

AN ORDINANCE VACATING OAK STREET BETWEEN SALEM AVENUE AND SANTIAM ROAD, AND VACATING LOTS 20-39 IN BLOCK 2 OF ABBEY'S ADDITION TO ALBANY WHICH WAS CREATED BY A PLAT FILED SEPTEMBER 5, 1889, IN LINN COUNTY, OREGON; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY (FILE VC-02-00).

WHEREAS, ON November 20, 2000, the City of Albany City Council directed staff to initiate the vacation of Oak Street between Salem Avenue and Santiam Road; 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 January 15, 2001, and recommended that the City Council approve the proposed vacation of Oak Street SE between Salem Avenue SE and Santiam Road SE and Lots 20-39 in Block 2 of Abbey's Addition to Albany; and

WHEREAS, the Albany City Council held a public hearing on January 24, 2001.

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

Section 1: Subject Property. Oak Street between Salem Avenue and Santiam Road, and Lots 20-39 of Block 2 of Abbey's 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: Easements Retained. All existing easements in the area are being retained and the City is retaining a public utility easement over the right-of-way being vacated.

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 24, 2001

Approved by the Mayor: January 24, 2001

Effective Date: January 24, 2001

Charles McGowan
Mayor

ATTEST:

Ken Thompson
City Recorder

STATE OF OREGON }
County of Linn } SS
City of Albany }

I hereby certify that I have compared the (foregoing, within) with the original thereof, and that it is a correct copy therefrom and of the whole thereof.

Dated January 26, 2001
Betty Traugott, City Clerk

EXHIBIT A
FINDINGS: VC-02-00

- 1.2 Sanitary Sewer. Sanitary sewer utility maps indicate that public sanitary sewer adjacent to this site consists of an 8-inch main that lies within the western 30 feet of Oak Street. In May of 2000 the City obtained easements over the sewer main from the property owners. The City will expressly state in the Vacation Ordinance that no existing easements in the area are being vacated and the City is retaining a public utility easement over the entire right-of-way that is being vacated.
- 1.3 Water. There are no public water lines in the proposed street vacation area and the City has no plans to place a public water line in the proposed street vacation area.
- 1.4 Storm Drainage. Storm drainage utility maps indicate that there are no storm drainage pipes within this right-of-way. There is a depressed area at the southern end of the right-of-way near the railroad tracks where storm drainage collects and eventually infiltrates into the ground. The City shall retain an easement over the right-of-way being vacated in order to allow for the possible future placement of storm drainage facilities between the railroad tracks and Salem Avenue.
- 1.5 Other Utilities. City staff has contacted the various other public utility providers about this proposed right-of-way vacation. There are electric power lines that only serve the manufactured home/RV park that lie within the western 30 feet of Oak Street. None of the utility providers indicated that they had utilities within the eastern 20-foot section of the right-of-way that is being vacated.
- 2.1 The portion of Oak Street being considered for vacation extends south of Salem Avenue and dead-ends at the railroad tracks. It does not connect any public rights-of-way. The single-family homes to the east of Oak Street all have direct street access to Pine Street. Parcels to the west of Oak Street have direct access to either Salem Avenue or Santiam Road.
- 2.2 Lots 20-39 of Block 2 of Abbey's Addition to Albany would become landlocked if the Oak Street right-of-way were vacated. In order to approve the right-of-way vacation, Lots 20-39 of Block 2 of Abbey's Addition to Albany must also be vacated.
- 2.3 In order to provide access for existing and potential public facilities or utilities, all existing easements shall be retained and a public utility easement shall be retained over the right-of-way being vacated.
- 3.1 The western 30 feet of Oak Street functions as a driveway for access into a manufactured home park. Should Oak Street be vacated, the location and use of the existing driveway will not change. As a result, the vacation of Oak Street will not have a negative effect on traffic circulation or emergency service protection.
- 4.1 The right-of-way being vacated is undeveloped. After the vacation is completed the vacated area will function as the back yards of residential properties and therefore need not be modified.
- 5.1 An easement shall be retained to provide access for a future public storm drainage facility. All existing easements are being retained.
- 5.2 The City has no plans for future street or other public utility improvements within the Oak Street right-of-way.
- 5.3 Vacating the right-of-way shall clear up the confusion over the width of the right-of-way and the location of property lines in the area.



