

Final

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

IN THE MATTER OF THE VACATION OF THE PLAT )  
OF COLTER'S ADDITION TO GLENADA (BK 4, P 84) )  
AND THE AMENDED PLAT OF COLTER'S ADDITION ) FINAL ORDER  
TO GLENADA (BK 6, P 25) AS PLATTED AND )  
RECORDED IN LANE COUNTY, OREGON PLAT ) 07-4-4-12  
RECORDS (18-12-34) )

**WHEREAS**, by approving Resolution and Order Number 07-02-21-6, the Board of County Commissioners set April 4, 2007 to conduct a public hearing on the matter of vacating the plats and rights of way located in the Glenada area southwest of Florence, Oregon described herein before the Board of Commissioners for Lane County, Oregon; and

**WHEREAS**, all necessary procedures for the vacation of the plats and rights of way herein described, having been initiated by resolution, have been complied with, pursuant to ORS Chapter 368; and

**WHEREAS**, the Lane County Surveyor has examined the plats and rights of way herein described; and

**WHEREAS**, notification of these proceedings has been provided by posting, mail, and legal publication by the County Surveyor in accordance with ORS 368.401 to 368.426, and 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**, the plat of 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 portions of rights of way proposed for vacation comprise an undeveloped parcel owned by Lane County that is being transferred to the Oregon State Department of Parks and Recreation by Quitclaim Deed, and the vacation of these plats and rights of way is a condition of the sale; and

**WHEREAS**, the entire subject parcel proposed for vacation is zoned NR (Natural Resource); and

**WHEREAS**, 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. Lane County Transportation Planning responded with a conditional non-objection, provided the right of access to affected existing private properties is addressed. Jay Vilhena, President of Oaesys Corporation which owns tax lot 18-12-34-400, responded with a conditional non-objection, provided an easement is granted to access that property. Both of these conditional non-objections will be addressed by retaining two separate easements for ingress, egress and public utilities as described herein. The other agencies and landowners either had no objection to the vacation or did not respond to the referral; and

**WHEREAS**, public access will be eliminated to tax lot 1000 of Assessor's Map 18-12-34-24 as a result of these vacation proceedings, and a specific easement for ingress and egress and public utilities will be retained to benefit that parcel, a copy of said easement description labeled as Exhibit "D" is attached hereto and made a part hereof by this Order; and

**WHEREAS**, public access will be eliminated to tax lot 400 of Assessor's Map 18-12-34 as a result of these vacation proceedings, and a specific easement for ingress and egress and public utilities will be retained to benefit that parcel, a copy of said easement description labeled as Exhibit "E" is attached hereto and made a part hereof by this Order; and

**WHEREAS**, 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; and

**WHEREAS**, a public hearing was conducted on this date, as ordered, regarding the proposed vacation of the plats and rights of way herein described; and

**WHEREAS**, the Director of Public Works has provided a written report in support of this action as required by ORS 368.346, attached hereto, marked Exhibit "A" and made a part hereof by this Order; now therefore it is hereby

**ORDERED**, that in accordance with ORS Chapter 368, 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.

are hereby VACATED, and it is further

**ORDERED**, that an easement for ingress and egress and public utilities is hereby retained to benefit tax lot 1000 of Assessor's Map 18-12-34-24, a copy of said easement description labeled as Exhibit "D" being attached hereto and made a part hereof by this Order; and it is further

**ORDERED**, that an easement for ingress and egress and public utilities is hereby retained to benefit tax lot 400 of Assessor's Map 18-12-34, a copy of said easement description labeled as Exhibit "E" being attached hereto and made a part hereof by this Order; 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 4th day of April, 2007.

  
\_\_\_\_\_  
Chair, Lane County Board of Commissioners

Attachment: Vicinity Map

**APPROVED AS TO FORM**

Date 3-12-07 lane county

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

**EXHIBIT "A"**

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

**IN THE MATTER OF THE VACATION OF THE PLAT OF )  
COLTER'S ADDITION TO GLENADA (BK 4, P 84) AND )  
THE AMENDED PLAT OF COLTER'S ADDITION TO ) FINAL DIRECTOR'S  
GLENADA (BK 6, P 25) AS PLATTED AND RECORDED ) REPORT  
IN LANE COUNTY, OREGON PLAT RECORDS )  
(18-12-34) )**

Pursuant to ORS Chapter 368.346, and as ordered by the Lane County Board of Commissioners by Resolution and Order number 07-02-21-6, this report addresses the above titled matter of vacation.

