

W. S. A.

ORIGINAL

## AGENDA COVER MEMO

**DATE:** March 17, 2005  
**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 VACATING A PORTION OF THE ALLEY IN BLOCK 74 IN THE PLAT OF GALLAGHER'S PART OF THE CITY OF FLORENCE, AS PLATTED AND RECORDED IN BOOK 30, PAGES 12 AND 13, LANE COUNTY, OREGON PLAT RECORDS, WITHOUT A PUBLIC HEARING, AND ADOPTING FINDINGS OF FACT (18-12-26-42)

### I. MOTION:

**TO APPROVE THE ORDER VACATING A PORTION OF THE ALLEY IN BLOCK 74 IN THE PLAT OF GALLAGHER'S PART OF THE CITY OF FLORENCE, AS PLATTED AND RECORDED IN BOOK 30, PAGES 12 AND 13, LANE COUNTY, OREGON PLAT RECORDS, WITHOUT A PUBLIC HEARING, AND ADOPTING FINDINGS OF FACT.**

### II. ISSUE:

To decide whether a portion of the alley in Block 74 in the Plat of Gallagher's Part of the City of Florence, from the centerline of Yew Street (originally Pine Street) easterly to the westerly right-of-way of Zebrawood Street (originally Eddy Street), as recorded in 1891 in Book 30, Pages 12 and 13, Lane County, Oregon Plat Records, should be vacated as petitioned for.

### III. DISCUSSION:

#### A. Background:

The Surveyor's Office of the Department of Public Works has received a valid petition signed by Theodore J. Hawkins, Sarah D. Farber, Robert Loren and Karen Morgan Loren, the owners of 100% of the property abutting the proposed vacation, requesting by the authority of ORS 368.351 a vacation without a public hearing.

The purpose of the proposed vacation is to facilitate reconfiguration and consolidation of parcels owned by petitioners Theodore J. Hawkins and Sarah D. Farber. In conjunction with the vacation, an access easement will be executed to benefit both properties abutting

the vacation and also tax lot 18-12-26-13-2200 owned by Juanita Hadder, which historically has had access across present tax lot 18-12-26-13-2300 owned by petitioners Hawkins and Farber. Said access easement will also benefit a parcel of undetermined ownership lying east of a remaining unvacated portion of Zebrawood Street and north of State Highway 126. As addressed in Lane Manual 15.300 (3) and 15.300 (5)(a), portions of the present roadway serving these properties are outside the originally platted, undeveloped right-of-way, and a private easement replacing the vacated right-of-way will provide a better fit of right-of-way to the traveled way that would more effectively serve the development pattern in the area.

The Plat of Gallagher's Part of the City of Florence was platted in 1891 and recorded in Book 30, Pages 12 and 13 of the Lane County, Oregon Plat Records. Various streets within the plat have been previously vacated, including portions of Yew Street (originally Pine Street) and Zebrawood Street (originally Eddy Street), which are located at the easterly and westerly termini of this proposed vacation. The portion of alley proposed to be vacated is within the Urban Growth Boundary of the City of Florence, and outside the Florence City Limits. The City of Florence is supportive of the vacation.

The Surveyors Office notified Qwest Communications, Central Lincoln Public Utility District, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and the adjoining property owners regarding the vacation. Oregon Department of Transportation responded by indicating objection to the vacation "if vacation of the alley would require the affected properties to take access solely from the State Highway 126". ODOT further recommended "properties affected by the proposed vacation to be granted easement to the local street system". Juanita Hadder, owner of taxlot 18-12-26-13-2200, responded by indicating she has no objection to the vacation under the condition that a "complete access road is maintained and always available" to her property. The other agencies and landowners either had no objection to the vacation or did not respond to the referral.

B. Analysis:

The portion of the alley to be vacated is approximately 300 feet in length, with a width of 20 feet. Portions of an existing roadway serving existing residences are outside the originally platted, undeveloped right-of-way.

This portion of alley is no longer needed by the Lane County Transportation System. Although no property will be denied legal access as a result of this vacation, a private access easement will be executed to benefit all parcels affected by the vacation. This private easement addresses the concerns expressed by landowner Juanita Hadder and those expressed by ODOT. The public interest will be served, as vacating this portion of alley will allow the property owners to more fully utilize their property and allow for establishment of a private access easement serving all affected properties that is more suitable than the originally platted, undeveloped right-of-way. Consideration of this petition for vacation by the Board is in accordance with Lane Manual 15.300 (3) and 15.300 (5)(a).

C. Alternatives/Options:

The Board of County Commissioners has the options to:

1. Approve the vacation of this portion of alley in Block 74 of the Plat of Gallagher's Part of the City of Florence.
2. Deny the vacation of this portion of alley in Block 74 of the Plat of Gallagher's Part of the City of Florence.
3. Continue the matter of vacating this portion of alley in Block 74 of the Plat of Gallagher's Part of the City of Florence for further consideration.

D. Recommendations:

No property will be denied legal access by this vacation. The vacation is in the public's interest as vacating this portion of the described right-of-way will allow the adjacent property owners to more effectively utilize their property and allow for establishment of a private access easement serving all affected properties that is more suitable than the originally platted, undeveloped right of way. Establishment of said easement will satisfy the conditional objections returned by ODOT, and by Juanita Hadder, owner of taxlot 18-12-26-13-2200. The Public Works Director's Report therefore recommends that the Board support Option Number 1, approving the vacation of this portion of alley as petitioned for.

