



Oregon Department of State Lands 1645 NE Forbes Road Ste. 112 Bend, OR 97701 Telephone – 541-388-6112 Fax – 541-388-6480

AGENCY# 62940

APPLICATION TO CREATE AND PURCHASE NEW LANDS WITHIN A STATE-OWNED WATERWAY (SUBMERGED/SUBMERSIBLE LANDS) *

Please print clearly.

Applicant Name(s): Oregon Dept. of Transportation Address: 63055 N Highway 97					Phone: 541-388-6198		
	Bldg, M				Fax:		
-	Bend	State: OR	z	ip Code: 977	,000.3tat0.01.u		
I (we) hereby m	nake application	to fill-in ar	nd subsequent	ly purchas	se the State-ov	vned waterway	
that is adjacent	to the following	g described	upland proper	rty:			
County		Section	Township	Range	Tax Lot	Acres (to be filled in)	
	Klamath	25	378	7E		8.14	
(See attache	ed Exhibit A)						
(Attach additional sheets if necessary)					Total Acres	8.14	
The waterway Submerged Purchase of the Has this project If yes, provide the	Submersible [ne New Lands ct been review	Submer	ged & Subme ntended. noval and Fill	ersible 🗍 YES (permittir	New Lands [☑ Not Sure ☐	
	reating New Lands	s is to widen th	e travel lanes fo	r current and			_
opprotunities for	bicycle use. The	shoulder and e	embackment wo	k will be arn	nored to hel prote	ect against erosion	<u>-</u>
-							_ ,

^{*} Attach with this application a map and a description of the New Lands to be created.

* Application fee for the creation and subsequent request to purchase New Lands is \$1,000. Application fee must be received for application to be considered complete.

PROCEDURES

Please read the procedures below on completing a request for: 1) permission to fill and create New Lands within a State-owned waterway, and2) creating New Lands, and3) purchasing New Lands after creation:

1: Permission to Create New Lands: ORS 274.905 - 274.940, OAR 141-068

- a) Any person requesting to create New Lands from State-owned submerged and submersible lands shall meet with the Department staff to discuss the proposed project and use before submitting an application to the Department. This meeting may be in person or through other means acceptable to the Department. The Department may invite other government entities to take part in a pre-application meeting.
- b) Submission of this application indicates the request of an entity (Public Body or private individual) to create New Lands within a State-owned waterway and meets the obligations of OAR 141-068. NOTE: This application IS NOT an application for approval of removal and fill work within waters of the state. Any approved application to create New Lands may also require a Removal and Fill Permit from the Department using a separate application and following a separate process per ORS 196 & OAR 141-85.
- c) Upon submission, this application will be given consideration by the Department, including evaluation of the financial, natural, cultural, navigational, recreational, and impacts on public access to the waterway as a result of the fill. All applications are subject to a public process to receive comments on the project. Adjacent property owners, interested parties, lessee's (if applicable), tribal, federal, state, and local agencies, port districts, watershed councils, national estuary programs, and soll and water districts are notified during the evaluation. Any significant comments received as a result of this process must be addressed prior to approval. Creation of New Lands will not be approved without the approval of the owner of the adjoining or opposite upland on the same side of the body of water (ORS 274.920).
- d) After the public review process and Internal evaluation of the New Lands creation request are complete, the Department will decide on whether to recommend to the State Land Board approval of the fill. State Land Board approval is required for the <u>purchase</u> of New Lands subsequent to their creation. The Department will seek Land Board approval for creation and subsequent purchase together in one request. Written notice of approval or denial will be provided to the applicant.

2: Creating New Lands

- a) New Lands may be created only with written approval from the Department.
- b) And as applicable, separately attaining a removal and fill permit from the Department.
- Creating the new lands must be done in such a manner that all removal and fill permit requirements are met.
- d) Any mitigation fees required relating to the removal and fill permitting process do not apply to the purchase of the New Lands once they are created.

3: Purchasing the New Lands

- a) Once the New Lands have been created, the creator of the New Land has the opportunity to purchase the New Land from the Department. ORS 274.925 through 274.937 discuss the rights of a public body or private individual to purchase New Lands.
- b) The Department will require the applicant to obtain a survey by a licensed surveyor, at their own cost, of the New Lands to define the area of State-owned waterway to be purchased.

- c) The sale of New Lands shall be a negotiated sale subject to the provisions of OAR 141-068-0110. A negotiated sale may require an appraisal of the New Lands created at the applicant's expense.
- d) Based on the results of the public review process, the Department reserves the right to require a quit-claim deed or access easement for the submerged and/or submersible lands adjacent to the New Lands created (OAR 141-068-0080) to maintain public trust values.
- e) If the New Lands are not purchased within the time period required by ORS 274.925 through ORS 274.937, then "... the department may sell, lease or trade new lands created upon submersible or submerged lands owned by the state in the same manner as provided for lands acquired as an investment for the Common School Fund in ORS 274.085 or ORS chapter 273." (ORS 274.915(2))

ACKNOWLEDGMENT: By signing this application, I agree that I have read and fully understand the procedures above, and all sections of this application.

- ☑ I acknowledge that this application is for the purpose of filling in a state-owned waterway and subsequent purchase of the New Lands.
- ✓ I have conducted a pre-application meeting with a DSL employee.
- ☑ I acknowledge that this request will be taken to the State Land Board for review and approval if the request includes the intent to purchase the New Lands.
- ☑ I acknowledge that filling In a State-Owned waterway may require a Removal and FIII Permit per ORS196 & OAR 141-085.
- ☑ I acknowledge that purchase of New Lands created may require a quit-claim deed or access easement for the submerged and/or submersible lands adjacent to the New Lands created (OAR 141-068-0090).
- ☑ I have included a map and description for the location of the area I wish to create New Lands, along with the \$1,000.00 non-refundable application fee. The Department of State Lands (DSL) reserves the right to reject this application at any time before creation of the New Lands.
- ☑ I acknowledge that a lease, sale or trade of the New Lands created may occur if not purchased within the time period prescribed by ORS 274.915.

Applicant/s Signature

ODOT South Central Area Manager

Date

Send completed application and fee to: Oregon Department of State Lands Real Property Program 1645 NE Forbes Rd., Ste. 112 Bend, Or 97701

DEFINITIONS

Submerged Lands: Lands lying below the line of ordinary low water of all navigable waters within the boundaries of this state as heretofore or hereafter established, whether such waters are tidal or nontidal. (ORS 274.005).

Submersible Lands: Lands lying between the line of ordinary high water and the line of ordinary low water of all navigable waters and all islands, shore lands or other such lands held by or granted to this state by virtue of her sovereignty, wherever applicable, within the boundaries of this state as heretofore or hereafter established, whether such waters or lands are tidal or nontidal. [1967 c.421 §98 and 1967 c.616 §13; 1969 c.594 §31; 1991 c.217 §3; 2003 c.253 §20] (ORS 274.005)

New Lands: Those lands protruding above the line of ordinary high water, whether or not connected with the adjoining or opposite upland or riparian lands on the same side of the body of water that were created upon submersible or submerged lands by artificial fill or deposit on or after May 28, 1963. (ORS 274.905(2)(a)).

Public Body: means the State of Oregon or any port organized under the laws of this state or any dock commission of any city of this state. [1963 c.376 §1; 1967 c.421 §175; 1973 c.328 §1; 2015 c.804 §1]

OR 140 Klamath County Boat Marina to Lakeshore Drive

OR Route 140 is a state highway that traverses the southern portion of Oregon between the cities of Klamath Falls and Medford.

The OR 140 Project

- Is a freight route with a SADT Of 2700 with 28% Truck Traffic,
- · Is located approximately 5 miles west of Klamath Falls,
- Is a part of the Volcanic Legacy Scenic Byway.

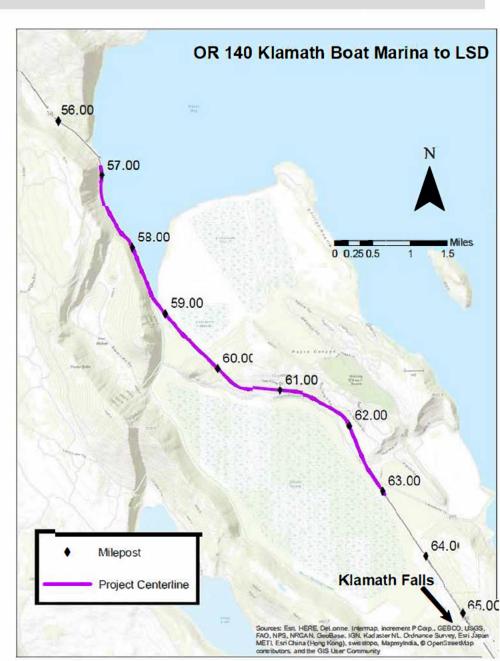
The route provides access to the USFS, BLM Lands, Klamath Lake and various recreational facilities. OR 140 also provides access to public and private timber lands, residential property, and can be used as an alternate route to Crater Lake National Park.

