



Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2007-070

A RESOLUTION DIRECTING STAFF TO PREPARE AN ORDINANCE TO VACATE A SEGMENT OF AN ABANDONED SECTION OF THE OLD SIX CORNERS ROAD BETWEEN HWY 99W AND BORCHERS ROAD

WHEREAS, Enserv, LLC (dba Sherwood Shell) filed with the City Recorder a petition requesting the City vacate an unused Right-Of-Way (ROW) segment of the abandoned Old Six Corners Road and establish a public easement over the same area. This petition provides a description of the ground proposed to be vacated, the purpose for which the ground is to be used and the reason for such vacation. Enserv is the underlying owner of the abandoned Old Six Corners road segment and Tax Lot 501; and

WHEREAS, the property is described as a short segment of the abandoned Six Corners Street between State Highway 99W and the realigned Borchers Road; and

WHEREAS, The City has obtained a statement from Washington County stating they have no interest in the property and do not object to the vacation; and

WHEREAS, The City has obtained a statement from the State of Oregon thru the Oregon Department of Transportation stating they have no interest in the property and do not object to the vacation provided a restriction is placed on the property deed preventing access to Hwy 99W; and

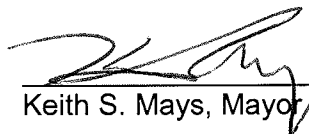
WHEREAS, the applicant requests that the City proceed with a hearing and ordinance to vacate the property.

NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

Section 1: By approval of this Resolution, Staff is hereby directed to draft an ordinance, perform appropriate public notice, and place on the agenda a time for Council to hear the petition and objections and whether the public interest is prejudiced by the vacation.

Section 2: This resolution is and shall be effective from and after its passage by the Council.

Duly passed by the City Council this 7th day of August 2007.


Keith S. Mays, Mayor

ATTEST:

Resolution 2007-070
August 7, 2007
Exhibits


Sylvia Murphy, City Recorder

Exhibits:

Existing Conditions Map

Exhibit A: Legal Description for ROW Vacation

Exhibit B: Map for ROW Vacation

Exhibit C: Legal Description for Public Utility Easement

Exhibit D: Map for Public Utility Easement

Exhibit E: Petition and additional documentation provided by applicant (7 pgs)

City Engineer Letter (2 pgs)

Washington County Letter, no objection

E-mail from ODOT, no objection

EXHIBIT A
Legal Description for Right-of-way Vacation

A portion of Borchers Road (county road number 1324) located in the Southwest One-Quarter of the Northwest One-Quarter of Section 29, Township 2 South, Range 1 West, W.M., City of Sherwood, Washington County, Oregon and more particularly described as follows:

Beginning at the west One-Quarter of Section 29, being a 2 inch brass disk in a monument box, thence along the west line of Section 29 North 00°11'25" West 56.11 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "CMT PLS 50333" on the northwesterly right-of-way of SW Pacific Highway 99W, being the True Point of Beginning; thence along the west line of Section 29 North 00°11'25" West 95.75 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "CMT PLS 50333"; thence North 46°47'56" East 45.13 feet to a point; thence South 00°11'25" East 95.74 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "PLS 1678" on the northwesterly right-of-way of SW Pacific Highway 99W; thence along the northwesterly Right-Of-Way of SW Pacific Highway 99W South 46°47'29" West 45.14 feet to the True Point of Beginning.

The above described tract contains 3,159 square feet, more or less. The Basis of Bearings is per Survey Number 26,330, Washington County Survey Records