All statutory procedures necessary for the vacation without a public hearing of the above mentioned portion of alley in Block 74 in the Plat of Gallagher's Part of Florence have been complied with, including a report by the Director of Public Works who recommends the approval of the vacation as described in the petition.

E. Timing:

Timing of this matter is not critical.

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

If the Board of County Commissioners approves the Order of Vacation 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 and County Assessor for appropriate action. If the vacation is denied, an Order to Deny the Vacation will be presented to the Board at a later regularly scheduled meeting.

**V. ATTACHMENTS:**

Order w/attachments:  
Petition  
Director's Report - Exhibit "A"  
Findings of Fact - Exhibit "B"  
Attachment - Vicinity Map  
Grant of Easement and Maintenance Agreement

Contact Person: Bill Robinson, x4198

## IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

## STATE OF OREGON

IN THE MATTER OF VACATING A PORTION OF THE )  
 ALLEY IN BLOCK 74 IN THE PLAT OF GALLAGHER'S )  
 PART OF THE CITY OF FLORENCE, AS PLATTED AND )  
 RECORDED IN BOOK 30, PAGES 12 AND 13, LANE ) ORDER NO.  
 COUNTY, OREGON PLAT RECORDS, WITHOUT A PUBLIC )  
 HEARING, AND ADOPTING FINDINGS OF FACT )  
 (18-12-26-42) )

**WHEREAS**, this matter now coming before the Board upon a 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 the alley in Block 74 in the Plat of Gallagher's Part of the City of Florence as platted and recorded in Book 30, Pages 12 and 13, Lane County, Oregon Plat Records. Said portion of alley being more particularly described as follows:

All that portion of the platted East-West alley in Block 74 East of the centerline of Yew Street (originally Pine Street) and west of the westerly right-of-way of Zebrawood Street (originally Eddy Street), all in the Plat of Gallagher's Part of the City of Florence, Oregon as platted and recorded in Book 30, Pages 12 and 13, Lane County, Oregon Plat Records, all in the Northwest one quarter (NW1/4) of the Southeast one quarter (SE1/4) of Section 26, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon.

**WHEREAS**, the petition complies with the provisions of ORS 368.351 in that the petitioners, who are the landowners of 100% of the property abutting the proposed vacation, request that the vacation be approved as proposed; and

**WHEREAS**, ORS Chapter 368.351 provides for the vacation of public roads and rights-of-way without a public hearing; and

**WHEREAS**, Qwest Communications, Central Lincoln Public Utility District, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and the adjacent landowners were notified by mail regarding the proposed vacation; and

**WHEREAS**, Oregon Department of Transportation responded by indicating objection to the vacation "if vacation of the alley would require the affected properties to take access solely from the State Highway 126", and further recommended "properties affected by the proposed vacation to be granted easement to the local street system"; and

**WHEREAS**, Juanita Hadder, owner of taxlot 18-12-26-13-2200, responded by indicating she has no objection to the vacation under the condition that a "complete access road is maintained and always available" to her property; and

**WHEREAS**, the other agencies and landowners either had no objection to the vacation or did not respond to the referral; and

**WHEREAS**, the portion of alley proposed to be vacated is within the Urban Growth Boundary of the City of Florence, but is outside the Florence City Limits, and the City of Florence has expressed support of the vacation; and

**WHEREAS**, no property will be denied legal access by this vacation; and

**WHEREAS**, the petitioners have paid a vacation fee of \$650 and will pay recording fees upon final approval of the vacation; and

**WHEREAS**, the petitioners are requesting this vacation in order to facilitate reconfiguration and consolidation of parcels, and to provide a better fit of right-of-way to traveled way for access to all affected parcels; and

**WHEREAS**, a private access easement for the benefit of both abutting properties, for benefit of present tax lot 18-12-26-13-2200 and for benefit of a parcel of unidentified ownership will be executed and recorded in conjunction with the alley vacation, and said private easement addresses the concerns of Oregon Department of Transportation and landowner Juanita Hadder; and

**WHEREAS**, portions of the present roadway serving these properties are outside the originally platted, undeveloped right-of-way, and a private easement replacing the vacated right-of-way will provide a better fit of right-of-way to the traveled way that would more effectively serve the development pattern in the area, as provided for in Lane Manual 15.300 (3) and 15.300 (5)(a), and

**WHEREAS**, various streets in the nearby area of this proposed vacation, within the Plat of Gallagher's Part of the City of Florence, including portions of Yew Street (originally Pine Street) and Zebrawood Street (originally Eddy Street) which are located at the easterly and westerly termini of this proposed portion of alley vacation, have previously been vacated; and

**WHEREAS**, the Director of the Department of Public Works has provided a written report in support of the proposed vacation, as required by ORS 368.351, marked as Exhibit "A", attached hereto and made a part hereof, by this Order; and

**WHEREAS**, all statutory procedures under ORS 368.351 necessary for this vacation have been complied with; and

**WHEREAS**, the Board is of the opinion that approving the vacation as petitioned for is in the best interest of the public; now, therefore, it is hereby

**ORDERED**, that the above described portion of alley in Block 74 in the Plat of Gallagher's Part of the City of Florence is hereby vacated; and it is further

**ORDERED**, that in support of this action, the Board hereby adopts the Findings of Fact, marked as Exhibit "B", attached hereto and made a part hereof by this Order; and it is further

**ORDERED**, that this Order be entered into the Lane County Board of Commissioners Journal of Administration, and be further recorded in the Lane County, Oregon Deed Records.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

Attachment: Vicinity Map

**APPROVED AS TO FORM**

Date 3-28-05 lane county

\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

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

**IN THE MATTER OF VACATING A PORTION OF THE ALLEY IN )  
BLOCK 74 IN THE PLAT OF GALLAGHER'S PART OF THE CITY )  
OF FLORENCE, AS PLATTED AND RECORDED IN BOOK 30, )  
PAGES 12 AND 13, LANE COUNTY, OREGON PLAT RECORDS, ) **DIRECTOR'S REPORT**  
WITHOUT A PUBLIC HEARING, AND ADOPTING FINDINGS OF )  
FACT (18-12-26-42) )**

The Surveyor's Office of the Department of Public Works has received a valid petition signed by the owners of 100% of the property abutting the proposed vacation requesting, by the authority of ORS 368.351, a vacation without a public hearing.

The Plat of Gallagher's Part of the City of Florence was platted in 1891 and recorded in Book 30, Pages 12 and 13 of the Lane County, Oregon Plat Records. Various streets within the plat have been previously vacated, including portions of Yew Street (originally Pine Street) and Zebrawood Street (originally Eddy Street), which are located at the easterly and westerly termini of this proposed vacation. The portion of alley proposed to be vacated is 20 feet wide and approximately 300 feet long. It is within the Urban Growth Boundary of the City of Florence, and outside the Florence City Limits. The City of Florence is supportive of the vacation.

The petitioners wish to vacate this portion of the right of way in order to facilitate reconfiguration and consolidation of parcels owned by petitioners Theodore J. Hawkins and Sarah D. Farber. In conjunction with the vacation, an access easement will be executed to benefit both properties abutting the vacation and also tax lot 18-12-26-13-2200, which historically has had access across present tax lot 18-12-26-13-2300 owned by petitioners Hawkins and Farber. Said access easement will also benefit a parcel of undetermined ownership lying east of a remaining unvacated portion of Zebrawood Street and north of State Highway 126. As addressed in Lane Manual 15.300 (3) and 15.300 (5)(a), portions of the present roadway serving these properties are outside the original platted, undeveloped right-of-way, and a private easement replacing the vacated right-of-way will provide a better fit of right-of-way to the traveled way that will more effectively serve the development pattern in the area.

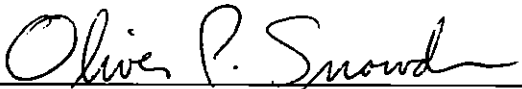
The Surveyors Office notified Qwest Communications, Central Lincoln Public Utility District, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and the adjoining property owners regarding the vacation. Oregon Department of Transportation responded by indicating objection to the vacation "if vacation of the alley would require the affected properties to take access solely from the State Highway 126". ODOT further recommended "properties affected by the proposed vacation to be granted easement to the local street system". Juanita Hadder, owner of taxlot 18-12-26-13-2200, responded by indicating she has no objection to the vacation under the condition that a "complete access road is maintained and always available" to her property. The other agencies and landowners either had no objection to the vacation or did not respond to the referral.

**EXHIBIT "A"**

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This portion of alley is no longer needed by the Lane County Transportation System. Although no property will be denied legal access as a result of this vacation, a private access easement will be executed to benefit all parcels affected by the vacation. This private easement addresses the concerns expressed by landowner Juanita Hadder and those expressed by ODOT. It is concluded that this vacation is in the public's interest, as it will allow the property owners to more fully utilize their properties. It is therefore recommended that this portion of the alley in Block 74 in the Plat of Gallagher's Part of the City of Florence, as described in the Order, be vacated as petitioned for. It is further recommended that the vacation be allowed without a public hearing.

**DATED** this 23<sup>rd</sup> day of March, 2005.

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



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

**IN THE MATTER OF VACATING A PORTION OF THE )  
 ALLEY IN BLOCK 74 IN THE PLAT OF GALLAGHER'S )  
 PART OF THE CITY OF FLORENCE, AS PLATTED AND )  
 RECORDED IN BOOK 30, PAGES 12 AND 13, LANE ) FINDINGS OF FACT  
 COUNTY, OREGON PLAT RECORDS, WITHOUT A PUBLIC )  
 HEARING, AND ADOPTING FINDINGS OF FACT )  
 (18-12-26-42) )**

The Department of Public Works has received a valid petition, signed by the owners of 100% of the property abutting the proposed vacation, requesting that a portion of the alley in Block 74 between the centerline of Yew Street (originally Pine Street) and the westerly right-of-way of Zebrawood Street (originally Eddy Street), as platted in the Plat of Gallagher's Part of the City of Florence, and recorded in 1891 in Book 30, pages 12 and 13, Lane County, Oregon Plat Records, and as described in the Order, be vacated as petitioned for. The petitioners wish to vacate this portion of the right-of-way in order to facilitate reconfiguration and consolidation of parcels owned by petitioners Theodore J. Hawkins and Sarah D. Farber. In conjunction with the vacation, an access easement will be executed to benefit both properties abutting the vacation and also tax lot 18-12-26-13-2200, which historically has had access across present tax lot 18-12-26-13-2300 owned by petitioners Hawkins and Farber. Said access easement will also benefit a parcel of undetermined ownership lying east of a remaining unvacated portion of Zebrawood Street and north of State Highway 126. As addressed in Lane Manual 15.300 (3) and 15.300 (5)(a), portions of the present roadway serving these properties are outside the originally platted, undeveloped right-of-way, and a private easement replacing the vacated right-of-way will provide a better fit of right-of-way to the traveled way that would more effectively serve the development pattern in the area.