Problem Statement:

The roadway (travel lanes and shoulders) are too narrow to accommodate current and future traffic volumes and do not provide opportunities for bicycle use. This causes a severe safety concern for the public traveling along this roadway. Currently there are not any protective measures to prevent vehicles from leaving the highway and going into the Lake.

Outcome:

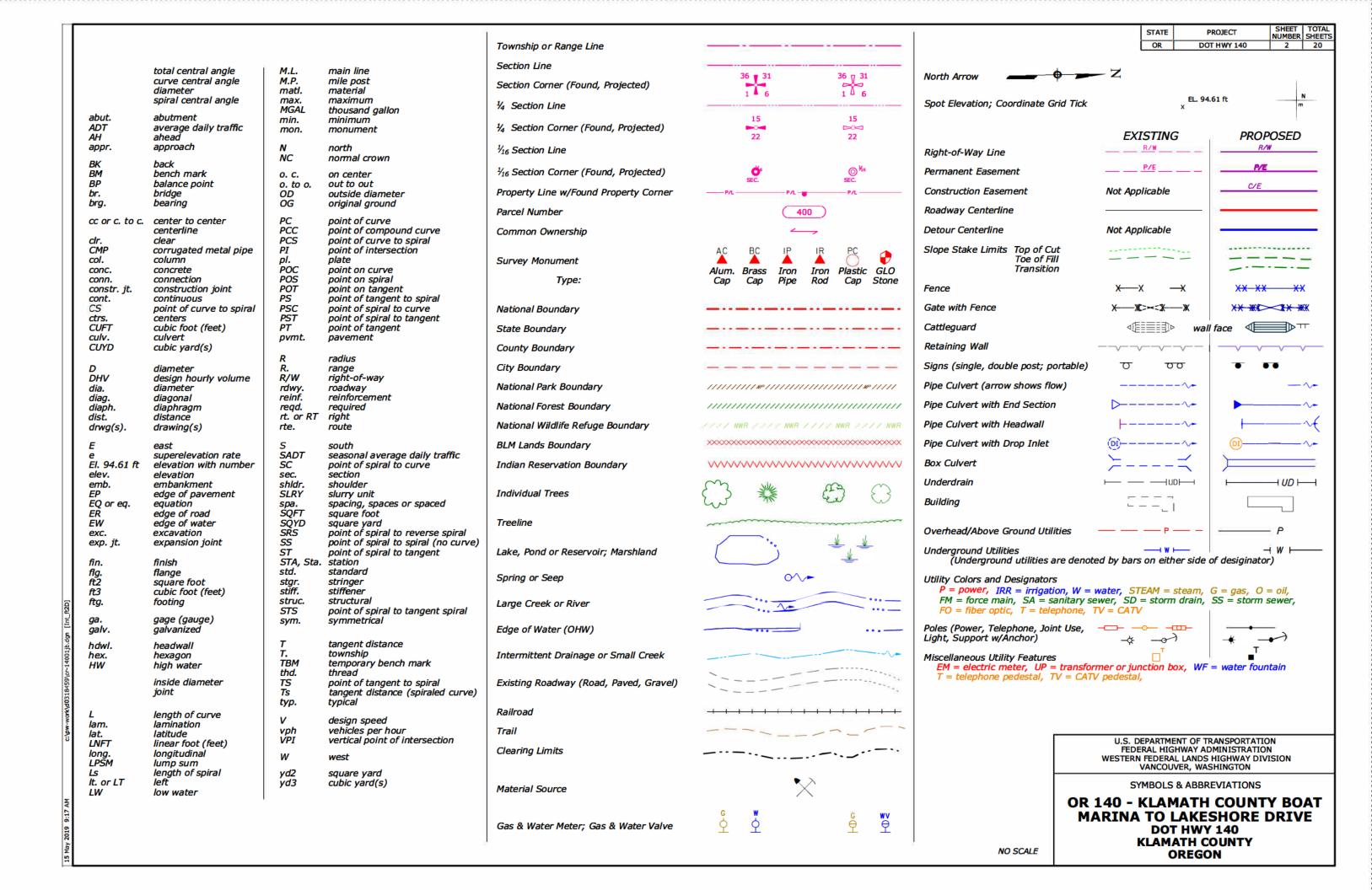
Widen the roadway to 12' Travel lanes with 6' shoulders and realign the road where necessary. Construct new embankments to allow for widening, and construct embankments with stone or riprap to prevent wave erosion of roadway. Construct guardrail, high performance pavement markings, and shoulder and center-line rumble strips. Construct additional parking facilities along the lake, and provide an information kiosk for the Volcanic Legacy. Provide fish enhancement features into the stone embankment fills which enter the existing waterway.

