

RESOLUTION NO. 917

A RESOLUTION INITIATING THE VACATION OF A STREET RIGHT-OF-WAY ON PROPERTY OWNED BY THE TANDY CORPORATION ADJACENT TO TOWN CENTER LOOP WEST AND SETTING A PUBLIC HEARING DATE

WHEREAS, a city governing body may initiate vacation proceedings as authorized by ORS 271.080 upon reception of a petition from the property owner(s); and

WHEREAS, the TANDY CORPORATION has filed a petition and a request to vacate real property described in Exhibits A and A-1 which are attached hereto; and

WHEREAS; the Wilsonville Planning Commission has approved the Master Plan for "Project Thunder" (Casefile No. 91PC43) and, in doing so, the Commission added a condition of approval requiring final approval of the City Council for the location of the proposed access to Town Center Loop West and for the vacation of the street right-of-way; and

WHEREAS; the TANDY CORPORATION has deposited monies with the City that will be sufficient to cover the cost of publication, posting and other expenses; and

WHEREAS; the Wilsonville City Council finds that this is the appropriate time to address TANDY'S request.

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

- (1) The City Recorder shall publish and post the public notice required by ORS 271.110 - Notice of Public Hearing; and
- (2) A public hearing shall be scheduled for July 20, 1992 at the Wilsonville Community Development Hearings Room.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof the 15th day of June, 1992 and filed with the Wilsonville City Recorder this same day.



GERALD A. KRUMMEL, Mayor

ATTEST:

Vera A. Rojas

VERA A. ROJAS, CMC/AAE, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Chandler	<u>AYE</u>
Councilor Carter	<u>AYE</u>
Councilor Lehan	<u>AYE</u>
Councilor Van Eck	<u>ABSENT</u>

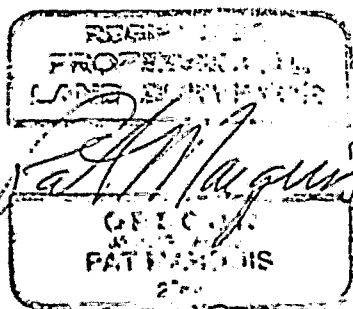
Exhibit "A" & "A1"

VACATION
LEGAL DESCRIPTION

A parcel of land being the combined total of two tracts described in Road Dedications recorded in Recorders Fee 86-44957 and 86-44959 of the Clackamas County Deed Records and situated in the southeast quarter of Section 14 in Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Said parcel of land being more particularly described as follows:

COMMENCING at the East one-quarter corner of Section 14, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon and running thence South 00°03'01" West along the section line common to Sections 13 and 14 a distance of 327.26 feet to a point on the Southerly right-of-way line of Town Center Loop Road West; thence South 89°49'25" West 281.18 feet along said southerly right-of-way line to the centerline of the vacated road right-of-way called Market road No. 27 per City of Wilsonville Ordinance #303; thence leaving said southerly right-of-way line and tracing said Market road centerline South 38°37'19" West 991.85 feet to the northerly line of that certain tract described in deed to the City of Wilsonville in Recorder's Fee 86-44957 and the TRUE POINT OF BEGINNING: thence tracing the southeasterly line of said tract per Fee 86-44957 and continuing along the southeasterly line of that certain tract described in Deed to the City of Wilsonville recorded November 12, 1986 in Recorders Fee 86-44959 of the Clackamas County Deed Records South 38°37'19" West 51.22 feet to the southerly line of said tract per Fee 86-44959; thence tracing said southerly line South 89°58'19" West 72.56 feet to a point of curvature; thence tracing the arc of a 30.00 foot radius curve to the left through a central angle of 90°00'41' an arc distance of 47.13 feet (the long chord bears South 44°57'58" West 42.43 feet) to a point of cusp on the easterly right-of-way line of Town Center Loop Road West (a 72.00 foot wide road right-of-way) as described in dedication to the City of Wilsonville in Deed recorded May 31, 1984 in Recorder's Fee 84-18317; thence tracing said easterly right-of-way line North 00°02'22" West 100.00 feet to a point of cusp; thence leaving said easterly right-of-way line and tracing a curve return described in Deed per Fee 86-44957 along the arc of a 30.00 foot radius curve to the left (the radial center bears North 89°57'38" East) through a central angle of 89°59'19" an arc distance of 47.12 feet (the long chord bears South 45°02'02" East 42.42 feet) to a point of tangency; thence tracing the northerly line of said tract per Fee 86-44957 North 89°58'19' East 104.56 feet to the TRUE POINT OF BEGINNING.

Containing 5,129 square feet or 0.12 acres.



VACA. LEG
755-0203
04/23/92



1"=50'

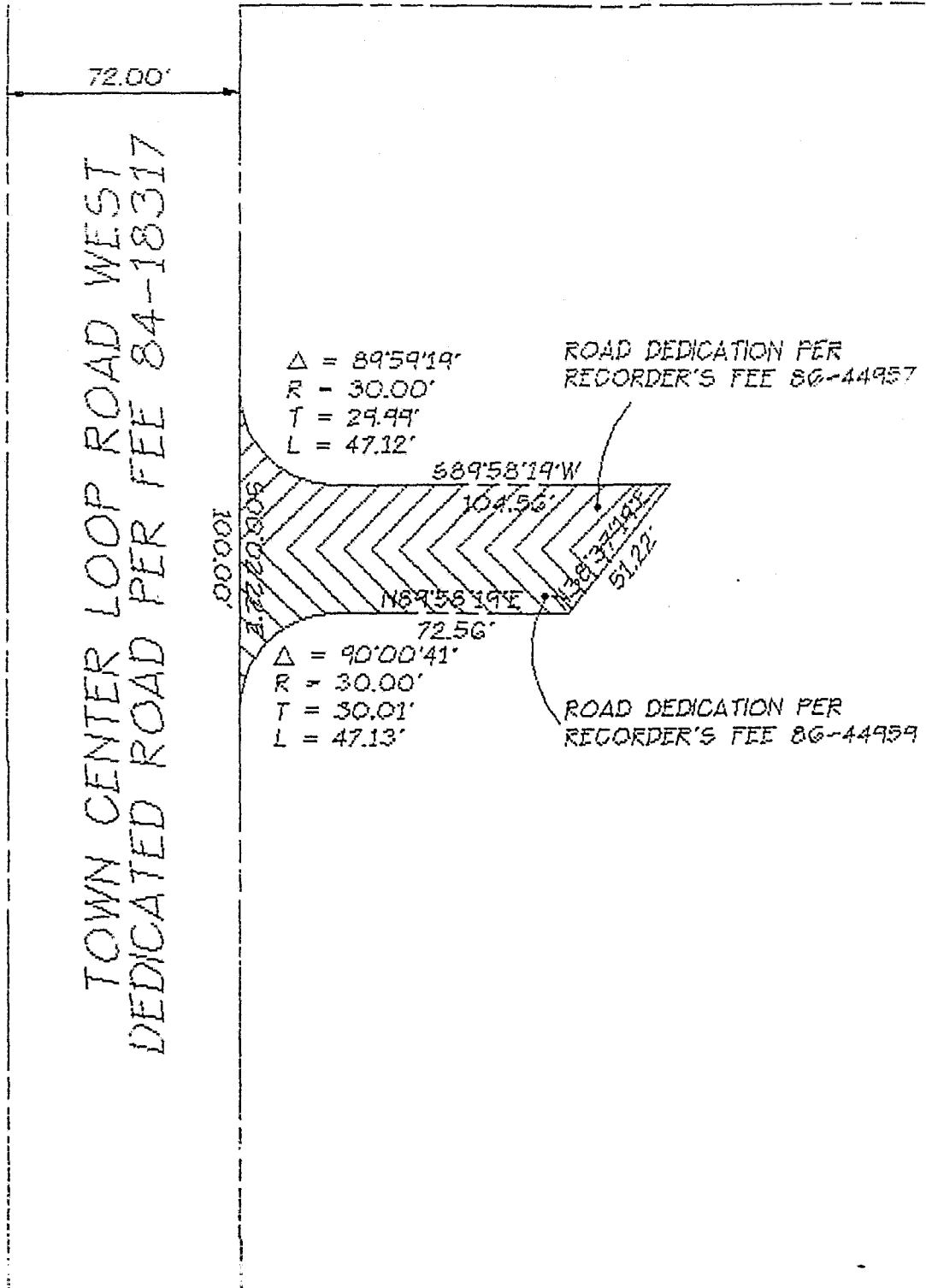
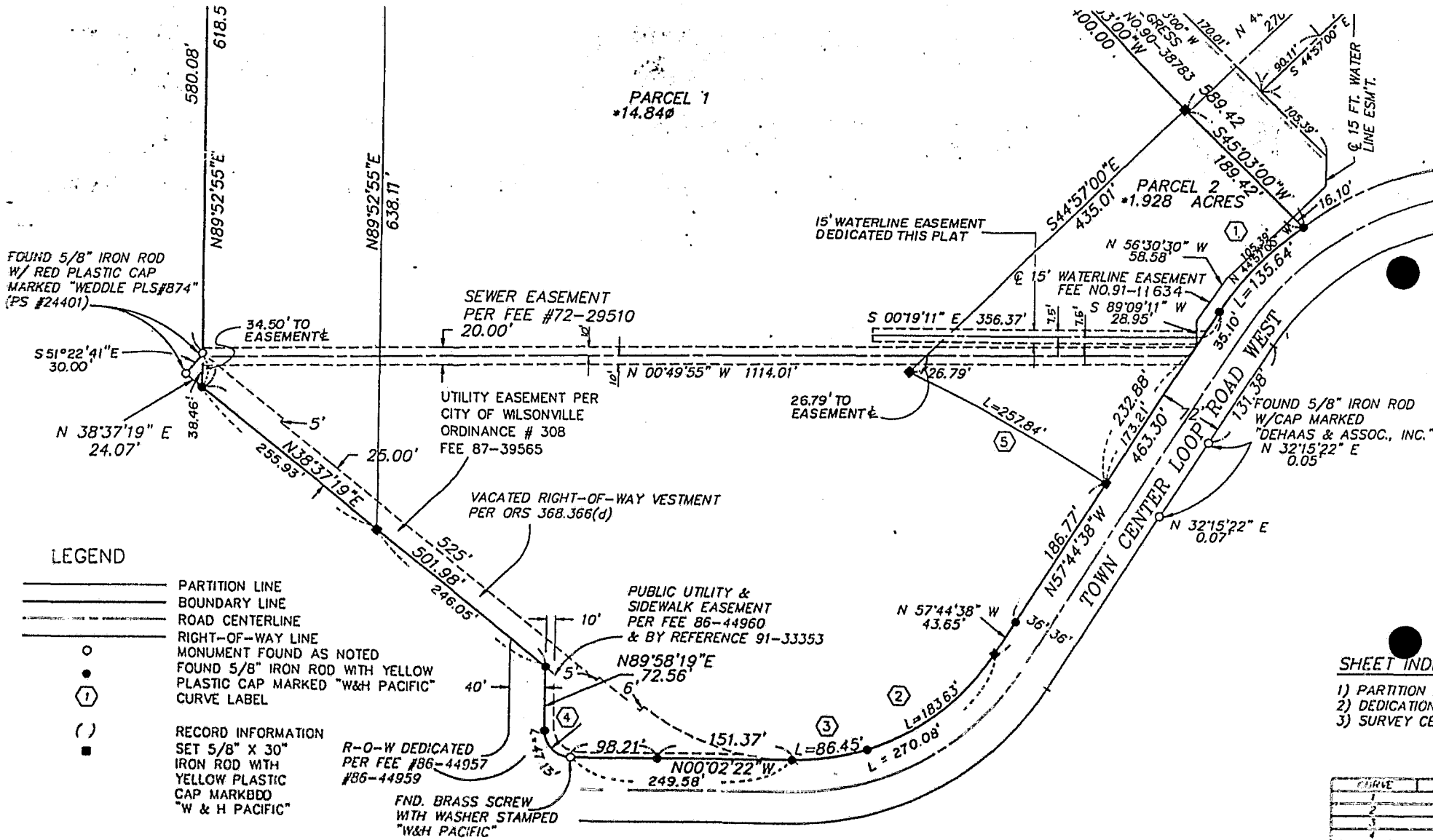


