

Department of Administrative Services

Enterprise Asset Management Division 1225 Ferry Street SE Salem, OR 97301-4281 PHONE: 503-378-2865

FAX: 503-373-7210

March 23, 2017

Mr. Anthony Gamallo Senior Transportation Planner City of Salem 555 Liberty Street SE, Room 325 Salem, OR 97301-3513

Re: Assessment of Special Benefit/County Road 844

Dear Mr. Gamallo:

DAS has received your March 14 letter regarding an assessment of special benefit payment in the amount of \$50,960 for vacation of the unused county road right-of-way south of Aumsville Highway SE and east of Kuebler Boulevard SE, in addition to \$3,670 in fees already paid.

County Road 844 has never been a paved thoroughfare, but rather served primarily as a farm access road. It has provided no public benefit since the construction of Kuebler Boulevard, which bypassed this right-of-way in favor of new acquisitions a few hundred feet to the west.

When Mill Creek Corporate Center (then Salem Regional Employment Center) was conceived and the decision to vacate CR844 became essentially inevitable, the property was agricultural land, and much lower in value than it is today. Determining value based upon the value of ECzoned land, an upzone undertaken in partnership with the City of Salem with the specific intent of allowing higher-value redevelopment of this property, is inappropriate.

Further, the vacation of this right-of-way allows the City of Salem to generate property tax revenue from what otherwise would be tax-exempt property, and allows it to be built upon, further increasing its value and that of surrounding property while providing employment.

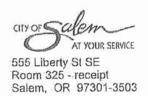
Previous vacations of right-of-way at Mill Creek Corporate Center appear to have been subject to no such assessment. I have attached documentation from a 2006 right-of-way vacation on Phase 1B of Mill Creek Corporate Center.

DAS believes it is appropriate to waive the assessment of special benefit to release this longunused right-of-way, consistent with past practice and in recognition of the benefits accruing to the City of Salem through its release.

Sincerely,

Shannon Ryan, Administrator

Attachments



Sequence #: 17-102751-GP

Payment #: 10363194

Date: Jan 27, 2017

Check #: 124610373

GENERAL PAYMENTS

RECEIPT

Customer

OREGON DEPARTMENT OF ADMIN SERVICES 1225 FERRY ST SE 140 SALEM OR 97301

Payment for Address: 4520 AUMSVILLE HW SE

Description	Billed Fees	Previously Paid	Today's Payment	Balance Due
Vacation Application Fee	\$3,665.00			
Automation Surcharge	\$5.00			
Total for Bill # 934230:	\$3,670.00	\$0.00	\$3,670.00	\$0.00
RECEIPT TOTAL:	\$3,670.00	\$0.00	\$3,670.00	\$0.00

Total Paid:

\$3,670.00

PAY ONLINE: Have you heard about SPLASH? That is Salem's Permitting, Licensing, and Application Services Home website. You can make this payment online using your VISA or MasterCard if you become a registered SPLASH user. If you are interested, go to http://splash.cityofsalem.net



RECEIVED

FEB 10 2006

FACILITIES DIVISION
DEPT OF ADMINISTRATIVE SVCS

February 7, 2006

Gregory Parker, Lands Transaction Coordinator Department of Administrative Services—Facilities Division 1225 Ferry Street SE Salem OR 97301-4281

SUBJECT:

MILL CREEK INDUSTRIAL PARK-PHASE 1B RIGHT-OF-WAY VACATION (ORDINANCE NO. 69-05)

Dear Mr. Parker:

On October 10, 2005, the City Council passed Ordinance No. 69-05, vacating a public right-of-way on Phase 1B of the Mill Creek Industrial Park. Section 3: Conditions, of the Ordinance reserved an easement within the boundaries of the right-of-way because of the presence of Portland General Electric (PGE) poles and power lines. It states, "[a] City of Salem utility easement is reserved for . . . public utilities, over, under, upon, above and across the Property vacated hereby." Our records indicate that this is the only utility located within this easement.

This easement may be relocated or vacated at the request of the Phase 1B developer or property owner if the PGE equipment is relocated or removed. Vacating such an easement is a fairly simple City process. Note, however, that as a City easement, any franchise utility operating within the City has the right to use it. Any other utilities within the easement would also need to be removed or relocated. Given its location and surrounding land uses, we do not anticipate any additional use of the easement.

