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Memorandum Date: February 1, 2007  
Order Date: February 21, 2007

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**TO:** Board of County Commissioners

**DEPARTMENT:** Public Works, Land Management Division

**PRESENTED BY:** Bill Robinson, Lane County Surveyor *BR*

**AGENDA ITEM TITLE:** IN THE MATTER OF SETTING A PUBLIC HEARING FOR THE PROPOSED VACATION OF THE PLAT OF COLTER'S ADDITION TO GLENADA (BK 4, P 84) AND THE AMENDED PLAT OF COLTER'S ADDITION TO GLENADA (BK 6, P 25) AS PLATTED AND RECORDED IN LANE COUNTY, OREGON PLAT RECORDS (18-12-34)

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**I. MOTION**

To approve the Resolution and Order to set a public hearing date of April 4, 2007 at 1:30 p.m. to consider the vacation of the plat of Colter's Addition to Glenada (Bk 4, P 84) and the Amended Plat of Colter's Addition to Glenada (Bk 6, P 25) as platted and recorded in Lane County, Oregon plat records (18-12-34).

**II. AGENDA ITEM SUMMARY**

The Board is being asked to approve the Resolution and Order to set a public hearing date to consider the vacation of the plat of Colter's Addition to Glenada and the Amended Plat of Colter's Addition to Glenada, including all blocks, lots and rights of way within said subdivisions, and including all of Hazel street west of the western boundary of the Amended Map of South Florence Addition to Glenada.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

The Surveyor's Office of the Department of Public Works has received a request from Lane County Parks Division to initiate proceedings for the vacation of the plat of Colter's Addition to Glenada as established in 1911 (Bk 4, P 84) and the Amended Plat of Colter's Addition to Glenada as established in 1912 (Bk 6, P 25), to include all blocks, lots and rights of way within said plats, and including all of Hazel Street lying west of the westerly boundary of the Amended Map of South Florence Addition to Glenada (Bk 2, P 13). The plats and portions of rights of way proposed for vacation comprise an undeveloped parcel owned by Lane County that is being transferred to the State of Oregon Department of Parks and Recreation by Quitclaim Deed. The entire subject parcel is zoned NR (Natural Resource). The vacation of these plats and rights of way is a condition of the sale.

On January 7, 2006 a public hearing was held in Florence regarding the property commonly known as the Glenada Dunes property, of which the Natural Resource parcel herein proposed for vacation is a part. At the conclusion of that hearing, a motion was approved by the Board directing staff to enter into negotiations with the State of Oregon Department of Parks and Recreation for the sale of the property.

On November 21, 2006 the Board passed Resolution and Order No. 06-11-21-4 authorizing acquisition of six remaining privately owned properties identified within the exterior boundaries of the Glenada Dunes property.

In accordance with ORS 368.341, the Lane County Surveyor's Office is initiating this vacation process by resolution with a public hearing. Setting a date for the public hearing will allow time for public posting and notice, and will address the issue of timing as related to the transfer of the subject parcel. The attached Resolution and Order will set a public hearing to consider the merits of the vacation of the described plats and rights of way.

The Surveyor's Office notified Central Lincoln People's Utility District, Qwest Communications, the City of Florence, 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. Referral deadline for responses to these notifications is February 9, 2007.

#### **B. Policy Issues**

Lane Manual 15.300 allows for consideration of vacation of rights of way where little need exists for the road, specifically [15.300(3)] roads that are undeveloped rights of way or are not currently maintained by the County. All the platted streets and alleys herein considered for vacation fall into this category.

#### **C. Board Goals**

Part of Lane County's Strategic Plan is to contribute to appropriate community development in the area of land development (Lane County Strategic Plan, Goals, P. 13). The plats and rights of way herein proposed for vacation comprise an undeveloped parcel of land owned by Lane County being transferred to the State of Oregon Department of Parks and Recreation by Quitclaim Deed. The entire subject property is zoned NR (Natural Resource). Much of the subject property consists of sand dunes, lakes and topography unsuitable for construction of roads or development as originally platted. Vacation of these plats and rights of way would be within the scope of the strategic plan to facilitate appropriate land development, in this case parks and recreational lands.

