



Eugene City Council

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Eugene, OR 97401
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

May 19, 2025

5:30 p.m. CITY COUNCIL PUBLIC HEARING

City Council meetings will continue to be held in hybrid format using in person and virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

Meeting of May 19, 2025; Her Honor Mayor Kaarin Knudson Presiding

Councilors

Greg Evans, President
Alan Zelenka
Randy Groves
Matt Keating

Lyndsie Leech, Vice President
Jennifer Yeh
Mike Clark
Eliza Kashinsky

5:30 p.m. CITY COUNCIL HEARING

- 1. PUBLIC HEARING: An Ordinance Vacating a Portion of First Avenue West Located Within the Plat of Pioneer Resources Business Park and Providing for an Effective Date.**
- 2. PUBLIC HEARING: An Ordinance Vacating A Portion of Moss Alley and Providing for an Effective Date.**

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at www.eugene-or.gov.

May 19, 2025 Public Hearing

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Vacating a Portion of First Avenue West Located Within the Plat of Pioneer Resources Business Park and Providing for an Effective Date.

Meeting Date: May 19, 2025
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Jeff Gepper
Contact Telephone Number: 541-682-5282

ISSUE STATEMENT

The City Council will hold a public hearing on a right-of-way vacation request submitted by McDougal Bros Investments, LLC (City File VRI 25-1). The requested vacation of improved public right-of-way consists of a portion of First Avenue West located within the plat of Pioneer Resources Business Park. A vicinity map and aerial photo of the proposed vacation area is provided as Attachment A.

BACKGROUND

The applicant has requested a vacation of a portion of First Avenue West, which is a public right-of-way, to allow for the extension of a private gated street and fencing to help secure the industrial properties along First Avenue West.

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."

The area proposed to be vacated includes approximately 415 linear feet of First Avenue West public right-of-way. First Avenue West, more commonly referred to as West 1st Avenue, formerly served as a loop road providing access to the industrially zoned properties abutting the street. However, following the City Council's 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. A vicinity map of the proposed vacation area is provided as Attachment A. The applicant has proposed to reserve a public utility easement over the entire vacation area.

The right-of-way area proposed for vacation is located in a subdivision known as the plat of Pioneer Resources Business Park. The vacation area abuts two properties, one on the north side of the street and the other on the south side. The properties abutting the area to be vacated are undeveloped. The properties are zoned I-3 Heavy Industrial, which allows for a variety of industrial uses. As explained in greater detail by the applicant, the entire business park is heavily

impacted by the existence of a now sealed Bethel-Danebo landfill. Due to issues associated with the landfill site, it was deemed uninhabitable, and no permanent human occupancy is permitted within the footprint of the landfill. Additionally, the applicant cites numerous issues on the properties abutting the area proposed for vacation, including camping and crime, that have required City intervention and police response. If the City Council approves the proposed vacation, the applicant intends to expand the existing fence and secure area established following the previous vacation in 2024, adding this requested vacation area to the now private gated industrial park.

More details on this request can be found in the full record of application materials to date, which will be provided separately to Councilors. Otherwise, application materials can be made available to the public in hardcopy or electronic format upon request. As a courtesy, the materials can also be accessed online here:

<https://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=VRI-23-0001>

Consent of Abutting and Affected Property Owners

In accordance with Oregon Revised Statutes (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, 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 proposed vacation area of West 1st Avenue.

Based on the signed consent forms submitted with the application, the applicant has obtained consent to the proposed vacation from the property owners of approximately 95 percent of the affected area, which exceeds the minimum requirements of ORS 271.080 and Eugene Code (EC) 9.8710. The applicant is also required to obtain consent from the abutting property owners. All properties abutting the proposed vacation are owned by McDougal Bros Investments, LLC.

A map showing the affected area, and the area of property owner consent, is included in the application file for reference.

Utilities

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.

