

AGENDA COVER MEMO

DATE: January 24, 2003
TO: Lane County Board of Commissioners
FROM: K. Robert Ezell, Lane County Surveyor *K.R. Ezell*
DEPARTMENT: Public Works/Land Management Division

AGENDA ITEM TITLE: IN THE MATTER OF SETTING A PUBLIC HEARING FOR THE PROPOSED VACATION OF A PORTION OF GLENADA-SAND DUNES ROAD, COMMONLY KNOWN AS SOUTH JETTY ROAD (COUNTY ROAD NUMBER 1330) LOCATED APPROXIMATELY .66 MILES WEST OF U.S. HIGHWAY NUMBER 101 IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 34, TOWNSHIP 18 SOUTH, RANGE 12 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON
(18-12-34)

I. MOTION:

**TO APPROVE THE RESOLUTION, NOTICE OF HEARING AND ORDER SETTING AN AGENDA DATE OF MARCH 19, 2003 AT 1:30 P.M. TO CONSIDER THE PROPOSED VACATION OF A PORTION OF GLENADA-SAND DUNES ROAD, COMMONLY KNOWN AS SOUTH JETTY ROAD (COUNTY ROAD NUMBER 1330) LOCATED APPROXIMATELY .66 MILES WEST OF U.S. HIGHWAY NUMBER 101 IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 34, TOWNSHIP 18 SOUTH, RANGE 12 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON
(18-12-34)**

II. ISSUE:

To decide whether to initiate the proceedings to set a public hearing before the Board of Commissioners which could lead to the vacation of a portion of South Jetty Road, being 300 feet in length, and encompassing two fee stations for the South Jetty area of the Oregon Dunes National Recreation Area, if such vacation is found to be in the public interest.

III. DISCUSSION:**A. Background:**

The Surveyor's Office of the Department of Public Works has received a valid petition signed by Michael Carrier, Director of Oregon Parks and Recreation Department, and Gloria D. Brown, Forest Supervisor of the Siuslaw National Forest, requesting the vacation of a portion of Glenada-Sand Dunes Road, commonly known as South Jetty

Road. The State of Oregon owns the property adjoining the proposed road vacation and the Siuslaw National Forest has an interest in this vacation, as they operate the fee stations currently located within the described right of way.

In 1964, Glenada-Sand Dunes Road was established as County Road Number 1330, now commonly known as South Jetty Road, having a variable width right of way. South Jetty Road provides access to the South Jetty area of the Oregon Dunes National Recreation Area that is operated by the Siuslaw National Forest. The portion of roadway immediately to the west of the subject right of way was vacated in 1979 so that the Forest Service could relocate a portion of the road and establish additional parking. In 1985, the State of Oregon granted an easement to the Siuslaw National Forest for the purpose of road construction and maintenance over the portion of roadway now being proposed for vacation. The subject portion of roadway remained on the records as a county road, even though the county has not maintained this segment for approximately the last 20 years. The petitioners wish to vacate said portion of the South Jetty Road so that the fee stations can remain in their current location and the Forest Service can continue to manage the facilities connected with the operation of the park that lie within the county right of way.

The Surveyors Office notified Qwest Communications, Central Lincoln People's Utility District, Northwest Natural Gas, and various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works regarding the vacation. The agencies and the adjacent landowners either had no objection to the vacation or did not respond to the referral.

The proposed vacation was included on the agenda for Board of Commissioners as a "consent" item, on January 21, 2003, but the Board requested that a public hearing be held regarding this matter so that the public could be notified and given an opportunity to comment.

B. Analysis:

The segment of roadway proposed to be vacated lies within state-owned property and the State has previously granted the Forest Service an easement encompassing the subject right of way. Vacating the proposed portion of right of way will change the county road records to more accurately describe the portions being maintained by the county, and will allow the Forest Service to continue operating the fee booths in their current location and maintain the subject right of way.

The right-of-way proposed for vacation is not needed as part of the Lane County transportation system. No property will be denied legal access as a result of this vacation. It is believed that the public interest will be served, as the petitioners will be able to maintain the right of way, control parking, and operate the fee stations located within the right of way.

There are utilities within the right of way that provide electricity to the fee stations. If the petition to vacate is approved, the Final Order will retain an easement for maintenance of existing utilities within the right of way.

