

AFFIDAVIT OF POSTING
ORDINANCE #218


STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
)
)
)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 2nd day of June, 1982, I caused to be posted copies of the attached Ordinance #218, an ordinance vacating a portion of Trask Street in the City of Wilsonville, Clackamas County, Oregon, in the following four public and conspicuous places of the City, to wit:


- WILSONVILLE POST OFFICE
- WILSONVILLE CITY HALL
- LOWRIE'S FOOD MARKET
- KOPPER KITCHEN

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 7th day of June, 1982.



DEANNA J. THOM, City Recorder

Subscribed and sworn to before me
this 4th day of June, 1982.



NOTARY PUBLIC, STATE OF OREGON

My commission expires: August 23, 1985

ORDINANCE NO. 218

AN ORDINANCE VACATING A PORTION OF TRASK STREET IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON; AND DECLARING AN EMERGENCY.

WHEREAS, Trask Street in the City of Wilsonville is a dedicated public road and is identified as such on the County's Map; and

WHEREAS, Eldon Edwards and Michael Kohlhoff own the property immediately bordering a portion of said Trask Street and have filed a petition with the Wilsonville City Recorder on August 24, 1981, for the vacation of a portion of said Trask Street, and appended to such petition, as a part thereof and as a basis for granting the same, are the consents of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby as defined in ORS 271.080(2); and

WHEREAS, the petition for vacation as presented to the City Recorder was found to be sufficient and scheduled to come before the City Governing Body at a meeting thereof on December 7, 1981, and the petitioners were duly notified of that fact; and

WHEREAS, the Wilsonville City Council as the City's Governing Body, at its meeting on December 7, 1981, considered said petition and allowed it subject to certain conditions and fixed Monday, January 18, 1982, at the Council Chambers at the Wilsonville City Hall, 30470 S.W. Parkway Avenue, Wilsonville, Oregon, as the time and place for a formal hearing upon the petition; and

WHEREAS, it appears that the notice of the time, place and purpose of the vacation hearing was duly and regularly given in the manner and for the time required by ORS 271.110(1) (2), and before such posting and publication of said notice the City Recorder obtained from the petitioners the sum of \$300 which was estimated to be sufficient to pay the City's actual costs of publication, postings and other anticipated expenses including the City's attorneys fees as provided by ORS 271.110(3); and

WHEREAS, the formal and public hearing on the question of such vacation was duly and regularly held at the time and place advertised and no one appeared either in person or otherwise to object to or remonstrate against the petition and proposed vacation and thereafter the Council concluded as follows:

1) That the written and acknowledged consents of all abutting property owners of not less than two-thirds of all owners and/or contract purchasers of the real property affected by the vacation have been obtained.

2) The required notice of the petition for vacation was given.

3) The public interest will not be prejudiced by the proposed vacation.

4) All city liens and all taxes have been paid on the land which is to be vacated.

5) The vacation will not substantially affect the market value of the abutting properties and no damages are payable.

6) The proposed use is consistent with the present use of the adjoining property, the use for the zone in which it is located, and the City's interim development plan for the area; now, therefore,

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: The portion of Trask Street in Wilsonville, Clackamas County, Oregon described as follows, shall be vacated and the vacation thereof shall be effective on the adoption of this Ordinance after second and final reading as provided by the Wilsonville City Charter:

A tract of land situated in Section 23, T. 3 S., R. 1 W., of the Willamette Meridian, being a part of that certain tract of land conveyed to Phillip R. Balsiger, et ux, as recorded by Fee No. 70-17235, Deed Records, Clackamas County, Oregon, being more particularly described as follows, to-wit:

Beginning at a 3/4" iron pipe in the easterly right of way line of the State Frontage Road being the southwest corner of that certain tract of land conveyed by Book 501, Page 413, Deed Records, to Phillip R. Balsiger, et ux, thence South 0°00'46" East along said frontage road easterly right of way line, 476.80 feet to a 1/2" iron rod; thence leaving said frontage road right of way line, North 85°43'57" East 135.00 feet to a 1/2" iron rod; thence South 0°00'46" East 60.00 feet to a point in the northerly right of way line of a dedicated 30.00 foot roadway and the true point of beginning.

From said true point of beginning South 0°00'46" East 21.00 feet; thence South 85°43'57" West along said centerline 135.00 feet (southerly boundary Iron, 285/702) to a brass disc and State Highway right of way marker in said frontage road easterly right of way line; thence North 0°00'46" West 21.00 feet along said frontage road easterly right of way line to a point intersected by the northerly right of way line of said dedicated 30.00 foot roadway, thence North 85°43'57" East 135 feet along said northerly right of way line of said dedicated 30.00 foot roadway to the true point of beginning.

Section 2: That the title to the street area vacated shall attach to the land bordering on such area as provided by ORS 271.140.

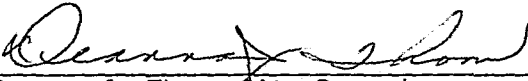
Section 3: That upon the final reading and enactment of this ordinance the

Wilsonville City Recorder shall prepare and file for record with the Clackamas County Recorder a certified copy of this ordinance. The City Recorder shall also prepare and file a certified copy of this ordinance with the Clackamas County Assessor and the Clackamas County Surveyor as required by the provisions of ORS 271.150.

Section 4: Any ordinance or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

Section 5: It being deemed by the Wilsonville City Council that an emergency exists, this ordinance shall take effect immediately upon its final reading and passage by the City Council.

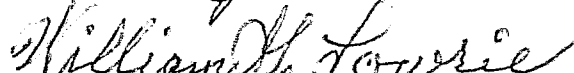
Submitted to the Council and read the first time at a regular meeting thereof on May 17, 1982, ordered posted as provided by the Wilsonville City Charter and scheduled for second reading at a regular meeting of the Council on the 7th day of June, 1982, commencing at the hour of 8:00 o'clock P.M. at the Wilsonville City Hall.


Deanna J. Thom, City Recorder

ENACTED by the Council on the 7th day of June, 1982, by the following vote: YEAS 5 NAYS 0


Deanna J. Thom, City Recorder

DATED and signed by the Mayor this 10th day of June, 1982.


William G. Lowrie, Mayor