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 Oregon State 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. These sales have been completed.

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. Lane County Transportation Planning responded with a conditional non-objection, provided the right of access to affected existing private properties is addressed. Jay Vilhena, President of Oaesy Corporation which owns tax lot 18-12-34-400, responded with a conditional non-objection, provided an easement is granted to access that property. Both of these conditional non-objections will be addressed by retaining two separate easements for ingress, egress and public utilities in the final Order. The other agencies and landowners either had no objection to the vacation or did not respond to the referral.

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.

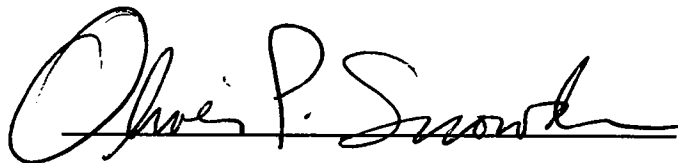
The vacation of the undeveloped plats and rights of way will have no adverse effects on transportation patterns in the area, and the portions to be vacated are not needed by Lane County.

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

It is therefore recommended that the plats and rights of way as described in the Final Order be vacated.

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.

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

A handwritten signature in black ink, appearing to read "Oliver P. Snowden", written over a horizontal line.

Oliver P. Snowden, Public Works Director

**EXHIBIT "B"**

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

**IN THE MATTER OF THE VACATION OF THE PLAT )  
OF COLTER'S ADDITION TO GLENADA (BK 4, P )  
84) AND THE AMENDED PLAT OF COLTER'S ) **FINDINGS OF FACT**  
ADDITION TO GLENADA (BK 6, P 25) AS PLATTED )  
AND RECORDED IN LANE COUNTY, OREGON )  
PLAT RECORDS (18-12-34) )**

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 Oregon State 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.

The request to vacate these plats and rights of way is in the public interest, 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.

**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 subdivisions, roads or easements based upon the determination that the vacation is "in the public's 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 re-acknowledged 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 property abutting the proposed vacation is identified as tax lots 200, 300, and 400 of Assessor's Map 18-12-34; tax lots 500 and 1100 of Assessor's Map 18-12-34-13; and tax lots 1700, 2000, 2100, 3100, 3200 and 3300 of Assessor's Map 18-12-34-42.
2. That, pursuant to ORS 368.326 to 368.366, a county governing body may vacate subdivisions, roads or easements based upon the determination that the vacation is "in the public's interest".
3. That, 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. Lane County Transportation Planning responded with a conditional non-objection, provided the right of access to affected existing private properties is addressed. Jay Vilhena, President of Oaesys Corporation which owns tax lot 18-12-34-400, responded with a conditional non-objection, provided an easement is granted to access that property. Both of these conditional non-objections will be addressed by retaining two separate easements for ingress, egress and public utilities in the final Order. The other agencies and landowners either had no objection to the vacation or did not respond to the referral.
4. That, public access will be eliminated to tax lot 1000 of Assessor's Map 18-12-34-24 and tax lot 400 of Assessor's Map 18-12-34 as a result of these vacation proceedings, and specific easements for ingress and egress and public utilities will be retained to benefit those two parcels.
5. 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.
6. That, pursuant to the provisions of ORS Chapter 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 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 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) )  
AFFIDAVIT OF POSTING,  
PUBLICATION AND MAILING

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

That on the 6<sup>th</sup> day of March, 2007, I caused to be posted three (3) copies of the Notice of Hearing in the above entitled matter in five places, positioned to be visible to the traveling public, as follows:

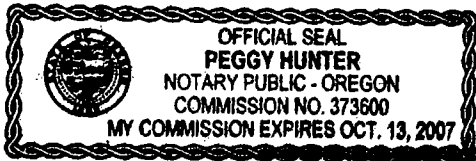
1. Posted on a sign post at the northwest corner of the intersection of Old Town Loop and Highway 101, on the west side of Highway 101, north of the bridge crossing the Siuslaw River.
2. Posted on a Glenada sign post at the Glenada Wayside along the west side of Highway 101 south of the bridge crossing the Siuslaw River.
3. Posted on a Stop sign post on the west side of Highway 101 at the intersection of Wilson Street and Highway 101.
4. Posted on a bulletin board at the South Jetty Road fee booth along north side of South Jetty Road.
5. Posted on a Pritchard Wayside sign post along the north side of Glenada Road at the intersection of Glenada Road and Maple Street.

