

After Recording Return to:
City Recorder
City of Dunes City
P.O. Box 97
Westlake, OR 97493

**CITY OF DUNES CITY
LANE COUNTY, OREGON**

ORDINANCE NO. 217

**AN ORDINANCE VACATING A PORTION OF PENINSULA ROAD,
ESTABLISHED AS A PUBLIC RIGHT-OF-WAY BY THE SECOND ADDITION
TO WHOAHINK ACRES SUBDIVISION DATED SEPTEMBER 23, 1964**

1. **WHEREAS**, Peninsula Road was established as a public right-of-way by the Second Addition to Whoahink Acres subdivision dated September 23, 1964. A copy of the Second Addition to Whoahink Acres subdivision is attached hereto as Exhibit A; and
2. **WHEREAS**, Peninsula Road is within Dunes City's boundaries and jurisdiction; and
3. **WHEREAS**, Dunes City Code, DCC 155.4.3.200(F), provides: Vacation of streets. All street vacations shall comply with the procedures and standards set forth in ORS Section 271; and
4. **WHEREAS**, the City Council for the City of Dunes City, on September 13, 2012, initiated vacation of a portion of Peninsula Road, as described in Exhibit B; and
5. **WHEREAS**, it has been determined that, at the present time, no City liens are existing or unpaid against said property and, by virtue of the fact that it is a dedicated right-of-way, no taxes are unpaid thereon; and
6. **WHEREAS**, the City Council fixed November 8, 2012 at 7:00 p.m. in the Dunes City City Hall, 82877 Spruce Street, Dunes City, as the time and place for a formal public hearing regarding the vacation; and
7. **WHEREAS**, City gave notice of the public hearing by publishing a notice in the Siuslaw News newspaper once each week for two consecutive weeks on October 27, 2012 and November 3, 2012, which notice described the ground subject to the vacation, the date of the public hearing, and that written objections or remonstrances must be filed with the City Recorder for Dunes City prior to the time of the hearing, in accordance with ORS 271.110(1); and

8. **WHEREAS**, within five (5) days after the first day of publication of said notice in the newspaper and not less than fourteen (14) days before the hearing date, the City Recorder caused a copy of the notice to be posted in at least two (2) conspicuous places at or near each end of the proposed vacation, in accordance with ORS 271.110(2); and
9. **WHEREAS**, at 7:00 p.m. on November 8, 2012, at the Dunes City City Hall, the City Council held a public hearing in the Council Chambers on the vacation of the area described in Exhibit B and heard any written objections filed hereto, and heard oral testimony from members of the public in favor of and/or in opposition to said vacation; and
10. **WHEREAS**, the owners of the majority of the area affected, computed on the basis provided in ORS 271.080, have not objected in writing to the proposed vacation; and
11. **WHEREAS**, the owner of Lot 3 within the Second Addition to Whoahink Acres, the lot directly adjacent to the area to be vacated, is also the owner of Lot 2 of that plat (Owner). Owner has agreed to dedicate a portion of Cedar Lane identified and described on Exhibit B (Cedar Lane Dedication) to commensurately expand Cedar Lane if the identified portion of Peninsula Road is vacated; and
12. **WHEREAS**, with the completion of the Cedar Lane Dedication, the City finds that the proposed vacation will not substantially affect the market value of abutting properties and that the public interest will not be prejudiced by the proposed vacation.

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

SECTION 1. The portion of Peninsula Road identified on Exhibit B is hereby vacated, and title shall vest in the owner of Lot 3 of the Second Addition to Whoahink Acres, in accordance with ORS 271.140.

SECTION 2. To ensure that the proposed vacation is not prejudicial to the public interest, as addressed in the above findings of fact (incorporated herein by this reference) this vacation is contingent upon Owner executing and recording the Cedar Lane Dedication, as shown on Exhibit B. This Ordinance shall, therefore, go into full force and effect upon recordation of the Cedar Lane Dedication.

SECTION 3. The City Recorder is hereby directed to file certified copies of this ordinance for recording with the Lane County Records Division, the County Assessor, and the County Surveyor, at the time this ordinance goes into effect, per Section 2.

ADOPTED BY THE DUNES CITY COUNCIL THIS 8th DAY OF NOVEMBER 2012.

Ayes: 6 Nays: 0 Abstain: 0 Absent: 0 Vacant: 0

Rebecca Ruede, Mayor

ATTEST:

Fred Hilden, City Recorder

STATE OF OREGON, County of Lane) SS

On this _____ day of _____, 2013, personally appeared before me the within named **Rebecca Ruede** as Mayor of Dunes City and **Fred Hilden** as City Recorder of Dunes City and acknowledged the foregoing instrument to be a voluntary act and deed.

Witness my hand and seal this day and year last above written.

Notary Public for Oregon

My Commission expires _____