

FILED

Date: 7/16/2012 By: NW
This survey consists of:
Map: CS 67/35-A4B
Narrative: _____
Corner Rpt: _____

ORIGINAL DOCUMENT

DOUGLAS COUNTY
SURVEYOR

ORDINANCE 2012-1113

AN ORDINANCE VACATING ALL OF 9TH STREET LYING BETWEEN LAUREL AVENUE AND HIGHWAY 38, RESERVING AN EASEMENT FOR UTILITY PURPOSES, PROVIDING FOR VACATING THE RESERVED EASEMENT, PROHIBITING FUTURE ACCESS TO OR FROM THE 9TH STREET LOCATION AT OREGON HIGHWAY 38 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a the city received a petition by Lauree Serang, Greg Viert and Patsy Sichley on March 1, 2012 to vacate all of the 9th Street right-of-way between Laurel Avenue and Highway 38, an area 40 feet in width and 80 feet in length; and

WHEREAS, Oregon Revised Statutes (ORS) 271.080 provides for street vacations by allowing persons to submit a petition to the city; and

WHEREAS, the petitioners submitted their petition along with written consent for the vacation by two-thirds of property owners within the area affected by the street vacation, consistent with ORS 271.080; and

WHEREAS, the City Council reviewed the petition on April 2nd and allowed it to be considered at a public hearing on May 7, 2012; and

WHEREAS, a public notice was published in the Umpqua Post once each week for two successive weeks before the hearing and the city staff posted notices on the property within 14 days before the hearing, consistent with ORS 271.110; and

WHEREAS, the a public notice was also posted in four public places within the City and mailed to surrounding property owners two weeks prior to the public hearing; and

WHEREAS, the City Council held a public hearing on the petition to vacate 9th Street on May 7, 2012 prior to deliberating to a decision, consistent with ORS 271.120; and

WHEREAS, the City Council finds that it is in the best interest of the public to retain the entire 40-foot right-of-way as a utility easement for water, sewer, storm drain, electrical and communications, until and unless the utilities are relocated at the property owners sole expense; and

WHEREAS, the City Council finds that it is in the best interest of public safety to prohibit future access to or from OR 38 at the 9th Street location; and

WHEREAS, the City Council finds all requirements of the state law for the vacation are met.

DOUGLAS COUNTY OFFICIAL RECORDS
PATRICIA K. HITT, COUNTY CLERK

2012-009119



\$48.00

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CITY OF REEDSPORT

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VAC-VAC Cnt=1 Stn=18 RECORDINGDESK
\$10.00 \$11.00 \$17.00 \$10.00

C.S. File No 67/35-4A

NOW, THEREFORE, CITY OF REEDSPORT ORDAINS AS FOLLOWS:

Section 1. Vacate 9th Street, Reserve Utility Easement and Provide for Vacating Utility Easement. All of the 9th Street right-of-way is vacated being 40 feet in width and 80 feet in length, and is specifically described as that area beginning at the southeast corner of Lot 12 Block 3 of the Rainbow Addition in the City of Reedsport, thence westerly for a distance of 40 feet more or less to the southwest corner of Lot 1 Block 5, thence northerly for a distance of 80 feet more or less to the northwest corner of Lot 1 Block 5, thence easterly for a distance of 40 feet more or less to the northeast corner of Lot 12 Block 3, thence southerly for a distance of 80 feet to the point of beginning, all located in Douglas County, Oregon, and RESERVING, to the City of Reedsport, its heirs and assigns, a perpetual utility easement for all utilities lying within over, under and across said property, 40 feet in width. UPON RELOCATION of all the utilities lying within over, under and across the boundaries of said reserved easement at the property owners sole expense, unless otherwise agreed by the City of Reedsport in writing, all to City standards and specifications in existence at the time of said relocation and to the City's full satisfaction, upon recordation of a document setting forth that fact executed by the City, said reservation of easement shall be deemed vacated effective as of the date of said recordation.

Section 2. Title. Title to the vacated portion of 9th Street shall attach to the lands bordering the area in equal portions.

Section 3. Discontinue and Prohibit Future Access to or from OR 38 at 9th Street. Access to or from OR 38 at the 9th Street location is discontinued and prohibited from future access.

Section 4. Adoption of Findings of Fact. The City Council adopts the Findings of Fact dated May 7, 2012, and incorporates them in support of the vacation.

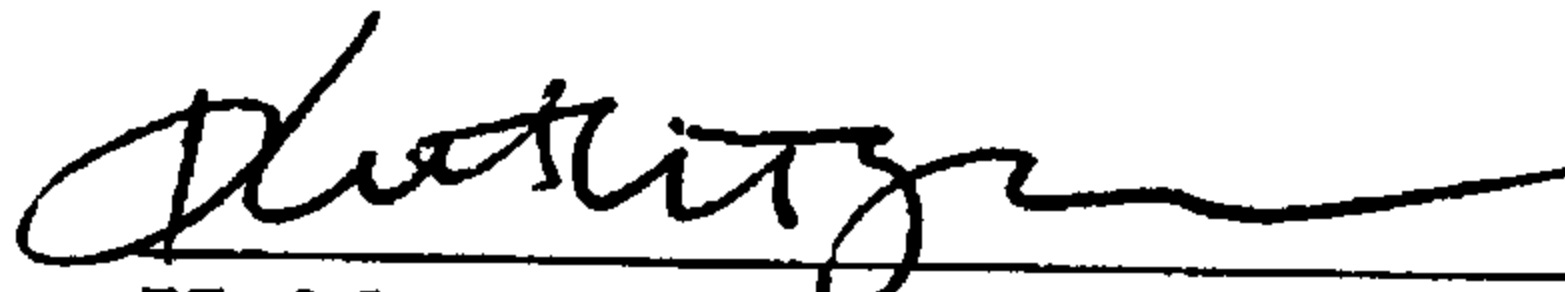
Section 5. Filing of Records. The City Recorder or their designee shall file Ordinance 2012-1113 with the Douglas County Clerk, Assessor and Surveyor.

EFFECTIVE DATE OF ORDINANCE: This ordinance will take effect on the date of filing the vacation records with the Douglas County Clerk but no earlier than the 7th of June, 2012.


PASSED BY THE CITY COUNCIL this 7th day of May, 2012.

AYES 5 NAYS 0 ABSTAIN 1

APPROVED BY THE MAYOR this 7th day of May, 2012.


Keith Tymchuk, Mayor

ATTEST:


Deanna Schafer, City Recorder