

ORIGINAL

PASSED

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

FILE NO. 4057

IN THE MATTER OF WITHDRAWAL OF COUNTY)	
ROAD STATUS (BUT NOT THE PUBLIC ROAD)	
STATUS) OF A PORTION OF TALBOTT LANE)	
(COUNTY ROAD NUMBER 200), LOCATED BETWEEN)	FINAL ORDER
NORATON ROAD AND PAYNE ROAD IN SECTION 8,)	
TOWNSHIP 15 SOUTH, RANGE 4 WEST OF THE)	02-3-20-1
WILLAMETTE MERIDIAN. (15-04-08))	

THIS MATTER now coming before the Board of County Commissioners for Lane County, Oregon, and it appearing that Talbott Lane, located between Noraton Road and Payne 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 200 was established as a county road in 1856, having a right-of-way width of 40 feet, and in 1930 a portion of the road was realigned, bypassing the segment that is now being proposed to have the county road status withdrawn; and

WHEREAS, the described portion of Talbott Lane is used occasionally by the adjoining property owners for the occasional movement of their farm equipment, and there is little justification for retaining the road as part of the County maintained road system; and

WHEREAS, the adjoining landowners, as well as other users, will continue to be served by this road as a public road, and no one will be denied access if the road is reduced in status from being a county road to a public road, and the nearby landowners will be able to continue to be served by Payne Road, a county road, as their access road; and

WHEREAS, various public and private agencies and neighboring landowners were notified by mail regarding the proposed withdrawal of county road status and no objections were received, however Qwest Communications did reply to the referral stating that they had buried cable in the area and asked that an easement be reserved; and

WHEREAS, Qwest Communications withdrew their request for an easement after the Surveyor's Office staff contacted them and informed them that converting a county road to a public road will not change the right that they currently have to the access their buried cable, therefore it will not be necessary to reserve an easement; 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 Talbott 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 this withdrawal of county road status have been complied with, including notice by Certified Mail to affected property owners as evidenced by Affidavit of Mailing marked Exhibit "B", attached hereto, and made a part hereof by this Order; and

WHEREAS, Talbott Lane is no longer maintained by the County, therefore this road falls into the category of LM 15.410(7)(c) "Roads that are undeveloped right-of-way, are dirt roads, or are not currently maintained by County forces." The Board has considered the ten listed items, as shown on a copy of LM 15.410 (7) marked as Exhibit "C", attached hereto, and made a part hereof; 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

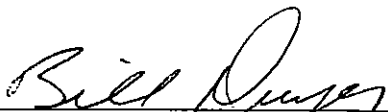
ORDERED, that in accordance with Oregon Revised Statutes, Chapter 368, the county road status (but not the public road status) of a portion of Talbott Lane, said road being more particularly described as follows:

All that portion of Talbott Lane (County Road Number 200) that lies between the easterly right-of-way of Noraton Road and then easterly approximately 755 feet to the northerly extension of the westerly right-of-way of Payne Road, all being located in the Southwest quarter (SW ¼) of Section 8, Township 15 South, Range 4 West of the Willamette Meridian, in Lane County, Oregon; 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 20th day of March, 2002.



Chair, Lane County Board of Commissioners

Attachment: Map

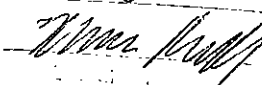
APPROVED FOR THE BOARD
Date 3-8-02


EXHIBIT "A"

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

FILE NO. 4057

IN THE MATTER OF WITHDRAWAL OF COUNTY)	
ROAD STATUS (BUT NOT THE PUBLIC ROAD)	
STATUS) OF A PORTION OF TALBOTT LANE)	
(COUNTY ROAD NUMBER 200), LOCATED BETWEEN)	DIRECTOR'S
NORATON ROAD AND PAYNE ROAD IN SECTION 8,)	FINAL REPORT
TOWNSHIP 15 SOUTH, RANGE 4 WEST OF THE)	
WILLAMETTE MERIDIAN (15-04-08))	

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 Talbott Lane from county road to public road, as this portion of road is no longer needed as part of the County's road system.

