

ORIGINAL

PASSED

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

FILE NO. 4042

IN THE MATTER OF VACATING THE PUBLIC ALLEYS,)
CONNECTING TO GLENADA ROAD (SPRUCE STREET))
AND COLTER STREET (VACATED), LOCATED IN BLOCK)
20 OF GLENADA, AS PLATTED AND RECORDED IN)
VOLUME W, PAGE 261, LANE COUNTY, OREGON DEED)
RECORDS, WITHOUT A PUBLIC HEARING, AND)
ADOPTING FINDINGS OF FACT (18-12-35-32))

ORDER NO.
01-1-3-9

WHEREAS, this matter now coming before the Board upon a petition received by the Surveyor's Office of the Lane County Department of Public Works requesting, under authority of ORS Chapter 368.341, the vacation of the public alleys that lie within Block 20 of Glenada. The alleys proposed for vacation include the remaining portion of the east/west alley that connects to Glenada Road and the north/south alley connecting to a vacated portion of Colter Street. The westerly half of the east/west alley was previously vacated on August 16, 2000 by Order 00-8-16-2. Said right-of-way proposed to be vacated is more particularly described as follows:

The TRUE POINT OF BEGINNING being at the West line of Spruce Street (commonly known as Glenada Road) and the North line of the east-west alley in Block 20 of the Original Plat of Glenada, Volume W, Page 261, Lane County, Oregon Deed Records, Section 35, Township 18 South, Range 12 West, Willamette Meridian, and also being the Southeast corner of Lot 6, of said Block 20; thence following the North line of said alley South 89°48'00" West, a distance of 150.00 feet to the Southwest corner of Lot 4, of said Block 20; thence South 26°21'54" West, a distance of 17.89 feet to the Northeast corner of Lot 12, of said Block 20; thence South 0°12'00" East, a distance of 150 feet along the West line of a north-south alley to the Southeast corner of Lot 10, of said Block 20; thence North 89°48'00" East, a distance of 16.00 feet to the Southwest corner of Lot 9, of said Block 20; thence North 0°12'00" West 150.00 feet along the East line of the north-south alley to the Northwest corner of Lot 7, of said Block 20; thence North 89°48'00" East, a distance of 142.00 feet along the South line of the east-west alley to the Northeast corner of Lot 7, of said Block 20; thence North 0°12'00" West, a distance of 16.00 feet along the West line of Spruce Street (commonly known as Glenada Road) to the TRUE POINT OF BEGINNING, all in Lane County, Oregon.

WHEREAS, the petition complies with the provisions of ORS 368.351 in that the petitioners, who are the landowners of 100% of the property abutting the proposed vacation, request that the vacation be approved as proposed; and

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WHEREAS, ORS Chapter 368.351 provides for the vacation of property without a public hearing; and

WHEREAS, U.S. West Communications, Central Lincoln Peoples Utility District, Northwest Natural Gas, and various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and abutting landowners were notified by mail regarding the proposed vacation and either had no objection or did not respond to the referral; and

WHEREAS, there are no known utilities within the platted alley and it there is no evidence that the alleys have ever been opened for public travel since they were platted in 1889; and

WHEREAS, no property will be denied legal vehicle access by this vacation; and

WHEREAS, the petitioners have paid a vacation fee of \$550 and will pay recording fees upon final approval of the vacation; and

WHEREAS, the Director of the Department of Public Works has provided a written report in support of the proposed vacation, as required by ORS 368.351, marked as Exhibit "A", attached hereto and made a part hereof, by this Order; and

WHEREAS, all statutory procedures under ORS 368.351 necessary for this vacation have been complied with; and

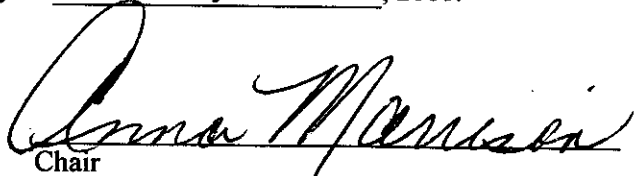
WHEREAS, the Board is of the opinion that approving the vacation as petitioned for is in the best interest of the public because it will allow the petitioners to plan permanent landscaping features and preserve the natural vegetation that exists within right-of-way, as well as protecting their well water and septic system which are located near the right-of-way; now, therefore, it is hereby

ORDERED, that the above described alleys in Block 20 in Glenada are hereby vacated; 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 3rd day of January, 2001.


Chair
LANE COUNTY BOARD OF COMMISSIONERS

Attachment: Attachment "A" - Vicinity Map

APPROVED ACTION FORM

Date 12-21-00 Initials pkh



IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

FILE No.

