

ORIGINAL

PASSED

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

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

FILE NO. 4055

IN THE MATTER OF VACATING KOSEY ROAD	)	
(WHICH INCLUDES A PORTION OF COUNTY	)	
ROAD NUMBER 1266) LOCATED SOUTH OF	)	ORDER NO.
LATHAM ROAD IN THE NORTHWEST QUARTER	)	01-11-28-9
(NW 1/4) OF SECTION 8, TOWNSHIP 21 SOUTH,	)	
RANGE 3 WEST OF THE WILLAMETTE MERIDIAN,	)	
IN LANE COUNTY OREGON, WITHOUT A PUBLIC	)	
HEARING, AND ADOPTING FINDINGS OF FACT	)	
(21-03-08)	)	

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 Kosey Road, which includes a portion of County Road Number 1266. Kosey Road begins at the southerly right-of-way of Latham Road, near its intersection with Highway 99, running both southerly and westerly, and lies between Central Oregon Pacific Railroad and Interstate 5. Kosey Road is more particularly described as follows:

All that portion of County Road Number 1266 beginning at southerly right-of-way line of Latham Road; thence South 0°30' East, 812 feet, more or less; thence due West 229.7 feet; thence due South, 170 feet, more or less, to the northwesterly right-of-way line of Pacific Highway Number I-5.

ALSO, all that portion of the 40-foot roadway conveyed to Lane County in 1935 by that certain deed recorded in Book 184, Page 341, Lane County, Oregon Deed Records, extending westerly from County Road Number 1266 for an approximate distance of 550 feet to the Southeasterly right-of-way line of the Central Oregon Pacific Railroad, all being located within the Northwest Quarter (NW ¼) of Section 8, Township 21 South, Range 3 West of the Willamette Meridian, in Lane County, Oregon; and

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

WHEREAS, ORS Chapter 368.351 provides for the vacation of public roads and right-of-ways without a public hearing; and

WHEREAS, the petitioners are requesting the vacation of the right-of-way so that the land will revert back to private ownership, allowing them to have a gate across the existing road and control public access into their property; and

**WHEREAS**, the petitioners allege that there are two powerlines within the area and they have made provisions for the Bonneville Power Authority and Emerald People's Utility District to access through the gate; and

**WHEREAS**, Qwest Communications, Emerald People's Utility District, Bonneville Power Administration, Northwest Natural Gas, Oregon Department of Transportation, Central Oregon Pacific Railroad, Weyerhaeuser Company and various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works were notified by mail regarding the proposed vacation and either had no objections or did not reply to the referral; 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; now, therefore, it is hereby

**ORDERED**, that the above described portion of Kosey Road is hereby vacated; and it is further

**ORDERED**, that a utility easement is hereby reserved for the right of Bonneville Power Authority and Emerald People's Utility District to access, repair and maintain any of their existing powerlines over the vacated right-of-way; 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 28th day of November, 2001.



Chair  
LANE COUNTY BOARD OF COMMISSIONERS

Attachment: Attachment "A" - Vicinity Map

APPROVED AS TO FORM

Date 11-16-01 lane county



OFFICE OF LEGAL COUNSEL

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

FILE NO:

IN THE MATTER OF THE VACATION OF )  
A PORTION OF COUNTY ROAD )  
NUMBER 2705, (Kosey Road) IN SECTION )  
8, TOWNSHIP 21 SOUTH, RANGE 3 WEST )  
OF THE WILLAMETTE MERIDIAN, IN )  
LANE COUNTY OREGON. )  
)

PETITION TO VACATE

PURSUANT to the procedures set forth in ORS Chapter 368, we the undersigned Weyerhaeuser Company as owner of adjacent real property hereby petition for the vacation of a portion of County Road Number 2705 (Kosey Road), which area to be vacated is described as follows:

“All that portion of Kosey Road (County Road Number 1266) extending southerly from the southerly right of way line of Latham Road for an approximate distance of 1,300 feet to the northerly right of way line of Pacific Highway Number I-5.

Also: All that portion of the 40 foot roadway conveyed to Lane County in 1935 by that certain deed recorded in Book 184, Page 341, Lane County, Oregon Deed Records, extending westerly from Kosey Road (County Road Number 1266) for an approximate distance of 550 feet to the Southeasterly right of way line of the Southern Pacific Railroad, all being located within Section 8, Township 21 South, Range 3 West of the Willamette Meridian.”

