

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 24-04-16-11

IN THE MATTER OF THE VACATION OF THE MOST WESTERLY SEGMENT OF HARVARD AVENUE AND PORTIONS OF LAKE STREET, MARKET STREET, AND MAPLE STREET, PUBLIC ROADS DEDICATED IN THE AMENDED PLAT EL CARMEL ADDITION TO GLENADA, BOOK 7, PAGE 14, LOCATED IN SECTION 2, TOWNSHIP 19 SOUTH, RANGE 12 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON, WITHOUT A PUBLIC HEARING. (19-12-02-23).

The Surveyor's Office of the Department of Public Works has received a valid petition signed by the owners of 100% of the property abutting the proposed vacation requesting, by the authority of ORS 368.351, a vacation without a public hearing. ORS 368.326 to 368.366 allows a county governing body to vacate a subdivision or part of a subdivision, a road or right-of-way, or public interest in property under the jurisdiction of the county, based upon the determination the vacation is "in the public's interest."

All those portions of Harvard Avenue, Lake Street, Market Street, and Maple Street dedicated for public use in the Amended Plat El Carmel Addition to Glenada as platted and recorded on Book 7, Page 17 of the Lane County Plat Records, Lane County, Oregon, located within Parcel 2 as described in Warranty Deed No. 2023-012655, as recorded in Lane County Deed Records, all in Lane County, Oregon.

WHEREAS, the petition complies with the provisions of ORS 368.351 in that the Petitioners, 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 roads herein proposed to be vacated lie entirely outside of any boundary of an incorporated city or town; and

WHEREAS, Lane County Land Management, Lane County Transportation Planning, Lane County Road Maintenance Zone 5, the Oregon Department of Transportation, the Oregon Department of Fish and Wildlife, Siuslaw School District, Siuslaw Valley Fire and Rescue, Lane Council of Governments, Lane Community College, Lane ESD, Spectrum Cable, Lumen/Century Link, NW Natural Gas, Central Lincoln PUD, and two 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, the Petitioners hereby retain 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” and the Petitioners, representing 100% of the abutting landowners, have given consent to these proceedings by signing the petition; and

WHEREAS, the public interest will be served by this vacation as it currently serves only the Petitioner’s property; will remove the responsibility of managing the public road right of way from Lane County’s jurisdiction; will allow the vacated lands to be put to more productive use by the underlying landowner; and will return approximately 0.82 acres to the 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. The portions of Harvard Avenue, Lake Street, Market Street, and Maple Street 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 16th day of April, 2024.



Laurie Trieger, Chair
Lane County Board of Commissioners