

RESOLUTION NO. XL

A RESOLUTION TO INITIATE VACATION PROCEEDINGS FOR A PORTION OF S. W. 5th. AVENUE IN THE CITY OF CANBY; AND FIXING A TIME FOR HEARING.

WHEREAS, S. W. 5th Avenue in the City of Canby, Oregon, is now a dedicated city street; and the easterly 330 feet thereof is 30 feet in width and commences at the easterly boundary of Birch Street and terminates at the property owned by Clackamas County Union High School District No. 1 (Canby Union High School); and

WHEREAS, the said High School District now owns all of the real property east of Ash Street and abutting S. W. 5th Avenue; and the Board of Directors of said School District have requested the Canby City Council to initiate proceedings to vacate said portion of S. W. 5th Avenue and have agreed to assume and pay one-half the costs of such vacation proceedings; and

WHEREAS, the Canby City Council has investigated the matter and being fully informed on the matter, has determined that it would be in the best interests of the City and the inhabitants thereof if the easterly 330 feet of S. W. 5th Avenue were in fact vacated; and that there is no further need for such portion of said street for city street purposes and that the continued maintenance and repair of said portion of said street is an unwarranted and unnecessary expense to the City; and

WHEREAS, the City Superintendent acting also in the capacity of City Engineer has prepared a plan and plat for the vacation of the said street and submitted the same to the Canby City Planning Commission in accordance with the provisions of Oregon Revised Statutes 227.100; and said Planning Commission has made an approving written report on the matter to the Canby City Council; now therefore,

BE IT RESOLVED by the Canby City Council in regular session convened that:

1. The easterly 330 feet of S. W. 5th Avenue (extending from Birch Street to its easterly terminus at the Canby Union High School property) should be vacated so that the title to the same shall

attach to the lands bordering on such area as provided in Oregon Revised Statutes 271.140.

2. A description of that portion of the street to be vacated is as follows, to-wit:


A tract of land in the Northwest Quarter of the Northwest Quarter of Section 4, T.4.S., R. 1. E., W. M., in the City of Canby, Clackamas County, Oregon, and more particularly described as follows:


BEGINNING at a stone at the Southeast corner of the LUCIUS SEELEY D.L.C., T.4.S., R.1.E., W.M.,; running thence North 89° 50' East along the Southerly boundary of the GRANTOR'S land, as described in Book 190 at Page 192, Deed Records of Clackamas County, 330 feet to an iron pipe at the Northwest corner of Estelle Sheppard tract, as described in Deed Book 393 at Page 576, Deed Records of Clackamas County; thence North 0° 42' West parallel to the East line of said SEELEY claim 30 feet; thence South 89° 50' West 330 feet to an iron pipe on the East line of said SEELEY claim; thence South 0° 42' East along said claim line 30 feet to the place of beginning, containing .228 acres more or less.

3. A public hearing on the question of such vacation is hereby called to be held at the Canby City Hall, Canby, Clackamas County, State of Oregon, at 8:00 o'clock P.M. Pacific Standard Time on Monday the 1st day of April, 1963, at which hearing the Canby City Council will hear and consider any objection or remonstrance to the proposed vacation.

4. The Canby City Recorder shall and he is hereby directed to give notice of the proposed vacation and hearing thereon by publishing a notice in the Canby Herald once each week for four consecutive weeks prior to the time of hearing; and he shall also post "NOTICE OF STREET VACATION" in the manner and at the places and for the time required by Oregon Revised Statutes 271.110.

Adopted by the Canby City Council this 18th day of February, 1963.


FRED STEFANI - MAYOR

ATTEST: 
J. R. RICHARDSON - City Recorder