

ORDINANCE NO. 651

AN ORDINANCE OF THE CITY OF WILSONVILLE DECLARING AND AUTHORIZING THE VACATION OF AN UN-NAMED PUBLIC STREET RIGHT-OF-WAY LOCATED NORTH OF THE EASTERN MOST TERMINUS OF SW BAILEY STREET ADJACENT TO PROPERTY OWNED BY FRED MEYER STORES, INCORPORATED

WHEREAS, Fred Meyer Stores, Incorporated has filed a petition with the City of Wilsonville requesting vacation proceedings be initiated as authorized by ORS 271.080-271.200, Fred Meyer Stores, Inc. being the owner of the immediately adjacent property to the north, west and east of the street right-of-way petitioned for vacation; and

WHEREAS, the property proposed to be vacated has been described as an un-named section of public right of way extending north 466' north of the eastern terminus of SW Bailey Street in Old Town; and

WHEREAS, Fred Meyer Stores, Inc. desires to build a large retail complex on the subject property to be served by a private internal street, sidewalk and bikeway system; and

WHEREAS, Fred Meyer Stores, Inc. have provided the City with the required street vacation petitions from adjacent property owners, legal descriptions and associated maps; and

WHEREAS, the subject property is approximately 466' long, 25' wide, comprising of approximately 11,122 square feet in area; and

WHEREAS, the TSP does not contemplate or depict any public transportation connections on the subject site, or utilization of the existing right-of-way; and

WHEREAS, the City Recorder has published the public notice and the Planning Director has posted the property as required in ORS 271.110 (Notice of Public Hearing); and

WHEREAS, the Planning Commission conducted a worksession on this matter on April 9, 2008 and a public hearing on May 14, 2008 affording the public an opportunity to comment on the applicant's proposal and then forwarding a recommendation of approval to the City Council; and

WHEREAS, as required by ORS 271.120, the Council finds that the public interest is not prejudiced by vacation of the public right-of-way due to the fact that connections to the property from the north have been eliminated through access control by ODOT discouraging

public access, no public use has ever been made of the subject property, and none is reasonably envisioned for the property as it may be reasonably developed; and

WHEREAS, the Council finds that the proposed vacation is consistent with all applicable land use regulations.

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

Section 1: The staff report, findings and conclusions (Exhibit A) attached hereto are adopted as if set forth fully herein.

Section 2:

- 1) That the portion of the public right-of-way described in Exhibit C, situated in the northeast quarter of Section 23, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County Oregon is hereby declared vacated, subject to conditions precedent described in the staff report (Exhibit A).

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 2nd day of June, 2008, at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon, and scheduled for second reading on the 16th day of June, 2008, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall.

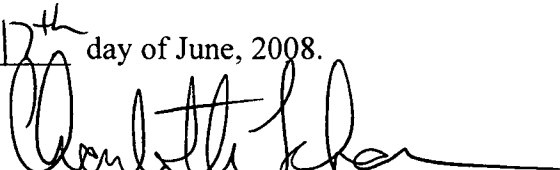

 Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 16th day of June, 2008, by the following votes:

YEAS: -5- NAYS: -0-


 Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this 17th day of June, 2008.


 CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Nunez	<u>Yes</u>
Councilor Knapp	<u>Yes</u>
Councilor Ripple	<u>Yes</u>

Exhibit 'A'

**WILSONVILLE PLANNING DIVISION
LEGISLATIVE STAFF REPORT**

HEARING DATE: June 2, 2008

DATE OF REPORT: May 26, 2008

APPLICATION NO: LP08-0003: Street Vacation

REQUEST: Vacation of a portion of public right-of-way (466' of un-named right-of-way) located north of the eastern terminus of SW Bailey Street in Old Town.

APPLICANT: Fred Meyer Stores, Inc. – Jim Coombes, Representative

OWNER: Fred Meyer Stores, Inc.

STAFF REVIEWER: Blaise Edmonds, Current Planning Manager; Chris Neamtzu, Long-Range Planner and Steve Adams, Deputy City Engineer

APPLICABLE REVIEW CRITERIA: Planning and Land Development Ordinance: Sections 4.008.01(L) – 4.016. Oregon Revised Statutes - ORS 271.080, 271.090, 270.110, 271.120, 271.140, 271.150, 271.190, 271.200.

Other Documents: Comprehensive Plan (*Implementation Measures 3.1.6.a-3.1.6.cc*); Square '76' Master Plan (Ordinance #66); 2003 Transportation Systems Plan; 2006 Bicycle and Pedestrian Master Plan; West Side Master Plan;

Project Location: The site is generally located at the southeast corner of the intersection of SW Boones Ferry Road and SW Wilsonville Road. The specific public right-of-way proposed to be vacated is depicted below and is a northern extension from the eastern most terminus of SW Bailey Street.

Comprehensive Plan Designation: Commercial

Zoning: Planned Development Commercial (PDC)

Map Designations: The subject property is zoned PDC - Planned Development Commercial and is designated Commercial on the Comprehensive Plan Map. The subject property is within the Square '76' Master Plan, the West Side Master Plan and is within the Boones Ferry Overlay District.

SUMMARY:

On May 14, 2008 the Planning Commission conducted a public hearing on the applicant's proposal to vacate a portion of public right-of-way located on property owned by Fred Meyer Stores, Inc. There was one written comment in support provided by adjacent property owner Jack Kohl (Exhibit I). The applicant testified at the public hearing and there were several members of the public in attendance, but no additional testimony was received at the hearing. Since the Planning Commission public hearing, Staff has not received any additional input on the proposal.

BACKGROUND:

The right-of-way in question is a public street right-of-way remnant from the Square 76 Master Plan (Ordinance No. 66-Exhibit H), a master plan from 1976 that envisioned commercial development in five general service categories that would be served by an internal public street system creating small development blocks.

Under the provisions of the State Highway Plan and the Oregon Transportation Planning Rule, ODOT has initiated access control measures applicable to the Square 76 Master Plan area, including removal of access points and driveways from the area along Wilsonville Road from the southbound I-5 on ramp west to SW Boones Ferry Road, thus effectively precluding use of this right-of-way to access Wilsonville Road.

For approximately the past 13 years, Fred Meyer Stores, Inc. has owned the majority of the property in the area and plans to develop a large retail complex to be served by a private internal street system comprised of vehicular travel lanes, bike lanes and sidewalks, which will be reviewed as part of their overall application. This segment of right-of-way is not essential to the City or to the Fred Meyer plans. The once envisioned north-south access road in the Square 76 Master Plan is no longer possible and this segment of existing public right-of-way is un-necessary.

The street vacation process, initiated by the surrounding property owner and applicant, Fred Meyer Stores, Inc., begins with draft findings and a recommendation from staff to the Planning Commission. The Planning Commission public hearing was on May 14, 2008. The Commission recommended approval of the street vacation to the City Council. The Council has set the date and place for a public hearing – June 2, 2008 at 7:00 PM in the Council Chambers. Notices have been prepared, the site is posted and notices mailed prior to the public hearing to property owners within prescribed distances from the right-of-way to be vacated. Following the hearing, the City Council may adopt the proposed street vacation Ordinance.

In a separate application submitted on November 14, 2003, (Case file 03DB39), the applicant proposes the development of a Fred Meyer store and retail center at the southeast corner of the Wilsonville Road and Boones Ferry Road intersection. The applicant intends to amend the 2003 application sometime in June of 2008 to reflect their most current site design. That application will include a request for an amendment to the Square 76 Master Plan. In the meantime, an unnecessary and unimproved section of

public right-of-way which traverses the center of the site is requested to be vacated. Under State and local requirements, City Council approval is required to vacate public rights-of-way.

CONCLUSION:

As indicated in the notice for this public hearing, the statutory approval criteria, contained in ORS 271.120, is “*whether the public interest will be prejudiced by the vacation of such street.*”

To summarize the staff report findings relating to this criterion, Staff finds that 1) connections to the property from Wilsonville Road have been eliminated, discouraging public access from the north; 2) no public use has ever been made of the subject property; and 3) no public use is envisioned for the subject property as it may be reasonably developed in the future.

STAFF RECOMMENDATION:

The Planning Commission forwarded a unanimous recommendation of approval of the applicant’s request (4-0).

Staff recommends the City Council approve the request to vacate the subject public right-of way with the following conditions of approval.

PROPOSED CONDITIONS OF APPROVAL:

- 1) The action to vacate the subject public right-of-way is effective only upon the City’s approval of the Fred Meyer application and of associated amendments to the Square 76 Master Plan.
- 2) The petitioner/applicant shall bear the recording and processing costs associated with the Clackamas County Clerk, and all other necessary costs regarding the vacation process.
- 3) Staff recommends that the title for the property be assigned to the applicant, Fred Meyer Stores, Inc.

