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AGENDA COVER MEMO

DATE: January 3, 2003
TO: Lane County Board of Commissioners
FROM: K. Robert Ezell, Lane County Surveyor *K.R. Ezell*
DEPARTMENT: Public Works/Land Management Division

AGENDA ITEM TITLE: IN THE MATTER OF VACATING THE PUBLIC ALLEY IN BLOCK 24 OF HECETA BEACH, AS PLATTED AND RECORDED IN BOOK 7, PAGE 25, LANE COUNTY, OREGON PLAT RECORDS, WITHOUT A PUBLIC HEARING, AND ADOPTING FINDINGS OF FACT (18-12-04-13 & 42)

I. MOTION:

TO APPROVE THE ORDER TO VACATE THE PUBLIC ALLEY IN BLOCK 24 OF HECETA BEACH, AS PLATTED AND RECORDED IN BOOK 7, PAGE 25, LANE COUNTY OREGON PLAT RECORDS, WITHOUT A PUBLIC HEARING, AND ADOPTING FINDINGS OF FACT (18-12-04-13 & 42)

II. ISSUE:

To decide whether the alley in Block 24 of Heceta Beach, as platted and recorded in 1915 in Book 7, Page 25, Lane County, Oregon Plat Records, located between First Avenue and Second Avenue and being 15 feet wide and 300 feet in length, should be vacated as petitioned for.

III. DISCUSSION:

A. Background:

The Surveyor's Office of the Department of Public Works has received a valid petition signed by Melville and Susan Collom, Jeffrey and Connie Caldwell, Robert and V.M. Henderson, William and Yvonne Spies, David Privat, Bonnie Williamson, Steven and Juanita Finley, and Effie Taylor, the owners of 100% of the property adjoining the alley proposed to be vacated, requesting, by the authority of ORS 368.351, a vacation without a public hearing. The petitioners are requesting this vacation to eliminate the public status of the platted alley so that they can landscape and improve the area within the platted right-of-way.

The plat of Heceta Beach was platted in 1915 and recorded in Book 7, Page 25 of the Lane County, Oregon Plat Records. The subject alley runs between the east margin of First Avenue and west margin of Second Avenue.

The City of Florence, Qwest Communications, Central Lincoln People's Utility District, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and surrounding landowners were notified by mail regarding the proposed vacation.

One of the neighbors in the vicinity (but not an adjoining landowner) wrote back saying that he and his wife are opposed to letting this public property be given away for private ownership because if a public sewer system is installed in the future, the alley would be the most expedient and least expensive place for installation of the lines. The primary petitioner, Mel Collom has met with Ron Miller from the planning department at the City of Florence, and Ron has assured him that all sewer, water and utility facilities are run down the main thoroughfares and not down any alleyway easements. He also mentioned that the city limits are still miles away from the subject location and would not expect the city to annex this area for a hundred years.

Lane County Transportation Planning responded to the referral stating that the alley is unconstructed and does not serve as a primary access for the existing dwellings. The other agencies and landowners either had no objections, or did not respond to the referral.

B. Analysis:

Vacating the alley in Block 24 of the plat of Heceta Beach would allow for the adjoining property owners to landscape and improve their portion of the vacated right-of-way. The alleyway is unconstructed and is not needed by the Lane County Transportation System. No property will be denied legal access as a result of the vacation.

There are no known utilities within the alleyway and the City of Florence has stated that they do not plan on using the alleyway for utilities in the future.

C. Alternatives/Options:

The Board of County Commissioners has the options to:

1. Approve the vacation of the alley between First and Second Avenue in Block 24 of Heceta Beach.
2. Deny the vacation of the alley between First and Second Avenue in Block 24 of Heceta Beach.
3. Continue the matter of vacating the alley between First and Second Avenue in Block 24 of Heceta Beach for further consideration.

D. Recommendations:

No property will be denied legal access by this vacation. The vacation is in the public's interest as vacating the described alley will allow the adjacent property owners to more fully utilize the property. The Public Works Director's Report therefore recommends that the Board support Option Number 1, approving the vacation of the alley in Block 24 of the plat of Heceta Beach, as petitioned for.

All statutory procedures necessary for the vacation without a public hearing of the above mentioned alley in Block 24 of the plat of Heceta Beach have been complied with, including a report by the Director of Public Works who recommends the approval of the vacation as described in the petition.

