

Memorandum Date: August 16, 2006
Order Date: September 13, 2006

TO: Board of County Commissioners

DEPARTMENT: Public Works, Land Management Division

PRESENTED BY: Bill Robinson, Lane County Surveyor ^{BR}

AGENDA ITEM TITLE: IN THE MATTER OF THE VACATION OF A PORTION OF CENTRAL ROAD (AKA R.B. HAYES RD., CO. RD. #323), LOCATED IN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 17, TOWNSHIP 18 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON, WITHOUT A PUBLIC HEARING, AND ADOPTING FINDINGS OF FACT (18-05-17)

I. MOTION

TO VACATE A PORTION OF CENTRAL ROAD (AKA R.B. HAYES RD., CO. RD. #323), LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 17, TOWNSHIP 18 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON (18-05-17)

II. AGENDA ITEM SUMMARY

The Board is being asked to approve the vacation of a portion of Central Road (aka R.B. Hayes Rd., Co. Rd. #323), being approximately 250 feet in length and having a statutory right-of-way width of 60 feet.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Surveyor's Office of the Department of Public Works has received a valid petition signed by Michael R. Olin and Cynthia C. Olin, and Suzanne Holmes, the landowners of 100% of the property abutting the proposed vacation of Central Road.

The primary petitioners, Michael and Cynthia Olin, are requesting this vacation in order to remove the burden of long unused right of way underlying an area where they wish to do some slope and drainage work to more suitably prepare the area to plant and graze cattle upon. Petitioners further assert there are utilities located within the area to be vacated.

This portion of Central Road was originally established in 1876 as part of R.B. Hayes County Road #323, with a statutory width of 60 feet. The road as established in 1876

began in Section 19, Township 18 South, Range 5 West at its intersection with the present day Territorial Road and ran northeasterly over 12 miles. An extensive 1964 alteration (per order recorded in Commissioners Journal Reel 20, Page 936, filed May 28, 1964) relocated and expanded the right of way of Central Road, and the portion herein proposed to be vacated was one of three specific portions of roadway that were excepted from vacation at the time of alteration. Although documentation was not found to explain the reason for those exceptions, a portion of the old right of way proposed herein to be vacated was in 1964 possibly used as access to a parcel that is presently tax lot 18-05-17-400. Petitioner Michael Olin recalls that the driveway serving said parcel was at one time actually located upon his property, and in 1984 he obtained a Lane County facility permit (4/25/1984, #20341) to relocate the driveway to the south of his southerly property boundary. According to Mr. Olin, the driveway was relocated at that time so that Mr. Olin could fence along his southerly property boundary.

The Surveyor's Office notified Qwest Communications, Lane Electric Cooperative, 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 property owners regarding the vacation. The agencies and landowners either had no objection to the vacation or did not respond to the referral, with the exception of the following.

Suzanne Holmes, owner of tax lot 18-05-17-400 and a signatory on the petition to vacate, responded with the request that the documentation state that this vacation will not impact her existing driveway. A statement by private surveyor Harvey Christensen was provided to the Surveyor's Office that states there is no encroachment of the existing Holmes driveway upon the portion of old right of way to be vacated. Ms. Holmes, when told that reference to this statement will be included in the Order to Vacate, said that inclusion of said statement would satisfy her concern.

Lane County Land Use Planning responded to the referral, stating there was no objection to the vacation so long as no portion of the Holmes driveway to tax lot 400 lies within the portion of old right of way to be vacated. Again, the statement by surveyor Harvey Christensen to be included in the Order satisfies this concern.

Qwest Corporation responded to the referral stating they have facilities in the area of vacation, and requested that their rights be retained. An easement will be retained in the Order to Vacate to satisfy their request.

B. Policy Issues

Lane Manual 15.300 allows for consideration of vacation of County Roads where little need exists for the road, specifically [15.300(3)] roads that are undeveloped rights of way or are not currently maintained by the County and [15.300(1)] dead-end roads which serve four or fewer permanent residences. The portion of road herein considered for vacation falls into these categories.

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 (Lane County Strategic Plan, Goals, P. 13). The vacation of this portion of obsolete right of way will be in conformity with this part of the Strategic Plan.

D. Financial and/or Resource Considerations

Vacation of this portion of unused right of way will return a marginal portion of land to the tax rolls as taxable land.

