

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

FILE NO. 4036

PASSED

IN THE MATTER OF ESTABLISHING AN)	FINAL ORDER
EXTENSION OF TATE ROAD, COMMONLY)	OF
KNOWN AS WEST TATE ROAD (COUNTY)	ESTABLISHMENT
ROAD NUMBER 562) AS A COUNTY ROAD,)	
LOCATED IN SECTION 34, TOWNSHIP 19)	NO. 00-10-31-9
SOUTH, RANGE 3 WEST, W. M. (19-03-34))	

WHEREAS, County Road Number 562 (Tate Road, now commonly known as West Tate Road) was established in 1905, with a county road extension of approximately 1,150 feet thereof being accepted by Board Order No. 88-4-6-12; and

WHEREAS, the Board of County Commissioners, by Order Number 82-7-28-5 and Order Number 85-5-8-6, accepted certain dedications of public road easement as public road extensions of County Road Number 562 (West Tate Road); and

WHEREAS, the segment of West Tate Road, being approximately 2,620 feet in length was constructed through a land partition process and has been accepted by Lane County as a public road; and

WHEREAS, in 1987 more than 60% of the abutting landowners along West Tate Road petitioned Lane County for a change of road status from public road to county road status; and

WHEREAS, at some point in time after the 2,620 foot long segment of West Tate Road was constructed with a reported 8-inch graveled road base being 24 feet in width, through a land partition process, subsequently it was thought to be a county road, as it connected to a county road and was maintained as a county road, but no Final Order of Acceptance for a county road was ever completed; and

WHEREAS, the public road extension of West Tate Road does not meet all the criteria for acceptance as a County Road as specified in Lane Manual 15.220, in that a portion approximately 1790 feet in length does not meet the 60 foot standard right of way width, but has widths that vary from 50 to 55 feet; however, Lane Manual 15.225 (2) provides that the Board of County Commissioners may waive or modify standards or policy criteria; and

WHEREAS, the Director of the Department of Public Works has prepared a written report which is attached hereto, marked as Exhibit "B", recommending that the standards or policy criteria in question be waived or modified and that the portion of road as herein described be accepted as county road; and

WHEREAS, the Board of County Commissioners are satisfied that the portion of West Tate Road will be of benefit to the general public satisfying Lane Manual 15.220(2); and

WHEREAS, ORS 368.031 provides for the county jurisdiction of public roads outside the city limits and further provides for expenditure of county moneys for local access roads; and

WHEREAS, the Director of the Department of Public Works has recommended the expenditure, as well as the ratification of the expenditures previously made on this road, and same are justified as in the public interest; now, therefore, it is hereby

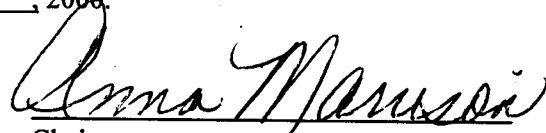
ORDERED that the public road referred to in these proceedings, commonly known as West Tate Road be provided funds for maintenance as provided by the Director's Report and that the expenditures made thereon be ratified, and the public road be hereby established as a county road, and being an extension of County Road Number 562 as described in the legal description attached hereto, marked Exhibit "A" and made a part hereof, by this Order; and, it is further

ORDERED that the waiver or modification of standards or criteria is approved for acceptance of non-standard right of way as provided for in Lane Manual 15.225(2) and described in the Right of Way Certification, attached hereto, marked Exhibit "C" and made a part hereof, as recommended in the Director's Report attached hereto, marked Exhibit "B", and made a part hereof, by this Order; and it is further

ORDERED that the County Surveyor provide a Road Plat depicting the right-of-way limits of the portion of West Tate Road to be established as County Road, which will be filed with the County Clerk and for public record in the County Surveyor's Office in the County Road Files: and it is further

ORDERED that this Order be entered into the records of the Lane County Board of Commissioners Journal of Administration and entered into the Road Index Books 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 portion of road as a public highway, and as an extension of County Road, Numbered 562, herein known as West Tate Road.

DATED this 31st day of October, 2000.


