

ORDINANCE NO. 5571

AN ORDINANCE VACATING THE WESTERNMOST 390 FEET OF 51ST AVENUE (2ND STREET ON HARMON TRACTS PLAT) BETWEEN PACIFIC BOULEVARD (HIGHWAY 99E) AND WILLETTA STREET, AND VACATING LOTS 7 AND 8 OF HARMON TRACTS, IN LINN COUNTY, OREGON; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY.

WHEREAS, in conjunction with the street and intersection improvements at 53rd Avenue and Pacific Boulevard, ODOT has recommended the closure of 51st Avenue; and

WHEREAS, on November 18, 2002, the City of Albany City Council directed staff to initiate the vacation of 51st Avenue between Pacific Boulevard and Willetta Street; 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 November 10, 2003, and recommended that the City Council approve the proposed vacation of 51st Avenue between Pacific Boulevard and Willetta Street, and the vacation of Lots 7 and 8 of Harmon Tracts; and

WHEREAS, the Albany City Council held a public hearing on December 10, 2003; and

WHEREAS, the Albany City Council continued the public hearing until March 24, 2004 to give the Public Works staff more time to assess the potential traffic impacts.

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

Section 1: The westernmost 390 feet of 51st Avenue between Pacific Boulevard and Willetta Street, and Lots 7 and 8 of Harmon Tracts are hereby vacated.

Section 2: The Findings, Conclusions, and Conditions in the Staff Report attached as Exhibit A are hereby adopted in support of this decision.

Section 3: A copy of a map showing the public utility easements being retained by the City is attached as Exhibit C.

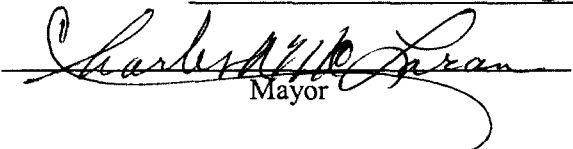
Section 4: A copy of a map showing how the vacated right-of-way is to be allocated to neighboring properties is attached as Exhibit D.

Section 5: 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 Council: March 24, 2004

Approved by Mayor: March 24, 2004

Effective Date: March 24, 2004


Mayor

ATTEST:


City Clerk

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2020-05113**
ORD-VAC
Cnt=1 Str=44 COUNTER 03/13/2020 01:39:52 PM
\$20 00 \$11 00 \$60 00 \$19 00 \$10 00 **\$240.00**



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records

Steve Druckenmiller - County Clerk



After Recording Return To:

City of Albany City Clerk

P O Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Ressell and Brenda Sell Trust

1. Name/Title of Transaction - by ORS 205.234 (a)

ORD No. 5571 – vacating the westernmost 390 feet of 51st Avenue (2nd Street on Harmon Tracts plat) between Pacific Boulevard (Highway 99E) and Willetta Street, and vacating Lots 7 and 8 of Harmon Tracts.

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

City of Albany

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

Russell and Brenda Sell Trust
35630 Oak View Drive
Brownsville, OR 97327

4. True and Actual Consideration (if there is one), ORS 93.030

\$0

5. If this instrument is being re-recorded, complete the following statement (ORS 205.244):

Re-recorded at the request of _____

to correct _____

Previously recorded in Book _____ and page _____ or DN _____

AFFIDAVIT OF PUBLICATION

NOTICE OF PUBLIC HEARINGS

The Albany Planning Commission and City Council will hold public hearings on the following land use application

The vacation of 51st Avenue between Pacific Boulevard and Willetta Street (File VC-02-03)

This application was filed on March 19, 2003. The City of Albany has initiated this vacation proposal. The City's representative on this case is Jeff Woodward, P.E., Civil Engineer II.

The date and time of the Planning Commission hearing is Monday, November 10, 2003, at 7:00 p.m.

The date and time of the City Council hearing is Wednesday, December 10, 2003, at 7:15 p.m.

The hearings will be held in the Albany City Hall Council Chambers, 333 Broadalbin Street SW. Persons may also submit any objection or remonstrance to the Albany Community Development Director, P.O. Box 490, Albany, OR 97321, prior to the hearings.

For more information, please contact Mike Leopard, Engineering Technician, at (541) 917-7641.

The location of the hearing is accessible to the disabled. If special accommodations to attend or participate in the hearing are needed, please notify the City Manager/Human Resources Office, at (541) 917-7501.

CITY OF ALBANY
Helen Burns Sharp
Community Development Director

Dated this 23rd day of October, 2003

#1768233 Publish October 28th and November 4th, 2003

State of Oregon

SS)

County of Linn

I, Pam M. Burrigh, being first duly sworn, deposes and says, that I am the Legal Clerk of the Democrat-Herald, a newspaper of general circulation, as defined by section 193.010 O.R.S., published at Albany, OR, in the aforesaid county and state; that the advertisement number 1768233, for the account number 1465 described as NOTICE OF PUBLIC HEARINGS, a copy is hereto Annexed, was published in the entire issue of said newspaper.

Start Date: 10-28-03

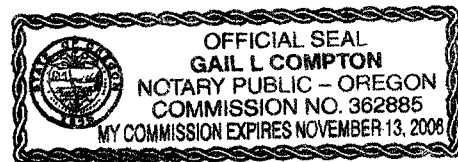
Stop Date: 11-04-03

Insertions: 2

Pam Burrigh
Subscribed and sworn to before me on Tuesday, Nov 04, 2003.

Gail L. Compton
Subscribed and sworn to before me on Tuesday, Nov 04, 2003.

-1 co



1255



Community Development Department

333 Broadalbin Street SW, P O Box 490, Albany, OR 97321

Phone (541) 917-7550 Facsimile. (541) 917-7598

STAFF REPORT Vacation

<u>HEARING BODY</u>	PLANNING COMMISSION	CITY COUNCIL
<u>HEARING DATE</u>	Monday, November 10, 2003	Wednesday, December 10, 2003 Wednesday, March 24, 2004
<u>HEARING TIME</u>	7:00 p.m.	7:15 p.m.
<u>HEARING LOCATION</u>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	

GENERAL INFORMATION

DATE OF REPORT:	March 17, 2004
FILE:	VC-02-03
TYPE OF APPLICATION:	Vacation of the westernmost 390 feet of the 51st Avenue right-of-way between Pacific Boulevard and Willetta Street, and the vacation of Lots 7 and 8 of Harmon Tracts to create one lot.
REVIEW BODIES:	Planning Commission and City Council
APPLICANT:	City of Albany
APPLICANT REP:	Jeff Woodward, P.E., Civil Engineer II
ADDRESS/LOCATION:	51st Avenue, west of Pacific Blvd. (see Vicinity Map – attached Exhibit B)
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-04W-24DA
ZONING:	Adjacent zoning is Community Commercial (CC)
TOTAL LAND AREA:	19,500 square feet
EXISTING LAND USE:	Public right-of-way; unimproved street
NEIGHBORHOOD:	South Albany
SURROUNDING ZONING:	Community Commercial – North and South; RS-6.5 – West (across Willetta Street); RM-5 – East (across Pacific Boulevard)
SURROUNDING USES:	Auto Sales – North; Single-family dwellings – South and West
PRIOR HISTORY:	The Harmon Tracts subdivision was recorded in April of 1948. At the time of this plat approval, 51st Avenue was named 2nd Street and was dedicated in full with this subdivision plat. This section of public (City of Albany) street right-of-way has never been improved to City standards, but has been open to traffic. As part of the improvements to 53rd Avenue, including the installation of a traffic signal at 53rd Avenue and Pacific Boulevard, the Oregon Department of Transportation strongly recommends that public access to Pacific Boulevard from 51st Avenue be discontinued.

NOTICE INFORMATION

A Notice of Public Hearing was mailed to surrounding property owners on October 23, 2003. The site was posted on October 24, 2003, in accordance with Section 1.410 of the Albany Development Code. A legal notice was published in the *Albany Democrat-Herald* on October 28 and November 4, in accordance with ORS 271.110. At the time the original Council staff report was prepared (December 3, 2003), the Albany Planning Division had received no written comments from neighbors. On November 26, 2003, Qwest sent a fax showing the location of existing telecommunications facilities within the 51st Avenue right-of-way. Details of this information are further discussed in amendments to the Staff Report.

PLANNING COMMISSION AND STAFF RECOMMENDATION

APPROVAL with CONDITIONS of this Vacation application for the westernmost 390 feet of 51st Avenue between Pacific Boulevard and Willetta Street and Lots 7 and 8 of Harmon Tracts (File VC-02-03). The proposed conditions are found in this staff report. This recommendation is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

PREVIOUS CITY COUNCIL ACTION

The City Council held a public hearing on December 10, 2003 to consider the Vacation mentioned above. In response to neighborhood concerns regarding traffic in the area of the proposed Vacation, the Council directed Public Works staff to perform traffic counts in the area and decided to continue the hearing and their deliberation at the March 24, 2004 Council meeting, after the traffic data had been gathered.

Staff gathered the traffic data and held a meeting with the neighbors on March 2, 2004 to discuss staffs findings. The results of the traffic counts and the neighborhood meeting are summarized in a memo written by Jeff Woodward, P.E., of the Engineering Division staff. This memo is attached to the Staff Report as Exhibit F.

CITY COUNCIL DECISION

[NOTE TO CITY COUNCIL: CHOOSE FROM THE MOTIONS LISTED BELOW.]

MOTION TO APPROVE

I MOVE that the City Council adopt the attached Ordinance that will APPROVE WITH CONDITIONS the application for vacation of the westernmost 390 feet of 51st Avenue between Pacific Boulevard and Willetta Street and the vacation of Lots 7 and 8 of Harmon Tracts (File VC-02-03). This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

OR

MOTION TO DIRECT STAFF TO PREPARE FINDINGS FOR DENIAL

I MOVE that the City Council direct staff to prepare findings for denial of the application for the Vacation of the westernmost 390 feet of 51st Avenue between Pacific Boulevard and Willetta Street and the vacation of Lots 7 and 8 of Harmon Tracts (File VC-02-03). These findings will address *(Note to City Council: Insert appropriate review criteria which you feel indicate a decision for denial)*. The findings will be brought back to the City Council for consideration at a future meeting.

APPEALS

Within five days of final action on this application, the Community Development Director will provide written notice of the decision to the applicant and any other parties entitled to notice.

