

AN ORDINANCE VACATING ALCO STREET BETWEEN 17TH AVENUE AND QUEEN AVENUE IN THE FAIR DALE ADDITION TO ALBANY WHICH WAS CREATED BY A PLAT FILED NOVEMBER 11, 1889, IN LINN COUNTY, OREGON; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY (FILE VC-01-00).

WHEREAS, ON January 20, 2000, the City of Albany Community Development Department received an application to vacate Alco Street from The Albany Area Habitat for Humanity; and

WHEREAS, the application included the signatures of abutting and neighboring property owners as required in ORS 271.080; 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 February 21, 2000, and recommended that the City Council approve the proposed vacation of Alco Street; and

WHEREAS, the Albany City Council held a public hearing on March 8, 2000 and continued that hearing to April 12, 2000.

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

Section 1: Subject Property. Alco Street between 17th Avenue and Queen Avenue within the Fair Dale Addition to Albany is hereby vacated.

Section 2: Findings. The findings attached as Exhibit A are hereby adopted in support of this decision.

Section 3: Maps. A copy of a map showing the right-of-way being vacated and the public utility easement being retained by the City is attached as Exhibit B. A copy of a map showing how the vacated right-of-way is to be allocated to neighboring properties is attached as Exhibit C.

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.

State of Oregon
County of Linn
City of Albany, OR

Passed by the Council: April 12, 2000

I hereby certify that I have compared the (foregoing, within) with the original thereof, and that it is a correct copy therefrom and of the whole thereof.

Approved by the Mayor: April 12, 2000

Effective Date: April 12, 2000

Dated: April 14, 2000

Charles M. Thompson
Mayor

ATTEST: Betty Laquell, City Clerk

Ken Thompson
City Recorder

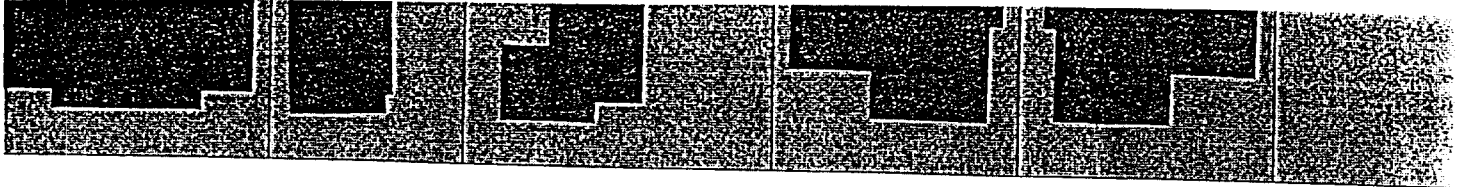
Return to: City of Albany - Recorder
P.O. Box 490, Albany, OR 97321