Community Development Department
333 Broadalbin Street SW, PO Box 490, Albany OR 97321
Phone: (541) 917-7550 Facsimile: (541) 917-7598

STAFF REPORT
Street Vacation

HEARING BODY ALBANY CITY COUNCIL
HEARING DATE Wednesday, January 24, 2001
HEARING TIME 7:15 p.m.

HEARING LOCATION Council Chambers, Albany City Hall, 333 Broadalbin Street SW

GENERAL INFORMATION

DATE OF REPORT: January 16, 2001

FILE: VC-02-00

TYPE OF REQUEST: Vacation of Oak Street SE between Salem Avenue SE and Santiam Road SE, and vacation of a portion of the Abbey's Addition to Albany subdivision plat.

REASON FOR REQUEST: To eliminate a right-of-way that is not needed.

REVIEW BODY: Planning Commission and City Council

APPLICANT: City of Albany, PO Box 490 Albany, OR 97321

APPLICANT REP: Gordon Steffensmeier, Civil Engineer II

ADDRESS/LOCATION: Between Salem Avenue and Santiam Road

ZONING: RM-3 (Residential Multiple Family) and MS (Main Street)

TOTAL LAND AREA: Approximately 10,100 square feet as shown on the attached map

EXISTING LAND USE: Vacant

NEIGHBORHOOD: Willamette

SURROUNDING ZONING: East – RM-3 (Residential Multiple Family); West – MS (Main Street)

SURROUNDING USES: Single Family Housing, Manufactured Homes and RVs, Apartments, Railroad Tracks

PRIOR HISTORY: The Abbey's Addition to Albany subdivision was recorded in September of 1889. The eastern 20 feet of Oak Street was dedicated with the subdivision plat. The western 30 feet of Oak Street was not dedicated on the plat but rather was simply drawn in and shown on the plat. Since that time most maps have indicated that the Oak Street right-of-way is 50 feet wide. Sometime in the early 1900s a sewer was

installed in the western 30 feet of Oak Street. Oak Street has never been constructed in this area and the City has no plans to construct Oak Street in the future.

The City of Albany reconstructed a large section of Santiam Road this past summer. Part of that work included replacing the old sewer main that lies north of Santiam Road in the western 30 feet of Oak Street. A search of City and County records indicated that the Oak Street right-of-way is only 20 feet wide in this area, which meant that the City's sewer main is on private property. The owners of the properties involved agreed to grant the City easements for the sewer. City staff in turn agreed to look at the possibility of vacating Oak Street in this area. On November 20, 2000 the Albany City Council directed staff to initiate the vacation of Oak Street between Salem Avenue and Santiam Road.

NOTICE INFORMATION

A Notice of Public Hearing was mailed to surrounding property owners on December 28, 2000. The site was posted on December 15, 2000, in accordance with Section 1.410 of the Albany Development Code. Two legal notices are being published in the *Albany Democrat-Herald* on January 10, 2001, and January 17, 2001, in accordance with ORS 271.110. At the time this staff report was prepared (January 16, 2001), the Albany Planning Division had received no written comments from affected property owners.

PLANNING COMMISSION AND STAFF RECOMMENDATION

On January 15, 2001 the Planning Commission held a public hearing and recommended APPROVAL WITH CONDITIONS of this application for the vacation of Oak Street between Salem Avenue and Santiam Road and the vacation of Lots 20-39 of Block 2 of Abbey's Addition to Albany.

SUGGESTED CITY COUNCIL MOTION:

MOTION TO RECOMMEND APPROVAL WITH CONDITIONS

If there is no new evidence presented at the public hearing, the Planning Commission may recommend approval of the application based on the findings and conclusions of the staff report.

I MOVE that the City Council adopt the attached ordinance for vacation of Oak Street SE between Salem Avenue SE and Santiam Road SE, and vacation of Lots 20-39 of Block 2 of Abbey's Addition to Albany (File VC-02-00). This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

STAFF ANALYSIS

Vacation File VC-02-00

The Albany Development Code contains the following review criteria, which must be met for this vacation request to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

Criterion (1) The requested vacation is consistent with relevant Comprehensive Plan policies and with any street plan, city transportation, or public facility plan.

