known, currently runs from Ferguson Road northerly approximately 2.39 miles to the Lane/Benton County Line in Sections 11, 13, 14, 23 and 24, Township 15 South, Range 5 West, of the Willamette Meridian. The road (referred to as the road from Benton County line due south of William Crow's to intersect the county road near J. B. Hayes) was originally laid out through road proceedings for County Road Number 160 in the Lane County Courts in 1855.

The portion of the road proposed to be legalized begins at the Lane/Benton County Line and runs southerly approximately 1.94 miles to the beginning of County Road Number 270, said beginning located at the southeast corner of Section 14, in Township 15 South, Range 5 West, approximately 0.45 miles north of Ferguson Road. This portion of road provides access to at least 12 parcels of land.

Questions exist as to the formal establishment and the exact location of the

road as laid out in those proceedings. The Surveyor's Office has performed a thorough search of the public records. These records support the fact that the subject portion of road has been in the same location as it is today, since the mid 1800's.

The matter of legalizing this portion of Hulbert Lake Road came before the Board of Commissioners in 2003 to formerly establish it as a county road so that the county could proceed with the Capital Improvement Project planned for 2005. The planned improvements were to include resurveying, alignment design, mapping and construction. The plan was to legalize the road with a 60-foot wide right of way in accordance with the statutory width for county roads when County Road Number 160 was first laid out in 1855. A public hearing was held on December 10, 2003 and several citizens spoke at the public hearing opposing the legalization, primarily objecting to the 60-foot right of way width. After consideration and deliberation of the record the Board denied the Order to Legalize Hulbert Lake Road and the Capital Improvement Project was dropped.

Two County Commissioners held a meeting in Junction City on April 8, 2005 with property owners who live along Hulbert Lake Road. A consensus among most of the landowners was that they wanted the county to continue maintenance on the road and legalize it as a county road with a 40-foot right of way width.

On June 8, 2005, Ollie Snowden, Public Works Director, returned to the Board to get direction on how to proceed regarding the legal status of the road. The motion was approved to begin the process of legalizing the road, pursuant to where the fences exist at that time, up to 40 feet wide. The Board directed staff to survey where the fences are in relationship to the 40-foot right of way width and report back if the survey disclosed that any of the fences were too close to allow the road to be efficiently maintained or if they represented a hazard to the users of the road. Mr. Snowden returned to the Board on November 30, 2005, with concerns regarding the sight distance around six different curves. It was noted that the bridge was 38 feet wide, and a 40-foot wide right of way would only provide one foot on each side, which would not be enough for room to provide maintenance for the bridge. The Board directed staff to begin the legalization process, with a variable right of way width to the fence line (as they existed on June 8, 2005) or a maximum of 40 feet where no fences exist, with the exception of the right of way at the bridge that is to have a right of way width of 50 feet.

Since that time the matter was taken to Circuit Court to determine if the County had the right to initiate the proceedings to legalize the road, and the ruling affirmed that the Board of County Commissioners should preside over this matter.

Pursuant to ORS 368.201 to 368.221, a county governing body may initiate

proceedings to legalize a county road based upon 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, if the location of the road cannot be accurately determined; or, 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.

Although the original field notes of County Road Number 160 are ambiguous, the historical records show that this road has been in existence since the mid 1800's, and has been in the same location as the present day traveled road known as Hulbert Lake Road. Former Lane County Public Works maintenance supervisors have stated that Hulbert Lake Road has been maintained by the county for well over 50 years.

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

As directed by the Board, the width of the right of way proposed to be legalized will be variable width. The width will be determined by the fence line (as they existed on June 8, 2005) up to a maximum of 40 feet, or 40 feet where no fences exist, with the exception of the bridge that will have a right of way width of 50 feet. A centerline description of the new alignment including right of way width is attached to the Resolution, Notice of Hearing 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 and also placed in the County Road Records. The legalization will provide for the vacation of any portions of County Road Number 160 which are not included within the limits of the road to be legalized as they pertain to this section of road.

B. Recommendation

The Public Works Director's Preliminary Report recommends that the Board of Commissioners approve the Resolution and setting a date for a public hearing which will enable the consideration of the approval of a Final Order to legalize Hulbert Lake Road as proposed and supported by the Public Works Director.