C. Alternatives/Options:

The Board of County Commissioners has the options to:

1. Set an Agenda Hearing date as requested by the Board of Commissioners to consider the vacation of a portion of South Jetty Road (County Road Number 1330), as petitioned for.
2. Set any later Agenda Hearing date, as the Board may wish, to consider the vacation of a portion of South Jetty Road (County Road Number 1330), as petitioned for.
3. Refuse to set a date to initiate proceedings to consider the vacation of a portion of South Jetty Road (County Road Number 1330), as petitioned for.

D. Recommendations:

The Public Works Director's Preliminary Report, Exhibit "A" attached to the Resolution and Order, recommends that the Board support Option Number 1, setting a date for a public hearing.

Setting a public hearing date to consider the issues, taking testimony and possibly acting on the request for vacation is the recommended course to take. The date proposed will allow appropriate time for the provision of public notice for the hearing.

E. Timing:

Timing is not critical in this matter.

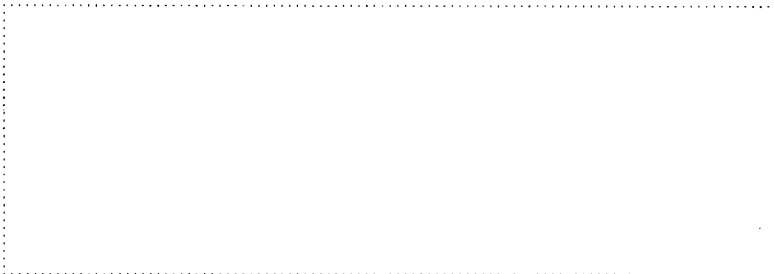
IV. IMPLEMENTATION/FOLLOW-UP:

If the Board of County Commissioners approves the Resolution and Order setting a date for a public hearing on the proposed vacation of South Jetty Road, it is to be forwarded to the Lane County Clerk for filing and recording, after which, copies are to be forwarded to the County Surveyor who will provide public notice of the proposed action. If the Board wishes to postpone the matter or to terminate proceedings an Order to Postpone or Terminate will be presented to the Board at a later regularly scheduled meeting.

V. ATTACHMENTS:

Resolution and Order w/attachments:
Petition
Preliminary Director's Report - Exhibit "A"
Attachment "A" - Vicinity Map

Contact Person: K. Robert Ezell x3626



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

FILE NO. 4090

**IN THE MATTER OF SETTING A PUBLIC HEARING)
FOR THE PROPOSED VACATION OF A PORTION OF)
GLENADA-SAND DUNES ROAD, COMMONLY)
KNOWN AS SOUTH JETTY ROAD (COUNTY ROAD)
NUMBER 1330) LOCATED APPROXIMATELY .66 MILES)
WEST OF U.S. HIGHWAY NUMBER 101 IN THE)
SOUTHWEST QUARTER (SW 1/4) OF SECTION 34,)
TOWNSHIP 18 SOUTH, RANGE 12 WEST OF THE)
WILLAMETTE MERIDIAN, IN LANE COUNTY,)
OREGON (18-12-34))**

**RESOLUTION,
NOTICE OF HEARING
AND ORDER**

THIS MATTER now coming before the Board of County Commissioners of Lane County, Oregon, and it appears to said Board that a valid petition has been received, and is attached hereto and made a part hereof, by this Resolution, Notice of Hearing and Order, requesting the vacation of a portion of Glenada-Sand Dunes Road, commonly known as South Jetty Road (County Road Number 1330); and

WHEREAS, South Jetty Road begins at the westerly right-of-way of U.S. Highway Number 101, and runs westerly to the South Jetty area of the Oregon Dunes National Recreation Area. The portion proposed to be vacated is described below:

The westerly 300 feet of the unvacated portion of Glenada-Sand Dunes Road, commonly known as South Jetty Road (County Road Number 1330) lying within the Southeast one-quarter of the Southwest one-quarter (SE ¼ SW ¼) of Section 34, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon, and being a portion of that property granted to Lane County as an easement for a road right of way over State of Oregon public lands, recorded on Reel 131-59D, Recorder's Reception Number 64542, Lane County, Oregon Deed Records; and

WHEREAS, in accordance with ORS Chapter 368.341 proceedings may be undertaken to consider whether it is in the public interest and benefit to vacate the described portion of South Jetty Road; and

WHEREAS, the described portion of right of way lies within state-owned property and the State has granted an easement to the Siuslaw National Forest that encompasses the subject right of way for the purpose of constructing, improving, operating, and maintaining the roadway; and

WHEREAS, there are two fee stations operated by the Siuslaw National Forest located within the subject right of way; and

