

W. T. d.
ORIGINAL

Memorandum Date: September 26, 2006
Order Date: October 25, 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 LAMB ROAD, CO. RD. #517 (ORIGINALLY DEMMING ROAD), LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON, WITHOUT A PUBLIC HEARING, AND ADOPTING FINDINGS OF FACT (17-05-07)

I. MOTION

TO VACATE A PORTION OF LAMB ROAD, CO. RD. #517 (ORIGINALLY DEMMING ROAD), LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON (17-05-07)

II. AGENDA ITEM SUMMARY

The Board is being asked to approve the vacation of a portion of Lamb Road, Co. Rd. #517 (originally Demming Road), said portion being approximately 1872 feet in length with a variable width.

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 primary petitioners Michael J. Harrison and Felicity J. Van Runkle, together with landowners of 15 other parcels adjoining the proposed vacation, said landowners representing 100% of the property abutting the proposed vacation of Lamb Road.

The primary petitioners, Michael J. Harrison and Felicity J. Van Runkle, are requesting this vacation in order to remove the burden of unused right of way along the southerly line of their property, which will in turn satisfy Lane County Land Use Planning minimum acreage requirements related to their final partition plat approval. Petitioners further assert there are utilities located within the area to be vacated.

This portion of Lamb Road was originally established as Demming Road, Co. Rd. #517,

in 1902 with a width of 40 feet. The original survey began at a point in the present day Territorial Highway (then Co. Rd. #165, now a State Highway) 30 links south of the section line between Sections 7 and 18, Township 17 South, Range 5 West of the Willamette Meridian. It then ran westerly to 0.30 chains westerly of the one quarter ($\frac{1}{4}$) corner between said sections 7 and 18, with said section line specifically noted as the north line of the road. At said point 0.30 chains westerly of the $\frac{1}{4}$ corner the survey jogged 0.30 chains to the north and thenceforth noted said section line between sections 7 and 18 as the center of the road, implying an approximate 20 feet of road width lying to the north of the section line from the $\frac{1}{4}$ corner westerly 27.76 chains (1832.2 feet), at which point the course of the survey departed the section line and angled southwesterly.

In 1947 an additional 60 feet of roadway was dedicated to the public and labeled "County Road" in the plat of Colonial Park Subdivision (Book 13, Page 11, Lane County, Oregon Plat Records), said road being adjacent to and south of the section line between sections 7 and 18, said section line thus being the northerly margin of this road, now commonly known as Lamb Road. It extended from a point in Territorial Road and ran westerly to approximately the same point at which the original Demming road as described above angled southwesterly. Thus, this additional dedication partially overlapped the original Demming Road right of way, but only on the south side of the section line. No portion of this 60 feet of right of way is affected by the proposed vacation.

In 1975 an additional 30 feet of dedication (Reel 765-R, #7546030, LCO DR) adjacent to and north of the section line was made, described as the southerly 30.0 feet of the East $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 7. This dedication lies along the southerly boundaries of present day tax lots 1000 and 1002 of Assessor's Map 17-05-07, and is intended to be included as part of this proposed vacation.

In 1976 another dedication (Reel 798-R, #7628032, LCO DR) adjacent to and north of the section line was made, this one being 5 feet wide and 327.59 feet in length along what is the southerly boundary of present day tax lot 900, Assessor's Map 17-05-07. This dedication apparently overlooked the already existing 20 feet of right of way north of the section line that was established as the original Demming Road in 1902, and thus this 5 feet wide dedication underlies that original 20 feet dedication, and is intended to be included as part of this proposed vacation.

A drawing provided by private surveyor Daniel Baker of Baker and Associates shows the full width of the present day traveled way of Lamb Road to be well south of the section line between sections 7 and 18. The proposed vacation will be entirely north of the section line, effectively leaving a full 60 feet of dedicated right of way to the south of the section line.

The Surveyor's Office notified Qwest Communications, Blachly-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 and other nearby landowners regarding the vacation. Qwest Corporation responded 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 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 allows for consideration of vacation of County Roads where little need exists for the road. The portion of road herein considered for vacation falls into this category, as a full 60 feet of right of way will remain after the vacation.

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 Lamb 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 Lamb Road will provide for more full utilization of petitioners' property, while adding a marginal portion of land to the tax rolls.

V. ALTERNATIVES/OPTIONS

The Board of County Commissioners has the option to:

1. Approve the vacation of this portion of Lamb Road, Co. Rd. #517 (originally Demming Road), as petitioned for.
2. Deny the vacation of this portion of Lamb Road, Co. Rd. #517 (originally Demming Road), as petitioned for.
3. Continue the matter for further consideration.

