

ORDINANCE NO. 4968

AN ORDINANCE VACATING THAT PORTION OF UMATILLA STREET SW LYING BETWEEN SIXTH AND SEVENTH AVENUES SW AND ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS" AND DECLARING AN EMERGENCY (FILE NO. VC-01-91).

WHEREAS, the Albany City Council on January 9, 1991, voted to initiate the proposed Street Vacation at the request of Albany General Hospital and Riverside Cemetery Association; and

WHEREAS, notices of the public hearings have been mailed, posted and published as required by state and local law; and

WHEREAS, the Albany Hearings Board held a Public Hearing on June 19, 1991, and recommended approval of the proposed vacation; and

WHEREAS, the Albany City Council held a Public Hearings on July 10, 1991, 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: The Findings attached as Exhibit "A" are hereby adopted in support of this decision.

Section 2: That portion of Umatilla Street SW lying between Sixth and Seventh Avenues SW and between Tax Lots 2100 and 2200, 11-4W-12AB and Tax Lot 400, 11-4W-12BA as described in Exhibit "B" is hereby vacated, subject to the conditions of approval described in Exhibit "C".

(Attached Exhibits "B" and "C").

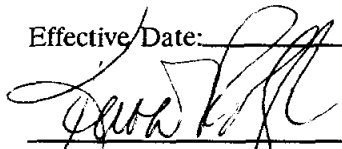
Section 3: EMERGENCY CLAUSE

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.

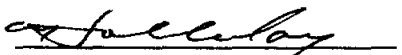
Passed by the Council: July 10, 1991

Approved by the Mayor: July 11, 1991

Effective Date: July 10, 1991


Keith Rohrbough, Mayor

ATTEST:


D. Gary Holliday, City Recorder

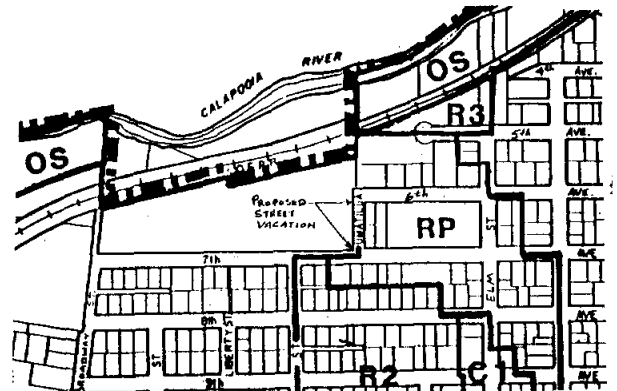


EXHIBIT A
FINDINGS FOR STREET VACATION
FILE NO. VC-01-91

1. The public interest will not be prejudiced by the Street Vacation.
2. The Vacation has been initiated by the City at the request of the adjoining property owners.
3. The proposed Vacation will not affect access to any existing lots.
4. Umatilla Street is not a designated arterial or collector street.
5. The proposed Vacation of Umatilla Street will not adversely affect the carrying capacity of Sixth or Seventh Avenues in this vicinity as the area of the proposed street vacation will be utilized as a parking lot and access to Sixth and Seventh Avenues will be provided by means of a private drive through the parking lot.
6. Traffic safety will be enhanced as currently vehicles using the hospital facility are parked at random within the existing right-of-way. The proposed redevelopment of the right-of-way will limit access and delineate parking stalls.
7. There is an existing public 8-inch water line running north-south near the west right-of-way line of the area proposed to be vacated. A public utility easement will be required to provide for maintenance and repair and to prohibit future construction of permanent structures over the line.
8. There is an existing public 24-inch sanitary sewer line in the northern half of the proposed area to be vacated running east-west. A public utility easement will be required to provide for maintenance and repair and to prohibit future construction other than parking over the line.
9. There is an existing public 36-inch concrete storm sewer line in the proposed area to be vacated running north-south near the center of the right-of-way. A public utility easement will be required to provide for maintenance and repair and to prohibit future construction of permanent structures over the line.
10. There is an existing fire hydrant located at the southeast corner of Sixth Avenue and Umatilla Street. That portion of a public utility easement centered over the existing fire hydrant and waterline will be required to provide for maintenance and repair.
11. The proposed redevelopment plan indicates required landscaping, joint driveway access for the Cemetery, and through access between Sixth and Seventh Avenues.
12. In conjunction with the vacation of Umatilla Street, between Sixth and Seventh Avenues, the fire hydrant located at Sixth and Umatilla needs to be rotated 90 degrees. Prior to the construction of a parking lot within the vacated right-of-way, the steamer (large) port of the hydrant needs to face Sixth Avenue.

EXHIBIT B
LEGAL DESCRIPTION
FILE NO. VC-01-91

That portion of Umatilla Street, being 58 feet in width, more or less, adjacent to the west line of Block 41, City of Albany, which lies in the Northwest 1/4 of Section 12, T11S, R4W, W.M., Linn County, Oregon; the north limit of this strip is the projection of the north line of said block; the south limit is the projection of the south line of said block; the westerly limit is the east line of that previously vacated 8 foot strip of said Umatilla Street per Book 276, Page 70, Linn County Deed Recrds.

EXHIBIT C
CONDITIONS OF APPROVAL
FILE NO. VC-01-91

1. The City shall retain the entire area to be vacated as a public utility easement for the maintenance and repair of all private and public utilities and to prohibit future construction of permanent structures within this area.
2. **Prior to the Council hearing**, the applicant shall submit to the Planning Division a legal description for the area of the Street Vacation.
3. Prior to the construction of the proposed parking lot the applicant shall submit a revised parking and drainage plan (Site Plan Review Case SP-46-90) to the Planning and Engineering Divisions for review and approval.
4. **Prior to construction of the proposed parking lot utilizing the vacated right-of-way**, the steamer (large) port of the existing fire hydrant located at 6th and Umatilla shall be rotated 90 degrees so that the port faces 6th Avenue.