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IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

9611291

STATE OF OREGON

FILED

FEB 21 1996

FILE NO. 3959

IN THE MATTER OF VACATING A PORTION OF)
COUNTY ROAD NUMBER 677 (HOGATE ROAD))
WITHOUT A PUBLIC HEARING, AND ADOPTING)
ADOPTING FINDINGS OF FACT (20-03-35))

COUNTY CLERK
BY Lam DeWille

ORDER NO. 96-2-7-10

ZEL0FEB.21'96#07*PFUND 10.00
ZEL0FEB.21'96#07*AA&T 20.00
7510 FEB.21'96#07*REC 45.00

WHEREAS, this matter now coming before the Board upon a petition under ORS Chapter 368.341, received by the Director of the Lane County Department of Public Works, for the vacation of a portion of County Road Number 677 (Hogate Road) which area to be vacated being more particularly described as beginning as the easterly side of the right-of-way of County Road Number 357 (now known as Snauer Lane), thence (according to the county road survey and plat dated June 1, 1019) North 88° 10' East 660 feet; thence South 80° 05' East to the mean high water line of Row River or the southerly right-of-way line of Row River Road lying westerly of Row River, all in the Northwest One-quarter of Section 35, Township 20 South, Range 3 West of the Willamette Meridian; and

WHEREAS, ORS Chapter 368.351 provides for the vacation of public property and roads without a public hearing; and

WHEREAS, the petition complies with the provisions of ORS 368.351, in that the petitioners, who are the owners of 100% of the real property abutting and adjoining the proposed vacation, agree that the vacation should be approved as proposed; and

WHEREAS, no landowner would be denied legal access to their property; and

WHEREAS, South Lane County RFPD, Emerald Peoples Utility District, US West Communications, Northwest Natural Gas, along with various Lane County Divisions and other agencies and have been contacted regarding the vacation and have either approved of or not responded to the referral; and

WHEREAS, the petitioners have signed the petition requesting the vacation and are the owners of all the property abutting the portion of County Road Number 677 proposed for vacation; and

WHEREAS, the petitioners have paid a vacation fee of \$550 and will be responsible for payment of recording fees upon final approval of the vacation; and

WHEREAS, the Director of the Department of Public Works has provided a written report in support of the proposed vacation, as required by ORS 368.346, attached hereto, marked Exhibit "A" and made a part hereof, by this Order; and

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WHEREAS, all statutory procedures under ORS 368.351 necessary for this vacation have been complied with; and

WHEREAS, the Board considered the proposed vacation on February 7 th, 1996, in accordance with ORS Chapter 368; and

WHEREAS, the Board is of the opinion that approving the vacation as petitioned for is in the best interest of the public, now therefore, it is hereby

ORDERED, that the portion of County Road Number 677 as above described is hereby vacated and that in support of this action, the Board hereby adopts the Findings of Fact, as set forth in Exhibit "B", attached hereto and made a part hereof by this Order; and it is further

ORDERED, that this order be entered into the Lane County Board of Commissioners Journal of Administration, and be further recorded in the Lane County Oregon Deed Records.

DATED this 7th day of February, 1996.



 Chair

LANE COUNTY BOARD OF COMMISSIONERS

Att: Map

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

FILE NO. 3959

IN THE MATTER OF VACATING A PORTION)
OF COUNTY ROAD NUMBER 677 (HOGATE) DIRECTOR'S REPORT
ROAD), WITHOUT A PUBLIC HEARING, AND)
ADOPTING FINDINGS OF FACT (20-03-35))

The portion of County Road Number 677 (Hogate Road) proposed for vacation is all that part which lies between the easterly right-of-way line of County Road Number 357 (Snauer Lane) and the southerly right-of-way line of County Road Number 1320 (Row River Road).

