

WAC3
ORIGINAL

AGENDA COVER MEMO

DATE: April 26, 2005
TO: Lane County Board of Commissioners
FROM: Bill Robinson, Lane County Surveyor ~~87~~
DEPARTMENT: Public Works/Land Management Division

AGENDA ITEM TITLE: IN THE MATTER OF SETTING A PUBLIC HEARING DATE FOR THE PROPOSED VACATION OF A PORTION OF THE UNNAMED PLATTED STREETS AND ALLEY, IN THE PLAT OF LAKE VIEW, AS PLATTED AND RECORDED IN BOOK 10, PAGE 6, LANE COUNTY, OREGON PLAT RECORDS (16-07-19-11)

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 UNNAMED PLATTED STREETS AND ALLEY, IN THE PLAT OF LAKE VIEW, AS PLATTED AND RECORDED IN BOOK 10, PAGE 6, LANE COUNTY, OREGON PLAT RECORDS (16-07-19-11)

II. ISSUE:

To decide whether to initiate the proceedings to set a public hearing before the Board of Commissioners to consider whether it is in the public interest, as provided by ORS 368.346, to vacate the described portions of the two 30-foot wide unnamed streets, one that is approximately 940 feet in length and the other being approximately 500 feet in length, and the entire 20-foot wide alley, being approximately 450 feet in length, all which are within the plat of Lake View, as platted and recorded in 1928 in Book 10, Page 6, Lane County, Oregon Plat Records.

III. DISCUSSION:

A. Background:

The Surveyor's Office of the Department of Public Works has received a valid petition signed by Larry L. Brown; Larry Hibbard; Martin Hall, Secretary for Advanced Investment Corporation; Creighton M. Harrison and Paula M. Harrison; Chadric Brown and Heidi D. Brown; and Robert L. Ladehoff, President of the Diocese of Oregon. These individuals and corporations make up 80% of the owners of property abutting the proposed vacation of the alley and the portion of the unnamed streets of the plat of Lake View. The petitioners are requesting the vacation in order to reconfigure their lots, and replace the public rights-of-way with one private easement that will serve the replatted lots. Portions of the roadway are outside the platted right-of-way, and the

easement will provide a better fit to the physical road. A public hearing is necessary to consider the proposed vacation, as the petition does not include the signatures of all of the adjoining landowners.

The petitioners have submitted a preliminary replat of Lots 5 through 12 and lot 14 of Block 1 and Lots 1 through 19 of Block 2 of the plat of Lake View, said replat to be known as "Two Lakes", which shows a proposed private access easement. With this easement in place, the original platted streets and alley of Lake View will no longer be needed. The petitioners are requesting that the unneeded right-of-way be vacated.

The streets and alley were dedicated to the public on the plat of Lake View in 1928, as platted and recorded in Book 10, Page 6, Lane County, Oregon Plat Records. The proposed vacation includes the entire street which runs between Block 1 and Block 2 of said plat, being approximately 940 feet in length; the portion of the street adjacent to the southwesterly side of Block 2 of said plat, between the northerly margin of the alley and the northerly margin of Little Lake Road, being approximately 500 feet in length; and the alley that extends from State Highway 36 to the southwesterly boundary of said plat, being 450 feet in length. The portion of the right-of-way contiguous to the southwest boundary of Lots 2,3,6,7, and 10 of Block 2 was previously vacated in 1998, by Order Number 98-4-1-20.

The Surveyor's Office notified by mail Qwest Communications, Blachly-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 regarding the vacation. No objections to the proposed vacation were received, however Lane County Planning Department returned comments stating that the petitioner must submit an application for a replat of the Plat of Lake View before the vacation can be completed, and the street vacation would be a condition of the replat. Lane County Transportation Planning also stated that a replat is required. The petitioner has since submitted an application of replat and a preliminary replat of Lake View (to be "Two Lakes") and a copy was given to the Planning Department and Transportation Planning. After reviewing the preliminary replat, Transportation Planning sent additional comments stating that a recorded access easement for the benefit of proposed Lots 2 through 13 is required. An easement has been drawn up and will be recorded by the County Surveyor upon approval of this vacation.

B. Analysis:

ORS 368.356 requires that the county governing body shall determine whether the vacation of the property is in the public interest.

