

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.24-01-09-26

IN THE MATTER OF THE VACATION OF A
PORTION OF 7TH AVENUE, A PUBLIC ROAD,
LOCATED IN SECTION 4, TOWNSHIP 18 SOUTH,
RANGE 12 WEST OF THE WILLAMETTE
MERIDIAN, IN LANE COUNTY, OREGON.
(18-12-04-11).

WHEREAS, the Surveyor's Office of the Department of Public Works has received a valid petition signed by Trevor Means, signing as a landowner and Rebecca Brooke, Forest Supervisor for the Siuslaw National Forest, representing 66% ownership of the properties abutting the public road herein proposed to be vacated, by the authority of ORS 368.346, a vacation with a public hearing of the following described road:

The west half of 7th Avenue located adjacent to Lot 1, Block 6 of the First Addition Holt Park, as platted and recorded in Book 31, Page 8, Lane County Oregon Plat Records, Lane County, Oregon.

WHEREAS, ORS 368.326 to 368.366 provides for procedures by which a County governing body may vacate portions of a subdivision or public rights of way. Lane Manual 15.030 supplements ORS 368 in allowing for consideration of vacation of rights of way where little need exists for the rights of way, where no property owner is denied legal access as a result of the vacation and where the vacation will not adversely affect orderly development of adjacent property; and

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

WHEREAS, 7th Avenue is located outside the city limits of Florence, Oregon and therefore is under Lane County's jurisdiction; and

WHEREAS, the Petitioner has paid a vacation fee deposit of \$4,800 and will pay actual costs incurred, including recording fees, upon final approval of the vacation; and

WHEREAS, the Public Works Director of Lane County has provided a written report in support of the proposed vacation, as required by ORS 368.351, marked as Exhibit "B", attached, and made a part of this Order; and

WHEREAS, the Petitioner hereby retains a public utility easement for any utilities that currently exist within the bounds of the roads being vacated; 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. The portions of 7th Avenue as described above are hereby VACATED.
2. Pursuant to ORS 368.366, title to the vacated lands will revert to private ownership as provided by law.
3. An easement is hereby retained for any and all existing public utilities to preserve, maintain, repair, replace, remove, or reinstall any public utilities that may now 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 9th day of January, 2024.



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LANE COUNTY BOARD OF COMMISSIONERS

Exhibit "B"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR'S FINAL REPORT

IN THE MATTER OF THE VACATION OF A PORTION OF 7TH AVENUE, A PUBLIC ROAD, LOCATED IN SECTION 4, TOWNSHIP 18 SOUTH, RANGE 12 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON. (18-12-04-11).

The Surveyor's Office of the Department of Public Works has received a valid petition signed by Trevor Means, signing as a landowner and Rebecca Brooke, Forest Supervisor for the Siuslaw National Forest, representing 66% ownership of the properties abutting the Public Road herein proposed to be vacated, by the authority of ORS 368.346, a vacation with a public hearing.

The Petitioners wish to vacate the unimproved west half of 7th Avenue along the east property line of Lot 1, Block 6 of the First Addition to Holt Park as described in the Order and shown on attached Exhibit "C" vicinity map. Said property is identified as map and tax lot number 18-12-04-11-01300. 7th Avenue was dedicated to the public in the plat of the First Addition to Holt Park, all in Lane County, Oregon.

The Petitioners state the purpose is to vacate the unimproved west half of 7th Avenue as it abuts National Forest Lands on the north and private property on the west with no future possibility of public access needs for either property along this corridor. The owner of Lot 1, Block 6 has also removed garbage and debris from this area, as it was occupied in this manner by the previous tenant.

7th Avenue is located inside the Urban Growth Boundary of the City of Florence but has not been annexed into city limits. The avenue was established as a public road dedication in December 1960 with a 60-foot right of way width in the plat of the First Addition to Holt Park and has a functional classification as an unimproved Local Access Road.

There are no bridges or railroad crossings along the road with the terminus of 7th Avenue along the south boundary of the Siuslaw National Forest. The vacation of the west half of 7th Avenue will not restrict public access to the Siuslaw National Forest along this public road as the east half remains a public road. The Siuslaw National Forest is also a petitioner who is in favor of this vacation. Additionally, there are public access corridors onto the Siuslaw National Forest to the east and west of 7th Avenue as established in the plat of the First Addition to Holt Park. Lane County Staff has not identified any other areas of public interest such as access trails or waterways to consider.

The Petitioners state the purpose of the vacation is the road no longer serves a present or future public right of way need as it is unimproved with no future needs for a road extending beyond its current terminus.

Exhibit “B”

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 66% of the owners abutting this proposed vacation, have consented to this action.

The Surveyor’s Office notified Lumen/Century Link Communications, Central Lincoln PUD, Northwest Natural Gas, various other agencies including Lane County Transportation Planning, Lane County Planning, and the Road Maintenance sections of the Lane County Department of Public Works, and the adjoining and nearby property owners regarding the vacation. The agencies had no objection to the vacation or did not respond to the referral. The adjoining neighbor along the east margin of 7th Avenue submitted comment on the proposed vacation but did not write in opposition. An easement will be retained in the Order for any existing public utilities that are within the bounds of the right of way proposed to be vacated.

It is recommended the vacation be approved and a public utility easement be retained for all public utilities that exist within the right of way to be vacated.

DATED this _____ day of _____, 2023.

Dan Hurley, Director
Department of Public Works