

ORDINANCE No. 2015-2791

AN ORDINANCE VACATING THE CHERRY STREET RIGHT-OF-WAY EAST OF CENTER STREET AND WEST OF THE FRIENDSVIEW RETIREMENT COMMUNITY CAMPUS, ADJACENT TO YAMHILL COUNTY TAX LOTS 3217CB-500, -600, -700, -800, -900, -1500, -1700, -1800, -1900, -2000, AND -90000 WITHIN THE CORPORATE CITY LIMITS OF NEWBERG, OREGON, AND RETAINING PUBLIC AND PRIVATE UTILITY AND ACCESS EASEMENTS OVER THE STREET BEING VACATED.

RECITALS:

1. Friendsview Retirement Community applied on August 7, 2015 to vacate the Cherry Street right-of-way east of Center Street and west of the Friendsview Retirement Community campus.
2. The Newberg City Council initiated the vacation on October 5, 2015 and set a public hearing date for November 16, 2015 through Resolution 2015-3229.
3. Notice was published in *The Newberg Graphic* newspaper once a week for two consecutive weeks prior to the final public hearing of the City Council.
4. The Newberg City Council conducted a public hearing on November 16, 2015, to consider the vacation and any written objections or remonstrances, and take public comment.
5. All of the abutting property owners have signed consent to vacate forms, as Friendsview Retirement Community owns all of the abutting properties.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The following described public right-of-way within the City of Newberg, County of Yamhill, State of Oregon, is hereby vacated: All of the full right-of-way width of Cherry Street, east of Center Street and west of the Friendsview Retirement Community campus, approximately 40 feet wide by 382.41 feet long, as shown in Exhibit B. Exhibit B is hereby adopted and by this reference incorporated.

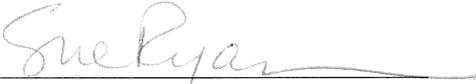
And further, retaining a 15 foot wide public utility easement centered on the public waterline, a 15 foot wide public utility easement centered on the public sanitary sewer line, a 10 foot wide utility easement over Portland General Electric lines and equipment, a 10 foot wide utility easement over Frontier lines and equipment, and a 25 foot wide access easement for City emergency service vehicles, and franchise utility vehicles.

The applicant shall have a licensed surveyor prepare map and legal description exhibits for the utility and access easements noted above, and submit to City staff for review and approval.

2. The findings, listed as Exhibit A and attached to this ordinance, are hereby adopted and by this reference incorporated.
3. Subject to the above provisions, the recorder of the City of Newberg is hereby directed to file for recording with the County Clerk and Ex-Officio Recorder of Conveyances of the County of Yamhill, State of Oregon, a certified copy of this ordinance and a map of said public right-of-way (Exhibit B) so vacated, and the Recorder is further directed to file a copy of this ordinance and a map with the Surveyor and the Assessor of said Yamhill County, Oregon, respectively. The instrument creating the utility easements and access easements noted above shall be recorded simultaneously with the vacation ordinance.
4. Title to the real property included within said rights-of-way hereby vacated shall attach to the property abutting said right-of-way, in accordance with the provisions of ORS 271.140.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: December 16, 2015.

ADOPTED by the City Council of the City of Newberg, Oregon, this 16th day of November, 2015, by the following votes: **AYE: 7 NAY: 0 ABSENT: 0 ABSTAIN: 0**



Sue Ryan, City Recorder

ATTEST by the Mayor this 17th day of November, 2015.



Bob Andrews, Mayor

EXHIBIT A
FINDINGS FOR APPROVAL OF A RIGHT-OF-WAY VACATION

ORS 271.130 lists the criteria for vacations. The section states that approval must include affirmative findings that:

Criteria 1. Notice shall be given as provided by ORS 271.110. Notice will be published in *The Newberg Graphic* for two consecutive weeks prior to the City Council hearing on this matter.

Finding: Notice has been provided in accordance with ORS 271.110. Notice was published in the *Newberg Graphic* for two consecutive weeks beginning November 4, 2015. In addition, notice has been posted near the site, and a mailed notice was sent to all property owners within 100 feet of the site.

Criteria 2. Obtain consent from the owners of all abutting property and at least 2/3 majority consent of owners in the affected area.

