BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.: 19-09-10-04

IN THE MATTER OF THE ESTABLISHMENT OF COLLARD LAKE ROAD AS COUNTY ROAD NO. 2216, LOCATED IN SECTION 36, TOWNSHIP 17 SOUTH, RANGE 12 WEST AND SECTION 1, TOWNSHIP 18 SOUTH, RANGE 12 WEST, WILLAMETTE MERIDIAN (17-12-36 & 18-12-01)

WHEREAS, during a work session with Lane County staff on June 18, 2019, the Board asked staff to prepare an Establishment Order for the Board’s consideration to accept Collard Lake Road into the County road system; and

WHEREAS, Collard Lake Road is currently defined as a Local Access Road dedicated for public use by various deeds and subdivision plats; and

WHEREAS, it is the Board’s and staff’s opinion that accepting Collard Lake Road into the County road system is in the best interest of the public for safety reasons; and

WHEREAS, the portion of Collard Lake Road to be accepted is approximately 1.45 miles in length, beginning at its intersection with Mercer Lake Road (County Road No. 590), and ending at Lot 5 of Collard Lake Acres, as platted and recorded in Book 43, Page 15, Lane County Oregon Plat Records, and has a variable width right of way as platted or dedicated; and

WHEREAS, under the provisions of ORS 368.106, Collard Lake Road needs to be formally established as County road right of way; and

WHEREAS, Collard Lake Road meets the applicable criteria for acceptance as a County road under Lane Manual 15.213 and 15.220; and

WHEREAS, it is acknowledged that Collard Lake Road is not constructed to current County road standards pursuant to LC 15.700 guidelines; and

WHEREAS, Lane County Transportation Engineering has examined the road and recommends it be classified as a Rural Minor Collector between Mercer Lake Road and Collard Lake Way, and Rural Local from Collard Lake Way to its terminus at Lot 5 of Collard Lake Acres; and

WHEREAS, pursuant to Lane Manual 15.225(2), the Director of the Department of Public Works has prepared a written report which is attached hereto, marked as Exhibit “B”, recommending that the County Road Design Standards and policy criteria be waived, and that Collard Lake Road be accepted and established as a County road beginning at its intersection with Mercer Lake Road to its terminus at said Lot 5 of Collard Lake Acres; and

WHEREAS, the Board of County Commissioners are satisfied that Collard Lake Road will be of public utility and benefit.
NOW, THEREFORE, the Board of County Commissioners of Lane County ORDERS as follows:

1. The Bargain and Sale Deed dedicating a 40 and 50 foot wide public roadway, recorded on Reel 257D, Reception No. 87901, Lane County Oregon Deeds and Records, is hereby accepted and established as a County road; and

2. A portion of Collard Lake Road as described in the legal description attached to this Order as Exhibit "A", comprising of the public road dedication deeds referenced below, is hereby accepted and established as a County road:

   GRANTOR                LANE COUNTY DEEDS RECORDS
                           RECORDING INFORMATION

      Ruel E. Chapman               Reel 881R, Rec. No. 7801138
      Donald T. Wells                
      Surf Mobile Homes, Inc.        Reel 928R, Rec. No. 7852488
      Donald C. Frisbie               Reel 1226R, Rec. No. 8300139
      The Dorothy Irene Lucchesi,     Instrument No. 2019-033014
          Revocable Inter-Vivos Trust, U/D/T
          January 29, 1997

3. Any portion of a public road designated as Collard Road as dedicated on the subdivision plats of Mercer Lake Heights, as platted and recorded in Book 58, Page 25; Collard Lake Heights, as platted and recorded in Book 56, Page 26; Collard Lake Acres First Addition, as platted and recorded in Book 46, Page 25; and Collard Lake Acres, as platted and recorded in Book 43, Page 15; Lane County Oregon Plat Records, Lane County, Oregon, is hereby accepted and established as a County road; and

4. Those certain road dedication deeds referenced below are hereby accepted and established as a County road:

   GRANTOR                LANE COUNTY DEEDS RECORDS
                           RECORDING INFORMATION

      Donald C. Frisbee               Reel 492R, Rec. No. 16542
      Lane County                       Reel 492R, Rec. No. 16541
                                           (Control Strip Release)
      Lane County                       Reel 450R, Rec. No. 78912
                                           (Control Strip Release)
      Lane County                       Reel 1620R, Rec. No. 9010925
                                           (Control Strip Release)
5. It is further Ordered that those portions of those deeds recorded on Reel 257D, Rec. No. 87901, and Reel 450R, Rec. No. 78913 located outside of the right of way between the point of beginning and termini of the Engineers' Centerline Alignment as described in attached Exhibit "A", are hereby declared vacated, as provided for in ORS Chapter 368; and

6. Lane County hereby retains jurisdiction for any deed or exception to a deed not listed above that dedicates parcels to Lane County for the purpose of controlling access, said parcels otherwise known as control strips, as defined in Lane Code 13.080(e), that have not been formally released and dedicated as public road as of the date of this Order; and

7. Those certain roads designated as Collard Loop and Collard Lake Way as platted in the above referenced subdivisions plats are hereby excluded and not made a part of this Order; and

8. Per Lane County Transportation Engineering staff's recommendation, Collard Lake Road is hereby classified as a Rural Minor Collector between Mercer Lake Road and Collard Lake Way, and as a Rural Local between Collard Lake Way and the road's terminus at Lot 5 of Collard Lake Acres; and

9. In support of this action, the Board of County Commissioners adopts the report of the Director of Public Works as set forth in Exhibit "B", which is attached and made part of this Order; and

10. This Order be filed with the County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration and into the County Road Files administered by the Lane County Department of Public Works and the Lane County Surveyor; and that this Order is final and operates to establish the road as County Road No. 2216, also known as Collard Lake Road.

ADOPTED this 10th day of September, 2019

[Signature]

Pete Sorenson, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 11/3/19

LANE COUNTY OFFICE OF LEGAL COUNSEL
Exhibit "A"

Legal Description for a Portion of Collard Lake Road

Beginning at Engineers' Centerline Station L 0+00.00, said Station being South 262.69 feet and East 611.72 feet from the West one-quarter corner of Section 36, Township 17 South, Range 12 West of the Willamette Meridian, Lane County, Oregon, said Station being within the right-of-way of County Road Number 590 (Mercer Lake Road); RUN thence South 39°20'15" East, 67.59 feet; thence along the arc of a 100.52 foot radius curve left (the long chord of which bears South 66°25'27" East, 91.49 feet) a distance of 94.98 feet; thence North 86°31'20" East, 135.87 feet; thence along the arc of a 409.26 foot radius curve right (the long chord of which bears South 83°07'58" East, 146.98 feet) a distance of 147.78 feet; thence South 72°47'16" East, 123.11 feet; thence along the arc of a 440.74 foot radius curve right (the long chord of which bears South 51°23'38" East, 321.54 feet) a distance of 329.13 feet; thence along the arc of a 254.65 foot radius curve right (the long chord of which bears South 13°15'27" East, 146.71 feet) a distance of 148.82 feet; thence South 3°29'06" West, 236.54 feet; thence along the arc of a 272.84 foot radius curve right (the long chord of which bears South 18°22'29" West, 140.22 feet) a distance of 141.81 feet; thence South 33°15'52" West, 333.03 feet; thence along the arc of a 358.10 foot radius curve left (the long chord of which bears South 13°25'26" West, 243.08 feet) a distance of 248.00 feet; thence South 6°25' East, 34.16 feet; thence along the arc of a 358.10 foot radius curve right (the long chord of which bears 2°07'30" West, 106.38 feet) a distance of 106.77 feet; thence South 10°40' West, 94.44 feet; thence along the arc of a 381.97 foot radius curve left (the long chord of which bears South 28°49'30" East, 485.84 feet) a distance of 526.55 feet; thence South 68°19' East, 107.22 feet to Engineers' Centerline Station L 28+75.80 P.O.T.; said Station being on the West line of Mercer Lake Heights as platted and recorded in Book 58, Page 25, Lane County Oregon Plat Records, said point being South 3°30'26" East 242.16 feet from the Northwest corner of Lot 1, Block 2 of Mercer Lake Heights, and there ending, all in Lane County, Oregon.

The width in feet of the strip of land above referred to is as follows:

<table>
<thead>
<tr>
<th>STATION TO STATION</th>
<th>WIDTH ON NORTHEASTERLY SIDE OF CENTERLINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>L 0+00.00 POB to L 0+00.00 POB</td>
<td>0.00 feet tapering on a straight line to 20.00 feet</td>
</tr>
<tr>
<td>L 0+00.00 POB to L 28+66.39 POT</td>
<td>20.00 feet</td>
</tr>
<tr>
<td>L 28+66.39 POT to L 28+75.80 POT</td>
<td>20.00 feet tapering on a straight line to 0.00 feet</td>
</tr>
<tr>
<td>STATION TO STATION</td>
<td>WIDTH ON SOUTHWESTERLY SIDE OF CENTERLINE</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>L 0+00.00 POB to L 0+05.98 POT</td>
<td>0.00 feet</td>
</tr>
<tr>
<td>L 0+05.98 POT to L 0+05.98 POT</td>
<td>0.00 feet tapering on a straight line to 19.58 feet</td>
</tr>
<tr>
<td>L 0+05.98 POT to L 0+84.86 POC</td>
<td>19.58 feet tapering on a straight line to 20.16 feet</td>
</tr>
<tr>
<td>L 0+84.86 POC to L 1+20.86 POC</td>
<td>20.16 feet tapering on a straight line to 22.36 feet</td>
</tr>
<tr>
<td>L 1+20.86 POC to L 1+45.39 POC</td>
<td>22.36 feet tapering on a straight line to 19.57 feet</td>
</tr>
<tr>
<td>L 1+45.39 POC to L 1+46.06 POC</td>
<td>19.57 feet tapering on a straight line to 30.00 feet</td>
</tr>
<tr>
<td>L 1+46.06 POC to L 28+89.91 POT</td>
<td>30.00 feet</td>
</tr>
<tr>
<td>L 28+89.91 POT to L 28+75.80 POT</td>
<td>30.00 feet tapering on a straight line to 0.00 feet</td>
</tr>
</tbody>
</table>

Subject to that road right-of-way which is hereby acknowledged to be lying within County Road Number 590 (Mercer Lake Road)

Bearings used hereon are based on County Survey File 21190 by Robert Manseth.
EXHIBIT “B”

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR’S REPORT

IN THE MATTER OF THE ESTABLISHMENT OF
COLLARD LAKE ROAD AS COUNTY ROAD NO.
2216, LOCATED IN SECTION 36, TOWNSHIP 17
SOUTH, RANGE 12 WEST AND SECTION 1,
TOWNSHIP 18 SOUTH, RANGE 12 WEST,
WILLAMETTE MERIDIAN (17-12-36 & 18-12-01)

During a Work Session held on June 18, 2019, the Board directed Lane County staff to present an Establishment Order at a future Board of County Commissioners meeting so the Board could consider accepting Collard Lake Road into the County road system.

Collard Lake Road is a Local Access Road with a long and complex history. Collard Lake Road is located north of Florence, outside the Urban Growth Boundary and south of Mercer Lake Road (County Road No. 590). The portion of road proposed to be established begins at its intersection with Mercer Lake Road and terminates at Lot 5 of Collard Lake Acres, as platted and recorded in Book 43, Page 15, Lane County Oregon Plat Records. The road is approximately 1.45 miles in length and has a right of way width that varies between 40 and 60 feet in width.

Collard Lake Road was dedicated as a public road through a bargain and sale deed recorded on Reel 257D, Recorder’s Reception No. 87901 with a 40-foot right of way width. Subsequently, four subdivisions were platted along the dedicated public road, some of which dedicated additional right of way. Five subdivisions, several partitions, and numerous non-platted tracts, serving approximately 128 residential properties, use Collard Lake Road as their primary access.

In 1976, the Board of County Commissioners directed staff to bring a portion of Collard Lake Road located between Mercer Lake Road (County Road No. 590) and a subdivision called Mercer Lake Heights into the County road system, a length of approximately 2,850 feet. Surveyor’s Office staff created an as-travelled centerline alignment and proceeded to acquire dedications from the landowners adjacent to the portion of the road being established for the purpose of obtaining the required 50-foot right of way width for a County road, the minimum County road width at the time. Staff was successful acquiring all needed right of way dedications with the exception of one. Throughout the next several years, multiple attempts were made to acquire the last dedication needed, to no avail. At some point in time, due to the road not meeting County road standards and the failure to acquire all of the road dedications, staff discontinued the attempt to establish Collard Lake Road as a County road. The last remaining dedication was successfully acquired on August 5, 2019.

Since 1983, the Board has authorized expenditures for emergency maintenance of Collard Lake Road three times, the most recent authorizing the emergency expenditure of approximately $75,000 in Road Fund monies pursuant to Order 19-05-21-08.

Collard Lake Road is not constructed to current County standards pursuant to LC 15.700 guidelines. A report prepared by Lane County Transportation Planning indicates the average existing pavement width of Collard Lake Road is 18 feet. The report also states there are 10 distinct road fill failure areas, commonly referred to as “slides”. The contributing factors of these failures are due to over-steepened slopes; poor compaction of fill material; lack of proper maintenance of vegetation on the slopes below the failure areas; lack of proper ditch
EXHIBIT “B”

maintenance; and the lack of a regularly scheduled crack sealing maintenance program. It is reasonable to conclude that bringing Collard Lake Road into the County road system will have future impacts on the County Road Fund through increased expenditures maintaining the road, making the necessary repairs to the failure areas, and potentially upgrading the road to meet current County road standards or alternative approved standards.

