

ORDINANCE NO. 5333

AN ORDINANCE VACATING A 30-FOOT WIDE PEDESTRIAN RIGHT-OF-WAY THAT WAS CREATED BY THE ORIGINAL PLAT FOR THE COLLEGE GREEN SUBDIVISION AT 868 AND 950 BELMONT AVENUE SW, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY (FILE VC-02-97).

WHEREAS, Dale Dyer, managing partner for the proposed LBCC Apartments, on September 3, 1997, requested the City of Albany to initiate the vacation of a 30-foot wide pedestrian right-of-way that was created by the original plat for the College Green Subdivision; and

WHEREAS, the Albany City Council, on October 22, 1997, agreed to initiate this pedestrian right-of-way vacation; and

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

WHEREAS, the Albany Hearings Board held a public hearing on December 18, 1997, and recommended approval of the proposed vacation; and

WHEREAS, the Albany City Council held a public hearing on January 14, 1998.

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

Section 1: Subject Property. A 30-foot wide pedestrian right-of-way is hereby vacated. This property is located across Lots 1 and 2, Block 1, of the College Green Subdivision as recorded in the Linn County Record of Subdivision Plats, Linn County, Oregon; more commonly known as 868 and 950 Belmont Avenue SW, Linn County Assessor's Map No. 11S-4W-25AD, Tax Lots 100 and 101.

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: January 14, 1998

Approved by the Mayor: January 14, 1998

Effective Date: January 14, 1998

  
Mayor

ATTEST:

  
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City Recorder

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**FINDINGS: VC-02-97**

- 1.1 The existing 30-foot wide pedestrian easement was dedicated as part of a subdivision plat in 1973. In 1989, Lanier Street was dedicated and constructed to City standards on the west and south boundaries of the subject property.
- 1.2 Sanitary Sewer. Sanitary sewer utility maps indicate that public sanitary sewer service adjacent to this site consists of a 21-inch main along the south side of the site, a 27-inch north-south main through the site which lies in the pedestrian easement area, a 12-inch main along the western portion of the site's Belmont Street frontage, and an 8-inch main along part of the eastern portion of the site's Belmont Street frontage. The 27-inch main through the site lies within an existing 30-foot wide public sewer easement. Vacating the pedestrian right-of-way will not affect the sewer easement because the right-of-way was created on the original subdivision plat while the sewer easement was created by a separate deed.
- 1.3 Water. Water utility maps indicate that public water service adjacent to this site consists of a 12-inch main in Belmont Avenue and a 16-inch main in Pacific Boulevard.
- 1.4 Storm Drainage. Storm drainage utility maps indicate that storm drainage adjacent to this site consists of a seasonal creek that flows south to north through the site, two 48-inch culverts under Belmont Avenue, a large arch-pipe culvert under Lanier Street, and catch basins in both Belmont Avenue and Lanier Street.
- 1.5 Streets. The subject parcels are bounded on the north by Belmont Avenue, on the west and south by Lanier Street, and on the east by Pacific Boulevard. All of the streets have been constructed to City standards (curb, gutter, sidewalk and storm drainage).
- 2.1 The subject property is bounded on four sides by public streets (Lanier Street to the west and south, Belmont Avenue on the north, and Pacific Boulevard to the east).
- 2.2 The site plan submitted with a Site Plan Review application for the construction of an 88-unit apartment complex provides for construction of private pedestrian connections to the public sidewalks on Belmont Avenue and Lanier Street in other locations on the property.
- 2.3 The existing public sewer, water and storm drainage facilities lie either in the public street rights-of way or lie within existing easements other than the subject right-of-way proposed to be vacated.
- 3.1 There is no vehicular traffic in this area. The subject right-of-way is not listed in any transportation or public facility plan and is not an essential link for traffic circulation.
- 4.1 The pedestrian right-of-way was created as a link to Linn-Benton Community College with Belmont Avenue prior to the extension of Lanier Street on the west and south boundaries of the subject property.
- 4.1 The vacation of the pedestrian right-of-way will allow the area to be utilized for landscaping and off-street parking as indicated on the site plan submitted with a Site Plan Review application for the construction of an 88-unit apartment complex on the adjoining properties.
- 5.1 The pedestrian right-of-way dedication occurred in 1973 with the platting of College Green Subdivision. At the time the subdivision was recorded, the two lots were zoned for multiple family use in conjunction with the community college. In 1989, Lanier Street was extended south from Belmont Avenue across the west and south boundaries of the subject property providing direct access to Linn-Benton Community College which lies to the south of the subject pedestrian right-of-way.

TAX LOT MAP: VC-02-97

