

ORDINANCE NO. 822

AN ORDINANCE VACATING THE ALLEY IN THE PLATTED BLOCK BOUNDED BY NORTHWEST FIRST AVENUE, NORTHWEST SECOND AVENUE, NORTH CEDAR STREET, AND NORTH DOUGLAS STREET.

WHEREAS, the block bounded by Northwest First Avenue, Northwest Second Avenue, North Cedar Street, and North Douglas Street, was platted as part of the original townsite of Canby but was never fully developed; and

WHEREAS, the alley within that block, being unimproved, contains no public utilities and provides no access to private property; and

WHEREAS, the owner of the entire block has requested in writing that the alley be vacated in order to assist his development of the property for the site of a new post office and for such other development as he may choose to undertake; and

WHEREAS, the City Council voted to initiate this action based on the request of the owner received July 12, 1988; and

WHEREAS, the proper notice of public hearing was published four consecutive times in the Canby Herald Newspaper and notices were also posted on the subject property for 28 days; and

WHEREAS, a public hearing was conducted by the City Council on September 7, 1988, at which time all interested citizens were encouraged to appear and present testimony on the proposed street vacation; and

WHEREAS, after conducting the public hearing as scheduled, the City Council found:

1. That the subject alley serves only the property owned by the petitioner; and
2. That the public interest will not be prejudiced by the proposed vacation; and
3. That the vacation will not substantially affect the value or appropriate development of adjoining properties and, hence, no damages are payable; and
4. That proper notice of the public hearing was given as required in ORS 271.

NOW THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The alley within the platted block bounded by Northwest First Avenue, Northwest Second Avenue, North Cedar Street, and North Douglas Street shall be vacated and said

vacation shall be effective on the adoption of this Ordinance, thirty (30) days after second and final reading, as provided in the Canby City Charter. Said alley is described as follows, to wit:

All of the public alley within block 6 on the map of the town of Canby. Said alley being 20 feet in width and 300 feet in length.

Section 2. The title to the alley area vacated shall attach to the land bordering on the above described property as provided in ORS 271.140.

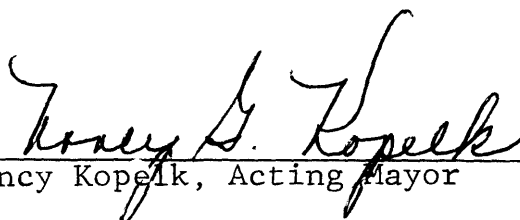
Section 3. Upon the final reading and enactment of this Ordinance the City Recorder shall prepare and file certified copies of this Ordinance with the Clackamas County Clerk, Assessor, and Surveyor as provided in ORS 271.150.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof, on Wednesday, September 7, 1988; ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, September 21, 1988, in the City Council Chamber of City Hall.

  
Marilyn K. Perkett, City Recorder

ENACTED by the Canby City Council at a regular meeting thereof on November 2, 1988, by the following vote:

YEAS 6 NAYS 0

  
Nancy Kopelk, Acting Mayor

ATTEST:

  
Marilyn K. Perkett, City Recorder