

City of Wheeler

Chapter 9

STREET VACATIONS

ON THE ROOSEVELT HIGHWAY

## CITY OF WHEELER

WHEELER, OREGON

ORDINANCE NO. 32

Ordinance vacating That Portion of Cedar Street, in Wheeler, Oregon, between Nehalem Boulevard and First Street.

Whereas, the common council of Wheeler, Oregon, by resolution regularly adopted on the 13th day of February, 1935, expressed its intention to vacate that portion of Cedar Street, being a six foot strip on the east side lying between Nehalem Boulevard and First Street, in the city of Wheeler and pursuant thereto caused notice to be given of a hearing on said resolution to be held at the council chambers in the City Hall in Wheeler, Oregon, on the 19th day of March, 1935, at 8.00 o'clock p.m.

And whereas such notice was posted in three public places within the city and at or near intersection of Cedar Street and Nehalem Boulevard and also at or near the intersection of Cedar Street and First Street, more than twenty eight days prior to the date of such hearing; and

Whereas no objections to the proposed vacation have been filed and no objectors to such vacation appeared at the meeting of the common council held on said March 19, 1935, at 8.00 o'clock p.m. at the city hall in Wheeler, Oregon; and

Whereas such proposed vacation will not substantially affect the market value of real property abutting the portion of said Cedar Street proposed to be vacated or within 400 feet thereof;

Now, therefore, The People of the City of Wheeler do ordain;  
1. That that part of Cedar Street, being a six foot strip on the east side lying between Nehalem Boulevard and First Street, in Wheeler, Oregon, be and the same is hereby vacated.

An emergency is hereby declared to exist and this ordinance shall go into effect immediately upon its passage and approval.

Passed by the council this 16th day of April, 1935, by the following votes;

Yeas: J.D.C. Lewis, O.L. Churchill, F. A. Lewis, G. C. Metzger,  
L. G. Wilton, Geo. S. Buffum.

Nays: None.

Submitted to and approved by the Mayor this 17th day of April, 1935.

Countersigned:

C. Lundy  
City Recorder.

D. J. Chambers  
Mayor

(By unanimous vote of the council, first and second readings and final passage of above ordinance was effected at one meeting.)

I, C. J. Lundy, being duly sworn, hereby certify that the above is a true and correct copy of any ordinance passed by the council of Wheeler, Oregon, April 16, 1935.

C. J. Lundy  
Recorder, City of Wheeler.

9.40 AN ORDINANCE VACATING THAT PORTION OF CEDAR STREET IN THE CITY OF WHEELER, OREGON, BETWEEN NEHALEM BOULEVARD AND FIRST STREET;

WHEREAS, the Common Council of the City of Wheeler, Oregon, by Resolution regularly adopted on the 18th day of December, 1984, expressed its intentions to vacate that portion of Cedar Street, being a forty four (44) footwide strip on the west-side of the street and lying between Nehalem Boulevard and First Street in the City of Wheeler, and pursuant thereto caused notice to be given of a hearing on said Resolution to be held at the Council Chamber in the Wheeler City Hall, on the 22nd day of January, 1985 at 7 :00 pm, and

WHEREAS, such notice was placed in the following locations within the City of Wheeler; the intersection of Cedar Street and Nehalem Boulevard, the intersection of Cedar Street and First Street, the Wheeler Pharmacy, the U.S. Post Office, the Wheeler City Hall, and the notice was published on December 27, 1984 in the Fishrapper a local newspaper, and

WHEREAS, NO objections to the proposed vacation have been filed with the City Recorder's Office, and NO objectors to such vacation appeared at the public hearing held by the Common Council on the 22nd day of January, 1985.

Now, therefore, the City of Wheeler ordains as follows:

Section 1. - That, that part of Cedar Street, being a forty four (44) foot wide strip on the westside of the street and lying between Nehalem Boulevard and First Street in the City of Wheeler, Oregon, is hereby vacated.

Section 2.- The Common Council vacates the aforementioned portion of Cedar Street with the following conditions;

- 1.- The City of Wheeler shall retain the right to a utility easement to be located in the center of the vacated street right-of-way.
- 2.- The utility easement shall consist of a strip of land sixteen (16) feet in width and two hundred (200) feet in length.
- 3.- No permanent structure shall be constructed within the utility easement, or less than eight (8) feet from the street centerline.

