

ORDINANCE NO. 4831

AN ORDINANCE ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS" AND VACATING FIFTEENTH AVENUE SE, 1,096.81 FEET EAST OF GEARY STREET; ALCO AND BURKHART STREETS, 200 FEET NORTH OF SIXTEENTH AVENUE SE AND A PORTION OF FOURTEENTH AVENUE SE LYING 609.14 FEET EAST OF GEARY STREET SE (FILE NO. VC-01-88).

WHEREAS, the City Council of the City of Albany at the Council meeting held on the 14th day of September, 1988, did set the hour of 7:15 p.m. o'clock on the 12th day of October, 1988, as the time for hearing of objections to the proposed vacation of 15th Avenue SE, east of Geary Street SE; Alco and Burkhardt Streets, north of 16th Avenue SE; and a portion of 14th Avenue lying east of Geary Street SE

WHEREAS, the said notice has been posted and published as required by law; and

WHEREAS, the said hearing on the 12th day of October, 1988, has been duly held and parties were given an opportunity to be heard and the Council being fully informed.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Exhibit "A" known as "Findings" is hereby adopted as the Albany City Council's findings in support of this decision.

Section 2: That the following described right of way is hereby vacated: 15th Avenue SE, east of Geary Street SE; Alco and Burkhardt Streets, north of 16th Avenue SE; and a portion of 14th Avenue lying east of Geary Street SE (Attached Exhibit B).

Passed by the Council: October 12, 1988

Approved by the Mayor: October 13, 1988

Effective Date: November 11, 1988



Mayor

ATTEST:

