

**AGENDA COVER MEMO**

**DATE:** October 27, 2003  
**TO:** Lane County Board of Commissioners  
**FROM:** Bill Robinson, Interim Lane County Surveyor *BR*  
**DEPARTMENT:** Public Works/Land Management Division

**AGENDA ITEM TITLE:** IN THE MATTER OF VACATING PORTIONS OF THE PLATTED PARCEL LINES OF LAND PARTITION PLAT NUMBER 91-P0083, AS PLATTED AND RECORDED IN LANE COUNTY, OREGON PLAT RECORDS, WITHOUT A PUBLIC HEARING, AND ADOPTING FINDINGS OF FACT (19-15-15 & 22)

**I. MOTION:**

**TO APPROVE THE ORDER IN THE MATTER VACATING PORTIONS OF THE PLATTED PARCEL LINES OF LAND PARTITION PLAT NUMBER 91-P0083, AS PLATTED AND RECORDED IN LANE COUNTY, OREGON PLAT RECORDS, WITHOUT A PUBLIC HEARING, AND ADOPTING FINDINGS OF FACT (19-15-15 & 22)**

**II. ISSUE:**

To decide whether to vacate portions of the exterior boundary and a portion of the parcel line between Parcel 1 and Parcel 2 of Land Partition Plat Number 91-P0083, as petitioned for, being a condition of final approval for PA02-5809.

**III. DISCUSSION:**

**A. Background:**

The Surveyor's Office of the Department of Public Works has received a valid petition signed by Steve L. and Natalie N. Reid; Patricia Ann Reid; Sherry D. Wysong; Betty Wysong; Michael R. and Keri L. Stutesman; Brandy Wysong; L.M. Giustina, member of LMG, LLC, a General Partner for Giustina Land and Timber Company, and Richard E. Ralls, member of Pangaea Pacific Timberlands, LLC, and owner of Pangaea, Inc. These individuals and agencies are the landowners of 100% of the property abutting the proposed vacation of various partition lines, requesting, by the authority of ORS 368.351, a vacation without a public hearing.

Land Partition Plat Number 91-P0083 was platted in 1991 and recorded in the Lane County, Oregon Plat Records. The petitioners are requesting this vacation in order to meet a condition of approval for PA 02-5809, a partition which will include a replat of a portion of Parcel 2.

Qwest Communications, Lane Electric Cooperative, Northwest Natural Gas, and various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works were contacted regarding the proposed vacation and either had no objection or did not reply to the referral.

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B. Analysis:

The public interest will be served, as vacating portions of the exterior boundary line of Land Partition Plat Number 91-P0083 and a portion of the parcel line between Parcel 1 and Parcel 2, of said partition, will allow the petitioners to reconfigure the parcels of said partition to coincide with a property line adjustment that has been completed and recorded in the Lane County Oregon Deed Records on Reel 1774R, Instrument Number 9237606, and vacating portions of the exterior boundary of said partition will allow the petitioners to replat a portion of Parcel 2 of said partition. The proposed vacation is allowed by ORS 368.326.

Vacating the described parcel lines will satisfy a requirement, set by the Planning section of the Lane County Public Works Department, for the final approval of PA 02-5809. There are no known utilities affected by the proposed vacation, and no property will be denied legal access as a result of these proceedings.

The petitioners have met the requirements of ORS 368.351(2), as the petition to vacate contains the acknowledged signatures of 100% of the adjoining landowners.

C. Alternatives/Options:

The Board of County Commissioners has the options to:

1. Approve the vacation of portions of the boundary line and a portion of the parcel line between Parcel 1 and Parcel 2 of Land Partition Plat Number 91-P0083, as petitioned for.
2. Deny the vacation of portions of the boundary line and a portion of the parcel line between Parcel 1 and Parcel 2 of Land Partition Plat Number 91-P0083, as petitioned for.
3. Continue matter of vacating portions of the boundary line and a portion of the parcel line between Parcel 1 and Parcel 2 of Land Partition Plat Number 91-P0083, with a public hearing.

