

AN ORDINANCE VACATING PORTIONS OF RIVER AVENUE, LINN AVENUE, BURKHART STREET, COLUMBUS STREET, AND DAVIDSON STREET, IN LINN COUNTY, OREGON; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY.

WHEREAS, in conjunction with the Wastewater Treatment Plant expansion project, the City of Albany has determined that these rights-of-way are needed for the current and potential future expansions to this public facility; and

WHEREAS, on January 25, 2006, the City of Albany City Council directed staff to initiate the vacation of these rights-of-way; 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 May 15, 2006, and recommended that the City Council approve the proposed vacation of the aforementioned rights-of-way; and

WHEREAS, the Albany City Council held a public hearing on June 14, 2006.

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

Section 1: Subject Property. The portions of River Avenue, Linn Avenue, Burkhart Street, Columbus Street, and Davidson Street (see legal description on attached Exhibit 1 and map labeled Exhibit 2) are hereby vacated.

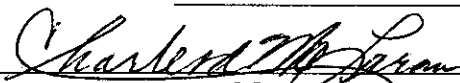
Section 2: Findings. The Findings, Conclusions, and Conditions in the Staff Report attached as Exhibit 3 are hereby adopted in support of this decision.

Section 3: 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 Council: June 14, 2006

Approved by Mayor: June 14, 2006

Effective Date: June 14, 2006

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

## **EXHIBIT 1**

(Legal Descriptions of Areas to be Vacated)

Portion of Burkhart Street in Burkhart Park Addition:

All of that portion of Burkhart Street between Blocks 7 and 18 in Burkhart Park Addition.

Portion of Columbus Street in Burkhart Park Addition:

All of that portion of Columbus Street between Blocks 18 and 19 in Burkhart Park Addition.

Portion of River Avenue in Burkhart Park Addition:

Beginning at the Northwest corner of Block 7 in Burkhart Park Addition, and running thence Easterly along the north line of Blocks 7, 18, and 19 in Burkhart Park Addition 720.0 feet, more or less, to the Northeast corner of Lot 1, Block 19 in Burkhart Park Addition, thence North along the Northerly extension of the East boundary of said Lot 1 60.0 feet to the North line of River Avenue, thence West along said North line of River Avenue 720.0 feet, more or less, to the Northerly extension of the West boundary of said Block 7 in Burkhart Park Addition, thence South 60.0 feet to the Point of Beginning.

Portion of Linn Avenue in Burkhart Park Addition:

Beginning at the Northwest corner of Block 20 in Burkhart Park Addition, and running thence Easterly 610.0 feet, more or less, along the North line of said Block 20 to the Northwest corner of Block 26 in Burkhart Park Addition, thence Northerly along the East line of Davidson Street 66.0 feet to the Southwest corner of Block 27 in Burkhart Park Addition, thence Westerly 610.0 feet, more or less, along the South line of Block 19 in Burkhart Park Addition to the Southwest corner of said Block 19, thence South 66.0 feet along the East line of Columbus Street, to the Point of Beginning.

Portion of Davidson Street in Burkhart Park Addition:

