

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

RESOLUTION AND
ORDER NO. 13-11-19-03

IN THE MATTER OF SETTING A PUBLIC HEARING
FOR THE PROPOSED VACATION OF A PORTION
OF RIGHT OF WAY ALONG IRVING ROAD (CO. RD.
2254) LOCATED IN THE NORTHEAST ONE-
QUARTER OF THE SOUTHWEST ONE-QUARTER
(NE 1/4, SW 1/4) OF SECTION 10, TOWNSHIP 17
SOUTH, RANGE 4 WEST OF THE WILLAMETTE
MERIDIAN, IN LANE COUNTY, OREGON.
(17-04-10-31)

WHEREAS, a request has been submitted by the Engineering and Construction Services Division of the Lane County Department of Public Works for the vacation of a portion of right of way along Irving Road (County Road 2254), and it appearing that the portion of right of way proposed for vacation is no longer needed as part of Lane County's public road system; and

WHEREAS, the subject portion of right of way along Irving Road proposed for vacation is of variable width, located westerly of the intersection of Irving Road and NW Expressway outside Eugene city limits, and was purchased by Lane County for road purposes in 1995 at the direction of the Board of Commissioners, Order No. 93-5-12-1, Order No. 93-7-14-13 and Order No. 94-9-13-12; and

WHEREAS, the subject portion of right of way along Irving Road proposed for vacation is not being used for road purposes and is currently being leased to an adjoining property owner since September 1, 1998, in the amount of \$2,500 per year; and

WHEREAS, all road improvements currently exist outside the bounds of this proposed vacation, and an easement will be retained for any and all existing public utilities to preserve, maintain, repair, replace, remove or reinstall any public utilities that may now exist within the bounds of the portion of the right of way proposed to be vacated; and

WHEREAS, the vacation of the subject portion of right of way along Irving Road will allow the subsequent sale of the surplus land to an adjoining property owner, creating revenue to Lane County's Road fund and adding land to the tax rolls; and

WHEREAS The Surveyor's Office notified the City of Eugene, Qwest Communications, EWEB, Northwest Natural Gas, Comcast Cable, Level 3 Communications, Kinder-Morgan Energy, Lane Rural Fire/Rescue, Bethel School District, and various other agencies including L-COG, 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

WHEREAS, CenturyLink responded with a request to retain two existing easements recorded on May 16, 1986, Recorder's Reception No. 8630697 and December 17, 1993, Recorder's Reception No. 9382683 for their facilities; and

WHEREAS, Lane County Transportation Planning approved with moving forward with this proposal and Lane County Planning had no comment; and

WHEREAS, the other agencies and landowners either had no objection to the vacation or did not respond to the referral; and

WHEREAS, in accordance with ORS 368.361(3), Lane County has caused this Vacation by Resolution in accordance with ORS 368.341 and Lane Manual, Chapters 15.300 through 15.305; and

WHEREAS, Lane Manual 15.305 requires that vacations, other than those by petition, shall be referred to the Roads Advisory Committee for consideration and recommendations, and this vacation was considered and approved by the Roads Advisory Committee on September 25, 2013; 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, ORS Chapter 368 requires a public hearing to vacate a public road by resolution, and the Board deems it appropriate to conduct a public hearing to decide whether to vacate the described portion of Irving Road; and now, therefore, it is hereby

RESOLVED, that in accordance with ORS Chapter 368, proceedings be undertaken to consider the vacation of a portion of right of way along Irving Road (County Road 2254), more particularly described as follows:

A parcel of land located in the Northeast One-Quarter of the Southwest One-Quarter (NE1/4, SW1/4) of Section 10, Township 17 South, Range 4 West of the Willamette Meridian, being that portion of land conveyed to LANE COUNTY by that certain Warranty Deed recorded March 27, 1995, on Reel 2050R, Recorder's Reception No. 9516989, Lane County Oregon Deed Records, also being all of that right of way of Irving Road, (County Road No. 2254) being more particularly described as follows:

Beginning at a point opposite and 39.93 feet Northerly of Engineer's Centerline Station L2 28+62.60 POT of Irving Road (County Road No. 2254), as surveyed in 1997, said centerline station being 17.13 feet North and 2,576.70 feet West of the brass cap marking the Southeast Corner of the James Peek Sr. Donation Land Claim No. 50, located in Section 10, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon; thence, along the Northerly right of way of said Irving Road, North 12°32'06" West 12.36 feet to a point opposite and 51.98 feet Northerly of Engineer's Centerline Station L2 28+59.85 POT, thence continuing along said northerly right of way, North 85°59'49" East 20.74 feet to a point opposite and 53.54 feet Northerly of Engineer's Centerline Station L2 28+80.54 POT; thence continuing along said Northerly right of way along a non-tangent 95.00 foot radius curve to the right, the long chord of which bears North 51°56'04" East 111.63 feet, a distance of 119.32 feet to a point opposite and 122.82 feet Northerly of Engineer's Centerline Station 29+68.07 POT; thence continuing along said Northerly right

of way North 86°06'43" East 113.81 feet, more or less, to a point at its intersection with the Easterly line of a tract of land as shown on County Survey File No. 13828, Lane County Oregon Survey Records; thence leaving said Northerly right of way and along said Easterly line of said tract of land South 20°32'50" East 97.57 feet, more or less, to a 1/2 inch iron rod set as the Southeast corner thereof; thence leaving said Easterly line, North 89°42'21" West 253.70 feet, more or less, to the Point of Beginning, in Lane County, Oregon.

The parcel of land to which this description applies contains 17,337 square feet (0.40 acre), more or less.

The above description and basis of bearing were based upon a survey of Irving Road by Lane County Public Works, as shown on County Survey File No.'s 34257 through 34275, recorded April 14, 1997, Lane County Survey Records, Lane County, Oregon.

NOW, THEREFORE, the Board of Commissioners of Lane County **ORDERS** as follows:

1. That January 14, 2014 be established as the date for conducting a public hearing regarding the proposed vacation of the above described portion of Irving Road, and the hearing be held at 1:30 p.m. at the Lane County Courthouse, 125 East 8th Avenue, Eugene, Oregon 97401.
2. 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.
3. 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 Mike Jackson, Lane County Surveyor, Public Works Customer Service Center, 3050 N. Delta Hwy., Eugene, Oregon 97408, telephone (541) 682-4195.

DATED this 19th day of November, 2013.

Jay Birnbaum, Vice Chair
for Sid Leiken, Chair
Lane County Board of Commissioners

Attachment: Vicinity Map

APPROVED AS TO FORM
Date 11-14-13
[Signature]
LANE COUNTY OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

nearby property owners regarding the vacation, and received three comments. CenturyLink responded with a request to retain two existing easements recorded on May 16, 1986, Recorder's Reception No. 8630697 and December 17, 1993, Recorder's Reception No. 9382683 for their facilities. Lane County Transportation Planning approved with moving forward with this proposal and Lane County Planning had no comment.

The vacation of a portion of right of way along Irving Road as described in the Resolution and Order will have no adverse effects on transportation patterns in the area. The public interest will be served, as the portion vacated will be returned to the tax rolls as real property, and the subsequent sale of the vacated area will generate approximately \$70,000 to \$80,000 dollars for the Road Fund.

Lane Manual 15.305 requires that vacations, other than those by petition, shall be referred to the Roads Advisory Committee for consideration and recommendations. This vacation was considered and approved by the Roads Advisory Committee on September 25, 2013.

The proceedings for the proposed vacation of the subject portion of right of way along Irving Road require a public hearing. The setting of a public hearing date will allow for County staff to review and respond to inquiries or opposition to the proposed vacation, as well as provide an opportunity for any comments from the public, affected property owners and other agencies.

It is recommended that the proceedings for vacating the portion of right of way along Irving Road (Co. Rd. 2254), as described in the Resolution and Order be commenced as authorized by ORS 368.341(1)(a), 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 14th day of November 2013.



Marsha A. Miller
Public Works Director
Department of Public Works

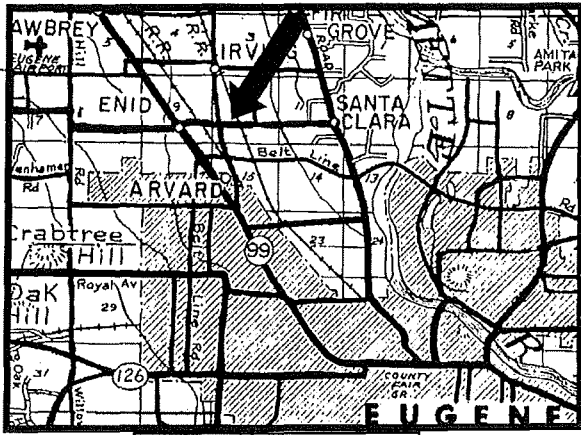
ATTACHMENT

VACATION OF PORTION OF IRVING ROAD COUNTY ROAD NUMBER 2254

SW 1/4 Section 10, T. 17 S., R. 4 W. W.M.
Lane County



NO SCALE



VICINITY MAP

