

ORDINANCE NO. 1037

AN ORDINANCE TO VACATE THE NORTHERLY MOST PORTION OF NORTH ELM STREET LOCATED IN THE NORTH PORTION OF THE INTERSECTION OF ELM STREET AND LOPER AVENUE AS DESCRIBED IN EXHIBIT "A," AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to provisions of ORS Chapter 271, the City Council of the City of Prineville, through a request by the affected property owner, has initiated vacation proceedings for that area of North Elm Street referred to above and more specifically described in Exhibit "A" attached hereto and hereby adopted by reference as though set forth in full herein; and

WHEREAS, a public hearing was held by the City of Prineville after giving notice as required by ORS Chapter 271, and the City has found that there have been various surveys and sale transactions, including title reports, involving the subject affected property that effectively indicated that said portion of North Elm Street did not exist, and, in actuality, a structure was built and has existed for an extended period of time on the subject portion of North Elm Street; and, the City further finds that the future extension of said North Elm Street is not necessary for implementation of the City's Transportation System Plan, and is physically improbable due to limiting physical factors including a significant wetland area;

THEREFORE, the City deems that it is in the best interests of the City of Prineville and the affected property owner that said vacation be granted, and that an emergency exists due to the existing residential accessory structure located within the area to be vacated.

NOW THEREFORE, THE PEOPLE OF THE CITY OF PRINEVILLE ORDAIN AS FOLLOWS:

1. That portion of North Elm Street described in Exhibit "A" and generally located in the NW 1/4 of the SW 1/4 of Section 32, Township 14 South, Range 16 East, is hereby vacated, and that the portion of North Elm Street that is vacated by this Ordinance shall become the property of the owner of the adjacent parcel identified as Tax Lot No. 1506 of Crook County Assessor's Map 14-16-32CB; and

2. That an emergency exists and this Ordinance shall be in full force and effect upon its approval by the City Council and the Mayor.

PASSED by the City Council this 25th day of June, 1996.

APPROVED by the Mayor this 25th day of June, 1996.



Todd M. Vallie, Mayor

Attest: Date: 7-1-96



Henry Hartley
City Manager/Recorder

Armstrong Surveying & Engineering, Inc.

378 East Second Street - Prineville, OR 97754 - (503) 447-7791 - fax: (503) 447-1051

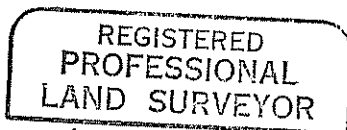
June 21, 1996

PORTION OF ELM STREET (AVENUE) EXTENSION OF OCHOCO HEIGHTS
SUBDIVISION TO BE VACATED IN THE NORTHWEST ONE-QUARTER SOUTHWEST
ONE-QUARTER (NW1/4 SW1/4) OF SECTION 32, T.14S., R16E., W.M.,
CITY OF PRINEVILLE, CROOK COUNTY, OREGON
W.O. 96-1146

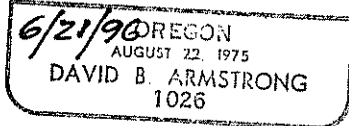
LEGAL DESCRIPTION

A portion of that extension of Elm Street (Avenue) of Ochoco Heights, Records of Crook County, Oregon, more particularly described as follows: Beginning at the Southwest corner of Lot One (1) of Block Two (2) of said plat, thence North 00°16'58" East (Record- N0°09-1/2'E) along the West line of said lot a distance of 16.65 feet to the Northeast corner of said extension of Elm Street (Avenue); thence North 89°38'32 West (Record N89°46'W) along the North line of said extension of Elm Street (Avenue) a distance of 80.00 feet; thence South 00°16'58" West (Record-S0°09-1/2'E) along the West line of said extension a distance of 34.79 feet; thence North 77°34'54" East a distance of 82.01 feet to the point of beginning.

RESERVING THEREFROM an easement for public utilities on the East ten (10) feet and on the South ten (10) feet of the before described vacation portion.



David B. Armstrong



Renew 12/31/97