IN THE MATTER OF THE VACATION OF A PORTION)
 OF THE EAST-WEST-NORTH-SOUTH COUNTY PLATTED)
 ALLEY LOCATED IN BLOCK 20 OF GLENADA, AS)
 PLATTED AND RECORDED IN VOLUME W, PAGE 261)
 LANE COUNTY, OREGON DEED RECORDS LOCATED) **PETITION TO VACATE**
 IN THE NORTHWEST QUARTER (NW1/4) OF THE)
 SOUTHWEST QUARTER (SW1/4) OF SECTION 35,)
 TOWNSHIP 18 SOUTH, RANGE 12 WEST OF THE)
 WILLAMETTE MERIDIAN (18-12-35-32))

PURSUANT to the procedures set forth in ORS Chapter 368, we the undersigned **Judy L. Carr-Robinson** and **Gilbert A. Robinson**, husband and wife, and **Jean E. Wendling** and **Beverly F. Wendling** and **Nora Cusic** as owners of adjacent real property and hereby petition for the vacation of a portion of the east-west-north-south County Platted Alley located in Block 20 of Glenada, as platted and recorder in Volume W, Page 261, Lane County, which area to be vacated is described as follows:

" Beginning at the intersection of the West line of Spruce Street (commonly known as Glenada Road) and the North line of the east-west alley in Block 20 of Glenada, as platted and recorded in Volume W, page 261, Lane County, Oregon Deed Records, said point being the Southeast corner of Lot 6, of said Block 20; RUN THENCE along the North line of said alley South 89 degs 48' 00" West, a distance of 150.00 feet to the Southwest corner of Lot 4, of said Block 20; thence South 26 degs 21' 54" West, a distance of 17.89 feet to the Northeast corner of Lot 12, of said Block 20; thence South 0 degs 12' 00" West, a distance of 150 feet along the West line of a north-south alley to the Southeast corner of Lot 10, of said Block 20; thence North 89 degs 48' 00" East, a distance of 16.00 feet to the Southwest corner of Lot 9, of said Block 20; thence North 0 degs 12' 00" West 150.00 feet along the East line of the north-south alley to the Northwest corner of Lot 7, of said Block 20; thence North 89 degs 48' 00" East, a distance of 142.00 feet along the South line of the east-west alley to the Northeast corner of Lot 7, of said Block 20; thence North 0 degs 12' 00" West, a distance of 16.00 feet along the West line of Spruce Street (commonly know as Glenada Road) to the point of beginning, and there ending, all in Lane County, Oregon. "

WHEREAS , the undersigned petitioners are the owners of 100% of all the real property located adjacent to the above described area to be vacated, and

WHEREAS, petitioner allege as follows:

1. The purpost of this vacation request is to allow the Wendlings, Robinsons, and Cusic to plan, execute joint, permanent landscaping features, including trees. By so doing the adjacent property owners can maintain the integrity of this landscaped area which supports their sepic systems and well water. This well alleviate a third party from disturbing the balance of the environment necessary to support their domiciles.
2. There are no utilities and no power lines located in the area to be vacated, therefore no disposition is to be required.

WHEREAS, no portion of the area to be vacated is located within the boundaries of an incorporated City or Town, and

WHEREAS, the public interest will be served and prejudiced by vacation of the above described area, and

WHEREAS, petitioners, separately and collectively, have and no objection to Lane County proceeding under the authority of ORS Chapter 368.326, for vacation without a hearing, and

THEREFORE, the petitioners request an Order of the Board of Commissioners for Lane County as follows:

1. Setting a date for vacation of the above described portion of alley, with or without a hearing before the Board of Commissioners for Lane County pursuant to ORS Chapter 368.
2. Upon review of this matter, to direct the vacation of the above described alley, and direct that title to the vacated area revert and vest in accordance with ORS Chapter 368.366.

DATED this 26th day of September 2000

PETITIONERS:

Noel C. Cusic

MAP # 18-12-35-32 TL 1400
Address: 85599 Pine St
Florence, OR 97439

Jean E. Wendling Beverly F. Wendling
Jean E. Wendling & Beverly F. Wendling

MAP # 18-12-35-32 TL 1200
Address: 85598 Glenada Rd
Florence, OR 97439

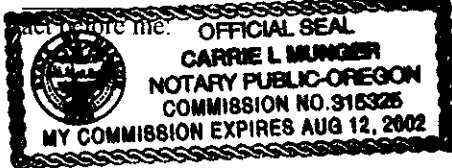
Judy L. Carr-Robinson
Judy L. Carr-Robinson

MAP # 18-12-35-32 TL 1300
Address: 85582 Glenada Rd
Florence, OR 97439

STATE OF OREGON)
COUNTY OF LANE) ss.

