



925 S. Main Street  
Lebanon, Oregon 97355

TEL: 541.258.4918  
www.ci.lebanon.or.us

# MEMORANDUM

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*Engineering Services*

To: Linda Kaser, CMC, City Clerk/Recorder  
From: Ed Patton, PE, PLS, Senior Engineer  
CC: Ron Whitlatch, PE, Engineering Services Director  
Subject: Proposed right of way vacation – Jennings Street

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Date: January 26, 2017

I ask that the City Council approve the attached ordinance and right of way vacation form to vacate a portion of a 20 foot wide Jennings Street right of way from Franklin Street west approximately 135 (please see map attached).

The right of way extension of Jennings Street to Franklin Street has had a garage on it for many decades. The section proposed to be vacated is only the east half as shown on the attached map. The west half serves residential properties. The vacation also is required to complete the sale of the home at 1680 Franklin Street because the bank is concerned about the garage located on this section of right of way.

The property was posted and newspaper notices were published per ORS 271.

While a gravel driveway for 1680 Franklin Street exists from Franklin Street west to a garage which is in the right of way near the back fence of this address, no alley exists for public vehicular access over the area proposed to be vacated. Historic aerial photos seem to indicate mature trees existed within or along this portion of alley in 1948 and 1956 photos. However, it is not clear from historic aerial photos if the public ever used this portion of alley right of way. It is believed that this portion of alley right of way was fenced as part of the applicant's rear and side yards sometime prior to him purchasing the property many years ago.

**A BILL FOR AN ORDINANCE VACATING  
JENNINGS STREET PUBLIC RIGHT OF WAY  
WEST OF FRANKLIN STREET**

) **ORDINANCE BILL NO. 2017-4**  
)  
)  
) **ORDINANCE NO. 2892**

**WHEREAS**, the City of Lebanon has initiated vacation proceedings for:

A 20 foot wide right of way in the northwest quarter of Section 14 in Township 12 South, Range 2 West of the Willamette Meridian more particularly described as follows.

Beginning at the northwest corner of the intersection of Franklin Street and Jennings Street rights of way, said point being West 20 feet more or less from the southeast corner of Donation Land Claim 48; thence, west along the north boundary of the Jennings Street right of way 135 feet more or less to a point North 0°09'30" West 20 feet more or less from the northeast corner of that land described in MF1414-0474 of Linn County deed records; thence, South 0°09'30" East 20 feet more or less to said northeast corner; thence, East along the south boundary of Jennings Street 135 feet more or less to the west right of way line of Franklin Street; thence North 0°09'30" West along the west line of the Franklin Street right of way 20 feet more or less to the point of beginning.

**WHEREAS**, the City Council, has conducted a public hearing on February 8, 2017, 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 Recording Officer has filed in the office of the City Recorder a certificate showing that all city liens and all taxes have been paid on the lands covered by the portion to be vacated.

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

LINN COUNTY, OREGON	2017-02591
ORD-VAC	
Cit=1 Stt=44 COUNTER	02/09/2017 01:26:25 PM
\$10.00 \$11.00 \$20.00 \$19.00 \$10.00	\$170.00
	
00290087201700025910020027	
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	

**NOW, THEREFORE, BE IT RESOLVED:**

**Section 1.** A public right of way located west of Franklin Street, more particularly described as follows:

A 20 foot wide right of way in the northwest quarter of Section 14 in Township 12 South, Range 2 West of the Willamette Meridian more particularly described as follows.

Beginning at the northwest corner of the intersection of Franklin Street and Jennings Street rights of way, said point being West 20 feet more or less from the southeast corner of Donation Land Claim 48; thence, west along the north boundary of the Jennings Street right of way 135 feet more or less to a point North 0°09'30" West 20 feet more or less from the northeast corner of that land described in MF1414-0474 of Linn County deed records; thence, South 0°09'30" East 20 feet more or less to said northeast corner; thence, East along the south boundary of Jennings Street 135 feet more or less to the west right of way line of Franklin Street; thence North 0°09'30" West along the west line of the Franklin Street right of way 20 feet more or less to the point of beginning.

Is hereby declared vacated.

**Section 2.** A certified copy of this Ordinance vacating the above-described 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 Lebanon City Council and executed by the Mayor on this on this 8<sup>th</sup> day of February, 2017 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



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, in Linn County, the right of way over and along the full width and length of the premises described as follows; to wit:

A 20 foot wide right of way in the northwest quarter of Section 14 in Township 12 South, Range 2 West of the Willamette Meridian more particularly described as follows.

Beginning at the northwest corner of the intersection of Franklin Street and Jennings Street rights of way, said point being West 20 feet more or less from the southeast corner of Donation Land Claim 48; thence, west along the north boundary of the Jennings Street right of way 135 feet more or less to a point North 0°09'30" West 20 feet more or less from the northeast corner of that land described in MF1414-0474 of Linn County deed records; thence, South 0°09'30" East 20 feet more or less to said northeast corner; thence, East along the south boundary of Jennings Street 135 feet more or less to the west right of way line of Franklin Street; thence North 0°09'30" West along the west line of the Franklin Street right of way 20 feet more or less 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 8th day of February 2017.

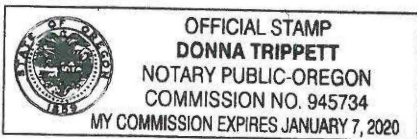
CITY OF LEBANON, OREGON

By: [Signature]
Paul Aziz, Mayor [X]
Bob Elliott, Council President [ ]
By: [Signature]
Linda Kaser, City Clerk

STATE OF OREGON )
) ss.
COUNTY OF LINN )

Before me, on the 8th day of February, 2017, personally appeared the above-named Paul Aziz 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.

[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 1/7/2020



AFTER RECORDING RETURN TO:
CITY CLERK'S OFFICE
CITY OF LEBANON
925 MAIN ST. LEBANON, OREGON 97355

LINN COUNTY, OREGON 2017-02592
E-REL
Cnt=1 Stn=44 COUNTER 02/09/2017 01:27:25 PM
\$10.00 \$11.00 \$20.00 \$19.00 \$10.00 \$70.00
00290088201700025920020024

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





VACATION OF JENNINGS STREET RIGHT-OF-WAY EAST OF FRANKLIN STREET

