

ORDINANCE NO. 5360

AN ORDINANCE VACATING A PORTION OF THE HOWARD STREET SE RIGHT-OF-WAY THAT WAS CREATED BY THE ORIGINAL PLAT FOR THE TRIPP TRACTS LOCATED NORTH OF QUEEN AVENUE SE, SOUTH OF THE EXISTING HOWARD DRIVE CUL-DE-SAC BULB, AND WEST OF MARION STREET SE; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY (FILE VC-01-98).

WHEREAS, ON February 25, 1998, the City of Albany Public Works Department, Engineering Division, asked that the Albany City Council initiate the vacation of 2,322 square feet of right-of-way that was created by the original plat for the Tripp Tracts and no longer necessary with the realignment of Howard Drive and Marion Street at their intersection with Queen Avenue; and

WHEREAS, the Albany City Council, on February 25, 1998, agreed to initiate this right-of-way vacation; and

WHEREAS, notices of public hearings were mailed, posted and published as required by state and local law; and

WHEREAS, the Albany Hearings Board held a public hearing on March 19, 1998, and recommended approval of the proposed vacation; and

WHEREAS, the Albany City Council held a public hearing on April 8, 1998.

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

Section 1: Subject Property. A 30-foot wide portion of the Howard Street right-of-way is hereby vacated. This property is located north of Queen Avenue SE; west of Marion Street, south of the existing Howard Street cul-de-sac bulb and is adjacent to property more commonly known as 335 Queen Avenue SE, Linn County Assessor's Map No. 11S-3W-07CA, Tax Lot 6500.

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

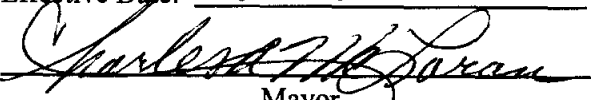
Section 3: Map. A copy of the tax map showing the property being vacated is attached as Exhibit B.

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.

Passed by the Council: April 8, 1998

Approved by the Mayor: April 8, 1998

Effective Date: April 8, 1998


Mayor

ATTEST:



