

## RESOLUTION NO. 2017-33

A RESOLUTION INITIATING A CLASS 2 VACATION OF THE SOUTHEASTERLY PORTION OF OLD MACLEAY ROAD SE

**Whereas**, the southeasterly portion totaling approximately 13,150 square feet of Old MacLeay Road SE will not be needed once the Gaffin Road SE extension is completed;

**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 the southeasterly portion of Old MacLeay Road 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." "Exhibit B" is a map depicting the proposed vacation;

**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 12th day of June, 2017.

ATTEST:

City Recorder



Approved by City Attorney:



Checked by: A. Gamallo

## EXHIBIT "A"

Beginning at a 5/8" iron rod on the West right of way of Cordon Road (MR 97), said point being in the Northeast corner of Parcel 2, Partition Plat 2015-18, as recorded in Marion County book of Partitions, located in the Southeast and Southwest quarter of Section 32, Township 7 South, Range 2 West, and the Northeast and Northwest quarter of Section 5, Township 8 South, Range 2 West, of the Willamette Meridian, City of Salem, Marion County, Oregon; thence along said right of way North 47°47'22" East 88.95 feet to the North Right of way of Old MacLaey Road; thence along said right of way North 42°12'38" West 277.13 feet; thence 21.99 feet along a 100.00 foot radius non-tangent curve to the left (the chord of which bears South 15°47'20" East 21.95 feet); thence 87.12 feet along a 160.00 foot radius curve to the right (the chord of which bears South 06°29'27" East 86.04 feet to a point on the North line of Parcel 2, Partition Plat 2015-18; thence along said North line and the South right of way of Old MacLaey Road, the following two calls, South 42°12'38" East 157.64 feet to a 5/8" iron rod; 46.07 feet along a 30.00 foot radius curve to the right (the chord of which bears South 01°46'56" West 41.67 feet) to the point of beginning.

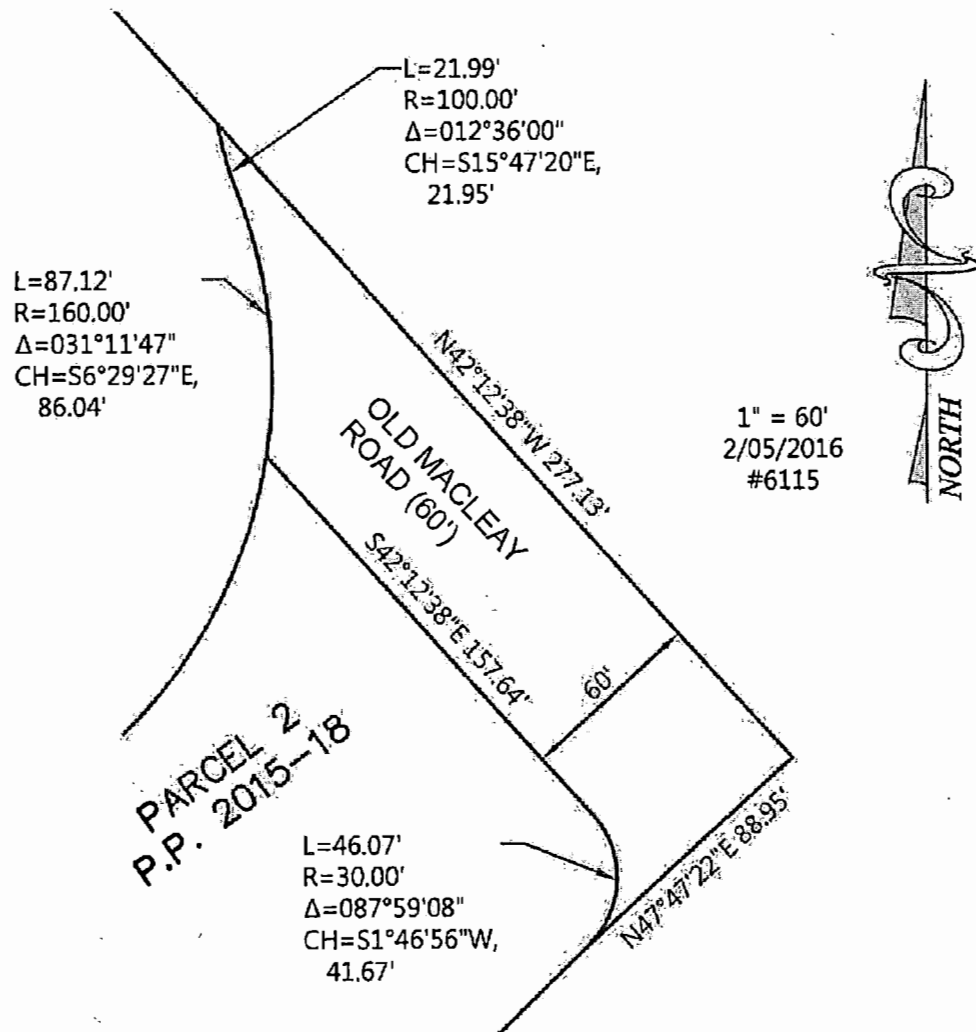
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JULY 13, 2004  
ROBERT D. HAMMAN  
64202LS

