

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

FILE NO. 3972

IN THE MATTER OF LEGALIZING )  
BERNHARDT CREEK ROAD BEING LOCATED )  
WITHIN SECTIONS 7 AND 18, TOWNSHIP )  
18 SOUTH, RANGE 10 WEST AND SECTIONS )  
11 AND 12, TOWNSHIP 18 SOUTH, RANGE 11 )  
WEST OF THE WILLAMETTE MERIDIAN. )  
(18-10-7 & 18) (18-11-11 & 12) )

RESOLUTION,  
NOTICE OF HEARING,  
AND ORDER NO. 97-3-11-1

**FILED**

MAR 17 1997

COUNTY CLERK  
BY *Lam Dewille*

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 Bernhardt Creek Road) from a point approximately 1.25 miles westerly of its intersection with Sweet Creek Road thence running westerly 2 miles, more or less, and being located within Sections 7 and 18, Township 18 South, Range 10 West, and Sections 11 and 12, Township 18 South, Range 11 West, Willamette Meridian; and

WHEREAS, Bernhardt Creek Road as described above is thought to have been constructed by the Civilian Conservation Corps and has been in existence since at least 1939 and connects to County Road Number 1155, established in 1935, having a right of way width of 40 feet; and

WHEREAS, O.R.S. 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, Bernhardt Creek Road has been maintained by the Lane County Public Works Department, traveled and used by the public for more than 10 years; and

WHEREAS, Bernhardt Creek Road has been re-surveyed by the Lane County Surveyor from Engineer's Centerline Station L 1+ 00 P.O.T. to Engineer's Centerline Station L 117+67.74 P.T.; 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 Chapter 368.201 the Board of County Commissioners for Lane County does hereby declare its intent to legalize the said road as described in Exhibit 'A' as attached, and further defined by the above noted road survey to be completed having a right of way width of 40 foot wide, reserving the right to discontinue the proceedings if it is considered desirable; and, it is further

**ORDERED** that the Director of Public Works cause the road to be surveyed, within the limits of these described proceedings, and that maps and a legal description of the road be made available to the public for these legalization proceedings and a report of this survey and road survey maps be provided to the Board of County Commissioners; and, it is further

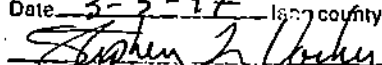
**ORDERED**, that a public hearing on legalization of Bernhardt Creek Road be conducted by the Board of County Commissioners on May 28, 1997, at 1:30 o'clock P.M. in Harris Hall, Lane County Courthouse, Eugene, Oregon. Notice of this hearing shall be provided by the County Surveyor's Office, Department of Public Works, by service to owners of abutting land and by posting in accordance with O.R.S. 368.401-.426. Purpose of the hearing shall be to hear and determine whether the road as shown by the road re-survey, being described in Exhibit "A", attached hereto and made a part hereof by this Order, shall be legalized as a lawful County road and legal highway, having a right of way 40 feet in width. Objections, claims for damages and/or information that controverts 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, or the road will be ordered a lawful County road as described and re-surveyed by legalization proceedings.

Persons wishing further information regarding the proposed legalization of Bernhardt Creek Road may contact the Lane County Surveyor, K. Robert Ezell, at 687-4195 or by writing the Lane County Surveyor's Office at 125 E. 8th Avenue; Eugene, OR 97401.

**DATED** this 11 day of March, 1997.

  
 Chair  
 LANE COUNTY BOARD OF COMMISSIONERS

APPROVED AS TO FORM

Date 3-3-97 Lane County  
  
 OFFICE OF LEGAL COUNSEL

**EXHIBIT 'A'**  
**BERNHARDT CREEK ROAD**

A parcel of land lying in the South one half (S1/2) of Section 7, the North one half (N1/2) of Section 18, Township 18 South, Range 10 West, and the South one half (S1/2) of Sections 11 and 12, Township 18 South, Range 11 West of the Willamette Meridian; said parcel being a strip of land 40 feet in width, lying 20 feet on each side of the centerline of a road commonly known as Bernhardt Creek Road, as said road has been surveyed in 1996.

