

AFFIDAVIT OF POSTING ORDINANCE #63

STATE OF OREGON            )  
                                  )  
Counties of Clackamas     )  
and Washington            )  
                                  )  
City of Wilsonville        )

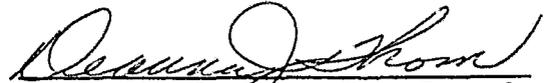
I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On Monday the 26th day of April, 1976, I caused to be posted copies of the attached Ordinance No. 63, an ordinance declaring the evacuation of an alley in Block D, Wilsonville, Clackamas County, Oregon. in the three following public and conspicuous places of the City, to wit:

- 1) Wilsonville Post Office
- 2) Lowries Food Market
- 3) Kopper Kitchen

The notices remained posted for more than five (5) consecutive days prior to the time for final reading and passage of the Ordinance on the 3rd day of May, 1976.

Dated at Wilsonville, State of Oregon, this 26th day of April, 1976.

  
DEANNA J. THOM - City Recorder

Subscribed and sworn to before me this 26th day of April, 1976

  
NOTARY PUBLIC FOR OREGON

My Commission expires: 11-11-78

ORDINANCE NO. 63

AN ORDINANCE DECLARING THE VACATION OF AN ALLEY IN BLOCK D, WILSONVILLE, CLACKAMAS COUNTY, OREGON.

WHEREAS, a PETITION FOR AND CONSENT TO VACATION OF AN ALLEY by George Misterek, et ux, et al, was previously presented to the Wilsonville City Recorder for the vacation of the alley in Block D, Wilsonville, Clackamas County, Oregon; and

WHEREAS, the said Petition was examined by the City Recorder and found by her to be sufficient, and was therefore filed in the City Recorder's office on the 8th day of November, 1975, and thereafter said Petition came on regularly for hearing before the Wilsonville City Council at a regular meeting thereof on Monday, December 1, 1975, and after consideration of the matter, the Wilsonville City Council adopted Resolution No. LXX (70) on Monday, January 19, 1976, entitled "A RESOLUTION FIXING A TIME FOR A PUBLIC HEARING ON THE PETITION OF GEORGE MISTEREK, ET UX, ET AL FOR AN ORDER DECLARING AND AUTHORIZING THE VACATION OF THE ALLEY IN BLOCK D, WILSONVILLE, CLACKAMAS COUNTY, OREGON," and said Resolution established and fixed Monday, March 15, 1976, at the hour of 8:00 o'clock p.m. at the Wilsonville Grade School in Wilsonville, Clackamas County, State of Oregon, as the time and place for a hearing on said Petition; and

WHEREAS, the Wilsonville City Recorder posted "NOTICE OF HEARING" on the 5th day of February, 1976, at the Kopper Kitchen, Lowrie's Food Market and the Wilsonville Post Office, all of said places being conspicuous, public and widely separated places in the City of Wilsonville, and the Wilsonville City Recorder also published a "NOTICE OF HEARING" in four successive weekly publications of The Tigard Times, a newspaper published in the City of Tigard, Washington County, Oregon, and having circulation within the City of Wilsonville, which said newspaper was designated by the Wilsonville City Council as the newspaper in which said Notice should be published. The first publication in said paper of such Notice was made on February 5, 1976,

and on the same, the Wilsonville City Recorder posted "NOTICE OF ALLEY VACATION" at or near each end of the alley to be vacated, and the postings and publications of such Notices were made pursuant to the provisions of Oregon Revised Statutes 271.110 and the City Recorder's Affidavit of Posting of Notice of Alley Vacation and the newspaper's Affidavit of Publishing the Notice of Hearing and the City Recorder's Certificate as to Posting of Notice of Hearing are all on file in the City Recorder's records and file of this matter. The time and place of the postings of each of said Notices and the copy of the Notices as posted have been recorded in the Minute Book of the Wilsonville City Recorder and are now a part of the records and file of this matter, and more than twenty-eight (28) days elapsed since the date of the postings and prior to the hearing; and