IV. ANALYSIS

The vacation of this portion of Central Road will have no adverse effects on transportation patterns in the area, and the portion to be vacated is not needed by the Lane County Transportation system. No property will be denied legal access by this vacation. Concerns of all respondents to notice of this action have been addressed.

The public interest will be served and not prejudiced, as vacating this portion of Central Road will provide for more full utilization of petitioner's property, while adding a marginal portion of land to the tax rolls. It will also remove from the County's maintenance inventory a portion of right of way long unused and no longer needed by the Lane County Transportation System.

V. ALTERNATIVES/OPTIONS

The Board of County Commissioners has the option to:

1. Approve the vacation of this portion of Central Road (aka R.B. Hayes Rd., Co. Rd. #323), as petitioned for.
2. Deny the vacation of this portion of Central Road (aka R.B. Hayes Rd., Co. Rd. #323), as petitioned for.
3. Continue the matter for further consideration.

VI. TIMING/IMPLEMENTATION

Timing of this matter is not critical.

VII. RECOMMENDATION

The Public Works Director's Report recommends that the Board support Option Number 1, to approve the vacation of the portion of Central Road, as petitioned for. The public interest will be served and not prejudiced, as vacating this portion of Central Road will provide for more full utilization of petitioner's property and add a marginal portion of land to the County tax rolls, while having no adverse effects on transportation patterns in the area.

It is further recommended that an easement be retained for existing public utilities.

All statutory procedures necessary for a vacation without a public hearing of the above mentioned right of way have been complied with, including a report by the Director of Public Works who recommends approval of the vacation as described in the petition.

VIII. FOLLOW-UP

If the Board of County Commissioners approves the Order to Vacate this portion of Central 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 and County Assessor for appropriate action. If the Order to Vacate is not approved, an Order to Deny will be presented to the Board at a later regularly scheduled meeting.

IX. ATTACHMENTS

Order w/attachments:
Petition to Vacate
Director's Report - Exhibit "A"
Findings of Fact - Exhibit "B"
Attachment - Vicinity Map

Contact Person: Bill Robinson x-4198

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

FILE NO. 4139

IN THE MATTER OF THE VACATION OF A PORTION OF)
CENTRAL ROAD (AKA R.B. HAYES RD., CO. RD. #323),)
LOCATED IN THE NORTHWEST QUARTER (NW 1/4) OF) ORDER NO.
SECTION 17, TOWNSHIP 18 SOUTH, RANGE 5 WEST OF)
THE WILLAMETTE MERIDIAN, IN LANE COUNTY,)
OREGON, WITHOUT A PUBLIC HEARING, AND)
ADOPTING FINDINGS OF FACT (18-05-17))

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 a portion of Central Road (aka R.B. Hayes Rd., Co. Rd. #323), more particularly described as follows:

Beginning at a point on the southerly property line of Tax Lot 312 (Assessor's Map 18-05-17) as described in Warranty Deed from Susan Riley Uhl to Michael R. Olin and Cynthia C. Olin and recorded in Reel 1409R as Instrument No. 8625335, Lane County, Oregon Office of Deeds and Records, said point referenced with a 3/4" iron pipe as set in County Surveyor File 15671, said pipe being located North 33°47'41" West 100.24 feet from centerline station L2 108+31.14 as calculated from sheet 4 of 6 of Lane County Department of Public Works Federal Aides Index #430 dated January 1964 for the alteration of Central-Crow Road #323, said iron pipe bearing North 89°17'31" East 945.27 feet from the west 1/4 corner of Section 17, Township 18 South, Range 5 West of the Willamette Meridian, said 1/4 corner being monumented with a 2.75" Lane County Surveyors Office brass cap dated 1978, said iron pipe being the **TRUE POINT OF BEGINNING** of this description; thence North 89°17'31" East 61.91 feet along said property line to a point; thence continuing along said property line North 65°51'40" East 195.91 feet to a point; thence continuing along said property line South 85°48'30" East 26.03 feet (South 85°52'50" East 26.10 feet deed) to a 5/8" rebar with a yellow plastic cap set in County Surveyor File 22357, said point being on the westerly right of way of Mayola Lane (County Road #2133) as established in 1979, said point also being North 20°56'21" West 47.48 feet from centerline station L2 105+74.01 of said Central-Crow Road; thence continuing along said right of way on a curve to the left having a radius of 100.50 feet and a central angle of 50°59'27" from which the radius point of said curve bears South 53°38'52" West, to a point where the northerly 60 foot right of way of the original County Road #323 intersects said westerly right of way of said Mayola Lane; thence continuing southwesterly along the northerly 60 foot right of way of the original County Road #323 to its intersection with the southerly property line of said Tax Lot 312 as described in aforementioned deed; thence continuing

