

RESOLUTION NO. LVIII

A RESOLUTION TO INITIATE ON THE COUNCIL'S OWN MOTION PROCEEDINGS FOR THE VACATION OF "SCHNITZER WAY" AND DEDICATED UTILITY EASEMENTS IN THE WILSONVILLE INDUSTRIAL PARK IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, STATE OF OREGON, AND FIXING A TIME FOR HEARING.

WHEREAS, "Schnitzer Way" in the City of Wilsonville, Clackamas County, State of Oregon, is a dedicated public road sixty feet (60') in width which extends northerly from Market Road No. 27 to Barber Street, and was dedicated on the Plat No. 7 Wilsonville Industrial Park in the County of Clackamas and State of Oregon; and

WHEREAS, Plat No. 7 for Wilsonville Industrial Park delineates utility easements which affects the South 10 feet of Lot 2 and the North 10 feet of Lot 3; and

WHEREAS, Van Domelen & Looijenga, Civil and Structural Engineers of Portland, Oregon, are the agents and representatives of the Subdivision of Wilsonville Industrial Park, Plat No. 7, title to which is vested in Willpren Investment Company, a partnership consisting of Patrick R. Prendergast and Homer G. Williams, and the engineering firm of Van Domelen & Looijenga, as agents and representatives of the owners of said property have requested of the Wilsonville City Council and through its Planning Commission that the dedicated public road shown on the Plat as "Schnitzer Way" be vacated and for the purpose of relocating it approximately 20' to the west and that the utility easements as delineated on the recorded Plat and affecting Lots 2 and 3 also be vacated in order to relocate said easements for utility purposes, and all of this will be accomplished by the filing ultimately of a revised Plat for the Wilsonville Industrial Park Subdivision. A copy of said requests to the Wilsonville City Planning Commission for this purpose and for said reasons are dated April 3, 1974, and August 16, 1974, over the signature of A. H. Van Domelen and attached to those were copies of the proposed revised Plat. Copies of said letters with

sketch attached of the Wilsonville Industrial Park Plat dated December 27, 1973, and recorded in Clackamas County, Oregon Records of Plats Book 63, Page 14, and which shows outlined in red the dedicated public road known as "Schnitzer Way" and also shows the area delineated for utility easements affecting Lots 2 and 3 is attached hereto marked Exhibit "A" for identification purposes; and

WHEREAS, "Schnitzer Way," though dedicated as a public road, has not been developed or used and is not now used for road purposes, and the utility easements as delineated on the recorded Plat have not been used for utility purposes or any other purpose, and both of those areas, i.e., "Schnitzer Way and the utility easements should be vacated in order to allow for the replat of said Subdivision and the relocation of said road and utility easements; and

WHEREAS, the Wilsonville City Planning Commission and the Wilsonville City Council have investigated this matter and being fully informed in the premises have determined that (1) a replat of Wilsonville Industrial Park Subdivision is planned and now pending before the Wilsonville City Planning Commission, (2) that the proposed and pending replat of Wilsonville Industrial Park will relocate "Schnitzer Way" and the utility easement areas as dedicated and delineated on the original Plat No. 7 of Wilsonville Industrial Park, and that neither the existing public road known as "Schnitzer Way" or the existing and delineated utility easements are now used or planned for use for road or utility purposes, and are not required as an access or easement to or for the benefit of any property or persons, (3) that it would be in the best interest of the City of Wilsonville and the inhabitants thereof if all of that certain public road known as "Schnitzer Way" as dedicated on the Plat No. 7 Wilsonville Industrial Park and the utility easements as delineated on the recorded Plat of said Subdivision and which affects the South 10 feet of Lot 2 and the North 10 feet of Lot 3 were vacated, and (4) that the proposed vacations would not adversely affect or

damage any person, firm or corporation; now, therefore,

BE IT RESOLVED by the Wilsonville City Council that:

1. All of that certain public road known as "Schnitzer Way" as dedicated on the Plat No. 7 Wilsonville Industrial Park in the City of Wilsonville, County of Clackamas and State of Oregon, and the utility easements as delineated on said recorded Plat and which affects the South 10 feet of Lot 2 and the North 10 feet of Lot 3, should be vacated so that the title to the same shall attach to the land bordering on such area as provided in Oregon Revised Statutes 271.140.

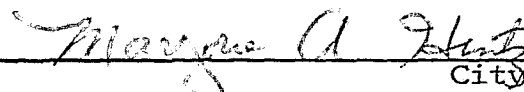
2. A public hearing on the question of the proposed vacation is hereby called to be held at the Wilsonville City Hall, Wilsonville, Clackamas County, State of Oregon, at 8:00 o'clock p.m. on Monday , November 25 , 1974, at which hearing the Wilsonville City Council shall hear and consider any objections to or remonstrances against the proposed vacations.

3. The Wilsonville City Recorder shall, and she is hereby directed to, give notice of the proposed vacations and hearing thereon by posting written notice in three (3) of the most public places in the City according to the provisions of ORS 271.110 (1); and by publication of a notice in The Tigard Times, the City's official newspaper, once each week for four consecutive weeks; and also post "NOTICE OF STREET VACATION" in the manner, at the places and for the time required by ORS 271.110 (2).

Adopted by the Wilsonville City Council at a regular meeting thereof this 21st day of October , 1974, and filed with the Wilsonville City Recorder this same date.


PHILLIP R. BALSIGER - Mayor

ATTEST:


City Recorder