



CITY OF CENTRAL POINT

Oregon

City Council Meeting Agenda Thursday, April 22, 2021

Next Res(1658) Ord (2075)

This will be a virtual meeting. Citizens are welcome to attend in the Council Chambers.

- I. **REGULAR MEETING CALLED TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **PUBLIC COMMENTS**

Public comment is for non-agenda items. If you are here to make comments on a specific agenda item, you must speak at that time. Please limit your remarks to 3 minutes per individual, 5 minutes per group, with a maximum of 20 minutes per meeting being allotted for public comments. The council may ask questions but may take no action during the public comment section of the meeting, except to direct staff to prepare a report or place an item on a future agenda. Complaints against specific City employees should be resolved through the City's Personnel Complaint procedure. The right to address the Council does not exempt the speaker from any potential liability for defamation.

- V. **CONSENT AGENDA**

- A. **Approval of April 8, 2021 City Council Minutes**

- VI. **ITEMS REMOVED FROM CONSENT AGENDA**

- VII. **ORDINANCES, AND RESOLUTIONS**

- A. Second Reading - An Ordinance Amending in Part the Central Point Municipal Code Renaming Title 4 and Adding Chapter 4.01 Central Point Cemetery (Dreyer)
- B. Resolution No. _____, A Resolution Adopting the Cemetery Rules Governing the Central Point Cemetery (Dreyer)
- C. Resolution No. _____, A Resolution of the City of Central Point Increasing the Park Maintenance Fee Effective July 1, 2021 (Samitore)
- D. Resolution No. _____, A Resolution of the City of Central Point Adjusting the Transportation Utility Fee Effective July 1, 2021 (Samitore)
- E. Resolution No. _____, Resolution Authorizing City Initiated Vacation of Public Utility Easement over the Portion of the Public Alley and Amy Street Vacated by Ordinance No. 1837 on August 14, 2003 (Dreyer)

- VIII. **MAYOR'S REPORT**

Mayor
Hank Williams

Ward I
Neil Olsen

Ward II
Kelley Johnson

Ward III
Melody Thueson

Ward IV
Tanea Browning

At Large
Rob Hernandez

At Large
Michael Parsons

IX. CITY MANAGER'S REPORT

X. COUNCIL REPORTS

XI. DEPARTMENT REPORTS

XII. EXECUTIVE SESSION

The City Council will adjourn to executive session under the provisions of ORS 192.660. Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

XIII. ADJOURNMENT

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 72 hours prior to the City Council meeting. To make your request, please contact the City Recorder at 541-423-1026 (voice), or by e-mail to Deanna.casey@centralpointoregon.gov.

Si necesita traductor en español o servicios de discapacidades (ADA) para asistir a una junta publica de la ciudad por favor llame con 72 horas de anticipación al 541-664-3321 ext. 201

CITY OF CENTRAL POINT

Oregon

City Council Meeting Minutes Thursday, April 8, 2021

I. REGULAR MEETING CALLED TO ORDER

The meeting was called to order at 7:00 PM by Mayor Hank Williams

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Attendee Name	Title	Status	Arrived
Hank Williams	Mayor	Remote	
Neil Olsen	Ward I	Late	7:04 AM
Kelley Johnson	Ward II	Remote	
Melody Thueson	Ward III	Remote	
Taneea Browning	Ward IV	Remote	
Rob Hernandez	At Large	Remote	
Michael Parsons	At Large	Remote	

Staff members present: City Manager Chris Clayton; City Attorney Sydnee Dreyer; Finance Director Steve Weber; Police Chief Kris Allison; Police Captain Dave Croft; Police Captain Scott Logue; Parks and Public Works Director Matt Samitore; Community Development Director Tom Humphrey; Planning Department Director Stephanie Holtey; Accounting Business Services Coordinator Rachel Neuenschwander; and City Recorder Deanna Casey.

Special Guest: County Commissioner Dave Dottererr.

IV. PUBLIC COMMENTS - None

V. CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Parsons, At Large
SECONDER:	Taneea Browning, Ward IV
AYES:	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

A. Approval of March 25, 2021 City Council Minutes

Michael Parsons moved to approved the Consent Agenda with the amendments to the March 25, 2021 minutes clarifying. The amendments were sent to the Council members earlier today.

VI. ORDINANCES, AND RESOLUTIONS

A. Second Reading - Ordinance Amending in Part Central Point Municipal Code Title 10 Adding Chapter 10.12 Preferential Parking Districts

Minutes Acceptance: Minutes of Apr 8, 2021 7:00 PM (CONSENT AGENDA)

City Attorney Sydnee Dreyer reported that the City Council approved the first reading of an Ordinance to amend Title 10 Adding Chapter 10.12 regarding preferential Parking Districts on March 22, 2021. There was only one recommendation that staff provide a permit fee recommendation at the second reading. Staff recommends that the Parking Permit fee be established by resolution. In the absence of any such order, the fee shall be \$25.00.

Melody Thueson moved to approve Ordinance 2074, An Ordinance Amending in Part Central Point Municipal Code Title 10 Adding Chapter 10.12 Preferential Parking Districts.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Melody Thueson, Ward III
SECONDER:	Kelley Johnson, Ward II
AYES:	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

B. Second Reading - An Ordinance Amending in Part the Central Point Municipal Code Renaming Title 4 and Adding Chapter 4.01 Central Point Cemetery

City Attorney Sydnee Dryer explained the proposed ordinance renaming Title 4 in order to move rules and regulations to this title regarding parks. Currently there are codes spread throughout our municipal code. The proposed ordinance also establishes 4.01 Central Point Cemetery. She explained the steps that will need to happen in order for the City to take ownership of the cemetery. The proposed ordinance establishes ownership of the facility, management structure, and guidance for cemetery operations. Oversight of the cemetery will be the responsibility of the Parks and Recreation Commission with review provided by the City Council. Day to day operations will be the responsibility of a cemetery manager who will ensure that the cemetery functions in a manner that meets all required Oregon state standards. Additional elements of the code provide for record keeping, burial and exhumation permits and fees, and authorization for burials.

The Council will be presented with a resolution establishing the day to day operations. Parks and Public Works Director Matt Samitore stated that we are still consolidating the records. We are not sure how many plots are still available but we believe there are less than 10.

Rob Hernandez moved to second reading an Ordinance Amending the Part in Central Point Municipal Code Renaming Title 4 and Adding Chapter 4.01 Central Point Cemetery.

RESULT:	1ST READING [UNANIMOUS]
	Next: 4/22/2021 7:00 PM
MOVER:	Rob Hernandez, At Large
SECONDER:	Kelley Johnson, Ward II
AYES:	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

VII. BUSINESS

Minutes Acceptance: Minutes of Apr 8, 2021 7:00 PM (CONSENT AGENDA)

A. Planning Commission Report (Humphrey)

Community Development Director Tom Humphrey presented the April 6, 2021 Planning Commission Meeting:

- The Commission held a public hearing to consider a site plan and architectural review application to construct a mixed-use development in Twin Creeks. The application proposes two 3-story buildings with a common plaza area. They approved the proposal and imposed three conditions to address on-site lighting, neighbors building massing concerns and the requests of the Fire District, RVSS and Public Works.
- The Commission held a discussion regarding standards and regulations for Mobile Food Vendors and other vending units, such as food trucks, trailers and carts within the city. They decided to continue their discussion in May and after receiving input from the Citizen's Advisory Committee (CAC) who will review the issue later in April.
- There was a discussion of Residential Zoning Code Amendments. Explanation of pending code amendments needed to comply with HB 2001 authorizing duplex's in single family zoning districts. Introduction of other changes to meet average minimum density requirements in the Regional Plan Element and eliminate identified barriers to housing. This item will be discussed again in May with input from the CAC, Building Official and others.
- Planning Commission members were invited to participate in the City Council Study Session on Monday, April 19th where the City Attorney will go over Land Use Training.

B. Jackson County Library - Opioid Overdose Emergency Kits

City Manager Chris Clayton explained the proposal of Max's Mission to have opioid overdose emergency kits installed in public access boxes outside of each branch library. Since Jackson County Library District (JCLD) leases its building from the City of Central Point, they have asked the City Council for permission to install one of these boxes outside the Central Point branch. The Council needs to decide if they are willing to have one of these boxes available on the library.

There is concern regarding Central Point citizens not being comfortable with the overdose kit being located at the library. There are several locations throughout the valley where citizens can acquire the kits including the Central Point Police Department.

members agree that Max's Mission saves lives but are also concerned about the unforeseen side effects this could have on minors or traffic at the library. There was discussion regarding liability to the city if there was an accident. The City Attorney has done some research and this drug has no abuse potential. The Good Samaritan Law covers those that are truly trying to provide medical services in emergencies. There was discussions of other options for locating the kits such as the Grange, Providence Medical Center, or the Fire Stations. Family members may be intimidated and afraid to ask people for the kits. It will be good to have the kits located at all the libraries so that people know where they can go.

Council Member Rob Hernandez does not think this is the right location and he would like to wait until other libraries have installed them. Council Member Kelley Johnson is concerned about the citizens who use the library and believes another

location would be better.

Mrs. Dreyer stated that the property lease agreement between the City and the Library District for use of the building would not need an amendment in order for them to provide the box on the building. She would like to see an MOU with the Library and Max’s Mission stating the City would not be responsible if the box inadvertently causes harm to someone because of its location.

Mike Parsons moved to allow placement of the emergency overdose kit as long as the library can satisfy legal concerns and the council and citizens are provided information from Max’s Mission regarding the use and location of the emergency kits and the City Attorney’s recommendations regarding the MOU.

RESULT:	APPROVED [5 TO 2]
MOVER:	Michael Parsons, At Large
SECONDER:	Taneea Browning, Ward IV
AYES:	Williams, Olsen, Thueson, Browning, Parsons
NAYS:	Kelley Johnson, Rob Hernandez

C. Budget 2021-2023 Community Survey Questions

City Manager Chris Clayton explained the proposed questions for the survey asking citizens if they would support projects like the Little League Complex and the Central Point section of the Bear Creek Greenway. Response to these questions will help direct staff and Council in regards to projects for the 2021-2023 biennial budget.

This will be done by mailing a letter to the citizens encouraging them to participate online which is the quickest way to get the responses back. It will not be a statistically accurate survey but it will provide us with an idea of what our community will support. There will be options for citizens to come into City Hall and complete the survey if they need assistance.

There was discussion regarding the park fee that was approved in the 2019/21 budget which was never implemented because of COVID.

Melody Thueson moved to approve the 2021-2023 Community Survey Questionnaire as amended to clarify language.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Melody Thueson, Ward III
SECONDER:	Taneea Browning, Ward IV
AYES:	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

D. American Rescue Plan Budget Strategy

Mr. Clayton explained the approval of the American Rescue Plan guaranteed the city of Central Point a 3.8 million dollar recovery/stimulus allocation over the next two years. The initial payment of 1.9 million should be received no later than the early summer of 2021, and the remaining will be received 12 months later.

Staff provided a list that identifies suggested areas of use. After discussing the issue/projects staff will program the allocation into the 2021-2023 budget. The

allocation must be spent in accordance with the American Rescue Plan guidance. Staff choose projects that the city had been planning already. We can use a miscellaneous line item for business relief. Most of our businesses are up and running and we don't think many would be applying for additional help.

Finance Director Steve Weber explained that the proposed recommendation allows the city to track funds being spent. He explained each item on the list. There are some funds for War Memorial upgrades and the Dennis Richardson Memorial.

Council was in favor of the proposed list for the American Rescue Plan Allocation with a few suggestions.

RESULT:	FOR DISCUSSION ONLY
----------------	----------------------------

VIII. MAYOR'S REPORT

Mayor Williams reported that he listened to the state call regarding the American Rescue Plan. There wasn't many restrictions on this money and he feels that the projects the city has listed are appropriate.

IX. CITY MANAGER'S REPORT

City Manager Chris Clayton reported that:

- The next Newsletter will have articles regarding camping ordinances and plans for the Central Point section of the greenway. We currently have code language that allows us to enforce no camping on the greenway. We will be reviewing options to strengthen our code soon in regards to camping and fire suppression. Councilman Parsons provided him with the county census count on homeless people from 2020.
- There will be a Study Session on April 19th regarding Land Use laws.
- The state has shared the earmark projects they have planned around the state as part of the American Rescue Plan.
- It is time to renew the Central Point Chamber of Commerce agreement.