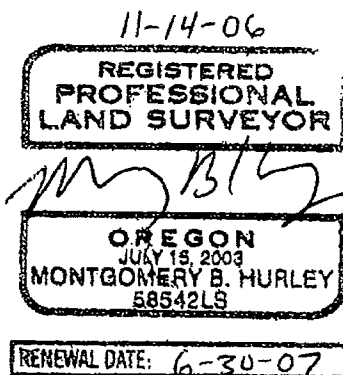


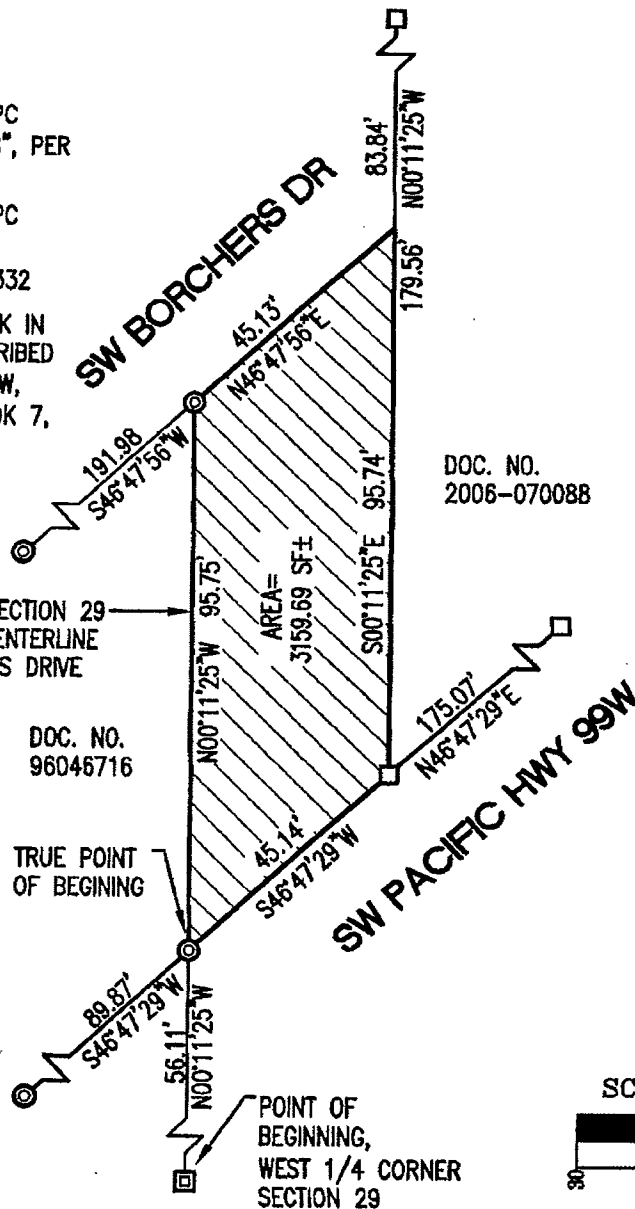
EXHIBIT B**MAP FOR RIGHT-OF-WAY VACATION**

LOCATED IN THE NW 1/4 OF SECTION 29 TOWNSHIP 2 SOUTH,
RANGE 1 WEST, W.M., SHERWOOD, WASHINGTON COUNTY, OREGON

LEGEND

- FOUND 5/8" IR W/YPC
INSCRIBED "PLS 1678", PER
SN 26,330
- ⊙ FOUND 5/8" IR W/YPC
INSCRIBED "CMT PLS
50333"; PER SN 30,332
- ▣ FOUND 2" BRASS DISK IN
MONUMENT BOX INSCRIBED
"1/4 30-29 T2S, R1W,
1993" PER USBT BOOK 7,
PAGE 593

WEST LINE OF SECTION 29
AND ORIGINAL CENTERLINE
OF SW BORCHERS DRIVE



11-14-06

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 18, 2003
MONTGOMERY B. HURLEY
58542LS

RENEWAL DATE: 6/30/07

PREPARED FOR:

GEORGE JOHNSTON
20915 SW PACIFIC HWY
SHERWOOD, OR 97140
(503) 625-2911

JOB NAME: SW BORCHERS DR

JOB NUMBER: 1675

DRAWING NUMBER: 1675EXB_ROW

DRAWN BY: RMP

CHECKED BY: NSW

ENGINEERING • PLANNING • SURVEYING • FORESTRY
LICENSED IN OR & WA



13910 SW GALBREATH DR.,
SUITE 100
SHERWOOD, OR 97140
PHONE: (503) 925-8799
FAX: (503) 925-8969

EXHIBIT C**Legal Description for Public Utility Easement**

A portion of Borchers Road (county road number 1324) located in the Southwest One-Quarter of the Northwest One-Quarter of Section 29, Township 2 South, Range 1 West, W.M., City of Sherwood, Washington County, Oregon and more particularly described as follows:

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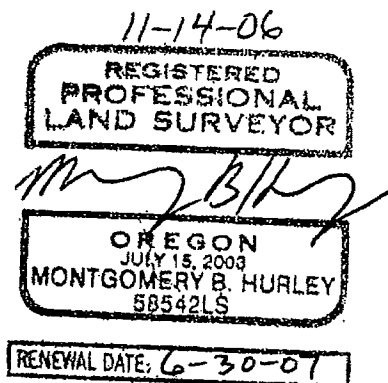


