

When Recorded, Mail to:
City Recorder
City of Central Point
140 S. 3rd Street
Central Point, OR 97502

ORDINANCE NO. 2076

**AN ORDINANCE VACATING A PUBLIC UTILITY EASEMENT OVER THE PORTION OF THE FORMER
PUBLIC ALLEY AND AMY STREET VACATED BY ORDINANCE NO. 1837 ON AUGUST 14, 2003
PER ORS 271.130**

RECITALS:

- A. WHEREAS, in 2003 the City Council vacated certain unimproved portions of Ash and Amy Streets, Chicory Lane and a Public Alley, and reserved to the City of Central Point, all applicable public contracting agencies, and contracting cable television companies, an easement over the vacated street and alleys for purposes of installation, maintenance, repair and replacement of utilities and cable vision facilities by Ordinance No. 1837 (the "Easement").
- B. WHEREAS, the City received approval to construct a new Public Works facility to be located on Parcel 1 of Partition Plat No. P-72-2007, recorded in Volume 18 at Page 75 of the Records of Partition Plats of Jackson County, Oregon, and filed as Survey Number 19847 in the Office of the Jackson County Surveyor, and a portion of Parcel 2 of Partition Plat No. P-33-2016, recorded in Volume 27 at Page 33, of the Records of Partition Plats of Jackson County, Oregon, and filed as Survey Number 22068, in the Office of the Jackson County Surveyor.
- C. WHEREAS, Oregon Revised Statutes (ORS) Chapter 271 provides for the vacation of public street rights-of-way by the City's own motion.
- D. WHEREAS, pursuant to ORS 271.130, on April 22, 2021, the City Council initiated the vacation of the twenty-foot-wide public utility easement over the portion of the public alley and Amy Street vacated by Ordinance No. 1837, on its own motion, per Resolution 1409 and set the proposed vacation for public hearing.

- E. WHEREAS, on May 27, 2021 the City Council conducted a duly advertised public hearing in which the Council considered all evidence in favor or opposed to the proposed vacation.
- F. WHEREAS, the City Recording Officer has filed in the Official City Record a certificate verifying that all liens and taxes have been paid on the lands to be vacated.

Now, therefore:

THE PEOPLE OF THE CITY OF CENTRAL POINT, OREGON DO ORDAIN AS FOLLOWS:

SECTION 1. In accordance with ORS 271.130 the City Council makes the following findings:

- A. That the public utility easement is no longer needed for public purposes, and conflicts with the location of the new public works facility.
- B. The Council reviewed the staff's agenda report with findings; conducted a public hearing on the proposed vacation on May 27, 2021 and found the vacation of the public utility easement to be in the public interest.
- C. The City provided notice of the proposed vacation by publication in the Medford Mail Tribune, a newspaper of general circulation published in Jackson County, Oregon. Notice was published once per week for two consecutive weeks with the first publication on May 13, 2021 and the second publication on May 20, 2021.
- D. Said notice provided, among other things, that a virtual public hearing before the City Council concerning the proposed vacation would be held on May 27, 2021 in the City Council Chambers in Central Point, Oregon, which was the time and place when objections to such proposed vacation would be considered and heard.
- E. The City Council convened at the time and place specified in the public notices and no objections were made to said vacation.
- F. On April 28, 2021, the City posted at or near each end of the portions of land proposed to be vacated, a copy of the notice provided for in ORS 271.
- G. The Council determined that the proposed vacation would not substantially affect the market value of the property owners the public utility easement to be vacated.
- H. Vacation of the public utility easement will be in the public interest.
- I. The City recording officer has filed a certificate verifying that all liens and taxes have been paid on the easement land to be vacated.

SECTION 2. The Easement described in Exhibit "A" attached hereto and by the reference incorporated herein is hereby vacated pursuant to ORS 271.130.

SECTION 3. The City Recorder is directed to record a certified true copy of this ordinance in the office of the County Clerk of Jackson County, Oregon, with the County Assessor and County Surveyor of Jackson County, Oregon.

SECTION 4. For purposes of this vacation, this Ordinance shall be effective upon completion of the conditions provided herein.

PASSED by the Council and signed by me in authentication of its passage this 10th day of June 2021.



Mayor Hank Williams

ATTEST:



City Recorder

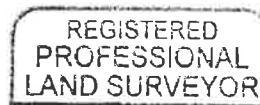
EXHIBIT " A "

**EASEMENT VACATION
DESCRIPTION SHEET
37 2W 10AD, TAX LOTS 700 & 798**

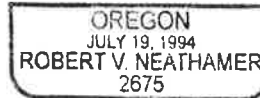
That certain 20-foot-wide utility easement over the portion of the public alley and Amy Street vacated by Ordinance No. 1837, passed by City Council on August 14, 2003, and recorded as Instrument Number 03-60976, of the Official Records of Jackson County, Oregon, being located over a portion of Parcel 1 of Partition Plat No. P-72-2007, recorded in Volume 18 at Page 75 of the Records of Partition Plats of Jackson County, Oregon, and filed as Survey Number 19847 in the Office of the Jackson County Surveyor, and a portion of Parcel 2 of Partition Plat No. P-33-2016, recorded in Volume 27 at Page 33, of the Records of Partition Plats of Jackson County, Oregon, and filed as Survey Number 22068, in the Office of the Jackson County Surveyor. Said easement being located within Donation Land Claim No. 53 in the Southeast One-quarter of the Northeast One-quarter of Section 10, Township 37 South, Range 2 West of the Willamette Meridian, in the City of Central Point, Jackson County, Oregon.