STAFF ANALYSIS
Vacation File VC-02-03

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

- (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 criterion:
- a. Prohibit the construction of structures over public water lines and easements;
 - b. Prohibit the construction of structures 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 no public sanitary sewer mains exist within the 51st Avenue right-of-way to be vacated. The nearest public sanitary sewer main is located on the east side of Pacific Boulevard at the intersection of Pacific Boulevard and College Park Drive. This main extends east of Pacific Boulevard to serve the existing apartments and manufactured home park. A public sewer main is stubbed across Pacific Boulevard at 49th Avenue. The existing developments adjacent to 51st Avenue, 49th Avenue, and Willetta Street are currently served by private septic systems. As part of the 53rd Avenue project, a public sanitary sewer main was stubbed to the north from 53rd Avenue at the Willetta Street intersection. It is anticipated that public sanitary sewer service to the properties in this area will be provided by main extensions in Willetta Street and 49th Avenue that will be constructed privately as future development occurs. In order for Tax Lots 400 and 500 to have access to the public sanitary sewer main expected in Willetta Street (in the future), an easement would be needed from Willetta Street to the west boundaries of Tax Lots 400 and 500 (see attached Exhibit C). Because the properties between 49th Avenue and 53rd Avenue east of Willetta Street are zoned for commercial uses, it is possible that Tax Lots 400 and/or 500 would be combined with some (or all) of the other parcels to be developed. In this case, it may be that a public sanitary sewer main would not be required within the vacated area, and the public easement could be eliminated at the time of development.
- 1.3 **Water.** Water utility maps indicate that public water in this vicinity consists of a 16-inch main along the west side of Pacific Boulevard and an 8-inch main stubbed into 51st Avenue from this 16-inch main. The 8-inch main extends approximately 15 feet into 51st Avenue from the western right-of-way line of Pacific Boulevard. When Pacific Boulevard was reconstructed by ODOT in 1987, the City constructed water main stub-outs where there would likely be a need for future extensions to serve surrounding properties. A main was stubbed to 51st Avenue because it was a public right-of-way and it was anticipated that it would one day be improved as the properties in the area were further developed. There is also a public main stubbed to 49th Avenue, and a main was stubbed to Willetta Street from 53rd Avenue as part of the 53rd Avenue improvement project. Properties adjacent to 49th Avenue, 51st Avenue, and Willetta Street are served by private wells. It is anticipated that public water service to the properties in this area will be provided by a loop in 49th Avenue and Willetta Street from Pacific Boulevard to 53rd Avenue that will be constructed privately as future development occurs. A 15-foot-wide public utility easement will be maintained over the existing water main stubbed to 51st Avenue (see attached Exhibit C).
- 1.4 **Storm Drainage.** Storm drainage utility maps indicate that there are no public storm drainage pipes within this right-of-way. There is a 12-inch storm drainage line along the west side of Pacific Boulevard that runs from the north to the south boundary of 51st Avenue. Catch basins along either side of Pacific Boulevard collect storm water runoff from the highway and discharge it to the 12-inch line, which in turn drains into Oak Creek to the north. Fifty-First Avenue is not improved to City standards; therefore, there is no curb and gutter or storm drainage piping within this right-of-way. Runoff from this street appears to flow to the west where it is collected

in roadside ditches adjacent to 51st Avenue and Willetta Street, and then is directed to the west between properties in a ditch that flows into a tributary of Oak Creek. Future development on the property adjacent to 51st Avenue may require private storm drainage piping within the area to be vacated. No future public storm drain lines will be needed within this section of 51st Avenue. Ultimately, as the area is developed, Willetta Street and 49th Avenue will be improved with curb, gutter, sidewalk and storm drainage piping that will collect storm water runoff from the streets and surrounding properties.

- 1.5 Other Utilities. City staff has contacted the various other utility providers about this proposed right-of-way vacation. Northwest Natural has indicated that there is a private service that feeds the existing single-family home on the parcel adjacent to Pacific Boulevard and that no easement is required over this service. Pacific Power has indicated that they have some facilities in this vicinity, but that they do not lie within the area to be vacated, so no easement is required for their facilities. Qwest has indicated that they have telecommunications facilities (conduit and a junction box) in the northeast corner of the area to be vacated and will require an easement (70 feet x 15 feet) over those facilities (see Exhibit C). The facilities need to be accessible by Qwest personnel at all times. Staff did not get this information until after the Planning Commission meeting of November 10, so this easement was not represented on the maps in the earlier Staff Report.
- 1.6 Facility Plans. Typically, public infrastructure facility (master) plans deal with portions of the public infrastructure that have system-wide implications: for example, collector or arterial streets, trunk sewers, and distribution water mains. The proposed vacation is for a small segment of local street right-of-way, with no future utilities shown on any facility plan within the area to be vacated.