E. Timing:

Timing is not critical in this matter.

IV. IMPLEMENTATION/FOLLOW-UP:

If the Board of County Commissioners approves the Order of Vacation 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 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:

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

Contact Person: K. Robert Ezell x3626

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

FILE NO. 4091

IN THE MATTER OF VACATING THE PUBLIC ALLEY)	
IN BLOCK 24 OF HECETA BEACH, AS PLATTED AND)	
RECORDED IN BOOK 7, PAGE 25, LANE COUNTY,)	ORDER NO.
OREGON PLAT RECORDS, WITHOUT A PUBLIC)	
HEARING, AND ADOPTING FINDINGS OF FACT)	
(18-12-04-13 & 42))	

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 the alley in Block 24 of the plat of Heceta Beach. Said alley being more particularly described as follows:

All that portion of the 15 foot wide alley within Block 24 of Heceta Beach located between the east right-of-way of First Avenue and the west right-of-way of Second Avenue all within Heceta Beach as platted and recorded in Book 7, Page 25, Lane County, Oregon Plat Records, and being located in Section 4, Township 18 South, Range 12 West of the Willamette Meridian; and

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

WHEREAS, the City of Florence, Qwest Communications, Central Lincoln People's Utility District, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and surrounding landowners were notified by mail regarding the proposed vacation; and

WHEREAS, Lane County Transportation Planning responded to the referral stating that the alley is not constructed and does not serve as a primary access for the existing dwelling; and

WHEREAS, one of landowners in the vicinity replied to the referral indicating that he and his wife are opposed to the alley reverting back to private property because if a public sewer system is to be installed in the future, the alley would be the most expedient and least expensive place for installation of the lines; and

WHEREAS, the primary petitioner has spoken with the City of Florence Planning Department and they have assured him that the city does not use alleyways for sewer, water, or utility facilities and also that the subject area is miles away from the city limits and will probably not be annexed for many years; and

WHEREAS, the petitioners have paid a vacation fee of \$650 and will pay recording fees upon final approval of the vacation; 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 of the alley as petitioned for is in the best interest of the public; now, therefore, it is hereby

ORDERED, that the above described alley in Block 24 of the plat of Heceta Beach 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 this Order be entered into the Lane County Board of Commissioners Journal of Administration, and be further recorded in the Lane County, Oregon Deed Records.

DATED this _____ day of _____, 2003

Chair
LANE COUNTY BOARD OF COMMISSIONERS

Attachment: Vicinity Map - Attachment "A"

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

FILE No

IN THE MATTER OF THE VACATION OF
 THE PUBLIC ALLEY RUNNING
 EAST/WEST LOCATED IN BLOCK 24, HECETA
 BEACH, VOLUME 7, PAGE 25, LANE COUNTY
 PLAT RECORDS

PETITION TO VACATE

PURSUANT to the procedures set forth in ORS Chapter 368, we the undersigned Melville and Susan Collom, Jeffrey and Connie Caldwell, Robert Jr. and VM Henderson, William E and Yvonne E Spies, Francis Jean Privat, Bonnie J Williamson, Effie M. Taylor, Steven and Juanita Finley as owners of adjacent real property hereby petition for the vacation of the alley running east and west in the middle of Block 24, which area to be vacated is described as follows:

"All that portion of Public Alley running between First and Second Avenues, east and west located in the middle of Block 24, HECETA BEACH, as plotted and recorded at Volume 7, Page 25, Lane county Oregon Plat Records, in Lane County, Oregon."

WHEREAS, the undersigned petitioners are the owners of 100% of 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 for each owner to be able to landscape and improve their area of the (to become) former alley.
2. Petitioner is uncertain if there are any issues with utilities or powerlines located in the area to be vacated. The known utility companies in this area are:
 Central Lincoln Peoples Utility District
 Falcon Cable Company
 Heceta Water District
 US West Communications

Necessary easements for these public and private utilities will be executed between the parties, prior to completion of the vacation, and

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

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

WHEREAS, no owner is denied access to their property by this vacation (meaning there is another access to the property), 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, with or without a hearing before the Board of Commissioners for Lane County for lane County pursuant to ORS Chapter 368.
2. Upon review of this letter, to direct the vacation of the above described alley and direct that title to the vacated area revert and vest in accordance with ORS 368.366

DATED this 10 day of March 2002

PETITIONERS:

ORIGINAL

Melville C. Collom
Susan C. Collom

MAP # 18 12 04 13 05100 000
Melville and Susan Collom
69272 Ladigo Rd
Sisters, Or 97759

MAP# 18 12 04 13 05000 000
Jeffrey C & Connie M Caldwell
1139 N 34th St.
Springfield, Or. 97478

MAP# 18 12 04 13 05002 000
Robert E JR. & V M Henderson
860 Amesbury Ave,
Eugene, Or. 97404

MAP# 18 12 04 13 05001 000
William E & Yvonne E Spies
4055 Royal Ave.
Eugene, Or. 77402

MAP# 18 12 04 42 00700 000
Privat, Francis J
1288 lawnridge Ave
Springfield, Or 97477

MAP# 18 12 04 42 00600 000
Bonnie Williamson
1500 Norkenzie #52
Eugene, Or 97401

MAP# 18 12 04 42 00500 000 &
18 12 04 42 00400 000
Effie M Taylor
945 Augustine Ave
Coos Bay, Or 97420

MAP# 18 12 04 13 05101 000
Steven & Juanita Finley
2035 Tabor Ave.
Eugene, Or 97401

Also holding an interest in 18-12-04-42 Tax Lots 400 & 500
Lilah Bidwell & Karen Lansdowne
945 Augustine
Coos Bay, OR 97420

NOTARY PUBLIC:

STATE OF OREGON,

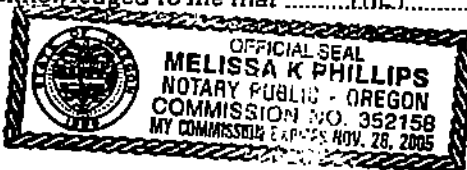
County of LANE

ss.

FORM No. 23—ACKNOWLEDGMENT.
Stevens-Ness Law Publishing Co., NL
Portland, OR 97204 © 1992

BE IT REMEMBERED, That on this 11TH day of MARCH, 2002.,
before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within
named * MELVILLE C COLLOM AND SUSAN C COLLOM *****

known to me to be the identical individual(s) described in and who executed the within instrument and
acknowledged to me that THEY executed the same freely and voluntarily.

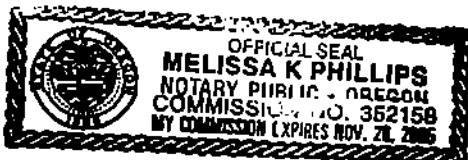


IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year last above written.

Melissa K Phillips

Notary Public for Oregon

My commission expires 11/26/05



PETITION

As owner of the following described property:

Parcel: Map # 18 12 04 13 05000 000

I request the Board of Commissioners, Lane Cty. to vacate to the respective property owners abutting the described alley:

The platted alley located between the right of way margins of First Ave. and Second Ave. in Block 24, in the plat of Heceta Beach as platted and recorded in the Book 7 Page 25, Lane County Oregon Plat Records.

Owners:

Jeffrey C Caldwell

Jeffrey C Caldwell

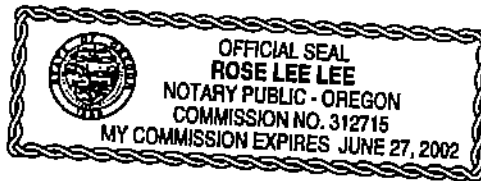
6116

Connie M Caldwell

Connie M Caldwell

Notary Public:

Rose Lee Lee
Lane County
6/27/2002



Jeffrey C Caldwell + Connie M. Caldwell
has personally appeared before me on
March 22-2001 at 5:30 P.M.

PETITION

As owner of the following described property:

Parcel: Map # 18 12 04 13 05002 000

I request the Board of Commissioners, Lane Cty. to vacate to the respective property owners abutting the described alley:

The platted alley located between the right of way margins of First Ave. and Second Ave. in Block 24, in the plat of Heceta Beach as platted and recorded in the Book 7 Page 25, Lane County Oregon Plat Records.

