


W3B 1

Memorandum Date: November 6, 2008  
 Order Date: December 3, 2008

**TO:** Board of County Commissioners

**DEPARTMENT:** Public Works, Land Management Division

**PRESENTED BY:** D. Michael Jackson, Lane County Surveyor 

**AGENDA ITEM TITLE:** IN THE MATTER OF SETTING A PUBLIC HEARING FOR THE PROPOSED VACATION OF A PORTION OF WEST BOUNDARY ROAD (CO. RD. 360, BLAKELY ROAD), LOCATED IN THE SOUTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER (SE1/4 NW1/4) OF SECTION 14, TOWNSHIP 19 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON (19-01-14-24)

**I. MOTION**

TO APPROVE THE RESOLUTION AND ORDER TO SET A PUBLIC HEARING DATE OF JANUARY 14, 2009 AT 1:30 P.M. TO CONSIDER THE PROPOSED VACATION OF A PORTION OF WEST BOUNDARY ROAD (CO. RD. 360, BLAKELY ROAD), LOCATED IN THE SOUTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER (SE1/4 NW1/4) OF SECTION 14, TOWNSHIP 19 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON (19-01-14-24)

**II. AGENDA ITEM SUMMARY**

The Board is being asked to approve the Resolution and Order to set a public hearing date to consider the proposed vacation of a portion of West Boundary Road (Co. Rd. 360, Blakely Road), a variable width portion of right of way located near the intersection of Main Street and Parker Lane in the City of Lowell, and being a remnant portion of right of way left un-vacated in a 1966 alteration and relocation of County Road 360.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

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 the subject portion of West Boundary Road. This vacation is in conjunction with road-related construction associated with the Lowell Assisted Housing Project which is included in the county's Five-Year Capital Improvement Program (CIP) for FY 08/09 – FY 12/13 adopted by Board of Commissioners Order Number 08-5-7-14, and helps facilitate the Intergovernmental Agreement between Lane County and the City of Lowell for the Lowell Assisted Housing

Project, authorization for which was approved by Board of Commissioners Order Number 08-5-7-7.

The portion of West Boundary Road proposed for vacation is of variable width, located in the vicinity of the intersection of Main Street and Parker Lane in the City of Lowell, and is a remnant portion of County Road No. 360 (originally Blakely Road) which was left un-vacated in a 1966 alteration and relocation of County Road 360 by Board of Commissioners Order filed January 7, 1966 in Commissioners Journal 28, Pages 11-15. A search of the records found no documented reason for not vacating the excess right of way.

The portion of West Boundary Road proposed for vacation lies within two parcels of land being transferred to the City of Lowell by Lane County and the U.S. Army Corps of Engineers. The parcels will be combined with adjacent City owned land to the north to provide for a parcel large enough to facilitate the platting of a 20 lot subdivision. The lots will then be transferred to St. Vincent de Paul for construction of low and moderate income housing.

The portion of West Boundary Road proposed for vacation is within the city limits of the City of Lowell. In accordance with ORS 368.361(3), concurrence by the City of Lowell is necessary to validate the vacation. The City of Lowell has indicated they will provide this concurrence.

The Surveyor's Office notified the City of Lowell, the U.S. Army Corps of Engineers, St. Vincent de Paul of Lane County, Qwest Communications, Emerald 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. Linda Jo Bugbee, owner of tax lot 3900 of Assessor's Map 19-01-14-24 responded with an objection to the vacation. The City of Lowell responded in support of the vacation. The other agencies and landowners either had no objection to the vacation or did not respond to the referral.

## **B. Policy Issues**

Lane Manual 15.300 and 15.305 supplement ORS 368 in allowing for consideration of vacation of rights of way where little need exists for the rights of way, where no property owner is denied legal access as a result of the vacation and where the vacation will not adversely affect orderly development of adjacent property. The right of way herein considered for vacation as described in the Resolution and Order is consistent with these categories.

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 October 22, 2008.

## **C. Board Goals**

Part of Lane County's Strategic Plan is to contribute to appropriate community

development in the area of transportation and land development and to provide for the public safety (Lane County Strategic Plan, Goals, P. 8). The vacation of the portion of right of way as described in the Resolution and Order is consistent with this part of the Strategic Plan. Specifically, this vacation is in conjunction with and helps facilitate the Intergovernmental Agreement between Lane County and the City of Lowell for the Lowell Assisted Housing Project, authorization for which was approved by Board of Commissioners Order Number 08-5-7-7.

**D. Financial and/or Resource Considerations**

Lane County's Capital Improvement Program (CIP) for FY 08/09 – FY 12/13 includes an amount of \$250,000 net cost to the Lane County Road Fund for improvements associated with the Lowell Assisted Housing Project. Processing costs for this vacation are estimated at \$4800.

This vacation will return a marginal portion of land to the tax rolls as real property.

**IV. ANALYSIS**

ORS 368.341(1)(a) provides that a county governing body may initiate proceedings to vacate a public road provided certain conditions are met, and these conditions are complied with by these proceedings.

The vacation of the portion of West Boundary Road as described in the Resolution and Order will have no adverse effects on transportation patterns in the area. The portion to be vacated is a remnant of excess right of way which was left un-vacated for reasons unknown in a 1966 alteration of County Road 360. The public interest will be served, as the portion vacated will be returned to the tax rolls as real property, and the vacation will directly help facilitate the Lowell-St. Vincent de Paul Assisted Housing Project to provide more low and moderate income housing within Lane County.

The proceedings for the proposed vacation of the subject portion of West Boundary 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.

**V. ALTERNATIVES/OPTIONS**

The Board of County Commissioners has the option to:

1. Approve the public hearing date as proposed by staff to consider the vacation of the portion of West Boundary Road (County Road 360), as described in the Resolution and Order.
2. Set any later public hearing date, as the Board may wish, to consider the vacation of this portion of West Boundary Road (County Road 360).

3. Refuse to set a date, either postponing the matter, or refusing to initiate proceedings to consider the vacation of this portion of West Boundary Road (County Road 360).

**VI. TIMING/IMPLEMENTATION**

Timing of this matter is important in order to facilitate the inter-governmental processing associated with the Lowell-St. Vincent de Paul Assisted Housing Project.

**VII. RECOMMENDATION**

The Public Works Director's Preliminary Report recommends that the Board support Option Number 1, to approve setting a public hearing date to consider the proposed vacation of a portion of West Boundary Road (County Road 360).

**VIII. FOLLOW-UP**

If the Board of County Commissioners approves the Resolution and Order setting a date for a public hearing on the vacation of a portion of West Boundary Road, it is to be forwarded to the Lane County Clerk for filing and recording, after which copies are to be forwarded to the County Surveyor who will provide public notice of the proposed action. If the Board wishes to postpone the matter, or to terminate proceedings, an Order to Postpone or Terminate will be presented to the Board at a later regularly scheduled meeting.

**IX. ATTACHMENTS**

Resolution and Order w/attachments:  
Director's Preliminary Report - Exhibit "A"  
Attachment - Site Map

Contact Person: D. Michael Jackson x-4198

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

**STATE OF OREGON**

<b>IN THE MATTER OF SETTING A PUBLIC HEARING</b>	)	
<b>FOR THE PROPOSED VACATION OF A PORTION OF</b>	)	<b>RESOLUTION AND</b>
<b>WEST BOUNDARY ROAD (CO. RD. 360, BLAKELY</b>	)	<b>ORDER NO.</b>
<b>ROAD), LOCATED IN THE SOUTHEAST ONE</b>	)	
<b>QUARTER OF THE NORTHWEST ONE QUARTER</b>	)	
<b>(SE1/4 NW1/4) OF SECTION 14, TOWNSHIP 19</b>	)	
<b>SOUTH, RANGE 1 WEST OF THE WILLAMETTE</b>	)	
<b>MERIDIAN, IN LANE COUNTY, OREGON</b>	)	
<b>(19-01-14-24)</b>	)	

**THIS MATTER** now coming before the Board of County Commissioners for Lane County, Oregon, upon a request by the Engineering and Construction Services section of the Lane County Department of Public Works for the vacation of a portion of West Boundary Road (County Road 360, Blakely Road), and it appearing that the portion of West Boundary Road proposed for vacation is no longer needed as part of Lane County's public road system; and