WHEREAS, Qwest Communications, Central Lincoln People's Utility District, Northwest Natural Gas, and various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works were notified by mail regarding the proposed vacation and either had no objections or did not reply to the referral; and

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

WHEREAS, a utility easement will be reserved for repair and maintenance of any existing utilities within the vacated right-of-way; and

WHEREAS, the Director of the Department of Public Works has provided a preliminary written report in support of the proposed vacation, as required by ORS 368.346, marked as Exhibit "A", attached hereto and made a part hereof, by this Resolution, Notice of Hearing and Order, which recommends a date be set for the public hearing; now, therefore, it is hereby

ORDERED, that March 19, 2003 be established for hearing said report and for conducting a public hearing of the said proposed vacation and that said hearing be held at 1:30 P.M. at the Lane County Courthouse, 125 East 8th Avenue, Eugene, Oregon 97401; and it is further ordered

ORDERED, that notice of the public hearing be provided by service, posting, and publication in accordance with ORS Chapter 368.401 to 368.426.

Inquiries regarding this vacation may be directed to K. Robert Ezell, Lane County Surveyor, Public Service Building, 125 East 8th Avenue, Eugene, Oregon, 97401, telephone (541)682-4195.

DATED this _____ day of _____, 2003

Peter Sorenson, Chair
LANE COUNTY BOARD OF COMMISSIONERS

Attachments: Petition to Vacate
Vicinity Map

APPROVED AS TO FORM

Date 1-27-03 lane county

OFFICE OF LEGAL COUNSEL

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

FILE NO.

IN THE MATTER OF THE VACATION OF A)
PORTION OF GLENADA-SAND DUNES ROAD,)
COMMONLY KNOWN AS SOUTH JETTY ROAD,))
(COUNTY ROAD NUMBER 1330) LOCATED IN)
SECTION 34, TOWNSHIP 18 SOUTH, RANGE 12)
WEST OF THE WILLAMETTE MERIDIAN IN)
LANE COUNTY, OREGON.)

PETITION TO VACATE

PURSUANT to the procedures set forth in ORS Chapter 368, we the undersigned State of Oregon, owners of the adjacent real property, and the United States Department of Agriculture, having an interest in the property, hereby petition for the vacation of a portion of South Jetty Road (County Road Number 1330). The area to be vacated is described as follows:

“The westerly 300 feet of the unvacated portion of South Jetty Road (County Road Number 1330) lying within the Southeast one-quarter of the Southwest one-quarter (SE ¼ SW ¼) of Section 34, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon, and being a portion of that property granted to Lane County as an easement for a road right-of-way over State of Oregon public lands, recorded on Reel 131-59D, Recorder’s Reception No. 64542, Lane County, Oregon Deed Records”

WHEREAS, the undersigned petitioners are the owners of 100% of all the real property located adjacent to the above described area to be vacated, and

WHEREAS, petitioners allege as follows:

1. The purpose of this petition is to vacate the described portion of the County Road public right-of-way lying within state-owned property that provides access into the South Jetty area of the Oregon Dunes National Recreation Area. The State of Oregon has previously granted easements to the Siuslaw National Forest for the purpose of road construction and maintenance over said portion of County Road.
2. A portion of the existing road appears to be outside of the established County right-of-way.
3. There are two fee stations within the county right-of-way that are currently being operated by the Siuslaw National Forest and vehicles park in the road right-of-way.
4. An easement will be retained for maintenance of existing utilities within the right-of-way.

WHEREAS, no portion of the area to be vacated is located within the boundaries of an incorporated City or Town, and

WHEREAS, the public interest will be served and not prejudiced by the vacation of the above described area, and

WHEREAS, the petitioners have no objection to Lane County proceeding under the authority of ORS Chapter 368.326, for vacation without a hearing, and

THEREFORE, the petitioners are requesting an Order from the Board of Commissioners for Lane County as follows:

1. Setting dates to consider the vacation of the above-described portion of road, with or without a hearing before the Board of Commissioners for Lane County pursuant to ORS Chapter 368.
2. Upon review of this matter, to direct the vacation of the above-described portion of road, and direct that title to the vacated area revert and vest in accordance with ORS 368.366.

DATED this 4th day of OCTOBER, 2002.

