

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Hearing: Ordinance Vacating a Portion of Moss Street Located between
East 15th Avenue and East 17th Avenue (VRI 10-1)

Meeting Date: November 21, 2011
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Steve Ochs
Contact Telephone Number: 541/682-5453

ISSUE STATEMENT

The City Council will hold a public hearing on a street vacation request submitted by the University of Oregon. The property affected by this proposed action is the north/south right-of-way of Moss Street between East 15th Avenue and East 17th Avenue. A map and aerial context map are included as Attachments A and B, showing the proposed street right-of-way to be vacated. This item is scheduled for public hearing only; action is currently scheduled for December 12, 2011.

BACKGROUND

The public hearing date for the vacation request has been set for November 21, 2011. As noted above and shown on the attached map, the University of Oregon is requesting the City of Eugene to vacate the Moss Street right-of-way from East 17th Avenue north to East 15th Avenue. The area of the request is 58,729 square feet (1.35 acres). The University is proposing to develop approximately 107 head-in parking spaces along Moss Street which necessitates the street vacation.

The vacation request process serves as a means to evaluate the need for public-ways as land develops and uses change over time. Requests for vacation of public streets are 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. The public hearing is subject to quasi-judicial procedures in State law and as set forth in EC 9.7065 through EC 9.7095.

A complete copy of the University's application along with other documents and information related to the vacation request including a written statement, site plans and consent forms, are also contained in a binder that has been placed in the Council Office for reference.

Public Hearing Notice

In accordance with EC 9.7440 and ORS 271.110, notice of public hearing for the requested street vacation has been provided in the following manner: on November 8, 2011, notice was mailed to property owners, interested parties and the Fairmount Neighbors, the officially recognized neighborhood group; on November 7, 2011, the property was posted in the immediate vicinity of the requested street vacation; and on November 7, 2011, and November 14, 2011, legal notice was published in *The Register-Guard* newspaper. Any written testimony received in response to public notice will be forwarded to the City Council for consideration.

Consent of Abutting and Affected Property Owners

In accordance with ORS 271.080, the University has provided evidence of consent to the street vacation from all abutting property owners and from property owners of at least two-thirds of the property within the affected area. The State of Oregon owns all of the properties abutting the street right-of-way. Application materials submitted with the street vacation include consent forms signed by a representative from the University of Oregon, on behalf of the State of Oregon. The application materials also include consent forms signed by a representative of the University of Oregon for more than two-thirds of the affected (required consent) area. The affected area per ORS is an area that is 200 feet on either side of the street and 400 feet beyond each end of the right-of-way to be vacated. Included in the application materials is a map showing the affected area and identifying properties with signed consent forms for the street vacation request.

Applicable Criteria

The Eugene City Council will address the relevant approval criteria from EC 9.8725 in making a decision on the proposed street vacation, as 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.

Additionally ORS 271.120 is relevant as listed below:

271.120 Hearing; determination. *At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.*

As noted above, consent of the required area has been obtained and public notice has been given in accordance with statutory and local code requirements. Basic provision of necessary public services and facilities such as transportation and utilities in the area can be maintained upon approval of the vacation requests. While attached findings indicate that the vacation requests can be accommodated at this fundamental level, it remains within the council's purview to identify what additional requirements, if any, must be made to find that the request supports the public interest in order for the City to release ownership of the rights-of-way.

The street vacation request was referred to affected City Departments and public utility service providers. City of Eugene Public Works Transportation and Engineering staff and the Fire Marshal's Office have indicated the street vacation would not compromise transportation or emergency access needs, and there are no stormwater or wastewater services in the portion of Moss Street right-of-way subject to the vacation request.

Referral comments from Public Works staff note that adequate public rights-of-way exist to satisfy all access and traffic circulation in this vicinity. Adjacent uses, which will include University dormitories, housing and the Moss Street Child Development Center, will continue to have access from East 15th Avenue and East 17th Avenue as well as Moss Street. While this section of Moss Street would be vacated, it will be reconfigured with head-in parking, and therefore, will continue to remain open for vehicle access. Such access will also help address emergency access requirements if the area redevelops in the future. While this street configuration will not be required to remain open as a public street, the University intends to maintain access on this street to serve the adjacent uses (all owned by the University).

The requested vacation is related to major campus construction projects that have recently occurred on the University including the Matthew Knight Arena, Alumni Center and Academic Learning Center all of which have displaced existing parking in the campus area. This reconfiguration, as part of the larger University's Parking Plan, replaces a portion of the lost supply of parking east and north of campus and will increase the parking supply available for students, faculty and visitors. Segments of Moss Street north of 15th Avenue and Columbia Street just south of East 13th Avenue have been previously vacated and similarly converted to provide head-in parking. Additional discussion of traffic circulation and parking considerations can be found in the findings included in Exhibit C to the Ordinance (Attachment C).

Referral comments and letters of concurrence from utility providers have confirmed that electric and natural gas lines located in the right-of-way can remain as long as adequate easements are provided. The applicant has proposed to maintain easements over the Eugene Water & Electric Board water line on the west side of the right-of-way, and the Northwest Natural Gas line along the east side of the right-of-way. The easements will be conveyed prior to or concurrent with the recording of the street vacation.

Complete findings in regards to the approval criteria are included in Exhibit C to the Ordinance (Attachment C).

Determination of Assessment

Pursuant to EC 9.8710(4), the applicant is required to pay a deposit equal to the assessment of special benefit resulting from the vacation and the disposition of the property to the benefited property owners. The assessed value of special benefit is to be determined by the City Manager. In this instance, the value of the real property for the Moss Street right-of-way was determined to be \$1,856,000 as detailed in the attached Moss Street Vacation Assessment Memorandum (Attachment D). The University of Oregon has deposited that sum with the City in advance of the public hearing, as required. If the application is approved, the deposit shall be retained by the City, or if the applications are denied the money shall be returned.

RELATED CITY POLICIES

Approval criteria for vacation requests (the full text is included above) are located at EC 9.8725, and corresponding statutory provisions at ORS 271.120, which require the council to find that approval of the vacation request is in the public interest.

Policies related to the vacation request are included in the Metro Plan and Fairmount/University of Oregon Special Area Study. Findings related to the policies are included in Exhibit C to the Ordinance (Attachment C).

COUNCIL OPTIONS

These items are scheduled for public hearing only, however, council action is required within 30 days of the close of the record following the public hearing to:

1. Approve the vacation requests by ordinance;
2. Modify and approve the vacation requests by ordinance; or,
3. Deny the vacation requests by ordinance.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council hold and close the public hearings on the vacation request, and take action within 30 days of close of record in order to comply with statutory and local code requirements. Following the City's receipt of all testimony, the City Manager will make a recommendation on the merits of each vacation request to be included in the council packet for action.

SUGGESTED MOTION

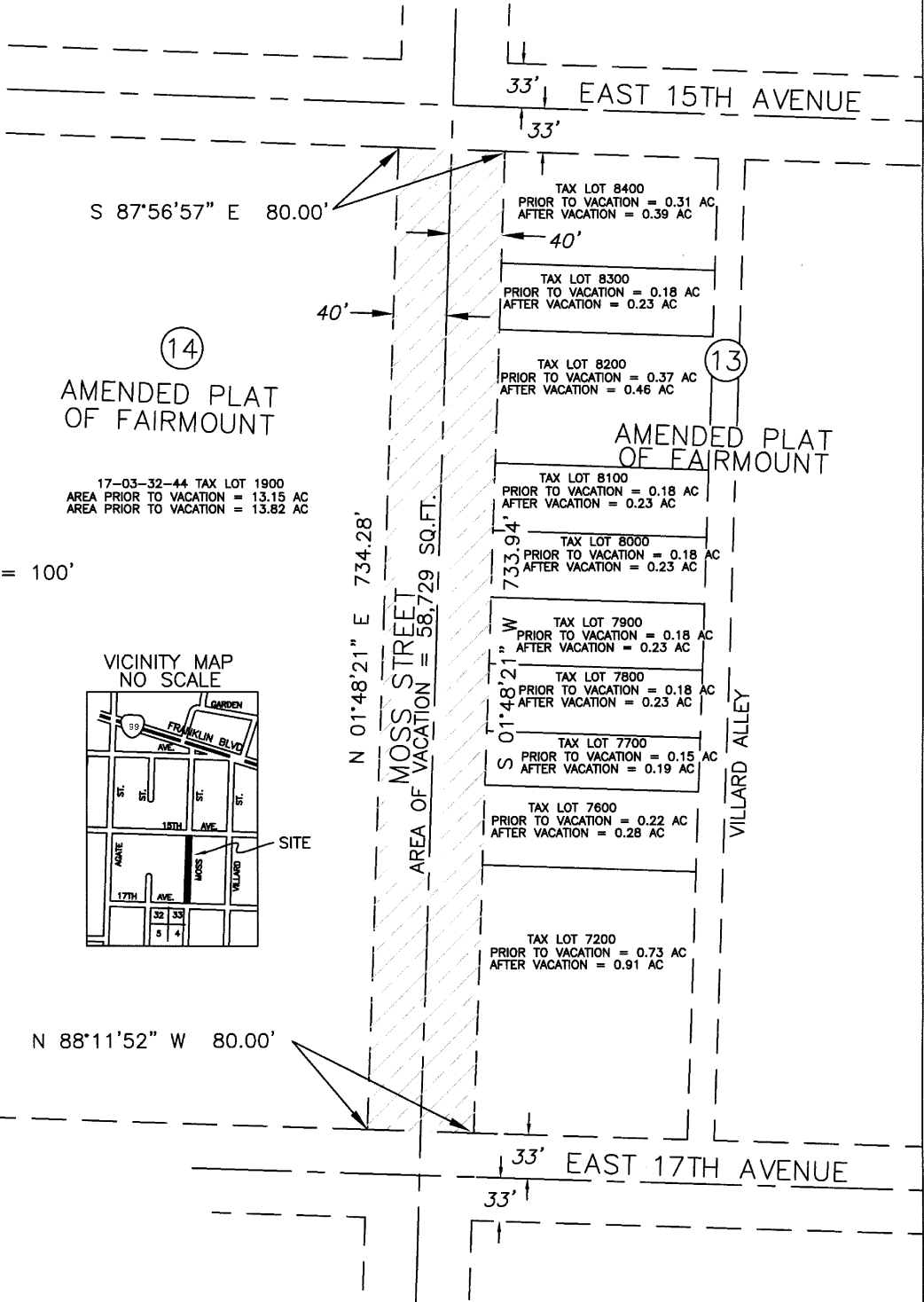
No motion is suggested as this item is set for deliberations and action on December 12, 2011.