**WHEREAS**, the portion of West Boundary Road proposed for vacation is of variable width, located in the vicinity of the intersection of Main Street and Parker Lane in the City of Lowell, and is a remnant portion of County Road No. 360 (originally Blakely Road) which was left un-vacated for reasons unknown in a 1966 alteration and relocation of County Road 360 by Board of Commissioners Order filed January 7, 1966 in Commissioners Journal 28, Pages 11-15; and

**WHEREAS**, the proposed vacation is in conjunction with the transfer of a Lane County owned parcel and a U.S. Army Corps of Engineers owned parcel to the City of Lowell which will facilitate a planned 20 lot subdivision by the City of Lowell and the subsequent transfer of those parcels to St. Vincent de Paul of Lane County for construction of low and moderate income housing; and

**WHEREAS**, the Lowell-St. Vincent de Paul of Lane County Assisted Housing Project is part of Lane County's Five-Year Capital Improvement Program (CIP) for FY 08/09 – FY 12/13 adopted by Board of Commissioners Order Number 08-5-7-14; and

**WHEREAS**, the vacation of the subject portion of West Boundary Road will relieve the burden of excess right of way underlying the parcels to be transferred, and as such will help facilitate the Lowell-St. Vincent de Paul Assisted Housing Project; and

**WHEREAS**, the Surveyor's Office notified the City of Lowell, the U.S. Army Corps of Engineers, St. Vincent de Paul of Lane County, Qwest Communications, Emerald 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**, Linda Jo Bugbee, owner of tax lot 3900 of Assessor's Map 19-01-14-24 responded with an objection to the vacation; and

**WHEREAS**, the City of Lowell responded in support of the vacation; 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), a county governing body may vacate property that is under the jurisdiction of the county and that is entirely within the limits of a city if that city, by resolution or order, concurs in the findings of the county governing body in the vacation proceedings; and

**WHEREAS**, the portion of West Boundary Road (County Road 360) proposed for vacation is within the city limits of the City of Lowell, and the City of Lowell has indicated that in support of the vacation they will affect an ordinance of concurrence upon receipt of a copy of the Lane County Board of Commissioners' Order approving the vacation; 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 October 22, 2008; 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 West Boundary 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 West Boundary Road (County Road 360, Blakely Road), more particularly described as follows:

A parcel of land located in the Southeast One Quarter of the Northwest One Quarter (SE1/4 NW1/4) of Section 14, Township 19 South, Range 1 West of the Willamette Meridian, being a portion of the lands that were conveyed as "Parcel 20" in that certain Quitclaim Deed from the United States of America to Lane County that was recorded February 15, 1965 in Reel 259-D at Reception Number 92323 in the Official Records of Lane County, Oregon, being more particularly described as follows:

**BEGINNING** at a point on the north margin of the abandoned portion of West Boundary Road (County Road Number 360, formerly Blakely Road) as said road is shown on the plat of Meadows Addition that was recorded August 10, 1910 in Book 4 at Page 56 in the Plat Records of Lane County, Oregon and on Lane County Department of Public Works survey of the relocation of Blakely Road (County Road Number 360) dated October 1965 as filed under Index No.

103-8 in the Office of the County Surveyor of Lane County, Oregon, said point being approximately 90.29 feet right of Oregon Eastern Railway Engineer's Station "R" 1259+00.00; **THENCE**, leaving said **POINT OF BEGINNING** the following one numbered course: (1) South 21°23'18" West 59.71 feet, crossing into said abandoned portion of West Boundary Road (County Road Number 360), to a point on the southerly line of said "Parcel 20" (Rec. No. 92323) which lies 150.00 feet right of Engineer's Station "R" 1259+00.00 and lies northerly of the relocated north margin of said West Boundary Road as said relocated margin is shown on said survey (Index No. 103-8) and called in Lane County Board of Commissioners Order that was filed January 7, 1966 in Reel 28 at Page 11 in the Office of Deeds and Records of Lane County; **THENCE**, along said southerly line of "Parcel 20" (Rec. No. 92323) the following one numbered course: (2) South 68°36'42" East 131.69 feet, more or less, to a point on the aforesaid north margin of the abandoned portion of West Boundary Road; and **THENCE**, along said north margin of the abandoned portion of West Boundary Road the following one numbered course: (3) North 44°13'13" West 144.59 feet, more or less, **RETURNING** to the **POINT OF BEGINNING** and containing approximately 0.09 acres, more or less.

