

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 14-12-09-03

IN THE MATTER OF VACATING A PORTION OF
HALL ROAD (COUNTY ROAD NUMBER 50),
LOCATED IN SECTION 14, TOWNSHIP 16 SOUTH,
RANGE 6 WEST OF THE WILLAMETTE MERIDIAN,
IN LANE COUNTY, OREGON, WITH A PUBLIC
HEARING (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 Number 50 (Hall Road) in 1896. The area being more particularly described as follows:

All that portion of County Road Number 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 in 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 property abutting the proposed vacation, request the vacation be approved as proposed; and

WHEREAS, all necessary procedures for the vacation of the portion of Hall Road herein described, having been initiated by petition, have been complied with, pursuant to ORS Chapter 368; and

WHEREAS, by approving Resolution and Order Number 14-11-04-02, the Board of County Commissioners set December 9, 2014 to conduct a public hearing on the matter of vacating the portion of Hall Road, County Road Number 50, described herein before the Board of Commissioners for Lane County, Oregon; and

WHEREAS, the Director of Public Works has provided a final written report, as required by ORS 368.346, attached hereto, marked Exhibit "A" and made a part hereof by this Order; 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, 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, and as evidenced by the Affidavit of Posting, Publication, and Mailing labeled as Exhibit "C", attached hereto and made a part hereof by this Order; and

WHEREAS, the Lane County Surveyor has examined the area where Hall Road was originally

laid out and herein described; 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 Petitioners are requesting this vacation in order to allow better forest and agricultural use of the land and expand the winery; and

WHEREAS, the Surveyor's Office notified 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, John and Suzanne Dodge, 93040 Templeton Rd, Cheshire, responded in writing, stating they disagreed with the vacation, therefore it was determined that a public hearing should be held to consider this proposed vacation; and

WHEREAS, Kim O'Dea, attorney for the petitioners, responded to the objection stating the Dodge's objections are not supported by evidence and their assertions are in error and are not relevant to the subject 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 public interest will be served by this vacation, as vacating this portion of Hall Road will allow the land to be put to productive forest and agricultural use, eliminate public ownership of land that is not improved and has no anticipated use, relieve the public from potential liability for injury or misuse, and add a marginal portion of land to the tax rolls; and

WHEREAS, the petitioners have paid the deposit required to proceed with a public hearing to consider their vacation request; and

WHEREAS, a public hearing was conducted on this date, as ordered, regarding the proposed vacation of the portion of Hall Road, County Road No. 50, herein described.

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

1. That in accordance with ORS Chapter 368, the portion of Hall Road (County Road Number 50), as described above; is hereby VACATED.
2. That an easement is hereby retained for any and all existing public utilities that may now exist within the bounds of the portion of right of way herein described by these proceedings.

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.

ADOPTED this 9th day of December, 2014.



Pat Farr, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 12-15-14

LANE COUNTY OFFICE OF LEGAL COUNSEL