

PASSED

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

FILE NO. 4051

IN THE MATTER OF WITHDRAWAL OF COUNTY ROAD STATUS (BUT NOT THE PUBLIC ROAD STATUS) FROM A PORTION OF GOBLE LANE (COUNTY ROAD NUMBER 99 AND 734) CONNECTING TO GREENHILL ROAD, LOCATED IN SECTION 30 AND 31, TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN (17-04-30 & 31)

FINAL ORDER 01-11-7-9

THIS MATTER now coming before the Board of County Commissioners for Lane County, Oregon, it appearing that a portion of Goble Lane is no longer needed as part of the county's road system; and

WHEREAS, the County Surveyor has reviewed the Commissioner's Journal and road records and it is concluded that County Road Number 99 was established in 1899, having a right of way width of 60 feet, and a portion of it was replaced with County Road Number 734, when the railroad was built in 1914; and

WHEREAS, the portion of road proposed for withdrawal of county road status (but not the public road status) has a right-of-way width of 60 feet and extends westerly from Green Hill Road 2243 feet, more or less, to the portion of road that crosses the railroad tracks, which is being proposed for vacation by a separate action; and

WHEREAS, Goble Lane is not regularly used by the traveling public or maintained by the County, so there is little justification for retaining the road as part of the County maintained road system; and

WHEREAS, if the roadway is needed in the future to serve the four adjoining landowners, or other users, they will continue to be served by this road, as a public road, and no one will be denied access if the road is revised from being a County Road to a Public Road; and

WHEREAS, the City of Eugene, Southern Pacific Railroad, Qwest Communications, Eugene Water and Electric Board, Northwest Natural Gas and various other agencies including Transportation Planning and Lane County Planning sections of Lane County Department of Public were notified by mail regarding the proposed withdrawal of County Road status, and either had no objection 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 Goble Lane, said report being marked Exhibit "A" attached hereto, and made a part of these proceedings; and

WHEREAS, all statutory procedures under Oregon Revised Statutes Chapter 368 necessary for the withdrawal of County Road status (but not the public road status) have been complied with, including public notice in accordance with ORS 368.401 to 368.426 and evidenced by Affidavit of Mailing marked Exhibit "B", attached hereto and made a part hereof by this Order; and

WHEREAS, Oregon Revised Statutes, Chapter 368, permits the withdrawal of County Road status from a County Road when the Board deems it appropriate to do so, and after a public hearing, and provisions of LM 15.410(7) limit the categories of roads to be considered for withdrawal and provides specific guidelines for Board consideration at the time of the public hearing. This road falls into the category of LM 15.410 (7)(c) "Roads that are undeveloped right-of-ways, are dirt roads, or are not currently maintained by County forces." and the Board has considered the items as shown on a copy of LM 15.410 (7) marked as Exhibit "C" attached hereto and made a part hereof; and NOW, THEREFORE, IT IS HEREBY

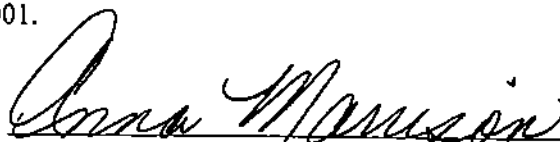
ORDERED, that in accordance with Oregon Revised Statutes, Chapter 368, the County Road status (but not the Public Road status) of a portion of Goble Lane (County Road Number 99 and County Road Number 734), being more particularly described as follows:

A strip of land 60 feet in width, lying 30 feet on each side of the following described centerline. Beginning at the westerly right-of-way of Green Hill Road (County Road Number 36); thence North 89° 07'30" West a distance of 1222.8 feet to the beginning of County Road Number 734; thence North 89°07'30" West a distance of 6.2 feet along the centerline of County Road Number 99; thence South 82°07'30" West a distance of 1014 feet, more or less, to a point on the west line of the segment of Goble Lane that crosses the Southern Pacific Railroad, and there ending, all being located in Sections 30 and 31, Township 17 South, Range 4 West of the Willamette Meridian, in Lane County, Oregon; the right-of-way lines being extended or shortened as necessary to intersect with the westerly right-of-way of Green Hill Road and the west line of the segment of Goble Lane that crosses the railroad tracks; is hereby

WITHDRAWN; and it is further

ORDERED, that these legal road proceedings be filed with the County Clerk's Office in 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 7th day of November, 2001.


