

ORDINANCE NO. 5145

AN ORDINANCE VACATING THAT PORTION OF LINN AVENUE LYING SOUTH OF WILLAMETTE AVENUE SE BETWEEN LOT 2, BLOCK 1 AND LOT 1, BLOCK 2, FIRST ADDITION TO TIMBER LINN ADDITION, MORE COMMONLY KNOWN AS 3810 AND 3820 WILLAMETTE AVENUE SE INCLUDING A ONE-FOOT RESERVE STRIP DEDICATED TO THE CITY OF ALBANY AND ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS" AND DECLARING AN EMERGENCY (FILE NO. VC-01-94).

WHEREAS, the Albany City Council on June 22, 1994, voted to initiate the proposed Street Vacation at the request of Steve and Jackie Hays and Stan and Debbie Ferguson; 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 June 6, 1994, and recommended approval of the proposed vacation; and

WHEREAS, the Albany City Council held a Public Hearing on June 22, 1994, 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 Linn Avenue lying south of Willamette Avenue SE and between Lot 2, Block 1 and Lot 1, Block 2 of First Addition to Timber Linn Addition, Linn County, Oregon and more commonly known as 3810 and 3820 Willamette Avenue SE including a one-foot reserve strip dedicated to the City of Albany (as shown on attached Exhibit "B") is hereby vacated, subject to the following condition of approval:

1. Prior to the second reading of the Street Vacation Ordinance, a sidewalk shall be construction in conformance with City Specifications connecting the existing sidewalks adjoining the area to be vacated.

Section 3: EMERGENCY CLAUSE

Whereas, the above listed condition of approval has been met and 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: August 24, 1994

Approved by the Mayor: August 24, 1994

Effective Date: August 24, 1994

Marv R. Saxton
Marv Saxton, Council President

ATTEST:

Norm C. Withrow
Deputy City Recorder

EXHIBIT A

FINDINGS FOR STREET VACATION
FILE NO. VC-01-94

1. Linn Avenue SE is not a designated arterial or collector street.
2. Linn Avenue SE in the vicinity of the proposed street vacation is currently an undeveloped/unused street with a right-of-way width of 50 feet.
3. There are no public or private utilities located within the existing right-of-way.
4. The Vacation has been initiated by 100% of the adjoining property owners and the property owners of 100% of the properties within the required two-thirds signature area.
5. The proposed Vacation will not affect access to any existing lots.
6. There are sidewalks constructed adjacent to Willamette Avenue except for the area within the unimproved street right-of-way.
7. Willamette Avenue is improved to City Standards in this area.
8. The area of the proposed vacation lies 160 feet to the east of Timber Street which is currently an approximately 36-foot wide road which was constructed to Linn County Road standards (no curbs, gutters, or sidewalks).
9. The 13.31 acre parcel to the south has been developed as a 78-unit manufactured home park with it's own interior traffic circulation which takes access from Western and Hummingbird Streets (formerly Glendale Street) which are improved to City Standards.
10. The proposed Vacation will not be inconsistent with the Comprehensive Plan Transportation Goal Policy No. 1, which calls for an efficient, safe, and non-disruptive relationship between the land use and the transportation system.
11. There is no evidence on the ground that the street right-of-way exists, as the curb and gutter on Willamette Avenue extend across the area of the proposed vacation.
12. The existing right-of-way is unimproved at this time and has or will be incorporated into the yards of the adjoining properties.
13. The existing street (50 feet) right-of-way was dedicated in 1978 as a part of a 93 lot subdivision plat (Timber Linn Subdivision) and has been unused since that time.
14. At the time of the subdivision approval, the property to the south was undeveloped and the stub street was platted for a future street extension to what became Block 8 of the First Addition to Timber Linn Subdivision.
15. Block 8 is currently developed with a 78-unit manufactured home park.
16. The public interest, present and future, will not be compromised as access to adjoining properties is not necessary as the property has developed utilizing access from other adjoining streets.
17. With the construction of a sidewalk across the vacated street right-of-way adjacent to Willamette Avenue, all of the criteria for the approval of a vacation request will be met.

EXHIBIT B

