

**ORDINANCE NO. 1415**

**AN ORDINANCE VACATING TWO SMALL PORTIONS OF SOUTH BERG PARKWAY PUBLIC RIGHT-OF-WAY THAT LIE ON THE WEST SIDE OUTSIDE OF THE EXISTING PAVED STREET AND SIDEWALK.**

**WHEREAS**, the City presently owns and maintains two small portions of S Berg Parkway public right-of-way to be vacated with both the northern and southern vacation areas described through legal description and illustrated in Exhibits “A”, and attached heretofore and by this reference incorporated herein; and

**WHEREAS**, the City initiated this vacation of the aforementioned right-of-way areas by application on March 23, 2015; and

**WHEREAS**, the application was reviewed by the Planning Director and found to be complete; and

**WHEREAS**, the vacation is requested as a component set forth in an agreement reached between the City and adjacent property owner to resolve several existing land issues; and

**WHEREAS**, the City Council adopts a condition of approval to reserve a utility easement in place of the street vacation areas to assure access to any existing utilities; and

**WHEREAS**, as required by law, notice of public hearing was published for two (2) consecutive weeks in the Canby Herald newspaper, posted on the area to be vacated, and mailed to all property owners within the State Statute defined “affected” area for both the northern and southern vacation areas as indicated in Exhibit “B”; and

**WHEREAS**, a public hearing was held on this matter before the Canby City Council on April 15, 2015 and all statutory requirements for the vacation were found to be met and the request suitable for approval; now therefore,

**THE CITY OF CANBY ORDAINS AS FOLLOWS:**

1. The two public right-of-way areas as described by legal description and as illustrated in Exhibits “A” shall be vacated and title to the vacated property shall attach to the neighboring property owner.
2. The Canby City Council adopts a condition of approval reserving a utility easement in place of the vacated areas to assure access to any existing utilities.


**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on April 15, 2015, and ordered posted in three (3) public and conspicuous places in 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 May 6, 2015, commencing at the hour of 7:30 PM in the City Council Chambers located at 155 NW 2<sup>nd</sup> Avenue, Canby, Oregon

  
Kimberly Scheafer, MMC  
City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 6<sup>th</sup> day of May 2015, by the following vote:

YEAS 6

NAYS 0

  
Brian Hodson  
Mayor

ATTEST:

  
Kimberly Scheafer, MMC  
City Recorder



6950 SW Hampton St., Ste. 170  
Tigard, OR 97223-8330  
Ph.: (503) 941-9585  
Fax: (503) 941-9640  
www.weddlesurveying.net

February 10, 2015

Job No. 4730 - Vacation  
Legal Description

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Anthony B. Ryan*  
OREGON  
JULY 13, 2004  
ANTHONY B. RYAN  
58833  
RENEWAL DATE: DECEMBER 31, 2016

### EXHIBIT "A"

A tract of land for Right-Of-Way Vacation purposes being a portion of South Berg Parkway as described in Deed to the City of Canby recorded March 18, 1956 in Volume 539, Page 440, Clackamas County Deed Records, in the Northeast Quarter of Section 5, Township 4 South, Range 1 East, Willamette Meridian, City of Canby, Clackamas County, Oregon, more particularly described as follows:

Commencing at the Southeast corner of Parcel 2, Partition Plat No. 2009-044, a plat of record in said County, said corner being 15.00 feet Westerly of the centerline of said South Berg Parkway; thence along said right-of-way line South 00°03'00" East, a distance of 115.00 feet to a point opposite Engineer's Centerline Station 4+13.37, 15.00 feet from centerline per Survey No. PS 22239, Clackamas County Survey Records; thence South 89°57'00" West, a distance of 4.41 feet to the True Point of Beginning of the herein described tract of land; thence South 12°03'08" West, a distance of 28.78 feet to a point opposite Engineer's Centerline Station 4+42.31, 25.00 feet from centerline and the beginning of a non-tangent 891.73 foot radius curve to the left, a radial line bears South 88°14'29" East; thence along the arc of said curve 28.15 feet through a central angle of 1°48'31" (the long chord bears North 00°51'16" East, a distance of 28.15 feet); thence North 89°57'00" East, a distance of 5.59 feet to the True Point of Beginning.