EXHIBIT D**MAP FOR PUBLIC UTILITY EASEMENT**

LOCATED IN THE NW 1/4 OF SECTION 29 TOWNSHIP 2 SOUTH,
RANGE 1 WEST, W.M., SHERWOOD, WASHINGTON COUNTY, OREGON

LEGEND

- FOUND 5/8" IR W/YPC
INSCRIBED "PLS 1678", PER
SN 26,330
- ⊙ FOUND 5/8" IR W/YPC
INSCRIBED "CMT PLS
50333"; PER SN 30,332
- ▣ FOUND 2" BRASS DISK IN
MONUMENT BOX INSCRIBED
"1/4 30-29 T2S, R1W,
1993" PER USBT BOOK 7,
PAGE 593

WEST LINE OF SECTION 29
AND ORIGINAL CENTERLINE
OF SW BORCHERS DRIVE

DOC. NO.
96046716

TRUE POINT
OF BEGINNING

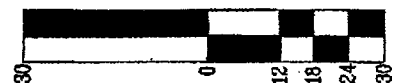
POINT OF
BEGINNING,
WEST 1/4 CORNER
SECTION 29

DOC. NO.
2006-070088

11-14-06
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
MONTGOMERY B. HURLEY
58542LS
RENEWAL DATE: 6/30/07

SCALE 1" = 30 FEET

**PREPARED FOR:**

GEORGE JOHNSTON
20915 SW PACIFIC HWY
SHERWOOD, OR 97140
(503) 625-2911

JOB NAME: SW BORCHERS DR

JOB NUMBER: 1675

DRAWING NUMBER: 1675EXB_ROW

DRAWN BY: RMP

CHECKED BY: NSW

ENGINEERING • PLANNING • SURVEYING • FORESTRY
LICENSED IN OR & WA



13910 SW GALBREATH DR.,
SUITE 100
SHERWOOD, OR 97140
PHONE: (503) 925-8799
FAX: (503) 925-8969

SHERWOOD SHELL

Enserv, LLC
Phone: (503) 625-2911
Fax: (503) 625-2799

RECEIVED

JAN 12 2007

CITY OF SHERWOOD
RECORDER'S OFFICE

Subject: Vacation of "old six corners street," bordering Borchers and 99W.

Ownership History: Street was property of Washington County, which deeded it back To the City of Sherwood, when Borchers Road improvement took place.

Zoned: Commercial

Applicant: Enserv, LLC
DBA Sherwood Shell
20945 SW Hwy 99W
Sherwood, OR 97140

Contact: George Johnston
503-625-2911
Cell 503-329-3640

- Reasons:**
1. 50% of the property is in our approved landscaping plan, which we maintain.
 2. We have an easement through the property.
 3. Improve the appearance of Sherwood, via 99W, we would maintain another 45 feet, approximately.
 4. Property would be added to tax roll.
 5. Give more parking if needed to our convenience store.
 6. Will be combined to the joint property, owned by Sherwood Shell, Enserv.
 7. No access to 99W from this property.