**Findings of Fact (Public Interest)**

The Board takes notice and finds:

1. That, pursuant to ORS 368.326 to 368.366, a county governing body may vacate roads or easements based upon the determination that the vacation is "in the public interest."
2. That, pursuant to ORS 197.175 (2) (d), after acknowledgment of a county's comprehensive plan and implementing ordinances, the plan and ordinances, not the Statewide Planning Goals, control land use decisions.
3. That, Lane County's Rural Comprehensive Plan and implementing ordinances were originally acknowledged to be in compliance with the Statewide Planning Goals on September 13, 1984, and reacknowledged on February 14, 1992.
4. That, neither the Lane County Comprehensive Plan nor any land use regulation within the Lane Code establish mandatory standards for the vacation of public easements.

### **Conclusion of Law (Public Interest)**

Based upon the above findings of fact, the Board concludes, as a matter of law, that neither the Statewide Planning Goals nor the Lane County Rural Comprehensive Plan and related land use regulations are an applicable measure of the “public interest”, as it pertains to this vacation.

### **Findings of Fact (Impacts and Process of Vacation)**

The Board takes notice and finds as follows:

1. That, the petitioners own property abutting the proposed vacation. Said property is further identified as Tax Lots 300 and 400 of Assessor’s Map 18-12-26-42.
2. That, pursuant to ORS 368.326 to 368.366, a county governing body may vacate roads or easements based upon the determination that the vacation is “in the public interest”.
3. That, the portion of alley to be vacated is within the Urban Growth Boundary of the City of Florence, and outside the Florence city limits. The City of Florence is supportive of the vacation.
4. That, Qwest Communications, Central Lincoln Public Utility District, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and the adjoining property owners were notified by mail regarding the proposed vacation.
5. That, Oregon Department of Transportation responded by indicating objection to the vacation “if vacation of the alley would require the affected properties to take access solely from the State Highway 126”, and further recommended “properties affected by the proposed vacation to be granted easement to the local street system”.
6. That, Juanita Hadder, owner of taxlot 18-12-26-13-2200, responded by indicating she has no objection to the vacation under the condition that a “complete access road is maintained and always available” to her property.
7. That, the other agencies and landowners either had no objection to the vacation or did not respond to the referral.
8. That, a private access and maintenance agreement benefiting all properties affected by the vacation will be executed and recorded in conjunction with this vacation, thereby addressing the concerns of ODOT and landowner Juanita Hadder as referred to in #5 and #6 above.
9. That, vacating this portion of the alley in Block 74 in the Plat of Gallagher’s Part of the City of Florence as described in the Order will not deny any landowners legal road access to a public road.

10. That, pursuant to ORS 368.351, a county governing body may make a determination about a vacation of property without a public hearing if:
  - (1) The county road official files a written report stating that the vacation is in the public interest.
  - (2) The proceedings were initiated by petition indicating the approval of 100% of the adjoining property owners.

Items (1) and (2) have been complied with.

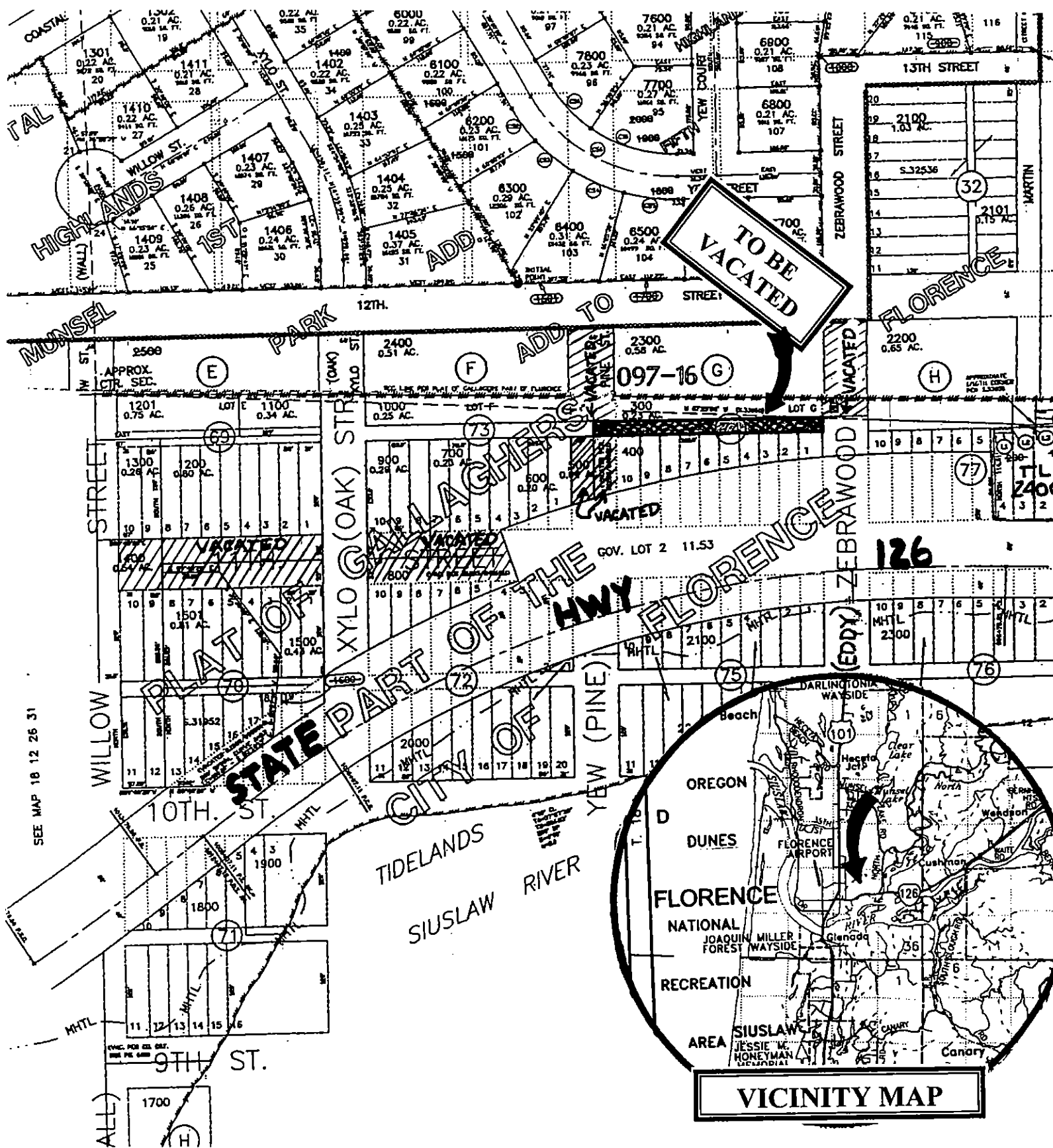
**Conclusions of Law (Impacts and Process of Vacation)**

