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\$45.00 \$5.00 \$16.00 \$22.00 \$10.00 \$125.00

RECORDING COVER SHEET

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

AFTER RECORDING RETURN TO:

**City of Canby
PO Box 930
Canby, OR 97013
Attn: Kim Scheafer, City Recorder**

1. DOCUMENT TITLE(S)

ORDINANCE NO. 1415 VACATING TWO SMALL PORTIONS OF SOUTH BERG PARKWAY PUBLIC RIGHT-OF-WAY THAT LIE ON THE WEST SIDE OUTSIDE OF THE EXISITNG PAVED STREET AND SIDEWALK

2. NAME(S) AND ADDRESS(ES) of DIRECT party(s):

**CITY OF CANBY, PO BOX 930, 182 N HOLLY ST, CANBY, OR 97013
SR SMITH, PO BOX 400, 1017 SW BERG PARKWAY, CANBY, OR 97013**

3. NAME(S) AND ADDRESS(ES) OF INDIRECT party(s):

**CITY OF CANBY, PO BOX 930, 182 N HOLLY ST, CANBY, OR 97013
SR SMITH, PO BOX 400, 1017 SW BERG PARKWAY, CANBY, OR 97013**

ORDINANCE NO. 1415

Kimberly Schoffen
City Recorder

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 2nd 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 6th 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

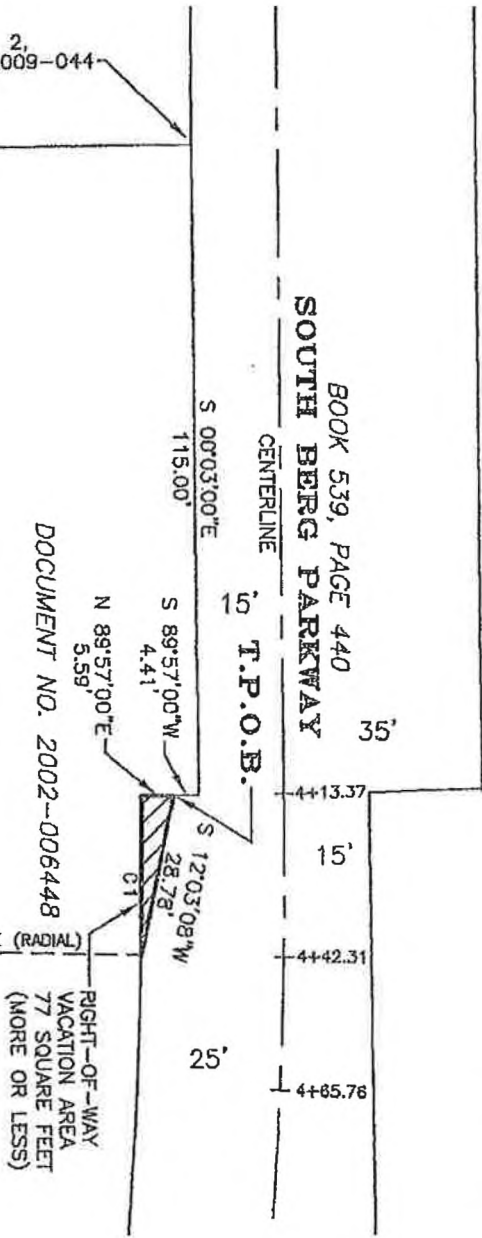
T.P.O.B. = TRUE POINT OF BEGINNING
P.O.B. = POINT OF BEGINNING



SCALE 1" = 30'
FEBRUARY 10, 2015

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

CURVE DATA



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2004
ANTHONY B. RYAN
58833

RENEWAL: DECEMBER 31, 2016



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February 10, 2015

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Legal Description

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LAND SURVEYOR

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OREGON
JULY 13, 2004
ANTHONY B. RYAN
58833

RENEWAL DATE: DECEMBER 31, '16

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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.