Containing therein 77 Square Feet (0.002 Acres), more or less.

The Basis of Bearings for this description is Survey Number 22239, Clackamas County Survey Records.

# EXHIBIT "A"

## RIGHT-OF-WAY VACATION

### IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF CANBY, CLACKAMAS COUNTY, OREGON

**P.O.B.**  
S.E. CORNER, PARCEL 2,  
PARTITION PLAT NO. 2009-044

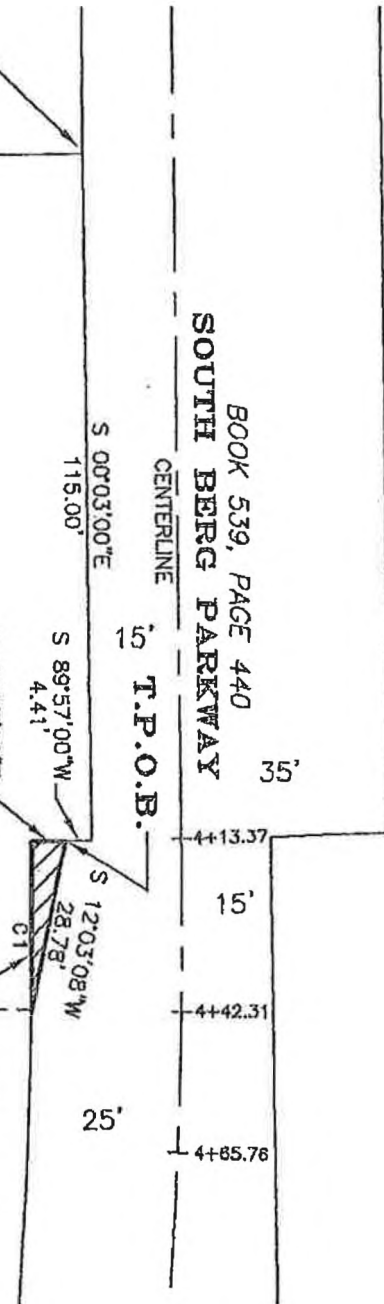
T.P.O.B. = TRUE POINT OF BEGINNING  
P.O.B. = POINT OF BEGINNING

Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	891.73'	28.15'	1°48'31"	28.15'	N 00°51'16" E

#### CURVE DATA

DOCUMENT NO. 2002-006448

RIGHT-OF-WAY  
VACATION AREA  
77 SQUARE FEET  
(MORE OR LESS)



SCALE 1" = 30'  
FEBRUARY 10, 2015

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
ANTHONY B. RYAN  
58833

RENEWAL: DECEMBER 31, 2016



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OREGON  
JULY 13, 2004  
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RENEWAL DATE: DECEMBER 31, '16