Based on the above findings of fact, the Board concludes, as a matter of law, that this vacation will not have any predictable negative impact on present or future land use, either in terms of allowable uses or actual development. The Board further concludes that statutory procedures necessary for making a determination on this vacation, without a public hearing, have been met.



NW ¼ SE ¼ Section 26 T. 18 S. R. 12 W. W.M.  
LANE COUNTY  
(IN THE PLAT OF GALLAGHER'S PART OF THE CITY OF FLORENCE)

NO SCALE



## IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

File No.

REC'D DEC 08 2004

IN THE MATTER OF THE VACATION OF )  
 PLATTED ALLEY IN THE PLAT OF )  
 GALLAGHERS PART OF THE CITY OF ) PETITION TO VACATE  
 FLORENCE, OR. AS PLATTED AND )  
 RECORDED IN BOOK 30 PAGES 12 AND )  
 13, LANE COUNTY OREGON PLAT )  
 RECORDS

PURSUANT to the procedures set forth in ORS Chapter 368, we the undersigned ROBERT LOREN and KAREN MORGAN LOREN husband and wife, THEODORE J. HAWKINS and SARAH D. FARBER husband and wife, as owners of adjacent real property, hereby petition for the vacation of the East – West Alley in Block 74 within the Plat of Gallaghers Part of the City of Florence, OR., as platted and recorded in Book 30 pages 12 and 13, Lane County Oregon Plat Records, which area to be vacated is described as follows:

“All that portion of the Platted East – West Alley in Block 74 East of the centerline of (Pine) Yew Street, and westerly right of way of (Eddy) Zebrawood Street, all in the Plat of Gallaghers Part of the City of Florence, Oregon, as platted and recorded in Book 30 Pages 12 & 13, Lane County, Oregon Plat Records, all in the northwest one quarter (NW ¼) of the southeast one quarter (SE ¼) of section 26, township 18 south, range AZ west of the Willamette Meridian, Lane County, Oregon.”

WHEREAS, the undersigned petitioners are the owners of 100% of all the real property located adjacent to the above described area to be vacated, and

WHEREAS, petitioners allege as follows:

1. The purpose of this vacation request is to reposition the access to a location suitable for a road, and to eliminate the PUBLIC standing and change to a PRIVATE easement, and to Eliminate unneeded roads and alleys.
2. There are no utilities in the area to be vacated.

Necessary easements for public and private utilities and for ingress and egress, will be executed between the parties prior to completion of the vacation, and

WHEREAS, no portion of the area to be vacated is located within the boundaries of an incorporated City or Town, and

WHEREAS, the public interest will be served and not prejudiced by vacation of the above described area, and

WHEREAS, petitioners, separately and collectively, have no objection to Lane County proceeding under the authority of ORS Chapter 368.326, for vacation without a hearing, and

THEREFORE, the petitioners request an Order of the Board of Commissioners for Lane County as follows:

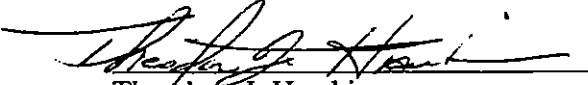
1. Setting a date for vacation of the above described portion of alley, without a hearing before the Board of Commissioners for Lane County pursuant to ORS Chapter 368.
2. Upon review of this matter, to direct the vacation of the above described alley And to direct that title to the vacated area revert and vest in accordance with ORS 368.366.

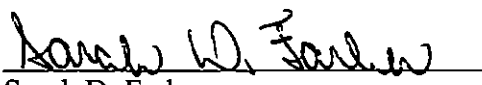
DATED this 13, day of NOVEMBER, 2004.

