BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 19-08-20-09 

IN THE MATTER OF THE VACATION OF A PORTION OF COLTER STREET AND PLATTED ALLEYS LOCATED IN BLOCK 12 OF THE PLAT OF GLENADA, AND A PORTION OF COLTER STREET LOCATED IN BLOCK 4 OF PLAT OF FISK’S ADDITION TO THE TOWN OF GLENADA, IN LANE COUNTY, OREGON (18-12-35-00)

WHEREAS, the Surveyor’s Office of the Department of Public Works has received a valid petition signed by Cherie Shelley, Trustee of the Leonard Buckley Trust and Leonard Buckley Limited Partnership, requesting, under authority of ORS Chapter 368.341, the vacation of a public street and alleys more particularly described as follows:

All that portion of Colter Street between Lake Street and Market Street, and all the north-south alley, and the portion of the east-west alley lying adjacent to Lots 1, 2, 3, and 4, located in Block 12 of the Plat of Glenada, as platted and recorded in Volume W, Page 261, Lane County Oregon Plat Records, Lane County Oregon.

Also: All that portion of Colter Street located between Lake Street and Market Street as platted in the Plat of Fisk’s Addition to Glenada, as Platted in Book 2, Page 9, Lane County Oregon Plat Records, Lane County, Oregon.

WHEREAS, the petition, marked as Exhibit “A”, and made a part of this Order, complies with the provisions of ORS 368.351 in that the petitioner, who is the landowner 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, Lane County Transportation Planning, Lane County Land Management, Central Lincoln PUD, Century Link, Siuslaw Valley Fire District, Siuslaw School District 97J, State Fish and Wildlife, and LCOG were notified of this action by mail. The above listed agencies either had no objection to the vacation or did not respond to our referral; and

WHEREAS, twenty adjoining and nearby property owners were notified of this action by mail. Of the twenty referrals sent, the Surveyor’s Office received two responses; one opposed and one unopposed to this action; and

WHEREAS, Jeanette Hanson responded by mail that she objects to this vacation, but gives no valid reason why denying this proceeding is in the public’s best interest, said response being attached as Exhibit “E” to this Order; and
WHEREAS, the petitioner states that this vacation is necessary for the following reasons:

1. To alleviate structural encroachments on the public alley.
2. Future improvement of the public rights of way is impractical due to the topography of the land.
3. The trustee (petitioner) wishes to close the Leonard Buckley Trust and distribute the assets to the Trust beneficiaries; and

WHEREAS, it is staff's opinion that the petitioners reasons for this action is in the public's best interest; and

WHEREAS, Colter Street and public alleys as described in this Order as proposed to be vacated are not improved or open for public travel; and

WHEREAS, ORS 368.331 states “A county governing body shall not vacate public lands under ORS 368.326 to 368.366 if the vacation would deprive an owner of a recorded property right of access necessary for the exercise of that property right unless the county governing body has the consent of the owner” and the owners have given consent by signing the petition; and

WHEREAS, no property will be denied legal access as a result of this vacation; and

WHEREAS, the public interest will be served by this vacation as it not being used by the public and will help convert the unimproved portion of right of way into taxable real property, alleviates structural encroachment issues, and allows the Leonard Buckley Trust to be closed and assets to be distributed to trust beneficiaries; 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 “B,” attached, and made a part of this Order; and

WHEREAS, the Director of Lane County Public Works has provided a written report marked as Exhibit “C,” determining the Special Benefit to the applicant is $6,730.00, pursuant to Lane Manual 60.853, which has been paid in full by petitioner Cherie Shelley, Trustee; and

WHEREAS, the petitioner has 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, 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; and
NOW, THEREFORE, the Board of Commissioners of Lane County ORDERS as follows:

1. The above described Colter Street and public alleys as described in this Order are hereby VACATED.

2. Title of the vacated area shall revert to private ownership as provided in ORS 368.366.

3. An easement is hereby 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 Colter Street and public alleys herein described by these proceedings as vacated.

4. 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.

ADOPTED this 20th day of August, 2019

Pete Sorenson, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date

LANE COUNTY OFFICE OF LEGAL COUNSEL
April 15, 2019

Mr. Mikeal Blomme
Lane County Surveyor
3040 North Delta Hwy
Eugene, OR 97404

Re: Buckley Trust Petition to Vacate
Dear Mr. Blomme,

This office represents the Buckley Trust for purposes of requesting vacation of a portion of Colter Street and two alleys within platted portions of the community of Glenada by the Board of County Commissioners.

