

ORDINANCE NO. 398

AN ORDINANCE DECLARING AND AUTHORIZING THE VACATION OF A STORM SEWER TREATMENT EASEMENT ON LOT NO. 77, WITHIN THE PARK AT MERRYFIELD SUBDIVISION.

WHEREAS, Kohl Enterprises has filed with the City a petition setting forth a description of the property proposed to be vacated as attached in Exhibit "A" and "B", and

WHEREAS, the single family building foundation on Lot No. 77 partially encroaches into a portion of the storm sewer easement, and

WHEREAS, the encroachment of the building foundation into the easement area prevents orderly financial real estate transactions associated with the property; and

WHEREAS, the vacation will not create any significant additional maintenance problems for the utility within the subject easement; and

WHEREAS, Notice of Public Hearing has been published in the City's local newspaper and the subject property has been posed with Notice of Vacation proceedings in accordance with Oregon Revised Statutes; and

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

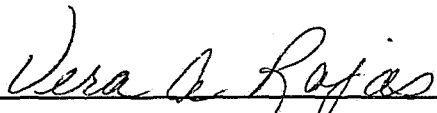
NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. That the portion of public utility storm sewer easement as described in attached Exhibit "A" and "B" shall be vacated.

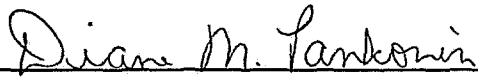
2. That it is determined by the Wilsonville City Council this Ordinance shall take effect immediately upon final reading and passage by the Wilsonville City Council.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 18th day of May, 1992, and scheduled for the second reading at a regular meeting of the Council on the 1st day of June, 1992, commencing at the hour of

7:00 P.M. at the Wilsonville Community Development Department office.


VERA A. ROJAS, CMC/A&E City Recorder

ENACTED by the City Council on the 1st day of June, 1992, by the following
votes: YEAS: 5 NAYS: 0.


DIANE PAKONIN, City Recorder Pro Tem

DATED and signed by the Mayor this _____ day of June, 1992.


GERALD A. KRUMMEL, Mayor

SUMMARY of Votes:

| | |
|----------------------------|------------|
| Mayor Krummel | <u>AYE</u> |
| Council President Chandler | <u>AYE</u> |
| Councilor Carter | <u>AYE</u> |
| Councilor Lehan | <u>AYE</u> |
| Councilor Van Eck | <u>AYE</u> |



WESTLAKE
CONSULTANTS INC.

EXHIBIT "A"

ENGINEERING ♦ SURVEYING ♦ PLANNING

Phone: 503 684-0652

Fax: 503 624-0157

Lot 77, Park At Merryfield No. 2
Easement Vacation
Project No. 004-86-92
March 31, 1992

PROPERTY DESCRIPTION

A parcel of land situated in the S.E. 1/4 of Section 15, T.3S., R.1W., W.M., City of Wilsonville, County of Clackamas, State of Oregon, said parcel being more particularly described as follows:

Beginning at a point which is South 89°59'06" East, 36.80 feet and North 00°00'54" East, 6.00 feet from the southwest corner of Lot 77, PARK AT MERRYFIELD NO. 2, a plat of record, and running thence, North 00°00'54" East, 1.50 feet; thence, South 89°59'06" East, 32.40 feet; thence, South 00°00'54" West, 1.50 feet, thence, North 89°59'06" West, 32.40 feet to the point of beginning.

Contains 49 square feet, more or less.

Based on the plat of Park At Merryfield No. 2, in the City of Wilsonville, filed October 1, 1991 in Plat Book 96, Page 14, as Map No. 2952, records of the County of Clackamas and State of Oregon.

