

Legislation Details (With Text)

File #: 18-45 **Version:** 1

Type: Ordinance First Reading **Status:** Second Reading

In control: City Council

On agenda: 2/12/2018 **Final action:**

Title: Vacation of an alley at the site of the new Police Facility.

Ward(s):1
Councilor(s): Kaser
Neighborhood(s): CANDO

Sponsors:**Indexes:****Code sections:**

Attachments: 1. Ordinance Bill No. 1-18, 2. Resolution No. 2018-2

Date	Ver.	Action By	Action	Result
2/12/2018	1	City Council	introduced on first reading	Pass

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Peter Fernandez, PE, Public Works Director

SUBJECT:

Vacation of an alley at the site of the new Police Facility.

Ward(s):1
Councilor(s): Kaser
Neighborhood(s): CANDO

ISSUE:

Shall City Council conduct first reading of Ordinance Bill No. 1-18, which vacates an alley at the site of the new Police Facility, and schedule a public hearing to consider the ordinance bill?

RECOMMENDATION:

Conduct first reading of Ordinance Bill No. 1-18, which vacates an alley at the site of the new Police Facility, and schedule a public hearing to consider the ordinance bill.

SUMMARY AND BACKGROUND:

On May 16, 2017, Salem voters approved a General Obligation Bond Measure to build a new Police Facility at the former O'Brien Honda site, located on the northeast corner of Commercial Street NE and Division Street NE.

An alley currently bisects the property. Ordinance Bill No. 1-18 (Attachment 1) vacates this alley, which occupies 8,009 square feet as depicted in Exhibit A of Resolution No. 2018-2 (See Attachment 2). The design of the proposed Police Facility requires that the alley be vacated prior to development.

FACTS AND FINDINGS:

The City Council may initiate a vacation of 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. On January 8, 2018, the City Council adopted Resolution No. 2018-2, which initiated a Class 2 vacation of the alley at the site of the future Police Facility at the northeast corner of Commercial and Division Streets NE.

Approval Criteria

The *Salem Transportation System Plan* (TSP) establishes the goals, policies, and objectives for planning, development, and operation of its street system. SRC 255.065(b)(6) implements these goals, policies, and objectives by establishing the criteria for approving the vacation of public right-of-way. The eight criteria are listed below along with findings that detail how each criterion is met.

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

FINDING:

Transportation: The alley to be vacated is not presently needed for public use. This vacation is part of a larger process for the total redevelopment of the existing site into the new location for the City of Salem Police Department. Access to the new development is available from Division, Commercial, and Liberty Streets NE.

Utilities: The City notified all existing utilities of the City of Salem's requirements for relocation of facilities in conflict with the new Police Facility project. In accordance with SRC Chapter 35 and existing Franchise Agreements between the City and utility companies, the City has requested that all utilities located in conflict with City improvements related to this project be relocated by April 13, 2018. Notice of the proposed vacation was also mailed to the relevant utilities on January 9, 2018. No concerns have been raised by the utilities.

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

FINDING:

The vacation is part of a larger process for the total redevelopment of the existing site into the new Police Facility. This vacation is the first step in this process. In accordance with SRC Chapter 35 and existing Franchise Agreements between the City and utility companies, the City has requested that all utilities located in conflict with City improvements related to this project be relocated by April 13, 2018.

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

FINDING:

The vacation is part of a larger process to completely redevelop the existing site into the new Police Facility. Alternative locations are available to locate and extend utilities to serve this and surrounding properties.

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

FINDING:

The planned redevelopment of the site and all access points to the site will not impede development of any abutting properties or access to those properties.

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

FINDING:

This property will be redeveloped into a facility that is consistent with the provisions of the Unified Development Code.

(F) All required consents have been obtained;

FINDING:

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

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

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

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

FINDING:

The Public Hearing for this vacation is proposed to be held on February 26, 2018, with required notice posted at the site and in the *Statesman-Journal* on February 12, 2018, in accordance with ORS 271.080-271.130.

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

FINDING:

Approval of this vacation is compatible and consistent with the intent, goals, and policies of the Salem TSP and the *Salem Revised Code*. In addition, this vacation supports the public interest by supporting redevelopment of this property for a new Police Facility. Therefore, the proposed vacation complies with this criterion.

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

Attachments:

1. Ordinance Bill No. 1-18
2. Resolution No. 2018-2