

**RESOLUTION NO.712**

**A RESOLUTION INITIATING VACATION OF UTILITY EASEMENTS AND SETTING A PUBLIC HEARING DATE FOR THE DAY DREAM RIVER ESTATES SUBDIVISION.**

WHEREAS, a city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners; and

WHEREAS, the locations of several easements in the Day Dream River Estates subdivision are prohibiting the real estate transactions of several single-family lots and are creating a substantial hardship for prospective residents; and

WHEREAS, the utilities intended to be associated with the easements have already been constructed in easements located elsewhere within the subdivision; 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 water, storm sewer, and sanitary sewer public utility easements is scheduled for June 5, 1989, in Council Chambers at the Wilsonville City Hall.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 17th 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          AYE    
Councilor Stark       AYE    
Councilor Chandler     AYE    
Councilor Clarke      AYE    
Councilor Edwards     AYE

CITY

OF

*Wilsonville*

30000 S.W. Town Center Loop E. • P.O. Box 220 • 503-682-1011

Wilsonville, Oregon 97070

MEMORANDUM

2-28-89

To: Steve Starnier  
Community Development Director

From: Rick Gemeinhardt *Rick Gemeinhardt*  
Community Development Technician

Re: City easements, Fee # 80 48029, 80 48030 & 80 48031, at Day Dream Ranch River Estates Subdivision.

In going through our easement records I came across some easements that were recorded for the above mentioned subdivision. I then did some further investigation and found that the city doesn't have any utilities in these easements. Upon further investigation I found the following information for the reason for this:

- The subdivision back in 1980 was originally supposed to be townhomes and the city required that the utilities be placed in Public Easements.
- For some reason the project never was constructed, but the easements were recorded.
- In 1983 the developer decided to build a single family subdivision on the parcel and therefore recorded the plat Day Dream Ranch River Estates.
- When the subdivision was redesigned the utilities were moved and the plat included the necessary easements for the utilities.

This is how the subdivision is today. About a month ago a person looking to purchase a lot was not able to get financing because the bank would not lend him the money due to the easement on the property. I told him that if he wanted he could write the city a letter to request the vacation of the easements. As of today I am not aware of any letter being written. I would like to have the city go ahead and vacate the easements now for two reasons.

- 1) The city is not or will in the future utilize these 3 easements.
- 2) The easements are interfering with the sale of lots thus hampering the residential development of the city.

As per the easement vacation process I am requesting you to go ahead and start the vacation process on the three easements.

CITY OF



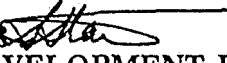
Wilsonville

30000 S.W. Town Center Loop E  
P.O. Box 220 / Wilsonville, Oregon 97070-0220  
503 / 682-1011

COMMUNITY DEVELOPMENT DEPARTMENT  
MEMORANDUM

DATE: MARCH 3, 1989

TO: WAYNE SORENSEN  
PLANNING DIRECTOR

FROM: STEVE STARNER   
COMMUNITY DEVELOPMENT DIRECTOR

RE: EASEMENT VACATIONS IN THE DAY DREAM  
RIVER ESTATES SUBDIVISION

Please find attached a memo from Rick Gemeinhardt, Community Development Technician, and corresponding legal descriptions and maps. As you know, Oregon State Statutes, (ORS 271.130) allow a City governing body to initiate vacation proceedings without a petition or consent of adjacent property owners provided that notice is given and a public hearing is conducted.

The Wilsonville vacation process, initiated by the City, starts with a recommendation of the Planning Commission regarding the proposed vacation of public property. If the Planning Commission approves of the vacation, the City Council must fix the time, date and place for a public hearing. Notices are prepared and posted or mailed prior to the hearing. Following the hearing, the City Council may adopt the appropriate vacation ordinance.

Please refer Mr. Gemeinhardt's recommendation for easement vacations to the Planning Commission at your earliest convenience.

Thank you.

ss:md

Attachment:

cc: Inter-Office Communications - Community Development

CITY OF



# Wilsonville

30000 S.W. Town Center Loop E  
P.O. Box 220 / Wilsonville, Oregon 97070-0220  
503 / 682-1011

## MEMORANDUM

**TO:** Steve Starner  
**FROM:** Wayne Sorensen  
**DATE:** April 4, 1989  
**RE:** Vacation of utility easements in Day Dream River Estates

Upon review of the Wilsonville Code, I find that the Planning Commission does not have to review utility easements that are proposed to be vacated. They do have review authority for streets, alleys and other right-of-ways used for vehicular traffic.

It is my understanding that the notice requirements and procedures are different depending on whether you are vacating a utility easement as opposed to a street or alley.

Based upon my review, I am closing the file and will not bring this matter before the Planning Commission. I understand that vacation of the easements (per Rick) will not adversely affect services to any property or adjoining property. Therefore, I think this is a purely technical review and recommend that the advice of the City Engineer be sought.

wcs:jme