along said southerly property line North 89°17'31" East to the True Point of Beginning of this description. The portion herein described to be vacated contains 0.17 acres, more or less. The bounds of this vacation description are intended to be lengthened or foreshortened to include all that portion of the original R.B. Hayes County Road #323 as established in 1876 lying northerly of the southerly property boundary line of Michael and Cynthia Olin as described in aforementioned deed recorded on Reel 1409R as instrument No. 8625335, and westerly of the westerly right of way of Mayola Lane (County Road #2133) as established in 1979, all in the Northwest One Quarter (NW1/4) of Section 17, Township 18 South, Range 5 West of the Willamette Meridian, Lane County, Oregon; and

WHEREAS, the petition complies with the provisions of ORS Chapter 368.351 in that the petitioners, who are the landowners of 100% of the property abutting the proposed vacation, request that 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 primary petitioners are requesting the vacation of this portion of road in order to remove the burden of long unused right of way underlying an area where they wish to do some slope and drainage work to more suitably prepare the area to plant and graze cattle upon, which will provide for more full utilization of their property; and

WHEREAS, this portion of roadway is not within any incorporated city limits; and

WHEREAS, Qwest Communications, Lane Electric Cooperative, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and the adjacent and other nearby landowners were notified by mail regarding the proposed vacation; and

WHEREAS, Suzanne Holmes, owner of tax lot 18-05-17-400 and a signatory on the petition to vacate, responded with the request that the documentation state that this vacation will not impact her existing driveway. A statement by private surveyor Harvey Christensen was provided to the Surveyor's Office that states there is no encroachment of the existing Holmes driveway upon the portion of old right of way to be vacated. Ms. Holmes, when told that reference to this statement will be included in this Order to Vacate, said that inclusion of said statement would satisfy her concern; and

WHEREAS, Lane County Land Use Planning responded to the referral, stating there was no objection to the vacation so long as no portion of the Holmes driveway to tax lot 400 lies within the portion of old right of way to be vacated. A statement by private surveyor Harvey Christensen was provided to the Surveyor's Office that states there is no encroachment of the existing Holmes driveway upon the portion of old right of way to be vacated, and said statement satisfies this concern; and

WHEREAS, Qwest Corporation responded to the referral stating they have facilities in the area of vacation, and requested that their rights be retained. An easement will be retained in this Order to Vacate to satisfy their request; and

WHEREAS, the petitioners have paid a vacation fee of \$650 and will pay recording fees upon final approval of the vacation; and

WHEREAS, no property will be denied access to a public road by this vacation; 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 as petitioned for is in the best interest of the public; now, therefore, it is hereby

ORDERED, that the above described portion of County Road Number 323 (commonly known as Central Road, originally established as R.B. Hayes County Road #323), is 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 portion of Central 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 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 _____, 2006.

Chair
LANE COUNTY BOARD OF COMMISSIONERS

Attachment: Vicinity Map

APPROVED AND FORWARDED
DATE 8-30-06
[Handwritten signatures]
OFFICE OF THE CLERK

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

FILE NO. 4139

IN THE MATTER OF THE VACATION OF A)	
PORTION OF CENTRAL ROAD (AKA R.B. HAYES)	DIRECTOR'S
RD., CO. RD. #323), LOCATED IN THE)	REPORT
NORTHWEST QUARTER (NW 1/4) OF SECTION)	
17, TOWNSHIP 18 SOUTH, RANGE 5 WEST OF)	
THE WILLAMETTE MERIDIAN, IN LANE)	
COUNTY, OREGON, WITHOUT A PUBLIC)	
HEARING, AND ADOPTING FINDINGS OF FACT)	
(18-05-17))	

The Surveyor's Office of the Department of Public Works received a valid petition signed by the landowners of 100% of the abutting property to vacate a portion of Central Road (aka R.B. Hayes Rd., Co. Rd. #323). The primary petitioner is requesting this vacation in order to remove the burden of long unused right of way underlying an area where they wish to do some slope and drainage work to more suitably prepare the area to plant and graze cattle upon.

