

W. S. B.

Memorandum Date: August 30, 2007
Work Session Date: September 12, 2007

TO: Board of County Commissioners

DEPARTMENT: Public Works, Land Management Division

PRESENTED BY: D. Michael Jackson, Interim Lane County Surveyor

AGENDA ITEM TITLE: WORK SESSION—IN THE MATTER OF 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 (18-12-34-13, 41, 42)

I. MOTION

None Required.

II. AGENDA ITEM SUMMARY

The Board is being asked to hear facts and offer guidance related to 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.

Main topics of discussion for the work session include:

- Evaluation of public comment received in response to notice of the proposed vacation (see Exhibits E-1 through E6)
- Discussion of options and determination of appropriate limits of the vacation (see maps, Exhibits A, B, C and D)
- Evaluation of access issues directly affected by the vacation, using public comments contained in Exhibits E1 through E6 and map Exhibits A, B, C and D.

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 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, with the exception of tax lot 1000 of Assessor's Map 18-12-34-24 which is presently in foreclosure, the redemption period of which expires in September 2007.

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 and the Amended Plat of Colter's Addition to Glenada. The vacation of those plats and rights of way were approved by Board of Commissioners Order 07-4-4-12.

The second of the two parcels, known as the RR2 Parcel, is now being purchased by the State, and as with the first parcel the vacation of portions of the affected plats and rights of way as requested by the State of Oregon Department of Parks and Recreation is a condition of the sale.

The Surveyor's Office of the Department of Public Works has begun processing the vacation. 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. The proposed vacation limits in the notice were largely determined using criteria of minimal impact upon access to privately owned properties and an attempt to maintain RR2 Parcel continuity and integrity.

Many comments have been 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.

On August 3, 2007 staff from the Lane County Surveyor's Office, the Lane County Parks Division and the Lane County Engineering and Construction Division met to discuss the issues that have developed with regard to the processing of the 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.

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. Many of the platted streets and alleys herein considered for vacation fall into this category.

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

IV. ANALYSIS

The vacation of portions of plats and rights of way associated with the sale of county owned land known as the RR2 Parcel to the State of Oregon Department of Parks and Recreation has been initiated by the Lane County Surveyors Office of the Department of Public Works at the request of the State of Oregon Department of Parks and Recreation as a condition of the sale of said parcel to the State.

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. These portions of plats and rights of way are not needed by Lane County.

Responses from landowners to the notice of vacation merit consideration prior to proceeding further with the vacation as proposed. Six selected public responses representative of the greater issues are attached as Exhibits E-1 through E6, as follows:

- Exhibit E-1 (2 pages)—written comments and map by Charles C. Rosecrans, owner of tax lots 18-12-34-42-400 & 500
- Exhibit E-2 (1 page)—E-mail response by John Maitland, owner of tax lot 18-12-34-13-1200
- Exhibit E-3 (1 page)—written response by Jay Vilhena of Oaesys Corporation, owner of tax lot 18-12-34-13-1300 and 18-12-34-400
- Exhibit E-4 (1 page)—written response by Suzanne Navetta, owner of tax lot 18-12-34-42-800 & 900
- Exhibit E-5 (1 page)—written response by Carl L. and Christine Duwell, owners of tax lot 18-12-34-41-3900.
- Exhibit E-6 (3 pages)—faxed response with maps by Brandon Nickerson of Trinity Property Group, LLC, owner of tax lots 18-12-34-41-4500, 4501.

Other written responses that were received, along with a record of additional phone responses, will be available at the work session.

Access for the following properties will be affected by the vacation as originally proposed:

- 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. Staff recommends that a 30 feet wide easement to retain connectivity be granted 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. Also, 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.
- 18-12-34-13-1300 & 18-12-34-400 (Jay Vilhena of Oaesys Corporation)—an easement was retained for Mr. Vilhena's parcels in the previous vacation of the NR Parcel previously transferred to the State of Oregon. Staff recommends that a 30 feet wide easement be granted 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.
- 18-12-34-41-4500, 4501 (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. Staff recommends that a 30 feet wide easement be granted 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 parcels.