EXPIRES: 6/30/2017

EXHIBIT "B"



PARCEL 2  
P.P. 2015-18

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
ROBERT D. HAMMAN  
64202LS

EXPIRES: 6-30-2017

BY:  
MULTI/TECH ENGINEERING SERVICES, INC.  
1155 13TH ST. S.E. SALEM, OREGON 97302  
503-363-9227

### RESOLUTION NO. 2017-33

A RESOLUTION INITIATING A CLASS 2 VACATION OF THE SOUTHEASTERLY PORTION OF OLD MACLEAY ROAD SE

Adopted: June 12, 2017
Effective: June 12, 2017
Copy to :

Council Vote	Yes	No
Mayor Bennett	X	
Kaser (Ward 1)	X	
Andersen (Ward 2)	X	
Nanke (Ward 3)	X	
McCoid (Ward 4)	X	
Ausec (Ward 5)	X	
Hoy (Ward 6)	X	
Cook (Ward 7)	X	
Lewis (Ward 8)	X	

\*A = Absent

# CITY OF SALEM

555 Liberty St SE  
Salem, OR 97301



## Staff Report

**File #:** 17-234  
**Version:** 1

**Date:** 6/12/2017  
**Item #:** 3.2a.

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

### **SUBJECT:**

Initiating a Class 2 vacation of the southeasterly portion of Old MacLeay Road SE.

Ward(s): 3  
Councilor(s): Nanke  
Neighborhood(s): Southeast Mill Creek Association

### **ISSUE:**

Shall City Council adopt Resolution No. 2017-33 (Attachment 1) that initiates vacation of the southeasterly portion of Old MacLeay Road SE?

### **RECOMMENDATION:**

Adopt Resolution No. 2017-33 that initiates vacation of the southeasterly portion of Old MacLeay Road SE.

### **SUMMARY AND BACKGROUND:**

On January 5, 2016, the City of Salem Planning Division conditionally granted Partition Case No. PAR 15-12, which divided a 9.01-acre lot at the corner of Cordon Road SE and Old MacLeay Road SE into two parcels to be separated by an extension of Gaffin Road SE. Parcel 1 consisted of approximately 4.83 acres and Parcel 2 consisted of approximately 3.10 acres (Attachment 2).

On June 22, 2016, the City of Salem Planning Division conditionally granted a proposed Class 3 Design Review, Conditional Use Permit, Class 3 Site Plan Review, and Class 2 Driveway Approach Permit to allow development of an 82-unit apartment complex on Parcel 1. Parcel 1 is located in the 1500-1700 block of Cordon Road SE. Partition 2 is intended for usage as a storage unit facility.

The portion of Old MacLeay Road SE proposed to be vacated will not be usable once the Gaffin Road SE extension is completed. Currently, a left turn from MacLeay Road SE onto Old MacLeay Road SE is

at an acute angle. This intersection creates an awkward turning movement that will be remedied by the Gaffin Road SE extension. Additionally, a traffic signal at the intersection of Gaffin Road SE and Cordon Road SE will, in combination with the Gaffin Road SE extension, render Old MacLeay unnecessary.

