

**ORDINANCE NO. 5891**

AN ORDINANCE AMENDING THE EFFECTIVE DATE OF ORDINANCE NO. 5870, WHICH VACATED A PORTION OF THE FIRST AVENUE RIGHT-OF-WAY, IN ALBANY, OREGON; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council adopted Ordinance No. 5870 on April 27, 2016, which vacated a portion of the 1<sup>st</sup> Avenue right-of-way, as presented in Exhibit 1; and

WHEREAS, the vacated area reverts to the property immediately north of the 1<sup>st</sup> Avenue right-of-way, which is the development site of the Historic Carousel and Museum; and

WHEREAS, the effective date of Ordinance No. 5870 is the date that a certificate of occupancy for the Historic Carousel and Museum is issued, but if a certificate of occupancy is not issued prior to May 1, 2021, the ordinance is void and would have no effect; and

WHEREAS, a certificate of occupancy can only be issued for the Historic Carousel and Museum after the street vacation, and the replat that combines the site parcels and the street vacation into one lot, are recorded with the Linn County Clerk; and

WHEREAS, the Historic Carousel and Museum is nearing the time of issuance of a certificate of occupancy; and

WHEREAS, an amendment to the effective date of Ordinance No. 5870 will avoid delay of issuance of a certificate of occupancy for the Historic Carousel and Museum.

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

Section 1: Effective Date. The effective date of Ordinance No. 5870, as presented in Exhibit 1, is hereby amended to the date of adoption of this ordinance.

Section 2: Emergency Clause. In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the city of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Section 3: The City Recorder shall, within 10 days of the effective date of this Ordinance, file a certified copy of this Ordinance and Ordinance No. 5870 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.

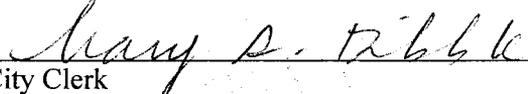
Passed by the Council: May 10, 2017

Approved by the Mayor: May 10, 2017

Effective Date: May 10, 2017

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Clerk

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 1<sup>st</sup> Avenue on May 27, 2015; and

WHEREAS, the vacated area will revert to the property immediately north of the 1<sup>st</sup> 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 1<sup>st</sup> 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.**

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*Engineers • Planners • Surveyors*

Legal Description

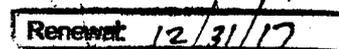
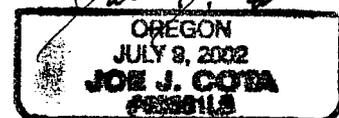
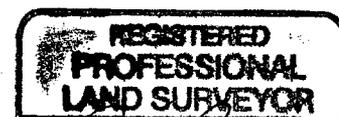
1<sup>st</sup> Avenue Vacation  
Albany, Oregon

A portion of the 1<sup>st</sup> 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:

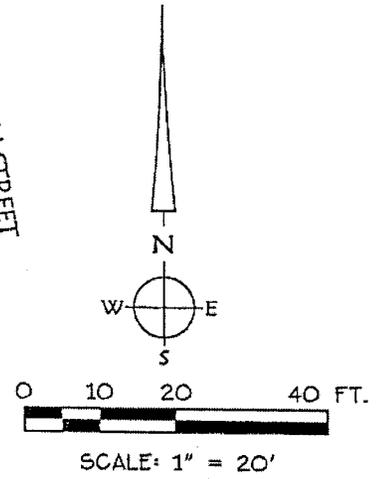
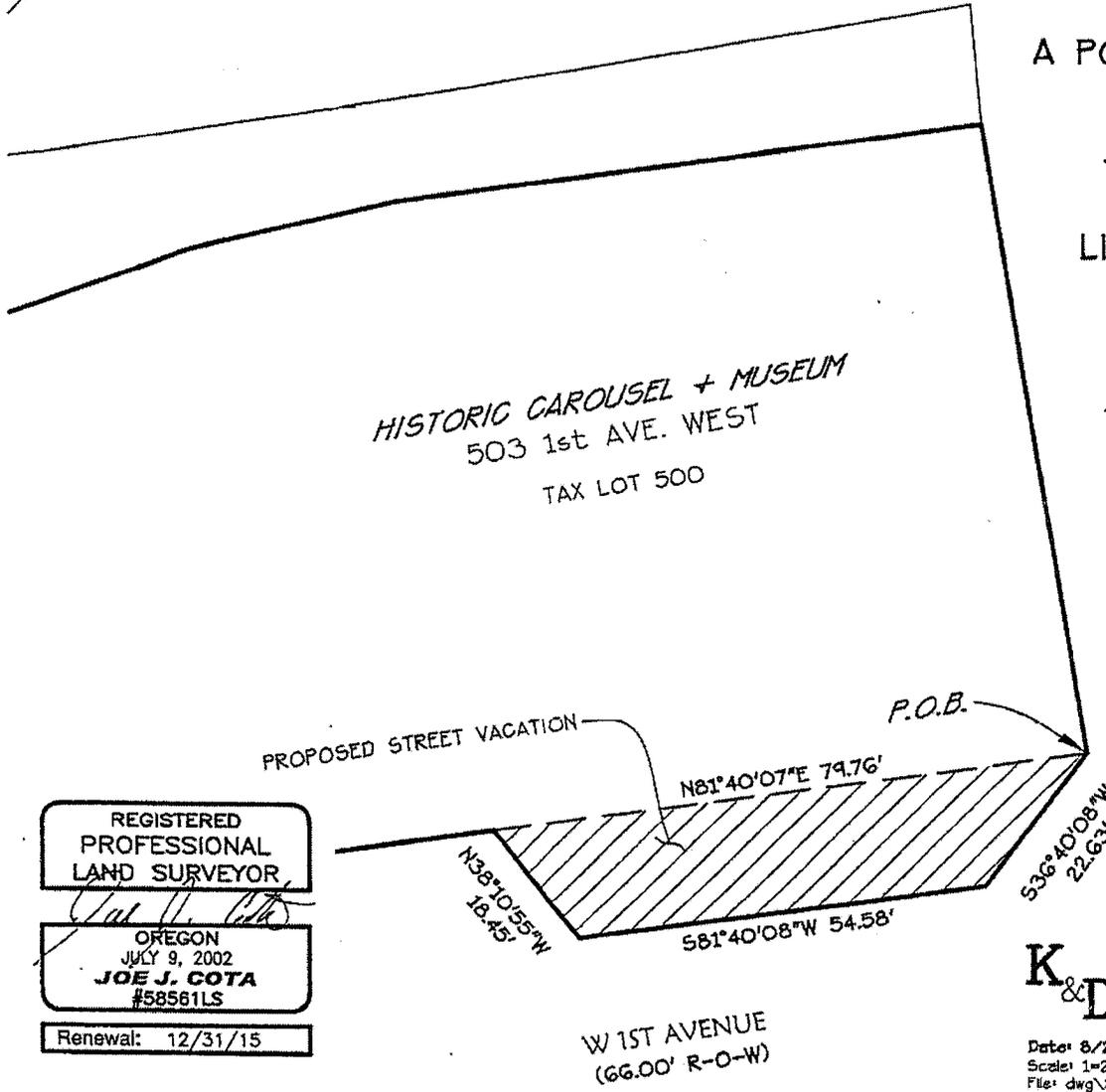
Beginning at the intersection of the north right-of-way line of said 1st Avenue with the west right-of-way line of Washington Street; thence South 36°40'08" West 22.63 feet; thence South 81°40'08" West 54.58 feet; thence North 38°10'55" West 18.45 feet to a point on the north right-of-way line of said 1<sup>st</sup> 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  
1<sup>ST</sup> 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**

**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'(P5)  
 File: dwg\2012\12-37\1237\_Exhibit Map.dwg (George)

EXHIBIT 1.B

ORDINANCE NO. 5890

AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN MAP AND AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP, BY AMENDING THE ALBANY COMPREHENSIVE PLAN MAP AND THE ALBANY ZONING MAP AND ADOPTING FINDINGS FOR AN UNADDRESSED PARCEL; LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-18BD TAX LOT 400.

WHEREAS, on January 10, 2017, the Albany Community Development Department received an application for a Comprehensive Plan Map Amendment concurrent with a Zoning Map Amendment for an unaddressed parcel that is located South of 2660 Marion Street SE and North of 2840 Marion Street SE (City of Albany Planning File CP-01-17); and

WHEREAS, the property is described as Parcel 1, Partition Plat No. 1990-4, in the City of Albany, Linn County, Oregon; and

WHEREAS, the application request is to amend the Comprehensive Plan Map Designation for this property from Light Industrial (LI) to Medium Density Residential (MDR), concurrent with an amendment to the Zoning District Map from Industrial Park (IP) to Residential Single-Family (RS-5) for the same property; and

WHEREAS, on February 3, 2017, the application for a Comprehensive Plan Map Amendment and Zoning Map Amendment was deemed complete; and

WHEREAS, on March 20, 2017, the Albany Planning Commission held a public hearing, considered public testimony, deliberated on the proposed map amendments and recommended approval of the proposal based on evidence presented in the staff report and during the public hearing; and

WHEREAS, on April 26, 2017, the Albany City Council held a public hearing on the proposal, reviewed the findings of fact and conclusions included in the staff report and testimony presented at the public hearing, and then deliberated.