X. COUNCIL REPORTS

Council Member Rob Hernandez reported that:

- He attended a Rotary meeting yesterday. He was asked about campers on the Medford Greenway section moving to Central Point. He assured them we have anti-camping codes in place.
- He attended a Fire District meeting at Dodge Bridge to provide an estimate for their fire station.
- He will be attending the Fire District No. 3 budget meetings next week.

Council Member Mike Parsons reported that:

- he attended the Medford City Council meeting and received statistics from a survey the City of Medford provided.

- He attended the Planning Commission meeting.

Council Member Tanea Browning reported that:

- She attended the LOC Board meeting and several other zoom meetings.
- she couldn't attend the MWC meeting.
- Staff did an incredible job on the Employee Recognition video.

Council Member Kelley Johnson reported that:

- She noticed that our Parks have not been updated with the new age restriction signs.
- She would like to move forward with a community meeting for Ward II as planned last year.

Council Members Neil Olsen and Melody Thueson has no report.

XI. DEPARTMENT REPORTS

Parks and Public Works Director Matt Samitore reported that:

- He has started getting questions about Gebhart Road improvements.
- They have hired a new person for the street division. He has experience in paving roads and will be training the rest of the Street crew.

Police Chief Kris Allison reported that:

- Scott Logue has been promoted to Captain.
- The department is looking at future retirements.
- The VA Care facility on Hamrick Road has transitioned to a facility for mental health.
- Officer Heather Ashwill is the new DARE officer.

Police Captain Dave Croft reported that today he had a meeting with Jackson County after action debrief meeting with stake holders of the alameda fire. They are putting together a report with recommendations for across the region.

Police Captain Scott Logue introduced himself.

Community Development Director Tom Humphrey reported that:

- He will be attending the JC Commissioners meeting in regards to our UGB expansion with Mrs. Holtey.

- The Grange Co-Op is sponsoring a new snack called Unicorn Feed. It is manufactured in Central Point from a Home Occupation.

Finance Director Steve Weber reported that he has been working on the 2021/23 budget, and will be attending the FD3 budget meetings.

County Commissioner Dave Dotterrer stated that the County is budgeting a quarter of a million dollars to study the Greenway for long-term maintenance.

XII. ADJOURNMENT

Tanea Browning moved to adjourn the meeting at 9:00 p.m.

The foregoing minutes of the April 8, 2021, Council meeting were approved by the City Council at its meeting of _____, 2021.

Dated:

 Mayor Hank Williams

ATTEST:

 City Recorder



City of Central Point **Staff Report to Council**

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	City Attorney
FROM:	Sydnee Dreyer, City Attorney		
MEETING DATE:	April 22, 2021		
SUBJECT:	Second Reading - An Ordinance Amending in Part the Central Point Municipal Code Renaming Title 4 and Adding Chapter 4.01 Central Point Cemetery		
ACTION REQUIRED:	Motion Ordinance 2nd Reading	RECOMMENDATION:	Approval

BACKGROUND INFORMATION:

At the August 17th City Council Study Session, staff presented information related to current conditions and ownership requirements for the Central Point Cemetery. On September 20, 2020, the Council adopted a resolution of intent to direct staff to pursue possible transfer of ownership of the cemetery, which is a multi-step process.

The current owner is the Restoration and Beautification Foundation and Sally Clifford is listed as the manager of this organization. The facility is considered an “operating cemetery” under Oregon state statute which means that internments are performed and that there are outstanding preneed service contracts for unperformed services, i.e. cemetery plots were purchased in the past and are still available for use. In order to become an Oregon state licensed facility, the city is required to adopt municipal code regulating such ownership and use, develop cemetery rules, and complete state applications for certification and transfer of the existing cemetery license, along with developing other associated documents.

The draft ordinance establishes ownership of the facility, management structure, and guidance for cemetery operations. Oversight of the cemetery will be the responsibility of the Parks and Recreation Commission with review provided by the City Council. Day to day operations will be the responsibility of a cemetery manager who will ensure that the cemetery functions in a manner that meets all required Oregon state standards. Additional elements of the code provide for record keeping, burial and exhumation permits and fees, and authorization for burials.

At its April 8, 2021 meeting, Council moved the draft Ordinance to a second reading.

FINANCIAL ANALYSIS:

Funding options will be investigated further, but the intention is that funding would come in part

from the annual hotel/motel tax, grants and donations through parks and recreation foundation.

LEGAL ANALYSIS:

The City must seek authorization from the State Mortuary and Cemetery Board to operate a cemetery and to allow the existing operations to be transferred to the City. Adoption of the proposed ordinance is a first step toward transfer of ownership and issuance of a license to operate a cemetery. If this ordinance is moved forward to a second reading, Council will be presented a resolution to adopt the rules governing operation of the cemetery at its next meeting.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

2040 City of Central Point Strategic Plan

Strategic Priority - Community Investment

GOAL 2 - Be a city filled with happy, healthy people who are thriving.

STRATEGY 5 – Plan, design, build, and maintain a comprehensive system of sustainable facilities, trails, and park spaces, (setting the highest standards) to provide attractive places people will use and enjoy. Acquire additional lands for active and passive recreation use based on current deficiencies and public demands created by increasing population or the environmental and recreational significance of the area. (Be mindful of the budget and plan trail locations)

STAFF RECOMMENDATION:

Move to approve the Ordinance.

RECOMMENDED MOTION:

I move to approve Ordinance No. _____, an Ordinance Amending the Central Point Municipal Code to rename Title 4 Parks and adding Chapter 4.01 Central Point Cemetery.

ATTACHMENTS:

1. ORD Adopting Cemetery Code Renaming Title 4

ORDINANCE NO. _____
AN ORDINANCE AMENDING IN PART THE CENTRAL POINT MUNICIPAL CODE
RENAMING TITLE 4 PARKS AND ADDING CHAPTER 4.01 CENTRAL POINT
CEMETERY

RECITALS:

- A.** Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time revise its municipal code which shall become part of the overall document and citation.
- B.** The Central Point Cemetery is an historic cemetery dating back to 1868.
- C.** The Cemetery continues to be used as an operating cemetery.
- D.** The Cemetery has suffered from long-term neglect, but with proper maintenance could provide a public benefit, including community history and education opportunities, community art, volunteer opportunities, open space, and Veterans Day and/or Memorial Day celebrations.
- E.** The Council adopted a Resolution of Intent on September 10, 2020 to consider transfer of ownership of the Central Point Cemetery and to authorize the City Manager to take those steps necessary to pursue such transfer.
- F.** The Council has directed staff to prepare an Ordinance allowing for the ownership, operation and management of the Central Point Cemetery which is a prerequisite for the City taking ownership of same.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. The Central Point Municipal Code is amended to rename Title 4 (reserved) to PARKS

TITLE 4 (RESERVED) PARKS

SECTION 2. Chapter 4.01 Central Point Cemetery as set forth below and incorporated herein by reference.

TITLE 4 PARKS

CHAPTER 4.01 CENTRAL POINT CEMETERY

4.01.010 Purpose.

The city council has determined that it is necessary to adopt regulations in order to ensure the efficient operation, protection, and maintenance of the Central Point Cemetery. This chapter shall be liberally construed to effectuate this purpose.

4.01.020 Definitions

“Burial” means the placement of human remains in a grave.

“Cemetery” means a place dedicated to and used, or intended to be used, for a permanent memorial of the permanent interment of human remains.

“Cemetery Authority” means an entity that owns and controls cemetery lands or property, including but not limited to a cemetery corporation or association.

“Cremation” means the technical process using direct flame and heat that reduces human remains to bone fragment.

“Disinterment” means to remove human remains from the place of interment.

“Grave” means a space of ground in a burial park used, or intended to be used, for burial of the remains of one person.

“Historic Cemetery” means any burial place in Oregon that contains the remains of one or more persons who died before February 14, 1909.

“Human remains” or “remains” means the body of a deceased person in any stage of decomposition or after cremation.

“Internment” means the disposition of human remains by inurnment, entombment, or burial.

“Lot,” “plot” or “burial space” means space in a cemetery owned by one or more individuals, an association or fraternal or other organization, and used, or intended to be used, for the permanent interment therein of the remains or one or more deceased persons.

“Plot owner” or “owner” means any person identified in the records of the cemetery authority as owner of the burial rights to a burial plot, or who holds a certificate of ownership conveyed from the cemetery authority of the burial rights in a particular lot, plot, or space.

4.01.030 Central Point Cemetery.

The City of Central Point is the cemetery authority and as such is the sole owner of the property and operator of the cemetery facility.

4.01.040 Cemetery Manager.

The Cemetery Manager shall be appointed by the City Manager or his or her representative and shall have day-to-day management and maintenance authority over the cemetery and shall act as cemetery sexton. The cemetery manager shall be responsible for the administration of this Chapter and any applicable rules, regulations or policies adopted by the City Council.

4.01.050 Historic Cemetery

The Central Point Cemetery is declared to be a historic cemetery as listed in the Oregon Historic Cemeteries Program under the control and management of the City of Central Point.

4.01.060 Use of the Cemetery.

The Central Point Cemetery shall be used for the burial of human remains or ashes only. The burial of nonhuman remains is prohibited and nonhuman remains may be removed by the city.

4.01.070 Rules, Regulations, and Management Plan.

A. Except as provided in this chapter, the rules, regulations, and the management plan relating to the use, operation and care of the cemetery shall be adopted by the City Council by resolution.

B. The Central Point Parks and Recreation Commission shall be an advisory body making recommendations to the City Council regarding the operations and rules and regulations of the Central Point Cemetery.

C. Cemetery rules and regulations will be posted at the cemetery and made available to the public in printed and electronic forms.

4.01.080 Fees.

Fees for burial plot permits, monument and marker permits and other services provided by the city shall be set by Council resolution.

4.01.090 Permanent Records.

A. For each burial plot, where information is available, the City shall keep a record showing at a minimum:

1. The name of the deceased.
2. Birth and Death date
3. Date of the burial or disinterment.
4. Lot number in which burial or disinterment is made.
5. Number of interment permit, if available.

B. The City shall keep a current, updated map of the cemetery showing all lots, graves, and those interred at said lots and graves where information is available.

C. All cemetery records will be maintained by the Cemetery Manager and held by the City Recorder.

4.01.100 Sales of Burial Plots & Preexisting Burial Contracts

Only preexisting contracts for burial plots sold prior to City ownership will be honored by the City. Proof of ownership of each plot is required and the responsibility of the plot owner(s). If proof of ownership is not available an affidavit may be submitted as proof of ownership as provided in the Rules adopted by the City.

4.01.110 Reselling Lots Prohibited

A. No cemetery lot sold prior to City ownership of the cemetery shall be assigned or transferred by the purchaser to anyone except to the City, who may accept such assignment or transfer at its sole discretion.

4.01.120 Authorization to Inter Remains

The Cemetery Director may inter remains of a decedent without liability therefore upon receipt of a certificate of death signed by a registrar authorized by the Department of Health of the State of Oregon, or from an official duly authorized by another state or foreign country to authorize burial of human remains, and either:

A. Receipt of a written authorization from the following persons in the following order of preference:

1. The decedent, in the decedent's lifetime or from the decedent's papers after death,
2. The surviving spouse,
3. A surviving child or adopted child over the age of 18 years,
4. A surviving parent or adoptive parent,
5. A next of kin, or
6. Any other person who has acquired the right to control disposition of the remains;
or

B. Instructions from a mortician or funeral director licensed by the State of Oregon or by another state or a foreign country.

4.01.130 Burial and Disinterment Permits

A. A permit is required for any burial or disinterment. The burial or disinterment permit application must include the following information:

1. Name of the decedent,
2. Metal ID tag number,
3. Date and place of death,

4. Name of person authorizing final disposition,
5. Exact location of grave,
6. Name of the funeral establishment responsible for executing arrangements,
7. Date of interment, and
8. Interment authorization.

