



## Medford City Council Meeting

# Agenda

October 19, 2017

6:00 P.M.

Medford City Hall, Council Chambers  
411 West 8<sup>th</sup> Street, Medford, Oregon

---

10. **Roll Call**

20. **Recognitions, Community Group Reports**

20.1 Introduction of Alba Students

20.2 Employee Recognition

20.3 Quarterly and Annual Travel Medford Report by Eli Matthews

30. **Oral Requests and Communications from the Audience**

Comments will be limited to 4 minutes per individual, group or organization. PLEASE SIGN IN.

40. **Public Hearings**

Comments are limited to a total of 30 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All others will be limited to 4 minutes. PLEASE SIGN IN.

40.1 COUNCIL BILL 2017-97 – CONTINUED – An ordinance vacating a portion of Belknap Road, located south of the intersection of Garfield Street and Center Drive. (SV-17-039) Land Use, Quasi-Judicial

40.2 COUNCIL BILL 2017-120 An ordinance vacating a portion of Myers Lane and the adjacent public utility easements located within the Stewart Meadows Planned Unit Development. (SV-17-069) Land Use, Quasi-Judicial

40.3 COUNCIL BILL 2017-121 An ordinance amending section 10.137 of the Medford Municipal Code to modify membership and quorum requirements of the Landmarks and Historic Preservation Commission. (DCA-15-088) Legislative

50. **Approval or Correction of the Minutes of the October 5, 2017 Regular Meeting**

60. **Consent Calendar**

60.1 COUNCIL BILL 2017-122 A resolution adopting a Supplemental Budget for the 2017-19 biennium.

60.2 COUNCIL BILL 2017-123 An ordinance awarding a contract in an amount of \$514,726.25 to FieldTurf USA for removal and replacement of worn synthetic turf at U.S. Cellular Community Park (USCCP).

60.3 COUNCIL BILL 2017-124 An ordinance authorizing execution of an Intergovernmental Agreement with the Medford School District 549C, to collect reimbursement for half of the

project expenses associated with the reconstruction and resurfacing of ten tennis courts located at North Medford High School.

60.4 COUNCIL BILL 2017-125 An ordinance awarding a contract in an amount of \$508,658 to Copeland Paving, Inc., for reconstruction and resurfacing of ten tennis courts on the campus of North Medford High School.

60.5 COUNCIL BILL 2017-126 An ordinance authorizing execution of an Intergovernmental Agreement with the Medford Rural Fire Protection District 2 to share the cost of the Deputy Fire Marshal position through June 30, 2027.

**70. Items Removed from Consent Calendar**

**80. Ordinances and Resolutions**

80.1 COUNCIL BILL 2017-96 CONTINUED – An ordinance repealing sections 8.004 and 8.400 through 8.495, amending section 8.497, and adding sections 8.320 through 8.380 regarding taxicabs and transportation network companies.

80.2 COUNCIL BILL 2017-127 An ordinance authorizing the City Manager to apply to the Jackson County Circuit Court to appoint the City of Medford as the receiver for Tax Maplot 372W25CD 9200 known as 205 Chestnut Street.

80.3 COUNCIL BILL 2017-128 An ordinance awarding three contracts in a total amount of \$1,194,650 to N Harris Computer Corporation for 1) software implementation services, 2) the software license, and 3) maintenance and support for new utility billing software.

**90. Council Business**

90.1 Proclamations issued:  
Red Ribbon Week – October 23 - 31, 2017  
Extra Mile Day – November 1, 2017

90.2 Committee Reports and Communications

**100. City Manager and Staff Reports**

100.1 Capital Improvement Project Update – Kristina Johnsen

100.2 Operation Care Results – Kristina Johnsen

100.3 Further reports from City Manager

**110. Adjournment**



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.1

www.ci.medford.or.us

**DEPARTMENT:** Planning Department  
**PHONE:** (541) 774-2380  
**STAFF CONTACT:** Matt Brinkley, AICP, CFM, Planning Director

**AGENDA SECTION:** Public Hearings  
**MEETING DATE:** October 19, 2017

## COUNCIL BILL 2017-97 - CONTINUED

An ordinance vacating a portion of Belknap Road, located south of the intersection of Garfield Street and Center Drive. (SV-17-039)

### SUMMARY AND BACKGROUND

The applicant (C.A. Galpin) submitted an application to vacate a portion of right-of-way located on Belknap Road just west of Center Drive and southeast of Garfield Street. The Planning Commission held a hearing on this matter on July 13, 2017. A letter was submitted by an adjacent property owner's attorney the day of the Commission hearing stating their objection to the vacation and potential financial damages. The letter indicated the adjacent owner had a majority of the frontage to be vacated. The statute (Oregon Revised Statute 271.080) provides the language to calculate the extent of the real property affected by the vacation. Staff was unable to indicate at the hearing, with certainty, if the property owner who filed the objection did have a majority of the frontage based on the statute. Staff requested a continuance of the matter to the following Planning Commission meeting.

Upon review of the statute and the City's noticing requirements, staff also identified a noticing error. The extent of the noticing boundary did not extend far enough to inform other property owners of the application. Because of this noticing error, Planning staff requested a second continuance from the Planning Commission until August 24, 2017, in order to re-notify adjacent property owners and research the items raised with the objections.

As a result of the objections received, the applicant submitted a revised proposal to vacate a smaller area of Belknap Road. The original proposal consisted of 0.96 acres while the revised proposal is 0.38 acres. The objector's attorney submitted a letter supporting the revised proposal and eliminating the prior objections and claims of damages.

At the Planning Commission meeting on August 24, 2017, the Commission forwarded a favorable recommendation to the City Council for the proposed street vacation. (SV-17-039)

### PREVIOUS COUNCIL ACTIONS

On June 1, 2017 – Resolution No. 2017-048 – Council approved a resolution initiating the vacation application and establishing a hearing date of August 17, 2017, for consideration of the matter. Staff asked for a continuance from the August 17, 2017 meeting date to September 21, 2017, in order to correct a procedural error in the noticing and finalize the Planning Commission proceedings. The applicant asked for a continuance from the September 21, 2017 meeting date to October 19, 2017 in order to work out details related to utility easements. The continuance was granted by vote of the City Council.

### ANALYSIS

In order for a city to vacate right-of-way it must be determined that local and state requirements are met. The proposal must comply with the City of Medford's Comprehensive Plan, including the Transportation System Plan. In regards to this proposal, this portion of Belknap Road is an unimproved local access road that is not needed as part of any current or future transportation purposes by the City. The other components necessary for approval relate to Oregon Revised Statute 271.130. If it is determined that the owners of the majority of an affected area object in writing or if the vacation will substantially affect the market value of an affected property, a street vacation cannot be approved unless the City pays for damages. In this case, the applicant revised the proposal by reducing the area to be vacated. By doing



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.1

[www.ci.medford.or.us](http://www.ci.medford.or.us)

---

so, the only objector submitted a letter in support of the vacation. Staff has determined both City and State requirements are met.

The Planning Commission held three hearings on the matter between July and August of 2017. At their meeting on August 24, 2017, the Commission forwarded a favorable recommendation to the City Council for approval of the proposed street vacation.

Since the Planning Commission hearings, the applicant has been working to remove the condition from the Public Works Department related to the requirement for a public utility easement over the entire vacated area. Once the applicant gets the approval from all of the utilities, this condition can be removed. It is anticipated that this will be done prior to the City Council hearing.

Another item to note, the Jackson County Assessor's office has made a determination as to where the vacated right-of-way would go back to if the Council approves the vacation. The vacated land would go back to Tax Lot 4801, the property adjacent to the north owned by the applicant.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

None.

## **TIMING ISSUES**

None.

## **COUNCIL OPTIONS**

- Approve the ordinance as presented
- Modify the ordinance as presented
- Decline to approve the ordinance as presented and direct staff regarding further action

## **STAFF RECOMMENDATION**

Staff recommends approval of the street vacation.

## **SUGGESTED MOTION**

I move to adopt the ordinance authorizing the vacation of a portion of Belknap Road as recommended by the Planning Commission.

## **EXHIBITS**

Email requesting continuance to December 7, 2017

---

## Karen M. Spoonts

---

**From:** Carol A. Wedman  
**Sent:** Tuesday, October 10, 2017 3:20 PM  
**To:** Karen M. Spoonts  
**Cc:** Sarah K. Sousa; Carla G. Paladino; Cassie J. Neahr; Winnie M. Shepard; Kristina M. Johnsen  
**Subject:** Belknap continuance  
**Attachments:** continuance request.pdf

Hi Karen,

Please see below. This Continuance is in regards to SV-17-039.

Warm Regards,

*Carol Wedman*, Office Administrator



City of Medford Planning Department  
200 South Ivy Street, Lausmann Annex  
Medford, OR 97501 | D: 541-774-2398  
*Live, Work, Play*

---

**From:** Sarah K. Sousa  
**Sent:** Tuesday, October 10, 2017 9:43 AM  
**To:** Carla G. Paladino; Carol A. Wedman; Matt H. Brinkley; Kelly A. Akin  
**Subject:** Belknap continuance

Hello All –

I have received a continuance request for the Belknap Street Vacation. It is scheduled to go to Council next Thursday, October 19. They are continuing it until December 7. This gives them time to work out issues with utilities .

The applicant will have someone at next Thursday's council meeting just in case there are any questions.

I told Carla I would make sure a Power Point presentation is ready in case the council does not continue it. Please let me know what else I need to do.

Thanks,  
Sarah

Sarah Sousa

Planner IV | City of Medford - Planning Department  
200 S. Ivy Street | Medford, OR 97501 | 541.774.2380



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

www.ci.medford.or.us

---

**DEPARTMENT:** Planning Department  
**PHONE:** 541-774-2380  
**STAFF CONTACT:** Matt Brinkley, AICP, CFM, Planning Director

**AGENDA SECTION:** Public Hearings  
**MEETING DATE:** October 19, 2017

---

## COUNCIL BILL 2017-120

An ordinance vacating a portion of Myers Lane and the adjacent public utility easements located within the Stewart Meadows Planned Unit Development. (SV-17-069)

## SUMMARY AND BACKGROUND

KOGAP Enterprises has submitted an application by petition to vacate a portion of Myers Lane. The portion of Myers Lane proposed to be vacated is located within the Stewart Meadows Village Planned Unit Development (PUD), a mixed-use commercial and residential community located on the old KOGAP mill site in South Medford, originally approved in 2007. An approved revision to the PUD in 2009 included a proposed realignment of Myers Lane correcting an existing offset of the Myers Lane intersection across Garfield Street.

The Site Plan and Architectural Commission (SPAC) approved the applicant's request for the development of 134 multi-family dwelling units to be located west of the new Myers Lane alignment on August 18, 2017, which included a condition of approval requiring that the applicant obtain approval for the vacation of the existing Myers Lane right-of-way prior to the issuance of building permits for the development. The existing Myers Lane has been closed throughout the construction of the new Myers Lane realignment, with construction close to completion. The approval of the subject vacation, and the subsequent completion of the new Myers Lane realignment, will allow for the reopening of this street connection between Garfield Street and Stewart Avenue after being closed for over a year.

At the Planning Commission hearing on September 14, 2017, the Commission forwarded a favorable recommendation to the City Council for the proposed street vacation. (SV-17-069)

Following the Planning Commission hearing, the applicant submitted revised legal descriptions and associated Maps of Survey for the areas proposed to be vacated and the areas of the new Myers Lane proposed to be dedicated, made at the request of the City Surveyor. The areas proposed for vacation/dedication have not been altered from the exhibits presented to the Planning Commission; rather, the revisions consist of minor clerical changes made in order to provide more clear and concise documentation. The revisions have been included as exhibits for this report.

## PREVIOUS COUNCIL ACTIONS

On September 21, 2017 – Resolution No. 2017-110 – Council approved a resolution establishing a hearing date of October 19, 2017, for consideration of the matter.

## ANALYSIS

In order for a city to vacate right-of-way it must be determined that local and state requirements are met. Per MLDC 10.202, the applicable criteria for the subject vacation request requires that the proposal comply with the Public Facilities Element of the City of Medford's Comprehensive Plan, including the Transportation System Plan; and, since the application was initiated by petition under ORS 271.080, the applicant must receive signed *Consent to Vacation* documentation from 100% of all abutting real property owners and two-thirds of all affected real property owners.

In regards to the proposal's compliance with the City's Comprehensive Plan and Transportation System Plan, though the goals and policies of the Comprehensive Plan are silent on right-of-way vacations, per the agency comments submitted to staff (Exhibits K-M), it can be found that public facilities can be made adequate to support the vacation request through the imposition of conditions.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

[www.ci.medford.or.us](http://www.ci.medford.or.us)

---

In regards to the proposal's compliance with ORS 271.080, the applicant's submitted vacation application included signed *Consent to Vacation* documentation from 100 percent of all abutting real property owners, and signed *Consent to Vacation* documentation from over two-thirds of all affected real property owners, consistent with the requirements found in ORS 271.080.

Staff has determined both City and State requirements are met.

## FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None

## TIMING ISSUES

None

## COUNCIL OPTIONS

- Approve the ordinance as presented
- Modify the ordinance as presented
- Deny the ordinance and provide direction to staff

## STAFF RECOMMENDATION

Staff recommends approval of the street vacation.

## SUGGESTED MOTION

I move to adopt the ordinance authorizing the vacation of a portion of Myers Lane, including the adjacent public utility easements, as recommended by the Planning Commission.

## EXHIBITS

Ordinance

Minutes – Planning Commission hearing from September 14, 2017

Planning Commission Staff Report, including Exhibits A-O

Legal description and associated Map of Survey of portion of Myers Lane roadway to be vacated (2 of 2)

Legal descriptions and associated Maps of Survey of vacation of Public Utility Easements (5 of 5)

Legal description and associated Maps of Survey of new Myers Lane roadway to be dedicated (4 of 4)

Legal description and associated Maps of Survey of Public Utility Easements to be dedicated (6 of 6)

ORDINANCE NO. 2017-120

AN ORDINANCE vacating a portion of Myers Lane and the adjacent public utility easements located within the Stewart Meadows Planned Unit Development.

WHEREAS, the City Council of the City of Medford, Oregon, by Resolution No. 2017-110 initiated proceedings for the vacation; and

WHEREAS, the City Council fixed 6:00 p.m. on October 19, 2017, in the Medford City Council Chambers, 411 W. 8th St., Medford, Oregon, as the time and place for hearing any objections to the proposed vacation of said area; and

WHEREAS, the City Recorder has given notice of the time and place for said hearing as required by law; and

WHEREAS, at the time and place set for hearing the City Council heard all objections to the proposed vacation; and

WHEREAS, on the basis of the facts and conclusions stated in the Staff Report dated September 7, 2017, on file in the Planning Department, the City Council has deemed it to be in the public interest that said area be vacated; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a portion of Myers Lane and the adjacent public utility easements located within the Stewart Meadows Planned Unit Development, described in Exhibit "A," "B," "C," "D," and "E" attached hereto and incorporated herein, is hereby vacated and the ownership of the said area hereby vacated shall become vested as provided by law; and an easement retained for any existing public utilities.

Section 2. The Council finds and determines that written objections were not received from the owners of a majority of the area affected by the vacation.

Section 3. The Council finds and determines that the vacation of said area in the City of Medford is in the public interest and does not damage or cause a deterioration of the market value of any real property of non-consenting owners (if any) abutting the same or any portion thereof and that no damage on account thereof shall be allowed.

Section 4. The City Recorder is hereby directed to cause a certified copy of this ordinance,

together with any map, plat or other record showing the area, to be filed with the County Surveyor of Jackson County, Oregon.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

State of Oregon     )  
County of Jackson    )

On this \_\_\_\_ day of \_\_\_\_\_, 2017, Gary H. Wheeler, as Mayor for the City of Medford, personally appeared before me and is known to me to be the person whose name is signed to this document, and acknowledges that he signed the document.

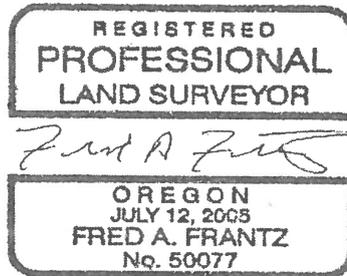
\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires:

**DESCRIPTION OF  
A PORTION OF MYERS LANE TO BE VACATED**

Commencing at the Northeast corner of Donation Land Claim Number 45, located in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence North 89°59'22" West, along the north line of said Donation Land Claim 45, a distance of 1360.48 feet to the Northwest corner of that tract described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon; thence South 00°03'00" East, along the west line of said tract, a distance of 783.76 feet, to the POINT OF BEGINNING; thence continue South 00°03'00" East, along said west line, a distance of 1743.15 feet, to a point on the north line of that tract described in Instrument Number 00-32491 of said Official Records; thence North 89°59'28" East, along said north line and its easterly extension, a distance of 60.06 feet, to a point on the west line of that tract described in Instrument Number 98-02983 of said Official Records; thence along said west line, along the arc of a curve to the right having a radius of 54.56 feet, a central angle of 02°33'08", a length of 2.43 feet and a long chord bearing and distance of North 01°29'28" West, 2.43 feet, to a point on the east line of said tract described in Instrument Number 75- 03262; thence North 00°03'00" West, along said east line, a distance of 1471.75 feet; thence North 24°00'19" West, leaving said east line, a distance of 13.80 feet; thence along the arc of a curve to the right having a radius of 631.50 feet, a central angle of 23°57'19", a length of 264.03 feet and a long chord bearing and distance of North 12°01'40" West, 262.11 feet, to the POINT OF BEGINNING.

The graphical depiction of the above description is shown on the attached EXHIBIT "B" A PORTION OF MYERS LANE TO BE VACATED.

Prepared by:  
Terrasurvey, Inc.  
274 Fourth Street  
Ashland, Oregon 97520



Renewal 12-31-17

# EXHIBIT 'B'

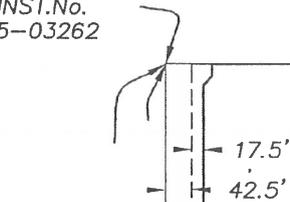
A PORTION OF MYERS LANE TO BE VACATED

N.W. CORNER  
INST.No.  
75-03262

N.E. CORNER  
DLC 45

N89°59'22"W 1360.48'

CENTER LINE STEWART AVENUE



783.76'

POINT OF BEGINNING

S00°03'00"E

1743.15'

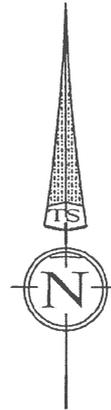
MYERS LANE

N00°03'00"W 1471.75'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	54.56'	2.43'	2°33'08"	N01°29'28"W	2.43'
C2	631.50'	264.03'	23°57'19"	N12°01'40"W	262.11'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°59'28"E	60.06'
L2	N24°00'19"W	13.80'

A DESCRIPTION OF THIS EXHIBIT TITLED "DESCRIPTION OF A PORTION OF MYERS LANE TO BE VACATED" IS ATTACHED.



SCALE: 1" = 300'

INDICATES AREA TO BE VACATED



REGISTERED  
**PROFESSIONAL  
LAND SURVEYOR**

*Fred A. Frantz*  
OREGON  
JULY 12, 2005  
FRED A. FRANTZ  
No. 50077

Renewal 12-31-17

**TERRASURVEY, INC.**

PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET  
ASHLAND, OREGON 97520

NORTH LINE  
INST.No. 00-32491

W.N.W.  
CORNER  
DLC 46

GARFIELD

INST.No. 02-61939

C1

STREET

S.E. CORNER  
DLC 45

INST.No. 75-03262 INST.No. 98-02983  
N89°59'28"E 1492.60'

## Description of Roadway Dedication

A tract of land lying in the East half of Section 31, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon; the said tract being of variable width, lying on a portion of both sides of the following described centerline:

COMMENCING at the Northeast corner of Donation Land Claim Number 45, located in Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon; thence North  $89^{\circ}59'22''$  West, a distance of 1317.98 feet to a 3-1/2" Brass Cap on the north line of that tract described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon; thence continuing along said north line, North  $89^{\circ}59'22''$  West, a distance of 11.00 feet to a 5/8" iron pin, which bears South  $89^{\circ}59'22''$  East, a distance of 31.50 feet from the northwest corner of said tract and being the POINT OF BEGINNING, said point being Station "M" 10+00.00; thence South  $00^{\circ}03'00''$  East, a distance of 783.73 feet to a 5/8" iron pin at Station "M" 17+83.73; thence along a curve to the left having a radius of 600.00 feet, a central angle of  $23^{\circ}57'19''$ , a length of 250.86 feet and a long chord bearing and distance of South  $12^{\circ}01'40''$  East, 249.04 feet, to a 5/8" iron pin at Station "M" 20+34.59; thence South  $24^{\circ}00'19''$  East, a distance of 553.65 feet to a 5/8" iron pin at Station "M" 25+88.24; thence along a curve to the right having a radius of 800.00 feet, a central angle of  $24^{\circ}00'19''$ , a length of 335.18 feet and a long chord bearing and distance of South  $12^{\circ}00'10''$  East, 332.73 feet, to a 5/8" iron pin at Station "M" 29+23.42; thence South  $00^{\circ}00'00''$  East, a distance of 703.26 feet to a 5/8" iron pin at Station "M" 36+26.68, being a point on the north line of that tract described in Instrument Number 02-61939 of the Official Records of Jackson County, Oregon; thence continue South  $00^{\circ}00'00''$  East, a distance of 87.16 feet to a point on the south line of Donation Land Claim 45 at Station "M" 37+13.84, said point bears South  $89^{\circ}59'28''$  West, a distance of 992.96 feet from the Southeast corner of said Donation Land Claim 45.

Said tract is described as follows:

COMMENCING at Station "M" 17+12.71, on the above described centerline; thence Easterly at right angles to said centerline 28.50 feet, to the POINT OF BEGINNING, said point being the Southwest corner of that tract described in Instrument Number 2016-037519 of the Official Records of Jackson County, Oregon; thence Southerly in a straight line to a point opposite and 31.50 feet Westerly of Station "M" 20+48.39, said point being on the East line of that tract described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon; thence Southeasterly in a straight line to a point opposite and 31.50 feet Westerly of Station "M" 25+88.24; thence on a 768.50 foot radius curve to the right (the long chord of which bears South  $12^{\circ}00'10''$  East, 319.63 feet) 321.98 feet to a point opposite and 31.50 feet Westerly of Station "M" 29+23.42; thence Southerly in a straight line to a point opposite and 31.50 feet Westerly of Station "M" 36+26.43, said point being on the north line of that tract described in Instrument

Number 02-61939 of the Official Records of Jackson County, Oregon; thence Easterly in a straight line along said north line to a point opposite and 31.50 feet Easterly of Station "M" 36+26.94; thence leaving said north line, Northerly in a straight line to a point opposite and 31.50 feet Easterly of Station "M" 29+23.42; thence on a 831.50 foot radius curve to the left (the long chord of which bears North 12°00'10" West, 345.83 feet) 348.38 feet to a point opposite and 31.50 feet Easterly of Station "M" 25+88.24; thence Northwesterly in a straight line to a point opposite and 31.50 feet Easterly of Station "M" 20+34.59; thence on a 568.50 foot radius curve to the right (the long chord of which bears North 12°01'40" West, 235.96 feet) 237.69 feet to a point opposite and 31.50 feet Easterly of Station "M" 17+83.73; thence Northerly in a straight line to a point opposite and 31.50 feet Easterly of Station "M" 17+12.71, said point being on the southerly line of that tract described in Instrument Number 2016-037519 of the Official Records of Jackson County, Oregon; thence Westerly in a straight line to a point 28.50 feet Easterly of "M" 17+12.71 and being the POINT OF BEGINNING.

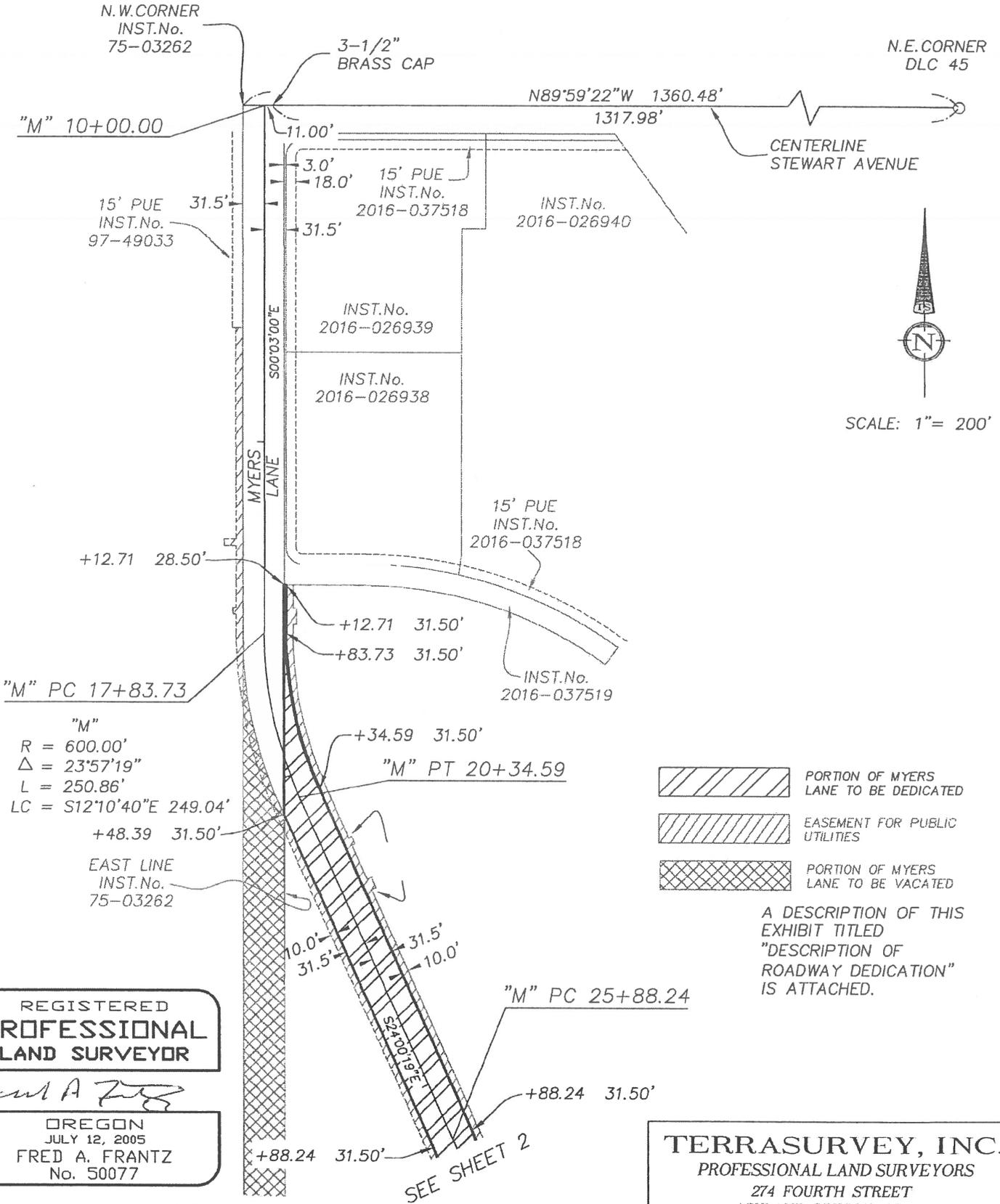
Bearings based on Survey No. 22056, Jackson County Surveyors Office.

The graphical depiction of the above description is shown on the attached Exhibit "B"  
ROADWAY DEDICATION.

Prepared by:  
Terrasurvey, Inc.  
274 Fourth Street  
Ashland, Oregon 97520



**EXHIBIT 'B'**  
 ROADWAY DEDICATION  
 SEC. 31, T. 37 S., R. 1 W., W.M.  
 SHEET 1 OF 2



REGISTERED  
**PROFESSIONAL  
 LAND SURVEYOR**

*Fred A. Frantz*

OREGON  
 JULY 12, 2005  
**FRED A. FRANTZ**  
 No. 50077

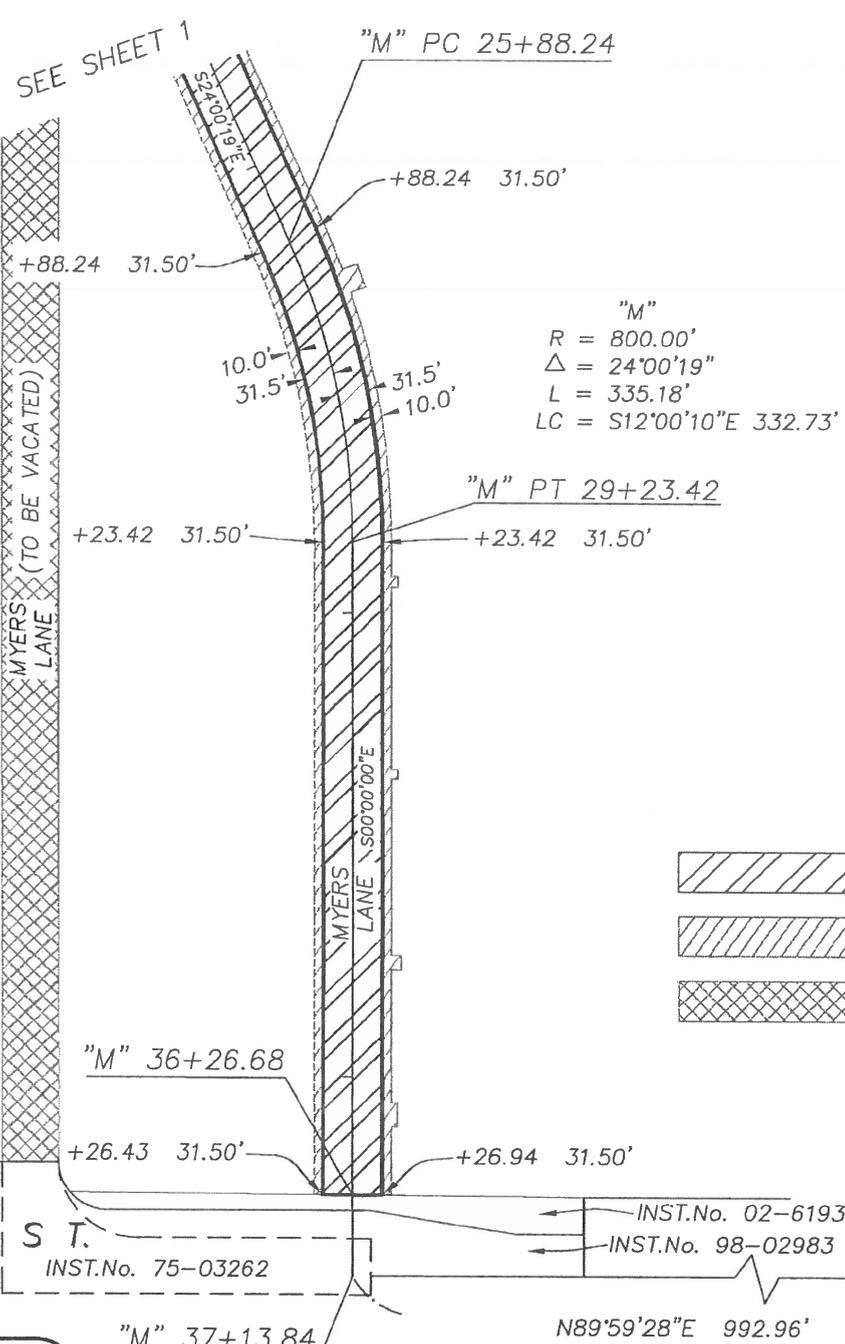
Renewal 12-31-17

**TERRASURVEY, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 274 FOURTH STREET  
 ASHLAND, OREGON 97520  
 SHEET 1 OF 2

**EXHIBIT 'B'**  
 ROADWAY DEDICATION  
 SEC. 31, T. 37 S., R. 1 W., W.M.  
 SHEET 2 OF 2

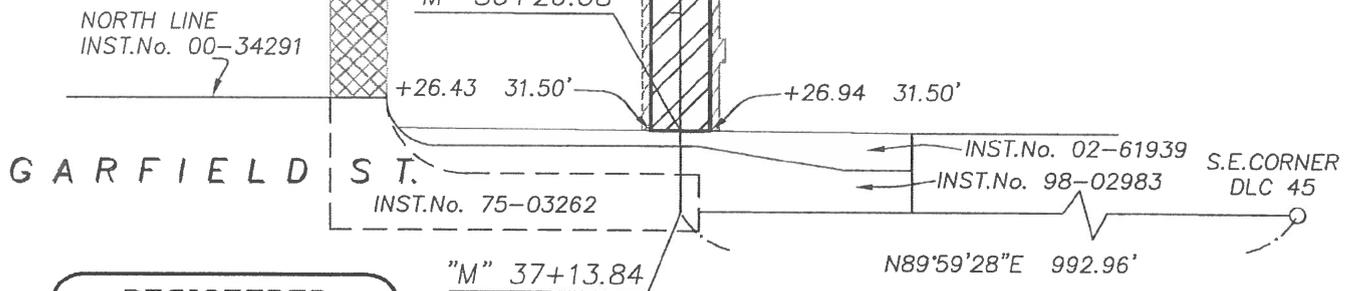


SCALE: 1" = 200'



"M"  
 R = 800.00'  
 $\Delta = 24^{\circ}00'19''$   
 L = 335.18'  
 LC = S12°00'10"E 332.73'

- PORTION OF MYERS LANE TO BE DEDICATED
- EASEMENT FOR PUBLIC UTILITIES
- PORTION OF MYERS LANE TO BE VACATED



REGISTERED  
**PROFESSIONAL  
 LAND SURVEYOR**

*Fred A. Frantz*  
 OREGON  
 JULY 12, 2005  
 FRED A. FRANTZ  
 No. 50077

Renewal 12-31-17

**TERRASURVEY, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 274 FOURTH STREET  
 ASHLAND, OREGON 97520

SHEET 2 OF 2

## Description of Public Utility Easement

A tract of land lying in the East half of Section 31, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon; the said tract being of variable width, lying on a portion of both sides of the following described centerline:

COMMENCING at the Northeast corner of Donation Land Claim Number 45, located in Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon; thence North  $89^{\circ}59'22''$  West, a distance of 1317.98 feet to a 3-1/2" Brass Cap on the north line of that tract described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon; thence continuing along said north line, North  $89^{\circ}59'22''$  West, a distance of 11.00 feet to a 5/8" iron pin, which bears South  $89^{\circ}59'22''$  East, a distance of 31.50 feet from the northwest corner of said tract and being the POINT OF BEGINNING, said point being Station "M" 10+00.00; thence South  $00^{\circ}03'00''$  East, a distance of 783.73 feet to a 5/8" iron pin at Station "M" 17+83.73; thence along a curve to the left having a radius of 600.00 feet, a central angle of  $23^{\circ}57'19''$ , a length of 250.86 feet and a long chord bearing and distance of South  $12^{\circ}01'40''$  East, 249.04 feet, to a 5/8" iron pin at Station "M" 20+34.59; thence South  $24^{\circ}00'19''$  East, a distance of 553.65 feet to a 5/8" iron pin at Station "M" 25+88.24; thence along a curve to the right having a radius of 800.00 feet, a central angle of  $24^{\circ}00'19''$ , a length of 335.18 feet and a long chord bearing and distance of South  $12^{\circ}00'10''$  East, 332.73 feet, to a 5/8" iron pin at Station "M" 29+23.42; thence South  $00^{\circ}00'00''$  East, a distance of 703.26 feet to a 5/8" iron pin at Station "M" 36+26.68, being a point on the north line of that tract described in Instrument Number 02-61939 of the Official Records of Jackson County, Oregon; thence continue South  $00^{\circ}00'00''$  East, a distance of 87.16 feet to a point on the south line of Donation Land Claim 45 at Station "M" 37+13.84, said point bears South  $89^{\circ}59'28''$  West, a distance of 992.96 feet from the Southeast corner of said Donation Land Claim 45.