The reasons for the vacation are to correct a structural encroachment of a dwelling within the unimproved street and across an alley, and portions of the street and alleys with slopes from 54-80% that prevent vehicular or pedestrian use. The Buckley Trust is the owner of record of all lots that abut the proposed vacation area.

Attached please find the signed and notarized Petition to Vacate, Petition Attachment ‘A’, Trustee’s Letter, Assessor’s Map, Plat of Glenada, Plat of Fisk’s Addition, aerial photograph and Trust’s check #458 for $3,400.

Please contact me if you require additional information or clarification on this request. I appreciate your time and input on this matter.

Sincerely,

[Signature]

Harry A. Taylor

Enclosures
cc: Cherie Shelley Trustee (w/enc)
IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

IN THE MATTER OF THE VACATION OF A PORTION
OF COLTER STREET AND PLATTED ALLEYS LOCATED
IN BLOCK 12 OF THE PLAT OF GLENADA, AND A
PORTION OF COLTER STREET LOCATED IN BLOCK 4
OF PLAT OF FISK’S ADDITION TO THE TOWN OF GLENADA
(18-12-35), IN LANE COUNTY, OREGON

PURSUANT to the procedures set forth in ORS Chapter 386, the undersigned
Cherie Shelley, Trustee, Leonard Buckley Trust, as owner of the real property hereby petition for
the vacation of a portion of Colter Street and platted alleys, which area to be vacated is described
as follows:

All that portion of Colter Street between Lake Street and Market Street, and all the north-
south alley, and the portion of the east-west alley lying adjacent to Lots 1, 2, 3, and 4, located in
Block 12 of the Plat of Glenada, as platted and recorded in Volume W, Page 261, Lane County
Oregon Record Plat Records, Lane County, Oregon. ALSO: All that portion of Colter Street
located between Lake Street and Market Street as platted in the Plat of Fisk’s Addition to the
Town of Glenada, as platted in Book 2, Page 9, Lane County Plat Records, Lane County,
Oregon.

WHEREAS, the undersigned petitioner is the owner of 100% of all the real property located
adjacent to the above described area to be vacated; and

WHEREAS, petitioner alleges as follows:

1. The purpose of this vacation request is to transfer the right-of-way of the portion of
Colter Street and the alleys described above to private ownership of the Petitioner.

2. There are utilities and powerlines located within the area to be vacated, and their
disposition will be as follows:

   A. Central Lincoln has a utility within the area to be vacated and it will remain.
   B. Century Link has a utility within the area to be vacated and it will remain.

3. The reason to vacate is to correct a structural encroachment of a single-family dwelling
across the north-south alley.

Necessary easements for all existing public and private utilities will be retained or otherwise be
provided for in conjunction with the vacation; 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 by this vacation due to the following list:
   1. The existing right-of-way only serves one property owner and no other public.
   2. A single-family dwelling encroaches within the vacation area.
   3. Vacation will return approximately 0.41 acres of public right-of-way to the
      Assessment and Taxation rolls.

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

WHEREAS, the street and alleys proposed to be vacated are not improved or open for public
travel.

WHEREAS, petitioner’s agent has supplied additional information on Attachment A, attached
hereto.

WHEREAS, petitioner acknowledges that the filing fee is a deposit and an estimate of the
vacation fee, and accepts 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, petitioner has no objection to Lane County processing under the authority of ORS
Chapter 368.326, for vacation with a hearing; and

THEREFORE, the petitioner requests the Board of Commissioners of Lane County:

1. To set a date to consider the vacation of the above described portion of road, with or
   without a hearing, pursuant to ORS Chapter 368.

2. Upon review of this matter, to order the vacation of the above described road, and
direct that title to the vacated area revert and vest in accordance with ORS 368.366.

DATED this \underline{5th} day of \underline{April}, 2019.

PETITIONER:

\underline{Cherie Shelley}

Cherie Shelley, Trustee, Leonard Buckley Trust
Map 18-12-35-32 TL 3100, 3200, 3300, 3400, 3500, & 3600
Map 18-12-35-33 TL 100
P.O. Box 240123
Douglas, AK 99824
State of Oregon

 ss.

County of Lane

On April 08, 2019, personally appeared the above-named Cherie Shelley, Trustee, Leonard Buckley Trust, and acknowledged the foregoing instrument to be a voluntary act before me:

[Signature]

Notary Public for Oregon
My Commission Expires: 10/25/2019
ATTACHMENT ‘A’

PETITION TO VACATE
A PORTION OF COLTER STREET AND PLATTED ALLEYS

THE ATTACHED STREET AND ALLEY PROFILES PREPARED BY ROBERT B. WARD, PROFESSIONAL LAND SURVEYOR, NO. 1091, ILLUSTRATE THE WEST/EAST GRADE OF COLTER STREET AND THE NORTH/SOUTH GRADE OF THE 16 FOOT ALLEY THROUGH BLOCK 12 OF THE PLAT OF GLENADA PROPOSED FOR VACATION.

