



## Staff Report

---

**File #:** 19-382

**Version:** 1

**Date:** 8/26/2019

**Item #:** 3.3 a.

---

**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

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

### **SUBJECT:**

Petition-initiated vacation of a portion of Dogwood Drive.

Ward(s): 7

Councilor(s): Cook

Neighborhood(s): SWAN

Result Area(s): Safe, Reliable, and Efficient Infrastructure

### **ISSUE:**

Shall the City Council accept a petition to vacate an unimproved portion of Dogwood Drive S and direct the City Manager to set a public hearing date to consider this petition-initiated vacation?

### **RECOMMENDATION:**

Accept a petition to vacate an unimproved portion of Dogwood Drive S and direct the City Manager to set a public hearing date to consider this petition-initiated vacation.

### **SUMMARY:**

The City of Salem received a petition from Dogwood Heights, LLC, Eric Jensen, Principal (Petitioner) to vacate an unimproved portion of Dogwood Drive S as shown in the attached figures. Vacation of this right-of-way is a condition of approval for Phase 2 of the Dogwood Heights Subdivision. 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:**

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 a portion of Dogwood Drive S.

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. Based on responses received, there does not appear to be any reason why the petition should be denied, in whole or in part.

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 a portion of Dogwood Drive S and direct the City Manager to set a public hearing date to consider this petition-initiated vacation.

## **BACKGROUND:**

This portion of Dogwood Drive S is unimproved and is currently being used as a driveway for two separate tax lots (Tax Lots 5000 and 5100 highlighted in Attachment 4). Vacation of this right-of-way is a condition of approval for Phase 2 of the Dogwood Heights Subdivision. If the vacation is approved the subject area will become part of Tax Lot 5100 and part of Lots 25, 26, 27 in Phase 2 of Dogwood Heights Subdivision.

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

## **Attachments:**

1. Vicinity Map
2. Legal Description and Map
3. Excerpt of Dogwood Heights Subdivision Site Plan
4. Assessor's Map