

ORDINANCE NO. 1457

AN ORDINANCE VACATING A PORTION OF ELLSWORTH STREET IN MONTEITH'S SOUTHERN ADDITION TO THE CITY OF ALBANY.

Whereas, a petition was filed with the City Recorder of the City of Albany, State of Oregon, on the 12th day of August, 1938, petitioning for the vacation of a certain portion of Ellsworth Street in Monteith's Southern Addition to the City of Albany, Linn County, Oregon, hereinafter particularly described; and

Whereas, due and satisfactory proof of publication of notice of the presentation of said petition as required by Chapter 259, Oregon Laws, 1931, has been made and filed showing publication of said notice in the Albany Democrat-Herald, the City official newspaper of the City of Albany, the first publication thereof being published therein on the 13th day of August, 1938, the second publication thereof upon the 20th day of August 1938, the third publication thereof upon the 27th day of August, 1938, the fourth publication thereof upon the 3rd day of September, 1938, and the fifth publication thereof being upon the 10th day of September, 1938, and same in all respects complies with the provisions of said law; and

Whereas, upon the said date the City Council did fix the 14th day of September, 1938, at the hour of 7:00 o'clock P.M. as the time, and the Council Room in the City Hall of the City of Albany, Linn County, Oregon, as the place for hearing said petition, and any remonstrances or objections, if any, be filed; and

Whereas, no objections or remonstrances have been filed to the granting of said petition, and the Council having ascertained and determined that the owners in fee simple of all of the real estate fronting on both sides of said part of said Ellsworth Street sought to be vacated have consented in manner and form as required by law to the vacation thereof, and that the consent of the owners of more than two-thirds of the property in area affected by the vacation of said portion of said Ellsworth Street, as defined by Section 1 of Chapter 259, Oregon Laws, 1931, has been given in manner and form as required by law, and the Council has heretofore made its findings thereon a matter of record; and

Whereas, it appears that the proceedings for the vacation of said portion of said Ellsworth Street hereinafter more particularly described have been duly and regularly had, and that there is no public necessity for the use of said portion of said street hereinafter described, and that it is to the public interest that said portion of said street should be vacated, and that the public interest would not be prejudiced by the vacation of such portion of said street, and that an ordinance should be passed declaring said vacation.

THEREFORE THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. That that portion of Ellsworth Street in Monteith's Southern Addition to the City of Albany more particularly described as follows, to-wit: All of Ellsworth Street in the City of Albany lying between the south line of Eleventh Street, and the north line of Twelfth Street in Monteith's Southern Addition to the City of Albany, except that portion lying within the Southern Pacific Company's right of way, be and the same hereby is vacated as a public street and thoroughfare of the City of Albany, and that the same shall not from and after the passage of this ordinance be a public thoroughfare, highway, street, or alley for any purpose.

Passed by the Council of the City of Albany this 14th day of September, 1938.
Approved by the Mayor this 14th day of September, 1938.

ATTEST

C.R. Ashton
City Recorder

C.R. Ashton
Mayor

STATE OF OREGON)
COUNTY OF LINN (ss.
CITY OF ALBANY)

I, K.R. Horton, Recorder of the City of Albany, Linn County, Oregon, do hereby certify that the annexed and foregoing copy of Ordinance # 1457, has been by me carefully compared with the original Ordinance Bill # 1570, and that it is a true and correct copy of the whole of said Ordinance Bill # 1570, passed by the Council of the City of Albany, September 14, 1938, and approved by the Mayor September 14, 1938.

Witness my hand and official signature and the seal of the City of Albany, Oregon, this 15th day of September, 1938.

K.R. Horton
Recorder of the City of Albany, Oregon.

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