

City of Sherwood, Oregon

ORDINANCE NO. 90-914

AN ORDINANCE MAKING FINDINGS AND VACATING A PORTION OF MURDOCK, ROAD IN THE CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON.

WHEREAS, the City Council did by motion pass on May 23, 1990 Resolution No. 90-451 to initiate proceedings to vacate a portion of Murdock Road, pursuant to ORS 271.130; and

WHEREAS, legal notice was posted and published in the "Tigard Times" on May 31, June 7, June 14, and June 21, 1990 and a public hearing was held the by the City Council on June 27, 1990 where the Council considered any and all written objections and remonstrances to the proposed vacation; and

NOW, THEREFORE, the City of Sherwood does ordain as follows:

Section 1. The Council finds:

- a. That the notice of hearing given regarding the proposed vacation of a portion of Murdock Road, hereinafter more particularly described, was legal and proper.
- b. That the City Recorder has prepared a certificate showing that there are no City liens or taxes on land covered by the plat or portion thereof to be vacated.
- c. That the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, (the land lying on either side of the portion of the street to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part to be vacated) have not objected thereto in writing.
- d. That the vacation will not substantially affect the market value of the abutting properties, and no abutting owner has objected thereto in writing.

- e. That there will be no prejudice to the public good, health, or safety by reason of the proposed vacation, said vacation being an unimproved portion of Murdock Road that was replaced by a realigned portion of Murdock Road.
- f. That the City's approval of Atley Estates PUD 88-1, dated September 13, 1988 requires the vacation of the subject portion of Murdock Road prior to the recording of Atley Estates PUD 88-1.

Section 2. The following described portion of Murdock Road will be vacated:

A portion of Murdock Road (a 40' right-of-way) lying in the Northeast one-quarter of Section 32, Township 2 South, Range 1 West, Willamette Meridian, the centerline of said portion being more particularly described as follows:

Beginning at the intersection of the centerline of the original Murdock Road right-of-way (as existing prior to 1983) and the proposed Southerly right-of-way line (27 feet measured perpendicular to centerline) of Oregon Street (Tualatin-Sherwood Road), an original 40 foot right-of-way; thence southeasterly along said centerline to the intersection with the Westerly right-of-way line of Murdock Road as established in 1983, said Westerly right-of-way line being westerly 70 feet (measured perpendicular) from the Easterly right-of-way line of the 1983 dedication per Fee #83-1510c Washington County Records. The sidelines of said right-of-way shall be lengthened or shortened as required to meet right-of-way lines.

Reserving to the public a public utilities easement over the entire 40 foot right-of-way to be vacated.

A sketch of the area to be vacated is attached hereto as Exhibit A.

Section 3. This Ordinance shall be effective on and after the 31st day after its passage by the City Council and approval by the Mayor. The City Recorder shall, upon its approval, cause certified copies of same to be sent to the County Recorder of Washington County Surveyor, as required by ORS 271.150

Duly passed by the City Council this 28 day of June, 1990.

Approved by the Mayor this 28 of June, 1990

Norma Jean Oyler
Norma Jean Oyler, Mayor

Attest:

Polly Blankenbaker

Polly Blankenbaker, Recorder

	<u>AYE</u>	<u>NAY</u>
BIRCHILL	<u>X</u>	_____
CHAVEZ	<u>X</u>	_____
HITCHCOCK	<u>X</u>	_____
BOYLE	<u>absent</u>	_____
OYLER	<u>X</u>	_____