

W.I.B.

Memorandum Date: August 9, 2011

Order Date: August 17, 2011

SUPPLEMENTAL COVER MEMO

TO: Board of County Commissioners

DEPARTMENT: Public Works, Land Management Division

PRESENTED BY: Mike Jackson, Lane County Surveyor

AGENDA ITEM TITLE: IN THE MATTER OF THE VACATION OF PORTIONS OF FAIRGROUNDS ENTRANCE ROAD (CO. RD. 2253) AND FAIRGROUNDS WEST ENTRANCE ROAD (CO. RD. 2267), LOCATED IN THE NORTHWEST ONE QUARTER OF THE SOUTHWEST ONE QUARTER (NW1/4SW1/4) AND SOUTHWEST ONE QUARTER OF THE SOUTHWEST ONE QUARTER (SW1/4SW1/4) OF SECTION 31, TOWNSHIP 17 SOUTH, RANGE 3 WEST AND THE NORTHEAST ONE QUARTER OF THE SOUTHWEST ONE QUARTER (NE1/4SE1/4) OF SECTION 36, TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON, WITH A PUBLIC HEARING AND ADOPTING FINDINGS OF FACT (17-03-31-32, 17-03-31-33 & 17-04-36-41)

This memo is supplemental and amending to the cover memo dated July 27th which accompanied the original agenda packet for this action.

After discussions with City of Eugene staff and Lane County's Management Services Dave Suchart, it has been decided to remove a portion of the originally described right of way from this vacation proposal. The portion to be removed for consideration is the approximately 55' x 290' portion of Fairgrounds West Entrance Road (Co. Rd. #2267) located in front of the Fairgrounds administrative offices just south of the intersection of West 13th Avenue and Monroe Street.

The legal description in the attached Order of Vacation has been amended to reflect this change.

Other than the amended legal description in the Order, the content of all other previously submitted agenda documents will still be applicable to this action.

Attachment:

Attachment A-amended—Site Map

Contact Person: Mike Jackson x 4198

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

IN THE MATTER OF THE VACATION OF PORTIONS OF)
FAIRGROUNDS ENTRANCE ROAD (CO. RD. 2253) AND)
FAIRGROUNDS WEST ENTRANCE ROAD (CO. RD. 2267),) FINAL ORDER NO.
LOCATED IN THE NORTHWEST ONE QUARTER OF THE)
SOUTHWEST ONE QUARTER (NW1/4SW1/4) AND)
SOUTHWEST ONE QUARTER OF THE SOUTHWEST ONE)
QUARTER (SW1/4SW1/4) OF SECTION 31, TOWNSHIP 17)
SOUTH, RANGE 3 WEST AND THE NORTHEAST ONE)
QUARTER OF THE SOUTHEAST ONE QUARTER)
(NE1/4SE1/4) OF SECTION 36, TOWNSHIP 17 SOUTH,)
RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN LANE)
COUNTY, OREGON, WITH A PUBLIC HEARING AND)
ADOPTING FINDINGS OF FACT (17-03-31-32, 17-03-31-33 &)
17-04-36-41))

WHEREAS, by approving Resolution and Order Number 11-7-12-3, the Board of County Commissioners set August 17, 2011 to conduct a public hearing on the matter of vacating portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267) before the Board of Commissioners of Lane County, Oregon; and

WHEREAS, all necessary procedures for the vacation of the portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267) herein described, having been initiated by resolution, have been complied with, pursuant to ORS Chapter 368; and

WHEREAS, the Lane County Surveyor has examined the portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267) herein described; and

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

WHEREAS, the portion of Fairgrounds Entrance Road proposed for vacation was established as County Road 2253 in 1997 by Board of Commissioners Order No. 97-8-27-3, consisting of a loop of variable width providing two points of entry to the Fairgrounds from West 13th Avenue, the easterly of the two being at Jefferson Street. The portion of Fairgrounds

Entrance Road (Co. Rd. 2253) proposed for vacation consists of a “stub” approximately 0.04 miles in length at the southerly end of the loop; and