## **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. 2017-33 initiates the vacation of the southeasterly portion of Old MacLeay Road SE.
4. The area proposed for vacation contains approximately 13,125 square feet of land, as described in Exhibit A (Attachment 3), and depicted in Exhibit B (Attachment 4), of Resolution No. 2017-33.
5. Upon approval of Resolution 2017-33, 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

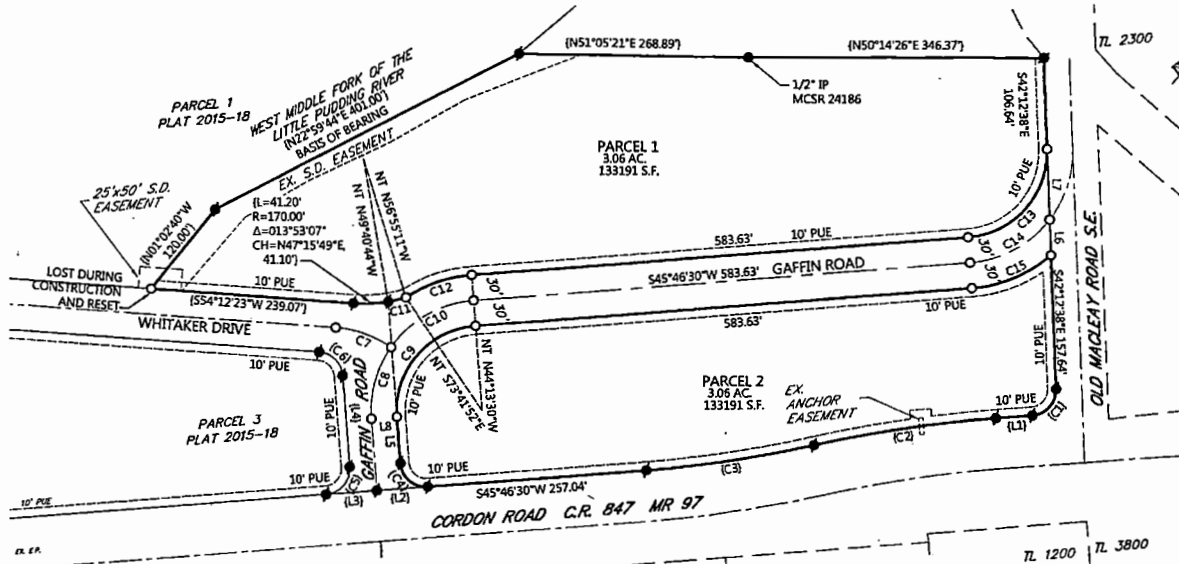
### **Attachments:**

1. Resolution No. 2017-33
2. Partition Plat
3. Exhibit A, Resolution No. 2017-33
4. Exhibit B, Resolution No. 2017-33

# PARTITION PLAT

FOR HARRISON INDUSTRIES, LLC  
A PARTITION OF PARCEL 2, PARTITION PLAT 2015-18,  
IN THE SE & SW 1/4 SEC. 32, T. 7 S., R. 2 W., &  
NE & NW 1/4 SEC. 5, T. 8 S., R. 2 W., W.M.  
CITY OF SALEM, MARION COUNTY, OREGON

BY:  
MULTI/TECH ENGINEERING SERVICES, INC.  
1155 13TH ST. S.E. SALEM, OREGON 97302  
503-363-9227



## NOTES:

1. ALL MONUMENTS FOUND IN GOOD CONDITION AND WITHIN 0.2' OF THE SURFACE OF THE GROUND UNLESS OTHERWISE NOTED.

● = FOUND MONUMENT AS NOTED

■ = 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG." PER PARTITION PLAT 2015-18

○ = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG."

