



## Medford City Council Meeting

# Agenda

March 1, 2018

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**

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 2018-14 – CONTINUED – An ordinance vacating an approximately 50 foot wide strip of public right-of-way, being a portion of Evergreen Street, running north-south from West Third Street to West Fourth Street, 300 feet in length. (SV-17-106) Land Use, Quasi-Judicial

50. **Approval or Correction of the Minutes of the February 15, 2018 Regular Meeting**

60. **Consent Calendar**

70. **Items Removed from Consent Calendar**

80. **Ordinances and Resolutions**

80.1 COUNCIL BILL 2018-21 – CONTINUED – An ordinance amending section 3.470 of the Medford Municipal Code pertaining to interest on assessments.

80.2 COUNCIL BILL 2018-22 An ordinance granting a 20 foot wide by 10 foot wide right-of-way easement to Pacific Power for the placement of a power vault and transformer adjacent to Fire Station #3.

80.3 COUNCIL BILL 2018-23 An ordinance awarding a contract in an amount of \$316,954.42 to Kittelson and Associates, Inc. for alternatives analysis and design of intersection improvements at the Crater Lake Avenue and Owen Drive intersection.

80.4 COUNCIL BILL 2018-24 An ordinance authorizing execution of an amendment to the lease agreement with Jackson County, for use of approximately six acres of property located on Whittle Avenue for Public Works operations.

90. **Council Business**

90.1 Proclamations issued: None

90.2 Committee Reports and Communications

**100. City Manager and Staff Reports**

100.1 Veteran Home Renovation

100.2 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:** March 1, 2018

---

## **COUNCIL BILL 2018-14 - CONTINUED**

An ordinance vacating an approximately 50 foot wide strip of public right-of-way, being a portion of Evergreen Street, running north-south from West Third Street to West Fourth Street, 300 feet in length. (SV-17-106)

## **SUMMARY AND BACKGROUND**

On September 14, 2017 Linda Donovan submitted an application by petition to vacate a portion of Evergreen Street right-of-way. The portion of Evergreen Street proposed to be vacated is located between West Third and West Fourth Street, bordering the railroad tracks.

At the Planning Commission hearing on January 11, 2018, Commission couldn't come to a decision as the votes were tied at three. Commissioner McFadden, however, recused himself and submitted an email stating his opposition prior to the public hearing (Exhibit M of Staff Report). (SV-17-106)

## **PREVIOUS COUNCIL ACTIONS**

On January 4, 2018 – Resolution No. 2018-03 – Council approved a resolution establishing a hearing date of February 15, 2018 for consideration of the matter.

At the February 15, 2018, Council discussed this application. During the hearing, a question regarding the potential future ownership of the vacated right-of-way was raised. Staff needed time to research the answer and Council decided to continue the public hearing to March 1, 2018.

## **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. In addition, 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, the goals and policies of the Comprehensive Plan are silent on right-of-way vacations. No pedestrian and/or bicycle projects are included in the proposed update to the Transportation System Plan Element.

In the spring of 2003, the Medford City Council approved the Downtown 2050 Plan. "Evergreen Way" was shown as a proposed Secondary Pedestrian Corridor. The project was described as "Evergreen Way's function should be restricted to that of a minor local street serving as a major pedestrian link between the In-Town Village and the City Center core area." and "Evergreen Way provides an attractive pedestrian corridor reaching from the In-Town Village and Southside to Downtown Central."

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**

The vacated area would become taxable property. It is the applicant's intention to develop the area.



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

Item No: 40.1

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

---

**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
- Continue the public hearing to March 15, 2018 to allow the applicant and staff to further investigate potential future ownership of vacated right-of-way.

**STAFF RECOMMENDATION**

Since the Commission did not make a recommendation and the applicant is in compliance with all applicable criteria of MLDC Section 20.202, it is staff's recommendation to approve the street vacation request.

**SUGGESTED MOTION**

I move to adopt the ordinance authorizing the vacation of a portion of Evergreen Street.

**EXHIBITS**

Ordinance

Minutes – Planning Commission hearing from January 11, 2018

Planning Commission Staff Report, including Exhibits A through M

ORDINANCE NO. 2018-14

AN ORDINANCE vacating an approximately 50 foot wide strip of public right-of-way, being a portion of Evergreen Street, running north-south from West Third Street to West Fourth Street, 300 feet in length.

WHEREAS, the City Council of the City of Medford, Oregon, by Resolution No. 2018-03 accepted the petition initiating the vacation; and

WHEREAS, the City Council fixed 6:00 p.m. on February 15, 2018, 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 date for hearing any objections to the proposed vacation of said area was continued to 6:00 p.m. on March 1, 2018, in the Medford City Council Chambers, 411 W. 8<sup>th</sup> St., Medford, Oregon, as the time and place for hearing any objections to the proposed vacation of said area;

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 January 4, 2018, 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 an approximately 50 foot wide strip of public right-of-way, being a portion of Evergreen Street, running north-south from West Third Street to West Fourth Street, 300 feet in length, described in Exhibit "A" and "B" 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 \_\_\_\_\_, 2018.

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

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

State of Oregon     )  
County of Jackson    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2018, 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:

## EXHIBIT 'A'

A vacation description for a portion of Evergreen Street right of way as shown on the Map of the Town of Medford, recorded May 4, 1888 now of record, located in the Northeast Quarter of Section 25, Township 37 South, Range 2 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon, more particularly described as follows:

BEGINNING AT the most easterly corner of Block 34 of the City of Medford according to the Official Map thereof, now of record, located in the Northeast Quarter of Section 25, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence North 35°30' West, along the northeasterly line of said block, a distance of 225.00 feet, to the most southerly corner of that tract described in Instrument Number 88-27430 of the Official Records of Jackson County, Oregon; thence North 54°30' East, along the southeasterly line of said tract, a distance of 10.00 feet, to the most easterly corner thereof; thence North 35°30' West, along the northeasterly line of said tract, a distance of 75.00 feet, to the most northerly corner there of; thence North 54°30" East, 30.00 feet southeasterly of and parallel with the center line of Third Street, a distance of 40.00 feet to the southwesterly right of way line of the Central Oregon and Pacific Railroad; thence South 35°30' East, along said right of way, a distance of 300.00 feet, to the intersection of said right of way line and a point 30.00 feet northwesterly of, when measured at right angles from, the centerline of Fourth Street; thence South 54°30' West, 30.00 feet north westerly of and parallel with said center line, a distance of 50.00 feet, to the POINT OF BEGINNING.

Basis of Bearing used in this description is based on the Map of the Town of Medford, according to the Official Plat thereof, now of record.

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







From Public Hearing on January 11, 2018

***Excerpted Minutes (SV-17-106)***

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  
Alex Poythress

**Staff Present**

Matt Brinkley, Planning Director  
Kelly Akin, Assistant Planning Director  
Eric Mitton, Deputy City Attorney  
Alex Georgevitch, City Engineer  
Greg Kleinberg, Fire Marshal  
Terri Rozzana, Recording Secretary  
Dustin Severs, Planner III  
Steffen Roennfeldt, Planner III  
Liz Conner, Planner II

**Commissioner Absent**

Jared Pulver, Excused Absence  
E.J. McManus, Excused Absence

**New Business**

**50.2 SV-17-106** Consideration of a request for the vacation of an approximate 50-foot wide strip of public right-of-way being a portion of Evergreen Street, running roughly north-south from West Third Street to West Fourth Street, 300 feet in length within the C-H, Heavy Commercial, zoning district. (Linda Donovan, Applicant; Steffen Roennfeldt, Planner).

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Vice Chair McFadden does not have a conflict of interest or ex-parte communication but the Commissioners will find on their desk a letter that he wrote to Planning staff expressing his concern about this application. He recused himself.

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

Steffen Roennfeldt, Planner III, stated that Vice Chair McFadden's letter will be entered into the record as Exhibit M. The street vacation criteria can be found in the Medford Land Development Code Sections 10.202. The applicable criteria were included in the staff report, property owner notices and hard copies are available at the entrance of

Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report. In the staff report he stated that criterion 1. Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan was "Satisfied". It should have read "Not Applicable". He will make that change in the Planning Commission Report.

Commissioner McKechnie is the street owned by the Medford Urban Renewal Agency (MURA) public or privately owned? Mr. Roennfeldt reported it is privately owned.

