

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 619

AN ORDINANCE AUTHORIZING CONTINUANCE OF NEGOTIATIONS FOR ACQUISITION OF RIGHT-OF-WAY FOR PUBLIC ROADWAY PURPOSES, DESCRIBING THE RIGHT-OF-WAY TO BE OBTAINED ON THE LANDS OF EDWARD I. FOSNER AND MARIE K. FOSNER; CATHERINE SETTECASE; E.A. WHALEY AND RUTH WHALEY; UTLEY D. JONES, LENA JONES AND JACK TURNER; BARNEY DAVIS, SUSAN DAVIS, ROY W. KENDALL AND CLARA KENDALL; FRED W. SCHAMBURG, LILLIAN A. SCHAMBURG, HAZEL BRANCH AND ELGIN F. SCHAMBURG; JACK COCHRAN, DIANN COCHRAN, AND CATHERINE SETTECASE, AND AUTHORIZING THE CITY ATTORNEY TO PROSECUTE CONDEMNATION PROCEEDINGS, IF NECESSARY, TO OBTAIN SAID RIGHT-OF-WAY

THE CITY OF SHERWOOD DOES ORDAIN:

Section 1: The City Council of the City of Sherwood finds that it is necessary to the public health, welfare and safety to establish a 50-foot right-of-way for South Sherwood Boulevard between the intersection of South Sherwood Boulevard with Railroad Avenue, and the intersection of South Sherwood Boulevard with Sunset Avenue in the City of Sherwood in order to provide for the widening and improvement of the travelled way now existing between said intersections for roadway and utility purposes between said intersections; the Council further finds that in addition to other grants of rights-of-way hereinbefore made to the City for the purpose of widening said right-of-way, the following described rights-of-way are required; the Council further finds that negotiations have been conducted by a representative of the City with the present owners thereof for the purchase of the following described rights-of-way but that the owners have refused to grant said easements to the City on the terms authorized;

Section 2: In the event that owners of said properties continue to refuse to grant said rights-of-ways to the City for the compensation tendered by the City, the City Attorney is hereby authorized and directed to institute condemnation proceedings by filing an action under the general statutes of the State of Oregon for the appropriation of said rights-of-way against the owner or owners and all parties having or claiming any right, title and interest in and to the lands with respect to which said rights-of-way are situate. Said rights-of-way hereby authorized to be condemned by the City, being described as follows:

Lands of Edward I. Fosner and Marie K. Fosner in the County of Washington, State of Oregon;

A perpetual right-of-way and easement for public road, street and utility purposes, on, over, across, along, under and within that portion of owners' premises described in instrument of record in Book 321, page 104, (Tax Lot 6100) Records of Washington County, Oregon, included within a strip of land 50 feet in width, being 25 feet on each side when measured at right angles of the center line of South Sherwood Boulevard said center line being described as follows:

Beginning at the point of intersection of the center line of S.W. Railroad Street with the center line of N.W. Main Street, said beginning point bearing South 87°33' 20" E 39.05 feet from the initial point of "Smockville" running thence on a 184.80 foot radius curve to the right 103.91 feet along the arc (central angle = 32°13'02" and the long chord bears S 28°08'29" E 102.55 feet); thence S 10°01'58" E 285.51 feet; thence on a 950.00 foot radius curve to the right 200.43 feet along the arc (central angle = 12°05'18" and the long chord bears S 03°59'19" E 200.06 feet); thence S 02°03'20" W 767.30 feet to an angle point; thence S 00°08'51" E 729.08 feet to an 5/8 inch iron rod and the terminus of centerline; said terminus point bearing N 44°46'29" E 1847.07 feet from the Southwest corner of Section 32.

EXCEPT that portion thereof within the now existing public roadway known as South Sherwood Boulevard.

