



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: October 25, 2017

Department: Public Works Agenda Planning Date: October 19, 2017 Time required: 10 min.

Audio/Visual aids

Contact: Phil Jones Phone: 503-588-7966

Department Head Signature:

TITLE Consider the vacation of an unnamed portion of County Road 765 extending south from Anna Lane NE, lying west of victor Point Road.

Issue, Description & Background Public Works received a petition requesting to vacate County Road 765, a remnant segment from the original alignment of Victor Point Road that no longer is being used by the public. The petition states that this is a dead-end, undeveloped right-of-way that serves no practical purpose. All of the abutting property owners signed this petition. In 1931, Victor Point Road was realigned and the old right-of-way was vacated, except for the portions now known as Anna Lane and this right-of-way. These portions remained to give access to a farm building, which no longer exists. The right-of-way proposed for vacation is now being used as a side yard and for farming activities by the adjoining property owners. If the vacation of this right-of-way is granted, the property would be vested to the property owners to the east and west of the right-of-way, as outlined in ORS 368.366, by extending the property owners boundaries to the center of the vacated property, unless the board of commissioners specifically determines other ownership is more appropriate. The road proposed for vacation is a 60-foot wide right-of-way, 143 feet in length, with no evidence of past road construction existing. Access to the properties abutting this right-of-way is from Anna Lane. Presently, the right-of-way is covered with grass. A search of the Surveyor's Office reveals no record of any previous vacation or abandonment of this right-of-way. There are no utilities that would need to be protected by easements if the right-of-way is vacated. Upon review of this right-of-way, the Planning, Land Development & Permits, and Traffic Engineering sections have no objections to this vacation, if approved. The area is zoned EFU (Exclusive Farm Use) and current use conforms to the zoning. The Public Works department has determined that the vacation of this public road would be in the public interest, as this is an undeveloped, dead-end road that serves no practical use.

Financial Impacts: There is no fiscal impact created by this proposed road vacation.

Impacts to Department & External Agencies There are no impacts to county departments or external entities.



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Options for
Consideration:

1. Grant the vacation of an unnamed portion of County Road 765 lying southerly of Anna Lane NE, and vest the right-of-way to the abutting property owners.
2. Deny the vacation of this right-of-way, leaving it in its present status.

Recommendation:

Public Works staff recommends the board of commissioners grant the vacation of an unnamed portion of County Road 765 lying southerly of Anna Lane NE, and vest the right-of-way to the abutting property owners.

List of attachments:

Engineer's report
Map
Photographs
Board Order-Road Vacation
Exhibit A - Legal Description

Presenter:

Phil Jones

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to:

Phil Jones, prjones@co.marion.or.us

ENGINEER'S REPORT

VACATION OF C.R. 765, AN UN-NAMED COUNTY ROAD LYING SOUTH OF ANNA LANE NE

CLERK'S FILE: 5728

October 17, 2017

Prepared by: Phil Jones

On May 4, 2017, a petition was filed with Marion County to vacate C.R. 765, an un-named county road lying south of C.R. 765 – Anna Lane. The petition states that this is a dead-end, undeveloped right-of-way that serves no practical purpose.

The road proposed for vacation is a 60-foot wide right of way, 143 feet in length, with no evidence of past road construction existing. Access to the properties abutting this right-of-way is from Anna Lane. Presently, the right-of-way is covered with grass. A search of the Surveyor's Office reveals no record of any previous vacation or abandonment of this right of way.

In 1931, Victor Point Road was re-aligned and the old right-of-way was vacated, except for the portions now known as Anna Lane and this right-of-way. These portions remained to give access to a farm building, which no longer exists. The right-of-way proposed for vacation is now being used as a side yard, and for farming activities by the adjoining property owners. If the vacation of this right-of-way is granted, the property would be vested to the property owners to the east and west of the right-of-way, as outlined in ORS 368.366, by extending the property owners boundaries to the center of the vacated property, unless the Board of Commissioners specifically determines other ownership is more appropriate.

There are no utilities that would need to be protected by easements if the right-of-way is vacated.

