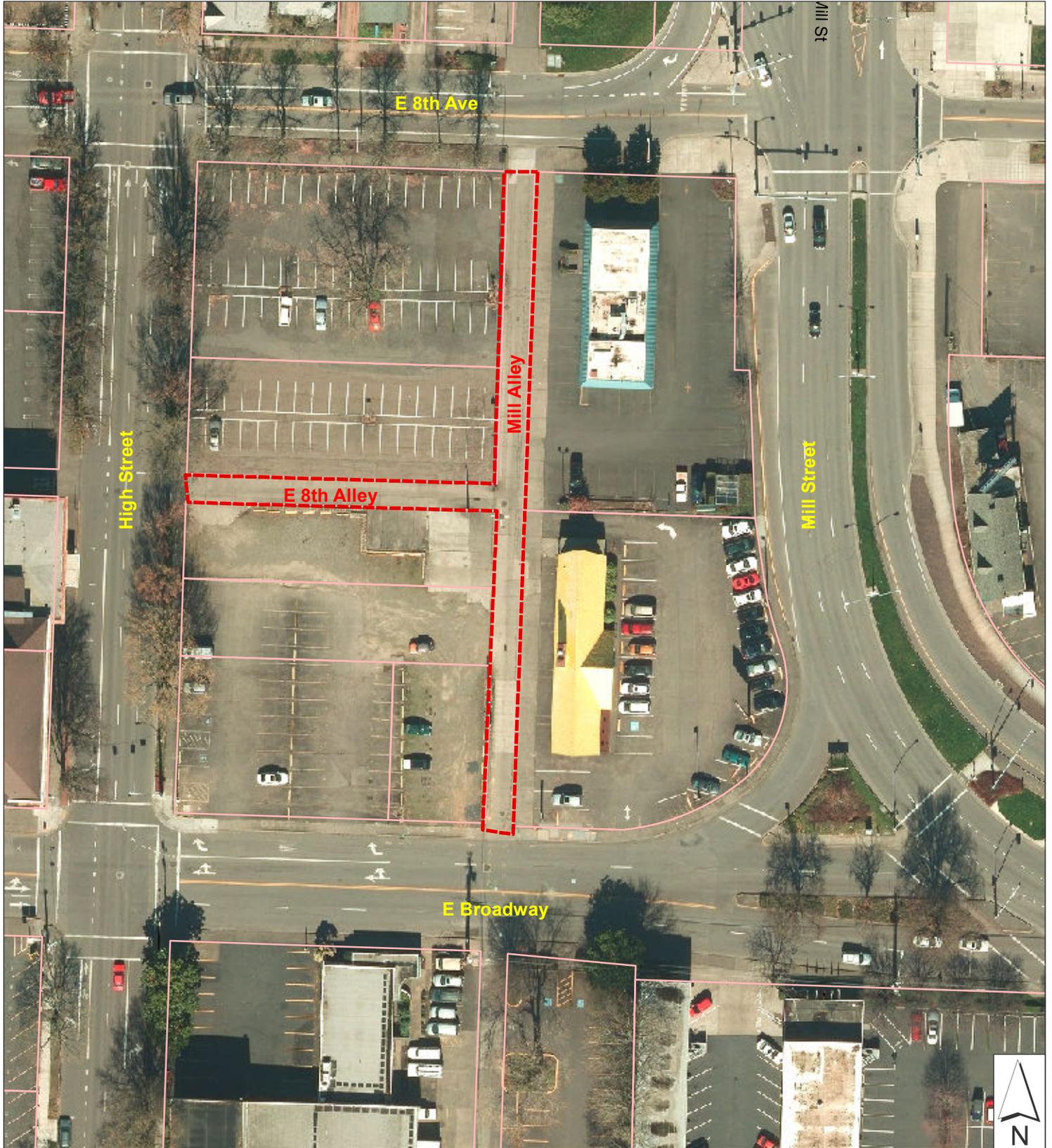
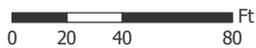


Right-of-Way Vacation Request (VR1 14-1)



