

AGENDA COVER MEMO

DATE: December 29, 2003
TO: Lane County Board of Commissioners
FROM: Bill Robinson, Lane County Surveyor **BR**
DEPARTMENT: Public Works/Land Management Division

AGENDA ITEM TITLE: IN THE MATTER OF VACATING A PORTION OF W.W. JACKSON ROAD (COUNTY ROAD NUMBER 723) BEGINNING AT FOX HOLLOW ROAD AND EXTENDING SOUTHWESTERLY APPROXIMATELY 1 MILE, AND BEING LOCATED IN SECTIONS 35 AND 36 OF TOWNSHIP 18 SOUTH, RANGE 4 WEST, AND SECTION 2, TOWNSHIP 19 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN. (18-04-35 & 36 and 19-04-02)

I. MOTION:

TO APPROVE THE FINAL ORDER VACATING A PORTION OF W.W. JACKSON ROAD (COUNTY ROAD NUMBER 723) BEGINNING AT FOX HOLLOW ROAD AND EXTENDING SOUTHWESTERLY APPROXIMATELY 1 MILE, AND BEING LOCATED IN SECTIONS 35 AND 36 OF TOWNSHIP 18 SOUTH, RANGE 4 WEST, AND SECTION 2, TOWNSHIP 19 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN. (18-04-35 & 36 and 19-04-02)

II. ISSUE:

To decide whether the vacation of a portion of W.W. Jackson Road (County Road Number 723), being approximately 1 mile in length, as it extends southwesterly from Fox Hollow Road, is in the public interest.

III. DISCUSSION:

A. Background:

The Surveyor's Office of the Department of Public Works has received a valid petition signed by R. Derek Jaros and Diane Jaros, Audrey J. McAtee, Richard D. McAtee, and Jody G. McAtee, Kenneth Caiazza and Catharine Bohem, and Adrienne E. St. Clair, landowners of property adjoining the portion of W.W. Jackson Road proposed to be vacated. The petitioners are requesting this vacation in order to eliminate the described portion of W.W. Jackson Road that bisects their properties.

W.W. Jackson Road was established as County Road Number 723 in 1912 having a right-of-way width of 60 feet. The road provided a connection between county roads now known as Hamm Road at its southerly end and Fox Hollow Road at its northerly end. The legal alignment extended from the John Sutherland Road (now commonly known as Hamm Road), northerly approximately 5 ½ miles to the East Quarter (E ¼) corner of Section 36, Township 18 South, Range 4 West of the Willamette Meridian. The portion proposed to be vacated runs southwesterly, approximately one mile, from a point where it intersects with Fox Hollow Road in the Southwest Quarter (SW ¼) said Section 36.

It has been recommended that a public hearing be held regarding the proposed vacation due to the fact that the legal right-of-way of W.W. Jackson Road is a connector road between two county roads (Fox Hollow Road and Hamm Road).

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 nearby landowners were notified by mail regarding the proposed vacation. Lane County Transportation Planning Department replied stating that they have no objections to this vacation as long as the neighboring landowners have no objections. They also noted that if the vacation is approved, only one access from Fox Hollow Road to Tax Lot 200, including but not limited to any future partitioning or dividing of said property, shall be permitted as per Lane Code 15.045.

Lane Electric Cooperative replied to the referral stating that they need an easement for their existing electric distribution facilities, and later confirmed that the petitioners have provided an easement for this line.

The Board approved Resolution and Order Number 03-11-5-6 to set a public hearing on January 14, 2004 to hear and evaluate the merits of whether to vacate a portion of W.W. Jackson Road, as petitioned for.

B. Analysis:

ORS 368.356 requires that the county governing body shall determine whether the vacation of the property is in the public interest. The petitioners state that the right-of-way proposed to be vacated has not been used for several decades and is not needed by the petitioning properties or other nearby properties, as they take access from Fox Hollow Road.

The proceedings that propose to vacate the subject portion of W.W. Jackson Road have provided ample opportunity for comment from the public, affected property owners, and outside agencies. All required legal notices have been provided in accordance with ORS 368.346 and the Board is free to act at this time.

Lane Electric Cooperative has distribution lines in the area, and the petitioners have provided an easement for their benefit. There are no other known utilities or powerlines located within the area to be vacated.

No property will be denied legal access to a public road as access easements have been executed for the benefit of parcels being created that do not adjoin Fox Hollow Road.

C. Alternatives/Options:

1. Approve the vacation of a portion of W.W. Jackson Road, County Road Number 723, as petitioned for.
2. Deny the vacation of a portion of W.W. Jackson Road, County Road Number 723, as petitioned for.
3. Continue the matter for further consideration.

D. Recommendations:

The Public Works Director's Report recommends that the Board support Option Number 1, to approve the vacation of the described portion of W.W. Jackson Road, as petitioned for.

All statutory procedures necessary for the vacation of the above mentioned portion of W.W. Jackson Road, County Road Number 723, have been complied with, including providing public notice and a report by the Director of Public Works who supports the approval of the vacation of the road.

E. Timing:

Timing is important in this matter as the applicant has paid his fees and is interested in getting this matter resolved.

IV. IMPLEMENTATION/FOLLOW-UP:

If the Board of County Commissioners approves the Final 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 Terminate the Vacation will be presented to the Board at a later regularly scheduled meeting.

V. ATTACHMENTS:

Order w/attachments:
Petition to Vacate + Addendum
Director's Report - Exhibit "A"
Findings of Fact - Exhibit "B"
Affidavit of Posting – Exhibit "C"
Attachment "A" - Vicinity Map

Contact Person: Bill Robinson x-4198

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

FILE NO. 4080

IN THE MATTER OF VACATING A PORTION OF)
W.W. JACKSON ROAD (COUNTY ROAD NUMBER)
723) BEGINNING AT FOX HOLLOW ROAD AND)
EXTENDING SOUTHWESTERLY APPROXIMATELY)
1 MILE, AND BEING LOCATED IN SECTIONS 35)
AND 36 OF TOWNSHIP 18 SOUTH, RANGE 4 WEST,)
AND SECTION 2, TOWNSHIP 19 SOUTH, RANGE 4)
WEST OF THE WILLAMETTE MERIDIAN)
(18-04-35 & 36 and 19-04-02))

FINAL
ORDER NO.