#### **D. Financial and/or Resource Considerations**

Vacation of these plats and rights of way is a condition of the transfer of the subject parcel from Lane County to the State, the transfer of which will result in substantial revenue to Lane County. Vacation of the public rights of way within the subject parcel effectively increases the total area of land transferred, which proportionately affects the purchase price.

#### **IV. ANALYSIS**

ORS 368.341(1) provides that a county governing body may initiate proceedings to vacate public rights of way by resolution provided certain conditions are met, and those conditions will be complied with by these proceedings.

Easements for ingress and egress and public utilities will be retained to benefit tax lot 1000 of Assessor's Map 18-12-34-24 and tax lot 400 of Assessor's Map 18-12-34, both of which will be denied public access as a result of these vacation proceedings.

The public interest will be served by this vacation, as the undeveloped parcel being transferred by Lane County to the State of Oregon Department of Parks and Recreation that is zoned NR (Natural Resource) will be more suitable for parks use without the restrictions of the platted subdivisions and rights of way, much of which is located on sand dunes, existing lakes and topography unsuitable for construction of roads or development as originally platted.

The vacation of these plats and undeveloped rights of way will have no adverse effects on transportation patterns in the area, and the portions to be vacated are not needed by Lane County.

#### **V. ALTERNATIVES/OPTIONS**

The Board of County Commissioners has the option to:

1. Approve the public hearing date as proposed by staff to consider the vacation of these plats and rights of way.
2. Set any later public hearing date, as the Board may wish, to consider the vacation of these plats and rights of way.
3. Refuse to set a date, either postponing the matter, or refusing to initiate proceedings to consider the vacation of these plats and rights of way.

#### **VI. TIMING/IMPLEMENTATION**

Timing of this matter is critical in order to facilitate the timely transfer of the subject property to the State of Oregon Department of Parks and Recreation.

#### **VII. RECOMMENDATION**

The Public Works Director's Preliminary Report recommends that the Board support

Option Number 1, to approve a public hearing date to consider the proposed vacation of these plats and rights of way.

It is further recommended that easements for ingress and egress and public utilities be retained to benefit tax lots 18-12-34-24-1000 and 18-12-34-400.

**VIII. FOLLOW-UP**

If the Board of County Commissioners approves the Resolution and Order setting a date for a public hearing on the vacation of these plats and rights of way, 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 who will provide public notice of the proposed action. If the Board wishes to postpone the matter, or to terminate proceedings, an Order to Postpone or Terminate will be presented to the Board at a later regularly scheduled meeting.

**IX. ATTACHMENTS**

Resolution, Notice of Hearing and Order w/attachments:  
Director's Preliminary Report - Exhibit "A"  
Attachment - Vicinity Map

Contact Person: Bill Robinson x-4198

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

**STATE OF OREGON**

**IN THE MATTER OF SETTING A PUBLIC HEARING )  
FOR THE PROPOSED VACATION OF THE PLAT OF ) RESOLUTION, NOTICE  
COLTER'S ADDITION TO GLENADA (BK 4, P 84) AND ) OF HEARING, AND  
THE AMENDED PLAT OF COLTER'S ADDITION TO ) ORDER NO.  
GLENADA (BK 6, P 25) AS PLATTED AND RECORDED )  
IN LANE COUNTY, OREGON PLAT RECORDS )  
(18-12-34) )**

**THIS MATTER** now coming before the Board of County Commissioners for Lane County, Oregon, and it appearing that the lands herein described are in the process of being transferred to the State of Oregon Department of Parks and Recreation by Quitclaim Deed, and a condition of the sale of said lands is that Lane County vacate the subject plats and rights of way; and

**WHEREAS**, Colter's Addition to Glenada was established in 1911 and recorded in Book 4, Page 84, and the Amended Plat of Colter's Addition to Glenada was established in 1912 and recorded in Book 6, Page 25, Lane County, Oregon Plat Records; and

