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ORIGINAL

**AGENDA COVER MEMO**

**DATE:** June 3, 2005  
**TO:** Lane County Board of Commissioners  
**FROM:** Bill Robinson, Lane County Surveyor 32  
**DEPARTMENT:** Public Works/Land Management Division

**AGENDA ITEM TITLE:** IN THE MATTER OF THE VACATION OF A PORTION OF THE UNNAMED PLATTED STREETS AND ALLEY, IN THE PLAT OF LAKE VIEW, AS PLATTED AND RECORDED IN BOOK 10, PAGE 6, LANE COUNTY, OREGON PLAT RECORDS (16-07-19-11)

**I. MOTION:**

**TO APPROVE THE FINAL ORDER IN THE MATTER OF THE VACATION OF A PORTION OF THE UNNAMED PLATTED STREETS AND ALLEY, IN THE PLAT OF LAKE VIEW, AS PLATTED AND RECORDED IN BOOK 10, PAGE 6, LANE COUNTY, OREGON PLAT RECORDS (16-07-19-11)**

**II. ISSUE:**

To decide whether the described portions of the two 30-foot wide unnamed streets, one that is approximately 940 feet in length and the other being approximately 500 feet in length, and the entire 20-foot wide alley, being approximately 450 feet in length, all of which lie within the plat of Lake View, as platted and recorded in 1928 in Book 10, Page 6, 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 Larry L. Brown; Larry Hibbard; Martin Hall, Secretary for Advanced Investment Corporation; Creighton M. Harrison and Paula M. Harrison; Chadric Brown and Heidi D. Brown; and Robert L. Ladehoff, President of the Diocese of Oregon. These individuals and corporations make up 80% of the owners of property abutting the alley and the unnamed streets of the plat of Lake View proposed to be vacated. The petitioners are requesting the vacation in order to reconfigure their lots, and replace the public rights-of-way with one private easement that will serve the replatted lots. Portions of the roadway are outside the platted right-of-way, and the easement will provide a better fit to the physical road. A public hearing is necessary to consider the proposed vacation, as the petition does not include the signatures of all of the adjoining landowners.

Lake View was platted in 1928, and recorded in Book 10, Page 6 of the Lane County, Oregon Plat Records. The proposed vacation includes the entire street which runs between Block 1 and Block 2, being approximately 940 feet in length; the portion of the street that is contiguous to the southwesterly boundary of Block 2 between the northerly margin of the alley and the northerly margin of Little Lake Road, being approximately 500 feet in length; and the alley within that extends from State Highway Number 36 to the southwesterly boundary of said plat, being 450 feet in length. The portion of the right-of-way contiguous to the southwest boundary of Lots 2,3,6,7, and 10 of Block 2 was previously vacated in 1998, by Order Number 98-4-1-20.

The Surveyor's Office notified by mail Qwest Communications, Blachly-Lane Electric Cooperative, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and neighboring landowners regarding the vacation. No objections to the proposed vacation were received, however Lane County Planning Department sent back comments stating that the petitioner must submit an application for a replat of the "Plat of Lake View" before the vacation can be completed, and the street vacation would be a condition of the replat. Lane County Transportation Planning also stated that a replat is required. The petitioner has since submitted an application of replat and a preliminary replat of Lots 5 through 12 and Lot 14 of Block 1 and Lots 1 through 19 of Block 2 of the plat of Lake View (to be "Two Lakes") and a copy was given to the Planning Department and Transportation Planning.

After reviewing the preliminary replat, Transportation Planning sent additional comments stating that a recorded access easement for the benefit of proposed Lots 2 through 13 is required. An easement has been drawn up and will be recorded by the County Surveyor upon approval of the vacation.

**B. Analysis:**

The petitioners have met the requirement of ORS 368.341(f), as at least 60% of the adjoining landowners have signed the petition to vacate the road. ORS 368.356 requires that the county governing body determine whether the vacation of the property is in the public interest.

Vacating the right-of-ways within the plat of Lake View, as petitioned for, would allow for the petitioners to plan for the overall use of the property without having the public right-of-way as an encumbrance. A preliminary replat of Lots 5 through 12 and Lot 14 of Block 1, and Lots 1 through 19 of Block 2 has been submitted and a private easement agreement which better fits the traveled road has been drawn up which will provide access from Triangle Lake Resort Road for these replatted properties, with the exception of proposed Lot 1, which will take access directly from Triangle Lake Resort Road. With this easement agreement in place, no property will be denied legal vehicle access to their property.

