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ORIGINAL

04-3-10-20

**AGENDA COVER MEMO**

**DATE:** February 13, 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 SETTING A PUBLIC HEARING FOR THE VACATION OF A PORTION OF WILLOW STREET, IN THE PLAT OF GALLAGHER'S PART OF THE CITY OF FLORENCE, AS PLATTED AND RECORDED IN VOLUME 30, PAGES 12 AND 13 OF THE LANE COUNTY, OREGON DEED RECORDS. (18-12-26)

**I. MOTION:**

**TO APPROVE THE RESOLUTION, NOTICE OF HEARING AND ORDER SETTING AN AGENDA DATE OF APRIL 14, 2004 AT 1:30 P.M. TO CONSIDER THE VACATION OF A PORTION OF WILLOW STREET, IN THE PLAT OF GALLAGHER'S PART OF THE CITY OF FLORENCE, AS PLATTED AND RECORDED IN VOLUME 30, PAGES 12 AND 13 OF THE LANE COUNTY, OREGON DEED RECORDS. (18-12-26)**

**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 Willow Street, being approximately 173 feet in length, 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 Randall Johnson and John G. and Kathryn A. Stone, landowners of at least 60% of property adjoining the portion of Willow Street proposed to be vacated. The petitioners are requesting this vacation in order to improve development potential of adjacent parcels by incorporation of proposed vacated land into said parcels.

Willow Street, originally platted as Wall Street and having a width of 60 feet, was first dedicated as a public road in 1891 as part of the Plat of Gallagher's Part of the City of Florence.

Qwest Communications, Central Lincoln PUD, Northwest Natural Gas, the City of Florence, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and nearby landowners were notified by mail regarding the proposed vacation.

Donald Saxon, owner of tax lot number 1812263102300, responded with a written objection, without specific reason, to the vacation as proposed. Lane County Transportation Planning Department initially had a concern that some landowners may be denied access, then later withdrew their concern after further investigation and visiting personally with petitioner Randall Johnson.

The other agencies and landowners either had no objections or did not respond to the referral.

B. Analysis:

Vacation of the proposed portion of Willow Street to be vacated will not deny access to any other landowners. A non-vacated portion would remain between Highway 126 and tax lot 2300 owned by Donald Saxon. Early in the petition process the Transportation Planning Department of Lane County expressed they would not be supportive of a plan that would force surrounding properties to take separate access from Highway 126. After subsequent investigation that demonstrated no other landowners would be denied access by this proposed vacation, and after visiting personally with petitioner Randall Johnson, they have since withdrawn the objection. The portion of Willow Street to be vacated appears to be unimproved and unused, and there are no known utility or power lines located in the area to be vacated.

The petitioners have met the requirement of ORS 368.341 (3)(f), as at least 60% of the adjoining landowners have signed the petition to vacate the road.

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 Willow Street as petitioned for.
2. Set any later Agenda Hearing date, as the Board may wish, to consider the vacation of a portion of Willow Street as petitioned for.
3. Refuse to set a date to initiate proceedings to consider the vacation of a portion of Willow Street 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 Alternative 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 important in this matter, as petitioner Randall Johnson has a pending application to the City of Florence for annexation of properties abutting the proposed portion of Willow Street to be vacated.

**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 Willow Street it is to be forwarded to the Lane County Clerk for filing, 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, x4198

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

<b>IN THE MATTER OF SETTING A PUBLIC HEARING</b>	)	
<b>FOR THE VACATION OF A PORTION OF WILLOW</b>	)	
<b>STREET, IN THE PLAT OF GALLAGHER'S PART OF THE</b>	)	<b>RESOLUTION,</b>
<b>CITY OF FLORENCE, AS PLATTED AND RECORDED IN</b>	)	<b>NOTICE OF HEARING</b>
<b>VOLUME 30, PAGES 12 AND 13 OF THE LANE COUNTY,</b>	)	<b>AND ORDER</b>
<b>OREGON DEED RECORDS. (18-12-26)</b>	)	

**THIS MATTER** now coming before the Board of County Commissioners for Lane County, Oregon, and it appearing to the Board that a valid petition has been received by landowners of at least 60% of property adjoining the portion of Willow Street proposed to be vacated; and

**WHEREAS,** Willow Street, a public road originally platted as Wall Street, was first established as part of the Plat of Gallagher's Part of the City of Florence 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 Lot 11, Block 70, Gallagher's Part of the City of Florence, as platted and recorded in Volume 30, Page 12 of Lane County, Oregon plat records; thence northerly along the west line of Lot 11 to the southwest corner of Lot 10 within that same block; thence westerly to the southeast corner of Lot 1, Block 67 of said plat; thence southerly to a point 33 feet south of the extended east line of Lot 20, Block 67 of said plat; thence northeasterly in a straight line to the point of beginning, and there ending, all within Section 26, Township 18 South, Range 12 West of the Willamette Meridian, 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 Willow Street; and

**WHEREAS,** Qwest Communications, Central Lincoln PUD, Northwest Natural Gas, the City of Florence, 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,** landowner Donald Saxon (tax lot number 1812263102300) responded with a written objection, without specific reason, to the proposed vacation; and

**WHEREAS,** the Lane County Transportation Planning section initially had a concern that some landowners may be denied access, then later withdrew their concern after further investigation and visiting personally with petitioner Randall Johnson; and

WHEREAS, there are no 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 Directors 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 a date be set for the public hearing; now therefore, it is hereby

ORDERED, that April 14, 2004 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, 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, Lane County Surveyor, Public Service Building, 125 East 8th Avenue, Eugene, Oregon, 97401, telephone (541)682-4195.

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

\_\_\_\_\_  
Chair  
LANE COUNTY BOARD OF COMMISSIONERS

Attachment: Vicinity Map

APPROVED AS TO FORM

Date 2-29-04 lane county

  
\_\_\_\_\_  
CHIEF OF LEGAL COUNSEL

**EXHIBIT "A"**  
**IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY**  
**STATE OF OREGON**

**ORIGINAL**

**IN THE MATTER OF SETTING A PUBLIC HEARING FOR )**  
**THE VACATION OF A PORTION OF WILLOW STREET, )**  
**IN THE PLAT OF GALLAGHER'S PART OF THE CITY OF )**  
**FLORENCE, AS PLATTED AND RECORDED IN VOLUME )**  
**30, PAGES 12 AND 13 OF THE LANE COUNTY, OREGON )**  
**DEED RECORDS. (18-12-26)**

**PRELIMINARY**  
**DIRECTOR'S REPORT**

The Surveyor's Office of the Department of Public Works has received a valid petition signed by Randall Johnson and John G. and Kathryn A. Stone, landowners of at least 60% of property adjoining the portion of Willow Street proposed to be vacated.

Willow Street, originally platted as Wall Street and having a width of 60 feet, was first established as a public road in 1891 as part of the Plat of Gallagher's Part of the City of Florence. The portion to be vacated lies outside the city limits of Florence. The portion of Willow Street lying between Highway 126 and the southerly end of the portion to be vacated is proposed to remain in public road status.

Qwest Communications, Central Lincoln PUD, Northwest Natural Gas, the City of Florence, 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.

Donald Saxon, owner of tax lot number 1812263102300, responded with a written objection, without specific reason, to the vacation as proposed.

The Lane County Transportation Planning section initially had a concern that some landowners may be denied access, then later withdrew their concern after further investigation and visiting personally with petitioner Randall Johnson.

The other agencies and landowners either had no objections or did not reply to the referral.

It is recommended that the Resolution, Notice of Hearing and Order to consider the vacation of a portion of Willow Street be approved and a date be set for conducting a public hearing by the Board of County Commissioners.