WHEREAS, the portion of Fairgrounds West Entrance Road proposed for vacation was established as County Road 2267 in 2004 by Board of Commissioners Order No. 04-4-28-12, consisting of two separate portions having variable width providing various points of entry to the Fairgrounds from West 13th Avenue. The portion of Fairgrounds West Entry Road (Co. Rd. 2267) proposed for vacation is the entire road as established in said Order No. 04-4-28-12, being approximately 0.35 miles in length; and

WHEREAS, the proposed vacation is requested in order to facilitate more strategic gate locations and to more effectively address traffic and pedestrian flow, security and safety issues within the Fairgrounds property; and

WHEREAS, the portions of Fairgrounds Entrance Road and Fairgrounds West Entrance Road proposed for vacation are within the city limits of the City of Eugene; and

WHEREAS, in accordance with ORS 368.361(3), concurrence by the City of Eugene is necessary to validate the vacation, and upon approval of this vacation the City of Eugene will be asked to provide the Surveyor’s Office a copy of a concurring City ordinance; and

WHEREAS, the Surveyor’s Office notified the City of Eugene, Qwest Communications, EWEB, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and nearby property owners regarding the vacation; and

WHEREAS, Northwest Natural Gas responded requesting an easement be retained for their benefit, and an easement will be retained in the Final Order to facilitate this request; and

WHEREAS, Eugene Water and Electric Board responded requesting an easement be retained for their benefit, and an easement will be retained in the Final Order to facilitate this request; and

WHEREAS, the Eugene Fire Department initially responded with concerns regarding access in emergency situations. After further discussion describing the portions of roads to be vacated, the portions of roads that will still remain open and acknowledgement that the past practice of cutting locks if necessary in emergency situations will continue, the Fire Department indicated no objection to the vacation; and

WHEREAS, the City of Eugene responded stating general support for the vacation, with the condition that certain concerns are addressed. The City requests that access to existing storm and waste water lines be retained for maintenance, operations and emergencies, and notes that gating and closure of the site should be coordinated with the City’s Public Works Maintenance to assure the City may access these facilities. An easement is retained in this Final Order to facilitate this request; and

WHEREAS, the City also expressed concern about the continuity of the Monroe/Friendly bicycle/pedestrian connector serving the South Bank Trail, Fern Ridge Path and Southwest Eugene, including the bike/pedestrian bridge over the Amazon Canal. Lane County Management Services Facilities Administration assures that already existing and used alternate

bicycle/pedestrian routes through the Fairgrounds will remain unaffected by this vacation or the accompanying proposed gating of the vacated portions of road; and

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

WHEREAS, the portions of Fairgrounds Entrance Road and Fairgrounds West Entrance Road to be vacated are not needed as part of the Lane County Transportation System; 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 June 22, 2011; and

WHEREAS, since this vacation was initiated within Lane County government by resolution rather than by a petitioning entity, and since only County owned property is affected, consideration for Assessment of Special Benefit pursuant to Lane Manual 60.853 is inapplicable; and

WHEREAS, a public hearing was conducted on this date, as ordered, regarding the proposed vacation of the portions of Fairgrounds Entrance Road and Fairgrounds West Entrance Road herein described; 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 368.346, marked as Exhibit "A", attached hereto and made a part hereof, by this Order; and

WHEREAS, the Board is of the opinion that approving the vacation as described in this Final Order is in the best interest of the public; now, therefore, it is hereby

ORDERED, that in accordance with ORS Chapter 368, the portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267) more particularly described as follows:

All that portion of Fairgrounds Entrance Road (Co. Rd. 2253) from Station L 8+80.00 POC to Station L 11+03.30 PT as established by Lane County Board of Commissioners Order of Establishment No. 97-8-27-3 filed September 2, 1997 in Commissioners Journal 159, Pages 1163-1170, and as shown on that survey filed in the Lane County Surveyor's Office on August 4, 1997 as County Survey File No. 34513-34515, located in the Southwest One Quarter of the Southwest One Quarter (SW1/4 SW1/4) of Section 31, Township 17 South, Range 3 West of the Willamette Meridian, Lane County, Oregon; and

