

**ORDINANCE NO. 1007-A**

**INTRODUCED BY COMMISSIONER Lisa Lamping**

**VACATING A PORTION OF NW 8TH STREET, NW ELM AVENUE, ALLEY EAST OF NW WARRENTON DRIVE AND THE ALLEY EAST OF NW ELM AVENUE, FLAVEL ADDITION, CITY OF WARRENTON, COUNTY OF CLATSOP, STATE OF OREGON**

(VACATION #100)

WHEREAS, the Warrenton City Commission deemed it to be in the best interest of the City to vacate that portion of NW 8th Street, NW Elm Avenue, the Alley east of NW Warrenton Drive, and the Alley east of NW Elm Avenue, Flavel Addition, City of Warrenton, County of Clatsop, State of Oregon, being more particularly described as follows:

Beginning at the intersection of the north boundary of NW 8th Place, Flavel Addition, City of Warrenton, County of Clatsop, State of Oregon, with the easterly boundary of NW Warrenton Drive, said POINT OF BEGINNING also being the northwest corner of Lot 4, Block 106, Flavel Addition, City of Warrenton, thence north along eastern boundary of NW Warrenton Drive a distance of 80 feet to a point, said point being the intersection of the eastern boundary of NW Warrenton Drive and the northern boundary of NW 8th Street; thence east along the northern boundary of NW 8th Street a distance of 250 feet to a point, said point being the intersection of the northern boundary of NW 8th Street and the western boundary of NW Elm Avenue; thence north along the western boundary of NW Elm Avenue to an intersection with the described boundary of Alder Creek to a point; thence east a distance of 80 feet to a point, said point being on the east boundary of NW Elm Avenue; thence south along said east boundary of NW Elm Avenue to a point, said point being the intersection of the east boundary of NW Elm Avenue and north boundary of NW 8th Street; thence easterly along the north boundary of NW 8th Street a distance of 446.20 feet to a point; thence south 80 feet to a point, said point being the northeast corner of Lot 1, Block 104 of said addition; thence westerly along the northern boundary of Lot 1, Block 104 of said addition a distance of 117 feet to a point, said point being the northwest corner of Lot 1, Block 104 of said addition; thence southerly along the western boundary of Lots 1 and 4, Block 104 of said addition a distance of 100 feet to a point, said point being the southwest corner of Lot 4, Block 104 of said addition; thence westerly along the north boundary of NW 7th Place a distance of 80 feet to a point, said point being the southeast corner of Lot 8, Block 105 of said addition, thence northerly along the eastern boundary of Lots 5 and 8, Block 105 of said addition a distance of 100 feet to a point, said point being the northeast corner of Lot 5, Block 105 of said addition; thence westerly along the southern boundary of NW 8th Street a distance of 117 feet to a point, said point being the northwest corner of Lot 5, Block 105 of said addition; thence south a distance of 100 feet to a point, said point being the southwest corner of Lot 8, Block 105 of said addition, thence west, a distance of 16 feet to a point, said point being the southeast corner of Lot 4, Block 105 of said addition; thence north along the eastern boundary of Lots 4 and 1 of Block 105 to a point, said point being the northeast corner of Lot 1, Block 105 of said addition; thence westerly along the southern boundary of NW 8th Street a distance of 117 feet to a point, said point being the northwest corner of Lot 1, Block 105 of said addition; thence southerly along the eastern boundary of NW Elm Avenue a distance of 100 feet to a point, said point being the intersection of the eastern boundary of NW Elm Avenue and the northern boundary of NW 7th Place; thence westerly along the northern boundary of NW 7th Place a distance of 80 feet to a point, said point being the intersection of the northern boundary of NW 7th Place and the western boundary of NW Elm Avenue; thence northerly along the western boundary of NW Elm Avenue a distance of 100 feet to a point, said point being the northeast corner of Lot 5, Block 106 of said addition; thence westerly along the southern boundary of NW 8th Street a distance of 117 feet to a point, said point being the northwest corner of Lot 5, Block 106 of said addition; thence southerly along the western boundary of Lots 5 and 8, Block 106 of said addition a distance of 100 feet to a point, said point being the southeast corner of Lot 8, Block 106 of said addition; thence westerly along the northern boundary of NW 7th Place a distance of 16 feet to a point, said point being the southeast corner of Lot 4, Block 106 of said addition; thence northerly along the eastern boundary of Lots 4 and 1, Block 106 of said addition a distance of 100 feet to a point, said point being the northeast corner of Lot 1, Block 106 of said

addition; thence westerly along the southern boundary of NW 8th Street a distance of 117 feet to the POINT OF BEGINNING,

and;

WHEREAS, John Nichols and Ruth Cotter have petitioned the Warrenton City Commission for vacation of the public right of ways as described above; and,

WHEREAS, the Warrenton City Commission has determined that there is no reason why said petition should not be granted and, therefore, a public hearing on this petition was held at the hour of 7:00 pm on August 19, 1998, in the Warrenton Community Center; and

WHEREAS, due notice of time and place for said hearing was given, as by law required, and as set out in the affidavit of Linda Engbretson, City Recorder, who posted the required notice, and the affidavit of COLUMBIA PRESS, which printed the newspaper publications, also filed herein; and

WHEREAS, the Warrenton City Commission examined and determined that the abutting property owners were said petitioners and that the owners of a majority of the area affected made no objections; and that the requisite notices were given by posting and publication; and that the public interest would not be prejudiced by vacation of that portion of the street right of ways described above, which the petitioners requested be vacated; and that, matters having been determined in favor of the petitioners by the Warrenton City Commission;

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

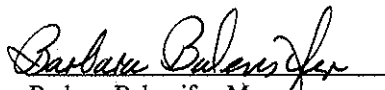
**Section 1.** That the public right of ways in the City of Warrenton, Clatsop County, State of Oregon, described herein by, and the same is hereby vacated and said vacation herein described is hereby made a matter of public record; and it is expressly provided that the petitioners shall forthwith pay the costs of the necessary changes of public records, as required by law; and it is hereby provided that the City Recorder shall file with the clerk, the assessor and the surveyor of Clatsop County, a certified copy of this ordinance. Nothing contained herein shall cause or require the removal or abandonment of any sewer, drainage, water main conduit, utility line, pole or any other thing used or intended to be used, for any public service.

PASSED by the City Commission of the City of Warrenton, Oregon this 2<sup>nd</sup> day of September, 1998.

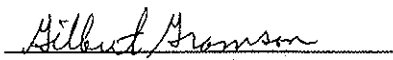
EXAMINED AND APPROVED by the Mayor of the City of Warrenton, Oregon this 2<sup>nd</sup> day of September, 1998.

First Reading: August 19, 1998

Second Reading: September 2, 1998

  
Barbara Balensifer, Mayor

ATTEST:

  
Gilbert Gramson, City Manager/Auditor