



City Council Agenda Report

Meeting Date:	September 7, 2022	Primary Staff Contact:	Kristen Maze
Department:	Community Development	E-Mail:	kmaze@cityoftalent.org
Staff Recommendation:	Approval	Estimated Time:	10 minutes

ISSUE BEFORE THE COUNCIL

Vacation of a public utilities' easement at 229 Gangnes Drive, APN; 381W26AB Lot 1012

BACKGROUND

There is an existing public utilities easement located at 229 Gangnes Drive on parcel 381W26AB, lot 1012 which contains a storm drainage system. The proposed vacation will formally extinguish this public utility easement (PUE) that was originally established for the storm drainage system. In February the property owner requested a lot line adjustment to move property lines between 38-1W-26AB-1012, 1018, 1025 and 1020 located at 225 and 301 Gangnes. This lot line was approved and recorded to reconfigure four separate legal lots in to four larger usable legal lots. As a result of this lot line adjustment, it was discovered that the original described PUE was not located over the actual storm drain system. Therefore, the property owner is asking to vacant the existing PUE and record a new described PUE that contains the existing storm drainage system. Located on lots 1012 and a portion (northwest corner at Gangnes Drive) of lot 1027.

Public Works has reviewed the proposed vacation and agrees that the PUE should be corrected to contain the existing storm drain system located on the lots. The original 10 foot wide PUE exists primarily on 229 Gangnes Drive which currently runs under a portion of the dwelling that was constructed. This original PUE runs the length of the parcel from the street to the back property line. The actual storm drain begins at the north westerly corner of lot 6 (330 Gangnes) and the property line of lot 5 (229 Gangnes) and runs south of the original PUE along the property line for the length of lot 5 and 6 approximately 54.39 feet. This 9.5 foot wide storm drain easement will be located between the two dwelling units.

Attached to this staff report are two maps showing the existing PUE and the proposed storm drainage easement along with the new description of the easement.

RELATED CITY POLICIES

Oregon Revised Statutes 271

COUNCIL OPTIONS

Approve or do not approve Ordinance 2022-975-O an ordinance vacating a 10 wide PUE located at 229 Gangnes, Assessor's Parcel 381W26AB, lot 1012 and a portion of 330 Gangnes, lot 1018.

POTENTIAL MOTIONS



"I recommend approval of Ordinance 2022-975-O, an ordinance vacating a 10 foot wide public utility easement on lot 1012 located at 229 Gangnes Drive and a portion of lot 1018 located at 330 Gangnes Drive on lot 5 and 6 of the Gangnes Subdivision in the City of Talent Jackson County Oregon.

ATTACHMENT

Ordinance 22-957-O with Exhibits
Vacation Maps

ORDINANCE NO. 2022-975-O

AN ORDINANCE VACATING A 10 FEET IN WIDTH PUBLIC UTILITY EASEMENT ON LOT 1012 LOCATED AT 229 GANGNES AND A THE NORTHWEST CORNER OF LOT 1018 LOCATED AT 330 GANGNES DRIVE ON LOT 5 AND 6 OF THE GANGNES SUBDIVISION IN THE CITY OF TALENT, JACKSON COUNTY

WHEREAS, the City Council for the City of Talent, on September 7, 2022, determined to initiate vacation of a public utility easement as more particularly described in map attached as Exhibit A; and

WHEREAS, it has been determined that, at the present time, no City liens are existing or unpaid against said property and, by virtue of the fact that it is a dedicated public utility easement, no taxes are unpaid thereon; and

WHEREAS, the City Council fixed September 7, 2022, at 6:45 p.m. at the Talent Town Hall, 206 E Main Street, Talent, as the time and place for a formal public hearing regarding the vacation; and

WHEREAS, the City Recorder gave notice of the public hearing by publishing a notice in the Mail Tribune newspaper once each week for two consecutive weeks on August 23, 2022, and August 30, 2022, which notice described the ground subject to the vacation, the date of the public hearing, and that written objections or remonstrances must be filed with the Talent City Recorder prior to the time of the hearing, in accordance with ORS 271.110(1); and

WHEREAS, within five (5) days after the first day of publication of said notice in the newspaper and not less than fourteen (14) days before the hearing date, the City Recorder caused a copy of the notice to be posted in at least two (2) conspicuous places at or near each end of the proposed vacation, in accordance with ORS 271.110(2); and

WHEREAS, at 6:45 p.m. on September 5, 2016, at the Talent Town Hall, the City Council held a public hearing in the Council Chambers on the vacation of the area described above, considered any written objections filed thereto, and heard oral testimony from members of the public in favor of and/or in opposition to said vacation; and

WHEREAS, the owners of the majority of the area affected, computed on the basis provided in ORS 271.080, have not objected in writing to the proposed public utility easement vacation; and

WHEREAS, the Council finds that the consent of abutting property owners is not required, as the proposed vacation will not substantially affect the market value of properties; and

WHEREAS, the Talent City Council finds that the public interest will not be prejudiced by the proposed vacation.

NOW, THEREFORE, THE CITY OF TALENT ORDAINS AS FOLLOWS:

SECTION 1. The 10 foot wide public utility easement on lot 1012 located at 229 Gangnes Drive and a portion of lot 1018 located at 330 Gangnes Drive of lot 5 and 6 of the Gangnes Subdivision in the City of Talent Jackson County Oregon, as more particularly described in the map identified on Exhibit "A", is hereby vacated, and title shall vest in the owners of the land bordering the vacated public utility easement to the east and west, in accordance with ORS 271.140.

SECTION 2. An area 9.5 feet in width shall be reserved as a permanent public utility easement to construct, reconstruct, operate, repair, and maintain utility lines and all necessary related facilities over, across and under the following described real property, to-wit:

A permanent easement 9.5 feet in width described in Exhibit "B" attached hereto and incorporated herein by this reference.

SECTION 3. The City Recorder is directed to file certified copies of this ordinance for recording with the Jackson County Clerk, the County Assessor, and the County Surveyor.

Duly enacted by the City Council in open session on September 7, 2022, by the following vote:

AYES: 0

NAYS: 0

ABSTAIN: 0

ABSENT: 0

Hector Flores,
City Recorder and Custodian of City records