

ORDINANCE NO. 875

**AN ORDINANCE VACATING THE
INTERSECTING STREETS OF S.W. 5TH
AVENUE AND S. BIRCH STREET, BOTH
ENTIRELY WITHIN THE PRESENT CANBY
HIGH SCHOOL SITE.**

WHEREAS, the City presently owns the rights-of-way for both S.W. 5th Avenue and S. Birch Street; and

WHEREAS, both streets are inadequately constructed to carry the loads expected as a result of the high school remodel; and

WHEREAS, the high school has requested, in writing, that both streets be vacated in order to assist with on-site traffic movement and the construction of several safety features; and

WHEREAS, the City Council voted to initiate this action based on the request of the owner, received December 11, 1991; 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 January 15, 1992, 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 streets serve only the high school site; and
2. that the public interest will not be prejudiced by the proposed vacation in that the streets presently serve only the high school and by owning them, they can incorporate the use of them into the remodel plans; and
3. that the vacation will not substantially affect the value or appropriate development of adjoining property 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 streets of S.W. 5th Avenue and S. Birch street, both entirely bounded by properties owned by Canby Union High School, 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 City Charter. Said streets are shown on Attachment "A" as part of this Ordinance.

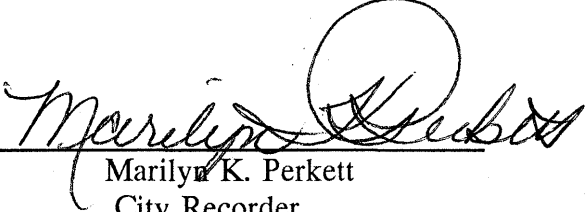
Section 2. The title to the vacated streets shall attach to the land bordering on the vacated streets described in this Ordinance and shown on Attachment "A" and provided in ORS 271.140.

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. The recording costs shall be borne by Canby Union High School.

Section 4.

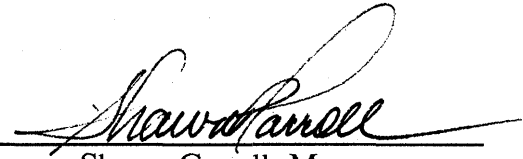
Easements for present and future public utilities in each street shall be given to the City for recording prior to the effective date of this Ordinance. Recording costs of said easements shall be borne by Canby Union High School.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, January 15, 1992, and 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, February 5, 1992, commencing at the hour of 7:30 p.m., in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.



Marilyn K. Perkett
City Recorder

ENACTED by the Canby City Council at a regular meeting thereof on February 5, 1992, by the following vote:

YEAS 6 NAYS 0


Shawn Carroll, Mayor

ATTEST:


Marilyn K. Perkett, City Recorder

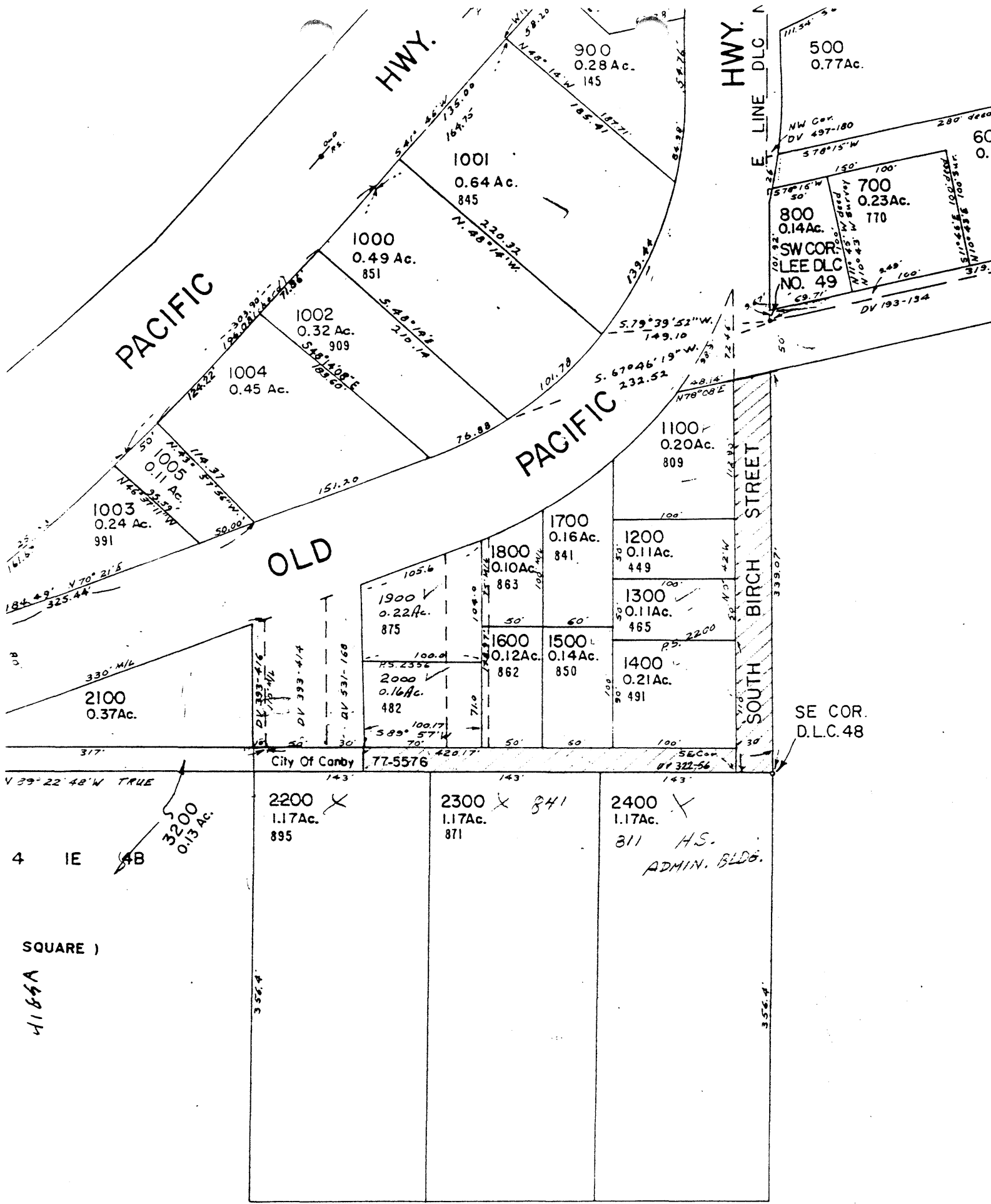
March 13, 1992
Canby High School

VACATION

BEGINNING at the S.E. corner of the Lucius Seely D.L.C. No. 48 as computed in survey No. P.S. 24368 filed with the Clackamas County Survey Office, located in the Lucius Seely D.L.C. No. 48, in the N.W. 1/4 of Section 4, T.4S., R.1E., W.M., City of Canby, Clackamas County, Oregon; Thence, along the south line of said D.L.C., also being the south right of way line of south 5th Street, N89°56'28"W 339.94 feet; Thence, leaving said south line N00°35'29"W 20.00 feet to the north right of way line of south 5th Street; Thence, along the said north right of way line, S89°56'28"E 309.94 feet to the west right of way line of south Birch Street; Thence, along said west right of way line N00°35'29"W 304.59 feet to the south right of way line of south Fourth Avenue; Thence, along said south right of way line N77°47'33"E 30.63 feet to the east right of way line of south Birch Street, also being the east line of Lucius Seely D.L.C. 48; Thence, along said east line S00°35'29"E 331.09 feet to the POINT OF BEGINNING.

Said easement containing 16,032 square feet more or less.

Subject to easements of record.



PACIFIC

OLD

PACIFIC

HWY.

E LINE DLC

BIRCH STREET
SOUTH

SE COR. D.L.C. 48

City Of Canby 77-5576

4 IE 4B

SQUARE)

4164A

ATTACHMENT "A"

SEE MAP 4 IE 4B

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