

RESOLUTION NO. 710

A RESOLUTION INITIATING VACATION OF A UTILITY/ROADWAY EASEMENT AND SETTING A PUBLIC HEARING DATE FOR TAX LOT 400, T3S-R1W, SECTION 13 - MTW PARTNERS, APPLICANTS.

WHEREAS, MTW Partners, represented by Mark J. Greenfield, has requested that the Wilsonville City Council initiate vacation proceedings for a utility easement located on Tax Lot 400; and

WHEREAS, the current location of the 60-foot wide easement would prohibit implementation of a proposed development plan for the subject property; and

WHEREAS, the applicant contends that utilities, including public sewer lines, can be adequately located elsewhere on the property; and

WHEREAS, the applicant's attorney contends that failure to address this issue in a timely manner would constitute a substantial hardship for his client; and

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

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


A public hearing regarding the vacation of the 60-foot wide public utility easement is scheduled for May 1, 1989, in Council Chambers at the Wilsonville City Hall.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 3rd day of April, 1989, and filed with the Wilsonville City Recorder this same date.



JOHN M. LUDLOW, Mayor

ATTEST:



VERA A. ROJAS, City Recorder

SUMMARY of Votes:

Mayor Ludlow	<u>Abstain</u>
Councilor Chandler	<u>No</u>
Councilor Clarke	<u>Aye</u>
Councilor Edwards	<u>Aye</u>
Councilor Stark	<u>Aye</u>

MITCHELL, LANG & SMITH

ATTORNEYS AT LAW

2000 ONE MAIN PLACE

101 S. W. MAIN STREET

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WASHINGTON BARS
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March 28, 1989

Mr. Pete Wall
City Manager
City Hall
30000 SW Town Center Loop E.
P.O. Box 220
Wilsonville, Oregon 97070

RE: Town Center Park Apartments

Dear Mr. Wall:

This office represents Mark Hinton, Hiller/Hinton, Inc., the developer of Town Center Park Apartments. On March 13, 1989 the Wilsonville Planning Commission approved a zone change from PDC to PDR and the Stage I Master Development Plan for this 110-unit apartment complex.

On March 17, 1989, Planning Director Wayne Sorenson informed Mr. Hinton that the proposed development would site buildings over a sanitary sewer line. Subsequently, the City Attorney informed us of a 60-foot wide public utility easement crossing the subject property near its southern end. We had not previously been informed of the existence of this easement.

Because (1) the easement crosses the property in an area where my client wishes to place buildings, (2) the express language of the easement says nothing about roadway purposes, (3) the comprehensive plan map for the Town Center does not identify a roadway at this location, and (4) utilities, including public sewer lines, can adequately be located elsewhere on the property, we would like to City to initiate vacation proceedings for this easement. An application requesting vacation of the easement and providing the legal description is attached. My client agrees to pay the costs of publication in advance of publication or at whatever time the City chooses to impose such costs.

MITCHELL, LANG & SMITH

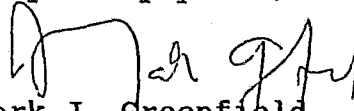
Mr. Pete Wall
March 28, 1989
Page 2

We have discussed this matter with the City's attorney, planning director and engineer, and we feel this is the best option. During the four-week period prior to a public hearing on this matter, we will seek the consent of the adjacent property owners.

We appreciate your assistance in this matter. As you know, the discovery of this easement has delayed design review for one month. A delay for a second month would create a substantial hardship for my client. By providing notice in time for a hearing at the May 1, 1989 City Council meeting, we should be able to move forward with the project.

Thank you for your cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark J. Greenfield', written over a horizontal line.