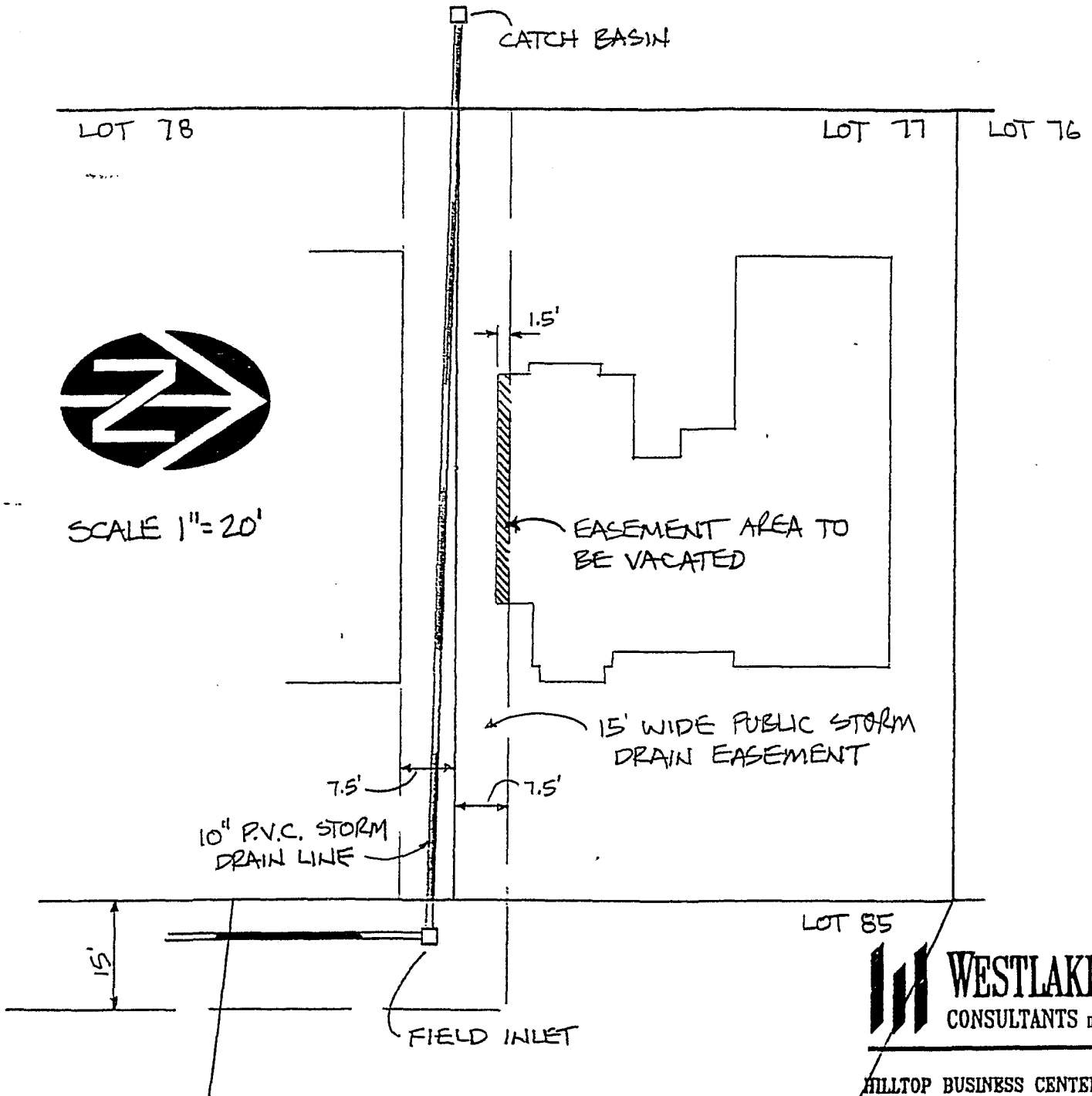


00486.kd

EASEMENT VACATION

EXHIBIT "B"

CAMELOT STREET



HILLTOP BUSINESS CENTER
7340 S.W. HUNZIKER, SUITE 20.
TIGARD, OREGON 97223
(503) 684-0852
FAX (503) 624-0157



WESTLAKE

CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING
March 31, 1992

Phone: 503 684-0652
Fax: 503 624-0157

Mr. Steve Starner
City of Wilsonville
8445 S.W. Elligsen Road
Wilsonville, OR 97070

Re: Lot 77, Park At Merryfield No. 2
Easement Vacation
Project No. 004-86-92

Dear Steve:

Per the request of Kohl Enterprises, I have prepared the required legal description and exhibit map for the partial vacation of a public storm drain easement on Lot 77, Park At Merryfield No. 2. This vacation is necessary because the constructed house partially encroaches into the easement.


