

**AFFIDAVIT OF POSTING
ORDINANCE CB-0-102-87**


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 2nd day of November, 1988, I caused to be posted copies of the attached Ordinance CB-O-102-87, an Ordinance declaring a portion of Brown Road to be vacated and incorporated into the duly recorded plat of "Parkwood Estates", Lots 7 through 33, inclusive, Block 2; Lots 11 and 12, Block 3; and Lot 6, Block 4; 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 7th day of November, 1988.



VERA A. ROJAS, City Recorder

Subscribed and sworn to before me
this 18 day of November, 1988.



NOTARY PUBLIC, STATE OF OREGON

My Commission expires: 8-23-89

ORDINANCE NO. 334

AN ORDINANCE DECLARING A PORTION OF BROWN ROAD TO BE VACATED AND INCORPORATED INTO THE DULY RECORDED PLAT OF "PARKWOOD ESTATES", LOTS 7 THROUGH 33, INCLUSIVE, BLOCK 2; LOT 11 AND 12, BLOCK 3; AND LOT 6, BLOCK 4; IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON.

WHEREAS, the L. A. Development Company has filed with the City a petition setting forth a description of the ground proposed to be vacated as attached in Exhibit "A"; and

WHEREAS, the purpose for which the ground is proposed to be used is single-family development, lots 28, 29, 30, 31, 32 and 33 of the Parkwood Estates Subdivision; and

WHEREAS, the reason for the vacation is to reduce the total area of City of Wilsonville maintenance responsibilities in the Brown Road right-of-way; and

WHEREAS, the Wilsonville Planning Commission, duly published notice and held a public hearing on July 11, 1988, and recommended approval of the petition for vacation; and

WHEREAS, a notice has been re-published in the City's official newspaper, the Canby Herald, once each week for four consecutive weeks, describing the ground covered by the petition, giving the date it was filed, the name of the petitioner and the date of November 7, 1988, at the regular meeting of the City Council at the Wilsonville City Hall, 30000 SW Town Center Loop East, when the petition and any objection or remonstrance will be heard and considered; and

WHEREAS, within five days after the first day of publication of the notice for a

public hearing on the matter, a copy of the notice was posted on the property concerned in two conspicuous places; and

WHEREAS, a sum sufficient to cover the cost of publication, posting and other anticipated expenses has been deposited with the City.

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

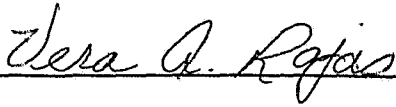
- A. The City, having duly conducted a public hearing for the second reading of this ordinance and for remonstrations November 7, 1988, and hearing no objections to the proposed vacation, and finding the applicable conditions of ORS 271.120 have been met, that portion of Brown Road as described in Exhibit "A" shall be vacated to the property immediately adjacent to the west of the vacated property, and the vacation thereof shall be effective on the adoption of this ordinance.
- B. The City Council declares that due to an error in publication, the notice of hearing had to be re-published, causing a delay in adopting this Ordinance and development of fencing the land adjacent to the vacated property. The Council further declares that an emergency exists as time is of the essence and the welfare of the public is benefited by this Ordinance going into effect immediately.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 19th day of September, 1988, and scheduled for second reading at a regular meeting of the City Council on the 7th day of November, 1988, commencing at the hour of 7:30 o'clock p.m. at the Wilsonville City Hall.



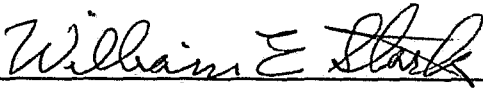
VERA A. ROJAS, City Recorder

ENACTED by the Wilsonville City Council at a regular meeting thereof this 7th day of November, 1988, by the following votes: YEAS: 5 NAYS: 0.



VERA A. ROJAS, City Recorder

DATED and signed by the Mayor this 7th day of November, 1988.



