

W. 14.d.
SUPPLEMENTAL MATERIAL

Supplemental Memorandum Date: November 28, 2007

Order Date: December 5, 2007

TO: Board of County Commissioners

DEPARTMENT: Public Works, Land Management Division

PRESENTED BY: D. Michael Jackson, Lane County Surveyor

AGENDA ITEM TITLE: IN THE MATTER OF THE VACATION OF CERTAIN BLOCKS, LOTS AND RIGHTS OF WAY IN THE PLATS OF GLENADA (VOL. W, P. 261), THE SOUTH FLORENCE ADDITION TO GLENADA (BK. 2, P. 9) AND THE AMENDED MAP OF SOUTH FLORENCE ADDITION TO GLENADA (BK. 2, P. 13), AS PLATTED AND RECORDED IN LANE COUNTY, OREGON PLAT RECORDS (18-12-34-13, 41, 42)

[**NOTE:** This is a Supplemental Cover Memorandum to the Memorandum for the above titled item dated October 29th, 2007 which was presented at a public hearing in this matter on November 20, 2007.]

I. MOTION

To approve the vacation of certain blocks, lots and rights of way in the plats of Glenada (Vol. W, P. 261), the South Florence Addition to Glenada (Bk. 2, P. 9) and the Amended Map of South Florence Addition to Glenada (Bk 2, P. 13), as platted and recorded in Lane County, Oregon Plat Records (18-12-34-13, 41, 42).

II. AGENDA ITEM SUMMARY

The Board is being asked to approve the vacation of certain blocks, lots and rights of way in the plats of Glenada, the South Florence Addition to Glenada and the Amended Map of South Florence Addition to Glenada. The vacation of these portions of said plats and rights of way is in conjunction with the sale of various Lane County owned parcels to the State of Oregon Department of Parks and Recreation.

III. BACKGROUND/IMPLICATIONS OF ACTION

A public hearing was held on November 20, 2007 to consider the above titled vacation. Presentation by staff and public testimony were considered by the Board of Commissioners. After deliberations, the Board directed staff to make changes to two easements, and voted to continue the matter for further consideration on December 5, 2007.

The easement attached to the Final Order as Exhibit "G" was amended to benefit various tax lots rather than only tax lot 18-12-34-13-1200 as previously presented. The easement

attached to the Final Order as Exhibit "H" was amended to reflect relocation of the easement (as shown on Exhibit "H") and to benefit tax lots 18-12-34-13-1300 and 18-12-34-42-1800, rather than benefiting tax lot 18-12-34-400 as previously presented. The Final Order for this vacation has been amended to reflect these changes.

IV. ALTERNATIVES/OPTIONS

The Board of County Commissioners has the option to:

1. Approve the Final Order to vacate the portions of plats and rights of way as described in the Final Order.
2. Refuse to approve the vacation of the portions of plats and rights of way. An Order to Discontinue the proceedings would be prepared for a future agenda date.
3. Postpone this matter for further fact-finding or consideration at a future date to be chosen by the Board.

VI. TIMING/IMPLEMENTATION

Timing of this matter is important in order to facilitate the timely transfer of the subject property to the State of Oregon Department of Parks and Recreation.

VII. RECOMMENDATION

The Public Works Director's Final Report recommends that the Board support Option Number 1, to approve vacation of these portions of plats and rights of way.

It is further recommended that easements be provided as described in their respective exhibits labeled Exhibits "F" through "J" attached to the Final Order of Vacation.

The public interest will be served by this vacation, as the parcel being transferred by Lane County to the State of Oregon Department of Parks and Recreation will be more suitable for parks use without the restrictions of the platted subdivisions and rights of way, much of which is located on sand dunes, existing lakes and topography unsuitable for construction of roads or development as originally platted.

VIII. 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 discontinued, an Order to Discontinue the vacation will be presented to the Board at a later regularly scheduled meeting.

