

A RESOLUTION DECLARING A NECESSITY THAT THE CITY ACQUIRE CERTAIN REAL PROPERTY LOCATED IN LINN COUNTY AND PARTIALLY IN THE CITY OF ALBANY AND PARTIALLY OUTSIDE OF THE CITY LIMITS, BUT WITHIN THE URBAN GROWTH BOUNDARY, FOR THE PURPOSE OF IMPROVING AND CREATING A PUBLIC RIGHT-OF-WAY.

WHEREAS, the 53rd Avenue roadway extension has long been recognized as an improvement which is necessary for the development of the City's transportation network. Completion of this transportation link, along with elimination of an at-grade high-speed rail crossing, will promote transportation efficiency; and

WHEREAS, the 53rd Avenue street improvement project will allow the closure of an at-grade crossing of high-speed rail tracks on Ellingson Road. This crossing has been identified by ODOT Rail as a significant safety hazard; and

WHEREAS, the 53rd Avenue street improvement project will promote police and fire safety by replacing an at-grade crossing that is periodically blocked by high-speed rail traffic with a reliable roadway overpass, which will enhance police and fire services in the vicinity of the proposed roadway improvements by shortening anticipated response times; and

WHEREAS, the road crossing is at a location where train speed is relatively fast. The crossing is not up to current ODOT Rail standards. There is little stacking distance between the traffic signal on Highway 99E and the railroad tracks. This can result in vehicles getting backed up at the signal onto the railroad tracks and/or vehicles getting backed up from the railroad crossing onto Highway 99E; and

WHEREAS, economic development in southwest Albany (including unincorporated territory within the UGB) requires the infrastructure roadway improvements proposed; and

WHEREAS, the Transportation System Plan (TSP) adopted in 1997 identified the extension of 53rd Avenue to Ellingson Road at the approximate location that has been identified during the design effort. The need for this roadway extension predated the current development plans of any of the property owners within the vicinity; and

WHEREAS, the 53rd Avenue improvements will facilitate orderly and compact development in a manner consistent with the land use designations in the Comprehensive Plan, as well as those proposed for adoption in the Oak Creek Refinement Plan, presently under development; and

WHEREAS, the 53rd Avenue improvements are within the Urban Growth Boundary (UGB); and

WHEREAS, the proposed roadway improvements will create the transportation infrastructure necessary for industrial, commercial, and residential development of the area in the vicinity of the proposed roadway improvements as called for in the Development Code and Comprehensive Plan. In those areas outside the current city limits, annexation, zoning, and land division decisions will all be made based upon specific applications in conformance with adopted land use regulations; and

WHEREAS, approximately 400 acres of land in the vicinity of the proposed roadway improvements have been zoned for commercial or industrial use for more than 25 years. Notwithstanding this property's location within city limits, it has remained underdeveloped and principally used for agricultural purposes; and

WHEREAS, the proposed 53rd Avenue street improvement is designed to accommodate, facilitate, and encourage the commercial, industrial, and residential development projected within the vicinity of the proposed roadway improvements and, through utilization of bicycle lanes and pedestrian walkways, will encourage alternative transportation; and

WHEREAS, the land zoned Regional Commercial ("Piano" property) has been zoned for commercial use for more than 20 years. It was rezoned for regional commercial use in 2002. The regional commercial zone is intended for large commercial users that are expected to draw customers from within and without the city limits. Such users typically generate high traffic volumes; and


WHEREAS, the 53rd Avenue street improvement project has been coordinated with ODOT Highways and ODOT Rail and is being designed to meet a transportation analysis scoped by ODOT to mitigate and relieve many of the transportation impacts which development within the area, in the vicinity of the proposed roadway improvements, may be anticipated to have upon State Highway 99E; and

WHEREAS, there is an immediate need to commence the 53rd Avenue street improvement to meet the development and safety needs of the area; and

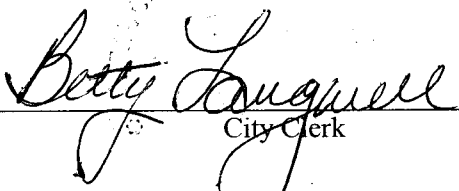
NOW, THEREFORE, BE IT RESOLVED that, based upon the recitals set forth above which are fully incorporated herein, and the memorandum of City Engineer Mark Shepard, dated July 16, 2008, which is attached hereto and incorporated herein as Exhibit "1" and the information provided by staff at the City Council meeting held on July 23, 2008, the City of Albany and staff be and are hereby authorized to continue to negotiate an agreement with the owners and other persons of interest in the real property described in Exhibits "2," located in the City of Albany, Linn County, Oregon; and in the event that no satisfactory agreement can be reached, then the City of Albany be and the same hereby are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire said real property and interest therein, and that upon the filing of such proceeding, possession of the real property and interest therein may be taken immediately. The subject property is necessary for improvement and creation of a public right-of-way in connection with the development of certain real property, and the proposed use is located in a manner that will be most compatible with the greatest public good and the least private injury; and

BE IT FURTHER RESOLVED that the Mayor is authorized, but not required to enter into an Intergovernmental Agreement pursuant to the provisions of ORS Chapter 190, with Linn County, whereby the City may exercise Linn County's Eminent Domain authority, in addition to the City's Eminent Domain authority, in the acquisition and immediate possession of the real property necessary for the 53rd Avenue roadway extension. The Mayor is authorized to enter into this Intergovernmental Agreement if, after consultation with the City's legal counsel, he determines that the Intergovernmental Agreement will facilitate the prompt acquisition of the property needed for the 53rd Avenue street improvement.

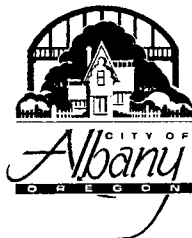
DATED AND EFFECTIVE THIS 23RD DAY OF JULY 2008.



Mayor

ATTEST:


City Clerk



TO: Albany City Council

VIA: Wes Hare, City Manager
Diane Taniguchi-Dennis, P.E., Public Works Director *for MWS*

FROM: Mark Shepard, P.E, Assistant Public Works/City Engineer *MWS*

DATE: July 16, 2008, for the July 23, 2008, City Council Meeting

SUBJECT: ST-07-03, 53rd Avenue Bridge and Roadway Improvements
Resolution Authorizing Eminent Domain Proceedings

RELATES TO COUNCIL GOAL:

- Great neighborhoods
- An Effective Government
- A Healthy Economy

Action Requested:

Staff requests that the Council adopt the accompanying resolution authoring the City to initiate eminent domain proceedings including condemnation of land and a motion for immediate possession to address the immediate needs for infrastructure improvements way for the 53rd Avenue bridge and roadway project.

Discussion:

Background

The City's Transportation System Plan (TSP) adopted in 1997 identified the need for a east-west arterial street between the intersection of 53rd Avenue and HWY 99E, and the intersection of Ellingson Road and Lochner Road. The TSP was developed to address specific goals and policies that are discussed at Section 1.3 of the plan. The stated goal was to provide a safe, diversified, economical, and efficient transportation system that protects and enhances Albany's economy, environment, neighborhood quality, cultural, and scenic values.

