

ORDINANCE NO. 1096

AN ORDINANCE VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY BETWEEN S IVY STREET AND THE INTERSECTION OF SE 10TH AVENUE AND S LARCH STREET.

WHEREAS, the City presently owns a portion of right-of-way between S. Ivy Street and the intersection of SE 10th Avenue and S. Larch Street as shown in exhibit "A" hereto and as described in exhibit "B", and by reference incorporated herein; and

WHEREAS, a petition for vacation of a portion of this right-of-way was filed by Rick Lee Myers and Kim Virginia Myers on April 23, 2002; and,

WHEREAS, the petition was reviewed by the City Staff and the petition was found to be complete and more than two-thirds of the affected property owners were in agreement with the petition; and,

WHEREAS, the vacation is requested to stop future expansion to Ivy Street, induce expanded tax base for otherwise unusable real property, and to expand the petitioners side and back yards; and,

WHEREAS, the City Council has determined that the right-of-way was originally dedicated for use as a street, but the development pattern of surrounding areas and the long-term traffic management plans for the City has rendered the right-of-way unnecessary for vehicle traffic and fifteen feet of right-of-way width is sufficient for bicycle traffic, pedestrian traffic, and maintenance vehicle use; and

WHEREAS, notice of a public hearing was published for two (2) consecutive weeks in the Canby Herald newspaper and posted on the property in two (2) conspicuous locations; and,

WHEREAS, a public hearing was held on this matter before the Canby City Council on May 13, 2002 and all statutory requirements for the vacation were found to be met; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

The public right-of-way as described by the legal description attached as Exhibit "B" shall be vacated and title to the vacated property shall be attached to the neighboring property described as Taxlot 16600 of Map 4-1E-04AA.

SUBMITTED to the City Council and read the first time at a regular meeting thereof on Wednesday, December 4, 2002; ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the City of Canby Charter and to come before the City Council for

final reading and action at the regular meeting thereof on Wednesday, December 18, 2002; commencing after the hour of 7:30 P.M., at the City Council's Chambers at Canby City Hall, Canby, Oregon.

Chaunce Seifried
~~Mark Adcock, City Administrator~~
Chaunce Seifried, City Recorder pro tem