PETITIONERS:

Robert Loren  
MAP 18-12-26-42 TL 00400  
85020 HWY 101 S.  
FLORENCE, OR. 97439

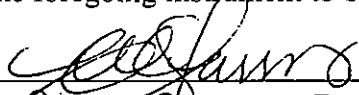
Karen Morgan Loren  
MAP 18-12-26-42 TL 00400  
85020 HWY 101 S.  
FLORENCE, OR. 97439

  
Theodore J. Hawkins  
MAP 18-12-16-42 TL 00300  
9357 Goyette Place  
Santee, CA 92071

  
Sarah D. Farber  
MAP 18-12-16-14 TL 00300  
9357 Goyette Place  
Santee, CA 92071

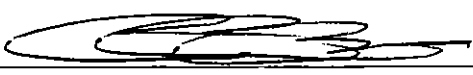
~~CALIFORNIA~~  
STATE OF ~~OREGON~~)  
County of ~~Lane~~ )ss.  
~~San Diego~~

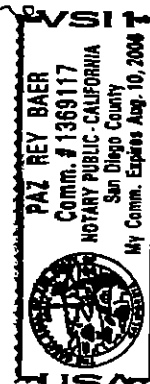
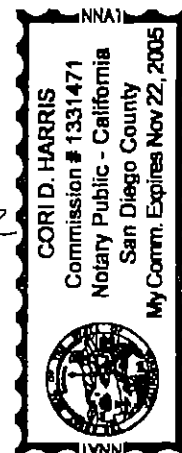
On NOV. 13, 2004, personally appeared the above named SARAH D. FARBER  
and acknowledged the foregoing instrument to be a  
voluntary act before me: CORIN D. HARRIS

  
Notary Public for ~~Oregon~~ CALIFORNIA  
My Commission Expires: NOV. 22, 2005

~~CALIFORNIA~~  
STATE OF ~~OREGON~~)  
County of ~~Lane~~ )ss.  
~~San Diego~~

On Nov 15, 2004, personally appeared the above named Theodore J. Hawkins  
and acknowledged the foregoing instrument to be a  
voluntary act before me:

  
Notary Public for ~~Oregon~~ CALIFORNIA  
My Commission Expires: Aug 10, 2006



WHEREAS, petitioners, separately and collectively, have no objection to Lane County proceeding under the authority of ORS Chapter 368.326, for vacation without a hearing, and

THEREFORE, the petitioners request an Order of the Board of Commissioners for Lane County as follows:

1. Setting a date for vacation of the above described portion of alley, without a hearing before the Board of Commissioners for Lane County pursuant to ORS Chapter 368.
2. Upon review of this matter, to direct the vacation of the above described alley And to direct that title to the vacated area revert and vest in accordance with ORS 368.366.

DATED this 1<sup>st</sup>, day of Dec, 2004.

PETITIONERS:

Robert Loren  
Robert Loren  
MAP 18-12-26-42 TL 00400  
85020 HWY 101 S.  
FLORENCE, OR. 97439

Karen Morgan-Loren  
Karen Morgan Loren  
MAP 18-12-26-42 TL 00400  
85020 HWY 101 S.  
FLORENCE, OR. 97439

Theodore J. Hawkins  
Theodore J. Hawkins  
MAP 18-12-16-42 TL 00300  
9357 Goyette Place  
Santee, CA 92071

Sarah D. Farber  
Sarah D. Farber  
MAP 18-12-16-14 TL 00300  
9357 Goyette Place  
Santee, CA 92071

STATE OF ~~OREGON~~ Tennessee  
County of ~~Lane~~ Knox )ss.

On 12-11, 2004, personally appeared the above named Robert Loren  
and acknowledged the foregoing instrument to be a  
voluntary act before me:

Judy King  
Notary Public for ~~Oregon~~ Tennessee  
My Commission Expires: 9-4-06

STATE OF ~~OREGON~~ Tennessee  
County of ~~Lane~~ Knox )ss.

On 12-01, 2004, personally appeared the above named Karen Morgan Loren  
and acknowledged the foregoing instrument to be a  
voluntary act before me:

Judy King  
Notary Public for ~~Oregon~~ Tennessee  
My Commission Expires: 9-4-06

After recording return to:  
 Ted Hawkins  
 9357 Goyette Place  
 Santee, Ca. 92071

TITLE WAS REVISED  
 BY DON WOLFORD  
 RCD 3/16/05  
 HE IS HOLDING ORIGINAL  
 TITLE FOR IT.

## GRANT OF EASEMENT AND MAINTENANCE AGREEMENT

### RECITALS:

1. **ROBERT LOREN and KAREN MORGAN LOREN, husband and wife**, are the owners of the following described property.

Lots 5, 6, 7, 8, 9 and 10, Vacated Yew Street South of The East-West Alley in Block 74, and the South half of the vacated East-West Alley adjacent to said Lots 5, 6, 7, 8, 9 and 10 in Block 74 and adjacent to the East half of vacated Yew Street, all in Gallaghers Part of the City of Florence, as platted and recorded in Volume 30, Pages 12 and 13, Lane County Oregon Plat Records.

2. **THEODORE J. HAWKINS and SARAH D. FARBER, husband and wife**, are the owners of the following described property.

Lots 1, 2, 3 and 4, Lot G, the West Half of vacated Zebrawood Street adjacent to said Lot G, the East Half of vacated Yew Street adjacent to said Lot G, and the North half of the vacated East-West alley in Block 74 adjacent to Lots 5, 6, 7, 8, 9 and 10, and adjacent to the East half of vacated Yew Street, and all of vacated East-West Alley in Block 74 adjacent to Lots 1, 2, 3 and 4 of said Block 74, all in Block 74, in Gallaghers Part of the City of Florence as platted and recorded in Volume 30, Pages 12 and 13 Lane County Oregon Plat Records, together with: Lot G, the West Half of vacated Zebrawood Street adjacent to said Lot G, the East Half of vacated Yew Street, all in Munsel Park Addition to Florence as platted and recorded in Book 4 Page 90, Lane County Oregon Plat Records.