Owners:

ROBERT E HENDERSON

Robert E. Henderson

V M HENDERSON

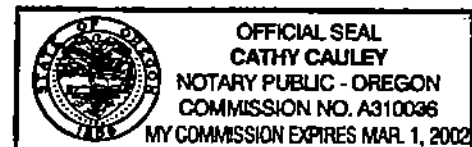
V.M. Henderson

Notary Public:

STATE OF OREGON }
COUNTY OF LANE }
SUBSCRIBED AND SWORN TO BEFORE ME

THIS October 5th, 2001

Cathy Cauley
NOTARY PUBLIC



PETITION

As owner of the following described property:

Parcel Map # 18 12 04 13
Tax Lot 5001

I request the Board of Commissioners, Lane County, to vacate to the respective property owners abutting the described alley:

The platted alley located between the right of way margins of First Ave. and Second Ave. in Block 24, in the plat of Heceta Beach as platted and recorded in Book 7, Page 25, Lane County Oregon Plat Records

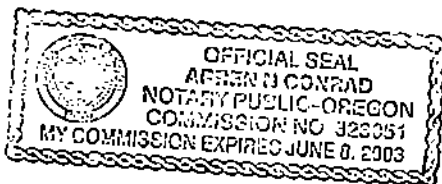
Owners:

William E. Spies

Yvonne E. Spies

STATE OF OREGON)
COUNTY OF LANE) ss.

On Dec 2nd, 2002, personally appeared the above-named YVONNE E. Spies
and William E. Spies and acknowledged the foregoing instrument to be a voluntary act
before me. Their



Arlene Conrad
Notary Public for Oregon

My Commission expires: June 8, 2003

PETITION

As owner of the following described property:

Parcel: Map # 18 12 04 42 00700 000

I request the Board of Commissioners, Lane Cty. To vacate to the respective property owners abutting the described alley:

The platted alley located between the right of way margins of First Ave. and Second Ave. in Block 24, in the plat of Heceta Beach as platted and recorded in the Book 7 Page 25, Lane County Oregon Plat Records.

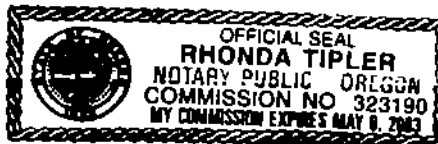
Owner:

David J Privat

David J Privat

7888

Notary Public



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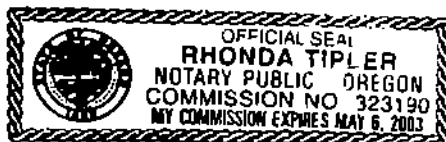
STATE OF OREGON,

County of Lane } ss.

BE IT REMEMBERED, That on this 17 day of December, 2001
before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within
named David J Privat

known to me to be the identical individual..... described in and who executed the within instrument and
acknowledged to me that He.....executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year last above written.



Rhonda Tipler
Notary Public for Oregon
My commission expires 5-6-2003

PETITION

As owner of the following described property:

Parcel: Map # 18 12 04 42 00600 000

I request the Board of Commissioners, Lane Cty. to vacate to the respective property owners abutting the described alley:

The platted alley located between the right of way margins of First Ave. and Second Ave. in Block 24, in the plat of Heceta Beach as platted and recorded in the Book 7 Page 25, Lane County Oregon Plat Records.

Owners:

Bonnie J Williamson

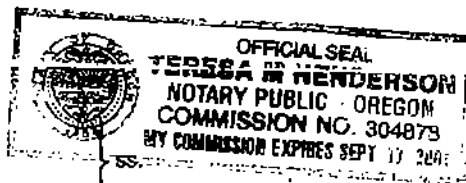
Bonnie J Williamson

61.16

Notary Public:

STATE OF OREGON,

County of Lane



FORM No. 23—ACKNOWLEDGMENT,
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Portland, OR 97204 © 1992

BE IT REMEMBERED, That on this 23rd day of April, 2006
before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within
named Bonnie J. Williamson
known to me to be the identical individual described in and who executed the within instrument and
acknowledged to me that She executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
my official seal this day and year last above written.



Teresa M. Henderson
Notary Public for Oregon
My commission expires Sept 17, 2001

PETITION

As owner of the following described property:

Parcel: Map # 18 12 04 13 0 5 101 000

I request the Board of Commissioners, Lane Cty. to vacate to the respective property owners abutting the described alley:

The platted alley located between the right of way margins of First Ave. and Second Ave. in Block 24, in the plat of Heceta Beach as platted and recorded in the Book 7 Page 25, Lane County Oregon Plat Records.

