## A BILL FOR AN ORDINANCE VACATING A PORTION ) OF AN ALLEY RIGHT OF WAY OFF OF HIATT STREET ) BETWEEN EAST MAPLE AND EAST OAK STREETS )

**ORDINANCE BILL NO. 2011-5** 

**ORDINANCE NO. 2818** 

WHEREAS, as a result of a petition from an abutting property owner, the City of Lebanon has initiated vacation proceedings for:

A strip of alley right of way 16.00 feet of even width within Block 2 of R. Hiatt's Addition to the City of Lebanon in Southwest 1/4 of Section 11, Township 12 South, Range 2 West of the Willamette Meridian, City of Lebanon, Linn County, Oregon being more particularly described as follows:

Beginning at the northeast corner of Lot 6 Block 2 of R. Hiatt's Addition; thence, West along the north boundaries of Lots 6 and 7 of said Block 2 of R. Hiatt's Addition 131.98 feet more or less to the northwest corner of that land described in deed reference number MF629-217 of Linn County Records; thence, North 16 feet more or less to the southwest corner of Lot 4 of said Block 2 of R. Hiatt's Addition; thence, East along the south boundaries of Lots 4 and 5 of said Block 2 of R. Hiatt's Addition 131.98 feet more or less to the southeast corner of Lot 5 of said Block 2 of R. Hiatt's Addition; thence, South along the west right of way line of Hiatt Street 16 feet more or less back to the Point of Beginning.

WHEREAS, the Council for the City of Lebanon has conducted a public hearing on April 13, 2011, 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

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City of Lebanon Attn: City Clerk 925 Main Street Lebanon, OR 97355



WHEREAS, the City Council has determined that the public interests will not be prejudiced by the vacation of such alley right of way, and

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 an alley right of way located off of Hiatt Street, between the E. Maple and E. Oak Streets, more particularly described as follows:

Beginning at the northeast corner of Lot 6 Block 2 of R. Hiatt's Addition; thence, West along the north boundaries of Lots 6 and 7 of said Block 2 of R. Hiatt's Addition 131.98 feet more or less to the northwest corner of that land described in deed reference number MF629-217 of Linn County Records; thence, North 16 feet more or less to the southwest corner of Lot 4 of said Block 2 of R. Hiatt's Addition; thence, East along the south boundaries of Lots 4 and 5 of said Block 2 of R. Hiatt's Addition 131.98 feet more or less to the southeast corner of Lot 5 of said Block 2 of R. Hiatt's Addition; thence, South along the west right of way line of Hiatt Street 16 feet more or less back to the Point of Beginning.

is hereby declared vacated.

**Section 2**. A certified copy of this Ordinance vacating the above-described alley right of way 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.

Passed by the Council of the City of Lebanon by a vote \_\_\_\_\_ for and \_\_\_\_\_ against, and approved by the Mayor this 13<sup>th</sup> day of April, 2011.

CITY OF LEBANON, OREGON

Kenneth I. Toomb, Mayor Bob Elliott, Council President

Attested:

Bill No. 2011-5, Ordinance No. 2818

L∕inda Kaser, City Clerk

## RIGHT OF WAY VACATION

KNOW ALL PERSONS BY THESE PRESENTS that a Public right of way was granted to the CITY OF LEBANON, a municipal corporation of the State of Oregon, on a plat recorded in the Linn County Surveyor's office as county survey #2732-A approval date: February 18, 1890, the right of way over and along the full width and length of the premises described as follows; to wit:

A strip of alley right of way 16.00 feet of even width within Block 2 of R. Hiatt's Addition to the City of Lebanon in the Southwest 1/4 of Section 11, Township 12 South, Range 2 West of the Willamette Meridian, City of Lebanon, Linn County, Oregon being more particularly described as follows:

Beginning at the northeast corner of Lot 6 Block 2 of R. Hiatt's Addition; thence, West along the north boundaries of Lots 6 and 7 of said Block 2 of R. Hiatt's Addition 131.98 feet more or less to the northwest corner of that land described in deed reference number MF629-217 of Linn County Records; thence, North 16 feet more or less to the southwest corner of Lot 4 of said Block 2 of R. Hiatt's Addition; thence, East along the south boundaries of Lots 4 and 5 of said Block 2 of R. Hiatt's Addition 131.98 feet more or less to the southeast corner of Lot 5 of said Block 2 of R. Hiatt's Addition; thence, South along the west right of way line of Hiatt Street 16 feet more or less back to the Point of Beginning.

The City of Lebanon hereby reconveys 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 13th day of April, 2011.

CITY OF LEBANON, OREGON Kenneth I. Toomb, Mayor Bob Elliott, Council President Linda Kaser, City Clerk STATE OF OREGON ) ss. COUNTY OF LINN Before me, on the 13 day of April

, 2011, personally appeared the above-named Kenneth 1. Toom b and Linda Kaser, who each being duly sworn did say that the former is the Mayor/Council President and the latter is the City Clerk 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.

ARY PUBLIC FOR OREGON

My Commission Expires:

OFFICIAL SEAL **DEBORAH R SHIMMIN NOTARY PUBLIC-OREGON** COMMISSION NO. 442721 MY COMMISSION EXPIRES OCTOBER 20, 2013

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