BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 16-02-09-08  IN THE MATTER OF VACATING A PORTION OF 5TH AVENUE AND A PORTION OF AN ALLEY IN BLOCK 19 OF HUBERT, AS PLATTED AND RECORDED IN BOOK 6, PAGE 32, LANE COUNTY, OREGON PLAT RECORDS, WITHOUT A PUBLIC HEARING (16-05-10-33)

WHEREAS, the Surveyor's Office of the Department of Public Works has received a valid a petition signed by Shannon Patrick Fitzgerald, Attorney-in-Fact for Patricia V. Turner-Cheshire, and Kittie Stratton requesting, under authority of ORS Chapter 368.341, the vacation of a portion of a public road and alleyway in the plat of Hubert as platted and recorded in Book 6, Page 32, Lane County, Oregon Plat Records. The areas being more particularly described as follows:

All that portion of 5th Avenue located west of High Street and that portion of the 12-foot wide alley lying between Lot 1 and Lot 2, Block 19, on the plat of Hubert, recorded in Book 6, Page 32, Lane County Plat Records and located in Section 10, Township 16 South, Range 5 West of the Willamette Meridian.

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 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 Oregon Utility Notification Center was contacted and Blachly-Lane Electric indicated they have power lines within the subject area and Country Vision stated they have cable near the west end of the proposed vacation; and

WHEREAS, an easement will be reserved for all existing utilities; and

WHEREAS, the Surveyor's Office also notified Century Link Communications, 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, the road and alleyway proposed to be vacated are not improved or open for public travel; and

WHEREAS, if the vacation is approved, the petitioners plan to reconfigure their property lines to eliminate encroachment issues; and

WHEREAS, there is potential for Lot 1, Block 19, of Hubert to lose access as a result of this vacation, but because Lot 1 is in common ownership with Lots 3 and 4, Block 18, of Hubert, all adjoining owners currently have legal access, 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, Shannon Patrick Fitzgerald, Attorney-in-Fact for Patricia B. Turner-Cheshire, will address legal access in the future as needed; and

WHEREAS, the public interest will be served by this vacation as it will help to alleviate an encroachment issue and convert the unimproved portion of right of way into taxable real property; 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 de minimis, pursuant to Lane Manual 60.853 (3)(a); 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, 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 public road is hereby VACATED.

2. 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 the alleys herein described by these proceedings as vacated.

3. 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 ___ day of February, 2016.

Faye Stewart, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date

LANE COUNTY OFFICE OF SPECIAL COUNSEL
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON.

IN THE MATTER OF THE VACATION OF A PORTION OF 5TH AVENUE AND A NORTH / SOUTH ALLEY BETWEEN LOT 1 AND LOT 2, BLOCK 19, IN THE PLAT OF HUBERT, RECORDED IN BOOK 6, PAGE 32, LANE COUNTY OREGON PLAT RECORDS, LOCATED IN SECTION 10, TOWNSHIP 16 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN IN LANE COUNTY, OREGON.

PETITION TO VACATE

Pursuant to the procedures set forth in ORS Chapter 368, we the undersigned Kittie Stratton and Patricia V. Turner-Cheshire, Trustee of The Darrel L. Cheshire and Patricia V. Turner-Cheshire Joint Living Trust dated 10/30/2003, as owners of the adjacent real property hereby petition for the vacation of a 12 foot wide alley and a portion of 5th Avenue, which area to be vacated is described as follows:

All that portion of 5th Avenue located west of High Street and all of the 12 foot wide alley between Lot 1 and Lot 2, Block 19, on the Plat of Hubert, recorded in Book 6, Page 32, Lane County Oregon Plat Records, Lane County, Oregon.

WHEREAS, the undersigning 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 vacation is to partially mitigate the effects of building encroachments located within the road right of way.