The undersigned further certifies that on March 12, 2007 and March 26, 2007 notice is scheduled to run in the Register Guard and in the Siuslaw News. Also, that on February 23, 2007 notice was sent to adjacent owners by Certified Mail, and to various other private entities and public agencies having an interest in these vacation proceedings by General Mail.

  
\_\_\_\_\_  
Bill Robinson  
Lane County Surveyor

State of Oregon )  
County of Lane )

Subscribed and sworn to before me this 7<sup>th</sup> day of March, 2007 by Bill Robinson.



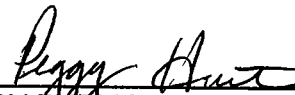
  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires:

EXHIBIT "D"

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

IN THE MATTER OF 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)

EASEMENT DESCRIPTION  
TO BE RETAINED FOR TAXLOT 18-12-34-24-1000

An easement 30 feet wide for ingress, egress and public utilities, located in the Northwest One Quarter of the Southeast One Quarter (NW1/4SE1/4), the Northeast One Quarter of the Southwest One Quarter (NE1/4SW1/4) and the Southeast One Quarter of the Northwest One Quarter (SE1/4NW1/4) of Section 34, Township 18 South, Range 12 West of the Willamette Meridian, the centerline of which is more particularly described as follows:

Beginning at a point on a southerly extension of the west line of Block 4, 15 feet southerly of the southwest corner of Lot 13 of said Block 4 of the Amended Map of South Florence Addition to Glenada as platted and recorded in Book 2, Page 13, Lane County, Oregon Plat Records, thence running westerly parallel with the south lines of Blocks 2, 9, 14, 21 and 28, being also the north right of way line of High Street of the Amended Plat of Colter's Addition to Glenada as platted and recorded in Book 6, Page 25, Lane County, Oregon Plat Records, to a point 15 feet westerly of a southerly extension of the west line of Block 28 of said Amended Plat of Colter's Addition to Glenada; thence running northerly parallel with the west lines of Blocks 28 and 27 of said Amended Plat of Colter's Addition to Glenada to a point intersecting a westerly extension of the north line of Lot 23, Block 27 of said Amended Plat of Colter's Addition to Glenada, and there ending, all in Lane County, Oregon.

