

A BILL FOR AN ORDINANCE VACATING A)
PORTION OF MARKET STREET RIGHT-OF-WAY)
BETWEEN MARKET STREET AND THE)
SANTIAM HIGHWAY AND DECLARING AN)
EMERGENCY.)

ORDINANCE BILL NO. 1
For 1994

ORDINANCE NO. 2142

WHEREAS, the City of Lebanon has initiated vacation proceedings pursuant to the provisions of ORS 271.130 for a portion of Market Street right-of-way between Market Street and the Santiam Highway, more particularly described as follows:

Beginning at a point on the north line of Market Street, which point is 46.59 feet South 89°32' East of the southwest corner of Lot 10 of Horn Subdivision in Lebanon, Section 23, Township 12 South, Range 2 West of the Willamette Base and Meridian, Linn County, Oregon; thence along the lines of said Lot 10, South 89°32' East 163.29 feet, and on a 25-foot radius curve left 60.29 feet, the long chord of which bears North 21°23' east 46.71 feet to a point on the southwest right-of-way line of the South Santiam Highway, U.S. Number 20; thence South 47°42' East along the said Santiam Highway right-of-way line 164.93 feet to a point of curvature on the northeast line of Lot 9 of said subdivision; thence along the south line of said Market Street on a 25-foot radius curve left 18.25 feet, the long chord of which bears North 67°37' West 17.85 feet, and North 89°32' West 462.81 feet; thence on a 290-foot radius curve left 189.92 feet, the chord of which bears North 71°42'17" East 186.55 feet to the point of beginning. Containing 19,998 square feet more or less.

WHEREAS, the Council for the City of Lebanon has conducted a public hearing on January 12, 1994, having duly considered the testimony of interested persons and the general public; and

WHEREAS, the City Council finds that notice has been duly given, that the consent of the owners of the requisite area has been obtained, and

WHEREAS, the City Council has determined that the public interests will not be prejudiced by the vacation of such portion of Market Street;

WHEREAS, the City Recording Officer has filed in the office of the City Recording Officer a certificate showing that all city liens and all taxes have been paid on the lands covered by the portion to be vacated;

NOW, THEREFORE, the people of the City of Lebanon do ordain as follows:

Section 1. A portion of Market Street right-of-way between Market Street and the Santiam Highway, more particularly described as follows:

City of Lebanon
925 Main St.
Lebanon OR 97355
Katherine
Recording

Beginning at a point on the north line of Market Street, which point is 46.59 feet South 89°32' East of the southwest corner of Lot 10 of Horn Subdivision in Lebanon, Section 23, Township 12 South, Range 2 West of the Willamette Base and Meridian, Linn County, Oregon; thence along the lines of said Lot 10, South 89°32' East 163.29 feet, and on a 25-foot radius curve left 60.29 feet, the long chord of which bears North 21°23' east 46.71 feet to a point on the southwest right-of-way line of the South Santiam Highway, U.S. Number 20; thence South 47°42' East along the said Santiam Highway right-of-way line 164.93 feet to a point of curvature on the northeast line of Lot 9 of said subdivision; thence along the south line of said Market Street on a 25-foot radius curve left 18.25 feet, the long chord of which bears North 67°37' West 17.85 feet, and North 89°32' West 462.81 feet; thence on a 290-foot radius curve left 189.92 feet, the chord of which bears North 71°42'17" East 186.55 feet to the point of beginning. Containing 19,998 square feet more or less.

is hereby declared vacated, with the following reservations:

1. Reserving to the City of Lebanon a permanent easement or easements fifteen (15) feet in width in an area over and along all existing trunk or main and lateral water and sewer lines lying and being in place in the vacated portion of Market Street as shown by the records of the City of Lebanon at the time of this vacation, the center line of said 15-foot easement being said existing trunk or main and lateral water and sewer lines except that in that part of the vacated street abutting Lot 10 of the Horn Addition the boundary lines of the easement shall be two (2) feet on the Northerly side of the existing water line and thirteen (13) feet on the Southerly side of said line and the easement shall extend beyond the existing end of said water line Easterly to the Highway 20 right-of-way. The easement or easements hereby reserved shall be an easement and right-of-way including the right to enter upon the areas above described to maintain and repair said sewer and water lines over, through, across and under said areas, together with the right to excavate and refill ditches and/or trenches for the repair and/or replacement of said sewer and water lines and the further right to remove trees, bushes, undergrowth and other obstructions interfering with the location and maintenance of said water and sewer lines. The easements and right-of-way hereby reserved to the City of Lebanon grants to the City, its successors, assigns, authorized agents or contractors and any person or persons holding permits from the City the perpetual right to enter upon the easement premises at any time that it/they may see fit for construction, maintenance, evaluation and/or repair purposes.

2. Reserving to the City of Lebanon a permanent access easement over the following portion of Market Street:

Beginning at the most easterly corner of that parcel conveyed to Wal-Mart Stores Inc., a Delaware Corporation, by deed recorded in MF Volume 568, Page 126, Linn County Microfilm Records, which point is 95 feet South 89°32' East of the southwest corner of Lot 10 of Horn Subdivision, Linn County, Oregon; thence South 0°28' West perpendicular to the

center line of Market Street 30 feet; thence North 89°32' West 2.70 feet to a point at right angles to the south line of said Market Street at the northwest corner of Lot 9 of said Horn Subdivision; thence South 0°28' West 30 feet to the northwest corner of Lot 9; thence North 89°32' West 20 feet to the northeast corner of that parcel conveyed to John Guyton et al by deed recorded in Book 244, Page 81, Linn County Deed Records; thence North 0°28' East 30 feet; thence North 40°07'56" West 39.51 feet to a point on the north line of said Market Street which is 48.41 feet North 89°32' West of the point of beginning; thence South 89°32' East 48.41 feet to the point of beginning. Containing 1667 square feet more or less.

3. Reserving to private utilities a permanent easement or easements a minimum of fifteen (15) feet in width in an area over and along all existing private utilities lying and being in place in the vacated portion of Market Street at the time of this vacation, the center line of said minimum 15-foot easements being the centerline of said existing private utility.

Section 2. A certified copy of this Ordinance vacating the above-described portion of Market Street on any map in regard thereto shall be filed for record with the County Clerk for Linn County.

Section 3. A certified copy of this Ordinance shall be also filed with the County Assessor and the County Surveyor for the County of Linn.

Section 4. Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the peace, health, and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council of the City of Lebanon by a vote of 5 for and 0 against, and approved by the Mayor this 26th day of January 1994.

Robert G. Smith
MAYOR

ATTEST:

Joseph A. Windell
CITY RECORDER

CERTIFICATION OF A TRUE COPY

I, JOSEPH A. WINDELL, City Recorder for the City of Lebanon, State of Oregon, certify that I have compared the foregoing copy with the original of record in my office, and the attached is a true copy of said original. I further certify that Robert G. Smith, whose signature appears on the original of said document, is and was at the time of signing, the Mayor of the City of Lebanon.

Dated this 27 day of May, 1994.



Joseph A. Windell
Joseph A. Windell
Lebanon City Recorder

STATE OF OREGON
County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records.

STEVE DRUCKENMILLER 702
Linn County Clerk MF 59I
By [Signature], Deputy PAGE _____

M 20
R 20
S 10
A
O

8:30 O'clock a.m.

JUN 23 1994