Chair, Lane County Board of Commissioners

Attachment: Map

APPROVED AS TO FORM

Date 10-26-01 lane county


OFFICE OF LEGAL COUNSEL

**EXHIBIT "A"
IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON**

FILE NO. 4051

**IN THE MATTER OF WITHDRAWAL OF COUNTY)
ROAD STATUS (BUT NOT THE PUBLIC ROAD)
STATUS) FROM A PORTION OF GOBLE LANE)
(COUNTY ROAD NUMBER 99 AND 734),)
CONNECTING TO GREENHILL ROAD, LOCATED)
IN SECTION 30 AND 31, TOWNSHIP 17 SOUTH,)
RANGE 4 WEST OF THE WILLAMETTE MERIDIAN)
(17-04-30 & 31))**

**DIRECTOR'S
FINAL REPORT**

The Surveyor's Office of the Department of Public Works has received a request from the County Engineer to reduce the road status of a portion of Goble Lane (County Road Number 99 and 734) from County Road to Public Road.

Goble Lane was established as a County Road in 1899, having a right-of-way width of 60 feet. The original alignment of County Road Number 99 extended along the entire section line common to Sections 30 and 31. When the railroad was built in 1914, County Road Number 734 was established to replace a portion of County Road Number 99 that was overtaken by the railroad. County Road Number 734 also has a right-of-way width of 60 feet and follows along the southerly right-of-way of the railroad for a distance of approximately 984 feet, from a point where the railroad right-of-way crosses the section line to a point where the road turns and crosses the tracks. The segment of road which crosses the tracks is being proposed for vacation by a separate Order which will be presented to the Board on the same agenda day as this proposed withdrawal of county road status. The westerly portion of Goble Lane between the railroad crossing and Highway 126 will retain its status of a county road.

This segment of Goble Lane east of the railroad has not been regularly used by the traveling public, nor maintained by the County for an extended period of time. It is currently gated near Green Hill Road and the only roadway improvement is gravel, in very poor condition, for the first 600 feet west of Green Hill Road.

If the roadway is needed in the future to serve the four adjoining landowners, or other users, they will continue to be served by this road, as a public access road, and no one will be denied access if the road is revised from being a County Road to a Public Road.

ORS 368.026 states that a governing body may initiate proceedings to withdraw county road status by having the county road official prepare a report stating reasons for the proposed withdrawal and the effects the proposed withdrawal may have on land abutting the county road proposed to be withdrawn. This has been provided herein.

The provisions of LM 15.410(7) limit the categories of roads to be considered for withdrawal and provide specific guidelines for Board consideration at the time of the public hearing. Goble Lane falls into the category of LM 15.410 (7)(c) "Roads that are undeveloped right-of-ways, are dirt roads, or are

not currently maintained by County forces." If the portion crossing the railroad tracks is vacated, this road will also be considered a "Dead-end road which serves four, or fewer, permanent residences" as outlined in LM 15.410 (7)(a).

The City of Eugene, Southern Pacific Railroad, Qwest Communications, Eugene Water and Electric Board, Northwest Natural Gas, and various other agencies including Transportation Planning and Lane County Planning sections of Lane County Department of Public Works were notified by mail regarding the proposed withdrawal of County Road status and either had no objection or did not respond to the referral.

The public interest will be served in withdrawing County Road status (but not the Public Road status) from this portion of Goble Lane, as this portion of road is not an integral part of the county road system and withdrawing county road status of the portion of road will eliminate the expenditure of public funds to maintain it. The maintenance of this portion of road shall become the responsibility of the legal owners of the adjacent properties and/or the users of the road.

The proceedings which 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. The statutes do not require the Board to meet any specific criteria in their decision to withdraw county road status on a segment of road to public road status. 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.

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

DATED this 17 day of October, 2001.

