

AGENDA COVER MEMO

DATE: February 7, 2006
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, 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

To approve the Order Establishing a Public Road within Richardson Park, 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 Richardson Park, a leased Corps of Engineers Park at Fern Ridge Reservoir. These roads 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 50-year lease agreement with the Army Corps of Engineers in 1976 (Lease No. DACW57-1-77-85) for public park and recreational purposes at Richardson Park. This lease documentation has been recorded on Reel 1826R, Instrument No. 9309502, 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 July 1, 1999 (Lease No. DACW57-1-99-0011). The park is located within the Fern Ridge Lake Project located off Clear Lake Road along Fern Ridge Reservoir in Section 5, Township 17 South, Range 5 West of the Willamette Meridian. There is a main park road as well as roads that serve two campground areas within the leased area. The road for the Phase 2 campground was established as a county road by Order # 05-3-9-11. The proposal is to establish approximately 1.70 miles of other existing roadway in the park (Richardson Park Road and Richardson Park Campground Road-Phase 1), as additional right of way for County Road Number 2266. Richardson Park Road was classified as local access road by Lane County Board of Commissioners by Order

No. 91-7-17-6 and Richardson Park Campground-Phase 1 was constructed later and classified as a local access road by Order 94-4-5-6.

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. Several park roads on leased land, including the roadway within Richardson Park, were then classified as local access roads and were maintained by the county under the provision 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 Richardson 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 these roads into the county road system.

The roads comply 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". The roads will be surveyed by the Lane County Surveyor in accordance with ORS Chapters 209 and 368.

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 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 as county road.
2. Deny the Order to establish the described public road in Richardson Park as 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 county road. This will allow the roads 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 Richardson 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. 4069

IN THE MATTER OF ESTABLISHING A PUBLIC ROAD)
WITHIN RICHARDSON PARK, A LEASED CORPS OF)
ENGINEERS PARK, AS A COUNTY ROAD, BEING) ORDER NO.
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 Richardson Park Road and Richardson Park Campground Road-Phase 1 as 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, Richardson Park Road was classified as a public road by Board Order 91-7-17-6 and Richardson Park Campground Road-Phase 1 was classified as public road by Board Order No. 94-4-5-6; and

WHEREAS, a 50-year lease agreement between the Army Corps of Engineers and Lane County for Richardson Park was recorded on Reel 1826R, Instrument No. 9309502, and supplemented by 25-year lease agreement recorded 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 existing roadway within Richardson 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 park roads within the Richardson Park as 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 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 County Road Files administered by the Lane County Department of Public Works and the Lane County Surveyor and that said Order be, and is hereby final and does operate to establish said right of way as County Road No. 2266.

DATED this ___ day of _____, 2006

Handwritten signature and date: 3-9-06

Chair, Lane County Board of Commissioners

RICHARDSON PARK ROAD

A parcel of land lying in the Northeast one-quarter (NE¼) and the South one-half (S½) of Section 5, Township 17 South, Range 5 West of the Willamette Meridian; said parcel being a strip of land variable feet in width, lying variable feet on each side of the centerline of a road known as Richardson 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 L 14+47.04 POT Clear Lake Road Bk. = L 0+00 POB Ah.; said station being 1,701.93 feet South and 3,024.32 feet West of the Brass Cap found marking the Northwest corner of the B. Richardson Donation Lane Claim Number 42, in Township 17 South, Range 5 West of the Willamette Meridian; RUN THENCE South 49°15'27" East 106.79 feet; thence along the arc of a 378.11 foot radius curve left (the long chord of which bears South 69°02'18" East 255.92 feet) a distance of 261.08 feet; thence South 88°49'09" East 72.20 feet; thence South 1°10'51" West 616.32 feet; thence along the arc of a 315.57 foot radius curve left (the long chord of which bears South 44°27'57" East 451.29 feet) a distance of 502.81 feet to a point 30.00 feet from, when measured at right angles to, the Northerly right of way line of County Road Number 533 (Bangs Road); thence parallel to said right of way line North 89°53'15" East 1,057.23 feet; thence leaving said parallel line along the arc of a 162.13 foot radius curve left (the long chord of which bears North 75°52'43" East 78.50 feet) a distance of 79.28 feet; thence North 61°52'11" East 59.24 feet; thence along the arc of a 50.00 foot radius curve left (the long chord of which bears North 16°52'11" East 70.71 feet) a distance of 78.54 feet to Engineer's Centerline Station L 28+33.49 EOP; said station being 2,685.69 feet South and 1,122.56 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.