COLTER STREET CONTAINS 80 % AND 54% GRADES ON THE WEST AND EAST PORTIONS TO BE VACATED THAT PREVENT EXTENSION OF THE STREET FOR VEHICULAR OR PEDESTRIAN USE.

THE NORTHERN PORTION OF THE NORTH/SOUTH 16 FOOT ALLEY TO BE VACATED CONTAINS A 70% GRADE THAT PREVENTS VEHICULAR OR PEDESTRIAN USE. A DWELLING ENCOREACHES INTO THE SOUTHERN PORTION OF THE ALLEY.
March 28, 2019

85594 Market Street
Florence, Oregon 97439

Lane County Board of Commissioners
125 East 8th Avenue
Eugene, Oregon 97401

Re: Colter Street and Alleys in the Glenada Area near Florence, Oregon

Dear Commissioners:

I am the Trustee of the Leonard Buckley Trust (Trust) and the Trustee of the Leonard Buckley Limited Partnership (Partnership) which are both dated August 22, 1996. The Trust and the Partnership were created under the laws of the State of Oregon and are presently in existence. Leonard Buckley, the previous trustee of the Trust and the Partnership passed away on June 13, 2018.

I am in the process of closing the Trust and distributing assets to the Trust beneficiaries. It has come to my attention that portions of the residence located at 85594 Market Street, Florence, Oregon (Glenada Area) are within Colter Street and the North/South Alley. Robert Ward, Northwest Land Surveying, Florence, Oregon surveyed and profiled a portion of Colter Street and the North/South Alley. His survey indicated that it would be impractical to build either the portion of Colter Street or the North/South Alley. Thus I am requesting that the referenced street and alley be vacated.

Additionally the Trust and the Partnership own the property on three sides of the East/West Alley and the Alley would only serve these properties. The Partnership house (built in 1940s or 1950s) which is located north of the East/West Alley does not have a legal setback from the Alley. Leonard Buckley purchased this home in 1982 and transferred it to the Partnership in 1996. I am requesting the portion of the East/West Alley which borders the Trust and Partnership properties be vacated.

As Trustee, I authorize Harry Taylor of 88275 Territorial Hwy, Veneta, OR to represent the Trust on all matters related to the petition to vacate a portion of Colter Street and platted alleys in Section 35, Township 18 South, Range 12 West of the Willamette Meridian, in Lane County, Oregon.

Enclosed a check in the amount of $3,400.00 for the filing fee and I accept full responsibility for additional fees associated with processing this request.

Respectfully,

[Signature]

CHERIE SHELLEY
Trustee, Leonard Buckley Trust

Enclosure
The Town of Glen Ada a portion of which was formerly recorded under the name of South Bend is situated in Township 5, Range 34, Section 14. It is bounded on the north by the St. Joseph River, on the west by the Village of South Bend, on the south by the St. Joseph River, and on the east by the town of South Bend. The streets are 60 feet wide, and all other streets are 30 feet wide. All alleys are 10 feet wide.

Recorded July 28th, 1889

James H. Seiber
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR'S REPORT

IN THE MATTER OF THE VACATION OF A PORTION OF COLTER STREET AND PLATTED ALLEYS LOCATED IN BLOCK 12 OF THE PLAT OF GLENADA, AND A PORTION OF COLTER STREET LOCATED IN BLOCK 4 OF PLAT OF FISK'S ADDITION TO THE TOWN OF GLENADA, IN LANE COUNTY, OREGON (18-12-35-00)

The Surveyor's Office of the Department of Public Works has received a valid petition signed by the owner 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 a subdivision, a road or right-of-way, or public interest in property under the jurisdiction of the county, based upon the determination that the vacation is "in the public's interest."

Colter Street and the public alleys proposed to be vacated were dedicated to the public on the Plat of Glenada, platted and recorded in Volume W, Page 261, and the Plat of Fisk's Addition to the town of Glenada, as platted and recorded in Book 2, Page 9, Lane County Oregon Plat Records, Lane County, Oregon. Colter Street and the subject alleys have never been improved. The petitioner owns 100% of the land surrounding this vacation request, and reports that it would be impractical to improve either Colter Street or the alleys due to the steep topography of the area. The petitioner has provided profiles of Colter Street and the north-south alley, prepared by a licensed land surveyor, which are included in the petition attached to the Order as Exhibit "A." The profiles show grades with slopes in the range between 54-80% that prevent vehicular and pedestrian use. Additionally, a house currently encroaches on the north-south alley, and another building lacks the current setbacks standards for the east-west alley. The Petitioner requests that Colter Street and associated alleys, as described in the Order, be vacated to alleviate the structural encroachments, which will facilitate the petitioner's desire to close the Trust and distribute the trust assets to the trust beneficiaries.