Commissioner McKechnie asked, is the block to the north public right-of-way? Mr. Roennfeldt stated it is. Commissioner McKechnie assumes there are no improvements on this side of the railroad tracks. Mr. Roennfeldt reported that the property to the north is fenced off. Commissioner McKechnie is more concerned if there is public right-of-way on the block from Third to wherever the platted Evergreen Street goes. Mr. Roennfeldt stated that it goes to Main Street.

Commissioner Mansfield asked if there was a question about the subject property being public right-of-way. Mr. Roennfeldt reported there is no question about that.

Commissioner Foley asked, the Medford Urban Renewal Agency requested some parking spaces, did he not include that in the criteria? Mr. Roennfeldt responded that is not a land use dedication. It is a private agreement between the property owners.

Commissioner Mansfield commented that if this application is passed and the public right of way is vacated then it is no longer the City's business. It belongs to the adjoining property owners.

The Public Hearing was opened.

The applicant and agent were not present.

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-17-106 per the staff report dated January 4, 2018, including Exhibits A through M.

Moved by: Commissioner Mansfield

Seconded by: Commissioner McKechnie

Roll Call Vote: Motion failed, 3-3-1, with Commissioner Mansfield, Commissioner McKechnie and Chair Miranda voting no. Vice Chair McFadden recused himself.



## STAFF REPORT

for a Class-B decision: Vacation

Project Evergreen Street Vacation  
Applicant: Linda Donovan

File no. SV-17-106

To Planning Commission

for January 11, 2018 hearing

From Steffen Roennfeldt, Planner III

Reviewer Kelly Akin, Assistant Planning Director

Date January 4, 2018

## BACKGROUND

### Proposal

Consideration of a request for the vacation of an approximate 50-foot wide strip of public right-of-way being a portion of Evergreen Street, running roughly north-south from West Third Street to West Fourth Street, 300 feet in length within the C-H, Heavy Commercial, zoning district.

### Vicinity Map



### History

On September 14, 2017, the applicant submitted the subject application requesting to vacate a portion of the existing right-of-way in order to install a food-cart court like use as well as outdoor seating for the existing wine tasting use.

A resolution setting the City Council hearing date of February 15, 2018 will be on the Council's Agenda for the Council Meeting on January 4, 2017.

### 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

### Background

The request is being made for the vacation of Evergreen Street, a public right-of-way, bordering the applicant's property to the northeast between West Third Street and West Fourth Street.

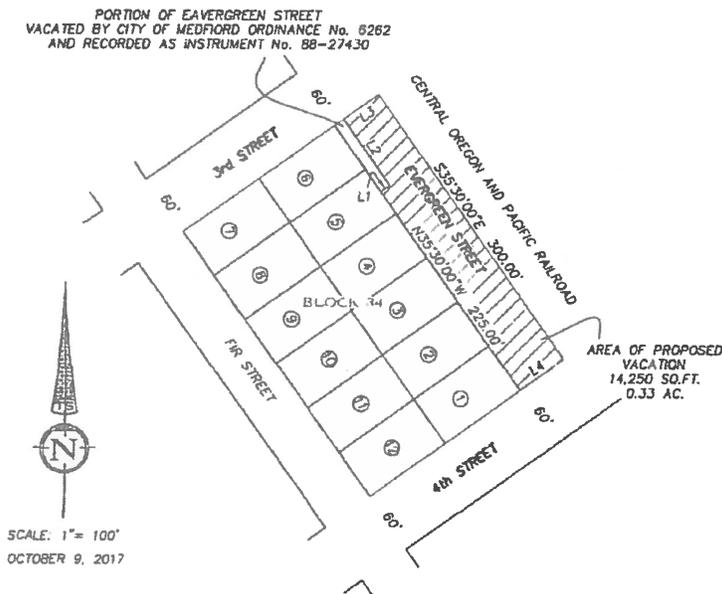


Figure 1 - Location of Proposed Vacation

As can be seen in Figure 1 above, the applicant is proposing to vacate an area located between the railroad tracks, owned and operated by the Central Oregon and Pacific Railroad, and property owned by the applicant (all of Block 34). The area to be vacated is 14,250 square feet in size. Not included in the application is a portion of Evergreen Street (750 square feet) that was already vacated by the City in 1988 (Ordinance No. 88-27430).

### Analysis

Medford Land Development Code (MLDC) 10.200 states that a request to vacate a public street, in addition to the requirements of the Code, be subject to the vacation procedures outlined in ORS Chapter 271. Since the vacation request was initiated by petition, the requirements of ORS 271.080 apply: Pursuant to ORS 271.080(2), the consent of the owners of all abutting property and not less than two-thirds in area of the real property affected is required. The applicant has provided written consent of all abutting property owners, as well as 86% of the property owners of the affected area (Exhibits H & I).

### Agency Comments

Per the agency comments submitted to staff (Exhibits C to G), it can be found that the submitted legal description accurately describes the area to be vacated. Also, the Rail and Public Transit Division (RPTD) of ODOT requested to be contacted prior to any work being done near the railroad crossings on W. Third Street and W. Fourth Street.

### Other Agency Comments (Exhibit J)

The Medford Urban Renewal Agency (MURA) stated its support for the vacation in a memo dated December 29, 2017.

### Committee Comments (Exhibit K)

The Medford Bicycle and Pedestrian Advisory Commission opposes the proposed street vacation.

## **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

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. There are no pedestrian and/or bicycle projects identified in the draft update to the Transportation System 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. This criterion is not applicable to the project.

*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 86 percent of all affected real property owners (Exhibit I). 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 vacation per the staff report dated January 4, 2018, including Exhibits A through K.

**EXHIBITS**

- A Legal description and Exhibit Map of vacation area, received October 10, 2017.
- B Applicant's Findings of Fact and Conclusions of Law, received October 10, 2017.
- C Medford Public Works Department Staff Report, received December 13, 2017.
- D Medford Fire Department Report, received December 13, 2017.
- E Medford Water Commission Memo and Facility Map, received December 13, 2017.
- F City Surveyor comments, received November 8, 2017.
- G ODOT Rail and Public Transit Division comments, received November 20, 2017.
- H Abutting Property Owners consent forms, received October 25, 2017.
- I Affected Property Owners consent forms, received October 25, 2017.
- J Medford Urban Renewal Agency memo, received December 29, 2017.
- K Medford Bicycle and Pedestrian Advisory Committee (BPAC) Memo, received January 3, 2018.
- L Utility Company Sign-Offs, received January 4, 2018
- M E-Mail from Commissioner McFadden, received January 11, 2018  
Vicinity map

RECEIVED

OCT 10 2017

PLANNING DEPT.

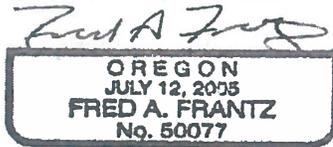
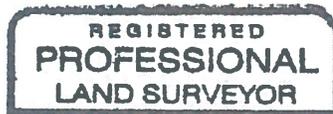
EXHIBIT 'A'

A vacation description for a portion of Evergreen Street right of way as shown on the Map of the Town of Medford, recorded May 4, 1888 now of record, located in the Northeast Quarter of Section 25, Township 37 South, Range 2 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon, more particularly described as follows:

BEGINNING AT the most easterly corner of Block 34 of the City of Medford according to the Official Map thereof, now of record, located in the Northeast Quarter of Section 25, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence North 35°30' West, along the northeasterly line of said block, a distance of 225.00 feet, to the most southerly corner of that tract described in Instrument Number 88-27430 of the Official Records of Jackson County, Oregon; thence North 54°30' East, along the southeasterly line of said tract, a distance of 10.00 feet, to the most easterly corner thereof; thence North 35°30' West, along the northeasterly line of said tract, a distance of 75.00 feet, to the most northerly corner there of; thence North 54°30" East, 30.00 feet southeasterly of and parallel with the center line of Third Street, a distance of 40.00 feet to the southwesterly right of way line of the Central Oregon and Pacific Railroad; thence South 35°30' East, along said right of way, a distance of 300.00 feet, to the intersection of said right of way line and a point 30.00 feet northwesterly of, when measured at right angles from, the centerline of Fourth Street; thence South 54°30' West, 30.00 feet north westerly of and parallel with said center line, a distance of 50.00 feet, to the POINT OF BEGINNING.

Basis of Bearing used in this description is based on the Map of the Town of Medford, according to the Official Plat thereof, now of record.

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



Renewal 12-31-17

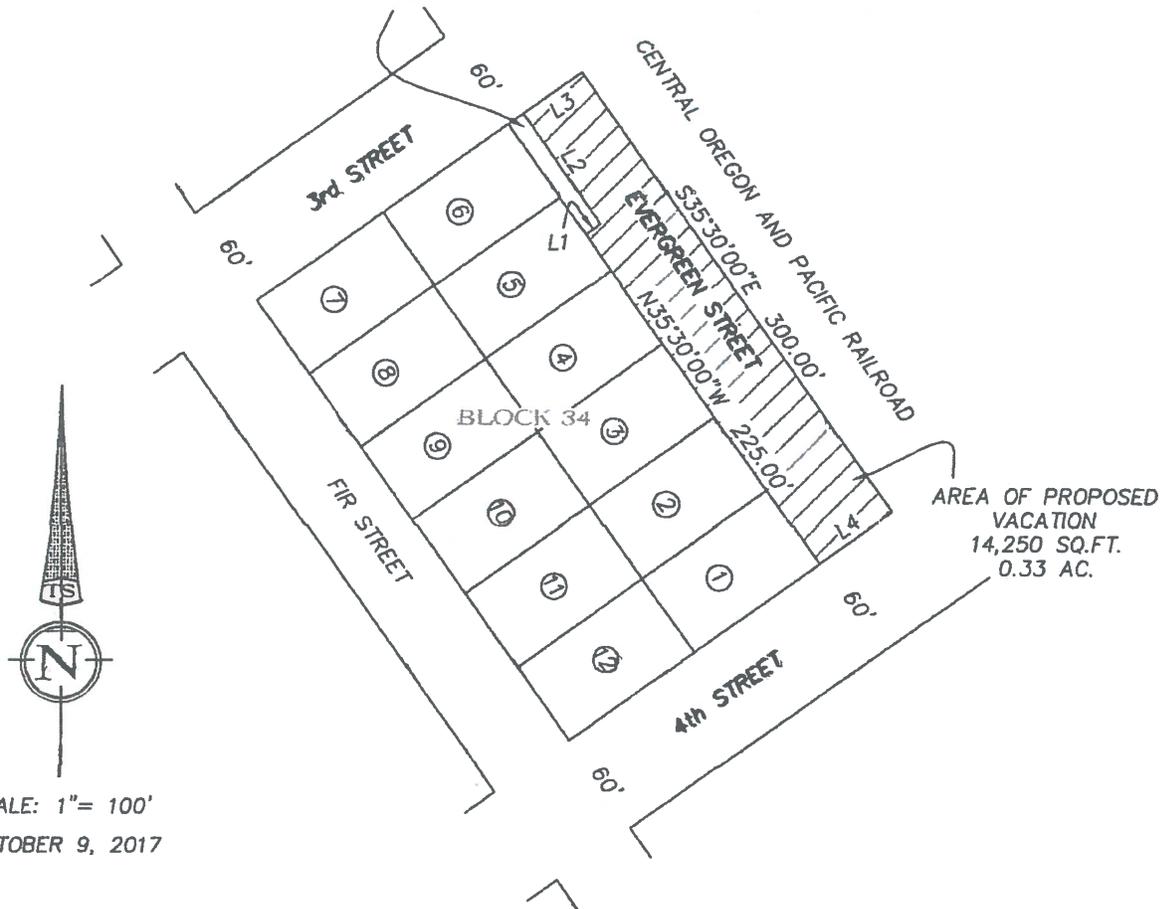
CITY OF MEDFORD  
EXHIBIT # A lofz  
File # SV-17-106

RECEIVED

OCT 10 2017  
PLANNING DEPT.

EXHIBIT 'B'  
FOR  
VACATION OF A PORTION OF EVERGREEN STREET  
LOCATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 37 SOUTH,  
RANGE 2 WEST, IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

PORTION OF EAVEGREEN STREET  
VACATED BY CITY OF MEDFIORD ORDINANCE No. 6262  
AND RECORDED AS INSTRUMENT No. 88-27430



AREA OF PROPOSED  
VACATION  
14,250 SQ.FT.  
0.33 AC.

SCALE: 1" = 100'  
OCTOBER 9, 2017

LINE TABLE		
LINE	BEARING	LENGTH
L1	N54°30'00"E	10.00'
L2	N35°30'00"W	75.00'
L3	N54°30'00"E	40.00'
L4	S54°30'00"W	50.00'

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  
JOB NO. 1142-17

CITY OF MEDFORD  
EXHIBIT # A 2 of 2  
File # SV-17-106

## FINDINGS OF FACTS

### Criteria 1.

1. That the vacation complies with the Public Facilities Element of the Comprehensive plan, including the Transportation System plan.

#### Applicants Response:

After reviewing the Public Facilities and Transportation System plans of the Comprehensive Plan, the applicant finds the following facts to be true:

- A) The vacation lies within the City of Medford's Urban Growth Boundary.
- B) The vacation is bordered on all sides by City of Medford commercial zoned land.
- C) The physical facilities necessary to support the vacated property, including water service, sanitary sewer collection and treatment and storm water management are in place.
- D) The vacated property has access to public services that include fire protection, law enforcement, solid waste management, schools and health services.
- E) The property has access to and complies with the City of Medford's Transportation System Plan.

### Criteria 2.

2. If initiated by petition under ORS 271.080 per ORS 271.120, the City Council must determine the following:
  - a. For a plat vacation or part thereof: that two-thirds of the affected property owners consent in writing. Affected property owners are all owners of property embraced within the plat or part thereof.

For a street or alley vacation: that 100 percent of the abutting property owners and two-thirds of the affected property owners consent in writing. Affected property owners are owners of all land lying on either side of the street or alley proposed to be vacated and extending laterally to the next street that serves as a parallel street not to exceed 200 feet, and within 400 feet of the terminus of the part of the street or alley to be vacated.

- b. That the required notice has been given.

#### Applicants Response:

The required notice has been given by way of preparing mailing labels and delivering them to the city planning department.

3. If initiated by the City Council under ORS 271.130, the City Council must determine the following:
  - a. That more than 50 percent of the affected property owners do not object in writing; and,

- b. That the vacation will not substantially affect the property value of any abutting property, or if the vacation will substantially affect the market value of any abutting property where the owner objects, the City will provide for paying damages.

**Applicants Response:**

As evidenced by the attached Written Consent of Owner, all lands to the West of the portion of the abandoned Evergreen Street project to be vacated represent 100% ownership of all real property deemed potentially affected by a vacation initiated by the Council under ORS 271.130. The ownership of these properties feel that the vacation will not substantially affect the market value of their property that would require the City to be responsible for any damages as required under ORS 271.130.



Medford – A fantastic place to live, work and play

## CITY OF MEDFORD

LD Date: 12/13/2017  
File Number: SV-17-106

### **PUBLIC WORKS DEPARTMENT STAFF REPORT** **Evergreen Street Vacation** **Linda Donovan**

- Project:** Consideration of a request for the vacation of an approximate 50-foot wide strip of public right-of-way being a portion of Evergreen Street.
- Location:** Running roughly north-south from West Third Street to West Fourth Street, 300 feet in length within the C-H, Heavy Commercial, zoning district.
- Applicant:** Linda Donovan, Applicant; Steffen Roennfeldt, Planner.
- 

Public Works concurs with the request to vacate the subject existing right-of-way, with the condition that sign-offs 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. If required, 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-17-106 Evergreen Street Vacation (TL 3700-4000)\SV-17-106 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 #** C  
**File #** SV-17-106



# 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: Steffen Roennfeldt

LD Meeting Date: 12/13/2017

From: Fire Marshal Kleinberg

Report Prepared: 12/12/2017

File #: SV - 17 - 106

### Site Name/Description:

Consideration of a request for the vacation of an approximate 50-foot wide strip of public right-of-way being a portion of Evergreen Street, running roughly north-south from West Third Street to West Fourth Street, 300 feet in length within the C-H, Heavy Commercial, zoning district; Linda Donovan, Applicant; Steffen Roennfeldt, Planner.

### DESCRIPTION OF CORRECTIONS

### REFERENCE

Approved as Submitted

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 combustible 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.



BOARD OF WATER COMMISSIONERS

**Staff Memo**

**TO:** Planning Department, City of Medford

**FROM:** Rodney Grehn P.E., Water Commission Staff Engineer

**SUBJECT:** SV-17-106

**PARCEL ID:** 362W25AA TL 3700-4000

**PROJECT:** Consideration of a request for the vacation of an approximate 50-foot wide strip of public right-of-way being a portion of Evergreen Street, running roughly north-south from West Third Street to West Fourth Street, 300 feet in length within the C-H, Heavy Commercial, zoning district; Linda Donovan, Applicant; Steffen Roennfeldt, Planner.

**DATE:** December 13, 2017

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

**CONDITIONS**

1. No Conditions.

**COMMENTS**

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. Static water pressure is approximately 90 psi in this area.
4. MWC-metered water service does NOT exist to this property.
5. Access to MWC water lines is available. There is an existing 8-inch water line in W 4<sup>th</sup> Street, and a 6-inch water line in N Fir Street.



Feet  
 0 25 50 100  
 Scale: 1"=100'

**Water Facility Map  
 for  
 SV-17-106**

**Legend**

- Air Valve
- Sample Station
- Fire Services
- ▲ Hydrant
- ▼ Reducer
- Blow Off
- ⬇ Plugs-Caps
- Water Meters:**
- Active Meter
- On Well
- Unknown
- Vacant
- Water Valves:**
- Butterfly Valve
- Gate Valve
- Trapping Valve
- Water Mains:**
- Active Main
- - - Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line
- Boundaries:**
- ▭ Urban Growth Boundary
- ▭ City Limits
- ▭ Tax Lots
- MWC Facilities:**
- C Control Station
- P Pump Station
- R Reservoir



**Steffen K. Roennfeldt**

---

**From:** Jon M. Proud  
**Sent:** Wednesday, November 8, 2017 1:32 PM  
**To:** Steffen K. Roennfeldt  
**Cc:** Karen M. Spoons  
**Subject:** VACATION SV-17-106  
**Attachments:** Scanned from a Xerox Multifunction Device.pdf

Steffen, I have no comments on the attached description and exhibit map. I do ask that if and when Council acts on the vacation that the original surveyor stamped documents are given to Karen for recordation with the county clerk. This preserves the scale and legibility of the document.

Thanks, Jon

Jon Proud, L.S.  
City Surveyor  
200 S. Ivy Street  
Medford, Or. 97501  
jon.proud@ci.medford.or.us  
p.541-774-2126  
f.541-774-2552

-----Original Message-----

**From:** Steffen K. Roennfeldt  
**Sent:** Friday, November 03, 2017 2:52 PM  
**To:** Jon M. Proud  
**Subject:** FW: Scanned from a Xerox Multifunction Device

Hi Jon,

Could you please do me a favor and look at the attached legal description and verify that everything is ok!? This is part of a street vacation application.

Thank you & have a good weekend,  
Steffen

-----Original Message-----

**From:** planning@cityofmedford.org [mailto:planning@cityofmedford.org]  
**Sent:** Thursday, November 2, 2017 1:19 PM  
**To:** Steffen K. Roennfeldt <Steffen.Roennfeldt@cityofmedford.org>  
**Subject:** Scanned from a Xerox Multifunction Device

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device.

Attachment File Type: pdf, Multi-Page

**Steffen K. Roennfeldt**

---

**From:** HUNTER Zackary <Zackary.HUNTER@odot.state.or.us>  
**Sent:** Monday, November 20, 2017 1:21 PM  
**To:** Steffen K. Roennfeldt; GOODMAN Cary  
**Cc:** SMITH David R  
**Subject:** RE: File No. SV-17-106

Hi Steffen,

My name is Zack Hunter, Crossing Compliance Specialist and I need to chime in on is vacation. Any alterations to 3<sup>rd</sup> or 4<sup>th</sup> street within the safe stopping sight distance to the Railroad crossings will require the City to contact the Rail and Public Transit Division (RPTD). These alterations include;

- Access points onto 3<sup>rd</sup> and 4<sup>th</sup> Streets
- Adding sidewalks
- Reconfiguration of the pavement markings on 3<sup>rd</sup> or 4<sup>th</sup> Streets
- Widening of 3<sup>rd</sup> or 4<sup>th</sup> Streets

I do not have any data before me at this time to indicate plans at affect these crossing. Any future plans at or near these crossings that is planned by the City or the respective landowner owner of the vacated street between 3<sup>rd</sup> and 4<sup>th</sup> Streets please have the City contact RPTD at (503) 986 4273.

Thank you

Feel free to contact me with any questions.

Zack Hunter  
Crossing Compliance Specialist  
(503) 986 6780  
[Zackary.hunter@odot.state.or.us](mailto:Zackary.hunter@odot.state.or.us)

---

**From:** Steffen K. Roennfeldt [mailto:[Steffen.Roennfeldt@cityofmedford.org](mailto:Steffen.Roennfeldt@cityofmedford.org)]  
**Sent:** Monday, November 20, 2017 11:37 AM  
**To:** GOODMAN Cary  
**Cc:** HUNTER Zackary; SMITH David R  
**Subject:** RE: File No. SV-17-106

Hi Cary,

Please see attached for the requested Property Disposition form and a vicinity map.  
Please let me know if there's anything else I have to take care of at this point.

Thank you,  
Steffen

**From:** GOODMAN Cary [mailto:[Cary.GOODMAN@odot.state.or.us](mailto:Cary.GOODMAN@odot.state.or.us)]  
**Sent:** Wednesday, November 15, 2017 2:06 PM  
**To:** Steffen K. Roennfeldt <[Steffen.Roennfeldt@cityofmedford.org](mailto:Steffen.Roennfeldt@cityofmedford.org)>  
**Cc:** HUNTER Zackary <[Zackary.HUNTER@odot.state.or.us](mailto:Zackary.HUNTER@odot.state.or.us)>; SMITH David R <[David.R.SMITH@odot.state.or.us](mailto:David.R.SMITH@odot.state.or.us)>  
**Subject:** File No. SV-17-106



**ABUTTING PROPERTY OWNER SIGNATURES  
(100% REQUIRED)**

**PETITION:**

In the matter of the vacation of right of way of Evergreen St  
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	Brian Slotkun
Property Address:	Fourth st W Medford
Map & Tax Lot:	372 W 25 AA 12100
Date:	

Medford Urban Renewal



# Planning Department

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

## ABUTTING PROPERTY OWNER SIGNATURES (100% REQUIRED)

**PETITION:**

In the matter of the vacation of right-of-way of Evergreen St  
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	Brian Siethun
Property Address:	Fourth St W, Medford, OR 97501
Map & Tax Lot:	372 W 25 AA 12000
Date:	

Medford Urban Renewal



# Planning Department

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

## ABUTTING PROPERTY OWNER SIGNATURES (100% REQUIRED)

### PETITION:

In the matter of the vacation of right-of-way of Evergreen St  
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	ARNOLD KLOTT
Property Address:	335 N Front St, Medford OR 97501
Map & Tax Lot:	372W25AA 3200
Date:	

Klott Arnold J/Terri L



# Planning Department

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

## ABUTTING PROPERTY OWNER SIGNATURES

(100% REQUIRED)

**PETITION:**

In the matter of the vacation of right-of-way Evergreen st  
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	<i>[Handwritten Signature]</i>
Print Name:	<i>Gileen Lee</i>
Property Address:	<i>17 Fourth st W Medford</i>
Map & Tax Lot:	<i>372 W 25 AA 3600</i>
Date:	

*Ming and Lee LLC*



City of Medford

# Planning Department

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

## ABUTTING PROPERTY OWNER SIGNATURES

(100% REQUIRED)

### PETITION:

In the matter of the vacation of right-of-way of Evergreen St  
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	Snow M Johns
Property Address:	4 Third st W Medford
Map & Tax Lot:	372W25AA 4100
Date:	10/20/17

Southern Oregon Goodwill



**AFFECTED PROPERTY OWNER SIGNATURES**

(2/3<sup>RD</sup> OF AREA REQUIRED)

**PETITION:**

In the matter of the vacation of right of way Evergreen st  
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	<i>J Mylenek</i>
Print Name:	JENNIFFER MYLENEK
Property Address:	409 Front st N Medford
Map & Tax Lot:	372 W 25 AA 3000
Date:	10.25.17

CASA



# Planning Department

Working with the community to shape a vibrant and exceptional city

## AFFECTED PROPERTY OWNER SIGNATURES

(2/3<sup>RD</sup> OF AREA REQUIRED)

