

ORDINANCE NO. 1310

AN ORDINANCE PROVIDING FOR THE VACATION OF CEDAR AVENUE, NORTH OF FRONT STREET, WEST OF TIDE LOT 8 OF STILLWELL'S ADDITION TO THE TOWN OF LINCOLN, NOW THE CITY OF TILLAMOOK, TILLAMOOK COUNTY, OREGON, AND THE VACATION OF A TWENTY FOOT WIDE RIGHT-OF-WAY WEST OF ELM AVENUE BETWEEN LOTS 7, 8, AND 9 OF THE PARKWAY MANOR ADDITION OF THE CITY OF TILLAMOOK AND AMENDING THE CODE OF THE CITY OF TILLAMOOK, SPECIAL TABLE OF ORDINANCES, TABLE III, PUBLIC WAYS; DEDICATIONS AND VACATIONS

WHEREAS, this matter came before the Tillamook City Council (hereafter "Council") in a public meeting on December 7, 2015 and February 16, 2016; and

WHEREAS, the Council is fully apprised of the records and files herein; and

WHEREAS, the City Council initiated vacation proceedings, pursuant to ORS 271.130; and

WHEREAS, no written objections from land owners within the affected area (as prescribed by ORS 271.110 and no written remonstrances were received; and

WHEREAS, the street Right-of-Ways for vacations are a portion of Cedar Avenue north of Front Street and west of Tide Lot 8 of Stillwell's Addition of the Town of Lincoln, now the City of Tillamook, and a twenty foot wide right-of-way west of Elm Avenue between Lots 7, 8, and 9 of the Parkway Manor Addition of the City of Tillamook located within the City of Tillamook, Tillamook County, Oregon; and

WHEREAS, notice of the proposed vacation was given as provided in ORS 271.110, published in the Headlight Herald, a newspaper of general circulation within the City's jurisdictional boundaries, on November 25, 2015 and December 2, 2015. The date of first publication was not less than 14 days before the scheduled hearing, and further notice was posted in the regular public places in the City, e.g. City Hall, the City website, www.tillamookor.gov, and Tillamook County Courthouse, on November 20, 2015, and posted at or near each end of the proposed vacation in at least two conspicuous places in the proposed vacation area at least 14 days before the hearing; and

WHEREAS, the City Recorder has filed or otherwise indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands of the alley vacation.

NOW, THEREFORE, the City of Tillamook ordains as follows:

Section 1: Vacation.

The Tillamook City Council agrees that it is proper and expedient that said vacation be granted, with the condition that surveys conducted for the purpose of effectuating this vacation or any associated easements or property line adjustments are the responsibility of the adjacent property owners of Tide Lot 8 of Stillwell's Addition of the Town of Lincoln, now the City of Tillamook, and Lots 7, 8, and 9 of the Parkway Manor Addition of the City of Tillamook.

Section 2: Legal Description.

The Tillamook City Council agrees that Cedar Avenue north of Front Street and west of Tide Lot 8 of Stillwell's Addition of the Town of Lincoln, now the City of Tillamook, and a twenty foot wide right-of-way west of Elm Avenue between Lots 7, 8, and 9 of the Parkway Manor Addition of the City of Tillamook located within the City of Tillamook, as described in Attachment A and shown on the Assessor's Map in Attachment B, shall be vacated with title to said alley portion attached to abutting property in equal proportions, pursuant to ORS 271.140.

Section 3: Access.

Utility access easements shall be provided which benefit to the public for all utilities presently with the affected right-of-way, unless other utility configurations serving the same functions are approved by the Public Works Director.

Section 4: Amendment of the Code of the City of Tillamook (CCT).

The Table of Special Ordinances, Table III of the CCT is hereby amended to include the vacation as outlined in this Ordinance.

Section 5: Effective Date.

This Ordinance shall take effect 30 days from the date of adoption.

Section 6: Filing.

The City Recorder is directed to file a certified copy of this Ordinance with each of the following: Tillamook County Clerk, Tillamook County Assessor, and Tillamook County Surveyor.

PASSED 1st reading by the City Council this _____ day of February, 2016.

PASSED 2nd reading by the City Council this _____ day of March, 2016.

ADOPTED by the Tillamook City Council this _____ day of March, 2016.

APPROVED by the Tillamook City Council this _____ day of March, 2016.

Legal Description of Right of Way Vacation**For The City of Tillamook, Oregon****January 13, 2016**

A portion of a 60 foot wide public right of way as shown on the Plat of Stillwell's Addition to the Town of Lincoln (Tillamook), recorded in Tillamook County Survey Records as Map C-268, lying North of Front Street and West of Tide Lot 8, more particularly described as follows:

Beginning at the Southeast corner of Tide Lot 8, as shown on the Plat of Stillwell's Addition to the Town of Lincoln (Tillamook);

Thence along the West line of said Tide Lot 8, North 00°00'00" East, a distance of 91.00 feet to the Northwest corner of said Tide Lot 8 and a point on the North Line of D.L.C. Number 44;

Thence along the North Line of D.L.C. Number 44, North 90°00'00" West, a distance of 60.00 feet to the Northwest corner of the Plat of Stillwell's Addition to the Town of Lincoln (Tillamook);

Thence along the West line of the Plat of Stillwell's Addition to the Town of Lincoln (Tillamook), South 00°00'00" West, a distance of 91.00 feet to a point;

Thence South 90°00'00" East, a distance of 60.00 feet to the **Point of Beginning**.

Located in Section 25, Township 1 South, Range 10 West of the Willamette Meridian and containing 5,460 square feet.

Legal Description of Right of Way Vacation

For The City of Tillamook, Oregon

January 13, 2016

A portion of the Plat of Parkway Manor Addition to Tillamook City, recorded in Tillamook County Survey Records as Map C-124, being a 20 foot wide right of way extending East-West a distance of 140.54 feet from the West right of way of Elm Avenue to the East line of Coatsville Park, lying between Lots 7, 8 & 9, Block 4 of said Plat, more particularly described as follows:

Beginning at the Northeast corner of Lot 8, Block 4, Plat of Parkway Manor Addition to Tillamook City, being on the West right of way of Elm Avenue,

Thence along the West right of way of Elm Avenue, North 00°00'00" East, a distance of 20.00 feet to a point being the Southeast corner of Lot 7, Block 4, Plat of Parkway Manor Addition to Tillamook City;

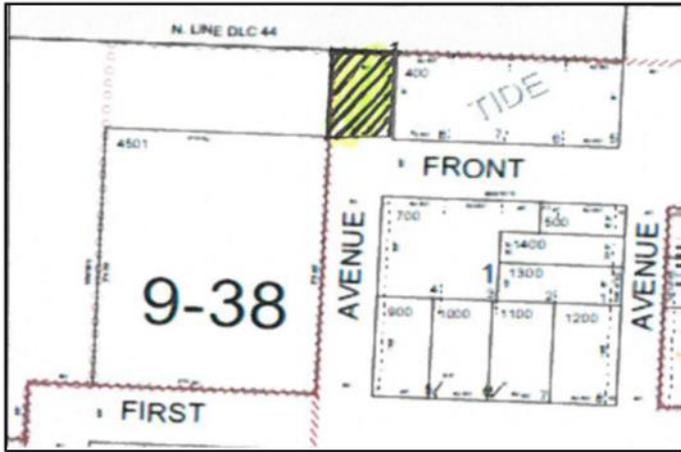
Thence along the South line of said Lot 7, South 90°00'00" West, a distance of 104.54 feet to a point being the Southwest corner of said Lot 7;

Thence South 00°00'00" West, a distance of 20.00 feet to a point being the Northwest corner of Lot 9, Block 4, Plat of Parkway Manor Addition to Tillamook City;

Thence along the North line of said Lot 9, North 90°00'00" East, a distance of 104.54 feet to the **Point of Beginning**.

Located in Section 25, Township 1 South, Range 10 West of the Willamette Meridian and containing 2,090.80 square feet.

Cedar Avenue



20 foot Right-of-Way

