

W. 9.14.

ORIGINAL

AGENDA COVER MEMO

DATE: June 27, 2003
TO: Lane County Board of Commissioners
FROM: William D. Robinson, Interim Lane County Surveyor *WOR*
DEPARTMENT: Public Works/Land Management Division

AGENDA ITEM TITLE: IN THE MATTER OF VACATING A PORTION OF THE EXTERIOR BOUNDARY LINE OF NORTH BANK PARK, AS PLATTED AND RECORDED IN BOOK 64, PAGE 24, LANE COUNTY, OREGON PLAT RECORDS, WITHOUT A PUBLIC HEARING, AND ADOPTING FINDINGS OF FACT (16-55-13)

I. MOTION:

TO APPROVE THE ORDER IN THE MATTER VACATING A PORTION OF THE EXTERIOR BOUNDARY LINE OF NORTH BANK PARK, AS PLATTED AND RECORDED IN BOOK 64, PAGE 24, LANE COUNTY, OREGON PLAT RECORDS, WITHOUT A PUBLIC HEARING, AND ADOPTING FINDINGS OF FACT (16-55-13)

II. ISSUE:

To decide whether to vacate the northerly exterior boundary lines of Lot 4, Block 1; Lots 1, 2, and 3, Block 2; and Lot 2, Block 3, of North Bank Park, as petitioned for.

III. DISCUSSION:

A. Background:

The Surveyor's Office of the Department of Public Works has received a valid petition signed by Galen L. and Charlene Phipps, Willis L. and Gloria J. Obenshain, Eugene A. Skrine and Valerie A. Rapp, Dale O. Jr. and Kathleen R. Turnley, Ronald Michael England and Russell Howard England, owners of 100% of the property abutting the proposed vacation, requesting, by the authority of ORS 368.351, a vacation without a public hearing.

North Bank Park was platted in 1973 and recorded in Book 64, Page 24 of the Lane County, Oregon Plat Records. The petitioners have completed a property line adjustment with the landowner on the north and their property lines are now approximately 80 feet northerly of the original plat line. The purpose of this request is to vacate a portion of the original exterior plat boundary that no longer serves as a property boundary for the petitioners. In addition, the petitioners will replat a part of North Bank Park to reflect the new property boundaries.

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 neighboring landowners were contacted regarding the vacation and either had no objection or did not reply to the referral.

B. Analysis:

The public interest will be served, as vacating the described portion of the northerly exterior boundary line will allow the petitioners to reconfigure their lots to reflect the property line adjustments that have been completed and recorded in the Lane County Oregon Deed Records on Instrument Number 2003-020125. Vacating the described portions of the exterior boundary line will satisfy a requirement set by Lane County Planning section of the Land Management Division for the approval of a Minor Amendment, which includes the replat of a part of North Bank Park.

There are no known utilities affected by the proposed vacation, and no property will be denied legal access to a public road as a result of these proceedings.

The petitioners have met the requirements of ORS 368.351(2), as the petition to vacate contains the acknowledged signatures of 100% of the adjoining landowners.

C. Alternatives/Options:

The Board of County Commissioners has the options to:

1. Approve the vacation of portions of the exterior boundary line of North Bank Park.
2. Deny the vacation of portions of the exterior boundary line of North Bank Park.
3. Continue the matter for further consideration.

D. Recommendations:

The Public Works Director's Report recommends that the Board support Option Number 1, approving the vacation of portions of the exterior boundary line as petitioned for. The vacation will satisfy certain land development requirements set by the Planning section of Land Management Division of the Lane County Public Works Department for the approval of a minor amendment, which includes the replat of a part of North Bank Park. No property will be denied legal access by this proposed vacation.

All statutory procedures necessary for the vacation without a public hearing of the above mentioned exterior boundary line of North Bank Park have been complied with, including a report by the Director of Public Works.

E. Timing:

Timing is important in this matter. It is recommended that the described portion of the exterior boundary line of North Bank Park be vacated prior to the approval of a pending Minor Amendment.

IV. IMPLEMENTATION/FOLLOW-UP:

If the Board of County Commissioners approves the Order of Vacation 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 vacation is denied, an Order to Deny the Vacation will be presented to the Board at a later regularly scheduled meeting.

