

ORDINANCE NO. 329

AN ORDINANCE VACATING THOSE CERTAIN PORTIONS OF 11th STREET AND ASH STREET IN THE CITY OF DUNDEE, YAMHILL COUNTY, OREGON, DESCRIBED AS FOLLOWS, AND DECLARING AN EMERGENCY:

That portion of 11th Street and Ash Street beginning at the southwesterly corner of Block 71, ORIGINAL TOWN OF DUNDEE; thence South 30°44'53" West 60.00 feet to the southerly extension of the easterly margin of Beach Street to the southerly margin of 11th Street; thence South 59°15'54" East 199.97 feet along said margin to the northeasterly corner of Block 72; thence south 30°45'13" West 56.72 feet along the easterly line of Block 72 to the north margin of Parks Drive; thence south 90°00'00" East 32.35 feet along said margin to the beginning of a curve concave to the northwest having a radius of 17.00 feet; thence northerly 26.70 feet along said curve (chord = North 45°00'00" East 24.04 feet); thence North 00°00'00" East 21.78 feet to the beginning of a curve concave to the east having a radius of 125.00 feet; thence northerly 30.84 feet along said curve (chord = North 07°04'05" East 30.76 feet); thence continuing northerly 36.25 along said curve (chord = North 22°26'41" East 36.13 feet); thence North 30°45'13 East 112.15 feet to the beginning of a curve concave to the west having a radius of 17.00 feet; thence northerly 13.38 feet along said curve (chord = North 08°12'14" East 13.04 feet) to the easterly line of along Block 71 (30.00 feet from centerline Ash Street); thence South 30°45'13" West 129.94 feet along said easterly line to the southeasterly corner of Block 71; thence North 59°15'54" West 199.98 feet along the south line of Block 71 to the point of beginning.

Beginning at the southwesterly corner of Block 73, ORIGINAL TOWN OF DUNDEE; thence South 59°15'54" East 136.28 feet along the south line of Block 73 to the north margin of Parks Drive; thence South 90°00'00" West 112.05 feet along said margin the beginning of a curve concave to the northeast having a radius of 17.00 feet; thence northerly 26.70 feet along said curve (chord = North 45°00'00" West 24.04 feet); thence North 00°00'00" East 21.78 feet to the beginning of a curve concave to the east having a radius of 75.00 feet; thence northerly 40.26 feet along said curve (chord = North 15°22'37" East 39.77 feet); thence North 30°45'13" East 112.15 feet to the beginning of a curve concave to the southeast having a radius of 17.00 feet; thence northerly 13.38 feet along said curve (chord = North 53°18'11" East 13.04 feet) to the westerly line of Block 73 (30.00 feet from centerline Ash Street); thence south 30°45'13" West 129.92 feet along said westerly line to the point of beginning.

AFTER RECORDING
RETURN TO:

*Patrick M. Harris
142 S.W. Hawthorne Ct.
Dundee, OR 97115*

1. ORDINANCE No. 329

Recorded in Yamhill County, Oregon
CHARLES STERN, COUNTY CLERK

 30.00

199516440 2:38pm 12/05/95

004 9013055 09 05
1 P05 6 0 30.00 0.00 0.00 0.00 0.00 0.00

WHEREAS, said portions of said streets within the City of Dundee, Yamhill County, Oregon, described above, are duly designated streets; and

WHEREAS, on August 7, 1995, at a regular meeting thereof, the Council of the City of Dundee, Oregon, adopted a Resolution initiating proceedings for the purpose of vacating the described portions of said streets; and

WHEREAS, said Resolution was spread at length upon the minutes of the meeting, upon which action thereon was taken, and which constituted the initiation of said vacation proceedings; and

WHEREAS, the Council of the City of Dundee, Oregon, by resolution set and fixed the 11th day of September, 1995, at 7:00 p.m., in the council room of the City of Dundee, in the City Hall, Dundee, Oregon, the time and place for the hearing on said vacation of the above-described property, and objections thereto, if any; and

WHEREAS, pursuant to said resolution, the recorder caused a copy of "Notice of Street Vacation" to be published once each week for four consecutive weeks in the city's official newspaper, with the date of first publication being not less than 28 days before said hearing date, as more particularly appears from the Affidavit of Publication, attached hereto and by this reference made a part hereof; and

WHEREAS, pursuant to said resolution, the recorder gave notice of said hearing by posting on August 17, 1995, said date being within five days after the first day of publication of "Notice of Street Vacation" and not less than 28 days before the date of said hearing, true copies of said "Notice of Street Vacation" at the location of each of the proposed areas described in said Affidavit Re Posting of Notice, all of which appears

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more fully from said Affidavit attached hereto; and

WHEREAS, on the 11th day of September, 1995, at 7:00p.m., the council chambers of the City Hall of Dundee, Oregon, said matter came on regularly to be heard, and no written objections being filed against said proposed vacation by the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, and the Council having heard all persons appearing and objecting to said vacation, and the Council being fully advised on the premises; and

WHEREAS, the recorder has filed, in her office, a certificate showing that all city liens and taxes have been paid on the said portion of streets above-described to be vacated; and

WHEREAS, it appears that the City of Dundee requires an easement twenty (20) feet wide, centered over the existing sewer line located in the said strip of land for the maintenance, repair, installation, and replacement of utilities in said strip described as follows:

RESERVING A 20.00 WIDE EASEMENT, the centerline of said easement being along the centerline of 11th Street and being more particularly described as follows: Beginning at the southwesterly corner of Block 71, ORIGINAL TOWN OF DUNDEE; thence South 30°44'53" West 30.00 feet on the southerly extension of the easterly margin of Beach Street to the TRUE POINT OF BEGINNING; thence South 59°15'54" East 210.20 feet along said centerline to the end of said easement.

WHEREAS, it appears that the City of Dundee requires an easement five (5) feet wide, for public utilities along the newly established right-of-way lines, described as follows; and

RESERVING A 5.00 foot wide public utility easement, the southerly and easterly line of which is described as follows: Beginning at the easterly

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intersection of block 72 with the northerly right-of-way of parks Drive, thence South 90°00'00" East 32.34 feet along said margin to the beginning of a curve concave to the northwest having a radius of 17.00 feet; thence northerly 26.70 feet along said curve (chord = North 45°00'00" East 24.04 feet); thence North 00°00'00" East 21.78 feet to the beginning of a curve concave to the east having a radius of 125.00 feet; thence northerly 30.84 feet along said curve (chord = North 07°04'05" East 30.76 feet) to the point of terminus.

WHEREAS, it appears to the Council and the Council finds that the public interest will not be prejudiced by the vacation of the said portions of the said streets above described, provided that the easements above described be reserved, that they should be vacated, reserving the said easements, and that said vacation will not substantially affect the market value of any abutting property; now, therefore,

THE CITY OF DUNDEE, OREGON DOES ORDAIN AS FOLLOWS:

Section 1. That the following described portions of streets within the City of Dundee, Oregon to wit:

That portion of 11th Street and Ash Street beginning at the southwesterly corner of Block 71, ORIGINAL TOWN OF DUNDEE; thence South 30°44'53" West 60.00 feet to the southerly extension of the easterly margin of Beach Street to the southerly margin of 11th Street; thence South 59°15'54" East 199.97 feet along said margin to the northeasterly corner of Block 72; thence south 30°45'13" West 56.72 feet along the easterly line of Block 72 to the north margin of Parks Drive; thence south 90°00'00" East 32.35 feet along said margin to the beginning of a curve concave to the northwest having a radius of 17.00 feet; thence northerly 26.70 feet along said curve (chord = North 45°00'00" East 24.04 feet); thence North 00°00'00" East 21.78 feet to the beginning of a curve concave to the east having a radius of 125.00 feet; thence northerly 30.84 feet along said curve (chord = North 07°04'05" East 30.76 feet); thence continuing northerly 36.25 along said curve (chord = North 22°26'41" East 36.13 feet); thence North 30°45'13 East 112.15 feet to the beginning of a curve concave to the west having a radius of 17.00 feet; thence northerly 13.38 feet along said curve (chord = North 08°12'14" East 13.04 feet) to the easterly line of along Block 71 (30.00 feet from centerline Ash Street); thence South 30°45'13" West 129.94 feet along said easterly line to the southeasterly corner of Block 71;

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thence North 59°15'54" West 199.98 feet along the south line of Block 71 to the point of beginning.

Beginning at the southwesterly corner of Block 73, ORIGINAL TOWN OF DUNDEE; thence South 59°15'54" East 136.28 feet along the south line of Block 73 to the north margin of Parks Drive; thence South 90°00'00" West 112.05 feet along said margin the beginning of a curve concave to the northeast having a radius of 17.00 feet; thence northerly 26.70 feet along said curve (chord = North 45°00'00" West 24.04 feet); thence North 00°00'00" East 21.78 feet to the beginning of a curve concave to the east having a radius of 75.00 feet; thence northerly 40.26 feet along said curve (chord = North 15°22'37" East 39.77 feet); thence North 30°45'13" East 112.15 feet to the beginning of a curve concave to the southeast having a radius of 17.00 feet; thence northerly 13.38 feet along said curve (chord = North 53°18'11" East 13.04 feet) to the westerly line of Block 73 (30.00 feet from centerline Ash Street); thence south 30°45'13" West 129.92 feet along said westerly line to the point of beginning.

be and the same are hereby fully, finally, completely, and forever vacated with the title of such portion of said streets to attach to the abutting lots and lands bordering the same, as specified by law, subject to the easements, described herein above, reserved to the City of Dundee for the purpose of maintenance, repair, installation, and replacement of utilities in said vacated land.

Section 2. The City Council deems it necessary for the preservation of the health, peace and safety of the City of Dundee, that this ordinance take effect at once, and, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

Passed by the Council this 11th day of September, 1995.

Ayes Miller, Harper, Riley,

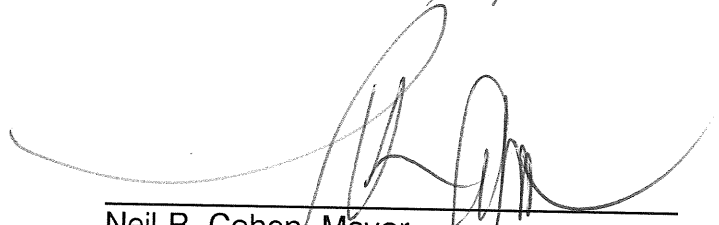
~~Nays~~ Warner, Adlong, Rogers

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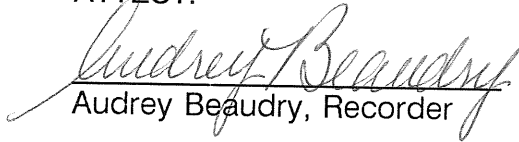
Submitted to and approved by the mayor on this 13th day of September.

1995.



Neil R. Cohen, Mayor

ATTEST.



Audrey Beaudry, Recorder