



## ORDINANCE 2006-014

### AN ORDINANCE APPROVING VACATION OF THE EXISTING RIGHT-OF-WAY FOR THE PROPOSED SW GALBREATH ROAD

**WHEREAS;** the City has an interest in seeing Galbreath Road connect between Gerda Lane and Cipole Road. The extension of Galbreath Road is shown on the current TSP as connecting to Cipole Road. This extension will relieve some of the heavy truck traffic now entering Tualatin-Sherwood Road; and

**WHEREAS;** a Right-of-Way (ROW) was established in a location that is in conflict with PGE's ROW permitting requirements thus preventing the construction of the road at the location originally proposed. The current Developer, owner of the adjacent property, requests that the City vacate portions of the current ROW. This will allow SW Galbreath Road to be realigned 125 feet to the east, 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;** a public hearing was held on 7:00 pm, September 19, 2006 in the Council Chamber of the City Hall, Sherwood, Oregon. 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. The notices were posted and remained posted for the period required by law, all in accordance with ORS 271.110 et seq. Notices were also published in the local newspaper on September 14, 2006 consistent with the requirements of ORS 271.110 (1); and

**WHEREAS;** the Sherwood City Council received a staff report with findings and found the vacation of right-of-way to be in the public interest, as provided by Resolution 2006-048.

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 ROW interest in the incorrect location of Galbreath Street was subject to full and proper review, and a public hearing was held before the Council on September 19, 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 evidence presented at the public hearing, the Council finds that the subject right-of-way should be vacated, and title to the area attached to the property situated in the northwest one-quarter of Section 28, Township 2 South, Range 1 west of the Willamette Meridian, City of Sherwood, Washington County, Oregon; further described in "Exhibit A" attached.


SECTION 3. Approval. The proposal for Right-of-Way 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 thereby authorized and directed to take such action as may be necessary to document this Right-of Way vacation, including recordation 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 procedures.

SECTION 5. Effective Date. This Ordinance shall become effective 30 days from its adoption.

Duly passed by the City Council this 19<sup>th</sup> Day of September, 2006

Approved by the Mayor this 19<sup>th</sup> day of September, 2006.

  
Keith S. Mays, Mayor

Attest:

  
Sylvia Murphy, 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**

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July 21, 2006  
Bonneville Power Administration  
Document No. 2003-168302

Vacation of Road Right-of-Way  
City of Sherwood, Washington County, Oregon

Portions of those properties described in Petition for Condemnation filed by the United States of America, recorded May 12, 1939 in Book 180 Page 501, Washington County Deed Records, and Right-of-Way Dedication in Document No. 2003-168302, Washington County Deed Records, situated in the northwest one-quarter of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, City of Sherwood, Washington County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of Parcel 2, Partition Plat 2004-048, Washington County Plat Records, marked by a 5/8" iron rod with yellow plastic cap stamped "BUFORD ASSOC. PLS 1148", said point being on the easterly line of that property described in Right-of-Way Dedication in Document No. 2003-168302, Washington County Deed Records, thence southerly along said easterly line, South 00°00'46" West a distance of 362.67 feet to a point of curvature; thence along the arc of a 225.00 foot radius curve to the right, through a central angle of 15°31'35" an arc distance of 60.97 feet (the long chord of which bears South 07°46'34" West a distance of 60.79 feet) to a point of non-tangency; thence leaving said easterly line, South 54°28'54" West a distance of 129.13 feet to a point of curvature; thence along the arc of a 175.00 foot radius curve to the left, through a central angle of 54°28'08" an arc distance of 166.37 feet (the long chord of which bears North 27°14'50" East a distance of 160.17 feet) to a point being on the east line of that property described in Petition for Condemnation filed by the United States of America, recorded May 12, 1939 in Book 180 Page 501, and also being on the westerly line of said property described in Right-of-Way Dedication in Document No. 2003-168302; thence northerly along said common line, North 00°00'46" East a distance of 523.70 feet to a point of curvature; thence leaving said east line of that property described in Book 180 Page 501, and continuing along the most northerly line of said property described in Document No. 2003-168302, along the arc of a 225.00 foot radius curve to the right, through a central angle of 69°49'36" an arc distance of 274.21 feet (the long chord of which bears North 34°55'34" East a distance of 257.55 feet); thence North 69°50'22" East a distance of 133.17 feet to a point of curvature; thence leaving said northerly line, along the arc of a 225.00 foot radius curve to the left, through a central angle of 38°56'39" an arc distance of 152.96 feet (the long chord of which bears South 50°22'02" West a distance of 150.01 feet) to a point of non-tangency, said point being on the northerly line of Parcel 1, Partition Plat 2004-048, said point also being on the most southerly line of said property described in Document No. 2003-168302; thence southwesterly along said common line, South 69°50'22" West a distance of 2.40 feet to a point of curvature; thence continuing along said common line, along the arc of a 175.00 foot radius curve to the left, through a central angle of 69°49'36" an arc distance of 213.27 feet (the long chord of which bears South 34°55'34" West a distance of 200.32 feet); thence South 00°00'46" West a distance of 164.49 feet to the Point of Beginning.