Said tract is described as follows:

Commencing at Station "M" 17+12.71 on the above described centerline; thence Easterly at right angles to said centerline 31.50 feet, said point being on the southerly line of that tract described in Instrument Number 2016-037519 of the official Records of Jackson County, Oregon and being the POINT OF BEGINNING; thence Southerly in a straight line to a point opposite and 31.50 Easterly of Station "M" 17+83.73; thence on a 568.50 foot radius curve to the left (the long chord of which bears South  $12^{\circ}01'40''$  East, 235.96 feet) 237.69 feet, to a point opposite and 31.50 feet Easterly of Station "M" 20+34.59; thence Southeasterly in a straight line to a point opposite and 31.50 feet Easterly of Station "M" 25+88.24; thence on a 831.50 foot radius curve to the right (the long chord of which bears South  $12^{\circ}00'10''$  East, 345.83 feet) 348.38 feet to a point opposite and 31.50 feet Easterly of Station "M" 29+23.42 on said centerline; thence Southerly in a straight line to a point opposite and 31.50 feet Easterly of Station "M" 36+26.94; said point being

a point on the north line of that tract described in Instrument Number 02-61939 of said Official Records; thence Easterly in a straight line along said north line to a point opposite and 41.50 feet Easterly of Station "M" 36+27.02; thence leaving said north line, Northerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 35+53.00; thence Easterly in a straight line to a point opposite and 47.50 feet Easterly of Station "M" 35+53.00; thence Northerly in a straight line to a point opposite and 47.50 feet Easterly of Station "M" 35+27.00; thence Westerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 35+27.00; thence Northerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 33+84.00; thence Easterly in a straight line to a point opposite and 51.50 feet Easterly of Station "M" 33+84.00; thence Northerly in a straight line to a point opposite and 51.50 feet Easterly of Station "M" 33+68.00; thence Westerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 33+68.00; thence Northerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 31+79.00; thence Easterly in a straight line to a point opposite and 48.50 feet Easterly of Station "M" 31+79.00; thence Northerly in a straight line to a point opposite and 48.50 feet Easterly of Station "M" 31+68.00; thence Westerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 31+68.00; thence Northerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 29+71.00; thence Easterly in a straight line to a point opposite and 48.50 feet Easterly of Station "M" 29+71.00; thence Northerly in a straight line to a point opposite and 48.50 feet Easterly of Station "M" 29+60.00; thence Westerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 29+60.00; thence Northerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 29+23.42; thence on a 841.50 foot radius curve to the left (the long chord of which bears North 09°21'41" West, 273.76 feet) 274.98 feet to a point opposite and 41.50 feet Easterly of Station "M" 26+62.00; thence Northeasterly in a straight line to a point opposite and 58.50 feet Easterly of Station "M" 26+62.00; thence on a 858.50 foot radius curve to the left (the long chord of which bears North 19°37'05" West, 26.83 feet) 26.83 feet to a point opposite and 58.50 feet Easterly of Station "M" 26+37.00; thence Southwesterly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 26+37.00; thence on a 841.50 foot radius curve to the left (the long chord of which bears North 22°15'33" West, 51.28 feet) 51.29 feet to a point opposite and 41.50 feet Easterly of Station "M" 25+88.24; thence Northwesterly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 22+02.00; thence Northeasterly in a straight line to a point opposite and 48.50 feet Easterly of Station "M" 22+02.00; thence Northwesterly in a straight line to a point opposite and 48.50 feet Easterly of Station "M" 21+85.00; thence Southwesterly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 21+85.00; thence Northwesterly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 21+30.00; thence Northeasterly in a straight line to a point opposite and 46.50 feet Easterly of Station "M" 21+30.00; thence Northwesterly in a straight line to a point opposite and 46.50 feet Easterly of Station "M" 21+19.00; thence Southwesterly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 21+19.00; thence Northwesterly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 20+34.59; thence on a 558.50 foot radius curve to the right (the long chord of which bears North 12°01'40" West, 231.81 feet)

233.51 feet to a point opposite and 41.50 feet Easterly of Station "M" 17+83.73; thence Northerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 17+71.00; thence Easterly in a straight line to a point opposite and 46.50 feet Easterly of Station "M" 17+71.00; thence Northerly in a straight line to a point opposite and 46.50 feet Easterly of Station "M" 17+47.00; thence Westerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 17+47.00; thence Northerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 17+12.71, said point being on the southerly line of said tract described in Instrument Number 2016-037519; thence Westerly in a straight line to a point opposite and 31.50 feet Easterly of Station "M" 17+12.71, and the POINT OF BEGINNING.

TOGETHER WITH:

COMMENCING at Station "M" 13+29.97 on the above described centerline; thence Westerly at right angles to said centerline 31.50 feet, said point being on the west line of that tract described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon, and the south line of that tract described in Instrument Number 97-49033, of said Official Records and the POINT OF BEGINNING; thence Southerly in a straight line to a point opposite and 31.50 feet Westerly of Station "M" 17+83.73; thence on a 631.50 foot radius curve to the left (the long chord of which bears South 12°01'40" East, 262.11 feet) 264.03 feet to a point opposite and 31.50 feet Westerly of Station "M" 20+34.59; thence Southeasterly in a straight line to a point opposite and 31.50 feet Westerly of Station "M" 25+88.24; thence on a 768.50 foot radius curve to the right (the long chord of which bears South 12°00'10" East, 319.63 feet) 321.98 feet to a point opposite and 31.50 feet Westerly of Station "M" 29+23.42; thence Southerly in a straight line to a point opposite and 31.50 feet Westerly of Station "M" 36+26.43, said point being a point on the north line of that tract described in Instrument Number 02-61939 of the said Official Records; thence Westerly in a straight line along said north line to a point opposite and 41.50 feet Westerly of Station "M" 36+26.35; thence leaving said north line, Northerly in a straight line to a point opposite and 41.50 feet Westerly of Station "M" 29+23.42; thence on a 758.50 foot radius curve to the left (the long chord of which bears North 12°00'10" West, 315.47 feet) 317.79 feet to a point opposite and 41.50 feet Westerly of Station "M" 25+88.24; thence Northwesterly in a straight line to a point opposite and 41.50 feet Westerly of Station "M" 20+34.59; thence on a 641.50 foot radius curve to the right (the long chord of which bears North 12°01'40" West, 266.26 feet) 268.21 feet to a point opposite and 41.50 feet Westerly of Station "M" 17+83.73; thence Northerly in a straight line to a point opposite and 41.50 feet Westerly of Station "M" 17+56.00; thence Westerly in a straight line to a point opposite and 46.50 feet Westerly of Station "M" 17+56.00; thence Northerly in a straight line to a point opposite and 46.50 feet Westerly of Station "M" 17+46.00; thence Easterly in a straight line to a point opposite and 41.50 feet Westerly of Station "M" 17+46.00; thence Northerly in a straight line to a point opposite and 41.50 feet Westerly of Station "M" 16+54.00; thence Westerly in a straight line to a point opposite and 58.50 feet Westerly of Station "M" 16+54.00; thence Northerly in a straight line to a point opposite and 58.50 feet Westerly of Station "M" 16+44.00; thence Easterly in a

straight line to a point opposite and 41.50 feet Westerly of Station "M" 16+44.00; thence Northerly in a straight line to a point opposite and 41.50 feet Westerly of Station "M" 13+29.97, said point being on the south line of that tract described in Instrument Number 97-49033; thence Easterly in a straight line to a point opposite and 31.50 feet Westerly of Station "M" 13+29.97 and the POINT OF BEGINNING.

Bearings based on Survey No. 22056, Jackson County Surveyors Office.

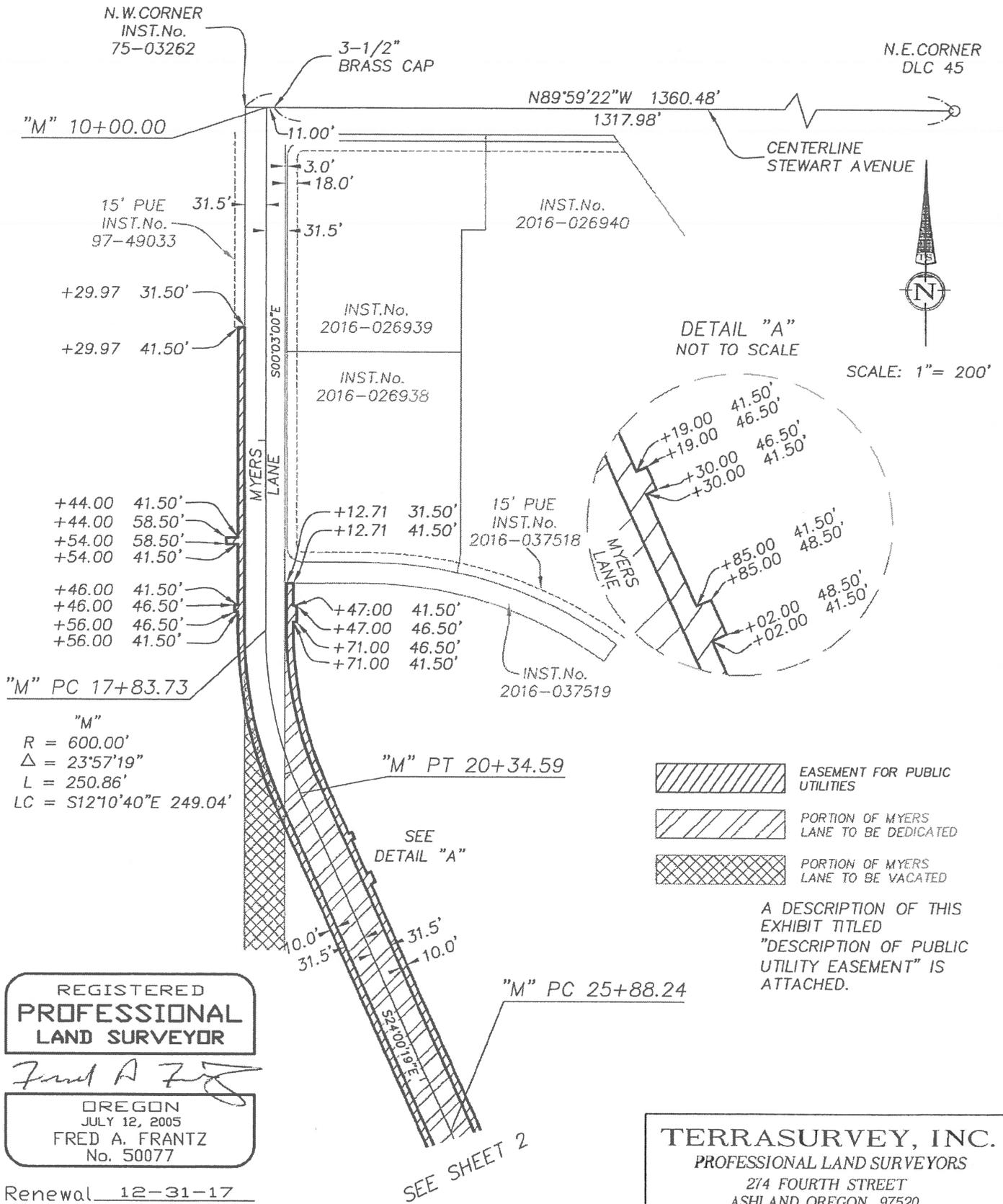
The graphical depiction of the above description is shown on the attached Exhibit "B" PUBLIC UTILITY EASEMENT.

Prepared by:  
TerraSurvey, Inc.  
274 Fourth Street  
Ashland, Oregon 97520



# EXHIBIT 'B'

## PUBLIC UTILITY EASEMENT SHEET 1 OF 2



**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Fred A. Frantz*

OREGON  
JULY 12, 2005  
FRED A. FRANTZ  
No. 50077

Renewal 12-31-17

**TERRASURVEY, INC.**  
PROFESSIONAL LAND SURVEYORS  
214 FOURTH STREET  
ASHLAND, OREGON 97520

SHEET 1 OF 2

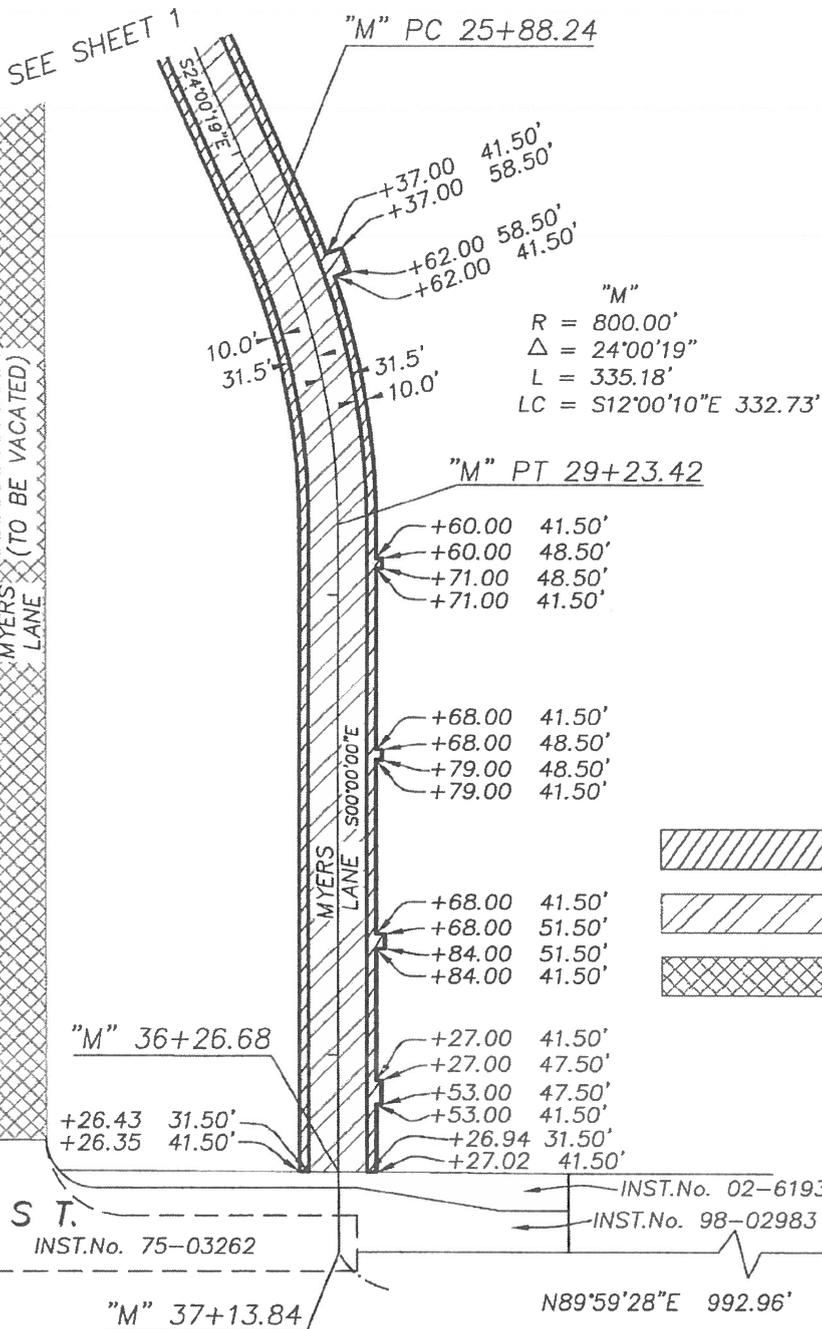
# EXHIBIT 'B'

## PUBLIC UTILITY EASEMENT

### SHEET 2 OF 2



SCALE: 1" = 200'



- EASEMENT FOR PUBLIC UTILITIES
- PORTION OF MYERS LANE TO BE DEDICATED
- PORTION OF MYERS LANE TO BE VACATED

REGISTERED  
**PROFESSIONAL  
LAND SURVEYOR**

*Fred A. Frantz*  
OREGON  
JULY 12, 2005  
FRED A. FRANTZ  
No. 50077

Renewal 12-31-17

**TERRASURVEY, INC.**  
PROFESSIONAL LAND SURVEYORS  
274 FOURTH STREET  
ASHLAND, OREGON 97520  
SHEET 2 OF 2

**DESCRIPTION OF  
VACATION OF INSTRUMENT NUMBER 95-25760 EXHIBIT "A" AND A  
PORTION OF EXHIBIT "B"  
A PUBLIC UTILITY EASEMENT**

This description is for the vacation of the public utility easements for the installation and maintenance of public utilities, as described in Instrument Number 95-25760, of the Official Record of Jackson County, Oregon and includes Exhibit "A" and a portion of Exhibit "B" of said Instrument Number, and being described as follows:

Exhibit "A"

Vacation of an easement for the installation and maintenance of public utilities:

Commencing at the northeast corner of Donation Land Claim Number 45, located in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence North 89°59'22" West, a distance of 1300.48 feet, to a point which bears North 00°03'00" West, a distance of 40.00 feet from the Southwest corner of that tract described in Instrument Number 97-45264 of the Official Record of Jackson County, Oregon; thence South 00°03'00" East, along the west line of said tract and the East line of Myers Lane as described in Instrument Number 75-03262 of said Official Record, a distance of 1662.04 feet to the POINT OF BEGINNING; thence South 88°11'45" East, leaving said east line, a distance of 15.01 feet; thence North 00°03'00" West, a distance of 50.03 feet; thence South 88°11'45" East, a distance of 370.28 feet; thence South 78°53'49" East, a distance of 73.45 feet; thence along the arc of a curve to the left, having a radius of 15.00 feet, a central angle of 42°02'12", a length of 11.00 feet and a long chord bearing and distance of North 73°55'29" East, 10.76 feet; thence along the arc of a curve to the right, having a radius of 45.00 feet, a central angle of 30°59'53", a length of 24.35 feet and a long chord bearing and distance of North 68°24'59" East, 24.05 feet; thence North 00°15'34" East, a distance of 15.07 feet; thence along the arc of a curve to the left, having a radius of 60.00 feet, a central angle of 32°35'24", a length of 34.13 feet and a long chord bearing and distance of South 68°12'41" West, 33.67 feet; thence North 78°53'49" West, a distance of 73.05 feet; thence North 88°11'45" West, a distance of 387.20 feet, to the East line of said Myers Lane; thence South 00°03'00" East, a distance of 64.41 feet to the POINT OF BEGINNING.

A portion of Exhibit "B"

Vacation of an easement for the installation and maintenance of public utilities:

Commencing at the northeast corner of Donation Land Claim Number 45, located in the Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence North 89°59'22" West, a distance of 1300.48 feet, to a point which bears North 00°03'00" West, a distance of 40.00 feet, from the Southwest corner of that tract described in Instrument Number 97-45264 of the Official Record of Jackson County, Oregon; thence South 00°03'00" East, along the west line of said tract and the East line of Myers Lane as described in Instrument Number 75-03262 of said Official Record, a distance of 1662.04 feet to the POINT

OF BEGINNING; thence South 88°11'45" East, leaving said east line, a distance of 15.01 feet; thence South 00°03'00" East, a distance of 861.62 feet; thence along the arc of a curve to the left, having a radius of 39.57 feet, a central angle of 63°18'20", a length of 43.72 feet and a long chord bearing and distance of South 31°41'58" East, 41.53 feet, to a point on the north line of that tract described in Instrument Number 02-61939 of said Official Records; thence along said north line through the following courses; North 89°33'55" West, a distance of 24.10 feet: thence along the arc of a curve to the right, having a radius of 54.56 feet, a central angle of 37°10'12", a length of 35.40 feet and a long chord bearing and distance of North 21°21'08" West, 34.78 feet, to a point on the East line of said Myers Lane; thence North 00°03'00" West, a distance of 862.42 feet, to the POINT OF BEGINNING.

The graphical depiction of the above description is shown on the attached EXHIBIT "B" VACATION OF INSTRUMENT NUMBER 95-25760 EXHIBIT "A" AND A PORTION OF EXHIBIT "B" A PUBLIC UTILITY EASEMENT.

Prepared by:  
Terrasurvey, Inc.  
247 Fourth Street  
Ashland, Oregon 97520



# EXHIBIT 'B'

VACATION OF INSTRUMENT NUMBER 95-25760  
EXHIBIT "A" AND A PORTION OF EXHIBIT "B"  
A PUBLIC UTILITY EASEMENT

N.E. CORNER  
DLC 45

N89°59'22"W 1300.48'

S.W. CORNER  
INSTR.No.  
97-45264

CENTER LINE STEWART AVENUE

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	15.00'	11.00'	42°02'12"	N73°55'29"E	10.76'
C2	45.00'	24.35'	30°59'53"	N68°24'59"E	24.05'
C3	39.57'	43.72'	63°18'20"	S31°41'58"E	41.53'
C4	54.56'	35.40'	37°10'12"	N21°21'08"W	34.78'
C5	60.00'	34.13'	32°35'24"	S68°12'41"W	33.67'

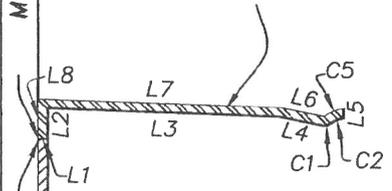
LINE TABLE		
LINE	BEARING	LENGTH
L1	S88°11'45"E	15.01'
L2	N00°03'00"W	50.03'
L3	S88°11'45"E	370.28'
L4	S78°53'49"E	73.45'
L5	N00°15'34"E	15.07'
L6	N78°53'49"W	73.05'
L7	N88°11'45"W	387.20'
L8	S00°03'00"E	64.41'
L9	N89°33'55"W	24.10'

MYERS LANE

S00°03'00"E 1662.04'

EAST LINE MYERS LN. PER  
INST.No 75-03262

INST.No. 95-25760, EXHIBIT "A"  
TO BE VACATED



A DESCRIPTION OF THIS  
EXHIBIT TITLED "DESCRIPTION  
OF VACATION OF INSTRUMENT  
NUMBER 95-25760 EXHIBIT  
"A" AND A PORTION OF  
EXHIBIT "B" A PUBLIC UTILITY  
EASEMENT" IS ATTACHED.

REGISTERED  
**PROFESSIONAL  
LAND SURVEYOR**

*Fred A Frantz*

OREGON  
JULY 12, 2005  
FRED A. FRANTZ  
No. 50077

PORTION OF INST.No. 95-25760  
EXHIBIT "B"  
TO BE VACATED

SCALE: 1" = 300'

Renewal 12-31-17

**TERRASURVEY, INC.**  
PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET  
ASHLAND, OREGON 97520

NORTH LINE  
INST.No.02-61939

PORTION OF INST.No.  
95-25760, EXHIBIT "B"  
SOUTH OF GARFIELD  
RIGHT OF WAY

NORTH LINE  
INST.No. 00-32491

W.N.W. CORNER  
DLC 46

GARFIELD

STREET

S.E. CORNER  
DLC 45

S89°59'28"W 2002.80'

EXHIBIT

FOR VACATION OF INST.No. 95-26121  
A WATER LINE EASEMENT

N.E.CORNER  
DLC 45

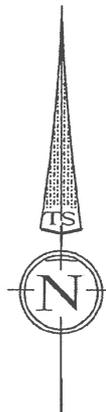
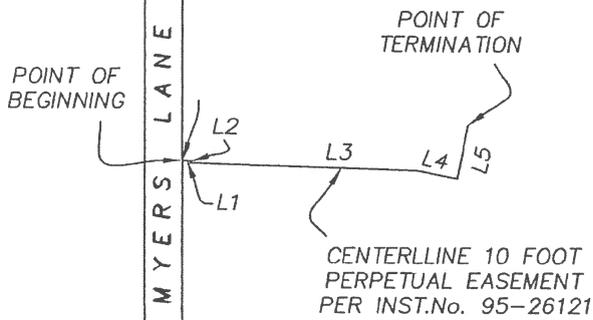
N89°59'25"W 1300.42'

CENTER LINE STEWART AVENUE

S00°03'00"E 1662.06'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S88°11'45"E	14.19'
L2	S01°48'15"W	3.51'
L3	S88°11'56"E	365.08'
L4	S78°53'49"E	65.83'
L5	N11°06'11"E	87.00'

EAST LINE MYERS  
LN. PER INST.No  
75-03262



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Fred A. Frantz*

OREGON  
JULY 12, 2005  
FRED A. FRANTZ  
No. 50077

SCALE: 1" = 300'

Renewal 12-31-17

TERRASURVEY, INC.

PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET  
ASHLAND, OREGON 97520

GARFIELD

STREET

INST.No. 75-03262

**DESCRIPTION OF  
VACATION OF INSTRUMENT NUMBER 98-10481,  
A PUBLIC UTILITY EASEMENT**

This description is for the vacation of the 15.00 foot wide public utility easement as described in Instrument Number 98-10481 of the Official Records of Jackson, County, Oregon, being 15.00 feet wide, the western and northern line of which is coincident with the following described line:

Commencing at the southeast corner of Donation Land Claim Number 45 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence South 89°59'28" West, a distance of 972.97 feet, to the eastern line of Myers Lane as described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon; thence along said eastern line, North 00°20'18" East, a distance of 40.00 feet; thence South 89°59'28" West, a distance of 251.94 feet; thence along the arc of a curve to the right having a radius of 84.59 feet, a central angle of 89°57'32", a length of 132.80 feet and a long chord bearing and distance of North 45°01'46" West, 119.58 feet; thence North 00°03'00" West, a distance of 1074.47 feet to the southwest corner of that tract described in Instrument Number 95-06852 of said Official Records and the POINT OF BEGINNING of the line to be described; thence North 00°03'00" West, a distance of 1409.99 feet, to a point which bears South 00°00'38" West, a distance of 40.00 feet, from the north line of said Donation Land Claim Number 45; thence South 89°59'22" East, parallel with said north line a distance of 433.40 feet, to the southwest corner of that TRACT A as described in Instrument Number 95-04268 of said Official Records; thence South 89°59'22" East, a distance of 54.98 feet to the southeast corner there of and the point of termination of the line described.

The graphical depiction of the above description is shown on the attached EXHIBIT "B" VACATION OF INSTRUMENT NUMBER 98-10481, A PUBLIC UTILITY EASEMENT.

Prepared by:  
Terrasurvey, Inc.  
274 Fourth Street  
Ashland, Oregon 97520



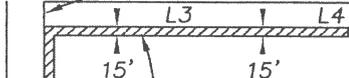
# EXHIBIT 'B'

VACATION OF INSTRUMENT NUMBER 98-10481  
A PUBLIC UTILITY EASEMENT

N.E. CORNER  
DLC 45

S00°00'38"W  
40.00'

N89°59'22"W 1300.44'



INST.No. 98-10481  
TO BE VACATED

CENTER LINE STEWART AVENUE

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	84.59'	132.80'	89°57'32"	N45°01'46"W	119.58'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°20'18"E	40.00'
L2	S89°59'28"W	251.94'
L3	S89°59'22"E	433.40'
L4	S89°59'22"E	54.98'

A DESCRIPTION OF THIS  
EXHIBIT TITLED "DESCRIPTION  
OF VACATION OF INSTRUMENT  
NUMBER 98-10481 A PUBLIC  
UTILITY EASEMENT" IS  
ATTACHED.

MYERS LANE

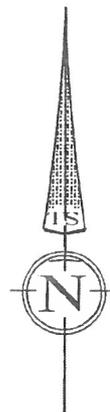
S00°03'00"E 1409.99'

N00°03'00"W 1074.47'

INST.No. 98-10481  
TO BE VACATED

SOUTHWEST CORNER  
INSTRUMENT No. 95-06852

EAST LINE MYERS  
LN. PER INST.No  
75-03262



REGISTERED  
**PROFESSIONAL  
LAND SURVEYOR**

*Fred A. Frantz*  
OREGON  
JULY 12, 2005  
FRED A. FRANTZ  
No. 50077

SCALE: 1" = 300'

Renewal 12-31-17

**TERRASURVEY, INC.**

PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET  
ASHLAND, OREGON 97520

W.N.W. CORNER  
DLC 46

GARFIELD

STREET

S89°59'28"W 972.97'

INST.No. 75-03262  
S89°59'28"W 2002.80'

S.E. CORNER  
DLC 45



## Planning Commission

# Minutes

Excerpt From Public Hearing on **September 14, 2017**

The regular meeting of the Planning Commission was called to order at 5:30 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

### Commissioners Present

Patrick Miranda, Chair  
David McFadden, Vice Chair  
David Culbertson  
Joe Foley  
Bill Mansfield  
Mark McKechnie  
E.J. McManus  
Alex Poythress  
Jared Pulver

### Staff Present

Kelly Akin, Assistant Planning Director  
Eric Mitton, Senior Assistant City Attorney  
Alex Georgevitch, City Engineer  
Greg Kleinberg, Fire Marshal  
Terri Rozzana, Recording Secretary  
Dustin Severs, Planner III  
Steffen Roennfeldt, Planner III

### 10. Roll Call

### 50. Public Hearings – Old Business

**50.1 SV-17-069** Consideration of a request for the vacation of an approximate 60-foot wide strip of public right-of-way along with the adjacent Public Utility Easements, being a portion of Myers Lane, running north from Garfield Avenue approximately 1743 feet in length, within the Stewart Meadows Village Planned Unit Development. (KOGAP Enterprises, Applicant; Maize & Associates, Agent; Dustin Severs, Planner III).

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. None were disclosed.

Chair Miranda inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Dustin Severs, Planner III, stated that the vacation criteria can be found in the Medford Land Development Code Section 10.202. The applicable criteria was included in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

The Public Hearing was opened.

a. Jim Maize, Maize & Associates, P. O. Box 628, Medford, Oregon, 97501-0042. Mr. Maize reported that the applicant is requesting a vacation for a portion of the Myers Lane right-of-way because it will become a later development potential. The applicant

is eager to get started on the residential buildings this fall. Along with the right-of-way dedication there are two public utility easements that need to be vacated and they will be rededicated. The one along Stewart Avenue that drapes down and runs south along Myers Lane is a duplicate redundant public utility easement that was recorded in 1995. There was a subsequent easement with building the medical office under construction on the corner. This one is not needed and there will remain a public utility easement along Stewart Avenue.

Commissioner McKechnie assumes the utilities will follow the new alignment of Myers Lane bending and connect back up at Garfield. Mr. Maize confirmed the statement.

Mr. Maize reserved rebuttal time.

The Public Hearing was closed.

Motion: The Planning Commission based on the findings and conclusions that all of the approval criteria are met or are not applicable, forwards a favorable recommendation to the City Council for approval of SV-17-069 per the staff report dated September 7, 2017, including Exhibits A through O, and including the following conditions of approval:

1. Comply with the requirements of the Public Works Department, including but not limited to the conditions that the new right-of-way and public utility easement dedications for the new alignment of Myers Lane be approved by the City Engineer prior to this application going to the City Council and that these dedications be simultaneously recorded with this vacation (Exhibit K).
2. Comply with the conditions of the Medford Water Commission (Exhibit M).
3. Submit a vacation application to Jackson County and receive Jackson County approval to vacate the proposed portion of Myers Lane (Exhibit O).

Moved by: Vice Chair McFadden

Seconded by: Commissioner Poythress

Roll Call Vote: Motion passed, 9-0.



## STAFF REPORT

for a Class-B decision: Street Vacation

Project Myers Lane Street Vacation  
Applicant: KOGAP Enterprises  
Agent: Maize & Associates

File no. SV-17-069

To Planning Commission

for September 14, 2017 hearing

From Dustin Severs, Planner III

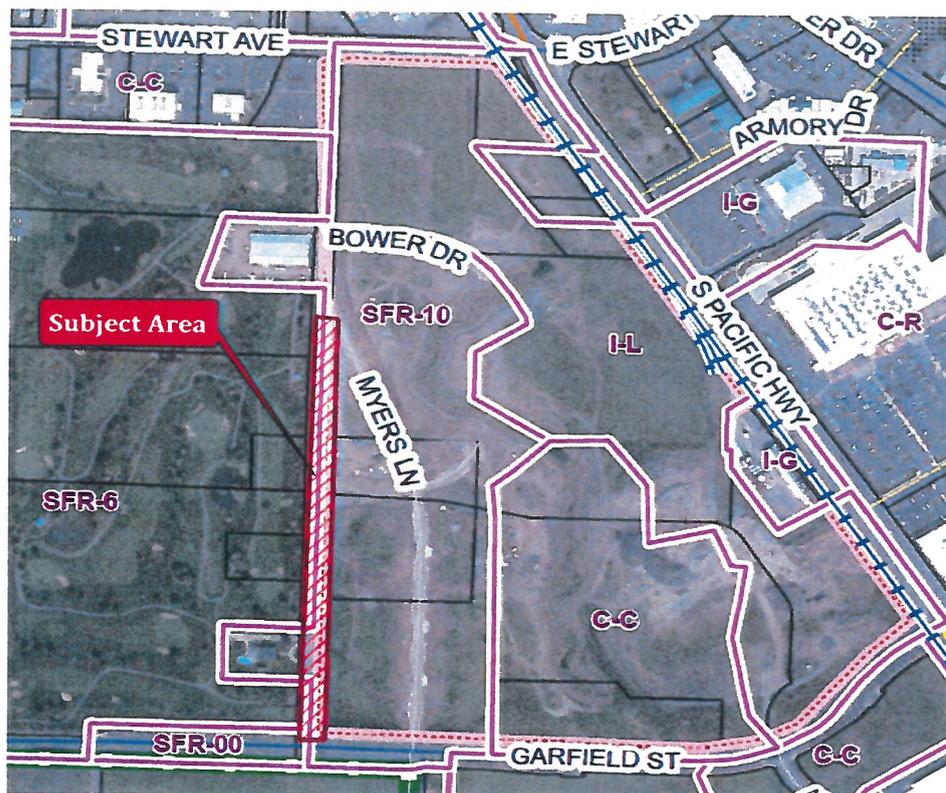
Reviewer Kelly Akin, Assistant Planning Director

Date September 7, 2017

## BACKGROUND

### Proposal

Consideration of a request for the vacation of a portion of Myers Lane, an approximate 60-foot wide strip of public right-of-way along with the adjacent Public Utility Easements, running north from Garfield Avenue approximately 1743 feet in length, within the Stewart Meadows Village Planned Unit Development.



### History

The portion of Myers Lane proposed to be vacated is located within the Stewart Meadows Village Planned Unit Development (PUD), a mixed-use commercial and residential community located on the old KOGAP mill site in South Medford, originally approved in 2007. An approved revision to the PUD in 2009 included a proposed realignment of Myers Lane eliminating an existing offset of the Myers Lane intersection across Garfield Avenue, thereby allowing for improvements to the PUD's development to be internally located with dwelling units located on both sides of Myers Lane. The Site Plan and Architectural Commission (SPAC) approved the applicant's request for the development of 134 multi-family dwelling units to be located west of the new Myers Lane alignment on August 18, 2017, which included a condition of approval requiring that the applicant obtain approval for the vacation of the existing Myers Lane right-of-way prior to the issuance of building permits for the development (AC-17-066).

An application to vacate the subject portion of Myers Lane was submitted on June 9, 2017. The application was initiated by petition, with the applicant including the requisite material and Consent to Vacation documents pursuant to ORS 271.080.

### Authority

This proposal is a Class-B application for vacation of public right-of-way. The Planning Commission is authorized to act as the advisory agency to the City Council for vacations, providing a recommendation to the City Council, and with the City Council serving as the approving authority under Medford Municipal Code Sections 10.102–122, 10.165, and 10.185.