This portion of Central Road was originally established in 1876 as part of R.B. Hayes County Road #323, with a statutory width of 60 feet. The road as established in 1876 began in Section 19, Township 18 South, Range 5 West at its intersection with the present day Territorial Road and ran northeasterly over 12 miles. An extensive 1964 alteration (per order recorded in Commissioners Journal Reel 20, Page 936, filed May 28, 1964) relocated and expanded the right of way of Central Road, and the portion herein proposed to be vacated was one of three specific portions of roadway that were excepted from vacation at the time of alteration. Although documentation was not found to explain the reason for those exceptions, a portion of the old right of way proposed herein to be vacated was in 1964 possibly used as access to a parcel that is presently tax lot 18-05-17-400. Petitioner Michael Olin recalls that the driveway serving said parcel was at one time actually located upon his property, and in 1984 he obtained a Lane County facility permit (4/25/1984, #20341) to relocate the driveway to the south of his southerly property boundary. According to Mr. Olin, the driveway was relocated at that time so that Mr. Olin could fence along his southerly property boundary.

The Surveyor's Office notified Qwest Communications, Lane Electric Cooperative, 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 property owners regarding the vacation. The agencies and landowners

EXHIBIT "A"

either had no objection to the vacation or did not respond to the referral, with the exception of the following.

Suzanne Holmes, owner of tax lot 18-05-17-400 and a signatory on the petition to vacate, responded with the request that the documentation state that this vacation will not impact her existing driveway. A statement by private surveyor Harvey Christensen was provided to the Surveyor's Office that states there is no encroachment of the existing Holmes driveway upon the portion of old right of way to be vacated. Ms. Holmes, when told that reference to this statement will be included in the Order to Vacate, said that inclusion of said statement would satisfy her concern.

Lane County Land Use Planning responded to the referral, stating there was no objection to the vacation so long as no portion of the Holmes driveway to tax lot 400 lies within the portion of old right of way to be vacated. Again, the statement by surveyor Harvey Christensen to be included in the Order satisfies this concern.

Qwest Corporation responded to the referral stating they have facilities in the area of vacation, and requested that their rights be retained. An easement will be retained in the Order to Vacate to satisfy their request.

The vacation of this portion of Central Road will have no adverse effects on transportation patterns in the area, and the portion to be vacated is not needed by the Lane County Transportation system. No property will be denied legal access by this vacation. The public interest will be served and not prejudiced, as vacating this portion of Central Road will provide for more full utilization of petitioner's property, while adding a marginal portion of land to the tax rolls. It will also remove from the County's maintenance inventory a portion of right of way long unused and no longer needed by the Lane County Transportation System.

It is therefore recommended that this portion of Central Road, as described in the Order, be vacated as petitioned for. It is further recommended that the vacation be allowed without a public hearing.

DATED this 28 day of AUGUST, 2006


For Oliver P. Snowden, Director
Department of Public Works

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

FILE NO. 4139

IN THE MATTER OF THE VACATION OF A PORTION OF)	
CENTRAL ROAD (AKA R.B. HAYES RD., CO. RD. #323),)	FINDINGS OF FACT
LOCATED IN THE NORTHWEST QUARTER (NW 1/4) OF)	
SECTION 17, TOWNSHIP 18 SOUTH, RANGE 5 WEST OF)	
THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON,)	
WITHOUT A PUBLIC HEARING, AND ADOPTING FINDINGS)	
OF FACT (18-05-17))	

The Department of Public Works has received a valid petition signed by the landowners of 100% of the abutting property to vacate a portion of Central Road (aka R.B. Hayes Rd., Co. Rd. #323). The primary petitioner is requesting this vacation in order to remove the burden of long unused right of way underlying an area where they wish to do some slope and drainage work to more suitably prepare the area to plant and graze cattle upon. The subject portion of right-of-way is approximately 250 feet in length with a statutory width of 60 feet.