**EXHIBIT "A"**

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Commencing at the Southeast corner of Parcel 2, Partition Plat No. 2009-044, a plat of record in said County, said corner being 15.00 feet Westerly of the centerline of said South Berg Parkway; thence along the Westerly right-of-way line of said South Berg Parkway South 00°03'00" East, a distance of 115.00 feet to a point opposite Engineer's Centerline Station 4+13.37, 15.00 feet from centerline per Survey No. PS 22239, Clackamas County Survey Records; thence continuing along said right-of-way line South 89°57'00" West, a distance of 10.00 feet to the beginning of a non-tangent 891.73 foot radius curve to the right, a radial line bears North 89°57'00" East; thence along the arc of said curve 104.79 feet, through a central angle of 6°43'59" (the long chord bears South 03°19'00" West, a distance of 104.73 feet to the True Point of Beginning of the herein described tract of land, said point being opposite Engineer's Centerline Station 5+21.10, 25.00 feet from centerline; thence leaving said Westerly right-of-way line South 00°02'44" East, a distance of 129.11 feet to a point opposite Engineer's Centerline Station 6+49.71, 4.02 feet from centerline; thence South 89°51'23" West, a distance of 11.01 feet to a point opposite Engineer's Centerline Station 6+51.63, 14.85 feet from centerline; thence South 19°04'40" West, a distance of 122.96 feet to a point opposite Engineer's Centerline Station 7+73.05, 34.32 feet from centerline; thence South 21°47'23" West, a distance of 110.46 feet to a point opposite Engineer's Centerline Station 8+86.35, 55.00 feet from centerline, to said Westerly right-of-way line and the beginning of a non-tangent 452.44 foot radius curve to the left, a radial line bears South 74°42'12" East; thence along said Westerly right-of-way line and along the arc of said curve 42.09 feet, through a central angle of 05°19'48" (the long chord bears North 12°37'54" East, a distance of 42.07 feet); thence along a non-tangent line North 09°58'00" East, a distance of 27.89 feet; thence North 24°57'24" East, a distance of 115.99 feet; thence North 09°58'00" East, a distance of 125.57 feet to the beginning of an 891.73 foot radius curve to the left; thence along the arc of said curve 51.10 feet, through a central angle of 03°17'01" (the long chord bears North 08°19'30" East, a distance of 51.10 feet) to the True Point of Beginning.

Containing therein 2,920 Square Feet (0.067 Acres), more or less.

The Basis of Bearings for this description is Survey Number 22239, Clackamas County Survey Records.

