

**Ordinance Number 597
City of Dayton**

Title: AN ORDINANCE VACATING THE STREET RIGHT-OF-WAY SIXTY (60) FEET IN WIDTH AND APPROXIMATELY 269 FEET IN LENGTH LOCATED IN BLOCK 8 OF THE LIPPINCOTTS SECOND ADDITION BOUNDED BY DAYTON SCHOOL DISTRICT PROPERTY (YAMHILL COUNTY ASSESSOR'S MAP 7 3 17CD/100, 300, 2900, AND 3000 TO THE NORTH, SOUTH, AND EAST) AND 9TH STREET RIGHT-OF-WAY TO THE WEST.

WHEREAS, under the authority in Oregon Revised Statute 271.080 any person interested in real property in the City may file a petition to vacate an alley, and the City of Dayton received a petition by an abutting property owner to vacate the public street in Block 8, Lippincotts Second Addition (Case No. Vacation 2010-01); and

WHEREAS, under Oregon Revised Statute 217.100 the City Council is granted the authority to fix a time and conduct a formal hearing to consider petitions for public street vacations; and

WHEREAS, the City of Dayton City Council conducted a public hearing on the petition on May 3, 2010, at which time the public was given full opportunity to be present and be heard on the matter; and

WHEREAS, under Oregon Revised Statute 271.080 the consent of 100 percent of the owners of all abutting property and the consent of not less than two-thirds of the owners of real property affected thereby was obtained; and

WHEREAS, under Oregon Revised Statute 217.110 for vacation petitions notice of the public hearing is required and was provided; and

WHEREAS, under Oregon Revised Statute 271.120 the City Council is required to determine whether the public interest will be prejudiced by the vacation of such street or parts thereof; and

WHEREAS, under Oregon Revised Statute 271.120 the City Council determined public interest will not be prejudiced by the vacation of such street or parts thereof provided conditions of approval are adopted; and

WHEREAS, at the conclusion of the public hearing on May 3, 2010, the Dayton City Council voted to approve the petition.

NOW, THEREFORE, THE CITY OF DAYTON HEREBY ORDAINS:

Section 1. Expressly subject to the conditions stated in Sections 2 through 7 of this Ordinance, vacation of the following described property is hereby ordered:

All that portion of the public street in Block 8 Lippincotts Second Addition in Section 17CD, Township 4S, Range 3W, Yamhill County, Oregon, lying north of Tax Lot 2900 (Lots 1 and 2), south of Tax Lots 300 (Lots 9 and 10), east of a previously vacated street right-of-way (Ordinance No. 390, 1982), and west of other public street right-of-way (9th Street).

A sketch of the area vacated is contained in Exhibit I.

Section 2. The City Council adopts the staff report dated April 20, 2010, that was presented at the May 3, 2010, City Council public hearing containing the findings of fact and conclusion showing the approval criteria as met. The staff report is Exhibit B of this ordinance.

Section 3. This ordinance may be recorded in the Yamhill County Deed of Records upon authorization or recordation by the City of Dayton City Manager and tender of recording fees by the petitioner.

Section 4. Effective date upon the recordation of this Ordinance in the Yamhill County Deed Records, the public interest in the portion of the public street right-of-way described in Section 1 shall be and hereby vacated.

Section 5. Title of the property vacated by this Ordinance shall vest in the owner of the land abutting the vacated by extension of the person's abutting property boundaries to the center of the vacated property and as determined by the Yamhill County Assessor.

Section 6. A copy of this Ordinance shall be filed with the Yamhill County Surveyor and Assessor.

PASSED and adopted by the City Council of the City of Dayton on the 7th day of June, 2010:

Mode of Enactment:

Date of first reading: 5/3/10 In full _____ or by title only

Date of second reading: 6/7/10 In full _____ or by title only

No Council member present at the meeting requested that the ordinance be read in full.

A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder not later than one week before the first reading of the Ordinance

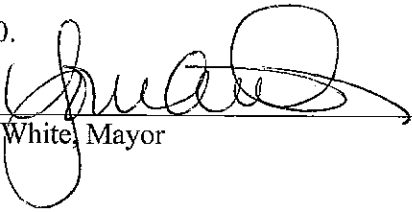
In Favor: Blackburn, Evers, Frank, White, Wytoski

Opposed: None

Absent: Dickson, Hensley


Abstained: None

Approved by the Mayor on this 16 day of June, 2010.



Jolie White, Mayor

Attest:



Peggy Selberg, City Recorder