

ORDINANCE NO. 1238

AN ORDINANCE VACATING SIX HUNDRED TWENTY FEET (620') OF THE PUBLIC RIGHT-OF-WAY ON SW 4TH AVENUE EAST OF S BIRCH STREET FRONTING TAX LOT 700 OF MAP 4-1E-04B.

WHEREAS, the City presently owns the portion of SW 4th Avenue right-of-way shown in Exhibit "A" fronting Tax Lot 700 of Map 4-1E-04B, and more particularly described in Exhibit "B", both attached heretofore by this reference incorporated herein; and,

WHEREAS, a petition for vacation of right-of-way was filed by the Canby School District on February 9, 2007; 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, by area, consented to the vacation; and,

WHEREAS, the vacation is requested in order to fulfill the School District's need to expand the High School's facilities and the vacation is requested in order to provide a measure of safety for students traversing the area of the proposed vacation; and,

WHEREAS, as required by law, a notice of 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 June 6, 2007 and all statutory requirements for the vacation were found to be met; and,

WHEREAS, the Canby City Council adopts a condition of approval, which states, "Vacation of right-of-way is contingent upon final approval of the Conditional Use Permit and Design Review applications (City file CUP 07-01/DR 07-01) submitted in conjunction with this request for vacation of right-of-way. If the Conditional Use Permit and Design Review applications are not approved, the area of right-of-way shall revert back to the City at no cost to the City."; 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 attach to the neighboring property described as Tax Lot 700 of Map 4-1E-04B.

The vacation of said right-of-way described in Exhibit "B", is approved with the following condition: Vacation of right-of-way is contingent upon final approval of the Conditional Use Permit and Design Review applications (City file CUP 07-01/DR 07-01) submitted in conjunction with this request for vacation of right-of-way. If the

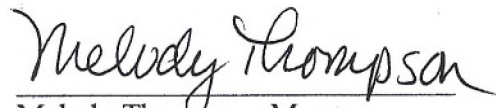
Conditional Use Permit and Design Review applications are not approved, the area of right-of-way shall revert back to the City at no cost to the City.

SUBMITTED to the City Council and read the first time at a regular meeting thereof on Wednesday, June 6, 2007; 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, June 20, 2007; 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 June 20, 2007 by the following votes:

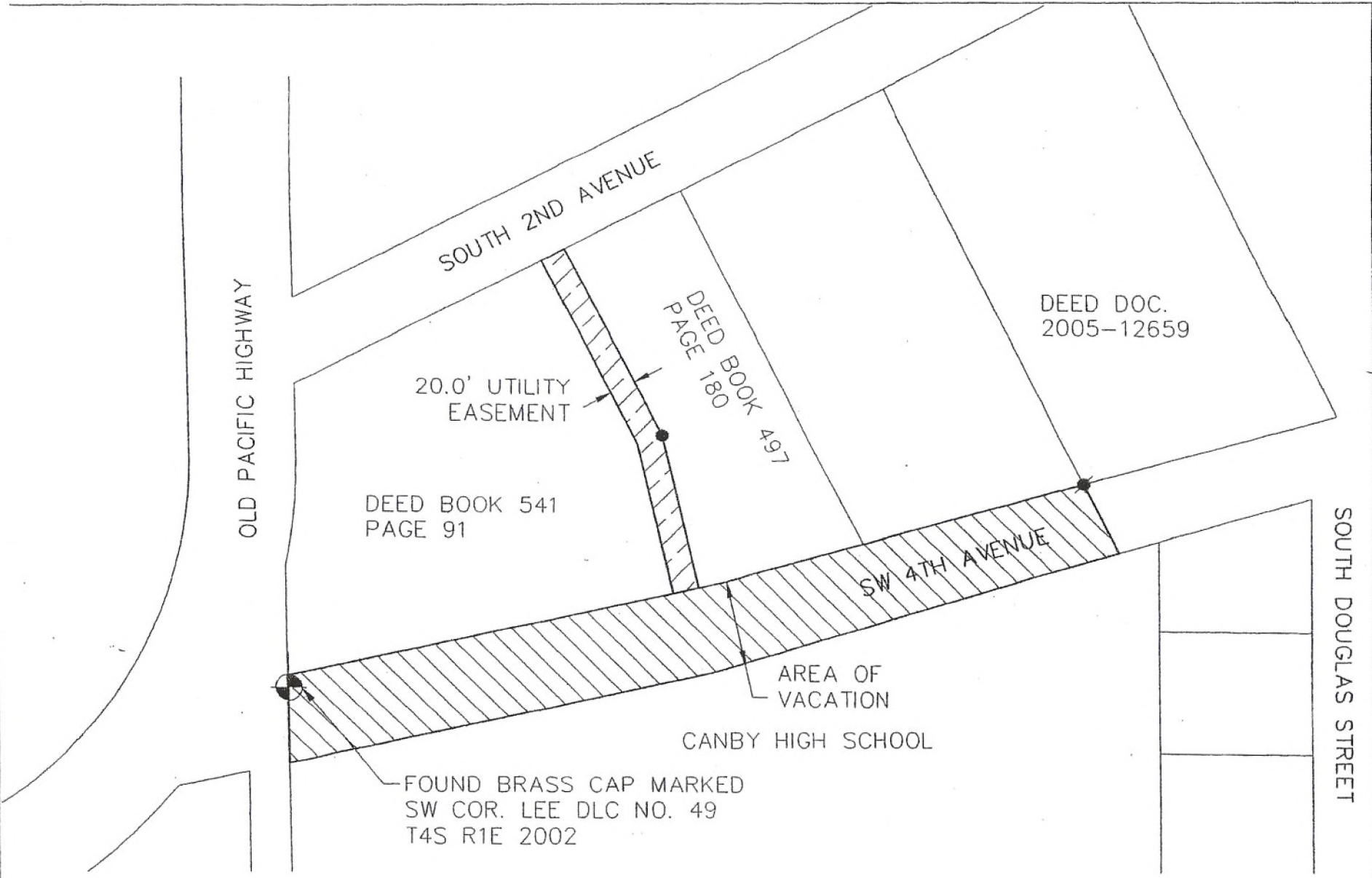
YEAS: 6

NAYS: 0


Melody Thompson, Mayor

ATTEST:


Kimberly Scheafer, City Recorder, Pro Tem



OLD PACIFIC HIGHWAY

SOUTH 2ND AVENUE

20.0' UTILITY EASEMENT

DEED BOOK 541
PAGE 91

DEED BOOK 497
PAGE 180

DEED DOC.
2005-12659

SW 4TH AVENUE

SOUTH DOUGLAS STREET

AREA OF VACATION

CANBY HIGH SCHOOL

FOUND BRASS CAP MARKED
SW COR. LEE DLC NO. 49
T4S R1E 2002



SCALE: 1"=100'

DATE: 12/18/2006
DRAWN BY: RKR
CHECKED BY: JPT
REVISIONS
JOB NO. 683-07B

WESTLAKE
CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER
16115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0852
TIGARD, OREGON 97224 FAX (503) 624-0167

EXHIBIT
A

VACATED AREA DESCRIPTION
SW 4th AVENUE

Project No. 683-07B
December 19, 2006
Canby High School
Page 2 of 2

A tract of land situated in the northwest 1/4 of Section 4, Township 4 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, also being a portion of the Philander Lee Donation Land Claim No. 56 and being more particularly described as follows:

Beginning at the southwest corner of that tract of land described in Statutory Warranty Deed, recorded December 5, 2005 as 2005-12659, said point being on the north right of way SW 4th Avenue, which bears 609.89 feet east and 157.52 feet north of the Southwest corner of said Philander Lee Donation Land Claim No. 56:

Thence, South 74° 29' 30" West along the northerly right of way line of SW 4th Avenue, 285.68 feet to a point;

Thence, South 77° 57' 12" West, 342.67 feet to a point, which bears 9.62 feet north, and 0.52 feet east of the Southwest corner of said Philander Lee Donation Land Claim No. 56;

Thence, South 00° 35' 29" East leaving said northerly right of way line, 68.10 feet more or less to a point on the southerly right of way line of said SW 4th Avenue;

Thence, North 77° 47' 33" East along the said southerly right of way line, 333.34 feet to a point;

Thence, North 73° 39' 33" East, 323.90 feet to a point;

Thence North 26° 20' 00" West leaving said south right of way, 60.68 feet more or less to the north right of way of said SW 4th Avenue and the point of beginning;

Containing 41,256.91 square feet.

