

ORDINANCE NO. 39

AN ORDINANCE VACATING A PORTION OF GERHARD ROAD IN THE CITY OF DUNES, LANE COUNTY, OREGON AND DECLARING AN EMERGENCY.

WHEREAS, due notice has been given by the publication of a notice in the Eugene Register Guard, a newspaper of general circulation within the City of Dunes, said notice having been published by the City Recorder pursuant to an order of the Common Council, issued September 7, 1972, said notice being published on October 7, 14, 21 and 28, 1972 in which it was stated that on the 2nd day of November, 1972, at the hour of 8:00 o'clock P.M. in the council chambers in the fire hall of the Siuslaw Fire Protection District, City of Dunes, Oregon, the Council would hear rejections or remonstrances to the proposed vacation, and

WHEREAS, the City Recorder duly posted a copy of the notice of hearing in two places in the area to be vacated, one of said postings was at the intersection of Gerhard Road and Linden Lane and the other at the terminus of the proposed vacated portion of Gerhard Road.

WHEREAS, the said vacation was instituted on motion of the City Council of the City of Dunes pursuant to Section 271.130 O.R.S., and Section 271.110 O.R.S.

WHEREAS, at said time and place so fixed by the Council for such hearing on said motion of the City Council and notice published, there were no objections filed or presented thereon, and the Council did find, ascertain and determine that all of the foregoing recited facts are true, and that acts and things above recited have been duly and fully done and performed, and that the necessary notices were published and posted, and that the value of the abutting property will not be substantially affected in market value.

NOW, THEREFORE, THE CITY OF DUNES DOES ORDAIN AS FOLLOWS:

Section 1. The findings and actions hereinbefore recited are hereby made a matter of record and the Council of the City of Dunes does hereby find and determine that all the facts, matters and things hereinbefore recited are true and that all the acts and things above recited have been done and performed, as hereinbefore set out. The Council further finds and determines that the proposed vacation will not affect the market value of the abutting property owners, and that no objections to the proposed vacation have been made or filed, and that the public interest will not be prejudiced by the vacation of said portion of said road.

Section 2. That the portion of Gerhard Road described as:

That portion of Gerhard Road from its intersection with Linden Lane and its terminus at the South line of Section Twenty-three (23), all being located in the Southwest one-quarter (SW $\frac{1}{4}$ ) of the Southwest one-quarter (SW $\frac{1}{4}$ ) of Section Twenty-three (23) Township nineteen (19) South Range 12 West of the Willamette Meridian, Lane County, Oregon,

be and the same is hereby vacated.

Section 3. An emergency is hereby declared to exist, and it is declared to be necessary for the immediate preservation of the peace, health and safety of the City of Dunes, that this ordinance shall go into full force and effect immediately upon its passage and approval.

The foregoing ordinance was introduced and read once in full and once by title only and on the final reading by unanimous vote was passed by the following vote this \_\_\_ day of December, 1972.

Yes 3 No 0

Approved by the Mayor this 14<sup>th</sup> day of December, 1972.

Wm F. Reisenhuber  
Mayor

ATTEST:

Gini Read  
City Recorder

STATE OF OREGON )  
County of Lane ) ss.

On this 14<sup>th</sup> day of December, 1972, before me appeared WILLIAM REISENHUBER and GINI READ, both to me personally known, who being duly sworn did say that he, the said William Reisenhuber, is the Mayor, and she, the said, Gini Read, is the City Recorder of the City of Dunes, Lane County, Oregon, and that the said instrument was signed and sealed in behalf of the said City of Dunes by authority of its Common Council, and WILLIAM REISENHUBER and GINI READ acknowledged said instrument to be the free act and deed of said City of Dunes.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