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, petitioners allege as follows:

1. The purpose of this vacation request is to control access onto Weyerhaeuser’s property and reduce hazards left from trash and abandon vehicles.
2. There are no utilities, and two powerlines located in the area to be vacated and their disposition will be as follows:
  - A. Bonneville Power Authority: BPA lock is placed on the gate.
  - B. Eugene Public Utility District: EPUD utilizes BPA lock and key for access.

Necessary easements for these public and private utilities will be executed between the parties, prior to completion of the vacation, and

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 not prejudiced by vacation of the above described area located off Kosey Road and

WHEREAS, petitioners, separately and collectively, have 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 road, 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 road, and direct that title to the vacated area revert and vest in accordance with ORS 368.366.

DATED this 27 day of JUNE, 2001.

PETITIONERS:

Brad Anderson

WEYERHAEUSER COMPANY  
MAP # 21-03-08-00 TL 1500  
MAP # 21-03-08-00 TL 2500  
MAP # 21-03-05-00 TL 1700  
ADDR: P.O. Box 275  
Springfield, Oregon 97477

STATE OF OREGON )  
COUNTY OF LANE ) ss.

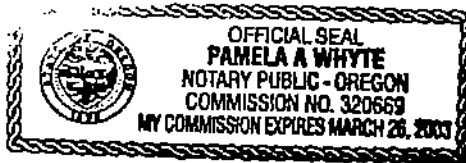
On June 27, 2001, personally appeared the above-named Brad Anderson and acknowledged the foregoing instrument to be voluntary act before me:

Pamela A Whyte  
Notary Public for Oregon  
My Commission expires: Mar. 26, 2003

DATED this 25 day of May, 2001.

PETITIONERS:

Central O.P.R.R.  
CENTRAL OREGON PACIFIC RAILROAD  
Adjoining owner to Kosey Road as shown on  
petition plat as S.P.R.R.  
ADDR: P.O. Box 1083  
Roseburg, Oregon 97470



STATE OF OREGON )  
COUNTY OF LANE ) ss.

On MAY 25, 2001, personally appeared the above-named CHARLES L. McLEAN and acknowledged the foregoing instrument to be voluntary act before me:

Deborah L Jackson  
Notary Public for Oregon  
My Commission expires: JULY 26, 2002



ORIGINAL

DATED this 25<sup>th</sup> day of MAY, 2001.

PETITIONERS:

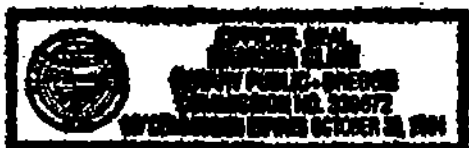
Don W. Ehrlich District 5 Rep.

OREGON DEPARTMENT OF TRANSPORTATION  
Adjoining owner to Kosey Road as shown on petition plat  
as Pacific Highway I-5  
ADDR: 644 "A" Street  
Springfield, Oregon 97477

STATE OF OREGON        )  
COUNTY OF LANE       ) ss.

On May 25, 2001, personally appeared the above-named Donald W. Ehrlich and  
acknowledged the foregoing instrument to be voluntary act before me:

Ramona Alme  
Notary Public for Oregon  
My Commission expires: October 30, 2004



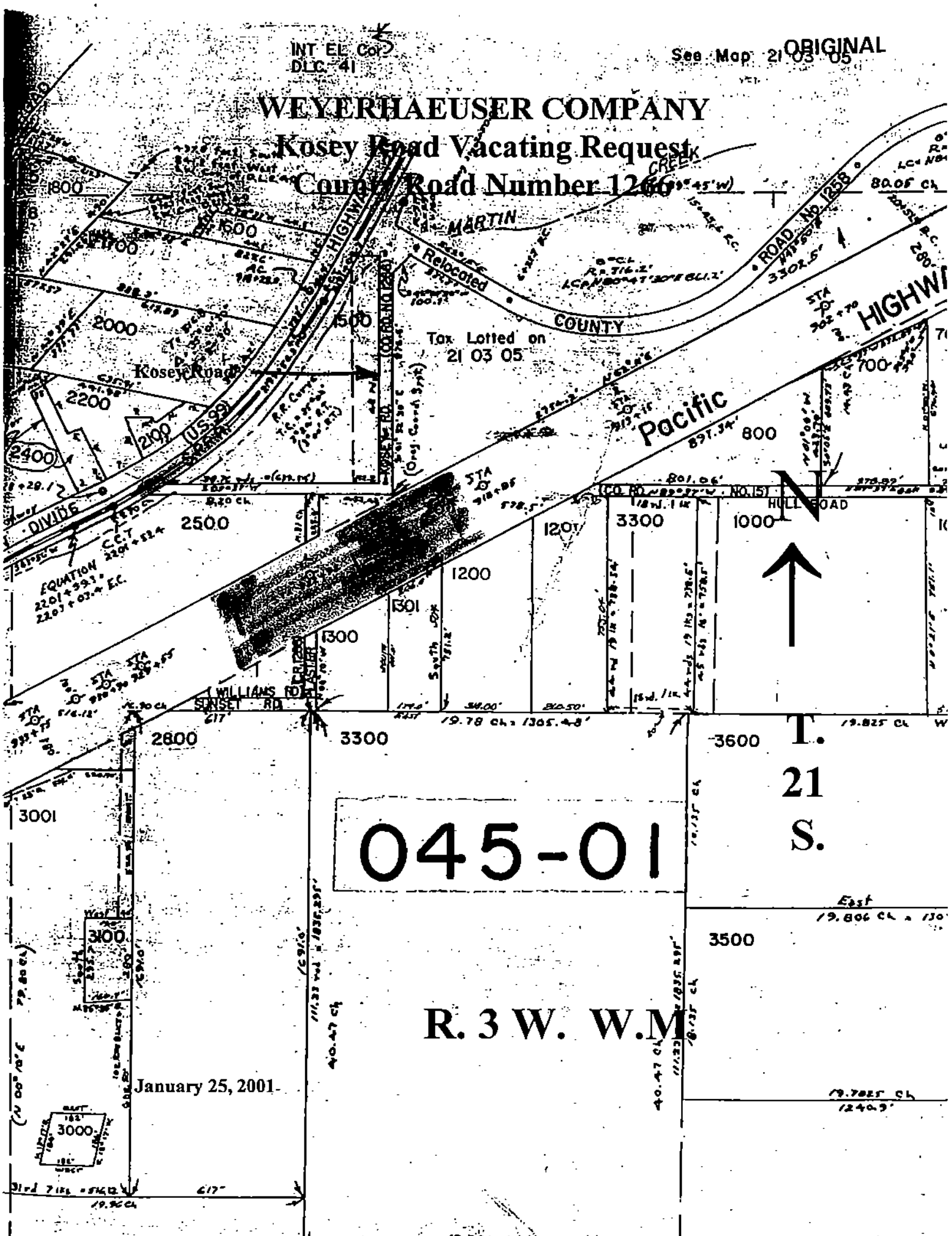
INT EL Co  
DLC 41

See Map 21 03 05 ORIGINAL

# WEYERHAEUSER COMPANY

## Kosey Road Vacating Request

### County Road Number 1266



Tax Lotted on  
21 03 05



# 045-01

## R. 3 W. W.M

January 25, 2001

T.  
21  
S.

3500

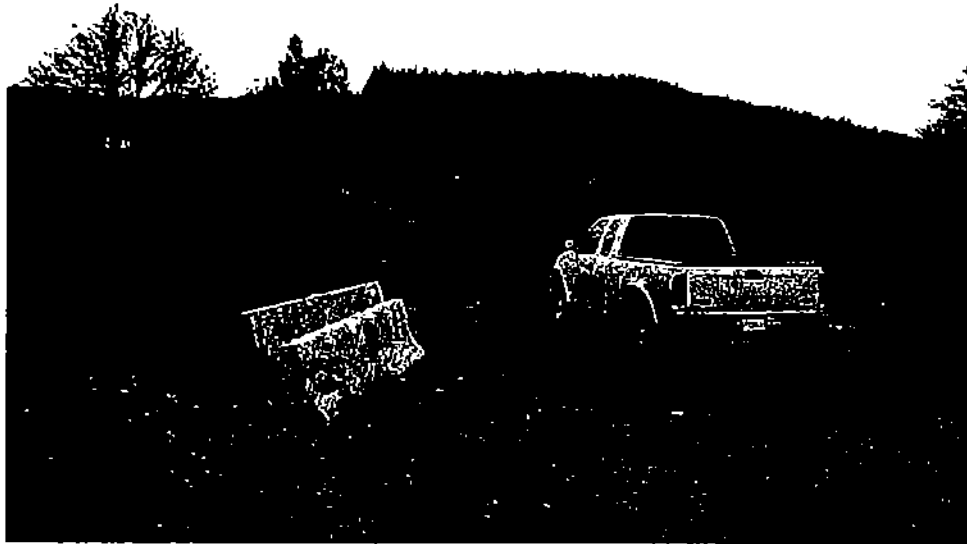
3000

3000

3000

Map details include:  
 - Section numbers: 1200, 1300, 1500, 2000, 2200, 2400, 2500, 2800, 3000, 3300, 3500, 3600.  
 - Road names: Kosey Road, Pacific Highway, Sunset Rd, Williams Rd, Hull Road.  
 - Utility lines: Pacific, Relocated.  
 - Measurements: Various bearings and distances (e.g., 19.78 ch, 1305.4-8', 19.825 ch, 130', 19.7025 ch, 1240.9').  
 - Stationing: STA 918+05, STA 918+00, STA 917+75, STA 917+50, STA 917+25, STA 917+00, STA 916+75, STA 916+50, STA 916+25, STA 916+00, STA 915+75, STA 915+50, STA 915+25, STA 915+00, STA 914+75, STA 914+50, STA 914+25, STA 914+00, STA 913+75, STA 913+50, STA 913+25, STA 913+00, STA 912+75, STA 912+50, STA 912+25, STA 912+00, STA 911+75, STA 911+50, STA 911+25, STA 911+00, STA 910+75, STA 910+50, STA 910+25, STA 910+00, STA 909+75, STA 909+50, STA 909+25, STA 909+00, STA 908+75, STA 908+50, STA 908+25, STA 908+00, STA 907+75, STA 907+50, STA 907+25, STA 907+00, STA 906+75, STA 906+50, STA 906+25, STA 906+00, STA 905+75, STA 905+50, STA 905+25, STA 905+00, STA 904+75, STA 904+50, STA 904+25, STA 904+00, STA 903+75, STA 903+50, STA 903+25, STA 903+00, STA 902+75, STA 902+50, STA 902+25, STA 902+00, STA 901+75, STA 901+50, STA 901+25, STA 901+00, STA 900+75, STA 900+50, STA 900+25, STA 900+00.

**Petition to Vacate – County Road Number 1266 (Kosey Road)**



**Kosey Road looking South from Latham County Road. EPUD power lines on the right.**



**Kosey Road looking North to Latham County Road. Weyerhaeuser Mill in the background off to the right.**

Petition to Vacate – County Road Number 1266 (Kosey Road)

Kosey Road Gate Lock Box



Kosey Road Gate Post



