A BILL FOR AN ORDINANCE)	ORDINANCE BILL NO. 31
VACATING RIGHT OF WAY)	For 2006 ORDINANCE NO. 2722

WHEREAS, as a result of petition from abutting property owners, the City of Lebanon has initiated vacation proceeding for right of way, more particularly described as follows:

A 50 foot wide right of way in Township 12 south range 2 west of the Willamette meridian in Joyland Tracks, Linn County Oregon. More particularly described as follows:

Beginning at the southwest corner of Lot 8 of said Joyland Tracks; thence South 89° 42' East 717.01 feet to the southeast corner of lot 5 of Joyland Tracks; thence, South 0° 3' West along east boundary of said Joyland Tracks 50 feet to the northeast corner of lot 12 of said Joyland Tracks; Thence, North 89° 42'West 717.15 feet to the northwest corner of lot 9 of said Joyland Tracks; Thence, North 0° 12' East 50 feet to the point of beginning.

WHEREAS, the Council for the City of Lebanon has conducted a public hearing on September 27, 2006, 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 property;

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

<u>Section 1.</u> A 50 foot wide right of way in Township 12south range 2 west of the Willamette meridian in Joyland Tracks, Linn County Oregon. More particularly described as follows:

Beginning at the southwest corner of Lot 8 of said Joyland Tracks; thence South 89° 42' East 717.01 feet to the southeast corner said of lot 5 of Joyland Tracks; thence, South 0° 3' West along east boundary of said Joyland Tracks 50 feet to the northeast corner of lot 12 of said Joyland Tracks; Thence, North 89° 42' West 717.15 feet to the northwest corner of lot 9 of said Joyland Tracks; thence, North 0° 12' East 50 feet to the point of beginning.

is hereby declared vacated.

- Section 2. A certified copy of this Ordinance vacating the above-described property 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. This Ordinance shall be in full force and effect thirty (30) days after the date this ordinance is signed and approved by the City Council and the Mayor.

Passed by the Council by a vote of le for and against and approved by the Mayor this 27th day of September, 2006.

Ken Toombs, Mayor Ron Miller, Council President

ATTEST:

RIGHT OF WAY VACATION

KNOW ALL PERSONS BY THESE PRESENTS that on the 27th day of September, 2006, Eagle View Estate, LLC, granted to the CITY OF LEBANON, a municipal corporation of the State of Oregon, a right of way over and along the full width and length of the land described as follows; to wit:

A 50 foot wide right of way in Township 12 south range 2 west of the Willamette meridian in Joyland Tracks, Linn County Oregon. More particularly described as follows:

Beginning at the southwest corner of Lot 8 of said Joyland Tracks; thence South 89° 42' East 717.01 feet to the southeast corner of lot 5 of Joyland Tracks; thence, South 0° 3' West along east boundary of said Joyland Tracks 50 feet to the northeast corner of lot 12 of said Joyland Tracks; Thence, North 89° 42'West 717.15 feet to the northwest corner of lot 9 of said Joyland Tracks; Thence, North 0° 12' East 50 feet to the point of beginning. See attached Exhibit "A"

The City of Lebanon hereby re-conveys and releases the right of way described above, it being the intention of the parties to terminate, release, and relinquish all the right, title, and interest of the City in the above-described right of way.

IN WITNESS THEREOF, The City of Lebanon has executed this release this 27 day of 2006.

CITY OF LEBANON, OREGON

Kenneth I. Toombs, Mayor [] Ron Miller, Council President []

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STATE OF OREGON) ss COUNTY OF LINN)

Before me, on the 27 day of 5ept., 2006, personally appeared the abovenamed freme and Linda Kaser, who each being duly sworn did say that the former is the Mayor and the latter is the Recorder for the City of Lebanon, a Municipal Corporation, and that the seal affixed to the foregoing instrument was signed and sealed on behalf of said corporation, and each of them acknowledged said instrument to be its voluntary act and deed.

DONAL PUSIVINIUM)
NOTARY PUBLIC FOR OREGON
My Commission Expires:



AFTER RECORDING RETURN TO: City of Lebanon Public Works Department 925 Main Street Lebanon, Oregon 97355



EXHIBIT "A" City of Lebanon

Proposed Right - of - Way Vacation