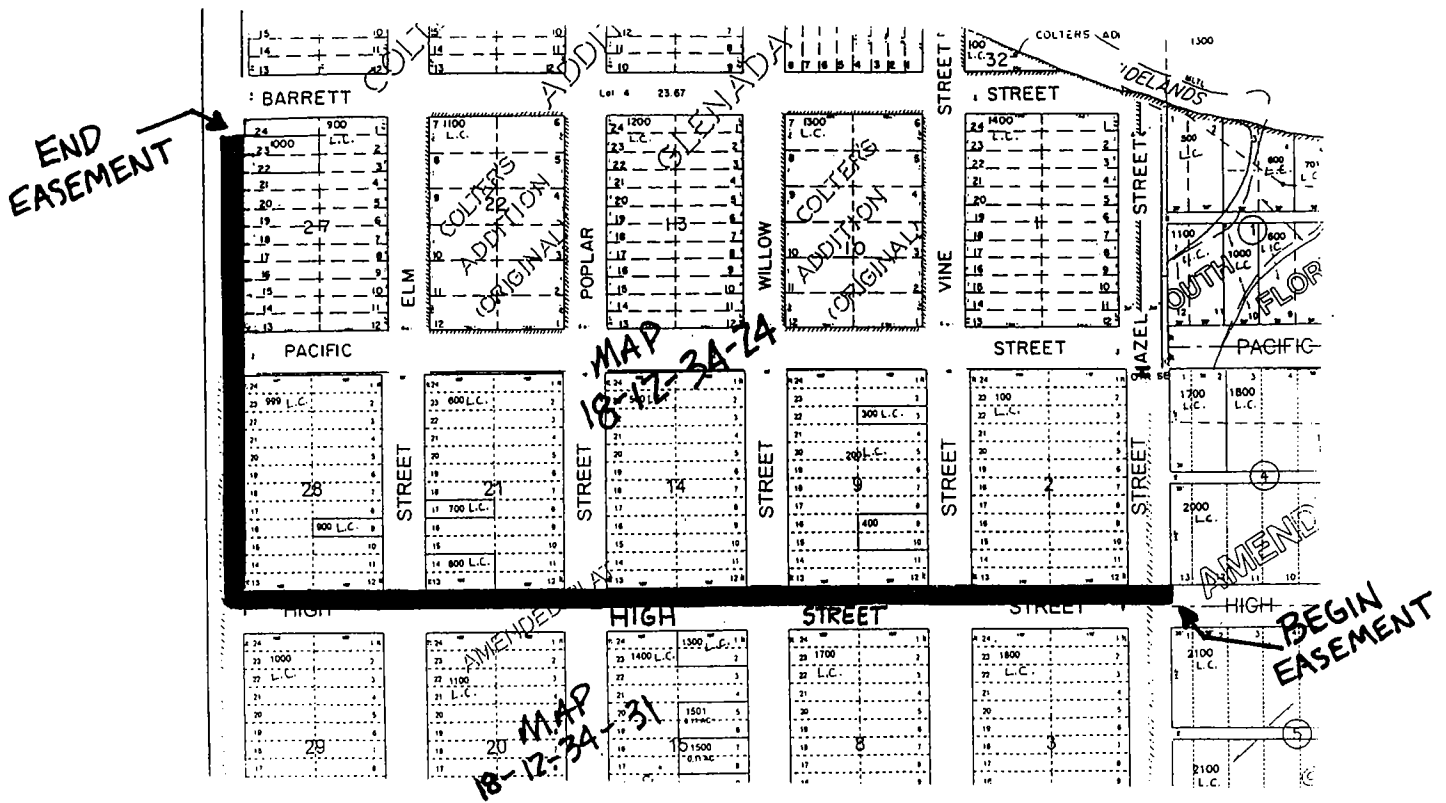


EXHIBIT "E"

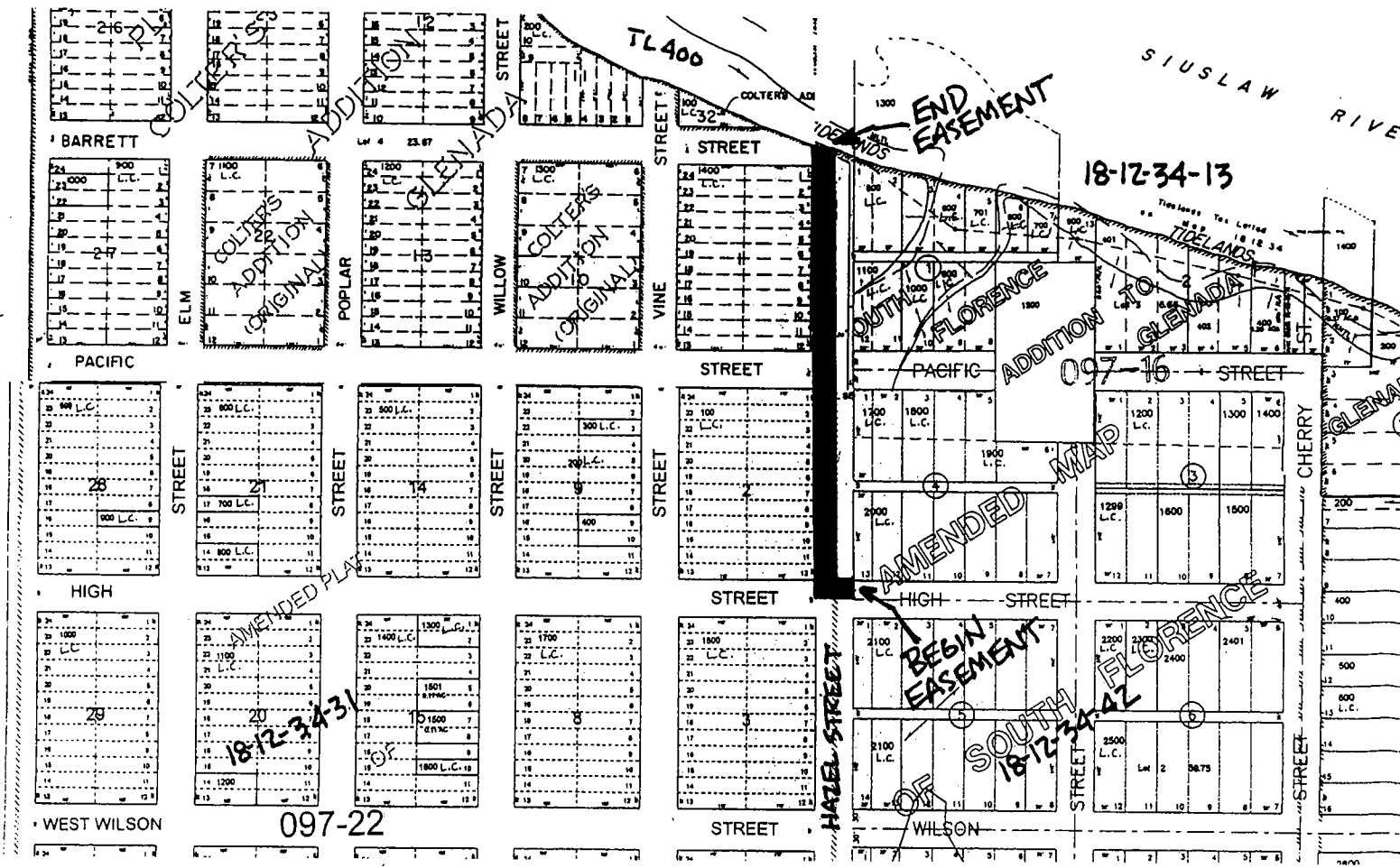
IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY  
STATE OF OREGON

