

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 13-06-25-05

IN THE MATTER OF VACATING PORTIONS OF  
TWO ALLEYS IN BLOCK 1 IN THE PLAT OF  
GOSHEN, AS PLATTED AND RECORDED IN  
VOLUME W, PAGES 349 AND 512, LANE COUNTY,  
OREGON PLAT RECORDS, WITHOUT A PUBLIC  
HEARING (18-03-23-1)

**WHEREAS**, this matter now coming before the Board upon a petition received by the Surveyor's Office of the Lane County Department of Public Works requesting, under authority of ORS Chapter 368.341, the vacation of portions of two alleys in Block 1 in the Plat of Goshen. Said areas being more particularly described as follows:

All that portion of the alley between Lot 4 and Lot 5, Block 1 of the "Plat of Goshen", as platted and recorded in Volume W, Page 349, and being re-platted in "Goshen" and recorded in Volume W, Page 512, Lane County Oregon Plat Records, said alley being 14 feet wide by 160 feet in length, and located in the Northeast Quarter (NE ¼) of Section 23, Township 18 South, Range 3 West of the Willamette Meridian.

ALSO: All that portion of the alley between Lot 2 & 3 and Lots 1 & 4 in the north half of Block 1 of the "Plat of Goshen", as platted and recorded in Volume W, Page 349, and being re-platted in "Goshen" and recorded in Volume W, Page 512, Lane County Oregon Plat Records, said alley being 14 feet wide by 160 feet in length, and located in the Northeast Quarter (NE ¼) of Section 23, Township 18 South, Range 3 West of the Willamette Meridian.

**WHEREAS**, the petition complies with the provisions of ORS 368.351 in that the petitioners, who are the landowners of 100% of the property abutting the proposed vacation, request the vacation be approved as proposed; and

**WHEREAS**, ORS Chapter 368.351 provides for the vacation of public roads and rights of way without a public hearing; and

**WHEREAS**, the Surveyor's Office notified Qwest Communications, Emerald People's Utility District, 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 nearby property owners regarding the vacation and they either had no objection to the vacation or did not respond to the referral; and

**WHEREAS**, there is a drainage ditch that runs along the east-west alley and the petitioners have agreed not to obstruct the flow of runoff through said drainage way; and

**WHEREAS**, there are power lines that run along the east-west alley and an easement will be reserved for all existing utilities; and

**WHEREAS**, no property will be denied legal access by this vacation; and

**WHEREAS**, the alleys proposed to be vacated are not constructed or open for public travel at this time; and

**WHEREAS**, many of the streets and alleys in the Plat of Goshen have previously been vacated; and

**WHEREAS**, the petitioners have paid a vacation fee of \$3,400 and will pay actual costs incurred including recording fees, upon final approval of the vacation; and

**WHEREAS**, the Director of Lane County Public Works has provided a written report marked as Exhibit "B", determining the special benefit to the applicant is de minimis pursuant to Lane Manual 60.853 (3)(a); and

**WHEREAS**, the Director of the Department of Public Works has provided a written report in support of the proposed vacation, as required by ORS 368.351, marked as Exhibit "A", attached hereto and made a part hereof, by this Order; and

**WHEREAS**, all statutory procedures under ORS 368.351 necessary for this vacation have been complied with; and

**WHEREAS**, the Board is of the opinion that approving the vacation as petitioned for is in the best interest of the public.

**NOW, THEREFORE**, the Board of Commissioners of Lane County **ORDERS** as follows:

1. That the above described portions of alleys in Block 1 in the Plat of Goshen are hereby VACATED.
2. That an easement is hereby retained for any and all existing public utilities to preserve, maintain, repair, replace, remove or reinstall any public utilities that may now exist within the bounds of the portion of the alleys herein described by these proceedings as vacated.
3. 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 25th day of June, 2013.

  
Sid Leiken, Chair  
Lane County Board of Commissioners

Attachment: Vicinity Map

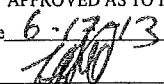
APPROVED AS TO FORM  
Date 6-13-13  
  
LANE COUNTY OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR'S REPORT

IN THE MATTER OF VACATING PORTIONS OF TWO  
ALLEYS IN BLOCK 1 IN THE PLAT OF GOSHEN, AS  
PLATTED AND RECORDED IN VOLUME W, PAGES  
349 AND 512, LANE COUNTY, OREGON PLAT  
RECORDS, WITHOUT A PUBLIC HEARING  
(18-03-23-1)

The Surveyor's Office of the Department of Public Works has received a valid petition signed by the owners of 100% of the property abutting the proposed vacation requesting, by the authority of ORS 368.351, a vacation without a public hearing. ORS 368.326 to 368.366, allows a county governing body to vacate a subdivision or part of subdivision, a road or right-of-way, or public interest in property under the jurisdiction of the county, based up the determination that the vacation is "in the public's interest".

The petitioners wish to vacate this alley to facilitate additional construction and remodeling of the existing Goshen Fire Station and still meet Lane County setback requirements. The addition to the existing building would allow room for firefighters to stay overnight in order to increase the protection of the citizens within the district.

