

ORDINANCE NO. 16-924-O

AN ORDINANCE VACATING AN ALLEY 20 FEET IN WIDTH TO THE EAST OF LOTS 1-6, BLOCK 2, WAGNER BUTTE ADDITION TO TALENT, OREGON IN THE N.W. ¼, N.W. ¼ OF SECTION 26, T.38S., R1.W., W.M. JACKSON COUNTY

WHEREAS, the City Council for the City of Talent, on September 21, 2016, determined to initiate vacation of **an alley 20 feet in width to the east of Lots 1-6, Block 2, Wagner Butte Addition to Talent, Oregon in the N.W. ¼, N.W. ¼ of Section 26, T.38S., R1.W., W.M. Jackson County, Oregon** as more particularly described in map attached as Exhibit A; and

WHEREAS, it has been determined that, at the present time, no City liens are existing or unpaid against said property and, by virtue of the fact that it is a dedicated right-of-way, no taxes are unpaid thereon; and

WHEREAS, the City Council fixed September 21, 2016, at 6:45 p.m. at the Talent Town Hall, 206 E Main Street, Talent, as the time and place for a formal public hearing regarding the vacation; and

WHEREAS, the City Recorder gave notice of the public hearing by publishing a notice in the Mail Tribune newspaper once each week for two consecutive weeks on September 7, 2016, and September 14, 2016, which notice described the ground subject to the vacation, the date of the public hearing, and that written objections or remonstrances must be filed with the Talent City Recorder prior to the time of the hearing, in accordance with ORS 271.110(1); and

WHEREAS, within five (5) days after the first day of publication of said notice in the newspaper and not less than fourteen (14) days before the hearing date, the City Recorder caused a copy of the notice to be posted in at least two (2) conspicuous places at or near each end of the proposed vacation, in accordance with ORS 271.110(2); and

WHEREAS, at 6:45 p.m. on September 21, 2016, at the Talent Town Hall, the City Council held a public hearing in the Council Chambers on the vacation of the area described above, considered any written objections filed thereto, and heard oral

testimony from members of the public in favor of and/or in opposition to said vacation;
and

WHEREAS, the owners of the majority of the area affected, computed on the basis provided in ORS 271.080, have not objected in writing to the proposed vacation;
and

WHEREAS, the Council finds that the consent of abutting property owners is not required, as the proposed vacation will not substantially affect the market value of abutting properties; and

WHEREAS, the Talent City Council finds that the public interest will not be prejudiced by the proposed vacation.

NOW, THEREFORE, THE CITY OF TALENT ORDAINS AS FOLLOWS:

SECTION 1. The right-of-way over an alley 20 feet in width to the east of Lots 1-6, Block 2, Wagner Butte Addition to Talent, Oregon in the N.W. ¼, N.W. ¼ of Section 26, T.38S., R1.W., W.M. Jackson County, Oregon as more particularly described in the map identified on Exhibit "A", is hereby vacated, and title shall vest in the owners of the land bordering the vacated right-of-way to the east and west, in accordance with ORS 271.140.

SECTION 2. An area 20 feet in width shall be reserved for Rogue Valley Sewer Services and other public utilities as a permanent easement to construct, reconstruct, operate, repair, and maintain utility lines and all necessary related facilities over, across and under the following described real property, to-wit:

A permanent easement 20 feet in width described in Exhibit "B" attached hereto and incorporated herein by this reference.

SECTION 3. The City Recorder is directed to file certified copies of this ordinance for recording with the Jackson County Clerk, the County Assessor, and the County Surveyor.

Duly enacted by the City Council in open session on September 21, 2016 by the following vote:

AYES: 0 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Melissa Huhtala, City Recorder and Custodian of City records