

ORDINANCE NO. 654-A

Introduced by Commissioner Roderick Gramson

AN ORDINANCE VACATING THAT PORTION OF S. W. BIRCH COURT (FORMERLY ASH STREET) FROM THE WEST EDGE OF S. W. CEDAR AVENUE, THENCE IN A SOUTHERLY DIRECTION BETWEEN BLOCK 30 AND BLOCK 31, W. C. SMITH'S ADDITION OF WARRENTON TO THE NORTHERN EDGE OF W. SEVENTH STREET, ALL OF WHICH STREET LIES WITHIN W. C. SMITH'S ADDITION TO WARRENTON, IN THE CITY OF WARRENTON, CLATSOP COUNTY, OREGON.

WHEREAS, the City of Warrenton has deemed it to be in the best interests of the City of Warrenton to vacate that portion of S. W. Birch Court (formerly Ash Street) from the west edge of S. W. Cedar Avenue, thence in a southerly direction between Block 30 and Block 31, W. C. Smith's Addition of Warrenton to the Northern edge of W. Seventh Street, all of which street lies within W. C. Smith's Addition to Warrenton, in the City of Warrenton, Clatsop County, Oregon, and

WHEREAS, Mike Balensifer petitioned the City of Warrenton to vacate that portion of the aforementioned street and the City Commission of the City of Warrenton having found no reason manifestly existing why the vacation of those portions should not be allowed in whole or in part, and notice having fixed the time for formal hearing on this petition at the hour of 8:00 p.m. on 5th day of April, 1978 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 the 5th day of April, 1978, 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 portions of the streets described herein which the petitioner requested be vacated and that matters having been determined in favor of that petitioner by the city of Warrenton and its City Commission,

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

Section 1: That those parts of the streets in the City of Warrenton, County of Clatsop, State of Oregon, more particularly described as:

That portion of S. W. Birch Court (formerly Ash Street) from the west edge of S. W. Cedar Avenue, thence in a southerly direction between Block 30 and Block 31, W. C. Smith's Addition of Warrenton to the Northern edge of W. Seventh Street, all of which street lies within W. C. Smith's Addition to Warrenton, in the City of Warrenton, Clatsop County, Oregon.

be and the same are hereby vacated and said vacation of those portions of that certain named street described herein is hereby made a matter of public record and it is expressly provided that the petitioners shall forthwith pay the costs of obtaining 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 the County of Clatsop, 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, 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 14 day of April, 1978.

Examined and approved by the Mayor of the City of Warrenton this 14 day of April, 1978.



Mayor

ATTEST:



Auditor and Police Judge