## **ISSUES AND ANALYSIS**

### Agency Comments

Per the agency comments submitted to staff (Exhibits K-M), it can be found that the submitted legal description accurately describes the area to be vacated, and that public facilities can be made adequate to support the vacation request through the imposition of conditions listed in the Recommend Action section below.

### Other Agency Comments

*Jackson County Roads:* Staff received comments from Jackson County Roads (Exhibit O) stating that the County has no plans for improvements to Myers Lane, and recommending that the city request jurisdiction of the road. Jackson County further stated that the portion of Myers Lane proposed for vacation is a County road within the City of Medford's City Limits; therefore, the applicant must also obtain approval from Jackson County for the proposed vacation.

### Committee Comments

No comments were received from committees such as BPAC.

## FINDINGS AND CONCLUSIONS

The criteria that apply to vacations are in Medford Municipal Code Section 10.202.

*Vacation Criteria. A request to vacate shall be approved by the approving authority (City Council) when the following criteria have been met:*

*Criterion (1): Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.*

### Findings

A review of the goals and policies in the Comprehensive Plan that relate to public facilities, transportation and the Transportation System Plan (TSP) do not specifically address the topic of right-of-way vacation.

The subject right-of-way is classified as a lower-order street and is identified as part of the Southwest Medford Circulation Plan.

### Conclusion

Since the goals and policies of the comprehensive plan are silent on right-of-way vacations, using the Comprehensive Plan directly for approval is unnecessary in this instance. However, per the agency comments submitted to staff (Exhibits K-M), it can be found that public facilities can be made adequate to support the vacation request through the imposition of conditions listed in the Recommend Action section below. Therefore, this criterion is satisfied.

*Criterion (2): If initiated by petition under ORS 271.080, the findings required by ORS 271.120.*

### Findings

The application was initiated by petition per the requirements in ORS 271.080(2).

### Conclusion

The submitted application contains the requisite material and provides a petition conforming to the standards of ORS 271.080, including the signed *Consent to Vacation* documents from 100 percent of all abutting real property owners, and the signed consent to vacate documents from 85 percent (19.86 acres of 23.34 acres) of all affected real property owners (Exhibit A). This criterion is satisfied.

*Criterion (3): If initiated by the Council, the applicable criteria found in ORS 271.130.*

### Findings

The applicant has chosen to initiate the vacation by submitting a petition as allowed per ORS 271.080; therefore, initiation by the Council is not requested.

Conclusion

This criterion is not applicable to the project.

**RECOMMENDED ACTION**

Based on the findings and conclusions that all of the approval criteria are met or are not applicable, forward a favorable recommendation to the City Council for approval of the street vacation per the staff report dated September 7, 2017, including Exhibits A through O, and including the following conditions of approval:

The applicant shall:

1. Comply with the requirements of the Public Works Department, including but not limited to the condition that the new right-of-way and public utility easement dedications for the new alignment of Myers Lane be approved by the City Engineer prior to this application going to the City Council and that these dedications be simultaneously recorded with this vacation (Exhibit K).
2. Comply with the conditions of the Medford Water Commission (Exhibit M).
3. Submit a vacation application to Jackson County and receive Jackson County approval to vacate the proposed portion of Myers Lane (Exhibit O).

**EXHIBITS**

- A Consent to Vacation with map and list of affected lots owned by KOGAP.
- B Legal description and associated Map of Survey of area of Myers Lane to be vacated, received August 28, 2017.
- C Legal descriptions and associated Maps of Survey of PUE areas to be vacated, received August 28, 2017.
- D Legal description and associated Map of Survey of Myers Lane right-of -way to be dedicated, received August 28, 2017.
- E Legal description and associated Maps of Survey for PUE areas to be dedicated, received August 28, 2017.
- F Map showing area proposed for vacation, received June 9, 2017.
- G Master plan for Stewart Meadows Village drafted October 17, 2008.
- H Approved Preliminary PUD Plan, received June 9, 2017.
- I Southwest Medford Circulation Plan, received June 9, 2017.
- J Applicant's Findings of Fact and Conclusions of Law, received August 28, 2017.
- K Medford Public Works Department Staff Report, received July 26, 2017.
- L Medford Fire Department Report, received July 26, 2017.
- M Medford Water Commission Memo and Facility Map, received July 7, 2017.
- N City Surveyor comments received June 21, 2017.
- O Jackson County Roads Letter, received July 5, 2017.

Vicinity map

**PLANNING COMMISSION**

**SEPTEMBER 14, 2017**



# CITY OF MEDFORD PLANNING DEPARTMENT

## CONSENT TO VACATION

As the property owner(s) of:

Map and Tax Lots as shown on Exhibit "C" attached

APPLICANT'S  
EXHIBIT  
" 7 "

I/We hereby consent to a vacation within the city limits of Medford described as:

An approximate 60-foot by 1743-foot portion of Myers Lane right-of-way as shown on Exhibit "B" and described on Exhibit "A", attached; and abutting Public Utility Easement as shown on Exhibit "D" and described on Exhibit "E".

DATED this 24<sup>th</sup> day of August, 2017.

Owner

Owner

8-24-17

Date

Date

STATE OF OREGON )  
 ) ss  
County of Jackson )

On this 24<sup>th</sup> day of August, 2017, personally appeared

who, being duly sworn did acknowledge the foregoing instrument to be his/her/their voluntary act and deed.

Jackson Co. Oregon

Sharon R Neuschwander

Notary Public for Oregon

My Commission expires 6/25/18



"Working with the Community to Shape a Vibrant and Exceptional City"

Lausmann Annex • 200 South Ivy Street • Medford OR 97501

Phone (541)774-2380 • Fax (541)618-1708

CITY OF MEDFORD  
EXHIBIT # A 1 of 3  
File # SV-17-069

"C"

**ABUTTING AND AFFECTED TAX LOTS OWNED BY KOGAP ENTERPRISES, INC.**

37-1W-31A

2802  
3700  
3800  
3900  
4000

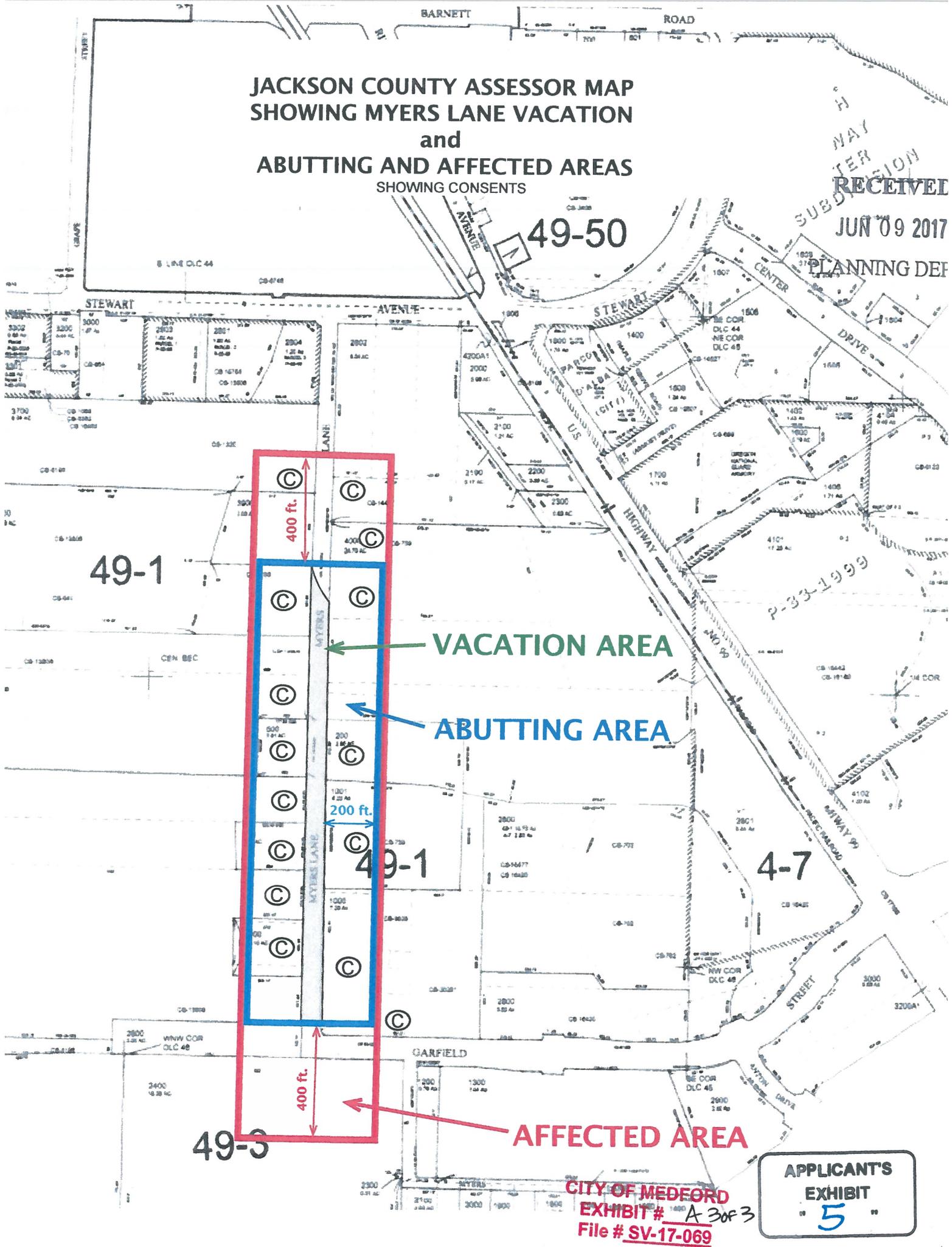
37-1W-31D

200  
400  
401  
500  
800  
900  
1000  
1001

**CITY OF MEDFORD**  
**EXHIBIT # A 2 of 3**  
**File # SV-17-069**

JACKSON COUNTY ASSESSOR MAP  
SHOWING MYERS LANE VACATION  
and  
ABUTTING AND AFFECTED AREAS  
SHOWING CONSENTS

RECEIVED  
JUN 09 2017  
PLANNING DEPT



CITY OF MEDEORD  
EXHIBIT # A 30F3  
File # SV-17-069

APPLICANT'S  
EXHIBIT  
" 5 "

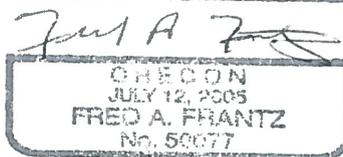
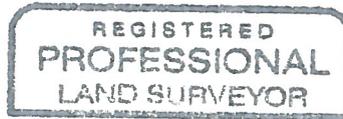
APPLICANT'S  
EXHIBIT

" 10 "

~~EXHIBIT A~~

Commencing at the Northeast corner of Donation Land Claim Number 45, located in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon: thence North 89°59'22" West, along the north line of said Donation Land Claim 45, a distance of 1360.48 feet to the Northwest corner of that tract described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon; thence South 0°03'00" East, along the west line of said tract, a distance of 783.76 feet, to the POINT OF BEGINNING; thence continue South 0°03'00" East, along said west line, a distance of 1743.15 feet, to a point on the north line of that tract described in Instrument Number 00-32491 of said Official Records; thence North 89°59'28" East, along said north line and its easterly extension, a distance of 60.06 feet, to a point on the west line of that tract described in Instrument Number 98-02983 of said Official Records; thence along said west line, along the arc of a curve to the right having a radius of 54.56 feet, a central angle of 2°33'08", a length of 2.43 feet and a long chord bearing and distance of North 1°29'28" West, 2.43 feet, to a point on the east line of said tract described in Instrument Number 75-03262; thence North 0°03'00" West, along said east line, a distance of 1471.75 feet; thence North 24°00'19" West, leaving said east line, a distance of 13.80 feet; thence along the arc of a curve to the right having a radius of 631.50 feet, a central angle of 23°57'19", a length of 264.03 feet and a long chord bearing and distance of North 12°01'40" West, 262.11 feet, to the POINT OF BEGINNING.

Prepared by:  
Terrasurvey, Inc.  
274 Fourth Street  
Ashland, Oregon 97520



Renewal \_\_\_\_\_

CITY OF MEDFORD  
EXHIBIT # B of 2  
File # SV-17-069

EXHIBIT 'B'

N.W. CORNER  
INST.No.  
75-03262

N.E. CORNER  
DLC 45

N89°59'22"W 1360.48'

CENTER LINE STEWART AVENUE

17.5'  
42.5'

783.76'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	54.56'	2.43'	2°33'08"	N01°29'28"W	2.43'
C2	631.50'	264.03'	23°57'19"	N12°01'40"W	262.11'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°59'28"E	60.06'
L2	N24°00'19"W	13.80'

POINT OF BEGINNING

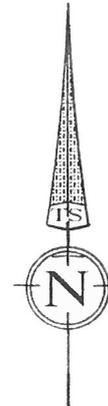
S00°03'00"E

1743.15'

M Y E R S L A N E

N00°03'00"W 1471.75'

INDICATES  
AREA TO BE VACATED



SCALE: 1" = 300'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Fred A. Frantz*

OREGON  
JULY 12, 2005  
FRED A. FRANTZ  
No. 50077

Renewal 12-31-17

TERRASURVEY, INC.

PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET  
ASHLAND, OREGON 97520

NORTH LINE  
INST.No. 00-32491

INST.No. 02-61939

GARFIELD

STREET

INST.No. 75-03262 INST.No. 98-02983  
N89°59'28"E 1492.60'

W.N.W. CORNER  
DLC 46

S.E. CORNER  
DLC 45

B 202

APPLICANT'S  
EXHIBIT

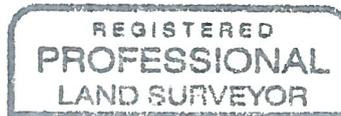
"11 1/2"

PUBLIC UTILITY VACATION DESCRIPTION  
FOR INSTRUMENT No. 98-10481

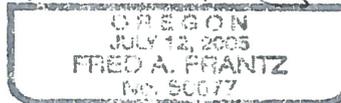
This description is for the vacation of the 15 foot wide public utility easement as described in Instrument Number 98-10481 of the Official Records of Jackson, County, Oregon, being 15 feet wide the western and northern line of which is coincident with the following described line:

Commencing at the southeast corner of Donation Land Claim Number 45 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence South 89°59'28" West, a distance of 972.97 feet, to the eastern line of Myers Lane as described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon; thence along said eastern line, North 0°20'18" East, a distance of 40.00 feet; thence South 89°59'28" West, a distance of 251.94 feet; thence along the arc of a curve to the right having a radius of 84.59 feet, a central angle of 89°57'32", a length of 132.80 feet and a long chord bearing and distance of North 45°01'46" West, 119.58 feet; thence North 0°03'00" West, a distance of 1074.47 feet to the southwest corner of that tract described in Instrument Number 95-06852 of said Official Records and the POINT OF BEGINNING of the line to be described; thence North 0°03'00" West, a distance of 1409.99 feet, to a point which bears South 0°0'38" West, a distance of 40.00 feet, from the north line of said Donation Land Claim Number 45; thence South 89°59'22" East, parallel with said north line a distance of 433.40 feet, to the southwest corner of that TRACT A as described in Instrument Number 95-04268 of said Official Records; thence South 89°59'22" East, a distance of 54.98 feet to the southeast corner there of and the point of termination of the line described.

Prepared by:  
Terrasurvey, Inc.  
274 Fourth Street  
Ashland, Oregon 97520



*Fred A. Prantz*



Renewal 12-31-17

CITY OF MEDFORD  
EXHIBIT # C 1045  
File # SV-17-069



PUBLIC UTILITY VACATION DESCRIPTION  
 INSTRUMENT No. 95-25760  
 EXHIBIT "A" AND A PORTION OF EXHIBIT "B"

This description is for the vacation of the public utility easements for the installation and maintenance of public utilities, as described in Instrument Number 95-25760, of the Official Record of Jackson County, Oregon and includes Exhibit "A" and a portion of Exhibit "B" of said Instrument Number.

Exhibit "A"

Vacation of an easement for the installation and maintenance of public utilities:  
 Commencing at the northeast corner of Donation Land Claim Number 45, located in the Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon: thence North 89°59'22" West, a distance of 1300.48 feet, to a point which bears North 0°03'00" West, a distance of 40.00 feet, from the Southwest corner of that tract described in Instrument Number 97-45264 of the Official Record of Jackson County, Oregon: thence South 0°03'00" East, along the west line of said tract and the East line of Myers Lane as described in Instrument Number 75-03262 of said Official Record, a distance of 1662.04 feet to the POINT OF BEGINNING; thence South 88°11'45" East, leaving said east line, a distance of 15.01 feet; thence North 0°03'00" West, a distance of 50.03 feet; thence South 88°11'45" East, a distance of 370.28 feet; thence South 78°53'49" East, a distance of 73.45 feet; thence along the arc of a curve to the left, having a radius of 15.00 feet, a central angle of 42°02'12", a length of 11.00 feet and a long chord bearing and distance of North 73°55'29" East, 10.76 feet; thence along the arc of a curve to the right, having a radius of 45.00 feet, a central angle of 30°59'53", a length of 24.35 feet and a long chord bearing and distance of North 68°24'59" East, 24.05 feet; thence North 0°15'34" East, a distance of 15.07 feet; thence along the arc of a curve to the left, having a radius of 60.00 feet, a central angle of 32°35'24", a length of 34.13 feet and a long chord bearing and distance of South 68°12'41" West, 33.67 feet; thence North 78°53'49" West, a distance of 73.05 feet; thence North 88°11'45" West, a distance of 387.20 feet, to the East line of said Myers Lane; thence South 0°03'00" East, a distance of 64.41 feet to the POINT OF BEGINNING.

A portion of Exhibit "B"

Vacation of an easement for the installation and maintenance of public utilities:  
 Commencing at the northeast corner of Donation Land Claim Number 45, located in the Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon: thence North 89°59'22" West, a distance of 1300.48 feet, to a point which bears North 0°03'00" West, a distance of 40.00 feet, from the Southwest corner of that tract described in Instrument Number 97-45264 of the Official Record of Jackson County, Oregon: thence South 0°03'00" East, along the west line of said tract and the East line of Myers Lane as described in Instrument Number 75-03262 of said Official Record, a distance of 1662.04 feet to the POINT OF

C 30ff

BEGINNING: thence South 88°11'45" East, leaving said east line, a distance of 15.01 feet; thence South 0°03'00" East, a distance of 861.62 feet; thence along the arc of a curve to the left, having a radius of 39.57 feet, a central angle of 63°18'20", a length of 43.72 feet and a long chord bearing and distance of South 31°41'58" East, 41.53 feet, to a point on the north line of that tract described in Instrument Number 02-61939 of said Official Records; thence along said north line through the following courses; North 89°33'55" West, a distance of 24.10 feet: thence along the arc of a curve to the right, having a radius of 54.56 feet, a central angle of 37°10'12", a length of 35.40 feet and a long chord bearing and distance of North 21°21'08" West, 34.78 feet, to a point on the East line of said Myers Lane; thence North 0°03'00" West, a distance of 862.42 feet, to the POINT OF BEGINNING.

Prepared by:  
Terrasurvey, Inc.  
247 Fourth Street  
Ashland, Oregon 97520



*C 4 of 5*

# EXHIBIT 'B'

FOR VACATION OF INST.No. 95-25760  
A PUBLIC UTILITY EASEMENT  
EXHIBIT "A" AND A PORTION OF EXHIBIT "B"

N.E. CORNER  
DLC 45

N89°59'22"W 1300.48'

S.W. CORNER  
INSTR.No.  
97-45264

CENTER LINE STEWART AVENUE

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	15.00'	11.00'	42°02'12"	N73°55'29"E	10.76'
C2	45.00'	24.35'	30°59'53"	N68°24'59"E	24.05'
C3	39.57'	43.72'	63°18'20"	S31°41'58"E	41.53'
C4	54.56'	35.40'	37°10'12"	N21°21'08"W	34.78'
C5	60.00'	34.13'	32°35'24"	S68°12'41"W	33.67'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S88°11'45"E	15.01'
L2	N00°03'00"W	50.03'
L3	S88°11'45"E	370.28'
L4	S78°53'49"E	73.45'
L5	N00°15'34"E	15.07'
L6	N78°53'49"W	73.05'
L7	N88°11'45"W	387.20'
L8	S00°03'00"E	64.41'
L9	N89°33'55"W	24.10'

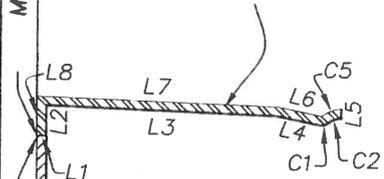
MYERS LANE

60'

S00°03'00"E 1662.04'

EAST LINE MEYERS LN. PER  
INST.No 75-03262

INST.No. 95-25760, EXHIBIT "A"  
TO BE VACATED



862.42'  
861.62'

PORTION OF INST.No. 95-25760  
EXHIBIT "B"  
TO BE VACATED

N00°03'00"W 862.42'

S00°03'00"E 861.62'

NORTH LINE  
INST.No.02-61939

PORTION OF INST.No.  
95-25760, EXHIBIT "B"  
SOUTH OF GARFIELD  
RIGHT OF WAY

NORTH LINE  
INST.No. 00-32491

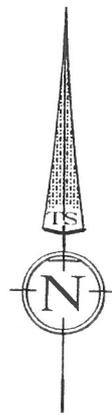
W.N.W. CORNER  
DLC 46

GARFIELD

STREET

S.E. CORNER  
DLC 45

S89°59'28"W 2002.80'



SCALE: 1" = 300'

Renewal 12-31-17

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Fred A. Frantz*  
OREGON  
JULY 12, 2005  
FRED A. FRANTZ  
No. 50077

**TERRASURVEY, INC.**

PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET  
ASHLAND, OREGON 97520

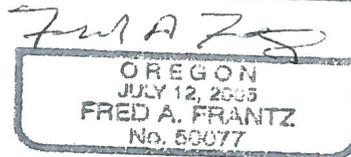
C5 of 5

~~EXHIBIT A~~

A roadway dedication, located in the east half of Section 31, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon, being 63 feet in width, 31.50 feet on both sides of the following described center line:

Commencing at the Northeast corner of Donation Land Claim Number 45, located in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon: thence North 89°59'22" West, a distance of 1317.98 feet, to a brass disk, being a point on the north line of that tract described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon, thence continuing along said north line, a distance of 11.00 feet, to a point which bears South 89°59'22" East, a distance of 31.50 feet from the northwest corner of said tract and the POINT OF BEGINNING; thence South 0°03'00" East, 31.50 feet East of and parallel with the west line of said tract, a distance of 783.73 feet to a 5/8" iron pin; thence, along the arc of a curve to the left having a radius of 600.00 feet, a central angle of 23°57'19", a length of 250.86 feet and a long chord bearing and distance of South 12°01'40" East, 249.04 feet to a 5/8" iron pin; thence South 24°00'19" East, a distance of 553.65 feet to a 5/8" iron pin; thence along the arc of a curve to the right, having a radius of 800.00 feet a central angle of 24°00'19", a length of 335.18 feet and a long chord bearing and distance of South 12°00'10" East, 332.73 feet to a 5/8" iron pin; thence South 0°00'00" East, a distance of 703.26 feet, to a 5/8" iron pin, said 5/8" iron pin being a point on the north line of that tract described in Instrument Number 02-61939 of said Official Records and the terminus of this dedication, the side lines of which shall be lengthened or shortened to meet the north line of said Instrument Number 75-03262 and the north line of said Instrument Number 02-61939.

Prepared by:  
Terrasurvey, Inc.  
274 Fourth Street  
Ashland, Oregon 97520



Renewal 12-31-17

CITY OF MEDFORD  
EXHIBIT # 8 1082  
File # SV-17-069

# EXHIBIT 'B'

N.W. CORNER  
INST.No.  
75-03262

N.E. CORNER  
DLC 45

N89°59'22"W 1328.98'

CENTER LINE STEWART AVENUE

31.5'  
31.5'

500'03'00"E

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	600.00'	250.86'	23°57'19"	S12°01'40"E	249.04'
C2	800.00'	335.18'	24°00'19"	S12°00'10"E	332.73'

WEST LINE  
INST.No.  
75-03262

S24°00'19"E

CENTER LINE NEW  
63' WIDE DEDICATION

OLD MYERS LANE PER INST.No. 75-03262

533.95'

703.26'

500'00'00"E

31.5'  
31.5'

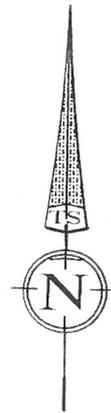
INST.No. 02-61939

GARFIELD

STREET

INST.No. 98-02983

INST.No. 75-03262



SCALE: 1" = 300'

REGISTERED  
**PROFESSIONAL  
LAND SURVEYOR**

*Fred A. Frantz*

OREGON  
JULY 12, 2005  
FRED A. FRANTZ  
No. 50077

Renewal 12-31-17

**TERRASURVEY, INC.**

PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET

ASHLAND, OREGON 97520

D202

APPLICANT'S  
EXHIBIT  
" "

~~EXHIBIT A~~

A Public Utility Easement, located in the East half of Section 31, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon, said easement being variable in width and described as follows:

Commencing at the Northeast corner of Donation Land Claim Number 45, located in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon: thence North 89°59'22" West, along the north line of said Donation Land Claim 45, a distance of 1297.48 feet to a point on the north line of that tract described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon, which bears South 89°59'22" East, a distance of 63.00 feet from the northwest corner of said tract and the POINT OF BEGINNING; thence South 00°03'00" East, a distance of 783.70 feet; thence, along the arc of a curve to the left having a radius of 568.50 feet, a central angle of 23°57'19", a length of 237.69 feet and a long chord bearing and distance of South 12°01'40" East, 235.96 feet; thence South 24°00'19" East, a distance of 553.65 feet; thence along the arc of a curve to the right, having a radius of 831.50 feet, a central angle of 24°00'19", a length of 348.38 feet and a long chord bearing and distance of South 12°00'10" East, 345.83 feet; thence South 00°00'00" East, a distance of 703.52 feet, to a point on the north line of that tract described in Instrument Number 02-61939 of said Official Records; thence South 89°31'54" East, along the north line of that tract described in Instrument Number 02-61939, a distance of 10.00 feet to a point on said line; thence leaving said north line, North 00°00'00" East, a distance of 75.00 feet; thence North 90°00'00" East, a distance of 5.59 feet; thence North 00°00'00" East, a distance of 23.68 feet; thence South 90°00'00" West, a distance of 5.59 feet; thence North 00°00'00" East, a distance of 145.12 feet; thence North 90°00'00" East, a distance of 9.02 feet; thence North 00°00'00" East, a distance of 14.50 feet; thence South 90°00'00" West, a distance of 9.02 feet; thence North 00°00'00" East, a distance of 190.79 feet; thence North 90°00'00 East, a distance of 6.58 feet; thence North 00°00'00" East, a distance of 8.93 feet; thence South 90°00'00" West, a distance of 6.58 feet; thence North 00°00'00" East, a distance of 199.16 feet; thence North 90°00'00" East, a distance of 6.18 feet; thence North 00°00'00" East, a distance of 8.87 feet; thence South 90°00'00" West, a distance of 6.18 feet; thence along the arc of a curve to the left having a radius of 841.50', a central angle of 18°44'35", a length of 275.28 feet, and a long chord bearing and distance of North 09°22'18" West, 274.05 feet; thence North 69°45'39" East, a distance of 17.01 feet; thence along the arc of a curve to the left having a radius of 858.50', a central angle of 01°40'08", a length of 25.01 feet,

CITY OF MEDFORD  
EXHIBIT # E 105  
File # SV-17-069

and a long chord bearing and distance of North 19°36'26" West, 25.01 feet; thence South 70°24'16" West, a distance of 17.00 feet; thence along the arc of a curve to the left having a radius of 841.50', a central angle of 03°32'48", a length of 52.09 feet, and a long chord bearing and distance of North 22°13'55" West, 52.08 feet; thence North 24°00'19" West, a distance of 387.63 feet; thence North 65°59'41" East, a distance of 6.64 feet; thence North 24°00'19" West, a distance of 14.56 feet; thence South 65°59'41" West, a distance of 6.64 feet; thence North 24°00'19" West, a distance of 56.72 feet; thence North 65°59'41" East, a distance of 4.35 feet; thence North 24°00'19" West, a distance of 9.07 feet; thence South 65°59'41" West, a distance of 4.35 feet; thence North 24°00'19" West, a distance of 85.68 feet; thence along the arc of a curve to the right having a radius of 558.50', a central angle of 23°57'19", a length of 233.51 feet, and a long chord bearing and distance of North 12°01'40" West, 231.81 feet; thence North 00°03'00" West, a distance of 12.70 feet; thence North 89°57'00" East, a distance of 4.38 feet; thence North 00°03'00" West, a distance of 23.48 feet; thence South 89°57'00" West, a distance of 4.38 feet; thence North 00°03'00" West, a distance of 69.13 feet; thence North 89°57'00" East, a distance of 7.60 feet; thence North 00°03'00" West, a distance of 14.50 feet; thence South 89°57'00" West, a distance of 7.60 feet; thence North 00°03'00" West, a distance of 33.92 feet; thence North 89°57'00" East, a distance of 8.41 feet; thence North 00°03'00" West, a distance of 8.76 feet; thence South 89°57'00" West, a distance of 8.41 feet; thence North 00°03'00" West, a distance of 621.20 feet; thence North 89°59'22" West, a distance of 10.00 feet to the POINT OF BEGINNING and the terminus of this Public Utility Easement.

TOGETHER WITH THE FOLLOWING:

A Public Utility Easement, located in the East half of Section 31, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon, said easement being variable in width and described as follows:

Commencing at the Northeast corner of Donation Land Claim Number 45, located in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon: thence North 89°59'22" West, along the north line of said Donation Land Claim 45, a distance of 1360.48 feet to the northwest corner of that tract described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon, and the POINT OF BEGINNING; thence South 0°03'00" East, along the west line of said tract, a distance of 783.76 feet; thence, along the arc of a curve to the left having a radius of 631.50 feet, a central angle of 23°57'19", a length of 264.03 feet and a long chord bearing and distance of South 12°01'40" East, 262.11 feet; thence South 24°00'19"

Page 2 of 3

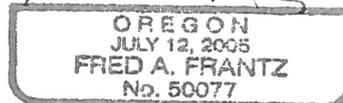
E 2085

East, a distance of 553.65 feet; thence along the arc of a curve to the right, having a radius of 768.50 feet, a central angle of 24°00'19", a length of 321.98 feet and a long chord bearing and distance of South 12°00'10" East, 319.63 feet; thence South 00°00'00" East, a distance of 703.01 feet, to a point on the north line of that tract described in Instrument Number 02-61939 of said Official Records ; thence North 89°31'54" West, along the north line of that tract described in Instrument Number 02-61939, a distance of 10.00 feet to a point on said line; thence leaving said north line, North 00°00'00" East, a distance of 702.93 feet; thence, along the arc of a curve to the left having a radius of 758.50 feet, a central angle of 24°00'19", a length of 319.79 feet and a long chord bearing and distance of North 12°00'10" West, 315.47 feet; thence North 24°00'19" West, a distance of 553.65 feet; thence along an arc to the right, having a radius of 641.50 feet, a central angle of 23°57'19", a length of 268.21 feet and a long chord bearing and distance of North 12°01'40" West, 266.26 feet; thence North 00°03'00" West, a distance of 28.17 feet; thence South 89°57'00" West, a distance of 4.14 feet; thence North 00°03'00" West, a distance of 8.64 feet; thence North 89°57'00" East, a distance of 4.14 feet; thence North 00°03'00" West, a distance of 93.26 feet; thence South 89°57'00" West, a distance of 16.69 feet; thence North 00°03'00" West, a distance of 8.36 feet; thence North 89°57'00" East, a distance of 16.69 feet; thence North 00°03'00" West, a distance of 645.34 feet; thence South 89°59'22" East, a distance of 10.00 feet to the POINT OF BEGINNING and the terminus of this Public Utility Easement.

Prepared by:  
Terrasurvey, Inc.  
274 Fourth Street  
Ashland, Oregon 97520



*Fred A. Frantz*

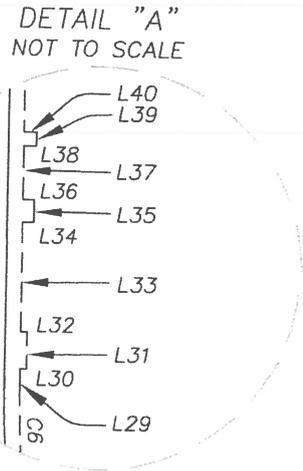
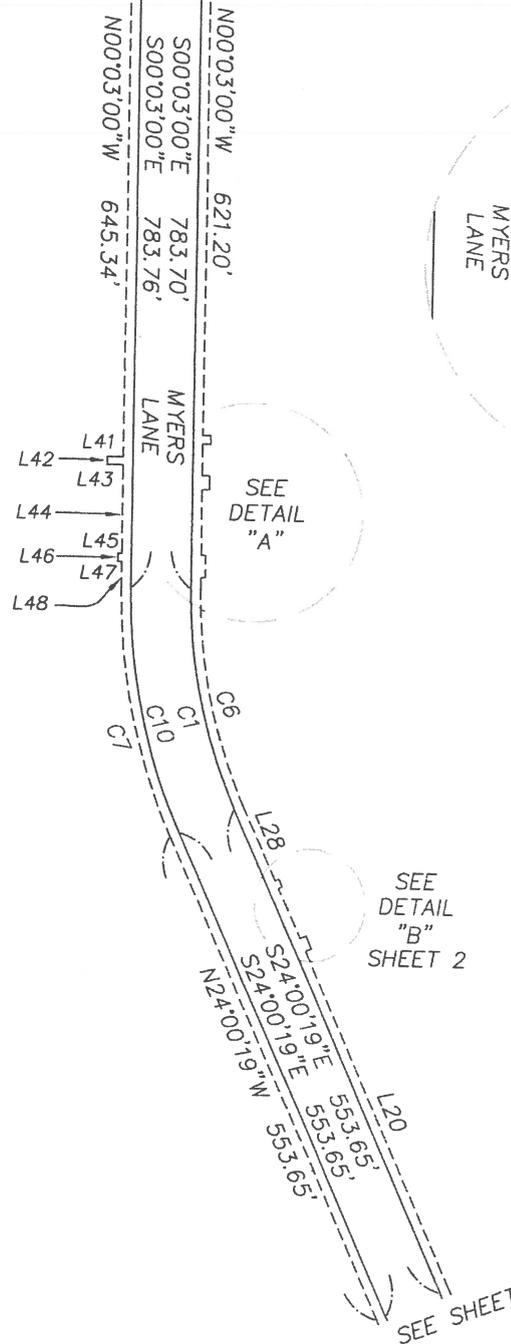
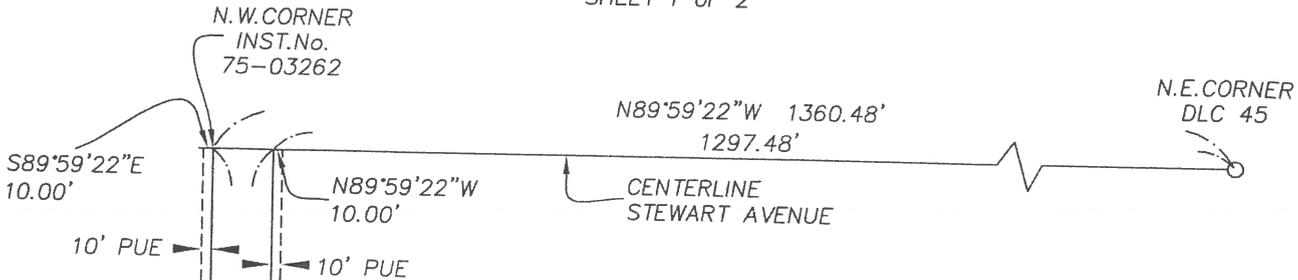


Renewal 12-31-17

*E 3065*

# EXHIBIT 'B'

SHEET 1 OF 2



LINE TABLE		
LINE	LENGTH	BEARING
L20	387.63'	N24°00'19\"W
L28	85.68'	N24°00'19\"W
L29	12.70'	N00°03'00\"W
L30	4.38'	N89°57'00\"E
L31	23.48'	N00°03'00\"W
L32	4.38'	S89°57'00\"W
L33	69.13'	N00°03'00\"W
L34	7.60'	N89°57'00\"E
L35	14.50'	N00°03'00\"W
L36	7.60'	S89°57'00\"W
L37	33.92'	N00°03'00\"W
L38	8.41'	N89°57'00\"E
L39	8.76'	N00°03'00\"W
L40	8.41'	S89°57'00\"W
L41	16.69'	N89°57'00\"E
L42	8.36'	N00°03'00\"W
L43	16.69'	S89°57'00\"W
L44	93.26'	N00°03'00\"W
L45	4.14'	N89°57'00\"E
L46	8.64'	N00°03'00\"W
L47	4.14'	S89°57'00\"W
L48	28.17'	N00°03'00\"W

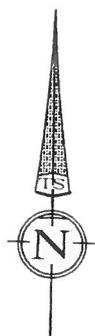
CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH. BEARING
C1	237.69'	568.50'	23°57'19\"	235.96'	S12°01'40\"E
C6	233.51'	558.50'	23°57'19\"	231.81'	N12°01'40\"W
C7	268.21'	641.50'	23°57'19\"	266.26'	N12°01'40\"W
C10	264.03'	631.50'	23°57'19\"	262.11'	S12°01'40\"E

SEE DETAIL "B" SHEET 2

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Fred A. Frantz*  
OREGON  
JULY 12, 2005  
FRED A. FRANTZ  
No. 50077

Renewal 12-31-17



SCALE: 1" = 200'

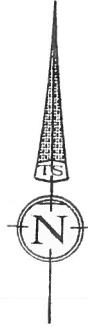
**TERRASURVEY, INC.**  
PROFESSIONAL LAND SURVEYORS  
274 FOURTH STREET  
ASHLAND, OREGON 97520

SHEET 1 OF 2

*E485*

# EXHIBIT 'B'

SHEET 2 OF 2

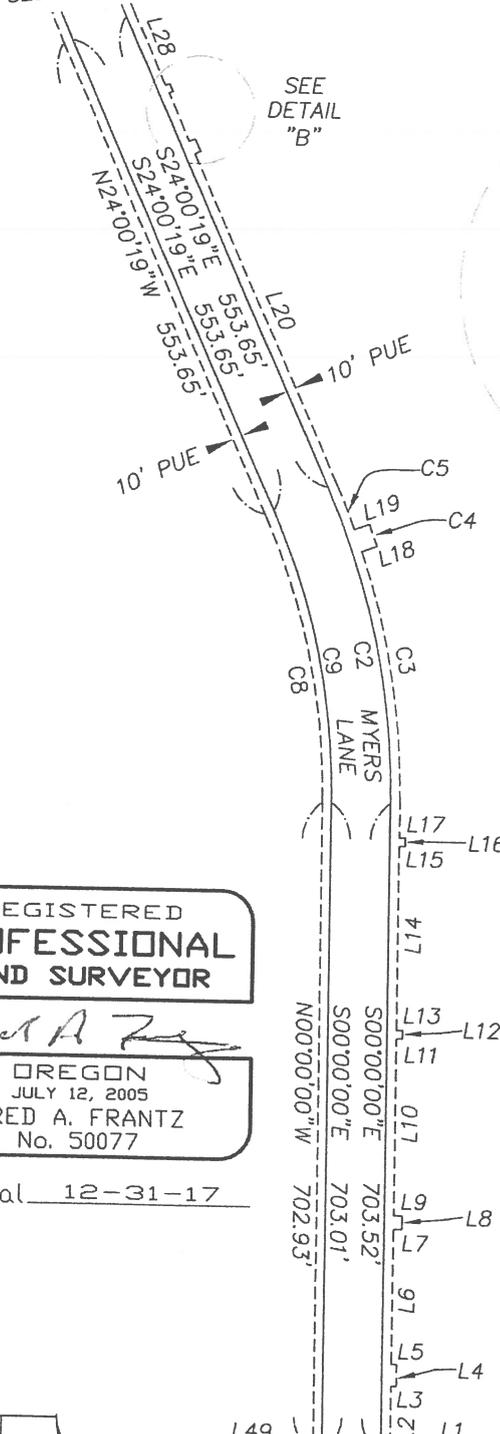
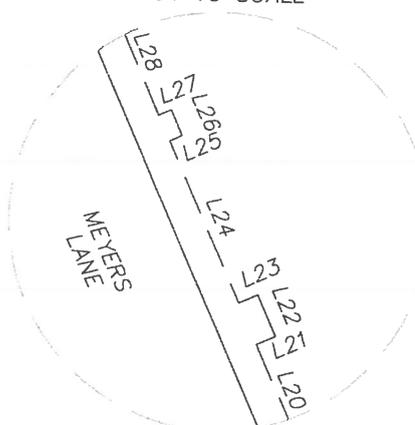


SCALE: 1" = 200'

SEE SHEET 1

SEE  
DETAIL  
"B"

DETAIL "B"  
NOT TO SCALE



LINE TABLE		
LINE	LENGTH	BEARING
L1	10.00'	S89°31'54"E
L2	75.00'	N00°00'00"E
L3	5.59'	N90°00'00"E
L4	23.68'	N00°00'00"E
L5	5.59'	S90°00'00"W
L6	145.12'	N00°00'00"E
L7	9.02'	N90°00'00"E
L8	14.50'	N00°00'00"E
L9	9.02'	S90°00'00"W
L10	190.79'	N00°00'00"E
L11	6.58'	N90°00'00"E
L12	8.93'	N00°00'00"E
L13	6.58'	S90°00'00"W
L14	199.16'	N00°00'00"E
L15	6.18'	N90°00'00"E
L16	8.87'	N00°00'00"E
L17	6.18'	S90°00'00"W
L18	17.01'	N69°45'39"E
L19	17.00'	S70°24'16"W
L20	387.63'	N24°00'19"W
L21	6.64'	N65°59'41"E
L22	14.56'	N24°00'19"W
L23	6.64'	S65°59'41"W
L24	56.72'	N24°00'19"W
L25	4.35'	N65°59'41"E
L26	9.07'	N24°00'19"W
L27	4.35'	S65°59'41"W
L28	85.68'	N24°00'19"W
L49	10.00'	N89°31'54"W

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH. BEARING
C2	348.38'	831.50'	24°00'19"	345.83'	S12°00'10"E
C3	275.28'	841.50'	18°44'35"	274.05'	N09°22'18"W
C4	25.01'	858.50'	1°40'08"	25.01'	N19°36'26"W
C5	52.09'	841.50'	3°32'48"	52.08'	N22°13'55"W
C6	233.51'	558.50'	23°57'19"	231.81'	N12°01'40"W
C8	317.79'	758.50'	24°00'19"	315.47'	N12°00'10"W
C9	321.98'	768.50'	24°00'19"	319.63'	S12°00'10"E

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Fred A. Frantz*  
OREGON  
JULY 12, 2005  
FRED A. FRANTZ  
No. 50077

Renewal 12-31-17

INST.No. 02-61939  
**GARFIELD ST.**

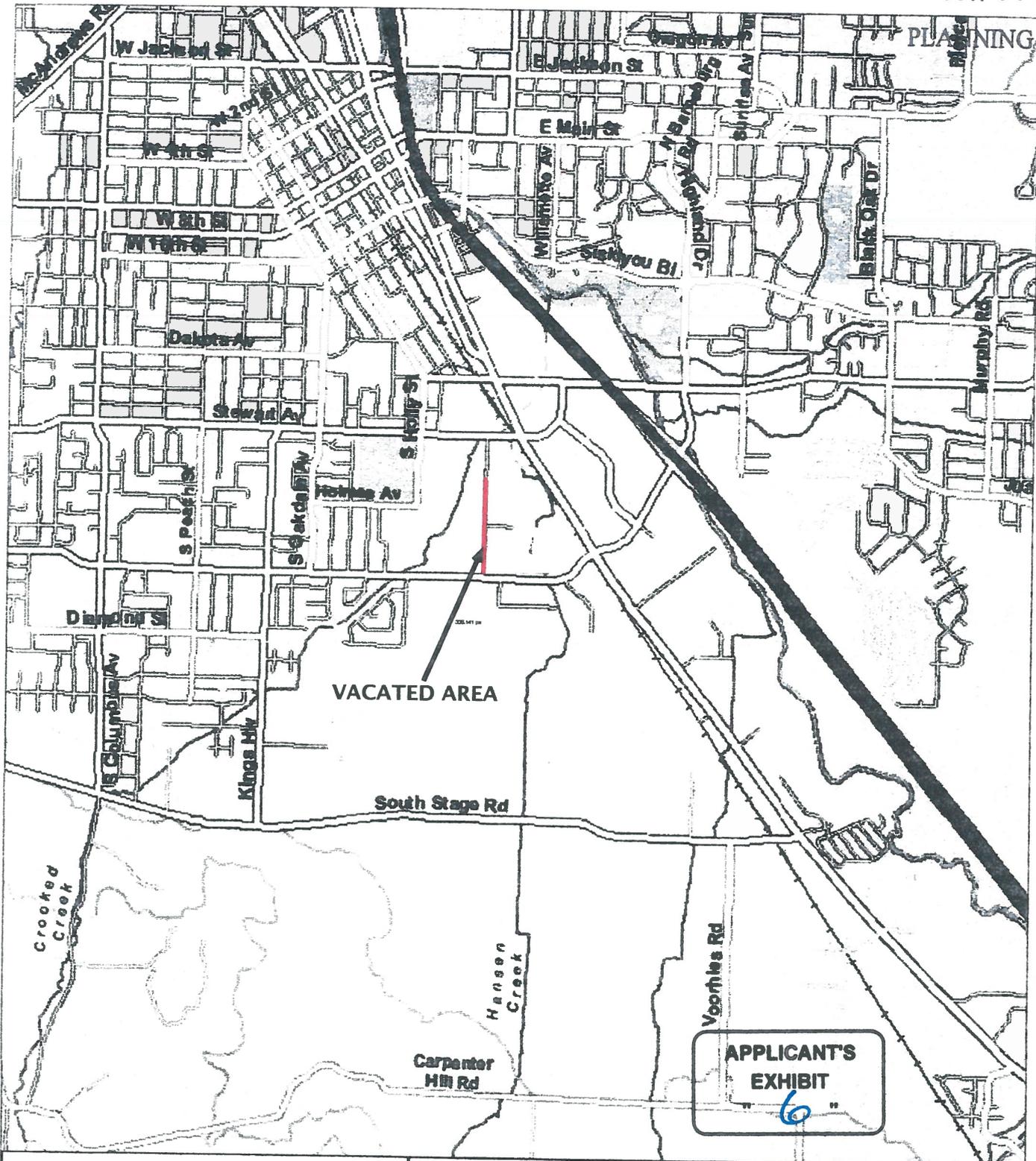
INST.No. 98-02983

INST.No. 75-03262

**TERRASURVEY, INC.**  
PROFESSIONAL LAND SURVEYORS  
274 FOURTH STREET  
ASHLAND, OREGON 97520

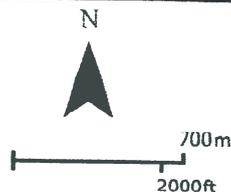
SHEET 2 OF 2

*E5065*



**City of Medford: LIS**  
**SHOWING AREA OF MYERS LANE**  
**TO BE VACATED**

Map created by City of Medford's Land Information System (LIS). www.medfordmaps.org



Print Date: January 30, 2014

**CITY OF MEDFORD**  
**EXHIBIT # 6**  
**File # SV-17-069**

**CITY OF MEDFORD**

**GEOGRAPHIC INFORMATION SYSTEMS**

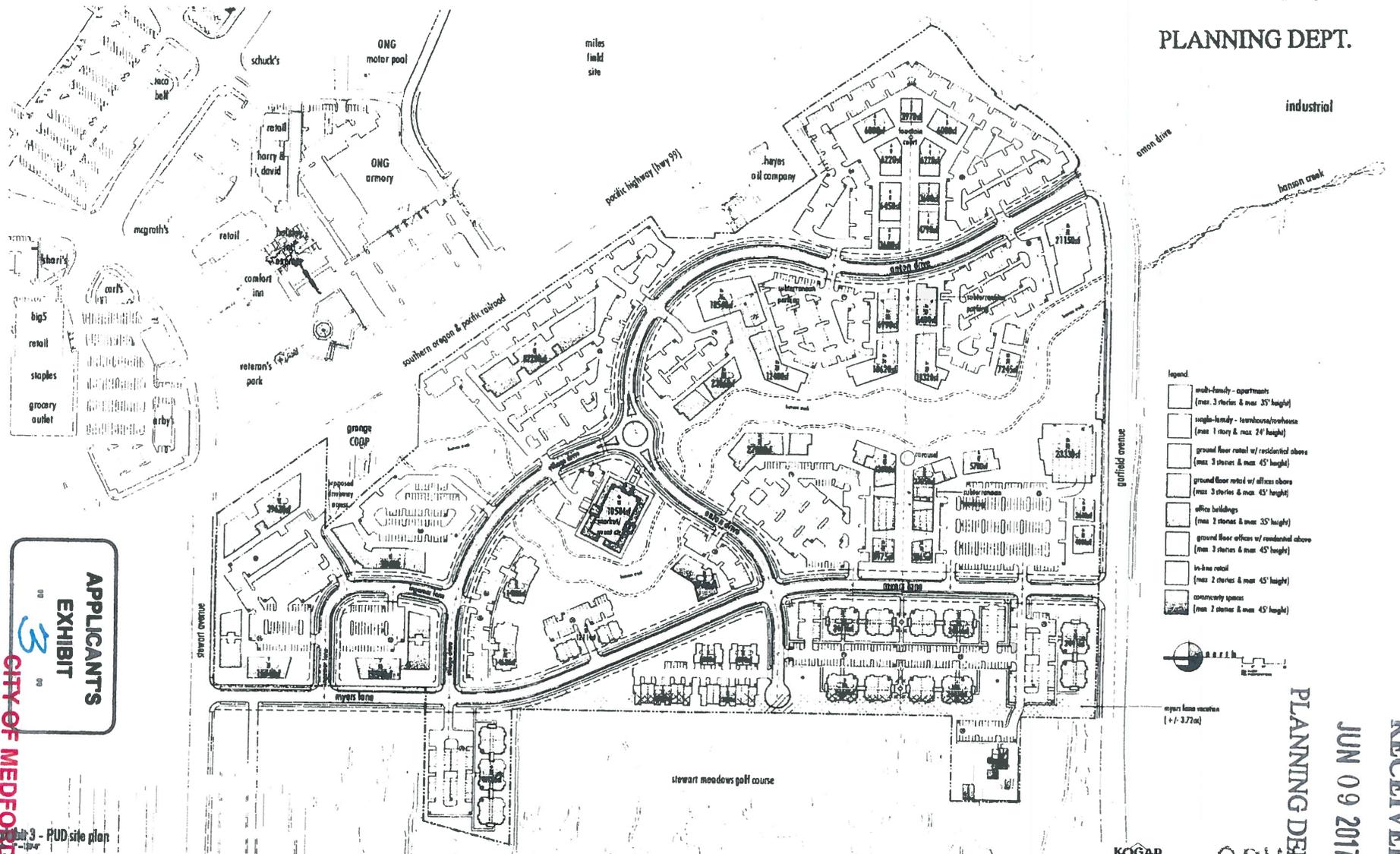
The geographic information systems (GIS) data made available on this map are derived and maintained by the City of Medford and Jackson County GIS data is not the official representation of any of the jurisdiction included. The maps and data are made available to the public solely for informational purposes.

THERE MAY BE ERRORS IN THE MAPS OR DATA. THE MAPS OR DATA MAY BE OUTDATED, INACCURATE, AND MAY NOT REPRESENT INFORMATION. THE ENTIRE RISK AS TO THE QUALITY OR PERFORMANCE IS WITH THE USER OR USER AGENCY IF INFORMATION IS DEFECTIVE. THE CITY OF MEDFORD ASSUMES NO LIABILITY FOR ANY NECESSARY CORRECTIONS OR WORKING.

RECEIVED

OCT 23 2008

PLANNING DEPT.



- Legend
- multi-family - apartments (max. 3 stories & max. 35' height)
  - single-family - townhouse/townhome (max. 1 story & max. 24' height)
  - ground floor retail w/ residential above (max. 3 stories & max. 45' height)
  - ground floor retail w/ offices above (max. 3 stories & max. 45' height)
  - office buildings (max. 3 stories & max. 35' height)
  - ground floor offices w/ residential above (max. 3 stories & max. 45' height)
  - in-line retail (max. 2 stories & max. 45' height)
  - community spaces (max. 2 stories & max. 45' height)



myrtle lane section  
(+/- 3.72a)

PLANNING DEPT.

JUN 09 2017

RECEIVED

APPLICANTS  
EXHIBIT # 3  
CITY OF MEDFORD  
EXHIBIT # 4  
File # SV-17-069

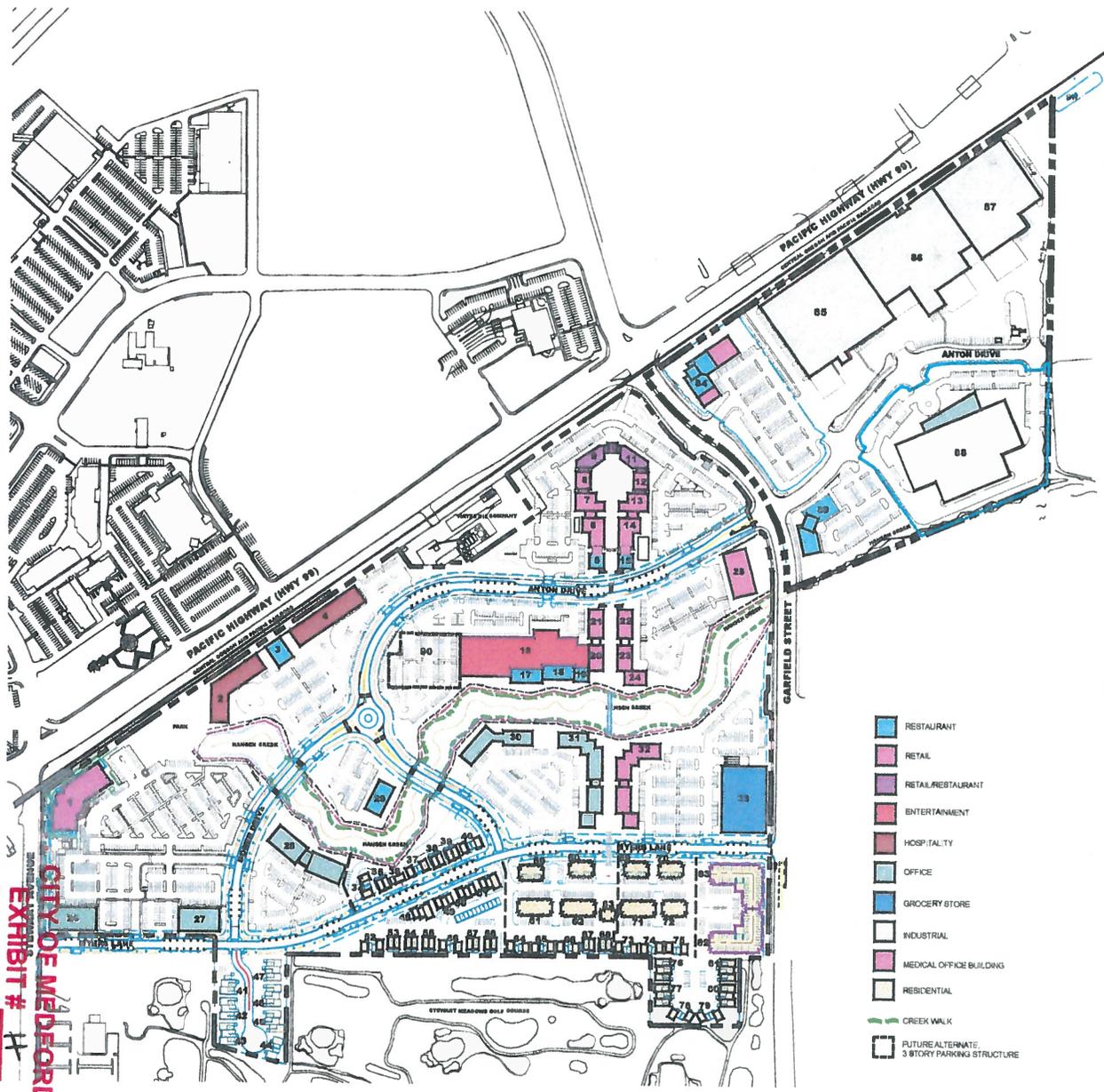
Exhibit 3 - PUD site plan  
**KOGAP enterprises - master plan for Stewart meadows village**  
nw corner garfield and pacific highway; medford, oregon  
17 october, 2008



COLLABORATIVE APPROACH HONEST DESIGN

PUD-06-141  
MINOR AMENDMENTS

CITY OF MEDFORD  
EXHIBIT # 4  
File # SV-17-069



- RESTAURANT
- RETAIL
- RETAIL/RESTAURANT
- ENTERTAINMENT
- HOSPITALITY
- OFFICE
- GROCERY STORE
- INDUSTRIAL
- MEDICAL OFFICE BUILDING
- RESIDENTIAL
- CREEK WALK
- FUTURE/ALTERNATE, 3 STORY PARKING STRUCTURE

**SOUTH RESIDENTIAL BUILDING AREA TABULATION**

BUILDING NUMBER	USE	BUILDING HEIGHT	BUILDING SQUARE FEET (BSF)	TOTAL BSF
1	OFFICE	3	11,000	11,000
2	OFFICE	3	11,000	11,000
3	OFFICE	3	11,000	11,000
4	OFFICE	3	11,000	11,000
5	OFFICE	3	11,000	11,000
6	OFFICE	3	11,000	11,000
7	OFFICE	3	11,000	11,000
8	OFFICE	3	11,000	11,000
9	OFFICE	3	11,000	11,000
10	OFFICE	3	11,000	11,000
11	OFFICE	3	11,000	11,000
12	OFFICE	3	11,000	11,000
13	OFFICE	3	11,000	11,000
14	OFFICE	3	11,000	11,000
15	OFFICE	3	11,000	11,000
16	OFFICE	3	11,000	11,000
17	OFFICE	3	11,000	11,000
18	OFFICE	3	11,000	11,000
19	OFFICE	3	11,000	11,000
20	OFFICE	3	11,000	11,000
21	OFFICE	3	11,000	11,000
22	OFFICE	3	11,000	11,000
23	OFFICE	3	11,000	11,000
24	OFFICE	3	11,000	11,000
25	OFFICE	3	11,000	11,000
26	OFFICE	3	11,000	11,000
27	OFFICE	3	11,000	11,000
28	OFFICE	3	11,000	11,000
29	OFFICE	3	11,000	11,000
30	OFFICE	3	11,000	11,000
31	OFFICE	3	11,000	11,000
32	OFFICE	3	11,000	11,000
33	OFFICE	3	11,000	11,000
34	OFFICE	3	11,000	11,000
35	OFFICE	3	11,000	11,000
36	OFFICE	3	11,000	11,000
37	OFFICE	3	11,000	11,000
38	OFFICE	3	11,000	11,000
39	OFFICE	3	11,000	11,000
40	OFFICE	3	11,000	11,000
41	OFFICE	3	11,000	11,000
42	OFFICE	3	11,000	11,000
43	OFFICE	3	11,000	11,000
44	OFFICE	3	11,000	11,000
45	OFFICE	3	11,000	11,000
46	OFFICE	3	11,000	11,000
47	OFFICE	3	11,000	11,000
48	OFFICE	3	11,000	11,000
49	OFFICE	3	11,000	11,000
50	OFFICE	3	11,000	11,000
51	OFFICE	3	11,000	11,000
52	OFFICE	3	11,000	11,000
53	OFFICE	3	11,000	11,000
54	OFFICE	3	11,000	11,000
55	OFFICE	3	11,000	11,000
56	OFFICE	3	11,000	11,000
57	OFFICE	3	11,000	11,000
58	OFFICE	3	11,000	11,000
59	OFFICE	3	11,000	11,000
60	OFFICE	3	11,000	11,000
61	OFFICE	3	11,000	11,000
62	OFFICE	3	11,000	11,000
63	OFFICE	3	11,000	11,000
64	OFFICE	3	11,000	11,000
65	OFFICE	3	11,000	11,000
66	OFFICE	3	11,000	11,000
67	OFFICE	3	11,000	11,000
68	OFFICE	3	11,000	11,000
69	OFFICE	3	11,000	11,000
70	OFFICE	3	11,000	11,000
71	OFFICE	3	11,000	11,000
72	OFFICE	3	11,000	11,000
73	OFFICE	3	11,000	11,000
74	OFFICE	3	11,000	11,000
75	OFFICE	3	11,000	11,000
76	OFFICE	3	11,000	11,000
77	OFFICE	3	11,000	11,000
78	OFFICE	3	11,000	11,000
79	OFFICE	3	11,000	11,000
80	OFFICE	3	11,000	11,000
81	OFFICE	3	11,000	11,000
82	OFFICE	3	11,000	11,000
83	OFFICE	3	11,000	11,000
84	OFFICE	3	11,000	11,000
85	OFFICE	3	11,000	11,000
86	OFFICE	3	11,000	11,000
87	OFFICE	3	11,000	11,000
88	OFFICE	3	11,000	11,000
89	OFFICE	3	11,000	11,000
90	OFFICE	3	11,000	11,000
91	OFFICE	3	11,000	11,000
92	OFFICE	3	11,000	11,000
93	OFFICE	3	11,000	11,000
94	OFFICE	3	11,000	11,000
95	OFFICE	3	11,000	11,000
96	OFFICE	3	11,000	11,000
97	OFFICE	3	11,000	11,000
98	OFFICE	3	11,000	11,000
99	OFFICE	3	11,000	11,000
100	OFFICE	3	11,000	11,000

**NEW ADDD (SOUTH OF GARFIELD) BUILDING AREA TABULATION**

BUILDING NUMBER	USE	BUILDING HEIGHT	BUILDING SQUARE FEET (BSF)	TOTAL BSF
1	OFFICE	3	11,000	11,000
2	OFFICE	3	11,000	11,000
3	OFFICE	3	11,000	11,000
4	OFFICE	3	11,000	11,000
5	OFFICE	3	11,000	11,000
6	OFFICE	3	11,000	11,000
7	OFFICE	3	11,000	11,000
8	OFFICE	3	11,000	11,000
9	OFFICE	3	11,000	11,000
10	OFFICE	3	11,000	11,000
11	OFFICE	3	11,000	11,000
12	OFFICE	3	11,000	11,000
13	OFFICE	3	11,000	11,000
14	OFFICE	3	11,000	11,000
15	OFFICE	3	11,000	11,000
16	OFFICE	3	11,000	11,000
17	OFFICE	3	11,000	11,000
18	OFFICE	3	11,000	11,000
19	OFFICE	3	11,000	11,000
20	OFFICE	3	11,000	11,000
21	OFFICE	3	11,000	11,000
22	OFFICE	3	11,000	11,000
23	OFFICE	3	11,000	11,000
24	OFFICE	3	11,000	11,000
25	OFFICE	3	11,000	11,000
26	OFFICE	3	11,000	11,000
27	OFFICE	3	11,000	11,000
28	OFFICE	3	11,000	11,000
29	OFFICE	3	11,000	11,000
30	OFFICE	3	11,000	11,000
31	OFFICE	3	11,000	11,000
32	OFFICE	3	11,000	11,000
33	OFFICE	3	11,000	11,000
34	OFFICE	3	11,000	11,000
35	OFFICE	3	11,000	11,000
36	OFFICE	3	11,000	11,000
37	OFFICE	3	11,000	11,000
38	OFFICE	3	11,000	11,000
39	OFFICE	3	11,000	11,000
40	OFFICE	3	11,000	11,000
41	OFFICE	3	11,000	11,000
42	OFFICE	3	11,000	11,000
43	OFFICE	3	11,000	11,000
44	OFFICE	3	11,000	11,000
45	OFFICE	3	11,000	11,000
46	OFFICE	3	11,000	11,000
47	OFFICE	3	11,000	11,000
48	OFFICE	3	11,000	11,000
49	OFFICE	3	11,000	11,000
50	OFFICE	3	11,000	11,000
51	OFFICE	3	11,000	11,000
52	OFFICE	3	11,000	11,000
53	OFFICE	3	11,000	11,000
54	OFFICE	3	11,000	11,000
55	OFFICE	3	11,000	11,000
56	OFFICE	3	11,000	11,000
57	OFFICE	3	11,000	11,000
58	OFFICE	3	11,000	11,000
59	OFFICE	3	11,000	11,000
60	OFFICE	3	11,000	11,000
61	OFFICE	3	11,000	11,000
62	OFFICE	3	11,000	11,000
63	OFFICE	3	11,000	11,000
64	OFFICE	3	11,000	11,000
65	OFFICE	3	11,000	11,000
66	OFFICE	3	11,000	11,000
67	OFFICE	3	11,000	11,000
68	OFFICE	3	11,000	11,000
69	OFFICE	3	11,000	11,000
70	OFFICE	3	11,000	11,000
71	OFFICE	3	11,000	11,000
72	OFFICE	3	11,000	11,000
73	OFFICE	3	11,000	11,000
74	OFFICE	3	11,000	11,000
75	OFFICE	3	11,000	11,000
76	OFFICE	3	11,000	11,000
77	OFFICE	3	11,000	11,000
78	OFFICE	3	11,000	11,000
79	OFFICE	3	11,000	11,000
80	OFFICE	3	11,000	11,000
81	OFFICE	3	11,000	11,000
82	OFFICE	3	11,000	11,000
83	OFFICE	3	11,000	11,000
84	OFFICE	3	11,000	11,000
85	OFFICE	3	11,000	11,000
86	OFFICE	3	11,000	11,000
87	OFFICE	3	11,000	11,000
88	OFFICE	3	11,000	11,000
89	OFFICE	3	11,000	11,000
90	OFFICE	3	11,000	11,000
91	OFFICE	3	11,000	11,000
92	OFFICE	3	11,000	11,000
93	OFFICE	3	11,000	11,000
94	OFFICE	3	11,000	11,000
95	OFFICE	3	11,000	11,000
96	OFFICE	3	11,000	11,000
97	OFFICE	3	11,000	11,000
98	OFFICE	3	11,000	11,000
99	OFFICE	3	11,000	11,000
100	OFFICE	3	11,000	11,000

**TOTAL P.U.D.-MASTER PLAN BUILDING TABULATION**

USE	TOTAL SQUARE FEET	TOTAL MAXIMUM FLOOR AREA
RESTAURANT	150,000	150,000
RETAIL	85,000	85,000
RETAIL/RESTAURANT	100,000	100,000
ENTERTAINMENT	100,000	100,000
HOSPITALITY	100,000	100,000
OFFICE	1,000,000	1,000,000
GROCERY STORE	100,000	100,000
INDUSTRIAL	100,000	100,000
MEDICAL OFFICE BUILDING	100,000	100,000
RESIDENTIAL	1,000,000	1,000,000
CREEK WALK	100,000	100,000
FUTURE/ALTERNATE, 3 STORY PARKING STRUCTURE	100,000	100,000
<b>TOTAL</b>	<b>3,000,000</b>	<b>3,000,000</b>

**RESIDENTIAL BUILDING AND UNIT AREA TABULATION**

BUILDING NUMBER	TYPE OF UNIT	HEIGHT	UNIT COUNT	TOTAL GROSS SQUARE FEET	RESIDENTIAL UNIT TYPE	RESIDENTIAL UNIT TYPE	BATHS
1	APARTMENT	3	100	100,000	1-BED	1-BED	1
2	APARTMENT	3	100	100,000	1-BED	1-BED	1
3	APARTMENT	3	100	100,000	1-BED	1-BED	1
4	APARTMENT	3	100	100,000	1-BED	1-BED	1
5	APARTMENT	3	100	100,000	1-BED	1-BED	1
6	APARTMENT	3	100	100,000	1-BED	1-BED	1
7	APARTMENT	3	100	100,000	1-BED	1-BED	1
8	APARTMENT	3	100	100,000	1-BED	1-BED	1
9	APARTMENT	3	100	100,000	1-BED	1-BED	1
10	APARTMENT	3	100	100,000	1-BED	1-BED	1
11	APARTMENT	3	100	100,000	1-BED	1-BED	1
12	APARTMENT	3	100	100,000	1-BED	1-BED	1
13	APARTMENT	3	100	100,000	1-BED	1-BED	1
14	APARTMENT	3	100	100,000	1-BED	1-BED	1
15	APARTMENT	3	100	100,000	1-BED	1-BED	1
16	APARTMENT	3	100	100,000	1-BED	1-BED	1
17	APARTMENT	3	100	100,000	1-BED	1-BED	1
18	APARTMENT	3	100	100,000	1-BED	1-BED	1
19	APARTMENT	3	100	100,000	1-BED	1-BED	1
20	APARTMENT	3	100	100,000	1-BED	1-BED	1
21	APARTMENT	3	100	100,000			



**REVISED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**BEFORE THE CITY OF MEDFORD  
CITY COUNCIL**

**IN THE MATTER OF AN APPLICATION FOR THE )  
VACATION OF PUBLIC RIGHT-OF-WAY AND PUBLIC )  
UTILITY EASEMENT )** **APPLICANT'S  
EXHIBIT "1"**

**APPLICATION:** Request for the vacation of an approximate 60-foot wide strip of public right-of-way, being a portion of Myers Lane, running north from Garfield Avenue approximately 1,743 feet in length, together with the vacation of a Public Utility Easement abutting the vacated right-of-way, within the Stewart Meadows Village Planned Unit Development.

**APPLICANT:** KOGAP Enterprises, Inc.  
115 W. Stewart Avenue #202  
Medford, OR 97501

**AGENT:** Maize & Associates, Inc.  
P.O. Box 628  
Medford, OR 97501

**A. BACKGROUND AND GENERAL INFORMATION**

On March 26, 2009, the Medford Planning Commission approved a revision to the Preliminary PUD Plan and Tentative Plat for Stewart Meadows Village PUD (Files PUD-06-141 and LDS-08-161). That approval included a realignment of Myers Lane as shown on the Preliminary PUD Plan (Exhibit "3"). The new alignment eliminates an existing offset of the Myers Lane intersection on Garfield Avenue and allows for improvements to the development's design whereby Myers Lane will be more internally located to the development and dwellings will be able to be located on both sides of Myers Lane.

The Preliminary PUD Plan has been revised several times since 2009, however the Myers Lane location has not been altered since its 2009 approval. The most recent revision approved in April 2017, is included as Exhibit "4".

The new realignment sweeps Myers Lane away from the Stewart Meadows Golf Course boundary to intersect Garfield Avenue and align at an existing intersection of a small piece of Myers Lane on the south side of Garfield Avenue, thus eliminating an approximate 180-foot, unsafe intersection offset. The Stewart Avenue/Myers Lane intersection will not be changed other than the construction of new street improvements.

**CITY OF MEDFORD**  
**EXHIBIT # 1**  
**File # SV-17-069**

## B. PURPOSE AND SCOPE OF THE APPLICATION:

One of the conditions of approval of Stewart Meadows Village PUD is to submit an application to the City of Medford for the vacation of that portion of Myers Lane that will be relocated. As the existing Myers Lane was originally deeded to Jackson County and is presently under their jurisdiction, the applicant has also submitted a vacation application to Jackson County for approval by the Board of Commissioners.