B. An application for disinterment permit must provide evidence that the human remains will be properly disposed of and that the applicant has authority to take the action. Representatives of the city and of a funeral home must be present at the disinterment.

C. A permit is required to move a body from one location in the cemetery to another. When bodies are brought from other cemeteries, City of Central Point ordinances and cemetery rules shall apply.

4.01.140 Preparation of Burial plots.

A. Once a burial permit is received by the City, the Cemetery Director shall locate burial or disinterment plot(s).

B. Preparation of burial plots or disinterment is the responsibility of the plot owner and/or the funeral establishment.

C. The Cemetery Manager must be present when graves are opened and closed in the cemetery.

4.01.150 Monuments and Marker Permits.

A. Monuments and marker shall comply with the Central Point Cemetery Management Plan.

B. A city monument and marker permit is required to place monuments or markers in the cemetery. The permit application shall state the dimensions of the monument or marker and the lot where the monument or marker is to be placed.

C. The Cemetery Manager shall supervise the setting of all markers, stones, or monuments.

D. The City reserves the right to remove any markers, stones, monuments, or decoration placed in violation of this section.

4.01.160 Repairing Structures Consent Required

No repairs to any cemetery structures, monuments, or markers shall be permitted without approval and written consent by the Cemetery Director. Repairs must be done in accordance with the Central Point Cemetery Rules and Regulations and the Central Point Cemetery Management Plan if applicable.

4.01.170 Property destruction prohibited; exemption.

A. It is unlawful for any person to destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone or other structure or to remove, damage or destroy any tree, shrub, plant or flowers, frames, pots or other receptacles placed in or about the cemetery. This shall not apply to the owners of a plot, or their heirs, with reference to the removal of any monument, structure, or vegetation within the plot.

B. It shall be unlawful to hunt in or discharge any firearms within the boundaries of the cemetery.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e., Recitals A-C) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 4. Effective Date. The Central Point City Charter states that an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2021.

Mayor Hank Williams

ATTEST:

City Recorder

6 | Ordinance No. ____; April __, 2021



City of Central Point **Staff Report to Council**

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	City Attorney
FROM:	Sydnee Dreyer, City Attorney		
MEETING DATE:	April 22, 2021		
SUBJECT:	Resolution No. _____, A Resolution Adopting the Cemetery Rules Governing the Central Point Cemetery		
ACTION REQUIRED:	Motion Resolution	RECOMMENDATION:	Approval

BACKGROUND INFORMATION:

On April 22, 2021, Council is considering a second reading of an Ordinance amending the Central Point Municipal Code adding Chapter 4.01 – Central Point Cemetery. If approved, said Ordinance authorizes the City to adopt rules governing the day-to-day operations of the cemetery including hours of operation, services provided, and prohibited conduct.

As provided in the Ordinance, staff presented the draft rules to the Parks and Recreation Commission at its meeting on February 18th, and the Commission approved the draft rules and forwarded a favorable recommendation to the Council.

In the future, staff will present to Council the Cemetery Management Plan to provide specific guidance as to cemetery maintenance which will include a prioritization plan for improving cemetery conditions. The foregoing documents are prerequisites to the City accepting transfer of ownership of the cemetery property and obtaining a license from the State Mortuary and Cemetery Board.

FINANCIAL ANALYSIS:

Funding options will be investigated further, but the intention is that funding would come in part from the annual hotel/motel tax, grants and donations through parks and recreation foundation.

LEGAL ANALYSIS:

The City must seek authorization from the State Mortuary and Cemetery Board to operate a cemetery and to allow the existing operations to be transferred to the City.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

STAFF RECOMMENDATION:

Staff recommends approval of the resolution.

RECOMMENDED MOTION:

I move to approve Resolution No. _____ a Resolution Adopting the Cemetery Rules Governing the Central Point Cemetery.

ATTACHMENTS:

1. RESO Adopting Cemetery Rules

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE CEMETERY RULES GOVERNING THE CENTRAL POINT CEMETERY

RECITALS:

- A. The Council adopted Ordinance No. _____ authorizing the ownership, operation and management, of the Central Point Cemetery on April 22, 2021.
- B. Ordinance No. _____ authorizes the City to adopt rules governing the day-to-day operations of the cemetery including hours of operation, services provided and permitted conduct within the cemetery property.
- C. City staff prepared the draft rules which were considered by the Parks and Recreation Commission _____. The Parks and Recreation Commission recommended approval.

The City of Central Point resolves as follows:

Section 1. Adopting Cemetery Rules. The Rules of the City Council of Central Point, Oregon are hereby adopted in their entirety as set forth in Exhibit 1, attached hereto, and incorporated herein by reference.

Section 2. Severability. If any section, sentence, clause, or phrase of this Resolution or any resolution adopted or amended hereby, should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phase of this Resolution.

Passed by the Council and signed by me in authentication of its passage this _____ day of April 2021.

Mayor Hank Williams

ATTEST:

City Recorder

Res. No. _____; April 22, 2021

Attachment: RESO Adopting Cemetery Rules (1400 : Resolution Adopting Cemetery Rules)

Exhibit "1" to Resolution

**Central Point Cemetery
Rules and Regulations**

Purpose: It is the goal of the City of Central Point to maintain the Central Point Cemetery as a quiet and restful place for the deceased and to provide their families and friends with the assurance that the facility will be taken care of in a thoughtful manner. Our objective is not to attempt to interfere with individual tastes, but to enact rules and regulations that will benefit and protect all lot owners and provide for the efficient management and maintenance of the cemetery grounds.

1. General Regulations

A. Ownership and Management

1. The Central Point Cemetery is owned by the City of Central Point and managed by the Parks and Recreation Department. The Cemetery Manager will be the City's representative, responsible for day-to-day management of the cemetery.

2. All questions concerning cemetery records, permits, interment arrangements and other services may be directed to the Cemetery Manager. Offices are located 140 S. 3rd Street, Central Point. The phone number is 541-664-3321 and the email is cemetery@centralpointoregon.gov.

3. The City of Central Point is in no way responsible for damage or loss to any lot, including markers, urns, or grave decorations.

4. The Central Point Cemetery is declared to be a historic cemetery as listed in the Oregon Historic Cemeteries Program.

B. Hours of Operations

The Central Point Cemetery will be opened from sunrise to sunset, seven days a week, 365 days a year.

C. Services to be provided by cemetery personnel include:

1. Interment and disinterment – The Cemetery Manager will assist with locating grave sites only. It is the responsibility of the plot owners to make arrangements for preparing graves or exhuming a body; permit required.

2. Installation of marker; monument, or urns; Cemetery Manager will assist with

Res. No. _____; April 22, 2021

Attachment: RESO Adopting Cemetery Rules (1400 : Resolution Adopting Cemetery Rules)

locating marker site and with use of appropriate materials and installation methods as per the Central Point Cemetery Management Plan; permit required.

3. Cemetery maintenance including mowing of the grounds at reasonable intervals, seasonal removal of leaves and other debris, trimming of grass around markers and monuments, and other cemetery repairs as needed.

4. General maintenance such as tree work, road work, trash removal, etc. will be performed as necessary. Organization and management of volunteer maintenance programs.

5. Assisting the public in locating gravesites.

D. Conduct in the Cemetery will be in accordance with all City of Central Point Ordinances and will include the following:

It shall be prohibited to:

1. Throw rubbish or debris on any part of the cemetery grounds.
2. Pick or mutilate any flower or disturb any tree, shrub, or other plant material.
3. Consume alcoholic beverages on the premises.
4. Smoke any substance or use tobacco in any form.
5. Permit any domestic animal other than dogs to enter the cemetery. Dogs must be on leash at all times within the cemetery grounds.
6. Discharge a firearm in the cemetery unless part of an authorized salute at burial or memorial services.
7. Set off fireworks on cemetery grounds.
8. Damage any monument, marker, urn, or other structures on cemetery property.
9. Use any form of advertising or sell any product on the premises.
10. Drive in excess of 5 mph.
11. Drive off established roads without permission of the management.
12. Gain entrance to the cemetery except via established entry points.
13. Gain entrance to the cemetery before dawn or after dusk.
14. Use motorized pleasure vehicles such as snowmobiles, go-carts, motorcycles, etc. within the cemetery.
15. Disturb or harm wildlife on cemetery property.

2. Burial Plots

A. The Central Point Cemetery shall be used for the burial of human remains or ashes only. The burial of nonhuman remains is prohibited and nonhuman remains may be removed by the city.

Res. No. _____; April 22, 2021

B. Only preexisting contracts for burial plots sold prior to City ownership will be honored by the City. Proof of ownership of each plot is required and the responsibility of the plot owner(s). If proof of ownership is not available an affidavit may be submitted as proof of ownership. At a minimum, the affidavit shall contain the following information: Name of person requesting interment rights and relationship to person to be interred; name of person to be interred, burial space location; and a statement that no other person or agent has been given interment rights to said burial space.

C. Remains shall be placed in an urn container and properly placed in the cemetery so that accurate records may be kept. No scattering of ashes is allowed.

D. The Cemetery Director will determine and mark where a burial space shall be opened for placement of a casket or urn.

E. The City shall require forty-eight (48) working hours' notice prior to any interments and fourteen (14) working days' notice prior to any disinterment or removal. Any interment, disinterment, or removal may be postponed longer if conditions beyond the control of the City cause undue hardship.

F. If a burial plot is not available in a family plot due to unforeseen circumstances, the Cemetery Manager, at his or her discretion, may work with the plot owner to find an available plot in another area of the cemetery.

3. Operational Policies

A. The Cemetery Director and city staff will not be available after normal working hours unless prior arrangements have been made. For purposes of these rules working hours or working days mean Monday through Friday from 8:00 a.m. to 5:00 p.m.

B. After hours and weekends calls will be recorded and responded to by the Cemetery Manager during normal working hours. Messages can be left at 541-664-3321. For after hours and weekend emergency, call 911 or the city water, street, parks message line at 541-326-3682 depending on the nature and urgency of the emergency.

4. Funerals

A. Requirements:

1. Unless arrangements with the City have been made and appropriate applications, permits, and fees submitted; no interments will take place.

2. No interment will take place without a signed Interment Authorization Form as required by the State of Oregon.

Res. No. _____; April 22, 2021

3. All burial containers must be approved by the Cemetery Director.

4. Funeral directors making arrangements for burials will be responsible for all charges not paid by the plot owners.

5. One adult or child interment is permitted per grave space unless otherwise approved by the Cemetery Director.

6. Openings requested by funeral directors will be construed as requested by the plot owner. The City of Central Point shall not be responsible for errors in openings if given incorrect information by funeral directors or plot owners.

B. Services:

1. All funeral processions within the cemetery will be under the direction of the Cemetery Manager.

2. Workers will suspend their labors during graveside services.

3. Funeral designs and floral pieces will be removed by the City when they become unsightly.

4. Cemetery Director must be present at all grave openings and closings.

5. It is the responsibility of the plot owner or the funeral director to prepare grave sites for burials.

5. Lot Care

A. Monuments, Markers and Foundations:

1. Family plots consisting of three or more spaces may have a monument identifying the family name placed upon a space with the plots. The Cemetery Director will decide where the monument is to be placed.

2. For single spaces, one marker is permitted per grave space.

3. All monuments and markers are to be constructed of durable granite, cut stone, standard bronze, quality marble, or standard metal as used by veterans' organizations as per the Central Point Cemetery Management Plan. Other materials have to be approved by the Cemetery Director, in the Cemetery Director's sole discretion.

Res. No. _____; April 22, 2021

4. Monuments and markers may be installed upon a foundation constructed by the plot owner or their agent at the plot owner’s expense in accordance with Central Point Cemetery Management Plan. When completed site must be left in an orderly condition.

B. Decorations:

Decorations are defined as anything natural or artificial such as but not limited to figurines, flowers, stuffed animals, ornaments, wrought iron, urns, photographs and similar type objects.

1. In addition to any urn(s), a space owner may decorate a grave site with artificial or natural flowers which can be placed in a metal or plastic container suitable for display. Glass containers or decorations are prohibited. Military flag holder(s) and flags for those that served in the military, as well as those by recognized community organizations such as Rotary are exempt from these regulations. Stuffed animals are prohibited except those placed during initial interment. Decorations deemed to be excessive in the sole discretion of the Cemetery Manager will be removed.