Exhibits List:

- A. Staff report
- B. Street vacation petition
- C. Legal Description of street vacation
- D. Street vacation map
- E. Street vacation buffer map
- F. City Engineering Division report
- G. City Building Division report
- H. Ordinance No. 66-Square 76 Master Plan

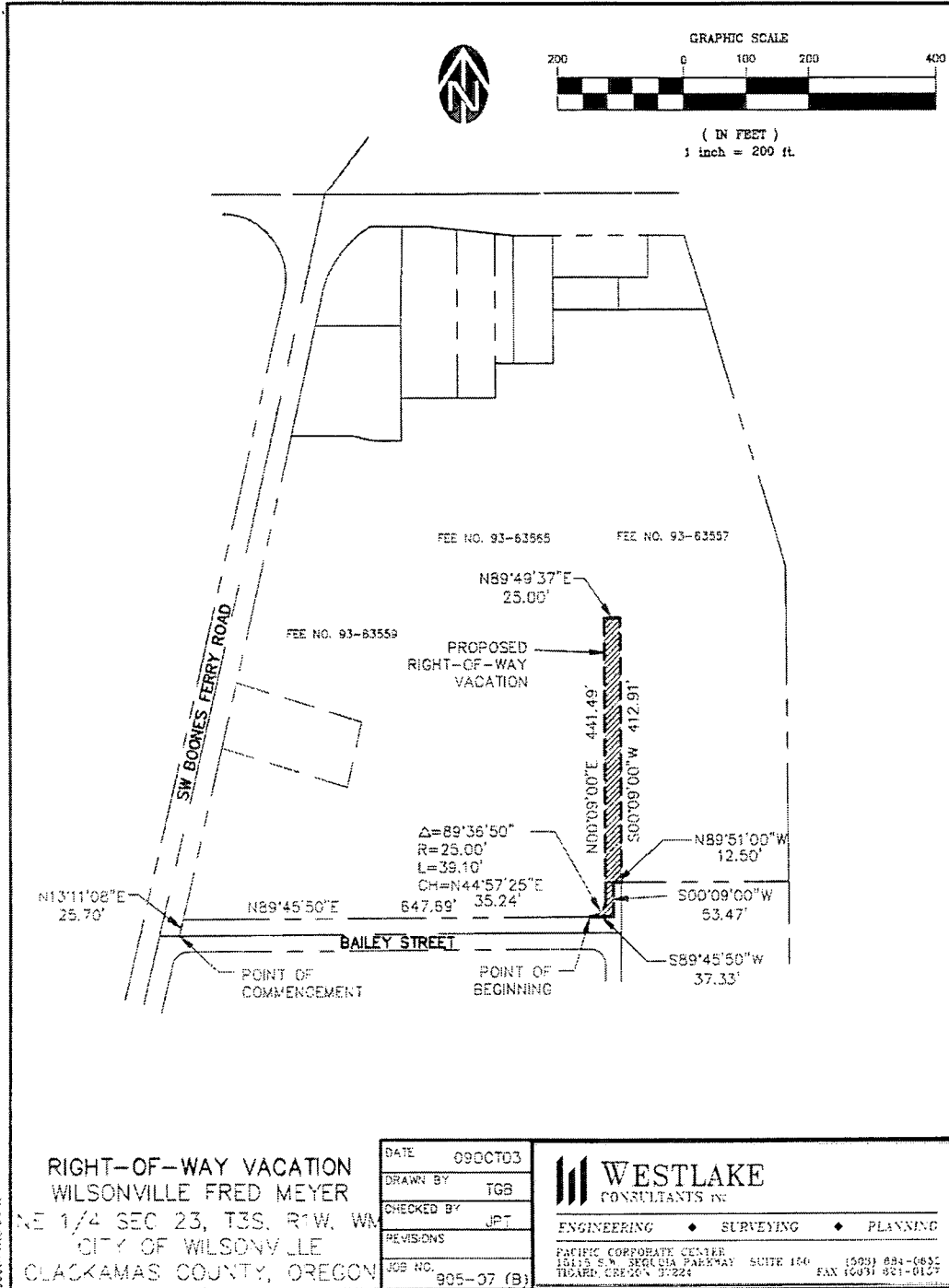
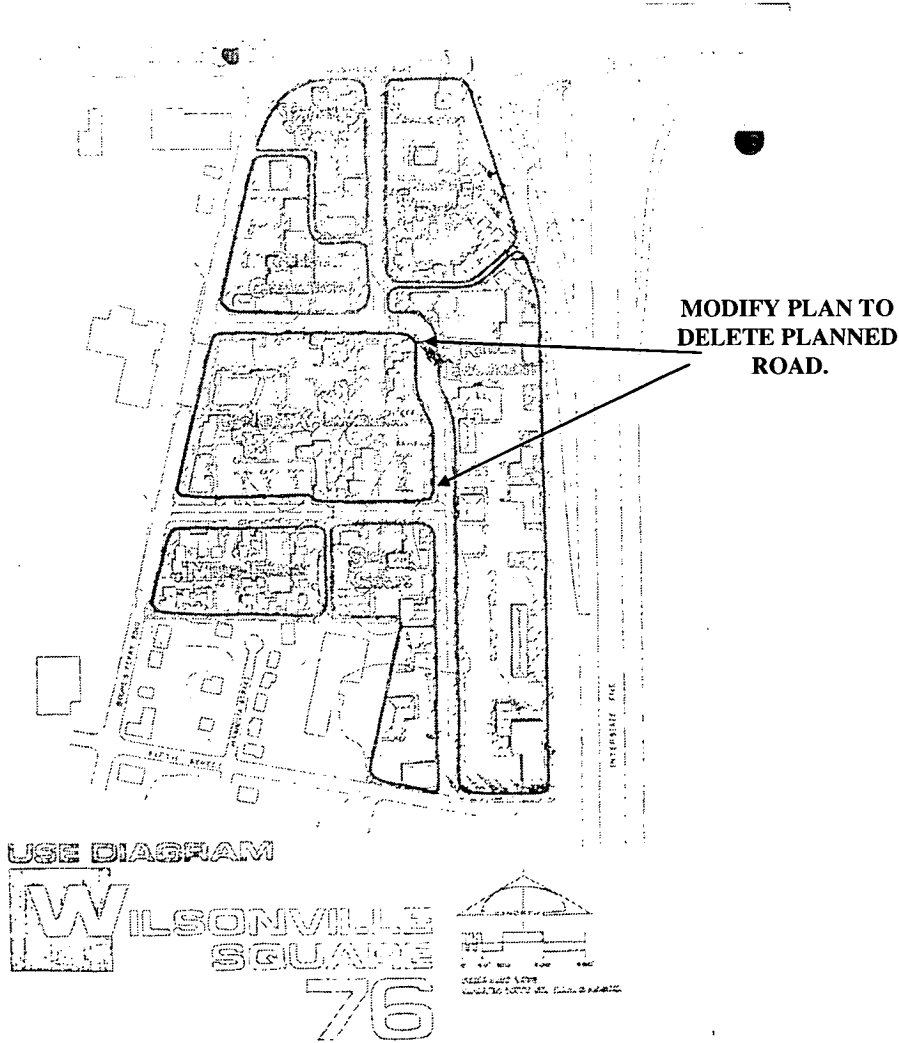


Exhibit D: Street Vacation Map

8

FINDINGS:

1. The subject public street right-of-way is part of an area with an approved Master Plan. The Square '76' Master Plan, so named because it was originally adopted by the City Council in 1976 (Ordinance #66). The Square 76 Plan showed this area as being planned for a mixture of commercial uses. In a separate land development application, the applicant will be requesting an amendment to the Square '76' Plan to change the design from one with a number of small commercial operations to one large retail building, with other adjacent, smaller commercial buildings to be constructed later all served by an internal private street system. The location of the public street right-of-way would preclude the development of a Fred Meyer store as envisioned by the applicant, and would need to be vacated in order to accommodate the review of the future application.



**MODIFY PLAN TO
DELETE PLANNED
ROAD.**

USE DIAGRAM
**WILSONVILLE
SQUARE
76**

EXHIBIT "A"

Implementation Measures 3.1.6.a-3.1.6.cc: Road and Transportation Plan.

2. **The City's 2003 Transportation Systems Plan (TSP)** classifies Wilsonville Road as a major arterial and SW Boones Ferry Road and Bailey Street as major collectors. The TSP does not identify the subject unimproved right-of-way (ROW). Thus, the subject ROW is not a future alternate road to serve the transportation system in the vicinity of Wilsonville Road and Boones Ferry Road. The Fred Meyer store and the adjacent properties will rely on Wilsonville Road, SW Boones Ferry Road and Bailey Street for the public transportation grid and a private internal circulation network. The subject ROW is not needed to access the Fred Meyer development and adjacent properties, thus those properties will not be land-locked with its vacation. Implementation Measure 3.1.6.a-3.1.6.cc is met.
3. **Area F –Comprehensive Plan:** The project is designed to tie in with Wilsonville Road to the north through a pedestrian connection; and with the residential neighborhood to the south through vehicular and pedestrian connections. The subject ROW is not identified in the Design Objectives for Area F of the Comprehensive Plan as an alternate transportation route. Thus, the subject ROW is not needed.
4. **The City's Bicycle and Pedestrian Plan** does not identify the subject ROW as a pedestrian and bicycle route. The City's Bicycle and Pedestrian Plan identifies Boones Ferry Road, Wilsonville Road, and Bailey Street as "On-Street Bikeways / Sidewalks". Wilsonville Road currently has sidewalks and bike lanes on both sides. To better accommodate the vehicular and pedestrian traffic of the Fred Meyer store, the City Engineer will be requiring street improvements to both SW Boones Ferry Road and Bailey Street. IM 3.1.6.a-3.1.6.cc is met.
5. **The West Side Master Plan** does not identify the subject ROW as a future transportation route. The subject ROW is not necessary for connectivity to adjacent properties and streets. The applicant's proposal is not in conflict with the West Side Master Plan.
6. **Public facilities and utilities:** There are no public facilities and utilities including easements within the subject ROW that need to be vacated.
7. **Square 76 Master Plan:** The review and retention, modification or deletion of the Square 76 Master Plan will occur as part of the review of the larger retail development application. City Council will be the final authority on that matter. The vacation of the public right-of-way is proposed to be conditioned on the modification of the existing Square 76 Master Plan.

Oregon Revised Statutes (ORS):

8. **271.080 – Vacation in incorporated cities; petition of property owners.** ORS 271.080 allows a private property owner to initiate vacation proceedings with a petition or consent of adjacent property owners provided that notice is given and a public hearing is conducted. In this case the petition to vacate involves only one

property owner, which is the applicant. See Exhibit B – petition; Exhibit C - Legal description of street vacation; Exhibit D - Street vacation map and Exhibit F - Street vacation buffer map meeting ORS 271.080.

