BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 16-05-03-03

IN THE MATTER OF VACATING A PORTION OF PINE STREET IN THE "PLAT OF PORTOLA" AS PLATTED AND RECORDED IN BOOK 4, PAGE 105, LANE COUNTY OREGON PLAT RECORDS, WITHOUT A PUBLIC HEARING (17-06-29-30)

WHEREAS, a petition has been received by the Surveyor's Office of the Lane County Department of Public Works requesting, under authority of ORS Chapter 368.341, the vacation of Pine Street as shown on the "Plat of Portola", as platted and recorded in Book 4, Page 105, Lane County Oregon Plat Records. The area being more particularly described as follows:

All that portion of Pine Street dedicated to the public on the Plat of Portola, as recorded in Book 4, Page 105, Lane County Oregon Plat Records and located in between the portion of Pine Street previously vacated by Board Order No. 77-1-5-9 on January 5, 1977, with an Amended Final Order recorded January 4, 1980, Reception No. 8000626, and the portion of Pine Street that was included in the vacation approved by the Board of Commissioners on March 2, 1965 and recorded in Reel 265-D, Instrument No. 3950. Said portion of right of way being located in the Southwest Quarter (SW ¼) of Section 29, Township 17 South, Range 6 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 Surveyor's Office 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, no property will be denied legal access by this vacation; and

WHEREAS, the street proposed to be vacated is not improved or open for public travel; and

WHEREAS, the public interest will be served by this vacation, as it will allow the encumbering
structures to remain in place and relieve the public from potential liability for injury or misuse; and

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

WHEREAS, the Director of 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", and made a part of this Order; and

WHEREAS, the Director of the Department of Public Works has provided a written report pursuant to Lane Manual 60.854, marked as Exhibit "C", determining the special benefit to be de minimis; 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 portion of Pine Street in the "Plat of Portola", as depicted on the attached map marked as Exhibit "D", is hereby VACATED.

2. This Order be filed with the County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration, and be further recorded in the Lane County, Oregon Deed Records.

ADOPTED this 3rd day of May, 2016.

Faye Stewart, Chair
Lane County Board of Commissioners
PREPARED AND SUBMITTED BY:
Gary R. Henry
PO Box 2592
Eugene, OR 97402
Phone: (541) 344-9010
Fax: (541) 935-6643
gary@henrycompanies.com

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

IN THE MATTER OF THE VACATION
OF A PORTION OF PINE STREET,
IN THE SOUTHWEST QUARTER OF
SECTION 29, TOWNSHIP 17 SOUTH,
RANGE 6 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY,
OREGON

Pursuant to the procedures set forth in ORS Chapter 368, we the undersigned, Gary Henry Exchange, LLC, an Oregon limited liability company, Lloyd Smith, Kevin Smith, Vickie Jo Flammang, and LKVS, LLC, an Oregon limited liability company, as owners of property
including adjacent real property hereby petition for the vacation of a portion of Public Road, Pine Street, which area to be vacated is described as follows:

All that portion of Pine Street, dedicated to the public on the Plat of Portola, as recorded in Book 4, Page 105, Lane County, Oregon Plat Records, lying between the portion of Pine Street previously vacated by Board Order No. 77-1-5-9 on January 5, 1977, with an Amended Final Order recorded January 4, 1980, Reception No. 8000626, and the portion of Pine Street that was included in the vacation approved by the Board of Commissioners on March 3, 1965 and recorded in Reel 265-D, Instrument No. 3950.
WHEREAS, 100% of the owners abutting the above described portion of Pine Street approve of the proposed vacation and have either signed this petition or signed an attached form consenting to the vacation; and

WHEREAS, petitioners allege as follows:

1. The purpose of this vacation request is to complete the vacation of the above-described Pine Street, which is already partially vacated pursuant to vacations recorded at BCC Order 77-1-5-9 and Reel 265D/3950;

2. The platted road does not exist as platted. No need exists for the road to be part of the county road system because there is merely an incomplete, dead-end trail that serves no useful purpose for public access;

3. No permanent residences are served at the location where the road would be;

4. No public safety issues are implicated, such as the need for use by law enforcement or fire protection personnel, because there is no public use of the road and it does not serve any residences;