In addition to the above listed specific access issues, the objection and map by Charles Rosecrans (Exhibit E-1, two pages) raises other access considerations for discussion.

As an alternative to granting specific easements, a blanket easement to provide for access over currently existing roads that may be affected by the vacation may be considered.

It should be noted that portions of existing roads are located within platted rights of way proposed for vacation. The uncertain status and location of existing roads and driveways in the area in relation to platted rights of way and parcel boundaries, due largely to insufficient survey data, complicates the analysis.

Also to be noted is the fact that many of the circumstances regarding access in the area are a result of pre-existing conditions which are not a result of this vacation proceeding. Although assuring that no parcels are denied legal access as a result of this vacation is a consideration of the vacation process, it is not the purpose here to solve the separate and long-existing private access issues in the area.

V. ALTERNATIVES/OPTIONS

Alternatives and options regarding access considerations and vacation limits have been summarily addressed in the Analysis section above. Determination of acceptable alternatives and options is largely dependent upon a discussion of the facts and consideration of public comments as provided in the Exhibits, and is the purpose of this work session.

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. Subsequent to this work session and determination of how to proceed, a resolution and order to set a public hearing date will be presented to the Board in early October, 2007. A minimum of 30 days will be required after the resolution and order to set a public hearing in order to allow for statutory notice requirements for the public hearing.

VII. RECOMMENDATION

Recommendations have been summarily addressed in the Analysis section above. Final recommendations are sought as a result of direction from this work session.

VIII. FOLLOW-UP

Following recommendations by the Board, the Surveyor's Office will process Agenda documents for the vacation as directed. A Resolution, Notice of Hearing and Order to set a public hearing date will be presented to the Board, after which a minimum of 30 days will be required to provide legal notice of the public hearing.

IX. ATTACHMENTS

Exhibit A: Site Map
Exhibit B—Aerial Map with Numbered Parcel Overlay
Exhibit C—Aerial Map with Shaded Vacation Limits
Exhibit D—Assessor's Map with Vacation Limits and Approximate Road Locations
Exhibits E-1 through E-6—Public Comments

