

ORDINANCE NO. 1351

AN ORDINANCE VACATING AN ABANDONED PORTION OF S WALNUT STREET PUBLIC RIGHT-OF-WAY FROM ITS POINT OF REALIGNMENT TO ITS INTERSECTION WITH SE 4TH AVENUE, AND A SMALL CORNER RADIUS OF PUBLIC RIGHT-OF-WAY AT THE NE CORNER OF THE INTERSECTION OF S SEQUOIA PARKWAY AND SE 4TH AVENUE.

WHEREAS, the City presently owns the portion of S Walnut Street and the small corner radius at the NE corner of the intersection of S Sequoia Parkway and SE 4th Avenue rights-of-way shown in Exhibit "B" and more particularly described through legal description and drawings in Exhibit "A" for all benefitting properties, both attached heretofore by this reference incorporated herein; and,

WHEREAS, the City initiated this vacation of the aforementioned rights-of-way by application on August 23, 2011; and,

WHEREAS, the application was reviewed by the Planning Director and found to be complete; and,

WHEREAS, the vacation is requested as a component of street improvements completed under a Local Improvement District which realigned S. Walnut Street leaving a portion of right-of-way abandoned and unneeded thus appropriate to return to adjacent property owners; and,

WHEREAS, as required by law, a notice of public hearing was published for two (2) consecutive weeks in the Canby Herald newspaper and posted on the property; and,

WHEREAS, a public hearing was held on this matter before the Canby City Council on October 19, 2011 and all statutory requirements for the vacation were found to be met; now therefore,

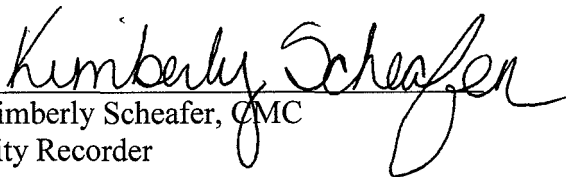
WHEREAS, The Canby City Council adopts a condition of approval, which states, the vacation approval is subject to the reservation (creation) of utility easements as required for benefit of the public and the release of easements no longer required.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

1. The public right-of-way as shown in Exhibit "B" and more particularly described by legal description and drawings in Exhibit "A" for all benefitting properties shall be vacated and title to the vacated property shall attach to the appropriate neighboring property described and depicted in Exhibit "B".
2. The Canby City Council adopts a condition of approval, which states, "the vacation approval is subject to the reservation (creation) of utility easements as

required for benefit of the public and the release of easements no longer required”.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on October 19, 2011, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on November 2, 2011, commencing at the hour of 7:30 P.M. in the City Council Chambers located at 155 NW 2nd Avenue, Canby, Oregon




Kimberly Scheafer, CMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 2nd day of November, 2011, by the following vote:


YEAS 6

NAYS 0



Randy Carson
Mayor

ATTEST:



Kimberly Scheafer, CMC
City Recorder

City of Canby
Legal Description for Vacation of South Walnut Street
October 2011

The following description is intended to provide an overall legal description of the vacations resulting from the realignment of South Walnut Street to intersect with Sequoia Parkway and the abandonment of the South Walnut Street connection with SE 4th Avenue. The vacation consists of three portions:

- 1. The first being vacation of a 11 foot strip of excess right-of-way along the eastern boundary of the plat of Struble Estates Number 4236; and*
- 2. The second area being the 30 foot wide abandoned right-of-way between SE 4th Avenue and the realigned South Walnut Street;*
- 3. The third is an area of excess ROW at the NE corner of Sequoia Parkway and SE 4th Avenue, which was dedicated with the Burden Plat Number 3973.*

1. VACATION OF EXCESS RIGHT-OF-WAY ON SOUTH WALNUT STREET

A tract of land situated in the southeast 1/4 of section 34, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, more particularly described as a strip of land 11 feet in width, parallel and abutting the eastern boundary of Lot 5 Struble Estates Plat Number 4236, Clackamas County Plat Records; Excepting the area that falls within the projection of the realigned South Walnut Street Right-of-Way as shown on Partition Plat 2010-027.

