



Where Life is Sweet

Mayor and Members of the City Council

STAFF REPORT

For the Meeting of September 9, 2024

Title/Subject

Frontage Road Easement Vacation - parallel to E Elm Ave (Ordinance No. 2364)

Summary and Background

On July 22, 2024 the city council initiated vacation proceedings in accordance with ORS 271.130 for 2,000 feet of road easement located on the north side of E Elm Ave between NE 4th St and NE 10th Street. No road improvements are installed in this roadway easement. Maps highlighting the existing easement are attached to this report.

The road easement was created in the 1970s. Records of easement creation are sparse in the city files, but it is the city's belief that this easement was intended as future frontage road running parallel to E Elm Ave, which was a county road at the time. There are overhead power lines within this easement which are protected by a separate easement with Umatilla Electric. The owners of all lots have consented in writing to the easement vacation.

When the city initiates a vacation on its own motion rather than by petition of abutting property owners, the process the city must follow is described in ORS 271.110 through ORS 271.130. In a city initiated vacation, it is the city's responsibility to set a date for the hearing and insure that public notice is published in accordance with the rules of public notice in ORS 271.110. The statute requires a notice of street vacation to be published for two consecutive weeks prior to the hearing. For this hearing, a notice was published in the East Oregonian on August 21 and 28, 2024. ORS 271.110 also requires a public notice to be posted at each end of the right-of-way to be vacated at least 14 days prior to the hearing. Staff posted a notice of street vacation at each end of the right-of-way on August 21, 2024.

A map highlighting the affected area is attached to this report for reference. ORS 271.130(1) provides that the city shall not vacate a right-of-way if owners of a majority of the affected area object in writing to the vacation. All owners within the affected area have provided written consent to the vacation. ORS 271.130(1) provides that the city shall not vacate right-of-way if the vacation will substantially affect the market value of abutting property. If there is evidence of damage, the city must make provision for payment of damages. It is the responsibility of an objector to present evidence of economic damage. The City Council will have to determine if the evidence of economic damage is credible and quantifiable. It is the staff determination that the vacation of

60-feet in roadway easement adds to the buildable area of all affected lots, increasing frontage on the state highway, and increasing the net value of the property.

All utility providers within the city were provided a notice of proposed street vacation on August 21, 2024.

Tie-In to Council Goals

The vacation is intended to facilitate general economic development.

Fiscal Information

There is no financial impact to the city as a result of this vacation.

Alternatives and Recommendation

Alternatives

The City Council may choose to:

- Adopt ordinance 2364 vacating this road easement
- Reject ordinance 2364 vacating this road easement

Recommended Action/Motion

- Motion to adopt findings of fact in support of the road easement vacation
- Motion to adopt ordinance 2364 vacating this road easement

Submitted By:

C.F. Spencer, Planning Director