ORDINANCE NO. 619

AN ORDINANCE OF THE CITY OF WILSONVILLE VACATING PORTIONS OF SW 110TH AVENUE NORTH AND SOUTH OF BARBER STREET WITHIN THE VILLEBOIS VILLAGE COMMUNITY, AND DECLARING AN EMERGENCY

WHEREAS, the Villebois Village Master Plan provides for the realignment of SW 110th Avenue, which results in portions of SW 110th, north and south of Barber Street, being no longer needed as public right of way; and

WHEREAS, Villebois Village, SAP–East/PDP 1 has been approved by the City and includes portions of SW 110th that are no longer necessary for public right of way; and

WHEREAS, the property owners adjacent to such portions of SW 110th have submitted a letter asking that the city Council initiate, as authorized by ORS 271.130, the vacation proceedings of those portions of SW 110th north and south of Barber Street, as more particularly described in Exhibits A-1 and A-2, and as illustrated on Exhibit B, attached hereto and incorporated herein; and

WHEREAS, given the request by adjoining property owners that the City council initiate the vacation of such portions of the SW 110th Avenue, notice has been provided of such intended vacation, in accordance with ORS 271.110, and calling for the formal hearing on the question of such vacation to be held on November 6, 2007 at 7 p.m. at City Hall, 29799 SW Town Center Loop East; and

WHEREAS, the City Council has adopted a Resolution, this date, initiating the vacation of those portions of SW 110th Avenue north and south of Barber Street described in Exhibits A-1 and A-2 and as illustrated in Exhibit B; and

WHEREAS, the formal public hearing on the question of such vacations was duly and regularly held at the time, date and location as advertised and no one appeared in person or otherwise to object to or to remonstrate against the request and proposed vacation, and thereafter the City Council concluded as follows:

1. The adjoining property owners requested the City initiate the vacation of those portions of SW 110th Avenue, as described in Exhibits A-1 and A-2 and as illustrated in Exhibit B.
2. The required notice of the request for vacation, as required by ORS 271.110, was given.
3. That the City Council has initiated the vacation of such portions of SW 110th Avenue by Resolution this date.
4. The public interest will be served by the proposed vacations and such street vacations are consistent with and furthers the City approvals for the development of Villebois Village.
5. All City liens and all taxes have been paid on the land which is to be vacated.
6. The vacations will not affect the abutting properties and no damages are payable.
7. The proposed use is consistent with the present use of the adjoining property, the use for the zone in which it is located and the City's development plan for the area.
8. That such vacations are subject to the reservation of easements for those utilities within the portions of SW 110th Avenue to be vacated, and as more particularly described in Exhibits C-1 and C-2, attached hereto and incorporated herein.
9. Further, that in consideration of the street vacations described herein, Matrix Development Corporation aka Matrix Development, owner of Villebois Village SAP–East/PDP-1, grants a temporary public use easement, as set forth in Exhibit D, attached hereto, allowing the traveling public to use certain streets in the Villebois Village, SAP–East/PDP-1, in lieu of those portions of SW 110th Avenue hereby vacated and until such time as SAP–East/PDP-1 is recorded and such streets are dedicated as public streets.
10. In order to maintain the public's health, safety, and welfare in the transition from the vacated portions of 110th Avenue to the realigned 110th Avenue, the adjoining property owners agree that the public use of the vacated portions of 110th Avenue may continue until such time as construction of the realignment of 110th Avenue begins or as the adjoining property owners and the City may otherwise agree. As long as the vacated portions of 110th Avenue are used by the public as a public

street during the transition period to a realigned 110th Avenue , the City shall indemnify the adjoining property owners from any and all claims by third parties arising out of the vacated portions of 110th being used as a public street during the transition period.

NOW THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. That the title to the area vacated, as described in Exhibits A-1 and A-2, as illustrated in Exhibit B, and subject to reservation of those easements shown in Exhibits C-1 and C-2, shall be attached to the land bordering on such area as provided by ORS 271.140.

Section 2. Further, that it is in the public interest that the vacation occur as soon as possible; therefore, an emergency is declared and the vacation set forth herein shall be effective immediately upon adoption of the Ordinance.

SUBMITTED to the Wilsonville City Council and read for the first and second time at a regular meeting thereof on the 6th day of November, 2006, at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop E., Wilsonville, Oregon.

_____
Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 6th day of November 2006, by the following votes:

YEAS:-5- NAYS: -0-

_____
Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this _____ day of _____, 2006.

_____
Charlotte Lehan, Mayor

SUMMARY OF VOTES:

Mayor Lehan	Yes
Council President Kirk	Yes
Councilor Holt	Yes
Councilor Knapp	Yes
Councilor Ripple	Yes

Attachments:

Exhibit A-1 Legal Description North Vacation Parcel
Exhibit A-2 Legal Description South Vacation Parcel
Exhibit B Sketch to accompany legal description
Exhibit C-1 Sketch of SW 110th Ave. Vacated ROW North Parcel
Exhibit C-2 Sketch of SW 110th Ave. Vacated ROW South Parcel
Exhibit D Temporary Public Access Easement