ORDINANCE NO. 5137

AN ORDINANCE VACATING THAT PORTION OF THE EXISTING RIGHT-OF-WAY OF 19TH AVENUE (FORMERLY LEHIGH COURT, STREET NAME CHANGE CASE NO. SR-06-93) WHICH IS NECESSARY FOR THE NEW STREET ALIGNMENT WHICH WAS CHANGED WITH THE REPLATTING OF BLOCKS 3 AND 4 (SUBDIVISION CASE NO. M1-10-93) AND ADOPTING ATTACHED EXHIBIT "A" KNOWN AS *FINDINGS* AND DECLARING AN EMERGENCY (FILE NO. VC-03-94).

WHEREAS, on June 15, 1994, the proposed Street Vacation was requested by Gordon Vogt and Bob Mitchell dba West Coast Homes (100% of the adjoining property owners) and 100% of the property owners within the required 2/3rd's signature area; and

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

WHEREAS, the Albany Hearings Board held a Public Hearing on August 1, 1994, and recommended approval of the proposed vacation; and

WHEREAS, the Albany City Council held a Public Hearing on August 10, 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 the existing right-of-way of 19th Avenue (formerly Lehigh Court) adjacent to Lots 15 through 28, Block 3, Riderwood Subdivision, Linn County, Oregon (adjacent to Tax Lots 3000 through 4300, Assessor's Map No 11-3W-09CC) is hereby vacated.

Section 3: 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:	August 10, 1994	
Approved by the Mayor: .	August 10, 1994	
Effective Date:	gust 10, 1994	
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ATTEST:

Drenty City Recorder

EXHIBIT A

FINDINGS FOR STREET VACATION FILE NO. VC-03-94

- 1. Lehigh Court, Phase V of the original Riderwood Subdivision was proposed to end in a cul-de-sac bulb with a church proposed to be built on Block 4, Riderwood Subdivision (Phase IV).
- 2. The alignment has been changed with the replatting of Block 3 and 4 (Subdivision Case No. M1-10-93). Oregon Revised Statues (ORS) requires the vacation of an existing street right-of-way if the configuration is not the same as shown on the original subdivision plat.
- 3. All adjoining properties have or will have access to a public street.
- 4. Public improvements (water, sanitary sewer, storm drainage, street improvements, fire hydrant) are currently under construction as required by the conditions of approval for Tentative Subdivision approval.
- 5. Nineteenth Avenue (formerly Lehigh Court) is not a designated arterial or collector street.
- 6. Prior to Tentative Plat Approval for the replatting of Block 3, Lots 15 through 28 (Phase V, Riderwood Subdivision) and Block 4, Riderwood Subdivision (Phase IV), the applicants retained a registered traffic engineer who conducted a traffic impact study which conformed to the standard Oregon State Highway Department format. The study considered the immediate impact that the current proposal, together with those other phase of the Riderwood subdivision already under construction, would have on traffic flows in the area. The study concluded that the completion of the Riderwood Subdivision would not significantly degrade traffic flow in the Lehigh neighborhood. The study further concluded that until the connection with 21st Avenue and Waverly Drive is completed, there are no traffic solutions that will significantly improve the existing traffic conditions. The continued growth of traffic volume on Santiam Highway will have the largest negative impact on neighborhood traffic.
- 7. On May 23, 1994, the Albany Public Works Engineering Division approved the construction plans for all public facilities within Phases V, including Block 4, Phase VI, Phase VII, and Block 6 Riderwood Subdivision and on June 8, 1994 a Permit to Construct was issued by the Engineering Division.
 - 8. The Vacation has been initiated by 100% of the adjoining property owners and the property owners within the required 2/3rd's signature area.
 - 9. The proposed Vacation will not affect access to any existing or proposed lots as the area of the proposed Street Vacation will be rededicated by the replatting of Block 3 and 4, Riderwood Subdivision.

