

ORDINANCE NO. 653-A

Introduced by

Robert May

AN ORDINANCE CORRECTING THE DEDICATION FOR STREET AND HIGHWAY PURPOSES RECORDED IN THAT CERTAIN DEDICATION DEED RECORDED IN BOOK 244, PAGE 453, DEED RECORDS OF CLATSOP COUNTY, STATE OF OREGON, WHICH IS RECORDED ON OR ABOUT MARCH 18, 1958 UNDER ORDINANCE ADOPTED ON JUNE 17, 1958 FOR PORTIONS OF N.E. HARBOR AVENUE AND ENSIGN AVENUE.

Hearing was held on April 14, 1978 at 12:00 o'clock Noon at the City Hall of City of Warrenton; based on said hearing the City Commission finds:

1. That all required notices were duly and appropriately made and published; and
2. An ordinance duly and regularly adopted on February 17, 1958 and deed executed March 17, 1958 which is recorded in Clatsop County Deed Records on or about March 18, 1958 in Book 244 at page 453 for that certain dedication known as N. E. Harbor Place, was in error and ambiguous; and
3. It is in the interest of the public to correct it; and
4. The property owner immediately north of this dedication, as a result of the deed error, is not now served by public street, thereby reducing the value of his property, and

The City Commission further finds that it is in the best interest of the citizens of Warrenton and the public that this dedication proceed,

THE CITY OF WARRENTON ORDAINS AS FOLLOWS:

That the following described property be and the same is hereby dedicated to public use by the general public forever for street purposes:

A tract of land in the County of Clatsop, State of Oregon, being described as follows:

PARCEL 1.

Beginning at the point of intersection of the East line of Block 8 and the North right of way line of the Astoria and South Coast Railroad right of way as recorded on the official Plat of East Warrenton, Record of Plats, County of Clatsop, State of Oregon;

Thence northerly along the east line of said block 8 a distance of 75.00 feet;

Thence Easterly and at right angles to the East line of said Block 8 a distance of 60.00 feet to a point on the West line of Lot 8, Block 3, East Warrenton;

Thence Southerly along the West line of said Lot 8 a distance of 75.00 feet to the Southwest corner of said Lot 8;

Thence Westerly 60.00 feet to the point of beginning.

PARCEL 2.

Also all of lots 6, 7 and 8, Block 3, East Warrenton, City of Warrenton, County of Clatsop, State of Oregon, excepting therefrom the Northerly 55 feet of even width of said lots.

The said Parcel 1. as dedicated shall be known as a portion of Ensign Avenue.

The said Parcel 2. as dedicated shall be known as a portion of N. E. Harbor Place.

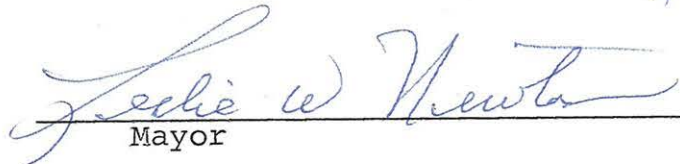
That the Mayor is authorized, on behalf of the City Commission of the City of Warrenton, to execute the dedication deed.

The deed shall correct that certain deed recorded in Book 244, page 453, Deed Records of Clatsop County, Oregon recorded on or about March 18, 1958 to the extent of this dedication. It is the further intent of the Commission to correct said dedication deed when an appropriate survey of the existing roadway is obtained.

The City Commission further finds the property owners to be served by the dedication have entered into a contract for purchase and sale of real property, relying on the fact that the property was served by a public street, and that only after entering into the sale did the deficiency of the deed as dedicated become apparent and the city commission finds that it would result in a substantial economic hardship to those parties to the transaction who relied on the proper dedication having been previously made and the commission further finds that the public would benefit by the conclusion of this sale for purposes of possible addition of substantial property of an increased value to the tax rolls of the city of Warrenton, therefore an emergency is declared to exist and this ordinance shall go into full force and effect on its passage immediately.

Passed by the City Commission of the City of Warrenton this 14th day of April, 1978.

Approved by the Mayor of the City of Warrenton this 14th day of April, 1978.



Mayor

ATTEST:



Auditor and Police Judge

DEDICATION DEED TO THE PUBLIC

KNOW ALL MEN BY THESE PRESENTS, That the CITY OF WARRENTON, a municipal corporation of the State of Oregon, for and in consideration of the public benefits to be derived herefrom, does hereby dedicate the following described land to the public forever, for street purposes, to-wit:

A tract of land in the County of Clatsop, State of Oregon, being described as follows:

Parcel 1.

Beginning at the point of intersection of the East line of Block 8 and the North right of way line of the Astoria and South Coast Railroad right of way as recorded on the official plat of East Warrenton, Record of Plats, County of Clatsop, State of Oregon;

Thence Northerly along the East line of said Block 8 a distance of 75.00 feet;

Thence Easterly and at right angles to the East line of said Block 8 a distance of 60.00 feet to a point on the West line of Lot 8, Block 3, East Warrenton;

Thence Southerly along the West line of said Lot 8, a distance of 75.00 feet to the Southwest corner of said Lot 8;

Thence Westerly 60.00 feet to the point of beginning.

Parcel 2.

ALSO all of Lots 6, 7 and 8, Block 3, East Warrenton, City of Warrenton, County of Clatsop, State of Oregon, excepting therefrom the Northerly 55 feet of even width of said lots.

Parcel 1. shall be known as a portion of Ensign Avenue.

Parcel 2. shall be known as a portion of N. E. Harbor Place.

This deed is executed to correct in part that certain Dedication Deed authorized by Ordinance of the City of Warrenton of February 17, 1958 and executed on March 17, 1958 and recorded on or about March 18, 1958 in Book 244, Page 453, Deed Records of Clatsop County, Oregon.

IN WITNESS WHEREOF, the City of Warrenton, an Oregon municipal corporation, has caused these presents to be executed by its Mayor pursuant to an Ordinance duly and regularly adopted on the 14th day of April, 1978, by the City Commissioners of the City of Warrenton, and that affixed hereto is the City Seal of the City of Warrenton this 14th day of April, 1978.

CITY OF WARRENTON, an Oregon Municipal Corporation

By Lellie W. Newton
Mayor

(SEAL)

STATE OF OREGON)
County of Clatsop) ss.

On this _____ day of April, 1978, before me appeared Leslie W. Newton, to me personally known, who being duly sworn, did say that he is the Mayor of the City of Warrenton, a municipal corporation in Clatsop County, Oregon; that the seal affixed to the said instrument was signed and sealed on behalf of said municipal by authority of the City Commission of the City of Warrenton and the said Mayor acknowledged said instrument to be the free act and deed of the City of Warrenton a municipal corporation of Clatsop County, State of Oregon.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this my certificate written.

Notary Public for Oregon
My Commission expires: