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*The City of Salem ordains as follows:*

**(a) On September 13, 2021, the City Council adopted Resolution No. 2021-34, which initiated a Class 2 vacation of public right-of-way located on the northeast corner of the intersection of Liberty Road S and Pembroke Street SE, or more particularly described as:**

**(b)** A public hearing before the City Council was held on October 11, 2021, 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 (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 proposed vacation will not degrade transportation services or accessibility  
11 in the surrounding neighborhood. The right-of-way has never been used in the past for  
12 transportation purposes. In preparing to surplus this property in 2009, staff recommended that  
13 City Council dedicate additional right-of-way along the frontage of both Pembroke Street SE and  
14 Liberty Road S for future transportation needs. Resolution No. 2009-47 dedicated the additional  
15 right-of-way, but it also inadvertently included the entire lot where the former fire station is  
16 located. The areas needed for right-of-way along the frontage of Pembroke Street SE and Liberty  
17 Road S are not part of this vacation. The vacation complies with this criterion.

18 *Utilities:* No utilities lie within the area proposed to be vacated. Vacation of this area will not  
19 impede access to any existing utilities. The vacation complies with this criterion.

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

22 **FINDING:** The area to be vacated is already developed as a former Fire Station. City Staff in  
23 Public Works and Community Development confirmed that this vacation does not interfere with  
24 any current or future public services, facilities, or utilities. The vacation complies with this  
25 criterion.

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

28 **FINDING:** The area to be vacated is already developed as a former Fire Station. City Staff in  
29 Public Works and Community Development confirmed that this vacation does not interfere with  
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1 any current or future public services, facilities, or utilities. The vacation complies with this  
2 criterion.

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

5 **FINDING:** This vacation is intended to correct an error made in 2009. In preparing to surplus  
6 this property in 2009, staff recommended that City Council dedicate additional right-of-way  
7 along the frontage of both Pembroke Street SE and Liberty Road S for future transportation  
8 needs. Resolution 2009-47, approved by Council on May 26, 2009, made this dedication. While  
9 the map attached to the resolution showed the correct area to be dedicated, the text of the  
10 resolution mistakenly referred to the entire lot, including the former fire station. A vacation is  
11 required for the City to surplus this property. Vacation proceedings were initiated in December  
12 2009. These proceedings were suspended in 2010 following a decision to use the former fire  
13 station to store Police Department Bomb Squad vehicles. With construction of the new police  
14 facility, there is no longer a City use for the former fire station. The vacation complies with this  
15 criterion.

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

18 **FINDING:** As a major arterial, access to Liberty Road S is limited. The existing driveway onto  
19 Liberty Road S does not meet City standards for driveway access. Future access should be taken  
20 from Pembroke Street SE. Staff recommends that as a condition of the vacation, no driveway  
21 accesses be permitted to or from the vacated area onto Liberty Road S. With this condition, the  
22 vacation complies with this criterion.

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

24 **FINDING:** Vacations following ORS 271.080-271.130 and the SRC 255.065 Class 2  
25 Proceeding do not require the consent of abutting property owners if the proposed vacation of  
26 right-of-way will not substantially affect the market value of the abutting property such that it  
27 will lower the market value of the abutting property. The proposed vacation of right-of-way will  
28 not substantially affect the market value of the abutting property such that it would lower the  
29 market value; any impact would be to increase the market value of the abutting property.

1 City-initiated vacations do not require the consent of owners of property within the “Affected  
2 Area;” however, vacations may not be approved if the majority of the affected owners, as  
3 computed on the basis provided in ORS 271.080, object in writing to the vacation. No letters  
4 have been received from abutting or affected property owners regarding the proposed vacation.  
5 The proposed vacation complies with this criterion.

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

7 **FINDING:** Notice of Public Hearing was provided as required by ORS 271.080-271.130.

8 Notice was posted at the site on September 27, 2021, and published in the *Statesman-Journal* on  
9 September 27 and October 4, 2021.

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

11 **FINDING:** Approval of this vacation with the condition that no driveways be permitted to or  
12 from the vacated area onto Liberty Road S is compatible and consistent with the intent, goals,  
13 and policies of the Salem TSP and the *Salem Revised Code*. The purpose of this vacation is to  
14 clean up a past error; there will be no adverse impact on the subject property or the surrounding  
15 properties. The proposed vacation complies with this criterion.

16 **Section 2. Vacation.** That certain property more particularly described in Section 1(a) of this  
17 Ordinance is hereby vacated subject to the condition that no driveways be permitted to or from  
18 the vacated area onto Liberty Road S.

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

21 (a) All fees have been satisfied.

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

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

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

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

28 (b) Rearrange sections;

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

30 (d) Delete references to repealed sections;

- 1 (e) Substitute the property subsection, section, or chapter, or other division numbers;  
2 (f) Change capitalization and spelling for the purpose of uniformity;  
3 (g) Add headings for purposes of grouping like sections together for ease of reference; and  
4 (h) Correct manifest clerical, grammatical, or typographical errors.

5  
6 PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

7 ATTEST:

8 City Recorder

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

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12 Checked by: Anthony Gamallo  
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