



925 S. Main Street
Lebanon, Oregon 97355

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

MEMORANDUM

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 – Alley east of Williams Street

Date: January 26, 2017

I ask that the City Council approve the attached ordinance and right of way vacation form to vacate the alley right of way just north of Milton Street beginning at the railroad right of way by Williams Street and continuing east approximately 149 feet into a grass field (please see map attached).

The alley right of way shown north of Milton Street is isolated from Williams Street by the railroad. Additionally, this vacation allows for the development of the surrounding properties per Planning Case 16-05-23 which was approved by the Lebanon Planning Commission.

No evidence of an alley exists over the area proposed to be vacated. Historic aerial photos seem to indicate a dirt access may have existed within or along this portion of alley in 1936 but was removed prior to 1944. However, it is not clear from historic aerial photos if the public had any use of this portion of alley right of way.

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

) **ORDINANCE BILL NO. 2017-5**
)
)
) **ORDINANCE NO. 2893**

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 a 20 foot wide right of way which is at the southwest corner of Lot 11 in Block 3 of Queen Anne, an addition to Lebanon, Oregon; thence, South 89°59' East along the south boundary of said Lot 11 a distance of 149 feet more or less to the northeast corner of said 20 foot wide right of way lying on the west boundary of that land described in Deed Reference MF1672-0159 of Linn County Records; thence, South 0°7'30" West along the east boundary of said 20 foot wide right of way 20 feet more or less to the southeast corner of said right of way; thence, North 89°59' West 142.3 feet more or less along the south boundary of said 20 foot wide right of way to the east boundary of the railroad right of way; thence, along said east boundary of the railroad right of way North 18°24'24" West 21.08 feet more or less to the point of beginning. Save and except any portion lying within railroad right of way.


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	2017-02593
ORD-VAC	
Cnt=1 Str=44 COUNTER	02/09/2017 01:29:25 PM
\$10.00 \$11.00 \$20.00 \$19.00 \$10.00	\$170.00
	
00290089201700025930020021	
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 east of Williams 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 a 20 foot wide right of way which is at the southwest corner of Lot 11 in Block 3 of Queen Anne, an addition to Lebanon, Oregon; thence, South 89°59' East along the south boundary of said Lot 11 a distance of 149 feet more or less to the northeast corner of said 20 foot wide right of way lying on the west boundary of that land described in Deed Reference MF1672-0159 of Linn County Records; thence, South 0°7'30" West along the east boundary of said 20 foot wide right of way 20 feet more or less to the southeast corner of said right of way; thence, North 89°59' West 142.3 feet more or less along the south boundary of said 20 foot wide right of way to the east boundary of the railroad right of way; thence, along said east boundary of the railroad right of way North 18°24'24" West 21.08 feet more or less to the point of beginning. Save and except any portion lying within railroad right of way.

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 8th 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 a 20 foot wide right of way which is at the southwest corner of Lot 11 in Block 3 of Queen Anne, an addition to Lebanon, Oregon; thence, South 89°59' East along the south boundary of said Lot 11 a distance of 149 feet more or less to the northeast corner of said 20 foot wide right of way lying on the west boundary of that land described in Deed Reference MF1672-0159 of Linn County Records; thence, South 0°7'30" West along the east boundary of said 20 foot wide right of way 20 feet more or less to the southeast corner of said right of way; thence, North 89°59' West 142.3 feet more or less along the south boundary of said 20 foot wide right of way to the east boundary of the railroad right of way; thence, along said east boundary of the railroad right of way North 18°24'24" West 21.08 feet more or less to the point of beginning. Save and except any portion lying within railroad right of way.

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 Feb, 2017.

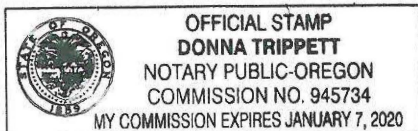
CITY OF LEBANON, OREGON

By: Paul Aziz, Mayor [checked]
Bob Elliott, Council President []
By: 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.

Donna Trippett
NOTARY PUBLIC FOR OREGON
My Commission Expires: 1/7/2020



AFTER RECORDING RETURN TO:
CITY OF LEBANON
925 MAIN ST., LEBANON, OREGON 97355

LINN COUNTY, OREGON 2017-02594
E-REL
Cnt=1 Str=44 COUNTER 02/09/2017 01:29:53 PM
\$10.00 \$11.00 \$20.00 \$19.00 \$10.00 \$70.00
Barcode: 00290090201700025940020026

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 PUBLIC RIGHT-OF-WAY EAST OF WILLIAMS STREET