ORS 368.331 states "A county governing body shall not vacate public lands under ORS 368.326 to 368.366 if the vacation would deprive an owner of a recorded property right of access necessary for the exercise of that property right unless the county governing body has the consent of the owner." No property will be denied legal access if these proceedings are approved, as these properties currently take access from other improved public access, and are owned by the same landowner. As previously stated, Colter Street and the public alleys are unimproved and not used as access. All of the adjoining properties not affected by these proceedings take access from other improved public access points.

Charter Cable, Central Lincoln PUD, Century Link, and N.W. Natural Gas were sent referrals seeking comment on this proposed vacation. Century Link responded by mail stating they had no objections or reservations regarding this request. The other utility companies did not respond to our referral. A public utility easement will be retained for any utilities that may currently exist in Colter Street of public alleys.
The Surveyor’s Office also notified various other agencies including Lane County Transportation Planning, Lane County Land Management, Siuslaw Valley Fire District, Siuslaw School District 97J, State Fish and Wildlife, and L-COG regarding this proposed vacation. The agencies listed above either had no objection to the vacation or did not respond to the referral.

Numerous local landowners were notified by referral seeking comment on this proposed vacation, with the Surveyor’s Office receiving two responses from Arlis N. Ulman and Jeanette Hanson. Ms. Ulman responded with no objection to the vacation while Ms. Hanson responded with an objection to the vacation. When weighing Ms. Hanson’s objection to the vacation with the petitioner’s reasons for requesting this vacation, staff felt that the petitioner’s arguments were clearly in the best interest of the public. Ms. Hanson’s written objection is included as Exhibit “E” to the Order.

It has been determined that the Petition to Vacate, as shown in Exhibit “A” to the Order, meets the criteria for a vacation without a public hearing pursuant to ORS 368.351 and 368.351(1).

A written report is provided, marked as Exhibit “C”, determining the Special Benefit of the vacation of the public alley to the applicants is $6,730.00, which has been paid in full by the petitioner.

The County’s costs of processing this vacation will be paid in full by the petitioner as authorized by Lane Manual 60.853 and ORS 368.356.

In summary, it has been determined by Public Works staff that neither Colter Street nor the public alleys are needed by the Lane County Transportation System. It has also been concluded that the vacation of these rights of way is in the public’s best interest, as they are unimproved and not being used as a public utility. In addition, the petitioner’s other stated reasons for vacating are valid and considered to be in the public’s best interest. Therefore, Lane County staff recommends approving the vacation of Colter Street and public alleys located in Block 12 of Plat of Glenada, and Block 4 of Plat of Fisk’s Addition to Glenada as described in the Order. It is further recommended the vacation be allowed without a public hearing.

DATED this _______ day of _______________ 2019

_________________________________________
Dan Hurley, Public Works Director
Department of Public Works
MAP and TAX LOT No’s.: 18-12-35-32-03100,
18-12-35-32-03200,
18-12-35-32-03300,
18-12-35-32-03400,
18-12-35-32-03500,
18-12-35-33-00100,
18-12-35-33-03600.

LANE COUNTY

Notification of Determination of Amount of Special Benefit Deposit
in Connection with a Proposed Vacation of a Platted Road and Alley
Pursuant to Lane Manual 60.853(3)(a)

Pursuant to the provisions of Lane Manual 60.853(3)(a), my determination of the amount of "Special Benefit" and therefore the amount of deposit required in connection with the proposed vacation of Colter Street between Lake Street and Market Street, all of the North-South alley and a portion of the East-West alley adjacent to Lots 1, 2, 3 and 4, located in block 12 of the Plat of Glenada as platted and recorded in Volume W, Page 261, Lane County Oregon Plat Records; ALSO, all that portion of Colter Street located between Lake Street and Market Street as platted in the Plat of Fisk’s Addition to the Town of Glenada, as platted in Book 2, Page 9, Lane County Plat Records, Lane County, Oregon; all in Lane County, Oregon Plat Records, is $6,730.00.

My determination is based on the Staff Report and recommendation, a copy of which is attached hereto and marked as "Exhibit C".