III. ATTACHMENTS

Resolution and Order w/attachments:

Legal Description – Exhibit "A"

Director's Preliminary Report – Exhibit "B"

Vicinity Map - Attachment "A"

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

File No. 4104

IN THE MATTER OF SETTING A PUBLIC HEARING)	
TO CONSIDER THE PROPOSED LEGALIZATION OF A)	RESOLUTION,
PORTION OF HULBERT LAKE ROAD (COUNTY ROAD)	NOTICE OF HEARING,
NO. 160), BEING LOCATED WITHIN SECTIONS 11, 13,)	AND ORDER NO.
AND 14, TOWNSHIP 15 SOUTH, RANGE 5 WEST OF THE)	
WILLAMETTE MERIDIAN. (15-05-11, 13, AND 14))	

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 road (now commonly known as Hulbert Lake Road) from the Lane/Benton County Line, southerly approximately 1.94 miles to the Southeast Corner of Section 14, and being located within Sections 11, 13, and 14, Township 15 South, Range 5 West of the Willamette Meridian; and

WHEREAS, Hulbert Lake Road, as described above, has been in existence since it was originally laid out in road proceedings for County Road Number 160 in 1855, and although questions exist as to the formal establishment and alignment of the road at that time, there is evidence that the road has been in the same location that it is today since the mid 1800's; and

WHEREAS, ORS 368.201 provides for the legalization of county roads, if through omission or defect, doubt exists as to the legal establishment or evidence of establishment of a public road, and in the event that the location of the road cannot be accurately determined due to numerous alterations of the road, defective survey of the road, and/or if the road as traveled and used for ten years or more does not conform to the location of the road described in the County road records; and

WHEREAS, this matter was brought before the Board in 2003, but the Order to Legalize Hulbert Road was denied due to public opposition; however, after holding a meeting in Junction City with abutting property owners, the issue was brought back to the Board and the Board directed staff to initiate proceedings for legalization of Hulbert Lake Road with the width being determined by the fence line (as they existed on June 8, 2005) or a maximum of 40 feet wide where no fences exist, with the exception of a 50-foot right of way at the location of the bridge; and

WHEREAS, Hulbert Lake Road, as now constructed and traveled, has been re-surveyed by the Lane County Public Works Engineering Division; and

WHEREAS, legalization of this portion of Hulbert Lake Road will provide for the vacation of those portions of County Road Number 160 which are not included within the limits of the road to be legalized, as they pertain to this section of road; 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 the Director of the Lane County Department of Public Works shall cause to have the road surveyed within the limits of these described proceedings, the right of way monumented, and a survey map prepared in accordance with ORS Chapters 209 and 368; and it is further

ORDERED, that a public hearing on legalization of Hulbert Lake Road be conducted by the Board of County Commissioners on September 13, 2006, 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 368.401-426. Purpose of the hearing shall be to hear and determine whether the subject road shall be legalized as a lawful County road having a variable right of way width. 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 Hulbert Lake Road may contact the Lane County Surveyor, Bill Robinson, at (541) 682-4198 or by writing the Lane County Surveyor's Office at 125 E. 8th Avenue; Eugene, OR 97401.

DATED this _____ day of _____, 2006.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 7-26-2006 Lane County

