



City Council Agenda Report

Meeting Date:	September 22, 2016	Primary Staff Contact:	Zac Moody
Department:	Community Development	E-Mail:	zmoody@cityoftalent.org
Staff Recommendation:	Approval	Estimated Time:	10 minutes

ISSUE BEFORE THE COUNCIL

Vacation of alley right-of-way between S. Second Street. and S. First Street.

BACKGROUND

This alley which is 20 feet in width and located between S. Second St. and S. First St. connects to Wagner Butte Ave. and Wagner Street. The proposed vacation will formally grant those that are currently using the property for private use, legal right to do so and provide additional property for those that are not. In addition to the notification required by State Law, staff mailed a pre-vacation letter outlining the proposal and asking for comments or concerns. To date, two objections have been received in regards to one property. The objection comes from both the property owner and tenant (attached). One comment in support was also received.

Public Works has reviewed the proposed vacation and agrees that the area being vacated is a blighted area with several right-of-way encroachment issues and does not serve a current or future public need. An easement of 20 feet in width has been reserved for the existing storm water line. Concerns about fire access were raised during the last vacation and considering that both S. First St. and S. Second St. are through streets (no dead ends), there are two ways in and out of both streets, providing adequate fire/life/safety access.

Attached to this staff report are two maps showing the existing conditions on both the public street and the alley. Each parcel is noted on the map with an address and each corresponding photo is labeled with that address. These photos clearly show that a majority of the use along the alley is for storage (RVs and cars). There is one house (306 S. First St.) that has a secondary dwelling access, but the primary access is from S. First. In this case, the property owner has chosen to use the alley instead of the approved access along First Street.

There are multiple outbuildings adjacent to the alley, however only two of them appear to be functional. Only one of these functioning outbuildings is currently in use. The other is located at 305 S. Second, which is a bank owned home that recently had some fire damage and is vacant. All other outbuildings have interior access and do not rely on the alley for access.

Following the approved vacation, staff will work with and encourage all of the property owners adjacent to the former ally to fence their new portion of property. Fence permits are free of charge and staff will work with property owners to identify their newly acquired land.



RELATED CITY POLICIES

Oregon Revised Statutes 271

COUNCIL OPTIONS

Approve or do not approve Ordinance 930 an ordinance vacating 20 feet of alley right-of-way between S. Second St. and S. First St.

POTENTIAL MOTIONS

"I recommend approval of Ordinance 930, an ordinance vacating an alley 20 feet in width to the east of lots 1-6, block 1, Wagner Butte Addition to Talent, Oregon in the northwest 1/4 of the northwest 1/4 of section 26, Township 38 South, Range 1 West, Willamette Meridian, Jackson County."

ATTACHMENT

Ordinance 16-930-O with Exhibits

Public Comment

Vacation Maps and Photos

ORDINANCE NO. 16-930-O

AN ORDINANCE VACATING AN ALLEY 20 FEET IN WIDTH TO THE EAST OF LOTS 1-6, BLOCK 1, WAGNER BUTTE ADDITION TO TALENT, OREGON IN THE NORTHWEST ¼, NORTHWEST ¼ OF SECTION 26, TOWNSHIP 38 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, JACKSON COUNTY

WHEREAS, the City Council for the City of Talent, on October 5, 2016, determined to initiate vacation of **an alley 20 feet in width to the east of Lots 1-6, Block 1, Wagner Butte Addition to Talent, Oregon in the N.W. ¼, N.W. ¼ of Section 26, T.38S., R1.W., W.M. Jackson County, Oregon** 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 right-of-way, no taxes are unpaid thereon; and

WHEREAS, the City Council fixed October 5, 2016, 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 September 23, 2016, and September 30, 2016, 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 October 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 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 abutting 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 right-of-way over an alley 20 feet in width to the east of Lots 1-6, Block 1, Wagner Butte Addition to Talent, Oregon in the N.W. ¼, N.W. ¼ of Section 26, T.38S., R1.W., W.M. 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 right-of-way to the east and west, in accordance with ORS 271.140.