ALSO, all that portion of Fairgrounds West Entrance Road (Co. Rd. 2267) lying south of the southerly right of way line of West 13th Avenue, the same being all of Fairgrounds West Entrance Road in its entirety as established by Lane County Board of Commissioners Order of Establishment No. 04-4-28-12 filed May 3, 2004 in Commissioners Journal 192, Pages 397-406, and as shown on that survey filed in the Lane County Surveyor's Office on December 14, 2001 as County Survey File No. 37295, **EXCEPTING** that 55 feet wide portion of the above described Co. Rd. 2267 lying south of the southerly right of way line of

West 13th Avenue between stations L 25+55.00 POT and L 28+45.00 POT, located in the Northwest One Quarter of the Southwest One Quarter (NW1/4 SW1/4) of Section 31, Township 17 South, Range 3 West and the Northeast One Quarter of the Southeast One Quarter (NE1/4 SE1/4) of Section 36, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon.

are hereby VACATED, and it is further

ORDERED, that an easement is hereby retained for any and all existing public utilities to preserve, maintain, repair, replace, remove or reinstall any public utility that may now exist within the bounds of the portions of Fairgrounds Entrance Road and Fairgrounds West Entrance Road herein described by these proceedings as vacated; and it is further

ORDERED, that in support of this action, the Board hereby adopts the Findings of Fact, marked as Exhibit "B", attached hereto and made a part hereof by this Order; and it is further

ORDERED, that pursuant to ORS 368.361(3), a certified copy of this Order be sent to the City of Eugene for their concurrence in this matter, and if concurrence by City resolution or order is not received within 120 days after the approval of this Order, this matter shall be returned to the Board of Commissioners for further direction; and it is further

ORDERED, that 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.

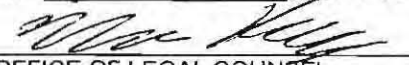
DATED this _____ day of _____, 2011.

Chair
LANE COUNTY BOARD OF COMMISSIONERS

Attachment: Site Map

APPROVED AS TO FORM:

Date 8-9-11, Lane County


OFFICE OF LEGAL COUNSEL

ATTACHMENT A (AMENDED)

VACATION OF PORTIONS OF COUNTY ROADS
WITHIN THE LANE COUNTY FAIRGROUNDS
EUGENE, OREGON

NW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ & SW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ SECTION 31, T17S, R3W, WM
NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ SECTION 36, T17S, R4W, WM
(NO SCALE)




MAP PREPARED BY LANE COUNTY SURVEYOR'S OFFICE
125 E. 8TH AVE., EUGENE, OR. 97401
PHONE 541-682-4195

Memorandum Date: July 27, 2011
Order Date: August 17, 2011

TO: Board of County Commissioners

DEPARTMENT: Public Works, Land Management Division

PRESENTED BY: Mike Jackson, Lane County Surveyor 

AGENDA ITEM TITLE: IN THE MATTER OF THE VACATION OF PORTIONS OF FAIRGROUNDS ENTRANCE ROAD (CO. RD. 2253) AND FAIRGROUNDS WEST ENTRANCE ROAD (CO. RD. 2267), LOCATED IN THE NORTHWEST ONE QUARTER OF THE SOUTHWEST ONE QUARTER (NW1/4SW1/4) AND SOUTHWEST ONE QUARTER OF THE SOUTHWEST ONE QUARTER (SW1/4SW1/4) OF SECTION 31, TOWNSHIP 17 SOUTH, RANGE 3 WEST AND THE NORTHEAST ONE QUARTER OF THE SOUTHWEST ONE QUARTER (NE1/4SE1/4) OF SECTION 36, TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON, WITH A PUBLIC HEARING AND ADOPTING FINDINGS OF FACT (17-03-31-32, 17-03-31-33 & 17-04-36-41)

I. MOTION

To vacate portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267).

II. AGENDA ITEM SUMMARY

The Board is being asked to approve the vacation of portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267), located entirely within the Lane County Fairgrounds property.

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 Lane County Management Services Facilities Administration to initiate proceedings for the vacation of the subject roads. The purpose of this vacation is to facilitate more strategic gate locations and to more effectively address traffic and pedestrian flow, security and safety issues within the Fairgrounds property.

On July 12, 2011, Resolution and Order Number 11-7-12-3 was passed by the Board of Commissioners which set a public hearing date of August 17, 2011 to consider this vacation.

The portion of Fairgrounds Entrance Road proposed for vacation was established as County Road 2253 in 1997 by Board of Commissioners Order No. 97-8-27-3, consisting of a loop of variable width providing two points of entry to the Fairgrounds from West 13th Avenue, the easterly of the two being at Jefferson Street. The portion of Fairgrounds Entrance Road proposed for vacation consists of a "stub" approximately 0.04 miles in length at the southerly end of the loop.

The portion of Fairgrounds West Entrance Road proposed for vacation was established as County Road 2267 in 2004 by Board of Commissioners Order No. 04-4-28-12, consisting of two separate portions having variable width providing various points of entry to the Fairgrounds from West 13th Avenue. The portion of Fairgrounds West Entry Road proposed for vacation is the entire road as established in said Order No. 04-4-28-12, being approximately 0.35 miles in length.

The portions of these roads proposed for vacation are within the city limits of the City of Eugene. In accordance with ORS 368.361(3), concurrence by the City of Eugene is necessary to validate the vacation. If the vacation is approved, the City of Eugene will be asked to provide the Surveyor's Office a copy of a concurring City ordinance

The Surveyor's Office notified the City of Eugene, Qwest Communications, EWEB, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and nearby property owners regarding the vacation.

Northwest Natural Gas responded requesting an easement be retained for their benefit. An easement will be retained in the Final Order to facilitate this request.

Eugene Water and Electric Board responded requesting an easement be retained for their benefit. An easement will be retained in the Final Order to facilitate this request.

The Eugene Fire Department initially responded with concerns regarding access in emergency situations. After further discussion describing the portions of roads to be vacated, the portions of roads that will still remain open and acknowledgement that the past practice of cutting locks if necessary in emergency situations will continue, the Fire Department indicated no objection to the vacation.

The City of Eugene responded stating general support for the vacation, with the condition that certain concerns are addressed. The City requests access to existing storm and waste water lines be retained for maintenance, operations and emergencies, and notes that gating and closure of the site should be coordinated with the City's Public Works Maintenance to assure the City may access these facilities. An easement will be retained in the Final Order to facilitate this request.

The City also expressed concern about the continuity of the Monroe/Friendly bicycle/pedestrian connector serving the South Bank Trail, Fern Ridge Path and Southwest Eugene, including the bike/pedestrian bridge over the Amazon Canal. Lane County Management Services Facilities Administration assures that already existing and used alternate bicycle/pedestrian routes through the Fairgrounds will remain unaffected by this vacation or the accompanying proposed gating of the vacated portions of road.

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 Final 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 June 22, 2011.

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.

D. Financial and/or Resource Considerations

There will be no adverse financial impact as a result of the vacation of these rights of way. Since the vacated portions of road will no longer have County Road status, maintenance responsibility will shift from Public Works to Management Services Facilities Maintenance, and as a result will no longer be Road Fund eligible.

Since this vacation was initiated within Lane County government by resolution rather than by a petitioning entity, and since only County owned property is affected, consideration for Assessment of Special Benefit pursuant to Lane Manual 60.853 is inapplicable. Absent Board direction to the contrary, this assessment would not be made by one County entity against another within the County.

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 portions of road proposed for vacation are entirely within the Lane County Fairgrounds property. If the vacation is approved, the vacated portions will revert to county owned land. The physical roads will still exist for purposes as previously used, with greater restrictions during non-event times. An easement will be retained in the Final Order for any and all existing public utilities.

Vacation of the "stub" portion of Fairgrounds Entrance Road south of the Convention Center will allow for the relocation of a vehicular gate which, in its current location not only creates multiple vehicular safety issues, but also does not contribute in a positive manner to the traffic flow into the fairgrounds property. It will also improve management's ability to provide a more secure area for users and guests.

Vacation of the portion of Fairgrounds West Entry Road located immediately in front of the administrative offices fronting 13th Avenue will provide more flexibility in obtaining a safe ingress and egress system, especially during fair times.