First and second readings this 19th day of February, 1985.

Third and final reading this 19th day of March, 1985.

Adopted by the Common Council this 19th day of March, 1985 by the following vote.

Ayes 5  
 Nays 0  
 Abstentions 0

ATTEST:

*George J. Reding*  
 \_\_\_\_\_  
 George J. Reding - Mayor

*Virgil L. Staben*  
 \_\_\_\_\_  
 Virgil L. Staben - City Recorder

3210

County of Tillamook  
of the within instrument  
is for record as:

3 35 PM '85

PAGE 956

OFFICIAL RECORDS  
and seal affixed.  
By County Clerk

*Wheeler*  
Deputy  
600

AN ORDINANCE VACATING THAT PORTION OF SECOND STREET LOCATED BETWEEN HEMLOCK AND SPRUCE STREETS IN ROWE'S ADDITION TO THE CITY OF WHEELER, TILLAMOOK COUNTY, OREGON:

WHEREAS, the Common Council of the City of Wheeler, Oregon, by Resolution regularly adopted on the 17th day of September, 1985, expressed its intentions to vacate that portion of Second Street, being a fifty (50) foot wide parcel of land lying between Blocks 61 and 62, and three hundred (300) feet long lying between Hemlock and Spruce Streets in Rowe's Addition to the City of Wheeler, and pursuant thereto caused notice to be given of a hearing on said Resolution to be held at the Council Chambers in the Wheeler City Hall, on the 28th day of October, 1985 at 7:00 p.m., and

WHEREAS, such notice was placed in the following locations within the City of Wheeler; the intersection of Hemlock Street and Second Street; the intersection of Spruce Street and Second Street; The U.S. Post Office; the Wheeler Pharmacy; the Wheeler City Hall; and the notice was published on September 26, 1985 in the Fishrappet a local newspaper, and

WHEREAS, NO objections to the proposed vacating have been filed with the City Recorder's Office, and NO objectors to such vacating appeared at the public hearing held by the Common Council on the 28th day of October, 1985,

NOW, THEREFORE, the City of Wheeler Ordains as follows:

Section 1.- That, that portion of Second Street, being a fifty (50) foot wide parcel of land lying between Block 61 and 62, and three hundred (300) feet long lying between Hemlock Street and Spruce Street in Rowe's Addition to the City of Wheeler, Oregon is hereby vacated.

Section 2.- The Common Council vacates the aforementioned portion of Second Street with the following conditions;

- 1.- The City of Wheeler shall retain the right to a utility easement to be located in the center of the vacated street right-of-way.
- 2.- The utility easement shall consist of a strip of land sixteen (16) feet in width and three hundred (300) feet in length.
- 3.- No permanent structures shall be constructed within the utility easement, or less than eight (8) feet from the street centerline.

Adopted by the Common Council this 20th day of October, 1985 by the following vote;

Ayes 4  
 Nays 0  
 Abstentions 0



ATTEST:

*Virgil L. Staben*  
 Virgil L. Staben, Recorder

*George J. Reding*  
 George J. Reding, Mayor

*City of Wheeler  
 208 177  
 Wheeler, Or 97147*

580

County of Tillamook  
 this within instrument  
 is for record at



OFFICIAL RECORDS  
 and seal affixed.  
 ER, County Clerk

Deputy

ORDINANCE # \_\_\_\_\_

## AN ORDINANCE VACATING VOSBURG AND DAVIS STREETS BETWEEN THIRD AND FIRST STREETS AND SECOND STREET BETWEEN ROWE AND GAMBLE STREETS.

