

PASSED

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

RESOLUTION NO.) IN THE MATTER OF SUPPORTING THE CONTINUED
08-11-25-6) USE OF SECOND AVENUE AS A PUBLIC ROAD IN THE
) PLAT OF HECETA BEACH, IN SECTION 4, TOWNSHIP
) 18 SOUTH, RANGE 12 WEST OF THE WILLAMETTE
) MERIDIAN.

WHEREAS, Second Avenue was dedicated to the public in 1915 on the plat of Heceta Beach, as platted and recorded in Book 7, Page 25, Lane County, Oregon Plat Records, copy attached as Attachment "A,"; and

WHEREAS, the legal description of the exterior boundary of the Heceta Beach subdivision as platted extends northerly along Second Avenue "NORTH 16° 30' WEST 950 FEET TO OCEAN BEACH", and this boundary description indicates that the public dedication of Second Avenue extends beyond the graphical depiction of Second Avenue shown by the plat map at Attachment "A," and that the Second Avenue right of way extends to the ocean beach and its dedication is encompassed in the Heceta Beach plat and therefore was dedicated to the public when Lane County accepted the plat; and

WHEREAS, a portion of Second Avenue which extends Northerly from the Easterly extension of the North Line of Lot 20, Block 33 of Heceta Beach to the ocean beach, intersects Ocean Way, a county road, as shown by the map attached at Attachment "B", said intersection being contained within the property commonly referred to as tax lot 5300, and

WHEREAS, the physical location of this intersection appears to have been used by area landowners and the public for road purposes and as a means of access to the ocean beach for in excess of 40 years; and

WHEREAS, this intersection of Second Avenue and Ocean Way, as depicted on Attachment "B" appears to have been open to the public, is a "public road" as defined in ORS 368.001(5), that these rights arise by either dedication, by prescription or both, and that the apparent record owners of the underlying fee have informed this Board that they have never indicated that they would deny travel through said intersection; and

WHEREAS, the above referenced Second Avenue provides access to approximately two dozen homes as well as access to the ocean beach, and thereby benefits the public; and

WHEREAS, maintaining public access over this portion of Second Avenue is in the best interests of Lane County and the citizens of the County; and

WHEREAS, the public has a right to use this portion of Second Avenue, and said usage is not threatened; and

WHEREAS, this Resolution is not intended as a land use decision because it is not a final determination with respect to the legal, property, or development rights of any interested individuals or concerning the application of land use Goals, laws or regulations, and because it

addresses issues concerning the operation, maintenance, repair and preservation of an existing road; and

WHEREAS, supporting public access over Second Avenue through this intersection and to the ocean beach will not significantly affect current or future land uses in the area;

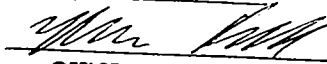
NOW, THEREFORE, IT IS HEREBY RESOLVED that the Lane County Board of Commissioners supports the continued use of Second Avenue as shown on Attachment "B" as a public road.

DATED this 10th day of December, 2008



Chair, Lane County Board of Commissioners

Attachments:
Heceta Beach Plat – Attachment "A"
Site Map - Attachment "B"