IX. ATTACHMENTS

Final Order w/attachments:

Final Director's Report - Exhibit "A"

Findings of Fact - Exhibit "B"

Affidavit of Posting, Publication and Mailing – Exhibit "C"

Parcel Map With Vacation Limits and Approximate Road Locations – Exhibit "D"

Site Map – Exhibit "E"

Easement Descriptions (5) – Exhibits "F" through "J"

Contact Person: D. Michael Jackson x-4198

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

IN THE MATTER OF THE VACATION OF CERTAIN)
 BLOCKS, LOTS AND RIGHTS OF WAY IN THE)
 PLATS OF GLENADA (VOL. W, P. 261), THE SOUTH) **FINAL ORDER**
 FLORENCE ADDITION TO GLENADA (BK. 2, P. 9))
 AND THE AMENDED MAP OF SOUTH FLORENCE)
 ADDITION TO GLENADA (BK. 2, P. 13), AS PLATTED)
 AND RECORDED IN LANE COUNTY, OREGON PLAT)
 RECORDS (18-12-34-13, 41, 42))

WHEREAS, by approving Resolution, Notice of Hearing and Order Number 07-10-17-4, the Board of County Commissioners set November 20, 2007 to conduct a public hearing on the matter of vacating the portions of plats and rights of way located in the Glenada area southwest of Florence, Oregon described herein before the Board of Commissioners for Lane County, Oregon; and

WHEREAS, all necessary procedures for the vacation of the portions of plats and rights of way herein described, and shown on maps marked Exhibits "D" and "E" which are made a part hereof by this Order, having been initiated by resolution, have been complied with, pursuant to ORS Chapter 368; and

WHEREAS, the Lane County Surveyor has examined the portions of plats and rights of way herein described; and

WHEREAS, notification of these proceedings has been provided by posting, mail, and legal publication by the County Surveyor in accordance with ORS 368.401 to 368.426, and 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 plat of Glenada was established in 1889 and recorded in Volume W, Page 261; the South Florence Addition to Glenada was established in 1892 and recorded in Book 2, Page 9; and the Amended Map of South Florence Addition to Glenada was established in 1892 and recorded in Book 2, Page 13, Lane County, Oregon Plat Records; and

WHEREAS, the portions of plats and rights of way herein proposed for vacation, known as the RR2 Parcel (zoned Rural Residential, 2 acre minimum), comprise the second of two Lane County owned parcels together known as the Glenada Dunes property being transferred to the State of Oregon Department of Parks and Recreation by Bargain and Sale Deed, and the vacation of these portions of plats and rights of way is a condition of the sale; and

WHEREAS, the vacation of the Plat of Colter's Addition to Glenada and the Amended Plat of Colter's Addition to Glenada was approved by Board of Commissioners Final Order No. 07-4-4-12, and said vacation was processed in conjunction with the sale of the first of the two parcels together known as the Glenada Dunes property being transferred to the State of Oregon Department of Parks and Recreation by Bargain and Sale Deed, said first parcel being known as the NR Parcel (Zoned NR, Natural Resource) and located adjacent to the west of the RR2 Parcel herein considered for vacation; and

WHEREAS, the Surveyor's Office notified Central Lincoln People's Utility District, Qwest Communications, the City of Florence, 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 and other property owners regarding the vacation. Many comments were received in response to the notification, including one formal objection. Most respondents expressed concerns about maintaining access to their properties. Some expressed interest in purchasing certain parcels within the RR2 Parcel. Others expressed a desire to reach a "solution" to the long-standing issues of access in the Glenada area where there has historically been much confusion regarding status and location of existing access roads and driveways. Lane County Transportation Planning responded with no objection provided legal access be maintained to the State of Oregon parcel to the west. Lane County Planning responded with no objection provided the right of access to existing private property within the area is considered. The other agencies either had no objection to the vacation or did not respond to the referral; and

WHEREAS, on August 3, 2007 staff from the Lane County Surveyor's Office, the Lane County Parks Division, the Lane County Engineering and Construction Division and Lane County Legal Services met to discuss the issues that developed with regard to responses to the notice of vacation. The meeting concluded with agreement to refer this action to the Board in a work session in order for staff to present the facts for discussion and ask direction from the Board prior to proceeding towards a public hearing; and

WHEREAS, on September 12, 2007 a Board of Commissioners work session was held regarding the proposed vacation. The Board heard presentation of facts from staff who were present at the August 3, 2007 staff meeting. After discussion, with modifications the Board supported recommendations by staff as presented in the work session and included in the work session cover memo. It was agreed to proceed towards public hearing using the vacation limits as proposed and described in this Final Order of Vacation, and to provide certain easements to privately owned parcels directly affected by this vacation that are presently served by existing roadways; and

