

ORDINANCE NO. 4832

AN ORDINANCE ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS" AND VACATING CALAPOOIA STREET LYING BETWEEN PACIFIC BOULEVARD SW AND QUEEN AVENUE SW (FILE NO. VC-01-87).

WHEREAS, the City Council of the City of Albany at the Council meeting held on the 23rd day of September, 1987, did by Council action, set the hour of 7:15 pm o'clock on the 28th day of October, 1987, as the time for hearing of objections to the proposed vacation of a portion of Calapooia Street lying between Pacific Boulevard SW and Queen Avenue SW (File No. VC-01-87).

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

WHEREAS, the said hearing on the 28th day of October, 1987, 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 portion of Calapooia Street located between the east right of way line of Pacific Boulevard and the north right of way line of Queen Avenue, except the easement for public utilities described in Exhibit B, is hereby vacated (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

FINDINGS
FILE NO. VC-01-87
EXHIBIT 'A'

1. The proposed Vacation will not affect access to any existing structure.
2. The Vacation would allow for the consolidation of properties under the same ownership which are now separated by Calapooia Street.
3. Calapooia Street is not a designated arterial or collector street.
4. Calapooia Street is currently an underimproved right-of-way and does not conform to City street standards (no curbs, gutter, or sidewalks).
5. The Vacation of Calapooia Street will not adversely affect the carrying capacity or viability of Queen Avenue or Pacific Boulevard.
6. The closure of Calapooia Street will provide greater traffic safety by requiring turning movements off Queen Avenue and Pacific Boulevard to occur at a signalized intersection.
7. The proposed Vacation will allow for the future construction of off-street parking and controlled access to the existing structure or future structures.
8. The proposed Vacation will not eliminate access to the existing parcels as driveway approaches to Pacific Boulevard and Queen Avenue will be provided in the area of the existing street right-of-way.
9. Traffic circulation will be altered with the construction of a right-turn lane at the intersection of Queen and Pacific and a left-turn lane from Pacific to Queen.
10. A public water line lies adjacent to the east right-of-way line of the area proposed to be vacated. A public utility easement will be required to provide access for maintenance and repair and to prohibit future construction over the line.
11. An existing gas main lies within the right-of-way adjacent to Pacific Boulevard and an overhead telephone line is located in the area of the east right-of-way line. However, despite several notices to the utility companies involved, no additional utility easements were requested.

VC-01-87
EASEMENT FOR PUBLIC UTILITIES
EXHIBIT 'B'

A public utility easement granting the right to enter upon the real property hereinafter described, and to install, maintain, or repair public utilities for the purpose of conveying public utilities services over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

A 15 foot wide permanent utility easement as described below and further shown on the attached drawing labeled EXHIBIT 'C':

Beginning at the southeast corner of Lot 6, Block C, Central Addition to the City of Albany, Section 12, Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon; thence South $86^{\circ} 59' 07''$ West, 16.96 feet to the true point of beginning; thence North $9^{\circ} 10' 20''$ West, along the west property line of that parcel conveyed to Lynn D. Kampfer and Arnold H. Kampfer in Volume 419, Page 1, Linn County Microfilm Deed Records, 229.90 feet to the intersection of said property line with the east right-of-way line of Pacific Highway 99E; thence South $30^{\circ} 24'$ West, along said Pacific Highway 99E right-of-way line 23.55 feet; thence South $9^{\circ} 10' 20''$ East, 210.13 feet to the north right-of-way line of Queen Avenue; thence North $86^{\circ} 59' 07''$ East, along said Queen Avenue right-of-way line, 15.09 feet to the true point of beginning; containing 3301 square feet more or less.

2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. Upon performing any maintenance or new construction, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

PACIFIC

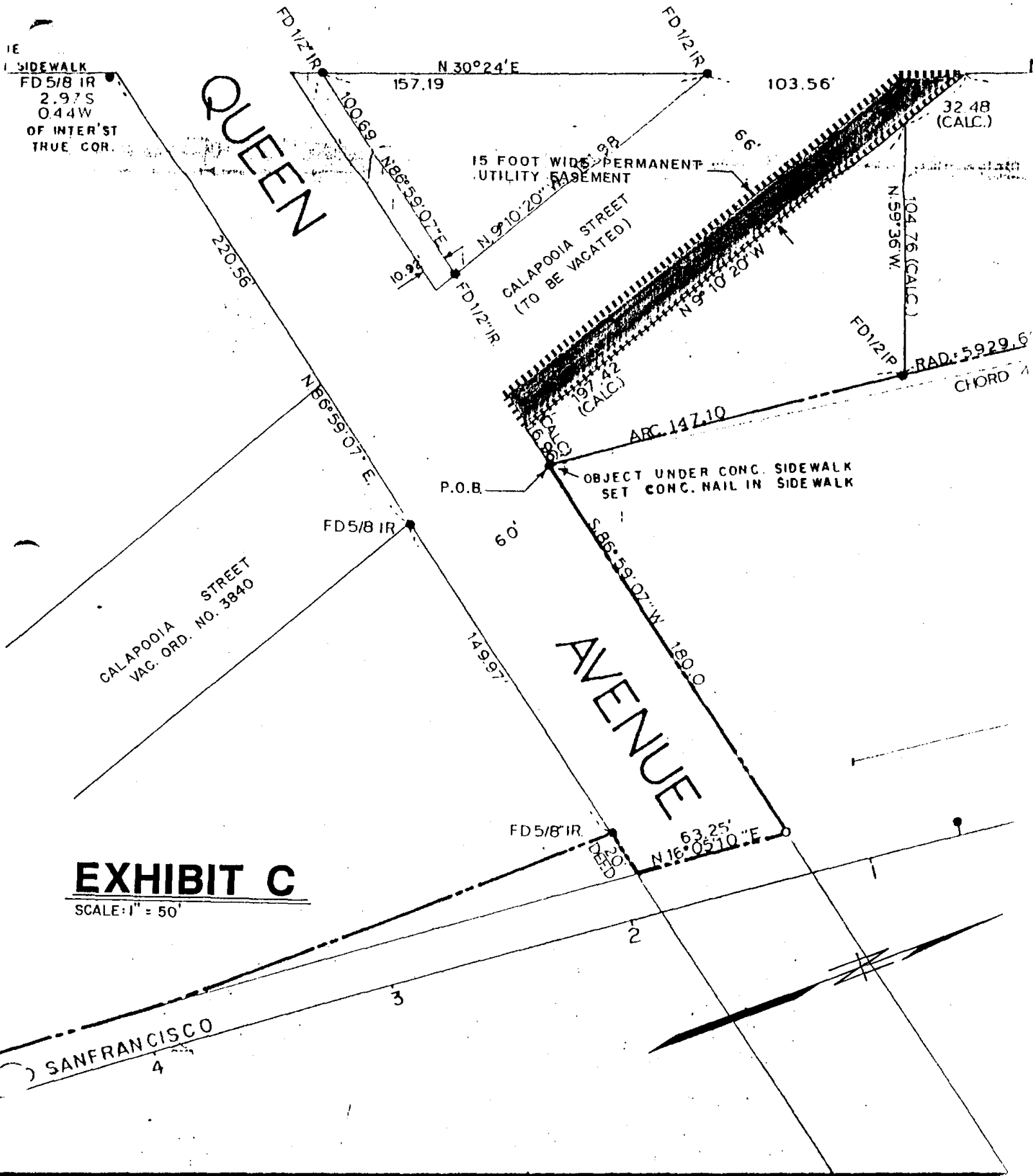


EXHIBIT C

SCALE: 1" = 50'

SAN FRANCISCO