ORDINANCE NUMBER 1442

AN ORDINANCE VACATING A PORTION OF S.E. LARK STREET, A PORTION OF 1st AVENUE AND A PORTION OF S.E. 18th AVENUE LOCATED IN SECTION 35, T1S, R1E, W.M., MILWAUKIE, CLACKAMAS COUNTY, OREGON, AND REPEALING ORDINANCE NUMBER 1422.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Milwaukie, Oregon having heretofore, by Motion, on April 16, 1979, determined that the interests of the City of Milwaukie, Oregon, required the vacation of portions of S.E. Lark Street, 1st Avenue and S.E. 18th Avenue as set forth below, public streets within the City of Milwaukie, Oregon, and that the Council having ascertained and determined that it is in the best interest of the City of Milwaukie to vacate said streets; and the City Council having heretofore by said Motion initiated vacation proceedings looking toward the vacation of said portion of said public streets; pursuant to the provisions of Oregon Revised Statutes 271.130; notice having been given as required, that the public hearing would be held before the Council of the City of Milwaukie, Oregon, on the 21st day of May, 1979, for the purpose of considering any and all written remonstrances filed with the Milwaukie City Recorder; and said public hearing having been held pursuant to said notice, and no written remonstrances having been filed against said vacation, and no person appearing at said hearing who objected to said vacation, that portion of S.E. Lark Street, 1st Avenue and S.E. 18th Avenue as described by metes and bounds herein:

> A part of the Lot Whitcomb D.L.C. in Section 35 T1S, R1E, W.M., more particularly described as follows: BEGINNING at a point on the north right of way of S.E. Lark Street (aka 6th Street) said point being North 89°05' West 420 feet from the southeast corner of Lot 11 Block 16, ROBERTSON, a duly recorder subdivision; thence westerly along the north right of way line of S.E. Lark Street 40 feet to the southwest corner of Lot 12 Block 24 ROBERTSON; thence northerly along the east right of way line of S.E. 18th Avenue (aka 2nd Avenue) 50 feet to the northwest corner of Lot 12 Block 24 ROBERTSON; thence westerly 60 feet to the northeast corner of Lot 11 Block 25 ROBERTSON; thence southerly along the west right of way line of S.E. 18th Avenue 50 feet to the southeast corner of Lot 11 Block 25 ROBERTSON; thence westerly along the north right of way line of said Lark Street 200 feet to the southwest corner of Lot 12 Block 25 ROBERTSON; thence northerly along the right of way line of 1st Avenue, 50 feet to the northwest corner of Lot 12 Block 25 ROBERTSON;

thence westerly 60 feet to the northeast corner of Lot 6 Block 27 ROBERTSON; thence southerly along the west right of way line of 1st Avenue 50 feet to the southeast corner of Lot 6 Block 27; thence westerly along the north right of way line of S.E. Lark to its western terminus; thence southerly 60 feet more or less to south right of way line of S.E. Lark at its western terminus; thence easterly along the south right of way to S.E. Lark Street to a point that is South 0°55' West, 60 feet from the point of beginning; thence North 0°55' East 60 feet to the point of beginning, IS HEREBY VACATED.

Section 2. The Recorder of the City of Milwaukie shall and hereby is directed to, file with the Recorder, the Assessor, and the Surveyor for Clackamas County, Oregon, certified copies of this Ordinance as provided by law.

Section 3. Ordinance Number 1422 dealing with Lark Street vacation is hereby repealed.

Read the first time this 7th day of January, 1980, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council this 7th day of January, 1980.

Signed by the Mayor this 7th day of January, 1980.

Allen Manuel

Allen Manuel, Mayor

ATTEST:

Dorothy E. Farrell

Dorothy E. Farrell, Recorder

APPROVED AS TO FORM:

Gregory D. Eades

City Attorney