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 public 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 Surveyor's Office of the Department of Public Works has received a valid petition signed by the owners of 100% of the property abutting the proposed vacation requesting, by the authority of ORS 368.351, a vacation without a public hearing. Said property is further identified as Tax Lots 312 and 400 of Assessor's Map 18-05-17.
2. That, pursuant to ORS 368.326 to 368.366, a county governing body may vacate roads or rights-of-way based upon the determination that the vacation is "in the public interest".
3. That, this portion of Central Road was originally established in 1876 as part of R.B. Hayes County Road #323, with a statutory width of 60 feet. The road as established in 1876 began in Section 19, Township 18 South, Range 5 West at its intersection with the present day Territorial Road and ran northeasterly over 12 miles. An extensive 1964 alteration (per order recorded in Commissioners Journal Reel 20, Page 936, filed May 28, 1964) relocated and expanded the right of way of Central Road, and the portion herein proposed to be vacated was one of three specific portions of roadway that were excepted from vacation at the time of alteration. Although documentation was not found to explain the reason for those exceptions, a portion of the old right of way proposed herein to be vacated was in 1964 possibly used as access to a parcel that is presently tax lot 18-05-17-400. Petitioner Michael Olin recalls that the driveway serving said parcel was at one time actually located upon his property, and in 1984 he obtained a Lane County facility permit (4/25/1984, #20341) to relocate the driveway to the south of his southerly property boundary. According to Mr. Olin, the driveway was relocated at that time so that Mr. Olin could fence along his southerly property boundary.
4. That, the Surveyor's Office notified Qwest Communications, Lane Electric Cooperative, 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 property owners regarding the vacation. The agencies and landowners either had no objection to the vacation or did not respond to the referral, with the exception of the following:
 - A. Suzanne Holmes, owner of tax lot 18-05-17-400 and a signatory on the petition to vacate, responded with the request that the documentation state that this vacation will not impact her existing driveway. A statement by private surveyor Harvey Christensen was provided to the Surveyor's Office that states there is no encroachment of the existing Holmes driveway upon the portion of old right of way to be vacated. Ms. Holmes, when told that reference to this statement will be included in the Order to Vacate, said that inclusion of said statement would satisfy her concern.
 - B. Lane County Land Use Planning responded to the referral, stating there was no objection to the vacation so long as no portion of the Holmes driveway to tax lot 400 lies within the portion of old right of way to be vacated. Again, the statement by surveyor Harvey Christensen to be included in the Order satisfies this concern.
 - C. Qwest Corporation responded to the referral stating they have facilities in the area of vacation, and requested that their rights be retained. An easement

will be retained in the Order to Vacate to satisfy their request.

5. That, this vacation will not deny any property legal access to a public road.
6. That, pursuant to ORS 368.351, a county governing body may make a determination about a vacation of property without a public hearing if:
 - (1) The county road official files a written report stating that the vacation is in the public interest.
 - (2) The proceedings were initiated by petition indicating the approval of 100% of the adjoining property owners.

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, without a public hearing, have been met.

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

FILE NO. 4139

PETITION TO VACATE

IN THE MATTER OF THE VACATION OF A PORTION OF CENTRAL ROAD (ALSO KNOWN AS R.B. HAYES ROAD) COUNTY ROAD 323, IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 18 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON (18-05-17)

1.

PURSUANT to the procedures set forth in ORS Chapter 368, we and Suzanne Holmes the undersigned, Michael R. and Cynthia C. Olin, husband and wife, as owners of all of the adjacent real property hereby petition for the vacation of a portion of County Road Number 323, which area is described as follows:

SEE ATTACHED EXHIBIT A.

2.

The undersigned petitioners are the owners of all the real property located adjacent to the above described area to be vacated.

3.

The Property is a portion of the road right-of-way which ceased to be used when the road was relocated many years ago. It is currently unproductive and not on the tax rolls. If the property is vacated, Petitioners Michael R. Olin and Cynthia C. Olin will do slope and drainage work on the property and use it to pasture cattle. It is in the public interest to make this land productive and return it to the tax rolls.

4.

There are utility and electrical power lines in the area to be vacated. Necessary easements for all the existing public and private utilities will be retained or otherwise be provided for in conjunction with the vacation.

5.

No portion of the area to be vacated is located within the boundaries of an incorporated city or town.

6.

The public interest will be served and not prejudiced by vacation of the above described area.

7.

Petitioners, separately and collectively, have no objection to Lane County proceeding under the authority of ORS Chapter 368, for vacation with or without a hearing;

8.

