

ORDINANCE BILL NO. 3-26

AN ORDINANCE VACATING A RIGHT-OF-WAY IN THE VICINITY OF LANDAGGARD DRIVE NW, NORTH OF ORCHARD HEIGHTS ROAD NW

The City of Salem ordains as follows:

Section 1. Findings.

(a) On December 8, 2025, Council adopted Resolution 2025-32, which initiated vacation of that fifty-foot-wide right-of-way dedicated to the public, recorded on September 4, 1951, in Book 145, Page 538, Polk County Deed Records, situated in the West One-Half of Section 17, Township 7 South, Range 3 West, Willamette Meridian, City of Salem, Polk County, Oregon, more particularly described as:

A right-of-way 50 feet wide, lying 25 feet on either side of the following described center line:

Beginning at a point on the center line of Orchard Heights Road 194 feet East of the S.W. Corner of a tract of land 59.50 Acres in area belonging to Arthur H. Bone, as shown by deed recorded in Polk County Records, Book of Deeds, Volume 123, page 599; and extending North 0° 25' West, a distance of 213 feet; thence following a 492.4 ft. radius curve to the right, a distance of 124.3 feet; thence following a straight line North 14° 3' East for a distance of 136 feet; thence following a 441.7 ft. radius curve to the left a distance of 114.3 feet; thence following a straight line North 0° 47' West, a distance of 136 feet; thence following a 106.7 ft. radius curve to the left, a distance of 59.6 feet; thence following a straight line North 32° 47' West a distance of 19 feet; thence following a 107.5 ft. radius curve to the right, a distance of 64.6 feet; thence following a straight line North 1° 38" East, a distance of 117.6 feet; thence following a 170.2 ft. radius curve to the right, a distance of 139.6 feet; thence following a straight line North 48° 38' East, a distance of 87.0 feet to the end of the right-of-way, as shown by an iron post; a total distance of approximately 1211 feet from the point of beginning .

(b) The right-of-way proposed for vacation was created in 1951 when the property was outside city limits. In 1953, while still outside city limits, a plat was recorded that created the right-of-way for Landaggard Drive NW in its current alignment. The properties abutting Landaggard

1 Drive NW were annexed into the City of Salem between 2007 and 2012. The 1951 right-of-way
2 underlies the platted right-of-way and is redundant, except for a portion that deviates from the
3 platted right-of-way near the northern terminus of Landaggard Drive NW. Vacating this
4 northeast segment is a condition of approval for the Titan Hill development (SUB-UGA-SPR-
5 ADJ-TRV-DR23-02).

6 The proposed vacation removes the redundant layer of right-of-way while preserving the platted
7 right-of-way for Landaggard Drive NW. The northeast section that deviates from the platted
8 right-of-way for Landaggard Drive NW is approximately 87 feet by 50 feet, totally roughly
9 6,000 square feet. In the findings below, this area is referred to as the “northeast section” to
10 differentiate it from the remainder of Landaggard Drive NW.

11 (c) A public hearing before the City Council to consider the vacation was set for January 12,
12 2026, and notice of the hearing was provided as required by Oregon Revised Statutes (ORS)
13 271.110 and Salem Revised Code (SRC) 255.065.

14 (d) A public hearing before the City Council was held on January 12, 2026, at which time
15 interested persons were afforded the opportunity to present evidence and provide testimony in
16 favor of, or in opposition to, the proposed vacation. Upon consideration of such evidence and
17 testimony and after due deliberation, the City Council finds as follows:

18 (1) The vacation will not substantially impact the market value of abutting properties
19 such that damages would be required to be paid pursuant to ORS 271.130; any impact
20 would be to increase the market value of abutting properties.

21 (2) The vacation is consistent with SRC 255.065 and complies with Section
22 255.065(b)(6) which establishes the criteria listed below for approving a right-of-way
23 vacation:

24 (A) *The area proposed to be vacated is not presently, or will not in the future be needed for*
25 *public services, facilities, or utilities;*

26 **FINDING:**

27 *Area within platted right-of-way for Landaggard Drive NW:* Vacating the underlying right-of-
28 way will not impact the ability to provide public services, facilities, or utilities since the platted
29 right-of-way for Landaggard Drive NW will remain.
30

1 *Northeast section:* This portion of the proposed vacation area is not currently needed for public
2 services, facilities, or utilities and will not be needed in the future for such uses. This area does
3 not currently function as part of the transportation network. This portion of the proposed
4 vacation intersects with Landaggard Drive NW at a 47-degree angle. The City's engineering
5 design standards require intersections to be at a 90-degree angle with allowances of up to 5
6 degrees if an adjustment is granted. This right-of-way would not meet the City's street standards
7 for a future road connection.

