

1 **ORDINANCE BILL NO. 1-18**

2 AN ORDINANCE VACATING AN ALLEY LOCATED NEAR THE NORTHEAST CORNER  
3 OF COMMERCIAL AND DIVISION STREETS NE

4 *The City of Salem ordains as follows:*

5 **Section 1. Findings.**

6 (a) On May 16, 2017, Salem voters approved a General Obligation Bond Measure to build a  
7 new Police Facility at property located on the northeast corner of Commercial Street NE and  
8 Division Street NE (“Police Facility site”).

9 (b) On January 8, 2018, the City Council adopted Resolution No. 2018-2, which initiated a  
10 Class 2 vacation of the alley at the Police Facility site, more particularly described as:

11 A tract of land situated in the southeast one-quarter of Section 22, Township 7 South,  
12 Range 3 West, of the Willamette Meridian, City of Salem, Marion County, Oregon,  
13 being a 16.50 foot wide alley bounded by that property conveyed to Shires Property,  
14 LLC by Reel 3346. Page 441, Marion County Deed Records, and more particularly  
described as follows:

15 Beginning on the north right of way line of Division Street. being also the south line of  
16 Block 27 of the plat of SALEM and the west line of an existing alley, at a point which  
17 bears South 68°31'49" East, 166.12 feet from the southwest corner of said Block  
27, as measured along said south block line;

18 thence, along the west line of said alley, North 21°21'23" East, 491.33 feet to the north  
19 line of Parcel of said Shires Property; thence, South 32°48'31" East, 20.35 feet to the  
20 east line of said alley, being parallel with and 16.50 feet distant from the west line of  
21 said alley when measured at right angles; thence, along the east line of said alley, South  
22 21°21'23" West, 479.45 feet to said north right of way line of Division Street; thence,  
23 along said north right of way line. North 68°31'49" West, 16.50 feet to the Point of  
Beginning.

24 Containing 8,009 square feet.

25 Bearings based on Oregon State Plane, North Zone, NAD83 2011 [Epoch 2010.00].

26 (c) A public hearing before the City Council was held on February 26, 2018, at which time  
27 interested persons were afforded the opportunity to present evidence and provide testimony in  
28 favor of, or in opposition to, the proposed vacation, and upon consideration of such evidence and  
29 testimony and after due deliberation, the City Council finds as follows:  
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1 (1) The vacation will not substantially impact the market value of abutting properties  
2 such that damages would be required to be paid pursuant to ORS 271.130; any impact  
3 would be to increase the market value of abutting properties.

4 (2) The vacation is consistent with SRC 255.065 and complies with Section  
5 255.065(b)(6) which establishes the criteria listed below for approving a right-of-way  
6 vacation:

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

9 **FINDING:**

10 *Transportation:* The alley to be vacated is not presently needed for public use. This vacation is  
11 part of a larger process for the total redevelopment of the existing site into the new location for  
12 the City of Salem Police Department. Access to the new development is available from  
13 Division, Commercial, and Liberty Streets NE.

14 *Utilities:* The City notified all existing utilities of the City of Salem’s requirements for relocation  
15 of facilities in conflict with the new Police Facility project. In accordance with SRC Chapter 35  
16 and existing Franchise Agreements between the City and utility companies, the City has  
17 requested that all utilities located in conflict with City improvements related to this project be  
18 relocated by April 13, 2018. Notice of the proposed vacation was also mailed to the relevant  
19 utilities on January 9, 2018. No concerns were raised by the utilities.

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

22 **FINDING:**

23 The vacation is part of a larger process for the total redevelopment of the existing site into the  
24 new Police Facility. This vacation is the first step in that process. In accordance with SRC  
25 Chapter 35 and existing Franchise Agreements between the City and utility companies, the City  
26 has requested that all utilities located in conflict with City improvements related to this project  
27 be relocated by April 13, 2018.

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

30 **FINDING:**

1 The vacation is part of a larger process to completely redevelop the existing site into the new  
2 Police Facility. Alternative locations are available to locate and extend utilities to serve this and  
3 surrounding properties.

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

6 **FINDING:**

7 The planned redevelopment of the site, and all access points to the site, will not impede  
8 development of any abutting properties or access to those properties.

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

11 **FINDING:**

12 This property will be redeveloped into a facility that is consistent with the provisions of the  
13 UDC.

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

15 **FINDING:**

16 Vacations following ORS 271.080-271.130 and the SRC 255.065 Class 2 proceeding do not  
17 require the consent of abutting property owners if the proposed vacation of right-of-way will not  
18 substantially affect the market value of the abutting property such that it will lower the market  
19 value of the abutting property. The proposed vacation of right-of-way will not substantially  
20 affect the market value of the abutting property such that it would lower the market value; any  
21 impact would be to increase the market value of the abutting property.

22 City-initiated vacations do not require the consent of owners of property within the “Affected  
23 Area;” however, vacations may not be approved if the majority of the affected owners, as  
24 computed on the basis provided in ORS 271.080, object in writing to the vacation.

25 No letters were received from abutting or affected property owners regarding the proposed  
26 vacation. The proposed vacation complies with this criterion.

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

2 **FINDING:**

3 Notice of Public Hearing was provided as required by ORS 271.080-271.030. Notice was  
4 published in the *Statesman Journal* and posted on the right-of-way for vacation. Therefore, the  
5 proposed vacation complies with this criterion.

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

7 **FINDING:**

8 Approval of this vacation is compatible and consistent with the intent, goals, and policies of the  
9 Salem TSP and the *Salem Revised Code*. In addition, this vacation supports the public interest by  
10 supporting redevelopment of this property for a new Police Facility. Therefore, the proposed  
11 vacation complies with this criterion.

12 **Section 2. Vacation.** That certain property more particularly described in Section 1(b) of this  
13 Ordinance is hereby vacated.

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

16 (a) All fees have been satisfied.

17 (b) All required legal documents have been signed, filed, and if required, recorded.

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

19 **Section 4. Codification.** In preparing this ordinance for publication and distribution, the City  
20 Recorder shall not alter the sense, meaning, effect, or substance of this ordinance, but within such  
21 limitations, may:

22 (a) Renumber sections and parts of sections of the ordinance;

23 (b) Rearrange sections;

24 (c) Change reference numbers to agree with renumbered chapters, sections, or other parts;

25 (d) Delete references to repealed sections;

26 (e) Substitute the property subsection, section, or chapter, or other division numbers;

27 (f) Change capitalization and spelling for the purpose of uniformity;

28 (g) Add headings for purposes of grouping like sections together for ease of reference; and

29 (h) Correct manifest clerical, grammatical, or typographical errors.

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PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

City Recorder

Approved by City Attorney: \_\_\_\_\_

Checked by: Julie Warncke