

ORDINANCE NO. 909

**AN ORDINANCE VACATING AN EASEMENT
AND A PORTION OF THE PUBLIC WAY
KNOWN AS SOUTH PINE STREET WITHIN
THE PRESENT CITY LIMITS OF CANBY, AND
ACCEPTING DEDICATION OF ALTERNATE
LOCATION**

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 December 15, 1993; and

WHEREAS, notice of a public hearing was published for two (2) consecutive times in the Canby Herald newspaper, given to various utility service-providers, and was posted on the property for the required statutory period; and

WHEREAS, a public hearing was held by the Canby City Council on January 19, 1994, 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 and easements are no longer needed as a public thoroughfare and easements.

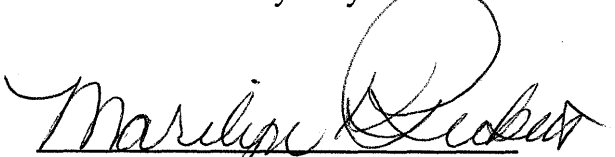
2. The public interest will not be prejudiced by the proposed vacation in that the roadway and easement are being relocated to better serve the property owners in the area.
3. The vacation will not substantially affect the value or appropriate development of adjoining property and, hence, no damages 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, or easement, now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The portion of S. Pine Street, and subject easement, more particularly described in Exhibit "A" shall be vacated and said vacation shall be effective immediately upon the dedication by the owners of Tax Lots 1200, 1201 and 1280 of Tax Map 3-1E-34C, of the required alternate alignment for widening S. Pine Street right-of-way by five (5) feet.

Section 2. The proposed additional right-of-way of five (5) feet width is accepted, as described in Exhibit "A".

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, January 19, 1994; ordered posted as required by the Canby City Charter and scheduled for second reading and action of the Canby City Council at a regular meeting thereof on Wednesday, February 2, 1994; commencing after the hour of 7:30 P.M., at the Council Meeting Chambers at Canby City Hall in Canby, Oregon.



Marilyn Perlett, City Recorder

ENACTED by the Canby City Council at a regular meeting thereof on
February 2, 1994, by the following vote:

YEAS 6 NAYS 0



Scott Taylor, Mayor

ATTEST:


Marilyn K. Perrett
City Recorder

EXHIBIT "A"

DESCRIPTION FOR VACATION OF SOUTH PINE RIGHT OF WAY AS DEDICATED ON PARTITION PLAT 1990-79:

VACATE ALL SOUTH PINE RIGHT OF WAY DEDICATED AS PART OF PARTITION PLAT 1990-79, LOCATED IN THE PHILANDER LEE D.L.C. NO. 56 IN S.E. 1/4 OF SECTION 33 AND S.W. 1/4 OF SECTION 34; T.3S.; R.1E.; WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, CITY OF CANBY, OREGON AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON PIPE AT THE SOUTH EAST CORNER OF PARCEL 1 OF PARTITION PLAT 1990-79 IN THE WESTERLY RIGHT OF WAY OF SOUTH PINE STREET BEFORE DEDICATION PER SAID PLAT; THENCE S89°39'22E 20.00 FEET TO THE WESTERLY RIGHT OF WAY AS DEDICATED ON PARTITION PLAT 1990-79; THENCE N0°01'21"W 154.89 FEET ALONG SAID WESTERLY RIGHT OF WAY TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 100.00 FEET, A DELTA ANGLE OF 90°00'00", AND AN ARC LENGTH OF 157.08 FEET; THENCE N89°58'39"W 141.19 FEET TO AN ANGLE POINT IN THE NORTH LINE OF PARCEL 1 AND THE NORTHERLY BOUNDARY LINE OF PARTITION PLAT 1990-79; THENCE N76°12'20"E ALONG SAID NORTHERLY LINE 205.33 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 160.00 FEET, A DELTA ANGLE OF 27°15'37", AND AN ARC LENGTH OF 76.12 FEET TO THE WESTERLY RIGHT OF WAY OF SOUTH PINE BEFORE DEDICATION PER PARTITION PLAT 1990-79; THENCE S0°01'21"W 260.83 FEET TO A 1/2" IRON PIPE AT THE POINT OF BEGINNING.

DESCRIPTION FOR VACATION OF EASEMENT ALONG COMMON LINE BETWEEN PARCEL 1 AND PARCEL 2, PARTITION PLAT 1990-79:

VACATE EASEMENT 6 FEET EACH SIDE OF THE LINE COMMON TO PARCEL 1 AND PARCEL 2, PARTITION PLAT 1990-79, THE CENTERLINE OF THE EASEMENT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH WEST CORNER OF PARCEL 2, PARTITION PLAT 1990-79; THENCE N62°53'45"E 62.33 FEET; THENCE S27°10'22"E 76.61 FEET; THENCE EAST 260.16 FEET TO THE NORTHEAST CORNER OF PARCEL 2, PARTITION PLAT 1990-79.

DESCRIPTION FOR SOUTH PINE RIGHT OF WAY DEDICATION AFTER VACATION OF PLATTED DEDICATION:

DEDICATE THE EASTERLY 15.00 FEET OF PARCEL 1, PARTITION PLAT 1990-79 AFTER VACATION OF PLATTED RIGHT OF WAY A PART OF PARTITION PLAT 1990-79, LOCATED IN THE PHILANDER LEE D.L.C. NO. 56 IN S.E. 1/4 OF SECTION 33 AND S.W. 1/4 OF SECTION 34; T.3S.; R.1E.; WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, CITY OF CANBY, OREGON AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2 INCH IRON PIPE AT THE SOUTH EAST CORNER OF PARCEL 1 OF PARTITION PLAT 1990-79 IN THE WESTERLY RIGHT OF WAY OF SOUTH PINE STREET BEFORE DEDICATION PER SAID PLAT; THENCE S89°39'22E 15.00 FEET; THENCE N0°01'21"W 315.75 FEET TO THE NORTHERLY BOUNDARY OF PARTITION PLAT 1990-79; THENCE N76°12'20E 15.42 FEET TO THE NORTHEAST CORNER OF PARTITION PLAT 1990-79; THENCE S0°01'21"W 319.24 FEET TO A 1/2" IRON PIPE AT THE POINT OF BEGINNING.