WHEREAS, in consideration of certain concerns regarding access by respondents to the notice of this vacation, and as recommended by staff and supported by the Board of Commissioners in the work session held September 12, 2007, easements will be provided as ordered herein, and said easement documents are attached hereto, marked Exhibits "F", "G", "H", "I", and "J" and made a part hereof by this Order; and

WHEREAS, the public interest will be served by this vacation, as the parcel being transferred by Lane County to the State of Oregon Department of Parks and Recreation will be more suitable for parks use without the burden of these platted rights of way, many of which are

located on sand dunes, existing lakes and topography unsuitable for construction of roads or development as originally platted; and

WHEREAS, a public hearing was conducted on this date, as ordered, regarding the proposed vacation of the portions of plats and rights of way herein described; and

WHEREAS, the Director of Public Works has provided a written report in support of this action as required by ORS 368.346, attached hereto, marked Exhibit "A" and made a part hereof by this Order; now therefore it is hereby

ORDERED, that in accordance with ORS Chapter 368, the portions of plats and rights of way more particularly described as follows:

All the following described portions of Blocks, Lots and Rights of Way within the Amended Map of South Florence Addition to Glenada, as platted and recorded in Book 2, Page 13, Lane County, Oregon Plat Records, said plat being a replat of, and supersedes, the South Florence Addition to Glenada, as platted and recorded in Book 2, Page 9, Lane County, Oregon Plat Records:

Lots 1 through 13 inclusive of Block 1, EXCEPTING that portion showing as reserved on said plat; Lots 1, 2, 3, 4, 11 and 12 of Block 3; all of Block 4, EXCEPTING that portion showing as reserved on said plat; all of Block 5; Lots 1, 2, 7, 8, 9, 10, 11 and 12 of Block 6; all of Blocks 7, 8, 9 and 10.

The entire east-west alley in Block 1; the entire portion of Pacific Street between Blocks 1 and 4, from an extension of the westerly lines of Lot 12, Block 1 and Lot 1, Block 4 to an extension of the easterly lines of Lot 8, Block 1 and Lot 5, Block 4; the entire east-west alley in Block 4; that portion of the east-west alley in Block 3 from the easterly right of way of Myrtle Street to an extension of the easterly lines of Lots 2 and 11 of Block 3; the entire portion of High Street between Blocks 4 and 5, from an extension of the westerly lines of Lot 13, Block 4 and Lot 1, Block 5 to the westerly right of way of Myrtle Street; that portion of High Street from the easterly right of way of Myrtle Street to an extension of the easterly lines of Lot 11, Block 3 and Lot 2, Block 6; the entire east-west alley in Block 5; that portion of the east-west alley in Block 6 from the easterly right of way of Myrtle Street to an extension of the easterly lines of Lots 2 and 11, Block 6; the entire portion of West Wilson Street between Blocks 5 and 8 from an extension of the westerly lines of Lot 14, Block 5 and Lot 1, Block 8 to the westerly right of way of Myrtle Street; the entire portion of West Wilson Street between Blocks 6 and 7 from the easterly right of way of Myrtle Street to the westerly right of way of Cherry Street; the entire east-west alley in Block 7; the entire east-west alley in Block 8; the entire portion of Viola Avenue between Blocks 8 and 9 from an extension of the westerly lines of Lot 14, Block 8 and Lot 1, Block 9 to the westerly right of way of Myrtle Street; the entire portion of Viola Avenue between Blocks 7 and 10 from the easterly right of way of Myrtle Street to the westerly right of way of Cherry Street; the entire alley in Block 9; the entire alley in Block 10; all of Myrtle Street from the northerly right of way of Colter Street to the southerly line of that portion of the plat showing as reserved; all of Colter Street within said plat; all that portion of Cherry Street within said Amended Map of South Florence Addition to Glenada lying south of a westerly extension of the northerly line of Lot 3, Block 18 of the adjacent plat of Glenada, as platted and recorded in Volume W, Page 261, Lane County, Oregon Plat Records, in Lane County, Oregon.

