

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 14-01-14-03

IN THE MATTER OF VACATING PORTIONS OF
TWO UNNAMED ROADS IN THE PLAT OF
MEADOWVIEW, AS PLATTED AND RECORDED IN
BOOK 5, PAGE 9, LANE COUNTY, OREGON PLAT
RECORDS, WITHOUT A PUBLIC HEARING
(16-04-20)

WHEREAS, a petition has been received by the Surveyor's Office of the Lane County Department of Public Works requesting, under authority of ORS Chapter 368.341, the vacation of portions of two unnamed public roads in the Plat of Meadowview, as platted and recorded in Book 5, Page 9, Lane County Oregon Plat Records. The areas being more particularly described as follows:

All that portion of the platted 40-foot wide right of way lying east of Green Hill Road and west of Highway 99 and lying south of Lots 4, 22, 21, 27 and 28 and north of Lots 5, 19, 20, 30 and 29 in the Plat of Meadowview as recorded in Book 5, Page 9, Lane County Oregon Plat Records and located in Section 20, Township 16 South, Range 4 West of the Willamette Meridian.

ALSO: All that portion of the platted 40-foot wide right of way running north-south lying between Lots 24, 23, 21 and 20 on the west, and Lots 25, 26, 27 and 30 on the east in the Plat of Meadowview as recorded in Book 5, Page 9, Lane County Oregon Plat Records and located in Section 20, Township 16 South, Range 4 West of the Willamette Meridian.

ALSO: All that portion of the intersection of the two above-mentioned platted roads.

WHEREAS, the petition complies with the provisions of ORS 368.351 in that the petitioners, who are the landowners of 100% of the property abutting the proposed vacation, request 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 Surveyor's Office notified Qwest Communications, Blachley-Lane Electric, Emerald People's Utility District, Northwest Natural Gas; various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and the nearby property owners regarding the vacation and they either had no objection to the vacation or did not respond to the referral; and

WHEREAS, there are no known utilities lying within the area proposed to be vacated; and

WHEREAS, no property will be denied legal access by this vacation; and

WHEREAS, the roads proposed to be vacated are not constructed or open for public travel; and

WHEREAS, the petitioners have paid a vacation fee deposit of \$3,400 and will pay actual costs incurred, including recording fees, upon final approval of the vacation; and

WHEREAS, the Director of Lane County Public Works has provided a staff report marked as Exhibit "B", attached, and made a part of this Order, determining the special benefit to the applicant; and

WHEREAS, the special benefit fee was determined to be \$11,900, and the petitioner has deposited this amount with the Lane County Surveyor; 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, and made a part of 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, the Board of Commissioners of Lane County **ORDERS** as follows:

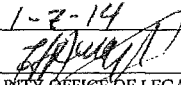
1. The above described portions of unnamed roads in the Plat of Meadowview are hereby VACATED.
2. This Order be filed with the County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration, and be further recorded in the Lane County, Oregon Deed Records.

DATED this 14th day of January, 2014.



Pat Farr, Chair
Lane County Board of Commissioners

Attachment: Vicinity Map

APPROVED AS TO FORM
Date 1-2-14

LANE COUNTY OFFICE OF LEGAL COUNSEL

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

IN THE MATTER OF THE VACATION OF A PORTION)
OF TWO UNNAMED PUBLIC ROADS IN THE PLAT OF MEADOWVIEW,) PETITION TO VACATE
AS PLATTED AND RECORDED IN BOOK 5, PAGE 9, LANE COUNTY,)
OREGON PLAT RECORDS, IN LANE COUNTY, OREGON)

16-04-20-00-00900

16-04-20-00-01000

16-04-20-00-01100

16-04-20-00-01700

16-04-20-00-01800

16-04-20-00-01900

PURSUANT to the procedures set forth in ORS 368, we the undersigned Patrick G Adelman and Janice L Adelman, husband and wife, as owners of the adjacent real property hereby petition for the vacation of a portion of two unnamed County Roads including the intersection of said roads, which area to be vacated is described as follows.

