RETURN TO: City Recorder, 320 Warner Milne Road, Oregon City OR 97045

COPY

ORDINANCE NO. 93-1020

93-237

AN ORDINANCE VACATING AN UNDEVELOPED STREET IN THE 1912 GALE'S PARK PLAT IN OREGON CITY, CLACKAMAS COUNTY, OREGON

WHEREAS, it appears to the City Commission of Oregon City, that on October 6, 1993, Resolution No. 93-62 was duly adopted initiating action on its own motion pursuant to ORS 271.080 to and including ORS 271.230, for vacation of an undeveloped street in the 1912 Gale's Park Plat, and thereafter the City Recorder caused notice to be given by posting as required by law, and that the matter of said vacation together with a hearing of any objections or claims to be heard and considered concerning said vacation would be heard and considered at 8:00 p.m. on Wednesday, November 3, 1993 in the meeting room of the City Commission in the City Hall, 320 Warner-Milne Road, Oregon City, Oregon; and said hearing having been held, and the Commission finds that the proposed vacation meets the criteria for a street vacation (that there is no present or future public need for the street, that the vacation is in the best public interest, that there would be no impacts to the adjacent property owners); and it appearing that the public interest will not be prejudiced by the said vacation;

NOW THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

That the following described street within the corporate limits of Oregon City:

That portion of the 40-foot wide roadway as shown and dedicated by the plat of "Gale's Park", a subdivision of record (Plat No. 341) in Section 5, Township 3 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, described as follows:

All of said roadway adjoining Lots 2, 3, 5, 6, 8 and the northwest portion of Lot 9 lying east of Lot 8 of said Gale's Park Plat (consisting of the northerly 820 feet, more or less, of said roadway, to the west branch of Newell Creek, as platted in the Gale's Park Plat (No. 341).

EXCEPT Duane Street.

be and the same is hereby vacated.

Read first time at a regular meeting of the City Commission held on the 3rd day of November, 1993 and the foregoing ordinance was finally enacted by the City Commission this 3rd day of November, 1993.

JEAN K. ELLIOTT, City Recorder

ATTESTED this 3rd day of November, 1993.

DANIEL W. FOWLER, Mayor

ORDINANCE NO. 93-1020

Effective Date: December 3, 1993.



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED November 3, 1993

Page

1 of 2

Subject:

Request for Street Vacation -

TO THE HONORABLE MAYOR AND COMMISSIONERS

Report No. 93-237

Undeveloped Street in 1912 Gale's Park Plat

Public Hearing - If Approved, Proposed Ordinance No. 93-1020, An Ordinance Vacating an Undeveloped Street in the 1912 Gale's Park Plat in Oregon City, Clackamas County

A petition has been submitted by Northridge Development Co. for vacation of an undeveloped street in the 1912 Gale's Park Subdivision. The street requested for vacation is adjacent to property owned by Northridge Development and the State of Oregon. Vacation is requested so that the applicant's new subdivision can be recorded. (Ordinance No. 93-1015, approved on August 18, 1993, vacated another 40-foot right-of-way in the Gale's Park plat. The subject vacation was not initiated at the same time because approval from the State of Oregon was pending.)

On October 6, 1993, the City Commission adopted Resolution No. 93-62 initiating vacation proceedings and setting the date of public hearing for November 3, 1993. To consider vacation of a dedicated right-of-way the City Commission evaluates the following criteria:

- 1. There is no present or future public need for the street or alley.
- 2. The vacation is in the best public interest.
- 3. There would be no negative impacts to adjacent properties.
- 4. Consent of adjacent property owners.

These criteria are addressed as follows:

- 1. There is no present or future public need for the street. The street requested for vacation is adjacent to Tax Lots 1300, 1400 and 1500 on Assessor's Map 3-2E-5A. These tax lots are consolidations of Lots 1 through 9 of the 1912 Gale's Park plat. Gale's Park has never been developed, and there is no likelihood that it will ever develop, since it was platted at rural densities (3 5 acre lots) and some of the plat (property owned by State of Oregon) is now outside the Urban Growth Boundary. The owner of Tax Lot 1300 (Northridge Development) has also obtained approval of a new subdivision on their property.
- 2. The vacation is in the best public interest. Vacation of the street would allow Tax Lot 1300 to be consolidated and subsequently re-recorded as a new subdivision. Although the new subdivision could be platted over the unbuilt street, the deed records would continue to show the street until it is vacated. Since it has been established that there is no present or future need for the street, it would be in the public interest to vacate it.

Approved



CITY OF OREGON CITY

INCORPORATED 1844

FOR AGENDA

DATED November 3, 1993

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

Page

2 of 2

Subject:

Request for Street Vacation -Undeveloped Street in 1912 Gale's Park Plat Public Hearing

Report No. 93-237

- 3. There would be no negative impacts to adjacent properties. The only properties adjacent to the unbuilt street are owned by the applicants. Vacation of the street will not impact access to any of the properties.
- 4. Consent of adjacent property owners. Northridge Development has requested vacation of the street. The State of Oregon has given their approval for vacation as an adjoining property owner. Therefore, consent is given.

In conclusion, the request to vacate the unbuilt street within the 1912 Gale's Park plat is consistent with the above criteria. It is recommended that the vacation be approved.

If approved, attached is Ordinance No. 93-1020 which would enact the street vacation. Notice of proposed Ordinance No. 93-1020 has been posted at City Hall, 320 Warner Milne Road; Courthouse, 807 Main Street; and, Senior Center, 615 - 5th Street, by direction of the City Recorder. It is recommended that first reading be approved, second reading be called and approved for final enactment.

