

AGENDA COVER MEMO

DATE: October 15, 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 SETTING A PUBLIC HEARING DATE FOR THE VACATION OF A PORTION OF W.W. JACKSON ROAD (COUNTY ROAD NUMBER 723) BEGINNING AT FOX HOLLOW ROAD AND EXTENDING SOUTHWESTERLY APPROXIMATELY 1 MILE, AND BEING LOCATED IN SECTIONS 35 & 36 OF TOWNSHIP 18 SOUTH, RANGE 4 WEST AND SECTION 2, TOWNSHIP 19 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN (18-04-35 & 36 AND 19-04-02)

I. MOTION:

- 1) **TO APPROVE THE RESOLUTION, NOTICE OF HEARING AND ORDER SETTING AN AGENDA DATE OF JANUARY 14, 2004 AT 1:30 P.M. TO CONSIDER THE VACATION OF A PORTION OF W.W. JACKSON ROAD (COUNTY ROAD NUMBER 723), BEGINNING AT FOX HOLLOW ROAD AND EXTENDING SOUTHWESTERLY APPROXIMATELY 1 MILE, AND BEING LOCATED IN SECTIONS 35 & 36 OF TOWNSHIP 18 SOUTH, RANGE 4 WEST AND SECTION 2, TOWNSHIP 19 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN (18-04-35 & 36 AND 19-04-02)**

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 segment of W.W. Jackson Road, being approximately 1 mile in length and extending Southwesterly from Fox Hollow Road, 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 received a petition to vacate a section of W.W. Jackson Road, signed by R. Derek Jaros and Diane Jaros, Audrey J. McAtee, Richard D. McAtee, and Jody G. McAtee, Kenneth Caiazza and Catharine Bohem, and Adrienne E. St. Clair, landowners of property adjoining the portion of W.W. Jackson

Road proposed to be vacated. The petitioners are requesting this vacation in order to eliminate the described portion of W.W. Jackson Road that bisects their properties. The petition states that this portion of road is not currently used and has not been used for several decades.

W.W. Jackson Road was established as County Road Number 723 in 1912 having a right of way width of 60 feet. The legal right of way extends approximately 5 ½ miles from the John Sutherland Road (now commonly known as Hamm Road) northeasterly, crossing Fox Hollow Road, and continues to the East Quarter (E ¼) Corner of Section 36, Township 18 South, Range 4 West of the Willamette Meridian. The portion of road proposed to be vacated runs from where it intersects with Fox Hollow Road, southwesterly approximately one mile. This section of road, and the section of road as it continues southerly, is not known to be constructed or used by the public.

It has been recommended that a public hearing be held regarding the proposed vacation due to the fact that the legal right of way of W.W. Jackson Road is a connector road between two county roads (Fox Hollow Road and Hamm Road).

Qwest Communications, Lane Electric Cooperative, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, as well as nearby landowners were notified by mail regarding the proposed vacation. Lane County Transportation Planning Division replied, stating that they have no objections to this vacation as long as there is not opposition from the neighboring landowners. They also noted that if the vacation is approved, only one access from Fox Hollow Road to Tax Lot 200 (19-04-02), including but not limited to any future partitioning or dividing of said property, shall be permitted as per LC 15.045. Lane Electric Cooperative replied to the referral stating that they need an easement for their existing electric distribution facilities, but later confirmed that the petitioners have already granted them an easement for this line. The other agencies and landowners either had no objections or did not respond to the referral.

B. Analysis:

The petitioners state that the right of way of the section of W.W. Jackson Road proposed to be vacated has not been used for several decades and that all of the petitioning properties take access from Fox Hollow Road.

No property will be denied access to a public road if the subject portion of W.W. Jackson Road is vacated. Lane Electric Cooperative has existing powerlines in the area and the petitioner has provided an easement for their benefit.

C. Alternatives/Options:

The Board of County Commissioners has the options to:

1. Set an Agenda Hearing date as proposed by staff to consider the vacation of a portion of W.W. Jackson Road, County Road Number 723, as petitioned for.
2. Set any later Agenda Hearing date, as the Board may wish, to consider the vacation of a portion of W.W. Jackson Road, County Road Number 723, as petitioned for.

3. Refuse to set a date to initiate proceedings to consider the vacation of a portion of W.W. Jackson Road, County Road Number 723, 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 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 of the hearing.

E. Timing:

Timing is important in this matter as the applicant has paid his fees and is interested in getting this matter resolved.