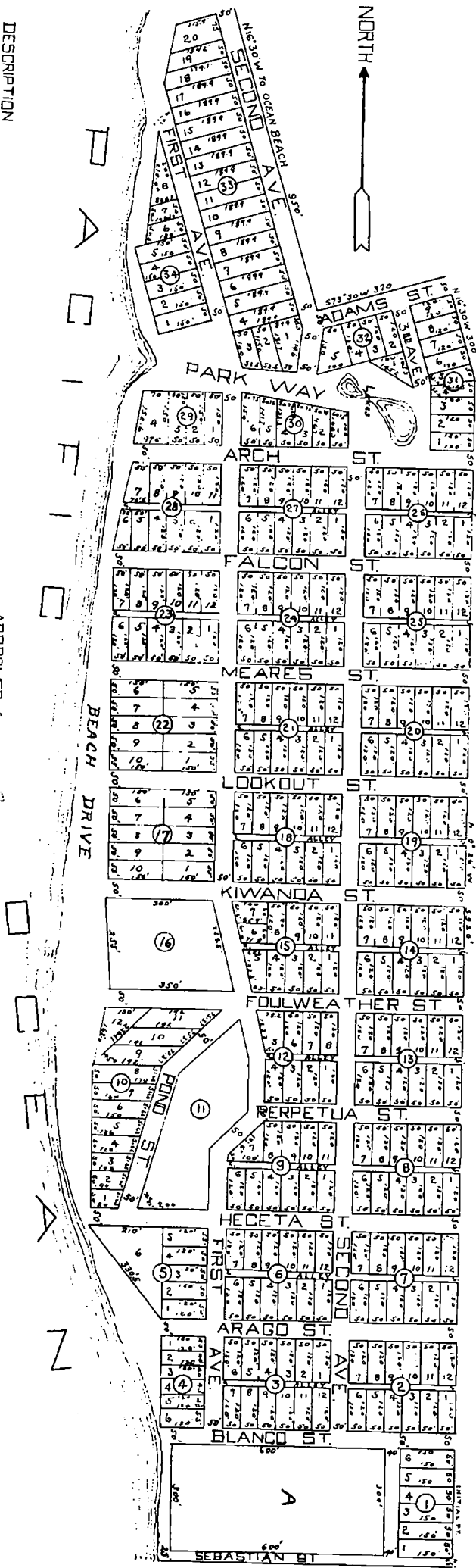
APPROVED AS TO FORM
Date 12-9-08 lane county


OFFICE OF LEGAL COUNSEL

ATTACHMENT A

NW 1/4 SECTION 4, TOWNSHIP 18 SOUTH,
RANGE 12 WEST, WILLAMETTE MERIDIAN
LANE COUNTY
NOT TO SCALE

HEGETA BEACH



DESCRIPTION

Beginning at the initial point, whicH is the southeast corner of the plat
thence north 02° 30' west 330 feet
thence north 16° 30' west 300 feet
thence south 16° 30' west 310 feet
thence south 16° 30' west 310 feet
thence south 16° 30' west 310 feet
thence south 16° 30' west 310 feet
thence east to initial point.

SCALE 1 INCH = 200 FEET

CERTIFICATE

STATE OF OREGON
COUNTY OF LANE
I, Frank Smith, Notary Public for said county, do hereby certify that the foregoing plat is a true and correct copy of the original plat on file in my office, and that the same is the property of the Harbor-Sound Investment Company, and that the same is subject to the provisions of the laws of the State of Oregon relating to the dedication of public lands, and that the same is subject to the provisions of the laws of the State of Oregon relating to the dedication of public lands, and that the same is subject to the provisions of the laws of the State of Oregon relating to the dedication of public lands.

Subscribed and sworn to before me this 21st day of March 1914

Frank Smith
NOTARY PUBLIC
STATE OF OREGON

APPROVED

Bohler COUNTY JUDGE
Hobbs COUNTY COMMISSIONER
Hobbs COUNTY ASSESSOR
Hobbs COUNTY SURVEYOR

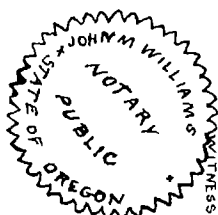
DEDICATION

THE HARBOR-SOUND INVESTMENT COMPANY
DOES HEREBY DEDICATE TO THE PUBLIC THE PARKS, STREETS AND ALLEYS
AND LOTS SHOWN ON THE PLAT OF
LANE COUNTY, OREGON AND DEDICATE TO THE PUBLIC THE PARKS, STREETS AND ALLEYS
INDICATED THEREON TO BE USED AS SUCH FOREVER.
WITNESSES OUR HANDS AND SEALS THIS 27th day of April 1915



ACKNOWLEDGMENT

Done in the presence of John M. Williams and W. H. O'Kelly
on this 27th day of April 1915 personally came before me, the undersigned
a Notary Public, in and for said county and state, the above mentioned
John M. Williams and W. H. O'Kelly
to the personally known to be the identical persons identified in and who
executed the above instrument and acknowledged to me that they
executed the same freely and voluntarily for the uses and the
purposes therein named.



John M. Williams
NOTARY PUBLIC
My Commission Expires Nov 11, 1916.