

ORDINANCE NUMBER 1435

AN ORDINANCE VACATING PORTIONS OF MEEK STREET, MOSS STREET, LLEWELLYN STREET AND S.E. 31st STREET LOCATED IN THE SOUTHEAST QUARTER OF T1S, R1E, SECTION 25CD.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Milwaukie, Oregon having heretofore by unanimous motion of the City Council at its meeting of the 6th day of August 1979 provided for a hearing on the question of the vacation of portions of Meek, Moss, Llewellyn and S.E. 31st Streets as herein described in Exhibit "A". Said hearing was conducted by the City Council at its meeting of the 17th day of September 1979. The owners of all the contiguous and abutting property and the required percentage of owners of affected property have in writing consented to said vacation as provided by ORS 271.080. The City Recorder of the City of Milwaukie has caused notice of the proceedings and the hearing to be published and posted as per the provisions of ORS 271.110.

Section 2. The City Council of the City of Milwaukie, Oregon at its meeting on the 17th day of September 1979 determined that the interests of the City of Milwaukie, Oregon required the vacation of portions of Meek, Moss, Llewellyn and S.E. 31st Streets, public streets within the City of Milwaukie, Oregon, as hereinafter described in Exhibit "A", and the Council having ascertained and determined that the market value of the properties abutting upon the said part of said public street to be vacated will be increased rather than decreased by reason of said vacation, and the City Council having heretofore by said motion initiated vacation proceedings looking toward the vacation of said parts of said public streets, pursuant to the provisions of Section 271.130, Oregon Revised Statutes, and notice having been given as required by law that a public hearing would be held before the Council of the City of Milwaukie, Oregon, on the 17th day of September 1979 for the purpose of considering any and all written objections or remonstrances filed with the Recorder of the City of Milwaukie, Oregon, prior to said date, objecting to or remonstrating against the vacation of said parts of said public streets, and said public hearing having been held pursuant to said notice, and no written objections or remonstrances having been filed against said vacation with the Recorder of the City of Milwaukie, Oregon, and one person appeared at said hearing who objected to or remonstrated against said vacation, whose objection was duly considered, that portions of Meek, Moss, Llewellyn and S.E. 31st Streets as described in Exhibit "A" contingent upon conditions as set forth in attached Exhibit "B" ARE HEREBY VACATED.

Section 3. The City of Milwaukie, Oregon will retain easement rights over all vacated streets for constructing, maintaining and replacing of utilities.

Section 4. The Recorder of the City of Milwaukie shall, and is hereby directed to, file with the Recorder, the Assessor, and the Surveyor for Clackamas County, Oregon, certified copies of this ordinance as provided by law.

Read the first time this 1st day of October 1979, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council this 1st day of October 1979.

Signed by the Mayor this 1st day of October, 1979.

ATTEST:

  
Allen Manuel, Mayor

  
Dorothy E. Farrell, Recorder

Approved as to form:

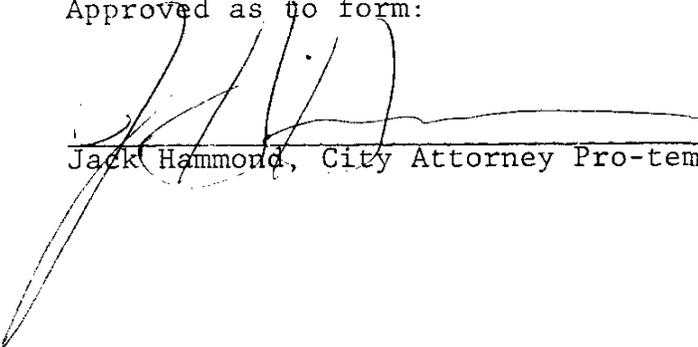
  
Jack Hammond, City Attorney Pro-tem

EXHIBIT "A"

LOCATED IN T.1 S., R. 1 E., Section 25, Clackamas County, Oregon more particularly described as follows:

The entire length of Moss Street from the westerly right-of-way of 31st. Ave. to the easterly right-of-way of the Southern Pacific Railroad.

Llewellyn Street from the easterly right-of-way of 31st Ave. easterly 100 feet to a line between the southeast corner of Lot 7, Block 2, Leo, a duly recorded subdivision and the northeast corner of Lot 2, Block 1, Leo.

That portion of S.E. 31st Ave. described as follows:

Beginning at the southeast corner of Lot 1, Block 2, Gallop, a duly recorded subdivision;

Thence northerly, along the westerly right-of-way of S.E. 31st Ave., 420 feet;

Thence easterly at right angles to the westerly right-of-way of S.E. 31st Ave. 40 feet to the easterly right-of-way of S.E. 31st Ave.;

Thence southerly along the easterly right-of-way of S.E. 31st Ave. 420 feet;

Thence westerly at right angles to the easterly right-of-way of S.E. 31st Ave., 40 feet to the point of beginning.

That portion of Meek Street described as follows:

Beginning at a point on the north line of Lot 17, Block 3, Gallop, a duly recorded subdivision and the southerly right-of-way of S.E. Meek Street, which is 20.0 feet from the northeast corner of said Lot 17;

Thence westerly along the southerly right-of-way of S.E. Meek Street 448.5 feet, more or less, to the easterly right-of-way of the Southern Pacific Railroad;

Thence northwesterly along the easterly right-of-way of the Southern Pacific Railroad 22.1 feet, more or less, to the northerly right-of-way of S.E. Meek Street;

Thence easterly along the northerly right-of-way of S.E. Meek Street 457.8 feet, more or less, to a point which is northerly at right angles to the southerly line of S.E. Meek St. from the point of beginning;  
Thence southerly 20.0 feet to the point of beginning.

EXHIBIT "B"  
CONDITIONS

- (1) Proof of dedication of public right-of-way for an additional 20 feet on the remaining portion of Meek Street providing for a minimum 40 feet total right-of-way.
- (2) Provide a full 28 foot paved street with sidewalk on North side, storm drainage, curbs and gutters to City standards for that portion of Meek Street between S.E. 32nd Avenue and "C" Street.
- (3) Construct a 28 foot wide paved street with curbs and gutters and storm drainage in the remaining right-of-way of Llewellyn Street from S.E. 32nd Avenue south to the vacated portion of S.E. Llewellyn Street.
- (4) Overlay the remaining portion of S.E. 31st Avenue from S.E. Harrison Street north to the vacated portion of S.E. 31st Avenue.
- (5) All costs of engineering, construction and inspection and related costs to be paid in full by the Murphy company or current owner of record. The Murphy company or current owner of record will place the full estimated amount of improvements and engineering and other related costs in an escrow account to guarantee that the City of Milwaukie can complete the improvements as proposed herein.
- (6) Dedicate 10 feet of public right-of-way along the west side of 32nd Avenue from all property owned or to be acquired by the applicant or current owner of record which fronts on this street to be used for future street improvements. Applicant shall sign a non-remonstrance agreement for future street improvements on S.E. 32nd Avenue abutting said property.
- (7) If at any time within 10 years following the vacation of these streets, the plywood mill is replaced by another use, the City of Milwaukie may, as a condition to the approval of such use, require the rededication of all or portions of the streets vacated by this document.