

After recording, return to:

CITY OF McMinnville
230 NE Second St.
McMinnville, OR 97128

ORDINANCE NO. 4638

An ordinance vacating the following described area:

All of Newby Street in the City of McMinnville lying North of the northerly right-of-way line of 14th Street (Harrison Street) as platted in Oak Park Addition to McMinnville, recorded on May 16, 1889 in Book 1, Page 13 of the Record of Town Plats of Yamhill County recorders Office.

RECITALS:

On the 10th day of December 1996, at a regular meeting thereof, the Council of the City of McMinnville, Oregon, adopted Resolution No. 1996-52 initiating proceedings for the purpose of vacating the above-described area (RV 1-96).

Said resolution was reviewed and thoroughly discussed at the meeting upon which action thereon was taken and which constituted the initiation of such vacation proceedings.

By said resolution the Council of the City of McMinnville, Oregon, set and fixed the 14th day of January 1997, at 7:30 p.m. in the Council Chambers in the City of McMinnville, Oregon, as the time and place for hearing said vacation of the area described above and objections thereto, if any.

Pursuant to said resolution, the Recorder gave notice of such hearing by publication of a notice thereof in the News-Register, the City's official newspaper, once each week for two consecutive weeks prior to the date of said hearing, to wit: December 31, 1996 and January 7, 1997, as more particularly shown by the proof of publication on file in the Recorder's office, which notice described said area.

Pursuant to said resolution, the Recorder of the City of McMinnville, Oregon, gave notice of such hearing by causing to be posted within five days after the date of said publication at or near each end of said vacation a copy of said notice which was headed: "Notice of Street Vacation," and which notice was caused to be posted by the Recorder in at least two conspicuous places in such proposed vacation described above, all of which more fully appears from the affidavit of posting on file in the Recorder's office.

The Recorder has filed in her office a certificate showing that all City liens and taxes have been paid on said area above described to be vacated.

On the 14th day of January 1997, at 7:30 p.m. in the Council Chambers in the City of McMinnville, the public hearing regarding said matter came on regularly to be heard; any objections filed against said proposed vacation have been considered; and the Council has been fully advised in regard to the subject matter of this hearing.

It appears to the Council and the Council finds that the public interest will not be prejudiced by the vacation of said area above described and it should be vacated; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

That all of Newby Street in the City of McMinnville lying North of the northerly right-of-way line of 14th Street (Harrison Street) as platted in Oak Park Addition to McMinnville, recorded on May 16, 1889 in Book 1, Page 13 of the Record of Town Plats of Yamhill County Recorder's Office be and the same is hereby fully, finally, completely and forever vacated and the title to said property shall attach to the abutting lots and lands bordering the same, subject to the following condition:

(a) Easements, the size and location of which shall be determined by the City, shall be reserved over all public utilities which lie within the right-of-way. In addition, an easement shall be reserved for access to property described as Tax Lot 6000, Section 16DB, T.4 S., R.4 W., W.M. The easement documents shall be drawn by the City. Agreements for maintenance of said easements shall be agreed to by all affected property owners prior to recording of this street vacation.

Passed by the Council this 14th day of January 1997 by the following votes:

Ayes: Aleman, Hughes, Massey, Payne, Tomcho, Windle

Nays: _____

Approved this 14th day of January 1997.

Edward J. Gornley
MAYOR

Attest:

Carl A. Boudet
RECORDER