

AFFIDAVIT OF POSTING

ORDINANCE #194

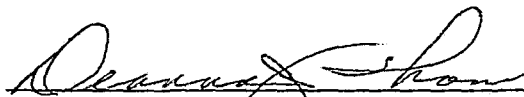
STATE OF OREGON)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
CITY OF WILSONVILLE)

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

On the 28th day of October, 1981, I caused to be posted copies of the attached Ordinance #194, an ordinance vacating a portion of Second Street, a portion of Third Street and a 16 foot alleyway connecting Second Street and Third Street, in the following four public and conspicuous places of the City, to wit:

- WILSONVILLE POST OFFICE
- WILSONVILLE CITY HALL
- LOWRIE'S FOOD MARKET
- KOPPER KITCHEN

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 2nd day of November, 1981.


DEANNA J. THOM, City Recorder

Subscribed and sworn to before me
this 8th day of December, 1981.


NOTARY PUBLIC, STATE OF OREGON

My commission expires: August 23, 1985

ORDINANCE NO. 194

ORDINANCE VACATING A PORTION OF SECOND STREET, A PORTION OF THIRD STREET AND 16 FOOT ALLEYWAY CONNECTING SECOND STREET AND THIRD STREET.

WHEREAS, Falcon Construction Co. has petitioned to vacate a portion of Second Street, a portion of Third Street and a 16 foot alleyway connecting Second and Third Street in Wilsonville, Clackamas County, Oregon, each of the aforementioned streets being dedicated a public way. The petition was duly filed with the City, setting forth the description of the portion of said streets to be vacated, the reasons for the vacation, the consent of the owners of all abutting properties in not less than two thirds an area the real property affected thereby as defined in ORS 271.080(2), together with the required filing fee; and

WHEREAS, on August 3, 1981, it was duly moved, seconded and passed by the City Council to set a public hearing to hear the matter of the vacation on September 21, 1981, provided that the Planning Commission of the City of Wilsonville give consideration to the vacation request and make a recommendation upon same prior to said hearing; and

WHEREAS, on August 10, 1981, the Planning Commission did consider and review the vacation request as set forth above and did make a recommendation in favor of the request provided that certain revisions were made and did set forth their recommenda-

tion in memorandum form to the City Council dated September 21, 1981, as prepared by the City's Planning Director at the direction of the Planning Commission, said Memorandum being made a part of the record of this matter; and

WHEREAS, on September 21, 1981, on due notice being published and posted, a public hearing was held before the City Council for the City of Wilsonville at which time public testimony of proponents and others were taken in regard to the aforementioned street vacations and petitioner indicated that it did not oppose the amendments and revisions recommended by the Planning Commission and further that it would provide a 12 foot private access easement from Third Street across proposed Lot 4 and Lot 3 to the property line of Lot 3 and Lot 2 along the westerly most property lines of proposed Lots 4 and 3, the said private access easement being part of condition of a zone change request that is being processed by the City simultaneously with the street vacation request; and

WHEREAS, the City Council further requested that the petitioner file with the City the appropriate legal description of the portions of the streets to be vacated, as revised, subject to approval of the City's Engineer, City's Attorney, and the applicant having now provided the City with said descriptions,

NOW, THEREFORE, THE CITY OF WILSONVILLE HEREBY ORDAINS AS FOLLOWS:

1. The following described portions of Third Street, Second Street and a 16 foot alleyway within the City of Wilsonville, Clackamas County, Oregon, are vacated, said portions of the aforementioned streets and alleyway are more particularly described as follows:

Parcel A:

The Northerly 22 feet of 3rd Street abutting Lot 4 Block F Wilsonville, a subdivision of record in Clackamas Co., Oregon, with 20 foot radii at the Southwesterly and Southeasterly corners.

PARCEL B:

The Northerly 22 feet of 3rd Street abutting Lot 2 Block F Wilsonville, a subdivision of record in Clackamas Co., Oregon, excepting therefrom the Westerly 12 feet abutting the right of way previously vacated under ordinance 42 of Wilsonville; with a twenty foot radius at the Southwesterly corner.

PARCEL C:

The 16 foot alleyway abutting the Easterly side of Lot 2 Block H Wilsonville, a subdivision of record in Clackamas Co. Oregon.

PARCEL D:

The Northerly 12 feet of 2nd Street abutting the Southerly line of Block H, Wilsonville, a subdivision of record in Clackamas Co., Oregon, with a 12 foot radius at the Southeasterly corner.

PARCEL E:

The Southerly 22 feet of 3rd Street abutting the Northerly line of Block H, Wilsonville, a subdivision of record in Clackamas Co., Oregon; excepting therefrom the Westerly 12 feet abutting the right of way previously vacated by Ordinance 42, City of Wilsonville; together with 20 foot radii at the Norwesterly and Northeasterly corners.

2. The notice of hearing requirements of ORS 271.110 having been duly given, and the hearing was duly conducted on September 21, 1981.

3. The vacation of the above described portion of Second Street, Third Street and the 16 foot alleyway will not substantially affect the market value of such property and no damages are payable;

4. All City liens and all taxes have been paid on the land described and which is to be vacated.

5. The vacation of the above described portions of Second Street, Third Street and the 16 foot alleyway will not prejudice the public's interest and is consistent with the City's Comprehensive Plan and Zoning Ordinance.

6. The title to the streets and alleyway areas vacated shall attach to the land bordering on said areas vacated as provided in ORS 271.406. The above described legal description is a modification of the original proposed vacation in order for the City to reserve certain portions of Third Street, Second Street and the public interest and therefore reflects the fact of said reservation.

7. In order to provide needed housing for citizens of the City of Wilsonville, it is necessary to begin construction while weather conditions are still favorable, and in the interests of the health and welfare of the citizens of the City of Wilsonville, an emergency is hereby declared to exist, and this Ordinance shall be enacted upon its final reading.


Submitted to the Council and read the first time at a regular meeting thereof on the 19th day of October, 1981, and scheduled for second reading at a regular meeting of the Council on the 2nd day of November, 1981, commencing at the hour of 7:30 o'clock p.m., at the Wilsonville City Hall.


Deanna J. Thom, City Recorder

ENACTED by the Council on the 2nd day of November, 1981, by the following votes: YEAS 4 NAYS 1 ABSTAIN.


Deanna J. Thom, City Recorder

DATED and signed by the Mayor this 9th day of November 1981.


William G. Lowrie, Mayor