

ORDINANCE NO. 5378

AN ORDINANCE VACATING A PORTION OF THE NW HARDER LANE RIGHT-OF-WAY THAT WAS CREATED BY TWO SEPARATE DEEDS RECORDED IN BENTON COUNTY DEED RECORDS M-21123 AND M-187446-94, ADJACENT TO 1415 NW HARDER LANE; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY (FILE VC-02-98).

WHEREAS, ON May 13, 1998, the City of Albany Community Development Department asked that the Albany City Council initiate the vacation of the portion of Harder Lane that contains an existing house; and

WHEREAS, the Albany City Council, on May 13, 1998, agreed to initiate this 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 June 25, 1998, and recommended approval of the proposed vacation of an 11.7 feet x 70 feet strip; and

WHEREAS, the Albany Hearings Board recommended that the City Council consider widening and lengthening the vacation area to include the eaves of the house and a tree south of the house; and

WHEREAS, the Albany City Council held a public hearing on July 8, 1998, and decided to enlarge the vacation area to a 13 feet x 151.8 feet area.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Subject Property. A 13-foot wide portion of the Harder Lane right-of-way is hereby vacated. This property is located adjacent to 1415 Harder Lane, Benton County Assessor's Map No. 10S-3W-31CC, Tax Lot 100.

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

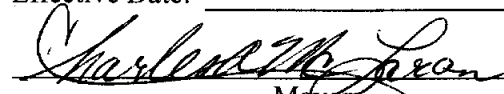
Section 3: Map. A copy of a map and a legal description describing the property being vacated is attached as Exhibit B.

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: July 22, 1998

Approved by the Mayor: July 22, 1998

Effective Date: July 22, 1998



Mayor

ATTEST:

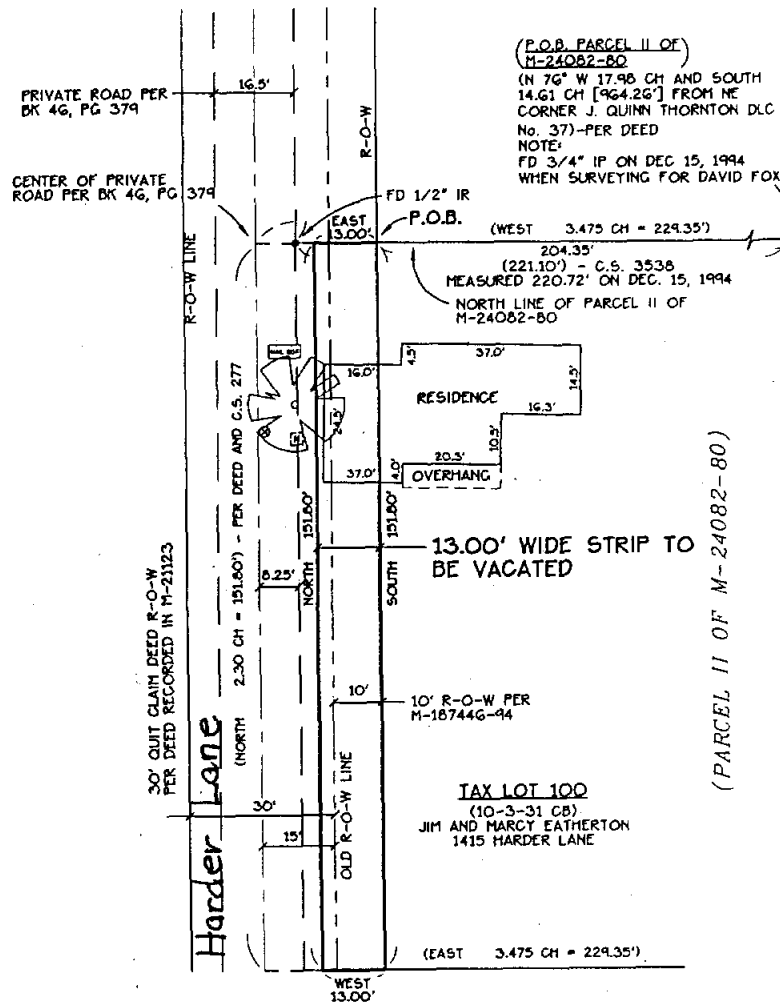
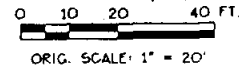


