

RESOLUTION NO. CXXXVIII (138)

A RESOLUTION TO INITIATE ON COUNCIL'S OWN MOTION PROCEEDINGS FOR VACATION OF EXTENSION OF BOBERG ROAD NO. 1571, ALSO KNOWN AS BARBER STREET, IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, STATE OF OREGON; AND FIXING A TIME FOR HEARING.

WHEREAS, the extension of Boberg Road which intersects with, is at rights angles to, and extends westerly from Boones Ferry Road, also known as Parkway Avenue, is a public easement road within the city limits of the City of Wilsonville. The said road of public easement hereinafter referred to as "extension of Boberg Road" was created by Clackamas County Commissioner Order No. 71-704 which was prepared in accordance with ORS 368.582 after required public hearing on August 4, 1971. The subject property is 33 feet in width and extends in a general westerly and easterly direction from Pacific Interstate Highway 5 to Boones Ferry Market Road No. 27, presently known as Parkway Avenue, a distance of approximately 1353 feet; and

WHEREAS, Winston W. Kurth, Assistant Director of the Department of Environmental Services of Clackamas County, Oregon, has recommended that the City of Wilsonville vacate the public easement which is located within the Wilsonville city limits and within the City's jurisdictional authority; and this recommendation was approved by Scott H. Parker, County Counsel of Clackamas County, Oregon, on February 28, 1980. A copy of the opinion request by Assistant Director Kurth to County Counsel Parker dated February 19, 1980, is attached hereto marked Exhibit "A"; and a copy of the response and opinion of County Counsel Parker is attached hereto marked Exhibit "B" for identification purposes; and

WHEREAS, the extension of Boberg Road is hereinafter described has been abandoned for some time as a public road and right-of-way, and is not and has not been used as a road of public easement for a number of years. The vacation of said easement would formalize an existing condition of abandonment and enable the adjoining property owners to

complete the planned development of their respective properties and aid in the orderly development of the Town Center Loop Roadway Interchange with the new alignment of Parkway Avenue; and

WHEREAS, the Wilsonville City Council has received written requests to commence these vacation proceedings and the Council has investigated the matter and being fully informed in the premises has determined that (1) there is no need for a 33 foot wide road of public easement between Pacific Interstate Highway 5 and Boones Ferry Market Road No. 27, presently known as Parkway Avenue, (2) that the proposed vacation is essential for the City's development and future use of the Town Center Loop Roadway Interchange and the planned new alignment of Parkway Avenue, (3) that it would be in the best interest of the City of Wilsonville and the inhabitants thereof if the said road of public easement as hereinafter described was vacated and (4) that the proposed vacation would not adversely effect or damage any person, firm, or corporation; and

WHEREAS, the City Planning Commission has made certain findings, conditions and recommendations, which are hereby approved and adopted by the City Council and which are attached hereto as Exhibit "C" to this resolution; now therefore,

BE IT RESOLVED by the Wilsonville City Council that:

(1) The Barber Street extension between Pacific Interstate Highway 5 and Parkway Avenue is particularly described as follows, to wit:

Part of the Southeast quarter of Section 14, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, County of Clackamas and State of Oregon, described as follows:

Beginning at the intersection of the North Line of said Southeast quarter with the Westerly line of the roadway presently known as Parkway Avenue; thence West along said North line to the Easterly line of Interstate Highway No. 5; thence South along said Easterly line to a point 33 feet South of said North line; thence East, parallel with and 33 feet South of said North line, to the said Westerly line; thence Northerly along said Westerly line to the point of beginning.

(2) Subject to the conditions referred to, the above described

road of public easement should be vacated so that the title to the same shall attach to the land bordering on such area as provided in Oregon Revised Statutes 271.140.

(3) A public hearing on the question of the proposed vacation is hereby called to be held at the Wilsonville City Hall at 30470 S. W. Parkway Avenue, Wilsonville, Clackamas County, State of Oregon, at 7:30 o'clock P.M., Pacific Daylight Savings Time on Monday, the 20th day of October, 1980, at which hearing the Wilsonville City Council shall hear and consider any objections to or remonstrances against the proposed vacation.

(4) The Wilsonville City Recorder shall and she is hereby directed to give notice of the proposed vacation and hearing thereon by publishing notice in the Tigard Times (The City's Official Newspaper) once each week for four (4) consecutive weeks; and she is also hereby directed to give notice of the proposed vacation and hearing thereon by posting written notice in three (3) of the most public places of the City according to the provisions of ORS 271.110(1); and she shall also post "NOTICE OF STREET VACATION" in the manner, at the places and for the time required by ORS 217.110(2).

Adopted by the Wilsonville City Council at a regular meeting thereof this second day of September, 1980, and filed with the Wilsonville City Recorder this same date.

  
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WILLIAM G. LOWRIE, Mayor

ATTEST:

  
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DEANNA J. THOM, City Recorder