D. Recommendations:

The Public Works Director's Report recommends that the Board support Option Number 1, approving the vacation of portions of the exterior boundary and a portion of the parcel line between Parcel 1 and Parcel 2 of Land Partition Plat Number 91-P0083, as petitioned for. The vacation will satisfy a certain land development requirement set by the Lane County

Planning section of the Land Management Division of the Lane County Public Works Department, allowing the petitioners to reconfigure the parcels of the partition followed by a replat of Parcel 2 of Land Partition Plat Number 91-P0083.

All statutory procedures necessary for the vacation without a public hearing of the above mentioned exterior boundary lines and parcel line of Land Partition Plat Number 91-P0083 have been complied with, including a report by the Director of Public Works who recommends approval of the vacation, as described in the petition.

**E. Timing:**

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Timing is a consideration in this matter. The portions of the exterior boundary line and parcel line of Land Partition Plat Number 91-P0083 must be vacated before a pending Partition can be approved.

**IV. IMPLEMENTATION/FOLLOW-UP:**

If the Board of County Commissioners approves the Order of Vacation 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 and County Assessor for appropriate action. If the vacation is denied, an Order to Deny the Vacation will be presented to the Board at a later regularly scheduled meeting.

**V. ATTACHMENTS:**

Order w/attachments:

- Petition
- Director's Report - Exhibit "A"
- Findings of Fact - Exhibit "B"
- Attachment "A" - Vicinity Map

Contact Person: Bill Robinson x-4198

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

FILE NO. 4108

IN THE MATTER OF VACATING PORTIONS OF THE )  
PLATTED PARCEL LINES OF LAND PARTITION PLAT )  
NUMBER 91-P0083, AS PLATTED AND RECORDED IN ) ORDER NO.  
LANE COUNTY, OREGON PLAT RECORDS, WITHOUT )  
A PUBLIC HEARING, AND ADOPTING FINDINGS OF )  
FACT (19-15-15 & 22) )

WHEREAS, this matter now coming before the Board upon a petition received by the County Surveyor's Office of the Lane County Department of Public Works requesting, under authority of ORS Chapter 368.326 and 368.341, the vacation of a portion of the parcel line between Parcel 1 and 2 of Land Partition Plat Number 91-P0083 and portions of the exterior boundary line of said plat, being further described as follows:

That portion of the parcel line between Parcel 1 and Parcel 2 beginning at the North corner common to Parcel 1 and Parcel 2, Land Partition Plat Number 91-P0083, as recorded in Lane County Plat Records, in Lane County, Oregon; thence South 20°18'12" West 1677.63 feet, and there ending.

ALSO, that portion of the original Plat boundary of said plat encompassing the original Parcel 2 lying south of Winberry Creek being within the Southwest one-quarter (SW ¼) of Section 15, Township 19 South, Range 1 East of the Willamette Meridian, in Lane County, Oregon.

ALSO, that portion of the original Plat boundary of said plat encompassing the original Parcel 2 being within the northeast one-quarter (NE ¼) of Section 22, Township 19 South, Range 1 East of the Willamette Meridian, in Lane County, Oregon, EXCEPT that portion of the original Plat boundary lying north of Winberry Creek.

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, agree that the vacation should be approved as proposed; and

WHEREAS, ORS Chapter 368.351 provides for the vacation of property without a public hearing; and

WHEREAS, Qwest Communications, Lane Electric Cooperative, Northwest Natural Gas, and various other agencies including Transportation Planning and Lane County Planning sections of the Lane

County Department of Public Works were contacted regarding the proposed vacation and either had no objection or did not reply to the referral; and

**WHEREAS**, there are no known utilities affected by the proposed vacation and no property will be denied legal access by this vacation; and

