

ORDINANCE NO. 704-AIntroduced by Commissioner Roderick G. RAMSON

AN ORDINANCE VACATING THAT PORTION OF SOUTHEAST 14th PLACE, FORMERLY PASCO STREET BETWEEN THE WESTERLY RIGHT OF WAY LINE OF SOUTHEAST ANCHOR AVENUE (FORMERLY OAK STREET) AND THE FORT STEVENS HIGHWAY ALSO KNOWN AS SOUTH MAIN AVENUE AND ORIGINALLY PLATTED AS SEASIDE BOULEVARD, IN THE CITY OF WARRENTON, COUNTY OF CLATSOP STATE OF OREGON: RESERVING AN EASEMENT FOR UTILITIES AND EXCEPTING AN ADJOINING PARCEL.

WHEREAS, Norman P. Johnsen and Bonnie J. Johnsen, husband and wife, petitioned the City of Warrenton to vacate that portion of Southeast 14th Place, formerly Pasco Street between the Westerly right of way line of Southeast Anchor Avenue (formerly Oak Street) and the Fort Stevens Highway also known as South Main Avenue and originally platted as Seaside Boulevard in the City of Warrenton, County of Clatsop, State of Oregon; Reserving unto the City of Warrenton, its heirs, successors and assigns, a non-exclusive easement for utility purposes, including the rights of ingress, egress, maintenance and installation seven and one-half (7-1/2) feet north of and seven and one-half (7-1/2) feet south of and immediately adjacent to the City of Warrenton Sanitary Sewage disposal line as currently installed, being of even width, and

Further specifically excepting and excluding from this vacation that certain triangular piece of land at the northwest corner of Block 5, Moreland Addition between the intersection of Fort Stevens Highway and the North line of Lot 9 as extended, and the Westerly boundary of Lots 9 and 10, Block 5, Moreland Addition, more specifically described as follows: That certain parcel beginning at the northwest corner of Lot 9, Block 5, Moreland Addition, City of Warrenton, County of Clatsop, State of Oregon, thence Westerly along the extension of the north line of Lot 9 to a point which intersects along the Westerly line of Lot 11 through 16, Block 5, Moreland Addition as extended Northerly, thence South along said extension of the westerly line of said Lots 11 through 16, Block 5, Moreland Addition to the Northwest corner of Lot 11, Block 5, Moreland Addition, thence Northeast along the Westerly lines of Lots 10 and 9, Block 5, Moreland Addition to the point of beginning; and

WHEREAS, the Warrenton City Commission having found no reason manifestly existing why the vacation of that portion 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 7:30 PM on the 3rd day of December, 1980, in the Warrenton City Hall; 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 Donald E. Lampi, Administrative Assistant, who posted the required notice, and the affidavit of the Columbia Press, which performed the newspaper publication, which is also filed herein; and

WHEREAS, a formal hearing was held at the hour of 7:30 PM on the 3rd day of December, 1980, 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 all of the abutting property owners as required by law were obtained and 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 portion of the street described herein which the petitioner requested be vacated and that the matters having been determined in favor of that petitioner by the City of Warrenton and its Commission;

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

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

That portion of Southeast 14th Place, formerly Pasco Street between the Westerly right of way line of Southeast Anchor Avenue (formerly Oak Street) and the Fort Stevens Highway also known as South Main Avenue and originally platted as Seaside Boulevard, reserving unto the City of Warrenton, its heirs, successors and assigns, a non-exclusive easement for utility purposes, including the rights of ingress, egress, maintenance and installation, 7-1/2 feet North of and 7-1/2 feet South of and immediately adjacent to the City of Warrenton Sanitary Sewage disposal line as currently installed, being of even width;

Further specifically excepting and excluding from this vacation that certain triangular piece of land at the northwest corner of Block 5, Moreland Addition between the intersection of Fort Stevens Highway and the North line of Lot 9 as extended, and the westerly boundary of Lots 9 and 10, Block 5, Moreland Addition, more specifically described as follows: That certain parcel beginning at the Northwest corner of Lot 9, Block 5, Moreland Addition, City of Warrenton, County of Clatsop, State of Oregon, thence Westerly along the extension of the north line of Lot 9 to a point which intersects along the westerly line of Lot 11 through 16, Block 5, Moreland Addition as extended Northerly, thence South along said extension of the westerly line of said Lots 11 through 16, Block 5, Moreland Addition to the Northwest corner of Lot 11, Block 5, Moreland Addition, thence Northeast along the Westerly lines of Lots 10 and 9, Block 5, Moreland Addition to the point of beginning.

be and the same are hereby vacated and said vacation of those portion of the above described street are hereby made a matter of public record and it is expressly provided that the petitioner 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 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, 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 17<sup>th</sup> day of December, 1980.

Examined and approved by the Mayor of the City of Warrenton, Oregon this 17<sup>th</sup> day of December, 1980.

*Leslie W. Newton*  
Mayor

ATTEST:

*Milburn Hanson*  
Auditor and Police Judge

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STATE OF OREGON, }  
County of Clatsop } ss.

I hereby certify that the within instrument was received for record and recorded in the record of

**DEED**

of said county on

JAN 13 1 47 PM '81

In Book

543

On Page

778

After recording return to;  
City of Warrenton  
P.O. Box 250  
Warrenton, Oregon  
97146

Witness my hand and Seal of office affixed

NORMA HUNSINGER

County Clerk.

By *Shelby Danithaine*  
Deputy.