

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: 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 (VRI 14-1)

Meeting Date: May 12, 2014
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: B
Staff Contact: Becky Taylor
Contact Telephone Number: 541-682-5437

ISSUE STATEMENT

The City Council is scheduled to take action on an ordinance for the right-of-way vacation request submitted by Broadway and Pearl Associates, LLC. The requested vacation of two improved public rights-of-way consists of the following: 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.

BACKGROUND

On April 21, 2014, the City Council held a public hearing to consider the applicant's request for vacation of the segments of Mill Alley and East 8th Alley, described above and as shown in Attachment A. 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, and has provided evidence of consent to the vacation from owners of at least two-thirds of the property within the affected area.

The applicant proposes to reserve a 14-foot public utility easement over the entire segment of Mill Alley, for underground utilities. With the retention of this easement, any larger buildings will need to be oriented in a north-south direction. As such, vacation of the East 8th Alley is necessary in order to establish a reasonable buildable area that can facilitate redevelopment of this site.

The applicant provided a conceptual redevelopment plan at the hearing to illustrate their intention to revitalize the entire block and demonstrate the need for the vacations, see Attachment B. The concept calls for the replacement of the two existing buildings and disjointed surface parking lots with a consolidated development concept for the entire block. While this plan is conceptual in nature, it attempts to demonstrate how this site is likely to be redeveloped and how vacation of the current alleys is necessary in order to accommodate redevelopment options similar to the applicant's illustration.

The public hearing was conducted consistent with quasi-judicial procedures in State law and as set forth in EC 9.7065 through EC 9.7095. The record was held open for an additional two weeks,

which closed on May 5, 2014. All written testimony is included in the application file, a copy of which is contained in a binder that has been placed in the Council Office for reference. A summary of comments from the public is provided in Attachment C.

Applicable Criteria

This request for vacation is being considered in accordance with sections 9.8700-9.8725 of the Eugene Code (EC) and Oregon Revised Statutes (ORS) 271.080-271.230, and processed pursuant to EC 9.7445–9.7455. Consent of the owners of the requisite area has been obtained and the applicant has paid a deposit equal to the fair market assessed value of the property, as determined by City of Eugene appraisal staff. The relevant approval criterion from EC 9.8725 for the proposed right-of-way vacation is listed below:

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 findings provided within the ordinance (see Attachment D) 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. The requested vacation of the alleys is also in the public interest because it would enhance future development opportunities of the adjacent lands through the consolidation of the site. Upon vacation of the right-of-way, the underlying land would be added to the tax rolls.

Additionally, this conclusion is based on the condition that the applicant will provide a perpetual easement and right-of-way along the northern boundary of the block (east of Mill Alley) that is five feet in width, abutting East 8th Avenue. This additional street width will enable the City to implement its vision for an enhanced pedestrian gateway along East 8th Avenue. The City will receive a special assessment for the alleys being vacated, the value of which is being paid by the applicant in a combination of cash and dedication of the easement abutting East 8th Avenue, based on its fair market value. The ordinance that would approve the requested vacation includes the condition that the applicant dedicate a five-foot wide perpetual easement and right-of-way abutting East 8th Avenue to enable an enhanced pedestrian system and for the retention of a public utility easement over Mill Alley to ensure continued maintenance access to underground utilities.

Staff therefore recommends that the council conclude that approval of the vacation request is found to be in the public interest, as required by the approval criteria. Detailed findings to support these conclusions are provided within the ordinance, included as Attachment D.

COUNCIL OPTIONS

The council may:

1. Approve the alley vacation and adopt the ordinance as attached.
2. Approve the alley vacation with modified conditions.

3. Deny the alley vacation application.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council approve the vacation request and adopt the ordinance as attached.

SUGGESTED MOTION

Move to adopt Council Bill 5112, an ordinance vacating 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, and retaining a public utility easement over Mill Alley, and providing for an effective date.

ATTACHMENTS

- A. Aerial Context Map of Alley Vacation Request
- B. Conceptual Redevelopment Illustration
- C. Public Comment Summary
- D. Ordinance (with Exhibits A – E) for Alley Vacation

FOR MORE INFORMATION

Staff Contact: Becky Taylor, Associate Planner
Telephone: 541-682-5437
Staff E-Mail: becky.g.taylor@ci.eugene.or.us