

## Legislation Details (With Text)

**File #:** 17-167 **Version:** 1  
**Type:** Action Item **Status:** Passed  
**In control:** City Council  
**On agenda:** 4/24/2017 **Final action:** 4/24/2017  
**Title:** Accepting a petition for the vacation of a portion of Rose Garden Way NE  
Ward(s): 5  
Councilor(s): Ausec  
Neighborhood(s): Northgate

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

**Attachments:** 1. Surveyor's Map of Proposed Vacation, 2. Rose Garden Vicinity Map, 3. Portland Road Apartment Complex Site Plan

Date	Ver.	Action By	Action	Result
4/24/2017	1	City Council	approved	Pass

**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

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

**SUBJECT:**

Accepting a petition for the vacation of a portion of Rose Garden Way NE

Ward(s): 5  
Councilor(s): Ausec  
Neighborhood(s): Northgate

**ISSUE:**

Shall Council accept a petition to vacate a portion of Rose Garden Way NE and direct the City Manager to set a public hearing date to consider the petition-initiated vacation?

**RECOMMENDATION:**

Accept a petition to vacate a portion of Rose Garden Way NE and direct the City Manager to set a public hearing date to consider the petition-initiated vacation.

## **SUMMARY AND BACKGROUND:**

The City of Salem has received a petition from the Larry and Jeanette Epping Family Foundation (Petitioner) to vacate the easterly 159-foot portion of Rose Garden Way as shown in Attachment 1. See also the attached vicinity map (Attachment 2).

The Petitioner plans to include the vacated property in a proposed affordable housing project shown on Attachment 3. The vacation is needed to develop the site effectively without causing the site to be divided into two parts by the current right-of-way. The right-of-way requested to be vacated is an unimproved dead end with no plans or capacity to be extended. Furthermore, the entirety of Rose Garden Way NE currently serves one undeveloped property. The vacation, along with the already submitted subdivision, will allow the remaining portion of Rose Garden Way NE to be fully developed and provide access and usefulness to several properties. This vacation is an important step in the development of an affordable housing project and the continued revitalization of the Portland Road NE corridor.

## **FACTS AND FINDINGS:**

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. On March 14, 2017, the Larry and Jeanette Epping Family Foundation submitted a petition to vacate a portion of Rose Garden Way NE.

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. 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, City Council may impose such conditions or make such reservations as it deems in the public interest.

Public Works staff reviewed the petition and have determined it contains all the submittal requirements and owner consents as required by SRC 255.065(b)(2)-(3) and ORS 271.080-271.230.

Staff forwarded the petition to the relevant City Departments and Public Utilities for their review. There are no existing utilities within the area proposed for vacation.

Staff recommends Council accept the petition to vacate a portion of Rose Garden Way NE and direct the City Manager to set a public hearing date to consider this petition-initiated vacation.

Robert D. Chandler, PhD, PE

Assistant Public Works Director

Attachments:

1. Surveyor's Map of Proposed Vacation
2. Rose Garden Vicinity Map
3. Portland Road Apartment Complex Site Plan

April 10, 2017