ATTACHMENTS

- A. Map of Street Vacation Request
- B. Aerial Context Map of Street Vacation Request
- C. Draft Ordinance (with Exhibits A – C) for Street Vacation
- D. Moss Street Vacation Assessment Memorandum

FOR MORE INFORMATION

Staff Contact: Steve Ochs, Associate Planner
Telephone: 541/682-5453
Staff E-Mail: steve.p.ochs@ci.eugene.or.us

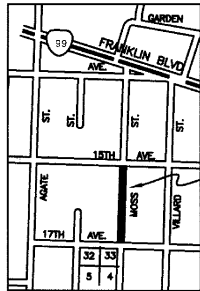


14
AMENDED PLAT
OF FAIRMOUNT

17-03-32-44 TAX LOT 1900
AREA PRIOR TO VACATION = 13.15 AC
AREA PRIOR TO VACATION = 13.82 AC

SCALE: 1" = 100'

VICINITY MAP
NO SCALE



SITE

JOB NO. 4447
DATE 6/14/10
BY: S.W.
DATE 4/20/10

FORD & ASSOCIATES, LLC

LAND SURVEYING * ENGINEERING
CONSTRUCTION SUPERVISION

630 S.Bertelsen
Eugene, OR 97402

P.O.Box 22735
EUGENE, OR. 97402
WebSite: www.fninc.net

(541) 344-1852
Fax (541) 344-9923

MOSS STREET VACATION MAP
FOR
UNIVERSITY OF OREGON

SW 1/4 SECTION 33, TOWNSHIP 17 SOUTH
RANGE 3 WEST, WILLAMETTE MERIDIAN

EUGENE

LANE COUNTY

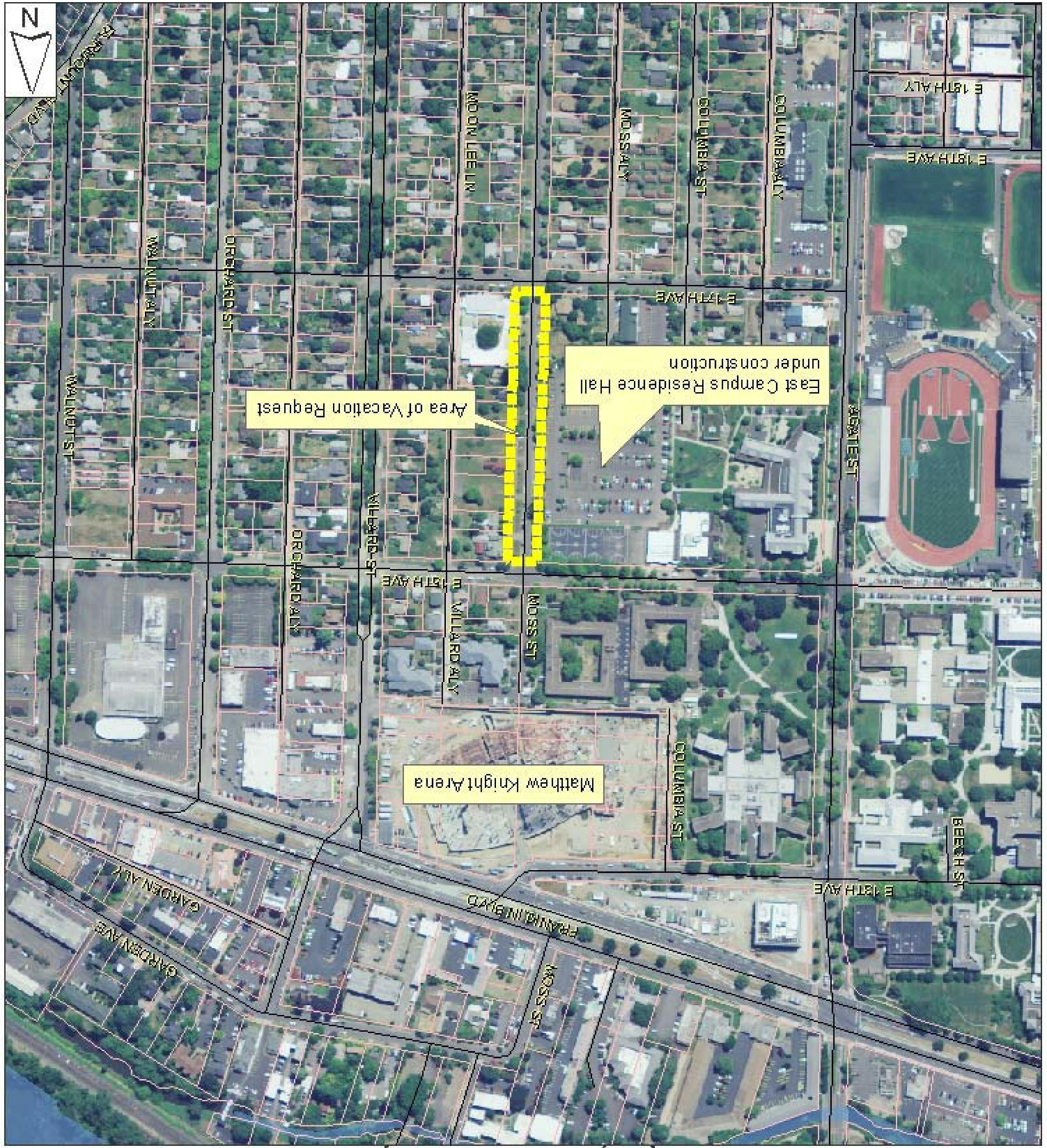
OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Steven E. Woods

STEVEN E. WOODS
LAND SURVEYOR

Aerial Context Map Moss Street Vacation Request (City File VRI 10-1)



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



<Map Date Here>

ORDINANCE NO. _____

**AN ORDINANCE VACATING A PORTION OF MOSS STREET
LOCATED BETWEEN EAST 15TH AVENUE AND EAST 17TH AVENUE.**

The City Council of the City of Eugene finds that:

A. On May 10, 2010, the University of Oregon, with the consent of the abutting property owner(s), applied for vacation of the portion of the following described street:

Portion of Moss Street extending from East 15th Avenue to East 17th Avenue. The assessor's maps and tax lots for the properties abutting the proposed street vacation are: Assessor's Map 17-03-33-33, Tax Lots 7200, 7600, 7700, 7800, 7900, 8000, 8100, 8200, 8300, 8400; and Assessor's Map 17-03-32-44, Tax Lot 1900, more particularly described in Exhibit A attached to this Ordinance.

The street vacation is subject to the easements described in Exhibit B attached to this Ordinance.

B. 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 November 21, 2011, for the purpose of hearing protests and remonstrances to the proposed vacation.

C. On November 21, 2011, the City Council held a public hearing regarding the street 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 street right-of-way is in the public interest, as described in the Findings attached as Exhibit C to this Ordinance.

Section 2. The street right-of-way described in Exhibit A attached to this Ordinance is vacated subject to the easements described in Exhibit B attached to this Ordinance 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.

**Passed by the City Council this
12th day of December , 2011.**

**Approved by the Mayor this
_____ day of December, 2011.**

City Recorder

Mayor

Exhibit A

MOSS STREET VACATION DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ¼ OF SECTION 33, TOWNSHIP 17 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN AND BEING THAT PORTION OF MOSS STREET BETWEEN THE SOUTH LINE OF 15TH AVENUE EAST AND THE NORTH LINE OF 17TH AVENUE EAST, IN THE CITY OF EUGENE, LANE COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF BLOCK 13, AMENDED PLAT OF FAIRMOUNT, AS PLATTED AND RECORDED IN VOLUME 2, PAGE 12, LANE COUNTY OREGON PLAT RECORDS; SAID POINT BEING THE INTERSECTION OF THE SOUTHERLY LINE OF 15TH AVENUE EAST WITH THE EASTERLY LINE OF MOSS STREET; THENCE ALONG THE WEST LINE OF SAID BLOCK 13 SOUTH 1°48'21" WEST 733.94 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 13, SAID POINT BEING THE INTERSECTION OF THE EASTERLY LINE OF MOSS STREET WITH THE NORTHERLY LINE OF 17TH AVENUE EAST; THENCE ALONG SAID NORTHERLY LINE OF 17TH AVENUE EAST NORTH 88°11'52" WEST 80.00 FEET TO THE SOUTHEAST CORNER BLOCK 14 OF SAID AMENDED PLAT OF FAIRMOUNT, SAID POINT BEING THE INTERSECTION OF THE WESTERLY LINE OF MOSS STREET WITH THE NORTHERLY LINE OF 17TH AVENUE EAST; THENCE ALONG THE EASTERLY LINE OF SAID BLOCK 14 NORTH 1°48'21" EAST 734.28 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 14, SAID POINT BEING THE INTERSECTION OF THE WESTERLY LINE OF MOSS STREET WITH THE SOUTHERLY LINE OF 15TH AVENUE EAST; THENCE ALONG THE SOUTHERLY LINE OF SAID 15TH AVENUE EAST SOUTH 87°56'57" EAST 80.00 FEET TO THE POINT OF BEGINNING, ALL IN EUGENE, LANE COUNTY, OREGON.

**LEGAL DESCRIPTION
15 FOOT P.U.E. BENEFITTING
NORTHWEST NATURAL GAS**

A strip of land, 15.00 feet in width, located in the Southwest $\frac{1}{4}$ of Section 33, Township 17 South, Range 3 West, Willamette Meridian and being a portion of Moss Street between the south line of East 15th Avenue and the north line of East 17th Avenue, in the City of Eugene, Lane County, Oregon, more particularly described as follows:

BEGINNING at a point on the south line of East 15th Avenue South 87°56'57" East 50.94 feet from the Northeast corner of Block 14, AMENDED PLAT OF FAIRMOUNT, as platted and recorded in Volume 2, Page 12, Lane County Plat Records; thence along said south line of East 15th Avenue South 87°56'57" East 15.00 feet; thence leaving said south line South 1°46'23" West 162.46 feet; thence South 88°13'37" East 10.00 feet; thence South 1°46'23" West 58.00 feet; thence North 88°13'37" West 10.00 feet; thence South 1°46'23" West 513.53 feet to a point on the north line of East 17th Avenue; thence along said north line North 88°11'52" West 15.00 feet; thence leaving said north line North 1°46'23" East 528.53 feet; thence South 88°13'37" East 10.00 feet; thence North 1°46'23" East 28.00 feet; thence North 88°13'37" West 10.00 feet; thence North 1°46'23" East 177.54 feet to the Point of Beginning, all in Eugene, Lane County, Oregon.

LEGAL DESCRIPTION
14 FOOT P.U.E. BENEFITTING
E.W.E.B.

A strip of land, 14.00 feet in width, located in the Southwest $\frac{1}{4}$ of Section 33, Township 17 South, Range 3 West, Willamette Meridian and being a portion of Moss Street between the south line of East 15th Avenue and the north line of East 17th Avenue, in the City of Eugene, Lane County, Oregon, more particularly described as follows:

BEGINNING at a point on the south line of East 15th Avenue South 87°56'57" East 6.33 feet from the Northeast corner of Block 14, AMENDED PLAT OF FAIRMOUNT, as platted and recorded in Volume 2, Page 12, Lane County Plat Records; thence along said south line of East 15th Avenue South 87°56'57" East 14.00 feet; thence leaving said south line South 1°31'03" West 734.21 feet to a point on the north line of East 17th Avenue; thence along said north line North 88°11'52" West 14.00 feet; thence leaving said north line North 1°31'03" East 734.27 feet to the Point of Beginning, all in Eugene, Lane County, Oregon.

Exhibit C

Findings: Vacation of Moss Street for the University of Oregon (VRI 10--1)

Background

The University of Oregon's requested right-of-way vacation includes Moss Street from East 15th Avenue south to East 17th Avenue. The area subject to the request is 1.35 acres (58,729 square feet). The vacation request is part of the University of Oregon's East Campus development plan which involves the vacation of portions of Moss Street and Columbia Street from the City. The University owns all properties that abut the right of way and is proposing to replace the existing on-street parallel parking with head in parking along Moss Street. This will increase the parking supply available for students, faculty and visitors. Segments of Moss Street north of 15th and Columbia Street just south of East 13th Avenue have been previously vacated and similarly converted to provide head in parking.

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 EC 9.8700-9.8725 and Oregon Revised Statutes 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 vacations 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.

Public notice of the hearing for the vacation request has been provided in accordance with applicable statutory and local code requirements. Consent for the vacation requests from abutting and affected owners, and payment of a special assessment for the area of vacated right-of-way, have also been provided as required.

Moss Street Vacation Findings

The following findings demonstrate that vacation of the portion of Moss Street between East 15th Avenue and East 17th Avenue is in the public interest. This determination is based on the conclusion that the vacation of the portion of Moss Street between East 15th Avenue and East 17th Avenue is consistent with all applicable adopted policies, will provide efficient use of land and will not

negatively impact the transportation system, surrounding neighborhoods or emergency access. Additionally, future planned development opportunities on the University of Oregon campus can be enhanced through the consolidation of the site. As a result, vacation of the requested street segment will be in the public interest. Detailed findings to support these conclusions are provided below.