City Recorder

EXHIBIT A
FINDINGS: VC-02-98

- 1.2 Sanitary Sewer. Sanitary sewer utility maps indicate that there is no public sanitary sewer service adjacent to this site. The sanitary sewer master plan indicates that the area can be served by a future main that would be extended along Springhill Drive, Quarry Road, and Harder Lane. The right-of-way remaining after the proposed vacation would be wide enough (28.3 feet) to accommodate both the existing public water main and a public sewer main. Vacating the right-of-way will not affect the future placement of a public sewer line.
- 1.3 Water. Water utility maps indicate that public water service adjacent to this site consists of a six-inch main located in Harder Lane. The main lies within the portion of the right-of-way that will be retained by the City. Vacating the right-of-way will not affect any public water main.
- 1.4 Storm Drainage. Storm drainage utility maps indicate that storm drainage adjacent to this site consists of a large natural drainageway east of Harder Lane. Vacating the right-of-way will not affect any public storm drain line.
- 1.5 Streets. The subject area to be vacated will be combined with adjoining Tax Lot 100. Staff has examined the likelihood of Harder Lane's ever being extended to the south and concluded that it is very unlikely, given the topography. In the discussion of Harder Lane during the North Albany Local Street Plan, the citizens task force came to the same conclusion. (Topography was likely a factor in the siting of this house 90 years ago. The back yard drops off into a ravine.)
- 2.1 The subject area to be vacated contains a portion of the existing house at 1415 Harder Lane. The parcel is bounded on the west and north by Harder Lane, on the south by private property, and on the east by the remainder of the residence at 1415 Harder Lane. The remaining right-of-way contains the existing traveled portion of the Harder Lane that the neighboring properties use for access.
- 2.2 The existing public water main and the future public sewer main will lie within the remaining public street right-of way.
- 3.1 The existing traveled portion of the right-of-way will not be affected by this vacation.
- 4.1 The portion of the right-of-way to be vacated contains an existing house. There are no landscaping, driveway access, or fire safety access issues to be addressed with this right-of-way vacation.
- 5.1 The present traveled portion of the Harder Lane right-of-way will be retained. The City will retain enough right-of-way to accommodate a future public sewer main.

EXHIBIT "B"
FOR
CITY OF ALBANY
LOCATED IN
SEC. 31, T. 10 S., R. 3 W., W.M.
BENTON COUNTY, OREGON
JULY 10, 1998



RIGHT-OF-WAY VACATION DESCRIPTION

A portion of that strip of land for street right-of-way purposes created by Quit Claim Deed described and recorded in M-21123 of the Benton County Microfilm Records on October 2, 1972 and a portion of that strip of land for street right-of-way purposes created by Dedication Deed described and recorded in M-187446-94 of the said Deed Records on July 22, 1994 that is more particularly described as follows:

Beginning at the intersection of the north line of that Fox Tract identified as Parcel II and recorded in M-24082-80 of said Deed Records on December 17, 1980 with the east right-of-way line of said Dedication Deed, which point being North 76° West 17.98 chains, SOUTH 14.61 chains and WEST 204.35 feet from the northeast corner of the J. Quinn Thornton Donation Land Claim No. 37 in Townships 10 and 11 South, Ranges 3 and 4 West, of the Willamette Meridian, Benton County, Oregon; thence SOUTH, along said east right-of-way line, 151.80 feet to the south line of said Fox Tract; thence WEST, along said south line, 13.00 feet; thence NORTH, parallel with said east right-of-way line, 151.80 feet to the said north line of Fox Tract; thence EAST 13.00 feet to the Point of Beginning.