

W. 9. D. 6.  
04-3-10-16

**AGENDA COVER MEMO**

**DATE:** February 17, 2004  
**TO:** Lane County Board of Commissioners  
**FROM:** Bill Robinson, Lane County Surveyor *BR*  
**DEPARTMENT:** Public Works/Land Management Division

**AGENDA ITEM TITLE:** IN THE MATTER OF DENYING THE PETITION TO VACATE A PORTION OF W.W. JACKSON ROAD (COUNTY ROAD NUMBER 723) LOCATED IN SECTIONS 35 AND 36, 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:**

**TO APPROVE THE ORDER TO DENY THE PETITION TO VACATE A PORTION OF W.W. JACKSON ROAD (COUNTY ROAD NUMBER 723) LOCATED IN SECTIONS 35 AND 36, 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:**

On January 14, 2004, the Board conducted a public hearing on whether to vacate a portion of W.W. Jackson Road (County Road Number 723). After the public hearing, the Board voted and the motion to vacate the road failed on 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 portion of W.W. Jackson Road.

**III. DISCUSSION:**

**A. Background:**

On November 5, 2003, the Board approved the Notice of Hearing and Order Number 03-11-5-6 to conduct a public hearing on January 14, 2004. The Board conducted a public hearing in the matter of the proposed vacation of a portion of W.W. Jackson Road (County Road Number 723) in Sections 35 and 36, Township 18 South, Range 4 West and Section 2, Township 19 South, Range 4 West of the Willamette Meridian.

County Road Number 723 was established in 1912 with a 60-foot wide right of way. The portion of road proposed to be vacated begins at Fox Hollow Road and extends southwesterly approximately 1 mile.

B. Analysis:

The Board listened to the staff report from Bill Robinson, Lane County Surveyor, who gave background information about W.W. Jackson Road, as well as stating the petitioners purpose to vacate, and briefly describing the other comments received by the Surveyor's office regarding this vacation. He mentioned that the Public Works Director recommends that the road be vacated, and stated that the required public notice for these proceedings had been provided. Written comments from former County Surveyor, K. Robert Ezell, were submitted as a supplement to the Agenda package, requesting that the Board not take action on the vacation of the subject roadway until planning issues in this area are resolved. Kent Howe, Lane County Planning Director, and Don Nickell, Engineering Associate, commented that the land use decisions on the adjoining properties have already been made, and the vacation of the subject road is immaterial as far as a planning issue.

Bobby Green, Chairman of the Board opened up the meeting for public testimony, and heard from Edwin St. Clair, Norm Maxwell, and Derek Jaros. Members of the board also asked for the opinion from Steve Vorhes, Assistant County Counsel, regarding this matter.

The Board, after consideration and deliberation of the record, voted on the matter and the motion to vacate the subject portion of W. W. Jackson failed because of a 2-3 vote. The Board gave directions to staff to return at a later regular scheduled meeting with an Order to Deny the vacation.

C. Alternatives/Options:

The Board Order to Deny is a result of the Board voting after the public hearing on January 14, 2004 and voting to not approve the vacation.

D. Timing:

Timing is not important in this matter.

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

Upon approving the Order to Deny the vacation of this portion of W.W. Jackson Road (County Road Number 723, the documents are to be forwarded to the Lane County Clerk for filing, 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. 4080**

<b>IN THE MATTER OF DENYING THE PETITION</b>	)	
<b>TO VACATE A PORTION OF W.W. JACKSON</b>	)	
<b>ROAD (COUNTY ROAD NUMBER 723), LOCATED</b>	)	
<b>IN SECTIONS 35 AND 36, TOWNSHIP 18 SOUTH,</b>	)	
<b>RANGE 4 WEST, AND SECTION 2, TOWNSHIP 19</b>	)	<b>ORDER TO DENY</b>
<b>SOUTH, RANGE 4 WEST OF THE WILLAMETTE</b>	)	<b>NO.</b>
<b>MERIDIAN (18-04-35&amp;36 and 19-04-02)</b>	)	

**WHEREAS**, this matter now coming before the Board of County Commissioners for Lane County, Oregon, upon 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 a portion of W.W. Jackson Road, County Road Number 723; 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 ½ S ½ NE ¼) 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 ½ S ½ NE ¼) 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 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**, The Board of Commissioners conducted a public hearing on January 14, 2004, in accordance with Resolution, Notice of Hearing and Order Number 03-11-5-6, to consider the vacation of the described portion W.W. Jackson Road; and

**WHEREAS**, after consideration and deliberation of the record, which included a report from the Director of the Department of Public Works as well as written material from the former County Surveyor, oral testimony from concerned citizens and adjoining property owners, County Counsel, the County Planning Director and staff, and the present County Surveyor, the order to vacate failed because of a 2-3 vote, now therefore; it is hereby