Vacating the rights-of-way within the plat of Lake View, as petitioned for, would allow for the petitioners to plan for the overall use of the property without having the public rights-of-way as an encumbrance. A preliminary replat of Lots 5 through 12 and Lot 14 of Block 1, and Lots 1 through 19 of Block 2 of Lake View has been submitted, and a private easement agreement which better fits the traveled road has been drawn up to provide access from Triangle Lake Resort Road for these replatted properties, with the exception of proposed Lot 1, which will take access directly from Triangle Lake Resort Road. With the easement agreement in place, no property will be denied legal vehicle access to their property.

It is believed that vacating the unneeded portion of right-of-way will be in the public interest, as it will allow the property owners to more fully utilize their property. The vacation is also a

condition for the replat of Lake View (to be "Two Lakes"), as set by Lane County Planning Department.

The petitioners assert that there are no known utilities within the rights-of-way proposed to be vacated.

C. Alternatives/Options:

The Board of County Commissioners has the options to:

1. Set the Public Hearing date as proposed by staff to consider the vacation of a portion of the streets and the alley in the plat of Lake View, as petitioned for.
2. Set any later Public Hearing date, as the Board may wish, to consider the vacation of the streets and the alley in the plat of Lake View, as petitioned for.
3. Refuse to set a date, either postponing the matter, or refusing to initiate proceedings to consider the vacation of the streets and the alley in the plat of Lake View, 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 Option 1, setting a date for a public hearing.

Setting a public hearing date to consider the issues, taking testimony and 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 of the hearing in accordance with ORS Chapter 368.

E. Timing:

Timing is important in this matter, as vacating the described rights-of-way is a condition of the replat.

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 a portion of the streets and alley in the plat of Lake View, it is to be forwarded to the Lane County Clerk for filing and recording, after which, copies are to be forwarded to the County Surveyor who will provide public notice of the proposed action. If the Board wishes to postpone the matter or to terminate proceedings an Order to Postpone or Terminate will be presented to the Board at a later regularly scheduled meeting.

V. ATTACHMENTS:

Order w/ attachments:

- Petition to Vacate
- Director's Report - Exhibit "A"
- Vicinity Map - Attachment

Contact Person: Bill Robinson x4198

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

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

FILE NO. 4066

IN THE MATTER OF SETTING A PUBLIC HEARING DATE FOR THE PROPOSED VACATION OF A PORTION OF THE UNNAMED PLATTED STREETS AND ALLEY, IN THE PLAT OF LAKE VIEW, AS PLATTED AND RECORDED IN BOOK 10, PAGE 6, LANE COUNTY, OREGON PLAT RECORDS (16-07-19-11))))))))	RESOLUTION, NOTICE OF HEARING, AND ORDER NO.
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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 that the streets and the alley north of Little Lake Road and west of State Highway 36, within the plat of Lake View, be vacated, and

WHEREAS, the petition complies with the provisions of ORS 368.341(3) in that the petitioners, who are the landowners of 80% of the property abutting the proposed vacation, request that the vacation be approved as proposed; and

WHEREAS, Qwest Communications, Blachly-Lane Electric Cooperative, Northwest Natural Gas, and 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, there were no objections to the vacation, however the Lane County Planning Department and the Lane County Transportation Planning Department replied to the referral, both stating that the petitioner is required to submit an application for a replat of the "Plat of Lake View" (to be "Two Lakes") before the vacation can be completed, and the petitioners have since met this requirement; and

WHEREAS, the Transportation Planning Department has reviewed the preliminary replat, and commented that a recorded access easement is required for the benefit of proposed Lots 2 through 13; and

WHEREAS, an easement document has been prepared and will be recorded by the County Surveyor upon approval of this vacation; and

WHEREAS, the Director of the Department of Public Works has provided a preliminary written report regarding the proposed vacation, as required by ORS 368.346, 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

RESOLVED, that in accordance with ORS Chapter 368.341 proceedings be undertaken to consider whether it is in the public interest and benefit to vacate the portion of right-of-way within the plat of Lake View, as platted and recorded in Book 10, Page 6 of the Lane County, Oregon Plat Records, which is more

fully described as follows:

All that portion of the 30-foot wide unnamed street lying between Block 1 and Block 2 and all that portion of the 30-foot wide unnamed street lying west of, and adjacent to, Block 2, between the north line of Little Lake Road (County Road Number 1085) and the south line of Lot 10, Block 2, if extended southwesterly, all within said plat of Lake View.

