



AGENDA COVER MEMO

Memorandum Date: August 8, 2025
Order Date: August 26, 2025

TO: Board of County Commissioners

DEPARTMENT: Public Works/Engineering and Construction Services/Surveyors

PRESENTED BY: Mikeal Jay Blommé, Lane County Surveyor

AGENDA ITEM TITLE: ORDER / IN THE MATTER OF THE VACATION OF RIVER DRIVE, COUNTY ROAD NO. 349, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 26, TOWNSHIP 19 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON. (19-03-26-00).

I. MOTION

APPROVE THE ORDER TO VACATE A PORTION OF RIVER DRIVE, COUNTY ROAD NO. 349, AS DESCRIBED IN THE ORDER WITHOUT A PUBLIC HEARING.

II. AGENDA ITEM SUMMARY

The Board is being asked to approve the vacation of a portion of River Drive as described in the Order and depicted on the map attached as Exhibit “C,” at the request of the petitioners.

III. BACKGROUND / IMPLICATIONS OF ACTION

A. Board Action and Other History

The Surveyor's Office of the Department of Public Works has received a valid petition signed by James I. Carlson, Raven A. Carlson, Jamie Candace Long, and Arthur P. Ojeda, representing the owner of 100% of the properties abutting this proposed vacation requesting, by the authority of ORS 368.351, a vacation without a public hearing.

The section of River Drive proposed to be vacated lies in Section 26 of Township 19 South, Range 3 West of the Willamette Meridian (19-03-26). The road was legally established as Tunnell Road (County Road No. 349) in 1878 with a right of way width of 30 feet. An additional 5 feet of right of way was dedicated for public use along the frontage of petitioner's properties

through subdivision process, specifically a subdivision named Hilldale, platted and recorded in Book 12, Page 10, Lane County Oregon Plat Records. The vacation petition will vacate the entire 35-foot width fronting petitioner's properties if approved.

The segment of River Drive proposed to be vacated has been abandoned since the construction of Interstate 5, in which the currently as-travelled portion of River Drive was relocated in a southerly and easterly direction to accommodate an overpass over the interstate.

In 1981, the Board of County Commissioners approved vacating a segment of River Drive located between this vacation request and the west right of way of Interstate 5, pursuant to Board of County Commissioners Final Order recorded on Reel 104, Pages 1117 and 1118 of the Commissioner's Journals.

Petitioners state the reason to vacate the road is that it is no longer used for transportation purposes. The portion of right of way serves no public purposes such as providing access to public land or recreation areas. The petitioners believe that they can best manage the abandoned right of way effectively. Petitioners are also concerned of the threat of illegal camping and the dangers that would impose to their families. Petitioners state that they would use a gate and fence to prevent unwanted trespassing.

Lane County Road Maintenance does not currently provide maintenance activities such as vegetation removal for the subject portion of road.

The portion of road herein proposed to be vacated lies entirely outside of any incorporated city limits.

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 lose legal access as a result of this vacation request.

EPUD, Lumen/CenturyLink, and Northwest Natural Gas were sent referrals seeking comment on this proposed vacation. EPUD responded that they would like to retain an easement to access an existing overhead power line through the area. At the Petitioner's request, a public utility easement will be retained for any existing public utilities that exist within the bounds of the right of way proposed to be vacated. The other aforementioned utility providers did not respond to our referral.

The Surveyor's Office also notified various other agencies including Lane Council of Governments, South Lane Fire District, Creswell School District, Oregon Department of Fish and Wildlife, ODOT, Lane Community College, and Lane ESD. None of the aforementioned agencies, districts, or providers responded to our referral.

Lane County Transportation Planning, Lane County Land Management, and Lane County Road Maintenance Staff have all indicated that they have no objection to this request.

Adjacent landowners were notified by mail. The Surveyor's Office received one phone inquiry from a nearby landowner requesting clarification but ultimately did not object to our referral.

B. Policy Issues

Lane Manual 15.300 and 15.305 supplement ORS 368 in allowing for consideration of vacation of rights of way where little need exists for the right of way and where the vacation will not adversely affect orderly development of adjacent property. The rights of way herein considered for vacation as described in the Order are consistent with these categories.

C. Board Goals

The vision of Lane County's Strategic Plan, in part, is to create a vibrant community through wise stewardship of its human and natural resources. The vacation of this right of way as described in the Order is consistent with these categories.

D. Financial and/or Resource Considerations

Vacation of the described right of way will return a marginal portion of land to the County tax rolls as real property. The County has received a deposit for the fees for processing a vacation without a public hearing and petitioner will pay actual costs incurred by Lane County for processing the vacation.