Dated this _______ day of __________________, 2019.

Dan Hurley, Public Works Director
Lane County Public Works
STAFF REPORT

Notification of Determination of Amount of Special Benefit Deposit in Connection with a Proposed Vacation of a portion of Colter Street and Platted Alleys Located in Block 12 of the Plat of Glenada, and a Portion of Colter Street Located in Block 4 of Plat of Fisk’s Addition to the Town of Glenada (18-12-35), Pursuant to Lane Manual 60.853(3)(a)

Date: April 29, 2019

Petitioner: Cherie Shelley, Trustee, Leonard Buckley Trust

PROPOSED VACATION OF A DEDICATED PLATTED ROAD AND ALLEY

The applicants are proposing to vacate Colter Street between Lake Street and Market Street, all of the North-South alley and a portion of the East-West alley adjacent to Lots 1, 2, 3 and 4, located in block 12 of the Plat of Glenada as platted and recorded in Volume W, Page 261, Lane County Oregon Plat Records; ALSO, all that portion of Colter Street located between Lake Street and Market Street as platted in the Plat of Fisk’s Addition to the Town of Glenada, as platted in Book 2, Page 9, Lane County Plat Records, Lane County, Oregon; all in Lane County, Oregon Plat Records

Upon the vacation of the platted road and alley, full property rights will proportionally revert to the adjoining land.

NATURE OF BENEFIT TO BE RECEIVED IF THE PLATTED ROAD AND ALLEY ARE VACATED

Lane Manual 60.853(3) “In addition to payment of the deposit and final fees referenced in subsections (1) and (2) above, a vacation of public property or public interest in property under the jurisdiction of the County governing body shall require payment by the petitioners of a deposit equal to the estimate of special benefit that results from the vacation and disposition of property to the benefitted property owners”.

1. Special Benefit Defined:

Lane Manual does not define the term “Special Benefit”; however, in appraising acquisitions for right of way, a special benefit is defined as “advantages arising from a public improvement for which property has been acquired under eminent domain accruing directly and solely to the advantage of the property remaining after the partial acquisition.” Conversely, a “general benefit” is defined as a benefit “accruing to the community at large, to the area adjacent to the improvement, or to other property similarly situated as that acquired but which is not acquired.” In Oregon, a “Special Benefit” is used to offset damages caused by the acquisition (See ODOT Right of Way Manual 4.310). General benefits are not included within the special benefit determination.

Although special and general benefit definitions apply to acquisitions through eminent domain, the Right of Way staff applies the same principles to the definition of a “Special Benefit” for the vacation of a platted road. When used in the context of a proposed vacation of a platted road, a practical definition follows:

“The advantages arising from the vacated portion of the platted road accruing directly and solely to the advantage of the adjacent property after the vacation.”
2. Special Benefit to Evaluate:

Upon the vacation of the public street and alleys, full rights will revert back to the fee property owner, unburdened and unencumbered by the public easement. The street and alleys are unimproved and have not been open for travel since it was platted in 1889, but are considered a public right of way easement. As unconstructed street and alleys, the owner may use the property consistent with applicable land use regulations until the area is needed for its dedicated purpose. The plats of Glenada and Fisk created lots and streets without regard to topography, geology or water quality and quantity. From a market perspective, most the platted streets have little to no utility and buyers/owners typically ignore the platted streets and develop where practical. The platted streets are considered an easement that, due to terrain, has no general benefit, and since the market (Buyers, Sellers and Developers) don’t seem recognize or maintain the platted streets and alleys, the street and alleys will be valued at 30% of fee simple.¹

3. Special Benefit to Property Owner(s):

Upon the vacation of the public street and alleys, the burden and encumbrance of the public easement is removed and the property owner receives full fee ownership of the road and alleys in accordance with the law. Typically, ownership extends to the centerline of street and alley, so each adjacent property will be allocated a proportional share of the street and alley. There are 12 platted lots representing 4 developed or developable parcels (See “Attachment 1 and 2 of Exhibit C”). The developable/developed parcels are allocated are as follows:

**Property A** is Lots 1, 2 and the vacated portion of Lake Street, Block 12, of Plat of Glenada as platted and recorded in Volume W, Page 261, Lane County Oregon Plat Records, also known as Map and Tax Lot# 18-12-35-32-03500. It is approximately 0.38 acres (16,770 SF) outside the right of way, and 0.40 acres (17,570 SF) with the right of way. The amount of Street and Right of Way to be vacated is approximately 0.02 acres (800 SF).