3. **JUANITA E. HADDER** is the owner of the following described property.

Lot H and the East Half of vacated Zebrawood Street adjacent to said Lot H, all in Munsel Park Addition to Florence as platted and recorded in Book 4 Page 90, Lane County Oregon Plat records.

4. **UNDETERMINED PARTIES** are the owners of the following described property.

Lots 5, 6, 7, 8, 9 and 10 of Block 77, Gallaghers Part of the City of Florence, as platted and recorded in Volume 30, Pages 12 and 13, Lane County Oregon Plat Records, lying North of the Northerly Right of Way line of State Highway 126.

### DECLARATION OF EASEMENT:

1. **EASEMENT CREATED**, Owner's hereby create a perpetual, nonexclusive easement to use a strip of land Thirty (30) feet wide over the Owner's property as described in Paragraphs 1, 2 and 3 above, to serve Owner's property as described in Paragraphs 1, 2, 3 and 4 above.
2. **EASEMENT DESCRIBED:**

A Thirty (30) foot wide strip of land located in the Southeast Quarter of Section 26, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon being Twenty (20) feet on the Northerly side and Ten (10) feet on the Southerly side of the following described line:



**GRANT OF EASEMENT AND MAINTENANCE AGREEMENT (continued)**

Beginning at the intersection of the centerline of Yow Street with the centerline of the East-West Alley in Block 74 of Gallaghers Part of the City of Florence as platted and recorded in Volume 30, Pages 12 and 13, Lane County Oregon Plat Records; Thence South 87° 27' 33" East 107.75 feet; Thence North 75° 03' 56" East 31.80 feet; Thence North 72° 59' 44" East 33.87 feet; Thence North 66° 28' 23" East 30.48 feet; Thence North 63° 53' 12" East 32.49 feet; Thence North 72° 55' 21" East 33.28 feet; Thence North 87° 58' 35" East 32.45 feet; Thence North 88° 29' 38" East 37.87 feet to the Point of Termination on the centerline of vacated Zebrawood Street North 00° 00' 11" East 42.83 feet from a 5/8 inch rebar with cap marking the intersection of said centerline with the North line of said East-West Alley.

Together with a Thirty (30) foot wide strip of land being Fifteen (15) feet on each side of the following described centerline:

Beginning at a point North 42° 08' 40" West 56.42 feet from a 5/8 inch rebar with cap marking the intersection of the centerline of vacated Zebrawood with the North line of the vacated East-West Alley in Block 74, Gallaghers Part of the City of Florence, as platted and recorded in Volume 30 Pages 12 and 13, Lane County Oregon Plat Records; Thence South 72° 17' 08" East 24.48 feet; Thence South 56° 39' 37" East 17.04 feet; Thence South 44° 36' 55" East 34.98 feet to the Point of Termination on the North line of the East-West Alley in Block 77, Gallaghers Part of the City of Florence, as platted and recorded in Volume 30, Pages 12 and 13, Lane County Oregon Plat Records.

3. **EASEMENT PROVISION:** The terms of the easement are as follows:

- 3.1 **PURPOSE.** The easement is to provide access to and from all of the Owner's property described in Paragraphs 1, 2, 3 and 4 above, and for the installation of such utilities as may be needed to serve the Owner's property as described in Paragraphs 1, 2, 3 and 4 above.
- 3.2 **USE OF THE BURDENED PROPERTY:** The Owner's shall have the right to use their property, including the area described in the easement, for any purpose so long as the owner or occupiers do not interfere with the use of the easement as granted by this instrument.
- 3.3 **PRIVATE GRANT:** The easement created by this instrument does not constitute a dedication or grant for public use.
- 3.4 **MAINTENANCE AND REPAIRS:** The Owner's described in Paragraphs 1, 2 and 3 above shall at all times hereafter maintain the easement property. The Owner described in Paragraph 4 above shall be exempt from participation in said maintenance.
- 3.5 **TAXES:** The Owner's described in Paragraphs 1, 2 and 3 above shall pay the real property taxes on the easement portion within their own land.

4. **SUCCESSORS IN INTEREST, RECORDATION:** The provisions of this instrument touch and concern, and relate to the use of the Owner's Property as described in Paragraph 1, 2, 3 and 4 above, and are intended to be covenants and restrictions running with the land. This document shall therefore be recorded in the Deed Records of Lane County, Oregon.

All provisions of this instrument, including the benefits and burdens, are binding on and inure to their heirs, successors, assigns, transferees and personal representatives of all parties who own any of the Properties as described in Paragraph 1, 2, 3 and 4 above.

Dated this 15<sup>th</sup> day of MARCH, 2005

## GRANT OF EASEMENT AND MAINTENANCE AGREEMENT (continued)

Robert Loren  
ROBERT LOREN

Karen Morgan-Loren  
KAREN MORGAN LOREN

Theodore J. Hawkins  
THEODORE J. HAWKINS

Sarah D. Farber  
SARAH D. FARBER

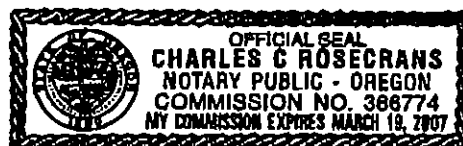
Juanita E. Hadder  
JUANITA E. HADDER

STATE OF OREGON, County of Lane)SS

On this 15<sup>th</sup> day of MARCH, 2005, personally appeared before me the within named ROBERT LOREN and KAREN MORGAN LOREN, and acknowledged the foregoing instrument to be a voluntary act and deed.