The petitioners assert that there are no known utilities within the right-of-ways proposed to be vacated.

It is believed the public interest will be served, as vacating this portion of right-of-way will allow the petitioners to more fully utilize their property and will satisfy a condition of the replat set by Lane County Planning Department.

The proceedings that propose to vacate the said portion of the unnamed streets and the alley in the plat of Lake View have provided ample opportunity for comment from the public, affected property owners, and outside agencies. All required legal notices have been provided in accordance with ORS 368.346 and the Board is free to act at this time.

C. Alternatives/Options:

The Board of County Commissioners has the option to:

1. Approve the vacation of a portion of the streets and the alley in the plat of Lake View, as petitioned for.
2. Deny the vacation of a portion of the streets and the alley in the plat of Lake View, as petitioned for.
3. Continue the matter for further consideration.

D. Recommendations:

The Public Works Director's Report recommends that the Board support Option Number 1, to approve the vacation of the described streets and alley within the plat of Lake View, as petitioned for.

All statutory procedures necessary for the vacation of the above mentioned alley and streets in the plat of Lake View have been complied with, including providing public notice and a report by the Director of Public Works, who recommends approval of the vacation as described in the Final Order.

E. Timing:

Timing is important in this matter, as the described streets and alley must be vacated before the replat can be approved.

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

If the Board of County Commissioners approves the Final Order of Vacation, the documents are 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. The County Surveyor shall record a private easement providing replatted lots with legal access to a public road. If the order is denied, an Order to Deny will be presented to the Board at a later regularly scheduled meeting. 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:**

Final Order w/ attachments:

- Petition to Vacate
- Director's Report - Exhibit "A"
- Findings of Fact - Exhibit "B"
- Affidavit of Posting, Publication, and Mailing - Exhibit "C"
- Vicinity Map - Attachment

Contact Person: Bill Robinson x4198

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

FILE NO. 4066

<b>IN THE MATTER OF THE VACATION OF A PORTION OF</b>	)	
<b>THE UNNAMED PLATTED STREETS AND ALLEY, IN THE</b>	)	<b>FINAL</b>
<b>PLAT OF LAKE VIEW, AS PLATTED AND RECORDED IN</b>	)	<b>ORDER NO.</b>
<b>BOOK 10, PAGE 6, LANE COUNTY, OREGON PLAT RECORDS</b>	)	
<b>(16-07-19-11)</b>	)	

WHEREAS, this matter now coming before the Board, upon the Resolution and Order Number 05-5-18-8, for the proposed vacation of a portion of the unnamed streets and alley in the plat of Lake View; and

WHEREAS, a petition received by the Surveyor's Office of the Lane County Department of Public Works complies with the provisions of ORS 368.341(3) in that the petitioners, who are the landowners of 80% of the property abutting the proposed vacation, request that the vacation be approved as proposed; and

WHEREAS, the portion of right-of-way that is proposed to be vacated was platted in 1928 and dedicated to the public on the plat of Lake View, as platted and recorded in Book 10, Page 6 of the Lane County, Oregon Plat Records, which is more fully described as follows:

All that portion of the 30-foot wide unnamed street lying between Block 1 and Block 2 and all that portion of the 30-foot wide unnamed street lying west of, and adjacent to, Block 2, between the north line of Little Lake Road (County Road Number 1085) and the south line of Lot 10, Block 2, if extended southwesterly, all within said plat of Lake View.

