

ORDINANCE BILL NO. 2 FOR 1999

ORDINANCE NO. 1124

AN ORDINANCE VACATING THE PUBLIC RIGHT-OF-WAY IDENTIFIED AS PORTIONS OF POPLAR STREET AND 52ND AVENUE, ABUTTED BY THOSE PROPERTIES ON ASSESSOR'S MAP 13-1E-27C TAX LOT 109 AND ASSESSOR'S MAP 13-1E-27AC TAX LOTS 3900, 4100 AND 4101, ALL WITHIN THE CITY OF SWEET HOME, AND RESERVING A PUBLIC DRAINAGE AND UTILITY EASEMENTS.

WHEREAS, the City Council has initiated the vacation proceedings on its own motion, and has had notice provided, as required by ORS Chapter 271; and,

WHEREAS, the Planning Commission was given an opportunity to review the proposed vacation and make a recommendation to the City Council; and,

WHEREAS, no objections have been received to said proposed vacation;

WHEREAS, no substantial effect to the market value of the property has been identified; and,

WHEREAS, the City Council has determined that no public interests will be prejudiced by the vacation;

NOW, THEREFORE, THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. That the public right-of-ways in the City of Sweet Home, Linn County, Oregon, are vacated as depicted on the map titled *Attachment "A"* and described as follows:

EASTERN 13' OF 52ND AVENUE:

Beginning at a 5/8" iron rod at the southwest corner of Block 2 of Foster, in Section 27, Township 13 South, Range 1 East, Willamette Meridian, Linn County, Oregon; thence west on a projection of the south line of said Block 2, a distance of 13 feet; thence north 0°39'30" west parallel to the west line of said Block 2, a distance of 168.00 feet to a point on the south line of Poplar Street; thence north 89°34'00" east along the south line of Poplar Street a distance of 13 feet to a 5/8" rod which is 30 feet south of the north line of Donation Land Claim Number 38 and on the west line of said Block 2; thence south 0°39'30" east along the west line of said Block 2, a distance of 168.00 feet to the point of beginning.

NORTH ½ POPLAR STREET AND WESTERLY 7' OF 52ND AVENUE:

Beginning at the southeast corner Block 15, Charles Altschul's Addition, in Section 27, Township 13 South, Range 1 East, Willamette Meridian, Linn County, Oregon; thence north along the east line of said Block 15, a distance of 285.00 feet to the southeast corner of Lot 10, Block 6 Charles Altschul's Addition; thence east along the north line of Quince Street, a distance of 7.00 feet; thence south parallel to the east line of said Block 15, a distance of 315.00 feet to the north line of

Donation Land Claim Number 38; thence west parallel to the north line of Poplar Street, a distance of 226 feet more or less to the centerline of Wiley Creek; thence northerly along the centerline of Wiley Creek, a distance of 30 feet more or less to the westerly projection of the north line of Poplar Street; thence east along the north line of Poplar Street, a distance of 220 feet more or less to the point of beginning. *Except* that portion of the subject property lying below the ordinary high water line of Wiley Creek.

SOUTH ½ POPLAR STREET AND WESTERLY 13' OF 52ND AVENUE:

Beginning at the northwest corner of Foster, in Section 27, Township 13 South, Range 1 East, Willamette Meridian, Linn County, Oregon; thence west parallel to the south line of Poplar Street, a distance of 220 feet more or less to the centerline of Wiley Creek; thence southerly along the centerline of Wiley Creek, a distance of 30 feet more or less to the westerly projection of the south line of Poplar Street; thence east along the south line of Poplar Street, a distance of 210 feet more or less to a point that is on the west line of 52nd Avenue and is south 0°39'30" east, 30 feet from the northwest corner of Foster; thence south 0°39'30" east along the west line of 52nd Avenue, a distance of 300.18 feet to a 5/8" iron rod; thence north 89°34' east, along the north line of M.F. Volume 70, Page 806 a distance of 13.00 feet; thence north 0°39'30" west parallel to the west line of 52nd Avenue, a distance of 330 feet more or less to the north line of Donation Land Claim Number 38; thence west along said Donation Land Claim line, a distance of 13 feet to the point of beginning. *Except* that portion of the subject property lying below the ordinary high water line of Wiley Creek.

EAST SIDE OF 52ND AVENUE, NORTH OF POPLAR AND SOUTH OF OSAGE:

Beginning at a point on the Southwest corner of Block 14 of Foster, in Section 27, Township 13 South, Range 1 East, Willamette Meridian, Linn County, Oregon; thence West on a projection of the South line of said Block 14 to a point on the unvacated portion of 52nd Avenue a distance of 13 feet; thence North 0°39'30" West parallel to the West line of said Block 14 a distance of 200.00 feet to a point on the projected line of the South line of Quince Street; thence North 89°34'00" East along the South line of Quince Street to a point on the West line of said Block 14 a distance of 13 feet; thence South 0°39'30" East along the West line of said Block 14 a distance of 200.00 feet to the point of beginning.

