

WHEREAS, various public and private agencies and neighboring landowners were notified by mail regarding the proposed withdrawal of County Road status; and

WHEREAS, John Maitland, owner of tax lot 18-12-34-13-1200, responded with suggestions for improvements he feels should be made to the road by the county prior to the withdrawal, and his comments are marked Exhibit "D", attached hereto and made a part hereof by this Order; and

WHEREAS, Charles C. Rosecrans, owner of tax lots 18-12-34-42-400 and 500, responded with an objection to the legalization of Barrett Creek Lane and a demand for compensation for the taking of his property, and although Mr. Rosecrans' response addresses the legalization action which was approved by the Board of Commissioners in their June 24, 2009 meeting (Order No. 08-8-20-2) rather than this Withdrawal action, his comments are marked Exhibit "E" and are attached hereto and made a part hereof by this Order; and

WHEREAS, the other agencies and landowners either had no objection to the withdrawal or did not respond to the referral; and

WHEREAS, the Director of Public Works has prepared a Final Report in support of withdrawing the County Road status (but not Public Road status) from the described portion of Barrett Creek Lane, said report being marked Exhibit "A", attached hereto and made a part hereof by this Order; and

WHEREAS, all statutory procedures under Oregon Revised Statutes Chapter 368 necessary for this withdrawal of County Road status have been complied with, including public notice as evidenced by the Affidavit of Posting, Publication and Mailing marked as Exhibit "B", attached hereto and made a part hereof by this Order; and

WHEREAS, the Board has considered the listed items, as specified in Lane Manual 15.300, a copy of which is marked as Exhibit "C", attached hereto and made a part hereof by this Order; and

WHEREAS, Oregon Revised Statutes, Chapter 368, after a Public Hearing, permits the withdrawal of County Road status (but not the Public Road status) from a County Road when the Board deems it appropriate to do so, and NOW, THEREFORE, IT IS HEREBY

ORDERED, that in accordance with Oregon Revised Statutes, Chapter 368, the County Road status (but not the Public Road status) of a portion of Barrett Creek Lane, said road being 20 feet wide, and being more particularly described as follows:

A strip of land twenty (20) feet in width lying ten (10) feet on each side of the centerline of Barrett Creek Lane, located in Section 34, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon, as surveyed by Lane County in 2008; the centerline being described as follows:

Beginning at Engineers' Centerline Station L 0+00.00 POB, said station being 2,066.78 feet North and 1,337.17 feet East of the Brass Cap marking the South One-Quarter Corner of Section 34, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon, said station also being 15.44 feet right of Engineer's Centerline Station 17+82.18 POT of Old Ferry Road, formerly known as the ROOSEVELT COAST HIGHWAY as shown on Oregon State Highway Department Drawing Number 2B23-5 dated February 1930; run thence North 62° 00' 00" West, 79.72 feet; thence on an eighteen (18) degree curve left (the long

chord of which bears North 69° 00' 00" West, 77.58 feet) a distance of 77.78 feet; thence North 76° 00' 00" West, 40.79 feet; Thence on a forty (40) degree curve right (the long chord of which bears North 67°00'00" West, 44.82 feet) a distance of 45.00 feet; thence North 58°00'00" West, 47.96 feet; thence on a forty-four (44) degree curve left (the long chord of which bears South 89° 00' 00" West, 141.84 feet) a distance of 150.00 feet; thence South 56° 00' 00" West, 108.75 feet to Engineers' Centerline Station L 5+50.00 POT and there ending, all in Lane County, Oregon.

EXCEPT: That portion lying within the right of way of Old Ferry Road, formerly known as the ROOSEVELT COAST HIGHWAY as shown on Oregon State Highway Department Drawing Number 2B23-5 dated February 1930.

ALSO EXCEPT: That portion lying within the right of way of Cherry Street lying within GLENADA, as platted and recorded in Volume "W", Page 261 and the AMENDED MAP OF SOUTH FLORENCE ADDITION TO GLENADA, as platted and recorded in Book 2, Page 13, Lane County Oregon Plat Records.

The bearings used herein are based on the Oregon Coordinate System (NAD 83/91), South Zone.

is hereby

WITHDRAWN; and it is further

ORDERED, that this Order be filed with the County Clerk's Office, entered into the Commissioner's Journal and a copy be retained in the County Road Records administered by the Director of Public Works and the County Surveyor.

Dated this 30th day of September, 2009.