VI. TIMING/IMPLEMENTATION

Timing of this matter is important since final approval of primary petitioners' application for partition depends upon approval of this vacation.

VII. RECOMMENDATION

The Public Works Director's Report recommends that the Board support Option Number 1, to approve the vacation of the portion of Lamb Road, as petitioned for. The public interest will be served and not prejudiced, as vacating this portion of Lamb Road will provide for more full utilization of petitioners' 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 Lamb 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. 4140

IN THE MATTER OF THE VACATION OF A PORTION OF)
LAMB ROAD, CO. RD. #517 (ORIGINALLY DEMMING)
ROAD), LOCATED IN THE SOUTHWEST QUARTER (SW) ORDER NO.
1/4) OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 5)
WEST OF THE WILLAMETTE MERIDIAN, IN LANE)
COUNTY, OREGON, WITHOUT A PUBLIC HEARING, AND)
ADOPTING FINDINGS OF FACT (17-05-07))

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 Lamb Road, Co. Rd. #517 (originally Demming Road), more particularly described as follows:

An area of land in the Southwest One Quarter (SW1/4) of Section 7, Township 17 South, Range 5 West of the Willamette Meridian, being more particularly described as follows:

All that portion of County Road No. 517 (Demming Road), more commonly known as Lamb Road, lying North of the Section line common to Sections 7 and 18, Township 17 South, Range 5 West, Willamette Meridian and also lying West of the North-South centerline of said Section 7, all in Lane County, Oregon.

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, Michael J. Harrison and Felicity J. Van Runkle, are requesting this vacation in order to remove the burden of unused right of way along the southerly line of their property, which will in turn satisfy Lane County Land Use Planning minimum acreage requirements related to their final partition plat approval; and

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

WHEREAS, Qwest Communications, Blachly-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 and other nearby landowners were notified by mail regarding the proposed vacation. Qwest Corporation responded 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. The other agencies and landowners either had no objection to the vacation or did not respond to the referral; 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 Lamb Road, Co. Rd. #517 (originally Demming Road) 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 Lamb 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

10-12-06
[Handwritten signatures]

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

File No. 4140

IN THE MATTER OF THE VACATION OF A PORTION OF)	
LAMB ROAD, CO. RD. #517 (ORIGINALLY DEMMING)	
ROAD), LOCATED IN THE SOUTHWEST QUARTER (SW ¼))	PETITION
OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 5 WEST OF)	TO VACATE
THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON)	
17-05-07.)	
)	

PURSUANT to the procedures set forth in ORS Chapter 368, we the undersigned Petitioners, as owners of the adjacent real property, hereby petition for the vacation of the portion of the County Road #517 Right of Way that is on the north side of Lamb Rd., which area to be vacated is described as follows:

An area of land in the Southwest One Quarter (SW1/4) of Section 7, Township 17 South, Range 5 West of the Willamette Meridian, being more particularly described as follows:

All the dedicated right of way of County Road No. 517 (Demming Road), more commonly known as Lamb Road, lying North of the Section line common to Sections 7 and 18, Township 17 South, Range 5 West, Willamette Meridian and also lying West of the North-South centerline of said Section 7, all in Lane County, Oregon.

WHEREAS, the undersigned petitioners are the owners of 100% of all the real property adjacent to the above described area to be vacated; and

WHEREAS, petitioners allege as follows:

1). The Purpose of this vacation request is to eliminate what remains of the old right of way on the North side of Lamb Road. This section of the original right of way serves no useful purpose as most of the original right of way has, over the years, been replaced by other improvements on what is now know as Lamb Road. This vacation would return the property to the adjoining property owners who have been paying taxes on this property even though it did not legally belong to them at the time that they were being charged property taxes on this land.

2). An appropriate easement shall be reserved in the vacation for existing public phone utilities.

and

WHEREAS, no portion of the area to be vacated is located within the boundaries of an incorporated city or town; and

WHEREAS, the public interest will be served and not prejudiced by vacation of the above described area; and

WHEREAS, petitioners, separately and collectively, have no objection to Lane County proceeding under the authority of ORS Chapter 368.326, for vacation without a hearing; and

THEREFORE, the petitioners request an Order of the Board of Commissioners for Lane County as follows:

1. Setting a date for vacation of the above described portion of road, with or without a hearing before the Board of Commissioners of Lane County, pursuant to ORS Chapter 368.

