

CITY OF SHERWOOD
WASHINGTON COUNTY, OREGON

VACATION ORDINANCE 2003-1151
(ORS 271.050)

**AN ORDINANCE CONCERNING THE VACATION OF A PORTION OF PUBLIC
RIGHT-OF-WAY OF MEINECKE ROAD CONSISTENT WITH CHAPTER 271 OF
THE OREGON REVISED STATUTES**

WHEREAS, the City of Sherwood received a petition to vacate portions of the right-of-way of Meinecke Road south of Highway 99 consistent with ORS 271.080;

WHEREAS, the City Council passed Resolution 2003-078 scheduling a public hearing for the vacation consistent with ORS 271.110;

WHEREAS, the City provided notice of and conducted a hearing on the vacation consistent with ORS 197.763 and 271.110;

WHEREAS, pursuant to ORS Chapter 374 and its implementing rules the Oregon Department of Transportation has the authority to permit or deny access to a state highway including 99W;

WHEREAS, the vacation of public right-of-way adjacent to 99W by the City of Sherwood is not intended to provide or infer any present or future right of access to that transportation facility; and

WHEREAS, after considering the testimony and evidence presented in the record as a whole, the City Council determined that it is in the public interest to vacate the southern portion of Meinecke Road south of 99W excluding a slope easement and utility easement as provided herein.

NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. The City Council hereby orders the vacation of the public right-of-way reserving a fifteen (15) foot wide slope easement and eight (8) foot wide utility easement as set forth on Exhibit A, B, and C ("old alignment").

Section 2. In support of the decision to vacate the old alignment, the City Council hereby finds:

- A. **CONSENTS.** ORS 271.180(2) requires the consent of all abutting property and of not less than two-thirds in area of the real property affected hereby. Attached to the REQUEST FOR VACATION – MEINECKE ROAD in the record is a matrix of

signatures received from property owners within the vacation area. All of the adjacent property owners consent to the proposed annexation. Those property owners own approximately 87.11% of the land within the vacation area. The City Council finds that sufficient consents are present in the record consistent with ORS 271.080(2);

- B. PUBLIC INTEREST. ORS 271.120 prohibits vacation of an area if such vacation will prejudice the public interest. All existing property owners will continue to have access to their property after vacation of the old alignment for Meinecke Road. The new alignment of Meinecke Road provides additional capacity and functional serves the same purpose for traffic circulation in the area as the old alignment. As such the City Council finds that the public interest will not be prejudiced by this vacation.
- C. RECOMMENDATION OF THE CITY ENGINEER. The recommendation from the City Engineer dated November 4, 2003 is hereby incorporated as findings in support of the decision to vacate the original alignment.

Section 3. The City Council further declares the property that is the subject of this vacation should be allocated consistent with the requirements of ORS 271.140.

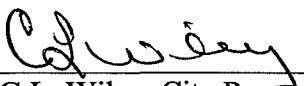
Section 4. This Ordinance shall become effective thirty (30) days after approval of the City Council consistent with Section 9.6 of the City Charter.

Duly passed by the City Council this 11th day of November, 2003.



 Keith Mays, Council President

ATTEST:



 C.L. Wiley, City Recorder

	<u>AYE</u>	<u>NAY</u>
Cottle	<u>abstain</u>	_____
Durrell	<u>✓</u>	_____
Fox	<u>✓</u>	_____
Grant	<u>✓</u>	_____
Heironimus	<u>✓</u>	_____
Mays	<u>✓</u>	_____
Weislogel	<u>✓</u>	_____

EXHIBIT A
MEINECKE ROAD VACATION
MEDIUM DENSITY RESIDENTIAL - HIGH ZONE
(SOUTH OF DEWEY DRIVE)

The vacation of a portion of Meinecke Road (County Road Number 449) located in the Northeast ¼ and Northwest ¼ of Section 31, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon. The beginning of said road lies 6.00 feet west of the North Quarter Corner for Section 31, as described in the county road notes.

