

ORDINANCE NO. 5417

AN ORDINANCE VACATING THE SOUTHERN 9 FEET OF A 14-FOOT WIDE UTILITY EASEMENT ACROSS LOT 1, BLOCK 3 OF THE FIRST ADDITION TO TIMBER LINN SUBDIVISION AS RECORDED IN LINN COUNTY RECORDS BOOK OF PLATS, VOLUME 17, PAGE 9 AND DECLARING AN EMERGENCY. (FILE VC-03-99).

WHEREAS, a 14-foot wide utility easement, lying across the northern edge of Lot 1 of Block 3 was recorded as part of the First Addition to TimberLinn Subdivision in 1978; and

WHEREAS, in 1999, a garage was constructed within the southern 9 feet of the easement; and

WHEREAS, in June, 1999, Thelma Bushong submitted an easement vacation application to the City of Albany Community Development Department to vacate the southern 9 feet of the 14 foot wide easement; and

WHEREAS, public and private utility companies have commented that retaining the northern 5 feet of the 14-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;

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

Section 1: Subject Property. The southern 9 feet of a 14-foot wide utility easement across Lot 1, Block 3 of the First Addition to Timber Linn Subdivision is hereby vacated. The easement is located across the northern edge of 304 Goldfish Farm Road SE, Linn County Assessor's Map No. 11S-3W-04DA, Tax Lot 2500.

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

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

ATTEST:

Debra J. ...
Clerk
SEAL OF THE
STATE OF ALABAMA
OFFICE OF THE CLERK

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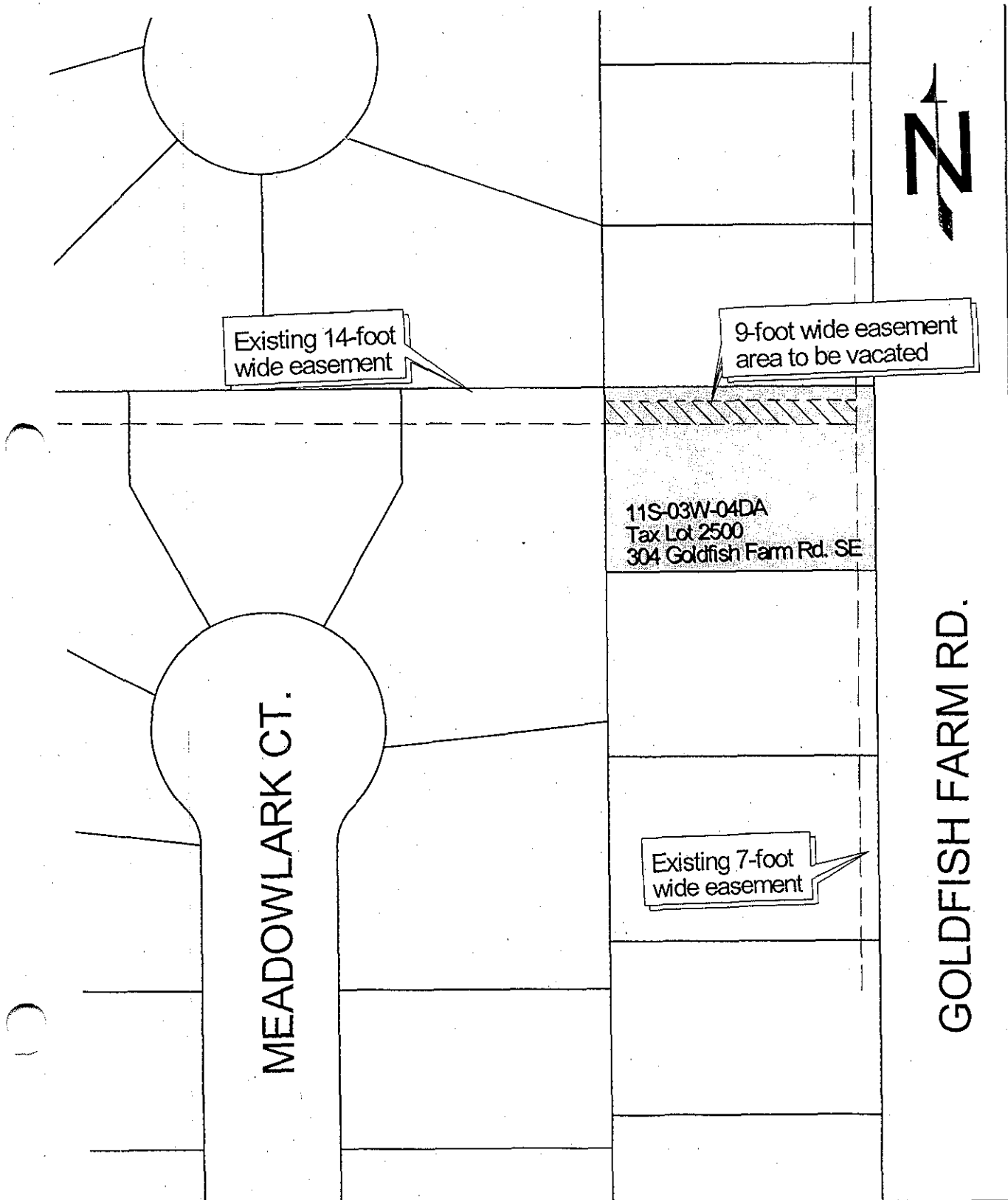
EXHIBIT A
FINDINGS: VC-03-99

- 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. TCI cable television has indicated that they have a cable within the easement, however, retaining the northern 5 feet of the 14-foot wide easement will be adequate for their needs. Pacific Power indicated that they had no lines within the easement, however, they wanted a portion of the easement retained in case they needed to place a line there in the future. 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 5-foot wide public utility easement will be retained across this property 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 5-foot wide public utility easement will be retained across this property. This will allow the existing cable television line to remain and allow for the placement of future electric lines, if needed.

EXHIBIT B
MAP and LEGAL DESCRIPTION: VC-03-99

Legal Description of easement area to be vacated:

The southern 9 feet of the 14-foot wide easement across Lot 1, Block 3, of the First Addition to Timber Linn Subdivision as recorded in Linn County Records Book of Plats Volume 17, page 9.



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

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By PA Deputy

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