

**CITY OF SHERWOOD
ORDINANCE 2006-011**

**AN ORDINANCE APPROVING VACATION OF A PORTION OF HANDLEY STREET
AND ACCEPTING A PUBLIC UTILITY EASEMENT OVER THE VACATED AREA.**

WHEREAS, the City Engineer has determined that the public right-of-way including tracts of land totaling 12,630 square feet, more or less, adjacent to Handley Street near SW Pacific Highway (99W) Sherwood, Oregon, SW ¼ of Section 30, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon as shown on Exhibit B is not required for public access and is a portion of the abandoned access to the Vineyards, and as such is no longer an asset to the City's street system; 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 sixty-eight percent of the property owners within the notification area consented to the petition which means a majority of the property owners affected by the vacation have not objected in writing to the petition; and

WHEREAS, a public hearing was held at 7:00 pm, May 2, 2006 in the Community Room in the City Hall, Sherwood, Oregon after the City gave notice of the hearing by posting as required by law, including the posting of the notices in certain places and within the portion of the public right-of-way area to be vacated with the notices remaining posted for the period required by law, all in accordance with ORS 271.110 et seq.

WHEREAS, A notice was also published in the local newspaper on April 27, 2006 consistent with the requirements of ORS 271.110 (1); and

WHEREAS; the Sherwood City Council received a staff report with findings, at the public hearing on the proposed street vacation on May 2, 2006, and found the vacation of right-of-way to be in the public interest, via Resolution 2006-025.

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 Handley Street was subject to full and proper review, and a public hearing was held before the Council on May 2, 2006. 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 Handley Street should be vacated, and title to

the area will attach to the adjacent property owners of tax lots 1600 and 101 of Section 30, Township 2 South, Range 1 East W.M. Legal description of the affected portions of the vacated right-of-way is attached as Exhibit B. Further, a permanent public easement over the vacated portion of Handley Street as shown in Exhibit C is hereby established.

Section 3. Approval. The proposal for street vacation is hereby approved for that area stipulated in the document labeled "Exhibit B" and attached to this ordinance. Further, a permanent public easement over the vacated portion of Handley Street as shown in Exhibit C is hereby established.

Section 4. City Engineer Authorized. The City Engineer is thereby authorized and directed to take such action as may be necessary to document this street vacation, including recording of a certified copy of the 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 16th Day of May, 2006

Approved by the mayor this 16th day of May, 2006


Keith S. Mays, Mayor

Attest:


Sylvia Murphy, City Recorder

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

EXHIBIT B

PORTION OF HANDLEY STREET THAT WILL BE VACATED (as shown On Exhibit B Map)

Located in the Southwest One-Quarter of Section 30, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon and being more particularly described as follows:

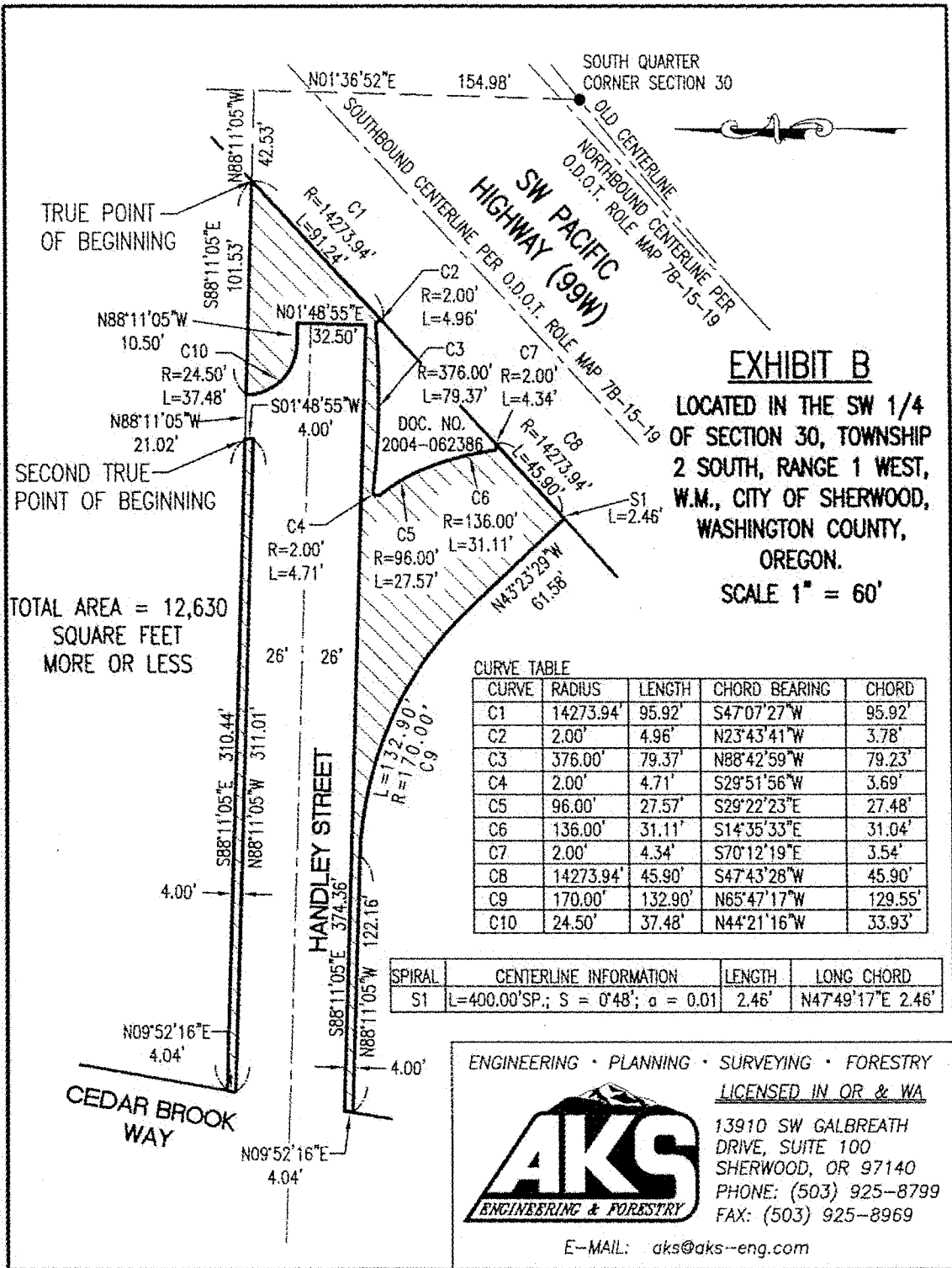
Beginning at the South Quarter Corner of Section 30, Township 2 South, Range 1 West, Willamette Meridian, on the old centerline of SW Pacific Highway (99W); thence North $01^{\circ}36'52''$ East 154.98 feet to a point; thence North $88^{\circ}11'05''$ West 42.53 feet to a point on the Northwesterly right-of-way line of SW Pacific Highway (99W), also being the True Point of Beginning; thence along said right-of-way line along a non-tangential curve to the right having a Radius of 14273.94 feet, Length of 91.24 feet, and Chord of South $47^{\circ}08'01''$ West 91.24 feet to a point; thence leaving said right-of-way line along a non-tangential curve to the left having a Radius of 2.00 feet, Length of 4.96 feet, and Chord of North $23^{\circ}43'41''$ West 3.78 feet to a point; thence along a tangential curve to the right having a Radius of 376.00 feet, Length of 79.37 feet, and Chord of North $88^{\circ}42'59''$ West 79.23 feet to a point; thence along a tangential curve to the left having a Radius of 2.00 feet, Length of 4.71 feet, and Chord of South $29^{\circ}51'56''$ West 3.69 feet to a point; thence along a tangential curve to the right having a Radius of 96.00 feet, Length of 27.57 feet, and Chord of South $29^{\circ}22'23''$ East 27.48 feet to a point; thence along a tangential curve to the right having a Radius of 136.00 feet, Length of 31.11 feet, and Chord of South $14^{\circ}35'33''$ East 31.04 feet to a point; thence along a tangential curve to the left having a Radius of 2.00 feet, Length of 4.34 feet, and Chord of South $70^{\circ}12'19''$ East 3.54 feet to a point on the northwesterly right-of-way line of SW Pacific Highway (99W); thence along said right-of-way line along a non-tangential curve to the right having a Radius of 14273.94 feet, Length of 45.90 feet, and Chord of South $47^{\circ}43'28''$ West 45.90 feet to a point; thence along a 50 foot offset from a spiral curve who's centerline is described as having a length of 400.00 feet, S value of $0^{\circ}48'$, (a) value of 0.01, and Chord of South $47^{\circ}49'17''$ West 2.46 feet to a point; thence leaving said right-of-way line North $43^{\circ}23'29''$ West 61.58 feet to a point; thence along a tangential curve to the left having a Radius of 170.00 feet, Length of 132.90 feet, and Chord of North $65^{\circ}47'17''$ West 129.55 feet to a point; thence North $88^{\circ}11'05''$ West 122.16 feet to a point; thence North $09^{\circ}52'16''$ East 4.04 feet to a point; thence South $88^{\circ}11'05''$ East 374.36 feet to a point; thence North $01^{\circ}48'55''$ East 32.50 feet to a point; thence North $88^{\circ}11'05''$ West 10.50 feet to a point; thence along a tangential curve to the right having a Radius 24.50 feet, Length of 37.48 feet, and Chord of North $44^{\circ}21'16''$ West 33.93 feet to a point; thence South $88^{\circ}11'05''$ East 101.53 feet to the True Point of Beginning.

