



Christine Walker - County Clerk  
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**ORDINANCE NO. 2046**

**AN ORDINANCE APPROVING VACATION OF OPEN SPACE LOCATED IN SNOWY BUTTE STATION, PHASE 2, CENTRAL POINT, OREGON AND ACCEPTING RESERVATION OF EASEMENT TO CITY**

**RECITALS:**

- A. WHEREAS, the City of Central Point initiated a vacation of open space area located at the intersection of Cheney Loop, a public street, and a Public Alley in Snowy Butte Station, Phase 2, consisting of approximately 6,145 square feet, more or less, as more fully described in Exhibit "A" incorporated herein by reference.
- B. WHEREAS, the City published and posted statutorily required notice;
- C. WHEREAS, a duly noticed public hearing was held before the City Council on July 19<sup>th</sup> 2018;
- D. WHEREAS, the City determined the need to reserve therefrom a public utility easement within the vacated area;
- E. WHEREAS, after due consideration, the City has made certain findings in connection with the request for vacation of City property and subsequent statutory procedures for the vacation process, which findings are attached hereto and incorporated herein as Exhibit "B";
- F. WHEREAS, based on the attached findings, the City of Central Point determines that it is in the best interest of the public to grant the vacation request.

**THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:**

**SECTION 1 Vacated Property.** The open space area located at the intersection of Cheney Loop, a public street, and a Public Alley in Snowy Butte Station, Phase 2, consisting of approximately 6,145 square feet, more or less, as described in Exhibit "A" attached hereto, is hereby vacated, and title to the vacated property shall be returned and belong to the owners of the adjacent property pursuant to Oregon law.

**SECTION 2. Findings.** The Council adopts the Findings attached to this Ordinance set forth in Exhibit "B."

**SECTION 3. Reservation of Easement** A public utility easement is hereby reserved for the benefit of and conveyed to the City of Central Point, its successors and assigns under and upon the vacated property in which to construct, operate, maintain, repair, replace, improve, and enlarge utility systems for purposes of transmission, distribution, and sale of

such utilities. This grant of easement extends to providers of public utilities for such purposes. The City and such utilities shall also have reasonable rights of ingress and egress to and from such easement across the vacated property. Public utilities that may use this easement include, but are not limited to, storm drainage, sanitary sewer, water, gas, electric, telephone and cable television.

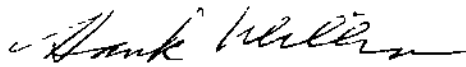
Section 4. Deed. The vacated property shall be conveyed to the abutting property owner by quit claim deed, a copy of which is attached hereto and made a part hereof as Exhibit "C." Conveyance shall be subject to the conditions set forth in this ordinance and applicable law.

Section 5. Conditions of Vacation The vacation is conditioned upon the adjacent property owner (owner whose property abuts the vacated property) executing any and all necessary documents to effectuate this vacation.

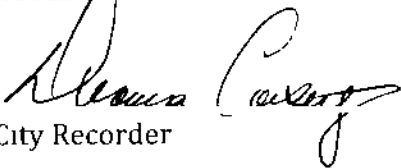
Section 6. Filing. Certified true copies of this ordinance shall be recorded in the office of the County Clerk of Jackson County, Oregon, and with the County Assessor and County Surveyor of Jackson County, Oregon.

Section 7. Effective Date. For purposes of transfer of ownership of the property covered by the 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 9<sup>th</sup> day of August 2018.

  
Mayor Hank Williams

ATTEST:

  
City Recorder

## EXHIBIT "A"

### VACATION DESCRIPTION SHEET

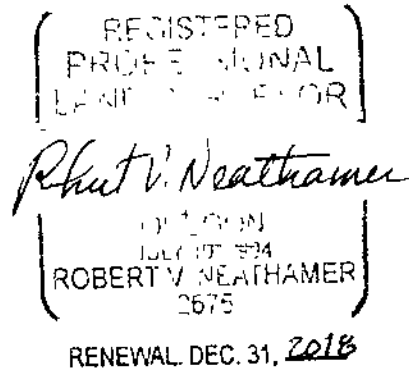
All that certain real property dedicated to the City of Central Point for public use as **OPEN AREA**, located at the intersection of Cheney Loop, a public street, and a Public Alley, in the City of Central Point, Oregon, located within **SNOWY BUTTE STATION, PHASE 2**, filed for record on February 22, 2006 in Volume 32 of Plats, Page 14 of the Records of Jackson County, Oregon, and filed as Survey Number 19077 in the office of the Jackson County Surveyor

Reserving therefrom that certain 10.00-foot-wide Public Utility Easement, as dedicated to the City of Central Point for public use, being along the westerly boundary of said Open Area, lying easterly of and coincident with the easterly right-of-way of said Cheney Loop.

