

W8C1
ORIGINAL

AGENDA COVER MEMO

DATE: January 16, 2003
TO: Lane County Board of Commissioners
FROM: K. Robert Ezell, Lane County Surveyor *KR Ezell*
DEPARTMENT: Public Works/Land Management Division

AGENDA ITEM TITLE: IN THE MATTER OF VACATING A PORTION OF CHRISTENSEN ROAD (COUNTY ROAD NUMBER 759) LOCATED APPROXIMATELY 0.5 MILES SOUTH OF ITS INTERSECTION WITH FOX HOLLOW ROAD, IN SECTION 29, TOWNSHIP 18 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON, WITHOUT A PUBLIC HEARING, AND ADOPTING FINDINGS OF FACT (18-03-29).

I. MOTION:

TO APPROVE THE ORDER TO VACATE A PORTION OF A CHRISTENSEN ROAD (COUNTY ROAD NUMBER 759) LOCATED APPROXIMATELY 0.5 MILES SOUTH OF ITS INTERSECTION WITH FOX HOLLOW ROAD, IN SECTION 29, TOWNSHIP 18 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON, WITHOUT A PUBLIC HEARING, AND ADOPTING FINDINGS OF FACT (18-03-29).

II. ISSUE:

A portion of Christensen Road as traveled has been found to be outside the established right-of-way. The affected landowners wish to fix the problem by providing a new public right-of-way for the road as traveled and also are petitioning to vacate a certain area of existing right-of-way that would be excess right-of-way after new right-of-way is in place.

Please see diagram labeled as Attachment "A" for a representation of the "ISSUE" as described herein.

III. DISCUSSION:

A. Background:

The Surveyor's Office of the Department of Public Works has received a valid petition signed by Michael W. Soloman, Beverly Stewart and Ronald A. Irvine, Co-Trustees of the Faye H. Stewart Revocable Trust; Faye H. Stewart II and Ronald A. Irvine, Directors of the Faye and Lucille Stewart Charitable Foundation; Eva Marie Jamison, President of RST Ranch, Inc; and John Henry

Ruckman. These individuals are the landowners, or representatives for the landowners, of 100% of the property abutting the portion of Christensen Road (County Road Number 759) proposed for vacation. The petitioners are requesting the vacation without a public hearing by the authority of ORS 368.351.

The subject portion of Christensen Road was conveyed to the County for road purposes in 1933 and 1934 (Deed Book 177, Page 293; Deed Book 178, Page 395; and Deed Book 173, Page 602). At some point in time a portion of the traveled road was built easterly and outside the public right-of-way. The affected landowners want to fix this road problem by:

- (1) Providing new road right-of-way where this segment of Christensen Road is traveled; and in connection with the proposed new right-of-way;
- (2) Request the Board, through the petition process, to vacate the excess road right-of-way that would lie outside of the 60 foot wide new road alignment that matches the traveled road.

This proposed plan of (1) road dedication, and (2) road vacation will require two separate Board Orders. The first by a separate Order on the same agenda day would be to accept a road dedication where the road is traveled (see Attachment 1) from The Faye and Lucille Stewart Charitable Foundation and R.S.T. Ranch, Inc. Second, the Board would need to decide whether to approve an Order to vacate some existing right-of-way that will be excess right-of-way at the completion of acceptance of the proposed new right-of-way.

After receiving the petition to vacate the segment of county road the Surveyor's Office notified Qwest Communications, Lane Electric Cooperative, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works. Also, local landowners in the immediate vicinity were notified by mail regarding the vacation and either had no objection or did not respond to the referral.

B. Analysis:

As explained in the Director's Report, if the Board of Commissioners approve the Order to vacate this portion of Christensen Road, and also approve, by a separate action, a related Order which would dedicate additional right-of-way to Lane County (See Attachment 1), it would vacate road right-of-way where there is no traveled road. It would also provide the new right-of-way in the location of the existing traveled roadway.

No property will be denied legal access if the right-of-way, as described in the petition, is vacated. The public interest will be served when the new right-of-way is accepted, and excess right-of-way is vacated, as the new right-of-way will encompass the existing traveled road. The landowners will be able to put the vacated right-of-way, lying outside of the new dedicated right-of-way, to better use.

C. Alternatives/Options:

The Board of County Commissioners has the options to:

1. Approve the vacation of a portion of Christensen Road as petitioned for.
2. Deny the vacation of a portion of Christensen Road as petitioned for.

3. Continue the matter of vacating a portion of Christensen Road for further consideration.

D. Recommendations:

It is recommended to proceed with the plan as developed by the affected landowners of approving the Order to vacate excess right-of-way for Christensen Road. Secondly, this recommendation is connected to the Board approving a separate Order of Acceptance of new right-of-way for the proposed relocation of this segment of Christensen Road which will better coincide with the traveled roadway. All of the landowners abutting the road are in support of this proposed petition to vacate a segment of the described road and have provided necessary road dedications to fit the traveled road. The Public Works Director's Report therefore recommends that the Board support Option Number 1. Option Number 1 would approve the vacation of a portion of excess right-of-way of Christensen Road, as petitioned for. The Public Works Director's Report further recommends acceptance of the additional right-of-way, by a separate Order, provided by the adjoining landowners that matches the traveled road in the same vicinity of the proposed road vacation.

All statutory procedures necessary for the vacation without a public hearing of the above mentioned portion of Christensen Road have been complied with, including a report by the Director of Public Works who recommends approval of the vacation as described in the petition.

E. Timing:

Timing, as far as staff is aware of, is not critical in this matter.

