



Resolution 2003-074

A RESOLUTION CONSENTING TO THE VACATION OF A SLOPE AND DRAINAGE EASEMENT ON ROY ROGERS ROAD ADJACENT TO HERON RIDGE

WHEREAS, ORS 368.361(3) specifies vacation criteria where a county governing body may vacate property that is under the jurisdiction of the county and that is entirely within the limits of a city if that city, by resolution or order, concurs in the finds of the county governing body in vacation proceedings; and

WHEREAS, Washington County has received a petition to vacation a Slope and Drainage Easement located along Roy Rogers Road and described in the Exhibit attached hereto; and

WHEREAS, the Slope and Drainage Easement to be vacated falls under County jurisdiction and is entirely within the incorporated area of the City of Sherwood; and

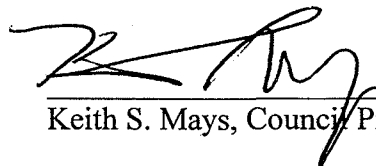
WHEREAS, on September 16, 2003 the Washington County Board of Commissioners found that the proposed vacation will be in the public interest and that the easement is not needed for future lateral support or drainage, provided that the City of Sherwood concur in their findings.

NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

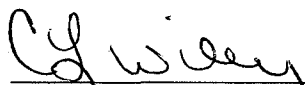
Section 1: The City of Sherwood does hereby concur with the findings of the Board of County Commissioners of Washington County, Oregon as written in their attached Resolution and Vacation Report No. 432.

Section 2: This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 23rd day of September 2003.


Keith S. Mays, Council President

ATTEST:


C.L. Wiley, City Recorder

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Consent – Land Use and Transportation CPO 5

Agenda Title: APPROVE VACATION NO. 432, VACATION OF A SLOPE AND DRAINAGE EASEMENT IN THE CITY OF SHERWOOD

Presented by: Gregory S. Miller, County Engineer

SUMMARY (Attach Supporting Documents if Necessary)

A petition was received by the Board to vacate a Slope and Drainage Easement, situated in Section 30, T2S, R1W, W.M., Washington County, Oregon. The easement proposed to be vacated has not been utilized. The petitioners are developing the adjacent site and would like to incorporate this area, when vacated, into this development. The petition was signed by 100% of the abutting property owners. Staff has reviewed this request and finds that it is in the public interest to proceed with the vacation. A Resolution and Order has been prepared granting the requested vacation and, upon concurrence by the City of Sherwood, the action will be finalized at the regular meeting of the Board on October 7, 2003.

- Attachments: 1. Resolution and Order
2. Vacation Report

DEPARTMENT'S REQUESTED ACTION:

Approve the attached Resolution and Order vacating the Slope and Drainage Easement proposed herein and continue the matter to October 7, 2003.

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COUNTY ADMINISTRATOR'S RECOMMENDATION:

Agenda Item No. _____
Date: 9/16/03

City of Sherwood Res. 2003-074
Exhibit 1
September 23, 2003

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

In the Matter of the Vacation of a Slope and)
Drainage Easement, in Section 30, T2S, R1W,) RESOLUTION AND ORDER
W.M., Washington County, Oregon,)
VACATION NO. 432) NO. _____

The above-entitled matter having come on regularly before the Board at its meeting of September 16, 2003; and

It appearing to the Board that a petition has been filed for the Vacation of a Slope and Drainage Easement, situated in Section 30, T2S, R1W, W.M., Washington County, Oregon, and that said petition was signed by owners of 100% of the property to be vacated and by the owners of 100% of the abutting property, pursuant to ORS 368.351(2); and

It appearing to the Board that said petition did describe the Slope and Drainage Easement, the names of the parties to be particularly affected thereby, and set forth the particular circumstances of the case; and

It appearing to the Board that the Slope and Drainage Easement proposed to be vacated, is within the boundary of the City of Sherwood and the County may vacate property provided the City concurs with the County's findings, as provided in ORS 368.361(3); and

It appearing to the Board that the Slope and Drainage Easement proposed to be vacated is not necessary for future lateral support or drainage as stated in the attached Vacation Report; and

It appearing to the Board that the County Road Official did examine the area of the Slope and Drainage Easement proposed to be vacated as described below and hereby submits to the Board, the Vacation Report attached hereto; and by this reference made a part hereof, in accordance with ORS 368.351(1); it is therefore

