



*Home of the Tualatin River National Wildlife Refuge*

## **ORDINANCE 2013-004**

### **AN ORDINANCE APPROVING VACATION OF A PUBLIC STORM SEWER EASEMENT LOCATED ON PRIVATE PROPERTY AND ESTABLISHING A NEW PUBLIC STORM WATER EASEMENT WITH ADJUSTED BOUNDARY TO MATCH ENCROACHMENT CONDITIONS**

**WHEREAS**, an existing 7.5 foot wide public storm sewer easement was recorded as part of the plat for Sherwood Cannery Square (Document No. 2011-089523, Washington County Plat Records); and

**WHEREAS**, the approved construction plan set for the private development project "Residences at Cannery Square" did not provide clear and concise definition of the extents of the existing public storm sewer easement relative to the building footprint; and

**WHEREAS**, during the course of construction it was discovered that the building footprint encroached approximately 2-feet into the existing easement; and

**WHEREAS**, after exploring multiple options including redesign and relocation of the building, it was determined that a vacation of a portion of the existing easement would be most effective while still retaining the purpose and intent of the easement; and

**WHEREAS**, reducing the easement width as proposed by the developer will not be detrimental to the purpose of the easement; and

**WHEREAS**, maintaining the current easement with the building encroachment is not advised for legal reasons; and

**WHEREAS**, the City's Public Works and Engineering Departments have reviewed and agreed with the Developer's request for modification of the easement area as shown on the attached Exhibit A (legal description) and Exhibit B (survey map); and

**WHEREAS**, a new public storm sewer easement as shown on the attached Exhibit A (legal description) and Exhibit B (survey map) shall be recorded concurrently with the recording of this easement vacation ordinance; and

**WHEREAS**, the City has posted notices of the vacation request at four public locations and at one location on the vacation site, and published notice in the Sherwood Gazette (July 2013 Edition) and The Times (June 27, 2013 Edition) all in accordance with ORS 271.110 et seq.; and

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

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

**WHEREAS**, the Sherwood City Council has received a staff report with findings and found the vacation and re-establishment of a corrected public storm water easement to be in the public interest; and

**WHEREAS**, the vacation of the existing storm sewer easement will not impact any other adjacent property values.

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

**Section 1:** The vacation of the existing 7.5 foot wide public storm sewer easement as identified as part of the recorded plat for Sherwood Cannery Square (Document No. 2011-089523) is necessary to correct for an encroachment and is in the public's interest.

**Section 2:** That a new public storm sewer easement as shown on attached Exhibit A (legal description) and Exhibit B (survey map) shall be recorded concurrently with the recording of the vacation ordinance.

**Section 3:** After full and due consideration of the vacation request, the City Staff Report, the City Council adopts Ordinance 2013-004 for the vacation of the existing storm sewer easement and recording of a new public storm sewer easement as shown on attached Exhibit A (legal description) and Exhibit B (survey map).

**Section 4:** This Ordinance shall take effect 30 days after its approval and adoption.

**Section 5:** The City Manager or their authorized personnel, is hereby authorized and directed to take such action as may be necessary to document this easement vacation and establishment of a new public storm sewer easement, 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 16<sup>th</sup> day of July 2013.**

  
\_\_\_\_\_  
Bill Middleton, Mayor

Attest:

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

	<u>AYE</u>	<u>NAY</u>
Clark	<u>Absent</u>	_____
Langer	<u>✓</u>	_____
Butterfield	<u>✓</u>	_____
Folsom	<u>✓</u>	_____
Grant	<u>Absent</u>	_____
Henderson	<u>Absent</u>	_____
Middleton	<u>✓</u>	_____



EXHIBIT "A"  
LEGAL DESCRIPTION  
Proposed Public Storm Sewer Easement  
January 30, 2013

A portion of Lot 10, Plat of "Sherwood Cannery Square", recorded as Document No. 2011-089523, Washington County Plat Records, located in the East One-Half of the Northwest One-Quarter of Section 32, Township 2 South, Range 1 West, of the Willamette Meridian, City of Sherwood, Washington County, Oregon, being more particularly described as follows:

Beginning at a 5/8 inch iron rod with an orange plastic cap inscribed "HHPR INC" at the most easterly corner of said Lot 10, Plat of "Sherwood Cannery Square";

Thence S47°24'13"W, along the southeasterly line of said Lot 10, 13.00 feet to a point;

Thence leaving said southeasterly line N02°20'22"E, 7.77 feet to a point;

Thence N42°43'29"W, 177.48 feet to a point;

Thence N47°16'31"E, 2.00 feet to a point;

Thence N42°43'29"W, 55.00 feet to a point;

Thence N47°16'31"E, 5.50 feet to the northeasterly line of said Lot 10;

Thence S42°43'29"E, along the northeasterly line of said Lot 10, 238.00 feet to the Point of Beginning.

Containing 1,690 square feet more or less.

See attached Exhibit "B" entitled "Proposed Public Storm Sewer Easement" hereby incorporated by reference.

