

ORDINANCE NO. 5079

AN ORDINANCE VACATING SHORTRIDGE STREET LYING BETWEEN 27TH AND 28TH AVENUES SE AND 124.33 FEET NORTH OF 27TH AVENUE SE AND ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS" AND DECLARING AN EMERGENCY (FILE NO. VC-02-93).

WHEREAS, the Vacation has been initiated at the request of 100% of the adjoining property owners and 100% of the property owners of the properties within the required 2/3rds signature area; and

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

WHEREAS, the Albany Planning Commission held a Public Hearing on September 20, 1993, and recommended approval of the proposed vacation; and

WHEREAS, the Albany City Council held a Public Hearing on October 13, 1993, 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 Shortridge Street lying between 27th and 28th Avenues SE and 124.33 feet north of 27th Avenue SE as dedicated on the Subdivision Plat for First Addition to Kenwood Subdivision, Linn County Subdivision Plat Records, Linn County, Oregon (Assessor's Map No. 11-3W-17AD, adjacent to Tax Lots 2703, 3001, and 310) is hereby vacated.

Section 3: 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: October 13, 1993

Approved by the Mayor: October 13, 1993

Effective Date: October 13, 1993

  
\_\_\_\_\_  
Mayor

ATTEST:

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

## EXHIBIT A

### FINDINGS FOR STREET VACATION FILE NO. VC-02-93

1. Shortridge Street SE is not a designated arterial or collector street.
2. Shortridge Street in the vicinity of the proposed street vacation is currently an undeveloped/unused street with a right-of-way width of 30 feet.
3. There are no public or private utilities located within the existing right-of-way.
4. The Vacation has been initiated by 100% of the adjoining property owners and the property owners of 100% of the properties within the required 2/3rd's signature area.
5. The proposed Vacation will not affect access to any existing lots. Access to the properties to the east can be provided by the extension of 27th or 28th Avenue. North-south access to 21st Avenue or Grand Prairie Road can be provided at the time of development of the vacant 122.9 acres located to the east of the proposed street vacation.
6. There is an existing 12-foot wide Utility Easement adjacent to the back property lines of all of the lots within the subdivision.
7. An 8-inch sanitary sewer line is within 27th and 28th Avenues. Manholes are located within the right-of-way at the intersections of both streets with Shortridge Street. This area is not part of the street vacation request.
8. A 6-inch water line is within 27th and 28th Avenues, terminating at the intersections of both streets with Shortridge. This area is not a part of the street vacation request.
9. The portion of Shortridge Street proposed to be vacated would not adversely affect the carrying capacity of 27th and 28th Avenues in this vicinity as the area of the proposed street vacation serves only Lot 4, Block 6 and Lots 4 and 5, Block 8, First Addition to Kenwood Subdivision which have frontage and are currently taking access from 27th and 28th Avenues.
10. The dead-end street would be temporarily approximately 342 feet in length. The Albany Development Code allows Blocks up to 1,200 feet in length without a street separation and 800 feet without a pedestrian separation [ADC11.090(5) revised].
11. Adequate opportunities exist for future north-south street connections to 21st Avenue and Grand Prairie Road through the vacant 122.9 acres located immediately east of the proposed street vacation.
12. The existing right-of-way is 30 feet in width.
13. The existing right-of-way is unimproved at this time and has been incorporated into the yards of the adjoining properties.
14. The existing half-street (30') right-of-way was dedicated in 1962 as a part of a 27 lot subdivision plat (First Addition to Kenwood Subdivision) and has been unused since that time.
15. At the time of the subdivision approval, the property to the east was not within the City Limits. The property to the east of Kenwood Subdivision was annexed to the City of Albany in March of 1980.
16. A 11.2 acre parcel zoned RM-5 (Residential Limited Multiple Family) lies to the east of Shortridge Street between 27th and 28th Avenues. This parcel can be adequately served by the extension of either 27th or 28th Avenues.
17. A 111.7 acre parcel zoned RS-6.5 (Residential Single Family - 6,500 square foot lot minimum) lies to the north of Shortridge and 27th Avenue and 716.4 feet to the east beyond the RM-5 zoned property. This parcel also has frontage on 28th Avenue, Grand Prairie Road, and 21st and 24th Avenues.