Upon review of this right-of-way, the Planning, Land Development & Permits, and Traffic Engineering sections have no objections to this vacation, if approved. The area is zoned EFU (Exclusive Farm Use). Current use conforms to the zoning.

The Public Works Department has determined that the vacation of this public road would be in the public interest, as this is an undeveloped, dead-end road that serves no practical use.



VACATION OF
C.R. 765
UN-NAMED ROAD →

ANNA LANE

M.R. 79 VICTOR POINT ROAD NE

EXHIBIT MAP

VACATION OF A PORTION OF C.R. 765,
AN UN-NAMED ROAD LYING SOUTH OF ANNA LANE NE,
SITUATED IN THE NORTHWEST 1/4 OF SECTION 24,
TOWNSHIP 7 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
MARION COUNTY, OREGON

DATE: JUNE 28, 2017

DRAWN BY: P. JONES

CHECK BY: M. RIGGINS

**MARION COUNTY
SURVEYORS OFFICE**
5155 SILVERTON ROAD
SALEM, OR 97305



NORTH END OF UN-NAMED PORTION OF C.R. 765 LOOKING SOUTH



SOUTH END OF UN-NAMED PORTION OF C.R. 765 LOOKING NORTH



RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING (ORS 205.234). ANY ERRORS IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTIONS CONTAINED WITHIN THE DOCUMENT.

A. Names of the Transactions described in the attached instrument:

Road Vacation Order

B. Names of First Parties: **Marion County**

Names of Second Parties: **Mark E. Dietrich
Kara H. Pilcher**

C. Consideration Paid: (if applicable): **N/A**

D. Lien or Satisfaction Amount: (if applicable): **N/A**

E. Until a change is requested, all tax statements shall be sent to the following address:

Vacated road being attached to existing tax accounts. No separate statement required.

F. Name and address of person authorized to receive the instrument after recording:

**Phil Jones, Survey Tech 3
Marion County Department of Public Works
5155 Silverton Road NE
Salem, Oregon 97305**

**BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY OREGON**

In the Matter of Vacating a Portion of County)
Road No. 765, an Un-Named County Road) Public Works
Lying South of Anna Lane NE, Located in) Clerk's File # 5728
Section 24, Township 7 South, Range 1 West,)
Willamette Meridian, Marion County, Oregon.

ORDER

This matter came before the Board of Commissioners at a public meeting conducted on _____, 2017; and

WHEREAS, Mark E. Dietrich and Kara H. Pilcher submitted a petition dated February 13, 2017 requesting the vacation of a portion of County Road No. 765, an un-named county road lying south of Anna Lane NE; and

WHEREAS, the Director of Public Works submitted a report, as required by ORS 368.351, stating that the vacation of said road would be in the public interest; and that 100% of the owners of the property to be vacated and 100% of the adjoining property owners signed the road vacation petition as required by ORS 368.351; now therefore

IT IS HEREBY ORDERED that, a portion of County Road No. 765, an un-named county road lying south of Anna Lane NE, located in Section 24, Township 7 South, Range 1 West, Willamette Meridian, as described and identified on the attached Exhibit "A", be vacated, and that said vacated property shall vest pursuant to ORS 368.366.

IT IS FURTHER ORDERED that no costs resulting from this vacation shall be assessed; that the County Surveyor shall mark related plats, as required by ORS 271.230; that copies of this order shall be filed with the Marion County Clerk, Surveyor and Assessor.

Dated this ____ day of _____, 2017.

BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

EXHIBIT A

Description of the Vacated Public Right-of-Way:

Situated in Section 24, Township 7 South, Range 1 West, Willamette Meridian, Marion County, Oregon, and being more particularly described as follows:

Beginning at an iron pipe being S 0°07' E 1475.2 feet from the northeast corner of the Northwest 1/4 of the Northwest 1/4 of Section 24, Township 7 South, Range 1 West, Willamette Meridian; thence N 89°53' E 30.00 feet; thence N 0°07' W 142.91 feet to the southerly right-of-way of County Road 765 – Anna Lane; thence N 89°57' W along the southerly right-of-way of Anna Lane a distance of 60.00 feet; thence S 0°07' E 143.09 feet; thence N 89°53' E 30.00 feet to the point of beginning.