


T. 15. b.

Memorandum Date: October 29, 2007
 Order Date: November 20, 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)

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. Board Action and Other History

On January 7, 2006 a public hearing was held in Florence regarding Lane County owned lands commonly known as the Glenada Dunes property. At the conclusion of that hearing, a motion was approved by the Board directing staff to enter into negotiations with the State of Oregon Department of Parks and Recreation for the sale of the property. Subsequent negotiations resulted in a Purchase and Sale Agreement to convey the Glenada Dunes property to the State of Oregon in two separate parcels, which was approved by Board of Commissioners Order 07-6-6-7. The vacation of affected portions of the plats and rights of way comprising the sale parcels was established as a condition of the sale.

On November 21, 2006 the Board passed Resolution and Order No. 06-11-21-4 authorizing acquisition of six privately owned properties identified within the exterior boundaries of the Glenada Dunes property. Those properties were subsequently acquired by Lane County for inclusion in the sale to the State of Oregon.

The vacation and transfer of the first parcel, known as the NR Parcel (zoned NR, Natural Resource), occurred in early 2007. It was comprised of the entire plats of Colter's Addition to Glenada (Bk 4, P 84) and the Amended Plat of Colter's Addition to Glenada (Bk 6, P 25). The vacation of those plats and rights of way were approved by Board of Commissioners Order No. 07-4-4-12.

As a condition of the sale of the second parcel to the State of Oregon Department of Parks and Recreation, the Surveyor's Office of the Department of Public Works has initiated vacation proceedings associated with the sale of the second parcel, known as the RR2 Parcel (zoned RR2, Rural Residential, 2 acre minimum). This vacation includes portions of the plat of Glenada as established in 1889 (Vol. W, P 261), the South Florence Addition to Glenada as established in 1892 (Bk 2, P 9) and the Amended Map of South Florence Addition to Glenada as established in 1892 (Bk 2, P 13). This vacation and conveyance is the second of the two part transfer of the Glenada Dunes property to the State of Oregon Department of Parks and Recreation by Bargain and Sale Deed.

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. Specific responses and recommendations are addressed in the Analysis section herein below.

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.

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 the attached 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, said easements being further described herein below and attached to and made a part of the Final Order of Vacation as Exhibits "F" through "J".

In accordance with ORS 368.341, the Lane County Surveyor's Office initiated this vacation process by resolution with a public hearing. On October 17, 2007, Resolution, Notice of Hearing and Order Number 07-10-17-4 was passed by the Board of Commissioners which set a public hearing date of November 20, 2007 to consider the vacation proceedings herein proposed.

B. Policy Issues

Lane Manual 15.300 allows for consideration of vacation of rights of way where little need exists for the road, specifically [15.300(3)] roads that are undeveloped rights of way or are not currently maintained by the County. None of the rights of way herein considered for vacation are currently maintained by the County, and most of them are undeveloped.

C. Board Goals

Part of Lane County's Strategic Plan is to contribute to appropriate community development in the area of land development (Lane County Strategic Plan, Goals, P. 13). The portions of plats and rights of way herein proposed for vacation comprise parcels of land owned by Lane County being transferred to the State of Oregon Department of Parks and Recreation by Bargain and Sale Deed. Much of the subject property consists of sand dunes, lakes and topography unsuitable for construction of roads or development as originally platted. Vacation of these portions of plats and rights of way would be within the scope of the strategic plan to facilitate appropriate land development, in this case parks and recreational lands.

D. Financial and/or Resource Considerations

Vacation of these portions of plats and rights of way is a condition of the transfer of the subject parcel from Lane County to the State, the transfer of which will result in substantial revenue to Lane County.

IV. ANALYSIS

ORS 368.341(1) provides that a county governing body may initiate proceedings to vacate property by resolution provided certain conditions are met, and those conditions will be complied with by these proceedings.

As recommended by staff and supported with modifications by the Lane County Board of Commissioners in the work session held September 12, 2007, the following private parcels will be provided easements in conjunction with this vacation action, and said

easements will be made a part of the Final Order and more particularly described in attached exhibits noted as follows:

- 18-12-34-13-1200 (John Maitland)—Mr. Maitland has already been granted an easement by Lane County across county owned parcels 18-12-34-42-1299 and 1200, which runs from High Street as platted to his parcel. The vacation as proposed would technically disconnect this easement from public access. A 30 feet wide easement to retain connectivity will be retained across the northerly 30 feet of High Street, contiguous to the existing easement, from the easterly limits of the vacation of High Street as proposed to the westerly line of the said existing easement (see Easement Description Exhibit “F”).
- 18-12-34-13-1200 (John Maitland)—A condition of the Purchase and Sale Agreement for the RR2 Parcel is the granting of an easement over the north 40 feet of Lot 13, Block 19 of the Plat of Glenada (18-12-34-42-600) in favor of Mr. Maitland’s parcel 1200 (see Easement Description Exhibit “G”).
- 18-12-34-400 (Jay Vilhena of Oaesys Corporation)—An easement was retained for Mr. Vilhena’s parcel in the previous vacation of the NR Parcel previously transferred to the State of Oregon. A 30 feet wide easement will be retained across the northerly 30 feet of High Street from the easterly limits of the vacation of High Street as proposed to the easterly end of the said previously established easement (see Easement Description Exhibit “H”).
- 18-12-34-41-4500 (Trinity Property Group)—The access for an existing house on tax lot 4500 appears to be along platted portions of Colter Street and Ash Street. The vacation as proposed would technically remove the public status of those portions of existing access roads. A 30 feet wide easement will be retained 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 of Colter Street as proposed to the northerly limits of the vacation of Ash Street as proposed, to benefit the Trinity Property Group parcel (see Easement Description Exhibit “I”).
- In response to the notice of vacation, Charles and Kathleen Rosecrans, owners of tax lots 18-12-34-42-400 and 500, returned an objection to the vacation, stating that they felt an existing road running westerly and northerly from the junction of Highway 101 with Colter Street should remain open. A variable width easement to provide for this access will be granted along the existing roadway from the easterly vacation limits of Colter Street at Oak Street, running westerly and northerly to the northerly vacation limits of Cherry Street. At approximately the junction of Viola Avenue and Chittim Street as platted there exists a junction of a driveway to the north, at which point the easement will follow only the more southerly and westerly traveled road. Said driveway serves an existing house on tax lot 18-12-34-42-2600 owned by Reinard Pollman; however, said tax lot 18-12-34-42-2600 also has access from the north off the existing Barrett Creek Lane, generally following a portion of Cherry Street as platted which will remain unvacated. Numerous attempts to notify Mr. Pollman of the proposed vacation were unsuccessful. At the request of the State of Oregon Department of Parks and Recreation, the easement shall be limited to a maximum of 12 feet wide from Ash Street westerly and northerly to its northwesterly terminus, and a condition of the easement will be that this portion shall not be widened or paved (see Easement Description Exhibit “J”).

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 that is zoned RR2 (Rural Residential, 2 acre minimum) 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.

The vacation of these plats and rights of way will have limited adverse effects on transportation patterns in the area, and the portions to be vacated are not needed by Lane County. Easements for ingress and egress and public utilities will be provided for privately owned parcels that are directly affected by this vacation action as more particularly described herein above.

The proceedings that propose to vacate the said portions of plats and rights of way have provided ample opportunity for comment from the public, affected property owners and other agencies. All required legal notices have been provided in accordance with ORS 368.346 and the Board is free to act at this time.

V. 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 herein above in the Analysis section, and more particularly described in their respective exhibits 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, 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 and public utilities is hereby retained to benefit tax lot 18-12-34-400 owned by Oaesys Corporation, 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 to the easterly end of a previously established easement retained in favor of Oaesys Corporation's parcel in the vacation of the Colter's Addition Plats (Exhibit "E" in vacation Order 07-4-4-12). A description of this easement to be retained is attached hereto, marked Exhibit "H", 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

Attachment: Vicinity Map

APPROVED AS TO FORM

Date 11-13-07 lane county



OFFICE OF LEGAL COUNSEL

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.

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.

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 the attached 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. Easements will be provided for privately owned parcels that are directly affected by this vacation, and those easements are more particularly described in exhibits 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 that is zoned RR2 (Rural Residential, 2 acre minimum) 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.

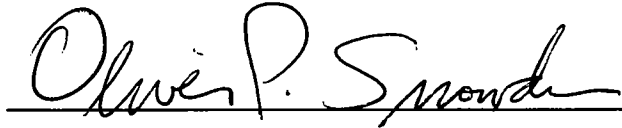
The vacation of the portions of plats and rights of way will have limited adverse effects on transportation patterns in the area, and the portions to be vacated are not needed by Lane County.

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.

It is therefore recommended that the portions of plats and rights of way as described in the Final Order be vacated.

It is further recommended that easements be provided for privately owned parcels that are directly affected by this vacation, and those easements be more particularly described and attached to the Final Order of Vacation.

DATED this 5th day of November, 2007.

A handwritten signature in black ink, reading "Oliver P. Snowden", written over a horizontal line.

Oliver P. Snowden, Public Works Director

EXHIBIT "B"

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)	FINDINGS OF FACT
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))	

The Surveyor's Office of the Department of Public Works has initiated this vacation in conjunction with the sale of the second of two Lane County owned parcels collectively known as the Glenada Dunes property to the State of Oregon Department of Parks and Recreation by Bargain and Sale Deed. This vacation includes portions of the plat of Glenada as established in 1889 (Vol. W, P 261), the South Florence Addition to Glenada as established in 1892 (Bk 2, P 9) and the Amended Map of South Florence Addition to Glenada as established in 1892 (Bk 2, P 13). The subject parcel (RR2 Parcel) is zoned RR2 (Rural Residential, 2 acre minimum). The vacation of these portions of plats and rights of way is a condition of the sale.

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 that is zoned RR2 (Rural Residential, 2 acre minimum) 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.

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 subdivisions, roads or easements based upon the determination that the vacation is "in the public's 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 re-acknowledged 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 property abutting the proposed vacation is identified as tax lots 300 and 500 of Assessor's Map 18-12-34; tax lot 200 of Assessor's Map 18-12-34-44; tax lots 401, 1200 and 1300 of Assessor's Map 18-12-34-13; tax lots 500, 1300, 1600, 2400 and 2600 of Assessor's Map 18-12-34-42; and tax lots 3900 and 4100 of Assessor's Map 18-12-34-41.
2. That, pursuant to ORS 368.326 to 368.366, a county governing body may vacate subdivisions, roads or easements based upon the determination that the vacation is "in the public's interest".
3. That, 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.
4. That, easements will be provided for privately owned parcels that are directly affected by this vacation, and those easements are more particularly described in exhibits attached to the Final Order of Vacation.
5. 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.
6. That, pursuant to the provisions of ORS Chapter 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

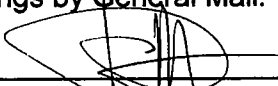
IN THE MATTER OF THE VACATION OF CERTAIN)	
BLOCKS, LOTS AND RIGHTS OF WAY IN THE PLATS)	AFFIDAVIT OF POSTING,
OF GLENADA (VOL. W, P. 261), THE SOUTH)	PUBLICATION AND MAILING
FLORENCE ADDITION TO GLENADA (BK. 2, P. 9))	
AND THE AMENDED MAP OF SOUTH FLORENCE)	
ADDITION TO GLENADA (BK. 2, P. 13), AS PLATTED)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

I, D. Michael Jackson, Lane County Surveyor, certify as follows:

That on the 30th day of October, 2007, I caused to be posted five (5) copies of the Notice of Hearing in the above entitled matter in five places, positioned to be visible to the traveling public, as follows:

1. Posted on "Dead End" sign post at entrance to Old Ferry Road west of Highway 101, approximately 50 feet southerly from the junction of Barrett Creek Lane with Old Ferry Road, south of the Highway 101 bridge across the Siuslaw River.
2. Posted on a "Stop" sign post at the most southerly exit of Old Ferry Road onto Highway 101, west of Highway 101 and south of the Highway 101 bridge across the Siuslaw River.
3. Posted on a "Wilson Street" sign post at base of a "Best Western Pier Point Inn" sign, at the junction of Wilson Street and Highway 101 on east side of Highway 101.
4. Posted on a "Colter St Private Dr" sign post at the southwest corner of the junction of Colter Street and Highway 101.
5. Posted on a "Stop" sign post at the southwestern corner of the junction of South Jetty Road and Highway 101.

The undersigned further certifies that on October 31, 2007 and November 14, 2007 notice is scheduled to run in the Register Guard and in the Siuslaw News. Also, that on October 19, 2007 notice was sent to adjacent owners by Certified Mail, and to various other private entities and public agencies having an interest in these vacation proceedings by General Mail.

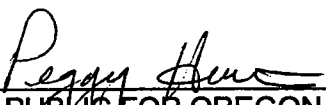


 D. Michael Jackson
 Lane County Surveyor

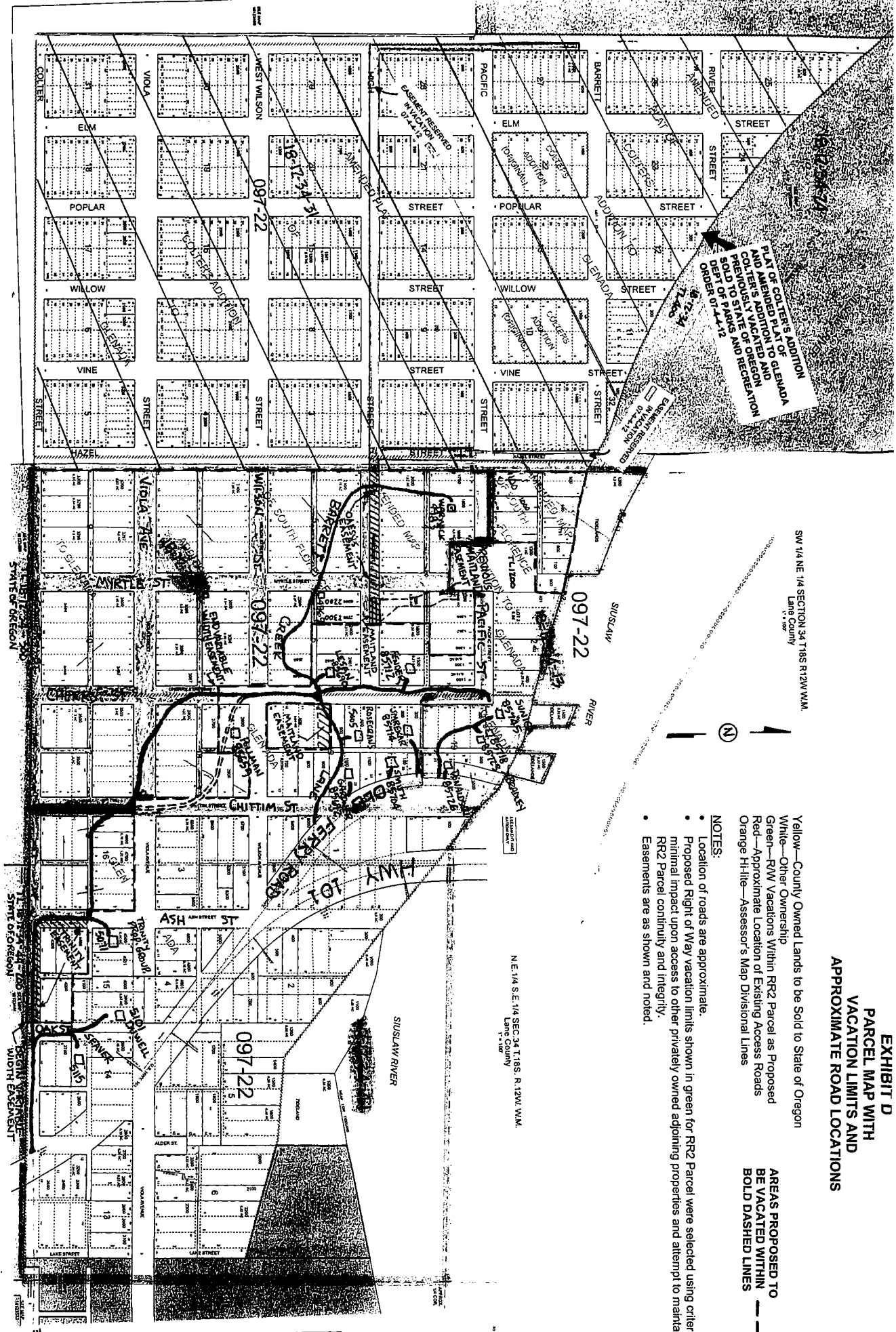
State of Oregon)
County of Lane)

Subscribed and sworn to before me this 31st day of October, 2007 by D. Michael Jackson.





