

ORDINANCE NO. 837

AN ORDINANCE VACATING SEGMENTS OF SE KIBLING AVENUE AND SE 7TH STREET RIGHTS-OF-WAY AT THE TROUTDALE ELEMENTARY SCHOOL SITE.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

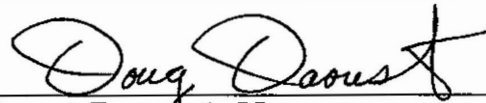
1. Certain portions of rights-of-way for SE 7th Street and SE Kibling Avenue are located on the site of Troutdale Elementary School and are currently contributing to the facility's nonconformance.
2. The Reynolds School District as the Applicant is intending to develop a new facility at the existing location as a result of an approved bond measure. The ability to develop a new facility requires the vacation of affected rights-of-way.
3. The City nor any other known stakeholder is currently utilizing these rights-of-way segments and has no future intentions to utilize them for future improvements. The existing school facility is partially located upon these segments.
4. Approval of the vacation of these rights-of-way segments is subject to two decision criteria as outlined in Section 6.110 of the Troutdale Development Code.
5. The Troutdale Planning Commission reviewed the application on August 24, 2016 and did not submit a formal recommendation. Upon testimony provided at the initial public hearing, the Planning Commission found that the first decision criterion was met, but were unable to determine if the second decision criterion was met.
6. On the first decision criterion, the City Council has determined that the application does not conflict with the goals of the City of Troutdale Comprehensive Land Use Plan, consistent with the findings of the Planning Commission.
7. On the second decision criterion, the City Council has determined that the public interest will not be prejudiced by the vacation. Additional testimony and evidence provided by the Applicant since the initial public hearing have alleviated the concerns raised by the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

- Section 1. The findings of fact contained in the Planning Commission's final order pertaining to this vacation are hereby amended and incorporated by reference.

- Section 2. The right-of-way for SE 7th Street between SE Harlow Avenue and SE Sandy Avenue be vacated and said tract be conveyed by deed to the owners of adjoining lots. The owners of adjoining lots shall be responsible for paying all associated recording fees.
- Section 3. The right-of-way for SE Kibling Street between SE Sandy Avenue and the segment's northern terminus be vacated and said tract be conveyed by deed to the owners of adjoining lots. The owners of adjoining lots shall be responsible for paying all associated recording fees.
- Section 4. The Conditions of Approval contained in the Staff Report for Planning Commission pertaining to this vacation are incorporated by reference.

YEAS: 7
NAYS: 0
ABSTAINED: 0



Doug Daoust, Mayor

Date

9/30/16



Sarah Skroch, City Recorder

Adopted: September 27, 2016