IV. IMPLEMENTATION/FOLLOW-UP:

If the Board of County Commissioners approves the Order of Vacation it will be forwarded to the Lane County Clerk for filing and recording, after which copies are to be forwarded to the County Surveyor and County Assessor for appropriate action. If the vacation is denied, an Order to Deny the Vacation will be presented to the Board at a later regularly scheduled meeting.

V. ATTACHMENTS:

Copy of Dedication
Order w/attachments:
Petition
Director's Report - Exhibit "A"
Findings of Fact - Exhibit "B"
Attachment "A" - Vicinity Map

Contact Person: K. Robert Ezell x3626

COPY

DEDICATION OF A PUBLIC ROAD EASEMENT

THE FAYE AND LUCILLE STEWART CHARITABLE FOUNDATION

and R.S.T. RANCH, INC., an Oregon Corporation

GRANTORS, grant and dedicate to LANE COUNTY, a political subdivision of the State of Oregon (GRANTEE) a public road easement on and over the following described property:

Two parcels of land lying in Section 29, Township 18 South, Range 3 West of the Willamette Meridian, and located in Lot 1, Lot 2, and Lot 5 of Porter Acres, as platted and recorded in Book 5, Page 6, Lane County Oregon Plat Records, and further being a portion of the properties acquired by The Faye and Lucille Stewart Charitable Foundation, by a certain Bargain and Sale Deed recorded on Deed Instrument Number 2001-088936, and by the R.S.T. Ranch, Inc., by a certain Warranty Deed recorded on Reel 1939R, Recorder's Reception Number 9425570 and by an Oregon Statutory Bargain and Sale Deed recorded on Reel 2483R, Recorder's Reception Number 9890460, all recorded in the Lane County, Oregon Deed Records.

Parcel 1:

A parcel of land of variable width and being a portion of Lot 1 and Lot 2 of said Porter Acres, said parcel being more particularly described as follows:

Commencing at a point on the centerline of Christensen Road (County Road Number 759), said point being Engineer's Centerline Station 156+61.6 B.C. and bears South 20°50'44" West, 159.44 feet from a point on the East line of said Porter Acres, said last mentioned point being 691.16 feet South 00°01'29" West from a stone with lead plug and tack marking the Northeast corner of said Porter Acres; run thence along the centerline of said County Road Number 759 along the arc of a 3819.72 foot radius curve to the left, having a central angle of 02°50'40", the long chord of which bears South 19°25'24" West, 189.61 feet, a distance of 189.63 feet to Engineers Centerline Station 158+52.23 P.O.C.; thence South 75°38'32" East, 30.06 feet to the Point of Beginning of the parcel herein described: from the POINT OF BEGINNING run thence South 10°42'00" West, 314.48 feet; thence along the arc of a 139.40 foot radius curve to the left, having a central angle of 41°10'00", the long chord of which bears South 09°53'00" East, 98.02 feet, a distance of 100.16 feet; thence South 59°32'00" West, 60.00 feet; thence along the arc of a 199.40 foot radius curve to the right, having a central angle of 09°33'29", the long chord of which bears North 25°41'29" West, 33.22 feet, a distance of 33.26 feet; thence along the arc of a 3789.72 foot radius curve to the right, having a central angle of 06°21'17", the long chord of which bears North 14°51'09" East, 420.10 feet, a distance of 420.32 feet to the POINT OF BEGINNING, in Lane County, Oregon.

COPY

Parcel 2:

A parcel of land being a portion of Lot 2 and Lot 5 of said Porter Acres, said parcel being 60.00 feet wide and lying 30.00 feet left and right of the following described centerline:

Commencing at the above described Engineers Centerline Station 158+52.23 P.O.C., and run thence South 10°42'00" West, 316.40 feet; thence along the arc of a 169.40 foot radius curve to the left, the long chord of which bears South 09°53'00" East, 119.11 feet, a distance of 121.71 feet to the POINT OF BEGINNING; run thence South 30°28'00" East, 90.84 feet; thence along the arc of a 349.49 foot radius curve to the right, the long chord of which bears South 14°39'30" East, 190.41 feet, a distance of 192.85 feet; thence South 01°09'00" West, 347.08 feet; thence along the arc of a 415.33 foot radius curve to the right, the long chord of which bears South 17°54'00" West, 239.39 feet, a distance of 242.84 feet; thence along the arc of a 136.16 foot radius curve to the left, the long chord of which bears South 03°04'30" West, 142.58 feet, a distance of 150.06 feet; thence South 28°30'00" East, 94.53 feet; thence along the arc of a 168.41 foot radius curve to the right, the long chord of which bears South 06°57'00" East, 123.72 feet, a distance of 126.69 feet; thence South 14°36'00" West 80.48 feet; thence along the arc of a 1206.22 foot radius curve to the left, the long chord of which bears South 10°57'30" West, 153.23 feet, a distance of 153.33 feet; thence South 07°19'00" West, 165.70 feet to a point on the northerly margin of that 40 foot wide platted roadway along the southerly line of Lot 5 of said Porter Acres, said point being the Point of Termination of the centerline herein described, in Lane County, Oregon.

The Easterly and Westerly lines of the above described parcel terminate at their intersection with the Northerly margin of the above referenced 40 foot wide platted roadway, said points bear North 55°36'00" East, 40.91 feet, and South 55°36'00" West, 40.91 feet respectively, from the Point of Termination of the above described centerline.

Bearings in the foregoing descriptions are based on that survey for Faye H. Stewart filed in the Lane County Surveyor's Office under Survey File Number 36177.

It being the intent herein to acquire right-of-way for Christensen Road (County Road Number 759) which, with this dedication, will result in a right-of-way width of 60 feet, 30 feet on each side of centerline, as said road abuts the GRANTOR'S property.