RESOLVED AND ORDERED that the Board finds, based on the County Engineer's Report, that the proposed Vacation will be in the public interest and that the Slope and Drainage Easement proposed to be vacated is not necessary for future use; and it is further

RESOLVED AND ORDERED that the Slope and Drainage Easement proposed to be vacated is being more particularly described in the Vacation Report attached hereto and by this reference made a part hereof, is to be vacated upon concurrence of the City Council of the City of Sherwood with this Resolution and Order, pursuant to ORS 368.361(3); and it is further

RESOLVED AND ORDERED that the County Engineer be directed to forward a copy of this Resolution and Order to the City of Sherwood and request its concurrence with the findings herein; and it is further

RESOLVED AND ORDERED that this matter shall be continued to October 7, 2003, Board meeting to receive the concurrence of the City of Sherwood with the findings of this Resolution and Order and to take final action on the proposed vacation.

Dated this 16th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

Chairperson

Recording Secretary

Approved as to form:

Loretta Skurdahl
Senior Assistant County Counsel
for Washington County, Oregon
Date: _____

Page 2 – R&O No.
Vacation No. 432

**DEPARTMENT OF LAND USE AND TRANSPORTATION
REPORT ON VACATION NO. 432**

SEPTEMBER 16, 2003

A request to initiate a vacation proceeding has been received by the Board of County Commissioners to vacate a Slope and Drainage Easement, situated in Section 30, Township 2 South, Range 1 West of the Willamette Meridian as shown on Exhibit "A", being more particularly described as follows:

All that Slope and Drainage Easement situated in the Northeast One-quarter of Section 30, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, described in the deed to the public as recorded in Document Nos. 2000024737 and 2000024741, in the Washington County Book of Records.

The owners of the property abutting said easement are:

2S1 30AB 800
Schlichting, Paul/Muralt, Do
Brunhaver, Donna/Wozniak, Da
420 SE Highland Dr.
Sherwood, OR 97140

2S1 30AB 200, 500 & 700
Oakridge Estate Development
22400 S Salamo Road, Ste. 204
West Linn, OR 97068

The Slope and Drainage Easement proposed to be vacated is within the incorporated area of the City of Sherwood. ORS 368.361(3) requires the City, by Resolution and Order, to concur with the findings of Washington County.

CRITERIA FOR EVALUATION OF ROAD VACATION REQUEST

1) Conformance with the County's Comprehensive Plan

The area proposed for vacation has never been utilized as part of the "Washington County Functional Classification System", therefore, vacating the area as proposed will not affect the system standards.

2). Use of the Right-of-Way

The area proposed for vacation is a Slope and Drainage Easement not a public right-of-way. It has not been utilized for that purpose and will not be needed in the future.

The purpose of the vacation request is to allow the adjacent property owners to consolidate the area of vacation, when vacated, with their property for redevelopment of the site.

3). Impact on Utilities and Emergency Services

This easement made no provisions for utility installations, but the utility companies were notified of the County's intention to vacate the Slope and Drainage Easement.

4). Limits of Vacation and Evaluation of "County Road" Status

Part of the area of the easement proposed for vacation was used for the bilateral support of the slope. Since a retaining wall is built and variable width wall easement is granted by the Plat of Heron Ridge Estate, that slope along with a drainage easement is no longer needed.

The area proposed for vacation is a Slope and Drainage Easement, and its limits are logical and justifiable. The area proposed for vacation will not have any adverse impact on the abutting properties.

Based on the above statements, it is recommended that the Board of Commissioners grant the vacation of the said Slope and Drainage Easement, as it would be in the public interest, **subject to**, the City of Sherwood, concurring by Resolution and Order with the vacation, as required by ORS 368.361.

Gregory S. Miller, P.E.
Washington County Engineer

Attachments: Exhibit "A"

FAX

Date: 9.26.03
 Number of pages including
 cover sheet: 7

To: Phillip Heally

Phone:

Fax phone: 503-846-2908

CC:

From: Chris Wiley

Phone: (503) 625-4246

Fax phone: (503)625-4254

REMARKS: Urgent For your review Reply ASAP Please comment

RE: Resolution Consenting to the vacation of a slope and drainage easement on Roy Rogers Rd. adjacent to Heron Ridge.

HP OfficeJet T Series
Personal Printer/Fax/Copier/Scanner

Fax History Report for
Hite House
5036254254
Sep 26 2003 4:21pm

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Sep 26	4:18pm	Sent	5038462908	2:24	7	OK

Result:

OK - black and white fax
OK color - color fax