MCSR = MARION COUNTY SURVEY RECORD

BOIP = BOOK OF TOWN PLATS

W/YPC = WITH YELLOW PLASTIC CAP

IP = IRON PIPE

IR = IRON ROD

P. = PAGE

NT = NON TANGENT

R. = REEL

PP = PARTITION PLAT

() = MEASURED & RECORD BEARING AND DISTANCE PER PP 2015-18

RECORD SURVEY  
PARTITION PLAT 2015-18

## CURVE DATA

CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	DIST.
(C1)	30.00'	87°59'08"	46.07'	N1°46'56"E	41.67'
(C2)	1,493.77'	8°17'34"	216.20'	S41°37'43"W	216.01'
(C3)	1,373.68'	8°17'34"	198.82'	N41°37'43"E	198.65'
(C4)	30.00'	90°00'00"	47.12'	S89°13'30"E	42.43'
(C5)	30.00'	90°00'00"	47.12'	N0°46'30"E	42.43'
(C6)	30.00'	81°34'07"	42.71'	N85°00'33"W	39.19'
C7	130.00'	30°48'15"	69.89'	S69°36'31"W	69.05'
C8	130.00'	39°15'05"	89.06'	S24°35'57"E	87.33'
C9	100.00'	90°00'00"	157.08'	S0°46'30"W	141.42'
C10	130.00'	50°44'55"	115.14'	S20°24'03"W	111.42'
C11	170.00'	7°25'36"	22.04'	N36°36'28"E	22.02'
C12	160.00'	29°17'01"	81.78'	S31°07'59"W	80.89'
C13	100.00'	87°59'08"	153.56'	N1°46'56"E	138.91'
C14	130.00'	48°16'13"	109.52'	N21°38'23"E	106.31'
C15	160.00'	36°40'04"	102.40'	N27°26'28"E	100.66'

## LINE DATA

LINE	BEARING	DIST.
(L1)	S45°46'30"W	43.05'
(L2)	N45°46'30"E	120.00'
(L3)	N45°46'30"E	120.00'
(L4)	S44°13'30"E	108.19'
L5	N44°13'30"W	54.81'
L6	S42°12'38"E	41.83'
L7	S42°12'38"E	83.07'
L8	S45°46'30"W	30.00'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
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EXPIRES: 6-30-2017

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CITY OF SALEM, MARION COUNTY, OREGON

BY:  
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503-363-9227

## SURVEYOR'S CERTIFICATE:

I, ROBERT D. HAMMAN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON DO HEREBY CERTIFY THAT I HAVE SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED MAP, THE BOUNDARY OF PARCEL 2, PARTITION PLAT 2015-18, WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD SET IN MIDDLE OF THE WEST FORK OF THE LITTLE PUDDING RIVER AND LOCATED IN THE SE & SW 1/4 OF SECTION 32, TOWNSHIP 7 SOUTH, RANGE 2 WEST AND THE NE & NW 1/4 OF SECTION 5, TOWNSHIP 8 SOUTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF SALEM, MARION COUNTY, OREGON; THENCE NORTH 51°05'21" 268.89 TO A 1/2" IRON PIPE; THENCE NORTH 50°14'26" EAST 346.37 FEET TO A 5/8" IRON ROD ON THE SOUTH RIGHT OF WAY OF OLD MACLEAY ROAD S.E.; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING TWO COURSES, SOUTH 41°12'38" EAST 389.18 FEET TO A 5/8" IRON ROD, 46.07 FEET ALONG A 30.00 FOOT RADIUS CURVE TO THE LEFT (THE CHORD OF WHICH BEARS NORTH 01°46'56" EAST 41.67 FEET TO A 5/8" IRON ROD ON THE WEST RIGHT OF WAY OF CORDON ROAD; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING 5 COURSES, SOUTH 45°46'30" WEST 43.05 FEET TO A 5/8" IRON ROD; 216.20 FEET ALONG A 1493.77 FOOT RADIUS TO THE LEFT (THE CHORD OF WHICH BEARS SOUTH 41°37'43" WEST 216.01 FEET) TO A 5/8" IRON ROD BEING A POINT OF RESERVE CURVATURE; 198.82 FEET ALONG A 1373.68 FOOT CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS SOUTH 41°37'43" WEST 198.65 FEET) TO A 5/8" IRON ROD; SOUTH 45°46'30" WEST 257.04 FEET TO A 5/8" IRON ROD; 47.12 FEET ALONG A 30.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS NORTH 89°13'30" WEST 42.43 FEET) TO A 5/8" IRON ROD ON THE NORTH RIGHT OF WAY OF GAFFIN ROAD; THENCE ALONG SAID RIGHT OF WAY NORTH 44°13'30" WEST 190.85 FEET TO A 5/8" IRON ROD ON THE WEST RIGHT OF WAY OF WHITAKER DRIVE; THENCE ALONG SAID WEST RIGHT OF WAY FOLLOWING TWO COURSES, 41.20 FEET ALONG A 170.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS SOUTH 47°15'49" WEST 41.10 FEET) TO A 5/8" IRON ROD; SOUTH 54°12'23" WEST 239.07 FEET TO A 5/8" IRON ROD; THENCE ALONG THE CENTER LINE OF THE WEST FORK OF THE LITTLE PUDDING RIVER THE FOLLOWING TWO COURSES, NORTH 01°02'40" WEST 120.00 FEET TO A 5/8" IRON ROD; NORTH 22°59'44" EAST 401.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 9.011 ACRES OF LAND PLUS OR MINUS.