CONCLUSIONS

- 1.1 There is no public sanitary sewer main within the 51st Avenue right-of-way. A stub at 49th Avenue (from Pacific Boulevard) and at Willetta Street (from 53rd Avenue) will allow for extensions to serve the properties adjacent to 49th Avenue and Willetta Street. Tax Lot 500 will not have direct access to the main in Willetta Street. If Tax Lot 500 maintains its current configuration and requires public sanitary sewer service in the future, an easement will be needed between the property and Willetta Street so that sewer can be extended to serve it.
- 1.2 A public water main is stubbed into the 51st Avenue right-of-way from Pacific Boulevard. This main extends approximately five feet into the area proposed for vacation. The City will maintain a 15-foot-wide public utility easement over this portion of the main. Future extension of this public main is likely to be done in association with development of the commercial property into which the vacated area will be incorporated. If future development requires that this public main be extended, additional easements will need to be granted by the property owner. Because of the opportunity to loop future public water mains in 49th Avenue and Willetta Street, a main in 51st Avenue is not a public system necessity.
- 1.3 There is no piped public storm drainage within the 51st Avenue right-of-way. Small roadside ditches collect runoff from the street and adjacent properties, and route the drainage westward to Willetta Street. There is a public storm drain line on the west side of Pacific Boulevard adjacent to, and north of, 51st Avenue. The existing slope of 51st Avenue is such that runoff flows to the west within the current right-of-way. If the right-of-way is vacated, then drainage from Tax Lots 400 and 500, which has historically flowed in the ditches along 51st Avenue to Willetta Street, would flow across the parcels to the west (Tax Lots 300, 301 and 600). As long as the current parcel configuration exists, an easement should be maintained over the western half of the 51st Avenue right-of-way to allow for storm water drainage to Willetta Street (see attached Exhibit C).
- 1.4 Private utility companies were notified of the potential vacation of this public right-of-way and were asked to identify the need for easements to be maintained in the area to be vacated. Only Qwest stated that an easement was needed. The telecommunication facilities that exist within the 51st Avenue right-of-way can be protected by a 70-foot x 15-foot easement over the northeast corner of the area to be vacated, and access to that area preserved.

CONDITIONS

- 1.1 The City will retain a 15-foot-wide public utility easement over the small section of the right-of-way that contains the existing public water main adjacent to Pacific Boulevard and the existing telecommunications facilities in the northeast corner of the area to be vacated (See Exhibit C). A 70-foot x 15-foot public utility easement will cover both of these utilities.
 - 1.2 The City will retain a public utility easement over the western half of the area to be vacated (See Exhibit C). This easement will allow for existing drainage from Tax Lots 400 and 500 to continue to flow to the west to Willetta Street. The easement will also allow for a sanitary sewer extension to serve Tax Lot 500, if necessary. If in the future the properties develop in such a way that this easement is no longer needed, it can be eliminated at the time of development.
- (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 City is currently making modifications to 53rd Avenue, which include a traffic signal at 53rd Avenue and Pacific Boulevard. This traffic signal is located approximately 360 feet south of 51st Avenue. The Oregon Department of Transportation (ODOT) will require that public access to 51st Avenue from Pacific Boulevard be eliminated before the fourth (east) leg of the intersection is constructed, and strongly recommends that it be eliminated at this time, as it is deemed to be too close to the proposed signal. If public access to and from 51st Avenue is not eliminated at this time, significant access restrictions (e.g., median in Pacific Boulevard, right in-right out at 51st Avenue) would need to be constructed for safety reasons, and then removed when the access is closed completely. City staff agrees with the ODOT evaluation that public safety is best served by closing the access to 51st Avenue at this time.
- 2.2 Part of the 53rd Avenue modifications includes the construction of an extension of Willetta Street from 51st Avenue to 53rd Avenue. This connection between 53rd Avenue and Willetta Street will serve two functions. First, it will be an alternative ingress and egress for residents on 53rd Avenue while construction eliminates access to Pacific Boulevard from 53rd Avenue; and second, it will provide a second access to the properties on 53rd Avenue, Willetta Street and 49th Avenue when the 51st Avenue access is eliminated after the signal at 53rd is operational.
- 2.3 The parcels directly affected by the proposed vacation include Tax Lots 300, 301, 400, 500 and 600. Tax Lots 300, 301 and 400 are currently part of the existing auto dealership. Tax Lot 600 is undeveloped. Tax Lot 500 currently contains a single-family dwelling. Of these parcels, Tax Lots 400 and 500 have frontage on Pacific Boulevard, Tax Lots 300 and 600 have frontage on Willetta Street, and Tax Lot 301 only has frontage on 51st Avenue. Tax Lot 400 will be allowed to maintain its existing access near its northeast corner. The proposed vacation will most impact Tax Lots 301 and 500. Although Tax Lot 500 has frontage on Pacific Boulevard, for safety reasons ODOT actively seeks ways to minimize direct access to state highways when possible. ODOT has agreed to allow access to Pacific Boulevard from a private driveway to be constructed at the location where 51st Avenue intersects Pacific Boulevard. The owner of the properties adjacent to 51st Avenue has received a permit from ODOT to construct the driveway approach, and a "use permit" will be issued by ODOT when all aspects of the 53rd Avenue project are completed. Further development on these parcels will trigger a new access review by ODOT. Because Tax Lot 301 would be "landlocked" with no frontage to a public street, Tax Lots 300 and 301 will be "consolidated" by vacating their common lot line (see attached Exhibit D), thus giving the combined area frontage on Willetta Street. The vacation of the original subdivision lot line (Lots 7 and 8) is part of this vacation request.