All that portion of an unnamed road between Lot 28 and Lot 29, between Lot 27 and Lot 30, between Lot 20 and Lot 21, between Lot 22 and Lot 19 and between Lot 4 and Lot 5 of the Plat of Meadowview as platted and recorded in Book 5 page 9, Lane County, Oregon Plat Records, in Lane County, Oregon. Said east-west road is 40 feet wide by approximately 1812.8 feet and located in Section 20, Township 16 South, Range 4 West of the Willamette Meridian.

ALSO, all that portion of an unnamed road between Lot 20 and Lot 30, between Lot 21 and Lot 27, between Lot 23 and Lot 26 and between Lot 24 and Lot 25 of the Plat of Meadowview as platted and recorded in Book 5 page 9, Lane County, Oregon Plat Records, in Lane County, Oregon. Said north-south road is 40 ft wide by approximately 1940.7 feet and located in Section 20, Township 16 South, Range 4 West of the Willamette Meridian.

ALSO, all that portion of the intersection of Lot 20, Lot 21, Lot 27 and Lot 30 of the Plat of Meadowview as platted and recorded in Book 5 page 9, Lane County, Oregon Plat Records, in Lane County, Oregon. Said intersection is 40 feet by 40 feet and located in Section 20, Township 16 South, Range 4 West of the Willamette Meridian.

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 , the petitioners allege as follows:

1. The purpose of this petition is to ask the County to vacate the Vacation Area, an unused public right-of-way, to allow for this area to be farmed in an efficient manner.
2. There are no utilities and no power lines located in the area to be vacated.
3. There are no improvements constructed in the Vacation Area

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 not be adversely affected because the roads were not constructed, nor does the public maintain the area or use the area. The area is currently being farmed and has been farmed for many years; and

WHEREAS, the benefit to the public would be eye appealing crops and animals being raised, continued food supply for Lane County , preserving farmland , additional property tax revenue, additional income tax revenue ; and

WHEREAS, the current zoning is EFU 40; and

WHEREAS, the petitioners acknowledge that the filing fee is a deposit and is an estimate of the vacation fee, and that we accept responsibility for full payment of fees associated with the processing of this vacation in accordance with Lane Manual 60.853, regardless of whether this vacation is approved or denied; and

WHEREAS, the Petitioners, have no objection to Lane County proceeding under the authority of ORS Chapter 368.326 for vacation with or without a hearing; and

THEREFORE, the Petitioners request an Order or Resolution from the Board of Commissioners for Lane County as follows:

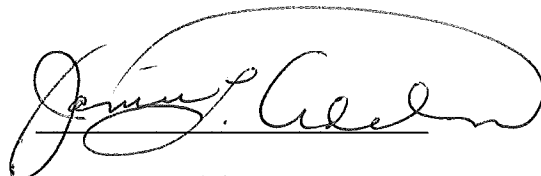
1. Setting dates for vacation of the Vacation Area, with or without a hearing, pursuant to ORS Chapter 368; and
2. Upon review of this matter, directing the vacation of the above-described Vacation Area, and directing that title to the vacated area revert and vest with the owners of land abutting the vacated property in accordance with ORS 368.366(1)(d).

DATED this 22 day of October, 2013

PETITIONERS:



Patrick G. Adelman



Janice L. Adelman

Map # 16-04-20-00- TL 900,1000,1100,1700,1800,1900

30010 Heather Oak Dr.

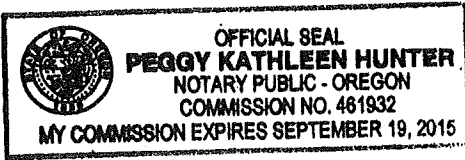
Junction City, OR 97448

STATE OF OREGON)

) ss:

County of Lane)

This instrument was acknowledged before me on the 22 day of October, 2013 by
Patrick G. Adelman and Janice L. Adelman



Peggy Hunter

Notary Public for Oregon

My Commission Expires: Sept. 19, 2015

PETITIONERS:

Map # 16-04-20-00- TL 900,1000,1100,1700,1800,1900

Patrick G. Adelman

30010 Heather Oak Dr.

Junction City, OR 97448

Map # 16-04-20-00- TL 900,1000,1100,1700,1800,1900

Janice L. Adelman

30010 Heather Oak Dr.

Junction City, OR 97448

EXHIBIT "A"

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR'S REPORT

IN THE MATTER OF VACATING PORTIONS OF TWO
UNNAMED ROADS IN THE PLAT OF MEADOWVIEW,
AS PLATTED AND RECORDED IN BOOK 5, PAGE 9,
LANE COUNTY, OREGON PLAT RECORDS,
WITHOUT A PUBLIC HEARING (16-04-20)

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. ORS 368.326 to 368.366 allows a county governing body to vacate a subdivision or part of subdivision, a road or right-of-way, or public interest in property under the jurisdiction of the county, based up the determination that the vacation is "in the public's interest".

The petitioners wish to vacate the platted roads that run through their property so they can preserve a large parcel for efficient farming without violating any zoning regulations.

The roads proposed to be vacated were dedicated to the public in 1912 on the Plat of Meadowview as recorded in Book 5, Page 9, Lane County, Oregon Plat Records. There is no evidence the roadways have ever been constructed or open for public travel. The area has been known to have been farmed for over 50 years.

The Surveyor's Office notified Qwest Communications, Blachly-Lane Electric, Emerald People's Utility District, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and the adjoining and nearby property owners regarding the vacation. Lane County Planning and Lane County Transportation Planning expressed concerns about the possibility of one of the tax lots being sold to another party and not having access to a public road. The landowners have agreed to consolidate two tax lots so each tax lot will have access to public road. The other agencies and landowners either had no objection to the vacation or did not respond to the referral.

A written report is provided, marked as Exhibit "B", determining the special benefit of the vacation to the applicant pursuant to Lane Manual 60.853(3). The petitioners have deposited the determined amount with the Lane County Surveyor.

The platted roads are not needed by the Lane County Transportation System and no property will be denied legal access as a result of this vacation. It is concluded the vacation of these roads are in the public's interest, as it will allow for owners to retain a large parcel for farming with crops and animals being raised to provide a continued food supply for the community. It is therefore recommended the portions of the unnamed public roads that were dedicated to the public on the Plat of Meadowview and as described in the Order, be vacated. It is further recommended the vacation be allowed without a public hearing.

DATED this 30 day of December 2013.



Marsha Miller, Public Works Director
Department of Public Works

EXHIBIT "B"

Map: 16-04-20-00, TL's 900, 1000, 1100, 1700, 1800 & 1900

LANE COUNTY

Notification of Determination of Amount of Special
Benefit Deposit in Connection with Proposed Vacation
of Right of Way Pursuant to Lane Manual 60.853

Pursuant to the provisions of Lane Manual 60.853, my determination of the amount of "Special Benefit" and therefore the amount of deposit required in connection with the proposed vacation of public road rights of way as shown in Book 5, Page 9, Lane County, Oregon Plat Records, is **\$11,900.00**.

My determination is based on a Staff Report and recommendation, a copy of which is attached hereto.

Dated this 14 day of NOVEMBER, 2013.

Howard Schussler
FOR Marsha A. Miller, Director
Lane County Public Works

EXHIBIT "B"

STAFF REPORT

Recommendation in the Matter of Determination of Special Benefit
in Connection with a Proposed Vacation of Public Right of Way

Date: October 30, 2013

Applicant: Adelman, Patrick & Janice

Proposed Vacation:

Rights of way as shown on Plat of Meadowview, Lane County, OR, as platted and recorded in Book 5, Page 9, Lane County, Oregon Plat Records, in Lane County, Oregon and as shown in the legal description marked as "Exhibit A".

