

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 15-06-02-06

IN THE MATTER OF VACATING 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, this matter now coming before the Board upon a request 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 a portion of right of way along Irving Road (County Road No. 2254), 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 a portion of that land acquired by LANE COUNTY by condemnation, stipulated by and through the Circuit Court of Lane County, Case No. 16-95-03616, dated August 11, 1995, being more particularly described as follows:

Beginning at a 1/2 inch iron rod being opposite and 39.94 feet northerly of Engineer's Centerline Station L2 31+16.30 POT of Irving Road (County Road No. 2254), as surveyed in 2011, said centerline station being 0.74 feet south and 2,324.21 feet west of the 1991 brass cap marking the southwest corner of the Abraham Peek Donation Land Claim No. 51, 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 18°44'18" West 97.57 feet to a 5/8 inch iron rod with plastic cap stamped Lane Co. R/W", opposite and 131.13 feet northerly of Engineer's Centerline Station L2 30+81.60 POT, thence continuing along said northerly right of way, North 87°55'15" East 260.93 feet to a 5/8 inch iron rod with plastic cap stamped "Lane Co. RW", opposite and 150.17 feet northerly of Engineer's Centerline Station L2 33+41.81 POT; thence continuing along said northerly right of way, South 18°44'06" East 117.88 feet to a point being opposite and 40.00 feet northerly of Engineer's Centerline Station L2 33+83.77; thence leaving said northerly right of way, North 87°54'25" West 267.45 feet to the Point of Beginning in Lane County, Oregon.

The parcel of land to which this description applies contains 26,929 square feet (0.62 acres), more or less.

The above description and basis of bearing were based upon a survey of Irving Road by the Lane County Surveyor's Office, as shown on County Survey File No. 42881, recorded February 14, 2014, Lane County Survey Records, Lane County, Oregon.

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, in accordance with ORS Chapter 368, a public hearing was conducted on June 2, 2015, at 1:30 p.m. at the Lane County Public Service Building; and

WHEREAS, The Surveyor's Office notified the City of Eugene, CenturyLink 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 and Northwest Natural Gas responded with a request to retain easements for their facilities; and

WHEREAS, an easement will be retained for Southern Pacific Railroad for their facilities, 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 right of way herein described by these proceedings as vacated; and

WHEREAS, DSG Investments, an adjoining landowner, inquired about purchasing the property from Lane County. DSG Investments was referred to Lane County Right of Way Services for further discussion; and

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

WHEREAS, the subject portion of right of way vacated is currently not being used for road purposes, and all road improvements currently exist outside the bounds of this vacation; and

WHEREAS, the vacation of the subject portion of right of way along Irving Road will allow its inclusion in the sale of adjacent Lane County owned property, creating revenue to Lane County's Road fund and adding land to the tax rolls; 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 is in the best interest of the public; and

WHEREAS, notification of these proceedings has been provided by posting, Certified and General mail, and legal publication by the County Surveyor in accordance with ORS 368.401 to 368.426, and as evidenced by the Affidavit of Posting, Publication, and Mailing labeled as Exhibit "B", attached hereto and made a part hereof by this Order; and

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

1. The above described portion of right of way along Irving Road is hereby vacated.
2. An easement is hereby retained for Southern Pacific Railroad for their facilities, and an easement is hereby retained for the maintenance of 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 right of way herein described by these proceedings as vacated.
3. 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 2nd day of June, 2015.



Jay Bozovich, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date 5/21/15

LANE COUNTY OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

FINAL DIRECTOR'S
REPORT

IN THE MATTER OF VACATING 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)

The Surveyor's Office of the Department of Public Works has received a request by the Engineering and Construction Services section of the Department of Public Works to initiate proceedings for the vacation of a portion of right of way along Irving Road (Co. Rd. 2254).

On April 21, 2015, Resolution and Order Number 15-04-21-11 was passed by the Board of Commissioners which set a public hearing date of June 2, 2015 to consider this vacation.

The portion of right of way along Irving Road is of variable width and is located on the north side of the road between the NW Expressway and Prairie Road intersections.

The right of way proposed for vacation is the site of a proposed road improvement project included in three current long range plans to construct an overpass for Irving Road over the NW Expressway and railroad tracks. The three long range plans are as follows:

- Lane County Transportation System Plan (TSP) (2004): Project No. 60
- 2001-2035 Regional Transportation Plan (RTP): Project No. 530
- TransPlan (2002): Project No. 530

The proposed overpass was also included in the Lane County Capital Improvement Programs (CIP) FY 1989-90 to 1993-94 through FY 1994-95 to 1998-99, Order No. 93-5-12-1, Order No. 93-7-14-13 and Order No. 94-9-13-12. The Board of Commissioners at that time authorized the Lane County Department of Public Works to proceed with the design, preparation of construction plans and acquisition of right of way along Irving Road from Highway 99W to River Road for the road improvement project.

As a result of the aforementioned Orders, in 1995 Lane County acquired through condemnation a 6.55 acre parcel (Map 17-04-10-31, Tax Lot 200) located at the northwest quadrant of Irving Road and NW Expressway for use as a future frontage road and construction of an overpass over the NW Expressway. After the acquisition, 0.80 acres of the property was converted to right of way for road purposes, leaving the original tax lot at 5.75 acres. It is a portion of the converted right of way that is proposed to be vacated.

Subsequently, Board Order No. 93-7-14-13 approved the project design for the urban road improvements that retained the at-grade crossing at the railroad. Language in the Order mentions that the negative impacts of the overpass to abutting property owners outweigh the positive benefits to the County transportation system.