There is no consideration for this dedication.

Said parcels being forever dedicated to the use of the public for road purposes and granting a public road easement.

Dated this _____ day of _____, 2002.

COPY

Faye H. Stewart, II – Director
The Faye and Lucille Stewart Charitable Foundation

STATE OF OREGON)
COUNTY OF LANE) ss.

The foregoing instrument was acknowledged before me this ____ day of _____, 2002,
by Faye H. Stewart II, Director, on behalf of The Faye and Lucille Stewart Charitable Foundation.

Notary Public for Oregon
My Commission expires: _____

Ronald A. Irvine – Director
The Faye and Lucille Stewart Charitable Foundation

The foregoing instrument was acknowledged before me this ____ day of _____, 2002,
by Ronald A. Irvine, Director, on behalf of The Faye and Lucille Stewart Charitable Foundation.

Notary Public for Oregon
My Commission expires: _____

COPY

Eva Marie Jamison, President
R.S.T. Ranch, Inc.

STATE OF OREGON)
COUNTY OF LANE) ss.

The foregoing instrument was acknowledged before me this ____ day of _____, 2002,
by Eva Marie Jamison, the president of R.S.T. Ranch, Inc., an Oregon Corporation, on behalf of the
corporation.

Notary Public for Oregon
My Commission expires:_____

DEPARTMENT OF PUBLIC WORKS
LAND MANAGEMENT DIVISION

Approved _____, 2002

By _____
For John Cole, Director

The Board of Commissioners
hereby accepts and approves for
for recording this dedication
as described herein.

LANE COUNTY BOARD OF
COMMISSIONERS

By _____
Chair

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

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

FILE NO. 4078

IN THE MATTER OF VACATING A PORTION OF)
CHRISTENSEN ROAD (COUNTY ROAD NUMBER)
759) LOCATED APPROXIMATELY 0.5 MILES SOUTH)
OF ITS INTERSECTION WITH FOX HOLLOW ROAD,)
IN SECTION 29, TOWNSHIP 18 SOUTH, RANGE 3 WEST)
OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY)
OREGON, WITHOUT A PUBLIC HEARING, AND)
ADOPTING FINDINGS OF FACT (18-03-29))

ORDER NO.

WHEREAS, this matter now coming before the Board upon a petition received by the Surveyor's Office of the Lane County Department of Public Works requesting, under authority of ORS Chapter 368.341, the vacation of a portion of Christensen Road (County Road Number 759). Said portion of road being more particularly described as follows:

"All that portion of Christensen Road (County Road Number 759) conveyed to Lane County, a political subdivision of the State of Oregon, by deeds recorded April 15, 1933, Book 173, Page 602; January 8, 1934, Book 177, Page 395; and December 4, 1933, Book 178, Page 293; all in Lane County, Oregon Deed Records, said portion being described as follows:

A strip of land 60 feet in width lying 30 feet on each side of centerline: Commencing at Engineers Centerline Station 156+61.6 B.C. said point being 159.44 feet South 20°50'44" West from a point on the East line of Porter Acres, as platted and recorded in Book 5, Page 6, Lane County Oregon Deed Records, said last mentioned point being 691.16 feet South 0°01'29" West from a stone with lead plug and tack marking the Northeast corner of said Porter Acres, and run thence along the arc of a 3819.72 foot radius curve to the left, the long chord of which bears South 19°25'24" West, 189.61 feet, a distance of 189.63 feet to the Point of Beginning of the centerline described herein; from the POINT OF BEGINNING thence continue along the arc of said 3819.72 foot radius curve to the left, the long chord of which bears South 8°01'54" West, 1322.57 feet, a distance of 1329.25 feet; thence South 1°56'16" East 776.69 feet to a point on the Northerly margin of that platted 40 foot wide roadway along the Southerly line of Lot 5 of said Porter Acres, said point being the termination of the centerline herein described, in Lane County, Oregon.

Excepting therefrom the following: Beginning at the above described POINT OF BEGINNING and run thence South 71°59'56" East, 30.00 feet; thence along the arc of a 3789.72 foot radius curve to the left, the long chord of which bears South 14°50'18", West, 418.19 feet, a distance of 418.41 feet; thence along the arc of a 199.40 foot radius curve to the right (not tangent to last described course, tangent bears North 20°54'31" West), the

long chord of which bears North 05°06'11" West, 108.61 feet, a distance of 110.00 feet; thence North 10°42'00" East tangent to last described curve, 318.32 feet; thence along the arc of 3849.72 foot radius curve to the right, the long chord of which bears North 17°58'53" East, 1.92 feet; thence South 71°59'58" East, 30.00 feet to the POINT OF BEGINNING in Lane County, Oregon.

The Easterly and Westerly right-of-way lines of County Road Number 759 terminate at their intersection with the Northerly margin of the platted roadway along the Southerly line of said Lot 5.

Bearings in the forgoing description are based on County Survey File Number 36177 filed in the Lane County Surveyor's Office.