Vacation of the portion of Fairgrounds West Entry Road immediately behind the area previously occupied by the Extension Service building will afford Lane Events Center/Lane County Fair (LEC/LCF) management increased ability to provide safer pedestrian traffic during the Lane County Fair and more general flexibility in "encapsulating" the entire area for security purposes.

The proceedings that propose to vacate the said portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267) have provided ample opportunity for comment from the public, affected property owners and other agencies. All required legal notices have been provided in accordance with ORS 368.346 and the Board is free to act at this time.

V. ALTERNATIVES/OPTIONS

The Board of County Commissioners has the option to:

1. Approve the vacation of the portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267), as described in the Final Order.
2. Deny the vacation of these portions of road, as described in the Final Order.
3. Continue the matter for further consideration.

VI. TIMING/IMPLEMENTATION

Timing of this matter is important in order to address safety and security concerns in a timely manner.

VII. RECOMMENDATION

The Public Works Director's Report recommends that the Board support Option Number 1, to approve the vacation of the portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267), as described in the Final Order. The vacation will be in the public interest, as it will allow Management Services Facilities Maintenance to more effectively address traffic and pedestrian flow, security and safety issues within the Fairgrounds property.

It is further recommended that an easement for existing public utilities be retained in the Final Order.

All statutory procedures necessary for a vacation with a public hearing of the above mentioned portions of roads have been complied with, including a report by the Director of Public Works who recommends approval of the vacation as described in the Final Order.

VIII. FOLLOW-UP

If the Board of County Commissioners approves the Order to Vacate the portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267) as described in the Final Order, 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 and County Assessor for appropriate action. Also, a certified copy of the Order to Vacate is to be sent to the City of Eugene for their concurrence and action by resolution or order within 120 days for the vacation to be complete.

If the Order to Vacate is not approved, an Order to Deny will be presented to the Board at a later regularly scheduled meeting.

In conjunction with the vacation, within the order a public utility easement will be reserved for existing utilities.

IX. ATTACHMENTS

Final Order with attachments:

Final Director's Report - Exhibit "A"

Findings of Fact - Exhibit "B"

Affidavit of Posting, Publication and Mailing – Exhibit "C"

Attachment "A" - Site Map

Contact Person: Mike Jackson x 4198

EXHIBIT "A"

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

IN THE MATTER OF THE VACATION OF PORTIONS OF)	
FAIRGROUNDS ENTRANCE ROAD (CO. RD. 2253) AND)	FINAL DIRECTOR'S
FAIRGROUNDS WEST ENTRANCE ROAD (CO. RD. 2267),)	REPORT
LOCATED IN THE NORTHWEST ONE QUARTER OF THE)	
SOUTHWEST ONE QUARTER (NW1/4SW1/4) AND SOUTHWEST)	
ONE QUARTER OF THE SOUTHWEST ONE QUARTER)	
(SW1/4SW1/4) OF SECTION 31, TOWNSHIP 17 SOUTH, RANGE)	
3 WEST AND THE NORTHEAST ONE QUARTER OF THE)	
SOUTHEAST ONE QUARTER (NE1/4SE1/4) OF SECTION 36,)	
TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE WILLAMETTE)	
MERIDIAN, IN LANE COUNTY, OREGON, WITH A PUBLIC)	
HEARING AND ADOPTING FINDINGS OF FACT)	
(17-03-31-32, 17-03-31-33 & 17-04-36-41))	

The Surveyor's Office of the Department of Public Works has received a request by Lane County Management Services Facilities Administration to initiate proceedings for the vacation of portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267). The purpose of this vacation is to facilitate more strategic gate locations and to more effectively address traffic and pedestrian flow, security and safety issues within the Fairgrounds property.

On July 12, 2011, Resolution and Order Number 11-7-12-3 was passed by the Board of Commissioners which set a public hearing date of August 17, 2011 to consider this vacation.

The portion of Fairgrounds Entrance Road proposed for vacation was established as County Road 2253 in 1997 by Board of Commissioners Order No. 97-8-27-3, consisting of a loop of variable width providing two points of entry to the Fairgrounds from West 13th Avenue, the easterly of the two being at Jefferson Street. The portion of Fairgrounds Entrance Road proposed for vacation consists of a "stub" approximately 0.04 miles in length at the southerly end of the loop.