WILLIAM E. STARK, Mayor

SUMMARY of Votes:

Mayor Stark	<u>AYE</u>
Councilor Edwards	<u>AYE</u>
Councilor Braymen	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Jameson	<u>AYE</u>

CITY


OF

Wilsonville

30000 S.W. Town Center Loop E. • P.O. Box 220 • 503-682-1011

Wilsonville, Oregon 97070

COMMUNITY DEVELOPMENT DEPARTMENT
MEMORANDUM

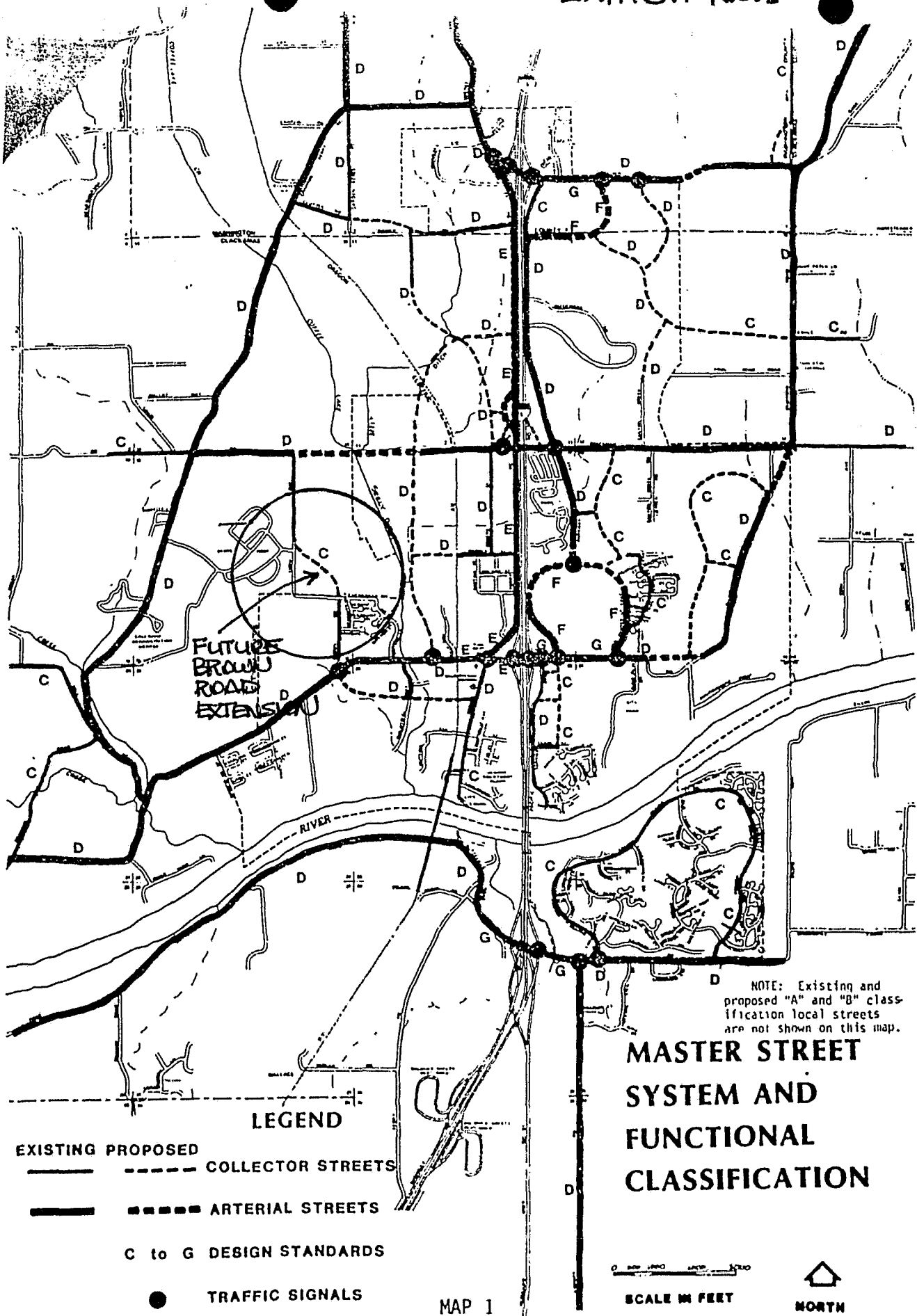
DATE: NOVEMBER 3, 1988
TO: HONORABLE MAYOR AND CITY COUNCILORS
THROUGH: PETE WALL
CITY MANAGER
FROM: STEVE STARNER 
COMMUNITY DEVELOPMENT DIRECTOR
RE: BROWN ROAD VACATION