 NOTARY PUBLIC FOR OREGON
 My Commission Expires:



PLAT OF COLTIER'S ADDITION
AND AMENDED PLAT TO GLENDA
AND ABER'S ADDITION TO AND
COLTIER'S ADDITION TO
COLTIER'S ADDITION TO
ORDER OF PLANS AND RESOLUTIONS
OF THE BOARD OF COUNTY
COMMISSIONERS

SW 1/4 NE 1/4 SECTION 34 T18S R12W W.M.
Lane County
1998

097-22

N E 1/4 S E 1/4 SEC 34 T18S. R. 12W. W.M.
Lane County
1998

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 Hi-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.

EXHIBIT E
SITE MAP

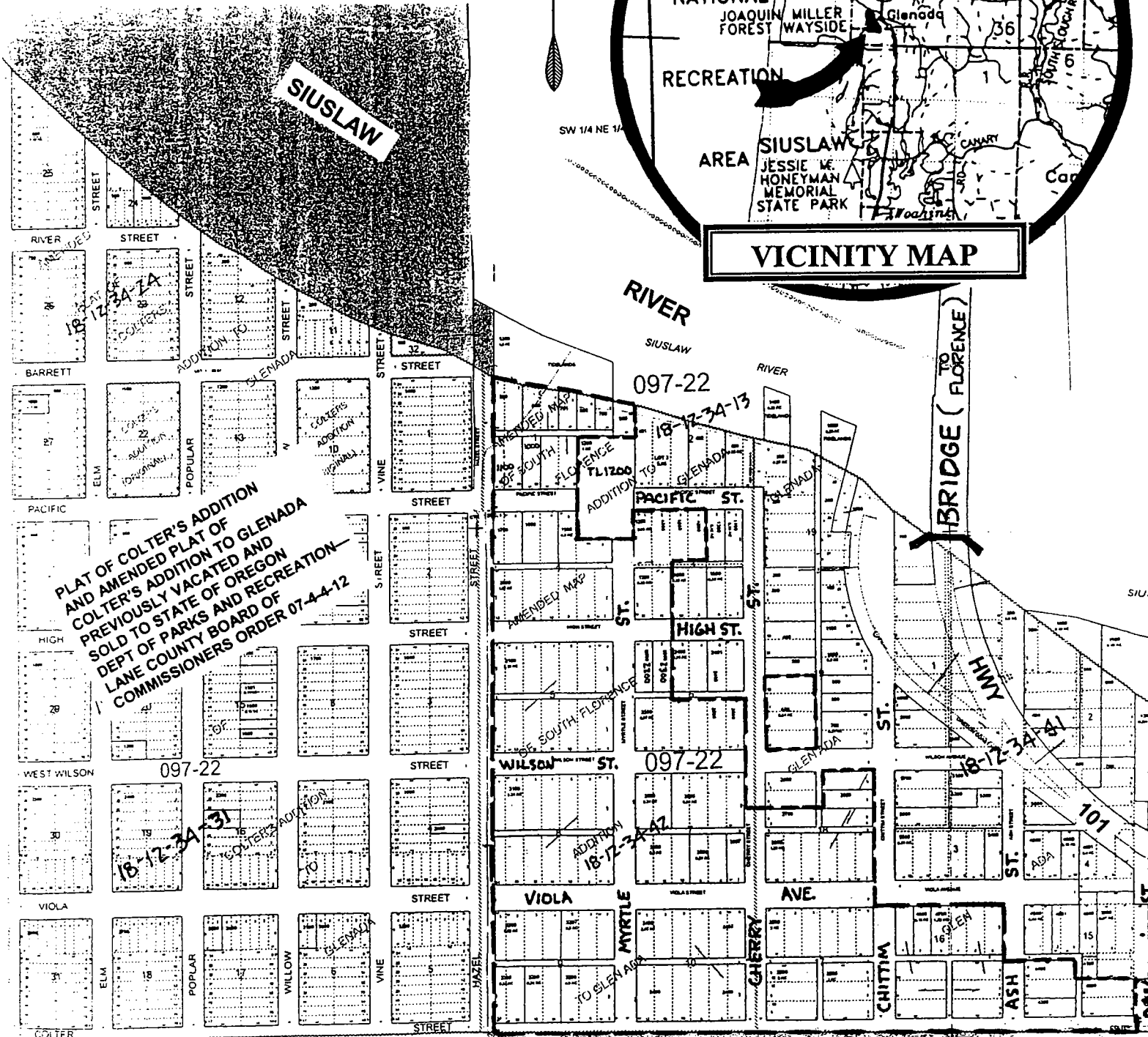
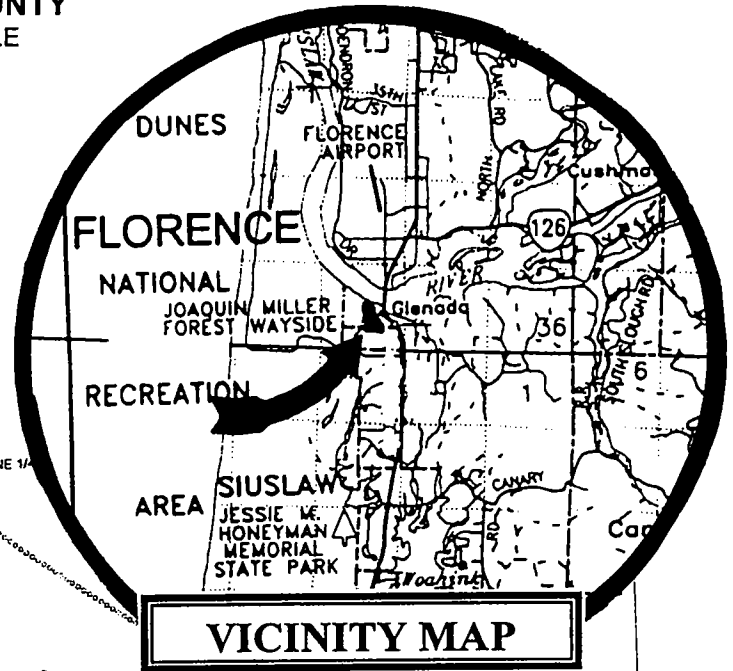
Glenada Plats & Rights of Way Vacation—
Portions of Plats of Glenada, South Florence
Addition to Glenada and Amended Map of
South Florence Addition to Glenada

SW1/4NE1/4, NE1/4SE1/4, NW1/4SE1/4 Section 34, T. 18 S. R. 12 W., W.M.

LANE COUNTY

NO SCALE

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



18-12-34 TL 300

18-12-34
TL 300

18-12-34-44
TL 200

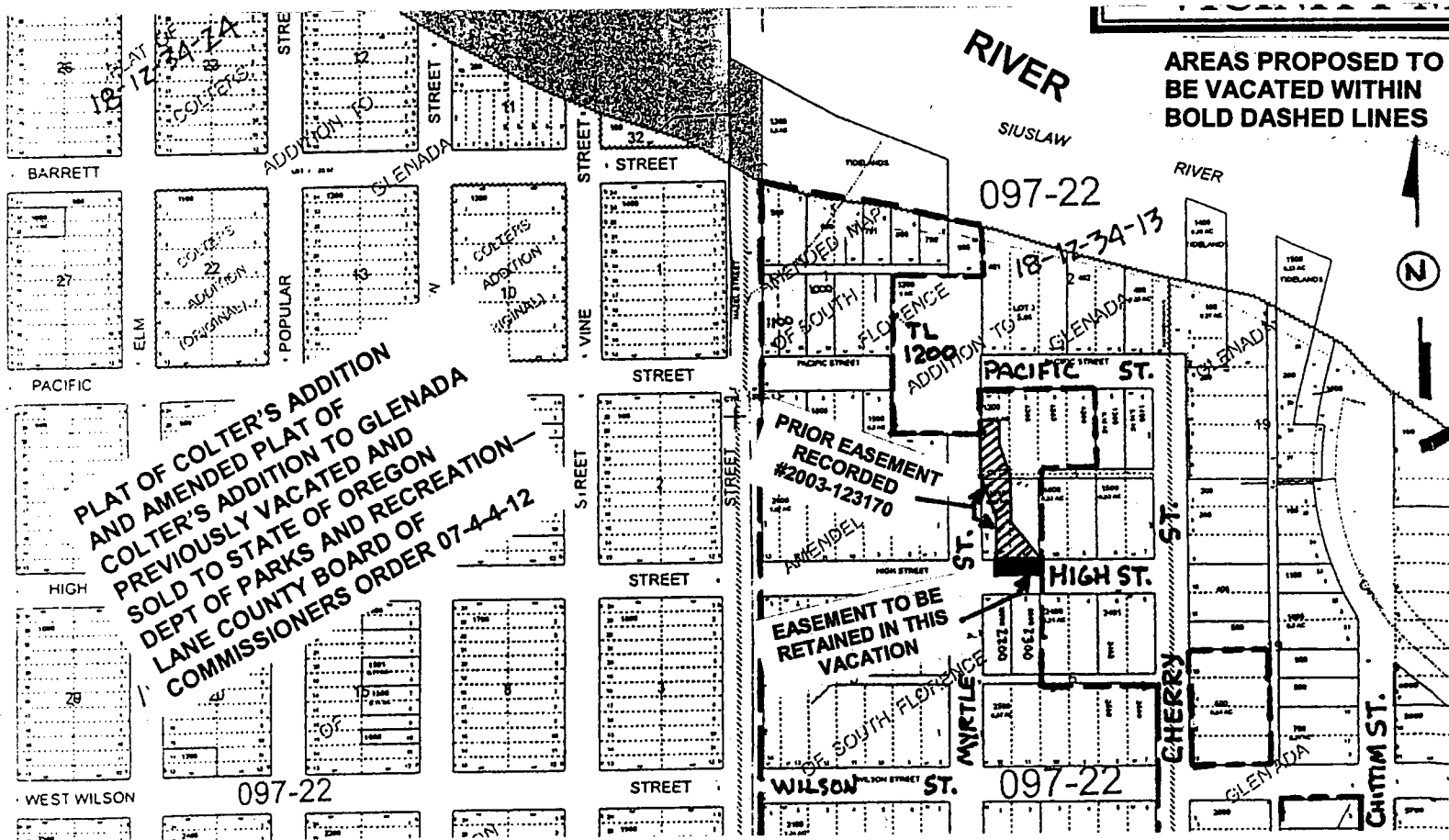
IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

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 TAXLOT 18-12-34-13-1200

An easement 30 feet wide for ingress, egress and public utilities, 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,
the centerline of which is more particularly described as follows:

Beginning at a point on a southerly extension of the line between Lots 10 and 11, Block 3, 15 feet southerly of the
southwest corner of said Lot 10 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 running westerly and parallel with the
southerly line of Block 3, being also the north right of way line of High Street, 80 feet more or less and there
ending, all in Lane County, Oregon. The intent of this easement is to run contiguous with the southerly end of that
easement granted to John A. Maitland and Laura A. Maitland by Lane County recorded as reception number 2003-
123170, Lane County, Oregon Deed Records. The above referenced benefiting tax lot shall be responsible for all
maintenance and repair of this easement.



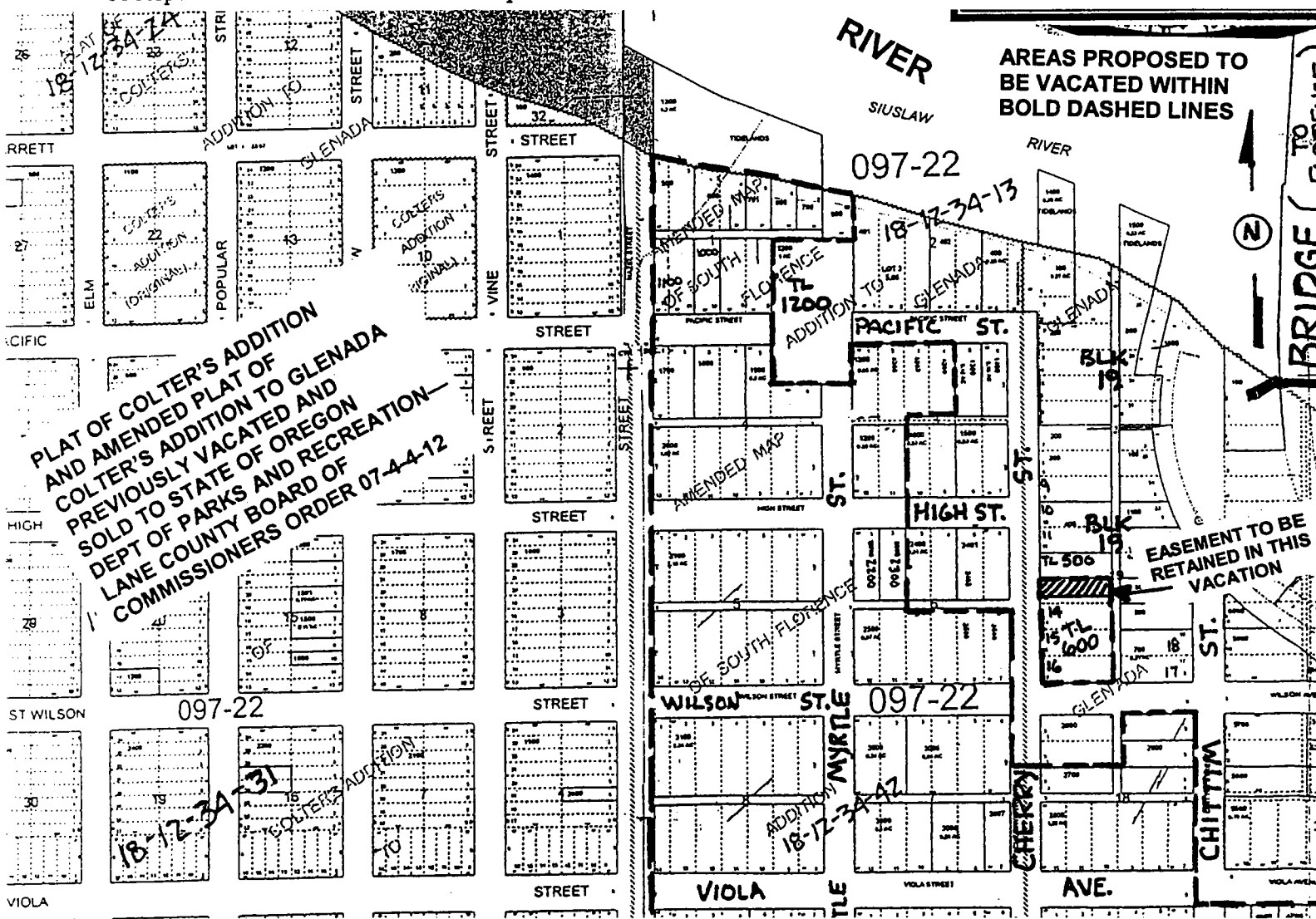
IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

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 TAXLOT 18-12-34-13-1200

An easement 40 feet wide for ingress and egress, 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. The above referenced benefiting tax lot shall be responsible for all maintenance and repair of this easement.