WHEREAS, the petition complies with the provisions of ORS 368.351 in that the petitioners, who are the landowners of 100% of the property abutting the proposed vacation, request that the vacation be approved as proposed; and

WHEREAS, a segment of the presently traveled road lies to the east of a portion of the right-of-way that was conveyed to Lane County for road purposes in 1933 and 1934; and

WHEREAS, in support of the proposed road vacation the petitioners have recently had the traveled road surveyed and based on this survey have had right-of-way dedications prepared to provide a 60-foot wide right-of-way to Lane County in order to move the legal right-of-way to the location of the existing traveled roadway, and are requesting the vacation of the existing right of way lying outside of the newly aligned 60-foot right-of-way; and

WHEREAS, in conjunction with the proposed vacation of said right-of-way, petitioners R.S.T. Ranch, Inc., owning property acquired by that certain Warranty Deed recorded on Reel 1939R, Recorder's Reception Number 9425570, and Oregon Statutory Bargain and Sale Deed recorded on Reel 2483R, Reception Number 9890460, and the Faye and Lucille Stewart Charitable Foundation, owning property acquired by that certain Bargain and Sale Deed recorded on Deed Instrument Number 2001-088936, all in Lane County, Oregon Deed Records, have provided to Lane County certain parcels of land for public road purposes being more particularly described in the dedication, with them as Grantors to Lane County, being described in a separate Order on the Board's agenda on this same day; and

WHEREAS, ORS Chapter 368.351 provides for the vacation of public roads and right-of-ways without a public hearing; and

WHEREAS, Qwest Communications, Lane Electric Cooperative, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and neighboring landowners were notified regarding the vacation, and either had no objection or did not respond to the referral; and

WHEREAS, no property will be denied legal access by this vacation and the petitioners have paid a vacation fee of \$650; 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, marked as Exhibit "A", attached hereto and made a part hereof, by this Order; 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 for, with the road dedications matching the traveled road provided by the petitioners by a separate Order, as described herein, is in the best interest of the public; now, therefore, it is hereby

ORDERED, that the above described portion of Christensen Road is hereby vacated; and it is further

ORDERED, that in support of this action, the Board hereby adopts the Findings of Fact, marked as Exhibit "B", attached hereto and made a part hereof by this Order; and it is further

ORDERED, that prior to this Order being entered into the Lane County Board of Commissioners Journal of Administration, and be further recorded in the Lane County, Oregon Deed Records, that the Board has taken action on this same agenda day to approve the Order of acceptance of the road dedication provided to Lane County for Christensen Road by the petitioners to locate the road segment as traveled, which would result in a 60 foot wide right-of-way.

DATED this _____ day of _____, 2003

Chair
LANE COUNTY BOARD OF COMMISSIONERS

Attachments: Attachment "A" - Vicinity Map

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

FILE NO.

IN THE MATTER OF THE VACATION OF)
A PORTION OF COUNTY ROAD NUMBER)
759, (CHRISTENSEN ROAD) IN SECTION 29,)
TOWNSHIP 18 SOUTH, RANGE 3 WEST)
OF THE WILLAMETTE MERIDIAN, IN)
LANE COUNTY, OREGON)

PETITION TO VACATE

PURSUANT to the procedures set forth in ORS Chapter 368, we the undersigned, MICHAEL W. SOLOMAN, BEVERLY STEWART, and RONALD A. IRVINE, Successor Co-Trustees of the FAYE H. STEWART Revocable Trust UTD June 14, 1982, as restated by Third Restatement of Revocable Trust Agreement, dated November 14, 1998, JOHN HENRY RUCKMAN, and R. S. T. RANCH, INC., an Oregon Corporation, as owners of adjacent real property hereby petition for the vacation of a portion of County Road Number 759 (Christensen Road), which area to be vacated is described as follows:

*All that portion of County Road Number 759 (Christensen Road) conveyed to Lane County, a political subdivision of the State of Oregon, by deeds recorded April 15, 1933, Book 173, Page 602, January 8, 1934, Book 177, Page 395, and December 4, 1933, Book 178, Page 293, all in the Lane County Oregon Deed Records, said portion being described as follows:

A strip of land 60 feet in width lying 30 feet left and right of the following described centerline: Commencing at Engineers Centerline Station 156+61.6 B.C. said point being 159.44 feet South 20°50'44" West from a point on the East line of Porter Acres, as platted and recorded in Book 5, Page 6, Lane County Oregon Deed Records, said last mentioned point being 691.16 feet South 0°01'29" West from a stone with lead plug and tack marking the Northeast corner of said Porter Acres, and run thence along the arc of a 3819.72 foot radius curve to the left, the long chord of which bears South 19°25'24" West, 189.61 feet, a distance of 189.63 feet to the Point of Beginning of the centerline described herein; from the Point of Beginning thence continue along the arc of said 3819.72 foot radius curve to the left, the long chord of which bears South 8°01'54" West, 1322.57 feet, a distance of 1329.25 feet; thence South 1°56'16" East, 776.69 feet to a point on the Northerly margin of that platted 40 foot wide roadway along the Southerly line of Lot 5 of said Porter Acres, said point being the termination of the centerline herein described, in Lane County, Oregon.

Excepting therefrom the following: Beginning at the above described Point of Beginning and run thence South 71°59'56" East, 30.00 feet; thence along the arc of a 3789.72 foot radius curve to the left, the long chord of which bears South 14°50'18" West, 418.19 feet, a distance of 418.41 feet; thence along the arc of a 199.40 foot radius curve to the right (not tangent to last described course, tangent bears North 20°54'31" West), the long chord of which bears North 05°06'11" West, 108.61 feet, a distance of 110.00 feet; thence North 10°42'00" East tangent to last described curve, 318.32 feet; thence along the arc of a 3849.72 foot radius curve to the right, the long chord of which bears North 17°58'53" East, 1.92 feet, a distance of 1.92 feet; thence South 71°59'58" East, 30.00 feet to the Point of Beginning in Lane County, Oregon.

The Easterly and Westerly right of way line of County Road Number 759 terminates at the intersect with the Northerly margin of the platted 40 foot roadway along the Southerly line of said Lot 5.

Bearings in the foregoing description are based on that survey for Faye H. Stewart filed in the Lane County Surveyor's Office under survey file number 36177, as shown on Exhibit 'A'.