The storm line installed in the easement is a 10" PVC line and is 3 feet to 4 feet deep, and 6+ feet away from the foundation. Maintenance can be accomplished by standard practices, normally associated with this type of installation without the need for additional shoring or special precautions.

The enclosed easement vacation description and exhibit map describes the area of the structures that actually encroach on the easement. As shown on the attached exhibit map, the house encroaches into the easement by 1.50 feet. This will reduce the total easement width, adjacent to the house only, from 15.00 feet to 13.50 feet.

It is my professional opinion that this requested easement reduction will not be detrimental to the ability of the City's crew to gain access to this pipe for maintenance, should the need arise.

If you have any questions, please do not hesitate to call.

Sincerely,



Randy Olszewski, P.E.
Principal Engineer

Enclosure
RO/cmb

00486.ltr

27081

KOHL INC.
PO BOX 145 682-2337
WILSONVILLE, OREGON 97070

24-22/1230
BRANCH 155

April 1, 19 92

PAY TO THE ORDER OF City of Wilsonville \$ 300.00
Three Hundred & No/100 DOLLARS



UNITED STATES NATIONAL BANK OF OREGON

FOR

⑈02708⑈ ⑆⑆23000220⑆ 155 0015 514⑈

D HARLAND 1989

AFFIDAVIT OF PUBLICATIION

I, ... Kathy J. Cornell ... BEING FIRST DULY SWORN DEPOSE AND SAY THAT I AM THE PRINCIPAL CLERK OF THE PUBLISHER OF THE OREGONIAN, A NEWSPAPER OF GENERAL CIRCULATION, AS DEFINED BY ORS 193.010 AND 193.020, PUBLISHED IN THE CITY OF PORTLAND, IN MULTNOMAH COUNTY, OREGON; THAT THE ADVERTISEMENT, THE PRINTED TEXT OF WHICH IS SHOWN BELOW, WAS PUBLISHED IN THE ENTIRE AND REGULAR ISSUES OF THE OREGONIAN FOR 1 DAYS STARTING 04/29/92, ENDING 04/29/92

Kathy J. Cornell
.....
PRINCIPAL CLERK OF THE PUBLISHER

SUSCRIBED AND SWORN TO BEFORE ME THIS 30th DAY OF April, 1992.

Shirley Kalhar
OFFICIAL SEAL
SHIRLEY KALHAR
NOTARY PUBLIC-OREGON
COMMISSION NO. 000534
MY COMMISSION EXPIRES JULY 28, 1994

MY COMMISSION EXPIRES:

AD TEXT:

485303

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN THAT THE WILSONVILLE CITY COUNCIL WILL HOLD A PUBLIC HEARING ON MONDAY, MAY 18, 1992, AT 7:00 PM AT THE COMMUNITY DEVELOPMENT HEARINGS ROOM, 8445 SW ELLIGSEN ROAD, WILSONVILLE, CLACKAMAS COUNTY, OREGON, OR TO SUCH OTHER PLACE TO WHICH THE COUNCIL MAY ADJOURN.
THE PURPOSE OF THE HEARING IS TO TAKE ACTION ON VACATION PROCEEDINGS AUTHORIZED BY ORS 271.080. SHOULD THE COUNCIL APPROVE THE VACATION, A PORTION OF A STORM SEWER EASEMENT WILL BE VACATED. THE EASEMENT AREA TO BE VACATED IS DESCRIBED AS FOLLOWS:
A PARCEL OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 15, T3S R1W, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, COUNTY OF CLACKAMAS, STATE OF OREGON, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT WHICH IS