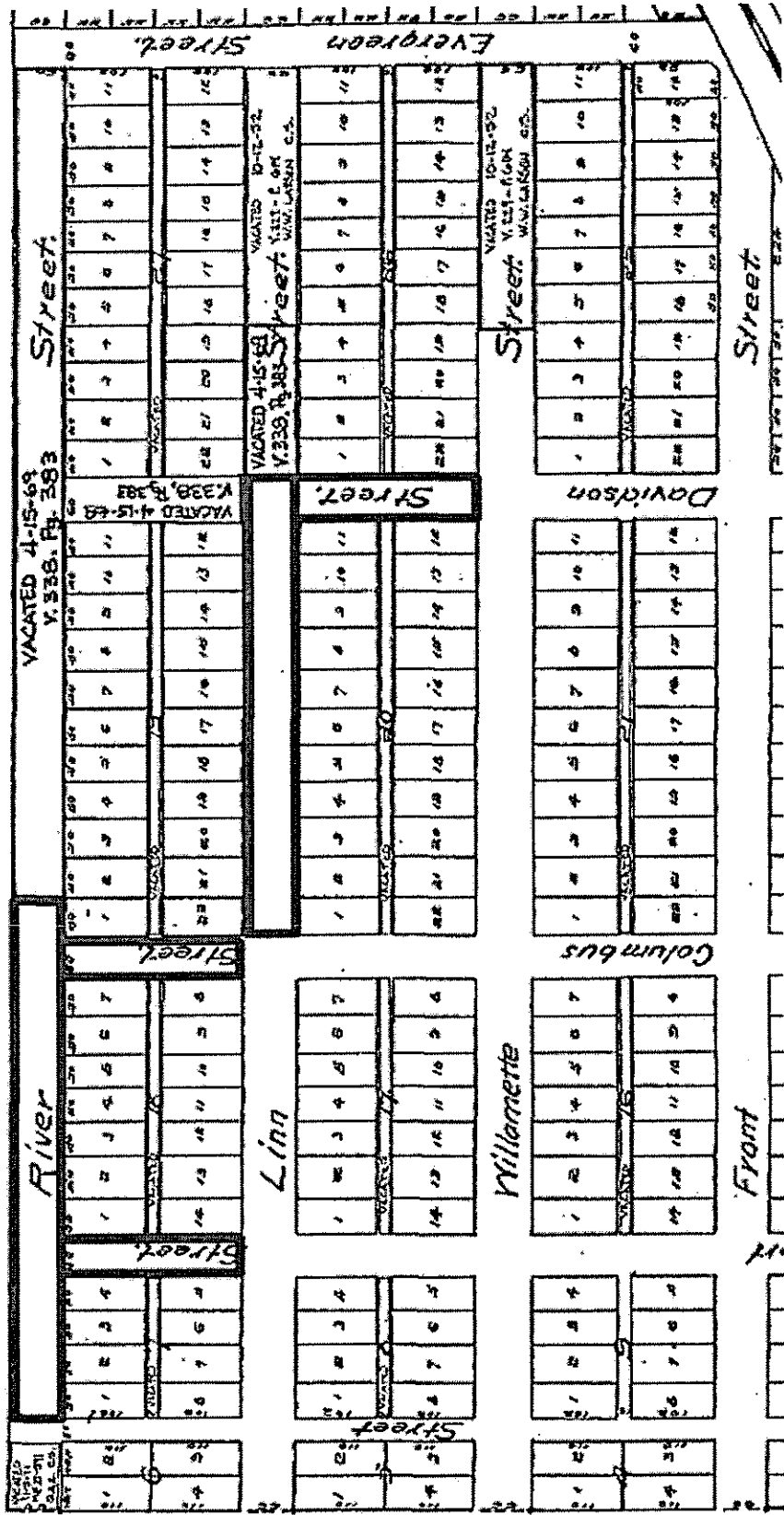
All of that portion of Davidson Street between Blocks 20 and 26 in Burkhart Park Addition.

**EXHIBIT 2**

(Map of Areas to be Vacated VC-01-06)

**C.S. 1686-A  
BURKHART PARK ADDITION**

ALLOTS IN BLOCKS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

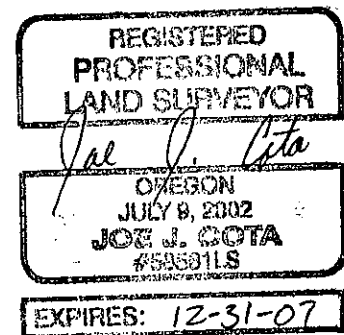


**EXHIBIT "A"**

**RIGHT-OF-WAY VACTION FOR A PORTION OF BURKHART STREET**

A portion of Burkhart Street right-of-way located in the City of Albany, Linn County, Oregon that is north of the northerly right-of-way line of Linn Avenue and south of the southerly right-of-way line of River Avenue, as shown on Exhibit "B" attached hereto and made a part of.