Tax Lots Adjacent to Proposed Vacation:

Lane County Map #16-04-20-00, Tax Lots 00900, 01000, 01100, 01700, 01800 & 01900

Nature of Benefit to be Received if Proposed Vacation is Approved:

The Petition to Vacate, submitted by Patrick G. and Janice L. Adelman, indicates the adjoining tax lots are and have been farmed for many years. Applicants further state that the intent of the vacation is to continue to provide "eye-appealing crops and animals being raised, continued food supply for Lane County, preserving farmland, additional property tax revenue, and additional income tax revenue." The vacation will provide full fee ownership of the areas to be vacated and assure that public roads will not physically encumber productive farm land.

The roads to be vacated are located in the 1912 plat of Meadowview. (See attached Exhibit "B") The plat contains generally 5-acre parcels and is bisected in a north-south direction by State Highway 99 and an operational section of railway. The area is located just over 3 miles south of Junction City. Properties to the east of Highway 99 were recently incorporated into the Junction City Urban Growth Boundary (U.G.B.); in large part due to current construction of an Oregon Department of Corrections hospital located south of E. Milliron Road and east of Highway 99. This facility is located immediately across the highway from the petitioned tax lots.

The six parcels subject to the proposed vacation are presently zoned E-40 (Exclusive Farm Use-40 acre minimum) and range in size from 4.54 to 37.99 acres. Tax Lots 1100 (10.54-acres) and 1700 (16.28 acres), border the west side of Highway 99 and the Junction City U.G.B. Lane County records indicate the applicants are the fee owners of the six tax lots and the total area under this ownership is approximately 92.68 acres.

Value Indication of Properties to be Benefited:

Development along the immediate highway frontage in the area south of Junction City consists of small commercial operations and small rural residential sites improved with average quality frame-constructed homes, as well as manufactured housing. Larger parcels to the east and west of these developments are generally used for farming practices and industrial uses such as lumber production, although a scattering of smaller rural residential sites is interspersed throughout the area. Lot sizes vary from as small a 1/2 acre to more than 320 acres.

The total land area of the streets proposed for Vacation is approximately 3.48 acres. The entirety of the area to be vacated lies within Lane County's E-40 zoning designation. The appraiser located four recent sales of farm parcels in the area south of Junction City and west of the Eugene city limits. Two sales of larger properties (152 and 161 acres) both sold in 2012 and at per-acre values ranging from \$2,090 to \$2,330 per acre. Both properties are zoned E-40, however both also involved some hillside

EXHIBIT "B"

and non-farmable areas. Due to larger size and topography differences, these sales were considered to demonstrate the lower limits of per-acre values for this property class. Two additional E-40 zoned sales, ranging from 28.82 to 58.55 acres were located in the Territorial Road and Highway 36 areas. These parcels are also zoned E-40, are located in the subject area and possess similar level topographies. Per-acre values for these sales ranged from \$4,270 to \$5,378. As these sales are smaller than the subject properties, the unit values demonstrated by the smaller acreages are considered to represent the upper limits of the value range. Based on this data, a reconciled unit (per-acre) value of \$3,800 is considered reasonable.

Summary and Recommendation of Special Benefit:

The proposed vacation removes the public interest from 2 platted roads in which the County retains an approximate 90% interest. Based on an "over the fence" estimate of the value of the adjacent land under a highest and best use premise of the adjoining land continuing as farm use, the "special benefit" to the adjoining parcels, subject to approval of the Vacation, is estimated as follows: 3.48 acres @ \$3,800/acre X 90% of fee = \$11,900 (r).



Doug Freeman
Sr. Real Property Officer
Lane County Public Works

Aerial of subject property and estimated areas to be vacated



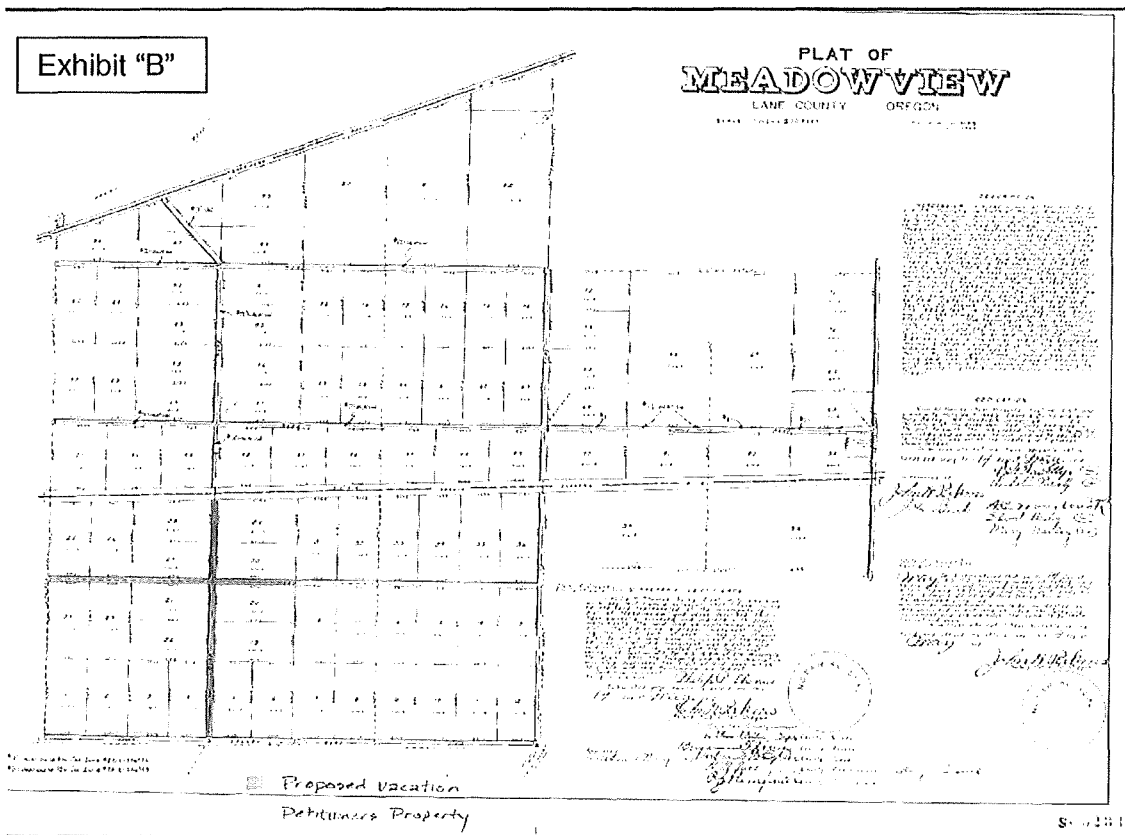
EXHIBIT "B"

Staff Report
Exhibit "A"

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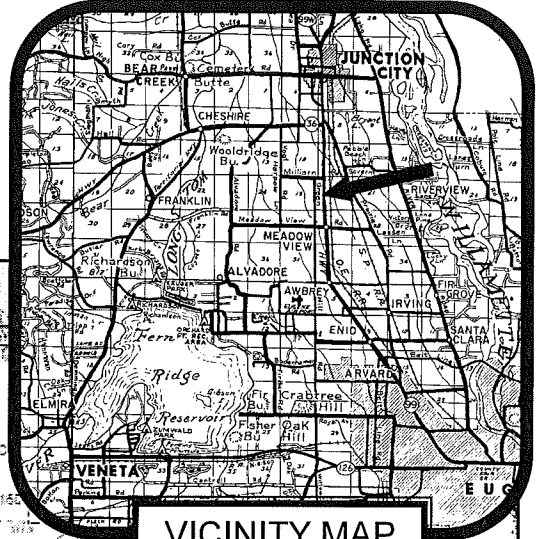


Proposed Vacation of Unnamed Roads

NW 1/4 & SW 1/4 Section 20 T. 16 S. R. 4 W. W.M.
Lane County



NO SCALE



VICINITY MAP