E. Health Implications

There are no health implications.

F. Analysis

Lane County Staff has determined the vacation of the subject portion of River Drive will have no adverse effects on transportation patterns in the area, and the portion to be vacated is not needed for transportation purposes. Upon Board approval the petitioners request ownership of the vacated area to vest directly to petitioner Carlson's property, pursuant to ORS 368.366(2).

G. Alternatives / Options

The Board of County Commissioners has the option to:

1. Approve the vacation of River Drive as described in the Order.
2. Deny the vacation.
3. Continue the matter for further consideration.

IV. RECOMMENDATION

The Public Works Director's Report recommends the Board support Option Number 1, to approve the vacation of River Drive as described in the Order. The public interest will be served and not prejudiced, as the right of way is no longer needed for public or transportation purposes and will return unused public right of way back to private ownership.

All statutory procedures necessary for a vacation without a public hearing of the above-mentioned road have been complied with, including a report by the Director of Public Works, attached as Exhibit "B," who recommends approval of the vacation as described in the Order.

V. TIMING / IMPLEMENTATION

The Petitioners respectfully ask the Board to consider this request in a timely manner.

VI. FOLLOW-UP

If the Board of County Commissioners approves the Order to Vacate the subject portion of River Drive, it is to be forwarded to the Lane County Clerk for filing and recording, after which copies are to be forwarded to the County Surveyor and County Assessor for appropriate action. If the Order to Vacate is not approved, an Order to Deny will be presented to the Board at a later regularly scheduled meeting.

VII. ATTACHMENTS

Order with Exhibits:

Petition to Vacate – Exhibit "A"

Director's Report – Exhibit "B"

Map – Exhibit "C"

Contact Person: Mikeal (Jay) Blommé, Ext. 6997

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF THE VACATION OF RIVER DRIVE, COUNTY ROAD NO. 349, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 26, TOWNSHIP 19 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON. (19-03-26-00).

WHEREAS, The Surveyor's Office of the Department of Public Works has received a valid petition signed by James I. Carlson, Raven A. Carlson, Jamie Candace Long, and Arthur P. Ojeda, representing the owners of 100% of the properties abutting this proposed vacation requesting, by the authority of ORS 368.351, a vacation without a public hearing, more particularly described as follows:

Beginning at the Southwest corner of Lot 45 of Hilldale, as platted and recorded in Book 12, Page 10, Lane County Oregon Plat Records, Lane County, Oregon; thence in a southeasterly direction to the most westerly point of that tract of land conveyed to James S. Loerke from the Oregon State Department of Transportation, as recorded on Reel 1283, Recorder's Reception No. 8404729, Lane County Oregon Deeds and Records, said point also being at the intersection of the southerly right of way of County Road No. 349 with the northerly right of way line of Relocated County Road No. 349; thence Easterly, along the southerly right of way of said County Road No. 349, to the westerly end of that portion of County Road No. 349 as vacated by Lane County Board of Commissioner's Final Order recorded on Reel 104, Pages 1117 and 1118 of the Commissioner's Journals; thence Northerly, along said westerly end of vacated road, 35 feet to the northerly right of way of said County Road No. 349; thence Westerly, along said northerly right of way of County Road No. 349 to the Point of Beginning, all in Lane County, Oregon.

RESERVING THEREFROM: a public utility easement for the purpose of preserving, maintaining, repairing, replacing, removing or reinstalling any public utility facilities that exist within the bounds of the above-described.

WHEREAS, the petition complies with the provisions of ORS 368.351 in that the Petitioners, landowners of 100% of the properties 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 road herein proposed to be vacated lies entirely outside of any boundary of an incorporated city or town; and

WHEREAS, EPUD, Lumen/CenturyLink, Northwest Natural Gas, and other agencies such as Lane County Land Management, Lane County Transportation Planning, Lane County Road Maintenance, Lane Council of Governments, South Lane Fire District, Creswell School District, Oregon Department of Fish and Wildlife, ODOT, Lane Community College, and Lane ESD, and adjoining and nearby

property owners were notified of this action by mail. The above listed agencies and landowners either had no objection to the vacation or did not respond to our referral; and

WHEREAS, at EPUD's request, petitioners hereby retain a public utility easement for any utilities that currently exist within the bounds of the roads being vacated; 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*". No property will lose legal access as a result of this vacation request.

