

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 17-05-16-02

IN THE MATTER OF VACATING A PORTION OF LAUREL STREET IN THE "AMENDED PLAT OF EL CARMEL ADDITION TO GLENADA" AS PLATTED AND RECORDED IN BOOK 7, PAGE 14, LANE COUNTY OREGON PLAT RECORDS, WITHOUT A PUBLIC HEARING (19-12-02-31)

WHEREAS, a petition has been 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 Laurel Street as shown on the "Amended Plat of El Carmel Addition to Glenada", as platted and recorded in Book 7, Page 14, Lane County Oregon Plat Records. The area being more particularly described as follows:

All that portion of Laurel Street located adjacent to the east boundary of Lot 1, Block 10, of the "Amended Plat of El Carmel Addition to Glenada", as platted and recorded in Book 7, Page 14, Lane County Plat Records, said portion being a strip of land 60 feet wide and 169.8 feet in length, which lies between the southerly right-of-way line of Harvard Avenue and the easterly projection of the southerly line of Lot 1, Block 10.

WHEREAS, the petition, marked as Exhibit "A", and made a part of this Order, 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 the vacation be approved as proposed; and

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

WHEREAS, the Surveyor's Office notified Century Link Communications, Central Lincoln People's 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 the adjoining and nearby property owners regarding the vacation; and

WHEREAS, the Fire Marshal for Siuslaw Valley Fire and Rescue initially responded with access concerns, but later withdrew his comments after talking with the primary petitioner and learning the proposed vacation was not the road he thought it was. Two neighboring landowners also had objections to the proposed vacation, but after talking with Mr. Sjoblom they have a better understanding of the encroachment problem and withdrew their objection. The other agencies and landowners did not respond to the referral; and

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

WHEREAS, the street proposed to be vacated is not improved or open for public travel; and

WHEREAS, the public interest will be served by this vacation, as it will allow the encumbering structure to remain in place and relieve the public from potential liability for injury or misuse; and

WHEREAS, the petitioners have paid a vacation fee deposit of \$3,400 and will pay actual costs incurred, including recording fees, upon final approval of the vacation; and

WHEREAS, the Special Benefit Fee was determined to be \$5,000, and the petitioner has deposited this amount with the Lane County Surveyor; 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 "B", and made a part of this Order; and

WHEREAS, the Director of the Department of Public Works has provided a written report pursuant to Lane Manual 60.854, marked as Exhibit "C", attached, and made a part of this Order, determining the Special Benefit to the applicant; and

WHEREAS, the entire width of the subject portion of Laurel Street was originally dedicated on the "Amended Plat of El Carmel Addition to Glenada" and the cemetery property to the east was not a part of the plat, therefore the entire width of the vacated portion will revert to the Sjobloms, the owners of Lot 1, Block 10 of said plat; 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 approving the vacation as petitioned for is in the best interest of the public.

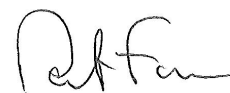
NOW, THEREFORE, the Board of Commissioners of Lane County **ORDERS** as follows:

1. The above described portion of Laurel Street in the "Amended Plat of El Carmel Addition to Glenada", as depicted on the attached map marked as Exhibit "D", is hereby VACATED.
2. The entire width of the described portion of Laurel Street is to be vested to the owners of Lot 1, Block 10 of the "Amended Plat of El Carmel Addition to Glenada".
3. An easement is hereby 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 platted street herein described by these proceedings as vacated.
4. This Order be filed with the County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration, and be further recorded in the Lane County, Oregon Deed Records.

ADOPTED this 16th day of May, 2017

APPROVED AS TO FORM
Date 5/17/17

LANE COUNTY OFFICE OF LEGAL COUNSEL



Pat Farr, Chair
Lane County Board of Commissioners