ORDINANCE NO. 5172

AN ORDINANCE VACATING THAT PORTION OF AN ALLEY RIGHT-OF-WAY LOCATED BETWEEN THIRD AND FOURTH AVENUES, EAST OF BROADALBIN STREET, A DISTANCE OF 134.35 FEET AND ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS" AND DECLARING AN EMERGENCY (FILE NO. VC-04-94).

WHEREAS, the Albany City Council on January 12, 1994, voted to initiate the proposed Alley Vacation; 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 August 29, 1994, and recommended approval of the proposed vacation; and

WHEREAS, the Albany City Council held a Public Hearing on September 14, 1994, and parties were given an opportunity to be heard and the Council being fully informed; and

WHEREAS, the Albany City Council conducted the first reading of the Allev Vacation Ordinance on September 14, 1994; and

WHEREAS, the existing public sanitary sewer line, and private gas main and electrical lines have be abandoned or relocated as required prior to the second reading of the Alley Vacation Ordinance;

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 alley right-of-way located between Third and Fourth Avenues, east of Broadalbin Street, a distance of 134.35 feet and adjacent to Tax Lots 900 and 1500, Assessor's Map No. 11-3W-07BB, as shown in Exhibit "B" is hereby vacated, subject to the following condition of approval:

Prior to occupancy of the City Hall building, a curb, gutter and sidewalk shall be constructed across the vacated portion of the alley adjacent to Broadalbin Street.

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.

3/29/95 Passed by the Council: .

3/29/95 Approved by the Mayor:

3/29/95 Effective Date: enterd Ill Mayor va

ATTEST: norm

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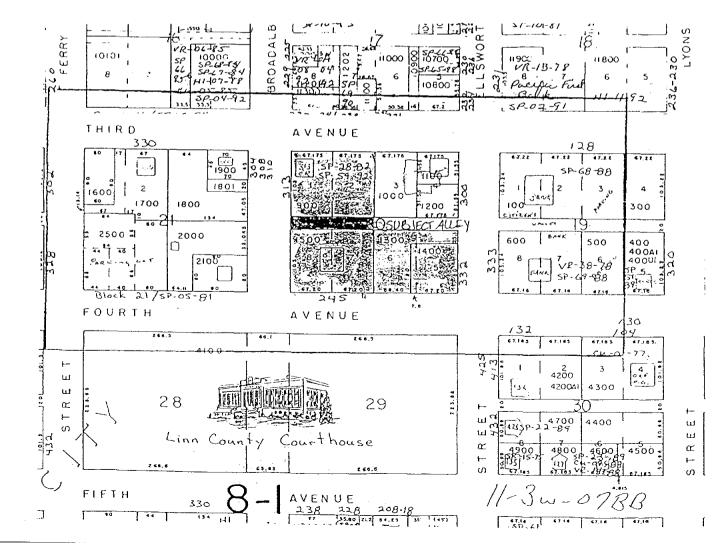
FINDINGS FOR ALLEY VACATION FILE NO. VC-04-94

- The vacation has been initiated by the City of Albany to facilitate the construction of a city hall.
- 2. There is an 8-inch sanitary sewer line, a 1-inch gas main, and an electrical transmission line located within the alley right-of-way.
- 3. The sanitary sewer lateral serving the bank located on Tax Lot 1200 will be redirected to a sanitary sewer line located to the east of the building at the city's expense.
- 4. A new gas service line will need to be provided to serve the Linn County Law Library by extending an existing gas main, which terminates mid-block between Second and Third Avenues, south to the building which is located at the southwest corner of Third and Broadalbin Street.
- 5. All existing public utilities will be relocated or abandoned by the City or the private utility companies prior to the construction of the new City Hall.
- 6. The subject alley is not listed in any transportation or public facility plan and is not an essential link for traffic circulation.
- 7. Broadalbin Street and 3rd and 4th Avenues are improved to City Standards in this area.
- 8. The existing alley is not an essential link for traffic circulation.
- 9. The entire block is surrounded by public streets.

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- 10. The vacation will not affect access to any existing lots.
- 11. The easterly half of the block will continue to have access to the unvacated portion of the alley.
- 12. The Tax Lots bordering the vacation will have indirect frontage on three public streets after the vacation is finalized, with each separate Tax Lot having direct access to two public streets.





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e.,

STATE OF OREGON County of Linn I hereby certify that the attached was received and duly recorded by me in Linn County records. STEVE DRUCKENMILLER Linn County Clerk By _____, Deputy PAGE_49 By _____, Deputy PAGE_49

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