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 W.W. Jackson 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:

Preliminary Director's Report – Exhibit 'A'
Attachment "A" – Vicinity Map

Contact Person: Bill Robinson x-4198

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

FILE NO. 4080

IN THE MATTER OF SETTING A PUBLIC HEARING DATE FOR THE VACATION OF A PORTION OF W.W. JACKSON ROAD (COUNTY ROAD NUMBER 723) BEGINNING AT FOX HOLLOW ROAD AND EXTENDING SOUTHWESTERLY APPROXIMATELY 1 MILE, AND BEING LOCATED IN SECTIONS 35 & 36 OF TOWNSHIP 18 SOUTH, RANGE 4 WEST AND SECTION 2, TOWNSHIP 19 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN (18-04-35 & 36 AND 19-04-02)

RESOLUTION, NOTICE OF HEARING AND ORDER NO.

THIS MATTER now coming before the Board of County Commissioner for Lane County, Oregon, and it appearing to the Board that a valid petition has been received to vacate a portion of W.W. Jackson Road, and

WHEREAS, W.W. Jackson Road (County Road Number 723) was established in 1912 with a right-of-way width of 60 feet. Said portion of right-of-way proposed to be vacated being more particularly described as follows:

Beginning at the southwest corner of the middle one-third running north and south of the North one-half of the South one-half of the Northeast quarter (N 1/2 S 1/2 NE 1/4) of Section 2, Township 19 South, Range 4 West of the Willamette Meridian; thence, West 62 feet, more or less, along the south line of the North one-half of the South one-half of the Northeast one-quarter (N 1/2 S 1/2 NE 1/4) of said Section 2 to a point on the centerline of the W.W. Jackson Road (County Road Number 723) as defined in the Viewers' Report of same County Road dated November 30, 1912 (viewed October 21, 1912) in Book 5, Page 165 through 169, where said centerline crossed the fence at the south line of Baird and Slattery; thence, North 41° East 87.12 feet (1.32 chains) along said centerline to the TRUE POINT OF BEGINNING; thence, North 65° East 125.4 feet (1.90 chains); thence, South 88° East 85.8 feet (1.30 chains); thence South 77°30' East 108.24 feet (1.64 chains); thence, North 69° East 99 feet (1.50 chains); thence, North 83°15' East 108.90 feet (1.65 chains); thence, North 71°30' East 60.72 feet (0.92 chains); thence, North 47°45' East 91.74 feet (1.39 chains); thence, North 46° East 95.70 feet (1.45 feet); thence, North 1°30' East 137.28 feet (2.08 chains); thence, North 14° East 107.58 feet (1.63 chains); thence, North 0°30' East 138.60 feet (2.10 chains); thence, North 16° West 130.68 feet (1.98 chains); thence, North 2° West 123.42 feet (1.87 chains); thence, North 20°30' West 209.88 feet (3.18 chains); thence, North 9°15' West 91.74 feet (1.39 chains); thence, North 58° East 232.98 feet (3.53 chains); thence, North 50°15' East 84.40 feet (1.28 chains); thence, North 41° East 170.94 feet (2.59 chains); thence, North 39° East 119.46 feet (1.81 chains) (at 1.31 chains cross old road); thence, North 64° East 143.22 feet (2.17 chains); thence, North 75° East 126.06 feet (1.91 chains); thence, North 46° East 136.62 feet (2.07 chains); thence, North 6°30' West 200.64 feet (3.04 chains); thence, North 44°45' West 250.80 feet (3.80 chains) to the end of the Fifth mile of said Road; thence, North 44°45' West 31.02 feet (0.47 chains) to a stake marked "A"; thence, North 1°30' West 159.06 feet (2.41 chains); thence, North 49° East 100.98 feet (1.53 chains); thence, North 83° East 73.92 feet (1.12 chains); thence North 44° East 83.82 feet (1.27

(1.53 chains); thence, North 83° East 73.92 feet (1.12 chains); thence North 44° East 83.82 feet (1.27 chains); thence, North 88°30' East 164.34 feet (2.49 chains); thence, South 75° East 88.44 feet (1.34 chains); thence, North 49°30' East 184.14 (2.79 chains) (at 2.26 cross wire fence on the west line Section 36, Township 18 South, Range 4 West of the Willamette Meridian; thence, North 51° 30' East 110.22 feet (1.67 chains); thence, North 6° West 166.98 feet (2.53 chains); thence, North 143.22 feet (2.17 chains); thence, North 45°30' East 211.86 feet (3.21 chains); thence, North 16° East 405.24 feet (6.14 chains) to the ending point on Fox Hollow Road (County Road Number 464) all in Lane County, Oregon.

