

RESOLUTION NO. 2179

A RESOLUTION OF THE CITY OF WILSONVILLE DECLARING A CERTAIN PUBLIC UTILITY EASEMENT LOCATED NORTH OF THE EASTERNMOST TERMINUS OF SW BAILEY STREET ADJACENT TO PROPERTY OWNED BY FRED MEYER STORES, INC., NO LONGER NEEDED FOR PUBLIC USE

WHEREAS, by Ordinance No. 651, the City of Wilsonville vacated an un-named public street right-of-way located north of the easternmost terminus of SW Bailey Street adjacent to property owned by Fred Meyer Stores, Inc., and

WHEREAS, a six foot public utility easement dedicated at the time the street was dedicated was inadvertently overlooked and not vacated as petitioners for the street vacation intended, and

WHEREAS, the utility easement contains no utilities of any kind and, like the street, has never been, and is not envisioned to ever be, used by the public; and

WHEREAS, by the terms of the deed of dedication, if the easement is not used for a public purpose, it reverts to the grantor, and

WHEREAS, in Case file Nos. DB08-0023 through -0029, the City Council authorized development of the area surrounding and including the easement with a mixed-use development, and

WHEREAS, the City's release of any interest in the easement will facilitate development by Fred Meyer Stores, Inc. and Gramor Investments, Inc. consistent with the City's development approvals, and

WHEREAS, in the absence of any need for the easement, the public interest is served by releasing the interest back to the grantor's successors by operation of law, based upon a declaration that the easement is no longer needed for public use,

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

1. The utility easement adjacent to the street vacated by Ordinance 651, more particularly described in the attached Exhibit A, is declared not to be needed or used for a public purpose.
2. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 18th day of May, 2009, and filed with the Wilsonville City Recorder this date.


TIM KNAPP, MAYOR

ATTEST:


Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Kirk	Yes
Councilor Hurst	Yes
Councilor Ripple	Yes
Councilor Núñez	Excused

Attachments:

Exhibit A, Description of Public Utility Easement

Exhibit A

DESCRIPTION OF PUBLIC UTILITY EASEMENT

A 6.00 foot easement for utilities, lying parallel with and Northerly of the Southerly North line of the below described tract, and parallel with and Westerly of the Easterly West line of said tract, being the right of way vacated by City of Wilsonville Ordinance No. 657, described as follows:

A strip of land situate in the Northeast one-quarter of Section 23, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, being more particularly described as follows:

Commencing at the most westerly southwest corner of that tract of land conveyed to the City of Wilsonville by Deed Document No. 90-45700, Clackamas County Deed Records;

thence along the westerly line thereof, North $13^{\circ}11'08''$ East, 25.70 feet to the Northerly line thereof;

thence along said northerly line, North $89^{\circ}45'50''$ East, 647.69 feet to the Point of Beginning;

thence continuing along the northerly line of said City of Wilsonville tract, along the arc of a 25.00 foot radius curve to the left, through a central angle of $89^{\circ}36'50''$ (the chord of which bears North $44^{\circ}57'25''$ East, 35.24 feet) an arc distance of 39.10 feet;

thence along the westerly line of said City of Wilsonville tract, North $00^{\circ}09'00''$ East, 441.49 feet to the most northerly line thereof;

thence along said northerly line, North $89^{\circ}49'37''$ East, 25.00 feet to the Easterly line thereof;

thence along said easterly line, South $00^{\circ}09'00''$ West, 412.91 feet;

thence leaving said easterly line, North $89^{\circ}51'00''$ West, 12.50 feet;

thence along a line parallel with and 12.50 feet westerly of last said easterly line, South $00^{\circ}09'00''$ West, 53.47 feet;

thence South $89^{\circ}45'50''$ West, 37.33 feet to the Point of Beginning.

Said strip of land containing 11,122 square feet, more or less.

Bearings based on said Deed Document No. 90-45700, Clackamas County Deed Records.