



ORDINANCE 2007-010

AN ORDINANCE INITIATING VACATION PROCEEDINGS FOR 1) AN EXISTING PUBLIC UTILITY EASEMENT ESTABLISHED WITH THE WYNDHAM RIDGE SUBDIVISION; AND 2) A SLOPE EASEMENT ESTABLISHED WITH THE WYNDHAM RIDGE SUBDIVISION; AND TO ESTABLISH A NEW 8-FOOT PUBLIC UTILITY EASEMENT.

WHEREAS; The developer of the property south of Handley Street and west of Cedar Brook Way has requested the City vacate the existing public utility easement (PUE) and slope easement and concurrently, establish a standard 8-foot PUE along both Handley and Cedar Brook Way; and

WHEREAS; Handley Street was established as a collector street to connect the Wyndham Ridge development with 99W. With the relocation of the intersection of Meinecke Street and 99W by the State and City, Handley Street was reclassified from a collector to a local street and access to 99W was blocked. The City vacated that portion of the right of way outside of the width needed for a local street by Ordinance 2006-011. However, neither the PUE nor the slope easements were vacated by this action, 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 easement 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 the existing public utility easement and slope easement to be in the public interest, as provided by Resolution 2007-069.

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 the Public Utility and Slope Easements that are in a incorrect location 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, City Council finds that the subject PUE and slope easements should be vacated, and title to the area attached to

Ordinance 2007-010

September 18, 2007

Page 2 of 2 with Exhibit E & F Vacation of Public Utility Easement (Legal Description & Map)

Exhibit G & H Vacation of Slope Easement (Legal Description & Map)

Exhibit I & J Public Utility Easement (Legal Description & Map)

the property situated in the Southwest One-Quarter of Section 30, Township 2 South, Range 1 west of the Willamette Meridian, City of Sherwood, Washington County, Oregon; further described in "Exhibits E through H" attached.

Further, City Council establishes a new public utility easement adjacent to the property, as described in Exhibits I and J, attached.

SECTION 3. Approval The proposal for PUE and slope easement vacation as well as establishment of the new public utility easement is hereby APPROVED for that area stipulated in the documents labeled "Exhibits E through J" 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 PUE and Slope Easement Vacation and the new PUE, 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 E
VACATION OF PUBLIC UTILITY EASEMENT

A portion of the public utility easement granted on Lot 13 of Wyndham Ridge (Book 100, Page 28, Washington County Deed Records), 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°36'52" East 154.98 feet to a point; thence North 88°11'05" West 42.53 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 175.24 feet, and Chord of South 48°05'40" West 175.24 feet to a point, 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 5.61 feet, and Chord of South 48°27'27" West 5.61 feet to a point; thence leaving said right-of-way line North 88°10'19" West 0.88 feet to a point; thence North 45°05'13" West 58.48 feet to a point; thence along a tangential curve to the left having a Radius of 162.00 feet, Length of 126.62 feet, and Chord of North 65°47'36" West 123.42 feet to a point; thence North 88°11'05" West 123.32 feet to a point; thence North 09°40'42" East 8.08 feet to a point; thence South 88°11'05" East 122.16 feet to a point; thence along a tangential curve to the right having a Radius of 170.00 feet, Length of 132.90 feet, and Chord of South 65°47'17" East 129.55 feet to a point; thence South 43°23'29" East 59.27 feet to the True Point of Beginning.

The above described tract of land contains 2,437 square feet, more or less. The Basis of Bearings is per Survey Number 29571, Washington County Survey Records.

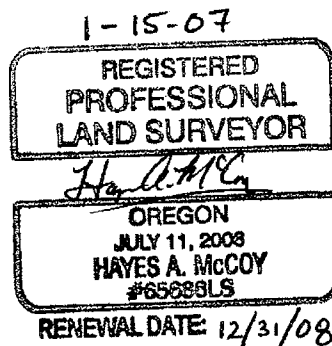
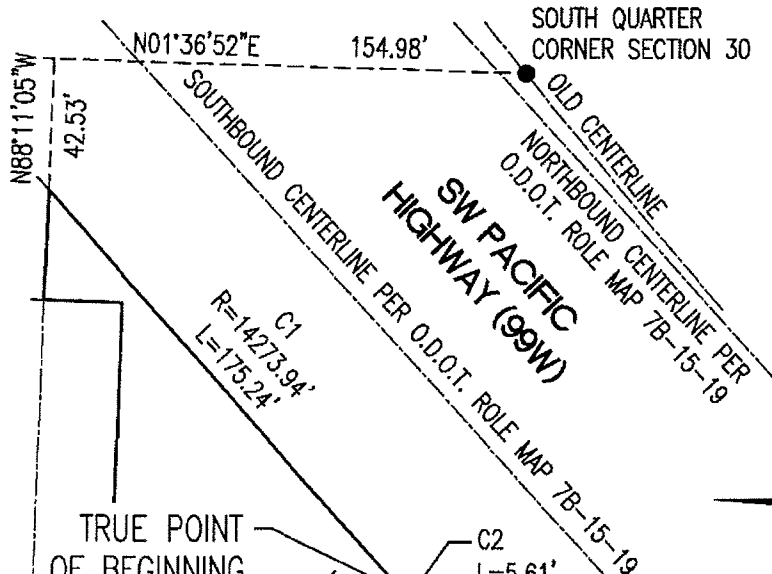


EXHIBIT F

VACATION OF PORTION OF PUBLIC UTILITY EASEMENT LOCATED IN THE SW 1/4 OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M., CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON



SCALE 1" = 60 FEET



CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	14273.94'	0°42'12"	175.24'	S48°05'40"W 175.24'
C2	14273.94'	0°01'21"	5.61'	S48°27'27"W 5.61'
C3	162.00'	44°46'58"	126.62'	N65°47'36"W 123.42'
C4	170.00'	44°47'36"	132.90'	S65°47'17"E 129.55'

TOTAL AREA = 2,437
SQUARE FEET
MORE OR LESS

PORTION OF THE
PUBLIC UTILITY
EASEMENT GRANTED ON
LOT 13 OF "WYNDHAM
RIDGE" (BOOK 100,
PAGE 28)

1-15-07

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Hayes A. McCoy

OREGON
JULY 11, 2008
HAYES A. MCCOY
65686LS

RENEWAL DATE: 12/31/08

JOB NAME: CEDAR BROOK

JOB NUMBER: 1213

DRAWING NUMBER: 1213EXF

DRAWN BY: WCB

CHECKED BY: HAM

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FAX: (503) 925-8969

E-MAIL: aks@aks-eng.com

EXHIBIT G
VACATION OF SLOPE EASEMENT

A portion of the slope easement granted to the City of Sherwood on Lot 13 of "Wyndham Ridge" (Book 100, Page 28, Washington County Deed Records), 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 Northwestern 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 175.24 feet, and Chord of South $48^{\circ}05'40''$ West 175.24 feet to 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 5.61 feet, and Chord of South $48^{\circ}27'27''$ West 5.61 feet to a point; thence leaving said right-of-way line North $88^{\circ}10'19''$ West 3.81 feet to a point; thence North $45^{\circ}05'13''$ West 56.37 feet to a point; thence along a tangential curve to the left having a Radius of 160.00 feet, Length of 125.09 feet, and Chord of North $65^{\circ}47'17''$ West 121.93 feet to a point; thence North $88^{\circ}11'05''$ West 123.60 feet to a point; thence North $09^{\circ}40'42''$ East 10.10 feet to a point; thence South $88^{\circ}11'05''$ East 122.15 feet to a point; thence along a tangential curve to the right having a Radius of 170.00 feet, Length of 132.90 feet, and Chord of South $65^{\circ}47'17''$ East 129.55 feet to a point; thence South $43^{\circ}23'29''$ East 59.27 feet to the True Point of Beginning.

The above described vacated easement contains 3,050 square feet, more or less. The Basis of Bearings is per Survey Number 29571, Washington County Survey Records.

