

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 22-06-21-09

IN THE MATTER OF THE VACATION OF A PORTION
OF 10TH STREET AND TWO UNNAMED PUBLIC
ALLEYS LOCATED IN BLOCKS 36 AND 37, SECOND
AMENDED PLAT OF FERN RIDGE, AS PLATTED AND
RECORDED IN BOOK 6, PAGE 28, LANE COUNTY
OREGON PLAT RECORDS, LANE COUNTY, OREGON,
WITHOUT A PUBLIC HEARING. (17-05-02-21)

WHEREAS, The Surveyor's Office of the Department of Public Works has received a valid petition signed by Leland E. Hanson and Kathy E. Hanson, representing 100% ownership of the properties abutting the above named street and alleys herein proposed to be vacated, by authority of ORS 368.351, a vacation without a public hearing; said street and alleys being more particularly described as follows:

All that portion of a 50 foot wide right of way commonly known as 10th Street, said portion to be vacated being located between the southeasterly projection of the west line of Block 35 of the Second Amended Plat of Fern Ridge, as platted and recorded in Book 6, Page 28, Lane County Oregon Plat Records, Lane County, Oregon, and the westerly right of way line of Bud Vaughan Road, County Road No. 234.

And:

The 16-foot wide east-west alley located adjacent to the south line of Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, Block 36, Second Amended Plat of Fern Ridge, as platted and recorded in Book 6, Page 28, Lane County Oregon Plat Records, Lane County, Oregon.

And:

The 16-foot wide east-west alley located adjacent to the north line of Lots 28, 29, 30, 31, and 32, Block 37, Second Amended Plat of Fern Ridge, as platted and recorded in Book 6, Page 28, Lane County Oregon Plat Records, Lane County, Oregon.

WHEREAS, the petition, marked as Exhibit "A," and made a part of this Order, complies with the provisions of ORS 368.351 in that the petitioners, landowners of 100% of the properties abutting the subject streets and alley, request the vacation be approved as proposed; and

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

WHEREAS, the public road easements herein proposed to be vacated lie entirely outside of any boundary of an incorporated city or town; and

WHEREAS, Comcast, EPUD, CenturyLink, and other agencies such as Lane County Land Management, Lane County Transportation Planning, Lane County Road Maintenance, Lane Fire Authority, Lane Council of Governments, and Bethel School District 52 were sent referrals seeking comment on the proposed vacation. The above listed utility companies, agencies and providers either had no objection to the vacation or did not respond to our referral; and

WHEREAS, there are no known public utilities within the street and alleys herein proposed to be vacated; and

WHEREAS, ORS 368.331 states: *"A county governing body shall not vacate public lands under ORS 368.326 to 368.366 if the vacation would deprive an owner of a recorded property right of access necessary for the exercise of that property right unless the county governing body has the consent of the owner."* The petitioners, as 100% owners of the abutting properties have consented to this action; and

WHEREAS, the public interest will be served by this vacation as the street and alleys herein described are not needed for transportation purposes; will remove the street and alleys from Lane County's jurisdiction; and will return a marginal portion of land to the County tax rolls; 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 368.351 and attached as Exhibit "B," and made a part of this Order; and

WHEREAS, the petitioner has paid a vacation fee deposit of \$3,400 and will pay actual costs incurred, including recording fees, upon final approval of the vacation; and

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


WHEREAS, the Board is of the opinion that approving the vacation as petitioned is in the best interest of the public.

NOW, THEREFORE, the Board of Commissioners of Lane County **ORDERS** as follows:

1. 10th Street and the two unnamed public alleys as described above and depicted on Exhibit "C," are hereby VACATED.
2. Under the authority of ORS 368.366(1) (d), hereby Order that vesting to 10th Street and the two unnamed public alleys revert according to law.
3. A public utility easement will be retained for any public utilities that currently exist within the vacated rights of ways of 10th Street and the two unnamed public alleys.

4. This Order be filed with the Lane County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration, after which copies are to be forwarded to the County Surveyor and County Assessor for appropriate action.

ADOPTED this 21st day of June, 2022.

A handwritten signature in cursive script, appearing to read "Pat Farr", is written above a horizontal line.

Pat Farr, Chair
Lane County Board of Commissioners

Exhibit "A"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON.