The requested vacation is related to major campus construction projects that have recently occurred on the University including the Matthew Knight Arena, Alumni Center and Academic Learning Center all of which have displaced existing parking in the campus area. Most recently, the East Campus Residence Hall is under construction which is displacing 311 parking spaces on campus which had been used for student, faculty and visitor parking. The University's 2010 Parking Plan replaces the lost supply of parking east and north of campus. Parking areas included in this plan that have been constructed include; the Northside Parking Project located north of Franklin Boulevard on Riverfront Parkway (150 spaces); the Matthew Knight Arena Site Parking Garage (375 spaces); the former ODOT site and Romania SUV lot (196 spaces); Villard Alley Parking (56 spaces) and the Moss Street head in parking, which would include 107 spaces and is the subject of this vacation request. This street vacation request is therefore part of an overall plan to mitigate the impact of the recent parking losses on areas surrounding the University.

Public Works staff has confirmed that adequate public rights-of-way exist to satisfy all access and traffic circulation needs in the vicinity. While the applicant notes that Moss Street will remain a two-way through street and the existing street width will be maintained, if vacated, Moss Street will not be required to remain open as a public street. While this street configuration will not be required to remain open as a public street, adjacent uses are all owned by the University and as necessary, adequate access including emergency access will be required through future building permits if the area redevelops. Adjacent uses on Moss Street include the new East Campus Residence Hall on the west side of Moss Street and the Moss Street Child Development Center on the east side of the street. The vacation of Moss Street will not cause additional out of direction travel as it is not a through street and ends in a "T" intersection at East 15th Avenue. Vehicles and bicyclists would need to go to Villard Street to the east or Agate Street to the west to reach a through connections north to Franklin Boulevard with or without the vacation.

Referral comments from Public Works staff, 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. The City's Public Works Transportation and Engineering staff and the Fire Marshal's office have confirmed that the vacations would not compromise transportation or emergency access. Referral comments and letters of concurrence from utility providers confirm that water and natural gas lines located in the street can be maintained by providing easements to EWEB and Northwest Natural Gas.

Related City Policies – There are adopted policies in the Metro Plan and the applicable refinement plan (Fairmount/ U of O Special Area Study as amended by Ordinance 20312 and Ordinance 20460) that are relevant to the request. While these policies are not mandatory approval criteria, consistency with these policies demonstrates that the request is in the public interest. As described below the proposed vacation is consistent with relevant policies.

Eugene- Springfield Metropolitan Area General Plan Policies

Transportation Element Policy F.7 (Page III-F-6)

Increase the use of motor vehicle parking management strategies in selected areas through-out the Eugene-Springfield metropolitan area.

Parking management strategies are programs and programs that result in the more efficient use of parking resources. The vacation request and redevelopment to increase the parking supply is an element of a larger parking plan which replaces parking lost by recent construction projects on the University campus. This parking plan implements several known parking management strategies by; Providing for shared parking for students, faculty, visitors and event attendees at Hayward Field and the Matthew Knight arena; Regulating parking, as parking in these lots will be limited and/or metered; Increasing capacity of existing parking facilities, as reconfiguration of existing on-street parallel spaces to smaller head in spaces will almost double the number of spaces available on Moss Street between East 15th Avenue and East 17th Avenue (from approximately 60 spaces to 107 spaces). As parking management strategies are being and will be implemented the request is consistent with this policy.

Transportation Element Policy F.13 (Page III-F-7)

Support transportation strategies that enhance neighborhood livability.

The 2010 University of Oregon Parking Plan reorganizes the parking supply east and north of campus. The parking plan, when combined with parking management strategies and residential parking programs, will help to reduce the pressure on the use of neighborhood residential streets for extended parking, and reduce the amount of cut-through traffic looking for parking over the long term. This strategy will help to enhance neighborhood livability consistent with this policy.

Public Facilities and Services Element Policy G.4 (Page III-G-5)

The cities and Lane County shall coordinate with EWEB, SUB and special service districts operating in the Metropolitan area, to provide the opportunity to review and comment on proposed public facilities, plans, programs, and public improvement projects or changes thereto that may affect on another's area of responsibility.

The City provided referrals to EWEB, Northwest Natural Gas and other service providers as part of the vacation process. EWEB and Northwest Natural Gas both have facilities in the existing right of way and have requested easements to protect their facilities. Easements will be retained as necessary to protect these facilities, consistent with this policy.

Fairmount / U of O Special Study Area Policies (Fairmount SAS)

University of Oregon Lands Policies (East Campus Area) Policy 1 (As added by page 9 of Ordinance 20312)

The City of Eugene and the Fairmount Neighbors recognize the current University-adopted East

Campus Policy as a statement of University Policy.

