

## ORDINANCE BILL NO. 64 FOR 1949

## ORDINANCE NO. 744

AN ORDINANCE VACATING THE WEST NINE FEET OF EVEN WIDTH OF FILBERT AVENUE BETWEEN MILTON STREET AND ELMORE STREET IN LEBANON, LINN COUNTY, OREGON, AND DECLARING AN EMERGENCY:

WHEREAS, all of the owners of the property abutting upon Filbert Avenue between Milton Street and Elmore Street have petitioned the Council for the vacation of the West Nine feet of even width of said street, and

WHEREAS, Geo. E. Mitsch and Eleanor H. Mitsch, husband and wife, have tendered a deed to the City for the purpose of adding fifteen feet to the East side of the present street, so that upon the vacation of said portion of said street, and the acceptance of said deed, the street will be six feet wider than at present, and

WHEREAS, the moving of said street will avoid the removal of a row of valuable filbert trees, and

WHEREAS, said street is not now in line with any other street, and moving the same will not cause any jog or offset in an existing street with which Filbert Avenue connects, and

It Appears Therefore that the public will not be inconvenienced by the vacation of said portion of said street.

WHEREAS, a resolution was passed by the City Council of the City of Lebanon on November 1, 1949, setting forth the facts above recited, recommending that said street be vacated, fixing the 6th day of December 1949 as the time for a hearing upon the question of such vacation, 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 notices 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 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 remonstrance or objections having prior to such hearing been filed and none having been offered at the time of the hearing and that notices had been duly given and that the public interest would not be prejudiced by such vacation, the City Council determined in favor of such vacation.

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

That the West Nine Feet of even width of Filbert Avenue between Milton Street and Elmore Street in the City of Lebanon, Linn County, Oregon 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 20th day of December 1949.

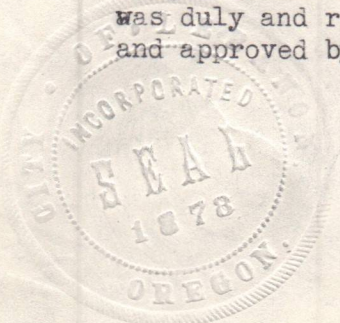
P. T. Tweed  
Mayor

ATTEST:

Ilda Unger  
City Recorder

I, Ilda Unger, City Recorder of the City of Lebanon, certify that the foregoing copy of Ordinance No. 744 is a true and correct copy of the original thereof now on file in my office; and that Ordinance No. 744 was duly and regularly passed by the City Council of the City of Lebanon and approved by the Mayor on the 20th day of December 1949.

Ilda Unger  
City Recorder for Lebanon, Oregon



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 remonstrance or objections having prior to such hearing been filed and none having been offered at the time of the hearing and that notice had been duly given and that the public interest would be promoted by such vacation, the City Council determined in favor of such vacation.

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PHOTOCOPY

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State of Oregon, }  
County of Linn } ss.  
I hereby certify that the within  
was received and duly recorded  
by me in Linn County Records  
Book of Deeds  
Vol. 214 Page 810 on  
the 17th day of May  
1950, at 8:30 o'clock A.M.  
By Stella E. Hanks  
Recorder of Linn County, Oregon  
Deputy

*City Recorder*  
*Stella E. Hanks*

Passed by the Council and approved by the Mayor this 20th day of December, 1949.

W. T. Twest  
Mayor

Stella E. Hanks  
City Recorder

I, Stella E. Hanks, City Recorder of the City of Lebanon, certify that the foregoing copy of Ordinance No. 141 is a true and correct copy of the original thereof now on file in my office, and that Ordinance No. 141 was duly and regularly passed by the City Council of the City of Lebanon on the 20th day of December 1949.



City Recorder for Lebanon, Oregon

# Affidavit of Publication

STATE OF OREGON, {  
County of Linn. } ss.  
R. M. Hayden

I, ....., 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 5 successive and consecutive weeks in

the following issues: November 8, 15, 22 and 29,

December 6, 1949

R. M. Hayden

16 December 49

Subscribed and sworn to before me this ..... day of ..... 19.....

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 Nov. 1, 1949 notice is given that a hearing will be held in the Council Chambers at the City Hall, Lebanon, Oregon on the 6th day of December, 1949, at the hour of 7:30 p.m. for the purpose of hearing objections of remonstrances to the proposed vacation of the West 9 feet of Filbert Avenue between Milton and Elmore streets. 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.

Dated and first published this 8th day of November, 1949.

Ilda Unger  
City Recorder

89-5odd

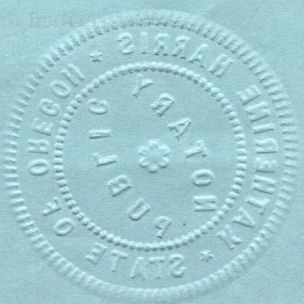


7.50.

No. ....

In the ..... Court of the

**STATE OF OREGON**  
for the  
**COUNTY OF LINN**



**Affidavit of Publication**

Filed ....., 19.....

.....  
Clerk.

.....  
Deputy.

From the Office of

Attorney for .....

## Notice of Street Vacation

Pursuant to resolution passed by the City Council on November 1, 1949 notice is given that a hearing will be held in the Council Chambers at the City Hall, Lebanon, Oregon on the 6th day of December, 1949, at the hour of 7:30 P.M. for the purpose of hearing objections or remonstrances to the proposed vacation of the West 9 feet of Filbert Avenue between Milton and Elmore Streets. 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.

Dated and first published this 8th day of November, 1949.

  
\_\_\_\_\_  
City Recorder

5 Publications

In the Matter of the Vacation of )  
the West 9 feet of Filbert Avenue )  
between Milton and Elmore Streets )  
in the City of Lebanon, Linn County, )  
Oregon. )

A F F I D A V I T

STATE OF OREGON )  
COUNTY OF LINN ) ss.

I, Ilda Unger, City Recorder of the City of Lebanon,  
being first duly sworn, depose and say, that within five (5)  
days after the first date of publication of Notice of the Vacation  
of the Avenue above described, to-wit:

I 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          day of  
1949.

Notary Public

My Commission Expires

"NOTICE OF STREET VACATION"

Pursuant to resolution passed by the City Council on November 1st, 1949, notice is given that a hearing will be held in the Council Chambers at the City Hall, Lebanon, Oregon on the 6th day of December, 1949, at the hour of 7:30 P. M. for the purpose of hearing objections or remonstrances to the proposed vacation of the West 9 feet of Filbert Avenue between Milton and Elmore Streets. 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 the West  
9 feet of Filbert Avenue between Milton  
and Elmore Streets in Lebanon, Linn County,  
Oregon.

RESOLUTION NO. 37  
FOR 1949  
RESOLUTION INITIATING  
THE VACATION OF FILBERT  
AVENUE, AND SETTING  
TIME FOR HEARING AND  
DIRECTING THAT NOTICE OF  
HEARING BE PUBLISHED.

WHEREAS, all of the owners of the property abutting upon  
Filbert Avenue between Milton Street and Elmore Street have  
petitioned the Council for the vacation of the West nine feet  
of even width of said street, and

WHEREAS, Geo. E. Mitsch and Eleanor H. Mitsch, husband and  
wife have tendered a deed to the City for the purpose of adding  
fifteen feet to the East side of the present street, so that upon  
the vacation of said portion of said street, and the acceptance  
of said deed, the street will be six feet wider than at present,  
and

WHEREAS, the moving of said street will avoid the removal  
of a row of valuable filbert trees, and

WHEREAS, said street is not now in line with any other  
street, and moving the same will not cause any job or offset in  
an existing street with which Filbert Avenue connects, and

NOW THEREFORE, be it resolved that the West 9 feet of  
Filbert Avenue between Milton and Elmore Streets in the City  
of Lebanon, Linn County, Oregon should be vacated and that the  
6th day of December, 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 described 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 or 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 10th day of November, 1949.

P. T. Tweed  
Mayor

ATTEST:

Ilda Unger  
City Recorder

ORDINANCE BILL NO. 64 FOR 1949

ORDINANCE NO. 744

AN ORDINANCE VACATING THE WEST NINE FEET OF EVEN WIDTH OF FILBERT AVENUE BETWEEN MILTON STREET AND ELMORE STREET IN LEBANON, LINN COUNTY, OREGON, AND DECLARING AN EMERGENCY:

WHEREAS, all of the owners of the property abutting upon Filbert Avenue between Milton Street and Elmore Street have ~~been~~ petitioned the Council for the vacation of the West Nine feet of even width of said street, and

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WHEREAS, said street is not now in line with any other street, and moving the same will not cause any jog or offset in an existing street with which Filbert Avenue connects, and

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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 notices 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 hearing and that said notices remained posted for 28 days, and

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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 *20<sup>th</sup>* day of *December, 1949.*

*P. P. [Signature]*  
\_\_\_\_\_  
Mayor

ATTEST:

*Sida Singer*  
\_\_\_\_\_  
City Recorder