V. ATTACHMENTS:

Order w/attachments:

- Petition
- Director's Report - Exhibit "A"
- Findings of Fact - Exhibit "B"
- Attachment "A" - Vicinity Map

Contact Person: Bill Robinson x-4198

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

FILE NO. 4100

IN THE MATTER OF VACATING A PORTION OF)
THE EXTERIOR BOUNDARY LINE OF NORTH)
BANK PARK, AS PLATTED AND RECORDED IN)
BOOK 64, PAGE 24, LANE COUNTY, OREGON)
PLAT RECORDS, WITHOUT A PUBLIC HEARING,)
AND ADOPTING FINDINGS OF FACT (16-55-13))

ORDER NO.

WHEREAS, this matter now coming before the Board upon a petition received by the County Surveyor's Office of the Lane County Department of Public Works requesting, under authority of ORS Chapter 368.326 and 368.341, the vacation of a portion of the northerly exterior boundary line North Bank Park. Said portion of the exterior line being described as follows:

The north lines of Lot 4, Block 1; Lots 1, 2 and 3, Block 2; and Lot 2, Block 3, North Bank Park, as platted and recorded in Book 64, Page 24, Lane County, Oregon Plat Records.

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, agree that the vacation should be approved as proposed; and

WHEREAS, ORS Chapter 368.351 provides for the vacation of property without a public hearing; 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 neighboring landowners were contacted regarding the vacation and either had no objection or did not reply to the referral; and

WHEREAS, there are no known utilities within the proposed vacation and no property will be denied legal access by this vacation; and

WHEREAS, vacating the described portions of the exterior boundary line will satisfy a requirement set by Planning section of the Lane County Land Management Division for the approval of a Minor Amendment, which includes the replat of a part of North Bank Park; and

WHEREAS, it is concluded that the public interest will be served, as vacating the described portion of the northerly exterior boundary line will allow the petitioners to reconfigure the lots of North Bank Park to coincide with the property line adjustments that have been completed and recorded in the Lane County Oregon Deed Records on Instrument Number 2003-020125; and

WHEREAS, the petitioners have paid a vacation fee of \$650 and will pay recording fees upon final approval of the 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 portion of the northerly exterior boundary line of North Bank Park, as described above, is hereby 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 _____, 2003

Peter Sorenson, Chair
LANE COUNTY BOARD OF COMMISSIONERS

Attachment: Vicinity Map (Attachment "A")

APPROVED AS TO FORM

Date 7-7-03 lane county

OFFICE OF LEGAL COUNSEL

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

File No. _____

IN THE MATTER OF THE VACATION OF A PORTION)
 OF THE NORTH LINE OF THE PLAT OF NORTH BANK) PETITION TO VACATE
 PARK IN SECTION 13, TOWNSHIP 16 SOUTH, RANGE 5)
 EAST OF THE WILLAMETTE MERIDIAN)

PURSUANT to the procedures set forth in ORS Chapter 368, we the undersigned Galen L. Phipps and Charlene Phipps, as tenants by the entirety; Eugene A. Skrine and Valerie A. Rapp, tenants by the entirety; Willis L. Obenshain and Gloria J. Obenshain as tenants by the entirety; Ronald Michael England and Russell Howard England, as tenants in common; and Dale O. Turnley, Jr. and Kathleen R. Turnley, as tenants by the entirety as owners of the adjacent real property hereby petition for the vacation of a portion of the north line of the plat of North Bank Park being described as follows:

The north lines of Lot 2, Block 3; Block 2; and Lot 4, Block 1 North Bank Park as platted and recorded in Book 64 of plats, Page 24 records of Lane County, Oregon.

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

WHEREAS, petitioners allege as follows:

1. The purpose of this vacation is to vacate a portion of the north line of North Bank Park so that a property line adjustment can be done with property lying north of the above mentioned North Bank Park.
2. There are no utilities, or powerlines located in the area to be vacated and their disposition will be as follows:

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 North Bank Park with or without a hearing before the Board of Commissioners for Lane County pursuant to ORS Chapter 368
2. Upon review of this matter to direct the vacation of the above described portion of the north line of North Bank Park.

DATED this 28th day of April, 2003.

