

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



02027052202200258710090092

\$137.00

06/13/2022 09:37:20 AM

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\$45.00 \$20.00 \$11.00 \$61.00

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

**ORDINANCE NO. 264**

**AN ORDINANCE VACATING A PORTION OF AN UNNAMED ROADWAY, ESTABLISHED AS A PUBLIC RIGHT-OF-WAY BY THE TSILTCOOS LAKE CLUB PLAT DATED JNUARY 28, 1908, BUT WAS RECLAIMED BY LANE COUNTY FOR FAILURE OF ANYONE TO PAY TAXES AND ASSESSMENTS LEVIED AGAINST THE PROPERTY AND LATER CONVEYED BY LANE COUNTY TO DUNES CITY BY QUITCLAIM DEED RECORDED OCTOBER 18, 2016.**

1. **WHEREAS**, what is currently an unnamed roadway was established as a public right-of-way by the Tsiltcoos Lake Club Plat subdivision dated January 28, 1908. A copy of which is attached hereto as Exhibit A; and”
2. **WHEREAS**, said unnamed roadway was reclaimed by Lane County for failure of anyone to pay taxes and assessments levied against said unimproved roadway; and
3. **WHEREAS**, Lane County did not desire to retain ownership in said unimproved roadways and deeded any and all interest in said roadways to Dunes City by Quitclaim Deed recorded October 18, 2016; and
4. **WHEREAS**, said unnamed and unimproved roadway is within Dunes City and not owned by Lane County; and
5. **WHEREAS**, said unnamed and unimproved roadway was established to provide private access to all residents within said Subdivision; and
6. **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
7. **WHEREAS**, DCC 155.4.1.7(K) grants the City Council to follow its normal City Code change procedures when considering Land Use Code, Master Road Plan, and Comprehensive Plan changes initiated by the City; and
8. **WHEREAS**, a road vacation constitutes a change to the Master Road Plan, thus allowing the City Council to follow its regular procedures to make changes initiated by the City; and

9. **WHEREAS**, ORS 271.130 requires notice of public hearing of a street vacation to be given consistent with ORS 271.110, and such notice was given by the City Recorder; and such public hearing was held by the Dunes City Council on April 20, 2022, in which members of the public were given an opportunity to comment on and present evidence relevant to the proposed vacation; and
10. **WHEREAS**, after holding the public hearing on April 20, 2022, the Dunes City Council determined that the public interest would not be prejudiced by the vacation of the portion of unnamed roadway described in Exhibit B and the lands vacated thereunder divided equally between the adjoining property owners of that certain portion od said unimproved roadway; and
11. **WHEREAS**, after holding the public hearing on April 20, 2022, the Dunes City Council determined that it is in the best interests of the City and its residents if the City reserved a ten (10) foot wide easement along the centerline, with five (5) feet on each side, of said right-of-way proposed to be vacated for utility purposes.

**NOW, THEREFORE, DUNES CITY ORDAINS AS FOLLOWS:**

The portion of An unnamed roadway established as a public right-of-way by the Tsiltcoos Lake Club Plat subdivision dated January 28, 1908, and described herein as appears in Exhibit B. attached hereto and incorporated by reference herein, is hereby vacated reserving unto itself, however, a ten (10) foot wide utility easement located five (5) feet wide on each side of the centerline of said right-of-way. This vacation shall become effective only upon the recording by Lane County.”

**ADOPTED BY THE DUNES CITY COUNCIL THIS 20<sup>th</sup> DAY OF APRIL, 2022.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0 Vacant: 1

  
 \_\_\_\_\_  
 Sheldon Meyer, Mayor

ATTEST:

  
 \_\_\_\_\_  
 Jamie Mills, City Recorder

STATE OF OREGON, County of Lane) SS

On this <sup>Pal</sup> ~~May~~ 2<sup>nd</sup> day of May, 2022, personally appeared before me the within named Sheldon Meyer, as Mayor of Dunes City, acknowledged the foregoing instrument to be a voluntary act and deed.

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

Breanna Marie Larsen  
Notary Public for Oregon  
My Commission expires July 14, 2025



