

AFFIDAVIT OF POSTING
ORDINANCE CB-0-131-90


STATE OF OREGON)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 14th day of February, 1990, I caused to be posted copies of the attached Ordinance CB-0-131-90, an Ordinance Declaring and Authorizing the Vacation of Portions of a Sanitary Sewer and Storm Sewer Easement Within the Parkwood Estates Subdivision, in the following five public and conspicuous places of the City, to wit:

- WILSONVILLE CITY HALL
- WILSONVILLE POST OFFICE
- LOWRIE'S FOOD MARKET
- KOPPER KITCHEN
- WILSONVILLE PUBLIC LIBRARY

The notice remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 20th day of February, 1990.


VERA A. ROJAS, City Recorder

Subscribed and sworn to before me
this 6th day of March, 1990.


NOTARY PUBLIC, STATE OF OREGON

My Commission expires: 8-23-95

ORDINANCE NO. 362

AN ORDINANCE DECLARING AND AUTHORIZING THE VACATION OF PORTIONS OF A SANITARY SEWER AND STORM SEWER EASEMENT WITHIN THE PARKWOOD ESTATES SUBDIVISION.

WHEREAS, the Taennler Construction Company has filed with the City a petition setting forth a description of the ground proposed to be vacated as attached in Exhibit "A" and "B"; and

WHEREAS, the portions of the easements to be vacated conflict with the current locations of single family dwelling foundations; and

WHEREAS, the vacations will not create any significant additional maintenance problems for the utilities within the subject easements; and


WHEREAS, the encroachment of the dwellings into the easements prevents orderly financial transactions and is creating a hardship for effected property owners; and

WHEREAS, the Wilsonville City Council wishes to address this issue in a timely fashion.

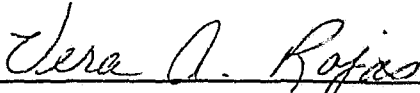
NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. That those portions of public utility easement as described in attached Exhibits "A" and "B" shall be vacated.
2. That it is determined by the Wilsonville City Council an emergency exists, this Ordinance shall take effect immediately upon final reading and passage by the Wilsonville City Council.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 5th day of February, 1990, and scheduled for second reading at a regular meeting of the City Council on the 20th day of February, 1990, commencing at the hour of 7:30 o'clock p.m. at the Wilsonville Library.


VERA A. ROJAS, City Recorder

ENACTED by the Wilsonville City Council on the 5th day of February, 1990 by the following votes: YEAS: 4 NAYS: 0.


VERA A. ROJAS, City Recorder

DATED and signed by the Mayor this 8th day of February, 1990.


ELDON E. EDWARDS, Council President

SUMMARY of Votes:

Mayor Ludlow	<u>Conflict of Interest</u>
Councilor Edwards	<u>Aye</u>
Councilor Chandler	<u>Aye</u>
Councilor Clarke	<u>Aye</u>
Councilor Dant	<u>Aye</u>



City of
WILSONVILLE
in OREGON

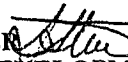
30000 SW Town Center Loop E • PO Box 220
Wilsonville, OR 97070
(503) 682-1011

COMMUNITY DEVELOPMENT DEPARTMENT
MEMORANDUM

DATE: FEBRUARY 9, 1990

TO: HONORABLE MAYOR AND CITY COUNCILORS

THROUGH: PETE WALL
CITY MANAGER

FROM: STEVE STARNER 
COMMUNITY DEVELOPMENT DIRECTOR

RE: ORDINANCE NO. CB-0-131-90

As you know, the ordinance referenced above was approved for first reading during the February 5, 1990 city council meeting. In the course of discussion during presentation, the Council expressed a desire for obtaining assurances that the City would not be held responsible for private property damage during utility maintenance due to the close proximity of structures to sewer lines. To that end, Charles Harper, P.E., of David Evans and Associates, Inc. has submitted his written professional opinion that the easement width remaining after the vacation is "more than adequate to perform maintenance work using a rubber tired backhoe". The Wilsonville Building Official and City Engineer both concur with Mr. Harper's evaluation of the easement width.