Contact Person: D. Michael Jackson x-4198

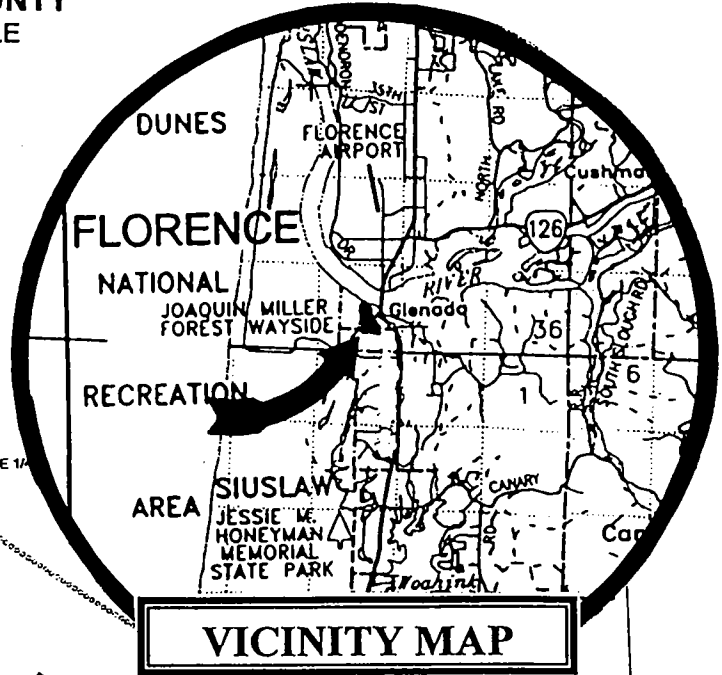
ORIGINAL

EXHIBIT A SITE MAP

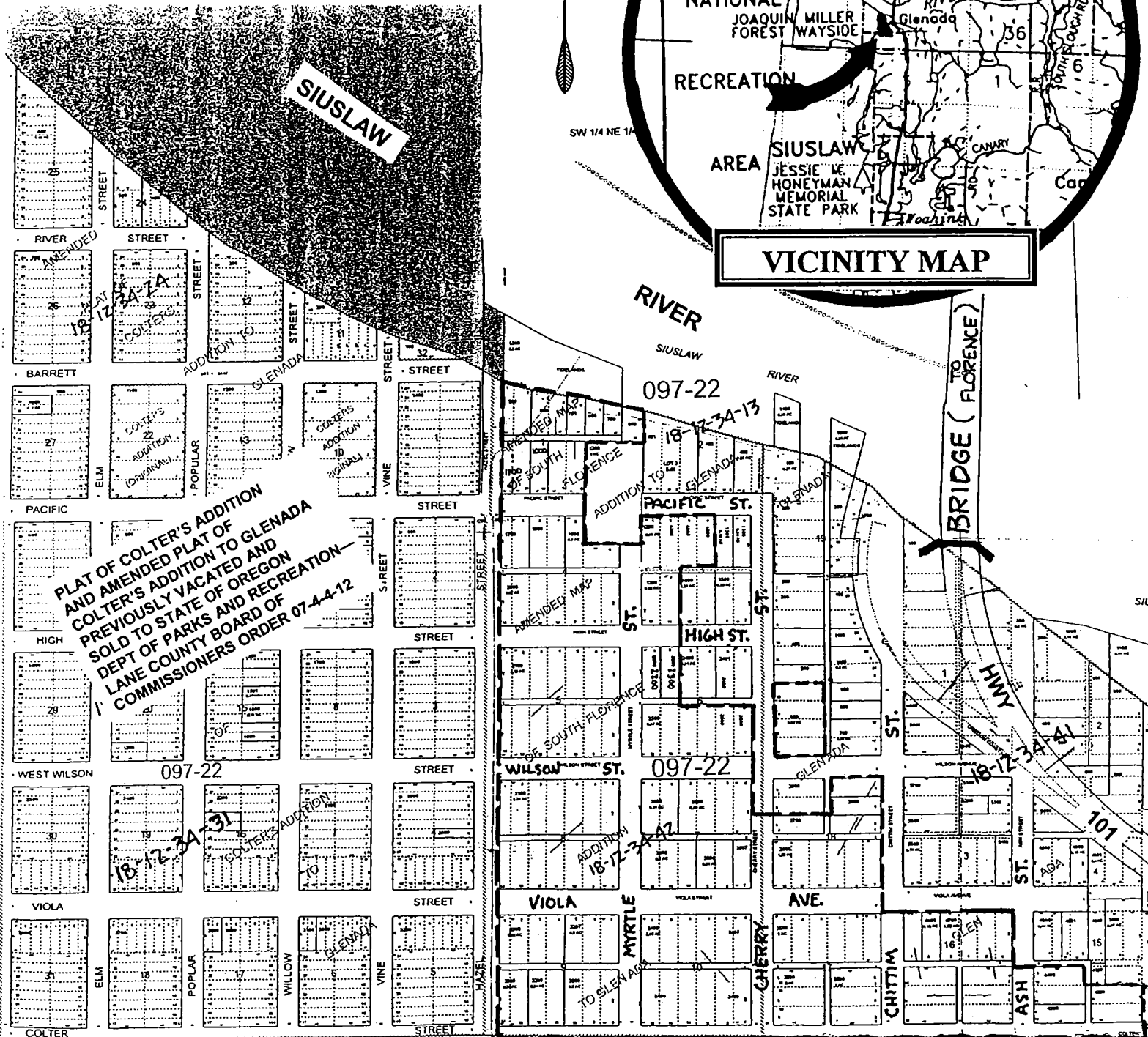
Glenada Plats & Rights of Way Vacation—
Portions of Plats of Glenada, South Florence
Addition to Glenada and Amended Map of
South Florence Addition to Glenada

