

ORDINANCE NO. 5099

AN ORDINANCE VACATING A PORTION OF SE CHANDLER AVENUE BETWEEN SE DAVIS STREET AND THE SOUTHERN PACIFIC RAILROAD (RV 1-20).

RECITALS:

On December 8, 2020, the Council of the City of McMinnville, Oregon, acting at a regularly scheduled meeting, adopted Resolution No. 2020-66, initiating proceedings for the purpose of vacating a portion of SE Chandler Avenue, between SE Davis Street and the Southern Pacific Railroad, described as follows, and shown on the attached Exhibit "A" (RV 1-20):

A tract of land located in Section 21, Township 4 South, Rang 4 West of the Willamette Meridian, City of McMinnville, Yamhill County, Oregon, in a portion of the Samuel Cozine Donation Land Claim No. 56, said tract being more particularly described as follows:

Beginning at the Southwest corner of Block 7 of MRS. P.W. CHANDLER'S FIRST ADDITION to the City of McMinnville, said corner being SOUTH 317.46 feet from a brass screw and washer marking the northwest corner of Parcel 1 of Partition Plan No. 2005-34; thence along the south line of said Block 7 being the North line of Chandler Avenue South 89°54'17" East 184.50 feet to the west margin of Southern Pacific Railroad; thence along said west margin South 26°05'27" West 66.75 feet to the northeast corner of the tract of land conveyed to Linfield College, recorded October 1, 1983, in Film Volume 180, Page 1940, Deed Records of Yamhill county, Oregon; thence along the north line of said "Linfield College" tract and South line of said Chandler Avenue North 89°54'17" West 155.24 feet to the northwest corner of said "Linfield College" tract being a point on the east margin of Davis Street; thence leaving said tract North 00°05'21" East 60.00 feet to the POINT OF BEGINNING, containing 10,192 square feet more or less, as shown on a map attached hereto and made a part hereof.

The basis of Bearing for this description per Partition Plat No. 2005-34

By that resolution, the Council set January 12, 2021, at 7:00 p.m. via Zoom and in the Kent L. Taylor Civic Hall, 200 NE Second Street, McMinnville, as the time and place for a hearing on the vacation of the area and any objections to that vacation.

Pursuant to the resolution, the City gave notice of the hearing by publication of a notice in the News Register on December 29, 2020 and January 5, 2021, and by the posting of a notice entitled "Notice of Street Vacation" at the ends of the vacation area.

Additionally, notice of the hearing was mailed to all affected utilities in the vicinity of the proposed vacation.

On January 12, 2021, at 7:00 p.m., the public hearing on the proposed vacation was opened, any objections filed against the proposed vacation were considered, and the Council considered the matter.

NOW, THEREFORE, THE CITY OF McMinnville Ordains as follows:

- 1. Findings. The above-Recitals are incorporated as if fully set forth herein. The Council also adopts the accompanying Staff Report as findings of the Council. The Council finds that the public interest will not be prejudiced by the vacation of the area and that the area should be vacated and that the requirements of ORS 271.080 *et seq.* have been met.
- 2. That the Chandler Avenue right-of-way as described herein and shown on the attached Exhibit "A" is hereby fully and forever vacated and the title to the vacated property shall attach to the lot(s) bordering the property subject to the following conditions:
 - (a) SUBJECT TO: reserving to the City of McMinnville, acting by and through its Water and Light Commission (MW&L) a utility easement over the street shown on Exhibit "A" until such time as the owner(s) of the lot(s) burdened by said easement record(s) in the real property records of Yamhill County, Oregon in a form accepted by MW&L, a 20-foot-wide utility easement centered on the MW&L facilities (water main, service extensions, and hydrant), and upon the acceptance and recording of said utility easement the remaining portion of owner's property outside of the recorded utility easement is forever released to said owner(s) from the easement burden.

Passed by the Council this 12th day of January 2021 by the following votes:

Ayes: _____ Drabkin, Garvin, Menke, Peralta, Chenoweth _____

Nays _____

Approved this 12th day of January 2021.



MAYOR

Attest:



CITY RECORDER

Approved as to form:



CITY ATTORNEY

EXHIBIT:

- A. Road Vacation Exhibit Map for: Shannon Thorson Designs

Exhibit "A"

Road Vacatio Exhibit Map for: Shannon Thorson Designs

Location: SW 1/4 Section 21, T. 4 S., R. 4 W., WM.,
In a portion of the Samuel Cozine D.L.C. #56
City of McMinnville, Yamhill County, OR

Date: 27 October 2020

3/4" IRON PIPE,
IN MON. BOX @
CENTERLINE
INTX. OF DAVIS
ST. AND COLLEGE
AVE.

BRASS SCREW AND
WASHER MARKING THE
NORTHWEST CORNER OF
PARCEL 1 OF PT 2005-34

SE DAVIS ST.

30'
30'
SOUTH 377.46'
347.51'

317.46'

TAX LOT: 4421CC-5600
SHANNON THORSON DESIGN LLC
INST. NO. 201800825

SOUTHWEST CORNER OF BLOCK 7 OF MRS.
P.W. CHANDLER'S FIRST ADDITION

S 89°54'17" E 184.50'

SE CHANDLER AVE.

S 89°54'17" E 199.82'

AREA IN RIGHT OF WAY
10192.32 Sq. Feet
0.2340 Acres

N 00°05'21" E 60.00'

S 26°05'27" W 66.75'






N 89°54'17" W 155.24'

TAX LOT: 4428BA-290
LINFIELD COLLEGE
F.V. 180, PG. 1940

NORTH 135.90'

3/4" IRON BAR, IN
MON. BOX @
CENTERLINE INTX.
OF DAVIS ST. AND
LINFIELD AVE.

Legend

-  = MONUMENT FOUND
-  = PROPERTY LINE
-  = RAILROAD TRACK
-  = CENTERLINE OF PUBLIC ROAD
-  = VACATION AREA

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Leland A. Macdonald
OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Renews 31 December 2020

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Scale: 1" = 40'

North

#9210