

ORDINANCE NO. 5538

AN ORDINANCE VACATING THE WEST 330 FEET OF 6TH AVENUE ADJACENT TO ALBANY GENERAL HOSPITAL AND WEST OF ELM STREET, WHICH WAS CREATED BY A PLAT FILED IN SEPTEMBER OF 1863, IN LINN COUNTY, OREGON; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY (FILE VC-01-01).

WHEREAS, ON August 14, 2002, the City of Albany City Council directed staff to initiate the vacation of the west 330 feet of 6th Avenue adjacent to Albany General Hospital; 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 July 29, 2002, and recommended that the City Council approve the proposed vacation of the west 330 feet of 6th Avenue adjacent to Albany General Hospital; and

WHEREAS, the Albany City Council held a public hearing on August 14, 2002.

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

Section 1: Subject Property. The west 330 feet of 6th Avenue adjacent to Albany General Hospital west of Elm Street is 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: August 28, 2002

Approved by the Mayor: August 28, 2002

Effective Date: August 28, 2002



Mayor

ATTEST:



City Recorder

EXHIBIT A
FINDINGS: VC-01-01

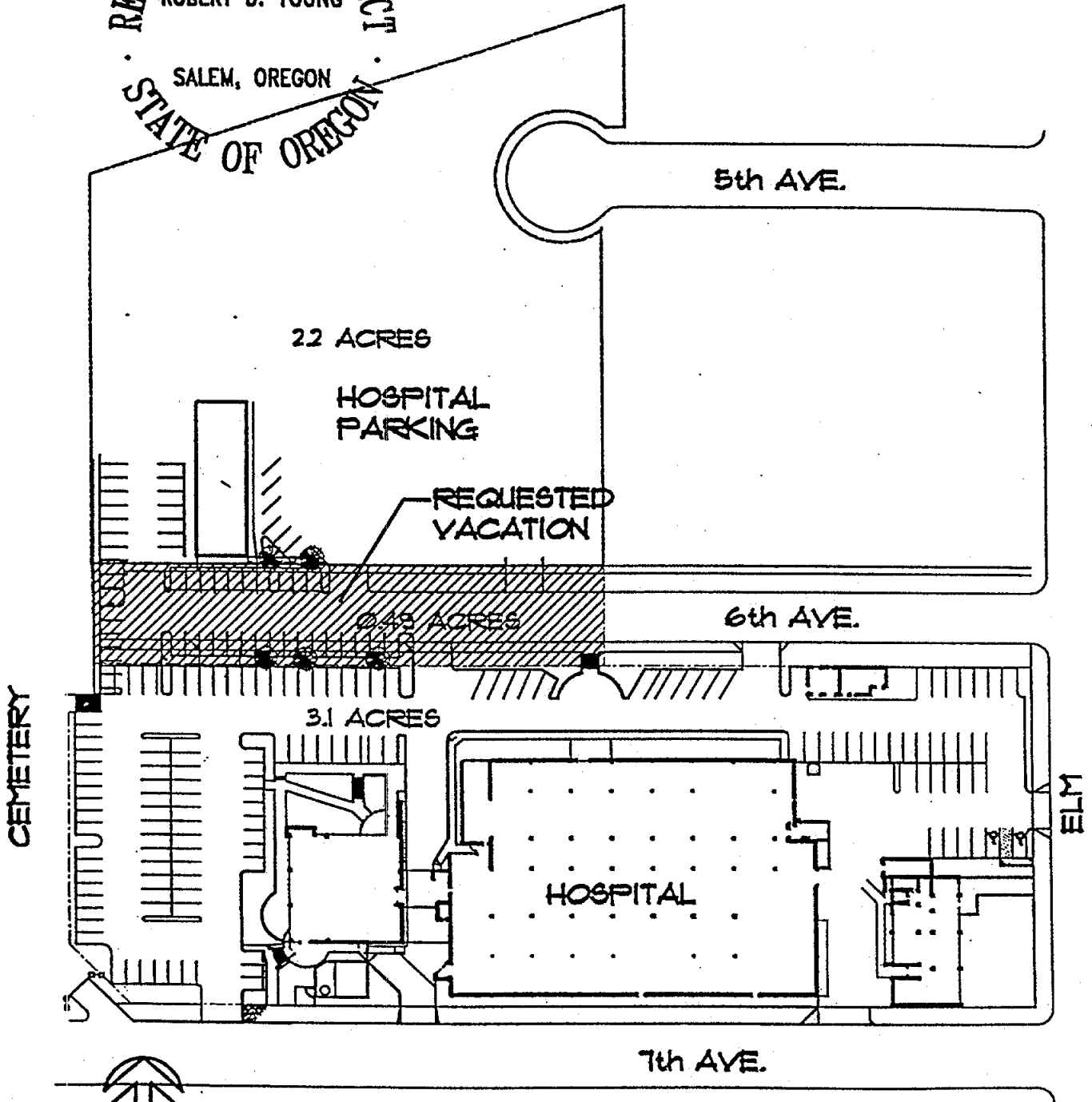
FINDINGS OF FACT

- 1.2 Sanitary Sewer. Sanitary sewer utility maps indicate that public sanitary sewer adjacent to this site consists of a 24-inch and an 8-inch main that lie within the western 80 feet of 6th Avenue. In order to protect these mains, 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. Water system utility maps indicate that there are two water mains located within the proposed street vacation area. A 6-inch water main is located within the west 20 feet of 6th Avenue. A 4-inch water main lies along the north right-of-way line for 6th Avenue along the proposed vacation area. In order to protect these mains, 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.
- 1.4 Storm Drainage. Storm drainage utility maps indicate that there is a 36-inch storm drainage pipe located within the west 30 feet of 6th Avenue. Two catch basins located near the end of 6th Avenue drain into this pipe. In order to protect the 36-inch storm drain pipe, 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. The two catch basins located at the end of 6th Avenue will be removed by the hospital when the vacated portion of 6th Avenue is incorporated into the hospital's parking lot.
- 1.5 Other Utilities. The City will retain a public utility easement over the entire section of right-of-way proposed for vacation. Any public utilities located within the vacated portion of the street will be able to remain.