Stephen J. Walker
OFFICE OF LEGAL COUNSEL

HULBERT LAKE ROAD
CENTERLINE DESCRIPTION

A strip of land variable feet in width lying in Lane County on each side of the centerline of Hulbert Lake Road in Sections 11, 13 and 14, Township 15 South, Range 5 West of the Willamette Meridian, Lane County, Oregon, as surveyed by Lane County in 2005; the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station L 0+00.00 PI, said station being 9,371.14 feet North and 3,338.44 feet West of the Brass Cap marking the Corner common to Sections 13, 14, 23 and 24, Township 15 South, Range 5 West of the Willamette Meridian, Lane County, Oregon; run thence South 20° 56' 45" East, 853.07 feet; thence along a 954.93 foot radius curve left (the long chord of which bears South 25° 12' 52" East, 142.16 feet) a distance of 142.29 feet; thence South 29° 29' 00" East, 1,260.19 feet; thence along a 5,729.58 foot radius curve right (the long chord of which bears South 28° 48' 30" East, 135.00 feet) a distance of 135.00 feet; thence South 28° 08' 00" East, 336.04 feet; thence along a 440.74 foot radius curve left (the long chord of which bears South 43° 23' 30" East, 231.98 feet) a distance of 234.74 feet; thence South 58° 39' 00" East, 95.83 feet; thence along a 572.96 foot radius curve right (the long chord of which bears South 49° 42' 00" East, 178.27 feet) a distance of 179.00 feet; thence South 40° 45' 00" East, 85.26 feet; thence along a 1,432.39 foot radius curve right (the long chord of which bears South 38° 26' 30" East, 115.39 feet) a distance of 115.42 feet; thence South 36° 08' 00" East, 206.28 feet; thence along a 954.93 foot radius curve left (the long chord of which bears South 41° 48' 00" East, 188.58 feet) a distance of 188.89 feet; thence South 47° 28' 00" East, 112.45 feet; thence along a 2,864.79 foot radius curve right (the long chord of which bears South 45° 58' 30" East, 149.15 feet) a distance of 149.17 feet; thence South 44° 29' 00" East, 70.72 feet; thence along a 1,145.92 foot radius curve right (the long chord of which bears South 36° 55' 00" East, 301.79 feet) a distance of 302.67 feet; thence South 29° 21' 00" East, 298.69 feet; thence along a 440.74 foot radius curve right (the long chord of which bears South 22° 51' 00" East, 99.79 feet) a distance of 100.00 feet; thence South 16° 21' 00" East, 466.94 feet; thence along a 1,432.39 foot radius curve right (the long chord of which bears South 11° 55' 30" East, 221.03 feet) a distance of 221.25 feet; thence South 7° 30' 00" East, 26.77 feet; thence along a 318.31 foot radius curve right (the long chord of which bears South 12° 20' 00" West, 216.00 feet) a distance of 220.37 feet; thence South 32° 10' 00" West, 112.22 feet; thence along a 150.78 foot radius curve left (the long chord of which bears South 4° 11' 30" West, 141.46 feet) a distance of 147.24 feet; thence South 23° 47' 00" East, 424.48 feet; thence along a 409.26 foot radius curve left (the long chord of which bears South 34° 54' 00" East, 157.82 feet) a distance of 158.81 feet; thence South 46° 01' 00" East, 233.89 feet; thence along a 204.63 foot radius curve right (the long chord of which bears South 30° 15' 30" East, 111.15 feet) a distance of 112.56 feet; thence South 14° 30' 00" East, 888.37 feet; thence along a 1,145.92 foot radius curve right (the long chord of which bears South 6° 15' 00" East, 328.86 feet) a distance of 330.00 feet; thence South 2° 00' 00" West, 343.99 feet; thence along a 2,864.79 foot radius curve left (the