

AN ORDINANCE VACATING TWO FEET OF A SEVEN-FOOT UTILITY EASEMENT LOCATED ALONG THE EAST SIDE OF LOT 6 IN THE SOUTH WAVERLY SUBDIVISION AT 2013 47TH AVENUE SE, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY (FILE VC-01-97).

WHEREAS, Bob G. Mitchell, on January 6, 1997, requested the City of Albany to initiate the vacation of two feet of a seven-foot utility easement; and

WHEREAS, the Albany City Council, on January 22, 1997, agreed to initiate this easement vacation; and

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

WHEREAS, the Albany Planning Commission held a public hearing on February 3, 1997, and recommended approval of the proposed vacation; and

WHEREAS, the Albany City Council held a public hearing on February 12, 1997.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Subject Property. A two-foot portion of a seven-foot utility easement is hereby vacated. This property is located along the east side of Lot 6 in the South Waverly Subdivision as recorded in the Linn County Record of Subdivision Plats, Linn County, Oregon. It is more commonly known as 2013 47th Avenue SE, Linn County Assessor's Map No. 11S-3W-20AC, Tax Lot 2000.

Section 2: Findings. The findings attached as Exhibit A are hereby adopted in support of this decision.


Section 3: Map. A copy of the tax map showing the property being vacated is attached as Exhibit B.

Section 4 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: February 12, 1997

Approved by the Mayor: February 12, 1997

Effective Date: February 12, 1997



Mayor

ATTEST:



City Recorder

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Section 2: Findings. The findings attached as Exhibit A are hereby adopted in support of this decision.

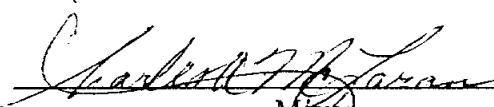
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ATTEST:



City Recorder

STATE OF OREGON }
County of Linn } SS
City of Albany }

I hereby certify that I have compared the (foregoing, within) with the original thereof, and that it is a correct copy herefrom and of the whole thereof.

February 14 1997


Return to: City of Albany - Recorder
133 Linn 400, Albany, OR 97321

Findings: VC-01-97

1. The existing easement was dedicated as part of a subdivision plat recorded in 1993 to provide for private utility service to the flag lot located to the north of the subject property.
2. There are no private or public utilities located within the proposed vacation area.
3. The Community Development Department, Planning Division, has received letters from all utilities (Consumers Power, Northwest Natural Gas, and TCI Cablevision) stating that they have no objection to the proposed reduction of the utility easement from seven feet to five feet.
4. The existing seven-foot utility easement was placed on the recorded plat to assure adequate access to all public and private utilities for Lot 7, a flag lot located directly to the north of the subject property (Lot 6).
5. A single family residence has been constructed on the subject property and extends two feet into the utility easement.
6. The existing public sewer and water service lines lie within existing easements other than the subject easement proposed to be vacated. There are no City utilities located in the existing easement area proposed for vacation.
7. There is no vehicular traffic in the area of the proposed easement vacation. The subject easement area is not listed in any transportation or public facility plan and is not an essential link for traffic circulation.
8. Access to Lot 7 and to Lot 8 is provided by two flag portions of those lots, each 12 feet in width, with a combined access of 24 feet. This access area was improved as required by the conditions of approval for the subdivision with a 20-foot wide paved driveway.
9. The vacation of two feet of a seven-foot easement will allow for the existing residence that has been built two feet inside of the easement area to become a legally constructed residence as it meets the minimum five-foot side yard setback required by the Albany Development Code.
10. There are no requirements for landscaping, driveway access or reconstruction of access for fire safety in this area.
11. The easement dedication occurred prior to the installation of private utilities across the subject property to serve a lot immediately to the north.

STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

MF 852
PAGE 688

By PA, Deputy

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A
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FEB 14 3 06 PM '97

Tax Lot Map: VC-01-97

SOUTH WAVERLY SUBDIVISION
JORDAN S. ROBINSON D.L.C. #55
NE 1/4 SECTION 20, T.11S., R.3 W., W.M
CITY OF ALBANY, LINN COUNTY, OREGON
SCALE: 1" = 60'
DECEMBER 10, 19
SEE: AFFIDAVIT OF CORRECTION
MF692 B.689 4-21-94
B.O. Shaw
L.C. SURVEYOR

LEGEND:
● MONUMENT FOUND
○ MONUMENT SET
STAMPED: JIM
DONATION LAND
() DATA OF RECORD
REFERENCE: C

PURB
MONU
MAC

VOL 0852 PAGE 690

EXHIBIT B