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 W.W. Jackson Road (County Road Number 723); and

WHEREAS, Qwest Communications, Lane Electric Cooperative, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and abutting landowners were notified by mail regarding the proposed vacation; and

WHEREAS, Lane County Transportation Planning Department replied stating that they have no objections to this vacation but noted that if the vacation is approved, only one access from Fox Hollow Road to Tax Lot 200 (Assessor's Map 19-04-02), including but not limited to any future partitioning or dividing of said property, shall be permitted as per LC 15.045; and

WHEREAS, Lane Electric Cooperative responded to the referral stating that they need an easement for their existing electric distribution facilities, but later confirmed that the petitioners have already provided them an easement for this line; and

WHEREAS, there are no other known utilities or powerlines located within the area to be vacated; and

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

ORDERED, that January 14, 2004, be established for hearing said report and for conducting a public hearing of the said proposed vacation and the said hearing be held at 1:30 P.M. at the Lane County Public Service Building, 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 Bill Robinson, Interim 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

APPROVED AS TO FORM

Date 10-27-03 lane county

OFFICE OF LEGAL COUNSEL

Attachments: Vicinity Map

EXHIBIT "A"

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

FILE NO. 4080

IN THE MATTER OF SETTING A PUBLIC HEARING DATE)
FOR THE VACATION OF A PORTION OF W.W. JACKSON)
ROAD (COUNTY ROAD NUMBER 723) BEGINNING AT FOX)
HOLLOW ROAD AND EXTENDING SOUTHWESTERLY)
APPROXIMATELY 1 MILE, AND BEING LOCATED IN)
SECTIONS 35 & 36 OF TOWNSHIP 18 SOUTH, RANGE 4)
WEST AND SECTION 2, TOWNSHIP 19 SOUTH, RANGE 4)
WEST OF THE WILLAMETTE MERIDIAN (18-04-35 & 36)
AND 19-04-02))

PRELIMINARY
DIRECTOR'S REPORT

The Surveyor's Office of the Department of Public Works received a valid petition to vacate a portion of W.W. Jackson Road, County Road Number 723. The petitioners are requesting this vacation in order to eliminate the described portion of W.W. Jackson Road that bisects their properties. They assert that the subject portion of right of way has not been used for several decades and that all of the petitioning properties take access from Fox Hollow Road.

W.W. Jackson Road was established as County Road in 1912 having a right of way width of 60 feet. The road extended from the John Sutherland Road (commonly known as Hamm Road) to the East Quarter (E ¼) corner of Section 36, Township 18 South, Range 4 West of the Willamette Meridian. The portion proposed to be vacated runs southwesterly, approximately one mile, from a point where it intersects with Fox Hollow Road in the Southwest Quarter (SW ¼) of said Section 36.

It has been recommended that a public hearing be held regarding the proposed vacation due to the fact that the legal right of way of W.W. Jackson Road is a connector road between two county roads (Fox Hollow Road and Hamm Road).

Qwest Communications, Lane Electric Cooperative, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, as well as nearby landowners were notified by mail regarding the proposed vacation. Lane County Transportation Planning Division replied, stating that they have no objections to this vacation as long as there is not opposition from the neighboring landowners. They also noted that if the vacation is approved, only one access from Fox Hollow Road to Tax Lot 200 (19-04-02), including but not limited to any future partitioning or dividing of said property, shall be permitted as per LC 15.045. Lane Electric Cooperative replied to the referral stating that they need an easement for their existing electric distribution facilities, but later confirmed that the petitioners have already granted them an easement for this line. The other agencies and landowners either had no objections or did not respond to the referral.

It is recommended that the Resolution to consider the vacation of a portion of W.W. Jackson Road (County Road Number 723) be approved and a date be set for conducting a public hearing by the Board of County Commissioners.