WHEREAS, the public interest will be served by this vacation as the County Road is not needed for transportation purposes; will remove the road right of way from Lane County's jurisdiction and will return a marginal portion of land to the County tax rolls; 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; and

WHEREAS, the Petitioner has paid a vacation fee deposit of \$3,400.00 for a vacation without a public hearing 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 is no longer needed for transportation purposes and is in the best interest of the public.

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

1. The portion of River Drive, County Road No 349, as described above is hereby VACATED.
2. At the petitioner's request, and under the authority of ORS 368.366(2), title to the vacated lands shall vest to that real property as described on Instrument 2024-029041, Lane County Oregon Deed Records, Lane County, Oregon.
3. A public utility easement is hereby retained for all existing public utilities to preserve, maintain, repair, replace, remove or reinstall any public utilities that exist within the bounds of the portion of the roads 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 _____ day of _____, 2025.

David Loveall, Chair
Lane County Board of Commissioners

EXHIBIT “B”

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR’S REPORT

IN THE MATTER OF THE VACATION OF RIVER DRIVE, COUNTY ROAD NO. 349, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 26, TOWNSHIP 19 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON. (19-03-26-00).

The Surveyor's Office of the Department of Public Works has received a valid petition signed by James I. Carlson, Raven A. Carlson, Jamie Candace Long, and Arthur P. Ojeda, representing the owner of 100% of the properties abutting this proposed vacation requesting, by the authority of ORS 368.351, a vacation without a public hearing.

The section of River Drive proposed to be vacated lies in Section 26 of Township 19 South, Range 3 West of the Willamette Meridian (19-03-26). The road was legally established as Tunnell Road (County Road No. 349) in 1878 with a right of way width of 30 feet. An additional 5 feet of right of way was dedicated for public use along the frontage of petitioner’s properties through the subdivision process, specifically a subdivision named Hilldale, platted and recorded in Book 12, Page 10, Lane County Oregon Plat Records. The vacation petition will vacate the entire 35-foot width fronting petitioner’s properties if approved.

The segment of River Drive proposed to be vacated has been abandoned since the construction of Interstate 5, in which the current as-travelled portion of River Drive was relocated in a southerly and easterly direction to accommodate an overpass over the interstate.

In 1981, the Board of County Commissioners approved vacating a segment of River Drive immediately east of this vacation request to the west right of way of Interstate 5, pursuant to Board of County Commissioners Final Order recorded on Reel 104, Pages 1117 and 1118 of the Commissioner’s Journals.

Petitioners state the reason to vacate the road is that it is no longer used for transportation purposes. The portion of right of way serves no public purpose such as providing access to public land or recreation areas. The petitioners believe that they can best manage the abandoned right of way effectively. Petitioners are also concerned of the threat of illegal camping and the dangers that would impose to their families. Petitioners state that they would gate and fence to prevent unwanted trespassing.

Lane County Road Maintenance does not currently provide maintenance activities such as vegetation removal for the subject portion of road.

The portion of road herein proposed to be vacated lies entirely outside of any incorporated city limits.

EXHIBIT “B”

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 lose legal access as a result of this road vacation.

EPUD, Lumen/CenturyLink, and Northwest Natural Gas were sent referrals seeking comment on this proposed vacation. EPUD responded that they would like to retain an easement to access an existing overhead power line through the area. At the Petitioner’s request, a public utility easement will be retained for any existing public utilities that exist within the bounds of the right of way proposed to be vacated. The other aforementioned utility providers did not respond to our referral.

The Surveyor’s Office also notified various other agencies including Lane Council of Governments, South Lane Fire District, Creswell School District, Oregon Department of Fish and Wildlife, ODOT, Lane Community College, and Lane ESD. None of the aforementioned agencies, districts, or providers responded to our referral.

Lane County Transportation Planning, Lane County Land Management, and Lane County Road Maintenance Staff have all indicated that they have no objection to this request.

Adjacent landowners were notified by mail. The Surveyor’s Office received one phone inquiry from a nearby landowner requesting clarification but ultimately did not object to our referral.

The County’s costs of processing the vacation will be paid in full by the Petitioner.

In summary, it has been determined that River Drive, as described in the Order and depicted on Exhibit “C,” is not needed by the Lane County Transportation System. It has also been concluded the vacation of this road is in the public’s best interest, as vacating this road will return unused public right of way back to private ownership, adding a marginal portion of land to the County tax rolls; and have no adverse effects on transportation patterns or recreational activities in the area. It is further recommended the vacation be allowed without a public hearing.

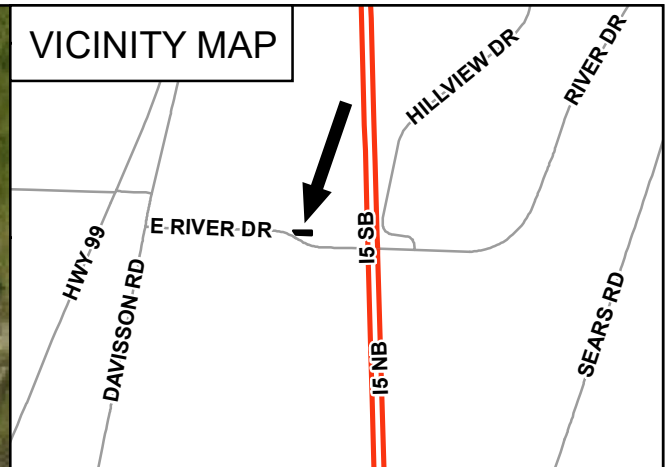
DATED this _____ day of _____, 2025.

Dan Hurley, Director
Department of Public Works

**E. RIVER DRIVE (COUNTY ROAD NO. 349)
- PROPOSED TO BE VACATED -**

**SE 1/4 SEC. 26 T.19S. R.03W. W.M.
Lane County, Oregon**

VICINITY MAP



Legend



UNIMPROVED PORTION OF E. RIVER DR
PROPOSED TO BE VACATED



NO SCALE

Exhibit A

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON.

IN THE MATTER OF THE VACATION OF A PORTION OF RIVER DRIVE,)
COUNTY ROAD NO. 349, LOCATED IN THE SOUTHEAST ONE-QUARTER) PETITION TO VACATE
OF SECTION 26, TOWNSHIP 19 SOUTH, RANGE 3 WEST OF THE)
WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON. (19-03-26-00))

Pursuant to the procedures set forth in ORS Chapter 368, we the undersigned James I. Carlson, Raven A. Carlson, Jamie Candice Long, and Arthur P. Ojeda, as owners of the adjacent real property, hereby petition for the vacation of a portion of a 35-foot wide road known as River Drive, County Road No. 349, located in the SE 1/4 of Section 26, Township 19 South, Range 3 West of the Willamette Meridian, which area of road to be vacated is described as follows:

Beginning at the Southwest corner of Lot 45 of Hilldale, as platted and recorded in Book 12, Page 10, Lane County Oregon Plat Records, Lane County, Oregon; thence in a southeasterly direction to the most westerly point of that tract of land conveyed to James S. Loerke from the Oregon State Department of Transportation, as recorded on Reel 1283, Recorder's Reception No. 8404729, Lane County Oregon Deeds and Records, said point also being at the intersection of the southerly right of way of County Road No. 349 with the northerly right of way line of Relocated County Road No. 349; thence Easterly, along the southerly right of way of said County Road No. 349, to the westerly end of that portion of County Road No. 349 as vacated by Lane County Board of Commissioner's Final Order recorded on Reel 104, Pages 1117 and 1118 of the Commissioner's Journals; thence Northerly, along said westerly end of vacated road, 35 feet to the northerly right of way of said County Road No. 349; thence Westerly, along said northerly right of way of County Road No. 349 to the Point of Beginning, all in 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 request is to identify that portion of River Drive does not serve a present nor future public right of way need, as it is surrounded by private property owned by James I. Carlson, Raven A. Carlson, Jamie Candice Long, and Arthur P. Ojeda. It is no longer necessary for the County to maintain public access and maintenance of the portion of road herein proposed for vacation. This portion of land is currently used as the legal right of way for entry to Carlsons property and does not serve as direct access to any public buildings, parks, bike paths, viewpoints or other recreation. James I. Carlson and Raven A. Carlson believe that it is beneficial to obtain control over the entire identified section of road so that it can be regularly managed more directly and effectively. County and adjoining property owners Jamie Candice Long and Arthur P. Ojeda would be relieved of any responsibility of damage or maintenance after events such as windstorms, floodings and/or other acts of nature. Additionally, this portion of River Drive needs care as potholes are present and overgrown shrubbery is visible. A vacation would release the County and adjoining property owners of the burden and cost of maintaining

this area and return that right to owners James I. Carlson and Raven A Carlson.

