

W. B. a
ORIGINAL

AGENDA COVER MEMO

DATE: June 3, 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 (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, BEING MORE PARTICULARLY DESCRIBED IN THE FINAL ORDER (18-12-26-42)

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.

Said petition was first presented to the Board of Commissioners in their April 6, 2005 Agenda, Order #05-4-6-9, and after discussion of the petition the Commissioners recommended this action be processed with a public hearing. As part of their May 18, 2005 Agenda, the Board approved Resolution and Order Number 05-5-18-7 to set a public

hearing on June 29, 2005 to hear and evaluate the merits of whether to vacate this portion of alley.

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. 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 providing public notice and a report by the Director of Public Works who recommends the approval of the vacation as described in the petition.

E. Timing:

Timing is important in this matter, as the outcome of the vacation proceedings will affect the timely ability of petitioners Theodore Hawkins and Sarah Farber to establish a dwelling on their property abutting the proposed vacation.

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"

Affidavit of Posting - Exhibit "C"

Attachment - Vicinity Map

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) FINAL
RECORDED IN BOOK 30, PAGES 12 AND 13, LANE) ORDER NO.
COUNTY, OREGON PLAT RECORDS (18-12-26-42))
)

WHEREAS, this matter now coming before the Board of County Commissioners for Lane County, Oregon, upon the Resolution, Notice of Hearing and Order No. 05-5-18-7 for the petition for the vacation of a portion of the alley in Block 74 in the Plat of Gallagher's Part of the City of Florence; and,
WHEREAS, this portion of alley was established in 1891 with a right-of-way width of 20 feet, said portion of right-of-way proposed to be vacated 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 368.341, as 100% of the adjoining landowners have signed the petition; 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 \$1500 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 necessary procedures for a vacation have been complied with, pursuant to ORS Chapter 368, including the giving of notice as evidenced by the Affidavit of Posting, Publication and Mailing, labeled as Exhibit "C", attached hereto and made a part hereof by this Order; and

WHEREAS, a public hearing was conducted on this date, as ordered, regarding the proposed vacation of the road as described above; and

WHEREAS, in accordance with the provisions of ORS 368.356, the Board is of the opinion that approving the vacation of this alley, as described herein, 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 1-20-05 lane county

[Signature]
OFFICE OF LEGAL COUNSEL

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

REC'D DEC 08 2004

File No.

IN THE MATTER OF THE VACATION OF)
PLATTED ALLEY IN 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)

PETITION TO VACATE

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 1/4) of the southeast one quarter (SE 1/4) 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
 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

CALIFORNIA
 STATE OF OREGON)
 County of Lane)ss.
SAN DIEGO

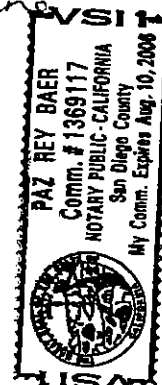
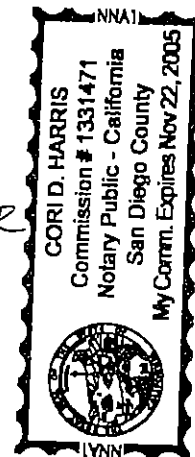
On NOV. 13, 2004, personally appeared the above named SARAH D. FARBER and acknowledged the foregoing instrument to be a voluntary act before me: CORRI D. HARRIS

[Signature]
 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:

[Signature]
 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 1ST, day of Dec, 2004.

PETITIONERS:

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
 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

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

On 12-1, 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

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)
(18-12-26-42))

FINAL
DIRECTOR'S REPORT

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.

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. 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.

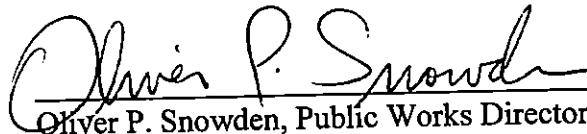
EXHIBIT "A"

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.

Notification of these proceedings has been provided by posting, mail and legal publication by the County Surveyor as required by ORS 368 provisions.

This portion of alley is no longer needed by the Lane County Transportation System. 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 and facilitate establishment of a private access easement that will more effectively serve the development pattern in the area. 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.

DATED this 15th day of June, 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
COUNTY, OREGON PLAT RECORDS(18-12-26-42)**

)
)
) **FINDINGS OF FACT**
)
)

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. 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 and better fitting the traveled roadway 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, the County Surveyor has provided legal notice for the public hearing by service, posting and publication as required by ORS 368.401 to 368.426.
11. That, pursuant to ORS 368, a county governing body may make a determination about a vacation of property with a public hearing if:

- (1) The county governing body receives a petition meeting the requirements of ORS 368.341.
- (2) The county road official files a written report containing a description of the property proposed for vacation and stating that the vacation is in the public interest.
- (3) The governing body establishes a time and place for a hearing to consider the proposed vacation and shall give notice of said hearing under ORS 368.401 to 368.426.

Items (1), (2) and (3) 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, with a public hearing, have been met.