June 20, 2006  
BURKHART STREET R-O-W VACATION  
(05-68) JJC:ls  
File Ref: nfm/shared documents/legal/05-68-D burkhart st row vacation desc.docc



# EXHIBIT "B"

## BURKHART STREET RIGHT-OF-WAY VACATION

FOR

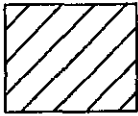
THE CITY OF ALBANY  
LINN COUNTY, OREGON

LOCATED IN

SECTION 5, T. 11 S., R. 3 W., W.M.

JULY 20, 2006

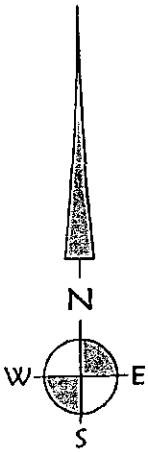
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STREETS VACATED BY THIS DOCUMENT



STREETS PREVIOUSLY VACATED  
BY MF VOL. 338, PAGE 383  
DATED: APRIL 15, 1969



RIVER AVENUE

LINN AVENUE

ALCO STREET

BURKHART STREET

COLUMBUS STREET

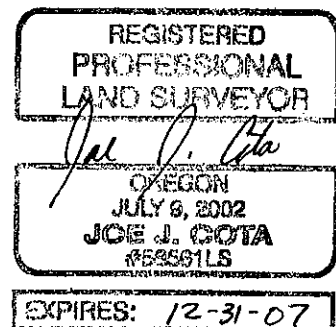
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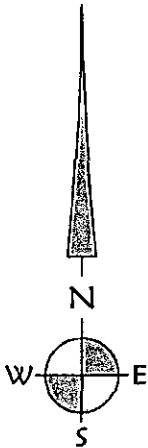
**EXHIBIT "A"**

**RIGHT-OF-WAY VACTION FOR A PORTION OF COLUMBUS STREET**

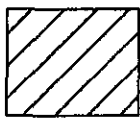
A portion of Columbus Street right-of-way located in the City of Albany, Linn County, Oregon that is north of the northerly right-of-way line of Linn Avenue and south of the southerly right-of-way line of River Avenue, as shown on Exhibit "B" attached hereto and made a part of.

June 20, 2006  
COLUMBUS STREET R-O-W VACATION  
(05-68) JJC:ls  
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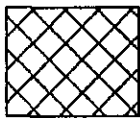




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STREETS PREVIOUSLY VACATED BY MF VOL. 338, PAGE 383 DATED: APRIL 15, 1969

