

ORDINANCE NO. 1112

AN ORDINANCE VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY ORIGINALLY CREATED AS AN EMERGENCY VEHICLE TURNAROUND ON THE SOUTH SIDE OF SE 9TH AVENUE BETWEEN TAXLOTS 508 AND 509 OF MAP 4-1E-03BB.

WHEREAS, the City presently owns a portion of right-of-way as shown in Exhibit "A" on the south side of SE 9th Avenue between taxlots 508 and 509 of taxmap 4-1E-03BB that was originally platted for use as an emergency vehicle turnaround when SE 9th Ave was a dead-end street; and

WHEREAS, the original plat designated the area for vacation at a time after SE 9th was constructed as a through street which occurred during the development of the Blair Commons subdivision; and

WHEREAS, a petition for vacation of a portion of this right-of-way was filed by Bruce Martin and Summer Dell on November 8, 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 comply with the original intention of the subdivision plat and restore the no longer needed right-of-way to the neighboring properties; and,

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

WHEREAS, a public hearing was held on this matter before the Canby City Council on December 18, 2002 and all statutory requirements for the vacation were found to be met; now therefore

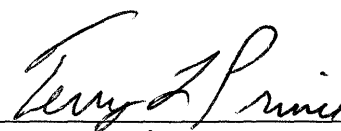
THE CITY OF CANBY ORDAINS AS FOLLOWS:

The public right-of-way as described by the legal descriptions attached as Exhibit "B" shall be vacated and title to the vacated property shall attach to the neighboring properties described as Taxlots 508 and 509 of Map 4-1E-03BB.

SUBMITTED to the City Council and read the first time at a regular meeting thereof on Wednesday, December 18, 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, January 8, 2003; commencing after the hour of 7:30 P.M., at the City Council's Chambers at Canby City Hall, Canby, Oregon.


ENACTED by the Canby City Council at a regular meeting thereof on January 8, 2003 by the following votes:

YEAS: 6
NAYS: 0



Terry L Prince, Mayor

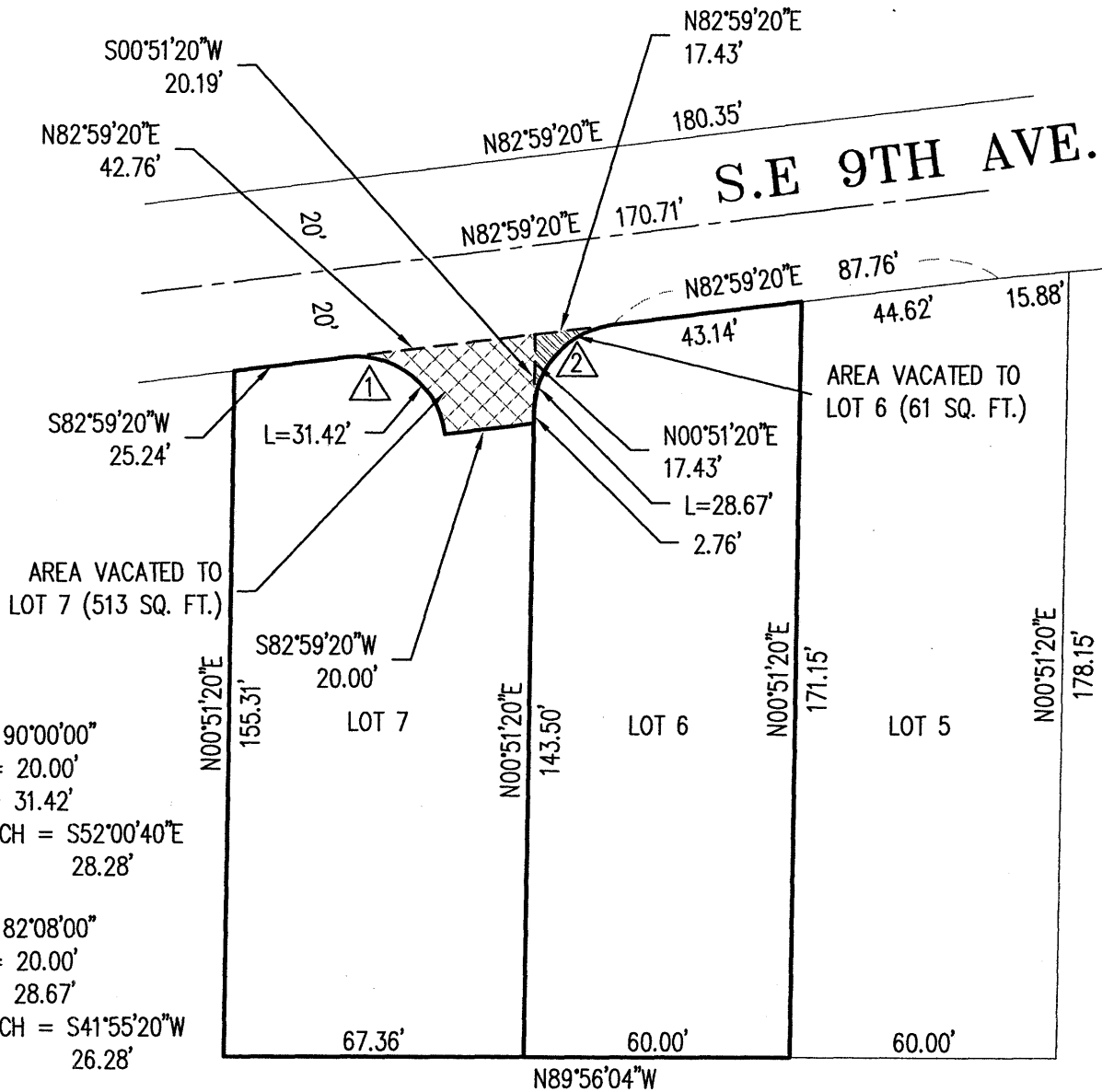
ATTEST:



Chauncey F. Seifried, City Recorder, Pro Tem

EXHIBIT "A"

"SOUTH REDWOOD ESTATES"



①
 $\Delta = 90^{\circ}00'00''$
 $R = 20.00'$
 $L = 31.42'$
 $CH = S52^{\circ}00'40''E$
 $28.28'$

②
 $\Delta = 82^{\circ}08'00''$
 $R = 20.00'$
 $L = 28.67'$
 $CH = S41^{\circ}55'20''W$
 $26.28'$

GRAPHIC SCALE



(IN FEET)
 1 inch = 40 ft.

TITLE: EXHIBIT DWG	
DATE: 11-21-02	PLOT DATE: 11-22-02
DWG BY: JHH	CHK BY: CCF
SHEET: 1 OF 1	FILE: J3044-1

ZTec ENGINEERS, INC.

3737 S.E. 8TH AVE.
 PORTLAND, OREGON 97202
 (503) 235-8795

CLIENT: BRUCE MARTIN

ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

EXHIBIT (B)

John McL. Middleton, P.E.
Chris C. Fischborn, P.L.S.3737 SE 8th Ave.
Portland, OR 97202
503-235-8795
FAX: 503-233-7889Ronald b. Sellards, P.E.
Dean P. Zarosinski, P.E.Email: chris.fischborn@ztecengineers.com

November 21, 2002

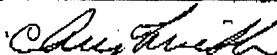
VACATION OF A PORTION OF SOUTHEAST 9TH AVENUE
TO LOT 6 OF "SOUTH REDWOOD ESTATES"

A Parcel of Land being a portion of Southeast 9th Avenue located in the Northwest one-quarter of Section 3, Township 4 South, Range 1 East, of the Willamette Meridian, in the City of Canby, Clackamas County, Oregon. Said Parcel of Land being more particularly described as follows:

Commencing at the Northeast corner of Lot 6 of the duly recorded Plat of "South Redwood Estates", said Northeast corner being on the south right-of-way line of Southeast 9th Avenue; thence South 82°59'20" West along said South right-of way line, a distance of 43.14 feet to a point of curve in said South right-of-way line and the true point of beginning of the parcel of land herein described:

Thence continuing along said South right-of-way line, along a 20.00 foot radius to the left, through a central angle of 82°08'00", an arc distance of 28.67 feet (the long chord of said curve bears South 41°55'20" West a distance of 26.28 feet) to a point on the Easterly boundary line of said Lot 6; thence North 00°51'20" East, on the Northerly extension of said Easterly Boundary Line of said Lot 6, a distance of 17.43 feet to a point; thence North 82°59'20" East a distance of 17.43 feet to the true point of beginning of the Parcel of Land herein described.

Said Parcel of Land contains an area of 61 square feet more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOROREGON
JULY 17, 1981
CHRIS FISCHBORN
1944

ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E.
Chris C. Fischborn, P.L.S.3737 SE 8th Ave.
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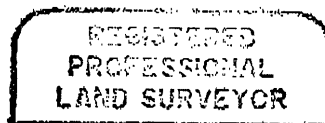
**VACATION OF A PORTION OF SOUTHEAST 9TH AVENUE
TO LOT 7 OF "SOUTH REDWOOD ESTATES"**

A Parcel of Land being a portion of Southeast 9th Avenue located in the Northwest one-quarter of Section 3, Township 4 South, Range 1 East, of the Willamette Meridian, in the City of Canby, Clackamas County, Oregon. Said Parcel of Land being more particularly described as follows:

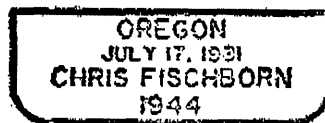
Commencing at Northwest corner of Lot 7 of the duly recorded Plat of "South Redwood Estates", said Northwest corner being on the Southerly right-of-way line of Southeast 9th Avenue; thence North 82°59'20" East, along said Southerly right-of-way line, a distance of 25.24 feet to the true point of beginning of the parcel of land herein described;

Thence North 82°59'20" East a distance of 42.76 feet to a point on the Northerly extension of the West boundary line of said Lot 7; thence South 00°51'20" West, along said Northerly extension and along said West Boundary line, a distance of 20.19 feet to a point on the Southerly right-of-way line of said Southeast 9th Avenue; thence South 82°59'20" West, along said Southerly right-of-way line, a distance of 20.00 feet to a point of non-tangent curve; thence continuing along said Southerly right-of-way line, along a 20.00 foot radius curve to the left, through a central angle of 90°00'00", an arc distance of 31.42 feet (the long chord of said curve bears North 52°00'40" West a distance of 28.38 feet) to the true point of beginning of the parcel of land herein described.

Said Parcel of Land contains an area of 513 square feet more or less.



Chris Fischborn



BEFORE THE CITY COUNCIL

OF THE

CITY OF CANBY

Bruce Martin and)
(neighbor's name), neighbors) PETITION TO VACATE STREET
SUMMER DELL) PROPERTY

Come now, Bruce Martin and (neighbor's name), and petitions the councils of the City of Canby to:

1.

Vacate a portion of SE 9th, specifically described in the attached **Exhibit "A"**. A sketch of the proposed street area to be vacated an surrounding area is attached as **Exhibit "B"**.

2.

Title to the vacated property shall attach, as stated in the attached **Exhibit "C"**, to the properties owned by the petitioners.

3.

The vacated land shall be used for, Expansion of petitioners Residential Real Property.

4.

The reasons for the vacation are; to return property dedicated as a fire turnaround while SW 9th Avenue was a stubbed street to the petitioners property now that SW 9th Avenue has been continued and the fire turnaround is no longer necessary.

Appended to this petition as Exhibit "D" is the consent of not less then two-thirds of the owners of the real properties affected thereby. The real property affected thereby is defined in ORS 271.080 {2} as that land lying on either side of the portion of the street to be vacated and extending laterally to the next street that serves as a parallel, but in any case, not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond its terminus of the part proposed to be vacated.

Respectfully Submitted,

Bruce Martin

Bruce Martin

Act Acknowledgment
State of OREGON, County of Clackamas

Signed before me on Nov. 8, 2002

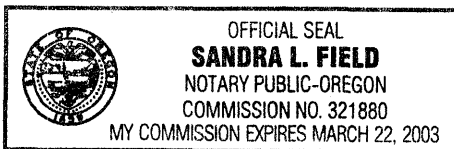
By Bruce Martin & Summer Dell

Sandra L. Field
Notary Public - State of Oregon 3/23/03 expiration

~~(Name of Neighbor)~~ SUMMER DELL

Summer Dell

Bruce Martin and ~~(neighbor's name)~~
SUMMER DELL
Petitioners



13TH PL

S PINE ST

OAK PL

S PINE S

SE 12TH LP

SE 11TH LP

AV

SE 10TH LP

400'

