

ORDINANCE NO. 5870

AN ORDINANCE VACATING A PORTION OF THE FIRST AVENUE RIGHT-OF-WAY, IN ALBANY, OREGON.

WHEREAS, the City Council initiated proceedings to vacate a portion of 1st Avenue on May 27, 2015; and

WHEREAS, the vacated area will revert to the property immediately north of the 1st Avenue right-of-way; and

WHEREAS, notices of public hearing were mailed and posted on the site on February 12, 2016; and published in the *Albany Democrat-Herald* on February 22, 2016, and February 29, 2016, as required by state and local law; and

WHEREAS, the Albany Planning Commission held a public hearing on March 7, 2016, and recommended that the City Council approve the proposed street vacation; and

WHEREAS, the Albany City Council held a public hearing on April 27, 2016, reviewed the testimony presented at the public hearing and the findings in the staff report, and deliberated on the vacation request; and

WHEREAS, the Albany City Council adopted the Findings and Conclusions in the Staff Report concerning planning file VC-01-15 in support of the vacation.

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

Section 1: Subject Property. The portion of the 1st Avenue right-of-way, west of Washington Street, located in the Southeast ¼ of Section 1, Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Linn County, Oregon is hereby vacated, as presented and described in Exhibit A and Exhibit B of this Ordinance.

Section 2: Effective Date. This Vacation is effective on the date that a certificate of occupancy for the Historic Carousel and Museum is issued. If a certificate of occupancy is not issued prior to May 1, 2021, for the Historic Carousel and Museum, this ordinance shall be void and have no effect.

Section 3: The City Recorder shall, within 10 days of the effective date of this ordinance, file a certified copy of the ordinance with the Linn County Clerk, Linn County Assessor, and Linn County Surveyor (ORS 271.150). The petitioner for the vacation shall bear the recording costs.

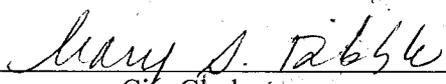
Passed by the Council: 4/27/16

Approved by the Mayor: 4/27/16

Effective Date: upon issuance of Certificate of Occupancy


Mayor

ATTEST:


City Clerk

K & D ENGINEERING, Inc.*Engineers • Planners • Surveyors*Legal Description

1st Avenue Vacation
Albany, Oregon

A portion of the 1st Avenue right-of-way to be vacated located in the Southeast 1/4 of Section 1, Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Linn County, Oregon that is more particularly described as follows:

Beginning at the intersection of the north right-of-way line of said 1st Avenue with the west right-of-way line of Washington Street; thence South 36°40'08" West 22.63 feet; thence South 81°40'08" West 54.58 feet; thence North 38°10'55" West 18.45 feet to a point on the north right-of-way line of said 1st Avenue; thence North 81°40'07" East, along said north right-of-way line, 79.76 feet to the Point of Beginning.