MULTI/TECH ENGINEERING SERVICES, INC.  
BY:

  
ROBERT D. HAMMAN  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 64202LS

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
ROBERT D. HAMMAN  
64202LS

EXPIRES: 6-30-2017

## NARRATIVE:

THE PURPOSE OF THIS SURVEY WAS TO PARTITION THE PROPERTY INTO TWO PARCELS OF LAND AS SHOWN HEREON PER THE CITY OF SALEM PLANNING ADMINISTRATOR PARTITION CASE NUMBER PAR15-12. THE LAND BEING DESCRIBED IN REEL 3693, PAGE 499, MARION COUNTY DEED RECORDS, RECORDED IN MARION COUNTY, OREGON, AND KNOWN AS PARCEL 2.

THE BASE OF BEARING IS NORTH 22°59'44" EAST ALONG THE CENTER LINE OF THE WEST FORK OF THE LITTLE PUDDING RIVER PER PARTITION PLAT 2015-18.  
ALL OF THE MONUMENTS OF PARCEL 2, PARTITION PLAT 2015-18 WERE FOUND AND HELD CREATING THE OUTER BOUNDARY OF THIS PARTITION.

THE WITHIN PLAT IS HEREBY APPROVED

CITY PLANNING ADMINISTRATOR DATE  
PARTITION CASE NO. PAR15-12

CITY OF SALEM SURVEYOR DATE

MARION COUNTY ASSESSOR DATE

TAXES AND ASSESSMENTS ON THE ABOVE DESCRIBED PROPERTY  
HAVE BEEN PAID IN FULL TO

MARION COUNTY TAX COLLECTOR DATE

CHAIRPERSON OR VICE-CHAIRPERSON DATE  
MARION COUNTY BOARD OF COMMISSIONERS

CONDITIONS OF APPROVAL FOR THIS PARTITION ARE RECORDED  
IN REEL \_\_\_\_\_, PAGE \_\_\_\_\_, MARION COUNTY FILM  
RECORDS.

IMPROVEMENT AGREEMENT FOR THIS PARTITION IS RECORDED IN  
REEL \_\_\_\_\_, PAGE \_\_\_\_\_, MARION COUNTY FILM RECORDS.

## DECLARATION:

KNOW ALL MEN BY THESE PRESENTS THAT HARRISON INDUSTRIES, LLC, BEING THE OWNER OF THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON, AND DESIRING TO DISPOSE OF THE SAME IN PARCELS HAVE CAUSED THE SAME TO BE SURVEYED AND PARTITIONED, AS OWNER OF THE LAND HEREIN DESCRIBED, GRANT THE EASEMENTS AND DEDICATE THE ROADWAYS AS SHOWN.

BY:

KEVIN C. HARRISON, MEMBER  
HARRISON INDUSTRIES, LLC

STATE OF OREGON  
COUNTY OF MARION S.S.

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, THAT PERSONALLY  
APPEARED BEFORE ME, A NOTARY PUBLIC FOR OREGON, KEVIN C. HARRISON,  
WHO ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT  
AND DEED.

NOTARY SIGNATURE

NOTARY PUBLIC FOR OREGON

COMMISSION NO. \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

STATE OF OREGON  
COUNTY OF MARION } S.S.

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT  
NO. \_\_\_\_\_, WAS RECEIVED FOR RECORDING ON  
THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, AT \_\_\_\_\_  
O'CLOCK \_\_\_\_\_ M. AND RECORDED IN THE BOOK OF  
PARTITION PLATS. IT IS ALSO RECORDED IN THE MARION  
COUNTY DEED RECORDS IN REEL \_\_\_\_\_, PAGE \_\_\_\_\_

BILL BURGESS, MARION COUNTY CLERK

BY: \_\_\_\_\_  
DEPUTY COUNTY CLERK