

ORDINANCE NO. 715

AN ORDINANCE VACATING ENTRY STREET TO WILLAMETTE VALLEY COUNTRY CLUB IN THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON; AND DECLARING AN EMERGENCY

WHEREAS, the entry street to Willamette Valley County Club in the City of Canby, is a dedicated public road and is identified as such on the County's Map No. 31E 28A; and

WHEREAS, Willamette Valley Country Club owns the property immediately bordering said street and has filed a petition with the Canby City Recorder on September 30, 1981, for the vacation of said entry street, and attached to said petition and made a part thereof, was the duly acknowledged consents of at least two-thirds of all owners and/or contract purchasers of the property affected thereby as defined in ORS 271.080(2); and

WHEREAS, the petition for vacation as presented to the City Recorder was found to be sufficient and scheduled to come before the City Governing Body at a meeting thereof on Wednesday, December 16, 1981, and the petitioner was duly notified of that fact; and

WHEREAS, the Canby City Council, as the City's Governing Body, at its meeting on December 16, 1981, considered said petition and allowed it in whole and fixed Wednesday, February 3, 1982, at 8:00 o'clock P.M. at the Council Chambers at the Canby City Hall, 182 North Holly Street, Canby, Oregon, as the time and place for a formal hearing upon the petition; and

WHEREAS, it appears that the notice of the time, place and purpose of the vacation hearing was duly and regularly given in the manner and for the time required by ORS 271.110(1) and 271.110(2), and before such posting and publication of said notice the City Recorder obtained from the petitioner the sum of \$300, which was estimated to be sufficient to pay the City's actual costs of publication, postings and other anticipated expenses including the City's attorneys fees as provided by

ORS 271.110(3); and

WHEREAS, the formal and public hearing on the question of such vacation was duly and regularly held at the time and place advertised and no one appeared either in person or otherwise to object to or remonstrate against the petition and proposed vacation and the council further concluded as follows:

1) That the entry road to the Willamette Valley Country Club is not used as a city street or for other public purposes and should be vacated.

2) That the acknowledged written consents of all abutting property owners and of not less than two-thirds of all owners and/or contract purchasers of the real property affected thereby have been obtained.

3) Required notice of the petition for vacation was given.

4) The public interest will not be prejudiced by the proposed vacation.

5) All city liens and all taxes have been paid on the land which is to be vacated.

6) The vacation will not substantially affect the market value of the abutting properties and no damages are payable.

7) The proposed use is consistent with the present use of the adjoining property, the use for the zone in which it is located and the City's interim development plan for the area; now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: The entry street to the Willamette Valley County Club in Canby, Clackamas County, Oregon, shall be vacated and the vacation thereof shall be effective on the adoption of this Ordinance after second and final reading as provided by the Canby City Charter, and which said entry street is described as follows, to-wit:

Beginning at a 2 inch iron pipe heretofore set as the initial point of Country Club Estates, a subdivision recorded in Book 32, page 27, Record of Plats, Clackamas County, Oregon, said iron pipe being further described as being South 89°36'00"East a distance of 2,674.06 feet from a stone

heretofore set at the northeast corner of the Champing Pendleton D.L.C. No. 58 in Section 28, T. 3 S., R 1 E., of the W.M.; thence from said 2 inch iron pipe North 930.00 feet to the northwest corner of that certain tract of land conveyed to Country Club Estates, Inc., an Oregon Corporation, as described in Book 622, page 794, Deed Records; thence South 89°36' East along the north boundary of the above mentioned Country Club Estates, Inc., tract a distance of 400.00 feet to an iron pipe; thence South 177.2 feet to an iron pipe and the true point of beginning of the tract to be described. Thence North 89°36' West 400 feet to a point on the east line of Amrine Road; thence Northerly along said road, 60 feet; thence South 89°36' East 400 feet to a point due North of the true point of beginning; thence South 60 feet to the point of beginning.


Section 2: That the title to the street area vacated shall attach to the land bordering on such area as provided by ORS 271.140.

Section 3: That upon the final reading and enactment of this ordinance the Canby City Recorder shall prepare and file for record with the Clackamas County Recorder a certified copy of this ordinance. The City Recorder shall also prepare and file a certified copy of this ordinance with the Clackamas County Assessor and the Clackamas County Surveyor as required by the provisions of ORS 271.150.

Section 4: Any ordinance or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

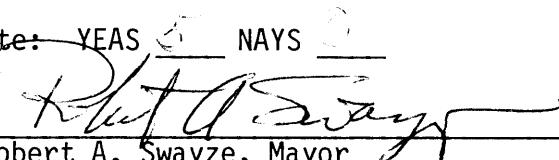
Section 5: It being deemed by the Canby City Council that an emergency exists, this ordinance shall take effect immediately upon its final reading and passage by the City Council.

Submitted to the council and read the first time at a regular meeting of the council held on February 17, ordered posted for a period of two full calendar weeks as provided by the City Charter and scheduled for second reading at a regular meeting of the council on Wednesday, March 17, 1982, commencing at the hour of 7:30 o'clock P.M. at the council's regular meeting place in the Council Chambers at the Canby City Hall.




Harold A. Wyman, City Recorder

ENACTED by the Canby City Council at a regular meeting thereof on the 17th day of March, 1982 by the following vote: YEAS 5 NAYS 0



Robert A. Swayze, Mayor

ATTEST:



Marilyn K. Perkett, City Recorder Pro-Tem