

CITY OF SILVERTON
ORDINANCE
17-03

AN ORDINANCE OF THE SILVERTON CITY COUNCIL APPROVING THE VACATION OF 10 FEET OF RIGHT-OF-WAY ALONG 342 FAIRVIEW STREET'S WELCH STREET FRONTAGE AND 5' OF ADDITIONAL RIGHT-OF-WAY ALONG 342 FAIRVIEW STREET'S NORTHERN FRONTAGE OF PHELPS AND FAIRVIEW STREET AND ZONE THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL WITH A PUBLIC OVERLAY AND REPEALING ORDINANCE 17-02

WHEREAS, an application was initiated by the City of Silverton to vacate 10 feet of Right-of-Way along 342 Fairview Street's Welch Street frontage and 5' of additional Right-of-Way along 342 Fairview Street's northern frontage of Phelps and Fairview Street; and

WHEREAS, the Planning Commission met in a duly advertised public hearing on December 13, 2016 to consider the vacation, allowed testimony, and reviewed the application; and

WHEREAS, following public testimony, the Planning Commission deliberated and voted to recommend the City Council approve the proposed vacation; and

WHEREAS, after proper legal notice, a Public Hearing before the City Council was held on January 9, 2017 to consider the Vacation application, VA-16-03. All interested parties participated and had an opportunity to be heard. The City Council reviewed all matters presented to it including the recommendations of the Planning Commission; and

WHEREAS, the City Council adopted the Vacation in Ordinance 17-02 on January 9th, 2017 but changes were necessary. The council is repealing that ordinance and replacing it with the language below.

NOW, THEREFORE, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1: The City Council hereby repeals Silverton Ordinance No. 17-02.

Section 2: The City Council finds that the proposed Vacation of 10 feet of Right-of-Way along 342 Fairview Street's Welch Street frontage and 5' of additional Right-of-Way along 342 Fairview Street's northern frontage of Phelps and Fairview Street has met the Review Criteria.

Section 3: This Vacation is contingent upon Silverton Hospital being responsible for the processing of all documents of transfer on the area to be vacated in accordance with Marion County requirements.

Section 4: Zoning for the vacated area shall be R-1, Single Family Residential with a Public Overlay, consistent with the title description of the abutting properties

as determined by ORS 271.140. Title to the vacated area shall be transferred to the Silverton Hospital.

Section 5: A full copy of the staff report and findings of fact can be found in file VA-16-03, located in the Community Development Department at City Hall.

Section 6: The area proposed for vacation is described as follows:
Beginning at the Northwest corner of Lot one (1) of PHELPS ADDITION to Silverton, Marion County Oregon; thence North 89 38' East at right angles to the West boundary of said Lot one (1), five (5) feet; thence Southerly parallel to the West line of Lots one (1), two (2) and three (3), Phelps Addition 396.0 feet to the South line of Lot three (3), Phelps Addition; Thence westerly along the South line of said lot three (3) five (5) feet to the Southwest corner of said lot three (3); thence Northerly along the West line of Lots one (1), two (2) and three (3), Phelps Addition, 396.0 feet more or less to the place of beginning situated in Silverton, Marion County and State of Oregon.

TOGETHER WITH THE FOLLOWING DESCRIBED PROPERTY:

Beginning at the Northwest corner of Lot one (1) of PHELPS ADDITION to Silverton, Marion County, Oregon; thence North 89 38' East at right angles to the West boundary of said Lot one (1), 330.0 feet; thence South 0 22' East parallel with the East line of said Phelps Addition 396.0 feet; thence South 89 38' West five (5.0) feet; thence North 0 22' West parallel with the East line Of Said Phelps Addition 386.00 feet; thence South 89 38' West 325.0 feet to the West line of lot one (1), Phelps Addition; thence Northerly along said lot one (1) 10.00 feet more or less to the place of beginning situated in Silverton, Marion County, State of Oregon.

Section 7: This ordinance shall be effective upon and from 30 days of adoption.

Ordinance adopted by the City Council of the City of Silverton, this 6th day of February, 2017.



Mayor, City of Silverton
Rick Lewis

ATTEST



City Manager/Recorder, City of Silverton
Christy S. Wurster