Together with a tract of land described as follows:

Beginning at the South Quarter Corner of Section 30, Township 2 South, Range 1 West, Willamette Meridian, on the old centerline of SW Pacific Highway (99W); thence North $01^{\circ}36'52''$ East 154.98 feet to a point; thence North $88^{\circ}11'05''$ West 42.53 feet to a point

on the Northwesterly right-of-way line of SW Pacific Highway (99W); thence North 88°11'05" West 122.55 feet to the Second True Point of Beginning; thence South 01°48'55" West 4.00 feet to a point; thence North 88°11'05" West 311.01 feet to a point; thence North 09°52'16" East 4.04 feet to a point; thence South 88°11'05" East 310.44 feet to the Second True Point of Beginning.

The above described tracts of land contain 12,630 square feet, more or less. The Basis of Bearing is per Survey Number 29571, Washington County Survey Records.



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EXHIBIT C

PUBLIC UTILITY EASEMENT OVER THE VACATED PORTION OF HANDLEY STREET (as shown On Exhibit C Map)

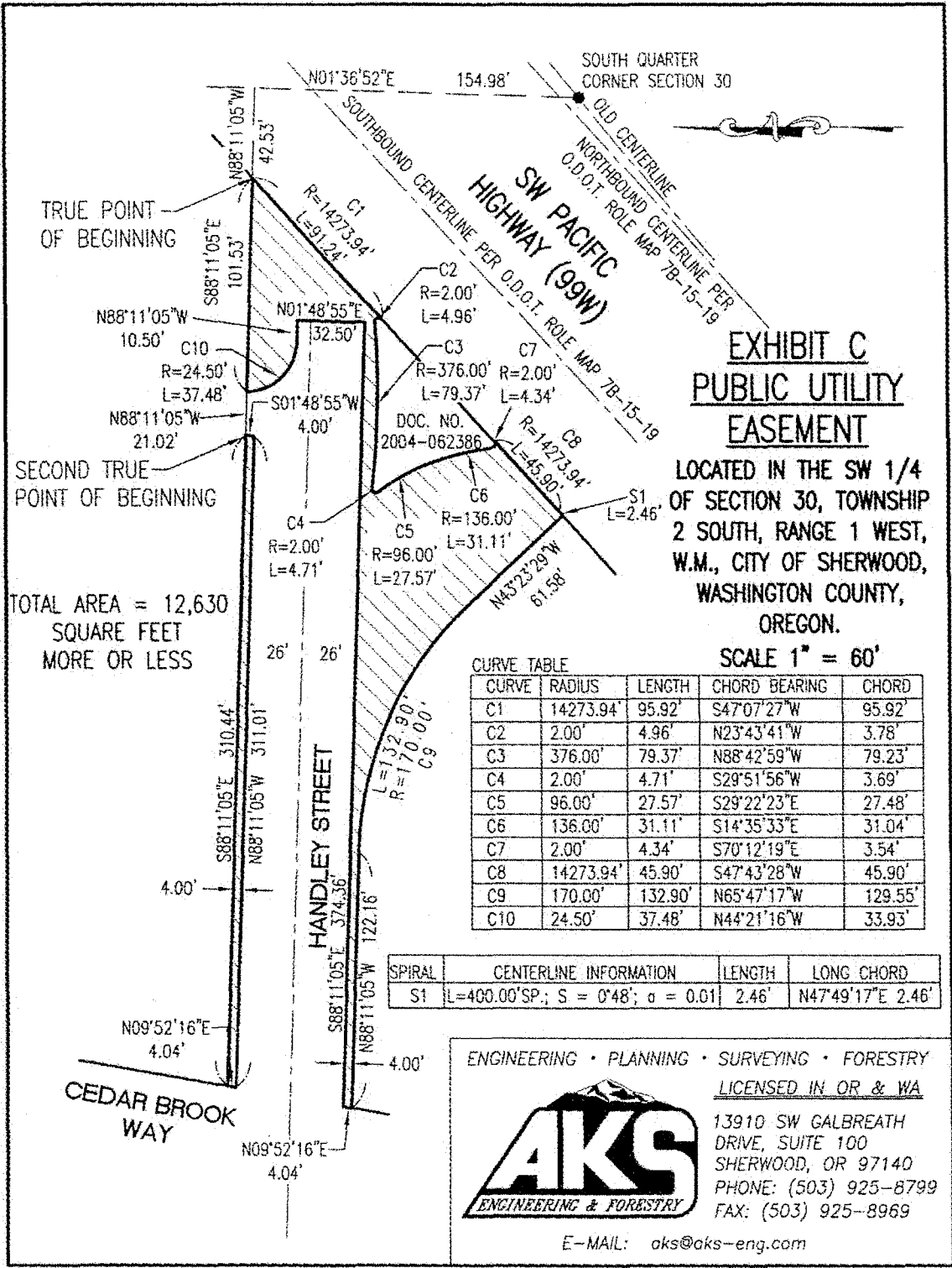
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