## 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 $1 / 4$ 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, THERFORE, 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 $16^{\text {th }}$ Day of May, 2006
Approved by the mayor this $16^{\text {th }}$ day of May, 2006


Attest:


Sylvia Murphy, City Recorder


# EXHIBTY B 

PORTION OF HANDLEY STREET THAT WILL BE VACATED (as slown On Exhbit B Map)

Located in the Southwest One-Quarter of Scetion 30, Township 2 South, Range 1 West, Willanette Moridian, City of Sherwood, Washington Comy, Oregon and being more parsicularly described as follows:

Beginning at the South Quanter Comer of Section 30, Township 2 Sonth, Range 1 West, Whamette Motidan, on the old centerthe of SW Pacific Highway (99W), thenee Nonth $01962^{\prime \prime}$ East 154.98 feet to a point thence North $88^{\circ} 1105^{\circ}$ West 42.53 feet to a point on the Northwesterly rightof way line of SW Pacific Highway ( 99 W), also being the True Pont of Beginning; thence dong said right-of-way line along a non-tangental curve to the nght having a Radus of 14273.94 feet Lenets of 91.24 feet, and Chord of South $47^{\circ} 0801^{1 " ~ W e s t ~} 91.24$ feet to a point thence leaving said right-of-way line along a nontangential curve to the left having a Radius of 2.00 teet Length of 4.96 feet, and Chord of Nort $23^{\circ} 43^{\prime} 41^{\prime \prime}$ West 3.78 feet to a point; thence along a tangential curve to the righi having a Radus of 376.00 feet, Length of 79.37 feet, and Chord of North $88^{*} 4259^{\prime \prime}$ West 79.23 feet to a point; thence along a tangentia curve to the tet having a Radius of 2.00 feet, Length of 4.71 feet, and Chord of South $2954^{\prime 2}$ 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 $29^{\circ} 2223^{\prime \prime}$ East 27.48 feet to a point thence along a tangential curve to the right having a Radius of 13600 teet, tength of 31.11 teet, ard Chord of South $143533^{\prime \prime}$ East 31.04 feet to a point thence along a tangental curve to the lef having a Radius of 2.00 Reet, Lengh of 4.34 feet and Chord of South $70^{\circ} 1219^{\prime \prime}$ Eas 3.54 fet to a pomt on the northwestery right-ofway line of SW Pacife Highway (99w), thence along said righ-of-way line along a non-tangential curve to the cight having a Radius of 14273.94 feet, Length of 45.90 feet and Chord of South $474328^{\prime \prime}$ West 4590 feet to a point; thence along a 50 foot offet from a spiral carve who's centertine is described as having a length of 400.00 feet, $S$ vatue of 048 , (a) value of 0.01 , and Chord of South $47^{\circ 49} 17^{\prime \prime}$ West 246 feet to a point, thence leaving sad right-of-way line North $43^{\circ} 23^{\prime 2} 29^{\circ}$ West 61.58 feet to a point thence along a tangenial curve to the left having a Radius of 170.00 feet Length of 13290 feet, and Chord of Noth $65^{\circ} 47^{\prime} 17^{\prime \prime}$ West 129.55 feet to at potut thence North $88^{\circ} 1105^{\circ}$ West 122.16 feet to a point thence North $09^{\circ} 5216^{\circ 1}$ East 4.04 feet to a point thence South $88^{\circ} 11^{\prime} 05^{\prime \prime}$ East 374.36 feet to a point, thence Nonth $01^{\circ} 4855^{\circ}$ East 32.50 feet to a point, thence North $88^{\circ} 1105^{\prime \prime}$ West 10.50 feet to a point; thence along a tangential curve to the righ having a Radus 24.50 feet, Lengh of 37.48 feer, and Chord of North $44^{\circ} 21^{\prime \prime} 16^{\prime \prime}$ West $33.93^{\prime}$ feet to a point; thence South $88^{\prime \prime} 11^{\prime} 05^{\prime \prime}$ East 101.53 feet to the True Point of Begiming.

Together with a tract of land described sollows:
Beginuing at the South Quater Comer of Section 30, Township 2 South, Range I West. Whamete Meridan, on the od centerline of SW Pacific Highway (99W), thence North $01^{\circ} 3652^{\prime \prime}$ East 154.98 feet to a point thence North $88^{\circ} 1105^{\prime \prime}$ West 42.53 fect to a point
on the Northresterly nightof-way line of SW Pacific Highway ( 99 W ), thence Noth $88^{\circ} 1105^{\prime \prime}$ West 122.55 feet to the Second True Point of Beginning; thence South $01^{4} 8855^{\prime \prime}$ West 4.00 feet to a point; thence North $88^{3} 1105^{\prime \prime}$ West 311.01 feet to a poim; thence North $00^{\circ} 5216^{\prime \prime}$ Eas 4.04 feet to a point thence South $88^{\circ} 1105^{\prime \prime}$ 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.


