CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 15- 49

A RESOLUTION CONCURRING WITH WASHINGTON COUNTY FINDINGS REGARDING VACATION OF A PORTION OF COUNTY ROADS NOS. 746 AND 812

WHEREAS, Washington County Board of Commissioners Resolution and Order No. 15-72 (the Order) ordered the vacation of a portion of County Roads Nos. 746 and 812, more particularly described in the Order attached to this Resolution as Exhibit 1; and

WHEREAS, after receiving notice of the proposed vacation and prior to the County adoption of the Order, the City of Tigard reviewed the proposed vacation and concurs with the findings of the County; and

WHEREAS, ORS 368.361(3) provides that a county body may vacate property that is under the jurisdiction of the county and that is entirely within the limits of a city if the city concurs with the findings of the county.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Based upon the above findings which are incorporated herein by reference the City Council concurs with the findings of Washington County as specified in Washington County Board of Commissioners Resolution and Order No. 15-72.

SECTION 2: A copy of this Resolution shall be provided to the Washington County Surveyor's Office.

SECTION 3: This Resolution is effective immediately upon adoption.

PASSED: This 27th day of October 2015.

Mayor - City of Tigard

ATTEST:

Carol A Krager

City Recorder - City of Tigard

Exhibit 1

AGENDA

OFF DOCKET

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Consent – Land Use & Transportation (CPO 4B)

Agenda Title: **VACATE A PORTION OF COUNTY ROAD NOS. 746 AND 812 – AN UNNAMED COUNTY ROAD (VACATION NO. 518)**

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

A petition was received by the Board to vacate a portion of County Road Nos. 746 and 812, as shown on survey number 32,411, lying in the northeast one-quarter of Section 6, T2S, R1W, W.M., Washington County, Oregon, as described and shown in the attached Vacation Report.

The portion of these unnamed County Roads, proposed to be vacated, is unused right-of-way resulting from previous alignments of SW Scholls Ferry Road. Scholls Ferry Road has been re-aligned a few times since the original alignments of 746 and 812 were established in 1919 and 1922, and the alignment and right-of-way used for public purposes today has been established as County Road 3110. The adjacent property has dedicated additional right-of-way along SW Scholls Ferry Road for future public use. Vacating the proposed right-of-way will allow for the development of a new subdivision included in the River Terrace Community Plan.

The vacation petition was signed by 100% of the abutting property owners. Staff has reviewed this request and has determined the vacation of this portion of County Road Nos. 746 and 812 is in the public interest. There will not be any adverse impacts on the abutting properties or utilities.

A Resolution and Order has been prepared granting the requested vacation and, when executed, it will complete Washington County's portion of the vacation proceedings. This right-of-way is in the city limits of Tigard. Pursuant to ORS 368.361(3), the City, by resolution or order, must concur in the findings of the county governing body to complete the vacation proceedings.

Attachments: 1. Resolution and Order
2. Vacation Report with legal description and map (Exhibit "A")

DEPARTMENT'S REQUESTED ACTION:

Vacate the right-of-way described in the attached Vacation Report and request that the City Council of the City of Tigard resolve or order concurrence with this vacation pursuant to ORS 368.361(3).

COUNTY ADMINISTRATOR'S RECOMMENDATION:

RO 15-72

Agenda Item No. _____

Date: 08/04/15

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

In the Matter of the Vacation of a portion of) County Road Nos. 746 and 812, Situated in) the Northeast One-quarter of Section 6, T2S,) R1W, W.M., Washington County, Oregon)	RESOLUTION AND ORDER NO. 15-72 VACATION NO. 518

The above-entitled matter having come on regularly before the Board at its meeting August 4, 2015; and

It appearing to the Board that a petition has been filed to Vacate a portion of County Road Nos. 746 and 812, as shown on survey number 32,411, and situated in the Northeast One-quarter of Section 6, T2S, R1W, W.M., Washington County, Oregon. The petition was signed by owners of 100% of the property to be vacated and by the owners of 100% of the abutting properties, pursuant to ORS 368.351; and

It appearing to the Board that said petition did describe the portion of County Road Nos. 746 and 812 to be vacated, the names of the parties to be particularly affected thereby, and set forth the particular circumstances of the case; and

It appearing to the Board that the portion of County Road Nos. 746 and 812, proposed to be vacated, is under the jurisdiction of Washington County and entirely within the corporate limits of the City of Tigard, Oregon as described in ORS 368.361(3); and

It appearing to the Board that the right-of-way proposed to be vacated is no longer needed for the use of the public; and

