

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

RESOLUTION AND
ORDER NO. 15-04-21-11

IN THE MATTER OF SETTING A PUBLIC HEARING
FOR THE PROPOSED VACATION OF A PORTION
OF IRVING ROAD (COUNTY ROAD NO. 2254)
(17-04-10-31)

WHEREAS, the Surveyor's Office of the Department of Public Works has received a request from Lane County Engineering & Construction Services Division for the vacation of a portion of right of way along Irving Road (Co. Rd. 2254), and it appearing that the subject right of way is no longer needed as part of Lane County's public road system; and

WHEREAS, the subject portion of right of way along Irving Road proposed for vacation is of variable width, located westerly of the intersection of Irving Road and NW Expressway outside Eugene city limits, and was acquired by Lane County through condemnation of a 6.55 acre parcel, 0.80 acre of which was designated as road right of way; and

WHEREAS, the subject portion of right of way along Irving Road proposed for vacation is not being used for road purposes; and

WHEREAS, all road improvements currently exist outside the bounds of this proposed vacation, and an easement will be retained for any and all existing public utilities to preserve, maintain, repair, replace, remove or reinstall any public utilities that may now exist within the bounds of the portion of the right of way proposed to be vacated; and

WHEREAS, the vacation of the subject portion of right of way along Irving Road will allow the subsequent sale of the surplus land to be included in the sale of a Lane County owned parcel, adding approximately \$14,452 to the sale price, creating revenue to Lane County's Road Fund and adding land to the tax rolls; and

WHEREAS, the Surveyor's Office notified the City of Eugene, CenturyLink Communications, EWEB, Northwest Natural Gas, Comcast Cable, Level 3 Communications, Kinder-Morgan Energy, Lane Rural Fire/Rescue, Bethel School District, and various other agencies including L-COG, 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; and

WHEREAS, CenturyLink and Northwest Natural Gas responded with a request to retain easements for their facilities, and DSG Investments, LLC, owner of an adjacent property, inquiring about purchasing the property from Lane County, was referred to Lane County Right of Way Services for further discussion; and

WHEREAS, Lane County Transportation Planning approved with moving forward with this proposal and Lane County Planning had no comment; and

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

WHEREAS, in accordance with ORS 368.361(3), Lane County has caused this Vacation by Resolution in accordance with ORS 368.341 and Lane Manual, Chapters 15.300 through 15.305; and

WHEREAS, Lane Manual 15.305 requires that vacations, other than those by petition, shall be referred to the Roads Advisory Committee for consideration and recommendations, and this vacation was considered and approved by the Roads Advisory Committee on March 25, 2015; and

WHEREAS, the Director of Public Works has provided a written Preliminary Report, as required by ORS 368.346, attached hereto, marked Exhibit "A" and made a part hereof by this Order, which recommends a date be set for the public hearing; and

WHEREAS, ORS Chapter 368 requires a public hearing to vacate a public road by resolution, and the Board deems it appropriate to conduct a public hearing to decide whether to vacate the described portion of Irving Road; and now, therefore, it is hereby

RESOLVED, that in accordance with ORS Chapter 368, proceedings be undertaken to consider the vacation of a portion of right of way along Irving Road (County Road 2254), more particularly described as follows:

A parcel of land located in the Northeast One-Quarter of the Southwest One-Quarter (NE1/4, SW1/4) of Section 10, Township 17 South, Range 4 West of the Willamette Meridian, being a portion of that land acquired by LANE COUNTY by condemnation, stipulated by and through the Circuit Court of Lane County, Case No. 16-95-03616, dated August 11, 1995, being more particularly described as follows:

Beginning at a 1/2 inch iron rod being opposite and 39.94 feet northerly of Engineer's Centerline Station L2 31+16.30 POT of Irving Road (County Road No. 2254), as surveyed in 2011, said centerline station being 0.74 feet south and 2,324.21 feet west of the 1991 brass cap marking the southwest corner of the Abraham Peek Donation Land Claim No. 51, located in Section 10, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon; thence, along the northerly right of way of said Irving Road, North 18°44'18" West 97.57 feet to a 5/8 inch iron rod with plastic cap stamped Lane Co. R/W", opposite and 131.13 feet northerly of Engineer's Centerline Station L2 30+81.60 POT, thence continuing along said northerly right of way, North 87°55'15" East 260.93 feet to a 5/8 inch iron rod with plastic cap stamped "Lane Co. RW", opposite and 150.17 feet northerly of Engineer's Centerline Station L2 33+41.81 POT; thence continuing along said northerly right of way, South 18°44'06" East 117.88 feet to a point being opposite and 40.00 feet northerly of Engineer's Centerline Station L2 33+83.77; thence leaving said northerly right of way, North 87°54'25" West 267.45 feet to the Point of Beginning in Lane County, Oregon.

The parcel of land to which this description applies contains 26,929 square feet (0.62 acres), more or less.

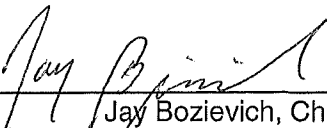
The above description and basis of bearing were based upon a survey of Irving Road by the Lane County Surveyor's Office, as shown on County Survey File No. 42881, recorded February 14, 2014, Lane County Survey Records, Lane County, Oregon.

NOW, THEREFORE, the Board of Commissioners of Lane County **ORDERS** as follows:

1. That June 2, 2015 be established as the date for conducting a public hearing regarding the proposed vacation of the above described portion of Irving Road, and the hearing be held at 1:30 p.m. at the Lane County Courthouse, 125 East 8th Avenue, Eugene, Oregon 97401.
2. That the Director of the Lane County Department of Public Works, pursuant to ORS Chapter 368.346, cause the Lane County Surveyor to examine the portion of right of way proposed to be vacated and that the Director provide a written Final Report of findings, which are to be incorporated into the Final Order.
3. That notice of the public hearing will be provided by service, posting and publication in accordance with ORS 368.401 to 368.426.

Inquiries regarding these proceedings may be directed to Jay Blommé, Survey Office Supervisor, Public Works Customer Service Center, 3050 N. Delta Hwy., Eugene, Oregon 97408, telephone (541) 682-4195.

DATED this 21st day of April, 2015.



Jay Bozievich, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM,
Date: 4/19/15

LANE COUNTY OFFICE OF LEGAL COUNSEL