NOTICE OF PUBLIC HEARING
Notice is hereby given that the Wilsonville City Council will hold a public hearing on Monday, May 18, 1992, at 7:00 pm at the Community Development Hearings Room, 8445 SW Elligsen Road, Wilsonville, Clackamas County, Oregon, or to such other place to which the Council may adjourn.
The purpose of the hearing is to take action on vacation proceedings authorized by ORS 271.080. Should the Council approve the vacation, a portion of a storm sewer easement will be vacated. The easement area to be vacated is described as follows:
A parcel of land situated in the Southeast 1/4 of Section 15, T3S R1W, Willamette Meridian, City of Wilsonville, County of Clackamas, State of Oregon, said parcel being more particularly described as follows:
BEGINNING at a point which is South 87 degrees 59' 00" East, 36.60 feet and North 00 degrees 00' 54" East, 6.00 feet from the Southwest corner of Lot 7, PARK AT MERRYFIELD NO. 2, a plat of record, and running thence North 00 degrees 00' 54" East, 1.50 feet; thence South 89 degrees 59' 00" East, 32.40 feet; thence South 00 degrees 00' 54" West, 1.50 feet; thence North 89 degrees 59' 00" West, 32.40 feet to the point of beginning.
Contains 49 square feet, more or less.
Based on the plat of Park at Merryfield No. 2, in the City of Wilsonville, filed October 1, 1991 in Plat Book 96, Page 14, as Map No. 2952, records of the County of Clackamas and State of Oregon. Inquiries pertaining to the proposed vacation may be made by contacting Public Works Director Steve Slamer, at 682-4960. Written statements may be submitted prior to the date of the hearing and will be entered into the public record. Public testimony on the proposed vacation will be taken at the public hearing.
Published in the Canby Herald & Wilsonville Spokesman, Wednesday, April 23, and May 4, 1992. The Oregonian, April 29, 1992.

SOUTH 89 DEGREES 59' 06" WEST,
36.80 FEET AND NORTH 00 DEGREES
00' 54" EAST, 6.00 FEET FROM THE
SOUTHWEST CORNER OF LOT 77,
PARK AT MERRYFIELD NO.
2, A PLAT OF RECORD, AND RUNNING
THENCE, NORTH 00 DEGREES 00'
54" EAST, 1.50 FEET; THENCE
SOUTH 89 DEGREES 59' 06" EAST,
32.40 FEET; THENCE, SOUTH 00 DE-
GREES 00' 54" WEST, 1.50 FEET,
THENCE NORTH 89 DEGREES 59' 06"
WEST, 32.40 FEET TO THE POINT OF
BEGINNING.

CONTAINS 49 SQUARE FEET, MORE
OR LESS.

BASED ON THE PLAT OF PARK AT MER-
RYFIELD NO. 2, IN THE CITY OF WIL-
SONVILLE, FILED OCTOBER 1, 1991 IN
PLAT BOOK 96, PAGE 14, AS MAP
NO. 2952, RECORDS OF THE COUNTY OF
CLACKAMAS AND STATE OF OREGON.
INQUIRIES PERTAINING TO THE PRO-
POSED VACATION MAY BE MADE BY
CONTACTING PUBLIC WORKS DIRECTOR
STEVE STARNER, AT 682-4960. WRIT-
TEN STATEMENTS MAY BE SUBMIT-
TED PRIOR TO THE DATE OF THE HEAR-
ING AND WILL BE ENTERED INTO THE
PUBLIC RECORD. PUBLIC TESTIMONY
ON THE PROPOSED VACATION WILL BE
TAKEN AT THE PUBLIC HEARING.
PUBLISHED IN THE CANBY HERALD &
WILSONVILLE SPOKESMAN, WEDNES-
DAY, APRIL 29, AND MAY 6, 1992.
THE OREGONIAN, APRIL 29, 1992