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

Section 1: The Comprehensive Plan Map is hereby amended from Light Industrial (LI) to Medium Density Residential (MDR) and the Zoning District Map is hereby amended from Industrial Park (IP) to Residential Single-Family (RS-5) for the property described as Parcel 1, Partition Plat No. 1990-4, in the City of Albany, Linn County, Oregon, as shown in Exhibit A of this ordinance.

Section 2: A copy of this ordinance shall be filed in the Office of the City Clerk of the City of Albany and these changes shall be made on the official City of Albany Comprehensive Plan Map and Zoning Map.

Section 3: A copy of this ordinance shall be filed with the Linn County Assessor's Office within 90 days of the effective date of this ordinance.

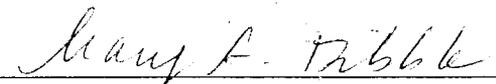
Passed by the Council: May 10, 2017

Approved by the Mayor May 10, 2017

Effective Date: June 9, 2017

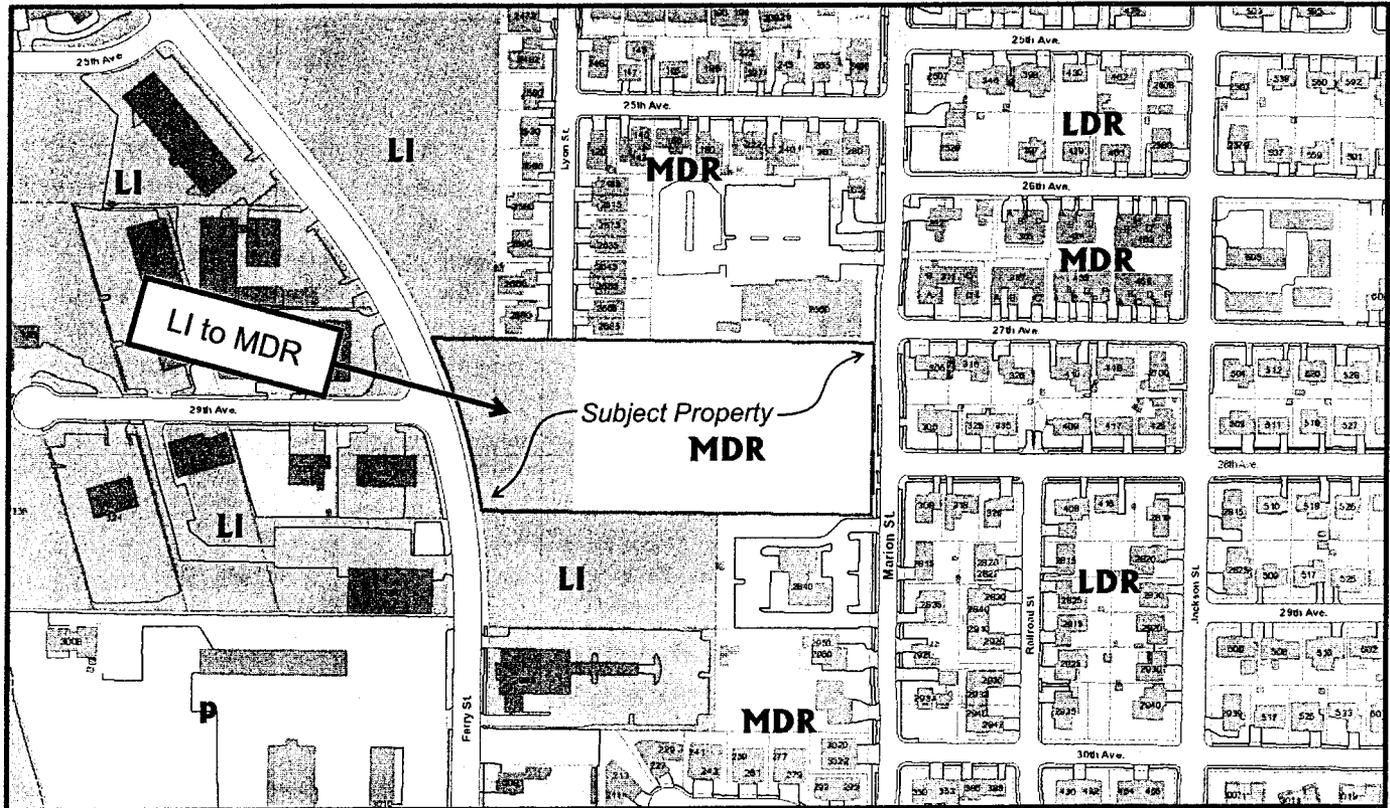
  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

**EXHIBIT A**

**Albany Comprehensive Plan Map**



**Albany Zoning Map**