EXHIBIT A
FINDINGS: VC-01-00

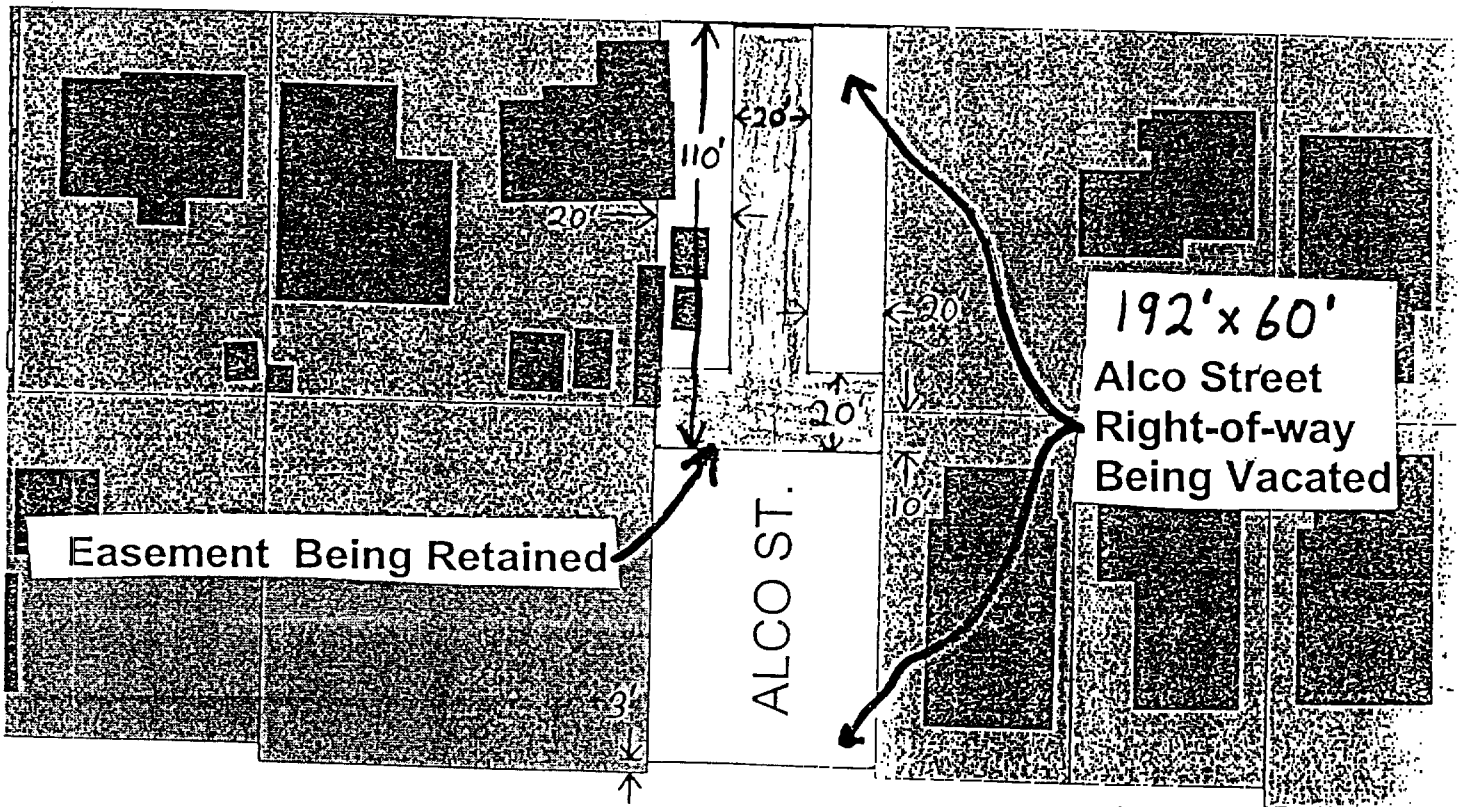
- 1.2 Sanitary Sewer. Sanitary sewer utility maps indicate that public sanitary sewer adjacent to this site consists of an 8-inch main centered within the Alco Street right-of-way. This main runs from 17th Avenue to a point approximately 100 feet south of 17th Avenue, where mains run east and west along the back property lines of the adjacent properties. A 20-foot wide easement must be retained over the portion of the sewer main in Alco Street.
- 1.3 Water. Public water utility maps indicate that public water adjacent to this site consists of a 12-inch main on the south side of Queen Avenue. A fire hydrant exists on the south side of Queen Avenue in alignment with the west side of the Alco Street right-of-way. There is no public water main within this portion of the Alco Street right-of-way, nor does a public water main exist in 17th Avenue near Alco Street. Future public water system improvements in this area will include public water mains within 17th Avenue and Burkhart Street. Because looping of the water system in this area can be adequately accomplished without a main within this section of Alco Street, no future water mains are required in the area to be vacated.
- 1.4 Storm Drainage. Storm drainage utility maps indicate that there are no storm drainage pipes within this right-of-way. Future development on the surrounding property may include constructing a private storm drainage main within the area proposed to be vacated. Drainage of the lots in this vicinity that are adjacent to Queen Avenue can be accomplished by connecting roof drains to the curb. Storm drain utility maps indicate that public storm drainage adjacent to this site consists of a 72-inch main that runs along the north side of Queen Avenue. No public storm drain lines exist within the portion of the Alco Street right-of-way under consideration. No future public storm drain lines will be required within this section of Alco Street.
