

ORDINANCE NO. 4936

TITLE: AN ORDINANCE VACATING A PORTION OF FRONT AVENUE NE, LYING EAST OF WAVERLY DRIVE NE AND BETWEEN TAX LOT 300, 11-3W-05DA AND RAILROAD RIGHT-OF-WAY AND ADOPTING FINDINGS ATTACHED AS EXHIBIT "A" (Case No. VC-03-90).

WHEREAS, the Albany City Council on September 12, 1990, voted to initiate the proposed Street Vacation; and

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

WHEREAS, the Planning Commission held a Public Hearing on October 2, 1990, and recommended approval of the proposed vacation; and

WHEREAS, the Albany City Council at the Council meeting held on October 10, 1990, adopted Resolution No. 2988, City of Albany Resolutions, setting the hour of 7:15 pm o'clock on October 24, 1990, as the time for the second and final reading of the Ordinance.

WHEREAS, the Albany City Council held Public Hearings on October 10 and 24, 1990, 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 portion of Front Avenue lying east of Waverly Drive and between Tax Lot 300, 11-3W-05DA and railroad right-of-way as described in Exhibit "B" is hereby vacated, subject to the conditions of approval described in Exhibit "C".

(Attached Exhibit "B" and "C").

Passed by the Council: October 24, 1990


Approved by the Mayor: October 25, 1990

Effective Date: November 23, 1990



Mayor

ATTEST:



Deputy City Recorder

EXHIBIT A
FINDINGS FOR STREET VACATION
FILE NO. VC-03-90

1. The public interest will not be prejudiced by the Street Vacation.
2. The Vacation has been initiated by the City at the request of the industrial property owner adjacent to the subject street right-of-way.
3. The proposed Vacation will not affect access to any existing lots.
4. Front Avenue is not a designated arterial or collector street in this area.
5. The proposed Vacation of Front Avenue will not adversely affect the carrying capacity of Front Avenue in this vicinity as the area of the proposed street vacation serves only the Teledyne Wah Change facility.
6. The property adjacent to the proposed Street Vacation is zoned MH (Heavy Industrial) to the north and northeast and the property to the south is a railroad right-of-way.
7. The proposed area of the Street Vacation was dedicated entirely from the Teledyne Wah Chang property (Tax Lot 300, 11-3W-05DA).
8. There is an existing public 6-inch water line running east-west near the north right-of-way line of the area proposed to be vacated. A 15-foot wide public utility easement centered over the existing water line will be required to provide for maintenance and repair and to prohibit future construction over the line.
9. There is a public storm sewer line in the proposed area to be vacated running north-south approximately 100 feet from the Waverly Drive right-of-way line. A 15-foot wide public utility easement centered over the existing storm sewer line will be required to provide for maintenance and repair and to prohibit future construction over the line.
10. There is an existing fire hydrant located at the northeast terminus of the existing right-of-way. That portion of a 15-foot wide public utility easement centered over the existing fire hydrant and waterline will be required to provide for maintenance and repair.

EXHIBIT B
LEGAL DESCRIPTION
FILE NO. VC-03-90

As recorded in Book 267, Page 719, Linn County, Oregon, a 50-foot strip of land lying to the north of the following described line. Beginning at the SW corner of Lot 14, Block 28 of the Burkhardt Park Addition to the City of Albany, Linn County, OR; thence in a northeasterly direction of 380 feet along a tangent spiral and curve, which is the northerly right-of-way line of the Oregon Electrical Railroad; described in Book 98, page 143 and 173 in the Linn County Recorder's Office, Linn County, Oregon

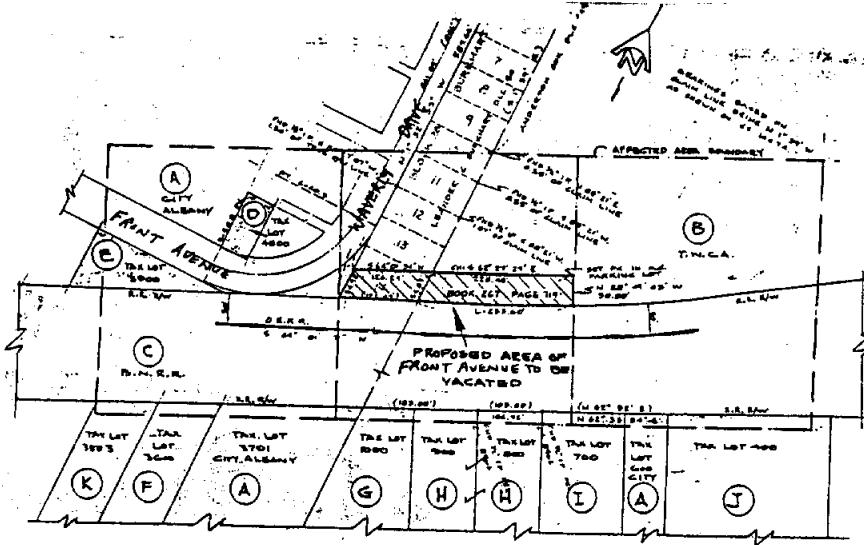


EXHIBIT C
CONDITIONS OF APPROVAL
FILE NO. VC-03-90

1. The City shall retain a 15-foot easement centered over the 6-inch water line running east-west near the north right-of-way line of the area to be vacated for maintenance and repair and to prohibit future construction over the line. **Prior to the second reading of the Vacation Ordinance**, the applicant shall submit a signed and notarized easement form to the City of Albany Public Works Department. The City will provide the easement form and will mail this to the applicant for notarized signatures within 5 working days of the first reading of the Street Vacation Ordinance.
2. The City shall retain a 15-foot wide easement centered over the existing storm sewer line running north-south approximately 100 feet from the Waverly Drive right-of-way line for maintenance and repair and to prohibit future construction over the line. **Prior to the second reading of the Vacation Ordinance**, the applicant shall submit a signed and notarized easement form to the City of Albany Public Works Department. The City will provide the easement form and will mail this to the applicant for notarized signatures within 5 working days of the first reading of the Street Vacation Ordinance.
3. The City shall retain a 15-foot easement centered over the existing fire hydrant and waterline located near the north right-of-way line at the terminus of the area to be vacated for maintenance and repair. **Prior to the second reading of the Vacation Ordinance**, the applicant shall submit a signed and notarized easement form to the City of Albany Public Works Department. The City will provide the easement form and will mail this to the applicant for notarized signatures within 5 working days of the first reading of the Street Vacation Ordinance.
4. **Prior to the second reading of the Vacation Ordinance**, the applicant shall submit to the Planning Division a legal description for the area of the Street Vacation.
5. If the existing gate located at the existing terminus of Front Avenue is relocated blocking access to fire hydrant no. 196 (east end of Front Avenue), the gate shall be equipped with a type of key box approved by the Fire Chief and shall contain keys to gain required access.