

**ORDINANCE BILL NO. 58-09**

**AN ORDINANCE VACATING A PORTION OF PRINGLE PARKWAY SE RIGHT-OF-WAY**

*The City of Salem ordains as follows:*

**Section 1. Findings.**

(a) The City of Salem initiated vacation of a portion of Pringle Parkway SE right-of-way, Salem, Oregon (the Property), more particularly described as:

A tract of land being portions of those certain tracts of land described in Marion County deed records, Volume 778, Page 760 and being more particularly described as;

Commencing at the Southwest corner of Parcel 1, Partition Plat 2007-57, as recorded in Marion County Book of Partition Plats, said point being on the Easterly right of way of Pringle Parkway; thence along said right of way, N07°22'25"E, a distance of 96.86 feet to a point on the Easterly right of way of Said Pringle Parkway; thence N82°37'35"W, a distance of 56.00 feet to the Point Of Beginning; thence S07°22'25"W, a distance of 1.27 feet, more or less, to a point 21.00 feet South of the South line of Trade Street; thence parallel to said South line of Trade Street, N70°30'28"W, a distance of 91.36 feet to a point of non-tangent curve, said point being on the Easterly boundary of the East bound lane of Pringle Parkway; thence along said Easterly boundary along the arc of a 428.00 feet radius curve to the left the radius point of which bears S59°54'13"W (the chord of which bears N39°11'42"W, 135.36 feet) an arc distance of 135.93 feet to a point on the vacated Trade Street centerline; thence along said vacated centerline, S70°30'28"E, a distance of 188.00 feet to a point of non-tangent curve, said point being on the Westerly boundary of the North bound portion of Pringle Parkway, thence along the arc of a 672 feet radius curve to the right, the radius point of which bears N88°44'04"W, (the chord of which bears S04°19'11"W, 71.61 feet) an arc distance of 71.64 feet to the point of beginning.

The above described tract of land contains 9,388 square feet of land, more or less and is located in the Northeast quarter of Section 27, Township 7 South, Range 3 West, Willamette Meridian, City of Salem, Marion County, Oregon.

(b) The Planning Commission reviewed the proposed vacation of the Property on October 6, 2009, and recommended approval of the vacation, subject to the conditions of reserving a public utility easement for maintenance of existing utilities, and that no new driveways are to be allowed to or from the vacated area on either the eastbound or westbound legs of Pringle Parkway SE.

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1 (c) A public hearing before the City Council to consider the vacation of the Property was set  
2 for October 26, 2009, and notice of the hearing was provided as required by ORS 271.110(1)  
3 and (2).

4 (d) Hearing upon the proposed vacation of the Property was held on October 26, 2009, at  
5 which time interested persons were afforded the opportunity to present evidence and provide  
6 testimony in favor of, or in opposition to, the proposed vacation, and upon consideration of  
7 such evidence and testimony and after due deliberation, the City Council finds as follows:

8 (1) The Property contains approximately 9,388 square feet.

9 (2) The proposed vacation will not degrade transportation services or accessibility in the  
10 surrounding neighborhood. The right-of-way is under City control and is not actively  
11 used for transportation purposes.

12 (3) All utilities have been notified of these proceedings to allow protection of their  
13 facilities. The City has water, stormwater, and sanitary sewer lines running through the  
14 right-of-way proposed for vacation. The City also has irrigation lines to and within the  
15 site that would need to be cut and capped. PGE and Qwest have both indicated that they  
16 also have facilities within the right-of-way. An easement should be reserved to  
17 accommodate existing and future public utilities as defined by ORS 757.005, and  
18 telecommunications carriers as defined by ORS 133.721 (collectively, "municipal and  
19 public utilities").

20 (4) The proposed vacation complies with the Salem Area Transportation System Plan.

21 (5) The proposed vacation will in no way impair safe and convenient pedestrian, bicycle  
22 and vehicular circulation, or transportation system connectivity and complies with the  
23 "Transportation Planning Rule," OAR 660-012-0000 through OAR 660-012-0070.

24 (6) The Property is not needed for future roadway purposes, and public interest will not  
25 be prejudiced if the Property is vacated.

26 (7) The vacation will not substantially impact the market value of abutting properties  
27 such that damages would be required to be paid pursuant to ORS 271.130(1); any impact  
28 would be to increase the market value of abutting properties.

29 **Section 2. Vacation.** That certain Property more particularly described in Section 1(a) of this  
30 Ordinance is hereby vacated, subject to the conditions set forth in Section 3 of this Ordinance.

