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Courtesy

ORDINANCE 1041

AN ORDINANCE VACATING A PORTION OF THE PUBLIC RIGHT OF WAY KNOWN AS SOUTHEAST FIRST AVENUE FOR STREET CONSTRUCTION AND DEVELOPMENT PURPOSES AND DECLARING AN EMERGENCY.

WHEREAS, the City presently owns a portion of Southeast First Avenue, more significantly described as Exhibit "A" hereto, and by reference incorporated herein; and

WHEREAS, a petition for vacation of a portion of Southeast First Avenue was filed by Gramor Oregon Inc. on October 6, 1999; and,

WHEREAS, the petition was reviewed by the City Council on October 20, 1999 and the petition was found to be complete and more than two-thirds of the affected property owners were in agreement with the petition; and,

WHEREAS, the vacation is needed to construct a new public street called South Sequoia Parkway and to facilitate further development of adjacent parcels; and

WHEREAS, notice of a public hearing was published for two (2) consecutive weeks in the Canby Herald newspaper, sent to affected property owners, and posted on the property and in three (3) conspicuous locations; and,

WHEREAS, a public hearing was held on this matter before the Canby City Council on November 17, 1999 and all statutory requirements for the vacations were found to be met; now therefore

99-119526

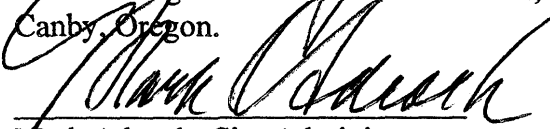
THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The portion of Southeast First Avenue, more particularly described in Exhibit "A" shall be vacated and said vacation shall be effective immediately.

SUBMITTED to the City Council and read the first time at a regular meeting thereof on Wednesday, November 17, 1999; ordered posted in three (3) public and conspicuous places in


RETURN TO:
CITY OF CANBY
182 N HOLLY
CANBY, OR 97013


the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, December 1, 1999; commencing after the hour of 7:30 P.M., at the City Council Chambers at Canby City Hall, Canby, Oregon.


Mark Adcock, City Administrator

ENACTED by the Canby City Council at a regular meeting thereof on December 1, 1999, by the following votes:

YEAS: 6
NAYS: 0


Scott Taylor, Mayor

ATTEST:

Mark Adcock, City Administrator

GRAMOR

October 6, 1999

Mr. Jason Kruckeberg
City of Canby
182 N. Holly Street
Canby, OR 97013

**RE: Petition for Street Vacation of Portions of First Avenue
Map 3 S 1 E 34B Tax Lot 2200 (Irene Burden)
Map 3 S 1 E 34 Tax Lot 901 (Canby Market Center Associates, LLC)**

Dear Mr. Kruckeberg:

Gramor Oregon, Inc. formally requests the City of Canby vacate certain portion of First Avenue as identified within the subdivision application (SUB 99-02) as parcels 1, 2, and 3 (attached in Exhibit A).

The purpose of the street vacation is to allow the Logging Road Industrial Park's main intersection access with Highway 99-E to be completed according to approved construction plans by the City of Canby and Oregon Department of Transportation Railroad and Highways Divisions. The vacation parcel is identified and described in Exhibit B.

The total street area to be vacated is approximately 18,805 square feet. Of this street area, parcel 2 (4,738 square feet) will remain in overall right-of-way of the new Sequoia Parkway. The balance of the street area comprised of parcels 1 and 3 (14,067 square feet) will be absorbed by the adjacent land owners, Irene Burden and Canby Market Center Associates, LLC.

The vacated Parcels 1 and 3, will be replaced by a new alignment of First Avenue located approximately 150 feet further south from the present alignment and connecting to Sequoia Parkway. The new location meets the City's and ODOT's approval and is in agreement with the "Industrial Area Master Plan Overlay."

Attached are letters of consent of the owners of all abutting property and not less than two-thirds in the area of the real property affected (Exhibit C). In addition, we have attached a filing fee of \$500.00 as required for this application.

We look forward to an expeditious approval so we can maintain our planned opening for Gramor tenants on December 1, 1999. If you have questions please call me at 245-1976.

Sincerely,
Gramor Oregon, Inc.

Matthew Grady
Matthew Grady, AICP
Project Manager

MG:ab
Attachments

cc: Steve Abel/Stoel Rives
Ben Williams/WRG Design Inc.

