

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 14-02-11-03

**IN THE MATTER OF CLARIFYING THE
STATUS OF A PORTION OF MAIN
STREET VACATED BY ORDER NO. 78-
6-28-15 AND AFFECTED BY FINAL
ORDER NO. 83-11-30-26 IN THE SECOND
AMENDED PLAT OF FERN RIDGE IN
SECTION 2, TOWNSHIP 17 SOUTH,
RANGE 5 WEST OF THE WILLAMETTE
MERIDIAN
(17-05-02-22)**

WHEREAS, the Board of Commissioners considered the petition for vacation of certain streets and alleys in the Second Amended Plat of Fern Ridge submitted by adjacent property owners on May 15, 1978; and

WHEREAS, the Board of Commissioners held hearings and considered the petition before adopting Order of Vacation 78-6-28-15 on July 25, 1979, granting the petition and vacating certain described streets and alleys in the Second Amended Plat of Fern Ridge; and

WHEREAS, the Board of Commissioners subsequently adopted Final Order 83-11-30-26 – Vacation 78-6-28-15 Nunc Pro Tunc to address concerns with the accuracy of the previous order action which created some question about the effect of the previous vacation action on the legal status of a portion of Main Street included in Order of Vacation 78-6-28-15; and

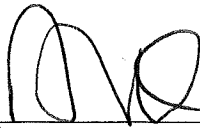
WHEREAS, the Board of Commissioners received a claim from a property owner with a concern about ownership of the portion of Main Street vacated by Order of Vacation 78-6-28-15 and a request for clarification of the legal status in light of the conflicting orders; and

WHEREAS, the Board of Commissioners has determined that resolution of the question about the legal status of the portions of Main Street affected by Order of Vacation 78-6-28-15 is best effected by an order that repeals Final Order 83-11-30-26 and clearly establishes Order of Vacation 78-6-28-15 vacated the portions of Main Street included in the description of streets and alleys described therein.

NOW, THEREFORE, IT IS HEREBY ORDERED that Final Order 83-11-30-26 - Vacation 78-6-28-15 Nunc Pro Tunc, attached as Exhibit "A" and incorporated here by this reference, is hereby repealed and any impression of its legal effect on Order of Vacation 78-6-28-15, attached as Exhibit "B" and incorporated here by this reference, shall be clarified by this order to establish that the legal status and ownership of the portions of Main Street included in the description of streets and alleys vacated by Order of Vacation 78-6-28-15 continue to be as determined in that order as originally adopted on July 25, 1979.

IT IS FURTHER ORDERED that this Order shall be entered into the Lane County Board of Commissioners Journal of Administration, Road Proceedings Case Number 3628-1 that is administered by the Lane County Department of Public Works, Lane County Surveyor, and further be recorded in the Lane County Deed Records.

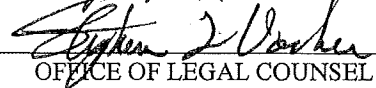
ADOPTED this 11th day of February, 2014.



Pat Farr, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 1/31/2014 Lane County



OFFICE OF LEGAL COUNSEL

No Fee

REEL 121 PAGE 292 345131

FILED ORIGINAL

AT O'CLOCK M

IN THE BOARD OF COUNTY COMMISSIONERS FOR LANE COUNTY

DEC - 5 1983

STATE OF OREGON

County Clerk
For Lane County, Oregon
BY *Patricia A. [Signature]*
DEPUTY

FILE NO. 3628-1

IN THE MATTER OF CLARIFYING)
ORDER 78-6-28-15 VACATING)
CERTAIN STREETS AND ALLEYS)
IN THE PLAT OF SECOND)
AMENDED PLAT OF FERN RIDGE)

FINAL ORDER 83-11-30-26
VACATION
78-6-28-15
Nunc Pro Tunc

THIS MATTER now coming before the Board of County Commissioners for Lane County upon the petition of Rose Marquez, Rosenda Marquez, Mary Thorn, Clifford Thorn, John Hulsey, Jacqueline Madden, Louette Harmon, Inez Williams and Max Madden for the vacation of certain streets and alleys in the plat of the Second Amended Plat of Fern Ridge; and

WHEREAS, on May 9, 1978 the said Board of County Commissioners established June 28, 1978 as the date for conducting a public hearing by Order Number 78-5-9-16; and

WHEREAS, the said Board of County Commissioners continued the said public hearing for an evaluation study of community traffic flow by the Lane County Department of Public Works, Lane County Planning Department and by Community of Alvadore meetings; and

WHEREAS, the said community traffic flow study was completed and the said Board of County Commissioners on June 13, 1979 established July 25, 1979 as the date for conducting a public hearing of this matter by Order Number 79-6-13-13; and

WHEREAS, the said Board of County Commissioners conducted the public hearing of July 25, 1979 and on August 1, 1979 and approved the vacation of certain streets and alleys and Ordered the said streets and alleys be vacated specifically as Order Number 78-6-28-15; and

WHEREAS, the said Order was prepared, signed and filed as Ordered, however the legal description as prepared and filed in the said Order does not conform with the instructions given by the said Board of County Commissioners, now, therefore, it is hereby

