

ORDINANCE NO. 488

AN ORDINANCE PROVIDING FOR THE VACATION OF NORTH ELM STREET IN THE DE MERRITT ADDITION TO THE CITY OF CANBY; AND DECLARING AN EMERGENCY.

WHEREAS, that portion of North Elm Street which is in the De Merritt Addition to the City of Canby is now a dedicated City Street and public thoroughfare; and said part of North Elm Street in the De Merritt Addition is 80 feet in width, and extends from the Northwest Fifth Avenue northerly a distance of 300 feet to a dead end terminus at the private property of John and Margaret Meek; and

WHEREAS, School District No. 86 of Clackamas County, Oregon, now owns all of the lots in said De Merritt Addition, excepting, however, Lots 2, 3 and the Southeasterly 4 feet of Lot 6, which abut on Northwest Fifth Avenue and are owned by Wayne A. and Claire O. Conner, husband and wife; and

WHEREAS, the major portion of that part of North Elm Street in said De Merritt Addition is not improved for street purposes, but is occupied and traversed to a great extent during school hours by playing children, and the school authorities have requested the Canby City Council to initiate proceedings to vacate that part of said street in the De Merritt Addition; and

WHEREAS, the Canby City Council has determined that it would be in the best interests of the City and the inhabitants thereof, if that part of North Elm Street in the De Merritt Addition of the City of Canby were in fact vacated, and has initiated vacation proceedings on the Council's own motion, pursuant to the provisions of Oregon Revised Statutes 271.130; and

WHEREAS, the plans for such vacation were first submitted by the Canby City Engineer to the City Planning Commission, and a written report thereon has been secured from said Commission, which said report has endorsed with approval the proposed vacation, and said report dated June 18, 1965, is now on file in the office of

the Canby City Recorder and the office of the Canby City Engineer;  
and

WHEREAS, Resolution No. LVIII (a resolution to initiate vacation proceedings for that portion of North Elm Street in the De Merritt Addition to the City of Canby) was adopted by the Canby City Council on the 2nd day of August, 1965, and in pursuance of the Resolution and the laws of this State which are applicable to such matters, a public hearing on the question of such vacation was called to be held at 8:00 o'clock p.m., Oregon Daylight Saving Time, on Tuesday, September 7, 1965, before the Canby City Council and for the purpose of hearing and considering any objections or remonstrances to the proposed vacation; and

WHEREAS, Notice of the hearing was duly and regularly published in the Canby Herald, a newspaper of general circulation, printed and published in Canby, Clackamas County, State of Oregon, in the manner and for the time required by law, and an Affidavit of such publication was filed with the Canby City Recorder in the file of this matter; and

WHEREAS, a "NOTICE OF STREET VACATION" was posted by the Canby City Recorder at or near each end of the proposed vacation for the time and in the manner required by law, and an Affidavit of such posting was returned to the Canby City Council and filed in the City Recorder's records of this matter; and

WHEREAS, the public hearing on the question of such vacation was duly and regularly held at the time and place as advertised, and no one appeared either in person or otherwise to object to or remonstrate against the proposed vacation, and at the conclusion of the time set for said hearing, the Canby City Council reviewed the matter and concluded that the hereinafter described portion of North Elm Street should be vacated as a City Street and public thoroughfare, now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: That all of that portion of North Elm Street which lies in the De Merritt Addition to the City of Canby, Clackamas County, State of Oregon, shall be vacated as a City street and public thoroughfare, and the vacation shall be effective as of the date of the final adoption of this Ordinance.

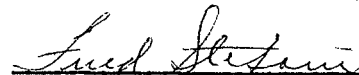
Section 2: That the title to the street vacated shall attach to the lands bordering on such area, in equal proportions, as provided by Oregon Revised Statutes 271.140.

Section 3: That upon the final passage and adoption of this Ordinance, the Canby City Recorder is hereby directed to prepare and file for record with the Clackamas County Recorder, a Certified Copy of this Ordinance and any map, plat or other record in regard thereto; and he shall also prepare and file a certified copy of this Ordinance with the Clackamas County Assessor and the Clackamas County Surveyor, and as more particularly required by the provisions of Oregon Revised Statutes 271.150.

Section 4: All other Ordinances and parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

Section 5: It being deemed by the Canby City Council that an emergency exists, this Ordinance shall take effect immediately upon its final passage and approval by the Mayor.

Passed on first reading at a regular meeting of the Canby City Council held on the 20th day of September, 1965, ordered posted as provided by the Canby City Charter, and to come up for final reading and action of the Canby City Council at a regular meeting thereof to be held on the 18th day of October, 1965, at the hour of 8:00 o'clock p.m., Oregon Daylight Saving Time, at the Canby City Hall..

  
FRED STEFANI - Mayor

ATTEST:

  
J. R. RICHARDSON - City Recorder

The foregoing Ordinance No. 488 was read for the second time at a regular meeting of the Canby City Council on October 18, 1965, and on motion of the Council was laid on the table. At a regular meeting of the Canby City Council held on the 20th day of June, 1966, the foregoing Ordinance No. 488 was taken from the table and passed by the following vote: Yeas 5, Nays 0.

Submitted to the Mayor this 20th day of June, 1966, and approved by the Mayor this 20th day of June, 1966.

  
FRED STEFANI - Mayor

ATTEST:

  
J. R. RICHARDSON - City Recorder