

An Ordinance for the Vacation of the following described tract of land to-wit:

Beginning at the Southeast corner of Lot 17, McDaniel's Addition to the City of Lebanon, Linn County, Oregon, and running thence North along the East line of Lot 17 and Lot 14 in said Addition, to a point South 5 feet from the Northeast corner of said Lot 14, thence East parallel with the South line of Berry St. 5 feet to a point on the West line of Lot 13, which is South 5 feet from the Northwest corner of last said lot, thence South along the West line of Lots 13 and 18 in said Addition to the Southwest corner of said Lot 18, thence West 5 feet to the place of beginning, the same being a pathway dedicated to the public as shown by the plat of McDaniel's Addition now of record in the office of the Recorder of conveyances for Linn County, Oregon.

ORDINANCE BILL NO. 5

ORDINANCE NO. 878

WHEREAS, the tract of land hereinafter described has been dedicated to the public for the use of a pathway between Jennings Street and Berry Street in the City of Lebanon, Linn County, Oregon, and

WHEREAS, it is the judgment of the Council that public interest will not be prejudiced by the vacation of said tract of land, and that the same is no longer needed as a public thoroughfare.

WHEREAS, a resolution was passed by the City Council of the City of Lebanon on the 15th day of December, 1953, setting forth the facts above recited, recommending that said street be vacated, fixing the 19th day of January, 1954 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 streets to be vacated, 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 at each end of the streets proposed to be vacated 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, thereis 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:

1. That the following described tract of land, to-wit:  
Beginning at the Southeast corner of Lot 17, McDaniel's Addition to the City of Lebanon, Linn County, Oregon and running thence North along the East line of Lot 17 and Lot 14 in said Addition, to a point South 5 feet from the Northeast corner of said Lot 14, thence East parallel with the South line of Berry St. 5 feet to a point on the West line of Lot 13, which is South 5 feet from the Northwest corner of last said lot, thence South along the West line of Lots 13 and 18 in said Addition to the Southwest corner of said Lot 18,



thence West 5 feet to the place of beginning, the same being a pathway dedicated to the public as shown by the plat of McDaniel's Addition now of record in the office of the Recorder of Conveyances for Linn County, Oregon.

be and the same is hereby vacated and said vacation is hereby made a matter of record.

2. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency Ordinance is declared to exist, and this ~~Act~~ shall take effect immediately upon its passage and approval by the mayor.

Passed by the Council and approved by the Mayor this 19th day of January, 1954.

Elmer Fitzgerald  
Mayor

ATTEST:

Ilda Senger  
City Recorder



104391  
CITY OF LEBANON

ORDINANCE BILL NO. 5 for 1954

ORDINANCE NO. 878

RESOLUTION NO. \_\_\_\_\_

TITLE  
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. 236 Page 36 on

the 30 day of January

1954, at 8:30 o'clock A.M.

*Stella G. Hoover*  
Recorder of Linn County, Oregon

By \_\_\_\_\_

Deputy

Passed by Council \_\_\_\_\_

Approved by Mayor \_\_\_\_\_, 1954

Filed \_\_\_\_\_, 1954

CITY RECORDER

*Kenneth G. Wilshire*  
KENNETH G. WILSHIRE  
CITY ATTORNEY

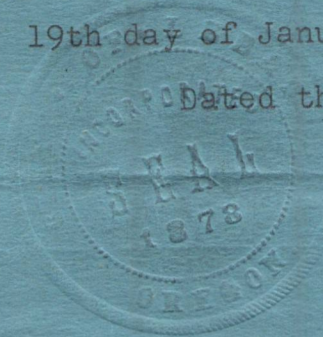




I, Ilda Unger, City Recorder of the City of Lebanon, certify that the foregoing ordinance is a true and correct copy of the original Ordinance now on file in my office and that said Ordinance was passed by the Council of the City of Lebanon and approved by the Mayor on the 19th day of January, 1954.

Dated this 25th day of January, 1954.