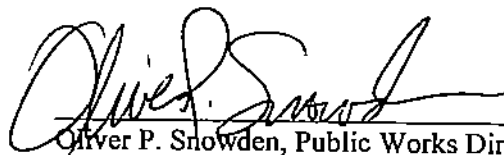

Oliver P. Snowden, Public Works Director

EXHIBIT "B"
IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

FILE NO. 4051

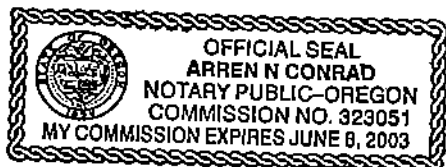
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ROAD STATUS (BUT NOT THE PUBLIC ROAD)
STATUS) FROM A PORTION OF GOBLE LANE)
(COUNTY ROAD NUMBER 99 AND 734))
CONNECTING TO GREENHILL ROAD LOCATED IN)
SECTION 30 AND 31, TOWNSHIP 17 SOUTH, RANGE)
4 WEST OF THE WILLAMETTE MERIDIAN)
(17-04-30 & 31))

AFFIDAVIT OF
MAILING

I, K. Robert Ezell, Lane County Surveyor, certify as follows: that on the 3rd day of October, 2001, notice was sent by Certified Mail to the property owners, affected by the road proposed road action, in accordance with Oregon Revised Statutes Chapter 368.

K. Robert Ezell
K. Robert Ezell
Lane County Surveyor

Subscribed and sworn to before me this 17th day of October, 2001



Arren N. Conrad
NOTARY PUBLIC FOR OREGON
My Commission Expires: 08JUN03

Lane Manual 15.410

- (7) Vacation of County roads pursuant to the process provided in LM 15.305 or conversion of County roads to "local access 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:
- (a) Dead-end roads which serve four, or fewer, permanent residences.
 - (b) Roads within National Forest boundaries, within Bureau of Land Management ownership areas, or adjacent to resource land areas under single ownership.
 - (c) Roads that are undeveloped right-of-ways, are dirt roads, or are not currently maintained by County forces.
 - (d) Roads that have received County maintenance, but are unusually difficult to maintain because of substandard road width, right-of-way width, or materials or construction practices, which may result in excessive cost and liability exposure.
 - (e) The following items shall be considered by the Board in reviewing these actions on a case-by-case basis:
 - (i) The need for a public right-of-way to provide for the orderly development of adjacent property.
 - (ii) The need for public maintenance of the right-of-way.
 - (iii) School bus traffic.
 - (iv) Bridges and the potential for public safety problems associated with bridges.
 - (v) Railroad crossings and PUC requirements for County participation in applications for railroad crossing improvement or establishment.
 - (vi) The potential for landslide and stability problems.
 - (vii) Resource hauling (timber, agriculture, sand and gravel) that would unfairly burden other property owners.
 - (viii) Use by law enforcement or fire protection personnel.
 - (ix) Potential use as detour routes in the case of construction or disaster.
 - (x) Potential for elimination of right of access that is a matter of public record.

