



COUNCIL ORDINANCE NO. 20617

COUNCIL BILL 5212

**AN ORDINANCE VACATING E. 8TH ALLEY, LOCATED
BETWEEN HIGH STREET AND HIGH ALLEY.**

ADOPTED: June 17, 2019

SIGNED: June 25, 2019

PASSED: 6:0

REJECTED:

OPPOSED:

ABSENT: Taylor, Semple

EFFECTIVE: July 26, 2019



ORDINANCE NO. 20617

AN ORDINANCE VACATING E. 8TH ALLEY, LOCATED BETWEEN HIGH STREET AND HIGH ALLEY.

The City Council of the City of Eugene finds that:

A. The City Council of the City of Eugene approved an agenda setting a public hearing to be held at 7:30 p.m. on July 17, 2019, at Harris Hall, for the purpose of hearing protests and remonstrances to the proposed vacation of the following described right-of-way:

E. 8th Alley, located between High Street and High Alley, as more particularly described in Exhibit A and depicted on the map attached as Exhibit B to this Ordinance ("the Vacation Area").

B. Notice was duly and regularly given of the public hearing and, on June 17, 2019, the City Council held a public hearing and heard all objections to the proposed vacation.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Eugene finds that notice of the hearing was published and posted as required by law, that consents required by EC 9.8710(6) and ORS 271.080(2) have been filed in the proceedings, and that vacation of the right-of-way described and depicted on Exhibits A and B is in the public interest, as described in the Findings attached as Exhibit C to this Ordinance.

Section 2. The right-of-way described and depicted on Exhibits A and B attached to this Ordinance is vacated and shall revert pursuant to the statutes of the State of Oregon.

Section 3. The City Recorder is directed to file a certified copy of this Ordinance with the Recorder of Lane County, Oregon, together with a map or plat of said property. In addition, a certified copy of this Ordinance shall be filed with the Lane County Assessor and a certified copy shall be filed with the Lane County Surveyor.

Passed by the City Council this

17th day of June, 2019.

Beth Louest

City Recorder

Approved by the Mayor this

25 day of June, 2019.

Lucy Vines

Mayor

Exhibit A

**LEGAL DESCRIPTION
OF ALLEY VACATION**

A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED IN SECTION 31, TOWNSHIP 17 SOUTH, RANGE 3 WEST, OF THE WILLAMETTE MERIDIAN, IN EUGENE, LANE COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

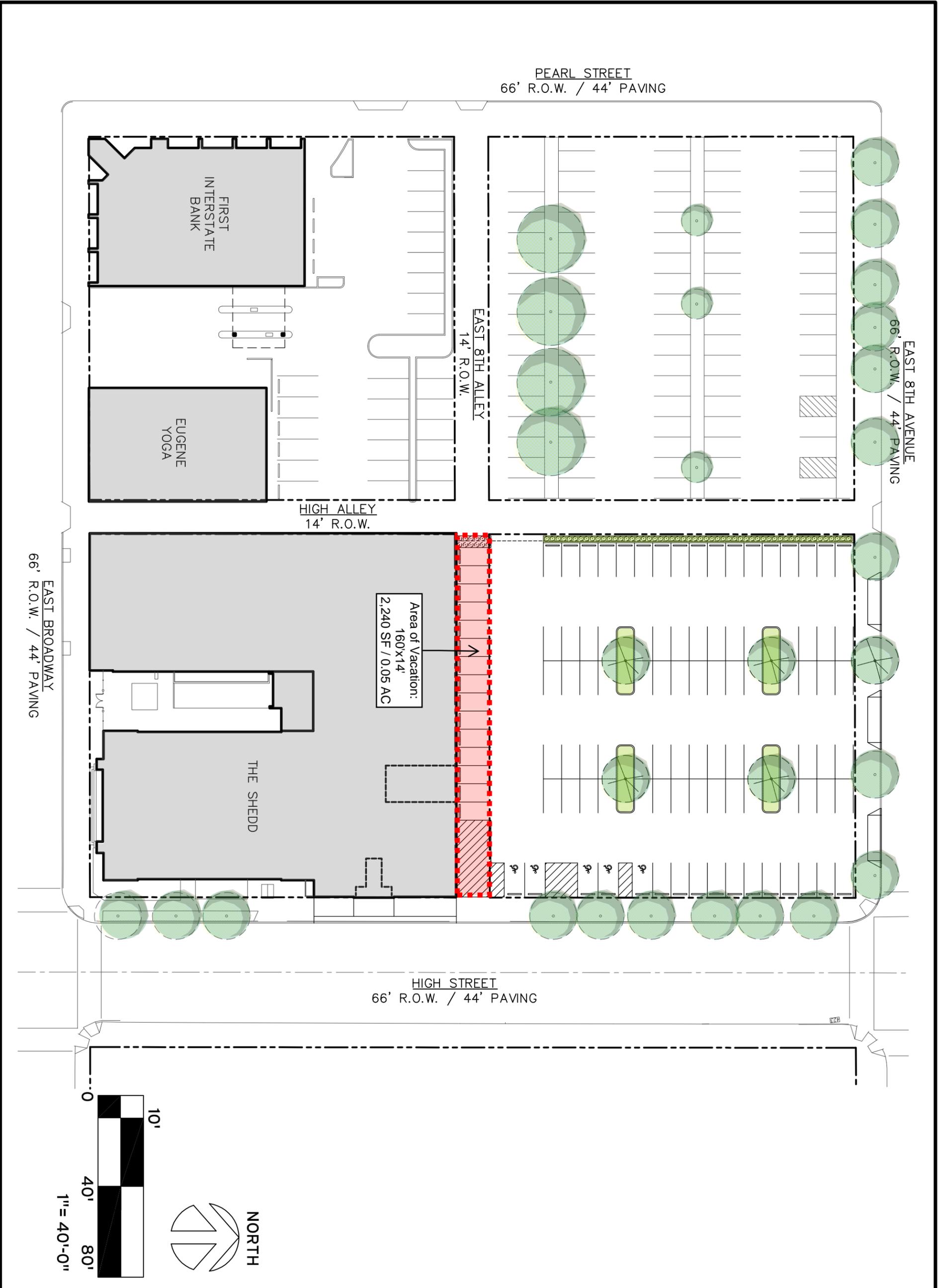
ALL THAT PORTION OF THE EAST-WEST PUBLIC ALLEY LYING SOUTHERLY OF LOT 4 AND NORTHERLY OF LOT 5, IN BLOCK 1, MULLIGAN'S ADDITION EAST, AS PLATTED AND RECORDED IN VOLUME A, PAGE 122, LANE COUNTY OREGON PLAT RECORDS.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