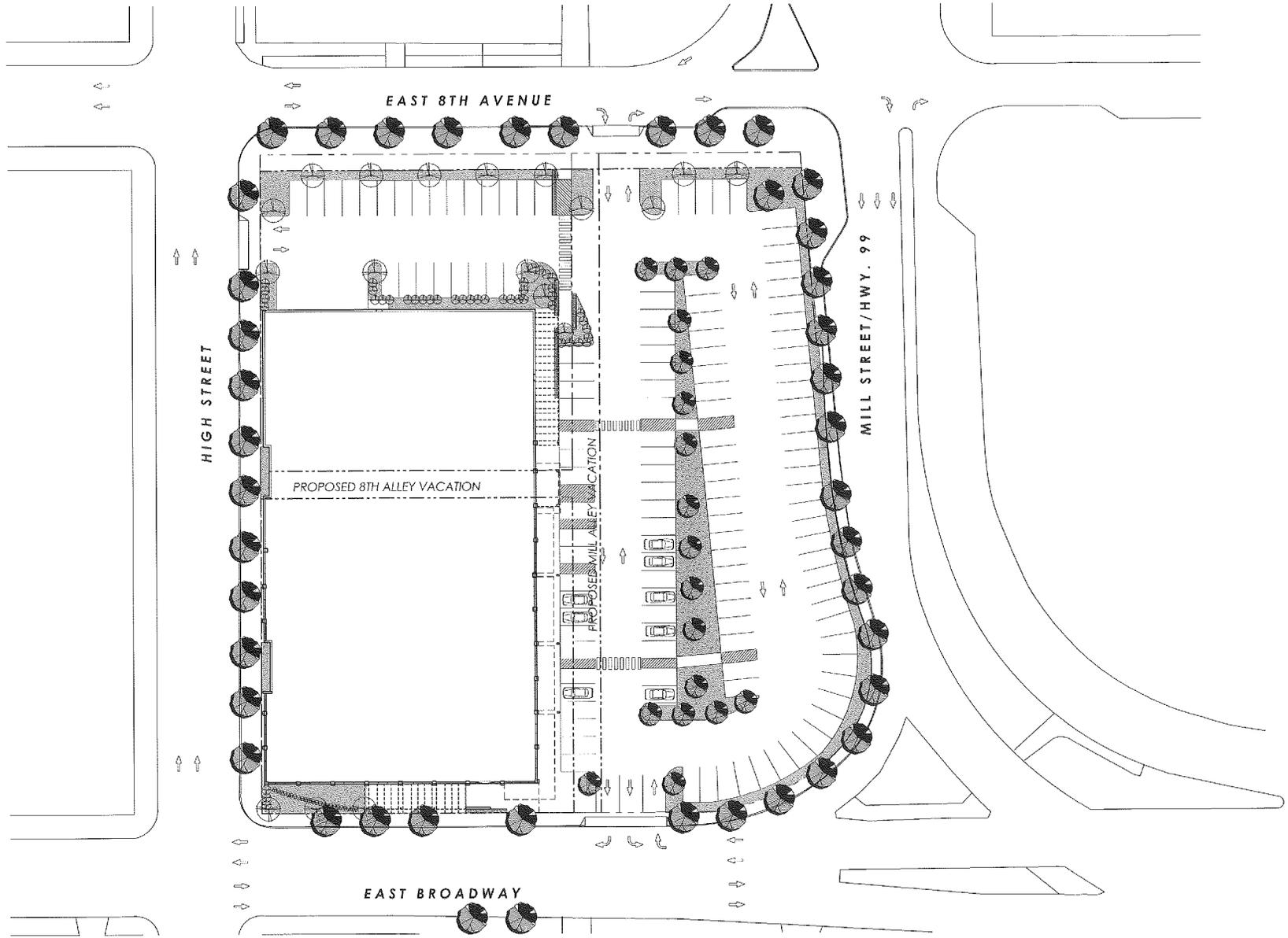
Legend
Taxlots



Caution:
This map is based on imprecise
source data, subject to change,
and for general reference only.

February 19, 2014





**Attachment C:
Public Comment Summary**

Public Comment Index

Testimony received during the open record period is listed below. All written testimony is included in the application file.