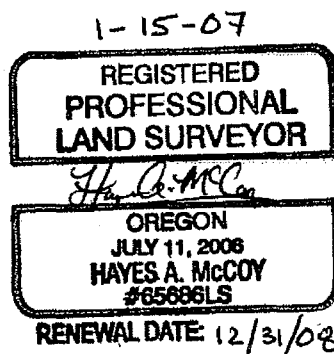
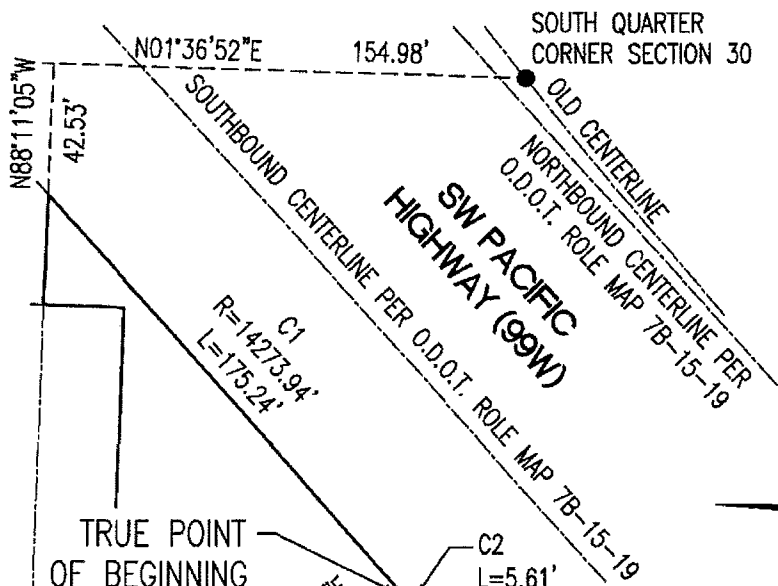
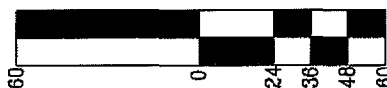


EXHIBIT H

VACATION OF PORTION OF SLOPE EASEMENT
 LOCATED IN THE SW 1/4 OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE
 1 WEST, W.M., CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON



SCALE 1" = 60 FEET



CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	
C1	14273.94'	0°42'12"	175.24'	S48°05'40"W	175.24'
C2	14273.94'	0°01'21"	5.61'	S48°27'27"W	5.61'
C3	160.00'	44°47'36"	125.09'	N65°47'17"W	121.93'
C4	170.00'	44°47'36"	132.90'	S65°47'17"E	129.55'

1-15-07

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Hayes A. McCoy

OREGON
 JULY 11, 2006
 HAYES A. MCCOY
 65686LS
 RENEWAL DATE: 12/31/08

JOB NAME:	CEDAR BROOK
JOB NUMBER:	1213
DRAWING NUMBER:	1213EXH
DRAWN BY:	WCB
CHECKED BY:	HAM

TOTAL AREA = 3,050
 SQUARE FEET
 MORE OR LESS

PORTION OF THE SLOPE
 EASEMENT
 GRANTED TO THE CITY
 OF SHERWOOD ON LOT
 13 OF THE PLAT
 "WYNDHAM RIDGE"
 (BOOK 100, PAGE 28)

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EXHIBIT I
PUBLIC UTILITY EASEMENT

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 124.98 feet to a point; thence North $88^{\circ}11'05''$ West 109.19 feet to a point; thence South $01^{\circ}48'55''$ West 32.50' to a point on the Southerly right-of-way line of SW Handley Street; thence along said Southerly right-of-way line, North $88^{\circ}11'05''$ West 374.36 feet to a point at the intersection of the SW Handley Street and SW Cedar Brook Way right-of-way lines; thence leaving said Southerly right-of-way line, South $09^{\circ}44'33''$ West 4.04 feet to the TRUE POINT OF BEGINNING; thence along a line parallel to and 4 feet Southerly of the Southerly right-of-way line of SW Handley Street, South $88^{\circ}11'05''$ East 122.15 feet to a point; thence leaving said parallel line, along a tangential curve to the right having a Radius of 170.00 feet, Length of 36.95 feet, Delta of $12^{\circ}27'13''$ and Chord of South $81^{\circ}57'28''$ East 36.88 feet to a point; thence along a line parallel to and 8 feet Southerly of the Southerly right-of-way line of SW Handley Street, North $88^{\circ}11'05''$ West 151.29 feet to a point; thence along a line parallel to and 8 feet Easterly of the Easterly right-of-way line of SW Cedar Brook Way South $09^{\circ}44'33''$ West 91.79 feet to a point on the Southerly line of the property described in Document Number 2002-062303, Washington County Deed Records; thence North $88^{\circ}10'19''$ West 8.08 feet to a point at the intersection of said Southerly line and the Easterly right-of-way line of SW Cedar Brook Way; thence along said Easterly right-of-way line, North $09^{\circ}44'33''$ East 95.82 feet to the TRUE POINT OF BEGINNING.

