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ORDINANCE NO. 3970

AN ORDINANCE VACATING A PORTION OF RAILROAD STREET LYING IMMEDIATELY TO THE NORTH OF WATER AVENUE AND LOCATED BETWEEN BLOCKS 100 AND 107 OF HACKLEMAN'S ADDITION WHICH IS 66 FEET IN WIDTH AND APPROXIMATELY 90 FEET IN LENGTH, EXTENDING NORTH TO THE WILLAMETTE RIVER.

WHEREAS, the City Council of the City of Albany, did, by adoption of Resolution No. 1814, City of Albany Resolutions, at the Council meeting held on the 25th day of August, 1976, set the hour of 7:15 p.m. o'clock on the 22nd day of September, 1976, as the time for hearing of objections to the proposed vacation of a portion of Railroad Street lying immediately to the north of Water Avenue and located between blocks 100 and 107 of Hackleman's Addition which is 66 feet in width and approximately 90 feet in length, extending north to the Willamette River.

WHEREAS, the said notice has been posted and published as required by law, and

WHEREAS, the said hearing on the 22nd day of September, 1976, has been duly held and parties were given an opportunity to be heard and the Council being fully informed,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:


Section 1:

That a portion of Railroad Street lying immediately to the north of Water Avenue and located between blocks 100 and 107 of Hackleman's Addition which is 66 feet in width and approximately 90 feet in length, extending north to the Willamette River be vacated subject to the following conditions:

1. The second reading of the adopting ordinance shall be held pending the outcome of the zone change and the Greenway Conditional Use Permit.
2. The property owner shall dedicate to the City a minimum 10-foot pedestrian easement through one adjoining property extending from Water Street to the Willamette River.
3. The City shall maintain 15 feet on each side of the existing 18-inch combined sanitary-storm sewer line which runs through the vacated area as a permanent utility easement for maintenance purposes.

Passed by the Council: October 13, 1976
 Approved by the Mayor: October 13, 1976
 Effective Date: November 12, 1976


 MAYOR

ATTEST:

 DEPUTY CITY RECORDER

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FINDINGS OF FACT

1. The proposed commercial usage is in conformance with the Comprehensive Plan.
2. The proposed use will provide a stimulus for additional commercial development versus expanded industrial development in the downtown area.
3. The right of way in question is unimproved and will not be needed in the future for vehicular access.
4. The proposed use will allow greater public usage and enjoyment of the Willamette River.
5. The Greenway Conditional Use Permit controls will give the Planning Commission the necessary tools to ensure that the proposed development is compatible with the Greenway Goal and provides proper usage of the river frontage.
6. The proposed development will provide for pedestrian access to the River.