A copy of the applicable portion of the TSP map identifying the anticipated roadway extension is attached hereto as Exhibit "A." This road was identified as Project 155 at Section 5.7 of the TSP as one of the projects necessary to meet growth-driven needs. The roadway is identified as a principal arterial in South Albany, which will be constructed from Pacific Blvd./SR 99E to Lochner Road. The project description in the TSP identifies the roadway as a new principal arterial with bike lanes and sidewalks and was estimated in the TSP to cost approximately \$10.5 million in 1997 dollars. The TSP identified the project as a short-term priority need and recommended that construction occur during the period between 1998 and 2005.

Chapter 3 of the TSP describes future conditions and deficiencies. Deficiencies are identified based on the impacts of future growth in population and employment within the greater Albany urban area. In projecting population growth between 1994 and 2015, population was expected to increase by 43 percent and employment was expected to grow by nearly 55 percent. Based upon these projections, the TSP identified transportation deficiencies that, if not corrected, would create serious traffic congestion problems. The 53rd Avenue bridge and roadway improvement, which is the subject of the accompanying resolution, was specifically identified as necessary to address this anticipated growth in employment and population. At the time the TSP was adopted, approximately 290 acres of industrially zoned land was located within the City, ready for anticipated industrial development and located immediately to the South of, and adjacent to, the roadway extension called for in the TSP and envisioned by the accompanying resolution. Almost all of this industrial land was purchased by SVC Manufacturing, Inc. in 2006 for the express purpose of constructing major industrial manufacturing facilities, which are expected to employ between 300 and 500 workers. This industrial development is of the type forecasted in 1997 when the TSP was adopted and the roadway extension in question was identified as being necessary to meet the future employment and job growth anticipated in the area.

In addition to the anticipated industrial development immediately to the South of the roadway extension in question, an approximately 36 acre regional commercial site ("RC"), located within the City of Albany at the northwest terminus of the new road, needs the four way intersection envisioned as a part of transportation improvement in order to provide ingress and egress to the site. This traffic signal controlled intersection of 53rd Avenue and Highway 99E is also identified in the TSP as Project Number 180. When the portion of 53rd Avenue west of Highway 99E was constructed in 2003 and 2004, the intersection was configured with the consent of the owner of the RC site to accommodate the future extension of 53rd Avenue to the East of SR 99 at the location, and in the manner identified, in the TSP. The property owner of the RC site dedicated sufficient right-of-way to enable the City to construct traffic signal bases and poles on property previously included within the RC site in order to accommodate the anticipated extension of 53rd Avenue to the East.

Without this roadway extension, access to the RC site will be limited in a manner that is inconsistent with the traffic volumes anticipated to be generated by a large regional commercial use. City staff has met with Region 2 ODOT staff and has been advised that direct highway access to the site will be limited to a single access point having right in/right out access together with a southbound left-turn entrance. Without the addition of a full access traffic signal controlled driveway to the site from 53rd Avenue, the single highway access point would not safely and efficiently accommodate the volume of traffic that a large regional commercial use would be expected to generate on the RC-zoned site. Restricting the site to a single limited access point on the highway would force vehicles seeking to exit the RC site to exit only in the north-bound direction on Highway 99E. Vehicles wanting to proceed to the South or East would have to travel North on SR 99, make an unlawful U-turn or find a place to turn around north of the RC site and travel South on SR 99.

The TSP also recognized at Section 3.2.5 the presence of a major high speed North/South Union Pacific/Southern Pacific rail line parallel to SR 99E. Presently east/west traffic in the area is forced to cross this high-speed, multi-track line at an at-grade rail crossing that has been identified by ODOT as posing significant safety risks. One of the principal dangers presented by the current crossing configuration is the lack of queue distance between Highway 99E and the north/south rail track. This lack of queuing distance creates a significant risk that westbound traffic may enter onto the rail line, but not have sufficient room to fully cross the track if other westbound traffic is stopped at the traffic signal on Highway 99E (similar to issues that are experienced at Queen Avenue). Similarly, east-bound traffic on Ellingson from Highway 99E frequently finds the opportunities to turn to the east from Highway 99E blocked during those times when rail traffic prevents vehicle crossings. The lack of queuing distance between the railroad tracks and Highway 99E will back up traffic onto Highway 99E posing a significant collision risk for high speed northbound traffic on Highway 99E. The posted speed on the highway in this area is 55 miles per hour. Industrial, commercial, and residential traffic continues to increase in this portion of southwest Albany. The construction of a grade separated rail crossing will allow the City to close the at-grade crossing at Ellingson Road and provide flow of east/west traffic in a much safer manner and without vehicle/rail conflicts.

In addition to the anticipated increase in general population, commercial development, and industrial development, undeveloped but residentially zoned property between the railroad line and Lochner Road is anticipated to create higher volumes of east/west traffic on Ellingson Road, which can only be safely accommodated by a grade separated rail crossing as will be provided in the roadway extension.

The owner of the RC land met with City staff several times in 2000 and 2006 expressing his desire that the roadway project in question, identified in the TSP, be constructed as soon as possible. The RC owner expressed a willingness to pay for the cost of constructing the roadway himself if the City would initiate a reimbursement district to provide some measure of repayment from other

property owners who would be expected to benefit from the roadway extension as well. Attached hereto as Exhibit "B," is a pre-application worksheet and correspondence from 2000, and notes from discussions and correspondence in 2006 including a summary page from a traffic study completed for the owner of the RC property wherein the owner of the RC land, Granada Land Co., proposed and identified the need for the 53rd Avenue roadway extension for which land would be acquired pursuant to the attached resolution.

Immediate Need

The construction of the industrial project located to the South of the proposed roadway is anticipated to begin as early as spring of 2009. The RC site is ready for development except for the transportation access restrictions, which would be relieved by construction of the roadway project. It is anticipated that it will take approximately 24 months to acquire all necessary construction permits, bid the project, and complete the improvements. In order to meet the needs of South Albany's growing population as well as the commercial, industrial, and residential development that is anticipated in the area, it is necessary that the right-of-way be acquired immediately and that construction begin as soon as possible.

Staff and the City Attorney believe that it may be desirable to enter into an Intergovernmental Agreement (IGA) with Linn County for the condemnation of the required property due to the fact that some of the property is currently outside the City limits. The IGA will outline a cooperative effort on the condemnation to the extent that it is necessary. The IGA will allow the City to condemn in its own name and that of Linn County as well. The agreement will require the City to hold the County harmless from all condemnation costs as well as the cost of paying the final condemnation judgment. By joining with the County, it appears likely that we can avoid any question about our combined authority to obtain an Order of Immediate Possession. Immediate Possession may be needed to construct the roadway in time to meet the development needs of the area. This is especially true if SVC notifies the City that it intends to begin construction in the spring of 2009. We won't know SVC's decision until this coming December, but prudence would dictate that we be prepared to construct the road as soon as possible.

Negotiation efforts

City staff has communicated with all of the property owners who own property within the right-of-way identified for the project. Staff has explained the need for the project and the attendant right-of-way and has secured appraisals in conformance with Oregon Condemnation Law. The largest property owner has expressed an intent to oppose eminent domain proceedings including the City's request for immediate possession. Given this opposition, combined with the need to complete the infrastructure to serve anticipated growth, the City must proceed with eminent domain proceedings and judicial requests for immediate possession without delay.

Budget Impact:

Initiation of eminent domain proceedings, including condemnation of land and a motion for immediate possession to address the immediate needs for infrastructure improvements for the 53rd Avenue bridge and roadway project, will require expenditures for legal proceedings for those properties that oppose City purchase of their property. However, not proceeding with this action could result in significant financial risk to the City should the improvements not be completed within the time requirements set out in the Development Agreement with SVC, the State, and Linn County.

