



**COUNCIL ORDINANCE NO. 20656**

**AN ORDINANCE VACATING SLOCUM DRIVE, SONGBIRD LOOP,  
AND PUBLIC UTILITY EASEMENT.**

**ADOPTED: July 12, 2021**

**SIGNED: July 14, 2021**

**PASSED: 8:0**

**REJECTED:**

**OPPOSED:**

**ABSENT:**

**EFFECTIVE: August 14, 2021**



ORDINANCE NO. 20656

**AN ORDINANCE VACATING SLOCUM DRIVE, SONGBIRD LOOP, AND PUBLIC UTILITY EASEMENT.**

**The City Council of the City of Eugene finds that:**

**A.** The City Council of the City of Eugene approved an agenda scheduling a virtual public hearing at 7:30 p.m. on June 21, 2021, for the purpose of hearing protests and remonstrances to the proposed vacation of the following described rights-of-way and associated public utility easement:

The rights-of-way identified as Slocum Drive and Songbird Loop, and the associated public utility easement, all of which are more particularly described in Exhibit A and are depicted on the map attached as Exhibit B to this Ordinance ("the Vacation Area").

**B.** Notice was duly and regularly given of the public hearing and, on June 21, 2021, 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 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), signatures required by EC 9.8710(7), and letters of concurrence to the vacation from affected utility providers required by EC 9.8710(1) have been filed in the proceedings, and that vacation of the rights-of-way and public utility easements described and depicted on Exhibits A and B 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 rights-of-way and public utility easements described and depicted on Exhibits A and B attached to this Ordinance are hereby vacated 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, 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.

Passed by the City Council this

12th day of July, 2021.

  
\_\_\_\_\_  
Deputy City Recorder

Approved by the Mayor this

14 day of July, 2021.

  
\_\_\_\_\_  
Mayor

### Slocum Drive Legal Description

Beginning at the most Southerly Southwest corner of Parcel 2, Partition Plat 2019-P2853 in the Northeast Quarter of Section 4, Township 18 South, Range 4 West of the Willamette Meridian, City of Eugene, Lane County, Oregon; thence along the South Right of Way of Slocum Drive the following three calls: North 89°11'15" West 222.36 feet; South 00°48'45" West 15.00 feet; North 89°11'15" West 179.84 feet to the East Right of Way of Willow Creek Road; thence along said East Right of Way North 00°09'00" East 59.15 feet to the most Westerly Southwest corner of Parcel 1, Partition Plat 2001-P1449; thence along the South line of said Parcel 1 the following two calls: South 44°32'24" East 14.43 feet; South 89°11'15" East 355.12 feet to the Most Southerly Southeast corner of said Parcel 1; thence parallel to the South Right of Way of Slocum Drive South 89°11'15" East 37.50 feet to the most Southerly West line of said Parcel 2; thence along said West line South 00°48'45" West 34.00 feet to the Point of Beginning and containing 16,438 square feet, more or less.

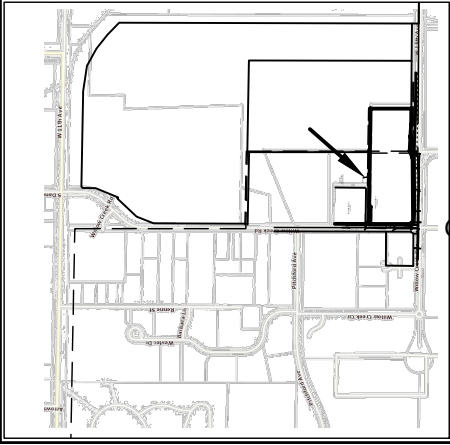
### Songbird Loop Legal Description

Commencing at the most Southerly Southwest corner of Parcel 2, Partition Plat 2019-P2853 in the Northeast Quarter of Section 4, Township 18 South, Range 4 West of the Willamette Meridian, City of Eugene, Lane County, Oregon; thence along the most Southerly West line of said Parcel 2 North 00°48'45" East 34.00 feet to the True Point of Beginning; thence along said West line North 00°48'45" East 320.00 feet to the Northeast Terminus of Songbird Loop; thence along said Terminus North 89°11'15" West 27.50 feet to the Northeast Corner of Parcel 1, Partition Plat 2001-P1449; thence along the East line of said Parcel 1 the following two calls: South 00°48'45" West 310.00 feet; South 45°48'45" West 14.14 feet; thence parallel to the South Right of Way of Slocum Drive South 89°11'15" East 37.50 feet to the True Point of Beginning and containing 8,850 square feet, more or less.

