

W.S.D.I.

Memorandum Date: June 27, 2011

Order Date: July 13, 2011

**TO:** Board of County Commissioners**DEPARTMENT:** Public Works, Land Management Division**PRESENTED BY:** Mike Jackson, Lane County Surveyor

**AGENDA ITEM TITLE:** IN THE MATTER OF SETTING A PUBLIC HEARING FOR THE PROPOSED VACATION OF PORTIONS OF FAIRGROUNDS ENTRANCE ROAD (CO. RD. 2253) AND FAIRGROUNDS WEST ENTRANCE ROAD (CO. RD. 2267), LOCATED IN THE SOUTHWEST ONE QUARTER (SW1/4) OF SECTION 31, TOWNSHIP 17 SOUTH, RANGE 3 WEST AND THE SOUTHEAST ONE QUARTER (SE1/4) OF SECTION 36, TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON (17-03-31-30 & 17-04-36-40).

**I. MOTION**

TO APPROVE THE RESOLUTION AND ORDER TO SET A PUBLIC HEARING DATE OF AUGUST 17, 2011 AT 1:30 P.M. TO CONSIDER THE PROPOSED VACATION OF PORTIONS OF FAIRGROUNDS ENTRANCE ROAD (CO. RD. 2253) AND FAIRGROUNDS WEST ENTRANCE ROAD (CO. RD. 2267).

**II. AGENDA ITEM SUMMARY**

The Board is being asked to approve the Resolution and Order to set a public hearing date to consider the proposed vacation of portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267), located entirely within the Lane County Fairgrounds property.

**III. BACKGROUND/IMPLICATIONS OF ACTION****A. Board Action and Other History**

The Surveyor's Office of the Department of Public Works has received a request by Lane County Management Services Facilities Administration to initiate proceedings for the vacation of the subject roads. The purpose of this vacation is to facilitate more strategic gate locations and to more effectively address traffic and pedestrian flow, security and safety issues within the Fairgrounds property.

The portion of Fairgrounds Entrance Road proposed for vacation was established as County Road 2253 in 1997 by Board of Commissioners Order No. 97-8-27-3, consisting

of a loop of variable width providing two points of entry to the Fairgrounds from West 13<sup>th</sup> Avenue, the easterly of the two being at Jefferson Street. The portion of Fairgrounds Entrance Road proposed for vacation consists of a "stub" approximately 0.04 miles in length at the southerly end of the loop.

The portion of Fairgrounds West Entrance Road proposed for vacation was established as County Road 2267 in 2004 by Board of Commissioners Order No. 04-4-28-12, consisting of two separate portions having variable width providing various points of entry to the Fairgrounds from West 13<sup>th</sup> Avenue. The portion of Fairgrounds West Entry Road proposed for vacation is the entire road as established in said Order No. 04-4-28-12, being approximately 0.35 miles in length.

The portions of these roads proposed for vacation are within the city limits of the City of Eugene. In accordance with ORS 368.361(3), concurrence by the City of Eugene is necessary to validate the vacation. Solicitation for concurrence will occur prior to the public hearing.

The Surveyor's Office notified the City of Eugene, Qwest Communications, EWEB, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and nearby property owners regarding the vacation. Northwest Natural Gas responded requesting an easement be retained for their benefit. The Eugene Fire Department initially responded with concerns regarding access in emergency situations, and after further discussion indicated no objection to the vacation. The other agencies and landowners either had no objection to the vacation or did not respond to the referral.

#### **B. Policy Issues**

Lane Manual 15.300 and 15.305 supplement 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. The right of way herein considered for vacation as described in the Resolution and Order is consistent with these categories.

Lane Manual 15.305(6) requires that vacations, other than those by petition, shall be referred to the Roads Advisory Committee for consideration and recommendations. This vacation was considered by the Roads Advisory Committee and recommended for approval on June 22, 2011.

#### **C. Board Goals**

Part of Lane County's Strategic Plan is to contribute to appropriate community development in the area of transportation and land development and to provide for the public safety (Lane County Strategic Plan, Goals, P. 8). The vacation of the portion of right of way as described in the Resolution and Order is consistent with this part of the Strategic Plan.