FINDINGS OF FACT

- 1.1 The following Comprehensive Plan policies have been identified as relevant to this review criteria.
 - a. Prohibit the construction of structures over public water lines and easements.
 - b. Prohibit the construction of buildings over drainage improvements and easements.
 - c. Discourage the construction of structures over public wastewater lines and easements.
- 1.2 Sanitary Sewer. Sanitary sewer utility maps indicate that public sanitary sewer adjacent to this site consists of an 8-inch main that lies within the western 30 feet of Oak Street. In May of 2000 the City obtained easements over the sewer main from the property owners. The City will expressly state in the Vacation Ordinance that no existing easements in the area are being vacated and the City is retaining a public utility easement over the entire right-of-way that is being vacated.
- 1.3 Water. There are no public water lines in the proposed street vacation area and the City has no plans to place a public water line in the proposed street vacation area.
- 1.4 Storm Drainage. Storm drainage utility maps indicate that there are no storm drainage pipes within this right-of-way. There is a depressed area at the southern end of the right-of-way near the railroad tracks where storm drainage collects and eventually infiltrates into the ground. The City shall retain an easement over the right-of-way being vacated in order to allow for the possible future placement of storm drainage facilities between the railroad tracks and Salem Avenue.
- 1.5 Other Utilities. City staff has contacted the various other public utility providers about this proposed right-of-way vacation. There are electric power lines that only serve the manufactured home/RV park that lie within the western 30 feet of Oak Street. None of the utility providers indicated that they had utilities within the eastern 20-foot section of the right-of-way that is being vacated.

CONCLUSIONS

- 1.1 There is a public sewer main within the western 30 feet of Oak Street (the portion with no record of being dedicated as right-of-way). City staff recommends that all existing easements, including those obtained in May of 2000, be retained and not vacated.
- 1.2 It is possible that the City may someday construct a storm drainage facility between the railroad tracks and Salem Avenue. City staff recommends that a public utility easement be retained over the eastern 20 feet of the right-of-way to allow for the future construction of storm drainage facilities.

CONDITIONS

- 1.1 The City shall retain a public utility easement over the right-of-way being vacated. All existing easements are expressly being retained and are not being vacated.

Criterion (2) The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities or utilities.

FINDINGS OF FACT

- 2.1 The portion of Oak Street being considered for vacation extends south of Salem Avenue and dead-ends at the railroad tracks. It does not connect any public rights-of-way. The single-family homes to the east of Oak Street all have direct street access to Pine Street. Parcels to the west of Oak Street have direct access to either Salem Avenue or Santiam Road.
- 2.2 Lots 20-39 of Block 2 of Abbey's Addition to Albany would become landlocked if the Oak Street right-of-way were vacated. In order to approve the right-of-way vacation, Lots 20-39 of Block 2 of Abbey's Addition to Albany must also be vacated.
- 2.3 In order to provide access for existing and potential public facilities or utilities, all existing easements shall be retained and a public utility easement shall be retained over the right-of-way being vacated.

CONCLUSIONS

- 2.1 The requested right-of-way vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities, or utilities if all existing easements are retained, and if Lots 20-39 of Block 2 of Abbey's Addition are also vacated.

CONDITIONS

- 2.1 Lots 20-39 of Block 2 of Abbey's Addition to Albany shall be vacated.
- 2.2 The City shall retain an easement over the right-of-way being vacated.
- 2.3 All existing easements are being retained and are not being vacated.

Criterion (3) The requested vacation will not have a negative effect on traffic circulation or emergency service protection.

FINDINGS OF FACT

- 3.1 The western 30 feet of Oak Street functions as a driveway for access into a manufactured home park. Should Oak Street be vacated, the location and use of the existing driveway will not change. As a result, the vacation of Oak Street will not have a negative effect on traffic circulation or emergency service protection.

CONCLUSIONS

- 3.1 Neither the existing traffic circulation nor emergency service protection will be affected by this vacation. This criterion has been met.

Criterion (4) The portion of the right-of-way that is to be vacated will be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.

FINDINGS OF FACT

- 4.1 The right-of-way being vacated is undeveloped. After the vacation is completed the vacated area will function as the back yards of residential properties and therefore need not be modified.

CONCLUSIONS

- 4.1 This criterion has been met.

Criterion (5) The public interest, present and future, will be best served by approval of the proposed vacation.

FINDINGS OF FACT

- 5.1 An easement shall be retained to provide access for a future public storm drainage facility. All existing easements are being retained.
- 5.2 The City has no plans for future street or other public utility improvements within the Oak Street right-of-way.
- 5.3 Vacating the right-of-way shall clear up the confusion over the width of the right-of-way and the location of property lines in the area.

