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CHARLES STERN, COUNTY CLERK



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ORDINANCE No. 2000-2533

AN ORDINANCE VACATING THE FOLLOWING PUBLIC RIGHT-OF-WAY: A PORTION OF THE ALLEY WITHIN BLOCK 42 EDWARDS ADDITION ADJACENT TO YAMHILL COUNTY TAX LOTS BETWEEN 3219DA-1300 AND -1400 WITHIN THE CORPORATE CITY LIMITS OF NEWBERG, OREGON.

RECITALS:

1. The City Council of Newberg has initiated a vacation proceeding as authorized by ORS 271.130.
2. Notice was published in the Newberg Graphic Newspaper once a week for two consecutive weeks prior to the final public hearing of the City Council.
3. The Newberg City Council conducted a public hearing on August 7, 2000 to consider the vacation and any written objections or remonstrances.
4. All the abutting property owners have signed consent to vacate forms.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The following described public right-of-way within the City of Newberg, County of Yamhill, State of Oregon, is hereby vacated:

THAT PORTION OF THE ALLEY ADJACENT TO LOTS ONE THROUGH FOUR AND THIRTEEN THROUGH SIXTEEN WITHIN BLOCK 42 EDWARDS ADDITION TO TOWN OF NEWBERG.

2. The Findings of Fact for approval, marked as Exhibit A and attached to this ordinance, are hereby adopted and by this reference incorporated.
3. Subject to the above provisions, the Recorder of the City of Newberg is hereby directed to file for recording with the County Clerk and Ex-Officio Recorder of Conveyances of the County of Yamhill, State of Oregon, a certified copy of this ordinance and a map of said public right-of-way (Exhibit B) so vacated, and the Recorder is further directed to file a copy of this ordinance and a map with the Surveyor and the Assessor of said Yamhill County, Oregon, respectively.

4. Title to the real property included within said rights-of-way hereby vacated shall attach to the property abutting said right-of-way, in accordance with the provisions of ORS 271.140.

ADOPTED by the Newberg City Council this 7th day of August, 2000, by the following votes:

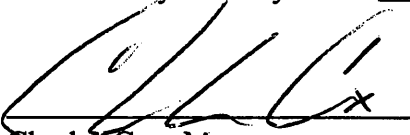
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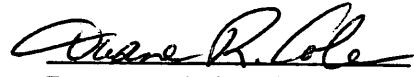
NAY: 0

ABSENT: 0

ABSTAIN: 0

ATTEST by the Mayor this 11 of Aug, 2000.


Charles Cox, Mayor


Duane R. Cole, City Recorder

OFFICE OF CITY RECORDER
CITY OF NEWBERG

I certify that I have compared this copy with the original document now in my possession and it is a true and correct copy of the original.

By 
Duane R. Cole, City Manager

08/24/00
Date

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LEGISLATIVE HISTORY

By and through _____ Committee at ____/____/2000 meeting. Or, X None.
(committee name) (date) (check if applicable)

EXHIBIT A
FINDINGS FOR APPROVAL
OF A RIGHT-OF-WAY VACATION

ORS 271.130 lists the criteria for vacations. The section states that approval must include affirmative findings that:

Criteria 1. Notice has been given as provided by ORS 271.110.

Finding: Notice has been provided in accordance with ORS 271.110. Notice was published in the Newberg Graphic for two consecutive weeks beginning July 19, 2000. In addition, notice has been posted near the site and in five public places.

Criteria 2. The owners of a majority of the area affected do not object in writing.

Finding: The abutting property owners are not affected by the proposed vacation. Written consent from all of the owners of the abutting property have been received.

Criteria 3. Where owner consent has not been provided, the vacation will not significantly affect the value of the abutting properties, unless the city provides for paying damages.

Finding : The proposed vacation will not limit access to abutting properties at this time, or have a detrimental effect on their market value.

Conclusion: Based on the criteria and conclusionary findings, the proposed vacation satisfies City standards and approval criteria.

Description: Right-of-way vacation File: VAC-14-00 Date: August 7, 2000	EXHIBIT B	Adjacent to Tax Lots: 3219DA-1300 and -1400 Location: Between 7th and 8th west of S. Meridian

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