Ordinance No. CB-0-102-88, declaring a vacation for a portion of Brown Road, was introduced and read for the first time following a public hearing on September 19, 1988. Since ORS requires the governing body to formally set a public hearing date during the vacation process, a new public hearing and second reading of the vacating ordinance was scheduled for November 7, 1988. The notification requirements for the vacation process have been completed.

There were no opponents to the Brown Road vacation during the public hearing held on September 19. Since that time, one concern has been received regarding the sight distance limitations on Brown Road as it intersects with Evergreen Street (exhibit No. 2). Our engineering staff have reviewed the sight limits on the corner of Brown Road and concur with the concern expressed by the citizen. Ideally, the sight distance issue ought to have been addressed during the recordation process of the 1978 plat. As it stands today, the Parkwood Estates homes, landscaping and fences lining Brown Road will have a negative effect on the sight distance regardless of the vacation process. The City's transportation master plan (exhibit No. 1) identifies a north extension for Brown Road, thereby creating an intersection that will warrant appropriate traffic control and eliminate the sight-distance hazard.

ss:md

cc: Inter-Office Communications - Administration



FUTURE BROWN ROAD EXTENSION

NOTE: Existing and proposed "A" and "B" classification local streets are not shown on this map.

MASTER STREET SYSTEM AND FUNCTIONAL CLASSIFICATION

LEGEND

- EXISTING PROPOSED
- - - - - - COLLECTOR STREETS
- - - - - - ARTERIAL STREETS
- C to G DESIGN STANDARDS
- TRAFFIC SIGNALS



