

**IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON**

ORDER NO. 14-01-14-04

IN THE MATTER OF VACATING A PORTION OF RIGHT OF WAY ALONG IRVING ROAD (CO. RD. 2254) LOCATED IN THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER (NE 1/4, SW 1/4) OF SECTION 10, TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON (17-04-10-31)

**WHEREAS**, this matter now coming before the Board upon a request 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 a portion of right of way along Irving Road (County Road No. 2254) the area to be vacated being more particularly described as follows:

A parcel of land located in the Northeast One-Quarter of the Southwest One-Quarter (NE1/4, SW1/4) of Section 10, Township 17 South, Range 4 West of the Willamette Meridian, being that portion of land conveyed to LANE COUNTY by that certain Warranty Deed recorded March 27, 1995, on Reel 2050R, Recorder's Reception No. 9516989, Lane County Oregon Deed Records, also being all of that right of way of Irving Road, (County Road No. 2254) being more particularly described as follows:

Beginning at a point opposite and 39.93 feet Northerly of Engineer's Centerline Station L2 28+62.60 POT of Irving Road (County Road No. 2254), as surveyed in 1997, said centerline station being 17.13 feet North and 2,576.70 feet West of the brass cap marking the Southeast Corner of the James Peek Sr. Donation Land Claim No. 50, located in Section 10, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon; thence, along the Northerly right of way of said Irving Road, North 12°32'06" West 12.36 feet to a point opposite and 51.98 feet Northerly of Engineer's Centerline Station L2 28+59.85 POT, thence continuing along said northerly right of way, North 85°59'49" East 20.74 feet to a point opposite and 53.54 feet Northerly of Engineer's Centerline Station L2 28+80.54 POT; thence continuing along said Northerly right of way along a non-tangent 95.00 foot radius curve to the right, the long chord of which bears North 51°56'04" East 111.63 feet, a distance of 119.32 feet to a point opposite and 122.82 feet Northerly of Engineer's Centerline Station 29+68.07 POT; thence continuing along said Northerly right of way North 86°06'43" East 113.81 feet, more or less, to a point at its intersection with the Easterly line of a tract of land as shown on County Survey File No. 13828, Lane County Oregon Survey Records; thence leaving said Northerly right of way and along said Easterly line of said tract of land South 20°32'50" East 97.57 feet, more or less, to a 1/2 inch iron rod set as the Southeast corner of said tract as shown on said County Survey File No. 13828; thence leaving said Easterly line, North 89°42'21" West 253.70 feet, more or less, to the Point of Beginning, in Lane County, Oregon.

The parcel of land to which this description applies contains 17,337 square feet (0.40 acre), more or less.

The above description and basis of bearing were based upon a survey of Irving Road by Lane County Public Works, as shown on County Survey File No.'s 34257 through 34275, recorded April 14, 1997, Lane County Survey Records, Lane County, Oregon.

**WHEREAS**, in accordance with ORS 368.361(3), Lane County has caused this Vacation by Resolution in accordance with ORS 368.341 and Lane Manual, Chapters 15.300 through 15.305; and

**WHEREAS**, in accordance with ORS Chapter 368, a public hearing was conducted on January 14, 2014, at 1:30 p.m. at the Lane County Public Service Building; and

**WHEREAS**, The Surveyor's Office notified the City of Eugene, Qwest Communications, EWEB, Northwest Natural Gas, Comcast Cable, Level 3 Communications, Kinder-Morgan Energy, Lane Rural Fire/Rescue, Bethel School District, and various other agencies including L-COG, 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

**WHEREAS**, CenturyLink responded with a request to retain two existing easements recorded on May 16, 1986, Recorder's Reception No. 8630697 and December 17, 1993, Recorder's Reception No. 9382683 for their facilities; and

**WHEREAS**, an easement will be 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 vacated area. A 14 foot wide public utility easement will be retained for a EWEB water main running east to west and a 10 foot wide public utility easement will be retained for a service line for the benefit of tax lot 17-04-10-31-01100. Both aforementioned public utility easements shall be centered on the physical location of said water lines; and

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

**WHEREAS**, the subject portion of right of way vacated is currently not being used for road purposes, and all road improvements currently exist outside the bounds of this vacation; and

**WHEREAS**, the vacation of the subject portion of right of way along Irving Road will allow the subsequent sale of the surplus land to an abutting property owner, creating revenue to Lane County's Road fund and adding land to the tax rolls; 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

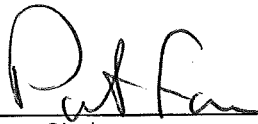
**WHEREAS**, all statutory procedures under ORS 368.351 necessary for this vacation have been complied with; and

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

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

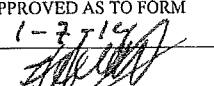
1. The above described portion of right of way along Irving Road is hereby vacated.
2. An easement is hereby retained for any and all existing public utilities to preserve, maintain, repair, replace, remove or reinstall any public utilities that may now exist within the bounds of the portion of right of way herein described by these proceedings as vacated.
3. 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 14th day of January, 2014.