The Jackson County Assessor will determine the private ownership of the vacated right-of-way, and discussions with the County Surveyor and Assessor indicate that the right-of-way will revert to the owners of the abutting parcels upon vacation. The sole abutting property owner is KOGAP Enterprises, Inc.

As Section 10.200 of the Medford Land Development Code has been interpreted to require that the extinguishment of deeded PUEs be accomplished by the City and State vacation process and procedure, the application has now been revised to include two Public Utility Easements (PUE) abutting the vacated Myers Lane right-of-way – as shown on Exhibit “2” and described in Exhibit “11”.

## C. PROCEDURE AND SUBMITTAL REQUIREMENTS:

Section 10.185 of the Medford Land Development Code requires that the vacation of a public street or alley be reviewed as a Class “B” procedural action, which specifies the review procedures and approval process for such an action. Section 10.200, below, also requires that such a vacation be subject to Chapter 271 of the Oregon Revised Statutes, more specifically ORS 271.080 with this application, as discussed below.

### ***Medford Land Development Code - Section 10.201 Application Form***

*Petitioners or persons requesting a vacation shall file an application containing the following items:*

- 1. Vicinity Map drawn at a scale of 1" = 1,000' identifying the proposed area of vacation.*
- 2. Legal description of area proposed to be vacated in electronic form per the instructions of the City of Medford Planning Department.*
- 3. A letter requesting City Council initiation, or, if initiated by petition rather than by Council, consent to vacate forms completed and signed by owners of all abutting property and of not less than two-thirds in area of the real property affected as defined in ORS 271.080.*
- 4. Assessor's maps of the proposed vacation area identifying abutting and affected properties. The assessor's maps shall identify those parcels for which consents to vacate have been acquired.*

5. Names and addresses of property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated, including map and tax lot numbers typed on mailing labels.
6. Findings that address the approval criteria in Section 10.202, Vacation Criteria.

#### **D. RELEVANT APPROVAL CRITERIA:**

The City of Medford and the State of Oregon have established criteria that must be met before an application for a vacation can be approved. The applicant has addressed each of the relevant approval criteria in Section “F” of this document, which follows.

#### **MEDFORD LAND DEVELOPMENT CODE**

##### ***10.202 Vacation Criteria***

*A request to vacate shall only be approved by the approving authority (City Council) when the following criteria have been met:*

1. *Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.*
2. *If initiated by petition under ORS 271.080, the findings required by ORS 271.120.*
3. *If initiated by the Council, the applicable criteria found in ORS 271.130.*

##### ***Medford Land Development Code - Section 10.200 Application, Vacation***

*A request to vacate a public street, alley, easement, plat, or public place shall, in addition to the requirements contained herein, be subject to ORS Chapter 271. Vacation shall be initiated either by petition under ORS 271.080 or by City Council under ORS 271.130.*

#### **OREGON REVISED STATUTES**

##### ***271.080 Vacation in incorporated cities; petition; consent of property owners.***

- (1) *Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.*
- (2) *There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel*

street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

**271.120 Hearing; determination.**

*At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.*

**E. APPLICANT'S SUBMITTALS:**

- Exhibit "1" Revised Findings of Fact and Conclusions of Law
- Exhibit "2" Revised Map Showing Area of Myers Lane Right-of-Way and Public Utility Easement to be Vacated
- Exhibit "3" Preliminary PUD Plan for Stewart Meadows Village PUD (2009)
- Exhibit "4" Current Preliminary PUD Plan for Stewart Meadows Village (2017)
- Exhibit "5" Revised Assessor Map showing Area to be Vacated, Including Abutting and Affected areas as defined by ORS 271.080
- Exhibit "6" Vicinity Map of Vacation Area
- Exhibit "7" Revised Consent to Vacate Form
- Exhibit "8" Medford Street Functional Classification Plan (Southwest Medford Street Circulation Map) showing subject area
- Exhibit "9" Typed Mailing Labels for all Abutting and Affected Property Owners
- Exhibit "10" Revised Legal Description of Right-of-Way Area to be Vacated
- Exhibit "11" Legal Description of Public Utility Easement Area to be Vacated

## F. FINDINGS OF FACT AND CONCLUSIONS OF LAW

### CITY OF MEDFORD

#### SUBMITTAL REQUIREMENTS - SECTION 10.191

##### 10.201 Application Form

*Petitioners or persons requesting a vacation shall file an application containing the following items:*

- 1. Vicinity Map drawn at a scale of 1" = 1,000' identifying the proposed area of vacation.*
- 2. Legal description of area proposed to be vacated in electronic form per the instructions of the City of Medford Planning Department.*
- 3. A letter requesting City Council initiation, or, if initiated by petition rather than by Council, consent to vacate forms completed and signed by owners of all abutting property and of not less than two-thirds in area of the real property affected as defined in ORS 271.080.*
- 4. Assessor's maps of the proposed vacation area identifying abutting and affected properties. The assessor's maps shall identify those parcels for which consents to vacate have been acquired.*
- 5. Names and addresses of property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated, including map and tax lot numbers typed on mailing labels.*
- 6. Findings that address the approval criteria in Section 10.202, Vacation Criteria.*

#### Findings of Fact

The submitted application includes a vicinity map (Exhibit "6") and legal descriptions (Exhibits "10" and "11") of the areas proposed to be vacated.

The application also includes an assessor map showing the proposed vacation areas, and identifying those properties that are abutting, and those that fall within the affected area (Exhibit "5"), as defined by ORS 271.080. The map also identifies those parcels for which written consents have been acquired.

The names and addresses of all abutting and other affected property owners, together with their map and tax lot numbers have been submitted on typed mailing labels (Exhibit "9").

Findings of Fact and Conclusions of Law, which address the relevant approval criteria, (Exhibit "1") have been prepared by the applicant's representative.

As the vacation is being initiated by petition, the application submittals include consent to vacate forms completed and signed by owners of all abutting property and more than two-thirds in area of the real property affected as defined in ORS 271.080 (Exhibit “7”).

### Conclusion of Law

The City Council concludes that the application submitted by the petitioners requesting the vacation of a portion of the Myers Lane right-of-way and abutting Public Utility Easement contains the requisite material.

### CITY OF MEDFORD VACATION CRITERIA – SECTION 10.202

#### 10.202 - Vacation Criteria

*A request to vacate shall only be approved by the approving authority (City Council) when the following criteria have been met:*

1. *Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.*

### Finding of Fact

The Medford City Council has considered the following facts, which are fundamental in making their decision regarding the subject application.

The City of Medford has separated the transportation goals, policies, and implementations from the Public Facilities Element with the adoption of the Transportation System Plan in 2003, which then became a separate element of Medford’s Comprehensive Plan. In addition to addressing the Public Facilities Element as required by (1) above, the applicant’s findings also address compliance with the Transportation System Plan document.

A review of the Public Facilities Element shows that there are no particular Goals, Policies, or Implementations of the element which serve as specific decisional criteria for the proposed vacation of a public street and Public Utility Easement, however a review of the following policies shows that the proposed vacation is consistent with the Public Facilities Element.

#### PUBLIC FACILITIES ELEMENT

*Goal 1: To assure that development is guided and supported by appropriate types and levels of urban facilities and services, provided in a timely, orderly, and efficient arrangement.*

*Policy 1-A: The City of Medford shall provide, where feasible and as sufficient funds are available from public or private sources, the following facilities and services at levels appropriate for all land use types within the City:*

- Water service;*
- Sanitary sewers;*
- Stormwater management facilities;*
- Fire and emergency services;*
- Law enforcement;*
- Parks and recreation;*
- Planning, zoning, and subdivision control*

In conjunction with the vacation of right-of-way, Myers Lane from Stewart Avenue to Garfield Avenue will be realigned and improved to the code standards for a Standard Residential Street, including curbs, gutters, sidewalks, stormwater and sanitary sewers, water mains, and other utilities, including a required 10-foot wide Public Utility along both sides of the realigned right-of-way that will be utilized by the entitled utility providers.

The City of Medford is assured that Myers Lane will be available for traffic, as the Public Works Department holds signed and notarized vesting deeds, together with sufficient financial security from the subject property owner, KOGAP Enterprises, Inc.

In addition, a 10-foot wide PUE will be established along the realigned Myers Lane right-of-way.

The vacated portion of Myers Lane will be developed as a portion of the residential development of the Stewart Meadows Village PUD.

*Goal 2: To assure that General Land Use Plan (GLUP) designations and the development approval process remain consistent with the City of Medford's ability to provide adequate levels of essential public facilities and services.*

*Policy 2-B: The City of Medford shall strive to ensure that new development does not create public facility demands that diminish the quality of services to current residences and businesses below established minimum levels.*

All new development in and adjacent to Stewart Meadows Village has been reviewed, and continues to be subject to City of Medford standards pertaining to public facility utilization. There are no known public facility service issues that will be diminished by virtue of the vacation of the street or Public Utility Easement. Myers Lane will continue to provide a north/south connection between Stewart Avenue and Garfield Avenue and an unsafe offset intersection at Garfield Avenue will be eliminated.

A PUE will be in place alongside Myers Lane between Stewart Avenue and Garfield Avenue.

### Conclusion of Law

The City Council concludes that there are no goals, policies, or implementation measures in the Public Facilities Element that serve as specific decisional criteria for the vacation of a street or PUE. The City Council recognizes however, that the proposed vacation is in conformance with Goals 1 and 2, as the vacation will not have an effect upon the quality of service to current residences and businesses.

### TRANSPORTATION SYSTEM PLAN

The following sections of the Transportation System Plan deal with Medford's street system and contain Goals, Policies, and Implementations that will be addressed to show that the proposed application is in compliance with the Transportation System Plan.

#### Street System

*GOAL 2: To provide a comprehensive street system that serves the mobility and multi-modal transportation needs of the Medford planning area.*

#### Street System - Classification

***Policy 2-A:*** *The City of Medford shall classify streets so as to provide an optimal balance between mobility and accessibility for all transportation modes consistent with street function.*

***Implementation 2-A(1):*** *Utilize the Street Classification Map of the Medford Transportation System Plan to identify land for public rights-of-way and to give advance notice to property owners and citizens regarding future expansions of the street system.*

***Implementation 2-A(3):*** *Provide a grid network of interconnected lower order (local) streets that disperses traffic and supplies connections to higher order streets, employment centers, and neighborhood activity centers, and provides appropriate emergency access.*

***Implementation 2-A(4):*** *Develop and adopt conceptual Neighborhood Circulation Plans as stand alone plans or as part of neighborhood or area plans to be implemented as development of these areas occurs. Such Plans shall indicate the function of proposed streets and design standards needed to minimize disruption of existing neighborhoods while assuring adequate access commensurate with the intensity of planned new development and redevelopment. Such plans shall also identify key neighborhood destinations and an interconnected system of bicycle and pedestrian facilities to serve these destinations, as well as to connect with areas outside of the neighborhood.*

### Findings of Fact

The Medford Street Functional Classification Plan, represented by the Southwest Medford Circulation Map (Exhibit “8”) includes Myers Lane as a lower order street, running in its current location between Stewart Avenue and Garfield Avenue. The City of Medford utilizes these street plans as conceptual plans to indicate that a street will be located in that general area and serve that functional purpose, but may not necessarily be situated exactly in that specific location. The Stewart Meadows Village PUD Preliminary Plan, which was approved by the Planning Commission after a public hearing in which neighboring properties were duly noticed, included the plan for the southern portion of Myers Lane to be realigned to intersect with a portion of Myers Lane existing on the south side of Garfield Avenue. That Planning Commission approval also included the condition that the applicant would submit an application to vacate that portion of the Myers Lane right-of-way that lies outside of the realignment.

*Policy 2-C: The City of Medford shall design the street system to safely and efficiently accommodate multiple travel modes within public rights-of-way.*

*Implementation 2-C(II): Incorporate into the Medford Land Development Code standards to govern the spacing of street intersections, signal installation, driveway access, and sight distance.*

### Findings of Fact

As shown on Exhibit “5”, there is currently an approximate 180-foot offset along Garfield Avenue between the north and south legs of Myers Lane that will be eliminated by the new dedication and the subject vacation. Section 10.426 of the Medford Land Development Code contains language that pertains to street intersections.

*D. Minimum Distance Between Intersections - Streets intersecting other streets shall be directly opposite each other, or offset by at least 200 feet, except when the approving authority finds that utilizing an offset of less than 200 feet is necessary to economically develop the property with the use for which it is zoned, or an existing offset of less than 200 feet is not practical to correct.*

The new dedication and subject vacation of Myers Lane allow the new intersection to meet the standard of Section 10.426 of the Land Development Code.

### Conclusion of Law

The City Council concludes that the vacation of a portion of Myers Lane is consistent with Goal 2, in that Myers Lane will continue to provide a street connection between Stewart Avenue and Garfield Avenue in the approximate location as shown on the City’s conceptual street plans.

The City Council also concludes that as Myers Lane will be realigned, retaining the existing north/south connection between Stewart Avenue and Garfield Avenue, while creating a safe intersection at Garfield Avenue, the City has no reason to retain the existing right-of-way lying outside of the new alignment for transportation purposes.

2. *If initiated by petition under ORS 271.080, the findings required by ORS 271.120.*

### Findings of Fact

The applicant has submitted a petition conforming to the standards of ORS 271.080, and has also submitted findings which the Council can adopt at a properly noticed public hearing. These findings address all relevant decisional criteria for a vacation established by both the City of Medford and the State of Oregon.

#### ***271.120 Hearing; determination.***

*At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.*

At the public hearing, the City Council considered the petition for vacation with an opportunity for objections to be raised.

Notices have been sent and posted as required by Sections 10.157 and 10.158 of the Land Development Code.

The petition includes the signed consent to vacate documents from 100 percent of all abutting real property owners as demonstrated by Exhibits “5” and “7”. The sole owner of all abutting property is KOGAP Enterprises, Inc.

The petition also includes the signed consent to vacate documents from 85 percent of all affected real property owners as shown on Exhibits “5” and “7”. The affected area of the vacation is calculated as 23.34 acres, with consents from the property owners representing 19.86 acres of affected real property.

The proposed vacation is not part of a plat.

### Conclusion of Law

At that public hearing, the City Council heard the petition with an opportunity for objections to be made. The City Council determines that the signatures on the petition represent the owners of the requisite area, and that notice has been properly given.

The City Council also concludes that as the public interest will not be prejudiced by the vacation of the subject right-of-way and abutting Public Utility Easement, an ordinance vacating the right-of-way and Public Utility Easement shall be adopted by the Council.

3. *If initiated by the Council, the applicable criteria found in ORS 271.130.*

### Findings of Fact

The applicant has chosen to initiate the vacation by submitting a petition, as allowed and prescribed in ORS 271.080, and therefore, initiation by the Council is not requested

### Conclusion of Law

The City Council concludes that, as the vacation has been initiated by petition, this criterion does not apply.

## STATE OF OREGON CRITERIA FOR VACATION

### ***271.080 Vacation in incorporated cities; petition; consent of property owners.***

- (1) *Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.*
- (2) *There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.*

### Findings of Fact

The vacation hearing has been initiated by a petition including the written description of the area to be vacated and the purpose and reason of the vacation, and the consent of property owners representing 100 percent of the abutting property, and 85 percent (19.86 acres of 23.34 acres) of the affected area. The City of Medford (Tax Lot 2600) and The Dianna R. Ayala Trust (Tax Lot 2400) are the only other affected property owners owning approximately 3.48 acres at the south end of the Myers Lane vacation that chose not to sign a consent to vacate. The record shows that a date for vacation was set prior to the City Council's approval of the vacation and notice was given as provided by ORS 271.110. The applicant has submitted Exhibits "10" and "11" showing the legal affected area, as defined by ORS 271.080(2).

### Conclusion of Law

The City Council concludes that the vacation has been initiated by a petition which includes the written consents of owners of 100 percent of the real property abutting the area proposed to be vacated. The owners of approximately 85 percent of the affected property have also consented to the vacation in writing. The City Council also concludes that a description of the area to be vacated has been included together with the purpose and reason that the area is proposed to be vacated. The City Council, then concludes that the criteria of ORS 271.080 (1) has been met.

The City Council further concludes that as the requisite percentage of abutting and affected real property owners are included on submitted consent to vacate documents, ORS 271.080 (2) has been met.

## **G. ULTIMATE CONCLUSION**

Based upon the above Findings of Fact and Conclusions of Law, the City Council concludes that the application for vacation of the subject area as depicted in the submitted application meets with the relevant decisional criteria found in Section 10.202 of Medford's Land Development Code and Chapter 271.080 of the Oregon Revised Statutes, and can therefore be approved, and an ordinance for the vacation can be adopted by the City Council.

Respectively Submitted,  
Maize & Associates, Inc.



Jim Maize  
agent for applicant,  
KOGAP Enterprises, Inc.

Dated: April 30, 2017  
Revised: August 28, 2017



Continuous Improvement Customer Service

## CITY OF MEDFORD

LD Date: 7/26/2017  
File Number: SV-17-069

### PUBLIC WORKS DEPARTMENT STAFF REPORT Myers Lane Street Vacation

- Project:** Consideration of a request for the vacation of an approximate 60-foot wide strip of public right-of-way, being a portion of Myers Lane, running north from Garfield Avenue approximately 1743 feet in length, within the Stewart Meadows Village Planned Unit Development.
- Applicant:** KOGAP Enterprises, Applicant; Maize & Associates, Agent; Dustin Severs, Planner.
- 

Public Works concurs with the request to vacate the subject existing right-of-way, with the condition that the new right-of-way and public utility easement dedications for the realignment of Myers Lane shall be approved by the City Engineer prior to this application going to the City Council and that these dedications be simultaneously recorded with this vacation. In addition, sign-off shall be obtained from all applicable utility companies to confirm they have relocated their facilities out of the area to be vacated or an easement over the entire area shall be reserved for public utilities that exist therein. The easement shall include the right to access, maintain, and construct these utilities within the easement area. No structures shall be built over the easement area.

Prepared by: Doug Burroughs

---

P:\Staff Reports\SV\2017\SV-17-069 Myers Lane Street Vacation\SV-17-069 Staff Report-LD.docx

Page 1

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET  
MEDFORD, OREGON 97501  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

TELEPHONE (541) 774-2100  
FAX (541) 774-2552  
**CITY OF MEDFORD**  
**EXHIBIT #**   
**File # SV-17-069**



# Medford Fire Department

200 S. Ivy Street, Room #180  
Medford, OR 97501  
Phone: 774-2300; Fax: 541-774-2514;  
E-mail [www.fire@ci.medford.or.us](mailto:www.fire@ci.medford.or.us)

## LAND DEVELOPMENT REPORT - PLANNING

To: Dustin Severs

LD Meeting Date: 07/26/2017

From: Fire Marshal Kleinberg

Report Prepared: 07/24/2017

File #: SV - 17 - 69

### Site Name/Description:

Consideration of a request for the vacation of an approximate 60-foot wide strip of public right-of-way, being a portion of Myers Lane, running north from Garfield Avenue approximately 1743 feet in length, within the Stewart Meadows Village Planned Unit Development; KOGAP Enterprises, Applicant; Maize & Associates, Agent; Dustin Severs, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
<u>Approved as Submitted</u> Meets Requirement: No Additional Requirements	

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.

Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustibile material arrives at the site.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on the information provided only.

Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.

**CITY OF MEDFORD**  
**EXHIBIT #**  
**File # SV-17-069**



BOARD OF WATER COMMISSIONERS  
**Staff Memo**

**TO:** Planning Department, City of Medford  
**FROM:** Rodney Grehn P.E., Water Commission Staff Engineer  
**SUBJECT:** SV-17-069  
**PARCEL ID:** 371W31D (Old Meyers Lane)  
**PROJECT:** Consideration of a request for the vacation of an approximate 60-foot wide strip of public right-of-way, being a portion of Myers Lane, running north from Garfield Avenue approximately 1743 feet in length, within the Stewart Meadows Village Planned Unit Development; KOGAP Enterprises, Applicant; Maize & Associates, Agent; Dustin Severs, Planner.  
**DATE:** July 26, 2017

I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

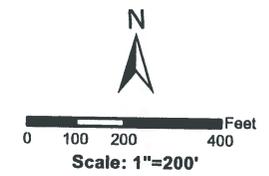
**COMMENTS**

1. Medford Water Commission has abandoned a portion of the existing 12-inch water line in the proposed vacated portion of Myers Lane. The remaining portion of the 12-inch water line extends north from the existing 24-inch water line in in Garfield Street to the north line of TL 371W31D owned by Kogap Enterprises Inc. There is an existing fire hydrant at the north end of this section of water line.
2. There are two (2) water services located off the existing 12-inch water line in front of the home at 1626 Meyer Lane. There is an existing 1-inch water meter serving the existing home, and a 3/4 -inch water meter to the #8 Tee Box.
3. When the new Stewart Meadows Village PUD development adjacent to this section of "active" water line to the east of existing Myers Lane is complete this existing 12-inch water line will be completely abandoned, along with the existing water meters described above.

**CONDITIONS**

4. MWC requires that the current access/maintenance rights of a utility located in a public right-of-way be retained until such time when water service to the residence located at 1626 Meyers Lane, and to the #8 Tee Box, and fire protection to the adjacent phased development to the east is complete and is no longer needed. Applicants' contractor shall coordinate with MWC engineering staff on timing of this water line and water meter abandonment.

**CITY OF MEDFORD**  
**EXHIBIT # M**  
**File # SV-17-069**



**Water Facility Map  
for  
SV-17-069**

**Legend**

- Air Valve
- Sample Station
- Fire Service
- Hydrant
- Reducer
- Blow Off
- Plugs-Caps

- Water Meters:**
- Active Meter
  - On Well
  - Unknown
  - Vacant

- Water Valves:**
- Butterfly Valve
  - Gate Valve
  - Tapping Valve

- Water Mains:**
- Active Main
  - Abandoned Main
  - Reservoir Drain Pipe
  - Pressure Zone Line

- Boundaries:**
- Urban Growth Boundary
  - City Limits
  - Tax Lots

- MWC Facilities:**
- Control Station
  - Pump Station
  - Reservoir



This map is based on a digital database supplied by Medford Water Commission from a variety of sources. Medford Water Commission bears overall responsibility for accuracy, completeness, or positional accuracy. There are no warranties, expressed or implied.

## Dustin J. Severs

---

**From:** Jon M. Proud  
**Sent:** Wednesday, June 21, 2017 1:05 PM  
**To:** Dustin J. Severs  
**Subject:** RE: legal description verification

Dustin, I have no comments on the description and exhibit map. I would ask that when the document is drafted for the vacation that the document refers to both the written description and the exhibit map provided by the applicants surveyor.

I also want to make mention of the obvious: Utilities exist in area to be vacated, access is going to be cut off to existing tax lots, and the curved area on the north area of the vacation was not reviewed for geometry fit with future street r/w. Thanks, Jon

---

**From:** Dustin J. Severs  
**Sent:** Friday, June 16, 2017 8:52 AM  
**To:** Jon M. Proud  
**Subject:** legal description verification

Jon,  
Attached is the legal description, along with other supporting documents, for the proposed street vacation of Myers Lane as part of the Stewart Meadows Village PUD. Could you please verify the accuracy of the legal description.

Thank you,

*Dustin Severs*  
Planner III  
City of Medford - Planning Department  
Lausmann Annex, 200 S. Ivy Street  
Medford, OR 97501  
(541) 774-2389



# JACKSON COUNTY

## Roads

### Roads Engineering

Kevin Christiansen  
Construction Manager

200 Antelope Road  
White City, OR 97503  
Phone: (541) 774-6228  
Fax: (541) 774-6255  
Christke@jacksoncounty.org  
www.jacksoncounty.org

June 23, 2017

Attention: Dustin Severs  
Planning Department  
City of Medford  
200 South Ivy Street, Lausmann Annex, Room 240  
Medford, OR 97501

RE: Street Vacation for Meyers Lane – a County maintained road.  
Planning File: SV-17-069.

Dear Dustin:

Thank you for the opportunity to comment on the consideration of a request for the vacation of approximate 60-foot wide strip of public right-of-way, being apportion of Meyers Lane, running north from Garfield Avenue approximately 1,743 feet in length, within the Stewart Meadows Village Planned Unit Development. Jackson County Roads has the following comment:

1. Jackson County's General Administration Policy #1-45 sets forth the County's position as it relates to the management of County roads located within existing or proposed city limits or Urban Growth Boundaries (UGB). The County has no current plans for improvements to Myers Lane. Jackson County Roads recommends that the city request jurisdiction of this road.
2. This portion of Meyers Lane is a County road within the City of Medford's city limits. Per ORS 368.361, intergovernmental vacation proceedings are required. The applicant must also obtain vacation approval from Jackson County.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,

Kevin Christiansen  
Construction Manager

I:\Engineering\Development\CITIES\MEDFORD\2017\SV-17-069.docx

**CITY OF MEDFORD**  
**EXHIBIT # 0**  
**File # SV-17-069**

**DESCRIPTION OF  
A PORTION OF MYERS LANE TO BE VACATED**

Commencing at the Northeast corner of Donation Land Claim Number 45, located in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence North 89°59'22" West, along the north line of said Donation Land Claim 45, a distance of 1360.48 feet to the Northwest corner of that tract described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon; thence South 00°03'00" East, along the west line of said tract, a distance of 783.76 feet, to the POINT OF BEGINNING; thence continue South 00°03'00" East, along said west line, a distance of 1743.15 feet, to a point on the north line of that tract described in Instrument Number 00-32491 of said Official Records; thence North 89°59'28" East, along said north line and its easterly extension, a distance of 60.06 feet, to a point on the west line of that tract described in Instrument Number 98-02983 of said Official Records; thence along said west line, along the arc of a curve to the right having a radius of 54.56 feet, a central angle of 02°33'08", a length of 2.43 feet and a long chord bearing and distance of North 01°29'28" West, 2.43 feet, to a point on the east line of said tract described in Instrument Number 75- 03262; thence North 00°03'00" West, along said east line, a distance of 1471.75 feet; thence North 24°00'19" West, leaving said east line, a distance of 13.80 feet; thence along the arc of a curve to the right having a radius of 631.50 feet, a central angle of 23°57'19", a length of 264.03 feet and a long chord bearing and distance of North 12°01'40" West, 262.11 feet, to the POINT OF BEGINNING.

The graphical depiction of the above description is shown on the attached EXHIBIT "B" A PORTION OF MYERS LANE TO BE VACATED.

Prepared by:  
Terrasurvey, Inc.  
274 Fourth Street  
Ashland, Oregon 97520



# EXHIBIT 'B'

## A PORTION OF MYERS LANE TO BE VACATED

N.W. CORNER  
INST.No.  
75-03262

N.E. CORNER  
DLC 45

N89°59'22"W 1360.48'

CENTER LINE STEWART AVENUE

17.5'  
42.5'

783.76'

POINT OF BEGINNING

S00°03'00"E

1743.15'

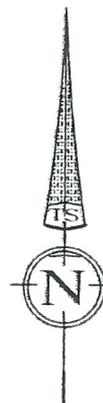
MYERS LANE

N00°03'00"W 1471.75'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	54.56'	2.43'	2°33'08"	N01°29'28"W	2.43'
C2	631.50'	264.03'	23°57'19"	N12°01'40"W	262.11'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°59'28"E	60.06'
L2	N24°00'19"W	13.80'

A DESCRIPTION OF THIS EXHIBIT TITLED "DESCRIPTION OF A PORTION OF MYERS LANE TO BE VACATED" IS ATTACHED.



SCALE: 1" = 300'

INDICATES AREA TO BE VACATED



REGISTERED  
**PROFESSIONAL  
LAND SURVEYOR**

*Fred A. Frantz*  
OREGON  
JULY 12, 2005  
FRED A. FRANTZ  
No. 50077

Renewal 12-31-17

**TERRASURVEY, INC.**

PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET  
ASHLAND, OREGON 97520

NORTH LINE  
INST.No. 00-32491

W.N.W.  
CORNER  
DLC 46

GARFIELD

INST.No. 02-61939

STREET

S.E. CORNER  
DLC 45

INST.No. 75-03262 INST.No. 98-02983  
N89°59'28"E 1492.60'

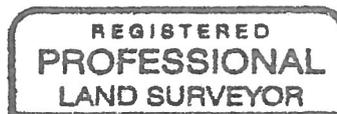
**DESCRIPTION OF  
VACATION OF INSTRUMENT NUMBER 98-10481,  
A PUBLIC UTILITY EASEMENT**

This description is for the vacation of the 15.00 foot wide public utility easement as described in Instrument Number 98-10481 of the Official Records of Jackson, County, Oregon, being 15.00 feet wide, the western and northern line of which is coincident with the following described line:

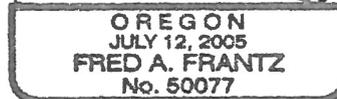
Commencing at the southeast corner of Donation Land Claim Number 45 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence South 89°59'28" West, a distance of 972.97 feet, to the eastern line of Myers Lane as described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon; thence along said eastern line, North 00°20'18" East, a distance of 40.00 feet; thence South 89°59'28" West, a distance of 251.94 feet; thence along the arc of a curve to the right having a radius of 84.59 feet, a central angle of 89°57'32", a length of 132.80 feet and a long chord bearing and distance of North 45°01'46" West, 119.58 feet; thence North 00°03'00" West, a distance of 1074.47 feet to the southwest corner of that tract described in Instrument Number 95-06852 of said Official Records and the POINT OF BEGINNING of the line to be described; thence North 00°03'00" West, a distance of 1409.99 feet, to a point which bears South 00°00'38" West, a distance of 40.00 feet, from the north line of said Donation Land Claim Number 45; thence South 89°59'22" East, parallel with said north line a distance of 433.40 feet, to the southwest corner of that TRACT A as described in Instrument Number 95-04268 of said Official Records; thence South 89°59'22" East, a distance of 54.98 feet to the southeast corner there of and the point of termination of the line described.

The graphical depiction of the above description is shown on the attached EXHIBIT "B" VACATION OF INSTRUMENT NUMBER 98-10481, A PUBLIC UTILITY EASEMENT.

Prepared by:  
Terrasurvey, Inc.  
274 Fourth Street  
Ashland, Oregon 97520



*Fred A. Frantz*



Renewal 12-31-17

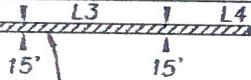
# EXHIBIT 'B'

VACATION OF INSTRUMENT NUMBER 98-10481  
A PUBLIC UTILITY EASEMENT

N.E. CORNER  
DLC 45

S00°00'38"W  
40.00'

N89°59'22"W 1300.44'



INST.No. 98-10481  
TO BE VACATED

CENTER LINE STEWART AVENUE

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	84.59'	132.80'	89°57'32"	N45°01'46"W	119.58'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°20'18"E	40.00'
L2	S89°59'28"W	251.94'
L3	S89°59'22"E	433.40'
L4	S89°59'22"E	54.98'

A DESCRIPTION OF THIS  
EXHIBIT TITLED "DESCRIPTION  
OF VACATION OF INSTRUMENT  
NUMBER 98-10481 A PUBLIC  
UTILITY EASEMENT" IS  
ATTACHED.

INST.No. 98-10481  
TO BE VACATED

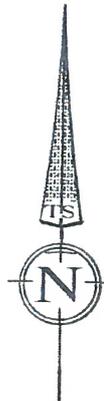
EAST LINE MYERS  
LN. PER INST.No  
75-03262

S00°03'00"E 1409.99'

MYERS LANE

N00°03'00"W 1074.47'

SOUTHWEST CORNER  
INSTRUMENT No. 95-06852



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Fred A. Frantz*  
OREGON  
JULY 12, 2005  
FRED A. FRANTZ  
No. 50077

SCALE: 1" = 300'      Renewal 12-31-17

TERRASURVEY, INC.

PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET  
ASHLAND, OREGON 97520

W.N.W. CORNER  
DLC 46

GARFIELD

STREET

S89°59'28"W 972.97'

INST.No. 75-03262  
S89°59'28"W 2002.80'

S.E. CORNER  
DLC 45

**DESCRIPTION OF  
VACATION OF INSTRUMENT NUMBER 95-25760 EXHIBIT "A" AND A  
PORTION OF EXHIBIT "B"  
A PUBLIC UTILITY EASEMENT**

This description is for the vacation of the public utility easements for the installation and maintenance of public utilities, as described in Instrument Number 95-25760, of the Official Record of Jackson County, Oregon and includes Exhibit "A" and a portion of Exhibit "B" of said Instrument Number, and being described as follows:

Exhibit "A"

Vacation of an easement for the installation and maintenance of public utilities:

Commencing at the northeast corner of Donation Land Claim Number 45, located in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence North 89°59'22" West, a distance of 1300.48 feet, to a point which bears North 00°03'00" West, a distance of 40.00 feet from the Southwest corner of that tract described in Instrument Number 97-45264 of the Official Record of Jackson County, Oregon: thence South 00°03'00" East, along the west line of said tract and the East line of Myers Lane as described in Instrument Number 75-03262 of said Official Record, a distance of 1662.04 feet to the POINT OF BEGINNING; thence South 88°11'45" East, leaving said east line, a distance of 15.01 feet; thence North 00°03'00" West, a distance of 50.03 feet; thence South 88°11'45" East, a distance of 370.28 feet; thence South 78°53'49" East, a distance of 73.45 feet; thence along the arc of a curve to the left, having a radius of 15.00 feet, a central angle of 42°02'12", a length of 11.00 feet and a long chord bearing and distance of North 73°55'29" East, 10.76 feet; thence along the arc of a curve to the right, having a radius of 45.00 feet, a central angle of 30°59'53", a length of 24.35 feet and a long chord bearing and distance of North 68°24'59" East, 24.05 feet; thence North 00°15'34" East, a distance of 15.07 feet; thence along the arc of a curve to the left, having a radius of 60.00 feet, a central angle of 32°35'24", a length of 34.13 feet and a long chord bearing and distance of South 68°12'41" West, 33.67 feet; thence North 78°53'49" West, a distance of 73.05 feet; thence North 88°11'45" West, a distance of 387.20 feet, to the East line of said Myers Lane; thence South 00°03'00" East, a distance of 64.41 feet to the POINT OF BEGINNING.

A portion of Exhibit "B"

Vacation of an easement for the installation and maintenance of public utilities:

Commencing at the northeast corner of Donation Land Claim Number 45, located in the Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon: thence North 89°59'22" West, a distance of 1300.48 feet, to a point which bears North 00°03'00" West, a distance of 40.00 feet, from the Southwest corner of that tract described in Instrument Number 97-45264 of the Official Record of Jackson County, Oregon: thence South 00°03'00" East, along the west line of said tract and the East line of Myers Lane as described in Instrument Number 75-03262 of said Official Record, a distance of 1662.04 feet to the POINT

OF BEGINNING; thence South 88°11'45" East, leaving said east line, a distance of 15.01 feet; thence South 00°03'00" East, a distance of 861.62 feet; thence along the arc of a curve to the left, having a radius of 39.57 feet, a central angle of 63°18'20", a length of 43.72 feet and a long chord bearing and distance of South 31°41'58" East, 41.53 feet, to a point on the north line of that tract described in Instrument Number 02-61939 of said Official Records; thence along said north line through the following courses; North 89°33'55" West, a distance of 24.10 feet; thence along the arc of a curve to the right, having a radius of 54.56 feet, a central angle of 37°10'12", a length of 35.40 feet and a long chord bearing and distance of North 21°21'08" West, 34.78 feet, to a point on the East line of said Myers Lane; thence North 00°03'00" West, a distance of 862.42 feet, to the POINT OF BEGINNING.