WHEREAS, the undersigned petitioners are the owners of 100% of all the real property located adjacent to the above described area to be vacated, and

WHEREAS, petitioners allege as follows:

1. The purpose of this vacation request is to vacate all that portion of County Road Number 759 (Christensen Road) that has not been opened; then relocate the right of way for said County Road to correspond with the existing improved road surface now being maintained by Lane County forces.
2. There are no utilities, and no powerlines located in the area to be vacated, and

WHEREAS, no portion of the area to be vacated is located within the boundaries of an incorporated City or Town, and

Faye H. Stewart II and Ronald A. Irvine, Directors,
The Faye and Lucille Stewart Charitable Foundation;

WHEREAS, the public interest will be served and not prejudiced by vacation of the above described area...and

WHEREAS, petitioners, separately and collectively, have no objection to Lane County proceeding under the authority of ORS Chapter 368.326, for vacation without a hearing, and

THEREFORE, the petitioners request an Order of the Board of Commissioners for Lane County as follows:

1. Setting a date for vacation of the above-described portion of road, with or without a hearing before the Board of Commissioners for Lane County pursuant to ORS Chapter 368.
2. Upon review of this matter, to direct the vacation of the above-described road, and direct that title to the vacated area revert and vest in accordance with ORS 368.366.

DATED this 11th day of October 2001.

Faye H. Stewart II
 PETITIONERS: Faye H. Stewart, II Director
 The Faye and Lucille Stewart Charitable Foundation

Michael W. Solomon
 Michael W. Solomon, Co-Trustee

Ronald A. Irvine
 Ronald A. Irvine, Co-Trustee

Map 18-03-29-00, Tax Lots 105, 106, 1000, and 1007
P. O. Box 11135
Eugene, OR 97440

Ronald A. Irvine
 Ronald A. Irvine, Director
 The Faye and Lucille Stewart Charitable Foundation

Beverly Stewart
 Beverly Stewart, Co-Trustee

John Henry Ruckman
 John Henry Ruckman

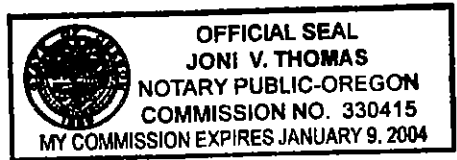
Map 18-03-29-00 Tax Lot 1007
85150 Christensen Road
Eugene, OR 97405

RST Ranch, Inc.

RST RANCH, INC by E. Marie Jamison
 Eva Marie Jamison, President
 Map 18-03-29-00
 Tax Lots 301, 900, 1002, and 1004
 84784 Christensen Road
 Eugene, OR 97405

STATE OF OREGON)
County of Lane) ss.

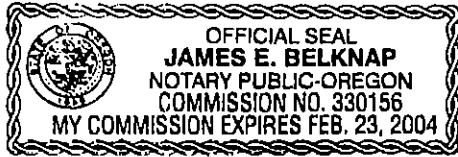
On this 11th day of October, 2001, there personally appeared before me the above-named Eva Marie Jamison, the president of R. S. T. Ranch, Inc. an Oregon Corporation, and she acknowledged the foregoing instrument was executed on behalf of said corporation, and was her voluntary act and deed.



Joni V. Thomas
 Notary Public for Oregon
 My commission expires 1-9-2004

STATE OF OREGON)
County of Lane) ss.

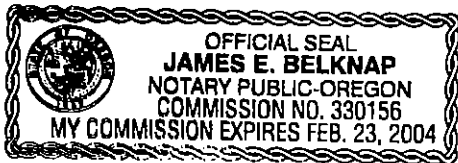
On this 2nd day of NOVEMBER, 2001, there personally appeared before me the above-named Michael W. Solomon and he acknowledged the foregoing instrument to be his voluntary act and deed.



James E. Belknap
Notary Public for Oregon
My commission expires 2/23/2004

STATE OF OREGON)
County of Lane) ss.

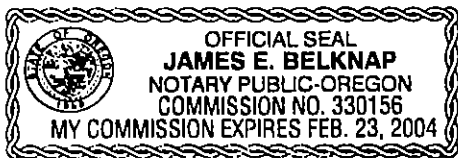
On this 24th day of OCTOBER, 2001, there personally appeared before me the above-named Beverly Stewart and she acknowledged the foregoing instrument to be her voluntary act and deed.



James E. Belknap
Notary Public for Oregon
My commission expires 2/23/2004

STATE OF OREGON)
County of Lane) ss.

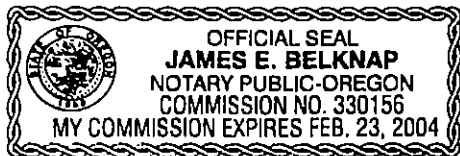
On this 19th day of OCTOBER, 2001, there personally appeared before me the above-named Ronald A. Irvine and he acknowledged the foregoing instrument to be his voluntary act and deed.



James E. Belknap
Notary Public for Oregon
My commission expires 2/23/2004

STATE OF OREGON)
County of Lane) ss.

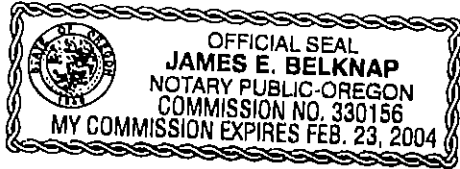
On this 26th day of NOVEMBER, 2001, there personally appeared before me the above-named John Henry Ruckman and he acknowledged the foregoing instrument to be his voluntary act and deed.