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

DATED this 21st day of October, 2003

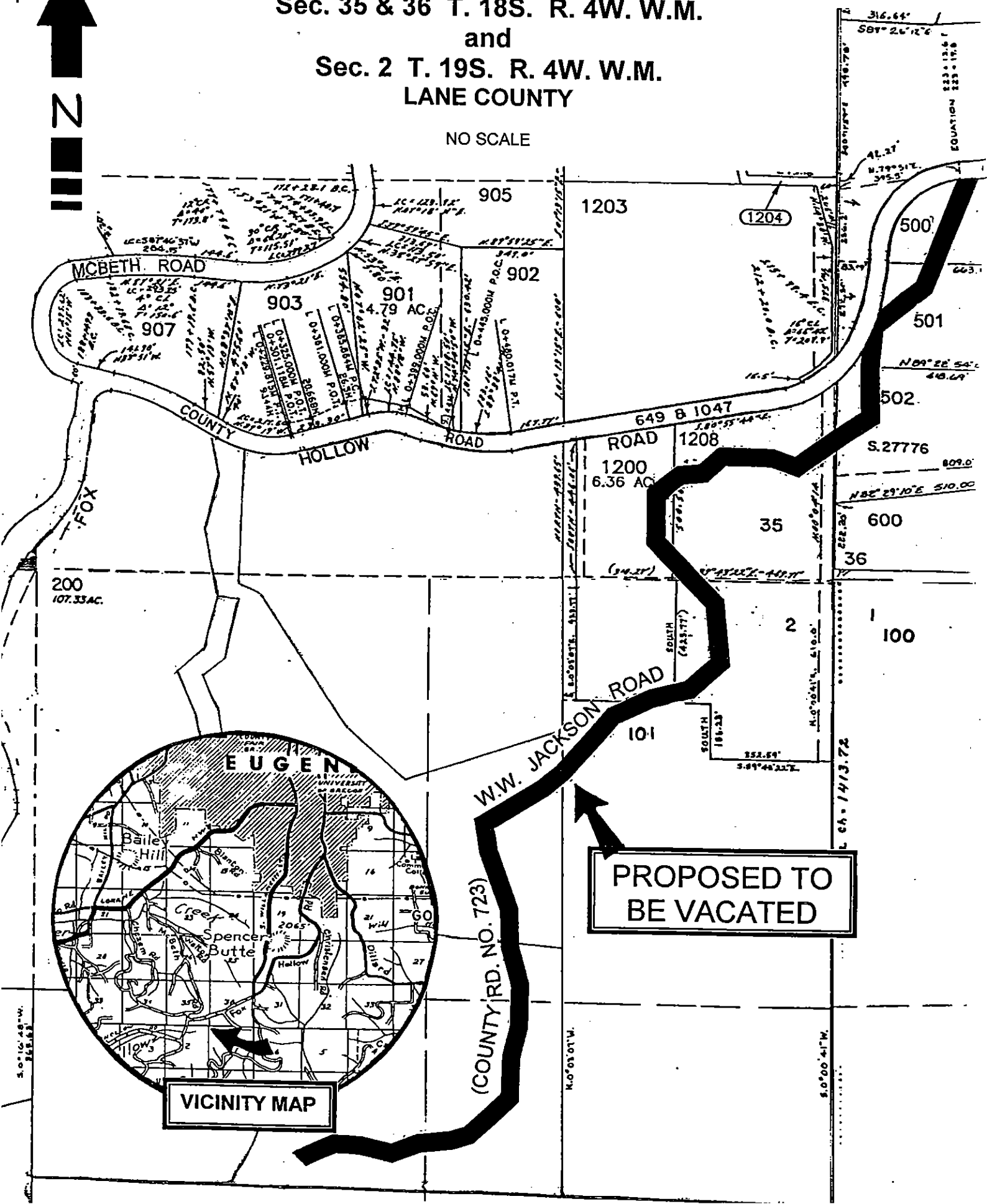

Oliver P. Snowden, Director - Department of Public Works

ATTACHMENT "A"

ORIGINAL

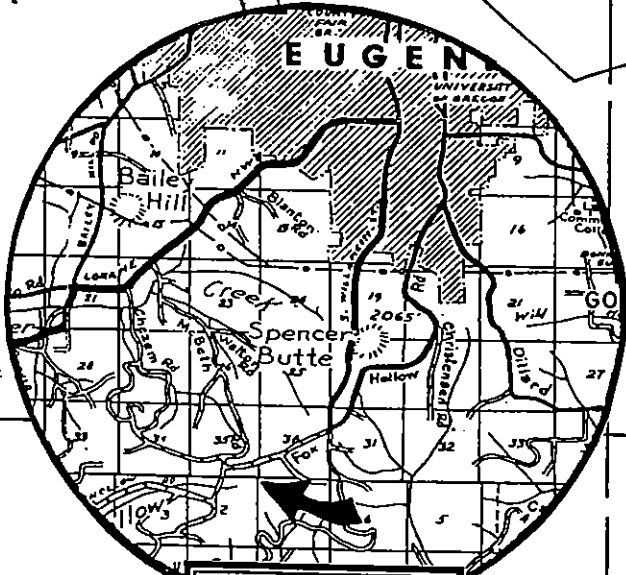
Sec. 35 & 36 T. 18S. R. 4W. W.M.
and
Sec. 2 T. 19S. R. 4W. W.M.
LANE COUNTY

NO SCALE



PROPOSED TO
BE VACATED

(COUNTY RD. NO. 723)



VICINITY MAP