

W. S. D. 2

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

RESOLUTION NO. ) IN THE MATTER OF SUPPORTING THE CONTINUED USE  
) OF THE PUBLIC ROAD AT SECOND AVENUE AND OCEAN  
) WAY IN THE PLAT OF HECETA BEACH, IN SECTION 4,  
) TOWNSHIP 18 SOUTH, RANGE 12 WEST OF THE  
) WILLAMETTE MERIDIAN.

**WHEREAS**, Second Avenue was dedicated to the public in 1915 on the plat of Heceta Beach, as platted and recorded in Book 7, Page 25, Lane County, Oregon Plat Records, copy attached as Attachment "A,"; and

**WHEREAS**, the legal description of the exterior boundary of the Heceta Beach subdivision plat extends northerly along Second Avenue "NORTH 16° 30' WEST 950 FEET TO OCEAN BEACH", and this boundary description indicates that the public dedication of Second Avenue extends beyond the graphical depiction of Second Avenue shown by the plat map at Attachment "A," and that the written legal description of the Second Avenue right of way dedication is encompassed in the Heceta Beach plat and therefore dedicated to the public; and

**WHEREAS**, that portion of Second Avenue which extends Northerly from the Easterly extension of the North Line of Lot 20, Block 33 of Heceta Beach for a distance of 75 feet, intersects Ocean Way, a county road, as shown by the map attached at Attachment "B", said portion of Second Avenue being contained within the property commonly referred to as tax lot 5300, and

**WHEREAS**, the Board of Commissioners of Lane County finds that the physical location of Second Avenue at this intersection with Ocean Way appears to have been used by area landowners and the public for in excess of 40 years; and

**WHEREAS**, the Board of Commissioners finds that this intersection as depicted on Attachment "B" has been open to the public, is a "public road" as defined in ORS 368.001(5), that these rights arise by either dedication, by prescription or both, and that the record owners of the underlying fee have informed this Board that they have never indicated that they would deny travel through said intersection; and

**WHEREAS**, this intersection provides access to approximately two dozen homes, and thereby benefits the public; and

**WHEREAS**, the Board of Commissioners also finds that maintaining public access over Second Avenue and through this intersection is in the best interests of Lane County and the citizens of the County; and

**WHEREAS**, the public has a right to use this intersection, and said usage is not threatened;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Lane County Board of Commissioners supports the continued use of this intersection as shown on Attachment "B" as a public road.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008

APPROVED AS TO FORM  
Date 10-31-08 Lane County

  
OFFICE OF LEGAL COUNSEL

\_\_\_\_\_  
Chair, Lane County Board of Commissioners

**Attachments:**

**Heceta Beach Plat – Attachment "A"**

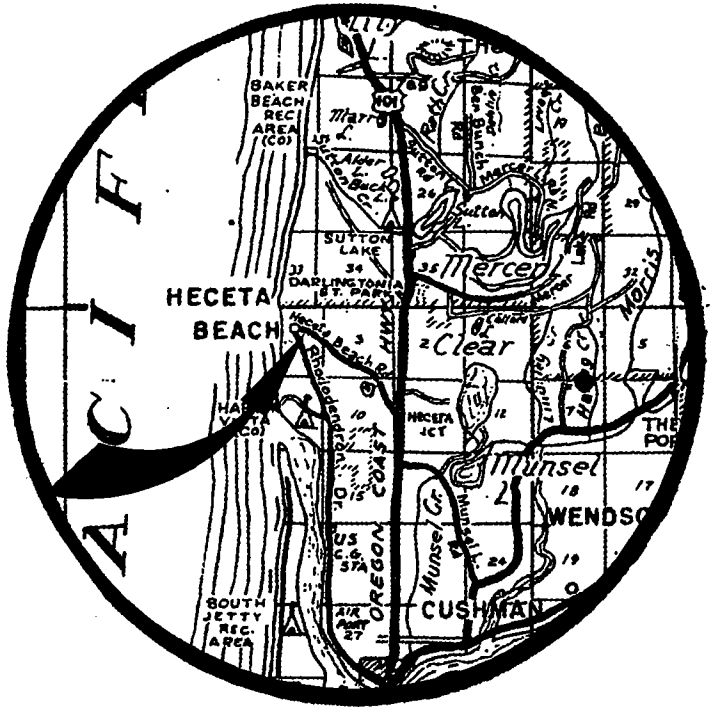
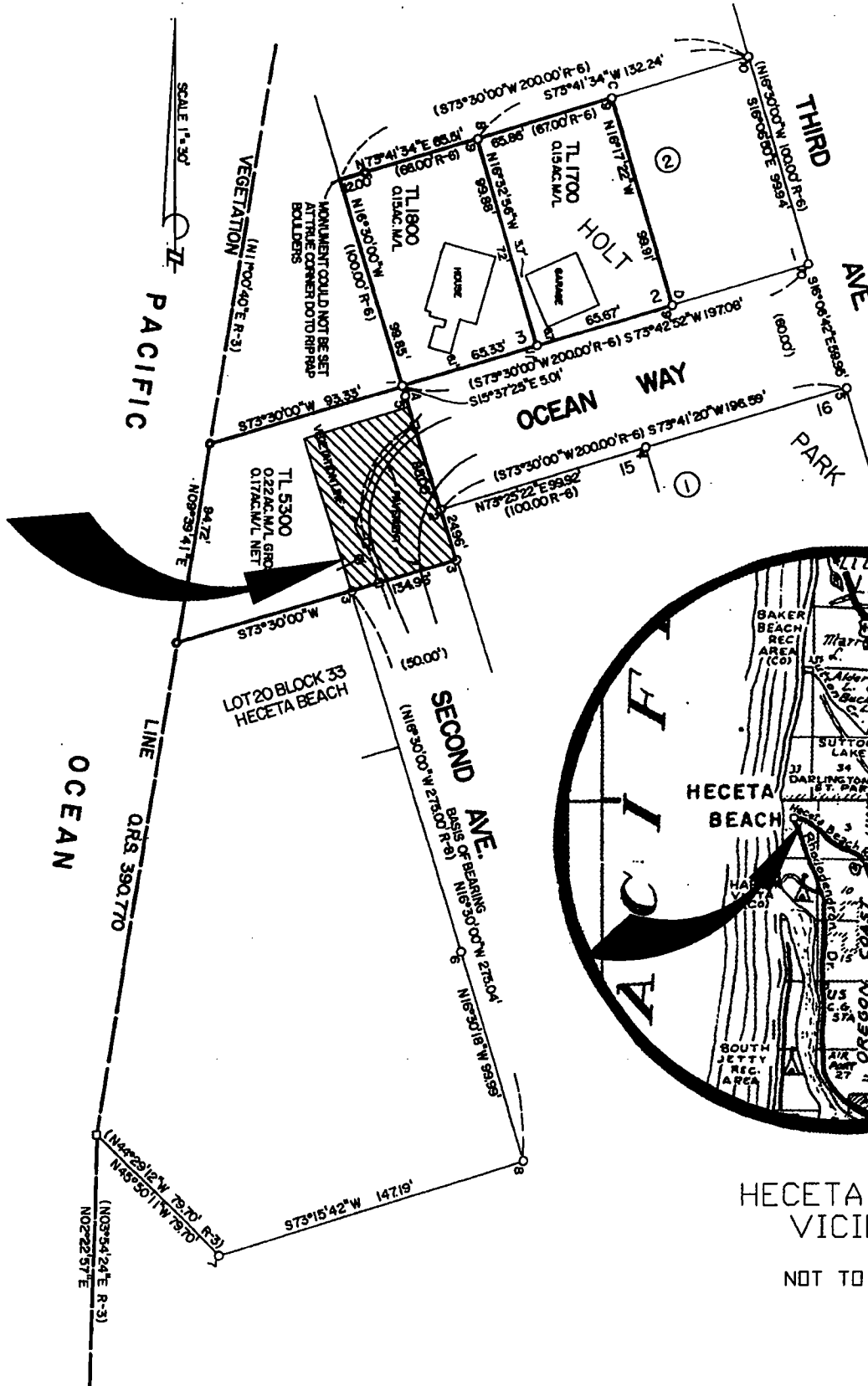
**Site Map - Attachment "B"**



# ATTACHMENT B

NW 1/4 SECTION 4, TOWNSHIP 18 SOUTH,  
RANGE 12 WEST, WILLAMETTE MERIDIAN  
LANE COUNTY

NOT TO SCALE



HECETA BEACH  
VICINITY

NOT TO SCALE