

AN ORDINANCE VACATING AVIATION LOOP SE

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The City of Salem ordains as follows:

Section 1. Findings.

(a) On June 25, 2018, the City Council adopted Resolution No. 2018-69, which initiated a Class 2 vacation of Aviation Loop SE, more particularly described as:

Area 1: The McNary Field roadway commonly known as Aviation Loop as described, depicted, and dedicated to the public in City of Salem Resolution Number 92-48. Excepting therefrom: That portion of said roadway previously vacated by City of Salem Ordinance Number 54-2003, recorded in Reel 2296, Page 282, Marion County deed records. Further excepting therefrom: Any portion of said roadway located East of, forty feet distant from, and parallel with the centerline of 25th Street SE, opposite of monument number 117 marking an angle point in said 25th Street SE as depicted on Marion County Survey Number 38800.

Area 2: That portion of Aviation Loop described in Exhibit “A”, dedicated to the public by City of Salem Resolution Number 2004-30, recorded in Reel 2295, Page 51, Marion County deed records.

Area 3: That strip of land along the east side of 25th Street SE described in Exhibit “C”, dedicated to the public by City of Salem Resolution Number 2004-30, recorded in Reel 2295, Page 51, Marion County deed records.

(b) A public hearing before the City Council was held on July 23, 2018, 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, and 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:

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

3 **FINDING:**

4 *Transportation:* The City realigned and reconstructed portions of Aviation Loop SE as a newly
5 configured access to the airport terminal at McNary Field. The reconfigured roadway provides
6 access to the airport terminal and will be dedicated as right-of-way following the vacation
7 process. Portions of the vacated area and the proposed dedication area overlap. The existing
8 right-of-way is being vacated in its entirety to simplify legal descriptions and to limit the
9 likelihood of errors in describing the new alignment.

10 *Utilities:* Public and franchise utilities were notified of the proposed vacation. Utilities located
11 within the vacated area directly serve the airport property and will be accommodated in the
12 newly dedicated right-of-way as needed.

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

15 **FINDING:** The new roadway alignment is consistent with the Airport Master Plan and provides
16 a loop road for users of the terminal building. The vacation does not prevent the extension or
17 retention of public services, facilities, or utilities.

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

20 **FINDING:** The new roadway alignment is consistent with the Airport Master Plan and provides
21 an alternate location to locate public services, facilities, and utilities.

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

24 **FINDING:** The vacation releases property no longer needed to access the abutting property. The
25 new roadway alignment is consistent with the Airport Master Plan, and will continue to facilitate
26 access to the airport terminal. For this reason, the vacation does not impede the future best use,
27 development of, or access to abutting property.

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

1 **FINDING:** With the construction and dedication of the new roadway alignment, the vacation
2 does not conflict with provisions of the *Unified Development Code*.

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 Proceeding 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 of right-of-way will
8 not substantially affect the market value of the abutting property such that it would lower the
9 market value; any impact would be to increase the market value of the abutting property.

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

13 No letters have been received from abutting or affected property owners regarding the proposed
14 vacation. The proposed vacation complies with this 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.

17 Notice was posted at the site on July 9, 2018, and published in the *Statesman-Journal* on July 9
18 and 16, 2018.

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

20 **FINDING:** Approval of this vacation is compatible and consistent with the intent, goals, and
21 policies of the Salem TSP and the *Salem Revised Code*. Therefore, the proposed vacation
22 complies with this criterion.

23 **Section 2. Vacation.** That certain property more particularly described in Section 1(a) of this
24 Ordinance is hereby vacated.

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

27 (a) All fees have been satisfied.

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

29 (c) A certified copy of this ordinance is recorded with the Marion 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 property 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 _____, 2018.

ATTEST:

City Recorder

Approved by City Attorney:_____

Checked by: Julie Warncke