

## **Exhibit C**

### **Findings:**

### **Vacation of West 4<sup>th</sup> Alley between Lincoln Street and Charnelton Street for Simons Properties and CSA Oregon, LLC (VRI 13-1)**

#### **Background**

The Simons Properties and CSA Oregon, LLC requests a right-of-way vacation that includes the entire West 4<sup>th</sup> Alley between Lincoln Street and Charnelton Street. The area subject to the request is 4,669 square feet. The applicant owns all properties that abut the right of way and on the entire block. The vacation will allow the applicant/property owner to create a more viable business environment and will not negatively impact the transportation system, surrounding properties or emergency access. Retention of a Public Utility Easement across the entire alley area is proposed and will be required prior to vacating the right of way.

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.

#### **Vacation Findings**

The following findings demonstrate that vacation of West 4<sup>th</sup> Alley between Lincoln Street and Charnelton Street is in the public interest. This determination is based on the conclusion that the vacation of West 4<sup>th</sup> Alley between Lincoln Street and Charnelton Street is consistent with the City's vision for the area, will provide efficient use of land and will not negatively impact the transportation system, the ability to provide utilities, surrounding properties, or emergency access. Control of the site by the applicant will allow re-development and new development on the site and

enhance the attractiveness of the site. As a result, vacation of the requested alley segment will be in the public interest. Detailed findings to support these conclusions are provided below.

The property is located within the boundaries of the Whiteaker Plan and the Skinner Butte mixed use subarea and is zoned S-W Whiteaker special area zone. The Whiteaker Plan's overall vision and intent is to encourage economic vitality in the area by allowing a mix of uses and encourage actions that enhance the attractiveness of the area. Several businesses including a Cafe Yumm, Corporate Office, Playdom, a division of Disney Corp, Honn Design, Carpe Diem Core Align and Pilates Studio, Lindholm Company and Verb Marketing and PR are tenants on this block that is bisected by the alley. The Lane County Jail is located directly across Charnelton Street to the east.

The vacation of the alley, will allow the applicant to make façade and access improvements along both sides of the alley and convert existing indoor parking to office and retail areas. These improvements cannot currently occur due to setback and clearance requirements. Control of the entire development site (the entire block between Lincoln St. and Charnelton St. and West 4<sup>th</sup> Ave and West 5<sup>th</sup> Ave), will allow the applicant to provide a safer and overall more attractive and vibrant business environment on the site consistent with the vision for the area.

Public Works and Fire staff confirms that adequate public rights-of-way exist to satisfy all access and traffic circulation needs in the vicinity. While this alley will not be required to remain open as a public alley, adjacent uses are all owned by the applicant and will continue to use the alley for deliveries and emergency access.

The vacation of West 4<sup>th</sup> Alley will not cause additional out of direction travel as it is not a through alley and ends in a "T" intersection at Charnelton Street. Vehicles, pedestrians and bicyclists currently use West 5<sup>th</sup> Ave to the south as a through connection to the east or west. Therefore, vacation of this alley will have no impact on the primary travel route (West 5<sup>th</sup> Ave.) for vehicles, pedestrians and bicycles.

Referral comments from Public Works staff, other affected City Departments and utility providers confirm the presence of utilities in the alley and 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 with the retention of a public utility easement over the alley as proposed by the applicant. The PUE could later be vacated when the utilities are properly abandoned or relocated. 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 from Public Works and letters of concurrence from EWEB confirm that utility, water and natural gas lines located in the street can be maintained by retaining a public utility easement. No other utility providers objected to the proposal of vacating the alley with retention of a PUE.

### **Conclusion**

Based on the available information, evidence and testimony received, the City finds that the right-of-way vacation for the entire West 4<sup>th</sup> Alley between Lincoln Street and Charnelton Street as proposed by Simons Properties and CSA Oregon, LLC, will be in the public interest.