WHEREAS, this matter now coming before the Board of County Commissioners for Lane County, Oregon, upon the Resolution, Notice of Hearing and Order No. 03-11-5-6 for the proposed vacation of a portion of W.W. Jackson Road, County Road Number 723; and

WHEREAS, W.W. Jackson Road (County Road Number 723) was established in 1912 with a right-of-way width of 60 feet, 30 feet on each side of centerline. Said portion of right-of-way proposed to be vacated being more particularly described as follows:

Beginning at the southwest corner of the middle one-third running north and south of the North one-half of the South one-half of the Northeast quarter (N 1/2 S 1/2 NE 1/4) of Section 2, Township 19 South, Range 4 West of the Willamette Meridian; thence, West 62 feet, more or less, along the south line of the North one-half of the South one-half of the Northeast one-quarter (N 1/2 S 1/2 NE 1/4) of said Section 2 to a point on the centerline of the W.W. Jackson Road (County Road Number 723) as defined in the Viewers' Report of same County Road dated November 30, 1912 (viewed October 21, 1912) in Book 5, Page 165 through 169, where said centerline crossed the fence at the south line of Baird and Slattery; thence, North 41° East 87.12 feet (1.32 chains) along said centerline to the TRUE POINT OF BEGINNING; thence, North 65° East 125.4 feet (1.90 chains); thence, South 88° East 85.8 feet (1.30 chains); thence South 77°30' East 108.24 feet (1.64 chains); thence, North 69° East 99 feet (1.50 chains); thence, North 83°15' East 108.90 feet (1.65 chains); thence, North 71°30' East 60.72 feet (0.92 chains); thence, North 47°45' East 91.74 feet (1.39 chains); thence, North 46° East 95.70 feet (1.45 feet); thence, North 1°30' East 137.28 feet (2.08 chains); thence, North 14° East 107.58 feet (1.63 chains); thence, North 0°30' East 138.60 feet (2.10 chains); thence, North 16° West 130.68 feet (1.98 chains); thence, North 2° West 123.42 feet (1.87 chains); thence, North 20°30' West 209.88 feet (3.18 chains); thence, North 9°15' West 91.74 feet (1.39 chains); thence, North 58° East 232.98 feet (3.53 chains); thence, North 50°15' East 84.40 feet (1.28 chains); thence, North 41° East 170.94 feet (2.59 chains); thence, North 39° East 119.46 feet (1.81 chains) (at 1.31 chains cross old road); thence, North 64° East 143.22 feet (2.17 chains); thence, North 75° East 126.06 feet (1.91 chains); thence, North 46° East 136.62 feet (2.07 chains); thence, North 6°30' West 200.64 feet (3.04 chains); thence, North 44°45' West 250.80 feet (3.80 chains) to the end of the Fifth mile of said Road; thence, North 44°45' West 31.02 feet (0.47 chains) to a stake marked "A"; thence, North 1°30' West 159.06 feet (2.41 chains); thence, North 49° East 100.98 feet (1.53 chains); thence, North 83° East 73.92 feet (1.12 chains); thence North 44° East 83.82 feet (1.27 chains); thence, North 88°30' East 164.34 feet (2.49 chains); thence, South 75° East 88.44 feet (1.34 chains); thence, North 49°30' East 184.14 (2.79 chains) (at 2.26 cross wire fence on the

west line Section 36, Township 18 South, Range 4 West of the Willamette Meridian; thence, North 51° 30' East 110.22 feet (1.67 chains); thence, North 6° West 166.98 feet (2.53 chains); thence, North 143.22 feet (2.17 chains); thence, North 45°30' East 211.86 feet (3.21 chains); thence, North 16° East 405.24 feet (6.14 chains) to the ending point on Fox Hollow Road (County Road Number 464) all in Lane County, Oregon.

WHEREAS, the petitioners have met the requirement of ORS 368.341(f), as at least 60% of the adjoining landowners have signed the petition to vacate the road; 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 abutting landowners were notified by mail regarding the proposed vacation; and

WHEREAS, Lane County Transportation Planning Department replied stating that they have no objections to this vacation but noted that if the vacation is approved, only one access from Fox Hollow Road to Tax Lot 200 (Assessor's Map 19-04-02), including but not limited to any future partitioning or dividing of said property, shall be permitted as per Lane Code 15.045; and

WHEREAS, Lane Electric Cooperative responded to the referral stating that they need an easement for their existing distribution facilities, but later confirmed that they already have an easement for this line; and

WHEREAS, there are no other known utilities or powerlines located within the area to be vacated; and

WHEREAS, all necessary procedures for a vacation have been complied with, pursuant to ORS Chapter 368, including the giving of notice as evidenced by the Affidavit of Posting, Publication and Mailing, labeled as Exhibit "C", attached hereto and made a part hereof by this Order; and

WHEREAS, the Director of the Department of Public Works has provided a written report regarding the vacation, as required by ORS 368.346, attached hereto, marked Exhibit "A", and made a part hereof by this Order; and

WHEREAS, a public hearing was conducted on this date, as ordered, regarding the proposed vacation of the road as described above; and

WHEREAS, in accordance with the provisions of ORS 368.356, the Board is of the opinion that approving the vacation of the road, as described herein, is in the best interest of the public, at this time; now therefore, it is hereby

ORDERED, that the vacation of the above described portion of W.W. Jackson Road, County Road Number 723, is hereby approved, and the Board hereby adopts the Findings of Fact, as set forth in 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 and in the records for County Road Number 723 administered by the Lane County Surveyor.

DATED this _____ day of _____, 2004

Chair, Lane County Board of Commissioners

Attachment: Vicinity Map

APPROVED AND TO FORM

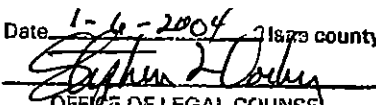
Date 1-6-2004 1873 county

OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

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

FILE NO. 4080

IN THE MATTER OF VACATING A PORTION OF)
W.W. JACKSON ROAD (COUNTY ROAD NUMBER)
723) BEGINNING AT FOX HOLLOW ROAD AND)
EXTENDING SOUTHWESTERLY APPROXIMATELY)
1 MILE, AND BEING LOCATED IN SECTIONS 35)
AND 36 OF TOWNSHIP 18 SOUTH, RANGE 4 WEST,)
AND SECTION 2, TOWNSHIP 19 SOUTH, RANGE 4)
WEST OF THE WILLAMETTE MERIDIAN)
(18-04-35 & 36 and 19-04-02))

DIRECTOR'S
FINAL REPORT

The Surveyor's Office of the Department of Public Works received a valid petition to vacate a portion of W.W. Jackson Road, County Road Number 723. The petitioners are requesting this vacation in order to eliminate the described portion of W.W. Jackson Road that bisects their property. They assert that the subject portion of right-of-way has not been used for several decades and that all of the petitioning properties take access from Fox Hollow Road.

W.W. Jackson Road was established as County Road Number 723 in 1912 with a right-of-way width of 60 feet. The road extended from the John Sutherland Road (commonly known as Hamm Road) to the East Quarter (E ¼) corner of Section 36, Township 18 South, Range 4 West of the Willamette Meridian. The portion proposed to be vacated runs southwesterly, approximately one mile, from a point where it intersects with Fox Hollow Road in the Southwest Quarter (SW ¼) of said Section 36.

It has been recommended that a public hearing be held regarding the proposed vacation due to the fact that the legal right-of-way of W.W. Jackson Road is a connector road between two county roads (Fox Hollow Road and Hamm Road).

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 by mail regarding the proposed vacation.

Lane County Transportation Planning Department replied stating that they are not opposed to the vacation as long as the neighboring landowners have no objections. They also stated that if the proposed vacation is approved, only one access from Fox Hollow Road to Tax Lot 200 (19-04-02), including but not limited to any future partitioning or dividing of said property, shall be permitted as per Lane Code 15.045.