May 3, 2016
1ST AVENUE VACATION
LEGAL DESCRIPTION
(12-37) JJC:ls

File Ref: z:/projects/2012/12-37/surveying/documents/Legal Description.doc

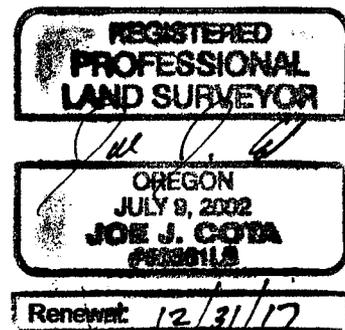
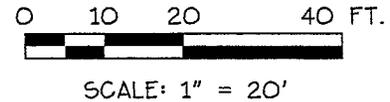
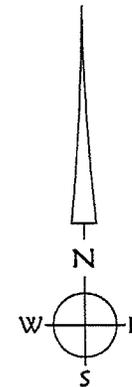
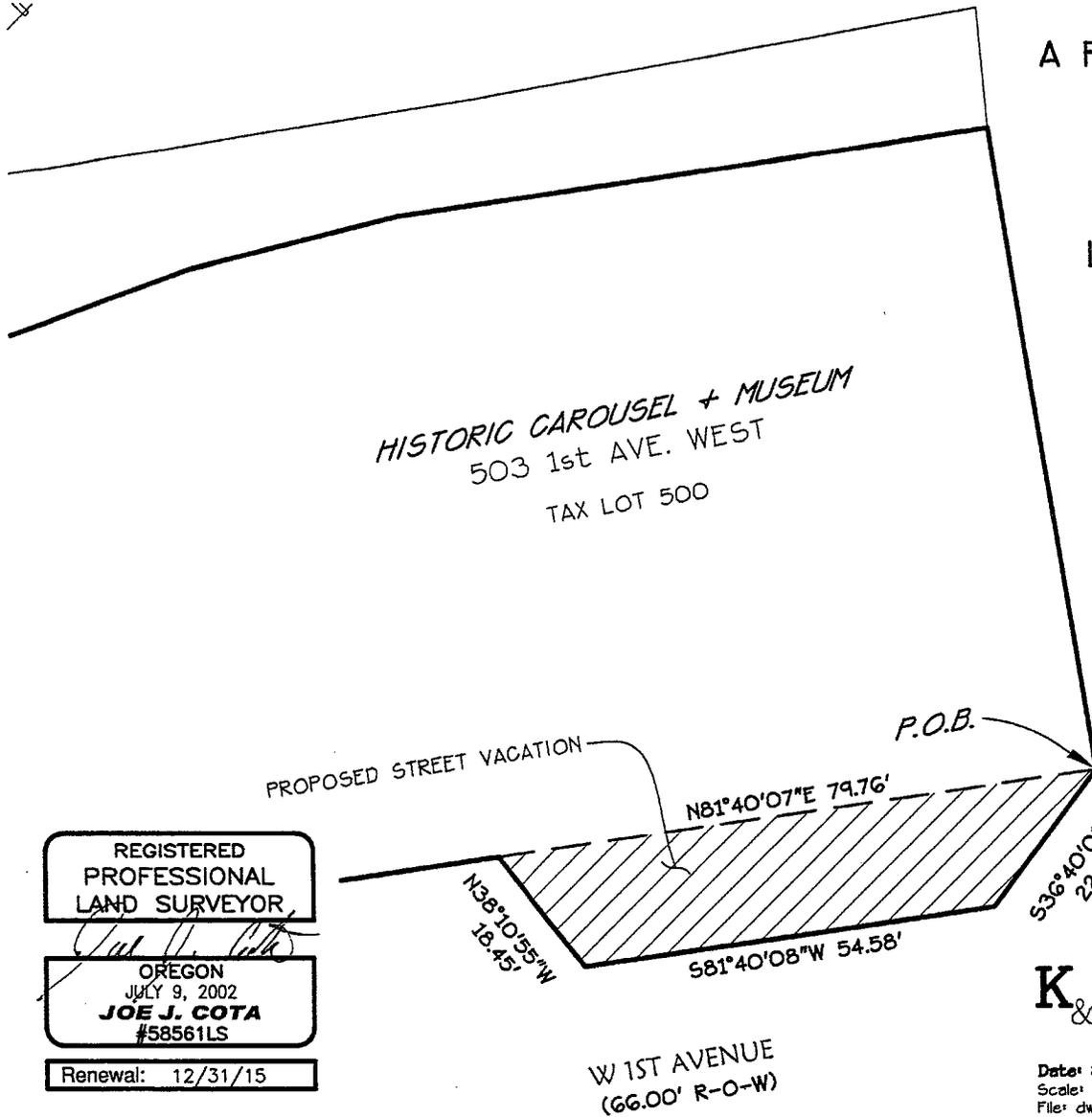


EXHIBIT MAP
STREET VACATION
 A PORTION OF 1ST AVENUE
 LOCATED IN
 SE 1/4 SEC. 1,
 T 11 S, R 4 W, W.M.
 CITY OF ALBANY,
 LINN COUNTY, OREGON