JVBD:MS:kw
Attachments

1997 TSP Project Map

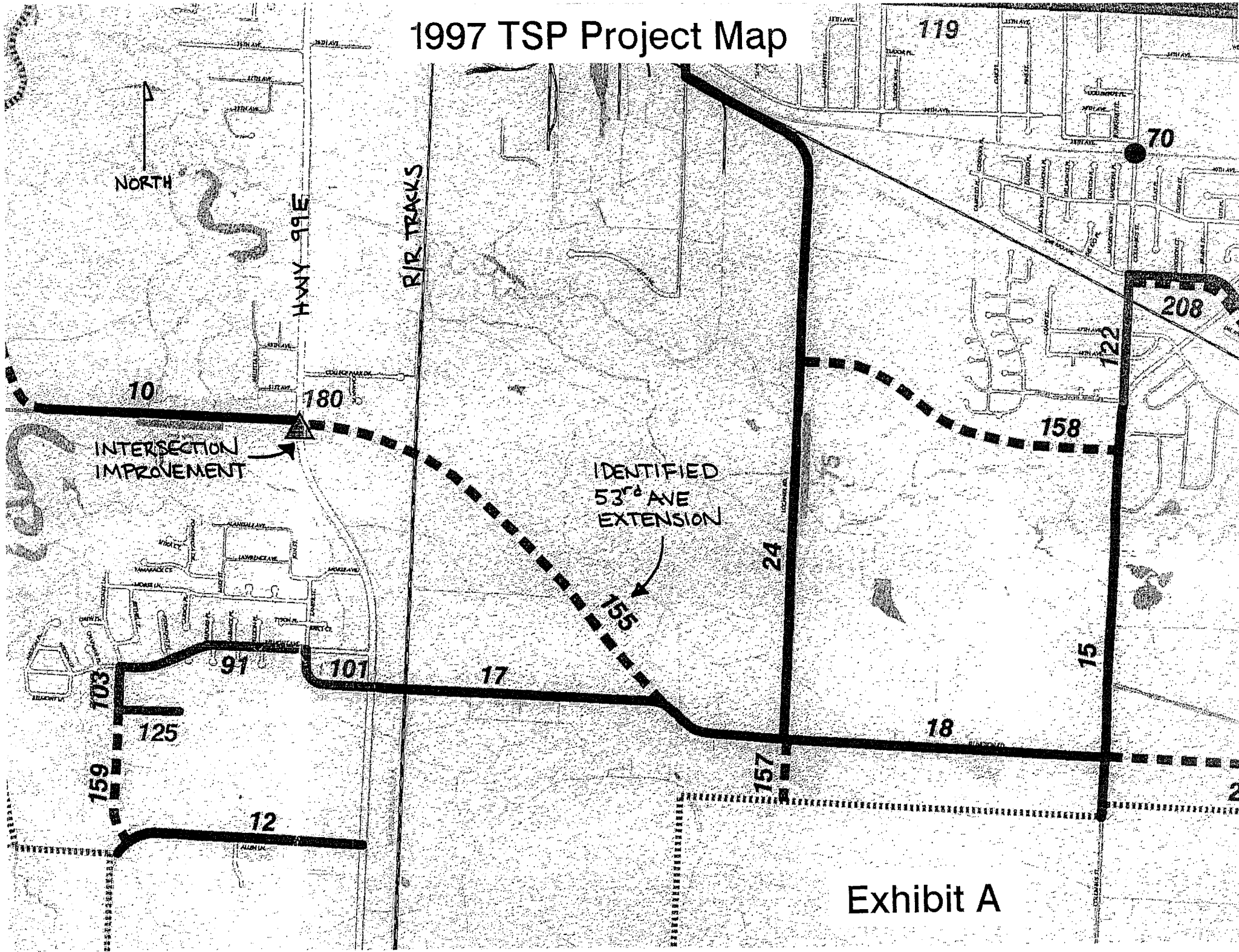


Exhibit A

PREAPPLICATION CONFERENCE WORKSHEET



Staff Contact: Don Donovan

Date of Meeting: January 12, 2000

Property Location: Land north and south of Ellingson Road, between Pacific Blvd. and Columbus Street, and who pays.

Request: General discussion about what streets, sewer, etc. are needed to serve land north and south of Ellingson Road, between Pacific Blvd. and Columbus Street, and who pays.

OWNER: LARRY EPPING.

Zoning: Not in city Floodplain Wetlands Hillside Airport Greenway

Other:

Applicable Criteria:

- ADC 2.250 criteria for conditional uses.
- ADC 8.070 criteria for site plan review.
- ADC 11.120 criteria for lot line adjustments.
- ADC 11.180 criteria for partitions.
- ADC 11.180 criteria for subdivisions.
- ADC 3.190-3.410 development standards in residential districts.
- ADC 10.190-10.430 standards for design of manufactured home parks.
- ADC 4.080-4.320 development standards in commercial districts.
- ADC 5.090-5.310 development standards in industrial district.
- ADC Art. 9 on-site development standards.
- ADC Art. 12 public improvements.

☆ The applicant must have a meeting with residents of the surrounding neighborhood prior to submitting an application for subdivision, multi-family, or manufactured home park development.

☆ A grading permit is required for fill in floodplain, wetlands, and/or steep slopes.

Who attended the preapplication meeting? City representatives: Don Donovan, Janet Morris, Gordon Steffensmeier, Mike Leopard (Planning), Ron Irish (Traffic Engineering), Jim Mackie/Mike McGilvray (Fire), Hank Stream (Building)

Others: SEE ATTACHED LIST.

The purpose of the preapplication meeting is to anticipate issues which may affect the design and/or cost of your project. The preliminary review will also identify what additional information, studies, etc., will be required for a complete application. Based on the information submitted for the preapplication meeting, your application must be accompanied by the following analyses/plans in order for the City to begin zoning and engineering review of the project:

Conceptual Plans: Landscape Parking Drainage Utilities Street Mobile Home Park Plan Urban Conversion Plan

Notes from Meeting:

- LARRY'S PROPERTY SHOWN ON MAP IN YELLOW FOR MEETING.
- WOULD LIKE TO ACQUIRE ENOUGH PROPERTY TO DO A MIXED-USE VILLAGE.
- NEED TO KNOW HOW COSTS CAN BE APPORTIONED TO OTHER BENEFITTING PROPERTIES, FOR MAJOR IMPROVEMENTS.
- OAK CREEK BASIN IS AN ISSUE - DRAINAGE & WETLANDS AND FLOODPLAIN. FILL IN FLOODPLAIN.
- CITY DOES NOT HAVE REQUIREMENT TO DO CUT TO COMPENSATE FOR FILL IN FLOODPLAIN NOW - BUT MAY BE ADOPTING THAT REQUIREMENT SOON (OVER NEXT YEAR).
- DENSITY TRANSFERS ?
 - ZONING CODE ALLOWS DENSITY TRANSFER FROM WETLANDS AND FLOODPLAIN ONLY IF DEVELOPMENT IS DONE AS A PLANNED DEVELOPMENT.
 - CITY MAY RECHANLISE CODE IN RELATION TO THIS - LOOK FOR IDEAS FROM GREEN & LEPPING.
 - OPEN SPACE ZONING: MUCH OF THE PROPERTY AROUND OAK CREEK IS ZONED OPEN SPACE, ONLY MINIMAL DEVELOPMENT ALLOWED.
 - CITY IS IN PERIODIC REVIEW OF COMPREHENSIVE PLAN AND ZONING MAP - RIPARIAN CORRIDORS WILL BE LOOKED AT AND HOW TO PROTECT/ENHANCE.
 - STUDES RAISED ISSUE OF NEW INTERCHANGE ON I-5, EXPANSION OF URBAN GROWTH BOUNDARY.
- TRANSPORTATION: HAS CITY LOOKED AT PLAN FOR STREETS IN THIS AREA. CITY HAS I-5 INTERCHANGE AT 7 MILE LANE - HIGHWAY 34 IMPROVEMENTS - MAY MITIGATE NEED FOR

Additional information may be requested if there is a change in your plans following the preapplication meeting. Also, in the course of reviewing the application, other issues may arise which were not anticipated for the preapplication conference. The City may request additional details, drawings, information, analyses, or plans up to 30 days following submittal of your application.

Attachments: Redlined Plan Application Engineering Review Fire Review Building Review

EPPING/STUBBS PREAPP 1/12/00

THIS INTERCHANGE. CITY WOULD HAVE TO WORK MORE WITH ODOT TO DETERMINE TIMING.

- POLITICS: DISPERSAL OF MULTI-FAMILY HOUSING, MANUFACTURED HOUSING. CITY COUNCIL AT THIS POINT MAY WANT TO SEE LESS HERE?!
- ANNEXATION: SOME IDENTIFICATION OF SPECIFIC HOUSING TYPES MAY BE NECESSARY.
 - CITY COULD ADOPT A "MIXED-USE" ZONE TO APPLY TO THIS LAND.
 - NEED ANNEXATIONAL STRATEGY.
- PARKS: INFO. TO APPLICANTS
- SCHOOLS: DON'T HAVE INFO YET. SUBMITTAL WAS GIVEN TO SCHOOL DISTRICT - HAVE NOT YET RESPONDED. CITY WILL CONTACT THEM AGAIN.
- COUNTY: SOME COUNTY ROADS IN THIS AREA (LOCKNER FOR EXAMPLE). CITY WILL COORDINATE WITH COUNTY.
- MORE POLITICS: CITY COUNCIL IS NOT PERC ENTHUSIASTIC ABOUT FORCING LOCAL IMPROVEMENT DISTRICTS. PEOPLE WHO ARE FARMING LAND MAY NOT WANT TO PARTICIPATE. REIMBURSEMENT AGREEMENTS HELP.
- COST ESTIMATES: "TURNPIKE STREETS" PROBABLY NOT OK IN CITY LIMITS. CITY WILL REVIEW ESTIMATES.
- EPPING: WILL SUBMIT LIST OF QUESTIONS, REQUESTS FOR CODE INTERPRETATIONS/CHANGES.

EPPING / STUBBS 1/12/00

- DON DONOVAN WILL BE CITY POINT OF CONTACT. WILL COORDINATE EVALUATION AND CITY RESPONSES TO MAJOR TRANSPORTATION, LONG-RANGE PLANNING ISSUES. MEETINGS WITH APPLICANTS AND INDIVIDUAL DEPARTMENTS ARE OK / ENCOURAGED.
- FIRE: INDUSTRIAL, COMMERCIAL LANDS REQUIRE FIRE FLOWS UP TO 3,000 - 4,000 GALLONS PER MINUTE.
 - SECONDARY STREET ACCESS REQUIRED FOR MAJOR DEVELOPMENT.
 - FIRE STATION MAY BE NEEDED ^{IN} THIS AREA.
- STUBBS SUGGESTS CITY LOOK AT SOME FUNDING FROM NTSSB ~~AREA~~ FOR RAILROAD OVER-CROSSING.
- CITY MAY WANT OWNERSHIP OF DAK CREEK CORRIDOR - EPPING MAY NOT WANT OWNERSHIP. PARKS SEE VALUE IN ACQUIRING. (SEE PARKS MASTER PLAN.)

EPPING/STUBBS PRE-APPLICATION MEETING 1/12/00

DON DONOVAN	CITY PLANNING
GORDON STEFFENSMAYER	"
Larry Epping	Petitioner
Rod Stubbs	Realtor
MARK GRONE	MULTI/TECH ENGR.
Steve Bryant	City mgr
Helen Burns Sharp	City Com Dev
Sally Stutzman	Building
Glenda Radwansky	Public Works
KOW IRISH	PUBLIC WORKS
MIKE LEOPARD	COMM. DEVEL.
JIM MACCIE	FIRE DEPT.
Traci Cooper	Fire Dept.
John Bradner	Fire Dept.
Dave Curtis	Linn Co. Rd. Dept.
David Warren	Linn Co. Road Dept.
RICK CATLIN	CITY PLANNING
Kevin Kraitman	Fire Dept.
Floyd Collins	PUBLIC WORKS DIRECTOR
Diane Taniguchi-Dennis	ASST Pw Dir / City Engr.

Monday, December 27, 1999

Don Donovan
City of Albany
P.O. Box 490
Albany, OR 97321

Subject: Oak Creek Neighborhood - Granada Land Company

Dear Don,

We want to obtain information from the City of Albany with regard to every aspect concerning the development of properties in the vicinity of Oak Creek between Pacific Boulevard and Columbus Avenue. Beta Avenue on the south to the railroad spur located north of Oak Creek. I have requested a Pre-Development Conference scheduled for January 12, 2000. We are looking to present an overall budget for the installation of the basic roadway, sanitary sewer, storm sewer, and water system. These improvements will be needed to support development of the land. In the event the land is developed we want to understand how the costs will be allocated or distributed so that all landowners are treated fairly in some type of cost sharing formula that would be implemented when the land sells or is developed.

ANNEXATION AND PERMITTED LAND USE

We are looking for any special needs or preferences that the City of Albany may have with regard to land uses that would compliment the Greater Albany Comprehensive Plan. We recognize that the City of Albany requires a vote of its citizens before land can be annexed.

Our major concern is making certain Granada has the capability of building single family traditional three bedroom two car garage homes on small lots. Will the Comprehensive Plan encourage a mix of uses consistent with market demand? Is the City of Albany contemplating any changes to its development code that would require design review, zero lot line, or condominium development that have a proven record of long term problems related to market acceptance and maintenance? Will the City of Albany embrace the policy to eliminate single family homes in of greater density residential types?

OPEN SPACE, PARKS AND WETLANDS

What are the major open space and park features the City of Albany would be willing to consider along Oak Creek? If more land is added to the Open Space can there be minor adjustments to the Urban Growth Boundary to offset designation of Open Space? What is the community attitude regarding golf courses or similar outdoor activities? Is there a need for public school and park sites in this area?

STREETS & CIRCULATION

Beginning at Columbus Boulevard, Ellingston Road would be improved to an arterial standard west to Lochner Lane. From this point the roadway would be realigned to a point opposite 53rd Avenue where it would intersect with Pacific Boulevard (99E). An overpass where the road intersects with the Union Pacific Railroad would be required to handle the additional automobile traffic resulting from development plus increased rail traffic. Access to this area has restricted industrial development. We assumed the new road would terminate at Pacific Boulevard. If the City would prefer the alignment could terminate at Interstate 5. If that were the case the roadway may need to be realigned. Do you have a preference at this time?