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



VICINITY MAP



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 07-44-12

18-12-34 TL 300

18-12-34
TL 300

18-12-34-44
TL 300

400

EXHIBIT B
AERIAL MAP WITH
NUMBERED PARCEL OVERLAY

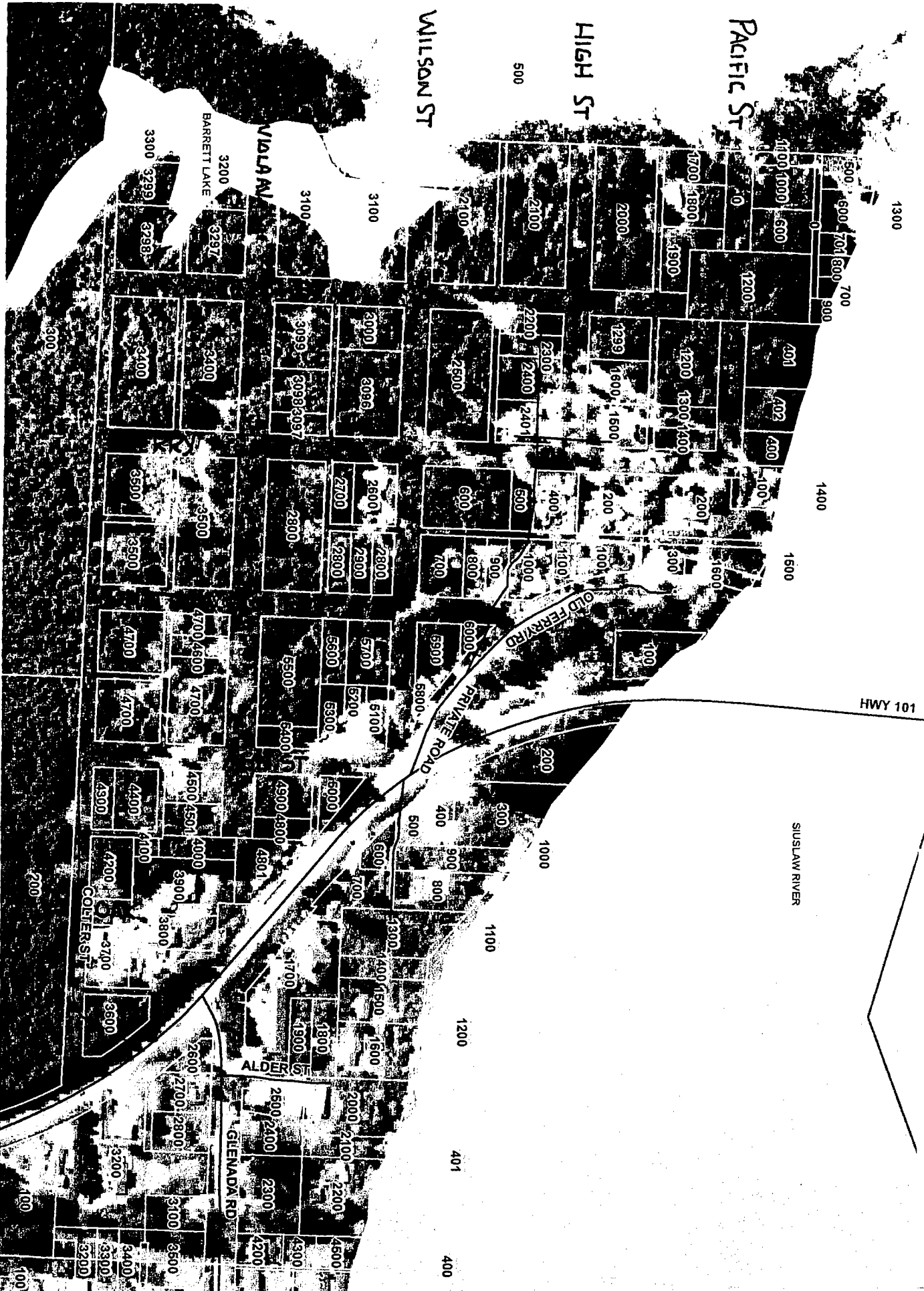


EXHIBIT C
AERIAL MAP WITH
SHADED VACATION LIMITS

GLENADA DUNES

— Roads
□ Taxlots (existing)
■ Taxlot (after vacation)

0 50 100 200
Feet



YOU MAY WRITE YOUR COMMENTS ON THIS PAGE AND RETURN THIS DOCUMENT TO THE ATTENTION OF Jeff Ray
LANE COUNTY SURVEYOR'S OFFICE, 125 E. 8TH AVE., EUGENE, OR 97401.
FAX NUMBER: 682-3947.