Lands of Catherine Settecase in the County of Washington, State of Oregon:

A perpetual right-of-way and easement for public road, street and utility purposes, on, over, across, along, under and within that portion of owners premises described in instrument of record in Book 206 page 666, Records of Washington County, Oregon, included within a strip of land 50 feet in width, being 25 feet on each side when measured at right angles of the center line of South Sherwood Boulevard said center line being described as follows:

Beginning at the point of intersetion of the center line of S.W. Railroad Street with the center line of N.W. Main Street, said beginning point bearing South 87°33'20" E 39.05 feet from the initial point of "Smockville" running thence on a 184.80 foot radius curve to the right 103.91 feet along the arc (central angle = 32°13'02" and the long chord bears S 28°08'29" E 102.55 feet); thence S 10°01'58" E 285.51 feet; thence on a 950 foot radius curve to the right 200.43 feet along the arc (central angle = 12°05'18" and the long chord bears S 03°59'19" E 200.06 feet); thence S 02°03'20" W 767.30 feet to an angle point; thence S 00°08'51" E 729.08 feet to an 5/8 inch iron rod and the terminus of centerline, said terminus point bearing N 44°46'29" E 1847.07 feet from the Southwest corner of Section 32.

EXCEPT that portion thereof within the now existing public roadway known as South Sherwood Boulevard.

Lands of E.A. Whaley and Ruth Whaley in the County of Washington, State of Oregon:

A perpetual right-of-way and easement for public road, street and utility purposes, on, over, across, along, under and within that portion of owners' premises described in instrument of record in Book 707, page 403

Records of Washington County, Oregon, included within a strip of land 50 feet in width, being 25 feet on each side when measured at right angles of the center line of South Sherwood Boulevard, said center line being described as follows:

Beginning at the point of intersection of the center line of S.W. Railroad Street with the center line of N.W. Main Street, said beginning point bearing South 87°33' 20" E 39.05 feet from the initial point of "Smockville" running thence on a 184.80 foot radius curve to the right 103.91 feet along the arc (central angle = 32°13'02" and the long chord bears S 28°08'29" E 102.55 feet); thence S 10°01'58" E 285.51 feet; thence on a 950 foot radius curve to the right 200.43 feet along the arc (central angle = 12° 05'18" and the long chord bears S 03°59'19" East 200.06 feet); thence S 02°03'20" W 767.30 feet to an angle point; thence S 00°08'51" E 729.08 feet to an 5/8 inch iron rod and the terminus of centerline, said terminus point bearing N 44°46'29" E 1847.07 feet from the South-west corner of Section 32.

EXCEPT that portion thereof within the now existing public roadway known as South Sherwood Boulevard.

Lands of Utley D. Jones, Lena M. Jones and Jack Turner, in Washington County, State of Oregon:

A perpetual right-of-way and easement for public road, street and utility purposes, on over, across, along under and within that portion of owners' premises described in instrument of record in Book 602, page 407, Records of Washington County, Oregon, included within a strip of land 50 feet in width, being 25 feet on each side when measured at right angles of the center line of South Sherwood Boulevard said center line being described as follows:

Beginning at the point of intersection of the center line of S.W. Railroad Street with the center line of N.W. Main Street, said beginning point bearing South 87°33' 20" E 39.05 feet from the initial point of "Smockville" running thence on a 184.80 foot radius curve to the right 103.91 feet along the arc (central angle = 32°13'02" and the long chord bears S 28°08'29" E 102.55 feet); thence S 10°01'58" E 285.51 feet; thence on a 950.00 foot radius curve to the right 200.43 feet along the arc (central angle = 12°05'18" and the long chord bears S 03°59'19" E 200.06 feet); thence S 02°03'20" W 767.30 feet to an angle point; thence S 00°08'51" E 729.08 feet to an 5/8 inch iron rod and the terminus of centerline, said terminus point bearing N 44°46'29" E 1847.07 feet from the South-west corner of Section 32.

EXCEPT that portion thereof within the now existing public roadway known as South Sherwood Boulevard.

Lands of Barney Davis, Susan Davis, husband and wife, and Roy W. Kendall and Clara Kendall, husband and wife, in Washington County,

State of Oregon:

A perpetual right-of-way and easement for public road, street and utility purposes, on, over, across, along, under and within that portion of owners' premises described in instrument of record in Book 598, page 566, Records of Washington County, Oregon, included within a strip of land 50 feet in width, being 25 feet on each side when measured at right angles of the center line of South Sherwood Boulevard, said center line being described as follows:

Beginning at the point of intersection of the center line of S.W. Railroad Street with the center line of N.W. Main Street, said beginning point bearing South 87°33' 20" E 39.05 feet from the initial point of "Smockville" running thence on a 184.80 foot radius curve to the right 103.91 feet along the arc (central angle = 32°13'02" and the long chord bears S 28°08'29" E 102.55 feet); thence S 10°01'58" E 285.51 feet; thence on a 950.00 foot radius curve to the right 200.43 feet along the arc (central angle = 12°05'18" and the long chord bears S 03°59'19" E 200.06 feet); thence S 02°03'20" W 767.30 feet to an angle point; thence S 00°08'51" E 729.08 feet to an 5/8 inch iron rod and the terminus of centerline, said terminus point bearing N 44°46'29" E 1847.07 feet from the Southwest corner of Section 32.

