



## **ORDINANCE 2024-001**

### **VACATING UNNAMED CITY RIGHT-OF-WAY LOCATED EAST OF SW TONQUIN ROAD IN THE TONQUIN EMPLOYMENT AREA**

**WHEREAS**, the City has received a petition to vacate an unnamed street right-of-way located east of SW Tonquin Road in the Tonquin Employment Area being more particularly described and shown on the attached Exhibit "A" (Legal Description) and Exhibit "B" (Survey Map); and

**WHEREAS**, the petition for vacation included the written consent of the owners of all abutting properties and not less than two-thirds of the area of the real property affected thereby, as defined in ORS 271.080; and

**WHEREAS**, the City posted a notice of the vacation request at the point of the intersection of the unnamed right-of-way with SW Tonquin Road and mailed notification to property owners within 1000 feet of the vacation area and published the notice in a local newspaper on two separated dates, March 21 and March 28, 2024 in, all in accordance with ORS 271.110; and

**WHEREAS**, title to the vacated right-of-way will revert back to the original property from which it was originally dedicated, in the case of the right-of-way between SW Tonquin Road and SW Commerce Court, the property will revert back to Cascade Civil Development, Inc. (Doc. No. 2023-043257), in the case of the right-of-way east of SW Commerce Court, the property will revert back to Sherwood Commerce Center LLC (Doc. No. 2024-004454) per ORS 271.140; and

**WHEREAS**, the homes that were previously served by the unnamed street have been demolished; and

**WHEREAS**, new right-of-way and PUE have been dedicated in this area for new streets known as SW Commerce Court and SW Industry Way which are currently nearing completion of construction and will provide access to the property previously using the unnamed street; and

**WHEREAS**, the existing unnamed street right-of-way east of SW Commerce Court is no longer needed for any present or future purposes; and

**WHEREAS**, the existing unnamed street right-of-way between SW Tonquin Road and SW Commerce Court has been determined by city staff to only be needed for storm sewer and sanitary sewer purposes for which an easement has been granted to the City; and

**WHEREAS**, adjacent developments will be constructing necessary maintenance access for City maintenance access to storm sewer and sanitary sewer facilities located within the right-of-way to be vacated; and

**WHEREAS**, the vacating of the right-of-way does not extend to any right-of-way dedications or easements granted to the city since the most recent section of the unnamed right-of-way annexed into the City on March 15, 2022; and

**WHEREAS**, there are existing overhead franchise utilities located within the unnamed street right-of-way that are in process of being located underground along the newly constructed streets of SW Commerce Court and SW Industry Way, which will need to be completed along with the removal of the existing overhead franchise utilities prior to recording of this right-of-way vacation.

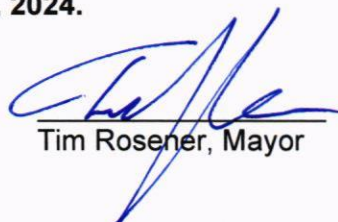
**NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1:** After full and due consideration of this right-of-way vacation application and the City Staff Report, the City Council finds that the consent of the owners of the requisite area has been obtained, notice has been duly given and the public interest will not be prejudiced by the proposed vacation.

**Section 2:** The City Council authorizes the vacation of the unnamed street right-of-way from SW Tonquin Road to its eastern terminus upon relocation and removal of the existing overhead franchise utilities located within the unnamed street right-of-way.

**Section 3:** This ordinance will become effective the 30<sup>th</sup> day after its enactment by the City Council and approved by the Mayor.

**Duly passed by the City Council this 21<sup>st</sup> day of May, 2024.**

  
Tim Rosener, Mayor

5/21/24  
Date

Attest:

  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Standke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Giles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brouse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rosener	<input checked="" type="checkbox"/>	<input type="checkbox"/>





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AKS Job #9749

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

## EXHIBIT A

### Right-of-Way Vacation

A tract of land located in the Northwest One-Quarter of Section 33, Township 2 South, Range 1 West, Willamette Meridian, City of Sherwood, Washington County, Oregon, and being more particularly described as follows:

Commencing at the north one-quarter corner of said Section 33; thence along the north line of said Section 33, North 88°43'56" West 654.51 feet to the east line of a 25.00 foot wide Right-of-Way Dedication per Book 926, Page 721, Washington County Deed Records, and the Point of Beginning; thence along said east line, South 01°09'31" West 25.02 feet to the south line of said Deed; thence along said south line, North 88°43'49" West 654.27 feet to the south line of a 25.00 foot wide Right-of-Way Dedication per Book 804, Page 898, Washington County Deed Records; thence along said south line, North 88°50'36" West 557.79 feet to the northeasterly right-of-way line of SW Tonquin Road (37.00 feet from centerline); thence along said northeasterly right-of-way line on a non-tangent curve to the right (with a radial bearing of North 66°17'15" East) with a Radius of 264.84 feet, a Central Angle of 05°50'02", an Arc Length of 26.97 feet, and a Chord of North 20°47'44" West 26.95 feet to the north line of said Book 804, Page 898; thence along said north line, South 88°50'36" East 567.75 feet to the north line of said Book 926, Page 721; thence along said north line, South 88°43'56" East 654.38 feet to the Point of Beginning.

The above described tract of land contains 30,441 square feet, more or less.

The Basis of Bearings for this description is based on Survey Number 34,413, Washington County Survey Records.

12/12/2022

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

A handwritten signature in black ink, appearing to read 'Mike Kalina'.

OREGON  
JANUARY 12, 2016  
MICHAEL S. KALINA  
89558PLS

RENEWES: 6/30/23

## EXHIBIT B

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 33,  
TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,  
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

### CURVE TABLE

CURVE	RADIUS	CENTRAL ANGLE	ARC LENGTH	CHORD
C1	264.84'	5°50'02"	26.97'	N20°47'44"W 26.95'