ALSO, all the following described portions of Blocks, Lots and Rights of Way within the plat of Glenada, as platted and recorded in Volume W, Page 261, Lane County, Oregon Plat Records:

Lots 8 through 12 inclusive of Block 15; all of Block 16; all of Block 17; Lots 3 through 12 inclusive of Block 18; Lots 13, 14, 15 and 16 of Block 19.

That portion of the north-south alley in Block 15 from the northerly right of way of Colter Street to an extension of the northerly lines of Lots 8 and 11 of Block 15; that portion of Ash Street from the northerly right of way of Colter Street to an extension of the northerly lines of Lot 12, Block 15 and Lot 7, Block 16; the entire north-south alley in Block 16; the entire east-west alley in Block 16; the entire portion of Chittim Street between Blocks 16 and 17 from the northerly right of way of Colter Street to the southerly right of way of Viola Avenue; the entire north-south alley in Block 17; the entire east-west alley in Block 17; the entire portion of Viola Avenue between Blocks 17 and 18 from the easterly right of way of Cherry Street to the westerly right of way of Chittim Street; the entire east-west alley in Block 18; that portion of the north-south alley in Block 18 from the northerly right of way of the east-west alley in Block 18 to an extension of the northerly lines of Lots 3 and 4 of Block 18; all that portion of Colter Street from its westerly terminus within said plat of Glenada to a southerly extension of the westerly right of way of Oak Street; all that portion of Cherry street within said plat of Glenada lying south of a westerly extension of the northerly line of Lot 3, Block 18 of said plat of Glenada, as platted and recorded in Volume W, Page 261, Lane County, Oregon Plat Records.

The above described portions of plats and rights of way are located in the Southwest One Quarter of the Northeast One Quarter (SW1/4 NE1/4), the Northeast One Quarter of the Southeast One Quarter (NE1/4 SE1/4) and the Northwest One Quarter of the Southeast One Quarter (NW1/4 SE1/4) of Section 34, Township 18 South, Range 12 West of the Willamette Meridian, all in Lane County, Oregon.

are hereby VACATED, and it is further

ORDERED, that a 30 feet wide easement for ingress and egress and public utilities is hereby retained to benefit tax lot 18-12-34-13-1200 owned by John Maitland, said easement to be across the northerly 30 feet of High Street as platted, from the easterly limits of the vacation of High Street as hereby ordered and running westerly and contiguous with a previously granted easement in favor of Mr. Maitland's parcel bearing Reception Number 2003-123170 in the Lane County, Oregon Office of Deeds and Records, to the westerly line of said previously existing easement. A description of this easement to be retained is attached hereto, marked Exhibit "F", and made a part hereof by this Order; and it is further

ORDERED, that a 40 feet wide easement for ingress and egress is hereby granted to benefit tax lot 18-12-34-13-1200 owned by John Maitland and various other parcels within the area affected by this vacation that are located west of Chittim Street, said easement to be across the northerly 40 feet of Lot 13, Block 19 of the Plat of Glenada (tax lot 18-12-34-42-600). A

description of this easement to be granted is attached hereto, marked Exhibit "G", and made a part hereof by this Order; and it is further

ORDERED, that a 30 feet wide easement for ingress and egress is hereby retained to benefit tax lot 18-12-34-13-1300 owned by Oaesys Corporation and tax lot 18-12-34-42-1800 presently owned by Lane County, upon which a residence exists which is occupied by Mr. John Warwick by virtue of a reserved Life Estate, said easement to be across an existing roadway commonly known as Barrett Creek Lane and further along a lesser used existing roadway, beginning at said Barrett Creek Lane's most easterly intersection with the proposed vacation limits of Block 6 of the Amended Map of South Florence Addition to Florence and running in a westerly and northerly direction to the south line of tax lot 18-12-34-13-1300, more particularly described in Exhibit "H" attached hereto and made a part hereof by this Order; and it is further

ORDERED, that a 30 feet wide easement for ingress and egress and public utilities is hereby retained to benefit tax lot 18-12-34-41-4500 owned by Trinity Property Group, LLC, said easement to be across the northerly 30 feet of Colter Street as platted and the easterly 30 feet of Ash Street as platted, from the easterly limits of the vacation limits of Colter Street as hereby ordered to the northerly limits of the vacation of Ash Street as hereby ordered. A description of this easement to be retained is attached hereto, marked Exhibit "I", and made a part hereof by this Order; and it is further