EXHIBIT "C"

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)
VOLUME 30, PAGES 12 AND 13 OF THE LANE)
COUNTY, OREGON DEED RECORDS)
(18-12-26-42))

AFFIDAVIT OF POSTING,
PUBLICATION
AND MAILING

I, Bill Robinson, Lane County Surveyor, certify as follows:

That on the 7th day of June, 2005, I caused to be posted three (3) copies of the Notice of Hearing in the above entitled matter in three places, positioned to be visible to the traveling public, as follows:

1. Posted on mailbox stand located at intersection of Xylo Street and the west end of the existing subject alley.
2. Posted on STOP sign post located at the northwest corner of the intersection of Hwy 126 and Xylo Street.
3. Posted on power pole #U26J9 located on the north side of Hwy 126, 50' west of the entrance to Three Rivers Casino.

I further certify that on the 24th day of May 2005, notice was sent by Certified Mail to the abutting property owners affected by the proposed road action, in accordance with Oregon Revised Statutes Chapter 368. Notice was also sent by General Mail to other property owners in the area, as well as private and public agencies having an interest in these vacation proceedings. Also, on June 9, 2005 and June 20, 2005 notice is scheduled to run in the Register Guard; and on June 8, 2005 and June 25, 2005 notice is scheduled to run in the Siuslaw News.

Bill Robinson

Bill Robinson
Lane County Surveyor

Subscribed and sworn to before me this 8th day of June, 2005.

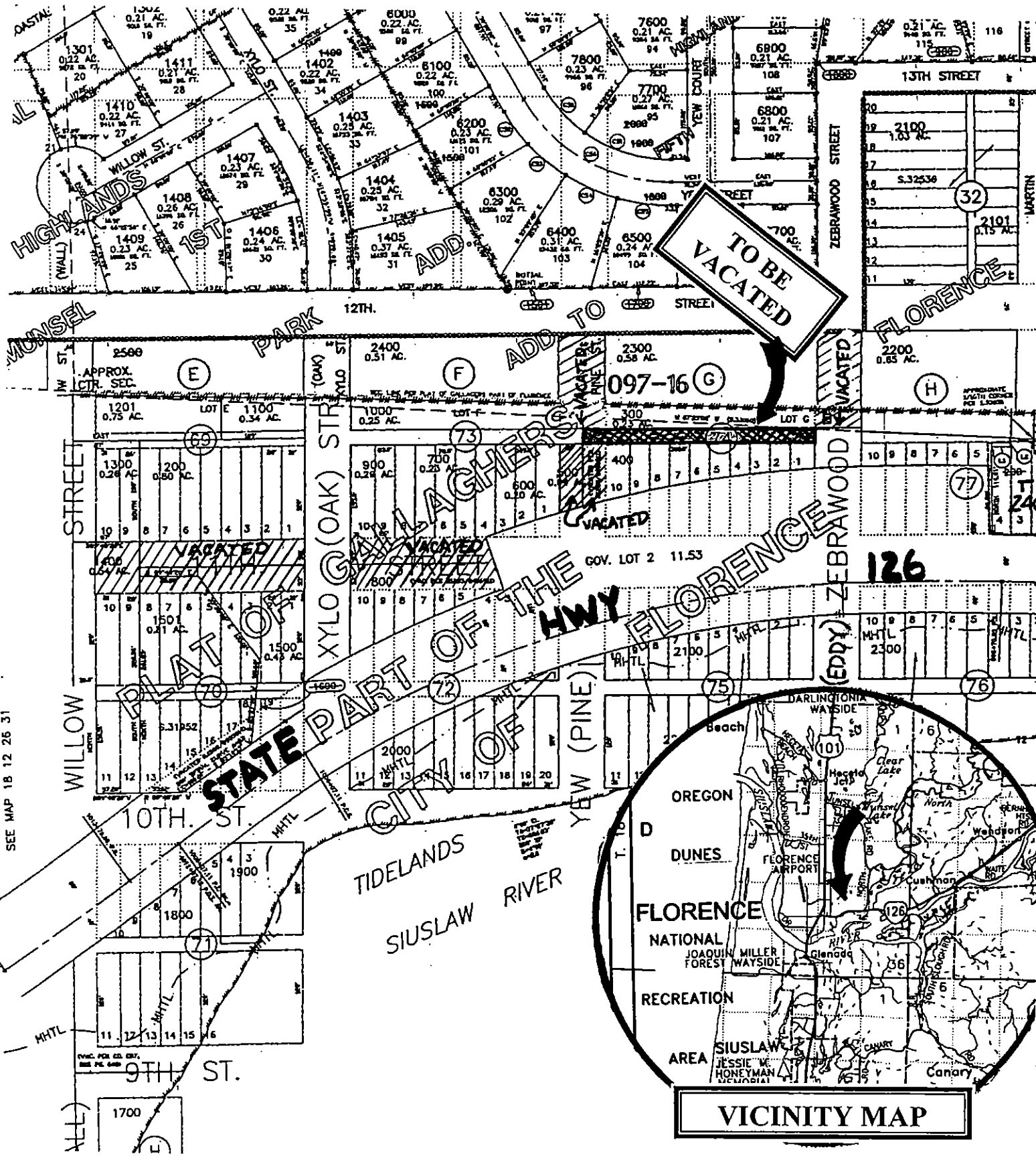


Peggy Hunter
NOTARY PUBLIC FOR OREGON
My Commission Expires: Oct. 13, 2007



NW 1/4 SE 1/4 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



SEE MAP 18 12 25 31