On September 26, 2000, personally appeared the above named Jean E. Wendling
and Beverly F. Wendling

and acknowledged the foregoing instrument to be a voluntary



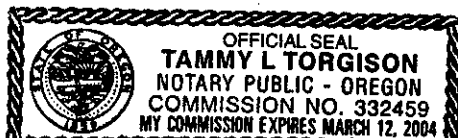
Carrie L. Munger
Notary Public for Oregon / Carrie L. Munger
My Commission Expires: 08-12-2002

STATE OF OREGON)
COUNTY OF LANE) ss.

On 10/23, 2000, personally appeared the above named NOEL C. CUSIC

and acknowledged the foregoing instrument to be a voluntary

act before me:



Tammy L. Torgison
Notary Public for Oregon
My Commission Expires: 3/12/04

STATE OF ARIZONA)
COUNTY OF MARICOPA) ss:

On October 11, 2000 , personally appeared the above named

Judy L. Carr Robinson and acknowledged the foregoing instrument to be

a voluntary act before me:

Jacqueline Beth Dempsey
Notary Public for Arizona
My Commission Expires: _____



IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

FILE No.

IN THE MATTER OF THE VACATION OF A PORTION)
 OF THE EAST-WEST-NORTH-SOUTH COUNTY PLATTED)
 ALLEY LOCATED IN BLOCK 20 OF GLENADA, AS)
 PLATTED AND RECORDED IN VOLUME W, PAGE 261)
 LANE COUNTY, OREGON DEED RECORDS LOCATED) PETITION TO VACATE
 IN THE NORTHWEST QUARTER (NW1/4) OF THE)
 SOUTHWEST QUARTER (SW1/4) OF SECTION 35,)
 TOWNSHIP 18 SOUTH, RANGE 12 WEST OF THE)
 WILLAMETTE MERIDIAN (18-12-35-32))

PURSUANT to the procedures set forth in ORS Chapter 368, we the undersigned **Judy L. Carr-Robinson** and **Gilbert A. Robinson**, husband and wife, and **Jean E. Wendling** and **Beverly F. Wendling** and **Nora Cusic** and **Denelle S. Harris** as owners of adjacent real property and hereby petition for the vacation of a portion of the east-west-north-south County Platted Alley located in Block 20 of Glenada, as platted and recorder in Volume W, Page 261, Lane County, which area to be vacated is described as follows:

" Beginning at the intersection of the West line of Spruce Street (commonly known as Glenada Road) and the North line of the east-west alley in Block 20 of Glenada, as platted and recorded in Volume W, page 261, Lane County, Oregon Deed Records, said point being the Southeast corner of Lot 6, of said Block 20; RUN THENCE along the North line of said alley South 89 degs 48' 00" West, a distance of 150.00 feet to the Southwest corner of Lot 4, of said Block 20; thence South 26 degs 21' 54" West, a distance of 17.89 feet to the Northeast corner of Lot 12, of said Block 20; thence South 0 degs 12' 00" West, a distance of 150 feet along the West line of a north-south alley to the Southeast corner of Lot 10, of said Block 20; thence North 89 degs 48' 00" East, a distance of 16.00 feet to the Southwest corner of Lot 9, of said Block 20; thence North 0 degs 12' 00" West 150.00 feet along the East line of the north-south alley to the Northwest corner of Lot 7, of said Block 20; thence North 89 degs 48' 00" East, a distance of 142.00 feet along the South line of the east-west alley to the Northeast corner of Lot 7, of said Block 20; thence North 0 degs 12' 00" West, a distance of 16.00 feet along the West line of Spruce Street (commonly know as Glenada Road) to the point of beginning, and there ending, all in Lane County, Oregon. "

WHEREAS , the undersigned petitioners are the owners of 100% of all the real property located adjacent to the above described area to be vacated, and

WHEREAS, petitioner allege as follows:

1. The purpost of this vacation request is to allow the Wendlings, Robinsons, and Cusic to plan, execute joint, permanent landscaping features, including trees. By so doing the adjacent property owners can maintain the integrity of this landscaped area which supports their sepic systems and well water. This well alleviate a third party from disturbing the balance of the environment necessary to support their domiciles.
2. There are no utilities and no power lines located in the area to be vacated, therefore no disposition is to be required.