Weyerhaeuser & BPA locks in gate lock box



Gate will be painted bright orange with reflective tape placed on various locations

**EXHIBIT "A"**  
**IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY**  
**STATE OF OREGON**

**ORIGINAL**

**FILE NO. 4055**

**IN THE MATTER OF VACATING KOSEY ROAD (WHICH )  
INCLUDES A PORTION OF COUNTY ROAD NUMBER )  
1266) LOCATED SOUTH OF LATHAM ROAD IN THE )  
NORTHWEST QUARTER (NW 1/4) OF SECTION 8, )  
TOWNSHIP 21 SOUTH, RANGE 3 WEST OF THE )  
WILLAMETTE MERIDIAN, IN LANE COUNTY OREGON, )  
WITHOUT A PUBLIC HEARING, AND ADOPTING )  
FINDINGS OF FACT (21-03-08) )**

**DIRECTOR'S REPORT**

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.

Kosey Road lies between the Central Oregon Pacific Railroad and Pacific Highway Number I-5 south of Latham Road (County Road Number 1258). The proposed vacation includes a portion of County Road Number 1266 and a portion of right-of-way which was conveyed to Lane County in 1935 by a certain deed recorded in Book 184, Page 341, Lane County, Oregon Deed Records. County Road Number 1266 was originally named Williams Road when it was established in 1943, having a right-of-way width of 40 feet, 20 feet on each side of centerline. In 1968 portions of County Road Number 1266 were renamed. The segment running directly south of Latham Road was renamed Kosey Road, and eventually all of the right-of-way that is included in the proposed vacation became known as Kosey Road.

The purpose of this vacation request is to allow the right-of-way to revert back to private ownership, so that Weyerhaeuser Company can control access onto their property. Weyerhaeuser Company owns most of the property adjoining the right-of-way and has had problems in the past with trash and abandoned vehicles left on their land. As a temporary solution to this problem, Lane County has issued a permit to Weyerhaeuser, giving consent for a gate across county right-of-way. If this road is vacated, Weyerhaeuser will be able to keep the gate in place without continuing to obtain permits from the County.