**EXHIBIT "B"**

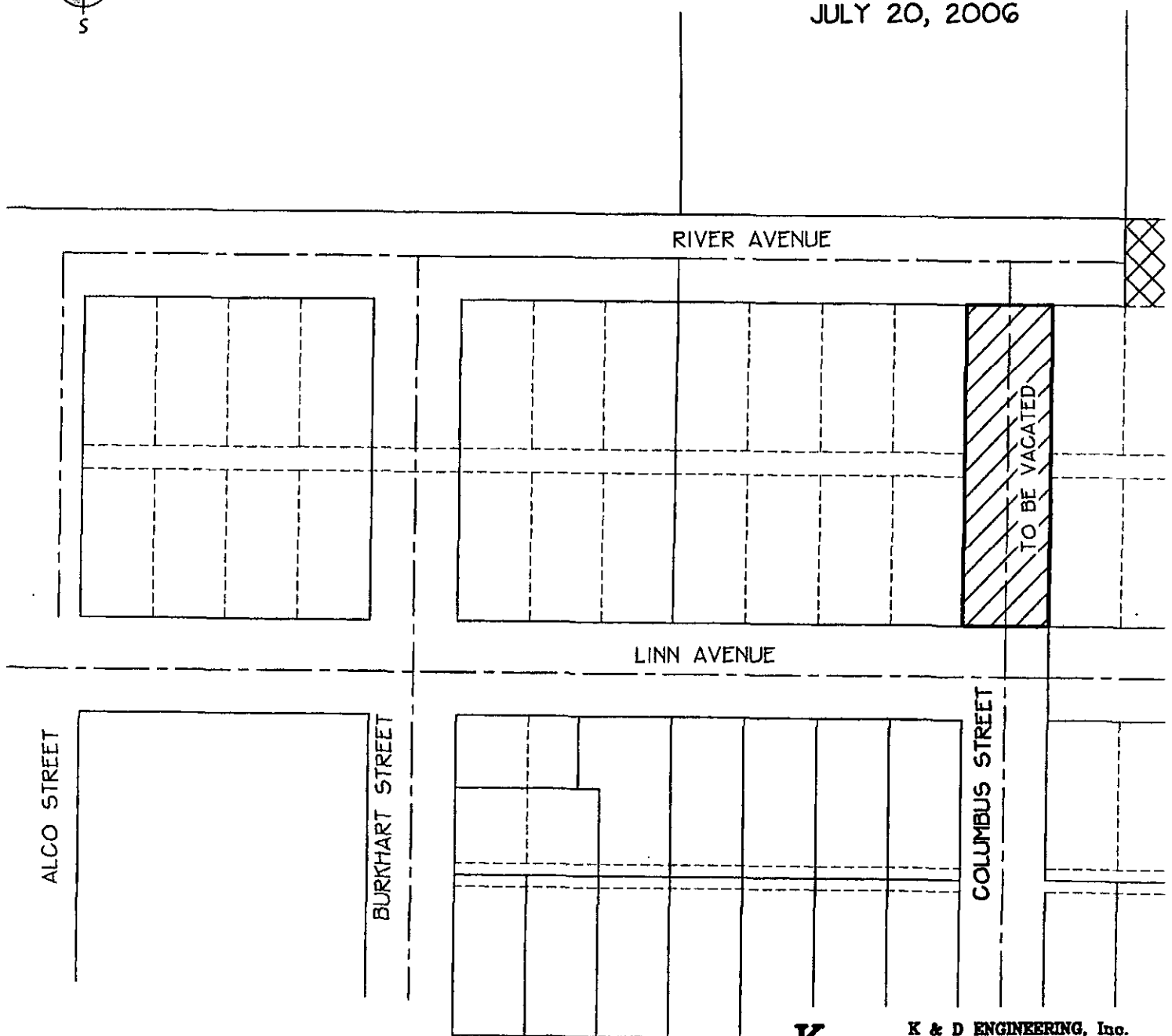
**COLUMBUS STREET  
RIGHT-OF-WAY VACATION**

FOR

**THE CITY OF ALBANY  
LINN COUNTY, OREGON**

LOCATED IN

**SECTION 5, T. 11 S., R. 3 W., W.M.  
JULY 20, 2006**



Date: 6/20/2006 Time: 13:25  
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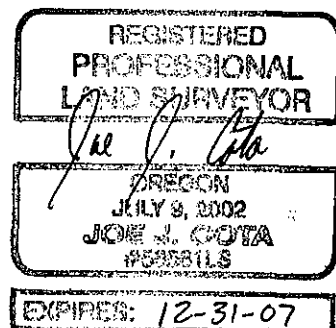


**K & D ENGINEERING, Inc.**  
276 N.W. Hickory Street P.O. Box 725  
Albany, Oregon 97321  
(541) 928-2583

**EXHIBIT "A"**

**RIGHT-OF-WAY VACATION FOR A PORTION OF RIVER AVENUE**

A portion of River Avenue right-of-way located in the City of Albany, Linn County, Oregon that is east of the easterly right-of-way line of Alco Street and west of the westerly terminus of that portion of River Avenue vacated by deed recorded in MF Volume 338, Page 383 in the Linn County, Oregon deed records on April 15, 1969, as shown on Exhibit "B" attached hereto and made a part of.



