

**ORDINANCE NO. 404**

**AN ORDINANCE VACATING A 20' x 118' PORTION OF GARDNER AVENUE EAST OF CEDAR STREET THAT RUNS BETWEEN TAX LOT 6400 AND 6500 TO ELK CREEK (TOWNSHIP 22, RANGE 5, SECTION 17AB, LYING BETWEEN BLOCKS 1 AND 10 ON THE DOUGLAS COUNTY ASSESSOR'S MAP**

**THE CITY OF DRAIN ORDAINS AS FOLLOWS:**

SECTION 1. The City received in accordance with ORS 271.080, on April 27, 2007, a petition to vacate the following described real property:

A 20' x 118' portion of Gardner Street east of Cedar Street that runs between Tax Lots 6400 and 6500 to Elk Creek (Township 22, Range 5, Section 17AB, lying between Blocks 1 and 10 on the Douglas County Assessor's map.

The City held a public hearing on July 9, 2007. No objections to the proposed vacation were stated at the hearing.

SECTION 2. The City council hereby determines that the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby has been obtained as required by ORS 271.080(2) and is on file herein.


SECTIONS 3. The City Council hereby determines that notice was duly given prior to the public hearing on July 9, 2007, in accordance with the provisions of ORS 271.110.

SECTION 4. The City Council hereby determines that the public interest will not be prejudiced by vacation of the property.

SECTION 5. NOW, THEREFORE, the Petition filed with the City is granted and the property described in Section 1 above is hereby vacated.

SECTION 6. The City Administrator is directed to file a certified copy of this ordinance for recording with the Douglas County Clerk, the Douglas County Assessor and the Douglas County Surveyor. The Petitioner, Victor Napier, shall bear the recording cost and the cost of preparing and filing the certified copies.

**PASSED BY THE CITY COUNCIL OF THE CITY OF DRAIN, DOUGLAS COUNTY, OREGON THIS 13th DAY OF AUGUST, 2007.**

  
Suzanne Anderson, Mayor

ATTEST:

  
Carl A. Patenode, City Administrator