

WACJ
ORIGINAL

AGENDA COVER MEMO

DATE: April 26, 2005
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 SETTING A PUBLIC HEARING FOR THE VACATION OF A PORTION OF THE ALLEY IN BLOCK 74 IN THE PLAT OF GALLAGHER'S PART OF THE CITY OF FLORENCE, AS PLATTED AND RECORDED IN BOOK 30, PAGES 12 AND 13, LANE COUNTY, OREGON PLAT RECORDS (18-12-26-42)

I. MOTION:

TO APPROVE THE RESOLUTION, NOTICE OF HEARING AND ORDER SETTING AN AGENDA DATE OF JUNE 29TH, 2005 AT 1:30 P.M. TO CONSIDER THE VACATION OF A PORTION OF THE ALLEY IN BLOCK 74 IN THE PLAT OF GALLAGHER'S PART OF THE CITY OF FLORENCE, AS PLATTED AND RECORDED IN BOOK 30, PAGES 12 AND 13, LANE COUNTY, OREGON PLAT RECORDS (18-12-26-42)

II. ISSUE:

To decide whether to initiate the proceedings to set a public hearing before the Board of Commissioners which could lead to the vacation of a portion of the alley in Block 74 in the Plat of Gallagher's Part of the City of Florence, from the centerline of Yew Street (originally Pine Street) easterly to the westerly right-of-way of Zebrawood Street (originally Eddy Street), as recorded in 1891 in Book 30, Pages 12 and 13, Lane County, Oregon Plat Records, if such vacation is found to be 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 Theodore J. Hawkins, Sarah D. Farber, Robert Loren and Karen Morgan Loren, 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 petition was presented to the Board of Commissioners in their April 6, 2005 Agenda, Order #05-4-6-9, and after

discussion of the petition the Commissioners recommended this action be processed with a public hearing.

The purpose of the proposed vacation is to facilitate reconfiguration and consolidation of parcels owned by petitioners Theodore J. Hawkins and Sarah D. Farber. In conjunction with the vacation, an access easement will be executed to benefit both properties abutting the vacation and also tax lot 18-12-26-13-2200 owned by Juanita Hadder, which historically has had access across present tax lot 18-12-26-13-2300 owned by petitioners Hawkins and Farber. Said access easement will also benefit a parcel of undetermined ownership lying east of a remaining unvacated portion of Zebrawood Street and north of State Highway 126. Portions of the present roadway serving these properties are outside the originally platted, undeveloped right-of-way, and a private easement replacing the vacated right-of-way will provide a better fit of right-of-way to the traveled way that would more effectively serve the development pattern in the area.

The Plat of Gallagher's Part of the City of Florence was platted in 1891 and recorded in Book 30, Pages 12 and 13 of the Lane County, Oregon Plat Records. Various streets within the plat have been previously vacated, including portions of Yew Street (originally Pine Street) and Zebrawood Street (originally Eddy Street), which are located at the easterly and westerly termini of this proposed vacation. The portion of alley proposed to be vacated is within the Urban Growth Boundary of the City of Florence, and outside the Florence City Limits. The City of Florence is supportive of the vacation.

The Surveyors Office notified Qwest Communications, Central Lincoln Public 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 the adjoining property owners regarding the vacation. Oregon Department of Transportation responded by indicating objection to the vacation "if vacation of the alley would require the affected properties to take access solely from the State Highway 126". ODOT further recommended "properties affected by the proposed vacation to be granted easement to the local street system". Juanita Hadder, owner of taxlot 18-12-26-13-2200, responded by indicating she has no objection to the vacation under the condition that a "complete access road is maintained and always available" to her property. The other agencies and landowners either had no objection to the vacation or did not respond to the referral.

B. Analysis:

The portion of the alley to be vacated is approximately 300 feet in length, with a width of 20 feet. Portions of an existing roadway serving existing residences are outside the originally platted, undeveloped right-of-way.

This portion of alley is no longer needed by the Lane County Transportation System. Although no property will be denied legal access as a result of this vacation, a private access easement will be executed to benefit all parcels affected by the vacation. This private easement addresses the concerns expressed by landowner Juanita Hadder and those expressed by ODOT. The public interest will be served, as vacating this portion of alley will allow the property owners to more fully utilize their property and allow for

establishment of a private access easement serving all affected properties that is more suitable than the originally platted, undeveloped right-of-way. Consideration of this petition for vacation by the Board is in accordance with Lane Manual 15.300 (3) and 15.300 (5)(a).