Determination of Assessment

Pursuant to EC 9.8710(5), the applicant is required to pay a deposit equal to the assessment of special benefit resulting from the vacation. The amount of money to be deposited is to be determined by the City Manager. Typically, the assessment is equivalent to the land value, plus the cost incurred by the City for construction of the public improvements (e.g. streets and sidewalks). In this case, the improvements were constructed by the developer as a Privately Engineering Public Improvement (PEPI) associated with the original subdivision. Given this fact, the City did

not incur any cost for the construction of the streets or other infrastructure and the amount of money to be deposited only accounts for the land value of the right-of-way.

The City provided a notice to the applicant of the assessment more than 20 days prior to the public hearing, in accordance with code requirements. The assessment was determined to be a total of \$10,000, which considered the value of the land area to be vacated, less the value of the public utility easement (PUE) to be reserved over the vacated area. At least five (5) working days prior to the public hearing, the applicant must submit a deposit of the full assessed amount with the City. If the application is approved and the vacation becomes effective, the deposit will be retained by the City. If the application is denied or the vacation fails to take effect for another reason, the deposit will be returned to the applicant.

Procedural Summary

The vacation request process serves 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 EC 9.8700-9.8725 and ORS 271.080-271.230, and procedures in EC 9.7445-9.7455. The public hearing will also be conducted consistent with quasi-judicial procedures in State law and as set forth in EC 9.7065-9.7095.

Notice of public hearing for the requested vacation has been provided in the following manner: On April 18, 2024, notice was mailed to owners of property within 100 feet of the vacation area and interested parties. On May 6, 2025, the property was posted in the immediate vicinity of the requested vacation; and on May 12, 2025, legal notice was published in The Register-Guard newspaper.

No public testimony has been received at this time. Any additional written testimony received prior to close of the record for this vacation application will be forwarded to City Council for consideration.

Applicable Criteria

In making a decision on the proposed right-of-way vacation, the Council must apply the following approval criterion:

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.

Findings demonstrating compliance with these requirements can be found in Exhibit C to the proposed vacation ordinance attached as Attachment B to this AIS.

PREVIOUS COUNCIL DIRECTION

None.

COUNCIL OPTIONS

No action is required at this time.

CITY MANAGER'S RECOMMENDATION

This item is scheduled for a public hearing only. Deliberations and potential action are scheduled for June 23, 2025.