**CITY OF ALBANY  
STREET VACATION  
STAFF REPORT AND FINDINGS DOCUMENT**

**CASE NO.:** VC-02-93

**HEARING BODY:** Albany Planning Commission      **HEARING TIME AND DATE:** 5:15 P.M., September 20, 1993

**HEARING LOCATION:** Council Chambers, City Hall II, 250 Broadalbin Street SW.

**HEARING BODY:** Albany City Council                      **HEARING TIME AND DATE:** 7:15 P.M., October 13, 1993

**HEARING LOCATION:** Council Chambers, City Hall II, 250 Broadalbin Street SW.

**GENERAL INFORMATION**

**Applicants:**                      Ross and Priscilla Kroessin; 2929 28th Avenue SE; Albany, OR 97321. Estate of T.J. Starker; P.O. Box 809; Corvallis, OR 97339. Daniel Miltenberger; 2930 27th Avenue SE; Albany, OR 97321; Janice J. Brown; 2931 27th Avenue SE; Albany, OR 97321

**Filed By:**                              Priscilla Kroessin

**Type of Request:**                      Street Vacation

**Property Location:**                      Shortridge Street lying between 27th and 28th Avenues SE and 124.33 feet north of 27th Avenue SE.

**Total Land Area:**                      3,724.2 square feet north of 27th Avenue; 7,680 square feet between 27th and 28th Avenues [Both areas to be vacated are 30 feet in width (29-foot right-of-way with a 1-foot reserve strip)].

**Assessor's Map &  
Tax Lot No.:**                              11-3W-17AD, adjacent to Tax Lots 2703, 3001, and 3101

**Neighborhood:**                              Periwinkle

**Existing Comp.  
Plan Designation:**                      Low Density Residential

**Current Zoning  
Designation:**                              RS-6.5 (formerly R-1, Residential Single Family)

**Existing Land Use:**                      Unimproved street right-of-way

**Surrounding Uses:**                      Single family homes to the west; vacant acreage parcels to the north, south, and east.

**Prior History:**                              The proposed street vacation is a part of a 27 lot subdivision plat (First Addition to Kenwood Subdivision) that was recorded on June 26, 1962.

**Reason For Request:**                      As only a half-street right-of-way exists with no public improvements located within this right-of-way, the adjoining properties to the west are seeking the street vacation so that the additional 30 feet can be legally incorporated into their yard area. Access to the adjoining property to the east would continue to be provided via the extension of 27th or 28th Avenues.

**NOTICE INFORMATION:** Notices were mailed to affected property owners on September 7, 1993 as well as posted in the first floor kiosk of City Hall II, 250 Broadalbin SW. Two legal notices are being published in the Albany

Democrat-Herald on September 13, 1993, and October 6, 1993, in accordance with ORS 271.110. The site was posted in accordance with Section 1.410 of the Albany Development Code on September 8, 1993. At the time this staff report was prepared (September 13, 1993) the Planning Division had received no written comments from affected property owners.

**STAFF RECOMMENDATION:** To APPROVE the vacation of Shortridge Street SE lying between 27th and 28th Avenues and 124.33 feet north of 27th Avenue SE.

**PLANNING COMMISSION ACTION :** On September 20, 1993, the Planning Commission voted unanimously to recommend that the City Council APPROVE the vacation of Shortridge Street between 27th and 28th Avenues and 124.33 feet north of 27th Avenue SE (Case No. VC-02-93) based on the Findings and Conclusions of the Staff Report and the testimony presented at the Public Hearing.

**CITY COUNCIL ACTION:**

**MOTION IN FAVOR**

I move that the City Council APPROVAL the vacation of Shortridge Street between 27th and 28th Avenues and 124.33 feet north of 27th Avenue SE (Case No. VC-02-93) based on the Findings and Conclusions of the Staff Report and the testimony presented at the Public Hearing.

OR

**MOTION IN OPPOSITION**

I move that the City Council DENY the vacation of Shortridge Street SE between 27th and 28th Avenues and 124.33 feet north of 27th Avenue SE (Case No. VC-02-93) based on testimony presented at the Public Hearing and direct staff to prepare findings to support the denial.

## APPROVAL STANDARDS

The approval standards relevant to the review of this application are found in the Albany Development Code and the Albany Comprehensive Plan. Section 2.440 of the Development Code lists the five review criteria which must be met for a vacation request to be approved. Incorporated within the analysis of each review criteria are relevant Comprehensive Plan policies.

