



Legislation Details (With Text)

**File #:** 20-334      **Version:** 1

**Type:** Action Item      **Status:** Passed

**In control:** City Council

**On agenda:** 9/14/2020      **Final action:** 9/14/2020

**Title:** Petition-initiated vacation of an alley near the intersection of Pine Street NE and Front Street NE.

Ward(s): Ward 1  
 Councilor(s): Councilor Kaser  
 Neighborhood(s): Highland  
 Result Area(s): Safe, Reliable, and Efficient Infrastructure

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Vicinity Map.pdf, 2. Map & Legal.pdf

| Date      | Ver. | Action By    | Action   | Result |
|-----------|------|--------------|----------|--------|
| 9/14/2020 | 1    | City Council | approved | Pass   |

**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Peter Fernandez, PE, Public Works Director

**SUBJECT:**

Petition-initiated vacation of an alley near the intersection of Pine Street NE and Front Street NE.

Ward(s): Ward 1  
 Councilor(s): Councilor Kaser  
 Neighborhood(s): Highland  
 Result Area(s): Safe, Reliable, and Efficient Infrastructure

**ISSUE:**

Shall the City Council accept a petition to vacate an alley near the intersection of Pine Street NE and Front Street NE and direct the City Manager to set a public hearing date to consider the request?

**RECOMMENDATION:**

Accept a petition to vacate an alley near the intersection of Pine Street NE and Front Street NE and

direct the City Manager to set a public hearing date to consider the request.

## **SUMMARY:**

The City of Salem received a petition from Riverfront Apartments, LLC, to vacate an alley at the southwest corner of Pine Street NE and Front Street NE as shown on the attachments. Council may accept the petition and schedule a public hearing to consider the vacation, or Council may reject the petition if it determines the vacation is not in the best interest of the City.

## **FACTS AND FINDINGS:**

If the vacation is approved, the petitioner intends to construct a four-story mixed-use building including some commercial space on the first floor and residential units in the stories above.

Property owners may file a petition to vacate all or part of a right-of-way pursuant to *Oregon Revised Statute* (ORS) 271.080 and 271.090, and *Salem Revised Code* (SRC) 255.065. The Petitioner submitted a petition to vacate an alley near the intersection of Pine Street NE and Front Street NE.

Public Works staff reviewed the petition and have determined it contains all the submittal requirements and property owner consents as required by SRC 255.065(b)(2)-(3) and ORS 271.080-271.230. Notice of the proposed vacation was sent to all potentially affected public utilities and no responses were received.

At this first stage in the City Council review process, Council may accept the petition and schedule a public hearing to consider the vacation, or Council may reject the petition if it determines the vacation is not in the best interest of the City. If Council rejects the petition, the petitioner will be given notice that the Council will take final action on their application at a future meeting. If Council accepts the petition, a public hearing on the proposed vacation will be scheduled. At the public hearing, Council will review the petition against the criteria for approval listed in SRC 255.065(b)(6) and ORS 271.080-271.230. After the public hearing, Council will then either enact an ordinance granting the vacation in whole or in part, or adopt a resolution rejecting the proposed vacation. In addition, Council may impose such conditions or make such reservations as it deems in the public interest.

## **BACKGROUND:**

The alley proposed for vacation extends south from Pine Street NE approximately 345 feet and previously served as part of the parking lot for a restaurant that burned down several years ago.

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

**Attachments:**

1. Vicinity Map
2. Legal Description and Map