

City of St. Helens
ORDINANCE NO. 3252

AN ORDINANCE VACATING A PORTION OF
UMATILLA STREET RIGHT OF WAY

WHEREAS, a petition to vacate a portion of Umatilla Street right of way was filed with the City Recorder on or about May 30, 2019; and

WHEREAS, a Notice of Street Vacation was published August 7, 2019 and August 14, 2019 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 July 16, 2019; and

WHEREAS, a public hearing was held on August 21, 2019 and testimony was received for the record.

NOW, THEREFORE, THE CITY OF ST. HELENS DOES ORDAIN 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.
- e. The existing water meter for the subject property has been moved to an approved location within one year from August 21, 2019 as required by the Council.

Section 2. The portion of Umatilla Street right of way requested to be vacated, hereby vacated from and after the effective date of this ordinance, is unimproved right of way that is described as follows:

The south 15 feet of the Umatilla Street right-of-way abutting Lot 3, Block 102, of the St. Helens Subdivision, St. Helens, Columbia County, Oregon.

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 easterly 50 feet of the right-of-way vacated (e.g. 15' x 50') pursuant to this Ordinance for installation, access, maintenance and repair of any existing or future public facility or public utility. 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. Any future fence along the new property line should include a gate at a minimum of 12 feet in width along the Umatilla Street right-of-way for maintenance access to the public utilities shall be provided.


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 1, 2020
Read the second time: April 15, 2020

APPROVED AND ADOPTED this 15th day of April, 2020 by the following vote:

Ayes: Locke, Carlson, Topaz, Morten, Scholl

Nays: None



Rick Scholl, Mayor

ATTEST:



Kathy Payne, City Recorder