- 2.1 6th Avenue is currently a dead-end street extending from Elm Street west approximately 605 feet to the east boundary of the Riverside Cemetery. The portion of 6th Avenue being considered for vacation does not connect to any other street right-of-way, and provides access only to parcels owned by Albany General Hospital. Vacation of the west 330 feet of 6th Avenue will not remove any street connections or restrict access to any properties.
- 2.2 In order to provide access for existing and potential public facilities or utilities, all existing easements will be retained and a public utility easement will be retained over the right-of-way being vacated.
- 3.1 The western 330 feet of 6th Avenue only provides access to Albany General Hospital and its parking lot. This access will be maintained for both customers and emergency vehicles if the proposed vacation is approved and 6th Avenue is incorporated into the hospital's parking lot. As a result, the vacation of the west 330 feet of 6th Avenue will not have a negative effect on traffic circulation or emergency service protection.
- 3.2 There is currently a shortage of parking in and around Albany General Hospital. The shortage of available parking results in drivers parking in unauthorized locations, such as too close to intersections and within marked bike lanes. The proposed vacation of 6th Avenue will allow for creation of additional parking spaces and help to relieve some of the congestion in the area caused by vehicles parked in unauthorized locations.
- 4.1 The right-of-way being vacated will be incorporated into Albany General Hospital's parking lot. The

modification of the hospital's parking lot to incorporate the right-of-way will require submittal of a Site Plan Review application by the hospital. The Site Plan Review application will be required to comply with all applicable Code requirements.

- 5.1 A public utility easement shall be retained to provide access to existing public utilities. All existing easements are being retained.
- 5.2 The City has no plans for future street improvements or connections to this portion of the 6th Avenue right-of-way.
- 5.3 Vacating the right-of-way will allow for development of additional parking and help to reduce the incidence of improperly parked vehicles in the area.


REGISTERED ARCHITECT
 ROBERT D. YOUNG
 SALEM, OREGON
 STATE OF OREGON



LOCATION MAP

1" = 100'

7-19-01

<p>sheet A1</p>	<p>project title PARKING EXPANSION SIXTH AVE. VACATION ALBANY GENERAL HOSPITAL</p>	 <p>young & wieprecht architects 330 bush street s.e. solem, or. 97302 phone (503) 578-7990 fax (503) 588-7576 y-w@arch@quest.net w-w@arch@quest.net</p>
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