The portion of Fairgrounds West Entrance Road proposed for vacation was established as County Road 2267 in 2004 by Board of Commissioners Order No. 04-4-28-12, consisting of two separate portions having variable width providing various points of entry to the Fairgrounds from West 13th Avenue. The portion of Fairgrounds West Entrance Road proposed for vacation is the entire road as established in said Order No. 04-4-28-12, being approximately 0.35 miles in length.

The portions of these roads proposed for vacation are within the city limits of the City of Eugene. In accordance with ORS 368.361(3), concurrence by the City of Eugene is necessary to validate the vacation. If the vacation is approved, the City of Eugene will be asked to provide the Surveyor's Office a copy of a concurring City ordinance

The Surveyor's Office notified the City of Eugene, Qwest Communications, EWEB, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and nearby property owners regarding the vacation.

Northwest Natural Gas responded requesting an easement be retained for their benefit. An easement will be retained in the Final Order to facilitate this request.

EXHIBIT "A"

Eugene Water and Electric Board responded requesting an easement be retained for their benefit. An easement will be retained in the Final Order to facilitate this request.

The Eugene Fire Department initially responded with concerns regarding access in emergency situations. After further discussion describing the portions of roads to be vacated, the portions of roads that will still remain open and acknowledgement that the past practice of cutting locks if necessary in emergency situations will continue, the Fire Department indicated no objection to the vacation.

The City of Eugene responded stating general support for the vacation, with the condition that certain concerns are addressed. The City requests that access to existing storm and waste water lines be retained for maintenance, operations and emergencies, and notes that gating and closure of the site should be coordinated with the City's Public Works Maintenance to assure the City may access these facilities. An easement will be retained in the Final Order to facilitate this request.

The City also expressed concern about the continuity of the Monroe/Friendly bicycle/pedestrian connector serving the South Bank Trail, Fern Ridge Path and Southwest Eugene, including the bike/pedestrian bridge over the Amazon Canal. Lane County Management Services Facilities Administration assures that already existing and used alternate bicycle/pedestrian routes through the Fairgrounds will remain unaffected by this vacation or the accompanying proposed gating of the vacated portions of road.

The other agencies and landowners either had no objection to the vacation or did not respond to the referral.

The portions of road proposed for vacation are entirely within the Lane County Fairgrounds property. If the vacation is approved, the vacated portions will revert to county owned land. The physical roads will still exist for purposes as previously used, with greater restrictions during non-event times. An easement will be retained in the Final Order for any and all existing public utilities. The vacation will be in the public interest, as it will allow Management Services Facilities Maintenance to more effectively address traffic and pedestrian flow, security and safety issues within the Fairgrounds property.

Vacation of the "stub" portion of Fairgrounds Entrance Road south of the Convention Center will allow for the relocation of a vehicular gate which, in its current location not only creates multiple vehicular safety issues, but also does not contribute in a positive manner to the traffic flow into the fairgrounds property. It will also improve management's ability to provide a more secure area for users and guests.

Vacation of the portion of Fairgrounds West Entry Road located immediately in front of the administrative offices fronting 13th Avenue will provide more flexibility in obtaining a safe ingress and egress system, especially during fair times.

Vacation of the portion of Fairgrounds West Entry Road immediately behind the area previously occupied by the Extension Service building will afford Lane Events Center/Lane County Fair (LEC/LCF) management increased ability to provide safer pedestrian traffic during the Lane County Fair and more general flexibility in "encapsulating" the entire area for security purposes.

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 June 22, 2011.

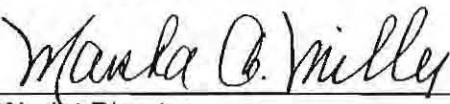
EXHIBIT "A"

Since this vacation was initiated within Lane County government by resolution rather than by a petitioning entity, and since only County owned property is affected, consideration for Assessment of Special Benefit pursuant to Lane Manual 60.853 is inapplicable. Absent Board direction to the contrary, this assessment would not be made by one County entity against another within the County.