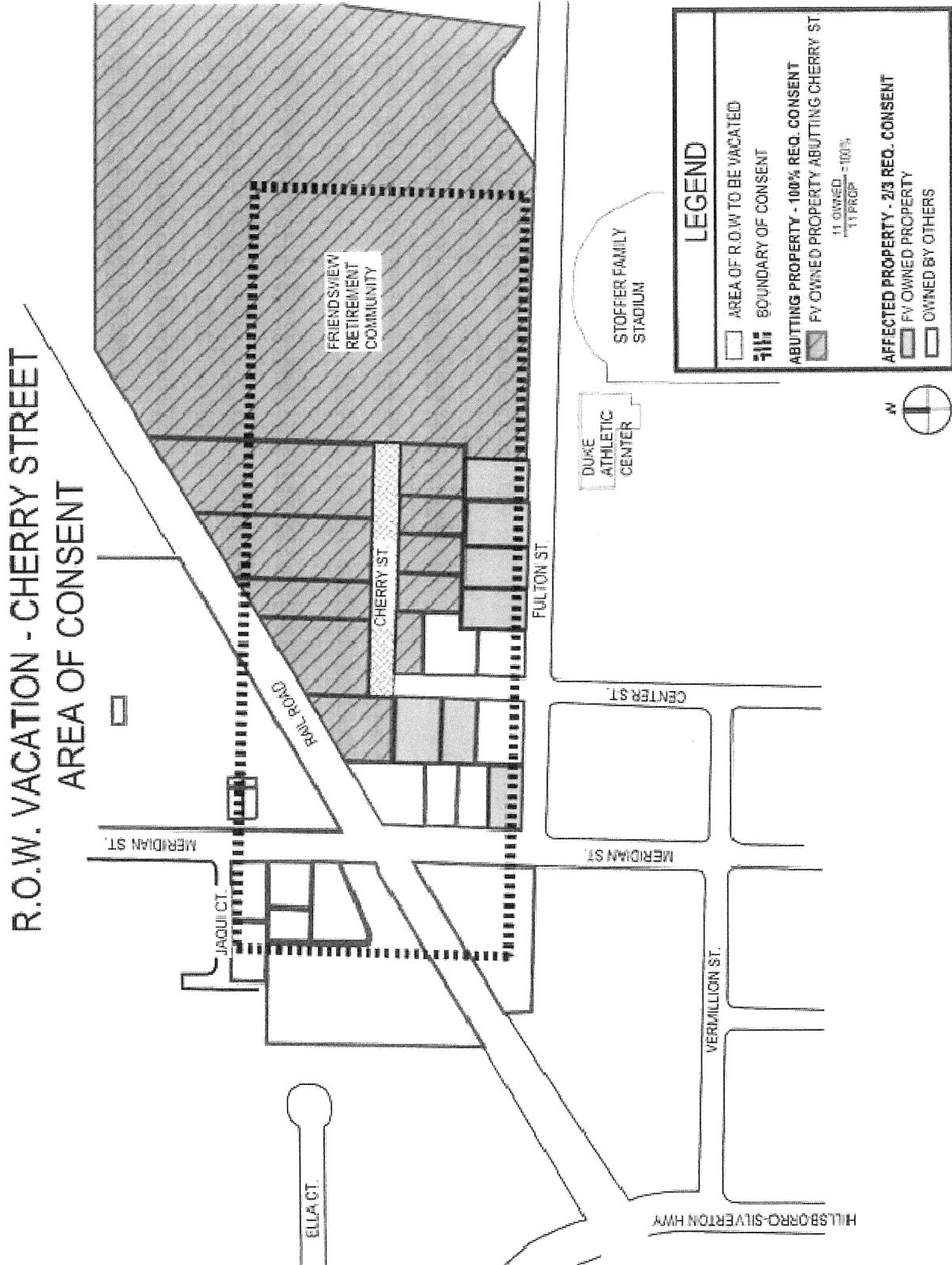
Finding: Written consent has been received from the owners of all abutting properties and more than 2/3 of owners in the affected area.

Criteria 3. Where owner consent has not been provided, the vacation will not significantly affect the value of the abutting properties, unless the city provides for paying damages.

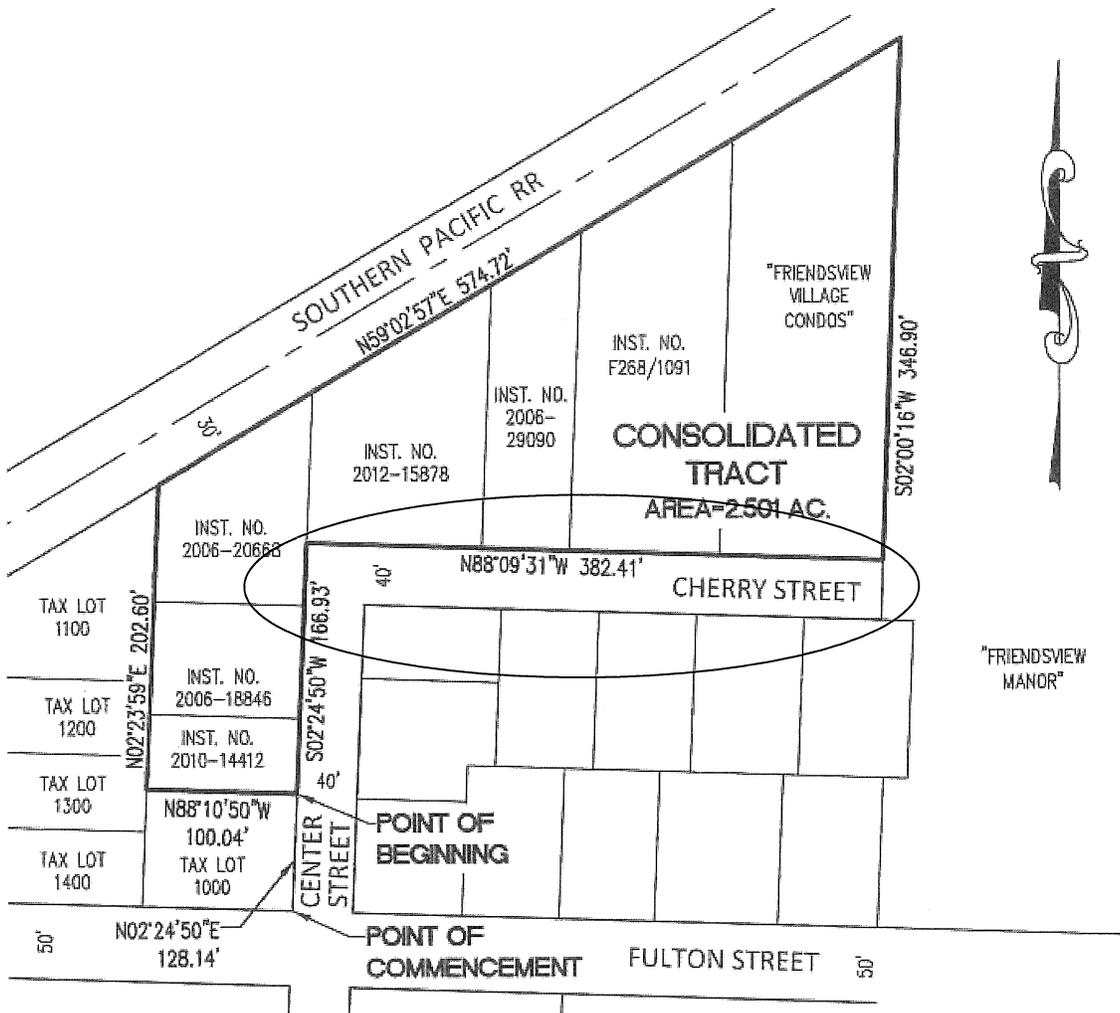
Finding: The owners of all abutting properties and more than 2/3 of owners in the affected area have provided written consent.

Conclusion: Based on the criteria and conclusionary findings, the proposed vacation satisfies City standards and approval criteria.

EXHIBIT B: LOCATION MAP



LAND LOCATED IN THE SW 1/4 OF SEC. 17, T3S, R2W, W.M.,
CITY OF NEWBERG, YAMHILL COUNTY, OREGON



08/22/2015
FOR CITY REVIEW

REGISTERED
PROFESSIONAL
LAND SURVEYOR

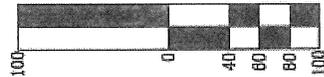
Theodore G. Lambert

OREGON
JULY 16, 1987
THEODORE G. LAMBERT
2294

RENEWS: 12/31/16

PREPARED FOR
FRIENDSVIEW MANOR
1301 FULTON STREET
NEWBERG, OR 97132

SCALE 1" = 100 FEET



FRIENDSVIEW - NORTH CONSOLIDATION EXHIBIT		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD SUITE 100 TUALATIN, OR 97062 www.aks-eng.com		DRWN: TGL CHKD: TGL
PHONE: 503.563.6151	FAX: 503.563.6152	AKS JOB: 3199