Chair
Lane County Board of Commissioners

Attachment: Map

APPROVED AS TO FORM

Date 10/24/00 lane county

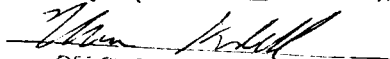

OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

WEST TATE ROAD
RIGHT-OF-WAY DESCRIPTION

A parcel of land lying in the Northwest one-quarter (NW1/4) of Section 34, Township 19 South, Range 3 West of the Willamette Meridian, and being a portion of the tract of land conveyed to Lane County by Milton W. Bedortha and Karl R. Hess, by that certain Dedication of Public Road Easement, Recorded on Reel 1209R, Recorder's Reception Number 8226701, Lane County, Oregon Deed Records, said parcel being described as follows:

Beginning at a 5/8" iron rod from which the Brass Cap marking the Interior Angle Corner of the George W. Harper Donation Land Claim Number 65 (said corner also being the Northwest corner of the A. Clemens Donation Land Claim Number 64), Township 19 South, Range 3 West, Willamette Meridian bears South 89° 55' 40" East 1124.88 feet and North 0° 04' 20" East 10.00 feet; RUN thence North 10° 15' 20" East 50.79 feet to a 5/8" iron rod; thence North 89° 55' 40" West 545.97 feet to a 5/8" iron rod; thence North 89° 55' 40" West 97.81 feet to a 5/8" iron rod; thence along the arc of a 475.00 foot radius curve to the left (the long chord of which bears South 50° 17' 10" West 608.80 feet), a distance of 660.82 feet to a 5/8" iron rod; thence along the arc of a 150.00 foot radius curve to the right (the long chord of which bears South 62° 04' West 235.43 feet) a distance of 270.69 feet to a 5/8" iron rod; thence North 66° 08' 20" West 210.04 feet to a 5/8" iron rod; thence North 17° 56' 20" East 5.02 feet to a 3/4"x 36" iron rod; thence North 66° 08' 20" West 9.81 feet to a 3/4"x 36" iron rod; thence North 66° 08' 20" West 108.42 feet to a 3/4"x 36" iron rod; thence along the arc of a 678.30 foot radius curve to the left (the long chord of which bears North 71° 09' 40" West 118.75 feet), a distance of 118.90 feet to a 3/4"x 36" iron rod; thence North 76° 11' West 218.68 feet to a 3/4"x 36" iron rod; thence along the arc of a 1796.61 foot radius curve to the right (the long chord of which bears North 72° 43' 20" West 216.86 feet), a distance of 216.99 feet to a 3/4"x 36" iron rod; thence North 69° 15' 50" West 48.74 feet to a 3/4"x 36" iron rod; thence along the arc of a 167.59 foot radius curve to the left (the long chord of which bears North 89° 51' 10" West 117.88 feet), a distance of 120.45 feet to a 3/4"x 48" iron rod; thence South 69° 33' 30" West 5.79 feet to a 3/4"x 48" iron rod; thence South 8° 35' East 61.31 feet to a 3/4"x 36" iron rod; thence North 69° 33' 30" East 18.40 feet to a 3/4"x 36" iron rod; thence along the arc of a 107.59 foot radius curve to the right (the long chord of which bears South 89° 51' 10" East 75.68 feet), a distance of 77.33 feet to a 3/4"x 36" iron rod; thence South 69° 15' 50" East 48.74 feet to a 3/4"x 36" iron rod; thence along the arc of a 1856.61 foot radius curve to the left (the long chord of which bears South 72° 43' 20" East 224.10 feet), a distance of 224.23 feet to a 3/4"x 36" iron rod; thence South 76° 11' East 218.68 feet to a 3/4"x 36" iron rod; thence along the arc of a 618.30 foot radius curve to the right (the long chord of which bears South 71° 09' 40" East 108.24 feet), a distance of 108.39 feet to a 3/4"x 36" iron rod; thence South 66° 08' 20" East 328.79 feet to a 3/4"x 36" iron rod; thence along the arc of a 205.00 foot radius curve to the left (the long chord of which bears North 82° 12' 10" East 214.76 feet), a distance of 226.04 feet, to a 3/4"x 36" iron rod; thence North 0° 18' 50" West 6.49 feet to a 3/4"x 36" iron rod; thence along the arc of a 200.00 foot radius curve to the left (the long chord of which bears North 29° 54' 20" East 133.77 feet), a distance of 136.40 feet, to a 3/4"x 36" iron rod; thence along the arc of a 425.00 foot radius curve to the right (the long chord of which bears North 50° 17' 20" East 544.68 feet), a distance of 591.21 feet, to a 5/8" iron rod; thence South 89° 55' 40" East 86.85 feet to a 5/8" rod; thence South 89° 55' 40" East 548.02 feet to the Point of Beginning and there ending, all in Lane County, Oregon.