The graphical depiction of the above description is shown on the attached EXHIBIT "B" VACATION OF INSTRUMENT NUMBER 95-25760 EXHIBIT "A" AND A PORTION OF EXHIBIT "B" A PUBLIC UTILITY EASEMENT.

Prepared by:  
Terrasurvey, Inc.  
247 Fourth Street  
Ashland, Oregon 97520



# EXHIBIT 'B'

VACATION OF INSTRUMENT NUMBER 95-25760  
EXHIBIT "A" AND A PORTION OF EXHIBIT "B"  
A PUBLIC UTILITY EASEMENT

N.E. CORNER  
DLC 45

N89°59'22"W 1300.48'

S.W. CORNER  
INSTR.No.  
97-45264

CENTER LINE STEWART AVENUE

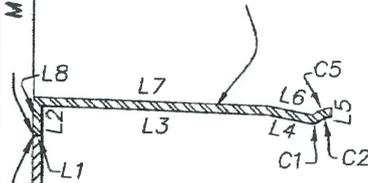
CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	15.00'	11.00'	42°02'12"	N73°55'29"E	10.76'
C2	45.00'	24.35'	30°59'53"	N68°24'59"E	24.05'
C3	39.57'	43.72'	63°18'20"	S31°41'58"E	41.53'
C4	54.56'	35.40'	37°10'12"	N21°21'08"W	34.78'
C5	60.00'	34.13'	32°35'24"	S68°12'41"W	33.67'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S88°11'45"E	15.01'
L2	N00°03'00"W	50.03'
L3	S88°11'45"E	370.28'
L4	S78°53'49"E	73.45'
L5	N00°15'34"E	15.07'
L6	N78°53'49"W	73.05'
L7	N88°11'45"W	387.20'
L8	S00°03'00"E	64.41'
L9	N89°33'55"W	24.10'

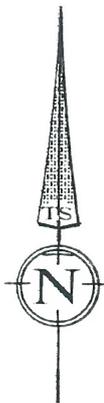
MYERS LANE  
500°03'00"E 1662.04'

EAST LINE MYERS LN. PER  
INST.No 75-03262

INST.No. 95-25760, EXHIBIT "A"  
TO BE VACATED



A DESCRIPTION OF THIS  
EXHIBIT TITLED "DESCRIPTION  
OF VACATION OF INSTRUMENT  
NUMBER 95-25760 EXHIBIT  
"A" AND A PORTION OF  
EXHIBIT "B" A PUBLIC UTILITY  
EASEMENT" IS ATTACHED.



REGISTERED  
**PROFESSIONAL  
LAND SURVEYOR**

*Fred A. Frantz*  
OREGON  
JULY 12, 2005  
FRED A. FRANTZ  
No. 50077

PORTION OF INST.No. 95-25760  
EXHIBIT "B"  
TO BE VACATED

SCALE: 1" = 300'

Renewal 12-31-17

NORTH LINE  
INST.No.02-61939

**TERRASURVEY, INC.**  
PROFESSIONAL LAND SURVEYORS

274 FOURTH STREET  
ASHLAND, OREGON 97520

PORTION OF INST.No.  
95-25760, EXHIBIT "B"  
SOUTH OF GARFIELD  
RIGHT OF WAY

NORTH LINE  
INST.No. 00-32491

W.N.W. CORNER  
DLC 46

GARFIELD

STREET

S.E. CORNER  
DLC 45

S89°59'28"W 2002.80'

## Description of Roadway Dedication

A tract of land lying in the East half of Section 31, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon; the said tract being of variable width, lying on a portion of both sides of the following described centerline:

COMMENCING at the Northeast corner of Donation Land Claim Number 45, located in Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon; thence North 89°59'22" West, a distance of 1317.98 feet to a 3-1/2" Brass Cap on the north line of that tract described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon; thence continuing along said north line, North 89°59'22" West, a distance of 11.00 feet to a 5/8" iron pin, which bears South 89°59'22" East, a distance of 31.50 feet from the northwest corner of said tract and being the POINT OF BEGINNING, said point being Station "M" 10+00.00; thence South 00°03'00" East, a distance of 783.73 feet to a 5/8" iron pin at Station "M" 17+83.73; thence along a curve to the left having a radius of 600.00 feet, a central angle of 23°57'19", a length of 250.86 feet and a long chord bearing and distance of South 12°01'40" East, 249.04 feet, to a 5/8" iron pin at Station "M" 20+34.59; thence South 24°00'19" East, a distance of 553.65 feet to a 5/8" iron pin at Station "M" 25+88.24; thence along a curve to the right having a radius of 800.00 feet, a central angle of 24°00'19", a length of 335.18 feet and a long chord bearing and distance of South 12°00'10" East, 332.73 feet, to a 5/8" iron pin at Station "M" 29+23.42; thence South 00°00'00" East, a distance of 703.26 feet to a 5/8" iron pin at Station "M" 36+26.68, being a point on the north line of that tract described in Instrument Number 02-61939 of the Official Records of Jackson County, Oregon; thence continue South 00°00'00" East, a distance of 87.16 feet to a point on the south line of Donation Land Claim 45 at Station "M" 37+13.84, said point bears South 89°59'28" West, a distance of 992.96 feet from the Southeast corner of said Donation Land Claim 45.

Said tract is described as follows:

COMMENCING at Station "M" 17+12.71, on the above described centerline; thence Easterly at right angles to said centerline 28.50 feet, to the POINT OF BEGINNING, said point being the Southwest corner of that tract described in Instrument Number 2016-037519 of the Official Records of Jackson County, Oregon; thence Southerly in a straight line to a point opposite and 31.50 feet Westerly of Station "M" 20+48.39, said point being on the East line of that tract described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon; thence Southeasterly in a straight line to a point opposite and 31.50 feet Westerly of Station "M" 25+88.24; thence on a 768.50 foot radius curve to the right (the long chord of which bears South 12°00'10" East, 319.63 feet) 321.98 feet to a point opposite and 31.50 feet Westerly of Station "M" 29+23.42; thence Southerly in a straight line to a point opposite and 31.50 feet Westerly of Station "M" 36+26.43, said point being on the north line of that tract described in Instrument

Number 02-61939 of the Official Records of Jackson County, Oregon; thence Easterly in a straight line along said north line to a point opposite and 31.50 feet Easterly of Station "M" 36+26.94; thence leaving said north line, Northerly in a straight line to a point opposite and 31.50 feet Easterly of Station "M" 29+23.42; thence on a 831.50 foot radius curve to the left (the long chord of which bears North 12°00'10" West, 345.83 feet) 348.38 feet to a point opposite and 31.50 feet Easterly of Station "M" 25+88.24; thence Northwesterly in a straight line to a point opposite and 31.50 feet Easterly of Station "M" 20+34.59; thence on a 568.50 foot radius curve to the right (the long chord of which bears North 12°01'40" West, 235.96 feet) 237.69 feet to a point opposite and 31.50 feet Easterly of Station "M" 17+83.73; thence Northerly in a straight line to a point opposite and 31.50 feet Easterly of Station "M" 17+12.71, said point being on the southerly line of that tract described in Instrument Number 2016-037519 of the Official Records of Jackson County, Oregon; thence Westerly in a straight line to a point 28.50 feet Easterly of "M" 17+12.71 and being the POINT OF BEGINNING.

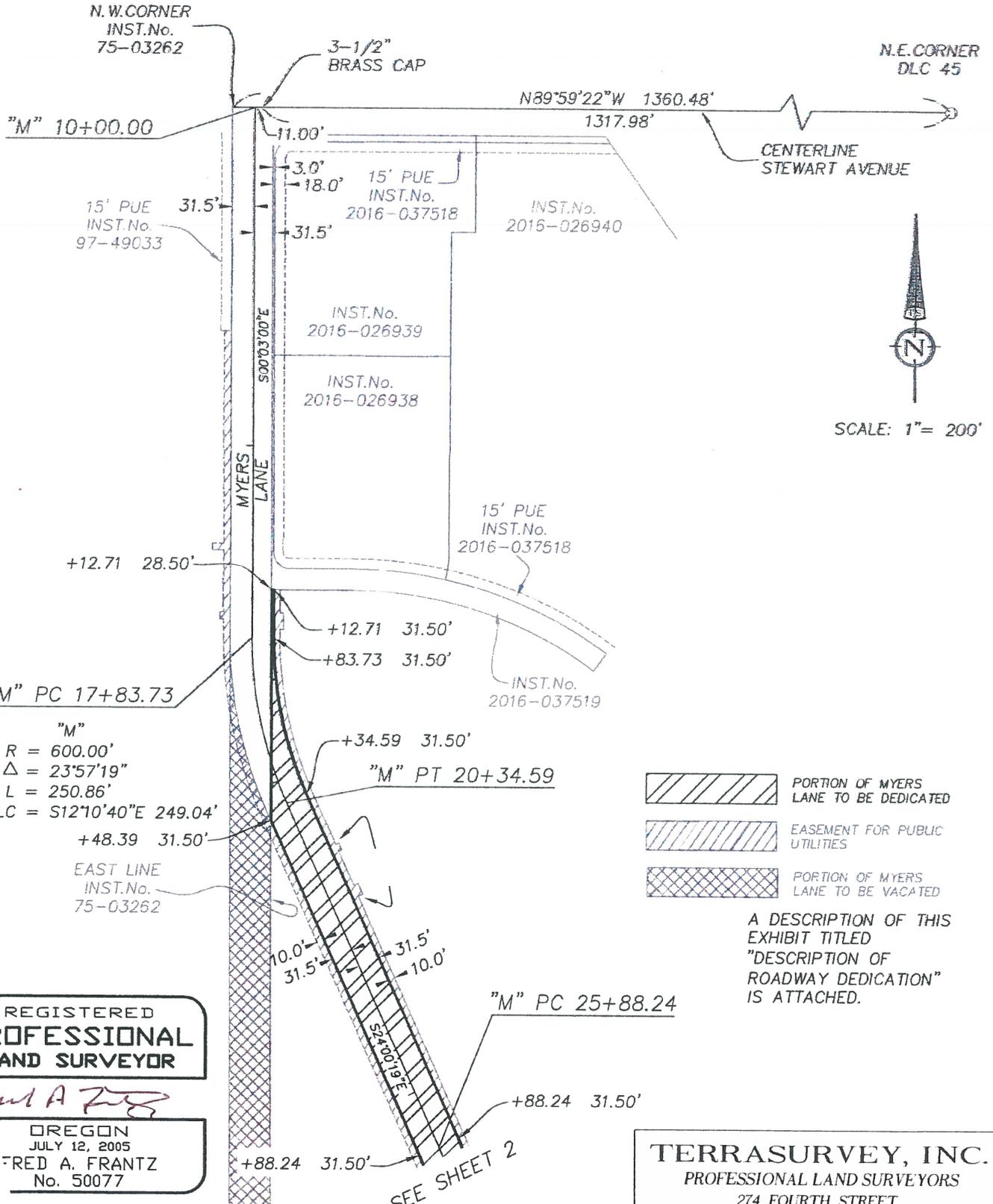
Bearings based on Survey No. 22056, Jackson County Surveyors Office.

The graphical depiction of the above description is shown on the attached Exhibit "B" ROADWAY DEDICATION.

Prepared by:  
Terrasurvey, Inc.  
274 Fourth Street  
Ashland, Oregon 97520



**EXHIBIT 'B'**  
**ROADWAY DEDICATION**  
 SEC. 31, T. 37 S., R. 1 W., W.M.  
 SHEET 1 OF 2



SCALE: 1" = 200'

-  PORTION OF MYERS LANE TO BE DEDICATED
-  EASEMENT FOR PUBLIC UTILITIES
-  PORTION OF MYERS LANE TO BE VACATED

A DESCRIPTION OF THIS EXHIBIT TITLED "DESCRIPTION OF ROADWAY DEDICATION" IS ATTACHED.

**REGISTERED PROFESSIONAL LAND SURVEYOR**

*Red A. Frantz*

OREGON  
 JULY 12, 2005  
 RED A. FRANTZ  
 No. 50077

12-31-17

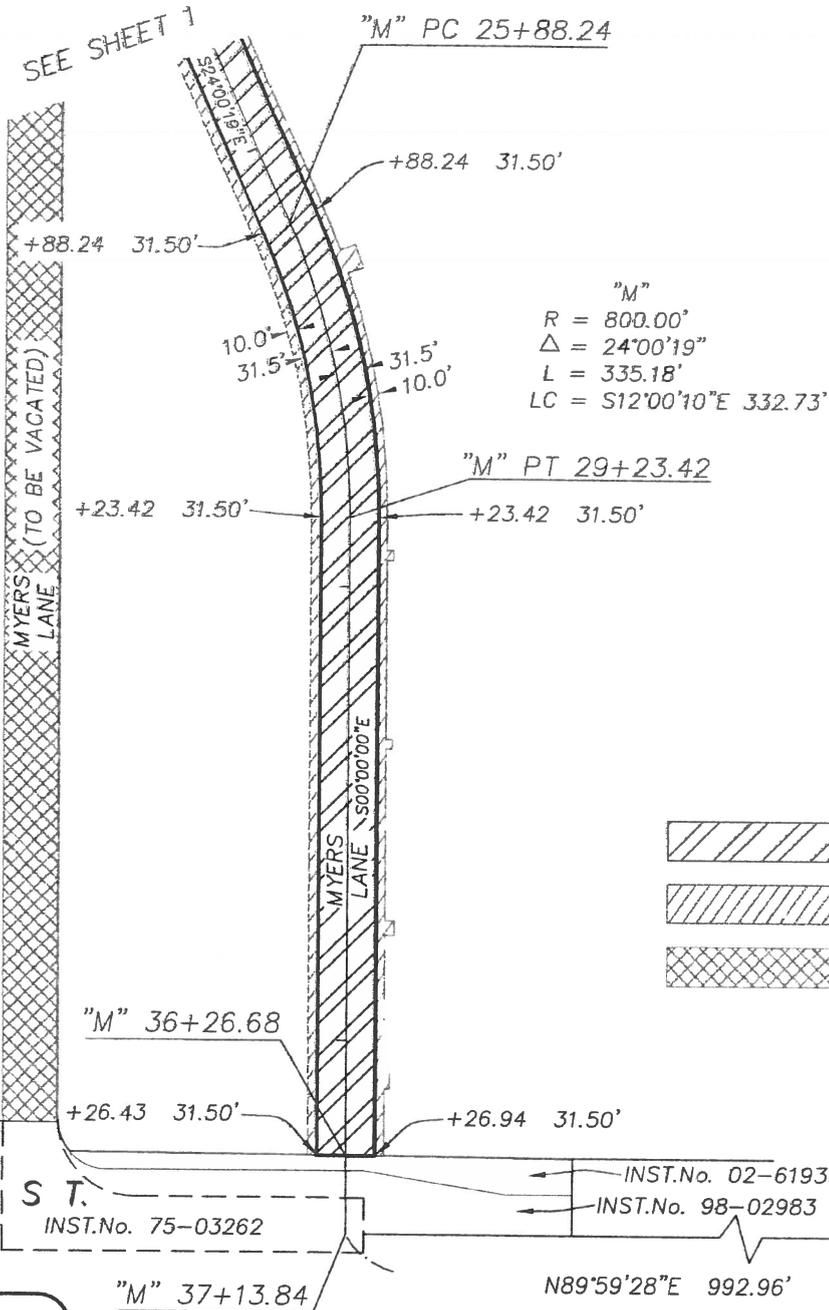
**TERRASURVEY, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 274 FOURTH STREET  
 ASHLAND, OREGON 97520

SHEET 1 OF 2

**EXHIBIT 'B'**  
 ROADWAY DEDICATION  
 SEC. 31, T. 37 S., R. 1 W., W.M.  
 SHEET 2 OF 2



SCALE: 1" = 200'



- PORTION OF MYERS LANE TO BE DEDICATED
- EASEMENT FOR PUBLIC UTILITIES
- PORTION OF MYERS LANE TO BE VACATED

**GARFIELD S.T.**

REGISTERED  
**PROFESSIONAL  
 LAND SURVEYOR**

*Fred A. Frantz*

OREGON  
 JULY 12, 2005  
**FRED A. FRANTZ**  
 No. 50077

Renewal 12-31-17

**TERRASURVEY, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 274 FOURTH STREET  
 ASHLAND, OREGON 97520

SHEET 2 OF 2

## Description of Public Utility Easement

A tract of land lying in the East half of Section 31, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon; the said tract being of variable width, lying on a portion of both sides of the following described centerline:

COMMENCING at the Northeast corner of Donation Land Claim Number 45, located in Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon; thence North  $89^{\circ}59'22''$  West, a distance of 1317.98 feet to a 3-1/2" Brass Cap on the north line of that tract described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon; thence continuing along said north line, North  $89^{\circ}59'22''$  West, a distance of 11.00 feet to a 5/8" iron pin, which bears South  $89^{\circ}59'22''$  East, a distance of 31.50 feet from the northwest corner of said tract and being the POINT OF BEGINNING, said point being Station "M" 10+00.00; thence South  $00^{\circ}03'00''$  East, a distance of 783.73 feet to a 5/8" iron pin at Station "M" 17+83.73; thence along a curve to the left having a radius of 600.00 feet, a central angle of  $23^{\circ}57'19''$ , a length of 250.86 feet and a long chord bearing and distance of South  $12^{\circ}01'40''$  East, 249.04 feet, to a 5/8" iron pin at Station "M" 20+34.59; thence South  $24^{\circ}00'19''$  East, a distance of 553.65 feet to a 5/8" iron pin at Station "M" 25+88.24; thence along a curve to the right having a radius of 800.00 feet, a central angle of  $24^{\circ}00'19''$ , a length of 335.18 feet and a long chord bearing and distance of South  $12^{\circ}00'10''$  East, 332.73 feet, to a 5/8" iron pin at Station "M" 29+23.42; thence South  $00^{\circ}00'00''$  East, a distance of 703.26 feet to a 5/8" iron pin at Station "M" 36+26.68, being a point on the north line of that tract described in Instrument Number 02-61939 of the Official Records of Jackson County, Oregon; thence continue South  $00^{\circ}00'00''$  East, a distance of 87.16 feet to a point on the south line of Donation Land Claim 45 at Station "M" 37+13.84, said point bears South  $89^{\circ}59'28''$  West, a distance of 992.96 feet from the Southeast corner of said Donation Land Claim 45.

Said tract is described as follows:

Commencing at Station "M" 17+12.71 on the above described centerline; thence Easterly at right angles to said centerline 31.50 feet, said point being on the southerly line of that tract described in Instrument Number 2016-037519 of the official Records of Jackson County, Oregon and being the POINT OF BEGINNING; thence Southerly in a straight line to a point opposite and 31.50 Easterly of Station "M" 17+83.73; thence on a 568.50 foot radius curve to the left (the long chord of which bears South  $12^{\circ}01'40''$  East, 235.96 feet) 237.69 feet, to a point opposite and 31.50 feet Easterly of Station "M" 20+34.59; thence Southeasterly in a straight line to a point opposite and 31.50 feet Easterly of Station "M" 25+88.24; thence on a 831.50 foot radius curve to the right (the long chord of which bears South  $12^{\circ}00'10''$  East, 345.83 feet) 348.38 feet to a point opposite and 31.50 feet Easterly of Station "M" 29+23.42 on said centerline; thence Southerly in a straight line to a point opposite and 31.50 feet Easterly of Station "M" 36+26.94; said point being

a point on the north line of that tract described in Instrument Number 02-61939 of said Official Records; thence Easterly in a straight line along said north line to a point opposite and 41.50 feet Easterly of Station "M" 36+27.02; thence leaving said north line. Northerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 35+53.00; thence Easterly in a straight line to a point opposite and 47.50 feet Easterly of Station "M" 35+53.00; thence Northerly in a straight line to a point opposite and 47.50 feet Easterly of Station "M" 35+27.00; thence Westerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 35+27.00; thence Northerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 33+84.00; thence Easterly in a straight line to a point opposite and 51.50 feet Easterly of Station "M" 33+84.00; thence Northerly in a straight line to a point opposite and 51.50 feet Easterly of Station "M" 33+68.00; thence Westerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 33+68.00; thence Northerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 31+79.00; thence Easterly in a straight line to a point opposite and 48.50 feet Easterly of Station "M" 31+79.00; thence Northerly in a straight line to a point opposite and 48.50 feet Easterly of Station "M" 31+68.00; thence Westerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 31+68.00; thence Northerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 29+71.00; thence Easterly in a straight line to a point opposite and 48.50 feet Easterly of Station "M" 29+71.00; thence Northerly in a straight line to a point opposite and 48.50 feet Easterly of Station "M" 29+60.00; thence Westerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 29+60.00; thence Northerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 29+23.42; thence on a 841.50 foot radius curve to the left (the long chord of which bears North 09°21'41" West, 273.76 feet) 274.98 feet to a point opposite and 41.50 feet Easterly of Station "M" 26+62.00; thence Northeasterly in a straight line to a point opposite and 58.50 feet Easterly of Station "M" 26+62.00; thence on a 858.50 foot radius curve to the left (the long chord of which bears North 19°37'05" West, 26.83 feet) 26.83 feet to a point opposite and 58.50 feet Easterly of Station "M" 26+37.00; thence Southwesterly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 26+37.00; thence on a 841.50 foot radius curve to the left (the long chord of which bears North 22°15'33" West, 51.28 feet) 51.29 feet to a point opposite and 41.50 feet Easterly of Station "M" 25+88.24; thence Northwesterly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 22+02.00; thence Northeasterly in a straight line to a point opposite and 48.50 feet Easterly of Station "M" 22+02.00; thence Northwesterly in a straight line to a point opposite and 48.50 feet Easterly of Station "M" 21+85.00; thence Southwesterly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 21+85.00; thence Northwesterly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 21+30.00; thence Northeasterly in a straight line to a point opposite and 46.50 feet Easterly of Station "M" 21+30.00; thence Northwesterly in a straight line to a point opposite and 46.50 feet Easterly of Station "M" 21+19.00; thence Southwesterly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 21+19.00; thence Northwesterly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 20+34.59; thence on a 558.50 foot radius curve to the right (the long chord of which bears North 12°01'40" West, 231.81 feet)

233.51 feet to a point opposite and 41.50 feet Easterly of Station "M" 17+83.73; thence Northerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 17+71.00; thence Easterly in a straight line to a point opposite and 46.50 feet Easterly of Station "M" 17+71.00; thence Northerly in a straight line to a point opposite and 46.50 feet Easterly of Station "M" 17+47.00; thence Westerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 17+47.00; thence Northerly in a straight line to a point opposite and 41.50 feet Easterly of Station "M" 17+12.71, said point being on the southerly line of said tract described in Instrument Number 2016-037519; thence Westerly in a straight line to a point opposite and 31.50 feet Easterly of Station "M" 17+12.71, and the POINT OF BEGINNING.

TOGETHER WITH:

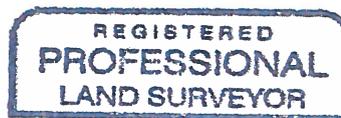
COMMENCING at Station "M" 13+29.97 on the above described centerline; thence Westerly at right angles to said centerline 31.50 feet, said point being on the west line of that tract described in Instrument Number 75-03262 of the Official Records of Jackson County, Oregon, and the south line of that tract described in Instrument Number 97-49033, of said Official Records and the POINT OF BEGINNING; thence Southerly in a straight line to a point opposite and 31.50 feet Westerly of Station "M" 17+83.73; thence on a 631.50 foot radius curve to the left (the long chord of which bears South 12°01'40" East, 262.11 feet) 264.03 feet to a point opposite and 31.50 feet Westerly of Station "M" 20+34.59; thence Southeasterly in a straight line to a point opposite and 31.50 feet Westerly of Station "M" 25+88.24; thence on a 768.50 foot radius curve to the right (the long chord of which bears South 12°00'10" East, 319.63 feet) 321.98 feet to a point opposite and 31.50 feet Westerly of Station "M" 29+23.42; thence Southerly in a straight line to a point opposite and 31.50 feet Westerly of Station "M" 36+26.43, said point being a point on the north line of that tract described in Instrument Number 02-61939 of the said Official Records; thence Westerly in a straight line along said north line to a point opposite and 41.50 feet Westerly of Station "M" 36+26.35; thence leaving said north line, Northerly in a straight line to a point opposite and 41.50 feet Westerly of Station "M" 29+23.42; thence on a 758.50 foot radius curve to the left (the long chord of which bears North 12°00'10" West, 315.47 feet) 317.79 feet to a point opposite and 41.50 feet Westerly of Station "M" 25+88.24; thence Northwesterly in a straight line to a point opposite and 41.50 feet Westerly of Station "M" 20+34.59; thence on a 641.50 foot radius curve to the right (the long chord of which bears North 12°01'40" West, 266.26 feet) 268.21 feet to a point opposite and 41.50 feet Westerly of Station "M" 17+83.73; thence Northerly in a straight line to a point opposite and 41.50 feet Westerly of Station "M" 17+56.00; thence Westerly in a straight line to a point opposite and 46.50 feet Westerly of Station "M" 17+56.00; thence Northerly in a straight line to a point opposite and 46.50 feet Westerly of Station "M" 17+46.00; thence Easterly in a straight line to a point opposite and 41.50 feet Westerly of Station "M" 17+46.00; thence Northerly in a straight line to a point opposite and 41.50 feet Westerly of Station "M" 16+54.00; thence Westerly in a straight line to a point opposite and 58.50 feet Westerly of Station "M" 16+54.00; thence Northerly in a straight line to a point opposite and 58.50 feet Westerly of Station "M" 16+44.00; thence Easterly in a

straight line to a point opposite and 41.50 feet Westerly of Station "M" 16+44.00; thence Northerly in a straight line to a point opposite and 41.50 feet Westerly of Station "M" 13+29.97, said point being on the south line of that tract described in Instrument Number 97-49033; thence Easterly in a straight line to a point opposite and 31.50 feet Westerly of Station "M" 13+29.97 and the POINT OF BEGINNING.

Bearings based on Survey No. 22056, Jackson County Surveyors Office.

The graphical depiction of the above description is shown on the attached Exhibit "B" PUBLIC UTILITY EASEMENT.

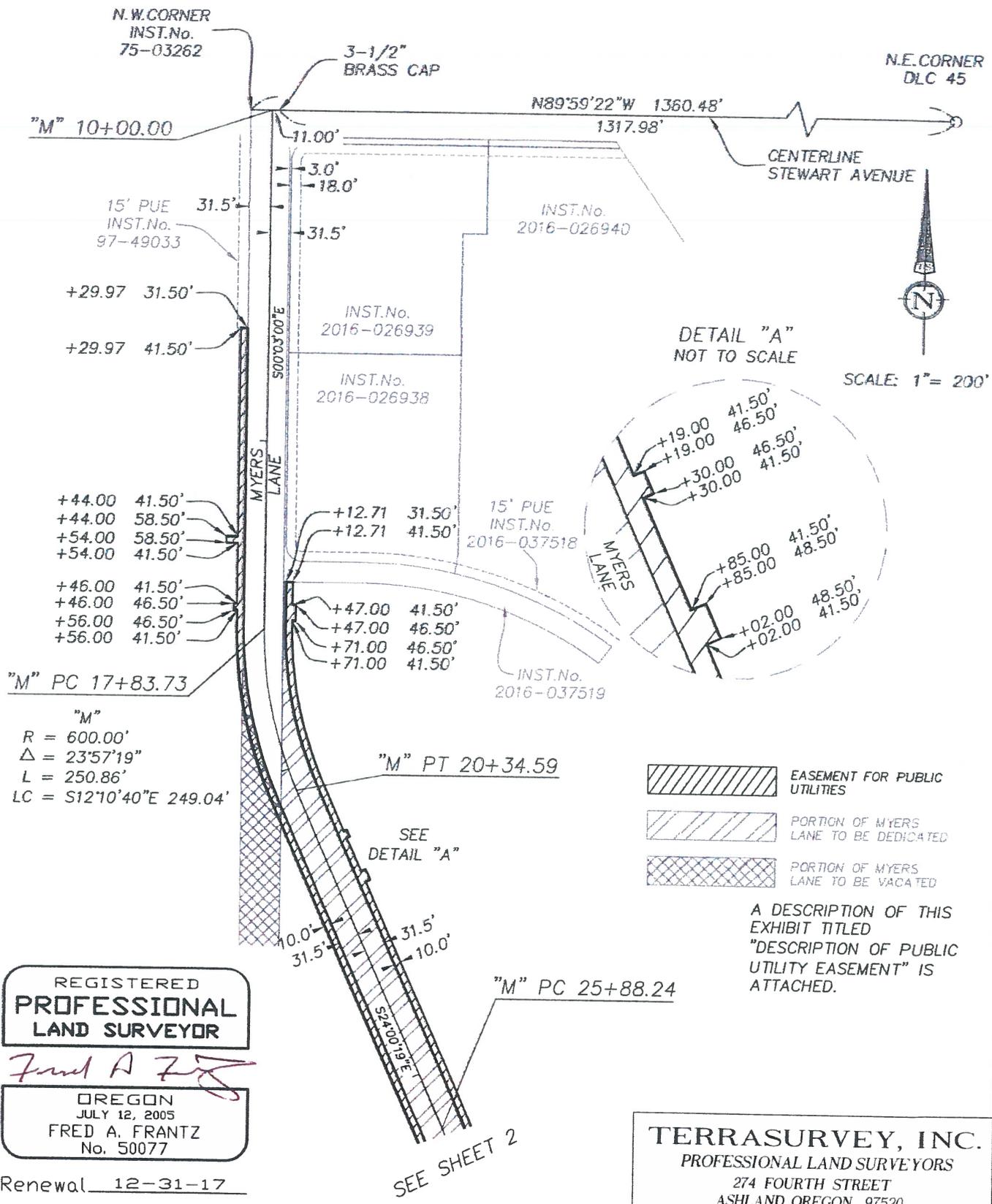
Prepared by:  
TerraSurvey, Inc.  
274 Fourth Street  
Ashland, Oregon 97520



Renewal 12-31-17

# EXHIBIT 'B'

## PUBLIC UTILITY EASEMENT SHEET 1 OF 2



REGISTERED  
**PROFESSIONAL  
LAND SURVEYOR**

*Fred A. Frantz*

OREGON  
JULY 12, 2005  
**FRED A. FRANTZ**  
No. 50077

Renewal 12-31-17

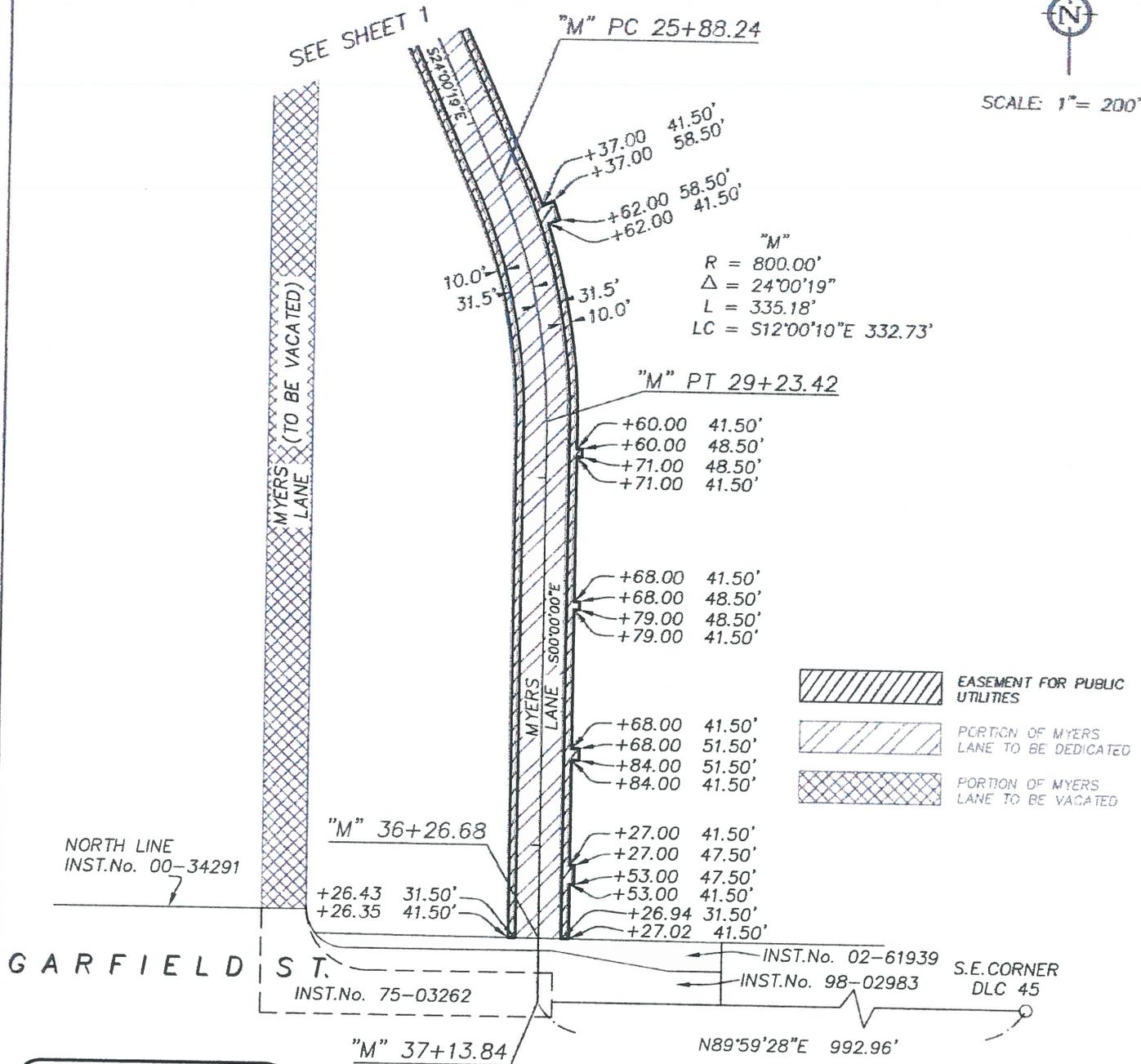
**TERRASURVEY, INC.**  
PROFESSIONAL LAND SURVEYORS  
274 FOURTH STREET  
ASHLAND, OREGON 97520

SHEET 1 OF 2

**EXHIBIT 'B'**  
PUBLIC UTILITY EASEMENT  
SHEET 2 OF 2



SCALE: 1" = 200'



- EASEMENT FOR PUBLIC UTILITIES
- PORTION OF MYERS LANE TO BE DEDICATED
- PORTION OF MYERS LANE TO BE VACATED

"M"  
R = 800.00'  
Δ = 24°00'19"  
L = 335.18'  
LC = S12°00'10"E 332.73'

REGISTERED  
**PROFESSIONAL  
LAND SURVEYOR**

*Fred A. Frantz*  
OREGON  
JULY 12, 2005  
**FRED A. FRANTZ**  
No. 50077

Renewal 12-31-17

**TERRASURVEY, INC.**  
PROFESSIONAL LAND SURVEYORS  
274 FOURTH STREET  
ASHLAND, OREGON 97520  
SHEET 2 OF 2



Project Name:

**Myers Lane  
Street Vacation**

Map/Taxlot:

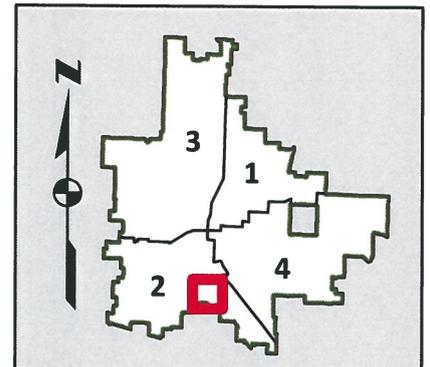
**371W31D**



06/20/2017

**Legend**

-  Subject Area
-  Medford Zoning
-  Tax Lots







# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.3

[www.ci.medford.or.us](http://www.ci.medford.or.us)

---

## **TIMING ISSUES**

Amendments to the LHPC membership and quorum size are needed in order for the Commission to perform its assigned duties.