5. No school buses use the road;

6. The road is not currently maintained by County forces;

7. The road would provide no beneficial use to the public as a detour route in the case of construction or disaster;

8. There are no known utilities or powerlines located in the area to be vacated, however if any do exist, 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 the future proceeds from any future sale of the land being absorbed back into the community and/or it will benefit the school district for future improvements; and

WHEREAS, the names and addresses of all persons owning any real property abutting the property to be vacated are:

a) Tax Lots 17-06-29-30-00100 & 17-06-29-30-00201

   Gary Henry Exchange, LLC
c/o Thomas M. McMahon
P.O. Box 2592
Eugene, OR 97402

b) Tax Lots 17-06-29-30-00200 & 17-06-29-30-00101

   Lloyd Smith
   560 Rutledge Street
   Eugene, OR 97402

   Kevin Smith
   23461 Sheffler Road
   Elmira, OR 97437

   Vickie Jo Flammang
   333 NW Federal
   Bend, OR 97701

c) Tax Lot 17-06-29-30-09800

   LKVS, LLC
   c/o Lloyd Smith
   560 Rutledge St
   Eugene, OR 97401

d) Tax Lot 17-06-29-30-00300

   Donald D. Cole and Carol Candler-Cole
   P.O. Box 8546
   Coburg, OR 97408
WHEREAS, all owners of land abutting the area to be vacated have been given notice of this petition, and those abutting owners other than petitioners herein have provided written consent to the vacation, attached hereto as Exhibits 1.A and 1.B and made part of this petition; and

WHEREAS, petitioner acknowledges that the filing fee is a deposit and an estimate of the vacation fee, and that it 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 proceeding under the authority of ORS Chapter 368.326, for vacation with or without a hearing; and

THEREFORE, the petitioner 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 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 petitioner in accordance with ORS 368.366.

DATED this 3rd day of November, 2015.

PETITIONERS:

Gary Henry Exchange, LLC, by
Cascade Exchange Services, Inc., Member,

By: Thomas M. McMahon, President
EXHIBIT "A"

State of Oregon  )
County of Lane  ) ss.

On November 3, 2015, personally appeared the above named Thomas M. McMahon, President of Cascade Exchange Services, Inc., Member of Gary Henry Exchange, LLC, and acknowledged the foregoing instrument to be a voluntary act before me:

[Signature]

Notary Public for Oregon
My Commission Expires: 1-28-19

Lloyd Smith
Individually and as Member of LKVS, LLC

State of Oregon  )
County of Lane  ) ss.

On _________________, 2015, personally and as member of LKVS, LLC appeared the above named Lloyd Smith and acknowledged the foregoing instrument to be a voluntary act before me:

[Signature]

Notary Public for Oregon
My Commission Expires: __________

Kevin Smith
Individually and as Member of LKVS, LLC

Page 5 - Petition to Vacate
State of Oregon  
County of Lane  

On December 11, 2015, personally appeared the above named Thomas M. McMahon, President of Cascade Exchange Services, Inc., Member of Gary Henry Exchange, LLC, and acknowledged the foregoing instrument to be a voluntary act before me:

Notary Public for Oregon  
My Commission Expires: __________

[Signature]
Lloyd Smith  
Individually and as Member of LKVS, LLC

State of Oregon  
County of Lane  

On December 11, 2015, personally and as member of LKVS, LLC appeared the above named Lloyd Smith and acknowledged the foregoing instrument to be a voluntary act before me:

Notary Public for Oregon  
My Commission Expires: 8-16-2019

[Signature]
Kevin Smith  
Individually and as Member of LKVS, LLC
EXHIBIT "A"

State of Oregon ]
County of Lane ]

On ________________, 2015, personally appeared the above named Thomas M. McMahon, President of Cascade Exchange Services, Inc., Member of Gary Henry Exchange, LLC, and acknowledged the foregoing instrument to be a voluntary act before me:

Notary Public for Oregon
My Commission Expires: __________

Lloyd Smith
Individually and as Member of LKVS, LLC

State of Oregon ]
County of Lane ]

On ________________, 2015, personally and as member of LKVS, LLC appeared the above named Lloyd Smith and acknowledged the foregoing instrument to be a voluntary act before me:

Notary Public for Oregon
My Commission Expires: __________

Kevin Smith
Individually and as Member of LKVS, LLC
State of Oregon )
   ) ss.
County of Lane )

On __DECEMBER 22__, 2015, personally and as member of LKVS, LLC appeared the above
named Kevin Smith and acknowledged the foregoing instrument to be a voluntary act before me:

Vickie Jo Flammang
Individually and as Member of LKVS, LLC

State of Oregon )
   ) ss.
County of Lane )

On ________________, 2015, personally and as member of LKVS, LLC appeared the
above named Vickie Jo Flammang and acknowledged the foregoing instrument to be a voluntary
act before me:

Notary Public for Oregon
My Commission Expires: _4-16-19_
State of Oregon  )
   ) ss.
County of Lane   )

On __________________, 2015, personally and as member of LKVS, LLC appeared the above
named Kevin Smith and acknowledged the foregoing instrument to be a voluntary act before me:

                                      Notary Public for Oregon
                                      My Commission Expires: __________

Vickie Jo Flammang
Individually and as Member of LKVS, LLC

State of Oregon  )
   ) ss.
County of Lane   )

On December 30, 2015, personally and as member of LKVS, LLC appeared the
above named Vickie Jo Flammang and acknowledged the foregoing instrument to be a voluntary
act before me:

                                      Notary Public for Oregon
                                      My Commission Expires: August 08, 2016
CONSENT FORM FOR VACATION OF:

- [ ] Unimproved Public Easement / [X] Unimproved Public Right-of-Way
- [ ] Improved Public Easement / [ ] Public Ways Acquired with Public Funds
- [ ] Improved Public Right-of-Way or Public Way

<table>
<thead>
<tr>
<th>Applicant's Name(s):</th>
<th>Gary R. Henry Revocable Trust</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request:</td>
<td>Right of way vacation</td>
</tr>
<tr>
<td>Location:</td>
<td>All that portion of Pine Street, dedicated to the public on the Plat of Portola, as recorded in Book 4, Page 105, Lane County, Oregon Plat Records, lying between the portion of Pine Street previously vacated by Board Order No. 77-1-5-9 on January 5, 1977 and the portion of Pine Street that was included in the vacation approved by the Board of Commissioners on March 3, 1965 and recorded in Reel 265-D, Instrument No. 3950.</td>
</tr>
<tr>
<td>Assessor's Map/Tax Lot(s):</td>
<td>17-06-29-30-00101, 00200, 00300, 00700, 09800</td>
</tr>
</tbody>
</table>

CONSENT BY OWNER OF ABUTTING PROPERTY LOCATED AT:

ADDRESS:

ASSESSOR MAP/TAX LOT: 17-06-29-30-00300

We, Donald D. Cole and Carol Candler-Cole, legal owners of property listed above, hereby consent to the vacation request as listed above.

SIGNATURE: Donald D. Cole

DATE: 1-6-2016

On January 6, 2016, personally appeared the above named Donald D. Cole and acknowledged the foregoing instrument to be a voluntary act before me:

JUDY ANNE BAILEY
NOTARY PUBLIC - OREGON
COMMISSION NO. 923871
MY COMMISSION EXPIRES JANUARY 08, 2018

Exhibit 1.A
Page 1 of 2
SIGNATURE: Carol Candler Cole  DATE: 1/06/2016

State of Oregon  )
County of Lane  ) ss.

On January 6, 2016, personally appeared the above named Carol Candler Cole and acknowledged the foregoing instrument to be a voluntary act before me:

Judy Bailey
Notary Public for Oregon
My Commission Expires: 01.09.2018
CONSENT FORM FOR VACATION OF:

☐ Unimproved Public Easement / ☒ Unimproved Public Right-of-Way

☐ Improved Public Easement / ☐ Public Ways Acquired with Public Funds

☐ Improved Public Right-of-Way or Public Way

Applicant's Name(s): Gary R. Henry Revocable Trust

Request: Right of way vacation

Location: All that portion of Pine Street, dedicated to the public on the Plat of Portola, as recorded in Book 4, Page 105, Lane County, Oregon Plat Records, lying between the portion of Pine Street previously vacated by Board Order No. 77-1-5-9 on January 5, 1977 and the portion of Pine Street that was included in the vacation approved by the Board of Commissioners on March 3, 1965 and recorded in Reel 265-D, Instrument No. 3950.

Assessor's Map/Tax Lot(s): 17-06-29-30-00101, 00200, 00300, 00700, 09800

CONSENT BY OWNER OF ABUTTING PROPERTY LOCATED AT:

ADDRESS: 22747 Noti Lp, Noti, OR 97461-9741

ASSESSOR MAP/TAX LOT: 17-06-29-30-00700

I, Suzanne M. Richards, legal owner of property listed above, hereby consent to the vacation request as listed above.