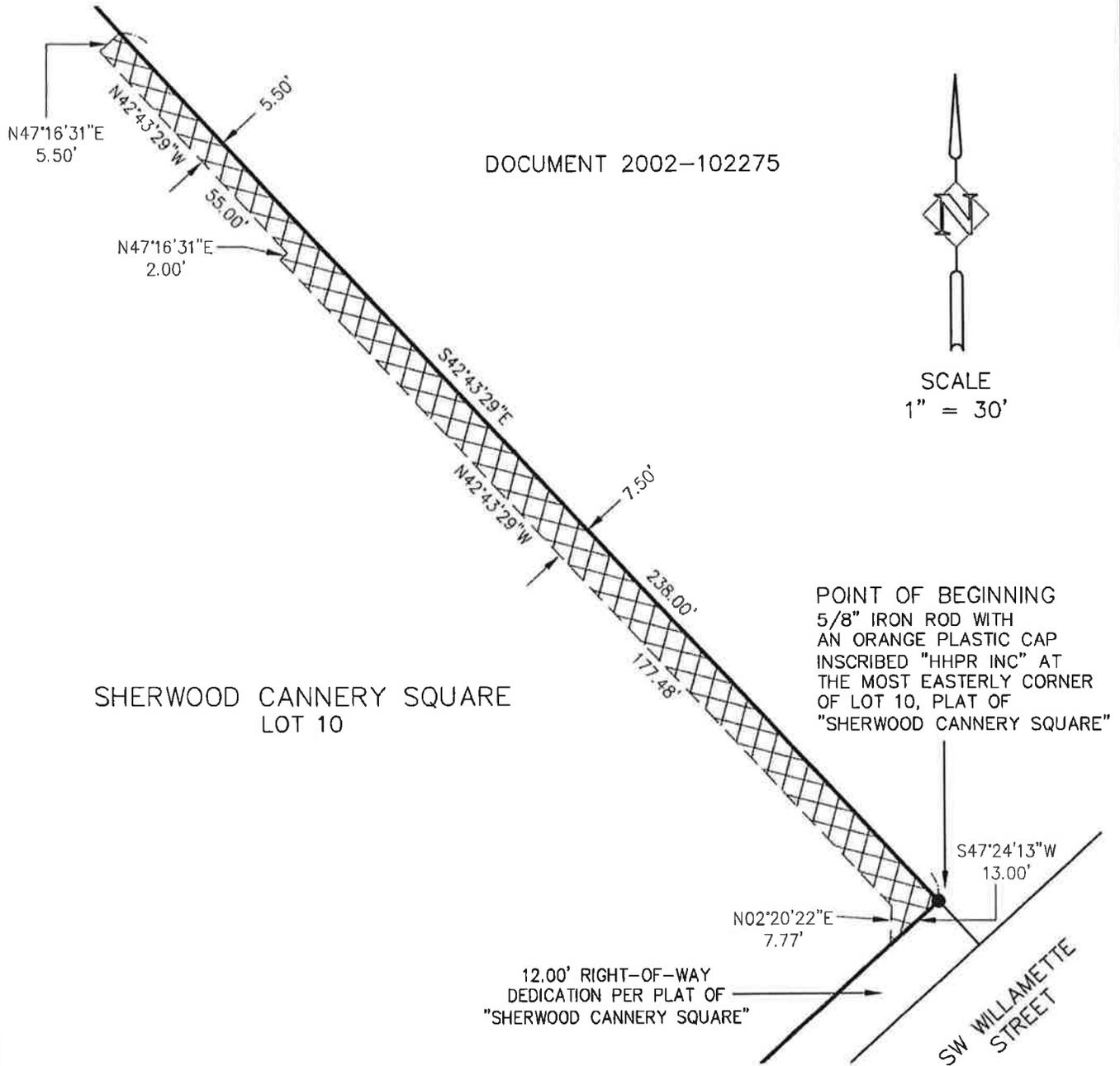
This legal description and the basis of bearings thereof, is based upon the Plat of "Sherwood Cannery Square", recorded as Document No. 2011-089523, Washington County Plat Records.



## EXHIBIT "B"

### PROPOSED PUBLIC STORM SEWER EASEMENT

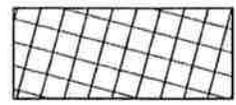
DOCUMENT 2002-102275



SCALE  
 1" = 30'

POINT OF BEGINNING  
 5/8" IRON ROD WITH  
 AN ORANGE PLASTIC CAP  
 INSCRIBED "HHPR INC" AT  
 THE MOST EASTERLY CORNER  
 OF LOT 10, PLAT OF  
 "SHERWOOD CANNERY SQUARE"

#### LEGEND



PROPOSED PUBLIC STORM  
 SEWER EASEMENT  
 ± 1,690 SQ.FT.

SEE ATTACHED  
 LEGAL DESCRIPTION

## Harper

## Houf Peterson

## Righellis Inc.

ENGINEERS • PLANNERS  
 LANDSCAPE ARCHITECTS • SURVEYORS

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