ORDERED, that a variable width easement for ingress and egress is hereby granted to benefit various parcels within the area affected by this vacation that are located west of Chittim Street as platted in the Plat of Glenada, said easement being over an existing road from the easterly limits of the vacation of Colter Street as hereby ordered running westerly and northerly to the northerly vacation limits of Cherry Street as hereby ordered. A description of this easement to be granted is attached hereto, marked Exhibit "J", and made a part hereof by this Order; 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 _____, 2007.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 11-29-07 lane county



OFFICE OF LEGAL COUNSEL

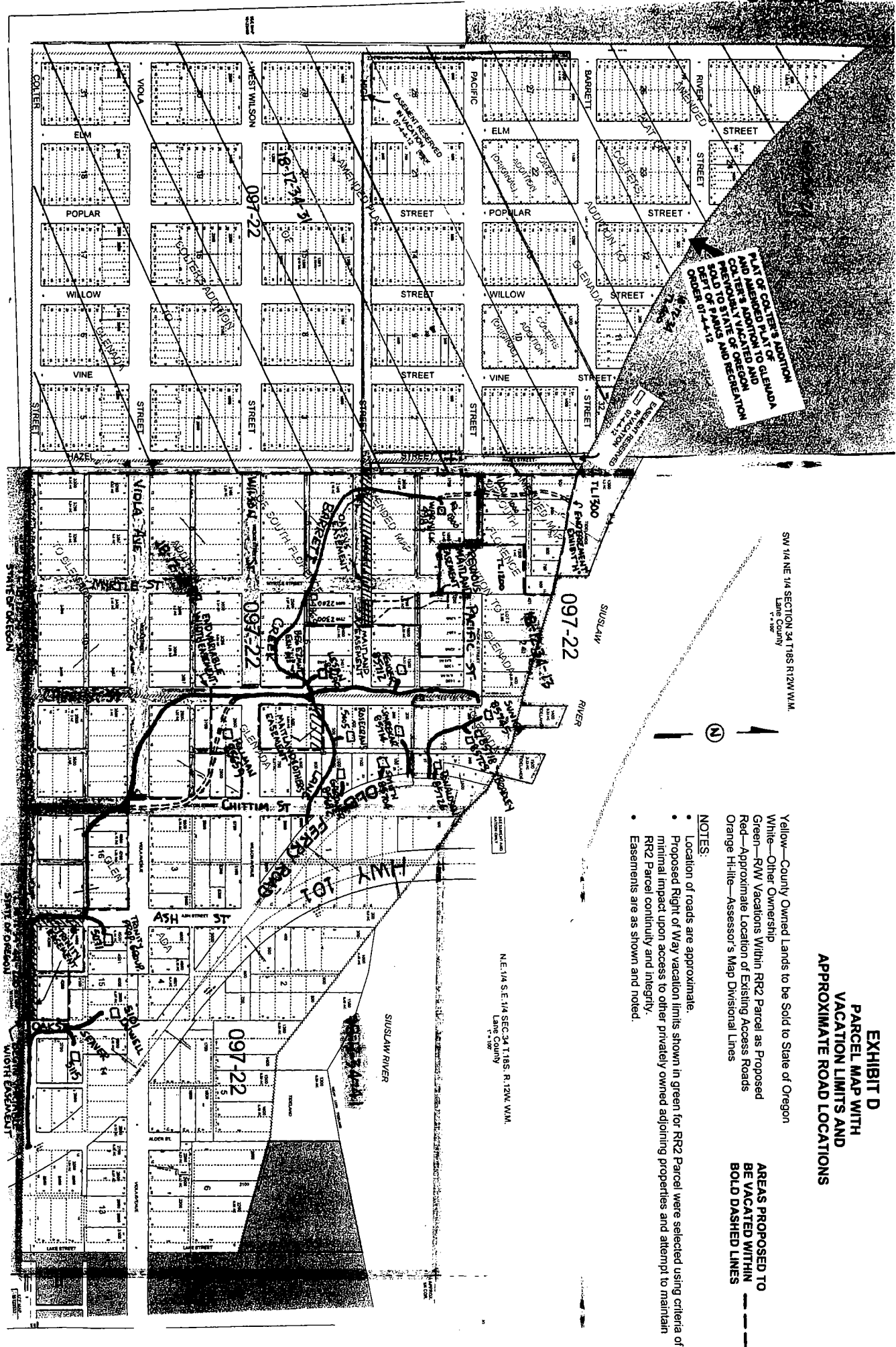