# EXHIBIT "A"

## RIGHT-OF-WAY VACATION

### IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF CANBY, CLACKAMAS COUNTY, OREGON

T.P.O.B. = TRUE POINT OF BEGINNING  
P.O.B. = POINT OF BEGINNING

**P.O.B.**  
S.E. CORNER, PARCEL 2,  
PARTITION PLAT NO. 2009-044

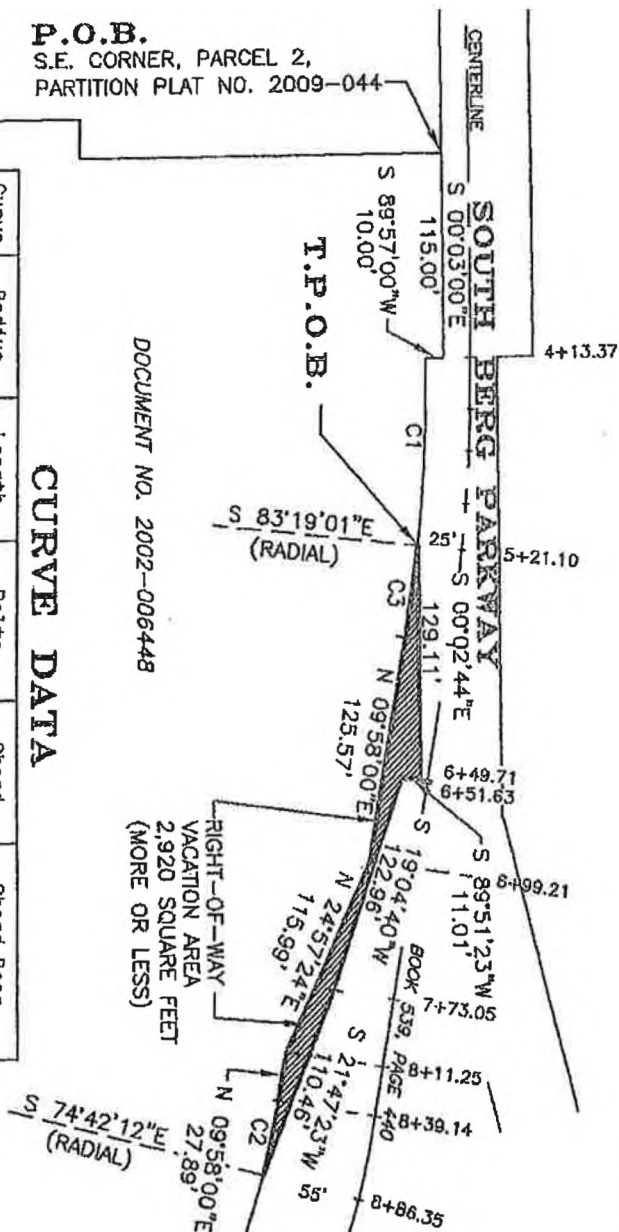


SCALE 1" = 100'  
FEBRUARY 10, 2015

Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	891.73'	104.79'	6°43'59"	104.73'	S 03°19'00" W