ATTACHMENTS

A. Vicinity Map of Vacation Request

B. Draft Ordinance

Exhibit A – Legal Description

Exhibit B – Site Plan

Exhibit C – Findings

FOR MORE INFORMATION

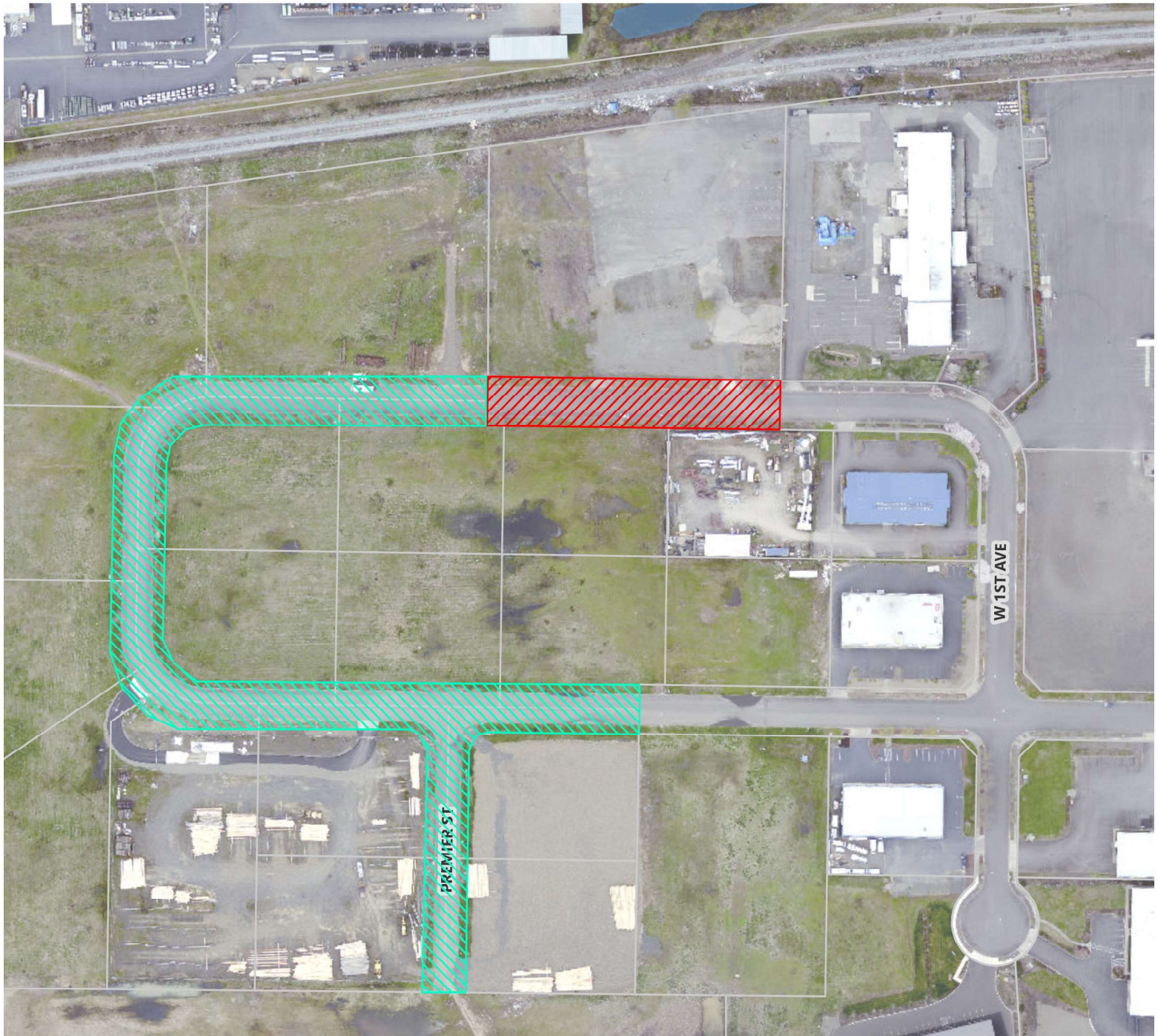
Staff Contact: Jeff Gepper, Principal Planner

Telephone: 541-682-5282

Staff E-Mail: JGepper@eugene-or.gov



ATTACHMENT A
Pioneer Resources Business Park ROW Vacation (VRI 25-1)
Vicinity Map

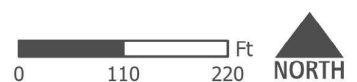


-  Right-of-Way to be Vacated
-  Taxlots
-  Eugene Urban Growth Boundary
-  Right-of-Way Vacated in 2024
(Ordinance No. 20709)



Caution: This map is based on imprecise source data, subject to change, and for general reference only.

Created on 4/29/2025
by City of Eugene Planning Division



ORDINANCE NO. _____

**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

_____ day of _____, 2025.

Approved by the Mayor this

_____ day of _____, 2025.

City Recorder

Mayor

EXHIBIT A

RIGHT-OF-WAY VACATION

JOB NO. 2300110

OCTOBER 9, 2024

LEGAL DESCRIPTION

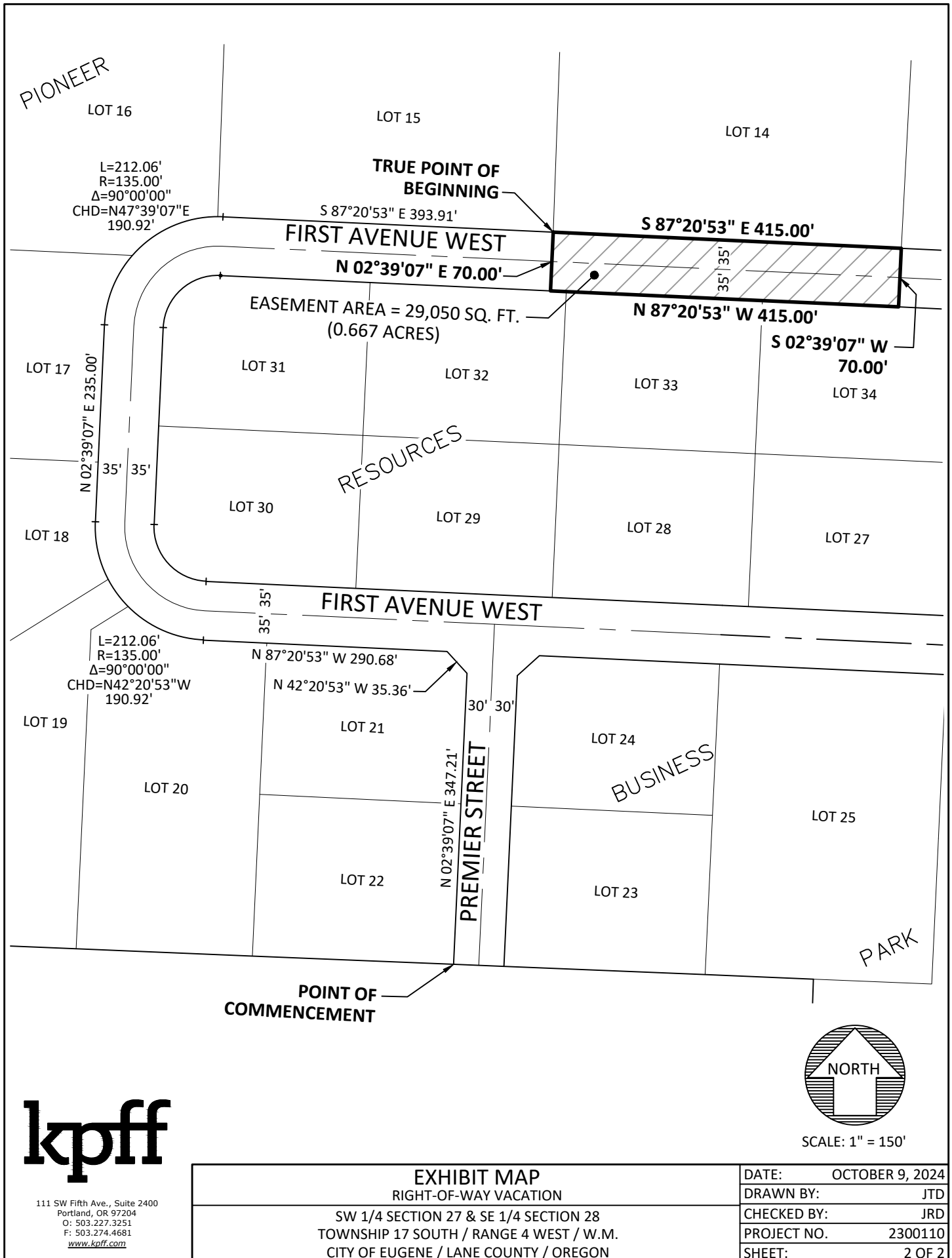
A TRACT OF LAND BEING A PORTION OF FIRST AVENUE WEST (70 FEET WIDE) ALL LYING WITHIN THE PLAT OF PIONEER RESOURCES BUSINESS PARK, RECORDED JUNE 29, 1998 IN FILE 75, SLIDE 662, LANE COUNTY SURVEY RECORDS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27 AND THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 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 1st 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.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Vacating A Portion of Moss Alley and Providing for an Effective Date.