The widths in feet of the strip of land above referred to are as follows:

<u>STATION TO STATION</u>		<u>WIDTH ON SOUTHERLY AND WESTERLY SIDE OF CENTERLINE</u>	<u>WIDTH ON NORTHERLY AND EASTERLY SIDE OF CENTERLINE</u>
L 0+60.00 POT	L 3+67.86 PT	30.00 feet	30.00 feet
L 3+67.86 PT	L 5+12.26 POT	30.00 feet tapering along a 42.20 foot radius curve right to 30.00 feet	
L 3+67.86 PT	L 4+10.06 POT		30.00 feet tapering along a 42.20 foot radius curve left to 72.20 feet
L 4+10.06 POT	L 4+10.06 POT		72.20 feet tapering on a straight line to 0.00 feet
L 4+10.06 POT	L 4+40.06= LN 0+00.00		0.00 feet tapering on a straight line to 30.00 feet
L 4+40.06= LN 0+00.00	L 5+12.26 POT		30.00 feet
L 5+12.26 POT	L 28+33.49 EOP	30.00 feet	30.00 feet

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 L 4+40.06 POT Bk.=LN 0+00 POB Ah.; said station being 1,864.26 feet South and 2,632.10 feet West of the Brass Cap found marking the Northwest corner of the B. Richardson Donation Lane Claim Number 42, in Township 17 South, Range 5 West of the Willamette Meridian; RUN THENCE North 1°10'51" East 278.44 feet; thence along the arc of a 558.62 foot radius curve right (the long chord of which bears North 20°52'47" East 376.59 feet) a distance of 384.11 feet; thence North 40°34'42" East 678.91 feet; thence along the arc of a 606.90 foot radius curve right (the long chord of which bears North 64°59'33" East 501.69 feet) a distance of 517.20 feet; thence North 89°24'23" East 355.43 feet; thence along the arc of a 77.97 foot radius curve right (the long chord of which bears South 65°08'47" East 67.01 feet) a distance of 69.26 feet; thence South 39°41'56" East 476.88 feet; thence along the arc of a 43.49 foot radius curve left (the long chord of which bears South 60°31'50" East 30.93 feet) a distance of 31.62 feet to Engineer's Centerline Station LN 27+91.86 EOP; said station being 912.90 feet South and 848.11 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.

The bearings used herein are based upon the Oregon State Coordinate System of 1927, South Zone, and the bearings shown herein are true bearings (based on a theta angle of -1°55'28").

RICHARDSON PARK CAMPGROUND ROAD (Phase 1)

A parcel of land lying in the South one-half (S½) of Section 5, Township 17 South, Range 5 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 a road being known as Richardson Park Campground Road as said road was surveyed in 1994. The centerline of said strip of land is more particularly described as follows:

'LC' Line

Beginning at Engineer's Centerline Station L 4 +40.06 POT Richardson Park Road, Bk. = LC 0+00.00 POB Ah.; said station being 1,864.26 feet South and 2,632.10 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 88°49'09" East 67.65 feet; thence South 43°49'09" East 32.02 feet to Engineer's Centerline Station LC 0+99.67 POT; thence continuing South 43°49'09" East 31.00 feet to Engineer's Centerline Station LC 1+30.67 POT; thence South 1° 10'51" West 607.29 feet; thence along the arc of a 115.00 foot radius curve left (the long chord of which bears South 67°54'35" East 214.85 feet) a distance of 277.35 feet; thence North 43°00'00" East 157.27 feet to Engineer's Centerline Station LC 11+72.58 POT; thence continuing North 43°00'00" East 17.77 feet; thence along the arc of a 127.29 foot radius curve left (the long chord of which bears North 25°33'18" East 76.32 feet) a distance of 77.51 feet to a point of reverse curvature; thence along the arc of a 154.91 foot radius curve right (the long chord of which bears North 27°08'43" East 101.05 feet) a distance of 102.93 feet to Engineer's Centerline Station LC 13+70.79 PT; thence North 46°10'51" East 94.15 feet; thence along the arc of a 90.00 foot radius curve left (the long chord of which bears North 1°10'51" East 127.28 feet) a distance of 141.37 feet; thence North 43°49'09" West 560.44 feet; thence along the arc of a 50.00 foot radius curve left (the long chord of which bears South 68°40'51" West 92.39 feet) a distance of 117.81 feet; thence South 1°10'51" West 139.71 feet to Engineer's Centerline Station LC 24+24.27 EOP Ah. = LC 0+99.67 POT Bk. and there ending; said station being 1,888.76 feet South and 2,542.28 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; all in Lane County, Oregon.

