

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 20-06-02-04

IN THE MATTER OF THE VACATION OF
COMMERCIAL STREET LOCATED ADJACENT TO
LOTS 9 AND 10, BLOCK 64 OF THE SECOND
AMENDED PLAT OF FERN RIDGE, AS PLATTED
AND RECORDED IN BOOK 6, PAGE 28, LANE
COUNTY OREGON PLAT RECORDS, LANE
COUNTY, OREGON, WITHOUT A PUBLIC
HEARING. (16-05-35-34)

WHEREAS, the Surveyor's Office of the Department of Public Works has received a valid petition signed by Judy Rue-Kethcart, Steven Lee Kethcart, Nancy Lee Whiddon, and Ronald L. Mortensen, requesting, under authority of ORS Chapter 368.341, the vacation of a public street more particularly described as follows:

All that portion of Commercial Street, a 60 foot wide road, lying adjacent to Lots 9 and 10 of Block 64 of the Second Amended Plat of Fern Ridge, as platted and recorded in Book 6, Page 28, Lane County Oregon Plat Records, Lane County, Oregon.

WHEREAS, the petition, marked as Exhibit "A", and made a part of this Order, 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, Emerald PUD, Comcast, Century Link, and other agencies such as Lane County Land Management, Transportation Planning, Road Maintenance, Lane Fire Authority, Bethel School District, LCOG, Lane ESD, and adjoining and nearby property owners were notified of this action by mail. The above listed agencies and landowners either had no objection to the vacation or did not respond to our referral; and

WHEREAS, petitioners request a public utility easement will be reserved for all existing public utilities; and

WHEREAS, the public street proposed to be vacated is not improved or open for public travel; and

WHEREAS, ORS 368.331 states "*A county governing body shall not vacate public lands under ORS 368.326 to 368.366 if the vacation would deprive an owner of a recorded property right of access necessary for the exercise of that property right unless the county governing body has the consent of the owner*" and the owners have given consent by signing the petition; and

WHEREAS, no property will be denied legal access as a result of this vacation; and

WHEREAS, the public interest will be served by this vacation as it not being used by the motoring public, and will help convert the unimproved portion of right of way into taxable real property; and

WHEREAS, no other areas of public interest that would necessitate retaining this public right of way have been identified; 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 "B", attached, and made a part of this Order; and

WHEREAS, the Director of Lane County Public Works has provided a written report marked as Exhibit "C", determining the Special Benefit to the applicant is \$14,800, pursuant to Lane Manual 60.854, which has been paid in full by petitioners Kethcart; and

WHEREAS, the petitioners have paid a vacation fee deposit of \$3,400 and will pay actual costs incurred, including recording fees, upon final approval of the vacation; 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 will not be a detriment to public interest; and

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

1. The above described portion of Commercial Street is hereby VACATED.
2. Pursuant to the petitioner's request and by the authority of ORS 368.366(2), direct that title vest solely to that property identified on Assessor's Map 16-05-35-34 as Tax Lot 2001, and further described as Lots 9 and 10, Block 64, Second Amended Plat of Fern Ridge, as platted and recorded in Book 6, Page 28, Lane County Oregon Plat Records, Lane County, Oregon.
3. 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 Commercial Street herein described by these proceedings as vacated.
4. This Order be filed with the County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration, and be further recorded in the Lane County, Oregon Deed Records.

ADOPTED this 2nd day of June, 2020



Heather Buch, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date 5/26/2020


LANE COUNTY OFFICE OF LEGAL COUNSEL