

RESOLUTION NO. 908

A RESOLUTION INITIATING THE VACATION OF A STORM SEWER EASEMENT ON LOT NO. 77, PARK AT MERRYFIELD SUBDIVISION, AND SETTING A PUBLIC HEARING DATE.

WHEREAS, a city governing body may initiate vacation proceedings authorized by ORS 271.080 with a petition of property owners; and

WHEREAS, Kohl Enterprises has filed with the City a petition setting forth a description of the ground proposed to be vacated as attached in Exhibit "A" and "B"; and

WHEREAS, the encroachment of the foundation for a single family dwelling on Lot No. 77, Park at Merryfield, into recorded public utility easement area will prevent orderly real estate transactions and is creating a hardship for affected property owners; and

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

WHEREAS, the Wilsonville City Council wishes to address this issue in a timely fashion.

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

- (1) The City Recorder is directed to publish the appropriate notice; and
- (2) A public hearing regarding the vacation of a public utility easement shall be scheduled for May 18, 1992 at the Wilsonville Community Development Conference Room.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof the 20th day of April, 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>
Council President Chandler	<u>AYE</u>
Councilor Carter	<u>AYE</u>
Councilor Lehan	<u>AYE</u>
Councilor Van Eck	<u>AYE</u>




City of
WILSONVILLE
in OREGON

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Wilsonville, OR 97070
(503) 682-1011

PUBLIC WORKS DEPARTMENT

MEMORANDUM

DATE: APRIL 16, 1992
TO: ARLENE LOBLE, CITY MANAGER
FROM: STEVE STARNER 
PUBLIC WORKS DIRECTOR
SUBJECT: CB-R-584-92

On April 1, 1992, Kohl Enterprises deposited \$300.00 with the City as a fee to initiate a storm sewer easement vacation. The vacation is necessary as the foundation of a single family residence under construction on Lot 77 at the Park at Merryfield subdivision is encroaching into the easement area. Unless the encroachment is corrected, real estate transactions associated with the affected lot will not be recommended for approval through subsequent title company reports.

Randy Olszewski, P.E., Westlake Consultants, has prepared the necessary legal description and exhibit map and determined that the vacation of easement area will not unreasonably preclude future maintenance of the 10 inch PVC line. Mr. Olszewski's review has been upheld by Eldon Johansen, P.E., Community Development Director/City Engineer.

By acting to initiate the vacation proceedings, the Council will cause the following events to occur:

1. April 20 - Initiate vacation by Resolution
2. April 29 - Publish Notice of Vacation in the Wilsonville Spokesman
3. May 4 - Post property with Notice of Vacation

Arlene Loble
April 16, 1992

Page 2

4. May 6 - Publish Second Notice of Vacation in newspaper.
5. May 18 - Hold public hearing for first and second reading of Ordinance authorizing the vacation.
6. June 1 - If necessary, second reading of Ordinance authorizing the vacation.

Recommendation: Adopt Resolution initiating the vacation process for property as described in the attached exhibits.

ss/js



WESTLAKE

CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING
March 31, 1992

Phone: 503 684-0652
Fax: 503 624-0157

Mr. Steve Starner
City of Wilsonville
8445 S.W. Elligsen Road
Wilsonville, OR 97070

Re: Lot 77, Park At Merryfield No. 2
Easement Vacation
Project No. 004-86-92

Dear Steve:

Per the request of Kohl Enterprises, I have prepared the required legal description and exhibit map for the partial vacation of a public storm drain easement on Lot 77, Park At Merryfield No. 2. This vacation is necessary because the constructed house partially encroaches into the easement.

The storm line installed in the easement is a 10" PVC line and is 3 feet to 4 feet deep, and 6+ feet away from the foundation. Maintenance can be accomplished by standard practices, normally associated with this type of installation without the need for additional shoring or special precautions.

The enclosed easement vacation description and exhibit map describes the area of the structures that actually encroach on the easement. As shown on the attached exhibit map, the house encroaches into the easement by 1.50 feet. This will reduce the total easement width, adjacent to the house only, from 15.00 feet to 13.50 feet.

It is my professional opinion that this requested easement reduction will not be detrimental to the ability of the City's crew to gain access to this pipe for maintenance, should the need arise.

If you have any questions, please do not hesitate to call.

Sincerely,

Randy Olszewski, P.E.
Principal Engineer

Enclosure
RO/cmb

00486.HP



EXHIBIT "A"

WESTLAKE
CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

Phone: 503 684-0652
Fax: 503 624-0157

Lot 77, Park At Merryfield No. 2
Easement Vacation
Project No. 004-86-92
March 31, 1992

PROPERTY DESCRIPTION

A parcel of land situated in the S.E. 1/4 of Section 15, T.3S., R.1W., W.M., City of Wilsonville, County of Clackamas, State of Oregon, said parcel being more particularly described as follows:

Beginning at a point which is South 89°59'06" East, 36.80 feet and North 00°00'54" East, 6.00 feet from the southwest corner of Lot 77, PARK AT MERRYFIELD NO. 2, a plat of record, and running thence, North 00°00'54" East, 1.50 feet; thence, South 89°59'06" East, 32.40 feet; thence, South 00°00'54" West, 1.50 feet, thence, North 89°59'06" West, 32.40 feet to the point of beginning.