**WHEREAS**, the proposed vacation will satisfy a certain land development requirement set by the Planning section of the Lane County Public Works Department for the final approval of PA 02-5809, and it then is concluded the public will benefit by this vacation, as vacating the above described parcel line will allow the petitioners to reconfigure the parcels of said partition to coincide with a property line adjustment that has been completed and recorded in the Lane County Oregon Deed Records on Reel 1774R, Instrument Number 9237606, and vacating portions of the exterior boundary of said partition will allow the petitioners replat a portion of Parcel 2 of said partition; and

**WHEREAS**, the petitioners have paid a vacation fee of \$650 and will pay recording fees upon final approval of the vacation; 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 "A", attached hereto and made a part hereof, by this Order; 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, is in the best interest of the public; now, therefore, it is hereby

**ORDERED**, that the portion of the parcel line between Parcel 1 and Parcel 2 of Land Partition Number 91-P0083 and portions of the exterior boundary line of said partition, as described above, is hereby vacated; and it is further

**ORDERED**, that in support of this action, the Board hereby adopts the Findings of Fact, marked as Exhibit "B", attached hereto and made a part hereof by this Order; and it is further

**ORDERED**, 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.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2003

\_\_\_\_\_  
Peter Sorenson, Chair  
LANE COUNTY BOARD OF COMMISSIONERS

Attachment: Vicinity Map (Attachment "A")

APPROVED AS TO FORM

Date 11-3-03 lane county

  
OFFICE OF LEGAL COUNSEL

FILE NO.

IN THE MATTER OF THE VACATION OF A )  
 PORTION OF THE PARCEL LINE BETWEEN )  
 PARCELS 1 & 2 AND PORTIONS OF THE PLAT ) PETITION TO VACATE  
 BOUNDARY OF LAND PARTITION PLAT NO. )  
 91-0083, IN SECTIONS 15 AND 22, TOWNSHIP )  
 19 SOUTH, RANGE 1 EAST OF THE WILLAM- )  
 ETTE MERIDIAN, IN LANE COUNTY, OREGON )

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PURSUANT to the procedures set forth in ORS Chapter 368, we the undersigned, STEPHEN L. REID and NATALIE N. REID, PATRICIA ANN REID, SHERRY D. WYSONG, BETTY WYSONG, BRANDY WYSONG, MICHAEL R. STUTESMAN and KERI L. STUTESMAN, PANGAEA PACIFIC TIMBERLANDS, LLC, PANGAEA, INC, an Oregon corporation and GIUSTINA LAND & TIMBER CO., Limited Partnership, as owners of adjacent real property, hereby petition for the vacation of a portion of the Parcel line between Parcels 1 and 2 and for the vacation of the two portions of the Plat Boundary of Land Partition Plat No. 91-0083, being further described as follows:

1. A portion of the parcel line between Parcels 1 & 2 being described as follows:  
 Beginning at the North corner common to Parcels 1 and 2, Land Partition Plat Number 91-0083, as recorded in Lane County Plat Records, in Lane County, Oregon; thence South 20° 18' 12" West 1677.63 to the angle point, said point being the Point of Ending of this Vacation, in Lane County, Oregon.
2. That portion of the original Plat boundary encompassing the original Parcel 2 lying south of Winberry Creek being within the Southwest one-quarter of Section 15, Township 19 South, Range 1 East of the Willamette Meridian, in Lane County, Oregon.
3. That portion of the original Plat boundary encompassing the original Parcel 2 lying south of Winberry Creek being within the northeast one-quarter of Section 22, Township 19 South, Range 1 East of the Willamette Meridian, in Lane County, Oregon.

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

WHEREAS, petitioners allege as follows:

The purpose of this vacation request is to clear the plat boundary to conform to their present ownership so a pending Land Partition being Lane County Planning's PA 02-5809 can be finalized.

