

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



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

Meeting Date: September 10, 2012
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 3
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 the Eugene Hotel Retirement Center (Eugene Hotel). 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). Maps of the proposed vacation are included as Attachments A and B.

BACKGROUND

On July 23, 2012, the City Council held a public hearing to consider the Eugene Hotel's request for vacation of the segment of High Alley between East Broadway and East Broadway Alley. 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. No one testified at the public hearing, aside from the applicant. No objections or concerns have been identified by the public or by affected agencies and utility companies.

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 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.

Applicable Criteria

Consent of the owners of the requisite area has been obtained and the applicant has paid a deposit equal to the assessment of special benefit. 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.

Findings of compliance with the above approval criterion are provided in Exhibit C of the ordinance included as Attachment C. As confirmed at the public hearing, there have been no objections to the request from the public, adjacent land owners, service agencies, or utility companies. As was noted in the previous staff report, the request does not compromise access, circulation, utilities, or services. The alley primarily serves as vehicle access to the adjacent parking lot, which is also owned by the applicant.

Vacation of this alley will have minimal effect on parking access and the overall circulation needs in the area. The adjacent parking lot has other access points along the abutting streets which will be maintained. In addition, pedestrian access will be encouraged along the vacated alley with the development of new store fronts. As provided in the attached ordinance, a public utility easement will be reserved to ensure continued maintenance access to underground utilities.

If the council approves the vacation, the ordinance to be acted on is included as Attachment C.

COUNCIL OPTIONS

1. Adopt the ordinance as attached.
2. Adopt the ordinance with specific amendments.
3. Deny the 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 5075, an ordinance vacating the segment of High Alley between East Broadway and East Broadway Alley.

ATTACHMENTS

- A. Aerial Context Map of Alley Vacation Request
- B. Map of Alley Vacation Request
- C. Ordinance (with Exhibits A – C) for Alley Vacation

FOR MORE INFORMATION

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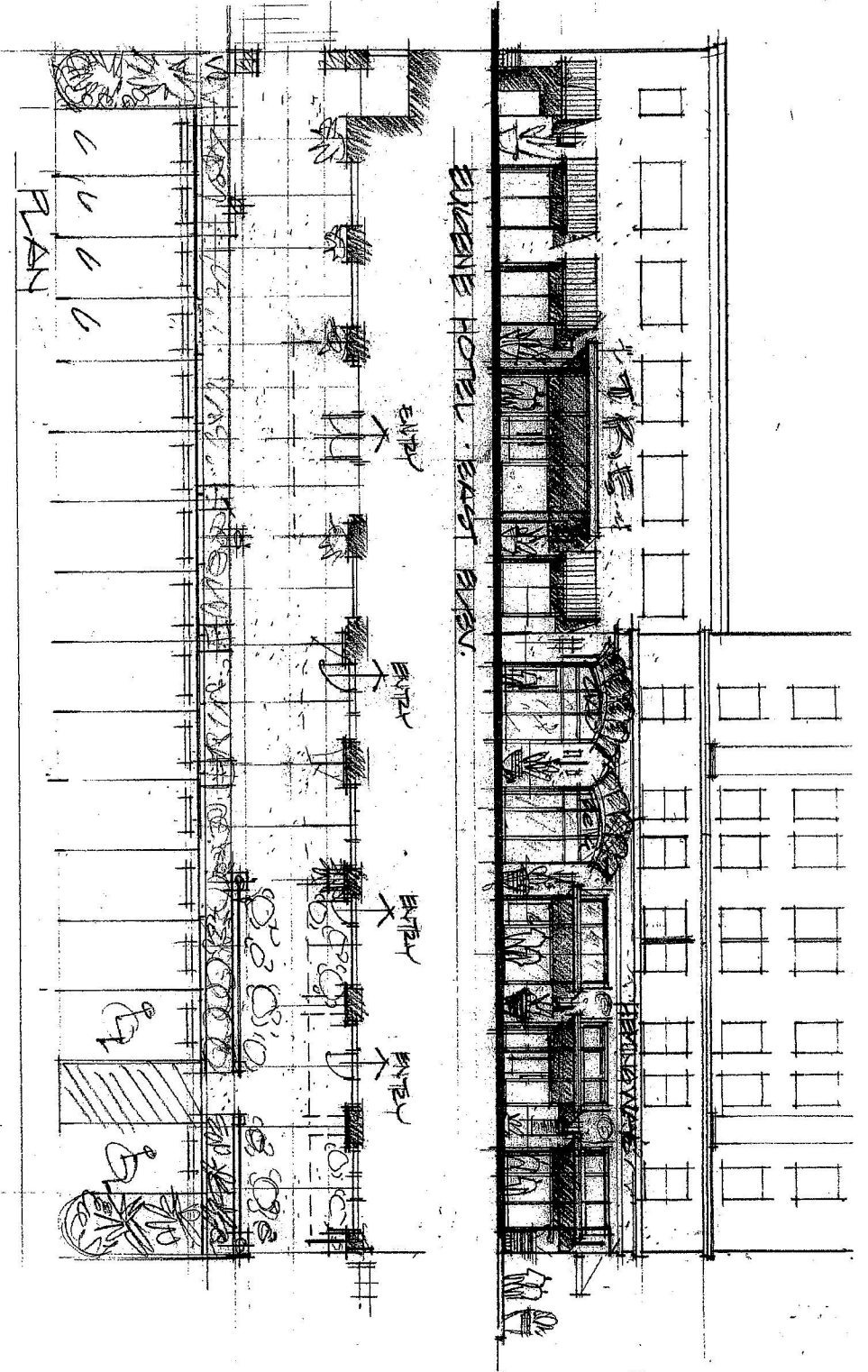
Attachment A: Aerial Context Map