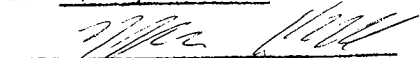


Chair, Lane County Board of Commissioners

Attachment: Site Map

APPROVED AS TO FORM

Date 9-17-09 lane county



OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

County Road status per Lane Manual 15.300(3), Roads that are undeveloped rights of way, are dirt roads, or are not currently maintained by County forces.

Qwest Communications, Central Lincoln People's Utility District, Northwest Natural Gas, the City of Florence, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and the adjoining and other neighboring landowners were notified by mail regarding the proposed withdrawal of County Road status. John Maitland, owner of tax lot 18-12-34-13-1200, responded with suggestions for improvements he feels should be made to the road by the county prior to the withdrawal, and his comments are attached to the Final Order as Exhibit "D". Charles C. Rosecrans, owner of tax lots 18-12-34-42-400 and 500, responded with an objection to the legalization of Barrett Creek Lane and a demand for compensation for the taking of his property. Although Mr. Rosecrans' response addresses the legalization action which was approved by the Board of Commissioners in their June 24, 2009 meeting (Order No. 08-8-20-2) , his comments are included herewith and are attached to the Final Order of Withdrawal as Exhibit "E". The other agencies and landowners either had no objection to the withdrawal or did not respond to the referral.

The proceedings that would withdraw County Road status (but not the Public Road status) have provided ample opportunity for comment from the public, affected property owners and outside agencies. All required legal notice has been provided in accordance with ORS 368.401 to 368.426 and the Board is free to make a decision at this time.

If the Final Order to withdraw County Road status is approved, the subject portion of Barrett Creek Lane will be reclassified as Public Road and the maintenance of that portion of road shall become the responsibility of the owners of the adjacent properties and/or the users of the road. The public interest will be served, as this portion of road is not an integral part of the County's road system, and withdrawing County Road status on this portion of road will eliminate any future expenditure of public funds to maintain it. Residents will continue to be able to access their property and the public will still have the right to use the road.

It is recommended that the Board withdraw County Road status (but not Public Road status) from the portion of Barrett Creek Lane as described in the Final Order. This action will relieve Lane County of responsibility for future road maintenance on this portion of Barrett Creek Lane.

DATED this 16th day of September, 2009.

Maureen G. Miller
Director
Department of Public Works

EXHIBIT "B"

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

IN THE MATTER OF WITHDRAWAL OF COUNTY ROAD STATUS)	
(BUT NOT THE PUBLIC ROAD STATUS) OF A PORTION OF)	
BARRETT CREEK LANE (COUNTY ROAD NUMBER 2277), LOCATED)	AFFIDAVIT OF
IN THE NORTHWEST ONE QUARTER OF THE SOUTHEAST ONE)	POSTING,
QUARTER (NW1/4 SE1/4) OF SECTION 34, TOWNSHIP 18 SOUTH,)	PUBLICATION
RANGE 12 WEST OF THE WILLAMETTE MERIDIAN)	AND MAILING
(18-12-34-42))	

I, Mike Jackson, Lane County Surveyor, certify as follows:

That on the 9th day of September, 2009 I caused to be posted three (3) copies of the Notice of Hearing in the above entitled matter in three places, positioned to be visible to the traveling public, as follows:

1. Posted on the westerly side of a "Stop" sign post in the island at the southwesterly corner of the intersection of Old Ferry Road and Highway 101 on westerly side of Highway 101, approximately 50 feet southeasterly from a bank of mailboxes serving the neighborhood.
2. Posted on the southerly side of a "Dead End" sign post on the east side of Old Ferry Road approximately 50 feet southerly from the junction of the easterly end of Barrett Creek Lane with Old Ferry Road, opposite apartments addressed 85676 Old Ferry Road.
3. Posted on the easterly side of a "Stop" sign post at the most southerly intersection of Old Ferry Road and Highway 101, westerly of both Highway 101 and Old Ferry Road.

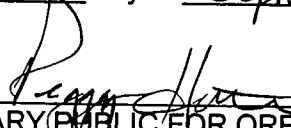
The undersigned further certifies that on September 9, 2009 and September 26, 2009 notice is scheduled to run in the Register Guard, and that on September 2, 2009 and September 26, 2009 notice is scheduled to run in the Siuslaw News. Also, that on August 28, 2009 notice was sent to adjacent owners by Certified Mail, and to various other private entities and public agencies having an interest in these Withdrawal proceedings by General Mail.