SCALE IN FEET

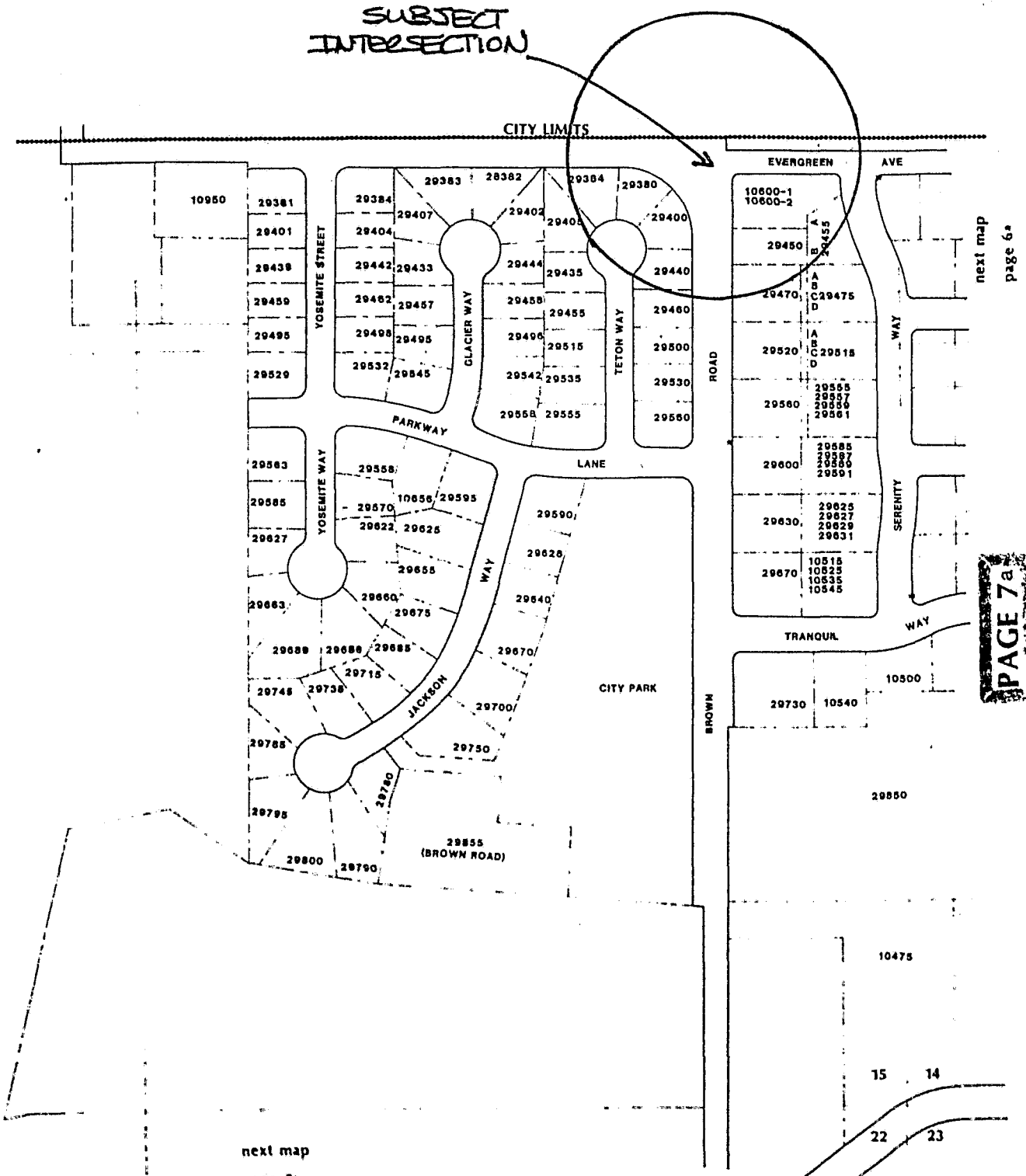


NORTH

MAP 1

EXHIBIT NO. 2

SUBJECT INTERSECTION



next map page 6

PAGE 7 a

next map page 8

CITY

OF

Wilsonville

30000 S.W. Town Center Loop E. • P.O. Box 220 • 503-682-1011


Wilsonville, Oregon 97070

COMMUNITY DEVELOPMENT DEPARTMENT
MEMORANDUM

DATE: SEPTEMBER 14, 1988

TO: HONORABLE MAYOR AND CITY COUNCILORS

THROUGH: PETE WALL
CITY MANAGER

FROM: STEVE STARNER 
COMMUNITY DEVELOPMENT DIRECTOR

RE: BROWN ROAD VACATION

In April, 1988 Mr. Louis Fasano, representing the L.A. Development Company, suggested vacating a portion of the tapered property segment separating his subdivision development and the sidewalk on the west side of Brown Road, (see Exhibit "B"). Although a five foot wide property segment west of the sidewalk must be reserved for the placement of gas, phone and electric utilities, any right-of-way property further to the west that currently does not lie within the subdivision would best be maintained by the future residential lot owner. The Parkwood Estate Subdivision will be bordered on the north and east by a fence. Since the fence will not directly abut the sidewalk, the unlandscaped area that isn't within the subdivision will remain a right-of-way maintenance concern of the City, similar to the maintenance concern encountered by the City on the north side of the Fox Chase subdivision along Wilsonville Road. By enacting the attached ordinance, the City's net maintenance liability will be reduced by approximately 0.09 acres.

ss:md

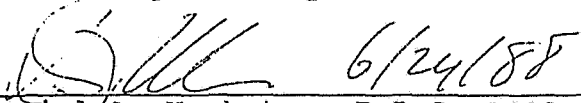
cc: Inter-Office Communications - Administration
Project file