2. Upon review of this matter, to direct 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 7th day of Sept., 2006

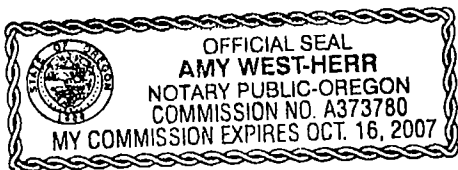
PETITIONERS:

[Signature] Felicity Van Runkle

Michael Harrison
Felicity Van Runkle
Map# 17-05-07, TL1001
Addr: 25375 Lamb Rd.
Elmira, Oregon 97437

State of Oregon)
County of Lane)^{ss.}

On 9-12-, 2006, personally appeared the above
named Michael Harrison & Felicity Van Runkle and
acknowledged the foregoing instrument to be a voluntary act before me:



[Signature]
Notary Public for Oregon
My Commission Expires: 10-16-07

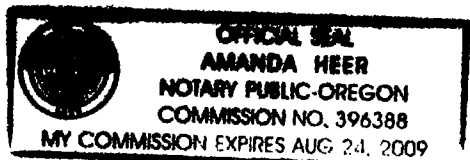
Milton and Yvonne Davis
map# 17-05-07, TL1100
Addr: 25259 Lamb Rd.
Elmira, Oregon 97437

[Signature]
Milton E. Davis

State of Oregon)
County of Lane)^{ss.}

[Signature]
Yvonne Davis

On Sept. 7, 2006, personally appeared the above
named Milton E. Davis and Yvonne Davis and
acknowledged the foregoing instrument to be a voluntary act before me:

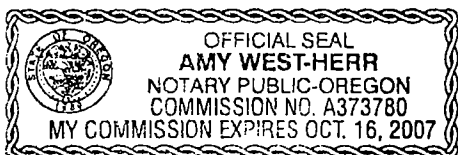


[Signature]
Notary Public for Oregon
My Commission Expires: Aug 24, 2009

Craig & Sandy Phillips Sandy C. Phillips
Craig and Sandy Phillips
Map# 17-05-07, TL1000
Addr: 25389 Lamb Rd.
Elmira, Oregon 97437

State of Oregon)
County of Lane)^{ss.}

On 9-14-, 2006, personally appeared the above
named Craig & Sandy Phillips and
acknowledged the foregoing instrument to be a voluntary act before me:

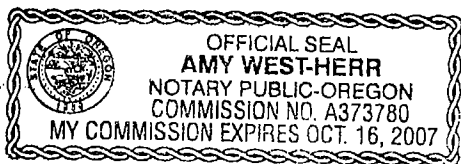


Amy West-Herr
Notary Public for Oregon
My Commission Expires: 10-16-07

Antone L. Abreu and Phyllis Bate-Abreu Phyllis Bate-Abreu
Antone L. Abreu and Phyllis Bate-Abreu
Map# 17-05-07, TL1002
Addr: 25393 Lamb Rd.
Elmira, Oregon 97437

State of Oregon)
County of Lane)^{ss.}

On 9-14-, 2006, personally appeared the above
named Antone L. Abreu & Phyllis Bate-Abreu and
acknowledged the foregoing instrument to be a voluntary act before me:



Amy West-Herr
Notary Public for Oregon
My Commission Expires: 10-16-07

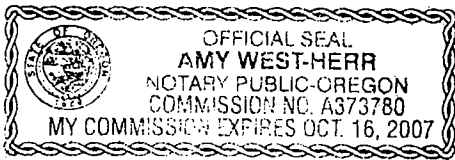
William T. Stich

Linda M. Stich

William and Linda Stich
Map# 17-05-07, TL901
Addr: 25397 Lamb Rd.
Elmira, Oregon 97437
(Pobox 54, Elmira, Or. 97437)

State of Oregon)
County of Lane)^{ss.}

On 9-19-, 2006, personally appeared the above
named William & Linda Stich and
acknowledged the foregoing instrument to be a voluntary act before me:



A West Herr
Notary Public for Oregon
My Commission Expires: 10-16-07

Dennis M. Bergtholdt

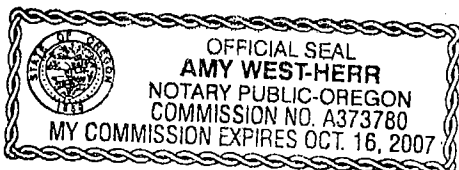
Kathy J. Bergtholdt

Dennis M. and Kathy Bergtholdt and
Emma M. Howard *
Map# 17-05-07, TL900
Addr: 25415 Lamb Rd.
Elmira, Oregon 97437