**ALSO INCLUDING** a parcel of land located in the Southeast One Quarter of the Northwest One Quarter (SE1/4 NW1/4) of Section 14, Township 19 South, Range 1 West of the Willamette Meridian, being a portion of the lands that were conveyed as "Parcel 20" in that certain Quitclaim Deed from the United States of America to Lane County that was recorded February 15, 1965 in Reel 259-D at Reception Number 92323 in the Official Records of Lane County, Oregon, being more particularly described as follows:

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north margin of the abandoned portion of West Boundary Road the following two numbered courses: (4) South 82°59'13" East 104.10 feet and (5) South 44°13'13" East 42.87 feet **RETURNING** to the **POINT OF BEGINNING** and containing approximately 0.14 acres, more or less.

The above description was based upon a description provided to the Office of the Lane County Surveyor by Branch Engineering, Inc. of Eugene, Oregon, which was based on a compilation of existing record information. The bearings shown hereon are based on those shown on the Survey Map by Richard P. Hankins that was filed June 30, 1993 as County Survey File Number 31330 in the Office of the County Surveyor of Lane County, Oregon. Bearings taken from other filed maps and recorded documents were rotated as necessary.

now, therefore, it is hereby

**ORDERED**, that January 14, 2009 be established as the date for conducting a public hearing regarding the proposed vacation of the above described portion of West Boundary Road, and that the said hearing be held at 1:30 p.m. at the Lane County Courthouse, 125 East 8th Avenue, Eugene, Oregon 97401; and it is further

**ORDERED**, 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; and it is further

**ORDERED**, 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 D. Michael Jackson, Lane County Surveyor, Public Service Building, 125 East 8th Avenue, Eugene, Oregon 97401, telephone (541) 682-4195.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Chair  
Lane County Board of Commissioners

Attachment: Site Map

APPROVED AS TO FORM

Date 11-20-08 lane county

\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL



EXHIBIT "A"

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

IN THE MATTER OF SETTING A PUBLIC HEARING FOR THE	)	
PROPOSED VACATION OF A PORTION OF WEST	)	DIRECTOR'S PRELIMINARY
BOUNDARY ROAD (CO. RD. 360, BLAKELY ROAD),	)	REPORT
LOCATED IN THE SOUTHEAST ONE QUARTER OF THE	)	
NORTHWEST ONE QUARTER (SE1/4 NW1/4) OF SECTION	)	
14, TOWNSHIP 19 SOUTH, RANGE 1 WEST OF THE	)	
WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON	)	
(19-01-14-24)	)	

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 the subject portion of West Boundary Road. This vacation is in conjunction with road-related construction associated with the Lowell Assisted Housing Project which is included in the county's Five-Year Capital Improvement Program (CIP) for FY 08/09 – FY 12/13 adopted by Board of Commissioners Order Number 08-5-7-14, and helps facilitate the Intergovernmental Agreement between Lane County and the City of Lowell for the Lowell Assisted Housing Project, authorization for which was approved by Board of Commissioners Order Number 08-5-7-7.

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The vacation of the portion of West Boundary 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

## EXHIBIT "A"

portion vacated will be returned to the tax rolls as real property, and the vacation will directly help facilitate the Lowell-St. Vincent de Paul Assisted Housing Project to provide more low and moderate income housing within Lane County.

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The proceedings for the proposed vacation of the subject portion of West Boundary 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 West Boundary Road (County Road 360), 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 19 day of November, 2008.