- 2.4 Future development of these commercially-zoned properties will likely result in consolidating some or all of the parcels to accommodate the development. It is at the time of a site plan review or land division application that details pertaining to access for the area as a whole will be specifically determined.
- 2.5 The only existing utility within this right-of-way is a small amount of public water main near Pacific Boulevard. An easement will be retained over this area, and access to the easement will be from Pacific Boulevard.

CONCLUSIONS

- 2.1 The extension of Willetta Street to 53rd Avenue will provide a second access to the area to replace the access eliminated by the vacation of 51st Avenue.
- 2.2 All parcels (after the consolidation of Tax Lots 300 and 301) will have access to public rights-of-way for their existing developments. Future development on these parcels will prompt new access reviews by the City of Albany and ODOT.
- 2.3 Access to utilities or public facilities will not be compromised by the proposed vacation. An easement will be maintained over the small portion of public water main within the current 51st Avenue right-of-way.

CONDITIONS

- 2.1 The common property line shared by Tax Lots 300 and 301 must be vacated along with the 51st Avenue right-of-way (see attached Exhibit D).
- (3) *The requested vacation will not have a negative effect on traffic circulation or emergency service protection.*

FINDINGS

- 3.1 ODOT is requiring that public access to Pacific Boulevard from 51st Avenue be eliminated before the fourth leg of the intersection at 53rd and Pacific is constructed, and strongly recommends that the access be eliminated at this time. If public access to and from 51st Avenue is not eliminated at this time, significant access restrictions (e.g., median in Pacific Boulevard, right in-right out at 51st Avenue) would need to be constructed for safety reasons, and then later removed when the east leg of the intersection is built and the access eliminated.
- 3.2 Willetta Street is being extended to 53rd Avenue as part of the 53rd Avenue improvement project. This extension will act as an alternate access while 53rd Avenue is closed at Pacific Boulevard, and it will replace 51st Avenue as a connection to Pacific Boulevard (via 53rd Avenue) when the 53rd Avenue project is completed and 51st Avenue is vacated.
- 3.3 In response to neighborhood concerns about increased traffic along Willetta Street and 49th Avenue, the Council directed Public Works staff to take traffic counts in this area to determine how much "cut through" traffic is likely to occur if Willetta Street remains open to traffic after the closure of 51st Avenue. Data from the traffic counts that were taken indicate that the number of vehicle trips using 49th Avenue remained virtually the same with Willetta Street open to traffic as when it was barricaded. In addition, the majority of the property owners that attended a neighborhood meeting to discuss the traffic counts (as well as other transportation-related neighborhood issues) expressed a desire to keep Willetta Street open to traffic to and from 53rd Avenue.

CONCLUSIONS

- 3.1 Although 51st Avenue will be closed if the right-of-way is vacated, the new connection of Willetta Street at 53rd Avenue will not only replace 51st Avenue as a route to Pacific Boulevard for this neighborhood, it will create a safer means of entering and exiting the traffic flow to and from Pacific Boulevard due to the addition of the deceleration lane on Pacific Boulevard and the traffic signal at 53rd and Pacific.

- 3.2 Traffic counts taken early in 2004 seem to indicate that traffic along Willetta Street and 49th Avenue remains fairly constant whether or not Willetta Street is opened or barricaded.
- (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

- 4.1 The right-of-way to be vacated will be incorporated into the parcels directly abutting it. This area currently functions as an unimproved public street, and will remain as a private driveway access.
- 4.2 The owner of Tax Lots 301 and 500 has been given approval by ODOT to maintain a private driveway to Pacific Boulevard at the location of 51st Avenue. This access will not only allow private access to the lots, but will also allow for access by emergency vehicles.
- 4.3 At the time the properties are redeveloped, landscaping requirements will be considered for the new development(s).

CONCLUSIONS

- 4.1 Private driveway access and access to the properties for emergency vehicles will be maintained through a new driveway approach constructed within the area to be vacated.
- (5) ***The public interest, present and future, will be best served by approval of the proposed vacation.***

FINDINGS

- 5.1 ODOT has determined that 51st Avenue is located too close to the traffic signal at the intersection of 53rd and Pacific, and for safety reasons must be closed to public traffic before the fourth (east) leg of the intersection is constructed. ODOT strongly recommends that public access to Pacific Boulevard from 51st Avenue be eliminated now. A deceleration lane was constructed along the west side of Pacific Boulevard north of 53rd Avenue and creates conflicts with traffic entering and exiting the highway at 51st Avenue. City staff agrees with the ODOT evaluation that public traffic access be eliminated to Pacific Boulevard from 51st Avenue at this time.
- 5.2 During a City Council work session on November 18, 2002, the details regarding this vacation were explained by City staff, and the Council authorized staff to proceed with the vacation application.