* Signature on page 11

State of Oregon)
County of Lane)^{ss.}

On 9-14-, 2006, personally appeared the above
named Dennis M. & Kathy Bergtholdt and
acknowledged the foregoing instrument to be a voluntary act before me:



A West Herr
Notary Public for Oregon
My Commission Expires: 10-16-07

Donald C. Opoien Mary K. Opoien

Donald C. and Mary K. Opoien
Map# 17-05-07, TL902
Addr: 25455 Lamb Rd.
Elmira, Oregon 97437

State of Oregon)
County of Lane)^{ss.}

On 9-12-, 2006, personally appeared the above

named Donald C and Mary K. Opoien and
acknowledged the foregoing instrument to be a voluntary act before me:



Amy West-Herr
Notary Public for Oregon
My Commission Expires: 10-16-07

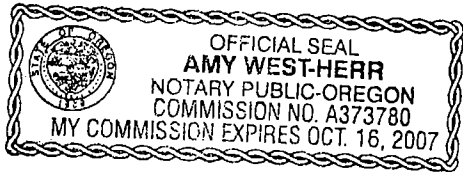
Glenn D. Weatherby Celeste S. Weatherby

Glenn D. and Celeste Weatherby
Map# 17-05-07, TL502
Addr: 25471 Lamb Rd.
Elmira, Oregon 97437

State of Oregon)
County of Lane)^{ss.}

On 9-12-, 2006, personally appeared the above

named Glenn D & Celeste Weatherby and
acknowledged the foregoing instrument to be a voluntary act before me:



Amy West-Herr
Notary Public for Oregon
My Commission Expires: 10-16-07

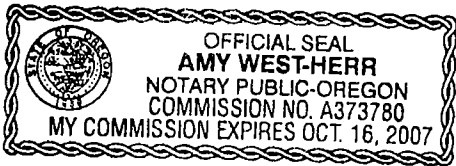
Wesley D Moss

Wesley D. Moss
Map# 17-05-18, TL2501
Addr: 25424 Lamb Rd.
Elmira, Oregon 97437

State of Oregon)
County of Lane)^{ss.}

On 9-12-06, 2006, personally appeared the above

named Wesley D. Moss and
acknowledged the foregoing instrument to be a voluntary act before me:



A West Herr
Notary Public for Oregon
My Commission Expires: 10-16-07

Jack R Finley

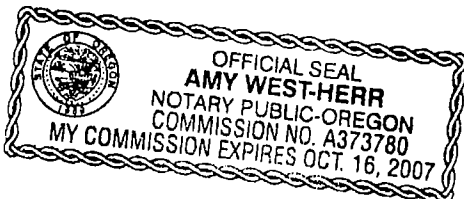
Elizabeth A. Finley

Jack R. and Elizabeth A. Finley
Map# 17-05-18, TL2600
Addr: 25402 Lamb Rd.
Elmira, Oregon 97437

State of Oregon)
County of Lane)^{ss.}

On 9-14, 2006, personally appeared the above

named Jack R & Elizabeth A. Finley and
acknowledged the foregoing instrument to be a voluntary act before me:



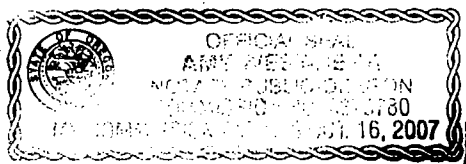
A West Herr
Notary Public for Oregon
My Commission Expires: 10-16-07

Larry Timmons
Larry Timmons
Map# 17-05-18, TL2700
Addr: 25376 Lamb Rd. (Pobox 1423, Veneta, Oregon 97487)
Elmira, Oregon 97437

State of Oregon)
County of Lane) ^{ss.}

On 9-12-, 2006, personally appeared the above

named Larry Timmons and
acknowledged the foregoing instrument to be a voluntary act before me:



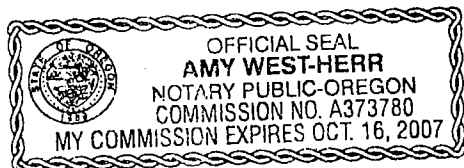
Amy West-Herr
Notary Public for Oregon
My Commission Expires: 10-16-07

Leonard J. and Susan F. George
Leonard J. and Susan F. George
Map# 17-05-18, TL2800
Addr: 25364 Lamb Rd.
Elmira, Oregon 97437

