

ORDINANCE NO. 783

AN ORDINANCE VACATING LINCOLN AVENUE, GEARHART HEIGHTS TRACTS, CITY OF GEARHART, CLATSOP COUNTY, OREGON.

WHEREAS, the Gearhart City Council, Gearhart, Oregon, initiated vacation proceedings pursuant to ORS 271.080 for vacation of Lincoln Avenue described on Exhibit A attached hereto and made a part hereof; and

WHEREAS, the City Council having found no reason existing why the vacation should not be allowed and the necessary notice having been posted on the subject real property and a formal hearing having been held at the hour of 7:00 p.m. on the 1st day September, 2004, in the City Hall Council Chambers, Gearhart, Clatsop County, Oregon; and

WHEREAS, due notice of the time and place of hearing was given as required by law; and

WHEREAS, the property owners of the abutting property have consented to the vacation; and

WHEREAS, the City Recorder has indicated that all City liens and taxes have been paid on the land covered by the vacation; and

WHEREAS, a formal hearing was held at the appointed time and place on the requested street vacation and with no objections having been received by the City Council; and

WHEREAS, it appears that it is in the best interests of the Public to allow the vacation of Lincoln Avenue in that the area does not need to be utilized for a public street or other public purposes and will allow for a utility easement.

NOW, THEREFORE, the City of Gearhart ordains as follows:

Section 1. The property in the City of Gearhart, Clatsop County, Oregon, more particularly described on Exhibit A attached hereto and made a part hereof, is hereby vacated and this vacation is hereby made a matter of public record and expressly changed of public record so as to indicate, as required by law, such vacation; it is further proved that the City of Gearhart shall file a certified copy of this ordinance with the County Clerk of Clatsop County, State of Oregon, and the County Assessor and County Surveyor of Clatsop County, Oregon. Nothing contained herein shall cause or require the removal or abandonment of any water main, conduit, pipe of any kind, including wires, poles or other things used or intended to be used for any public service and the right is hereby reserved to maintain, continue, repair, construct, renew, replace, rebuild and/or enlarge any and all such things now or hereafter in the future.



Passed by the Common Council of the City of Gearhart this 6TH day of October 2004.

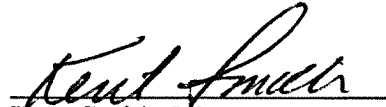
AYES: 5

NAYS: 0

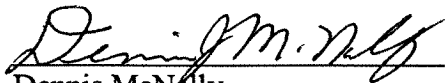
ABSTAIN: 0

ABSENT: 0

Signed and approved by the Mayor of the City of Gearhart this 6th day of October 2004.


Kent Smith, Mayor

ATTEST:


Dennis McNally
City Administrator

Lincoln-VacationOrd.doc

HLB & Associates

I N C O R P O R A T E D

4253-A Hwy 101 North
Seaside, Oregon 97138

Surveying, Civil Engineering & Planning

TEL (503) 738-3425

FAX (503) 738-7455

**Legal Description
for
City of Gearhart
of Lincoln Avenue to be Vacated**

August 23, 2004

All that portion of Lincoln Avenue as shown on the Plat of GEARHART HEIGHTS TRACTS as recorded in Book 9, Page 40 of Clatsop County Plat Records, more particularly described as follows:

Beginning at the Initial Point of said GEARHART HEIGHTS TRACTS, said point being at the Southeast corner of Lot 19 said Plat;

Thence North along the East line of said Lot 19, a distance of 600 feet to the Northeast corner of said lot 19;

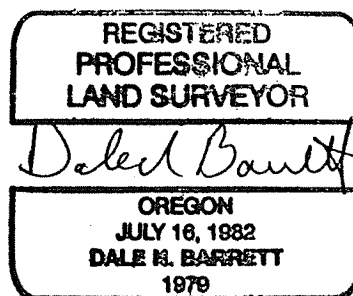
Thence East 60.00 feet to the Northwest Corner of Lot 1 said Plat;

Thence South 600 feet, along the West lines of lots 1 through 6 to the Southwest corner thereof;

Thence West 60.00 feet to the **true point of beginning**;

Reserving therefrom a 20 foot wide easement for utility purposes over, under and across the East 20 feet of said Lincoln Avenue described above.

Situated in the Northwest quarter of Section 10, Township 6 North, Range 10 West, W.M., City of Gearhart, County of Clatsop, State of Oregon.



RENEWAL DATE: DEC. 31, 05

EXHIBIT A.

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RTN TO
CITY OF GEARHART
PO BOX 2510
GEARHART OR 97138

