

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Vacating a Portion of High Alley, Located Between East Broadway and East Broadway Alley (VRI 12-2)

Meeting Date: July 23, 2012
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Becky Taylor
Contact Telephone Number: 541/682-5437

ISSUE STATEMENT

The City Council will hold a public hearing on a right-of-way vacation request submitted by the Eugene Hotel Retirement Center. The 14-foot-wide right-of-way proposed for vacation is the segment of High Alley between East Broadway and East Broadway Alley, along the east side of the Eugene Hotel. The area of the request is 2,259 square feet (0.05 acre). Aerial context and area of request maps are included as Attachments A and B.

BACKGROUND

The public hearing date for the vacation request has been set for July 23, 2012. As noted above and shown on the attached maps, the applicant is requesting the City of Eugene to vacate the segment of High Alley between East Broadway and East Broadway Alley. The applicant owns the abutting properties: the westerly Eugene Hotel building, which is occupied primarily by a retirement center, but also includes ground-floor retail space; and the easterly parking lot.

The purpose of this vacation is to facilitate the creation of a pedestrian environment with the establishment of new retail spaces along the abutting east wall of the Eugene Hotel building. The eastern ground-floor portion of the building has been without a tenant since the City vacated its offices in 2008. The applicant states that it has been difficult to market the space for retail uses because of its configuration and limited street visibility on East Broadway. Vacation of this 14-foot-wide alley would enhance visibility by creating storefronts along the east wall of the building. This concept will also help create more marketable retail space by increasing the possibilities for smaller, more functional lease spaces.

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

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

Public Hearing Notice

Notice of public hearing for the requested alley vacation has been provided in the following manner: On June 29, 2012, notice was mailed to property owners, interested parties, the officially recognized neighborhood group, the Downtown Neighborhood Association; on July 3, 2012, the property was posted in the immediate vicinity of the requested alley vacation; and on July 9, 2012, and July 16, 2012, legal notice was published in *The Register-Guard* newspaper.

In response to this public notice, only one piece of public testimony has been received – from Luella Crow, a resident of the Eugene Hotel. Ms. Crow is in support of the requested vacation for safety and sanitation reasons.

Any additional written testimony received prior to close of the public record will be forwarded to the City Council for consideration. Public comments, notice, and all other record materials are included in the City Council binder, which is available at the City Manager's Office.

Consent of Abutting and Affected Property Owners

In accordance with ORS 271.080, the applicant has provided evidence of consent to the alley vacation from owners of at least two-thirds of the property within the affected area. ORS 271.080 also requires the applicant to obtain concurrence from all abutting property owners. The abutting lands are owned by the applicant. The affected area per ORS is an area that is 200 feet on either side of the right-of-way 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 vacation request.

Applicable Criteria

The Eugene City Council must determine whether the consent of the owners of the requisite area has been obtained and whether notice has been duly given, and must address the relevant approval criterion from EC 9.8725 in making a decision on the proposed right-of-way 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.

Circulation and Access

As noted above, the intent of the applicant's requested vacation is to remove the current vehicle use from the alley and create a pedestrian-friendly environment, with a defined sidewalk, and potential storefronts along the east side of the hotel building for future tenants. Under existing conditions, pedestrians share the paved alley with vehicles, since the City's design standards do not include sidewalks on alleys. Vehicle usage of this alley predominantly serves as access to the adjacent parking lot to the east, which is also owned by the applicant. However, this parking lot also has access from East Broadway as well as the East Broadway Alley. These access points will remain in place. Given these circumstances, adequate circulation and access will continue to be provided to properties on this block as well as the general public.

The segment of High Alley south of the area of request (i.e. between East Broadway Alley and East 10th Avenue) will continue to be open to vehicular use, which is essential to the Greyhound Bus operations located to the southwest. Greyhound and City staffs have discussed the applicant's request to confirm that the vacation of High Alley north of East Broadway Alley will not interrupt the bus operations. Further, the owner of the property occupied by Greyhound, GLI Realty Company, has signed a letter of concurrence to the applicant's request.

Utilities

The applicant's plan (Exhibit B) shows the location of existing utilities within the 14-foot-wide alley.

Public Works staff, indicates that the existing wastewater system lies about 10 feet below grade and as such, recommends that 14 feet of public utility easement (PUE) width is necessary for equipment access, trenching, and spoils storage. The applicant has requested that the westerly three feet of the alley remain unencumbered in order to provide flexibility in the future design of the proposed building façade improvements. Although the design details have not been completed, the private façade improvements are anticipated to need between one and three feet of width abutting the east wall of the existing building. As such, the applicant has requested that the PUE be limited to 11 feet in width. In lieu of reserving a 14-foot PUE over the entire 14 feet of right-of-way to be vacated, Public Works staff confirms that the applicant may provide the additional three feet on the east and/or west side of the proposed 11-foot PUE. The applicant is able to dedicate additional PUE width east of the existing right-of-way because the abutting land is a surface parking lot, which is also under the applicant's ownership; The draft ordinance (Attachment C) includes a condition to allow flexibility in where the 14 feet of PUE is provided.

Referral comments from other utility providers confirm that the proposed 11-foot PUE will adequately cover the existing underground utilities. This includes Comcast cable lines as well as an inactive EWEB steam line.

As noted, the draft ordinance includes provisions to ensure adequate space for utility maintenance while providing the necessary flexibility for the applicant. These provisions will help to ensure that the public's interest is met.