Owners:

STEVEN FINLEY Steven W. Finley

JONETTA FINLEY Jonetta D. Finley 5-25-01

Notary Public:



STATE OF OREGON
COUNTY OF LANE
Subscribed and Sworn to Before Me

This 25, May 2001
Rebecca Ruede
NOTARY PUBLIC

PETITION

As owner of the following described properties

Parcel: Map # 18 12 04 42 00400 000

Parcel: Map# 18 12 04 42 00500 000

I request the Board of Commissioners, Lane Cty. to vacate to the respective property owners abutting the described alley:

The platted alley located between the right of way margins of First Ave. and Second Ave. in Block 24, in the plat of Heceta Beach as platted and recorded in the Book 7 Page 25, Lane County Oregon Plat Records.

Owner:

E M Taylor Life Estate Et AL

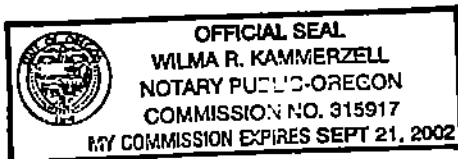
Effie M Taylor

7888

Notary Public:

STATE OF OREGON)
) ss
County of Coos)

On March 17, 2001, personally appeared before me, Effie M. Taylor, whose identity I proved on the basis of signature identification to be the signer of this document, and she acknowledged that she signed it.



Wilma R. Kammerzell
Notary Public for State of Oregon
My Commission Expires: 9-21-2002

PETITION

As owner of the following described properties

Parcel: Map # 18 12 04 42 00400 000

Parcel: Map # 18 12 04 42 00500 000

I request the Board of Commissioners of Lane County to vacate to the respective property owners abutting the described alley:

The platted alley located between the right of way margins of First Ave. and Second Ave. in Block 24, in the plat of Heceta Beach as platted and recorded in the Book 7 Page 25, Lane County Oregon Plat Records.

Owner: Karen Lansdowne

Karen Lansdowne

Notary Public:

State of OK
County of Lane

Subscribed and sworn/affirmed to before me this 20th day of May

20 02 by Karen Lansdowne



Macy Haverly
Notary Public
My Commission Expires 3/25/04

PETITION

As owner of the following described properties

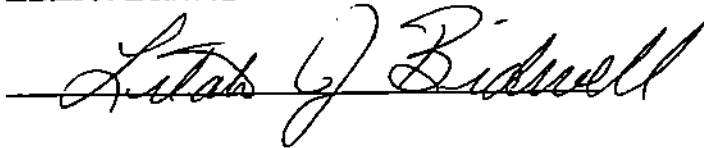
Parcel: Map # 18 12 04 42 00400 000

Parcel: Map # 18 12 04 42 00500 000

I request the Board of Commissioners of Lane County to vacate to the respective property owners abutting the described alley:

The platted alley located between the right of way margins of First Ave. and Second Ave. in Block 24, in the plat of Heceta Beach as platted and recorded in the Book 7 Page 25, Lane County Oregon Plat Records.

Owner: Lilah J. Bidwell



May 20, 2002

Notary Public:

State of Oregon
County of Coos





Notary Public
My Commission Expires: 10-07-03

EXHIBIT "A"

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

FILE NO. 4091

IN THE MATTER OF VACATING THE PUBLIC ALLEY)
IN BLOCK 24 OF HECETA BEACH, AS PLATTED AND)
RECORDED IN BOOK 7, PAGE 25, LANE COUNTY,)
OREGON PLAT RECORDS, WITHOUT A PUBLIC)
HEARING, AND ADOPTING FINDINGS OF FACT)
(18-12-04-13 & 42))

DIRECTOR'S
REPORT

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.

Heceta Beach was platted in 1915 and recorded in Book 7, Page 25, of the Lane County, Oregon Plat Records. The alley proposed for vacation is located in Block 24 of the plat of Heceta Beach, is 15 foot wide, and is 300 feet in length. The platted right-of-way runs from the east margin of First Avenue to the west margin of Second Avenue. The petitioners wish to vacate the alley so that each adjacent landowner will be able to landscape and improve that area of the alley adjoining their property.

The City of Florence, Qwest Communications, Central Lincoln People's Utility District, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and surrounding landowners were notified by mail regarding the proposed vacation.