CONCLUSIONS

- 5.1 Staff has evaluated the proposed vacation based upon the Vacation criteria listed in Section 2.440 of the Albany Development Code and found the subject vacation to be in conformance with Criteria 1, 2, 3, 4, and 5. This criterion has been met.

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Oak Street Vacation Vicinity Map



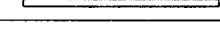
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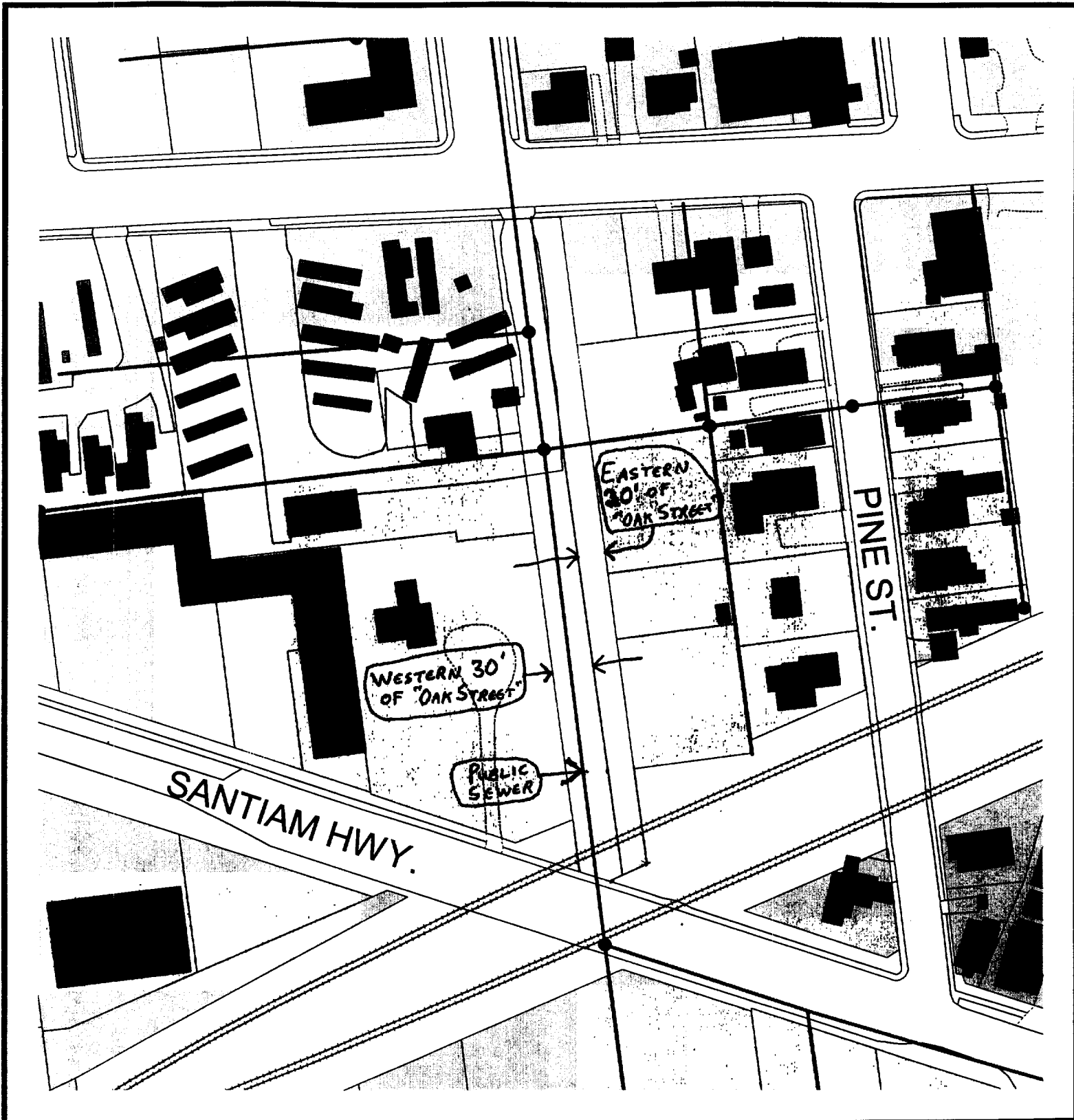
Jan 5, 2001

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The City of Albany's information research, drawings, and other documents have been gathered over a period of decades, using differing standards for quality control, documentation, and verification. All information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and there is no warranty is not warranted. Prior to making any property purchase or other investments based in full or in part upon the information provided, it is specifically advised that you independently verify the information contained within our records.





