

ORDINANCE NO. 5122

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

AN ORDINANCE VACATING THE EASTERN PORTION OF OAK STREET SE LYING BETWEEN QUEEN AVENUE SE AND GEARY STREET SE AND ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS" (FILE NO. VC-01-92).

WHEREAS, on August 6, 1984, a public hearing was held by the Albany Planning Commission with a unanimous recommendation to the Council to proceed with the Street Vacation; and

WHEREAS, on August 22, 1984, the City Council unanimously approved the Street Vacation subject to the transfer of title from Linn County to the City; and

WHEREAS, on June 1990, Oak Street was transferred from the Linn County road system to the City of Albany street system, removing a complexity that existed at the time the Street Vacation request was before the Council in 1984; and

WHEREAS, the Albany City Council, on February 12, 1991, voted to re-initiate the proposed Street Vacation at the request of Orval and Veralee Bontrager; and

WHEREAS, approximately seven and one-half years had passed since the original public hearing on the proposed Street Vacation, notices of a public hearing were again mailed, posted and published as required by state and local law; and

WHEREAS, the Albany City Council held a Public Hearing on April 8, 1992, and parties were given an opportunity to be heard and the Council being fully informed; and

WHEREAS, first and second reading of this ordinance was deferred until a joint access/maintenance agreement was signed by all adjacent property owners.

WHEREAS, a joint access/maintenance agreement has been signed by all adjacent property owners.

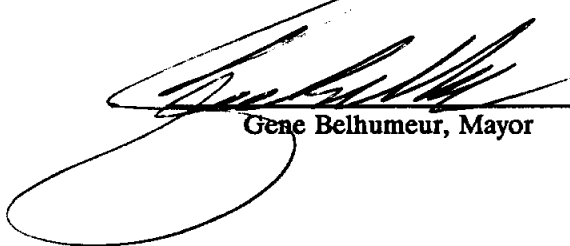
NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The Findings attached as Exhibit "A" are hereby adopted in support of this decision.

Section 2: That portion of Oak Street SE lying between Queen Avenue and Geary Street and between Tax Lots 101, 102, and 409, Assessor's Map No. 11-3W-08CC, and further described in Exhibit "B" is hereby vacated, subject to the conditions of approval described in Exhibit "C".

(Attached Exhibits "A", "B" and "C").

Passed by the Council: June 8, 1994
Approved by the Mayor: June 8, 1994
Effective Date: July 8, 1994


Gene Belhumeur, Mayor

ATTEST:


D. Gary Holliday, City Recorder

EXHIBIT A
FINDINGS FOR STREET VACATION
FILE NO. VC-01-92

1. Oak Street, between Geary Street and Queen Avenue, was part of the old County road system which served as a major access to Albany from the south. Since Queen Avenue has been extended to Waverly Drive and is a major arterial street, the diagonal portion of Oak Street should only serve as an access road to the adjacent properties. The public interest will not be prejudiced by the Street Vacation.
2. Oak Street was transferred from the County Road system to the City of Albany street system on June 19,1990.
3. The Vacation has been initiated by the City at the request of several of the adjoining property owners as a result of Site Plan Review conditions of approval.
4. Oak Street is currently not improved to City Standards and is in very poor condition. Staff estimates that to fully improve the street to City Standards (street, curbs, gutters, storm drainage, and sidewalks), the total cost assessed to the adjacent property owners would be approximately \$158,000. By vacating the eastern half of the street, and slightly realigning the intersection of Oak Street with Geary Street by providing a commercial driveway approach at an estimated cost to the City of approximately \$11,700 (Indexed to 1994 costs this figure will be approximately \$13,000), access to the adjoining property owners will be provided without a heavy street assessment and the traffic safety issues which affect the community at large will be addressed.
5. The proposed Vacation will not affect access to any existing lots.
6. Public utilities such as sewer, water, gas, a fire hydrant, etc. are located within the street right-of-way. If vacated, the entire right-of-way width of 60 feet must be maintained as a public utility easement.
7. The adjacent property owners would acquire one-half of the vacated street right-of-way. However, a joint access easement would be retained of the entire right-of-way width of 60 feet. A mutual access/maintenance agreement between property owners has been signed and the original document will be recorded by the City of Albany at the applicants expense upon final approval of the street vacation.
8. Oak Street is not a designated arterial or collector street.
9. The proposed Vacation of the easterly half of Oak Street between Queen Avenue and Geary Street will not adversely affect the carrying capacity of Queen Avenue or Geary Street in this vicinity. The area of the proposed street vacation will be utilized as an additional parking area and access to Queen Avenue or Geary Street will be provided by means of a private drives.
10. Traffic safety will be enhanced as currently vehicles use Oak Street to bypass the signal at the intersection of Geary and Queen. The vehicular conflicts caused by the existing through traffic movements on Oak Street will be alleviated.
11. The proposed redevelopment of the vacated right-of-way will provide for the realignment of the existing Oak/Geary Street intersection at a right angle.

EXHIBIT C
CONDITIONS OF APPROVAL
FILE NO. VC-01-92

1. The City will construct the realignment to the Geary/Oak intersection with the installation of a standard commercial driveway at no cost to the property owners.
2. The City shall retain the entire area to be vacated as a public utility easement for the maintenance and repair of all private (i.e. telephone, gas, cable TV) and public utilities and to prohibit future construction of permanent structures within this area.
3. A joint access easement shall be reserved for the vacated roadway.
4. A joint access/maintenance agreement shall be recorded which will run as an encumbrance with the land.
5. The developer must coordinate the driveway installation work through the City of Albany Engineering Division (contact Guy Mayes at 967-4300 for assistance). It will then be the developer's responsibility to complete the physical separation of the two halves of Oak Street, by removing a section of the existing pavement, installing a permanent barricade, and installing perimeter curbing to separate the existing street from the landscaped area. The developer must submit a more detailed design of these improvements prior to issuance of building permits, for review and approval by the City Engineer.
6. Landscaping in the areas where pavement is removed shall be provided by adjacent property owners.