Prepared By: Neathamer Surveying, Inc.
3126 State Street, Suite 203
PO Box 1584
Medford, Oregon 97501
Phone: (541) 732-2869
Project Number: 09002-T-40

Date: April 14, 2021

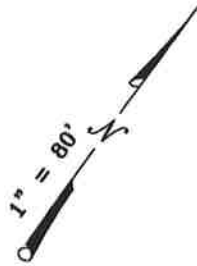
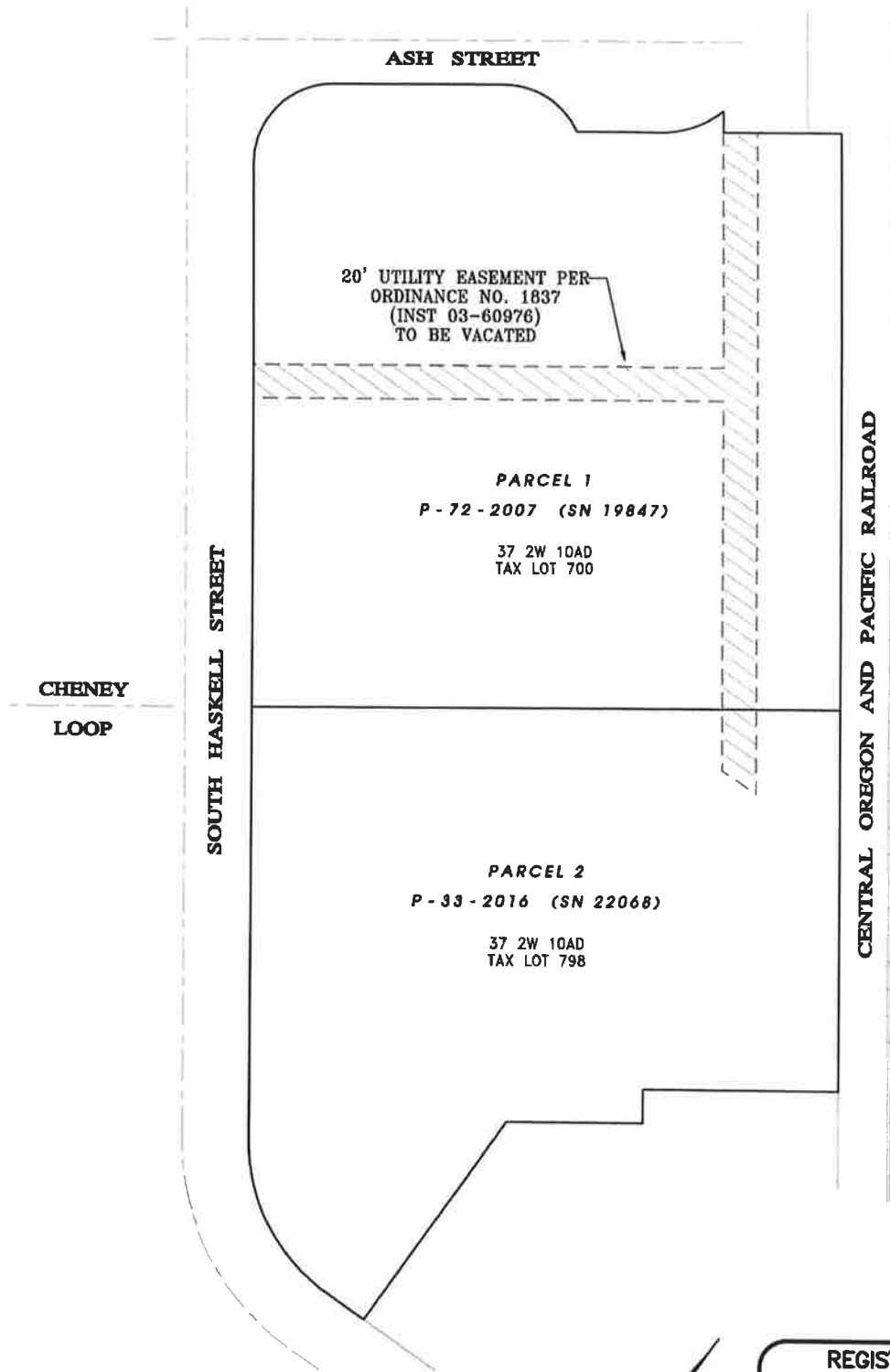


Robert V. Neathamer



RENEWAL: DEC. 31, 2022

EXHIBIT "B"



**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Phut V. Neathamer

**OREGON
JULY 9, 2001
CAEL E. NEATHAMER
56545**

Renewal Date 12/31/22