The Common Council of the City of Wheeler does ordain as follows:

Section 1. Whereas the common council has heretofore on its own motion elected to vacate Vosburg and Davis streets between Third and First streets and Second street between Rowe and Gamble streets and declared their intention of so doing by duly enacting a resolution declaring said intention at the Council meeting held on February 4, 1918, and whereas by said resolution the 16th day of March at 8 P. M. in the council chambers of the City Hall at Wheeler, Oregon was the time and place set for hearing objections to said proposed street vacations and the council having met in regular session at said time and place and hearing no objections to said proposed street vacations and the City Recorder having given the notice of said proposed street vacations as provided by the Statutes of the State of Oregon IT IS HEREBY ORDAINED that the following streets within the city limits of the City of Wheeler and as shown by the duly recorded plat thereof to wit: Vosburg and Davis Streets between third and First Streets and Second Street between Rowe and Gamble Streets be and the same are hereby vacated.


Passed by the Common Council this 29 day of April 1918

Signed and approved by the Mayor this 10 day of April 1918

Wheeler

Mayor

  
MAYOR

Attest:   
City Recorder

An Ordinance Vacating an alley in Block 5, City of Wheeler

The Common Council of the City of Wheeler does ordain as follows:

Section 1. Whereas the Common Council has heretofore on its own motion elected to vacate a strip of land 5 feet in width and 100 feet in length in lots 10 & 11 in Block 5 in Wheeler described as follows: commencing at the common corner of lots 1, 2, 10, & 11 of said block five and running thence northwesterly in the direction of the line between lots 2 & 10 a distance of 100 feet to the common corner between lots 3, 5, 8 & 9 of said block 5, thence southwesterly along the line between lots 8 & 9 a distance of 5 feet, thence southwesterly and parallel to the line between lots 3 & 9 and the line between lots 2 & 10 and five feet distance therefrom a distance of 100 feet to the northerly line of lot 11 of said block 5, thence northeasterly along said northerly line of lot 11 a distance of 5 feet to the place of beginning; and a strip of land 5 feet in width & 50 feet long in lot 11 in block 5 in Wheeler described as follows: commencing at the intersection of the line between lots 1 & 11 of said block 5 with the north line of First Street in said City of Wheeler and thence northwesterly along said line between lots 1 & 11, a distance of 50 feet to the common corner of lots 1, 2, 10, & 11 of said block 5; thence southwesterly along the line between lots 10 & 11 a distance of 5 feet, thence southeasterly and parallel to the line between lots 1 & 11 of said block and 5 feet distant therefrom, a distance of 50 feet to the northerly line of said First Street; thence northeasterly along said line a distance of 5 feet to the place of beginning, and the Common Council having declared their intention of so doing by duly enacting a resolution declaring said intention at the Council Meeting held on June 21, 1949, and whereas by said resolution the 19th day of July 1949 at 8:00 P.M. in the Council Chambers at the City Hall in Wheeler, Oregon was the time and place set for hearing objections to the proposed vacation and the Council having met in regular session at said time and place and hearing no objections to said proposed vacation and the City Recorder having given the notice of said proposed street vacations as provided by the Statutes of the State of Oregon.

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It is hereby ordained that the above described alley be and the same is hereby vacated.

Passed by the Common Council this 19 day of July 1949.

Signed and approved by the Mayor this 19 day of July 1949

*J. Edgar Lewis*  
Mayor

Attest: *William Dunn*  
City Recorder

City of Wheeler )  
County of Tillamook ) ss  
State of Oregon )

I, William Dunn, certify that I am the duly appointed, qualified and acting recorder of the City of Wheeler, Oregon; that the foregoing ordinance is a true and correct copy of the original thereof; that said ordinance was introduced and received first and second reading on July 19, 1949 and received third and final reading on August 23, 1949 at which time it was duly enacted by unanimous vote of the Common Council of the City of Wheeler in regular meeting assembled.

*William Dunn*  
William Dunn  
City Recorder



STATE OF OREGON, )  
County of Tillamook, )

I Herby Certify that the within instrument of writing was received for record on the 27<sup>th</sup> day of August A. D. 1949 at 9:45 o'clock P. M., and recorded in Book 119 Page 356 of said county.

Witness my hand and seal of said county affixed.

