

**ORDINANCE BILL NO. 17-08****AN ORDINANCE VACATING UNOPENED BELLEVUE STREET SE RIGHT-OF-WAY LYING BETWEEN LIBERTY STREET SE AND HIGH STREET SE RIGHT-OF-WAY**

*The City of Salem ordains as follows:*

**Section 1. Findings.**

(a) 480 Liberty LLC filed a petition to vacate unopened Bellevue Street SE right-of-way lying between Liberty Street SE and High Street SE, Salem, Oregon (the Property), more particularly described as:

Beginning at the Southeast corner of Lot 5, Block 17, City of Salem, Marion County, Oregon;  
thence South 70°30'27" East 8.25 feet to the center of an alley vacated by Ordinance No. 202-72 recorded January 23, 1973 in Book 743, Page 539, Deed Records;  
thence South 19°27'30" West parallel with the easterly line of said Lot 5, a distance of 49.50 feet;  
thence North 70°30'27" West parallel with the southerly line of said Lot 5, a distance of 39.38 feet to a point which bears South 70°30'27" East 135.00 feet from the easterly right-of-way line of Liberty Street;  
thence North 19°27'30" East parallel with the westerly line of said Lot 5, a distance of 49.50 feet to the southerly line of said Lot 5;  
thence South 70°30'27" East along said southerly line, a distance of 31.13 feet to the Point of Beginning.

Contains 1949.3 square feet of land, more or less.

(b) The Planning Commission reviewed the proposed vacation of the Property on January 29, 2008 and recommended approval of the vacation, subject to the conditions of reserving a public utility easement for maintenance of existing utilities and payment of an assessment of special benefit.

(c) A public hearing before the City Council to consider the vacation of the Property was set for February 11, 2008, and notice of the hearing was provided as required by ORS 271.110(1) and (2).

(d) Hearing upon the proposed vacation of the Property was held on February 11, 2008, at which time interested persons were afforded the opportunity to present evidence and provide testimony in favor of, or in opposition to, the proposed vacation, and upon consideration of such evidence and testimony and after due deliberation, the City Council finds as follows:

(1) The Property contains approximately 1,949.3 square feet.

1 (2) The proposed vacation will not degrade transportation services or accessibility in  
2 the surrounding neighborhood. The right-of-way is unopened and does not appear to  
3 have been used in the past for transportation purposes.

4 (3) All utilities have been notified of these proceedings to allow protection of their  
5 facilities. The only utility located within the right-of-way proposed for vacation is a  
6 City of Salem storm drain line. An easement should be reserved to accommodate  
7 existing and future municipal utilities, public utilities as defined by ORS 757.005,  
8 and telecommunications carriers as defined by ORS 133.721 (collectively, "municipal  
9 and public utilities").

10 (4) The proposed vacation complies with the Salem Area Comprehensive Plan.

11 (5) The proposed vacation will in no way impair safe and convenient pedestrian,  
12 bicycle and vehicular circulation, or transportation system connectivity and complies  
13 with the "Transportation Planning Rule," OAR 660-012-0000 through OAR 660-012-  
14 0070.