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. The amount of money to be deposited is to be determined by the City Manager. Pursuant to the City Code, the City provided a notice of the assessment 20 days prior to the public hearing. At that time, the assessment was determined to be \$50,800, which considered the value of the easement to be reserved by the City, as detailed in the attached Assessment Memorandum (Attachment D). The applicant is required to deposit that sum with the City. The City received a check in the amount of \$50,800 from the applicant on July 10, 2012. If the application is approved and the vacation becomes effective, the deposit will be retained by the City; if the application is denied or the vacation fails to take effect for another reason, the money will be returned.

RELATED CITY POLICIES

Approval criteria for vacation requests (the full text is included above) are located at EC 9.8725 which requires the council to find that approval of the vacation request is in the public interest.

COUNCIL OPTIONS

This item is scheduled for public hearing only. Council action will occur subsequent to the public hearing and the close of the record. Council action is scheduled for September 10, 2012, which is the first available meeting date following the council's recess. Council action is required to:

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

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council hold and close the public hearing on the vacation request and then take action on the next available council meeting, September 10, 2012. Following the City's receipt of all testimony, the City Manager will make a recommendation on the merits of the 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 September 10, 2012.

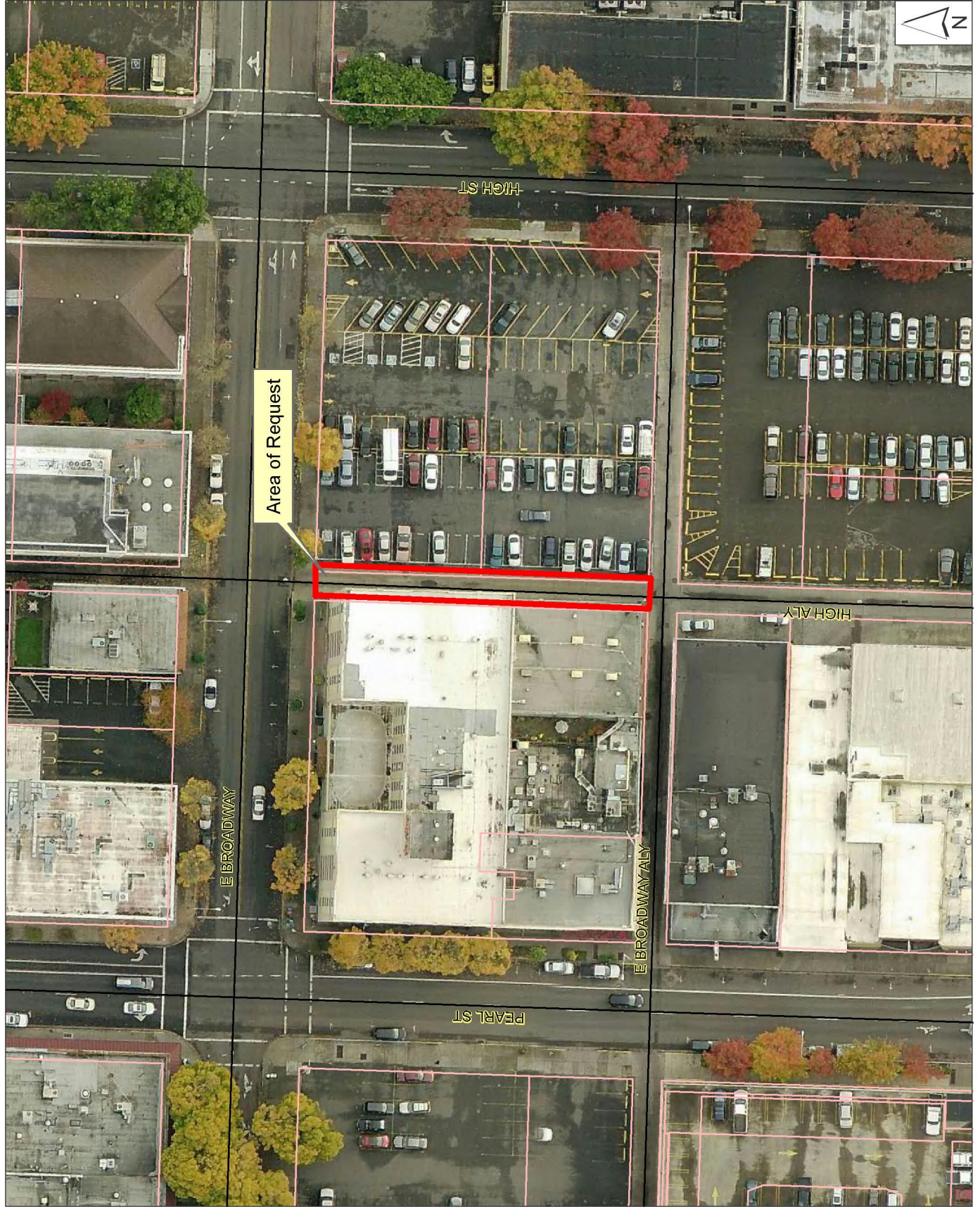
ATTACHMENTS

- A. Aerial Context Map of Alley Vacation Request
- B. Map of Alley Vacation Request
- C. Draft Ordinance (with Exhibits A – C) for Alley Vacation
- D. Alley Vacation Assessment Memorandum
- E. Map of Public Utility Easements

FOR MORE INFORMATION

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

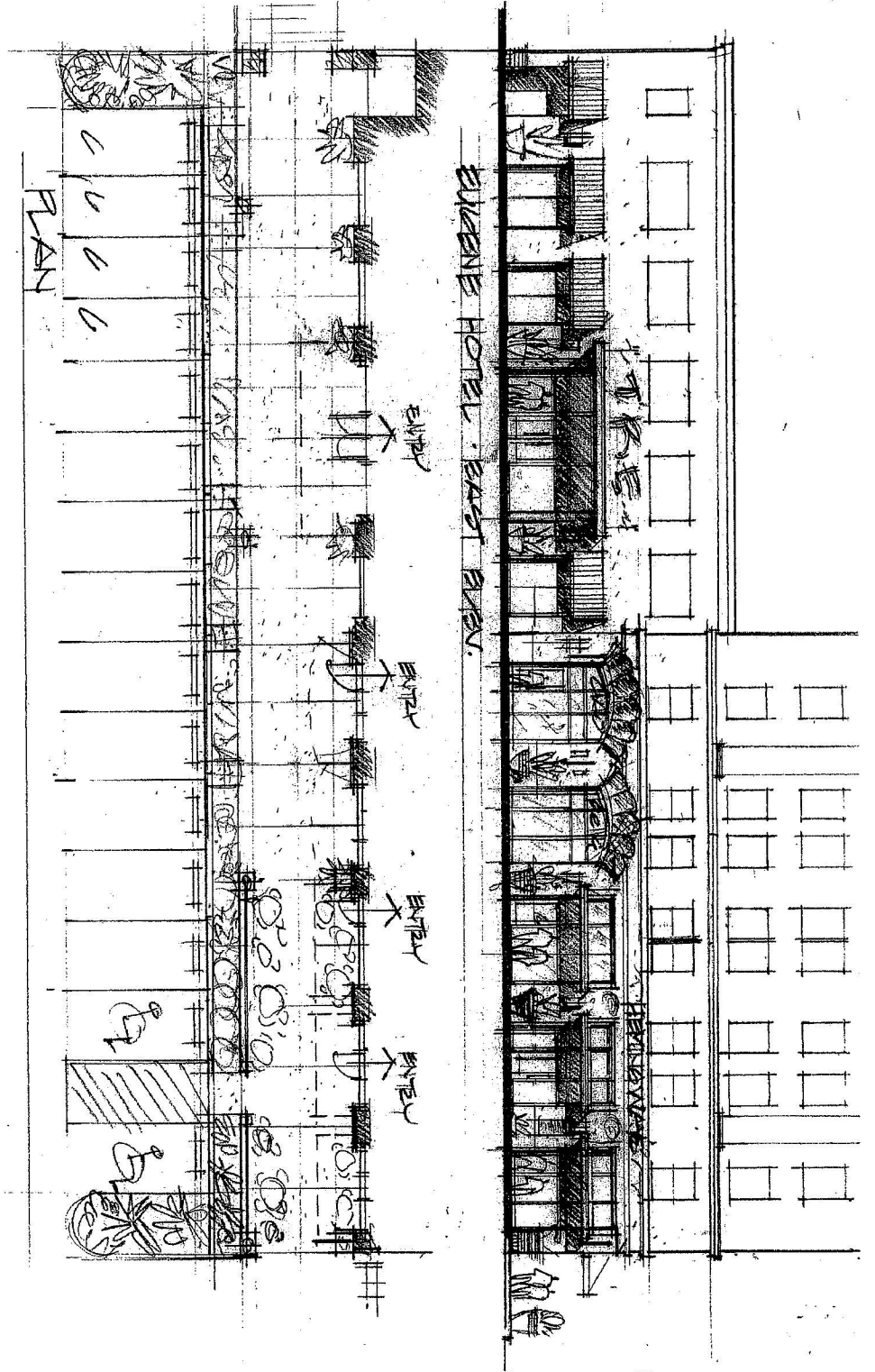
Attachment A: Aerial Context Map



July 03, 2012

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

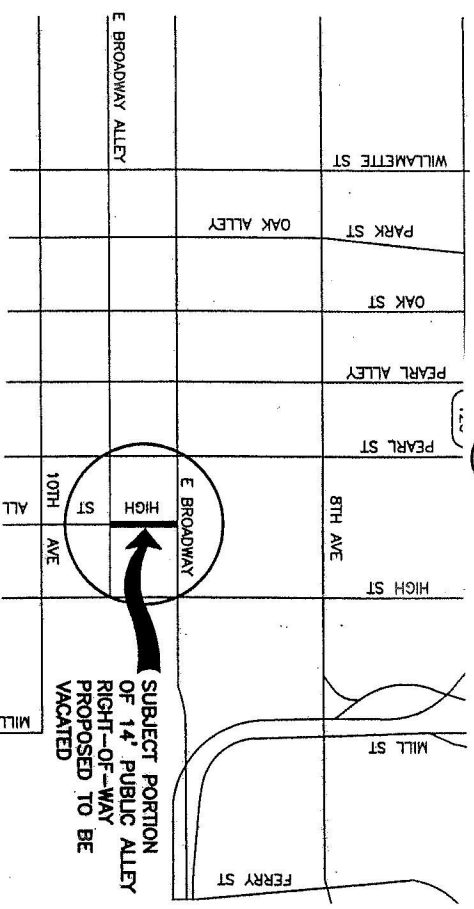




1
A2
NTS
CONCEPT PARTIAL PLAN & EXTERIOR EAST ELEVATION

GENERAL NOTE

ARCHITECTURAL PARTIAL PLAN AND EXTERIOR EAST ELEVATION ARE PRESENTED CONCEPTUALLY FOR REFERENCE ONLY AND NOT REQUIRED AS PART OF THE IMPROVED PUBLIC RIGHT-OF-WAY APPLICATION PROCESS.