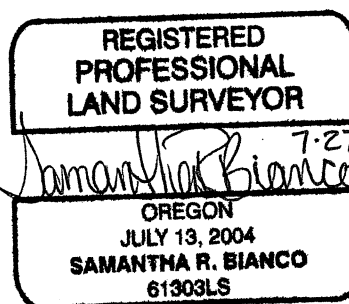
**EXHIBIT A**

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The area of land to which this description applies contains 37,859 square feet, more or less.

Basis of Bearing per Partition Plat No. 2004-048, Washington County Plat Records.

Prepared by CES/NW, Inc.

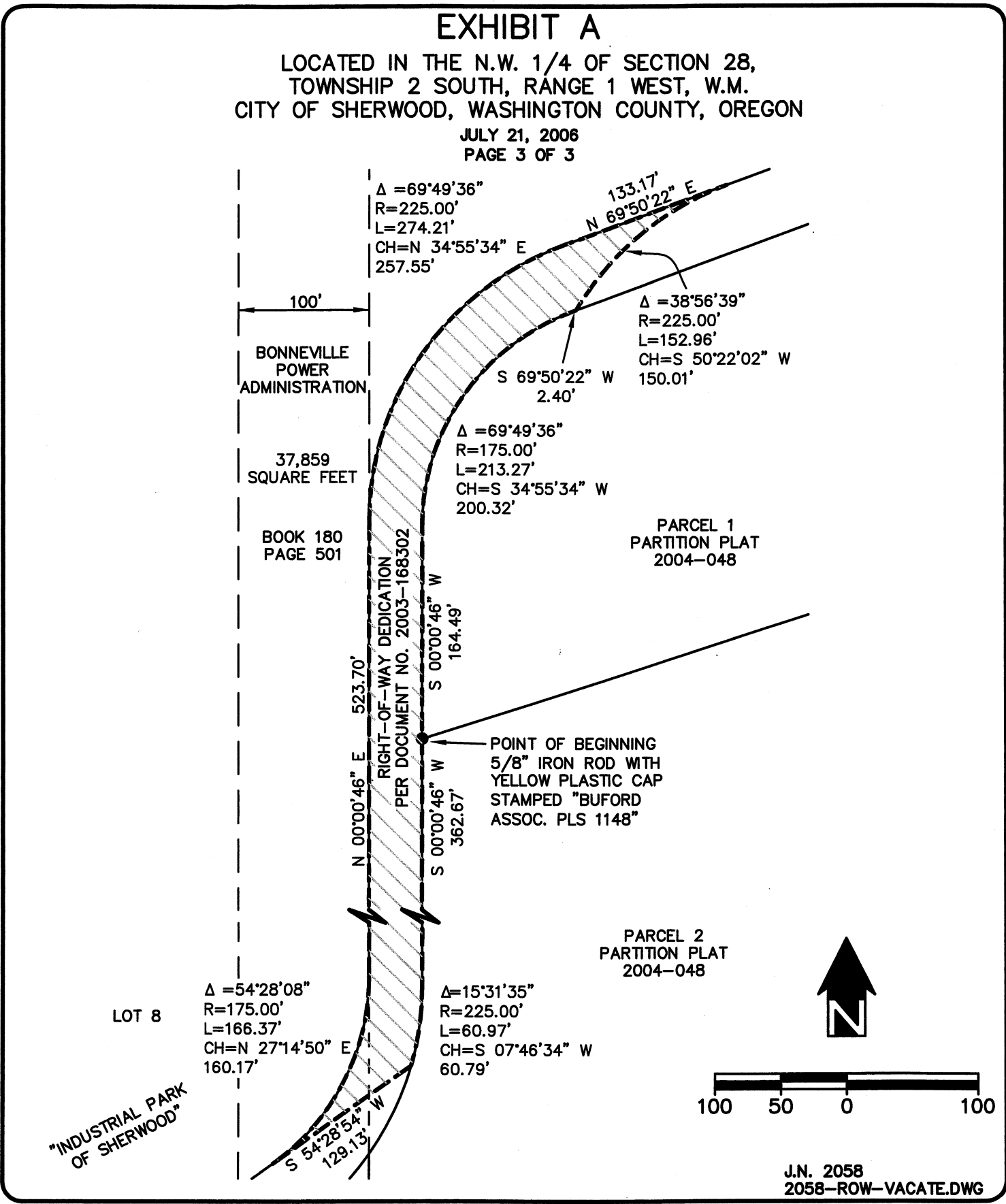


RENEWAL DATE: 12-31-07

# EXHIBIT A

LOCATED IN THE N.W. 1/4 OF SECTION 28,  
TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.  
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

JULY 21, 2006  
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**CES | NW**

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LAKE OSWEGO, OREGON 97035  
503.968.6655 www.cesnw.com

**RIGHT-OF-WAY VACATION**  
 LOCATED IN THE N.W. 1/4 OF SECTION 28,  
 TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.,  
 CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON