

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

RESOLUTION AND
ORDER NO. 14-11-04-02

IN THE MATTER OF SETTING A PUBLIC HEARING
FOR THE PROPOSED VACATION OF A PORTION
OF HALL ROAD (COUNTY ROAD NO. 50)
(16-06-14)

WHEREAS, a petition has been 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 an unconstructed road, established as County Road No. 50 (Hall Road) in 1896. The area being more particularly described as follows:

All that portion of County Road No. 50 that lies within the bounds of the property described in that deed recorded December 29, 1983 on Reel 1277R, Instrument No. 8348861 (Tax Map # 16-06-14-00-00800) and on that deed recorded on February 24, 2014 on Instrument No. 2014-006314 (Tax Map # 16-06-13-00-00333) in Section 14, Township 16 South, Range 6 West; and

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

WHEREAS, the subject portion of right of way lies north of the as-traveled County Road No.1011 (Templeton Road); and

WHEREAS, it appears this portion of road proposed for vacation has not been used for public purposes for several decades and is no longer needed as part of Lane County's public road system; and

WHEREAS, the Surveyor's Office notified the Qwest Communications, Blachley-Lane Electric, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and the nearby property owners regarding the vacation; and

WHEREAS, one neighboring landowner stated they disagreed with the vacation, therefore it was determined that a public hearing should be held to consider this proposed vacation; and

WHEREAS, the other agencies and landowners either had no objection to the vacation or did not respond to the referral; and

WHEREAS, the Director of Public Works has provided a written preliminary report, as required by ORS 368.346, attached hereto, marked Exhibit "A" and made a part hereof by this Order, which recommends a date be set for the public hearing; and

WHEREAS, the petitioners have paid the deposit required to proceed with a public hearing to consider their vacation request, and the Board deems it appropriate to conduct a public hearing to decide whether to vacate the herein described portion of right of way; and


RESOLVED, that in accordance with ORS Chapter 368, proceedings be undertaken to consider the vacation of a portion of Hall Road (County Road Number 50), as described above; and

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

1. That December 9, 2014 be established as the date for conducting a public hearing regarding the proposed vacation of the above described portion of Hall Road, and the hearing be held at 1:30 p.m. at the Lane County Courthouse, 125 East 8th Avenue, Eugene, Oregon 97401.
2. That the Director of the Lane County Department of Public Works, pursuant to ORS Chapter 368.346, cause the Lane County Surveyor to examine the portion of right of way proposed to be vacated and that the Director provide a written Final Report of findings, which are to be incorporated into the Final Order.
3. That notice of the public hearing will be provided by service, posting and publication in accordance with ORS 368.401 to 368.426.

Inquiries regarding these proceedings may be directed to David Brown, Interim Lane County Surveyor, Public Works Customer Service Center, 3050 N. Delta Hwy., Eugene, Oregon 97408, telephone (541) 682-4195.

DATED this 4th day of November, 2014.



Pat Farr, Chair
Lane County Board of Commissioners

Attachment: Vicinity Map

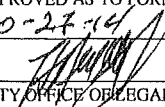
APPROVED AS TO FORM
Date 10-27-14

LANE COUNTY OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR'S PRELIMINARY
REPORT

IN THE MATTER OF SETTING A PUBLIC HEARING
FOR THE PROPOSED VACATION OF A PORTION OF
HALL ROAD (COUNTY ROAD NO. 50) (16-06-14)

The Surveyor's Office of the Department of Public Works has received a valid petition signed by the owners of 100% of the properties abutting the proposed vacation requesting, by the authority of ORS 368.341, a vacation of a portion of a County Road.

Hall Road was established in 1896 with a statutory width of 60 feet. In 1926, Templeton Road (also known as Enright Road) was established in the general vicinity of Hall Road and portions of Hall Road became unnecessary. The portion proposed to be vacated lies just north of the traveled Templeton Road and is no longer constructed or used by the public. If the vacation is approved it will remove the encumbrance from Tax Lot 800 (map 16-06-14) and Tax Lot 333 (map 16-06-13).

The purpose of this vacation request, as stated by primary petitioner is to allow better forest and agricultural use of the land, and expand the winery. The petition for vacation was initiated by the owners of a winery and signed by adjoining neighbors to the east, effectively obtaining signatures representing 100% of the abutting properties. The petitioners further state that there is a phone line and power line that run from Templeton Road across the proposed vacated area and the necessary easements will be retained and run with the land, as provided by law.

The Surveyor's Office notified the Qwest Communications, Blachly-Lane 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 proposed vacation. One landowner responded to the notice and stated they did not agree with the vacation. The other landowners and agencies either had no objections or did not respond to the notice.

John and Suzanne Dodge, the neighbors opposing the vacation own property along the as-traveled Templeton Road (Co. Road Number 1011). They assert the road established as County Road Number 50 is Templeton Road and the road now traveled is not in the designated route. They feel the County should not vacate any of the legal thoroughfares until the road which is now being used, is a legal road.

Kim O'Dea, attorney for the petitioners, responded in writing to the Dodge's objections stating the objections are not supported by evidence and their assertions are in error and are not relevant to the subject vacation.

The portion proposed to be vacated is part of the road established as Hall Road in 1896. Portions of the 1896 alignment may be part of the as-traveled road, commonly known as Templeton Road, but the portion proposed to be vacated is outside of the as-traveled road. The County is aware the currently traveled road varies from the original alignment as found in the road notes for County Road Number 1011, however the Templeton Road has been used by the public and maintained by the County for several decades in the same location that is now traveled and is considered a public road by

EXHIBIT "A"

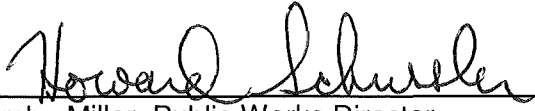
prescriptive rights. Templeton Road is sufficient to serve the local transportation needs, and therefore the subject portion of Hall Road is not needed as part of the Lane County's public road system.

The petitioners state the vacation of the right of way as proposed will be in the public interest. It will add land to the tax base, relieve the public from potential liability for injury or misuse, allow the land to be put to productive forest and agricultural use, eliminate public ownership of land that is not improved, and eliminate redundant and unnecessary road right of way.

It is recommended that the proceedings for vacating this portion of Hall Road as described in the Resolution and Order be commenced as authorized by ORS 368.341(1), and a public hearing date be established to allow the Board of County Commissioners to consider public input as well as staff presentation.

A final report will be submitted prior to the time of the public hearing.

DATED this 20~~TH~~ day of OCTOBER 2014



FOR Marsha Miller, Public Works Director
Department of Public Works



NO SCALE

Portion of County Road No. 50
(established as Hall Road)
Proposed to be Vacated
Section 14, T. 16S. R. 6W. W.M.
Lane County