EXHIBIT MAP 'A1'
for
TOWN CENTER VACATION



SHEET INDEX

- 1) PARTITION PL
- 2) DEDICATION,
- 3) SURVEY CER

CURVE	1	2	3	4
1	14.84	1.928		
2				
3				
4				



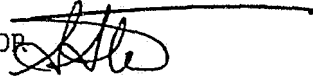
GRAPHIC SCALE
1" = 100'

*Jim FYI reu EJ
(map legal for your review)*

DATE: MAY 13, 1992

TO: ELDON JOHANSEN, P.E., COMMUNITY DEVELOPMENT DIRECTOR

FROM: STEVE STARNER, PUBLIC WORKS DIRECTOR



RE: TANDY PROJECT-STREET RIGHT-OF-WAY AND ACCESS VACATION

ON MAY 1, 1992, THE ATTACHED PACKET OF MATERIALS PERTAINING TO THE ABOVE REFERENCED WERE HAND DELIVERED TO MY OFFICE. THE PACKET CONTAINED A CHECK TOTALING \$300.00 WHICH COVERS THE AMOUNT REQUIRED FOR A VACATION PROCEEDINGS DEPOSIT. RECENT BUDGET PREPARATION DUTIES HAVE PRECLUDED ME FROM PREPARING THE NECESSARY WRITTEN MATERIALS FOR CITY COUNCIL SUBMITTAL AND ACTION. THEREFORE, IN ORDER TO PROCESS THE ATTACHED VACATION PETITION IN A TIMELY MANNER, I SUGGEST WE ADOPT THE FOLLOWING SCHEDULE OF TASKS:

1. MAY 14-MAY 22:

CONFIRM THAT THE LEGAL DESCRIPTIONS AND EXHIBIT MAPS ARE ACCURATE AND CORRECT.

Checked 5/21/92 Jim

HAVE WAYNE S. DRAFT A MEMO CONFIRMING THAT THE VACATION PETITION HAS BEEN SUBMITTED IN ACCORDANCE WITH PLANNING COMMISSION CONDITIONS OF APPROVAL.

DRAFT A RESOLUTION INITIATING THE VACATION PROCESS AND SETTING A DATE FOR A PUBLIC HEARING.

SUBMIT ALL DOCUMENTS TO THE CITY RECORDER FOR COUNCIL ACTION ON JUNE 1, 1992.

2. JUNE 4, 1992: SEND NOTICE OF PUBLIC HEARING TO THE WILSONVILLE SPOKESMAN FOR PUBLICATION ON JUNE 10 AND JUNE 17.

3. JUNE 15, 1992: POST NOTICE OF PUBLIC HEARING ON THE SUBJECT PROPERTY.

4. JUNE 25, 1992: SUBMIT ORDINANCE DECLARING VACATION COMPLETION FOR COUNCIL ACTION ON FIRST AND SECOND READING.

5. JULY 6, 1992: CONDUCT PUBLIC HEARING AND COMPLETE VACATION. (CITY RECORDER TO TRANSMIT ALL NECESSARY DOCUMENTS TO COUNTY FOR RECORDING.)

OK?....BE SURE AND LET ME KNOW IF I CAN BE OF HELP.



April 24, 1992

Mr. Jerry Krummel, Mayor
Honorable City Council
City of Wilsonville
3000 S.W. Town Center Loop Road East
Wilsonville, Oregon 97070

*Hand Delivered
May 1, 1992
[Signature] (#300
Deposit
Enclosed!)*

**RE: FORMAL APPLICATION FOR STREET VACATION AND DRIVEWAY RELOCATION
CONDITION NO. 20, CITY FILE 91PC43, PROJECT THUNDER**

Dear Mayor Krummel and Honorable Council Members:

The Tandy Corporation does hereby request approval to vacate existing street right-of-way and to relocate access points from those as approved in local Improvement District No. 5 to those as shown in the Stage II Master Plan for the Project Thunder site (see Exhibit 'B'). We further request that a permanent utility easement be retained over the vacated street right-of-way for existing utilities. This request is intended to satisfy the remaining portion of Condition of Approval No. 20, City of Wilsonville file 91PC43, as stated in the City of Wilsonville letter dated February 11, 1992, to Kim Beach, Capital Realty.

