



ORDINANCE 2007-009

AN ORDINANCE APPROVING VACATION OF THE EXISTING RIGHT-OF-WAY FOR THE ABANDONED SEGMENT OF THE OLD SIX CORNERS ROAD AND PLACING BOTH A PUBLIC UTILITY EASEMENT AND ACCESS RESTRICTION TO 99W ON THE SAME SEGMENT

WHEREAS, Enserv, LLC (dba Sherwood Shell) filed with the City Recorder a petition requesting the City vacate an unused Right-Of-Way (ROW) segment of the abandoned Old Six Corners Road and establish a public utility easement over the same area. This petition provides a description of the ground proposed to be vacated, the purpose for which the ground is to be used and the reason for such vacation. Enserv is the underlying owner of the abandoned Old Six Corners road segment and Tax Lot 501; and

WHEREAS, the property is described as a short segment of the abandoned Six Corners Street between State Highway 99W and the realigned Borchers Road as shown in the exhibits; and

WHEREAS, The City has obtained a statement from Washington County stating they have no interest in the property and do not object to the vacation; and

WHEREAS, The City has obtained a statement from the State of Oregon thru the Oregon Department of Transportation stating they have no interest in the property and do not object to the vacation provided a restriction is placed on the property deed preventing access to Hwy 99W; and

WHEREAS; a public hearing was held on 7:00 pm, September 18, 2007 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 August 30 and September 6, 2007 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 2007-070.

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

SECTION 1. Council Review & Public Hearings. The request to vacate the existing Right-of-Way was subject to full and proper review, and a public hearing was held before the Council on September 18, 2007. 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 Southwest One-Quarter of the Northwest One-Quarter of Section 29, Township 2 South, Range 1 west of the Willamette Meridian, City of Sherwood, Washington County, Oregon; further described in "Exhibit A and B" attached. Council further finds the concurrent placement of a public utility easement as well as access restriction to 99W to be in the public interest.

SECTION 3. Approval. The proposal for Right-of-Way Vacation is hereby APPROVED for that area stipulated in the documents labeled "Exhibits A and B" and attached to this ordinance. In conjunction with the removal of the ROW there shall be placed upon the deed both a PUE, as stipulated in "Exhibits C and D", as well as a restriction preventing access to State Highway 99W.

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, the placement of the new PUE and the access restriction, 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 18th day of September 2007.


Keith S. Mays, Mayor

Attest:


Sylvia Murphy, City Recorder

	<u>AYE</u>	<u>NAY</u>
Weislogel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXHIBIT A
Legal Description for Right-of-way Vaction

A portion of Borchers Road (county road number 1324) located in the Southwest One-Quarter of the Northwest One-Quarter of Section 29, Township 2 South, Range 1 West, W.M., City of Sherwood, Washington County, Oregon and more particularly described as follows:

Beginning at the west One-Quarter of Section 29, being a 2 inch brass disk in a monument box, thence along the west line of Section 29 North 00°11'25" West 56.11 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "CMT PLS 50333" on the northwesterly right-of-way of SW Pacific Highway 99W, being the True Point of Beginning; thence along the west line of Section 29 North 00°11'25" West 95.75 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "CMT PLS 50333"; thence North 46°47'56" East 45.13 feet to a point; thence South 00°11'25" East 95.74 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "PLS 1678" on the northwesterly right-of-way of SW Pacific Highway 99W; thence along the northwesterly Right-Of-Way of SW Pacific Highway 99W South 46°47'29" West 45.14 feet to the True Point of Beginning.