STATE OF OREGON, County of Lane) SS

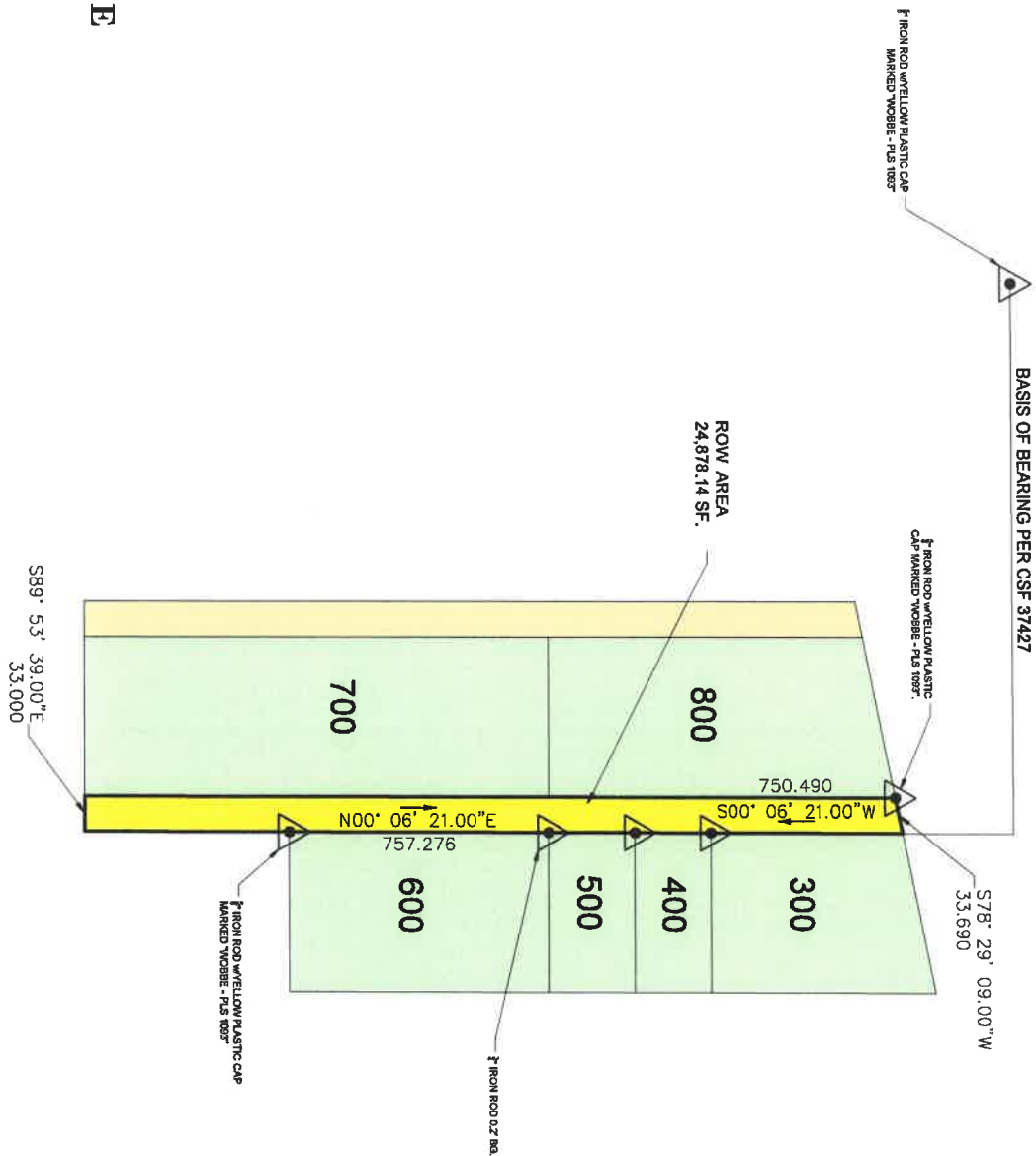
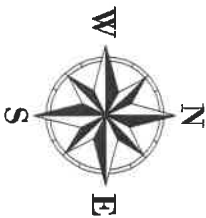
On this 18<sup>th</sup> day of May, 2022, personally appeared before me the within named Jamie Mills, as City Administrator of Dunes City, Oregon acknowledged the foregoing instrument to be a voluntary act and deed.

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

M Hiatt  
Notary Public for Oregon  
My Commission expires 2-17-2025



DATE: 5/16/22 FILE: O:\CW\_Projects\1508 Dunes City\Graves Rd Vacate\Graves Rd Pin Plot.dwg



<p>FIGURE 1</p> <p>NTS</p> <p>DRAWN BY: HOWIE HILL DATE: MAY 2, 2022</p>	<p><b>GRAVES RD ROW VACATE</b></p>	<p>DUNES CITY LANE COUNTY, OREGON</p>	<p><b>Civil West</b> Engineering Services, Inc.</p>
	<p>PLAT</p>		

Exhibit A

## **EXHIBIT "B" – RIGHT OF WAY DESCRIPTION**

A right-of-way situated in the SW ¼ and the NE ¼ of Section 27, Township 19 South, Range 12 West, of the Willamette Meridian, City of Dunes City, Oregon, described as follows:

Beginning at the initial point on the Northeasterly Boundary of Tax Lot 800, said point being located 109.13 feet South and 478.44 feet East of the Southwest corner of Tax Lot 3300 in the Southwest 1/4 of the Northeast 1/4 of Section 27, Township 19 South, Range 12 West, of the Willamette Meridian in Lane County, Oregon and being marked by a 5/8" x 30" iron pipe with yellow plastic cap stamped "WOBBE – PLS 1093", the Point of Beginning.

A Right-of-Way described as follows:

From said Point of Beginning,

Thence South 00°06'21" West 750.49 feet,

Thence South 89°53'39" East 33.00 feet,

Thence North 00°06'21" East 757.28 feet,

Thence South 78°29'09" West 33.69 feet to the Point of Beginning.