long chord of which bears South 0° 02' 30" East, 204.12 feet) a distance of 204.17 feet; thence South 2° 05' 00" East, 262.47 feet; thence along a 1,909.86 foot radius curve right (the long chord of which bears South 0° 15' 00" East, 122.20 feet) a distance of 122.22 feet; thence South 1° 35' 00" West, 1,281.47 feet to Engineers' Centerline Station L 104+22.93 PI, being the Corner common to Sections 13, 14, 23 and 24, Township 15 South, Range 5 West, Willamette Meridian, 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 0+00.00 PI	L 50+00.00 POT	20 ft	
L 0+00.00 PI	L 4+00.00 POT		20 ft
L 4+00.00 POT	L 4+00.00 POT		20 ft tapering on a straight line to 19 ft
L 4+00.00 POT	L 4+70.00 POT		19 ft tapering on a straight line to 15.5 ft
L 4+70.00 POT	L 7+00.00 POT		15.5 ft tapering on a straight line to 14.5 ft
L 7+00.00 POT	L 8+53.07 PC		14.5 ft tapering on a straight line to 15 ft
L 8+53.07 PC	L 9+00.00 POC		15 ft tapering on a straight line to 17 ft
L 9+00.00 POC	L 10+68.00 POT		17 ft
L 10+68.00 POT	L 10+68.00 POT		17 ft tapering on a straight line to 18.5 ft
L 10+68.00 POT	L 12+85.00 POT		18.5 ft tapering on a straight line to 19 ft
L 12+85.00 POT	L 12+90.00 POT		19 ft tapering on a straight line to 16.5 ft
L 12+90.00 POT	L 15+00.00 POT		16.5 ft tapering on a straight line to 16 ft
L 15+00.00 POT	L 15+73.00 POT		16 ft
L 15+73.00 POT	L 15+73.00 POT		16 ft tapering on a straight line to 18 ft
L 15+73.00 POT	L 16+88.00 POT		18 ft
L 16+88.00 POT	L 16+88.00 POT		18 ft tapering on a straight line to 20 ft
L 16+88.00 POT	L 18+33.00 POT		20 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 18+33.00 POT	L 18+37.00 POT		20 ft tapering on a straight line to 16 ft
L 18+37.00 POT	L 19+73.00 POT		16 ft
L 19+73.00 POT	L 20+50.00 POT		16 ft tapering on a straight line to 17 ft
L 20+50.00 POT	L 23+90.55 PT		17 ft
L 23+90.55 PT	L 26+00.00 POT		17 ft tapering on a straight line to 20 ft
L 26+00.00 POT	L 49+00.00 POT		20 ft
L 49+00.00 POT	L 49+00.00 POT		20 ft tapering on a straight line to 19 ft
L 49+00.00 POT	L 50+00.00 POT		19 ft tapering on a straight line to 15.5 ft
L 50+00.00 POT	L 52+25.00 POT		15.5 ft tapering on a straight line to 15 ft
L 52+25.00 POT	L 53+32.64 PC		15 ft tapering on a straight line to 17.5 ft
L 53+32.64 PC	L 54+00.00 POC		17.5 ft tapering on a straight line to 19 ft
L 54+00.00 POC	L 54+50.00 POC		19 ft tapering on a straight line to 18 ft
L 54+50.00 POC	L 55+00.00 POC		18 ft tapering on a straight line to 17.5 ft
L 55+00.00 POC	L 55+53.89 PT		17.5 ft tapering on a straight line to 16 ft
L 55+53.89 PT	L 55+80.66 PC		16 ft tapering on a straight line to 15 ft
L 55+80.66 PC	L 56+00.00 POC		15 ft
L 56+00.00 POC	L 56+50.00 POC		15 ft tapering on a straight line to 17.5 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 56+50.00 POC	L 57+00.00 POC		17.5 ft tapering on a straight line to 15 ft
L 57+00.00 POC	L 57+50.00 POC		15 ft tapering on a straight line to 13.5 ft
L 57+50.00 POC	L 58+01.03 PT		13.5 ft tapering on a straight line to 13.5 ft
L 50+00.00 POT	L 53+32.64 PC	20 ft tapering on a straight line to 19 ft	
L 53+32.64 PC	L 54+00.00 POC	19 ft tapering on a straight line to 18 ft	
L 54+00.00 POC	L 54+50.00 POC	18 ft tapering on a straight line to 17 ft	
L 54+50.00 POC	L 55+00.00 POC	17 ft tapering on a straight line to 18 ft	
L 55+00.00 POC	L 55+53.89 PT	18 ft tapering on a straight line to 19 ft	
L 55+53.89 PT	L 55+80.66 PC	19 ft tapering on a straight line to 20 ft	
L 55+80.66 PC	L 56+50.00 POC	20 ft	
