

**CITY OF DUNES CITY
LANE COUNTY, OREGON**

ORDINANCE NO. 207

AN ORDINANCE VACATING THE SAMUEL HAIG JAMESON GATEWAY ROAD, ESTABLISHED AS A PUBLIC RIGHT-OF-WAY BY ORDER OF THE LANE COUNTY COURT DATED JANUARY 8, 1940

1. **WHEREAS**, the Samuel Haig Jameson Gateway Road (“gateway road”) was established as a public right-of-way by order of the Lane County Court dated January 8, 1940. A copy of the order is attached hereto as Exhibit A; and
2. **WHEREAS**, the gateway road is now within Dunes City and within the area of the final plat for Woahink Ridge Estates Planned Unit Development (PUD 01-05); and
3. **WHEREAS**, the gateway road was established by Lane County to provide public access to properties lying south of Woahink Ridge Estates PUD; and
4. **WHEREAS**, Woahink Ridge Estates PUD has been developed with a road, to be named Green Gate Road, which, when dedicated to Dunes City with the final plat, will provide public access to properties lying south of Woahink Ridge Estates PUD, including those served by the gateway road; and
5. **WHEREAS**, at such time as Green Gate Road is dedicated to Dunes City, the gateway road will not be needed to provide public access to properties lying south of Woahink Ridge Estates PUD; therefore, the gateway road can be vacated without substantially affecting the market value of any property; and
6. **WHEREAS**, Lane County legal counsel and the Lane County surveyor have determined that, due to the location of the gateway road in Dunes City, the county does not have statutory authority to vacate the gateway road; and
7. **WHEREAS**, Dunes City Code, DCC 155.4.3.200(F), provides: Vacation of streets. All street vacations shall comply with the procedures and standards set forth in ORS Section 271; and
8. **WHEREAS**, ORS 271.130 allows the city governing body to initiate a vacation proceeding on its own motion, and such motion to initiate a vacation proceeding for the gateway road was made by the Dunes City Council at its June 10, 2010 regular meeting, with a public hearing on the proposed vacation scheduled for July 8, 2010; and
9. **WHEREAS**, ORS 271.130 requires notice of public hearing of a street vacation to be given consistent with ORS 271.110, and such notice was given by the city recorder; and a public hearing on the proposed vacation is required under ORS 271.120, and such public hearing was held by the Dunes City Council on July 8, 2010 in which members of the public were given an opportunity to comment on and present evidence relevant to the proposed vacation; and

10. **WHEREAS**, Dunes City had previously stated in the settlement agreement with applicants (Sept. 14, 2009) that it would support applicants in vacating the gateway road upon acceptance of dedication of Green Gate Road; and

11. **WHEREAS**, applicants requested that Dunes City initiate a vacation proceeding, and also enter a decision vacating the gateway road, but to make the vacation effective only upon the recording by Lane County of the final plat for Woahink Ridge Estates PUD and dedication of Green Gate Road to the city, which would ensure continuity of public access to properties lying south of Woahink Ridge Estates PUD; and

12. **WHEREAS**, after holding the public hearing on July 8, 2010, the Dunes City Council determined that the public interest would not be prejudiced by the vacation of the gateway road; and

NOW, THEREFORE, DUNES CITY ORDAINS AS FOLLOWS:

The Samuel Haig Jameson Gateway Road, established as a public right-of-way by order of the Lane County Court dated January 8, 1940, is hereby vacated. This vacation shall become effective only upon the recording by Lane County of the final plat for Woahink Ridge Estates Planned Unit Development (PUD 01-05) and dedication of Green Gate Road to Dunes City.

ADOPTED BY THE DUNES CITY COUNCIL THIS 8th DAY OF JULY, 2010.

Ayes: 6 Nays: 0 Abstain: 0 Absent: 0

[Signed copy available at City Hall]
Eric Hauptman, Mayor

ATTEST:

[Signed copy available at City Hall]
Fred Hilden, City Recorder