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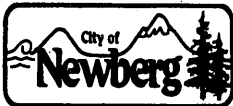
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CITY OF NEWBERG  
CITY RECORDER INDEX NO. 1814



## ORDINANCE No. 2001-2544

**AN ORDINANCE VACATING THE FOLLOWING PUBLIC RIGHT-OF-WAY: A  
PORTION OF MOUNTAINVIEW DRIVE BETWEEN VILLA RD. AND N.  
COLLEGE ADJACENT TO YAMHILL COUNTY TAX LOT 3217-1900,  
WITHIN THE CORPORATE CITY LIMITS OF NEWBERG, OREGON.**

### RECITALS:

1. On February 5, 2001, the City Council of Newberg 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 beginning February 21, 2001, prior to the final public hearing of the City Council.
3. The Newberg City Council conducted a public hearing on March 5, 2001 to consider the vacation and any written objections or remonstrances.
4. The abutting property owner has agreed to dedicate land for right-of-way in an alternative location on Tax Lot 3217-1900.

### 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:

Beginning at a point N 89°43'40" E 387.19 feet from the Northwest corner of Section 17 in Township 3 South Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said point being the true point of beginning of the following tract of land; thence Southeasterly along the arc of a 330 foot radius curve to the right 232.73 feet (Long Chord bears S 70°04'05" E 213.91 feet); thence Southeasterly along the arc of a 330 foot radius curve to the left 232.73 feet (Long Chord bears S 70°04'05" E 213.91 feet); thence N 89°43'40" E 158.00 feet; thence Northeasterly along the arc of a 350 foot radius curve to the left 243.03 feet (Long Chord bears N 69°50' 09" E 238.17 feet); thence Northeasterly along the arc of a 330 foot radius curve to the right 229.14 feet (Long Chord bears N 69°50' 09" E 224.56 feet); thence S 0°16' 20" E 60.00 feet; thence Southwesterly along the arc of a 270 foot radius curve to the left 187.48 feet (Long Chord bears S 69°50' 09" W 183.73 feet); thence Southwesterly along the arc of a 410 foot radius curve to the right 284.69 feet (Long Chord bears S 69°50' 09" W 279.01 feet); thence S 89°43' 40" W 158.00 feet; thence Northwesterly

along the arc of a 390 foot radius curve to the right 275.05 feet (Long Chord bears N 70°04' 05" W 269.38 feet); thence Northwesterly along the arc of a 270 foot radius curve to the left 190.42 feet (Long Chord bears N 70°04' 05" W 186.50 feet); thence N 0°16' 20" W 60.00 feet to the point of beginning.

Reserving unto the City of Newberg a temporary utility easement over the South thirty feet of the above described tract of land for a 12" water line. Said easement to be extinguished June 1, 2002.

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. Upon receipt of an acceptable replacement right-of-way dedication from George K. and Joan D. Austin, and 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 5th day of March, 2001; by the following votes:

AYE: 6

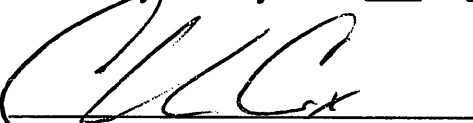
NAY: 0

ABSENT: 0

ABSTAIN: 0

  
Duane R. Cole, City Recorder

ATTEST by the Mayor this 16 of March, 2001.

  
Charles Cox, Mayor

#### LEGISLATIVE HISTORY

By and through \_\_\_\_\_ Committee at \_\_\_\_ / \_\_\_\_ /2001 meeting. Or, \_\_\_\_ 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 February 21, 2001. In addition, notice has been posted near the site and in four public places.

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

Finding: The abutting property owner does not object to the proposed vacation, and written consent has 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.

**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* *Mar. 21, 2001*  
Duane R. Cole, City Manager Date

