

**City of Sherwood, Oregon
Ordinance 2006-001**

AN ORDINANCE APPROVING VACATION OF A PORTION OF HIGHLAND STREET, NORTH OF VISTA AVENUE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Engineer has determined that this portion of Highland Street right-of-way, a parcel of land 20 feet in width, 129.5 feet in length, is not required for public access and as such is no longer an asset to the City's street system, and presents a maintenance cost to the City for mowing and control of noxious weeds; and

WHEREAS, the Sherwood City Council may initiate right-of-way vacation on its own motion, as stipulated in ORS 271.130, with notice to abutting property owners; and,

WHEREAS, the City received a request from the adjacent property owner that title to the vacated area attach to the bordering properties as provided by ORS 271.140; and,

WHEREAS, there are no project costs estimated for this proposal, it comprises the release of the public's interest in right-of-way that is no longer needed, and Council finds that the land would be added to property in private ownership, and thereby added to the local taxable land base; and,

WHEREAS, the Sherwood City Council received a staff report with findings, conducted a public hearing on the proposed street vacation on December 6, 2005, and found the vacation of right-of-way to be in the public interest, via Resolution 2005-075.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Council Review & Public Hearings. The proposal by the City Engineer to vacate the public's interest in a portion of Highland Street, north of Vista Avenue was subject to full and proper review, and a public hearing was held before the Council on December 6th, 2005. The City Recorder has certified that the affected property is free of all City liens and no taxes are owed on the affected property as required by ORS 271.130(3).

Section 2. Findings. After full and due consideration of the application, the City staff report, the record, findings, and the evidence presented at the public hearing, the Council finds that the subject portion of Highland Street should be vacated, and title to equal portions of the total area, approximately 20 feet in width, by 129.5 feet in length, will attach to the adjacent property owners

of tax lots 1809 and 1810 of Section 32, Township 2 South, Range 1 East , W.M. Legal descriptions of the two affected portions of the vacated right of way are attached as Exhibit A.


Section 3. Approval. The proposal for Street Vacation is hereby **APPROVED** for that area stipulated in the documents labeled "Exhibit A" and attached to this ordinance.

Section 4. City Engineer Authorized. The City Engineer is hereby authorized and directed to take such action as may be necessary to document this street vacation, including recordation of a certified copy of this Ordinance, and filing of a certified copy of this ordinance with the county assessor and county surveyor, in accordance with Washington County ordinances and regulations.

Section 5. Effective Date. This ordinance shall become effective 30 days from its adoption.

Duly passed by the City Council this 3rd day of January, 2006.

Approved by the Mayor this 3rd day of January, 2006.



Keith S. Mays, Mayor

Attest:



Donna M. Martin, Interim City Recorder

	AYE	NAY
Luman	<input checked="" type="checkbox"/>	_____
King	<input checked="" type="checkbox"/>	_____
Henderson	<input checked="" type="checkbox"/>	_____
Heironimus	<input checked="" type="checkbox"/>	_____
Grant	<input checked="" type="checkbox"/>	_____
Durrell	<input checked="" type="checkbox"/>	_____
Mays	<input checked="" type="checkbox"/>	_____

EXHIBIT A

A tract of land described in Document Number 2003-177293 excluding the exception, located in the Northeast One-Quarter of Section 32, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon, and more particularly described as follows:

Beginning at the Northwest corner of that tract of land conveyed to William M. Mason, et ux, by deed recorded May 4, 1967 in book 640, page 599, Records of Washington County Oregon, which point is 5 feet West of the Southwest corner of Lot 16, Block 1, "Sherwood Acres"; thence South along the West line of said Mason tract a distance of 129.25 feet to the Southwest corner thereof; thence West a distance of 105 feet, more or less, to the Southeast corner of that tract of land conveyed to Alan R. Olson, et ux, by deed recorded July 11, 1967, in the book 649, page 409, said Records of Washington County, Oregon; thence North 00°04' East along the East line of said Olson tract a distance of 129.25 feet to the South line of the plat of "Sherwood Acres", thence East along the South line of said plat a distance of 10 feet, more or less, to the Southwest corner of Lot 1, Block 1, "Sherwood Acres"; thence continuing East along the South line of said Lot 1, a distance of 95 feet to the Point of Beginning.

EXHIBIT A

A tract of land described in Document Number 2000022382 excluding the exception, located in the Northwest One-Quarter of Section 32, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon, and more particularly described as follows:

Commencing at an iron pipe marking the center of Section 32, Township 2 South, Range 1 West of the Willamette Meridian; running thence North 00°04' East 208.80 feet, along the North-South center line of said Section 32, to an iron rod, said iron rod marking the true point of beginning of this description; thence South 89°52' East 10 feet to a point; thence North 00°04' East 129.25 feet to an iron rod; thence North 89°52' West 10 feet to a point; thence along the West Right-of-Way of SE Highland Street North 00°04' East 95 feet, more or less to an iron rod at the most Southerly corner of Lot 27, "Sherwood Highlands No. 1", a recorded subdivision; thence South 70°01'30" West, along the South line of said subdivision, 189.25 feet to the Northeast corner of that tract of land conveyed to the Sherwood Methodist Church by deed recorded September 28, 1954 in book 361, page 23; thence South 42°49' East, along the Easterly line of said Church tract and the Southeasterly extension thereof, 208.40 feet to an iron rod at the East line of the tract of land described in book 430, page 10; thence South 00°04' West along the East line of said book 430, page 10, 24 feet, more or less to the Northwest line of Partition Plat 2000-053; thence Northeasterly along the Northwest line of said plat 40 feet to the true point of beginning.