

**ORDINANCE NO. 1988**  
**(An ordinance vacating 5729 square feet of right-of-way between**  
**7<sup>th</sup> Street and Industrial Avenue)**

**WHEREAS**, the City currently has a 60-foot public dedicated right-of-way on 7<sup>th</sup> Street and Industrial Avenue; and

**WHEREAS**, the City Council on December 14, 2009 voted to allow the application of the vacation of the right-of-way to go to public hearings; and

**WHEREAS**, the Planning Commission and the City Council of the City of Hood River have, in accordance with the procedures set forth in ORS Chapter 271 and Title 17 of the Hood River Municipal Code, considered the application of Merganser, LLC to vacate a portion of the right-of-way at the intersection of 7<sup>th</sup> Street and Industrial Avenue abutting property owned by Merganser LLC; and

**WHEREAS**, following a duly noticed public hearing, the Planning Commission recommended vacation of a portion of the right-of-way at the intersection of 7<sup>th</sup> Street and Industrial Avenue and adopted findings of fact and conclusions of law in accordance with Title 16 of the Hood River Municipal Code and ORS Chapter 271 with respect to the vacation request. Those findings and conclusions are attached as Exhibit A and incorporated herein by this reference; and

**WHEREAS**, there is no evidence that the vacation will substantially affect the market value of the abutting properties; and

**WHEREAS**, the consent of the owners of a sufficient amount of the surrounding area, as required by ORS 271.080, was obtained and filed with the City; and

**WHEREAS**, notice of the proposed vacation was duly given as required by ORS 271.110 and HRMC Chapter 17.09; and

**WHEREAS**, the public interest will not be prejudiced by the proposed vacation because there is sufficient remaining right-of-way to construct 7<sup>th</sup> Street and Industrial Avenue to City standards; and

**WHEREAS**, it is in the public interest to vacate the right-of-way described on Exhibit A because the vacation area is excess to the City's current or future planned needs for right-of-way; and

**WHEREAS**, the proposed vacation is consistent with the City's Comprehensive Plan as explained in the findings contained in Exhibit A; and

**WHEREAS**, the City Recorder filed a certificate showing that all city liens and taxes have been paid on the right-of-way to be vacated in the office of the City Recorder, as shown on Exhibit B.

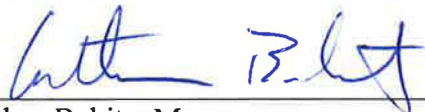
**NOW, THEREFORE**, the City of Hood River ordains as follows:

1. The public right-of-way described in Exhibit A is vacated (the “vacation property”), and Exhibit A is hereby incorporated herein and made a part hereof by this reference in support of this decision.
2. The vacation property shall be subject to all of the assessments of the various taxing districts in which it is situated. The vacation property shall bear the zoning designation of the abutting property, which is LI Light Industrial.
3. Merganser, LLC shall obtain a survey and legal description of the portion of 7<sup>th</sup> and Industrial to be vacated and provide that information to the City for preparation of the vacation map. The City shall file a certified copy of this ordinance and map vacating the vacation property. The applicant shall be responsible for paying the City’s costs of preparing and recording the ordinance and map.
4. Title to the vacated property shall attach to the lands directly bordering it as provided in ORS 271.140.

Read for the first time on September 13, 2010

Read for the second time and passed September 27, 2010, to become effective thirty (30) days hence.