Beginning at Engineers Centerline Station L 1+00 P.O.T.; said station being within the right of way at Station 64+84 angle point of County Road # 1155, said point also being South 89° 29'55" West 345.15' from the 1939 GLO Brass Cap marking the one-quarter corner common to Sections 7 and 18 in T18S, R10W, W.M.; thence South 87° 20'00" West 156.74 feet; thence along the arc of a 999.34 foot radius curve left (the long chord of which bears South 86°10'00" West 40.69 feet) a distance of 40.70 feet; thence South 85°00'00" West 46.02 feet; thence along the arc of a 149.99 foot radius curve right (the long chord of which bears North 81°10'00" West 71.72 feet) a distance of 72.43 feet; thence North 67°20'00" West 52.05 feet; thence along the arc of a 500.40 foot radius curve left (the long chord of which bears North 74°55'00" West 132.07 feet) a distance of 132.46 feet; thence North 82°30'00" West 28.66 feet; thence along the arc of a 1809.34 foot radius curve left (the long chord of which bears North 84°15'00" West 110.51 feet) a distance of 110.53 feet; thence along the arc of a 264.04 foot radius curve right (the long chord of which bears North 79°35'00" West 59.02 feet) a distance of 59.14 feet; thence North 73°10'00" West 122.30 feet; thence along the arc of a 614.98 foot radius curve right (the long chord of which bears North 64°55'00" West 176.49 feet) a distance of 177.10 feet; thence North 56°40'00" West 90.26 feet; thence along the arc of a 434.06 foot radius curve left (the long chord of which bears North 65°30'00" West 133.31 feet) a distance of 133.84 feet; thence North 74°20'00" West 52.06 feet; thence along the arc of a 1263.88 foot radius curve right (the long chord of which bears North 70°05'00" West 187.33 feet) a distance of 187.50 feet; thence North 65°50'00" West 85.39 feet; thence along the arc of a 1790.50 foot radius curve right (the long chord of which bears North 63°25'00" West 151.00 feet) a distance of 151.04 feet; thence North 61°00'00" West 265.42 feet; thence along the arc of a 1718.87 foot radius curve right (the long chord of which bears North 60°17'35" West 42.42 feet) a distance of 42.42 feet; thence North 59°35'10" West 101.24 feet to a point on tangent, said point being Station 'L' 0+00 of CSF # 28791 and bearing North 26°04'52" East 633.19 feet from a 1939 GLO Brass Cap marking the corner common to Sections 7 and 18, T18S, R10W, W.M. and Sections 12 and 13, T18S, R11W, W.M.; thence continuing along said tangent, North 59°35'10" West 105.00 feet; thence along the arc of a 229.18 foot radius curve left (the long chord of which bears North 76°54'58" West 136.53 feet) a