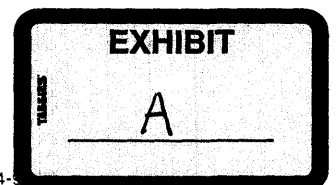
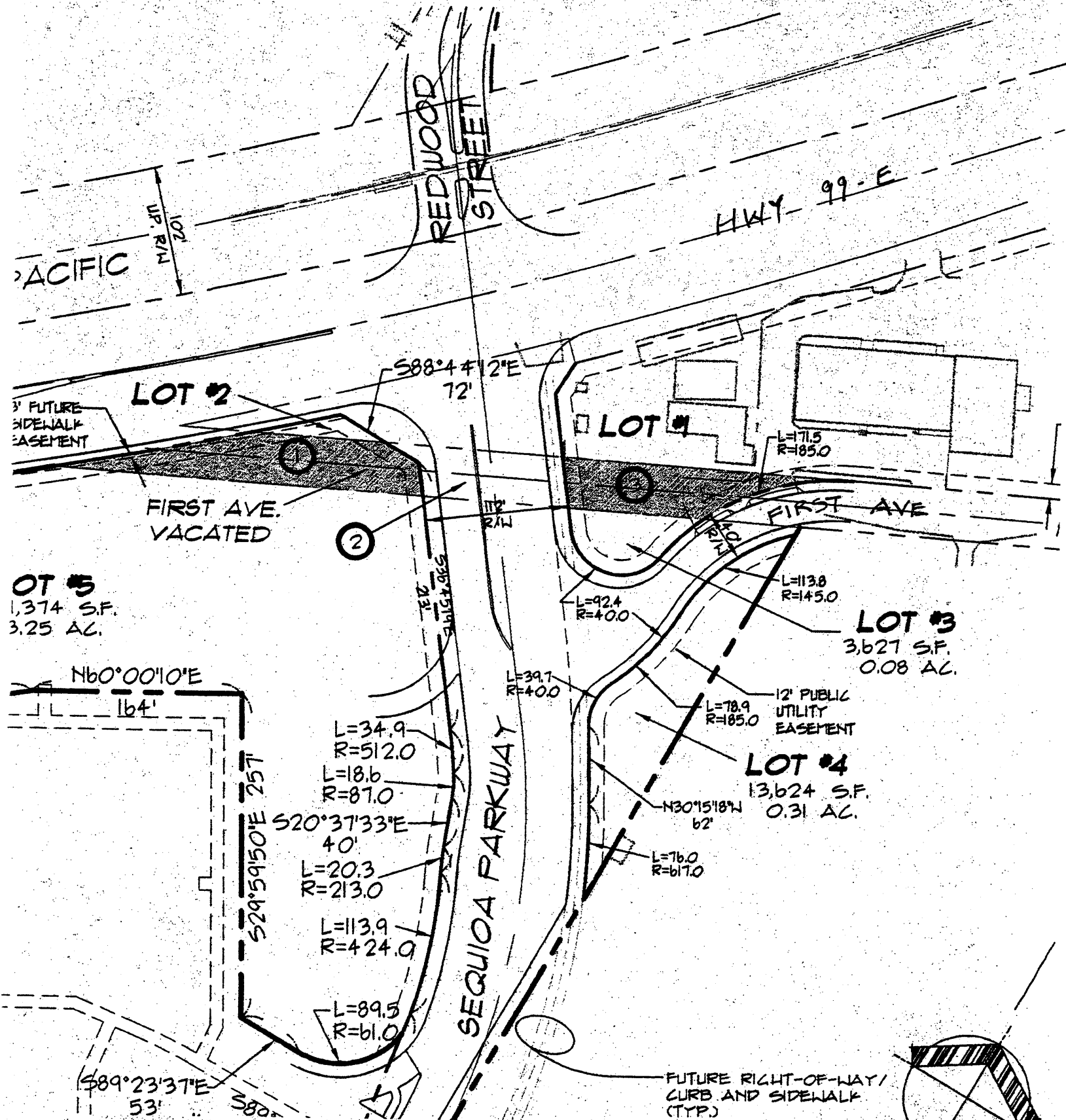


EXHIBIT A



NUMBER	VACATED TO	FUTURE OWNER	SF/ACRES
1	GRAMOR/BURDEN	GRAMOR	8,152/.19
2	GRAMOR/BURDEN	CITY OF LANBY	4,738/.11
3	GRAMOR/BURDEN	BURDEN	5,915/.14

SCALE: 1"=100'-0"

EXHIBIT B

Amended Legal Description Right-of-Way Vacation

A strip of land located within Section 34, Township 3 South, Range 1 East, of the Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

Commencing at a 4-1/2" aluminum cap monumenting the West one-quarter corner of Section 34 and an angle point in the northerly boundary line of the Philander Lee Donation Land Claim No. 56, said point also on the westerly extension of the centerline of S.E. First Avenue; thence N 63°56'06" E 1384.95 feet along said northerly boundary line and the westerly extension of said centerline, to a point on the southerly right-of-way line of U.S. Hwy 99E being 50.00 feet southerly of when measure at a right angle to the centerline of said U.S. Hwy 99E and the beginning of a 4838.14 foot radius non-tangent curve to the left ; and the **Point of Beginning**; thence along said southerly right-of-way line and said curve 77.21 feet through a central angle of 00°54'52" and a long chord bearing N 48°55'17" E 77.21 feet, to a point at the intersection with the northerly right-of-way line of S.E. 1st Avenue; thence N 63°56'06" E 532.93 feet along said northerly right-of-way line to a point and the beginning of a 185.00 foot radius non-tangent curve to the left; thence along said curve 123.96 feet through a central angle of 38°23'30" and a long chord bearing S 44°44'21" W 121.66 feet to a point on the southerly right-of-way line of said S.E. 1st Avenue; thence S 63°56'06" W 572.41 feet to a point on said southerly right-of-way line of U.S. Hwy 99E and the beginning of a 4838.14 foot radius non-tangent curve to the left; thence along said curve and last said southerly right-of-way line 82.27 feet through a central angle of 00°58'28" and a long chord bearing N 49°51'56" E 82.27 feet, to the **Point of Beginning**.

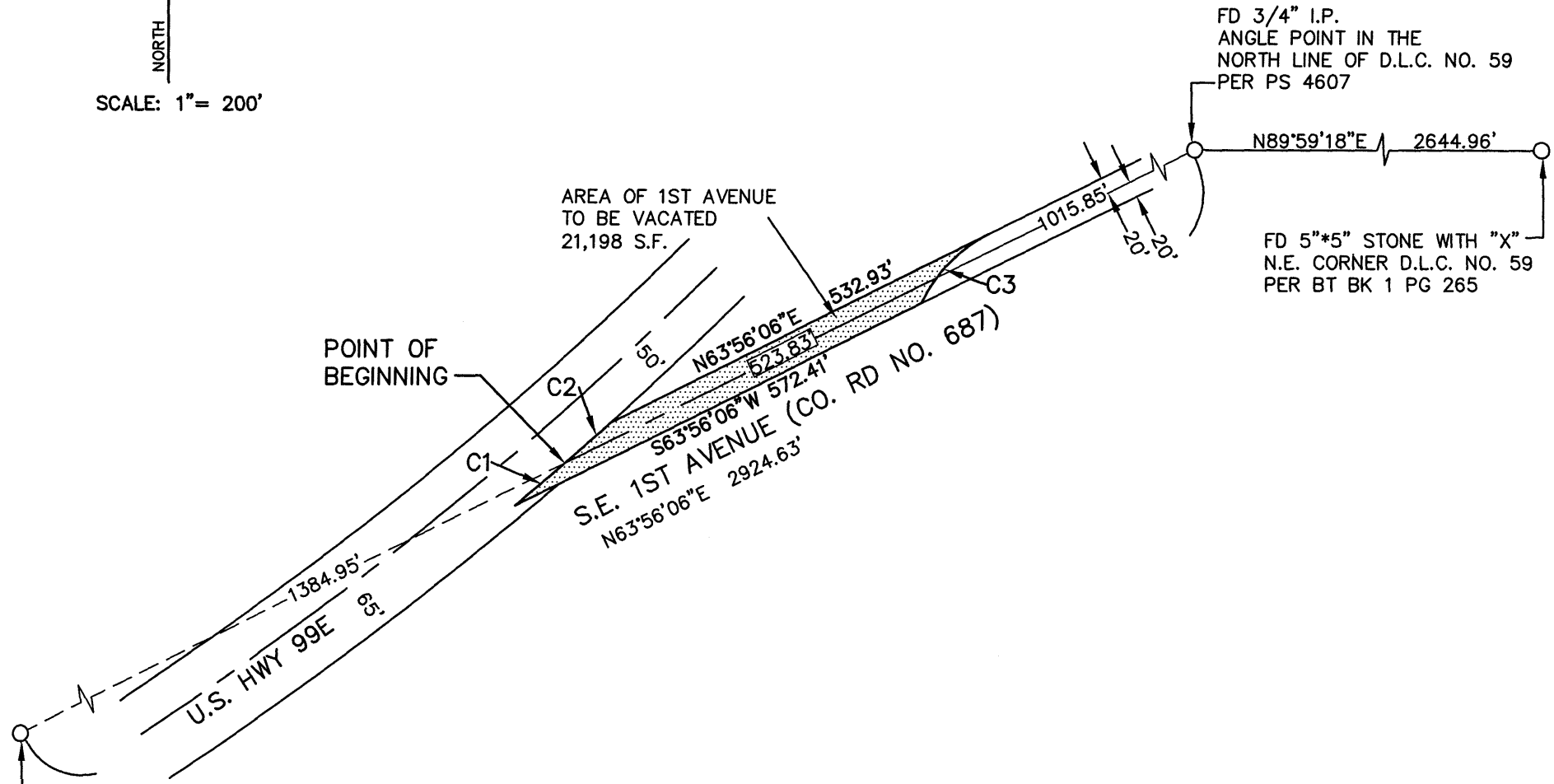
Containing 21,198 square feet, more or less.

See attached exhibit.

EXHIBIT
1ST AVENUE RIGHT-OF-WAY VACATION
 LOCATED IN SECTION 34, T. 3 S., R. 1 E., W.M.,
 CLACKAMAS COUNTY, OREGON



SCALE: 1" = 200'



WEST 1/4 COR. SEC. 34
 FD 4-1/2" ALUMINUM CAP
 ANGLE POINT D.L.C NO. 56
 PER BT BK 1 PG 259

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	4838.14'	82.27'	00°58'28"	82.27'	N49°51'56"E
C2	4838.14'	77.21'	00°54'52"	77.21'	N48°55'17"E
C3	185.00'	123.96'	38°23'30"	121.66'	S44°44'21"W



10450 SW Nimbus Ave., Portland, Oregon 97223
 503|603-9933 FAX: 503|603-9944

PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS

JOB NO. GMR009.1

EXHIBIT B



FRED MEYER STORES • P.O. Box 42121 • Portland, OR 97242-0121 • 3800 SE 22nd Ave. • Portland, OR 97202-2918 • 503 232-8844 • http://www.fredmeyer.com

September 27, 1999

Mr. Jason Kruckeberg
City of Canby
182 N. Holly Street
Canby, OR 97013

RECEIVED

SEP 27 1999

GRAMOR OREGON, INC

RE: Consent to Vacate Portions of First Avenue, Canby, OR

Dear Mr. Kruckeberg:

Fred Meyer Stores, Inc., is the landowner of certain real property adjacent to First Avenue (Map 3 S 1 E 34, tax lot 900). We support the street vacation of sections of First Avenue to allow the new configuration of the intersection at Highway 99-E, North Redwood Street, Sequoia Parkway and First Avenue, as described in the letter dated September 27, 1999 from Gramor Oregon, Inc. to you, a copy of which is attached hereto.

FRED MEYER STORES, INC.

By: Paul Cune

Title: V.P.

STATE OF Oregon)
COUNTY OF Multnomah)

On this day personally appeared before me Robert T. Gurey-Wilson to me known to be the Vice President of Fred Meyer Stores, Inc. and who executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 28th day of September, 1999.

Jaune A. Swartz
Notary Public in and for the State of Oregon

Attachment



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Region 1
123 NW Flanders
Portland, OR 97209-4037
(503) 731-8200
FAX (503) 731-8259

FILE CODE:

October 26, 1999

PLA9-2B-CAN-1E
GramorFirst99Evacate.doc

Jason Kruckeberg, Planning Director
City of Canby
182 North Holly St.
Canby, OR 97013

Re: Canby Market Project: First Avenue Street Vacation

Dear Mr. Kruckeberg:

We have reviewed the proposed street vacation for the vestigial portion of First Avenue at 99E. We have no objection to the proposed vacation.

The re-alignment of First Avenue at 99E, which was undertaken by Gramor Oregon, will improve the safety and operation of 99E in this vicinity. The access limitations placed on the newly created parcels (SUB 99-02) surrounding the subject vacation will assure that the intersection will continue to function optimally.

It is our understanding that, based on the County Assessor's determination, a portion of the vacated right of way may be reverting to ODOT ownership. Please contact: Rolland Arney, Sr. Right of Way Agent, ODOT Region 1 at 731-8427 for followup.

Sincerely,

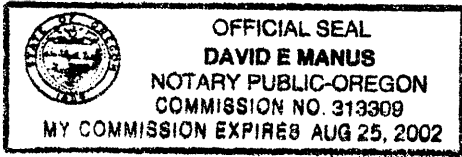
Sonya Kazen,
Development Review Coordinator

cc: Rolland Arney, ROW, ODOT Region 1
Gary Hunt, Permits, ODOT District 2B
Simon Eng, Traffic, ODOT Region 1



State of OREGON
County of MULTNOMAH

The attached letter RE: Canby Market Project: First Avenue Street Vacation, was acknowledged
before me on 26 October, 1999 by Sonya Kazen, Development Review Coordinator.



David E Manus

Notary Public – State of Oregon

My commission expires August 25, 2002.

STATE OF OREGON 99-119526
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPT# AND FEE: 105368 \$65.00
DATE AND TIME: 12/30/99 03:52 PM
JOHN KAUFFMAN, COUNTY CLERK

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