WHEREAS, on Monday, March 15, 1976, at the hour of 8:00 o'clock p.m. at the Wilsonville Grade School in Wilsonville, Clackamas County, Oregon, the Wilsonville City Council did hold a public hearing on the Petition of George Misterek, et ux, et al, for an Order declaring and authorizing the vacation of the alley in Block D, Wilsonville, Clackamas County, Oregon; and

WHEREAS, at said public hearing on this matter, which was for the purpose of hearing and considering any objections to or remonstrances against the proposed vacation, and which was duly and regularly held at the time and place as advertised, no one appeared either in person or otherwise to object to or remonstrate against the proposed vacation; and at the conclusion of the hearing, the Wilsonville City Council reviewed the matter and concluded that it should be approved and the alley vacated, and that the vacation thereof is in the best interests of the City and the inhabitants thereof. Now, therefore,

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: The alley between 4th and 5th Streets in Block D, WILSONVILLE, Clackamas County, Oregon, shall be and is hereby vacated as a City alley and public thoroughfare. The vacation thereof shall

be effective on the 30th day after the enactment of this Ordinance following the second and final reading thereof as provided by Section 4, Chapter V of the Wilsonville City Charter.

Section 2: The title to the alley hereby vacated shall attach to the lands bordering on such alley in the proportions as provided by Oregon Revised Statutes 271.140.

Section 3: Upon the final passage and adoption of this Ordinance and immediately after it becomes effective, the Wilsonville City Recorder is hereby directed to prepare and file for record with the Clackamas County Recorder a certified copy of this Ordinance and together with a map of the area indicating the alley as vacated. The Wilsonville City Recorder shall also prepare and file a certified copy of this Ordinance and map of the area, including the alley as vacated, with the Clackamas County Assessor and the Clackamas County Surveyor and as more particularly required by the provisions of Oregon Revised Statutes 271.150. A map of the area, including the vacated alley, is attached hereto marked Exhibit "A" and by this reference expressly made a part of this Ordinance. The vacated alley is outlined in red and the land bordering it is outlined in black.

Passed on first reading of the Wilsonville City Council at a regular meeting thereof held on the 5th day of April, 1976; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of five (5) consecutive days as required by the Wilsonville City Charter; and to come up for final reading and action of the Council at a regular meeting thereof to be held on the 3rd day of May, 1976, at the hour of 8:00 o'clock p.m. at the Wilsonville Grade School.

ATTEST:

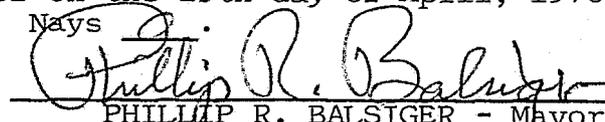
  
DEANNA J. THOM - City Recorder

  
PHILLIP R. BALSIGER - Mayor

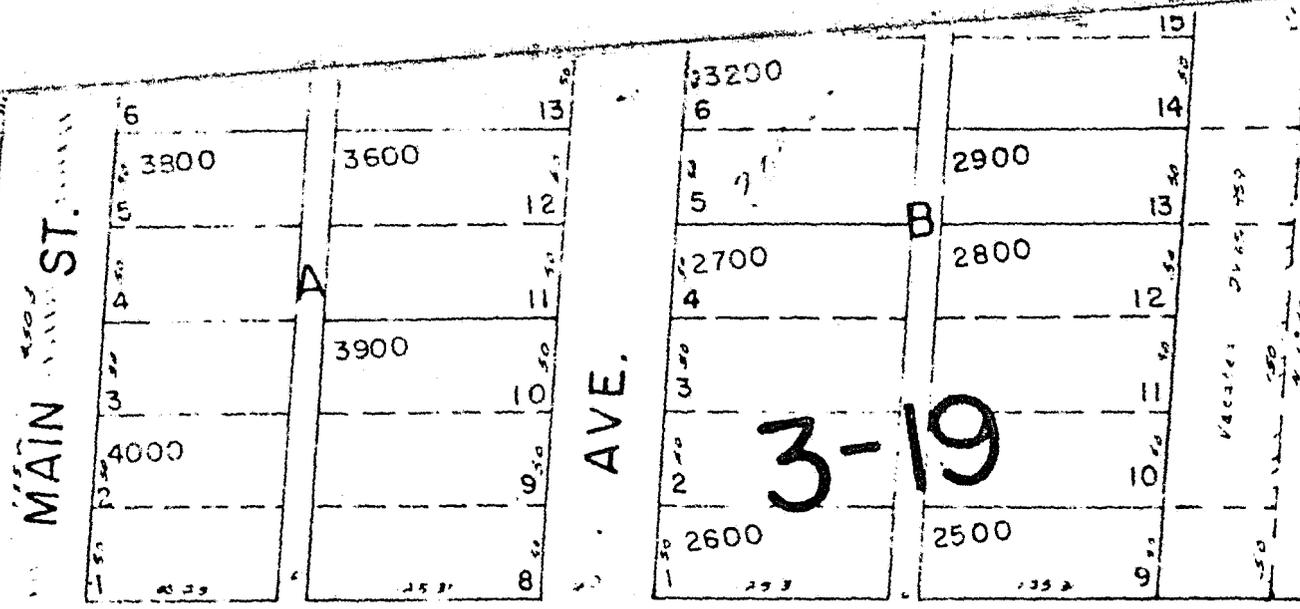
Passed on second and final reading by the Wilsonville City Council at a regular meeting thereof on the 19th day of April, 1976, by the following vote: Yeas 5. Nays 9.

ATTEST:

  
DEANNA J. THOM - City Recorder

  
PHILLIP R. BALSIGER - Mayor

See 23 AC-3-1W



THOMAS BAILEY DLC NO. 45  
 THIS MAP IS FOR THE PURPOSE OF SHOWING THE LOCATION OF THE PROPERTY AND IS NOT TO BE USED AS A TITLE INSTRUMENT. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION SHOWN HEREON.

