

RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

*THIS SPACE RESERVED FOR USE BY
THE COUNTY RECORDING OFFICE*

AFTER RECORDING RETURN TO:

Attn: Alissa Angelo, Deputy City Recorder

City of Stayton

362 N. Third Avenue

Stayton, OR 97383

1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)

Ordinance No. 990, an ordinance vacating various alleyways in the City of Stayton, Marion County Oregon and establishing and retaining Public Utility Easements.

2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160

City of Stayton

362 N. Third Avenue

Stayton, OR 97383

3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160

4) TRUE AND ACTUAL CONSIDERATION

ORS 93.030(5) – Amount in dollars or other

\$ _____ Other

5) SEND TAX STATEMENTS TO:

6) SATISFACTION of ORDER or WARRANT

ORS 205.125(1)(e)

CHECK ONE: FULL
(If applicable) PARTIAL

7) The amount of the monetary obligation imposed by the order or warrant. ORS 205.125(1)(c)

\$ _____

8) If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "RERECORDED AT THE REQUEST OF _____

TO CORRECT _____

PREVIOUSLY RECORDED IN BOOK _____ AND PAGE _____, OR AS FEE NUMBER _____."

ORDINANCE 990

AN ORDINANCE VACATING VARIOUS ALLEYWAYS IN THE CITY OF STAYTON, MARION COUNTY, OREGON AND ESTABLISHING AND RETAINING PUBLIC UTILITY EASEMENTS

WHEREAS, ORS 271.130(1) provides that the governing body of a city may initiate proceedings to vacate an alley;

WHEREAS, on July 20, 2015 the Stayton City Council adopted Resolution 934 Initiating the Vacation of Various Alleys in the City of Stayton and naming fifteen alleys for which vacation was proposed;

WHEREAS, on August 31 2015, following public notice, the Stayton Planning Commission did conduct a public hearing on the proposed alley vacations;

WHEREAS, there was testimony at the Planning Commission public hearing requesting that the alley between N Alder Ave and N Birch Ave, running from W Ida St to W High St also be vacated;

WHEREAS, following the public hearing, the Planning Commission recommended that eight alleys be vacated and that three alleys be partially vacated;

WHEREAS, on October 5, 2015 the Stayton City Council did conduct a public hearing concerning the proposed vacations at which public testimony and the written record were received and considered;

WHEREAS, there was testimony at the City Council's public hearing requesting that the alley between N Alder Ave and N Birch Ave, running from south from W Ida St also be vacated;

WHEREAS, on November 2, 2015, the Stayton City did conduct a public hearing concerning the proposed vacation of the alley between N Alder Ave and N Birch Ave, running south from W Ida St;

WHEREAS, at the conclusion of the public hearings the Stayton City Council determined that it was in the public interest to vacate the following alleys

- Alley between N Second and N Third, running from Fir to Cedar
- Alley between N Third and N Fourth, running from Burnett to Virginia
- Alley between N Fourth and N Fifth, running south from Marion
- Alley between N Fourth and N Fifth, running from Robidoux to Hollister
- Alley between N Fourth and N Fifth, running from Jefferson to Santiam
- Alley between N Sixth and N Seventh, running from Virginia to Washington
- Alley between N First and N Alder, running north from High
- Alley between N Alder and N Birch, running from Ida to High
- Alley between N Alder and N Birch, running south from Ida
- Alley between N Alder and N Cherry, running north from High
- Alley between S Douglas and S Evergreen, running south from Water; and

WHEREAS, at the conclusion of the public hearings the Stayton City Council determined that it was in the public interest to partially vacate the alley between N Sixth and N Seventh, running from Washington to Jefferson

WHEREAS, the public interest will be prejudiced if the vacation of these alleys is allowed without

the retention of a public utility easement.

NOW, THEREFORE the Stayton City Council hereby ordains as follows:

Section 1. The alley between N Second Ave and N Third Ave, running from E Fir St to E Cedar St, located in block 1 of the Pines Addition as recorded in Marion County Deed Records Book of Town Plats Volume 13, Page 29, is hereby vacated subject to a public utility easement.

Section 2. The alley between N Third Ave and N Fourth Ave, running from E Burnett St to E Virginia St, located in block 6 of Thomas' Addition to Stayton as recorded in Marion County Deed Records Book of Town Plats Volume 1, Page 51, is hereby vacated subject to a public utility easement.

Section 3. The alley between N Fourth Ave and N Fifth Ave, running south from E Marion St, located in block 1 of U Whitney's Addition to the Town of Stayton as recorded in Marion County Deed Records Book of Town Plats Volume 1, Page 54, is hereby vacated subject to a public utility easement.

Section 4. The alley between N Fourth Ave and N Fifth Ave, running from E Robidoux St to E Hollister St, located in block 2 of Geo. Hollister's Addition to Stayton as recorded in Marion County Deed Records Book of Town Plats Volume 3, Page 7, is hereby vacated subject to a public utility easement.

Section 5. The alley between N Fourth Ave and N Fifth Ave, running from E Jefferson St to E Santiam St, located in block 3 of Hollister's Addition to the Town Stayton as recorded in Marion County Deed Records Book of Town Plats Volume 2, Page 51, is hereby vacated subject to a public utility easement.

Section 6. The alley between N Sixth Ave and N Seventh Ave, running from E Virginia St to E Washington St, located in block 12 of U Whitney's Addition to the Town of Stayton as recorded in Marion County Deed Records Book of Town Plats Volume 1, Page 54, is hereby vacated subject to a public utility easement.

Section 7. The portion of the alley between N Sixth Ave and N Seventh Ave, running north from E Washington St, located between lots 7 and 8 and lots 1 and 2 in block 13 of U Whitney's Addition to the Town of Stayton as recorded in Marion County Deed Records Book of Town Plats Volume 1, Page 54, is hereby vacated subject to a public utility easement.

Section 8. The alley between N First Ave and N Alder Ave, running north from W High St, located in block 1 of the Ottomar Lutlich Addition to Stayton as recorded in Marion County Deed Records Book of Town Plats Volume 3, Page 36, is hereby vacated subject to a public utility easement.

Section 9. The alley between N Alder Ave and N Birch Ave, running from W Ida St to W High St, located in block 5 of the Ottomar Lutlich Addition to Stayton as recorded in Marion County Deed Records Book of Town Plats Volume 3, Page 36, is hereby vacated subject to a public utility easement.

Section 10. The alley between N Alder Ave and N Birch Ave, running south from W Ida St, located in block 4 of the Ottomar Lutlich Addition to Stayton as recorded in Marion County Deed Records Book of Town Plats Volume 3, Page 36, is hereby vacated subject to a public utility easement.

Section 11. The alley between N Alder Ave and N Cherry Ave, running north from W High St, located in block 6 of the Ottomar Lutlich Addition to Stayton as recorded in Marion County Deed

Records Book of Town Plats Volume 3, Page 36, is hereby vacated subject to a public utility easement.

Section 12. The alley between S Douglas Ave and S Evergreen Ave, running south from W Water St, located between block 1 and block 2 of Burson's Addition to Stayton as recorded in Marion County Deed Records Book of Town Plats Volume 4, Page 23, is hereby vacated subject to a public utility easement.

Section 13. It is in the public interest that the alley vacations, acted upon by this Ordinance, are conditioned by the retention of public utility easements (PUE) over the areas to be vacated.

The Public Utility Easements are retained by the City to be used for: all municipal purposes, including but not limited to sewer, water and storm drainage, and for the use and benefit of public utility companies furnishing electric power, natural gas, communication, and cable television; to construct and maintain public utilities; and for unrestricted ingress and egress on the property described above for the purpose of installing, repairing, testing, maintaining, and replacing the utilities and maintaining the utilities and related facilities.

The PUE described above shall be non-exclusive except that City of Stayton and such public utilities shall have the exclusive right to construct, install, maintain and operate the utilities, their equipment and all related facilities above and below ground within the PUE including the right of access to such facilities and the right to require the removal of any obstructions including trees and vegetation that may be placed within the PUE, at property owner's expense.

The PUE shall include the exclusive right, privilege, and authority to the City of Stayton and such public utilities to excavate for, and to construct, build, install, lay, patrol, operate, maintain, repair, replace, and remove underground sanitary sewer, storm drain, or water pipelines; electric power, transmission, and supply cables; natural gas pipelines; and cable television and communication lines with all appurtenances incident thereto or necessary therewith, including aboveground valve boxes, fire hydrants, or manholes, in, under, and across the said premises, and together with the right of the City of Stayton and utility owners to place, excavate, replace, repair, install, maintain, operate, inspect, add to the number of and relocate such utilities and necessary appurtenances, and make excavations therefore from time to time, in, under, and through the above-described premises within said Easement, and to cut and remove from said easement any trees and other obstructions which may endanger the safety or interfere with the use of said utilities, or appurtenances attached to or connected therewith; and the right of ingress and egress to and over said above-described premises at any and all times for the above purposes; and for doing anything necessary, useful, or convenient for the enjoyment of the Easement hereby retained.