Date: July 18, 2007

From: Charles & Kathleen Rosecrans

PO BOX 2636

FLORENCE, OR 97439

(541) 999-1008

Comments: WE OBJECT TO THE VACATION OF THIS
PROPERTY BASED ON THE FACT THAT THERE IS
AN EXISTING ROAD RUNNING FROM HWY 101,
WEST ON COLTER ST. AND THROUGH THE
SUBDIVISIONS (SEE ATTACHED MAP WHICH DEPICTS
THE APPROX. LOCATION OF THE ROAD) WHICH
BENEFITS MANY LAND OWNERS. WOULD THIS
VACATION RESERVE AN ESENT. FOR INGRESS &
EGRESS OVER THE EXISTING ROAD FOR THE
BENEFIT OF THE ADJACENT LAND OWNERS?
HOW CAN THIS VACATION BENEFIT THE PUBLIC?
YOU WILL EFFECTIVELY DENY PHYSICAL ACCESS
TO MANY PROPERTY OWNERS. THERE IS A
ROAD ACROSS MY PROPERTY THAT IS BEING
USED BY PERMISSION IN THE FORM OF A LICENSE.
IT CAN BE REVOKED AT ANY TIME, AND IN FACT
HAVE REVOKED PERMISSION TO ONE LAND
OWNER.