Mike Jackson
Lane County Surveyor

State of Oregon)
County of Lane)

Subscribed and sworn to before me this 14th day of September, 2009 by Mike Jackson.



NOTARY PUBLIC FOR OREGON
My Commission Expires:



EXHIBIT "C"

LANE MANUAL 15.300 General Requirements

Vacation of County Roads pursuant to the process provided in LM 15.305 or conversion of County Roads to Local Access Road or Public Road (non-County maintained) status by withdrawal of County Road status pursuant to ORS Chapter 368 may be considered where little need exists for the road to be part of the County Road System. The following categories of County Roads may be considered by the Board of County Commissioners for vacation or withdrawal of County Road status:

- (1) Dead-end roads which serve four or fewer permanent residences.
- (2) Roads within National Forest boundaries, within Bureau of Land Management ownership areas, or adjacent to resource land areas under single ownership.
- (3) Roads that are undeveloped rights-of-way, are dirt roads, or are not currently maintained by County forces.
- (4) Roads that have received County maintenance, but are unusually difficult to maintain because of substandard road width, right-of-way width, steep topography, or materials or construction practices, which may result in excessive cost and liability exposure.
- (5) The following items shall be considered by the Board in reviewing these actions on a case-by-case basis:
 - (a) The need for a public right-of-way to provide for the orderly development of adjacent property.
 - (b) The need for public maintenance of the right-of-way.
 - (c) School bus traffic.
 - (d) Bridges and the potential for public safety problems associated with bridges.
 - (e) Railroad crossings and PUC requirements for County participation in applications for railroad crossing improvement or establishment.
 - (f) The potential for landslide and stability problems.
 - (g) Resource hauling (timber, agriculture, sand and gravel) that would unfairly burden other property owners.
 - (h) Use by law enforcement or fire protection personnel.
 - (i) Potential use as detour routes in the case of construction or disaster.
 - (j) Potential for elimination of right of access that is a matter of public record.

(Revised by Order No. 04-5-5-8, Effective 6.4.04)

EXHIBIT D (Page 1 of 1)

YOU MAY WRITE YOUR COMMENTS ON THIS PAGE AND RETURN THIS DOCUMENT TO THE ATTENTION OF Jeff Ray, LANE COUNTY SURVEYOR'S OFFICE, 125 E. 8TH AVE., EUGENE, OR. 97401.
FAX NUMBER: 541-682-3947.

Date: 7/20/09

From: JOHN MAITLAND
6037 PINE RIDGE PL
EUGENE, OR 97402

Comments: We greatly appreciate Lane County's efforts to legalize Barrett Creek Lane and provide property owners who rely on this road for access to their homes and property their basic right to legal access. However, before responsibility is transferred to the property owners, Lane County should make some basic improvements to the existing road to meet minimal safety needs. These improvements should include:

• widening the existing roadway's travel surface to at least 12 feet.

• improving visibility where the road crosses from tax lot 18-12-34-42-1000 to 18-12-34-42-400/500

- improve/widen the intersection of Barrett Creek Lane and Cherry St.
- improve the roadbed's grade to accommodate water run-off.
- improve the roadbed by adding gravel

If you wish us to accept responsibility for the long-term maintenance of this road, please provide us with a road that would meet Lane County's minimal standard for acceptance and safety.

CALL IF QUESTIONS -
541-517-0763

Sincerely,
John Maitland

Charles C. Rosecrans transmittal:

From: Rosecrans, Charles C [mailto:crosecrans@firstam.com]
Sent: Friday, July 17, 2009 2:29 PM
To: FLEENOR Bill A
Cc: DWYER Bill J; STEWART Faye H; SORENSON Pete; HANDY Rob M
Subject: Barrett Creek Lane

Commissioners:

I must go on record as objecting to the legalization of Barrett Creek Lane. I just found out that the Easement which was prepared was not satisfactory. I recall during one of our meetings that it was stated by county staff that Mr. Gardner's consent was not critical to the easement. I was not notified of the last meeting where the Commissioners voted to declare Barrett Creek Lane a public road.

Also, I will once again ask Lane County to enter my demand for compensation for the taking of my property.

**Respectfully,
Charles C. Rosecrans**

NW1/4SE1/4 Section 34, T. 18 S. R. 12 W., W.M.

LANE COUNTY

NO SCALE