Ideally, to preserve building foundation stability, excavation activities should not disturb a zone bearing a 1:1 relationship between the bottom of a trench and an adjacent foundation. In practice, however, the designed depth of utilities frequently require that the 1:1 excavation relationship must be exceeded. Trench excavation practices, including shoring, bracing and sheeting, allow trench cuts of varying width and depth to proceed without endangering adjacent structures. For example, the foundation for the elementary school on Boones Ferry Road is within twelve feet of a sanitary sewer line buried over twenty-five feet deep. Obviously, a utility repair requiring excavation along Boones Ferry Road will require substantial shoring.

Therefore, a hold harmless agreement accompanying this partial easement vacation ought to be deemed an unnecessary precaution.

ss:md

cc: Inter-Office Communications - CD

ODD152
12-6-89
E.L.P.

LEGAL DESCRIPTION

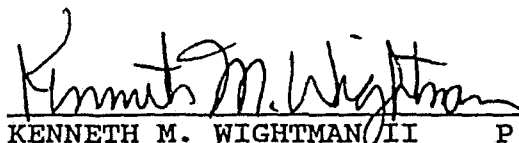
PARKWOOD ESTATES: LOT 14, BLOCK 2
EASEMENT VACATION

3EN
A parcel of land situated in the southeast one-quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, said parcel being more particularly described as follows:

Beginning at a point which is North 40°40'55" East 22.29 feet and South 49°19'05" East a distance of 5.86 from the most westerly corner of Lot 14, Block 2 of PARKWOOD ESTATES, a plat of record, and running thence South 49°11'45" East 4.14 feet; thence North 40°40'55" East 35.99 feet; thence North 49°10'30" West 4.06 feet; thence South 40°48'15" West 36.00 feet to the point of beginning.

Containing 148 square feet, more or less.

Based on the plat of Parkwood Estates as it is recorded as plat No. 2425 in Plat Book 78, Page 27 with the Clackamas County Surveyor.



KENNETH M. WIGHTMAN II P.L.S. 942

ODD152
12-6-89
E.L.P.

LEGAL DESCRIPTION

PARKWOOD ESTATES: LOT 13, BLOCK 2
EASEMENT VACATION

A parcel of land situated in the southeast one-quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, said parcel being more particularly described as follows:

Beginning at a point which is North 40°40'55" East 51.77 feet and North 49°19'05" West a distance of 6.02 feet from the southeasterly corner of Lot 13, Block 2 of PARKWOOD ESTATES, a plat of record, and running thence North 85°25'41" West 4.93 feet; thence North 40°40'55" East 49.87 feet; thence South 4°34'19" West 6.76 feet to the point of beginning.

Containing 17 square feet, more or less.

Based on the plat of Parkwood Estates as it is recorded as plat No. 2425 in Plat Book 78, Page 27 with the Clackamas County Surveyor.



KENNETH M. WIGHTMAN II

P.L.S. 942

DAVID EVANS AND ASSOCIATES, INC.
ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS, SCIENTISTS
OFFICES IN OREGON, WASHINGTON AND CALIFORNIA
2828 S.W. CORBETT AVENUE
PORTLAND, OREGON 97201-4830
(503) 223-6663 FAX (503) 223-2701

December 8, 1989

ODD152

Mr. Steve Starnier
City of Wilsonville
30000 S.W. Town Center Loop E
Wilsonville, OR 97070

**RE: PARKWOOD ESTATES: LOTS 13,14 (BLOCK 2)
EASEMENT UTILITY MAINTENANCE AND SERVICE**

Dear Steve:

David Evans and Associates, Inc. (DEA) has completed the required surveying and prepared legal descriptions for the vacation of the existing sanitary sewer (lot 13) and storm sewer (lot 14) easements for the subject project. The homes constructed on lots 13 and 14 are currently encroaching into the City's sanitary and storm easements. The descriptions describe the area of the structures that encroach into the easements. Refer to the attached map and descriptions for the exact dimensions and areas.



Based on our field survey the homes encroach into the easement, but they are not constructed over the actual sanitary sewer pipe or storm sewer pipe. Maintenance of the pipe for both systems can be accomplished. Special care and precautions will be required such as minor shoring of trenches and footing if excavation is performed directly adjacent to the homes. Since the installations of these pipes were done using current City public works standards and materials, the probability of these pipes requiring maintenance works is minimal.