SUBJECT PORTION OF 14' PUBLIC ALLEY RIGHT-OF-WAY PROPOSED TO BE VACATED

	ARCHITECTS & PLANNERS 1222 East Broadway, Suite 200 Eugene, Oregon 97401 P: 541.319.1100 F: 541.319.2025
	PROJECT # 201112 DRAWN DATE 10/17/12 SHEET A2
CONCEPT PARTIAL PLAN & EXTERIOR EAST ELEVATION	EUGENE HOTEL PUBLIC ALLEY RIGHT-OF-WAY VACATION EUGENE HOTEL RETIREMENT CENTER 222 EAST BROADWAY EUGENE, OREGON

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF HIGH ALLEY, LOCATED BETWEEN EAST BROADWAY AND EAST BROADWAY ALLEY.

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 July 23, 2012, in Council Chambers, for the purpose of hearing protests and remonstrances to the proposed vacation of the following described right-of-way:

The portion of High Alley located between East Broadway and East Broadway Alley, as more particularly described in Exhibit A and depicted on the map attached as Exhibit B to this Ordinance, reserving a public utility easement over the easterly 11 feet of that entire 14 feet of right-of-way otherwise vacated, including a reservation of the right to enter thereon for purposes of construction, reconstruction, maintenance and repair.

B. Notice was duly and regularly given of the public hearing, and on July 23, 2012, 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 C to this Ordinance.

Section 2. The right-of-way described and depicted on Exhibits A and B 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 and the vacation described herein shall become effective on the date the applicant dedicates three feet of public utility easement abutting the 11 feet of PUE reserved within the right-of-way to be vacated.

Passed by the City Council this

_____ day of _____, 2012.

City Recorder

Approved by the Mayor this

_____ day of _____, 2012.

Mayor

LEGAL DESCRIPTION

For: Vacation of 14.00' Public Alley Right-Of-Way

A parcel of land lying 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 parcel being more particularly described as follows:

Beginning at the Northwest corner of Lot 1, Block 2, 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 Broadway (9th Avenue East / Ninth Street); thence along the West lines of Lots 1 and 4, Block 2, said plat of MULLIGAN'S ADDITION EAST, South 0°02'07" East, 161.33 feet to the Southwest corner of said Lot 4; thence South 89°50'52" West, 14.00 feet to the Southeast corner of Lot 3, Block 2, said plat of MULLIGAN'S ADDITION EAST; thence along the East lines of Lots 3 and 2, Block 2, said plat of MULLIGAN'S ADDITION EAST, North 0°02'07" West, 161.34 feet to the Northeast corner of said Lot 2, said point being on said South margin of East Broadway (9th Avenue East / Ninth Street); thence along said South margin North 89°53'31" East, 14.00 feet to the Point of Beginning, in Eugene, Lane County, Oregon.

The City of Eugene to retain an easement for public utilities over the Easterly 11.00 feet of the above described alley.