Meeting Date: May 19, 2025
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Brai Black
Contact Telephone Number: 541-682-5437

ISSUE STATEMENT

The City Council will hold a public hearing on a request for a right-of-way vacation submitted by the University of Oregon (City File VRI 24-01). The University has requested vacation of a portion of the improved public right-of-way of Moss Alley, that is located south of East 17th Avenue and north of East 19th Avenue. A vicinity map and aerial photo of the proposed vacation area is provided as Attachment A to this AIS.

BACKGROUND

The applicant has requested vacation of a portion of Moss Alley that is located south of East 17th Avenue and north of East 19th Avenue, in order to create a contiguous development site for the proposed future construction of a University of Oregon student residence hall.

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." Moss Alley is a public way.

The area proposed to be vacated includes approximately 500.2 lineal feet of the Moss Alley public right-of-way. The block containing the portion of the alley 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. The portion of Moss Alley proposed for vacation 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. The applicant has proposed that the City retain a Public Utility Easement within the vacation area to allow the City access to existing City utility infrastructure located within the vacation area.

The area proposed for vacation abuts property that is zoned PL Public Land, with some adjacent property being within the /EC East Campus Overlay Zone. To the south of the area proposed for vacation is privately-owned land, which is zoned R-1 Low-Density Residential. Except for two vacant lots, all properties abutting the area to be vacated are developed with existing institutional uses. The zoning of abutting properties directly reflects the intended development of campus-related uses on land owned by the University of Oregon.

The University of Oregon's Next Generation Housing Development Plan, a long-range plan for on-campus housing and infrastructure, has identified the land directly south of East 17th Avenue, between Columbia Street and Moss Street, as a potential site for on-campus student housing development. As described by the applicant, the purpose of the vacation request is to create a contiguous development site, which will accommodate the development of a new student residence hall directly south of East 17th Avenue. The vacation is also intended to limit vehicular access to the subject portion of Moss Alley, enhancing pedestrian safety in the vacation area while minimizing impacts to the transportation system.

The University's eventual goal is to create a campus-scale block within the area surrounded by East 17th Avenue, Villard Street, East 19th Avenue, and Columbia Street. Vacation of the subject portion of Moss Alley, and the resultant consolidation of campus land abutting the alley to the east and west, will serve that goal by creating new opportunities for campus-scale, pedestrian-friendly redevelopment in the vacation area.

More details about this request can be found in the full record of application materials to date, which will be provided separately to Councilors. Otherwise, application materials can be made available to the public in hardcopy or electronic format upon request. As a courtesy, the materials can also be accessed online here:

<https://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=VRI-24-0001>

Consent of Abutting and Affected Property Owners

In accordance with Oregon Revised Statutes (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, ORS 271.080 identifies the "affected area" as the land lying on either side of the proposed vacation area to the next lateral street, and 400 feet beyond each terminus of the proposed vacation area.

The applicant has provided a consent form confirming that consent for the proposed vacation has been obtained from the owners of 100 percent of the abutting property and 76 percent of the affected area, which exceeds the minimum requirements of ORS 271.080 and Eugene Code (EC) 9.8710.

A map showing the affected area, and the area of property owner consent, is included in the application file for reference.

Utilities

Public Works has reviewed this application and the surrounding facilities and infrastructure affected by the request and has coordinated with the University of Oregon to ensure continued access to utilities. Concurrences from franchise utilities, including Eugene Water and Electric Board (EWEB), Comcast, NW Natural, and Lumen, have also been included with the application.

The right-of-way currently includes City stormwater facilities and underground wastewater service, as well as utilities operated by Comcast, NW Natural, Lumen, and EWEB. To ensure that access to the existing utilities is retained in the area surrounding the subject portion of right-of-way, the applicant has provided a Public Utility Relocation Plan, which is located in the application file for reference. The proposed Relocation Plan is designed to allow for the orderly and efficient

extension of utility services to existing and future development in the affected area. As proposed, the University of Oregon will be responsible for relocating utilities that are currently within the public right-of-way proposed for vacation.