2. Necessary easements will be retained for all public utilities located in the areas to be vacated.

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

WHEREAS, public interest will be served by correcting an encroachment issue and converting an unused portion of road right of way into taxable real property; and

WHEREAS, petitioners, separately and collectively, acknowledge that the filing fee is a deposit and 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, petitioners, separately and collectively, have no objection to Lane County proceeding under the authority of ORS Chapter 368.326, for vacation with or without a public hearing; and
THEREFORE, the petitioners request 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 public 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.

PETITIONERS:

Kittie Stratton
93082 High Street
Cheshire, OR 97419

State of Oregon)
County of Lane }$

November 21, 2015, personally appeared the above named Kittie Stratton and acknowledged the foregoing instrument to be a voluntary act before me:

[Signature]
Notary Public for Oregon
My Commission Expires: Oct 12, 2018

Shannon Patrick Fitzgerald, Attorney in Fact for Patricia V. Turner-Cheshire, Trustee of The Darrel L. Cheshire and Patricia V. Turner-Cheshire Joint Living Trust dated 10/30/2003
5012 SE 31st Street
Gresham, OR 97080

State of Oregon)
County of Lane }$)

On NOV 11, 2015, personally appeared Shannon Patrick Fitzgerald, to be the person whose name is subscribed to the foregoing instrument as Attorney in Fact of Patricia V. Turner-Cheshire, Trustee of The Darrel L. Cheshire and Patricia V. Turner-Cheshire Joint Living Trust dated 10/30/2003 and acknowledged that he subscribed the name of Patricia V. Turner-Cheshire, and his own name as Attorney in Fact.

[Signature]
Notary Public for Oregon
My Commission Expires: 4/12/17
GENERAL POWER OF ATTORNEY

I, PATRICIA V. TURNER CHESHIRE, residing at 93110 HIGH ST. P.O. BOX 297, CHEHISIRE, Oregon 97419, hereby appoint DARREL L. CHESHIRE of 93110 HIGH ST. PO BOX 297, CHEHISIRE, OR 97419, as my Attorney-in-Fact ("Agent").

If my Agent is unable to serve for any reason, or if my Agent is currently my spouse and we become separated legally or our marriage is dissolved, I designate SHANNON PATRICK FITZGERALD, of 5012 S.E. 31ST., GRESHAM, Oregon 97030, as my successor Agent.

I hereby revoke any and all general powers of attorney and special powers of attorney that previously have been signed by me. However, the preceding sentence shall not have the effect of revoking any powers of attorney that are directly related to my health care that previously have been signed by me.

My Agent shall have full power and authority to act on my behalf. This power and authority shall authorize my Agent to manage and conduct all of my affairs and to exercise all of my legal rights and powers, including all rights and powers that I may acquire in the future. My Agent's powers shall include, but not be limited to, the power to:

1. Open, maintain or close bank accounts (including, but not limited to, checking accounts, savings accounts, and certificates of deposit), brokerage accounts, and other similar accounts with financial institutions.
   a. Conduct any business with any banking or financial institution with respect to any of my accounts, including, but not limited to, making deposits and withdrawals, obtaining bank statements, passbooks, drafts, money orders, warrants, and certificates or vouchers payable to me by any person, firm, corporation or political entity.
   b. Perform any act necessary to deposit, negotiate, sell or transfer any note, security, or draft of the United States of America, including U.S. Treasury Securities.
   c. Have access to any safe deposit box that I might own, including its contents.

2. Sell, exchange, buy, invest, or reinvest any assets or property owned by me. Such assets or property may include income producing or non-income producing assets and property.

3. Purchase and/or maintain insurance, including life insurance upon my life or the life of any other appropriate person.

4. Take any and all legal steps necessary to collect any amount or debt owed to me, or to settle any claim, whether made against me or asserted on my behalf against any other person or entity.

5. Enter into binding contracts on my behalf.

6. Exercise all stock rights on my behalf as my proxy, including all rights with respect to stocks, bonds, debentures, or other investments.

7. Maintain and/or operate any business that I may own.

Initials: \( \rho v t - c \)
8. Employ professional and business assistance as may be appropriate, including attorneys, accountants, and real estate agents.