WHEREAS, no portion of the area to be vacated is located within the boundaries of an incorporated City or Town, and

WHEREAS, the public interest will be served and prejudiced by vacation of the above described area, and

PETITION-EAST-WEST-NORTH-SOUTH PUBLIC ALLEY

Page 1 of 3

WHEREAS, petitioners, separately and collectively, have and no objection to Lane County proceeding under the authority of ORS Chapter 368.326, for vacation without a hearing, and

THEREFORE, the petitioners request an Order of the Board of Commissioners for Lane County as follows:

1. Setting a date for vacation of the above described portion of alley, with or without a hearing before the Board of Commissioners for Lane County pursuant to ORS Chapter 368.
2. Upon review of this matter, to direct the vacation of the above described alley, and direct that title to the vacated area revert and vest in accordance with ORS Chapter 368.366.

DATED this 1st day of November 2000

PETITIONERS:

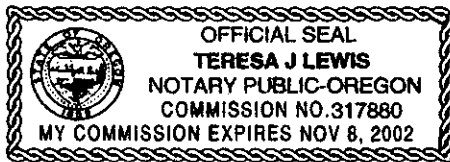
Teresa J Lewis

MAP # 18-12-35-32 TL 1300 Lot 9 & South 1/2 Lot 8
Address: 88935 Bayberry LN
Florence, OR 97439

STATE OF OREGON)
COUNTY OF LANE) ss.

On November 1, 2000, personally appeared the above named _____

Deneile S. HARKIS and acknowledged the foregoing instrument to be
a voluntary act before me:



Teresa J Lewis
Notary Public for Oregon
My Commission Expires: 11-8-2002

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Although the petition names Gilbert A. Robinson as an owner of adjacent property to the proposed alley, his name does not appear on the deed, therefore his signature is not required on the petition.

EXHIBIT "B"

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

FILE NO. 4042

IN THE MATTER OF VACATING THE PUBLIC)
ALLEYS, CONNECTING TO GLENADA ROAD)
(SPRUCE STREET) AND COLTER STREET)
(VACATED), LOCATED IN BLOCK 20 OF GLENADA,)
AS PLATTED AND RECORDED IN VOLUME W,) FINDINGS OF FACT
PAGE 261, LANE COUNTY, OREGON DEED)
RECORDS, WITHOUT A PUBLIC HEARING, AND)
ADOPTING FINDINGS OF FACT (18-12-35-32))

The Department of Public Works has received a valid petition, signed by the owners of 100% of the property abutting the proposed vacation, requesting that the alleys in Block 20 of Glenada as platted and recorded in 1889 in Volume W, Page 261, Lane County, Oregon Deed Records, as described in the Order, be vacated as petitioned for. The petitioners are requesting the vacation to plan permanent landscaping features and preserve the existing vegetation within the right-of-way as well as protecting their septic system and well water, which are located near the right-of-way.

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 roads or right-of-ways based upon the determination that the vacation is "in the public 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 reacknowledged 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. 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 requesting, by the authority of ORS 368.351, a vacation without a public hearing. Said property is further identified as Tax Lots 1000, 1100, 1200, 1300, 1301, and 1400 of Assessor's Map 18-12-35-32.
2. That, pursuant to ORS 368.326 to 368.366, a county governing body may vacate roads or right-of-ways based upon the determination that the vacation is "in the public interest".
3. That, U.S. West Communications, Central Lincoln Peoples 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 abutting landowners were notified by mail regarding the proposed vacation and either had no objection or did not respond to the referral.
4. That, vacating the alleys in Block 20 of Glenada, as described in the Order will not deny any landowners legal road access to a public road.
5. That, there are no known utilities affected by the proposed vacation.
6. That, pursuant to ORS 368.351, a county governing body may make a determination about a vacation of property without a public hearing if:
 - (1) The county road official files a written report stating that the vacation is in the public interest.
 - (2) The proceedings were initiated by petition indicating the approval of 100% of the adjoining property owners.

Items (1) and (2) have been complied with.

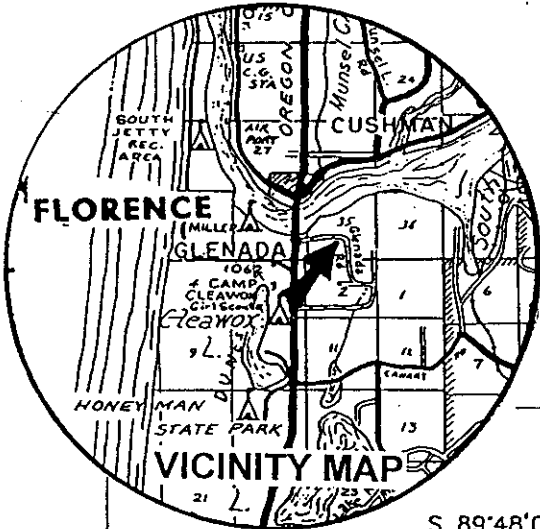
Conclusions of Law (Impacts and Process of Vacation)

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, without a public hearing, have been met.