### PETITION:

In the matter of the vacation of right of way Evergreen St  
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	BRIAN PORTER
Property Address:	147 Front st N Medford
Map & Tax Lot:	372W25AA 11900
Date:	

Restaurant Professionals LLC

MICHAEL JONOERE

10/20/17

TIMOTHY TOLMAN

10/20/17



# Planning Department

Working with the community to shape a vibrant and exceptional city

## AFFECTED PROPERTY OWNER SIGNATURES (2/3<sup>RD</sup> OF AREA REQUIRED)

**PETITION:**

In the matter of the vacation of right of way Evergreen st  
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	BRIAN PORTER
Property Address:	Front St N Medford
Map & Tax Lot:	372W25AA 11700
Date:	

Restaurant Professionals LLC

MICHAEL HONDORF 10-20-17

TIMOTHY TOLMAN 10/20/17



City of Medford

# Planning Department

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

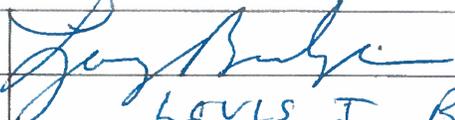
## AFFECTED PROPERTY OWNER SIGNATURES

(2/3<sup>RD</sup> OF AREA REQUIRED)

### PETITION:

In the matter of the vacation of right of way Evergreen st  
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	LOUIS J. BUDGE
Property Address:	220 Fir st N Medford
Map & Tax Lot:	372W25AA 3500
Date:	

BDL Partnership



City of Medford

# Planning Department

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

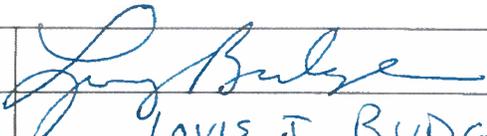
## AFFECTED PROPERTY OWNER SIGNATURES

(2/3<sup>RD</sup> OF AREA REQUIRED)

### PETITION:

In the matter of the vacation of right of way Evergreen st  
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	LOUIS J. BUDGE
Property Address:	160 Fir st N Medford
Map & Tax Lot:	372W 25 AA 3400
Date:	

BDL Partnership



City of Medford

# Planning Department

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

## AFFECTED PROPERTY OWNER SIGNATURES (2/3<sup>RD</sup> OF AREA REQUIRED)

**PETITION:**

In the matter of the vacation of right of way Evergreen St  
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	Jack K Schmidt
Property Address:	425 Front st N Medford
Map & Tax Lot:	372 W 25 AA 2900
Date:	10/24/17

Jack Schmidt



City of Medford

# Planning Department

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

## AFFECTED PROPERTY OWNER SIGNATURES

(2/3<sup>RD</sup> OF AREA REQUIRED)

### PETITION:

In the matter of the vacation of right of way Evergreen st.  
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	
Property Address:	442 Fir st N Medford
Map & Tax Lot:	372W25AA 4200
Date:	

Eve Hess/Sharon Singer



City of Medford

# Office of the City Manager

*Continuous Improvement ~ Customer Service*

**To:** Medford Planning Department  
**From:** Kelly A. Madding, Deputy City Manager  
**Date:** 12/29/2017  
**Re:** Vacation of Public Right-of-Way: Evergreen Street from 3<sup>rd</sup> to 4<sup>th</sup> Street,  
File No. SV-17-106

On December 7, 2017 the City of Medford Urban Renewal Agency (MURA) directed staff to prepare a memo to the Steffen Roennfeldt, Planner III stating support for the vacation of the City-owned right-of-way known as Evergreen Street between 3<sup>rd</sup> and 4<sup>th</sup> Streets. The MURA Board requests that the applicant provide six parking spaces on-site to mitigate the impacts that the development's parking will have on the surrounding area.

411 West 8<sup>th</sup> Street, Medford, OR 97501

Tel. 541.774.2000 • email: [citymanager@cityofmedford.org](mailto:citymanager@cityofmedford.org) • Fax 541.774.1780

[www.cityofmedford.org](http://www.cityofmedford.org)

**CITY OF MEDFORD**  
**EXHIBIT # 7**  
**File # SV-17-106**



City of Medford

# Bicycle and Pedestrian Advisory Committee

RECEIVED  
JAN 3 2018  
PLANNING DEPT.

## MEMORANDUM

Subject Medford Bicycle and Pedestrian Advisory Committee (BPAC) comments regarding SV-17-106, Evergreen Street Vacation

To Steffen Roennfeldt, Planning III

From Joseph Smith, BPAC Chair

Date January 2, 2018

The Medford Bicycle and Pedestrian Advisory Committee passed a motion to voice its opposition to vacating the Public Right-of-Way partially based on lack of information of the exact dimensions of the land being requested. Also, this land could be used for future Evergreen Street or multi-use path connecting between 3<sup>rd</sup> and 4<sup>th</sup> streets. BPAC would support Public Works working with the property owner to utilize the land until the time needed for the future transportation extension. Thank you for the opportunity to comment.

CITY OF MEDFORD  
EXHIBIT #   K    
File #   SV-17-106

RECEIVED  
JAN 04 2018  
Planning Dept.



December 27<sup>th</sup>, 2017

Utility Providers

RE: Evergreen Street vacate

Dear Utility Providers,

Attached is an exhibit of the proposed Evergreen Street vacation located in downtown Medford between 3<sup>rd</sup> and 4<sup>th</sup> street. There are currently no known easements for power, or water, etc.... We are requesting that this location be vacated by the city and that no easements are remaining for the utility providers. We are attaching the surveys showing where the vacation is to take place. There are some overhead powerlines above the buildings that need not be removed at this time. If they are to be removed, it will be done at owner's expense, as would any other utilities discovered. A vacation description and legal description are also attached. If you are in agreeance with this, please sign this document below relinquishing your rights to the above noted public utility & electric easements and return to me. If you have any questions or need further information, please feel free to contact us.

\_\_\_\_\_  
Pacific Power

  
Charter Communications

  
\_\_\_\_\_  
Avista Utilities

  
\_\_\_\_\_  
Century Link

\_\_\_\_\_  
Medford Public Works

\_\_\_\_\_  
City of Medford (Water)

  
Linda Donovan  
Pallet Wine Company  
(541) 779-1788

CITY OF MEDFORD  
EXHIBIT # 6  
File # SV-17-106

RECEIVED

JAN 04 2018

Planning Dept.



December 27<sup>th</sup>, 2017

Utility Providers

RE: Evergreen Street vacate

Dear Utility Providers,

Attached is an exhibit of the proposed Evergreen Street vacation located in downtown Medford between 3<sup>rd</sup> and 4<sup>th</sup> street. There are currently no known easements for power, or water, etc.... We are requesting that this location be vacated by the city and that no easements are remaining for the utility providers. We are attaching the surveys showing where the vacation is to take place. There are some overhead powerlines above the buildings that need not be removed at this time. If they are to be removed, it will be done at owner's expense, as would any other utilities discovered. A vacation description and legal description are also attached. If you are in agreeance with this, please sign this document below relinquishing your rights to the above noted public utility & electric easements and return to me. If you have any questions or need further information, please feel free to contact us.

A handwritten signature in black ink, appearing to be "S. H. A.", written over a horizontal line.

Pacific Power

Charter Communications

Avista Utilities

Century Link

Medford Public Works

City of Medford (Water)

A handwritten signature in black ink, appearing to be "Linda Donovan", written over a horizontal line.

Linda Donovan  
Pallet Wine Company  
(541) 779-1788

RECEIVED

Steffen K. Roennfeldt

JAN 11 2018

PLANNING DEPT.

**From:** McFadden, David <David.McFadden@avistacorp.com>  
**Sent:** Thursday, January 11, 2018 3:30 PM  
**To:** cory.crebbins@cityofmedford.org; City Manager's Office  
**Cc:** Kelly A. Akin; Steffen K. Roennfeldt  
**Subject:** CITY PLANNING

Brian and Cory

Sorry, I didn't get a chance to mention this before the end of last night's meeting. *Unfortunately, this letter also obligates me to disqualify myself from taking part in this hearing at tonight's planning commission meeting.*

On tonight planning commission agenda, there is an application for the  
**Vacation of Evergreen Street between W 3<sup>rd</sup> and 4<sup>th</sup> Streets. SV-17-106**

I am surprised that the application is supported by both Public Works and MURA, and I believe that the City of Medford should say no to this application.