Containing 2,259 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

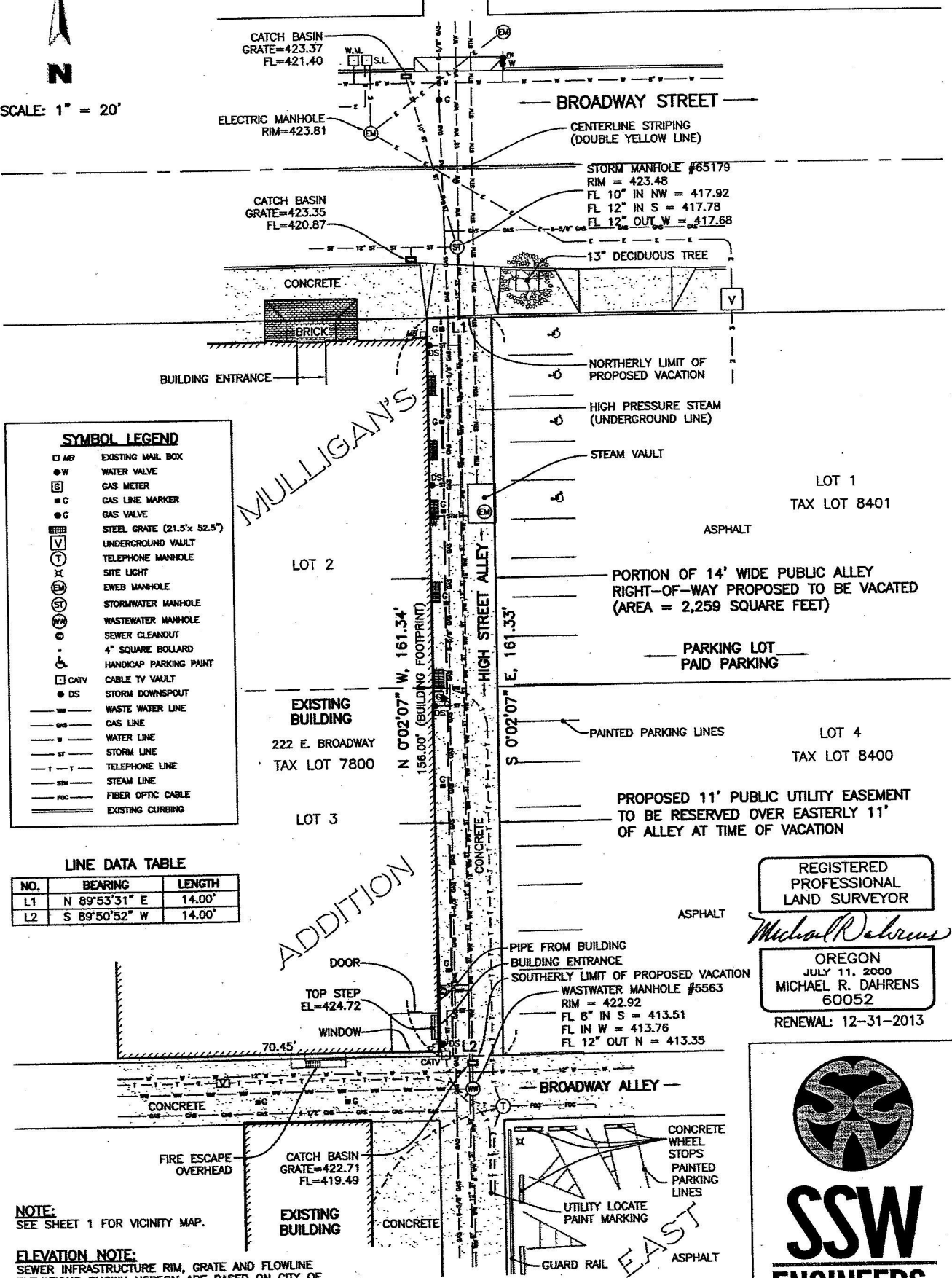
Michael R. Dahrens

OREGON
JULY 11, 2000
MICHAEL R. DAHRENS
60052

RENEWAL DATE: 12-31-2013



SCALE: 1" = 20'



SYMBOL LEGEND

- MB EXISTING MAIL BOX
- W WATER VALVE
- ⊕ G GAS METER
- ⊕ G GAS LINE MARKER
- ⊕ G GAS VALVE
- ▨ SG STEEL GRATE (21.5'x 52.5')
- ⊕ V UNDERGROUND VAULT
- ⊕ T TELEPHONE MANHOLE
- ⊕ X SITE LIGHT
- ⊕ EM EWES MANHOLE
- ⊕ SM STORMWATER MANHOLE
- ⊕ WM WASTEWATER MANHOLE
- ⊕ SC SEWER CLEANOUT
- ⊕ 4" 4" SQUARE BOLLARD
- ⊕ HP HANDICAP PARKING PAINT
- ⊕ CATV CABLE TV VAULT
- ⊕ DS STORM DOWNSPOUT
- W WASTE WATER LINE
- G GAS LINE
- W WATER LINE
- ST STORM LINE
- T TELEPHONE LINE
- S STEAM LINE
- FOC FIBER OPTIC CABLE
- EX EXISTING CURBING

LINE DATA TABLE

NO.	BEARING	LENGTH
L1	N 89°53'31" E	14.00'
L2	S 89°50'52" W	14.00'

NOTE:
SEE SHEET 1 FOR VICINITY MAP.

ELEVATION NOTE:
SEWER INFRASTRUCTURE RIM, GRATE AND FLOWLINE ELEVATIONS SHOWN HEREON ARE BASED ON CITY OF EUGENE DATUM (NGVD 1929). BENCHMARK USED WAS CITY OF EUGENE BENCHMARK NO. SE1048, A BUCK SHOT IN CONCRETE WALK, 50' NORTH AND 30' EAST OF CENTERLINE INTERSECTION OF 10TH AVENUE AND PEARL STREET.

ELEVATION = 423.45

UTILITY NOTE:
UTILITY LOCATIONS SHOWN HEREON 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.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael Dahrens

OREGON
JULY 11, 2000
MICHAEL R. DAHRENS
60052
RENEWAL: 12-31-2013

SSW ENGINEERS INC.
CIVIL • STRUCTURAL • BUILDING DESIGN
SURVEYING • LAND USE PLANNING

2350 Oakmont Way, Suite 105
Eugene, Oregon 97401
(541) 485-8383
FAX (541) 485-8384
www.sswengineers.com

PROPOSED PUBLIC ALLEY VACATION FOR:
EUGENE HOTEL RETIREMENT CENTER
222 E. BROADWAY, EUGENE, OR
HIGH STREET ALLEY, BETWEEN BROADWAY
STREET AND BROADWAY ALLEY
EUGENE, LANE COUNTY, OREGON
5/15/12 SSW JOB NO. 12-6994
SHEET 2 OF 2

Exhibit C: Findings

Background:

The Eugene Hotel Retirement Center (Applicant) requests the vacation of the segment of High Alley abutting the east boundary of the hotel building, between East Broadway and East Broadway Alley. The area of requests consists of 2,259 square feet of public right-of-way that is 14 feet in width and approximately 161 feet in length. The alley is currently open to vehicular, bicycle, and pedestrian use and contains public utilities. The vehicular use of this segment of the alley is primarily to provide access to and from the parking lot, abutting the alley to the east, which is also owned by the applicant. Pedestrians share the paved surface with vehicles, as sidewalks are not required as part of the City's design standards for alleys.

The eastern ground-floor portion of the hotel building, abutting the alley proposed for vacation, has been without a tenant since the City of Eugene vacated its engineering offices in 2008. The applicant has had difficulty marketing the space because of its limited street frontage and visibility abutting East Broadway, to the north. The applicant's requested alley vacation is to remove the vehicle use from the alley and create a pedestrian-friendly environment, with a defined sidewalk, and potential storefronts along the east side of the hotel building for future tenants.