  
City Recorder

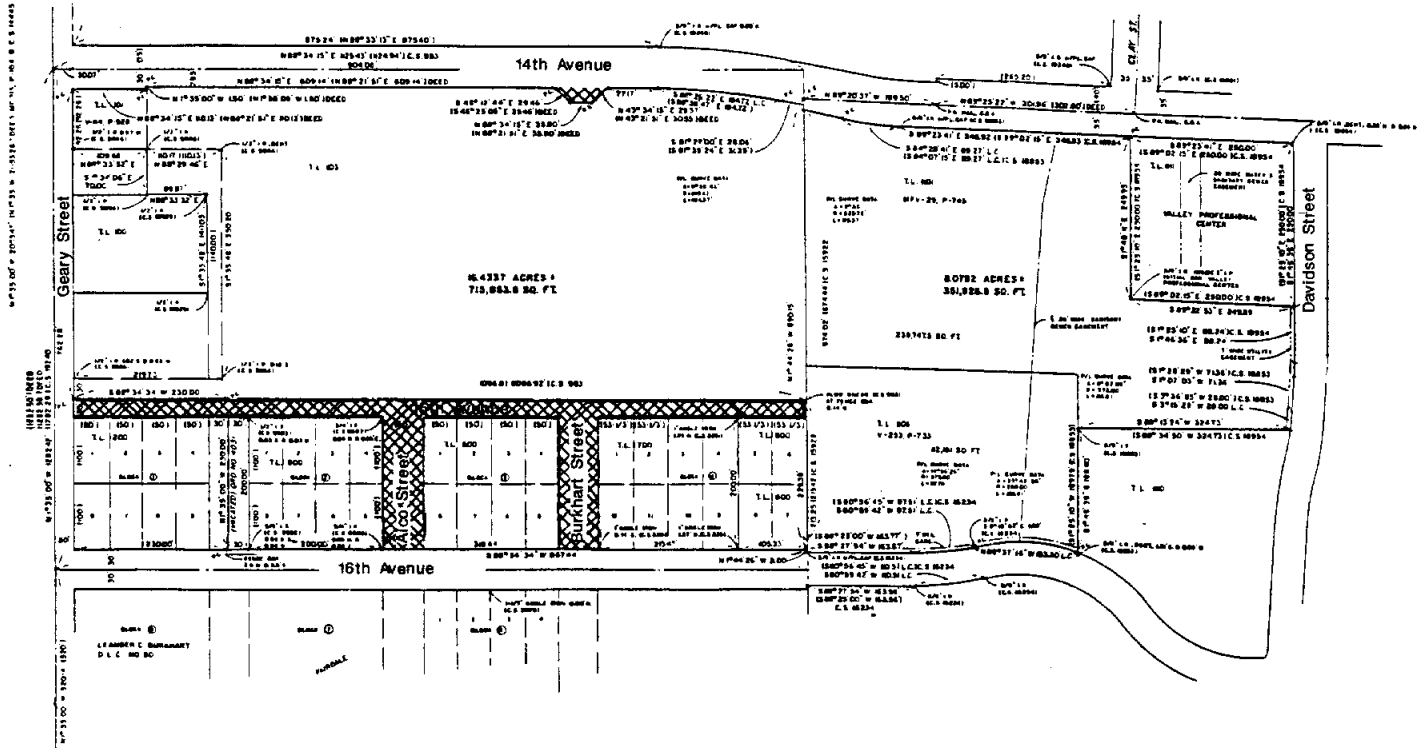
**EXHIBIT A**

**FINDINGS FOR STREET VACATION  
FILE NO. VC-01-88**

1. The proposed vacation would affect only the adjoining properties.
2. The properties adjacent to the proposed Vacation are currently zoned C-2 (Community Commercial) and R-2 (Limited Multiple Family Residential) and under 3 ownerships.
3. The proposed Vacation is for the purpose of consolidating the property under the ownership of Hillman Properties Northwest for commercial development.
4. The proposed Vacation will not eliminate access to any existing use as that portion of 15th Avenue currently being utilized by the 10-unit apartment complex will revert to that property.
5. There are no known underground utilities within the right-of-way proposed for Vacation.
6. With the exception of approximately 75 feet of 15th Avenue which has been improved to a private driveway standard, the streets proposed for Vacation are presently unimproved.
7. The proposed vacation would not adversely affect the carrying capacity of Geary Street, a major arterial street.

EXHIBIT B

FILE NO. VC-01-88



ARMAN MACALEMAN  
L.L.C. NO 87

**CITY OF ALBANY STREET VACATION  
STAFF REPORT**

File No.: VC-01-88

Hearing Body: Planning Commission  
City Council

Hearing Date: September 12, 1988  
October 12, 1988

**GENERAL INFORMATION**

**Applicant:** Howard Page  
Hillman Properties Northwest  
900 North Tomahawk Drive  
Portland, OR 97217

**Filed By:** Steve Ward  
Westech Engineering  
3421 25th Street SE  
Salem, OR 97302

**Type of Request:** A Council-Initiated Street Vacation to vacate 15th Avenue, 1096.81 feet east of Geary Street; Alco and Burkhart Streets, 200 feet north of 16th Avenue SE; and a portion of 14th Avenue SE lying 609.14 feet east of Geary Street SE.

**Total Land Area:** 64,307.6 square feet± (3,000 square feet± would go to Tax Lot 300; 9,000 square feet± to Tax Lot 200; and 52,307.6 square feet± to Hillman Properties Northwest.)

**Assessor's Map & Tax Lot No.:** 11-3W-8CA, Tax Lots 100, 101, 103, 200, 300, 400, 500, 600, 700, 800, & 900.

**Neighborhood:** Santiam

**Existing Comprehensive Plan Designation:** General Commercial

**Current Zoning Designation:** C-2 (Community Commercial)

**Existing Land Use:** Vacant land except for Tax Lot 200 which is developed with a 10-unit, one-bedroom housing project with its only access being via 15th Avenue which has been developed to a private driveway standard in this area, and Tax Lot 400 which contains a single family residence which has direct access to Geary Street and 16th Avenue.