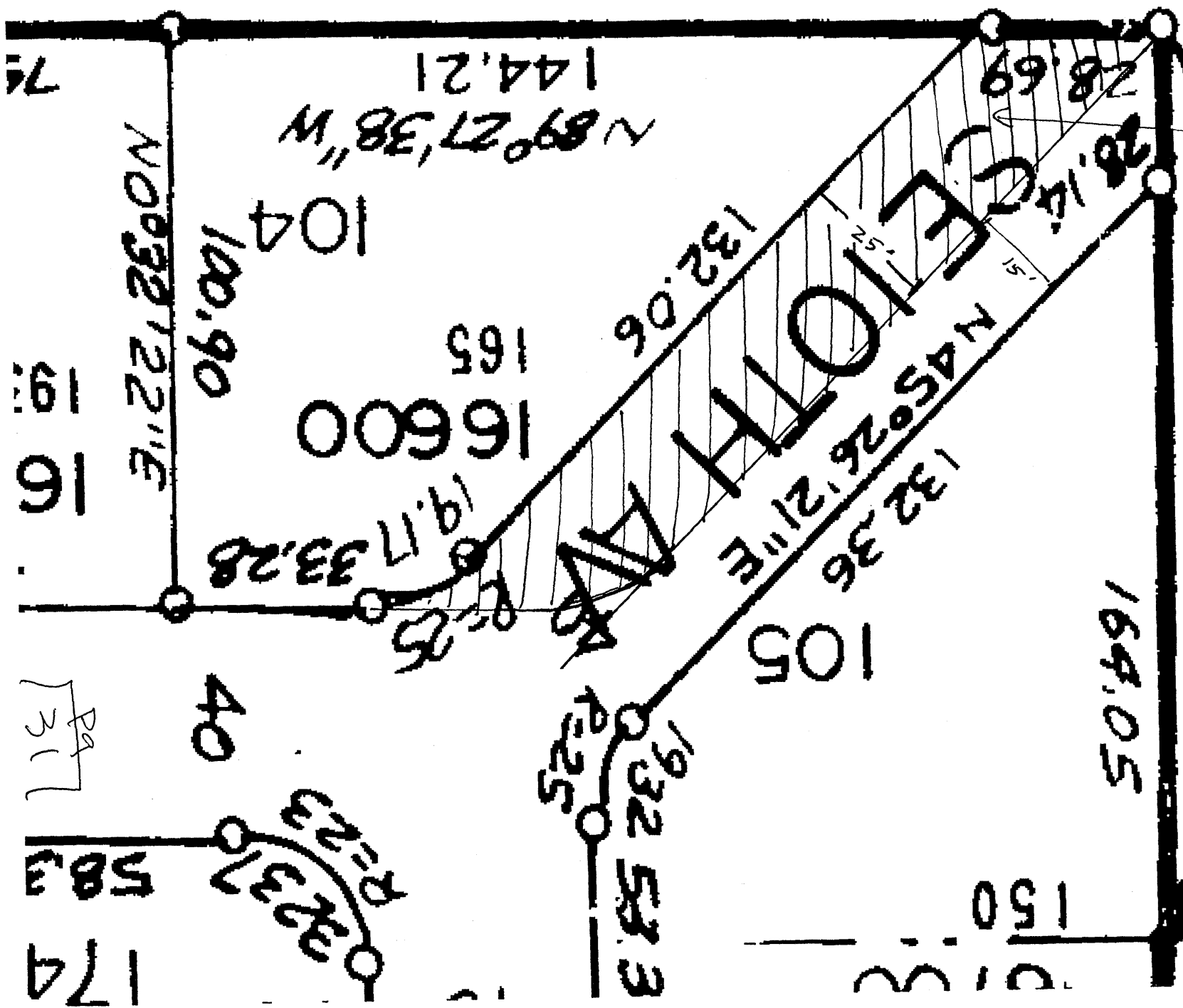
ENACTED by the Canby City Council at a regular meeting thereof on December 18, 2002 by the following votes:

YEAS: 6
NAYS: 0

Terry L Prince
Terry L Prince, Mayor

ATTEST:

Chaunce Seifried
~~Mark Adcock, City Administrator~~
Chaunce Seifried, City Recorder pro tem



Approximate Area to be vacated to Rick and Kim Meyers

Exhibit "A"

Pa
 311

40
 58.3
 174

Exhibit "B"

LOVE LAND SURVEYS, INC.
P.O. BOX 307
GLADSTONE OR 97027
(503) 656-4915

October 18, 2002

Job No. 02-2946
Rick Meyers

Legal Descriptions for property line adjustment, City of Canby file No.

A tract of land, being a part of S.E. 10th Ave. of TOWNSHIP VILLAGE NO. 8, Plat No. 3283, situated in the northeast one quarter of Section 4, Township 4 South, Range 1 East, Willamette Meridian, in the City of Canby, Oregon, and being described as follows:

Beginning at the most westerly corner of Lot 104, TOWNSHIP VILLAGE NO. 8; thence North 45°26'21" East along the northwesterly line of said Lot 104, 132.06 feet to the point of curve of a 25.00 foot radius curve to the right; thence North 44°26'33" West 25.00 feet; thence South 45°26'21" West, being 25.00 feet northwesterly of and parallel with the northwesterly line of said Lot 104, 147.80 feet to the west line of TOWNSHIP VILLAGE NO. 8; thence South 01°04'56" West along said west line, 6.53 feet to the southwest corner thereof; thence South 89°27'38" East along the south line of said TOWNSHIP VILLAGE NO. 8, 28.69 feet to the point of beginning.

Said tract contains 3,592 square feet.