## EXHIBIT C

## PUBLIC UTLLTY EASEMENT OVER THE VACATED PORTION OE HANDLEY STREET <br> (as shown On Exhibit C Map)

Located in the Souhwest One-Quater of Section 30. Township 2 South, Range 1 West. Willamett Merdian. City of Sherwood, Washington Comiy, Oregon and bemg more panicuarly described as follows:

Begiming at the South Quarter Comer of Section 30, Township 2 South, Range 1 West, Willamette Meridian, on the old centenine of SW Pacife Highway ( 99 W), thence Noth $01^{\prime \prime} 3652^{\prime \prime}$ East 154.98 feet to a point; thence North $88^{\prime \prime} 1105^{\prime \prime}$ West 4253 feet to a point on the Northwesterly rightof-way line of SW Pacific Highway ( 99 W) alse being the The Point of Beginning; thence along said right-of-way line along a non-tangential curve th the right having a Radius of 14273.94 feet, Lenght or 9124 feet, and Chord of Sowh $4700801^{\prime \prime}$ West 9124 feet to a point thence leaving said right-of-way line atong a nontangential curve to the left having a Radus of 2.00 feet, Length of 4.06 leet, and Chord of North $23^{\circ} 43^{4} 41^{\prime \prime}$ West 3.78 feet to a point; thence along a tangential curve to the night having a Radius of 376.00 feet, Lengh of 79.37 feet, and Chord of North $88^{\circ} 4259^{\prime \prime}$ West 79.23 feet to a point; thence along a tangential curve to the left baving a Radius of 200 feer, Length of 4.71 feet and Chord of South $29^{\circ} 5155^{\prime \prime}$ Wext 3.69 feet to a point, thence along a tangential curve to the righ having a Radrus of 9600 feet, Length of 27.57 feet. and Chord of South $292223^{\prime \prime}$ East 27.48 feet to a point; thence along a tangental curve to the right having a Radus of 13600 feet Length of 31.11 feet, and Chord of South $143533^{\circ}$ East 31.04 eet to a point thence along a tangential curve to the let having a Radius of 200 feet, Tength of 4.34 feet and Chord of South $70^{\circ} 2219^{\prime \prime}$ East 3.54 fee to a point on the northwesterly ngh-of-way line of SW Pacifie Highway ( 90 W), thence along sad 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 Souh $47^{\circ} 43^{\circ} 28^{\prime \prime}$ West 45.90 feet to a point thence atong a 50 foot offse from a spiral curve who's centerine is described as having a lengh of 400.00 feet, $\$$ whe of $0^{\circ} 48$, (a) value of 0.01, and Chord of South $47^{\circ} 4947^{\prime \prime}$ West 2.46 feet to a poim; thence leavig sad rightof way line North $43^{\circ} 2329^{\prime \prime}$ West 61.58 feet to a point thence along a tagential ctrve to the lef baving a Radius of 170.00 feet, Length of 132.90 feet, and Chord of North $65^{6} 4717^{\prime \prime}$ West 129.55 feet to a point, thence North $88^{\circ} 1105^{\circ}$ West 122.16 feet to a point; thence North $095216^{\prime \prime}$ East 404 feet to a point; thence South $8811^{\circ} 05^{\prime \prime}$ East 374.36 fect to a point thence North $01.48^{\prime 5} 5^{\circ}$ East 32.50 feet to a point; thence North $88^{\circ} 1105^{\prime \prime}$ West 10.50 feet to a point: thence atong a tangential curve to the righ having a Radids of 24.50 leet, Length of 37.48 fect, and Chord of North $44^{2} 2116^{\prime \prime}$ Wect 3393 feet to a point thence Souh 88"1 $105^{\prime \prime}$ East 42.53 feet to the The Point of Begnang.

Together with a tract of land described as follows:

Begiming at the South Quarter Comer of Section 30, Township 2 South, Range 1 West, Whlamette Meridian, on the od centelme of SW Pacife Highway (99W), thence North 013652 East 154.98 feet to a point thence North $88^{\prime \prime} 1105^{\prime \prime}$ West 42.53 feet 10 a point on the Northwesterfy right-of-way line of $5 W$ Pacific Highuay ( 99 W), thence North $88^{\circ} 11^{\prime} 05^{\circ}$ West 122.55 fect to the Second True Poin of Begining; thence Sonth $01^{\circ} 4855^{\circ}$ West 4.00 feet to a point; thence North $88^{\circ} 1105^{\circ}$ West 311.01 feet to a point; thence North $09^{\circ} 5276^{\prime \prime}$ East 4.04 feet to a point thence South $88^{\circ} 11^{\prime} 05^{\prime \prime}$ East 310.44 feet to the Second True Point of Beginning.

The above described tract of land conams 12,630 square feet, more or less. The Basis of Bearings is per Survey Number 29571, Washington Couny Survey Records.


Ordinance 2006-011
May 16, 2006
Page 8 of 8 Exhibits B \&C; (No Exhibit A)