SE 10TH AV

REDWOOD ST

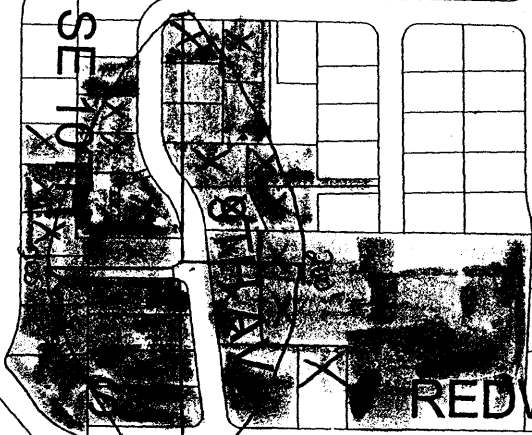
S

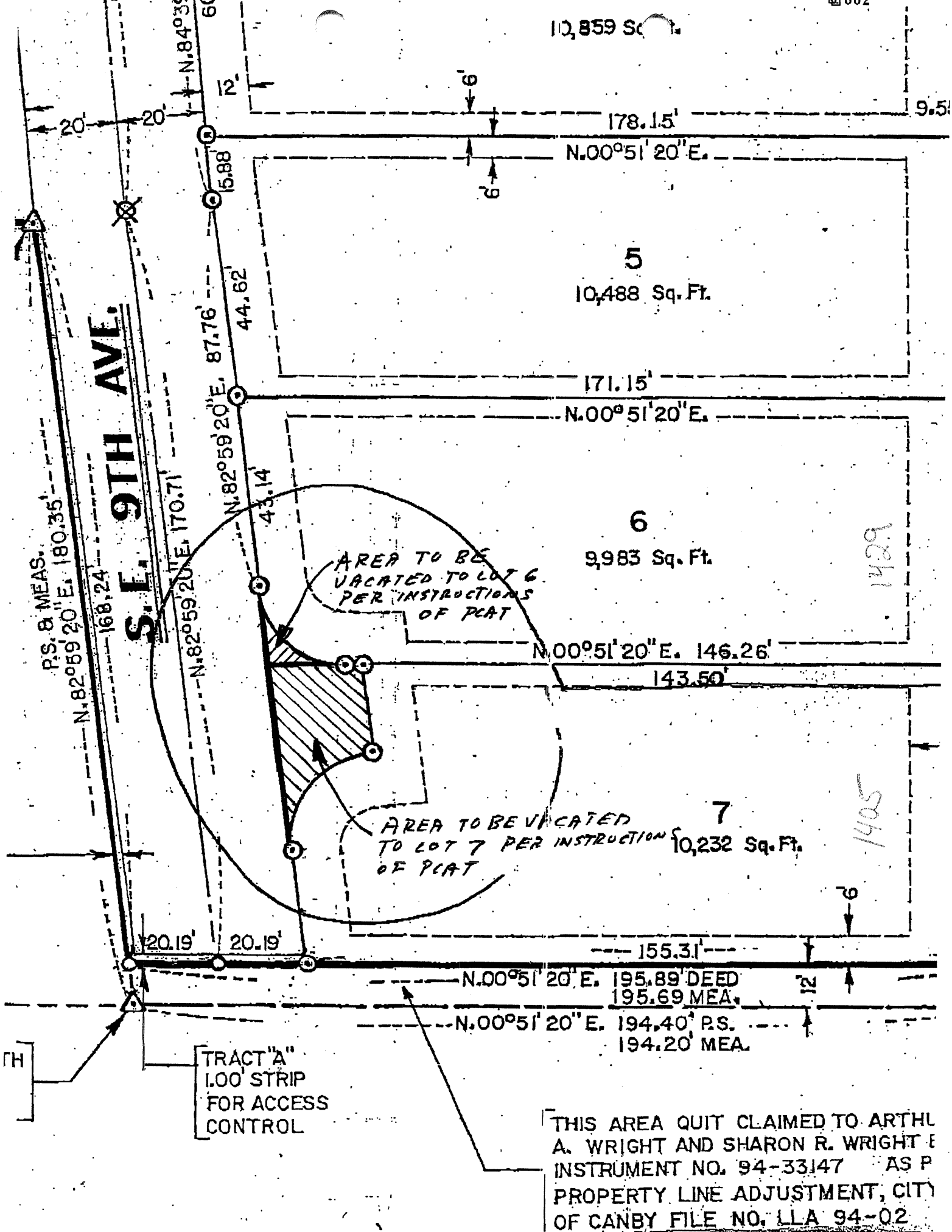
SW

13TH

500'

