

CITY ORDINANCE NO. 1071
CITY OF PRINEVILLE

**AN ORDINANCE VACATING THE WESTERLY MOST 150+ FEET
OF THE EAST-WEST ALLEY BETWEEN WEST 3RD & 4TH STREETS
AND DEER & HARWOOD STREETS AND ADJOINING LOTS 12 THROUGH
18 OF BLOCK 5 OF BARRON'S FIRST ADDITION AS SHOWN IN
EXHIBIT "A" AND SUBJECT TO THE CONDITIONS SET FORTH HEREIN.**

WHEREAS, pursuant to provisions of ORS Chapter 271, the City Council of the City of Prineville, by and through a petition by the affected property owner, Our Saviors Lutheran Church of Prineville, has initiated vacation proceedings for that portion of the east-west ally between West 3rd & 4th and Deer & Harwood Streets, referred to above and more specifically described and shown 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

WHEREAS, the City has found that the subject portion of said alley proposed for vacation is to be replaced by the petitioners with an alternate north-south alley route, that a condition has been set forth and agreed to insure continued public utility services to area and affected adjoining properties, and, that the City has further found that the retention of that portion of the subject alley proposed for vacation as a public access is not necessary for the implementation of the City's Transportation System Plan;

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 certain conditions be set forth to insure an alternate access route and continued public utility services to the general area.

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

1. That portion of the east-west alley located between West 3rd & West 4th Streets, and between North Deer and Harwood Streets bordering the property boundaries of Lots 12 through 18 of Block 5 of Barron's First Addition as shown in Exhibit "A" of this Ordinance is hereby vacated;

2. That the portion of said Alley that is vacated by this Ordinance shall become the property of the owner of the adjacent properties identified as Lots 12 through 18 of Block 5 of Barron's First Addition; i.e. Tax Lots No.s 12000, 12100, 12200, 12300 & 12400 of Crook County Assessor's Map 15-16-6AB;

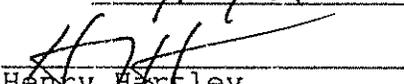
3. That the petitioners and bordering property owners, Our Savior's Lutheran Church of Prineville, shall provide an alternate north-south publicly dedicated "surveyed" access route as shown on the petitioner's Site Development Plan (attached hereto as Exhibit "B") that is surfaced with asphalt, concrete or paving bricks to a minimum width of 12-feet as approved by the City Street Department; Such shall be completed prior to the recording of this Ordinance thereby finalizing said alley vacation, or, in lieu thereof the petitioners may post a cash deposit, bond or other financial assurance approved by the City to ensure that this condition is complied with; and

4. That the petitioners shall insure the continued service of all existing affected public utilities and services by written agreement with such affected public utilities, a copy of which shall be provided to the City of Prineville within 30 days of the City's approval of said alley vacation and prior to the recording of this Ordinance which will finalize said alley vacation.

PASSED by the City Council this 14th day of September, 1999.

APPROVED by the Mayor this 14th day of September, 1999.


Ann Graf, Mayor

Attest: Date: 9/15/99

Henry Hartley
City Manager/Recorder

Attachments: Exhibit "A"
Exhibit "B"