It is our understanding that by submitting this letter to the City, we are applying for approval to construct the drive accesses as shown on the Stage II Master Plan. We request that you review our application at your next possible City Council Meeting. The following items have also been submitted as a part of this application:

- Check for \$300 made payable to the City of Wilsonville for application fee.
- Legal Description of parcel to be vacated (Exhibit "A").
- Exhibit Map of parcel (Exhibit "A1").
- Stage II Master Plan (Exhibit "B").

The purpose of the street vacation and relocation of access points is to provide Project Thunder with more functional access points. This request when approved, will satisfy the remaining requirements of Condition 20.

On behalf of The Tandy Corporation, we look forward to working with the City in reviewing our request.

Sincerely,

W&H PACIFIC

as agent for the Tandy Corporation

I.R. Martin Jr., P.E.
Project Manager



PROPERTY OWNER'S CONSENT TO FILE STREET VACATION PETITION

We, The Tandy Corporation as the undersigned, do hereby consent to a petition for street vacation on real property owned by us, to be filed with the City of Wilsonville.

Signed this 28 day of April 1992.

THE TANDY CORPORATION

by: Rich Hollander
Title: Vice President

AUTHORIZED AGENT CONSENT

We, The Tandy Corporation as the undersigned, do hereby authorize W&H Pacific to act as our agent for the street vacation application and any necessary easements for the PROJECT THUNDER site as required by the City of Wilsonville. This consent is limited to only the above actions as required by the city in city case file 91PC43 for PROJECT THUNDER.

Signed this 28 day of April 1992.

THE TANDY CORPORATION

by: Rich Hollander
Title: Vice President

WARRANTY DEED

CAPITAL REALTY CORP., an Oregon corporation, Grantor, conveys and warrants to TANDY CORPORATION, a Delaware corporation, Grantee, the real property described in exhibit A hereto, free of encumbrances except as specifically set forth in exhibit B hereto.

The true consideration for this transfer is \$299,640.⁵⁰

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 14 day of February, 1992.

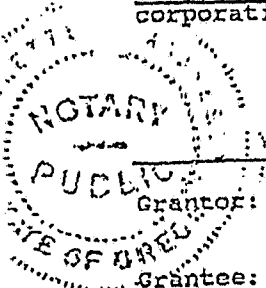
CAPITAL REALTY CORP.,
an Oregon corporation

By [Signature]
Name: Brett Wilcox
Title: President

STATE OF OREGON }
COUNTY OF Multnomah } ss

This instrument was acknowledged before me on February 13, 1992, by Brett Wilcox as President of Capital Realty Corp., an Oregon corporation.

[Signature]
Notary Public for Oregon
My commission expires: 5-21-94



Grantor: CAPITAL REALTY CORP.,
an Oregon corporation
Grantee: TANDY CORPORATION,
a Delaware corporation

Unless a change is requested, all tax statements shall be sent to Grantee at the following address:

Tandy Corporation
c/o Tandy Tax Service
1820 Two Tandy Center
P.O. Box 1643
Ft. Worth, TX 76101

CHICAGO TITLE INSURANCE CO. 8/12

EXHIBIT A

LEGAL DESCRIPTION

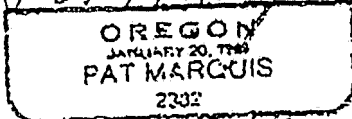
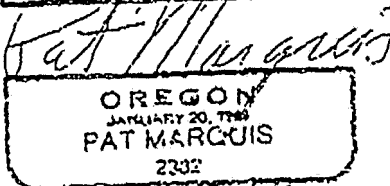
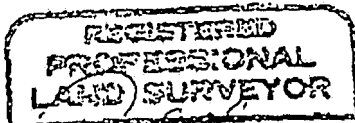
A parcel of land being a portion of Parcel 1 of Partition Plat 1991-202 of the Clackamas County Survey Records and a portion of that certain tract described in deed to Plaza Royal recorded September 5, 1980 in Recorder's Fee 80-33295 of the Clackamas County Deed Records and situated in the southeast quarter of Section 14 in Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Said parcel of land being more particularly described as follows:

COMMENCING at the southeast corner of Section 14, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon: thence North $00^{\circ}03'01''$ East along the section line between Sections 13 and 14 a distance of 1,077.07 feet to the most westerly northwest corner of Parcel 1 of Partition Plat No. 1991-164 recorded in Fee 91-48507 of the Clackamas County Plat Records and the TRUE POINT OF BEGINNING: thence leaving said section line and tracing the southeasterly line of Parcel 1 of Partition Plat 1991-202 South $45^{\circ}03'00''$ West 400.00 feet; thence leaving said southeasterly line North $44^{\circ}57'00''$ West 435.01 feet to a point of non-tangent curvature; thence tracing the arc of a 2,000.00 foot radius curve to the right (the radial center of which bears North $65^{\circ}07'50''$ West) through a central angle of $07^{\circ}23'12''$ an arc distance of 257.84 feet (the long chord bears South $28^{\circ}33'46''$ West 257.66 feet) to the northeasterly right-of-way line of Town Center Loop Road West (a 72.00 foot-wide public road right-of-way); thence tracing said northeasterly road right-of-way line North $57^{\circ}44'38''$ West 72.00 feet to a point of radial intersection with a 1,928.00 foot radius curve; thence leaving said northeasterly right-of-way line and tracing the arc of a 1,928.00 foot radius curve to the left (the radial center bears North $57^{\circ}44'38''$ West) through a central angle of $05^{\circ}32'12''$ an arc distance of 186.31 feet (the long chord bears North $29^{\circ}29'16''$ East 186.23 feet); thence South $89^{\circ}52'55''$ West 304.91 feet to a point of non-tangent curvature on the said northeasterly right-of-way line of Town Center Loop Road West; thence tracing said right-of-way line along a 268.16 foot radius curve to the right (the radial center bears North $56^{\circ}01'43''$ East) through a central angle of $33^{\circ}55'55''$ an arc distance of 158.81 feet (the long chord bears North $17^{\circ}00'19''$ West 156.50 feet) to a point of tangency; thence continuing along said right-of-way line North $00^{\circ}02'22''$ West 151.37 feet to the intersection with the southeasterly line of that certain tract as deeded to the the estate of Harold Laswell, et al, in deed recorded April 9, 1991 in recorder's fee 91-33353 of the Clackamas County Deed Records; thence tracing the westerly line of said Laswell tract, said line being common with the easterly right-of-way line of Town Center Loop Road West North $00^{\circ}02'22''$ West 98.21 feet to a point of curvature; thence leaving said westerly line of Laswell and tracing the northwesterly and northerly lines of said tract the following courses and distances: tracing the arc of a 30.00 foot radius curve to the right through a central angle of $90^{\circ}00'41''$ an arc

distance of 47.13 feet (the long chord bears North 44°57'58" East 42.43 feet) to a point of tangency; thence North 89°58'19" East 72.56 feet to the centerline of the vacated road known as Market Road No. 27 and the southeasterly line of that certain tract described in deed to the City of Wilsonville recorded November 12, 1986 in recorder's fee 86-44959 of the Clackamas County Deed Records; thence tracing said southeasterly line and continuing along the southeasterly line of that certain tract described in deed to the City of Wilsonville per Recorder's Fee 86-44957 of the Clackamas County Deed Records North 38°37'19" East 51.22 feet to the northerly line of said tract per fee 86-44959; thence tracing said northerly line South 89°58'19" West 104.56 feet to a point of curvature; thence tracing a 30.00 foot radius curve to the right through a central angle of 89°59'19" an arc distance of 47.12 feet (the long chord bears North 45°02'02" West 42.42 feet) to a point of tangency on the easterly right-of-way line of said Town Center Loop Road West as dedicated per document recorded May 31, 1984 in Recorder's fee 84-18317 of the Clackamas County Deed Records; thence leaving said northerly property line and tracing said easterly right-of-way line North 00°02'22" West 121.76 feet; thence leaving said easterly right-of-way line and tracing the following courses and distances: North 89°52'55" East 894.38 feet to a line being parallel with and 140.00 feet westerly of the said section line common to sections 13 and 14; thence tracing said parallel line South 00°03'01" West 528.73 feet; thence South 56°23'33" East 168.00 feet to the TRUE POINT OF BEGINNING.