SIGNATURE: ___________________________ DATE: 1-5-14

Suzanne M. Richards

State of Oregon )
)
County of Lane ) ss.

On January 5, 2014, personally appeared the above named Suzanne M. Richards and acknowledged the foregoing instrument to be a voluntary act before me:

[Stamp]

Bonnie A. Nagle
NOTARY PUBLIC - OREGON
COMMISSION NO. 937658
MY COMMISSION EXPIRES APRIL 18, 2019

Exhibit 1.B
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR'S REPORT

IN THE MATTER OF VACATING A PORTION OF
PINE STREET IN THE "PLAT OF PORTOLA" AS
PLATTED AND RECORDED IN BOOK 4, PAGE 105,
LANE COUNTY OREGON PLAT RECORDS,
WITHOUT A PUBLIC HEARING (17-06-29-30)

The Surveyor's Office of the Department of Public Works has received a valid petition signed by the owners of 100% of the property abutting the proposed vacation requesting, by the authority of ORS 368.351, a vacation without a public hearing. ORS 368.326 to 368.366 allows a county governing body to vacate a subdivision or part of subdivision, a road or right-of-way, or public interest in property under the jurisdiction of the county, based on the determination that the vacation is "in the public's interest".

The street being proposed to be vacated was dedicated to the public in 1912 on the "Plat of Portola" as recorded in Book 4, Page 105, Lane County Oregon Plat Records. Portola became known as the town of Noti, and in the last 94 years, portions of this subdivision have been vacated, including streets, alleys and lots. The vacations were dispersed throughout the plat and on occasion have created street gaps between vacations. The portion proposed to be vacated has no connectivity to other public streets due to previous vacations. It is the segment lying between the portion of Pine Street previously vacated by Board Order No. 77-1-5-9 on January 5, 1977 and the portion of Pine Street that was included in the vacation approved by the Board of Commissioners on March 3, 1965 and recorded in Reel 265-D, Instrument No. 3950. The majority of the land encompassing the proposed vacation was formerly owned by the Fern Ridge School District. When they prepared to sell the property they discovered the property was encumbered by a public right of way that had not been vacated. The buyers purchased the property knowing about this encumbrance and are aware there are encroachments in the platted right of way. The new owners have submitted a petition requesting the subject portion of Pine Street be vacated.

The Surveyor's Office 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. Century Link and Northwest Natural Gas replied stating they do not have facilities in this area. The other agencies and landowners did not respond to the referral.

A written report is provided, marked as Exhibit "C", determining the special benefit of the vacation to the applicant pursuant to Lane Manual 60.853(3) is de minimis.

The platted street is not needed by the Lane County Transportation System and no property will be denied legal access as a result of this vacation. It is concluded the vacation of this street is
EXHIBIT “B”

in the public’s interest, as it will allow the land to be utilized and eliminate unnecessary road right of way that has no connectivity. It is therefore recommended the portion of the public road that was dedicated to the public on “Plat of Portola” and as described in the Order, be vacated. It is further recommended the vacation be allowed without a public hearing.

DATED this 18th day of April, 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
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 "Pine Street" adjoined to the portion of Portola, as described in Reel 659, Instrument Number 45822, the portion of Portola, as described in Reel 155, Instrument Number 3338, the portion of Portola, as described in Reel 155, Instrument Number 3337, and the portion of Portola, as described in Reel 41, Instrument Number 33659; 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 16th day of March, 2016.

[Signature]

Marsha A. Miller, Director
Lane County Public Works
STAFF REPORT

Notification of Determination of Amount of Special Benefit Deposit in Connection with a Proposed Vacation of “Pine Street,” a platted road, Pursuant to Lane Manual 60.853(3)(a)

Date: February 26, 2016

Applicant: Gary R. Henry

PROPOSED VACATION OF A DEDICATED PLATTED ROAD

The applicant is proposing to vacate a portion of Pine Street adjoined to the portion of Portola, as described in Reel 659, Instrument Number 45822, the portion of Portola, as described in Reel 155, Instrument Number 3338, the portion of Portola, as described in Reel 155, Instrument Number 3337, and the portion of Portola, as described in Reel 41, Instrument Number 33659; all in Lane County, Oregon Plat Records.