The above described tract contains 3,159 square feet, more or less. The Basis of Bearings is per Survey Number 26,330, Washington County Survey Records

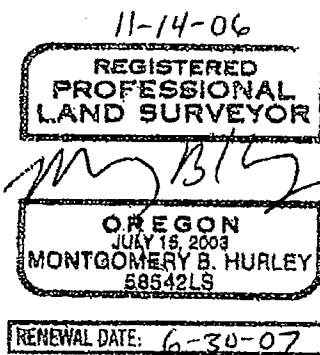


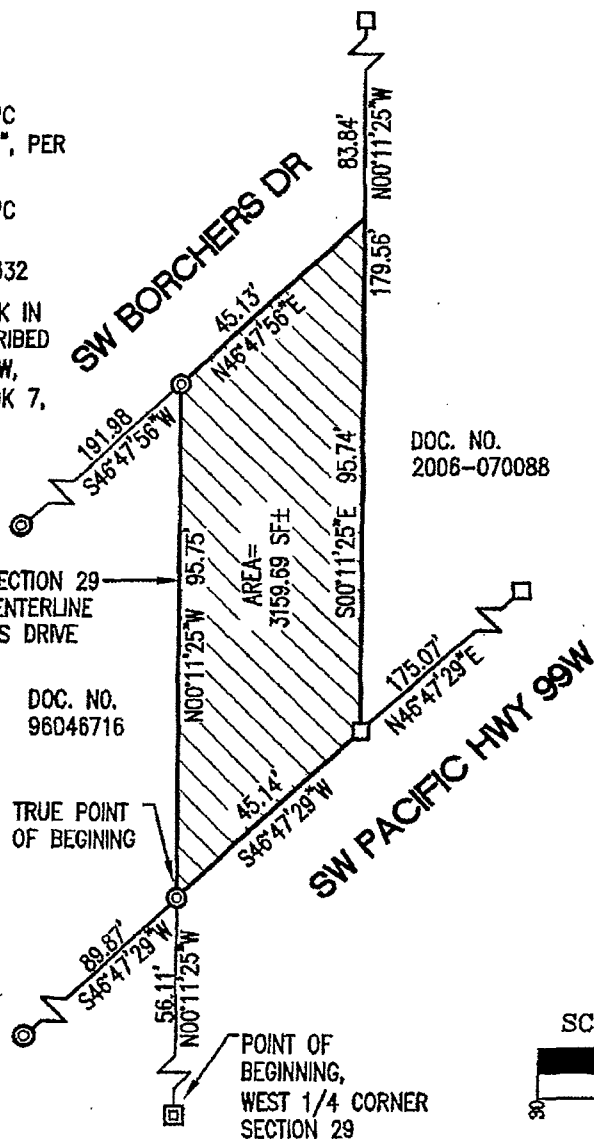
EXHIBIT B

MAP FOR RIGHT-OF-WAY VACATION

LOCATED IN THE NW 1/4 OF SECTION 29 TOWNSHIP 2 SOUTH,
RANGE 1 WEST, W.M., SHERWOOD, WASHINGTON COUNTY, OREGON

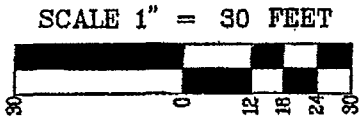
LEGEND

- FOUND 5/8" IR W/YPC
INSCRIBED "PLS 1678", PER
SN 26,330
- ⊙ FOUND 5/8" IR W/YPC
INSCRIBED "CMT PLS
50333"; PER SN 30,332
- ▣ FOUND 2" BRASS DISK IN
MONUMENT BOX INSCRIBED
"1/4 30-29 T2S, R1W,
1993" PER USBT BOOK 7,
PAGE 593



11-14-06
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
MONTGOMERY B. HURLEY
58542LS
RENEWAL DATE: 8/30/07



PREPARED FOR: GEORGE JOHNSTON 20915 SW PACIFIC HWY SHERWOOD, OR 97140 (503) 625-2911	JOB NAME: SW BORCHERS DR	ENGINEERING • PLANNING • SURVEYING • FORESTRY LICENSED IN OR & WA 13910 SW GALBREATH DR., SUITE 100 SHERWOOD, OR 97140 PHONE: (503) 925-8799 FAX: (503) 925-8969
	JOB NUMBER: 1675	
	DRAWING NUMBER: 1675EXB_ROW	
	DRAWN BY: RMP	
	CHECKED BY: NSW	



EXHIBIT C
Legal Description for Public Utility Easement

A portion of Borchers Road (county road number 1324) located in the Southwest One-Quarter of the Northwest One-Quarter of Section 29, Township 2 South, Range 1 West, W.M., City of Sherwood, Washington County, Oregon and more particularly described as follows:

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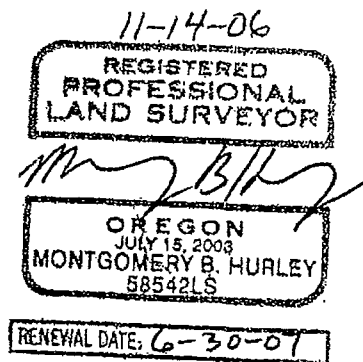


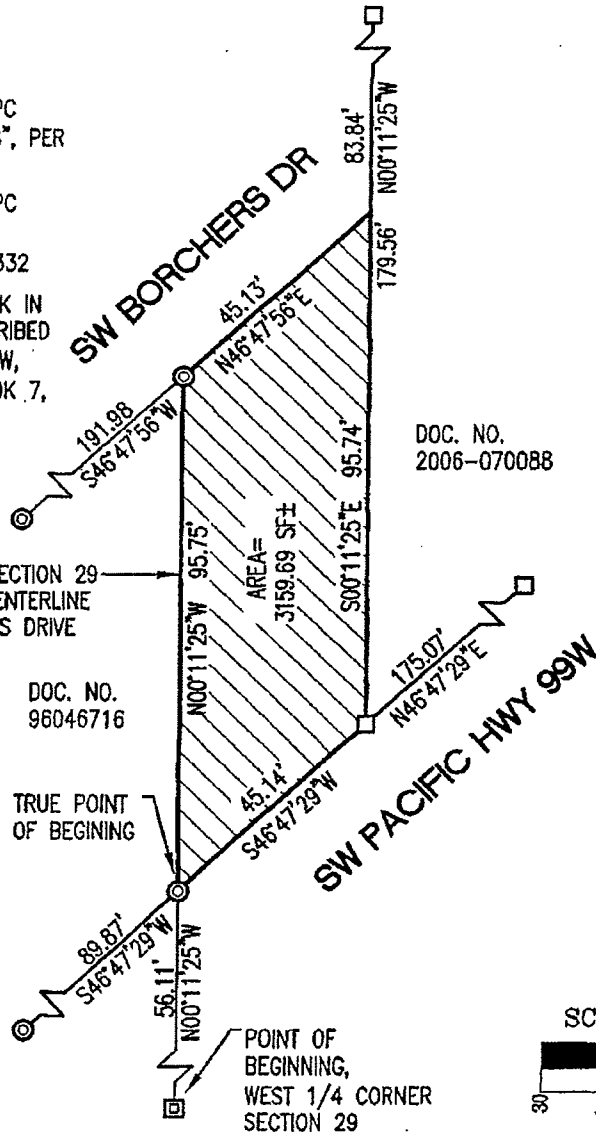
EXHIBIT D

MAP FOR PUBLIC UTILITY EASEMENT

LOCATED IN THE NW 1/4 OF SECTION 29 TOWNSHIP 2 SOUTH,
RANGE 1 WEST, W.M., SHERWOOD, WASHINGTON COUNTY, OREGON

LEGEND

- FOUND 5/8" IR W/YPC
INSCRIBED "PLS 1678", PER
SN 26,330
- ⊙ FOUND 5/8" IR W/YPC
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50333"; PER SN 30,332
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11-14-06
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Montgomery B. Hurley

OREGON
JULY 15, 2003
MONTGOMERY B. HURLEY
58542LS
RENEWAL DATE: 6/30/07

PREPARED FOR:
GEORGE JOHNSTON
20915 SW PACIFIC HWY
SHERWOOD, OR 97140
(503) 625-2911

JOB NAME: SW BORCHERS DR
JOB NUMBER: 1675
DRAWING NUMBER: 1675EXB_ROW
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