2. Carlsons are concerned that there is potential for vagrants to occupy this portion of land and pose a possible threat of danger to them and their family. Carlsons believe that acquiring this entire section of River Drive will allow Owners to adequately fence their property to prevent unwanted entry and trespassing.
3. This portion of land sits directly in front of the property of James I. Carlson and Raven A. Carlson. It is of interest to Owners to reclaim this entire section of River Drive to become usable space on which, if permissible, Owners would like to build a garage or garden building.
4. Vacating this public right of ways will alleviate the County of the responsibility to maintain the areas that currently have no value for public use.
5. There is an overhead power line in the vicinity of the area to be vacated. If necessary, a public utility easement will be retained or otherwise be provided for in conjunction with this vacation for all known or unknown utilities located within the right of way proposed 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 returning unused public right of way back to private ownership and taxable real property; and

WHEREAS, petitioners 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 County Surveyor's Office public land vacation fees and Lane County Deeds & Records recording fees, 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

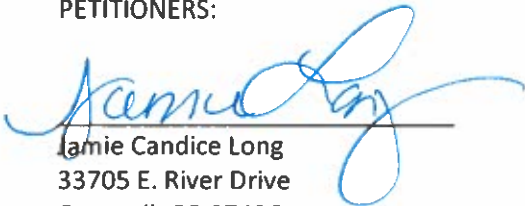
WHEREAS, no property will lose legal access as a result of these proceedings; and

WHEREAS, all petitioners to these proceedings specifically request the Board of County Commissioners order that title to the vacated road vest solely to the property owned by petitioners Carlson, said property identified on Assessor's Map 19-03-26-00, Taxlot 05700 in accordance with ORS 368.366(2).

THEREFORE, the petitioners request the Board of Commissioners of Lane County:

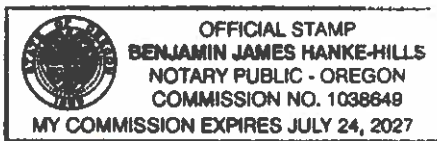
1. To set a date to consider the vacation of the above-described portion of road, with or without a public hearing pursuant to ORS Chapter 368.
2. Upon review of this matter, to order the vacation of the above-described road, and direct that title to the vacated area revert and vest in accordance with ORS 368.366(2) as specifically requested above.

PETITIONERS:


Jamie Candice Long
33705 E. River Drive
Creswell, OR 97426
(1903260005600 & 1903260006400)

State of Oregon) §
County of Lane)

On MAY 30, 2025, personally appeared the above-named Jamie Candice Long and acknowledged the foregoing instrument to be a voluntary act before me:

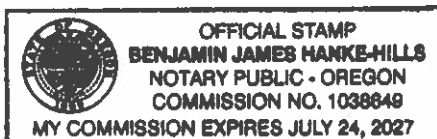



Notary Public for Oregon
My Commission Expires: 7/24/2027


Arthur P. Ojeda
33705 E. River Drive
Creswell, OR 97426
(1903260005600 & 1903260006400)

State of Oregon) §
County of Lane)

On MAY 30, 2025, personally appeared the above-named Arthur P. Ojeda and acknowledged the foregoing instrument to be a voluntary act before me:




Notary Public for Oregon
My Commission Expires: 7/24/2027

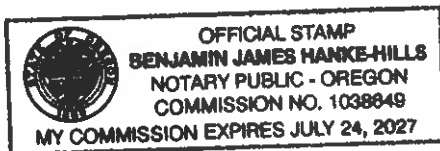
PETITIONERS:


James I. Carlson

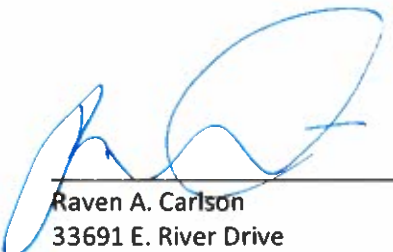
33691 E. River Drive
Creswell, OR 97426
(1903260005700)

State of Oregon) §
County of Lane)

On MAY 30, 2025, personally appeared the above-named James I. Carlson and acknowledged the foregoing instrument to be a voluntary act before me:



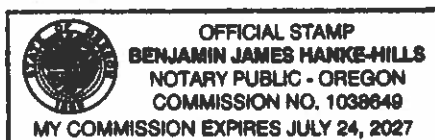

Notary Public for Oregon
My Commission Expires: 7/24/2027


Raven A. Carlson

33691 E. River Drive
Creswell, OR 97426
(1903260005700)

State of Oregon) §
County of Lane)

On MAY 30, 2025, personally appeared the above-named Raven A. Carlson and acknowledged the foregoing instrument to be a voluntary act before me:




Notary Public for Oregon
My Commission Expires: 7/24/2027