ESTHER LOCKE  
County Clerk  
By: *Esther Locke*  
Deputy

CITY OF WHEELER  
ORDINANCE NO. 2000-06

AN ORDINANCE VACATING PORTIONS OF STARR STREET RIGHT-OF-WAY  
AND PORTIONS OF SECOND STREET RIGHT OF WAY

WHEREAS, the City wishes to vacate portions of two street rights-of-way entirely surrounded by property which the City owns, and

WHEREAS, the City Council is proposing this vacation on its own motion pursuant to ORS 271.130, and,

WHEREAS, notice of such vacation was placed in the following locations within the City of Wheeler: the intersection of Second and Akin streets, near the intersection of Starr Street right-of-way and Third Street, approximately 100 feet west of the intersection of Second and Hall, near the intersection of First Street and the Starr Street right-of-way, the US Post Office, The Li'l Store grocery store, and Wheeler City Hall, and such notice was published on November 8, 2000 and November 15, 2000 in the Tillamook Headlight Herald, a local newspaper, and,

WHEREAS, 0 objections to the proposed vacation has been filed with the City Recorder's Office, and 0 objectors to such vacation appeared at the public hearing held by the City Council on the 21st day of November, 2000.

NOW, THEREFORE, THE CITY OF WHEELER ORDAINS AS FOLLOWS:

**Section 1.** That portion of Second Street laying between blocks 30 and 31, Wheeler; also that portion of Second Street laying between lot 7, block 25 and lot 12, block 24, Wheeler is hereby vacated.

**Section 2.** That portion of Starr Street laying southeasterly of the south line of First Street and northwesterly of the north line of Third Street, Wheeler is hereby vacated.

**Section 3.** A map indicating the vacated rights-of-way is attached to this Ordinance as Exhibit A.

*turn to  
City of Wheeler  
PAB 177 Wheeler  
97142*



ADOPTED by the City Council this 21st day of November, 2000, by the following vote:

CITY COUNCIL  
WHEELER, OREGON

Aye    Nay    Absent/Abstain

Stevie S. Burden  
Stevie S. Burden, Mayor

X    —    —

Sandy Douma  
Sandy Douma, President

X    —    —

Chuck McLaughlin  
Chuck McLaughlin, Councilor

X    —    —

Bill Mullen  
Bill Mullen, Councilor

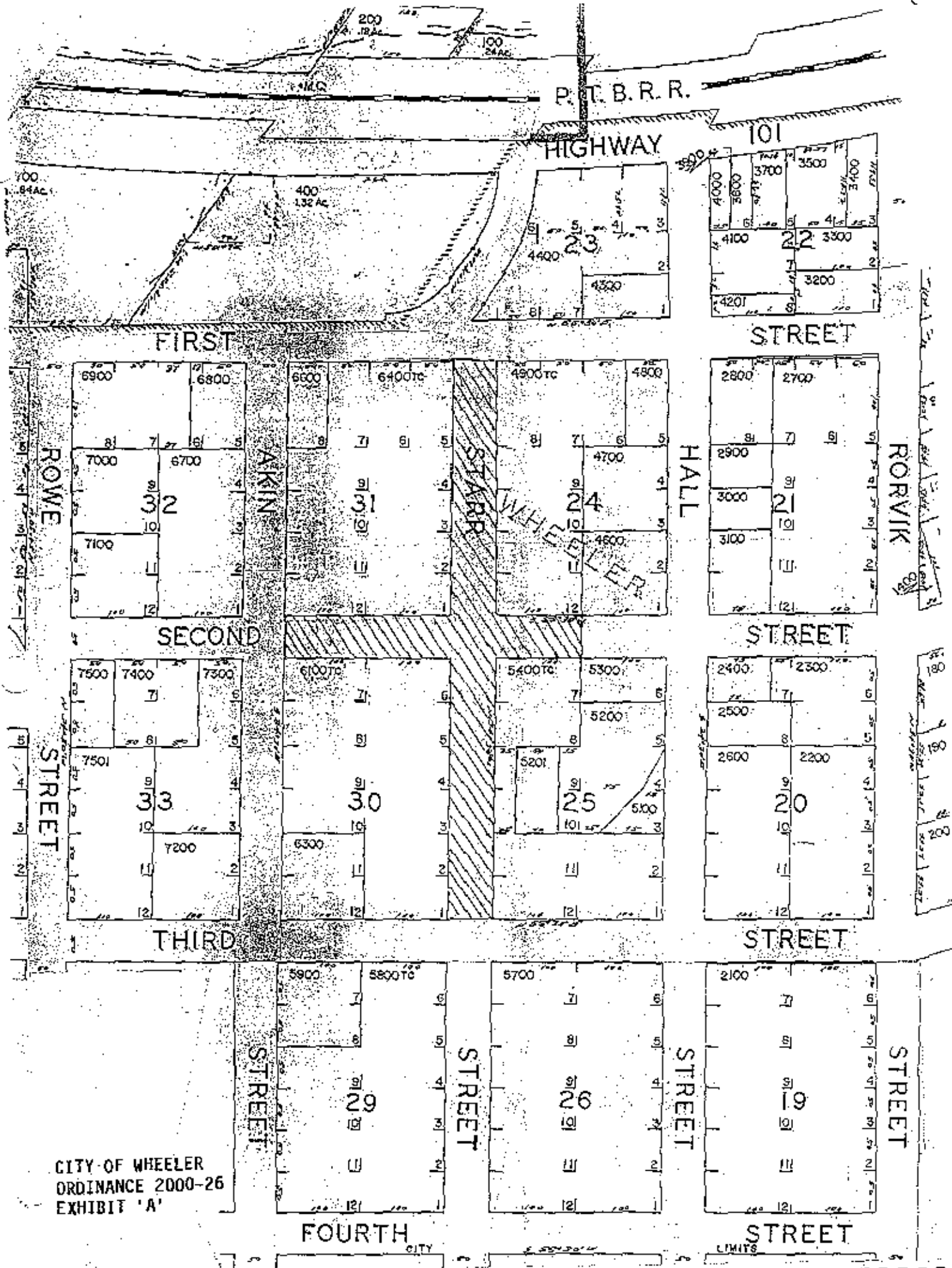
X    —    —

Elizabeth Stine  
Elizabeth Stine, Councilor

X    —    —

Ann Morgan  
Ann Morgan, acting City Recorder





CITY OF WHEELER  
ORDINANCE 2000-26  
EXHIBIT 'A'

Instrument was  
affixed in the  
presence of  
Deputy Clerk

100

48

affixed.  
Clerk

DEPUTY  
15.00  
10.00  
1.00  
9.50  
00.1  
00.0  
00.0  
25.00

## CITY OF WHEELER

ORDINANCE NO. 97-04AN ORDINANCE VACATING A PORTION OF BLOCK 61  
IN ROWES ADDITION TO WHEELER

WHEREAS, the City Council of the City of Wheeler Oregon, voted May 20, 1997, to initiate the vacation of the northwesterly ten feet of even width of Block 61 of the Rowes addition to Wheeler, which was erroneously platted as a portion of Block 61, and pursuant thereto caused notice to be given of a hearing to be held at City Hall on the 17th day of June 1997, at 7:00 p.m., and

WHEREAS, such notice was placed in the following locations within the City of Wheeler: the intersection of First and Hemlock Streets, the intersection of First and Spruce Streets, the US Post Office, the Wheeler Market, and City Hall, and

WHEREAS, no objections to the proposed vacation have been filed with the City Recorder's Office, and 0 objectors to such vacation appeared at the public hearing held by the City Council on the 17th of June, 1997.

NOW THEREFORE, THE CITY OF WHEELER ORDAINS AS FOLLOWS:

Section 1.: All that portion of that deed of dedication recorded June 8, 1911, in Deed Book 21 at page 105, Tillamook County deed records, which adjoins the southerly line of First Street in the plat of Rowes Addition to Wheeler and was erroneously platted as a portion of Block 61 of said plat; that is, the northwesterly ten feet of even width of said Block 61, are hereby vacated.

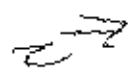
PASSED by the City Council this 17th day of June, 1997, by the following vote: 4 ayes, 0 nays, 0 abstentions.