ALSO, all that portion of the 20-foot wide alley within the said plat of Lake View, extending from the southwesterly margin of State Highway Number 36 to the southwesterly boundary of said plat; and 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 the 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

Attachment: Vicinity Map

APPROVED AS TO FORM

Date 5-5-05 lane county

[Signature]
OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

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

FILE NO. 4066

IN THE MATTER OF SETTING A PUBLIC HEARING DATE FOR THE)	
PROPOSED VACATION OF A PORTION OF THE UNNAMED)	PRELIMINARY
PLATTED STREETS AND ALLEY, IN THE PLAT OF LAKE VIEW, AS)	DIRECTOR'S
PLATTED AND RECORDED IN BOOK 10, PAGE 6, LANE COUNTY,)	REPORT
OREGON PLAT RECORDS (16-07-19-11))	

The Surveyor's Office of the Department of Public Works has received a valid petition, signed by 80% of the adjoining property owners, to vacate a portion of the streets and alley in the plat of Lake View.

Lake View was platted in 1928 and recorded in Book 10, Page 6, of the Lane County, Oregon Plat Records. The proposed vacation includes the entire street which runs between Block 1 and Block 2, being approximately 940 feet in length; the portion of the street that is contiguous to the southwesterly boundary of Block 2, between the northerly margin of Little Lake Road and the south line of Lot 10, Block 2, if extended southwesterly, being approximately 500 feet in length; and the entire alley that extends from the southwesterly margin of State Highway Number 36 to the southwesterly boundary of said plat, being 450 feet in length. The portion of the right-of-way contiguous to the southwest boundary of Lots 2,3,6,7, and 10 of Block 2 was previously vacated in 1998, by Order Number 98-4-1-20.


The Surveyor's Office has received a copy of the preliminary plat for the replat of Lots 5 through 12 and Lot 14 of Block 1 and Lots 1 through 19 of Block 2 of Lake View (to be "Two Lakes"). The proposed vacation is a condition of approval for the replat. The replat indicates that a private easement will provide access to all the replatted lots, with the exception of proposed Lot 1, which will take access directly from Triangle Lake Resort Road. Portions of the roadway are outside the platted right-of-way, and the easement will provide a better fit to the physical road. With the easement in place, the original streets and alley of Lake View will no longer be necessary for access to the platted lots. The petitioners are requesting that the unneeded right-of-way be vacated.

The Surveyor's Office notified by mail Qwest Communications, Blachly-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 regarding the vacation. No objections to the proposed vacation were received, however Lane County Planning Department returned comments stating that the petitioner must submit an application for a replat of the Plat of Lake View before the vacation can be completed, and the street vacation would be a condition of the replat. Lane County Transportation Planning also stated that a replat is required, and that a recorded access easement is required for the benefit of proposed lots 2 through 13. The petitioner has since submitted an application of replat to Lane County Planning Department and neither of these departments have any objections to the proposed vacation, and an easement document has been prepared.

It is recommended that the Resolution be approved and a date be set for conducting a public hearing by the Board of County Commissioners.