LEGAL DESCRIPTION FOR
VACATION OF A PORTION OF
BROWN ROAD

150
A strip of land of variable width located in the Robert V. Short D.L.C. in the southeast quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, State of Oregon, County of Clackamas and City of Wilsonville, more particularly described as follows:

Beginning at the corner common to Lot 27 and Lot 28, Block 2 of Parkwood Estates, a duly recorded plat in the County of Clackamas; thence tracing the northeasterly line of said Lot 27 along the arc of a curve to the left whose radius point bears South $49^{\circ}31'26''$ West 125.00 feet, through a central angle of $3^{\circ}25'43''$ an arc length of 7.48 feet (chord bears North $42^{\circ}11'25''$ West 7.48 feet) to a point of cusp; thence leaving said northeasterly line along a curve to the right whose radius point bears South $43^{\circ}04'47''$ West 140.00 feet through a central angle of $46^{\circ}50'28''$ an arc length of 114.46 feet (chord bears South $23^{\circ}29'59''$ East 111.29 feet) to a point of tangency; thence South $00^{\circ}04'45''$ East parallel to and 30.58 feet westerly of when measured at right angles to the centerline of Brown Road as shown on said plat of Parkwood Estates, a distance of 329.43 feet to a point of curvature; thence along the arc of a 20.00 foot radius curve to the right through a central angle of $90^{\circ}00'00''$ an arc length of 31.42 feet (chord bears South $44^{\circ}55'15''$ West 28.28 feet) to a point of tangency; thence South $89^{\circ}55'15''$ West 9.42 feet to a point of cusp; thence along a curve to the left whose radius point bears North $00^{\circ}04'45''$ West 20.00 feet; through a central angle of $90^{\circ}00'00''$ an arc length of 31.42 feet (chord bears North $44^{\circ}55'15''$ East 28.28 feet) to a point of tangency; thence along the east line of Lots 33, 32, 31, 30, 29, and 28, Block 2 of said Parkwood Estates plat North $00^{\circ}04'45''$ West 345.00 feet to a point of curvature on the easterly line of said Lot 28;