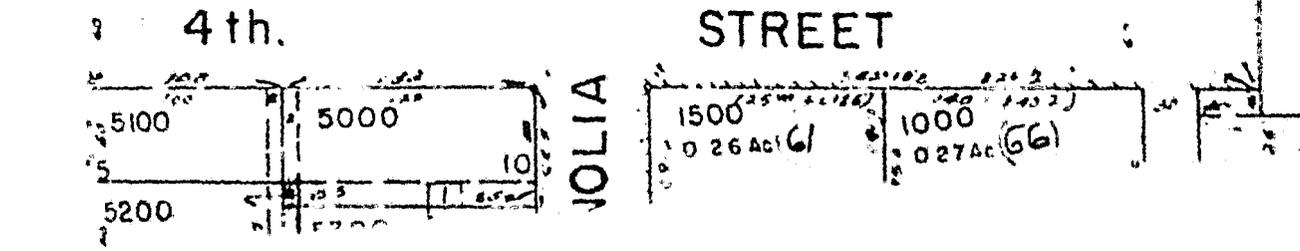
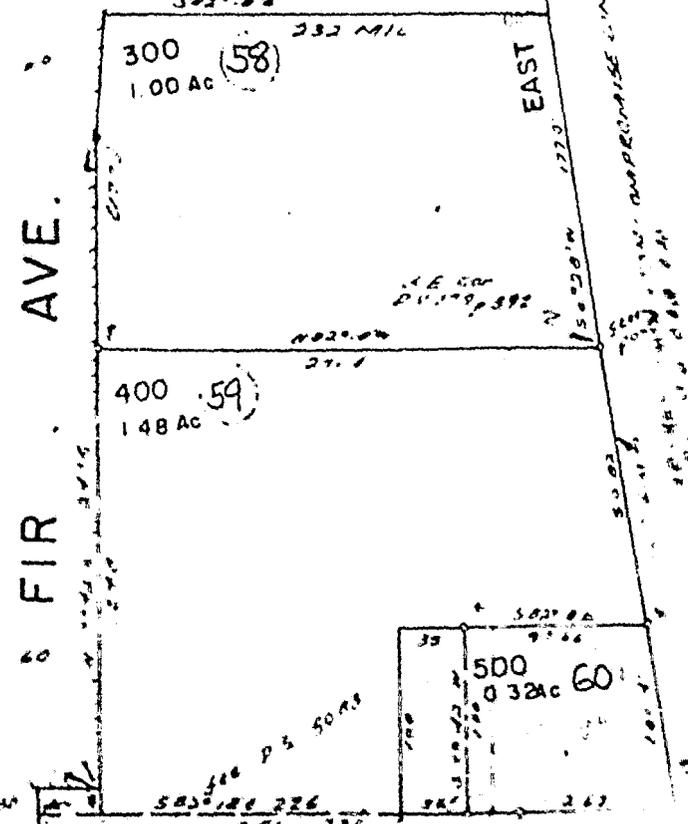
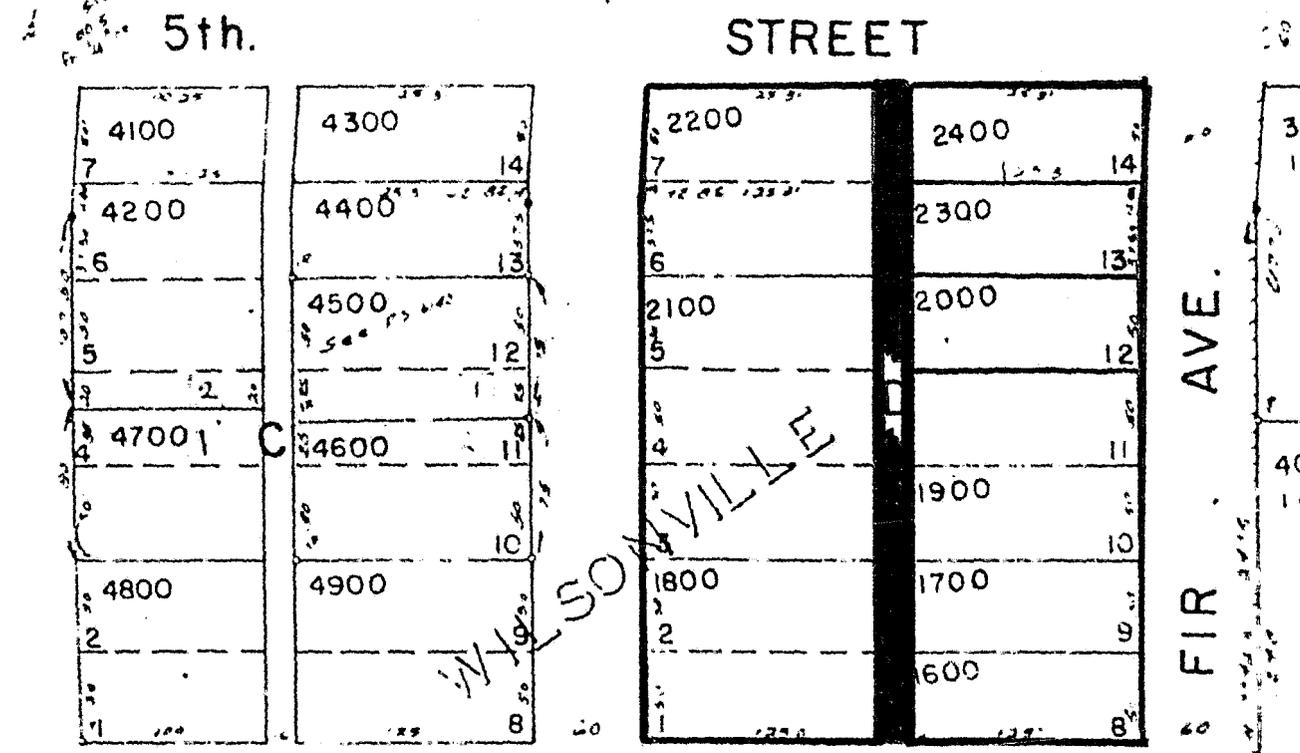


EXHIBIT "A" 71