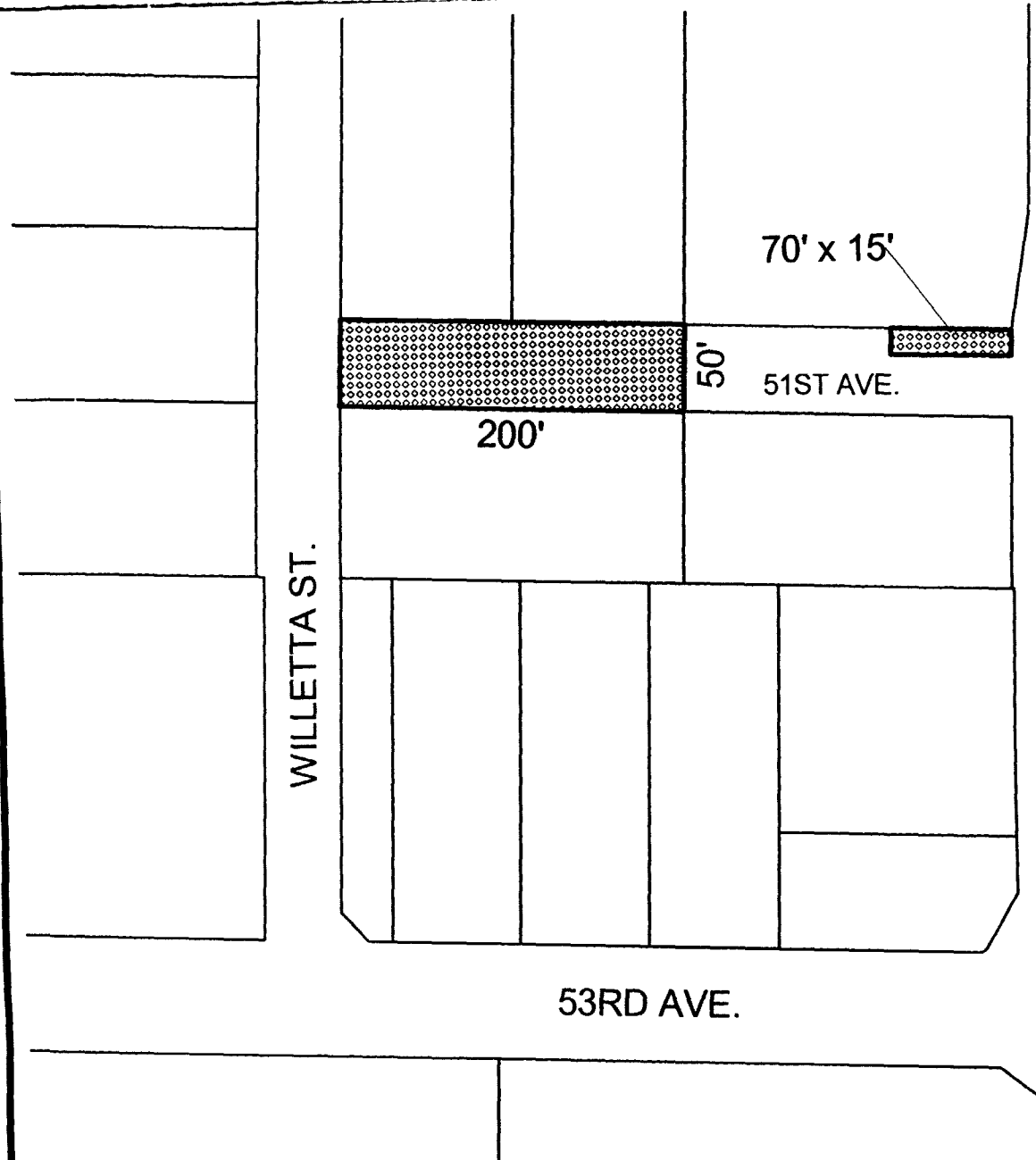
CONCLUSIONS

- 5.1 After the improvements to 53rd Avenue are completed and 51st Avenue is vacated, there will still be two ways in and out of this neighborhood (49th Avenue and 53rd Avenue), and with the traffic signal and deceleration lane at 53rd Avenue, traffic safety will be enhanced.



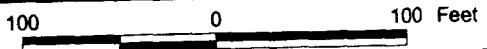
EXHIBIT B - (VC-02-03)

	<h2>VICINITY MAP</h2>	<p>0 500 Feet</p>	
<p>mikel g \current\2003\03vc02notificationmap.apr Mar 19, 2003</p>		<p><small>The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, 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 thus 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.</small></p>	



Public Utility Easements
to be retained within
vacated right-of-way

Exhibit C - (VC-02-03)



Dec 2, 2003

The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, especially this information proves to be incorrect, and thus 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 verify the information contained within our records.