I hope this clarifies this condition for you. If you have any questions, or require additional information, please let me know.

Sincerely,

Peter Fernandez, P.E.

Assistant Director

LN:PACORR2006/LETTER/PETER/PARKER.FEBRUARY 7.WPD

cc: John Wales, Assistant Director, Urban Development

Daye Baltz, Senior Transportation Planner

* ADA Accommodations Will Be Provided Upon Request *

the history of the production of the control of the

Facilities Division

1225 Ferry St. SE U100 Salem, OR 97301-4281 (503) 378-2865 X253 Fax: (503) 373-7210





To:	Joe	Dills, Otak		From:	Greg Parker Project Manager	
Fax:	(503	3) 635-5395		Pages:	[Click here and type	e # of pages] including
***					this page	
Phone:	(503	3) 699-4598		Date:	2/13/2006	
Re:	Eas	ement on vacated st	reet	CC:		14 - Marie
□ Urge	ent	☑ For Review	☐ Please Co	mment	☐ Please Reply	☐ Please Recycle
		□ FYI	☐ Per Your	Request		

Comments:

To follow is a Letter from Pieter Fiernandez regarding the elasement reservation in the right of way vacation.

There is an easement for a PGE line that runs across there to a couple of well pumps owned by DoC in the IB parcel. DoC will be decommissioning these wells and we can remove the power line and thus the easement.

Call if you have questions.



Transmittal

Public Works Department / City Hall 555 Liberty Street SE / Room 325 Salem OR 97301-3503 503-588-6211 Civic Center FAX 503-588-6025 Engineering PM FAX 503-315-2568 TTY 503-588-6292

We are sending you:

Subject:

Date:

Attention:

November 17, 2005

Gregory Parker

To:

Mill Creek Vacation

Dept. of Admin. Services

1225 Ferry St. SE Salem, OR 97301 Project No.:

RECEIVED

NOV 21 2005

FACILITIES DIVISION
DEPT OF ADMINISTRATIVE SVCS

	ached	☐ Under s	eparate cover via			_the following items:
□ Sho	op drawings	☐ Prints	→ □ Plans	☐ Samples	☐ Specifications	
□ Cop	oy of letter	Change order	Recorded Vac	ation Ordinance		
opies	Date	No.		De	scription	
					*:	
				*		
	transmitte	d as checl	ced below:			
□ Fo	r Approval		ed as submitted		copies	
□ Fo	r Approval r your use	☐ Approv	ed as submitted ed as noted of for corrections	☐ Submit	copies copies correct	for distribution
□ Fo	r Approval	☐ Approv	ed as noted of for corrections	☐ Submit	copies	for distribution
□ Fo	r Approval r your use requested	☐ Approv	ed as noted of for corrections	☐ Submit	copies	for distribution
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A BILL FOR ORDINANCE NO. 69-05

AN ORDINANCE TO VACATE PUBLIC RIGHT-OF-WAY LOCATED WITHIN OREGON DEPARTMENT OF CORRECTIONS PROPERTY AND PARTIALLY WITHIN THE MILL CREEK INDUSTRIAL PARK, SALEM, OREGON.

THE CITY OF SALEM ORDAINS AS FOLLOWS:

Section 1. FINDINGS.

(a) On May 2, 2005, the State of Oregon (the Petitioner), acting by and through the Oregon Department of Administrative Services, filed a petition to vacate a portion of unopened public right-of-way within Oregon Department of Corrections property (the Property), more particularly described as:

> A strip of land located in Lot 1 and Lots 14 through 21 of the plat of "Maplewood" subdivision, located in the Northwest 1/4 and the Southeast 1/4 of Section 5, Township 8 South, Range 2 West, Willamette Meridian, City of Salem, Marion County, Oregon, described as follows: Beginning at the Initial Point of the Plat of "Maplewood" as recorded in Plat Book 7 at Page 69, Marion County Plat Records; thence S.44°45'E. along the southwesterly line of said plat, 40 feet to the northwesterly corner of said Lot 1 and the True Point of Beginning of the herein described strip; thence continuing along the westerly line of said plat, S.44°45'E. 4806.38 feet to the southeasterly corner of said Lot 14; thence N.45°15'E. along the southeasterly line of said Lot 14, 40.0 feet; thence along the northeasterly line of that 40-foot Road as shown on said plat, 4806.45 feet to the northwesterly line of said Lot 1; thence S.45°15'W. along said northwesterly line, 40 feet to the True Point of Beginning; Except that portion of said 40-foot Road contained within the Right of Way of the North Santiam Highway (Highway No. 22) as shown on Oregon Department of Transportation Right of Way Drawing Number 7B-22-18.

- (b) The Planning Commission reviewed vacation of the Property on August 16, 2005 and recommended approval of the vacation.
- (c) A public hearing before the City Council to consider the vacation of the Property was set for October 10, 2005, and pursuant to ORS 271.110(1), notice of the hearing was provided as required by law.
- (d) Hearing upon the proposed vacation of the Property was held on October 10, 2005, at which time all interested persons were afforded the opportunity to present evidence and provide

ORDINANCE - Page 1

Return to:

City of Salem Recorder's Office 555 Liberty St SE, Room 205 Salem, OR 97301-3503

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testimony in favor of or in opposition to the proposed vacation, and upon consideration of such evidence and testimony and after due deliberation, the City Council further finds as follows:

- (1) The Property proposed for vacation contains approximately 192,000 square feet and abuts land zoned Employment Center and Community Service-Government and Public and Private Health Services.
- (2) All utilities have been notified of these proceedings and it has been determined that utilities located within the Property include Portland General Electric.
- (3) The proposed vacation complies with the City of Salem Comprehensive Plan.
- (4) The Property is not actively used for transportation.
- (5) The proposed vacation will in no way impair safe and convenient pedestrian, bicycle and vehicular circulation, and complies with the "Transportation Planning Rule," OAR 660-012-0045 (3).
- (6) The Property is not improved.
- (7) The Property proposed to be vacated is not needed for future roadway purposes, and public interest will not be prejudiced if the area is vacated.
- (8) Vacation of the Property will not substantially affect the market value of abutting properties.
- (9) The Petitioner will, after vacation, dedicate other areas within its property that will inure to the benefit of the City of Salem. Upon construction, the City of Salem will take ownership of these streets, and the City will ultimately receive a benefit equal to or greater than the benefit conferred upon the Petitioner through the vacation of the Property, and no assessment of special benefit should be assessed upon and against Petitioner's real property abutting the Property.

<u>Section 2.</u> VACATION. That certain Property more particularly described as follows is hereby vacated, subject to the condition set forth Section 3 of this ordinance:

A strip of land located in Lot 1 and Lots 14 through 21 of the plat of ORDINANCE - Page 2

"Maplewood" subdivision, located in the Northwest 1/4 and the Southeast 1/4 of Section 5, Township 8 South, Range 2 West, Willamette Meridian, City of Salem, Marion County, Oregon, described as follows: Beginning at the Initial Point of the Plat of "Maplewood" as recorded in Plat Book 7 at Page 69, Marion County Plat Records; thence S.44°45'E. along the southwesterly line of said plat, 40 feet to the northwesterly corner of said Lot 1 and the True Point of Beginning of the herein described strip; thence continuing along the westerly line of said plat, S.44°45'E. 4806.38 feet to the southeasterly corner of said Lot 14; thence N.45°15'E. along the southeasterly line of said Lot 14, 40.0 feet; thence along the northeasterly line of that 40-foot Road as shown on said plat, 4806.45 feet to the northwesterly line of said Lot 1; thence S.45°15'W. along said northwesterly line, 40 feet to the True Point of Beginning; Except that portion of said 40-foot Road contained within the Right of Way of the North Santiam Highway (Highway No. 22) as shown on Oregon Department of Transportation Right of Way Drawing Number 7B-22-18.

<u>Section 3.</u> CONDITIONS. A City of Salem utility easement is reserved for the purpose of continuing, maintaining, repairing, reconstructing, renewing, replacing, rebuilding, enlarging or locating utilities, including, upon the issuance of a permit therefore, public utilities, over, under, upon, above and across the Property vacated hereby.