ALSO, all that portion of the 20-foot wide alley within the said plat of Lake View, extending from the southwesterly margin of State Highway Number 36 to the southwesterly boundary of said plat; and

WHEREAS, Qwest Communications, Blachly-Lane Electric Cooperative, Northwest Natural Gas, and 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, there were no objections to the vacation, however Lane County Planning Department and Transportation Planning both replied stating that the petitioner is required to submit an application for a replat of the Plat of Lake View (to be "Two Lakes") before the vacation can be complete, and the petitioners have since submitted a replat application; and

WHEREAS, the Transportation Planning Department has reviewed the preliminary replat, and commented that a recorded access easement is required for the benefit of proposed Lots 2 through 13; and

**WHEREAS**, an Easement and Maintenance Agreement for a variable width private easement has been executed and will be recorded by the County Surveyor upon approval of this vacation, for the purpose of providing access to a public road for the landowners who might otherwise be landlocked with the vacation of the above described right-of-way; and

**WHEREAS**, the Director of the Department of Public Works has provided a written report, as required by ORS 368.346, marked as Exhibit "A", attached hereto and made a part hereof, by this Order, recommending that the described portion of streets and alley in the plat of Lake View be vacated; and

**WHEREAS**, a public hearing was conducted on this date, as ordered, regarding the proposed vacation of a portion of the streets and alley in the plat of Lake View, as described above; and

**WHEREAS**, notification of these proceedings were provided by posting, mail, and legal publication by the County Surveyor as required by ORS 368.401 to 368.426, and evidenced by the Affidavit of Posting and Publication labeled as Exhibit "C", attached hereto and made a part hereof by this Order; and

**WHEREAS**, in accordance with the provisions of ORS 368.356, 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 vacation of the above described portion of right-of-way is hereby granted; 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

APPROVED AS TO FORM

Date 6-20-05 lane county

[Signature]  
OFFICE OF LEGAL COUNSEL

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

**FILE NO.**

<b>IN THE MATTER OF THE VACATION OF )</b>	
<b>PLATTED STREETS AND ALLEY IN THE )</b>	
<b>PLAT OF LAKE VIEW AS PLATTED AND) )</b>	<b>PETITION TO VACATE</b>
<b>RECORDED IN BOOK 10 PAGE 6 )</b>	
<b>LANE COUNTY OREGON PLAT )</b>	
<b>RECORDS )</b>	

PURSUANT to the procedures set forth in ORS Chapter 368, we the undersigned **LARRY BROWN, LARRY HIBBARD, CHADRIC and HEIDI D. BROWN husband and wife, ADVANCED INVESTMENT CORP.,** an Oregon Corporation,, **MARTIN HALL, DIOCESE OF OREGON,** an Oregon Corporation, and **CREIGHTON M. HARRISON and PAULA M. HARRISON, husband and wife,** as owners of adjacent real property hereby petition for the vacation of the platted center road, West road, and alley within the Plat of LAKE VIEW as platted and recorded in Book 10 Page 6, Lane County Oregon Plat Records, which area to be vacated is described as follows:

" All that portion of Unnamed Street lying between Block 1 and Block 2, and the Alley lying Southerly of Lots 9 and 10 Block 2, and lying Southerly of Lots 7 and 8 Block 1, and all that portion of Unnamed Street lying west of and adjacent to Block 2, lying North of the North line of County Road Number 1086, and South of the South line of Lot 10, Block 2, extended Southwesterly, all in LAKE VIEW as platted and recorded in Book 10 Page 6, Lane County, Oregon Plat Records."

WHEREAS, the undersigned petitioners are the owners of 21 of 26 Lots located adjacent to the above described area to be vacated, and are 6 of 7 owners of those lots.

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 located 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

PETITION - PUBLIC ROAD AND ALLEY, PLAT OF LAKE VIEW BOOK 10 PAGE 6

ORIGINAL

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 368.341, for vacation with 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 road and alley, with 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 road and alley and direct that title to the vacated area revert and vest in accordance with ORS 368.366.

DATED this 20<sup>th</sup> day of DECEMBER, 2000.

PETITIONERS

Larry Brown  
Larry L. Brown

LARRY BROWN, MAP # 16-07-19-11 TL 100

2301 VAN NESS ST.

EUGENE, OR. 97403

STATE OF OREGON)

County of Lane ) SS

On this 22<sup>nd</sup> day of December, 2000, personally appeared the above named LARRY BROWN, and acknowledged the foregoing instrument to be a voluntary act and deed.

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

Jaime Fogelson  
Notary Public for Oregon

My Commission expires Oct. 7, 2002



ORIGINAL

PETITIONER

Larry Hibbard

LARRY HIBBARD, MAP #16-07-19-11 TL 101  
882 LOWER JOE CREEK ROAD  
MANSON, WA. 98831

STATE OF WASHINGTON)

County of Chelan SS

On this 3rd day of January, 2001, personally appeared the above named LARRY HIBBARD, and acknowledged the foregoing instrument to be a voluntary act and deed.