State of Oregon)
County of Lane) ^{ss.}

On 9-12-, 2006, personally appeared the above

named Leonard J. & Susan F. George and
acknowledged the foregoing instrument to be a voluntary act before me:



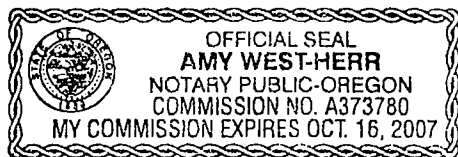
Amy West-Herr
Notary Public for Oregon
My Commission Expires: 10-16-07

John Sayles Brenda Sayles
John and Brenda Sayles
Map# 17-05-18, TL2900
Addr: 25360 Lamb Rd.
Elmira, Oregon 97437

State of Oregon)
County of Lane)^{ss.}

On 9-14, 2006, personally appeared the above
named John and Brenda Sayles and
acknowledged the foregoing instrument to be a voluntary act before me:

Amy West-Herr
Notary Public for Oregon
My Commission Expires: 10-16-07

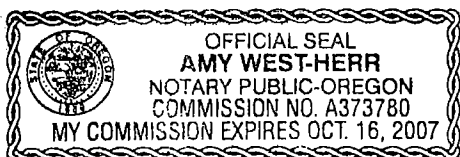


Shari H Good
Shari H. Goodin
Map# 17-05-18, TL3000
Addr: 25302 Lamb Rd.
Elmira, Oregon 97437

State of Oregon)
County of Lane)^{ss.}

On 9-12-, 2006, personally appeared the above
named Shari H. Goodin and
acknowledged the foregoing instrument to be a voluntary act before me:

Amy West-Herr
Notary Public for Oregon
My Commission Expires: 10-16-07

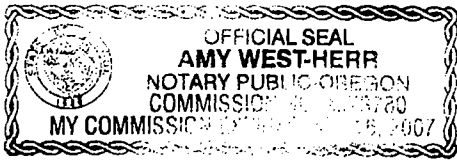


Edward P. Leroy
Edward P. Leroy
Map# 17-05-18, TL3100
Addr: 25282 Lamb Rd. (Pobox 40, Elmira, Or. 97437)
Elmira, Oregon 97437

State of Oregon)
County of Lane)^{ss.}

On 9/12/, 2006, personally appeared the above

named Edward P. Leroy and
acknowledged the foregoing instrument to be a voluntary act before me:



Amy West-Herr
Notary Public for Oregon
My Commission Expires: 10-16-07

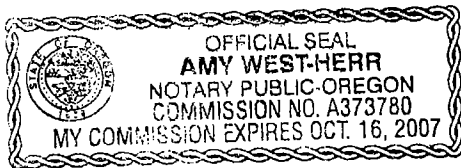
Lonny C. and Tami L. Wold
Lonny C. and Tami L. Wold
Map#17-05-18, TL3200
Addr: 25236 Lamb Rd.
Elmira, Oregon 97437

Tami L. Wold

State of Oregon)
County of Lane)^{ss.}

On 9-12-, 2006, personally appeared the above

named Lonny C. & Tami L. Wold and
acknowledged the foregoing instrument to be a voluntary act before me:



Amy West-Herr
Notary Public for Oregon
My Commission Expires: 10-16-7

Emma M. Howard

Emma M. Howard
Map# 17-05-07, TL900
Addr: 25415 Lamb Rd.
Elmira, Oregon 97437

State of Oregon)
County of Lane)^{ss.}

On September 22, 2006, personally appeared the above

named Emma M. Howard and
acknowledged the foregoing instrument to be a voluntary act before me:

Teresa A. Warrick
Notary Public for Oregon
My Commission Expires: 2-13-07



EXHIBIT "A"

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

FILE NO. 4140

IN THE MATTER OF THE VACATION OF A PORTION)	
OF LAMB ROAD, CO. RD. #517 (ORIGINALLY)	DIRECTOR'S
DEMMING ROAD), LOCATED IN THE SOUTHWEST)	REPORT
QUARTER (SW 1/4) OF SECTION 7, TOWNSHIP 17)	
SOUTH, RANGE 5 WEST OF THE WILLAMETTE)	
MERIDIAN, IN LANE COUNTY, OREGON, WITHOUT A)	
PUBLIC HEARING, AND ADOPTING FINDINGS OF)	
FACT (17-05-07))	
)	

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 Lamb Road, Co. Rd. #517 (originally Demming Road). The primary petitioners, Michael J. Harrison and Felicity J. Van Runkle, are requesting this vacation in order to remove the burden of unused right of way along the southerly line of their property, which will in turn satisfy Lane County Land Use Planning minimum acreage requirements related to their final partition plat approval. The subject portion of right-of-way proposed for vacation is approximately 1872 feet in length with a variable width.