PETITIONERS:

Galen L. Phipps and Charlene Phipps

Willis L. Obenshain and Gloria J. Obenshain

Galen L. Phipps

Charlene Phipps

MAP NO. 16-55-13-00 T.L.113
56759 North Bank Rd.
McKenzie Bridge, OR 97413

MAP NO. 16-55-13-00 T.L.111
56851 North Bank Rd.
McKenzie Bridge, OR 97413

Eugene A. Skrine and Valerie A. Rapp

Ronald Michael England

MAP NO. 16-55-13-00 T.L.112
1331 SE 160th. Place
Portland, OR 97233

MAP NO. 16-55-13-00 T.L.110
16728 Knollwood Drive
Granada Hill, CA 91344

Russell Howard England

MAP NO. 16-55-13-00 T.L.110
1 Hacienda Rd.
Bell Canyon, CA 91307

Dale O. Turnley, Jr. and Kathleen R. Turnley

MAP NO. 16-55-13-00 DETAIL T.L.106
310 S. Jefferson Apt. 9D
Placentia, CA 92870

State of Oregon)
)ss
County of Lane)

On the 28 day of April, 2003, before me appeared Galen L. Phipps and Charlene Phipps personally known to me to be the identical persons who executed the above freely and voluntarily.

In witness whereof I have hereto set my hand and affixed my signature the date last above written.



Lynn Bronson

Notary Public for Oregon
Commission No. 354881 2/18/06
My commission

expires: _____
State of Oregon)
)ss
County of Lane)

On the ____ day of _____, 2003, before me appeared Willis L. Obenshain and Gloria J. Obenshain personally known to me to be the identical persons who executed the above freely and voluntarily.

In witness whereof I have hereto set my hand and affixed my signature the date last above written.

Notary Public for Oregon
Commission No. _____
My commission expires: _____

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 North Bank Park with or without a hearing before the Board of Commissioners for Lane County pursuant to ORS Chapter 368
2. Upon review of this matter to direct the vacation of the above described portion of the north line of North Bank Park.

DATED this 28 day of April, 2003.

PETITIONERS:

Galen L. Phipps and Charlene Phipps

-

-

MAP NO. 16-55-13-00 T.L.113
56759 North Bank Rd.
McKenzie Bridge, OR 97413

Eugene A. Skrine and Valerie A. Rapp

MAP NO. 16-55-13-00 T.L.112
1331 SE 160th. Place
Portland, OR 97233

Willis L. Obenshain and Gloria J. Obenshain

x Willis L. Obenshain

x Gloria J. Obenshain

MAP NO. 16-55-13-00 T.L.111
56851 North Bank Rd.
McKenzie Bridge, OR 97413

Ronald Michael England

MAP NO. 16-55-13-00 T.L.110
16728 Knollwood Drive
Granada Hill, CA 91344

Russell Howard England

MAP NO. 16-55-13-00 T.L.110
1 Hacienda Rd.
Bell Canyon, CA 91307

Dale O. Turnley, Jr. and Kathleen R. Turnley

MAP NO. 16-55-13-00 DETAIL T.L.106
310 S. Jefferson Apt. 9D
Placentia, CA 92870

State of Oregon)
)ss
County of Lane)

On the ____ day of _____, 2003, before me appeared Galen L. Phipps and Charlene Phipps personally known to me to be the identical persons who executed the above freely and voluntarily.

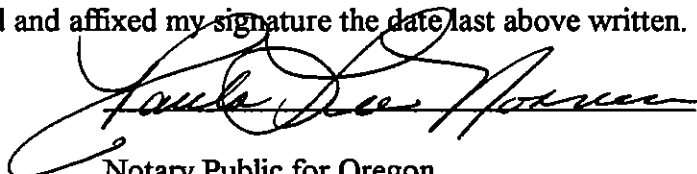
In witness whereof I have hereto set my hand and affixed my signature the date last above written.

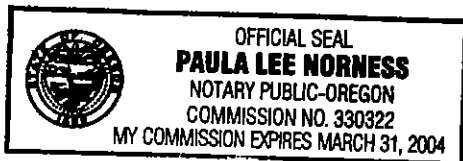
Notary Public for Oregon
Commission No. _____
My commission

expires: _____
State of Oregon)
)ss
County of Lane)

On the 20th day of April, 2003, before me appeared Willis L. Obenshain and Gloria J. Obenshain personally known to me to be the identical persons who executed the above freely and voluntarily.

In witness whereof I have hereto set my hand and affixed my signature the date last above written.


Notary Public for Oregon
Commission No. 330322
My commission expires: 3/21/04



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 North Bank Park with or without a hearing before the Board of Commissioners for Lane County pursuant to ORS Chapter 368
2. Upon review of this matter to direct the vacation of the above described portion of the north line of North Bank Park.

