

Legislation Details (With Text)

File #: 18-353 **Version:** 1
Type: Ordinance First Reading **Status:** Second Reading
In control: City Council
On agenda: 8/13/2018 **Final action:**
Title: Vacation of Aviation Loop SE.

Ward(s): 2
Councilor(s): Andersen
Neighborhood(s): Southeast Mill Creek Association

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

Attachments: 1. Aviation Loop SE area to be vacated, 2. Aviation Loop SE area to be dedicated in the future, 3. Ordinance Bill No.17-18 (Aviation Loop SE), 4. Resolution No. 2018-69

Date	Ver.	Action By	Action	Result
8/13/2018	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 Aviation Loop SE.

Ward(s): 2
Councilor(s): Andersen
Neighborhood(s): Southeast Mill Creek Association

ISSUE:

Shall the City Council conduct first reading of Ordinance Bill No. 17-18, which vacates Aviation Loop SE, and advance Ordinance Bill No. 17-18 to second reading for enactment?

RECOMMENDATION:

Conduct first reading of Ordinance Bill No. 17-18, which vacates Aviation Loop SE, and advance Ordinance Bill No. 17-18 to second reading for enactment.

SUMMARY AND BACKGROUND:

As a part of the Madrona Avenue SE/25th Street SE Intersection Widening Project, the City of Salem realigned and reconstructed portions of Aviation Loop SE as a newly configured access to the airport terminal at McNary Field. Vacating all of the existing right-of-way in its entirety (see Attachment 1) and later rededicating a portion (along with dedicating the new area) as shown on Attachment 2 is proposed to simplify legal descriptions.

Once completed, the vacation and subsequent dedication process will establish the public right-of-way for Aviation Loop SE and return ownership of unused right-of-way to airport ownership.

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 June 25, 2018, the City Council adopted Resolution No. 2018-69, which initiated a Class 2 vacation of Aviation Loop SE. On July 23, 2018, City Council conducted a public hearing, following which the vacation of Aviation Loop SE was approved.

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

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

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

FINDING: The new roadway alignment is consistent with the Airport Master Plan and provides a loop road for users of the terminal building. The vacation does not prevent the extension or retention

of public services, facilities, or utilities.

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

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

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

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

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

FINDING: With the construction and dedication of the new roadway alignment, the vacation does not conflict with 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: Notice of Public Hearing was provided as required by ORS 271.080-271.130. Notice was posted at the site on July 9, 2018, and published in the *Statesman-Journal* on July 9 and 16, 2018.

(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*. Therefore, the proposed vacation complies with this criterion.

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

Attachments:

1. Aviation Loop SE area to be vacated
2. Aviation Loop SE area to be dedicated in the future
3. Ordinance Bill No. 17-18
4. Resolution No. 2018-69