Upon the vacation of the platted road, full property rights will vest in the rightful owner in accordance with ORS 368.366 (1)(c) and (1)(d). Please note that there are building encroachments in the existing road right of way.

NATURE OF BENEFIT TO BE RECEIVED IF THE PLATTED ROAD IS 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:

The road was dedicated by said Portola and is considered an easement that encumbers the properties and not fee ownership by the County. The road is unimproved, has no connectivity, is land locked, has encroachments on it, and the road has no use to the public or Lane County. Upon the vacation of the public road, full rights will revert back to the fee property owners of the property along with all the benefits that result in private ownership.

3. Special Benefit to Property Owner(s):

Upon the vacation of the public road, the encumbrance is removed and the adjacent property owners receive full fee ownership of a portion of the road in accordance with the law. Those allocations are as follows:

Property 1 is a portion of Portola, as described in Reel 659, Instrument Number 45822, in Lane County, Oregon Plat Records, also known as Map and Tax Lot# 17-06-29-30-00200. The site is approximately 4.22 acres outside the right of way, and 4.52 acres with the right of way. The amount of Road Right of Way to be vacated is approximately 0.30 acres.

Property 2 is a portion of Portola, as described in Reel 155, Instrument Number 3338, in Lane County, Oregon Plat Records, also known as Map and Tax Lot# 17-06-29-30-00101. The site is approximately 0.65 acres outside the right of way, and 0.70 acres with the right of way. The amount of Road Right of Way to be vacated is approximately 0.05 acres.

Property 3 is a portion of Portola, as described in Reel 155, Instrument Number 3337, in Lane County, Oregon Plat Records, also known as Map and Tax Lot# 17-06-29-30-00201. The site is approximately 0.58 acres outside the right of way, and 0.80 acres with the right of way. The amount of Road Right of Way to be vacated is approximately 0.22 acres.

Property 4 is a portion of Portola, as described in Reel 41, Instrument Number 33659, in Lane County, Oregon Plat Records, also known as Map and Tax Lot# 17-06-29-30-00100. The site is approximately 9.95 acres outside the right of way, and 10.46 acres with the right of way. The amount of Road Right of Way to be vacated is approximately 0.51 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 (Portola, in the Community of Noti) the majority of the neighborhood is a mixture of rural residential (RR-2), impacted forest (F-2), and rural public facility (RFP) zonings. The lots range from mostly 0.16 acres to 5.4 acres. The proposed partial road vacation is moderately forested to the west, with some open areas towards the east, and is encumbered by a building to the northeast. It is on a south facing hillside with approximate slopes in the 10% to 15% range.

Property 1 (Map and Tax Lot# 17-06-29-30-00200) The existing use of this property is vacant land zoned Rural Residential Impacted Forest (F-2). The added plottage from the road vacation will not increase the property’s highest and best use to a more profitable use in any specific or measurable way.

Property 2 (Map and Tax Lot# 17-06-29-30-00101) The existing use of this property is vacant land adjacent to the retired Noti School site and is zoned Rural Residential (RR-2). However, due to the size and utility of the property, residential uses are physically and financially restricted. The added plottage from the road vacation will not increase in the property’s highest and best use to a more profitable use in any specific or measurable way.

Property 3 (Map and Tax Lot# 17-06-29-30-00201) The existing use of this property is vacant land adjacent to and part of the retired Noti School site zoned Rural Public Facility (RPF). The added plottage from the road vacation will not increase in the property’s highest and best use to a more profitable use in any specific or measurable way.

Property 4 (Map and Tax Lot# 17-06-29-30-00100) The existing use of this property is the retired Noti School site zoned Rural Public Facility (RPF). The added plottage from the road vacation will not increase in the property’s highest and best use to a more profitable 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. Sales shared similar lot sizes, property zonings, were located in similar market areas, and most sales occurred in 2014 and 2015. The sale parcels were analyzed by lot size, location, zonings, and site values.

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

Mike Davis
Real Property Office
Aerial View of Subject Properties and Approximate Area to be Vacated
PORTOLA and Approximate Area to be Vacated

“Pine Street”
EXHIBIT “D”

Proposed to be Vacated
Portion of Pine Street
in the Plat of Portola
SW 1/4 Section 29, T. 17 S., R. 6 W. W.M.
Lane County

UNCONSTRUCTED STREET PROPOSED TO BE VACATED