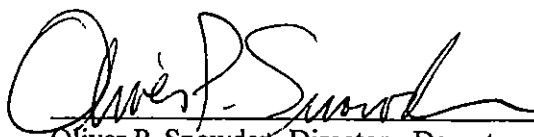
Lane Electric Cooperative replied to the referral stating that they need an easement for their existing electric distribution facilities, but later confirmed that the petitioners have provided them an easement for this line. There are no other known utilities or powerlines within the subject right-of-way.

It is believed that the public interest will be served, as vacating the portion of W.W. Jackson Road, as petitioned for, will allow for the petitioners to more fully utilize their property.

Notification of these proceedings has been provided by posting, mail and legal publication by the County Surveyor as required by ORS 368 provisions.

It is therefore recommended that the Final Order be approved and the described portion W.W. Jackson Road be vacated, as petitioned for.

DATED this 29th day of December, 2004



Oliver P. Snowden, Director - Department of Public Works

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

FILE NO. 4080

IN THE MATTER OF VACATING A PORTION OF)	
W.W. JACKSON ROAD (COUNTY ROAD NUMBER)	
723) BEGINNING AT FOX HOLLOW ROAD AND)	
EXTENDING SOUTHWESTERLY APPROXIMATELY)	FINDINGS OF FACT
1 MILE, AND BEING LOCATED IN SECTIONS 35)	
AND 36 OF TOWNSHIP 18 SOUTH, RANGE 4 WEST,)	
AND SECTION 2, TOWNSHIP 19 SOUTH, RANGE 4)	
WEST OF THE WILLAMETTE MERIDIAN)	
(18-04-35 & 36 and 19-04-02))	

The Department of Public Works has received a valid petition, signed by 100% of the owners of the property abutting the proposed vacation, requesting that a portion of W.W. Jackson Road (County Road Number 723), as described in the Order, be vacated as petitioned for. The subject portion of right of way is approximately 1 mile in length and extends southwesterly from Fox Hollow Road. This portion of W.W. Jackson Road has not been used for several decades and the petitioners are requesting this vacation in order to eliminate the described portion of right-of-way that bisects their properties.

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 public roads or easements 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. That, the petitioners own property abutting the proposed vacation. Said property is further identified as Tax Lots 500, 501, & 502 of Assessor's Map 18-04-36, Tax Lots 1200 & 1208 Assessor's Map 18-04-35, and Tax Lots 101, 202 & 204 of Assessor's Map 19-04-02.
2. That, pursuant to ORS 368.326 to 368.366, a county governing body may vacate public roads or easements 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 neighboring landowners were notified by mail regarding the proposed vacation.
4. That, Lane County Transportation Planning replied stating that they were not opposed to the vacation, but noted that if the vacation is approved, only one access from Fox Hollow Road to Tax Lot 200 (19-04-02), including but not limited to any future partitioning or dividing of said property, shall be permitted as per Lane Code 15.045.
5. That, Lane Electric Cooperative has existing electric distribution facilities in the area, and the petitioners have provided an easement for their benefit.
6. That, the County Surveyor has provided legal notice for the public hearing by service, posting, and publication, as required by ORS 368.401 to 368.426.
7. That, pursuant to ORS 368, a county governing body may make a determination about a vacation of property with a public hearing if:
 - (1) The county governing body adopts a resolution meeting the requirements of ORS 368.341.
 - (2) The county road official files a written report containing a description of the property proposed for vacation and stating that the vacation is in the public interest.
 - (3) The governing body shall establish a time and place for a hearing to consider the proposed vacation and shall give notice of said hearing under ORS 368.401 to 368.426.

Items (1), (2) and (3) 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, with a public hearing, have been met.

EXHIBIT 'C'

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

FILE NO. 4080

IN THE MATTER OF VACATING A PORTION OF)
W.W. JACKSON ROAD (COUNTY ROAD NUMBER)
723) BEGINNING AT FOX HOLLOW ROAD AND)
EXTENDING SOUTHWESTERLY APPROXIMATELY)
1 MILE, AND BEING LOCATED IN SECTIONS 35)
AND 36 OF TOWNSHIP 18 SOUTH, RANGE 4 WEST,)
AND SECTION 2, TOWNSHIP 19 SOUTH, RANGE 4)
WEST OF THE WILLAMETTE MERIDIAN)
(18-04-35 & 36 and 19-04-02)

AFFIDAVIT OF POSTING,
PUBLICATION
AND MAILING

I, Bill Robinson, Interim Lane County Surveyor, certify as follows:

That on the 19th day of December, 2003, I caused to be posted (3) copies of the Notice of Hearing in the above entitled matter in three places, positioned to be visible to the traveling public, as follows:

1. Posted at approximate milepost 5.0, on the northerly side of Fox Hollow Road; placed on sign post for Praise Lane.
2. Posted at approximate milepost 5.2, on the southerly side of Fox Hollow Road; placed on power pole B14R3, near driveway to house number 30890.
3. Posted at approximate milepost 5.5, on the southerly side of Fox Hollow Road; placed on power pole B14R1L3, near Boods Road.

The undersigned further certifies that on December 26, 2003 and January 7, 2004 notice is scheduled to run in the Register Guard. Also that on December 19, 2003 notice was sent to adjacent owners and various private and public agencies having an interest in these vacation proceedings by Certified Mail.

Bill Robinson
Bill Robinson
Lane County Surveyor

Subscribed and sworn to before me this 29th day of December, 200³7.



Peggy Hunter
NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/13/2007

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

FILE NUMBER _____

IN THE MATTER OF THE VACATION OF)
 A PORTION OF COUNTY ROAD 723,)
 (WW JACKSON ROAD) IN SECTIONS 35 &)
 36 OF TOWNSHIP 18 SOUTH, RANGE 04)
 WEST OF THE WILLAMETTE MERIDIAN,)
 AND SECTION 02 OF TOWNSHIP 19 SOUTH,)
 RANGE 04 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 R. Derek Jaros and Dianne F. Jaros and Kenneth Caiazza and Catharine Bohem and Audrey J. McAtee and Richard D. McAtee and Jody G. McAtee, and Adrienne E. St. Clair, Trustee of the Adrienne E. St. Clair Revocable Living Trust as owners of adjacent real property hereby petition for the vacation of a portion of County Road Number 723 (WW Jackson Road), which area to be vacated is described as follows:

All that portion of County road Number 723 (WW Jackson Road) located adjacent to Fox Hollow Road and bisecting Tax Lots 180435 1200, 1208, and Tax Lots 180436 500, 501, 502, and Tax Lots 190402 101 and 200 being further described as that portion of the W. W. Jackson Road (being 60.00 feet in width) the centerline of which is described as follows:

Beginning at the southwest corner of the middle one-third running north and south of the north one-half of the south one-half of the northeast quarter of Section 2, Township 19 South, Range 4 West of the Willamette Meridian; thence, West 62 feet, more or less, along the south line of the north one-half of the south one-half of the northeast one-quarter of said Section 2 to a point on the centerline of the W. W. Jackson Road (County Road No. 723) as defined in Viewers' Report of same County Road dated November 30, 1912 (viewed October 21, 1912) in book 5, page 165 through 169, where said centerline crossed the fence at the south line of Baird and Slattery ; thence, North 41° East 87.12 feet (1.32 chains) along said centerline to the TRUE POINT OF BEGINNING; thence, North 65° East 125.4 feet (1.90 chains); thence, South 88° East 85.8 feet (1.30 chains); thence, South 77°30' East 108.24 feet (1.64 chains); thence, North 69° East 99 feet (1.50 chains); thence, North 83°15' East 108.90 feet (1.65 chains); thence, North 71°30' East 60.72 feet (0.92 chains); thence, North 47°45' East 91.74 feet (1.39 chains); thence, North 46° East 95.70 feet (1.45 chains); thence, North 1°30' East 137.28 feet (2.08 chains); thence, North 14° East 107.58 feet (1.63 chains); thence, North 0°30' East 138.60 feet (2.10 chains); thence, North 16° West 130.68 feet (1.98 chains); thence, North 2° West 123.42 feet (1.87 chains); thence, North 20°30' West 209.88 feet (3.18 chains); thence, North 9°15' West 91.74 feet (1.39 chains); thence, North 58° East 232.98 feet (3.53 chains); thence, North 50°15' East 84.40 (1.28 chains); thence, North 41° East 170.94 feet (2.59 chains); thence, North 39° East 119.46 feet (1.81 chains) (at 1.31 chains cross old road); thence, North 64° East 143.22 feet (2.17 chains); thence, North 75° East 126.06 feet (1.91 chains); thence, North 46° East 136.62 feet (2.07 chains); thence, North 6°30' West 200.64 feet (3.04 chains); thence, North 44°45' West 250.80 feet (3.80 chains) to the end of the Fifth mile of said Road; thence, North 44°45' West 31.02 feet (0.47 chains) to a stake marked "A"; thence, North 1°30' West 159.06 feet (2.41 chains); thence, North 49° East 100.98 feet (1.53 chains); thence, North 83° East 73.92 feet (1.12 chains); thence, North 44° East 83.82 feet (1.27 chains); thence, North 88°30' East 164.34 feet (2.49 chains); thence, South 75° East 88.44 feet (1.34 chains); thence, North 49°30' East 184.14 feet (2.79 chains) (at 2.26 chains cross wire fence on the west line Section 36, Township 18 South, Range 4 West of the Willamette Meridian; thence, North 51°30' East 110.22 feet (1.67 chains); thence, North 6° West 166.98 feet (2.53 chains); thence, North 143.22 feet (2.17 chains); thence, North 45°30' East 211.86 feet (3.21 chains); thence, North 16° East 405.24 feet (6.14 chains) to the ending point on County Road No. 464 (Fox Hollow Road) all in Lane County, Oregon..

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 is to vacate a portion of WW Jackson Road that is not, and has not been, in use for several decades. All of the petitioning properties take access from Fox Hollow Rd. (Road number 777 in this area). No petitioning property or any nearby properties take access from the WW Jackson right of way. No petitioning property or adjacent properties will be harmed or reduced in value because of this vacation. No petitioning property or nearby property will be denied access to the public right of way because of this petition.
2. All of the petitioner's lots are bisected by the WW Jackson right of way. Several of these properties were legally partitioned pursuant to Lane County land use laws in effect since 1975. County staff did not address or acknowledge the WW Jackson right of way issue in either of these previous partitions (M275-79 and M113-80), as subdivision guaranties were not a part of the partitioning process at that time. This vacation request will remedy those oversights and remove the roadway from all of the listed lots and parcels.
3. There are no utilities or power lines located in the area to be vacated.

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

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 areas revert and vest in accordance with ORS 368.366.

DATED this 7th day of September, 2001

PETITIONERS (See "Addendum A" after pg. 9 of 9 for additional petitioner signatures)

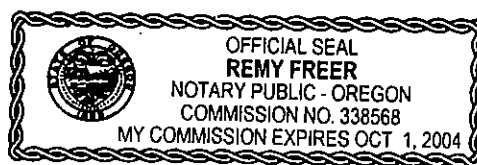
R. Derek Jaros
R. Derek Jaros
31030 Foxridge Ln. Eugene, Or. 97405
(A portion of 19 04 02 lot 200 - Parcel 2)

Dianne F. Jaros
Dianne F. Jaros
31030 Foxridge Ln. Eugene, Or. 97405
(A portion of 19 04 02 lot 200-Parcel 3)

Legal Lot Verified in PA 00-5654 and modified
By lot line adjustment deeds 2001-025439 &
2001- 045282 and described in Exhibit A

Legal Lot Verified in PA 00-5657
and described in Exhibit B

STATE OF OREGON,)
) ss.
County of Lane)



This instrument was acknowledged before me on Sept. 7, 2001 by
R. Derek Jaros and Dianne F. Jaros

Notary Public for Oregon Remy Freer
My commission expires on: Oct. 1, 2004

Audrey J. McAtee
Audrey J. McAtee
30896 Fox Hollow Rd. Eugene, Or. 97405
18 04 36 lot 500 (west parcel of lot 500 verified as a legal lot in PA 01-5237 and described in Exhibit C)

Richard D. McAtee
Richard D. McAtee
30852 Fox Hollow Rd. Eugene, Or. 97405
18 04 36 lot 500 (east parcel of lot 500 verified as a legal lot in PA 01-5237 and described in Exhibit D)

Audrey J. McAtee
Audrey J. McAtee
30896 Fox Hollow Rd. Eugene, Or. 97405
18 04 36 lot 501

Audrey J. McAtee

Audrey J. McAtee

30896 Fox Hollow Rd.
Eugene, Or. 97405
18 04 36 lot 502

Richard D. McAtee

Richard D. McAtee

30852 Fox Hollow Rd.
Eugene, Or. 97405
18 04 36 lot 502
(land sale contract vendee)

Jody G. McAtee

Jody G. McAtee

30852 Fox Hollow Rd.
Eugene, Or. 97405
18 04 36 lot 502
(land sale contract vendee)

STATE OF OREGON,)
) ss.
County of Lane)

This instrument was acknowledged before me on August 20, 2001 by
Audrey J. McAtee

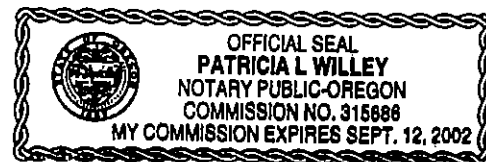
Notary Public for Oregon
My commission expires on: Alice M. Plymell



STATE OF OREGON,)
) ss.
County of Lane)

This instrument was acknowledged before me on August 22, 2001 by
Richard D. McAtee

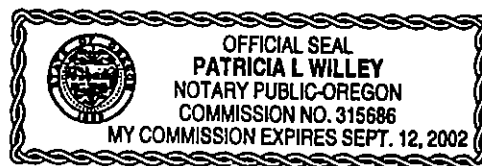
Notary Public for Oregon
My commission expires on: Patricia L. Willey