## **COUNCIL OPTIONS**

- Approve the ordinance as presented
- Modify the ordinance as presented
- Decline the ordinance as presented and provide further direction to staff

## **STAFF RECOMMENDATION**

Staff recommends approval of the ordinance.

## **SUGGESTED MOTION**

I move to approve the ordinance amending the text in Chapter 10, Article II, §§10.137(1) and 10.137(6) of the Municipal Code, based on the findings of fact and conclusions of law provided for in the Staff Report dated September 28, 2017 including Exhibits A and B.

## **EXHIBITS**

Ordinance  
Staff Report

ORDINANCE NO. 2017-121

AN ORDINANCE amending section 10.137 of the Medford Municipal Code to modify membership and quorum requirements of the Landmarks and Historic Preservation Commission.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.137 of the Medford Municipal Code is amended to read as follows:

10.137 Landmarks and Historic Preservation Commission, Membership.

(1) Number Appointed.

The Landmarks and Historic Preservation Commission shall be made up of ~~seven (7)~~ **five (5)** voting members appointed by the Mayor and City Council.

\*\*\*

(6) Quorum.

A quorum of the Landmarks and Historic Preservation Commission shall consist of ~~four or more members~~ **a majority of the currently appointed members.**

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

NOTE: Matter in bold is new. Matter ~~struck out~~ is existing law to be omitted. Three asterisks (\*\*\*) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.



City of Medford

# Planning Department

*Working with the community to shape a vibrant and exceptional city*

## STAFF REPORT

to City Council for a Class-A legislative decision: **Development Code Amendment**

Project	Revisions to the Membership and Quorum of the Landmarks and Historic Preservation Commission (LHPC)
File no.	DCA-15-088
To	Mayor and City Council <i>for 10/19/2017 hearing</i>
From	Seth Adams, Planner III, Long Range Division
Reviewer	Carla G. Angeli Paladino, Principal Planner, Long Range Division
Date	September 28, 2017

## BACKGROUND

### Proposal

A legislative amendment to Article II of the Medford Land Development Code (MLDC) to revise the membership and quorum of the Landmarks and Historic Preservation Commission (LHPC). This amendment constitutes a small portion of a comprehensive development code amendment (DCA-15-088) that is intended to update the language throughout Article II.

### History

Article II is the chapter within the MLDC that defines the responsibilities of the approving authorities and it also sets forth the procedural requirements and substantive criteria for the land use reviews and permitting processes for the Planning Department. A comprehensive amendment of Article II was initiated in 2015 and since then the proposal has been reviewed and commented on at varying stages by the Planning Commission and the Land Development Committee. Most recently the proposal was on the agenda at the City Council's September 7, 2017 regular meeting for consideration. The Council had some reservations about the proposal and instructed staff to schedule the item for a discussion at a future study session. At the same time, Council requested that text changes revising the membership and quorum of the LHPC be brought forward for adoption independently and expeditiously.

As spelled out in Article II, the Landmarks and Historic Preservation Commission consists of seven voting members that are appointed by the Mayor and City Council. A quorum of the Commission is defined as consisting of four or more members. In recent months,

three of the seven appointed Landmarks and Historic Preservation Commissioners have resigned, thus leaving the Commission with only four seated members. The current limited membership of the LHPC resulted in a lack of quorum at its September 5, 2017 meeting and, unless the number of Commission members is reduced and the definition of a quorum revised, the Commission will not be able to conduct future meetings unless all four of the current members are able to attend.

#### Authority

This proposed plan authorization is a Class-A legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.102–122, 10.164, and 10.184. While the Planning Commission recommended adoption of the comprehensive Article II amendments on July 27, 2017, the LHPC membership and quorum issue arose in the weeks immediately following. Staff proposed the reduced membership and quorum numbers as part of the Article II amendment that was presented to the City Council on September 7, 2017, and due to the time-sensitive nature of the issue (i.e. that the LHPC be able to conduct meetings and review project applications), the Council directed staff to present the current proposal separately for adoption and without Planning Commission review and recommendation.

#### **ANALYSIS**

The LHPC was established in 1986 when the City established a Historic Preservation Overlay Zoning District. Generally speaking, the primary purpose and authority of the LHPC is to make quasi-judicial decisions on Historic Review applications for projects within the Historic Preservation Overlay Zoning District; including, but not limited to, changes to the extent of the Overlay District, exterior alterations and/or new construction within the Overlay District, and demolition and/or relocation within the Overlay District. In addition, the Commission also provides recommendations on issues that relate to historic preservation and it works to institute and support programs and projects that further the City's historic preservation policies.

Article II, §10.137(1) of the MLDC states that, "The Landmarks and Historic Preservation Commission shall be made up of seven (7) voting members appointed by the Mayor and City Council." Article II, §10.137(6) of the MLDC states that, "A quorum of the Landmarks and Historic Preservation Commission shall consist of four or more members." Due to the resignation of three of the LHPC members, including its Chair and Vice-Chair, the number of currently seated members is four, which means that all four members must be in attendance in order to have a legal quorum. The Commission members serve voluntarily and while some are retired, others have full-time jobs that occasionally require them to travel or otherwise be unavailable for meetings and other circumstances, such as vacations and illnesses, can necessitate an absence from a meeting.

With the LHPC only having four members at present, the odds of not being able to form a quorum have significantly increased since it takes only one person's absence to do so. In order to help increase the likelihood of the Commission being able to form a quorum and conduct business at its regular monthly meetings, staff has proposed to amend the text of Article II, §§10.137(1) and 10.137(6) to reduce the membership of the LHPC from seven to five members and to redefine a quorum of the Commission as consisting of a majority of the current membership of the Commission.

Finally, it should be noted that the proposed amendment will not have any effect on the City's status as a Certified Local Government (CLG), which is a federal program administered by the Oregon State Historic Preservation Office. Being a CLG allows the City to apply for historic preservation-related grant funds from the State Historic Preservation Office and, while there are specific qualifications a community must meet in order to become and remain a CLG, reducing the membership of the LHPC to five members would still leave the City in compliance with the CLG program requirement that a qualified historic commission have at least three members.

#### **RECOMMENDATION**

Staff recommends adopting the proposed amendment based on the analysis, findings, and conclusions in the Staff Report dated September 28, 2017, including Exhibits A and B.

#### **EXHIBITS**

- A Findings and Conclusions
- B Proposed amendment

**CITY COUNCIL AGENDA: OCTOBER 19, 2017**

## Exhibit A

# Findings and Conclusions

---

The criteria that apply to code amendments are in Medford Municipal Code §10.184(2). The criteria are rendered in italics; findings and conclusions in roman type.

*Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:*

*10.184 (2) (a). Explanation of the public benefit of the amendment.*

### Findings

The amendment can be considered a direct benefit to property owners and businesses within the Historic Preservation Overlay District. The proposal, if approved, would make it easier for the Landmarks and Historic Preservation Commission to obtain a quorum and conduct their regularly scheduled monthly meetings, a significant portion of which involve reviewing and making decisions on historic review permits.

### Conclusions

The proposed changes will modify the code to allow the Landmarks and Historic Preservation Commission to have a membership of five persons, and to conduct meetings with a quorum consisting of a majority of the current membership. This would help to make the entitlement process more efficient and predictable for property owners and businesses in terms of timing. This criterion is satisfied.

*10.184 (2) (b). The justification for the amendment with respect to the following factors:*

- 1. Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.*

### Findings

The following goals, policies, and implementation measures are from the Environmental Element.

*Goal: To preserve and protect archaeological and historic resources in Medford for their aesthetic, scientific, educational, and cultural value.*

*Policy 11-B: The City of Medford shall encourage and facilitate the preservation of Medford's significant historic resources by continuing to update and implement the Historic Preservation Ordinance in the Land Development Code.*

*Implementation 11-B(3): Assure that new development located adjacent to historic resources and/or districts is reviewed for compatibility with the historic resources.*

#### Conclusions

While its powers and duties are numerous, one of the most primary roles of the Landmarks and Historic Preservation Commission is to evaluate proposals for alterations to existing structures within the Historic Preservation Overlay District, as well as new construction within the Overlay. By revising the membership and quorum of the Landmarks and Historic Preservation Commission, the City would improve the functionality and efficiency of the Commission. This criterion is satisfied.

2. *Comments from applicable referral agencies regarding applicable statutes or regulations.*

#### Findings

The amendment is the result of unexpected resignations from the Landmarks and Historic Preservation Commission which make it difficult for the Commission to form a quorum and conduct meetings. The amendment was included as part of a large, comprehensive amendment to Article II, which had already been referred to applicable agencies for comments prior to the problems arising from the resignations of the LHPC members. Upon presenting the proposed amendment to the City Council as part of the comprehensive Article II amendment, staff was directed to proceed independently with the proposed amendment related to the LHPC membership and quorum.

#### Conclusions

None of the agency comments that were received on the comprehensive Article II amendment were related to the Landmarks and Historic Preservation Commission sections within Article II, and there are no reasonably foreseeable instances where the membership and quorum of the Commission would affect, or be of concern to any of the applicable referral agencies. Furthermore, ensuring the ability of the Commission to conduct its regularly scheduled meetings is an important and time-sensitive matter, and as such the City Council requested that the amendment be brought forward for adoption at the earliest possible date. This criterion is satisfied.

3. *Public comments.*

#### Findings

The amendment was scheduled by staff to be heard by the City Council on September 7, 2017 as part of a comprehensive amendment of Article II of the MLDC.

There was no one in the audience to speak on the project that evening. The public will have an opportunity to comment on this proposal at the City Council hearing.

Conclusions

No public input has been received for this proposal to date. Opportunities to comment on the amendment will be afforded the community during the City Council hearing. This criterion is satisfied.

4. *Applicable governmental agreements.*

Findings

The amendment does not affect any known governmental agreements.

Conclusions

This criterion is not applicable as no governmental agreements are affected by the proposal.

## Exhibit B

# Proposed amendment

(Deleted text is ~~struck-through and red~~, new text is blue and underlined)

---

\* \* \*

### 10.137 Landmarks and Historic Preservation Commission, Membership.

#### (1) Number Appointed.

The Landmarks and Historic Preservation Commission shall be made up of ~~seven~~ five (~~7~~5) voting members appointed by the Mayor and City Council.

\* \* \*

#### (6) Quorum.

A quorum of the Landmarks and Historic Preservation Commission shall consist of ~~four or more members~~ a majority of the currently appointed members.

\* \* \*



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

www.ci.medford.or.us

**DEPARTMENT:** Finance  
**PHONE:** (541) 774-2030  
**STAFF CONTACT:** Alison Chan, Finance Director

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** October 19, 2017

## COUNCIL BILL 2016-122

A resolution adopting a Supplemental Budget for the 2017-19 biennium.

## SUMMARY AND BACKGROUND

The Finance Department is presenting a supplemental budget which will affect four departments and two funds as outlined below. The total impacted is a \$399,450 increase in appropriations for the 2017-2019 biennium. ORS 294.471 provides for a Supplemental Budget process.

## PREVIOUS COUNCIL ACTIONS

June 15, 2017 – Council Bill 2017-57 – resolution adopting the 2017-2019 biennial budget.

## ANALYSIS

### General Fund (100):

The Parks and Recreation Department is requesting to recognize and appropriate \$260,000 of unbudgeted revenue. The revenue will be received from the Medford 549C School District. Medford 549C will be reimbursing the City for half of the cost of the tennis court resurfacing project. The corresponding appropriation is an increase to capital project RZZ1001 – North Medford High School Tennis Court resurfacing. The original project budget was \$260,000 which was half of the total project. The administration of the project was changed with the City receiving and paying all of the project invoices. An Inter-Governmental Agreement (IGA) outlining this process is being presented at this same council meeting.

The Planning Department is requesting to recognize and appropriate \$71,910 of program income from the Neighborhood Stabilization Program (NSP). The corresponding appropriation is to increase grants for the same program.

The Police Department is requesting to recognize and appropriate \$42,260 of unbudgeted revenue.

\$3,620 is revenue received from the sale of vehicle. The corresponding appropriation is to increase capital outlay budget for the purchase of vehicles.

\$9,930 is revenue received for providing security at the 2017 Country Crossing music festival. The corresponding appropriation is to increase salary & wages overtime budget, which was used to provide security for the event.

\$28,710 is revenue from seized property (cash and gold) that has been released by the courts. The corresponding appropriation is to increase the small equipment budget. This will enable Police to purchase the following item:

Six ergonomic workstations which will allow employees to stand at their desk

Mobile TraQ software, an evidence management software. The two primary features are it allows officers to log in evidence out in the field rather than waiting until the evidence is brought to Property Control. Additionally it uses barcoded secure containers for evidence. A mobile scanner is used when putting items in or out of the container or to take inventory. This greatly reduces the time spent logging out evidence and it ensures a more accurate chain of custody.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

[www.ci.medford.or.us](http://www.ci.medford.or.us)

---

### **Building Safety Fund (400):**

The Building Safety department is requesting to appropriate \$25,280 from a greater than budgeted beginning fund balance. The corresponding appropriation is \$22,880 in motive equipment and \$2,400 in vehicle maintenance. At the time of the budget adoption, the Building Safety department expected to have the vehicle purchased and received. Due to unforeseen delays the vehicle transaction was not completed until August 2017. This delay necessitates the re-appropriation for the purchase of the vehicle.

### **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

The proposed resolution will increase appropriations as follows:

General Fund (100)	\$ 374,170
Building Safety Fund (400)	<u>25,280</u>
Total	<u>\$ 399,450</u>

### **TIMING ISSUES**

None

### **COUNCIL OPTIONS**

Approve the resolution as presented.

Modify the resolution as presented.

Deny the resolution as presented and provide staff with direction.

### **STAFF RECOMMENDATION**

Staff recommends approval of the resolution

### **SUGGESTED MOTION**

I move to approve the resolution as outlined in the attached exhibit.

### **EXHIBITS**

Resolution

Supplemental Budget Request is attached.

RESOLUTION NO. 2017-122

A RESOLUTION adopting a Supplemental Budget for the 2017-19 biennium.

WHEREAS, a supplemental budget is required to change appropriations in certain circumstances under ORS 294.471; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

SECTION 1. The City Council hereby adopts a Supplemental Budget for the 2017-19 biennium.

SECTION 2. The City Council hereby makes the new appropriations and transfers of appropriations for the 2017-19 biennium in the amounts and for the purposes shown on the Supplemental Budget Adjustment form which is attached hereto as Exhibit A and incorporated herein by reference.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor





# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.2

[www.ci.medford.or.us](http://www.ci.medford.or.us)

**DEPARTMENT:** Parks, Recreation, Facilities  
**PHONE:** (541) 774-2483  
**STAFF CONTACT:** Rich Rosenthal, Director

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** October 19, 2017

## COUNCIL BILL 2017-123

An ordinance awarding a contract in an amount of \$514,726.25 to FieldTurf USA for removal and replacement of worn synthetic turf at U.S. Cellular Community Park (USCCP).

## SUMMARY AND BACKGROUND

The Parks, Recreation and Facilities Management Department requests authorization to award a contract to FieldTurf USA in the amount of \$514,726.25 for removal and replacement of worn synthetic turf at U.S. Cellular Community Park (USCCP).

## PREVIOUS COUNCIL ACTIONS

On June 7, 2007, Council Bill 2007-121 was approved. This ordinance awarded a Design/Build Construction Contract in the amount of \$6,354,098 to LTM, Inc., for a five-field softball/baseball complex at USCCP. FieldTurf was specified in the construction contract as the supplier of synthetic turf playing fields.

On March 6, 2008, Council Bill 2008-47 was approved. This ordinance authorized exemption from competitive bidding and awarding a contract in the amount of \$2,617,636 to FieldTurf to supply and install synthetic turf for Phase III construction of USCCP.

On January 16, 2014, Council Bill 2014-14 was approved. This ordinance allowed the City to enter into an agreement with FieldTurf in the amount of \$1,166,069 without seeking competitive bidding for the synthetic turf for Phase IV construction of USCCP.

On July 17, 2014, Council Bill 2017-92 was approved. This ordinance authorized execution of a contract in the amount of \$1,183,320 with FieldTurf for the purchase and installation of synthetic turf for USCCP, Phase IV.

On June 15, 2017, Council approved Council Bill 2017-57, adopting the 2017-19 biennial budget and making appropriations thereunder, including funds for USCCP turf replacement.

## ANALYSIS

The City of Medford selected the FieldTurf brand of synthetic turf throughout the development of USCCP. Since May 2008, over 40,000 games have been played on the park's 1.368 million square feet of artificial turf – the largest municipal installation of FieldTurf in the country, according to the manufacturer.

As a result of extensive usage and normal wear-and-tear, and in keeping with the Department's long-term turf-replacement plan, park maintenance staff identified the infield areas of Fields 1 through 5 at the softball/baseball complex (opened in 2008) and Charter Field (opened in 2009) in the multi-sport complex as high-priority areas for turf replacement for the current biennium. These six fields have incurred repetitive wear patterns in specific areas that gradually results in the degradation of turf fibers to the extent infill material can no longer be added to meet the manufacturer's recommendation for ideal playability and optimum surface safety.

The proposed \$514,726.25 contract would result in the removal and replacement of 96,000 square feet with the latest generation of FieldTurf product, most likely over the course of three weeks in December or January when facility use is lighter compared to the peak usage season. Recreation staff does not



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.2

[www.ci.medford.or.us](http://www.ci.medford.or.us)

---

anticipate disruptions to softball league or tournament operations during repairs.

The Department previously sought and was granted an exemption from competitive bidding protocols in order to award this purchase and installation. Funding for the contract is contained and available in the approved 2017-19 biennial budget.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

Funding for the proposed \$514,726.25 contract would come from approved Parks' capital improvement project funds (\$450,000, Project QUS1002630, biennial budget page 5-45) and from the Community Park Reserve Fund (\$64,726.25, OUS1002670, budget book page 5-47), which accrues from a percentage of park rental, league and tournament fees.

## **TIMING ISSUES**

Staff hopes to schedule work for December and January to avoid disruption of recreation programs and services.

## **COUNCIL OPTIONS**

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide staff with direction.

## **STAFF RECOMMENDATION**

Staff recommends approval of the ordinance.

## **SUGGESTED MOTION**

I move to approve the contract with FieldTurf in the amount of \$514,726.25.

## **EXHIBITS**

- Ordinance
- FieldTurf Construction Contract (on file with City Recorder)
- Proposed USCCP Turf Replacement Areas

ORDINANCE NO. 2017-123

AN ORDINANCE awarding a contract in an amount of \$514,726.25 to FieldTurf USA for removal and replacement of worn synthetic turf at U.S. Cellular Community Park (USCCP).

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount of \$514,726.25 for removal and replacement of worn synthetic turf at U.S. Cellular Community Park (USCCP), which is on file in the City Recorder's Office, is hereby awarded to FieldTurf USA.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

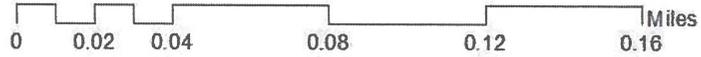
ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

# Field Turf Replacement Areas



**REPLACEMENT AREAS**





# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

www.ci.medford.or.us

**DEPARTMENT:** Parks, Recreation, Facilities  
**PHONE:** (541) 774-2483  
**STAFF CONTACT:** Rich Rosenthal, Director

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** October 19, 2017

## COUNCIL BILL 2017-124

An ordinance authorizing execution of an Intergovernmental Agreement with the Medford School District 549C, to collect reimbursement for half of the project expenses associated with the reconstruction and resurfacing of ten tennis courts located at North Medford High School.

## SUMMARY AND BACKGROUND

The Parks, Recreation and Facilities Management Department requests approval of an intergovernmental agreement with the Medford School District to collect reimbursement for half of the project expenses associated with the reconstruction and resurfacing of 10 tennis courts located at North Medford High School.

## PREVIOUS COUNCIL ACTIONS

On June 1, 2017, Council approved Council Bill 2017-57, adopting the 2017-19 biennial budget and making appropriations thereunder, including funds for tennis court replacement.

## ANALYSIS

The City of Medford and Medford School District 549C jointly built and maintain 10 tennis courts on the campus of North Medford High School. The City owns the five northerly courts; the District owns the five southerly courts. All 10 courts are approximately 40 years old and require structural attention in order to maintain ongoing playability for teams and the general public.

During their respective budget processes, the Parks, Recreation and Facilities Department and the Medford School District requested and received appropriations to synchronize repairs to all 10 courts. Project costs were estimated at \$520,000, and each jurisdiction requested \$260,000 to fund its half of the project. (The construction contract in the amount of \$508,658 is being considered by the City Council under a separate agenda item.)

The proposed intergovernmental agreement outlines cost-reimbursement if the City Council approves the Copeland contract. The agreement states the City will be responsible for providing contractual payments to Copeland, and that the District will reimburse the City for half of all project expenses (\$254,329), with a June 30, 2018 deadline. The District has approved the agreement.

A supplemental budget action will be necessary for the reimbursement to be accepted and allocated to the project account.

## FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The City to receive \$254,329 from the Medford School District for project account RZZ1001, page 5-31 of the biennial budget book.

## TIMING ISSUES

If approved in October, the project could be completed in 2017, weather permitting. Otherwise, the project would commence during favorable weather conditions in early 2018.

## COUNCIL OPTIONS

Approve the ordinance as presented.  
Modify the ordinance as presented.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

[www.ci.medford.or.us](http://www.ci.medford.or.us)

---

Item No: 60.3

Deny the ordinance and provide staff with direction.

**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance.

**SUGGESTED MOTION**

I move to approve the intergovernmental agreement with the Medford School District regarding project cost reimbursement.

**EXHIBITS**

Ordinance

Intergovernmental Agreement NMHS on file in the City Recorder's office.

ORDINANCE NO. 2017-124

AN ORDINANCE authorizing execution of an Intergovernmental Agreement with the Medford School District 549C, to collect reimbursement for half of the project expenses associated with the reconstruction and resurfacing of ten tennis courts located at North Medford High School.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an Intergovernmental Agreement with the Medford School District 549C, to collect reimbursement for half of the project expenses associated with the reconstruction and resurfacing of ten tennis courts located at North Medford High School, which is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

www.ci.medford.or.us

**DEPARTMENT:** Parks, Recreation, Facilities  
**PHONE:** (541) 774-2483  
**STAFF CONTACT:** Rich Rosenthal, Director

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** October 19, 2017

## COUNCIL BILL 2017-125

An ordinance awarding a contract in an amount of \$508,658 to Copeland Paving, Inc., for reconstruction and resurfacing of ten tennis courts on the campus of North Medford High School.

## SUMMARY AND BACKGROUND

The Parks, Recreation and Facilities Management Department requests authorization to award a construction contract to Copeland Paving Inc. in the amount of \$508,658 for reconstruction and resurfacing of ten tennis courts on the campus of North Medford High School.

## PREVIOUS COUNCIL ACTIONS

On June 1, 2017, Council approved Council Bill 2017-57, adopting the 2017-19 biennial budget and making appropriations thereunder, including funds for tennis court replacement.

## ANALYSIS

The City of Medford and Medford School District 549C jointly built and maintain ten tennis courts on the campus of North Medford High School. The City owns the five northerly courts; the District owns the five southerly courts. All ten courts are approximately 40 years old and require structural attention in order to maintain ongoing playability for teams and the general public.

During their respective budget processes, the Parks, Recreation and Facilities Department and the Medford School District requested and received appropriations to synchronize repairs to all ten courts. Project costs were estimated at \$520,000, and each jurisdiction requested \$260,000 to fund its half of the project. Consolidating the project into a single contract provides an overall cost savings to both entities.

Due to the Department's background and expertise with tennis court repair, park maintenance staff compiled all project-related documents on behalf of both parties and solicited the project through normal public procurement procedures. Copeland Paving, Inc. was the only bidder.

Copeland reconstructed the courts at Fichtner-Mainwaring and Holmes parks in recent years. The southern Oregon-based company utilizes a proprietary product and process that has been successful in helping tennis courts withstand long-term cracking due to expansive clay soils prevalent in the Rogue Valley.

## FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Funding for the City's share of the contract cost is contained in Project RZZ1001, page 5-31 of the biennial budget book. The Medford School District will reimburse the City for its half of expenses (\$254,329).

## TIMING ISSUES

If approved in October, the project could be completed in 2017, weather permitting. Otherwise, the project would commence during favorable weather conditions in early 2018.

## COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide staff with direction.

## STAFF RECOMMENDATION

Staff recommends approval of the ordinance.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.4

[www.ci.medford.or.us](http://www.ci.medford.or.us)

---

**SUGGESTED MOTION**

I move to approve the contract with Copeland Paving for tennis court repairs.

**EXHIBITS**

Ordinance

Copeland Paving Contract (on file with City Recorder)

ORDINANCE NO. 2017-125

AN ORDINANCE awarding a contract in an amount of \$508,658 to Copeland Paving Inc., for reconstruction and resurfacing of ten tennis courts on the campus of North Medford High School.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount of \$508,658 for reconstruction and resurfacing of ten tennis courts on the campus of North Medford High School, which is on file in the City Recorder's Office, is hereby awarded to Copeland Paving Inc.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.5

[www.ci.medford.or.us](http://www.ci.medford.or.us)

**DEPARTMENT:** Fire Department  
**PHONE:** (541) 774-2301  
**STAFF CONTACT:** Brian Fish, Fire Chief

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** October 19, 2017

## **COUNCIL BILL 2017-126**

An ordinance authorizing execution of an Intergovernmental Agreement with the Medford Rural Fire Protection District 2 to share the cost of the Deputy Fire Marshal position through June 30, 2027.

## **SUMMARY AND BACKGROUND**

An ordinance authorizing an Intergovernmental Agreement with the Medford Rural Fire Protection District 2 (MRFPD2). The City and the MRFPD2 will share the cost of the Deputy Fire Marshal. This cost was approved in the 17/19 biennial budget process.

## **PREVIOUS COUNCIL ACTIONS**

On June 15, 2017, Council approved Council Bill 2017-57, adopting the 2017-19 biennial budget and making appropriates thereunder including the fire department budget issue of an additional Deputy Fire Marshal.

On October 20, 2016, Council approved Council Bill 2016-134 renewing the service contract between the City and MRFPD2, for ten years with a ten year additional option for extension.

## **ANALYSIS**

The City of Medford and MRFPD2 have partnered in fire protection through a continuous formal agreement since 1953. This successful, long-term relationship provides the citizens of both jurisdictions a cost effective solution for fire protection.

The current agreement includes fire/rescue, emergency medical, hazardous materials response, fire prevention, and other services being provided by the Medford Fire-Rescue.

The terms of this separate agreement provide a Deputy Fire Marshal to provide additional fire prevention services to both the City of Medford and MRFPD2. The duties of this employee will be shared between MRFPD2 and the City at a 50/50 ratio.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

\$58,350 (17/18 FY) and \$62,090 (18/19 FY) are budgeted from the General Fund in each year to pay for the City's half of the personnel costs and materials and services expenses. The MRFPD2 will pay two equal payments each year in line with their current contract payments scheduled in January and July.

## **TIMING ISSUES**

The approval of this Intergovernmental Agreement, will secure what was adopted during the MRFPD2's and Medford City Council's respective budget processes.

## **COUNCIL OPTIONS**

Approve the ordinance as presented,

Modify the ordinance as presented,

Deny the ordinance as presented, offer direction for staff to move forward with the new Deputy Fire Marshal position and the Medford Rural Fire Protection District 2.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.5

[www.ci.medford.or.us](http://www.ci.medford.or.us)

---

## **STAFF RECOMMENDATION**

Staff recommends adopting the ordinance to formalize the action set in place through the City's budget process.

## **SUGGESTED MOTION**

I move to approve the ordinance authorizing the Intergovernmental Agreement between the City and Medford Rural Fire Protection District 2.

## **EXHIBITS**

Ordinance

The Intergovernmental Agreement is on file in the City Recorder's office.

ORDINANCE NO. 2017-126

AN ORDINANCE authorizing execution of an Intergovernmental Agreement with the Medford Rural Fire Protection District 2 to share the cost of the Deputy Fire Marshal position through June 30, 2027.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an Intergovernmental Agreement with the Medford Rural Fire Protection District 2 to share the cost of the Deputy Fire Marshal position through June 30, 2027, which is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

www.ci.medford.or.us

**DEPARTMENT:** Legal  
**PHONE:** (541) 774-2020  
**STAFF CONTACT:** Lori Cooper, City Attorney

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** October 19, 2017

## COUNCIL BILL 2017-96

An ordinance repealing sections 8.004 and 8.400 through 8.495, amending section 8.497, and adding sections 8.320 through 8.380 regarding taxicabs and transportation network companies.

## SUMMARY AND BACKGROUND

The current Medford code regulating taxicabs does not expressly address Transportation Network Companies (TNC's) such as Uber and Lyft. The Council will be considering whether to repeal Medford's existing code chapter regulating taxicabs, and whether to replace it with somewhat more detailed provisions clarifying operating, insurance, and fee requirements and specifically authorizing TNC's to operate within the City

## PREVIOUS COUNCIL ACTIONS

A study session was held on June 29, 2017.

A public hearing was held on August 17, 2017.

A study session was held September 14, 2017, and staff was directed to present an ordinance for Council consideration.

## ANALYSIS

TNC's – Uber and Lyft are the most prominent examples – have become a central part of the new sharing economy. Government and the insurance industry have struggled to address the TNC business model, and to identify and minimize the risks presented and deal with insurance coverage issues. There have also been concerns about respecting the traditional taxi industry, and creating an environment that fosters the fairest possible competition between taxis and TNC's.

Staff has attempted to create a code that will create consistency and a level regulatory playing field for the different models of vehicle for hire services. The intention of the proposed code is to create standards sufficient to address the primary concerns about background checks, insurance, accessibility, and operating standards, while not delving more deeply than necessary into subjects such as vehicle requirements, driver education, etc. Another key feature of the proposed new code is a general shift of some responsibilities from the City to the companies themselves, in conjunction with certification and auditing elements that will allow the City to monitor compliance.

The key features of the new code sections include adoption of the "three period model" for determining TNC automobile liability coverage limits. Period 1 is when the TNC driver has logged into the TNC's digital dispatch system or is otherwise connected to the TNC's digital network, but has not yet accepted a request for a ride from a passenger (for example, the software application is open and the driver is waiting for a match); Period 2 is when a passenger match has been accepted, but the passenger is not yet picked up (for example, the driver is on the way to pick up the passenger); and Period 3 is when the passenger is in the vehicle.

Notably, the three TNC service periods do not determine whether TNC's are required to carry primary automobile liability coverage (they are), but instead reflect how much coverage is available, depending on the period during which an accident or loss occurs. This coverage is now readily available for TNC's, which, along with many local and state regulators, have generally adopted it as the standard framework for



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

[www.ci.medford.or.us](http://www.ci.medford.or.us)

---

automobile liability insurance to address the coverage gaps or “livery exclusions” that caused concerns during the advent of TNC operations.

The proposed code contains new background check requirements which would be equally applicable to all vehicle for hire operators, whether TNC’s or Taxi Companies - the new code would apply the same standards to all operators of vehicles for hire in the City. Convictions for misdemeanor theft offenses do not disqualify drivers from obtaining a business license under the proposed new code.

The proposed new code eliminates the taxi card appeal process. If a vehicle for hire applicant is denied a business license, he or she can appeal the denial through the business license appeal process set out in code section 8.004.

Staff was unable to determine an accurate and equitable formula for a street utility-type fee for TNC’s, since TNC’s do not have brick and mortar buildings which can be used to calculate trip generation, and it is not known at this time how many trips TNC’s will generate.

Staff has prepared three fee/surcharge options for Council’s consideration:

**1. Flat business license/operator fee:** This fee would apply to TNC’s and taxi companies. Currently, taxi companies pay a \$50 operator fee, a \$30 taxi ID card fee, and a \$100 business license fee. This could remain the same under the proposed new code (except a taxi driver ID card and associated fee will not be necessary since the Operators will be doing the background checks on Drivers), or like Bend, during the first year of operation, the City could charge the TNC’s a higher application fee.

Currently, Bend charges TNC’s \$680 and taxi companies \$285 annually. Bend’s TNC ordinance, which is very similar to the draft ordinance being presented to the Council, contains a provision that the fee is based on the number of drivers operating for the company at the time of application. Since it was unknown how many TNC drivers would be operating at the time its TNC ordinance went into effect, the City of Bend chose an initial application fee amount of \$680.

Under this fee scenario, each TNC driver would be required to obtain a business license, since they are considered independent contractors. Similarly, taxi drivers who are independent contractors would be required to obtain a business license.

This fee option would capture some of the City’s costs in administering the program.

In staff’s opinion, this fee option would most likely have the highest compliance rate and would be the easiest to administer.

**2. Per trip surcharge:** This charge would capture some of the City’s costs to administer the TNC program, as well as recover some costs of the impacts that TNC’s will have on the City’s transportation system. This charge would apply only to TNC’s, since taxi companies already pay street utility fees (or home occupancy licenses), which helps pay for the operation and maintenance of city streets. Staff suggests a 25 cent per trip surcharge.

This surcharge program would rely on the “honor system,” much like the transient lodging tax system, in which the City relies on the regulated industry for accurate reporting and payment of the fee.

Taxi companies, TNC’s, and drivers who are independent contractors would be also required to obtain a business license under this option.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

[www.ci.medford.or.us](http://www.ci.medford.or.us)

---

**3. Gross receipts charge:** Some cities in other states charge TNC's a gross receipts fee, ranging anywhere from 1% to 4% of the total gross trip fare collected from TNC passengers for rides that originate in the city. Like the per trip surcharge discussed above, this program would rely on self-reporting by the regulated entities.

This gross receipts charge would recover some of the staff costs to administer the program, as well as some of the costs of the impacts that TNC's will have on the City's transportation system.

Like the per trip surcharge option, the gross receipts charge would only apply to TNC's, since taxi companies already pay a street utility fee.

Taxi companies, TNC's, and drivers who are independent contractors would be also required to obtain a business license under this option.

### **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

Unknown at this time, since there is no data available regarding how many drivers and/or trips may be generated in the City.

If Council adopts a fee or surcharge on taxis and TNC's, these funds would at least partially cover the staff costs of processing the business licenses and other compliance oversight, and the impact of TNC's on the City's transportation system.

### **TIMING ISSUES**

None.

### **COUNCIL OPTIONS**

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance and give staff further direction.

### **STAFF RECOMMENDATION**

Staff recommends approval of the ordinance with fee option 1, the flat business license/operator fee.

### **SUGGESTED MOTION**

I move to approve the ordinance adopting the proposed code amendment.