8 While non-public access unrelated to the use of the right-of-way is outside the scope of the
9 criterion, access to 2090 Landaggard Drive NW (TL 1100, T7S, R3W, Section 17B) retains
10 private access through an access easement of record. Such private access is not affected by this
11 vacation proposal.

12 The proposed vacation complies with this criterion.

13 *(B) The vacation does not prevent the extension of, or the retention of public services, facilities,*
14 *or utilities;*

15 **FINDING:**

16 *Area within platted right-of-way for Landaggard Drive NW:* Vacating the underlying right-of-
17 way will not prevent the extension of, or the retention of public services, facilities, or utilities
18 since the platted right-of-way for Landaggard Drive NW will remain.

19 *Northeast section:* As part of prior approvals, the Community Planning and Development
20 Department, Development Services Section reviewed the proposed Titan Hill development and
21 submitted comments. The Titan Hill development will receive sanitary sewer service as a part of
22 the Doaks Ferry Sanitary Sewer Extension Project. The site will be serviced by a 12-inch
23 waterline that will be extended from Orchard Heights Road NW. Stormwater facilities will be
24 constructed pursuant to Chapter 71 of the SRC and Public Works Design Standards.

25 Additionally, there will be an extension of a public sewer main within the new internal streets to
26 serve the Titan Hill development and neighboring property.

27 As a condition of approval of the final plat, the Titan Hill development is to convey a half-width
28 right-of-way of 48-feet on the development side of Doaks Ferry Road NW to accommodate
29 public infrastructure. The Titan Hill development will construct a half-street improvement along
30 Doaks Ferry Road NW to interim minor arterial street standards. Furthermore, the Titan Hill

1 development will dedicate a 10-foot public utility easement along the street frontage of all
2 internal streets and along Doaks Ferry Road NW as well as a public utility easement along the
3 Lot 6 frontages of Doaks Ferry Road NW and Orchard Heights Road NW.

4 The northeast section of the proposed vacation area intersects with Landaggard Drive NW at a
5 47-degree angle. The City's engineering design standards require intersections to be at a 90-
6 degree angle with allowances of up to 5 degrees if an adjustment is granted. This right-of-way
7 would not meet the City's street standards for a future road connection.

8 Landaggard Drive NW will be extended as part of the Titan Hill development, including
9 dedication of road right-of-way to the City and construction of the road extension. Street
10 connectivity will be provided through an intersection of newly dedicated and constructed local
11 streets (Street A and Street B) as depicted on the approved site plan. The new streets will provide
12 direct access to Doaks Ferry Road NW. This portion of the proposed right-of-way vacation is not
13 necessary for the proposed public street dedication and construction and supersedes the existing
14 right-of-way as unnecessary for future development.

15 The proposed vacation complies with this criterion.

16 *(C) Public services, facilities, or utilities can be extended in an orderly and efficient manner in*
17 *an alternate location;*

18 **FINDING:**

19 *Area within platted right-of-way for Landaggard Drive NW:* Vacating the underlying right-of-
20 way will not prevent the extension of public services, facilities, or utilities since the platted right-
21 of-way for Landaggard Drive NW will remain.

22 *Northeast section:* As laid out above, streets, public services, facilities, and utilities will be
23 extended in an orderly and efficient manner that does not require use of this portion of the
24 proposed vacation area.

25 The proposed vacation complies with this criterion.

26 *(D) The vacation does not impede the future best use, development of, or access to abutting*
27 *property;*

28 **FINDING:**

1 *Area within platted right-of-way for Landaggard Drive NW:* Vacating the underlying right-of-
2 way will not prevent the future best use, development of, or access to abutting property since the
3 platted right-of-way for Landaggard Drive NW will remain.

4 *Northeast section:* This portion of the proposed vacation area does not currently function as part
5 of the transportation network. The abutting properties are currently developed and accessible
6 either directly adjacent to existing Landaggard Dr NW or via a private access easement, which is
7 not affected by this proposed right-of-way vacation.

