

AGENDA ITEM

WASHINGTON COUNTY BOARD OF COMMISSIONERS

RO 23-29

Meeting Date: June 13, 2023 CPO: 8

Agenda Category: PUBLIC HEARINGS

Department(s): Land Use & Transportation

Presented by: Stephen Roberts, Director of Land Use & Transportation

Agenda Title: Legalize a Portion of NW Harrington Road as County Road 3341

REQUESTED ACTION:

Approve the attached Resolution and Order legalizing NW Harrington Road as a County Road. This legalization is to become final upon the filing of the proposed Record of Survey in the County Surveyor's Office.

SUMMARY:

Road legalization, pursuant to Oregon Revised Statutes (ORS) 368.201-221, allows the traveled roadway centerline and rights-of-way to be surveyed and monumented when there is doubt or uncertainty as to the legal location of a road. The public has been traveling NW Harrington Road in its current location for over 150 years. It has been on the County's work program and maintenance schedules since its origination.

Staff has determined a portion of NW Harrington Road can and should be legalized in order to fix its location to be consistent with the traveled and maintained location. This board action and the associated Record of Survey will resolve any potential right-of-way issues in this area.

ORS 368.206(1)(c) requires that the County cause notice of proceedings for legalization to be provided under ORS 368.401 through 368.426 by service to owners of abutting land and by posting. The required notice has been provided.

ORS 368.206(1)(b) requires that the County Road Official file a written report, including a survey, with the County governing body. Those documents are incorporated as exhibits to the attached Resolution & Order.

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition):

None known at this time

Legal History/Prior Board Action:

- The Board, by Minute Order 23-111, received a proposed Record of Survey and Road Report in the matter of the legalization of NW Harrington Road and initially set June 6, 2023 as the date for the public hearing to finalize these proceedings.
- Due to an unanticipated cancellation of the June 6 Board meeting, the public hearing is being held on June 13, 2023.
- Revised notification of the June 13 hearing date was provided by service to owners of abutting land and by posting pursuant to ORS 368.401 through 368.426.

Budget Impacts:

None

ATTACHMENTS:

Legalize a Portion of NW Harrington Road as County Road 3341: Presentation

Resolution and Order 23-29 - Legalize a Portion of NW Harrington Road as County Road 3341

Legalize a Portion of NW Harrington Road as County Road 3341: Ex. A - Map

Legalize a Portion of NW Harrington Road as County Road 3341: Road Report

Legalize a Portion of NW Harrington Road as County Road 3341: Record of Survey

Approved by the Washington County Board of Commissioners also serving as the governing body of Clean Water Services and all other County Districts

Klum	100//
Kevin Moss,	Board Clerk

June 13, 2023

Date Signed

RO 23-29





Legalization of NW Harrington Road as County Road 3341

PUBLIC HEARING

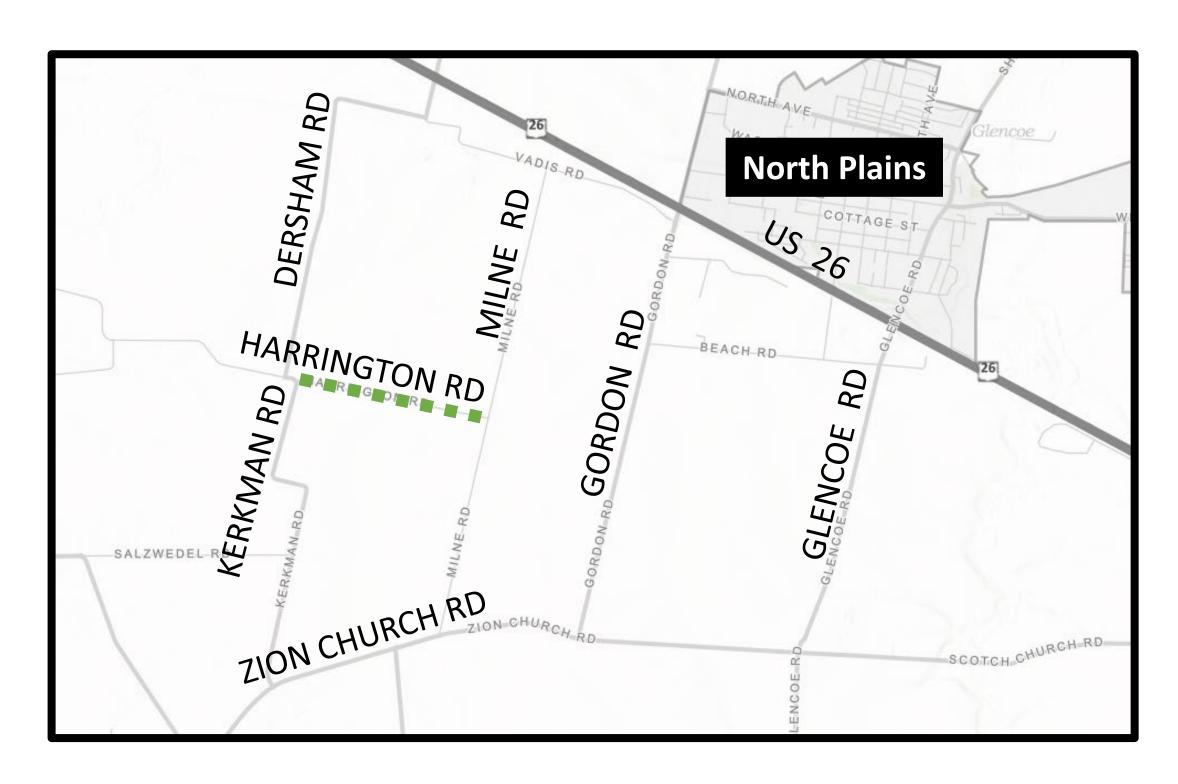


Land Use & Transportation



A portion of **NW**Harrington Road,
between Kerkman and
Milne roads, is uncertain

Legalization is proposed pursuant to ORS 368.201 - 221 to set the record for the location of the public road





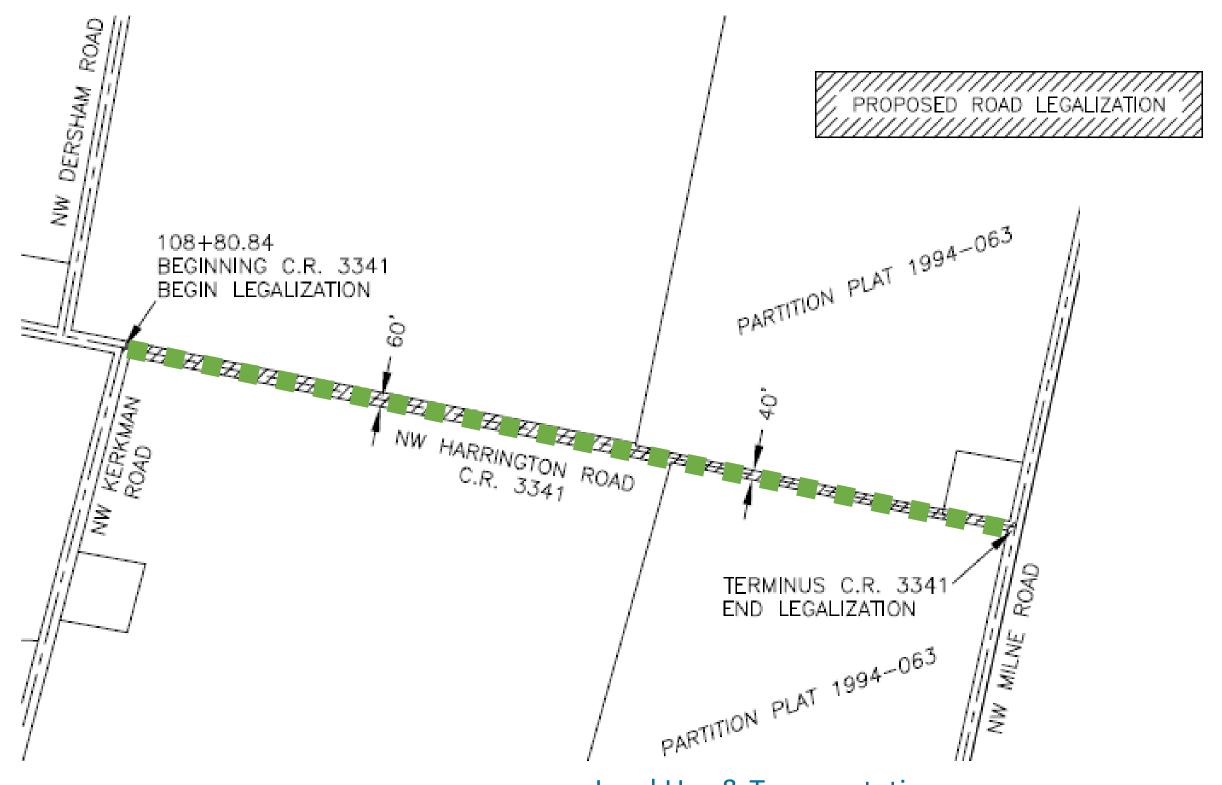
Harrington Road:

- has been traveled in its current location for 100+ years
- qualifies for legalization under ORS 368.201 221
- can be legalized with 60-foot road width but 40-foot is recommended for the easterly portion
- partition plat 1994-063 dedicated to a width of 40.00 feet

No permanent structures located in proposed right-of-way



Proposed legalization map



www.washingtoncountyor.gov

Land Use & Transportation



Input on the resolution and order

Adjacent property owners were notified of today's public hearing as required by statute

No known opposition to the proposed legalization of NW Harrington Road

Additional input from today's public hearing



Board action request

Conduct the public hearing

Approve the Resolution and Order to legalize NW Harrington Road as County Road 3341



Stacy Shetler, County Engineer stacy_shetler@washingtoncountyor.gov 503-846-7947

www.washingtoncountyor.gov



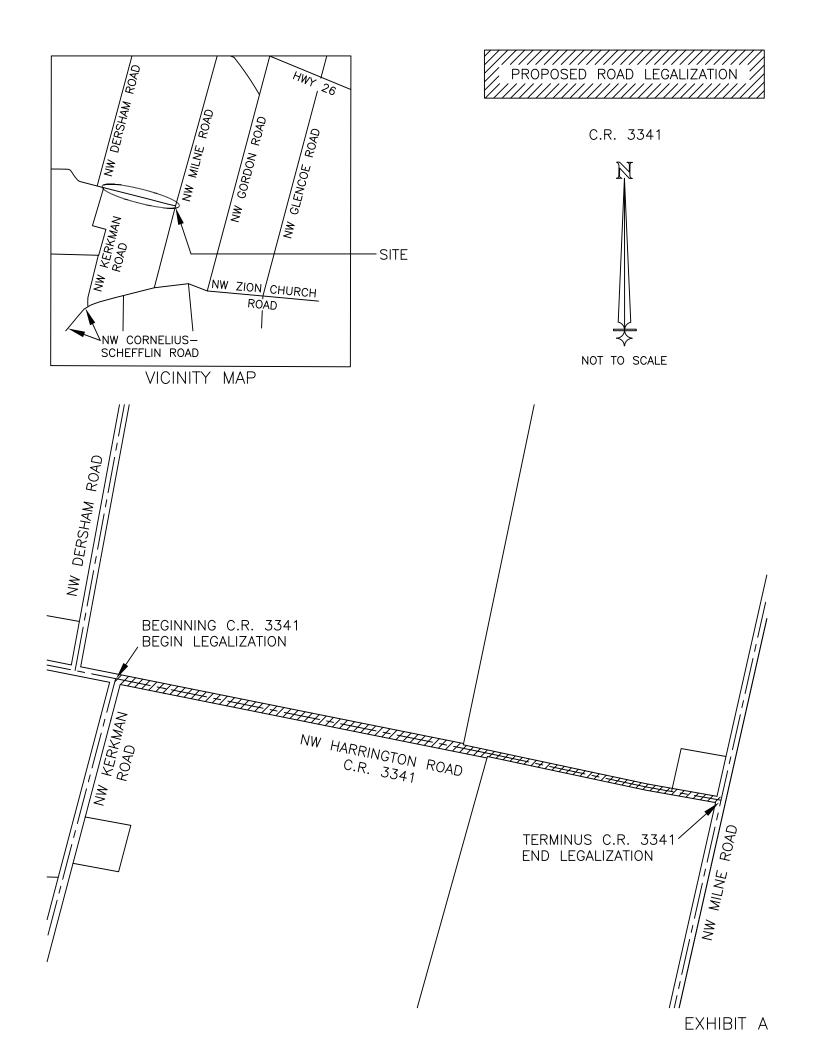
Land Use & Transportation www.washingtoncountyor.gov

