

ORDINANCE NO. 1106.

AN ORDINANCE TO VACATE CERTAIN PORTIONS OF NE DUNHAM STREET, NE FAIRVIEW STREET, NE GARNER STREET, NE HOLLY STREET, NE IDLEWOOD STREET, NE FIFTH STREET, NW BEAVER STREET, NW SIXTH STREET, NE GARNER STREET; AND CERTAIN PORTIONS OF PUBLIC ALLEYS THERETO RELATED; ALL OF WHICH ARE SPECIFICALLY DEFINED IN ATTACHED EXHIBIT "A1 DESCRIPTIONS" AND "A VICINITY MAP".

WHEREAS, pursuant to provisions of ORS Chapter 271, the City Council of the City of Prineville, through a request by affected property owner or petition of the City of Prineville, has initiated a vacation proceedings for certain portions of NE Dunham Street, NE Fairview Street, NE Garner Street, NE Holly Street, NE Idlewood Street, NE Fifth Street, NW Beaver Street, NW Sixth Street, NE Garner Street; and certain portions of public Alleys thereto related; all of which are specifically defined in attached Exhibit "A1 Descriptions" and "A Vicinity Map" attached hereto and hereby adopted by reference as though set forth in full herein; and

WHEREAS, a public hearing was held by the City of Prineville after giving notice as required by ORS Chapter 271, and the City has found that the future use of the described vacated street and alleys is not longer required for public transportation purposes;

WHEREAS, to satisfy other non-transportation, land use or flood plain issues, application of certain conditions upon the vacated street and alleys is appropriate; said conditions are defined, required and included in "Exhibit B" attached to and made part of this action as conditions on the subject defined Street and Alley Vacations.

THEREFORE, the City deems that it is in the best interest of the City of Prineville and the affected property owners that said vacations be granted.

NOW THEREFORE, THE PEOPLE OF THE CITY OF PRINEVILLE ORDAIN AS FOLLOWS:

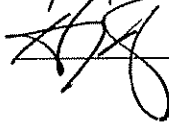
1. That certain portions of NE Dunham Street, NE Fairview Street, NE Garner Street, NE Holly Street, NE Idlewood Street, NE Fifth Street, NW Beaver Street, NW Sixth Street, NE Garner Street; and certain portions of public Alleys thereto related; all of which are specifically defined in attached Exhibit "A1 Descriptions" and "A Vicinity Map" attached hereto and hereby adopted by reference as though set forth in full herein, are vacated subject to conformance with the conditions of vacation placed upon them.

PASSED by the City Council this 9th day of September 2003.

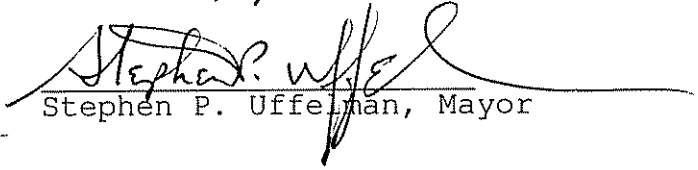
APPROVED by the mahor this 9th day of September 2003.

Attest: Date

9/9/03



Henry Hartley, City Manager/Recorder



Stephen P. Uffelmann, Mayor



EXHIBIT "A"

Street & Alley Vacation Descriptions

Street Vacation Descriptions:

VS-1) Of a Petition by the City of Prineville for Vacation of the West 25 feet of NE Dunham Street between the north line NE Third and south line of NE Fourth Streets, Block 10 First Addition to the City of Prineville, said area being approximately 20 feet wide and 240 feet long .

VS-2) Of a Petition by the City of Prineville for Vacation of NE Dunham Street between the north line of NE Fourth Street and the south line of NE Fifth Street, Block 9 of First Addition to the City of Prineville and Block 16 of Fourth Addition to the City of Prineville, said area being approximately 80 feet wide and 240 feet long.

VS-3) Of a Petition by the City of Prineville for Vacation of NE Fairview Street between the north line of NE Fourth Street and the south line of NE Fifth Street, Block 16/17 of Fourth Addition to the City of Prineville, said area being approximately 80 feet wide and 240 feet long.

VS-4) Of a Petition by the City of Prineville for Vacation of NE Garner Street between the north line of NE Fourth Street and the south line of NE Fifth Street, Block 17/18 of Fourth Addition to the City of Prineville, said area being approximately 80 feet wide and 240 feet long.