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, are required by statutes and local code. The vacation request was referred to affected City Departments and public utility service providers; referral responses indicate that the public interest is maintaining the function of existing underground utilities in the alley.

The applicant's plan (Exhibit B) shows the location of the alley to be vacated, relative to existing utilities, and delineates the proposed reservation of an 11-foot wide public utility easement (PUE) over the easterly portion of the 14-foot wide alley. Referral comments from utility providers confirm that the proposed 11-foot PUE covers the existing underground utilities. Comcast staff verifies that cable lines are located under the segment of alley proposed for vacation. The Eugene Water and Electric Board (EWEB) staff confirms that there are no electric or water services in the subject alley and that neither utility is needed in this location to serve properties in the area. EWEB notes, however, that there is existing steam infrastructure under the alley, but that the system is currently not active; EWEB confirms that the infrastructure may stay in place, as proposed by the applicant. Both Comcast and EWEB staff concur with the applicant's proposed 11-foot PUE along the eastern portion of the proposed 14 feet of right-of-way to be vacated.

Public Works staff, however, indicates that, given the depth of the wastewater system (about ten feet), 14 feet of PUE width is necessary for equipment access, trenching, and spoils storage. In lieu of reserving a 14-foot PUE over the entire 14 feet of right-of-way to be vacated, Public Works staff confirms that the applicant may provide the additional three feet on the east and/or west side of the proposed 11-foot PUE. The applicant desires this flexibility because a design of the proposed building façade improvements has not been completed. The private improvements are anticipated to need between one and three feet of width abutting the east wall of the existing building. The applicant is able to dedicate additional PUE width east of the existing right-of-way because the abutting land is a surface parking lot, which is also under the applicant's ownership; however, the applicant would like to limit the PUE encumbrance on that easterly property to the minimum necessary in order to enable future improvements along the parking lot, such as landscaping and a retaining wall. The draft ordinance (Attachment C) includes a condition of effectiveness to address the manner in which 14 feet of PUE is provided.

The intent of the applicant's requested vacation is to remove the current vehicle use from the alley and create a pedestrian-friendly environment, with a defined sidewalk, and potential storefronts along the east side of the hotel building for future tenants. The portion of the building abutting the alley proposed for vacation has been without a tenant since the City of Eugene vacated its engineering offices in 2008. The applicant has had difficulty marketing the space because of its limited street frontage and visibility abutting East Broadway, to the north.

Under existing conditions, pedestrians share the paved alley with vehicles, since the City's design standards do not include sidewalks on alleys. Vehicle usage of the alley is predominantly to access the adjacent parking lot to the east, which is also owned by the applicant. The segment of High Alley south of the area of request (i.e. between East Broadway Alley and East

10th Avenue) will continue to be open to vehicular use, which is essential to the Greyhound Bus operations located to the southwest. Greyhound and City staffs have discussed the applicant's request to confirm that the vacation of High Alley north of East Broadway Alley will not interrupt the bus operations. Further, the owner of the property occupied by Greyhound, GLI Realty Company, has signed a letter of concurrence to the applicant's request.

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 provide an enhanced pedestrian environment in the downtown core and to enable the existing vacant portion of the building to be fully utilized for commercial use.



City of Eugene
99 West 10th Avenue
Eugene, Oregon 97401
(541) 682-5377
(541) 682-5572 FAX
www.eugene-or.gov

June 29, 2012

Paul Redhead
Eugene Hotel Retirement Center
PO Box 529
Eugene, OR 97440

RE: Notice of Assessment of Benefits for Right-of-Way Vacation Request

Dear Paul,

Attached is a memorandum describing the assessment of special benefit for the vacation request of the portion of High Alley, located between East Broadway and East Broadway Alley (VRI 12-2). The public hearing date for the request is set for Monday, July 23, 2012, at 7:30 p.m. The public hearing will be held in the Council Chamber located at 777 Pearl Street. As further described in the attached memorandum, the assessed value of special benefit is \$50,800.00.

Eugene City Code requires the land owner to deposit this amount with the City, at least 5 working days prior to the public hearing. Please deposit the amount noted above on, or prior to, July 16, 2012. If the vacation is approved, this deposit will be retained by the City. If the vacation application is denied, the deposit will be returned.

The deposit shall be made at the Permit Information Center located in the Atrium building at 99 West 10th Avenue. Please give me a call at (541) 682-5437 or email becky.g.taylor@ci.eugene.or.us and I can help answer questions and coordinate the deposit.

Sincerely,

A handwritten signature in blue ink that reads "Becky Taylor".

Becky Taylor
Associate Planner

Cc: Kristen Taylor, TBG Architects

Enclosure: Assessment of Benefits



**Public Works
Engineering**

MEMORANDUM

City of Eugene
99 E. Broadway, Suite 400
Eugene, Oregon 97401
(541) 682-5291
(541) 682-5032 FAX

Date: June 28, 2012

To: Lisa Gardner, Planning Director

Cc: Becky Taylor, Associate Planner

From: Russ Royer, Senior Real Property Officer

Subject: High Street Alley Vacation Assessment

In preparation for the upcoming vacation hearing Becky Taylor asked that our office prepare and send to your attention a vacation assessment for the segment of High Street Alley right-of-way between Broadway and Broadway Alley which has been proposed for vacation by the adjoining property owner, Eugene Hotel Retirement Center. The findings of a basis of value report prepared by a city staff appraiser has been incorporated into this vacation assessment request.