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

It is therefore recommended that the portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267), as described in the Final Order, be vacated. It is further recommended that an easement for existing public utilities be retained in the Final Order.

DATED this 1 day of August, 2011.



Public Works Director
Department of Public Works

EXHIBIT "B"

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

IN THE MATTER OF THE VACATION OF PORTIONS OF)
 FAIRGROUNDS ENTRANCE ROAD (CO. RD. 2253) AND)
 FAIRGROUNDS WEST ENTRANCE ROAD (CO. RD. 2267),) FINDINGS OF FACT
 LOCATED IN THE NORTHWEST ONE QUARTER OF THE)
 SOUTHWEST ONE QUARTER (NW1/4SW1/4) AND)
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 ADOPTING FINDINGS OF FACT (17-03-31-32, 17-03-31-33 &)
 17-04-36-41))

The Surveyor's Office of the Department of Public Works has received a request by Lane County Management Services Facilities Administration to initiate proceedings for the vacation of portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267). The portions of these roads proposed for vacation are located entirely within the Lane County Fairgrounds property. The purpose of this vacation is to facilitate more strategic gate locations and to more effectively address traffic and pedestrian flow, security and safety issues within the Fairgrounds property and in so doing will be in the public interest.

Findings of Fact (Public Interest)

The Board takes notice and finds:

1. That, pursuant to ORS 368.326 to 368.366, a county governing body may vacate roads or easements based upon the determination that the vacation is "in the public interest."
2. That, pursuant to ORS 197.175 (2) (d), after acknowledgment of a county's comprehensive plan and implementing ordinances, the plan and ordinances, not the Statewide Planning Goals, control land use decisions.
3. That, Lane County's Rural Comprehensive Plan and implementing ordinances were originally acknowledged to be in compliance with the Statewide Planning Goals on September 13, 1984, and reacknowledged on February 14, 1992.
4. That, neither the Lane County Comprehensive Plan, nor any land use regulation within the Lane Code, establish mandatory standards for the vacation of public easements.

Conclusion of Law (Public Interest)

Based upon the above findings of fact, the Board concludes, as a matter of law, that neither the Statewide Planning Goals nor the Lane County Rural Comprehensive Plan and

related land use regulations are an applicable measure of the “public interest”, as it pertains to this vacation.

Findings of Fact (Impacts and Process of Vacation)

The Board takes notice and finds as follows:

1. That, the property abutting the proposed vacation is identified as tax lots 9999, 10000, 10100 and 10200 of Assessor’s Map 17-04-36-41; and tax lot 9900 of Assessor’s Map 17-03-31-32. All of these abutting parcels are owned by Lane County.
2. That, pursuant to ORS 368.326 to 368.366, a county governing body may vacate roads or easements based upon the determination that the vacation is “in the public interest”.
3. That, the Surveyor’s Office notified the City of Eugene, Qwest Communications, EWEB, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and nearby property owners regarding the vacation. Northwest Natural Gas, Eugene Water and Electric Board, the City of Eugene Fire Department and the City of Eugene Public Works Engineering section responded with specific concerns that are described and addressed in the Final Order. The other agencies and landowners either had no objection to the vacation or did not respond to the referral.
4. That, the portions of these roads proposed for vacation are within the city limits of the City of Eugene, and in accordance with ORS 368.361(3), concurrence by the City of Eugene is necessary to validate the vacation. If the vacation is approved, the City of Eugene will be asked to provide the Surveyor’s Office a copy of a concurring City ordinance.
5. That, 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 June 22, 2011.
6. Since this vacation was initiated within Lane County government by resolution rather than by a petitioning entity, and since only County owned property is affected, consideration for Assessment of Special Benefit pursuant to Lane Manual 60.853 is inapplicable. Absent Board direction to the contrary, this assessment would not be made by one County entity against another within the County.
7. That, the County Surveyor has provided legal notice for the public hearing by service, posting, and publication, as required by ORS 368.401 to 368.426.
8. That, pursuant to the provisions of ORS Chapter 368, a county governing body may make a determination about a vacation of property with a public hearing if:
 - (1) The county road official files a written report containing a description of the property proposed for vacation and stating that the vacation is in the public interest.

