

W. 3. C. 1.

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

IN THE MATTER OF DENYING THE PETITION TO VACATE)
PORTIONS OF FIRST AVENUE (CO. RD. #856), THE ALLEY)
IN BLOCK 28 AND FALCON STREET IN THE PLAT OF) ORDER TO DENY
HECETA BEACH (BK. 7, P. 25), LANE COUNTY, OREGON) NO.
PLAT RECORDS)
(18-12-04-13 & 42))

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 portions of First Avenue (Co. Rd. #856), the alley in Block 28 and Falcon Street in the Plat of Heceta Beach as platted and recorded in 1915 in Book 7, Page 25, Lane County, Oregon Plat Records; and

WHEREAS, the purpose of this vacation request, as stated by primary petitioner Association of Unit Owners of Driftwood Shores Surfside Inn Condominium (Driftwood Shores), was to return a 10 foot wide strip of right of way that was dedicated in 1968 to the adjacent property owned by Driftwood Shores in order to provide for more full utilization of their property. Said portion of right of way proposed to be vacated being more particularly described as follows:

The easterly 10 feet of Block 23 and the easterly 10 feet of Block 28 as platted and recorded in the Plat of Heceta Beach (Bk 7, P 25), said portions of said blocks having been dedicated as right of way for First Avenue (Co. Rd. #856) by that Deed recorded May 10, 1968 on Reel 391-R, Reception No. 24475, Lane County, Oregon Deed Records, and accepted in Lane County Board of Commissioners Order filed May 8, 1968 in Commissioners Journal 38, Page 222; EXCEPTING herefrom the following described tract: Beginning at a point on the northerly line of Block 28, 10 feet westerly of the northeast corner of Block 28, thence easterly along the north line of Block 28 a distance of 10 feet to the said northeast corner of Block 28; thence southerly along the easterly line of Block 28 a distance of 20 feet; thence northwesterly to the point of beginning.

Also, the easterly 10 feet of the 15 feet wide alley in Block 28 lying westerly of the westerly right of way of First Avenue and the easterly 10 feet of Falcon Street lying westerly of the westerly right of way of First Avenue as platted and recorded in the Plat of Heceta Beach (Bk 7, P 25), said portions of alley and street having been left unvacated in the vacation of portions of said alley and Falcon Street between First Avenue and Beach Drive in Lane County Board of Commissioners Order of Vacation No. 2640 filed May 8, 1968 in Commissioners Journal 38, Page 223;

All in the Southwest One Quarter of the Northeast One Quarter (SW1/4NE1/4) and the Northwest One Quarter of the Southeast One Quarter (NW1/4SE1/4) of Section 4, Township 18 South, Range 12 West of the Willamette Meridian, Lane County, Oregon; and

WHEREAS, on May 28, 2008 in a regular meeting of the Lane County Board of Commissioners this vacation proposal was presented for consideration, and although the vacation was not denied, a vote to approve the vacation failed. After further discussion, it was determined that the proposal for vacation would be considered in a public hearing if the petitioners were to choose to pursue the public hearing process and submit the additional fee deposit necessary to process with a public hearing; and

WHEREAS, the Board of Commissioners conducted a public hearing on July 30, 2008, in accordance with Resolution and Order Number 08-6-25-9, to consider the vacation of the described portion of County Road right of way; and

WHEREAS, after consideration and deliberation of the record, which included a report from the Director of the Department of Public Works, as well as written material and verbal presentation by County Surveyor Mike Jackson, verbal testimony from the applicant, the applicant's agent and other affected landowners, a motion to approve the Order to Vacate failed by a 4-1 vote, now therefore; it is hereby

ORDERED, that the petition to vacate portions of First Avenue (Co. Rd. #856), the alley in Block 28 and Falcon Street in the Plat of Heceta Beach as platted and recorded in 1915 in Book 7, Page 25, Lane County, Oregon Plat Records, as described above, is hereby denied on the basis that the public interest would not be served and there was not a majority vote to approve the vacation; and it is further

ORDERED, that this Order be entered into the Lane County Board of Commissioners Journal of Administration, and be further placed in the legal county road files administered by the County Surveyor and Department of Public Works.

DATED this _____ day of _____, 2008.