*[CODE CRITERIA WILL BE WRITTEN IN BOLD PRINT FOLLOWED BY PROPOSED FINDINGS]*

- 2.440 (1) *The requested vacation is consistent with relevant Comprehensive Plan policies and with any street plan city transportation or public facility plan.***

The following Comprehensive Plan policies have been identified as relevant to this review criteria.

1. Discourage the construction of structures over public wastewater lines and easements.
2. Ensure that all development can be provided with adequate police and fire protection. Particular consideration shall be given to street layout and site design features that promote easy emergency vehicle access and building identification.
3. As part of the development review process, evaluate the adequacy of transportation to, from, and within the site.
4. Ensure that street design provides for high levels of efficiency and safety and, when necessary, incorporate design modifications to help preserve neighborhood quality and character.

Findings of Fact:

1. Shortridge Street SE is not a designated arterial or collector street.
2. Shortridge Street in the vicinity of the proposed street vacation is currently an undeveloped/unused street with a right-of-way width of 30 feet.
3. There are no public or private utilities located within the existing right-of-way.

Conclusion: This criterion has been met.

- 2.440 (2) *The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities or utilities.***

Findings of Fact:

1. The Vacation has been initiated by 100% of the adjoining property owners and the property owners of 100% of the properties within the required 2/3rd's signature area.
2. The proposed Vacation will not affect access to any existing lots. Access to the properties to the east can be provided by the extension of 27th or 28th Avenue. North-south access to 21st Avenue or Grand Prairie Road can be provided at the time of development of the vacant 122.9 acres located to the east of the proposed street vacation.
3. There is an existing 12-foot wide Utility Easement adjacent to the back property lines of all of the lots within the subdivision.
4. An 8-inch sanitary sewer line is within 27th and 28th Avenues. Manholes are located within the right-of-way at the intersections of both streets with Shortridge Street. This area is not part of the street vacation request.

5. A 6-inch water line is within 27th and 28th Avenues, terminating at the intersections of both streets with Shortridge. This area is not a part of the street vacation request.

Conclusion: This criterion has been met.

- 2.440 (3) *The requested vacation will not have a negative effect on traffic circulation or emergency service protection.*

Findings of Fact:

1. The portion of Shortridge Street proposed to be vacated would not adversely affect the carrying capacity of 27th and 28th Avenues in this vicinity as the area of the proposed street vacation serves only Lot 4, Block 6 and Lots 4 and 5, Block 8, First Addition to Kenwood Subdivision which have frontage and are currently taking access from 27th and 28th Avenues.
2. The dead-end street would be temporarily approximately 342 feet in length. The Albany Development Code allows Blocks up to 1,200 feet in length without a street separation and 800 feet without a pedestrian separation [ADC11.090(5) revised].
3. Adequate opportunities exist for future north-south street connections to 21st Avenue and Grand Prairie Road through the vacant 122.9 acres located immediately east of the proposed street vacation.

Conclusion: The proposed Vacation will not be inconsistent with the Comprehensive Plan Transportation Goal Policy No. 1, which calls for an efficient, safe, and non-disruptive relationship between the land use and the transportation system. This criterion has been met.

- 2.440 (4) *The portion of the right-of-way that is to be vacated will be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.*

Findings of Fact:

1. The existing right-of-way is 30 feet in width.
2. The existing right-of-way is unimproved at this time and has been incorporated into the yards of the adjoining properties.

Conclusion: This criterion has been met.

- 2.440 (5) *The public interest, present and future, will be best served by approval of the proposed vacation.*

Findings of Fact:

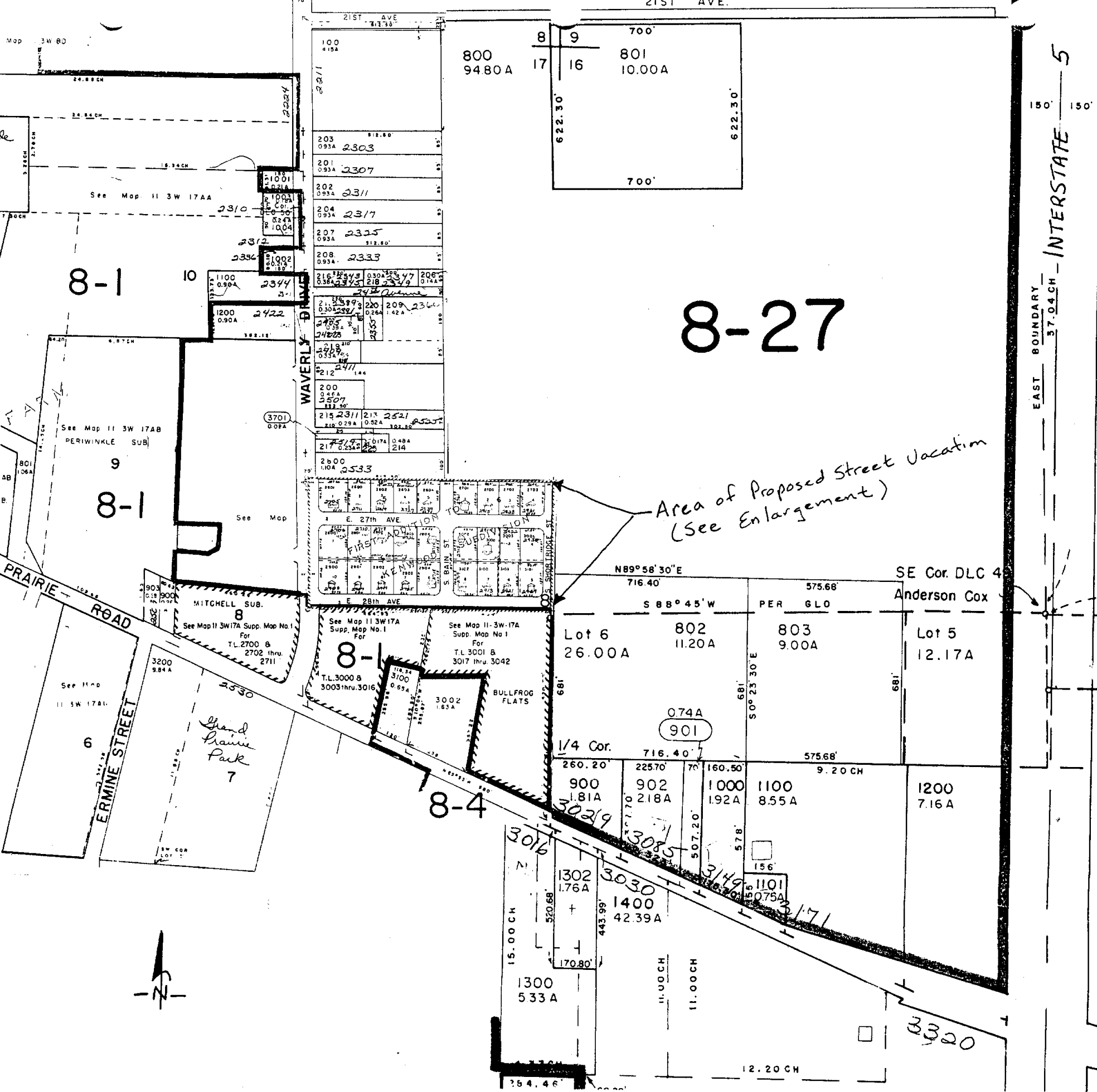
1. The existing half-street (30') right-of-way was dedicated in 1962 as a part of a 27 lot subdivision plat (First Addition to Kenwood Subdivision) and has been unused since that time.
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3. A 11.2 acre parcel zoned RM-5 (Residential Limited Multiple Family) lies to the east of Shortridge Street between 27th and 28th Avenues. This parcel can be adequately served by the extension of either 27th or 28th Avenues.

4. A 111.7 acre parcel zoned RS-6.5 (Residential Single Family - 6,500 square foot lot minimum) lies to the north of Shortridge and 27th Avenue and 716.4 feet to the east beyond the RM-5 zoned property. This parcel also has frontage on 28th Avenue, Grand Prairie Road, and 21st and 24th Avenues.

**Conclusion:** The public interest, present and future, will not be compromised as access to adjoining undeveloped properties can be provided via other existing streets. This criterion has been met.







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Area of Proposed Street Vacation (See Enlargement)

EAST BOUNDARY 37.04 CH - INTERSTATE 5