In Favor

- Sue Prichard, email dated April 21, 2014
- Debbie Jeffries, email dated April 21, 2014
- Erik Riechers, email dated April 21, 2014
- Carol Schirmer, email dated April 21, 2014
- Brent MacCluer, email dated April 21, 2014
- Milton Oilar, email dated April 21, 2014
- Kelly Bosch, email dated April 21, 2014
- Sherry Schaefer, email dated April 21, 2014
- Kristen Taylor, written and oral testimony provided April 21, 2014
- David Davini, oral testimony provided April 21, 2014
- Sarah Bennett, oral testimony provided April 21, 2014
- Dave Hauser, oral testimony provided April 21, 2014
- Walter Larsen, email dated April 22, 2014
- David Davini, letter dated April 24, 2014
- Mary Fuller, email dated April 27, 2014
- Sally Dietrich, email dated April 28, 2014
- Kathy Bulchis, email dated April 28, 2014
- Alan Evans, letter received April 28, 2014
- Beth Met, email received April 30, 2014
- Marilyn Lockman, email received May 1, 2014
- Constance Van Flandern, email dated May 1, 2014
- Sarah Maggio, email dated May 4, 2014
- Elaine Lawson, email dated May 5, 2014
- Nathan Svejcar, email dated May 5, 2014
- Susan Boettcher, email dated May 5, 2014
- Judy Grubbs, email dated May 5, 2014

Opposed

- Mark Robinowitz, oral testimony provided April 21, 2014
- Gavin McComas, oral testimony provided April 21, 2014
- Kyra Buckley, oral testimony provided April 21, 2014
- Paul Nicholson, email dated April 24, 2014

Summary of Public Comment Received

Thirty public comments were received during open record period including 26 comments in favor of the vacation and four comments opposed to the vacation. Support for the vacation generally focused on encouraging downtown redevelopment and increasing the potential for active development on the site. Opposition to the vacation generally focused on whether it was in the public interest.

Staff Response

The alleys under consideration were dedicated as part of the Mulligan's Addition subdivision, which created the surrounding lots and blocks. The City does not own the alley property, but it does retain the rights to it. State law establishes that when public rights are vacated, the underlying land reverts to the property that originally dedicated the right-of-way. If the Council approves the vacation, the alleys would revert to the abutting lands, which are under common ownership by the applicant. Accordingly, the City would be releasing the public rights and collecting an assessed fair market value of the land underlying the alleys. The assessed value of the land is being paid by the applicant in a combination of cash and dedication of the perpetual easement and right-of-way abutting East 8th Avenue. In addition to the assessed value, releasing the alley rights-of-way would make the underlying land taxable.

Alleys provide vehicle access to parking and loading areas for buildings within a block. When lots are under separate ownership within a block, the benefit of a public alley is to enable a mid-block property owner to have delivery-vehicle access to the backside of buildings; conversely, when lots are under common ownership within a block, the need for a public alley to enable access is not apparent.

The draft ordinance provides for the retention of a public utility easement, to ensure continued maintenance access to underground utilities, and for the dedication of a perpetual easement and right-of-way abutting East 8th Avenue, to enable an enhanced pedestrian system. The ordinance includes detailed findings of compliance with the approval criterion to demonstrate that the vacation is in the public interest (see Exhibit E.)

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF MILL ALLEY, LOCATED BETWEEN EAST 8TH AVENUE AND EAST BROADWAY, AND A PORTION OF EAST 8TH ALLEY, LOCATED BETWEEN HIGH STREET AND MILL ALLEY, AND PROVIDING FOR AN EFFECTIVE DATE.

The City Council of the City of Eugene finds that:

A. The City Council of the City of Eugene has approved an agenda setting a public hearing to be held at 7:30 p.m. on April 21, 2014, at Harris Hall, for the purpose of hearing protests and remonstrances to the proposed vacation of the following described right-of-way:

The portion of **Mill Alley**, located between East 8th Avenue and East Broadway, as more particularly described in Exhibit A and depicted on the map attached as Exhibit B, reserving a public utility easement over the entire 14 feet of right-of-way width, and the portion of **East 8th Alley**, located between High Street and Mill Alley, as more particularly described in Exhibit C and depicted on the map attached as Exhibit D

B. Notice was duly and regularly given of the public hearing, and on April 21, 2014, 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 the consent of the owner(s) of the abutting property has been filed in the proceedings, and that the vacation of the right-of-way is in the public interest, as described in the Findings attached as Exhibit E to this Ordinance.

Section 2. The rights-of-way described and depicted on Exhibits A through D attached to this Ordinance is vacated subject to the easement described in Finding A above, 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, and a certified copy of this Ordinance shall be filed with the Lane County Assessor and another certified copy shall be filed with the Lane County Surveyor.

