

ORDINANCE NO. 4802

AN ORDINANCE ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS" AND VACATING A PORTION OF 34TH AVENUE INDUSTRIAL PARK SUBDIVISION INCLUDING LOTS 2 THROUGH 8 AND 31ST COURT SW, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Albany at the Council meeting, held on the 24th day of November, 1987, did by Council action set the hour of 7:15 p.m. on the 23rd day of December, 1987, as the time for hearing of objections to the proposed vacation of a portion of 34th Avenue Industrial Park Subdivision including Lots 2 through 8 and 31st Court SW (File No. VC-02-87); and

WHEREAS, the said notice has been posted and published as required by law; and

WHEREAS, the said hearing on the 23rd day of December, 1987, has been duly held and parties were given an opportunity to be heard and the Council being fully informed.

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

Section 1: Exhibit "A" known as "Findings" is hereby adopted as the Albany City Council's findings in support of this decision.

Section 2: That the following described right-of-way is hereby vacated: A portion of 34th Avenue Industrial Park Subdivision including Lots 2 through 8 and 31st Court SW (File No. VC-02-87).

Section 3: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, safety, and health of the City of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon passage by the Council and approval by the Mayor.

Passed by the Council: December 23, 1987

Approved by the Mayor: December 24, 1987

Effective Date: December 23, 1987

Dala Rouse
Council President

ATTEST:

[Signature]
City Recorder

FINDINGS
FILE NO. VC-02-87
EXHIBIT 'A'

1. The proposed Vacation will affect the proposed Con-Mel Manufacturing plant (Lots 2 through 8) and Lot 1 which is owned by Oregon Metallurgical Corporation as 31st Court SW serves not only the applicant's property but also a railroad spur access easement between Lots 1, 4, and 5. The relocation of this easement must be resolved prior to final action on the proposed Vacation by the City Council.
2. The property adjacent to the proposed Street Vacation is zoned MH (Heavy Industrial) and is under one ownership.
3. The proposed Vacation of a portion of 34th Avenue Industrial Park Subdivision, including 31st Court, is to allow for the construction of a proposed 70,000 square foot manufacturing plant.
4. The Vacation would allow for the consolidation of properties under the same ownership which are now separated by 31st Court.
5. The Vacation of 31st Court will not adversely affected the carrying capacity or viability of Calapooia Street.
6. The proposed Vacation will eliminate a legal right of access through the property to the existing 16-inch water transmission line which is located within the existing 8-foot easement located along the east line of the subject property. At the time of Site Plan Review, an easement to provide access through the property to the 16-inch water line will be required which will be compatible with any development of the site.
7. There are underground public utilities within the right-of-way proposed for vacation.