

**AFFIDAVIT OF POSTING
ORDINANCE CB-0-127-89**

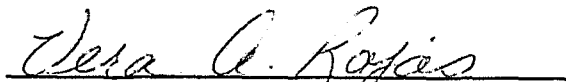
STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
)
)
)
)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 13th day of September, 1989, I caused to be posted copies of the attached Ordinance CB-O-127-89, an Ordinance amending Ordinance No. 335 and declaring an area of public right-of-way to be vacated and incorporated into the duly recorded plat of "Wilsonville Meadows", in the City of Wilsonville, Clackamas County, Oregon, and declaring an emergency, in the following four public and conspicuous places of the City, to wit:

- WILSONVILLE CITY HALL
- WILSONVILLE POST OFFICE
- LOWRIE'S FOOD MARKET
- KOPPER KITCHEN

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 18th day of September, 1989.


VERA A. ROJAS, City Recorder

Subscribed and sworn to before me
this 3rd day of October, 1989.


NOTARY PUBLIC, STATE OF OREGON

My Commission expires: 8-23-93

ORDINANCE NO. 357

AN ORDINANCE AMENDING ORDINANCE NO. 355 AND DECLARING AN AREA OF PUBLIC RIGHT-OF-WAY TO BE VACATED AND INCORPORATED INTO THE DULY RECORDED PLAT OF "WILSONVILLE MEADOWS" IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, AND DECLARING AN EMERGENCY.

WHEREAS, City of Wilsonville Ordinance No. 355 has previously vacated the public right-of-way commonly known as Angel Street with the certain condition that suitable access to the Boeckman Creek Sanitary Sewer Trunkline be provided; and

WHEREAS, the description of that vacation contained in Exhibit "A" and "B" of Ordinance No. 355 was incorrect; and


WHEREAS, the City of Wilsonville is not retaining any easements or easement rights over the vacated area; and

WHEREAS, the current location of Angel Street right-of-way is prohibiting the legal recording of the "Wilsonville Meadows" plat and is creating a hardship for the Robert Randall Company.

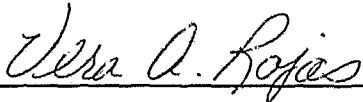
NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. That the portion of public right-of-way as described in attached Exhibits "A" and "B" shall be vacated subject to the provisions by Robert Randall Company of a substituted access provided in the duly recorded plat of "Wilsonville Meadows".
2. That it being determined by the Wilsonville City Council an emergency exists, this Ordinance shall take effect immediately upon final reading and passage by the Wilsonville City Council.

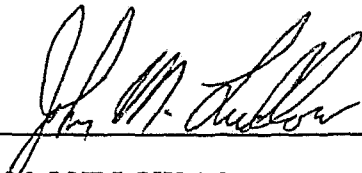
SUBMITTED to the Wilsonville City Council for first and second reading at a regular meeting thereof on the 18th day of September, 1989, commencing at the hour of 7:30 o'clock p.m. at the Wilsonville City Hall.


VERA A. ROJAS, City Recorder

ENACTED by the City Council on the 18th day of September, 1989 by the following votes: YEAS: 5 NAYS: 0.


VERA A. ROJAS, City Recorder

DATED and signed by the Mayor this 22nd day of September, 1989.


JOHN M. LUDLOW, Mayor

SUMMARY of Votes:

Mayor Ludlow	<u>AYE</u>
Councilor Edwards	<u>AYE</u>
Councilor Chandler	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Dant	<u>AYE</u>

EXHIBIT "A"

A public right of way 50.0 feet in width, being situated in the Northeast quarter of Section 13, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, County of Clackamas and State of Oregon, and being out of that certain tract of land conveyed to Louis H. Bruck, et ux, as described in Book 432, page 532, Deed Records of Clackamas County, Oregon, the center line of said roadway being more particularly described as follows, to-wit:

Beginning at a point which bears North 89°41'30" East along the Northerly boundary of said Louis H. Bruck tract 645.00 feet from the Northwest corner of said Bruck tract; thence leaving said Northerly boundary, South 0°32' West parallel with the North-South center line of said Section 13, 989.80 feet to the true place of beginning; from said place of beginning; thence North 89°52' East (parallel with the Southerly boundary of said Louis H. Bruck, et ux, tract) 1255.00 feet, more or less, to the intersection of the Northwesterly boundary of Market Road No. 12, also known as Wilsonville Road.

2.68Ac

N 89° 44' E 1906.67'

12' BRIDLE PATH

1800
2791Ac
--1762.6' by deed--

401
1.65Ac

EXHIBIT "B"

3-23

P.S. 7490

Portion of public right-of-way to be vacated

PUBLIC ROAD

1801
21.63Ac

P.S. 684

300
21.00 Ac.

1802
0.50Ac

200
3.80

MARKET ROAD

MAP # 3 1W 13A

N. LINE DANIEL MINKLER

DLC

44


1154.35' 1166.7' by 4
109° 25' E (640)



City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E • PO Box 220
Wilsonville, OR 97070
(503) 682-1011

COMMUNITY DEVELOPMENT DEPARTMENT
MEMORANDUM

DATE: SEPTEMBER 18, 1989
TO: HONORABLE MAYOR AND CITY COUNCILORS
THROUGH: PETE WALL, CITY MANAGER
FROM: STEVE STARNER, COMMUNITY DEVELOPMENT DIRECTOR 
SUBJECT: ORDINANCE CB-0-127-89

Following the Council's action to approve Ordinance No. 355, as recommended by City staff, Larry Ball, Title Examiner, noted that the Exhibits prepared by the Randall Co. and attached to the Ordinance described the ground abutting Angel Street rather than describing the right-of-way as intended. Mr. Bell also indicated that in order to clear the title of any restrictions, the vacation Ordinance needed to contain language stating that the City was not reserving any easements in the vacated right-of-way (see Exhibit No. 1).

Ordinance CB-0-127-89 contains the appropriate amendments outlined above. The Ordinance also contains an emergency clause, intended to expedite the recording process.

RECOMMENDATION: Approve Ordinance CB-0-127-89
as presented.

ss:pjm
pc File



EXHIBIT NO.1

First American Title Insurance Company of Oregon

An assumed business name of TITLE INSURANCE COMPANY OF OREGON

310 S.W. FOURTH AVENUE, PORTLAND, OR 97204-2376
(503) 222-3651 • FAX (503) 222-7274

August 30, 1989

Steven E. Starner
Community Development Director
City of Wilsonville
30000 S.W. Town Center Loop E
P.O. Box 220
Wilsonville, Oregon 97070

Re: Angel Street Vacation

Dear Mr. Starner:

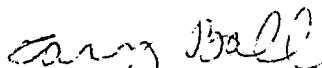
Per our telephone conversation this A.M. I am sending you a new legal description and map depicting the street to be vacated by ordinance of the City of Wilsonville in September.

As I indicated, we need to have language inserted in the new ordinance stating that the City is not retaining any easements or easement rights over the vacated area.

I will look forward to receiving your letter confirming our conversation this morning. Again I thank you for your help in clearing up this potential problem.

Sincerely,

FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON


LARRY BALL
Title Examiner

CS:cp

Enclosure

