

City of St. Helens
ORDINANCE NO. 3222

AN ORDINANCE VACATING A PORTION OF NORTH FIRST STREET RIGHT OF WAY AND RESERVING PUBLIC UTILITY AND CONSTRUCTION EASEMENTS

WHEREAS, a petition to vacate a portion of the North 1st Street right of way was filed with the City Recorder on or about November 2, 2017; and

WHEREAS, a Notice of Street Vacation was published December 6, 2017 and December 13, 2017 in *The Chronicle* describing the property to be vacated, the date the petition was filed, the date and location for objections, and the date of the hearing; and

WHEREAS, copies of the Notice of Street Vacation were posted near the property proposed to be vacated December 1, 2017; and

WHEREAS, a public hearing was held on December 20, 2017 and testimony was received for the record.

NOW, THEREFORE, THE CITY OF ST. HELENS ORDAINS AS FOLLOWS:

Section 1. The City Council hereby adopts the following findings based on the record:

- a. The Council received notice of the petition and set the public hearing date.
- b. The Notice of Street Vacation was duly published and posted in the manner required by law.
- c. The City Recorder has searched the City records and certified that there are no outstanding liens against the property to be vacated. They also certified that the real estate taxes on this property are also current.
- d. The majority of affected property owners support the street vacation request.

Section 2. The portion of North 1st Street (Columbia Street) right of way requested to be vacated, hereby vacated from and after the effective date of this ordinance, is underdeveloped right of way that is described as follows:

The west 15 feet of the N. 1st Street right-of-way abutting Lots 14-18, Block 16 of the St. Helens Subdivision, City of St. Helens, Columbia County, Oregon; and

The east 15 feet of the N. 1st Street right-of-way abutting Lots 6-10, Block 13 of the St. Helens Subdivision, City of St. Helens, Columbia County, Oregon; and

As described per Exhibit "A" and depicted per Exhibit "B" attached hereto.

The above described vacated area is also depicted in entirety per **Exhibit "C"** attached hereto, subject to the easement reservations in Sections 3 and 4.

Section 3. The City reserves to itself and any operating public utility provider, and the underlying fee title owner hereby grants to City and any operating public utility provider, a perpetual Public Utility Easement over the entire N. 1st Street (Columbia Street) right-of-way vacated pursuant to this Ordinance for

installation, access, maintenance and repair of any existing or future public facility or public utility, including but not limited to: water, sanitary sewer, storm sewer, natural gas, electricity, and communication fiber. No person shall place any structure within this Public Utility Easement without the written approval of City, which may be granted or denied in City's sole discretion. This Public Utility Easement includes the right to order the removal of any vegetation or structures in the Public Utility Easement and to remove or relocate any vegetation or structures at the option of City or the public utility as necessary and without compensation or liability to the owner thereof.

Section 4. The City reserves to itself, and the underlying fee title owner hereby grants to City, a perpetual Construction Easement over the entire N. 1st Street (Columbia Street) right of way vacated by this Ordinance for construction of a public street in that portion of N. 1st Street (Columbia Street) not hereby vacated. Such Construction Easement shall include all normal and customary street construction activities, including but not limited to staging, equipment and personnel access, grading, slope and other lateral support for the street. No person shall place any structure within this Construction Easement without the written approval of City, which may be granted or denied in City's sole discretion. This Construction Easement includes the right to order the removal of any vegetation or structures in the Construction Easement and to remove or relocate any vegetation or structures at the option of City as necessary and without compensation or liability to the owner thereof.

Section 5. The City Recorder shall file a certified copy of this Ordinance with the County Clerk, the County Assessor, and the County Surveyor of Columbia County, Oregon.

Read the first time: April 4, 2018
Read the second time: April 18, 2018

APPROVED AND ADOPTED this 18th day of April, 2018 by the following vote:

Ayes: Locke, Carlson, Conn, Morten, Scholl

Nays: None



Rick Scholl, Mayor

ATTEST:



Kathy Payne, City Recorder



KLS Surveying Inc.
1224 Alder Street
Vernonia, OR 97064

Phone: (503) 429-6115
Fax: (503) 429-6115
Email: dwallace_kls@msn.com

Exhibit A Right of Way Vacation

A portion of North First Street & a portion of that public right of way conveyed to the City of St Helens in deed recorded as Fee No. 2013-8361, Columbia County Deed Records, located in the Southwest quarter of Section 34, Township 5 North, Range 1 West of the Willamette Meridian, City of St Helens, Columbia County, Oregon being more particularly described as follows:

- Beginning at the Northwest corner of Lot 5, Block 13, St Helens,
- thence South $73^{\circ}02'39''$ West 15.00 feet;
- thence South $16^{\circ}57'23''$ East 15.00 feet from and parallel with the Easterly right of way line of North First Street 26.00 feet;
- thence 18.85 feet along the arc of a curve to the left having a radius of 12.00 feet and a delta angle of $90^{\circ}00'00''$ with a chord bearing of South $61^{\circ}57'23''$ East and a long chord of 16.97 feet to a point on the Westerly extension of the Northerly right of way line of said public right of way;
- thence North $73^{\circ}02'37''$ East along the Westerly extension of said public right of way line 15.00 feet to a point on said Northerly right of way line;
- thence along said Northerly right of way line 18.85 feet along the arc of a curve to the right having a radius of 12.00 feet and a delta angle of $90^{\circ}00'00''$ and a chord bearing of North $61^{\circ}57'23''$ West 16.97 feet the a point on the Easterly right of way line of North First Street;
- thence North $16^{\circ}57'23''$ West along said Easterly right of way line 26.00 feet to the point of beginning.

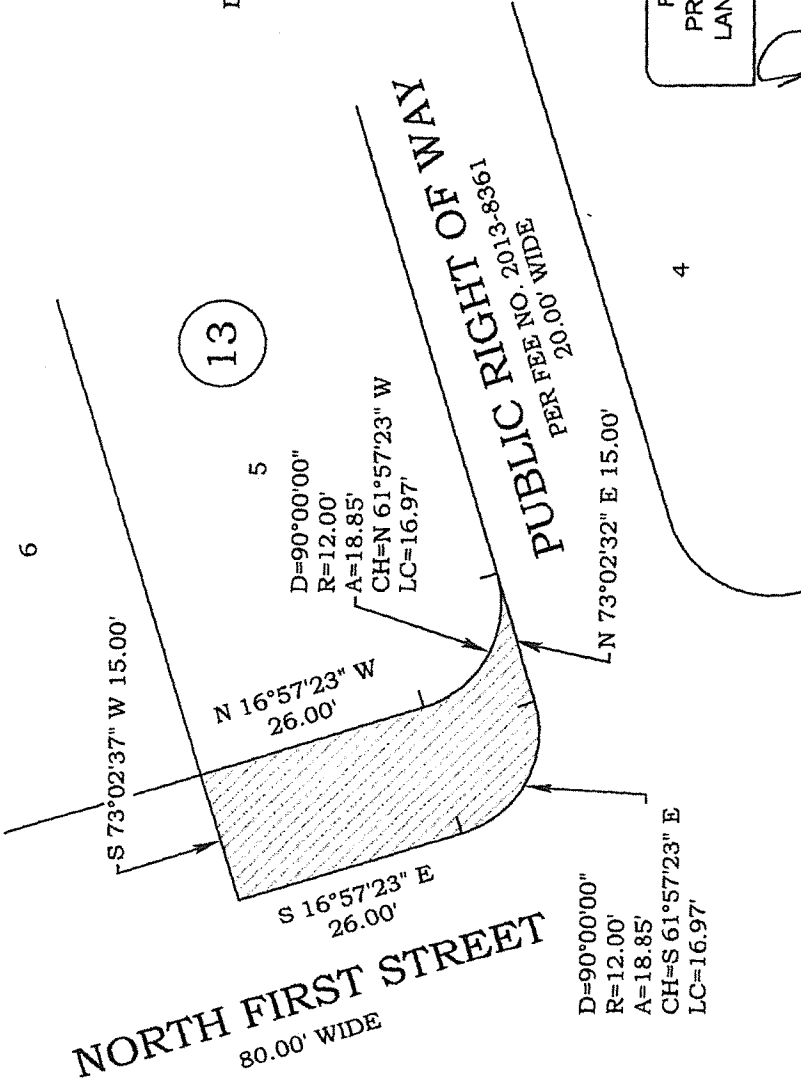
Bearings are based on County Survey No. 5927

REGISTERED
PROFESSIONAL
LAND SURVEYOR

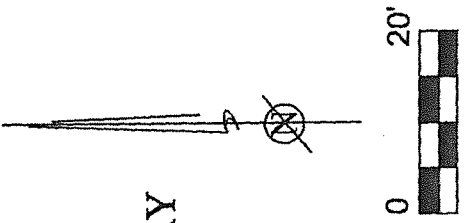
OREGON
JANUARY 19, 1993
DONALD D WALLACE, JR
2601

RENEWAL DATE 6/30/18

EXHIBIT B
ROAD VACATION FOR
BRAD HENDRICKSON
A PORTION OF NORTH 1ST STREET & THE PUBLIC RIGHT OF WAY
LOCATED IN THE SW 1/4 OF SECTION 34, T5N, R1W, W.M.,
CITY OF ST HELENS, COLUMBIA COUNTY, OREGON



13



20 Ft/In
 DWG NO. VACATION EXHIBIT
 JOB NO. 16-258
 3-21-2018

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Donald D. Wallace, Jr.