9. **271.090 – Filing of petition notice.** The petition has been presented to the City Recorder and is found sufficient.
10. **270.110 – Notice of hearing.** The required public notices have been sent and all proper notification procedures have been satisfied for the Planning Commission and City Council public hearings.
11. **271.120 – Hearing determination.** The required public notices have been sent to adjacent property owners and all proper notification procedures have been satisfied for the Planning Commission and City Council public hearings at which time they will decide on the petition.
12. **271.140 - Title to vacated areas.** The City Council will decide the disposition of the title. Staff is recommending that the title be attached to the applicant.
13. **271.150 – Vacation records to be filed; costs.** The petitioner/applicant shall bear the recording cost with the Clackamas County Clerk.
14. **271.190 – Consent of owners of adjoining property; other required approval.** The petitioner/applicant has provided the City Recorder consent of owners of adjoining property.
15. **271.200 – Hearings; grant of petition.** Again, the required public notices have been sent and all proper notification procedures have been satisfied for the Planning Commission and City Council public hearings at which times they will decide on the petition.

Engineering Division Comments:

Engineering has no conditions on the vacation of this ROW located at the east end of Bailey Street, extending north some 466 feet.

Steve R. Adams, P.E.
Deputy City Engineer - Private Development
City of Wilsonville

Planning Commission Record Index

Planning Commission actions at May 14, 2008 Public Hearing.

- Notice of Decision
- Resolution No. LP08-0004
- Motion
- Draft Minutes

Distributed at the May 14, 2008 Planning Commission Public Hearing

Exhibit J: An email dated May 14, 2008, from Chris Neamtzu, regarding LP08-0003 – Street Vacation.

Exhibit I: An email dated May 14, 2008, from Jack Kohl

May 14, 2008 Planning Commission Public Hearing

Exhibit A: Staff Report dated May 7, 2008 for May 14, 2008 Planning Commission Meeting.

Exhibit B: Street Vacation Petitions (4) with Tax Lot map

Exhibit C: Property Description for Street Vacation on Fred Meyer property

Exhibit D: Right-of-Way Vacation Map of Fred Meyer Site

Exhibit E: Street Vacation Map

Exhibit F: An email dated April 25, 2008, from Steve Adams from Wilsonville Engineering Division, regarding Fred Meyer ROW, LP08-0003

Exhibit G: Ordinance No. 66 (Square 76)

Exhibit H: A letter dated March 31, 2008, from PGE

LP08-0004
Fred Meyer Street Right-of-Way Vacation
Planning Commission
Record Index

Planning Commission actions at May 14, 2008 Public Hearing.

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- Resolution No. LP08-0004
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29799 SW Town Center Loop E
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NOTICE OF DECISION

PLANNING COMMISSION

RECOMMENDATION TO CITY COUNCIL

FILE NO.: LP08-0004

APPLICANT: City of Wilsonville

REQUEST: Vacation of a portion of public right-of-way located north of the eastern terminus of SW Bailey Street in Old Town.

After conducting a public hearing on May 14, 2008, the Planning Commission voted to recommend this action to the City Council by passing Resolution No. LP08-0004.

The City Council is scheduled to conduct a Public Hearing on this matter on June 2, 2008, at 7:00 p.m., at the Wilsonville City Hall, 29799 SW Town Center Loop East.

For further information, please contact the Wilsonville Planning Division, 29799 SW Town Center Loop East, or telephone (503) 682-4960.

**PLANNING COMMISSION
RESOLUTION NO. LP08-0004**

**A WILSONVILLE PLANNING COMMISSION RESOLUTION RECOMMENDING
THAT THE CITY COUNCIL ADOPT AN ORDINANCE ADOPTING THE VACATION
OF A PORTION OF PUBLIC RIGHT-OF-WAY (466' OF UN-NAMED RIGHT-OF-
WAY) LOCATED NORTH OF THE EASTERN TERMINUS OF SW BAILEY STREET
IN OLD TOWN.**

WHEREAS, the Wilsonville Planning Director submitted proposed Ordinance amendments to the Planning Commission, along with a Staff Report, in accordance with the public hearing and notice procedures that are set forth in Sections 4.008, 4.010, 4.011 and 4.012 of the Wilsonville Code (WC); and

WHEREAS, the Planning Commission, after providing the required notice, held a Public Hearing on May 14, 2008, to review the proposed Street Vacation and to gather additional testimony and evidence regarding the Ordinance; and

WHEREAS, the Commission has afforded all interested parties an opportunity to be heard on this subject and has entered all available evidence and testimony into the public record of their proceeding; and

WHEREAS, the Planning Commission has duly considered the subject, including the staff recommendations and all the exhibits and testimony introduced and offered by all interested parties; and

NOW, THEREFORE, BE IT RESOLVED that the Wilsonville Planning Commission does hereby adopt all Planning Staff Reports along with the findings and recommendations contained therein and, further, recommends that the Wilsonville City Council approve and adopt the street vacation ordinance, as reviewed by the Planning Commission; and

BE IT RESOLVED that this Resolution shall be effective upon adoption.

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof this 14th day of May 2008,, and filed with the Planning Administrative Assistant on May 15, 2008.


Wilsonville Planning Commission

Attest:


Linda Straessle, Administrative Assistant II

SUMMARY of Votes:

Chair Hurst: Aye

Commissioner McGuire: Aye

Commissioner Meyer: Aye

Commissioner Peck: Aye

Commissioner Phelps: Absent

Vacant

Vacant

PLANNING COMMISSION

WEDNESDAY, MAY 14, 2008

6:00 P.M.

**Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon**

Motion

PUBLIC HEARING:

- A. LP08-0004 – Fred Meyer Street Vacation
Petition to vacate public right-of-way that extends through the center of the future site of a Fred Meyer store

Commissioner Meyer moved to adopt Resolution No. LP08-0004, adopting the Staff Report, Conditions of Approval and Exhibits, recommending the Fred Meyer Street Right-of-way vacation to City Council.

Commissioner McGuire seconded the motion, which carried 4 to 0.



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DRAFT

PLANNING COMMISSION

WEDNESDAY, MAY 14, 2008

6:00 P.M.

**Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon**

Minutes- Excerpt LP08-0004 Street Vacation

I. CALL TO ORDER - ROLL CALL

Steve Hurst, Chair	Robert Meyer
Yvonne Peck	Ray Phelps
Marta McGuire	2 Vacancies
City Council Liaison Tim Knapp	

Vice Chair Hurst called the meeting to order at 6:05 p.m. Those present:

Planning Commission: Steve Hurst, Robert Meyer, Yvonne Peck, Marta McGuire with Councilor Tim arriving later in the meeting. Ray Phelps was absent.

City Staff: Paul Lee and Chris Neamtzu

II. PUBLIC HEARING

A. LP08-0004 – Fred Meyer Street Vacation

Petition to vacate a portion of public right-of-way that extends through the center of the future site of the Fred Meyer store.

The following items were distributed at the beginning of the meeting:

- Draft Resolution No. LP08-0004
- Exhibit I: An email from Jack Kohl, Managing Member, KWDS, LLC dated May 14, 2008 supporting the street vacation.
- Exhibit J: A memorandum from Chris Neamtzu, Long-Range Planner dated May 14, 2008 providing an additional finding to the staff report for LP08-0004 – Street Vacation.

Chair Hurst called for the Staff Report.

Chris Neamtzu, Long-Range Planning Manager stated that the applicable review criteria were included in the staff report, of which copies were available on the counter at the side of the room.

Mr. Neamtzu reviewed the staff report, utilizing PowerPoint slides to indicate the subject vacation and surrounding area, with the following comments:

- The application regarded the vacation of 466 ft of unnamed public right-of-way (ROW) located north of the easternmost terminus of SW Bailey Street in Old Town.
 - The site is bounded by Bailey Street to the south, SW Boones Ferry Road to the west, Wilsonville Road to the north, and the southbound I-5 onramps to the east.
 - The Applicant, Fred Meyer Stores, Inc. also owns the approximately 16 surrounding acres of commercially zoned land.
 - The site is zoned Planned Development Commercial on the City's Zoning Map, and had a commercial designation on the Comprehensive Plan Map.
- The street ROW is actually a remnant of the Square 76 Master Plan, adopted in 1976 under Ordinance No. 66, as a sub-element of the Comprehensive Plan.
 - Square 76 envisioned small blocks of commercial development in five general service categories ranging from General Commercial to Service Commercial, which were included Ordinance No. 66 and displayed before the Commission, both as part of Exhibit G contained in Commissioners' packets.
 - That Master Plan contemplated small blocks of commercial development comprising the subject property area. The ROW proposed for vacation was generally between the General Commercial and Retail Equipment categories.
- Many changes have occurred over the years in the Wilsonville Road area, particularly relating to access control along the subject property's north side.
 - During the mid- to late-1990s, as part of I-5/Wilsonville Road improvements, the Oregon Department of Transportation (ODOT) closed many business access points historically located along Wilsonville Road.
 - The ROWs envisioned and contained in the Square 76 Master Plan could not be implemented today, given the constraints for access control and spacing requirements to I-5, which came about primarily as a result of the State Highway Plan and the Oregon Transportation Planning Rule.
 - Subsequently, the subject ROW would never be able to connect to Wilsonville Road as envisioned in 1976.
- Essentially, Staff saw no potential public use for the subject ROW, which the Applicant had asked the City to vacate.
 - Fred Meyer has owned the site for more than 13 years and has had an application on file with the City since 2003. Fred Meyer intends to redo portions of that application and present a revised plan possibly as early as next month. The application would then go before the Development Review Board, where all aspects of architecture and land use would be reviewed in a public hearing venue.
 - He emphasized the application only concerned a street vacation, not development. Thus, the Commission's scope was limited to the vacation of public ROW and the criteria applicable to that process as defined in Oregon Revised Statute (ORS) 271.
- He entered Exhibits I and J into the record with the following additional comments:
 - Exhibit I was an email received from Jack Kohl by Blaise Edmonds, Manager of Current Planning, which expressed support of the application.
 - Jack Kohl's property was identified on a displayed map, which includes the apartment complex south of the subject property.
 - Exhibit J was a memorandum from Staff that proposes the addition of a finding to the staff report.
 - Not having done many street vacations, an important conclusionary finding, based on ORS 271.120, had been excluded from the staff report.
 - While outlined in the staff report, it was important for the record that a finding summarize the fact that vacating the street would not prejudice the public interest.
 - He read the new finding into the record as stated in Exhibit J.
- He reviewed the conditions of approval on page 3 of 24 of the Staff report, with the following additional comments:
 - Essentially, the ROW vacation was conditional.

- Typically, vacated property reverted to the adjacent property owners with the centerline of the vacated area used as the defining line between properties. However, since the property was surrounded by Fred Meyer ownership, Staff recommended the title for the property revert back to the Applicant.
- He reminded that the Planning Commission's action was a recommendation to City Council, which held the final authority on the vacation request.
- Staff's recommendation was to approve the request to vacate the subject public ROW with the conditions of approval.

There were no questions for Staff.

Chair Hurst read the conduct of hearing procedure into the record and called for public testimony.

Don Forrest, Fred Meyer, 3800 SE 22nd Avenue, Portland, OR 97202, stated that Fred Meyer had reviewed the Staff report and its conditions and had no concerns.

- He explained that normally, Fred Meyer would have an issue with the condition for development to go forward in order for the application to be effective. However, Fred Meyer had owned the property for 13 years, and had been actively pursuing development on the site for the last five to six years as a sign of commitment to the City, community and the area neighborhoods.
 - * He had understood there were concerns that the property could revert to some other use if Fred Meyer did not develop, leaving the City without an important tool.

There were no questions for the Applicant.

Chair Hurst closed the public hearing at 6:26 p.m.

Commissioner Meyer moved to adopt Resolution No. LP08-0004, adopting the Staff Report, Conditions of Approval and Exhibits, recommending the Fred Meyer Street Right-of-way vacation to City Council.

Commissioner McGuire seconded the motion, which carried 4 to 0.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription for
Linda Straessle, Planning Administrative Assistant

LP08-0004
Fred Meyer Street Right-of-Way Vacation
Planning Commission
Record Index

Distributed at the May 14, 2008 Planning Commission Public Hearing

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Exhibit I: An email dated May 14, 2008, from Jack Kohl



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May 14, 2008

Exhibit J

To: Planning Commission

From: Chris Neamtzu AICP, Long-Range Planner

Subject: LP08-0003 – Street Vacation

The staff report does not contain an important conclusionary statement regarding the vacation of the public right-of-way on the subject property. Staff would like to add the following finding to the staff report.

As indicated in the notice for this hearing, the statutory approval criteria, contained in ORS 271.120, is “*whether the public interest will be prejudiced by the vacation of such street.*”

To summarize the staff report findings relating to this criterion, it appears that 1) connections to the property have been eliminated, discouraging public access from the north; 2) no public use has ever been made of the property; and 3) no public use is reasonable envisioned for the property as it may be reasonably developed.

Exhibit I

From: jkohl65@aol.com [mailto:jkohl65@aol.com]
Sent: Wednesday, May 14, 2008 9:40 AM
To: Edmonds, Blaise
Subject: Case File LP08-0004

Blaise- I had intended to be at the planning commission hearing tonight, however at the last minute my plans have been changed. I was going to testify in favor of the street vacation described in Case file LP08-004. KWDS, owner of Boones Ferry Apartments, and owner of the vacant land east of Boones Ferry , and south of the Fred Meyer property is in favor of the vacation of the right-of-way that extends through the center of the future site of a Fred Meyer store. Please, read this into the record. Jack Kohl, Managing Member, KWDS, LLC.

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LP08-0004
Fred Meyer Street Right-of-Way Vacation
Planning Commission
Record Index

May 14, 2008 Planning Commission Public Hearing

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WILSONVILLE PLANNING DIVISION
LEGISLATIVE STAFF REPORT

HEARING DATE: May 14, 2008

DATE OF REPORT: May 7, 2008

APPLICATION NO: LP08-0003: Street Vacation

REQUEST: Vacation of a portion of public right-of-way (466' of un-named right-of-way) located north of the eastern terminus of SW Bailey Street in Old Town.

APPLICANT: Fred Meyer Stores, Inc. – Jim Coombes, Representative

OWNER: Fred Meyer Stores, Inc.

STAFF REVIEWER: Blaise Edmonds, Current Planning Manager; Chris Neamtzu, Long-Range Planner and Steve Adams, Deputy City Engineer

APPLICABLE REVIEW CRITERIA: Planning and Land Development Ordinance: Sections 4.008.01(L) – 4.016. Oregon Revised Statutes - ORS 271.080, 271.090, 270.110, 271.120, 271.140, 271.150, 271.190, 271.200.

Other Documents: Comprehensive Plan (*Implementation Measures 3.1.6.a-3.1.6.cc*); Square '76' Master Plan (Ordinance #66); 2003 Transportation Systems Plan; 2006 Bicycle and Pedestrian Master Plan; West Side Master Plan;

Project Location: The site is generally located at the southeast corner of the intersection of SW Boones Ferry Road and SW Wilsonville Road. The specific public right-of-way proposed to be vacated is depicted below and is a north south extension from the eastern most terminus of SW Bailey Street.

Comprehensive Plan Designation: Commercial

Zoning: Planned Development Commercial

Map Designations: The subject property is zoned PDC - Planned Development Commercial and is designated Commercial on the Comprehensive Plan Map. The subject property is within the Square '76' Master Plan, the West Side Master Plan and is within the Boones Ferry Overlay District.

SUMMARY:

The right-of-way in question is a public right-of-way remnant from the Square 76 Master Plan (Ordinance No. 66-Exhibit G), a master plan from 1976 that envisioned commercial development in five general service categories that would be served by an internal public street system creating small development blocks.

Under the provisions of the State Highway Plan and the Oregon Transportation Planning Rule, ODOT has initiated access control measures applicable to the Square 76 Plan area, including removal of access points and driveways from the area along Wilsonville Road from the southbound I-5 on ramp west to SW Boones Ferry Road, thus effectively precluding use of this right-of-way to access Wilsonville Road.

For approximately the past 13 years, Fred Meyer Stores, Inc. has owned the majority of the property in the area and plans to develop a large retail complex to be served by a private internal street which will be reviewed as part of their overall application. This segment of right-of-way is not essential to the city or to the Fred Meyer plans. The once envisioned north-south access road in the Square 76 Master Plan is no longer possible and this segment of existing public right-of-way is un-necessary.

The street vacation process, initiated by the surrounding property owner and applicant, Fred Meyer Stores, Inc., begins with draft findings and a recommendation from staff to the Planning Commission. If the Planning Commission recommends approval the vacation, the City Council then sets the time, date and place for a public hearing. Notices are prepared, the site is posted and notices are mailed prior to the public hearing(s) to property owners within prescribed distances from the right-of-way to be vacated. Following the hearing(s), the City Council may adopt the appropriate street vacation Ordinance.

BACKGROUND:

In a separate application submitted on November 14, 2003, (Case file 03DB39), the applicant proposes the development of a Fred Meyer store and retail center at the southeast corner of the Wilsonville Road and Boones Ferry Road intersection. The applicant intends to amend the 2003 application sometime in June of 2008 to reflect their most current site design. That application will include a request for an amendment to the Square 76 Master Plan. In the meantime, an unnecessary and unimproved section of public right-of-way which traverses the center of the site is requested to be vacated. Under State and local requirements, City Council approval is required to vacate public rights-of-way.

STAFF RECOMMENDATION:

Approve the request to vacate the subject public right-of way with the following conditions of approval. *The Planning Commission action is in the form of a recommendation to the City Council.*

PROPOSED CONDITIONS OF APPROVAL:

- 1) The action to vacate the subject public right-of-way is effective only upon the City's approval of the Fred Meyer application and of associated amendments to the Square 76 Master Plan.
- 2) The petitioner/applicant shall bear the recording and processing costs associated with the Clackamas County Clerk, and all other necessary costs regarding the vacation process.
- 3) Staff recommends that the title for the property be assigned to the applicant, Fred Meyer Stores, Inc.

Exhibits List:

- A. Staff report
- B. Street vacation petition
- C. Legal Description of street vacation
- D. Street vacation map
- E. Street vacation buffer map
- F. City Engineering Division report
- G. Ordinance No. 66-Square 76 Master Plan
- H. PGE letter dated March 31, 2008