2. Copings, fences, curbs, mound, structures of wood or equally perishable materials are prohibited. Structures or enclosures established on any space prior to the addition of these regulations, which have in the judgement of the management become unsightly, will be removed.

3. The planting of flowers, perennials and shrubs on a space is not permitted.

4. No tree or shrub may be pruned or removed without the consent of the Cemetery management.

5. Planting of trees will be done by cemetery personnel and only at locations approved by and maintained by the City.

6. Hanging decorations on any tree, shrub, and/or other structure in the cemetery is prohibited except when given permission by the Cemetery Director.

6. Rules Violations

These regulations are designed to preserve the appearance and dignity of the Central Point Cemetery. Staff may remove from the cemetery any person violating any of the above rules and regulations.

7. Change of Rules

Except as otherwise provided, the Central Point Cemetery shall be administered by the City

Res. No. _____; April 22, 2021

Manager, or his or her designee, who shall have full authority to prescribe regulations governing the operation and maintenance of the cemetery. Proposed new or modified regulations will be reviewed by the Central Point Parks and Recreation Commission and shall be submitted to the Central Point City Council for review and approval at least 30 days prior to effective date.

Attachment: RESO Adopting Cemetery Rules (1400 : Resolution Adopting Cemetery Rules)

Res. No. _____; April 22, 2021



City of Central Point **Staff Report to Council**

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	Public Works
FROM:	Matt Samitore, Parks and Public Works Director		
MEETING DATE:	April 22, 2021		
SUBJECT:	Resolution No. _____, A Resolution of the City of Central Point Increasing the Park Maintenance Fee Effective July 1, 2021		
ACTION REQUIRED:	Resolution	RECOMMENDATION:	Approval

BACKGROUND INFORMATION:

The City hired FCS Group, Inc. to study all of the City's fees in 2020. The results focused on each fee's health and stability and asked specific questions on each fund. The Parks Maintenance Fee question was how much additional revenue is needed to support the Central Point Cemetery, the Bear Creek Greenway, and the Community Center.

The Council held a study session in March to review options. Council decided to delay the discussion on the Community Center until this fall to verify whether the project would move forward or not. Council was presented with information on funding options for the Cemetery and Greenway. The preferred choice was to increase the fee by a total of \$0.85. \$0.25 would go to the Cemetery and \$0.60 to the Greenway. Staff would analyze these rates annually.

City staff is currently distributing a community survey asking residents if they support (\$1.00 per month) maintenance and long-term improvements to the Bear Creek Greenway. Staff agrees that it will be important for Council to incorporate community survey results/input into its final decision-making regarding long-term improvements to the Greenway. However, basic maintenance, which prevents a reoccurrence of wildfire, should be based on public safety standards alone.

FINANCIAL ANALYSIS:

City/Public Works staff has prepared an update to the City Parks Fee. The increase is split based on the new maintenance of the Central Point Cemetery and the Bear Creek Greenway from Pine to the Table Rock overpass and Upton to the City-owned property's edge.

After our meeting, we verified the information and determined there was an error in the consultant's base information. The numbers presented to Council were based on the misconception that for every \$1.00 in the rate, it generated \$100,000 annually. The actual number is \$88,000. The adjustment below reflects the corrected numbers.

Rates Analysis:

Proposed		
Parks	\$	1.00
Greenway	\$	0.60
Cemetery	\$	0.25
Total	\$	1.85

LEGAL ANALYSIS: N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

City of Central Point 2040 Strategic Plan – Strategic Priority – Responsible Governance

GOAL 1 - Maintain a strong financial position that balances the need for adequate service levels and capital requirements against the affordability that is desired by our citizens.

STRATEGY 1 – Continually update the City's long-term financial plan/strategy.

STRATEGY 2 – Work with partner agencies and stakeholders to eliminate redundancy and maximize efficiency in all areas.

STRATEGY 3 – Solicit support from partner agencies in our effort to maintain a robust financial position.

STAFF RECOMMENDATION: Staff recommends approval of the Resolution.

RECOMMENDED MOTION: I move to approve Resolution. ___ a Resolution of the City of Central Point Adjusting the Parks Maintenance Fee effective July 1, 2021.

ATTACHMENTS:

1. Reso Parks Utility Fee_2021

RESOLUTION NO. _____

A RESOLUTION TO INCREASE THE PARK MAINTENACE FEE

Recitals:

- A. In 2015, the City Council adopted Ordinance _____ setting a park utility fee.
- B. The City needs additional revenue to offset costs for maintaining the Bear Creek Greenway and the Central Point Cemetery.
- C. The current equivalent service unit is \$1.00 per unit for residential and commercial.
- D. Additional revenues generated by this increase would be used to maintain the burned section of the Bear Creek Greenway from E. Pine to the Table Rock Overpass and the Boes Park Area and Central Point Cemetery.

The City of Central Point Resolves as follows:

Section 1. Increase the street utility fee from \$1.00 per unit for residential and commercial rates. The rates will increase by a total of \$.85 on July 1, 2021. Of the increase, \$.60 would be for the Bear Creek Greenway and \$.25 for the Central Point Cemetery.

Passed by the Council and signed by me in authentication of its passage this _____ day of _____, 2021.

Mayor Hank Williams

ATTEST:

City Recorder

Attachment: Reso Parks Utility Fee_2021 (1405 : 2021 Parks Fee Adjustments)



City of Central Point ***Staff Report to Council***

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	Public Works
FROM:	Matt Samitore, Parks and Public Works Director		
MEETING DATE:	April 22, 2021		
SUBJECT:	Resolution No. _____, A Resolution of the City of Central Point Adjusting the Transportation Utility Fee Effective July 1, 2021		
ACTION REQUIRED:	Resolution	RECOMMENDATION:	Approval

BACKGROUND INFORMATION: The City hired FCS Group, Inc. to study all of the city's fees in 2020. The results focused on each fee's health and stability and asked specific questions on each fund. The Transportation Utility Fee question was how much additional revenue is needed to end the General Fund contribution of \$175,000 annually to the Street Fund. The focus was on adjustments to the Commercial Fee since it hadn't been adjusted previously.

The Council held a study session in March to review options. The first option was to adjust the commercial rate to be near but not higher than our neighboring cities. That would change the base rate to \$0.46. Additionally, staff presented options on adjustments to Freight and Truck Stops to match neighboring cities. In particular, Freight would change instead of being charged on the facility's square footage to the improved lot's acreage. This better reflects the number of heavy trucks that use the facility. On truck stops, Council decided to use the latest Institute of Transportation Engineers (ITE) latest study and not to include any pass-by factor. Another new ITE study is proposed to be used for the FedEx facility.

Lastly, Council was presented options for Residential to make up the remainder of the difference. Staff recommended a 1% increase, which would increase the residential rate from \$6.00 to \$6.05 monthly.

The commercial rates would increase 50% starting July 1, 2021, and the second 50% on July 1, 2022.

FINANCIAL ANALYSIS: City/Public Works staff has prepared an update to the City Transportation Utility Fee based upon the previous discussions. The increase is to

increase primarily on the commercial side, and the remainder is made up on the residential rates.

Rate Review:

Current							
ITE Code	Customer Type	Land Use Description	Average Daily Trips	Pass-By Trip Factor	Adjusted ADTs	Units	Rate per Unit
30	Truck Terminal	Truck terminals are facilities where goods are transferred between trucks, trucks and railroads or trucks and ports.	9.85	1	9.85	KSF	\$ 2.66
Proposed							
ITE Code	Customer Type	Land Use Description	Average	Pass-By	Adjusted	Units	Rate per Unit
30	Truck Terminal	Truck terminals are facilities where goods are transferred between trucks, trucks and railroads or trucks and ports. Rate is based on Acres of Land Developed.	81.9	1	81.9	Acres	\$ 30.30
155	High-Cube Fulfillment Center Warehouse	Typically serve as a regional and local freight-forwarder facilities for time sensitive shipments via airfreight and ground carriers	7.75	1	7.75	KSF	\$ 2.87
950	Truck Stop	Located on or near a major roadway and provides refueling, food and other services to motorists and truck drivers. Typically contains convenience stores, showers, restaurants and on site parking	455.53	1	455.53	KSF	\$ 168.55

LEGAL ANALYSIS: N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

City of Central Point 2040 Strategic Plan – Strategic Priority – Responsible Governance

GOAL 1 - Maintain a strong financial position that balances the need for adequate service levels and capital requirements against the affordability that is desired by our citizens.

STRATEGY 1 – Continually update the city's long-term financial plan/strategy.

STRATEGY 2 – Work with partner agencies and stakeholders to eliminate redundancy and maximize efficiency in all areas.

STRATEGY 3 – Solicit support from partner agencies in our effort to maintain a strong financial position.

STAFF RECOMMENDATION: Staff recommends approval of the Resolution.

RECOMMENDED MOTION: I move to approve Resolution. ___ a Resolution of the City of Central Point Increasing the Transportation Utility Fee Adjustment effective July 1, 2021.

ATTACHMENTS:

1. Reso Street Utility Fee_2021
2. ITE Table - Ordinance Appendix .37 with changes
3. ITE Table - Ordinance Appendix .46 with changes

RESOLUTION NO. _____

A RESOLUTION TO INCREASE THE STREET UTILITY FEE

Recitals:

- A. In 2008 the City Council adopted Ordinance _____ setting a street utility fee.
- B. The City needs additional revenue to offset costs to the general fund.
- C. The current equivalent service unit is \$6.00 or \$0.627 per average daily trip for residential rates and \$0.266 for commercial rates.
- D. Additional revenues generated by this increase would be used to offset the current general fund contribution to the Street Fund
- E. Some commercial rates need adjusting to reflect their use of the transportation system and to match similar rates in neighboring communities.

The City of Central Point Resolves as follows:

Section 1. Increase the street utility fee from \$0.6207 per average daily trip (ADT) to \$0.633 (ADT) for residential rates and \$0.266 to \$0.46 ADT for commercial rates. The Commercial Rates shall adjust over a two-year time frame from .266 to .37 on July 1, 2021 and \$0.46 on July 1, 2022. A full list of rates is attached as Appendix A incorporated herein by reference.

Passed by the Council and signed by me in authentication of its passage this _____ day of _____, 2021.