**ORDERED**, that the petition to vacate the portion of W.W. Jackson Road, County Road Number 723, 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 Board of Commissioners Journal of Administration, and be further placed in the legal county road files administered by the County Surveyor and the Public Works Department.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2004


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Chair  
LANE COUNTY BOARD OF COMMISSIONERS

Attachment: Vicinity Map

APPROVED AS TO FORM

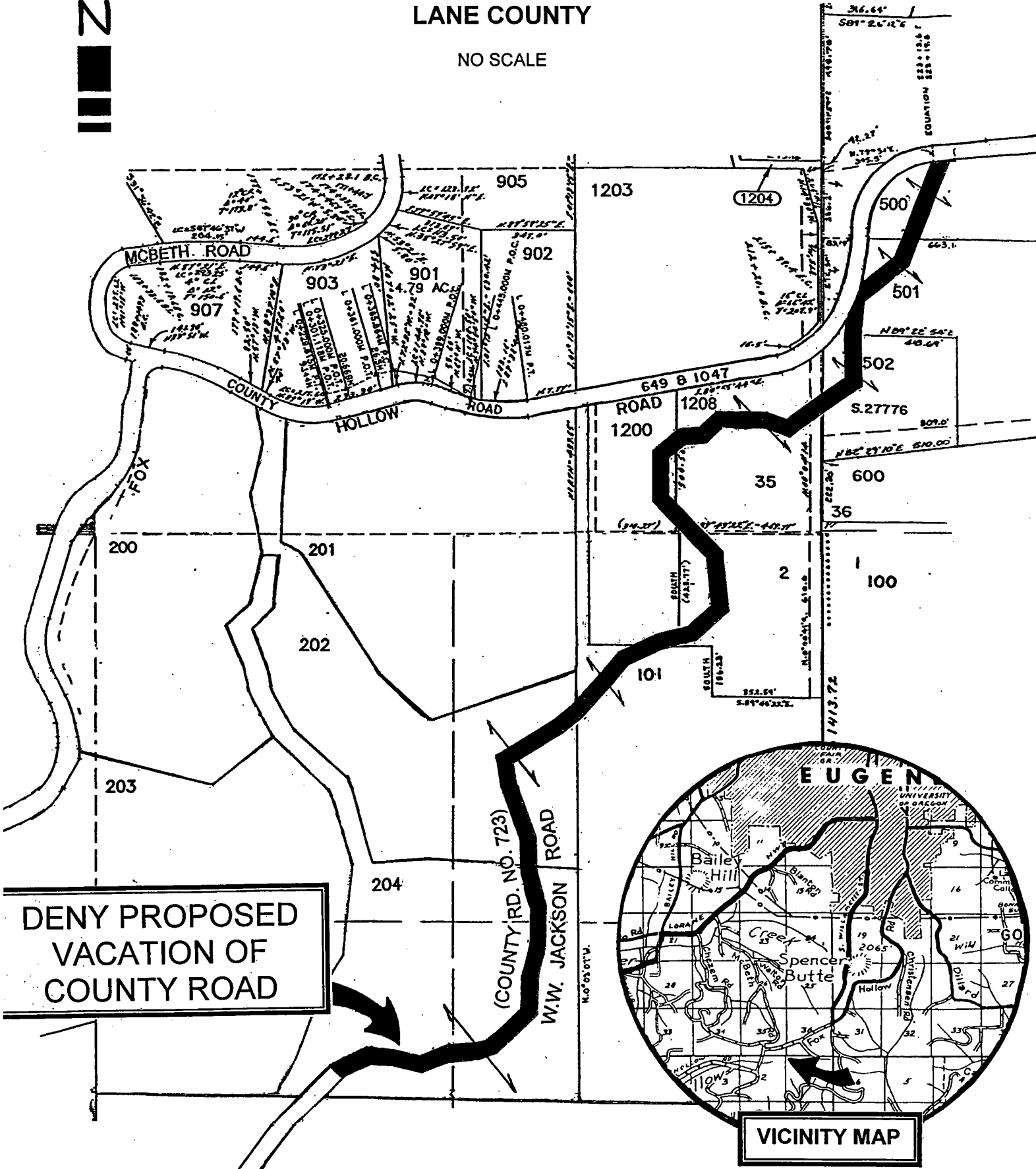
Date 2-23-04 lane county

  
\_\_\_\_\_  
COUNTY COUNSEL

ATTACHMENT "A"

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

NO SCALE



DENY PROPOSED  
VACATION OF  
COUNTY ROAD

(COUNTY RD. NO. 723)  
W.W. JACKSON ROAD

VICINITY MAP