Section 4. Notwithstanding the effective date of ordinances as provided in the Eugene Charter of 2002, this Ordinance shall become effective 30 days from the date of passage by the City Council and approval by the Mayor, or upon the recording of a right-of-way easement in a form acceptable to the City Manager for a five-foot wide easement abutting East 8th Avenue between Mill Alley and Mill Street, whichever is later.

Passed by the City Council this

Approved by the Mayor this

_____ **day of May, 2014.**

_____ **day of May, 2014.**

City Recorder

Mayor

LEGAL DESCRIPTION

For: Vacation of a Portion of the Mill Alley 14.00' Public Right-Of-Way

A 14.00 foot wide strip of land situated in the Southeast Quarter of the Northeast Quarter of Section 31, Township 17 South, Range 3 West of the Willamette Meridian, in Eugene, Lane County, Oregon, said strip being more particularly described as follows:

Beginning at the Northeast corner of Lot 2, Block A, MULLIGAN'S ADDITION EAST, as depicted on the PLAN OF EUGENE CITY, as platted and recorded in Volume A, Page 122, Lane County Oregon Plat Records, said point also being on the South margin of East 8th Avenue (Eighth Street), 33.00 feet from the centerline thereof; thence along said South margin North 89°49'16" East, 14.00 feet to the Northwest corner of Lot 1, Block A of said plat; thence leaving said South margin run along the West lines of Lots 1, 4, 5 and 8, Block A of said plat, South 00°01'07" East, 336.22 feet to the North margin of East Broadway (East 9th Avenue / Ninth Street), 33.00 feet from the centerline thereof; thence along said North margin South 89°48'54" West, 14.00 feet to the Southeast corner of Lot 7, Block A of said plat; thence leaving said North margin run along the East lines of Lots 7 and 6, Block A of said plat, North 00°01'07" West, 161.11 feet to the Northeast corner of said Lot 6; thence continue North 00°01'07" West, 14.00 feet to the Southeast corner of Lot 3, Block A of said plat; thence along the East lines of Lots 3 and 2, Block A of said plat, North 00°01'07" West, 161.11 feet to the Point of Beginning, in Eugene, Lane County, Oregon.

The City of Eugene to reserve an easement for public utilities over the above described 14.00 foot wide strip of land.

Containing 4,707 square feet, more or less.

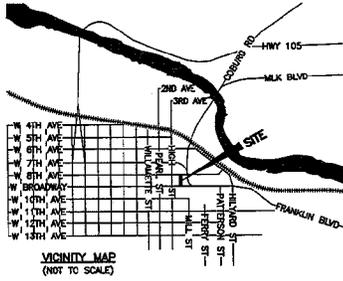
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael R. Dahrens