Based on the easement vacation descriptions, the overall width of the easement adjacent to the homes will decrease 3.98 feet on lot 13 and 4.14 feet on lot 14. This will reduce the combined easement width, adjacent to the homes only, from 20 feet to 11.88 feet. The 20 foot width will remain for the majority of the easement. Typically, combined easement widths are only 15 feet. After the vacation, the City's easement will be nearly 12 feet. This width is more than adequate to perform maintenance work using a rubber tired backhoe.

In my professional opinion, the reduction from 20 feet to nearly 12 feet will not create any significant additional problems if the City's crew have to get into the easement area to maintain these pipes.

Steve, please call if you have any questions.

Sincerely,

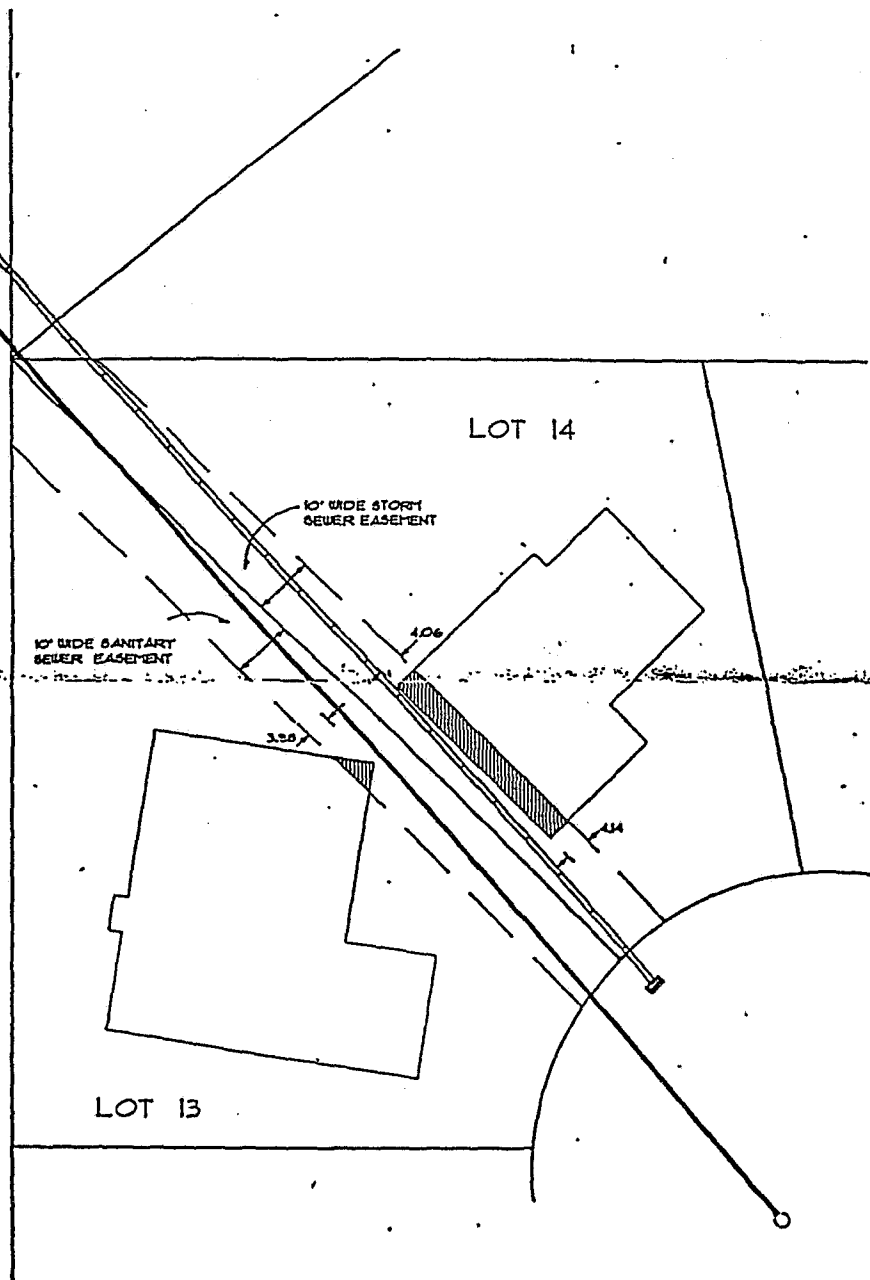
DAVID EVANS AND ASSOCIATES, INC.