2. VACATION OF THE ABANDONED SOUTH WALNUT STREET

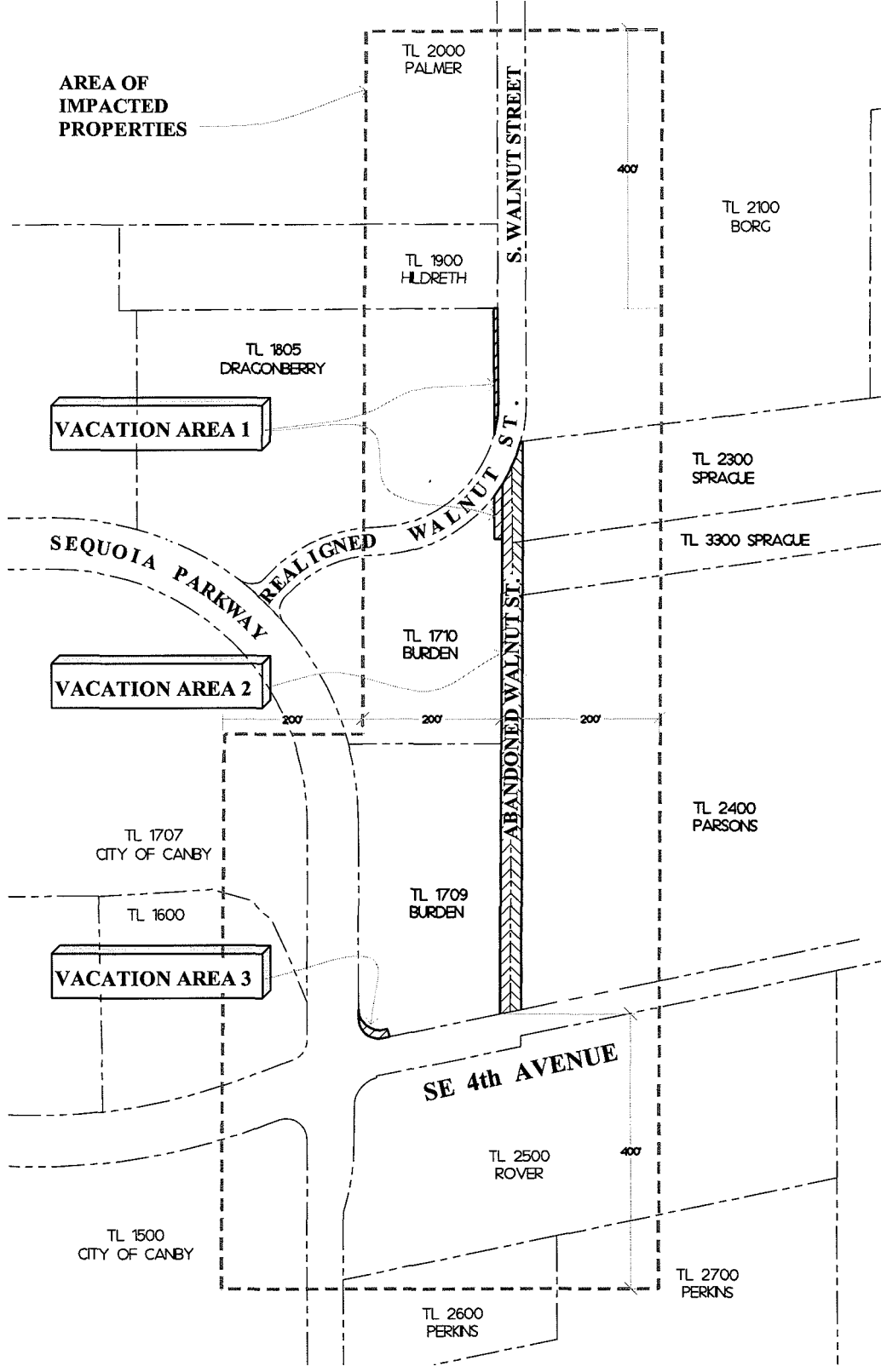
A tract of land situated in the southeast 1/4 of section 34, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, beginning at the north right of way line of the extension of SE 4th Avenue and ending at the southerly line of the realigned S Walnut Street, more particularly described as a strip of land 30 feet in width, 15 feet on either side of the following described centerline: Beginning at a point on the centerline of the existing South Walnut Street, said point being 37 feet north measured perpendicular from the centerline of SE 4th Avenue, then continuing North 0° 22' 11" East 411.51 feet along the centerline of South Walnut Street, said centerline being parallel and 15 foot measured perpendicular to the eastern boundary of Lot 7, Burden Subdivision Number 3973, Clackamas County Plat Records, thence continuing North 0° 23' 00" East a distance of 295 feet along the centerline of South Walnut Street, said centerline being parallel and 15 foot measured perpendicular to the eastern boundary of Parcel 1, Partition Plat 2010-027, Clackamas County Plat Records, thence continuing North 0° 05' 47" West a distance of 137.85 feet along the centerline of South Walnut Street, said centerline being

EXHIBIT A

parallel and 15 foot measured perpendicular to the eastern boundary of Parcel 2, Partition Plat 2010-027, Clackamas County Plat Records; Excepting the area that lies north of an extension of the 220 foot radius curve left southerly Right-of-Way line of the realigned South Walnut Street line as shown on the Partition Plat 2010-027, Clackamas County Plat Records.

3. NE CORNER OF SEQUOIA PARKWAY AND SE 4th AVENUE VACATION

A tract of land situated in the southeast 1/4 of section 34, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, more particularly described as beginning at the north west corner of Lot 7 of the Burden Subdivision, recorded in Plat Book 130, page 015 number 3973, Clackamas County Plat Records, said point being on the easterly Right-of-Way line of Sequoia Parkway, thence southeasterly along the Right-of-Way line on a 437 foot radius curve right a distance of 112.77 to a point of tangency, thence continuing along said Right-of-Way line South 00° 04' 52" West a distance of 270.09 feet to a point of curvature, said point being the True Point of Beginning, thence continuing along the property line along a 30 foot radius curve left a distance of 58.15 to an angle point on the southwestern boundary of said lot 7, thence South 20° 59' 00" East along said lot line a distance of 12.24 feet to a point, said point being 37 feet measured perpendicular to the centerline of NE 4th Avenue, thence South 78° 25' 00" West, parallel and 37 feet measured perpendicular to the centerline of SE 4th Avenue, a distance of 9.31 feet to a point of curvature, thence northwesterly along a 30 foot radius curve right a distance of 53.23 feet, with chord bearing North 50° 45' 04" West and chord length 46.52 feet, thence North 00° 04' 52" East a distance of 11.92 feet to the True Point of Beginning



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**S. WALNUT STREET
 VACATION APPLICATION
 Canby, Oregon
 AUGUST 2011**



SCALE: 1"=150'

CURRAN-MCLEOD, INC.
CONSULTING ENGINEERS