PETITIONERS:

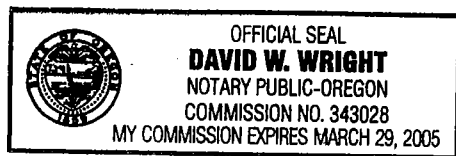
Michael Carrier
 State of Oregon

MAP #: 18-12-34 Tax Lot 300

ADDR: ~~State Land Board~~ *Oregon Parks & Recreation Dept.*
 Salem, OR 97310 *1115 Commercial St NE*
SALEM, OR 97301-1002

STATE OF OREGON)
COUNTY OF LANE) ss.

The foregoing instrument was acknowledged before me this day of October 4, 2002,
 by Michael Carrier on behalf of the State of Oregon.



David W Wright
 Notary Public for Oregon
 My Commission expires: 3-29-05

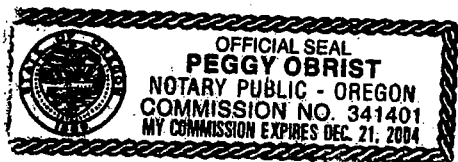
Floria D. Brown

United States Department of Agriculture

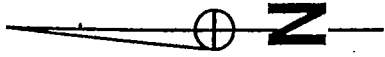
ADDR: Siuslaw National Forest
4077 SW Research Way
Corvallis, OR 97333

STATE OF OREGON)
COUNTY OF LANE) ss.

The foregoing instrument was acknowledged before me this day of 7th of Aug., 2002,
by Floria D. Brown, on behalf of the United States Department of Agriculture.

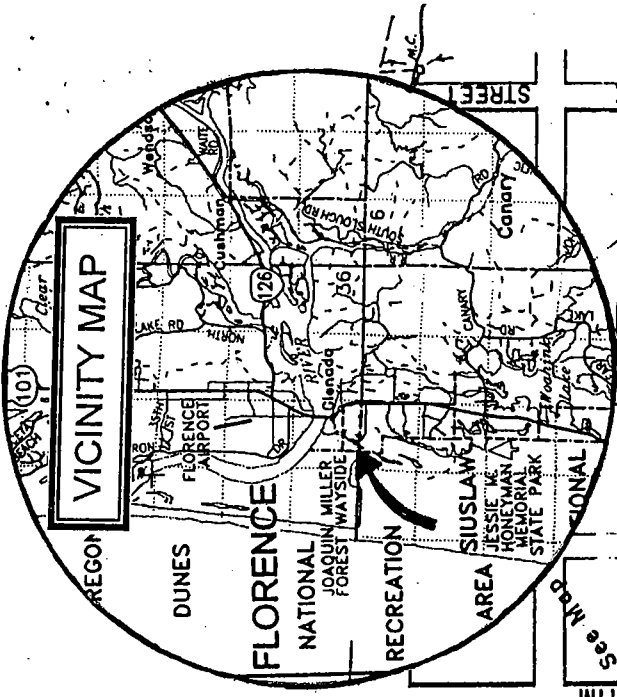


Peggy Obrist
Notary Public for Oregon
My Commission expires: 12/21/04

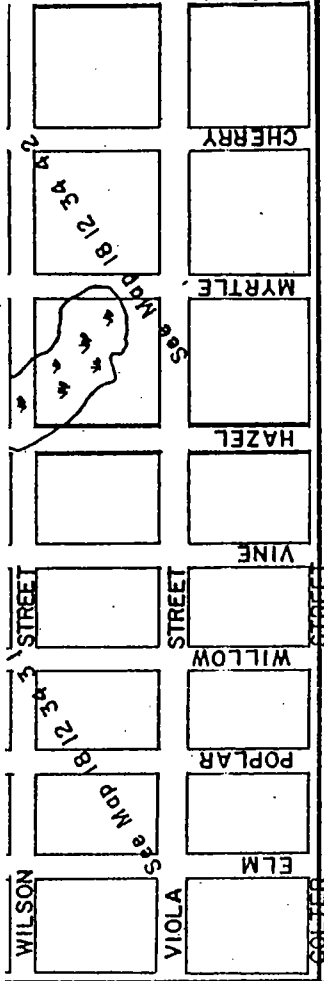


NOT TO SCALE

ATTACHMENT
Section 34 T. 18S. R. 12 W. W.M.
and
Section 3 T. 19S. R. 12 W. W.M.
LANE COUNTY



