

ORDINANCE NO. 580 -O**ORDINANCE OF THE CITY OF TROUTDALE VACATING A PUBLICLY OWNED RIGHT-OF-WAY LOCATED ON SE KIBLING STREET BETWEEN SE THIRD STREET AND SE FOURTH STREET**

WHEREAS, Consent of all abutting property owners has been obtained [ORS 271.190]. All abutting property owners are applicants, and

WHEREAS, Notarized consent of over two-thirds of all affected property owners has been submitted [ORS 271.080 (2)] by the applicants, and

WHEREAS, Notices were posted on the property at each end of the street not less than 14 days prior to the final hearing [ORS 271.110 (2)] before the City Council, and

WHEREAS, Kibling Street was platted as a public right-of-way when the Troutdale First Addition subdivision was platted in the early 1900's, and

WHEREAS, The City was platted on a simple grid system with 200'x200' blocks and 60' of right-of-way, and

WHEREAS, This section of Kibling Street is not, nor has it ever been improved to current City standards, and

WHEREAS, The City has not maintained this section of roadway in the recent past and because of the grade is not planning any future maintenance, and

WHEREAS, The existing slope is between 15% and 30% and is difficult to maintain and in inclement weather, regardless of the surface, this roadway is not safe for vehicular traffic, and

WHEREAS, There are existing public utility lines located within this dedicated public right-of-way, and

WHEREAS, The City's Public Facilities Plan does not show any improvements scheduled for this right-of-way, and

WHEREAS, Future improvements to this road right-of-way are not in the public interest because of the limited amount of benefit and excessive costs to maintain, and

WHEREAS, One property owner uses this right-of-way to access his property. Vacation of this right-of-way would not affect this access since ownership of the accessway would be deeded to this property owner, and

WHEREAS, The proposed vacation and subsequent use of this property will not result in the use of land creating any public nuisance in that air, land and water quality will not be degraded and there will be no substantial generation of noise, heat, glare or vibration, and

WHEREAS, The proposed vacation will not create a public nuisance or be injurious to the public health, safety and welfare, and

WHEREAS, The proposal does not violate the goals and policies of the Comprehensive Plan, and

WHEREAS, Notice of the public hearing has been provided in accordance with applicable laws:

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:**

That section of public right-of-way (Kibling Street) located between Lots 2, 4, 6 & 8 Block 11 and Lots 1, 3, & 4 block 12 of Troutdale First Addition (see exhibit map) be vacated and that the vacated portions be apportioned as described in ORS Statutes 271.140 with the following conditions:

1. Applicant is responsible for preparation of all required easements, recording of easement documents and all fees associated with preparation of easements.
2. Applicant prepare easement documents and dedicate a ten (10) foot wide easement for water, sanitary and storm sewer lines.
3. All future development occurring within this vacated area will be subject to all standards set forth in the Troutdale Development Code and must comply with state and city regulations regarding use of publicly owned easements.
4. Applicant shall be responsible for preparation and recording all documents abandoning this right-of-way.
5. Applicant will landscape within one year of title being recorded, subject to SDRC approval.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS  
26th DAY OF MAY, 1992.

YEA: 5  
NAY: 0  
ABSTAINED: 0

*Sam K Cox*

Sam K. Cox, Mayor

Dated: 5/27/92

ATTEST:

*Valerie J. Raglione*  
Valerie J. Raglione, CMC  
City Recorder

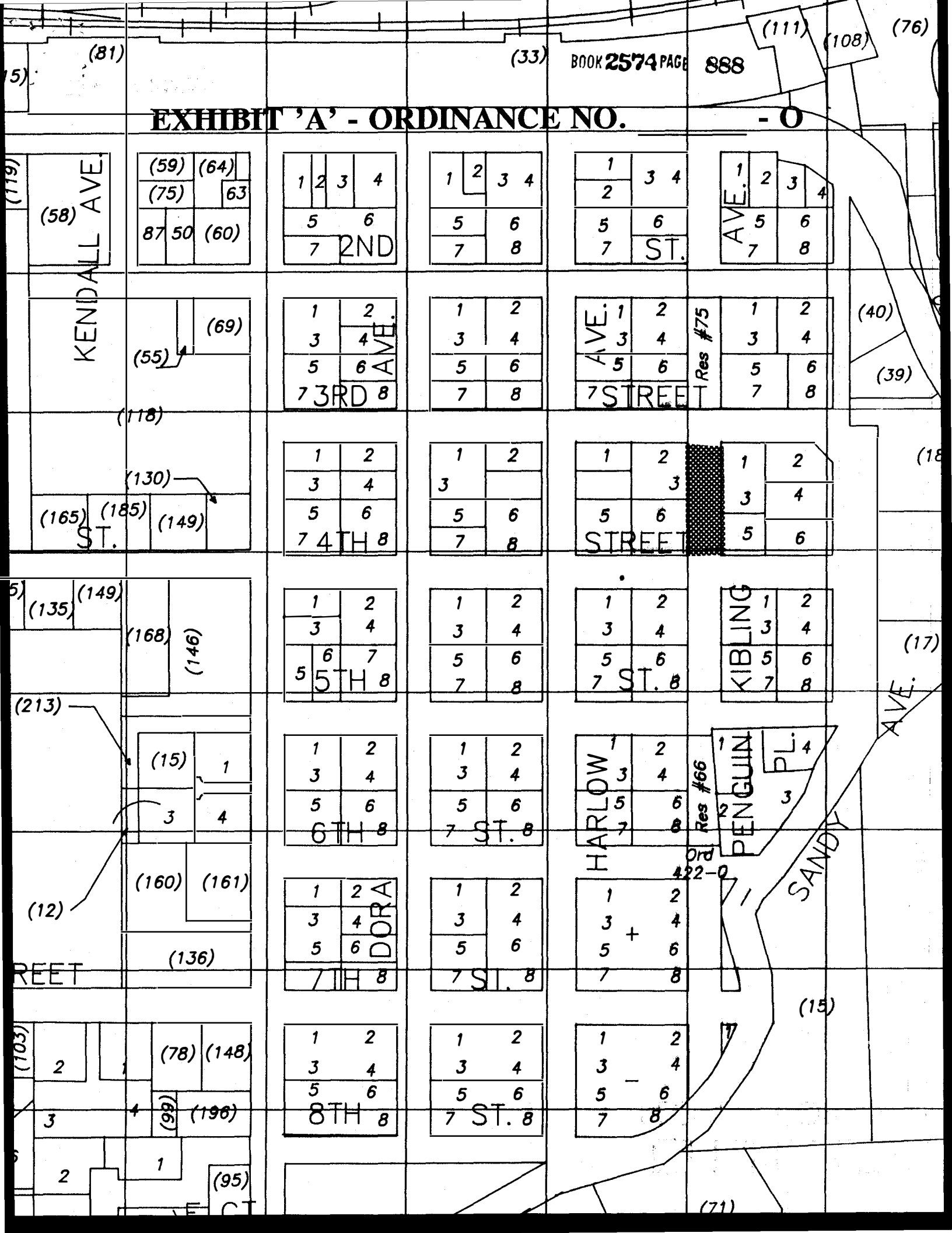


EXHIBIT 'A' - ORDINANCE NO. - 0

(119)  
KENDALL AVE.  
(58)

(59)	(64)
(75)	63
87	50 (60)

1	2	3	4
5	6		
7	2ND		

1	2	3	4
5	6		
7	8		

1	3		4
2			
5	6		
7	ST.		

1	2	3	4
5	6		
7	8		

(55)	(69)
------	------

1	2
3	4
5	6
7	3RD

1	2
3	4
5	6
7	8

1	2
3	4
5	6
7	STREET

1	2
3	4
5	6
7	8

(130)	(149)
(165)	(185)
ST.	

1	2
3	4
5	6
7	4TH

1	2
3	
5	6
7	8

1	2
	3
5	6
7	STREET

1	2
3	4
5	6

(135)	(149)
(168)	(146)

1	2
3	4
5	6
7	5TH

1	2
3	4
5	6
7	8

1	2
3	4
5	6
7	ST. 8

1	2
3	4
5	6
7	8

(15)	1
3	4

1	2
3	4
5	6
7	6TH

1	2
3	4
5	6
7	ST. 8

1	2
3	4
5	6
7	8

1	2
3	4
5	6
7	8

(160)	(161)
(136)	

1	2
3	4
5	6
7	7TH

1	2
3	4
5	6
7	ST. 8

1	2
3	4
5	6
7	8

1	2
3	4
5	6
7	8

(78)	(148)
(99)	(196)

1	2
3	4
5	6
7	8TH

1	2
3	4
5	6
7	ST. 8

1	2
3	4
5	6
7	8

1	2
3	4
5	6
7	8

(95)	
------	--

1	2
---	---

1	2
---	---

1	2
---	---

1	2
---	---

Res #75

Res #66

Ord 422-0

(71)

087915

92

01

10

08

015

RECORD COPY

STATE OF OREGON }  
Multnomah County }

ss.

I, a Deputy for the Recorder of Conveyances, in and for said County, do hereby certify that the within instrument of writing was received for record and recorded in the record of said County

92 AUG - 7 PM 2: 06

RECORDING SECTION  
MULTNOMAH CO. OREGON

In Book On Page  
BOOK 2574 PAGE 885

witness my hand and seal of office affixed.  
Recorder of Conveyances

*N. Walker*  
Deputy

20  
3

BOOK 2574 PAGE 889