July 03, 2012

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

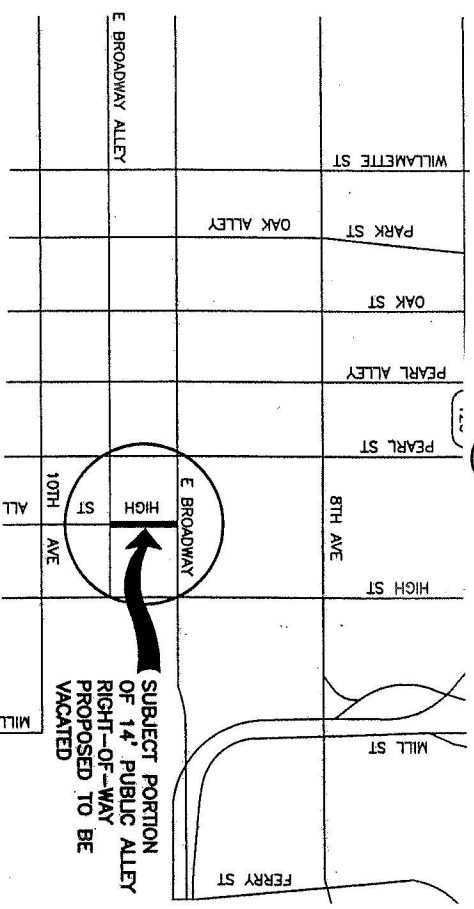




1
A2
NTS
CONCEPT PARTIAL PLAN & EXTERIOR EAST ELEVATION

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.



 <p>ARCHITECTS + PLANNERS 1222 East Broadway, Suite 202 Eugene, Oregon 97401 P: 541.345.1100 F: 541.345.1102</p>	<p>EUGENE HOTEL PUBLIC ALLEY RIGHT-OF-WAY VACATION EUGENE HOTEL RETIREMENT CENTER 222 EAST BROADWAY EUGENE, OREGON</p>	<p>CONCEPT PARTIAL PLAN & EXTERIOR EAST ELEVATION</p>	<p>PROJECT # 201112 DRAWN BY J. BROWN DATE 08/2012 SHEET A2</p>
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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 held a public hearing 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 no 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
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LAND SURVEYOR