Said OPEN AREA containing  
6,145 square feet, more or less.

Prepared By Neathamer Surveying, Inc.  
3126 State Street, Suite 203  
PO Box 1584  
Medford, Oregon 97501  
Phone: (541) 732-2869  
Project Number: 09002-T-33

Date: May 23, 2018



## EXHIBIT "B"

### FINDINGS TO AN ORDINANCE VACATING OPEN SPACE LOCATED IN SNOWY BUTTE STATION, PHASE 2, CENTRAL POINT, OREGON AND ACCEPTING RESERVATION OF EASEMENT TO CITY

In connection with the ordinance vacating open space located at the intersection of Cheney Loop, a public street and a Public Alley, the Council finds:

1. That the subject open space is no longer needed for park or open space purposes, that the open space is not a significant asset to the City, and that the open space provides more value to the public by being added to the local taxable land base than remaining in its current state.
2. The Council reviewed the staff report with findings; conducted a public hearing on the proposed open space vacation on July 19, 2018; and found the vacation of the open space to be in the public interest
4. The City provided notice of the proposed vacation to adjacent property owners pursuant to ORS 271, 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 16, 2018 and the second publication on July 24, 2018
5. Said notice provided, among other things, that a hearing before the City Council concerning the proposed vacation would be held on July 19, 2018 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.
6. The City Council convened at the time and place specified in the public notices and no objections were made to said vacation.
7. On June 16<sup>th</sup>, 2018, 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
8. The Council determined that the proposed vacation would not substantially affect the market value of the property owners abutting the open space to be vacated.
9. Vacation of the subject property will be in the public interest. It will add property to the tax rolls and will potentially decrease City costs and liabilities associated with the maintenance of public open space.
10. The vacated property will be deeded to the abutting property owner subject to the reservation of a public utility easement for the City of Central Point for construction, installation, maintenance, repair, replacement, distribution, and transmission of utilities and ingress and egress to such utility easement.



Christine Walker, County Clerk for Jackson County, Oregon, certifies that the instrument identified hereon is recorded in the Clerk's records.  
Christine Walker, County Clerk

Recording Requested By:  
City of Central Point  
140 S. Third Street  
Central Point, OR 97502

When Recorded Mail To:  
City of Central Point  
140 S. Third Street  
Central Point, OR 97502

Mail Tax Statements To:  
OWNER AS PER COUNTY RECORDS AT  
TAX ASSESSORS OFFICE

(This Space for Recorder's Use)

### VACATION QUIT CLAIM DEED

City of Central Point, an Oregon municipal corporation, Grantor, releases and quitclaims to Investor's II, LLC, an Oregon limited liability company, Grantee, all right, title and interest in and to the real property described below, which real property was vacated, closed and abandoned by Ordinance No. 2046 passed and approved by the City Council of the City of Central Point, Oregon on July, 2018.  
Aug 9th

All that certain real property dedicated to the City of Central Point for public use as **OPEN AREA**, located at the intersection of Cheney Loop, a public street, and a Public Alley, in the City of Central Point, Oregon, located within **SNOWY BUTTE STATION, PHASE 2**, filed for record on February 22, 2006 in Volume 32 of Plats, Page 14 of the Records of Jackson County, Oregon, and filed as Survey Number 19077 in the office of the Jackson County Surveyor.

RESERVING THEREFROM THAT CERTAIN 10.00-FOOT-WIDE PUBLIC UTILITY EASEMENT, as dedicated to the City of Central Point for public use, being along the westerly boundary of said Open Area, lying easterly of and coincident with the easterly right-of-way of said Cheney Loop.

Said OPEN AREA containing 6,145 square feet, more or less.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010 THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The true consideration for this conveyance is other consideration, consisting of conveyance by Grantee to Grantor of certain easements pertaining to the subject real property granted to Grantor of even date.

Dated this 24<sup>th</sup> day of August, 2018.

City of Central Point

*Chris Clayton*

By:

STATE OF OREGON )  
 ) ss.  
 County of Jackson )

This instrument was acknowledged before me on Aug 24<sup>th</sup> 2018, by the City of Central Point, Oregon, acting by and through Chris Clayton, its City Manager.



OFFICIAL STAMP  
 DEANNA LEIGH CASEY  
 NOTARY PUBLIC-OREGON  
 COMMISSION NO. 950044  
 MY COMMISSION EXPIRES MAY 10, 2020

Notary Public for Oregon  
 My Commission Expires: 5-10-2020

*Deanna Leigh Casey*