1 IN THE BOARD OF COUNTY COMMISSIONERS 2 FOR WASHINGTON COUNTY, OREGON 3 In the Matter of the Legalization of a **RESOLUTION AND ORDER** portion of NW Harrington Road, situated 23-29 4 in the northeast and northwest one-C.R. NO. 3341 quarters of Section 10, and the northwest 5 one-quarter of Section 11, T1N, R3W, W.M., Washington County, Oregon 6 7 This matter came before the Board of County Commissioners at its regular meeting of 8 June 13, 2023; and 9 It appearing to the Board, the legal status of this portion of NW Harrington Road is 10 uncertain given that the original County Road notes cannot be found; the road has been in 11 existence for over 100 years, it is referred to as a County Road in the adjoining property deeds, 12 and it has been maintained and treated as a County Road since its origination; ORS 368.201 13 provides that a county governing body may legalize a county road under 368.201 to 368.221, if 14 through omission or defect, doubt exists as to the legal establishment or evidence of a public 15 road or loss or destruction of the original survey of the road; Exhibit A, attached hereto and by 16 this reference incorporated herein, depicts the area to be legalized; and 17 It appearing to the Board that by Minute Order 23-111, dated May 2, 2023, this Board 18 initiated proceedings to legalize a portion of NW Harrington Road pursuant to ORS 368.201 and 19 set 10:00 a.m. on June 6, 2023, as the time for a public hearing on said proceedings, and required 20 that notice of said hearing be provided under ORS 368.401 to 368.426 by service to owners of 21 abutting land and by posting; and

22

1 It appearing to the Board that the June 6, 2023 Board meeting was canceled and the 2 public hearing shall instead be held on June 13, 2023; and 3 It appearing to the Board that notice was duly given and a public hearing was held on the 4 13th day of June, at the hour of 10:00 a.m., and that the Board heard the matter and considered 5 objections and testimony offered and information submitted by all persons interested in the 6 proceedings to legalize this County Road; and 7 It appearing to the Board that pursuant to ORS 368.206(1)(b) this legalization is the 8 subject of a written Road Report, attached hereto and by this reference incorporated herein, and 9 that said Road Report includes a Proposed Record of Survey showing the location and width of 10 NW Harrington Road proposed to be legalized as County Road No. 3341, and recommends that 11 the Board Legalize this portion of road, pursuant to ORS 368.201 through 368.221; now, 12 therefore, it is 13 RESOLVED AND ORDERED that, based on the Road Report and the testimony in the public 14 hearing, this portion of NW Harrington Road qualifies for legalization under ORS 368.201, and it is 15 in the public interest for Washington County to legalize this portion of NW Harrington Road, as 16 herein described; and it is further 17 RESOLVED AND ORDERED that the County Surveyor of Washington County, Oregon be 18 and hereby is ordered to file the Proposed Record of Survey pursuant to 368.216(2) and in 19 compliance with ORS 368.106, and to place monuments relating thereto, for all of NW Harrington 20 Road as described herein; and it is further 21 /// 22 ///

1	RESOLVED AND ORDERED that upon the monumentation and filing of said Record of	
2	Survey, the aforesaid road is expressly legalized as a County Road of Washington County, Oregon	
3	and hereafter shall be designated as County Road No. 3341; and it is further	
4	RESOLVED AND ORDERED that pursuant to ORS 368.216(4), upon completion of the	
5	legalization procedures any records showing the location of the road that conflict with the	
6	location of the road as described in this Resolution and Order are void; and it is further	
7	RESOLVED AND ORDERED that the County Surveyor for Washington County, Oregon, is	
8	hereby directed to memorialize this act on the plats and records of Washington County, Oregon.	
9		
10		
11	DATED this 13th day of June 2023.	
12		
13	BOARD OF COUNTY COMMISSIONERS	
14	FOR WASHINGTON COUNTY, OREGON	
15	CHAIR KATHRYN HARRINGTON	
16	Vuin morr	
17	RECORDING SECRETARY	
18		
19		
20		
21		
22		



Road Report NW Harrington Road Proposed County Road No. 3341

Date: June 13, 2023

To: Washington County Board of Commissioners

From: Stacy Shetler, P.E., Washington County Engineer

RE: THE MATTER OF LEGALIZING A PORTION OF NW HARRINGTON ROAD AS COUNTY

ROAD NO. 3341.

This report is respectfully submitted, pursuant to and as required by ORS 368.206(b), in the initiation of proceedings to legalize a county road.

NW Harrington Road is maintained by Washington County but there is uncertainty as to the location and establishment of a portion of the legal roadway. Research and analysis of the record documents along with survey field work concludes that portions of the legal rights-of-way are uncertain and need to be clarified. Legal descriptions in the deeds to the adjoining properties, surveys in the area, and adjoining County Road notes call to a County Road, but a survey or notes for the County Road cannot be found. This portion of NW Harrington Road is currently considered an unnumbered County Road.

ORS 368.201 provides that a county governing body may initiate proceedings to legalize a county road under ORS 368.201 to 368.221, if through omissions or defect, doubt exists as to the legal establishment or evidence of a public road or loss or destruction of the original survey or the road. This roadway meets the criteria for legalization.

NW Harrington Road can be legalized to a width of 60.00 feet, pursuant to ORS 368.206(1)(a)(B). NW Harrington Road can also be legalized to a width of 74.00 feet, pursuant to ORS 368.036(1). NW Harrington Road can be legalized to a lesser width of 40.00 feet, pursuant to ORS 368.221(1).

The westerly portion of NW Harrington Road is depicted on the assessor's map as 60.00 feet wide per the laws governing the width of road at the time when the road is first mentioned in other County Road records. County Road A-107 established the portion of NW Harrington Road westerly of NW Kirkman Road as 60.00 feet wide in 1869. The record road notes showed the location of Dobbin's Mill (referenced below) and showed the existence of the portion of NW Harrington Road proposed to be legalized, which led to the mill. County Road A-24 established

NW Milne Road as 60.00 feet wide in 1854. This road came from the north and ran south to where it "crossed road at Imbree's House", and then continued further south. The road at Imbree's House is the portion of NW Harrington Road proposed to be legalized. County Road A-133 re-established a portion of NW Milne Road as 60.00 feet wide in 1871. The description of this road begins where the road "intersects the County Road leading from Dobbin's mill." This beginning point is at the intersection of NW Milne Road and NW Harrington Road. The 1911 County Road district map shows NW Harrington Road as a County Road, as does Survey Number 1954 (1911). Partition Plat 1991-014 depicts NW Harrington Road as 60.00 feet wide. Adjoining property owners have not been assessed taxes on the property underlying a 60.00-foot-wide road. Based on the above facts, it is recommended that the westerly portion of NW Harrington Road should be legalized to a width of 60.00 feet wide, pursuant to ORS 368.206(1)(a)(B).

The easterly portion of NW Harrington Road was originally 60.00 feet wide as noted above. However, Partition Plat 1994-063 surveyed, monumented, and re-dedicated the easterly portion of NW Harrington Road as 40.00 feet wide. Near the intersection of NW Milne Road, there is a structure that is outside a 40.00-foot-wide road but within a 60.00-foot-wide road. This Partition Plat was reviewed and accepted by Washington County. As a result, it is recommended that the easterly portion of NW Harrington Road should be legalized to the lesser width of 40.00 feet wide, pursuant to ORS 368.211(1). When development occurs, additional right-of-way dedication will be required per the Transportation Plan.