The portions of alleys proposed to be vacated were established in 1889 in the Plat of Goshen as platted and recorded in Volume W, Page 349 and re-platted in 1890 as Goshen in Volume W, Page 512 of the Lane County, Oregon Plat Records. Each block in this plat originally had a north-south alley and an east-west alley, but several of the alleys within this plat have previously been vacated. The two portions of alleys proposed to be vacated consist of the north half of the north-south alley and the east half of the east-west alley in Block 1. Each portion is 160 feet in length, with a right of way width of 14 feet. The intersection of the two alleys will not be vacated to allow for possible future connectivity of the south half and west half of the alleys.

The alleyways are not constructed or open for public travel at this time. The east-west alley is encumbered with a drainage ditch and is traversed overhead by power lines. The petitioners have agreed to not obstruct the flow of runoff through said drainage ditch and an easement will be retained for existing utilities. The north-south alley is encumbered by a chain link fence, landscaping and paved parking spaces. A metal shed intrudes approximately two feet into this alley.

The Surveyor's Office notified Qwest Communications, Emerald People's Utility District, 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 nearby property owners regarding the vacation. Emerald People's Utility District has electric lines that run the length of the east-west alley, but after explaining an easement would be reserved for existing utilities they had no objection to the vacation. The other agencies and landowners either had no objection to the vacation or did not respond to the referral.

EXHIBIT "A"

A written report is provided, marked as Exhibit "B", determining that the special benefit of the vacation of the alleyways to the applicant is de minimis pursuant to Lane Manual 60.853 (3)(a).

This alley is no longer needed by the Lane County Transportation System and no property will be denied legal access as a result of this vacation. It is concluded the vacation of this alley is in the public's interest, as it will allow for improvements to be made to the Goshen Fire Station so they can better serve and protect their community. It is therefore recommended the portions of alleys in Block 1 of the plat of Goshen, as described in the Order, be vacated. It is further recommended the vacation be allowed without a public hearing.

DATED this 10 day of June, 2013.

A handwritten signature in cursive script, reading "Marsha Miller", is written over a horizontal line.

Marsha Miller, Public Works Director  
Department of Public Works

MAP No.: 18-03-23-10

**LANE COUNTY**

Notification of Determination of Amount of Special  
Benefit Deposit in Connection with Proposed Vacation  
of Right of Way Pursuant to Lane Manual 60.853

Pursuant to the provisions of Lane Manual 60.853, my determination of the amount of "Special Benefit" and therefore the amount of deposit required in connection with the proposed vacation of public road rights of way as shown on Block 1, the plat of Goshen and recorded in Book W, Page 512, of the Lane County, Oregon Plat Records, is \$0.00.

My determination is based on a Staff Report and recommendation, a copy of which is attached hereto and marked as "Attachment 1".

Dated this 10 day of June, 2013.



Marsha A. Miller, Director  
Lane County Public Works

EXHIBIT "B"  
"Attachment 1"

**STAFF REPORT**

Recommendation in the Matter of Determination of Special Benefit  
in Connection with a Proposed Vacation of Public Right of Way

**Date:** April 3, 2013

**Applicant:** Goshen Rural Fire Protection District

**Proposed Vacation:**

Portions of rights of way as shown on Plat of Goshen, as platted and recorded in Book W, Page 512, of the Lane County, Oregon Plat Records, and as shown on the legal description attached hereto and marked as "Exhibit A".

**Tax Lots Adjacent to Proposed Vacation:**

Lane County Map #18-03-23-10 Tax Lots 2000, 2100, 2200, 2300, 2500

**Nature of Benefit to be Received if Proposed Vacation is Approved:**

Vacation of the public alley will give the Goshen Rural Fire Protection District room to add onto the existing building. They are currently limited by setback requirements. They want a larger building so firefighters can stay overnight in order to increase the protection of the citizens within their district.

**Value Indication(s) of Properties to be Benefited:**

The south end of the town of Goshen is residential in character. The typical lot measures 80' by 160', or 12,800 sq. ft. The houses are situated on paved streets with no sidewalks. We have located several recent sales of residential lots in Oakridge, Creswell and Cottage Grove. They are all considerably smaller than the typical Goshen lot, but they all have curbs, gutters, and sidewalks. They are selling from \$25,000 to \$30,000. If we estimate the value of the typical Goshen lot at \$30,000, that calculates to \$2.34/sq. ft.

**Summary and Recommendation of Special Benefit:**

The vacation simply removes the interest of the public in the alleyway. The underlying fee interest is held by the adjoining property owners, physically split 50/50 down the middle of the alley.

The alley to be vacated south of the fire station contains 2,240 sq. ft. and one-half of the area, 1,120 sq. ft., would be allocated to each of the adjoining parcels. The area south of the fire station is encumbered by a drainage ditch and is traversed overhead by power lines. The encumbering effects of these facilities severely limit the utility of the land for any remaining purpose, other than for landscaping and to meet building setback requirements. These remaining rights are estimated to benefit the adjoining parcels at 25% of fee value.