Mark J. Greenfield
Of Attorneys for Mark Hinton

APPLICATION FOR VACATION OF PUBLIC UTILITY EASEMENT

1. Applicant/Owner: MTW Partners, Wilsonville
c/o Mark Hinton
Hiller, Hinton et al
8002 NE Highway 99
Box 235
Vancouver, Washington 98665
2. Location of Property Proposed for Vacation:
Tax Lot 400, Map No. 13
3. Legal Description of Property Proposed for Vacation:

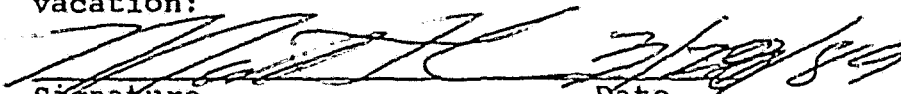
"Across and under a 60 foot wide parcel of land in the west one-half (1/2) of the southwest one-quarter (1/4) of Section 13, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and lying 30 feet on each side of center line, said center line described as follows:

"Beginning at a point on the west line of said Section 13 that is S. 0 degrees 03'01" W. 907.218 feet from the west one-quarter (1/4) corner of said Section 13; thence N. 89 degrees 25'33" E. 364.280 feet to the west line of that tract of land described in Fee No. 82-9422 of the Clackamas County Deed Records."

4. Reason for Request: To allow development of Town Center Park Apartments as generally depicted on the design plan. There is a 60 foot wide easement, running east-west, located in an area where applicant wishes to site buildings. However, that easement is not expressly identified for roadway purposes, and the utilities could be relocated elsewhere on the site. Retention of the easement at its current location would result in the loss of many units within the property. The vacation would not adversely impact adjacent properties and would be in the best public interest.

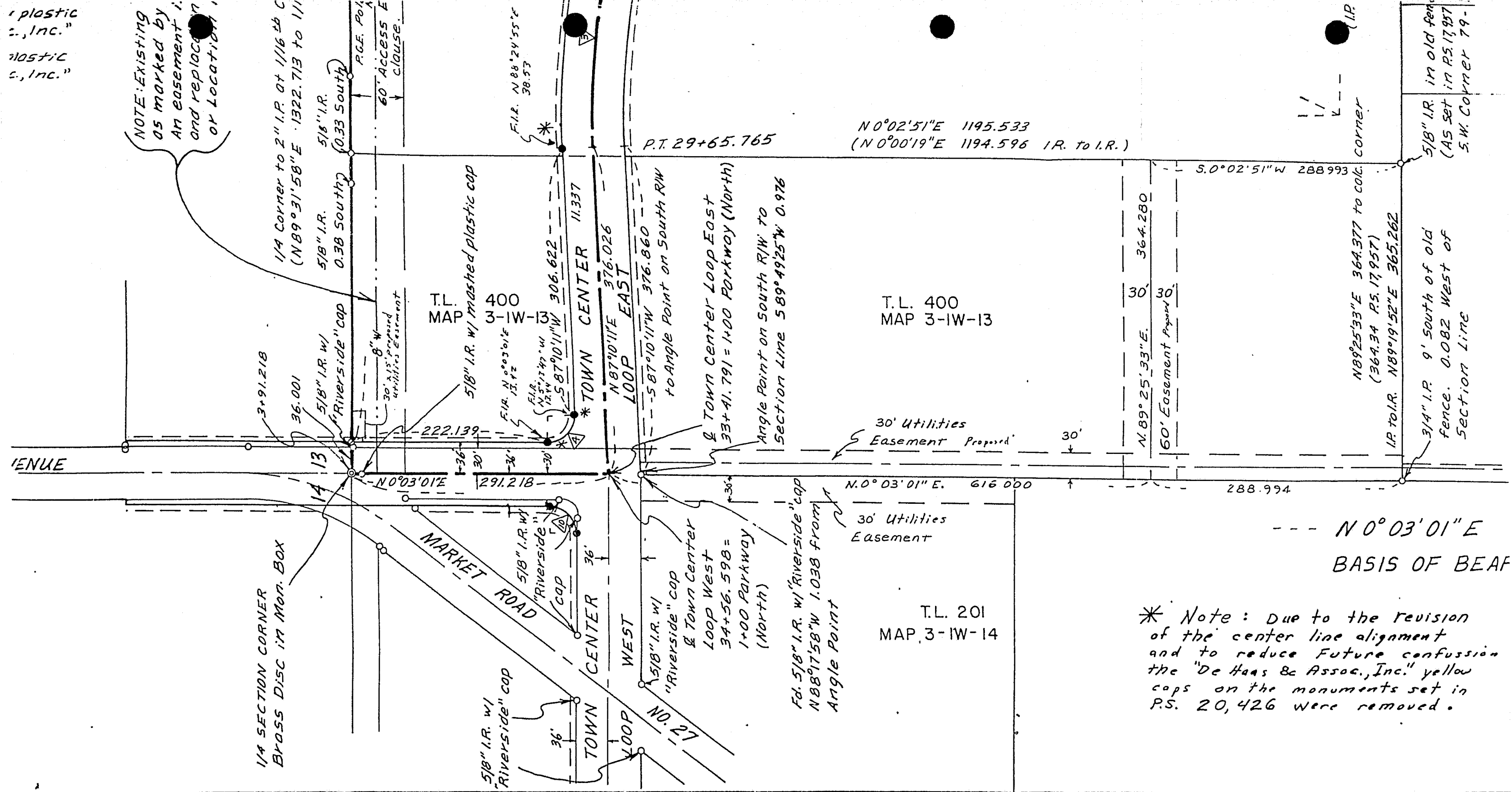
Applicant notes that the area proposed to be vacated lies entirely within applicant's property, that no road or alley has been constructed within the easement area, and that no road is shown at this location on the comprehensive plan map.