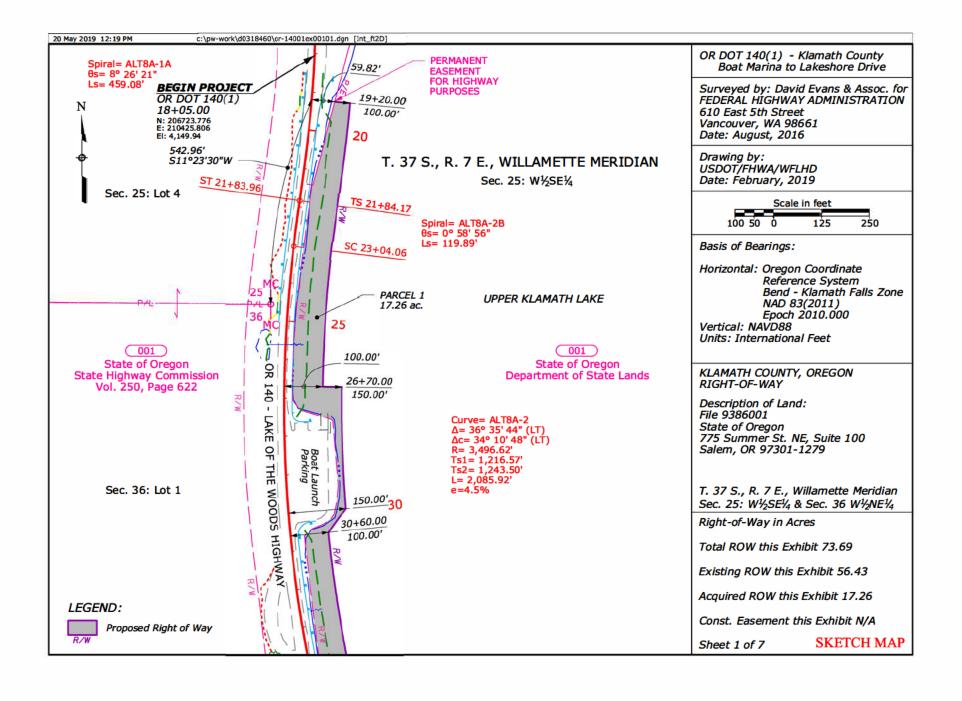


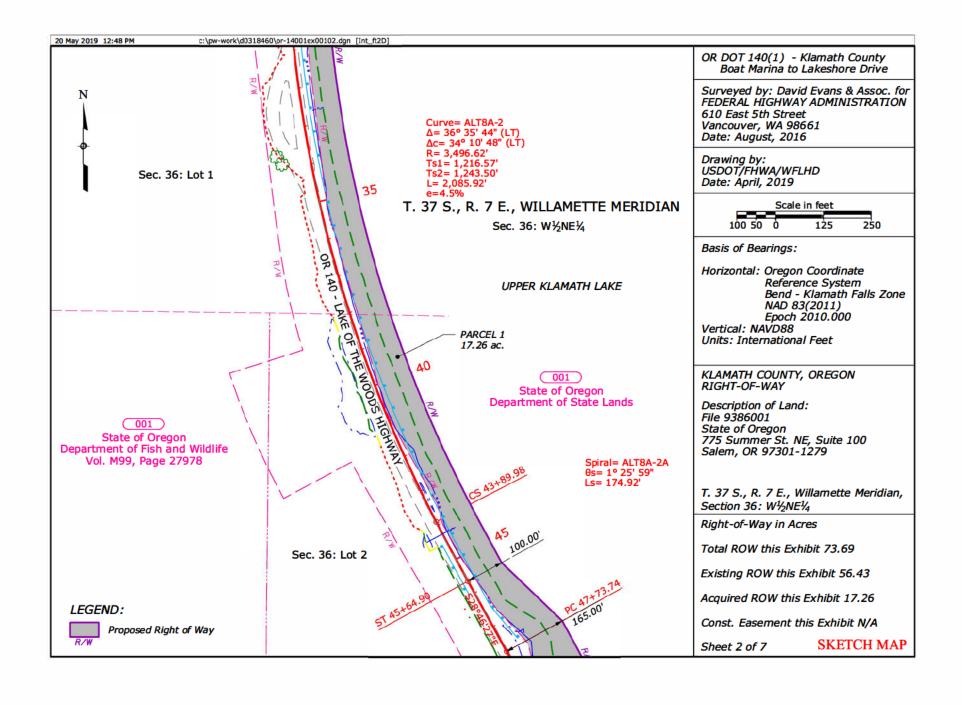


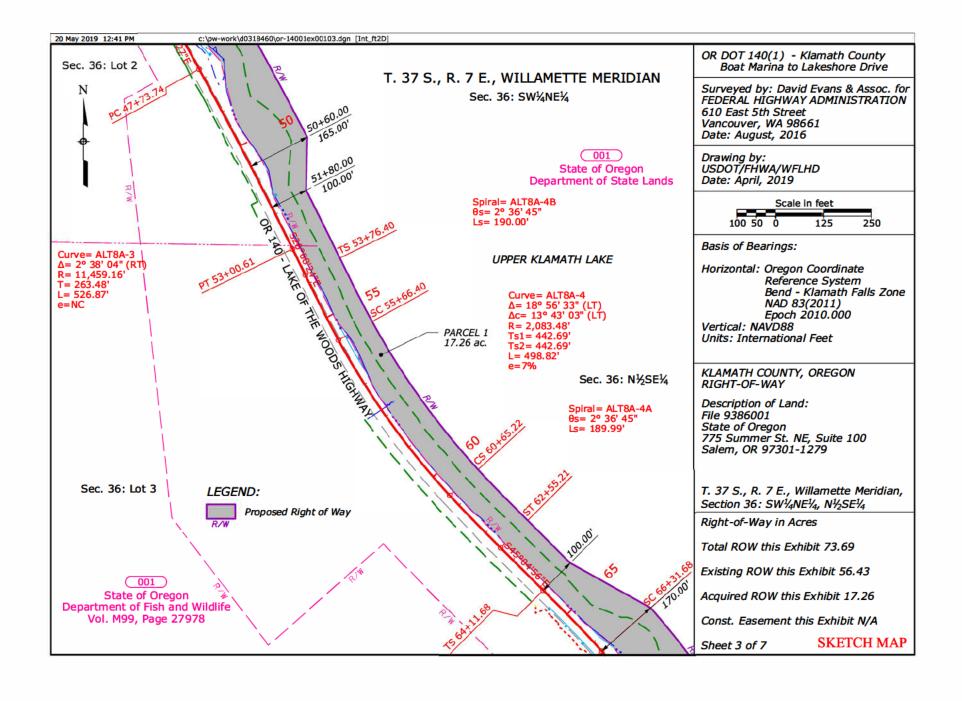


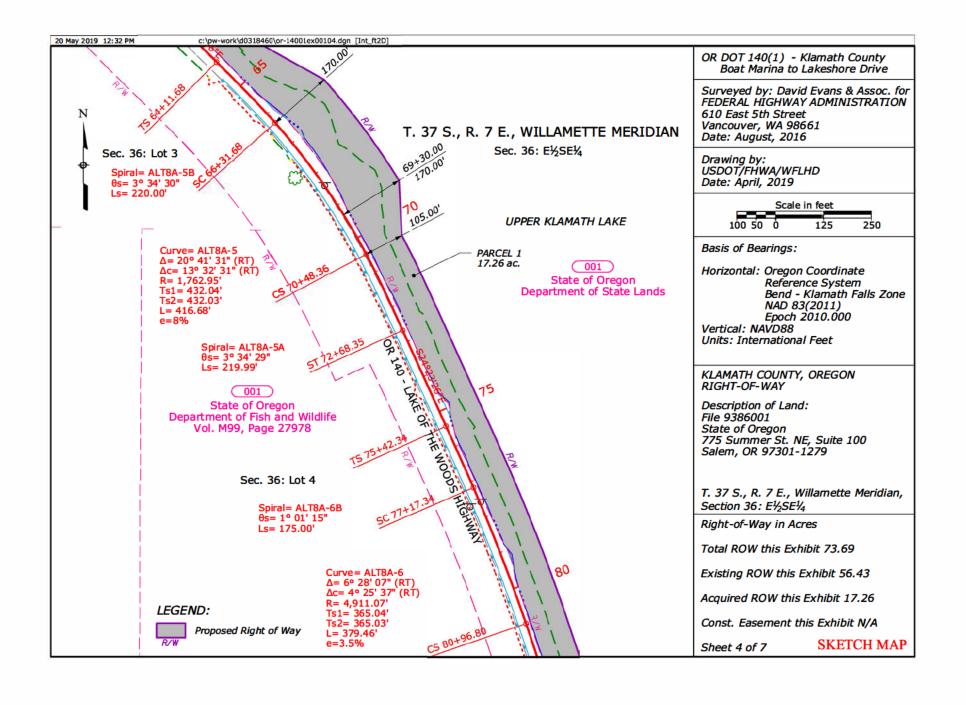


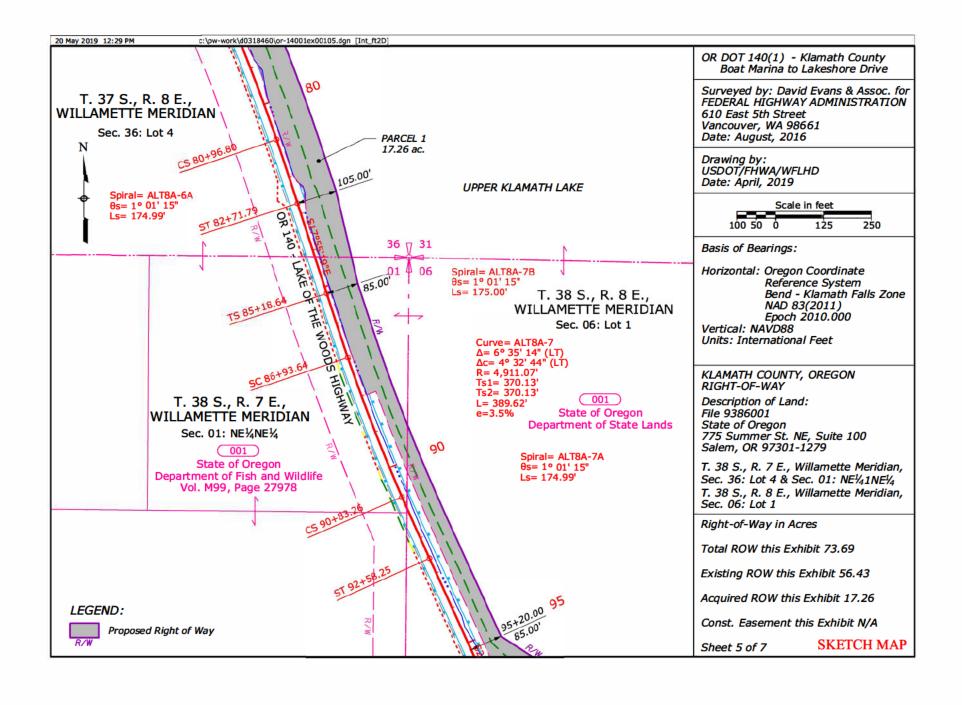


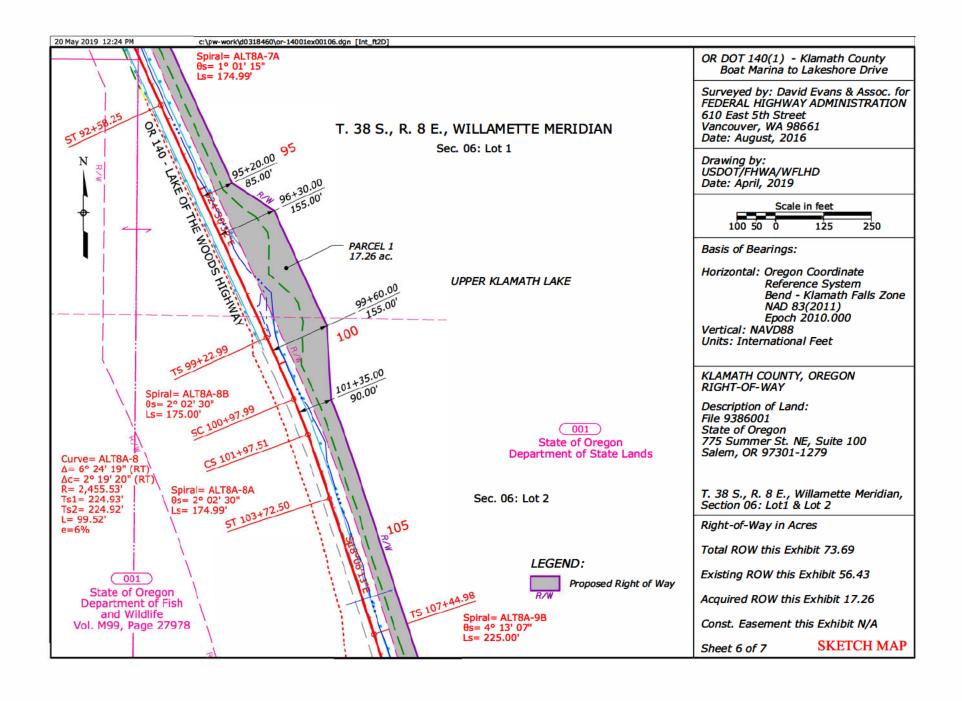