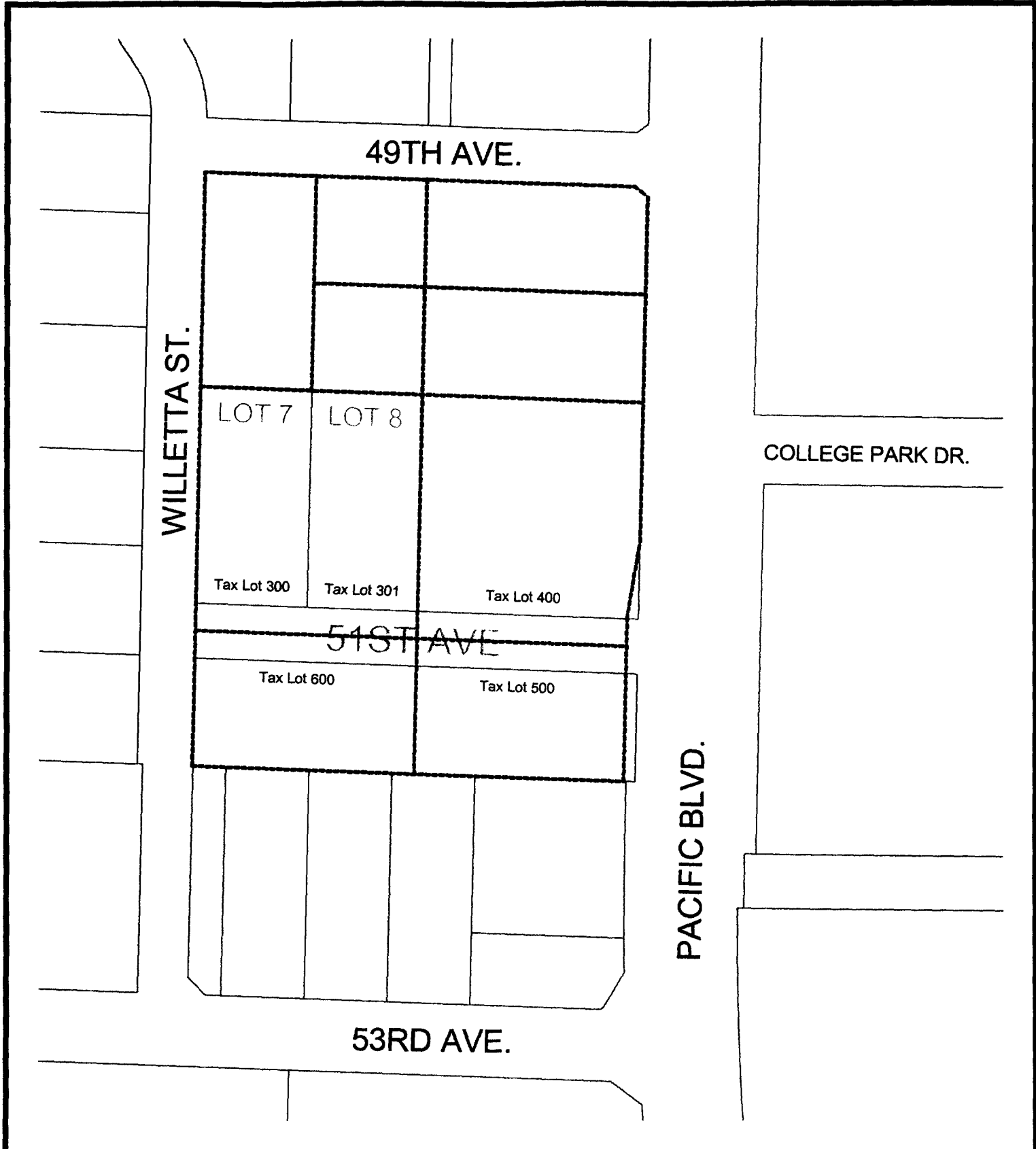


EXHIBIT D - (VC-02-03)



Property Boundaries After Vacation

0 100 Feet

mikel g \current\2003\03vc02proplines apr

Mar 17, 2004

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades using differing standards for quality control, documentation, 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 this inaccuracy 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.





EXHIBIT F

TO: Mike Leopard, Engineering Technician IV *ML*

FROM: Jeff Woodward, P.E., Civil Engineer II *JW*

DATE: March 17, 2004

SUBJECT: VC-02-03, Vacation of 51st Avenue Between Willetta Street and Pacific Boulevard

Background:

At the December 10, 2003, City Council meeting, the vacation of 51st Avenue between Willetta Street and Pacific Boulevard was considered and a public hearing held. Council directed Public Works staff to gather additional information and bring it back for Council review. Information requested included traffic count numbers and a report on the results of a neighborhood meeting. The purpose of the meeting was to share information and discuss any issues the property owners may have related to the vacation of 51st Avenue, traffic on Willetta Street, impacts related to the 53rd Avenue improvement project, and storm drainage in the neighborhood. This report summarizes the results of the neighborhood meeting.

The design for the 53rd Avenue project included intersection improvements and a new traffic signal at the intersection of 53rd Avenue with Highway 99E (Pacific Boulevard). It was originally planned for the right turn lane and taper section to end at 51st Avenue, but as the design evolved, it became clear that the turn lane and taper would have to extend north, beyond 51st Avenue. The expanded design required additional right-of-way acquisition from the property owner north of 51st Avenue.

The changes at the 51st Avenue intersection with Highway 99E resulted in safety concerns identified by ODOT and City staff. These included reduced sight distance, additional multiple conflict points for vehicles attempting to use the intersection, and the potential for queues at the traffic light to back up and block the intersection. With 49th Avenue, the connection of Willetta Street south to 53rd Avenue would maintain two access points the neighborhood. It would also offer the residents access to the new traffic signal and a safer way to negotiate turns to and from Highway 99E.

Staff gave a verbal report on these developments at the February 10, 2003, Council Work Session. Due to the safety concerns, staff recommended that the 51st Avenue intersection be closed at this time, that negotiations be held with the property owner for the additional right-of-way acquisition, and that vacation of the 51st Avenue right-of-way be initiated between Willetta Street and Highway 99E. There was no objection to this action plan and staff proceeded.