### Public Utility Easement Legal Description

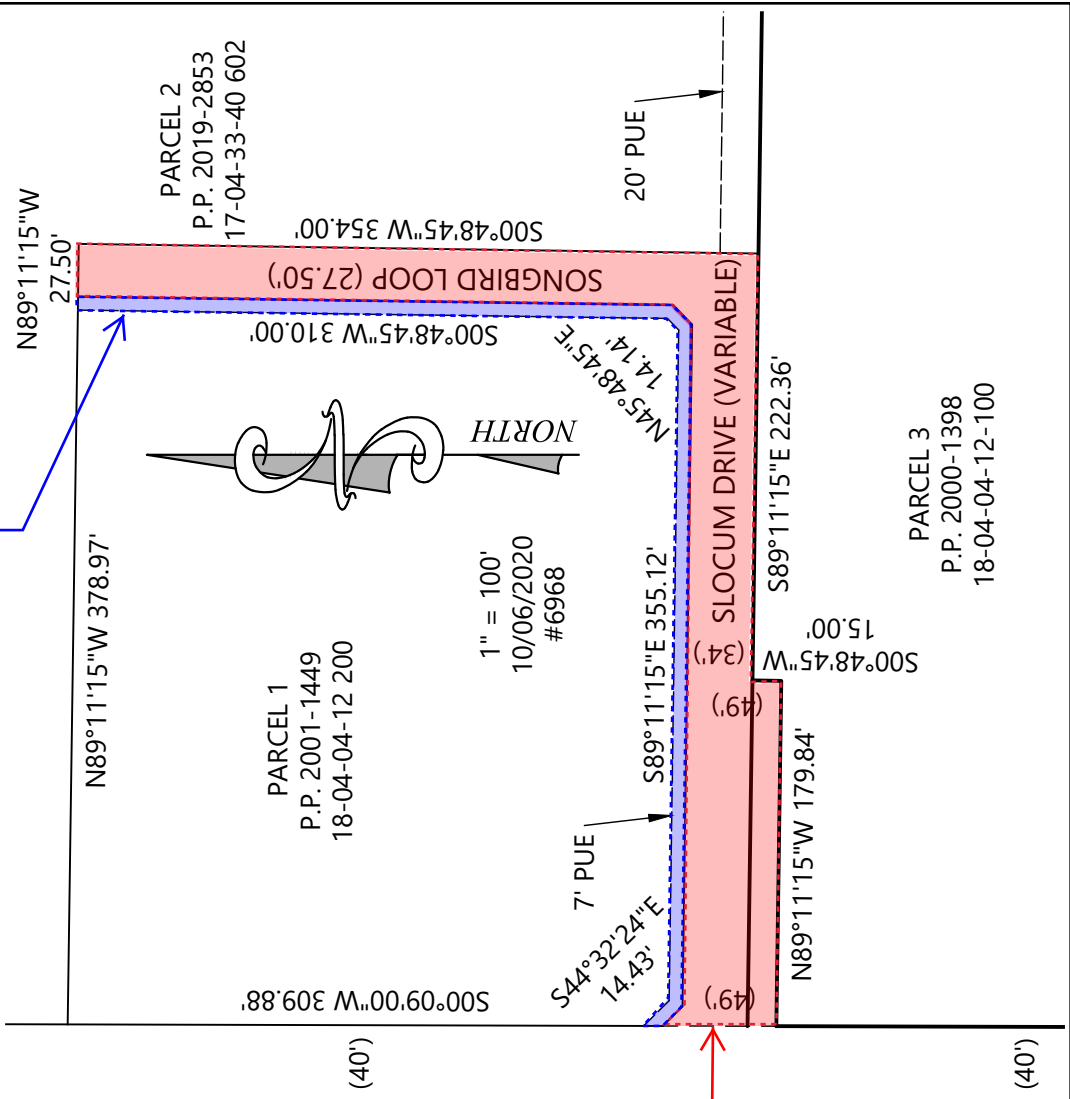
Beginning at the Northeast Corner of Parcel 1, Partition Plat 2001-P1449 in the Northeast Quarter of Section 4, Township 18 South, Range 4 West of the Willamette Meridian, City of Eugene, Lane County, Oregon; thence along the North line of said Parcel 1 North 89°11'15" West 7.00 feet; thence South 00°48'45" West 307.10 feet; thence South 45°48'45" West 8.34 feet; thence North 89°11'15" West 349.35 feet; thence North 44°32'24" West 18.63 feet to the East Right of Way of Willow Creek Road; thence along said East Right of Way South 00°09'00" West 9.95 feet to the most Westerly Southwest corner of said Parcel 1; thence along the South line of said Parcel 1 the following three calls: South 44°32'24" East 14.43 feet; South 89°11'15" East 355.12 feet; North 45°48'45" East 14.14 feet to the West Right of Way of Songbird Loop; thence North 00°48'45" East 310.00 feet to the Point of Beginning and containing 4,820 square feet, more or less.

AREA OF VACATION



7-Foot Public Utility Easement to be Vacated

Slocum Drive and Songbird Loop Rights-of-Way to be Vacated



(40')

(40')

## Findings

### Background:

Slocum Drive and Songbird Loop are unimproved rights-of-way. The total requested vacation area consists of 25,288 square feet of public right-of-way, comprised of Slocum Drive (16,438 square feet) and Songbird Loop (8,850 square feet). The request also includes vacation of a 7-foot wide public utility easement that abuts the north side of Slocum Drive and the west side of Songbird Loop. Both rights-of-way and the public utility easement were dedicated as part of a plat through a partition (City File: M 00-3).

- The Slocum Drive right-of-way abuts Tax Lot 100 of Assessor's Map 18-04-04-12 owned by Asgar R. Sadri L.T. and Tax Lot 200 of Assessor's Map 18-04-04-12 owned by Crown Pointe Village of Eugene, LLC.
- The Songbird Loop right-of-way abuts Tax Lot 200 of Assessor's Map 18-04-04-12 and Tax Lot 603 of Assessor's Map 17-04-33-40, both of which are owned by Crown Pointe Village of Eugene, LLC.
- The public utility easement is located entirely within Tax Lot 200 of Assessor's Map 18-04-04-12.

The vacation request 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. 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 – 9.7095.

When rights-of-way are vacated, ORS 271.140 generally requires ownership of the land underlying the vacated right-of-way to revert back to owners of the adjacent lands from which it was originally dedicated. If the vacation is approved, the rights-of-ways will revert to private ownership of Asgar R. Sadri L.T. and Crowne Point Village of Eugene, LLC. 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. The applicant has paid 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. In this case, the affected area per State law is the land lying on either side of the vacated area to the next lateral street, and 400 feet beyond each terminus of the rights-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 the property owners of approximately 89 percent of the affected area for Slocum Drive and 100 percent for Songbird Loop, which exceeds the requirements of ORS 271.080 and EC 9.8710.

The applicant also received statements of concurrence from affected utility providers for the vacation of the unimproved public utility easement.

**Compliance with Approval Criteria:**

Per EC 9.8725, the sole approval criterion for this vacation requires the 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:

***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 to the vacation request from abutting and affected owners, and payment of a special assessment for the area of vacated right-of-way, has been provided by the applicant, as required by statutes and local code. Utility concurrences were received from impacted utility providers, as required by statutes and local code.

**Vacation Findings**

The following findings demonstrate that a vacation of Slocum Drive and Songbird Loop and associated public utility easement is in the public interest.

This determination is based on the conclusion that the vacation of these rights-of-way and public utility easement will provide an opportunity for the efficient use of land and will not negatively impact the transportation system, surrounding uses, or emergency access. The purpose of the applicant's vacation request is to:

- Allow for the full development of the lots in accordance with their residential plan designation and zoning.
- Satisfy Condition #14 of the approved Site Review application (City File: SR 20-3) to allow the development of Tax Lot 100 of Assessor's Map 18-04-04-12 with apartment dwellings and associated amenities in accordance with the approved Site Review plans.
- Remove rights-of-way and a public utility easement that are no longer necessary for the development of the Tax Lots 100 and 200 of Assessor's Map 18-04-04-12.

These undeveloped rights-of-way do not currently provide direct access to the surrounding streets. The undeveloped rights-of-way do not provide required frontage for any abutting lot, as all abutting lots have adequate frontage on Willow Creek Road in accordance with Eugene Code. The rights-of-way and public utility easement were intended as part of a development associated with the partition that was never developed.

Analysis from Public Works staff confirms the surrounding street network provides necessary street connectivity as required by the Eugene Code. All lots abutting the right-of-ways proposed for vacation have frontage and possible access connections in accordance with Eugene Code on Willow Creek Road (Minor Arterial). As there is an existing public street providing vehicular and pedestrian access to the lots and the undeveloped streets do not connect to any other rights-of-way, the undeveloped rights-of-way do not provide significant public transportation benefit and public vehicular and pedestrian circulation on adjoining streets will not be compromised as a result of the vacation.

The City of Eugene has no public infrastructure or publicly owned sanitary or storm drain piping within Slocum Drive, Songbird Avenue, or their associated public utility easements.

**Conclusion:**

The applicant's requested vacation of the Slocum Drive right-of-way, Songbird Loop right-of-way, and the associated public utility easement is in the public interest, based on the above facts and the terms of the ordinance.