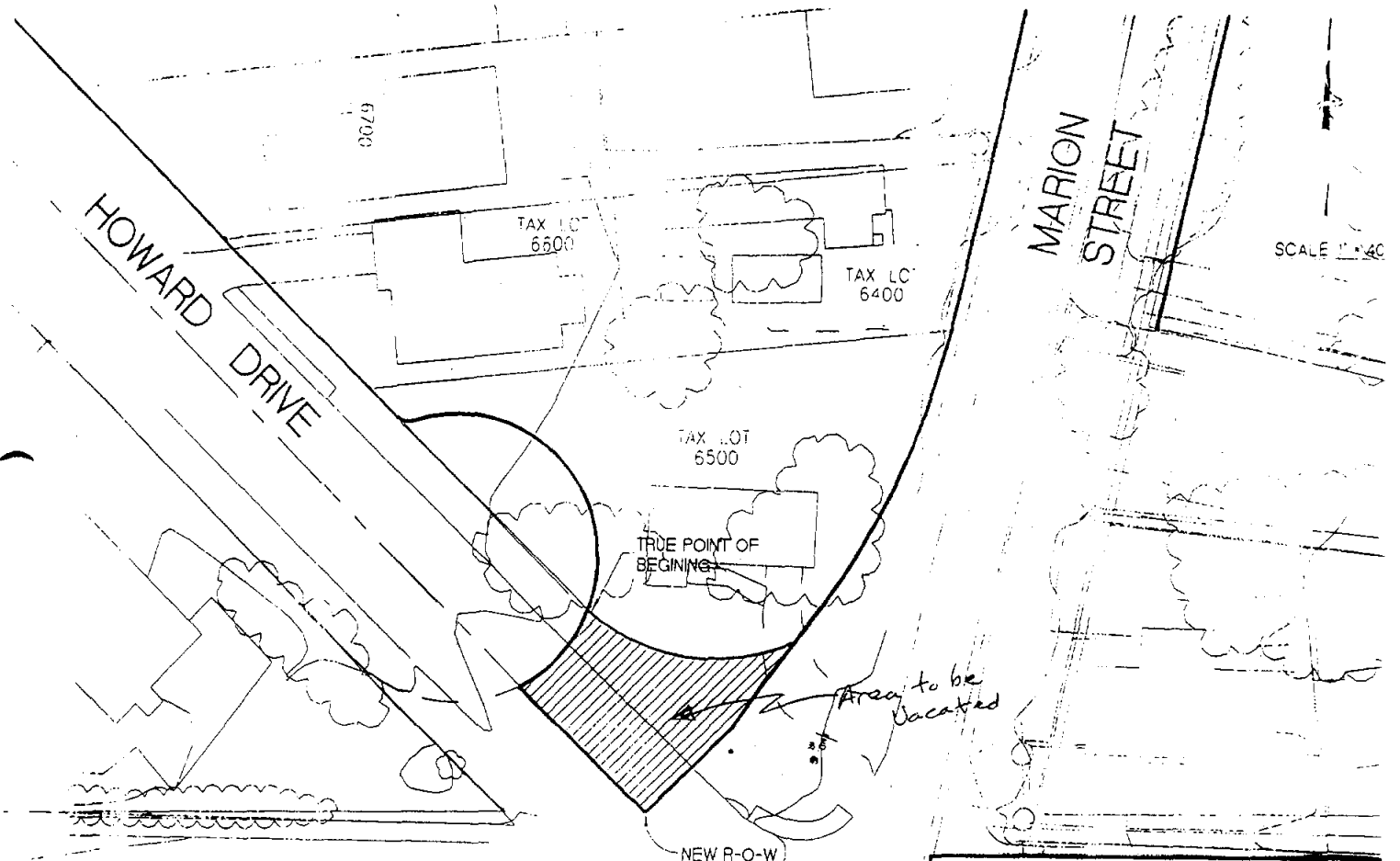
City Recorder

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

EXHIBIT A
FINDINGS: VC-01-98

- 1.2 The existing 60-foot wide right-of-way for Howard Street was dedicated as part of a subdivision plat (Tripp Tracts) in 1944. In 1997, additional right-of-way for a cul-de-sac bulb on Howard Street was dedicated and constructed to City standards as part of the Marion Street realignment project.
- 1.3 Sanitary Sewer. Sanitary sewer utility maps indicate that public sanitary sewer service adjacent to this site consists of an eight-inch line that runs north through the middle of the parcels located between Howard Street and Marion Street. Vacating the right-of-way will not affect any public sewer line.
- 1.4 Water. Water utility maps indicate that public water service adjacent to this site consists of a 12-inch main located in Queen Avenue and a new 24-inch main located in Marion Street. Vacating the right-of-way will not affect any public water main.
- 1.5 Storm Drainage. Storm drainage utility maps indicate that storm drainage adjacent to this site consists of an 18-inch line located in Queen Avenue. Vacating the right-of-way will not affect any public storm drain line.
- 1.6 Streets. The subject area to be vacated will be combined with adjoining Tax Lot 6500. The parcel is bounded on the west by Howard Street and the new cul-de-sac bulb constructed at the terminus of Howard Street and on the east and south by Marion Street. All of the streets have been constructed to City standards (curb, gutter, sidewalk and storm drainage).
- 2.1 The subject area to be vacated will be combined with an adjoining Tax Lot. The parcel is bounded on the west by Howard Street and on the east and south by Marion Street. The remaining right-of-way contains a sidewalk and landscaping and provides a connection between the cul-de-sac that was constructed at the end of Howard Street and Queen Avenue and Marion Street.
- 2.2 The existing public sewer, water and storm drainage facilities lie either in the public street rights-of way or lie within existing easements other than the subject right-of-way proposed to be vacated.
- 3.1 There is no vehicular traffic in this area. The subject right-of-way is not listed in any transportation or public facility plan and is not an essential link for traffic circulation. Howard Street was terminated in a cul-de-sac due to the realignment of Marion Street and to eliminate a dangerous situation where Howard and Marion Streets came together at a 45-degree and a 60-degree angle at Queen Avenue.
- 4.1 The Marion Street LID required additional street right-of-way for construction of a traffic signal at the Marion Street and Queen Avenue intersection. In addition, the project involved the closure of Howard Street and the construction of a new cul-de-sac at the end of Howard Street adjacent to Queen Avenue. To make this possible, the City negotiated with Wayne and Nancy O'Hern for the needed right-of-way. This involved buying a small portion of new street right-of-way from both the east and west sides of their lot. In doing so, however, the overall lot was reduced in size, such that its buildability was affected. As the O'Herns indicated that they were planning on building a duplex on the site in the near future, the City agreed to vacate the east half of Howard Street and make it available to the O'Herns when Howard Street was closed off as part of the overall Marion Street project. The vacated half street would be used to provide part of the on-street parking required by the duplex.
- 5.1 The Howard Street right-of-way dedication occurred in 1944 with the recording of Tripp tracts. In 1997, Howard Street was dead-ended with a cul-de-sac with the realignment of the Marion Street intersection with Queen Avenue. A pedestrian connection between Howard Street and Queen Avenue/Marion Street has been provided within the westerly 30 feet of remaining right-of-way.

EXHIBIT B
MAP: VC-01-98



QUEEN AVENUE

VC-01-98

CITY OF ALBANY
PUBLIC WORKS DEPARTMENT
ENGINEERING/UTILITIES DIVISION
EXHIBIT "B"
ONE-HALF OF HOWARD DRIVE
VACATION