#### **D. Financial and/or Resource Considerations**

There will be no adverse financial impact as a result of the vacation of these rights of way. Since the vacated portions of road will no longer have County Road status, maintenance responsibility will shift from Public Works to Management Services Facilities Maintenance, and as a result will no longer be Road Fund eligible.

#### **IV. ANALYSIS**

ORS 368.341(1) (a) provides that a county governing body may initiate proceedings to vacate a public road provided certain conditions are met, and these conditions are complied with by these proceedings.

The portions of road proposed for vacation are entirely within the Lane County Fairgrounds property. The vacation of the portions of Fairgrounds Entrance Road and Fairgrounds West Entrance Road as described in the Resolution and Order will have no adverse effects on transportation patterns in the area.

Vacation of the "stub" portion of Fairgrounds Entrance Road south of the Convention Center will allow for the relocation of a vehicular gate which, in its current location not only creates multiple vehicular safety issues, but also does not contribute in a positive manner to the traffic flow into the fairgrounds property. It will also improve management's ability to provide a more secure area for users and guests.

Vacation of the portion of Fairgrounds West Entry Road located immediately in front of the administrative offices fronting 13<sup>th</sup> Avenue will provide more flexibility in obtaining a safe ingress and egress system, especially during fair times.

Vacation of the portion of Fairgrounds West Entry Road immediately behind the area previously occupied by the Extension Service building will afford Lane Events Center/Lane County Fair (LEC/LCF) management increased ability to provide safer pedestrian traffic during the Lane County Fair and more general flexibility in "encapsulating" the entire area for security purposes.

The proceedings for the proposed vacation of these roads require a public hearing. Setting a date for the public hearing will allow time for notice as required by ORS 368.401 – 368.426, and provide an opportunity for any comments from the public, affected property owners and other agencies. The attached Resolution and Order will set a public hearing date to consider the merits of the vacation of the described portion of rights of way.

#### **V. ALTERNATIVES/OPTIONS**

The Board of County Commissioners has the option to:

1. Approve the public hearing date as proposed by staff to consider the vacation of the portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267), as described in the Resolution and Order.

2. Set any later public hearing date, as the Board may wish to consider the vacation of these portions of road.
3. Refuse to set a date, either postponing the matter, or refusing to initiate proceedings to consider the vacation of these portions of road.

**VI. TIMING/IMPLEMENTATION**

Timing of this matter is important in order to address safety and security concerns in a timely manner.

**VII. RECOMMENDATION**

The Public Works Director's Preliminary Report recommends the Board support Option Number 1, to approve setting a public hearing date to consider the proposed vacation.

**VIII. FOLLOW-UP**

If the Board of County Commissioners approves the Resolution and Order setting a date for a public hearing on the vacation of portions of Fairgrounds Entrance Road and Fairgrounds West Entrance Road, it is to be forwarded to the Lane County Clerk for filing and recording, after which copies are to be forwarded to the County Surveyor who will provide public notice of the proposed action. If the Board wishes to postpone the matter, or to terminate proceedings, an Order to Postpone or Terminate will be presented to the Board at a later regularly scheduled meeting.

**IX. ATTACHMENTS**

Resolution and Order w/attachments:  
Director's Preliminary Report - Exhibit "A"  
Attachment "A" - Site Map

Contact Person: Mike Jackson x4198



**IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY  
STATE OF OREGON**

<p><b>IN THE MATTER OF SETTING A PUBLIC HEARING )</b>  <b>FOR THE PROPOSED VACATION OF PORTIONS OF )</b>  <b>FAIRGROUNDS ENTRANCE ROAD (CO. RD. 2253) )</b>  <b>AND FAIRGROUNDS WEST ENTRANCE ROAD (CO. )</b>  <b>RD. 2267), LOCATED IN THE SOUTHWEST ONE )</b>  <b>QUARTER (SW1/4) OF SECTION 31, TOWNSHIP 17 )</b>  <b>SOUTH, RANGE 3 WEST AND THE SOUTHEAST ONE )</b>  <b>QUARTER (SE1/4) OF SECTION 36, TOWNSHIP 17 )</b>  <b>SOUTH, RANGE 4 WEST OF THE WILLAMETTE )</b>  <b>MERIDIAN, IN LANE COUNTY, OREGON )</b>  <b>(17-03-31-30 &amp; 17-04-36-40) )</b></p>	<p><b>RESOLUTION AND )</b>  <b>ORDER NO. )</b></p>
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**THIS MATTER** now coming before the Board of County Commissioners for Lane County, Oregon, upon a request by Lane County Management Services Facilities Administration for the vacation of portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267), and it appearing that the portions of the subject roads proposed for vacation are no longer needed as part of Lane County’s public road system; and