The applicant has also 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 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 until the utilities are relocated out of the vacation area.

Determination of Assessment

Pursuant to EC 9.8710(5), the applicant is required to pay a deposit equal to the assessment of special benefit resulting from the vacation. The amount of money to be deposited is to be determined by the City Manager. The City provided a notice to the applicant of the assessment more than 20 days prior to the public hearing, in accordance with Eugene Code requirements. The assessment was determined to be a total of \$48,000, which considered the value of the land area to be vacated. At least five (5) working days prior to the public hearing, the applicant must submit a deposit of the full assessed amount with the City. If the application is approved and the vacation becomes effective, the deposit will be retained by the City. If the application is denied or the vacation fails to take effect for another reason, the deposit will be returned to the applicant.

Procedural Summary

The vacation request process serves 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 EC 9.8700-9.8725 and ORS 271.080-271.230, and procedures in EC 9.7445-9.7455. The public hearing will be conducted consistent with quasi-judicial procedures as set forth in EC 9.7065-9.7095.

Notice of the public hearing regarding the requested vacation has been provided in the following manner: On April 18, 2025, notice was mailed to owners of property within 100 feet of the vacation area and to interested parties. On May 6, 2025, public notice was posted in the immediate vicinity of the requested vacation; and on May 4, 2025, legal notice was published in The Register-Guard newspaper.

One piece of public testimony has been received and is included in the application record for reference. Any additional written testimony received prior to close of the record for this vacation application will be forwarded to the City Council for consideration.

Applicable Criteria

In making a decision on the proposed right-of-way vacation, the Council must apply the following approval criterion:

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.

Findings demonstrating compliance with these requirements can be found in Exhibit C to the proposed vacation Ordinance attached as Attachment B to this AIS.

PREVIOUS COUNCIL DIRECTION

None.

COUNCIL OPTIONS

No action is required at this time.

CITY MANAGER'S RECOMMENDATION

This item is scheduled for a public hearing only. Deliberations and potential action are scheduled for June 23, 2025.

ATTACHMENTS

- A. Vicinity Map and Aerial Map of Vacation Request
- B. Ordinance
 - Exhibit A – Legal Description
 - Exhibit B – Site Plan
 - Exhibit C – Findings
- C. Utility Relocation Plan and Assessment of Special Benefit Memorandum

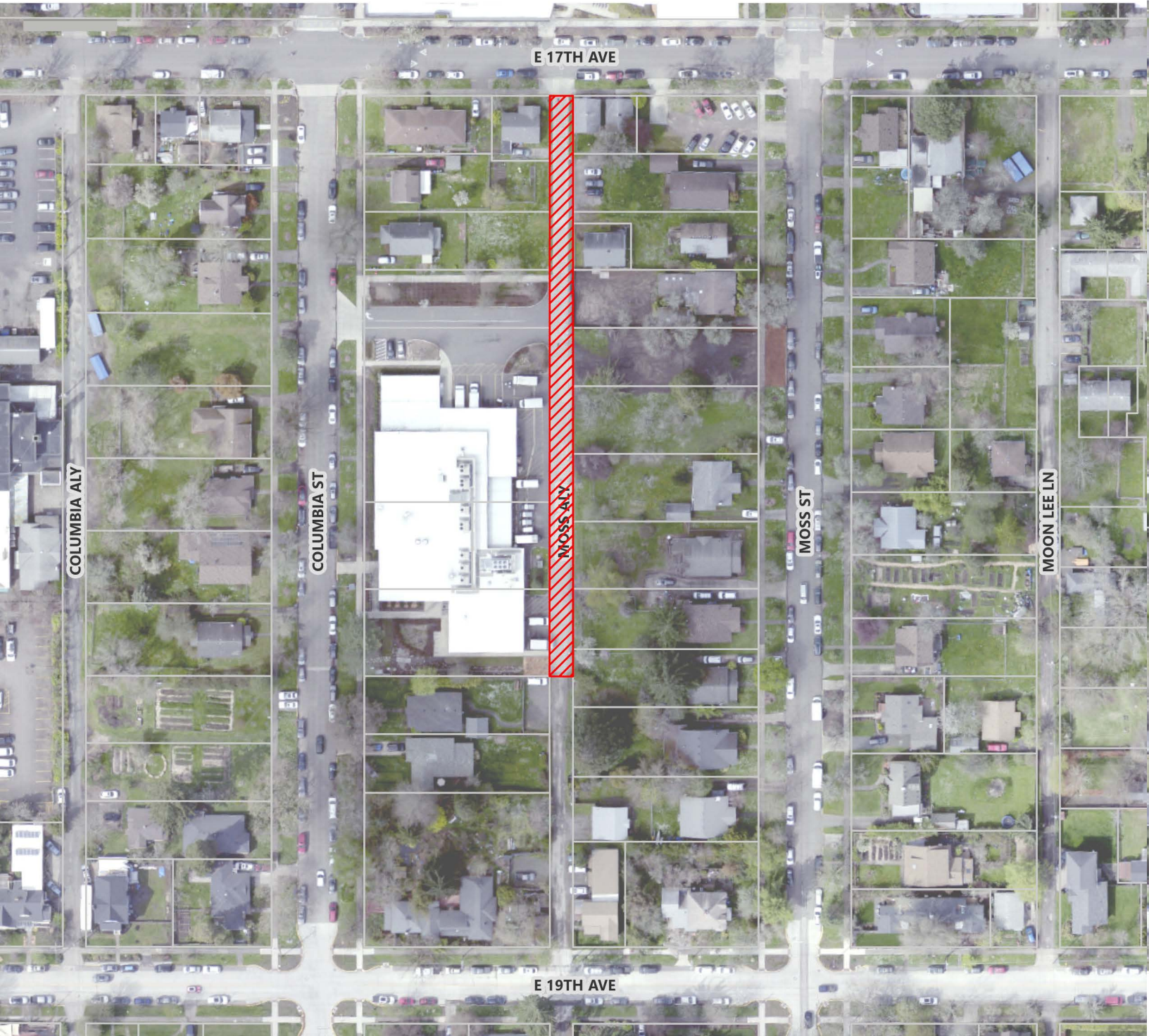
FOR MORE INFORMATION

Staff Contact: Brai Black, Assistant Planner
Telephone: 541-682-5437
Staff E-Mail: BBlack@Eugene-or.gov



Moss Alley ROW Vacation (VRI 24-1) Vicinity Map

ATTACHMENT A



-  Alley Right-of-Way to be Vacated
-  Taxlots
-  Eugene Urban Growth Boundary



Caution: This map is based on imprecise source data, subject to change, and for general reference only.

Created on 4/29/2025
by City of Eugene Planning Division

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ORDINANCE NO. _____

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

_____ day of _____, 2025.

Approved by the Mayor this

_____ day of _____, 2025.

City Recorder

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.



SCALE: 1" = 80'

UNIVERSITY OF OREGON
PUBLIC UTILITY EASEMENT

DATE:	25 APRIL 2025
DRAWN BY:	JAH
CHECKED BY:	JRD
PROJECT NO.	2400146
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.



Memorandum

Date: May 7, 2025
To: Eugene City Council
From: Brai Black, City of Eugene Planning Division
Subject: VRI 24-01 Utility Relocation Plan & Assessment of Special Benefit

BACKGROUND

The applicant, the University of Oregon, has requested vacation of a portion of the improved public right-of-way of Moss Alley located south of East 17th Avenue and north of East 19th Avenue that is approximately 500.20 lineal feet by 20 feet of right-of-way, totaling 10,004 square feet. The applicant has proposed and the City intends to retain a Public Utility Easement over the entire vacation area to allow the City to access existing City utility infrastructure located within the vacation area.