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

WHEREAS, the public interest will be served and not prejudiced by the vacations of the above described areas...and

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

THEREFORE, the petitioners request an Order of the Board of Commissioners for Lane County as follows:

1. Setting a date for vacation of the above-described Parcel Line and Plat Boundaries.
2. Upon review of this matter, to direct the vacation of the above-described Parcel line and Plat Boundaries.

PETITIONERS:

\* Stephen L Reid                      Natalie N. Reid  
 Stephen L Reid                      Natalie N. Reid  
 Map No. 19-15-15-00, Tax Lot 305, 42642 Winberry Creek Road, Fall Creek, OR 97438

STATE OF OREGON            )  
   )ss  
 COUNTY OF LANE            )

This instrument was acknowledged before me on August 11 2003 by Stephen L. Reid and Natalie N. Reid.

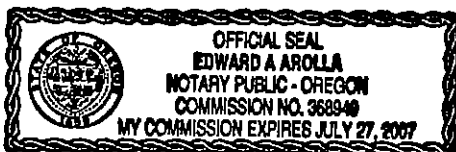


Tara King  
 Notary Public for Oregon  
 My Commission Expires: April 1 2006

\* Patricia Ann Reid  
 Patricia Ann Reid  
 Map No. 19-15-15-00, Tax Lot 304, 42647 Winberry Creek Road, Fall Creek, OR 97438

STATE OF OREGON            )  
   )ss  
 COUNTY OF LANE            )

This instrument was acknowledged before me on 8-11-03 by Patricia Ann Reid.



Edward A. Arolla  
 Notary Public for Oregon  
 My Commission Expires: 7-27-07

\*

Betty Wysong  
Map No. 19-15-15, Tax Lot 301, 42540 Winberry Creek Road, Fall Creek, OR 97438

STATE OF OREGON )  
 )ss  
COUNTY OF LANE )

This instrument was acknowledged before me on \_\_\_\_\_ by Betty  
Wysong.

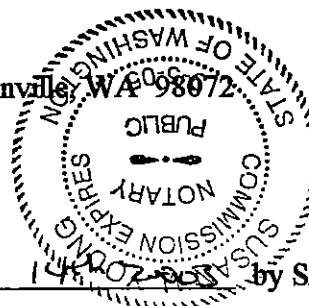
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

\* Sherry D. Wysong  
Sherry D. Wysong

Map No. 19-15-15-00, Tax Lot 306, 18402 Ne 192nd St., Woodinville, WA 98072

STATE OF Washington )  
 )ss  
COUNTY OF Kern )

This instrument was acknowledged before me on July 14, 2005 by Sherry D.  
Wysong.



Samuel  
Notary Public for Reedley  
My Commission Expires: 9/15/05

\*

Michael R. Stutesman  
Contract Purchasers  
Map No. 19-15-15-00, Tax Lot's 306 & 403, P. O. Box 300, Lowell, OR 97452

Keri L. Stutesman

STATE OF OREGON )  
 )ss  
COUNTY OF LANE )

This instrument was acknowledged before me on \_\_\_\_\_ by  
Michael R. Stutesman and Keri L. Stutesman.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_



\*  
~~Sarah I. Green~~ PANGAEA PACIFIC TIMBERLANDS, LLC  
Map No. 19-15-22, Tax Lot 101

STATE OF OREGON            )  
  )ss  
COUNTY OF LANE            )

This instrument was acknowledged before me on \_\_\_\_\_ by ~~Sarah I. Green~~

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

\*  
\_\_\_\_\_  
Pangaea, Inc. An Oregon corporation  
By: \_\_\_\_\_ Title \_\_\_\_\_  
Map No. 19-15-22-00, Tax Lots 102, 202 & 400, P. O. Box 11457, Eugene, OR 97440

STATE OF OREGON            )  
  )ss  
COUNTY OF LANE            )

This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_  
\_\_\_\_\_ as \_\_\_\_\_ of Pangaea, Inc.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