Oak Street Vacation



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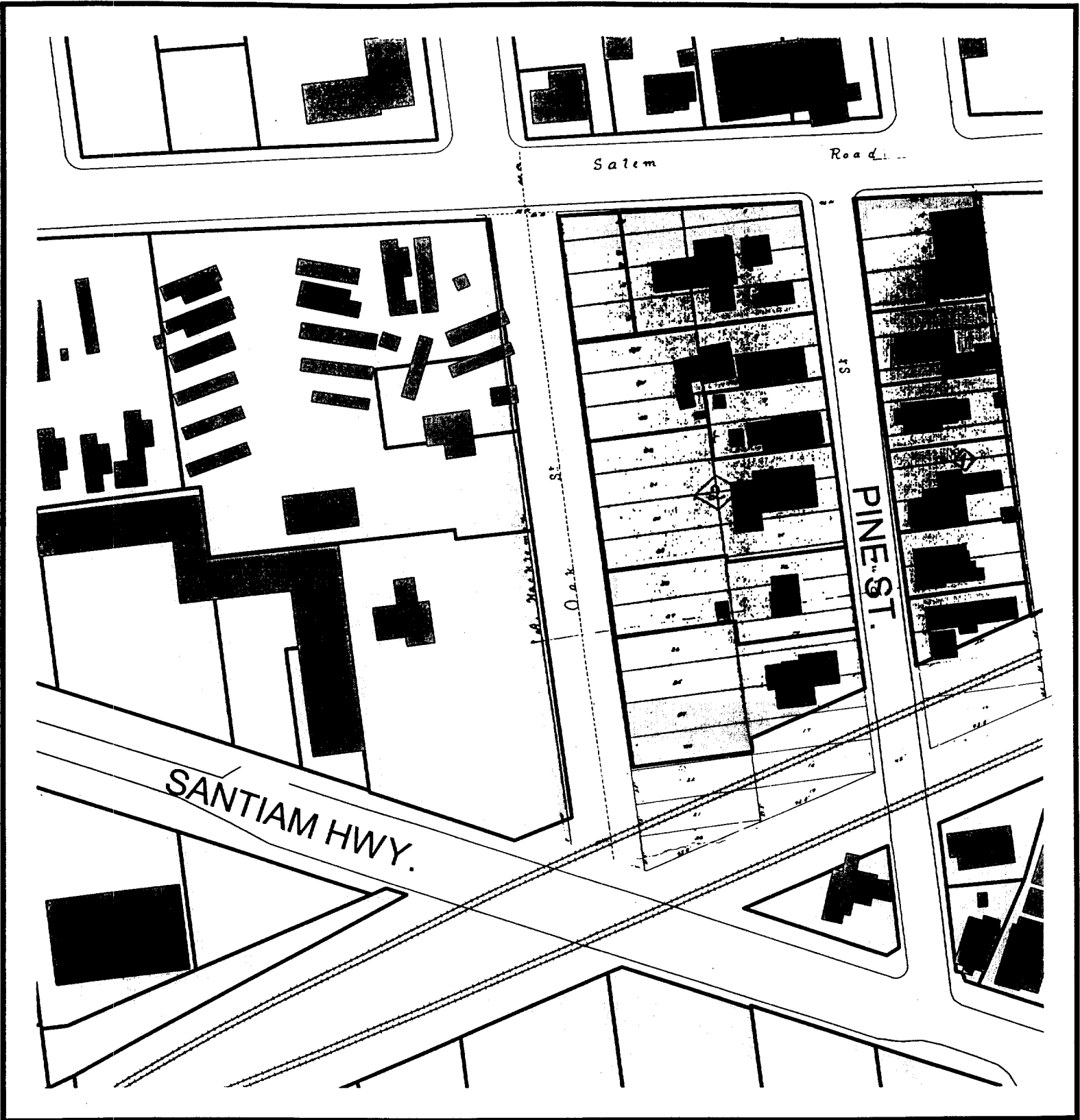
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The City of Albany's infrastructure records, drawings, and other documents have been gathered over the years, using differing standards for quality control, dissemination, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and that its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.





Tax Lots with Original Plat Overlaid



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Gordon Steffensmeier

Jan 5, 2001

0 100 Feet



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