DATED this 29th day of April, 2003.

PETITIONERS:

Galen L. Phipps and Charlene Phipps

Willis L. Obenshain and Gloria J. Obenshain

MAP NO. 16-55-13-00 T.L.113
56759 North Bank Rd.
McKenzie Bridge, OR 97413

MAP NO. 16-55-13-00 T.L.111
56851 North Bank Rd.
McKenzie Bridge, OR 97413

Eugene A. Skrine and Valerie A. Rapp

Ronald Michael England

Ronald Michael England

MAP NO. 16-55-13-00 T.L.110
16728 Knollwood Drive
Granada Hill, CA 91344

MAP NO. 16-55-13-00 T.L.112
1331 SE 160th. Place
Portland, OR 97233

Russell Howard England

MAP NO. 16-55-13-00 T.L.110
1 Hacienda Rd.
Bell Canyon, CA 91307

State of Oregon)
)ss
County of Lane)

On the ___ day of _____, 2003, before me appeared Eugene A. Skrine personally known to me to be the identical person who executed the above freely and voluntarily.

In witness whereof I have hereto set my hand and affixed my signature the date last above written.

Notary Public for Oregon
Commission No. _____
My commission expires: _____

State of Oregon)
)ss
County of Lane)

On the ___ day of _____, 2003, before me appeared Valerie A. Rapp personally known to me to be the identical person who executed the above freely and voluntarily.

In witness whereof I have hereto set my hand and affixed my signature the date last above written.

Notary Public for Oregon
Commission No. _____
My commission expires: _____

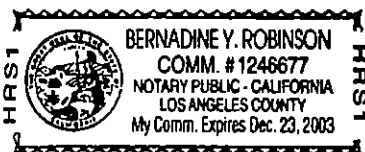
State of California)
)ss
County of LOS ANGELES)

On the 29th day of APRIL, 2003, before me appeared Ronald Michael England personally known to me to be the identical person who executed the above freely and voluntarily.

In witness whereof I have hereto set my hand and affixed my signature the date last above written.

Bernadine Y. Robinson

Notary Public for California
Commission No. 1246677
My commission expires: December 23, 2003



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 North Bank Park with or without a hearing before the Board of Commissioners for Lane County pursuant to ORS Chapter 368
2. Upon review of this matter to direct the vacation of the above described portion of the north line of North Bank Park.

DATED this 2ND day of May, 2003.

PETITIONERS:

Galen L. Phipps and Charlene Phipps

Willis L. Obenshain and Gloria J. Obenshain

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MAP NO. 16-55-13-00 T.L.113
56759 North Bank Rd.
McKenzie Bridge, OR 97413

MAP NO. 16-55-13-00 T.L.111
56851 North Bank Rd.
McKenzie Bridge, OR 97413

Eugene A. Skrine and Valerie A. Rapp

Ronald Michael England

MAP NO. 16-55-13-00 T.L.110
16728 Knollwood Drive
Granada Hill, CA 91344

MAP NO. 16-55-13-00 T.L.112
1331 SE 160th. Place
Portland, OR 97233

Russell Howard England

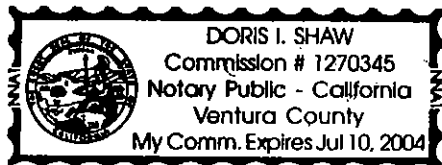


MAP NO. 16-55-13-00 T.L.110
1 Hacienda Rd.
Bell Canyon, CA 91307

State of California)
)ss
County of VENTURA)

On the 2ND day of MAY, 2003, before me appeared Russell Howard England personally known to me to be the identical person who executed the above freely and voluntarily.

In witness whereof I have hereto set my hand and affixed my signature the date last above written.



Doris I. Shaw

Notary Public for California
Commission No. 1270345
My commission expires: Jul 10, 2004

State of California)
)ss
County of _____)

On the _____ day of _____, 2003, before me appeared Dale O. Turnley, Jr. and Kathleen R. Turnley personally known to me to be the identical persons who executed the above freely and voluntarily.

In witness whereof I have hereto set my hand and affixed my signature the date last above written.