9. Sell, convey, lease, mortgage, manage, insure, improve, repair, or perform any other act with respect to any of my property (now owned or later acquired) including, but not limited to, real estate and real estate rights (including the right to remove tenants and to recover possession). This includes the right to sell or encumber any homestead that I now own or may own in the future.

10. Prepare, sign, and file documents with any governmental body or agency, including, but not limited to, authorization to:

   a. Prepare, sign and file income and other tax returns with federal, state, local, and other governmental bodies.

   b. Obtain information or documents from any government or its agencies, and negotiate, compromise, or settle any matter with such government or agency (including tax matters).

   c. Prepare applications, provide information, and perform any other act reasonably requested by any government or its agencies in connection with governmental benefits (including military and social security benefits).

11. Make gifts from my assets to members of my family and to such other persons or charitable organizations with whom I have an established pattern of giving. However, my Agent may not make gifts of my property to the Agent.

12. Transfer any of my assets to the trustee of any revocable trust created by me, if such trust is in existence at the time of such transfer.

13. Disclaim any interest which might otherwise be transferred or distributed to me from any other person, estate, trust, or other entity, as may be appropriate.

This Power of Attorney shall be construed broadly as a General Power of Attorney. The listing of specific powers is not intended to limit or restrict the general powers granted in this Power of Attorney in any manner.

Any power or authority granted to my Agent under this document shall be limited to the extent necessary to prevent this Power of Attorney from causing: (i) my income to be taxable to my Agent, (ii) my assets to be subject to a general power of appointment by my Agent, and (iii) my Agent to have any incidents of ownership with respect to any life insurance policies that I may own on the life of my Agent.

My Agent shall not be liable for any loss that results from a judgment error that was made in good faith. However, my Agent shall be liable for willful misconduct or the failure to act in good faith while acting under the authority of this Power of Attorney.

I authorize my Agent to indemnify and hold harmless any third party who accepts and acts under this document.

My Agent shall not be entitled to any compensation, during my lifetime or upon my death, for any services provided as my Agent. My Agent shall be entitled to reimbursement of all reasonable expenses incurred in connection with this Power of Attorney.

My Agent shall provide an accounting for all funds handled and all acts performed as my Agent, if
EXHIBIT "A"

I so request or if such a request is made by any authorized personal representative or fiduciary acting on my behalf.

This Power of Attorney shall become effective upon written certification by my physician that I am disabled or that I lack sufficient mental competence to understand and handle my financial and personal affairs, and shall not be affected by my disability or lack of mental competence, except as may be provided otherwise by an applicable state statute. This is a Durable Power of Attorney. This Power of Attorney shall continue effective until my death. This Power of Attorney may be revoked by me at any time by providing written notice to my Agent.

Dated October 30, 19203 at JUNCTION CITY, Oregon.

PATRICIA V. TURNER-CHESHER

STATE OF OREGON, COUNTY OF Lane, ss:

This instrument was acknowledged before me on this 30 day of October 19203 by PATRICIA V. TURNER-CHESHER.

Notary Public

Initials: PVT-C
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR'S REPORT

IN THE MATTER OF VACATING A PORTION OF 5TH AVENUE AND A PORTION OF AN ALLEY IN BLOCK 19 OF HUBERT, AS PLATTED AND RECORDED IN BOOK 6, PAGE 32, LANE COUNTY, OREGON PLAT RECORDS, WITHOUT A PUBLIC HEARING
(16-05-10-33)

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 a 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 right of way to alleviate encroachment issues.

The portion of 5th Avenue and the portion of alley proposed to be vacated was dedicated to the public in 1913 on the plat of Hubert as platted in Book 6, Page 32 of the Lane County, Oregon Plat Records. The portion of 5th Avenue runs between Block 18 and Block 19 and is 60 feet wide and approximately 211 feet in length. The alley is 12 feet wide and the portion to be vacated is 125 feet in length.