**WHEREAS**, the portion of Fairgrounds Entrance Road proposed for vacation was established as County Road 2253 in 1997 by Board of Commissioners Order No. 97-8-27-3, consisting of a loop of variable width providing two points of entry to the Fairgrounds from West 13<sup>th</sup> Avenue, the easterly of the two being at Jefferson Street. The portion of Fairgrounds Entrance Road (Co. Rd. 2253) proposed for vacation consists of a “stub” approximately 0.04 miles in length at the southerly end of the loop; and

**WHEREAS**, the portion of Fairgrounds West Entrance Road proposed for vacation was established as County Road 2267 in 2004 by Board of Commissioners Order No. 04-4-28-12, consisting of two separate portions having variable width providing various points of entry to the Fairgrounds from West 13<sup>th</sup> Avenue. The portion of Fairgrounds West Entry Road (Co. Rd. 2267) proposed for vacation is the entire road as established in said Order No. 04-4-28-12, being approximately 0.35 miles in length; and

**WHEREAS**, the proposed vacation is requested in order to facilitate more strategic gate locations and to more effectively address traffic and pedestrian flow, security and safety issues within the Fairgrounds property; and

**WHEREAS**, the Surveyor’s Office notified the City of Eugene, Qwest Communications, EWEB, Northwest Natural Gas, various other agencies including, Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and nearby property owners regarding the vacation. Northwest Natural Gas responded requesting an easement be retained for their benefit. The Eugene Fire Department initially responded with concerns regarding access in emergency situations, and after further discussion indicated no

objection to the vacation. The other agencies and landowners either had no objection to the vacation or did not respond to the referral; and

**WHEREAS**, the portions of these roads proposed for vacation are within the city limits of the City of Eugene, and in accordance with ORS 368.361(3) concurrence by the City of Eugene is necessary to validate the vacation. Solicitation for concurrence will occur prior to the public hearing; and

**WHEREAS**, Lane Manual 15.305 requires that vacations, other than those by petition, shall be referred to the Roads Advisory Committee for consideration and recommendations, and this vacation was considered and approved by the Roads Advisory Committee on June 22, 2011; and

**WHEREAS**, the Director of Public Works has provided a written preliminary report, as required by ORS 368.346, attached hereto, marked Exhibit "A" and made a part hereof by this Order, which recommends a date be set for the public hearing; and

**WHEREAS**, ORS Chapter 368 requires a public hearing to vacate a public road by resolution, and the Board deems it appropriate to conduct a public hearing to decide whether to vacate the described portions of roads; and now, therefore, it is hereby

**RESOLVED**, that in accordance with ORS Chapter 368, proceedings be undertaken to consider the vacation of those portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267), more particularly described as follows:

All that portion of Fairgrounds Entrance Road (Co. Rd. 2253) from Station L 8+80.00 POC to Station L 11+03.30 PT as established by Lane County Board of Commissioners Order of Establishment No. 97-8-27-3 filed September 2, 1997 in Commissioners Journal 159, Pages 1163-1170, and as shown on that survey filed in the Lane County Surveyor's Office on August 4, 1997 as County Survey File No. 34513-34515, located in the Southwest One Quarter of the Southwest One Quarter (SW1/4 SW1/4) of Section 31, Township 17 South, Range 3 West of the Willamette Meridian, Lane County, Oregon; and

ALSO, all that portion of Fairgrounds West Entrance Road (Co. Rd. 2267) lying south of the southerly right of way line of West 13<sup>th</sup> Avenue, the same being all of Fairgrounds West Entrance Road in its entirety as established by Lane County Board of Commissioners Order of Establishment No. 04-4-28-12 filed May 3, 2004 in Commissioners Journal 192, Pages 397-406, and as shown on that survey filed in the Lane County Surveyor's Office on December 14, 2001 as County Survey File No. 37295, located in the Northwest One Quarter of the Southwest One Quarter (NW1/4 SW1/4) of Section 31, Township 17 South, Range 3 West and the Northeast One Quarter of the Southeast One Quarter (NE1/4 SE1/4) of Section 36, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon.