- (2) The governing body shall establish a time and place for a hearing to consider the proposed vacation and shall give notice of said hearing under ORS 368.401 to 368.426.

Items (1) and (2) have been complied with.

Conclusions of Law (Impacts and Process of Vacation)

Based on the above findings of fact, the Board concludes, as a matter of law, that this vacation will not have any predictable negative impact on present or future land use, either in terms of allowable uses or actual development. The Board further concludes that statutory procedures necessary for making a determination on this vacation, with a public hearing, have been met.

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

IN THE MATTER OF THE VACATION OF PORTIONS OF)	
FAIRGROUNDS ENTRANCE ROAD (CO. RD. 2253) AND)	
FAIRGROUNDS WEST ENTRANCE ROAD (CO. RD. 2267), LOCATED)	AFFIDAVIT OF
IN THE NORTHWEST ONE QUARTER OF THE SOUTHWEST ONE)	POSTING,
QUARTER (NW1/4SW1/4) AND SOUTHWEST ONE QUARTER OF THE)	PUBLICATION
SOUTHWEST ONE QUARTER (SW1/4SW1/4) OF SECTION 31,)	AND MAILING
TOWNSHIP 17 SOUTH, RANGE 3 WEST AND THE NORTHEAST ONE)	
QUARTER OF THE SOUTHEAST ONE QUARTER (NE1/4SE1/4) OF)	
SECTION 36, TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE)	
WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON, WITH A)	
PUBLIC HEARING AND ADOPTING FINDINGS OF FACT (17-03-31-32,)	
17-03-31-33 & 17-04-36-41))	

I, Mike Jackson, Lane County Surveyor, certify as follows:

That on the 25th day of July, 2011 I caused to be posted five (5) copies of the Notice of Hearing in the above entitled matter in five places, positioned to be visible to the traveling public, as follows:

1. Posted on a chain link fence gate at the most westerly entrance to Fairgrounds West Entrance Road, on the south side of the entrance road, approximately 100 feet westerly from the junction of a southerly extension of Van Buren Street with West 13th Avenue.
2. Posted on a chain link fence at the southwesterly corner of the junction of the most westerly leg of Fairgrounds West Entrance Road with the middle access of Fairgrounds West Entrance Road off West 13th Avenue, approximately 200 feet easterly from the junction of a southerly extension of Van Buren Street with West 13th Avenue.
3. Posted on a chain link fence gate at the southerly end of the most easterly "exit only" access off West 13th Avenue of Fairgrounds West Entrance Road, approximately 300 feet south of West 13th Avenue.
4. Posted on a light pole at the southwest corner of the intersection of West 13th Avenue with the most easterly "exit only" access off West 13th Avenue of Fairgrounds West Entrance Road.
5. Posted on a chain link fence on the north side of the "stub" portion of Fairgrounds Entrance Road proposed for vacation, approximately 50 feet westerly of the bike/pedestrian/vehicle bridge across the Amazon Canal, near the southeasterly corner of the main exhibition building.

[Signature and notary block on next page]

EXHIBIT "C"

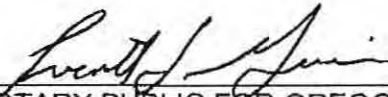
The undersigned further certifies that on July 27, 2011 and August 10, 2011 notice is scheduled to run in the Register Guard. Also, that on July 15, 2011 notice was sent to nearby owners and to various other private entities and public agencies having an interest in these vacation proceedings by General Mail.



Mike Jackson
Lane County Surveyor

State of Oregon)
County of Lane)

Subscribed and sworn to before me this 26 day of July, 2011 by
Mike Jackson.



NOTARY PUBLIC FOR OREGON
My Commission Expires: January 9, 2015



ATTACHMENT A

VACATION OF PORTIONS OF COUNTY ROADS
WITHIN THE LANE COUNTY FAIRGROUNDS
EUGENE, OREGON

NW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ & SW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ SECTION 31, T17S, R3W, WM
NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ SECTION 36, T17S, R4W, WM
(NO SCALE)