IN THE MATTER OF THE VACATION OF A PORTION OF 10TH STREET)
AND TWO UNNAMED PUBLIC ALLEYS LOCATED IN BLOCKS 36 AND)
37, SECOND AMENDED PLAT OF FERN RIDGE, AS PLATTED AND) PETITION TO VACATE
RECORDED IN BOOK 6, PAGE 28, LANE COUNTY OREGON PLAT)
RECORDS, LANE COUNTY, OREGON. (17-05-02-21))

Pursuant to the procedures set forth in ORS Chapter 368, we the undersigned Leland E. Hanson and Kathy E. Hanson, as owners of the adjacent real property, hereby petition for the vacation of a portion of 10th Street and two unnamed public alleys located in Blocks 36 and 37 of Second Amended Plat of Fern Ridge, as platted and recorded in Book 6, Page 28, Lane County Oregon Plat Records, which area to be vacated is described as follows:

All that portion of a 50 foot wide right of way commonly known as 10th Street, said portion to be vacated being located between the southeasterly projection of the west line of Block 35 of the Second Amended Plat of Fern Ridge, as platted and recorded in Book 6, Page 28, Lane County Oregon Plat Records, Lane County, Oregon, and the westerly right of way line of Bud Vaughan Road, County Road No. 234.

And:

The 16-foot wide east-west alley located adjacent to the south line of Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, Block 36, Second Amended Plat of Fern Ridge, as platted and recorded in Book 6, Page 28, Lane County Oregon Plat Records, Lane County, Oregon.

And:

The 16-foot wide east-west alley located adjacent to the north line of Lots 28, 29, 30, 31, and 32, Block 37, Second Amended Plat of Fern Ridge, as platted and recorded in Book 6, Page 28, Lane County Oregon Plat Records, Lane County, Oregon.

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

WHEREAS, the petitioners allege as follows:

1. Vacating these public right of ways will protect owners' existing outbuilding and fences. Also ensuring no changes will be made to the property in the future that would affect the current use of land.
1. Vacating these public rights of ways will alleviate the County of its jurisdictional responsibilities for the areas that currently have no value for public use.
2. There are no known public utilities or power lines located in the area proposed to be vacated. If public utilities are discovered, an easement will be retained or otherwise be provided for in conjunction with the vacation.

WHEREAS, no portion of the area to be vacated is located within the boundaries of an incorporated city or town; and

WHEREAS, public interest will be served by returning unused public right of way back to private ownership and taxable real property; and

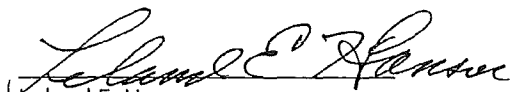
WHEREAS, petitioners, separately and collectively, acknowledge that the filing fee is a deposit and an estimate of the vacation fee, and that we accept responsibility for full payment of fees associated with the processing of this vacation in accordance with the Lane County Surveyor's Office fee schedule for public land vacations, regardless of whether this vacation is approved or denied; and

WHEREAS, petitioners, separately and collectively, have no objection to Lane County proceeding under the authority of ORS Chapter 368.326, for vacation with or without a public hearing; and

THEREFORE, the petitioners request the Board of Commissioners of Lane County:

1. To set a date to consider the vacation of the above described portion of road and alleys, with or without a public hearing pursuant to ORS Chapter 368.
2. Upon review of this matter, to order the vacation of the above described road and alleys.
3. Petitioners request that title to 10th Street and the unnamed public alleys revert and vest in accordance with ORS 368.366(1)(d).

PETITIONER SIGNATURES:



Leland E. Hanson

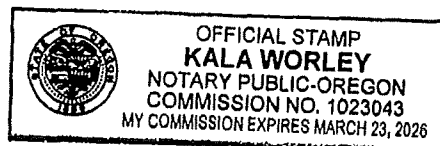
27472 Bud Vaughan Road

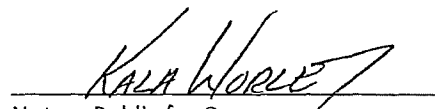
Junction City, OR 97448

(17-05-02-00-00100, 17-05-02-00-00200, 17-05-02-21-03000, 17-05-02-21-03100, 17-05-02-21-03200, 17-05-02-21-03300, 17-05-02-21-03400)

State of Oregon) §
County of Lane)

On 9 MAY, 2022, personally appeared the above named Leland E. Hanson and acknowledged the foregoing instrument to be a voluntary act before me:




Notary Public for Oregon
My Commission Expires: 2026

Kathy E. Hanson

Kathy E. Hanson

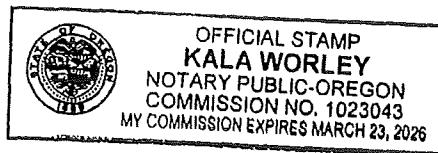
27472 Bud Vaughan Road

Junction City, OR 97448

(17-05-02-00-00100, 17-05-02-00-00200, 17-05-02-21-03000, 17-05-02-21-03100, 17-05-02-21-03200,
17-05-02-21-03300, 17-05-02-21-03400)

State of Oregon) §
County of Lane)

On, 9 MAY, 2022, personally appeared the above named Kathy E. Hanson and acknowledged
the foregoing instrument to be a voluntary act before me:



Kala Worley
Notary Public for Oregon
My Commission Expires: 2026

EXHIBIT "B"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR'S REPORT

IN THE MATTER OF THE VACATION OF A PORTION OF 10TH STREET AND TWO UNNAMED PUBLIC ALLEYS LOCATED IN BLOCKS 36 AND 37, SECOND AMENDED PLAT OF FERN RIDGE, AS PLATTED AND RECORDED IN BOOK 6, PAGE 28, LANE COUNTY OREGON PLAT RECORDS, LANE COUNTY, OREGON, WITHOUT A PUBLIC HEARING. (17-05-02-21)

The Surveyor's Office of the Department of Public Works has received a valid petition signed by Leland E. Hanson and Kathy E. Hanson, representing 100% ownership of the properties abutting the above named street and alleys herein proposed to be vacated, by the authority of ORS 368.351, a vacation without a public hearing.

10th Street and the two unnamed public alleys were dedicated for public use on the Second Amended Plat of Fern Ridge, platted and recorded in Book 6, Page 28, Lane County Plat Records in 1913.

10th Street is a 50-foot wide right of way while the two unnamed alleys are 16-foot wide. The street and alleys are located in the Alvadore area of Lane County and have never been constructed or used for public purposes.

The petitioners wish to vacate the street and alleys in order to return the easements back into private control and ownership. Surveyor's Office staff have determined there are no items of public interest that would necessitate keeping the road open to public travel such as access to recreational waterways, parks, or trails. There are no significant structures, such as bridges or railroad crossings along the street or alleys. There are no indications that public utilities exist within the street and alleys proposed to be vacated. Staff recommends a public utility easement be retained for any unknown public utilities that may exist in the vacated rights of way.

Comcast, EPUD, and CenturyLink were sent referrals seeking comment on this proposed vacation. The aforementioned utility companies did not respond to our referral.

The streets and alley herein proposed to be vacated lie entirely outside of any boundary of an incorporated city or town.

ORS 368.331 states: *"A county governing body shall not vacate public lands under ORS 368.326 to 368.366 if the vacation would deprive an owner of a recorded property right of access necessary for the exercise of that property right unless the county governing body has the consent of the owner."* The petitioners, as 100% owners of the abutting properties have consented to this action.

EXHIBIT "B"

The Surveyor's Office sent referrals to various other agencies including Lane Fire Authority, Lane Council of Governments, and Bethel School District 52. Lane Fire Authority responded and indicated they had no objection to this action. The other aforementioned agencies, districts, or providers did not respond to the Surveyor's Office referral.

Lane County Transportation Planning, Lane County Land Management, and Lane County Road Maintenance staff have all indicated they have no objection to this request.

In summary, it has been determined the street and alleys as described in the Order and depicted on Exhibit "C," are not needed by the Lane County Transportation System. It has also been concluded the vacation of the street and alleys is in the public's best interest, as vacating these streets and alley will return unused public right of way back to private ownership, adding a marginal portion of land to the County tax rolls; and have no adverse effects on transportation patterns or recreational activities in the area. It is further recommended the vacation be allowed without a public hearing.

DATED this _____ day of _____, 2022.

Dan Hurley, Director
Department of Public Works

Exhibit "C"
**PORTION OF 10TH STREET & ALLEYS
PROPOSED TO BE VACATED**

**SECOND AMENDED PLAT OF FERN RIDGE
NW 1/4 SECTION 2, T. 17S. R. 5W. W.M.
LANE COUNTY, OREGON**