> CHARLES LEESON City Manager

Development Review cc: Petitioner

NOTICE

NOTICE IS HEREBY GIVEN that proposed ORDINANCE NO. 93-1020 of the City of Oregon City, Clackamas County, Oregon, three copies of which are available for public inspection at the office of the City Recorder, 320 Warner Milne Road, Oregon City, Oregon.

Said Ordinance will be considered by the City Commission at its meeting on the 3rd day of November, 1993, at the hour of 8:00 o'clock p.m. The title of said Ordinance is as follows:

AN ORDINANCE VACATING AN UNDEVELOPED STREET IN THE 1912 GALE'S PARK PLAT IN OREGON CITY, CLACKAMAS COUNTY, OREGON

POSTED this 27th day of October, 1993, by direction of the City Recorder. Places of posting are as follows:

- 1. City Hall, 320 Warner Milne Road, Oregon City, Oregon.
- 2. Courthouse, 807 Main Street, Oregon City, Oregon.
- 3. Senior Center, 615 5th Street, Oregon City, Oregon.

JEAN K. ELLIOTT, City Recorder

DO NOT REMOVE PRIOR TO NOVEMBER 4, 1993

ORDINANCE NO. 93-1020

AN ORDINANCE VACATING AN UNDEVELOPED STREET IN THE 1912 GALE'S PARK PLAT IN OREGON CITY, CLACKAMAS COUNTY, OREGON

WHEREAS, it appears to the City Commission of Oregon City, that on October 6, 1993, Resolution No. 93-62 was duly adopted initiating action on its own motion pursuant to ORS 271.080 to and including ORS 271.230, for vacation of an undeveloped street in the 1912 Gale's Park Plat, and thereafter the City Recorder caused notice to be given by posting as required by law, and that the matter of said vacation together with a hearing of any objections or claims to be heard and considered concerning said vacation would be heard and considered at 8:00 p.m. on Wednesday, November 3, 1993 in the meeting room of the City Commission in the City Hall, 320 Warner-Milne Road, Oregon City, Oregon; and said hearing having been held, and the Commission finds that the proposed vacation meets the criteria for a street vacation (that there is no present or future public need for the street, that the vacation is in the best public interest, that there would be no impacts to the adjacent property owners); and it appearing that the public interest will not be prejudiced by the said vacation:

NOW THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

That the following described street within the corporate limits of Oregon City:

That portion of the 40-foot wide roadway as shown and dedicated by the plat of "Gale's Park", a subdivision of record (Plat No. 341) in Section 5, Township 3 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, described as follows:

All of said roadway adjoining Lots 2, 3, 5, 6, 8 and the northwest portion of Lot 9 lying east of Lot 8 of said Gale's Park Plat (consisting of the northerly 820 feet, more or less, of said roadway, to the west branch of Newell Creek, as platted in the Gale's Park Plat (No. 341).

EXCEPT Duane Street.

be and the same is hereby vacated.

Read first time at a regular meeting of the City Commission held on the 3rd day of November, 1993 and the foregoing ordinance was finally enacted by the City Commission this 3rd day of November, 1993.

JEAN K. ELLIOTT, City Recorder

ATTESTED this 3rd day of November, 1993.

DANIEL W. FOWLER, Mayor

ORDINANCE NO. 93-1020

Effective Date: December 3, 1993.

APPLICATION STREET/ALLEY VACATION

Date	
No	
Fee/Receipt No.	
Property Owner/Authorized Agent Alanthaioce Development Co./ACENT FOR Applied Resources INC., A Deleware Corp. Address 333 S. State St., V-111 Lake Uswego Da 97034	
Location of Property to be Vacated South of Duane St in The 1912 PLAT	2 f
GALES PARK - Seé Exhibit A for Legal Description	
Note: Legal description of property must be attached. The application shall be accompanied by a dimensioned accurate and legible site plan, drawn to scale.	fully
Reason for Street Vacation and Proposed Use Streets have not been developed las	Ts
1,2,4,5,748 are being replatted as Newell Crest	
A vacation shall be granted only in the event that all of the following conditions exist:	
a. There is no present or future public need for the street or alley.	
b. The vacation is in the best public interest.	
c. There would be no impacts to adjacent properties.	
d. Consent of adjacent property owners.	
Explain how proposed vacation complies with above conditions: There is No present as	
Enture public meed; The vacation will allow the development	<u>t</u>
of a New Suldwision; There is no impact to spacent property own	ver
(Attach addendum, if additional space is needed.)	
We, the undersigned, request the above described street/alley vacations	
Nonthrious DEVELOPMENT Confront (27
Touthe farling from Delun De 1/8/12	2
Signature Date 9/27/13 Signature Steven Green Date	Ê
Right of Way Manager	
Signature Date Signature Date	



DEPARTMENT OF TRANSPORTATION

September 9, 1993

REGIONAL PORTLAND R/W OFFICE

FILE CODE:

File: 51496

Northridge Development Co. 333 S. State St. V-111 Lake Oswego, OR 97034 Attn: Lloyd Farley

Dear Mr. Farley,

Please find enclosed, our approval for the vacation of South Duane St. in the 1912 Plat of Gales Park in Oregon City.

If you have any other questions about the ODOT property which adjoins this property, please feel free to call me.

