

A BILL FOR AN ORDINANCE OF THE CITY OF) ORDINANCE BILL NO. 2015-9
LEBANON VACATING RIGHT OF WAY)
DEDICATION RECORDED AT 2014-03288) ORDINANCE NO. 2865

WHEREAS, the City of Lebanon has initiated vacation proceedings for an area of land described in the attached Exhibits A and B; and

WHEREAS, the Council of the City of Lebanon has conducted a public hearing on October 14, 2015, having duly considered the testimony of interested persons and the general public; and

WHEREAS, the City Council finds that Notice has been duly given; and

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

WHEREAS, the City Clerk has filed in the office of the City Clerk 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, BASED ON THE FOREGOING, BE IT RESOLVED:

Section 1. Property described in Exhibits A and B is hereby declared vacated.

Section 2. A certified copy of this Ordinance vacating the above-described right of way and any may in regard thereto shall be filed for record with the County Clerk for Linn County.

After Recording Return to:
City Clerk's Office
City of Lebanon
925 S. Main Street
Lebanon, OR 97355

Reserved for
Recording

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

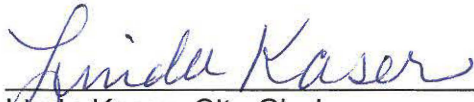
Passed by the Lebanon City Council and executed by the Mayor on this on this 14th day of October, 2015 by a vote of 5 yeas and 0 nays.

CITY OF LEBANON, OREGON



Paul R. Aziz, Mayor
Bob Elliott, Council President

ATTESTED BY:



Linda Kaser, City Clerk

EXHIBIT A

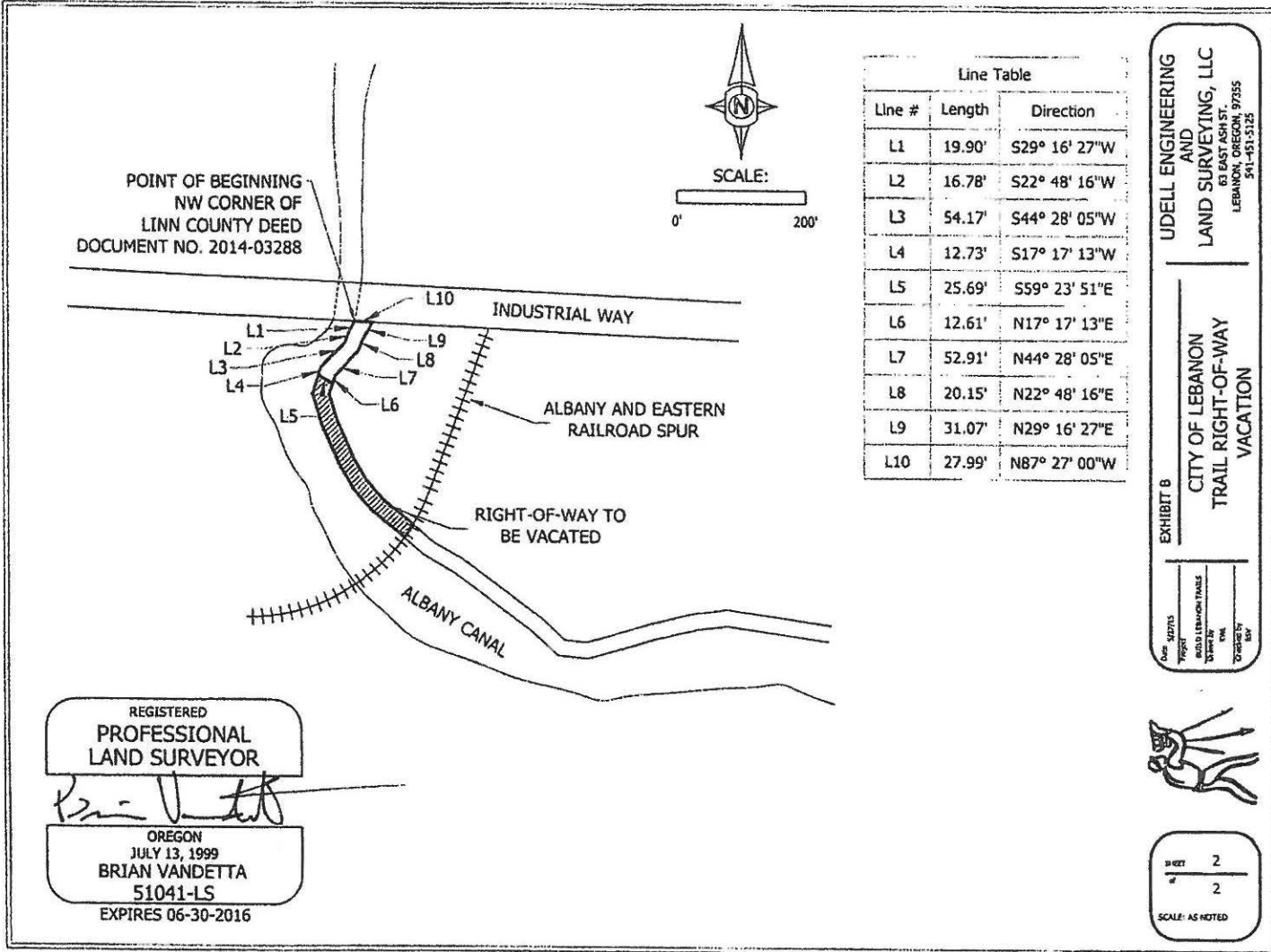
A strip of land being 25' in even width located in the Morgan Keese Donation Land Claim No. 43 in Section 2, Township 12 South, Range 2 West, Willamette Meridian, City of Lebanon, Linn County, Oregon, which is more particularly described as follows:

That land described in Linn County deed document no. 2014-03288. Excepting therefrom the following:

Commencing at the Northwest corner of the land described in Linn County deed document no. 2014-03288; thence South 29°16'27" West 19.90 feet; thence South 22°48'16" West 16.78 feet; thence South 44°28'05" West 54.17 feet; thence South 17°17'13" West 12.73 feet; thence South 59°23'51" East 25.69 feet; thence North 17°17'13" East 12.61 feet; thence North 44°28'05" East 52.91 feet; thence North 22°48'16" East 20.15 feet; thence North 29°16'27" East 31.07 feet; thence North 87°27'00" West 27.99 feet to the point of beginning.



EXHIBIT B





I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Steve Druckenmiller - County Clerk



After Recording Return to:

City of Lebanon
925 Main Street
Lebanon, Oregon 97355

VACATION OF RIGHT OF WAY DEDICATION

THIS VACATION OF RIGHT OF WAY DEDICATION ("Vacation") is made and entered into effective this 4th day of August 2015, by Guerdon Development, LLC, Eric Gerson, Member ("Guerdon") and the City of Lebanon (the "City" or "Lebanon").

RECITALS

- A. On or about March 25, 2014 the City and Guerdon recorded a Right-of-Way Dedication recorded at 2014-03288.
- B. The City and Guerdon want to Vacate the Right-of-Way.

GRANT OF RIGHT OF WAY EASEMENT AND AGREEMENTS

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, The Trust agrees as follows:

That certain Right-of-Way recorded at 2014-03288 and described on Exhibit A and Exhibit B, attached hereto, is hereby vacated in its entirety.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

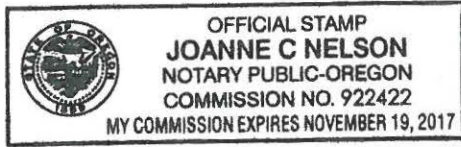
Guerdon Development, LLC
Eric Gerson, Member

City of Lebanon

By: Gary Marks
Its: City Manager



By: Paul R. Aziz
Its: Mayor



STATE OF OREGON)
)ss.
COUNTY OF LINN)

The foregoing instrument was acknowledged before me this 24th day of ~~August~~ ^{July}, 2015, by Eric Gerson as Member, Guerdon Development, LLC.

Notary Public for Oregon - Linn County
My Commission Expires: 11-19-17

STATE OF OREGON)
)ss.
COUNTY OF LINN)

The foregoing instrument was acknowledged before me this 14th day of ~~August~~ ^{October}, 2015, by Gary B. Marks. *and Paul R. Aziz, Mayor for the City of Lebanon.*

Linda G. Kaser
Notary Public for Oregon, Linn Co.
My Commission Expires: 8/26/2017