The University of Oregon's 2003 Development Policy for the East Campus Area updated in 2004 is the adopted East Campus Policy. The document contains seven policy elements which guide development in the area. The City recognizes this plan as a statement of University Policy.

University of Oregon Lands Policies (East Campus Area) Policy 2 (Page 25 Fairmount SAS)

The City shall encourage the University to use its property in East Campus in an orderly fashion: intensity of use will be greatest near the already dense Central Campus Area (Agate Street and 15th Avenue) and become less intense as properties approach low-density residential uses.

The requested vacation will allow the University to provide additional parking adjacent to the new East Campus residence hall and in proximity to other University uses including the Matthew Knight Arena and Hayward field. The use of the area for parking and access provides for an efficient use of the area consistent with this policy.

University of Oregon Lands Policies (East Campus Area) Policy 3 (Page 25 Fairmount SAS)

The City shall encourage the University to use its land currently zoned PL (Public Land District) with energy and space efficient structures and land-use patterns.

The area surrounding the vacation is currently zoned PL (Public Land). The creation of head in parking along the vacated portion of the street will increase the number of parking spaces available within the same area. This will allow a more efficient use of the land, consistent with this policy.

Traffic Circulation Policy 2 (Page 42 Fairmount SAS, renumbered to Traffic Circulation Policy 1 by Ordinance 20460)

The adverse effects of motor vehicle movement shall be mitigated as much as possible.

The requested vacation of Moss Street is part of the 2010 University of Oregon Parking Plan which reorganizes the supply of parking in the east and north campus area. The plan is an effort to replace parking that will be lost due to recent construction projects thereby lessening the University related parking impacts and cut-through traffic impacts on the residential neighborhoods surrounding the University. The vacation of Moss Street will not cause additional out of direction travel as it is not a through street and ends with a "T" intersection at East 15th Avenue. Vehicles and bicyclists would need to go to Villard Street to the east or Agate Street to the west to reach through connections north to Franklin Boulevard, regardless of the vacation.

A portion of the parking spaces resulting from the vacation could be used for Matthew Knight Arena parking. To address parking and traffic specifically related to arena events, the City, Fairmount Neighbors and University entered into a legal agreement called the "Arena Impact Mitigation Agreement". The agreement incorporates a Transportation Demand Management Plan (TDM) Plan which includes traffic control plans, and an event parking district was created that

implements a residential parking permit program for the Fairmount Residential area during arena events. If mitigation is found to be insufficient, the agreement may be modified to address these issues. In this manner, adverse effects related to arena specific events can be addressed. Given the findings above, the proposal is consistent with this policy.

Traffic Circulation Policy 9 (As added on Page 4 of Ordinance 20312 and renumbered as Traffic Circulation Policy 7 by Ordinance 20460)

With the exception of alleys, vacations of streets within the state approved University East Campus boundary should not be permitted, unless the applicant, at his or her expense, provides to the City a local street connection study that demonstrates how the proposed street system remaining after such vacation meets the intent of the Eugene Code Street connectivity provisions and that such vacation will not increase traffic volumes on local residential streets.

The applicant provided at their expense, a local street connectivity study, prepared by Branch Engineering. The study addresses Eugene Code street connectivity provisions found at EC 9.6815. The study concludes that after the street vacation, the street system will meet the intent of the street connectivity provisions. Additionally, the local street study notes that the vacation of Moss Street will not increase traffic volumes in the surrounding neighborhoods consistent with this policy.

Parking Policy 1 (Page 45 Fairmount SAS)

Steps shall be taken to gain better use of existing off-street parking areas and to discourage long-term storage of vehicles on the street.

As proposed, the vacation will allow the University to create additional off-street parking areas as once under private ownership the spaces will not be considered on-street spaces. The creation of additional parking spaces will increase the overall availability of off-street parking in the area, consistent with this policy.

Parking Policy 3 (Page 45 Fairmount SAS)

The adverse effects of motor vehicle storage shall be mitigated as much as possible.

As noted above, the vacation will allow the University to create additional off-street parking areas and combined with the parking district in the nearby residential areas will help to discourage long-term storage of vehicles, consistent with this policy.

Parking Policy 4 (As amended on Page 4 of Ordinance 20312)

Parking Systems adopted for any area within the Special Area Study should avoid creating parking problems for any other area or land use of the Fairmount Neighborhood by mitigating parking impacts on the surrounding neighborhood as directed by the City.

The request does not include the adoption of a parking system. To the extent this policy is applicable to this vacation request, the proposal will allow an increase in the availability of off-

street spaces which in turn should decrease and not increase parking problems for other areas, consistent with this policy.

