

W. 8. b.

MEMORANDUM

Meeting Date: February 24, 2010
Memorandum Date: February 11, 2010

TO: Board of County Commissioners

FROM: Mike Jackson, Lane County Surveyor

SUBJECT: **REPORT BACK** / Gary Jensen Property, Map 16-07-19-11 Taxlot 1600

Issues

At the February 9, 2010 meeting, the Board requested a report back on comments made by Gary Jensen during Public Comment, regarding his property near Triangle Lake. Mr. Jensen resides in Commissioner Stewart's District, while the referenced property is located in Commissioner Fleenor's District.

Several areas of concern were mentioned by Mr. Jensen and are as follows:

- Desire to have Lane County vacate a portion of public roadway adjacent to the Jensen parcel.
- Jensen Parcel found to be altered by different surveys.
- Ditch cut by Lane County running through his parcel.
- Development and camping desires.

Response to Issues

A Petition to Vacate a portion of the unnamed streets and alley in the plat of Lake View was processed and passed during a public meeting in June of 2005. Mr. Jensen's parcel is within this plat and adjacent to the area's vacated. During the Public Hearing, Mr. Jensen requested to include the street adjacent to his parcel. The Board of County Commissioners concluded it was not possible to include this request as presented. However, the Board agreed to look into the matter to determine whether appropriate notice was provided to him.

It was found appropriate notice had been provided to Mr. Jensen. In addition, Mr. Jensen had previously mentioned during a phone conversation with the Surveyor's Office on November 9, 2004, that he declined to be part of this vacation at this time due to personal reasons.

On May 01, 2009, I responded to an inquiry from Commissioner Stewart on similar issues. Please see the attached email.

There have been new surveys adjacent to Mr. Jensen's property. Each has helped to define the boundaries and their relationships to topographical features. One survey in particular helps locate the existing county road which runs through this subject property, better defining the parcel and its bounds.

Assessment and Taxation maps have been updated to show more realistically the area encompassed by Mr. Jensen's parcel.

Arno Nelson, Road Maintenance Division Manager has addressed the ditch concerns with Mr. Jensen in the past. In fact, Arno Nelson has been on site helping to create a safer access point along the county road for this subject property.

During conversations with Land Management Division Planning, I have discovered the probability of development for this parcel is remote. There are size limitations to this parcel, because it is bisected by the county road and the topography is very steep. Camping is allowed, but on a very limited basis.

Options

1. Vacate by Resolution the small unnamed street west and adjacent to Mr. Jensen's parcel.
2. Take no action in this vacation request, since Mr. Jensen has been provided the option to vacate in 2005.
3. Investigate additional options as identified by the Board.

Recommendation

Staff recommends the vacation be initiated by Petition from the benefited landowners. A vacation by Resolution would be at public expense, which may not be justified, as the benefit to the public at large appears to be minimal.

Staff also recommends that Mr. Jensen contact Land Management's Planning Program and speak to a Planner about his options for development of his property.

From: JACKSON Michael
Sent: Friday, May 01, 2009 10:05 AM
To: STEWART Faye H
Cc: JACKSON Michael
Subject: Gary Jensen

Commissioner Stewart; I have researched this issue on the vacation done in 2005 near Triangle Lake. The following is a summation of the facts found by reviewing the public hearing video and checking our file.

In addition to this email I will deliver copies of the correspondence record to your office, along with the data you left me.

It was found that Mr. Jensen did have sufficient notice in November of 2004 and through the months leading up to June of 2005 at the time of the hearing.

In the video, the Board approved the vacation, and at the end of this session, asked the County Surveyor to review the record and forward that record to the Board to insure Mr. Jensen had proper and sufficient notice. This was done in July of 2005. The thoughts were, if Mr. Jensen was found to not have had sufficient notice we the county would take on his vacation and fix his issue. Once the requested data was sent to the Board we waited for a response but only received notice from Commissioner Morrison.

The "no votes" from the hearing did not reply to our questions on how they wished to proceed, so this action was put to rest.

I have reviewed the maps and the question regarding Mr. Jensen losing property.

This is a common problem when people purchase property prior to having a survey performed. They assume or someone assumes where their ownerships are, they are shocked when a survey is performed and they discover they own less or sometimes more than they originally thought. The assessors maps are a general guide used to help appraisers negotiate and locate property to appraise. These maps are great tools and form the basis of most maps but they are not as accurate as a survey where measurements have been made on the ground.

It is my opinion that the legal road and corresponding property lines are just where the surveyor (Larry Olsen) shows them on his map.

Mike Jackson
County Surveyor
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