

ORDINANCE BILL NO. 22 FOR 1949

ORDINANCE NO. 702

AN ORDINANCE VACATING A PART OF SEVENTH STREET, AND DECLARING AN EMERGENCY.

The People of the City of Lebanon Do Ordain as Follows:

WHEREAS, The City Council of the City of Lebanon has agreed with the owners of the property abutting upon Lots 5 and 6, Block 4, Supplemental Plat of Hyland Addition, that if the property included in that portion of 7th Street as shown by such supplemental plat, which lies West of Lots 5 and 6, be dedicated to the public for a street, the City would vacate that portion of 7th street as shown by the said Lots 5 and 6, and

WHEREAS, that portion of 7th Street which lies West of said Lots 5 and 6 pursuant to said agreement was dedicated to the public, and is now being used as a street, and that portion of 7th Street as shown by the original plat of Hyland Addition included in said Lots 5 and 6 is no longer needed for a street, and

WHEREAS, all of the property owners abutting upon the street proposed to be vacated have signed and filed with the City Recorder of Lebanon Oregon their consent to such vacation, a statement that the same will not substantially affect the market value of their property, and their waiver of any right which they might now or hereafter have arising out of such vacation, and

WHEREAS, a resolution was passed by the City Council of the City of Lebanon on February 15, 1949, setting forth the facts above recited, recommending that said street be vacated, fixing the 5th day of April, 1949 as the time for a hearing upon the question of such vac t ion, and directing

the City Recorder to cause notice to be given of such hearing by publication in the Lebanon Express, the City official newspaper, once each week for four consecutive weeks said notice to describe the street to be vacated, the date set for the hearing of objections or remonstrances thereto, and further directing the City Recorder to cause notices to be posted of such vacation at or near each end of the proposed vacation, and

WHEREAS, affidavits are now on file in the office of the City Recorder showing that the notice of said vacation was given by publication in the Lebanon Express, the official newspaper, of the City of Lebanon for four consecutive weeks prior to the date set for the hearing and showing also that within five days after the first day of publication of said notice, The City Recorder caused notice headed "Notice of Street Vacation" to be posted near each end of said proposed vacation and that the posting of such notices was not less than 28 days before the time for the hearing and that said notices remained posted for 28 days, and

WHEREAS there is on file in the office of the City Recorder a certificate showing that City Liens and all taxes on the street to be vacated have been paid, and

WHEREAS at the time and place named in the Notice of Street Vacation, published and posted as above recited, a hearing was held upon the question of such proposed vacation, and no remonstrances or objections having prior to such hearing been filed and none having been offered at the time of the hearing, The City Council ascertained and determined that the consent of the required owners of the abutting property had been obtained, notices had been duly given and

LEBANON
CORRASABLE

that the public interest would not be prejudiced by such vacation, and determined in favor of such vacation,

NOW, THEREFORE, THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

That, that portion of 7th Street in Hyland Addition to Lebanon, Linn County, Oregon which is now included in Lots 5 and 6, Block 4, Supplemental Plat of said Addition, as shown by the recorded plats thereof be and the same is hereby vacated and said vacation is hereby made a matter of record.

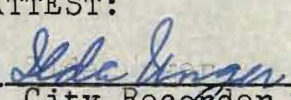
WHEREAS, in order for the City of Lebanon to comply with the terms of the agreement between the City and the property owners recited in this Ordinance it is essential for the public health, peace, safety and welfare of the residents of the City of Lebanon, that title to the street and property herein be immediately cleared, therefore an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage by the Common Council.

Passed by the Council and approved by the Mayor this 5th day of April, 1949.



Mayor

ATTEST:



City Recorder

STATE OF OREGON }
COUNTY OF LINN } ss.

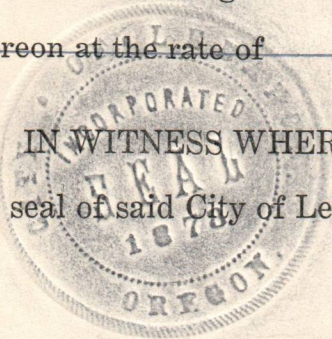
I, Ilda Unger do hereby certify that I am the duly elected, qualified and acting City Recorder of the City of Lebanon, a municipal corporation in Linn County, State of Oregon.

That I have examined the official records in my office and custody of said City of Lebanon to ascertain whether or not there are any city liens in favor of said City of Lebanon against the following described real property, to-wit:

That portion of 7th St. in Hyland addition to Lebanon, Linn County, Oregon which is now included in Lots 5 and 6, Block 4, Supplemental Plat of said addition.