James E. Belknap
Notary Public for Oregon
My commission expires 2/23/2004

STATE OF OREGON)
County of Lane) ss

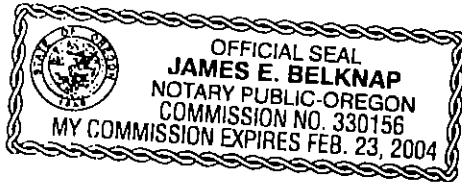
On this 6th day of February, 2002, there personally appeared before me the above named Faye H. Stewart, II, Director, The Faye and Lucille Stewart Charitable Trust, and acknowledged the foregoing instrument to be his voluntary act and deed.



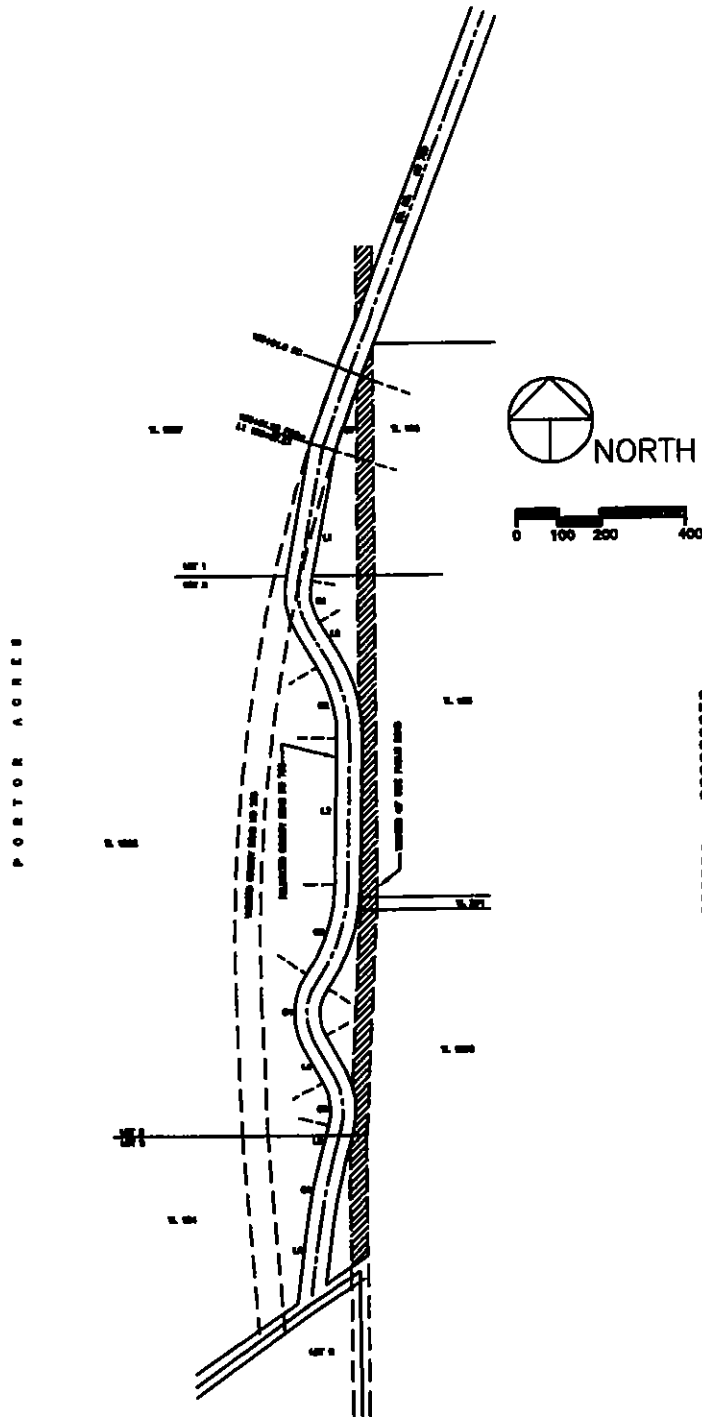
James E. Belknap
Notary Public for Oregon
My Commission expires 2/23/2004

STATE OF OREGON)
County of Lane) ss

On this 7th day of February, 2002, there personally appeared before me the above named Ronald A. Irvine, Director, The Faye and Lucille Stewart Charitable Trust, and acknowledged the foregoing instrument to be his voluntary act and deed.



James E. Belknap
Notary Public for Oregon
My Commission expires 2/23/2004



GENERAL CURVE DATA					
ID.	RADIUS (C)	CHORD	LENGTH (C)	LOW CHORD (C)	CHORD BEARING
C1	170.00	41°07'30"	122.88	118.89	88°54'00"
C2	340.00	31°37'00"	198.80	190.41	51°42'00"
C3	410.00	37°20'00"	262.84	250.38	31°54'00"
C4	120.10	87°05'00"	190.00	148.88	88°34'00"
C5	190.41	47°05'00"	120.00	123.72	88°37'00"
C6	1200.00	07°17'00"	183.32	183.32	89°07'00"
C7	3810.72	02°04'00"	480.43	480.51	89°02'00"

GENERAL LINE DATA		
ID.	BEARING (C)	LENGTH
L1	310.54	81°02'00"
L2	80.00	83°24'00"
L3	347.00	88°10'00"
L4	84.83	88°30'00"
L5	80.00	31°42'00"
L6	180.70	82°11'00"

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 1988
DORR E. STEBB
715
RENEWAL: 9-30-02

SS & W Inc.-Engineers
SURVEYORS & PLANNERS

2380 Calmar Way, Suite 105 • Eugene, Oregon 97401 • (541) 488-8363

MAP OF ROAD VACATION AND REALIGNMENT
CHRISTENSEN ROAD (COUNTY ROAD NO. 750
IN SECTION 20, T18S, R3W, W.M.
FOR: RST RANCH, INC.