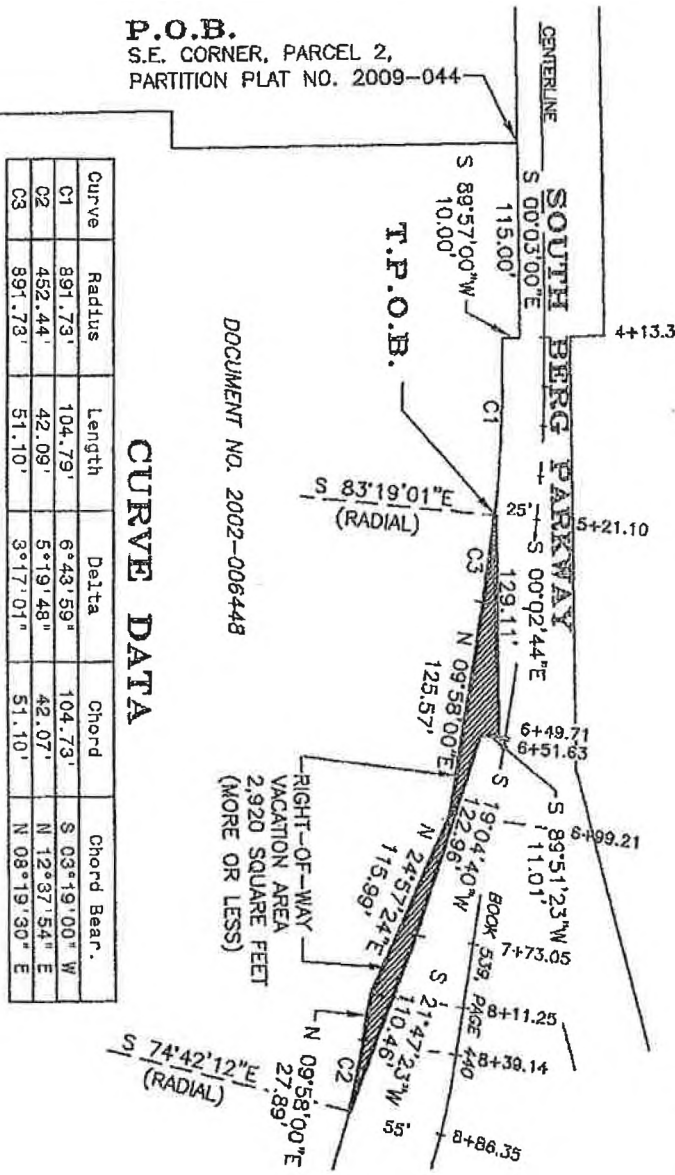
EXHIBIT "A"
RIGHT-OF-WAY VACATION
IN THE NORTHEAST QUARTER OF SECTION 5,
TOWNSHIP 4 SOUTH, RANGE 1 EAST,
WILLAMETTE MERIDIAN, CITY OF CANBY,
CLACKAMAS COUNTY, OREGON

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



DOCUMENT NO. 2002-006448

CURVE DATA

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

RIGHT-OF-WAY
VACATION AREA
2,920 SQUARE FEET
(MORE OR LESS)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

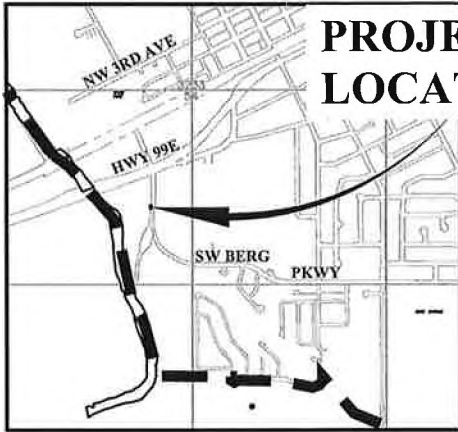
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RENEWAL: DECEMBER 31, 2016