### **EXHIBITS**

Ordinance

ORDINANCE NO. 2017-96

AN ORDINANCE repealing sections 8.004 and 8.400 through 8.495, amending section 8.497, and adding sections 8.320 through 8.380 regarding taxicabs and transportation network companies.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 8.004 of the Medford Code is hereby repealed:

8.004 Appeal of Denial, Revocation, Classification or Exemption of License.

\*\*\*

~~(6) In addition to the Council's authority under Section 1.025, Council may authorize issuance of a taxi driver's ID card if Council finds reliable indicia of rehabilitation from a disqualifying event listed in Section 8.425. In making its decision, Council may consider information including but not limited to: evidence of (a) successful completion of addiction recovery or substance abuse program; (b) successful completion of anger management or cognitive behavioral training; (c) successful family programming treatment; (d) gainful employment; (e) stable housing; (f) testimony from a mentor; (g) testimony from victims or victims services organizations; (h) testimony from professionals in the field of criminal rehabilitation, probation, transition or parole; (i) reference from employers; (j) lack of additional convictions or traffic citations; or (k) lack of fines owed to Municipal Court.~~

Section 2. Section 8.400 of the Medford Code is hereby repealed:

~~8.400 Fees Required for Taxi Businesses.~~

~~In addition to fees outlined in 8.060, any taxi business shall have the following non refundable annual fees:~~

<del>Taxi Operator's Fee</del>	<del>_____</del>	<del>\$50.00</del>
<del>Taxi Driver ID card (T Card)</del>	<del>_____</del>	<del>\$30.00</del>

Section 3. Section 8.405 of the Medford Code is hereby repealed:

~~8.405 Operator's License Required.~~

~~(1) No person shall engage in a taxicab business in the city without a current, valid business license.~~

~~(2) No person shall operate a taxicab in the city without a current, valid taxi driver ID card as set forth in 8.425.~~

~~(3) A person operating a taxicab shall be considered to be operating a taxicab business "in the city" if he, or his agent or employee, picks up a passenger for hire within the city limits.~~

~~(4) "Taxicab" means a motor vehicle other than a limousine or exempt vehicle which carries passengers for hire.~~

Section 4. Section 8.410 of the Medford Code is hereby repealed:

~~8.410 Application for Operator's License.~~

~~An applicant for a license to operate a taxicab business shall submit to the Finance Director on a form approved by him an application setting forth the name of the applicant and location of business. The application form shall include entries whereon the applicant shall demonstrate his ability to comply with Section 8.430(10), (11) and (13).~~

Section 5. Section 8.425 of the Medford Code is hereby repealed:

~~8.425 Taxi Driver's ID Card.~~

~~(1) No person shall operate a taxicab who does not have a taxi driver's ID card issued by the Police Department.~~

~~(2) A taxi driver's ID card shall be issued by the Police Department upon receipt of written application, certified copy of The Oregon State Police Background Check, and a fee as set forth in 8.400, if and only if the Police Department finds that the applicant:~~

~~(a) Is twenty one years of age or older; and~~

~~(b) Possesses a valid motor vehicle operator's license; and~~

~~(c) Has not been declared a habitual traffic offender within five (5) years of the date of this application; and~~

~~(d) If the applicant has ever been declared a habitual traffic offender, has not been convicted of a traffic crime within five (5) years of the date of this application; and~~

~~(e) Has not been convicted of any of the following crimes or any similar crimes in any degree at any time:~~

~~(i) Any felony crime committed against another person~~

~~(ii) Any person that is a registered sex offender~~

~~(iii) Any felony crime involving use of a weapon~~

~~(iv) Any felony property crime within five (5) years of the date of this application~~

~~(v) Any traffic crime within three (3) years of the date of this application~~

~~(vi) Any drug offense within five (5) years of the date of this application~~

~~(vii) Any misdemeanor person crime within three (3) years of the date of this application~~

~~(viii) Any misdemeanor property crime within three (3) years of the date of this application~~

~~(ix) Any misdemeanor crimes against public order within two (2) years~~

~~(f) Did not knowingly make any false statement in the application for the license.~~

~~(3) The Finance Director shall revoke the taxi driver ID card of a driver who fails to meet the qualifications set out in this section after a permit has been issued to that person. A person whose permit is denied or revoked may reapply after one year if the applicant meets the qualifications set forth in this section for a new applicant.~~

~~(4) A taxi driver's ID card is not transferable.~~

Section 6. Section 8.430 of the Medford Code is hereby repealed:

~~8.430 Taxicab Regulations.~~

Ordinance No. 2017-96

P:\Cassie\ORDS\1. Council Documents\101917\amd8

- ~~(1) All taxicabs shall be clean, of good appearance, properly equipped, and in a safe condition for the transportation of passengers, and subject to inspection by the Police Department at any time.~~
- ~~(2) A cab driver shall display his taxi driver ID card where it will be plainly visible to passengers in the taxicab he operates in a clear plastic sleeve in the back left corner of the rear window.~~
- ~~(3) A copy of the current schedule of fares shall be posted in each taxicab where plainly visible to passengers.~~
- ~~(4) All taxicab drivers shall give receipts for fares paid, upon request of a passenger.~~
- ~~(5) Taxicab drivers shall carry light hand baggage of passengers without additional charge.~~
- ~~(6) No cab driver shall carry passengers or cargo in his vehicle in excess of the motor vehicle manufacturer's stated load limits for that vehicle.~~
- ~~(7) No person shall operate a taxicab except in conformance with the Oregon Motor Vehicle Code and the Code of Medford relating to traffic.~~
- ~~(8) No cab driver shall solicit passengers by shouting.~~
- ~~(9) A taxicab operator shall maintain a central office or contract for 24-hour dispatch.~~
- ~~(10) A taxicab operator shall equip all with meters showing the amount of fare on a lighted face plainly visible to a passenger. On demand by the Police Department, the licensee shall demonstrate a meter to be accurate by means acceptable to the Police Department. Meters found to be inaccurate shall be removed from service at once.~~
- ~~(11) All taxi cabs are required to have an annual ASE certified mechanic inspection. Proof of the inspection shall be kept in the taxi cab and available for law enforcement upon request at any spot inspection or audit.~~
- ~~(12) All taxi cabs are required to permanently affix the company name and phone number to both sides of the taxi cab. The signage must be clearly visible from 20 feet.~~
- ~~(13) No person shall operate any vehicle as a taxicab unless that vehicle is covered by liability insurance providing \$100,000.00 coverage for property damage or destruction, \$300,000.00 coverage for bodily injury or death of any person, \$500,000.00 for each occurrence; or in lieu of such coverage, a single limit insurance policy of not less than \$500,000.00 covering all claims per occurrence. A certificate of insurance shall be provided to the Finance Director upon approval of the operator's license and at the time of annual renewal. The operator shall require the insurer to provide a written notice of cancellation to the Finance Director if any insurance policy is cancelled. Proof of insurance shall be kept in the taxi cab and available for law enforcement upon request at any spot inspection or audit.~~

Section 7. Section 8.440 of the Medford Code is hereby repealed:

~~8.440 Appeal.~~

~~Any person aggrieved by a ruling of the Police Department relating to Section 8.425 shall have the right to appeal to the Finance Director under the procedures set out in Section 8.004 of this code.~~

Section 8. Section 8.450 of the Medford Code is hereby repealed:

~~8.450 Term of Taxi Driver ID Card and Operator's Licenses; Fees.~~

~~(1) A taxicab operator's license and a taxi driver ID card shall be valid for the same term as the business license.~~

~~(2) Taxicab operator's licenses may be renewed annually upon payment of the annual fees as set forth in 8.400 unless suspended or revoked for cause. Taxicab operators licenses are not transferable, and a contract purchaser or other purchaser, lessee or assignee of a licensed taxicab business shall not do business without first applying for an operator's license and other licenses under the terms of section 8.410, et seq.~~

Section 9. Section 8.451 of the Medford Code is hereby repealed:

~~8.451 Fees Required for Limousine Businesses.~~

~~In addition to fees outlined in 8.060, any limousine business shall have the following annual fees:~~

<del>Limousine Operator's Fee</del>	<del>\$50.00</del>
<del>Taxi Driver ID Card (T-card)</del>	<del>\$30.00</del>

Section 10. Section 8.452 of the Medford Code is hereby repealed:

~~8.452 Exempt Vehicles.~~

~~(1) Vehicles defined as follows are exempt from the regulations imposed by Sections 8.400-8.495.~~

~~(a) Ambulances equipped and staffed so as to be capable of providing emergency medical services in conjunction with passenger transportation;~~

~~(b) Courtesy vehicles used by a hotel, motel, car rental company, residential home, parking facility or other business to transport that business' clients when transportation is secondary to the business' primary purpose and the transportation is free or contained in the general overhead of the business;~~

~~(c) Non-motorized vehicles such as horse-drawn vehicles;~~

~~(d) Property delivery vehicles used for delivering property exclusive of passenger transportation;~~

~~(e) Shuttle vehicles and buses used for providing passenger transportation over a fixed route and time schedule; and~~

~~(f) Volunteer-driven vehicles operated by a driver who is reimbursed for basic mileage expenses and who does not receive wages, salary or other compensation.~~

~~(2) These exempt vehicles are forbidden from operating as taxicabs or limousines.~~

Section 11. Section 8.455 of the Medford Code is hereby repealed:

~~8.455 Operator's License Required.~~

~~(1) No person shall engage in a limousine business in the city without a current, valid business license.~~

~~(2) No person shall operate a limousine in the city without a current, valid taxi driver ID card as set forth in 8.425.~~

~~(3) A person operating a limousine shall be considered to be operating a limousine business "in the city" if he, or his agent or employee, picks up a passenger for hire within the city limits.~~

~~(4) "Limousine" means a chauffeur-driven sedan which carries passengers for hire where the minimum fare charged is at least \$25.00. The minimum fare is solely for the purpose of distinguishing a taxicab from a limousine.~~

Section 12. Section 8.460 of the Medford Code is hereby repealed:

~~8.460 Application for Operator's License.~~

~~An applicant for a license to operate a limousine business shall submit to the finance director on a form approved by him an application setting forth the name of the applicant and location of business, description of equipment to be used; and shall pay the non-refundable fees as outlined in 8.451.~~

Section 13. Section 8.470 of the Medford Code is hereby repealed:

~~8.470 Taxi Driver's ID Card.~~

~~No person shall operate a limousine who does not have a taxi driver's ID card issued by the Police Department as outlined in 8.425.~~

Section 14. Section 8.475 of the Medford Code is hereby repealed:

~~8.475 Limousine Regulations.~~

~~(1) All limousines shall be clean, of good appearance, properly equipped, and in a safe condition for the transportation of passengers, and subject to inspection by the Police Department at any time.~~

~~(2) A limousine driver shall provide a schedule of fares to passengers, upon request.~~

~~(3) All limousine drivers shall give receipts for fares paid, upon request of a passenger.~~

~~(4) No limousine driver shall carry passengers or cargo in his vehicle in excess of the motor vehicle manufacturer's stated load limits for that vehicle.~~

~~(5) No person shall operate a limousine except in conformance with the Oregon Motor Vehicle Code and the Code of Medford relating to traffic.~~

~~(6) No limousine driver shall solicit passengers by shouting.~~

~~(7) A limousine driver shall maintain his taxi driver ID card in his possession when operating a limousine and display the permit upon request of a passenger or police officer.~~

~~(8) All limousines are required to have an annual ASE certified mechanic inspection. Proof of the inspection shall be kept in the limousine and available for law enforcement upon request at any spot inspection or audit.~~

~~(9) No person shall operate any vehicle as a limousine unless that vehicle is covered by liability insurance providing \$100,000.00 coverage for property damage or destruction, \$300,000.00 coverage for bodily injury or death of any person, \$500,000.00 for each occurrence; or in lieu of such coverage, a single limit insurance policy of not less than \$500,000.00 covering all claims per occurrence. A certificate of insurance shall be provided to the Finance Director upon approval of the operator's license and at the time of annual renewal. The operator shall require the insurer to provide a written notice of cancellation to the Finance Director if any insurance policy is cancelled. Proof of insurance shall be kept in the limousine and available for law enforcement upon request at any spot inspection or audit.~~

Section 15. Section 8.485 of the Medford Code is hereby repealed:

~~8.485 Appeal.~~

~~Any person aggrieved by a ruling of the Finance Director or Police Department relating to section~~

~~8.470 shall have the right to appeal under the procedures set out in section 8.004 of this code.~~

Section 16. Section 8.495 of the Medford Code is hereby repealed:

~~8.495 Term of Taxi Driver ID Card and Operator's Licenses; Fees.~~

~~(1) A limousine operator's license and taxi driver ID card shall be valid for the same term as the business license.~~

~~(2) Limousine operator's licenses may be renewed annually upon payment of an annual fee set forth in 8.451 unless suspended or revoked for cause. Limousine operator's licenses are not transferable, and a contract purchaser or other purchaser, lessee or assignee of a licensed limousine business shall not do business without first applying for an operator's license and other licenses under the terms of section 8.460, et seq.~~

Section 17. Section 8.497 of the Medford Code is amended to read as follows:

8.497 Horse Drawn Vehicle Regulations.

\*\*\*

(2) No person shall operate a horse drawn vehicle unless the person is twenty-one years of age or older and has not been convicted of any crime set forth in Section ~~8.425(1)(d) and (e)~~. **8.335**

\*\*\*

Section 18. Section 8.320 of the Medford Code is added to read as follows:

**8.320 Title, Intent, and Purpose of Sections 8.325 to 8.380.**

**This ordinance shall be known and may be cited as the "Vehicle for Hire Ordinance of the City of Medford." The City Council of the City of Medford finds and declares that the purpose of this ordinance is to promote the safety and welfare of the general public by regulating vehicle for hire operators and their drivers within the City of Medford, as authorized by ORS 221.485 and 221.495. Nothing contained in this ordinance is intended or shall be construed to create any liability on the part of the City, its officers or employees for any injury or damage related to any provision of this ordinance, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this ordinance on the part of the City, its officers, or employees.**

Section 19. Section 8.325 of the Medford Code is added to read as follows:

**8.325 Definitions.**

**Words and phrases used in this ordinance shall have the following meanings ascribed to them:**

**(1) "Digital dispatch system" means an internet-based software application, website, platform, or interface that allows for the solicitation, arrangement, or provision of vehicle for hire services and the display of rates, calculation of fares, or acceptance of payment for vehicle for hire services.**

- (2) “Driver” means any individual person who operates a vehicle for hire within the City.
- (3) “Limousine” means a luxury motor vehicle for hire whose chassis and wheelbase have been lengthened beyond the original manufacturer’s specifications, whether at the time of production or after.
- (4) “Limousine Company” means any person operating one or more limousines for hire, other than as a driver, regardless of the legal form of the entity and regardless of whether the limousines so operated are owned by the company, leased, or owned by individual members of an entity.
- (5) “Operator” means a person engaged in the business of furnishing or operating a business defined by this ordinance, whether upon contract or by offering such service to the public generally.
- (6) “Taxi” means a motor vehicle for hire, other than a limousine or transportation network vehicle.
- (7) “Taxi Company” means any person operating one or more vehicles for hire, other than as a driver, regardless of the legal form of the entity and regardless of whether the taxis so operated are owned by the company, leased, or owned by individual members of an entity. Taxi Companies do not include Transportation Network Companies.
- (8) “Transportation Network” means one or more drivers working as independent contractors and utilizing a digital dispatch system, and using personal motor vehicles in the provision of transportation services.
- (9) “Transportation Network Company or TNC” means a person that operates or facilitates a transportation network.
- (10) “Transportation Network Vehicle or TNV” means a personal motor vehicle which is used as a vehicle for hire and is part of a transportation network.
- (11) “Vehicle for Hire” means a motor vehicle used for the ground transportation of passengers for compensation within the City, including taxis, limousines and transportation network vehicles. The following vehicles shall not be considered vehicles for hire for the purposes of this ordinance, and are forbidden from operating as a taxi, limousine, or transportation network vehicle: (a) Ambulances equipped and staffed so as to be capable of providing emergency medical services in conjunction with passenger transportation; (b) Courtesy vehicles used by a hotel, motel, car rental company, residential home, parking facility, or other business to transport that business' clients when transportation is secondary to the business' primary purpose and the transportation is free or contained in the general overhead of the business; (c) Non-motorized vehicles such as horse-drawn vehicles; (d) Property delivery vehicles used for delivering property exclusive of passenger transportation; (e) Shuttle vehicles and buses used for providing passenger transportation over a fixed route and time schedule; and (f) Volunteer-driven vehicles operated by a driver who is reimbursed for basic mileage expenses and who does not receive wages, salary, or other compensation.
- (12) “Vehicle for hire agency” means a business engaged in furnishing or providing one or more vehicles for hire through a digital dispatch system or by any other means, regardless of whether such business has employees or delivers its services through independent contractors, including a transportation network company.
- (13) “Vehicle for hire driver” means a person who carries on the vocation of driving a

vehicle for hire.

Section 20. Section 8.330 of the Medford Code is added to read as follows:

**8.330 Business License Required for Operators and Drivers; Regulatory License Fees.**

- (1) No Operator shall conduct business in the City without obtaining the applicable regulatory license set out in subsection (2).**
- (2) The City may issue a License to an Operator if the company certifies on a form acceptable to the City that it is in compliance with all requirements of this chapter, including but not limited to driver and insurance requirements, operating standards, and any other code requirements, and actually meets all applicable standards and requirements.**
- (3) The City may include conditions, restrictions, or special provisions in the License, including but not limited to conditions related to routes, times of operation, lighting, alternative requirements or means of meeting requirements, or other conditions, if, in the sole discretion of the City, the applicant's vehicles or operations warrant conditions, restrictions, or special provisions.**
- (4) The License issued under this chapter is valid for one year. Any renewal must be approved by the City prior to the expiration date in order for the Operator to continue providing vehicle for hire services within the City.**
- (5) The application fee shall be based on the number of drivers operating for the Operator at the time of the application, and shall be intended to account for the City's costs in administering this code and for the City's costs in operating and maintaining streets within the City. The fee amounts shall be set by City Council resolution as part of the City's fee schedule.**
- (6) The application fee shall be paid to the City at the time of submitting both initial and renewal License applications.**
- (7) No Operator or Driver shall conduct business in the City without a valid business license.**

Section 21. Section 8.335 of the Medford Code is added to read as follows:

**8.335 Driver requirements.**

- (1) Drivers shall be at least 21 years of age and shall possess a valid driver license, proof of motor vehicle registration, and proof of current automobile liability insurance that meets the requirements of this chapter and state law.**
- (2) Every Operator shall maintain accurate, current records for all drivers employed by, contracting with, or otherwise affiliated with the company, including all drivers accessing the company's digital network to operate in the City. The records shall include the driver's name, date of birth, address, social security number, criminal background check results, driver's license information, motor vehicle registration, and automobile insurance. Operators shall provide a person in compliance with this section written notice of compliance, who shall then submit the notice to the City as part of the business license**

application required by section 8.330(3).

(3) Prior to permitting a person to operate as a Driver, and annually thereafter, the Operator shall conduct, or have a qualified third party conduct, a criminal background check. The criminal background check shall include a search of no less than seven years of history, unless prohibited by law, in which case the duration of the search shall be the maximum number of years permitted by law. The criminal background check shall include local, state, and national criminal history databases and all accessible sex offender registries. Any person who is on a sex offender registry, or any person that has a record of a felony conviction within the previous seven years may not act as a driver. A record of a conviction of any of the following within the previous seven years will also disqualify a person from acting as a driver: crimes involving driving under the influence of alcohol or controlled substances, sexual offenses, or crimes involving physical harm or attempted physical harm to a person. The company or its agent shall maintain records of a criminal background checks for a period of at least two years. For purposes of this section, the term "conviction" includes convictions, bail forfeitures, and other final adverse findings.

(4) An Operator must revoke a driver's authority to operate as a driver for their company and inform the City if it finds at any time that the standards set forth in this section are no longer being met by the driver. The Operator shall only reinstate a driver upon a finding by the company that all standards are again being met by the driver.

Section 22. Section 8.340 of the Medford Code is added to read as follows:

#### **8.340 Insurance Requirements.**

(1) For all required insurance, Operators shall provide certificates of insurance naming the City, its officers, agents, and employees as additional insured parties and give at least 30 calendar days' notice to the City before a policy is canceled, expires, or has any reduction in coverage.

(2) Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.

(3) The insurance limits for Operators are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term, or other statutory changes.

(4) The adequacy of insurance coverage is subject to the review and approval of the City.

(5) Every Operator shall maintain continuous, uninterrupted coverage for the duration of the License and any operations in the City. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is a violation of this chapter.

(6) Operators shall secure and maintain commercial general liability insurance with limits of not less than \$1 million per occurrence and \$2 million aggregate for claims arising out of, but not limited to, bodily injury and property damage incurred in the course of operating in the City.

(7) Taxi Companies operating any motor vehicles shall secure and maintain commercial automobile liability insurance covering those vehicles, with a combined single limit of not less than \$1 million per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred in the course of operating in the City.

**(8) TNC Service Periods Defined:**

**(a) Period 1:** The TNC Driver has logged into the App or is otherwise connected to the TNC's digital network, but has not yet accepted a request for a ride from a passenger. For example, the App is open and the driver is waiting for a match.

**(b) Period 2:** A passenger match has been accepted, but the passenger is not yet picked up (for example, the driver is on the way to pick up the passenger).

**(c) Period 3:** The passenger is in the vehicle.

**(9)** Upon City request or as part of an application, TNCs shall provide proof of current valid insurance for City approval covering all affiliated TNC Drivers and vehicles for hire operating for such company and satisfying the minimum requirements of Periods 1, 2, and 3.

**(10)** All TNCs shall maintain and provide the City with proof of the following automobile liability coverages:

**(a)** Primary insurance coverage during Period 1 with minimum liability limits of \$50,000 per person for death and injury, \$100,000 per incident for death and injury, and \$25,000 for property damage, plus any other state compulsory coverage.

**(b)** Primary insurance coverage during Periods 2 and 3 with minimum liability limits of \$1 million in combined single limit coverage for death, personal injury and property damage per incident; and \$1 million in combined single limit under/uninsured motorist coverage for death, personal injury and property damage per incident.

**(c)** The required automobile liability insurance shall specifically recognize the driver's provision of TNC and vehicle for hire services and shall comply with the laws of the State of Oregon and/or other applicable governing bodies.

**(11)** TNC drivers shall be responsible for maintaining all personal automobile liability insurance required by State law.

Section 23. Section 8.345 of the Medford Code is added to read as follows:

**8.345 Operational Requirements**

**(1)** TNCs shall maintain records of all trips made by all drivers for at least one year from the date of the trip. The data may be aggregated and/or anonymized, and shall include, at minimum, the locations by ZIP code of trip origination and destination, vehicle miles traveled, trip origination and completion times, trip duration, and passenger wait times from a driver's acceptance of a request to passenger pick-up. The City may require a TNC to enter a data sharing agreement in order to receive a License.

**(2)** All vehicles operating for a TNC or Taxi Company shall be clearly marked with the company name or logo. Vehicles operating for a Taxi Company shall include the company name or logo, phone number, and a vehicle identification number in plain sight. Vehicles operated solely for TNC services shall be clearly marked as operating for the TNC, although any vehicle marking requirements imposed by a TNC may apply. The TNC's software application or website shall display for the passenger the make, model, and license plate number of the TNC vehicle.

**(3)** TNC drivers may not accept street hails, and may only accept rides arranged through a TNC's digital network.

**(4) Operators shall implement and maintain at all times a zero tolerance policy on the use of drugs or alcohol applicable to all drivers employed by or affiliated with the company while providing vehicle for hire services. Companies shall provide notice of the zero tolerance policy on their website and/or have it clearly displayed in each vehicle. The notice must include contact information to report a complaint about a driver for possible violation of policy. A company shall immediately suspend a driver upon receipt of a passenger complaint alleging a violation of the zero tolerance policy, for at least the duration of the investigation of the complaint.**

**(5) Operators must provide reasonable accommodations to passengers with disabilities, including passengers accompanied by a service animal, passengers with hearing and visual impairments, and passengers with mobility devices, and must comply with all applicable requirements of the Americans with Disabilities Act.**

Section 24. Section 8.350 of the Medford Code is added to read as follows:

**8.350 Audit.**

**The City may audit Operators up to twice per calendar year to review compliance with this ordinance. Upon request, an Operator shall provide the City a sample of records for up to thirty (30) drivers affiliated with the Operator that have operated in the thirty (30) days preceding the audit. An audit shall occur at a time and location designated by the City. In addition to an audit, the City may require an Operator to produce records related to an investigation of a specific allegation of a violation of this ordinance or other applicable law, or to evaluate a complaint. Production of records for an investigation or to evaluate a complaint does not count toward the twice-per-year auditing limit.**

Section 25. Section 8.355 of the Medford Code is added to read as follows:

**8.355 Revocation, Suspension.**

**In addition to the remedies provided for in section 8.900 and ORS 30.315, the City may suspend, revoke, or refuse to issue a license if an Operator or Driver has violated or not met any of the provisions of sections 8.330 through 8.380. A violation includes any failure to meet or maintain any of the requirements or qualifications set forth in sections 8.330 through 8.380, including the procedures and requirements for obtaining and maintaining a business license, the making of any material misrepresentation, or if an Operator or Driver is otherwise engaged in unlawful activity.**

Section 26. Section 8.360 of the Medford Code is added to read as follows:

**8.360 Effective Date.**

**Any Vehicle for Hire Agency License that is current as of the effective date of this ordinance, shall remain valid, until June 30, 2018, unless the License holder wishes to apply for a new license under this chapter.**

Section 27. Section 8.365 of the Medford Code is added to read as follows:

**8.365 Charges for Vehicle for Hire Services.**

**(1) Calculation and Display of Charges.** All charges for vehicle for hire services shall be calculated and displayed by a taximeter or digital dispatch system. When charges are to be displayed by a taximeter, the taximeter shall be placed in the vehicle for hire so that the reading dial showing the amount to be charged is illuminated and readily discernible to passengers.

**(2) Charges to be Registered Only When Vehicle for Hire is Engaged.** No taximeter or digital dispatch system shall be operated in any manner so as to cause any charge to be registered thereon except during the time while the vehicle for hire is engaged by a passenger.

**(3) Taximeter or Digital Dispatch System to be in Continuous Operation.** No passenger shall be carried in any vehicle for hire unless the taximeter or digital dispatch system is in operation, whether or not the trip is entirely within or partially within and partially without the boundaries of the City. The taximeter or digital dispatch system shall be in continuous operation during the entire time that a passenger is being transported for compensation.

**(4) Specialized charges.** A vehicle for hire agency may impose a specialized charge to carry extra passengers or to deliver goods or other items so long as such specialized charge is clearly calculated and displayed before any service is provided.

Section 28. Section 8.370 of the Medford Code is added to read as follows:

**8.370. Use of Direct Route Required.**

A vehicle for hire driver employed to carry a passenger to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his destination.

Section 29. Section 8.375 of the Medford Code is added to read as follows:

**8.375 Smoking Prohibited.**

**(1) It shall be unlawful for any vehicle for hire driver to smoke in the presence of any passenger without the consent of such passenger.**

**(2) Notwithstanding subsection (1) of this section, it shall be unlawful for any person to smoke in a vehicle for hire if oxygen tanks or other devices containing inflammable materials are present in the vehicle.**

**(3) A violation of this section constitutes a violation.**

Section 30. Section 8.380 of the Medford Code is added to read as follows:

**8.380. Taximeter Inspection.**

Every taximeter shall be inspected and tested for accuracy by the vehicle for hire agency at

**least once every six months.**

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day  
of \_\_\_\_\_, 2017.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

NOTE: Matter in **bold** is new. Matter ~~struck out~~ is existing law to be omitted. Three asterisks (\*\*\*) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.





# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.2

[www.ci.medford.or.us](http://www.ci.medford.or.us)

---

Ultimately, the City could recover that lien at a foreclosure sale if the owner does not pay the lien (a receivership lien is generally granted first priority according to state statute). With the existing structure removed, City staff believes that a purchaser at that foreclosure sale would build a new residence and the property would finally re-enter the housing market.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

Funds for the receivership program in the amount of \$50,000 per year may be found at Mayor & Council budget 1001110-6302101, page 13-4. Moving forward with a receivership action for 205 Chestnut Street could temporarily utilize up to \$20,000 of that fund, but those monies would ultimately be recovered at a foreclosure sale (or by payment from the owner to avoid foreclosure).

## **TIMING ISSUES**

The City's receivership notice provides sixty days for owners or interested parties to respond. In the case of 205 Chestnut Street, the notices to the owner and other interested parties were sent on March 30, 2017, and no one has responded to the substance of the issues.

## **COUNCIL OPTIONS**

Approve the ordinance as presented to file a court action to appoint the City of Medford as a receiver for 205 Chestnut Street.

Modify the ordinance as presented.

Deny the ordinance and provide direction to staff regarding 205 Chestnut Street.

## **STAFF RECOMMENDATION**

Staff recommends approval of the ordinance.

## **SUGGESTED MOTION**

I move to approve the ordinance authorizing filing of a receivership action regarding 205 Chestnut Street, nominating the City of Medford as the proposed receiver.

## **EXHIBITS**

Ordinance

Photograph of property

Receivership notice

ORDINANCE NO. 2017-127

AN ORDINANCE authorizing the City Manager to apply to the Jackson County Circuit Court to appoint the City of Medford as the receiver for Tax Maplot 372W25CD 9200 known as 205 Chestnut Street.

WHEREAS, the notice of the City's intention to file an application for appointment of a receiver was sent to the owner and other interested parties on March 30, 2017, pursuant to Medford Municipal Code section 9.420; and

WHEREAS, the owner of Tax Maplot 372W25CD 9200 known as 205 Chestnut Street or other interested parties have not taken any action to correct the property's code violations; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That the City Manager is hereby authorized to apply to the Jackson County Circuit Court for appointment of the City of Medford as the receiver for Tax Maplot 372W25CD 9200 known as 205 Chestnut Street.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor





**CITY OF MEDFORD**  
**411 W. 8<sup>TH</sup> ST**  
**MEDFORD, OR 97501**



Medford Police Dept.

PHONE: (541) 774-2200  
 Web Page: [police@ci.medford.or.us](mailto:police@ci.medford.or.us)

**NOTICE OF CITY’S INTENTION TO FILE APPLICATION FOR  
 APPOINTMENT OF RECEIVER**

**PROPERTY ADDRESS:** 205 CHESTNUT ST. MEDFORD, OR 97501  
**MAP & TAXLOT:** 372W25CB 9200

The Building Director has determined that the property located at **205 Chestnut St. Medford OR 97501** is in violation of the City building or housing codes listed below, and that the violation/s are a threat to the public’s health, safety or welfare.

**Stanley Hagist** has been identified as having a legal or equitable interest in the property located at **205 Chestnut St. Medford OR 97501**.

Pursuant to the Housing Receivership Ordinance of the City of Medford and the Oregon Housing Receivership Act, **Stanley Hagist** is hereby notified that the City has the right to file an application with the Jackson County Circuit Court for the appointment of a receiver to perform an abatement at **205 Chestnut St. Medford OR 97501** on **May 29, 2017**.

“Abatement” means the removal or correction of any condition at **205 Chestnut St. Medford OR 97501** including demolition that violates a provision of a City building or housing code, as well as the making of other such improvements or corrections as are needed to effect the rehabilitation of the property.

**BUILDING OR HOUSING CODE VIOLATIONS IDENTIFIED AT 205 CHESTNUT ST MEDFORD OR 97501:**

**IPMC 108.1.3 Structure unfit for human occupancy.**

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupant of the structure or to the public.

*Your Department – Our Community*

### **Violation #1: Exterior Structure**

Structure burned, shows signs of rotting materials, shows to be a threat to public health, safety and welfare.

#### **IPMC 304.1.1 Unsafe Conditions**

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

- (1) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strengths;
- (3) Structures or components thereof that have reached their limit state;
- (4) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylight are not maintained, weather resistant or water tight;
- (5) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
- (6) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- (7) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- (8) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
- (10) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads resisting all loads effects;
- (11) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- (12) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and revisiting all load effects.

*Your Department – Our Community*

**Violation #2: Exterior Structure**

Roof burned – portions missing

**IPMC 304.1.1 Unsafe Conditions**

(8) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with sign of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.

**IPMC 304.7 Roofs and Drainage**

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure.

**Violation #3: Rodent infestation**

No screens on foundation vents

**IPMC 302.5 Rodent harborage - 309.1 Infestation**

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent infestation.

**IPMC 304.5 Foundation walls**

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

PLEASE CONTACT:

**TODD TRAVALINI**

**541-774-2350**

**200 S. IVY ST. MEDFORD OR 97501**

WHO CAN PROVIDE ADDITIONAL INFORMATION CONCERNING THESE VIOLATIONS  
AND THEIR REMEDY

A copy of the Housing Receivership Ordinance of the City of Medford is attached to this Notice.

*Your Department – Our Community*



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.3

www.ci.medford.or.us

**DEPARTMENT:** Public Works  
**PHONE:** (541) 774-2100  
**STAFF CONTACT:** Cory Crebbin, Public Works Director

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** October 19, 2017

## COUNCIL BILL 2017-128

An ordinance awarding three contracts in a total amount of \$1,194,650 to N Harris Computer Corporation (Harris) for 1) software implementation services, 2) the software license, and 3) maintenance and support for new utility billing software.

## SUMMARY AND BACKGROUND

Staff is using the utility billing module of the old SunGard Naviline system to calculate utility fees and maintain customer records. Qualified personnel to maintain the old SunGard system are no longer available. One impetus for the new financial software was to eliminate the AS400 computer system required to run SunGard. The current utility billing software lacks features that today's customers demand and is not able to refer accounts to an outside collection agency.

On October 17, 2016, a Request for Proposal to replace the utility billing system was issued and seven responses were received. Advanced Utility Systems (AUS) was the superior bidder in four of the five selection criteria: Fit of Application, Recommended Approach, Project Team Experience and Corporate Viability. The fifth selection criteria was cost.

AUS, a wholly-owned subsidiary of Harris, is the most qualified bidder to replace the existing utility billing system.

## PREVIOUS COUNCIL ACTIONS

- On June 15, 2017, Council approved Council Bill 2017-57, adopting the 2017-19 biennial budget and making appropriations thereunder, including funds for replacement of the utility billing software system.
- On August 31, 2017, a Council Study Session was held. The discussion included utility billing results since separating from the Medford Water Commission, the need to replace the existing billing system and the advantages of AUS.

## ANALYSIS

The City will need to enter into three separate Agreements with Harris to replace the billing system:

- 1) Software Implementation Services, \$978,400 one-time cost;
- 2) Software License, \$157,000 one-time cost; and
- 3) Support and Maintenance, \$59,250 annual cost

Attributes of the proposed utility billing software include:

- a) Electronic bills formatted the same as paper bills.
- b) Automation of complex processes currently performed manually.
- c) Staff will be able to run customized queries.
- d) Data analytics available to staff and customers.
- e) App for customers to access their account by smartphone.
- f) Reduced cost by staff performing payment processing.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.3

[www.ci.medford.or.us](http://www.ci.medford.or.us)

---

Acquisition and implementation of this utility billing software will eliminate the need for the City's AS400 computer system to perform utility billing.

### **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

Total expenditure of \$1,194,650 which is included in the 2018/2019 biennium budget on page 8-59 for the Street Utility Fund (Fund 500), Storm Utility Fund (Fund 501), and Sewer Utility Fund (Fund 502).

### **TIMING ISSUES**

Work will start late October 2017, with a tentative go-live date of November 26, 2018.

### **COUNCIL OPTIONS**

- Approve the ordinance as presented
- Modify and approve ordinance
- Deny the ordinance and provide direction to staff on replacing the current utility billing software

### **STAFF RECOMMENDATION**

Approve the ordinance awarding three contracts with N Harris Computer Corporation.

### **SUGGESTED MOTION**

I move to approve the ordinance for contracts in the amount of \$1,194,650 with N Harris Computer Corporation to replace the utility billing software.

### **EXHIBITS**

Ordinance

Contract documents are available in the City Recorder's office

ORDINANCE NO. 2017-128

AN ORDINANCE awarding three contracts in a total amount of \$1,194,650 to N Harris Computer Corporation for 1) software implementation services, 2) the software license, and 3) maintenance and support services for new utility billing software.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That three contracts for 1) software implementation services, 2) the software license, and 3) maintenance and support services for new utility billing software in a total amount of \$1,194,650, which is on file in the City Recorder's office, is hereby awarded to N Harris Computer Corporation.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor