

AGENDA COVER MEMO

W. 8. C. 1.

DATE: April 30, 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 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 ORDER TO DENY THE PETITION TO VACATE 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:

On April 14, 2004, the Board conducted a public hearing on whether to vacate a portion of Willow Street. 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 Willow Street.

III. DISCUSSION:**A. Background:**

On March 10, 2004, the Board approved the Notice of Hearing and Order Number 04-3-10-20 to conduct a public hearing on April 14, 2004. The Board conducted a public hearing in the matter of the proposed 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.

Willow Street was originally established in 1891 as Wall Street in the Plat of Gallagher's Part of the City of Florence, with a right-of-way width of 60 feet. The portion proposed to be vacated has a length of approximately 173 feet.

B. Analysis:

The Board listened to the staff report from Bill Robinson, Lane County Surveyor, who gave background information about Willow Street, as well as stating the petitioners' purpose to

vacate. 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. Don Saxon, abutting property owner, gave testimony in objection to the vacation as proposed, stating he would support a vacation of this portion of Willow Street only if the southerly end of the vacated portion were extended all the way to State Highway 126. Petitioner Randall Johnson gave testimony in support of the vacation, stating that it would not deny access to any property, and that Don Saxon would still have access to his property from Highway 126. He also referred to a letter from the City of Florence endorsing annexation proceedings for his property and supporting the proposed vacation, a copy of said letter being included in the Agenda packet. Mr. Johnson also said he had previously received a letter from the Oregon Department of Transportation which indicated no objection to the vacation as proposed. Commissioner Anna Morrison asked that Mr. Johnson provide a copy of that letter for Surveyors Office files, regardless of whether the vacation petition was approved or denied. On April 27, 2004, Mr. Johnson provided the County Surveyors Office a copy of said letter, dated September 19, 1996.

Chairman of the Board Bobby Green called for discussion from the Board. Commissioner Bill Dwyer gave argument opposing the vacation, and Commissioner Anna Morrison gave argument in support of the vacation. During the course of discussion, at Chairman Green's request, County Engineer Sonny Chickering provided general information about how his department views vacation requests, and stated that they had no objection to the vacation, as no property owner would be denied access, and the portion to be vacated is not needed as an integral part of Lane County's Transportation Plan.

The Board, after consideration and deliberation of the record, voted on the matter and the motion to vacate the subject portion of Willow Street 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 April 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 Willow Street, 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**

IN THE MATTER OF DENYING THE PETITION TO VACATE 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))))))))	ORDER TO DENY NO.
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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 Willow Street, a public road; and

WHEREAS, Willow Street was originally established in 1891 as Wall Street in 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 Book 30, Pages 12 and 13 of the 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, The Board of Commissioners conducted a public hearing on April 14, 2004, in accordance with Resolution, Notice of Hearing and Order Number 04-3-10-20, to consider the vacation of the described portion of Willow Street; 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 and oral presentation by County Surveyor Bill Robinson, oral testimony from petitioner Randall Johnson and adjoining property owner Don Saxon, and oral testimony from County Engineer Sonny Chickering, 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 Willow Street, a public road, 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

Chair
LANE COUNTY BOARD OF COMMISSIONERS

Attachment: Vicinity Map

APPROVED AS TO FORM
Date 5-6-04 lane county
[Signature]

ATTACHMENT "A"

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

NO SCALE