CONSTRUCTION
MAPPING TEAM



14910 SE MORNING WAY SUITE 202 CLACKAMAS, OR. 97015 PHONE 503-558-9686 FAX 503-558-9293

CLIENT: GEORGE JOHNSTON
PURPOSE: TO SHOW EXISTING CONDITIONS
LEGAL:
COUNTY: WASHINGTON
DRAWN: KAS
CHECKED: SPF

DATE: 07/24/06

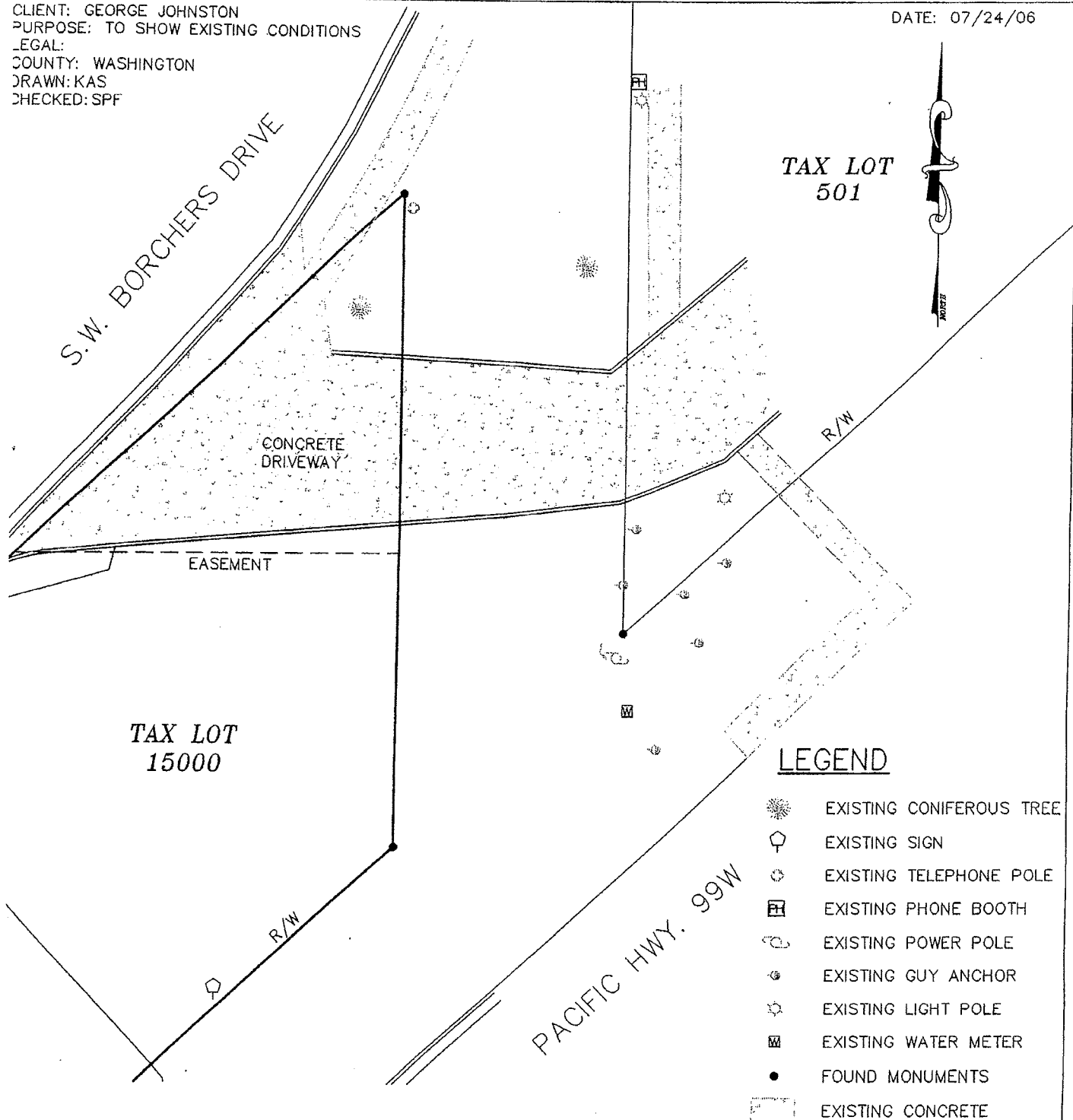


EXHIBIT 'A'

LOCATED IN THE SE 1/4 & NE 1/4 OF SECTION 30,

TOWNSHIP 2 SOUTH, RANGE 1 EAST, W.M.
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

I, CARL CADOWAN, JR OF ALPROD LLC, agree the City of Sherwood should vacate the property between Borchers Road and 99W, which is west of tax lot 15000 and east of tax lot 501.

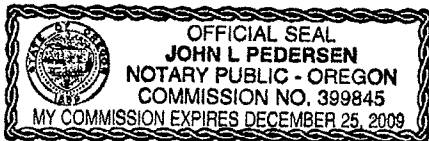
Dated this 8th day of Jan., 2007.

By Carl Cadowan

STATE OF OREGON
County of Washington

Personally appeared CARL CADOWAN JR before me on this 8 th day of JANUARY, 2007. who being duly sworn, did say that he is MANAGER of the LIMITED LIABILITY CORP., who took title as ALPROD LLC, an Oregon corporation, and that on behalf of the company, acknowledge said instrument to be his voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set me hand and affixed my official seal the day and year last above written.



John L. Pedersen
Notary Public of Oregon
My Commission expires: 12-25-2009

I, George M. Johnston, agree the City of Sherwood should vacate the property between Borchers Road and 99W, which is west of tax lot 15000 and east of tax lot 501.

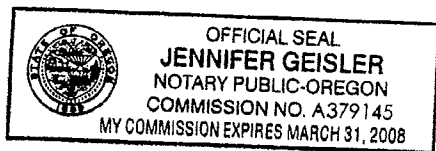
Dated this 11 day of June, 2007.