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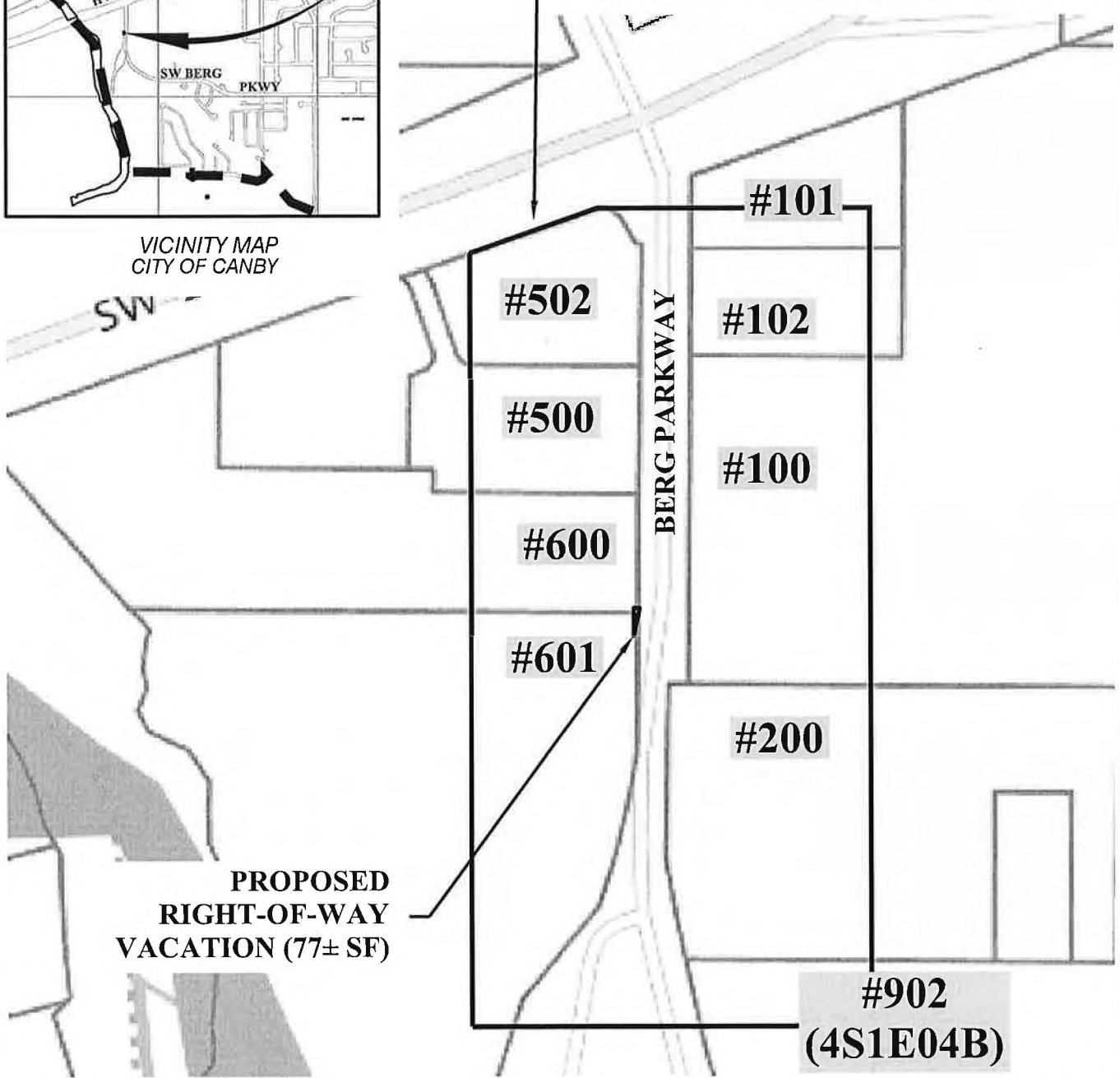
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VICINITY MAP
CITY OF CANBY

PROJECT LOCATION

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

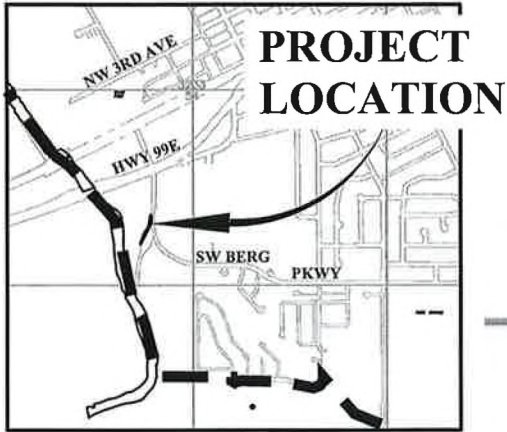


SCALE: 1"=150'