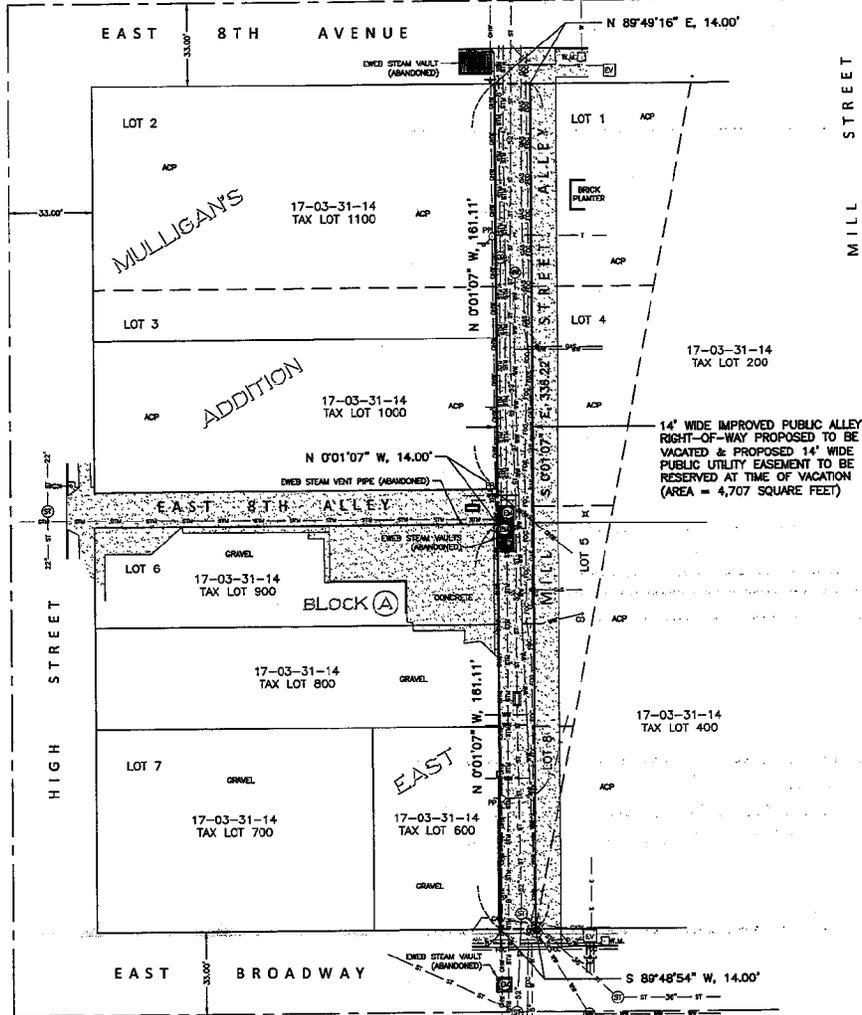
OREGON
JULY 11, 2000
MICHAEL R. DAHRENS
60052

RENEWAL DATE: /2-3/ • 2015

Exhibit B



SCALE: 1" = 30'



REGISTERED PROFESSIONAL LAND SURVEYOR
Michael R. Dahrens
 OREGON
 JULY 11, 2000
 MICHAEL R. DAHRENS
 60052
 RENEWS: 12-31-2015

LEGEND

⊕	SIGN
⊖	ELECTRIC VAULT
⊙	WATER VAULT
⊗	STREET LIGHT
⊘	GAS VALVE
⊚	STEEL GRAVE
⊛	ACP
⊜	OPEN STEAM MANHOLE (ABANDONED PER ENDS)
⊝	STORMWATER MANHOLE
⊞	WASTEWATER MANHOLE
⊟	SEWER CLEANOUT
⊠	WATER METER
⊡	COUCH BASIN
⊢	POWER POLE
⊣	CABLE TV LINE
⊤	WASH. WATER LINE
⊥	GAS LINE
⊦	WATER LINE
⊧	STORM LINE
⊨	TELEPHONE LINE
⊩	STEAM LINE (ABANDONED PER ENDS)
⊪	FIBER OPTIC CABLE
⊫	EXISTING CURBING

UTILITY NOTE:
 UTILITY LOCATIONS SHOWN HEREIN ARE BASED ON A COMBINATION OF FIELD SURVEY OF OBSERVABLE ABOVE GROUND EVIDENCE, UTILITY COMPANY LOCATION MAPS, UTILITY LOCATION PAINT AND CITY OF EUGENE DATA, AND ARE SUBJECT TO VERIFICATION.

BOUNDARY NOTE:
 THIS MAP AND THE DATA HEREON DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS SUBJECT TO ANY INACCURACIES THAT A SUBSEQUENT BOUNDARY SURVEY MAY DISCLOSE. INTERIOR TAX LOT LINES SHOWN HEREON ARE APPROXIMATE.

SURVEY FOR:
 G GROUP, LLC
 PROPOSED MILL ALLEY
 PUBLIC RIGHT-OF-WAY VACATION
 BLOCK A, MULLIGAN'S ADDITION
 EAST SE 1/4 NE 1/4, SEC. 31, T17S, R3W, W.M.
 EUGENE, LANE COUNTY, OREGON
 1/28/14 SSW JOB NO. 13-7134

SSW ENGINEERS
 CIVIL - SURVEYING - BOUNDARY DESIGN
 SURVEYING • LAND USE PLANNING
 2350 Oakmont Way, Suite 105
 Eugene, Oregon 97401
 (541) 485-8383
 FAX (541) 485-8384
 www.sswengineers.com