Beginning at said beginning point of Meinecke Road; Thence south along the centerline of said road S00°38'46"W 578.48 feet; thence N89°21'14"W 35.00 feet to a point of intersection of west right-of-way line of Meinecke Road and the south right-of-way line of Dewey Drive, as shown on the plat of "Nottingham No. 2", a plat of record with the Washington County Surveyor's Office, said point being the True Point of Beginning; Thence along said west right-of-way line S00°38'46"W 102.41 feet to an angle point in the right-of-way line of Meinecke Road; Thence along the south right-of-way line of Meinecke Road S89°15'20"E 366.04 feet; Thence leaving said south right-of-way line N76°30'11"W 90.60 feet to the centerline of Meinecke Road; Thence along said centerline N89°15'20"W 25.14 feet; Thence leaving said centerline N00°44'40"E 11.55 feet; Thence N64°34'38"W 20.23 feet to the north right-of-way line of Meinecke Road; Thence along said north right-of-way line N89°15'20"W 179.24 feet to an angle point in the right-of-way line of Meinecke Road; Thence along the east right-way-line N00°38'46"E 52.26 feet to a non-tangent curve; Thence leaving said east right-of-way line on said curve to the left having a radius of 132.21 feet, whose long chord bears N78°00'18"W 52.03 feet, and whose length is 52.38 feet; Thence leaving said curve on a tangent along the easterly extension of the south right-of-way line of Dewey Drive N89°21'14"W 3.98 feet to the True Point of Beginning.

The above described right-of-way contains 14,675 square feet, more or less.

The basis of bearings for this description is based on the pre-construction survey for Meinecke Road filed by AKS Engineering & Forestry, LLC with Washington County Surveyor's Office.

The references to Meinecke Road in this description are based on the alignment described in the road notes for County Road Number 449.

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EXHIBIT A

LOCATED IN THE NE 1/4
AND NW 1/4 OF SECTION
31, TOWNSHIP 2 SOUTH,
RANGE 1 WEST, CITY OF
SHERWOOD, WASHINGTON
COUNTY, OREGON.

SCALE 1" = 40'

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	132.21'	52.38'	N78°00'18"W	52.03'

