

Vacation

VOL. 1590 PAGE 297

ORDINANCE BILL NO. 1 FOR 2003

ORDINANCE NO. 1161

AN ORDINANCE VACATING THE PUBLIC RIGHT-OF-WAY IDENTIFIED AS PORTIONS OF WALNUT, ALDER, AND 2<sup>ND</sup> AVENUE, ABUTTED BY THOSE PROPERTIES ON ASSESSOR'S MAP 13-1E-27DA TAX LOTS 604, 902, 1500, 700, 701, 800, 1600, 1700, 1801 ALL WITHIN THE CITY OF SWEET HOME, WITH AN EXPEDIENCY CLAUSE.

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 enter testimony and at their February 3, 2003 meeting, the Commission recommended Vacation of said right-of-way; and,

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

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

WHEREAS, the City of Sweet Home declares a need for expediency for the purpose of public safety so that the existing Corp access road and the new City street will not create a traffic conflict during construction and demolition.

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

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

BEGINNING AT A 3 ¼ INCH ALUMINUM CAP MARKED "27-19L 1964" SAID CAP BEING THE SOUTHEAST CORNER OF LOT 7, BLOCK 11 OF SCHOLL'S ADDITION TO FOSTER, LINN COUNTY, OREGON SAID CAP ALSO BEING ON THE NORTHWESTERLY RIGHT OF WAY LINE OF ALDER STREET; THENCE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE AND THE SOUTHEAST LINE OF SAID LOT 7 NORTH 30°59' EAST 59.61 FEET TO THE NORTHWEST CORNER OF ALDER STREET AS ESTABLISHED BY ORDER OF THE LINN COUNTY COMMISSIONERS BY VACATION AND RECORDED IN VOLUME 26, PAGE 274 LINN COUNTY DEED RECORDS; THENCE ALONG THE NORTH END OF ALDER STREET SOUTH 61°41'33" EAST 60.07 FEET TO A 3 ¼ INCH ALUMINUM CAP MARKED "27-23L 1983" AT THE NORTHEAST CORNER OF ALDER STREET, SAID CAP ALSO BEING ON THE NORTHWEST LINE OF LOT 3, BLOCK 14 OF THE AFOREMENTIONED SCHOLL'S ADDITION TO FOSTER; THENCE ALONG THE SOUTHEAST RIGHT OF WAY LINE OF SAID ALDER STREET AND THE NORTHWEST LINE OF LOTS 3, 2 AND 1, BLOCK 14 OF SAID SCHOLL'S ADDITION TO FOSTER SOUTH 30°59' WEST 202.43 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 AND A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SOUTH SANTIAM HIGHWAY (U.S. HIGHWAY 20); THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE NORTH 13°07' WEST 5.7 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE SOUTH 76°53' WEST 60 FEET TO THE SOUTHEAST CORNER OF LOT 12, BLOCK 13 OF THE AFOREMENTIONED SCHOLL'S ADDITION TO FOSTER AND A POINT ON THE WESTERLY RIGHT OF WAY OF ALDER STREET; THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID ALDER STREET AND THE EAST LINE OF SAID LOT 12 NORTH 13°07' WEST 24.4 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF SAID ALDER STREET WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF SECOND AVENUE, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LOT 12; THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE OF SECOND AVENUE AND THE NORTHEASTERLY LINE OF LOTS 12 AND 11, BLOCK 13 AND LOT 9, BLOCK 12 OF SAID SCHOLL'S ADDITION TO FOSTER NORTH 59°01' WEST 253.15 FEET TO THE NORTH CORNER OF SAID LOT 9; THENCE CONTINUING ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE OF SECOND AVENUE AND THE NORTH LINE OF LOTS 7 AND 8 OF SAID SCHOLL'S ADDITION TO FOSTER ON THE ARC OF A 283.0 FOOT RADIUS CURVE TO THE LEFT 120 FEET (LONG CHORD BEARS NORTH 71°09'51" WEST 119.10 FEET) TO THE NORTHWEST CORNER OF SAID LOT 7 AND THE SOUTHEAST CORNER OF VACATED SECOND

—After recording, return to: City of Sweet Home, 1140 12<sup>th</sup> Avenue, Sweet Home, OR 97386