LEGAL DESCRIPTION

For: Vacation of a Portion of the East 8th Alley 14.00' Public Right-Of-Way

A 14.00 foot wide strip of land situated in the Southeast Quarter of the Northeast Quarter of Section 31, Township 17 South, Range 3 West of the Willamette Meridian, in Eugene, Lane County, Oregon, said strip being more particularly described as follows:

Beginning at the Northwest corner of Lot 6, Block A, MULLIGAN'S ADDITION EAST, as depicted on the PLAN OF EUGENE CITY, as platted and recorded in Volume A, Page 122, Lane County Oregon Plat Records, said point also being on the East margin of High Street, 33.00 feet from the centerline thereof; thence along said East margin North, 14.00 feet to the Southwest corner of Lot 3, Block A of said plat; thence leaving said East margin run along the South line of said Lot 3 North 89°49'05" East, 160.04 feet to the Southeast corner of said Lot 3; thence South 00°01'07" East, 14.00 feet to the Northeast corner of said Lot 6; thence along the North line of said Lot 6 South 89°49'05" West, 160.05 feet to the Point of Beginning, in Eugene, Lane County, Oregon.

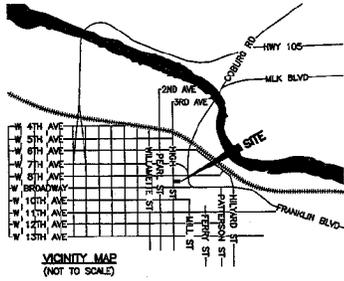
Containing 2,241 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