Sincerely,

David Manus Property Agent (503) 731-3280



NOTICE OF PROPOSED STREET VACATION

NOTICE IS HEREBY GIVEN that the City Commission of Oregon City on the 6th day of October 1993 duly adopted and passed a resolution that proceedings be undertaken by said Commission upon its own motion pursuant to ORS 271.080 to and including ORS 271.230 for the vacation of the following described street within the corporate limits of Oregon City, Clackamas County, Oregon:

That portion of the 40-foot wide roadway as shown and dedicated by the plat of "Gale's Park", a subdivision of record (Plat No. 341) in Section 5, Township 3 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, described as follows:

All of said roadway adjoining Lots 2, 3, 5, 6, 8 and the northwest portion of Lot 9 lying east of Lot 8 of said Gale's Park Plat (consisting of the northerly 820 feet, more or less, of said roadway, to the west branch of Newell Creek, as platted in the Gale's Park Plat (No. 341).

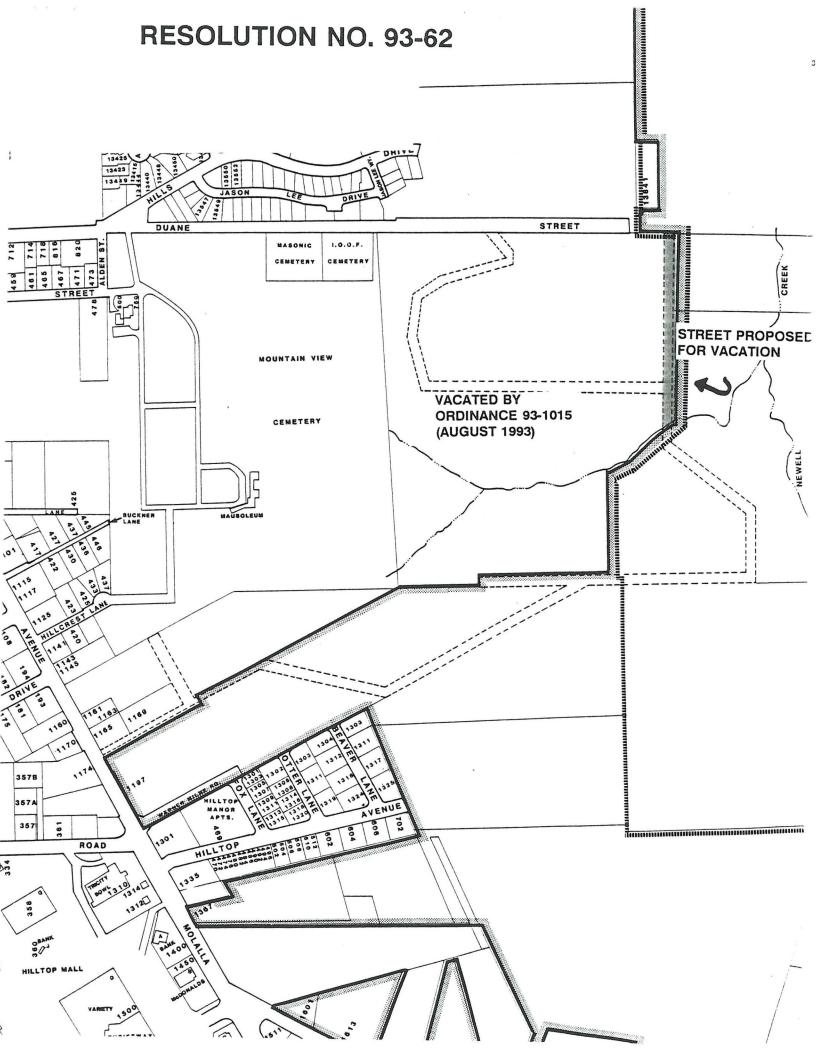
EXCEPT Duane Street.

The City Commission of Oregon City, Oregon has fixed the hour of 8:00 P.M. on Wednesday, November 3, 1993, in the Commission Meeting Room in the City Hall, 320 Warner Milne Road, Oregon City, Oregon, as the time and place for the hearing of any and all objections or claims concerning said proposed vacation which may theretofore have been filed in writing with the City Recorder of Oregon City, and at said time and place the City Commission will consider any such objections thereto.

JEAN K. ELLIOTT, City Recorder

PUBLISH: October 14 and 21, 1993.

POST: October 15, 1993.



Affidavit of Posting

State	of	Oregon)	
)	SS
County	01	Clackamas)	

I, Ray Wikman, Engineering Technician II of Oregon City, being first duly sworn on oath, depose and say that on October 15,1993. I posted two(2) Notices of Proposed Street Vacation. A true copy of said notice is attached hereto and marked Exhibit "A" and is by this reference made a part hereof.

Said notices were posted:

- 1. At the Northerly end of Unnamed Street in the plat of "Gale's Park", along Duane Street.
- 2. At the Southerly end of Unnamed Street in the plat of "Gale's Park"in the forest.

All notices were posted face outward and were firmly affixed.

Ray Wikman

Engineering Technician II

EXHIBIT "A"

NOTICE OF PROPOSED STREET VACATION

NOTICE IS HEREBY GIVEN that the City Commission of Oregon City on the 6th day of October 1993 duly adopted and passed a resolution that proceedings be undertaken by said Commission upon its own motion pursuant to ORS 271.080 to and including ORS 271.230 for the vacation of the following described street within the corporate limits of Oregon City, Clackamas County, Oregon:

That portion of the 40-foot wide roadway as shown and dedicated by the plat of "Gale's Park", a subdivision of record (Plat No. 341) in Section 5, Township 3 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, described as follows:

All of said roadway adjoining Lots 2, 3, 5, 6, 8 and the northwest portion of Lot 9 lying east of Lot 8 of said Gale's Park Plat (consisting of the northerly 820 feet, more or less, of said roadway, to the west branch of Newell Creek, as platted in the Gale's Park Plat (No. 341).