Containing 648,809 square feet or 14.89 acres more or less.

PARCEL2.LEG
467-0302
12/03/91



1-28-92

A PORTION OF THE WITHIN DESCRIBED PROPERTY LIES WITHIN PARTITION PLAT 1992-24

EXHIBIT B
ENCUMBRANCES

1. An easement created by instrument, including the terms and provisions thereof.
Dated: JULY 2, 1971
Recorded: SEPTEMBER 28, 1972
Recorder's Fee No.: 72-29510
In Favor of: City of Wilsonville
For: Sewer lines
Affects: A 20 foot strip

2. An easement created by instrument, including the terms and provisions thereof.
Recorded: NOVEMBER 21, 1985
Recorder's Fee No.: 85-41394
In Favor of: City of Wilsonville, Oregon
For: Public utilities
Affects: 6 feet in width along that portion of Town Center Loop West Road which lies North of Tax Lot 200

3. An easement created by instrument, including the terms and provisions thereof.
Dated: NOVEMBER 5, 1986
Recorded: NOVEMBER 12, 1986
Recorder's Fee No.: 86-44958
In Favor of: City of Wilsonville, Oregon
For: Sidewalk/Public utilities
Affects: The Southerly line of Tax Lot 101

4. An easement created by instrument, including the terms and provisions thereof,
Dated: OCTOBER 31, 1986
Recorded: NOVEMBER 12, 1986
Recorder's Fee No.: 86-44960
In Favor of: City of Wilsonville, Oregon
For: Sidewalk and utilities
Affects: The Westerly portion

Said easement was also set forth in Deed;
Recorded: JULY 9, 1991
Recorder's Fee No.: 91-33353

5. Easements in vacated street area and the conditions imposed thereby.
Ordinance No.: 303
Dated: OCTOBER 6, 1986
Recorded: AUGUST 28, 1987
Recorder's Fee No.: 87-39564
And Amended by,
Ordinance No.: 308
Dated: NOVEMBER 17, 1986
Recorded: NOVEMBER 28, 1987
Recorder's Fee No.: 87-39565

A

6. Benefits and obligations of the Grantees disclosed in Agreement, including the terms and provisions thereof;

Dated: AUGUST 7, 1990
Recorded: AUGUST 8, 1990
Recorder's Fee No.: 90-38782

7. The premises herein described were included within the boundaries of the City of Wilsonville Urban Renewal Project as revealed by instrument.

Recorded: OCTOBER 12, 1990
Recorder's Fee No.: 90-51026

The terms and provisions of said instrument were modified by instrument;

Recorded: JULY 16, 1991
Recorder's Fee No.: 91-34796

8. Unrecorded Waterline Easement as disclosed by survey dated December 30, 1991 prepared by W & H Pacific, Job No. 467-0302.
(Affects a 12 inch line in approximate center of property)

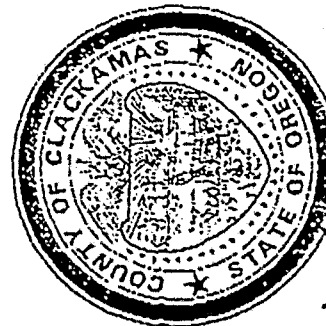
9. Easement Agreement, dated February , 1992, recorded February 14, 1992, as Fee No. 92-08573.

10. Easement Agreement, dated February , 1992, recorded February 14, 1992, as Fee No. 92-08574.

11. Planned Business Community Declaration for Wilsonville Town Center Property, dated February 14, 1992, recorded February __, 1992, as Fee No. 92-08575.

STATE OF OREGON }
County of Clackamas } ss.
I, John Kauffman, County Clerk, for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

92 FEB 14 PM 4:40



Witness my hand and seal affixed
John Kauffman
JOHN KAUFFMAN
County Clerk

Recording Certificate
OCP-04 (REV. 831)

92-08575

5