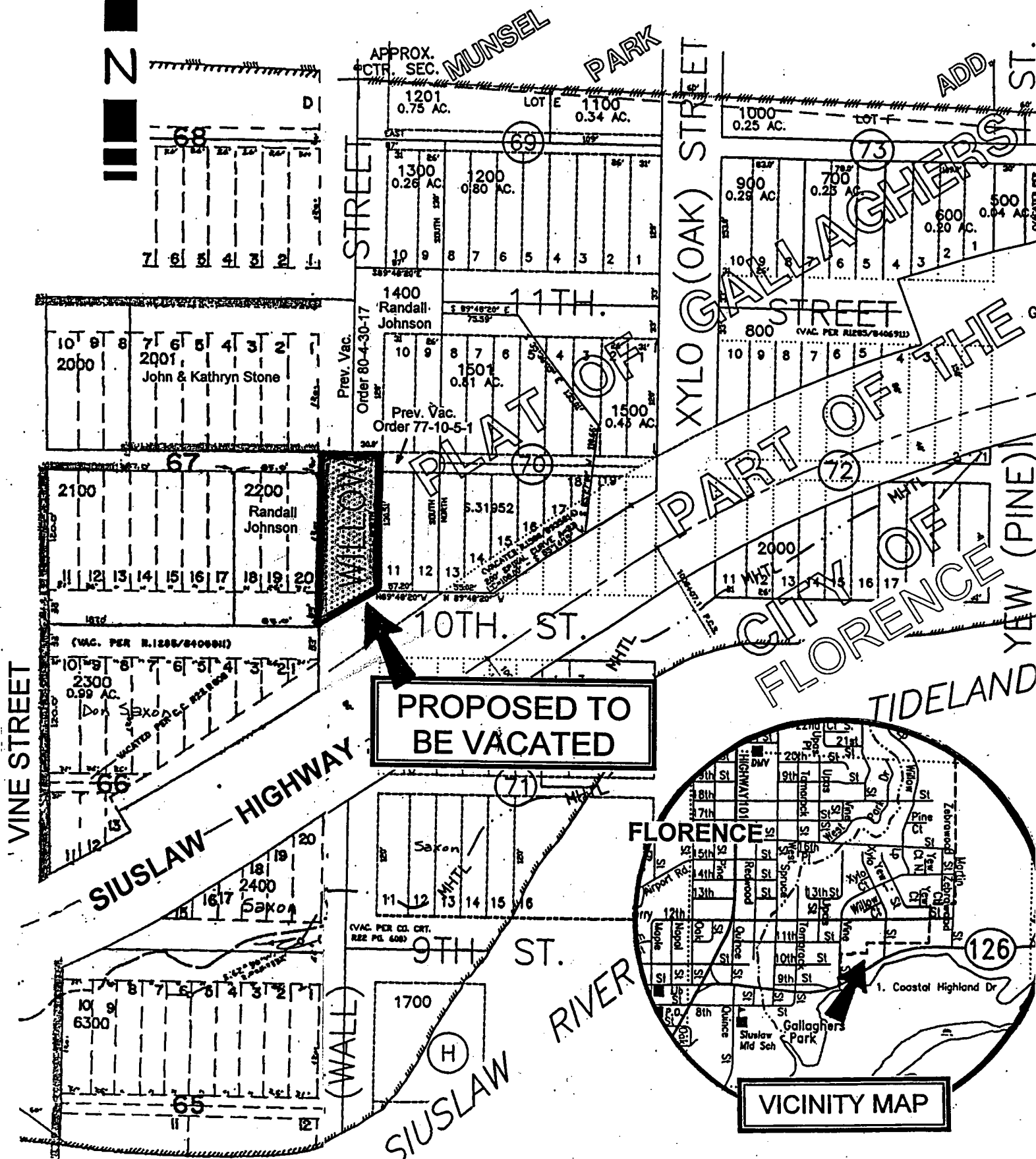
A final report will be submitted prior to the time of the public hearing.

DATED this 25<sup>th</sup> day of February, 2004

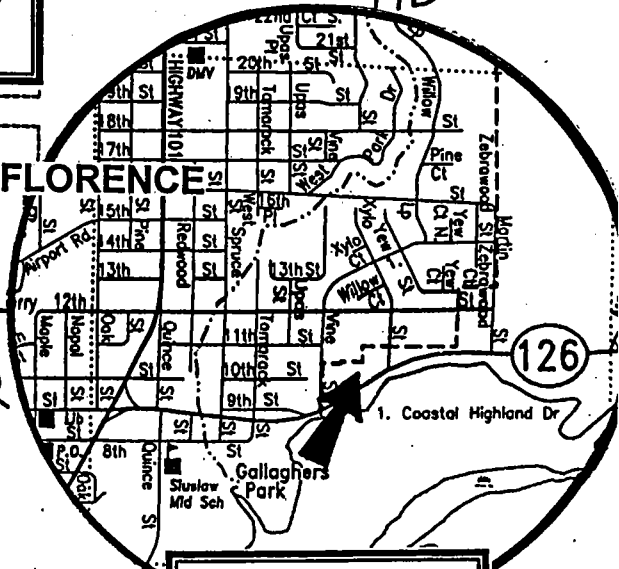
  
\_\_\_\_\_  
Oliver P. Snowden, Director - Department of Public Works

NE 1/4 SW 1/4 & NW 1/4 SE 1/4 Section 26 T. 18S. R. 12W. W.M.  
LANE COUNTY

NO SCALE



**PROPOSED TO  
BE VACATED**



**VICINITY MAP**