distance of 138.64 feet; thence along the arc of a 190.99 foot radius curve right (the long chord of which bears North  $87^{\circ}03'29''$  West 47.79 feet) a distance of 47.92 feet; thence North  $79^{\circ}52'12''$  West 99.56 feet; thence along the arc of a 954.93 foot radius curve right (the long chord of which bears North  $77^{\circ}41'37''$  West 72.52 feet) a distance of 72.54 feet; thence North  $75^{\circ}31'03''$  West 312.48 feet to a point, said point being Station 'L' 7+76.14 of CSF # 28791; thence along the arc of a 333.00 foot radius curve right (the long chord of which bears North  $70^{\circ}20'31''$  West 60.08 feet) a distance of 60.16 feet; thence North  $65^{\circ}10'00''$  West 198.23 feet; thence along the arc of a 1130.84 foot radius curve left (the long chord of which bears North  $67^{\circ}30'00''$  West 92.08 feet) a distance of 92.11 feet; thence along the arc of a 879.22 foot radius curve right (the long chord of which bears North  $77^{\circ}20'00''$  West 229.52 feet) a distance of 230.18 feet; thence along the arc of a 1987.14 foot radius curve left (the long chord of which bears North  $87^{\circ}10'00''$  West 161.81 feet) a distance 161.85 feet; thence North  $89^{\circ}30'00''$  West 19.73 feet; thence along the arc of a 879.22 foot radius curve right (the long chord of which bears North  $86^{\circ}45'00''$  West 84.37 feet) a distance of 84.40 feet; thence along the arc of a 723.74 foot radius curve left (the long chord of which bears North  $88^{\circ}20'00''$  West 109.37 feet) a distance of 109.47 feet; thence South  $87^{\circ}20'00''$  West 64.87 feet; thence along the arc of a 532.16 foot radius curve right (the long chord of which bears North  $87^{\circ}40'00''$  West 92.76 feet) a distance of 92.88 feet; thence North  $82^{\circ}40'00''$  West 61.63 feet; thence along the arc of a 895.25 foot radius curve left (the long chord of which bears North  $87^{\circ}15'00''$  West 143.08 feet) a distance of 143.23 feet; thence along the arc of a 1064.32 foot radius curve right (the long chord of which bears North  $89^{\circ}15'00''$  West 95.94 feet) a distance of 95.98 feet; thence along the arc of a 1317.14 foot radius curve left (the long chord of which bears North  $89^{\circ}25'00''$  West 126.39 feet) a distance of 126.44 feet; thence along the arc of a 401.14 foot radius curve right (the long chord of which bears North  $85^{\circ}10'00''$  West 97.77 feet) a distance of 98.02 feet; thence along the arc of a 284.11 foot radius curve left (the long chord of which bears North  $84^{\circ}30'00''$  West 62.68 feet) a distance of 62.81 feet; thence along the arc of a 599.96 foot radius curve right (the long chord of which bears North  $84^{\circ}30'00''$  West 132.37 feet) a distance of 132.64 feet; thence North  $78^{\circ}10'00''$  West 115.76 feet; thence along the arc of a 231.03 foot radius curve left (the long chord of which bears North  $83^{\circ}10'00''$  West 40.27 feet) a distance of 40.32 feet; thence North  $88^{\circ}10'00''$  West 44.52 feet; thence along the arc of a 381.12 foot radius curve right (the long chord of which bears North  $79^{\circ}05'00''$  West 120.34 feet) a distance of 120.84 feet; thence North  $70^{\circ}00'00''$  West 61.57 feet; thence along the arc of a 260.04 foot radius curve left (the long chord of which bears North  $82^{\circ}20'00''$  West 111.09 feet) a distance of 111.95 feet; thence South  $85^{\circ}20'00''$  West 55.63 feet; thence along the arc of a 154.02 foot radius curve right (the long chord of which bears North  $84^{\circ}40'00''$  West 53.49 feet) a distance of 53.76 feet; thence North  $74^{\circ}40'00''$  West 131.72 feet; thence along the arc of a 999.34 foot radius curve right (the long chord of which bears North  $71^{\circ}30'00''$

