



COUNCIL ORDINANCE NO. 20726

**AN ORDINANCE VACATING A PORTION OF FIRST AVENUE WEST
LOCATED WITHIN THE PLAT OF PIONEER RESOURCES BUSINESS PARK
AND PROVIDING FOR AN EFFECTIVE DATE.**

ADOPTED: June 23, 2025

SIGNED: June 24, 2025

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: July 25, 2025



ORDINANCE NO. 20726

**AN ORDINANCE VACATING A PORTION OF FIRST AVENUE WEST
LOCATED WITHIN THE PLAT OF PIONEER RESOURCES BUSINESS PARK
AND PROVIDING FOR AN EFFECTIVE DATE.**

The City Council of the City of Eugene finds that:

A. The City Council of the City of Eugene approved an agenda scheduling a public hearing at 5:30 p.m. on May 19, 2025, for the purpose of hearing protests and remonstrances to the proposed vacation of the following described right-of-way:

The right-of-way identified as a portion of First Avenue West, located within the plat of Pioneer Resources Business Park, more particularly described on Exhibit A and depicted on Exhibit B attached to this Ordinance.

B. Notice was duly and regularly given of the public hearing and, on May 19, 2025, the City Council held a public hearing and heard all objections to the proposed vacation.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Eugene finds that notice of the public hearing on the proposed vacation was published and posted as required by law, that consents required by EC 9.8710(6) and ORS 271.080(2) and statements of concurrence to the vacation from affected utility providers have been filed in the proceedings, and that vacation of the right-of-way described in Exhibit A and depicted on Exhibit B attached to this Ordinance is in the public interest, as described in the Findings attached as Exhibit C to this Ordinance and hereby adopted in support of this Ordinance.

Section 2. The right-of-way described on Exhibit A and depicted on Exhibit B attached to this Ordinance is hereby vacated, except that the the City reserves a public utility easement for the entire area described in Exhibit A. The vacated right-of-way 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, including all attachments, with the Recorder of Lane County, Oregon. In addition, a certified copy of this Ordinance shall be filed with the Lane County Assessor and a 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 shall become effective 30 days from the date of passage by the Eugene City Council and approval by the Mayor, or upon the recording of the public utility easement described in Section 2 of this Ordinance in a form acceptable to the City Manager, whichever is later.

Passed by the City Council this

23rd day of June, 2025.



City Recorder

Approved by the Mayor this

24 day of June, 2025.