18-12-34 TL 200
US DEPT OF AGRICULTURE
SIUSLAW NATIONAL FOREST



18-12-34 TL 300
OREGON DIVISION OF STATE LANDS

PROPOSED TO BE VACATED

PREVIOUSLY VACATED
BOARD ORDER # 79-3-7-4

Section 34
Section 3

19-12-03 TL 101
THE GRAND LODGE OF OREGON IOOF

↑ SOUTH JETTY ROAD
COUNTY ROAD NO. 1330

SAND

DUNES

ROAD

See Map 18 12 34 4
See Map 18 12 34 4

ASH

OAK

LAKE

LAKE STREET

U.S. NO. 101

34 35 2 3

ORIGINAL

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

FILE NO. 4090

IN THE MATTER OF SETTING A PUBLIC HEARING)
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TOWNSHIP 18 SOUTH, RANGE 12 WEST OF THE)
WILLAMETTE MERIDIAN, IN LANE COUNTY,)
OREGON (18-12-34))

PRELIMINARY
DIRECTOR'S REPORT

The Surveyor's Office of the Department of Public Works has received a valid petition, signed by the Director of Oregon Parks and Recreation Department and the Forest Supervisor of the Siuslaw National Forest, requesting the vacation of a portion of Glenada-Sand Dunes Road, commonly known as South Jetty Road. The State of Oregon owns the property adjoining the proposed vacation and the Siuslaw National Forest has an interest in this vacation, as they operate the fee stations that lie within said right of way.

County Road Number 1330 was established as Glenada-Sand Dunes Road in 1964, having a variable width right of way. The road is now commonly known as South Jetty Road and provides access to the South Jetty area of the Oregon Dunes National Recreation Area that is operated by the Siuslaw National Forest. The portion of roadway immediately to the west of the subject right of way was vacated in 1979 so that the Forest Service could relocate a portion of the road and establish additional parking. In 1985, the State of Oregon granted an easement to the Siuslaw National Forest for the purpose of road construction and maintenance over the portion of roadway now being proposed for vacation. The subject portion of roadway remained on the records as a county road, even though the county has not maintained this segment for the last 20 years. The petitioners wish to vacate said portion of the South Jetty Road so that the fee stations can remain in their current location and the Forest Service can continue to manage the facilities connected with the operation of the park that currently lie within the county right of way.

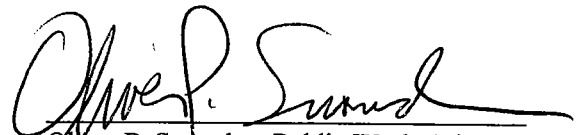
The Surveyors Office notified Qwest Communications, Central Lincoln People's Utility District, Northwest Natural Gas, and various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works regarding the vacation. The agencies and the adjacent landowners either had no objection to the vacation or did not respond to the referral.

The subject portion of South Jetty Road is not needed as part of the Lane County Transportation System and no property will be denied legal access by this vacation. It is concluded that this vacation is in the public's interest, as it will revert back to state-owned property and the Forest Service can maintain the right of way, control parking, and operate the fee stations located within the subject right of way.

It is recommended that the Resolution, Notice of Hearing and Order to consider the vacation of a portion of Glenada-Sand Dunes Road, commonly known as South Jetty Road (County Road Number 1330) be approved and a date be set for conducting a public hearing by the Board of Commissioners.

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

DATED this 27th day of January, 2003

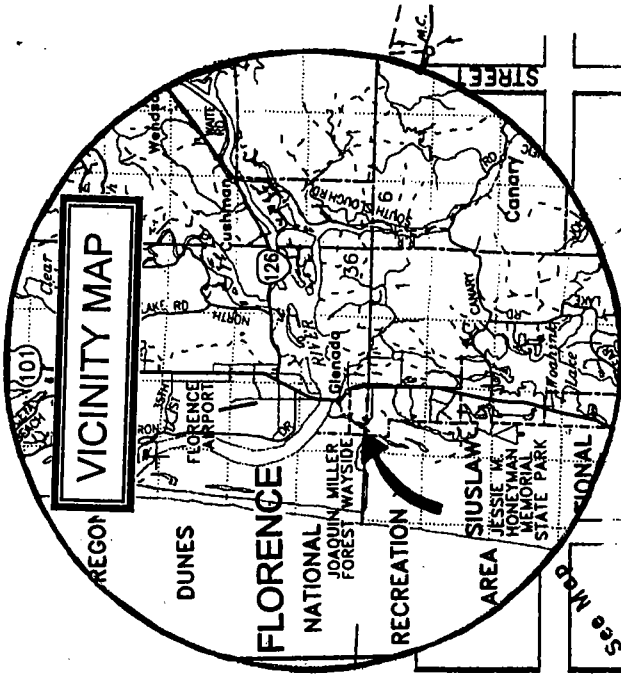

Oliver P. Snowden, Public Works Director

ORIGINAL

ATTACHMENT "A"