EXHIBIT "B"  
"Attachment 1"

The alley at the western side of the property also contains 2,240 sq. ft., and vacation would similarly add 1,120 sq. ft. to each of the adjoining parcels. A fence has been built longitudinally down the center of this 14' wide strip. On the Fire Station side, the back part of this area has been landscaped as a planter strip with a row of arborvitae, and the front part is the end of paved parking spaces. A metal shed also intrudes a couple of feet into the alley.

Vacating both alleys would add 2,240 sq. ft., or 0.051 acre to the fire station's existing 0.587 acre size and result in a total site size of 0.638 acre. The net effect of vacating the alleys that adjoin to the parcels to the south and west of the fire station would be the addition of 1,140 sq. ft., or 0.025 acre added to each of the bordering parcels. This addition would increase their present size from 0.294 acre to 0.319 acre.

Based on a review of similar sites, the appraiser finds no market evidence that buyers will pay measurably more for sites with such small differences in size and, based on this evidence, and given existing encumbrances on the portions to be vacated, the appraiser finds no special benefit applicable to the proposed vacation due to the small increases in site size that would result from the action.

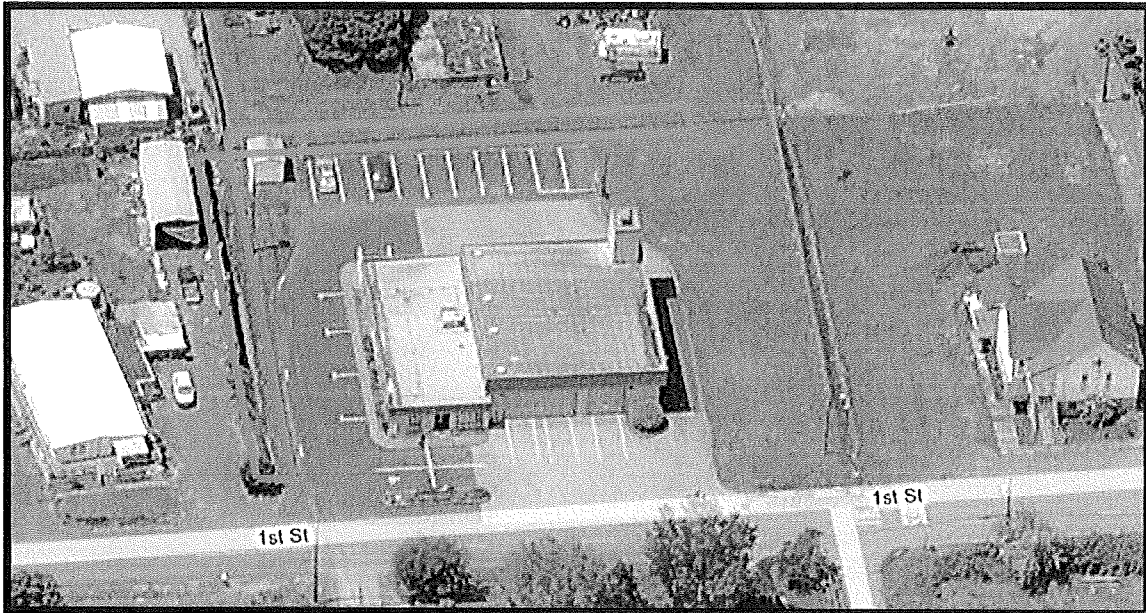
As noted above, several improvements in the area bordering the fire station parcel to the west are located in the area to be vacated and the action would preclude the technical "loss" of these features. The appropriate measure of the value added for these improvements is the "cost-to-cure" replacement or relocation of these items. The appraiser estimates the arborvitae could be relocated at a cost of \$100 and the shed could be relocated at a cost of \$200. The value of the approximately 200 sq. ft. portion of asphalt parking intruding into the existing alley is estimated to cost \$2.00 per square foot, installed. On this basis, the cost-to-cure replacement of the asphalt is \$400. The area is also improved with approximately 160 linear feet of 6-foot chain link fencing. The appraiser estimates the cost to replace approximately 20 posts and reattach the existing fencing would cost \$800. The total "cost-to-cure" for the improvements, and the "benefit" added by vacation of the western portion of the site is therefore estimated to be approximately \$1,500.

In summary, the appraiser finds no special benefit to any of the adjoining parcels resulting from vacation of the various alleyways. The cost-to-cure relocation or replacement of improvements presently lying in the western portion of the area to be vacated results in a Special Benefit to the applicant \$1,500. As the value added is less than the \$2,500 *de minimus value* required by Lane Manual 60.853(3)(a), the appraiser concludes that a payment for Special Benefit is not warranted for this vacation.

The appraiser recommends a reservation be made in the vacation documents for any public interest in the ditch and/or the overhead power lines, if such easements do not presently exist.

  
Karl L. Oakes  
Real Property Officer

**Aerial of Subject Property and Areas to be Vacated**



**Lane County Assessor's Map 18-03-23-10**