RESPECTFULLY,

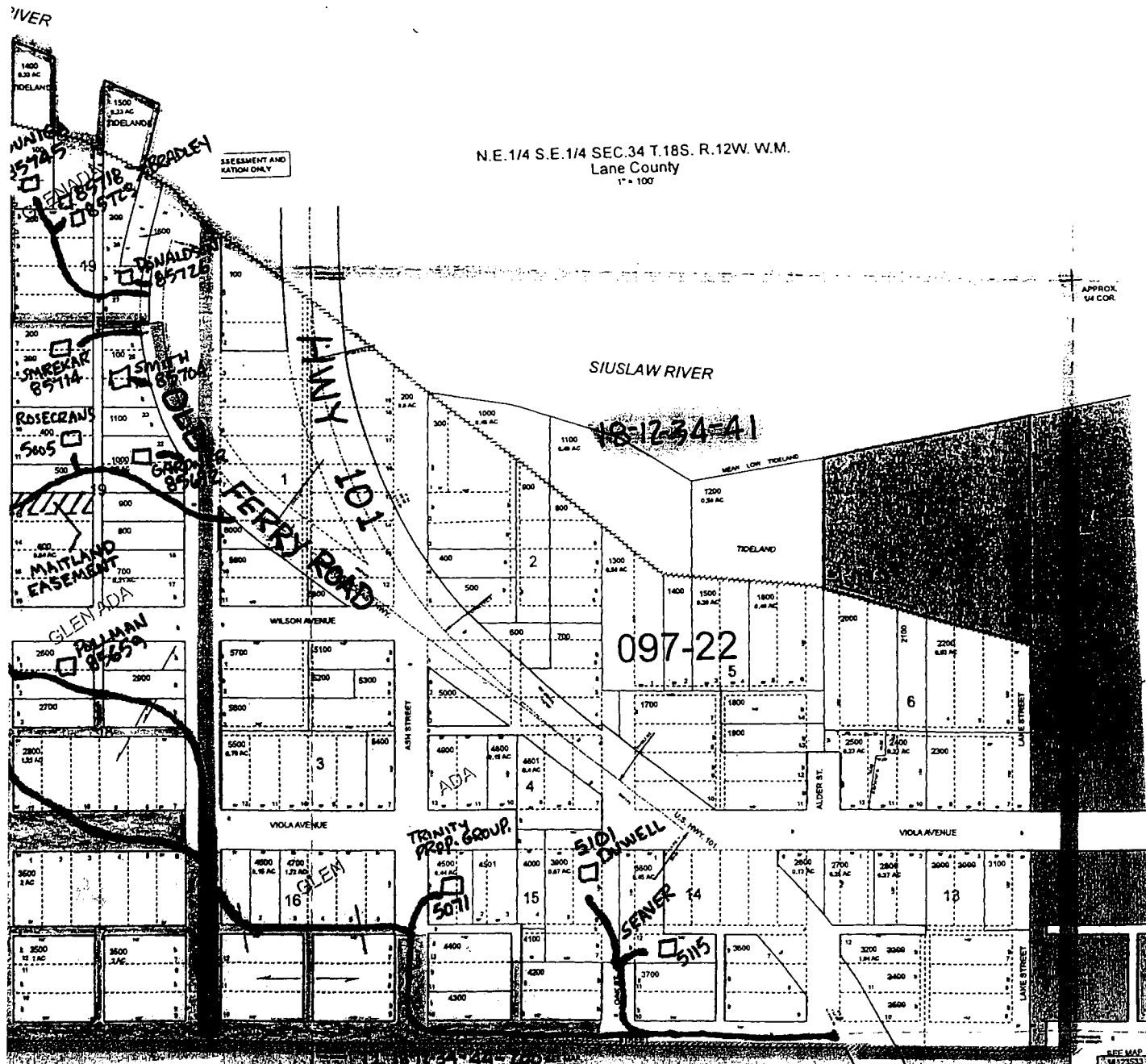
Charles C. Rosecrans

EXHIBIT D ASSESSOR'S MAP WITH VACATION LIMITS AND APPROXIMATE ROAD LOCATIONS

Yellow—County Owned Lands to be Sold to State of Oregon
White—Other Ownership
Green—R/W Vacations Within RR2 Parcel as Proposed
Red—Approximate Location of Existing Access Roads
Orange Hi-lite—Assessor's Map Divisional 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.



ORIGINAL

EXHIBIT E-2

RAY Jeff R

From: Maitland, John [John.Maitland@datalogic.com]

Sent: Friday, July 20, 2007 8:56 AM

To: ROBINSON Bill

Subject: Glenada Vacation Proposal

This e-mail is for Jeff Ray and is being sent as official comment/response to your proposal titled, "Notification and Opportunity to Comment on Proposed Vacation of Portions of Plats and Right of Way", dated July 16, 2007.

Jeff,

I received notice yesterday of your proposed vacation plan. My wife and I own tax lot 18-12-34-13-01200 and you have shown the access coming from the east along Pacific Street. Although we need to keep this access option available, it is not currently our primary access route. Our primary access is currently from High Street on the south and then across an easement purchased from Lane County that crosses tax lots 18-12-34-42-01200 and -01299. I can provide a copy of the Easement Agreement if necessary.

The change needed is:

- High Street – move the north-south line just to the left of the name on your map to the west to include Myrtle Street between High Street and our property (tax lot 18-12-34-13-01200).

Also, I have a question. It appears that you propose to eliminate the lot lines for tax lot 18-12-34-42-00600 on the northeast corner of the intersection of Wilson and Cherry Street. I am curious as to why this lot which is outside the major portion of the land purchased by the State of Oregon has been included in this proposal. My reason for asking is that our current legal access from Highway 101 is south on Chittim Street, west on Viola Street and then south on Cherry Street. Since these right-of-ways will not be vacated, how would vacating the lot lines for 18-12-34-42-00600 impact our ability to develop an access along this right-of-way?

If you would like to contact me, please call 541-517-0763.

Thanks,

John

John Maitland
Engineering Services Manager
Datalogic Scanning, Inc.
959 Terry Street
Eugene, OR 97402
(541) 302-3434 (phone)
(541) 686-1712 (fax)

8/15/2007

YOU MAY WRITE YOUR COMMENTS ON THIS PAGE AND RETURN THIS DOCUMENT TO THE ATTENTION OF Jeff Ray
LANE COUNTY SURVEYOR'S OFFICE, 125 E. 8TH AVE., EUGENE, OR 97401.
FAX NUMBER: 682-3947.

Date: 7/26/07

From: JAY VILHENA, Pres, OAESYS CORPORATION
1525 W 12TH ST Ste 1
FLORENCE, OR 97439
PHONE: 541-997-9237

Comments: _____

WE HAVE NO OBJECTION TO THIS
PROPOSED VACATION, PROVIDED THAT WE ARE
GRANTED AN EASEMENT TO ACCESS OUR PROPERTY
ON THE SIUSLAW TIDELANDS.