The valuation report resulted in an in-depth study of recent local Commercial land sales in the subject's competing marketplace.

A utility easement is being reserved over the entire proposed vacation area and the real market value estimate is discounted to recognize the impact of the reserved underground easement rights. The reserved public utility easement will prevent permanent structures from being constructed within the easement, but will allow for surface rights and aerial rights providing said uses do not conflict with the purpose of the public utility easement.

Total area of right of way proposed to be vacated is approximately 2,259 square feet (per survey) being approximately 14 feet wide by 161 feet long (per assessor map). The adjacent and benefitting properties on both the east and west sides of the subject alley are owned by Eugene Hotel Retirement Center.

Summary of sales data utilized:

- #1 (1456 Willamette) was a sale of a somewhat smaller parcel located in a superior location at \$36.61/SF (6/11)
- #2 (17th & Pearl) was a sale of a comparable sized parcel located in a superior location at \$42.76/SF (1/11)
- #3 (836 E 12th Aly) was a sale of a much smaller parcel located in a comparable location at \$75.28/SF (3/11)
- #4 (9th & Olive) was a sale of the Lord Leebrick property located in a comparable location at \$27.34 (4/12)
- #5 (Olive/Willamette) was a pending sale of the PeaceHealth property to Capstone at a reported \$31.00/SF (5/12)

Sale #1 is a much smaller commercially zoned site at 1456 Willamette Street. Sale #2 was an assemblage of properties for a recent development of apartments with commercial space on the ground floor. The assembled properties had older improvements that were removed for the new development. Sale #3 is a much smaller site and is also benefits from the closer proximity to the university. As such Sale #3 represents the upper end of the value range and is considered to be least similar to the subject property and thus given the least weight in estimating a final unit value for the subject property. Sale #4

Attachment D

Page 2 of 2

Vacation Assessment/High St. Alley

June 28, 2012

is in a comparable area and is given somewhat less emphasis as it was based on an abstraction of improvement value which is continuing to be used. The pending sale (#5) is a somewhat larger parcel in a comparable area and a very current indicator of the market. Sale #5 is considered to be the most comparable sale with least adjustments and thus the most heavily weighted indicator of market value.

Smaller parcels tend to sell for higher unit values compared to larger parcels. Considering the comparable sale's sizes, locations, dates of sale, and highest and best use, it is reasonable to estimate the full fair market value of the subject property to the adjoining neighbor to be \$30/SF if unencumbered by the proposed public utility easement to be reserved.

As previously explained, the subject property will be encumbered by a public utility easement to be reserved by the City of Eugene for the existing underground utilities, and the future repair and replacement of said utilities. It is assumed any aerial construction will be limited to a height that would not limit or restrict necessary access for the public utilities maintenance and replacement. Consideration was further given to the assemblage value of the subject area to the adjacent property. The estimated market value of the assessment of special benefit to the adjoining owner was reduced by an overall 25% in recognition of the reserved public utility easement.

Reconciliation of Value:

Area of vacation of 2,259 SF X \$30/SF = \$67,770. Less 25% reduction for the reserved public utility easement yields a **net assessment of special benefit of \$50,800** (\$67,770 x 75% - rounded).

LEGAL DESCRIPTION

For: Vacation of 14.00' Public Alley Right-Of-Way

A parcel of land lying 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 parcel being more particularly described as follows:

Beginning at the Northwest corner of Lot 1, Block 2, 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 Broadway (9th Avenue East / Ninth Street); thence along the West lines of Lots 1 and 4, Block 2, said plat of MULLIGAN'S ADDITION EAST, South 0°02'07" East, 161.33 feet to the Southwest corner of said Lot 4; thence South 89°50'52" West, 14.00 feet to the Southeast corner of Lot 3, Block 2, said plat of MULLIGAN'S ADDITION EAST; thence along the East lines of Lots 3 and 2, Block 2, said plat of MULLIGAN'S ADDITION EAST, North 0°02'07" West, 161.34 feet to the Northeast corner of said Lot 2, said point being on said South margin of East Broadway (9th Avenue East / Ninth Street); thence along said South margin North 89°53'31" East, 14.00 feet to the Point of Beginning, in Eugene, Lane County, Oregon.

The City of Eugene to retain an easement for public utilities over the Easterly 11.00 feet of the above described alley.

Containing 2,259 square feet, more or less.