8 The proposed vacation complies with this criterion.

9 *(E) The vacation does not conflict with provisions of the Unified Development Code (UDC),*
10 *including street connectivity standards and block lengths;*

11 **FINDING:**

12 *Area within platted right-of-way for Landaggard Drive NW:* Vacating the underlying right-of-
13 way does not conflict with provisions of the Unified Development Code, including the street
14 connectivity standards and block lengths, since the platted right-of-way for Landaggard Drive
15 NW will remain.

16 *Northeast section:* The proposed vacation does not conflict with the provisions of the Unified
17 Development Code, including street connectivity standards. This section of the proposed
18 vacation area intersects with Landaggard Drive NW at a 47-degree angle. The City's engineering
19 design standards require intersections to be at a 90-degree angle with allowances of up to 5
20 degrees if an adjustment is granted. It is not part of an existing or planned street. This right-of-
21 way would not meet the City's street standards for a future road connection.

22 Landaggard Drive NW will be extended north and developed with street connectivity that was
23 reviewed and approved as designed in the prior approvals as conforming to the City's standards
24 as adjusted therein. The existing easement providing access to Tax Lot 1100 will remain in
25 place.

26 The proposed vacation complies with this criterion.

27 *(F) All required consents have been obtained;*

28 **FINDING:** Vacations following ORS 271.080-271.130 and the SRC 255.065 Class 2
29 proceedings do not require the consent of abutting property owners if the proposed vacation of
30 right-of-way will not substantially affect the market value of the abutting property such that it

1 will lower the market value of the abutting property. City-initiated vacations do not require the
2 consent of owners of property within the “Affected Area;” however, vacations may not be
3 approved if the majority of the affected owners, as computed on the basis provided in ORS
4 271.080, object in writing to the vacation. No letters were received from abutting or affected
5 property owners regarding the proposed vacation.

6 *Area within platted right-of-way for Landaggard Drive NW:* As the vacated right-of-way in this
7 area underlies platted right-of-way that will remain, the vacation of this right-of-way will not
8 substantially affect the market value of any surrounding property.

9 *Northeast section:* As this portion of the vacated right-of-way is not developed and is not needed
10 for any current or future development, the vacation of right-of-way will not substantially affect
11 the market value of any surrounding property.

12 The proposed vacation complies with this criterion.

13 *(G) Notices required by ORS 271.080-271.130 have been duly given;*

14 **FINDING:** Notice of Public Hearing was provided as required by ORS 271.080-271.130. Notice
15 was posted at the site on December 29, 2025, and published in the *Salem Reporter* on December
16 29, 2025, and January 5, 2026. A courtesy notice of the public hearing was also mailed to
17 property owners along Landaggard Drive NW on December 23, 2025.

18 The proposed vacation complies with this criterion.

19 *(H) The public interest would not be prejudiced by the vacation;*

20 **FINDING:**

21 *Area within platted right-of-way for Landaggard Drive NW:* The proposed vacation supports the
22 public interest by eliminating redundant right-of-way. The public interest will not be prejudiced
23 by the vacation since the platted right-of-way for Landaggard Drive NW will remain.

24 *Northeast section:* The proposed vacation is consistent with the SRC and the Salem
25 Transportation System Plan. The proposed vacation supports the public interest by allowing for
26 development of currently under-utilized property and supporting the creation of vital housing for
27 the City.

28 The proposed vacation complies with this criterion.

29 **Section 2. Vacation.** That certain property more particularly described in Section 1(a) of this
30 Ordinance is hereby vacated.

Section 4. Vacation Effective Date. Pursuant to SRC 255.065(c)(3), this vacation shall not be effective until:

- (a) All fees have been satisfied.
- (b) All required legal documents have been signed, filed, and if required, recorded.
- (c) The petition has complied with all conditions attached to the vacation.
- (d) A certified copy of this ordinance is recorded with the Polk County Clerk.

Section 5. Codification. In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect, or substance of this ordinance, but within such limitations, may:

- (a) Renumber sections and parts of sections of the ordinance;
- (b) Rearrange sections;
- (c) Change reference numbers to agree with renumbered chapters, sections, or other parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section, or chapter, or other division numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical, or typographical errors.

PASSED by the City Council this _____ day of _____, 2026.

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: Julie Hanson