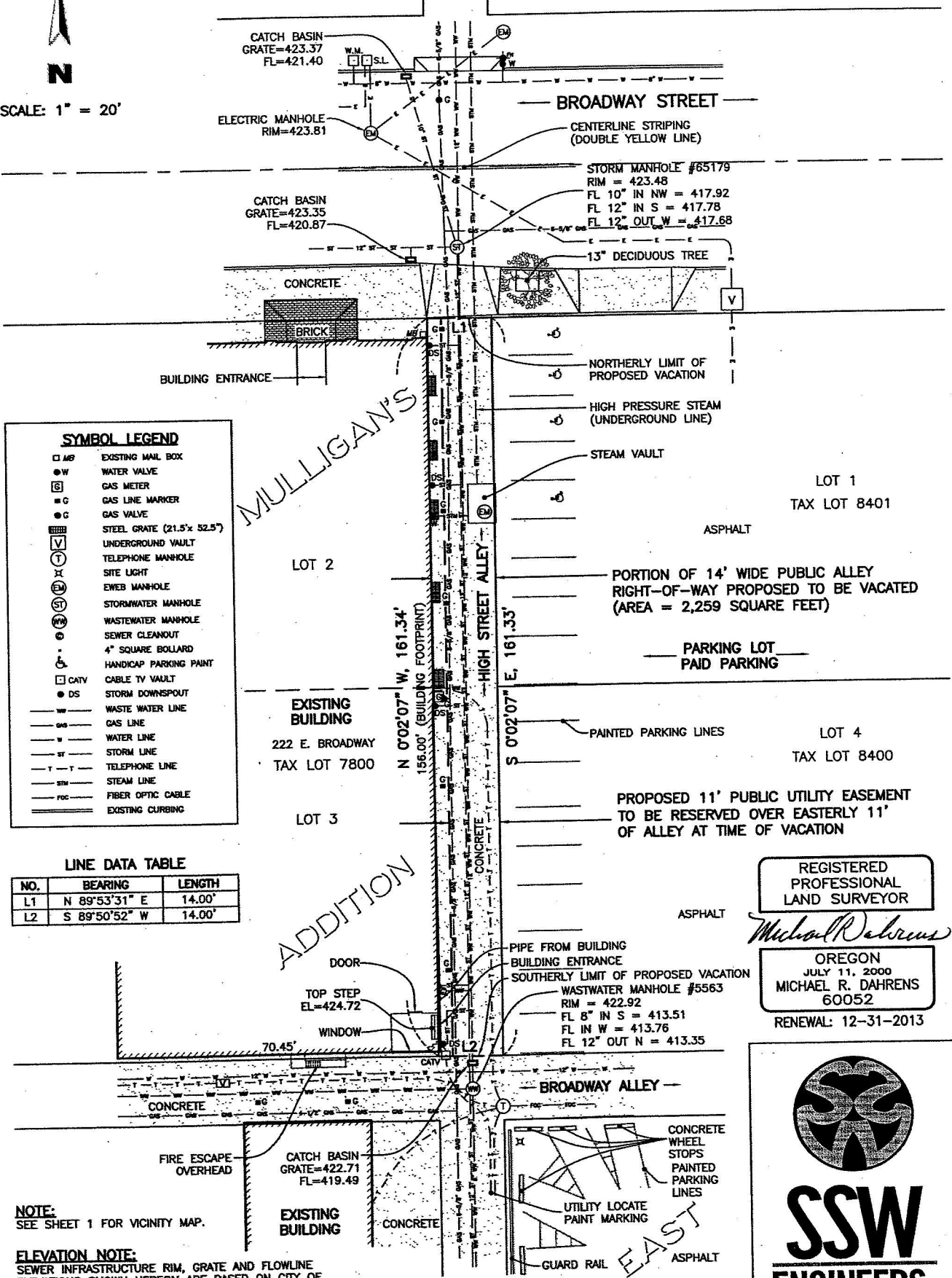
Michael R. Dahrens

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
- ⊕ SW WASTEWATER MANHOLE
- ⊕ SC SEWER CLEANOUT
- ⊕ SB 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
- EXC 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

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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 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. Therefore, vacation of this alley will have minimal impact on the circulation needs in the area. 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.

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.