Notary Public for California
Commission No. _____
My commission expires: _____

Dale O. Turnley, Jr. and Kathleen R. Turnley

Dale O. Turnley, Jr.
Kathleen R. Turnley

MAP NO. 16-55-13-00 DETAIL T.L.106
310 S. Jefferson Apt. 9D
Placentia, CA 92870

State of Oregon)
)ss
County of Lane)

On the ____ day of _____, 2003, before me appeared Galen L. Phipps and Charlene Phipps personally known to me to be the identical persons who executed the above freely and voluntarily.

In witness whereof I have hereto set my hand and affixed my signature the date last above written.

Notary Public for Oregon
Commission No. _____
My commission

expires: _____
State of Oregon)
)ss
County of Lane)

On the ____ day of _____, 2003, before me appeared Willis L. Obenshain and Gloria J. Obenshain personally known to me to be the identical persons who executed the above freely and voluntarily.

In witness whereof I have hereto set my hand and affixed my signature the date last above written.

Notary Public for Oregon
Commission No. _____
My commission expires: _____

State of California)
)ss
County of _____)

On the _____ day of MAY, 2003, before me appeared Russell Howard England personally known to me to be the identical person who executed the above freely and voluntarily.

In witness whereof I have hereto set my hand and affixed my signature the date last above written.

Notary Public for California
Commission No. _____
My commission expires: _____

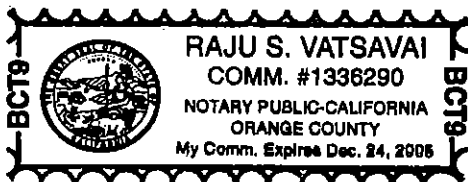
State of California)
)ss
County of ORANGE)

On the 3RD day of MAY, 2003, before me appeared Dale O. Turnley, Jr. and Kathleen R. Turnley personally known to me to be the identical persons who executed the above freely and voluntarily.

In witness whereof I have hereto set my hand and affixed my signature the date last above written.

Raju S. Vatsavai

Notary Public for California
Commission No. 1336290
My commission expires: DEC 24, 2005



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 North Bank Park with or without a hearing before the Board of Commissioners for Lane County pursuant to ORS Chapter 368
2. Upon review of this matter to direct the vacation of the above described portion of the north line of North Bank Park.

DATED this 8th day of May, 2003.

PETITIONERS:

Galen L. Phipps and Charlene Phipps

Willis L. Obenshain and Gloria J. Obenshain

-

-

MAP NO. 16-55-13-00 T.L.113
56759 North Bank Rd.
McKenzie Bridge, OR 97413

MAP NO. 16-55-13-00 T.L.111
56851 North Bank Rd.
McKenzie Bridge, OR 97413

Eugene A. Skrine and Valerie A. Rapp

Ronald Michael England

Eugene A. Skrine

Valerie A. Rapp

MAP NO. 16-55-13-00 T.L.110
16728 Knollwood Drive
Granada Hill, CA 91344

MAP NO. 16-55-13-00 T.L.112
1331 SE 160th. Place
Portland, OR 97233

Russell Howard England

MAP NO. 16-55-13-00 T.L.110
1 Hacienda Rd.
Bell Canyon, CA 91307

State of Oregon)
)
 multnomah)SS
County of Lane)

On the 8th day of May, 2003, before me appeared Eugene A. Skrine personally known to me to be the identical person who executed the above freely and voluntarily.

In witness whereof I have hereto set my hand and affixed my signature the date last above written.

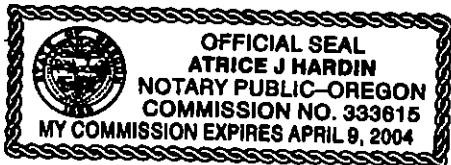


Atrice J. Hardin
Notary Public for Oregon
Commission No. 333615
My commission expires: April 9th 2004

State of Oregon)
)
 multnomah)SS
County of Lane)

On the 8th day of May, 2003, before me appeared Valerie A. Rapp personally known to me to be the identical person who executed the above freely and voluntarily.

In witness whereof I have hereto set my hand and affixed my signature the date last above written.



Atrice J. Hardin
Notary Public for Oregon
Commission No. 333615
My commission expires: April 9th 2004

State of California)
)
)SS
County of _____)

On the _____ day of _____, 2003, before me appeared Ronald Michael England personally known to me to be the identical person who executed the above freely and voluntarily.

In witness whereof I have hereto set my hand and affixed my signature the date last above written.

