

AN ORDINANCE SETTING TIME AND PLACE FOR HEARING ON VACATION OF PORTION OF ALLEY BETWEEN LOTS 1 and 8 in BLOCK 22, SOUTH DRAIN ADDITION TO THE CITY OF DRAIN, PROVIDING MANNER OF NOTICE, AND DECLARING AN EMERGENCY:

~~THE PEOPLE OF~~ THE CITY OF DRAIN ORDAINS AS FOLLOWS:

SECTION 1. The Common Council of the City of Drain desires to initiate vacation of a portion of alley between Lots 1 and 8 in Block 22, South Drain Addition to the City of Drain, within the City of Drain, Douglas County, Oregon, without a petition but with a ~~Consent heretofore~~ filed, based on the fact that the City desires to eliminate same as a public alleyway except for grant of utility easement as most of said alley has been vacated and the same is deadhead, and serves no useful purpose, and based on the fact that a vacation of this alley will not substantially affect the market value of any property adjacent thereto, and based on the fact that the owners of the abutting property have consented thereto.

SECTION 2. A hearing shall be held on the 8 day of ~~March~~ ^{April}, 1980, at 7:30 o'clock P.M., Standard Time, in the Council chambers in the City Hall, City of Drain, Douglas County, Oregon, for the purpose of hearing remonstrances and protests against the vacation by ordinance of the Common Council of the City of Drain of the following described portion of alley:

That certain alley lying between Lots 1 and 8, in Block 22, South Drain Addition to the City of Drain, in Douglas County, Oregon.

SECTION 3: Notice of said hearing set out in Section 2 above shall be given by notice in the following form:

NOTICE OF ALLEY VACATION: TO ALL PERSONS WHOM IT MAY CONCERN.

NOTICE IS HEREBY GIVEN:

That at the regular meeting of the Common Council of the City of Drain,, held in the Council chambers in the City Hall of Drain, on the 12 day of February, 1980, there was passed by the Common council and approved by the Mayor of the City of Drain, Douglas County, Oregon, an Ordinance, setting a hearing to be held on the 8 day of ~~March~~ ^{April}, 1980, at 7:30 o'clock P.M., Standard Time, in the Council chambers in the City Hall in said city for the purpose of hearing remonstrances and protests against the vacation by ordinance of the Common Council of the following described alley within the City of Drain, to-wit:

That certain alley lying between Lots 1 and 8, in Block 22, South Drain Addition to the City of Drain, in Douglas County, Oregon.

That acknowledged Consent was filed with the City of Drain by THOMAS J. DAVIS and LILLIE A. DAVIS, husband and wife, WOOLLEY ENTERPRISES, INC., and DUCO-LAM INC., abutting owners to said alley.

That the Common Council will consider and act upon the proposed vacation on the ~~8th~~ day of ~~February~~ APRIL, 1980, at 7:30 o'clock P.M., Standard Time, of said day in the Council Chambers in the City Hall in Drain, Douglas County, Oregon, and will consider an ordinance vacating the above described alley, and all persons having objections thereto or remonstrances or protests, are hereby notified and requested to present the same to the Common Council, in writing, prior to said hearing, or at said time and place.

Robert A. Gray
~~City Recorder~~ *City Administrator*
Clerk of the Council Pro-tem

and shall be given as follows:

1. The City Recorder, or other appropriate officer, shall give notice of the hearing by publishing the notice in the Drain Enterprise, once each week for four consecutive weeks.
2. The City Recorder, or other appropriate officer, within 5 days after the 1st day of publication of the notice, 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 ALLEY VACATION".
3. The City Recorder, or other appropriate officer, shall likewise within said 5 days after the first day of publication of the notice, cause to be posted a like notice in at least two other conspicuous places in proposed vacation area.
4. The posting and first day of publication of such notice shall not be less than 28 days before the hearing.
5. The City Recorder, or other appropriate officer, shall, before publishing such notice and before such posting, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses.

SECTION 4: WHEREAS an urgent public necessity exists for the vacation of an unused portion of alley of contemplated vacation, it is therefore declared to be for the preservation of the health and safety and financial condition of said City of Drain; that the passage of this Ordinance be an emergency, and that this Ordinance become effective immediately upon its passage and approval.

Passed by the Common Council this 12 day of February, 1980.

Presented to the Mayor for his approval this 12 day of February, 1980.

Filed with the Recorder, approved this 12 day of February, 1980.

APPROVED: Ernest J. Larley
Mayor

ATTEST:

Robert A. Gray
~~City Recorder~~ *Clerk of the Council Pro-tem*

Prepared by Warren DeLavergne