

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 DENYING THE PETITION TO VACATE THE PUBLIC ALLEY IN BLOCK 24 OF HECETA BEACH, AS PLATTED AND RECORDED IN BOOK 7, PAGE 25, LANE COUNTY, OREGON PLAT RECORDS (18-12-04-13 & 42)

I. MOTION:

TO APPROVE THE ORDER TO DENY THE PETITION TO VACATE THE PUBLIC ALLEY IN BLOCK 24 OF HECETA BEACH, AS PLATTED AND RECORDED IN BOOK 7, PAGE 25, LANE COUNTY, OREGON PLAT RECORDS (18-12-04-13 & 42)

II. ISSUE:

On January 21st, 2003 a petition was presented to the Lane County Board of Commissioners on whether to vacate the public alley in Block 24 of Heceta Beach. The Board voted on the matter and the Order to Vacate failed because of a 2-3 vote. As a follow up, the issue is to decide whether to approve the Order to Deny the petition to vacate the described alley in Heceta Beach.

III. DISCUSSION:

A. Background:

The Surveyor's Office received a petition to vacate the alley in Block 24, of Heceta Beach, as platted in 1915 and recorded in Book 7, Page 25 of the Lane County, Oregon Plat Records. Upon consideration and deliberation of the record, the board voted on the matter of vacating the subject alley on January 21, 2003, and the Order to Vacate failed because of a 2-3 vote. It was suggested at the board meeting that the petitioners be contacted and given the opportunity to pursue the vacation of the subject alley, if they wanted to present it to the Board of Commissioners at a Public Hearing.

B. Analysis:

The County Surveyor contacted Mel Collom, the primary petitioner, and Mel told him that he would discuss the matter with the other adjoining landowners, and let us know if they

wanted to continue with a Public Hearing. After several months, staff from the Surveyor's Office contacted him again and he said that he had talked to the other petitioners and there had not been enough interest from them to pay the additional fees that would be required with a Public Hearing. The petitioners have decided not to continue with the request of vacating the alley, and the Surveyor's Office staff has prepared an Order to Deny the petition to vacate. Approval of the Order to Deny the vacation of the alley in Block 24 of Heceta Beach will act to formally conclude the petition to vacate this alley as brought forward by the petitioner.

C. Alternatives/Options:

The Board Order to Deny is a result of the Lane County Board of Commissioners voting on January 21, 2003, and the motion to vacate the subject alley failed due to a 2-3 vote.

D. Timing:

Timing is not critical in this matter.

IV. IMPLEMENTATION/FOLLOW-UP:

Upon approving the Order to Deny the vacation of the alley in Block 24 of Heceta Beach, the documents are to be forwarded to the Lane County Clerk for filing and recording, after which, copies are to be forwarded to the County Surveyor and the Director of Public Works for appropriate action.

V. ATTACHMENTS:

Final Order to Deny Vacation
Vicinity Map - Attachment "A"

Contact Person: Bill Robinson x-4198 -

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

FILE NO. 4091

IN THE MATTER OF DENYING THE PETITION TO)	
VACATE THE PUBLIC ALLEY IN BLOCK 24 OF)	
HECETA BEACH, AS PLATTED AND RECORDED)	ORDER TO DENY
IN BOOK 7, PAGE 25, LANE COUNTY, OREGON)	NO.
PLAT RECORDS (18-12-04-13 & 42))	

WHEREAS, this matter now coming before the Board of County Commissioners for Lane County, Oregon, upon a valid petition 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 the alley in Block 24 of the plat of Heceta Beach. Said alley being more particularly described as follows:

All that portion of the 15 foot wide alley within Block 24 of Heceta Beach located between the east right of way of First Avenue and the west right of way of Second Avenue all within Heceta Beach as platted and recorded in Book 7, Page 25, Lane County, Oregon Plat Records, and being located in Section 4, Township 18 South, Range 12 West of the Willamette Meridian; and

WHEREAS, the Board of Commissioners has the authority to consider the petition to vacate the alley in Block 24 of Heceta Beach under the provisions of ORS 368; and

WHEREAS, neither the Statewide Planning Goals nor the Lane County Rural Comprehensive Plan and related land use regulations are an applicable measure of public interest as it pertains to this vacation; and

WHEREAS, the Board of County Commissioners conducted a Board Meeting on January 21, 2003 to consider the vacation of the described portion of alley; and