Witness my hand and seal this day and year last above written.

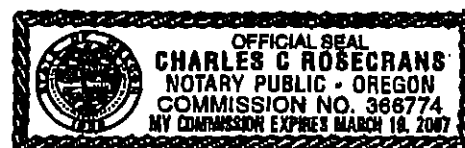
Charles C Rosecrans  
Notary Public for Oregon  
My Commission expires 3-19-2007

STATE OF ~~CALIFORNIA~~ <sup>OREGON</sup>, County of LANE)SS

On this 15<sup>th</sup> day of MARCH, 2005, personally appeared the within named THEODORE J. HAWKINS and SARAH D. FARBER, and acknowledged the foregoing instrument to be a voluntary act and deed.

Witness my hand and seal this day any year last above written.

Charles C Rosecrans  
Notary Public for ~~California~~ <sup>OREGON</sup>  
My Commission Expires 3-19-2007

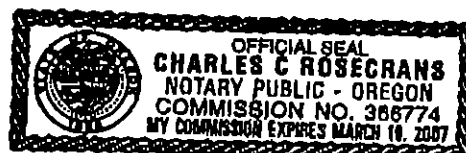


STATE OF OREGON, County of Lane)SS

On this 15<sup>th</sup> day of MARCH, 2005, personally appeared the within named JUANITA E. HADDER, and acknowledged the foregoing instrument to be a voluntary act and deed.

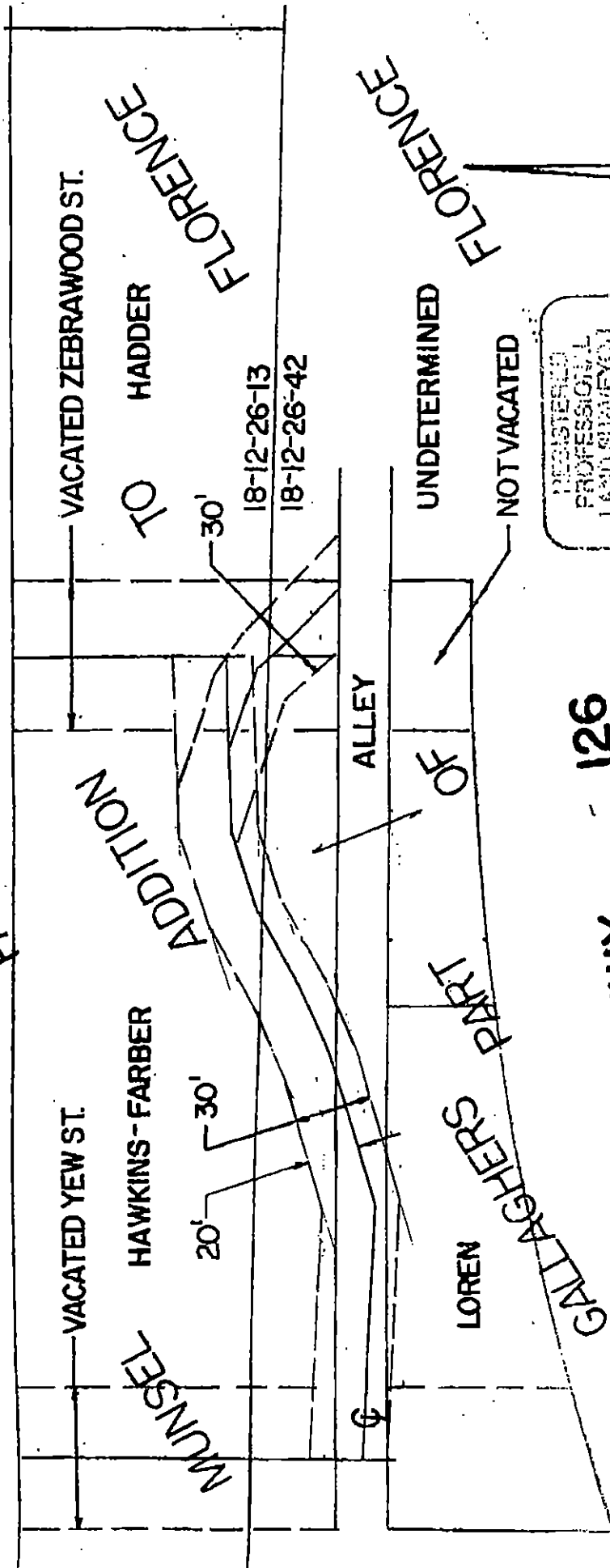
Witness my hand and seal this day and year last above written.

Charles C Rosecrans  
Notary Public for Oregon  
My Commission Expires 3-19-2007



12TH. ST.

PARK



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Donald E. Wolford*  
OREGON  
JANUARY 18, 1939  
DONALD E. WOLFORD  
2702  
FID EXPIRES 6/30/2006

SCALE 1" = 60'

EASEMENT PLAN

FOR

**HAWKINS - FARBER / HADDER / LOREN / UNDETERMINED**

E 1/2 SECTION 26, T18S, R12W, W.M.

LANE COUNTY, OREGON

WOLFORD LAND SURVEYING LLC  
87180 MUNSEL LAKE ROAD  
FLORENCE, OR. 97439  
(541) 997-4455

REVISED 3/16/2005  
3/2/2005

JOB NO. 0509