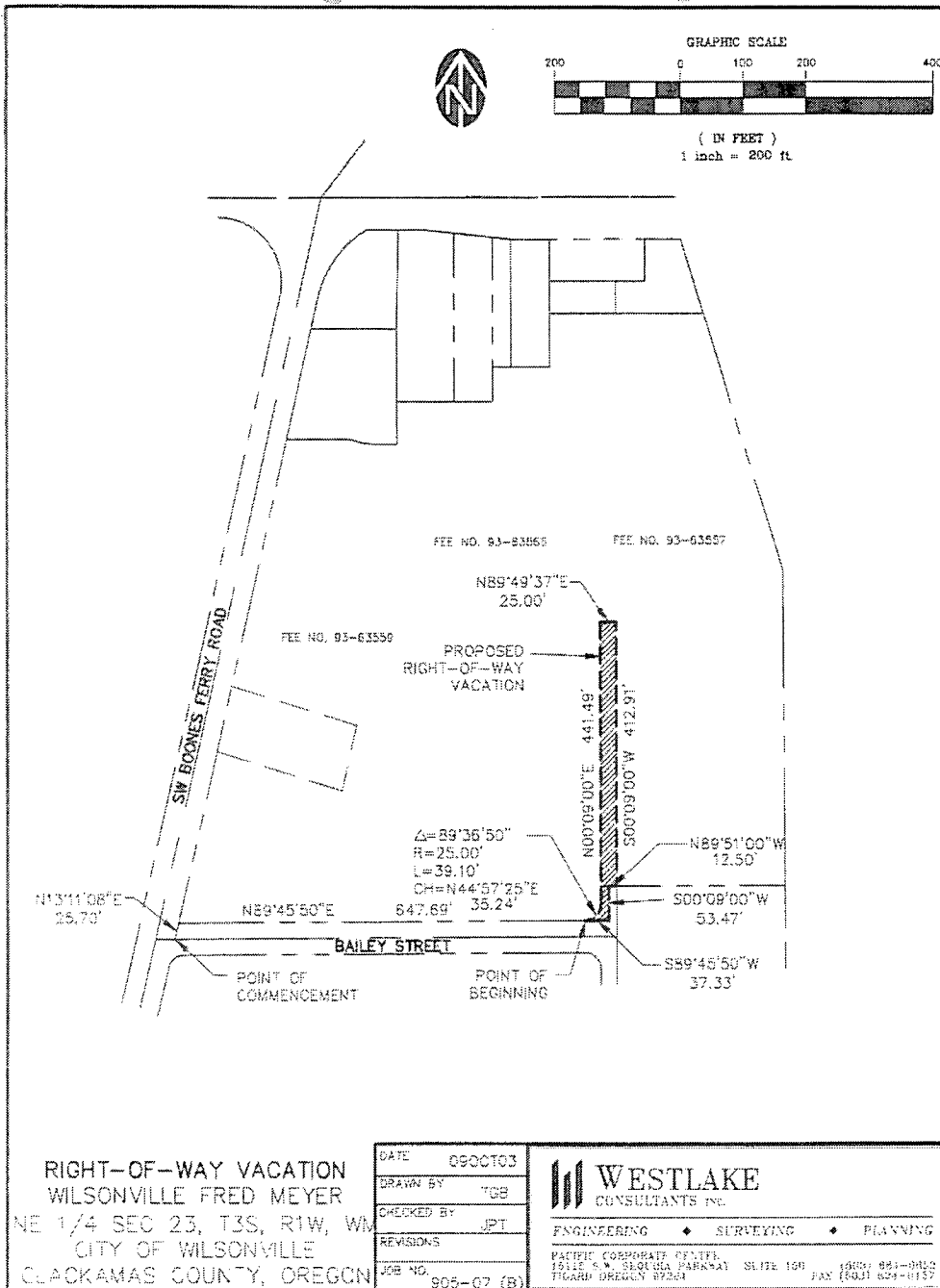
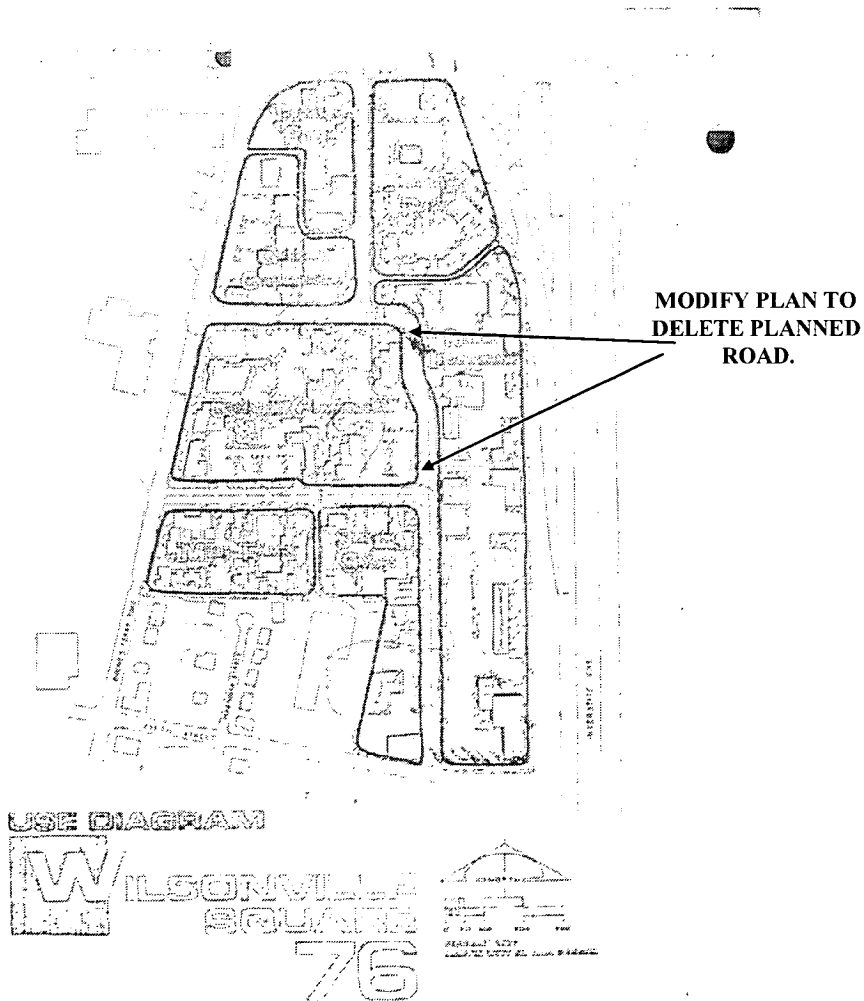


Exhibit D: Street Vacation Map

FINDINGS:

1. The subject public street right-of-way is part of an area with an approved Master Plan. The Square '76' Master Plan, so named because it was originally adopted by the City Council in 1976 (Ordinance #66). The Square 76 Plan showed this area as being planned for a mixture of commercial uses. In a separate land development application, the applicant will be requesting an amendment to the Square '76' Plan to change the design from one with a number of small commercial operations to one large retail building, with other adjacent, smaller commercial buildings to be constructed later all served by an internal private street system. The location of the public street right-of-way would preclude the development of a Fred Meyer store and would need to be vacated in order to accommodate the review of the future application.



Implementation Measures 3.1.6.a-3.1.6.cc: Road and Transportation Plan.

2. **The City's 2003 Transportation Systems Plan (TSP)** classifies Wilsonville Road as a major arterial and SW Boones Ferry Road and Bailey Street as major collectors. The TSP does not identify the subject unimproved right-of-way (ROW). Thus, the subject ROW is not a future alternate road to serve the transportation system in the vicinity and Wilsonville. The Fred Meyer store and the adjacent properties will rely on Wilsonville Road, SW Boones Ferry Road and Bailey Street for the public transportation grid and a private internal circulation network. The subject ROW is not needed to access the Fred Meyer development and adjacent properties, thus those properties will not be land-locked with its vacation. Implementation Measure 3.1.6.a-3.1.6.cc is met.
3. **Area F –Comprehensive Plan:** The project is designed to tie in with Wilsonville Road to the north through a pedestrian connection; and with the residential neighborhood to the south through vehicular and pedestrian connections. The subject ROW is not identified in the Design Objectives for Area F of the Comprehensive Plan as an alternate transportation route. Thus, the subject ROW is not needed.
4. **The City's Bicycle and Pedestrian Plan** does not identify the subject ROW as a pedestrian and bicycle route. The City's Bicycle and Pedestrian Plan identifies Boones Ferry Road, Wilsonville Road, and Bailey Street as "On-Street Bikeways / Sidewalks". Wilsonville Road currently has sidewalks and bike lanes on both sides. To better accommodate the vehicular and pedestrian traffic of the Fred Meyer store, the City Engineer will be requiring street improvements to both SW Boones Ferry Road and Bailey Street. IM 3.1.6.a-3.1.6.cc is met.
5. **The West Side Master Plan** does not identify the subject ROW as a future transportation route. The subject ROW is not necessary for connectivity to adjacent properties and streets.
6. **Public facilities and utilities:** There are no public facilities and utilities including easements within the subject ROW needing to be vacated.
7. **Square 76 Master Plan:** The review and retention, modification or deletion of the Square 76 Master Plan will occur as part of the review of the larger retail development application. City Council will be the final authority on that matter. The vacation of the public right-of-way is proposed to be conditioned on the modification of the existing Square 76 Master Plan.

Oregon Revised Statutes (ORS):

7. **271.080 – Vacation in incorporated cities; petition of property owners.** ORS 271.080 allows a private property owner to initiate vacation proceedings with a petition or consent of adjacent property owners provided that notice is given and a public hearing is conducted. In this case the petition to vacate involves only one

property owner, which is the applicant. See Exhibit B – petition; Exhibit C - Legal description of street vacation; Exhibit D - Street vacation map and Exhibit F - Street vacation buffer map meeting ORS 271.080.

8. **271.090 – Filing of petition notice.** The petition has been presented to the City recorder and is found sufficient.
9. **270.110 – Notice of hearing.** The required public notices have been sent and all proper notification procedures have been satisfied for the Planning Commission and City Council public hearings.
10. **271.120 – Hearing determination.** The required public notices have been sent to adjacent property owners and all proper notification procedures have been satisfied for the Planning Commission and City Council public hearings at which time they will decide on the petition.
11. **271.140 - Title to vacated areas.** The City Council will decide the disposition of the title. Staff is recommending that the title be attached to the applicant.
12. **271.150 – Vacation records to be filed; costs.** The petitioner/applicant shall bear the recording cost with the Clackamas County Clerk.
13. **271.190 – Consent of owners of adjoining property; other required approval.** The petitioner/applicant has provided the City Recorder consent of owners of adjoining property.
14. **271.200 – Hearings; grant of petition.** Again, the required public notices have been sent and all proper notification procedures have been satisfied for the Planning Commission and City Council public hearings at which times they will decide on the petition.

Engineering Division Comments:

Engineering has no conditions on the vacation of this ROW located at the east end of Bailey Street, extending north some 466 feet.

Steve R. Adams, P.E.
Deputy City Engineer - Private Development
City of Wilsonville

Street Vacation Petition

This petition must be signed by all abutting property owners, and the owners of not less than 2/3 of the affected area as shown on the attached Street Vacation Map (ORS 271.080). All signatures must be in ink.

We, the owner in fee simple of the following described property, consent to the vacation of all that portion of Bailey Street, in the City of Wilsonville, Clackamas County, Oregon, as shown on the attached Street Vacation Map, and as more particularly described in the Development Review application narrative.