It appearing to the Board that the County Road Official did examine the area proposed to be vacated and hereby submits to the Board the Vacation Report attached hereto, and by this reference made a part hereof, in accordance with ORS 368.351(1); it is therefore

RESOLVED AND ORDERED that the portion of County Road Nos. 746 and 812, proposed to be vacated and more particularly described in the attached Vacation Report, is hereby vacated as it is in the public interest. This vacation shall become final upon the formal concurrence of the City of Tigard by either resolution or order pursuant to ORS 368.361(3); and it is further

RESOLVED AND ORDERED that the County Surveyor of Washington County, Oregon, be and hereby is authorized and directed to mark the vacated County Road on the plats and records of Washington County Oregon; and it is further

RESOLVED AND ORDERED that the County Surveyor of Washington County, Oregon, is hereby authorized and directed to have this order of vacation recorded in the records of Washington County, Oregon, and cause copies of this order to be filed with the Director of Assessment and Taxation and the County Surveyor's office in accordance with ORS 368.356(3).

Dated this 4th day of August, 2015.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

	AYE	NAY	ABSENT
DUYCK	✓	—	—
SCHOUTEN	✓	—	—
MALINOWSKI	✓	—	—
ROGERS	✓	—	—
TERRY	✓	—	—

Andy Duyck
Chairperson

Barbara Hejtmanek
Recording Secretary

Approved as to form

Cortney D. Duke-Driessen
~~Richard Butler~~ Cortney D. Duke-Driessen
Assistant County Counsel
Date: July 31, 2015

DEPARTMENT OF LAND USE & TRANSPORTATION
REPORT ON VACATION NO. 518

August 4, 2015

VACATION OF A PORTION OF COUNTY ROAD NOS. 746 AND 812)

A request for vacation proceedings has been received by the staff for the Board of County Commissioners to vacate a portion of County Road Nos. 746 and 812, as shown on survey number 32,411, and more particularly shown on Exhibit "A" and described as follows:

That portion of County Road Nos. 746 and 812, as shown on survey number 32,411, lying southwesterly of a line being 61.00 feet southerly of, and parallel with, the centerline of County Road 3110 (SW Scholls Ferry Road) and lying northeasterly of a line being 30.00 feet northerly of, and parallel with, the centerline of County Road 3282 T/J (SW Friendly Lane). Said portion of road is being situated in the Northeast One-quarter of Section 6, T2S, R1W, W.M., Washington County, Oregon, and being shown on Exhibit "A", attached hereto and incorporated herein.

The owners of the property abutting the unimproved roadway to be vacated are:

2S1 06AD, TL 100
Christopher and Sheri Ralston,
21029 SW Lebeau Rd
Sherwood, OR 97140

2S1 06, TL 200
Crescent Grove Cemetery Association,
An Oregon Non-Profit Corporation
9925 SW Greenburg Rd.
Tigard, OR 97223

CRITERIA FOR EVALUATION OF ROAD VACATION REQUEST

1) <u>Conformance with the County's Comprehensive Plan</u>

The portion of County Road Nos. 746 and 812, described herein and proposed to be vacated, is not a part of the transportation plan in the area. This area is a part of the River Terrace Community Plan which shows this area as being a part of a future subdivision plat. The Road is not in use and will not be needed for future use. The adjacent owners of tax lot 2s106ad00100 have dedicated 61.00 feet of right-of-way along SW Scholls Ferry Road to meet the future needs of that adjoining transportation facility.

2) Use of the Right-of-Way

This portion of road, proposed to be vacated, is unimproved and no longer in use. Once vacated, it will be incorporated into the lots of the adjoining land owners and will be developed through a proposed subdivision plat as part of the River Terrace Community Plan.

3) Impact of Utilities and Emergency Services

Utility providers have been notified and existing power and phone poles have been located. All poles are in a dedicated easement to PGE or in adjacent rights-of-way that will remain. There are no adverse impacts to public utility providers or emergency services.

4) Limits of Vacation and Evaluation of "Public Road" Status

The right-of-way proposed to be vacated is not needed for public use. It is within the city limits of Tigard and, pursuant to ORS 368.361(3), the city must concur with this vacation proceeding for it to become finalized.

The limits of the right-of-way proposed to be vacated are logical and justifiable, and the vacation of this right-of-way will not have any adverse impacts on the abutting property.

