

AFFIDAVIT OF POSTING

ORDINANCE CB-0-41-85

STATE OF OREGON)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
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 14th day of August, 1985, I did cause to be posted copies of the attached Ordinance CB-0-41-85, an ordinance vacating Trask Street from the Eastern Terminus of 5th Street to I-5 Right-of-Way in the City of Wilsonville, Clackamas County, Oregon, 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 19th day of August, 1985.

Deanna J. Thom
DEANNA J. THOM, City Recorder-Treasurer:

Subscribed and sworn to before me this 20th day of August, 1985.

Vera A. Rojas
NOTARY PUBLIC, STATE OF OREGON

My commission expires: August 23, 1987

ORDINANCE NO. 279

AN ORDINANCE VACATING TRASK STREET FROM THE EASTERN TERMINUS OF 5TH STREET TO I-5 RIGHT-OF-WAY IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON; AND DECLARING AN EMERGENCY.

WHEREAS, Trask Street in the City of Wilsonville, is a dedicated public road and is identified as such on the County's map; and

WHEREAS, Don Mala, representing Pacific Horizon Real Estate, Inc., owns the property immediately bordering a portion of said Trask Street and has filed a petition with the Wilsonville City Recorder on January 15, 1982, for the vacation of said Trask Street, and appended to such petition as a part thereof and as a basis for granting the same, are the consents of the owners of all abutting property and of not less than two-thirds in the area of the real property affected thereby as defined in ORS 271.080(2); and

WHEREAS, the Wilsonville Planning Commission held a public hearing on February 14, 1983, for the consideration of said vacation of Trask Street; and

WHEREAS, the petition for vacation was found to be sufficient and scheduled to come before the City Governing body at a meeting thereof on June 3, 1985, and the property owners were duly

notified of that fact; and

WHEREAS, the Wilsonville City Council, as the City's governing body, at its meeting on July 15, 1985, considered said petition and allowed it subject to certain conditions, and fixed Monday, July 15, 1985, at the City Council Chambers at Wilsonville City Hall, 30000 Town Center Loop East, Wilsonville, Oregon, commencing at 7:30 p.m. as the time and place for a formal hearing upon the petition; and

WHEREAS, it appears that the notice of the time, place and purpose of the vacation hearing was duly and regularly given in the manner and for the time required by ORS 271.110(1) (2), and before such posting and publication of said notice, the City Recorder obtained from the petitioners, the sum of three hundred dollars (\$300) which was estimated to be sufficient to pay the city's actual costs of publication, postings and other anticipated expenses including the city's attorneys fees as provided by ORS 271.110(3); and

WHEREAS, the formal and public hearing on the question of such vacation was duly and regularly held at the time and place advertised and no one appeared either in person or otherwise to object to or remonstrate against the request and proposed vacation and thereafter, the Council concluded as follows:

1. The written and acknowledged consents of all abutting property owners of not less than two-thirds of all

property owners and/or contract purchasers of the real property affected by the vacation have been obtained.

2. The required notice of the request for vacation was given.
3. The public interest will not be prejudiced by the proposed vacation.
4. All City liens and all taxes have been paid on the land which is vacated.
5. The vacation will not substantially affect the market value of the abutting properties and no damages are payable.
6. The proposed use is consistent with the present use of the adjoining property, the use for the zone in which it is located, and the City's interim development plan for the area.

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

Section 1. The portion of Trask Street in Wilsonville, Clackamas County, Oregon, described as follows, shall be vacated and the vacation thereof shall be effective on the adoption of this ordinance after second and final reading as provided by the Wilsonville Charter:

Beginning at a point opposite and 100 feet Westerly of Engineer's Station "SB" 55+95.63 on the center line of the relocated Pacific Highway (formerly the Portland-Hubbard Highway); thence South 84° 15' 34" West along

the Northerly line of said property 272.15 feet, more or less, to the Northwest corner of said property and being on the compromise line as recorded in Book 110, Page 228 of Deed Records of said County and State, and the true point of beginning; thence North 84° 15' 34" East 44.06 feet; thence along the arc of a 45.00 foot radius curve to the right (the long chord of which bears 52° 05' 11" West 55.88 feet) 60.29 feet to said compromise line; thence North 00° 28' 00" East along said compromise line 29.93 feet to the true point of beginning.

Section 2. That the title to the street area vacated shall attach to the land bordering on such area as provided by ORS 271.140.

Section 3. The following conditions set forth at the public hearing shall be completed as follows:

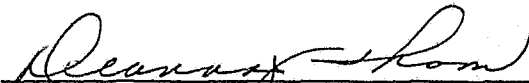
- a) A cul-de-sac shall be developed at the eastern terminus of 5th Street.
- b) A fence and gate will be provided on the perimeter of the State Highway Department property.
- c) Curb cuts to abutting property will be provided from the cul-de-sac.

Section 4. That upon final reading and enactment of this ordinance, the Wilsonville City Recorder shall prepare and file for record with the Clackamas County Recorder, a certified copy of this ordinance with the Clackamas County Assessor and the Clackamas County Surveyor as required by the provision of ORS 271.150.


Section 5. It being deemed by the Wilsonville City Council

that an emergency exists, this ordinance shall take affect immediately upon its final reading and passage by the City Council.

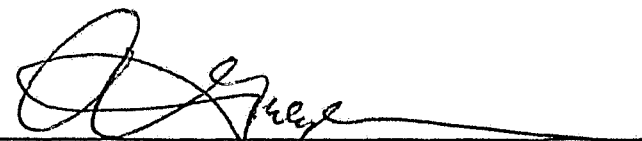
SUBMITTED to the Council and read the first time at a regular meeting thereof on the 5th day of August, 1985, and scheduled for second reading at a regular meeting of the Council on the 19th day of August, 1985, commencing at the hour of 7:30 o'clock p.m. at the Wilsonville City Hall.


DEANNA J. THOM, City Recorder

ENACTED by the Council on the 19th day of August, 1985, by the following votes: YEAS 3 NAYS 0.


DEANNA J. THOM, City Recorder

DATED and signed by the Mayor this 21st day of August, 1985.


A. G. MEYER, Mayor