I hereby certify that there are no city liens in favor of said City of Lebanon against the above described real property (~~or that there are at this date unsatisfied liens due said City of Lebanon and against said real property in the sum of _____, with accruing interest thereon at the rate of _____ % per annum from the _____ day of _____, 19 _____~~).

IN WITNESS WHEREOF, I have hereunto set my hand officially and hereto affixed the seal of said City of Lebanon this 12th day of April, 19 49 .



Ilda Unger

City Recorder of the City of
Lebanon, Oregon

40833 • 3.50

CITY OF LEBANON

ORDINANCE BILL NO. _____ for 19____

ORDINANCE NO. _____

RESOLUTION NO. _____

PHOTOCOPY

State of Oregon, { ss.
County of Linn }

I hereby certify that the within
was received and duly recorded
by me in Linn County Records

Book of DEEDS

Vol. 208 Page 304 on
the 9th day of May
19 42 at 8:30 o'clock A.M.

Stella E. Hoover
Recorder of Linn County, Oregon

By _____ Deputy

Approved by Mayor _____

Filed _____, 19____

City Recorder, Lebanon
CITY RECORDER

KENNETH G. WILSHIRE
CITY ATTORNEY

STATE OF OREGON)
) ss.
COUNTY OF LINN)

I, Ilda Unger, City Recorder of the City of Lebanon, certify that the foregoing Ordinance is a true and correct copy of the original Ordinance and the whole thereof, Now on file in my office, and that said Ordinance was duly and regularly passed by the City Council of the City of Lebanon on the 5th day of April, 1949.

Dated this 12th day of April 1949.

Ilda Unger



Affidavit of Publication

STATE OF OREGON, {
County of Linn. } ss.

I, R. M. Hayden, being first duly sworn, depose and say that

I am Publisher of The Lebanon Express, a newspaper of
general circulation, printed and published in the aforesaid county and state,
as defined in Section 58, Oregon Laws, that Notice of Street
Vacation

a printed copy of which is hereto annexed, was published in the entire issue
of said newspaper for 2 successive and consecutive weeks in
the following issues: February 18 and 25, 1949

R. M. Hayden
25 day of February 1949
Subscribed and sworn to before me this

Katherine Harris
Notary Public for Oregon.

(My Commission expires Oct 13 1951.)

NOTICE OF STREET VACATION

Pursuant to resolution passed by the City Council on February 15, 1949, notice is given that a hearing will be held in the Council Chambers at the City Hall, Lebanon, Oregon, on the 5th day of April, 1949, at the hour of 7:30 P.M. for the purpose of hearing objections or remonstrances to the proposed vacation of that portion of 7th Street, in Hyland Addition to Lebanon, Linn County, Oregon which is now included in Lots 5 and 6, Block 4, Supplemental Plat of said Addition as shown by the recorded plats thereof. Objectoins or remonstrances may be made in writing and filed with the City Recorder of the City of Lebanon, at any time prior to the time of the hearing, and will be heard and considered at the time of said hearing.

ILDA UNGER,
City Recorder.
14-2ce



In the matter of the vacation of)
that portion of 7th street in)
Hyland Addition to Lebanon, Linn)
County, Oregon, which is now)
included in Lots 5 and 6, Block 4)
Supplemental Plat of said addition)
as shown by the recorded plats)
thereof.)

CONSENT TO VACATE BY
ABUTTING PROPERTY OWNERS

The undersigned being the owners of the property abutting upon the street above described, do hereby represent that the vacation of said street will not substantially affect the market value of their property, and consent to such vacation, and waive any right they might now or thereafter have for damages arising out of such vacation.

Signed in the Presence of:

Low M. Estep

Perry Gunther

Nellie C. Gunther

Donald L. Day

Alice R. Clark

Joseph E. Clark

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LEBANON
CORPORATE
BOND
U.S.A.

NOTICE OF STREET VACATION

Pursuant to resolution passed by the City Council on February 15, 1949, notice is given that a hearing will be held in the Council Chambers at the City Hall, Lebanon, Oregon on 5th day of April, 1949, at the hour of 7:30 P.M. for the purpose of hearing objections or remonstrances to the proposed vacation of that portion of 7th Street, in Hyland Addition to Lebanon, Linn County, Oregon which is now included in Lots 5 and 6, Block 4, Supplemental Plat of said Addition as shown by the recorded plats thereof. Objections or remonstrances may be made in writing and filed with the City Recorder of the City of Lebanon, at any time prior to the time of the hearing, and will be heard and considered at the time of said hearing.