Now, therefore, it is hereby

**ORDERED**, that August 17, 2011 be established as the date for conducting a public hearing regarding the proposed vacation of the above described portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267), and that

the said hearing be held at 1:30 p.m. at the Lane County Courthouse, 125 East 8th Avenue, Eugene, Oregon 97401; and it is further

**ORDERED**, that the Director of the Lane County Department of Public Works, pursuant to ORS Chapter 368.346, cause the Lane County Surveyor to examine the portions of rights of way proposed to be vacated and that the Director provide a written Final Report of findings, which are to be incorporated into the Final Order; and it is further

**ORDERED**, that notice of the public hearing be provided by service, posting and publication in accordance with ORS 368.401 to 368.426.

Inquiries regarding these proceedings may be directed to Mike Jackson, Lane County Surveyor, Public Service Building, 125 East 8th Avenue, Eugene, Oregon 97401, telephone (541) 682-4195.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Chair  
Lane County Board of Commissioners

Attachment: Attachment "A" – Site Map

APPROVED AS TO FORM:

Date 6-30-11, Lane County

*[Signature]*  
OFFICE OF LEGAL COUNSEL





## EXHIBIT "A"

Maintenance to more effectively address traffic and pedestrian flow, security and safety issues within the Fairgrounds property.

Lane Manual 15.305(6) requires that vacations, other than those by petition, shall be referred to the Roads Advisory Committee for consideration and recommendations. This vacation was considered by the Roads Advisory Committee and recommended for approval on June 22, 2011

The proceedings for the proposed vacation of these roads require a public hearing. Setting a date for the public hearing will allow time for notice as required by ORS 368.401 – 368.426, and provide an opportunity for any comments from the public, affected property owners and other agencies, as well as allow County staff to review and respond to inquiries or opposition to the proposed vacation.

It is recommended that the proceedings for vacating the portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267), as described in the Resolution and Order, be commenced as authorized by ORS 368.341(1)(a), and a public hearing date be established to allow the Board of County Commissioners to consider public input, as well as staff presentation.

A final report will be submitted prior to the time of the public hearing.

DATED this 27 day of June, 2011.



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Public Works Director  
Department of Public Works

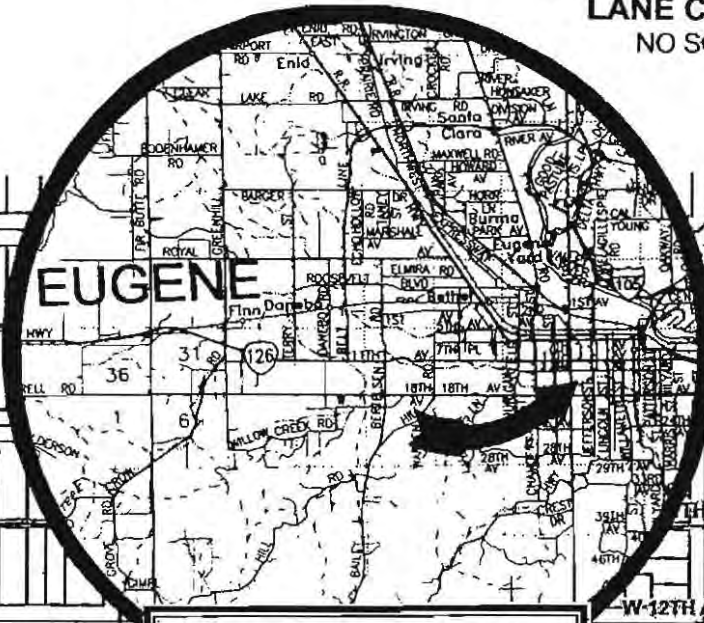
ATTACHMENT A

(Vacation - Portions of Fairgrounds Roads)