\*  
\_\_\_\_\_  
Giustina Land & Timber Co. Limited Partnership  
By LMG, LLC, a General Partner  
By: L. M. Giustina  
L. M. Giustina, member  
Map No. 19-15-23-00, Tax Lot 102, P. O. Box 989, Eugene, OR 97440

STATE OF OREGON            )  
  )ss  
COUNTY OF LANE            )

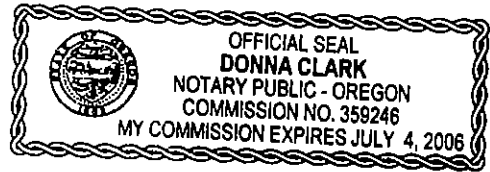
This instrument was acknowledged before me on June 30, 2003  
by L. M. Giustina, member of LMG, LLC, a General Partner for Giustina land & Timber Co.



Kristina L. Biswell  
Notary Public for Oregon  
My Commission Expires: April 20, 2005

\*

Pangaea Pacific Timberlands, LLC  
Map No. 19-15-22, Tax Lot 101



STATE OF OREGON )  
 )ss  
COUNTY OF LANE )

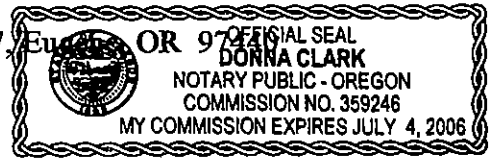
This instrument was acknowledged before me on 8-6-03  
by RICHARD E RALL as member of Pangaea Pacific Timberlands, LLC.

*Richard E Rall* *Donna Clark*

Notary Public for Oregon  
My Commission Expires: 7-4-06

\*

Pangaea, Inc. An Oregon corporation  
By: \_\_\_\_\_ Title \_\_\_\_\_  
Map No. 19-15-22-00, Tax Lots 102, 202 & 400, P. O. Box 11457, Eugene, OR



STATE OF OREGON )  
 )ss  
COUNTY OF LANE )

This instrument was acknowledged before me on 8-6-03 by \_\_\_\_\_  
RICHARD RALL as OWNER of Pangaea, Inc.

*Richard Rall* *Donna Clark*

Notary Public for Oregon  
My Commission Expires: 7-4-06

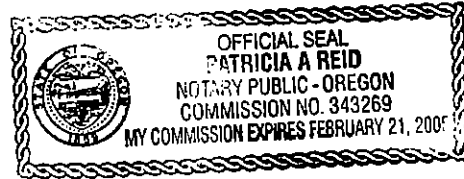
\*

Giustina Land & Timber Co., an Oregon corporation  
By: \_\_\_\_\_ Title \_\_\_\_\_  
Map No. 19-15-23-00, Tax Lot 102, P. O. Box 989, Eugene, OR 97440

STATE OF OREGON )  
 )ss  
COUNTY OF LANE )

This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_  
\_\_\_\_\_ as \_\_\_\_\_ of Giustina Land & Timber  
Co.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_



\* Betty Wysong  
Betty Wysong

Map No. 19-15-15, Tax Lot 301, 42540 Winberry Creek Road, Fall Creek, OR 97438 ORIGINAL

STATE OF OREGON )  
 )ss  
COUNTY OF LANE )

This instrument was acknowledged before me on 7/15/03 by Betty Wysong.

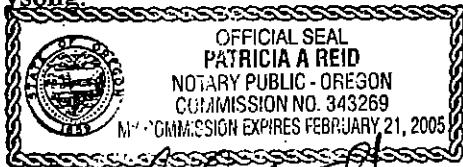
Patricia A. Reid  
Notary Public for Oregon  
My Commission Expires: 2/21/05

X \* \_\_\_\_\_  
Sherry D. Wysong

Map No. 19-15-15-00, Tax Lot 306, 18402 Ne 192nd St., Woodinville, WA 98072

STATE OF \_\_\_\_\_ )  
 )ss  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_ by Sherry D. Wysong.



\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

\* Michael R. Stutesman  
Michael R. Stutesman

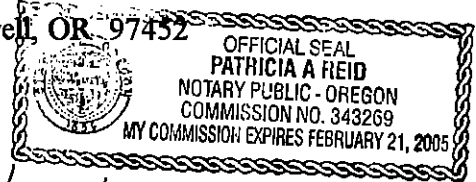
Keri L. Stutesman  
Keri L. Stutesman

Contract Purchasers

Map No. 19-15-15-00, Tax Lot's 306 & 403, P. O. Box 300, Lowell, OR 97452

STATE OF OREGON )  
 )ss  
COUNTY OF LANE )

This instrument was acknowledged before me on 7/15/03 by Michael R. Stutesman and Keri L. Stutesman.



Patricia A. Reid  
Notary Public for Oregon  
My Commission Expires: 2/21/05

\* Brandy Wysong

Brandy Wysong

Map No. 19-15-15, Tax Lot 403, 4526 Long Street, Sweet Home, OR 97386

STATE OF OREGON        )  
                                  )ss  
COUNTY OF LINN        )

This instrument was acknowledged before me on August 18, 2003 by Brandy Wysong

Vicki Lamb  
Notary Public for Oregon  
My Commission Expires: 7-13-06



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

FILE NO. 4108

IN THE MATTER OF VACATING PORTIONS OF THE )  
PLATTED PARCEL LINES OF LAND PARTITION PLAT )  
NUMBER 91-P0083, AS PLATTED AND RECORDED IN ) DIRECTOR'S REPORT  
LANE COUNTY, OREGON PLAT RECORDS, WITHOUT )  
A PUBLIC HEARING, AND ADOPTING FINDINGS OF )  
FACT (19-15-15 & 22) )

The Surveyor's Office of the Department of Public Works has received a valid petition signed by the owners of 100% of the property abutting the proposed vacation requesting, by the authority of ORS 368.351, a vacation without a public hearing.

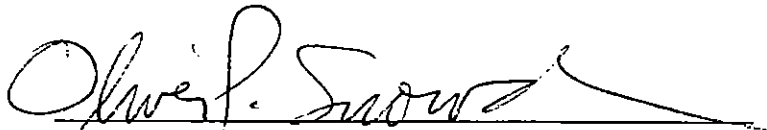
Land Partition Plat Number 91-P0083 was platted in 1991 and recorded in the Lane County, Oregon Plat Records. The petitioners are requesting the vacation of a portion of the parcel line between Parcel 1 and Parcel 2 and portions of the exterior boundary in order to meet a condition of approval required by the Planning section of Lane County Land Management Division for PA 02-5809. The proposed vacation will allow the petitioners to reconfigure the parcels of said partition to coincide with a property line adjustment that has been completed and recorded in the Lane County Oregon Deed Records on Reel 1774R, Instrument Number 9237606, and vacating portions of the exterior boundary of said partition will allow the petitioners to replat a portion of Parcel 2 of said partition. The proposed vacation is allowed by ORS 368.326.

Qwest Communications, Lane Electric Cooperative, Northwest Natural Gas, and various other agencies including Transportation Planning and Lane County Planning programs of the Lane County Department of Public Works were contacted regarding the parcel line vacation and either had no objection or did not reply to the referral.

The proposed vacation will satisfy a certain requirement set by the Planning section of the Land Management Division of the Lane County Public Works Department. It then is concluded that it is in the public's interest, as vacating a portion of the parcel line between Parcel 1 and Parcel 2, and portions of the exterior boundary line of Land Partition Plat Number 91-P0083 will allow the property owners to more fully utilize their property. It is therefore recommended that the portions of the parcel lines of Land Partition Plat Number 91-P0083, as described in the Order, be vacated as petitioned for.

It is further recommended that the vacation be allowed without a public hearing.

DATED this 31<sup>st</sup> day of October, 2003.