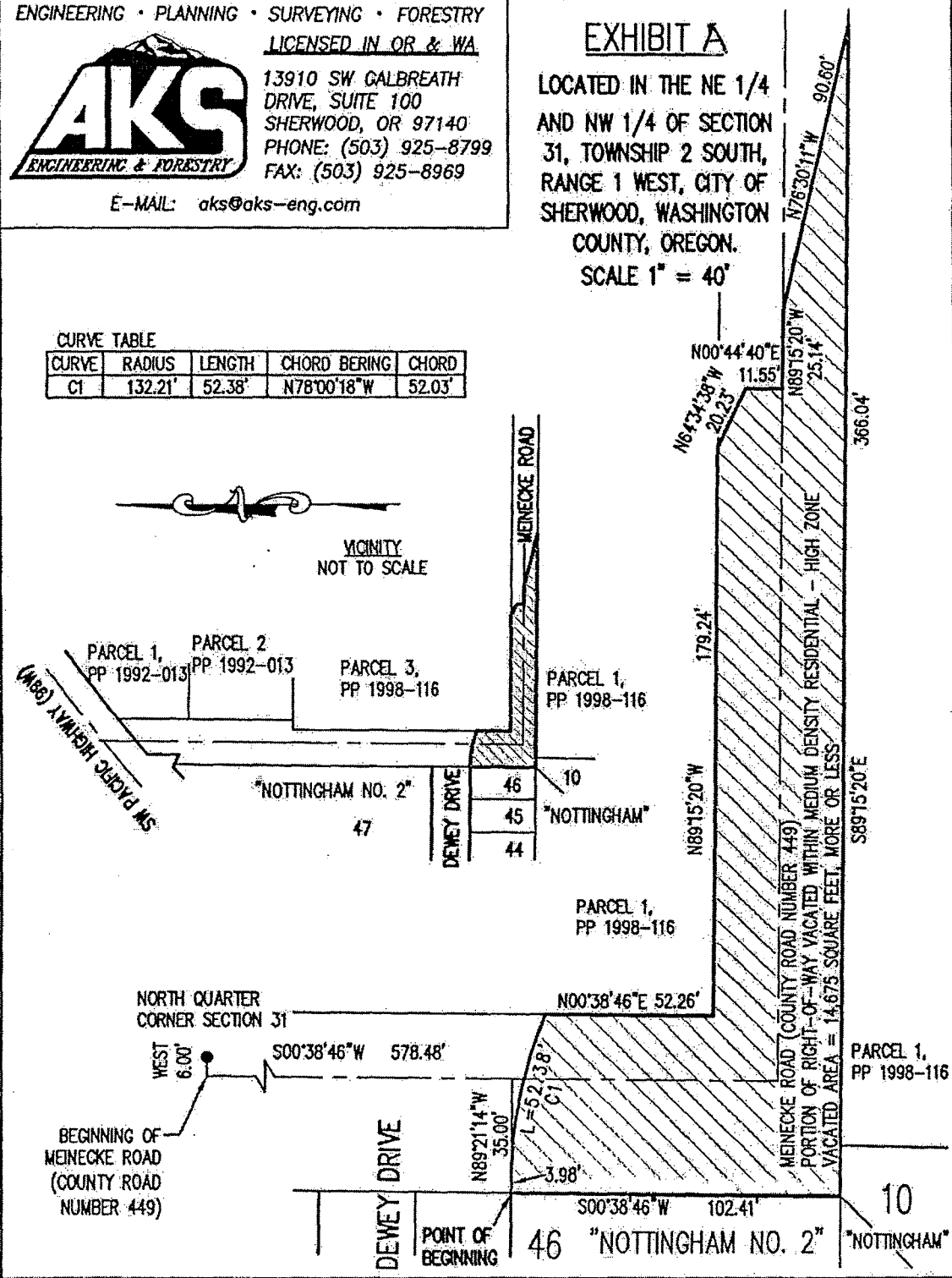


EXHIBIT B
MEINECKE ROAD VACATION
MEDIUM DENSITY RESIDENTIAL - HIGH ZONE
(NORTH OF DEWEY DRIVE)

The vacation of a portion of Meinecke Road (County Road Number 449) located in the Northeast ¼ and Northwest ¼ of Section 31, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon. The beginning of said road lies 6.00 feet west of the North Quarter Corner for Section 31, as described in the county road notes.

Beginning at said beginning point of Meinecke Road; Thence south along the centerline of said road $S00^{\circ}38'46''W$ 301.98 feet to a point of intersection of said centerline with the westerly extension of the north property line of Parcel 3 from Partition Plat 1998-116, Washington County Surveyor's Office, said point being the True Point of Beginning; Thence along said westerly extension $N89^{\circ}11'37''W$ 35.00 feet to the west right-of-way line of Meinecke Road, as shown on the plat of "Nottingham", a plat of record with the Washington County Surveyor's Office; Thence along said west right-of-way line $S00^{\circ}38'46''W$ 216.59 feet to the north right-of-way line of Dewey Drive; Thence along the easterly extension of said north right-of-way line $S89^{\circ}21'14''E$ 8.98 feet; Thence $N81^{\circ}25'38''E$ 29.51 feet to a tangent curve; Thence along said curve to the left having a radius of 60.80 feet, whose long chord bears $N73^{\circ}03'06''E$ 17.71 feet, and whose length is 17.78 feet to the east right-of-way line of Meinecke Road; Thence $N00^{\circ}38'46''E$ 206.36 feet to the north property line of Parcel 3 from Partition Plat 1998-116, Washington County Surveyor's Office; Thence along the westerly extension of said north property line $N89^{\circ}11'37''W$ 20.00 feet to the True Point of Beginning.

The above described right-of-way contains 11,722 square feet, more or less.

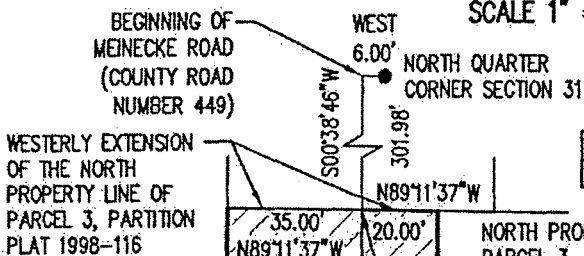
The basis of bearings for this description is based on the pre-construction survey for Meinecke Road filed by AKS Engineering & Forestry, LLC with Washington County Surveyor's Office.

The references to Meinecke Road in this description are based on the alignment described in the road notes for County Road Number 449.

