

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

FILE NO. 4011

IN THE MATTER OF WITHDRAWAL OF COUNTY)	
ROAD STATUS (BUT NOT THE PUBLIC ROAD)	
STATUS) OF A PORTION OF COUNTY ROAD)	
NUMBER 740 (FUNKE ROAD) SAID PORTION OF)	
FUNKE ROAD BEING APPROXIMATELY THE)	FINAL ORDER
SOUTHERLY 1,235 FEET OF A DEAD END ROAD,)	
AND BEING LOCATED IN SECTION 5, TOWNSHIP)	99-11-3-11
17 SOUTH, RANGE 3 WEST OF THE WILLAMETTE)	
MERIDIAN (17-03-05))	

THIS MATTER now coming before the Board of County Commissioners for Lane County, Oregon, it appearing that a portion of Funke Road 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 740 was established in 1914, with a right-of-way width of 60 feet, providing an outlet to County Road Number 537 (Chase Road) and the railroad for a number of families who had no other means of ingress and egress except through private property. The road began at the Southwest corner of the Jonathan Thomas Donation Land Claim No. 60 in Section 32, Township 16, Range 3 West of the Willamette Meridian, and ran in a southerly direction to the intersection of County Road Number 537 (Chase Road) and County Road Number 636 (County Farm Road) in Section 8, Township 17, Range 3 West of the Willamette Meridian; and

WHEREAS, portions of County Road Number 740 were vacated in 1935 and 1977, and the remaining portion north of the McKenzie River was named Funke Road in 1976; and

WHEREAS, the land adjacent to the portion of Funke Road which is being proposed to have the County Road status withdrawn (but not public road status) is owned by two different sand and gravel companies, and the petitioner's property has recently been redesignated from "Agriculture" to "Natural Resource: Mineral" and concurrently rezoned from "E-30/Exclusive Farm Use" to "SG/Sand, Gravel & Rock Products" through Ordinance PA-1116; and

WHEREAS, the reason for the change in status is to comply with Ordinance PA-1116 requesting that the Public Works Director initiate proceedings to withdraw the County Road status (but not public road status) from the southern 1,235 feet of Funke Road, pursuant to ORS 368.026; and

WHEREAS, the segment of road proposed to be withdrawn from County Road status and retained as Public Road status is abutted by lands zoned "SG/Sand, Gravel & Rock Products". The public and adjoining landowners, as well as other users, will be equally served by a public road access of this portion of road, and no one will be denied access if the road is revised from County Road to Public Road; and

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It is recommended that the Board withdraw County Road status (but not public road status) from the portion of Funke Road as described in the Final Order. This action will relieve Lane County of responsibility for future road maintenance on this portion of Funke Road which is located between two properties who's land is zoned SG/ Sand, Gravel & Rock Products.

DATED this 19th day of October, 1999