

ORDINANCE NO. 895

AN ORDINANCE VACATING A PORTION OF THE PUBLIC WAY KNOWN AS SOUTH PINE STREET WITHIN THE PRESENT CITY LIMITS OF CANBY, AND DECLARING AN EMERGENCY.

WHEREAS, the City presently owns a portion of South Pine Street, more specifically described as Exhibit "A" hereto, and by reference, incorporated herein; and

WHEREAS, the City has relocated the route for South Pine Street in the area wherein the old portion is existing and the City, is therefore desirous of vacating said portion that will not be used for a public thoroughfare; and

WHEREAS, the City Council voted to initiate the vacation by action at its regular meeting on May 5, 1993; and

WHEREAS, notice of a public hearing was published for two (2) consecutive times in the Canby Herald newspaper, notice was mailed to the following persons:

1. John and Patricia Watson (contract purchaser of subject property)
2. Harold and Yvonne Wodtli (contract seller of subject property);

notice was given to various utility service providers, and notice was also posted on the property for the required statutory period; and

WHEREAS, a public hearing was held by the Canby City Council on June 16, 1993, at which time all interested parties were invited to appear and testify regarding the proposed vacation; and

WHEREAS, after conducting the public hearing the Council found:

1. Due to the route realignment of S. Pine Street, subject portion is no longer needed as a public thoroughfare.
2. The public interest will not be prejudiced by the proposed vacation in that the roadway is being relocated to better serve the property owners in the area.
3. The vacation will not substantially affect the value or appropriate development of adjoining property and hence, no damages are payable.
4. Proper notice of the public hearing was given as required by ORS 271.110.
5. All public utilities notified indicated that there were no utilities located in said portion of S. Pine Street, now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The portion of South Pine Street, more particularly described in Exhibit "A" shall be vacated and said vacation shall be effective immediately upon the

adoption of this ordinance.

Section 2. Upon adoption 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.


Section 3. The title to said vacated portion shall attach to the lands bordering the vacated portion, as more particularly described in Exhibit "A", and provided in ORS 271.140.

Section 4. In order to facilitate immediate development of the vacated portion by the adjoining property owners, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its enactment after final reading.

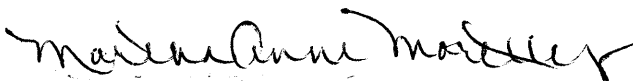
SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, June 16, 1993; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, July 7, 1993, after the hour of 7:30 p.m. at the Council Chambers at the Canby City Hall, 182 N. Holly, Canby, Oregon.


Marilyn K. Perkett, City Recorder

ENACTED by the Canby City Council at a regular meeting thereof on July 7, 1993, by the following vote: YEAS 5 NAYS 0


Scott Taylor, Mayor

ATTEST:


Martha Anne Moretty, City Recorder Pro-Tem

RIGHT-OF-WAY VACATION

WATSON PROPERTY

T3S R1E Sections 33 and 34

A portion of that public right-of-way known as South Pine, beginning at a point approximately 750 feet south of State Highway 99-E, following the old public way right-of-way southward for another 730 feet, then eastward for an additional 390 feet.

The above-described property was conveyed as a public road pursuant to deeds recorded in the records of Clackamas County, Oregon, on December 20, 1911, in volume 127, Page 145, and on September 17, 1920, in Volume 159, Page 598, to the extent such road lies across the property now owned by Harold and Yvonne Wodtli pursuant to a deed recorded on April 11, 1985, as Recorder's Fee No. 85-11976, and subject to a land sale contract, under which John and Patricia Watson are purchasers, a memorandum of which was recorded on July 22, 1991, as Recorder's Fee No. 91-35912.

EXHBIT "A"