



## ORDINANCE 2009-014

### **AN ORDINANCE APPROVING VACATION OF CITY OWNED RIGHT-OF-WAY LOCATED MID-BLOCK BETWEEN SW WILLAMETTE STREET AND SW RAILROAD STREET, AND BETWEEN PINE STREET AND SW WASHINGTON STREET**

**WHEREAS**, the City as petitioner is requesting vacation of City owned right-of-way as part of a downtown improvement project, said right-of-way described in Deed Book 147, Page 79, recorded May 9, 1931, Washington County Deed Records, and is located mid-block between SW Willamette Street and SW Railroad Street, and between SW Pine Street and SW Washington Street, being more particularly described and shown on the attached Exhibit "A" (legal description) and Exhibit "B" (survey map); and

**WHEREAS**, the City has posted notices of the vacation request at four public locations and at two locations on the vacation site, mailed notification to property owners within 500 feet of the vacation site, and published the notice in local newspaper on two separate dates (October 15<sup>th</sup> and October 22<sup>nd</sup>, 2009) all in accordance with ORS 271.110 et seq.; and

**WHEREAS**, the Sherwood City Council may initiate right-of-way vacation on its own motion, as delineated in ORS 271.130, with notice to abutting property owners; and,

**WHEREAS**, the vacated right-of-way area will revert back to the original property from which it was dedicated; and

**WHEREAS**, the only property affected by this action is owned by the City; 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; and,

**WHEREAS**, the vacation of the right-of-way will not negatively impact any other adjacent property values.

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

**Section 1.** The proposal by the City Engineer to vacate the public's interest in a portion of City right-of-way as described, mid-block between SW Willamette Street and SW Railroad Street and Between SW Pine Street and SW Washington Street. That City Staff has verified 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:** After full and due consideration of the application, the City Staff Report, the City Council adopts Ordinance 2009-014 for vacation of City owned right-of-way should be vacated, and title of the total area, approximately +/- 4015 sq. ft. as shown in the attached Exhibit "A" (legal description) and Exhibit "B" (survey map) will revert back to the original property.

**Section 3:** This Ordinance shall take effect 30-days after its approval and adoption.

**Section 4.** The City Engineer is hereby 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 this 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.

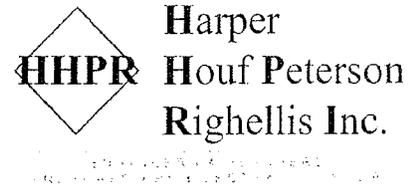
**Duly passed by the City Council this 1<sup>st</sup> day of December 2009.**

  
Keith S. Mays, Mayor

ATTEST:

  
Sylvia Murphy, City Recorder

	<u>AYE</u>	<u>NAY</u>
Folsom	<u>✓</u>	<u>   </u>
Clark	<u>Absent</u>	<u>   </u>
Weislogel	<u>✓</u>	<u>   </u>
Henderson	<u>✓</u>	<u>   </u>
Grant	<u>✓</u>	<u>   </u>
Heironimus	<u>✓</u>	<u>   </u>
Mays	<u>✓</u>	<u>   </u>



## EXHIBIT A Street Vacation

Being a portion of that street dedication described in Deed Book 147, Page 79, recorded May 9, 1931, Washington County Deed Records located in the Northwest One Quarter of Section 32, Township 2 South, Range 1 West of the Willamette Meridian in the City of Sherwood, Washington County, Oregon being more particularly described as follows:

All of the southeasterly 26 feet of Lots 5, 7, and 8 in Block 1, Epler's Addition to Sherwood.

**EXCEPTING THEREFROM** any portion of which lying within a strip 60.00 feet in width, 30.00 feet on the easterly and westerly side of and contiguous with the realigned centerline of SW Pine Street as located in Survey No. 30,908, Washington County Survey Records, the realigned centerline of which is described as follows:

Beginning at the intersection of the centerlines of NW Railroad Street and SW Pine Street as shown and located on Survey No. 30,908, Washington County Survey Records;

Thence S41°01'24"E, along the realigned centerline of SW Pine Street, 102.64 feet to the beginning of a 235.00 foot radius curve to the left having a central angle of 7°46'09";

Thence continuing along the realigned centerline of said SW Pine Street and the arc of said curve to the left (the long chord of which bears S44°54'29"E, 31.84') 31.87 feet;

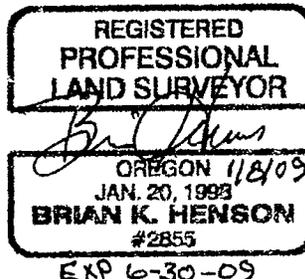
Thence continuing along the realigned centerline of said SW Pine Street S48°47'33"E, 38.88 feet to the beginning of a 235.00 foot radius curve to the right having a central angle of 7°03'06";