Witness may had and seal this day and year last above written.

Lynette M. Blake

Notary Public for Washington

My Commission expires 2-5-01

LYNETTE M. BLAKE  
STATE OF WASHINGTON  
NOTARY--- PUBLIC  
MY COMMISSION EXPIRES 2-05-02



PETITIONER

WHL  
A.I.C. ~~INC.~~, MAP # 16-07-19-11 TL 200, 400,  
401, & 900; 321 GOODPASTURE IS. ROAD  
EUGENE, OR. 97401

STATE OF OREGON)

County of Lane )SS

On this 21<sup>st</sup> day of DECEMBER, 2000, personally appeared the above named MARTIN HALL as SECRETARY, for ADVANCED INVESTMENT CORP ~~A.I.C. INC.~~, an Oregon Corporation, and acknowledged the foregoing instrument to be a voluntary act and deed.

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

Amy S. LaGrander  
Notary Public for Oregon  
My Commission expires 3-2-2002



PETITIONER

WHL  
MARTIN HALL, MAP # 16-07-19-11 TL 102  
321 GOODPASTURE IS. ROAD  
EUGENE, OR. 97401

STATE OF OREGON)

County of Lane )SS

On this 21<sup>st</sup> day of DECEMBER, 2000, personally appeared the above named MARTIN HALL, and acknowledged the foregoing Instrument to be a voluntary act and deed.

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

Amy S. LaGrander  
Notary Public for Oregon  
My Commission expires 3-2-2002



PETITION

ORIGINAL

PETITIONER

*Creighton M. Harrison*

*Paula M. Harrison*

CREIGHTON M. HARRISON

PAULA M. HARRISON

MAP # 16-07-19-11 TL 401

2570 HWY 101 #.241

FLORENCE, OR. 97439

STATE OF OREGON)

County of Lane )SS

On this 8<sup>th</sup> day of January, 2001, personally appeared the above named CREIGHTON M. HARRISON and PAULA M. HARRISON, husband and wife, and acknowledged the foregoing instrument to be a voluntary act and deed

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

*Lucia A. Jasso*

Notary Public for ~~Oregon~~ *New Mexico*

My Commission expires 11/16/04

ORIGINAL

PETITIONER

Robert L. Wadsworth

THE DIOCESE OF OREGON MAP 16-07-19-00  
TL 400, P.O. BOX 467, LAKE OSWEGO, OR.  
97034

STATE OF OREGON)  
County of Lane )SS

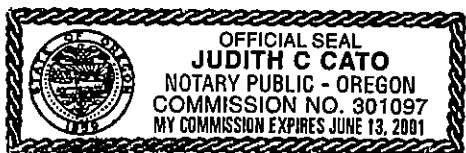
On this 12<sup>th</sup> day of January, 2001, personally appeared  
the above named Robert L. Wadsworth as President of THE DIOCESE OF OREGON  
acknowledged the foregoing instrument to be a voluntary act and deed.

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

Judith C. Cato

Notary Public for Oregon

My Commission expires June 13, 2001



ORIGINAL

PETITIONER

*Chadric Brown*

CHADRIC BROWN, MAP # 16-07-19-11 TL 300

92707 TRIANGLE LAKE ROAD

BLACHLEY, OR. 97412

*Heidi D. Brown*

HEIDI D. BROWN

STATE OF OREGON)

County of Lane )SS

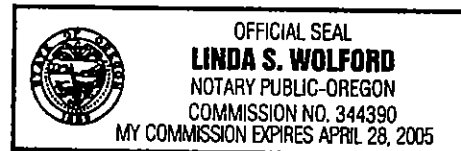
On this 26<sup>th</sup> day of MAY, 2001, personally appeared the above named CHADRIC BROWN and HEIDI D. BROWN, husband and wife, and acknowledged the foregoing instrument to be a voluntary act and deed

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

*Linda S. Wolford*

Notary Public for Oregon

My Commission expires April 28, 2005



Additional property adjoining proposed vacation:

MAP # 16-07-19-11 TL 1400

OWNER: Estate of Hazel Bauman c/o Art Bauman

ADDRESS: Grandview Rehab Center  
530 W. Birch  
Junction City, OR 97448

EXHIBIT "A"

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

FILE NO. 4066

<b>IN THE MATTER OF THE VACATION OF A PORTION OF</b>	)	
<b>THE UNNAMED PLATTED STREETS AND ALLEY, IN THE</b>	)	
<b>PLAT OF LAKE VIEW, AS PLATTED AND RECORDED IN</b>	)	<b>FINAL</b>
<b>BOOK 10, PAGE 6, LANE COUNTY, OREGON PLAT RECORDS</b>	)	<b>DIRECTOR'S</b>
<b>(16-07-19-11)</b>	)	<b>REPORT</b>

The Surveyor's Office of the Department of Public Works has received a valid petition, signed by 80% of the adjoining property owners, to vacate a portion of the streets and alley in the plat of Lake View. A public hearing is necessary to consider the proposed vacation, as the petition does not include the signatures of 100 percent of the adjoining landowners.

Lake View was platted in 1928 and recorded in Book 10, Page 6, of the Lane County, Oregon Plat Records. The proposed vacation includes the entire street which runs between Block 1 and Block 2, being approximately 940 feet in length; the portion of the street that is contiguous to the southwesterly boundary of Block 2, between the northerly margin of Little Lake Road and the south line of Lot 10, Block 2, if extended southwesterly, being approximately 500 feet in length; and the entire alley that extends from the southwesterly margin of State Highway Number 36 to the southwesterly boundary of said plat, being 450 feet in length. The portion of the right-of-way contiguous to the southwest boundary of Lots 2,3,6,7, and 10 of Block 2 was previously vacated in 1998, by Order Number 98-4-1-20.

The petitioners are requesting the vacation in order to reconfigure their lots and replace the platted public rights-of-way with one private easement that will serve all of the replatted lots, with the exception of proposed Lot 1, which will take access from Triangle Lake Resort Road. Portions of the roadway are outside the platted right-of-way, and the easement will provide a better fit to the physical road. The proposed vacation is a condition of approval for the replat. The Surveyor's Office has received a copy of the preliminary plat for the replat of Lots 5 through 12 and Lot 14 of Block 1 and Lots 1 through 19 of Block 2 of Lake View (to be "Two Lakes"), which shows the private access easement. With this easement in place, the original platted streets and alley of Lake View will no longer be necessary for access. The petitioners are requesting that the unneeded right-of-way be vacated.

The Surveyor's Office notified by mail Qwest Communications, Blachly-Lane Electric Cooperative, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning Department of Public Works and neighboring landowners, regarding the proposed vacation. No objections to the proposed vacation were received, however Lane County Planning Department returned comments stating that the petitioner must submit an application for a replat of the Plat of Lake View before the vacation can be complete, and the street vacation would be a condition of the replat. Lane County Transportation Planning also stated that a replat is required and that an easement is required for the benefit of proposed Lots 2 through 13. The petitioner has since submitted an application of replat to Lane County Planning Department and neither of these departments have any objections to the proposed vacation.

Notification of these proceedings has been provided by posting, mail and legal publication by the County Surveyor as required by ORS 368.401 to 368.426.

It is believed that the public interest will be served, as vacating the platted streets and alley in the plat of Lake View, as petitioned for, will allow for the petitioners to more fully utilize their property. The vacation satisfies conditions of approval set by Lane County Planning Department for the replat. The new easement will provide a better fit to the physical road. The original platted right-of-way is not needed by the Lane County Transportation System and there are no known utilities within the proposed vacation.

It is therefore recommended that the portion of unnamed platted streets and alley in the plat of Lake View, as described in the Final Order, be vacated as petitioned for.

DATED this 15<sup>th</sup> day of June, 2005.