- 1.5 Other Utilities. City staff has contacted the various other public utility providers about this proposed right-of-way vacation. None of the utility providers indicated that they had utilities within the right-of-way.
- 1.6 Streets. Alco Street does not appear as a collector or arterial street on the transportation master plan. It would be classified as a local street.
- 2.1 Access to the sewer main will be preserved because an easement shall be retained over the main.
- 2.2 All adjoining lots will have access to either Queen Avenue or to 17th Avenue.
- 3.1 The portion of Alco proposed for vacation is not currently open to traffic. Vacation of the right-of-way will not close an existing vehicle connection between Queen Avenue and 17th Avenue. Because the vacation will not close a connection currently being used by traffic, it will not impact traffic circulation in the area.
- 4.1 Queen Avenue is classified as a minor arterial street. Section 12.300 of the Development Code requires a 7-foot wide sidewalk on arterial streets. The existing sidewalk along the frontage of the proposed vacation is 5-foot wide, and the back of sidewalk is on the right-of-way line. The ultimate installation of sidewalk in compliance with the Code will require an additional 3-feet of right-of-way, which should be reserved from the proposed vacation.
- 4.2 The existing house at 1925 Queen Avenue currently uses a gravel driveway on Alco Street to access 17th Avenue. The parcel has frontage on Queen Avenue, and a new driveway approach to Queen Avenue has recently been installed. When Alco Street is vacated, the parcel's legal driveway access will be to Queen Avenue.