The petitioners allege that there are two powerlines within the area and both Bonneville Power Administration and Emerald People's Utility District have a key for the lock on the gate. Emerald People's Utility District has an existing easement recorded October 27, 1950 in Lane County Deed Records, Book 426, Page 161. Bonneville Power Administration currently uses Interstate-5 for access to their lines, but also have a verbal agreement with Weyerhaeuser to take access through the gate for any emergency purpose.

The Surveyors Office notified Qwest Communications, Emerald People's Utility District, Bonneville Power Administration, Northwest Natural Gas, Central Oregon Pacific Railroad, Oregon Department of Transportation, Weyerhaeuser Company, and various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works regarding the vacation. The agencies and the adjacent landowners either had no objection to the vacation or did not respond to the referral.

Kosey Road is no longer needed by the Lane County Transportation System and no property will be denied legal access by this vacation. It is concluded that this vacation is in the public's interest, as it will allow the property owners to control access onto their property and help to prevent the misuse of the land caused by some of the public.

It is therefore recommended that Kosey Road, as described in the Order, be vacated as petitioned for, and that a utility easement be reserved for the right of Bonneville Power Authority and Emerald People's Utility District to access, repair and maintain any of their existing powerlines over the vacated right-of-way. It is further recommended that the vacation be allowed without a public hearing.

DATED this 9<sup>th</sup> day of November, 2001.

  
Oliver P. Snowden, Public Work Director

EXHIBIT "B"  
IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY  
STATE OF OREGON

FILE NO. 4055

IN THE MATTER OF VACATING KOSEY ROAD (WHICH )	
INCLUDES A PORTION OF COUNTY ROAD NUMBER )	
1266) LOCATED SOUTH OF LATHAM ROAD IN THE )	FINDINGS OF
NORTHWEST QUARTER (NW 1/4) OF SECTION 8, )	FACT
TOWNSHIP 21 SOUTH, RANGE 3 WEST OF THE )	
WILLAMETTE MERIDIAN, IN LANE COUNTY OREGON,) )	
WITHOUT A PUBLIC HEARING, AND ADOPTING )	
FINDINGS OF FACT (21-03-08) )	

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 Kosey Road, as described in the Order, be vacated as petitioned for. The petitioners wish to vacate this portion of right-of-way for the purpose of returning the land to private ownership so that they may control access onto their property and reduce the hazards caused by some of the public leaving trash and abandoned vehicles on their property.

**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. That, 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 1500 and 2500 of Assessor's Map 21-03-08, and property owned by Central Oregon Pacific Railroad and Oregon Department of Transportation.
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, Qwest Communications, Emerald People's Utility District, Bonneville Power Administration, Northwest Natural Gas, Central Oregon Pacific Railroad, Oregon Department of Transportation, Weyerhaeuser Company, and various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works were notified by mail regarding the proposed vacation and either had no objection or did not respond to the referral.
4. That, vacating the portions of Kosey Road, as described in the Order, will not deny any landowners legal road access to a public road.
5. That, a utility easement is reserved by the Vacation Order for repair and maintenance of the existing powerlines over the vacated right-of-way.
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.

