

ORDINANCE NO. 276

AN ORDINANCE VACATING A PORTION OF ALLEY LYING BETWEEN LOTS 1 AND 8, IN BLOCK 22, SOUTH DRAIN ADDITION TO THE CITY OF DRAIN, DOUGLAS COUNTY, OREGON, AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF DRAIN ORDAIN AS FOLLOWS:

SECTION 1. A hearing on initiation of vacation by the Common Council of the City of Drain at this time being held on the 8th day of April, 1980, at 7:30 o'clock P.M., Standard Time, in the Council chambers in the City Hall in the 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 following described alley, to-wit:

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

and the Council finding that Notices as follows:

NOTICE OF STREET 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 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, to-wit:

Portion of 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 Recorder by Thomas J. Davis and Lillie A. Davis, husband and wife, Woolley Enterprises, Inc., and Oregon corporation, and Duco-Lam, Inc., an Oregon corporation, abutting owners to said alley.

That the Common Council will consider and act upon the proposed vacation on the 8 day of 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.

City of Drain
P.O. Box 158
Drain, OR 97435

/s/ Robert A. Gray
Robert A. Gray, City Administrator
Clerk of the Council Pro-Tem

were posted in three most public places in the City of Drain, to-wit:

- 1. City Hall
- 2. Drain Enterprise
- 3. Douglas National Bank
- 4. U.S. National Bank

and were posted at each end of the proposed vacation area, and were posted in two other conspicuous places within the vacation area, all on March 12, 1980, by Robert A. Gray, City Administrator, Clerk of the Council Pro-Tem, City of Drain, and more than 28 days prior to this hearing, and Affidavit of Posting appearing on file herein.

There is no objection thereto.

That consent of the owners of the requisite area has been obtained and are on file, through the Common Council finds that abutting owners are not injured in that there is no effect upon the value of the property by this vacation.

That the City shall retain a utility easement fifteen feet wide the center line of which is an existing sewer line located approximately on the center line of the Alley being vacated. It is further understood that no structures shall be constructed on or over said easement.

That public interests will not be prejudiced by such vacation and all matters are determined in favor of such vacation.

SECTION 2. That certain public alley described:

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

be and the same is hereby vacated.

SECTION 3: WHEREAS an urgent public necessity exists for the vacation of said portion of said alley in that said alley is only a portion of the former alley, that same is not used by the public, that same creates possibility of problems for liability and other like problems, and that it is therefore declared to be, for the preservation of the health, safety and financial condition of the said City of Drain, that said alley should be vacated, and 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 8 day of April, 1980.

Presented to the Mayor for his approval this 8 day of April, 1980.

Filed with the Recorder, approved this 8 day of April, 1980.

City of Drain

P.O. Box 158
Drain, OR 97435

APPROVED: Lloyd J. Lerley
Mayor

ATTEST:

Robert A. Gray
City Recorder