We, the undersigned, request the above described utility easement vacation:


Signature Date

plastic
s., Inc."
Hostic
s., Inc."

NOTE: Existing
as marked by
An easement is
and replacem
or location



$N 0^{\circ} 02' 51'' E$ 1195.533
 $(N 0^{\circ} 00' 19'' E$ 1194.596 I.R. to I.R.)

T.L. 400
MAP 3-1W-13

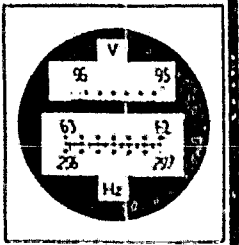
T.L. 201
MAP 3-1W-14

* Note: Due to the revision
of the center line alignment
and to reduce future confusion
the "De Haas & Assoc., Inc." yellow
caps on the monuments set in
P.S. 20,426 were removed.

--- $N 0^{\circ} 03' 01'' E$
BASIS OF BEAR

REVISIONS		BY

DESIGNED	APPROVED
G.M. DRAWN	
CHECKED	DATE

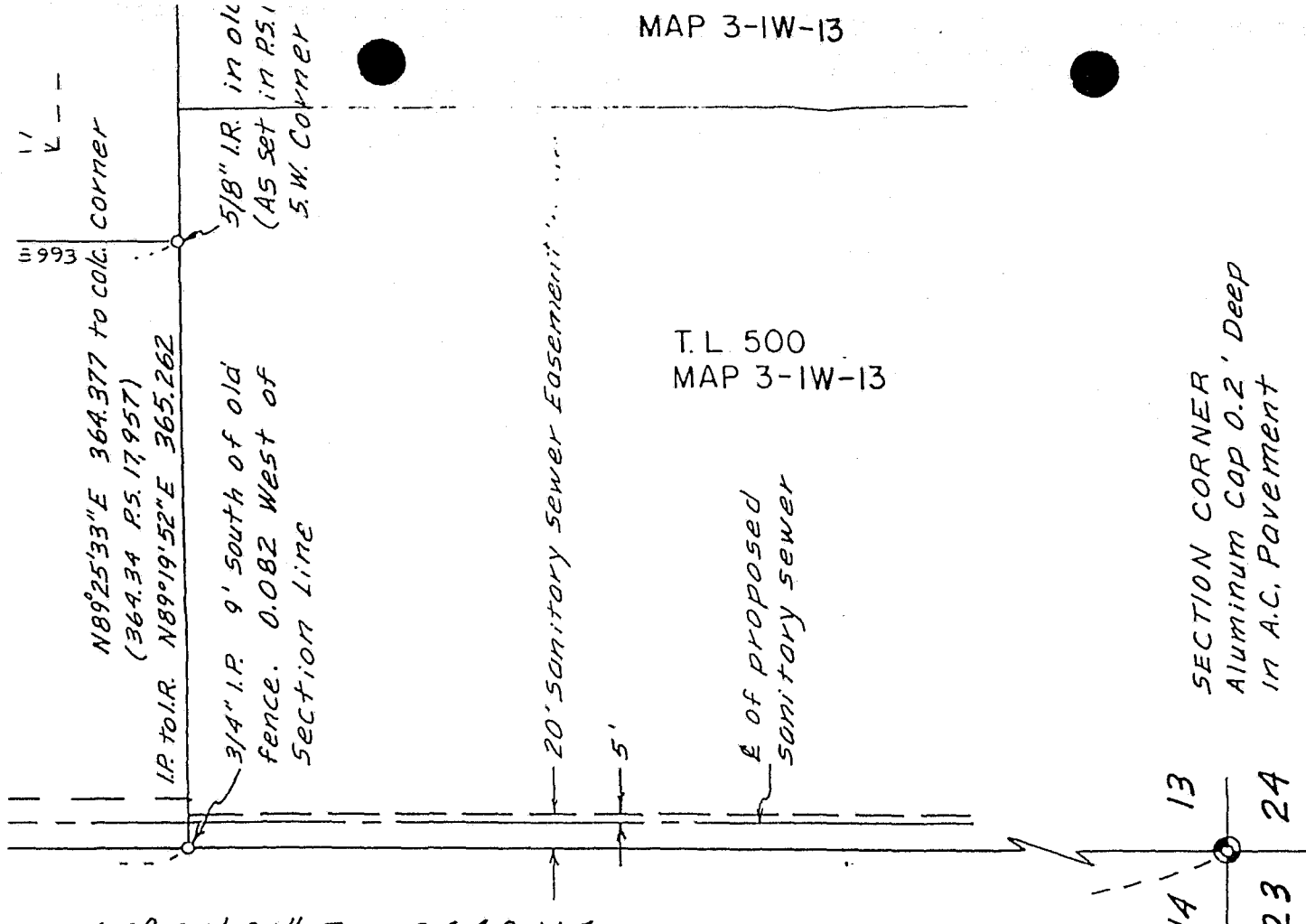


DE HAAS
&
Associates, Inc.
Consulting Engineers & Surveyors

Suite 300-AGC Center
9450 S.W. Commerce Circle
Wilsonville, Oregon 97070

(503) 682-2450
Res. 636-6195

RECORD
In the Heirs of D. S. Mink
N.W. 1/4, S.W. 1/4, Sec
City of Wilsonville, Clac



N 0° 03' 01" E 2648.115
 BASIS OF BEARING "LP-064"

to the revision
 line alignment
 Future confusion
 Assoc., Inc." yellow
 monuments set in