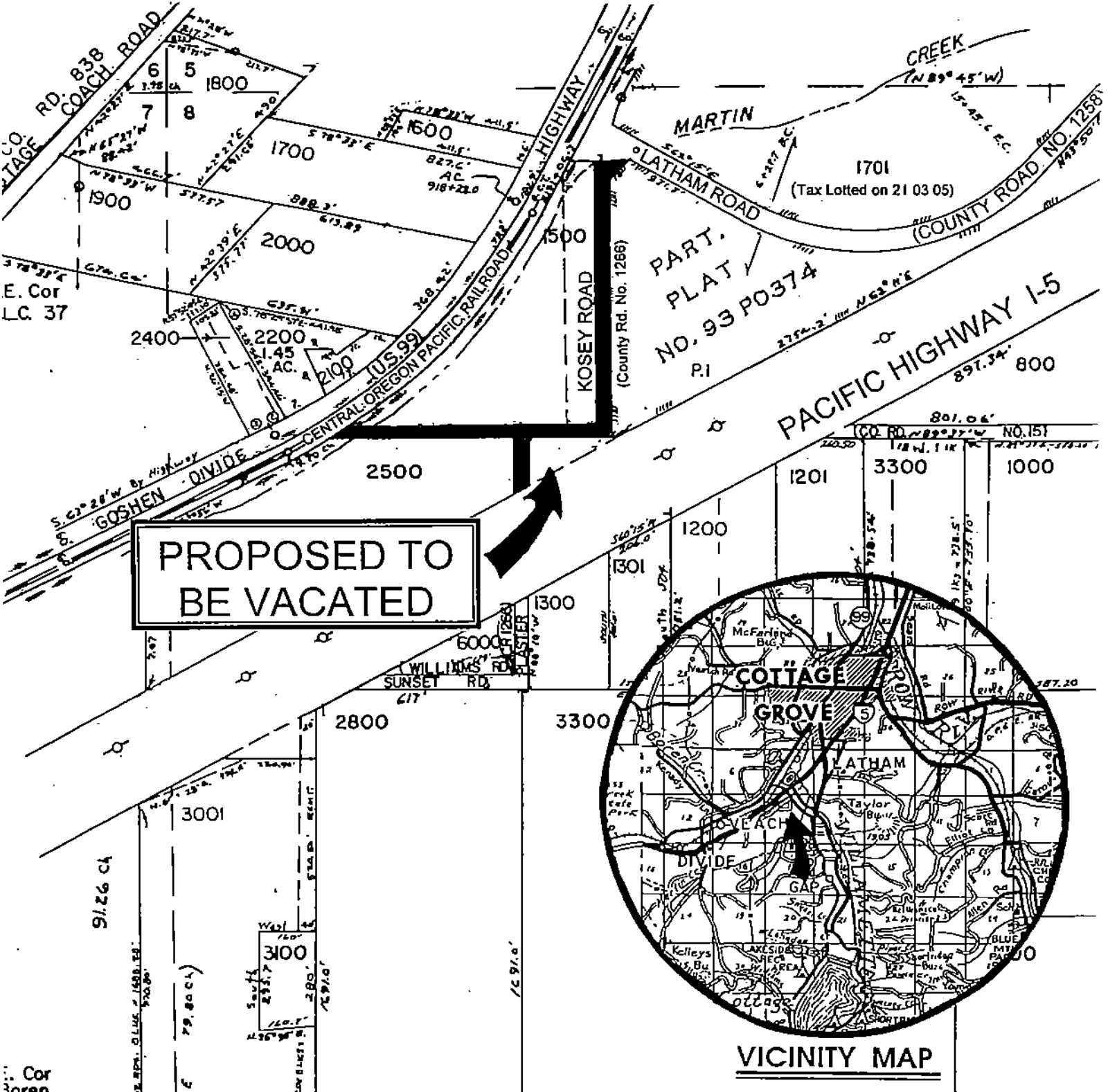
**Conclusions of Law (Impacts and Process of Vacation)**

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.

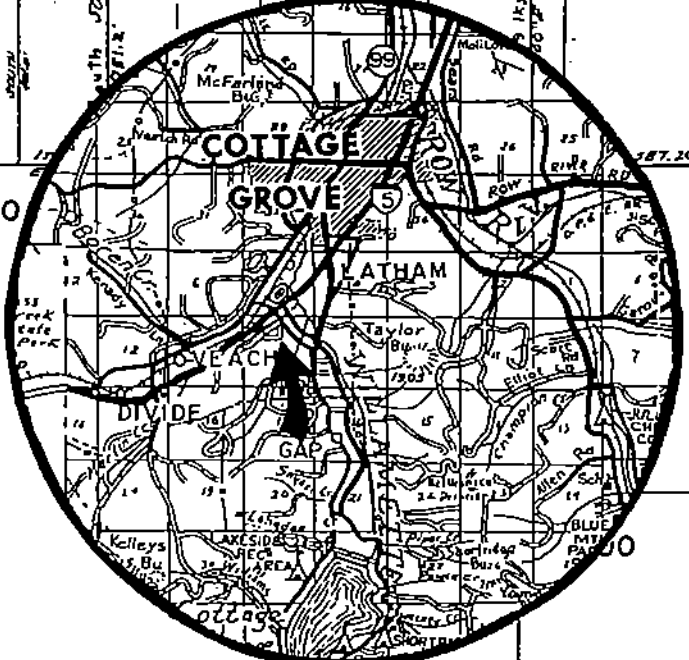
ATTACHMENT "A"

NW ¼ Sec 8 T. 21S. R. 3W. W.M.  
LANE COUNTY

NO SCALE



**PROPOSED TO  
BE VACATED**



**VICINITY MAP**