Also: A strip of land 60.00 feet in width, lying 30.00 feet on each side of the following described centerline.

'LC1' Line

Beginning at Engineer's Centerline Station LC 1+30.67 POT Bk. = LC1 0+00.00 POB Ah.; said station being 1,911.13 feet South and 2,520.82 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 43°49'09" East 556.00 feet to Engineer's Centerline Station LC1 5+56.00 EOP Ah. = LC 13+70.79 PT Bk. and there ending; said station being 2,312.30 feet South and 2,135.85 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; all in Lane County, Oregon.

Also: A strip of land 60.00 feet in width, lying 30.00 feet on each side of the following described centerline.

'LC2' Line

Beginning at Engineer's Centerline Station LC 4+03.82 P.O.T. Bk. = LC2 0+00.00 POB Ah.; said station being 2,184.22 feet South and 2,526.45 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 44°57'45" East 423.77 feet to Engineer's Centerline Station LC2 4+23.77 EOP Ah. = LC 11+72.58 POT Bk. and there ending; said station being 2,484.07 feet South and 2,226.99 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; all in Lane County, Oregon.

The bearings used herein are based upon the Oregon State Coordinate System of 1927, South Zone, and the bearings shown herein are true bearings (based on a theta angle of $-1^{\circ} 55' 28''$).

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 PARK, A LEASED)	
CORPS OF ENGINEERS PARK, AS A COUNTY ROAD,)	DIRECTOR'S
BEING LOCATED IN SECTION 5 TOWNSHIP 17)	REPORT
SOUTH, RANGE 5 WEST OF THE WILLAMETTE)	
MERIDIAN)	

Richardson Park is located within the Fern Ridge Lake Project located off Clear Lake Road along Fern Ridge Reservoir in Section 5, Township 17 South, Range 5 West of the Willamette Meridian. Lane County entered into a 50-year lease agreement with the Army Corps of Engineers in 1976 (Lease No. DACW57-1-77-85), supplemented by a 25-year lease in 1999 (DACW57-1-99-0011), for public park and recreational purposes at Richardson Park. There is a main park road as well as roads that serve two campground areas within the leased park. The road serving Phase 2 campground was established as a county road by Order No. 05-3-9-11. The proposal is to establish other existing roadway in the park (Richardson Park Road and Richardson Park Campground Road-Phase 1) as additional right of way for County Road No. 2266.

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.

Richardson Park Road was classified as local access road by Lane County Board of Commissioners by Order No. 91-7-17-6 and Richardson Park Campground-Phase 1 was constructed later and classified as a local access road by Order No. 94-4-5-6. The Lease agreements between the Army Corps of Engineers and Lane County have been recorded and are 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 as County Road, and have consented to the acceptance of the park road into the County road system.

The roads within Richardson Park and Richardson Park Campground-Phase 1 comply with the standards set forth in Lane Manual 15.260. The roads have a minimum right of way width of 60 feet, 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.

Public use of the roads described in Exhibit "A" of the Order, justifies the expenditure of county road funds for maintenance of these roads. Establishing the public road within Richardson 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 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 Richardson Park Road and Richardson Park Campground Road-Phase 1 as county road be approved.

DATED this 7th day of March, 2006.