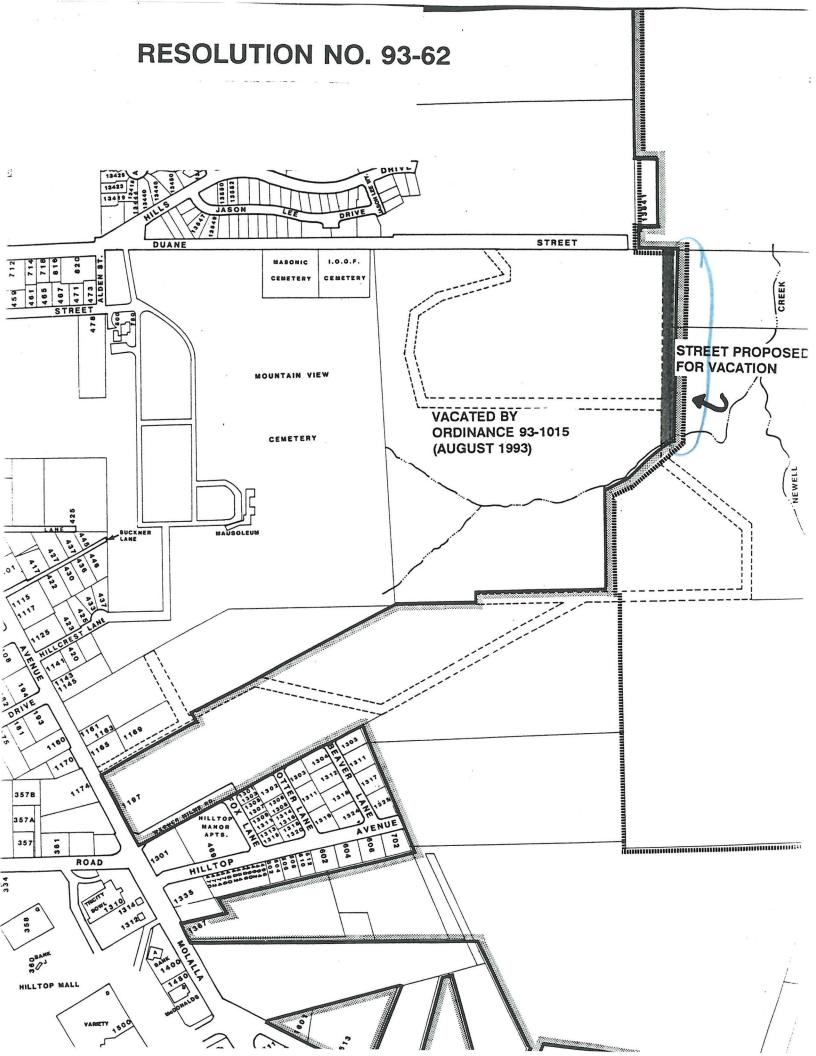
EXCEPT Duane Street.

The City Commission of Oregon City, Oregon has fixed the hour of 8:00 P.M. on Wednesday, November 3, 1993, in the Commission Meeting Room in the City Hall, 320 Warner Milne Road, Oregon City, Oregon, as the time and place for the hearing of any and all objections or claims concerning said proposed vacation which may theretofore have been filed in writing with the City Recorder of Oregon City, and at said time and place the City Commission will consider any such objections thereto.

JEAN K. ELLIOTT, City Recorder

PUBLISH: October 14 and 21, 1993.

POST: October 15, 1993.



RECEIVED

CITY OF OREGON CITY - PLANNING DI 320 Warner Milne Road - Oregon City, OR

DEC 27 1993

RECEIVED

Phone: (503) 657-0891 FAX: (503) 657-3339 Robin Dittrich, Franchise Coord. Northwest Natural Gas 220 NW 2nd Portland, OR 97209

C. A. S.

JEU 20 1993

TO: BUILDING OFFICIAL, CITY ENGINEER, FIRE CHIEF, POLICE CHIEF, PUBLIC WORKS DIRECTOR, UTILITIES

IN REFERENCE TO:

Request for Street Vacation - Unbuilt Street in 1912 Gale's Park Plat

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return (mail or fax) the attached copy of this form no later than:

Friday, October 22, 1993

A public hearing on this matter is scheduled on the following date:

Wednesday, November 3, 1993: 8:00 PM

Public hearings are held at City Hall, 320 Warner Milne Road, Oregon City.

Your prompt reply will help to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

	The proposal does not conflict with our interests.			The proposal conflicts with our interests for the reasons stated below.
-	The proposal would not confluent our interests if the changes noted below are included		4,	Additional time is necessary for our board or commission to act upon a recommendation.
	A formal recommendation is consideration and will be subto you by	mitted		
COMN	MENTS:			
		Signed	Your Sta	m ley
		Title	FURINGERIA	Ja 9-16-16

10-19-93

CITY OF OREGON CITY - PLANNING DIVISION 320 Warner Milne Road - Oregon City, OR 97045

Phone: (503) 657-0891 FAX: (503) 657-3339

TO: BUILDING OFFICIAL, CITY ENGINEER, FIRE CHIEF, POLICE CHIEF, PUBLIC WORKS DIRECTOR, UTILITIES

IN REFERENCE TO:

Request for Street Vacation - Unbuilt Street in 1912 Gale's Park Plat

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return (mail or fax) the attached copy of this form **no later than**:

Friday, October 22, 1993

A public hearing on this matter is scheduled on the following date:

Wednesday, November 3, 1993: 8:00 PM

Public hearings are held at City Hall, 320 Warner Milne Road, Oregon City.