EXHIBIT B

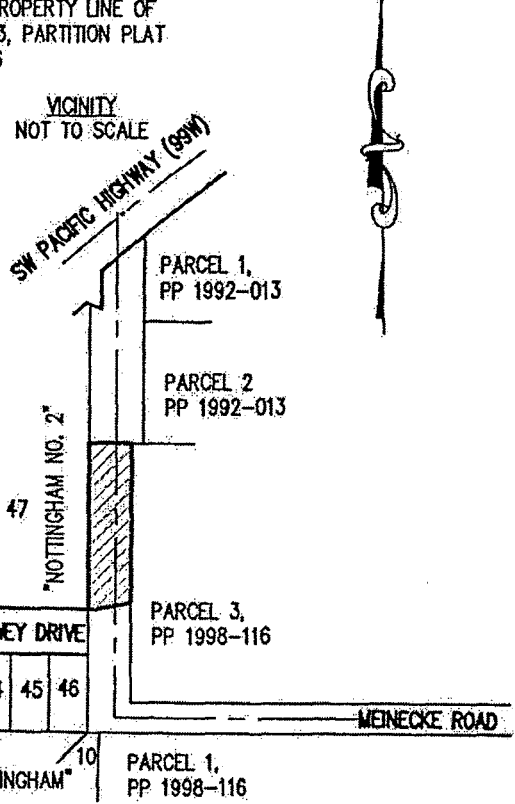
LOCATED IN THE NE 1/4 AND NW 1/4 OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 1 WEST, CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON.

SCALE 1" = 40'



CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	60.80'	17.78'	N73°03'06"E	17.71'



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 E-MAIL: aks@aks-eng.com

EXHIBIT C
MEINECKE ROAD VACATION
GENERAL COMMERCIAL ZONE

A portion of Meinecke Road (County Road Number 449) located in the Northeast ¼ and Northwest ¼ of Section 31, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon. The beginning of said road lies 6.00 feet west of the North Quarter Corner for Section 31, as described in the county road notes.

Beginning at said beginning point of Meinecke Road; Thence south along the centerline of said road $S00^{\circ}38'46''W$ 79.35 feet to a 60.00 foot southeasterly offset from the centerline of SW Pacific Highway (99W), said centerline being defined on the Oregon Department of Transportation role map 7B-15-19, said point being the True Point of Beginning; Thence along said southeasterly offset line on a curve to the right having a radius of 14383.94 feet, whose long chord bears $S47^{\circ}33'11''W$ 27.39 feet, and whose length is 27.39 feet to the southerly right-of-way line of said SW Pacific Highway; Thence along said southerly right-of-way line $S00^{\circ}38'46''W$ 26.93 feet; Thence continuing along said southerly right-of-way line $N65^{\circ}16'20''W$ 16.43 feet to the west right-of-way line of Meinecke Road, as shown on the Plat of "Nottingham No. 2", a plat of record with the Washington County Surveyor's Office; Thence along said west right-of-way line $S00^{\circ}38'46''W$ 183.60 feet to a point of intersection of said west right-of-way line with the westerly extension of the north property line of Parcel 3 from Partition Plat 1998-116, Washington County Surveyor's Office; Thence along said westerly extension $S89^{\circ}11'37''E$ 35.00 feet to the centerline of Meinecke Road; Thence along said centerline $N00^{\circ}38'46''E$ 30.00 feet; Thence leaving said centerline $S89^{\circ}11'37''E$ 35.00 feet to the east right-of-way line of Meinecke Road; Thence along said east right-of-way line $N00^{\circ}38'46''E$ 225.65 feet to said southeasterly offset line; Thence along said southeasterly offset line on a curve to the right having a radius of 14383.94 feet, whose long chord bears $S47^{\circ}24'10''W$ 48.05 feet, and whose length is 48.05 feet to the True Point of Beginning.

The above described right-of-way contains 14,288 square feet, more or less.

The basis of bearings for this description is based on the pre-construction survey for Meinecke Road filed by AKS Engineering & Forestry, LLC with Washington County Surveyor's Office.

The references to Meinecke Road in this description are based on the alignment described in the road notes for County Road Number 449.

