

ORDINANCE NO. 4689

AN ORDINANCE AMENDING ORDINANCE NO. 4676 VACATING THE PORTION OF WARNER STREET LYING SOUTH OF 9TH AVENUE, WEST OF GEARY STREET, AND NORTH OF THE PERIWINKLE MOBILE HOME PARK AND LYING WITHIN PRICE'S SUBDIVISION SECOND ADDITION TO THE CITY OF ALBANY, OREGON.

WHEREAS, the City Council of the City of Albany did by adoption of Resolution No. 2396, City of Albany Resolutions, at the Council meeting held on the 15th day of June, 1983, set the hour of 7:15 p.m. o'clock on the 13th day of July, 1983, Warner Street lying south of 9th Avenue, west of Geary Street, and north of the Periwinkle Mobile Home Park and lying within Price's SUBDIVISION SECOND ADDITION TO THE CITY OF ALBANY, OREGON.

WHEREAS, the said notice has been posted and published as required by law; and

WHEREAS, the said hearing on the 13th day of July, 1983, has been duly held and parties were given an opportunity to be heard and the Council being fully informed; and

WHEREAS, Ordinance No. 4676 was adopted by the Albany City on the 27th day of March, 1985 with errors concerning the conditions to which the vacation was subject and the legal description of the street which was being vacated. The purpose of this ordinance is to correct the aforesaid errors.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: That the portion of Warner Street lying south of 9th Avenue, west of Geary Street, and north of the Periwinkle Mobile Home Park and lying within Prices's SUBDIVISION SECOND ADDITION TO THE CITY OF ALBANY, OREGON is hereby vacated subject to the following conditions:

1. That a 24-foot access easement is hereby reserved for **that certain tract of of land conveyed to Kaye E. and Jerriel Stoakes in Microfilm 82, page 489, Deed Records of Linn County, Oregon Tax Lot 400, 11-3W-8B6 along adjacent to and lying westerly of the easterly right-of-way line of the existing Warner Street.**
2. That a 35-foot sanitary sewer easement is hereby reserved **along adjacent to and lying westerly of the easterly right-of-way line of the existing Warner Street.**
3. Upon development of the property, the access easement **for the above-mentioned property described in Condition 1** shall be paved to City of Albany commercial driveway standards.

Passed by the Council July 3, 1985  
Approved by the Mayor July 5, 1985  
Effective Date: August 5, 1985

ATTEST:

Debbie Andrews  
City Recorder

Tom Holman  
Mayor