Your prompt reply will help to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below. The proposal does not The proposal conflicts conflict with our interests. with our interests for the reasons stated below. The proposal would not conflict Additional time is with our interests if the necessary for our board or changes noted below are included. commission to act upon a recommendation. A formal recommendation is under consideration and will be submitted to you by__ COMMENTS:____

Signed___
Title

NOTICE OF PROPOSED STREET VACATION

NOTICE IS HEREBY GIVEN that the City Commission of Oregon City on the 6th day of October 1993 duly adopted and passed a resolution that proceedings be undertaken by said Commission upon its own motion pursuant to ORS 271.080 to and including ORS 271.230 for the vacation of the following described street within the corporate limits of Oregon City, Clackamas County, Oregon:

That portion of the 40-foot wide roadway as shown and dedicated by the plat of "Gale's Park", a subdivision of record (Plat No. 341) in Section 5, Township 3 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, described as follows:

All of said roadway adjoining Lots 2, 3, 5, 6, 8 and the northwest portion of Lot 9 lying east of Lot 8 of said Gale's Park Plat (consisting of the northerly 820 feet, more or less, of said roadway, to the west branch of Newell Creek, as platted in the Gale's Park Plat (No. 341).

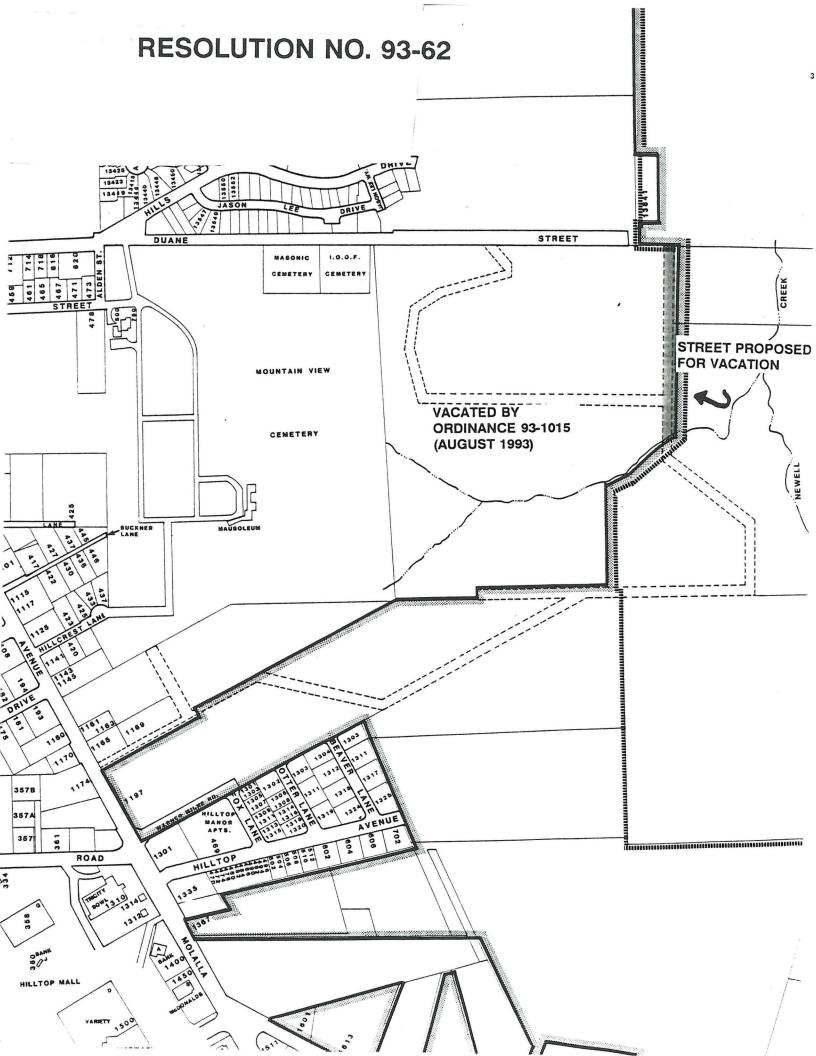
EXCEPT Duane Street.

The City Commission of Oregon City, Oregon has fixed the hour of 8:00 P.M. on Wednesday, November 3, 1993, in the Commission Meeting Room in the City Hall, 320 Warner Milne Road, Oregon City, Oregon, as the time and place for the hearing of any and all objections or claims concerning said proposed vacation which may theretofore have been filed in writing with the City Recorder of Oregon City, and at said time and place the City Commission will consider any such objections thereto.

JEAN K. ELLIOTT, City Recorder

PUBLISH: October 14 and 21, 1993.

POST: October 15, 1993.



Columbia Hydraulic Service, Inc.

1601 N.E. Columbia Boulevard Portland, Oregon 97211 503-285-0381 FAX 503-285-3794



Hydraulic Component Rebuilders Cylinders, Pumps and Valves

SANITARY: NO OBJECTION AS LONG AS VACATION DOES NOT CONFLICT WITH RIGHT OF WAY NEEDS FOR MAINTENANCE ACTIVITIES NEWED FOR NEW NEWELL (RIDGE) SUBDIVISION UTUTIES. Jose Making

"HYDRAULICS, THE FORCE OF THE FUTURE - NOW!"

RECEIVED

CITY OF OREGON CITY - PLANNING 1

1993 320 Warner Milne Road - Oregon City, C

OCT 6 1832

Phone: (503) 657-0891 FAX: (503) 657-3339 Susan Logan
Portland General Electric
121 SW Salmon, 1 WTC 0502
Portland, OR 97204

ESD ACCTG

FILE: ______TO: BUILDING O

BUILDING OFFICIAL, CITY ENGINEER, FIRE CHIEF, POLICE CHIEF, PUBLIC WORKS DIRECTOR, UTILITIES

IN REFERENCE TO:

Request for Street Vacation - Unbuilt Street in 1912 Gale's Park Plat

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return (mail or fax) the attached copy of this form no later than:

Friday, October 22, 1993

A public hearing on this matter is scheduled on the following date:

Wednesday, November 3, 1993: 8:00 PM

Public hearings are held at City Hall, 320 Warner Milne Road, Oregon City.