**WHEREAS**, the plats and rights of way herein considered for vacation are zoned NR (Natural Resource), are undeveloped and unsuitable for development as subdivided, and have a higher potential use as park and recreational lands; and

**WHEREAS**, the rights of way herein considered for vacation are no longer needed by Lane County; and

**WHEREAS**, tax lot 1000 of Assessor's map 18-12-34-24 will be denied access as a result of this vacation, and an easement for ingress and egress and public utilities will be retained to benefit said parcel and incorporated into the Final Order; and

**WHEREAS**, tax lot 400 of Assessor's map 18-12-34 will be denied access as a result of this vacation, and an easement for ingress and egress and public utilities will be retained to benefit said parcel and incorporated into the Final Order ; and

**WHEREAS**, ORS Chapter 368 requires a public hearing to vacate property by resolution, and the Board deems it appropriate to conduct a public hearing to decide whether to vacate the herein described plats and rights of way; and

**WHEREAS**, the Director of Public Works has provided a written preliminary report, as required by ORS 368.346, attached hereto, marked Exhibit "A" and made a part hereof by this Order, which recommends a date be set for the public hearing; and

**WHEREAS**, the Surveyor's Office has notified Central Lincoln People's Utility District, Qwest Communications, the City of Florence, Northwest Natural Gas, and 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 proposed vacation, and referral deadline for responses to these notifications is February 9, 2007; and now, therefore, it is hereby

**RESOLVED**, that in accordance with ORS Chapter 368, proceedings be undertaken to vacate the plats and rights of way more particularly described as follows:

All of Colter's Addition to Glenada as platted and recorded in 1911 in Book 4, Page 84 and all of the Amended Plat of Colter's Addition to Glenada as platted and recorded in 1912 in Book 6, Page 25, Lane County, Oregon Plat Records, including all blocks, lots, and rights of way within said plats; also, all of Hazel Street lying west of the west boundary of the Amended Map of South Florence Addition to Glenada as platted and recorded in 1892 in Book 2, Page 13, Lane County, Oregon Plat Records, all located in Section 34, Township 18 South, Range 12 West of the Willamette Meridian, in Lane County, Oregon.

now, therefore, it is hereby

**ORDERED**, that April 4, 2007 be established as the date for conducting a public hearing regarding the proposed vacation of the above described plats and rights of way, and that the said hearing be held at 1:30 p.m. at the Lane County Courthouse, 125 East 8th Avenue, Eugene, Oregon 97401; and it is further

**ORDERED**, that the Director of the Lane County Department of Public Works, pursuant to ORS Chapter 368.346, cause the Lane County Surveyor to examine the plats and rights of way proposed to be vacated and that the Director provide a written Final Report of his findings, which are to be incorporated into the Final Order; and it is further

**ORDERED**, that notice of the public hearing be provided by service, posting and publication in accordance with ORS 368.401 to 368.426.

Inquiries regarding these proceedings may be directed to Bill Robinson, Lane County Surveyor, Public Service Building, 125 East 8th Avenue, Eugene, Oregon 97401, telephone (541) 682-4195.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Chair  
Lane County Board of Commissioners

Attachment: Vicinity Map

APPROVED AS TO FORM  
Date 2/13/07 lane county  
*Teresa J. Hill*  
OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

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

IN THE MATTER OF SETTING A PUBLIC HEARING )  
FOR THE PROPOSED VACATION OF THE PLAT OF )  
COLTER'S ADDITION TO GLENADA (BK 4, P 84) AND )  
THE AMENDED PLAT OF COLTER'S ADDITION TO )  
GLENADA (BK 6, P 25) AS PLATTED AND RECORDED )  
IN LANE COUNTY, OREGON PLAT RECORDS )  
(18-12-34) )

DIRECTOR'S  
PRELIMINARY REPORT

The Surveyor's Office of the Department of Public Works has received a request from Lane County Parks Division to initiate proceedings for the vacation of the plat of Colter's Addition to Glenada as established in 1911 (Bk 4, P 84) and the Amended Plat of Colter's Addition to Glenada as established in 1912 (Bk 6, P 25), to include all blocks, lots and rights of way within said plats, and including all of Hazel Street lying west of the westerly boundary of the Amended Map of South Florence Addition to Glenada (Bk 2, P 13). The plats and portions of rights of way proposed for vacation comprise an undeveloped parcel owned by Lane County that is being transferred to the State of Oregon Department of Parks and Recreation by Quitclaim Deed. The entire subject parcel is zoned NR (Natural Resource). The vacation of these plats and rights of way is a condition of the sale.

