

Road Legalizations

We invite YOU to:

- ATTEND the neighborhood meeting with Public Works staff.
- TESTIFY at the public hearing before the Board of Commissioners.
- If you can't make the hearing,
WRITE a letter to the Board of Commissioners. Make sure your letter is received before the hearing.

Write to:

Clatsop County Board of Commissioners
800 Exchange St., Suite 310,
Astoria, OR 97103
or e-mail commissioners [at] co.clatsop.or.us

Statutory County Road Widths

Jan. 27, 1854: Standard width 60 feet. A lesser width can be stated.

May 21, 1889: Prescribed 60-foot as standard width when no width is stated. Stated width is subject to a minimum of 40 feet and a maximum of 80 feet.

May 22, 1915: Prescribed 60-foot standard width when none is stated. But reduces the minimum stated width to 30 feet.

June 6, 1931: Prescribed no standard width. Width of a county road must be stated and must be a minimum of 30 feet.

July 5, 1947: Minimum width increased to 50 feet.

LEGALIZATION OF COUNTY ROADS

OREGON REVISED STATUTES CHAPTER 368

Chapter 368.201 BASIS FOR LEGALIZATION OF ROAD. A county governing body may initiate proceedings to legalize a county road under ORS 368.201 to 368.221 if any of the following conditions exist:

- (1) If, through omission or defect, doubt exists as to the legal establishment or evidence of establishment of a public road.
- (2) If the location of the road cannot be accurately determined due to:
 - (a) Numerous alterations of the road;
 - (b) A defective survey of the road or adjacent property; or
 - (c) Loss or destruction of the original survey of the road.
- (3) If the road as traveled and used for 10 years or more does not conform to the location of a

road described in the county records. [1981 c.153 §21]

368.206 PROCEEDINGS FOR LEGALIZATION OF ROADS; report; notice. (1) If proceedings for legalization of a road are initiated under ORS 368.201, the county governing body shall:

(a) Cause the road to be surveyed to determine the location of the road and the width of the road according to:

(A) The laws governing the width of roads at the time the road was originally established; or

(B) If the original width of the road cannot be determined, to the width for roads of the same class established by the standards under ORS 368.036;

(b) Cause the county road official to file a written report with the county governing body including the survey required under this section and any other information required by the county governing body; and

(c) Cause notice of the proceedings for legalization to be provided under ORS 368.401 to 368.426 by service to owners of abutting land and by posting.

(2) In a proceeding under this section, any person may file with the county governing body information that controverts any matter presented to the county governing body in the proceeding or alleging any new matter relevant to the proceeding. [1981 c.153 §22]

368.211 COMPENSATION FOR PROPERTY AFFECTED by road legalization. (1) A county governing body shall provide for compensation under this section to any person who has established a structure on real property if the structure encroaches on a road that is the subject of legalization proceedings under ORS 368.201 to 368.221.

(2) To qualify for compensation under this section, a person must file a claim for damages with the county governing body before the close of the hearing to legalize the road. The county governing body shall consider a claim for damages unless the county governing body determines that:

(a) At the time the person acquired the structure, the person had a reasonable basis for knowing that the structure would encroach upon the road;

(b) Upon the original location of the road, the person received damages;

(c) The person or the person's grantor applied for or assented to the road passing over the property; or

(d) When making settlements on the property, the person found the road in public use and traveled.

(3) The compensation allowed under this section shall be just compensation for the removal of the encroaching structure.

(4) The county governing body may proceed to determine compensation and acquire the structure by any method under ORS 368.096.

(5) If a county governing body determines that removal of the encroaching structure is not practical under this section, the county governing body may acquire property to alter the road being legalized. [1981 c.153 §23]

368.216 Order under road legalization proceeding. (1) After considering matters presented in a proceeding to legalize a road under ORS 368.201 to 368.221, a county governing body shall determine whether legalization of the road is in the public interest and shall enter an order abandoning or completing the legalization procedures on the road.

(2) When a county governing body legalizes a road under ORS 368.201 to 368.221, the county governing body shall comply with ORS 368.106.

(3) Courts shall receive any order filed under this section as conclusive proof that the county road exists as described in the order.

(4) Upon completion of the legalization procedures under ORS 368.201 to 368.221:

(a) Any records showing the location of the road that conflict with the location of the road as described in the order are void; and

(b) The road exists as shown on the order legalizing the road. [1981 c.153 §24]

368.221 Legalization; county determination of lesser width. Notwithstanding ORS 368.036, a county governing body may legalize a road at any width that is less than the width of the road described in ORS 368.206 if the county governing body determines that:

(1) The legalization of the road at the lesser width is in the public interest; or

(2) An encroachment on the road may not be practically removed under ORS 368.211. [1981 c.153 §25]

Related Questions

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