Your prompt reply will help to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

<u>X</u>	The proposal does not conflict with our interests.	The proposal conflicts with our interests for the reasons stated below.
	The proposal would not conflict with our interests if the changes noted below are included.	Additional time is necessary for our board or commission to act upon a recommendation.
	A formal recommendation is under consideration and will be submitted to you by	
COM	MENTS:	
	Signed_	Don Janes PSE
	Title	PAPPEATY AGENT

NOTICE OF PROPOSED STREET VACATION

NOTICE IS HEREBY GIVEN that the City Commission of Oregon City on the 6th day of October 1993 duly adopted and passed a resolution that proceedings be undertaken by said Commission upon its own motion pursuant to ORS 271.080 to and including ORS 271.230 for the vacation of the following described street within the corporate limits of Oregon City, Clackamas County, Oregon:

That portion of the 40-foot wide roadway as shown and dedicated by the plat of "Gale's Park", a subdivision of record (Plat No. 341) in Section 5, Township 3 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, described as follows:

All of said roadway adjoining Lots 2, 3, 5, 6, 8 and the northwest portion of Lot 9 lying east of Lot 8 of said Gale's Park Plat (consisting of the northerly 820 feet, more or less, of said roadway, to the west branch of Newell Creek, as platted in the Gale's Park Plat (No. 341).

EXCEPT Duane Street.

The City Commission of Oregon City, Oregon has fixed the hour of 8:00 P.M. on Wednesday, November 3, 1993, in the Commission Meeting Room in the City Hall, 320 Warner Milne Road, Oregon City, Oregon, as the time and place for the hearing of any and all objections or claims concerning said proposed vacation which may theretofore have been filed in writing with the City Recorder of Oregon City, and at said time and place the City Commission will consider any such objections thereto.

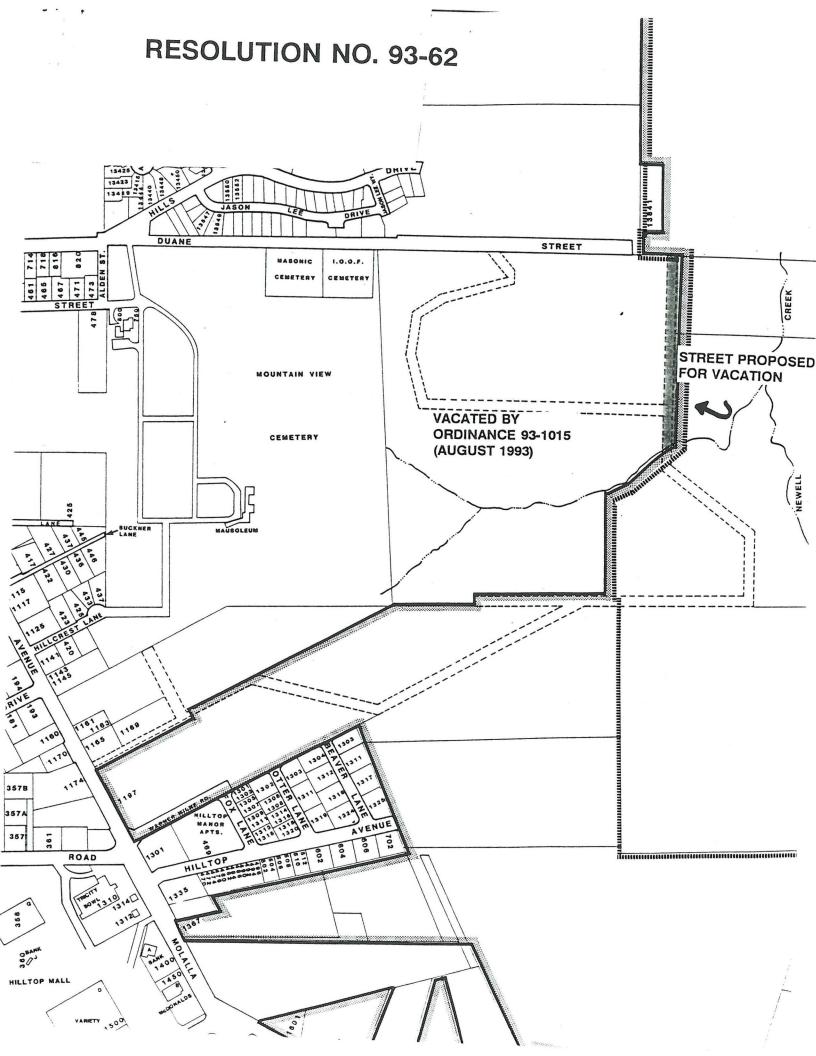
JEAN K. ELLIOTT, City Recorder

PUBLISH:

October 14 and 21, 1993.

POST:

October 15, 1993.



CITY OF OREGON CITY CITY HALL FINANCE DEPARTMENT

REG/RCPT : 01-01452 CASHIER ID : L 04:42 FM	C:09-15-1993 A:09-15-1993
4332 COMMUNITY DEV-LAN	\$5 0 0.00
TOTAL DUE RECEIVED FROM: NORTHRIDGE DEVELOPMENT	\$500.00 00
CHECK	\$500.0 0
TOTAL TENDERED	\$500. 00
CHANGE DUE	\$0.00

CITYSTREL

DEFINITIONS

271.005 Definitions. As used in ORS 271.005 to 271.540:

(1) "Governing body" means the board or body in which the general legislative power of a political subdivision is vested.