The Department of Public Works has received a valid petition, signed by the owners of 100% of the property abutting and adjoining the portion of County Road Number 677 proposed for vacation, requesting by the authority of ORS 368.351, a vacation without a public hearing. The petitioners request the vacation in order to vacate a portion of county road no longer needed to provide public access to adjoining properties. They also state that there are no utilities located within the right-of-way proposed for vacation.

The South Lane County RFPD, Emerald People's Utility District, US West Communications, Northwest Natural Gas along with various Lane County Divisions and other agencies have been contacted regarding the proposed vacation and either had no objection or did not respond to the referral.

Hogate Road, if vacated, will not cause any harm to the public in access to Row River as the adjacent East Regional Park has a boat launch facility and river bank access.

The proposed vacation will benefit the general public in that this right-of-way is not needed for transportation purposes, as the construction of Row River Road acted to replace the transportation needs of this segment of road. No landowner will be denied access to their property and it relieves the County of any future obligation for this section of roadway.

It is recommended that the portion of County Road Number 677, as described in the Order, be vacated as petitioned for.

It is further recommended that the vacation be allowed without a public hearing.

DATED this 23rd day of JANUARY, 1996.

John E. Goodson, Director
Department of Public Works

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

FILE NO. 3959

**IN THE MATTER OF VACATING A PORTION)
 OF COUNTY ROAD NUMBER 677 (HOGATE) FINDINGS OF FACT
 ROAD), WITHOUT A PUBLIC HEARING, AND)
 ADOPTING FINDINGS OF FACT (20-03-35))**

The Department of Public Works has received a valid petition, signed by 100% of the adjoining property owners, requesting that a portion of County Road Number 677, as described in the Order, be vacated as petitioned for. The petitioners request the vacation stating that the portion of County Road Number 677 requested for vacation provides access only to the petitioner's property. They also state that there are no utilities located within the right-of-way proposed for vacation and that it is in the public interest to vacate this property. Public access to Row River is provided by a nearby park named East Regional Park.

Findings of Fact (Public Interest)

The Board takes notice and finds:

1. That, pursuant to ORS 368.326 to 368.366, a county governing body may vacate roads or right-of-way based upon the determination that the vacation in "in the public interest".
2. That, pursuant to ORS 197.175(2) (d), after acknowledgment of a county's comprehensive plan and implementing ordinances, the plan and ordinances, not the Statewide Planning Goals, control land use decisions.
3. That, Lane County's Rural Comprehensive Plan and implementing ordinances were originally acknowledged to be in compliance with the Statewide Goals on September 13, 1984, and reacknowledged on February 14, 1992.
4. That, neither the Lane County Comprehensive Plan nor any land use regulation within the Lane Code establish mandatory standards for the vacation of streets or roads.

Conclusion of Law (Public Interest)

Based upon the above findings of fact, the Board concludes, as a matter of law, that neither the Statewide Planning Goals nor the Lane County Rural Comprehensive Plan and related land use regulations are an applicable measure of the "public interest", as it pertains to this vacation.

Findings of Fact (Impacts and Process of Vacation)

FINDINGS OF FACT, COUNTY ROAD NUMBER 677 (HOGATE ROAD)

The Board takes notice and finds as follows:

1. That, the petitioners own all property adjacent to the proposed vacation. Said properties abutting the proposed vacation are further identified as tax lots 1500 and 1601 of assessor's map number 20-03-35.
2. That, the previously identified properties are outside any city limits and therefore under jurisdiction of Lane County.
3. That, the South Lane County RFPD, Emerald People's Utility District, US West Communications, Northwest Natural Gas along with various Lane County Departments and other agencies have been contacted and either had no objections to the vacation or have not responded to the referral.
4. That, vacating the portion of County Road Number 677 as described in the Order will not deny access to a public road to any landowners.
5. That, pursuant to ORS 368.351, a county governing body may make a determination about a vacation of property without a public hearing if:
 - (1.) The county road official files a written report stating that the vacation is in the public interest.
 - (2.) The proceedings were initiated by petition indicating the approval of 100% of the adjoining property owners.