SECTION 2. An area 20 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 20 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 October 5, 2016 by the following vote:

AYES: 0 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Melissa Huhtala, City Recorder and Custodian of City records

EXHIBIT A

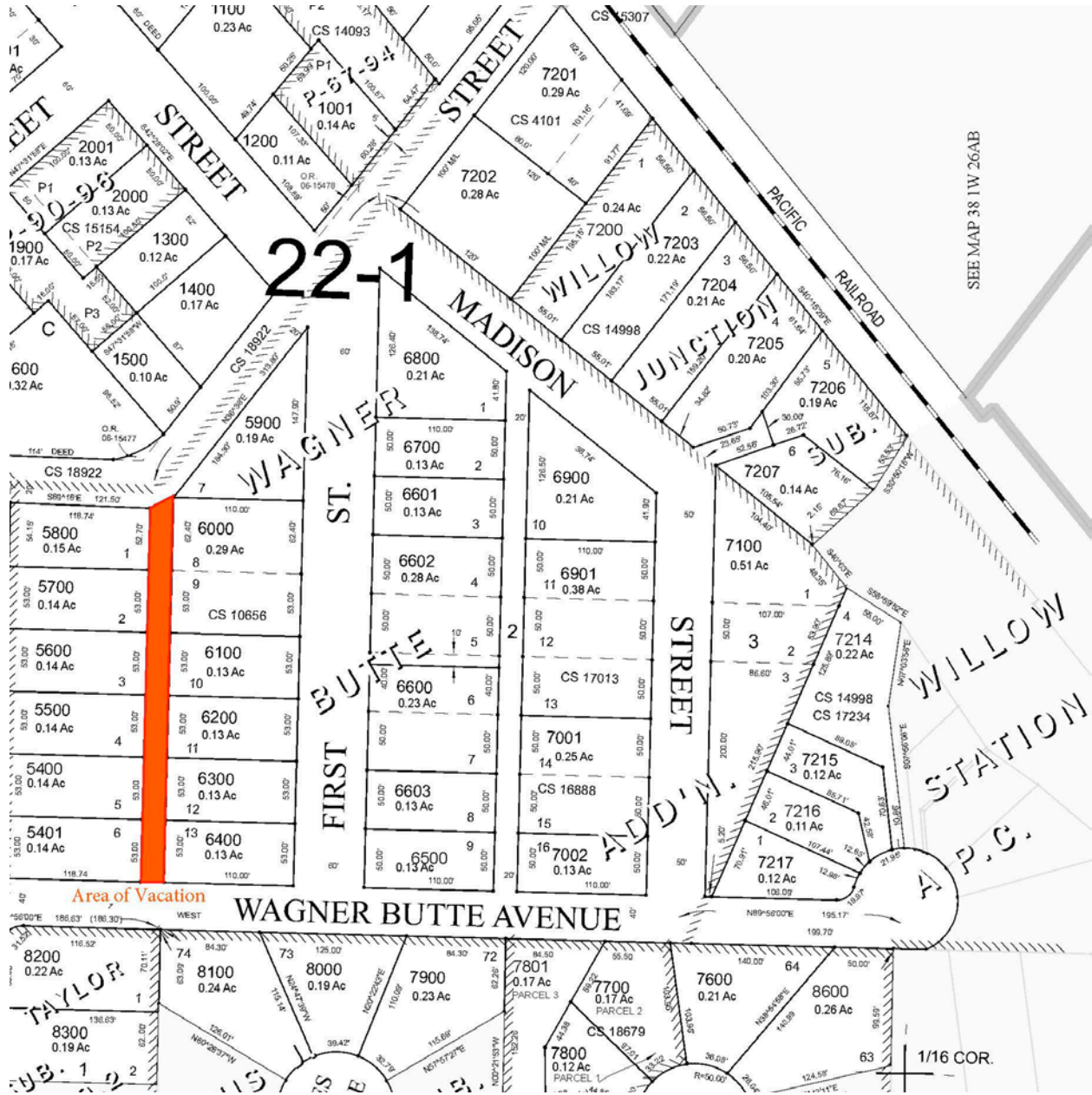


EXHIBIT B

An alley 20 feet in width to the east of Lots 1-6, Block 1, Wagner Butte Addition to Talent, Oregon in the N.W. ¼, N.W. ¼ of Section 26, T.38S., R1.W., W.M. Jackson County, Oregon.



Grantor shall have the right to use the surface area within the above easement in any reasonable manner that does not interfere with the utility facilities placed within the easement, including for driveways, walkways, agricultural planting, ornamental landscaping and fencing, but Grantor shall place no structures, walls, or deep rooted trees thereon. No person, other than a public entity, shall be allowed to dig in this easement without prior written approval from both Grantor and Grantee. Permanent, unobstructed access shall be maintained to all manholes. Grantor also agrees to not alter or change surface elevations more than 24 inches without approval of Grantee.