EXHIBIT "A"

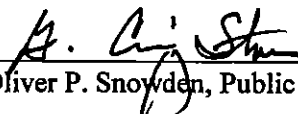
If the Board of Commissioners approves the Order to vacate the subject portion of Christensen Road, and also approves, by a separate action, the Order which would dedicate additional right-of-way to Lane County, it would vacate road right-of-way where there is no traveled road and also provide the new right-of-way in the location of the existing traveled roadway.

Vacating the portion of Christensen Road petitioned to be vacated would allow the petitioners to fully utilize their property, and no property will be denied legal access if the new right-of-way is accepted. The public interest will be served by these vacation proceedings as the unneeded right-of-way, lying outside of the relocated 60-foot right-of-way, will be able to be put to better use by the landowners and the dedicated right-of-way will correspond with the traveled roadway.

It is therefore recommended that the Board of Commissioners approve the Order to Vacate this portion of Christensen Road as described in the petition, and also approve the Order of Acceptance of the road dedication provided to Lane County by the petitioners, for Christiansen Road to locate the road segment as traveled.

It is further recommended that the vacation be allowed without a public hearing.

DATED this 17TH day of JANUARY, 2003



for Oliver P. Snowden, Public Works Director

EXHIBIT "B"

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

FILE NO. 4078

IN THE MATTER OF VACATING A PORTION OF)	
CHRISTENSEN ROAD (COUNTY ROAD NUMBER)	
759) LOCATED APPROXIMATELY 0.5 MILES SOUTH)	
OF ITS INTERSECTION WITH FOX HOLLOW ROAD,)	
IN SECTION 29, TOWNSHIP 18 SOUTH, RANGE 3 WEST)	FINDINGS OF FACT
OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY)	
OREGON, WITHOUT A PUBLIC HEARING, AND)	
ADOPTING FINDINGS OF FACT (18-03-29))	

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 that a portion of Christensen Road, as described in the Order, be vacated as petitioned for. At some point in time a portion of the road was built easterly and outside the public right-of-way. The petitioners have had the traveled road surveyed for the purpose of providing new right-of-way which, when combined with the existing right-of-way, would result in a right-of-way of at least 60 feet in width where the road is traveled. The landowners abutting this segment of road are requesting that a portion of the existing right-of-way be vacated. The area of right-of-way proposed for vacation is lying outside the traveled road area and would be considered to be in excess of the 60-foot right-of-way after the new right-of-way is accepted.

Findings of Fact (Public Interest)

The Board takes notice and finds:

1. That, pursuant to ORS 368.326 to 368.366, a county governing body may vacate roads or right-of-way based upon the determination that the vacation is "in the public interest".
2. That, pursuant to ORS 197.175 (2) (d), after acknowledgment of a county's comprehensive plan and implementing ordinances, the plan and ordinances, not the Statewide Planning Goals, control land use decisions.
3. That, Lane County's Rural Comprehensive Plan and implementing ordinances were originally acknowledged to be in compliance with the Statewide Planning Goals on September 13, 1984, and reacknowledged on February 14, 1992.
4. That, neither the Lane County Comprehensive Plan nor any land use regulation within the Lane Code establish mandatory standards for the vacation of public easements.

Conclusion of Law (Public Interest)

Based upon the above findings of fact, the Board concludes, as a matter of law, that neither the Statewide Planning Goals nor the Lane County Rural Comprehensive Plan and related land use regulations are an applicable measure of the "public interest", as it pertains to this vacation.

Findings of Fact (Impacts and Process of Vacation)

The Board takes notice and finds as follows:

1. 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 a section of Christensen Road (County Road 759). The proposed vacation is requested by the authority of ORS 368.351, a vacation without a public hearing. Said property is further identified as Tax Lots 900, 1002, 1004, and 1010 of Assessor's Map 18-03-29.
2. That, pursuant to ORS 368.326 to 368.366, a county governing body may vacate roads or right-of-ways based upon the determination that the vacation is "in the public interest".
3. That, Qwest Communications, Lane Electric Cooperative, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and local landowners were contacted regarding the vacation and either had no objection or did not respond to the referral.
4. That, the petitioners owning property to the east of the proposed vacation, by a separate Order on the same Board's agenda day, provided a document to dedicate property to Lane County in order to provide a 60-foot right-of-way in the location of the traveled roadway, and after this right-of-way is accepted the portion proposed to be vacated will be considered to be in excess of the relocated 60-foot right-of-way.
5. That, vacating the portion of Christensen Road, as described in the Order will not deny any landowners legal road access to a public road.
6. That, pursuant to ORS 368.351, a county governing body may make a determination about a vacation of property without a public hearing if:
 - (1) The county road official files a written report stating that the vacation is in the public interest.
 - (2) The proceedings were initiated by petition indicating the approval of 100% of the adjoining property owners.

Items (1) and (2) have been complied with.