The petitioners request the Board of Commissioners of Lane County:

1. Set a date to consider the vacation of the above described portion of road, without a hearing, pursuant to ORS Chapter 368
2. Upon review of this matter, to order the vacation of the above described road, and direct that title to the vacated area revert and vest in accordance with ORS 368.366.

DATED this 18th day of July, 2006.

PETITIONERS:

Michael R Olin Cynthia C Olin

Michael R. Olin
 Map# 18-05-17 TL 312
 25670 Mayola Lane
 Eugene, OR 97402

Cynthia C. Olin
 Map# 18-05-17 TL 312
 25670 Mayola Lane
 Eugene, OR 97402

Suzanne Holmes

Suzanne Holmes
 Map# 18-05-17 TL 400
 1431 Hauck Drive
 San Jose, CA 95118

State of Oregon)
) ss.
County of Lane)

On July 10, 2006, personally appeared the above named Michael R. Olin and Cynthia C. Olin and acknowledged the foregoing instrument to be a voluntary act before me:



Notary Public for Oregon M Flagg
My Commission Expires: 2-1-08

State of California)
) ss.
County of San Jose
Clara

On 7/15/, 2006, personally appeared the above named Suzanne Holmes and acknowledged the foregoing instrument to be a voluntary act before me:



Vikram K Talati
Notary Public for California
My Commission Expires: 02/07/2009

DESCRIPTION FOR THE VACATION OF A PORTION OF THE 60 FOOT
RIGHT OF WAY OF ORIGINAL COUNTY ROAD #323 (R.B. HAYES ROAD)
AS ESTABLISHED IN 1876
LOCATED IN THE NW1/4 OF SECTION 17, T18S, R5W, W.M.

Beginning at a point on the southerly property line of Tax Lot 312 (Assessor's Map 18-05-17) as described in Warranty Deed from Susan Riley Uhl to Michael R. Olin and Cynthia C. Olin and recorded in Reel 1409R as Instrument No. 8625335, Lane County, Oregon Office of Deeds and Records, said point referenced with a 3/4" iron pipe as set in County Surveyor File 15671, said pipe being located North 33°47'41" West 100.24 feet from centerline station L2 108+31.14 as calculated from sheet 4 of 6 of Lane County Department of Public Works Federal Aides Index #430 dated January 1964 for the alteration of Central-Crow Road #323, said iron pipe bearing North 89°17'31" East 945.27 feet from the west 1/4 corner of Section 17, Township 18 South, Range 5 West of the Willamette Meridian, said 1/4 corner being monumented with a 2.75" Lane County Surveyors Office brass cap dated 1978, said iron pipe being the **TRUE POINT OF BEGINNING** of this description; thence North 89°17'31" East 61.91 feet along said property line to a point; thence continuing along said property line North 65°51'40" East 195.91 feet to a point; thence continuing along said property line South 85°48'30" East 26.03 feet (South 85°52'50" East 26.10 feet deed) to a 5/8" rebar with a yellow plastic cap set in County Surveyor File 22357, said point being on the westerly right of way of Mayola Lane (County Road #2133) as established in 1979, said point also being North 20°56'21" West 47.48 feet from centerline station L2 105+74.01 of said Central-Crow Road; thence continuing along said right of way on a curve to the left having a radius of 100.50 feet and a central angle of 50°59'27" from which the radius point of said curve bears South 53°38'52" West to a point where the northerly 60 foot right of way of the original County Road #323 intersects said westerly right of way of said Mayola Lane; thence continuing southwesterly along the northerly 60 foot right of way of the original County Road #323 to its intersection with the southerly property line of said Tax Lot 312 as described in aforementioned deed; thence continuing along said southerly property line North 89°17'31" East to the True Point of Beginning of this description. The portion herein described to be vacated contains 0.17 acres, more or less.

The bounds of this vacation description are intended to be lengthened or foreshortened to include all that portion of the original R.B. Hayes County Road #323 as established in 1876 lying northerly of the southerly property boundary line of Michael and Cynthia Olin as described in aforementioned deed recorded on Reel 1409R as instrument No. 8625335, and westerly of the westerly right of way of Mayola Lane (County Road #2133) as established in 1979, all in the Northwest One Quarter (NW1/4) of Section 17, Township 18 South, Range 5 West of the Willamette Meridian, Lane County, Oregon.