ORDERED that the following described streets and alleys pursuant to O.R.S. (1979) Chapter 368, be, and the same hereby, declared vacated, to-wit:

FINAL ORDER - VACATION
SECOND AMENDED PLAT OF
FERN RIDGE

Seventh Street lying between Blocks 51 and 46 and between Blocks 52 and 45 including the intersection of Seventh and "A" Street; EXCEPT all that portion of Seventh Street lying easterly of the centerline of the alley of said Blocks 52 and 45 thereof. That portion of Sixth Street between Blocks 56 and 51 and between the easterly right-of-way of "B" Street and the westerly right-of-way of "A" Street. That portion of "A" Street lying between the northerly right-of-way of Seventh Street and the northerly property line of Lot 21, Block 52 if extended westerly. A portion of the alley in Block 52 lying between the northerly right-of-way line of Seventh Street and the northerly line of Lot 3, Block 52 if extended westerly. All of that certain alley lying in Block 51. All being in the Second Amended Plat of Fern Ridge as platted and recorded in Book 6, Page 28 Lane County Oregon Plat Records.

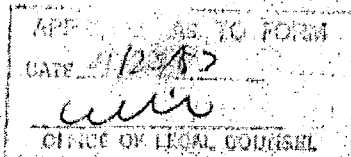
and it is further

ORDERED that title to the lands in the above described portion of streets, street right of way and alleys shall vest in accordance with the 1979 Oregon Revised Statutes; and, it is further

ORDERED that this Order be entered in the Lane County Board of Commissioners Journal of Administration, Road Proceedings Case Number 3628-1 administered by the Lane County Department of Public Works and Lane County Surveyor, and further be recorded in the Lane County Deed Records

DATED this 30th day of November, 1983.

Dated August 1, 1979
Nunc Pro Tunc



Gerald H. Rust, Jr.
Chairman, Lane County Board of Commissioners

FINAL ORDER - VACATION

SECOND AMENDED PLAT OF
FERN RIDGE

REEL 98 PAGE 1314

FILED

AT 11:00 O'CLOCK AM

BEFORE THE BOARD OF COMMISSIONERS FOR LANE COUNTY OREGON AUG-3 1979

By *[Signature]*
Deputy

IN THE MATTER OF THE VACATION

of

STREETS AND ALLEYS

ORDER OF VACATION

78-6-28-15

THIS MATTER coming for hearing this 25th day of July, 1979, at 1:30 PM, upon the Petition of Max W. Madden and Jacqueline J. Madden, husband and wife, Clifford G. Thorn and Mary M. Thorn, husband and wife, Rosendo Marquez and Rose Marquez, husband and wife, John B. Hulsey, Inez V. Williams, and Louette Harmon, a widow, for the vacation of streets and alleys as follows:

Seventh Street lying between Blocks 51 and 46 and between Blocks 52 and 45 including the intersection of Seventh and "A" Street; EXCEPT all that portion of Seventh Street lying easterly of the centerline of the alley of said Blocks 52 and 45 thereof. That portion of Main Street lying between Blocks 52 and 53 and between the northerly line of Lot 18, Block 53 projected westerly and the southerly right-of-way line of Sixth Street. That portion of Sixth Street between Blocks 56 and 51 and between the easterly right-of-way of "B" Street and the westerly right-of-way of "A" Street. That portion of "A" Street lying between the northerly right-of-way of Seventh Street and the northerly property line of Lot 21, Block 52 if extended westerly. A portion of the alley in Block 52 lying between the northerly right-of-way line of Seventh Street and the northerly line of Lot 3, Block 52 if extended westerly. All of that certain alley lying in Block 51. All being in the Second Amended Plat of Fern Ridge as platted and recorded in Book 6, Page 28 Lane County Oregon Plat Records.

I

WHEREAS, Said Petition has been on file for a period of more than thirty (30) days, and whereas, it was ordered that a hearing be

REEL 98 PAGE 1315

held on the described Petition on the 25th day of July, 1979, at 1:30 PM, and such hearing was held as ordered and no opposition was made to the Petition.

II

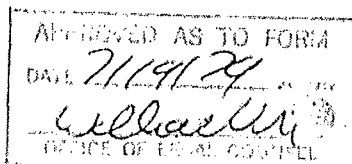
WHEREAS, it appears from the records and file herein that Petitioners are owners and entitled to possession of two-thirds or more of the property abutting the within described streets and alleys and that said streets and alleys, nor any part thereof, have not been open or used by the public for a period of twenty (20) years and all owners abutting said streets and alleys have access to their property from other public streets.

III

WHEREAS, proof of proper posting of notice of the pendency of the described Petition for Vacation of the streets and alleys described herein is on file herein.

NOW, THEREFORE, in accordance with the provisions of ORS Ch. 271, IT IS HEREBY ORDERED that the above-described Petition be granted in whole and that the above-described streets and alleys are hereby vacated without restrictions and title thereto shall vest according to law.

Dated this 25th day of July, 1979.



Vance L. Freeman
 Vance L. Freeman, Chairman
 Lane County Board of Commissioners

ATTACHMENT

PORTION OF MAIN STREET
VACATED BY ORDER 78-6-28-15

NW ¼ Section 2, T. 17 S., R. 5 W. W.M.
Lane County



NO SCALE

