

ORDINANCE NO. 450

AN ORDINANCE PROVIDING FOR THE VACATION OF THE EASTERLY 330 FEET OF S. W. FIFTH AVENUE IN THE CITY OF CANBY, CLACKAMAS COUNTY, STATE OF OREGON; AND IN PURSUANCE OF A RESOLUTION APPROVED BY THE COMMON COUNCIL OF THE CITY OF CANBY; AND PROVIDING THAT THE TITLE TO THE STREET PROPERTY VACATED SHALL ATTACH TO THE LANDS BORDERING ON SUCH AREA IN EQUAL PROPORTIONS; AND DECLARING AN EMERGENCY.

WHEREAS, S. W. Fifth Avenue in the City of Canby, Oregon, is now a dedicated City street and the easterly 330 feet thereof terminates at the property owned by Clackamas County Union High School District No. 1 (Canby Union High School) and said school district owns all of the land bordering on such area and the District School Board of said school district has requested the Canby City Council to initiate proceedings to vacate the easterly 330 feet of S. W. Fifth Avenue and have agreed to assume and pay one-half the costs of such vacation proceedings, and

WHEREAS, the Canby City Council has determined that it would be in the best interest of the city and the inhabitants thereof if the Easterly 330 feet of S. W. Fifth Avenue were in fact vacated and has initiated vacation proceedings on the Council's own motion as provided by Oregon Revised Statutes 271.130, and

WHEREAS, Resolution No. XL (a Resolution to initiate vacation proceedings) was adopted by the Canby City Council on the 18th day of February, 1963, 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 the 1st day of April, 1963, 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 S. W. 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 Easterly 330 feet of S. W. Fifth Avenue (extending from Birch Street to its easterly terminus at the Canby Union High School property) be vacated as a city street and public thoroughfare and the same is done as of the date of the final adoption of this Ordinance. The 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.

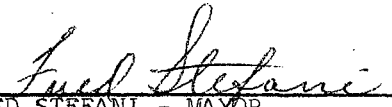
Section 2. That the title to the street vacated shall attach to the lands bordering on such area in equal proportions as provided by Oregon Revised Statutes 271.140.

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 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 15th day of April, 1963, ordered posted as provided by the Canby City Charter and to come up for final action at a regular meeting of the Canby City Council to be held on the 6th day of May, 1963, at the hour of 8:00 o'clock P.M., Pacific Standard Time, at the Canby City Hall.


  
FRED STEFANI - MAYOR

ATTEST:


  
J. R. RICHARDSON - City Recorder

Passed on final reading this 6th day of May, 1963, by the following vote: Yeas 6 Nays 0.

Submitted to the Mayor this 6th day of May, 1963, and approved by the Mayor this 6th day of May, 1963.

  
FRED STEFANI - MAYOR

ATTEST:

  
J. R. RICHARDSON - City Recorder

OLD PACIFIC HIGHWAY

S.W. FOURTH AVE.

VACATION OF A PORTION  
OF S.W. FIFTH AVENUE

CANBY UNION HIGH SCHOOL

CANBY CITY COUNCIL  
APPROVED *Jud. Stefa*  
APPROVED *P. Richardson*  
APPROVED *John P. Blitts - 6*

CANBY CITY PLANNING  
APPROVED *Ralph R.*  
APPROVED \_\_\_\_\_  
APPROVED \_\_\_\_\_

SOUTH BURCH ST.

S.W. FIFTH AVE.

30 FT.

N. 89°-50' E 330 FT.

SW FIFTH AVE

S. 89°-50' W 330 FT.

CANBY UNION HIGH SCHOOL