

AFFIDAVIT OF POSTING ORDINANCE NO. 46

STATE OF OREGON            )  
Counties of Clackamas    )  
and Washington            )    ss  
City of Wilsonville        )

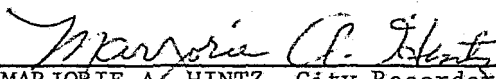
I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On Tuesday, the 17th day of December, 1974, I caused to be posted copies of the attached Ordinance No. 46 in the following three (3) public and conspicuous places of the City, to wit:


- 1) Wilsonville City Hall
- 2) Kopper Kitchen Restaurant
- 3) Wilsonville United States Post Office

The notices remained posted for more than five (5) consecutive days prior to the time for final reading and passage of the Ordinance on the 17th day of December, 1974.

DATED at Wilsonville, State of Oregon, this 17th day of December, 1974.

  
MARJORIE A. HINTZ, City Recorder

Subscribed and sworn to before me this 17th day of December, 1974.

  
NOTARY PUBLIC for Oregon  
My Commission expires: Oct 2 1976

ORDINANCE NO. 46

AN ORDINANCE PROVIDING FOR THE VACATION OF SCHNITZER WAY AND UTILITY EASEMENTS WHICH AFFECT THE SOUTH 10 FEET OF LOT 2 AND THE NORTH 10 FEET OF LOT 3 IN WILSONVILLE INDUSTRIAL PARK IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON; AND DECLARING AN EMERGENCY.

WHEREAS, "Schnitzer Way" is a dedicated public road on Plat of Wilsonville Industrial Park, and said Plat also delineates Utility Easements which affect the South 10 feet of Lot 2 and the North 10 feet of Lot 3 in said Subdivision; and

WHEREAS, Willpren Investment Company, a partnership consisting of Patrick R. Prendergast and Homer G. Williams, are the owners in fee simple of said Subdivision, and they have requested of the Wilsonville City Planning Commission and the Wilsonville City Council that these vacation proceedings be initiated and their written Consent to the proposed vacations were dated and signed on October 6, 1974, and filed with the Wilsonville City Recorder in her file of this matter; and

WHEREAS, the dedicated public road shown on the Subdivision of Wilsonville Industrial Park Plat as "Schnitzer Way" is not improved as a public thoroughfare, has never been used for street purposes, and is planned to be relocated approximately 20 feet to the West by a replat of said Subdivision. Also the Utility Easements as delineated on the recorded Plat and affecting Lots 2 and 3 are not now used for utility purposes or any other purpose, and are also to be relocated in a replat of said Subdivision; and

WHEREAS, the Wilsonville City Planning Commission has approved a replat of the Wilsonville Industrial Park which relocates the public road known as "Schnitzer Way" and also relocates the Utility Easements affecting Lots 2 and 3 in said Subdivision, and the Wilsonville City Council has investigated this matter and approved the replat and has determined that "Schnitzer Way" and the Utility Easements as delineated in Plat of Wilsonville Industrial Park should be vacated and comparable areas for the same purposes have been provided in the Replat

of said Subdivision; and

WHEREAS, Resolution No. LVIII (A RESOLUTION TO INITIATE ON THE COUNCIL'S OWN MOTION PROCEEDINGS FOR THE VACATION OF "SCHNITZER WAY" AND DEDICATED UTILITY EASEMENTS IN THE WILSONVILLE INDUSTRIAL PARK IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, STATE OF OREGON, AND FIXING A TIME FOR HEARING) was adopted by the Wilsonville City Council at a regular meeting thereof on the 21st day of October, 1974, and in pursuance of the Resolution and the laws of this State which are applicable to such matters, a public hearing on the question of such vacations was called to be held before the Wilsonville City Council at 8:00 o'clock p.m. on Monday, November 25, 1974, at the Wilsonville City Hall for the purpose of hearing and considering any objections to or remonstrances against the proposed vacations; and

WHEREAS, Notice of the hearing and of the proposed vacations was duly and regularly published and posted in the manner and for the time required by law, and the City Recorder's Certificate of such postings and publications has been filed with the Wilsonville City Council in this matter, and more than twenty-eight (28) days elapsed since the date of the posting and publication; and

WHEREAS, the public hearing on the question of such vacations was duly and regularly held at the time and place as advertised, and no one appeared either in person or otherwise to object to or remonstrate against the proposed vacations; and at the conclusion of the hearing, the Wilsonville City Council reviewed the matter and concluded that the hereinafter described street and Utility Easements should be vacated; now, therefore,

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: All of that certain public road known as "Schnitzer Way" as dedicated on the Plat of Wilsonville Industrial Park in the City of Wilsonville, County of Clackamas and State of Oregon, and the Utility Easements as delineated on said recorded Plat and

which affect the South 10 feet of Lot 2 and the North 10 feet of Lot 3 shall be vacated, and the vacation thereof shall be effective upon the adoption of this Ordinance by the Wilsonville City Council after second and final reading thereof as provided by the Wilsonville City Charter.


Section 2: That the title to the street area and Utility Easements area vacated shall attach to the land bordering on such area in equal proportions as provided by Oregon Revised Statutes 271.140.

Section 3: That upon the final passage and adoption of this Ordinance, the Wilsonville City Recorder is hereby directed to prepare and file for record with the Clackamas County Recorder a certified copy of this Ordinance. The Wilsonville City Recorder shall also prepare and file a certified copy of this Ordinance with the Clackamas County Assessor and the Clackamas County Surveyor and as more particularly required by the provisions of Oregon Revised Statutes 271.150.

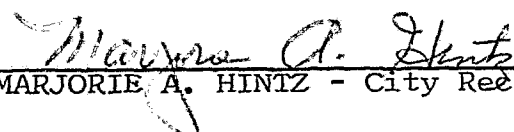
Section 4: Any other Ordinance, or parts of Ordinances, in conflict herewith shall be and the same are hereby repealed.

Section 5: It being deemed by the Wilsonville City Council that an emergency exists, this Ordinance shall take effect immediately upon its final passage by the City Council.

Passed by the Wilsonville City Council on first reading this 9th day of December, 1974; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of five (5) consecutive days as required by the Wilsonville City Charter; and to come up for final reading and action of the Council at a regular meeting thereof to be held on the 23rd day of December, 1974, at the hour of 8:00 o'clock p.m. at the Wilsonville City Hall.

  
PHILLIP R. BALSIGER - Mayor

ATTEST:

  
MARJORIE A. HINTZ - City Recorder

Passed on final reading at a regular meeting of the Wilsonville  
City Council this 23rd day of December, 1974, by the following vote:

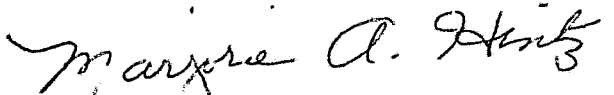
Yeas 5. Nays 0.

  
PHILLIP R. BALSIGER - Mayor

ATTEST:

  
MARJORIE A. HINTZ - City Recorder

I certify this is a true and correct copy  
of Ordinance No. 46 enacted on second and  
final reading December 23, 1974.

  
City Recorder