IN THE MATTER OF 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)

EASEMENT DESCRIPTION  
TO BE RETAINED FOR TAXLOT 18-12-34-400

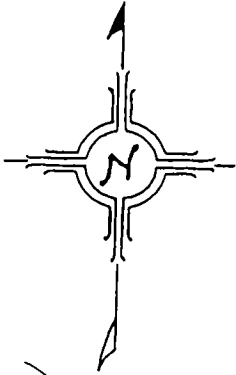
An easement 30 feet wide for ingress, egress and public utilities, located in the South One Half of the North One Half (S1/2N1/2) and the North One Half of the South One Half (N1/2S1/2) of Section 34, Township 18 South, Range 12 West of the Willamette Meridian, the centerline of which is more particularly described as follows:

Beginning at a point on a southerly extension of the west line of Block 4, 15 feet southerly of the southwest corner of Lot 13 of said Block 4 of the Amended Map of South Florence Addition to Glenada as platted and recorded in Book 2, Page 13, Lane County, Oregon Plat Records, thence running westerly parallel with an easterly extension of the south line of Block 2 of the Amended Plat of Colter's Addition to Glenada as platted and recorded in Book 6, Page 25, Lane County, Oregon Plat Records, to a point 15 feet easterly of a southerly extension of the east line of said Block 2; thence running northerly parallel with the east lines of Blocks 2 and 1 of the Amended Plat of Colter's Addition to Glenada to the north boundary of said Amended Plat of Colter's Addition to Glenada, and there ending, all in Lane County, Oregon. The side lines of the ending portion of this description are intended to be extended or foreshortened to conform with the north plat boundary of the Amended Plat of Colter's Addition to Glenada.

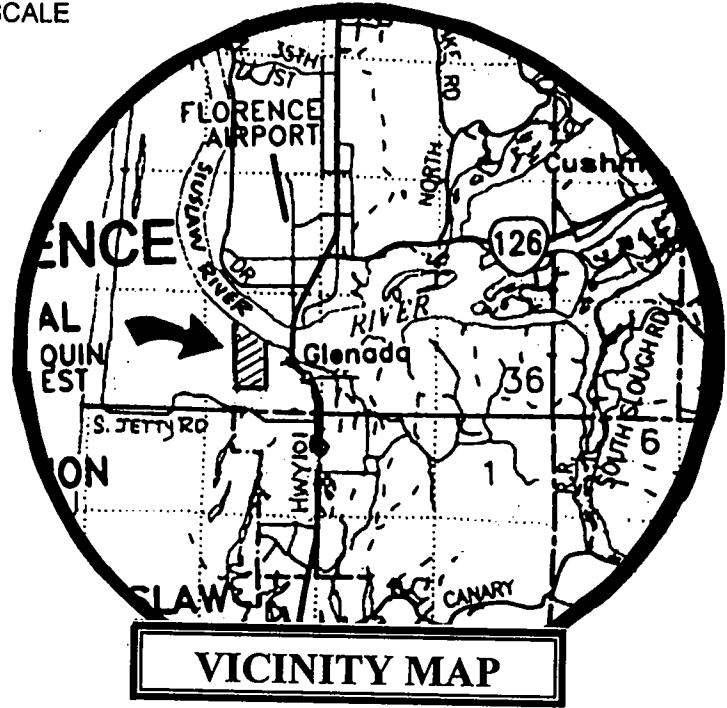


ATTACHMENT **Glenada Plat Vacations—Colter's Addition & Colter's Amended Addition to Glenada**

