

ORDINANCE NO. 801

AN ORDINANCE VACATING THE PORTION OF SE ELM STREET BETWEEN 2ND STREET AND THE RAILROAD RIGHT-OF-WAY

The City of Scappoose ordains as follows:

Section 1. Pursuant to ORS 271.120, that portion of the SE Elm Street right-of-way between 2nd Street and the railroad right-of-way in the City of Scappoose and described on Exhibit A and identified by the bold outline on Exhibit B attached hereto and incorporated herein, is hereby vacated.

Section 2. Pursuant to ORS 271.120, the City reserves to itself and any operating public utility provider easements over the entire street right-of-way vacated by Section 1 of this ordinance for access, installation, maintenance, and repair of any existing or future public facility or public utility including but not limited to overhead or underground power or telecommunications lines, water lines, fire hydrants, sanitary sewer, and storm sewer.

Section 3. The following findings are hereby adopted in support of the above vacation:

1. Dale and Patrecia Clark filed a petition to vacate this portion of Elm Street on or about May 2, 2008 in accordance with the provisions of ORS 271.080.
2. Written consent forms from the owners of all abutting property and from more than two-thirds in area of the affected real property were appended to the petition as specified by ORS 271.080(2).
3. Notice of the proposed vacation was published in the *South County Spotlight* on June 4 and 11, 2008, as required by ORS 271.110(1).
4. Notice of the proposed vacation was posted on and adjacent to the site proposed for vacation on June 4, 2008 as required by ORS 271.110(2).
5. Notice of the proposal was mailed to affected property owners and residents on May 29, 2008.
6. A public hearing was held on June 16, 2008 and testimony was received for the record.
7. The public interest will not be prejudiced because the area vacated is not needed for street right-of-way purposes and the street right-of-way terminates at the railroad right-of-way and all abutting properties would continue to have legal access from other streets.

Section 4. The City Recorder shall file a certified copy of this Ordinance with the County Clerk, the County Assessor, and the County Surveyor of Columbia County, Oregon.

Passed and adopted by the City Council this 7th day of July, 2008, and signed by the Mayor and City Recorder in authentication of its passage.

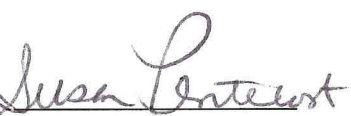
CITY OF SCAPPOOSE, OREGON

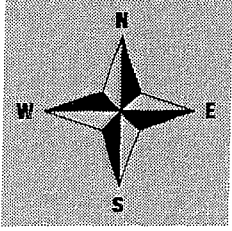


Scott Burge, Mayor

First Reading: June 16, 2008

Second Reading: July 7, 2008

Attest: 
Susan Pentecost, City Recorder



**REYNOLDS
LAND
SURVEYING,
INC.**

Exhibit A - Ordinance 801

32990 Stone Road

Warren, OR 97053

(503) 397-5516

Fax (503) 397-5518

April 15, 2008

Legal Description
Elm Street - Portion To Be Vacated

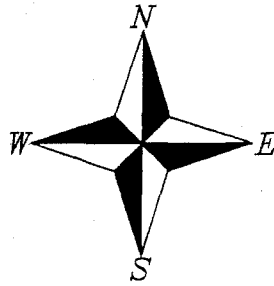
A portion of Elm Street in the City of Scappoose in the Southeast quarter of Section 12, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at the Southeast corner of Block 4, "Greenwood Annex" as per plat on file and recorded April 6, 1905 in the Clerk's Office of Columbia County, Oregon; thence South $03^{\circ}34'30''$ East, along the Southerly extension of the East line of said Block 4, a distance of 42.00 feet to a point on the North line of Parcel 1 of Partition Plat No. 2005-14 as per plat on file and recorded on May 23, 2005 in the Clerk's Office of Columbia County, Oregon; thence South $86^{\circ}14'47''$ West, along said North line of said Parcel 1, a distance of 229.90 feet to the Easterly right of way line of S. P. and S. Railroad; thence North $03^{\circ}34'30''$ West, along said Easterly right of way line, a distance of 42.00 feet to a point on the Westerly extension of the South line of said Block 4; thence North $86^{\circ}14'47''$ East, along said Westerly extension and along the South line of said Block 4, a distance of 229.90 feet to the point of beginning.

Bearings in the above described tract of land are based on "Steinfeld West" subdivision as per plat on file and recorded on September 18, 2007 in the Clerk's Office of Columbia County, Oregon

Reserving unto the City of Scappoose, a Utilities Easement over the above described tract of land.

Elm Street Vacation
 Situated In The S.E. 1/4
 Section 12, T.3N.,R.2W.,W.M.
 City of Scappoose
 Columbia County, Oregon
 April 15, 2008



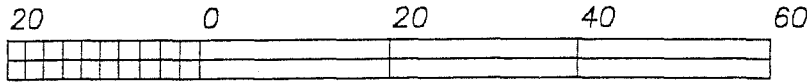
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

David E. Reynolds
 OREGON
 JULY 26, 1985
 DAVID E. REYNOLDS
 2157

Reynolds
 Land Surveying, Inc.
 32990 Stone Road
 Warren, Oregon 97053
 (503) 397-5516

Scale: 1"=20'
 SF&CF:08036C

RENEWAL DATE: 12-31-2008



GRAPHIC SCALE - FEET

BEARINGS ARE BASED ON "STEINFELD WEST"