The above described easement contains 1,297 square feet, more or less. The Basis of Bearings is per Survey Number 29571, Washington County Survey Records.

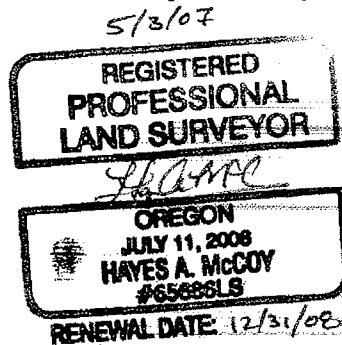
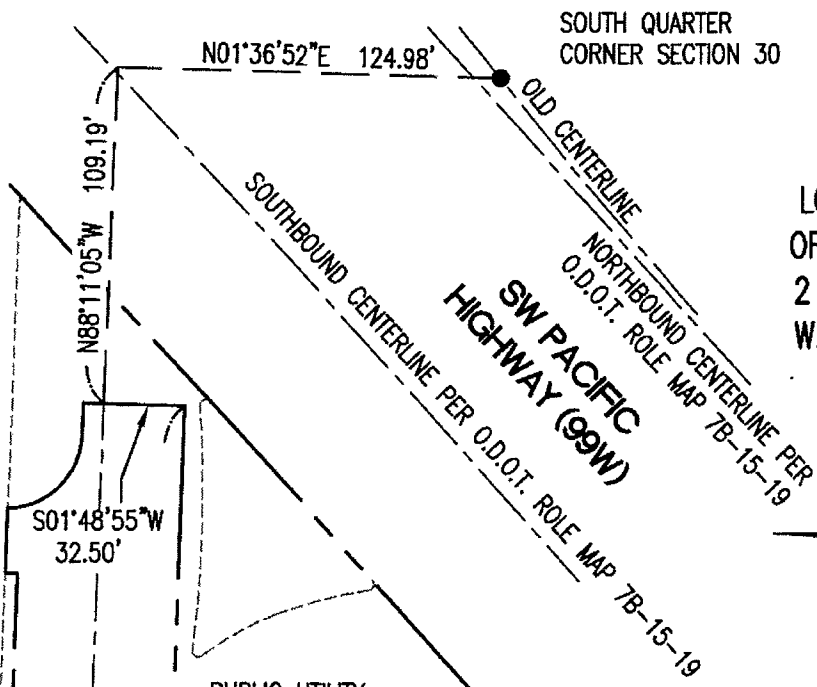


EXHIBIT J PUBLIC UTILITY EASEMENT

LOCATED IN THE SW 1/4
OF SECTION 30, TOWNSHIP
2 SOUTH, RANGE 1 WEST,
W.M., CITY OF SHERWOOD,
WASHINGTON COUNTY,
OREGON.

SCALE 1" = 60'



PUBLIC UTILITY
EASEMENT
DOC. NO.
2002-062303

C1
 L=36.95'
 R=170.00'
 CHORD BEARING:
 S81°57'28"E
 CHORD LENGTH: 36.88'
 DELTA = 12°27'13"

PUBLIC UTILITY
EASEMENT
AREA: 1,297 SF±

5/3/07

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 11, 2008
HAYES A. MCCOY
#63686LS

RENEWAL DATE: 12/31/08

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