

ORDINANCE NO. 5176

AN ORDINANCE VACATING THAT PORTION OF AN 80-FOOT WIDE ROADWAY EASEMENT WHICH ALIGNS WITH THE INTERSECTION OF BELMONT AVENUE AND PACIFIC BOULEVARD SW (HIGHWAY 99E) AND ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS" AND DECLARING AN EMERGENCY (FILE NO. VC-01-95).

WHEREAS, the Albany City Council on February 22, 1995, voted to initiate the proposed Alley Vacation; and

WHEREAS, notices of the public hearings have been mailed, posted and published as required by state and local law; and

WHEREAS, the Albany Planning Commission held a Public Hearing on March 27, 1995, and recommended approval of the proposed vacation; and

WHEREAS, the Albany City Council held a Public Hearing on April 12, 1995, and parties were given an opportunity to be heard and the Council was made fully informed.

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

Section 1: The Findings attached as Exhibit "A" are hereby adopted in support of this decision.

Section 2: That portion of an 80-foot wide roadway easement which aligns with the intersection of Belmont Avenue and Pacific Boulevard SW (Highway 99E) on Tax Lot 202, Linn County Assessor's Map No. 11-3W-30, as shown in Exhibit "B" is hereby vacated, subject to the following conditions of approval:

1. A joint-access/maintenance easement shall be reserved for the vacated roadway easement for Parcels B and C.
2. That the Council withhold the second reading of the Ordinance approving the Vacation of the roadway easement until a joint access/maintenance agreement is reviewed and approved by the City and signed by the adjacent property owner(s) which shall be recorded and run as an encumbrance with the land.
3. Prior to the second reading of the Vacation Ordinance by the City Council, the proposed joint-use access easement shall be extended to serve Parcel C or a Lot Line Adjustment must be approved by the Planning Division.

Section 3: WHEREAS, the Albany City Council held the first reading of the Ordinance on April 12, 1995, and whereas, the joint-use access/maintenance agreement was recorded on April 28, 1995, in Volume 0745, Page 510 of the Linn County Deed Records, Linn County, Oregon.

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: May 10, 1995

Approved by the Mayor: May 10, 1995

Effective Date: May 10, 1995

Charles A. McFarlan
Mayor

ATTEST:

Norm C. Withrow
Deputy City Recorder

Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

By RV, Deputy

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