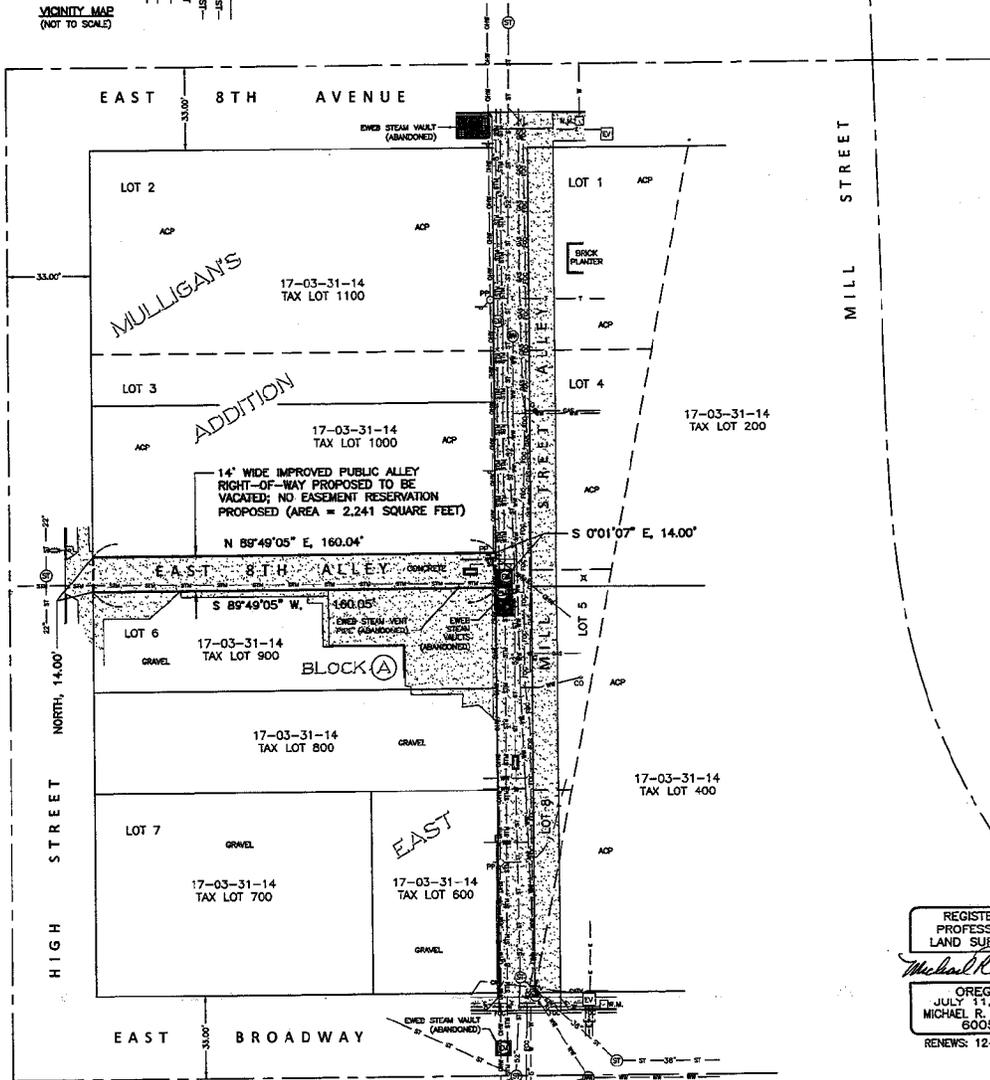
Michael R. Dahrens

OREGON
JULY 11, 2000
MICHAEL R. DAHRENS
60052

RENEWAL DATE: 12.31.2015



SCALE: 1" = 30'



LEGEND

[Symbol]	SIGN
[Symbol]	ELECTRIC VAULT
[Symbol]	WATER VALVE
[Symbol]	STREET LIGHT
[Symbol]	GAS VALVE
[Symbol]	STEEL DRIVE
[Symbol]	ACP
[Symbol]	INDICATES ASPHALTIC CONCRETE PAVEMENT
[Symbol]	SEWER LIGHT
[Symbol]	SEWER MANHOLE (ABANDONED PER DMG)
[Symbol]	STORMSEWER MANHOLE
[Symbol]	SEWER CLEANOUT
[Symbol]	WATER METER
[Symbol]	CATCH BASIN
[Symbol]	POWER POLE
[Symbol]	CABLE TV LINE
[Symbol]	WATER LINE
[Symbol]	WASTE WATER LINE
[Symbol]	GAS LINE
[Symbol]	STORM LINE
[Symbol]	TELEPHONE LINE
[Symbol]	STEAM LINE (ABANDONED PER DMG)
[Symbol]	FIBER OPTIC CABLE
[Symbol]	EXISTING CURBS

UTILITY NOTE:
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SURVEY FOR:
G GROUP, LLC
PROPOSED EAST 8TH ALLEY
PUBLIC RIGHT-OF-WAY VACATION
BLOCK A, MULLIGAN'S ADDITION EAST
SE 1/4 NE 1/4, SEC. 31, T17S, R3W, W.M.
EUGENE, LANE COUNTY, OREGON
1/28/14 SSW JOB NO. 13-7134

REGISTERED
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Exhibit E: Findings

Background:

Broadway & Pearl Associates, LLC (Applicant) requests the vacation of two improved public rights-of-way: the portion of Mill Alley that is 14 feet wide and 334 feet in length, between East 8th Avenue and East Broadway; and the portion of East 8th Alley that is 14 feet wide and 160 feet long, between High Street and Mill Alley. The total area of request consists of 6,916 square feet of public right-of-way. The applicant owns all of the properties abutting the alleys proposed to be vacated.

The Applicant's properties are currently developed with surface parking lots and two commercial buildings; one a restaurant use and the other a former bank use. The applicant submitted signed consent from at least two-thirds of owners in the affected area, as required by Eugene Code (EC) 9.8710(6) and Oregon Revised Statutes (ORS) 271.080(2).

The applicant's representative, Kristen Taylor, TBG Architects and Planners, indicates that the requested vacation is necessary to redevelop the block located between High Street and Mill Street, and East Broadway and East 8th Avenue, to accommodate a new vibrant commercial building and the associated site infrastructure, such as parking, landscaping and pedestrian walkways. The applicant provided a conceptual site plan to illustrate how the entire block might be redeveloped. The concept calls for the replacement of the two existing buildings and disjointed surface parking lots with a new comprehensive commercial development on the entire block, which is the eastern gateway to Eugene's downtown.

When rights-of-way are vacated, ORS requires ownership of the underlying land to revert back to the adjacent lands from which they were originally dedicated. If the vacation is approved, the alleys will revert from public to private ownership by Broadway & Pearl Associates, LLC, and the land would be added to the tax rolls. EC 9.8710(5) requires the applicant to pay to the City a special assessment equal to the assessed value of the real property and any costs incurred by the city in the construction of public improvements. Payment of the special assessment will be paid in a combination of cash and fair-market value of a 5-foot wide easement abutting East 8th Avenue between Mill Alley and Mill Street.