(2) "Governmental body" means the State of Oregon, a political subdivision, the United States of America or an agency thereof.

(3) "Political subdivision" means any local government unit, including, but not limited to, a county, city, town, port, dock commission or district, that exists under the laws of Oregon and has power to levy and collect taxes. [1981 c.787 §2]

VACATION

271.010 [Amended by 1965 c.25 §1; 1971 c.287 §1; repealed by 1981 c.153 §79]

271.020 [Amended by 1953 c.283 §3; 1977 c.275 §1; repealed by 1981 c.153 §79]

271.030 [Amended by 1953 c.283 §3; repealed by 1981 c.153 §79]

271.040 [Repealed by 1981 c.153 §79]

271.050 [Repealed by 1981 c.153 §79]

271.060 [Repealed by 1981 c.153 §79]

271.070 [Repealed by 1981 c.153 §79]

271.080 Vacation in incorporated cities; petition; consent of property owners. (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be

sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing and duly acknowledged before an officer authorized to take acknowledgments of deeds.

271.090 Filing of petition; notice. The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

271.100 Action by council. The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

271.110 Notice of hearing. (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

(2) Within five days after the first day of publication of the notice the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be; the notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be not less than 14 days before the hearing.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treas-

ury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1]

271.120 Hearing: determination. At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

271.130 Vacation on council's own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

- (2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.
- (3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.
- (4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the

charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice or district court in civil cases.

271.140 Title to vacated areas. The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city. [Amended by 1981 c.153 §58]

271.150 Vacation records to be filed; costs. A certified copy of the ordinance vacating any street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the county clerk. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.

271.160 Vacations for purposes of rededication. No street shall be vacated upon the petition of any person when it is proposed to replat or rededicate all or part of any street in lieu of the original unless such petition is accompanied by a plat showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof which may subsequently be made meets with the approval of the city governing body, it shall require a suitable guarantee to be given for the carrying out of such replatting or rededication or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededication.

271.170 Nature and operation of statutes. The provisions of ORS 271.080 to 271.160 are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of public access to and from transportation terminals and navigable waters.

271.180 Vacations in municipalities included in port districts; petition; power of common council; vacating street along railroad easement. To the end that adequate facilities for terminal trackage, structures and the instrumentalities of commerce

Phone: (503) 657-0891 FAX: (503) 657-3339

TO: BUILDING OFFICIAL, CITY ENGINEER, FIRE CHIEF, POLICE CHIEF, PUBLIC WORKS DIRECTOR, UTILITIES

IN REFERENCE TO: Request for Street Vacation - Unbuilt Street in 1912 Gale's Park Plat

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return (mail or fax) the attached copy of this form **no later than**:

Friday, October 22, 1993

A public hearing on this matter is scheduled on the following date:

Wednesday, November 3, 1993: 8:00 PM

Your prompt reply will help to facilitate the processing of this application and will insure prompt

Public hearings are held at City Hall, 320 Warner Milne Road, Oregon City.

consideration of your recommendations. Please check the appropriate spaces below. ____ The proposal does not ____ The proposal conflicts conflict with our interests. with our interests for the reasons stated below. ____ The proposal would not conflict Additional time is with our interests if the necessary for our board or commission to act upon a changes noted below are included. recommendation. A formal recommendation is under consideration and will be submitted to you by_____ COMMENTS:

CITY OF OREGON CITY - PLANNING TCI Cablevision of OR Inc. 320 Warner Milne Road - Oregon City, attn: Linda Petersen

Phone: (503) 657-0891 FAX: (503) 657-3339 TCI Cablevision of OR Incattn: Linda Petersen
Engineering Dept.
3500 SW Bond
Portland, OR 97201

TO: BUILDING OFFICIAL, CITY ENGINEER, FIRE CHIEF, POLICE CHIEF, PUBLIC WORKS DIRECTOR, UTILITIES

IN REFERENCE TO:

Request for Street Vacation - Unbuilt Street in 1912 Gale's Park Plat

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return (mail or fax) the attached copy of this form **no later than**:

Friday, October 22, 1993

A public hearing on this matter is scheduled on the following date:

Wednesday, November 3, 1993: 8:00 PM

Public hearings are held at City Hall, 320 Warner Milne Road, Oregon City.

Your prompt reply will help to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below. The proposal does not The proposal conflicts with our interests for conflict with our interests. the reasons stated below. The proposal would not conflict Additional time is with our interests if the necessary for our board or changes noted below are included. commission to act upon a recommendation. A formal recommendation is under consideration and will be submitted to you by_____ COMMENTS:

Phone: (503) 657-0891 FAX: (503) 657-3339

TO: BUILDING OFFICIAL, CITY ENGINEER, FIRE CHIEF, POLICE CHIEF, PUBLIC WORKS DIRECTOR, UTILITIES

IN REFERENCE TO:

Request for Street Vacation - Unbuilt Street in 1912 Gale's Park Plat

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return (mail or fax) the attached copy of this form no later than:

Friday, October 22, 1993

A public hearing on this matter is scheduled on the following date:

Wednesday, November 3, 1993: 8:00 PM

Public hearings are held at City Hall, 320 Warner Milne Road, Oregon City.