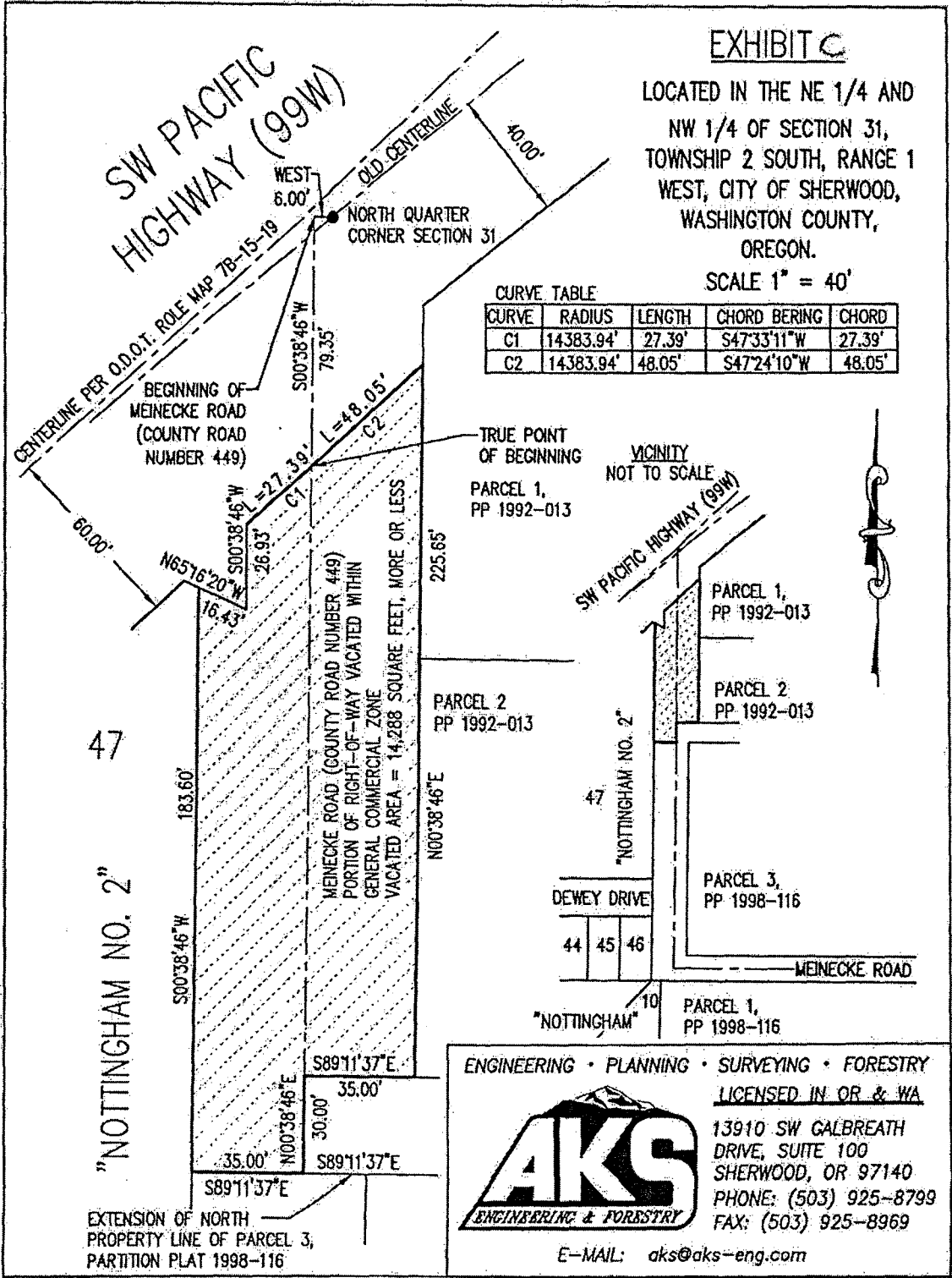


EXHIBIT C

LOCATED IN THE NE 1/4 AND
NW 1/4 OF SECTION 31,
TOWNSHIP 2 SOUTH, RANGE 1
WEST, CITY OF SHERWOOD,
WASHINGTON COUNTY,
OREGON.

SCALE 1" = 40'

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	14383.94'	27.39'	S47°33'11"W	27.39'
C2	14383.94'	48.05'	S47°24'10"W	48.05'



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