Notary Public for California
Commission No. _____
My commission expires: _____

EXHIBIT "A"

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

FILE NO. 4100

IN THE MATTER OF VACATING A PORTION OF)	
THE EXTERIOR BOUNDARY LINE OF NORTH)	
BANK PARK, AS PLATTED AND RECORDED)	
IN BOOK 64, PAGE 24, LANE COUNTY, OREGON)	DIRECTOR'S REPORT
PLAT RECORDS, WITHOUT A PUBLIC HEARING,)	
AND ADOPTING FINDINGS OF FACT (16-55-13))	

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.

North Bank Park was platted in 1973 and recorded in Book 64, Page 24, Lane County, Oregon Plat Records. The petitioners have completed a property line adjustment with the landowner on the north, and their property lines are now approximately 80 feet north of the original plat line. The purpose of this request is to vacate a portion of the original exterior plat boundary that no longer serves as a property boundary for the petitioners. Simultaneously to the vacation proceedings, the petitioners are replatting a part of North Bank Park to reflect the new property boundaries.

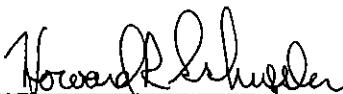
Qwest Communications, Lane Electric Cooperative, Northwest Natural Gas, various other agencies including Transportation Planning and Lane County Planning sections of the Lane County Department of Public Works, and neighboring landowners were contacted regarding the vacation and either had no objection or did not reply to the referral.

There are no known utilities affected by the proposed vacation, and no property will be denied legal access to their property as a result of these proceedings.

It is concluded that it is in the public's interest to vacate the subject portion of the northerly exterior boundary line of North Bank Park, as the proposed vacation will satisfy a requirement set by Lane County Planning section of the Land Management Division for the approval of a Minor Amendment which will include a Replat of a part of North Bank Park. It is therefore recommended that the portion of the northerly exterior boundary line of North Bank Park, 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 7 day of July, 2003.



 for Oliver P. Snowden, Director - Department of Public Works

EXHIBIT "B"

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

FILE NO. 4100

**IN THE MATTER OF VACATING A PORTION OF)
THE EXTERIOR BOUNDARY LINE OF NORTH)
BANK PARK, AS PLATTED AND RECORDED)
IN BOOK 64, PAGE 24, LANE COUNTY OREGON) **FINDINGS OF FACT**
PLAT RECORDS, WITHOUT A PUBLIC HEARING,)
AND ADOPTING FINDINGS OF FACT (16-55-13))**

The Department of Public Works has received a valid petition, signed by 100% of the property owners abutting the proposed vacation, requesting that a portion of the northerly exterior boundary line of North Bank Park, as described in the Order, be vacated as petitioned for. The petitioners are requesting the vacation in order to comply with land development provisions set by Lane County Planning section for a Minor Amendment which will include the replat of a part of North Bank Park. The replat will reconfigure the lots to coincide with a property line adjustment that has recently been completed and recorded in Lane County Oregon Deed Records on Instrument Number 2003-020125.

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 a subdivision, or part of a subdivision, 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 lot lines.

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 petitioners own all the property abutting the proposed vacation. Said property is further identified as Tax Lot 110, 111, 112, and 113 of Assessor's Map 16-55-13 and Tax Lot 106 of Assessor's Map 16-55-13 Detail 1.
2. That, pursuant to ORS 368.326 to 368.366, a county governing body may vacate a subdivision, or part of a subdivision, based upon the determination that the vacation is "in the public interest."
3. That, Qwest Communications, Lane Electric Cooperative, Northwest Natural Gas, and various other agencies including Transportation Planning and Lane County Planning programs of the Lane County Department of Public Works were contacted regarding the vacation of the lot line and either had no objection or did not reply to the referral.
4. That, the proposed vacation will satisfy certain requirements set by Lane County Planning program for a Minor Amendment which will include the replat of a part of North Bank Park.
5. That, there are no known utilities affected by the proposed vacation.
6. That, vacating a portion of the northerly exterior lot line of North Bank Park, as described in the Order, will not deny any property owners legal access to a public road.
7. 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.

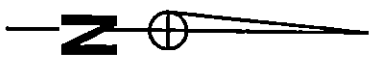
Conclusions of Law (Impacts and Process of Vacation)

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.

ATTACHMENT "A"

NE 1/4 Section 13 T. 16S. R. 5 E. W.M.
LANE COUNTY

NOT TO
SCALE



LOT LINES PROPOSED
TO BE VACATED

