

ORDINANCE NO. 4916

AN ORDINANCE VACATING LAFAYETTE STREET SE, SOUTH OF PACIFIC BOULEVARD SE AND NORTH OF 9TH AVENUE SE AND ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS" (FILE NO. VC-01-90) AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Albany at the Council meeting held on the 23rd day of May, 1990, did by adoption of Resolution No. 2953, City of Albany Resolutions, set the hour of 7:15 p.m. o'clock on the 27th day of June, 1990, as the time for hearing of objections to the proposed Vacation of a portion of Lafayette Street SE; and

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

WHEREAS, the Albany Planning Commission recommended this Vacation following its public hearing on June 4, 1990; and

WHEREAS, the said hearing on the 27th day of June, 1990, 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"

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

Section 2: EXHIBIT "B"

That portion of Lafayette Street SE lying south of Pacific Boulevard SE and north of 9th Avenue SE is hereby vacated, subject to the conditions of approval described in attached Exhibit "B."

Section 3: EMERGENCY CLAUSE

Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of this city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

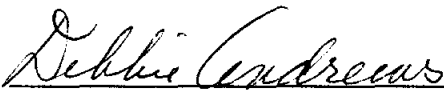
Passed by the Council: June 27, 1990

Approved by the Mayor: June 28, 1990

Effective Date: June 27, 1990

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Deputy City Recorder

## EXHIBIT A

### FINDINGS FOR STREET VACATION FILE NO. VC-01-90

1. The Vacation has been initiated by all of the adjoining property owners.
2. The proposed Vacation will not affect access to any existing structures.
3. Lafayette Street is not a designated arterial or collector street.
4. Lafayette Street is currently an unimproved street right-of-way.
5. The Vacation of Lafayette Street will not adversely affect the carrying capacity or viability of Pacific Boulevard or 9th Avenue.
6. Due to design considerations of the proposed 9th Avenue/Pacific Boulevard couplet, the Vacation of the southern 110 feet of Lafayette Street, that is not used as part of the couplet, **shall not become final until after the construction of the 9th Avenue/Pacific Boulevard couplet.**
7. The Vacation of Lafayette Street between Pacific Boulevard and 9th Avenue will provide greater traffic safety by creating greater sight-distance for traffic traveling east upon the completion of the 9th Avenue/Pacific Boulevard couplet.
8. The proposed Vacation of Lafayette Street will not eliminate access to the existing parcels as driveway approaches to Ninth Avenue, Jackson Street, and Pacific Boulevard can be provided.
9. The proposed Vacation will allow for the future construction of off-street parking and controlled access to existing and future structures.
10. The property adjacent to the proposed Street Vacation is zoned C-2 (Community Commercial) and is under 3 ownerships.
11. The Vacation would allow for the consolidation of properties under the same ownership which are now separated by Lafayette Street.
12. A public 10-inch water line running north-south lies in the approximate center of the right-of-way line of the area proposed to be vacated. A 15-foot wide public utility easement centered over the existing water line will be required to provide for maintenance and repair and to prohibit future construction over the line.
13. A public 8-inch sanitary sewer line running east-west lies approximately mid-block of the area proposed to be vacated. A 20-foot wide public utility easement centered over the existing sanitary sewer line will be required to provide for maintenance and repair and to prohibit future construction over the line.

**EXHIBIT B**

**CONDITIONS OF APPROVAL  
FILE NO. VC-01-90**

1. The northern portion of the proposed Street Vacation shall be vacated at the time final action is taken by the City Council. The vacation of that part of the southern 110 feet of Lafayette Street, that is not used for the 9th Avenue/Pacific Boulevard couplet, shall not become final until after the completion of the couplet.
2. The City shall retain a 15-foot easement centered over the 10-inch water line running north-south in the approximate center of the existing right-of-way for maintenance and repair and to prohibit future construction over the line.
3. The City shall retain a 20-foot wide easement centered over the existing 8-inch sanitary sewer line running east-west approximately mid-block for maintenance and repair and to prohibit future construction over the line.
4. Tax Lot 6501, 11-3W-07BC shall be combined with Tax Lot 6600 or 11100 or a reciprocal joint-use access/maintenance agreement shall be recorded prior to final action on the Vacation by the City Council.