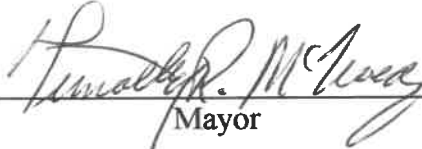
EAST SIDE OF 52ND AVENUE SOUTH OF OSAGE STREET:

Beginning at a point on the Northwest corner of Block 3 of Foster, in Section 27, Township 13 South, Range 1 East, Willamette Meridian, Linn County, Oregon; thence West on a projection of the North line of said Block 3 to a point on the unvacated portion of 52nd Avenue a distance of 13 feet; thence South 0°39'30" East parallel to the West line of said Block 3 a distance of 66.00 feet to a point on the South line on 52nd Avenue; thence North 89°34'00" East along the South line of 52nd Avenue to a point on the West line of said Block 3 a distance of 13 feet; thence North 0°39'30" West along the West line of said Block 3 a distance of 66.00 feet to the point of beginning.

Section 2. The City will retain drainage and utility easements in the vacated property as set forth in separate drainage easements and utility easements to be recorded by the City upon passage of this ordinance.

Section 3. The City Recorder shall file with the County Recorder a certified copy of this ordinance, with copies also filed with the County Assessor and County Surveyor, as required by ORS Chapter 271.

PASSED by the City Council and approved by the Mayor this 27th day of April, 1999.



Mayor

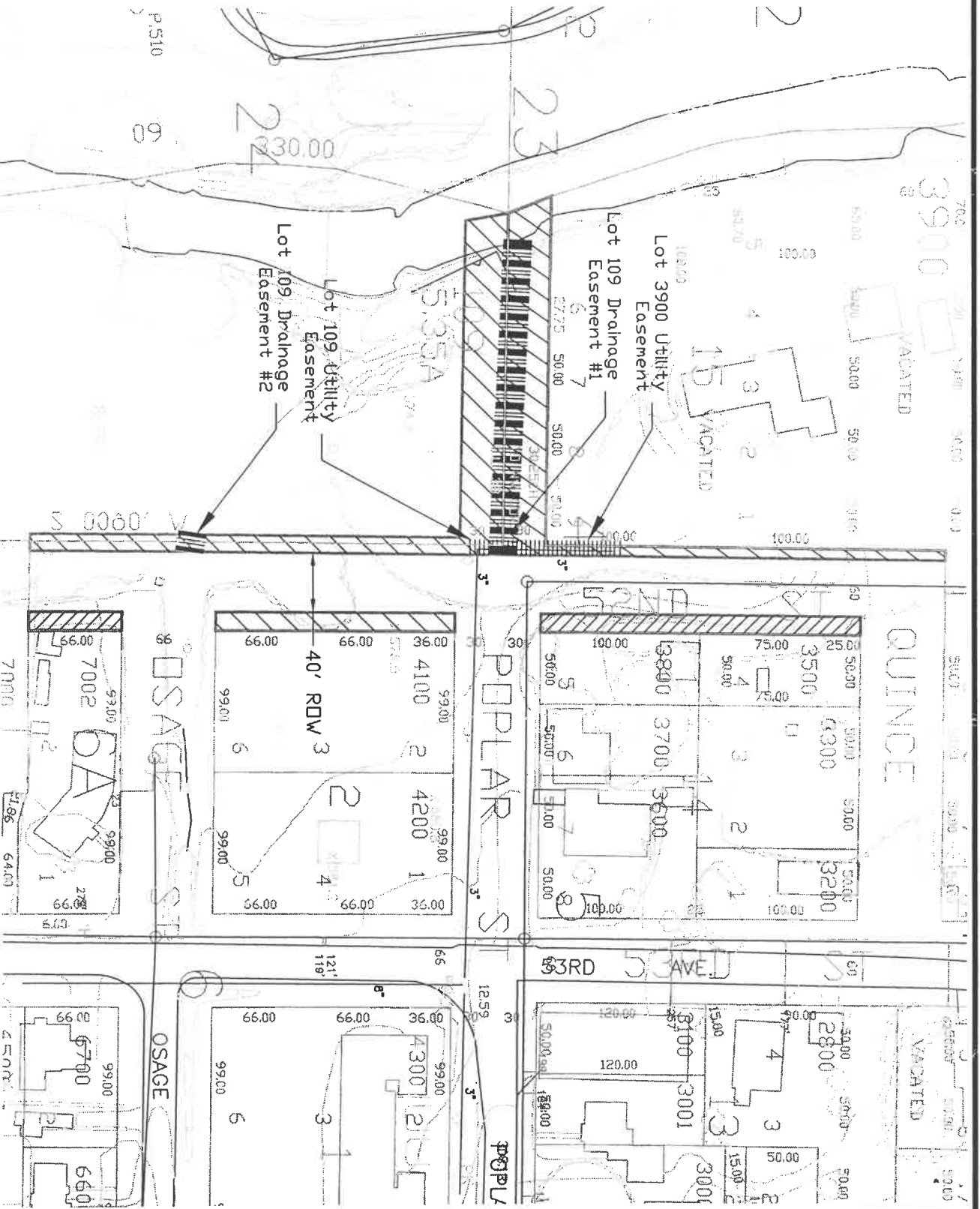
ATTEST:



City Manager - Ex Officio City Recorder

Legend

-  Vacation Initiated by Liberty Rock
-  Vacation Initiated by City of Sweet Home
-  Utility Easements
-  Drainage Easements
-  23 Sanitary Sewer
-  Domestic Water



City of Sweet Home Public Works Department
 1730 9th Avenue
 541-367-6977

52nd Street Vacation - Attachment A
 Vacation Areas, Utility, Drainage Easements

STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by me in Linn County records.

STEVE DRUCKENMILLER
Linn County Clerk

By PA, Deputy

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8:30 O'clock a.m.

JUN 28 1999

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