

ORDINANCE NO 5900

AN ORDINANCE VACATING A PORTION OF THE NINTH AVENUE RIGHT-OF-WAY WEST OF JACKSON STREET TO THE CENTERLINE OF RAILROAD STREET, AND THE EAST HALF OF THE RAILROAD STREET RIGHT-OF-WAY NORTH OF NINTH AVENUE TO THE RAILROAD TRACKS, IN ALBANY, OREGON, AND DECLARING AN EMERGENCY

WHEREAS, notices of public hearing were mailed on January 12, 2018, published in the *Albany Democrat-Herald* on January 12, 2018, and January 19, 2018, and posted on the site, as described in Section 1 below, on January 19, 2018, as required by state and local law; and

WHEREAS, the Albany Planning Commission held a public hearing on January 29, 2018, and recommended that the City Council approve the proposed street and right-of-way vacation, and

WHEREAS, the Albany City Council held a public hearing on February 14, 2018, reviewed the testimony presented at the public hearing and the findings in the staff report, and deliberated on the vacation request.

WHEREAS, during deliberations on February 14, 2018, the City Council decided to adopt an ordinance to vacate portions of Ninth Avenue and Railroad Street based on findings and conclusions in the January 22, 2018, staff report to the Planning Commission and City Council (VC-03-17), and findings in support of the decision made by City Council.

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

Section 1 Subject Property The Ninth Avenue right-of-way west of Jackson Street and east of the centerline of Railroad Street, and the east half of the Railroad Street right-of-way north of Ninth Avenue to the railroad tracks (File No VC-03-17) (see legal description and map on attached Exhibit A), is hereby vacated.

Section 2. Transfer of Vacated Property The southern half of the vacated Ninth Avenue right-of-way will revert to the RMC Holdings LLC property south of Ninth Avenue. The northern half of the vacated Ninth Avenue right-of-way and the vacated Railroad Street right of way north of the centerline of Ninth Avenue will revert to the Van Vleet property north of Ninth Avenue and east of Railroad Street.

Section 3. Easements Retained. The City retains a utility easement benefitting the City of Albany over the entire area being vacated. No permanent structures may be constructed within this easement. The City also retains a 26-foot-wide access easement centered over the centerline of Ninth Avenue from Jackson Street to the centerline of Railroad Street. The access easement benefits the properties abutting the vacated portion of Ninth Avenue, the railroad yard property west of Railroad Street, and Emergency Service agencies.

Section 4. 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 5. 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. February 14, 2018

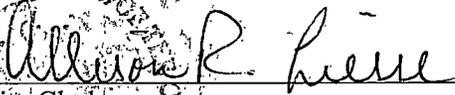
Approved by the Mayor February 14, 2018

Effective Date: February 14, 2018



Mayor

ATTEST

Deputy City Clerk

Exhibit A - Legal Description of 9th Avenue and Railroad Street Right-of-way Vacation

The 66-foot-wide right-of-way of 9th Avenue lying between the west right-of-way line of Jackson Street and the centerline of the Railroad Street right-of-way, and the eastern 33 feet of the 66-foot-wide right of way of Railroad Street lying north of the south line of 9th Avenue and an extension of the north property line of Parcel A of Linn County Survey 19079, more particularly described as follows,

Beginning at the Southeast corner of Block 18, Hackleman's 2nd Addition to the City of Albany, said point lying on the West line of Jackson Street and the North line of 9th Avenue, thence South $81^{\circ}41'$ West along the South line of Block 18 and the North line of 9th Avenue, 264.18 feet to the Southwest corner of Block 18, said point lying on the North line of 9th Avenue and the East line of Railroad Street; thence North $8^{\circ}15'$ West 88.01 feet along the East line of Railroad Street and the West line of the aforementioned Parcel A, to the Northwest corner of Parcel A, thence South $55^{\circ}09'05''$ West 36.90 feet, along a projection of the North property line of Parcel A, to the centerline of the Railroad Street right-of-way; thence South $8^{\circ}15'$ East 137.53 feet along the centerline of the Railroad Street right-of-way to the South line of 9th Avenue, thence North $81^{\circ}41'$ East 297.18 feet along the South right-of-way line of 9th Avenue and the north line of Parcel A of Linn County, Oregon, Survey 18941, to the West right-of-way line of Jackson Street; thence North $8^{\circ}15'$ West 66 feet along the west right of way line of Jackson Street to the point of beginning. As shown on the map below

The basis of bearings of this description is Linn County, Oregon, Survey 19079