Contains 49 square feet, more or less.

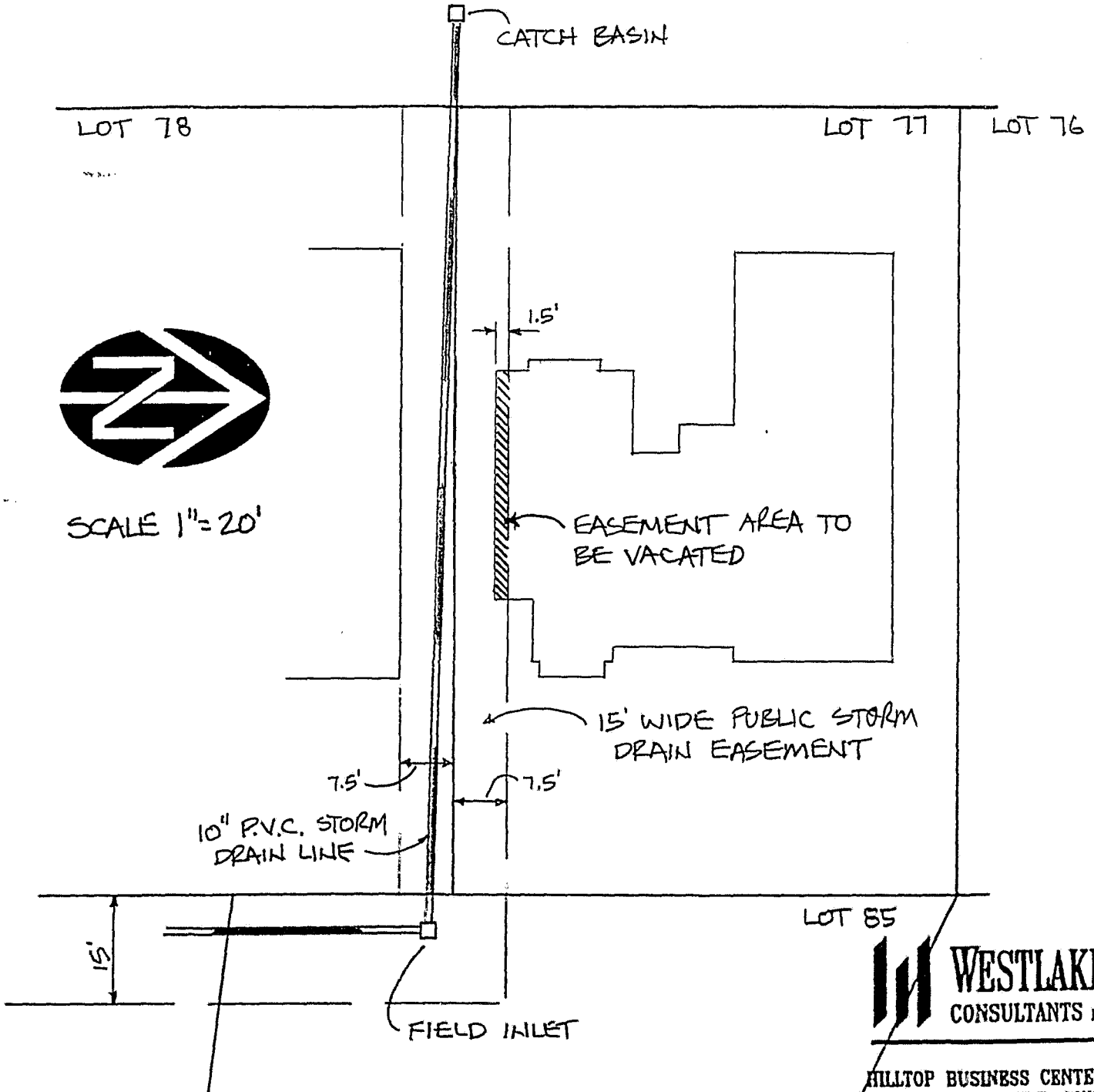
Based on the plat of Park At Merryfield No. 2, in the City of Wilsonville, filed October 1, 1991 in Plat Book 96, Page 14, as Map No. 2952, records of the County of Clackamas and State of Oregon.



EASEMENT VACATION

EXHIBIT "B"

CAMELOT STREET



SCALE 1" = 20'

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CONSULTANTS INC.

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