<u>Section 4.</u> ASSESSMENT OF SPECIAL BENEFIT. No special benefit shall be assessed upon and against the land abutting upon the Property vacated hereby.

Section 5. EFFECTIVE DATE. This vacation shall not be effective until the City Recorder has satisfied all requirements of SRC 76.144, and a certified copy of this ordinance vacating the Property is recorded by the City Recorder with the county clerk, assessor and surveyor. The City Recorder shall provide copies to the Marion County Assessor, the Marion County Surveyor and any affected public utility.

PASSED by the Council this 10th day of 0ctober , 2005.

ATTEST:

City Recorder

Approved by City Attorney:

Checked By: J. WARNCKE (sel

G:\Group\LEGAL1\Council\101005 Mill Creek vacation ord.wpd

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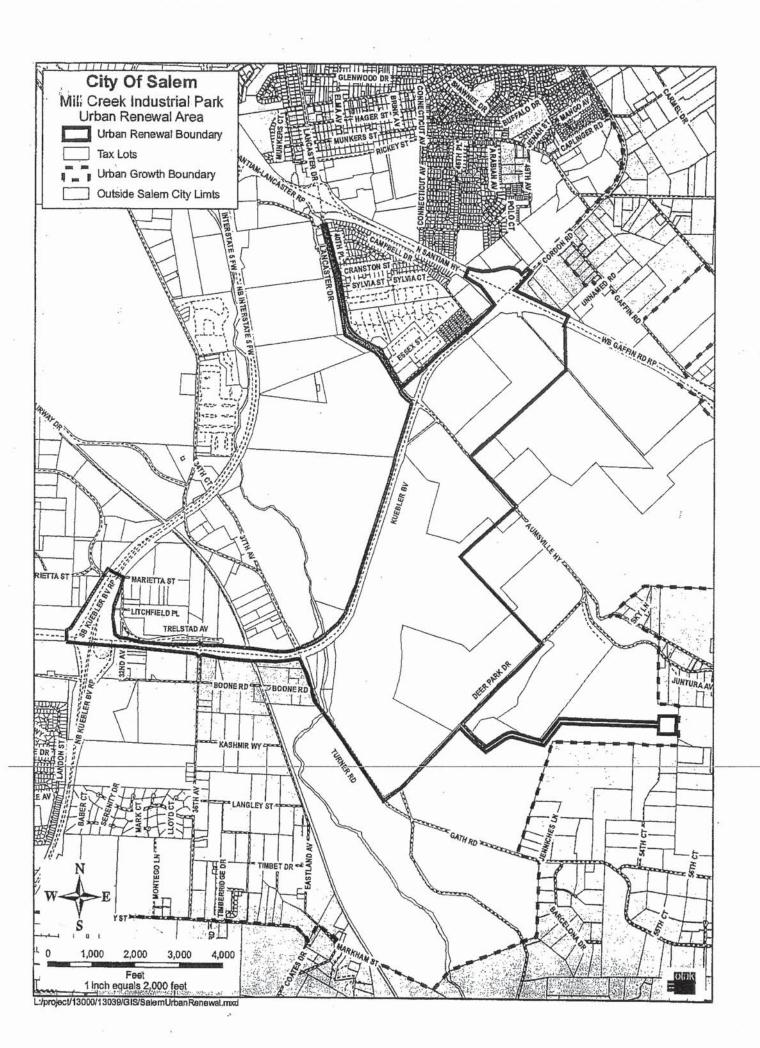
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ORDINANCE - Page 3



CITY OF Sales AT YOUR SERVICE W O R K S

WEMO)

TO:

Ed Jochums, Director

TJ Newman, Park Planning Manager

Annie Battee/Rachel Dixon, Neighborhood Resources Counselor

Department of Community Services

Joe Parrott, Fire Department

Glen Gross, Urban Planning Administrator Dick Hayden, Real Estate Supervisor Acting Department of Community Development

Jim Bonnet, City Engineer

Glenn Davis, Chief Development Services Engineer

Kevin Hottmann, City Traffic Engineer

John Nemecek, City Surveyor Ken Roley, Facilities Engineer Public Works Department

FROM:

Dave Baltz, Senior Transportation Planner

Public Works Department

DATE:

July 14, 2005

SUBJECT:

VACATION REQUEST FROM DEPARTMENT OF CORRECTIONS

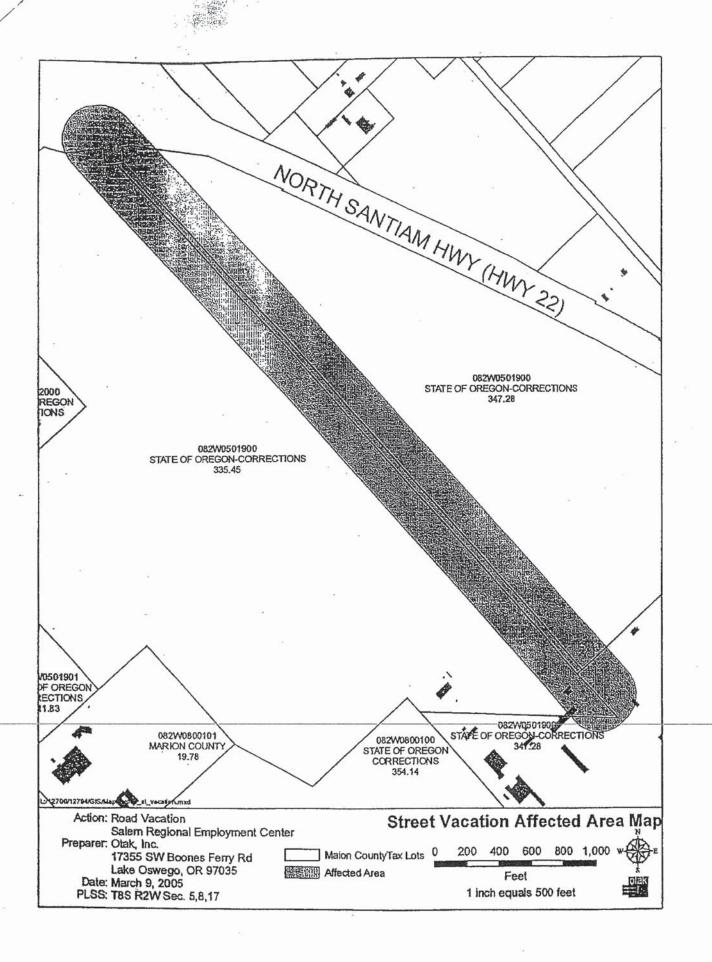
The City of Salem has received a request from Oregon Department of Corrections to vacate a section of unopened right-of-way within their holdings in the Mill Creek Industrial Park (see attached drawing and legal description). Please review this area for the following items:

- 1. Easement requirements
- 2. Land use restrictions and requirements
- Any other concerns or objections that should be considered before the vacation request is approved

Please respond to this office before August 1, 2005. If we do not receive your response by the above date, we will assume you do not require easements or any other condition placed on the vacation, and otherwise do not object to the vacation.

The Salem Planning Commission will review this vacation request on August 16, 2005, and City Council has scheduled a public hearing on September 12, 2005.

Your prompt response to this letter will be appreciated. If you need additional information, please contact me at extension 7226.



DESCRIPTION
Vacation of 40' Public Road along the
South lines of Lots 1, and Lots 14-21
"Maplewood"
March 07, 2005
Revised June 01, 2005

A strip of land located in Lot 1 and Lots 14 through 21 of the plat of "Maplewood" subdivision, located in the Northwest ¼ and the Southeast ¼ of Section 5, Township 8 South, Range 2 West, Willamette Meridian, City of Salem, Marion County, Oregon, described as follows:

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Except that portion of said 40-foot Road contained within the Right of Way of the North Santiam Highway (Highway No. 22) as shown on Oregon Department of Transportation Right of Way Drawing Number 7B-22-18.

Containing 4.41 Acres, more or less.