Items (1) and (2) have been complied with.

Conclusion of Law (Impacts and Process of Vacation)

Based on the above findings of fact, the Board concludes, as a matter of law, that this vacation will not have any predictable negative impact on present or future land use, either in terms of allowable uses or actual development. The Board further concludes that statutory procedures necessary for making a determination on this vacation, without a public hearing, have been met.

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

FILE No. _____

9611291

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IN THE MATTER OF THE VACATION OF)
A PORTION OF COUNTY ROAD NUMBER)
677 IN SECTION 35, TOWNSHIP 20)
SOUTH, RANGE 3 WEST OF THE WILLAMETTE)
MERIDIAN, IN LANE COUNTY, OREGON)

PETITION TO VACATE

PURSUANT to the procedures set forth in ORS Chapter 368, we the undersigned Cottage Grove Masonic Lodge No. 51, A.F. and A.M. as owners of adjacent real property hereby petition for the vacation of a portion of County Road Number 677, which area to be vacated is described as follows:

All that portion of County Road Number 677 located east of Snauer Lane and west of the Row River adjacent to tax lots #20-03-35-1500 and #20-03-35-1601 - a portion of public road rights-of-way further described as beginning at the east side of the right-of-way of County Road 357y (now known as Snauer Lane), thence (according to the county road survey and plat dated June 1st, 1910) north 88°10' east 660 feet; thence south 80°05' east to the mean high water line of Row River or the south right-of-way of Row River Road lying east of Row River.

WHEREAS, the undersigned petitioners are the owners of 100% of all of the real property located adjacent to the above described area to be vacated, and

WHEREAS, petitioners allege as follows:

1. The area to be vacated was a previously established county road that was realigned on the present, revised location of Row River Road. Due to that realignment, the area to be vacated only provides local access to the adjacent parcels of property, and it is not a through route beneficial for general public use.
2. There are no public or private utilities located in the area to be vacated.
3. The vacation of this road will not affect the access of the public to Row River as the adjacent East Regional Park has access for the public.

WHEREAS, no portion of the area to be vacated is located within the boundaries of an incorporated City or Town, and

WHEREAS, the public interest will be served and not prejudiced by vacation of the above described area, and

WHEREAS, petitioners, separately and collectively, have no

objections to Lane County proceeding under the authority of ORS Chapter 368.326, for vacation without a hearing,

THEREFORE, the petitioners request an Order of the Board of County Commissioners for Lane County as follows:

- 1. Setting a date for vacation of the above described portion of road, without a public hearing before the Board of County Commissioners for Lane County pursuant to ORS Chapter 368
- 2. Upon review of the matter, to direct the vacation of the above described road, and direct the title to the vacated area revert and vest in accordance with ORS 368.366.

DATED this _____ day of _____ 1995.

PETITIONERS:

By: Don Watson Worshipful Master
 Map #20-03-35-1601 Title
 Cottage Grove Masonic Lodge No. 51, A.F. and A.M.
 78277 Snauer Lane
 Lane County, Oregon

STATE OF OREGON)
COUNTY OF LANE) ss.

On November 6, 1995, personally appeared the above-named DON WATSON and acknowledged the foregoing instrument to be a voluntary act before me:



Joan Hoehn
 Notary Public of Oregon
 My commission expires: 9-26-96

By: Jeffrey R. Towery City Manager
 Map #20-03-35-1500 Title
 City of Cottage Grove, Oregon
 400 E. Main Street
 Lane County, Oregon

STATE OF OREGON)
COUNTY OF LANE) ss.

On November 9, 1995, personally appeared the above-named Jeffrey R. Towery and acknowledged the foregoing instrument to be a voluntary act before me:



Joan Hoehn
 Notary Public of Oregon
 My commission expires: 9-26-96

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COTTAGE GROVE CITY COUNCIL
COTTAGE GROVE, OREGON

LOCATION: COUNCIL CHAMBERS, CITY HALL
DATE: August 28, 1995 TIME: 7:30 P.M.

