



## ORDINANCE 2008-012

### AN ORDINANCE INITIATING VACATION PROCEEDINGS FOR THE RIGHT-OF-WAY AND ASSOCIATED PUBLIC UTILITY EASEMENT ON 15760 SW DIVISION STREET

**WHEREAS**, the City has an interest in seeing the orphan right of way (ROW) and public utility easement (PUE) vacated to provide for wise development of this property; and

**WHEREAS**, previous ROW was established on two adjacent lots and subsequently vacated in approximately 1969 per City Ordinance 69-589; and

**WHEREAS**, the PUE was established during the partitioning of the property into 3 lots; and

**WHEREAS**, no utilities have been placed in the new PUE; and

**WHEREAS**, a public hearing was held on 7:00 pm, August 19, 2008 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 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 July 31 and August 7, 2008 consistent with the requirements of ORS 271.110 (1); and

**WHEREAS**, the Sherwood City Council received a staff report and found the vacation of the existing ROW and PUE to be in the public interest, as provided by Resolution 2008-045.

### 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 right of way and public utility easement was subject to full and proper review, and a public hearing was held before the Council on August 19, 2008. The City verified the 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 right of way and public utility easement should be vacated, and title to the area attached to the property at 15760 SW Division Street situated in the Southwest One-Quarter of Section 32, Township 2 South, Range 1 west of the Willamette Meridian, City of Sherwood, Washington County, Oregon; and further described in "Exhibits A and B" attached.


**SECTION 3. Approval** The proposal for ROW and PUE vacation is hereby APPROVED as stipulated in the documents labeled "Exhibits A and B" 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 ROW and PUE 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 August, 2008

Approved by the Mayor this 19<sup>th</sup> day of August, 2008

  
\_\_\_\_\_  
Keith S. Mays, Mayor  
Council President, Dave Grant

Attest:

  
\_\_\_\_\_  
Sylvia Murphy, City Recorder

	AYE	NAY
Weislogel	<u>✓</u>	___
Luman	<u>✓</u>	___
King	<u>absent</u>	___
Henderson	<u>✓</u>	___
Heironimus	<u>✓</u>	___
Grant	<u>✓</u>	___
Mays	<u>absent</u>	___

# EXHIBIT 'A'

## LEGAL DESCRIPTIONS FOR VACATIONS

A PORTION OF PARCEL 3, PARTITION PLAT NO. 2008-003, LOCATED IN THE NE 1/4 OF THE SW 1/4 OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN IN THE CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

MAY 9, 2008

### PUBLIC UTILITY EASEMENT PER PARTITION PLAT NO. 2008-03

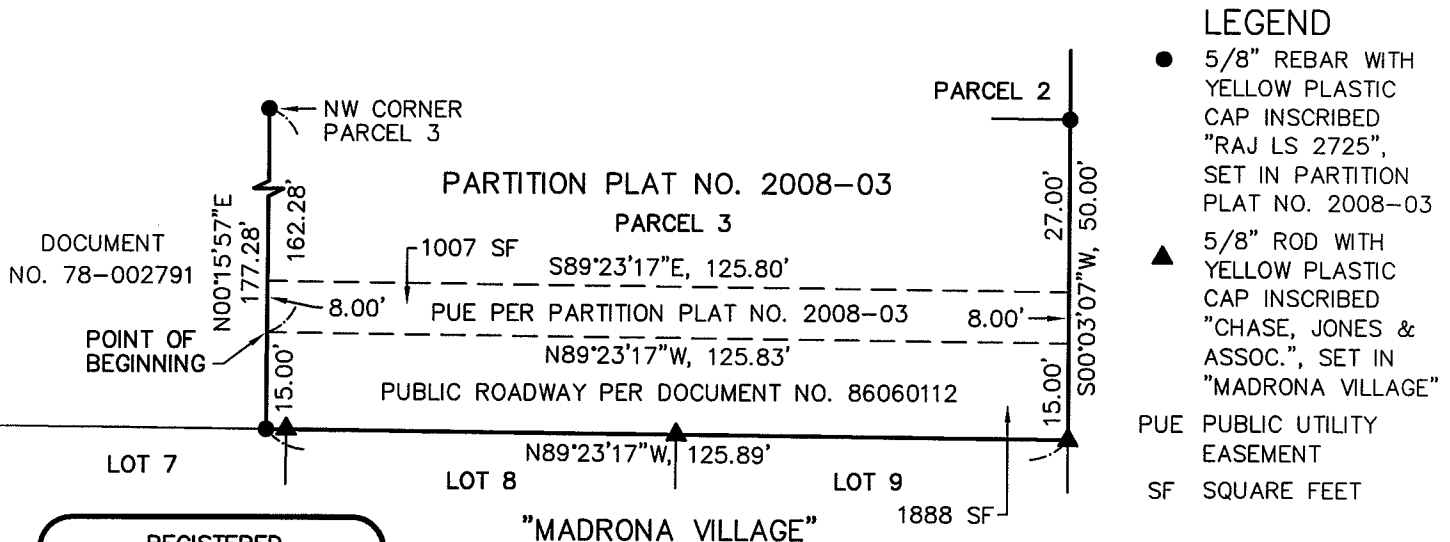
A PORTION OF PARCEL 3, PARTITION PLAT NO. 2008-03, WASHINGTON COUNTY PLAT RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID PARCEL 3, SAID POINT BEARS N00°15'57"E, 15.00 FEET FROM A 5/8" IRON REBAR WITH YELLOW PLASTIC CAP INSCRIBED "RAJ LS 2725" AT THE SOUTHWEST CORNER OF SAID PARCEL 3; THENCE N00°15'57"E ALONG THE WEST LINE OF SAID PARCEL 3, 8.00 FEET; THENCE S89°23'17"E, 125.80 FEET TO THE EAST LINE OF SAID PARCEL 3; THENCE S00°03'07"W ALONG SAID EAST LINE, 8.00 FEET, SAID POINT BEARS N00°03'07"E, 15.00 FEET FROM A 5/8" IRON REBAR WITH YELLOW PLASTIC CAP INSCRIBED "RAJ LS 2725" AT THE SOUTHWEST CORNER OF SAID PARCEL 3; THENCE N89°23'17"W 125.83 FEET TO THE POINT OF BEGINNING. THE LAND DESCRIBED ABOVE CONTAINS 1007 SQUARE FEET, MORE OR LESS, AND IS SUBJECT TO AND TOGETHER WITH ALL EASEMENTS AND RESERVATIONS OF RECORD.

### PUBLIC ROADWAY PER DOCUMENT NO. 86060112

A PORTION OF PARCEL 3, PARTITION PLAT NO. 2008-03, WASHINGTON COUNTY PLAT RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

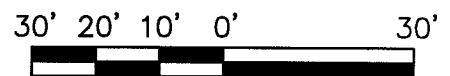
BEGINNING AT A POINT ON THE WEST LINE OF SAID PARCEL 3, SAID POINT BEARS S00°15'57"W, 162.28 FEET FROM A 5/8" IRON REBAR WITH YELLOW PLASTIC CAP INSCRIBED "RAJ LS 2725" AT THE NORTHWEST CORNER OF SAID PARCEL 3; THENCE S89°23'17"E, 125.83 FEET TO THE EAST LINE OF SAID PARCEL 3; THENCE S00°03'07"W ALONG SAID EAST LINE, 15.00 FEET TO A 5/8" IRON REBAR WITH YELLOW PLASTIC CAP INSCRIBED "RAJ LS 2725" AT THE SOUTHWEST CORNER OF SAID PARCEL 3; THENCE N89°23'17"W ALONG THE SOUTH LINE OF SAID PARCEL 3, 125.89 FEET TO A 5/8" IRON REBAR WITH YELLOW PLASTIC CAP INSCRIBED "RAJ LS 2725" AT THE SOUTHWEST CORNER OF SAID PARCEL 3; THENCE N00°15'57"E 15.00 FEET TO THE POINT OF BEGINNING. THE LAND DESCRIBED ABOVE CONTAINS 1888 SQUARE FEET, MORE OR LESS, AND IS SUBJECT TO AND TOGETHER WITH ALL EASEMENTS AND RESERVATIONS OF RECORD.



### LEGEND

- 5/8" REBAR WITH YELLOW PLASTIC CAP INSCRIBED "RAJ LS 2725", SET IN PARTITION PLAT NO. 2008-03
- ▲ 5/8" ROD WITH YELLOW PLASTIC CAP INSCRIBED "CHASE, JONES & ASSOC.", SET IN "MADRONA VILLAGE"
- PUE PUBLIC UTILITY EASEMENT
- SF SQUARE FEET

SCALE 1"=30'

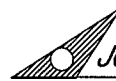
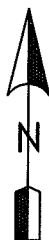


REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Robert Alan Johnson*

OREGON  
JULY 25, 1995  
ROBERT ALAN JOHNSON  
#2725

EXPIRES 6/30/09



JOHNSON LAND SURVEYING, INC.

10185 SW HOODVIEW DR, TIGARD, OR 97224  
(503)639-7919, FAX(503)670-9050  
jsurvey@verizon.net

# Exhibit B