Chair
LANE COUNTY BOARD OF COMMISSIONERS

Attachment: Site Map

APPROVED AS TO FORM

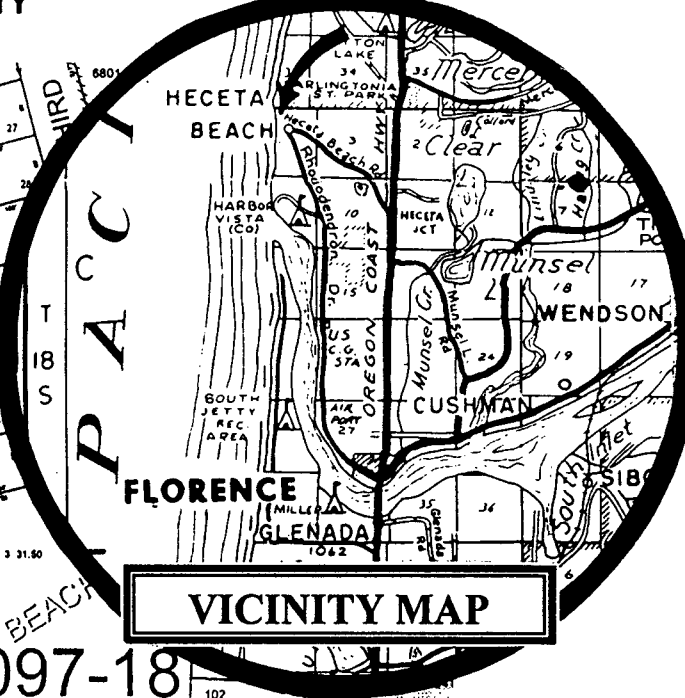
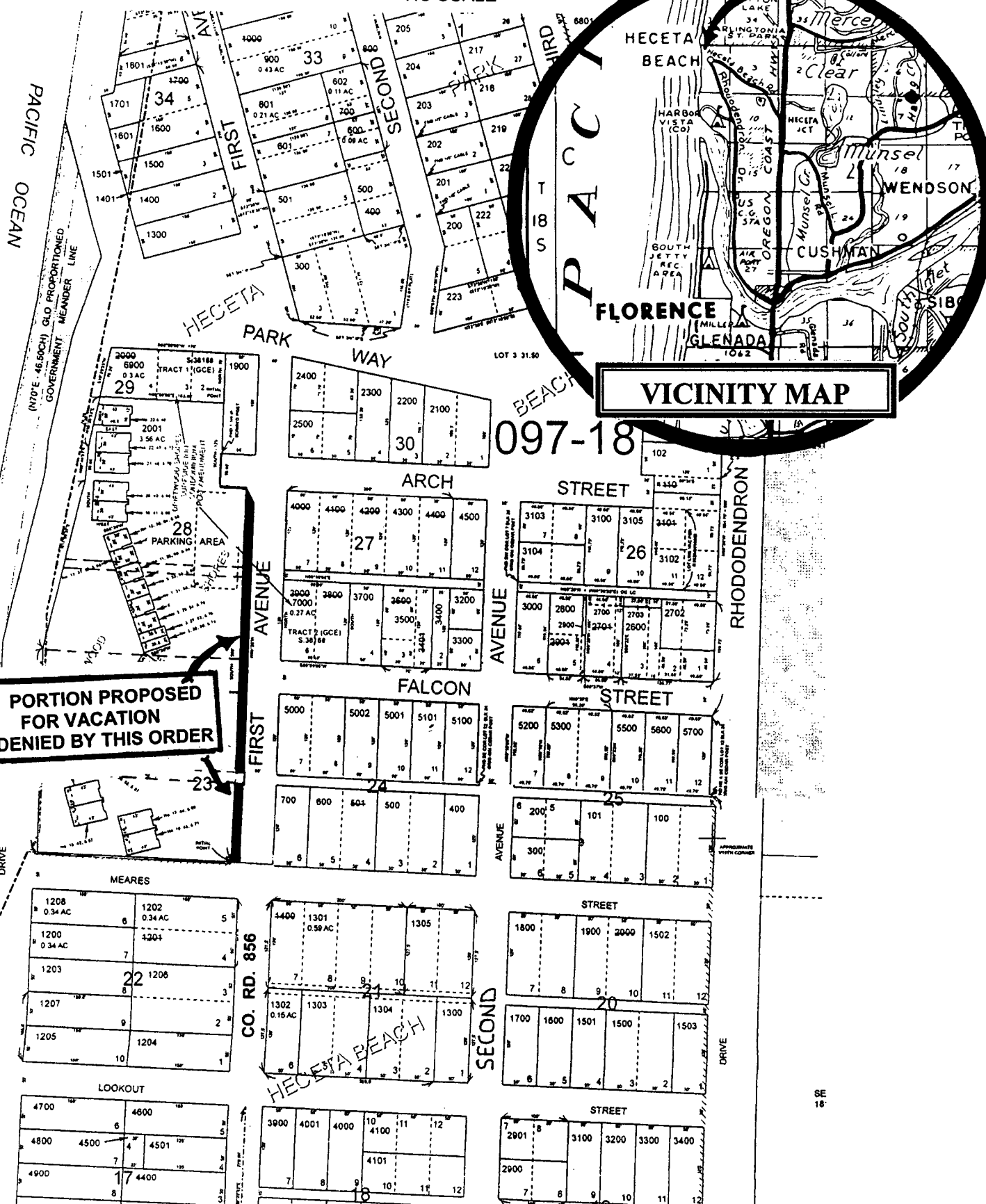
Date 8-31-08 lane county

OFFICE OF LEGAL COUNSEL

ATTACHMENT Vacation—Portions of 1st Avenue, Alley in Block 28, and Falcon Street in Plat of Heceta Beach

SW1/4NE1/4 and NW1/4SE1/4 Section 4, T. 18 S. R. 12 W., W.M.

**LANE COUNTY
NO SCALE**



SHORES

SECOND FLOOR	UNIT	SW
24	201	647
25	202	644
26	203	650
27	204	640
28	205	654
29	206	636
30	206	658
31	210	632
32	213	662
33	214	628
34	217	666
35	218	624
36	221	670
37	221	620
38	225	674
39	226	616
40	226	672
41	230	613
42	231	681
43	232	610
44	232	684
45	234	607
46	235	687
47	236	684
48	238	602

FOURTH FLOOR	UNIT	SW
401	849	
402	848	
403	852	
404	842	
405	856	
406	838	
408	866	
410	834	
412	864	
414	830	
417	868	
418	826	
421	872	
422	822	
425	878	
426	818	

PORTION PROPOSED FOR VACATION DENIED BY THIS ORDER

VICINITY MAP