Pat Farr, Chair  
Lane County Board of Commissioners

Attachment: Vicinity Map

APPROVED AS TO FORM  
Date 1-2-14  
  
LANE COUNTY OFFICE OF LEGAL COUNSEL

**EXHIBIT "A"**

and included upgrading the signal crossing, adding a center median and adding bicycle and pedestrian facilities. As evidenced by Board Order No. 93-7-14-13 and the recent safety improvements for the at-grade crossing, it appears that the Board has made the policy decision not to pursue the construction of the proposed overpass.

Lane County has leased the subject right of way to an abutting property owner since September 1, 1998, in the amount of \$2,500 per year. The lessee recently approached Lane County Right of Way Section about purchasing the land. Vacating the subject right of way will enable Lane County Right of Way Section to sell the land as surplus, for approximately \$70,000 dollars. The area of the vacation is estimated at 17,337 square feet (0.40 acre), more or less, and the proceeds of the sale will be redistributed into the Road Fund.

The Surveyor's Office notified the City of Eugene, Qwest Communications, EWEB, Northwest Natural Gas, Comcast Cable, Level 3 Communications, Kinder-Morgan Energy, Lane Rural Fire/Rescue, Bethel School District, and various other agencies including L-COG, 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 received three comments. CenturyLink responded with a request to retain two existing easements recorded on May 16, 1986, Recorder's Reception No. 8630697 and December 17, 1993, Recorder's Reception No. 9382683 for their facilities. Lane County Planning had no comment. Lane County Transportation Planning provided the comments below and did not object to moving forward with this proposal.

All current road improvements exist outside the bounds of this proposed vacation. An easement will be 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 right of way proposed to be vacated.

The vacation of the portion of right of way along Irving Road as described in the Final Order will have no adverse effects on transportation patterns in the area. The public interest will be served, as the portion vacated will be returned to the tax rolls as real property, and will allow for the subsequent sale of the land, the proceeds of which will be redistributed into the Road Fund.

Lane Manual 15.305 requires that vacations, other than those by petition, shall be referred to the Roads Advisory Committee for consideration and recommendations. This vacation was considered and approved by the Roads Advisory Committee on September 25, 2013.

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 portion of Irving Road (Co. Rd. 2254), as described in the Final Order, be vacated. It is further recommended that an easement for existing public utilities be retained in the Final Order.

**DATED** this 30 day of December, 2013.



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Marsha Miller, Public Works Director  
Department of Public Works

**Exhibit "B"**

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

AFFIDAVIT OF POSTING,  
PUBLICATION AND MAILING

IN THE MATTER OF VACATING A PORTION OF  
RIGHT OF WAY ALONG IRVING ROAD (CO. RD.  
2254) LOCATED IN THE NORTHEAST ONE-  
QUARTER OF THE SOUTHWEST ONE-QUARTER  
(NE 1/4, SW 1/4) OF SECTION 10, TOWNSHIP 17  
SOUTH, RANGE 4 WEST OF THE WILLAMETTE  
MERIDIAN, IN LANE COUNTY, OREGON, WITH A  
PUBLIC HEARING. (17-04-10-31).

I, Mike Jackson, Lane County Surveyor, certify as follows:

On the 19<sup>th</sup> day of December, 2013, I caused to be posted four (4) copies of the Notice of Hearing in the above entitled matter in four places, positioned to be visible to the traveling public, as follows:

1. Posted on EWEB power pole no. 968, located adjacent to the sidewalk at the southwest corner of Irving Road and NW Expressway.
2. Posted on EWEB power pole no. 8254, located on the northerly side of Irving Road and adjacent to the area proposed to be vacated in front of the business known as Santa Clara Stor & Lock.
3. Posted on EWEB guy pole no. 28357, located adjacent to the sidewalk at the northeast corner of Irving Road and Prairie Road.
4. Posted on EWEB power pole no. 1478, located directly across from the area proposed to be vacated and on the southerly side of Irving Road in front of the business known as Clyde West Volvo.

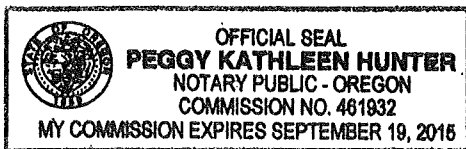
The undersigned further certifies that on December 23, 2013 and January 7, 2014 notice is scheduled to run in the Register Guard. Also, that on December 11, 2013 notice was sent to adjacent owners by Certified Mail, and to various other private entities and public agencies having an interest in these vacation proceedings by General Mail.




Mike Jackson  
Lane County Surveyor

State of Oregon )  
County of Lane )

Subscribed and sworn to before me this 20<sup>th</sup> day of December, 2013 by  
Mike Jackson.