Mayor Hank Williams

ATTEST:

City Recorder

Attachment: Reso Street Utility Fee_2021 (1404 : 2021 Transportation Utility Fee)

City of Central Point
Transportation Utility Formation Study
Utility Rates by Land Use

Residential Monthly Rate / ADT:	\$ 0.6330
Non-Residential Monthly Rate / ADT:	\$ 0.3700

ITE Code	Customer Type	Land Use Description	Average Daily Trips	Pass-By Trip Factor	Adjusted ADTs	Units	Rate per Unit
30	Truck Terminal	Truck terminals are facilities where goods are transferred between trucks, trucks and railroads or trucks and ports. Rate is based on Acres of Land Developed.	81.9	1	81.9	Acres	\$ 30.30
110	General Light Industrial	Typically less than 500 employees, free standing and single use. Examples: Printing plants, material testing laboratories, data processing equipment assembly, power stations.	6.97	1	6.97	KSF	\$ 2.58
130	Industrial Park	Industrial Park areas that contain a number of industrial and/or related facilities (mix of manufacturing, service, and warehouse).	6.96	1	6.96	KSF	\$ 2.58
140	Manufacturing	Facilities that convert raw materials into finished products. Typically have related office, warehouse, research, and associated functions.	3.82	1	3.82	KSF	\$ 1.41
151	Mini-Warehouse	Storage Units or Vaults rented for storage of goods. Units are physically separate and access through an overhead door or other common access point. Example: U-Store-It.	2.5	1	2.5	KSF	\$ 0.93
155	High-Cube Fullfillment Center Warehouse	Typically serve as a regional and local freight-forwarder facilities for time sensitive shipments via airfreight and ground carriers	7.75	1	7.75	KSF	\$ 2.87
210	SF Detached	Single family detached housing.	9.57	1	9.57	DU	\$ 6.06
220	Apartment	Rental Dwelling Units within the same building. At least 4 units in the same building. Examples: Quadplexes and all types of apartment buildings.	6.72	1	6.72	DU	\$ 4.25
230	Condo/Townhouse	Residential Condominium/Townhouses under single-family ownership. Minimum of two single family units in the same building structure.	5.86	1	5.86	DU	\$ 3.71
240	Mobile Home	Trailers or Manufactured homes that are sited on permanent foundations. Typically the parks have community facilities (laundry, recreation rooms, pools).	4.99	1	4.99	Occupied DU	\$ 3.16
253	Elderly Housing	Restricted to senior citizens. Contains residential units similar to apartments or condos. Sometimes in self-contained villages. May also contain medical facilities, dining, and some limited, supporting retail.	2.15	1	2.15	Occupied DU	\$ 1.36
310	Hotel	Lodging facility that may include restaurants, lounges, meeting rooms, and/or convention facilities. Can include a large motel with these facilities.	8.17	1	8.17	Room	\$ 3.02
320	Motel	Sleeping accommodations and often a restaurant. Free on-site parking and little or no meeting space.	5.63	1	5.63	Room	\$ 2.08
411	Local Park	City-owned parks, varying widely as to location, type, and number of facilities, including boating / swimming facilities, ball fields, and picnic facilities.	1.59	1	1.59	Acres	\$ 0.59
417	Regional Park	Regional park authority-owned parks, varying widely as to location, type, and number of facilities, including trails, lakes, pools, ball fields, camp / picnic facilities, and general office space.	4.57	1	4.57	Acres	\$ 1.69
430	Golf Course	Includes 9, 18, 27, and 36 hole municipal and private country clubs. Some have driving ranges and clubhouses with pro shops, restaurants, lounges. Many of the muni courses do not include such facilities.	35.74	1	35.74	Holes	\$ 13.22
435	Multipurpose Recreation Facility	Multi-purpose recreational facilities contain two or more of the following land uses at one site: mini-golf, batting cages, video arcade, bumper boats, go-carts, and driving ranges.	90.38	1	90.38	Acres	\$ 33.44
437	Bowling Alley	Recreational facilities with bowling lanes which may include a small lounge, restaurant or snack bar.	33.33	1	33.33	Lanes	\$ 12.33
493	Athletic Club	Privately owned with weightlifting and other facilities often including swimming pools, hot tubs, saunas, racquet ball, squash, and handball courts.	43	1	43	KSF	\$ 15.91
495	Recreational Community Center	Recreational community centers are facilities similar to and including YMCAs, often including classes, day care, meeting rooms, swimming pools, tennis racquetball, handball, weightlifting equipment, locker rooms, & food service.	22.88	1	22.88	KSF	\$ 8.47
520	Elementary School	Public. Typically serves K-6 grades.	1.29	0.59	0.76	Student	\$ 0.28
522	Middle School	Public. Serves students that completed elementary and have not yet entered high school.	1.62	0.59	0.96	Student	\$ 0.36
530	High School	Public. Serves students that completed middle or junior high school.	1.71	0.59	1.01	Student	\$ 0.37
540	Junior/Community College	Two-year junior colleges or community colleges.	1.2	1	1.2	Student	\$ 0.44
560	Church	Contains worship area and may include meeting rooms, classrooms, dining area and facilities.	9.11	1	9.11	KSF	\$ 3.37
565 *	Day Care	Facility for pre-school children care primarily during daytime hours. May include classrooms, offices, eating areas, and playgrounds.	79.26	0.33	26.16	KSF	\$ 9.68
			4.48	0.33	1.48	Student	\$ 0.55
590	Library	Public or Private. Contains shelved books, reading rooms or areas, sometimes meeting rooms.	54	1	54	KSF	\$ 19.98
591	Lodge/Fraternal Organization	Includes a club house with dining and drinking facilities, recreational and entertainment areas, and meeting rooms.	0.29	1	0.29	Members	\$ 0.11
710	General Office	Office building with multiple tenants. Mixture of tenants can include professional services, bank and Loan institutions, restaurants, snack bars, and service retail facilities.	11.01	1	11.01	KSF	\$ 4.07
715	Single Tenant Office Building	Single tenant office building. Usually contains offices, meeting rooms, file storage areas, data processing, restaurant or cafeteria, and other service functions.	11.57	1	11.57	KSF	\$ 4.28
720	Medical-Dental Office	Provides diagnosis and outpatient care on a routine basis. Typically operated by one or more private physicians or dentists.	36.13	1	36.13	KSF	\$ 13.37
750	Office Park	Park or campus-like planned unit development that contains office buildings and support services such as banks & loan institutions, restaurants, service stations.	11.42	1	11.42	KSF	\$ 4.23
760	Research & Development Center	Single building or complex of buildings devoted to research & development. May contain offices and light fabrication facilities.	8.11	1	8.11	KSF	\$ 3.00
770	Business Park	Group of flex-type or incubator 1 - 2 story buildings served by a common roadway system. Tenant space is flexible to accommodate a variety of uses. Rear of building usually served by a garage door. Typically includes a mix of offices, retail & wholesale.	12.76	1	12.76	KSF	\$ 4.72
812	Building Materials & Lumber	Small, free standing building that sells hardware, building materials, and lumber. May include yard storage and shed storage areas. The storage areas are not included in the GLA needed for trip generation estimates.	45.16	1	45.16	KSF	\$ 16.71
813	Discount Super Store	A free-standing discount store that also contains a full service grocery dept. under one roof.	49.21	0.718	35.31	KSF	\$ 13.06
814	Specialty Retail	Small strip shopping centers containing a variety of retail shops that typically specialize in apparel, hard goods, serves such as real estate, investment, dance studios, florists, and small restaurants.	44.32	1	44.32	KSF	\$ 16.40
815	Discount Store	A free-standing discount store that offers a variety of customer services, centralized cashiering, and a wide range of products under one roof. Does not include a full service grocery dept. like Land Use 813, Free-standing Discount Superstore.	56.02	0.475	26.62	KSF	\$ 9.85
816	Hardware/Paint Store	Typically free-standing buildings with off-street parking that sell paints and hardware.	51.29	0.450	23.08	KSF	\$ 8.54
817	Nursery/Garden Center	Free-standing building with yard containing planting or landscape stock. May have large green houses and offer landscape services. Typically have office, storage, and shipping facilities. GLA is Building GLA, not yard and storage GLA.	36.08	1	36.08	KSF	\$ 13.35
820	Shopping Center	Integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Provides enough on-site parking to serve its own parking demand. May include non-merchandising facilities such as office buildings, movie theatres, restaurants, post offices, health clubs, and recreation like skating rinks and amusements.	42.94	0.393	16.86	KSF Leasable	\$ 6.24
841	New Car Sales	New Car dealership with sales, service, parts, and used vehicles	33.34	1	33.34	KSF	\$ 12.34
848	Tire Store	Primary business is tire sales and repair. Generally does not have a large storage or warehouse area.	24.87	1	24.87	KSF	\$ 9.20
850	Supermarket	Free-standing grocery store. May also contain ATMs, photo centers, pharmacies, video rental areas.	102.24	0.265	27.05	KSF	\$ 10.01
851	Convenience Market	Sells convenience foods, newspapers, magazines, and often Beer & Wine. Does not have gas pumps.	737.99	0.282	208.4	KSF	\$ 77.11
857	Discount Club	A discount club is a discount store or warehouse where shoppers pay a membership fee in order to take advantage of discounted prices on a wide variety of items such as food clothing, tires and appliances; many items are sold in large quantities or in bulk.	41.8	1.000	41.8	KSF	\$ 15.47
880	Pharmacy w/o drive through	Facilities that fulfill medical Prescriptions	90.06	0.327	29.42	KSF	\$ 10.89
881	Pharmacy w/ drive through	Facilities that fulfill medical Prescriptions	88.16	0.383	33.79	KSF	\$ 12.50
890	Furniture Store	Sells furniture, accessories, and often carpet/floor coverings.	5.06	0.157	0.79	KSF	\$ 0.29
911 *	Walk-In Bank	Usually a Free-standing building with a parking lot. Does not have drive-up windows. May have ATMs.	79.8	0.270	21.55	KSF	\$ 7.97
912	Drive-In Bank	Provides Drive-up and walk-in bank services. May have ATMs.	101.06	0.270	27.29	KSF	\$ 10.10
931	Quality Restaurant	High quality eating establishment with slower turnover rates (more than one hour).	89.95	0.288	25.86	KSF	\$ 9.57
932	High Turnover Sit-Down Rest.	Sit-Down eating establishment with turnover rates of less than one hour.	127.15	0.315	40.11	KSF	\$ 14.84
933	Fast Food w/o Drive-Thru	Fast Food but no drive-through window	716	0.265	190.08	KSF	\$ 70.33
934	Fast Food With Drive-Thru	Fast Food with drive-through window	496.12	0.265	131.71	KSF	\$ 48.73
936 *	Drinking Place	Contains a bar where alcoholic beverages and snacks are serviced and possibly some type of entertainment such as music, games, or pool tables	113.4	0.315	35.77	KSF	\$ 13.23
944	Gas Station	Sell gasoline and may also provide vehicle service and repair. Does not have Convenience Market and/or Car Wash.	168.56	0.420	70.8	Fueling Positions	\$ 26.20
945	Gas/Service Station with Convenience Market	Selling gas and Convenience Market are the primary business. May also contain facilities for service and repair. Does not include Car Wash.	162.78	0.560	91.16	Fueling Positions	\$ 33.73
946 *	Gas/Service Station with Convenience Market, Car Wash	Selling gas, Convenience Market, and Car Wash are the primary business. May also contain facilities for service and repair.	152.84	0.580	88.65	Fueling Positions	\$ 32.80
947	Self-Service Car Wash	Allows manual cleaning of vehicles by providing stalls for the driver to park and wash.	108	1	108	Wash Stalls	\$ 39.96
950	Truck Stop	Located on or near a major roadway and provides refueling, food and other services to motorists and truck drivers. Typically contains convenience stores, showers, restaruants and on site parking	455.53	1	455.53	KSF	\$ 168.55

NOTES:Source: Institute of Transportation Engineers, *Trip Generation*, Seventh Edition.

Pass-By Trip Factor reflects diverted linked trips in addition to pass-by trips.

ITE codes identified with asterisks (*) include information derived from the ITE manual (e.g., ADT rate is ten times peak-hour trips, pass-by factor is derived from pass-by counts for a similar land use or are as estimated by traffic engineers).

Land Use Units:

KSF = 1,000 gross square feet building area

DU = dwelling unit

Room = number of rooms for rent

Fueling Positions = maximum number of vehicles that can be served simultaneously

Student = number of full-time equivalent students enrolled

**City of Central Point
Transportation Utility Formation Study
Utility Rates by Land Use**

Residential Monthly Rate / ADT:	\$ 0.6330
Non-Residential Monthly Rate / ADT:	\$ 0.3700

ITE Code	Customer Type	Land Use Description	Average Daily Trips	Pass-By Trip Factor	Adjusted ADTs	Units	Rate per Unit
30	Truck Terminal	Truck terminals are facilities where goods are transferred between trucks, trucks and railroads or trucks and ports. Rate is based on Acres of Land Developed.	81.9	1	81.9	Acres	\$ 30.30
110	General Light Industrial	Typically less than 500 employees, free standing and single use. Examples: Printing plants, material testing laboratories, data processing equipment assembly, power stations.	6.97	1	6.97	KSF	\$ 2.58
130	Industrial Park	Industrial Park areas that contain a number of industrial and/or related facilities (mix of manufacturing, service, and warehouse).	6.96	1	6.96	KSF	\$ 2.58
140	Manufacturing	Facilities that convert raw materials into finished products. Typically have related office, warehouse, research, and associated functions.	3.82	1	3.82	KSF	\$ 1.41
151	Mini-Warehouse	Storage Units or Vaults rented for storage of goods. Units are physically separate and access through an overhead door or other common access point. Example: U-Store-It.	2.5	1	2.5	KSF	\$ 0.93
155	High-Cube Fullfillment Center Warehouse	Typically serve as a regional and local freight-forwarder facilities for time sensitive shipments via airfreight and ground carriers	7.75	1	7.75	KSF	\$ 2.87
210	SF Detached	Single family detached housing.	9.57	1	9.57	DU	\$ 6.06
220	Apartment	Rental Dwelling Units within the same building. At least 4 units in the same building. Examples: Quadplexes and all types of apartment buildings.	6.72	1	6.72	DU	\$ 4.25
230	Condo/Townhouse	Residential Condominium/Townhouses under single-family ownership. Minimum of two single family units in the same building structure.	5.86	1	5.86	DU	\$ 3.71
240	Mobile Home	Trailers or Manufactured homes that are sited on permanent foundations. Typically the parks have community facilities (laundry, recreation rooms, pools).	4.99	1	4.99	Occupied DU	\$ 3.16
253	Elderly Housing	Restricted to senior citizens. Contains residential units similar to apartments or condos. Sometimes in self-contained villages. May also contain medical facilities, dining, and some limited, supporting retail.	2.15	1	2.15	Occupied DU	\$ 1.36
310	Hotel	Lodging facility that may include restaurants, lounges, meeting rooms, and/or convention facilities. Can include a large motel with these facilities.	8.17	1	8.17	Room	\$ 3.02
320	Motel	Sleeping accommodations and often a restaurant. Free on-site parking and little or no meeting space.	5.63	1	5.63	Room	\$ 2.08
411	Local Park	City-owned parks, varying widely as to location, type, and number of facilities, including boating / swimming facilities, ball fields, and picnic facilities.	1.59	1	1.59	Acres	\$ 0.59
417	Regional Park	Regional park authority-owned parks, varying widely as to location, type, and number of facilities, including trails, lakes, pools, ball fields, camp / picnic facilities, and general office space.	4.57	1	4.57	Acres	\$ 1.69
430	Golf Course	Includes 9, 18, 27, and 36 hole municipal and private country clubs. Some have driving ranges and clubhouses with pro shops, restaurants, lounges. Many of the muni courses do not include such facilities.	35.74	1	35.74	Holes	\$ 13.22
435	Multipurpose Recreation Facility	Multi-purpose recreational facilities contain two or more of the following land uses at one site: mini-golf, batting cages, video arcade, bumper boats, go-carts, and driving ranges.	90.38	1	90.38	Acres	\$ 33.44
437	Bowling Alley	Recreational facilities with bowling lanes which may include a small lounge, restaurant or snack bar.	33.33	1	33.33	Lanes	\$ 12.33
493	Athletic Club	Privately owned with weightlifting and other facilities often including swimming pools, hot tubs, saunas, racquet ball, squash, and handball courts.	43	1	43	KSF	\$ 15.91
495	Recreational Community Center	Recreational community centers are facilities similar to and including YMCAs, often including classes, day care, meeting rooms, swimming pools, tennis racquetball, handball, weightlifting equipment, locker rooms, & food service.	22.88	1	22.88	KSF	\$ 8.47
520	Elementary School	Public. Typically serves K-6 grades.	1.29	0.59	0.76	Student	\$ 0.28
522	Middle School	Public. Serves students that completed elementary and have not yet entered high school.	1.62	0.59	0.96	Student	\$ 0.36
530	High School	Public. Serves students that completed middle or junior high school.	1.71	0.59	1.01	Student	\$ 0.37
540	Junior/Community College	Two-year junior colleges or community colleges.	1.2	1	1.2	Student	\$ 0.44
560	Church	Contains worship area and may include meeting rooms, classrooms, dining area and facilities.	9.11	1	9.11	KSF	\$ 3.37
565 *	Day Care	Facility for pre-school children care primarily during daytime hours. May include classrooms, offices, eating areas, and playgrounds.	79.26 4.48	0.33 0.33	26.16 1.48	KSF Student	\$ 9.68 \$ 0.55
590	Library	Public or Private. Contains shelved books, reading rooms or areas, sometimes meeting rooms.	54	1	54	KSF	\$ 19.98
591	Lodge/Fraternal Organization	Includes a club house with dining and drinking facilities, recreational and entertainment areas, and meeting rooms.	0.29	1	0.29	Members	\$ 0.11
710	General Office	Office building with multiple tenants. Mixture of tenants can include professional services, bank and Loan institutions, restaurants, snack bars, and service retail facilities.	11.01	1	11.01	KSF	\$ 4.07
715	Single Tenant Office Building	Single tenant office building. Usually contains offices, meeting rooms, file storage areas, data processing, restaurant or cafeteria, and other service functions.	11.57	1	11.57	KSF	\$ 4.28
720	Medical-Dental Office	Provides diagnosis and outpatient care on a routine basis. Typically operated by one or more private physicians or dentists.	36.13	1	36.13	KSF	\$ 13.37
750	Office Park	Park or campus-like planned unit development that contains office buildings and support services such as banks & loan institutions, restaurants, service stations.	11.42	1	11.42	KSF	\$ 4.23
760	Research & Development Center	Single building or complex of buildings devoted to research & development. May contain offices and light fabrication facilities.	8.11	1	8.11	KSF	\$ 3.00
770	Business Park	Group of flex-type or incubator 1 - 2 story buildings served by a common roadway system. Tenant space is flexible to accommodate a variety of uses. Rear of building usually served by a garage door. Typically includes a mix of offices, retail & wholesale.	12.76	1	12.76	KSF	\$ 4.72
812	Building Materials & Lumber	Small, free standing building that sells hardware, building materials, and lumber. May include yard storage and shed storage areas. The storage areas are not included in the GLA needed for trip generation estimates.	45.16	1	45.16	KSF	\$ 16.71
813	Discount Super Store	A free-standing discount store that also contains a full service grocery dept. under one roof.	49.21	0.718	35.31	KSF	\$ 13.06
814	Specialty Retail	Small strip shopping centers containing a variety of retail shops that typically specialize in apparel, hard goods, serves such as real estate, investment, dance studios, florists, and small restaurants.	44.32	1	44.32	KSF	\$ 16.40
815	Discount Store	A free-standing discount store that offers a variety of customer services, centralized cashiering, and a wide range of products under one roof. Does not include a full service grocery dept. like Land Use 813, Free-standing Discount Superstore.	56.02	0.475	26.62	KSF	\$ 9.85
816	Hardware/Paint Store	Typically free-standing buildings with off-street parking that sell paints and hardware.	51.29	0.450	23.08	KSF	\$ 8.54
817	Nursery/Garden Center	Free-standing building with yard containing planting or landscape stock. May have large green houses and offer landscape services. Typically have office, storage, and shipping facilities. GLA is Building GLA, not yard and storage GLA.	36.08	1	36.08	KSF	\$ 13.35
820	Shopping Center	Integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Provides enough on-site parking to serve its own parking demand. May include non-merchandising facilities such as office buildings, movie theatres, restaurants, post offices, health clubs, and recreation like skating rinks and amusements.	42.94	0.393	16.86	KSF Leasable	\$ 6.24
841	New Car Sales	New Car dealership with sales, service, parts, and used vehicles	33.34	1	33.34	KSF	\$ 12.34
848	Tire Store	Primary business is tire sales and repair. Generally does not have a large storage or warehouse area.	24.87	1	24.87	KSF	\$ 9.20
850	Supermarket	Free-standing grocery store. May also contain ATMs, photo centers, pharmacies, video rental areas.	102.24	0.265	27.05	KSF	\$ 10.01
851	Convenience Market	Sells convenience foods, newspapers, magazines, and often Beer & Wine. Does not have gas pumps.	737.99	0.282	208.4	KSF	\$ 77.11
857	Discount Club	A discount club is a discount store or warehouse where shoppers pay a membership fee in order to take advantage of discounted prices on a wide variety of items such as food clothing, tires and appliances; many items are sold in large quantities or in bulk.	41.8	1.000	41.8	KSF	\$ 15.47
880	Pharmacy w/o drive through	Facilities that fulfill medical Prescriptions	90.06	0.327	29.42	KSF	\$ 10.89
881	Pharmacy w/ drive through	Facilities that fulfill medical Prescriptions	88.16	0.383	33.79	KSF	\$ 12.50
890	Furniture Store	Sells furniture, accessories, and often carpet/floor coverings.	5.06	0.157	0.79	KSF	\$ 0.29
911 *	Walk-In Bank	Usually a Free-standing building with a parking lot. Does not have drive-up windows. May have ATMs.	79.8	0.270	21.55	KSF	\$ 7.97
912	Drive-In Bank	Provides Drive-up and walk-in bank services. May have ATMs.	101.06	0.270	27.29	KSF	\$ 10.10
931	Quality Restaurant	High quality eating establishment with slower turnover rates (more than one hour).	89.95	0.288	25.86	KSF	\$ 9.57
932	High Turnover Sit-Down Rest.	Sit-Down eating establishment with turnover rates of less than one hour.	127.15	0.315	40.11	KSF	\$ 14.84
933	Fast Food w/o Drive-Thru	Fast Food but no drive-through window	716	0.265	190.08	KSF	\$ 70.33
934	Fast Food With Drive-Thru	Fast Food with drive-through window	496.12	0.265	131.71	KSF	\$ 48.73
936 *	Drinking Place	Contains a bar where alcoholic beverages and snacks are serviced and possibly some type of entertainment such as music, games, or pool tables	113.4	0.315	35.77	KSF	\$ 13.23
944	Gas Station	Sell gasoline and may also provide vehicle service and repair. Does not have Convenience Market and/or Car Wash.	168.56	0.420	70.8	Fueling Positions	\$ 26.20
945	Gas/Service Station with Convenience Market	Selling gas and Convenience Market are the primary business. May also contain facilities for service and repair. Does not include Car Wash.	162.78	0.560	91.16	Fueling Positions	\$ 33.73
946 *	Gas/Service Station with Convenience Market, Car Wash	Selling gas, Convenience Market, and Car Wash are the primary business. May also contain facilities for service and repair.	152.84	0.580	88.65	Fueling Positions	\$ 32.80
947	Self-Service Car Wash	Allows manual cleaning of vehicles by providing stalls for the driver to park and wash.	108	1	108	Wash Stalls	\$ 39.96
950	Truck Stop	Located on or near a major roadway and provides refueling, food and other services to motorists and truck drivers. Typically contains convenience stores, showers, restaruants and on site parking	455.53	1	455.53	KSF	\$ 168.55

NOTES:
 Source: Institute of Transportation Engineers, *Trip Generation*, Seventh Edition.
 Pass-By Trip Factor reflects diverted linked trips in addition to pass-by trips.
 ITE codes identified with asterisks (*) include information derived from the ITE manual (e.g., ADT rate is ten times peak-hour trips, pass-by factor is derived from pass-by counts for a similar land use or are as estimated by traffic engineers).

Land Use Units:
 KSF = 1,000 gross square feet building area
 DU = dwelling unit
 Room = number of rooms for rent
 Fueling Positions = maximum number of vehicles that can be served simultaneously
 Student = number of full-time equivalent students enrolled

Attachment: ITE Table - Ordinance Appendix .46 with changes (1404 : 2021 Transportation Utility Fee)



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO: City Council **DEPARTMENT:** City Attorney

FROM: Sydnee Dreyer, City Attorney

MEETING DATE: April 22, 2021

SUBJECT: Resolution No. _____, Resolution Authorizing City Initiated Vacation of Public Utility Easement over the Portion of the Public Alley and Amy Street Vacated by Ordinance No. 1837 on August 14, 2003

ACTION REQUIRED: Motion Resolution **RECOMMENDATION:** Approval

BACKGROUND INFORMATION:

In 2003 the City vacated certain unimproved portions of Ash and Amy Streets, Chicory Lane and a public alley by Ordinance No. 1837 attached hereto for reference. As part of that public right-of-way vacation, the City reserved unto itself and all applicable public utility agencies a 20-foot wide PUE.

Recently the City received approval by the Central Point Planning Commission to construct the new public works facility. As designed, the PUE reserved in Ordinance No. 1837 would conflict with the location of the building. As a condition of approval, the City is required to vacate the existing easement and may relocate as appropriate to accommodate the new facility.