The attached map map attempts to quantify the land that would benefit from this type of improvement. Would you agree? If not, what changes do you recommend. The purpose of identifying the area of benefit is to insure that costs are spread on some kind of equitable formula based on per square

foot or perhaps traffic generation.

STORM DRAINAGE

Oak Creek is the major tributary that drains the land in this area. What kind of provisions would you expect in a plan to address Storm drainage? Can these facilities be incorporated into the drainage system or wetland projects located in the low land lying adjacent to Oak Creek.

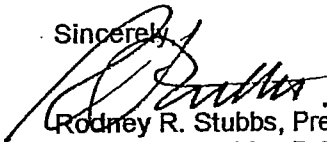
SANITARY SEWER

One of the alternatives being explored is to connect a sewer pipe to the pump station located south of Oak Creek adjacent to Pacific Boulevard. The pipe would extend east, cross the Union Pacific Railroad and extend to Lochner Road. Laterals would then be designed to flow north toward the trunk line. Are there any issues that we need to address in this regard?

WATER SYSTEM

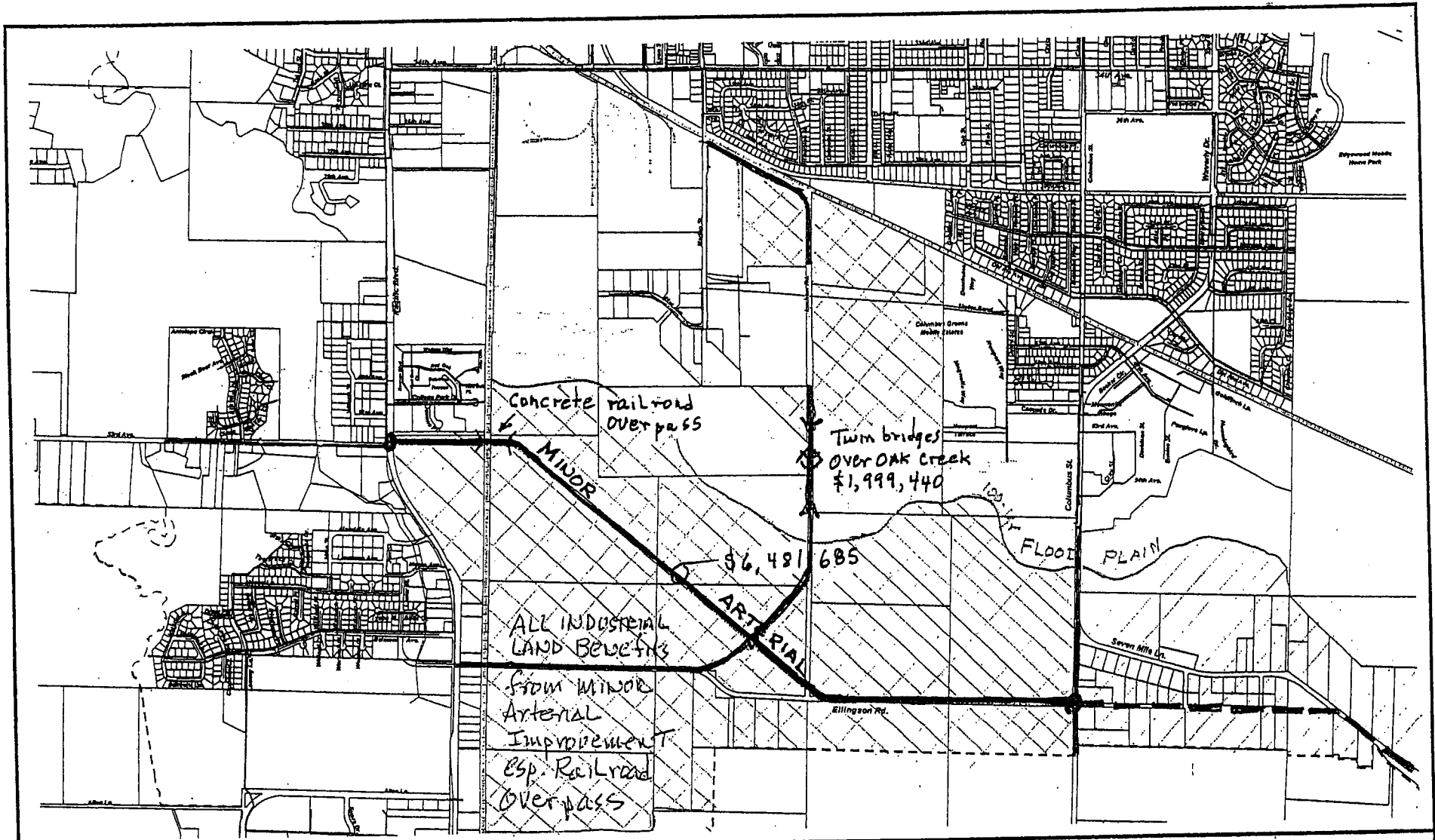
The major cost is the need to loop the water system throughout this part of the City of Albany. Will the assumptions included in this plan be adequate? If additional offsite improvements are needed please advise.

Sincerely,



Rodney R. Stubbs, President
Rodney R. Stubbs, P.C.
Eldred Realty, Inc.
PO Box 12511
Salem, OR 97309

Cc: Granada Land Company



South Albany and Vicinity MAJOR Roadway Improvements

Public Works Department

GIS Services

Sep 28, 1999

Client: Rod Stubbs

PRIMARY Benefit

Secondary Benefit

0 500 1000 1500 2000 Feet

The City of Albany's information records, drawings and other documents have been gathered over many decades, and they are being scanned for quality control, digitization and replication. All information presented represents current information as it is available. While the information presented is generally believed to be accurate, inaccurate information may be present, and the City of Albany is not responsible for its use. Prior to making any property purchase or other transactions based on this or any other information provided, it is specifically advised that you independently check the information presented with your records.



9/28/99

TO: Granada Land Company

FROM: Roger W. Baldwin

SUBJECT: Infrastructure development in South Albany between Highway 99E East to Columbus Avenue.

This cost estimate is based on the color-coded map supplied to us by your office. The map title is PARCELS – SOUTH ALBANY AREA and is dated 8/3/99.

1. Street Construction of 53rd Avenue at Pacific Boulevard to Columbus Avenue.
 - a) Fully improved minor arterial, 58 feet wide on an 80 to 85 foot wide rights of way.
 - b) Class "C" concrete curbs & 2 – 6lf wide sidewalks.
 - c) Concrete railroad overpass.
 - d) Traffic control lights at Pacific Boulevard and Columbus Avenue.
 - e) Street lighting, signage & lane stripping.

Total Estimated Cost: \$ 6,481,685

2. Domestic Water Trunk Mains

- a) 24" DIA Ellingston Road to Seven Mile Lane.
- b) 24" DIA 34th Avenue via Lochner Lane to Ellingston Road.
- c) 12" DIA College Park Drive eastward to Lochner Lane.
- d) 2 each railroad bores.
- e) 2 each creek crossing
- f) All valves, hydrants, testing and chlorinating.