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Joe J. Cota
 OREGON
 JULY 9, 2002
JOE J. COTA
 #58561LS

Renewal: 12/31/15



K & D ENGINEERING, Inc.
 276 N.W. Hickory Street P.O. Box 725
 Albany, Oregon 97321
 (541) 928-2583

Date: 8/24/2015 Time: 13:32
 Scale: 1=20(PS)
 File: dwg\2012\12-37\1237_Exhibit Map.dwg (George)

EXHIBIT B



MAY 9, 2016, CITY COUNCIL SUMMARY

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, May 9, 2016
4:00 p.m.

AGENDA

OUR MISSION IS

*"Providing quality public services
for a better Albany community."*

OUR VISION IS

*"A vital and diversified community
that promotes a high quality of life,
great neighborhoods, balanced
economic growth, and quality public
services."*

Revised

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **BUSINESS FROM THE PUBLIC**
4. **REPUBLIC SERVICES CUSTOMER SERVICE DISCUSSION** – Julie Jackson and Kevin Hines.
Action: Information, discussion.
5. **CROCKER LANE/GIBSON HILL ROAD INTERSECTION DISCUSSION** – Ron Irish.
Action: The Council selected the full-size roundabout as the ultimate plan for the intersection and directed staff to place the project in the CIP, and in the interim, to improve the intersection's vision issues, purchase right-of-way, and plan the design.
6. **VC-01-15, FIRST AVENUE STREET VACATION FOR THE ALBANY HISTORIC CAROUSEL AND MUSEUM** – Jeff Blaine.
Action: Motion to replace the existing legal description for Ordinance No. 5870 with a corrected legal description passed 6-0.
7. **COUNCILOR COMMENTS**
8. **CITY MANAGER REPORT**
9. **ADJOURNMENT**

Rules of Conduct for Public Meetings

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the meeting.

This summary has been prepared by City staff and is not final until the minutes of the City Council have been formally approved.

City of Albany Web site: www.cityofalbany.net

The location of the meeting/hearing is accessible to the disabled. If you have a disability that requires accommodation, advance notice is requested by notifying the Human Resources Department at 917-7500.

Dibble, Mary

From: Blaine, Jeff
Sent: Friday, May 6, 2016 2:07 PM
To: Anderson, Melissa
Cc: Dibble, Mary; Richardson, Bob
Subject: RE: Replacement property description for Ordinance 5870

This should be fine Melissa, no cover memo necessary. Thanks.

J

From: Anderson, Melissa
Sent: Thursday, May 5, 2016 3:31 PM
To: Blaine, Jeff
Cc: Dibble, Mary; Richardson, Bob
Subject: Replacement property description for Ordinance 5870

Jeff,

Attached is the ordinance adopted by Council for the street vacation. Exhibit A on page 2 of the ordinance shows the error where the word "east" should be replaced with the word "west." The corrected property description (attached) should replace Exhibit A of this ordinance.

Would you like me to prepare a cover memo or will the attached documents be adequate for Council authorization at the Monday work-session?

Melissa

DISCLAIMER: This e-mail may be a public record of the City of Albany and may be subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

Legal Description
1st Avenue Vacation
Albany, Oregon

A portion of the 1st Avenue right-of-way to be vacated located in the Southeast 1/4 of Section 1, Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Linn County, Oregon that is more particularly described as follows:

Beginning at the intersection of the north right-of-way line of said 1st Avenue with the ~~east~~^{WEST} right-of-way line of Washington Street; thence South 36°40'08" West 22.63 feet; thence South 81°40'08" West 54.58 feet; thence North 38°10'55" West 18.45 feet to a point on the north right-of-way line of said 1st Avenue; thence North 81°40'07" East, along said north right-of-way line, 79.76 feet to the Point of Beginning.

August 24, 2015
1ST AVENUE VACATION
LEGAL DESCRIPTION
(12-37) JJC:ls

File Ref: z:/projects/2012/12-37/surveying/documents/Legal Description.doc