Oliver P. Snowden, Director - Department of Public Works

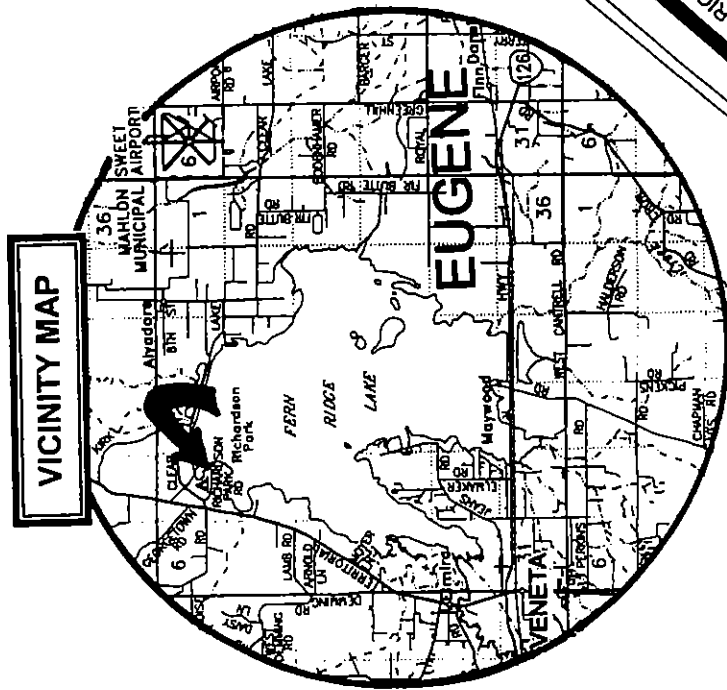
ORIGINAL

ATTACHMENT "A"

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

LANE COUNTY

NO SCALE



Eugene 16 Miles

Day Use

Parking

Play Structure

Swimming Area

Comfort Station

Volleyball

MARINA

FERN RIDGE LAKE

ORIGINAL

PROPOSED TO BE ESTABLISHED AS COUNTY ROADS

RICHARDSON PARK CAMPGROUND RD (Ph. 1)

'LC' Line

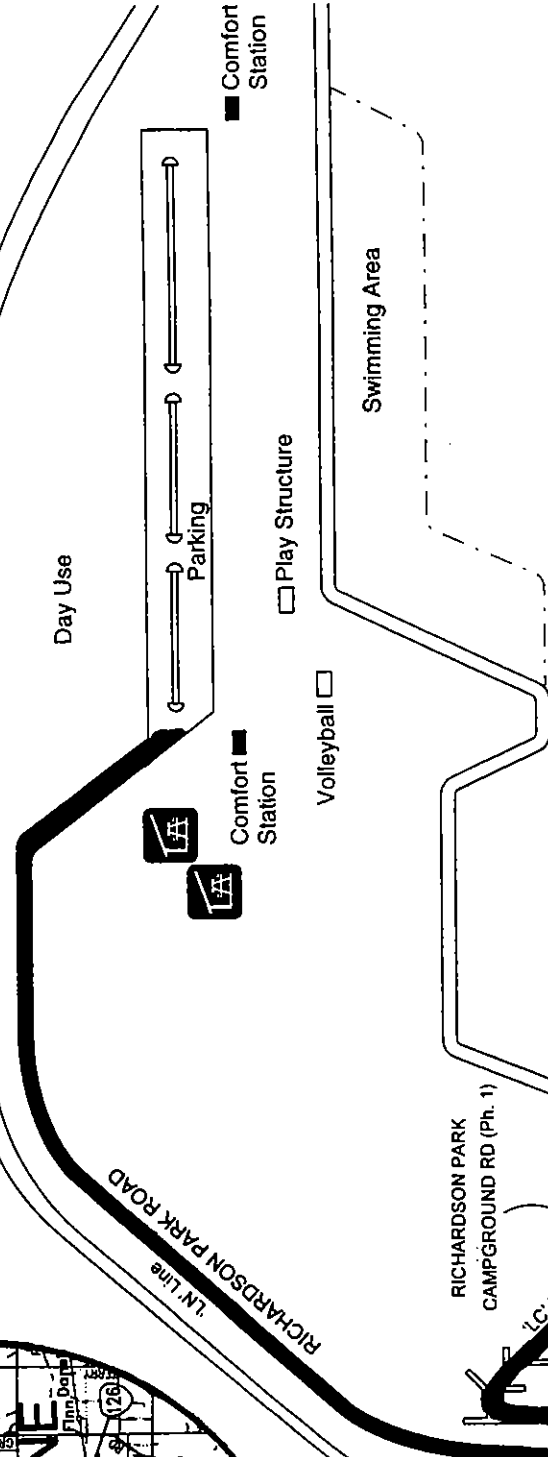
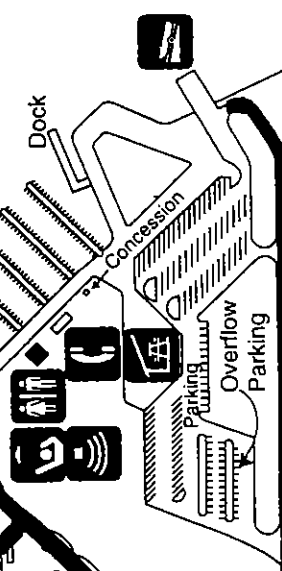
'LC1' Line

'LC2' Line

'L' Line

Clear Lake Road

Richardson Park Campground (Ph. 2)





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. 8th 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