This portion of Lamb Road was originally established as Demming Road, Co. Rd. #517, in 1902 with a width of 40 feet. The original survey began at a point in the present day Territorial Highway (then Co. Rd. #165, now a State Highway) 30 links south of the section line between Sections 7 and 18, Township 17 South, Range 5 West of the Willamette Meridian. It then ran westerly to 0.30 chains westerly of the one quarter (1/4) corner between said sections 7 and 18, with said section line specifically noted as the north line of the road. At said point 0.30 chains westerly of the 1/4 corner the survey jogged 0.30 chains to the north and thenceforth noted said section line between sections 7 and 18 as the center of the road, implying an approximate 20 feet of road width lying to the north of the section line from the 1/4 corner westerly 27.76 chains (1832.2 feet), at which point the course of the survey departed the section line and angled southwestly.

In 1947 an additional 60 feet of roadway was dedicated to the public and labeled "County Road" in the plat of Colonial Park Subdivision (Book 13, Page 11, Lane County, Oregon Plat Records), said road being adjacent to and south of the section line between sections 7 and 18, said section line thus being the northerly margin of this road, now commonly known as Lamb Road. It extended from a point in Territorial Road and ran westerly to approximately the same point at which the original Demming road as described above angled southwestly. Thus, this additional dedication partially overlapped the original Demming Road right of way, but only on the south side of the section line. No portion of this 60 feet of right of way is affected by the proposed vacation.

In 1975 an additional 30 feet of dedication (Reel 765-R, #7546030, LCODR) adjacent to and

EXHIBIT "A"

north of the section line was made, described as the southerly 30.0 feet of the East ½ of the West ½ of the Southeast ¼ of the Southwest ¼ of Section 7. This dedication lies along the southerly boundaries of present day tax lots 1000 and 1002 of Assessor's Map 17-05-07, and is intended to be included as part of this proposed vacation.

In 1976 another dedication (Reel 798-R, #7628032, LCO DR) adjacent to and north of the section line was made, this one being 5 feet wide and 327.59 feet in length along what is the southerly boundary of present day tax lot 900, Assessor's Map 17-05-07. This dedication apparently overlooked the already existing 20 feet of right of way north of the section line that was established as the original Demming Road in 1902, and thus this 5 feet wide dedication underlies that original 20 feet dedication, and is intended to be included as part of this proposed vacation.


A drawing provided by private surveyor Daniel Baker of Baker and Associates shows the full width of the present day traveled way of Lamb Road to be well south of the section line between sections 7 and 18. The proposed vacation will be entirely north of the section line, effectively leaving a full 60 feet of dedicated right of way to the south of the section line.

The Surveyor's Office notified Qwest Communications, Blachly-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 and other nearby landowners regarding the vacation. Qwest Corporation responded 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 other agencies and landowners either had no objection to the vacation or did not respond to the referral.

The vacation of this portion of Lamb 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 Lamb Road will provide for more full utilization of petitioners' property, while adding a marginal portion of land to the tax rolls.

It is therefore recommended that this portion of Lamb 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 5th day of October, 2006


Oliver P. Snowden, Director
Department of Public Works

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

FILE NO. 4140

IN THE MATTER OF THE VACATION OF A PORTION OF)
LAMB ROAD, CO. RD. #517 (ORIGINALLY DEMMING) FINDINGS OF FACT
ROAD), LOCATED IN THE SOUTHWEST QUARTER (SW 1/4))
OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 5 WEST OF)
THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON,)
WITHOUT A PUBLIC HEARING, AND ADOPTING FINDINGS)
OF FACT (17-05-07))

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 Lamb Road, Co. Rd. #517 (originally Demming Road). The primary petitioners, Michael J. Harrison and Felicity J. Van Runkle, are requesting this vacation in order to remove the burden of unused right of way along the southerly line of their property, which will in turn satisfy Lane County Land Use Planning minimum acreage requirements related to their final partition plat approval. The subject portion of right-of-way proposed for vacation is approximately 1872 feet in length with a variable width.