AVENUE AS PER VACATION RECORDED IN MICROFILM VOLUME 338, PAGE 516; THENCE ALONG THE EASTERLY LINE OF SAID VACATED SECOND AVENUE NORTH  $5^{\circ}40'56''$  EAST 60.01 FEET TO THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF SAID VACATED SECOND AVENUE WITH THE WESTERLY RIGHT OF WAY LINE OF WALNUT STREET, SAID INTERSECTION POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 8, BLOCK 10 OF SAID SCHOLL'S ADDITION TO FOSTER; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF WALNUT STREET AND THE EASTERLY LINE OF SAID LOT 8 NORTH  $6^{\circ}33'45''$  EAST 100 FEET TO THE NORTHEAST CORNER OF SAID LOT 8 AND THE NORTH END OF WALNUT STREET AS ESTABLISHED BY ORDER OF THE LINN COUNTY COMMISSIONERS BY VACATION AND RECORDED IN VOLUME 26, PAGE 274 LINN COUNTY DEED RECORDS; THENCE ALONG THE SAID NORTH END OF WALNUT STREET SOUTH  $79^{\circ}22'29''$  EAST 60.06 FEET TO THE NORTHWEST CORNER OF LOT 13, BLOCK 11 OF SAID SCHOLL'S ADDITION TO FOSTER; THENCE ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID WALNUT STREET AND THE WESTERLY LINE OF SAID LOT 13 SOUTH  $6^{\circ}33'45''$  WEST 100.98 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT OF WAY LINE OF WALNUT STREET WITH THE NORTHERLY RIGHT OF WAY LINE OF SECOND AVENUE, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 13; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE OF SECOND AVENUE AND THE SOUTH LINE OF LOTS 13 AND 12, BLOCK 11 OF SAID SCHOLL'S ADDITION TO FOSTER ON THE ARC OF A 343.0 FOOT RADIUS CURVE TO THE RIGHT 86.17 FEET (LONG CHORD BEARS SOUTH  $66^{\circ}12'55''$  EAST 85.96 FEET); THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE OF SECOND AVENUE AND THE SOUTHERLY LINE OF LOTS 12, 11, 10, 9 AND 8, BLOCK 11 OF SAID SCHOLL'S ADDITION TO FOSTER SOUTH  $59^{\circ}01'$  EAST 257.01 FEET TO THE INTERSECTION OF SAID NORTHERLY RIGHT OF WAY LINE OF SECOND AVENUE WITH THE NORTHWESTERLY RIGHT OF WAY LINE OF ALDER STREET, SAID POINT ALSO BEING THE SOUTH CORNER OF SAID LOT 8; THENCE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF ALDER STREET AND THE SOUTHEASTERLY LINE OF SAID LOT 8 NORTH  $30^{\circ}59'$  EAST 100 FEET TO THE POINT OF BEGINNING.

THE ABOVE AREA CONTAINS 0.98 ACRES OF LAND, MORE OR LESS. THE BASIS OF BEARINGS FOR THE ABOVE DESCRIBED AREA IS FROM LINN COUNTY SURVEY 1498 "SCHOLL'S ADDITION TO FOSTER, OREGON"

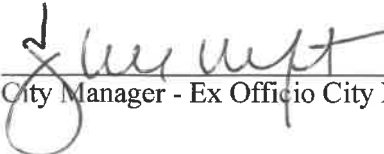
Section 2. The City Recorder shall file with the County Recorder a certified copy of this ordinance, with copies also filed with the County Assessor and County Surveyor, as required by ORS Chapter 271.

Section 3. Expediency Clause. It is hereby adjudged and declared that existing conditions are such that this ordinance is needed to be immediately enforced upon its passage. Therefore, this ordinance shall take effect and be in full force and effect from and after its passage and approval of the Mayor.

PASSED by the City Council and approved by the Mayor this 8<sup>th</sup> day of June, 2004.

  
Mayor

ATTEST:

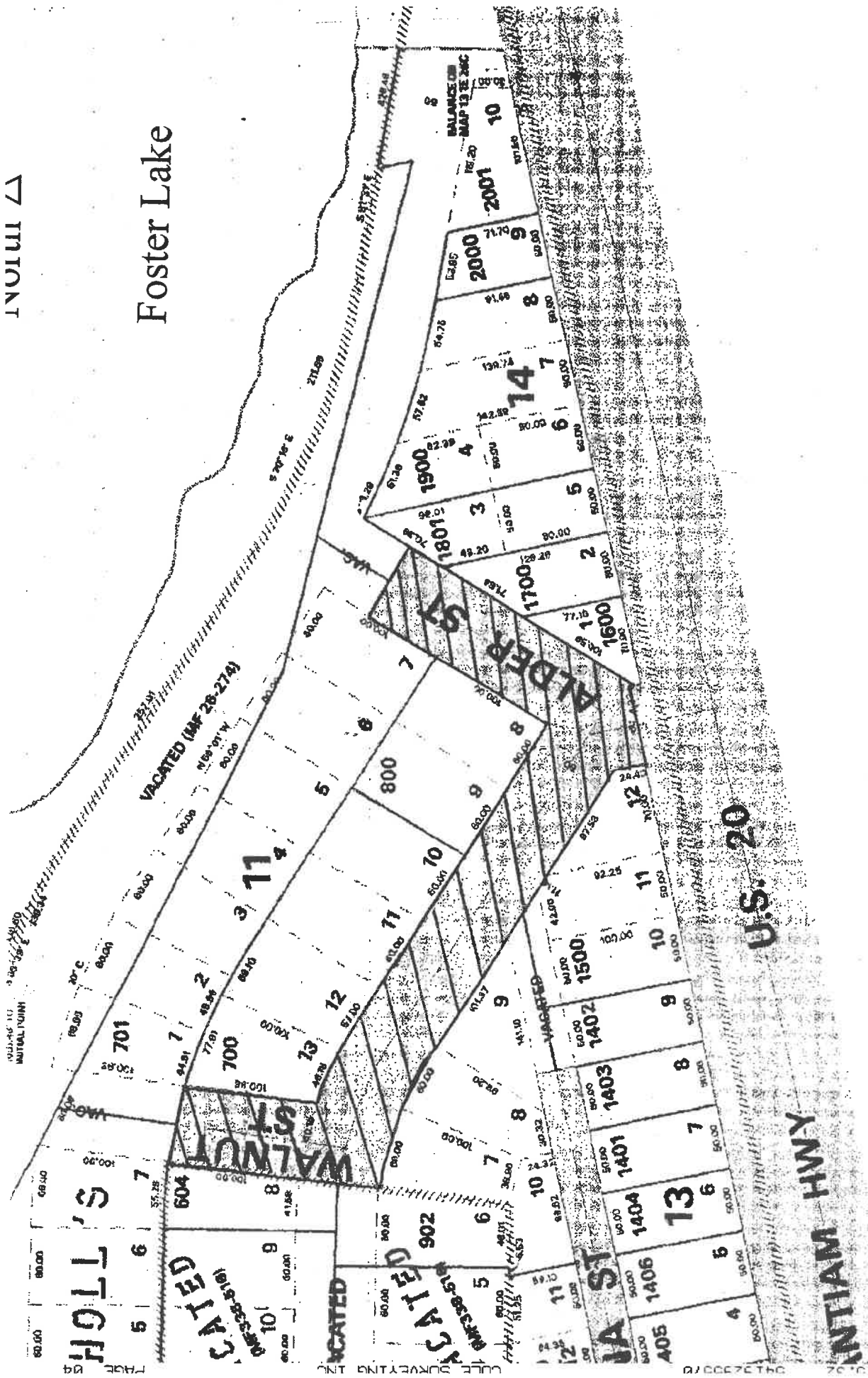
  
City Manager - Ex Officio City Recorder

INQUIRY

Foster Lake

SWEETHOME  
131E27DA

Weyerhaeuser Property



LETTER OF CERTIFICATION

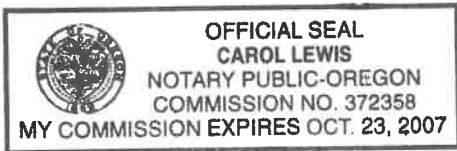
STATE OF OREGON )  
 )  
County of Linn )

I, Charlene Adams, of the City of Sweet Home Planning Office, do personally certify that the enclosed document is a true copy of Ordinance number 1161 vacating the public right-of-way identifies as portions of Walnut, Alder and 2<sup>nd</sup> Avenue, abutted by those properties on Assessor's Map 13-1E-27DA, Tax Lots 604, 902, 1500, 700, 701, 800, 1600, 1700, and 1801, all within the City of Sweet Home, File Number V 03-1.

Charlene Adams  
Charlene Adams

Subscribed and sworn to before me this 9th day of June, 2004

Carol Lewis  
Carol Lewis  
Notary Public for Oregon



My Commission Expires: 10-23-07

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 gll Deputy PAGE 297

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