

ORDINANCE NO. 494

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF N. E. FIFTH AVENUE IN THE CITY OF CANBY; AND DECLARING AN EMERGENCY.

WHEREAS, N. E. Fifth Avenue in the City of Canby is a dedicated city street, and the easterly portion of said street which extends from N. Ivy Street to the westerly end of N. Juniper Street is eighty (80) feet in width; and

WHEREAS, N. Juniper Street is sixty (60) feet in width, and the junction of the two streets, i.e., N. Juniper Street and N. E. Fifth Avenue, is a junction of streets of unequal width which creates problems in sidewalk and curb construction, creates conditions generally which makes it difficult for property owners on the south side of N. E. Fifth Avenue to develop their properties in a proper and orderly manner according to existing building codes; and makes it impossible to obtain uniformity of setback lines for building construction; and

WHEREAS, the Canby City Council has determined that it would be in the best interests of said City and the inhabitants thereof if the southerly twenty (20) feet of N. E. Fifth Avenue which extends easterly from N. Ivy Street to the westerly end of N. Juniper Street were in fact vacated; and the Canby City Council has initiated vacation proceedings on its 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 February 18, 1966, is now on file in the office of the Canby City Recorder and the office of the Canby City Engineer; and

WHEREAS, Resolution No. LX (a Resolution to initiate vacation proceedings for a portion of N. E. Fifth Avenue in the City of Canby) was adopted by the Canby City Council on March 7,

1966, 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., Pacific Standard Time, on Monday, April 18, 1966, before the Canby City Council 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 in person to object to or remonstrate against the proposed vacation although Mr. and Mrs. A. Williams mailed a letter to the Council dated April 18, 1966, wherein they protested generally to 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 N. E. Fifth Avenue should be vacated as a city street and public thoroughfare, now, therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: That the southerly twenty (20) feet of N. E. Fifth Avenue which extends from N. Ivy Street easterly to a junction with N. Juniper Street should 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 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 18th day of April, 1966, 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 16th day of May, 1966, 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

Passed on final reading of the Canby City Council this 16th day of May, 1966, by the following vote: Yeas 6. Nays 0.

Submitted to the Mayor this 16th day of May, 1966, and approved by the Mayor this 16th day of May, 1966.


FRED STEFANI - Mayor

ATTEST:


J. R. RICHARDSON - City Recorder
Page 3. ORDINANCE NO. 304