VS-5) Of a Petition by the City of Prineville for Vacation of NE Holly Street between the north line of NE Fourth Street and the south line of NE Fifth Street, Block 18/19 of Fourth Addition to the City of Prineville, said area being approximately 80 feet wide and 240 feet long.

VS-6) Of a Petition by the City of Prineville for Vacation of NE Idlewood Street between the north line of NE Fourth Street and the south line of NE Fifth Street, Block 19/20 of Fourth Addition to the City of Prineville, said area being approximately 80 feet wide and 240 feet long.

VS-7) Of a Petition by the City of Prineville for Vacation of NE Fifth Street between the east line of NE Elm Street and the West Line of NE Juniper Street abutting Blocks 16, 17, 18, 19, 20 of Fourth Addition to the City of Prineville, said area being approximately 80 feet wide and 1,600 feet long.

VS-8) Of a Petition by Parr Lumber to Vacate a portion of NW Beaver Street in the Second addition to the City of Prineville beginning approximately at the center line of NW 6th Street northerly, said area being approximately 80 feet wide and 160 feet long.

VS-9) Of a Petition by Parr Lumber to Vacate a portion of NW Sixth Street being described as the north 15 feet of NE Sixth Street between the east line of NE Claypool and the west Line of NE Beaver Street, said area being approximately 15 feet wide and 240 feet long.

VS-10) Of a Petition by Scott Hollander for Vacation of a portion of NE Garner Street more specifically described as: beginning at a point on the common corner of the west line of NE Garner and north line of NE Seventh Street; thence northerly along the west line of NE Garner approximately 100 feet to the south line of the City of Prineville Railroad right of way, thence southeasterly along said south Railroad right of way line a distance of approximately 68 feet to the east line of NE Garner, thence south along the east line of NE Garner a distance of approximately 60 feet to a common point of the south line of NE Garner and the north line of NE Seventh, thence westerly along the common line to the point of beginning, said area being approximately 4800 square feet.

Alley Vacation Descriptions:

VA-1) Of a Petition by the City of Prineville to vacate the public alley between east line of NE Court Street and the west line of NE Dunham Street, Block 10 First Addition to the City of Prineville, said area being approximately 16 feet wide and 240 feet long.

VA-2) Of a Petition by the City of Prineville for Vacation of the public alley between the east line of NE Court Street and and the west line of NE Dunham Street, Block 9 of First Addition to the City of Prineville, said area being approximately 16 feet wide and 240 feet long.

VA-3) Of a Petition by the City of Prineville for Vacation of the public alley between the east line of NE Dunham Street and the west line of NE Elm Street, Block 16 of Fourth Addition to the City of Prineville, said area being approximately 16 feet wide and 240 feet long.

VA-4) Of a Petition by the City of Prineville for Vacation of the public alley between the east line of NE Elm Street and the west line of NE Fairview Street, Block 16 of Fourth Addition to the City of Prineville, said area being approximately 16 feet wide and 240 feet long.

VA-5) Of a Petition by the City of Prineville for Vacation of the public alley between the east line of NE Fairview Street and the west line of NE Garner Street, Block 17 of Fourth Addition to the City of Prineville, said area being approximately 16 feet wide and 240 feet long.

VA-6) Of a Petition by the City of Prineville for Vacation of the public alley between the east line of NE NE Garner Street and the west line of NE Holly Street, Block 18 of Fourth Addition to the City of Prineville, said area being approximately 16 feet wide and 240 feet long.

VA-7) Of a Petition by the City of Prineville for Vacation of the public alley between the east line of NE Holly Street and the west line of NE Idlewood Street, Block 19 of Fourth Addition to the City of Prineville, said area being approximately 16 feet wide and 240 feet long.

VA-8) Of a Petition by the City of Prineville for Vacation of the public alley between the east line of NE Idlewood Street and the west line of NE Juniper Street, Block 20 of Fourth Addition to the City of Prineville, said area being approximately 16 feet wide and 240 feet long.

VA-9) Of a Petition by Parr Lumber to Vacate a portion of an Alley abutting Lots 1 to 4 and Lots 9 to 12 in Block 9 of the Second Addition to the City of Prineville said area being approximately 16 feet wide and 160 feet long.

VA-10) Of a Petition by Paul Cuddy to vacate the public Alley between NE Allen Blvd south to 15-16-32CD Tax Lot 2800, Block 6 of Amended Plat of Ochoco Heights in the City of Prineville, said area being approximately 17 feet wide and 347 feet long.

CONDITIONS OF VACATION

STREET VACATIONS:

VS-1) the West 25 feet of NE Dunham Street between the north line NE Third and south line of NE Fourth Streets, Block 10 First Addition to the City of Prineville, said area being approximately 20 feet wide and 240 feet long .