Checked by:

04-07-05P01:58 RCVD

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

FOR THE STATE OF OREGON, COUNTY OF MARION

In the matter of the Petition of the)	
Vacation of a portion of Maplewood)	
Subdivision right-of-way in the)	
City of Salem, Marion County,)	ABUTTING PROPERTY
Oregon)	OWNER'S CONSENT TO
)	VACATION
Oregon Department of Administrative)	
Services - Facilities Division,)	
)	
Petitioner)	
)	
)	

WHEREAS, there is a petition directed to the City Council of the City of Salem,

Marion County, Oregon, seeking a vacation of a portion of Maplewood Subdivision right-ofway in the City of Salem, Marion County, Oregon, legally described as follows:

DESCRIPTION
Vacation of 40' Public Road along the
South lines of Lots 1, and Lots 14-21
"Maplewood"
March 07, 2005

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Containing 4.41 Acres, more or less.

NOW, THEREFORE, the undersigned owner of abutting property affected by the proposed vacated portion of Maplewood Subdivision right-of-way, hereby respectfully consents to the allowance of such petition. The signature(s) of the abutting land owners are hereto set forth in the order they appear upon the report of AmeriTitle as set forth in Exhibit 2 to the petition.

DATED this \$7 day of April

__, 2005.

Max Williams, Direc

Name

State of Oregon)) ss.
County of Marion)
On the 14h day of 10 rsl the above named Max Williams, who being du was signed by him and acknowledge said instru	
DATED this 7th day of A	2005.
Seal	Cherry J. Greenade
OFFICIAL SEAL CHERIE L GREENWADE NOTARY PUBLIC - OREGON COMMISSION NO. 368710 MY COMMISSION EXPIRES MAY 15, 2007	Notary Public for Oregon My Commission Expires: May 15,300
ABUTTING PROPERTY IDENTIFICATION	<u>DN</u>
Assessor's Map & Tax ID No.	

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

FOR THE STATE OF OREGON, COUNTY OF MARION

In the matter of the Petition of the)	
Vacation of a portion of Maplewood)	
Subdivision right-of-way in the)	
City of Salem, Marion County,)	ABUTTING PROPERTY
Oregon)	OWNER'S CONSENT TO
)	VACATION
Oregon Department of Administrative)	
Services - Facilities Division,)	
)	
Petitioner)	
)	
)	

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March 07, 2005

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DATED this 25th day of March, 2005.

Deolinda G. Jones Right of Way Manager

DESCRIPTION

Vacation of 40' Public Road along the South lines of Lots 1, and Lots 14-21 "Maplewood" March 07, 2005

A strip of land located in Lot 1 and Lots 14 through 21 of the plat of "Maplewood" subdivision, located in the Northwest ¼ and the Southeast ¼ of Section 5, Township 8 South, Range 2 West, Willamette Meridian, City of Salem, Marion County, Oregon, described as follows:

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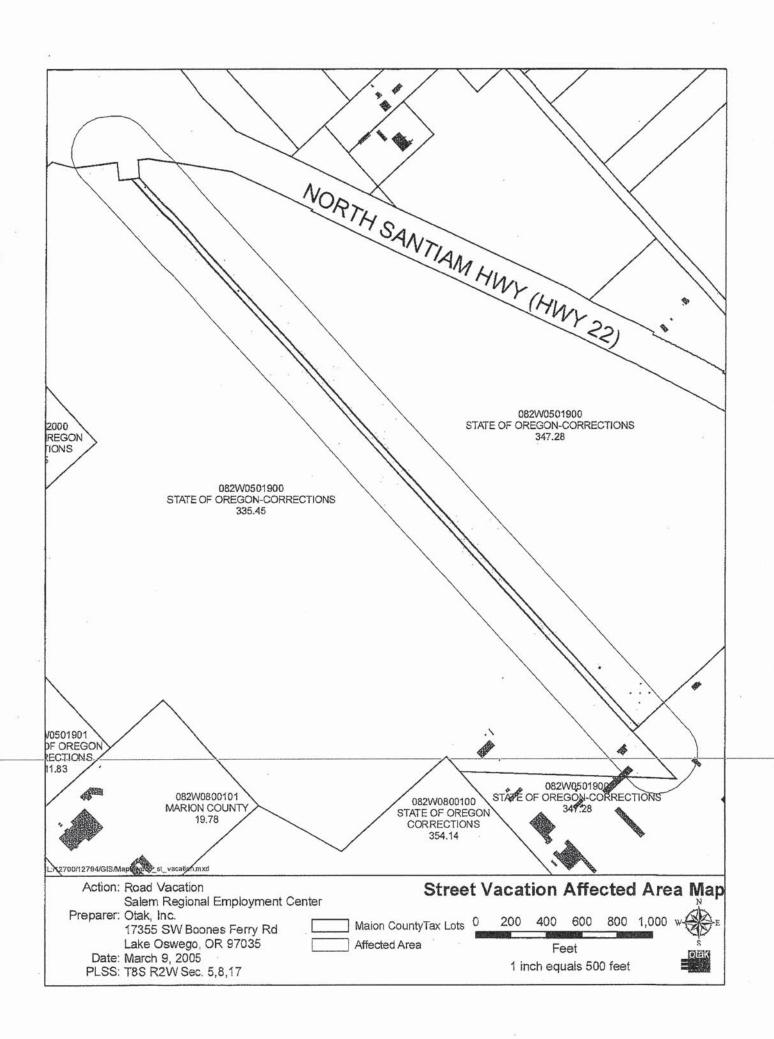
Containing 4.41 Acres, more or less.