Some of my reasoning is that the City of Medford has already spent lots of public money to improve Evergreen from 10<sup>th</sup> to 4<sup>th</sup> Streets, and there can be no doubt that it has improved the looks of downtown Medford, especially the interface between the Railroad and Downtown properties. There is no evidence at this time that the vacation request will continue to improve the looks of this interface.

Also if developed further as a roadway, it could provide the only direct North to South road way between 10<sup>th</sup> and Jackson Streets west of the railroad, until you get all the out to Columbus. Once this roadway is vacated, the City will never get it back.

It's not uncommon, but I also see no comment or evidence that this property will necessarily become owned by the applicant. That fact is usually determined by the County after the City takes action.

Might I recommend that you discuss this with your staffs this afternoon, to see if it doesn't really make sense to deny this application, and thereby keep the door open for further improvement of Evergreen as a useful and potential part of an improved downtown Medford.

Sincerely Yours  
David McFadden  
Medford

CITY OF MEDFORD  
EXHIBIT # M  
File # SV-17-106

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or an agent of the intended recipient, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments.



City of Medford

# Planning Department

Vicinity  
Map

File Number:

## SV-17-106



Project Name:

### Evergreen Street Vacation

Map/Taxlot:

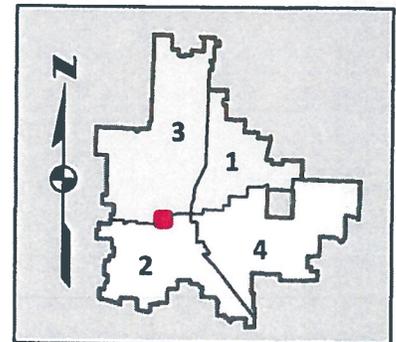
**362W25AA TL 3700-4000**



09/26/2017

### Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots





# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

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

---

**DEPARTMENT:** City Attorney's Office

**PHONE:** (541) 774-2020

**STAFF CONTACT:** Eric Mitton, Deputy City Attorney; Karen Spoons, City Recorder

**AGENDA SECTION:** Ordinances and Resolutions

**MEETING DATE:** March 1, 2018

---

## **COUNCIL BILL 2018-21 - CONTINUED**

An ordinance amending section 3.470 of the Medford Municipal Code pertaining to interest on assessments.

### **SUMMARY AND BACKGROUND**

Staff is presenting a proposed Code change and seeking Council direction in regards to reducing or eliminating interest in response to voluntary payment of liens on properties being proposed for foreclosure. Annually, Staff presents a list of properties which have past due liens for such items as nuisance and sidewalk abatements for Council consideration in moving forward with foreclosure proceedings. In the past, Council has indicated concern about moving forward with foreclosure proceedings for homes that are occupied and where dollar amounts due are below certain thresholds.

### **PREVIOUS COUNCIL ACTIONS**

On May 19, 2016, Council granted an interest reduction to 6% simple interest on a lien related to a defective sidewalk to a property owner who was suffering financial hardship but agreed to make fixed monthly payments to the City.

On February 2, 2017 Council Bill 2017-14 a resolution to commence foreclosure to recover delinquent assessments was approved.

On February 1, 2018, Council instructed staff to propose a code change that would allow the City Recorder to reduce or eliminate interest while a property owner whose property is on the foreclosure list made monthly payments, providing the City Recorder with tools necessary to negotiate monthly payment plans.

### **ANALYSIS**

At its February 1, 2018 meeting, Council discussed the possibility of giving the City Recorder the discretion to work with owners of properties potentially subject to foreclosure in an attempt to set up payment plans with a reduced interest rate. There was discussion of reducing the interest rate to 0% or to 6% interest under such circumstances, with 6% interest being the predominant viewpoint, although no vote was taken on that issue. Staff was instructed to draft a Code amendment that would allow the City Recorder to deviate from the code-mandated interest rate of 18% when an owner of a property on the foreclosure list was making monthly payments toward the liens owed on the property.

The decision of which properties, if any, should currently be subject to foreclosure still remains an open question for Council. There are currently nine homes identified for foreclosure proceedings with three being vacant and six listed as occupied. Amounts owed to the City vary from \$154.35 to \$11,845.86. Interest amounts on the totals are through November 30, 2017.

The proposed Code amendment will provide the City Recorder with tools to negotiate voluntary payment, including setting up payment plans, for properties where liens exist but no foreclosure action is initiated. Two versions of the proposed Code amendment are presented: one which would give the City Recorder discretion to either reduce interest to 6% or eliminate it entirely, and the other which would allow the City Recorder to reduce interest to 6% but would not allow for complete elimination of interest.

Finally, it was stated during the previous City Council meeting that staff has been in contact with an attorney representing the owner of one of the properties on the foreclosure list, a commercial property on Riverside



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

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

---

Ave., and staff is requesting that foreclosure actions not be initiated on that property at this time due to those discussions.

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

Collection of revenue is dependent upon Council direction.

## **TIMING ISSUES**

There is no immediate timing issue.

## **COUNCIL OPTIONS**

Staff has developed the following options for consideration. At the February 1 meeting, Council expressed disapproval of foreclosure on occupied properties prior to significant attempts to set up a payment plan, but no vote was taken on the various options presented by staff. The original four options proposed by staff were:

**Option A:** Initiate foreclosure action only on properties that are listed as vacant, and attempt to negotiate voluntary payment with reduced or eliminated interest on the remainder.

**Option B:** Initiate foreclosure action only on properties that are listed as vacant and have a balance owing in excess of \$1,000.00, and attempt to negotiate voluntary payment with reduced or eliminated interest on the remainder.

**Option C:** Initiate foreclosure action on all properties listed.

**Option D:** Initiate foreclosure action on all properties listed which have a balance owing in excess of \$1,000.00, and attempt to negotiate voluntary payment with reduced or eliminated interest on the remainder.

In response to Council's request for a proposed Code amendment regarding reduced interest for property owners on a monthly payment plan, staff has developed the following options for consideration:

**Ordinance 1:** Provides the City Recorder authority to reduce or eliminate interest while negotiating a payment plan with a property owner.

**Ordinance 2:** Provides the City Recorder authority to reduce interest as low as 6% while negotiating a payment plan with a property owner.

## **STAFF RECOMMENDATION**

As to initiating foreclosure actions, staff recommends Option A or B. As to interest, staff is neutral on the issue.

## **SUGGESTED MOTION**

I move to direct staff to bring forward an Agenda Item Commentary to consider at the March 15, 2018 meeting to initiate foreclosure action as set forth in (insert option A, B, C, or D) while giving the City Recorder discretion to negotiate with the other properties as described in (insert ordinance 1 or 2).

## **EXHIBITS**

Ordinance 1 (allowing reduction or elimination of interest)

Ordinance 2 (allowing reduction of interest)

Properties on Foreclosure List

ORDINANCE NO. 2018-21

AN ORDINANCE amending section 3.470 of the Medford Municipal Code pertaining to interest on assessments.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 3.470 of the Medford Municipal Code is amended to read as follows:

3.470 Interest on Assessments.

\*\*\*

(2) Assessments levied by the city upon real property for incurred charges shall bear interest on the unpaid balance from the date the assessment is due and payable at the rate of eighteen percent (18%) per annum. **The City Recorder shall have the discretion and the authority to reduce this interest to 6% per annum on a retroactive basis if (a) the property owner has agreed to a monthly payment plan and is faithfully and consistently making payments according to that plan, or (b) the property owner is making complete payment of the principal owing, and circumstances exist that would make reduction of interest to 6% fair and just under the totality of the circumstances. Under such agreements, interest shall accrue at 6% while monthly payments are being made, and preexisting interest above and beyond the 6% per annum shall be forgiven upon complete payment of the principal and the 6% per annum owing.**

(3) Non-delinquent assessments levied when a different rate was in effect shall continue to bear interest at the rate in effect at the time the assessments were levied.

(4) Delinquent assessments for local improvements and delinquent systems development charges shall bear interest at the rate of eighteen percent (18%) per annum while delinquent.

(5) An assessment shall be deemed delinquent if any payment is not made within 60 days after it becomes due and payable.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2018.

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

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

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

ORDINANCE NO. 2018-21

AN ORDINANCE amending section 3.470 of the Medford Municipal Code pertaining to interest on assessments.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 3.470 of the Medford Municipal Code is amended to read as follows:

3.470 Interest on Assessments.

\*\*\*

(2) Assessments levied by the city upon real property for incurred charges shall bear interest on the unpaid balance from the date the assessment is due and payable at the rate of eighteen percent (18%) per annum. **The City Recorder shall have the discretion and the authority to reduce or eliminate this interest on a retroactive basis if (a) the property owner has agreed to a monthly payment plan and is faithfully and consistently making payments according to that plan, or (b) the property owner is making complete payment of the principal owing, and circumstances exist that would make reduction or elimination of interest fair and just under the totality of the circumstances. Under such agreements, interest shall accrue at the reduced or eliminated rate while monthly payments are being made, and preexisting interest above and beyond the reduced or eliminated rate shall be forgiven upon complete payment of the owed principal and any reduced interest.**

(3) Non-delinquent assessments levied when a different rate was in effect shall continue to bear interest at the rate in effect at the time the assessments were levied.

(4) Delinquent assessments for local improvements and delinquent systems development charges shall bear interest at the rate of eighteen percent (18%) per annum while delinquent.

(5) An assessment shall be deemed delinquent if any payment is not made within 60 days after it becomes due and payable.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2018.

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

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

NOTE: Matter in **bold** is new. 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)

**DEPARTMENT:** Fire Department  
**PHONE:** 541-774-2300  
**STAFF CONTACT:** Brian Fish, Fire Chief

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** March 1, 2017

## **COUNCIL BILL 2018-22**

An ordinance granting a 20 foot wide by 10 foot wide right-of-way easement to Pacific Power for the placement of a power vault and transformer adjacent to Fire Station #3.

## **SUMMARY AND BACKGROUND**

This ordinance will grant an easement to Pacific Power for the installation of a power vault and transformer necessary for electrical service to the construction site of the new Fire Station #3. This requires a 230± square foot easement for the power equipment as noted on Exhibit A. The actual physical location of the new transformer will be outside of the current utility right-of-way and will be located within the property lines of the City of Medford property located at 534 Highland Drive.

## **PREVIOUS COUNCIL ACTIONS**

On December 29, 2014, Council Bill 2014-164 was approved and a contract was awarded to ORW in the amount of \$535,000 to complete the design of three fire stations from the last phase of design development through project completion.

On February 2, 2017, Council Bill 2017-44 was approved directing staff to move forward with the design and construction of Fire Station #3.

On July 6, 2017, Council Bill 2017-78 was approved to amend the existing General Contractor contract with Adroit Construction, Inc., and accept a Guaranteed Maximum Price of \$4,076,454 for the construction of Fire Station #3.

## **ANALYSIS**

This easement is required due to the placement of Pacific Power transformer on City property. The transformer will remain the property of Pacific Power, including all repairs, maintenance and replacement if needed.

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

Recording Fee: \$100.00 approximately budgeted in Project FS3  
Surveying Fee: \$500.00 approximately budgeted in Project FS3

## **TIMING ISSUES**

This easement is needed prior to Pacific Power providing utility power to site.

## **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 this ordinance.

## **SUGGESTED MOTION**

I move to approve the ordinance granting Pacific Power an easement for access to their power equipment installed at Fire Station #3, located at 534 Highland Dr. per attached exhibit.



**EXHIBITS**

Ordinance

Exhibit A Description Sheet/Exhibit Map

Exhibit B Underground Right of Way Easement

ORDINANCE NO. 2018-22

AN ORDINANCE granting a 20 foot wide by 10 foot wide right-of-way easement to Pacific Power for the placement of a power vault and transformer adjacent to Fire Station #3.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a 20 foot wide by 10 foot wide right-of-way easement, on file in the City Recorder's office, is hereby granted to Pacific Power for the placement of a power vault and transformer adjacent to Fire Station #3.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

Calculated C/L Intersection of Highland Drive and Siskiyou Avenue per Filed Survey 20325, Station 0+00

C/L Reference 3" Brass Disk per Filed Survey 20325

N60°34'59"E, 169.84'

Basis of Bearing:  
N33°43'35"W, 219.67'

C/L Reference 3" Brass Disk per Filed Survey 20325

Owner: City of Medford  
Vol. 153, Pg. 277  
(T37S, R1W, S29c TL 2000)

# Exhibit A Description Sheet/Exhibit Map

Located in:  
T37S, R1W, SW1/4 Sec. 29, W.M.  
Medford, Jackson County, Oregon,

Legal Description for a Permanent Electrical Easement:

1+00 A parcel of land lying in the southwest portion of Section 29, Township 37 South, Range 1 West, Willamette Meridian, City of Medford, Jackson Co., Oregon, and being a portion of that property described in Volume 153, Page 277, Jackson Co. Records; said parcel being that portion of said property included in a strip of land 60 feet wide, lying westerly of a line when measured at right angles to the center line, between stations 4+56 and 4+66, of which the center line is described as follows:

2+00 Beginning at center line station 0+00.00; thence South 00°17'00" West, 500.00 feet to center line station 5+00.00 and the point of terminus of this center line description.

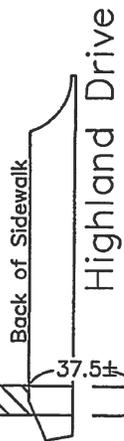
Excepting therefrom that portion that lies within the publically used area known as Highland Drive.

The area to which this description applies contains 230± Sq.Ft.

Note: This center line alignment is a southerly extension of that center line of Highland Drive per filed survey 20325.

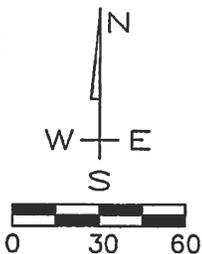
PacifiCorp Estimator: Rylan Wood  
Work Order #: 6337734

4+56, 60' Right  
4+66, 60' Right



### Legend:

- Reference Lines
- ▨ Proposed Electrical Easement



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*John R. Pariani*  
OREGON  
July 13, 1999  
JOHN R. PARIANI  
#51382

Renews: December 31, 2018

T37S, R1W, Sec 29c, Tax Lot 2000

Description Sheet / Exhibit Map

# Pariani Land Surveying

10558 Crater Lake Hwy, Suite B-1  
Eagle Point, Oregon  
541-890-1131

Date: Feb. 5, 2018	Scale: 1" = 60'	Job No.: 2017-364	Sheet: 1 of 1
-----------------------	--------------------	----------------------	------------------

Return to: Pacific Power  
925 S Grape St  
Medford OR 97501

CC#: 11146 WO#: 6337734

**UNDERGROUND RIGHT OF WAY EASEMENT**

For value received, *City of Medford* ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns ("Grantee"), a perpetual easement for a right of way **10 feet** in width and **20 feet** in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee's underground electric distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, cabinets, vaults on, across, or under the surface of the real property of Grantor in *Jackson County, State of Oregon*, as more particularly described as follows and/or shown on Exhibit(s) *Exhibit A* attached hereto and by this reference made a part hereof:

A portion of:

Assessor's Map No.: *371W29C*

Parcel No.: *2000*

Together with the right of ingress and egress for Grantee, its contractors, or agents, to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep the right of way clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place or store any flammable materials or light any fires, on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for other purposes not inconsistent, as determined by the Grantee, with the purposes for which this easement has been granted.

**JURY WAIVER. TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS EASEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE, OR TO REQUEST THE CONSOLIDATION OF, ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH**

A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED. THIS PARAGRAPH WILL SURVIVE THE EXPIRATION OR TERMINATION OF THIS AGREEMENT.

Grantor represents and warrants that it possesses all right, title and interest in and to the right of way area, free and clear of any lien, security interest, encumbrance, claim, license or other restriction that would interfere with Grantee's use of the right of way area for the purposes contemplated hereunder.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns and shall run with the land.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
*City of Medford* GRANTOR

**REPRESENTATIVE ACKNOWLEDGEMENT**

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } SS.

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2\_\_.

by \_\_\_\_\_, as \_\_\_\_\_  
Name of Representative Title of Representative

of \_\_\_\_\_  
Name of Entity on behalf of whom this instrument was executed

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.3

[www.ci.medford.or.us](http://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:** March, 1, 2018

## **COUNCIL BILL 2018-23**

An ordinance awarding a contract in an amount of \$316,954.42 to Kittelson and Associates, Inc. for alternatives analysis and design of intersection improvements at the Crater Lake Avenue and Owen Drive intersection.

## **SUMMARY AND BACKGROUND**

The City Council is requested to consider awarding a contract in the amount of \$316,954.42 to Kittelson and Associates, Inc. for alternatives analysis and design of intersection improvements at the Crater Lake Avenue and Owen Drive intersection. The contract amount also includes engineering design services during construction, if needed.