The Grantee shall fill all excavations as soon as practicable after opening; dispose of all brush and debris; and replace in their former condition all driveways, walkways, trees, ornamental shrubs, and crops, if practicable, and as soon as practicable after damage or destruction, but if not practicable, then pay to Grantor, his heirs and assigns, the reasonable value thereof.

From: [Joseph Hunkins](#)
To: [Zac Moody](#)
Subject: Vacation of Alley between South First and Second Streets
Date: Monday, September 19, 2016 7:56:58 PM

RE: Vacation of Alley between South First and Second Streets

To the Talent City Council,

As the property owner of 304 South First Street I'd like to express strong support for the city's proposed vacation of the alley behind my house, ie the alley between South First and Second Streets here in Talent.

Part of my support is selfish as I'm in the process of splitting my double lot and this will allow a straight line between my lots rather than a crooked lot line.

I also believe this action will create a cleaner and safer area behind the houses, which now faces many challenges including bad drainage, excess garbage, broken vehicles, and other nuisances. Also, the alley is not a good area for vehicles to drive through due to dust and potholes, or for pedestrian traffic as it provides an inappropriate shortcut better served by the sidewalk on 2nd street.

Thank you for your attention.

Joseph Hunkins
541-324-4800

From: [Thomas McLean](#)
To: [Zac Moody](#); [Cynthia McLean](#)
Subject: vacation of ally
Date: Monday, September 19, 2016 10:45:31 AM

Zac

I am writing you in response to a notice I received about the vacation of the ally between S 1st and S 2nd streets in Talent.

We own the house at 306 S 1st (Thomas & Cynthia McLean).

Hear is a List of reasons that make it unreasonable to do this.

My house front is right in the ally.

The tenants are elderly and need this access.

There are 3 garages that use it for access.

This ally has been and will be needed for fire Dept. access.

There is sewer lines, gas lines and utility pole access via this ally.

The waste disposal uses it.

I have seen the Police use it to patrol.

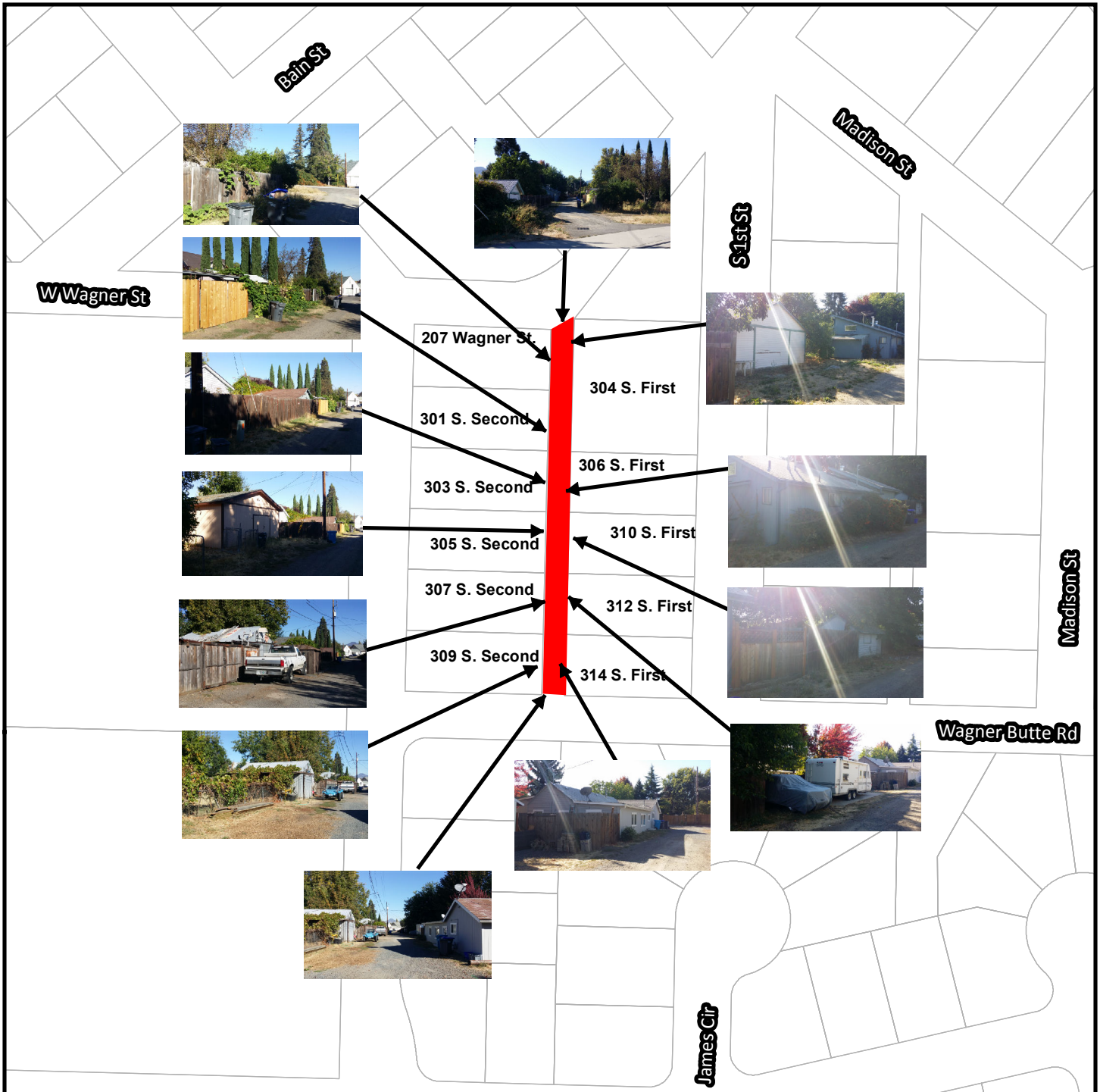
These are just a few of the reasons.