**NOTICE INFORMATION:** Notice of this proposed Street Vacation was sent to affected property owners on August 31, 1988. As of this writing, no comments have been received by the Planning Department. Comments received prior to the public hearing date will be presented to the Planning Commission the night of the public hearing. Notices were sent to affected property owners on September 15, 1988 informing them of the City Council public hearing. No comments have been received as of this writing.

**DEVELOPMENT PROPOSAL:** Hillman Properties has submitted a Site Plan Review application (File No. SP-58-88) and has received approval with conditions to construct a strip mall with a minimum of 3 major stores (36,000 square feet - 56,000 square feet±); 4 minor stores (10,000 square feet - 20,000 square feet±); and 7 free-standing pad buildings. The proposed development would be constructed in phases with the following improvements being made as part of Phase I:

1. The widening of Geary Street on the east side to provide for the deceleration lane and bus turn-out.
2. All driveway approaches from the public right-of-way (one on Geary Street, three on 14th Avenue, and one on Davidson Street).
3. A looped roadway system connecting all driveway approaches and extending around the future buildings including the service drive adjacent to 16th Avenue.
4. Sidewalks on Geary Street and 14th and 16th Avenues.
5. Public water improvements as required to service the development.
6. Public storm sewer connected into the existing 48-inch storm sewer at 14th Avenue and Geary Street and extending across the site to the existing 42-inch storm sewer located at Clay Street and 14th Avenue.
7. Sewer service extensions as required to extend across the service drives.
8. Street trees and seeding as required by the City.
9. Required public street lighting.

The installation of a traffic signal on 14th Avenue (west of Clay Street) would occur as a part of Phase II which would include the construction of a major store or stores. Completion of the parking lot and landscaping would occur as each site developed.

A petition for the above-listed Street Vacations was received by the Planning Department from Hillman Properties Northwest concurrently with the Site Plan Review application on August 15, 1988. The applicant paid the application fee but requested that, in the essence of time, the City Council initiate the Street Vacations to allow the proposed development to occur more quickly. The normal procedure would have required the applicant to obtain the signatures of the property owners of approximately 27 properties, some of which are out-of-town owners.

**VACATION CRITERIA:** Any Street or Subdivision Vacation proposal considered under a Type IV procedure must be demonstrated to be in conformance with each of the following criteria:

1. Potential conflict with any minor or major street plan.
2. Effect on access, traffic circulation, and emergency service protection.

3. Need for access to existing properties, potential lots, public facilities, or utilities which would otherwise be without access to a public way.

**STAFF ANALYSIS AND STAFF CONCLUSIONS:**

1. The proposed vacation would affect only the adjoining properties.
2. The properties adjacent to the proposed Vacation are currently zoned C-2 (Community Commercial) and R-2 (Limited Multiple Family Residential) and under 3 ownerships.
3. The proposed Vacation is for the purpose of consolidating the property under the ownership of Hillman Properties Northwest for commercial development.
4. The proposed Vacation will not eliminate access to any existing use as that portion of 15th Avenue currently being utilized by the 10-unit apartment complex will revert to that property.
5. There are no known underground utilities within the right-of-way proposed for Vacation.
6. With the exception of approximately 75 feet of 15th Avenue which has been improved to a private driveway standard, the streets proposed for Vacation are presently unimproved.
7. The proposed vacation would not adversely affect the carrying capacity of Geary Street, a major arterial street.

**PLANNING COMMISSION ACTION:** The Planning Commission **unanimously** recommended to the City Council the Vacation of 15th Avenue, 1096.81 feet east of Geary Street; Alco and Burkhart Streets, 200 feet north of 16th Avenue SE; and a portion of 14th Avenue SE lying 609.14 feet east of Geary Street SE.

**APPEALS:** Should the City Council deny the request and the applicant is dissatisfied with the decision or any conditions thereof, s/he may file a "Notice of Intent to Appeal" with the State Land Use Board of Appeals within 20 days from the effective date of the Council's action.