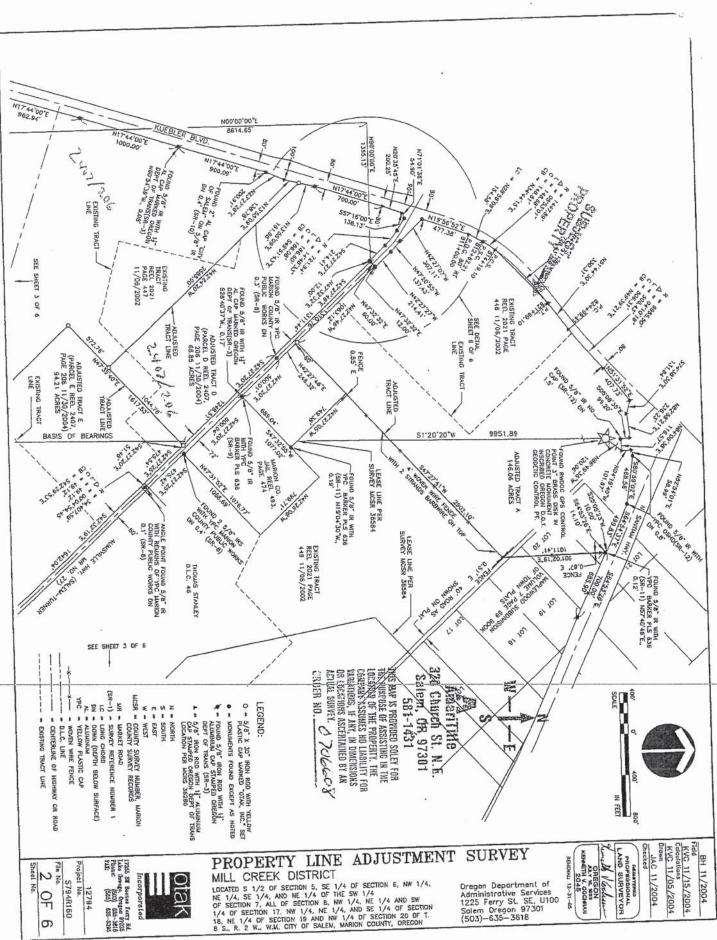
EXHIBIT 3

CONSENT TO VACATION BY ALL ABUTTING PROERTY OWNERS

The following owners of all the property <u>abutting</u> the proposed vacation described aforesaid have consented to the vacation by virtue of the attached notarized consent forms:

- 1. State of Oregon Corrections, Tax Lot 1900, 082W050
- 2. State of Oregon Transportation, North Santiam Highway (Hwy 22)





MCSR 36689

February 8, 2005

Mr. Greg Parker Department of Administrative Services 1225 Ferry St. SE Salem, OR 97301

Re: SREC Street Vacation and Phase IB Partition – Otak Project No. 12794

Dear Greg:

As requested, we have prepared a scope of work and fee estimate for the next two phases of survey-related work for the Salem Regional Employment Center property. They are:

- 1. A vacation of the public street that is part of the old Maplewood Subdivision.
- 2. A partition of the northern-most tax lots to create a legal lot of record for Phase IB and "replat" (i.e. remove) the old Maplewood lot lines.