WHEREAS, after consideration and deliberation of the record, which included a report from the Director of the Department of Public Works, the board voted and the motion to vacate the alley, as described, failed because of a 2-3 vote, now therefore; it is hereby

ORDERED, that the petition to vacate the alley in Block 24 of Heceta Beach as described above, is hereby denied on the basis that there was not a majority vote to approve the vacation; and it is further

ORDERED, that this Order be entered into the Lane County Commissioners Journal of Administration, 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

APPROVED AS TO FORM

Date 11-3-03 lane county

OFFICE OF LEGAL COUNSEL

ATTACHMENT "A"

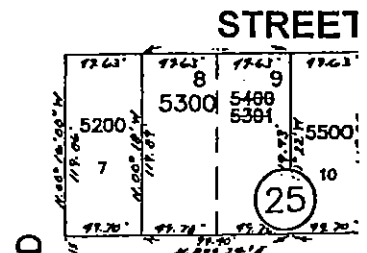
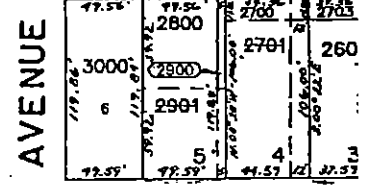
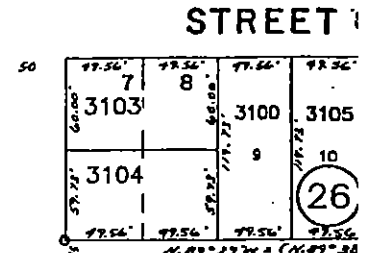
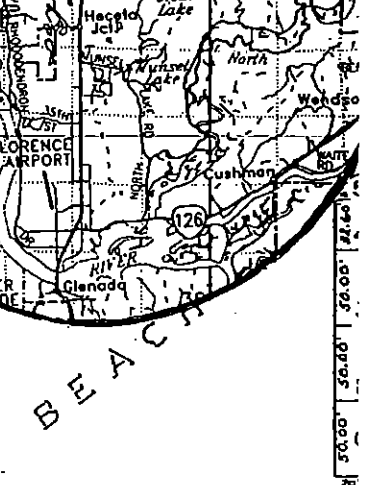
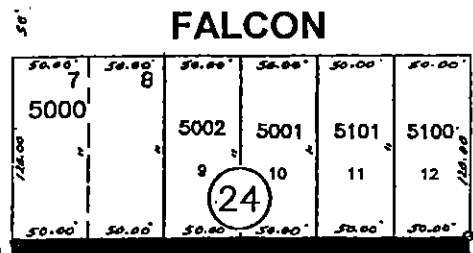
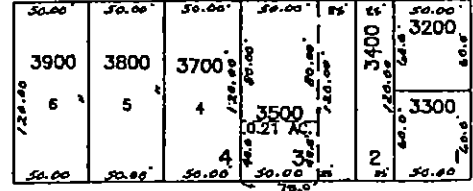
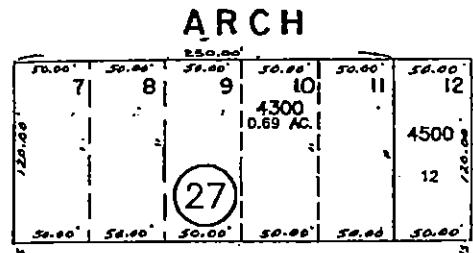
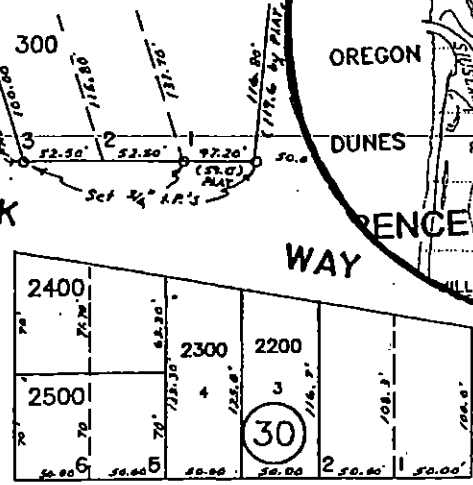
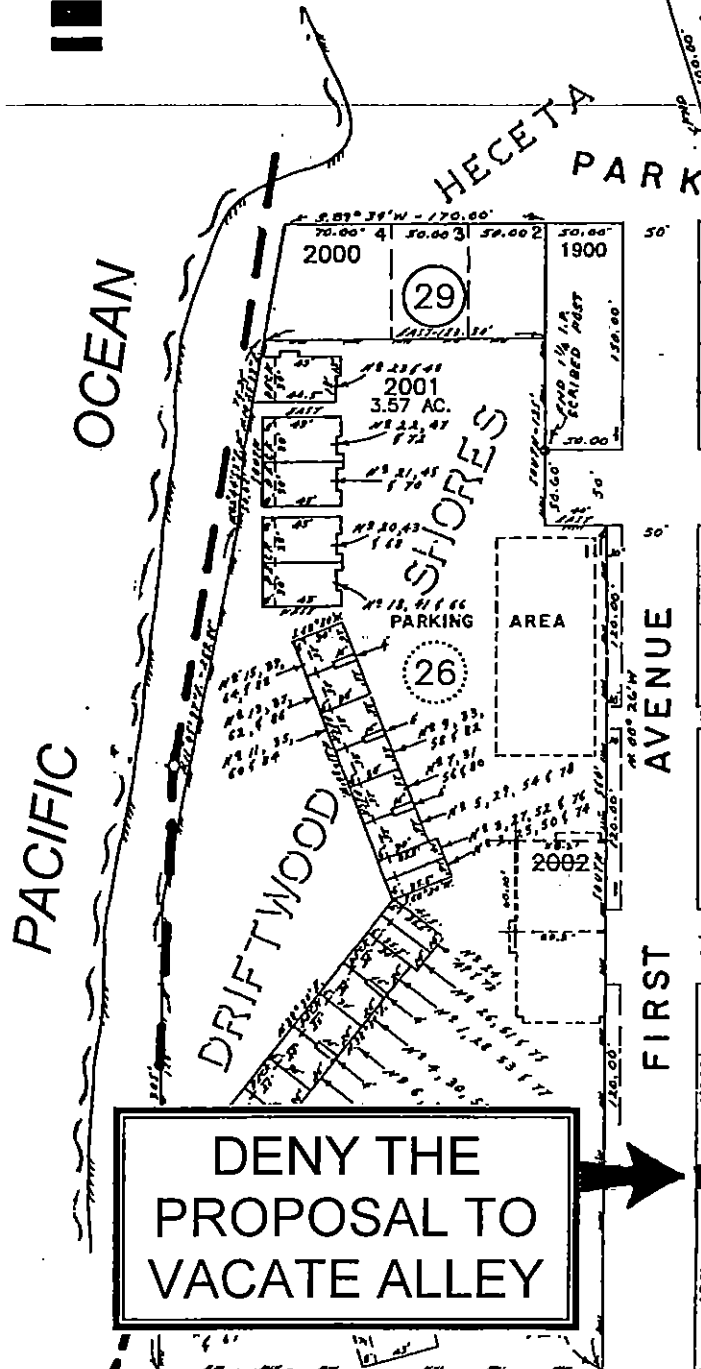
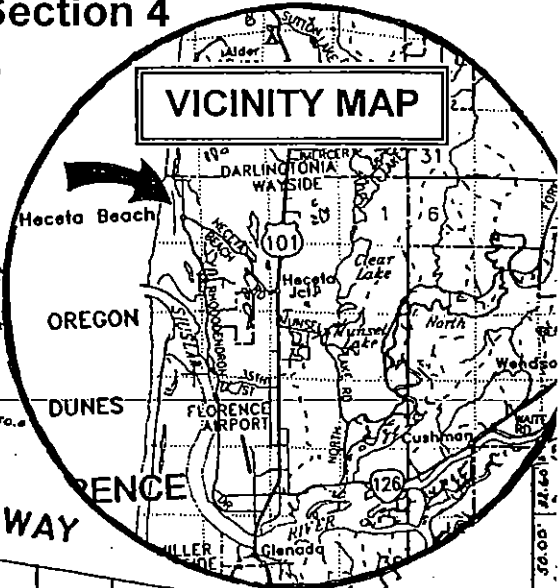
ORIGINAL

SW ¼ NE ¼ and NW ¼ SE ¼ Section 4
T. 18S. R. 12W. W.M.



LANE COUNTY

NO SCALE



DENY THE PROPOSAL TO VACATE ALLEY