C. Alternatives/Options:

The Board of County Commissioners has the options to:

1. Set a Public Hearing date as proposed by staff to consider the vacation of a portion of this alley in Block 74 of the Plat of Gallagher's Part of the City of Florence as petitioned for.
2. Set any later Public Hearing date, as the Board may wish, to consider the vacation of this portion of alley as petitioned for.
3. Refuse to set a date to initiate proceedings to consider the vacation of this portion of alley as petitioned for.

D. Recommendations:

The Public Works Director's Preliminary Report, Exhibit "A" attached to the Resolution and Order recommends that the Board support Alternative Number 1, setting a date for a public hearing.

Setting a public hearing date to consider the issues, taking testimony and possibly acting on the request for vacation is the recommended course to take. The date proposed will allow appropriate time for the provision of public notice for the hearing.

No property will be denied legal access by this vacation. The vacation is in the public's interest as vacating this portion of the described right-of-way will allow the adjacent property owners to more effectively utilize their property and allow for establishment of a private access easement serving all affected properties that is more suitable than the originally platted, undeveloped right of way. Establishment of said easement will satisfy the conditional objections returned by ODOT, and by Juanita Hadder, owner of taxlot 18-12-26-13-2200. The Public Works Director's Report therefore recommends that the Board support Option Number 1, setting a public hearing date to consider the vacation of this portion of alley as petitioned for.

E. Timing:

Timing is important in this matter, as the outcome of the vacation proceedings will affect the timely ability of petitioners Theodore Hawkins and Sarah Farber to establish a dwelling on their property abutting the proposed vacation.

IV. IMPLEMENTATION/FOLLOW-UP:

If the Board of County Commissioners approves the Resolution and Order setting a date for a public hearing on the proposed vacation of this portion of alley it is to be forwarded to the Lane

provide public notice of the proposed action. If the Board wishes to postpone the matter or to terminate proceedings, an Order to Postpone or Terminate will be presented to the Board at a later regularly scheduled meeting.

V. ATTACHMENTS:

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

Contact Person: Bill Robinson, x4198

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

| | | |
|--|---|--------------------------|
| IN THE MATTER OF SETTING A PUBLIC HEARING FOR THE |) | |
| VACATION OF A PORTION OF THE ALLEY IN BLOCK 74 IN |) | |
| THE PLAT OF GALLAGHER'S PART OF THE CITY OF |) | RESOLUTION, |
| FLORENCE, AS PLATTED AND RECORDED IN BOOK 30, |) | NOTICE OF HEARING |
| PAGES 12 AND 13, LANE COUNTY, OREGON PLAT RECORDS |) | AND ORDER |
| (18-12-26-42) |) | |

THIS MATTER now coming before the Board of County Commissioners for Lane County, Oregon, and it appearing to the Board that a valid petition has been received by landowners of 100% of property adjoining the portion of alley proposed to be vacated; and

WHEREAS, this portion of alley was first established in 1891 as part of the Plat of Gallagher's Part of the City of Florence with a right of way width of 20 feet, said portion of right of way proposed to be vacated being more particularly described as follows:

All that portion of the platted East-West alley in Block 74 East of the centerline of Yew Street (originally Pine Street) and west of the westerly right-of-way of Zebrawood Street (originally Eddy Street), all in the Plat of Gallagher's Part of the City of Florence, Oregon as platted and recorded in Book 30, Pages 12 and 13, Lane County, Oregon Plat Records, all in the Northwest one quarter (NW1/4) of the Southeast one quarter (SE1/4) of Section 26, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon.