Signed this 27 day of September 2010

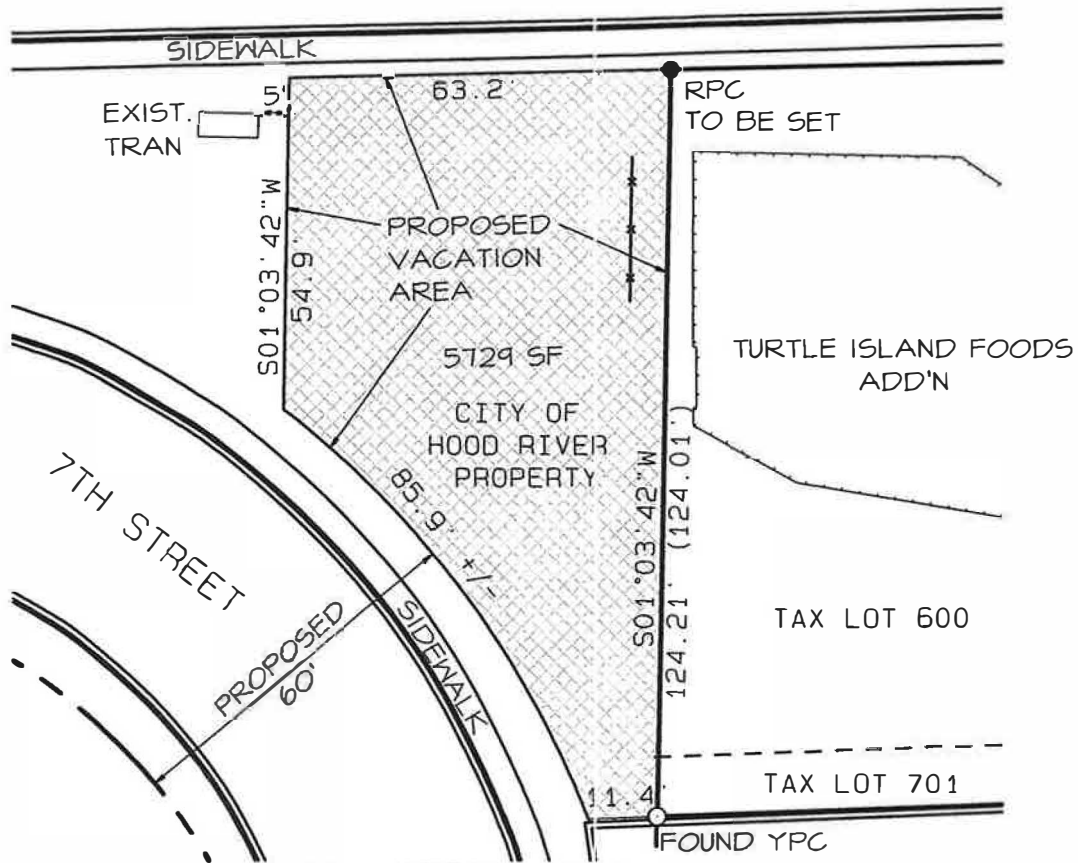
  
\_\_\_\_\_  
Arthur Babitz, Mayor

ATTEST:

  
\_\_\_\_\_  
Jennifer Gray, City Recorder

**TURTLE ISLAND FOODS - PROPOSED VACATION EXHIBIT  
TAX MAP 03N10E25CD  
CITY OF HOOD RIVER, OREGON**

INDUSTRIAL AVE.



SCALE 1"=30'

**BELL DESIGN COMPANY**  
P.O. BOX 300, HOOD RIVER, OR 97113  
CIVIL ENGINEERING LAND SURVEYING

DATE	DESCRIPTION	BY
8/10	DRAFT	HEK
8/10	CHECKED	ARB

**PROPOSED VACATION EXHIBIT**  
**FOR MERGANSER, LLC**  
HOOD RIVER, OREGON

SHEET: 1 OF 1  
PROJECT: 098155  
DATE: Aug 2010

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Exhibit A

## AFFIDAVIT OF CERTIFICATION

### LIENS AND TAXES ON STREET RIGHT-OF-WAY TO BE VACATED

I, Jennifer McKenzie, City Recorder of the City of Hood River, do hereby certify that there are no unpaid city liens or taxes as of December 21, 2009 vacation of an area of land isolated between 3N 10E 25CD #600, 7<sup>th</sup> Street (a public dedicated right-of-way) and Industrial Avenue.

AN ORDINANCE VACATING A PORTION OF A PUBLIC DEDICATED RIGHT OF WAY LOCATED ON THE EAST SIDE OF 7TH STREET BETWEEN INDUSTRIAL AVENUE, THE RIGHT OF WAY IS WEST OF 3N 10E 25CD tax lot 600, AND REQUIRING THE CITY RECORDER TO FILE CERTIFIED COPIES OF THIS ORDINANCE.

Signed this 23 day of December 2009.

  
Jennifer McKenzie, City Recorder