



ORDINANCE NO. 25-004
AN ORDINANCE VACATING AN ALLEYWAY BETWEEN N FIRST AVENUE AND N
SECOND AVENUE, RUNNING FROM E PINE TO E FIR STREETS

WHEREAS, ORS 271.080(1) provides that whenever any person interested in any real property in an incorporated city desires to vacate all or part of any street, such person may file a petition setting forth a description of the ground to be vacated; the reason for such vacation; and, the purpose for which the ground is proposed to be used;

WHEREAS, ORS 271.080(2) provides that appended to such petition, and as a basis for granting the same, must be the written and authorized consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected;

WHEREAS, James Baxter has filed a Petition requesting that the alleyway between N First Avenue and N Second Avenue, running from E Pine Street to E Fir Street, be vacated;

WHEREAS, the purpose and reason for the street vacation is to revert ownership of the vacated alleyway portion to the abutting property owners and allow for greater use and access to their properties;

WHEREAS, appended to such Petition was the written and authorized consent of the owners of the abutting properties and of over two-thirds in area of the real property affected;

WHEREAS, on May 25, 2025, the Stayton Planning Commission conducted a public hearing and, following the hearing, recommended to the City Council that the subject alleyway be vacated, with the condition that a public utility easement be granted to allow access and maintenance of utilities;

WHEREAS, on June 16, 2025, the Stayton City Council conducted a public hearing concerning the proposed vacation at which public testimony and the written record were received and considered; and

WHEREAS, at the conclusion of the public hearing the Stayton City Council determined that it was in the public interest to vacate the subject alleyway with the requirements that a public utility easement be granted to the city and any fence enclosures of public utility easement maintain an emergency access gate on E Fir and E Pine Streets;

NOW THEREFORE, THE STAYTON CITY COUNCIL ORDAINS AS FOLLOWS:

- SECTION 1.** The alley between N First Avenue and N Second Avenue, running from E Pine Street to E Fir Street, located in Block 3 of the Pines Addition as recorded in Marion County Records, is hereby vacated.
- SECTION 2.** A public utility easement is hereby granted over the vacated alley to allow for access and maintenance of any existing or future utility infrastructure. The cost of preparing and recording the easement shall be the responsibility of the applicant.
- SECTION 3.** 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 16 DAY OF JUNE 2025.

Signed: 6/16, 2025

BY:


Brian Quigley, Mayor

Signed: 6-16, 2025

ATTEST:


Julia Hajduk, City Manager