The scope of work and for each phase is described below.

Street Vacation

- 1. Coordinate with DAS, planning and public works prior to application submittal.
- Prepare legal description.
- Prepare application (consent petition, tax maps, title report, reasons for the vacation, and vicinity map). Title report to be supplied by the client. Client will assist with obtaining signatures from adjacent property owners.
- 4. Attend one hearing before the Planning Commission and one hearing before the City Council.

Phase IB Partition

- 1. Coordinate with DAS, planning and public works prior to application submittal.
- 2. Prepare application, making use of materials from previous applications. Submittal to include: form, compilation of deeds, assessors maps, brief statement of reasons,

tentative plan map (GIS), vicinity map, tree conservation plan application form, and aerial photo showing (lack of trees).

- 3. Coordinate with Salem planner during their review. Review conditions of approval.
- 4. Prepare draft final plat. Submit to City surveyor.
- Incorporate revisions required by City and County and prepare final plat. DAS will record.

Our fee estimate for each phase is:

Street Vacation*

\$4,065

Phase IB Partition*

\$12,506

Total Not-to-Exceed Budget*

\$16,571

Thanks for the continuing opportunity to assist you with planning and implementation for the Salem Regional Employment Center.

Sincerely,

Joe Dills Senior Planner Otak, Incorporated

Enclosures

ee: file

^{*}Includes budget for direct expenses.

SREC Street Vacation Fee Estimate

Otak, Inc. Otak Project # 12794 - Street Vacation

				THE CONTRACTOR OF THE CONTRACTOR		Project Total	
						Subconsultant Administration	
						Direct Expenses	
	\$1,098	\$435	\$158		\$2,224	Total Labor Cost	
	\$61.00	\$87.00	\$158.00	\$74.00	\$139.00	Billing Rate	
40	18	στ	1		16	Total Hours	
6					6	Hearings: 1 PC and 1 City Council.	4.0
24	16				8	approval.	3.0
						for the vacation, vicinity map). Monitor staff review and review conditions of	
						Prepare application (consent petition, tax maps, title report [by Title Co.], reasons	
6		57	1			Legal description	2.0
1	2				lto.	Pre-applications coordination with Planning and Public Works	0.1
Hours	Assistant	Sr PLS	Manager	Planner	Planner	Description	Task
Total	Project		Survey	Sr GIS	Sr Senior		
			PIC/PLS				

\contract\12794 Phisia IB fecest Rev 1-27-05,xls

SREC Phase IB Partition

Fee Estimate Otak, Inc. Otak Project # 12794.007

\$12,506					100000000000000000000000000000000000000		Project Total	
							Subconsultant Administration	
\$400							Direct Expenses	
\$12,106		\$1,342	\$6,612	\$632	\$740	\$2,780	Total Labor Cost	
		\$61.00	\$87.00	\$158.00	\$74.00	\$139.00	Billing Rate	
700	132	22	76	4	10	20	Total Hours	
800'T\$	11		10			-	Address redlines, prepare final plat (DAS will record).	5.0
\$6,260	56		60	4		10	Prepare draft final plat, submit to City surveyor	4.0
\$417	co					ω	Coordinate with Salem planner during review - review conditions of approval	
\$4,324	50	20	8		10	12	report (by Title Co.), reasons for the vacation, vicinity map).	2.0
						100.41	Prepare application - most materials available from previous applications (form, compile deeds, assessors map, brief statement of reasons, tentative plan map (GIS),	
980,14	7.2	K	œ			100	Pre-applications coordination DAS, Planning and Public Works	1.0
Task		Assistant	PLS	Manager	Planner	Planner I	Description	Task
Budget by	Total	Project		Survey	Sr GIS	Sr PM		
Total				S Idiold				

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