**EXHIBIT D
PARCEL MAP WITH
VACATION LIMITS AND
APPROXIMATE ROAD LOCATIONS**

Yellow—County Owned Lands to be Sold to State of Oregon
White—Other Ownership
Green—RW Vacations Within RR2 Parcel as Proposed
Red—Approximate Location of Existing Access Roads
Orange H-Lite—Assessor's Map Divisional Lines

**AREAS PROPOSED TO
BE VACATED WITHIN
BOLD DASHED LINES**

NOTES:

- Location of roads are approximate.
- Proposed Right of Way vacation limits shown in green for RR2 Parcel were selected using criteria of minimal impact upon access to other privately owned adjoining properties and attempt to maintain RR2 Parcel continuity and integrity.
- Easements are as shown and noted.



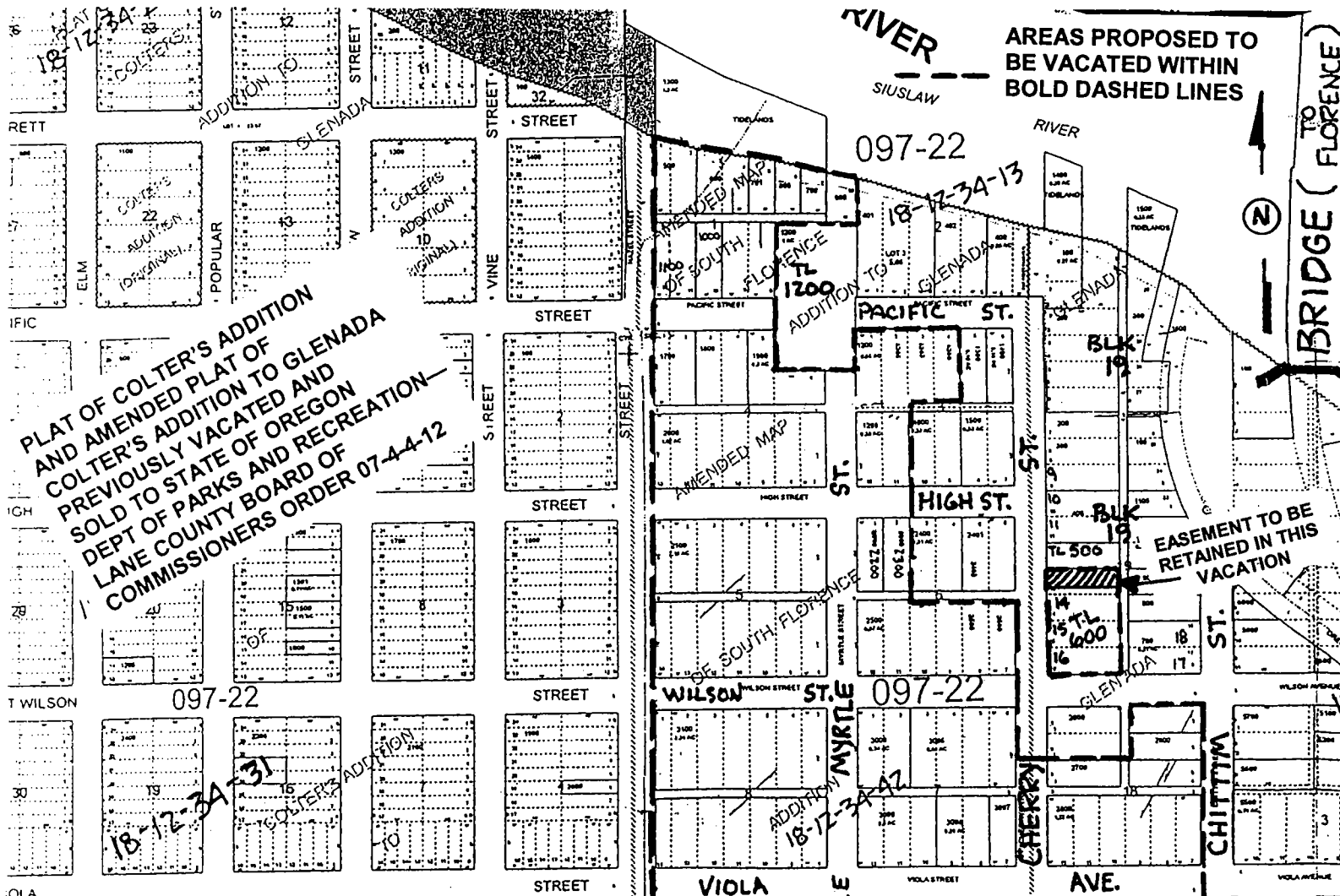
IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