The intersection of Crater Lake Avenue and Owen Drive is located in north Medford. Owen Drive is a 5-lane major arterial roadway between Crater Lake Highway (OR 62) and Springbrook Avenue. Crater Lake Avenue is a 3-lane major collector at the intersection with Owen Drive. The intersection currently operates as a two-way stop control intersection, with the stop signs on the Crater Lake Avenue approaches.

The intersection was studied in 2016 as part of a private development. The 2016 analysis concluded that the intersection does not meet the City's Level-of-Service (LOS) standard, and operates at a LOS F under 2018 conditions. The intersection meets traffic signal warrants because the crash experience exceeded 5 or more correctable incidents in a 12-month period, but the intersection is not projected to meet traffic signal warrants based on traffic volumes until the development to the east is approximately 90% occupied.

Kittelson and Associates will analyze a traffic signal and up to three different roundabout configurations to identify the best treatment for this intersection. The proposed contract allows three months for the alternatives analysis. The alternatives analysis will be reviewed with the City Council prior to the completion of the Transportation Facility (TF) application. After the TF is complete, the contract provides six months for design.

## **PREVIOUS COUNCIL ACTIONS**

On June 15, 2017, Council approved Council Bill 201-57 adopting the biennial budget which includes funding for this contract.

## **ANALYSIS**

Three proposals were received in response to a Request for Proposals (RFP) for this professional services contract. Selection criteria included qualification of the firm, qualifications of key personnel, past performance on projects similar in scope, and proposed project approach. Oregon Revised Statute (ORS) 279C requires projects over \$250,000 to use qualification based selection criteria.

Staff estimates the construction cost for a new traffic signal at approximately \$400,000. A roundabout is estimated at approximately \$1,250,000.

Kittelson & Associates, Inc. submitted the highest ranked proposal. The two other proposals were received from Century West Engineering and Hardey Group. Once the most qualified proposal was identified, the scope of work and cost were negotiated. It is anticipated that project construction will not start prior to Summer 2019.



**CITY OF MEDFORD  
AGENDA ITEM COMMENTARY**

Item No: 80.3

www.ci.medford.or.us

---

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

Expenditure of \$316,954.42, which is included on page 8-52 of the 2017/2019 biennium budget.

**TIMING ISSUES**

Design and analysis will not begin until this ordinance is approved.

**COUNCIL OPTIONS**

- Approve the ordinance as presented.
- Deny the ordinance and provide direction to staff regarding intersection improvements at Crater Lake Avenue and Owen Drive.

**STAFF RECOMMENDATION**

Approve the ordinance for a contract with Kittelson and Associates, Inc.

**SUGGESTED MOTION**

I move to approve the ordinance authorizing the contract with Kittelson and Associates, Inc. in the amount of \$316,954.42 to analyze and design intersection improvements at Crater Lake Avenue and Owen Drive.

**EXHIBITS**

Ordinance

Map

Contract on file in the City Recorder's Office

ORDINANCE NO. 2018-23

AN ORDINANCE awarding a contract in an amount of \$316,954.42 to Kittelson and Associates, Inc. for alternatives analysis and design of intersection improvements at the Crater Lake Avenue and Owen Drive intersection.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount of \$316,954.22 for alternatives analysis and design of intersection improvements at the Crater Lake Avenue and Owen Drive intersection, which is on file in the City Recorder's Office, is hereby awarded to Kittelson and Associates, Inc.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

Owen Dr & Crater Lake Ave

Pearl Eye Ln

Dragon Tail Pl





# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.4

www.cityofmedford.org

---

<b>DEPARTMENT:</b>	Public Works	<b>AGENDA SECTION:</b>	Ordinances and Resolutions
<b>PHONE:</b>	(541) 774-2100	<b>MEETING DATE:</b>	March 1, 2018
<b>STAFF CONTACT:</b>	Cory Crebbin, Public Works Director		

---

## **COUNCIL BILL 2018-24**

An ordinance authorizing execution of an amendment to a lease agreement with Jackson County for use of approximately six acres of property located on Whittle Avenue for Public Works operations.

## **SUMMARY AND BACKGROUND**

On September 7, 2017, the City Council approved execution of a lease with Jackson County for approximately six acres on Whittle Avenue for a Public Works operations facility. Public Works worked with the Jackson County Airport Authority (Airport) to identify suitable property, gain necessary land use approvals, and determine a financial proposal acceptable to both parties.

Jackson County has requested a slight change to the lease agreement to specify that the City needs to conform to any future Federal Aviation Administration (FAA) requirements passed down through grant awards to the County.

## **PREVIOUS COUNCIL ACTIONS**

September 7, 2017 – Council Bill 2017-106 - An ordinance authorizing execution of a Lease Agreement with Jackson County for use of approximately six acres of property located on Whittle Avenue for Public Works operations.

## **ANALYSIS**

The revision requested by Jackson County does not significantly affect the City, it just makes it very clear that this lease will be subject to any requirements contained in future agreements between Jackson County and the United States Government (FAA).

The proposed location is on the northeast corner of Hilton Road and Corona Avenue. The property is bounded by Corona Avenue on the west and the irrigation canal on the east.

The ownership and use of this property is restricted by the FAA and it must remain in the ownership of the Airport. The Airport can, however, lease the property.

The term of the lease is 30 years with options for two 10-year extensions; totaling 50 years. In the event that the Airport terminates the lease section 19.1 of the lease agreement includes a provision that the Airport will pay for improvements at the depreciated value based on the term of the lease.

Anticipated improvements include site fencing, materials storage and handling, a fuel station, and equipment storage. All site improvement plans must be approved by the Airport to ensure compliance with FAA restrictions. No construction will take place until the City is in possession of the property and Airport approval of plans is received.

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

The current budget includes \$1,800,000 on page 8-35 for this Public Works Facility.

The initial annual lease payment will be \$67,353 in the first full year (base rent plus 1/3 of environmental costs).



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

Item No: 80.4

[www.cityofmedford.org](http://www.cityofmedford.org)

---

**TIMING ISSUES**

This amendment to the lease agreement needs to be approved by the City of Medford before the Jackson County Board of Commissioners approves the agreement. Approval by both parties will allow the Airport to initiate the environmental work necessary to gain FAA final approval of this lease agreement. Lease payments and site development applications will not commence until the City has possession of the property.

**COUNCIL OPTIONS**

Approve the ordinance as presented.  
Deny the ordinance and provide staff direction.

**STAFF RECOMMENDATION**

Approve the ordinance as presented.

**SUGGESTED MOTION**

I move to approve the ordinance authorizing an amendment to the land lease with the Jackson County Airport Authority for 6.2 acres, more or less.

**EXHIBITS**

Ordinance  
Amendment to lease agreement

ORDINANCE NO. 2018-24

AN ORDINANCE authorizing execution of an amendment to the lease agreement with Jackson County, for use of approximately six acres of property located on Whittle Avenue for Public Works operations.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an amendment to the lease agreement with Jackson County, for use of approximately six acres of property located on Whittle Avenue for Public Works operations, 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 \_\_\_\_\_, 2018.

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

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

**Amendment No. 1 to Commercial Ground Lease**

This Amendment No. 1 is entered into the \_\_\_ day of \_\_\_\_\_, 2017, between the between the County of Jackson, a home-rule political subdivision of the State of Oregon, hereinafter referred to as "COUNTY," and the City of Medford, hereinafter referred to as "LESSEE."

The parties agree as follows:

- 1. Paragraph 4.1.A of the Commercial Lease approved by the Medford City Council on September 7, 2017 is replaced as follows (new language in **bold**):

A. Conform to all applicable laws and regulations of all public authority **and existing and future agreements between COUNTY and the United States** affecting the Leased Premises and its use and correct at LESSEE's own expense, any failure of compliance created through LESSEE's failure or by reason of LESSEE's use.

- 2. All remaining terms and conditions of the lease shall remain as previously written.

**IN WITNESS WHEREOF**, the parties or their duly authorized representatives have signed this Lease the day and year written below.

**LESSEE: City of Medford**

**COUNTY:**

\_\_\_\_\_

\_\_\_\_\_

Gary H. Wheeler, Mayor

Danny Jordan, County Administrator

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to Legal Sufficiency:

\_\_\_\_\_

Asst. County Counsel