The ally is in good shape and I have never seen the City do maintenance on it.

We weed eat it to keep the fire danger down.



Please let us know what we need to do to prevent this from happening.

Sincerely
Thomas McLean
541-301-2354 anytime



ROW Vacation Map

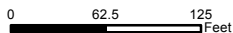
Existing Conditions (Alley)

-  Tax Lots
-  Area of Vacation

Mapping is schematic only and bears no warranty of accuracy. This product was created for informational purposes and may not have been prepared for or be suitable for legal, engineering, surveying, or property investment purposes. All zoning information should be confirmed by the City prior to use for such purposes.



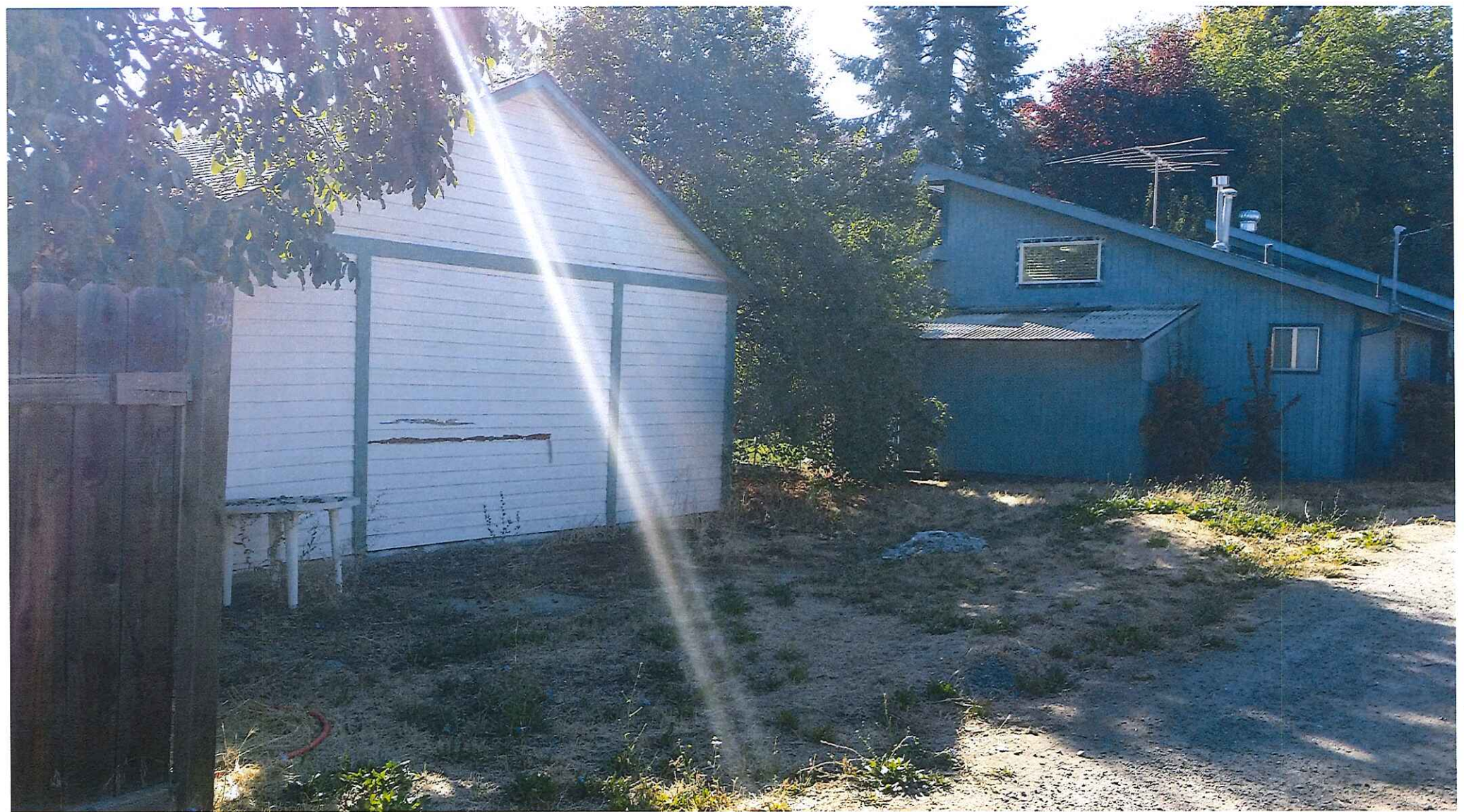
Plotted: 9/27/2016
By: Zac Moody



Alley Looking South to Wagner Butte



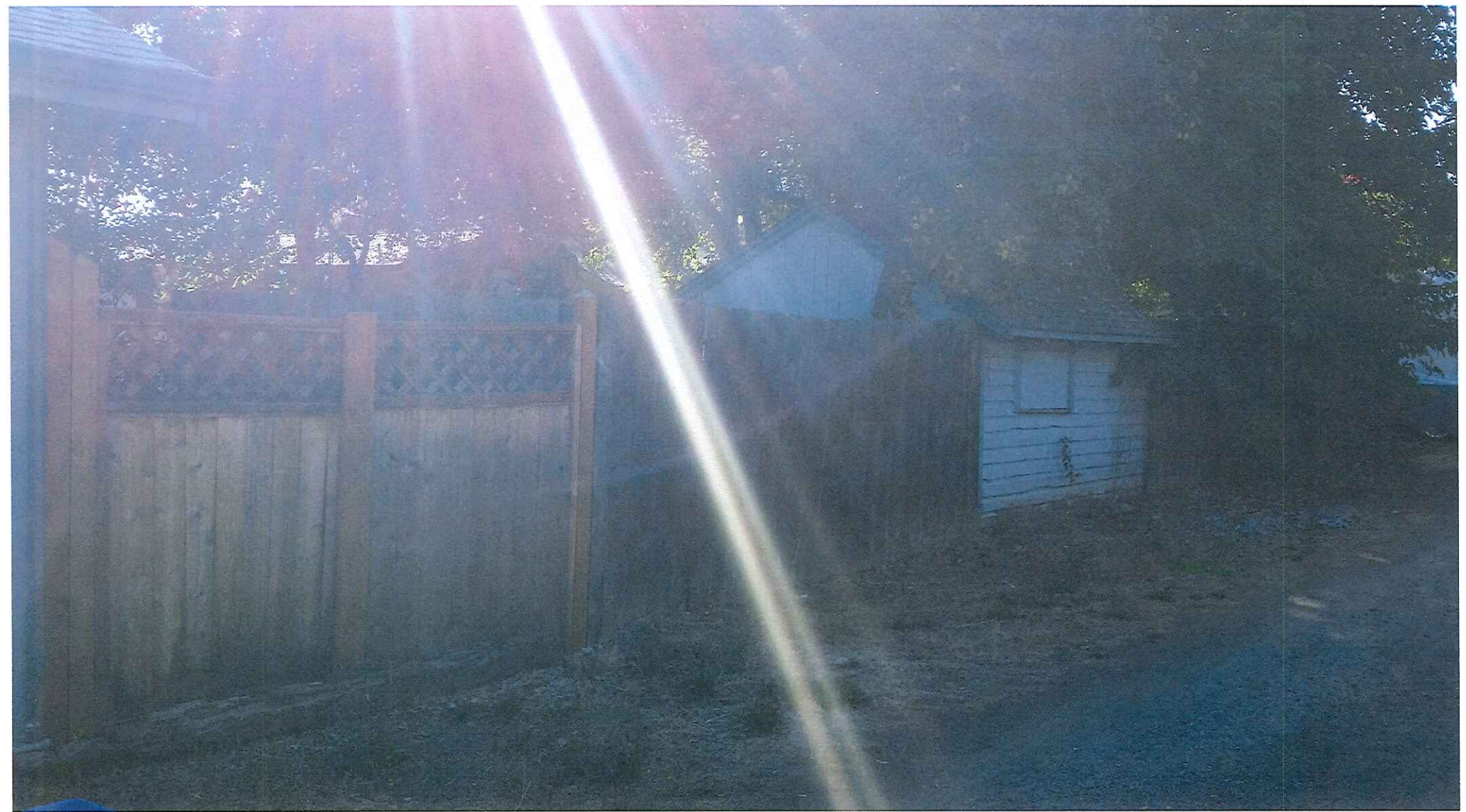
304 S. First St.



