

ORDINANCE NO. 5416

AN ORDINANCE VACATING THE NORTHERN 7 FEET OF A 14-FOOT WIDE UTILITY EASEMENT ACROSS LOT 1, BLOCK 1 OF FRIDAYS FAIRWAY SUBDIVISION AS RECORDED IN LINN COUNTY RECORDS BOOK OF PLATS, VOLUME 17, PAGE 26 AND DECLARING AN EMERGENCY. (FILE VC-02-99).

WHEREAS, a 14-foot wide easement, lying 7 feet on each side of the property line between Lots 2-14 and Lot 1 of Block 1 was recorded as part of Friday's Fairway Subdivision in 1979; and

WHEREAS, a 1983 lot line adjustment moved the property line 10 feet to the south and placed the entire 14-foot wide easement on Lot 1 and resulted in the addition of a 3-foot wide easement for a total of a 17-foot wide combined easement strip along the southern edge of Lot 1; and

WHEREAS, in July, 1999, Tim Rudzik, submitted an easement vacation application to the City of Albany Community Development Department to vacate the northern 7 feet of the combined 17 foot wide easement; and

WHEREAS, public and private utility companies have commented that retaining the southern 10 feet of the combined 17-foot wide easement will be adequate for their needs; and

WHEREAS, the Albany Planning Commission held a public hearing on August 16, 1999, and recommended approval of the proposed vacation; and

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

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

Section 1: Subject Property. The northern 7 feet of a 14-foot wide utility easement across Lot 1, Block 1 of Friday's Fairway Subdivision is hereby vacated. The easement is located across the southern edge of 4660 Columbus Street SE, Linn County Assessor's Map No. 11S-3W-20BD, 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: August 25, 1999

Approved by the Mayor: August 25, 1999

Effective Date: August 25, 1999

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Recorder Clerk

EXHIBIT A  
FINDINGS: VC-02-99

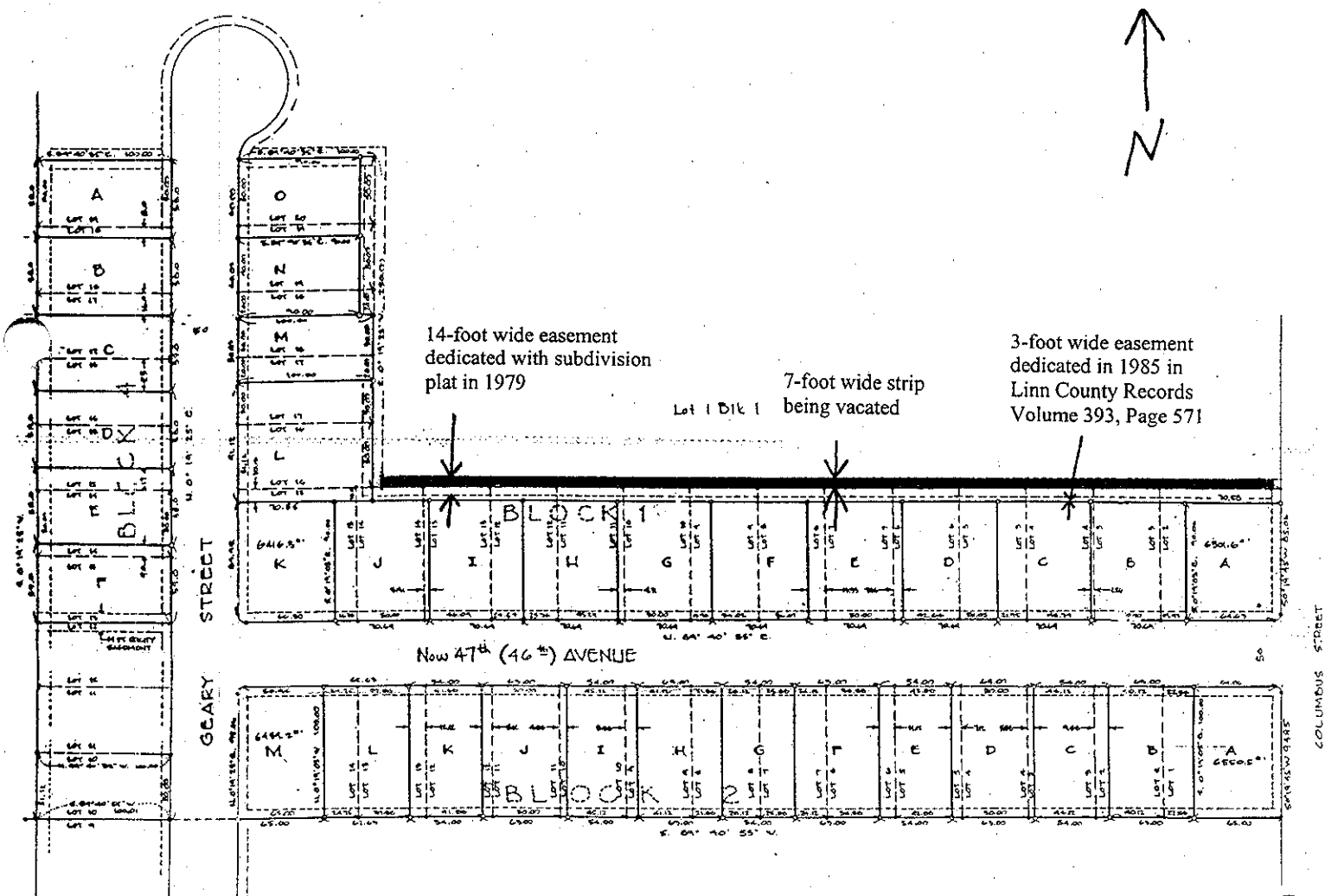
- 1.2 Sanitary Sewer. Sanitary sewer utility maps indicate that there are no public sanitary sewer lines within this easement. Engineering staff has determined that no future sanitary sewer pipes will be needed in this easement.
- 1.3 Water. Water utility maps indicate that there are no public water lines within this easement. Engineering staff has determined that no future water lines will be needed within this easement.
- 1.4 Storm Drainage. Storm drainage utility maps indicate that there are no storm drainage pipes within this easement. Engineering staff has determined that no future storm drainage mains will be needed in this easement.
- 1.5 Other Utilities. City staff has contacted the various other public utility providers about this proposed easement vacation. US West has indicated that they have a telephone cable within the easement, however, retaining the southern 10 feet of the combined 17 foot easement will be adequate for their needs. All other utility providers indicated that they do not have utilities within the easement and they do not plan to place utilities within the easement in the future.
- 1.6 Streets. The public utility easement could not be used for a public street. Additionally, the City does not plan to place a street in the area of the easement.
- 2.1 A 10-foot wide public utility easement will be retained to provide utility access to the neighboring properties.
- 3.1 There is no traffic circulation or emergency service access in this public utility easement.
- 5.1 A 17-foot wide public utility easement is much wider than what is needed to provide telephone access to the properties to the south of the easement. The remaining 10-foot wide easement will be more than adequate.

EXHIBIT B

LEGAL DESCRIPTION AND MAP: VC-02-99

Legal Description:

The northern 7 feet of the 14-foot wide easement across Lot 1 of Block 1 of Friday's Fairway Subdivision as recorded in Linn County Records Book of Plats, Volume 17, Page 26.



STATE OF OREGON  
County of Linn

SEP 2 2 22 PM '99

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

STEVE DRUCKENMILLER  
Linn County Clerk

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By PA, Deputy

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