The project design was completed based on the closure of the 51st Avenue intersection, the needed right-of-way was acquired, and the process to vacate the 51st Avenue right-of-way has been initiated. The Planning Commission held a public hearing on November 10, 2003, and recommended that the proposed vacation be approved. The City Council held a public hearing on the proposed vacation on December 10, 2003.

The property owners, representing 100 percent of the property on both sides of the right-of-way to be vacated, submitted a letter in support of the vacation. During the public hearing, property owners in the Willetta neighborhood expressed concern with traffic on Willetta Street, repair of pavement damage on Willetta Street and 49th Avenue, and neighborhood storm drainage. After closing the public hearing, staff was directed to take traffic counts, meet with the neighborhood to

present the information, identify additional concerns, and identify the appropriate ways to resolve the issues. To allow staff the time to complete these tasks and report back, Council delayed final deliberation on the proposed vacation to the March 24, 2004, City Council meeting.

Meeting Results:

The neighborhood meeting to address the vacation of 51st Avenue and any other neighborhood concerns was held Tuesday evening, March 2, 2004. Six people from the neighborhood attended the meeting. Although the total number attending was small, a good representation of issues concerning the most people was gathered, along with plans on how best to address them. The issues were organized into three main categories. They were the vacation of the 51st Avenue right-of-way, neighborhood traffic issues, and impacts from the 53rd Avenue project. A summary letter of the meeting was mailed to all property owners to explain the outcome of the meeting and to provide City staff names and phone numbers to contact for further information on the various topics. The topics identified at the meeting are summarized below:

Vacation of the 51st Avenue Right-Of-Way

The vacation of the 51st Avenue right-of-way between Willetta Street and Pacific Boulevard was discussed. Staff explained that the intersection access along Highway 99E is controlled by the Oregon Department of Transportation (ODOT). ODOT has issued an access permit to the City of Albany for 53rd Avenue, but did not issue one for 51st Avenue for various safety concerns. Therefore, there is no longer a public street intersection on Highway 99E at 51st Avenue.

If the 51st Avenue right-of-way were to be retained, the street would be closed to traffic because there is no outlet. With the 51st intersection closure, City staff feels it is best to vacate the right-of-way back to the property owner. This will place the land back on the tax rolls and eliminate the City's responsibility for this section of right-of-way. Appropriate easements will be retained for existing and possible future utility needs as described in the original staff report to the Planning Commission and City Council.

Five of the six property owners attending the neighborhood meeting agreed that the proposal to vacate the right-of-way was the best course of action. They were reminded that final deliberations on the vacation of the 51st Avenue right-of-way would occur at the March 24, 2004, City Council meeting, and if they had any questions they could contact Jeff Woodward.

Neighborhood Traffic Issues

Several traffic issues were raised relating to the connection of Willetta Street to 53rd Avenue, including traffic patterns, traffic calming, and signing. City staff shared the results of the traffic counts taken with temporary barricades on Willetta Street and again when the barricades were removed. The results show there were approximately 150 total trips per day on 49th Avenue in both cases, indicating that the amount of cut-through traffic is very low.

The idea of closing Willetta Street with a gate was discussed. However, five of the six people in attendance wanted to keep the street connection open. The group felt strongly that the ability to use the traffic light at 53rd Avenue was much safer than trying to make left turns into and out of 49th Avenue at Pacific Boulevard. With majority support for keeping Willetta open, traffic calming was discussed. The neighbors felt that installation of a speed hump on Willetta Street about mid-way between 49th and 53rd Avenues would be beneficial in keeping speeds down and

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cut-through traffic volumes low. The speed hump would be similar to the one on Marion Street just north of 34th Avenue. Staff offered that a speed hump could be installed with the final street paving later this summer. Traffic signs were discussed, including "No Parking", "Local Traffic Only", and a new "Dead End" sign for Willetta Street north of 49th Avenue. A work order has been processed to install the signs.

The neighbors had two issues related to South Pacific Auto Sales. The first was to request that auto transport trucks park on-site after the 51st Avenue vacation so they do not block 49th Avenue or Willetta Street, and the second was that vehicles for sale at the car lot not be parked in the right-of-way because it is difficult for drivers to maneuver and see at the intersection of 49th Avenue and Pacific Boulevard. City staff will relay both of these neighborhood concerns to Mr. Sell.

The neighbors were told they may contact Ron Irish with further questions or concerns relating to traffic patterns, speed humps, and street signs.

Impacts from the 53rd Avenue Project

There were several concerns related to the completion of the 53rd Avenue project this coming summer. The two major concerns were with street paving and re-establishing drainage along the streets.

Willetta Street and 49th Avenue will have all damage related to the construction bypass repaired prior to receiving a new layer of asphalt pavement. The new pavement will provide a much smoother driving surface and incorporate the speed hump described above. Staff anticipates this paving will occur in July or August and will be coordinated with the other paving on 53rd Avenue to reduce the amount of dust in the neighborhood.

The roadside drainage ditches and culverts will be addressed to make sure the existing drainage system functions and standing water is eliminated so it will not back up on the new pavement.

The neighbors were told they may contact Staci Belcastro for further information or with any other questions relating to the 53rd Avenue construction project.

JMW:cmr

Certified copies sent
to Surveyor's and
Assessor's office on
April 8, 2004.