

ORDINANCE NO. 540

AN ORDINANCE VACATING NORTH BIRCH STREET BETWEEN HIGH STREET AND THE SALEM DITCH.

WHEREAS, a petition dated July 29th, 1980 was filed and pursuant thereto a public hearing was held before the City Council of the City of Stayton on October 6th, 1980; and

WHEREAS, at such public hearing the City Council heard testimony in favor of the proposed vacation and heard no opposition thereto and determined that the vacation should be allowed; and

WHEREAS, the City Council of the City of Stayton has considered all other potential uses for this roadway and considered that the East fifteen (15) feet of the road was previously vacated by Ordinance dated February 19th, 1980; now, therefore,

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

SECTION I

North Birch Street lying between the Salem Ditch and Northwest High Street in Stayton, Marion County, Oregon, and more particularly described as follows:

That portion of North Birch Street lying between Lots 1, 2 and 3, Block 7 and Lots 4, 5 and 6, Block 6, all in Ottomar Luttich Addition to the Town of Stayton, Marion County, Oregon, save and except the East 15 feet thereof previously vacated.

shall be and hereby is vacated. Title to that portion of the street hereby vacated lying East of the original center line of North Birch Street shall attach to the land bordering such street on the East and title to the portion of the land hereby vacated lying West of the original center line of North Birch Street shall attach

to the land bordering such street on the West, it being the intent and purpose of the City Council of the City of Stayton to have title to the Westerly 30 feet of North Birch Street attach to the property to the West thereof and the property on the Easterly 30 feet of North Birch Avenue to attach to the East thereof based on the original center line of the road without regard to the earlier partial vacation of the street.

SECTION II

The City of Stayton in granting this vacation reserves an easement unto itself to construct, operate and maintain any and all underground utilities over the West thirty feet of that portion of the street hereby vacated.

PASSED BY THE COMMON COUNCIL THIS 3rd DAY OF NOVEMBER, 1980.

SIGNED BY THE MAYOR THIS 4th DAY OF NOVEMBER, 1980.

Henry A. Porter
MAYOR

ATTEST:

Elvis Vandenberg
CITY ADMINISTRATOR