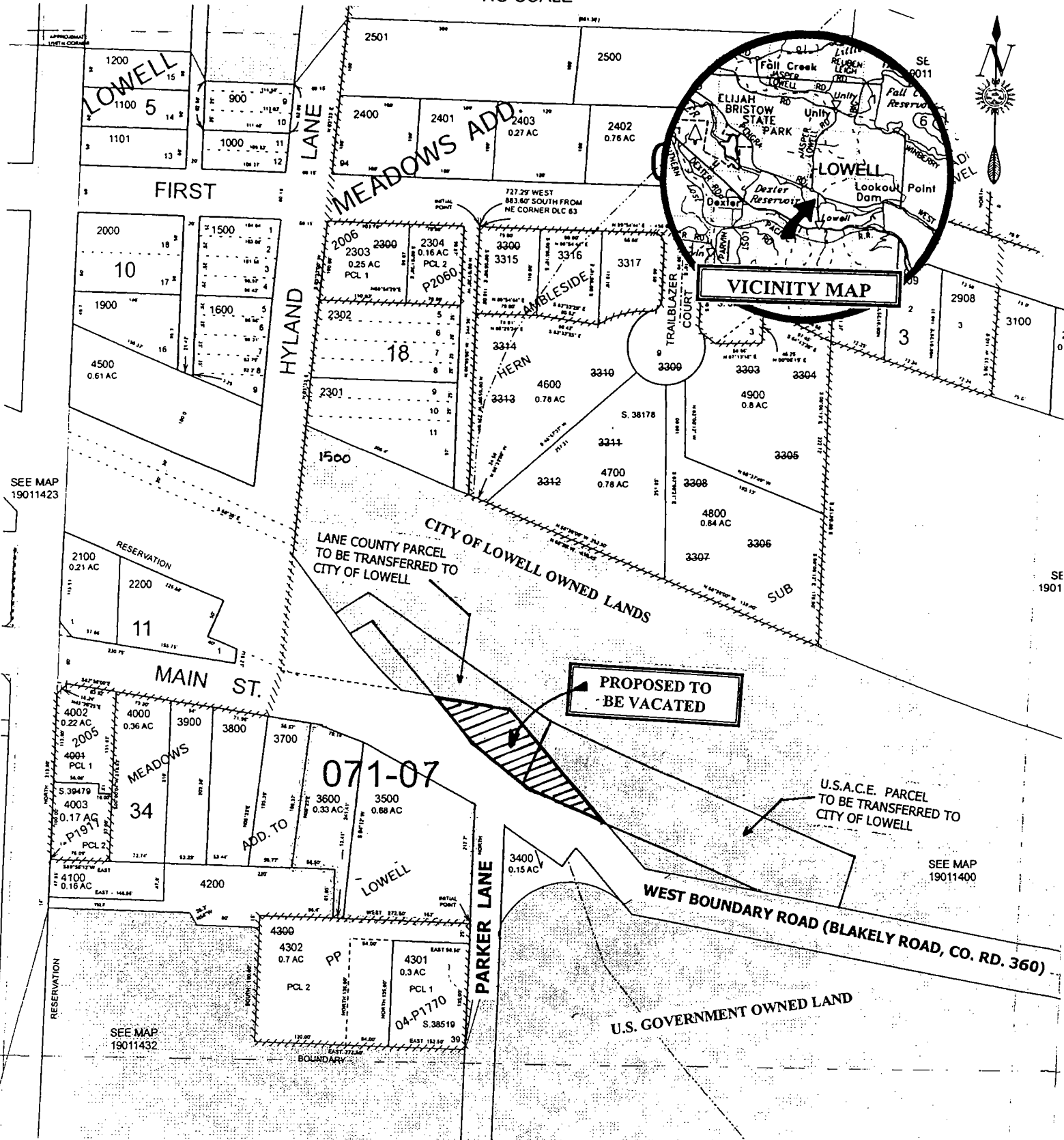


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Public Works Director  
Department of Public Works

ATTACHMENT Vacation—Portion of West Boundary Rd  
(Originally Blakely Road, Co. Rd. 360)

SE1/4 of the NW1/4 Section 14, T. 19 S. R. 1 W., W.M.  
LANE COUNTY  
NO SCALE



SEE MAP 19011423

SE 1901

SEE MAP 19011432

SEE MAP 19011400

WEST BOUNDARY ROAD (BLAKELY ROAD, CO. RD. 360)

U.S. GOVERNMENT OWNED LAND

PROPOSED TO BE VACATED

LANE COUNTY PARCEL TO BE TRANSFERRED TO CITY OF LOWELL

U.S.A.C.E. PARCEL TO BE TRANSFERRED TO CITY OF LOWELL

071-07

VICINITY MAP

LOWELL

MEADOWS ADD.

HYLAND LANE

PARKER LANE

MAIN ST.

MEADOWS

LOWELL

FIRST