The bearings used herein are based on County Survey File No. 25368 on file in the office of the Lane County Surveyor.

ALSO: A parcel of land lying in the Northwest one-quarter (NW1/4) of Section 34, Township 19 South, Range 3 West of the Willamette Meridian, and being a portion of the tract of land conveyed to Lane County by Homemakers Finance Service, Inc. DBA/PSFS Credit Corporation, by that certain Dedication of Public Road Easement, Recorded on Reel 1349R, Recorder's Reception Number 8517128, Lane County, Oregon Deed Records, said parcel being described as follows:

Beginning at the stone found marking the Interior angle of the George W. Harper Donation Land Claim No. 65 (said stone also being the Northwest corner of the A. Clements Donation Land Claim No. 64) in Township 19 South, Range 3 West of the Willamette Meridian; thence South $0^{\circ} 21' 30''$ W 10.00 feet; thence North $89^{\circ} 38' 30''$ West 1124.69 feet to the TRUE POINT OF BEGINNING, being marked a $\frac{5}{8}$ inch iron rod on the centerline of a transmission line easement as said transmission line is constructed) recorded in Book 232, Page 329 of Lane County, Oregon Deed Records; Run thence along said centerline South $10^{\circ} 27' 55''$ West 5.08 feet; thence leaving said centerline, North $89^{\circ} 38' 30''$ West 548.36 feet; thence North $12^{\circ} 32' 40''$ East 5.12 feet to a $\frac{1}{8}$ inch iron rod; thence South $89^{\circ} 38' 30''$ East 548.17 feet to the True Point of Beginning, and there ending, all in Lane County, Oregon.

The bearings used herein are based on County Survey File No. 14601 on file in the office of the Lane County Surveyor.

EXHIBIT "B"

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

FILE NO. 4036

**IN THE MATTER OF ESTABLISHING AN)
EXTENSION OF TATE ROAD, COMMONLY)
KNOWN AS WEST TATE ROAD (COUNTY)
ROAD NUMBER 562) AS A COUNTY ROAD,)
LOCATED IN SECTION 34, TOWNSHIP 19)
SOUTH, RANGE 3 WEST, W. M. (19-03-34))**

DIRECTOR'S REPORT

County Road Number 562 (Tate Road, now commonly known as West Tate Road) was established in 1905. In 1982, 1984 and 1985 through the land partition process, additional right-of-way segments were dedicated and accepted by the Board of County Commissioners as public road extensions of the county road. In 1987, more than 60% of the abutting landowners petitioned Lane County for a change in road status of the public road portion of West Tate Road to county road. One segment of the public road adjacent to and west of the existing county road and having a length of about 1,150 feet was accepted as county road by Board Order No. 88-4-6-12 in 1988, thereby extending said road.

The westerly extension and the remaining portion of West Tate Road, accepted as public road by Board Order No. 82-7-28-5 and 85-5-8-6, which was included in the petition, has not yet been accepted as county road. This portion of road, approximately 2,620 feet in length, has been constructed as part of a land partition process with a reported gravel base of an 8-inch depth and 24 foot width. Subsequently this segment of road was thought to be a county road and an overlay was placed on it and it has been maintained as county road, but no Final Order has been completed to accept it as county road.