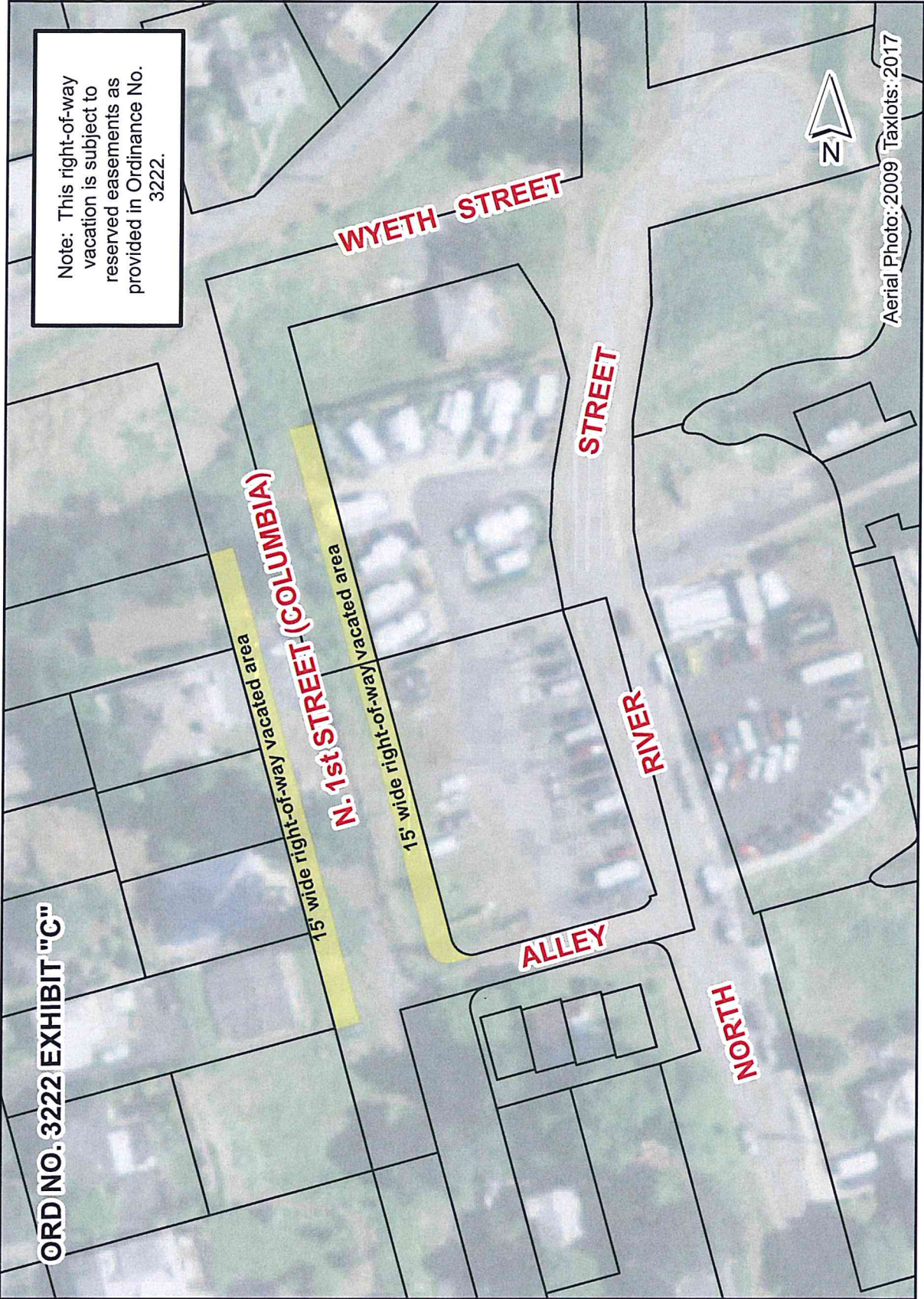
OREGON
 JANUARY 19, 1993
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 2601

RENEWAL DATE 6/30/18

K.L.S. SURVEYING INC.
 1224 ALDER STREET
 VERNONIA, OREGON 97064
 (503) 429-6115

ORD NO. 3222 EXHIBIT "C"

Note: This right-of-way vacation is subject to reserved easements as provided in Ordinance No. 3222.



Aerial Photo: 2009 Taxlots: 2017