West 110.41 feet) a distance of 110.47 feet; thence along the arc of a 667.52 foot radius curve left (the long chord of which bears North 76°05'00" West 180.03 feet) a distance of 180.58 feet; thence along the arc of a 484.87 foot radius curve right (the long chord of which bears North 80°10'00" West 62.02 feet) a distance of 62.06 feet; thence North 76°30'00" West 84.89 feet; thence along the arc of a 416.19 foot radius curve right (the long chord of which bears North 72°45'00" West 54.44 feet) a distance of 54.48 feet; thence North 69°00'00" West 56.56 feet; thence along the arc of a 170.02 foot radius curve left (the long chord of which bears South 88°00'00" West 132.86 feet) a distance of 136.50 feet; thence along the arc of a 222.08 foot radius curve right (the long chord of which bears South 80°00'00" West 114.96 feet) a distance of 116.28 feet; thence along the arc of a 602.06 foot radius curve left (the long chord of which bears North 89°00'00" West 83.99 feet) a distance of 84.06 feet; thence South 87°00'00" West 80.07 feet; thence along the arc of a 199.06 foot radius curve left (the long chord of which bears South 80°40'00" West 43.92 feet) a distance of 44.01 feet; thence South 74°20'00" West 38.87 feet; thence along the arc of a 1112.54 foot radius curve right (the long chord of which bears South 78°05'00" West 145.53 feet) a distance of 145.63 feet; thence South 81°50'00" West 66.43 feet; thence along the arc of a 584.65 foot radius curve left (the long chord of which bears South 80°15'00" West 32.31 feet) a distance of 32.31 feet; thence South 78°40'00" West 43.69 feet; thence along the arc of a 301.03 foot radius curve right (the long chord of which bears South 83°10'00" West 47.24 feet) a distance of 47.29 feet; thence along the arc of a 263.03 foot radius curve left (the long chord of which bears South 79°50'00" West 71.70 feet) a distance of 71.92 feet; thence 72°00'00" West 42.66 feet; thence along the arc of a 302.09 foot radius curve right (the long chord of which bears South 87°50'00" West 164.84 feet) a distance of 166.96 feet; thence along the arc of a 273.05 foot radius curve left (the long chord of which bears North 89°55'00" West 128.26 feet) a distance of 129.47 feet; thence South 76°30'00" West 24.40 feet; thence along the arc of a 599.96 foot radius curve right (the long chord of which bears South 82°00'00" West 115.01 feet) a distance of 115.18 feet; thence South 87°30'00" West 83.67 feet; thence along the arc of a 522.45 foot radius curve left (the long chord of which bears South 84°30'00" West 54.69 feet) a distance of 54.71 feet; thence South 81°30'00" West 289.18 feet; thence along the arc of a 799.48 foot radius curve right (the long chord of which bears South 83°30'00" West 55.80 feet) a distance of 55.81 feet; thence South 85°30'00" West 29.52 feet; thence along the arc of a 1501.20 foot radius curve left (the long chord of which bears South 81°45'00" West 196.37 feet) a distance of 196.51 feet; thence South 78°00'00" West 30.75 feet; thence along the arc of a 541.38 foot radius curve right (the long chord of which bears South 81°40'00" West 69.24 feet) a distance of 69.29 feet; thence along the arc of a 982.21 foot radius curve left (the long chord of which bears South 83°15'00" West 71.41 feet) a distance of 71.43 feet; thence South 81°10'00" West 78.02 feet; thence along the arc of a 432.97 foot radius curve left (the long

chord of which bears South  $73^{\circ}30'00''$  West 115.52 feet) a distance of 115.87 feet; thence along the arc of a 625.04 foot radius curve right (the long chord of which bears South  $72^{\circ}45'00''$  West 150.54 feet) a distance of 150.91 feet; thence South  $79^{\circ}40'00''$  West 65.27 feet; thence along the arc of a 1302.18 foot radius curve right (the long chord of which bears South  $83^{\circ}20'00''$  West 166.55 feet) a distance of 166.67 feet; thence South  $87^{\circ}00'00''$  West 59.38 feet; thence along the arc of a 1660.75 foot radius curve right (the long chord of which bears South  $88^{\circ}55'00''$  West 111.09 feet) a distance of 111.11 feet; thence North  $89^{\circ}10'00''$  West 39.52 feet; thence along the arc of a 500.40 foot radius curve left (the long chord of which bears South  $88^{\circ}15'00''$  West 45.11 feet) a distance of 45.12 feet; thence along the arc of a 1736.24 foot radius curve right (the long chord of which bears South  $88^{\circ}40'00''$  West 181.74 feet) a distance of 181.82 feet; thence North  $88^{\circ}20'00''$  West 96.16 feet; thence along the arc of a 563.57 foot radius curve left (the long chord of which bears South  $86^{\circ}15'00''$  West 106.40 feet) a distance of 106.56 feet; thence South  $80^{\circ}50'00''$  West 19.99 feet; thence along the arc of a 199.99 foot radius curve right (the long chord of which bears North  $83^{\circ}55'00''$  West 105.20 feet) a distance of 106.46 feet; thence North  $68^{\circ}40'00''$  West 49.06 feet; thence along the arc of a 464.56 foot radius curve left (the long chord of which bears North  $87^{\circ}40'00''$  West 302.49 feet) a distance of 308.11 feet; thence South  $73^{\circ}20'00''$  West 98.96 feet; thence along the arc of a 149.99 foot radius curve left (the long chord of which bears South  $49^{\circ}50'00''$  West 119.62 feet) a distance of 123.04 feet; thence South  $26^{\circ}20'00''$  West 40.90 feet; thence along the arc of a 500.40 foot radius curve right (the long chord of which bears South  $28^{\circ}30'00''$  West 37.84 feet) a distance of 37.85 feet; thence South  $30^{\circ}40'00''$  West 15.07 feet; thence along the arc of a 66.51 foot radius curve right (the long chord of which bears North  $86^{\circ}45'00''$  West 118.07 feet) a distance of 145.29 feet; thence North  $24^{\circ}10'00''$  West 74.00 feet; thence along the arc of a 134.03 foot radius curve left (the long chord of which bears North  $51^{\circ}25'00''$  West 122.73 feet) a distance of 127.49 feet; thence North  $78^{\circ}40'00''$  West 262.87 feet; thence along the arc of a 999.34 foot radius curve right (the long chord of which bears North  $76^{\circ}20'00''$  West 81.37 feet) a distance of 81.40 feet; thence along the arc of a 1005.19 foot radius curve left (the long chord of which bears North  $79^{\circ}30'00''$  West 192.69 feet) a distance of 192.98 feet; thence North  $85^{\circ}00'00''$  West 7.83 feet; thence along the arc of a 140.03 foot radius curve left (the long chord of which bears South  $61^{\circ}35'00''$  West 154.24 feet) a distance of 163.34 feet; thence South  $28^{\circ}10'00''$  West 107.36 feet; thence along the arc of a 159.77 foot radius curve right (the long chord of which bears South  $53^{\circ}20'00''$  West 135.89 feet) a distance of 140.35 feet; thence along the arc of a 59.72 foot radius curve right (the long chord of which bears North  $63^{\circ}29'33''$  West 73.54 feet) a distance of 79.23 feet to Engineers Centerline Station L 117+67.74 P.T. and there ending, said station also being Station 'B' 0+50 of CSF # 30957 and being North  $62^{\circ}55'10''$  West 900.98' from the 1/4 corner common to Sections 11 and 14, T18S, R11W, W.M.

## EXHIBIT- B

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

FILE NO. 3972

IN THE MATTER OF LEGALIZING BERNHARDT )  
 CREEK ROAD BEING LOCATED WITHIN SECTIONS )  
 7 AND 18, TOWNSHIP 18 SOUTH, RANGE 10 WEST ) DIRECTOR'S PRELIMINARY  
 AND SECTIONS 11 AND 12, TOWNSHIP 18 SOUTH, ) REPORT  
 RANGE 11 WEST OF THE WILLAMETTE MERIDIAN. )  
 (18-10-7 & 18) (18-11-11 & 12) )

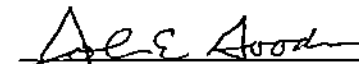
The Lane County Department of Public Works has resolved to legalize as a County road, a portion of a road (now commonly known as Bernhardt Creek Road). All legal criteria for proceeding with the legalization have been met.

Bernhardt Creek Road is a westerly continuation of County Road Number 1155. It begins at a point approximately 1.25 miles westerly of the intersection with Sweet Creek Road, thence running westerly about 2 miles. It is located in Sections 7 and 18, Township 18 South, Range 10 West, and Sections 11 and 12, Township 18 South, Range 11 West, Willamette Meridian. The Lane County Public Works Department has maintained this segment of road for 10 years or more and it has been open for public travel during this period of time. There are planned improvements associated with this project which included re-surveying, alignment design mapping and road construction.

It is recommended the Resolution be approved and that a date be set for conducting a public hearing by the Board of County Commissioners.

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

Dated this 14th day of April, 1997.

  
 \_\_\_\_\_  
 John H. Goodson, Director  
 Department of Public Works