WE HAVE AN EASEMENT FOR THE PREVIOUS
VACATION, BUT THAT ALONE IS NOT SUFFICIENT
TO ACCESS THE TIDELANDS.

YOU MAY WRITE YOUR COMMENTS ON THIS PAGE AND RETURN THIS
DOCUMENT TO THE ATTENTION OF Jeff Ray
LANE COUNTY SURVEYOR'S OFFICE, 125 E. 8TH AVE., EUGENE, OR 97401.
FAX NUMBER: 682-3947.

Date: 7/30/07

From: Suzanne Navetta

5372 Leavitt Loop

Florence, OR 97439

Comments: Thank you for meeting me at my property
in Glenada 18-12-34-13, 41, 42 last week to discuss the
proposed vacation and for assuring me that my property will
not be affected by it. While my own property will not be
affected, I believe the process of vacating various blocks, lot
and rights-of-way should not include any area that will
provide potential access for landowners in the area. I also
believe the public would be better served if the areas to be
vacated that are not connected to the larger lot (plus)
acres are not included in the sale to the State Parks.
Whatever is done in the way of vacating should
at the very least be a vacation that will provide
access for the landowners that have access issues.

Thank you.

Suzanne Navetta

Date: 08/07/07

To: Cliff Houk
725 Summer St. NE
Salem, Oregon 97301

From: Carl L & Christine E Duwell
5101 Colter St.
Box 1255
Florence, Or 97439
Tax lot# 3900

RE: Lane County's proposed plats and subdivision vacation

Dear Sirs,

We are contacting you concerning the Proposed vacation of the platted subdivisions and public rights of way that will affect our property in Glenada, south of Florence.

Firstly, we have long been interested in purchasing the property (tax lot#4200) adjacent to ours (tax lot # 3900). Several years ago when this property was up for foreclosure, we attempted to purchase it by sending in a written offer with earnest money to Lane County. This offer was never acknowledged. We were told we had to wait for the land auction, which we are not aware has ever occurred. Although Tax Lot # 4200 is our main interest, we also would consider purchasing Tax Lots #'s 4300 & 4400.

Secondly, our concern is of how it will affect our right of way to our property (Tax lot #3900), and those of our neighbors. We feel, if we could purchase the above mentioned lots, it would clean up the proposed vacation areas and relieve the access areas from being blocked from ourselves and neighbors to the east and west of us. Clearly, with the proposed plan, Lot #'s 4100, 4000, 4500 & 4501 would lose their rights of way to their properties. If the agreement could be made to sell us said properties at current fair market value, then the proposed vacation could begin on the west side of Ash st., and eliminate this dilemma

We look forward to working with you on resolving this matter to the best satisfaction for all parties involved.

