

**AGENDA COVER MEMO**

**DATE:** June 26, 2006  
**TO:** Lane County Board of Commissioners  
**FROM:** Bill Robinson, Lane County Surveyor <sup>BR</sup>  
**DEPARTMENT:** Public Works/Land Management Division

**AGENDA ITEM TITLE: IN THE MATTER OF ESTABLISHING A PUBLIC ROAD WITHIN BAKER BAY PARK, A LEASED CORPS OF ENGINEERS PARK, AS A COUNTY ROAD, BEING LOCATED IN SECTION 4, TOWNSHIP 21 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN**

**I. MOTION**

To Approve the Order Establishing a Public Road within Baker Bay Park, a Leased Corps of Engineers Park, as a County Road being Located in Section 4, Township 21 South, Range 2 West of the Willamette Meridian

**II. ISSUE**

Lane County has approximately 0.98 miles of access road within Baker Bay Park, a leased Corps of Engineers Park at Dorena Reservoir. This road has been classified as a public road and the lease agreement has been recorded. It is necessary to decide whether to complete this process by adding this road to the county road system so that it can receive regularly scheduled maintenance.

**III. DISCUSSION**

A. Background

Lane County entered into a 50-year lease agreement with the Army Corps of Engineers in 1976 (Lease No. DACW57-1-78-72) for public park and recreational purposes at Baker Bay Park. This lease documentation has been recorded on Reel 1826R, Instrument No. 9309497, Lane County, Oregon Deed Records, to establish a clear record of public right to use. This lease was supplemented by a 25-year lease beginning March 1, 2000 (Lease No. DACW57-1-00-0013), recorded on Instrument No. 2006-043786 on June 23, 2006, Lane County, Oregon Deed Records. The park is located within the Dorena Lake Project north of Shoreview Drive along the southwesterly side of Dorena Reservoir in Section 4, Township 21 South, Range 2 West of the Willamette Meridian. The proposal is to establish the existing roadway within the leased area as a county road.

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 were receiving inadequate maintenance due to revenue constraints that existed within the Parks Division. The Board of County Commissioners directed Public Works staff to proceed with a means to achieve adequate road maintenance. Several park roads on leased land, including the roadway within Baker Bay Park, were accepted as local access roads (public roads) by Board Order No. 91-7-17-6 and have been maintained by the county under provisions of ORS 368.031, which allow for the expenditure of county funds under certain circumstances. It would be more advantageous to have the roads established as county roads and be put into the county road system to receive regularly scheduled 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 roadway within Baker Bay Park has been accepted as a public road and the lease agreement has been recorded. The Army Corps of Engineers has 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 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 Baker Bay Park Road as a county road is in the best interest of the public, as it will provide a means of regular maintenance of the road for the safety and convenience of the public. The county road status of this road 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.

C. Alternatives/Options

The Board of County Commissioners has the option to:

1. Approve the Order to establish the described public road in Baker Bay Park as a county road.
2. Deny the Order to establish the described public road in Baker Bay 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

Timing is not critical in this matter.

**IV. IMPLEMENTATION/FOLLOW-UP**

Upon approval of the Order to establish the roadway within Baker Bay 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"

Letter 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. 4132

**IN THE MATTER OF ESTABLISHING A PUBLIC )**  
**ROAD WITHIN BAKER BAY PARK, A LEASED )**  
**CORPS OF ENGINEERS PARK, AS A COUNTY ) ORDER NO.**  
**ROAD, BEING LOCATED IN SECTION 4, )**  
**TOWNSHIP 21 SOUTH, RANGE 2 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 road in Baker Bay 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 written notice of the proceedings and consent to the acceptance of the park roads into the county road system; and

**WHEREAS**, the existing access road located within Baker Bay Park, which is a leased park from the Corps of Engineers, was classified as Public Road by Board Order No. 91-7-17-6; and

**WHEREAS**, the lease agreement between Corps of Engineers and Lane County was recorded on February 12, 1993 on Instrument No. 93-09497 (Lease No. DACW57-1-78-72) in Lane County, Oregon Deed Records and supplemented by a 25 year lease agreement beginning March 1, 2000 (Lease No. DACW57-1-00-0013, recorded on Instrument No. 2006-043786 on June 23, 2006, Lane County, Oregon Deed Records; and

**WHEREAS**, the Corps of Engineers have been given written notice of the County's intent to establish the roadway within Baker Bay Park as a county road, in accordance with Lane Manual 15.260(4), and the Corps of Engineers have consented to the acceptance of the park road into the county road system; now therefore it is hereby