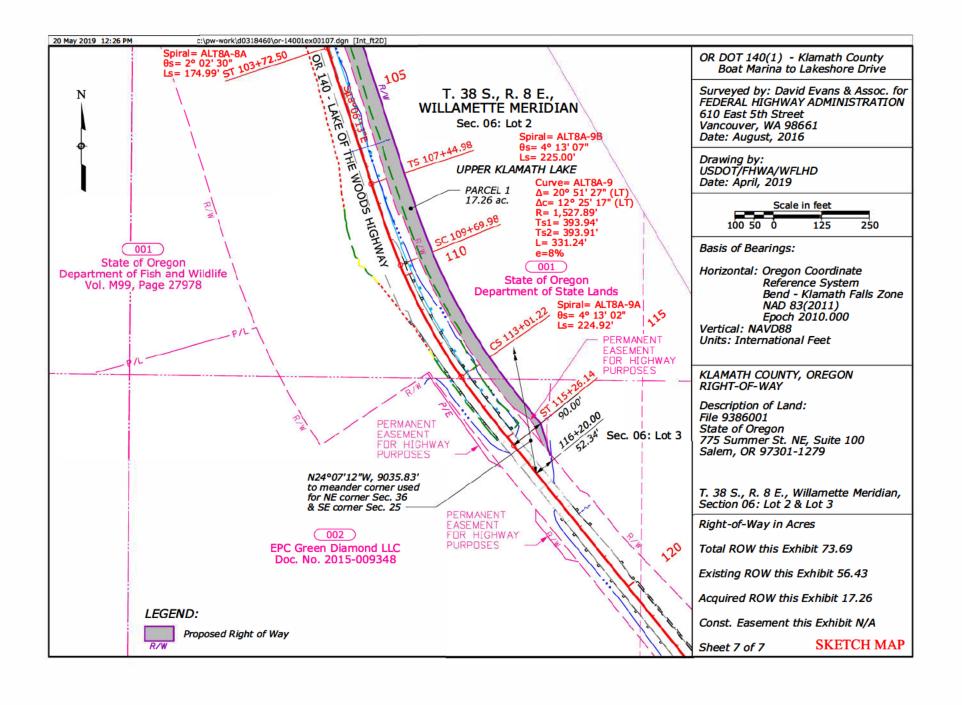


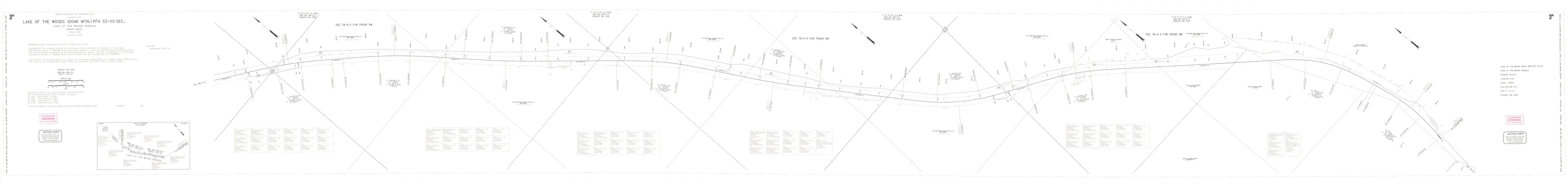












Parcel 1 - Fee Right of Way For Highway Purposes

A parcel of land lying in the W1/2 of the SE1/4 of Section 25 and the E1/2 of Section 36, Township 37 South, Range 7 East; the NE1/4 of the NE1/4 of Section 1, Township 38 South, Range 7 East; and Lots 1, 2, and 3 of Section 6, Township 38 South, Range 8 East, W.M., in Klamath County, Oregon; said parcel being a portion of property of the State of Oregon administered by the Department of State Lands; and being that portion of said property included in a right of way variable in width, lying on the Easterly and Northeasterly side of the centerline of the relocated Lake of the Woods Highway; said right of way being described as follows:

Beginning at a point on the existing Northeasterly right of way of Lake of the Woods Highway, said point being 59.82 feet left of Station 19+20.00, and being 526.91feet North and 166.82 feet East of a found meander corner on the line between Section 25 and Section 36, Township 37 South, Range 7 East, W.M., said meander corner being marked by a 2" aluminum cap stamped "M.C. S25/S36 1985 ORLS 1139":

thence leaving said existing right of way South 84° 51' 40" East, 40.18 feet; thence on a spiral curve right, long chord bearing South 05° 00' 30" West, 458.97 feet; thence South 07° 49' 16" West, 0.21 feet;

thence on a spiral curve left, long chord bearing South 07° 29' 45" W, 118.20 feet; thence on a 3,396.62 foot radius curve left, long chord bearing South 03° 50' 26" West, 355.29 feet:

thence South 89° 09' 27" East, 50.00 feet;

thence on a 3,346.62 foot radius curve left, long chord bearing South 01° 51' 40" East, 315.73 feet;

thence South 35° 46' 39" West, 76.47 feet;

thence on a 3,396.62 foot radius curve left, long chord bearing South 16° 26' 40" East, 1,284.14 feet;

thence on a spiral curve left, long chord bearing South 28° 18' 00" East, 172.45 feet; thence South 46° 07' 43" East, 218.72 feet;

thence on a 11,624.16 foot radius curve right, long chord bearing South 28° 03' 31" East, 290.38 feet;

thence South 01° 07' 29" West, 137.69 feet;

thence on a 11,559.16 foot radius curve left, long chord bearing South 26° 26' 29" East, 121.66 feet;

thence on a spiral curve left, long chord bearing South 27° 00' 01" East, 185.45 feet; thence on a 1,983.48 foot radius curve left, long chord bearing South 35° 36' 41" East, 473.70 feet;

thence on a spiral curve left, long chord bearing South 44° 13' 20" East, 185.43 feet;

thence South 45° 04' 56" East, 156.48 feet;

thence South 60° 51' 05" East, 239.53 feet;

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thence on a 1,932.95 foot radius curve right, long chord bearing South 36° 39' 35" East, 326.69 feet;

thence South 02° 57' 31" East, 143.46 feet;

thence on a spiral curve right, long chord bearing South 25° 35' 45" East, 226.17 feet; thence South 24° 23' 26" East, 273.98 feet;

thence on a 5,016.07 foot radius curve right, long chord bearing South 21° 09' 22" East, 387.48 feet;

thence on a spiral curve right, long chord bearing South 18° 15' 50" East, 176.86 feet; thence South 13° 17' 23" East, 247.66 feet;

thence on a spiral curve left, long chord bearing South 18° 15' 39" East, 173.51 feet; thence on a 4,826.07 foot radius curve left, long chord bearing South 21° 12' 56" East, 382.74 feet;

thence on a spiral curve left, long chord bearing South 24° 10' 13" East, 173.47 feet; thence South 24° 30' 32" East, 261.75 feet;

thence South 56° 58' 49" East, 130.38 feet;

thence South 24° 30' 32" East, 292.99 feet;

thence on a spiral curve right, long chord bearing South 24° 28' 54" East, 37.25 feet; thence South 03° 31' 14" East, 192.01 feet;

thence on a spiral curve right, long chord bearing South 19° 20' 46" East, 242.95 feet; thence South 18° 06' 13" East, 372.48 feet;

thence on a spiral curve left, long chord bearing South 19° 29' 21" East, 218.37 feet; thence on a 1,437.89 foot radius curve left, long chord bearing South 28° 31' 59" East; 311.03 feet;

thence on a spiral curve left, long chord bearing South 37° 34' 34" East, 218.28 feet; thence South 17° 06' 05" East, 80.57 feet to a point on the existing Northeasterly right of way of Lake of the Woods Highway, said point being 60.00 left of Station 116+00.92; thence along said right of way, being the Oregon Department of State Lands Claim Line 4141.0 foot elevation contour (Bureau of Reclamation Datum) shown on Oregon Department of Transportation Right-of-Way Drawing 10B-17-11, to the Point of Beginning.

Bearings are based upon the Oregon Coordinate Reference System, Bend-Klamath Falls Zone, NAD 83(2011) Epoch 2010.00.

This parcel contains 17.26 8.14 acres, more or less.