The road is of benefit to the general public and meets the criteria for acceptance as a county road, except that a portion, approximately 1790 feet in length, with a width of 50-55 feet does not meet the 60 foot standard right of way width as specified in the Lane Manual 15.220 (2). Lane Manual 15.222 makes provisions for the acceptance of roads having a width less than 60 feet. A Right of Way Certification has been prepared to accommodate this acceptance.

Under the provisions of Lane Manual 15.225 (2), the Director deems it advisable and herewith recommends to the Board of Commissioners that the standards or policy criteria in question be waived or modified and that the Board, under the provisions of Lane Manual 15.235(2), consider the matter at a regular meeting

A Final Order of Establishment has been prepared. The Final Order document will provide a method to adopt the public road portion of West Tate Road as County Road Number 562 and will provide a public record of the legal right-of-way description.

This portion of West Tate Road was surveyed and monumented per Lane County Survey File No. 25368, which is on file for public record in the County Surveyor's Office. The County Surveyor will provide a road plat depicting the right-of-way limits of the project.

Upon approval, the Final Order and the road plats will be filed with the County Clerk. The Final Order will be recorded in the Board of Commissioners' Journal of Administration. The Final Order and road plats will also be filed and indexed into the Road Index Books and legal County Road Files administered by the Department of Public Works and the County Surveyor.

It is recommended as provided by ORS 368.031(2)(a) that expenditure of funds be provided to maintain this road, that the previous expenditures be ratified as being in the public interest, and that the portion of West Tate Road as described in the Final Order be accepted as a county road.

DATED this 23rd day of October, 2000.

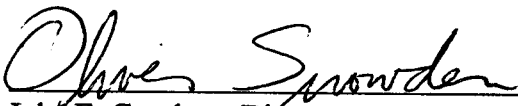
for 
John E. Goodson, Director
Department of Public Works

EXHIBIT "C"

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

FILE NO. 4036


IN THE MATTER OF ESTABLISHING AN)
 EXTENSION OF TATE ROAD, COMMONLY) RIGHT OF WAY
 KNOWN AS WEST TATE ROAD (COUNTY) CERTIFICATION
 ROAD NUMBER 562) AS A COUNTY ROAD,)
 LOCATED IN SECTION 34, TOWNSHIP 19)
 SOUTH, RANGE 3 WEST, W. M. (19-03-34))

The westerly portion of West Tate Road, approximately 2620 feet in length, is a public road as defined by Lane Manual 15.110. This portion of road was accepted as public road by the Board of Commissioners in 1982 and 1985, by Order Number 82-7-28-5 and 85-5-8-6, respectively, but has not yet been accepted as county road. It would be an extension of County Road Number 562 and of benefit to the general public. The road meets the criteria for acceptance as a county road, except that a portion, approximately 1790 feet in length, with a width of 50-55 feet does not meet the 60 foot standard right of way width as specified in the Lane Manual 15.220 (2).

Lane Manual 15.222 makes provisions for the acceptance of roads having a width less than 60 feet provided that all other road standards are met and also provided that certification regarding future needs and safety considerations are made by the Director of the Department of Public Works and the Director of the Planning Division. Certification statements meeting the specified criteria are as follows:

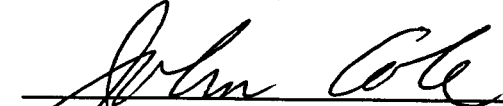
I, John E. Goodson, Director of the Lane County Department of Public Works, hereby certify that current and future roadway needs do not necessitate a 60 foot right of way and no safety hazard will be created if this portion of West Tate Road is accepted having a minimum right of way width of 50 feet. It is recommended that West Tate Road as described in the Final Order be accepted as a county road.

DATED this 17th day of October, 2000.

for 
 John E. Goodson, Director
 Department of Public Works

I, John Cole, Lane County Planning Director, support the establishment of this portion of West Tate Road as a county road having a minimum right of way width of 50 feet. I hereby certify that current and future planning needs do not necessitate a 60-foot right of way.

DATED this 16th day of October, 2000


 John Cole
 Planning Director, Lane County

