

ORDINANCE BILL NO. 10-24

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY FOR 1st STREET NW

The City of Salem ordains as follows:

Section 1. Findings.

(a) On February 27, 2023, the City Council adopted Resolution No. 2023-04, which initiated a Class 2 vacation of 1st Street NW.

(b) A public hearing before the City Council was held on August 12, 2024, at which time interested persons were afforded the opportunity to present evidence and provide testimony in favor of, or in opposition to, the proposed vacation as described in Exhibit A. Upon consideration of such evidence and testimony and after due deliberation, the City council finds as follows:

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

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

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

FINDING:

Transportation: The proposed vacation will not degrade transportation services or accessibility in the surrounding neighborhood since Edgewater and 2nd Streets NW, both parallel to 1st Street NW, already perform the function of connecting Murlark Avenue NW and Wallace Road NW. The area proposed for vacation is presently used by one business to access rear parking with building frontage on Edgewater Street NW. Retaining sufficient right-of-way for an alley improvement will serve this access need.

Utilities: No utilities exist within the area proposed for vacation. The vacation complies with this criterion.

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

FINDING:

Transportation: Vacating the northern 13 feet of the right-of-way for 1st Street NW will not negatively impact vehicle and pedestrian connectivity. This street is presently used by one business to access rear parking with building frontage on Edgewater Street NW. Sufficient right-of-way will remain to provide an alley improvement to meet this access need.

Utilities: No utilities exist within the area proposed for vacation. Utilities are available in the portion of right-of-way that will be retained.

The vacation complies with this criterion.

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

FINDING:

Transportation: Edgewater and 2nd Streets NW, both parallel to 1st Street NW, provide the needed connection between Murlark Avenue NW and Wallace Road NW. The remaining right-of-way can be improved as an alley and serve the access needs of adjacent properties.

Utilities: No utilities exist within the area proposed for vacation. Utilities can be provided in the portion of right-of-way that will be retained.

The vacation complies with this criterion.

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

FINDING: Vacating this right-of-way will support the future best use and development of abutting property by increasing the developable area by 3,768 square feet and changing the required improvements from a local street standard to an alley standard. Access to abutting properties will continue through the provision of an alley. The vacation complies with this criterion.

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

FINDING: The Unified Development Code standards for street spacing is contained in SRC 803.030. If a portion of the right-of-way for 1st Street NW is vacated, the street spacing between Edgewater and 2nd Streets NW will be approximately 260 feet. The resultant block length

1 complies with the street spacing standards contained in SRC 803.030. The vacation complies
2 with this criterion.

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

4 **FINDING:** Vacations following ORS 271.080-271.130 and the SRC 255.065 Class 2
5 proceedings do not require the consent of abutting property owners if the proposed vacation of
6 right-of-way will not substantially affect the market value of the abutting property such that it
7 will lower the market value of the abutting property. The proposed vacation will not substantially
8 affect the market value of the abutting property such that it would lower the market value; any
9 impact would be to increase the market value of the abutting property. City-initiated vacations do
10 not require the consent of owners of property within the “Affected Area;” however, vacations
11 may not be approved if the majority of the affected owners, as computed on the basis provided in
12 ORS 271.080, object in writing to the vacation. No letters have been received from abutting or
13 affected property owners regarding the proposed vacation. The vacation complies with this
14 criterion.

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

16 **FINDING:** Notice of Public Hearing was provided as required by ORS 271.080-271.130. Notice
17 was posted at the site on July 29, 2024, and published in the *Statesman-Journal* on July 29, 2024,
18 and August 5, 2024. The vacation complies with this criterion.

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

20 **FINDING:** Vacation of 1st Street NW would support development in an area that is currently
21 vacant or blighted. Any current effort to construct a new building on any abutting lot would
22 require that 1st Street NW be constructed to City of Salem local street classification standards.
23 Reducing the width of the right-of-way while continuing to provide access via an alley would
24 remove that burden and encourage development of the vacant or blighted adjacent areas. The
25 public interest would not be prejudiced by the vacation. The vacation complies with this
26 criterion.

27 **Section 2. Vacation.** That certain property more particularly described in Exhibit A of this
28 Ordinance is hereby vacated.

29 **Section 3. Vacation Effective Date.** Pursuant to SRC 255.065(c)(3), this vacation shall not be
30 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.

(c) A certified copy of this ordinance is recorded with the Polk County Clerk.

Section 4. 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 _____, 2024.

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: Julie Hanson