EXCEPT THAT portion thereof within the now existing public roadway known as South Sherwood Boulevard.

Lands of Fred W. Schamburg, Lillian A. Schamburg, Hazel Branch and Elgin F. Schamburg, in Washington County, Oregon:

A perpetual right-of-way and easement for public road, street and utility purposes, on, over, across, along under and within that portion of owners' premises described in instrument of record in Book 405, page 759, Records of Washington County, Oregon, included within a strip of land 50 feet in width, being 25 feet on each side when measured at right angles of the center line of South Sherwood Boulevard, said center line being described as follows:

Beginning at the point of intersection of the center line of S.W. Railroad Street with the center line of N.W. Main Street, said beginning point bearing South 87°33'20" E 39.05 feet from the initial point of "Smockville" running thence on a 184.80 foot radius curve to the right 103.91 feet along the arc (central angle = 32° 13'02" and the long chord bears S 28°08'29" E 102.55 feet); thence S 10°01'58" E 285.51 feet; thence on a 950 foot radius curve to the right 200.43 feet along the arc (central angle = 12°05'18" and the long chord bears S 03°59'19" E 200.06 feet); thence S 02°03'20" W 767.30 feet to an angle point; thence S 00°08'51" E 729.08 feet to an 5/8 inch iron rod and the terminus of centerline, said terminus point bearing N 44°46'29" E 1847.07 feet from the Southwest corner of Section 32.

EXCEPT that portion thereof within the now existing public roadway known as South Sherwood Boulevard.

Lands of Jack Cochran and Diann Cochran, husband and wife, and Catherine Settecase, in Washington County, State of Oregon:

A perpetual right-of-way and easement for public road, street and utility purposes, on, over, across, along, under and within that portion of owners' premises described in instrument of record in Book 720 page 448, Washington County Records, included within a strip of land 50 feet in width, being 25 feet on each side when measured at right angles of the center line of South Sherwood Boulevard, said center line being described as follows:

Beginning at the point of intersection of the center line of S.W. Railroad Street with the center line of N.W. Main Street, said beginning point bearing South 87°33'20" E 39.05 feet from the initial point of "Smockville" running thence on a 184.40 foot radius curve to the right 103.91 feet along the arc (central angle = 32° 13'02" and the long chord bears S 28° 08'29" E 102.55 feet); thence S 10°01'58" E 285.51 feet; thence on a 950 foot radius curve to the right 200.43 feet along the arc (central angle = 12°05'18" and the long chord bears S 03°59'19" E 200.06 feet); thence S 02° 03'20" W 767.30 feet to an angle point; thence S 00°08'51" E 729.08 feet to an 5/8 inch iron rod and the terminus of centerline, said terminus point bearing N 44°46'29" E 1847.07 feet from the Southwest corner of Section 32.

EXCEPT that portion thereof within the now existing public roadway known as South Sherwood Boulevard.

Section 3: The City Attorney be, and he is hereby, authorized and directed in connection with said condemnation proceedings to prosecute same to final judgment with all due diligence, and he is hereby further authorized to take all steps necessary in connection therewith and to incur such reasonable expenses as may be found necessary in the prosecution of said action, such expenses to be submitted for audit by the City Council as and when incurred.

Section 4: Inasmuch as it is necessary for the preservation of the public health, peace and safety of the City of Sherwood that immediate action be taken to obtain said right-of-way in order that same may be available for said public purposes without unnecessary delay, an emergency is hereby declared to exist, and this ordinance shall become effective immediately upon its passage by the Council and its approval by the Mayor.

PASSED: By the Council by unanimous vote of all Council members present, after being read by caption three times and in body once, this 16th day of March, 1972.

Marjorie Stewart
Recorder - City of Sherwood

APPROVED: By the Mayor, this 16 day of March, 1972.

[Signature]
Mayor - City of Sherwood