  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: Sept. 19, 2015

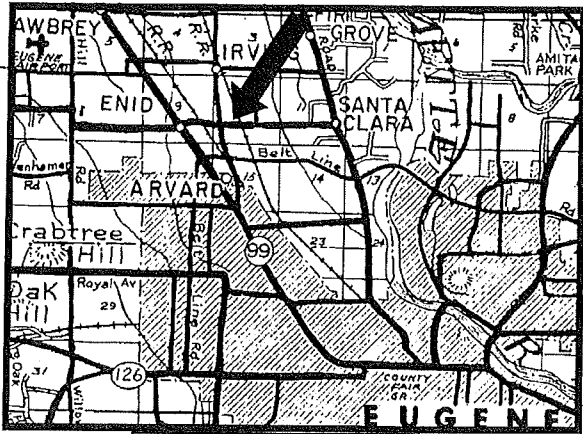
ATTACHMENT

# VACATION OF PORTION OF IRVING ROAD COUNTY ROAD NUMBER 2254

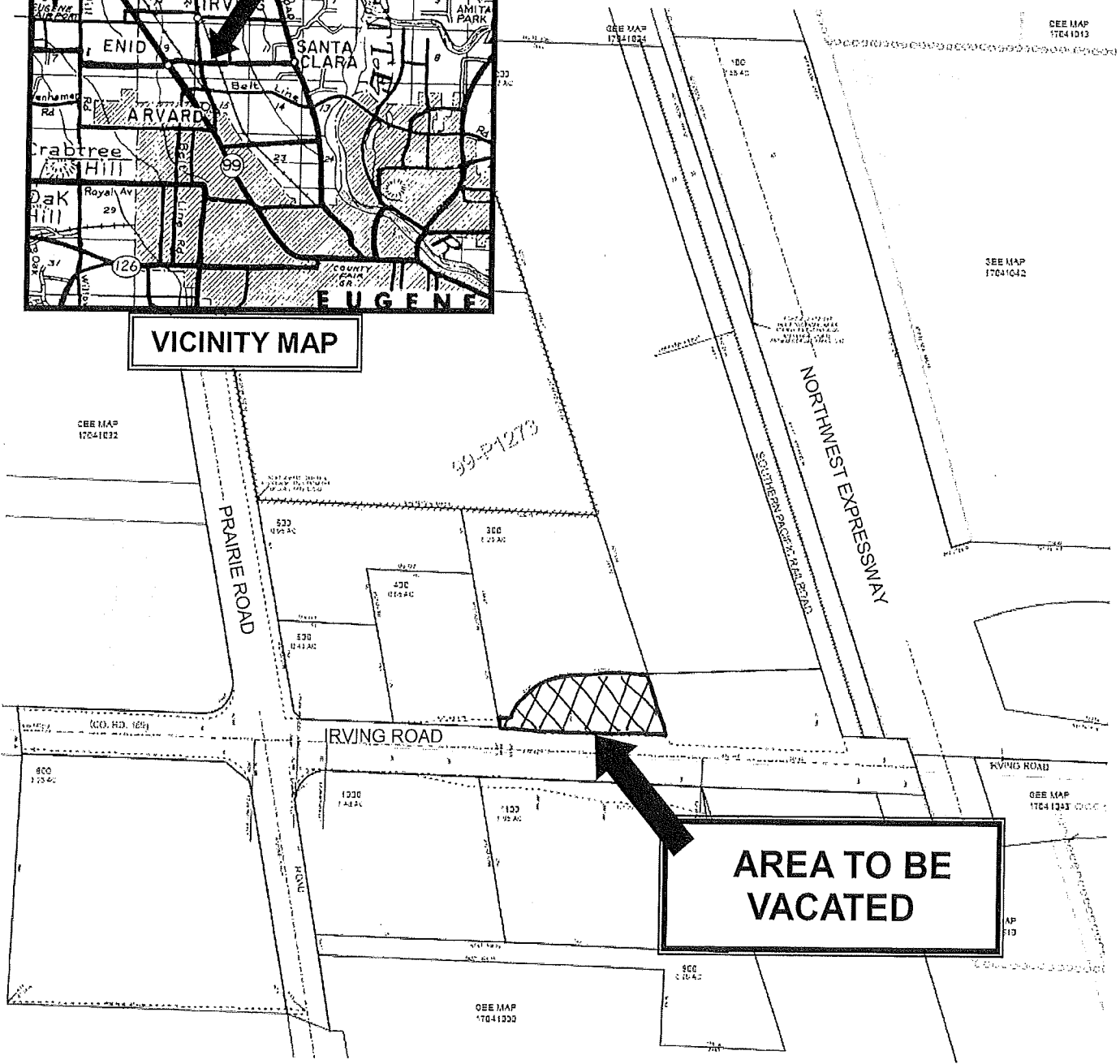
SW 1/4 Section 10, T. 17 S., R. 4 W. W.M.  
Lane County



NO SCALE



VICINITY MAP



**AREA TO BE  
VACATED**