By George M. Johnston

STATE OF OREGON
County of Washington

Personally appeared George Johnston before me on this 11 th day of January, 2007, who being duly sworn, did say that he is president of the Sherwood Shell, who took title as Sherwood Shell (Enserv), an Oregon corporation, and that on behalf of the company, acknowledge said instrument to be his voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set me hand and affixed my official seal the day and year last above written.



Jennifer Geisler
Notary Public of Oregon
My Commission expires: March 31, 2008

I, Janet Birkemeier, agree the City of Sherwood should vacate the property between Borchers Road and 99W, which is west of tax lot 15000 and east of tax lot 501.

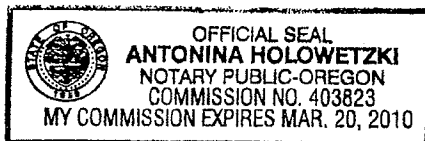
Dated this 11 day of January, 2007.

By Janet Birkemeier

STATE OF OREGON
County of Washington

Personally appeared Janet Birkemeier before me on this 11th day of January, 2007. who being duly sworn, did say that he is Co-Owner of the Sherwood Ice Arena, who took title as Sherwood Ice Arena, an Oregon corporation, and that on behalf of the company, acknowledge said instrument to be his voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set me hand and affixed my official seal the day and year last above written.



Antonina Holowetzki
Notary Public of Oregon
My Commission expires: March 20, 2010

I, Gregorio Barajas, agree the City of Sherwood should vacate the property between Borchers Road and 99W, which is west of tax lot 15000 and east of tax lot 501.

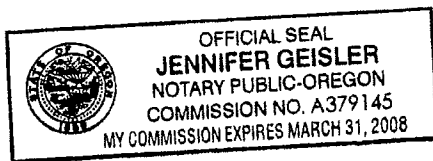
Dated this 4 day of January, 2007.

By Gregorio Barajas

STATE OF OREGON
County of Washington

Personally appeared Gregorio Barajas Cardenas before me on this 4th day of January, 2007, who being duly sworn, did say that he is owner of the Manzanillo, who took title as owner an Oregon corporation, and that on behalf of the company, acknowledge said instrument to be his voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set me hand and affixed my official seal the day and year last above written.



Jennifer Geisler
Notary Public of Oregon
My Commission expires: March 31, 2008

I Grace M. Selden appointed Agent & Attorney, in fact, for Paul S. Selden agree that the City of Sherwood should vacate the property between Borchers Road and 99W, which is west of tax lot 15000 and east of tax lot 501.

Dated this 15 day of January 2007.

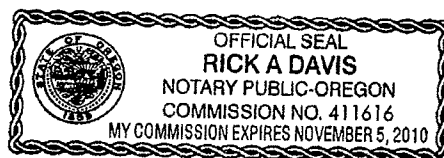
By Grace M Selden

STATE OF OREGON
County of Washington

Personally appeared Grace M. Selden before me on this 15 th day of January 2007 who being duly sworn did say that Paul S. Selden is sole owner of property located at 21055 SW Pacific Hwy and 21025 SW Pacific Hwy, Sherwood, Oregon, in Washington County and on behalf of Paul Selden acknowledge said instrument to be her voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

[Signature] Notary Public of Oregon
My Commission expires Nov 5 2010





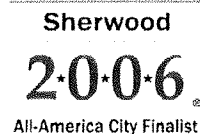
Home of the Tualatin River National Wildlife Refuge

City of Sherwood
2700 City Place SE
Sherwood, OR 97140
503.693.8200 ext. 2
Fax 503.693.8994
www.ci.sherwood.or.us

Mayor
Keith Maye

Councillors
Dave Chan
Craig Harris, Mayor
John Harrison
Don Kiley
Steve Lindquist
Tom Wolsinger

City Manager
Greg Swadlow



18 July 2007

Re: Evaluation of Petition to Vacate Abandoned Segment of Six
Corners Road

The City received a petition requesting the City vacate the ROW on the
abandoned segment of the old Six Corners Road and place a public
utility easement over the parcel.

Staff has reviewed the petition information to vacate the ROW on the
abandoned segment of the six corners Road as shown on the Existing
Conditions map attached to the application. I have further evaluated
the application as it relates to the general current and future needs of
the City.

Additionally, future improvements to the site require review and
approval by the City.

Based upon the information presented, the vacation appears to be a
benefit to the City.