Thence continuing along the realigned centerline of said SW Pine Street and the arc of said curve to the right (the long chord of which bears S45°16'00"E, 28.92') 28.92 feet to a point on the easterly right of way of SW Pine Street and the easterly line of the Plat of "Epler's Addition to Sherwood";

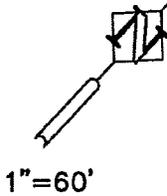
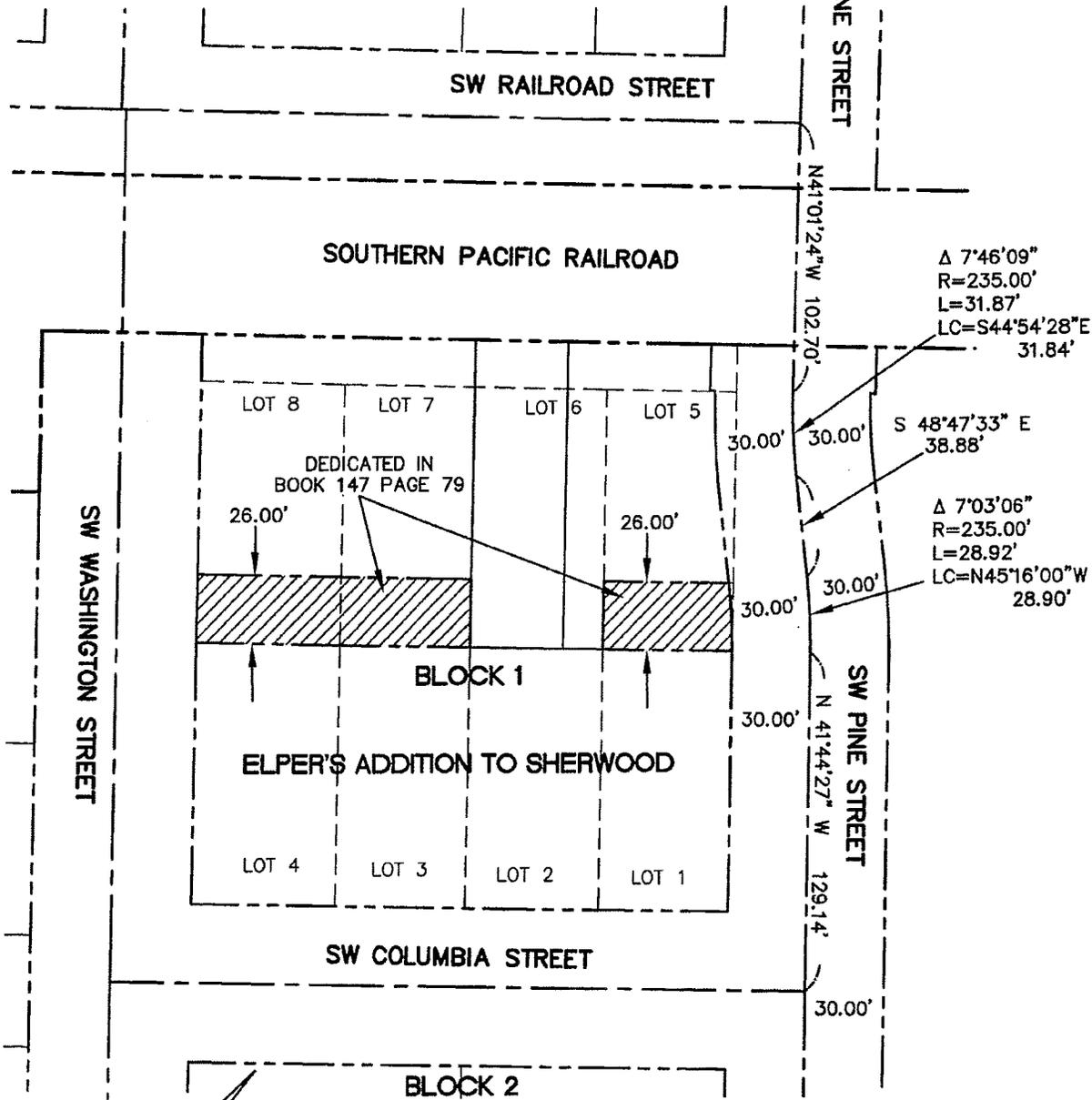
Thence S41°44'27"E, along said easterly line, 129.14 feet to the centerline of SW Columbia Street.

Containing 4,015 square feet more or less.

This legal description along with the basis of bearings thereof was prepared based on Survey No. 30,908, Washington County Survey Records.



# EXHIBIT B STREET VACATION



 **STREET VACATION**  
 ± 4,015 SQ. FT.

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Brian K. Henson*  
 OREGON 118109  
 JANUARY 20, 1998  
 BRIAN K. HENSON  
 2855

EXPIRES: 06/30/2009

EXHIBIT PREPARED BY:



**Harper  
 Houf Peterson  
 Righellis Inc.**

ENGINEERS • PLANNERS  
 LANDSCAPE ARCHITECTS • SURVEYORS

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