EC 9.8710(5) requires the applicant to pay an Assessment of Special Benefit to the City, the amount of which is determined by the City Manager and includes the assessed value of the real property to be vacated and any costs incurred by the City in the construction of public improvements.

UTILITY RELOCATION PLAN & PUBLIC UTILITY EASEMENTS

Upon initial submittal of the vacation request, the University of Oregon also provided a proposed Utility Relocation Plan, which is designed to allow for the orderly and efficient extension of utility services to existing and future development in the affected area. The first iteration of the Utility Relocation Plan provided by the applicant was considered preliminary, and as such, the dimensions and square footage of the vacation area were approximate. The utility relocation was originally anticipated to be partially completed by the time the vacation request would be presented to City Council for consideration, in May of 2025.

As part of the Utility Relocation Plan, the applicant had proposed two Public Utility Easements (PUEs), 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. This PUE is a 14-foot by 160.08-foot strip of land containing 2,241 square feet, running east-to-west from Moss Alley to Columbia Street, through property owned by the University of Oregon (identified as Tax Lot 02400 of Assessor's Map 17-03-32-44). The other PUE was originally proposed to cover the southern 6,365 square feet of the vacation area, aligning with the portion of the vacation area expected to contain remaining City utilities and franchise utilities following the proposed utility relocation. This PUE was designed to ensure that the existing utilities remaining in the southern portion of the alley would remain accessible to the City and affected utility companies for

operation and maintenance following the vacation.

Through continued coordination between the City of Eugene Planning Department, the City of Eugene Public Works Engineering Department, and the University of Oregon, it was determined that the proposed utility relocation would likely occur between July and September of 2025, which is later than was originally anticipated.

As the utility relocation would not commence until after City Council takes action on the vacation, which is scheduled for June 23, 2025, it is anticipated that the existing utilities in Moss Alley will remain in the vacation area, temporarily, following City Council action. As such, the applicant has provided a revised Public Utility Easement to cover the entire vacation area, instead of just the southern 6,365 square feet of the vacation area. This PUE is intended to be an interim measure, to ensure that the existing utilities in the Moss Alley right-of-way would be accessible to the City and affected utility companies on a temporary basis, until the utilities are relocated out of the vacation area.

ASSESSMENT OF SPECIAL BENEFIT

The City's initial Assessment of Special Benefit was provided to the applicant on February 14, 2025. The methodology for calculating the amount of the assessment assigns the value of right-of-way at 95% of the fee value; in this case, the assigned value per square foot is \$9.50. The fee assessed for vacated area over which the City holds a public utility easement (PUE) is calculated at 50% of the assigned value (\$4.75 per square foot).

The applicant initially proposed a PUE over the southern 6,365 square feet of the vacation area. As such, the 3,965 square feet of the vacation area that would not be covered by a PUE was assessed at \$9.50 per square foot for a total of \$37,667.50, and the area proposed to be covered by a PUE was assessed at \$4.75 per square foot for a total of \$30,233. In total, the Assessment of Special Benefit was calculated at a total of \$67,901.25, rounded to \$67,900.00.

As coordination between the City and the applicant has progressed, the timing of the utility relocation has been clarified. The applicant is now proposing, and has provided, a PUE covering the entire 10,004 square feet of vacated area.

Given these changes, an updated Assessment of Special Benefit has been prepared and provided to the applicant. The updated assessment was calculated using the same methodology applicable to the original assessment, but accounts for the area of the new PUE. As the new PUE will cover 10,004 square feet, assessed at \$4.75 per square foot, the amount of the assessment payable to the City has been calculated at \$47,519.00, rounded to \$48,000.00. The updated Assessment of Special Benefit was provided to the applicant on May 5, 2025. The applicant has provided the required assessment.