**ORDERED**, that the 0.98 miles of park road within the Baker Bay 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

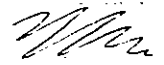
**ORDERED**, that in support of this action, the Board of County Commissioners does hereby adopt the report of the Director of Public Works as set forth in Exhibit "B", which is attached hereto, and made a part hereof, by this Order; and it is further

**ORDERED**, that the Director of the Lane County Department of Public Works shall cause to have said roads surveyed by the Lane County Surveyor, the right of way monumented, and a survey map prepared in accordance with ORS Chapters 209 and 368; and it is further

**ORDERED**, that this Order 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. 2271.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2006

\_\_\_\_\_  
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM  
DATE 7-17-06  
  
COUNTY SURVEYOR

## EXHIBIT "A"

## BAKER BAY PARK ROAD

A parcel of land lying in the South one-half (S½) and the Northwest one-quarter (NW¼) of Section 4, Township 21 South, Range 2 West of the Willamette Meridian; said parcel being a strip of land 60.00 feet in width, lying 30.00 feet on each side of the centerline of Baker Bay Park Road as said road was surveyed in 1990. Said centerline being more particularly described as follows:

## 'L' Line

Beginning at Engineer's Centerline Station L2 160+23.27 POT Government Road Bk. = L 0+00 POB Ah.; said station being 1,458.50 feet North and 8.28 feet West of the Brass Cap found marking the South one-quarter (S¼) corner of Section 4, Township 21 South, Range 2 West of the Willamette Meridian; RUN THENCE North 0°02'43" West 386.69 feet; thence along the arc of a 316.92 foot radius curve left (the long chord of which bears North 10°11'19" West 111.63 feet) a distance of 112.21 feet; thence North 20°19'55" West 203.62 feet to a road centerline intersection station L7+02.52 POT Ah.=LW 0+00.00 POT; thence North 79°44'42" East 87.10 feet; thence along the arc of a 398.47 foot radius curve right (the long chord of which bears North 86°45'56" East 97.41 feet) a distance of 97.65 feet; thence South 86°12'49" East 696.65 feet; thence North 3°47'11" East 115.00 feet to Engineer's Centerline Station L 16+98.92 EOP and there ending, all in Lane County, Oregon.

ALSO: A strip of land 60 feet in width, lying 30 feet on each side of the following described centerline.

## 'LW' Line

Beginning at Engineer's Centerline Station L 7+02.52 POT Bk.=LW 0+00 POB Ah.; said station being 2,145.99 feet North and 99.08 feet West of the Brass Cap found marking the South one-quarter (S¼) corner of Section 4, Township 21 South, Range 2 West of the Willamette Meridian; RUN THENCE South 79°44'42" West 329.69 feet; thence along the arc of a 119.72 foot radius curve right (the long chord of which bears North 50°47'28" West 181.98 feet) a distance of 206.72 feet; thence North 1°19'38" West 181.18 feet; thence along the arc of a 320.78 foot radius curve left (the long chord of which bears North 25°03'36" West 258.21 feet) a distance of 265.74 feet; thence North 48°47'34" West 198.49 feet; thence along the arc of a 966.40 foot radius curve right (the long chord of which bears North 41°24'27" West 248.45 feet) a distance of 249.14 feet; thence North 34°01'19" West 211.19 feet; thence along the arc of a 557.44 foot radius curve left (the long chord of which bears North 42°09'30" West 157.79 feet) a distance of 158.32 feet; thence North 50°17'40" West 420.44 feet; thence North 58°04'34" East 150.71 feet; thence along the arc of a 60.84 foot radius curve right (the long chord of which bears South 89°50'36" East 64.63 feet) a distance of 68.13 feet to Engineer's Centerline Station LW 24+39.74 EOP and there ending, all in Lane County, Oregon.

ALSO: A strip of land 60 feet in width, lying 30 feet on each side of the following described centerline.

## 'LN' Line

Beginning at Engineer's Centerline Station LW 1+99.38 POT Bk.=LN 0+00.00 POB Ah.; said station being 2,110.49 feet North and 295.27 feet West of the Brass Cap found marking the South one-quarter

## EXHIBIT "A"

(S¼) corner of Section 4, Township 21 South, Range 2 West of the Willamette Meridian; RUN THENCE North 12°11'37" East 161.65 feet; thence along the arc of a 92.13 foot radius curve left (the long chord of which bears North 17°54'45" West 92.43 feet) a distance of 96.82 feet; thence along the arc of a 122.97 foot radius curve right (the long chord of which bears North 24°05'08" West 99.78 feet) a distance of 102.74 feet; thence along the arc of a 244.36 foot radius curve right (the long chord of which bears North 9°16'05" East 79.99 feet) a distance of 80.35 feet; thence North 18°41'16" East 168.34 feet; thence along the arc of a 380.00 foot radius curve left (the long chord of which bears North 8°08'40" East 139.06 feet) a distance of 139.85 feet; thence North 2°23'53" West 233.10 feet; thence along the arc of a 44.81 foot radius curve left (the long chord of which bears North 16°14'34" West 21.44 feet) a distance of 21.65 feet to Engineer's Centerline Station LN 10+04.50 EOP and there ending, all in Lane County, Oregon.