(Fred Meyer Stores Inc.)

Property Owner's Name (please print)

31W23AB00401, 31W23AB00200, 31W23AB00102, 31W23AB00403,
31W23AB00402, 31W23AB00100, 31W23AB02301, 31W23AB02302

Property Description

Ral Caul, Vice President

Signature

Signature

Date

LP08-0004

Exhibit B

Street Vacation Petition

This petition must be signed by all abutting property owners, and the owners of not less than 2/3 of the affected area as shown on the attached Street Vacation Map (ORS 271.080). All signatures must be in ink.

We, the owner in fee simple of the following described property, consent to the vacation of all that portion of Bailey Street, in the City of Wilsonville, Clackamas County, Oregon, as shown on the attached Street Vacation Map, and as more particularly described in the Development Review application narrative.

John Bachofner

Property Owner's Name (please print)

31W23AC02500

Property Description



Signature

Signature

10/30/03

Date

LP08-0004

Exhibit B

Street Vacation Petition

This petition must be signed by all abutting property owners, and the owners of not less than 2/3 of the affected area as shown on the attached Street Vacation Map (ORS 271.080). All signatures must be in ink.


We, the owner in fee simple of the following described property, consent to the vacation of all that portion of Bailey Street, in the City of Wilsonville, Clackamas County, Oregon, as shown on the attached Street Vacation Map, and as more particularly described in the Development Review application narrative.

(Familia Properties)

Property Owner's Name (please print)

31W23AB02100

Property Description

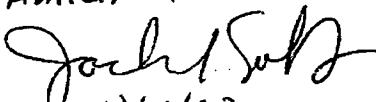

Signature MANABING MEMBER

Signature

Date

10/13/03

FAMILIA PROPERTIES WAS
MERGED INTO KWDS LLC -
THIS CONSENT IS FOR
ALL PROPERTY OWNED BY
KWDS LLC AND/OR
FAMILIA PROPERTIES.


10/13/03

LP08-0004

Exhibit B

Street Vacation Petition

This petition must be signed by all abutting property owners, and the owners of not less than 2/3 of the affected area as shown on the attached Street Vacation Map (ORS 271.080). All signatures must be in ink.

We, the owner in fee simple of the following described property, consent to the vacation of all that portion of Bailey Street, in the City of Wilsonville, Clackamas County, Oregon, as shown on the attached Street Vacation Map, and as more particularly described in the Development Review application narrative.

(KWDS LLC)

Property Owner's Name (please print)

31W23AC00101

Property Description

Joakim Solby

Signature

MANAGING MEMBER

Signature

Date

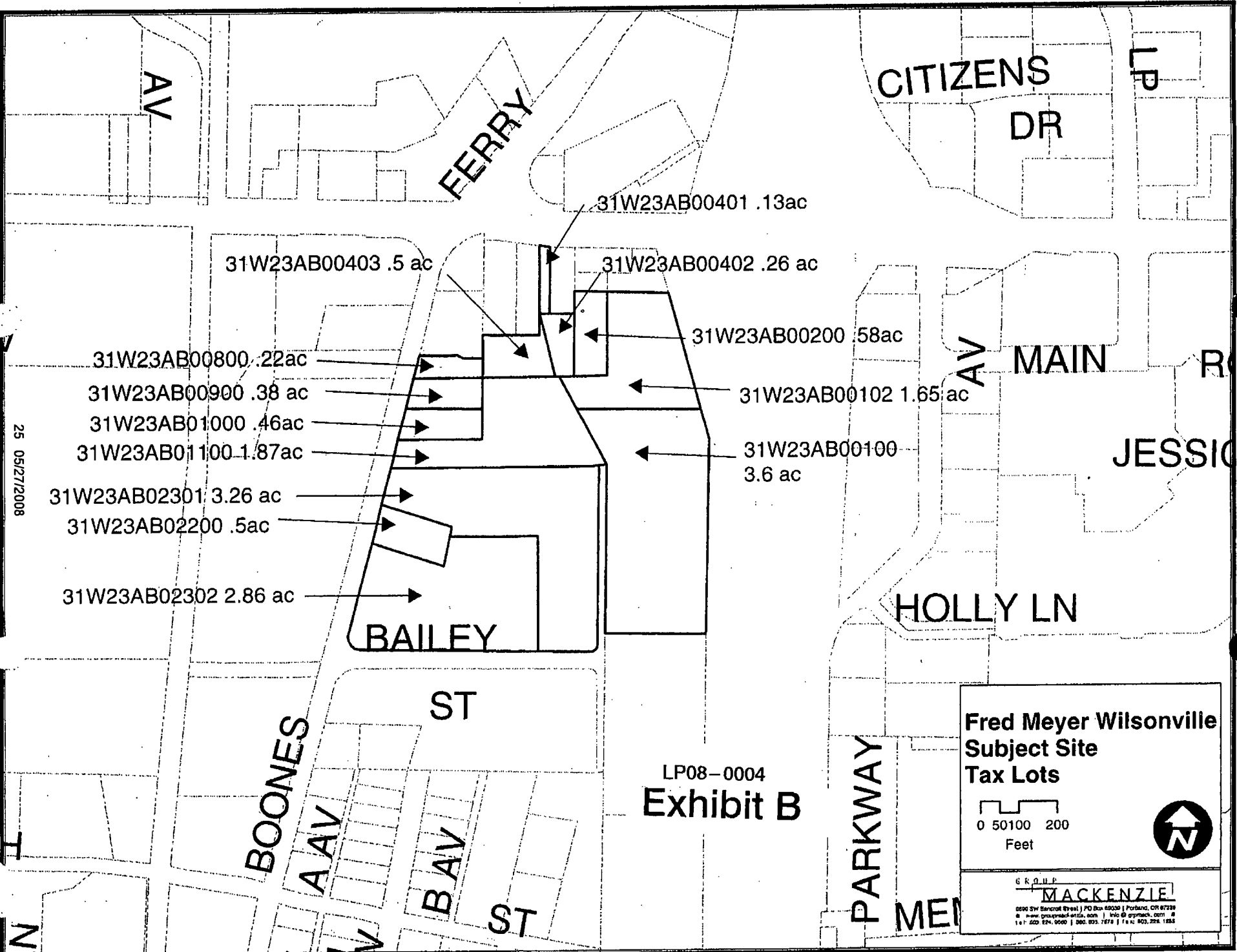
10/13/03

THIS CONSENT IS FOR THE BOONES FERRY VILLAGE APARTMENT COMPLEX AND THE VACANT LAND EAST OF BOONES FERRY VILLAGE AND SOUTH OF THE FORD MEYER PROPERTY. BOTH PARCELS ARE OWNED BY KWDS, LLC

Joakim Solby
MANAGING MEMBER
10/13/03

LP08-0004

Exhibit B



36

25 05/27/2008

LP08-0004
Exhibit B

**Fred Meyer Wilsonville
Subject Site
Tax Lots**

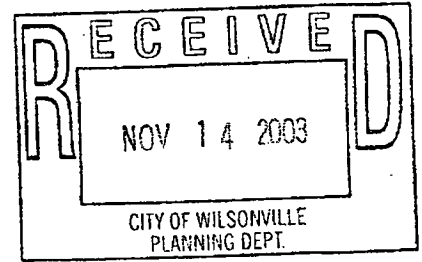
0 50 100 200
Feet

GROUP
MACKENZIE

6090 SW Bancroft Street | PO Box 6000 | Portland, OR 97208
© www.propertygroup.com | 503-999-0000
1st: 503.924.0000 | 800.825.7878 | Fax: 503.228.1882

LP08-0004

Exhibit C



Fred Meyer Wilsonville
Bailey Street Vacation
Project No. 905-07 (B)
October 9, 2003

PROPERTY DESCRIPTION

A strip of land situate in the Northeast one-quarter of Section 23, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, being more particularly described as follows:

Commencing at the most westerly southwest corner of that tract of land conveyed to the City of Wilsonville by Deed Document No. 90-45700, Clackamas County Deed Records;

thence along the westerly line thereof, North 13°11'08" East, 25.70 feet to the Northerly line thereof;

thence along said northerly line, North 89°45'50" East, 647.69 feet to the Point of Beginning;

thence continuing along the northerly line of said City of Wilsonville tract, along the arc of a 25.00 foot radius curve to the left, through a central angle of 89°36'50" (the chord of which bears North 44°57'25" East, 35.24 feet) an arc distance of 39.10 feet;

thence along the westerly line of said City of Wilsonville tract, North 00°09'00" East, 441.49 feet to the most northerly line thereof;

thence along said northerly line, North 89°49'37" East, 25.00 feet to the Easterly line thereof;

thence along said easterly line, South 00°09'00" West, 412.91 feet;

thence leaving said easterly line, North 89°51'00" West, 12.50 feet;

thence along a line parallel with and 12.50 feet westerly of last said easterly line, South 00°09'00" West, 53.47 feet;

thence South 89°45'50" West, 37.33 feet to the Point of Beginning.

Said strip of land containing 11,122 square feet, more or less.

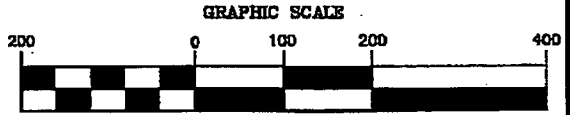
Bearings based on said Deed Document No. 90-45700, Clackamas County Deed Records.