  
Oliver P. Snowden, Public Works Director

## EXHIBIT "B"

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

FILE NO. 4108

**IN THE MATTER OF VACATING PORTIONS OF THE )  
PLATTED PARCEL LINES OF LAND PARTITION PLAT )  
NUMBER 91-P0083, AS PLATTED AND RECORDED IN ) FINDINGS OF FACT  
LANE COUNTY, OREGON PLAT RECORDS, WITHOUT )  
A PUBLIC HEARING, AND ADOPTING FINDINGS OF )  
FACT (19-15-15 & 22)**

The Surveyor's Office of the Department of Public Works has received a valid petition signed by the owners of 100% of the property abutting the proposed vacation, requesting that portions of the parcel lines of Land Partition Plat Number 91-P0083, as described in the Order, be vacated as petitioned for. The vacation of said parcel lines is a condition of approval set by the Planning section of Lane County Land Management Division for PA 02-5809, a partition which includes the replat of Parcel 2 of said plat.

**Findings of Fact (Public Interest)**

The Board takes notice and finds:

1. That, pursuant to ORS 368.326 to 368.366, a county governing body may vacate a subdivision, part of a subdivision, or public interest in property based upon the determination that the vacation is "in the public interest."
2. That, pursuant to ORS 197.175 (2) (d), after acknowledgment of a county's comprehensive plan and implementing ordinances, the plan and ordinances, not the Statewide Planning Goals, control land use decisions.
3. That, Lane County's Rural Comprehensive Plan and implementing ordinances were originally acknowledged to be in compliance with the Statewide Planning Goals on September 13, 1984, and reacknowledged on February 14, 1992.
4. That, neither the Lane County Comprehensive Plan nor any land use regulation within the Lane Code establish mandatory standards for the vacation of lot lines.

**Conclusion of Law (Public Interest)**

Based upon the above findings of fact, the Board concludes, as a matter of law, that neither the Statewide Planning Goals nor the Lane County Rural Comprehensive Plan and related land use regulations are an applicable measure of the "public interest", as it pertains to this vacation.

**Findings of Fact (Impacts and Process of Vacation)**

The Board takes notice and finds as follows:

1. That, the petitioners own all the property abutting the proposed vacation. Said property is further identified as Tax Lots 301, 304, 305 & 403 of Assessor's Map 19-15-15, Tax Lots 101, 102, 202 & 400 of Assessor's Map 19-15-22, and Tax Lot 102 of Assessor's Map 19-15-23.
2. That, pursuant to ORS 368.326 to 368.366, a county governing body may vacate a subdivision, part of a subdivision, or public interest in property, based upon the determination that the vacation is "in the public interest."
3. That, Qwest Communications, Lane Electric Cooperative, Northwest Natural Gas, and various other agencies including Transportation Planning and Lane County Planning programs of the Lane County Department of Public Works were contacted regarding the vacation of the various parcel lines and either had no objection or did not reply to the referral.
4. That, the proposed vacation is a condition of approval set by the Lane County Planning program for PA 02-5809.
5. That, there are no known utilities affected by the proposed vacation.
6. That, vacating the portions of the exterior boundary line and a portion of the parcel line between Parcel 1 and Parcel 2 of Partition Plat Number 91-P0083, as described in the Order, will not deny any property owners legal road access to a public road.
7. That, pursuant to ORS 368.351, a county governing body may make a determination about a vacation of property without a public hearing if:
  - (1) The county road official files a written report stating that the vacation is in the public interest.
  - (2) The proceedings were initiated by petition indicating the approval of the sole owner of 100% of the adjoining property.

Items (1) and (2) have been complied with.

**Conclusions of Law (Impacts and Process of Vacation)**

Based on the above findings of fact, the Board concludes, as a matter of law, that this vacation will not have any predictable negative impact on present or future land use, either in terms of allowable uses or actual development. The Board further concludes that statutory procedures necessary for making a determination on this vacation, without a public hearing, have been met.