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Easements for ingress and egress and public utilities will be retained to benefit tax lot 1000 of Assessor's Map 18-12-34-24 and tax lot 400 of Assessor's Map 18-12-34, both of which will be denied public access as a result of these vacation proceedings.

The public interest will be served by this vacation, as the undeveloped parcel being transferred by Lane County to the State of Oregon Department of Parks and Recreation will be more suitable for parks use without the burden of these platted rights of way, many of which are located on sand dunes, existing lakes and topography unsuitable for construction of roads or development as originally platted.

The vacation of the undeveloped plats and rights of way will have no adverse effects on transportation patterns in the area, and the portions to be vacated are not needed by Lane County.

It is recommended that the proceedings for vacating the plats and rights of way as described be commenced as authorized by ORS 368.341(1)(a), and a public hearing date be established to allow the Board of County Commissioners to consider public input as well as staff presentation.

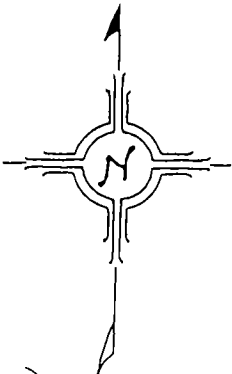
A final report will be submitted prior to the time of the public hearing.

DATED this 9<sup>th</sup> day of February, 2007

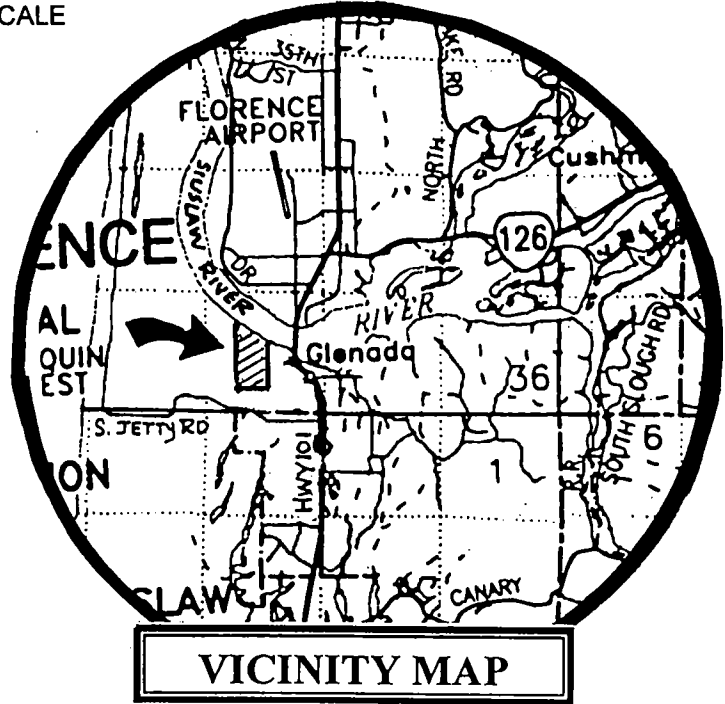
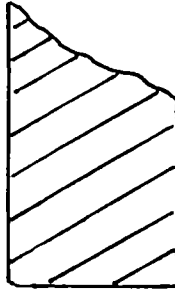
  
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Oliver P. Snowden, Public Works Director

ATTACHMENT Glenada Plat Vacations—Colter's Addition & Colter's Amended Addition to Glenada

SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4 Section 34, T. 18 S. R. 12 W., W.M. LANE COUNTY NO SCALE



