

ORDINANCE NO. 252

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF DATE STREET, A PORTION ^{OF} AN ALLEY AND A PORTION OF A 40 FOOT WIDE STREET ALL LOCATED IN SOUTH DRAIN AN ADDITION TO THE CITY OF DRAIN, DOUGLAS COUNTY, OREGON, AND DECLARING AN EMERGENCY.

WHEREAS, Duco-Lam Inc., an Oregon Corporation, and DLI Investments did file a petition for vacation of a portion of Date Street, a portion of an Alley and a portion of a 40 foot wide Street all located in South Drain an addition to the City of Drain, Douglas County, Oregon; and

WHEREAS, there was appended to said petition for vacation with proper consents appended thereto was presented to the Common Council of the City of Drain at its regular meeting on MAY 16, 1978 by the Planning Commission of the City of Drain; and

WHEREAS, the Planning Commission did recommend approval of said petition as follows:

"This property is zoned Industrial. Adjoining property South is also zoned Industrial with the railroad siding in the center of the Industrial zoned area. To the east is zoned Residential and Commercial also bordered by Highway 99.

The only Residential area is Northwest at Applegate and Elder. We of the Planning Commission feel as this is the major Industrial area of Drain other than a small area in Northeast Drain, and the way Applegate Street lays and Duco Lam being the major land owner, that the vacation of these streets would be in order."; and

WHEREAS, proper notices were posted notifying the Public a Hearing would be conducted on said petition and said notice was published in the "Drain Enterprise" a local weekly Newspaper on April 20, 27, May 4, 11, 1978; and

WHEREAS, the Common Council of the City of Drain did conduct such a hearing on **MAY 16** 1978; now therefore

THE CITY OF DRAIN DRAINS AS FOLLOWS:

Section - 1.

The Common Council of the City of Drain determines that the public interest will best be served by granting said petition; and

Section - 2.

WHEREAS, said portion of streets have never been constructed or used as a public street, that same is not required for public use and convenience, that same is good business property and should be utilized as such and that proposed vacation would benefit and not injure adjacent and bordering property owners.

Section - 3.

The Common Council of the City of Drain determines in favor of said petition and hearing no objections thereto hereby orders the following described lands vacated and the title to said portion of streets shall attach to the lands bordering on such area in equal proportions.

- a. That certain alleyway 20 ft. in width lying between lots 1 and 8, lying between Lots 2 and 7, and lying between the North half of Lot 3 and the North half of Lot 6, all in Block 23, South Drain, an addition to the City of Drain, Douglas County, Oregon.
- b. That certain alleyway 20 ft. in width lying between Lots 2 and 7 and lying between the North half of Lot 3 and the North half of Lot 6, all in block 22, South Drain, and addition to the City of Drain, Douglas County, Oregon.
- c. That certain street 60 ft. in width called Date Street lying between Lot 1 of Block 23 and Lot 8 of Block 22, lying between Lot 2 ^{OF} ~~and~~ Block 23 and Lot 7 of Block 22, and lying between the North half of Lot 3 in Block 23 and the North half of Lot 6 in Block 22, all in South Drain, an addition to the City of Drain, Douglas County, Oregon.

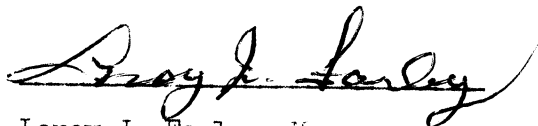
- d. That certain street 40 ft. in width located on the North Half of Lot 6 and the North half of Lot 3 in Block 23, and on the North half of Lot 6 and the North half of Lot 3 in Block 22, South Drain, an addition to the City of Drain, Douglas County, Oregon.

Section - 4.

EMERGENCY CLAUSE

It is hereby found and determined that this ordinance is necessary for the immediate preservation of the peace, health and safety of the Citizens of the City of Drain, and owing thereto an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

Signed by me in authentication of its passage on this 22 day of June, 1978.



Leroy J. Farley, Mayor
City of Drain, Oregon

ATTEST:



Robert A. Gray
Clerk of the Council, Pro-tem