

PASSED

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

FILE NO. 4062

IN THE MATTER OF VACATING THE NORTHERLY )
EXTERIOR BOUNDARY LINE, THE WESTERLY )
EXTERIOR BOUNDARY LINES, AND A PORTION )
OF THE SOUTH EXTERIOR BOUNDARY LINE OF )
LOT 1 OF HODSDON-POWELL SUBDIVISION, AS )
PLATTED AND RECORDED IN FILE 72, SLIDE 131, )
LANE COUNTY, OREGON PLAT RECORDS, AND )
LOCATED IN THE VICINITY OF HODSDONSDALE )
ROAD, WESTERLY OF GIMPL HILL ROAD, )
WITHOUT A PUBLIC HEARING, AND ADOPTING )
FINDINGS OF FACT (18-04-08 & 09) )

ORDER NO.

01-12-12-9

WHEREAS, this matter now coming before the Board upon a petition received by the County Surveyor's Office of the Lane County Department of Public Works requesting, under authority of ORS Chapter 368.326 and 368.341, the vacation of the northerly exterior boundary line, the westerly exterior boundary lines, and a portion of the southerly exterior boundary line of Lot 1 of Hodsdon-Powell Subdivision as platted and recorded in File 72, Slide 131. Said boundary lines being more particularly described as follows:

Beginning at the Northeast corner of said Lot 1, Hodsdon-Powell Subdivision, run thence due West, a distance of 549.97 feet, to a point on the west line of Section 9, Township 18 South, Range 4 West of the Willamette Meridian, said point being the Northwest corner of said Lot 1; thence along said section line, South 0°12'33" East, a distance of 667.08 feet, to a point that is South 0°12'33" East, 2668.33 feet of the Northwest corner of said Section 9; thence South 89°16'49" West a distance of 264.00 feet; thence South 19°19'03" East 153.78 feet; thence North 89°39'45" East 264.27 feet, and there ending, 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, agree that the vacation should be approved as proposed; and

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

**WHEREAS**, Qwest Communications, Lane Electric Cooperative, Northwest Natural Gas, and various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works were contacted regarding the vacation of the lot lines and either had no objection or did not reply to the referral; and

**WHEREAS**, there are no known utilities within the proposed vacation and no property will be denied legal access by this vacation; and

**WHEREAS**, the proposed vacation will allow for a property line adjustment and a replat will be made of Lot 1 of Hodsdon-Powell Subdivision; and

**WHEREAS**, the petitioners have paid a vacation fee of \$650 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

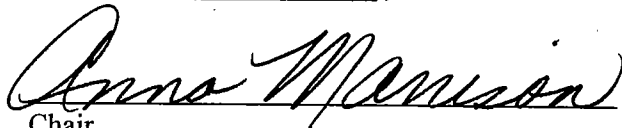
**WHEREAS**, the Board is of the opinion that approving the vacation, as petitioned for, is in the best interest of the public; now, therefore, it is hereby

**ORDERED**, that the above described exterior boundary lines of Lot 1 of Hodsdon-Powell Subdivision, is 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 12th day of December, 2001



Chair

LANE COUNTY BOARD OF COMMISSIONERS

Attachment: Vicinity Map (Attachment "A")

APPROVED AS TO FORM

Date 11-29-01 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 )  
THE NORTH LINE, ALL OF THE )  
WESTERLY LINES, AND A PORTION OF )  
THE SOUTH LINE OF LOT 1, HODSDON- )  
POWELL SUBDIVISION, FILE 72, SLIDE )  
131, LANE COUNTY, OREGON PLAT )  
RECORDS IN THE NORTHEAST 1/4 OF )  
SECTION 8 & AND THE NORTHWEST 1/4 )  
OF SECTION 9, TOWNSHIP 18 SOUTH, )  
RANGE 4 WEST, WILLAMETTE MERIDIAN )

**PETITION TO VACATE**

**PURSUANT** to the procedures set forth in ORS Chapter 368, we the undersigned, The Nature Conservancy of Oregon, a District of Columbia non-profit corporation, represent 100% of the owners of Lot 1, Hodsdon-Powell Subdivision, do hereby petition for the vacation of the North line and all of the Westerly lines and a portion of the South line of said Lot 1, Hodsdon-Powell Subdivision.