The City of Stayton may use the surface of the PUE provided such use does not interfere with property owner's rights described in this PUE. The property owners shall not permit any other use or utilities to be located in the PUE without the written consent of the City of Stayton. Approved uses within the PUE shall consist of, but are not limited to, landscaping, paved driveway or parking areas, trails, paths, sidewalks or other uses that will not affect the ability of the City or utilities to access the PUE. Prohibited uses shall consist of, but are not limited to, permanent structures, buildings, or any other obstruction, excavation or alteration

of the PUE. The PUE shall perpetually encumber the property. No additional earth fill or embankment shall be placed within the PUE, nor over any utility fixture therein without a specific written agreement between affected utility owners that may be beneficiaries of the PUE, and property owners, their successors, or assigns. Should such specific agreement be anticipated, the City of Stayton will set forth the conditions under which such fill or embankment may be placed, including a stipulation that all risks of damage to the utilities shall be assumed by property owner, their successors, or assigns.

The City of Stayton and utilities shall be responsible for the maintenance of the utilities and related facilities located within the PUE. Property owners shall be responsible for landscape and surface maintenance within the PUE. The City of Stayton's use of the PUE shall not unreasonably interfere with property owners' use of their property.

The City of Stayton, and each utility owner beneficiary of the PUE, upon the initial installation, and upon each and every occasion that the same be repaired, replaced, renewed, added to, or removed, shall restore the premises, and any improvements disturbed by the work, to as good condition as it was prior to any such installation or work, including the restoration of any topsoil and lawn.

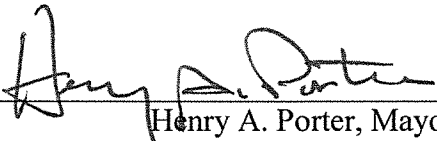
Section 14. In accordance with ORS 271.140, title to area within the vacated alleys enumerated above shall attach to the lands bordering on such area in equal portions.

Section 15. This Ordinance shall take effect 30 days after adoption by the Stayton City Council and the Mayor's signing and shall be recorded in the Marion County Deed Records.

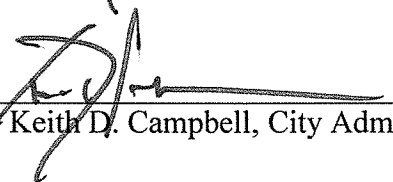
ADOPTED BY THE STAYTON CITY COUNCIL this 16th day of November, 2015

CITY OF STAYTON

Date: 11/16/, 2015

By: 
Henry A. Porter, Mayor

Date: 11/16, 2015

Attest: 
Keith D. Campbell, City Administrator

APPROVED AS TO FORM:

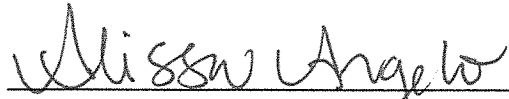

David A. Rhoten, City Attorney

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ARY 03, 2016

ACKNOWLEDGEMENT

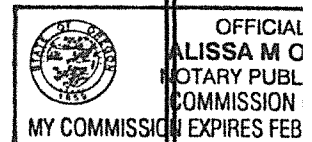
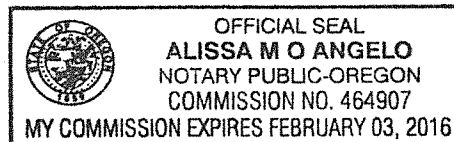
State of OREGON
County of MARION

This record was acknowledged before me on November 16, 2015 by Henry A. Porter, Mayor and Keith D. Campbell, City Administrator of the City of Stayton.



Notary Public - State of Oregon

Official Stamp



Document Description

This certificate is attached to page 4 of Ordinance No. 990, Vacation of Various Alleys, dated November 16, 2015 consisting of 4 pages.

REEL: 3773

PAGE: 466

January 11, 2016, 09:44 am.

CONTROL #: 400887

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 71.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.