

## ORDINANCE NO. 882

### **AN ORDINANCE VACATING OLD KNIGHTS BRIDGE ROAD ALIGNMENT WITHIN THE PRESENT CANBY CITY LIMITS AND DECLARING AN EMERGENCY.**

**WHEREAS**, ownership of the unimproved Old Knights Bridge Road alignment has been transferred to the City from Clackamas County; and

**WHEREAS**, the existing utilities in the roadway can be protected with utility easements; and

**WHEREAS**, the vacation of this right-of-way was a condition of approval to Lillian's Meadow I before Lillian's Meadow II would be approved; and

**WHEREAS**, all adjacent property owners have consented to this vacation; and

**WHEREAS**, as part of transferring ownership of this right-of-way to the City, the County recommended that additional traffic on it should be minimized; and

**WHEREAS**, proper notice of public hearing was published four (4) consecutive times in the Canby Herald newspaper, and notices were also posted on the subject property for twenty-eight (28) days; and

**WHEREAS**, a public hearing was conducted by the Canby City Council on February 3, 1993, 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 street serves three (3) property owners and all three (3) have consented to the vacation; and
2. That the public interest will not be prejudiced by the proposed vacation in that the utilities and access can be preserved with easements; 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. The proper notice of the public hearing was given as required by ORS 271.

#### **NOW THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. As provided under ORS 271.146, the title to the vacated street shall attach to the adjacent ownerships as shown on Attachment "A" to this ordinance and by this reference incorporated herein.

Section 2. The existing utilities shall be protected in perpetuity with a twelve foot (12') utility easement provided to the City by each adjacent property owner.


Section 3. The access to the two (2) existing residences will be preserved by naming the above described utility easement as an open primary access easement to both properties with existing residences.

Section 4. Development, as proposed, on property to the north will provide only limited secondary access to created lots in order to minimize traffic impacts on Knights Bridge Road.

Section 5. 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 the petitioner for this vacation.

Section 6. In order to comply with a Planning Commission condition, an emergency is hereby declared to exist in order to immediately benefit the health, welfare and safety of the citizens of Canby and this Ordinance shall therefore take effect upon final reading and adoption.


**SUBMITTED** to the Council and read the first time at a regular meeting thereof on February 3, 1993, ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days, as authorized by the Canby City Charter; and to come up for final reading and action by the Canby City Council at a regular meeting thereof on February 17, 1993, commencing after the hour of 7:30 p.m., at the Council's regular meeting chambers at the Canby City hall in Canby, Oregon.

  
Marilyn K. Perkett, City Recorder

**ENACTED** by the Canby City Council at a regular meeting thereof on February 17, 1993, by the following vote: YEAS 6 NAYS 0

  
Scott Taylor, Mayor

ATTEST:

  
Marilyn K. Perkett, City Recorder

KNIGHT'S BRIDGE ROAD (OLD PORTION OF COUNTY ROAD NO. 50):  
All that portion of the old Knight's Bridge Road right-of-way that lies north of the northerly right-of-way line of relocated Knight's Bridge Road as described in Clackamas County Commissioners Journal Book 67, Page 850 and east of the easterly bank of the Molalla River.

DEED BOOK 640, PAGE 910:  
All that real property conveyed to Clackamas County to be used for road purposes described in Book 640, Page 910, Clackamas County Deed Records.

ATTACHMENT "A"

MOLALLA

86-02

200  
12.85 Ac.  
1112

S. LINE C. PENDLETON D.L.C. NO. 58

IE

NW 12TH AVE.

32AB

NE CORNER CURB-  
NE CORNER ADDRESS

NW

PARTITION  
PLAT  
1991-17

COURT

10TH

BIRCH

AVE

PARTITION  
PLAT  
1990-7

NW ASPEN

SEE  
MAP  
3  
IE  
32A

NW

9TH

AVE

NORTH

NOTE  
See letter to Survey file  
Reference to Vachon

OLD CO.  
RD. NO. 50

KNIGHT

CO. RD. NO. 50  
BRIDGE

LITTLEANIS  
TRACT 2935

N.W. BAKER ST.

STREET

SEE

MAP 3

IE

32DB

SEE

MAP 3

IE

32DA

502  
PARCEL 1  
(0.18 Ac.)

0.12 Ac  
PARCEL 2  
(0.16 Ac.)

PARTITION PLAT  
1991-20

ATTACHMENT A