Donald G. Brinkman  
Donald G. Brinkman, Mayor

ATTEST

Tom Hatfield  
Tom Hatfield, City Recorder

Return to  
City of Wheeler  
POB 177  
Wheeler 97147



P. T. B. R. R.  
HIGHWAY

56-7



SE 1/4 NW 1/4 SEC.  
TILLAMOOK  
1" = 11'

SEE MAP

trument was  
in the  
region

05.6  
00.1  
00.01  
ALMADON

AN ORDINANCE VACATING THAT PORTION OF CEDAR STREET IN THE CITY OF WHEELER, OREGON, FROM FIRST STREET TO A POINT ONE HUNDRED FEET EAST

WHEREAS, the City Council of the City of Wheeler Oregon, by resolution regularly adopted on the 15th of October, 1991, expressed its intentions to vacate that portion of Cedar Street, being the fifty (50) foot wide street right-of-way from the intersection of Cedar Street with First Street and extending to a point one hundred (100) feet east, between tax lots 3300 and 3600, and pursuant thereto caused notice to be given of a hearing to be held at City Hall on the 19th day of November, 1991, at 7:00pm, and

WHEREAS, such notice was placed in the following locations within the City of Wheeler: the intersection of Cedar and First Streets, a point approximately one hundred (100) feet east of this intersection, the US Post Office, Gillson's Wheeler Market, the Wheeler City Hall, and such notice was published on November 6, 1991, in the Tillamook Headlight Herald, a local newspaper, and

WHEREAS, one objection, with reservation, to the proposed vacation has been filed with City Recorder's Office, and no objectors to such vacation appeared at the public hearing held by the City Council on the 19th of November, 1991.

NOW, THEREFORE, THE CITY OF WHEELER ORDAINS AS FOLLOWS:

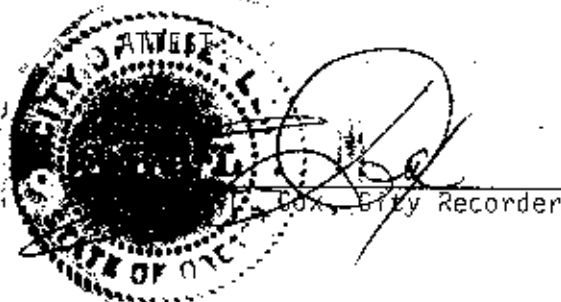
Section 1: That, that portion of Cedar Street, being the fifty (50) foot wide street right-of-way from the intersection with First Street and extending to a point one hundred (100) feet east, in the City of Wheeler, Oregon, is hereby vacated.

Section 2: The City Council vacates the aforementioned portion of the Cedar Street right-of-way with the following conditions:

1. The City of Wheeler shall retain the right to a utility easement to be located in the center of the vacated strip.
2. The utility easement shall consist of a strip of land sixteen (16) feet in width and one hundred (100) feet in length.
3. No permanent structure shall be constructed within the utility easement, or less than eight (8) feet from the street centerline.

Adopted by the City Council this 19th day of November, 1991 by the following vote: 4 ayes, 0 nays, 0 abstentions.

