

ORDINANCE NO. 2007

An Ordinance vacating approximately 6,875 square feet of right-of-way located between I-84 and the Nichols Boatworks

WHEREAS, the City currently holds an easement for an access road that it obtained from the Port of Hood River on October 11, 1966 (Deed of Road Dedication), which varies from 20 to 30 feet in width and is located between (north of) I-84 and the Nichols Boatworks on the Columbia River; and

WHEREAS, NBW Northwest LLC and the Port of Hood River filed a petition with the City as joint applicants to vacate a 6,875 square foot portion of the access road (the “vacation area”), which the Port of Hood River would then convey to NBW Northwest LLC to be used in conjunction with a site plan and conditional use permit application that NBW Northwest LLC currently has pending before the City Council to construct a hotel, commercial office building and a parking lot; and

WHEREAS, on March 11, 2013 the City Council voted to allow the vacation application to proceed; and

WHEREAS, the Planning Commission conducted a public hearing on the street vacation request on April 1, 2013 and recommended that the City Council approve the proposal as requested; and

WHEREAS, the City Council convened a public hearing on the street vacation request on April 22, 2013, at which time the Council accepted all form of written and verbal comment on the request and continued the hearing until May 13, 2013; and

WHEREAS, at the May 13th continuance hearing, the City Council considered the application, all of the testimony, evidence and arguments of the party and voted to approve the street vacation request; and

WHEREAS, the Council finds that consents from the owners all real property abutting the vacation area have been filed along with consents from the owners of not less than two-thirds of the property affected by the vacation request as required by ORS 271.080(2) have been filed; and

WHEREAS, the Council finds that the public interest will not be prejudiced by granting the vacation request; 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 better public access to The Spit may be obtained by the applicant’s dedication of a new public right-of-way for this purpose.

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

1. The public right-of-way described in Exhibit A (the “vacation area”) shall be deemed vacated upon fulfillment of the following express conditions:

- a) The property owner shall construct and dedicate on a form acceptable to the City Attorney public access for ingress, egress and utilities to the area commonly known as The Spit to replace the public access vacated herein (the “replacement public access”). The replacement public access shall be a minimum 31 feet wide and constructed to public street standards, including pavement, curb, gutter, sidewalk and stormwater improvements. The applicant shall be responsible for maintenance and repair of the replacement public access.
- b) The replacement public access required to be constructed and dedicated by this condition shall be at an elevation above the 100-year floodplain level of 88.2 feet above MSL.
- c) The Port of Hood River shall provide to the City a survey and legal description of the vacation area for preparation of the vacation map.
- d) The applicant shall be responsible for paying the City’s costs of preparing and recording this ordinance and map.
- e) The applicant shall provide 9 public parking spaces to replace public parking currently available on the vacation area. These parking spaces shall be within 200 feet of the replacement public access required by this condition.

These conditions shall be completed and accepted by the City within three years of the date of this Ordinance. Once the City has verified compliance with these conditions, the City will file for recording with the Hood River County Clerk a certified copy of this ordinance and map vacating the vacation area. If these conditions are not fulfilled within three years, this Ordinance shall not be recorded, and the vacation approved herein shall automatically expire and become null and void.

2. The vacation area shall be subject to all of the assessments of the various taxing districts in which it is situated.

3. In accordance with ORS 271.140, title to the vacation area shall attach to the lands directly bordering it from which the dedication was originally made, which are owned by the Port of Hood River.

Read for the first time on May 28, 2013.

Read for the second time and passed June 10, 2013, to become effective thirty (30) days hence.


Arthur Babitz, Mayor

ATTEST:

Jennifer Gray, City Recorder

Exhibit 'A'
TERRA SURVEYING
P.O. Box 617
Hood River, OR 97031
PHONE & FAX (541) 386-4531
E-Mail: terra@gorge.net

LEGAL DESCRIPTION
FOR THE
PUBLIC DEDICATION VACATION
(DEED DEDICATION #661983)

Page 1 of 2

A portion of a service road dedication described on document #661983 in Hood River County Records, dated October 11th of 1966. Said tract is located within the east half of the Nathaniel Coe DLC #37 and Government Lot 8 all in Section 25, Township 3 North, Range 10 East of the Willamette Meridian in Hood River County and State of Oregon. Said tract is more particularly described as follows:

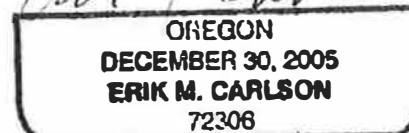
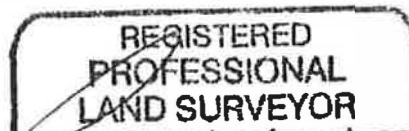
Commencing at a 5/8" iron rod marked L.S. 60051 monumenting the northeast corner Hood River County Deed #70-0515 to Nichols Boat Works Company; thence South 01°32'31" West along east line of said deed a distance of 440.62 feet to a 3/4" iron pipe monumenting the southeast corner of said deed, the basis of bearing has now been established, said pipe is the point of beginning of tract to be vacated.

Thence North 86°25'45" W along south line a distance of 342.77 feet to a point, said point measures 1.0 foot South 86°24'45" East of a 5/8" iron rod marked L.S. 60051; thence South 03°34'15" West a distance of 20.00 feet to a point; thence South 86°25'45" East a distance of 343.48 feet to a point; thence North 01°32'31" East a distance of 20.04 feet to the point of beginning.

Contains 6,875 Sq. Ft., more or less

March 14, 2013

Emc



Expires: Dec 2013

TERRA SURVEYING

EXHIBIT A MAP VACATING A PORTION OF INST #66-1983 PAGE 2 OF 2