- Jean Sinclair, Mayor
- Rex Stevens
- Pat Patterson
- Bob Baysinger
- Sue Rosenthal
- Doug Perkey
- Darrel Williams

COUNCIL ACTION

BUSINESS FROM THE CITY COUNCIL continued

(c) Councilor Rosenthal stated that she had a couple of people come in and talk to her about being ticketed for parking by the park on River Road across from Riverview Terrace. She stated that she drove that area and there are quite a few "no parking" signs along River Road going south but none going north.

Jeff stated that he didn't feel the City had an obligation to post signs in every conceivable location where there is no parking. The Motor Vehicle Code is clear about not allowing parking inside a bike lane.

Councilor Rosenthal felt that it would be common courtesy for the City to post signs in that area also.

Bob Sisson reiterated what Jeff pointed out about the Driver's Vehicle Code telling you what you can and can't do. He stated that in areas where that just doesn't seem to work, the City has gone the extra step and actually signed areas that are already covered by the code. He stated that we can put some additional signage in this area.

BUSINESS FROM THE CITY MANAGER

(a) Masonic Lodge Request for City Concurrence in Vacation of County Road No. 677

Jeff stated that there is a section of the old County road that abuts a parcel of property that the City owns and leases to the Masonic Lodge. He stated that staff is recommending that we petition Lane County to vacation that portion of County Road No. 677.

THAT COUNCIL AUTHORIZE THE CITY MANAGER TO PETITION LANE COUNTY FOR THE VACATION OF THAT PORTION OF COUNTY ROAD NO. 677 ABUTTING TAX LOT NUMBER 20-03-35-00-1500.

(b) Urban Renewal District Annual Financial Report

Jeff stated that state statute requires that each year we publish a financial report and that the report be given and accepted by the governing body, which in this case is the City Council. He stated that what staff is looking for is a motion to accept the report. He

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OND				X				
S	X	X	X	X	X	X	X	X

