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AN ORDINANCE VACATING THE EAST 5 FEET OF A 10-FOOT WIDE DRAINAGE EASEMENT LOCATED ADJACENT TO THE WEST PROPERTY LINE OF PROPERTIES LOCATED AT 1136, 1124, AND 1102 COMMERCIAL WAY SE (TAX LOTS 1425, 1415, AND 1424, LINN COUNTY ASSESSOR'S MAP NO. 11-3W-09A) AND ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS" AND DECLARING AN EMERGENCY (FILE NO. VC-02-95).

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 September 18, 1995, and recommended approval of the proposed vacation; and

WHEREAS, the Albany City Council held a Public Hearing on October 11, 1995, 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: The Findings attached as Exhibit "A" are hereby adopted in support of this decision.

Section 2: That the east 5 feet of a drainage easement located adjacent to the west property lines of Lots 2, 3 and 4, Block 1, Commercial Way Subdivision, Linn County Plat Records as shown in Exhibit "B" are hereby vacated.

Section 3: 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: October 11, 1995

Approved by the Mayor: October 11, 1995

Effective Date: October 11, 1995

Charlene McLaran
Mayor



Norm C. Withman
Deputy City Recorder

EXHIBIT A
 FINDINGS FOR EASEMENT VACATION
 FILE NO. VC-02-95

1. The existing drainage easement was dedicated as part of a subdivision plat in 1976. At that time, an open storm drainage ditch was located within the easement area.
2. The drainage easement width on the west edge of Tax Lots 1425, 1415, and 1424, Linn County Assessor's Map No 11-3W-09A may be reduced to 5 feet in width as a new storm drainage easement has been provided on the adjoining property to the west (Tax Lot 1500) which has eliminated the need for a 10-foot wide easement.
3. An additional 15-foot wide easement has been provided on the adjoining property to the west when the storm drainage ditch was converted to a piped system and the full 10-foot wide easement located on the subject property is no longer needed. The 10-foot wide drainage easement on the west edge of Tax Lots 1435 and 1436, which lie to the south of the subject property, may not be reduced because the existing ditch and new storm drainage pipe lie within the existing easement.
4. There is no vehicular traffic in this area. The subject easement area is not listed in any transportation or public facility plan and is not an essential link for traffic circulation.
5. The vacation of the east half of the 10-foot wide drainage easement will allow for construction of buildings and or building additions to occur within 5 feet of the west property line of the subject properties.
6. There are no requirements for landscaping, driveway access or reconstruction of access for fire safety in this area.
7. The easement dedication occurred at a time when the storm water drainage system in the area was provided by open ditch.
8. A piped storm drainage system has been provided adjacent to the existing ditch with an additional 15-foot wide easement located on the property to the immediate west of the subject properties. There is no need for the full 10-foot wide easement that exists currently on the subject property.

EXHIBIT B