Total Estimated Cost \$ 1,027,259

3. Storm Sewers

- a) Allendale outlet at Pacific Boulevard 36" DIA, 15" DIA, 12" DIA & 36" railroad bore.
- b) Open channel along 53rd Avenue extended & North to Oak Creek.
- c) 30" DIA, 21" DIA, 18" DIA from Oak Creek to & along the north & west boundary of Henshaw property.

d) 42" DIA, 27" DIA from Oak Creek Northerly along the west boundary of Newport Terrace.

e) Manholes, testing & Appurtenances for the above.

Total Estimated Cost \$ 1,027,259

4. Sanitary Sewer Mains

a) 15" DIA & 8" DIA main from Pacific Boulevard Oak Creek Pump Station south easterly approximately 4,200 feet.

b) 8" DIA Ellington Road Main & Lateral North.

c) 8" DIA Columbus Avenue Main & Ellington Road Lateral.

d) Pump station at Oak Creek on Columbus Boulevard.

e) All manholes, flush, test system.

Total Estimated Cost \$ 2,101,178

5. Oak Creek Bridges

a) Twin bridges over Oak Creek.

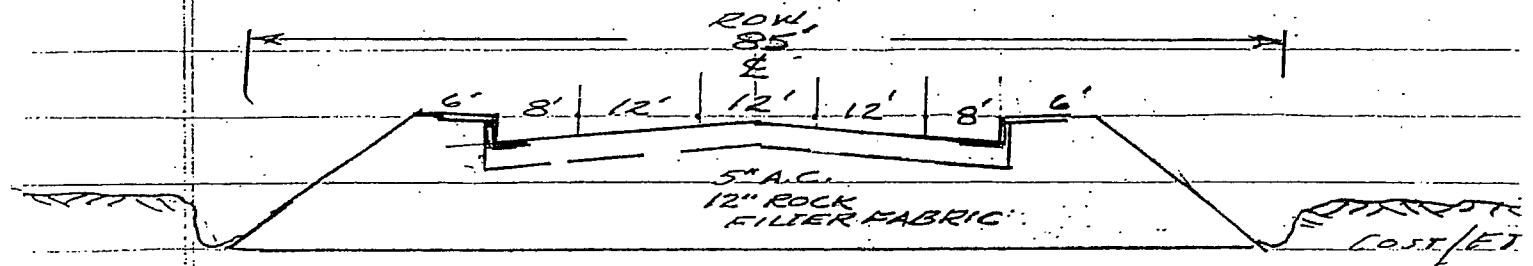
Total Estimated Cost \$ 1,999,440

TOTAL PROJECT COST \$13,973,605

Additional information regarding cost estimates are enclosed. Please review the assumptions regarding improvement specifications and note those changes that are needed for price adjustment. All prices are quoted in terms of 1999 dollars.

RWB 53 RD AVE - EXTEND EAST
4/21/99 TO COLUMBUS ST.

1 STREET IMPROVEMENTS



Exc.	8 CY/LE @ \$4.00/CY	=	\$32.00
FABRIC	99/50 FT, 80' WIDTH	=	7.20
ROCK	WIDTH 54', DEPTH 12" = 340 TONS/LE @ \$14.00	=	47.60
A.C.	WIDTH 47', DEPTH 5" = 147 TON/LE @ \$37.00	=	54.39
CURBS	CLASS C = 2 SIDES @ \$7.00/LE	=	14.00
SIDEWALKS	6' WIDE = 2 SIDES @ 15.00/LE	=	30.00
INLETS	34 EA @ \$1200.00 / 9700'	=	4.20
			<u>\$107.39</u>

SURVEYING, ENGINEERING CONTINGENCIES

FEE TO CITY @ 19% = 35.97

COST PER FOOT = \$225.36

9700' @ \$225.36/FT = 2,185,992.00

2. RAILROAD OVERPASS BRIDGE & ABUTMENTS

131,000 CY ABUTMENT FILLS, IMPROVEMENTS COVERED ABOVE.

LENGTH OF 34' HIGH BRIDGE = 160 LF

WIDTH OF BRIDGE = 66'. ESTIMATED COST \$3,8850

53RD AV. EXTENDED EAST

3. TRAFFIC

LIGHTING 1- 8 WAY LIGHTING @ 99E = \$ 135,000⁰⁰
 1- 6 WAY LIGHTING @ COLUMBUS ST = 117,500⁰⁰

2. INTERSECTION

\$ STREET 22 EA. @ \$ 3650⁰⁰ EA = 80,300⁰⁰
 LIGHTING (UNCL'D BURIED WIRE IN CONDUIT & VAULTS)

5. MISC.

SIGNAGE LUMP SUM = 18,220⁰⁰
 \$ STRIPPING \$ 351,020⁰⁰
 17% PLANS, FEES ENG. & SURV. = 59,673⁰⁰

TOTAL = \$ 410,693⁰⁰

TOTAL FOR 53RD EXTENDED \$
 9700 LF TO EAST = 6,481,685⁰⁰

RWB
9/21/99DOMESTIC WATER TRUNK MAINSELLINGSON RD & LOCKNER RD& 12" COLLEGE PARK INTERTIE

1. 24" CL. 52 DUCTILE IRON
20,110 L.F. @ \$77⁰⁰/L.F. = \$1,550,481⁰⁰
2. 24" BUTTERFLY GATE VALVES
18 EA @ \$3,210⁰⁰ EA = 57,780⁰⁰
3. COLLEGE PARK TO LOCKNER RD
INTERTIE
3. 12" D.I. MAIN 4300 L.F. @ \$36.30/L.F. = 174,240⁰⁰
4. 12" BUTTERFLY GATE VALVES
5 EA @ \$1,220⁰⁰ EA = 6,100⁰⁰
5. FIRE HYDRANTS
47 EA @ \$2,810⁰⁰ EA = 132,070⁰⁰
6. CREEK CROSSINGS W/SCOUR
PADS & BLOCKING (LOCKNER)
2 EA @ \$16,400⁰⁰ EA = 32,800⁰⁰
7. 24" BLOW-OFF ASSEMBLY
1 EA @ \$1,620⁰⁰ EA = 1,620⁰⁰
8. BORE RAIL ROAD R.O.W
COLLEGE PARK. LUMP SUM = 22,400⁰⁰
9. FLUSH TEST & CHLORINATE
LUMP SUM = 9,100⁰⁰
10. ENGINEERING, INSP, SURVEYS & FEES
19% = 377,452⁰⁰

PROJECT TOTAL 2,364,043⁰⁰

STORM SEWERS

OUTLET ON 99E @ ALLENDALE

1. 36" CONC. MAIN GRAVEL B/F
 $1200 \text{ LF} @ \$105^{\circ}/\text{FT} = \$126,000^{\circ}$
2. RAILROAD BORE LUMP SUM = 32,525
3. 15" CONC. MAIN, GRAVEL B/F
 $1,600 \text{ LF} @ \$485^{\circ}/\text{LF} = 77,600^{\circ}$
4. 12" CONC. MAIN, GRAVEL B/F
 $620 \text{ LF} @ 39^{\circ}/\text{LF} = 24,180^{\circ}$
- OPEN CHANNEL TO DAK CK
5. EXCAVATE & SPREAD SPOILS
 $35 \text{ CY}/\text{LF} @ 5600 \text{ LF} @ \$140^{\circ}/\text{CY} = 31,360^{\circ}$
 CLEAR, GRUB, 1450 LF ALONG
 EAST BOUNDARY. GRANADA PROP.
 LUMP SUM = 7,500⁰⁰
6. TWIN 48" CONCRETE CULVERTS
 53 AV. EXTENDED W/ HEADWALLS = 35,400⁰⁰
HENSHAW PROP. STORM SEWER
7. 30" CONC. MAIN GRAVEL B/F
 $1000 \text{ LF} @ \$90^{\circ}/\text{LF} = 90,000^{\circ}$
8. 21" CONC. MAIN GRAVEL B/F
 $900 \text{ LF} @ \$61^{\circ}/\text{LF} = 54,900^{\circ}$
9. 18" CONC. MAIN GRAVEL B/F
 $710' @ \$58^{\circ}/\text{LF} = 41,180^{\circ}$