**WHEREAS**, the undersigned petitioner is the owner of the above described real property, which is to be vacated, and

**WHEREAS**, petitioner alleges as follows:

1. The purpose of this vacation request is to allow the adjustment of the northerly lot line, the most westerly lot lines and a portion of the southerly line of said Lot 1, without effecting the exterior boundary of the remainder of the Hodsdon-Powell Subdivision. This vacation will be complete prior to the recording of a Property Line Adjustment Deed.
2. A Property Line Adjustment survey and deeds will be made to change the property ownership lines along the northerly boundary and the southwesterly boundary.
3. A replat will be made and recorded to make a minor amendment to Lot 1 and reduce it in size.
4. There are no Public Utilities or Private Utilities located within the area to be vacated.

**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 the vacation of the above described area, and

**WHEREAS**, the petitioner has no objection to Lane County proceeding under the authority of ORS Chapter 368.326, for the vacation without a hearing, and

**PETITION TO VACATE**





# EXHIBIT A

ORIGINAL



SCALE 1" = 200'

THE NATURE CONSERVANCY  
TAX LOT 1200  
MAP NO. 18-04-09

LOT LINE TO BE VACATED

LOT LINE TO BE VACATED

LOT 1, HODSDON-POWELL SUBDIVISION  
TAX LOT 1301  
MAP NO. 18-04-09

NEW PROPERTY LINE (PROPOSED)

EXISTING DWELLING

NEW PROPERTY LINE (PROPOSED)

LOT 2, HODSDON-POWELL SUBDIVISION

HODSONDALE ROAD

LOT LINES TO BE VACATED

CITY OF EUGENE PROPERTY  
TAX LOT 1500  
MAP NO. 18-04-09

CITY PROPERTY

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

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LOT 1 OF HODSDON-POWELL SUBDIVISION, AS )  
PLATTED AND RECORDED IN FILE 72, SLIDE 131, )  
LANE COUNTY, OREGON PLAT RECORDS, AND )  
LOCATED IN THE VICINITY OF HODSDONSDALE )  
ROAD, WESTERLY OF GIMPL HILL ROAD, )  
WITHOUT A PUBLIC HEARING, AND ADOPTING )  
FINDINGS OF FACT (18-04-08 & 09) )

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.

Hodsdon-Powell Subdivision was established in 1977, as platted and recorded in File 72, Slide 131, Lane County, Oregon Plat Records. The petitioners are requesting the vacation of certain exterior boundary lines of said plat in order to create a property line adjustment between Lot 1 of Hodsdon-Powell Subdivision and the adjoining properties to the north and the west. The proposed vacation is allowed by ORS 368.326.

Qwest Communications, Lane Electrical Cooperative, Northwest Natural Gas, and various other agencies including Transportation Planning and Lane County Planning programs of the Lane County Department of Public Works were contacted regarding the vacation of the lot lines and either had no objection or did not reply to the referral.


There are no known utilities that will be affected by this vacation, and no property will be denied legal access by this proposed vacation.

The public interest will be served, as vacating the described lot lines of the exterior boundary of Lot 1 of Hodsdon-Powell Subdivision will allow the petitioners to adjust the property lines of Lot 1. It is the intention of the primary petitioner to reconfigure the size of the lots so that they can sell the portion of land which includes an existing dwelling, and increase the size of the lot which they own to the north of the subdivision. In addition, the most westerly portion will be become a part of the property to the west which is owned by the City of Eugene.

It is therefore recommended that the northerly exterior boundary line, the westerly exterior boundary lines, and a portion of the Southerly exterior boundary line of Lot 1 of Hodsdon-Powell Subdivision, as described in the Order, be vacated as petitioned for.

It is further recommended that the vacation be allowed without a public hearing.

DATED this 27<sup>th</sup> day of November, 2001.

