

**CITY OF GARIBALDI
ORDINANCE NO. 283**

**AN ORDINANCE VACATING BIRCH AVENUE BETWEEN THIRD AND
FOURTH STREETS.**

WHEREAS, the Garibaldi City Council was petitioned by Geronimo and Deena Martinez, Shelley and Lisa Sheldon, and Zola Andrews to vacate Birch Avenue between Third and Fourth Streets, and

WHEREAS, the Council initiated street vacation procedures as requested, in accordance with ORS 271, and

WHEREAS, a public hearing was held August 15, 2005, and it further appears to the Council that all requirements have been met and that the public interest will not be prejudiced by vacating said street, and

WHEREAS, the Council deems it prudent to retain utility easements, NOW
THEREFORE

THE CITY OF GARIBALDI ORDAINS AS FOLLOWS:

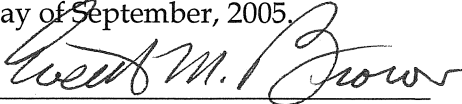
Section 1. That Birch Ave. between the eastern edge of Third and western edge of Fourth Sts., alongside lots 400, 300, 5800 and 6701 on tax map 1N 10 21AC be vacated to the petitioners (Exhibit A).

Section 2. That the City retains a fourteen-foot (14') wide utility easement along the centerline and running the length of Birch Ave. between Third and Fourth Streets and a fifteen-foot (15') wide utility easement on either side of School Creek measured from the banks.

Section 3. That the petitioners shall bear all the costs for filing appropriate and legal documents with the Tillamook County Clerk.

PASSED BY A SINGLE FULL READING AND A SECOND TIME BY TITLE ONLY by the Council this 19th day of September, 2005.

APPROVED by the Mayor this 19th day of September, 2005.


Hon. Everett M. Brown, Mayor

ATTEST:

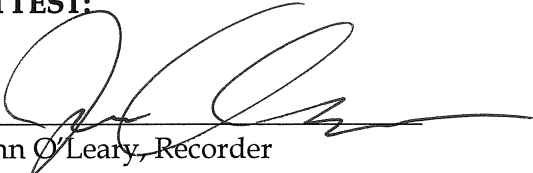
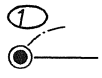

John O. Leary, Recorder

EXHIBIT A



(N 89°05' E)
S 89°05'00" E
(HEMLOCK AVE.)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Terry L. Jones

OREGON
JULY 25, 1991
TERRY L. JONES
2507
RENEWAL DATE: JUNE 30, 2007

SCALE:

1" = 100'

BASIS OF BEARING

BIRCH AVE.
(SPRUCE AVE.)

THE LINE BETWEEN FOUND MONUMENTS ② AND ①, BEARS NORTH 89° 05' 00" WEST, THE RECORD VALUE FROM THE PLAT OF GARIBALDI COVE, MAP C-136, TILLAMOOK COUNTY SURVEY RECORDS.

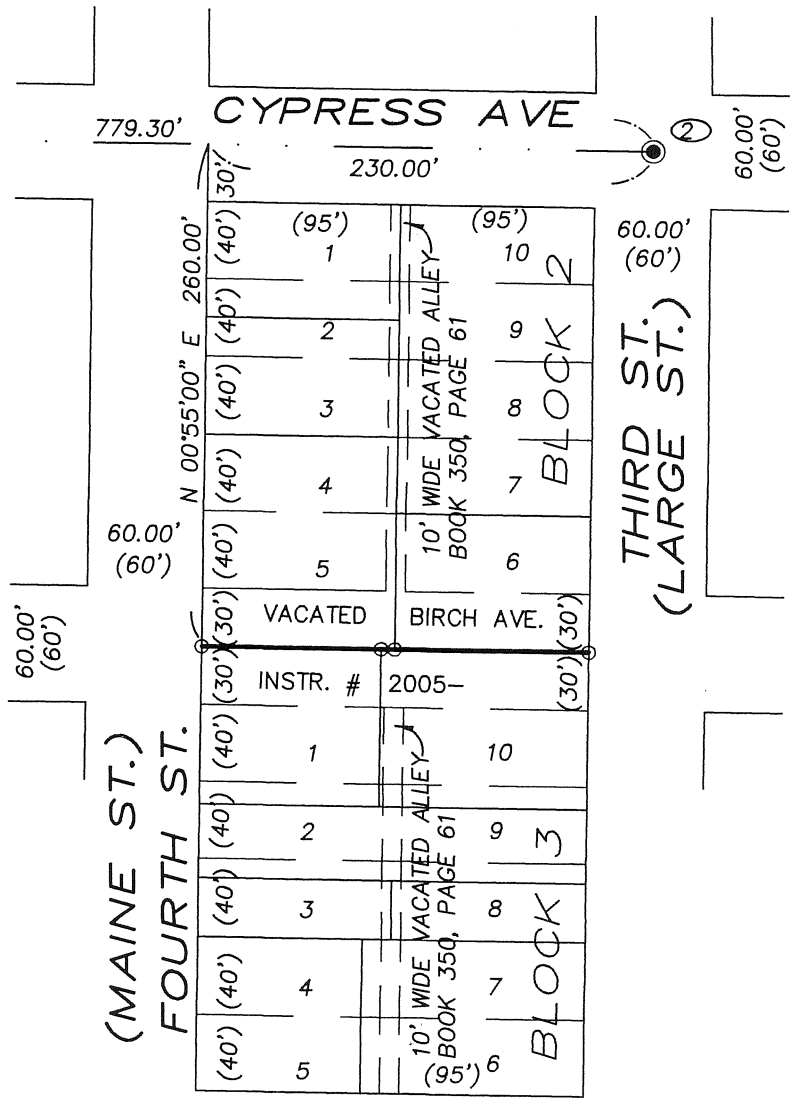
NARRATIVE

THIS SURVEY WAS CONDUCTED AS A DEPENDENT RESURVEY OF BIRCH AVENUE BETWEEN BLOCKS 2 & 3, PLAT OF GARIBALDI COVE. THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE POSITION OF THE EXTENDED LOT LINES WHERE THEY WOULD INTERSECT THE CENTERLINE OF BIRCH AVENUE. BLOCKS 2 AND 3 WERE LAID OUT FROM MONUMENT ②, USING THE RECORD PLAT VALUES. IT IS ALSO THE PURPOSE OF THIS SURVEY TO SHOW A DRAINAGE EASEMENT AND A UTILITY EASEMENT AS INDICATED HEREON.