**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**

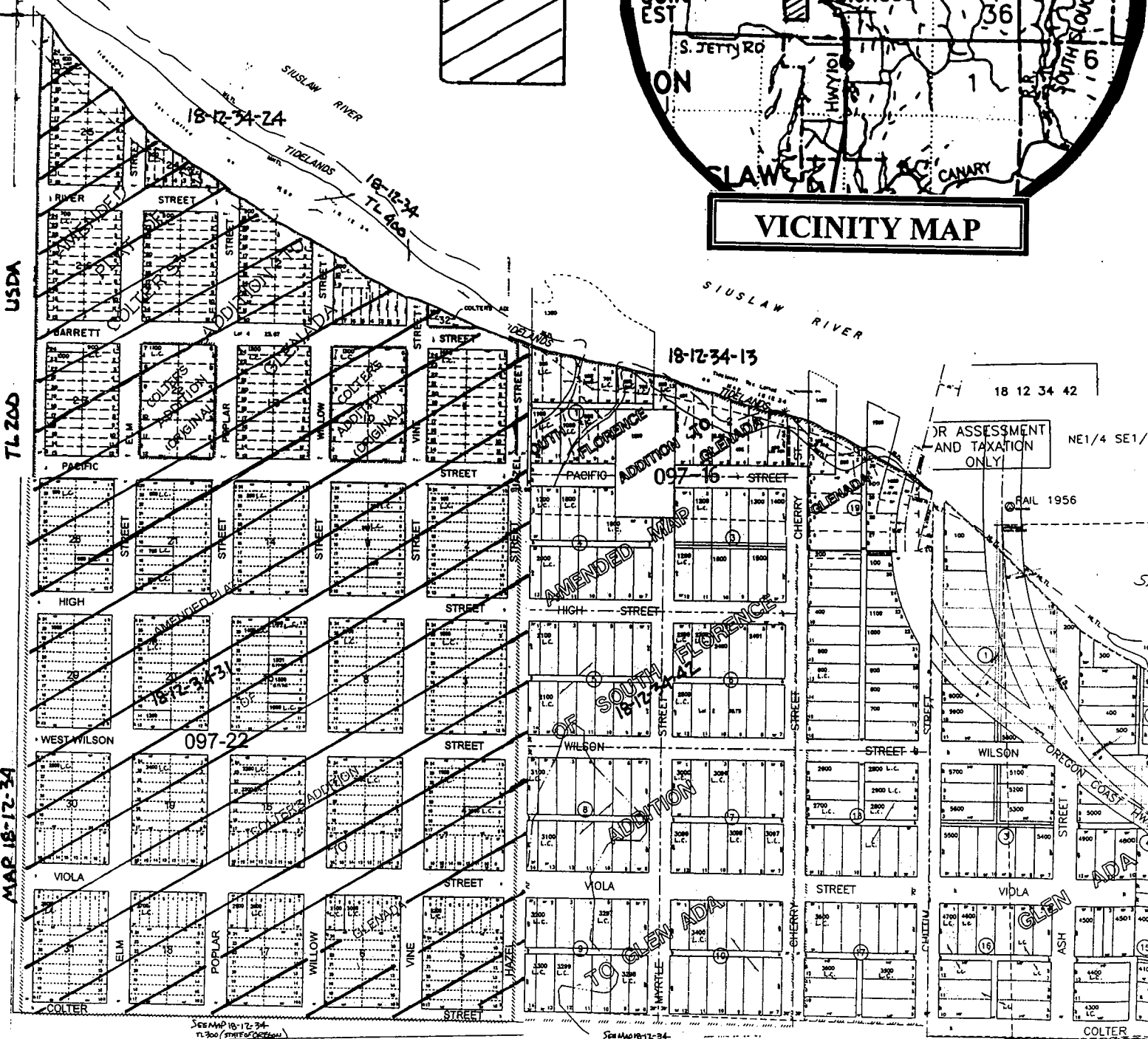


TL100 USDA

USDA

TL 200

MAP 18-17-34



SEE MAP 18-17-34 TL 300 (STREET 02500)

SEE MAP 18-17-34 TL 300 (STREET 02500)

OR ASSESSMENT AND TAXATION ONLY

GLENADA