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Oliver P. Snowden, Public Works Director

**EXHIBIT "B"**

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

**FILE NO. 4066**

**IN THE MATTER OF THE VACATION OF A PORTION OF )  
THE UNNAMED PLATTED STREETS AND ALLEY, IN THE ) FINDINGS OF FACT  
PLAT OF LAKE VIEW, AS PLATTED AND RECORDED IN )  
BOOK 10, PAGE 6, LANE COUNTY, OREGON PLAT RECORDS )  
(16-07-19-11) )**

The Department of Public Works has received a valid petition, signed by 80% of the adjoining property owners requesting that the platted streets and the alley in the plat of Lake View, as described in the Final Order, be vacated. The petitioners are requesting the vacation in order to reconfigure their lots, and replace the platted public rights-of-way with one private easement that will provide access to all of the replatted lots. Portions of the roadway are outside the platted right-of-way, and the easement will provide a better fit to the physical road. The vacation is a condition set by Lane County Planning Department for the Replat of Lake View.

In compliance with ORS 368.401 to 368.426, the County Surveyor has provided legal notice of the public hearing by service, posting, and publication.

**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 rights-of-way 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 establishes 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. The Surveyor's Office of the Department of Public Works has received a valid petition signed by 80% of the owners of the property abutting the proposed vacation. Said property is further identified as Tax Lot 400 of Assessor's Map 16-07-19 and Tax Lots 100, 101, 102, 103, 104, 106, 107, 300, 400, 401, 900, 901, 902, and 1400 of Assessor's Map 16-07-19-11.
2. That, pursuant to ORS 368.326 to 368.366, a county governing body may vacate roads or rights-of-way based upon the determination that the vacation is "in the public interest".
3. That, various public and private agencies, as well as neighboring landowners were contacted regarding the proposed vacation and either had no objections or did not respond to the referral.
4. That, Lane County Planning Department and the Transportation Planning Department replied to the referral, both stating that the petitioners must submit an application for a replat of Lake View. Transportation Planning also stated that a recorded easement would be required. The petitioners have since submitted the application, as well as a preliminary replat of Lake View (to be "Two Lakes"), and both agencies have no objections to the vacation.
5. That, a private access easement has been executed and will be recorded by the County Surveyor upon approval of this vacation.
6. That, vacating the right-of-way, as described in the Order, will satisfy conditions of approval set by Lane County Planning Department.
7. 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 adopts a resolution 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 shall establish a time and place for a hearing to consider the proposed vacation and shall give notice of said hearing under ORS 368.401 and 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.



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

FILE NO. 4066

IN THE MATTER OF THE VACATION OF A PORTION )  
OF THE UNNAMED PLATTED STREETS AND ALLEY, IN )  
THE PLAT OF LAKE VIEW, AS PLATTED AND )  
RECORDED IN BOOK 10, PAGE 6, LANE COUNTY, )  
OREGON PLAT RECORDS )  
(16-07-19-11) )

AFFIDAVIT OF POSTING,  
PUBLICATION  
AND MAILING

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

That on the 7<sup>th</sup> 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 STOP sign post located at the southwest corner of the intersection of Hwy 36 and Little Lake Road.
2. Posted on STOP sign post located at the northwest corner of the intersection of Hwy 36 and Triangle Lake Resort Road.
3. Posted on bulletin board located at the Lakeview Grocery along Hwy 36 at Triangle Lake.

I further certify that on the 26<sup>th</sup> 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 8<sup>th</sup> day of June, 2005.

