

ORDINANCE NO. 310

AN ORDINANCE AMENDING ORDINANCE NO. 280 AND DECLARING THE DULY RECORDED PLAT OF "WILLAMETTE VILLAGE", BLOCKS 1, 2 AND 3, LOCATED IN SECTION 22, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE (DESCRIBED AS FOLLOWS) TO BE VACATED.

WHEREAS, a duly considered and approved subdivision, Willamette Village, Blocks 1, 2 and 3, located in Section 22, T3S, R1W, W.M., City of Wilsonville, was final platted and recorded in Clackamas County Plat Records in Volume 78, page 7 on the 11th day of May, 1979; and

WHEREAS, Wilsonville Ordinance No. 280 has previously vacated the aforementioned Willamette Village plat with certain conditions; however, the ordinance also made certain pre-conditions to the filing of a then new proposed Wheatland plat. There has been a change of ownership of the property to First Interstate Bank which requests clarification of an apparent ambiguity as to whether the pre-condition for the then proposed new plat were conditions to the vacation of the Willamette Village plat. It was not the intention of the City to make the above reference pre-conditions of the proposed Wheatland plat conditions of the vacation of the Willamette Village plat. It is necessary to clarify the City's intention by amending Ordinance No. 280 and to restate the conditions which apply to the vacation

and to repeal the remainder of the Ordinance No. 280.

WHEREAS, the City Council finds that existing sanitary sewer and water lines, serving Fox Chase I, to the west of the subject site, traverse through the subject plat. Therefore, First Interstate Bank has provided the City of Wilsonville with permanent utility easements by separate instrument for said sanitary sewer and water lines, said easements are not intended to be vacated; and

WHEREAS, the City Council finds the existing Willamette Village plat includes right-of-way for a portion of Willamette Way Drive East, which serves the existing developed properties to the west. Therefore, this roadway is not to be vacated by this ordinance and is not included in the description for the subject vacation; and

WHEREAS, the City Council finds there are existing gas line and power line easements which must be maintained along the east right-of-way line of Willamette Way Drive East, and are not intended to be vacated.

Further, the Council finds that there is a portion of the existing tract "D" of the plat of Willamette Village that lies under the BPA power line easement and is to remain as a tract of common land and easement for BPA power lines, and is not intended to be vacated; and

WHEREAS, the City Council finds the following described parcel to be the portion of the plat of Willamette Village to be vacated:

A parcel of land located in the northeast 1/4 section of Section 22, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, described as follows:

Beginning at the intersection of the easterly right-of-way of Willamette Way East (a 50 foot right-of-way) as established by the plat of Willamette Village (a duly recorded plat filed with Clackamas County Plat Records, May 11, 1987, Volume 78, page 7) and the southerly right-of-way line of Wilsonville Road (a 60.00 foot right-of-way), also known as Market Road No. 6, said point beginning bears west (N90 00 00 W) 1996.07 feet and south (S00 00 00 W) from the northeast corner of said section 22, marked by a 5/8" iron rod; thence N52 43 59 E along the said southerly right-of-way line of Wilsonville Road a distance of 1060.49 feet to a 5/8" iron rod marking the most northeasterly corner of tract "C" the said plat of Willamette Village; thence S6 24 30 E along the east boundary of said plat of Willamette Village a distance of 1055.90 feet to the most southeast corner of said plat of Willamette Village; thence S75 50 57 W along the southerly boundary of said plat of Willamette Village a distance of 804.76 feet to the southwest corner of Lot 20, Block 1 of the plat of Willamette Village marked by a 5/8" iron rod; thence S10 48 35 E along the east boundary of tract "D" of said plat of

Willamette Village a distance of 358.00 feet to the southwest corner of said tract "D" , marked by a 5/8" iron rod; thence S68 40 00 W along the south line of said tract "D" a distance of 66.11 feet to a point on the east right-of-way of the aforesaid Willamette Way East, marked by a 5/8" iron rod; thence N10 48 35 W along the said east right-of-way of Willamette Way East a distance of 997.28 feet to the point of beginning of this description.

Containing 17.864 acres more or less according to the bearings dimensions given on the said plat Willamette Village and a survey of record prepared for minor partition purposes of the subject site by Burton Engineering.

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

- A. The plat of Willamette Village as described in the recitals above is hereby vacated except those easements and right-of-ways described in the above recitals.
- B. Ordinance no. 280, enacted by the Council of the City of Wilsonville on October 7, 1985 and recorded in Clackamas County Deed Records October 29, 1985 Fee No. 85 38631 is amended in conformance with this ordinance, and any provision of Ordinance No. 280 which is not in conformance with this ordinance

is repealed.

SUBMITTED to the Wilsonville City Council and read the first and second time at a regular meeting thereof on the 2nd day of February, 1987, commencing at the hour of 7:30 o'clock p.m. at the Wilsonville City Hall.

Vera A. Rojas

VERA A. ROJAS, City Recorder

ENACTED by the Council on the 2nd day of February, 1987, by the following votes: YEAS: 4 NAYS: 0.

Vera A. Rojas

VERA A. ROJAS, City Recorder

DATED and signed by the Mayor this ___ day of February, 1987.

William E. Stark

WILLIAM E. STARK, Mayor

Summary of Votes:

Mayor Stark: Aye
Councilor Gardiner: Aye
Councilor Clark: Aye
Councilor Edwards: Abstain
Councilor Stokes: Aye