

RESOLUTION NO. 2016-49

A RESOLUTION INITIATING A CLASS 2 VACATION OF AN EASTERLY PORTION OF RIGHT-OF-WAY FOR LIBERTY ROAD S LYING SOUTH OF THE INTERSECTION WITH RAINIER DRIVE SE

Whereas, the Planning Administrator approved the tentative plan for subdivision Case No. SUB 14-03 on March 28, 2014, that provided sufficient right-of-way for Liberty Road S and Rainier Drive SE;

Whereas, excess right-of-way in the amount of 2,971 square feet, more or less, was inadvertently intruded upon by the developer and is not needed for transportation purposes;

Whereas, the City Council may initiate a Class 2 vacation by adopting a resolution pursuant to SRC 255.065(b)(1)(B);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SALEM, OREGON, RESOLVES AS FOLLOWS:

Section 1. Pursuant to SRC 255.065(b)(1)(B), City Council hereby initiates a Class 2 vacation of an easterly portion of right-of-way for Liberty Road S lying south of the intersection with Rainier Drive SE;



Section 2. A legal description of the proposed area to be vacated is attached hereto and incorporated herein by this reference as set forth in "Exhibit A" and "Exhibit B";

Section 3. Notice of this proposed vacation and a public hearing shall comply with SRC 255.065(b)(5);

Section 4. This resolution is effective upon adoption.

ADOPTED by the City Council this 14th day of November, 2016.

ATTEST:

Acting City Recorder 
Approved by City Attorney: 

Checked by: J. Warncke

Exhibit A

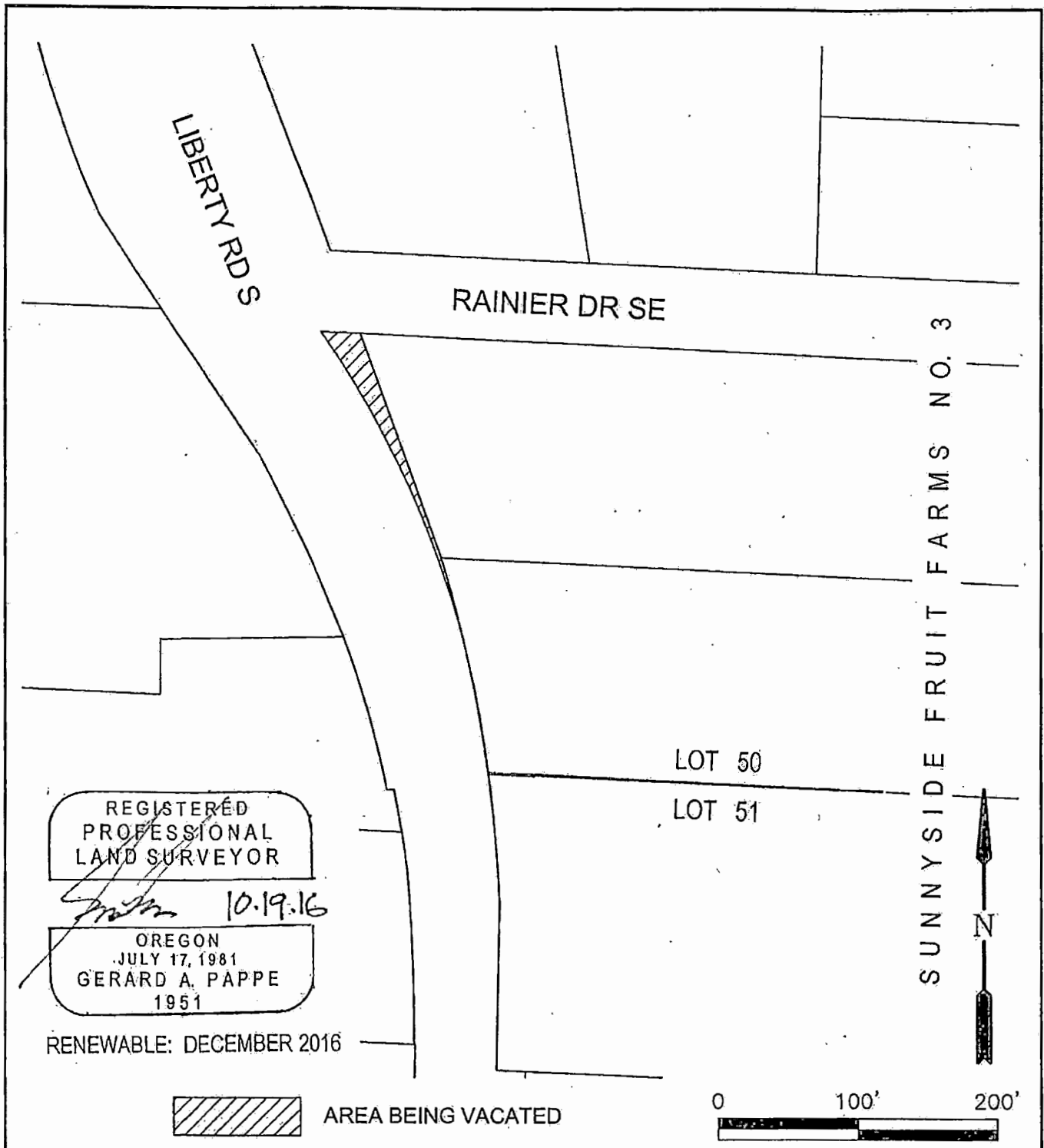
Any and all portions of Liberty Road S. lying east of a line forty eight feet (48') easterly and parallel with the centerline of said road as monumented and depicted in Marion County Survey Record 1891, between the westerly extension of the south line of Rainier Drive SE., and the south line, or the westerly extension of Lot 50, Sunnyside Fruit Farms No. 3., located in Section 16, Township 8 South, Range 3 West, Willamette Meridian, City of Salem, Marion County, Oregon.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gerard A. Pappe 10.19.16
OREGON
JULY 17, 1981
GERARD A. PAPPE
1951

RENEWABLE: DECEMBER 2016

EXHIBIT B



CITY OF *Salem*
AT YOUR SERVICE

PUBLIC WORKS DEPARTMENT

ENGINEERING DIVISION
555 Liberty Street SE, Room 325
Salem, OR 97301-3513
Phone 503-588-6211
www.cityofsalem.net

October 2016

RESOLUTION NO. 2016-49

A Resolution Initiating A Class 2 Vacation of an Easterly Portion of Right-of-Way For Liberty Road S Lying South of the Intersection with Rainier Drive SE

Adopted: November 14, 2016
Effective: November 14, 2016
Copy to :

Council Vote	Yes	No
Mayor Peterson	X	
Bennett (Ward 1)	X	
Andersen (Ward 2)	X	
Nanke (Ward 3)	X	
McCoid (Ward 4)	X	
Dickey (Ward 5)	X	
Benjamin (Ward 6)	X	
Bednarz (Ward 7)	X	
Lewis (Ward 8)	X	

*A = Absent

CITY OF SALEM

555 Liberty St SE
Salem, OR 97301



Staff Report

File #: 16-339
Version: 1

Date: 11/14/2016
Item #: 3.2a.

TO: Mayor and City Council
THROUGH: Steve Powers, City Manager
FROM: Peter Fernandez, Public Works Director

SUBJECT:

Initiating a Class 2 vacation of an easterly portion of right-of-way for Liberty Road S south of the intersection with Rainier Drive SE

Ward(s): 4
Councilor(s): McCoid
Neighborhood(s): South Gateway NA

ISSUE:

Shall City Council adopt Resolution No. 2016-49, which initiates vacation of an easterly portion of the right-of-way for Liberty Road S south of the intersection with Rainier Drive SE?

RECOMMENDATION:

Adopt Resolution No. 2016-49 that initiates vacation of an easterly portion of the right-of-way for Liberty Road S south of the intersection with Rainier Drive SE.

SUMMARY AND BACKGROUND:

On March 28, 2014, the Planning Administrator approved the tentative plan for Subdivision Case No. SUB 14-03, which divided approximately 15 acres into 69 residential lots located at 5782 and 5792 Liberty Road S and 237 Rainier Drive SE. The developer, Rainier Estates II LLC, inadvertently built improvements that intrude into old Liberty Road right of way. Staff has determined that the small sliver of right of way affected is not needed by the City for existing or future transportation needs. In order to allow the development to go forward in a timely manner, staff recommends that Council initiate the vacation of the affected right of way.

FACTS AND FINDINGS:

1. Per Oregon Revised Statute 271.130, the city governing body may initiate a right-of-way vacation proceeding.
2. Per Salem Revised Code (SRC) 255.065(b)(1)(B), a vacation initiated by the City is a Class 2 Vacation. A Class 2 Vacation is initiated by resolution of the City Council.
3. Resolution No. 2016-49 initiates the vacation of a portion of right-of-way located on the easterly side of Liberty Road S, south of the intersection with Rainier Drive SE.
4. The area proposed for vacation contains approximately 2,971 square feet of land, more or less, as described in Exhibit A, and depicted in Exhibit B, of Resolution No. 2016-49.
5. Upon approval of Resolution No. 2016-49, a public hearing date will be set and notice of the hearing will be provided as required by SRC 255.065(b)(5).
6. The criteria for approving vacation of right-of-way are contained in SRC 255.065(b)(6), and will be reviewed by Council at the public hearing.

Robert D. Chandler, PhD, PE
Assistant Public Works Director

Attachment:
Resolution No. 2016-49

10/31/16