June 20, 2006  
RIVER AVENUE R-O-W VACATION  
(05-68) JJC:ls  
File Ref: nlm/shared documents/legal/05-68-D river ave row vacation desc.doc



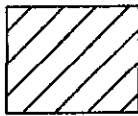
# EXHIBIT "B"

## RIVER AVENUE RIGHT-OF-WAY VACATION

FOR  
THE CITY OF ALBANY  
LINN COUNTY, OREGON

LOCATED IN  
SECTION 5, T. 11 S., R. 3 W., W.M.  
JULY 20, 2006

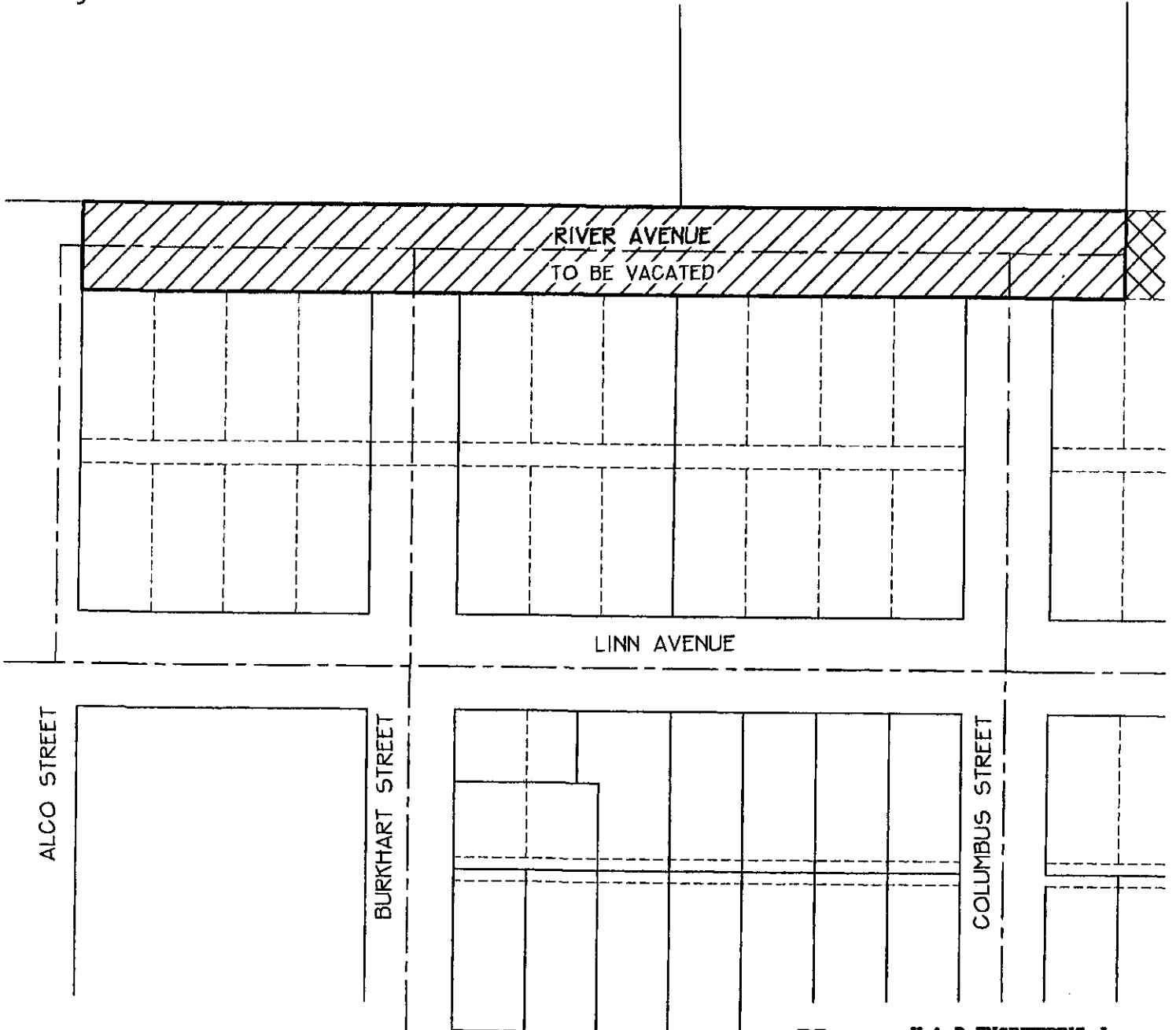
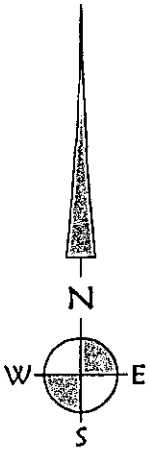
### LEGEND:



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DATED: APRIL 15, 1969



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276 N.W. Hickory Street P.O. Box 726  
Albany, Oregon 97321  
(541) 928-2583

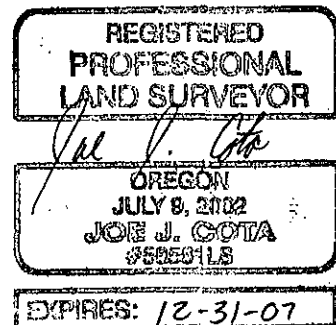
**EXHIBIT "A"**

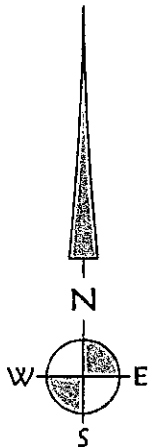
**RIGHT-OF-WAY VACTION FOR A PORTION OF LINN AVENUE**

A portion of Linn Avenue right-of-way located in the City of Albany, Linn County, Oregon that is west of the easterly right-of-way line of Davidson Street and east of the easterly right-of-way line of Columbus Street, as shown on Exhibit "B" attached hereto and made a part of.

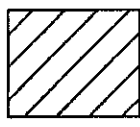
June 20, 2006  
LINN AVENUE R-O-W VACATION  
(05-68) JJC:ls

File Ref: nlm/shared documents/legal/05-68-D linn ave row vacation desc.doc

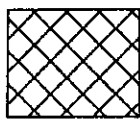




**LEGEND:**



STREETS VACATED BY THIS DOCUMENT



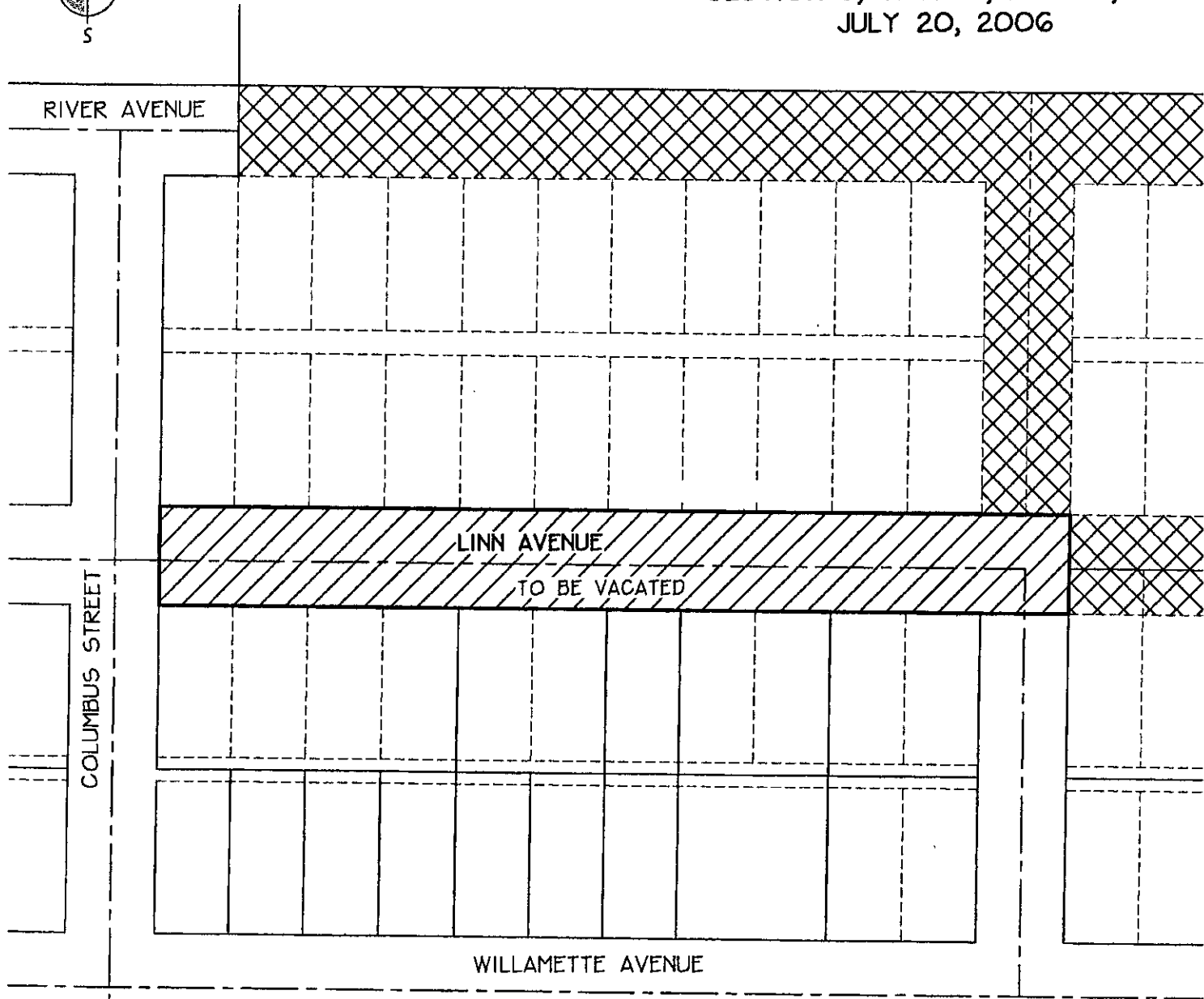
STREETS PREVIOUSLY VACATED  
BY MF VOL. 338, PAGE 383  
DATED: APRIL 15, 1969

