

PASSED

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 PORTIONS OF	)	RESOLUTION AND
FIRST AVENUE (CO. RD. #856), THE ALLEY IN	)	ORDER NO.
BLOCK 28 AND FALCON STREET AS PLATTED AND	)	08-6-25-9
RECORDED IN THE PLAT OF HECETA BEACH (BK. 7,	)	
P. 25), LANE COUNTY, OREGON PLAT RECORDS	)	
(18-12-04-13 & 42)	)	

THIS MATTER now coming before the Board of County Commissioners for Lane County, Oregon, and it appearing that a valid petition has been received by landowners of 100% of property adjoining the portions of First Avenue, the alley in Block 28 and Falcon Street as described herein proposed to be vacated; and

WHEREAS, on May 28, 2008 in a regular meeting of the Lane County Board of Commissioners this vacation proposal was presented for consideration, and although the vacation was not denied, a vote to approve the vacation failed. After further discussion, it was determined that the proposal for vacation would be considered in a public hearing if the petitioners were to choose to pursue the public hearing process and submit the additional fee deposit necessary to process with a public hearing; and

WHEREAS, primary petitioner Association of Unit Owners of Driftwood Shores Surfside Inn Condominium (Driftwood Shores) has submitted the additional fee deposit in order to proceed with a public hearing; and

WHEREAS, in accordance with ORS Chapter 368.341 proceedings may be undertaken to consider whether it is in the public interest and benefit to vacate the described portions of First Avenue, the alley in Block 28 and Falcon Street as described herein; and

WHEREAS, the purpose of this vacation request, as stated by primary petitioner Association of Unit Owners of Driftwood Shores Surfside Inn Condominium (Driftwood Shores), is to return a 10 feet wide strip of right of way that was dedicated in 1968 to the adjacent property owned by Driftwood Shores in order to provide for more full utilization of their property; and

WHEREAS, the petitioners assert there are no utilities located within the area to be vacated; and

WHEREAS, the portions of rights of way proposed for vacation are within the Urban Growth Boundary but outside the City Limits of the City of Florence; and

**WHEREAS**, the City of Florence is supportive of this vacation, and is presently in the process of annexation of the Driftwood Shores property and portions of First Avenue which will include the portions of rights of way herein proposed for vacation; and

**WHEREAS**, the Surveyor's Office notified the City of Florence, Qwest Communications, Central Lincoln People's Utility District, 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 and nearby property owners regarding the vacation, and the agencies and landowners either had no objection to the vacation or did not respond to the referral; and

**WHEREAS**, the portions of rights of way herein considered for vacation are no longer needed by Lane County; 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 petitioners have requested to proceed with a public hearing to consider their vacation request, and the Board deems it appropriate to conduct a public hearing to decide whether to vacate the herein described portions of rights of way; and

**WHEREAS**, the area proposed for vacation as described in the petition for vacation extended into the existing asphalt of a portion of First Avenue Loop at the northerly limits of the proposed vacation; and

**WHEREAS**, as agreed to by the primary petitioner, an exception has been added to the legal description and incorporated herein in order to withdraw the northerly vacation limits from encroachment into the existing asphalt of a portion of First Avenue Loop; now, therefore, it is hereby

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

The easterly 10 feet of Block 23 and the easterly 10 feet of Block 28 as platted and recorded in the Plat of Heceta Beach (Bk 7, P 25), said portions of said blocks having been dedicated as right of way for First Avenue (Co. Rd. #856) by that Deed recorded May 10, 1968 on Reel 391-R, Reception No. 24475, Lane County, Oregon Deed Records, and accepted in Lane County Board of Commissioners Order filed May 8, 1968 in Commissioners Journal 38, Page 222; EXCEPTING herefrom the following described tract: Beginning at a point on the northerly line of Block 28, 10 feet westerly of the northeast corner of Block 28, thence easterly along the north line of Block 28 a distance of 10 feet to the said northeast corner of Block 28; thence southerly along the easterly line of Block 28 a distance of 20 feet; thence northwesterly to the point of beginning.

Also, the easterly 10 feet of the 15 feet wide alley in Block 28 lying westerly of the westerly right of way of First Avenue and the easterly 10 feet of Falcon Street lying westerly of the westerly right of way of First Avenue as platted and

recorded in the Plat of Heceta Beach (Bk 7, P 25), said portions of alley and street having been left unvacated in the vacation of portions of said alley and Falcon Street between First Avenue and Beach Drive in Lane County Board of Commissioners Order of Vacation No. 2640 filed May 8, 1968 in Commissioners Journal 38, Page 223;

All in the Southwest One Quarter of the Northeast One Quarter (SW1/4NE1/4) and the Northwest One Quarter of the Southeast One Quarter (NW1/4SE1/4) of Section 4, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon; and

and it is further

**ORDERED**, that July 30, 2008 be established as the date for conducting a public hearing regarding the proposed vacation of the above described portions of 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 portions of rights of way proposed to be vacated and that the Director provide a written Final Report of 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 D. Michael Jackson, Lane County Surveyor, Public Service Building, 125 East 8th Avenue, Eugene, Oregon 97401, telephone (541) 682-4195.

