

ORDINANCE NO. 48-603

AN ORDINANCE VACATING STREET LOCATIONS IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

All of the Ovid W. B. Riley County Road as originally established by Resolution of the Crook County Court and its relocation of 1914, lying southerly from a point in the Center Line of East First Street, Bend, Oregon, said point being approximately 250.0 feet south from the northerly boundary of the said City of Bend, except whatever portions thereof which are now being used for a public purpose of whatsoever nature, including utilities,

and

Beginning at a spike set on the center line of Hill Street whence the northeast corner of the NWNE of Section 32 - T. 17, S. R. 12, E.W.M. bears N. 0°14'22" W. 110.27 feet; thence S. 43°18'17" W. 48.47 feet to the west side line of the R/W as described in said Bend Company deed; thence following a curve left with a radius of 70 feet and a L.C. of 32.50 ft. as described in the May 24, 1913 description of Bend Company to the City of Bend to the P.T. of said curve; thence following said west R/W N. 45° W. 167.39 feet to the intersection with the south line of said NWNE of said Section 32; thence S. 89°55'14" E. 84.98 feet; thence S. 25°35'46" E. 112.52 feet; thence east 35.00 feet; thence S. 0°14'22" E. 8.84 feet to the P.O.B.

WHEREAS the City Commission of the City of Bend heretofore on the 1st day of August, 1962, duly and regularly initiated the necessary proceedings to vacate the street locations as above described on its own motion, and

WHEREAS the City Commissioners having considered the said vacation proceedings to vacate the street areas above described and found them to be in order and to meet the requirements of the law regulating the vacation of streets, and

WHEREAS after due notice as required by law, a public hearing was held in the City Commission Room in the City Hall, in the City of Bend, at 7:45 p.m., on October 17, 1962, at which time arguments for and against this vacation were duly heard, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following street locations located within the City of Bend, County of Deschutes, State of Oregon, more particularly described

as:

All of the Ovid W. B. Riley County Road as originally established by Resolution of the Crook County Court and its relocation of 1914, lying southerly from a point in the Center Line of East First Street, Bend, Oregon, said point being approximately 250.0 feet south from the northerly boundary of the said City of Bend, except whatever portions thereof which are now being used for a public purpose of whatsoever nature, including utilities,

Beginning at a spike set on the center line of Hill Street whence the northeast corner of the NW/4 of Section 32, T. 17, S. R. 12, E.W.M. bears N. 0°14'22" W. 110.27 feet; thence S. 43°18'17" W. 48.47 feet to the west side line of the R/W as described in said Bend Company desc.; thence following a curve left with a radius of 70 feet and a L.C. of 32.50 feet as described in the May 24, 1913 description of Bend Company to the City of Bend to the P.T. of said curve; thence following said west R/W N. 45° W. 167.39 feet to the intersection with the south line of said NW/4 of said Section 32; thence S. 89°55'14" E. 84.98 feet; thence S. 25°35'46" E. 112.52 feet; thence east 35.00 feet; thence S. 0°14'22" E. 8.84 feet to the P.O.B.

be and the same is hereby vacated, conditioned upon and made subject to the compliance by Deschutes Corporation of all of the terms, conditions, covenants, acts and things to do as are set forth in that certain agreement executed on the 24th day of August, 1962, wherein Deschutes Corporation, a California Corporation, agrees with the City of Bend, to do certain acts and things relating to the subject vacation. This agreement above identified is a part of the official files and records of the City of Bend and is made a part of these vacation proceedings the same as if it were set forth herein "en hac verba". Failure of compliance therewith shall result in these vacation proceedings becoming null and void.

Also, the City of Bend does retain unto itself an easement providing for access and egress to, in and through the above described areas for the maintenance, continuation, repair, reconstruction, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole or thing used or intended to be used for any public service.

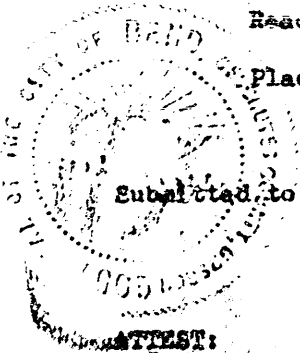
Read for the first time November 21, 1962.

Read for the second time December 5, 1962

Placed upon its passage December 5, 1962

YEAS: 6 NAYS: 1

Submitted to and approved by the Mayor this 5th day of December, 1962.



ATTEST:

Julius S. Johnson
Recorder of the City of Bend.

Jack C. Dempsey
Mayor