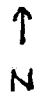
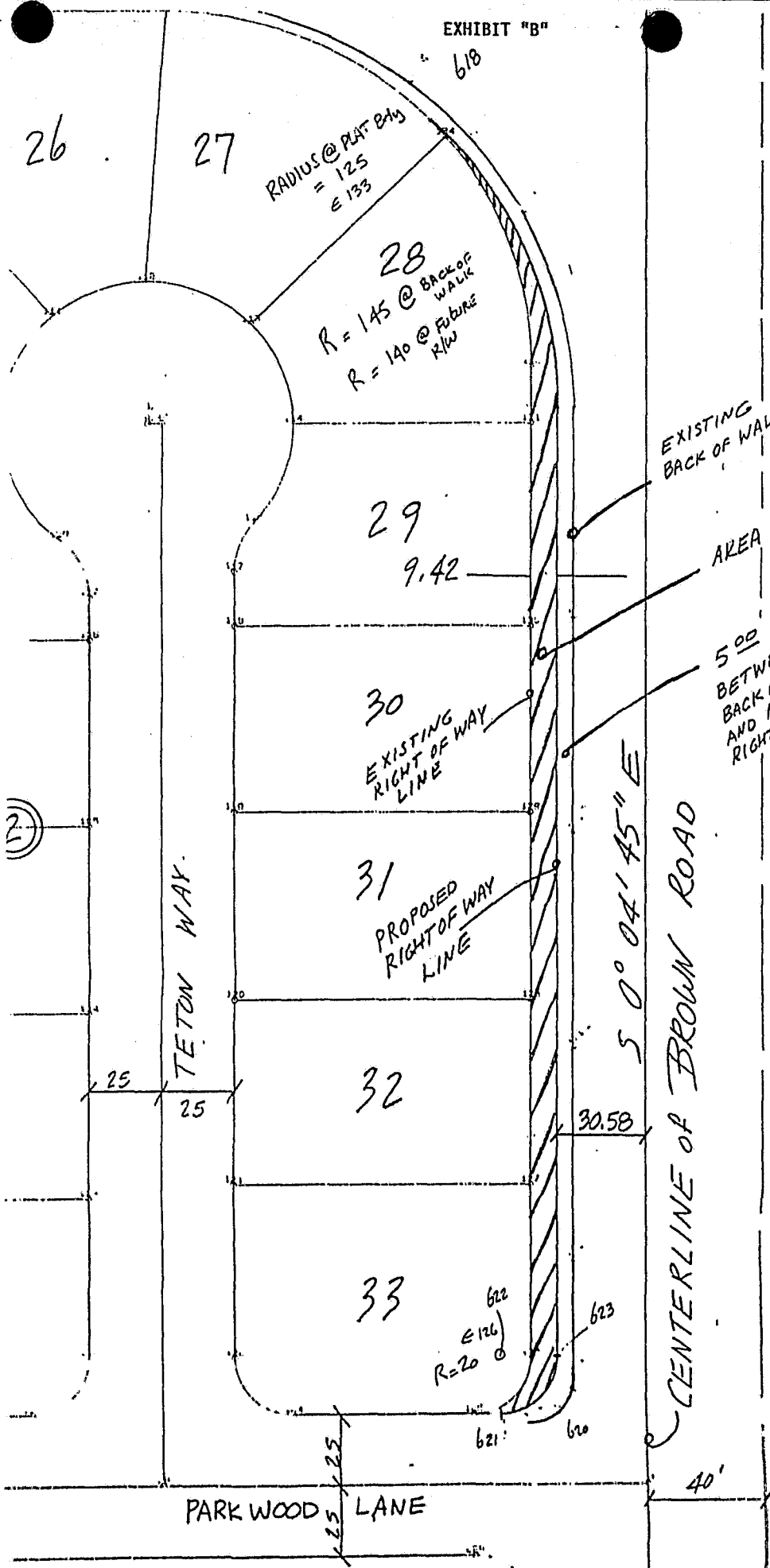
thence tracing said easterly line along the arc of a
125.00 foot radius curve to the left through a central angle of
40°23'49" an arc length of 88.13 feet (chord bears
North 20°16'40" West 86.32 feet) to the point of beginning,
containing 3798 square feet or 0.087 Acres, more or less.

 6/24/88

Daniel A. Hoekstra, P.L.S. 1899

DEA

EXHIBIT "B"



26

27

28

29

30

31

32

33

TETON WAY

PARK WOOD LANE

CENTERLINE OF BROWN ROAD

EXISTING BACK OF WALK

AREA TO BE VACATED
3798 SQUARE FEET
0.087 ACRES

500' ±
BETWEEN
BACK OF WALK
AND PROPOSED
RIGHT OF WAY LINE

5 0° 04' 45" E

40'

RADIUS @ PAF BAY
= 125
E 133

R = 145 @ BACK OF WALK
R = 140 @ FUTURE RIW

EXISTING RIGHT OF WAY LINE

PROPOSED RIGHT OF WAY LINE

R=20
E 126
622

618

621

620

623



EXHIBIT "B"

618

26

27

RADIUS @ PLAT Bdy
= 125
E 133

28

R = 145 @ BACK OF WALK
R = 140 @ FUTURE R/W

29

9.42

30

EXISTING RIGHT OF WAY LINE

31

PROPOSED RIGHT OF WAY LINE

32

33

R = 20 @
E 126

EXISTING BACK OF WALK

AREA TO BE VACATED
3798 SQUARE FEET
0.087 ACRES

500' ±
BETWEEN
BACK OF WALK
AND PROPOSED
RIGHT OF WAY LINE

50° 04' 45" E

CENTERLINE OF BROWN ROAD

30.58

40'

PARK WOOD LANE



TETON WAY

25

25

25

25

56'

621

620

623

622