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

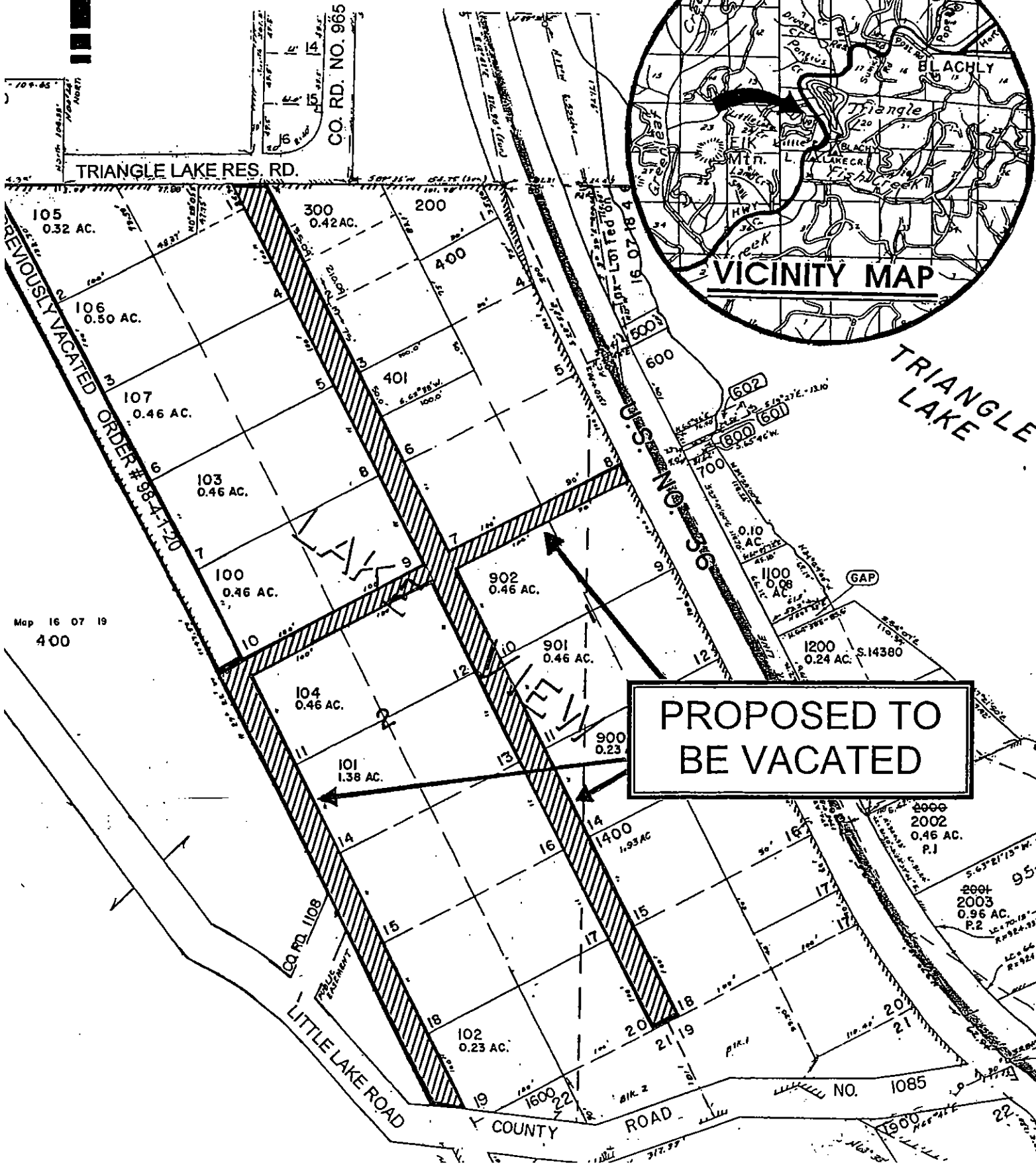
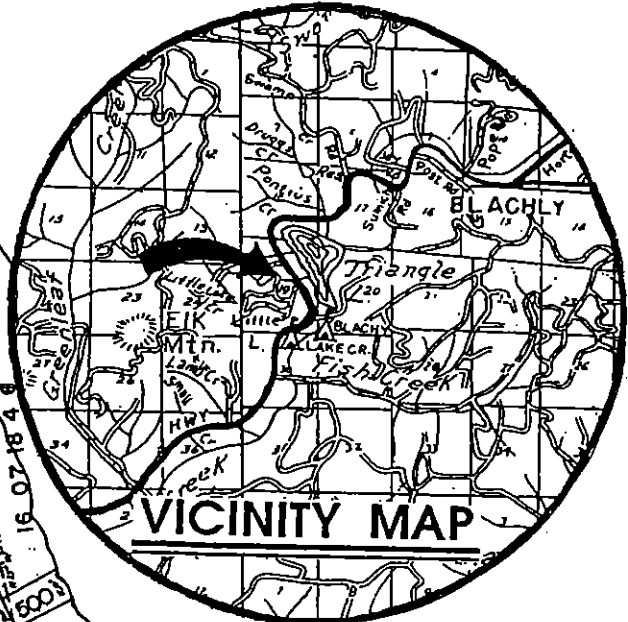
DATED this 3rd day of May, 2005.



 Oliver P. Snowden, Public Works Director

NE 1/4 NE 1/4 Sec 19 T. 16S. R. 7W. W.M.
LANE COUNTY

NO SCALE



**PROPOSED TO
BE VACATED**

Map 16 07 19
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TRIANGLE
LAKE

COUNTY

ROAD

NO. 1085