306 S. First St.



310 S. First St.



312 S. First St.



314 S. First St.



309 S. Second St.



307 S. Second St.



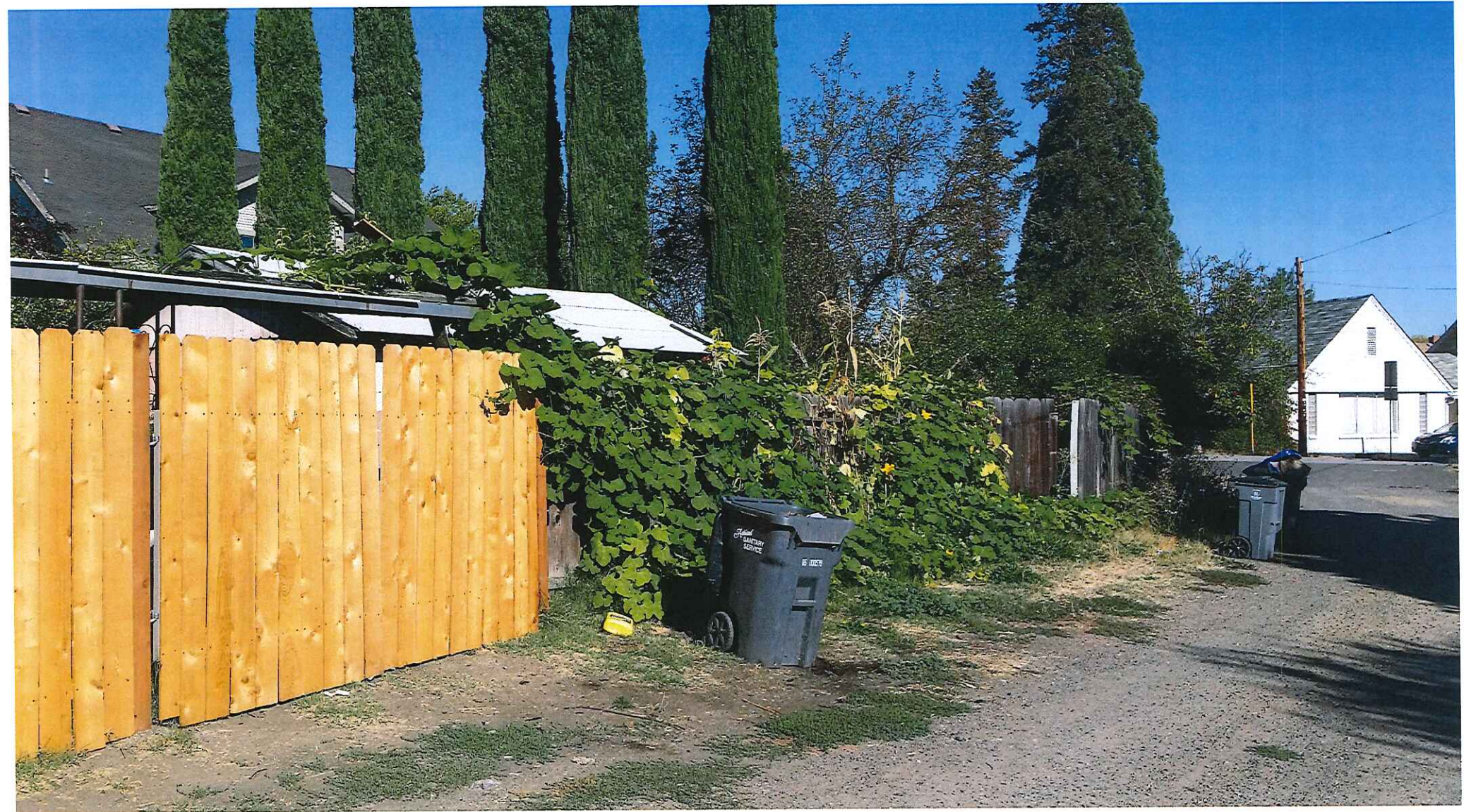
305 S. Second St.