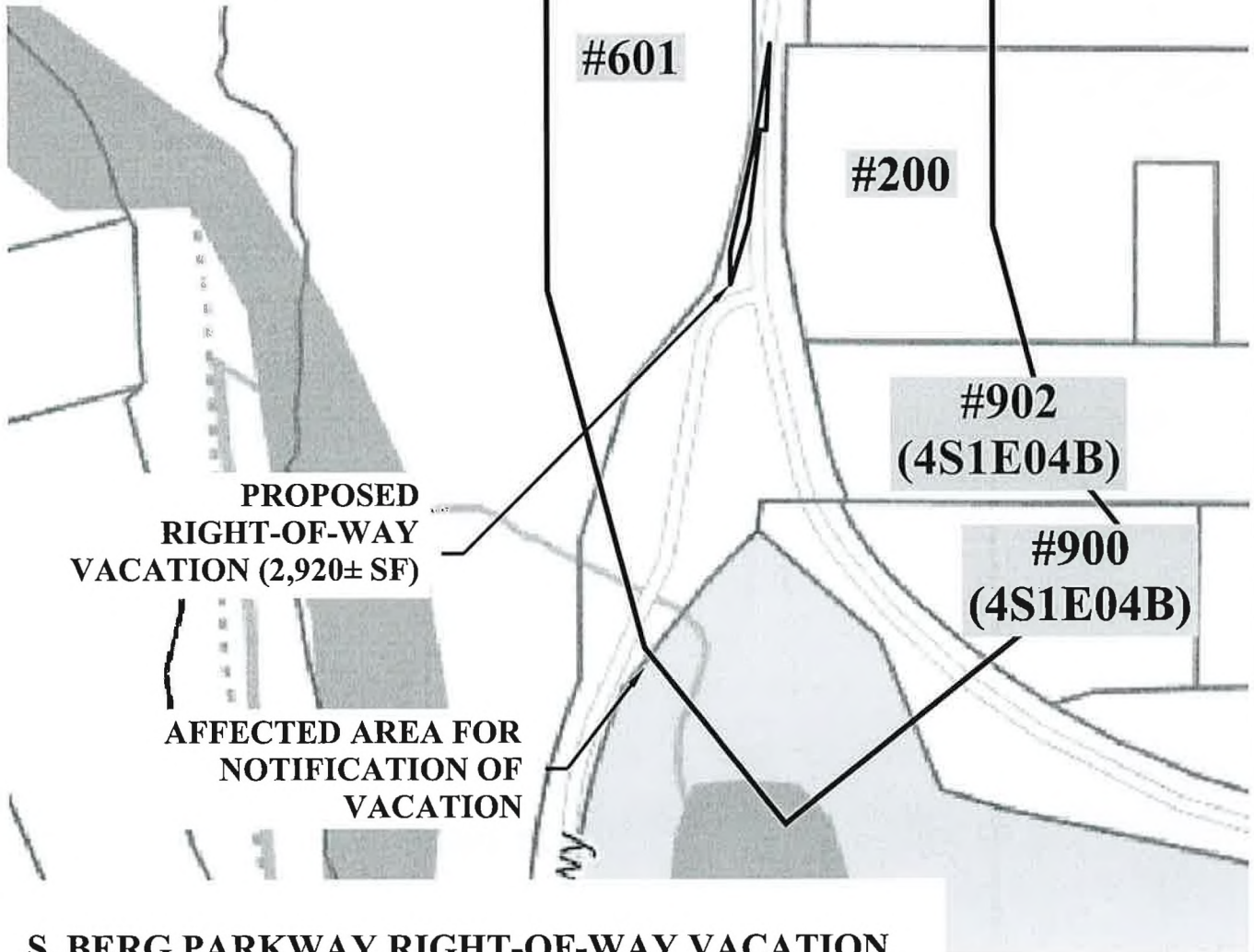
CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

Exhibit "B" Northern Area

J:\Canby\1009 ROW Vacationing\SouthBergParkwayVacation_030515.dwg, 5/11/2015 1:07:21 PM, Nitro PDF Creator (Pro 9).pc3



VICINITY MAP
CITY OF CANBY



**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'

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

Exhibit "B" Southern Area