A handwritten signature in cursive script that reads "Charles L. Harper".






Charles L. Harper, P.E.
Associate

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BROWN RD.



LEGEND

-  SANITARY SEWER LINE
-  STORM SEWER LINE
-  CATCH BASIN
-  SANITARY MANHOLE
-  EASEMENT AREA TO BE VACATED



1" = 20'



City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E • PO Box 220
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(503) 682-1011

COMMUNITY DEVELOPMENT DEPARTMENT
M E M O R A N D U M

DATE: FEBRUARY 1, 1990
TO: HONORABLE MAYOR AND CITY COUNCILORS
THROUGH: PETE WALL, CITY MANAGER
FROM: STEVE STARNER, COMMUNITY DEVELOPMENT DIRECTOR *SS / pjm*
SUBJECT: ORDINANCE NO. CB-0-131-90

On December 18, 1989 the City Council approved Resolution No. 751 which initiated vacation proceedings for portions of sanitary sewer and storm sewer easements conflicting with adjacent single family dwellings. Notice has since been posted and delivered in a manner consistent with vacation procedure outlined by ORS 271.020 and 271.080.

I have enclosed the staff report of December 18, 1989 which serves to explain the initial circumstances of the vacation.

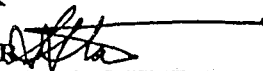
Recommendation: Enact Ordinance CB-0-131-90 as presented.

ses:pjm

City of
WILSONVILLE
In OREGON

30000 SW Town Center Loop E • PO Box 220
Wilsonville, OR 97070
(503) 682-1011

COMMUNITY DEVELOPMENT DEPARTMENT
MEMORANDUM

DATE: DECEMBER 13, 1989
TO: HONORABLE MAYOR AND CITY COUNCILORS
THROUGH: PETE WALL
CITY MANAGER
FROM: STEVE STARNEB 
COMMUNITY DEVELOPMENT DIRECTOR
RE: PARTIAL EASEMENT VACATION - PARKWOOD ESTATES

In the process of obtaining a valid building permit, it is the responsibility of the building permit applicant to assure consistency between the conditions of the property title report and the plot plan submittal. During the plan review, the Building Official will check proposed setbacks to easements and property lines based solely on the plot plan since availability of a current title report is not a condition of the building permit submittal.

Currently, the Community Development Department requires a developer to complete all public works improvements and record all associated easements and dedicated right-of-ways prior to subdivision plat approval and recordations. However, the Parkwood Estate subdivision plat was recorded in 1978 without any utilities in place. As a result, in the building permit plan review process, the plot plan submittal that does reflect the recently constructed public utilities will go undetected for potential easement encroachments.

The single family dwelling on Lot No. 13 has been constructed and is occupied even though the foundation encroaches into an adjacent sanitary sewer easement, as depicted in exhibit No. 1. The encroachment was not detected until a similar situation on Lot 14 was discovered during a routine foundation inspection. The builder for the proposed home on Lot No. 14, Taennler Construcion, has initiated a vacation process that will resolve the encroachment issues for both Lot 14 and Lot 13. The design engineering firm for the subdivision utilities, David Evans and Associates, was retained by the builder to submit a legal description for the vacation and to issue a professional opinion as to the future accessibility of the subject utilities for maintenance and repair (see exhibit No. 2).