  
Oliver P. Snowden, Director - Department of Public Works

**EXHIBIT "B"**

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

**FILE NO. 4062**

**IN THE MATTER OF VACATING THE NORTHERLY )  
EXTERIOR BOUNDARY LINE, THE WESTERLY )  
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LOCATED IN THE VICINITY OF HODSDONSDALE )  
ROAD, WESTERLY OF GIMPL HILL ROAD, )  
WITHOUT A PUBLIC HEARING, AND ADOPTING )  
FINDINGS OF FACT (18-04-08 & 09) )**

The Department of Public Works has received a valid petition, signed by 100% of the property owners abutting the proposed vacation, requesting that the northerly exterior boundary line, the westerly exterior boundary lines, and a portion of the southerly exterior boundary line of Lot 1 of Hodsdon-Powell Subdivision, as described in the Order, be vacated as petitioned for. The petitioners are requesting this vacation in order to create a property line adjustment between Lot 1 of Hodsdon-Powell Subdivision and Tax Lots 1200 and 1500 of Assessor's Map 18-04-09.

**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 a subdivision, or part of a subdivision, 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 lot lines.

**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 petitioners own all the property abutting the proposed vacation. Said property is further identified as Tax Lot 1200, 1301 & 1500 of Assessor's Map 18-04-09.
2. That, pursuant to ORS 368.326 to 368.366, a county governing body may vacate a subdivision, or part of a subdivision, based upon the determination that the vacation is "in the public interest."
3. That, Qwest Communications, Lane Electric Cooperative, Northwest Natural Gas, and various other agencies including Transportation Planning and Lane County Planning programs of the Lane County Department of Public Works were contacted regarding the vacation of the lot lines and either had no objection or did not reply to the referral.
4. That, there are no known utilities affected by the proposed vacation.
5. That, vacating the exterior boundary lines of Lot 1 of Hodsdon-Powell Subdivision, as described in the Order, will not deny any property owners legal road access to a public road.
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.

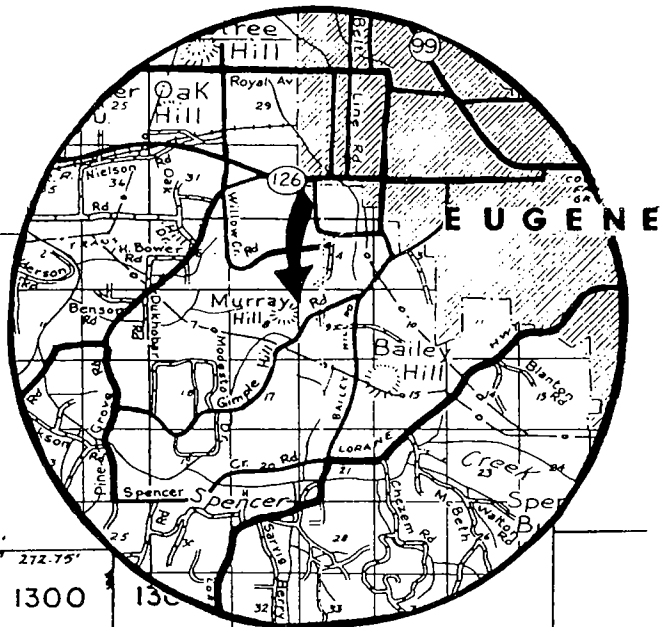
Items (1) and (2) have been complied with.