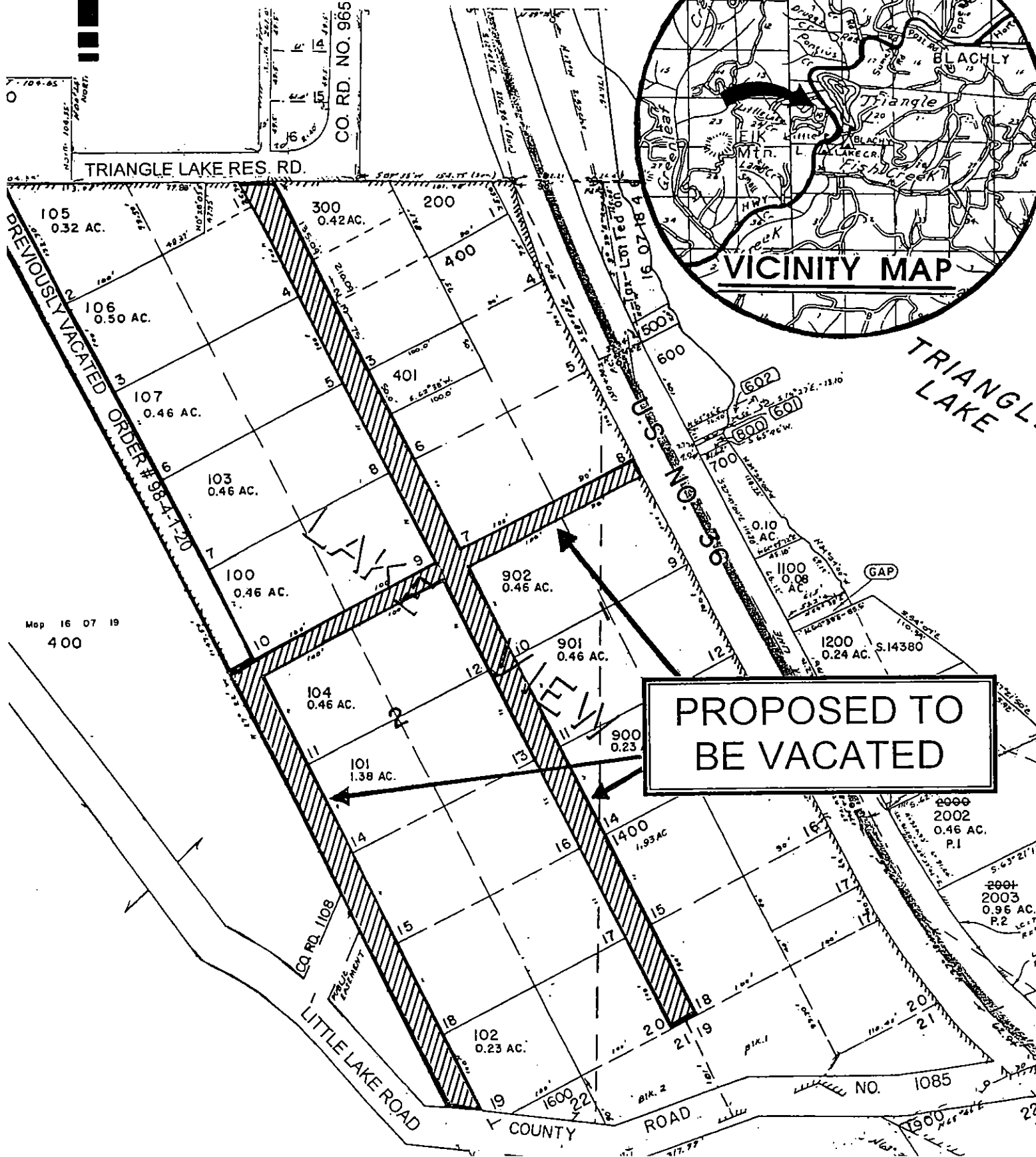
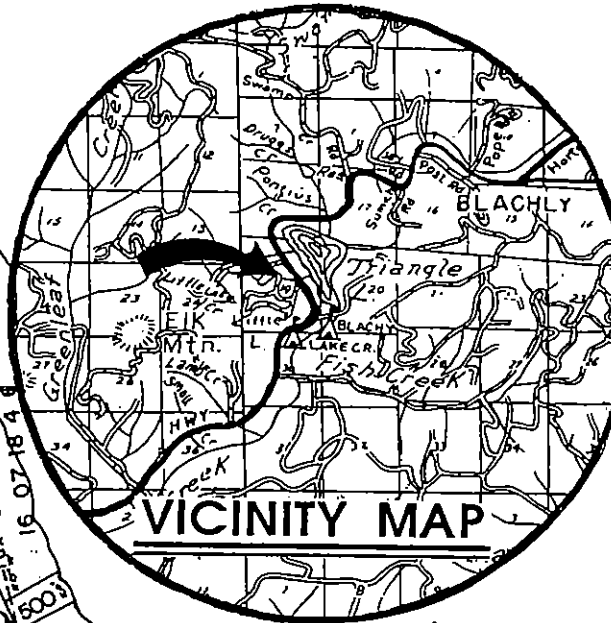
*Peggy Hunter*

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



NE 1/4 NE 1/4 Sec 19 T. 16S. R. 7W. W.M.  
LANE COUNTY

NO SCALE



PROPOSED TO  
BE VACATED