Mayor

EXHIBIT A

RIGHT-OF-WAY VACATION

JOB NO. 2300110

OCTOBER 9, 2024

LEGAL DESCRIPTION

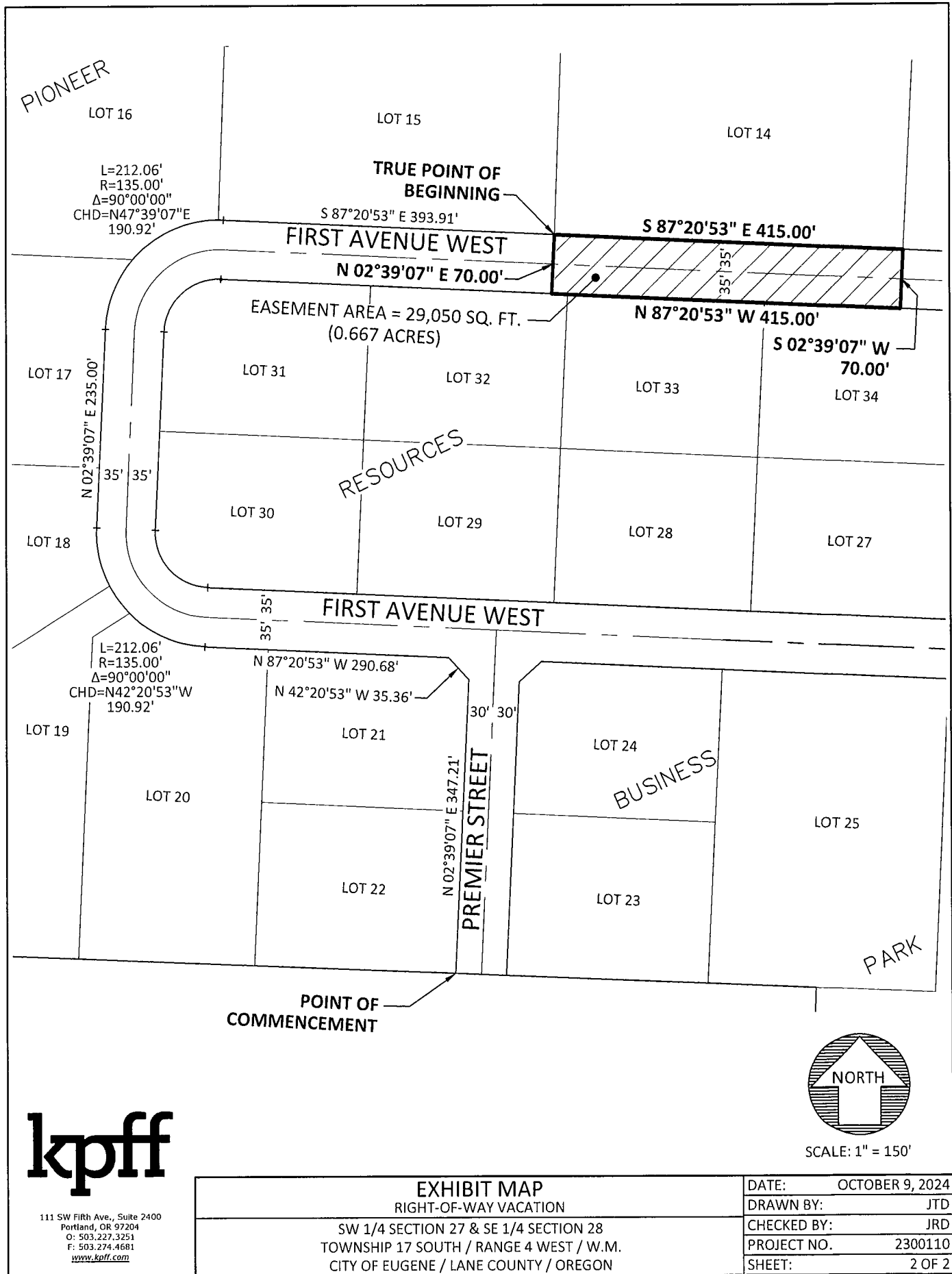
A TRACT OF LAND BEING A PORTION OF FIRST AVENUE WEST (70 FEET WIDE) ALL LYING WITHIN THE PLAT OF PIONEER RESOURCES BUSINESS PARK, RECORDED JUNE 29, 1998 IN FILE 75, SLIDE 662, LANE COUNTY SURVEY RECORDS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27 AND THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 17 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, CITY OF EUGENE, LANE COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 22, SAID PLAT OF PIONEER RESOURCES BUSINESS PARK, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF PREMIER STREET (60 FEET WIDE); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 02°39'07" EAST 347.21 FEET; THENCE NORTH 42°20'53" WEST 35.36 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF FIRST AVENUE WEST (70 FEET WIDE); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH 87°20'53" WEST 290.68 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE ALONG THE ARC OF 135.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 90°00'00" (THE LONG CHORD OF WHICH BEARS NORTH 42°20'53" WEST 190.92 FEET) AN ARC DISTANCE OF 212.06 FEET TO A POINT ON WESTERLY RIGHT-OF-WAY LINE OF FIRST AVENUE WEST AND A POINT OF TANGENCY; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 02°39'07" EAST 235.00 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE ALONG THE ARC OF A 135.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 90°00'00" (THE LONG CHORD OF WHICH BEARS NORTH 47°39'07" EAST 190.92 FEET) AN ARC DISTANCE OF 212.06 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF FIRST AVENUE WEST AND A POINT OF TANGENCY; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH 87°20'53" EAST 393.91 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH 87°20'53" EAST 415.00 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH 02°39'07" WEST 70.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF FIRST AVENUE WEST; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH 87°20'53" WEST 415.00 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH 02°39'07" EAST 70.00 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 29,050 SQUARE FEET OR 0.667 ACRES, MORE OR LESS.

THE BASIS OF BEARINGS IS PER THE PLAT OF PIONEER RESOURCES BUSINESS PARK, RECORDED JUNE 29, 1998 IN FILE 75, SLIDE 662, LANE COUNTY SURVEY RECORDS.

THE TRACT OF LAND IS SHOWN ON THE ATTACHED EXHIBIT MAP AND BY THIS REFERENCE MADE A PART THEREOF.



FINDINGS IN SUPPORT OF VACATING A PORTION OF FIRST AVENUE WEST, LOCATED WITHIN THE PLAT OF PIONEER RESOURCES BUSINESS PARK

APPLICATION OVERVIEW

Name (File Number):	Pioneer Resources Business Park (VRI 25-1)
Applicant:	McDougal Bros Investments LLC
Subject Property:	A portion of First West Avenue.
Zoning:	Abutting property zoned I-3 Heavy Industrial
Location:	0.76 acres (29,050 square feet) of improved right-of-way at the western terminus of West 1 st Avenue to the west of South Bertelsen Road and within the Pioneer Business Park.

BACKGROUND

McDougal Bros Investments, LLC (the applicant) filed a request for a portion of First West Avenue (commonly referred to as West 1st Avenue), which is an improved public right-of-way, to allow the applicant to construct a private gated street and fencing to help secure the industrial properties along West 1st Avenue.

The area to be vacated, a total of 0.67 acres or 29,050 square feet, includes approximately 415 linear feet of West 1st Avenue public right-of-way. The requested vacation is for the right-of-way within the Pioneer Resources Business Park Subdivision recorded June 29, 1998 with Lane County Deeds and Records. First Avenue West, more commonly referred to as West 1st Avenue, formerly served as a loop road providing access to the industrially zoned parcels abutting the street. However, following the City Council approval of the vacation of the western portion of the loop in 2024 (City Vacation File VRI 23-1), the loop now terminates at two dead ends. This requested vacation is for right-of-way abutting the prior vacation area along the northern portion of the former loop street.

To ensure access to existing utility services, the applicant has proposed a public utility easement over the entire area to be vacated.

FINDINGS

The vacation process serves as 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. Public ways are defined by the Eugene Code as follows: "Any street, road, alley,

right-of-way, pedestrian or bicycle easement or accessway, or utility easement for public use that is controlled by the city, county, or state.”

This 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. EC 9.8710(3) which requires that any vacation of an improved right-of-way be considered and decided upon by the City Council in accordance with the procedures in EC 9.7445 through 9.7455. The public hearing is being conducted consistent with quasi-judicial procedures in State law and as set forth in EC 9.7065 – 9.7095.

EC 9.8710(5) requires the applicant to pay a special assessment to the City equal to the assessed value of the real property and any costs incurred by the City in the construction of public improvements as determined by the City Manager. The applicant has provided the required assessment.

In accordance with ORS 271.080, the applicant has provided evidence of consent to the vacation from owners of at least two-thirds of the property within the affected area defined by ORS 271.080. In this case, ORS 271.080 defines the “affected area” as the land lying on either side of the vacated area to the next lateral street, and 400 feet beyond each terminus of the right-of-way to be vacated. Based on the signed consent forms submitted with the application, the applicant has obtained consent for the proposed vacation from all the abutting property owners and the owners of approximately 95 percent of the affected area, which exceeds the requirements of ORS 271.080 and EC 9.8710.

City of Eugene Public Works has reviewed this application and the surrounding facilities and infrastructure affected by the request. Concurrences from franchise utilities, including Eugene Water and Electric Board, have been included with the application. The right-of-way currently includes underground wastewater and other utilities. To ensure the City and utility companies have the necessary perpetual access for the operation and maintenance of public utilities that remain in the vacated area, the applicant has proposed a Public Utility Easement (PUE) over the entire area to be vacated.

Compliance with Approval Criterion

Per EC 9.8725, the sole approval criterion for this vacation requires City Council to find that approval of the requested vacation is in the public interest. The full text of the approval criterion is provided below, with findings demonstrating compliance:

EC 9.8725: Approval Criteria for the Vacation of Improved Public Right-of-Way, Public Ways Acquired with Public Funds, and Undeveloped Subdivision and Partition Plats.

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 following findings demonstrate that vacation of a portion of First West Avenue is in the public interest. This determination is based on the conclusion that vacation of the improved right-of-way will provide an opportunity for the efficient use of land and will not negatively impact the transportation system, surrounding uses, or emergency access. As referenced by the applicant, the purpose of the vacation request is to allow the expansion of the private gated street and fencing to help secure the industrial properties along West 1st Avenue.

The vacation of the right-of-way will allow for flexible and efficient use of lands zoned for heavy industrial uses, which may facilitate future economic stimulation in the long undeveloped site. As detailed in the application materials, the lots adjacent to the requested right-of way vacation have been deemed uninhabitable due to the former landfill site and a legal settlement (Frontier Recovery LLC vs. Lane County, Oregon), which required that no permanent human occupancy on the footprint of the landfill be allowed. The result is that there are very limited uses that can be developed on the site. Vacation of the public right-of-way will further limit potential negative impacts on humans from the existing landfill and will allow for flexible use of a site constrained by detrimental historic uses.

Regarding public interest in managing City resources, the West 1st Avenue has been subject to settling and deterioration since its construction. Upon vacation, right-of-way maintenance will no longer be the responsibility of the City. The elimination of this maintenance cost for the City will allow for resources to be allocated to other street and maintenance projects. The vacation of the public right-of-way will allow for controlled access onto the property. The applicant cites documented illegal activities in the vacation area that create an unsafe environment. As a result of the vacation, access to the area can be managed by the property owners. While not guaranteed, a possible outcome of controlled access is a reduction in calls for City police, fire, and parking services associated with activities currently occurring within the right-of-way.

Conclusion

The applicant's requested vacation of a portion of First West Avenue right-of-way is in the public interest, based on the above facts and the terms of the ordinance.