- 4.3 The vacated street shall be divided among the four adjoining properties. Lot 4 of Block 10 and Lot 1 of Block 11 shall receive 30 feet by 100 feet areas of the vacated right-of-way. The Albany Area Habitat for Humanity, (the owner of Lot 5 of Block 10) and Connie Sams, (the owner of Lot 8 of Block 11), have submitted a signed agreement which stipulates that Lot 5 of Block 10 is to receive 45 feet by 92 feet and Lot 8 of Block 11 is to receive 15 feet by 92 feet of the vacated right-of-way.
- 5.1 An easement shall be retained to provide access for the public sewer. The City has no plans for future street or other public utility improvements within the Alco Street right-of-way.
- 5.2 ORS 271.080 requires that 100 percent of abutting property owners and two-thirds of the property owners within the defined affected area sign a petition to vacate the right-of-way. The applicants have obtained and submitted the required signatures.

EXHIBIT B
MAP: VC-01-00



17TH AVE.



QUEEN AVE.

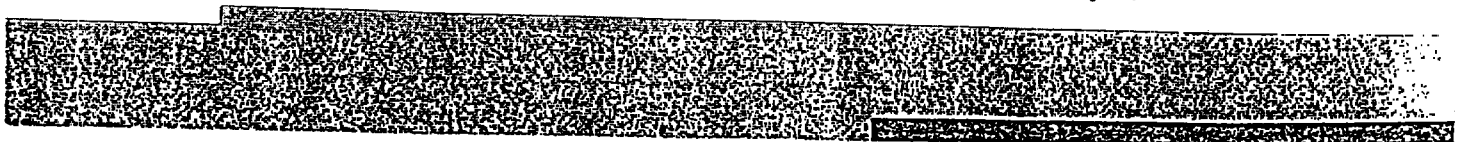
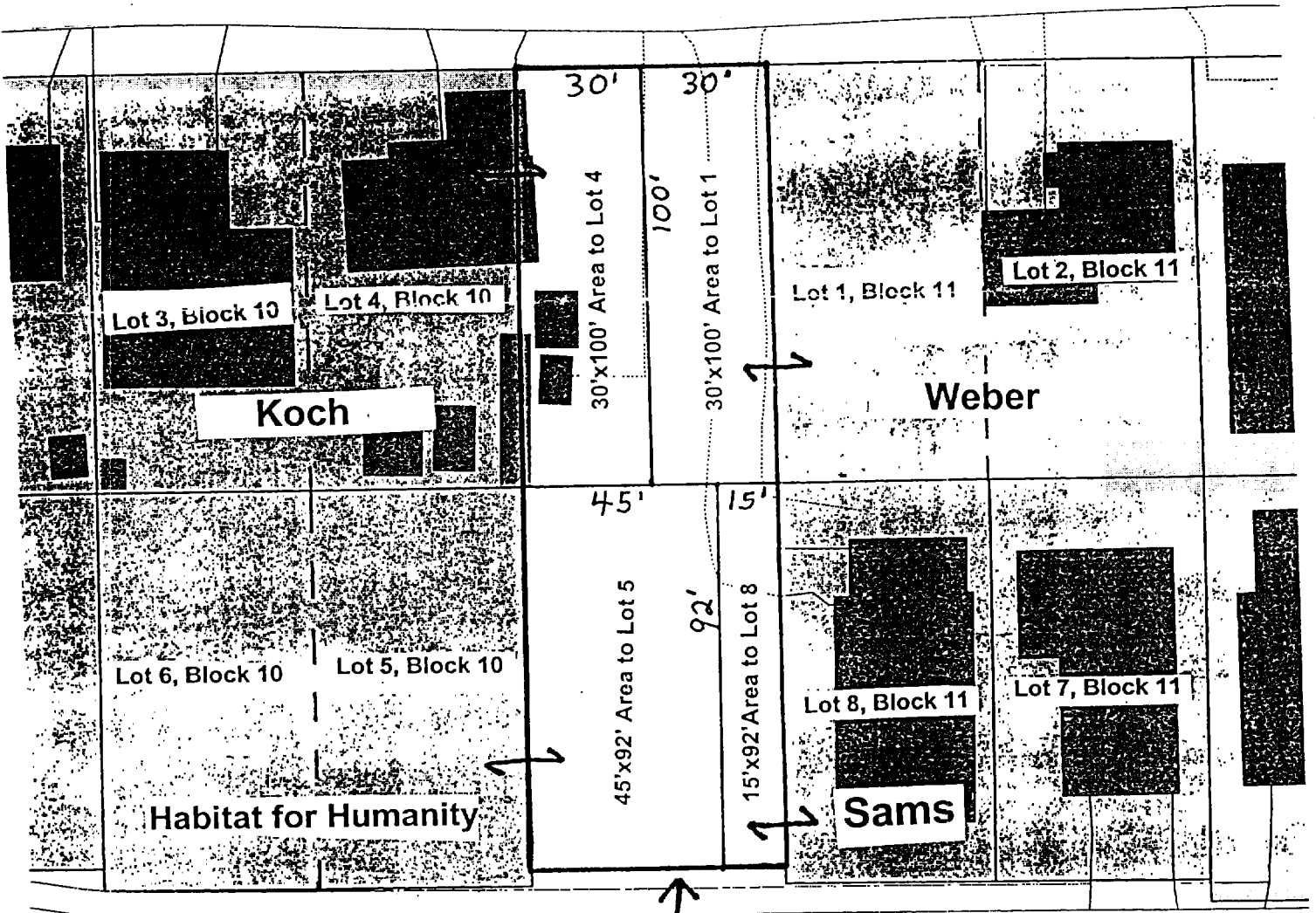


EXHIBIT C
MAP: VC-01-00

17th Avenue



3'x60' Area not Vacated

Queen Avenue

Allocation of Vacated Alco Street Area



gordons nil

Mar 31, 2000

0 40 Feet

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 the 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 find verify the information contained within our records.



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 SD, Deputy

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