The Board has since approved safety improvements for the at-grade crossing that were included in the (CIP) for FY 2007-11 through FY 2011-15. The safety improvements were completed in 2011 which included upgrading the signal crossing, adding a center median and adding bicycle and pedestrian facilities. As evidenced by Board Order No. 93-7-14-13 and the recent safety improvements for the at-grade crossing, it appears that the Board has made the policy decision not to pursue the construction of the proposed overpass.

A private party has offered to purchase the above mentioned 5.75 acre Lane County owned property as-is for \$135,000, and has further offered to purchase the adjoining subject right of way at the same unit value as the tax lot. The inclusion of the vacated right of way would add approximately \$14,452 to the purchase price of the land, the proceeds of which would all be redistributed into the Road Fund.

The Surveyor's Office notified the City of Eugene, CenturyLink 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 received three comments. CenturyLink and Northwest Natural Gas responded with a request to retain easements for their facilities. DSG Investments, an adjoining landowner, inquired about purchasing the property from Lane County. DSG Investments was referred to Lane County Right of Way Services for further discussion. Lane County Planning had no comment. Lane County Transportation Planning provided the comments relating to the history of the long range plans outlined above.

All current road improvements exist outside the bounds of this proposed vacation. 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. An easement will be retained for Southern Pacific Railroad for maintenance of their facilities.

The vacation of the portion of right of way along Irving Road as described in the Final 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 will allow its inclusion in the subsequent sale of adjacent Lane County owned land, the proceeds of which will be redistributed into the Road Fund.

Lane Manual 15.305 requires that vacations, other than those by petition, be referred to the Roads Advisory Committee for consideration and recommendations. This vacation was considered and approved by the Roads Advisory Committee on March 25, 2015.

Notification of these proceedings has been provided by posting, Certified and General mail and legal publication by the County Surveyor in accordance with ORS 368.401 to 368.426.

It is therefore recommended that the portion of Irving Road (Co. Rd. 2254), as described in the Final Order, be vacated. It is further recommended that an easement for existing public utilities and for Southern Pacific Railroad be retained in the Final Order.

DATED this 19th day of May, 2015.



Marsha A. Miller, Public Works Director
Department of Public Works

Exhibit "B"

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

AFFIDAVIT OF POSTING,
PUBLICATION AND MAILING

IN THE MATTER OF VACATING 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, WITH A
PUBLIC HEARING. (17-04-10-31).

I, Mikeal J. Blomme', Lane County Survey Office Supervisor, certify as follows:

On the 8th day of May, 2015, I caused to be posted four (4) copies of the Notice of Hearing in the above entitled matter in four places, positioned to be visible to the traveling public, as follows:

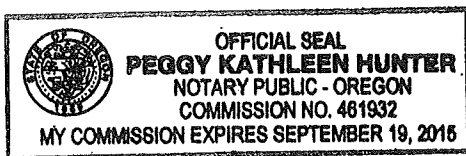
1. Posted on EWEB power pole no. 968, located adjacent to the sidewalk at the southwest corner of Irving Road and Northwest Expressway.
2. Posted on EWEB power pole no. 27194, located on the northerly side of Irving Road, between Prairie Road and Northwest Expressway, and adjacent to the area proposed to be vacated in front of the business known as Santa Clara Stor & Lock.
3. Posted on an unmarked power pole located adjacent to the sidewalk in front of the CFN/Shell fueling station on the southerly side of Irving Road approximately 200 feet west of Prairie Road.
4. Posted on an unmarked power pole located adjacent to the sidewalk in front of the CFN/Shell fueling station on the southerly side of Irving Road approximately 200 feet west of Prairie Road.

The undersigned further certifies that on May, 12, 2015 and May 26, 2015 notice is scheduled to run in the Register Guard. Also, that on May 1, 2015 notice was sent to adjacent owners by Certified Mail, and to various other private entities and public agencies having an interest in these vacation proceedings by General Mail.

Mikeal J. Blomme'
Survey Office Supervisor, for Lane County Surveyor

State of Oregon)
County of Lane)

Subscribed and sworn to before me this 8th day of May, 2015 by
Mikeal J. Blomme', Survey Office Supervisor, for Lane County Surveyor.



NOTARY PUBLIC FOR OREGON
My Commission Expires:

VACATION OF PORTION OF IRVING ROAD

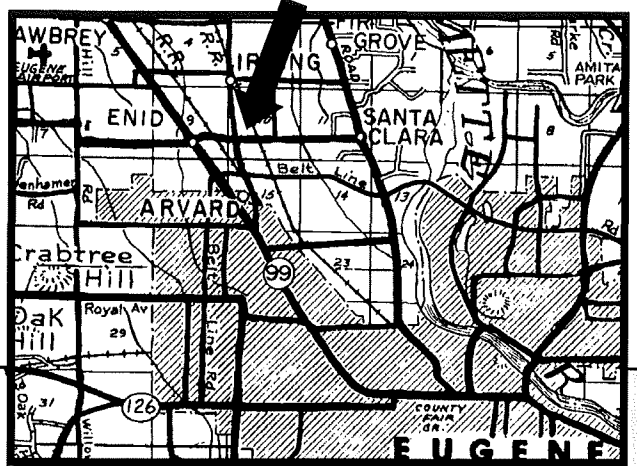
COUNTY ROAD NUMBER 2254

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

Lane County



No Scale



VICINITY MAP