The vacation request process provides 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. Requests for the vacation of public streets and alleys are considered in accordance with Eugene Code (EC) 9.8700-9.8725 and Oregon Revised Statutes (ORS) 271.080-271.230. These requests are also subject to procedural requirements at EC 9.7445-9.7455.

Compliance with Approval Criteria:

The sole approval criterion at EC 9.8725 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 for 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 vacation of the portion of Mill Alley, located between East 8th Avenue and East Broadway, and the portion of East 8th Alley, located between High Street and Mill Alley, is in the public interest. This determination is based on the conclusion that vacation of these alleys will provide efficient use of land and will not negatively impact the transportation system, surrounding neighborhoods or emergency access. Additionally, future development opportunities of the adjacent lands can be enhanced through the consolidation of the site. As a result, vacation of the requested alleys will be in the public interest. Detailed findings to support these conclusions are provided below.

The vacation request was referred to affected city departments and public utility service providers. Public Works staff confirmed that the abutting streets provide all access and traffic circulation needs in the vicinity, without relying on the subject alleys. There is a need, however, for a wider sidewalk along East 8th Avenue, which the City has identified as a gateway that would bridge the heart of Downtown with the Federal Courthouse district and recently re-designated EWEB riverfront properties. The property owner will dedicate a 5-foot wide easement along the right-of-way abutting East 8th Avenue between Mill Alley and Mill Street to complete the wide sidewalk for that stretch of East 8th Avenue. Therefore, the ordinance is conditioned to require this dedication prior to vacation of the alleys.

Referral comments from other affected City Departments and utility providers note that the provision of necessary public services and facilities, such as transportation and utilities in the area, can be maintained upon approval of the vacation request. Referral comments and letters of concurrence from utility providers confirm that there are no utilities within East 8th Alley and that retaining a public utility easement (PUE) over Mill Alley would provide sufficient coverage for the underground utilities. The ordinance provides for the retention of this PUE.

The applicant's survey drawings delineate the alleys to be vacated, existing utilities, and the proposed reservation of a 14-foot wide public utility easement (PUE) over Mill Alley. The applicant proposes to reserve a public utility easement over the entire segment of Mill Alley, which contains the following underground utilities: Northwest Natural gas lines; CenturyLink cable; Comcast fiber optic lines and vault; and City wastewater and stormwater mains. Eugene Water and Electric Board (EWEB) staff confirms that the steam lines within the alleys have been abandoned and that they have no related issues or concerns. The applicant submitted concurrences from the affected utility providers, all of whom confirm that the applicant's proposed 14-foot-wide public utility easement in the location of the existing Mill Alley is all that is required for their services.

There are no existing utilities in the portion of East 8th Alley to be vacated. The applicant's conceptual development plan shows a building over East 8th Alley, which would provide greater building presence abutting High Street. The applicant notes that pedestrian and bicycle connectivity and outdoor seating areas on High Street and/or East Broadway will be important features of any development on the block to take advantage of and enhance downtown street level activity. The applicant's properties will continue to take primary access from the abutting East Broadway, High Street, and East 8th Avenue. With the retention of the 14-foot public utility easement over Mill Alley, any larger buildings will need to be oriented in a north-south direction. As such, vacation of the East 8th Alley is critical in order to establish a reasonable buildable area that can facilitate redevelopment of this site.

The applicant proposes to maintain the vehicular connectivity between East 8th Avenue and East Broadway, which is shown as a private drive aisle on the conceptual development plan. Given the retention of a public utility easement over this same area, this portion of the site will need to remain free of structures and therefore lends itself well for access and circulation. Under existing conditions, pedestrians share the paved alley with vehicles, since the City's design standards do not include sidewalks on alleys. The alley is predominantly used to access the adjacent surface parking lots. The applicant's redevelopment concept shows how vehicle access and on-site circulation can be accomplished without the alleys. Referral comments from Public Works staff confirm that the alleys do not provide significant public transportation benefit, given the surrounding street network that provides ample connectivity for vehicles, bikes and pedestrians.

The applicant has also agreed to dedicate a five-foot wide perpetual easement and right-of-way abutting East 8th Avenue to enable an enhanced pedestrian system.

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, to redevelop the two existing buildings and disjointed surface parking lots with a new comprehensive commercial development on the entire block, which is the eastern gateway to Eugene's downtown.