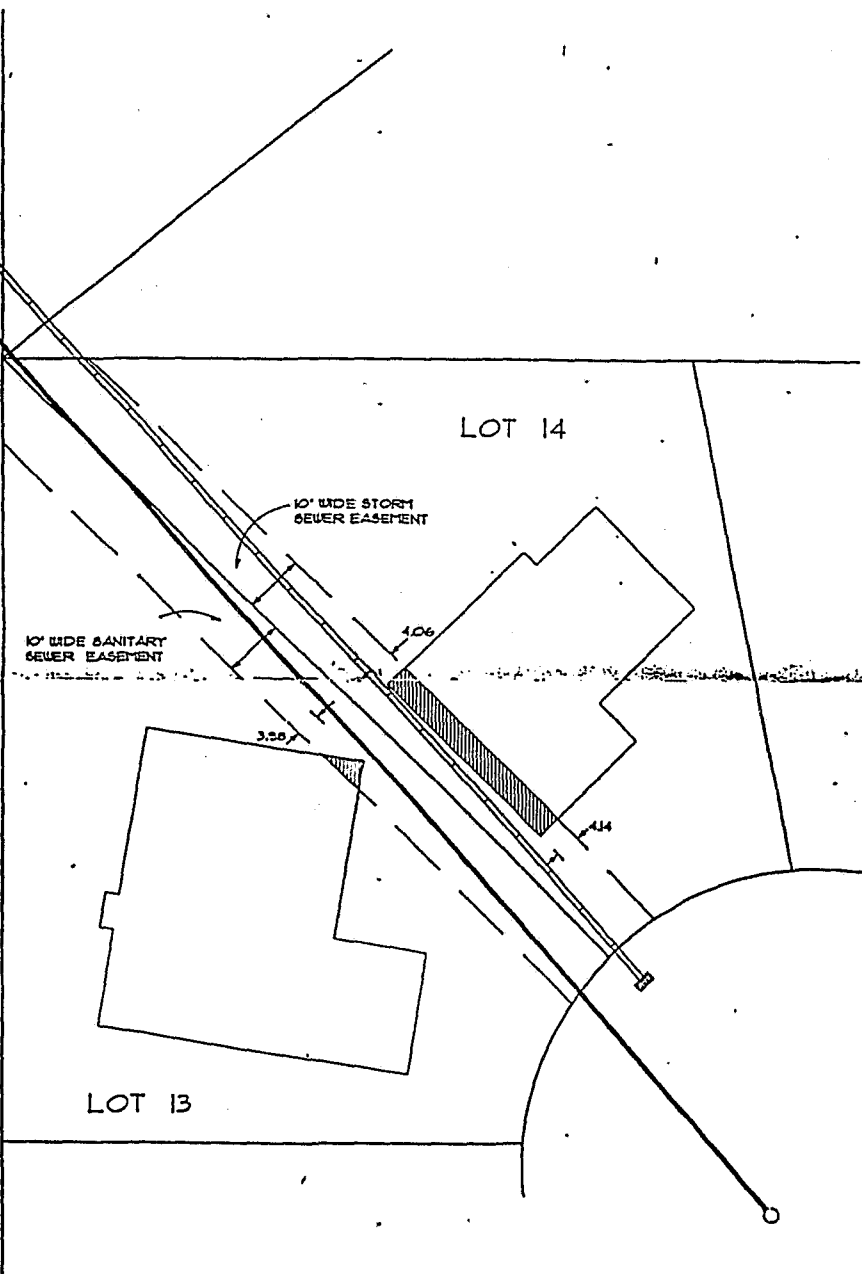
Recommendation:

Approve Resolution No. CB-R-422-89 as submitted to City Council.


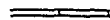



ss:md

cc: Inter-Office Communications - CD
Project file

BROWN RD.



LEGEND

-  SANITARY SEWER LINE
-  STORM SEWER LINE
-  CATCH BASIN
-  SANITARY MANHOLE
-  EASEMENT AREA TO BE VACATED

1" = 20'



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ENGINEERS, ARCHITECTS, PLANNERS, LANDSCAPE ARCHITECTS
200 S. E. COMSTOCK AVENUE - PORTLAND, OR 97214 (503) 222-8844

December 8, 1989

ODD152

Mr. Steve Starner
City of Wilsonville
30000 S.W. Town Center Loop E
Wilsonville, OR 97070

**RE: PARKWOOD ESTATES: LOTS 13,14 (BLOCK 2)
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Sincerely,

DAVID EVANS AND ASSOCIATES, INC.



Charles L. Harper, P.E.
Associate

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