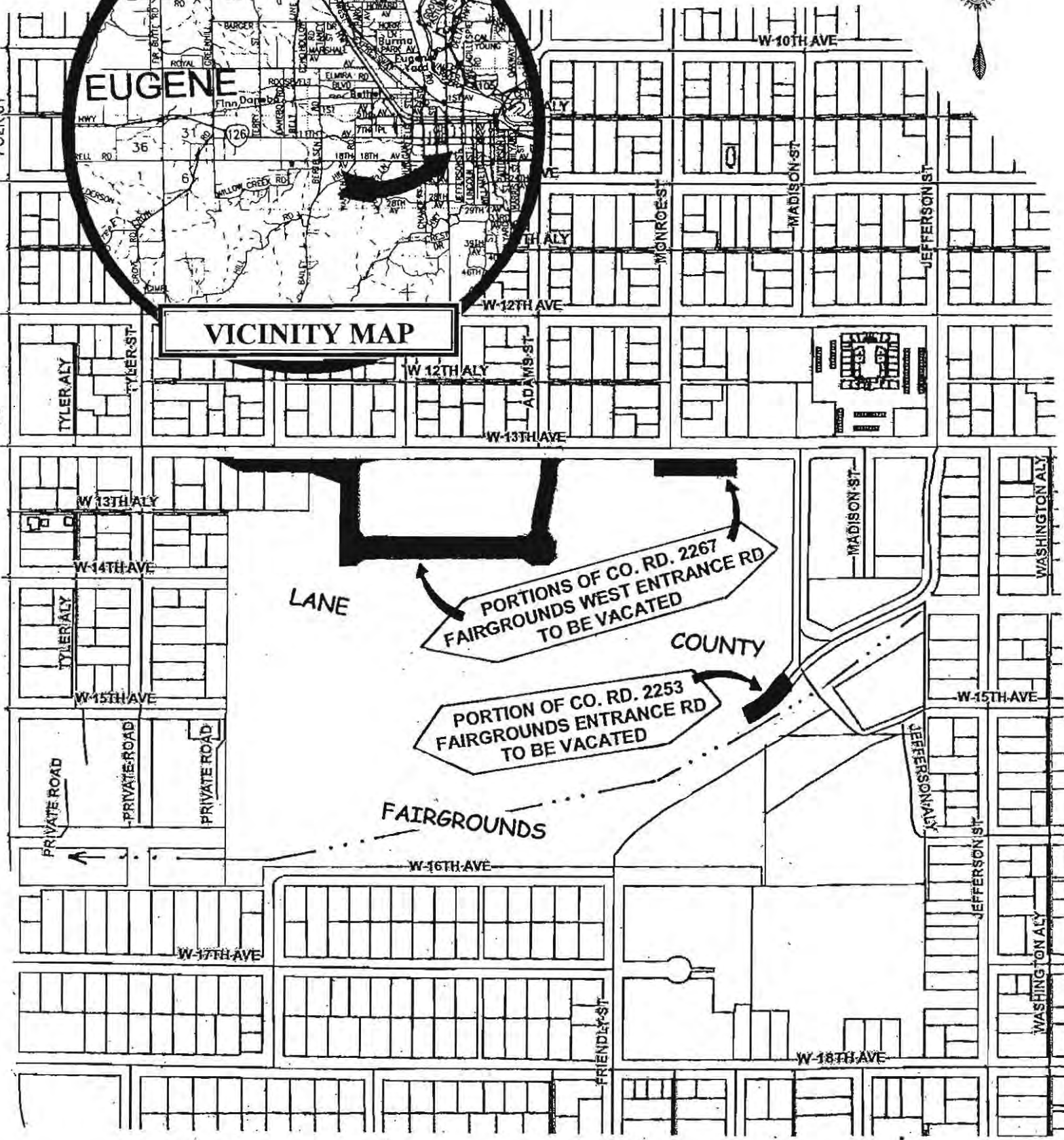
SW1/4 SECTION 31, T17S, R3W; SE1/4 SECTION 36, T17S, R4W, W.M.

LANE COUNTY

NO SCALE



VICINITY MAP



LANE

COUNTY

FAIRGROUNDS

PORTIONS OF CO. RD. 2267  
FAIRGROUNDS WEST ENTRANCE RD  
TO BE VACATED

PORTION OF CO. RD. 2253  
FAIRGROUNDS ENTRANCE RD  
TO BE VACATED

PRIVATE ROAD  
PRIVATE ROAD  
PRIVATE ROAD

W-18TH AVE

W-15TH AVE

W-16TH AVE

W-17TH AVE

W-15TH AVE

W-14TH AVE

W-13TH AVE

W-13TH AVE

W-12TH AVE

W-12TH AVE

W-10TH AVE