H:\ADMIN\090507.03\FM-Wilsonville\Survey\Bailey Street Vacation Description.doc

26 05/27/2008

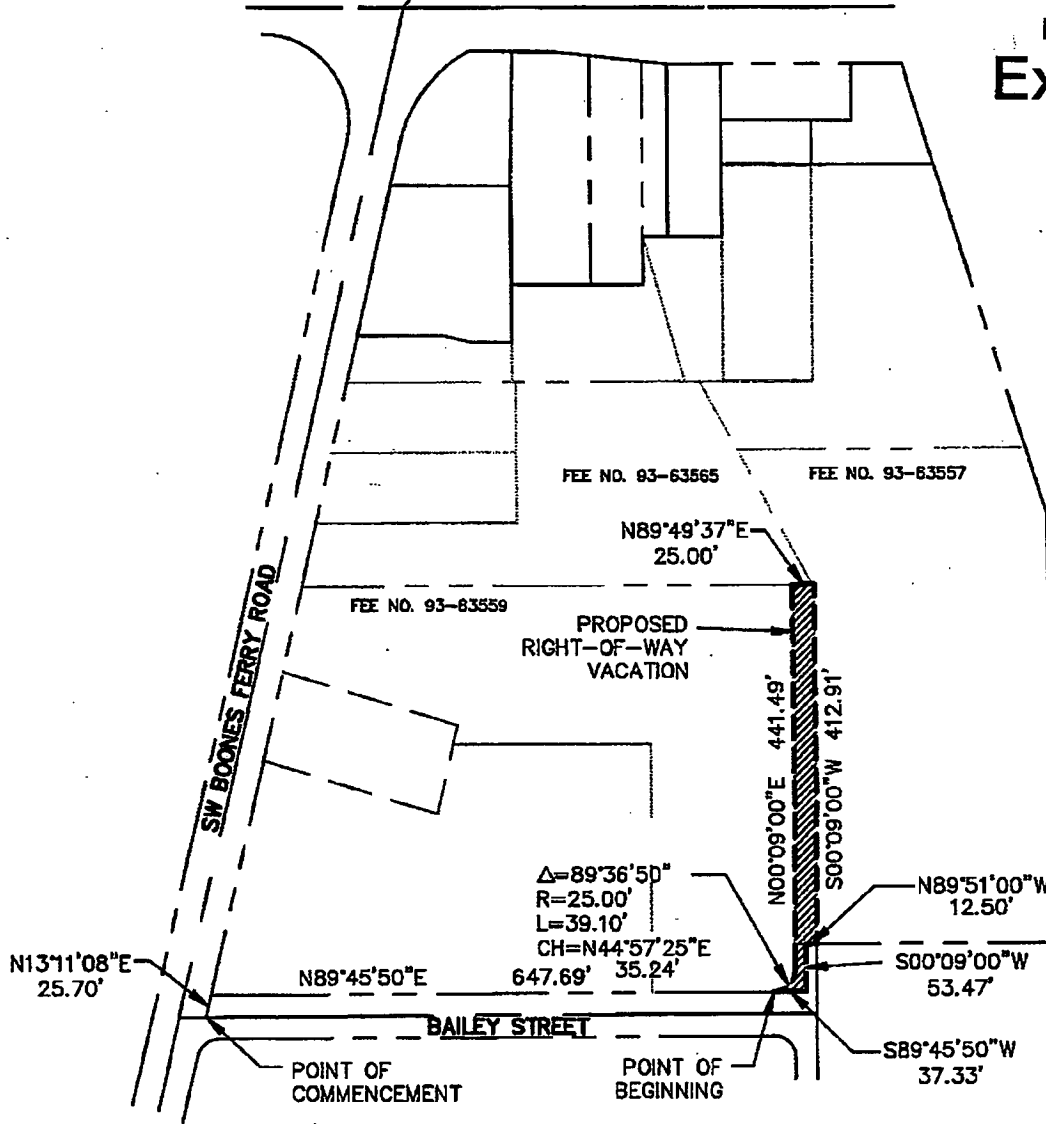
37

FILE
032639 11-14-03



(IN FEET)
1 inch = 200 ft.

LP08-0004
Exhibit D



RIGHT-OF-WAY VACATION
WILSONVILLE FRED MEYER
 NE 1/4 SEC 23, T3S, R1W, WM
 CITY OF WILSONVILLE
 CLACKAMAS COUNTY, OREGON

DATE	09OCT03
DRAWN BY	TGB
CHECKED BY	JPT
REVISIONS	
JOB NO.	905-07 (B)

WESTLAKE
 CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER
 16115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0652
 TIGARD, OREGON 97224 FAX (503) 624-0167

90507VACA.DWG

27 05/27/2008

38

Exhibit E

NEWBERG HWY
NEWBERG HWY

Portion of street
to be vacated

INTERSTATE 5

MAIN ST

HOLLYEN

BOONES FERRY RD

BAILEY ST

MAIN ST

5TH ST

SW PARKWAY AVE

39
8630270

Legend

200'/400' Buffer

Effected Properties

Street Vacation Map

360
Feet



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MACKENZIE

6690 SW Bancroft Street | PO Box 66009 | Portland, OR 97239
www.groupmackenzie.com | info@grpmack.com
tel: 503.224.9600 | 503.696.7879 | fax: 503.228.1285

Subject: FW: Fred Meyer ROW, LP08-0003

LP08-0004

Exhibit F

From: Adams, Steve
Sent: Friday, April 25, 2008 11:19 AM
To: Edmonds, Blaise
Cc: Stone, Mike
Subject: Fred Meyer ROW, LP08-0003

Engineering has no conditions on the vacation of this ROW located at the east end of Bailey Street, extending north some 466 feet.

I have copied Mike Stone in case he has a particular comment he wishes to add.

Thanks, Steve

Steve R. Adams, P.E.

Deputy City Engineer - Private Development
City of Wilsonville

ph: 503-682-4960
fax: 503-682-7025

Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.

4/28/2008

29 05/27/2008

40

File Square 76

ORDINANCE NO. 66

AN ORDINANCE APPROVING A CHANGE IN THE DEVELOPMENT PLAN OF "WILSONVILLE SQUARE 76"; AMENDING THE CITY'S COMPREHENSIVE DEVELOPMENT PLAN MAP; AND DECLARING AN EMERGENCY.

WHEREAS, the Comprehensive Development Plan Map for the City of Wilsonville designates for commercial development a certain plot of land, consisting of 33 acres, commonly designated as "Wilsonville Square 76"; and

WHEREAS, said property received its original zoning August 23, 1973, from the Planning Commission, and on October 15, 1973, the City Council approved the Plan Commercial and Industrial (P.C. and I.) Zone; and

WHEREAS, the applicant, Martin Witt, Jr. and Associates requested a plan change within Wilsonville Square 76 from six categories which include community commercial, service commercial, office, apartment, civic and park, to five categories consisting of traveler's retail, retail equipment, service shops, general commercial and multi-family; and

WHEREAS, the Wilsonville Planning Commission, before taking final action on said Application for plan change, conducted a public hearing on the matter, and said hearing was held on April 12, 1976, and notice of the time, place and purpose of said hearing was duly and regularly given by publication in the Tigard Times, a newspaper of general circulation in the City of Wilsonville, not less than five days prior to the date of hearing, and the newspaper's Affidavit of Publication is on file in the City Recorder's records and file of this matter; and

WHEREAS, the City Council on May 3, 1976, approved the following findings of the Planning Commission of April 12, 1976:

1. There is a change in the Comprehensive Plan, but the change is only within the designated boundaries of Wilsonville Square 76 on the Comprehensive Development Plan Map.

2. There is a public need for the change. During the Comprehensive Plan revision hearings, it was requested that the City be reduced in total population. The applicant's request is to convert some multi-family, high density areas to commercial use which would therefore eliminate part of the residential area, and therefore reduce population.

3. The area converted from multi-family to commercial development is best placed in the area as opposed to other available property. Wilsonville Square 76 is in the "old town" area of the City. It is better suited for commercial development than for residential development. The property is bordered by an industrial area to the north and west, freeway on the east, and residential to the south.

4. The proposed change enhances the health, safety and general welfare of the residents. The proposed change is an improvement of road alignment, planning control and development within the area; now, therefore,

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: The Comprehensive Development Plan Map of the City of Wilsonville dated December 22, 1975, as previously amended shall be and the same is hereby amended and changed again to conform to the revised map, a copy of which is attached hereto marked Exhibit "A" for identification purposes and expressly made a part of this Ordinance.

Section 2: The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate changes on the City's Comprehensive Development Plan Map to conform to Exhibit "A" and for the area of Wilsonville Square 76, the boundaries of which are described in the attached Exhibit "B".

Section 3: The Planning Commission shall first approve all uses of property in the Wilsonville Square 76, which is an area of

the City now designated by this Ordinance for PLANNED DEVELOPMENT. The uses of property shall follow as closely as possible the following RECOMMENDED USES for each of the various areas in the district, and developments within the area shall be governed by the PLANNED DEVELOPMENT REGULATIONS of ARTICLE 12 of Zoning Ordinance No. 23, the requirements of the Design Review Board Ordinance No. 38, and all other applicable Ordinances and Resolutions of the Wilsonville City Council. Any change of Recommended Use or similar type of Recommended Use from one area to another in the Wilsonville Square 76 shall first be approved by the Planning Commission.

RECOMMENDED USES

"GC" - "GENERAL COMMERCIAL"

Dept. stores	Hardware
Retail stores	Sporting goods
Financial institutions	Variety
Florist	Shoe repair
Pet shop	Art supplies, retail
Film exchange	Interior decorating shop
Photo shop	General offices
Photographer	Professional clinics
Business machines sales & Serv.	Professional offices
Cleaning & pressing establishments.	Paint store, retail
Custom tailoring & dressmaking	Optometrist & Optician
Furniture store	Health salon
Household machines, sales & serv.	Radio & t.v. studio
Watch & clock repair	Restaurant
Bakery, retail	Tavern, bar, lounge
Barber	Theater
Beauty Parlor	Food lockers
Bookstore	Jewelers
Confectionary	Gift shop
Delicatessen	Millinery
Drug store	Music shop
Dry goods	Apparel
Groceries, meat, fruit, veg.	Stationery

"TR" - "TRAVELERS RETAIL"

Motels
 Restaurants
 Fast food
 Gas stations
 Auto repair garage
 Car wash
 Offices

"SS - "SERVICE SHOPS"

Printers shop
Upholstery shop
Sign shop
Laundry & cleaners
Appliance repair shop
Power equip. sales & serv.
Gunsmith or locksmith
Heating & air cond. shop
Plumbing shop
Cabinet shop
Contractors & subcontractors
Boat & trailer storage
General or mini-storage

"RE" - "RETAIL EQUIPMENT"

Automobile sales & serv.
Truck sales & serv.
Motorcycle sales & serv.
Boat sales & serv.
Tire sales
Travel trailer sales & serv.
Camper sales
Farm implement sales & serv.
Garden supplies & equipment
Building materials, retail
Feed sales, retail
Rent-all

"MF - "MULTI-FAMILY"

Townhouses
Apartments
Condominiums

Section 4: Retail equipment utilization shall be contingent upon the user having satisfied the Planning Commission and Design Review Board that buildings will be appropriately sited and that adequate planning and landscaping will be installed to present a pleasing and harmonious appearance from public ways and streets.