No permanent structures that predate the traveled alignment of the road are in the right of way proposed to be legalized.

Based on the foregoing facts, I recommend initiating proceedings to legalize the portion of NW Harrington Road as shown on the attached proposed Record of Survey. Upon completion of the legalization, any records showing the location of the road that conflict with the legalized alignment become void. This will be the most expeditious method of fixing the width and location of the right of way.

Attachment: Proposed Record of Survey

Stacy Shetler, P.E.
Washington County Engineer

RECORD OF SURVEY FOR WASHINGTON COUNTY, OREGON

LOCATED IN THE SOUTH ONE—HALF SECTION 4, SOUTHEAST ONE—QUARTER SECTION 5, NORTH ONE—HALF SECTION 9, SOUTHWEST ONE—QUARTER AND THE NORTH ONE—HALF SECTION 10 AND THE NORTHWEST ONE—QUARTER SECTION 11, T1N, R3W, W.M., WASHINGTON COUNTY, OREGON

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO RETRACE AND MONUMENT THE CENTERLINE AND RIGHTS—OF—WAY OF NW HARRINGTON ROAD COUNTY ROAD 1989 AND TO MONUMENT THOSE PORTIONS LEGALIZED AS COUNTY ROAD 3341 IN RESOLUTION AND ORDER 23—XXXX AND RECORDED IN DOCUMENT NUMBER 2023—XXXX.

BASIS OF BEARINGS:

HELD N 06°14'08" E ON THE CENTERLINE OF NW ROY ROAD (C.R. 428) BETWEEN THE 3/4" IRON PIPE WITH A YELLOW PLASTIC CAP STAMPED "COUNTY SURVEYOR" AT STATION 0+00.00 AND THE 3/4" IRON PIPE WITH A YELLOW PLASTIC CAP STAMPED "COUNTY SURVEYOR" AT THE BEGINNING OF COUNTY ROAD 428 PER SURVEY NUMBER 34 145

NW HARRINGTON ROAD (COUNTY ROAD 1989 - 60.00 FEET WIDE):

HELD A LINE FROM THE 3/4 INCH IRON PIPE WITH A YELLOW PLASTIC CAP STAMPED "COUNTY SURVEYOR" AT STATION 0+00.00 THROUGH THE 3/4 INCH IRON PIPE AT STATION 9+29.33. HELD A LINE BETWEEN THE 3/4 INCH IRON PIPE AT STATION 12+88.61 AND THE ONE INCH SQUARE BOLT AT STATION 32+21.86. APPLIED GRANT BOUNDARY ADJUSTMENT TO RECORD TANGENT DATA OF COUNTY ROAD 1989 BETWEEN THE ONE INCH SQUARE BOLT AT STATION 32+21.86 AND THE ONE INCH IRON PIPE WITH A YELLOW PLASTIC CAP STAMPED "WASH CS" AT STATION 60+96.53 60.47" LT P.I.

HELD A LINE BETWEEN THE ONE INCH IRON PIPE WITH A YELLOW PLASTIC CAP STAMPED "WASH CS" AT STATION 60+96.53 60.47' LT P.I. AND THE 3-1/4 INCH ALUMINUM DISK AT THE WEST SOUTHWEST CORNER OF THE ARCHIBALD HARRISON D.L.C. 41 AT STATION 68+01.26 93.39' RT P.I.

HELD A LINE FROM THE 3-1/4 INCH ALUMINUM DISK AT THE WEST SOUTHWEST CORNER OF THE ARCHIBALD HARRISON D.L.C. 41 AT STATION 68+01.26 93.39' RT P.I. THROUGH THE 3/4 INCH IRON PIPE AT STATION 86+08.78.

HELD A LINE THROUGH THE 3/4 INCH IRON PIPE AT STATION 88+10.24 AND THE 3/4 INCH IRON PIPE AT STATION 92+00.97.

HELD A LINE THROUGH THE 3/4 INCH IRON PIPE AT STATION 93+59.39 AND THE 5/8 INCH IRON ROD AT STATION 108+80.84, SAID IRON ROD BEING THE TERMINUS OF COUNTY ROAD 1989.

APPLIED RECORD RADIUS TO CURVES PER COUNTY ROAD 1989.

BASIS OF STATIONING: HELD 0+00.00 AT THE BEGINNING OF COUNTY ROAD 1989.

A BASE WIDTH OF 60.00 FEET WAS HELD PER COUNTY ROAD 1989.

NW HARRINGTON ROAD (COUNTY ROAD 3341 - VARIABLE WIDTH):

HELD THE 5/8 INCH IRON ROD AT STATION 108+80.84.

HELD THE ONE INCH IRON PIPE WITH A RED PLASTIC CAP STAMPED "WASH CS TRAVERSE" AT STATION 132+57.58 A.P.

HELD MIDPOINT BETWEEN THE 5/8 INCH IRON ROD (201) AND THE 5/8 INCH IRON ROD WITH YELLOW

PLASTIC CAP STAMPED "HERTEL PLS 1896" (460).

HELD THE 5/8 INCH IRON ROD AT STATION 147+13.61.

A BASE WIDTH OF 40.00 FEET EXCEPT AS MONUMENTED IN PARTITION PLAT NO. 1994-063.

NW KERKMAN ROAD (COUNTY ROAD A-156)