ORS 271.130 provides that the City's governing body may initiate vacation proceedings and make such vacation without a petition or consent of property owners. Before vacating the easement, the City must notice a public hearing pursuant to ORS 271.110, which is proposed to be held on May 27, 2021. The intent of this resolution is to initiate the vacation process pursuant to statute.

FINANCIAL ANALYSIS: N/A

LEGAL ANALYSIS: N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

STAFF RECOMMENDATION: Move to approve the resolution.

RECOMMENDED MOTION:

I move to approve Resolution No. _____ a Resolution of the City Council of the City of Central Point Authorizing the City-Initiated Vacation of a Public Utility Easement Over the Portion of the Public Alley and Amy Street Vacated by Ordinance No. 1837 on August 14, 2003.

ATTACHMENTS:

1. RESO of Intent to Initiate Vacation
2. Exhibit to Reso to Initiate Vacation
3. Ord No 1837

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL POINT AUTHORIZING THE CITY-INITIATED VACATION OF A PUBLIC UTILITY EASEMENT OVER THE PORTION OF THE PUBLIC ALLEY AND AMY STREET VACATED BY ORDINANCE NO. 1837 ON AUGUST 14, 2003

RECITALS:

- A. WHEREAS, in 2003 the City Council vacated certain unimproved portions of Ash and Amy Streets, Chicory Lane and a Public Alley, and reserved to the City of Central Point, all applicable public contracting agencies, and contracting cable television companies, an easement over the vacated street and alleys for purposes of installation, maintenance, repair and replacement of utilities and cable vision facilities by Ordinance No. 1837 (the "Easement").
- B. WHEREAS, the City has received approval to construct a new Public Works facility to be located on Parcel 1 of Partition Plat No. P-72-2007, recorded in Volume 18 at Page 75 of the Records of Partition Plats of Jackson County, Oregon, and filed as Survey Number 19847 in the Office of the Jackson County Surveyor, and a portion of Parcel 2 of Partition Plat No. P-33-2016, recorded in Volume 27 at Page 33, of the Records of Partition Plats of Jackson County, Oregon, and filed as Survey Number 22068, in the Office of the Jackson County Surveyor.
- C. WHEREAS, the construction of the new Public Works facility conflicts with the location of the Easement.
- D. WHEREAS, the City intends to vacate the Easement, and relocate the easement as necessary to accommodate the new Public Works facility.
- E. WHEREAS, the Oregon Revised Statutes (ORS) Chapter 271 provides for the vacation of public street rights-of-way.

WHEREAS, the City Council wishes to follow the provisions of ORS 271 and initiate the vacation of the twenty-foot-wide public utility easement over the portion of the public alley and Amy Street vacated by Ordinance No. 1837 on its own motion pursuant to ORS 271.130

The City of Central Point resolves as follows:

Section 1. Initiating Utility Vacation. The street vacation of the 20-foot wide public utility easement over the portion of the public alley and Amy Street, pursuant to ORS 271.130, is initiated effective immediately. The easement to be considered for vacation is described and depicted in Exhibits A and B attached hereto, and incorporated herein by reference.

Res. No. _____; April 22, 2021

Section 2. Public Hearing. A duly noticed public hearing shall be set for May 27, 2021, or such other date as noticed by the City Recorder.

Passed by the Council and signed by me in authentication of its passage this _____ day of April 2021.

Mayor Hank Williams

ATTEST:

City Recorder

Attachment: RESO of Intent to Initiate Vacation (1409 : Resolution Authorizing City Initiated Vacation of Public Utility Easement)

Res. No. _____; April 22, 2021

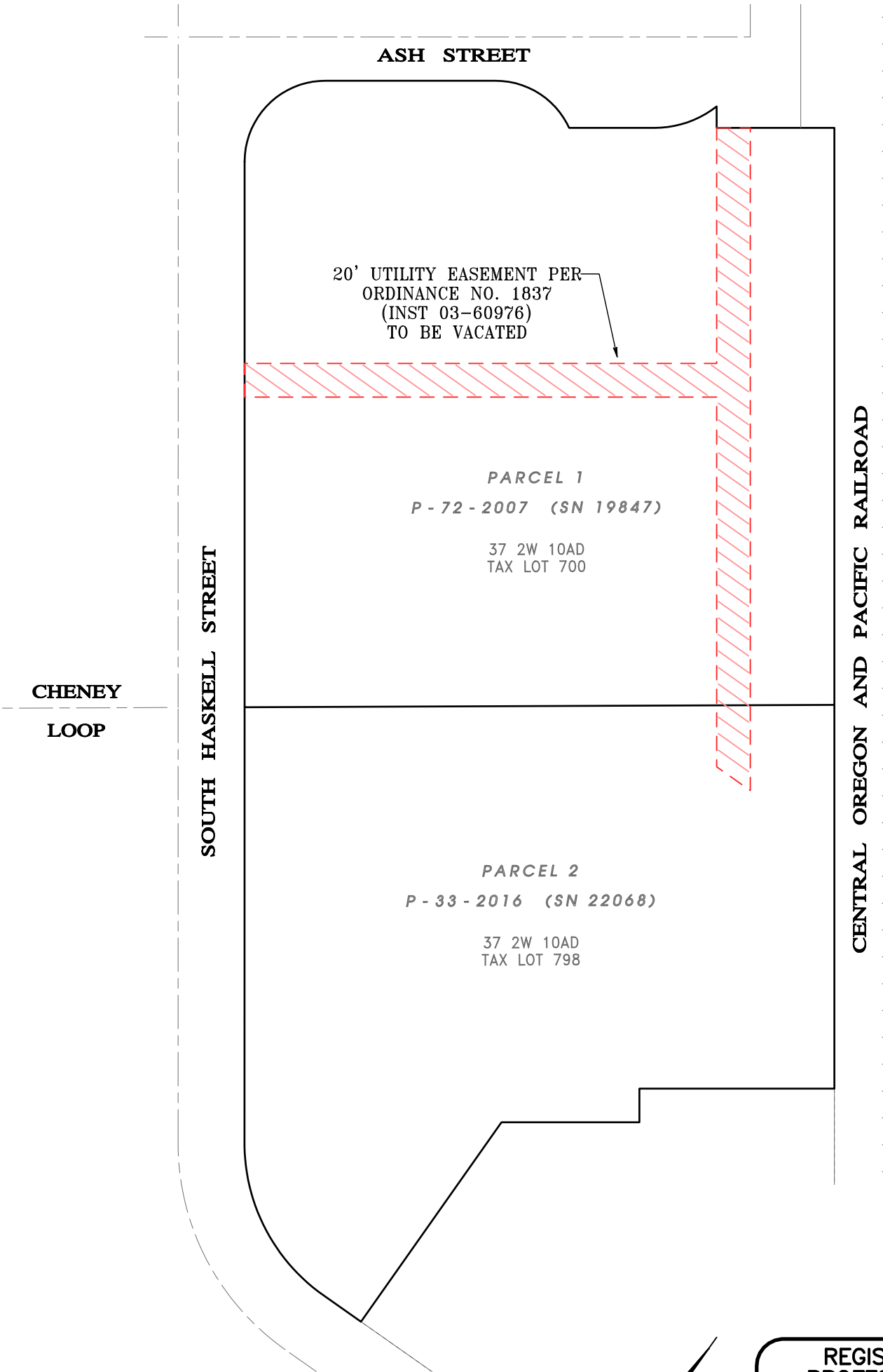
EXHIBIT “ A ”**EASEMENT VACATION
DESCRIPTION SHEET
37 2W 10AD, TAX LOTS 700 & 798**

That certain 20-foot-wide utility easement over the portion of the public alley and Amy Street vacated by Ordinance No. 1837, passed by City Council on August 14, 2003, and recorded as Instrument Number 03-60976, of the Official Records of Jackson County, Oregon, being located over a portion of Parcel 1 of Partition Plat No. P-72-2007, recorded in Volume 18 at Page 75 of the Records of Partition Plats of Jackson County, Oregon, and filed as Survey Number 19847 in the Office of the Jackson County Surveyor, and a portion of Parcel 2 of Partition Plat No. P-33-2016, recorded in Volume 27 at Page 33, of the Records of Partition Plats of Jackson County, Oregon, and filed as Survey Number 22068, in the Office of the Jackson County Surveyor. Said easement being located within Donation Land Claim No. 53 in the Southeast One-quarter of the Northeast One-quarter of Section 10, Township 37 South, Range 2 West of the Willamette Meridian, in the City of Central Point, Jackson County, Oregon.

Prepared By: Neathamer Surveying, Inc.
3126 State Street, Suite 203
PO Box 1584
Medford, Oregon 97501
Phone: (541) 732-2869
Project Number: 09002-T-40

Date: April 14, 2021

DRAFT



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2001
CAEL E. NEATHAMER
56545

Renewal Date 12/31/22

PRELIMINARY

Attachment: Exhibit to Reso to Initiate Vacation (1409 : Resolution Authorizing City Initiated Vacation of Public Utility Easement)

03 60976

2:52

30
5
11

80 SURV.

ORDINANCE NO. 1837

AN ORDINANCE VACATING CERTAIN UNIMPROVED PORTIONS OF ASH AND AMY STREETS, CHICORY LANE AND A PUBLIC ALLEY.

Recitals

1. The City received an application from Craig Stone of Craig A. Stone & Associates to vacate portions of the unimproved rights-of-way for Ash and Amy Streets, Chicory Lane and a public alley in the area of the proposed Snowy Butte Station Master Plan.
2. On May 22, 2003, the City Council entertained a petition and proposal to vacate certain unimproved public rights-of-way in the area of the Snowy Butte Station Master Plan. At that time they set the matter for public hearing.
3. On July 10, 2003, the City Council conducted a duly advertised public hearing and considered arguments in favor of and opposed to the proposed vacation.
4. The City Recording Officer has filed in the Official City Record a certificate verifying that all liens and all taxes have been paid on the lands to be vacated.

Now, therefore;

THE PEOPLE OF THE CITY OF CENTRAL POINT, OREGON, DO ORDAIN AS FOLLOWS:

Section 1. In accordance with ORS 271.120, the City Council makes the following findings: Section 17.44.020 of the Central Point Municipal Code is hereby amended to read as follows:

- A. Notice of the proposed vacation and the public hearing thereon has been duly given as required by ORS 271.110.
- B. The owners of at least two-thirds of the area affected as computed on the basis provided in ORS 271.080, have consented in writing to the proposed vacation.
- C. The owners of all properties abutting the area proposed to be vacated have consented in writing to the proposed vacation.
- D. The public interest will not be prejudiced by the vacation of the area in question.

Section 2. The lands described in Exhibit "A", attached hereto and by this reference incorporated herein, are hereby vacated pursuant to ORS 271.120, and the ownership of said lands hereby vacated shall become vested as provided in ORS 271.140.

Section 3. There is hereby reserved to the City of Central Point, all applicable public utility agencies, and contracting cable television companies, an easement over the vacated street and alleys for purposes of installation, maintenance, repair and replacement of utilities and cable vision facilities, including the right to access the property for those purposes.

1 - Ordinance No. 1837 (071003)

Attachment: Ord No 1837 (1409 : Resolution Authorizing City Initiated Vacation of Public Utility Easement)

03 60976

Section 4. The City Administrator is directed to file a recorded copy of this ordinance with the Jackson County Clerk, Jackson County Assessor, and Jackson County Surveyor, together with maps, plats, or other records required or provided for by law.

Passed by the Council and signed by me in authentication of its passage this 14th day of August, 2003.

Hank Williams
Mayor Hank Williams

ATTEST:

Deanna Gregory
City Representative

Approved by me this 18th day of August, 2003.

Hank Williams
Mayor Hank Williams

STATE OF OREGON)
) ss.
County of Jackson)

This instrument was acknowledged before me on August 18th, 2003, by Hank Williams as Mayor of the City of Central Point.