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

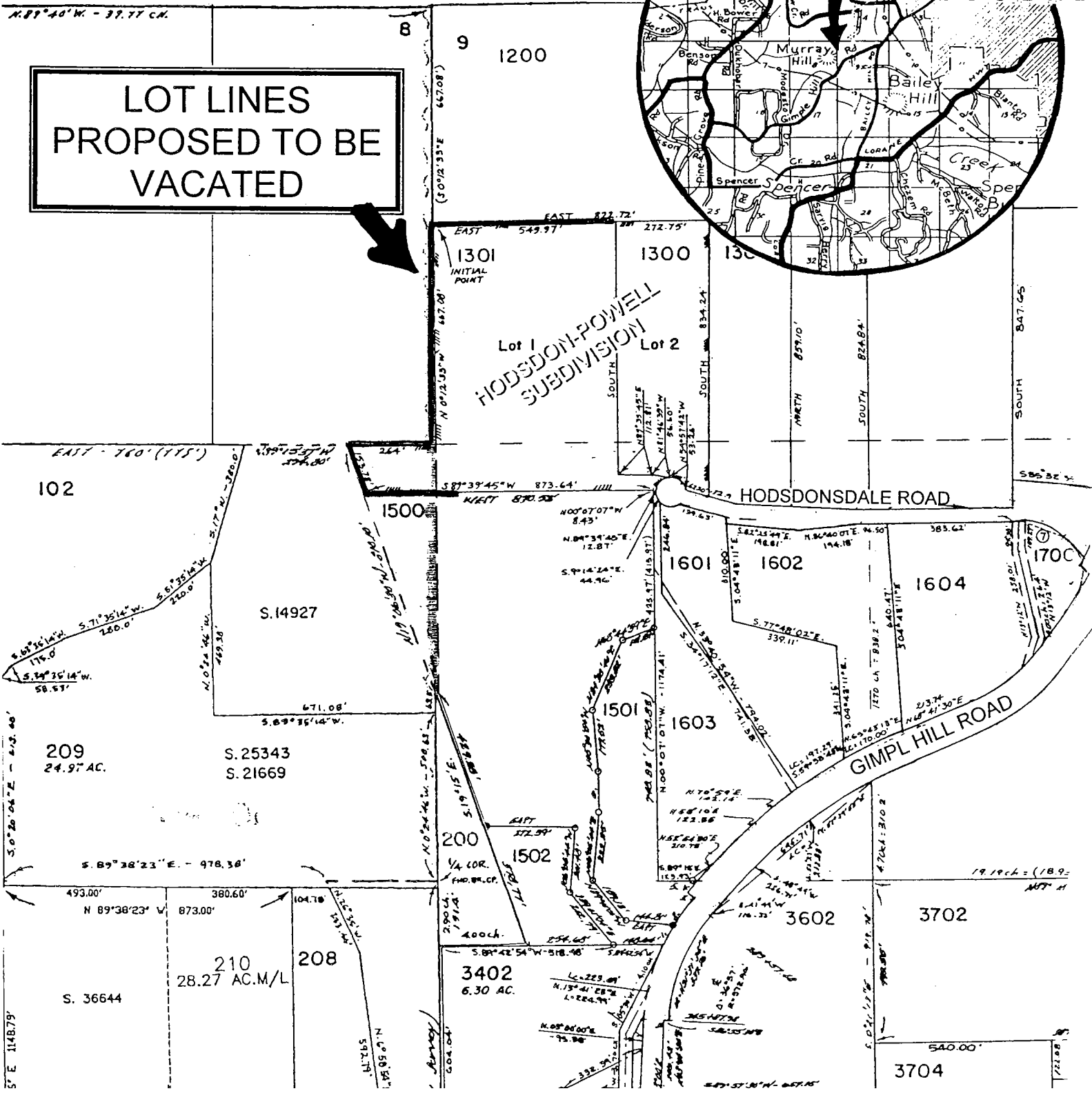
Based on the above findings of fact, the Board concludes, as a matter of law, that this vacation will not have any predictable negative impact on present or future land use, either in terms of allowable uses or actual development. The Board further concludes that statutory procedures necessary for making a determination on this vacation, without a public hearing, have been met.

Sec. 8 & 9 T. 18S. R. 4W. W.M.  
LANE COUNTY

NO SCALE



LOT LINES  
PROPOSED TO BE  
VACATED



Lot 1  
HODSDON-POWELL  
SUBDIVISION  
Lot 2

HODSDONSDALE ROAD

GIMPL HILL ROAD

N. 89° 40' W. - 39.77 CH.

EAST - 760' (175')

209  
24.97 AC.

S. 25343  
S. 21669

S. 36644

210  
28.27 AC. M/L

3402  
6.30 AC.

3704