WHEREAS, in accordance with ORS Chapter 368.341 proceedings may be undertaken to consider whether it is in the public interest and benefit to vacate the described portion of alley; and

WHEREAS, this matter was first presented to the Board of Commissioners as part of their April 6, 2005 Agenda, Order #05-4-6-9, and it was recommended then that this petition be processed with a public hearing; and

WHEREAS, Qwest Communications, Central Lincoln PUD, Northwest Natural Gas, the City of Florence, 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, Oregon Department of Transportation responded by indicating objection to the vacation "if vacation of the alley would require the affected properties to take access solely from the State Highway 126", and further recommended "properties affected by the proposed vacation to be granted easement to the local street system"; and

WHEREAS, Juanita Hadder, owner of taxlot 18-12-26-13-2200, responded by indicating she has no objection to the vacation under the condition that a "complete access road is maintained and always available" to her property; and

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

WHEREAS, a private access easement for the benefit of both abutting properties, for benefit of present tax lot 18-12-26-13-2200 and for benefit of a parcel of unidentified ownership will be executed and recorded in conjunction with the alley vacation, and said private easement addresses the concerns of Oregon Department of Transportation and landowner Juanita Hadder; and

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

WHEREAS, the Director of the Department of Public Works has provided a Preliminary Directors Report regarding the proposed vacation, marked as Exhibit "A", attached hereto and made a part hereof, by this Resolution, Notice of Hearing and Order, which recommends a date be set for the public hearing; now therefore, it is hereby

ORDERED, that June 29th, 2005 be established for hearing said report and for conducting a public hearing of the said proposed vacation and that said hearing be held at 1:30 P.M. at the Lane County Courthouse, 125 East 8th Avenue, Eugene, Oregon 97401; and it is further

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

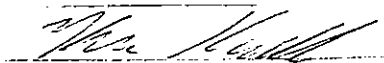
Inquiries regarding this vacation may be directed to Bill Robinson, Lane County Surveyor, Public Service Building, 125 East 8th Avenue, Eugene, Oregon, 97401, telephone (541)682-4195.

DATED this _____ day of _____, 2005.

Anna Morrison, Chair
LANE COUNTY BOARD OF COMMISSIONERS

APPROVED AS TO FORM

Date 5-5-05 Lane county



OFFICE OF LEGAL COUNSEL

Attachment: Vicinity Map

EXHIBIT "A"

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

IN THE MATTER OF SETTING A PUBLIC HEARING FOR THE)
VACATION OF A PORTION OF THE ALLEY IN BLOCK 74 IN)
THE PLAT OF GALLAGHER'S PART OF THE CITY OF)
FLORENCE, AS PLATTED AND RECORDED IN BOOK 30, PAGES)
12 AND 13, LANE COUNTY, OREGON PLAT RECORDS)
(18-12-26-42))

PRELIMINARY
DIRECTOR'S REPORT

The Surveyor's Office of the Department of Public Works has received a valid petition signed by Theodore J. Hawkins, Sarah D. Farber, Robert Loren and Karen Morgan Loren, the owners of 100% of the property abutting the proposed vacation.


The Plat of Gallagher's Part of the City of Florence was platted in 1891 and recorded in Book 30, Pages 12 and 13 of the Lane County, Oregon Plat Records. Various streets within the plat have been previously vacated, including portions of Yew Street (originally Pine Street) and Zebrawood Street (originally Eddy Street), which are located at the easterly and westerly termini of this proposed vacation. The portion of alley proposed to be vacated is 20 feet wide and approximately 300 feet long. It is within the Urban Growth Boundary of the City of Florence, and outside the Florence City Limits. The City of Florence is supportive of the vacation.

The petitioners wish to vacate this portion of the right of way in order to facilitate reconfiguration and consolidation of parcels owned by petitioners Theodore J. Hawkins and Sarah D. Farber. No property will be denied legal access as a result of this vacation. However, in conjunction with the vacation, an access easement will be executed to benefit various properties abutting or near the vacation, and said easement will provide a better fit of right-of-way to the traveled way that will more effectively serve the development pattern in the area. This easement will also satisfy concerns noted in the following paragraph.

The Surveyors Office notified Qwest Communications, Central Lincoln Public 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 the adjoining property owners regarding the vacation. Oregon Department of Transportation responded by indicating objection to the vacation "if vacation of the alley would require the affected properties to take access solely from the State Highway 126". ODOT further recommended "properties affected by the proposed vacation to be granted easement to the local street system". Juanita Hadder, owner of taxlot 18-12-26-13-2200, responded by indicating she has no objection to the vacation under the condition that a "complete access road is maintained and always available" to her property. The other agencies and landowners either had no objection to the vacation or did not respond to the referral.

It is recommended that the Resolution, Notice of Hearing and Order to consider the vacation of this portion of alley be approved and a date be set for conducting a public hearing by the Board of Commissioners.