Sincerely,

Tom Pessemier, P.E.
City Engineer

Enclosure:
Vacation of ROW Evaluation Form

Vacation of ROW Evaluation Form

Criteria	Evaluation	Comments
There is neither an adopted plan nor reasonable expectation that the ROW will be needed for a pathway, road, or road widening in the future.	Access to 99W from Borchers Rd is prohibited by ODOT and a statement will be placed in the Ordinance. No extension of Borchers Road to 99W will be permitted.	This segment of the old 6 corners road will not be needed in the future.
There are no public (municipal owned) or franchise utilities in the ROW, no plans or reasonable expectation to install them in the future.	Utilities exist in the ROW; however, the applicant has proposed a PUE over the parcel.	The PUE will provide legal access for installation, maintenance, and repair of utilities.
If there are utilities in the ROW and relocation is proposed by the requester, all relocation costs must be borne by the requestor.	Relocation of utilities is not proposed.	The applicant proposes to overlay the area with a public utility easement
There are neither adopted plans nor a reasonable expectation that the ROW will be needed for a public facility in the future	No public facilities are planned in this area.	The area is too small and access is restricted to Borchers Road and not Hwy 99W
There are financial savings for the City to realize from decreased maintenance or general liability	The applicant would be responsible for landscaping and maintenance on the entire parcel	The front portion of the area is currently not maintained. The applicant has proposed to landscape the front portion.
There are financial gains for the City to realize by development of the ROW land for commercial or industrial use.	This piece of property would be added to the tax rolls generating income for the City.	Landscaping of the front parcel would improve the appearance of Hwy 99W without cost to the City for construction or maintenance.
There are environmental or social benefits for the public good.	There are no environmental benefits.	Improvement to the portion closest to Hwy 99W would improve the appearance along the State Highway.



January 24, 2007

WASHINGTON COUNTY
OREGON

RECEIVED

JAN 29 2007

CITY OF SHERWOOD
RECORDING OFFICE

Sylvia Murphy
City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140

Re: Borchers Drive Vacation

This letter is in response to your letter of January 7, 2007 and the proposed vacation of a portion of SW Borchers Drive.

Washington County previously transferred jurisdiction of SW Borchers Drive (County Road Nos. 1459 and 1324) to the City of Sherwood as County Road Nos. 2976T/J and 3111T/J.

We have no interest in the vacation request, are okay with the vacation request, and do not have any required conditions relating to the vacation request.

I hope this answers your questions concerning the SW Borchers Drive vacation.

Sincerely,

Rick Raetz, PE
Acting County Engineer

c: File

S:\Shared\WPSHARE\Colleen\Colleenmemos\BorchersPropVac-012407.doc

Gene Thomas

From: JENSVOLD Martin R [Martin.R.JENSVOLD@odot.state.or.us]
Sent: Wednesday, November 29, 2006 9:49 AM
To: Gene Thomas
Cc: HUNAIID Sam H; ROSE Darlene K * ODOT; OBIJIOFOR Festus I
Subject: RE: Borchers Vacation

No objection.

-----Original Message-----

From: Gene Thomas [mailto:thomasg@ci.sherwood.or.us]
Sent: Tuesday, November 28, 2006 2:30 PM
To: JENSVOLD Martin R
Subject: RE: Borchers Vacation

Martin,
Thanks for the info. I will work with our attorney on the best way to implement this. I will be proceeding with the vacation, unless you have further objections.

Gene
Eugene F. Thomas, P.E.
Civil Engineer
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140
503.925.2303
Fax 503.625.0629

From: JENSVOLD Martin R [mailto:Martin.R.JENSVOLD@odot.state.or.us]
Sent: Wednesday, November 22, 2006 2:23 PM
To: Gene Thomas
Cc: HUNAIID Sam H; ROSE Darlene K * ODOT; OBIJIOFOR Festus I
Subject: FW: Borchers Vacation

Gene,

I checked with our right of way and survey folks and they said the most appropriate place for the access restriction to be documented is in the deed for the property. I'm not sure exactly how the City's vacation process works, but if the vacated property gets "absorbed" into the Shell station's tax lot, the City could include a condition in their vacation ordinance that when the deed for the Shell station's tax lot is modified to include the revised legal description for the property, the access control verbiage in the deed shall be modified as necessary to restrict access along the vacated property's highway frontage.

-----Original Message-----

From: Gene Thomas [mailto:thomasg@ci.sherwood.or.us]
Sent: Tuesday, November 21, 2006 10:33 AM
To: JENSVOLD Martin R
Subject: Borchers Vacation

Hi Martin,

Here are the 4 attachments provided for the vacation by the Shell Station owner.