

original

ORDINANCE No. 36

An Ordinance vacating a portion of 13th Street, a street in the Townsite of Dundee in the Town of Dundee, Yamhill County, Oregon.

WHEREAS Dundee Nut Growers, a cooperative association, being the owner of real property abutting on the portion of 13th Street hereinafter described and hereby vacated, has heretofore filed with the Recorder of the Town of Dundee a petition requesting that said portion of said 13th Street be vacated; and

WHEREAS said Dundee Nut Growers have also filed with said Recorder written waivers and consents waiving all claims for damages arising out of said proposed vacation and consent thereto, and

WHEREAS said Dundee Nut Growers is the sole owner of real property abutting on said portion of said 13th Street, and

WHEREAS the Council of the Town of Dundee at its regular meeting held on the 5th day of June, 1939, passed a resolution pursuant to the provisions of Chapter 259, Oregon Laws, 1931, designating and fixing the 7th day of July, 1939, at the hour of 8:00 o'clock P.M. as the time, and the Council rooms of the Town of Dundee, Yamhill County, Oregon, as the place for a formal hearing upon said petition of said Dundee Nut Growers; and

WHEREAS said Council of said Town of Dundee directed the Recorder of said Town of Dundee to give notice in the manner required by law of the said formal hearing, and

WHEREAS said Recorder gave notice of such hearing by causing a notice of said vacation to be posted in three of the most public places in the Town of Dundee and also in four places in the said Town of Dundee situated respectively at each end and on each side of the portion of said 13th Street proposed to be vacated. That the affidavit of Harry Robertson, Marshal of the Town of Dundee, in proof of such posting has been filed with the Recorder of the Town of Dundee. That such posting was made on the 6th day of June, 1939, and

WHEREAS a formal hearing was held by ^{the} said Council of the Town of Dundee at the time and place specified in the aforesaid resolution and notice; for the hearing and consideration of objections

and remonstrances, if any, to said proposed vacation. That at such hearing it appeared that no written objections or remonstrances had been filed and that no one appeared to protest against such vacation. That the said Dundee Nut Growers appeared in support of their said petition. It further appeared that sworn consents from the owners of more than two-thirds of the property directly affected by said vacation had been filed with the said Recorder with the petition of said Nut Growers. That after due consideration of the matter the said Council of the Town of Dundee determined that said proposed vacation is for the public welfare and that the use to which the vacated portion of said 13th Street will be put is more beneficial to the public than its use as a street and that it would be for the best interests of the People of the Town of Dundee and of the public in general that said portion of said 13th Street be vacated.

NOW, THEREFORE IN CONSIDERATION OF THE PREMISES

THE PEOPLE OF THE TOWN OF DUNDEE DO ORDAIN AS FOLLOWS:

Section I: That the following described portion of 13th Street in the Townsite of Dundee in the Town of Dundee, Yamhill County, State of Oregon, be and the same hereby is vacated, to-wit:

Beginning at the southwest corner of Block 31, said Townsite of Dundee; thence southeasterly along the south line of said block to the southeast corner thereof; thence southwesterly to the northeast corner of Block 30, said Townsite of Dundee; thence northwesterly along the north line of said block to the northwest corner thereof; and thence northeasterly to the place of beginning; it being the intention to describe that portion of 13th Street lying between the east line of the Southern Pacific right-of-way and the west line of Maple Street; said Townsite of Dundee.

Section II: That the Recorder of the Town of Dundee be and she hereby is directed to forward a certified copy of this Ordinance and a map or plat of the vacated portion of the said 13th Street to each of the following named officials, to-wit:

The County Clerk and ex officio recorder of conveyances of Yamhill County, Oregon.
The Assessor of said County.
The Surveyor of Said County.

Section III: That the title to the above described portion of said 13th Street hereby vacated, shall pass to the owners of the lots adjoining and abutting thereon as provided by Section 7 of

Chapter 259, Oregon Laws, 1931.

Section VI: That WHEREAS it is necessary for the peace, health and safety of the People of the Town of Dundee that the aforesaid portion of said 13th Street be legally vacated as soon as possible, NOW THEREFORE an emergency is hereby declared to exist and this Ordinance shall be in full force and effect at and after the expiration of five (5) days from the date of its passage and approval by the Mayor.

Passed by the Council this 7th day of August, 1939.

Approved by the Mayor this 7 day of August, 1939.

Horris D. Parks
Mayor

A T T E S T

Ellen Allan
Recorder