DATED this 3rd day of May, 2005.

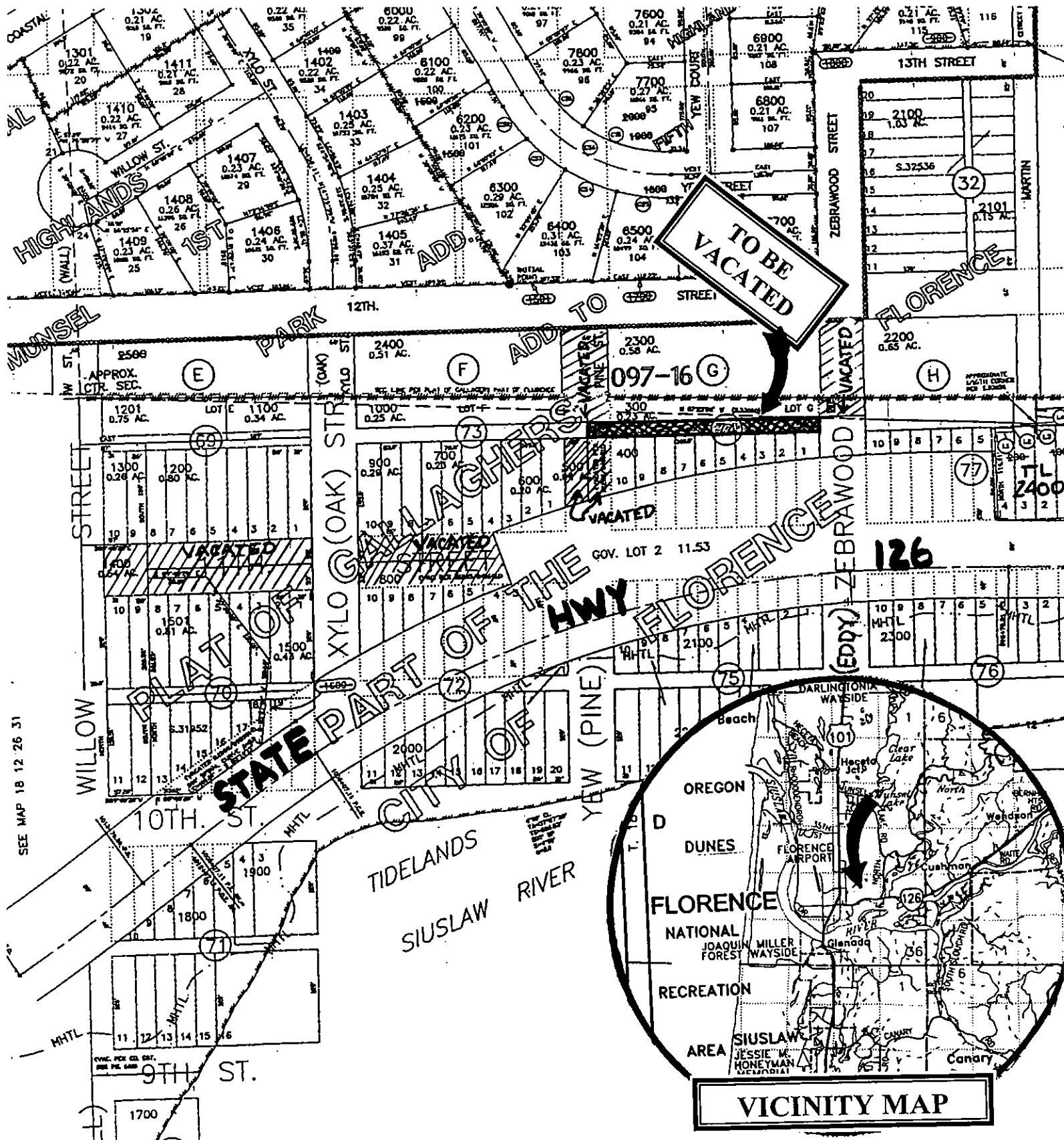


Oliver P. Snowden, Public Works Director
Department of Public Works



NW 1/4 SE 1/4 Section 26 T. 18 S. R. 12 W. W.M.
LANE COUNTY
(IN THE PLAT OF GALLAGHER'S PART OF THE CITY OF FLORENCE)

NO SCALE



SEE MAP 18 12 26 31

VICINITY MAP