The described portion of 5th Avenue and alleyway are not constructed or open for public travel. There are building encroachments within 5th Avenue. If this portion of 5th Avenue is vacated there is no need for the adjoining alleyway as there would be no connectivity to a public street.

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”. There is potential for Lot 1, Block 19, of Hubert to lose legal access as a result of the vacation of 5th Avenue, however it is currently under common ownership with Lots 3 and 4, Block 18 of Hubert, and all access is taken off of High Street. The owner is aware of the possible access issue and will address legal access in the future as needed.

The Oregon Utility Notification Center was contacted to determine if there are utilities within the area proposed to be vacated. Blachly-Lane Electric indicated they have facilities within the proposed vacated right of way and Country Vision stated they have cable on the power poles that run along the west end of the proposed vacation. An easement will be retained in the Final Order for any existing public utilities that are within the bounds of the right of way proposed to be vacated. The Surveyor's Office also notified Century Link Communications, 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. The agencies and landowners either had no objection to the vacation or did not respond to the referral.
EXHIBIT “B”

A written report is provided, marked as Exhibit “C”, determining the special benefit of the vacation of the platted roadway and alleyway to the applicants is de minimis pursuant to Lane Manual 60.853 (3)(a).

The described roadway and alley are not needed by the Lane County Transportation System. It is concluded the vacation of the described rights of way is in the public’s interest as it will allow for the petitioners to reconfigure their property lines and eliminate the building encroachments. It is therefore recommended the portion of 5th Avenue west of High Street and the alley between Lots 1 and 2 of Block 19 in the plat of Hubert, as described in the Order, be vacated. It is further recommended the vacation be allowed without a public hearing.

DATED this _______ day of ______________, 2016.

_____________________
Marsha A. Miller, Public Works Director
Department of Public Works
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 "5th Avenue, and a north / south alley" adjoined to Lot 4, Block 18, and Lots 1, 2, and 3, Block 19, of Hubert as platted and recorded in Book 6, Page 32; all in Lane County, Oregon Plat Records, is $0.00.

My determination is based on the Staff Report and recommendation, a copy of which is attached hereto and marked as "Attachment 1".

Dated this 24th day of December, 2015.

Marsha A. Miller, Director
Lane County Public Works
"Attachment 1" of EXHIBIT "C"

STAFF REPORT

Notification of Determination of Amount of Special Benefit Deposit in Connection with a Proposed Vacation of a portion of 5th Avenue, a platted road, and a north / south alley, Pursuant to Lane Manual 60.853(3)(a)

Date: December 11, 2015

Applicants: Kittie Stratton and Patricia V. Turner-Cheshire, Trustee of the Darrel L. Cheshire and Patricia V. Turner-Cheshire Joint Living Trust

PROPOSED VACATION OF A DEDICATED PLATTED ROAD AND ALLEY

The applicants are proposing to vacate a portion of 5th Avenue, along with the north / south alley between Lots 1 and 2, Block 19, in Hubert as platted and recorded in Book 6, Page 32, of the Lane County, Oregon Plat Records, as shown on "Attachment 2." The road and alley adjoins Lot 4, Block 18, and Lots 1, 2, and 3 of Block 19 of Hubert as platted and recorded in Book 6, Page 32; 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 described above. Please note that there are building encroachments and Blachly-Lane utility lines in the existing road and alley right-of-way.

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.” This definition does not include a general benefit which 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).

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 road and alley, full rights will revert to the fee property owners of the property along with all the benefits that result in private ownership. The road is unimproved and has not been open for travel since platted in 1913. The road was dedicated by said Hubert and is considered an easement that encumbers the property and not fee ownership by the County. For this reason, the rights that will be released back to the owners will be valued at 50% of fee ownership.