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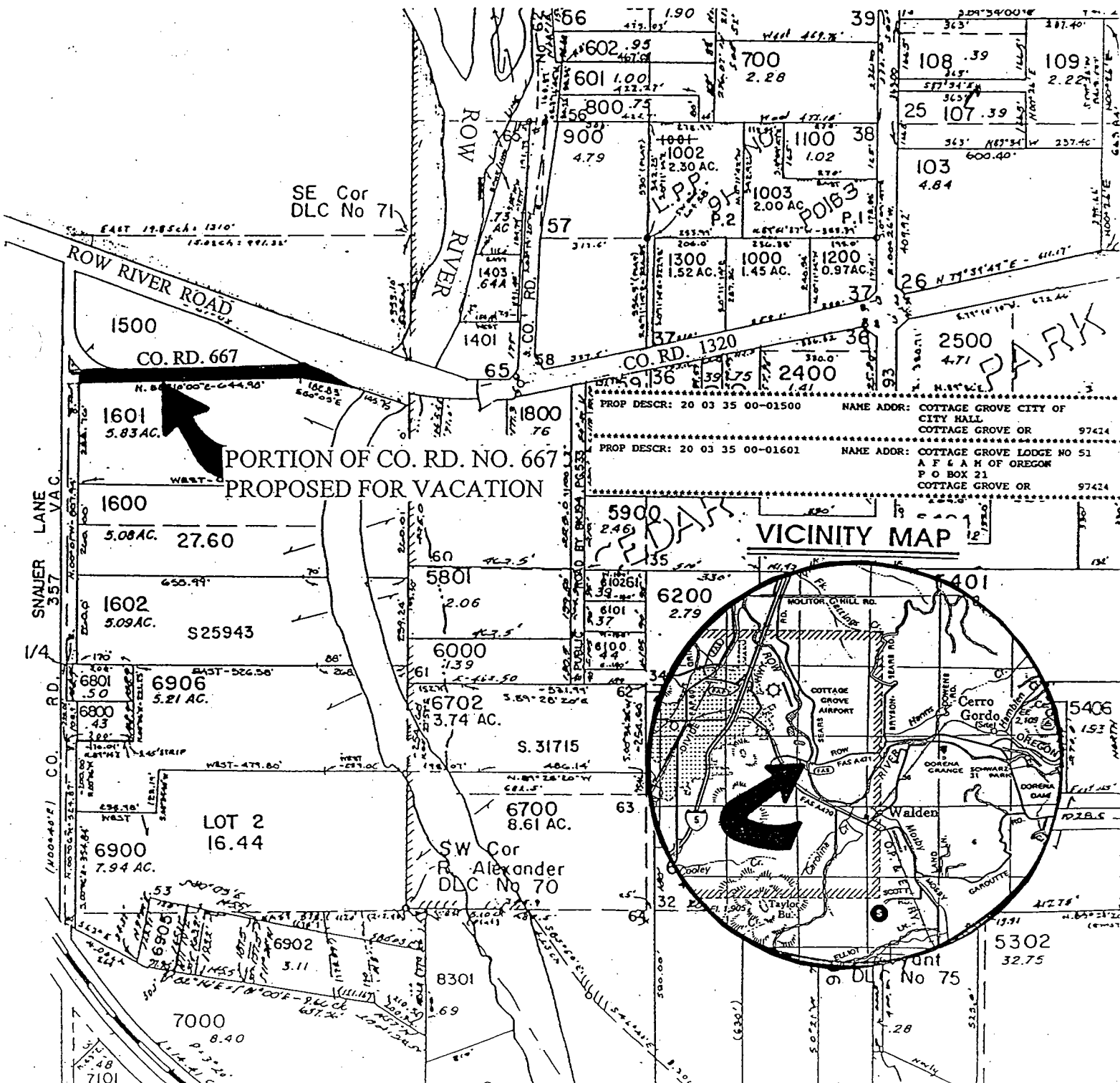
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ATTACHMENT

Section 35 T. 20 S. R. 3 W. W.M.

LANE COUNTY

1" = 400'



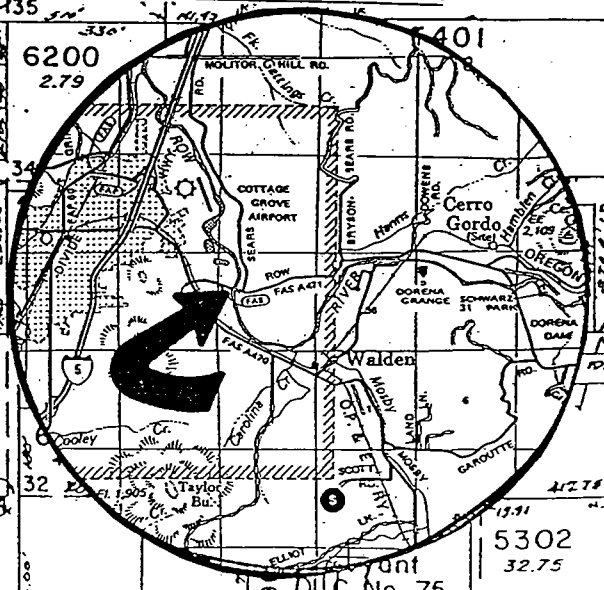
PORTION OF CO. RD. NO. 667
PROPOSED FOR VACATION

VICINITY MAP

PARK

PROP DESCR: 20 03 35 00-01500 NAME ADDR: COTTAGE GROVE CITY OF
CITY HALL
COTTAGE GROVE OR 97424

PROP DESCR: 20 03 35 00-01601 NAME ADDR: COTTAGE GROVE LODGE NO 51
A T & A H OF OREGON
P O BOX 21
COTTAGE GROVE OR 97424



LOT 2
16.44

SW Cor
R. Alexander
DLC No 70

5302
32.75