FORM SEWERS CONT'D

MAIN WEST OF NEWPORT TERRACE

10. 42" CONC MAIN GRAVEL B/F

2000 LF @ \$121⁰⁰/LF = \$242,000⁰⁰

11. 27" CONC MAIN GRAVEL B/F

200 LF @ \$82⁰⁰/LF = 16,400

12. MANHOLES FOR THE ABOVE

MAINS 24 EA @ \$3660⁰⁰ = 87,840\$866,885⁰⁰18% PLANS, FEES, ENG & SURVEYS 160,374⁰⁰TOTAL = \$1,027,259⁰⁰TWIN BRIDGES OVER
OAK CREEK CHANNELS

LUMP SUM:

2 EA @ \$996,220⁰⁰ EA = 1,992,440

SANITARY SEWERS

99 E PUMP STATION & SOUTH EASTERL

- 1. 15" PVC MAIN w/ROCK B/F
1600 LF @ \$60⁰⁰/FT = \$ 96,800⁰⁰
- 2. RAILROAD BORE L. SUM = 32,500⁰⁰
- 3. 8" PVC MAIN w/ROCK B/F
2700 LF @ 38⁵⁰/LF = 103,950⁰⁰

ELLINGSON RD MAIN & LATERAL

- 4. 8" PVC MAIN w/ROCK B/F
6,550 LF @ \$63⁰⁰/LF = 415,925⁰⁰

LOCKNER RD MAINS

- 5. 8" PVC MAIN w/ROCK B/F
4,000 LF @ \$57⁰⁰/LF = 228,000⁰⁰

COLUMBUS ST & LATERAL

- 6. 8" PVC MAIN w/ROCK B/F
4,450 LF @ \$64⁵⁰/LF = 287,025⁰⁰

- 7. SANITARY SEWER PUMP STATION

@ OAK CK & COLUMBUS ST.

LUMP SUM = 442,800⁰⁰

- 8. SANITARY MANHOLES

48 EA. @ \$3420⁰⁰ = 164,160⁰⁰

- 9. FLUSH & TESTING SYSTEM. = 9,500⁰⁰

\$ 1,780,660⁰⁰

18% ENG, SURVEYING, FEES 320,518⁰⁰

TOTAL \$ 2,101,178⁰⁰

Traffic Impact Analysis

Piano Retail Center

**Prepared for
Tran Co
Salem Oregon**

**Prepared with
Multi/Tech Engineering, Inc.
Salem Oregon**

January 2006

**Prepared by
Associated Transportation Engineering & Planning, Inc. (ATEP)
PO Box 3047
Salem, Oregon 97302**

Associated Transportation Engineering & Planning, Inc.

Hour which is less than the 2007 v/c ratio without the Piano Retail Center of 0.861. There may be other alternatives for mitigation that could be considered.

The developer is proposing to construct a separated grade crossing at 53rd Street. This will be the second separated crossing in Albany and provide a significant improvement to the east-west street systems in Albany. The crossing is a major investment in the transportation infrastructure and there are ongoing discussions to determine the interest and contributions by various involved agencies to determine the cost participation. It seems reasonable to assume the developer will install the separated crossing, with funding from the City, the County and ODOT and will not be expected to mitigate the level of service at other intersections, or instead for the developer to transfer monies to other intersections from the funded amount for the over crossing, with the understanding the developer mitigation project costs will be offset by increased funding of the over crossing project.

Summary & Recommendations

This study examines the intersections in the vicinity of the proposed Piano Property Retail site and the impact that additional traffic would have on the site. The 32 Acre site would be developed with a variety of retail stores and include a "big-box" store. The developer is proposing to construct an overpass for 53rd Street to cross over the main line railroad track just east of Highway 99E. The overpass is a major capital investment for the developer, but is an opportunity for the City of Albany to develop a second separated grade railroad track crossing.

It is proposed that the responsibility for mitigation of traffic impacts be assumed by the appropriate jurisdiction as intersections get busier and that the developer be responsible to coordinate the construction of the over crossing. It will be essential that several of the interested parties participate in the funding of the overpass and street improvement as it will serve much more than just the Piano Property Retail site.

Larry Epping

2485 Lancaster Drive N.E.
Salem, Oregon 97305

Telephone 503-588-1900 or 503-364-3632

March 14, 2006

Mr. John Stewart
444 NW 9th ST
Corvallis, OR 97330

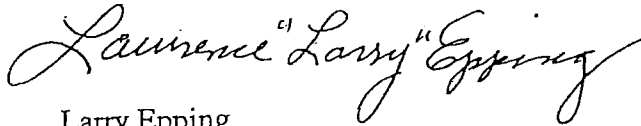
Dear John,

I am writing this letter in reference to a meeting we held on Saturday, 3/11/06. The following are the items we discussed concerning the South Albany Oakcreek plan.

1. The existing open space line should be amended to coincide with the flood plain line. If the flood plain line moves towards the floodway the open space line should move accordingly.
2. The future school site should be south of Ellingson road and south of Lochneord road.
3. My property next to and east of the railroad should be zoned multi family to allow apartments and duplexes. These units would be buffered from the railroad with berms, fences and types of high growing bushes and trees.
4. One of the first actions needs to determine the final location and the Right of Way width of 53rd street east of the railroad.
5. The Village Center should be north of Ellingson and East of Lochneord.
6. There needs to be a coordinated effort by all of the owners and DSL to address the wetlands.
7. I am proposing, on my property, to do some filling into the flood plain and move the open space line to create large estate lots and houses to create a variety of housing types in my property. I would create various water features north of these estate lots.
8. I have an existing lake on one of my properties. I plan on keeping this lake intact and to back up lots to this lake where each of those lots would have an undivided ownership interest in the lake. I have completed this same concept on my Pioneer Village project in Silverton and there it has been very successful.
9. It seems like the DSL has an escalation as to its definition of wetlands. We need to have a total group effort to evaluate the wet lands in this total South Albany area to make it economical to proceed with the implementation of the plan.
10. In order to present a plan that addresses all of the costs to develop these properties and still make it economically fesible we need to evaluate the costs of all of the following;
 - a. The Rail Road overpass.
 - b. The extension of 53rd street to Ellingson with a row of 96 feet.
 - c. The extensive wetlands.

- d. The fish and wildlife requirements.
 - e. The location of the open space line.
 - f. The possibility, to alter meeting the code requirements to do some filling in the flood plain.
 - g. The costs to supply the main infrastructure to this total area.
 - h. The location and costs of the water reservoir.
 - i. The possibility of costs of other items such as archeological, endangered species, drainage-ways, trees etc.
11. At our meeting I supplied you with a colored map showing these and other planning recommendations. Please keep me posted as you progress with this Oak Creek plan.

