ORDINANCE NO. 5111

AN ORDINANCE VACATING A PORTION OF SE CLAY STREET BETWEEN SE WASHINGTON STREET AND SE DAYTON AVENUE (RV 1-21).

RECITALS:

On January 25, 2022, the Council of the City of McMinnville, Oregon, acting at a regularly scheduled meeting, adopted Resolution No. 2022-05, initiating proceedings for the purpose of vacating a portion of SE Clay Street, between SE Washington Street and SE Dayton Avenue, described as follows, and shown on the attached Exhibit "A" (RV 1-21):

A tract of land located in the southwest one-quarter of section 21, township 4 south, range 4 west, Willamette meridian, City of McMinnville, Yamhill County, Oregon, being more particularly described as follows:

Beginning at a 3/4" iron pipe marking the northeast corner of lot 3 of the plat of "Newby's Second Addition", Yamhill County records; thence along the easterly extension of the northerly line of said lot 3 north 88°08'20" east, 16.00 feet to the west line of that tract of land described in instrument no. 202011816, recorded July 14, 2020, Yamhill County deed records; thence along said west line south 01°16'26" east, 80.52 feet to the southwest corner of said tract; thence along the southerly extension of said west line south 01°16'26" east, 37.69 feet to the north line of that tract of land described in instrument no. 202113856, recorded July 2, 2021, Yamhill County deed records; thence along said north line north 87°44'45" west, 14.54 feet to the east line of that tract of land described in instrument no. 201711481, recorded July 17, 2017, Yamhill County deed records; thence along said east line north 05°47'59" west, 18.87 feet to an angle point on said east line; thence continuing along said east line north 01°16'26" west, 98.34 feet to the point of beginning.

Contains 1,868 square feet, more or less

By that resolution, the Council set March 8, 2022, 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 <u>News Register</u> on February 22, 2022 and March 1, 2022, 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 sent to all affected utilities in the vicinity of the proposed vacation.

On March 8, 2022, 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.
 - (a) 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 City provided notice of the public hearing.
- 2. That the SE Clay Street 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:
 - (i) 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" (excluding the encroaching buildings) 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 utility easement over the entirety of the vacation area (excluding the encroaching buildings).
 - (ii) Upon the street vacation, the subject land shall be zoned R4.
 - (iii) In the R4 zone, per Section 17.21.040, the setbacks are as follows: a front yard shall not be less than fifteen feet; a side yard shall not be less than six feet (exterior side yards shall not be less than fifteen feet); and the rear yard shall not be less than twenty feet. The street vacation may result in a non-conforming structure relative to these setbacks, but the street vacation will not be increasing the non-conformity of the lot that is currently non-conforming. Section 17.63.030 shall apply to the non-conforming structure.
 - (iv) The existing structures impacted by the public right-of-way vacation will need to retain access to their lots either through public right-of-way or a private access easement per Section 17.53.100(C).
 - (v) Any future development of the vacated area or adjacent properties will need to be reviewed and approved by the Fire Department, and meet the City of McMinnville Fire Code, which may require installation of a fire hydrant.

Passed by the Council this 8th day of March 2022 by the following votes:

Ayes: Drabkin, Garvin, Geary	, Menke, Peralta, Chenoweth
Nays	
Approved this 8th day of March 2022.	
	Scora. Hu
	MAYOR
Attest: Claudia Cineros	Approved as to form:
CITY RECORDER	CITÝ ATTORNEY

EXHIBIT:

A. Road Vacation Exhibit Map prepared by: TerraCalc Land Surveying

EXHIBIT A