EXHIBIT "B"





10,859 Sq. Ft.

178.15'

N.00°51'20"E.

10,488 Sq. Ft.

171.15'

N.00°51'20"E.

9,983 Sq. Ft.

N.00°51'20"E. 146.26'

143.50'

10,232 Sq. Ft.

155.31'

N.00°51'20"E. 195.89' DEED 195.69' MEAS.

N.00°51'20"E. 194.40' P.S. 194.20' MEAS.

1429

1405

EXHIBIT "D"

WE, THE UNDERSIGNED, HEREBY CONSENT TO THE PETITION TO VACATE STREET PROPERTY AS DESCRIBED IN EXHIBIT "A" AS AFFECTED AND/OR ABUTTING PROPERTY OWNERS

Paul Gale

~~MARK KRAXBERGER BUILDER INC
1391 SE 8TH AVENUE
1373~~

Paul Gale

BONNIE NAKASHIMADA
1381 SE 8TH AVENUE

Bonnie Nakashimada

JUDY AND KENNETH HOSTETLER
861 S REDWOOD STREET

Kenneth D. Hostette

JOHN AND LEAH CHRISWELL
856 S PONDEROSA ST

NOT AVAILABLE

DAVID GAREN & BETTY BURKHOLDER
1380 SE 9TH AVENUE

Betty Bruce Garen

NATHAN AND JILL MORRIS
870 S PONDEROSA ST

[Signature]

JAY AND KATHLEEN LAYTON
1360 SE 9TH AVENUE

Kathleen Layton

TOM & AMY RORICK
1300 SE 9TH AVENUE

[Signature]

~~WAND NELSON CONTRACTORS
1320 & 1340 SE 9TH AVENUE
1331 & 1345 SE 9TH AVENUE
1391 & 1375 SE 9TH AVENUE~~

Peter Kurronen
1315 SE 9TH Pkwy
x Wand-Nelson Contrs Inc
by James B. Hand Pres.

[Signature]

Betty J. Watson
1410 S E 9th ave
Carbodr 9701

Betty J. Watson

Paul & Clyn Carter
(Jaelyn Carter)

DANIEL AND JANET HOSTETLER
1487 & 1473 SE 9TH AVENUE
1405 & 1451 SE 9TH AVENUE

~~AA~~ (Ryan Smith)

SUMMER DELL 503 266-9355
1429 SE 9TH AVENUE

Summer Dell
Summer A Dell

KELLY AND JOEL KUHNKE
1361 SE 9TH AVENUE

Joel Kuhnke

ALFREDO AND JULIE QUINTERO
1380 SE 10TH AVENUE

Alfredo Quintero

DAVID AND LISA BROW
1420 SE 10TH AVENUE

Lisa Brow
Lisa Brow

KIMBERLY AKINS
1425 SE 10TH AVENUE

Kimberly Akins
Kimberly Akins

JEANNE & JASON BRISTOL
983 S REDWOOD ST
503 266 7367

Jason Bristol
JASON BRISTOL

MARIAN MCDONALD TRUSTEE
1344 SE 10TH AVENUE

Marian McDonald
Marian McDonald

HERBERT AND EARLINE CARTER
1368 SE 10TH AVENUE

Herbert S. Carter

J.J. Natalie Imhoff
1423 SE 8th Ave
Canby OR 97013

J. Imhoff

JASON ROSS & CHRISTINE O'DELL
1441 SE 8th AVE

x Christine O'dell

George Cam
1430 SE 9th AVE
1450 SE 9th AVE

x
x

PAGE 2 OF 2
~~AA~~

EXHIBIT "D"