ATTACHMENT 'A'

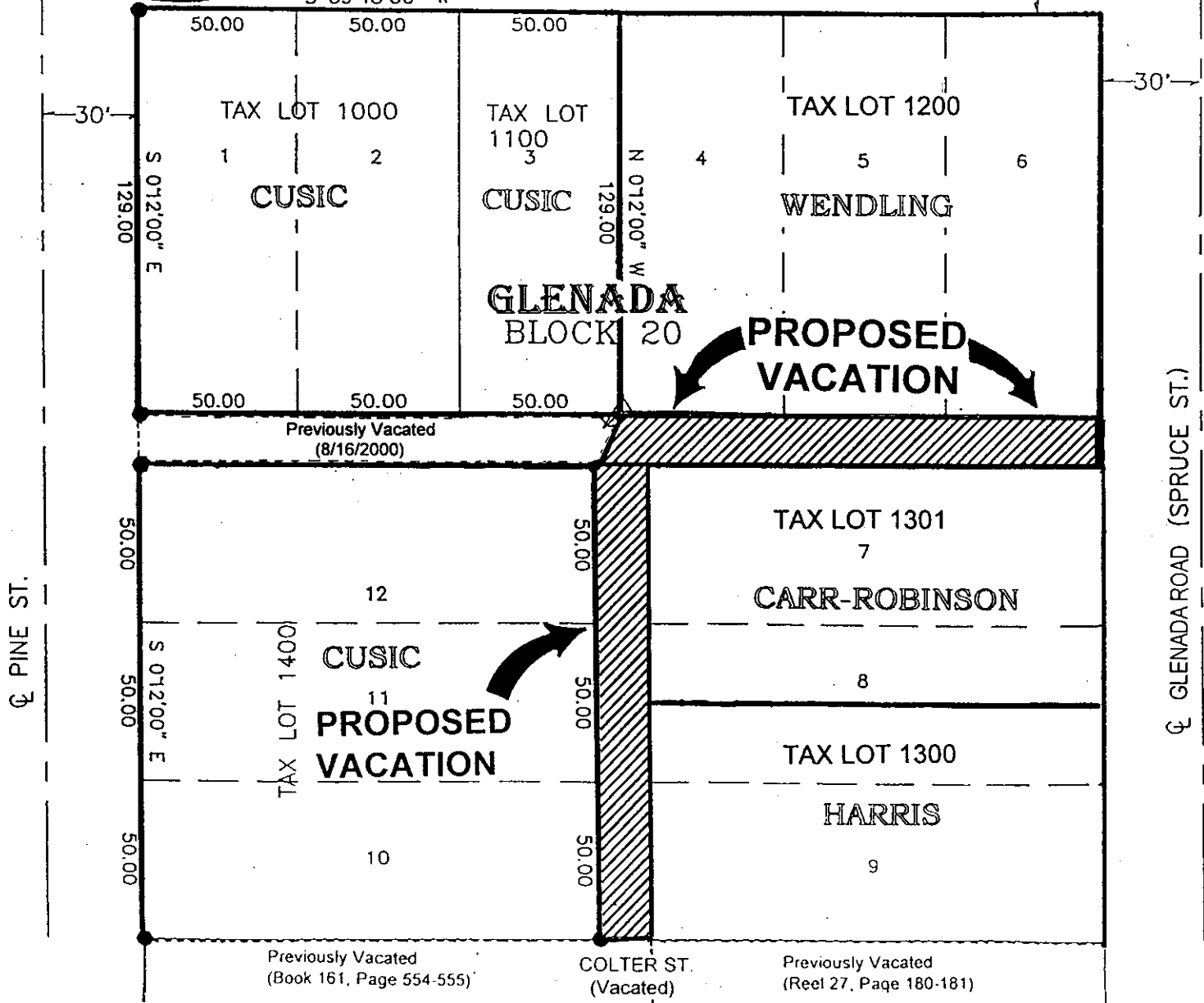
NW 1/4 SW1/4 SECTION 35 T.18S., R. 12W., W.M.
LANE COUNTY

SCALE 1'=50"



S 89°48'00" W GLENADA ROAD (VIOLA AVE.)

S 89°48'00" W



PROPOSED VACATION

PROPOSED VACATION

COLTER ST.
(Vacated)