**Property B** is Lots 3 and 4, Block 12, of Plat of Glenada as platted and recorded in Volume W, Page 261, Lane County Oregon Plat Records, also known as Map and Tax Lot# 18-12-35-32-03500. It is approximately 0.30 acres (12,900 SF) outside the right of way, and 0.31 acres (13,700 SF) with the right of way. The amount of Street and Right of Way to be vacated is approximately 0.02 acres (800 SF).

**Property C** is Lots 7, 8, 9, 10, 11, and 12, Block 12, of Plat of Glenada as platted and recorded in Volume W, Page 261, Lane County Oregon Plat Records, also known as Map and Tax Lot #’s 18-12-35-32-03100, 3200, 3300, and 3400 combined. It is approximately 1.12 acres (48,600 SF) outside the right of way, and 1.35 acres (58,750 SF) with the right of way. The amount of Street and Right of Way to be vacated is approximately 0.23 acres (10,150 SF).

**Property D** is Lots 1 through 12, Block 4, Plat of Fisk’s Addition to the Town of Glenada, as platted in Book 2, Page 9, Lane County Plat Records, Lane County, Oregon; all in Lane County, Oregon Plat Records, also known as Map and Tax Lot# 18-12-35-33-00100. It is approximately 1.45 acres (63,000 SF) outside the right of way, and 1.59 acres (69,300 SF) with the right of way. The amount of Street and Right of Way to be vacated is approximately 0.14 acres (6,300 SF).

¹ According to the easement valuation matrix produced by the International Right of Way Association, 30% is within the range used when an easement location is across non-useable land
VALUE INDICATION(S) OF PROPERTIES TO BE BENEFITED

The test for estimating a special benefit must be specific and measurable, which can be justified through an increase in market value due to change in a more profitable use. The most appropriate method for determining a “Special Benefit,” is the “Highest and Best Use” concept in conjunction with the “Before and After” rule.

4. Neighborhood Description and Subject; Properties Highest and Best Use Analysis

**Neighborhood** (Glenada) The neighborhood is rural residential with developed lots ranging from 0.3 acres to 2 acres. Most development is located along Glenada Street and Viola Street, where there are view lots of the Siouxcreek River and Old Town Florence. The terrain consists of ravines with slopes between 12% and 30%. Development is limited not only by terrain, but also by low water flow rates and filtration requirements. In some areas, sanitation (septic) is also limited.

**Property A** (Map and Tax Lot# 18-12-35-32-03500): The property is vacant and zoned Rural Residential (RR-2), which also includes residential development shore lands (RD) and Beaches and Dunes (BD) planning requirements. The lot is generally level and located on soils that would not limit development. The Highest and Best Use is Rural Residential. The added plotage from the road vacation will not increase the property’s highest and best use, but will benefit the property in a specific and measurable way that will accrue directly and solely to the property.

**Property B** (Map and Tax Lot# 18-12-35-32-03600): The property is improved with a residential home and zoned Rural Residential (RR-2), which also includes residential development shore lands (RD) and Beaches and Dunes (BD) planning requirements. The lot is generally level and located on soils that would not limit development. The Highest and Best Use is Rural Residential. The added plotage from the road vacation will not increase the property’s highest and best use, but will benefit the property in a specific and measurable way that will accrue directly and solely to the property.

**Property C** (Map and Tax Lot# 18-12-35-32-03100, 3200, 3300, and 3400 combined): The property is improved with a residential home and zoned Rural Residential (RR-2), which also includes residential development shore lands (RD), and Beaches and Dunes (BD) planning requirements. Individually, the platted lots do not lend themselves to sound development. The Highest and Best Use is plotage or excess land for tax lots 3200-3400 and a limited rural residential use for Tax Lot 3100. By removing the public street encumbrances, the increase in size allows development to occur in better building site location and take better advantage of the view amenity. The added plotage from the vacation will increase the property’s highest and best use in a specific or measurable way, which will accrue directly and solely to the property.

**Property D** (Map and Tax Lot# 18-12-35-33-00100): The property is improved with a well and shed and zoned Rural Residential (RR-2), which also includes residential development shore lands (RD) and Beaches and Dunes (BD) planning requirements. However, due to the slope and the existing location of the platted streets, residential development is physically and financially limited. The added plotage from the road vacation will not increase the property’s highest and best use, but will benefit the property in a specific and measurable way that will accrue directly and solely to the property.

5. Sales Analysis (Before and After Method)

Using the “Before and After” method, Right of Way staff performed market research that included review of comparable sales as well as interviews with local real estate professionals.