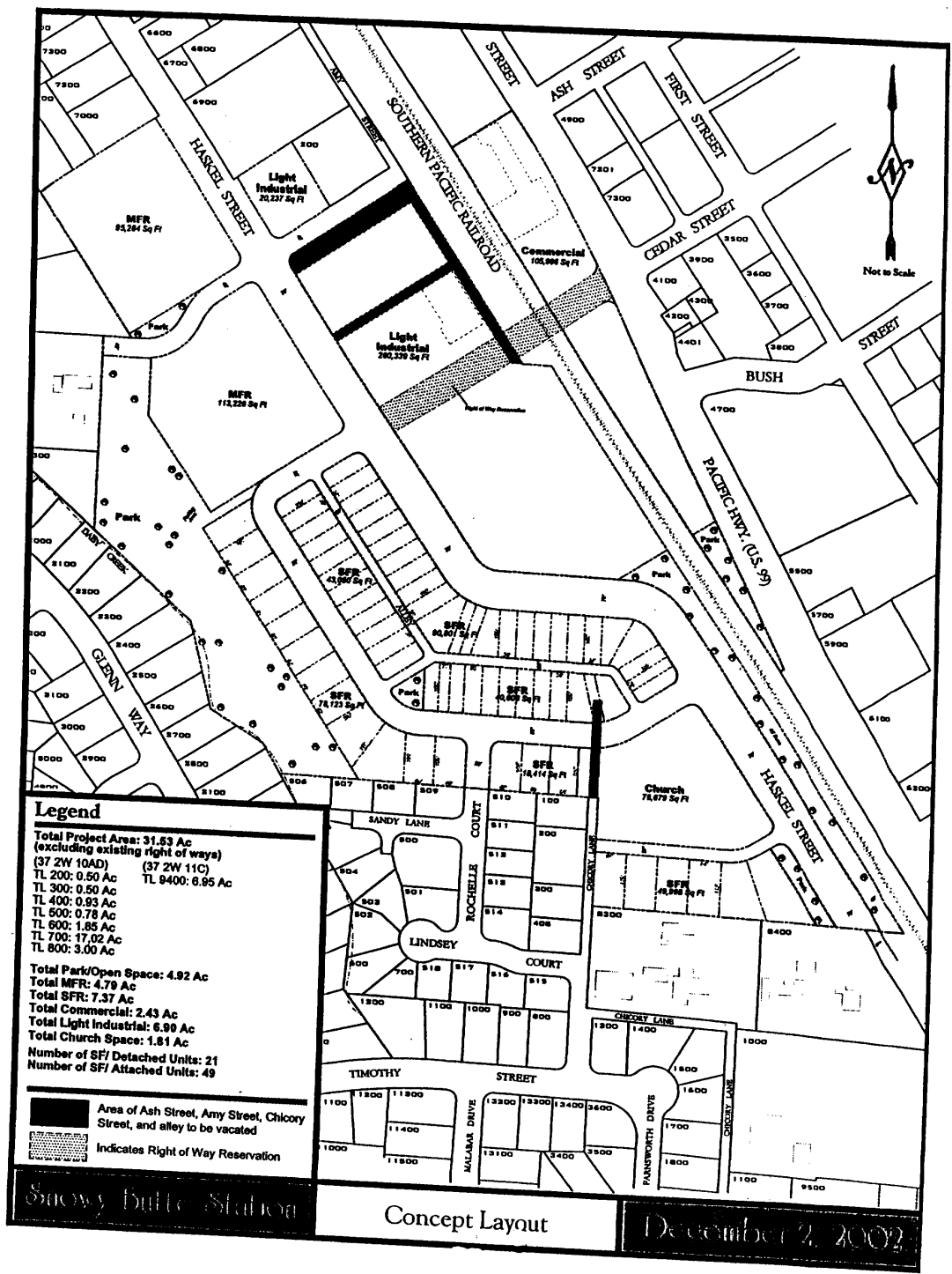


Deanna Gregory
Notary Public for Oregon
My Commission Expires: 5-15-04

2.- Ordinance No. 1837 (071003)

Attachment: Ord No 1837 (1409 : Resolution Authorizing City Initiated Vacation of Public Utility Easement)

03 60976



3

Attachment: Ord No 1837 (1409 : Resolution Authorizing City Initiated Vacation of Public Utility Easement)

03 60976



First American Title Insurance Company of Oregon

CRATER TITLE DIVISION

Main Office
300 West Main • P.O. Box 250
Medford, Oregon 97501
(541) 779-7250 • FAX (541) 779-4013

August 12, 2003

Mike Montaro
RE: Snowy Butte Station
Prepared by: Dwayne Rudisill

CHICORY LANE VACATION:

Beginning at the Southeast corner of Lot "J" of SNOWY BUTTE ORCHARDS, in Jackson County, Oregon, according to the Official Plat thereof, now of record; thence North 00° 01' East 671.90 feet, more or less to the Northeast corner thereof; thence continue North 00° 01' East, 10.00 feet, more or less to the point on the centerline of Chicory Lane; thence East along said centerline to the Northwest corner of Lot "K" of said Snowy Butte Orchards Subdivision; thence South 00° 01' West, along the West line of said Lot "K", 651.90 feet to the Southwest corner thereof; thence continue South 00° 01' West, 20.00 feet, more or less to a point on the South line of said Chicory Lane; thence West along the South line thereof, 20.00 feet, more or less to the point of beginning. EXCEPTING THEREFROM that portion thereof lying South of the following described line: Beginning at the Southeast corner of Parcel 3, Tract B, as described in Document No. 01-42284, Official Records, Jackson County, Oregon; thence East along the Easterly extension thereof, 20.00 feet, more or less to the East line of Chicory Lane and the point of terminus.

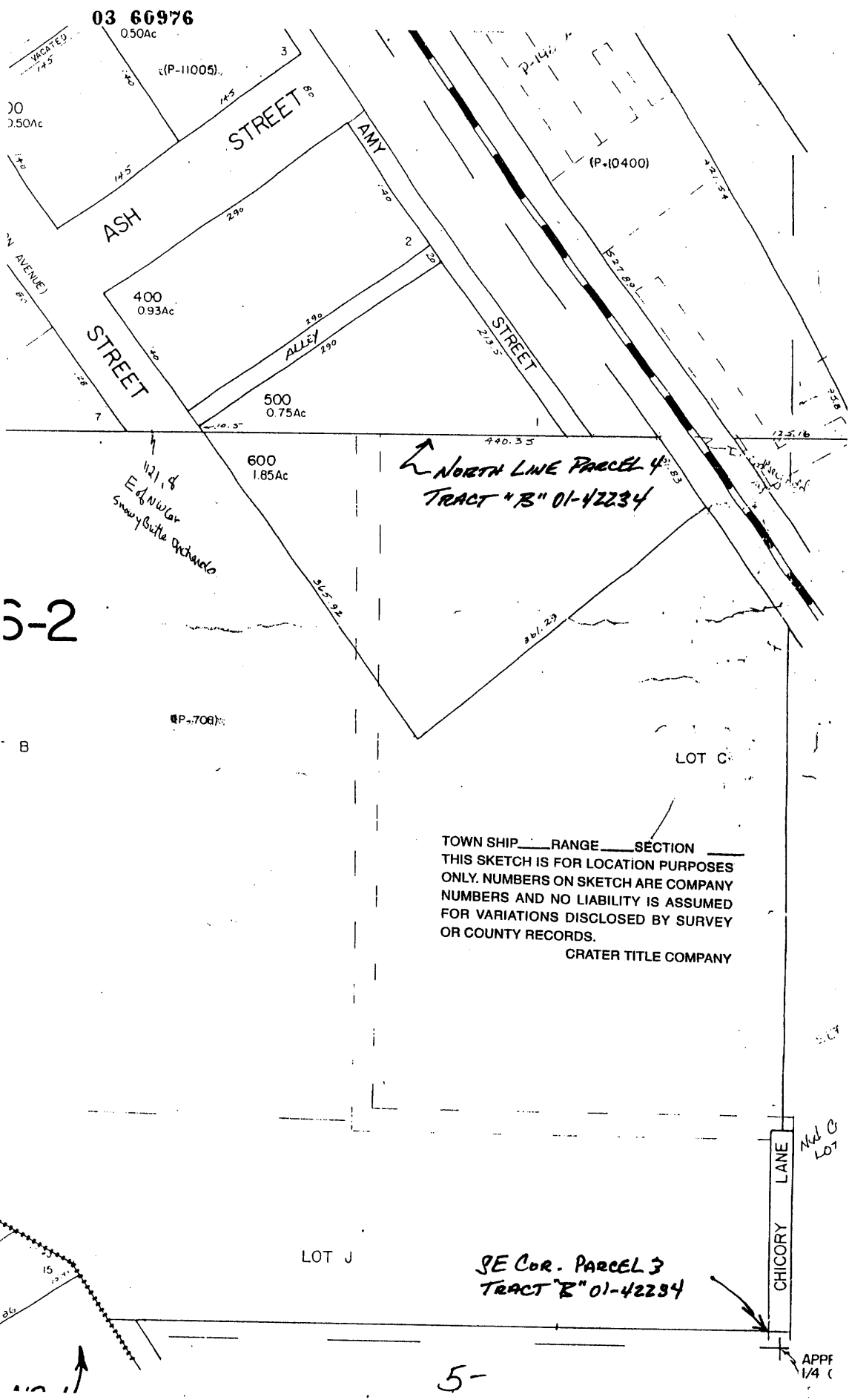
20 FOOT ALLEY VACATION:

The 20 foot alley lying between Lots 1 and 2 of COOKSEY'S ADDITION to the City of Central Point, Jackson County, Oregon, according to the Official Plat thereof, now of record.

AMY STREET VACATION:

Beginning at the Southeast corner of Lot 1 of COOKSEY'S ADDITION, to the City of Central Point, Jackson County, Oregon, according to the Official Plat thereof, now of record; thence Northwesterly along the Northeasterly lines of Lots 1 and 2 and the 20.00 foot alley lying between said lots, 373.50 feet, to the most Northerly corner of said Lot 2; thence Northeasterly along the Northeasterly extension of the Northwesterly line of said Lot 2, to a point on the Southwesterly right of way line of the Southern Pacific Railroad Company; thence Southeasterly along said right of way line, to a point on the North line of the land described in Parcel 4, Tract "B" of Document No. 01-42284, Official Records of Jackson County, Oregon; thence North 89° 58' 15" West, along said North line to the point of beginning.

4-



Attachment: Ord No 1837 (1409 : Resolution Authorizing City Initiated Vacation of Public Utility Easement)

03 60976

EXHIBIT A

Commencing at the Northwest corner of Lot 2 of " THE COOKSEY ADDITION TO CENTRAL POINT 1888 ", now of record in the official records of Jackson County, Oregon; thence North 54°45'00" East, along the Northerly line of said Lot 2 and the Southerly right of way line of Ash Street, 10.00 feet to the TRUE POINT OF BEGINNING; thence continue along said Southerly right of way line of Ash Street, 200.00 feet; thence along a 48.00 foot radius curve to the left (the long chord of which bears South 85°00'23" West, 55.57 feet), 59.26 feet; thence South 54°45'00" West, parallel and 28.00 feet from said Southerly right of way line of Ash Street, 104.00 feet; thence along a 48.00 foot radius curve to the left (the long chord of which bears South 24°29'37" West, 55.57 feet), 59.26 feet to the point of beginning.

ALSO:

Beginning at the Northeast corner of Lot 2 of " THE COOKSEY ADDITION TO CENTRAL POINT 1888 ", now of record in the official records of Jackson County, Oregon; thence South 54°45'00" West, along the Northerly line of said Lot 2 and the Southerly right of way line of Ash Street, 37.00 feet; thence along a 60.00 foot radius curve to the left (the long chord of which bears North 35°42'48" East, 39.14 feet), 39.87 feet; thence South 35°15'00" East, 12.77 feet to the point of beginning.

Vacation of a portion of Ash Street between Lots 2 and 3 of " THE COOKSEY ADDITION TO CENTRAL POINT 1888 ".

Jackson County, Oregon
Recorded
OFFICIAL RECORDS
SEP 04 2003
2:52 PM
[Signature]
COUNTY CLERK

6-

Attachment: Ord No 1837 (1409 : Resolution Authorizing City Initiated Vacation of Public Utility Easement)