[Signature]
**OREGON
MAY 12, 2011
DANIEL ADAM NELSON
#84832**

EXPIRES: 12/31/2018

Exhibit B



A101	Drawn By	SS	SITE PLAN	Robertson Sherwood Architects pc				
	Checked			132 East Broadway, Suite 540 Eugene, Oregon 97401	P 541 342.8077 F 541 345.4302	www.robertsonsherwood.com		
	Date	2 MAY 2018		The Shedd Alley Vacation				868 High Street Eugene, OR 97401
	Project	1427-5						

Exhibit C Findings

Background:

The East 8th Street alley runs east-west for a half-block between High Street and High Alley. The total requested vacation area consists of 2,240 square feet of public right-of-way. The area to be vacated currently serves as alley access for properties west of High Street, between East 8th Street and East Broadway. The applicant, John G. Shedd Institute for the Arts owns both adjacent properties abutting the proposed alley vacation.

The vacation request process serves as a means to evaluate the need for public ways as land develops and uses change over time, and to address the manner in which the City may dispense with public ways. This request for vacation is being considered in accordance with Sections 9.8700 – 9.8725 of the Eugene Code (EC) and Oregon Revised Statutes (ORS) 271.080 – 271.230 and processed pursuant to EC 9.7445 – 9.7455. The public hearing is being conducted consistent with quasi-judicial procedures in State law and as set forth in EC 9.7065 – 9.7095.

When rights-of-way are vacated, ORS 271.140 generally requires ownership of the land underlying the vacated right-of-way to revert back to owners of the adjacent lands from which it was originally dedicated. If the vacation is approved, the alley will revert to private ownership by John G. Shedd Institute for the Arts. EC 9.8710(5) requires the applicant to pay a special assessment to the City equal to the assessed value of the real property and any costs incurred by the City in the construction of public improvements. The applicant has paid the required assessment.

Compliance with Approval Criteria:

Per EC 9.8725, the sole approval criterion for this vacation requires the City Council to find that approval of the requested right-of-way vacation is in the public interest. The full text of the approval criterion is provided below, with findings demonstrating compliance:

The city council shall approve, or approve with conditions and reservations of easements, the vacation of improved public right-of-way, public ways acquired with public funds, or undeveloped subdivision and partition plats, or portions thereof, including public right-of-way and improved public easements located therein, only if the council finds that approval of the vacation is in the public interest.

The required public notice and hearing have occurred on the vacation request in accordance with applicable statutory and local code requirements. Consent to the vacation request from abutting and affected owners, and payment of a special assessment for the area of vacated right-of-way, has been provided by the applicant, as required by statutes and local code.

Vacation Findings

The following findings demonstrate that a vacation of the East 8th Alley, located between High Street and High Alley, and between East 8th Avenue and East Broadway, is in the public interest.

This determination is based on the conclusion that the vacation of this alley will provide efficient use of land and will not negatively impact the transportation system, surrounding neighborhoods, or emergency access. The purpose of the applicant's vacation request is to:

- Improve pedestrian safety by eliminating a blind corner at the intersection of East 8th Alley and High Street and creating a circulation pattern that enables patrons to park and walk to and from the building in safety.
- Comply with ADA standards by raising the sidewalk grade gently over the central half of the block length to eliminate a non-ADA compliant step into the building.
- Reconfigure the existing surface parking lot north of the Shedd including to reorient parking to north-south and shift access to East 8th Avenue; and
- Consolidate property to enable the construction of a future building (John G. Shedd Institute Annex) within the vacated alley and the existing surface parking lot.

The improved alley currently provides direct access to the surrounding streets. Traffic using this portion of the alley to travel east must pass between the applicant's surface parking lot and building to exit onto a minor arterial, High Street. This creates a conflict between pedestrians and bicyclists who must cross the path of the automobiles who exit to High Street off this alley. Also, due to the size of the building and the configuration of the intersection at East 8th Alley and High Street, a vehicle using this path cannot see the north bound traffic on High Street without crossing into the pedestrian right-of-way.

Analysis from Public Works staff confirms the surrounding street network is a traditional blocked street grid, which provides ample street connectivity as required by the Eugene Code. The streets encompassing the alley block are classified as a major collector (East 8th Avenue), minor arterials (High Street and Pearl Street) and a local street (East Broadway). Because of the existing local street grid, the alley does not provide significant public transportation benefit and public vehicular and pedestrian circulation on adjoining streets will not be compromised as a result of the vacation.

The City of Eugene has no public infrastructure or publicly owned sanitary or storm drain piping within this portion of East 8th Alley.

Conclusion:

The applicant's requested right-of-way vacation is in the public interest, based on the above facts and the terms of the ordinance.