L 56+50.00 POC	L 56+75.00 POC	20 ft tapering on a straight line to 18.5 ft	
L 56+75.00 POC	L 57+00.00 POC	18.5 ft tapering on a straight line to 17 ft	
L 57+00.00 POC	L 59+13.25 PC	17 ft	
L 59+13.25 PC	L 59+50.00 POC	17 ft tapering on a straight line to 20 ft	
L 59+50.00 POC	L 60+25.00 POC	20 ft	
L 60+25.00 POC	L 60+60.49 PT	20 ft tapering on a straight line to 20 ft	
L 60+60.49 PT	L 61+00.00 POT	20 ft tapering on a straight line to 14 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 61+00.00 POT	L 62+00.00 POT	14 ft tapering on a straight line to 13.5 ft	
L 62+00.00 POT	L 62+50.00 POT	13.5 ft	
L 62+50.00 POT	L 63+30.00 POT	13.5 ft tapering on a straight line to 18.5 ft	
L 63+30.00 POT	L 63+50.00 POT	18.5 ft tapering on a straight line to 25 ft	
L 63+50.00 POT	L 65+00.00 POC	25 ft	
L 65+00.00 POC	L 65+20.00 POC	25 ft tapering on a straight line to 20 ft	
L 65+20.00 POC	L 66+00.00 POC	20 ft	
L 66+00.00 POC	L 66+00.00 POC	20 ft tapering on a straight line to 17 ft	
L 66+00.00 POC	L 66+43.78 PT	17 ft tapering on a straight line to 16.5 ft	
L 66+43.78 PT	L 67+50.00 POT	16.5 ft tapering on a straight line to 20 ft	
L 67+50.00 POT	L 68+00.00 POT	20 ft	
L 68+00.00 POT	L 68+77.67 PC	20 ft tapering on a straight line to 19.5 ft	
L 68+77.67 PC	L 69+25.00 POC	19.5 ft tapering on a straight line to 16 ft	
L 69+25.00 POC	L 69+50.00 POC	16 ft tapering on a straight line to 20 ft	
L 69+50.00 POC	L 89+50.00 POT	20 ft	
L 89+50.00 POT	L 90+19.23 PC	20 ft tapering on a straight line to 19 ft	
L 90+19.23 PC	L 90+75.00 POC	19 ft tapering on a straight line to 19 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 90+75.00 POC	L 90+75.00 POC	19 ft tapering on a straight line to 20 ft	
L 90+75.00 POC	L 104+22.93 PI	20 ft.	
L 58+01.03 PT	L 58+50.00 POT		13.5 ft tapering on a straight line to 14 ft
L 58+50.00 POT	L 58+90.00 POT		14 ft tapering on a straight line to 12 ft
L 58+90.00 POT	L 59+13.25 PC		12 ft tapering on a straight line to 12.5 ft
L 59+13.25 PC	L 60+60.49 PT		12.5 ft
L 60+60.49 PT	L 61+00.00 POT		12.5 ft tapering on a straight line to 14 ft
L 61+00.00 POT	L 62+00.00 POT		14 ft
L 62+00.00 POT	L 63+30.00 POT		14 ft tapering on a straight line to 19 ft
L 63+30.00 POT	L 63+50.00 POT		19 ft tapering on a straight line to 25 ft
L 63+50.00 POT	L 65+00.00 POC		25 ft
L 65+00.00 POC	L 65+20.00 POC		25 ft tapering on a straight line to 19 ft
L 65+20.00 POC	L 65+50.00 POC		19 ft tapering on a straight line to 16 ft
L 65+50.00 POC	L 65+75.00 POC		16 ft tapering on a straight line to 15.5 ft
L 65+75.00 POC	L 66+25.00 POC		15.5 ft tapering on a straight line to 19.5 ft
L 66+25.00 POC	L 66+43.78 PT		19.5 ft tapering on a straight line to 20 ft
L 66+43.78 PT	L 69+75.00 POC		20 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 69+75.00 POC	L 69+90.23 PT		20 ft tapering on a straight line to 19 ft
L 69+90.23 PT	L 78+00.00 POT		19 ft
L 78+00.00 POT	L 78+50.00 POT		19 ft tapering on a straight line to 18.5 ft
L 78+50.00 POT	L 78+78.60 PC		18.5 ft tapering on a straight line to 20 ft
L 78+78.60 PC	L 91+00.00 POC		20 ft
L 91+00.00 POC	L 91+00.00 POC		20 ft tapering on a straight line to 18 ft
L 91+00.00 POC	L 91+41.46 PT		18 ft tapering on a straight line to 18 ft
L 91+41.46 PT	L 93+00.00 POT		18 ft tapering on a straight line to 18.5 ft
L 93+00.00 POT	L 95+00.00 POT		18.5 ft tapering on a straight line to 20 ft
L 95+00.00 POT	L 96+00.00 POT		20 ft tapering on a straight line to 19.5 ft
L 96+00.00 POT	L 98+00.00 POT		19.5 ft tapering on a straight line to 20 ft
L 98+00.00 POT	L 104+22.93 PI		20 ft.

Except: That portion which lies north of the Lane – Benton County line, which crosses the centerline of this description at L 2+03.25 POT with the right of way lines extending to and terminating at said County line.

Also: The southerly ends of the right of way lines of this description extend to and terminate at the northerly limits of County Road No. 270.

The bearings used herein are based on a bearing of South 19° 44' 45" East between LCCM 380 and LCCM 382, said bearing based on the Oregon Coordinate System (NAD 83/91), South Zone.

EXHIBIT 'B'

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

File No. 4104

IN THE MATTER OF SETTING A PUBLIC HEARING)	
TO CONSIDER THE PROPOSED LEGALIZATION OF A)	DIRECTOR'S
PORTION OF HULBERT LAKE ROAD (COUNTY ROAD)	PRELIMINARY
NO. 160), BEING LOCATED WITHIN SECTIONS 11, 13,)	REPORT
AND 14, TOWNSHIP 15 SOUTH, RANGE 5 WEST, OF)	
THE WILLAMETTE MERIDIAN. (15-05-11, 13, AND 14))	

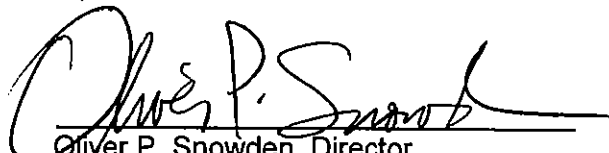
The Lane County Department of Public Works has resolved to legalize as a county road, a portion of County Road Number 160 (commonly known as Hulbert Lake Road) as now constructed and traveled, with a varied width right of way. The width is to be determined by the fence line (as they existed on June 8, 2005) with the maximum being 40 feet, or 40 feet wide where no fences exist, with the exception of a 50-foot right of way at the location of the bridge. All legal criteria for proceeding with the legalization have been met.

Hulbert Lake Road runs from Ferguson Road, northerly approximately 2.39 miles to the Lane/Benton county line. It is located in Sections 11, 13, 14, 23 and 24, Township 15 South, Range 5 West, of the Willamette Meridian. The portion of the road proposed to be legalized runs from the county line, southerly approximately 1.94 miles to the southeast corner of said Section 14 at the beginning of County Road Number 270. The subject portion of Hulbert Lake Road has been in existence since it was originally laid out in road proceedings for County Road Number 160 in 1855. Although questions exist as to the formal establishment and alignment of the road at that time, there is evidence that the road has been in the same location that it is today since the mid 1800's.

It is recommended the Resolution 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 Hulbert Lake Road.

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

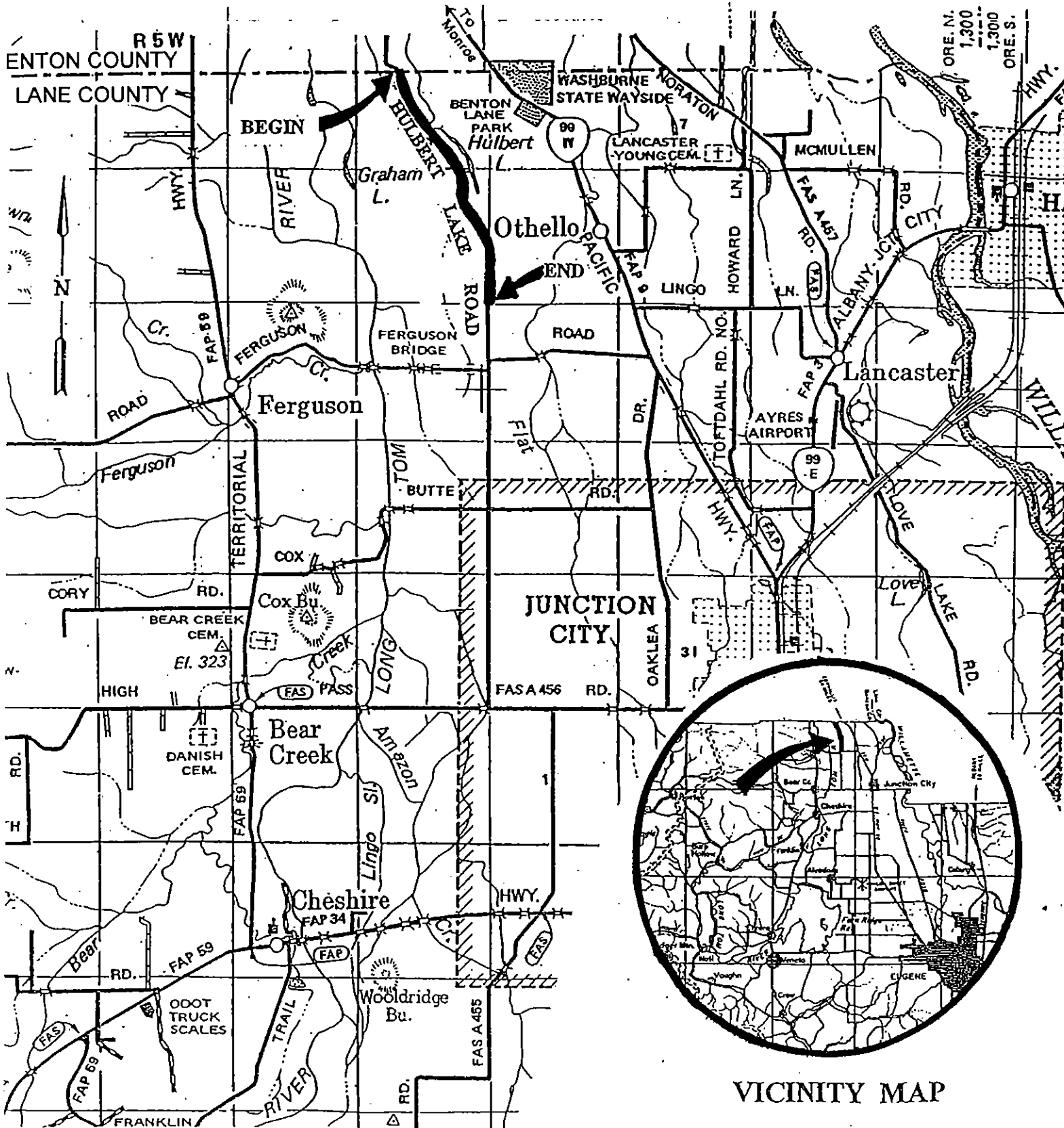
Dated this 21st day of July, 2006.



 Oliver P. Snowden, Director
 Department of Public Works

Sections 11, 13 & 14, T15 S, R 2 W W.M.
Lane County

Scale 1"=1 mile



Memorandum Date: July 17, 2006
Order Date: August 2, 2006

TO: Board of County Commissioners
DEPARTMENT: Public Works, Land Management Division
PRESENTED BY: Bill Robinson, Lane County Surveyor BR
AGENDA ITEM TITLE: IN THE MATTER OF SETTING A PUBLIC HEARING TO CONSIDER THE LEGALIZATION OF A COUNTY ROAD NO. 11, 13, AND 14, OF THE TOWNSHIP OF THE COUNTY OF LANE (AND 14)

MISSING
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I. MOTION
To Approve _____ Site of
September _____, Eugene,
Oregon, for _____
of the Final _____ der the Approval

on web

II. DISCUSSION

A. Background

Hulbert _____, known, currently runs from Ferguson Road n _____ approximately 2.39 miles to the Lane/Benton County Line in Sections 11, 13, 14, 23 and 24, Township 15 South, Range 5 West, of the Willamette Meridian. The road (referred to as the road from Benton County line due south of William Crow's to intersect the county road near J. B. Hayes) was originally laid out through road proceedings for County Road Number 160 in the Lane County Courts in 1855.

The portion of the road proposed to be legalized begins at the Lane/Benton County Line and runs southerly approximately 1.94 miles to the beginning of County Road Number 270, said beginning located at the southeast corner of Section 14, in Township 15 South, Range 5 West, approximately 0.45 miles north of Ferguson Road. This portion of road provides access to at least 12 parcels of land.

Questions exist as to the formal establishment and the exact location of the