



# REQUEST FOR COUNCIL ACTION

---

**Title:** Proposed Vacation of Redwood Street

**Preferred Agenda:** December 13, 2022

**Submitted By:** Blair Larsen, Community & Economic Development Director

**Reviewed By:** Kelcey Young, City Manager

**Type of Action:** Resolution \_\_\_\_ Motion   X   Roll Call \_\_\_\_ Other \_\_\_\_

**Relevant Code/Policy:** SH Charter, Chapter I, Powers of the City

**Towards Council Goal:** Aspiration I: Desirable Community

**Attachments:** Proposed Street Vacation Letter and Maps from William Ruby  
Proposed Redwood Street Vacation Area Map

---

## **Purpose of this RCA:**

The purpose of this RCA is to seek Council action regarding a proposed vacation of a portion of Redwood Street immediately west of 53<sup>rd</sup> Avenue.

## **Background/Context:**

Previous to the recent adoption of our new Development Code, Sweet Home Municipal Code Chapter 17.100.010 stated:

- A. Upon receiving a proposal to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, or before initiating such vacation proceedings on its own motion, the Council shall refer the proposal to the Planning Commission.
- B. The Planning Commission shall review the proposal, hold the hearings thereon as it deems proper and make recommendations to the Council.
- C. In the event that the Council finds that immediate action is necessary to initiate proceedings for vacation before the proposal is referred to the Planning Commission for consideration, the Council may proceed, but the Planning Commission shall be promptly advised and afforded an opportunity to make recommendations at the hearing before the Council.

This provision was inadvertently repealed when the new Development Code was adopted, and staff are working on a replacement.

Redwood Street immediately west of 53<sup>rd</sup> Avenue is an unimproved public-right-of-way (ROW). It contains no public infrastructure, pavement, curbing, storm drainage, or any other normal component of a typical right-of-way. It theoretically provides access to some properties; however, they all have access to 53<sup>rd</sup> Avenue via an access easement through one of the

properties and the adjacent railroad right-of-way. Additionally, this portion of Redwood Street would be extremely expensive to develop due to topographical constraints—there is a severe 15-30-foot difference in grade on the west side of 53<sup>rd</sup> Avenue that would necessitate a large amount of fill and retaining walls, making development of the street cost prohibitive.

William Ruby, one of the affected property owners, is requesting that the City vacate this portion of Redwood Street in order to facilitate development of additional homes.

Rights-of-way are typically assumed to be initially given up by adjacent property owners, and when vacated, are usually divided down the middle, and each half is 'returned' to the property owners on each side.

If the Council ultimately decides to vacate this portion of Redwood Street, an ordinance must be adopted.

### **The Challenge/Problem:**

Should the vacate the portion of Redwood Street immediately west of 53<sup>rd</sup> Avenue?

### **Stakeholders:**

- Sweet Home City Council – The City Council has the authority to authorize the vacation of rights-of-way, and also has the responsibility to ensure that properties are adequately served by public utilities and transportation infrastructure.
- Affected Property Owners, including Applicant William Ruby – The current property owners have an interest in vehicular and pedestrian access to their properties.

### **Issues and Financial Impacts:**

This proposal does not include any immediate financial impacts; however, it would eliminate City responsibility for, or benefit from the affected portion of Redwood Street.

This proposal would require the publishing of public notices and mailing of letters to area property owners, as well as at least one public hearing. These costs are reflected in the City's Vacation of Right-of-way fee, which is \$1,030. Additional costs for surveying the property and recording the change with the County would be borne by the applicant.

### **Elements of a Stable Solution:**

A stable solution is one that ensures adequate transportation access and utility services to properties in the affected area.

### **Options:**

1. Refer the proposal to vacate a portion of Redwood Street to the Sweet Home Planning Commission – The Planning Commission would then hold a public hearing on the matter and make a recommendation to the Council, which could then finalize the decision by ordinance.
2. Proceed without a Planning Commission recommendation by scheduling a public hearing on this matter before the City Council on a specified date – The City Council could choose to decide on this matter themselves by scheduling a public hearing and giving the Planning Commission time to comment.

### **Recommendation:**

Staff recommends option 1: Refer the proposal to vacate a portion of Redwood Street to the Sweet Home Planning Commission.