3. Special Benefit to Property Owner(s):

Upon the vacation of the public road and alley, the encumbrance is removed and the adjacent property owners receive full fee ownership of a portion of the road and alley in accordance with the law. Typically, ownership extends to the centerline of road and alley, so each adjacent property will be allocated a proportional share of the road and alley. Those allocations are as follows:

**Property 1** is Lot 4, Block 18, of Hubert as platted and recorded in Book 6, Page 32, Lane County, Oregon Plat Records, also known as Map and Tax Lot# 16-05-10-33-00200 and is approximately 0.57 acres outside the right of way, and 0.72 acres with the right of way. The amount of Road and Right of Way to be vacated is approximately 0.15 acres.

**Property 2** is Lot 1, Block 19, of Hubert, platted and recorded in Book 6, Page 32, Lane County, Oregon Plat Records, also known as Map and Tax Lot# 16-05-10-33-00302 and is approximately 0.26 acres outside the right of way, and 0.33 acres with the right of way. The amount of Road and Alley Right of Way to be vacated is approximately 0.07 acres.

**Property 3** is Lots 2, 3, and 4, Block 19, of Hubert, platted and recorded in Book 6, Page 32, Lane County, Oregon Plat Records, also known as Map and Tax Lot# 16-05-10-33-00301 and is approximately 0.56 acres outside the right of way, and 0.67 acres with the right of way. The amount of Road and Alley Right of Way to be vacated is approximately 0.11 acres.

**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. Using the “Highest and Best Use” concept in conjunction with the “Before and After” rule is the most appropriate method for determining a “Special Benefit.”

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

**Neighborhood** (Hubert, in the Community of Cheshire) The neighborhood is rural residential with lots ranging from 0.25 acres to 2.2 acres. It is a wooded, north facing hillside area with slopes in the 20% range.

**Property 1** (Map and Tax Lot# 16-05-10-33-00200) The existing use and zone of this property is single family, Rural Residential (R-1). However, due to the size and slope of the property, residential uses are severely limited. The added plottage from the road vacation will not increase the property’s highest and best use in any specific or measurable way.

**Property 2** (Map and Tax Lot# 16-05-10-33-00302) This property is a vacant lot owned by the owners of Property 1 and zoned Rural Residential (R-1). However, due to the size and slope of the property, residential uses are physically and financially restricted, and this site will lose access which could potentially diminish its utility. The added plottage from the road and alley vacation will not increase in the property’s highest and best use in any specific or measurable way.
**Property 3** The existing use and zone of this property is single family, rural residential. However, due to the size and slope of the property, residential uses are severely limited. The added plottage from the road and alley vacation will not increase in the property’s highest and best use in any specific or measurable way.

### 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 were analyzed and used to bracket the subject properties. Most sales shared the same rural residential zoning, are located in similar market areas, and all sales occurred in 2014 and 2015. The sale parcels ranged in size from 0.38 acres to 0.99 acres, and the site values are between $30,000 and $125,000.

Based on a “Before and After” analysis of the comparable sales with each of the properties, the appraiser finds no advantage arising from the added plottage after the vacation of the road and alley.

**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. There is no evidence that the proposed vacation will change any of the properties to a more profitable use. Based on the data and analysis contained in this report, the appraiser finds no special benefit applicable to the proposed vacation that would result from this action.

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 properties is estimated to be de minimus. The appraiser concludes payment of “Special Benefit” is not warranted for this vacation.

[Signature]

Mike Davis  
Real Property Officer 2
"Attachment 2" of EXHIBIT "C"

Aerial View of Subject Properties and Approximate Area to be Vacated
HUBERT and Approximate Area to be Vacated

HUBERT
IN
SEC. 10, T.P. 16 S., RANGE 5 W.5., MILL. M. ER.

Scale 1 in = 150 ft.
"Attachment 4" of EXHIBIT "C"

Site View from High Street Looking West, Approximate Area to be Vacated
Proposed to be Vacated
Portion of 5th Ave. and Alley in Block 19 of Hubert

SW 1/4 Section 10, T. 16 S., R. 5 W. W.M.
Cheshire, Lane County

Unconstructed Road and Alley Proposed to be Vacated