Recent sales and a listing were analyzed and used to bracket the subject properties. All the sales and listing shared the same rural residential zoning, are located in similar market areas, and occurred after 2015. The sale parcels
ranged in size from 0.39 acres to 1.07 acres and the site values where determined by extraction, where applicable. The list of sales and listing follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Sale Date</th>
<th>Size</th>
<th>Improvement</th>
<th>View</th>
<th>Sale Price</th>
<th>Price/ SF</th>
<th>Est. Improvement Value(1)</th>
<th>Extracted Land Value</th>
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<tbody>
<tr>
<td>5338 Viola St</td>
<td>3/26/2015</td>
<td>0.39</td>
<td>1-story</td>
<td>no</td>
<td>$147,500</td>
<td>$9</td>
<td>$110,000</td>
<td>$37,500</td>
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<tr>
<td>85562 Pine St</td>
<td>9/13/2018</td>
<td>0.69</td>
<td>1-story</td>
<td>no</td>
<td>$264,000</td>
<td>$9</td>
<td>$132,000</td>
<td>$132,000</td>
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<tr>
<td>85652 Glenada Rd</td>
<td>2/15/2019</td>
<td>0.47</td>
<td>1-story</td>
<td>Yes</td>
<td>$360,000</td>
<td>$18</td>
<td>$170,000</td>
<td>$190,000</td>
</tr>
<tr>
<td>85633 Alder St</td>
<td>4/29/2015</td>
<td>1.07</td>
<td>1-story (w/ FF Shoreline)</td>
<td>Yes</td>
<td>$385,000</td>
<td>$8</td>
<td>$155,000</td>
<td>$230,000</td>
</tr>
<tr>
<td>Barrett Creek rd</td>
<td>9/28/2018</td>
<td>0.30</td>
<td>vacant</td>
<td>no</td>
<td>$50,000</td>
<td>$4</td>
<td>$0</td>
<td>$50,000</td>
</tr>
<tr>
<td>Cherry St</td>
<td>12/12/2016</td>
<td>1.00</td>
<td>vacant (no phys. access)</td>
<td>Yes</td>
<td>$135,000</td>
<td>$3</td>
<td>$0</td>
<td>$135,000</td>
</tr>
<tr>
<td>Maple/Fisk</td>
<td>Listing</td>
<td>0.82</td>
<td>vacant (with unimp plat street)</td>
<td>Yes</td>
<td>$95,000</td>
<td>$3</td>
<td>$0</td>
<td>$95,000</td>
</tr>
</tbody>
</table>

(1) Improvement value is based on Lane County Assessment and Taxation Cost Approach and the estimated value of water and septic systems.

Based on a “Before and After” and “Across the Fence” analysis of the comparable sales with each of the properties, the appraiser finds the following special benefits arising from the added plottage after the vacation of the Street and alleys.

**Property A** (Map and Tax Lot# 18-12-35-32-03500): Based on a site value of $90,000, the price per square foot of the lot is $5.37/SF ($90,000/16,770 SF) before the vacation. After the vacation, the price per square foot is $5.17/SF ($90,000/17,570 SF). The special benefit from the amount of Street is to be vacated is estimated at $1,240.00 (R) ($5.17 X 800 SF X 30%).

**Property B** (Map and Tax Lot# 18-12-35-32-03600): Based on a site value of $90,000, the price per square foot is $6.97/SF ($90,000/12,900 SF) before the vacation. After the vacation, the price per square foot is $6.57/SF ($90,000/13,700 SF). The special benefit attributed to the property from the vacated alley is estimated at $1,580.00 (R) ($6.57 X 800 SF X 30%).

**Property C** (Map and Tax Lot# 18-12-35-32-03100, 3200, 3300, and 3400 combined): As individual lots, development would be legally changing in meeting setbacks and access requirements, and would be physically limiting and costly due to the terrain, geology, sanitation and water quantity and quality. Combining the lots and vacating the street and alleys into one development site would reduce the legal setback and access challenges, the physical limitations and costs associated with excavation and septic, and maximize its legal residential use and creating a better view amenity. There is approximately 1.12 acres (48,600 SF) representing 6 platted lots outside the right of way at an estimated value of $90,000. After the vacation, the site will increase by 0.23 acres (10,150 SF) to 1.35 acres (58,750 SF), for an estimated site value of $130,000, which is $2.21/SF ($130,000/58,750 SF). The special benefit from the amount of the street is estimated at $6,730.00 (Rounded) ($2.21 X 10,150 X 30%).
Property D (Map and Tax Lot# 18-12-35-33-00100): Based on a site value of $90,000, the price per square foot of the lot is $1.42/SF ($90,000/63,000 SF) before the vacation. After the vacation, the price per square foot is $1.29/SF ($90,000/69,300 SF). The special benefit from the amount of Street is to be vacated is $120.00 (R) ($1.29 X 300 SF X 30%).
SUMMARY AND RECOMMENDATION OF SPECIAL BENEFIT

Lane Manual 60.853(3)(a) The estimated value of the special benefit and the amount of money to be deposited shall be determined by the Public Works Director. In the event of an estimated special benefit value of less than $2,500, it shall be considered de minimis and a payment of deposit for special benefit shall not be required.