Conditions of Vacation: A sanitary sewer easement shall be reserved over the area to be vacated for an existing facility as it is constructed. Erection of any structures over said facility shall be approved by the City of Prineville, owner of the facility, including such measures as may be required to protect it.

VS-2) NE Dunham Street between the north line of NE Fourth Street and the south line of NE Fifth Street, Block 9 of First Addition to the City of Prineville and Block 16 of Fourth Addition to the City of Prineville, said area being approximately 80 feet wide and 240 feet long.

Conditions of Vacation: all hard surfaced roadway shall be removed and all storm water facilities contained in pipe or culvert be removed and a natural drainage canal created.

VS-3) NE Fairview Street between the north line of NE Fourth Street and the south line of NE Fifth Street, Block 16/17 of Fourth Addition to the City of Prineville, said area being approximately 80 feet wide and 240 feet long.

Conditions of Vacation: all hard surfaced roadway shall be removed and not replaced.

VS-4) NE Garner Street between the north line of NE Fourth Street and the south line of NE Fifth Street, Block 17/18 of Fourth Addition to the City of Prineville, said area being approximately 80 feet wide and 240 feet long.

is no longer needed for Public Transportation Facilities.

Conditions of Vacation: all hard surfaced roadway shall be removed and not restored.

VS-5) NE Holly Street between the north line of NE Fourth Street and the south line of NE Fifth Street, Block 18/19 of Fourth Addition to the City of Prineville, said area being approximately 80 feet wide and 240 feet long.

Conditions of Vacation: all hard surfaced roadway shall be removed and not restored.

VS-6) NE Idlewood Street between the north line of NE Fourth Street and the south line of NE Fifth Street, Block 19/20 of Fourth Addition to the City of Prineville, said area being approximately 80 feet wide and 240 feet long.

Conditions of Vacation: all hard surfaced roadway shall be removed and not restored.

VS-7) NE Fifth Street between the east line of NE Elm Street and the West Line of NE Juniper Street abutting Blocks 16, 17, 18, 19, 20 of Fourth Addition to the City of Prineville, said area being approximately 80 feet wide and 1,600 feet long.

Conditions of Vacation: Reserve and easement to preserve, construct, operate and maintain a pedestrian/bicycle pathway along the entirety. All other hard surface roadways shall be removed and not restored.

VS-8) NW Beaver Street in the Second addition to the City of Prineville beginning approximately at the center line of NW 6th Street northerly, said area being approximately 80 feet wide and 160 feet long.

Conditions of Vacation: Sign a vacation/acceptance agreement with the City of Prineville. Maintain a public utility easement along the east 20 feet of the vacated parcel for existing and future uses by Pacific Power and Light transmission system, QWEST Telephone facilities, Crestview Cable TV transmission systems. Cascade Natural Gas transmission systems do not and will not be permitted to cross Ochoco Creek in this area. Pave NW Beaver Street from NE 7th Street to the northerly end of the vacated area 32 feet in width with gravel shoulders and parking areas. Pave the vacated area 80 feet in width excepting a drainage swale to be constructed at the south end of the vacated parcel and create a landscaped buffer to Ochoco Creek. Fence the vacated area from the bicycle/pedestrian bridge crossing of Ochoco Creek to the relocated perimeter fence described in VS-9 below.

VS-9) NW Sixth Street being described as the north 15 feet of NE Sixth Street between the east line of NE Claypool and the west line of NE Beaver Street, said area being approximately 15 feet wide and 240 feet long.

Conditions of Vacation: Sign a vacation/acceptance agreement with the City of Prineville. Relocate the existing perimeter fence to the boundaries of the vacated area (approximately 15 feet x 240 feet). Regrade the landscape buffer/drainage area between the north edge of the existing bicycle/pedestrian and the vacated street area, preserve to the extent feasible, existing shrubs. Provide a landscape plan and landscape planting including willows and riparian grasses in the drainage swale in an area approximately 100 feet west of NW Beaver.

VS-10) : NE Garner Street more specifically described as: beginning at a point on the common corner of the west line of NE Garner and north line of NE Seventh Street; thence northerly along the west line of NE Garner approximately 100 feet to the south line of the City of Prineville Railroad right of way, thence southeasterly along said south Railroad right of way line a distance of approximately 68 feet to the east line of NE Garner, thence south along the east line of NE Garner a distance of approximately 60 feet to a common point of the south line of NE Garner and the north line of NE Seventh, thence westerly along the common line to the point of beginning, said area being approximately 4800 square feet.