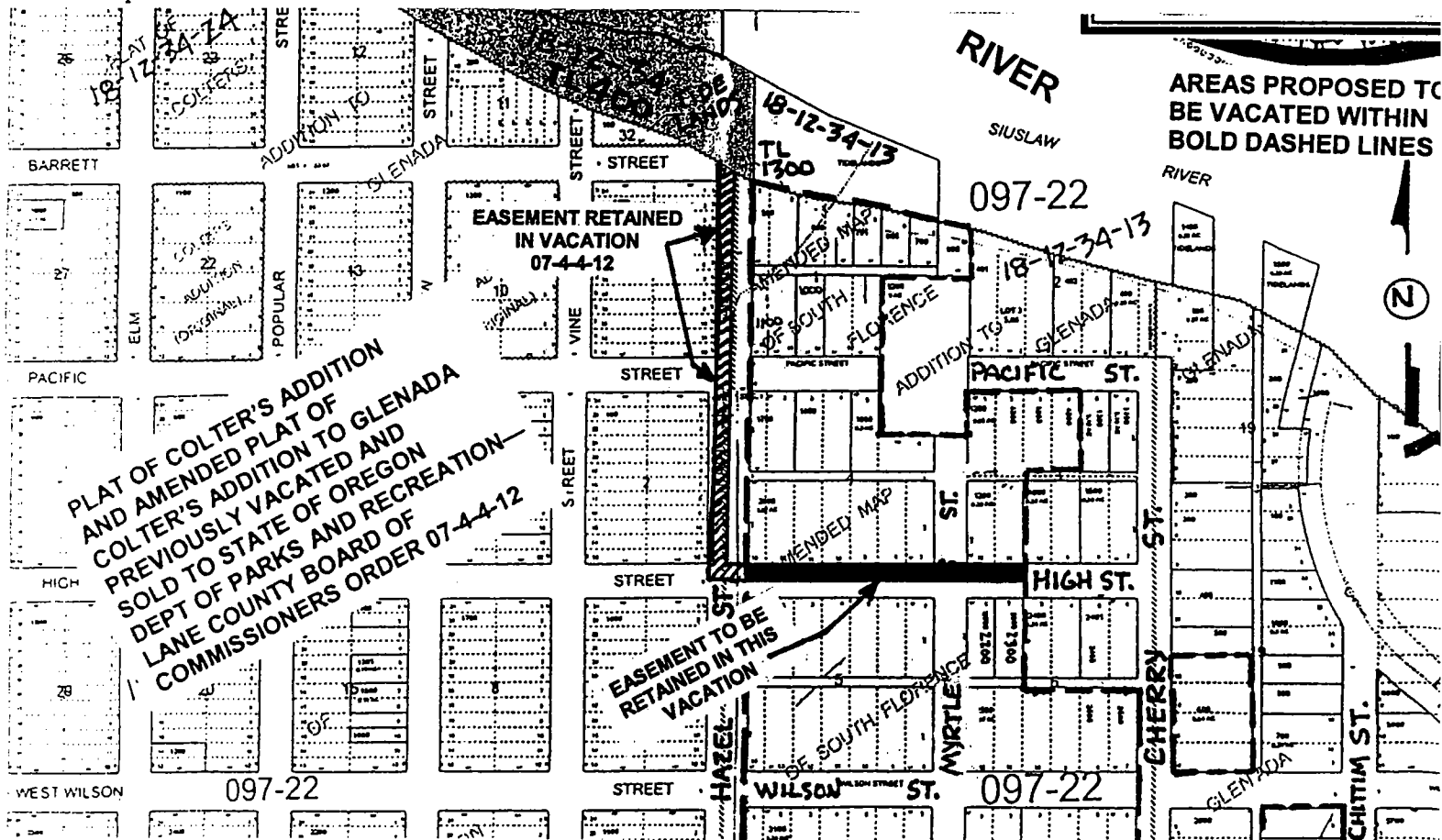
IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

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 TAXLOT 18-12-34-400

An easement 30 feet wide for ingress, egress and public utilities, 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,
the centerline of which is more particularly described as follows:

Beginning at a point on a southerly extension of the line between Lots 10 and 11, Block 3, 15 feet southerly of the
southwest corner of said Lot 10 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 running westerly and parallel with the
southerly lines of Blocks 3 and 4, being also the north right of way line of High Street, to a point intersecting a
southerly extension of the west line of Block 4, 15 feet southerly of the southwest corner of Lot 13 of said Block 4
and there ending, all in Lane County, Oregon. The side lines of the ending portion of this description are intended
to be extended or foreshortened to conform with the sidelines of the beginning point of that previous easement
retained to benefit tax lot 18-12-34-400 which was included as Exhibit "E" of Board of Commissioners Order of
Vacation Number 07-4-4-12. The above referenced benefiting tax lot shall be responsible for all maintenance and
repair of this easement.



AREAS PROPOSED TO
BE VACATED WITHIN
BOLD DASHED LINES

PLAT OF COLTER'S ADDITION
AND AMENDED PLAT OF
COLTER'S ADDITION TO GLENADA
PREVIOUSLY VACATED AND
SOLD TO STATE OF OREGON
DEPT OF PARKS AND RECREATION—
LANE COUNTY BOARD OF
COMMISSIONERS ORDER 07-4-4-12

EASEMENT TO BE
RETAINED IN THIS
VACATION

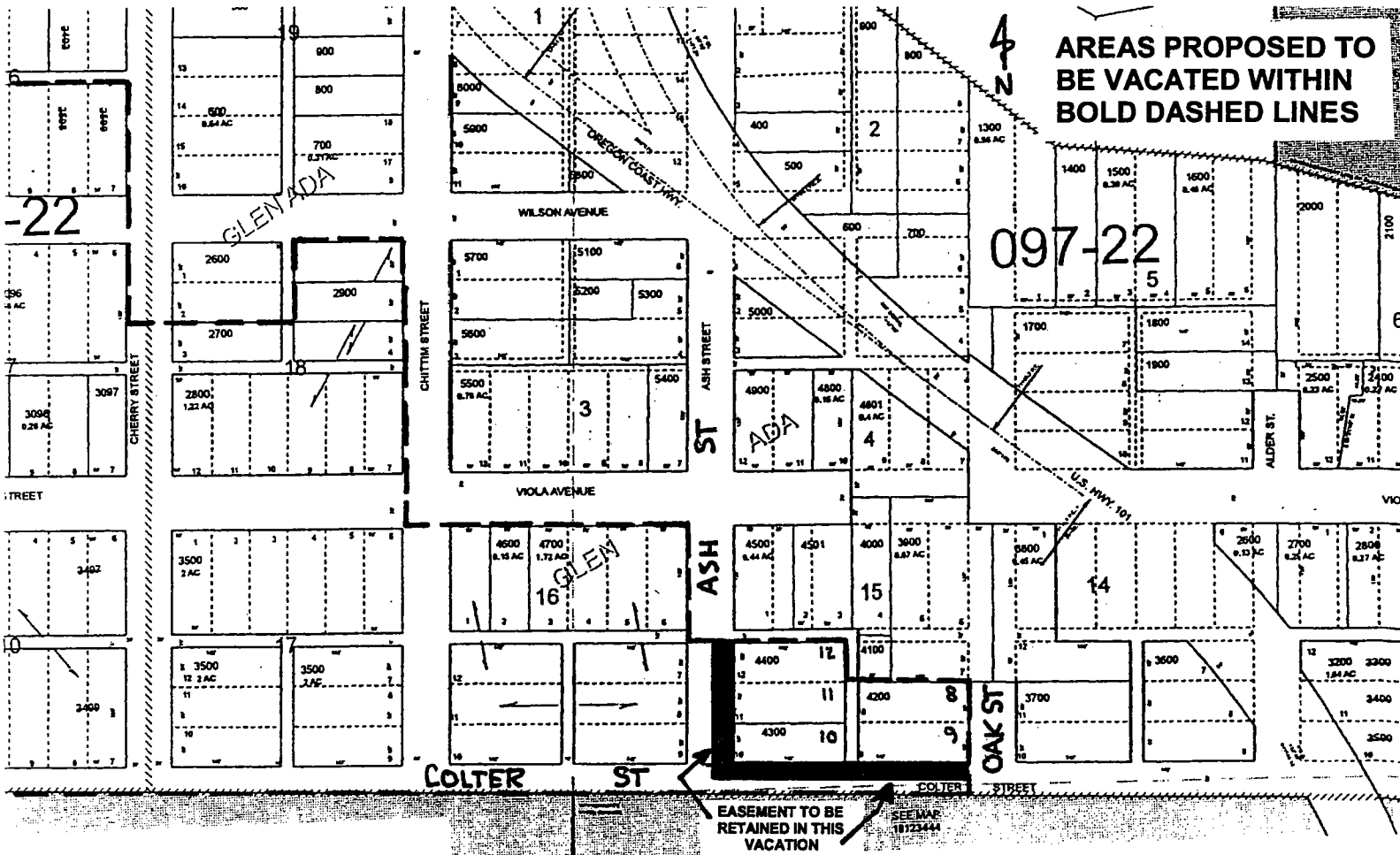
IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

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 TAXLOT 18-12-34-41-4500

An easement 30 feet wide for ingress, egress and public utilities, located in the Northeast One Quarter (NE1/4) of the Southeast One Quarter (SE1/4) 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 on a southerly extension of the east line of Block 15, 15 feet southerly of the southeast corner of Lot 9 of said Block 15 of the Plat of Glenada as platted and recorded in Volume W, Page 261, Lane County, Oregon Plat Records, thence running westerly parallel with the south line of Block 15, being also the north right of way line of Colter Street, to a point 15 feet westerly of a southerly extension of the west line of Block 15; thence running northerly parallel with the west line of Block 15, being also the east right of way line of Ash Street, to a point intersecting a westerly extension of the north line of Lot 12 of said Block 15, and there ending, all in Lane County, Oregon.



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 TAX LOTS, VARIABLE WIDTH

A variable width easement along an existing roadway 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 Northeast One Quarter (NE1/4) of the Southeast One Quarter (SE1/4) and 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, using approximate references to platted features:

An easement for ingress and egress over a roadway existing as of July 26, 2007, beginning with a 30 feet width at the easterly vacation limits of Colter Street as vacated herein, being also the westerly right of way of Oak Street, thence running westerly along Colter Street to Ash Street; thence continuing with a width of 30 feet northerly along Ash Street to the alley in Block 16 of the Plat of Glenada; thence continuing with a width of 12 feet westerly and northerly through said Block 16 to an existing junction of roads near the intersection of Chittim Street and Viola Avenue; thence continuing with a width of 12 feet and following the southerly and westerly traveled way along Viola Avenue and through Block 18 of Glenada to the northerly vacation limits of Cherry Street as vacated herein, also being a westerly extension of the south line of Lot 2, Block 18 of the Plat of Glenada, and there ending, all in Lane County, Oregon. The 12 feet wide portion of this easement is not to be widened or paved.