C2	452.44'	42.09'	5°19'48"	42.07'	N 12°37'54" E
C3	891.73'	51.10'	3°17'01"	51.10'	N 08°19'30" E

#### CURVE DATA

DOCUMENT NO. 2002-006448



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

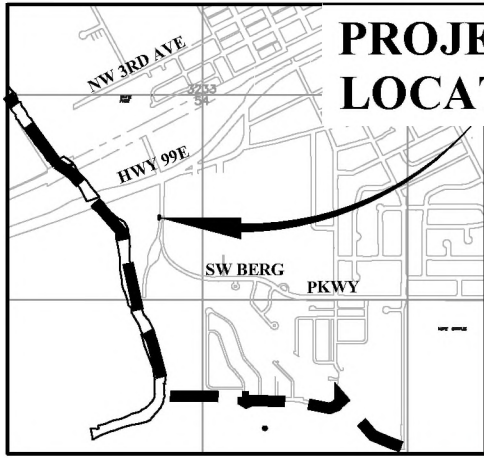
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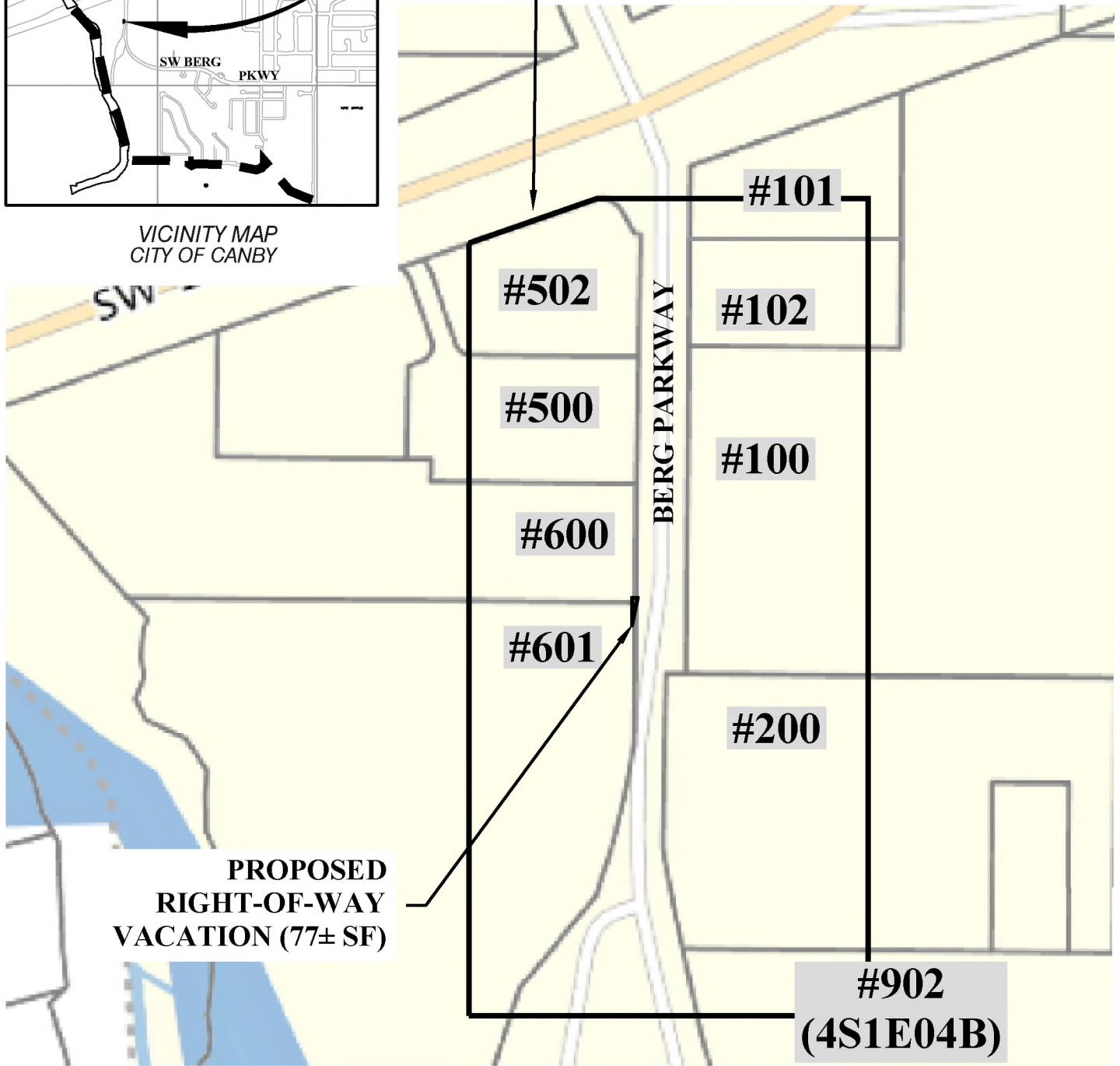
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# PROJECT LOCATION