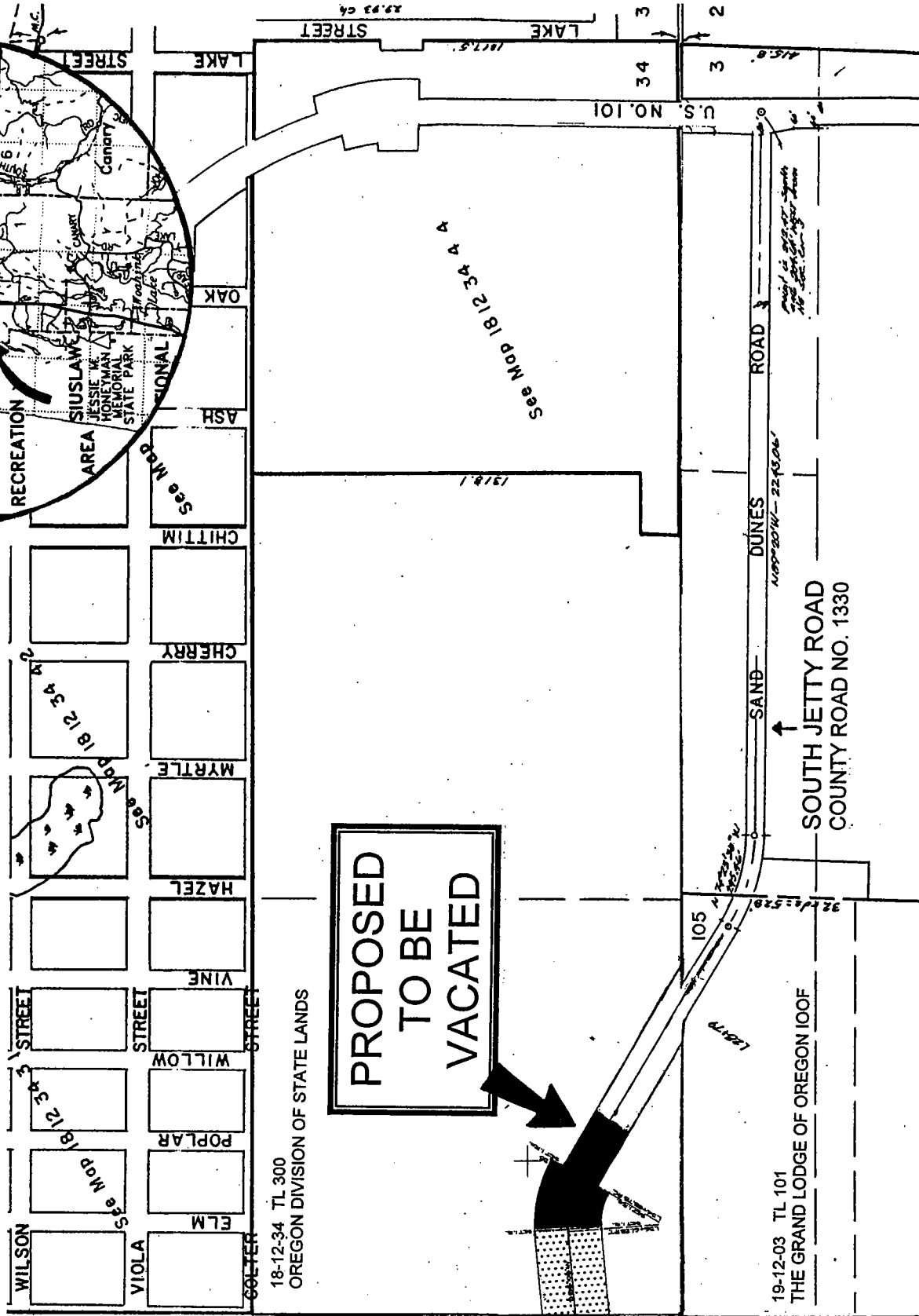
Section 34 T. 18S. R. 12W. W.M.

LANE COUNTY



NOT TO SCALE

18-12-34 TL 200
US DEPT OF AGRICULTURE
SIUSLAW NATIONAL FOREST



Section 34

Section 3

PREVIOUSLY VACATED
BOARD ORDER # 79-3-7-4