Sincerely,



Larry Epping

cc:

Mark Grenz (Engineer)

Clarence Barker (Surveyor)

Kris Gorsuch (Attorney)

Michael Rotsolk (Wetlands)

Set up meeting w/ neighbors.

**Oak Creek / 53rd Property
Estimated Schedule
April, 2006**

The following estimated project schedule will be based on the outcome and information received at our meeting with the City of Albany and Albany Rail on April 27 at 2:00 p.m.

<u>Date:</u>	<u>Task:</u>
4/27/06	City of Albany Meeting / Albany Rail
5/8/06	Conceptual route for 53 rd extension laid out and reviewed with the City of Albany.
5/19/06	Foundation Engineering to get started on geotech report. (<i>estimate 6 weeks to complete this task</i>)
5/20/06	Draft Development Agreement provided to City of Albany and ODOT outlining Over Crossing as total mitigation for ALL of Epping property west and east of the Crossing.
5/26/06	Barker to have detailed topography and stake the approximate railroad to get to geotech.
6/5/06	Development Agreement Signed by both City of Albany and ODOT (<i>Must be signed prior to final route approval and engineering starting</i>)
6/6/06	Multi/Tech to review final route with City of Albany
7/7/06	Foundation Engineering to have complete geotech report Multi/Tech to provide BMGP with Preliminary Street Design to be used in the Structural Design. BMGP to begin structural design and drawings (<i>estimate 2 months for this task</i>).
9/7/06	BMGP to have drawings completed. Multi/Tech to have street design completed.

9/8/06 Submit plans to the City of Albany for approval.

9/15/06 ATEP to work with City of Albany on Application to ODOT Rail for the Over Crossing Permit.

10/31/06 ATEP to have coordinated and completed signal modification w/ ODOT and City of Albany.

12/02/06 Bid out to contractors.

3/01/07 ATEP to have approvals from ODOT Rail (*estimate 6 months to complete this task*). Governor Kulongoski anticipated to be helpful in this area.

Spring 2007 Start work on abutments and road.

Fall 2007 Work basically complete except for paving.

October 2007 Pave as weather permits.

Brian Grenz will be the Project Manager assigned from our office on this project. The following consultants have committed to be a part our project team:

Structural Consultant: **BMGP**
 Contact Person: Bill Pease, P.E.
 1045 13th Street SE
 Salem, OR 97302
 Office: (503) 399-1399

Surveyor: **BARKER SURVEYING**
 Contact Person: Clarence Barker, PLS
 2035 25th Street SE
 Salem, OR 97302
 Office: (503) 588-8800

Geotechnical Engineer: **FOUNDATION ENGINEERING**
 Contact Person:
 Jim M
 820 NW Cornell Ave., OR 97330
 (541) 757-7645

Legal Counsel: **SAALFELD GRIGGS, P.C.**
 Contact Person: Kris Gorsuch

250 Church Street SE
Suite 300
Salem, OR 97301
Office: (503) 399-1070

Traffic Engineer:

**ASSOCIATED TRANSPORTATION ENGINEERING &
PLANNING, INC. (ATEP)**

Contact Person: Karl Birky, P.E.

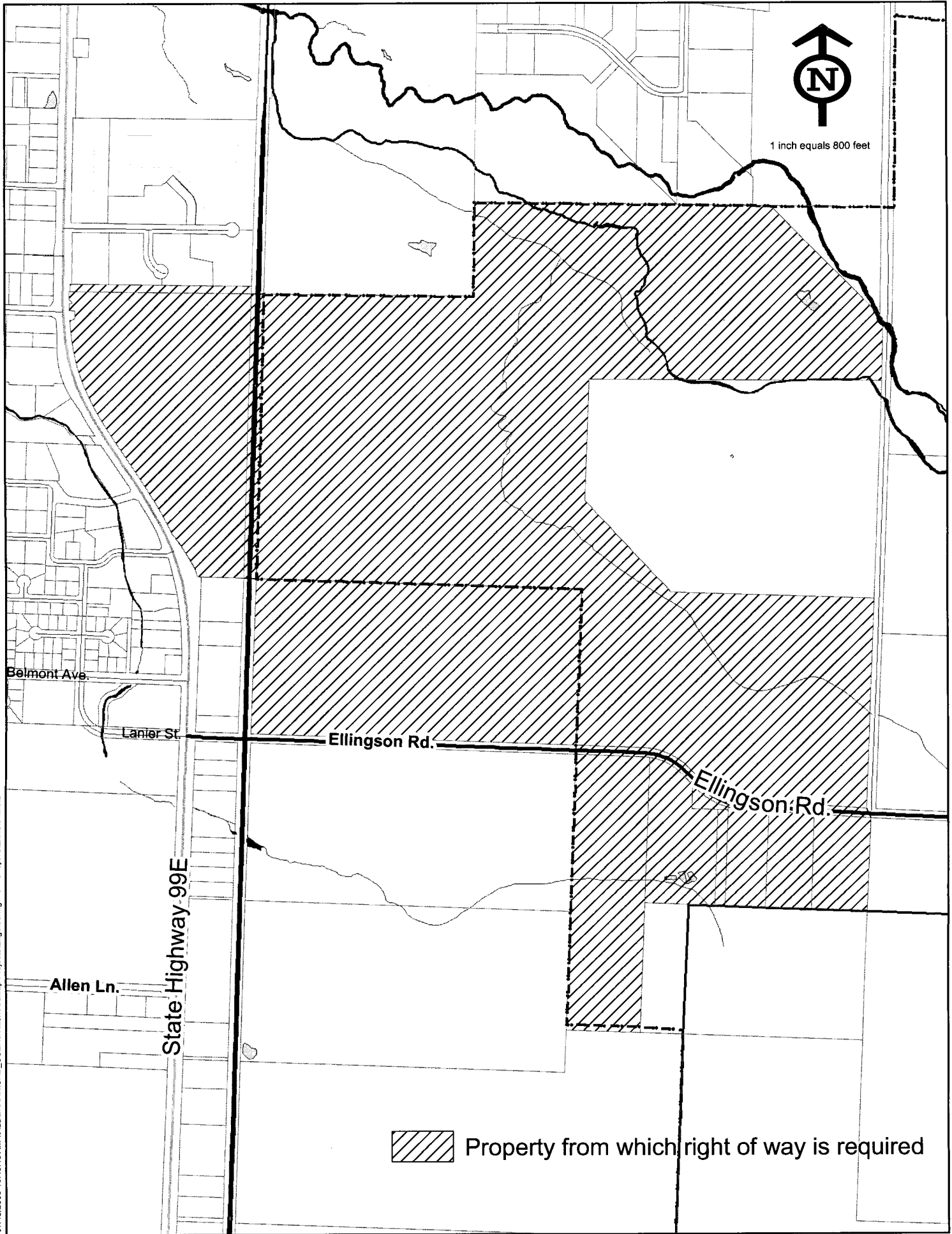
PO Box 3047

Salem, OR 97302

Office: (503) 364-5066



1 inch equals 800 feet



07/15/2008 10:45:46 AM \\VALDERAAN\CAD_USER\WIllish\ArcMap Projects\Engineering\Mark Shepard\Exhibit 1.mxd

Exhibit 2