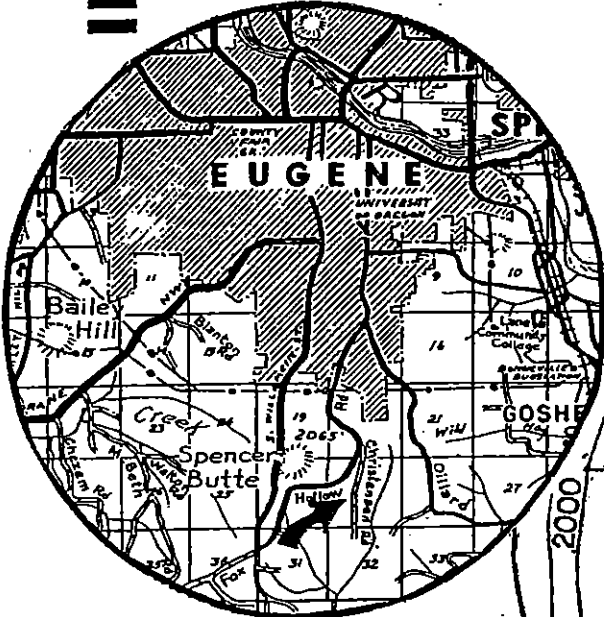
Conclusions of Law (Impacts and Process of Vacation)

Based on the above findings of fact, the Board concludes, as a matter of law, that this vacation will not have any predictable negative impact on present or future land use, either in terms of allowable uses or actual development. The Board further concludes that statutory procedures necessary for making a determination on this vacation, without a public hearing, have been met.

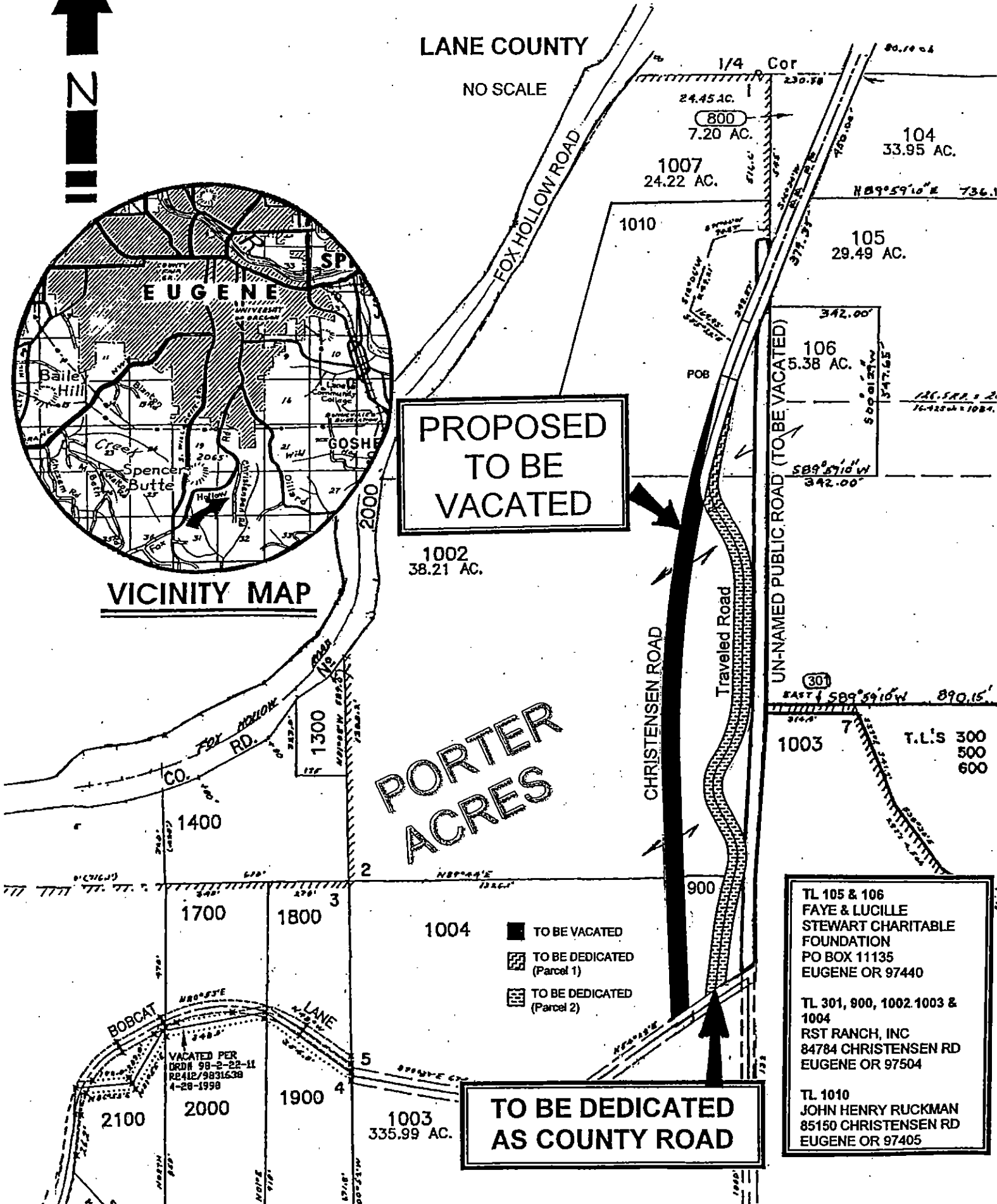
Sec. 29 T. 18S. R. 3W. W.M.

LANE COUNTY

NO SCALE



VICINITY MAP



PROPOSED TO BE VACATED

1002
38.21 AC.

PORTER ACRES

- TO BE VACATED
- ▨ TO BE DEDICATED (Parcel 1)
- ▩ TO BE DEDICATED (Parcel 2)

TO BE DEDICATED AS COUNTY ROAD

TL 105 & 106
 FAYE & LUCILLE
 STEWART CHARITABLE
 FOUNDATION
 PO BOX 11135
 EUGENE OR 97440

TL 301, 900, 1002, 1003 & 1004
 RST RANCH, INC
 84784 CHRISTENSEN RD
 EUGENE OR 97504

TL 1010
 JOHN HENRY RUCKMAN
 85150 CHRISTENSEN RD
 EUGENE OR 97405