STATE OF OREGON,)
) ss.
County of Lane)

This instrument was acknowledged before me on August 22, 2001 by
Jody G. McAtee

Notary Public for Oregon
My commission expires on: Patricia L. Willey



Adrienne E. St. Clair

Adrienne E. St. Clair
Trustee of the Adrienne E. St. Clair
Revocable Living Trust Dated 5-27-97
30848 Fox Hollow Rd. Eugene, Or. 97405
19 04 02 lot 101

Adrienne E. St. Clair

Adrienne E. St. Clair
Trustee of the Adrienne E. St. Clair
Revocable Living Trust Dated 5-27-97
30848 Fox Hollow Rd. Eugene, Or. 97405
18 04 35 lot 1200

Adrienne E. St. Clair

Adrienne E. St. Clair
Trustee of the Adrienne E. St. Clair
Revocable Living Trust Dated 5-27-97
30848 Fox Hollow Rd. Eugene, Or. 97405
18 04 35 lot 1208

STATE OF OREGON,)
) ss.
County of Lane)

August 30, 2001
[Signature]

This instrument was acknowledged before me on August 30, 2001 by *[Signature]* by **Adrienne E. St. Clair**, Trustee of the Adrienne E. St. Clair Revocable Living Trust Dated May 27, 1997.



Karen E. O'Keefe

Notary Public for Oregon
My commission expires on: 9-27-01

FORD ■ NESS ■ FASSBENDER, INC.

ORIGINAL

LAND SURVEYING ■ CONSTRUCTION SUPERVISION ■ WATER RIGHTS EXAMINATIONS

CIVIL ENGINEERING ■ GEOTECHNICAL ■ ENVIRONMENTAL

EXHIBIT A

Parcel 2 of 19 04 02 lot 200

Job No. 3811

July 17, 2001

DESCRIPTION OF ADJUSTED "PARCEL 2" FOR DEREK JAROS 29.4± ACRES

Beginning at the brass cap monument marking the north one-quarter corner of Section 2, Township 19 South, Range 4 West of the Willamette Meridian; thence, South 0°29'03" West 2070.18 feet along the north/south one-quarter Section line of said Section 2 the southwest corner of the north one-half of the of the south one-half of the northeast one-quarter of said Section 2; thence, South 89°42'07" East 693.37 feet along the south line of the north one-half of the south one-half of the northeast one-quarter of said Section 2 as surveyed and monumented in that survey filed at the Lane County Surveyor's Office under No. 6692 to a reinforcing rod marking the TRUE POINT OF BEGINNING; thence, South 89°42'07" East 187 feet, more or less, to the southeast corner of the west one-third running north and south of the north one-half of the south one-half of the northeast one-quarter of said Section 2; thence, North 68 feet, more or less, along the east line of said west one-third to a point on the centerline of the W.W. Jackson Road (County Road No. 723) as defined in Viewers' Report of same County Road dated November 30, 1912 (viewed October 21, 1912) in book 5 page 165; thence, North 41° East along said centerline to an angle bearing North 41° East ~~150.48 feet (2.28 chains)~~ ^{87.12 Feet (1.32 CHAINS)} from the crossing of said centerline of the fence line at the south line of Baird and Slattery property; thence, along said centerline the following courses and distances: North 65° East 125.4 feet (1.90 chains); thence, South 88° East 85.8 feet (1.30 chains); thence, South 77°30' East 108.24 feet (1.64 chains); thence, North 69° East 99 feet (1.50 chains); thence, North 83 1/2° East 108.90 feet; thence, North 71°30' East 60.72 feet (0.92 chains); thence, North 47°45' East 91.74 feet (1.39 chains); thence, North 46° East 95.70 feet (1.45 chains); thence, North 1°30' East 137.28 feet (2.08 chains); thence, North 14° East 107.58 feet (1.63 chains); thence, North 0°30' East 138.60 feet (2.10 chains); thence, North 16° West 130.68 feet (1.98 chains); thence, North 2° West 123.42 feet (1.87 chains); thence, North 20°30' West 209.88 feet (3.18 chains); thence, North 9°15' West 91.74 feet (1.39 chains); thence, North 58° East 232.98 feet (3.53 chains); thence, North 50°15' East to the west line of said east one-third; thence, North 0°03'07" West 200 feet, more or less, to a reinforcing rod set on the south line of the 22.41± Acre tract of that Survey filed at the Lane County Surveyor's Office under No. 37058; thence, South 71°12'22" West 547.90 feet along the south line of said 22.41± Acre Parcel to a reinforcing rod set therein; thence, North 46°43'50" W 264.96 feet along the said south and west line to a reinforcing rod set therein; thence, North 32°43'18" West 528.95 feet along the said south and west line to a reinforcing rod set therein; thence, North 69°13'19" West 78.21 feet along the said south and west line to a reinforcing rod set therein; thence, North 1°32'06" East 443.96 feet along the said west line to a reinforcing rod set on the southerly right of way line of Fox Hollow Road (being 60.00 feet in width); thence, 101.45 feet along said right of way line as it follows the arc of a curve to the right having a radius of 316.49 feet to a point bearing North 65°17'26" West 101.01 feet from the last described point; thence, North 56°06'27" West 20.36 feet to a reinforcing rod; thence, South 11°32'58" East 134.41 feet to a reinforcing rod; thence, South 11°40'14" West 200.23 feet to a reinforcing rod; thence, South 9°24'39" East 227.43 feet to a reinforcing rod; thence, South 11°55'08" West 161.89 feet to a reinforcing rod; thence, South 44°03'32" West 122.50 feet to a reinforcing rod; thence, South 21°30'42" East 155.87 feet to a reinforcing rod; thence, South 13°44'51" East 132.08 feet to a reinforcing rod; thence, South 27°34'42" East 170.84 feet to a reinforcing rod; thence, South 48°28'42" East 269.76 feet to a reinforcing rod; thence, South 16°49'29" East 290.88 feet to a reinforcing rod; thence, South 4°32'08" West 323.04 feet to a reinforcing rod; thence, South 27°38'39" West 171.12 feet to a reinforcing rod; thence, South 20°40'41" West 253.01 feet to a reinforcing rod; thence, South 31°12'29" West 155.34 feet to the true point of beginning in Lane County, Oregon.

