

## Legislation Details (With Text)

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**File #:** 18-95      **Version:** 1

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

**In control:** City Council

**On agenda:** 4/9/2018      **Final action:** 4/9/2018

**Title:** Petition-initiated vacation of Vacation Lane SE.

Ward(s): 3  
Councilor(s): Nanke  
Neighborhood(s): Faye Wright

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

**Attachments:** 1. Legal & Map, 2. Vacation Lane SE Vicinity Map

Date	Ver.	Action By	Action	Result
4/9/2018	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 Vacation Lane SE.

Ward(s): 3  
Councilor(s): Nanke  
Neighborhood(s): Faye Wright

**ISSUE:**

Shall City Council accept a petition to vacate Vacation Lane SE and direct the City Manager to set a public hearing date to consider this petition-initiated vacation?

**RECOMMENDATION:**

Accept a petition to vacate Vacation Lane SE and direct the City Manager to set a public hearing date to consider this petition-initiated vacation.

**SUMMARY AND BACKGROUND:**

The City of Salem received a petition from Matthew and Suzanne Bailey (Petitioner) to vacate Vacation Lane SE as shown in Attachments 1 and 2.

Vacation Lane SE is unimproved and currently functions as a private driveway for an existing dwelling. Vacating Vacation Lane SE would allow for the creation of a more logical access alignment, which the Petitioner plans to construct at some point in the future.

## **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. The Petitioner submitted a petition to vacate Vacation Lane SE.

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.

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.

Staff recommends Council accept the petition to vacate Vacation Lane SE 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. Legal Description and Map
2. Vacation Lane SE Vicinity Map