

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 23-08-29-02

IN THE MATTER OF THE VACATION OF WILDISH  
LANE, COUNTY ROAD NO. 740, IN SECTION 8,  
TOWNSHIP 17 SOUTH, RANGE 03 WEST OF THE  
WILLAMETTE MERIDIAN, IN LANE COUNTY,  
OREGON, WITHOUT A PUBLIC HEARING.  
(17-03-08).

**WHEREAS**, the Surveyor's Office of the Department of Public Works has received a valid petition signed by Steven J. Wildish, Vice President of Wildish Land Company, representing the owner of 100% of the properties abutting the road herein described, requesting, under authority of ORS Chapter 368.341, the vacation of Wildish Lane, County Road No. 740, more particularly described as follows:

All that portion of Wildish Lane, County Road No. 740, from its ending point at County Farm Road, thence northerly 1500 feet, more or less, to the southerly end of that portion of County Road No. 740 vacated by the Lane County Board of Commissioners by Board Order 77-11-23-5, in Section 8, Township 17 South, Range 3 West of the Willamette Meridian, all in Lane County, Oregon.

SAVE AND EXCEPT: a public utility easement for the purpose of preserving, maintaining, repairing, replacing, removing or reinstalling any public utility facilities that exist within the bounds of the above described.

**WHEREAS**, the petition complies with the provisions of ORS 368.351 in that the Petitioner, landowner 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 road herein proposed to be vacated lies entirely outside of any boundary of an incorporated city or town; and

**WHEREAS**, Comcast, Eugene Water and Electric Board, Lumen/CenturyLink, Northwest Natural Gas, and other agencies such as Lane County Land Management, Lane County Transportation Planning, Lane County Road Maintenance, Lane Council of Governments, Eugene-Springfield Fire, Eugene School District 4J, Oregon Department of Fish and Wildlife, Lane Transit District, Lane Community College, and Lane ESD, and adjoining and nearby property owners were notified of this action by mail. The above listed agencies and landowners either had no objection to the vacation or did not respond to our referral; and

**WHEREAS**, Petitioner hereby retains a public utility easement for any utilities that currently exist within the bounds of the roads being 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% of the owners abutting this proposed vacation, would not lose legal access.

**WHEREAS**, the public interest will be served by this vacation as the County Road is not needed for transportation purposes; will remove the road right of way from Lane County's jurisdiction; will protect the public from the hazards of the Petitioner's aggregate mining operations; 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 Petitioner has paid a vacation fee deposit of \$3,400.00 for a vacation without a public hearing and will pay actual costs incurred, including recording fees, upon final approval of the vacation; and

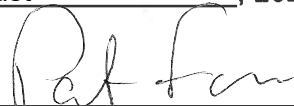
**WHEREAS**, all statutory procedures under ORS 368.351 necessary for this vacation have been complied with; and

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

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

1. Wildish Lane as described above is hereby VACATED.
2. Pursuant to ORS 368.366, title to the vacated lands will revert to private ownership as provided by law.
3. A public utility easement is hereby retained for all existing public utilities to preserve, maintain, repair, replace, remove or reinstall any public utilities that exist within the bounds of the portion of the roads herein described by these proceedings as vacated.
4. This Order be filed with the County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration, and be further recorded in the Lane County, Oregon Deed Records.

**ADOPTED** this 29th day of August, 2023.

  
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Pat Farr, Chair  
Lane County Board of Commissioners