DEPICTS AREA TO BE VACATED

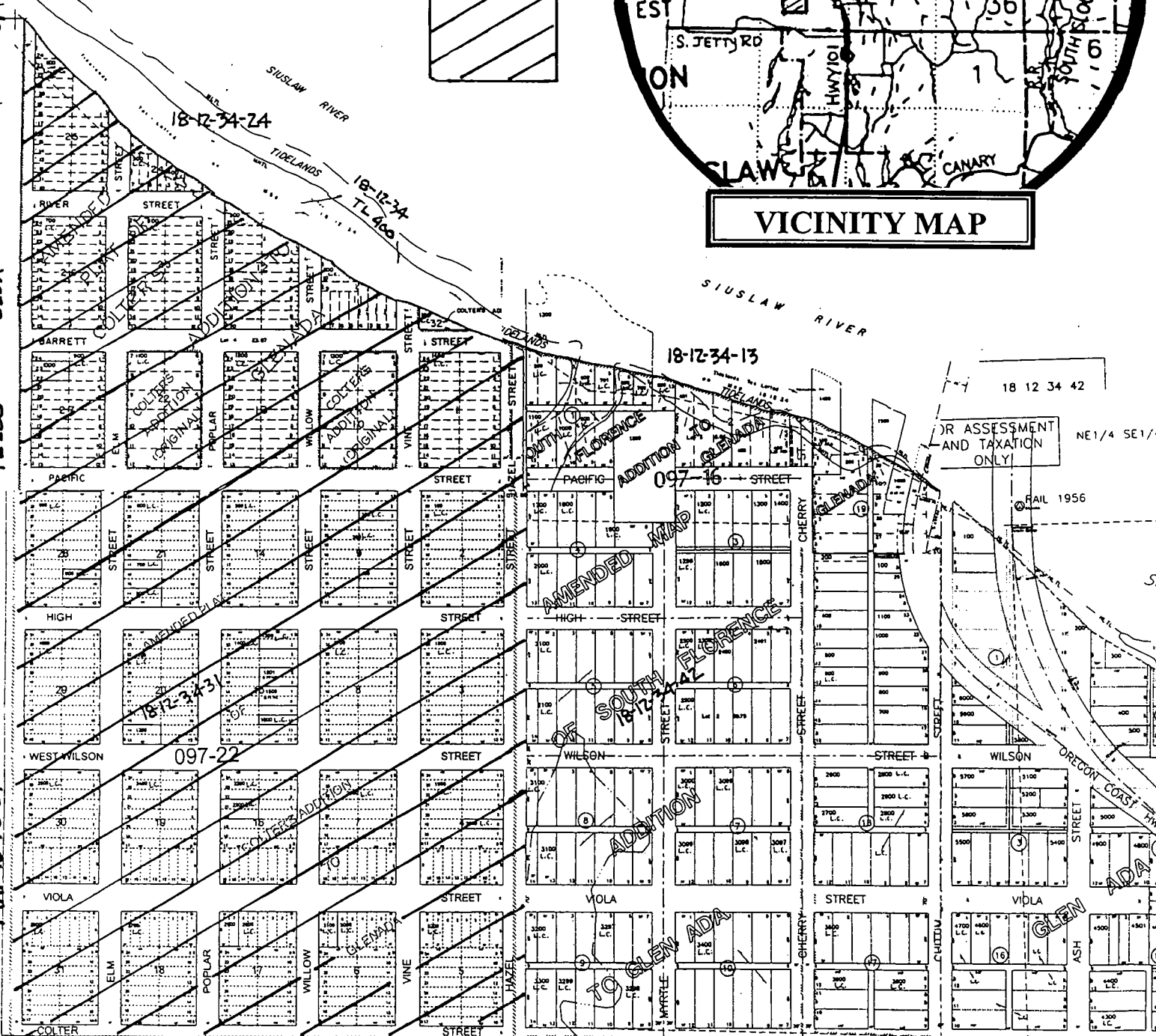


TL 100 USDA

USDA

TL 200

MAP 18-12-34



18-12-34-31  
097-22

18-12-34-13

18 12 34 42

SEE MAP 18-12-34- TL 200 (PART OF SECTION)

SEE MAP 18-12-34- TL 200 (THRU SECTION)