  
Robert Turner, Mayor



P. T. B. R. R.

HIGHWAY

PINE

SPRUCE

STREET

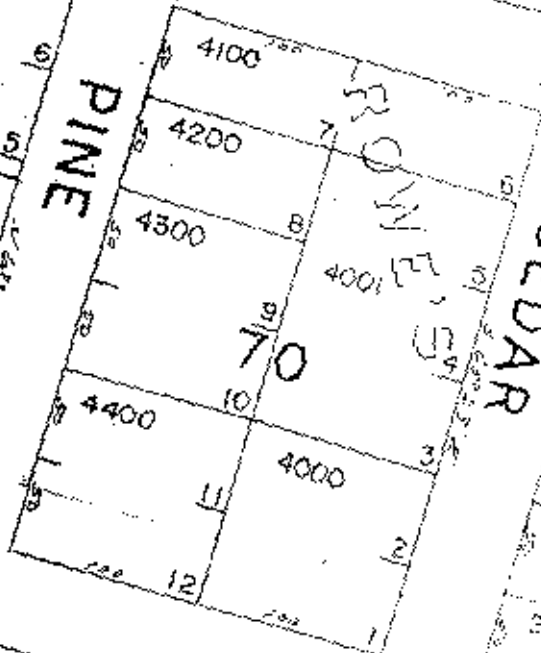
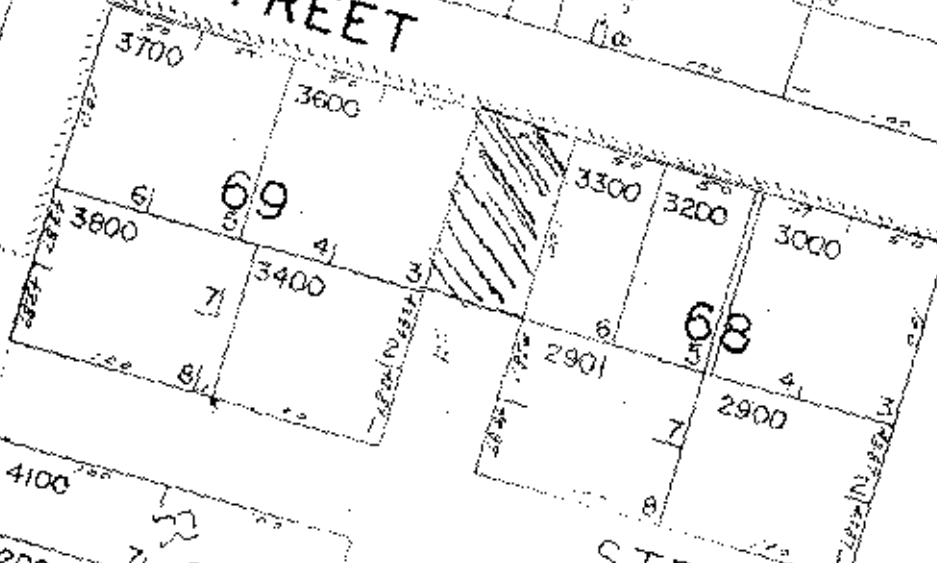
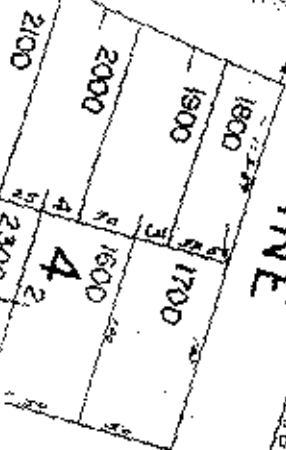
STREET

CEDAR

SPRUCE

PINE

COND



CITY OF WHEELER  
ORDINANCE NO. 92-3

AN ORDINANCE VACATING THAT PORTION OF THE SECOND STREET RIGHT-OF-WAY BETWEEN CEDAR AND SPRUCE STREETS, BETWEEN BLOCKS 67 AND 68, ROWE'S ADDITION TO WHEELER

WHEREAS, the City Council of the City of Wheeler, Oregon, at its meeting the 21st of January, 1992, caused notice to be given of a hearing to be held at City Hall on the 18th day of February, 1992, at 7:00pm, and

WHEREAS, such notice was placed in the following locations within the City of Wheeler: The intersection of Second and Spruce Streets, the intersection of Second and Cedar Streets, the US Post Office, Gillson's Wheeler Market, the Wheeler City Hall, and such notice was published on January 29, 1992, in the Tillamook Headlight Herald, a local newspaper, and

WHEREAS, one objection to the proposed vacation has been filed with the City Recorder's Office, and no objectors to such vacation appeared at the public hearing held by the City Council on the 18th of February, 1992.

NOW, THEREFORE, THE CITY OF WHEELER ORDAINS AS FOLLOWS:

Section 1: That that portion of of the Second Street right-of-way between Cedar and Spruce Streets between blocks 67 and 68, Rowe's Addition to Wheeler, in the City of Wheeler, Oregon, is hereby vacated.

Section 2: The City Council vacates the aforementioned portion of the Second Street right-of-way with the following conditions:

1. The City of Wheeler shall retain the right to a utility easement to be located in the center of the vacated strip.
2. The utility easement shall consist of a strip of land sixteen (16) feet in width and one hundred (100) feet in length.
3. No permanent structure shall be constructed within the utility easement, or less than eight (8) feet from the street centerline.

Adopted by the City Council this 17th day of March, 1992 by the following vote: 5 ayes, 0 nays,      abstentions.

*Robert C. Turner*  
Robert C. Turner, Mayor