The bearings used herein are based upon the Oregon State Coordinate System of 1927, South Zone, the bearings shown are true bearings (based on a theta angle of -1°40'03").

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

File No. 4132

IN THE MATTER OF ESTABLISHING A PUBLIC	)	
ROAD WITHIN BAKER BAY PARK, A LEASED	)	
CORPS OF ENGINEERS PARK, AS A COUNTY	)	
ROAD, BEING LOCATED IN SECTION 4	)	DIRECTOR'S
TOWNSHIP 21 SOUTH, RANGE 2 WEST OF	)	REPORT
THE WILLAMETTE MERIDIAN	)	

Baker Bay Park is located within the Dorena Lake Oregon Project north of Shoreview Drive in Section 4, Township 21 South, Range 2 West of the Willamette Meridian. Lane County entered into a 50-year lease agreement with the Army Corps of Engineers in 1976 (Lease No. DACW57-1-78-72) for public park and recreational purposes at Baker Bay Park. This lease was supplemented by a 25-year lease beginning March 1, 2000 (Lease No. DACW57-1-00-0013), recorded on Instrument No. 2006-043786 on June 23, 2006, Lane County, Oregon Deed Records.

Stipulations of the lease agreements 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 were receiving inadequate maintenance due to revenue constraints that existed 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.

The existing access road within the Baker Bay Park was classified as public road by Board Order No. 91-7-17-6. The Lease agreement between the Army Corps of Engineers and Lane County has been recorded 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 road within Baker Bay Park as a county road, and have consented to the acceptance of the park road into the county road system.

The roadway within Baker Bay 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 will be surveyed by the Lane County Surveyor in accordance with ORS Chapters 209 and 368.

Establishing the roadway within Baker Bay Park as county road is in the best interest of the public. It will provide a means of regular maintenance of the road for the safety and convenience of the public. The county road status of this road 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 road in Baker Bay Park as a county road be approved.

DATED this 14<sup>th</sup> day of July, 2006.