Lane County Road Maintenance estimates routine maintenance activities such as mowing, sweeping, striping, and ditch maintenance for the road to be approximately $3500 per year. Pavement preservation activities such as the chipseal and crackseal programs are performed on a 5-7 year cycle, and are estimated to cost approximately $54,000 collectively. Other unexpected maintenance expenditures such as basic repairs, weather related responses, and miscellaneous public requests can be expected.

Lane County Engineering has provided estimates for two options that would improve the road to a more desirable condition:

Option 1: Repair 8 of the identified road fill failures and chipseal to restore and seal the road surface. The expenditure for Option 1 is estimated to be approximately $675,000.

Option 2: Widening the paved surface of the road to 24 feet in width, add guardrail where needed, and include the repairs identified in Option 1. The expenditure for Option 2 is estimated to be approximately $1,360,000.

Additional options may need to be explored to consider improvements with consideration of available funding. Lane County’s current 5-year Capital Improvement Plan (CIP) spends $4,000,000 per year on identified projects. To add these repairs for Collard Lake Road into the CIP at this time, another already identified project would need to be taken off the list.

LM 15.225 requires that the Director shall report his recommendation based on the following criteria:

1. The road under consideration meets all the standards and policy criteria and will be recommended for acceptance.

2. The road does not meet all the standards and policy criteria, but the Director deems it advisable to recommend to the Board of County Commissioners that the standards or policy criteria in question be waived or modified.

3. The road does not meet the standards and a waiver of the standards is not recommended. The report shall state an estimated total improvement cost to meet the standards.

4. The road does not meet the policy criteria and the petition is denied. The denial shall specify the reasons for the Director’s decision.

LM 15.222(2) (Standards in the Event Minimum) states: “a public road that does not meet County Road Design Standards specified in LC Chapter 15 may be accepted as a County Road” provided that “The Director certifies that current and future roadway needs do not necessitate that the County Road Design Standards be met and no safety hazard will be created if the roadway is accepted as a County Road.”

LM 15.222(4) states: “In no event shall a right of way be accepted which is less than 30 feet in width”. This road exceeds this criteria.
EXHIBIT “B”

Lane County Transportation Engineering has examined the road and recommends it be classified as a Rural Minor Collector between Mercer Lake Road and Collard Lake Way, and Rural Local from Collard Lake Way to its terminus at Lot 5 of Collard Lake Acres.

Lane County staff has analyzed the benefits and drawbacks to bringing Collard Lake Road into the County road system and have come to the opinion that accepting Collard Lake Road as a County road is in the public’s best interest, as the road serves as the sole access to approximately 128 residential properties, and even though future repairs and maintenance of the road will fall upon the County with additional expenditures from the Road Fund, the safety of those that depend on Collard Lake Road outweighs the anticipated future expenditures to ensure that this road remains open to public travel, especially during potential emergency events such as wildfires, earthquakes, landslides, and extreme weather events.

Therefore, pursuant to LM 15.225(2) and staff recommendations, the Director of Public Works for Lane County recommends that the County Road Design Standards and policy criteria be waived, and that Collard Lake Road be accepted and established as a county road beginning at its intersection with Mercer Lake Road to its terminus at said Lot 5 of Collard Lake Acres.

DATED this __________ day of __________, 2019

______________________________
Dan Hurley, Public Works Director
Department of Public Works
ATTACHMENT "A"

COLLARD LAKE ROAD
( Establishment of County Road )

SECTION 01 T. 18S., R.12W. W.M
Lane County

NO SCALE

PROPOSED TO BE DEDICATED AS COUNTY ROAD
ATTACHMENT "A"

COLLARD LAKE ROAD
( Establishment of County Road )

SECTION 36 T. 17S., R. 12W. W.M. &
SECTION 01 T. 18S., R.12W. W.M
Lane County

VICINITY MAP

NO SCALE

PROPOSED TO BE DEDICATED AS COUNTY ROAD

DETAIL MAP 2
COLLARD LAKE ROAD
( Establishment of County Road)

SECTION 36 T. 17S., R. 12W. W.M. &
SECTION 01 T. 18S., R.12W. W.M
Lane County

ATTACHMENT "A"

VICINITY MAP

NO SCALE

DETAIL MAP 3

PROPOSED TO BE DEDICATED AS COUNTY ROAD
COLLARD LAKE ROAD
(Establishment of County Road)

SECTION 01 T. 18S., R.12W. W.M
Lane County

ATTACHMENT "A"

VICINITY MAP

NO SCALE

PROPOSED TO BE DEDICATED AS COUNTY ROAD

DETAIL MAP 4