

GARIBALDI ORDINANCES
ORDINANCE NO. 123

AN ORDINANCE VACATING THAT PORTION OF A PLAT FOR WENDLING ADDITION TO GARIBALDI, OREGON WHICH HAD DEDICATED CERTAIN STREETS AND A PARK.

WHEREAS, Pershing Taylor is the owner of land located in Wendling Addition to Garibaldi, Oregon and described in a Plat which was recorded on May 1, 1956, at Tillamook County Plat Record No. 2-101.

WHEREAS, said Plat for Wendling Addition dedicated for public use certain streets, to-wit: Wendling Street, Whitney Street and Biak Avenue, and said Plat dedicated for public use a park, to-wit: Whitney Park.

WHEREAS, Pershing Taylor has requested that such Plat be amended to vacate the dedication of such streets and park.

WHEREAS, the City Recorder has posted in three of the most public places in the city a Notice which: a) described the land covered by the proposed vacation, b) which established a date when any objections or remonstrances must be filed with the City Recorder and c) which established a date and time for hearing upon the proposed vacation and upon any objections or remonstrances.

WHEREAS, within 5 days after the first posting of such Notice and not less than 28 days before the date for hearing on the proposed vacation, the City Recorder caused to be posted at or near each end of the proposed vacation area a copy of a Notice which was entitled " Notice of Plat and Street Vacation", which was placed in at least 2 conspicuous places in the proposed vacation area.

WHEREAS, at the time fixed for hearing on the proposed vacation the City Recorder filed in its office a Certificate showing that all city liens and all taxes have been paid on the lands covered by the Plat or portion thereof to be vacated.

WHEREAS, at the time fixed for hearing on the proposed vacation, no objections or remonstrances were filed or presented; it appearing that the public interest will not be prejudiced by the proposed vacation and it appearing that such vacation will not substantially affect the market value of any abutting property as defined in ORS 271.080.

Now, therefore, the City of Garibaldi does ordain as follows:

Section 1: That portion of a Plat for Wendling Addition to Garibaldi, Oregon, recorded on May 1, 1956, at Tillamook County Plat Record No. 2-101, is amended to vacate that portion which dedicated for public use certain streets, to-wit: Wendling Street, Whitney Street and Biak Avenue and that portion which dedicated for public use a park, to-wit: Whitney Park.

Section 2: Pershing Taylor shall deposit with the City Recorder a sum sufficient to cover the cost of posting notices, for preparing certified copies of this ordinance and for filing such ordinance with the Tillamook County Clerk.

Section 3: After the sum mentioned in Section 2 above has been deposited by Pershing Taylor, the City Recorder shall file a certified copy of this

Ordinance with the Tillamook County Clerk, the Tillamook County Assessor and the Tillamook County Surveyor.

PASSED AND ADOPTED by the Common Council on this 13 day of May, 1985, and APPROVED by the Mayor on this 13 day of May, 1985.

C. Joanne Dalziel
C. JOANNE DALZIEL Mayor

ATTEST:

Saundra Jones
SAUNDRA JONES City Recorder