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

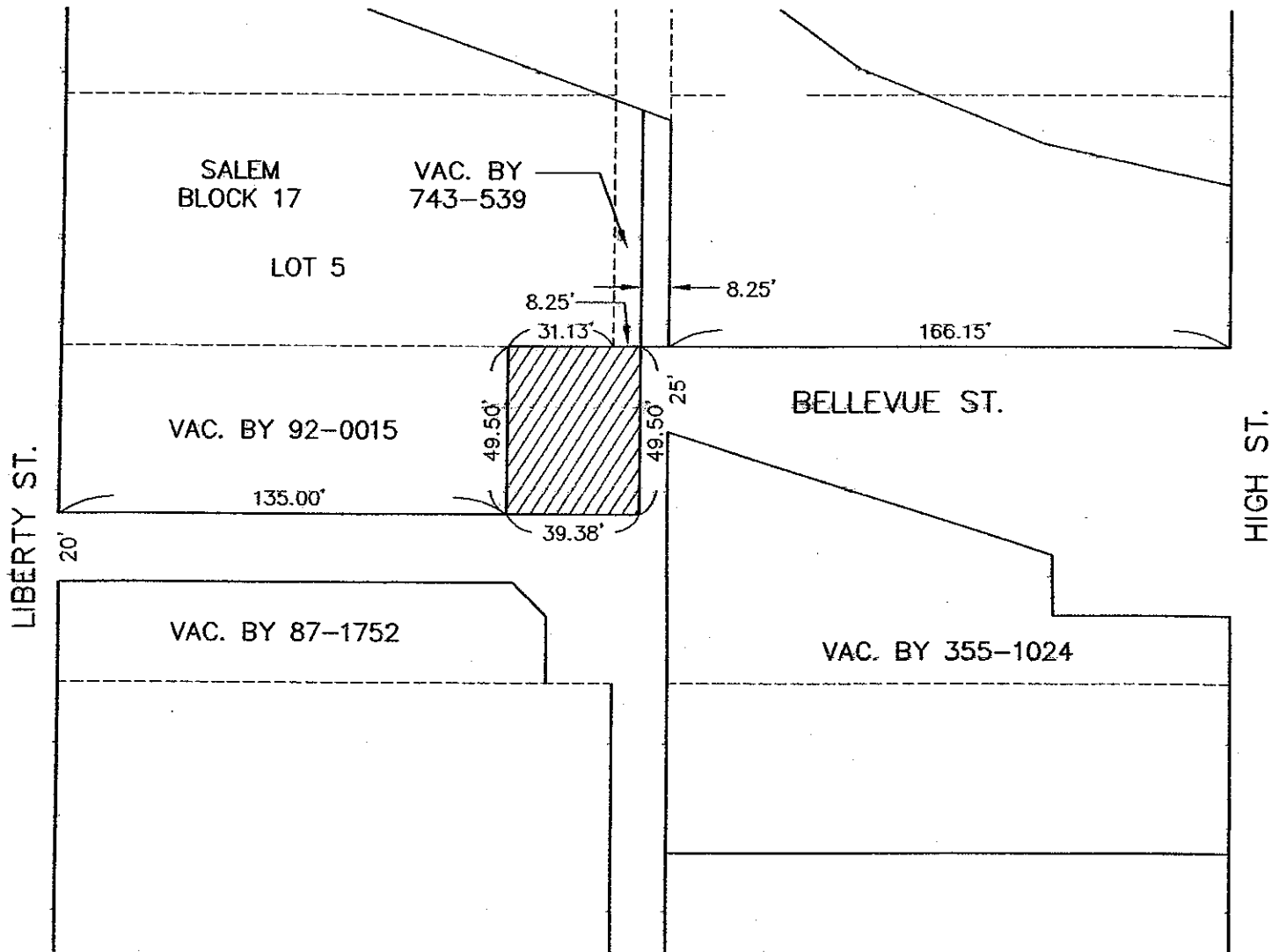
17 (7) The vacation will not substantially impact the market value of abutting properties  
18 such that damages would be required to be paid pursuant to ORS 271.130(1); any  
19 impact would be to increase the market value of abutting properties.

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

22 **Section 3. Municipal and Public Utility Easement Reserved.** There is hereby reserved, under,  
23 over, upon and across the Property described in Section 1(a) of this Ordinance, a non-exclusive,  
24 perpetual, municipal and public utility easement, for the construction, maintenance, repair and  
25 replacement of municipal and public utility facilities, including, but not limited to, lines and mains  
26 for water, sewer, telecommunications, electrical and natural gas.



# EXHIBIT MAP - DETAIL



BELLEVUE STREET  
 PROPOSED STREET VACATION  
 TOTAL = 267,648 SQ.FT. X 2/3 = 178,432 SQ.FT.

SCALE 1"=50'

**BARKER SURVEYING CO.**  
 2035 25TH STREET S.E.  
 SALEM, OREGON 97302  
 PHONE (503) 588-8800  
 EMAIL: SURVEYING@WVI.COM  
 DATE: 11/14/2007

 PROPOSED VACATION AREA

FOR INFORMATION ONLY

MAT 07074