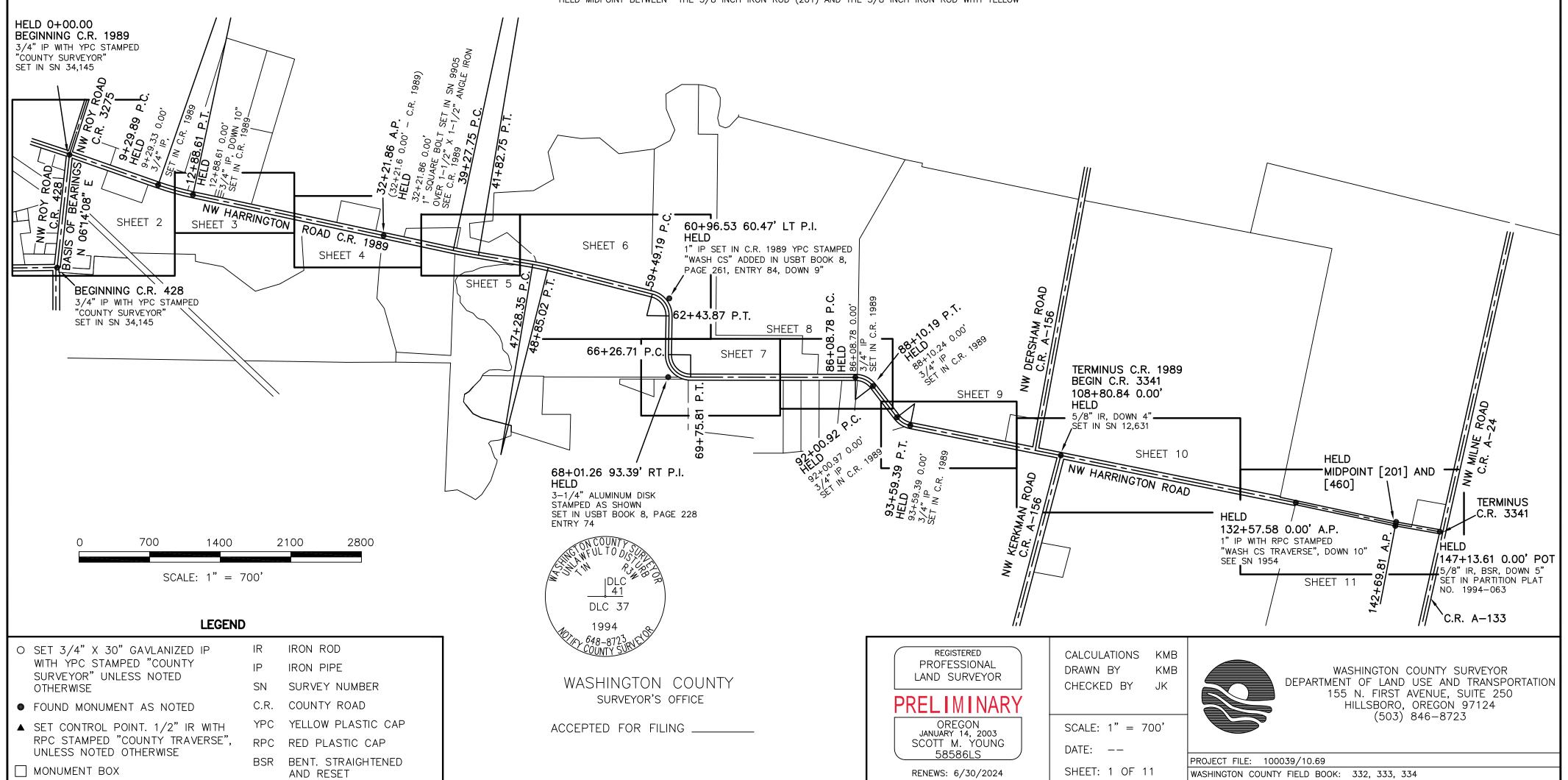
HELD THE 5/8" IRON ROD AT STATION 108+80.84 AND THE 3/4" IRON PIPE FOUND ON THE SOUTHERLY RIGHT OF WAY OF NW KERKMAN ROAD PER SN 34,352, AS SHOWN.

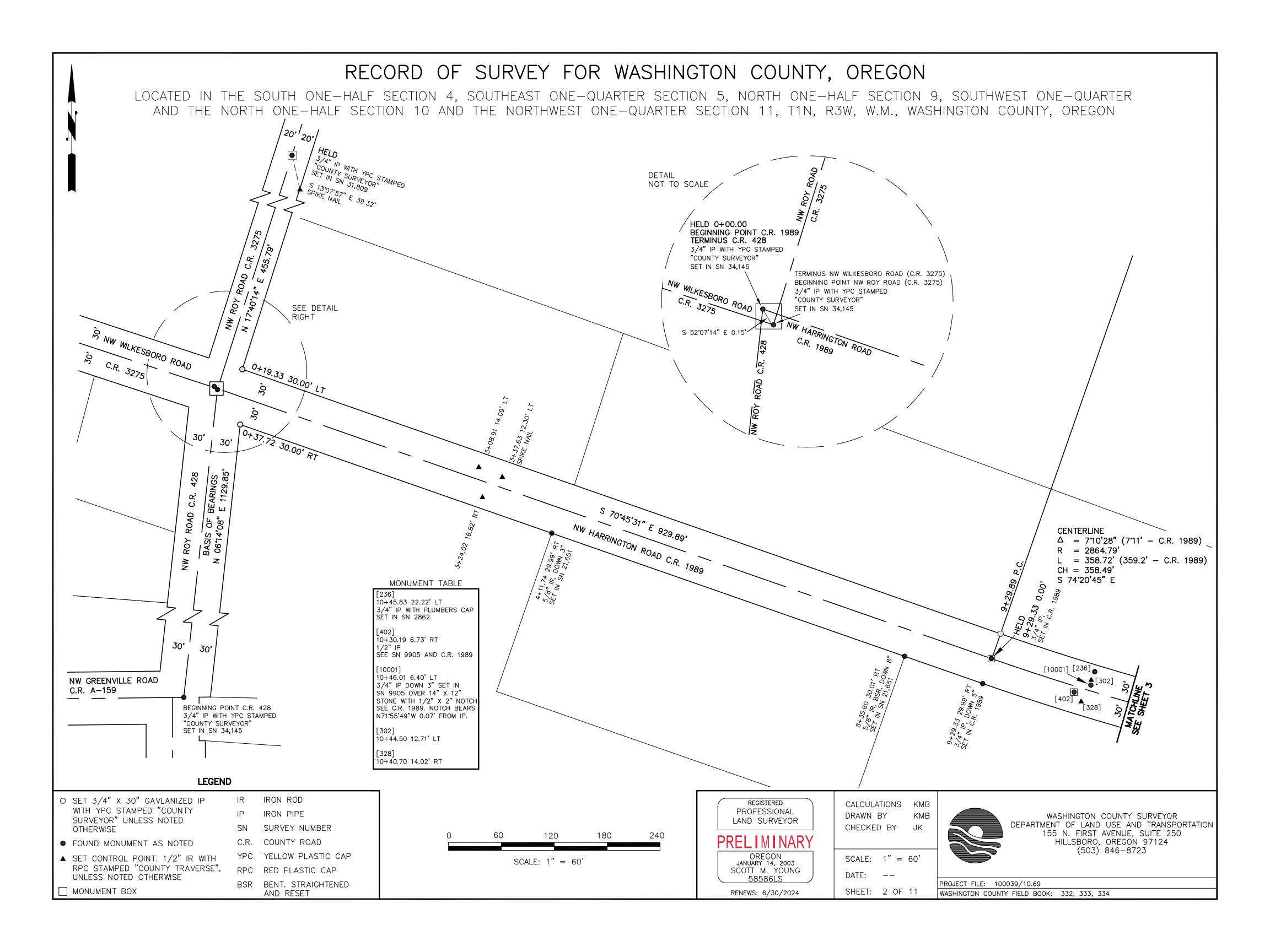
A STATUTORY BASE WIDTH OF 60.00 FEET WAS HELD