County Road Number 200 was established in 1856, and ran from Booneville, Benton County, to Eugene City, Lane County. In 1930 a portion of the road was realigned, bypassing the segment of road that is now being proposed for the withdrawal of county road status. The portion of Talbott Lane proposed to have the status reduced extends from Noraton Road, easterly approximately 755 feet, to Payne Road, and is not currently maintained by the County. The road is used primarily by the local residents in the occasional movement of their farm equipment. The adjoining landowners, and any other users, will continue to be served by this road, as well as Payne Road, which is a county road, and no one will be denied access if the section of Talbott Road is reduced in status from being a county road to 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.

Conversion of County roads to "local access road" (non-county maintained) status by withdrawal of County road status pursuant ORS 368 may be considered where little need exists for the road to be part of the County Road System. Secondly, the described portion of Talbott Lane would be within the guidelines of LM 15.410 (7)(c), "Roads that are undeveloped right-of-way, are dirt roads, or are not currently maintained by County forces. This portion of Talbott Lane has had only minimal maintenance, if any, since the 1930 realignment, and is seldom used by the public. Further, the proposed reduction in status from county road to public road meets all other applicable criteria of LM 15.410(7), as shown on Exhibit "C" and made a part of this report. Therefore, there is little justification for retaining the road as a part of the County's maintained road system.

Qwest Communications, Emerald People's Utility District, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of Lane County Department of Public Works, and neighboring landowners were notified by mail regarding the proposed

withdrawal of county road status. Qwest Communications responded to the referral stating that they have buried cables on the south side of Talbott Lane and requested that an easement be reserved. Qwest Communications withdrew their request after the Surveyor's Office staff informed them that these proceedings to reduce the road status from county road to public road will not change the current right that they now have to access their cables. The other agencies and the landowners either had no objections or did not respond to the referral.

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 Talbott Lane described in the Final Order. This action will relieve Lane County of responsibility for future road maintenance on this portion of Talbott Lane.

DATED this 1st day of March, 2002.

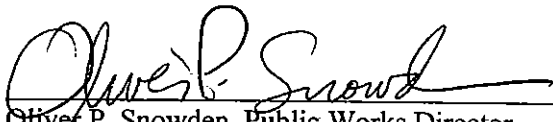

Oliver P. Snowden, Public Works Director

EXHIBIT "B"

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

FILE NO. 4057

IN THE MATTER OF WITHDRAWAL OF COUNTY)	
ROAD STATUS (BUT NOT THE PUBLIC ROAD)	
STATUS) OF A PORTION OF TALBOTT LANE)	
(COUNTY ROAD NUMBER 200) LOCATED BETWEEN)	AFFIDAVIT OF
NORATON ROAD AND PAYNE ROAD, IN SECTION 8,)	POSTING,
TOWNSHIP 15 SOUTH, RANGE 4 WEST OF THE)	PUBLICATION
WILLAMETTE MERIDIAN (15-04-08))	& MAILING

I, K. Robert Ezell, Lane County Surveyor, certify as follows:

That on the 25th day of February, 2002, 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:

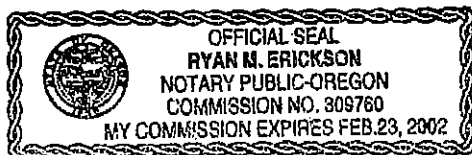
1. Posted on a power pole located at the NE Corner of Talbott Lane and Noraton Road.
2. Posted on a power pole numbered EPUD 082201 located North of the intersection of Talbott Lane and Payne Road.
3. Posted on a "Stop" sign located at the NE Corner of Payne Road and Noraton Road.

The undersigned further certifies that on February 28, 2002 and March 13, 2002 notice is scheduled to run in the Register Guard. Also that on February 14, 2002 notice was sent to adjacent owners and various private and public agencies having an interest in these vacation proceedings by Certified Mail.

K. Robert Ezell

 K. Robert Ezell
 Lane County Surveyor

Subscribed and sworn to before me this 27th day of February, 2002



Ryan M. Erickson

 NOTARY PUBLIC FOR OREGON

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.