301 S. Second St.



301 S. Second St.

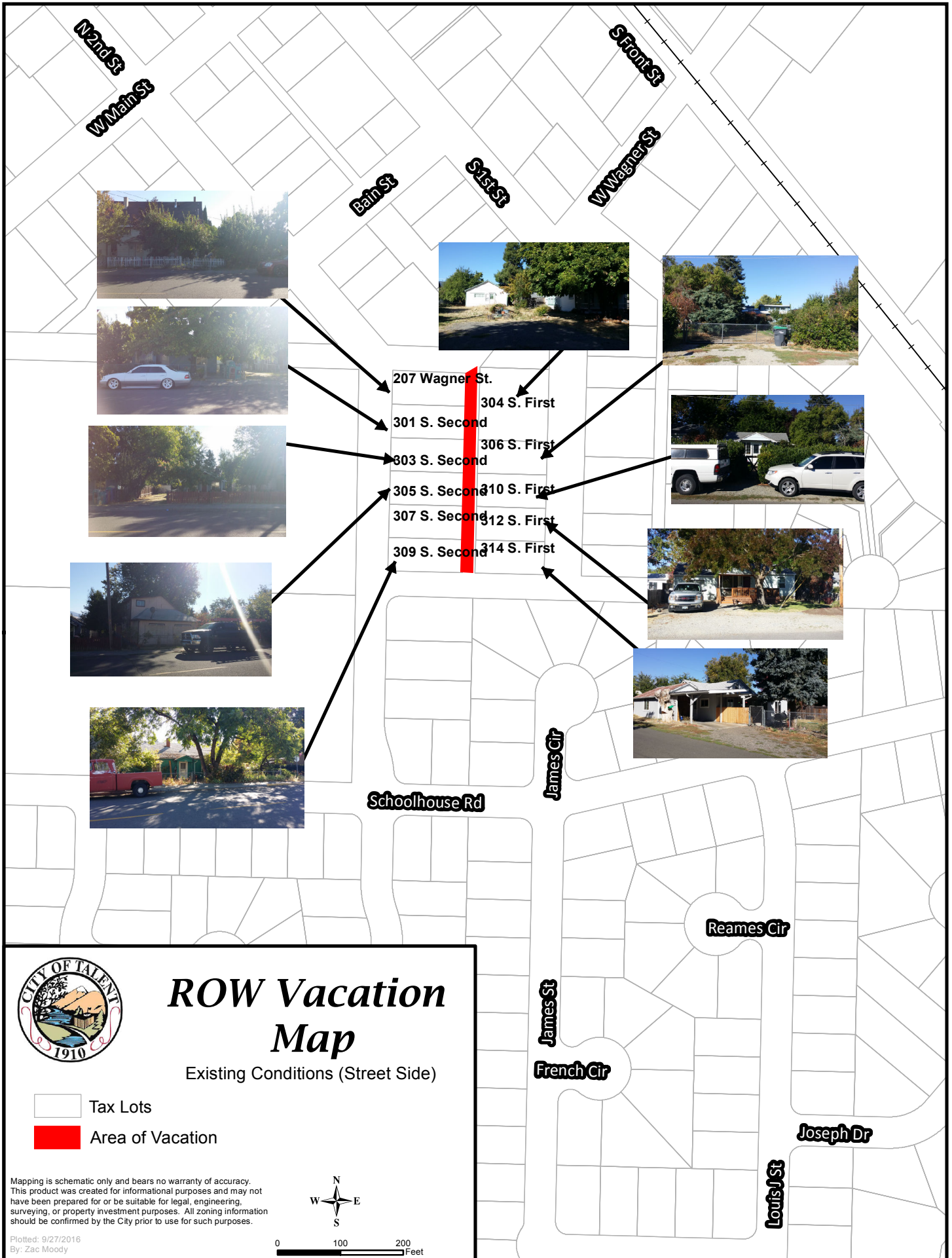


207 Wagner St.

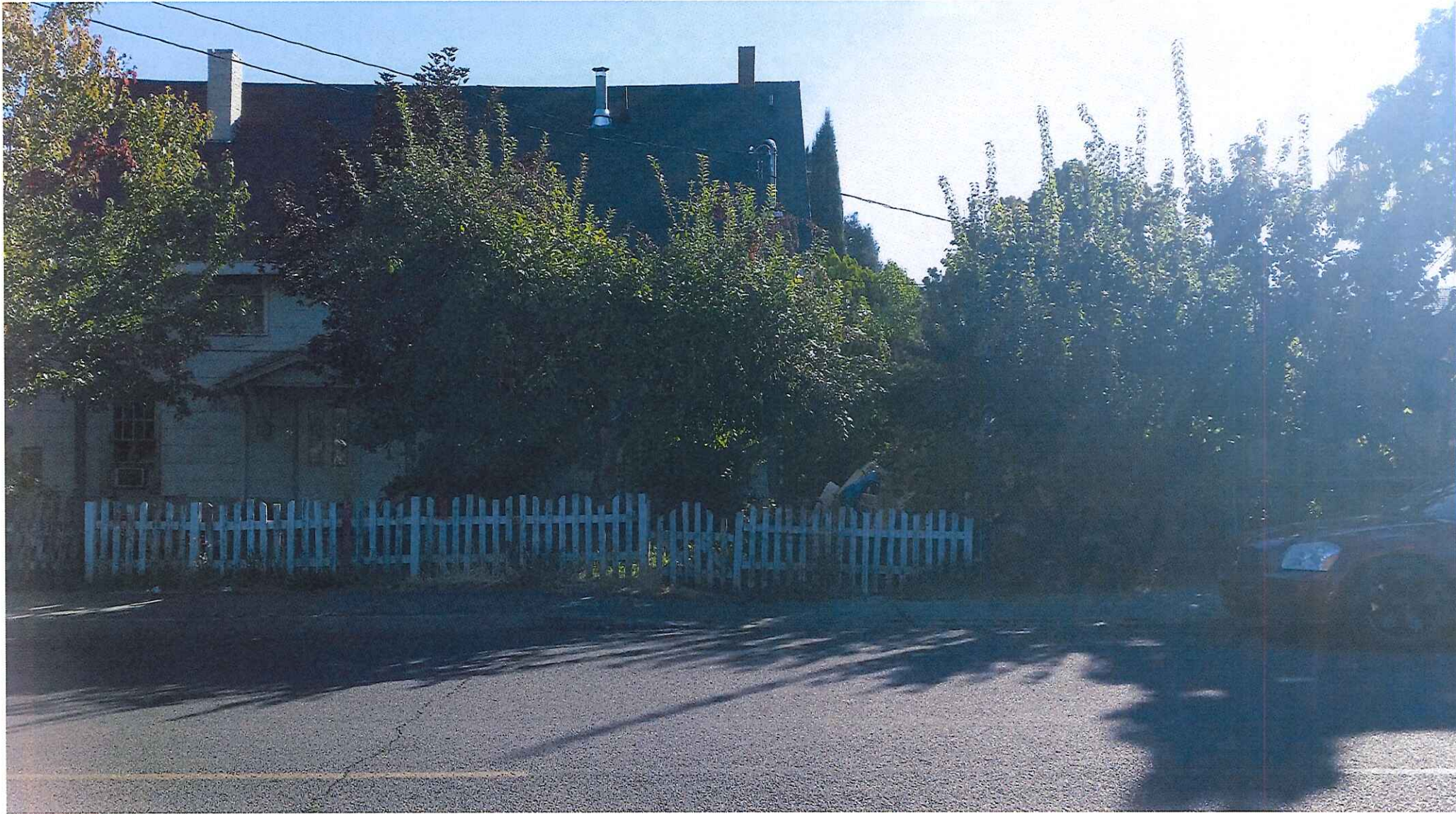


Alley Looking to Wagner St.





207 Wagner St.



301 S. Second St.



303 S. Second St.



305 S. Second St.



309 S. Second St.



314 S. First St (view from Wagner Butte)



312 S. First St.



310 S. First St.



306 S. First St.



304 S. Second St.