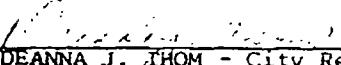
Section 5: Inasmuch as it is necessary for the peace, health and safety of the people of the City of Wilsonville and to comply with statutory directives to maintain the legislative integrity of the City's Comprehensive Plan, an emergency is hereby declared to exist, and this Ordinance shall be effective immediately upon its final reading and passage by the Council.

Passed on first reading of the Wilsonville City Council at a regular meeting of the Council on the 7th day of September, 1976;

ordered posted as provided by the Wilsonville City Charter; and to come up for final reading and action of the Wilsonville City Council at a regular meeting thereof to be held on Monday, October 4, 1976, at the hour of 7:30 p.m. at the Wilsonville Grade School.


PHILLIP R. BALSIGER - Mayor

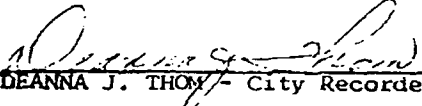
ATTEST:

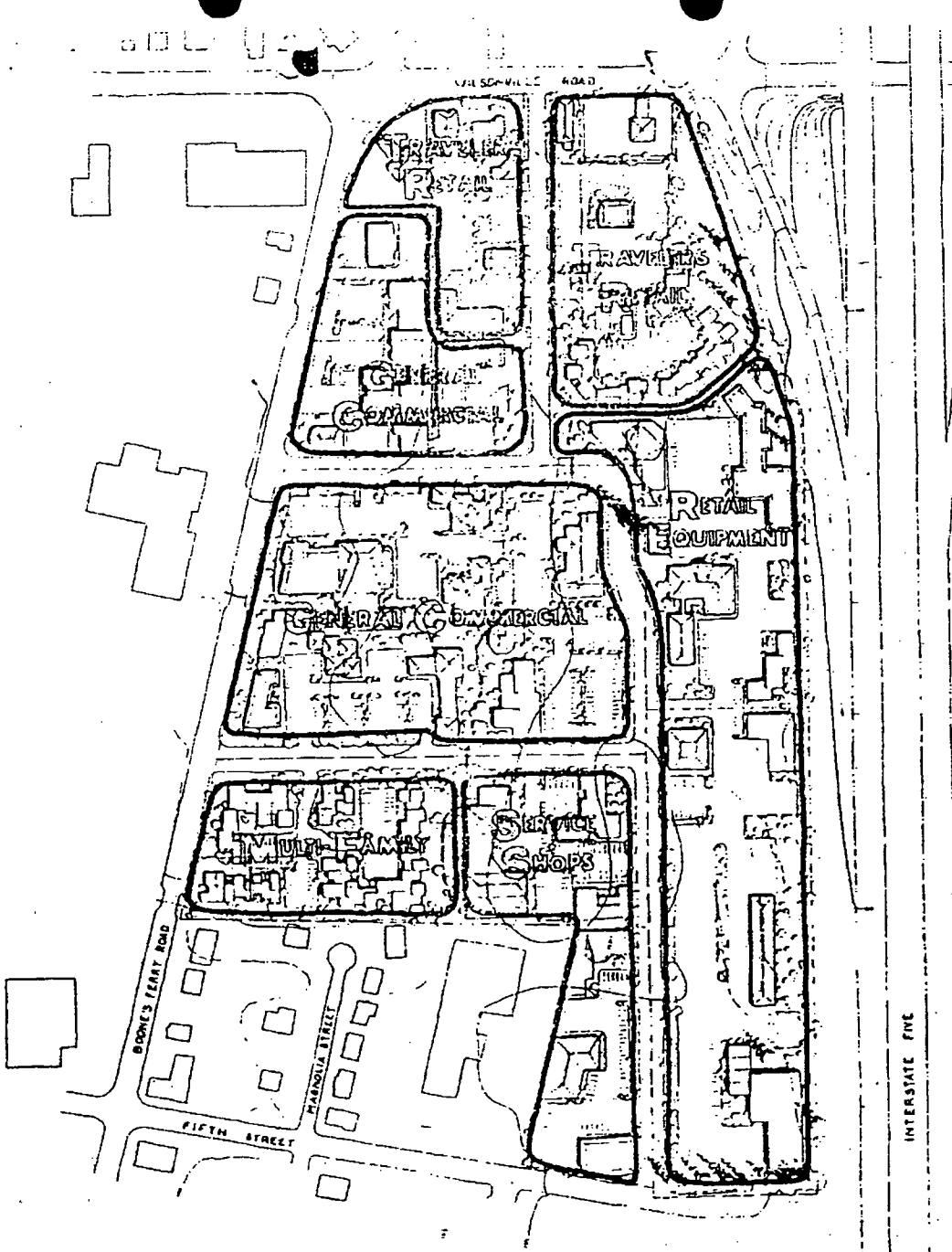

DEANNA J. THOM - City Recorder

Passed on final reading of the Wilsonville City Council at a regular meeting thereof held on the 5th day of October, 1976, by the following vote: Yeas 5. Nays 0.


PHILLIP R. BALSIGER - Mayor

ATTEST:


DEANNA J. THOM - City Recorder



USE DIAGRAM

WILSONVILLE SQUARE 76

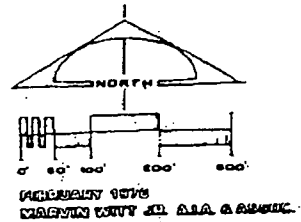


Exhibit "A"

35 05/27/2008

EXHIBIT "B"

WILSONVILLE SQUARE 76

Description

A parcel of land being in the Northeast one-quarter of Section 23, T.3S., R.1W., Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at a point that is North $89^{\circ}57'50''$ West, 1072.50 feet, South $0^{\circ}07'50''$ West, 1072.50 feet and South $89^{\circ}50'$ West, 341.2 feet from the Northeast corner of said Section 23, said point being on the westerly right of way of Pacific Highway (Interstate Hwy. No. 5), and also being the Northeast corner of that parcel described in Book 531, Page 444, Clackamas County deed records;

Thence along said right of way and the East line of said Book 531, Page 444, South $0^{\circ}03'30''$ East, 825 feet more or less to the Southeast corner of said parcel described in Book 531, Page 444;

Thence along the South line of said Book 531, Page 444, South $84^{\circ}15'$ West, 272.15 feet to the East line of the Thomas Bailey D.L.C. #45 and the Southwest corner of said Book 531, Page 444;

Thence along the East line of said D.L.C. #45, North $0^{\circ}28'$ West, to the Southeast corner of that parcel of land recorded in Book 304, Page 540, said point also being at the intersection of the northerly right of way of Fifth Avenue and the East line of said D.L.C. #45;

Thence along the northerly right of way of said Fifth Avenue, and the westerly line of said Book 304, Page 540, to the easterly line of Block "B" of the plat of Wilsonville as recorded in Book 7, Page 27, Clackamas County deed records, said point also being on the westerly line of the vacated portion of Fir Avenue as recorded in Book 656, Page 859, Clackamas County deed records;

Thence along the easterly line of Block "B" of said Wilsonville plat and the westerly line of said vacated Fir Avenue, North $11^{\circ}45'$ East, 405.85 feet to the northerly line of said Wilsonville plat;

Thence along the North line of said Wilsonville plat, West 586.65 feet to the easterly right of way line of Boones Ferry Road, (Market Road No. 27) and the Southwest corner of that tract of land recorded in Book 467, Page 484, Clackamas County deed records;

Thence along the easterly right of way of said Boones Ferry Road, North $11^{\circ}55'$ East, 286.30 feet to the northerly line of that tract of land recorded in Ordinance No. 74-10413;

Thence continuing along said easterly right of way North $13^{\circ}15'$ East, to the beginning point of a 161.09 radius curve to the right, as recorded in Book 185, Page 421; said point also being on the westerly line of that parcel recorded in Ordinance No. 74-30872 Clackamas County deed records;

Thence along said 161.09 foot radius curve to the right through a central angle of $76^{\circ}46'$ a distance of 215.83 feet to a point on the southerly right of way of Market Road No. 12, said point also being 30 feet, when measured at right angles, from the centerline of said Market Road No. 12;

Exhibit H



Portland General Electric Company
121 SW Salmon Street • Portland, Oregon 97204
PortlandGeneral.com

APR 03 2008

BY: _____
RECEIVED
APR 03 2008

BY: _____

March 31, 2008

City of Wilsonville
Attn: Planning Division
29799 SW Town Center Loop E
Wilsonville, OR 97070

RE: Planning Case File No. LP08-0003 right-of-way vacation, Fred Meyer site
PGE comments on proposed vacation

To Whom It May Concern:

Thank you for your recent notification to PGE concerning the above referenced right of way vacation located at 30310 SW Boones Ferry Road to allow for development of a Fred Meyer store. PGE has reviewed the vacation area in question and has determined that we do not have any facilities within the vacated area. We would like to thank you for the opportunity to comment. If you require any additional information, please contact me at 503.464.8125.

Sincerely,

Jennifer Mulalley

Property Services
Permit Agent

48