Signed

Your prompt reply will help to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below. The proposal does not The proposal conflicts conflict with our interests. with our interests for the reasons stated below. ___ The proposal would not conflict Additional time is with our interests if the necessary for our board or changes noted below are included. commission to act upon a recommendation. A formal recommendation is under consideration and will be submitted to you by_____ COMMENTS:

Phone: (503) 657-0891 FAX: (503) 657-3339 HENRY-NO COMMENTS

NEAY-NONE

RETURN TO KATE

BY

PUBLIC PROJECTS

TO: BUILDING OFFICIAL, CITY ENGINEER, FIRE CHIEF, POLICE CHIEF, PUBLIC WORKS DIRECTOR, UTILITIES

IN REFERENCE TO:

Request for Street Vacation - Unbuilt Street in 1912 Gale's Park Plat

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return (mail or fax) the attached copy of this form **no later than**:

Friday, October 22, 1993

A public hearing on this matter is scheduled on the following date:

Wednesday, November 3, 1993: 8:00 PM

Public hearings are held at City Hall, 320 Warner Milne Road, Oregon City.

Your prompt reply will help to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

	The proposal does not conflict with our interests.	 The proposal conflicts with our interests for the reasons stated below.
	The proposal would not conflict with our interests if the changes noted below are included.	 Additional time is necessary for our board or commission to act upon a recommendation.
- desired to the second	A formal recommendation is under consideration and will be submitted to you by	
COMM	MENTS:	
	Signed Title	

Phone: (503) 657-0891 FAX: (503) 657-3339

BUILDING OFFICIAL, CITY ENGINEER, FIRE CHIEF, POLICE CHIEF, PUBLIC WORKS TO: DIRECTOR, UTILITIES Request for Street Vacation - Unbuilt Street in 1912 Gale's Park Plat IN REFERENCE TO: The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return (mail or fax) the attached copy of this form no later than: Friday, October 22, 1993 A public hearing on this matter is scheduled on the following date: Wednesday, November 3, 1993: 8:00 PM Public hearings are held at City Hall, 320 Warner Milne Road, Oregon City. Your prompt reply will help to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below. The proposal does not conflict with our interests. The proposal conflicts with our interests for the reasons stated below. The proposal would not conflict Additional time is with our interests if the necessary for our board or changes noted below are included. commission to act upon a recommendation. A formal recommendation is under consideration and will be submitted to you by_ COMMENTS:

Signed Dan Dantkone
Title Civil Engineer

Phone: (503) 657-0891 FAX: (503) 657-3339

TO: BUILDING OFFICIAL, CITY ENGINEER, FIRE CHIEF, POLICE CHIEF, PUBLIC WORKS DIRECTOR, UTILITIES

IN REFERENCE TO:

Request for Street Vacation - Unbuilt Street in 1912 Gale's Park Plat

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return (mail or fax) the attached copy of this form no later than:

Friday, October 22, 1993

A public hearing on this matter is scheduled on the following date:

Wednesday, November 3, 1993: 8:00 PM

Public hearings are held at City Hall, 320 Warner Milne Road, Oregon City.

Your prompt reply will help to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

7	The proposal does not conflict with our interests.		The proposal conflicts with our interests for the reasons stated below.
	The proposal would not conflict with our interests if the changes noted below are included.		Additional time is necessary for our board or commission to act upon a recommendation.
	A formal recommendation is under consideration and will be submitted to you by		
COMN	MENTS:		
		00.1	
	Signed_ Title	Por see chief	

RECEIVED OCT - 6 1993

CITY OF OREGON CITY - PLANNING I North Willamette Telecom 320 Warner Milne Road - Oregon City, C PO Box 850

Phone: (503) 657-0891 FAX: (503) 657-3339

Canby, OR 97013-0850

BUILDING OFFICIAL, CITY ENGINEER, FIRE CHIEF, POLICE CHIEF, PUBLIC WORKS TO: DIRECTOR, UTILITIES

IN REFERENCE TO:

Request for Street Vacation - Unbuilt Street in 1912 Gale's Park Plat

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return (mail or fax) the attached copy of this form no later than:

Friday, October 22, 1993

A public hearing on this matter is scheduled on the following date:

Wednesday, November 3, 1993: 8:00 PM

Public hearings are held at City Hall, 320 Warner Milne Road, Oregon City.

Your prompt reply will help to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

χ	The proposal does not conflict with our interests.			The proposal conflicts with our interests for the reasons stated below.
	The proposal would not conflict with our interests if the changes noted below are included.			Additional time is necessary for our board or commission to act upon a recommendation.
	A formal recommendation is under consideration and will be submitted to you by	_		
COMI	MENTS:			
				0
	Signed Title	d Tata	Pallo	Kres

Phone: (503) 657-0891 FAX: (503) 657-3339

Gary Cook Clackamas County Planning 902 Abernethy Road Oregon City, OR 97045

TO: BUILDING OFFICIAL, CITY ENGINEER, FIRE CHIEF, POLICE CHIEF, PUBLIC WORKS DIRECTOR, UTILITIES

IN REFERENCE TO:

Request for Street Vacation - Unbuilt Street in 1912 Gale's Park Plat

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return (mail or fax) the attached copy of this form no later than:

Friday, October 22, 1993

A public hearing on this matter is scheduled on the following date:

Wednesday, November 3, 1993: 8:00 PM

Public hearings are held at City Hall, 320 Warner Milne Road, Oregon City.

Your prompt reply will help to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

V	The proposal does not conflict with our interests.		The proposal conflicts with our interests for the reasons stated below.
	The proposal would not conflict with our interests if the changes noted below are included.		Additional time is necessary for our board or commission to act upon a recommendation.
	A formal recommendation is under consideration and will be submitted to you by	_	
COMN	MENTS:		
	Signed	i Rielin Van	dyn