Ilda Unger  
City Recorder





STATE OF OREGON }  
COUNTY OF LINN } ss.

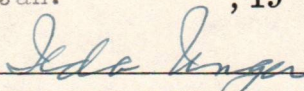
I, Ilda Unger do hereby certify that I am the duly elected, qualified and acting City Recorder of the City of Lebanon, a municipal corporation in Linn County, State of Oregon.

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: Beginning at the Southeast corner of lot 17, McDaniel's Add. to the City of Lebanon, Linn Co., Ore. and running thence N. along the E. line of Lot 17 and Lot 14 in said Addition, to a point S. 5 feet from the Northeast corner of said Lot 14, thence E. parallel with the S. line of Berry St. 5 feet to a point on the W. line of Lot 13, which is S. 5 feet from the Northwest corner of last said lot, thence S. along the W. line of Lots 13 and 18 in said Add. to the Southwest corner of said Lot 18, thence W. 5 feet to the place of beginning.

I hereby certify that my examination has revealed that there are no city liens in favor of said City of Lebanon against the above described 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 \_\_\_\_\_).~~

No liability is assumed either by the City or by the undersigned officer arising from the issuance of this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand officially and hereto affixed the seal of said City of Lebanon this 18th day of Jan. , 19 54 .

  
\_\_\_\_\_  
CITY RECORDER OF THE CITY OF LEBANON, OREGON



Minutes of the Council meeting of Jan. 19, 1954, in the file of the vacation of Third and Morton Streets.

Copy of Ordinance mailed to Recorder in Albany, by the City Attorney  
January 21, 1954.



Notice of Street Vacation

Pursuant to Resolution No. 13, passed by the City Council on December 15, 1953, notice is given that a hearing will be held in the Council Chambers at the City Hall, Lebanon, Oregon on the 19th day of January 1954, at the hour of 8:00 P.M. Standard time, for the purpose of hearing objections or remonstrances to the proposed vacation of the following described tract of land between Jennings Street and Berry Street, to-wit:

Beginning at the Southeast corner of Lot No. 17, McDaniel's Addition to the City of Lebanon, Linn County, Oregon, and running thence North along the East line of Lot 17 and Lot 14 in said Addition, to a point South 5 feet from the Northeast corner of said Lot 14, thence East parallel with the South line of Berry St. 5 feet to a point on the West line of Lot 13, which is South 5 feet from the Northwest corner of last said lot, thence South along the West line of Lots 13 and 18 in said Addition to the Southwest corner of said Lot 18, thence West 5 feet to the place of beginning, the same being a pathway dedicated to the public as shown by the plat of McDaniel's Addition now of record in the office of the Recorder of conveyances for Linn County, Oregon.

the same being a pathway running from Jennings Street to Berry Street.

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 18th day of December 1953.

Ilda Unger  
City Recorder



# CITY OF LEBANON

OREGON

LEBANON, OREGON

Jan. 22, 1954

Mrs. Hester Alley  
1115 Fifth St.  
Boulder City, Nevada

Dear Mrs. Alley:

In checking our files we find, under date of Dec. 18, 1953 we mailed copy of consent to vacate property in McDaniel's Addition running from Berry St. to Jennings St., for your signature. To date we have not received this paper with your signature. Neither have we received an explanation why you did not sign and return same.

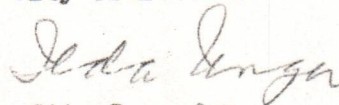
We are again mailing copy in case the first one got lost. As we explained before after the pathway has been vacated half of the pathway which joins your property, will become your property at no cost to you.

Please sign and return in the enclosed envelope as soon as possible, or advise why you choose not to sign the vacating paper.

Trusting to hear from you within a few days.

Yours truly

City of Lebanon



City Recorder



# CITY OF LEBANON

OREGON

LEBANON, OREGON

Dec. 18, 1953

Mrs. Hester Alley  
1115 Fifth St.  
Boulder City, Nevada

Dear Mrs. Alley:

Upon the request of the owners of the abutting property on the abutting pathway, by your property, the City is initiating proceedings to vacate the pathway from Jennings St. to Berry St. and it is necessary to have the consent of the owners of the abutting property and this will require your signature.