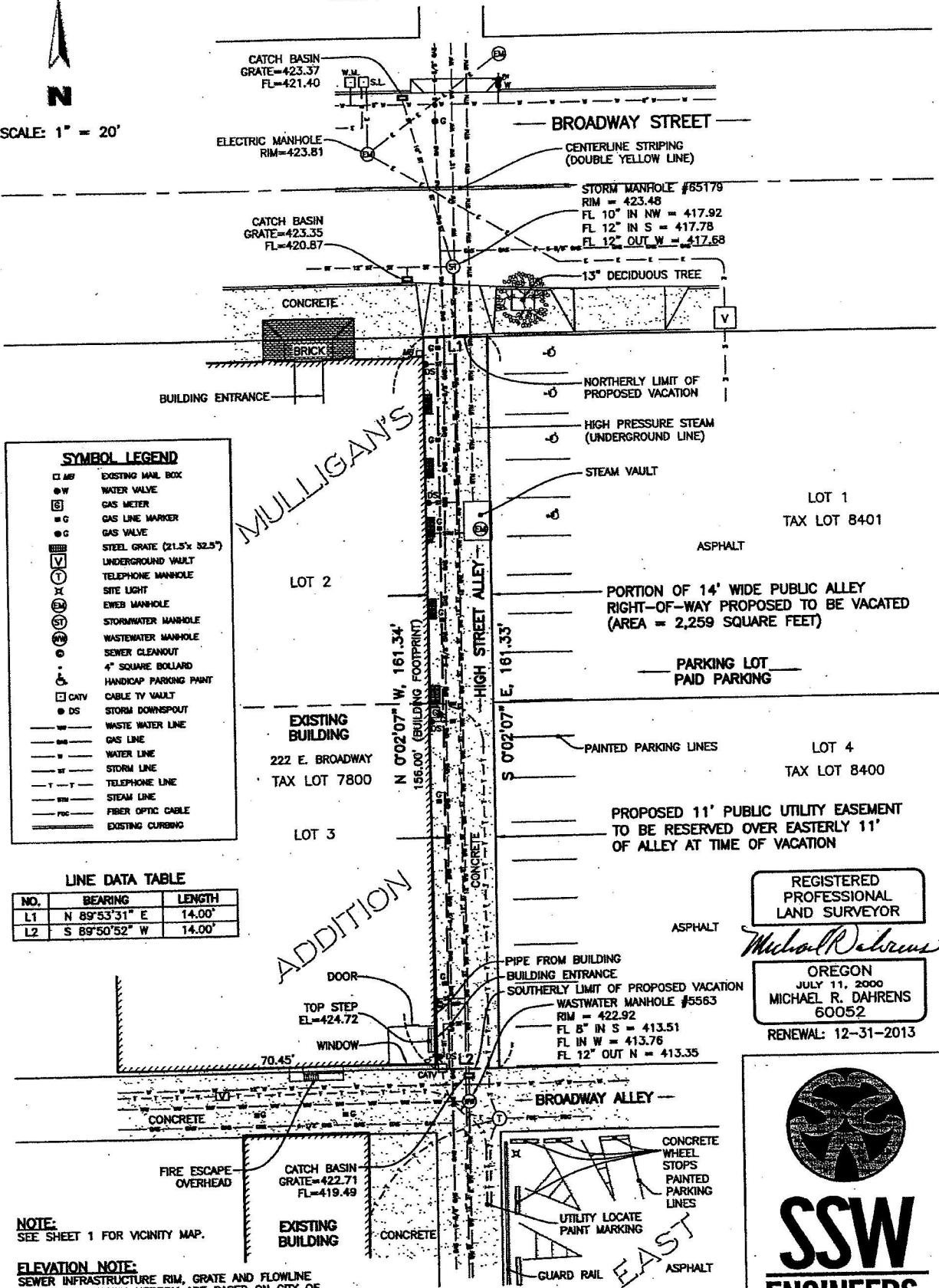
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael R. Dahrens

OREGON
JULY 11, 2000
MICHAEL R. DAHRENS
60052

RENEWAL DATE: 12-31-2013

N
 SCALE: 1" = 20'



SYMBOL LEGEND

- MB EXISTING MAIL BOX
- W WATER VALVE
- G GAS METER
- G GAS LINE MARKER
- G GAS VALVE
- S STEEL GRATE (21.5" x 32.5")
- V UNDERGROUND VAULT
- T TELEPHONE MANHOLE
- L SITE LIGHT
- M EWES MANHOLE
- S STORMWATER MANHOLE
- W WASTEWATER MANHOLE
- S SEWER CLEANOUT
- B 4" SQUARE BOLLARD
- P HANDICAP PARKING PAINT
- CATV CABLE TV VAULT
- DS STORM DOWNSPOUT
- W WASTE WATER LINE
- G GAS LINE
- W WATER LINE
- S STORM LINE
- T TELEPHONE LINE
- S STEAM LINE
- FO FIBER OPTIC CABLE
- EX EXISTING CURBING

LINE DATA TABLE

NO.	BEARING	LENGTH
L1	N 89°53'31" E	14.00'
L2	S 89°50'52" W	14.00'

NOTE:
 SEE SHEET 1 FOR VICINITY MAP.

ELEVATION NOTE:
 SEWER INFRASTRUCTURE RIM, GRATE AND FLOWLINE ELEVATIONS SHOWN HEREON ARE BASED ON CITY OF EUGENE DATUM (NGVD 1929). BENCHMARK USED WAS CITY OF EUGENE BENCHMARK NO. SE1048, A BUCK SHOT IN CONCRETE WALK, 50' NORTH AND 30' EAST OF CENTERLINE INTERSECTION OF 10TH AVENUE AND PEARL STREET.

ELEVATION = 423.45

UTILITY NOTE:
 UTILITY LOCATIONS SHOWN HEREON 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.

PROPOSED PUBLIC ALLEY VACATION FOR:
 EUGENE HOTEL RETIREMENT CENTER
 222 E. BROADWAY, EUGENE, OR
 HIGH STREET ALLEY, BETWEEN BROADWAY
 STREET AND BROADWAY ALLEY
 EUGENE, LANE COUNTY, OREGON
 5/15/12 SSW JOB NO. 12-6994
 SHEET 2 OF 2

REGISTERED
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SSW ENGINEERS
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Attachment E Public Utility Easement Map

East Broadway

Eugene Hotel

Surface parking lot

Broadway Alley

Legend

Existing 14' R/W

Proposed 11' PUE

Additional 3' PUE
to be provided either
inside and/or outside
existing right-of-way

Legend

Taxlots

Water Bodies

0 10 20 40 Ft

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

July 16, 2012

