

ORDINANCE NO. 640-A

Introduced by Commissioner Wilson.

AN ORDINANCE VACATING ALL OF NORTHWEST ELEVENTH STREET, FORMERLY NORTHWEST FOURTH, EAST OF THE EASTERLY RIGHT OF WAY BOUNDARY OF NORTHWEST WARRENTON DRIVE, FORMERLY MASSACHUSETTS AVENUE IN THE CITY OF WARRENTON, COUNTY OF CLATSOP, STATE OF OREGON.

WHEREAS, the City of Warrenton has deemed it to be in the best interests of the City of Warrenton to vacate all of Northwest Eleventh, formerly Northwest Fourth, East of the Easterly right of way boundary of Northwest Warrenton Drive, formerly Massachusetts Avenue, in the City of Warrenton, County of Clatsop, and

WHEREAS, said vacation was initiated by the City of Warrenton in consideration of the settlement of a complaint for declaratory relief, No. CC 76-522 in the Circuit Court of the State of Oregon for Clatsop County, entitled "William Lindsley and Eileen Lindsley, husband and wife, and Leon Wilson and Margaret Wilson, husband and wife, Plaintiffs, vs. City of Warrenton, et al, Defendants", and

WHEREAS, as a part of said settlement and as a condition to said hearing, William Lindsley and Eileen Lindsley, husband and wife were to pay all publication costs incurred in these proceedings, and defendants Earl V. Cadle and Azaline Cadle, husband and wife, were to pay all recording and survey costs of these proceedings, and

WHEREAS, the City of Warrenton Commission having found no reason manifestly existing why the vacation of Northwest Eleventh Street should not be allowed in whole or in part, and notice having fixed the time for formal hearing on said vacation at the hour of 8:00 P.M., on the 2nd day of May, 1977 in the City Hall of the City of Warrenton, and

WHEREAS, due notice of the time and place of said hearing was given as by law required and as set out in the affidavit of Gilbert G. Gramson, City Manager, who posted the required notice, and the affidavit of the Daily Astorian which performed the newspaper publications, which is also filed herein, and

WHEREAS, a formal hearing was held at the hour of 8:00 P.M. on May 2, 1977, and the petition initiating the vacation proceedings was read and no objections thereto were heard by the City Commission, and that none of the owners of a majority of the area affected thereby objected in writing thereto and the written consents of all of the abutting property owners as required by law were obtained, and were examined, and the City Commission examined and determined that the abutting

property owners consents were obtained and that the owners of a majority of the area affected made no objections and that the requisite notices were given by posting and by publication and that the public interest would not be prejudiced by vacation of the street described herein which the petitioners requested be vacated and that matters having been determined in favor of these petitioners by the city of Warrenton and its City Commission,

NOW, THEREFORE, the City of Warrenton does ordain as follows:

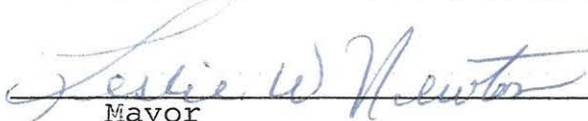
Section 1: That that street in the City of Warrenton, County of Clatsop, State of Oregon, more particularly described as:

All of Northwest Eleventh Street, formerly Northwest Fourth, East of the Easterly Right of Way Boundary of Northwest Warrenton Drive, formerly Massachusetts Avenue in the City of Warrenton, County of Clatsop, State of Oregon.

be and the same is hereby vacated and that said vacation of that portion of that certain named street described herein is hereby made a matter of public record and it is expressly provided that William Lindsley and Eileen Lindsley, husband and wife are to pay all publication costs and Earl V. Cadle husband and wife are to pay all recording and survey costs of these proceedings, to obtain the necessary changes of public record so as to indicate, as required by law, such vacation, and it is hereby provided that the City Manager shall file with the County Clerk of Clatsop County, State of Oregon, a certified copy of this Ordinance, and file a certified copy of this Ordinance with the County Assessor and the County Surveyor. Nothing contained herein shall cause or require the removal or abandonment of any sewer, water main, conduit, pipe of any kind, including wires, poles or any other thing used or intended to be used for any public service or utility including but not limited to natural gas, electrical, telephone, water or sewer lines or to impair or reduce the existing easements or rights of way, and the right is hereby reserved to maintain, continue, repair, reconstruct, renew, replace, rebuild and/ or enlarge any and all such things now or hereafter in the future.

Passed by the City Commission of the City of Warrenton, Oregon this 2 day of May, 1977.

Approved by the Mayor of the City of Warrenton this 2 day of May, 1977.

  
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Mayor

ATTEST:

  
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Auditor and Police Judge