VICINITY MAP  
CITY OF CANBY

AFFECTED AREA FOR  
NOTIFICATION OF VACATION



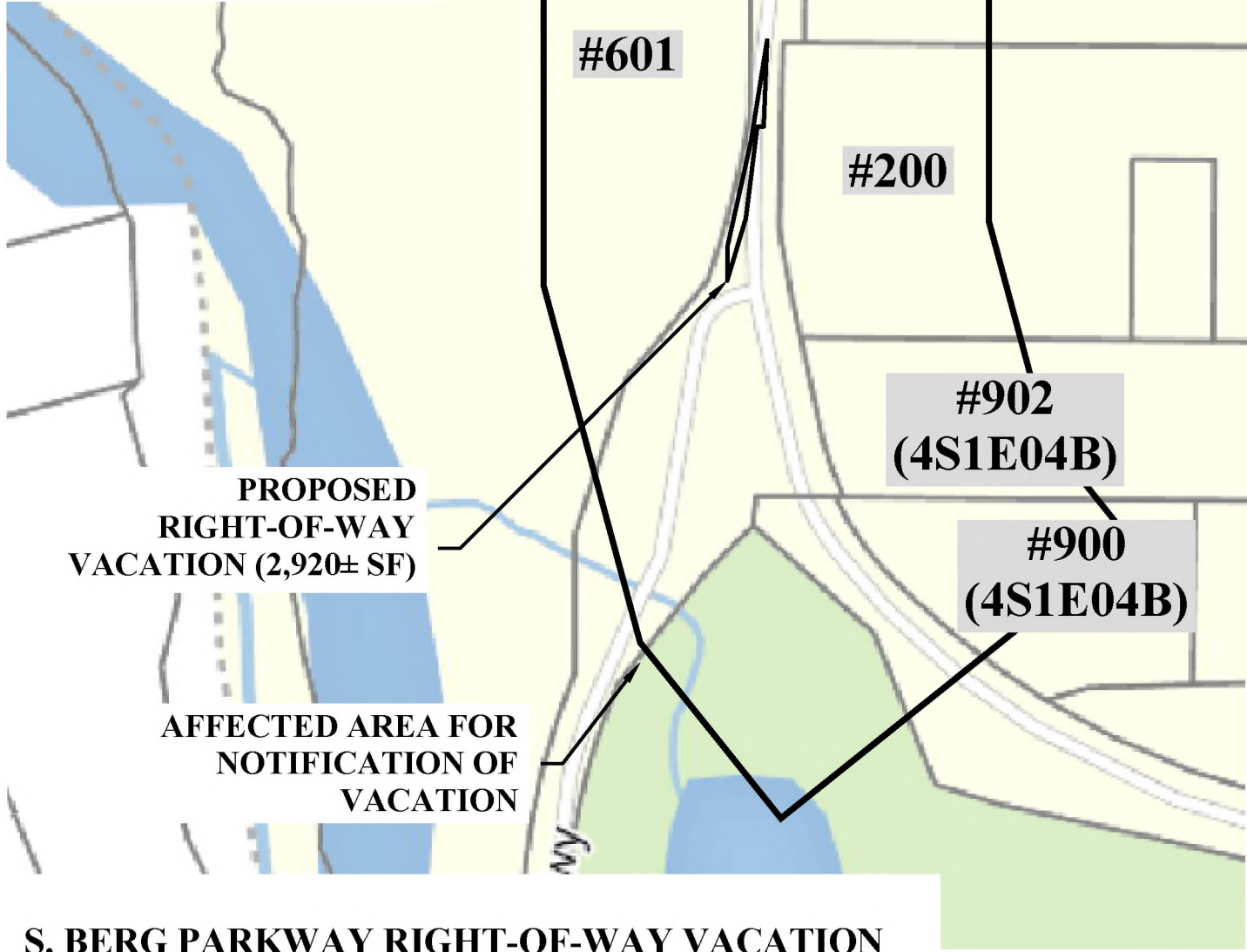
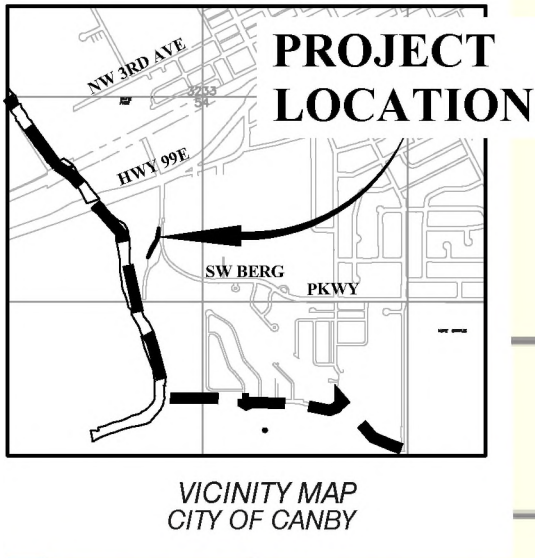
PROPOSED  
RIGHT-OF-WAY  
VACATION (77± SF)

## S. BERG PARKWAY RIGHT-OF-WAY VACATION NE ¼ SEC. 5 T.4S. R.1E. W.M., CLACKAMAS COUNTY ASSESSOR MAP 4S1E05A

CANBY, OREGON



SCALE: 1"=150'



**S. BERG PARKWAY RIGHT-OF-WAY VACATION  
NE ¼ SEC. 5 T.4S. R.1E. W.M.,  
CLACKAMAS COUNTY ASSESSOR MAP 4S1E05A  
CANBY, OREGON**



SCALE: 1"=200'