



COUNCIL ORDINANCE NO. 20727

**AN ORDINANCE VACATING A PORTION OF MOSS ALLEY AND PROVIDING
FOR AN EFFECTIVE DATE.**

ADOPTED: June 23, 2025

SIGNED: June 24, 2025

PASSED: 7:1

REJECTED:

OPPOSED: Keating

ABSENT:

EFFECTIVE: July 25, 2025



ORDINANCE NO. 20727

**AN ORDINANCE VACATING A PORTION OF MOSS ALLEY 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 Moss Alley located south of Seventeenth Avenue East and north of Nineteenth Avenue East, which is more particularly described in 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 in Exhibit A and depicted on Exhibit B attached to this Ordinance is hereby vacated, except that 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

PUBLIC UTILITY EASEMENT

JOB NO. 2400146

25 APRIL 2025

LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF THE MOSS ALLEY LYING BETWEEN EAST 17TH AVENUE AND EAST 19TH AVENUE IN THE PLAT OF FAIRMOUNT, LANE COUNTY PLAT RECORDS, LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 17 SOUTH, RANGE 3 WEST, AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 18 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF EUGENE, LANE COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID MOSS ALLEY (20 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID EAST 17TH AVENUE (66 FEET WIDE), SAID POINT BEARS SOUTH 89°58'31" WEST 160.09 FEET FROM THE NORTHEAST CORNER OF LOT 1 SAID PLAT OF FAIRMOUNT;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE SOUTH 00°00'54" EAST 500.20 FEET;

THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE SOUTH 89°58'31" WEST 20.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID MOSS ALLEY;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 00°00'54" WEST 500.20 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE OF 17TH AVENUE;

THENCE NORTH 89°58'31" EAST 20.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 10,004 SQUARE FEET OR 0.230 ACRES, MORE OR LESS.

THE BASIS OF BEARINGS IS THE OREGON COORDINATE REFERENCE SYSTEM, EUGENE ZONE.

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

kpff

SHEET: 2 OF 2

FINDINGS IN SUPPORT OF VACATING A PORTION OF MOSS ALLEY

APPLICATION OVERVIEW

Name (File Number):	Moss Alley (VRI 24-1)
Applicant:	University of Oregon
Subject Property:	A portion of Moss Alley
Zoning:	Abutting property zoned PL Public Land, partially within the /EC East Campus Overlay Zone
Location:	.24 acres of improved right-of-way of Moss Alley, located south of East 17th Avenue

BACKGROUND

The University of Oregon (the applicant) filed a request for vacation of a portion of Moss Alley, which is an improved public right-of-way, to allow for the creation of a contiguous development site for the proposed future development of a new residence hall and dining facility for undergraduate University of Oregon students.

The area proposed to be vacated, a total of 0.24 acres or 10,330 square feet, includes approximately 500.2 lineal feet of Moss Alley public right-of-way. The block containing the portion of alley proposed to be vacated is bounded by East 17th Avenue to the north, Moss Street to the east, East 19th Avenue to the south, and Columbia Street to the west. Moss Alley currently provides public access between East 17th Avenue and East 19th Avenue, and serves as a secondary access to properties abutting the alley to the east and west. Abutting properties are zoned PL Public Land and R-1 Low-Density Residential, with some of the properties in the Public Land zone being within the /EC East Campus Overlay Zone.

The applicant has proposed a plan to modify and relocate utilities that are currently located within the area proposed to be vacated. In order to ensure continued access to existing utility services, the applicant has also provided a Public Utility Easement (PUE), which will cover the entire vacation area.

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 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. EC 9.8710(3) 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 the owners of at least two-thirds of the property within the affected area. In this case, ORS 271.080 defines the affected 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 100 percent of the abutting property owners and the owners of approximately 76 percent of the affected area, which exceeds the requirements of ORS 271.080 and EC 9.8710.

The City of Eugene Public Works Department has reviewed this vacation application, as well as the surrounding facilities and infrastructure affected by the request. Letters of concurrence from franchise utilities, including Eugene Water and Electric Board (EWEB), Comcast, NW Natural, and Lumen, have been included with the application.

In its current condition, the vacation area contains City stormwater facilities and underground wastewater lines, as well as franchise utility services operated by Comcast, NW Natural, Lumen, and EWEB. The applicant has provided two separate Public Utility Easement (PUE) documents, both of which have been reviewed by the Public Works Department and signed by the applicant. One of the provided PUEs covers the utilities that will be rerouted from Moss Alley to connect to existing utilities in Columbia Street. The other PUE covers the entire vacation area and is intended to be an interim measure, to ensure that the existing utilities in the Moss Alley right-of-way remain accessible to the City and affected utility companies for operation and maintenance on a temporary basis, until the utilities are relocated out of the vacation area.

Compliance with Approval Criterion

Per EC 9.8725, the sole approval criterion applicable to vacation of improved public right-of-way 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, followed by 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 the subject portion of Moss Alley 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 City's transportation system, surrounding uses, or emergency access.

As referenced by the applicant, the purpose of the vacation request is to create a campus-scale block within the area surrounded by East 17th Avenue, Columbia Street, East 19th Avenue, and Moss Street, to create a safer pedestrian environment and accommodate the eventual development of a new student residence hall. The University of Oregon's Next Generation Housing Development Plan, a long-range plan for on-campus housing and infrastructure, has identified the land to the east and west of the vacation area as a potential site for on-campus housing development. Vacation of the subject portion of Moss Alley will create a contiguous development site owned by the University of Oregon, allowing for campus-scale building design, limiting vehicular access, and enhancing student safety. As discussed in the application materials, the proposed vacation is anticipated to result in minimal impacts to the transportation system.

All properties abutting the vacation area are developed with University-related and campus uses. To the south of the proposed vacation area, within the area of affected property identified in ORS 271.080, there are several privately-owned properties developed with existing residential uses. No residential properties directly abut the vacation area.

The vacation is in the public interest because, upon vacation, maintenance of the Moss Alley right-of-way 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.

Additionally, the ongoing growth and expansion of the University of Oregon campus will result in a more vibrant and diverse landscape for the surrounding neighborhood and for Eugene's community as a whole, and will continue to support the University's commitments to education, research, and service to the state.

Conclusion

Based on the above facts and the terms of the Ordinance, the applicant's requested vacation of a portion of Moss Alley public right-of-way is in the public interest.