The relevant factors used to determine a “Special Benefit” have been examined. The proposed vacation will create an advantage arising from the vacated portion of the platted street and alleys that will accrue directly and solely to each property described above after the vacation, and will directly maximize the productive use of Property C. Based on the data and analysis contained in this report, the appraiser finds the following special benefit applicable to the proposed vacation that would result from this action.

Property A (Map and Tax Lot# 18-12-35-32-03500): Pursuant to Lane Manual 60.853(3)(a), a “Special Benefit” must be determined. Based on the “Before and After” estimation of value and under the highest and best use premise of adjacent land, the “Special Benefit” to the adjacent property is estimated to be $1,240.00 and therefore considered De Minimis. The appraiser concludes payment of a “Special Benefit” is not warranted for this vacation.

Property B (Map and Tax Lot# 18-12-35-32-03600): Pursuant to Lane Manual 60.853(3)(a), a “Special Benefit” must be determined. Based on the “Before and After” estimation of value and under the highest and best use premise of adjacent land, the “Special Benefit” to the adjacent property is estimated to be $1,580.00 and therefore considered De Minimis. The appraiser concludes payment of a “Special Benefit” is not warranted for this vacation.

Property C (Map and Tax Lot#18-12-35-32-03100, 3200, 3300, and 3400 combined): Pursuant to Lane Manual 60.853(3)(a), a “Special Benefit” must be determined. Based on the “Before and After” estimation of value and under the highest and best use premise of adjacent land, the “Special Benefit” to the adjacent property is estimated to be $6,730.00. The appraiser concludes payment of a “Special Benefit” is warranted for this vacation.

Property D (Map and Tax Lot# 18-12-35-33-00100): Pursuant to Lane Manual 60.853(3)(a), a “Special Benefit” must be determined. Based on the “Before and After” estimation of value and under the highest and best use premise of adjacent land, the “Special Benefit” to the adjacent property is estimated to be $120.00 and therefore considered De Minimis. The appraiser concludes payment of a “Special Benefit” is not warranted for this vacation.

Jeremy A. Sherer, Engineering Assoc.
Lane County Public Works,
Engineering & Construction Services
“Attachment 1 of Exhibit C”

Glenada and Fisk Plat  Developed/Developable Lots & Streets to be Vacated
"Attachment 2 of Exhibit C"

View from Glenada Street Looking South
“Attachment 3 of Exhibit C”

View from Colter Street Looking North, Parcel C
"Attachment 4 of Exhibit C"

View from Colter Street Looking West
EXHIBIT "D"

Proposed to be Vacated
Portion of Colter Street & Alleys
In the Plat of Glenada & the Plat
of Fisk's Addition to the Town of Glenada

SW 1/4 Section 35, T. 18 S., R. 12 W. W.M.
Lane County
EXHIBIT "E"

PROPOSAL: To vacate a portion of a public road easement in Florence in the community of Glenada, as shown on the attached map. The roadway was dedicated to the public on the plat of Glenada in 1889 and Fisk’s Addition to the Plat of Glenada in 1892. There is a structural encroachment of a dwelling within the unimproved street and alley and portions of the right of way have slopes from 54%-80% that prevent vehicular and pedestrian use. An easement will be reserved for any existing utilities that lie within the proposed vacation.

YOU MAY WRITE YOUR COMMENTS ON THIS PAGE AND RETURN THIS DOCUMENT TO THE ATTENTION OF Mikeal J. Blommé
LANE COUNTY SURVEYOR’S OFFICE, 3050 N. DELTA HWY., EUGENE, OR 97408.
FAX NUMBER: 541-682-3947 or EMAIL: Mikeal.Blommé@co.lane.or.us

Date: 6-17-19

From: Jeanette [illegible]
55566 [illegible], Florence, OR 97439

Comments: (To Mr. Blommé) I’m sorry that my comment regarding this notice is not going to be very enthusiastic, nor the Buckleys, either. For infringing on both public and private property in the past has left me feeling that might be the beginning of a pattern. Do “no” would be my answer to this notice.