**EXHIBIT "B"**

**LINN AVENUE  
RIGHT-OF-WAY VACATION  
FOR**

**THE CITY OF ALBANY  
LINN COUNTY, OREGON**

LOCATED IN  
**SECTION 5, T. 11 S., R. 3 W., W.M.  
JULY 20, 2006**



Date: 6/20/2006 Time: 13:38  
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**K & D ENGINEERING, Inc.**  
278 N.W. Hickory Street P.O. Box 785  
Albany, Oregon 97321  
(541) 928-2583

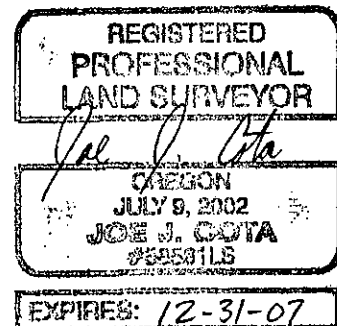
**EXHIBIT "A"**

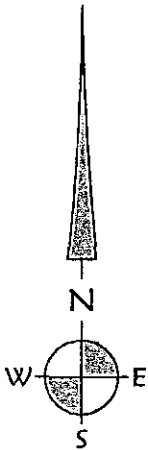
RIGHT-OF-WAY VACATION FOR A PORTION OF DAVIDSON STREET

A portion of Davidson Street right-of-way located in the City of Albany, Linn County, Oregon that is north of the northerly right-of-way line of Willamette Avenue and south of the southerly right-of-way line of Linn Avenue, as shown on Exhibit "B" attached hereto and made a part of.

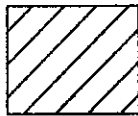
June 20, 2006  
DAVIDSON STREET R-O-W VACATION  
(05-68) JJC:ls

File Ref: nlm/shared documents/legal/05-68-D davidson st row vacation desc.doc





**LEGEND:**



STREETS VACATED BY THIS DOCUMENT



STREETS PREVIOUSLY VACATED  
BY MF VOL. 338, PAGE 383  
DATED: APRIL 15, 1969

**EXHIBIT "B"**

**DAVIDSON STREET  
RIGHT-OF-WAY VACATION**

FOR

**THE CITY OF ALBANY  
LINN COUNTY, OREGON**

LOCATED IN

**SECTION 5, T. 11 S., R. 3 W., W.M.  
JULY 20, 2006**