Thank you,
Carl L. & Christine E. Duwell

cc Jeff Ray

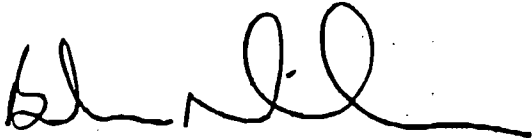
August, 15 2007

Lane County Surveyor's Office
Attn: Jeff Ray
123 E. 8th Ave.
Eugene, OR 97401

Jeff Ray,

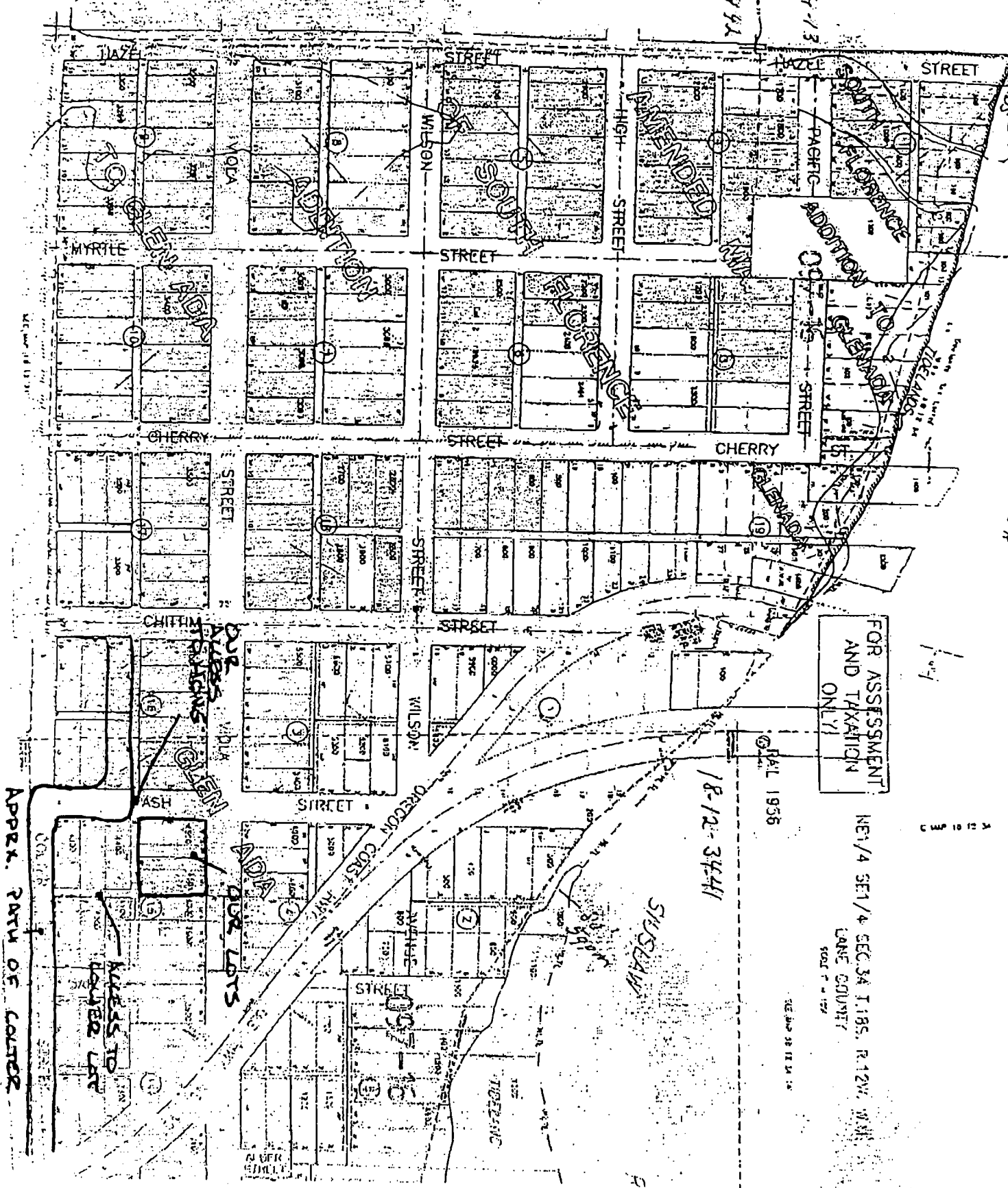
I appreciate the opportunity to speak with you about our concerns and needs regarding the proposed vacation of the area that borders our property at 5071 Colter. As I mentioned we would like to propose adjusting our property lines to include the adjacent portion of Ash and the alley and adjoining lots to the south. This adjustment would make sense as it already includes a natural boundary that has existed for many years. This would also give us the security of having available dirt for a well or new septic system if needed. As I mentioned on the phone our current water source is from Barret Lake to the west in the now Colter Addition. I have included plot maps showing approximate existing and proposed property lines. We would love the opportunity to discuss in person the details of our proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brandon Nickerson', with a long horizontal flourish extending to the right.

Brandon Nickerson

18-12-34-1/3
18-12-34-4A



FOR ASSESSMENT
AND TAXATION
ONLY

NE 1/4 SEC 1/4 SEC 34 T.18S. R.12W. W.M.
LANE COUNTY
SOLD 7-1-1936

JUL 1936

18-12-34-41

SUSAN

ADDA

DUE LOTS

ACCESS TO
COVER LOT

APPROX. PART OF LOT 10