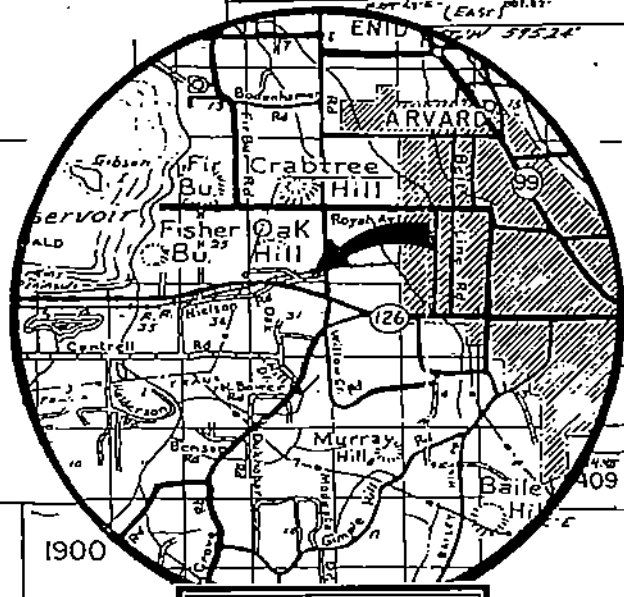
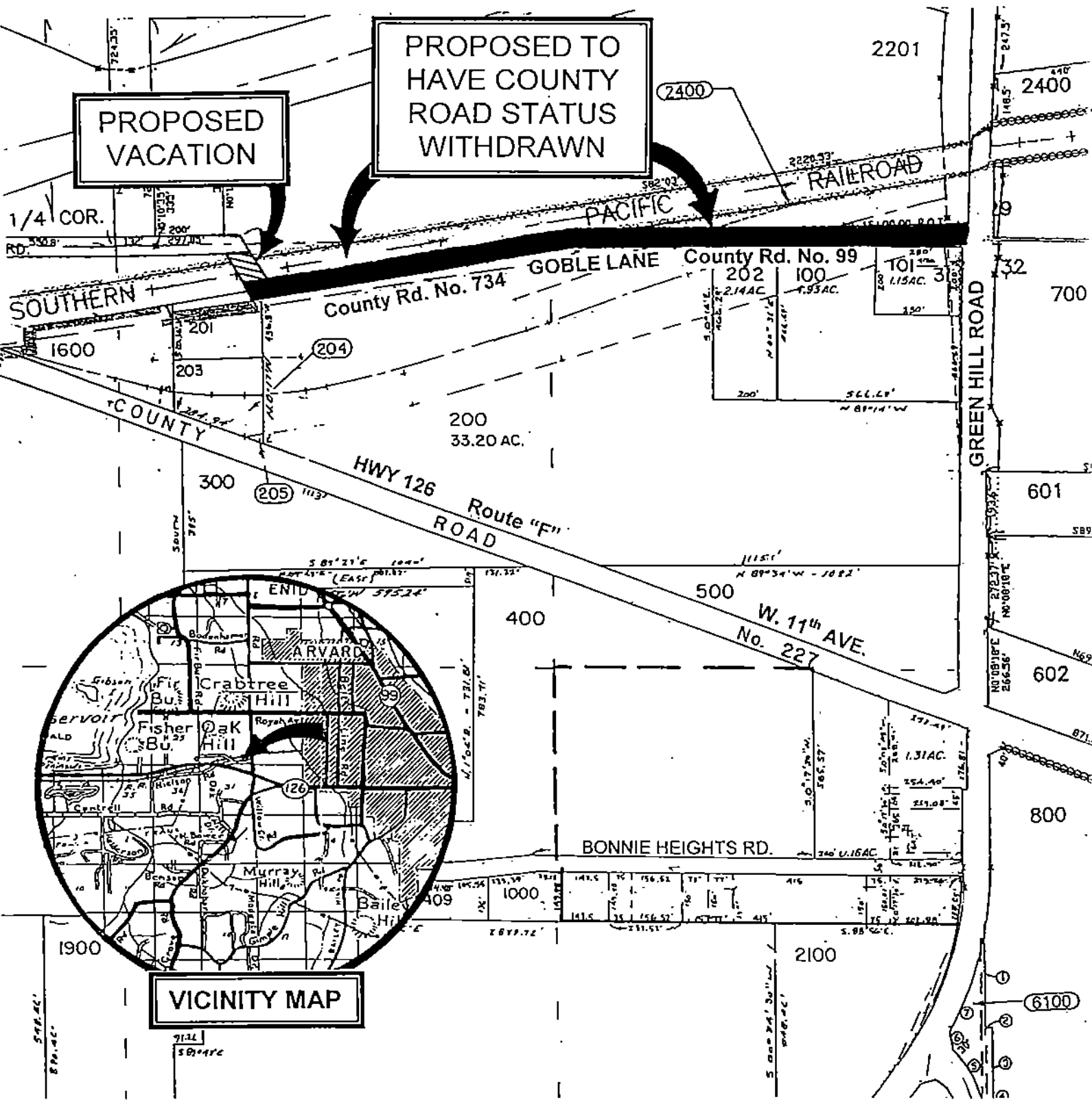
SE 1/4 Sec. 30 & NE 1/4 Sec 31 T. 17S. R. 4W. W.M.
LANE COUNTY

NO SCALE



PROPOSED
VACATION

PROPOSED TO
HAVE COUNTY
ROAD STATUS
WITHDRAWN



VICINITY MAP