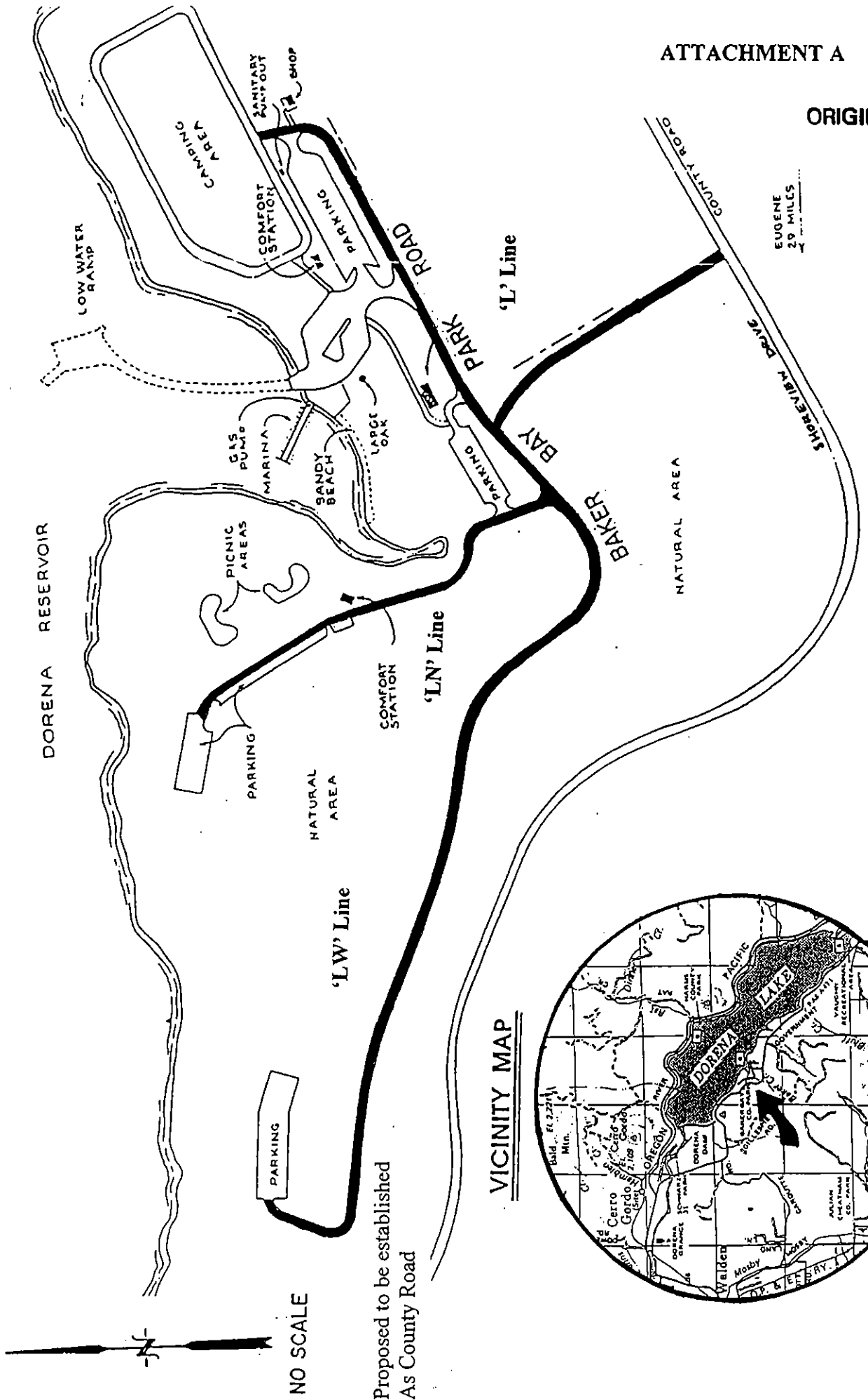
  
Oliver P. Snowden, Director - Department of Public Works



SECTION 4, TOWNSHIP 21 SOUTH, RANGE 2 WEST, W.M.

ATTACHMENT A

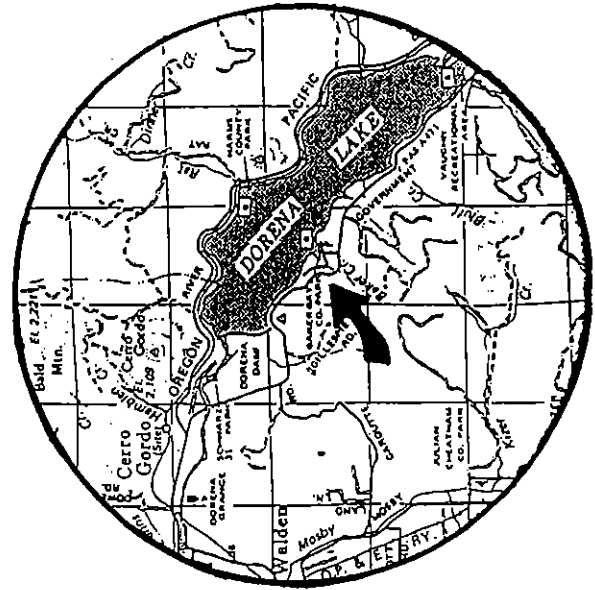
ORIGINAL



NO SCALE

Proposed to be established  
As County Road

VICINITY MAP



BAKER BAY PARK ROAD



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

Reply to  
Attention of:

NOV 22 2005

Ms. Peggy Hunter, Engineering Associate  
Lane County Surveyor's Office  
125 E. 8<sup>th</sup> Avenue  
Eugene, OR 97401

Dear Ms. Hunter:

This is in response to your letter dated September 21, 2005 concerning Lane County's request for Corps of Engineers consent (as the landowner) to establish specific park roads within leased parks into the Lane County Road System.

Please be informed that four of the seven identified parks are no longer under lease to Lane County and are currently leased as follows: Dexter Park, Lowell Park were leased to Oregon State Parks and Recreation Department effective January 1, 1998 and North Shore Access Area, and Winberry Creek Park were leased to Oregon State Parks and Recreation Department effective January 1, 1999. No Corps of Engineers consent is granted for these four parks.

The other leases in question, Baker Bay Park (expiration February 28, 2024), Orchard Point Park (expiration June 30, 2024), and Richardson Park (expiration June 30, 2024), are leased to Lane County for public park and recreation purposes and cover a twenty five year period. 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 for the three remaining park leases the Corps of Engineers consent is granted subject to the following: (1) County road status will only be in affect during the term of the Corps of Engineers / Lane County lease agreement or any extension there of (2) Existing park roads within the leased areas are for the purpose of providing public access within the parks, and (3) 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.

We fully support your efforts for legally using 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 cursive script that reads "Ron D. Musser".

Ron D. Musser  
Chief, Real Estate Division