

ORDINANCE NO. 667-A

Introduced by Commissioner Gramson

AN ORDINANCE VACATING A PORTION OF S. E. ANCHOR COURT, FORMERLY KNOWN AS PINE STREET, OF EVEN WIDTH LYING BETWEEN THE NORTHERLY RIGHT OF WAY LINE OF S.E. 14TH STREET AND THE SOUTHERLY RIGHT OF WAY LINE OF S. E. 13TH PLACE, FORMERLY SPOKANE STREET, NOW VACATED BY ORDINANCE 461-A, IN THE CITY OF WARRENTON, COUNTY OF CLATSOP AND STATE OF OREGON.

WHEREAS, Arthur F. Charlton, Jr. and Lillian M. Charlton, husband and wife, petitioned the City of Warrenton to vacate a portion of S. E. Anchor Court, formerly known as Pine Street, of even width lying between the Northerly right of way line of S. E. 14th Street and the Southerly right of way line of S. E. 13th Place, formerly Spokane Street, now vacated by Ordinance 461-A, in the City of Warrenton, County of Clatsop and State of Oregon, 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 at least 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 the 15th day of November, 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 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 15th day of ~~December~~ ^{NOVEMBER}, 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: A portion of even width of S. E. Anchor Court formerly known as Pine Street, lying between the Northerly right of way line of S. E. 14th Street and Southerly right of way line of S. E. 13th Place, formerly Spokane Street, now vacated by Ordinance 461-A, in the City of Warrenton, County of Clatsop, State of Oregon, be and the same is hereby vacated subject to the following conditions:

(1) That Arthur F. Charlton, Jr. and Lillian M. Charlton, the petitioners herein, or their heirs, successors and assigns rededicate and replat a street of an equal or greater amount prior to February 1, 1981, or such further period of time as this Commission by ordinance may grant to accomplish the said rededication and replatting. The rededication and replatting shall be accomplished so that the property of the petitioners might be better served with access, utilities, and more efficiently developed in light of the existing topographical features.

(2) If there is not a rededication and replat as set forth in condition (1), platted, approved and appropriately filed by February 1, 1981 or such further period of time as this Commission by ordinance may grant, this vacation shall be void without further act of the City or the petitioners and that portion of S.E. Anchor Court, formerly known as Pine Street between S. E. 13th Place and S. E. 14th Street shall remain dedicated and platted with the rights of the city and public existing as if these vacation proceedings had not occurred.

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 _____ day of December, 1978.

Examined and approved by the Mayor of the City of Warrenton
this _____ day of December, 1978.

Mayor

ATTEST:

Auditor and Police Judge