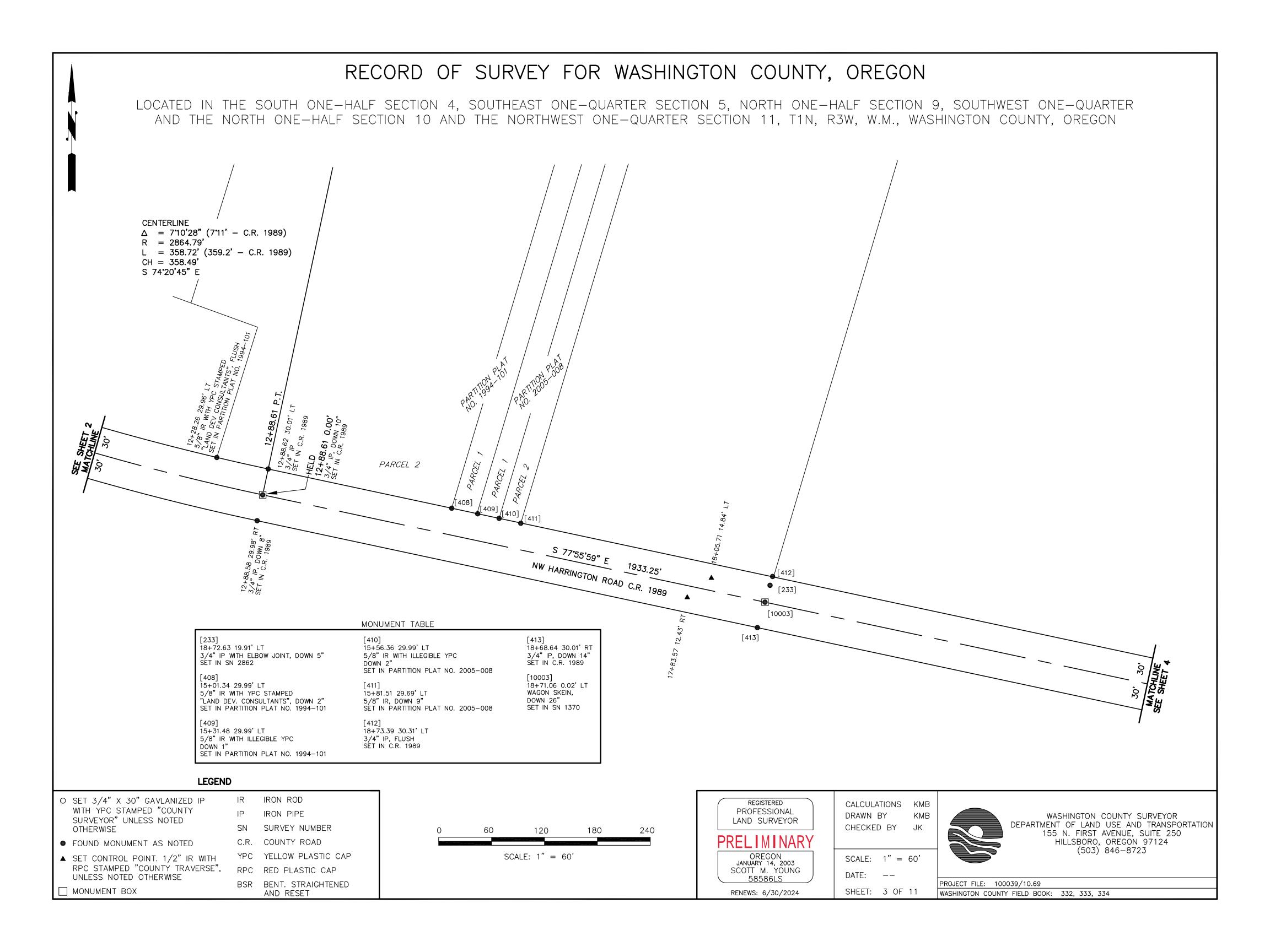
NW ROY ROAD (COUNTY ROAD 3275)

HELD THE TWO 3/4" IRON PIPES WITH YELLOW PLASTIC CAPS STAMPED "COUNTY SURVEYOR" PER SURVEY NUMBER 31809, AS SHOWN.

HELD A BASE WIDTH OF 40.00 FEET PER COUNTY ROAD 3275.