EXHIBIT B
Parcel 3 of 19 04 12 lot 200

Job No. 1769.4
Revised February 5, 2001

DESCRIPTION OF THE LEGAL LOT DEFINED IN LEGAL LOT VERIFICATION
IN PLANNING ACTION 00-5657

That part of the middle one-third running north and south of the south one-half of the southeast one-quarter of Section 35, Township 18 South, Range 4 West of the Willamette Meridian, the north one-half of the northeast one-quarter and the north one-half of the south one-half of the northeast one-quarter of Section 2, Township 19 South, Range 4 West of the Willamette Meridian lying south of County Road No. 723 as defined in Viewers' Report of same County Road dated November 30, 1912 (viewed October 21, 1912) in book 5, page 165 being more particularly described as follows:

Beginning at the southwest corner of the middle one-third running north and south of the north one-half of the south one-half of the northeast quarter of Section 2, Township 19 South, Range 4 West of the Willamette Meridian; thence, North 68 feet, more or less, along the west line of said middle one-third to a point on the centerline of the the W.W. Jackson Road (County Road No. 723) as defined in Viewers' Report of same County Road dated November 30, 1912 (viewed October 21, 1912) in book 5, page ~~165~~ ¹⁶⁸; thence, North 41° East along said centerline to the angle bearing North 41° East ~~150.48 feet (2.28 chains)~~ ^{87.12 feet (1.32 chains)} from the crossing of said centerline of the fence line at the south line of Baird and Slattery property; thence, North 65° East 125.4 feet (1.90 chains); thence, South 88° East 85.8 feet (1.30 chains); thence, South 77°30' East 108.24 feet (1.64 chains); thence, North 69° East 99 feet (1.50 chains); thence, North 83°15' East 108.90 feet (1.65 chains); thence, North 71°30' East 60.72 feet (0.92 chains); thence, North 47°45' East 91.74 feet (1.39 chains); thence, North 46° East 95.70 feet (1.45 chains); thence, North 1°30' East 137.28 feet (2.08 chains); thence, North 14° East 107.58 feet (1.63 chains); thence, North 0°30' East 138.60 feet (2.10 chains); thence, North 16° West 130.68 feet (1.98 chains); thence, North 2° West 123.42 feet (1.87 chains); thence, North 20°30' West 209.88 feet (3.18 chains); thence, North 9°15' West 91.74 feet (1.39 chains); thence, North 58° East 232.98 feet (3.53 chains); thence, North 50°15' East to the east line of said middle one-third; thence, South 1340 feet, more or less to the southeast corner of said middle one-third; thence, West 880 feet, more or less to the beginning point in Lane County, Oregon.

FORD ■ NESS ■ FASSBENDER, INC.

LAND SURVEYING ■ CONSTRUCTION SUPERVISION ■ WATER RIGHTS EXAMINATIONS

CIVIL ENGINEERING ■ GEOTECHNICAL ■ ENVIRONMENTAL

EXHIBIT C

August 5, 2001

Job No. 3811.1

West Parcel of 18 04 36 lot 500**DESCRIPTION OF THE WESTERLY PORTION OF THE AUDREY J. McATEE PROPERTY
Tax lot 180436 500**

Beginning at the brass cap marking the southwest corner of Section 36, Township 18 South, Range 4 West of the Willamette Meridian; thence, North 1°21' West 1278.40 feet to the stone set for the southwest corner of County Survey No. 1107; thence, North 79°51' East along the south line of said County Survey 395.5 feet to its intersection with the southerly right of way line of the Fox Hollow County Road, said intersection point being 30.0 feet distant from the centerline of said road and opposite Engineers centerline Station 223+13.6 equals Station 223+19.8, being the TRUE POINT OF BEGINNING; thence, North 84°28' East 40 feet, more or less, to a point on the centerline of County Road No. 723 (the W.W. Jackson Road); thence, South 16° West 338 feet, more or less, along the centerline of said County Road No. 723 to a point on the north line of Parcel 1 of Lane County Minor Partition M113-80 as surveyed in that survey filed at the Lane County Surveyor's Office under No. 27776; thence, South 89°22'54" West 178 feet, more or less, along said north line to a reinforcing rod set in said Survey No. 27776 on the easterly right of way line of said Fox Hollow County Road; thence, along said right of way line and the arc of a curve to the left having a radius of 746.20 feet to a reinforcing rod set in said Survey No. 27776 to mark a point 30.00 feet easterly from and opposite to Engineer's Centerline Station 218+49.00 P.T. bearing North 2°22'21" East 23.55 feet from the last described point; thence, North 21°28' East 50.60 feet continuing along said easterly right of way line to a point 30.00 feet easterly from and opposite to Engineer's Centerline Station 218+99.60 P.C.; thence, continuing along said right of way line as it follows the arc of a curve to the right having a radius of 256.48 feet to the true point of beginning in Lane County, Oregon which bears North 42°58' East 339.90 feet from the last described point.

SUBJECT TO the rights of the public to any portion thereof lying within the right of way of County Road No. 723 (W.W. Jackson Road).

FORD ■ NESS ■ FASSBENDER, INC.

LAND SURVEYING ■ CONSTRUCTION SUPERVISION ■ WATER RIGHTS EXAMINATIONS

CIVIL ENGINEERING ■ GEOTECHNICAL ■ ENVIRONMENTAL

EXHIBIT D

August 5, 2001

Job No. 3811.1

East Parcel of 18 04 36 lot 500**DESCRIPTION OF THE EASTERLY PORTION OF THE AUDREY J. McATEE PROPERTY
Tax lot 180436 500**

Beginning at the brass cap marking the southwest corner of Section 36, Township 18 South, Range 4 West of the Willamette Meridian; thence, North 1°21' West 1278.40 feet to the stone set for the southwest corner of County Survey No. 1107; thence, North 79°51' East along the south line of said County Survey 395.5 feet to its intersection with the southerly right of way line of the Fox Hollow County Road, said intersection point being 30.0 feet distant from the centerline of said road and opposite Engineers centerline Station 223+13.6 equals Station 223+19.8; thence, North 84°28' East 40 feet, more or less, to the TRUE POINT OF BEGINNING on the centerline of County Road No. 723 (the W.W. Jackson Road); thence, South 16° West 338 feet, more or less, along the centerline of said County Road No. 723 to a point on the north line of Parcel 1 of Lane County Minor Partition M113-80 as surveyed in that survey filed at the Lane County Surveyor's Office under No. 27776; thence, North 89°22'54" East 485 feet, more or less, along said north line to a reinforcing rod set in said Survey No. 27776 to mark the northeast corner of said Parcel 1 being on the east line of that tract described in that deed recorded at reel 334, page 196, deed records of Lane County, Oregon; thence, North 1°11'52" East 356.62 feet along the east line of said deed as found monumented on the ground in said Survey No. 27776 to an iron pipe set in that survey filed at the Lane County Surveyor's Office under Survey No. 8734 on the southerly right of way line of said Fox Hollow County Road; thence, South 84°28' West 383 feet, more or less, along said right of way line to the true point of beginning in Lane County, Oregon.

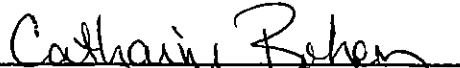
SUBJECT TO the rights of the public to any portion thereof lying within the right of way of County Road No. 723 (W.W. Jackson Road).

Addendum A

ADDITIONAL PETITIONERS



Kenneth Caiazza
64 Cobble Creek Rd.
Victor, New York 14564
(Contract Purchaser)
(A portion of 19 04 02 lot 200 – Parcel 2)



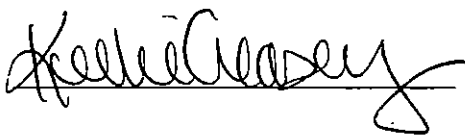
Catharine Bohem
64 Cobble Creek Rd.
Victor, New York 14564
(Contract Purchaser)
(A portion of 19 04 02 lot 200–Parcel 2)

**Legal Lot Verified in PA 00-5654 and modified
By lot line adjustment deeds 2001-025439,
2001-045281, 2001- 045282, 2001-064291,
as described in Exhibit A**

**Legal Lot Verified in PA 00-5654 and modified
By lot line adjustment deeds 2001-025439,
2001-045281, 2001- 045282, 2001-064291,
as described in Exhibit A**

STATE OF OREGON,)
) ss.
County of Lane)

This instrument was acknowledged before me on October 10th, 2001 by
Kenneth Caiazza and Catharine Bohem

Notary Public for Oregon 



Addendum to W.W. Jackson Road Vacation Request

In accordance with ORS 368.341 (3)(b), which requires that, petitioners state all reasons for requesting a road vacation, the undersigned petitioners of the W.W. Jackson Road Vacation Petition hereby acknowledge that:

- A) The Lane County Land Use Department has determined in PA 01-5237 that W.W. Jackson Road separates two legal lots, one owned by petitioner Audrey J. McAtee and one owned by Petitioner Richard D. McAtee and,
- B) The Lane County Land Use Department has determined in PA 01-6176 and PA 00-5657 that W. W. Jackson separates two legal lots, one owned by Petitioner Dianne Jaros and one owned by Petitioners Ken Caiazza and Cathy Bohem, and,
- C) That if W. W. Jackson Road is vacated as requested, that the common boundary line separating said legal lots would be the centerline of the newly vacated W. W. Jackson right of way, and as such, these boundary lines could only be adjusted in accordance with established Lane County Land Use Policy regarding the adjustment of legal lot lines as allowed by Oregon Revised Statutes, and,
- D) That the petitioners recognize that the two lot lines that separate the said legal lots are likely to be adjusted if W. W. Jackson Rd is vacated as requested, since the boundary line is detrimental to the efficient use of existing public infrastructure, the effective implementation of State Land Use Goal 5 forest land conservation, and there exists topographical challenges. Survey number 37162 filed in the Lane County Survey Records represents and example of the intended lot line adjustment between the two legal lots referenced in "B" above, and,
- E) That the petitioners recognize that the effect of the two lot line adjustments mentioned above, if they do occur, will be to adjust a single lot line separating the parcels in accordance with ORS 92.190(4) and ORS 92.010(7)(b), and
- F) That the petitioners recognize that neither the vacation of W. W. Jackson Road nor the effect of the two lot line adjustments referenced above, will result in any additional legal lots or property rights other than those that currently exist for the above referenced existing legal lots as verified in the above mentioned Lane County Land Use Planning Actions, and as allowed under the land use provisions of Lane County Code and State of Oregon Land Use law.

PETITIONERS:



R. Derek Jaros



Dianne F. Jaros

Audrey McAtee



Richard D. McAtee



Jody G. McAtee



Adrienne E. St. Clair

Kenneth Caiazza

Catharine Bohem

STATE OF OREGON,)
) ss.
County of Lane)

ORIGINAL

This instrument was acknowledged before me on April 18th 2002 by
R. Derek Jaros and Dianne F. Jaros.

Notary Public for Oregon Mary Neubauer



STATE OF OREGON,)
) ss.
County of Lane)

This instrument was acknowledged before me on _____ by
Audrey McAtee.

Notary Public for Oregon _____

STATE OF OREGON,)
) ss.
County of Lane)

This instrument was acknowledged before me on Richard D McAtee by
Richard D. McAtee.

Notary Public for Oregon Jeanie Kizer



STATE OF OREGON,)
) ss.
County of Lane)

This instrument was acknowledged before me on Jody G McAtee by
Jody G. McAtee

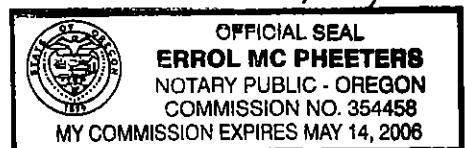
Notary Public for Oregon Jeanie Kizer



STATE OF OREGON,)
) ss.
County of Lane)

This instrument was acknowledged before me on Errol McPheeters by 4/18/02
Adrienne E. St. Clair

Notary Public for Oregon Errol McPheeters



Addendum to W.W. Jackson Road Vacation Request


In accordance with ORS 368.341 (3)(b), which requires that, petitioners state all reasons for requesting a road vacation, the undersigned petitioners of the W.W. Jackson Road Vacation Petition hereby acknowledge that:

- A) The Lane County Land Use Department has determined in PA 01-5237 that W.W. Jackson Road separates two legal lots, one owned by petitioner Audrey J. McAtee and one owned by Petitioner Richard D. McAtee and,
- B) The Lane County Land Use Department has determined in PA 01-6176 and PA 00-5657 that W. W. Jackson separates two legal lots, one owned by Petitioner Dianne Jaros and one owned by Petitioners Ken Caiazza and Cathy Bohem, and,
- C) That if W. W. Jackson Road is vacated as requested, that the common boundary line separating said legal lots would be the centerline of the newly vacated W. W. Jackson right of way, and as such, these boundary lines could only be adjusted in accordance with established Lane County Land Use Policy regarding the adjustment of legal lot lines as allowed by Oregon Revised Statutes, and,
- D) That the petitioners recognize that the two lot lines that separate the said legal lots are likely to be adjusted if W. W. Jackson Rd is vacated as requested, since the boundary line is detrimental to the efficient use of existing public infrastructure, the effective implementation of State Land Use Goal 5 forest land conservation, and there exists topographical challenges. Survey number 37162 filed in the Lane County Survey Records represents and example of the intended lot line adjustment between the two legal lots referenced in "B" above, and,
- E) That the petitioners recognize that the effect of the two lot line adjustments mentioned above, if they do occur, will be to adjust a single lot line separating the parcels in accordance with ORS 92.190(4) and ORS 92.010(7)(b), and
- F) That the petitioners recognize that neither the vacation of W. W. Jackson Road nor the effect of the two lot line adjustments referenced above, will result in any additional legal lots or property rights other than those that currently exist for the above referenced existing legal lots as verified in the above mentioned Lane County Land Use Planning Actions, and as allowed under the land use provisions of Lane County Code and State of Oregon Land Use law.

PETITIONERS:


R. Derek Jaros

Dianne F. Jaros


Audrey McAtee

Richard D McAtee

Jody G. McAtee


Adrienne E. St. Clair

Kenneth Caiazza

Catharine Bohem

STATE OF OREGON,)
) ss.
County of Lane)

ORIGINAL

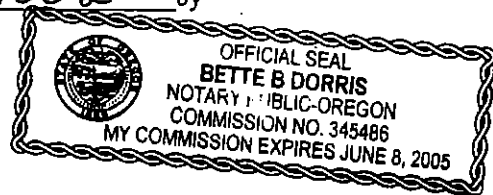
This instrument was acknowledged before me on _____ by
R. Derek Jaros and Dianne F. Jaros.

Notary Public for Oregon _____

STATE OF OREGON,)
) ss.
County of Lane)

This instrument was acknowledged before me on April 17, 2002 by
Audrey McAtee.

Notary Public for Oregon Bette B. Dorris



STATE OF OREGON,)
) ss.
County of Lane)

This instrument was acknowledged before me on _____ by
Richard D. McAtee.

Notary Public for Oregon _____

STATE OF OREGON,)
) ss.
County of Lane)

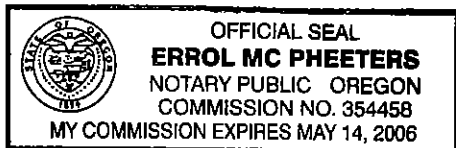
This instrument was acknowledged before me on _____ by
Jody G. McAtee

Notary Public for Oregon _____

STATE OF OREGON,)
) ss.
County of Lane)

This instrument was acknowledged before me on April 18, 2002 by
Adrienne E. St. Clair

Notary Public for Oregon Errol McPheeters



STATE OF New York,)
) ss.
County of MONROE)

This instrument was acknowledged before me on 4/23/02 by
Kenneth Caiazza

Notary Public for the state of New York :

Sheila M. Penny-Reimann
Sheila M. Penny-Reimann
Notary Public, State of New York
No. 01PE4994461
Qualified in Monroe County
Commission Expires April 6, 2004

STATE OF New York,)
) ss.
County of MONROE)

This instrument was acknowledged before me on 4/23/02 by
Catharine Bohem

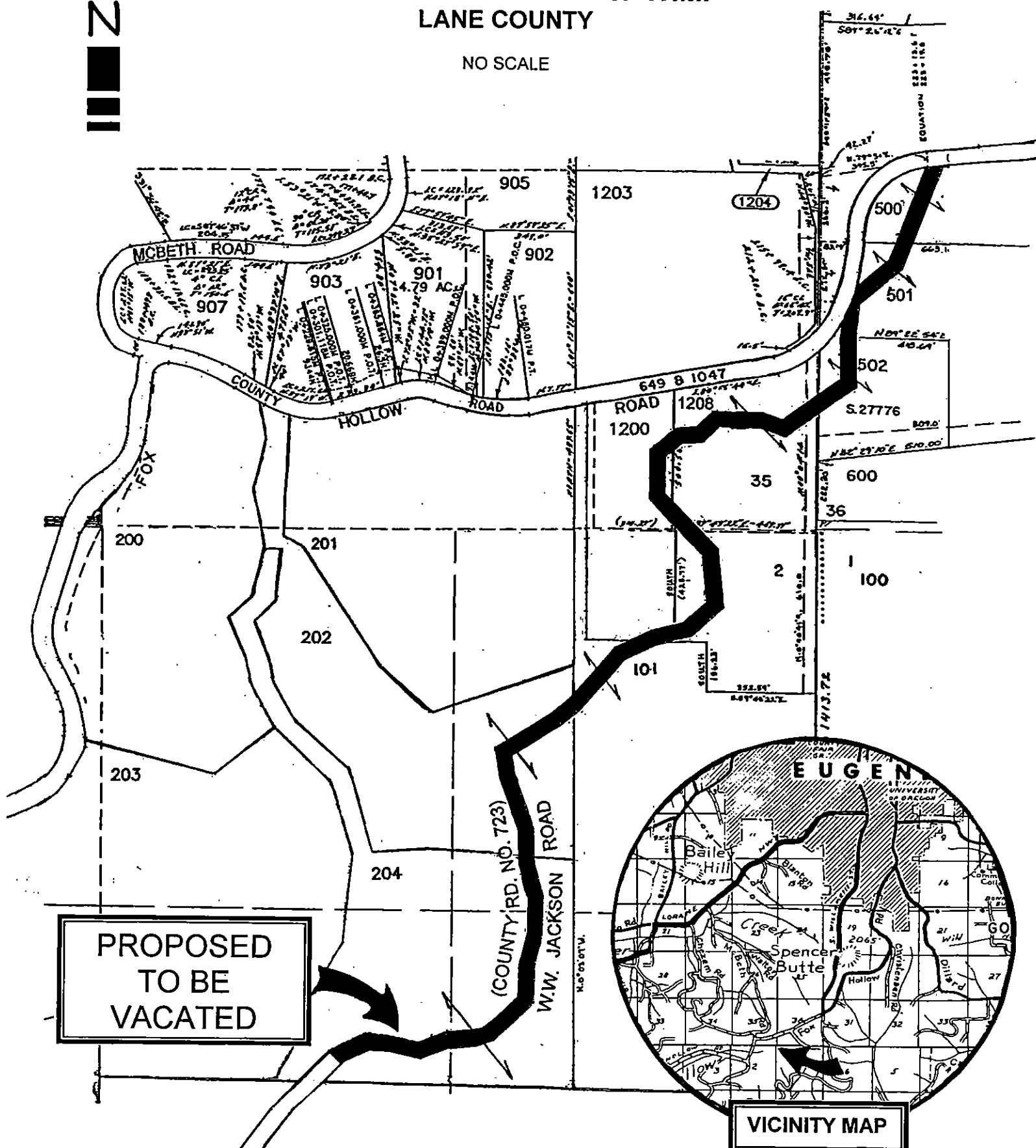
Notary Public for the state of New York :

Sheila M. Penny-Reimann
Sheila M. Penny-Reimann
Notary Public, State of New York
No. 01PE4994461
Qualified in Monroe County
Commission Expires April 6, 2004

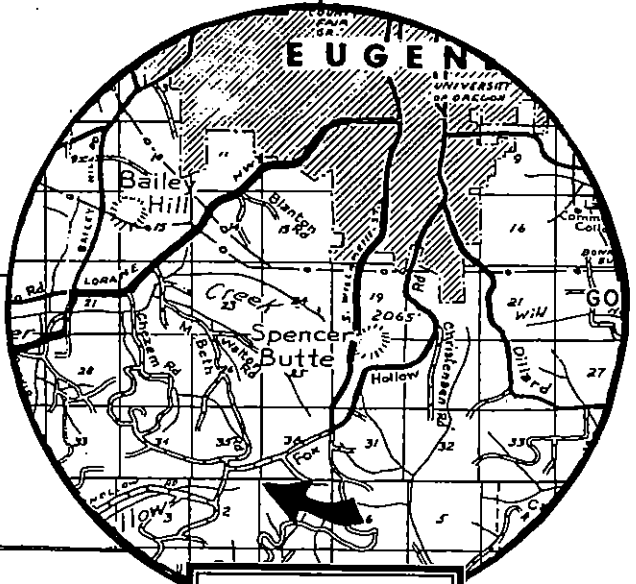
ATTACHMENT "A"

Section 35 & 36 T. 18S. R. 4W. W.M.
and
Section 2 T. 19S. R. 4W. W.M.
LANE COUNTY

NO SCALE



PROPOSED
TO BE
VACATED



VICINITY MAP