One of the neighbors in the vicinity (but not an adjoining landowner) wrote back saying that he and his wife are opposed to letting this public property be given away for private ownership because if a public sewer system is installed in the future, the alley would be the most expedient and least expensive place for installation of the lines. The primary petitioner, Mel Collom, has met with Ron Miller from the planning department at the City of Florence, and Ron has assured him that all sewer, water and utility facilities are run down the main thoroughfares and not down any alleyway easements. He also mentioned that the city limits are still miles away from the subject location and would not expect the city to annex this area for a hundred years.

Lane County Transportation Planning responded to the referral stating that the alley is unconstructed and does not serve as a primary access for the existing dwellings. The other agencies and landowners either had no objections, or did not respond to the referral.

The alley in Block 24 of Heceta Beach is not needed by the Lane County Transportation System and no property will be denied legal access as a result of this vacation. It is concluded that this vacation is in the public's interest, as it will allow the property owners to more fully utilize their property. It is therefore recommended that the alley in Block 24 of the plat of Heceta Beach, as described in the Order, be vacated as petitioned for. It is further recommended that the vacation be allowed without a public hearing.

DATED this 9th day of January, 2003


Oliver P. Snowden, Public Works Director

EXHIBIT "B"**IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON****FILE NO. 4091**

IN THE MATTER OF VACATING THE PUBLIC ALLEY)	
IN BLOCK 24 OF HECETA BEACH, AS PLATTED AND)	
RECORDED IN BOOK 7, PAGE 25, LANE COUNTY,)	FINDINGS OF FACT
OREGON PLAT RECORDS, WITHOUT A PUBLIC)	
HEARING, AND ADOPTING FINDINGS OF FACT)	
(18-12-04-13 & 42))	

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 the 15-foot wide alley in Block 24 of the plat of Heceta Beach, as platted and recorded in 1915 in Book 7, Page 25, Lane County, Oregon Plat Records, as described in the Order, be vacated as petitioned for. The petitioners are requesting the vacation in order to landscape and improve their property.

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-ways 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 the proposed vacation requesting, by the authority of ORS 368.351, a vacation without a public hearing. Said property is further identified as Tax Lots 5000, 5001, 5002, 5100 & 5101 of Assessor's Map 18-12-04-13 and Tax Lots 400, 500, 600 & 700 of Assessor's Map 18-12-04-42.
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, the City of Florence, Qwest Communications, Central Lincoln People's Utility District, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and surrounding landowners were notified by mail regarding the proposed vacation.
4. That, Lane County Lane County Transportation Planning responded stating that the alley is unconstructed and does not serve as a primary access for the existing dwellings.
5. That, one of the neighboring landowners wrote back saying that he and his wife opposed to letting this public property be given away for private ownership because if a public sewer system is installed in the future, the alley would be the most expedient and least expensive place for installation of the lines. The primary petitioner has since talked to the City of Florence and they have assured him that they do not use the alleyways for sewer, water, or utility facilities.
6. That, there are no known utilities within the right-of-way.
7. That, vacating the alley in the Block 24 in the plat of Heceta Beach, as described in the Order will not deny any landowners legal road access to a public road.
8. 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.

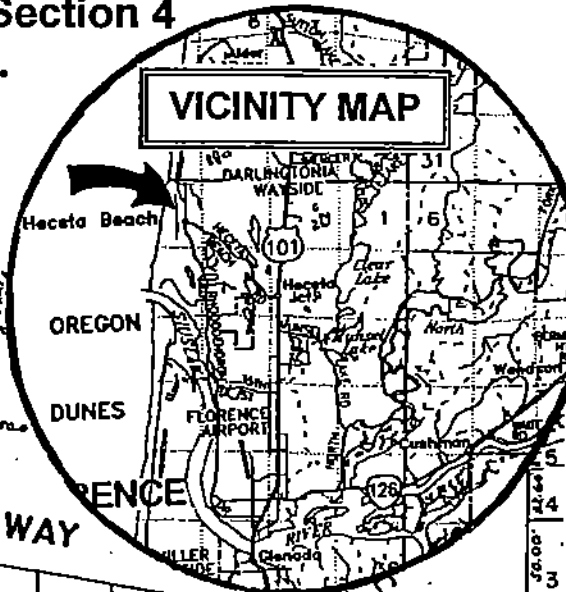
ATTACHMENT "A"

ORIGINAL

SW ¼ NE ¼ and NW ¼ SE ¼ Section 4
T. 18S. R. 12W. W.M.

LANE COUNTY

NO SCALE



PACIFIC OCEAN