Conditions of approval: Sign a vacation/acceptance agreement with the City of Prineville. Reserve an access easement from NE Seventh Street for Ococho Irrigation District to maintain and operate their canal system, reserve an access easement from NE Seventh to the railroad rights of way for maintenance purposes, preserve easements for Pacific Power and Light transmission systems, QWEST telephone systems, Crestview Cable Television transmission systems. Any use or development of the vacated area will require a site plan approval of the City of Prineville conforming to current requirements. Upon vacation of the street area, a minimum 20 foot wide paved driveway with driveway aprons, all meeting City of Prineville Standards shall be constructed to serve as joint access to the adjoining parcels, City of Prineville Railroad and Ochocho Irrigation District. Said driveway shall be preserved as a dedicated easement over the property. No other access points to the abutting lots from NE Seventh will be allowed.

Alley Vacations:

VA-1) The public alley between east line of NE Court Street and the west line of NE Dunham Street, Block 10 First Addition to the City of Prineville, said area being approximately 16 feet wide and 240 feet long.

Conditions of Vacation: Reserve an easement for an existing sanitary sewer facility as constructed and to be maintained within the vacated area. Obtain site plan approval of any buildings or facilities to be constructed over said easement.

VA-2) The public alley between the east line of NE Court Street and the west line of NE Dunham Street, Block 9 of First Addition to the City of Prineville, said area being approximately 16 feet wide and 240 feet long.

Conditions of Vacation: all public and private utilities have been removed from the corridor. All semi-pervious or impervious roadways shall be removed. An easement for service connection underground raceway shall be provided to Pacific Power and Light to provide and maintain electrical service to an existing irrigation pumping station. Said easement shall be provided approximately along the north 10 feet of Lots 1 through 6, Block 9 First Addition to the City of Prineville, the north 10 feet of Dunham Street as vacated to Lot 6 of Block 16, Fourth Addition to the City of Prineville.

VA-3) The public alley between the east line of NE Dunham Street and the west line of NE Elm Street, Block 16 of Fourth Addition to the City of Prineville, said area being approximately 16 feet wide and 240 feet long.

Conditions of Vacation: All semi-pervious or impervious roadway shall be removed.

VA-4 The public alley between the east line of NE Elm Street and the west line of NE Fairview Street, Block 16 of Fourth Addition to the City of Prineville, said area being approximately 16 feet wide and 240 feet long.

Conditions of Vacation: All semi-pervious or impervious roadway has been removed.

VA-5 The public alley between the east line of NE Fairview Street and the west line of NE Garner Street, Block 17 of Fourth Addition to the City of Prineville, said area being approximately 16 feet wide and 240 feet long.

Conditions of Vacation: All semi-pervious or impervious roadway has been removed.

VA-6 The public alley between the east line of NE NE Garner Street and the west line of NE Holly Street, Block 18 of Fourth Addition to the City of Prineville, said area being approximately 16 feet wide and 240 feet long.

Conditions of Vacation: All semi-pervious or impervious roadway has been removed.

VA-7 The public alley between the east line of NE Holly Street and the west line of NE Idlewood Street, Block 19 of Fourth Addition to the City of Prineville, said area being approximately 16 feet wide and 240 feet long.

Conditions of Vacation: All semi-pervious or impervious roadway has been removed.

VA-8 The public alley between the east line of NE Idlewood Street and the west line of NE Juniper Street, Block 20 of Fourth Addition to the City of Prineville, said area being approximately 16 feet wide and 240 feet long.

Conditions of Vacation: All semi-pervious or impervious roadway has been removed.

VA-9) That portion of an Alley abutting Lots 1 to 4 and Lots 9 to 12 in Block 9 of the Second Addition to the City of Prineville said area being approximately 16 feet wide and 160 feet long.

Conditions of Vacation: keep the vacated parcel well maintained and fenced from the bikeway to the south and the private properties to the north.

VA-10) The public Alley between NE Allen Blvd south to 15-16-32CD Tax Lot 2800, Block 6 of Amended Plat of Ochoco Heights in the City of Prineville, said area being approximately 17 feet wide and 347 feet long.

Conditions of Vacation: A public utility easements shall be maintained for Pacific Power and Light transmission lines, QWEST Telephone transmission facilities and Crestview Cable Television signal transmission facilities through the vacated area. No development of the area shall be allowed that would encroach upon said facilities or easements. Obtain site plan approval from the City of Prineville for any development of the area.