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 1100, 1001, 1000, 1002, 901, 900, 902, and 502 of Assessor's Map 17-05-07 and Tax Lots 2501, 2600, 2700, 2800, 2900, 3000, 3100, and 3200 of Assessor's Map 17-05-18.
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 Lamb Road was originally established as Demming Road, Co. Rd. #517, in 1902 with a width of 40 feet. The original survey began at a point in the present day Territorial Highway (then Co. Rd. #165, now a State Highway) 30 links south of the section line between Sections 7 and 18, Township 17 South, Range 5 West of the Willamette Meridian. It then ran westerly to 0.30 chains westerly of the one quarter ($\frac{1}{4}$) corner between said sections 7 and 18, with said section line specifically noted as the north line of the road. At said point 0.30 chains westerly of the $\frac{1}{4}$ corner the survey jogged 0.30 chains to the north and thenceforth noted said section line between sections 7 and 18 as the center of the road, implying an approximate 20 feet of road width lying to the north of the section line from the $\frac{1}{4}$ corner westerly 27.76 chains (1832.2 feet), at which point the course of the survey departed the section line and angled southwesterly.
4. That, In 1947 an additional 60 feet of roadway was dedicated to the public and labeled "County Road" in the plat of Colonial Park Subdivision (Book 13, Page 11, Lane County, Oregon Plat Records), said road being adjacent to and south of the section line between sections 7 and 18, said section line thus being the northerly margin of this road, now commonly known as Lamb Road. It extended from a point in Territorial Road and ran westerly to approximately the same point at which the original Demming road as described above angled southwesterly. Thus, this additional dedication partially overlapped the original Demming Road right of way, but only on the south side of the section line. No portion of this 60 feet of right of way is affected by the proposed vacation.
5. That, in 1975 an additional 30 feet of dedication (Reel 765-R, #7546030, LCODR) adjacent to and north of the section line was made, described as the southerly 30.0 feet of the East $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 7. This dedication lies along the southerly boundaries of present day tax lots 1000 and 1002 of Assessor's Map 17-05-07, and is intended to be included as part of this proposed vacation.
6. That, in 1976 another dedication (Reel 798-R, #7628032, LCODR) adjacent to and north of the section line was made, this one being 5 feet wide and 327.59 feet in length along what is the southerly boundary of present day tax lot 900, Assessor's Map 17-05-07. This dedication apparently overlooked the already existing 20 feet of right of way north

of the section line that was established as the original Demming Road in 1902, and thus this 5 feet wide dedication underlies that original 20 feet dedication, and is intended to be included as part of this proposed vacation

7. That, a drawing provided by private surveyor Daniel Baker of Baker and Associates shows the full width of the present day traveled way of Lamb Road to be well south of the section line between sections 7 and 18. The proposed vacation will be entirely north of the section line, effectively leaving a full 60 feet of dedicated right of way to the south of the section line.
8. That, Qwest Communications, Blachly-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 and other nearby landowners were notified regarding the vacation. Qwest Corporation responded 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 other agencies and landowners either had no objection to the vacation or did not respond to the referral.
9. That, this vacation will not deny any property legal access to a public road.
10. 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.

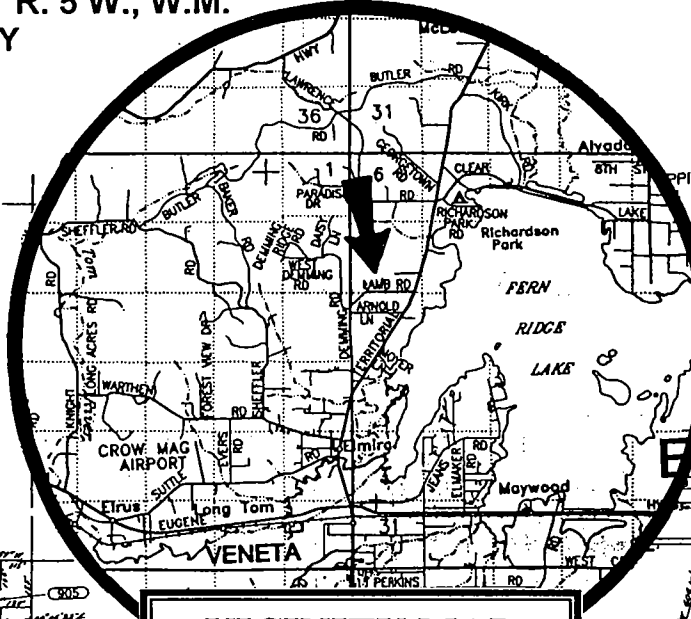
Items (1) and (2) have been complied with.

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.

SW1/4 Section 7, T. 17 S. R. 5 W., W.M.

LANE COUNTY
NO SCALE

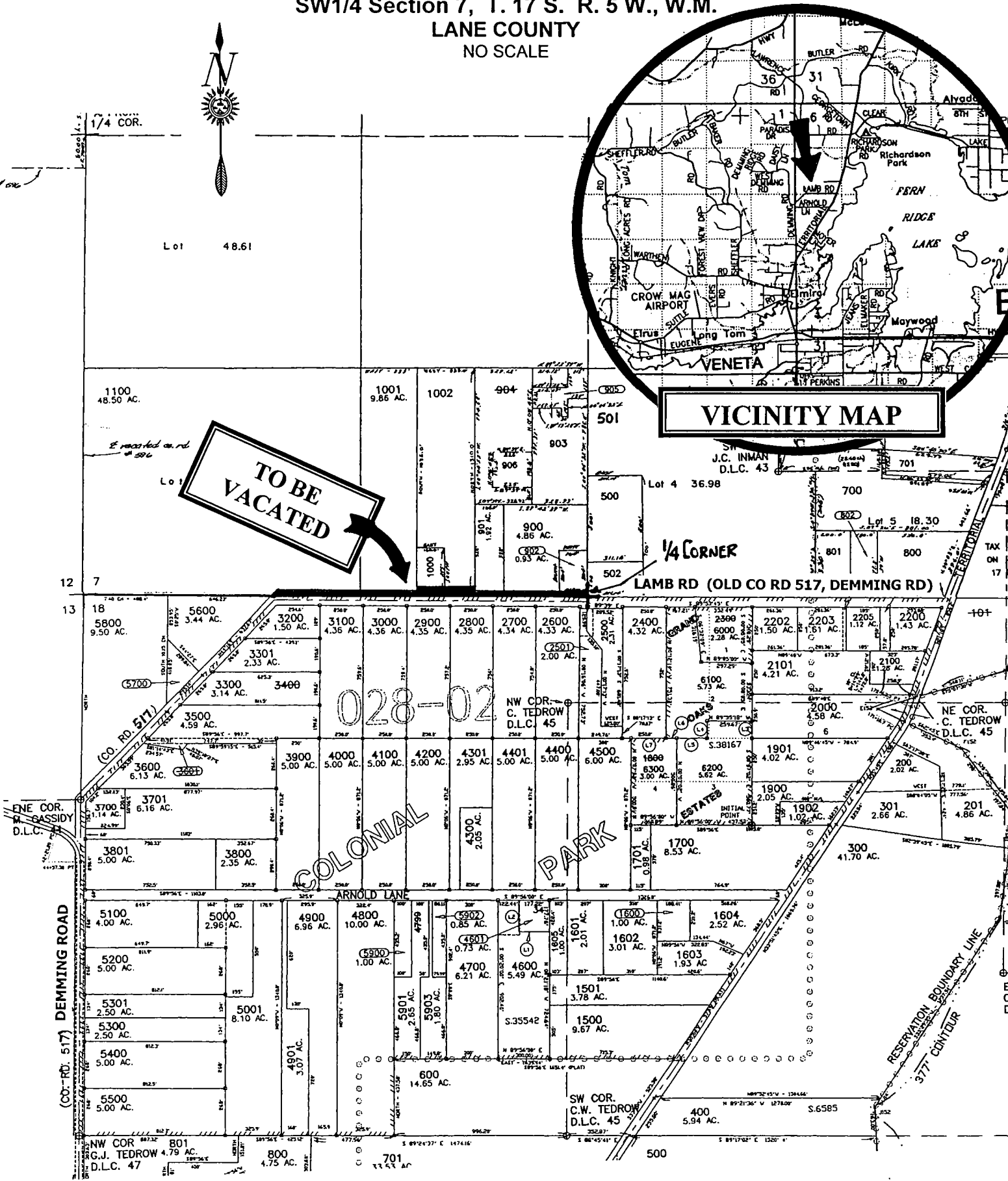


VICINITY MAP

TO BE VACATED

028-02

COLONIAL PARK



(CO. RD. 517) DEMMING ROAD

LAMB RD (OLD CO RD 517, DEMMING RD)

RESERVATION BOUNDARY LINE
377' CONTOUR

NW COR. G.J. TEDROW D.L.C. 47

SW COR. C.W. TEDROW D.L.C. 45

NE COR. C. TEDROW D.L.C. 45

S. U. D. I.