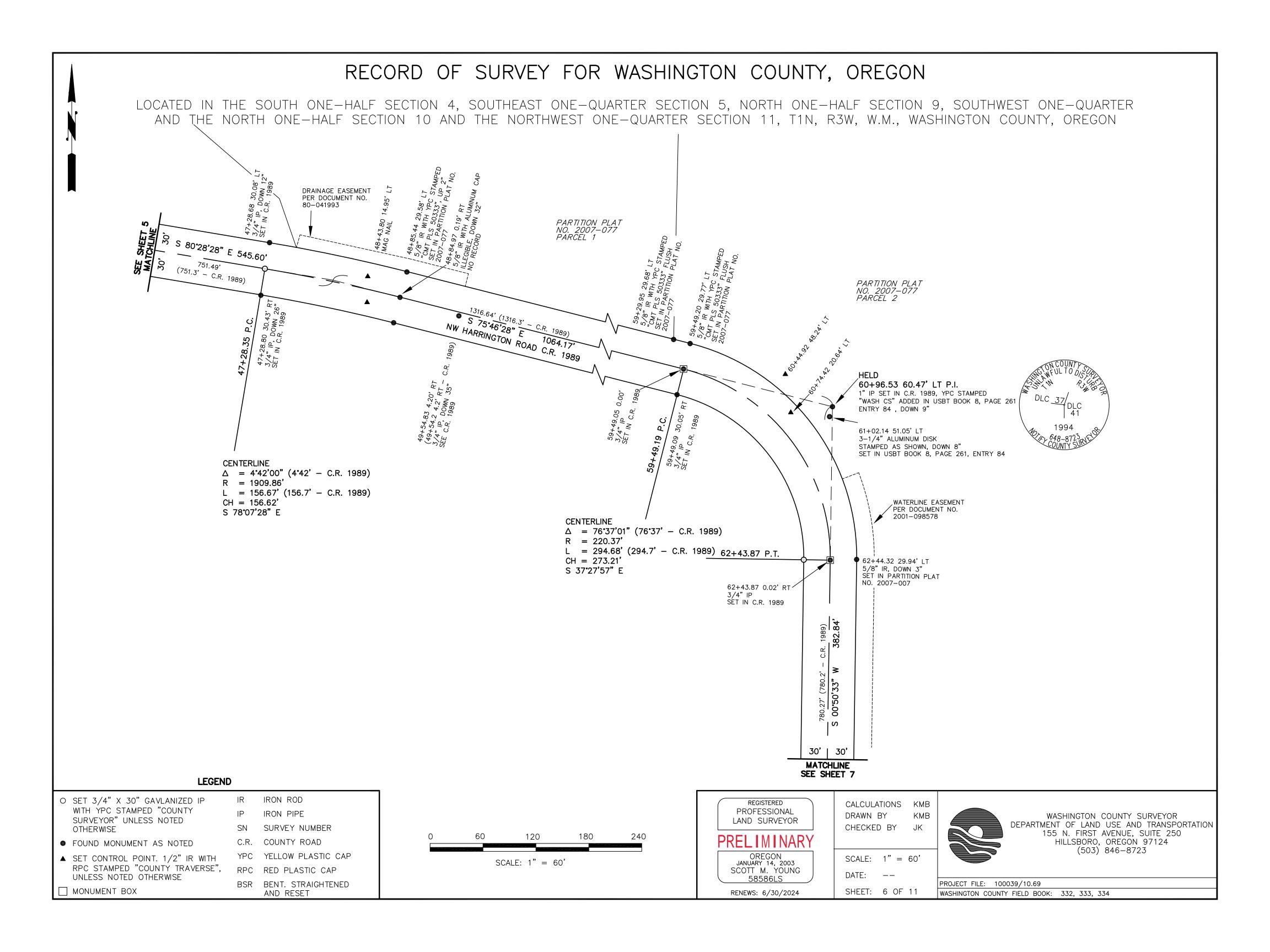


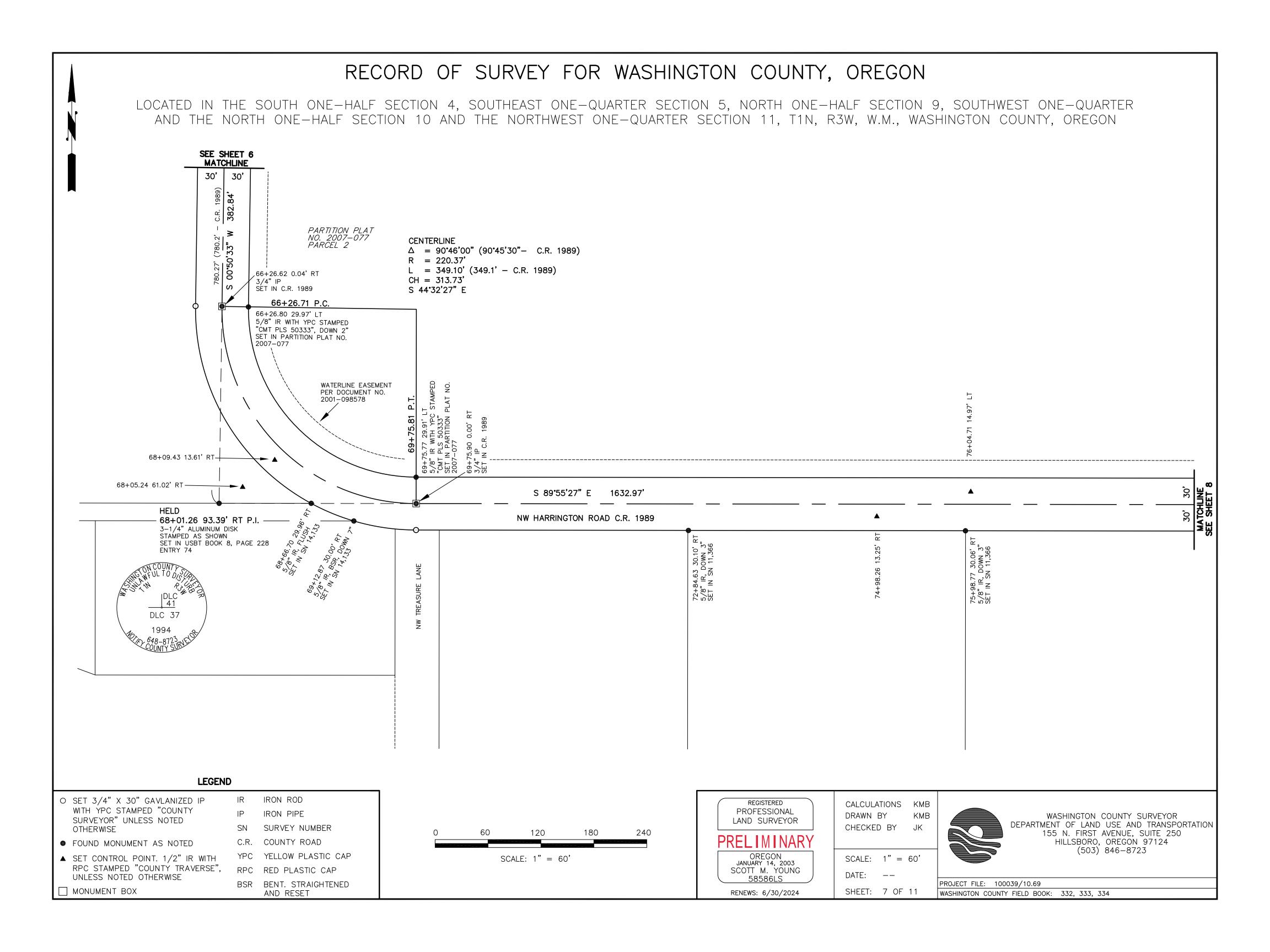




RECORD OF SURVEY FOR WASHINGTON COUNTY, OREGON LOCATED IN THE SOUTH ONE-HALF SECTION 4, SOUTHEAST ONE-QUARTER SECTION 5, NORTH ONE-HALF SECTION 9, SOUTHWEST ONE-QUARTER AND THE NORTH ONE-HALF SECTION 10 AND THE NORTHWEST ONE-QUARTER SECTION 11, T1N, R3W, W.M., WASHINGTON COUNTY, OREGON NW HARRINGTON ROAD C.R. 1989 S 77°55'28" E 705.89' 31+24.29 14. HUB AND TA(LEGEND IRON ROD O SET 3/4" X 30" GAVLANIZED IP REGISTERED CALCULATIONS KMB WITH YPC STAMPED "COUNTY PROFESSIONAL IRON PIPE DRAWN BY KMB WASHINGTON COUNTY SURVEYOR SURVEYOR" UNLESS NOTED LAND SURVEYOR 120 180 240 DEPARTMENT OF LAND USE AND TRANSPORTATION CHECKED BY JK SURVEY NUMBER OTHERWISE 155 N. FIRST AVENUE, SUITE 250 HILLSBORO, OREGON 97124 (503) 846-8723 • FOUND MONUMENT AS NOTED C.R. COUNTY ROAD SCALE: 1" = 60OREGON JANUARY 14, 2003 SCOTT M. YOUNG YPC YELLOW PLASTIC CAP ▲ SET CONTROL POINT. 1/2" IR WITH SCALE: 1" = 60'RPC STAMPED "COUNTY TRAVERSE", RPC RED PLASTIC CAP DATE: UNLESS NOTED OTHERWISE 58586LS BSR BENT. STRAIGHTENED PROJECT FILE: 100039/10.69 MONUMENT BOX SHEET: 4 OF 11 AND RESET RENEWS: 6/30/2024 WASHINGTON COUNTY FIELD BOOK: 332, 333, 334

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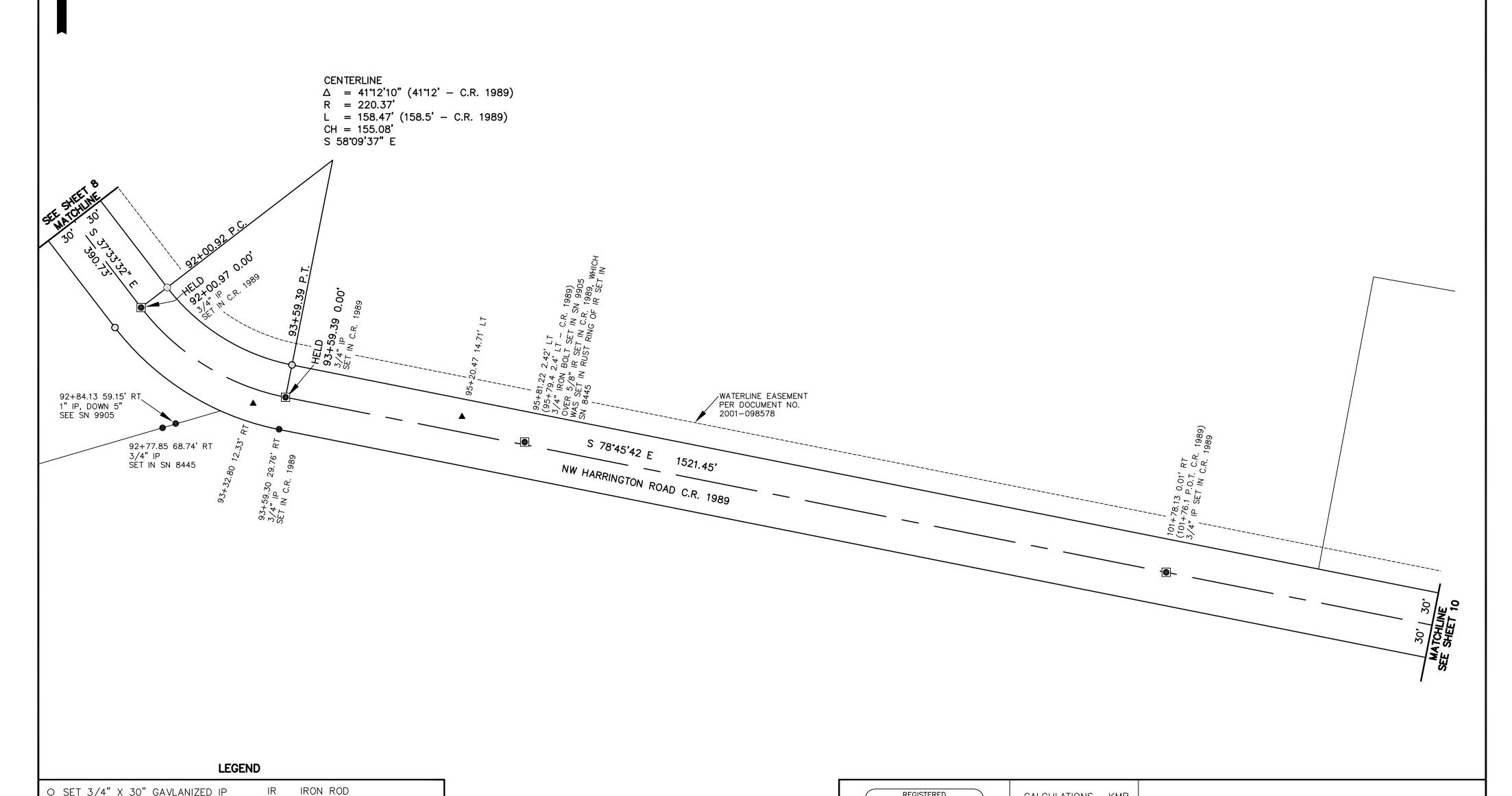




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RECORD OF SURVEY FOR WASHINGTON COUNTY, OREGON

LOCATED IN THE SOUTH ONE-HALF SECTION 4, SOUTHEAST ONE-QUARTER SECTION 5, NORTH ONE-HALF SECTION 9, SOUTHWEST ONE-QUARTER AND THE NORTH ONE-HALF SECTION 10 AND THE NORTHWEST ONE-QUARTER SECTION 11, T1N, R3W, W.M., WASHINGTON COUNTY, OREGON



O SET 3/4" X 30" GAVLANIZED IP WITH YPC STAMPED "COUNTY SURVEYOR" UNLESS NOTED OTHERWISE

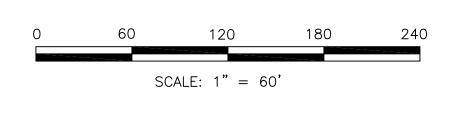
• FOUND MONUMENT AS NOTED

▲ SET CONTROL POINT. 1/2" IR WITH RPC STAMPED "COUNTY TRAVERSE", UNLESS NOTED OTHERWISE

MONUMENT BOX

IRON PIPE SURVEY NUMBER C.R. COUNTY ROAD YPC YELLOW PLASTIC CAP RPC RED PLASTIC CAP BSR BENT. STRAIGHTENED

AND RESET



REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JANUARY 14, 2003 SCOTT M. YOUNG 58586LS

RENEWS: 6/30/2024

CALCULATIONS KMB DRAWN BY KMB CHECKED BY JK

SCALE: 1" = 60'DATE: --

SHEET: 9 OF 11



WASHINGTON COUNTY SURVEYOR DEPARTMENT OF LAND USE AND TRANSPORTATION 155 N. FIRST AVENUE, SUITE 250 HILLSBORO, OREGON 97124 (503) 846-8723

PROJECT FILE: 100039/10.69

WASHINGTON COUNTY FIELD BOOK: 332, 333, 334