Dated this 25th day of June, 2008.

  
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Chair  
Lane County Board of Commissioners

Attachment: Vicinity Map

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 PORTIONS OF FIRST AVENUE ) DIRECTOR'S PRELIMINARY  
 (CO. RD. #856), THE ALLEY IN BLOCK 28 AND FALCON ) REPORT  
 STREET AS PLATTED AND RECORDED IN THE PLAT OF )  
 HECETA BEACH (BK. 7, P. 25), LANE COUNTY, OREGON )  
 PLAT RECORDS (18-12-04-13 & 42) )

The Surveyor's Office of the Department of Public Works has received a valid petition signed by the owners of 100% of the property abutting the proposed vacation initially requesting, by the authority of ORS 368.351, a vacation without a public hearing.

On May 28, 2008 in a regular meeting of the Lane County Board of Commissioners this vacation proposal was presented for consideration. Although the vacation was not denied, a vote to approve the vacation failed. After further discussion, it was determined that the proposal for vacation would be considered in a public hearing if the petitioners were to choose to pursue the public hearing process and submit the additional fee deposit necessary to process with a public hearing. Primary petitioner Association of Unit Owners of Driftwood Shores Surfside Inn Condominium (Driftwood Shores) has submitted the additional fee deposit in order to proceed with a public hearing.

The purpose of this vacation request, as stated by primary petitioner Association of Unit Owners of Driftwood Shores Surfside Inn Condominium (Driftwood Shores), is to return a 10 feet wide strip of right of way that was dedicated in 1968 to the adjacent property owned by Driftwood Shores in order to provide for more full utilization of their property. The petition for vacation was initiated by Driftwood Shores and sent to four additional owners of properties abutting the vacation, effectively obtaining signatures representing 100% of the abutting properties. The petitioners further state that there are no utilities within the area to be vacated.

The portions of rights of way proposed for vacation are within the Urban Growth Boundary but outside the City Limits of the City of Florence. The City of Florence is supportive of this vacation, and is presently in the process of annexation of the Driftwood Shores property and portions of First Avenue which will include the portions of rights of way herein proposed for vacation.

The Surveyor's Office notified the City of Florence, Qwest Communications, Central Lincoln People's Utility District, 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 and nearby property owners regarding the vacation. The agencies and landowners either had no objection to the vacation or did not respond to the referral.

The vacation of the portions of First Avenue, the alley in Block 28 and Falcon Street as described in the Resolution and Order will have no adverse effects on transportation patterns in the area, and the portion to be vacated is not needed as part of the Lane County Transportation system. No property will be denied legal access by this vacation.

The public interest will be served and not prejudiced, as this vacation will facilitate the long-existing commercial enterprise of Driftwood Shores to more fully utilize their property. The vacation will help facilitate compliance with setback requirements where the Driftwood Shores property fronts the westerly

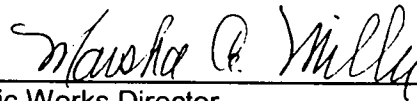
## EXHIBIT "A"

right of way of First Avenue. The resulting right of way width of the portion of First Avenue affected by this vacation will be a minimum of 50 feet, which is the original width of First Avenue as established, and which will meet Lane County minimum standards for an Urban Local street, and City of Florence minimum standards for a "feeder" street.

It is recommended that the proceedings for vacating these portions of First Avenue, the alley in Block 28 and Falcon Street as described in the Resolution and Order be commenced as authorized by ORS 368.341(1), 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.

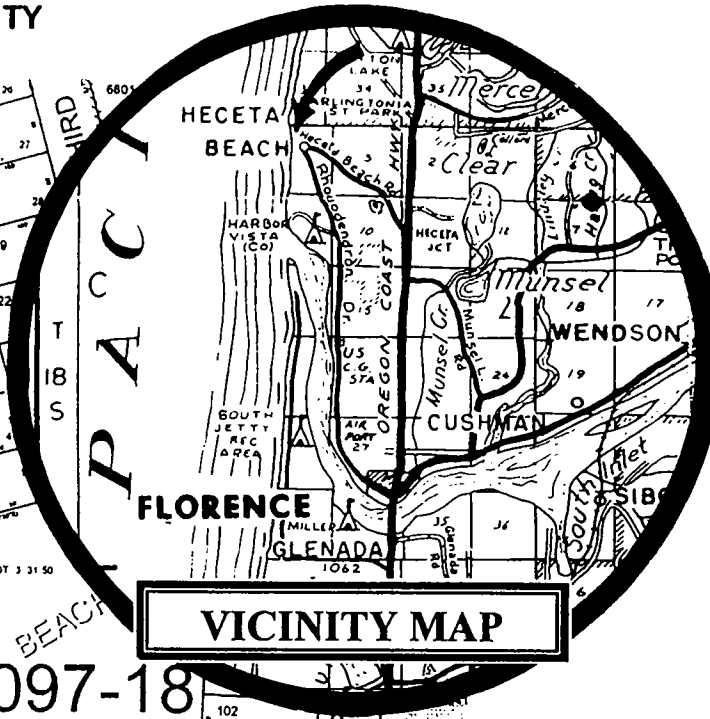
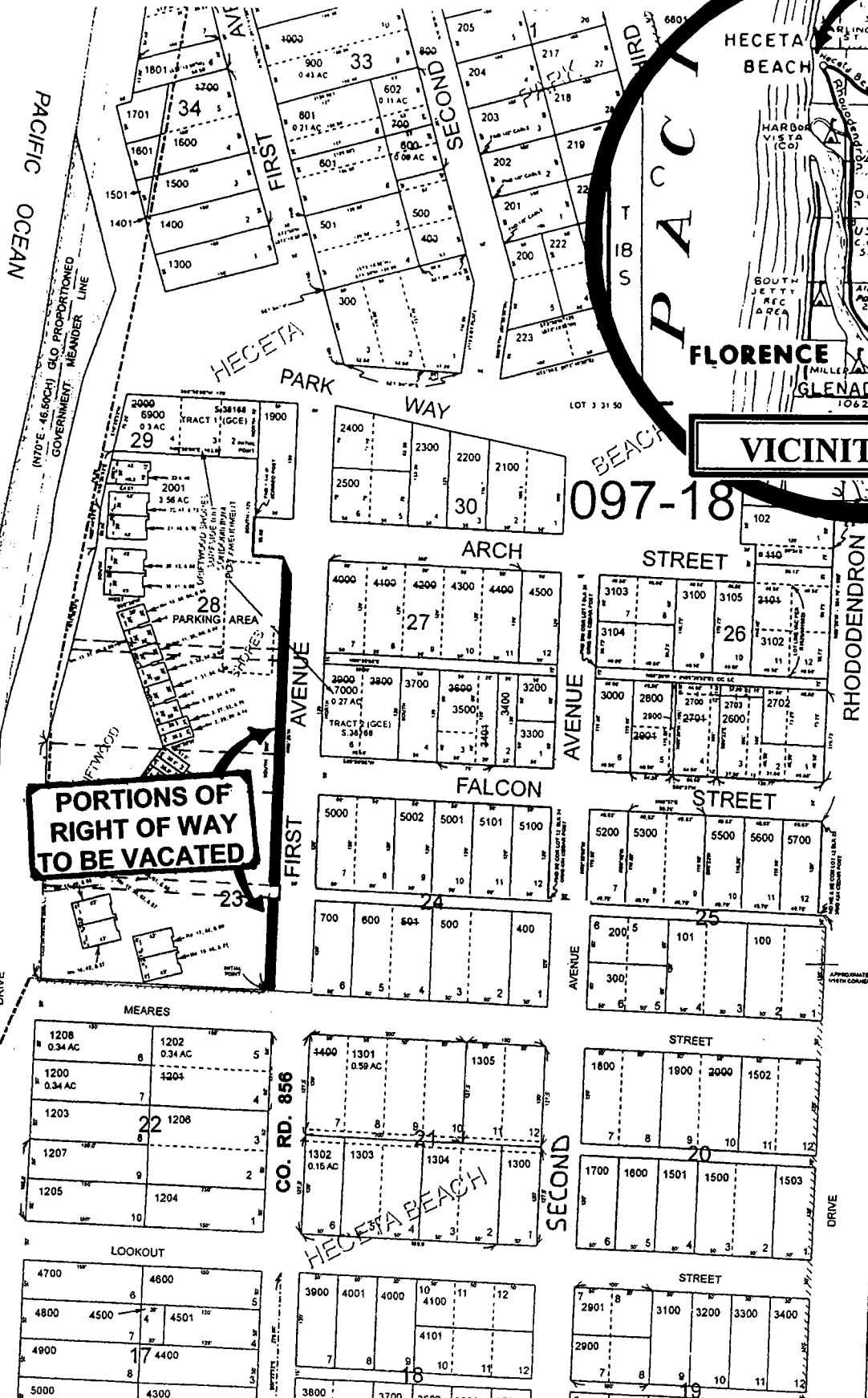
DATED this 13 day of June, 2008.



Public Works Director  
Department of Public Works

ATTACHMENT Vacation—Portions of 1<sup>st</sup> Avenue, Alley in Block 28, and Falcon Street in Plat of Heceta Beach

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



VICINITY MAP

SHORES

SECOND FLOOR	UNIT	SM
16	201	647
17	202	644
18	203	650
19	204	640
20	205	654
21	206	636
22	209	654
23	210	632
24	213	662
25	214	628
26	217	666
27	218	626
28	221	670
29	222	620
30	225	674
31	226	616
32	228	676
33	230	613
34	231	681
35	232	610
36	233	684
37	234	607
38	235	687
39	236	634
40	238	652

FOURTH FLOOR

UNIT	SM
401	649
402	646
403	652
404	642
405	656
406	638
408	640
410	634
413	654
414	630
417	658
418	626
421	672
422	622
425	676
426	618

PORTIONS OF RIGHT OF WAY TO BE VACATED

097-18

SE 18'