

ORDINANCE NO. 5439

AN ORDINANCE VACATING BROADALBIN STREET AND THE REMAINDER OF 18TH AVENUE (PINE STREET) WITHIN THE MASTON AND CHAMBERLAINS ADDITION TO ALBANY, AND VACATING THE PLAT OF THE MASTON AND CHAMBERLAINS ADDITION TO ALBANY WHICH WAS CREATED BY A PLAT FILED NOVEMBER 26, 1887, IN LINN COUNTY, OREGON; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY (FILE VC-04-99).

WHEREAS, ON November 19, 1999, the City of Albany Community Development Department received an application to vacate Broadalbin Street and 18th Avenue from Bob Lee of Gemini Corporation and Darrell Lakowski; and

WHEREAS, the application included the signatures of abutting and neighboring property owners as required in ORS 271.080; 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 21, 2000, and recommended that the City Council approve the proposed vacation of Broadalbin Street, 18th Avenue, and the plat of the Maston and Chamberlains Addition to Albany; and

WHEREAS, the Albany City Council held a public hearing on March 8, 2000.

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

Section 1: Subject Property. Broadalbin Street and 18th Avenue within the Maston and Chamberlains Addition to Albany, and the plat of the Maston and Chamberlains Addition to Albany are hereby vacated.

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

Section 3: Maps. A copy of a map showing the property being vacated and the public utility easement being retained by the City is attached as Exhibit B. A copy of a map of showing the plat being vacated is attached as Exhibit C.

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: March 8, 2000

Approved by the Mayor: March 8, 2000

Effective Date: March 8, 2000

Charles M. Loran
Mayor

ATTEST:

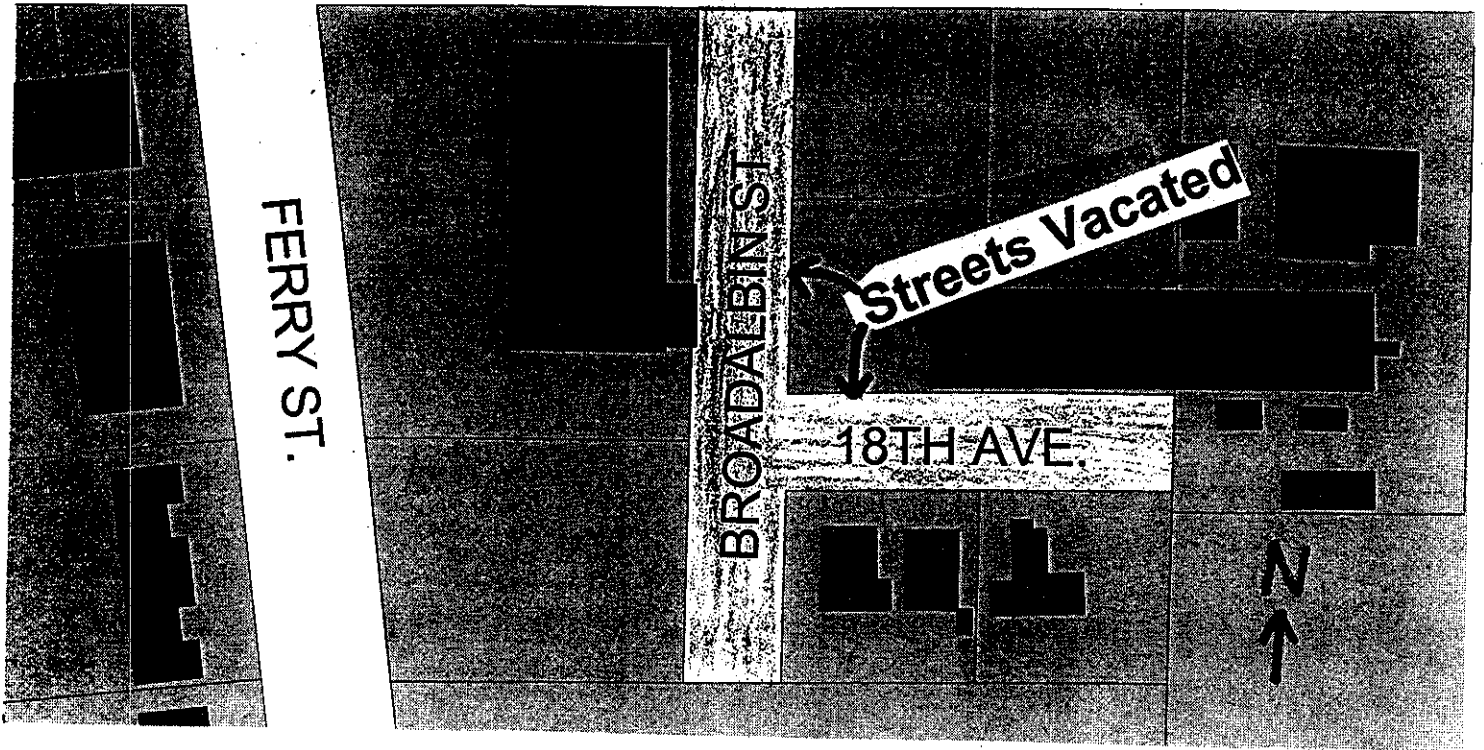
Betty Langness
City Recorder Clerk

EXHIBIT A
FINDINGS: VC-04-99

- 1.2 Sanitary Sewer. Sanitary sewer utility maps indicate that there is a sanitary sewer main within both streets. Engineering staff has determined that an easement must be retained over the sanitary sewer main.
- 1.3 Water. Water utility maps indicate that there are no public water lines within this right-of-way. Future development on the surrounding property may include constructing a water main within the area proposed to be vacated.
- 1.4 Storm Drainage. Storm drainage utility maps indicate that there are no storm drainage pipes within this right-of-way. Future development on the surrounding property may include constructing a storm drainage main within the area proposed to be vacated.
- 1.5 Other Utilities. City staff has contacted the various other public utility providers about this proposed easement vacation. Northwest Natural Gas Company reported that they have mains in both streets and requested that an easement be retained over their lines. Pacific Power indicated that they have power lines on the south side of 18th Avenue and requested that an easement be retained over the lines. US West Communications initially reported that they have public lines within the right-of-way, however, they have since reported that the lines are private services and therefore require no easement. No other utility providers reported that they had utilities within the proposed right-of-way.
- 1.6 Streets. Neither of the two streets proposed to be vacated appear on the transportation master plan.
- 2.1 Access to utilities will be preserved because an easement shall be retained over the southern 35 feet of 18th Avenue and the eastern 35 feet of Broadalbin Street north of 18th Avenue.
- 2.2 The platted subdivision lots within the Maston and Chamberlains Addition to Albany are being eliminated by vacating the plat. Mr. Lakowske and Mr. Lee (Gemini Corporation) own all of the lots within the subdivision and have agreed to the vacation of the plat.
- 3.1 Currently only traffic to and from Mr. Lakowske's site and the Gemini Corporation site use these 2 streets. The fire department does not oppose this vacation request. As the properties redevelop, the fire department will reassess the need for access and fire hydrants.
- 4.1 The existing right-of-way is graveled and provides access for driveways and fire safety. The need for landscaping and paving will be re-examined when the adjoining properties redevelop.
- 4.2 The right-of-way shall be divided such that the western half (25 feet) of Broadalbin Street shall become a part of the Gemini Corporation property, while the eastern half (25 feet) of Broadalbin Street and all of 18th Avenue east of Broadalbin Street shall become a part of Mr. Lakowske's property.
- 5.1 An easement shall be retained to provide access for public utilities. Only the two adjoining properties currently use the streets. The City will no longer have maintenance responsibility for the streets if the streets are vacated.
- 5.2 ORS 271.080 requires that 100 percent of abutting property owners and two-thirds of the property owners within the defined affected area sign a petition to vacate the right-of-way. The applicants have obtained and submitted the required signatures.