MONUMENT NOTES

- ① FOUND 1 1/2" IRON PIPE WITH WOOD PLUG AND ALUMINUM NAIL, TOP 0.4' BELOW ROAD SURFACE, SEE MAP A-6111, HELD FOR BASIS OF BEARINGS.
- ② FOUND TILLAMOOK COUNTY BRASS CAP IN CONCRETE IN MONUMENT BOX STAMPED "INT PT BAYLEY PARK ADD RS 793 1981", SEE REWITNESS CARD No. 45, HELD FOR NORTHEAST CORNER GARIBALDI COVE.

LEGEND

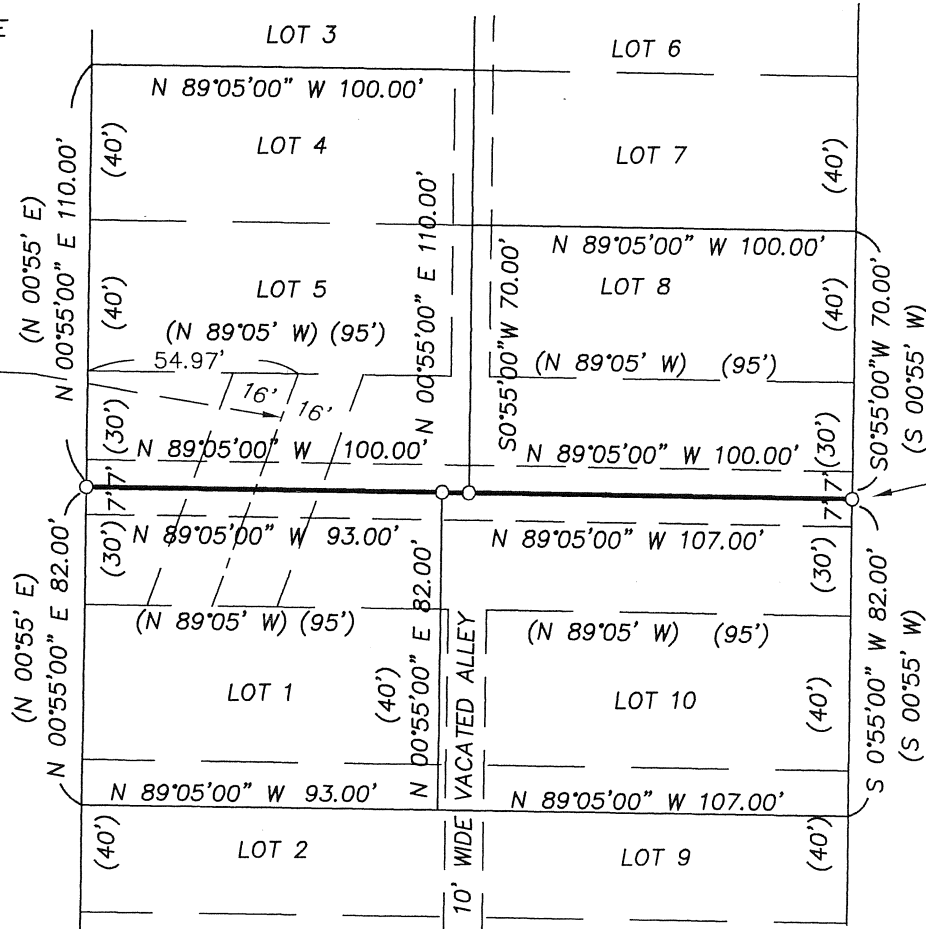


DETAIL MAP

MARKED "TERRY JONES LS 2507"

- INDICATES MONUMENT FOUND AS NOTED HEREON USED FOR CONTROL
- () INDICATES RECORD VALUE FROM THE PLAT OF GARIBALDI COVE, MAP C-136
- NO () INDICATES MEASURED VALUE

CENTERLINE OF 32' WIDE
DRAINAGE EASEMENT
= CENTERLINE OF
EXISTING CREEK
S20°49'01"W 63.81'



14' WIDE UTILITY EASEMENT
RETAINED BY THE CITY

PS\MARTINEZ.DWG
G-COVE.CR5 #1

SURVEY BY:
BAYSIDE SURVEYING ©
11765 HWY 101 SOUTH
TILLAMOOK, OR. 97141
(503) 842-5551

SURVEY FOR:
MARTINEZ, SHELDON, ANDREWS
VACATED BIRCH AVE.
BETWEEN BLOCKS 2 AND 3
GARIBALDI COVE
SW1/4 NE1/4 SEC. 21, T1N, R10W, W.M.
TILLAMOOK COUNTY

DATE	EQUIPMENT	FIELD	DRAWN	CHECKED	JOB NO.
AUG. 30, 2005	TOPCON GPT-1002 TDS RECON	TLJ/GAC	GAC	TLJ	