IN THE MATTER OF THE VACATION OF CERTAIN BLOCKS, LOTS AND RIGHTS OF WAY
IN THE PLATS OF GLENADA (VOL. W, P. 261), THE SOUTH FLORENCE ADDITION TO
GLENADA (BK. 2, P. 9) AND THE AMENDED MAP OF SOUTH FLORENCE ADDITION TO
GLENADA (BK. 2, P. 13), AS PLATTED AND RECORDED IN LANE COUNTY, OREGON
PLAT RECORDS (18-12-34-13, 41, 42)

**EASEMENT DESCRIPTION
TO BE GRANTED FOR VARIOUS TAXLOTS**

An easement 40 feet wide for ingress and egress for the benefit of various parcels within the area affected by this vacation that are located west of Chittim Street as platted in the Plat of Glenada and recorded in Volume W, Page 261, Lane County, Oregon Plat Records, said easement being located in the Northwest One Quarter (NW1/4) of the Southeast One Quarter (SE1/4) of Section 34, Township 18 South, Range 12 West of the Willamette Meridian, more particularly described as follows:

The north 40 feet of Lot 13, Block 19 of the Plat of Glenada as platted and recorded in Volume W, Page 261, Lane County, Oregon Plat Records, from the westerly right of way of the north-south alley in said Block 19 to the easterly right of way of Cherry Street, all in Lane County, Oregon.



Vacation, Glenada RR2 Parcel (18-12-34-13, 41, 42)

Easement Description, 18-12-34-13-1200 (2)—Exhibit "G"

H:\Survey\AGENDA\VACATION\GLENADA FINAL\Glenada RR2 Parcel-ezmnt TL 1200 (2)-Rev.doc (jrr)