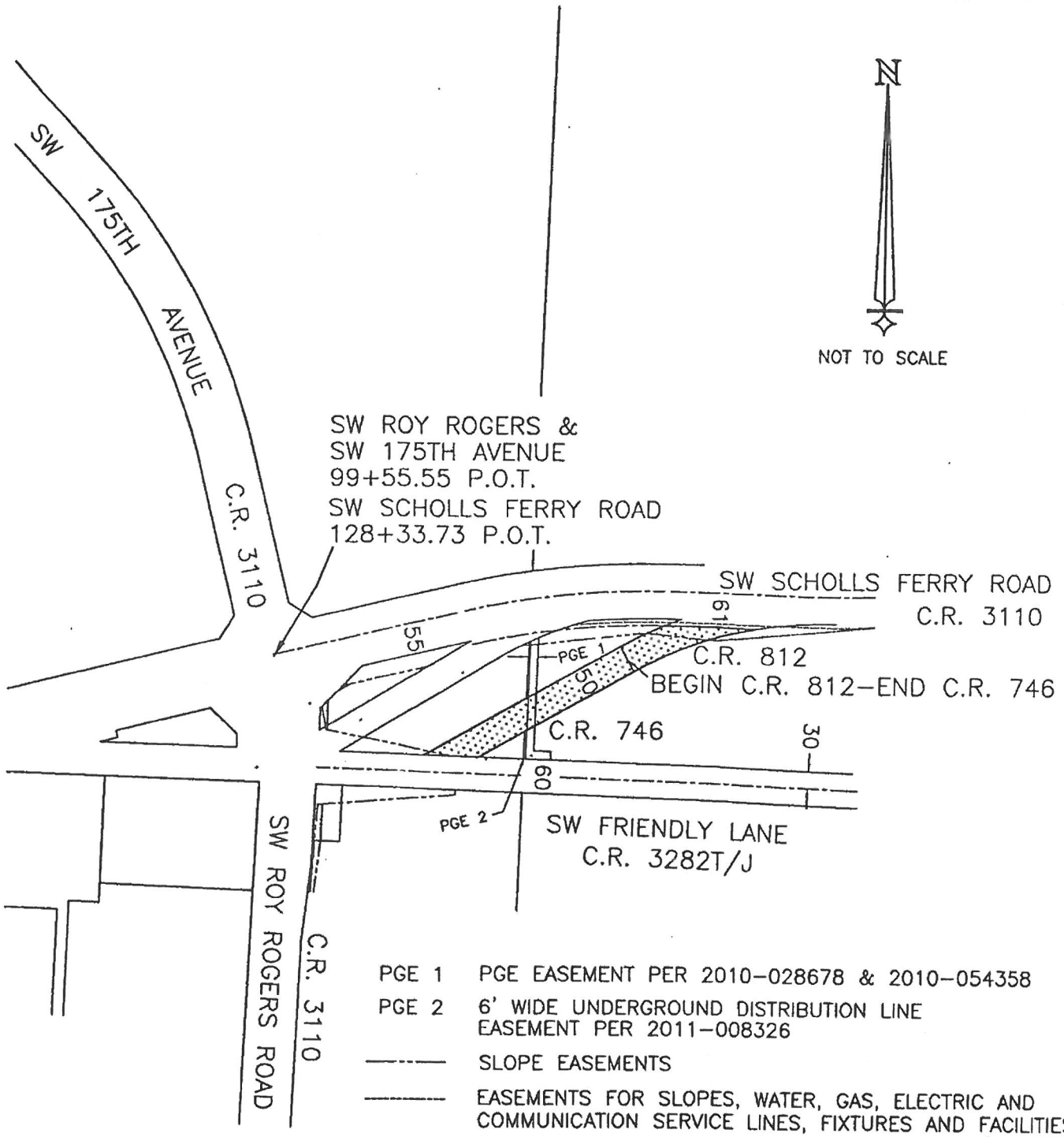
Based on the above statements, it is recommended that the Board of Commissioners grant the vacation of the road proposed herein, as it is in the public interest.

for Gary A. Stockhoff, P.E.
Washington County Engineer

PROPOSED ROAD VACATION

VACATION 518

A PORTION OF
C.R. NOS. 746 AND 812



PGE 1 PGE EASEMENT PER 2010–028678 & 2010–054358

PGE 2 6' WIDE UNDERGROUND DISTRIBUTION LINE EASEMENT PER 2011–008326

—·—·— SLOPE EASEMENTS

- - - - EASEMENTS FOR SLOPES, WATER, GAS, ELECTRIC AND COMMUNICATION SERVICE LINES, FIXTURES AND FACILITIES

——— PUBLIC UTILTY EASEMENT

EXHIBIT "A"