

**A BILL FOR AN ORDINANCE VACATING
STORM DRAINAGE UTILITY EASEMENT
ON N WILLIAMS STREET**

) **ORDINANCE BILL NO. 2022-16**
)
) **ORDINANCE NO. 2992**

WHEREAS, as result of petition, the City of Lebanon has initiated vacation proceedings for a public utility easement, more particularly described as follows:

A 10.0 foot wide strip of land, the centerline of which is described as follows:

Beginning at an iron rod marking the most Easterly Northeast corner of that tract of land described in Volume 402, Page 904, Deed Records for Linn County, Oregon, which point bears North 74° 08' 30" East 1566.19 feet from the Northeast corner of the Wassom's Addition to the City of Lebanon, in Section 10, Township 12 South, Range 2 West of the Willamette Meridian in Linn County, Oregon; thence South 66° 53' 39" East 38.05 feet to a point on the Easterly line of a 60' wide roadway easement, and being THE TRUE POINT OF BEGINNING; thence South 76°00' East 340.0 feet; thence North 57°00' East 80.0 feet, more or less, to the center of Marks Slough and the point of terminus. See attached Exhibit "A".

WHEREAS, on October 12, 2022, the Council for the City of Lebanon conducted a public hearing, 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 owner of the requisite area has been obtained,

WHEREAS, the City Council has determined the public interests will not be prejudiced by the vacation of such easement;

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

LINN COUNTY, OREGON	2022-17639
ORD-ORD	10/26/2022 01:54:01 PM
Stn=10122 S. WILSON	\$115.00
\$15.00 \$11.00 \$10.00 \$60.00 \$19.00	
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, the City of Lebanon ordains as follows:

Section 1. Public utility easement, more particularly described as follows:

A 10.0 foot wide strip of land, the centerline of which is described as follows:

Beginning at an iron rod marking the most Easterly Northeast corner of that tract of land described in Volume 402, Page 904, Deed Records for Linn County, Oregon, which point bears North 74° 08' 30" East 1566.19 feet from the Northeast corner of the Wassom's Addition to the City of Lebanon, in Section 10, Township 12 South, Range 2 West of the Willamette Meridian in Linn County, Oregon; thence South 66° 53' 39" East 38.05 feet to a point on the Easterly line of a 60' wide roadway easement, and being THE TRUE POINT OF BEGINNING; thence South 76°00' East 340.0 feet; thence North 57°00' East 80.0 feet, more or less, to the center of Marks Slough and the point of terminus. See attached Exhibit "A". Is hereby declared vacated.

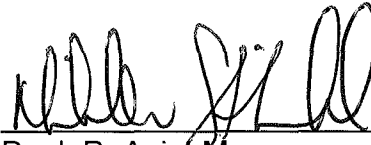
Section 2. A certified copy of this Ordinance vacating the above-described easement on any map in regard thereto shall be filed for record with the County Clerk for Linn County.

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

Section 4. This Ordinance shall be in full force and effect (30) days after the date of the ordinance is signed and approved by the City Council and Mayor.

Passed by the Lebanon City Council by a vote of 5 for and 0 against and approved by the Council President this 12th day of October 2022.

CITY OF LEBANON, OREGON




Paul R. Aziz, Mayor

Michelle Steinhebel, Council President



Attested:

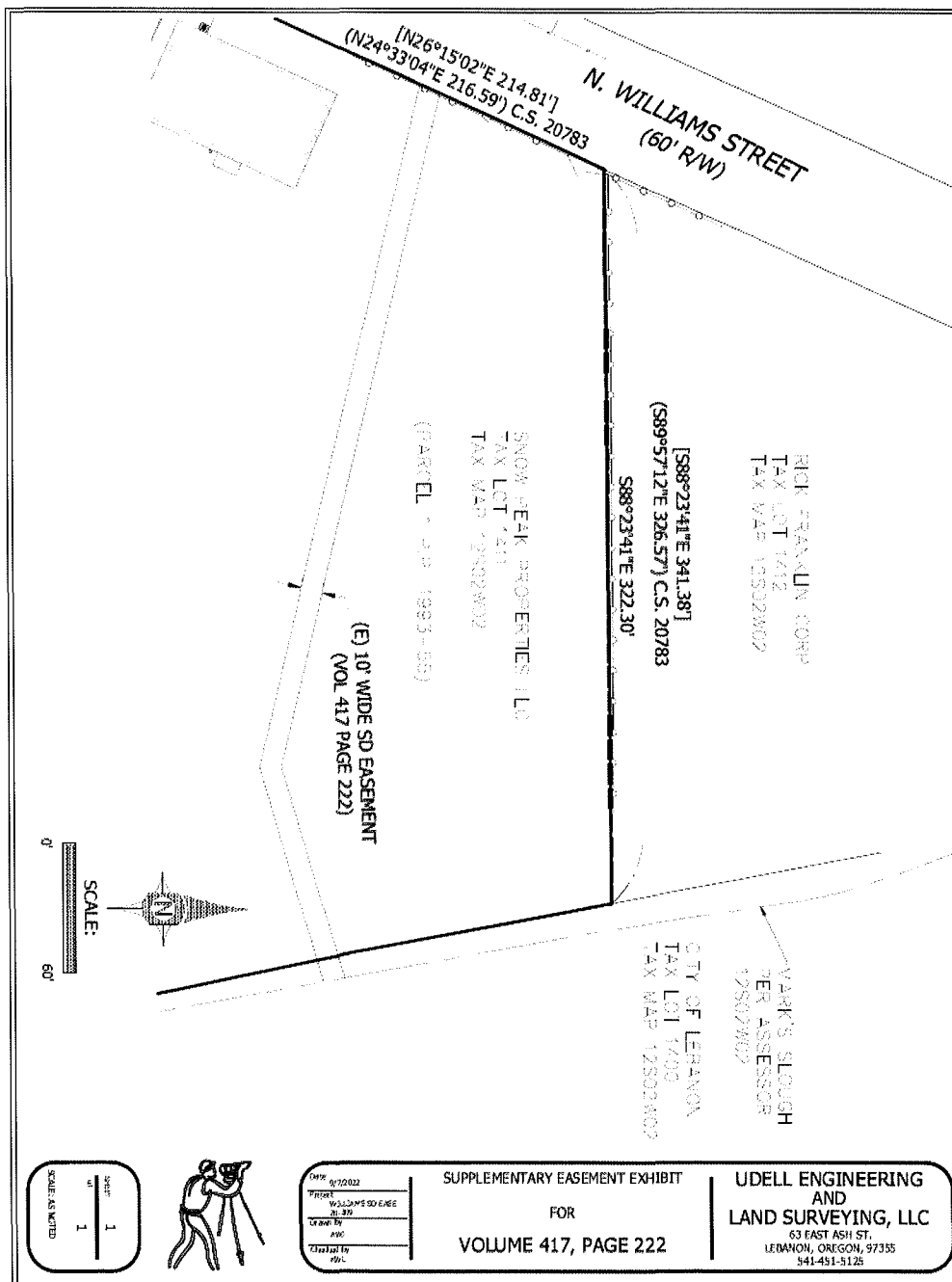


Kim Scheafer, MMC, City Recorder

Exhibit A

A 10.0 foot wide strip of land, the centerline of which is described as follows:

Beginning at an iron rod marking the most Easterly Northeast corner of that tract of land described in Volume 402, Page 904, Deed Records for Linn County, Oregon, which point bears North 74° 08' 30" East 1566.19 feet from the Northeast corner of the Wassom's Addition to the City of Lebanon, in Section 10, Township 12 South, Range 2 West of the Willamette Meridian in Linn County, Oregon; thence South 66° 53' 39" East 38.05 feet to a point on the Easterly line of a 60' wide roadway easement, and being THE TRUE POINT OF BEGINNING; thence South 76° 00' East 340.0 feet; thence North 57° 00' East 80.0 feet, more or less, to the center of Marks Slough and the point of terminus.





925 S. Main Street
Lebanon, Oregon 97355

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

MEMORANDUM

Engineering Services

To: Mayor Aziz and City Council

Date: October 3, 2022

From: Ron Whitlatch, Engineering Services Director 

Subject: **Recommendation to Vacate Easement**

Storm Drainage Utility Easement – 489 N Williams Street

I. INTRODUCTION

In the summer of 2021, City Staff became aware of a public storm drainage line that had failed. The line was located in an easement on the property located at 489 N. Williams Street. A new storm drainage pipe was installed in December of 2021 in a new easement located in a different location on the property.

Due to the storm line being in a new location, there is no need for the existing easement to remain for this utility. Staff believes it is appropriate to vacate the existing easement. An Exhibit Map is attached indicating the location of the easement being vacated.

To vacate the easement, ORS requires that the City advertise for a public hearing (14 days prior to the hearing) and allow for the public to provide written and or oral comments. The Notice of Vacation has been advertised in the Albany Democrat Herald on September 28th and October 5th thus meeting the noticing requirements. ORS also states that the property in question have a physical notice be placed on it. Staff posted the property on September 28th, again meeting the requirements.

II. RECOMMENDATION

I recommend that City Council approve the Ordinance for vacation of the easement on 489 N Williams Street.