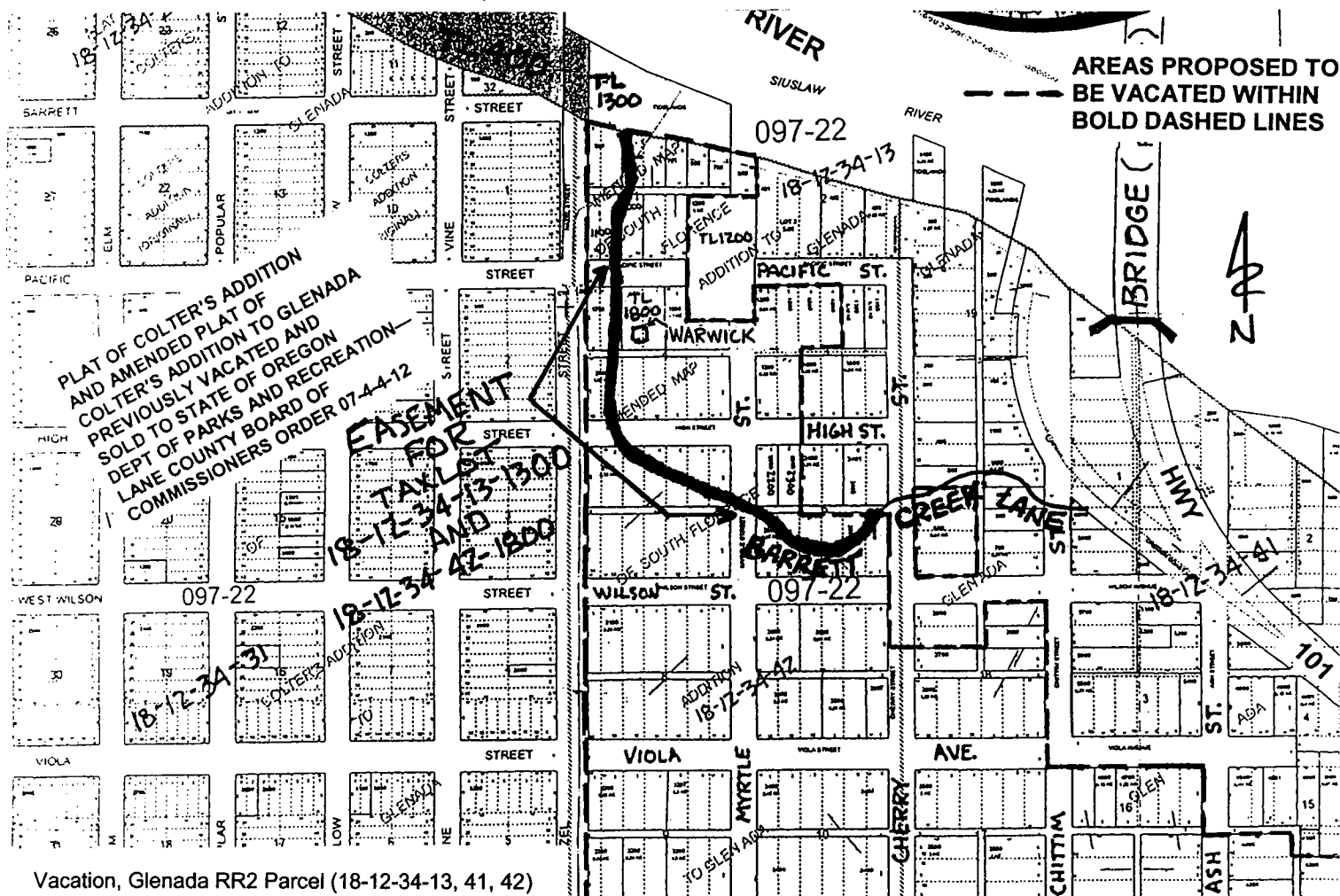
IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

IN THE MATTER OF THE VACATION OF CERTAIN BLOCKS, LOTS AND RIGHTS OF WAY IN THE PLATS OF GLENADA (VOL. W, P. 261), THE SOUTH FLORENCE ADDITION TO GLENADA (BK. 2, P. 9) AND THE AMENDED MAP OF SOUTH FLORENCE ADDITION TO GLENADA (BK. 2, P. 13), AS PLATTED AND RECORDED IN LANE COUNTY, OREGON PLAT RECORDS (18-12-34-13, 41, 42)

EASEMENT DESCRIPTION
TO BE RETAINED FOR TAXLOTS 18-12-34-13-1300 AND 18-12-34-42-1800

An easement 30 feet wide for ingress and egress, located in the South One Half of the North One Half (S1/2N1/2) and the North One Half of the South One Half (N1/2S1/2) of Section 34, Township 18 South, Range 12 West of the Willamette Meridian, the centerline of which is more particularly described as follows:

Beginning at a point in the center of a traveled roadway commonly known as Barrett Creek Lane, at its most easterly intersection with the proposed vacated portion of Block 6 of the Amended Map of South Florence Addition to Glenada as platted and recorded in Book 2, Page 13, Lane County, Oregon Plat Records; thence following in a westerly and northerly direction the centerline of the traveled way of said existing roadway through portions of Blocks 6, 5 and 4 to a point of intersection with an old lesser traveled roadway running westerly and northerly, said intersection being westerly of a residence presently occupied by Mr. John Warwick by virtue of a reserved life estate, said residence being located on tax lot 18-12-34-42-1800; thence following the centerline of said existing lesser traveled roadway in a northerly direction across portions of Blocks 4 and 1 to the south line of tax lot 18-12-34-13-1300, and there ending.



Vacation, Glenada RR2 Parcel (18-12-34-13, 41, 42)

Easement Description, 18-12-34-400—Exhibit "H"

I:\JRAY\Vacations\Glenada RR2 Parcel\Glenada RR2 Parcel-ezmnt TL 400-fin.doc (jrr)