

CITY OF YACHATS
LINCOLN COUNTY, OREGON

Ordinance No. 114

AN ORDINANCE VACATING TWO UTILITY EASEMENTS
WITHIN THE QUIET WATER SUBDIVISION,
CITY OF YACHATS, LINCOLN COUNTY, OREGON.

WHEREAS, Yachats Trading Company, owner and developer of the Quiet Water Subdivision has filed a Petition with the City of Yachats to vacate the below described utility easements within the Quiet Water Subdivision; and

WHEREAS, the City Council of the City of Yachats held a public hearing to consider said Petition on August 8, 1985; and

WHEREAS, notice of said public hearing has been given pursuant to ORS 271.110, in that notice of the Petition and hearing has been published in the Newport News Times once each week for four consecutive weeks, and notice has been posted at or near each end of the easements which are proposed to be vacated not less than 28 days before the date of public hearing; and

WHEREAS, this matter came before the City Council of the City of Yachats on August 8, 1985 as the time and date fixed by the City Council for hearing the Petition and any objections filed thereto; and

WHEREAS, the City Council has determined that the owners of the area upon which the easements are located have consented to the vacation of said utility easements; and

WHEREAS, the lots adjacent to the easements proposed to be vacated have had utilities placed upon the properties, and it has been discovered that subsequent to the approval of the plat by the City Council that the utilities were not placed within the easements, but were placed upon other portions of the adjacent properties; and

WHEREAS, the City Recorder of the City of Yachats has filed a certificate showing that all City liens and all taxes have been paid on the lands covered by the easements to be vacated; and

WHEREAS, the City Council finds that the vacation of the below described utility easements will be in the public interest and the public interest will not be prejudiced by the vacation of the utility easements;

NOW, THEREFORE, the City of Yachats ordains as follows:

(1) The above findings by the City Council of the City of Yachats are adopted.

(2) The below described utility easements within the Quiet Water Subdivision, City of Yachats, Lincoln County, Oregon by and are hereby vacated:

(a) The 10 foot utility easement between Lot 1 and Lot 2 of Block 2, Quiet Water.

(b) The 10 foot utility easement between Lot 23 and Lot 24, Block 2, Quiet Water.

(3) Pursuant to ORS 271.150, a certified copy of this Ordinance vacating the above described utility easements from the Quiet Water Subdivision plat, recorded in Book 13, Pages 20 and 21, Lincoln County Plat Records, Lincoln County Clerk's Office, Oregon shall be filed for record with the Lincoln County Clerk; the Yachats Trading Company shall bear the recording cost, as well as the cost of preparing and filing the certified copy of the Ordinance and map. Further pursuant to ORS 271.150, a certified copy of this Ordinance shall be filed with the County Assessor and with the County surveyor.

This ordinance adopted this 8th day of August, 1985 by the City Council of the City of Yachats and approved by the Mayor on the 8th day of August, 1985.

Harold Chum
Mayor

Attest:

Minako T. Ryan
City Recorder

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
DATE Sept. 17, 1985
GLORIA A. MCEWEN, COUNTY CLERK
Deb Kappen
DEPUTY

STATE OF OREGON } ss.
County of Lincoln }
I, Gloria A. McEwen, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the record of Deeds of said county at Newport, Oregon.
Date Sept. 17, 1985 A.M. 1:02 P.M.
Book 164 Page 1700
WITNESS my hand and seal of said office affixed.
GLORIA A. MCEWEN, County Clerk
By Deb Kappen Deputy
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