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RESOLUTION NO. 1942

BE IT RESOLVED by the Council of the City of Albany, Oregon that there shall be initiated such proceedings as are necessary to vacate a portion of Madison Street in the City of Albany, Linn County, Oregon, which is more particularly described as follows, to-wit:

(see attached legal description)

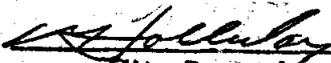
The Recorder of the City of Albany is hereby directed to give notice of a public hearing on the proposed said vacation of easement as above described to be held in the Council Chambers at the City Hall, Albany, Oregon, on the 22nd day of March, 1978, at the hour of 7:15 p.m. o'clock by publication of notice thereof once a week for four consecutive weeks in a newspaper of general circulation within the City of Albany and by posting notice thereof at each end of the proposed vacation and at two places within the area of the proposed vacation, within five days of first publication date, said notice to set forth the time, place and purpose of said hearing and to contain a description of the street proposed to be vacated.

DATED this 22nd day of February, 1978.



Mayor

ATTEST:



City Recorder

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INTERDEPARTMENTAL MEMORANDUM
Planning Department

SUBJECT: Vacation of a portion of Madison Street located between Water Avenue and the Willamette River

TO: Mayor and Members of the City Council

FROM: Hearings Board

DATE: February 15, 1978

Background Information:

This joint street vacation - Greenway Conditional Use permit request has been initiated by the City of Albany after discussions with the adjoining property owners (Stokely Van-Camp and the Jenks-White Seed) and the Burlington Northern Railroad regarding the relocation of the railroad tracks in Water Avenue and the need to construct a loading dock within the right-of-way. The right-of-way in question is all of Madison Street between Water Avenue and the Willamette River. The area is 66 feet by approximately 370 feet, most of which is presently paved and used by Stokely's for storage and truck maneuvering. The north end of the right-of-way also contains an interceptor sewer line, including two manholes, which runs east and west along the river bank.

Because this area is within the Willamette River Greenway Boundary, a Greenway Conditional Use Permit has been required by Board approval to allow vacation of the public right-of-way and construction of the loading dock. In addition, any future improvements within the right-of-way will also require a Greenway Conditional Use Permit.

Hearings Board Action:

The Hearings Board, at their regular meeting of February 8, 1978, took action recommending approval of the vacation to the City Council based on the following findings and conditions for approval:

- (1) This right-of-way has not been used in recent history for public access or traffic flow.
 - (2) Vacation of the right-of-way will facilitate relocation of the railroad tracks in Water Avenue and will permit the adjoining industries to load and unload rail cars away from the main flow of traffic.
 - (3) The City of Albany has 18 dedicated streets which terminate at the Willamette River. With the exception of the two bridges, none of these is improved to the river front. Although it is unlikely that any of these will be improved in the future, the Willamette Greenway Order requires that ". . . to the greatest possible degree, public access should be provided either to or along the river in conjunction with this vacation request if approved.
 - (4) The construction of the proposed loading dock is not in conflict with the Greenway Order.
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- (5) The proposed loading dock would be located within the required 30 foot front yard setback if the street is vacated, thus a setback variance must also be granted to allow construction of the loading dock as proposed.

The Hearings Board further recommended the following conditions for approval:

- (1) A 30' fire lane and sanitary sewer access easement shall be reserved on the right-of-way section between the buildings and a 20' sewer maintenance easement shall be reserved over the existing sanitary sewer trunk line.
- (2) No more than one rail car shall be allowed to block the vacated right-of-way at any one time.
- (3) To satisfy the Greenway requirements for public access, the Hearings Board selected the option as follows:
 - (a) Require Stokely Van-Camp to dedicate a 10 foot pedestrian access easement along the riverbank between Lafayette Street and Main Street. This option is recommended by the Parks and Recreation Department. The location of such access is to be determined after an on site inspection and discussion with the City of Albany Parks Department and any improvements are to be reviewed and approved in conjunction with the property owner and the City. The extent of liability is to be determined in discussions.
- (4) Any additional improvements within this area will require an additional Greenway Conditional Use Permit.

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NOTICE OF PUBLIC HEARING

AFFECTING THIS AREA

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CITY of ALBANY

City Hall • 240 W. Second Ave. • P.O. Box 490 • Albany, Oregon 97321 • Phone 926-4261

SUBJECT: Vacation and Willamette Greenway Conditional Use Permit

PURPOSE OF HEARING: Initiation of vacation proceedings and granting of a Greenway Conditional Use permit for a portion of Madison Street located between Water Avenue and the Willamette River. The area in question is shown by the shaded area on the map below.

PETITIONER: City of Albany

TO BE HEARD BY: Albany Hearings Board

DATE AND TIME OF HEARING: Wednesday, February 8, 1978 , 4:00 p.m.

LOCATION OF HEARING: City Hall Council Chambers, 240 West 2nd Avenue,
Albany, OR.

ANY PERSON wishing to speak either for or against the proposed vacation/conditional u may do so in person or by authorized representative. Also signed written comments may be filed with the Planning Department prior to the time of the hearing.

DATED this 30th day of January, 1978.

CITY OF ALBANY PLANNING DEPARTMENT, Phone 967-4318.