 here removed.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Carl R. Clinton

OREGON
 JULY 22 1877
 CARL R. CLINTON
 1110

7/23/85

NO.	Radius	Central Angle	Arc Length	Chord	Chord Bearing
1	850.00	92° 52' 42"	1377.878	1231.893	N 46° 23' 28" W
2	850.00	66° 58' 26"	993.577	937.969	N 33° 26' 20" W
3	850.00	25° 54' 16"	384.301	381.036	N 79° 52' 41" W
4	30.00	92° 52' 50"	48.632	43.479	N 46° 23' 24" W
5	886.00	22° 26' 07"	346.929	344.717	N 81° 36' 46" W
6	25.00	86° 39' 16"	37.810	34.308	S 66° 16' 40" W
7	430.00	45° 03' 11"	338.119	329.476	S 45° 28' 37" E
8	400.00	66° 34' 55"	464.830	439.113	N 56° 14' 29" E
9	400.00	25° 22' 10"	177.112	175.669	N 76° 50' 52" E
10	30.00	89° 46' 25"	47.005	42.342	N 44° 56' 13" E
11	430.00	43° 05' 37"	323.415	315.845	S 44° 29' 50" W
12	814.00	92° 52' 42"	1319.521	1179.719	N 46° 23' 28" W

RECORD OF SURVEY
 Heirs of D. S. Minkler D.L.C. No. 44
 1/4, S.W. 1/4, Section 13, T.3S., R.1W., W.M.
 of Wilsonville, Clackamas County, Oregon

L.I.D. NO. 5
 CITY OF WILSONVILLE

SCALE 1" = 100'
 DATE JULY 23, 1985
 FILE 84.428.192

SHEET 1/1

PS 20613 (E)

Placed in file - 3-20-89
WZ