EXHIBIT B
MAP: VC-04-99

QUEEN AVE.



QUEEN AVE.

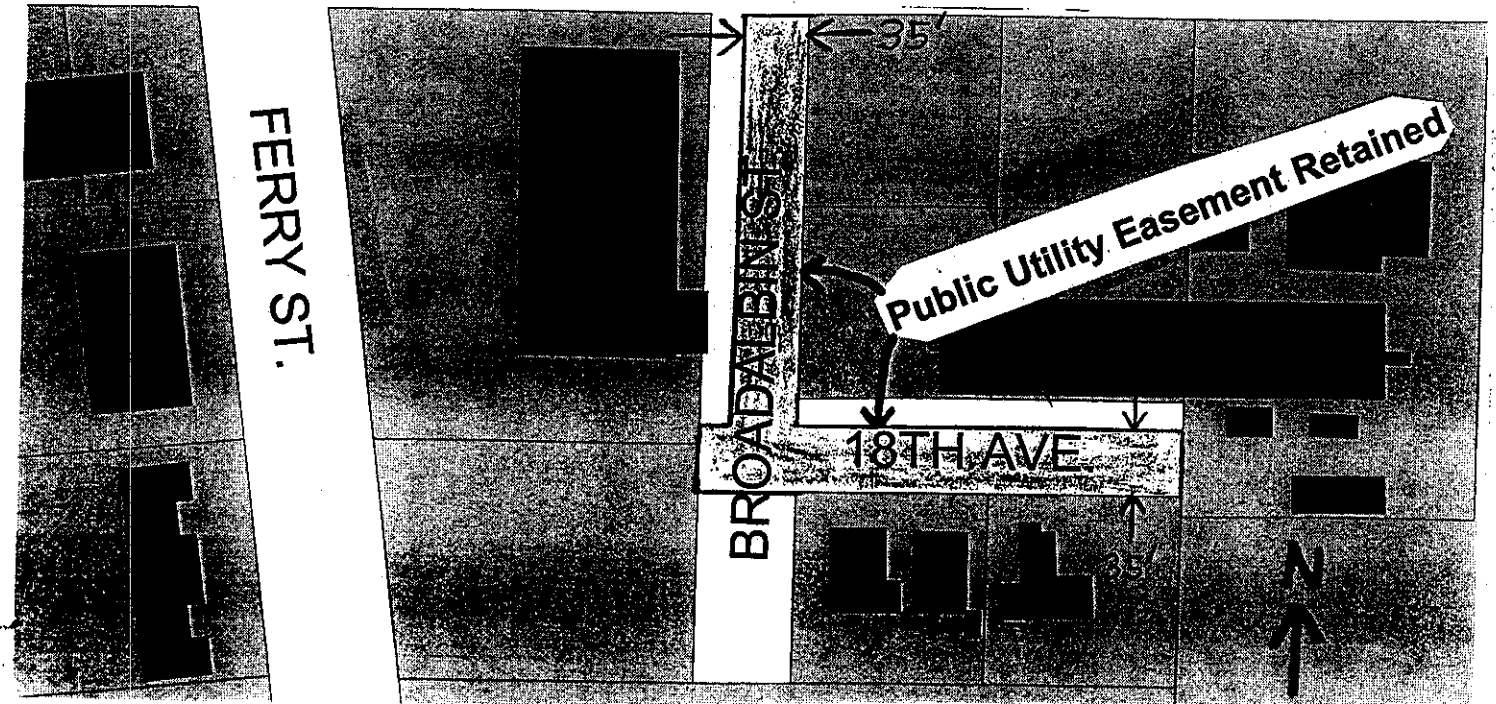


Exhibit C

Map of Plat being Vacated

PLAN of MASTON and CHAMBERLAINS ADDITION to ALBANY