After the pathway has been vacated the half of the pathway which your property is abutting will become your property at no cost to you.

Please sign the enclosed paper on the line marked and return to us as soon as possible.

Yours truly,

City of Lebanon

City Recorder

enc.



In the matter of the Vacation of )  
the following described tract of )  
land, to-wit: )  
Beginning at the Southeast corner )  
of Lot 17, McDaniels Addition to )  
the City of Lebanon, Linn County, )  
Oregon, and running thence North )  
along the East line of Lot 17 and )  
Lot 14 in said Addition, to a point )  
South 5 feet from the Northeast )  
corner of said lot 14, thence East )  
parallel with the South line of )  
Berry St. 5 feet to a point on )  
the West line of Lot 13, which )  
is South 5 feet from the North- )  
west corner of last said lot, )  
thence South along the West line )  
of Lots 13 and 18 in said Addition )  
to the Southwest corner of said )  
Lot 18, thence West 5 feet to the )  
place of beginning, the same )  
being a pathway dedicated to the )  
public as shown by the plat of )  
McDaniel's Addition now of record )  
in the office of the Recorder of )  
conveyances for Linn County, )  
Oregon. )

CONSENT TO VACATE BY  
ABUTTING PROPERTY OWNERS

The undersigned, being the owners of the property abutting upon that tract of land between Jennings Street and Berry Street above described, do hereby represent that the vacation of said street will not substantially effect the market value of their property and consent to such vacation and waive any right they might now or hereafter have for damage arising out of such vacation.

Signed in the presence of:

Signed in the presence of:

Mrs. Marie Lowe  
Mrs. F.E. Cullerton  
R. R. Whaley  
Lorraine Whaley

B. F. Scheele  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



In the matter of the Vacation of )  
 the following described tract of )  
 land, to:wit: )  
 Beginning at the Southeast corner )  
 of Lot 17, McDaniels Addition to )  
 the City of Lebanon, Linn County, )  
 Oregon, and running thence North )  
 along the East line of Lot 17 and )  
 Lot 14 in said Addition, to a point )  
 South 5 feet from the Northeast )  
 corner of said Lot 14, thence East )  
 parallel with the South line of )  
 Berry St. 5 feet to a point on )  
 the West line of Lot 13, which )  
 is South 5 feet from the North- )  
 west corner of last said lot, )  
 thence South along the West line )  
 of Lots 13 and 18 in said Addition )  
 to the Southwest corner of said )  
 Lot 18, thence West 5 feet to the )  
 place of beginning, the same )  
 being a pathway dedicated to the )  
 public as shown by the plat of )  
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Signed in the presence of:

\_\_\_\_\_  
 \_\_\_\_\_

X Walter A. Alley

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



In the Matter of the Vacation of the )  
following described tract of land, to-wit: )

Beginning at the Southeast corner of Lot 17, )  
McDaniel's Addition to the City of Lebanon, )  
Linn County, Oregon and running thence North )  
along the East line of Lot 17 and Lot 14 in )  
said Addition, to a point South 5 feet from the )  
Northeast corner of said Lot 14, thence East )  
parallel with the South line of Berry St. 5 )  
feet to a point on the West line of Lot 13, )  
which is South 5 feet from the Northwest corner )  
of last said lot, thence South along the West )  
line of Lots 13 and 18 in said Addition to the )  
Southwest corner of said Lot 18, thence West 5 )  
feet to the place of beginning, the same being )  
a pathway dedicated to the public as shown by )  
the plat of McDaniel's Addition now of record )  
in the office of the Recorder of conveyances )  
for Linn County, Oregon. )

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:

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 19th day of January, 1954.

Kenneth H. Wilshorn  
Notary Public for Oregon

My Commission Expires: September 18, 1957.