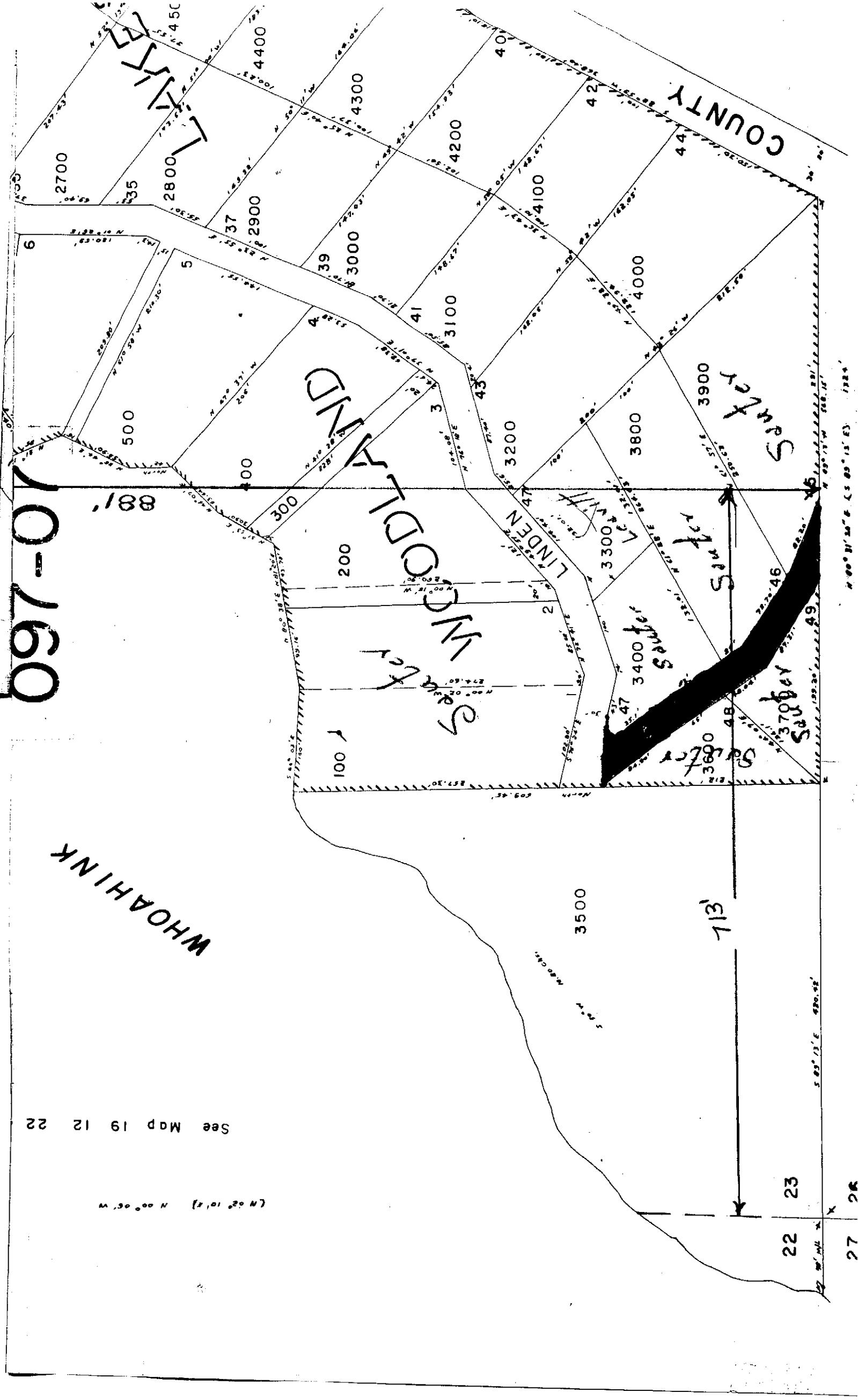
William Jayne  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 9-1-76

097-0

WHOAHINK

See Map 19 12 22

(N 02° 10' E) N 00° 05' W



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27 28