

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 23-04-11-03

IN THE MATTER OF THE VACATION OF A
PORTION OF KELSO STREET, COUNTY ROAD NO.
1965, LOCATED IN THE NORTHEAST ONE-
QUARTER OF SECTION 9, TOWNSHIP 17 SOUTH,
RANGE 4 WEST OF THE WILLAMETTE MERIDIAN,
IN LANE COUNTY, OREGON, WITHOUT A PUBLIC
HEARING. (17-04-09-11)

WHEREAS The Surveyor's Office of the Department of Public Works has received a valid petition signed by M. D. Emmerson, signing as CEO of Sierra Pacific Industries, representing 100% ownership of the properties abutting the portion of County Road herein proposed to be vacated, by the authority of ORS 368.351, a vacation without a public hearing, said County Road being more particularly described as follows:

All that portion of a 60-foot wide road known as Kelso Street, County Road No. 1965, beginning at the northerly extension of the east line of that tract of land granted by Statutory Warranty Deed to Seneca Sawmill Company, an Oregon Corporation, recorded on Instrument No. 2022-020657, Lane County Oregon Deeds and Records; thence westerly 268.72 feet, more or less, to the West line of the James Peek Sr. Donation Land Claim No. 50, Township 17 south, Range 4 West of the Willamette Meridian, last said point also being the westerly end of said County Road No. 1965, all in Lane County, Oregon.

Reserving the rights for any public utility easement of record for the purpose of operating and maintaining existing public utility facilities.

WHEREAS, the petition complies with the provisions of ORS 368.351 in that the Petitioners are landowners of 100% of the properties abutting the proposed vacation, 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 section of Kelso Street, County Road No. 1965, herein proposed to be vacated lies entirely outside of any boundary of an incorporated city or town; and

WHEREAS, City of Eugene, EWEB, Lane County Land Management, Transportation Planning, Road Maintenance, Lane Council of Governments, Lane Fire Authority, Bethel School District, Northwest/Central Ambulance, and Lane Transit District 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, Lumen/CenturyLink requests access be preserved for the purpose of operating and maintaining their facilities; and

WHEREAS, the Petitioners have agreed to retain a public utility easement for all public utilities that are located within the area 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." No landowner will lose legal access by approval of this action; and

WHEREAS, the public interest will be served by this vacation as Kelso Street is not needed for transportation purposes; and will remove the road right of way 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

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

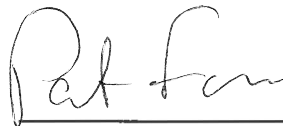
WHEREAS, all statutory procedures under ORS 368.351 necessary for this vacation have been complied with; and

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. Kelso Street, County Road No. 1965, as described above is hereby VACATED.
2. Ownership of the vacated right of way shall revert in accordance with ORS 368.366.
3. A public utility easement shall be retained for the purpose of operating, replacing, repairing, maintaining, inspecting, or reconstructing any public utility facility located within the portion of the road to be vacated.
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 11th day of April, 2023.



Pat Farr, Chair
Lane County Board of Commissioners