Conclusion

Based on the available information, evidence and testimony received, the City finds that the right-of-way vacation for Moss Street between East 15th Avenue and East 17th Avenue as proposed by the University of Oregon (VRU 10-1), will be in the public interest.



MEMORANDUM

Date: August 26, 2011

To: Lisa Gardner, Planning Director

Cc: Steve Ochs, Associate Planner

From: Russ Royer, Senior Real Property Officer

Subject: Moss Street Vacation Assessment

In preparation for the upcoming vacation hearing Steve Ochs asked that I prepare and send to your attention a summary of the basis of value for the proposed assessment of the segment of Moss Street right of way between 15th Avenue and 17th Avenue which is to be vacated by the City to the U of O. As you may recall there was a basis of value report prepared by a City staff appraiser and also an appraisal prepared by a private appraisal firm (Duncan & Brown) at the request of the University of Oregon.

The valuation reports resulted in a number of meetings with City staff, U of O staff, and the appraisers. The participating City and the University staff agreed to recommend the **final negotiated assessment of \$1,856,000**. The initial assessment prepared by City staff concluded a total assessment value of \$2,136,000, while the estimate of value by the appraisal firm contracted by the University estimated a value of \$1,590,000. Both the City and private appraisers were using the same or similar comparable sales data to estimate the unencumbered market value of the vacation areas. The variance in value tended to result from assumptions of the appraisers and their perception of the immediate demand relative to market supply. The expected market demand resulted in additional discounting of value by the private appraiser. In addition there were utility easements that needed to be reserved on portions of the subject vacation area. The market value of the subject area was discounted to recognize the impact of the reserved easements and the resulting diminution of value to the encumbered areas.

The following summarizes the adjustments for market absorption and the impacts of the reserved easement:

Total area of right of way to be vacated is approximately 58,729 square feet being about 80 feet wide by 734 feet long. Thus half or about 29,364 sq ft will benefit each side of the street which has 2 different values because of the parcel sizes and resulting market absorption discounts.

Both appraisals began from a base unit price of \$40 per square foot, before discounting for easements or market absorption.

D & B applied a 15% annual discount rate to both parcels to address their estimated market absorption of 1.3 acres per year. This yielded a discounted unencumbered value of \$28.75 per sq ft for the larger 13.1 acre parcel on the west side of Moss Street and \$37.70 per sq ft for the smaller 2.6 acre parcel on the east side of Moss. It is assumed half of the r/w vacated would benefit the properties on each side of the street, thus \$28.75 and \$37.70 per sq ft to the respective sides.

Both the City and the Duncan & Brown appraisals discounted the areas of the proposed utility easements by 25%. It was proposed to reserve a 15' easement on each side of the proposed vacation for a gas line (east side) and a waterline (west side). The D&B appraisal further discounted the remaining area between the 2 easements by 25% as they believed it would be similarly restricted because of the resulting narrow shape limiting how it could be developed. As it appears based on proposed development the present highest and best use will continue to be as parking and a driveway in which case the narrow shape would limit such use. And to further mitigate the perceived damage to the area between the 2 easements it is believed reasonable to conclude the gas line can be moved into the westerly easement and run parallel to the waterline. It was explained to be a small gas pipe. EWEB explained it was their understanding there would need to be a 3 foot separation between the gas and waterline. As such, it might be reasonable to increase the 15 foot utility easement by the extra 3 feet from the 15' proposed easement to 18'. This would assume a horizontal separation and provide the same distance on the outside of both of the pipes in the after condition. If vertical separation were used it could minimize the additional easement area. But for this analysis, we are assuming adding the 3 feet horizontal separation. This results in the following vacation assessments:

Easterly half. 29,364 square feet of the right of way at the D & B market absorption adjusted rate of \$37.70 per sq ft yielding \$1,107,022

Westerly half. 16,148 sq ft (22' x 734') unencumbered at the D & B market absorption adjusted rate of \$28.75 per sq ft yielding \$464,255

The 18' x 734' (13,212 sq ft) to be encumbered by a utility easement for the water and gas lines at \$21.56 (75% of \$28.75) per sq ft yielding \$284,850

Total estimated assessment recognizing the D & B market absorption rates and related discounting along with combining the utility easements. **\$1,856,000** (rounded from \$1,856,127)**

The City's original estimate of assessment of special benefit was \$2,136,000 based on \$40 per sq ft with 25% adjustment for easements.

D & B's revised estimate dated 9/16/10 after deleting an emergency vehicle access and adjusting to 2 – 15' easements yielded \$1,590,000.

As a point of reference, the mean of the 2 values would be \$1,863,000.

** The recommended final proposed assessment of \$1,856,000 was concluded as a mutually acceptable administrative settlement by city and university staff and is supported on the findings of both appraiser's reports. The assessment further assumed using one 18' utility easement as opposed to two 15' easements.