Ilda Unger
CITY RECORDER

In the matter of the vacation of)	
that portion of 7th Street in)	RESOLUTION NO. 3 FOR 1949
Hyland Addition to Lebanon, Linn)	
County, Oregon, which is now)	RESOLUTION INITIATING THE
included in Lots 5 and 6, Block 4,)	VACATION OF 7th STREET, AND
Supplemental Plat of said Addition)	SETTING TIME FOR HEARING
as shown by the recorded plats)	AND DIRECTING THAT NOTICE
thereof.)	OF HEARING BE PUBLISHED.

WHEREAS, The City Council has agreed with the owners of the property abutting upon Lots 5 and 6, Block 4, Supplemental Plat ^{if} of Hyland Addition, that/the property now included in that portion of 7th Street, as shown by such Supplemental Plat, which lies West of Lots 5 and 6, be dedicated to the public for a street, the City would vacate that portion of 7th Street as shown by the original plat of Hyland Addition, which is included in said lots 5 and 6, and

WHEREAS, that portion of 7th Street which lies West of said Lots 5 and 6 pursuant to said agreement was dedicated to the public, and is now being used as a street, and that portion of 7th Street, as shown by the original Plats of Hyland Addition including said Lots 5 and 6, is no longer needed for a street, and

WHEREAS, Donald L. Daily, Joseph E. Clark and Alice R. Clark, ^{his wife} his wife, Perry Ginther, and Nellie C. Ginther, his wife, and ~~re-~~ sidents of the City of Lebanon, Oregon being all the owners of property abutting upon the Street to be vacated have signed and filed with the City Recorder, of Lebanon, Oregon their consent that such vacation will not substantially affect the market value of their property, and their waiver of any right which they might now or hereafter have arising out of such vacation.

NOW THEREFORE, be it resolved that that portion of 7th Street in Hyland Addition to Lebanon, Linn County, Oregon, which is now included in Lots 5 and 6, Block 4, Supplemental Plat of said Addition as shown by the recorded plats thereof, should be vacated, and that the 5th day of April, 1949.

be fixed as a time for a formal hearing upon this matter and that the City Recorder be authorized, and she is hereby directed to cause notice to be given of such hearing by publication in the Lebanon Express, the City official newspaper, once each week for four consecutive weeks, which said notice shall describe the street to be vacated, the date when the matter of such vacation together with any objections or remonstrance thereto, which may be made in writing, and filed with the City Recorder at any time prior to the time of the hearing, will be heard and considered; That the Recorder be further directed to post ~~and~~ cause to be posted at or near each end of the proposed vacation, ^a /copy of said notice which shall be headed " Notice of Street Vacation".

Passed by the Council and approved by the Mayor this
15th day of February ,1949.

P. T. Tweed
MAYOR

ATTEST:

Ida Long
City Recorder

In the Matter of the Vacation of that
portion of 7th Street in Hyland Addition
to Lebanon, Linn County, Oregon which is
now included in Lots 5 and 6, Block 4,
Supplemental Plat of said Addition as
shown by the recorded plats thereof.

A F F I D A V I T

STATE OF OREGON)
) ss.
COUNTY OF LINN)

Ilda Unger, City Recorder in the City of Lebanon being first
duly sworn, deposes and says, that within five (5) days after
the first date of publication of Notice of the Vacation of the
Street above described to-wit: 19th day of February, 1949.
She caused to be posted near each end of the proposed vacation
a copy of said notice headed "Notice of Street Vacation", and
that the posting of the said notice was not less than 28 days
prior to the date set for the hearing.

Ilda Unger

Subscribed and sworn to before me this 4th day of April, 1949.

Wm. H. Wilkins
Notary Public for Oregon

My Commission Expires September 30, 1949.

STATE OF OREGON }
COUNTY OF LINN } ss.

I, Ilda Unger do hereby certify that I am the duly elected, qualified and acting City Recorder of the City of Lebanon, a municipal corporation in Linn County, State of Oregon.

That I have examined the official records in my office and custody of said City of Lebanon to ascertain whether or not there are any city liens in favor of said City of Lebanon against the following described real property, to-wit:

That portion of 7th St. in Hyland addition to Lebanon, Linn County, Oregon which is now included in Lots 5 and 6, Block 4, Supplemental Plat of said addition.

I hereby certify that there are no city liens in favor of said City of Lebanon against the above described real property (~~or that there are at this date unsatisfied liens due said City of Lebanon and against said real property in the sum of _____, with accruing interest thereon at the rate of _____ % per annum from the _____ day of _____, 19__~~).

IN WITNESS WHEREOF, I have hereunto set my hand officially and hereto affixed the seal of said City of Lebanon this 12,th day of April, 19 49 .



City Recorder of the City of
Lebanon, Oregon