

ORDINANCE NO. 736

AN ORDINANCE OF THE CITY OF WILSONVILLE DECLARING AND AUTHORIZING THE VACATION OF THREE (3) PORTIONS OF SW 110th AVENUE PUBLIC STREET RIGHT-OF-WAY BETWEEN SW MONT BLANC STREET AND SW TOOZE ROAD/SW BOECKMAN ROAD IN VILLEBOIS LEGALLY DESCRIBED IN ATTACHMENT C

WHEREAS, Polygon Northwest Company has filed Street Vacation Petitions with the City of Wilsonville requesting vacation proceedings be initiated for three portions of 110th Street, as authorized by ORS 271.080-271.170; Polygon Northwest Company or entities, including limited liability companies and homeowners associations in which it has interest or which it has control, being the owners of or having an option to purchase the immediately adjacent property to the north, west, and east of the street right-of-way petitioned for vacation; and

WHEREAS, staff has reviewed the submitted Street Vacation Petitions against the applicable city code and state statutory review requirements and has found the petitions to be in compliance with all the requirements as set forth in **Attachment A**, Street Vacation Staff Report Findings, attached hereto and incorporated by reference as if fully set forth herein; and

WHEREAS, in accordance with the Villebois Village Master Plan and the City's Transportation System Plan, the right-of-way requested to be vacated is planned to no longer function as a public street; and

WHEREAS, the Development Review Board and City Council have approved developments of adjacent residential subdivisions with private parks over the tracts to be vacated, conditioned, in part, on vacation of the street right-of-way; and

WHEREAS, in compliance with the aforementioned development conditions, Polygon Northwest Company has provided the City with the required Street Vacation Petitions with the consent from the affected adjacent property owners of two-thirds of the area, legal descriptions and associated maps. Exhibit C to the petitions references the respective development application, which conditions of approval are a part thereof, and are summarized in **Attachment A**. The applications with conditions of approval are on file with the City, and as recited above provide the purpose for which the ground is proposed to be used and the reason for the vacation and being on file were not required to be attached to the petitions to avoid unnecessary

duplication. The Street Vacation Petitions are marked as **Attachment B**, attached hereto and incorporated by reference as if fully set forth herein; and

WHEREAS, the three portions of 110th Street to be vacated are legally described as three tracts: Tract 1, containing approximately 6,024 square feet; Tract 2, containing approximately 12,647 square feet; and Tract 3, containing approximately 12,139 square feet, which descriptions are more fully described in **Attachment C**, attached hereto and incorporated by reference as if fully set forth herein; and

WHEREAS, **Attachment A** provides as conditions for vacation: 1) requiring temporary public access easements over the vacated tracts to allow continued public use of SW 110th Avenue prior to its demolition and reconfiguration of the street network; 2) requiring appropriate easements be provided for any and all public and private utilities located within and below the vacated tracts; and 3) requiring the future demolition of SW 110th Avenue and construction of the reconfigured street network to be coordinated with the City to minimize impacts on the travelling public; and

WHEREAS, the public notice has been duly published and posted on the property as required in ORS 271.110 (Notice of Public Hearing) and the requisite affidavits are on file with the office of the City Recorder; and

WHEREAS, staff has also presented its City Council Meeting Staff Report, which has been made part of the record of this hearing and sets forth that the Development Review Board conducted a public hearing on February 10, 2014, affording the public an opportunity to comment on the proposed tracts for street vacation, and then passed Resolution No. 269 recommending approval of the street vacation of the three tracts to the City Council, which Resolution has been attached to the City Council Meeting Staff Report as Exhibit B, together with the accompanying staff report to the DRB as Exhibit C to the City Council Meeting Staff Report; and

WHEREAS, on March 3, 2014, the City Council duly conducted a public hearing on the above referenced petitions for street vacation, and based on the record, the attachments and exhibits, and testimony provided, and being fully advised, the Council finds that the proposed vacation is consistent with all applicable land use regulations, the City Code requirements for street vacations, as well as the statutory requirements as set forth in **Attachments A, B, and C**; and

WHEREAS, as required by ORS 271.120, the Council further finds that the public interest is not prejudiced by vacation of the public right-of-way due to the fact new transportation facilities are being provided consistent with the City's Transportation System Plan and Villebois Village Master Plan.

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

Section 1. Findings, Determinations and Conclusions. The City Council adopts, as its findings, determinations, and conclusions, the above Recitals and incorporates them by reference as if fully set forth herein.

Section 2. Order. The portions of the public right-of-way known as 110th Avenue, as more fully described in **Attachment C**, situated in the northeast quarter of Section 15, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, are hereby declared vacated, subject to conditions of approval and title passing as set forth in the Street Vacation Staff Report Findings, **Attachment A**.

Section 3. Certification. The City Recorder is directed to certify this Ordinance and make the applicable filings in accordance with ORS 271.150.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 3rd day of March, 2014, at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon, and scheduled for second reading on the 17th day of March, 2014, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 17th day of March, 2014, by the following votes:

Yes: -3-

No: -0-

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this _____ day of March, 2014.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Starr	Excused
Councilor Goddard	Excused
Councilor Fitzgerald	Yes
Councilor Stevens	Yes

Attachments:

- Attachment A - Street Vacation Staff Report Findings
- Attachment B - Street Vacation Petitions
- Attachment C - Legal Description of Tracts Being Vacated

Ordinance No. 736 Attachment A
STAFF REPORT
WILSONVILLE PLANNING DIVISION

SW 110th Avenue Street Vacation, PDP 3 and 4 East
“Tonquin Meadows”

CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING FOR STREET VACATION

HEARING DATE March 3, 2014

APPLICATION NO.: DB14-0001 Vacation of a Portion of SW 110th Avenue Right-of-Way

REQUEST/SUMMARY: The City Council is being asked to review the vacation of portions of SW 110th Avenue to allow development of private park areas consistent with the previously approved Villebois Phases 3 and 4 East. The connectivity provided by SW 110th will be provided by a planned new segment of SW Villebois Drive North.

LOCATION: Portions of SW 110th Avenue right-of-way between SW Mont Blanc Street and SW Tooze Road/SW Boeckman Road, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

ADJACENT PROPERTY OWNERS: Donald E. Bischoff and Sharon L. Lund (Tax Lot 180)
Polygon at Villebois III LLC (Tax Lots 2916 and 2919)
Polygon at Villebois V LLC (Tax Lot 301)

APPLICANT/PETITIONER: Fred Gast, Polygon NW Company

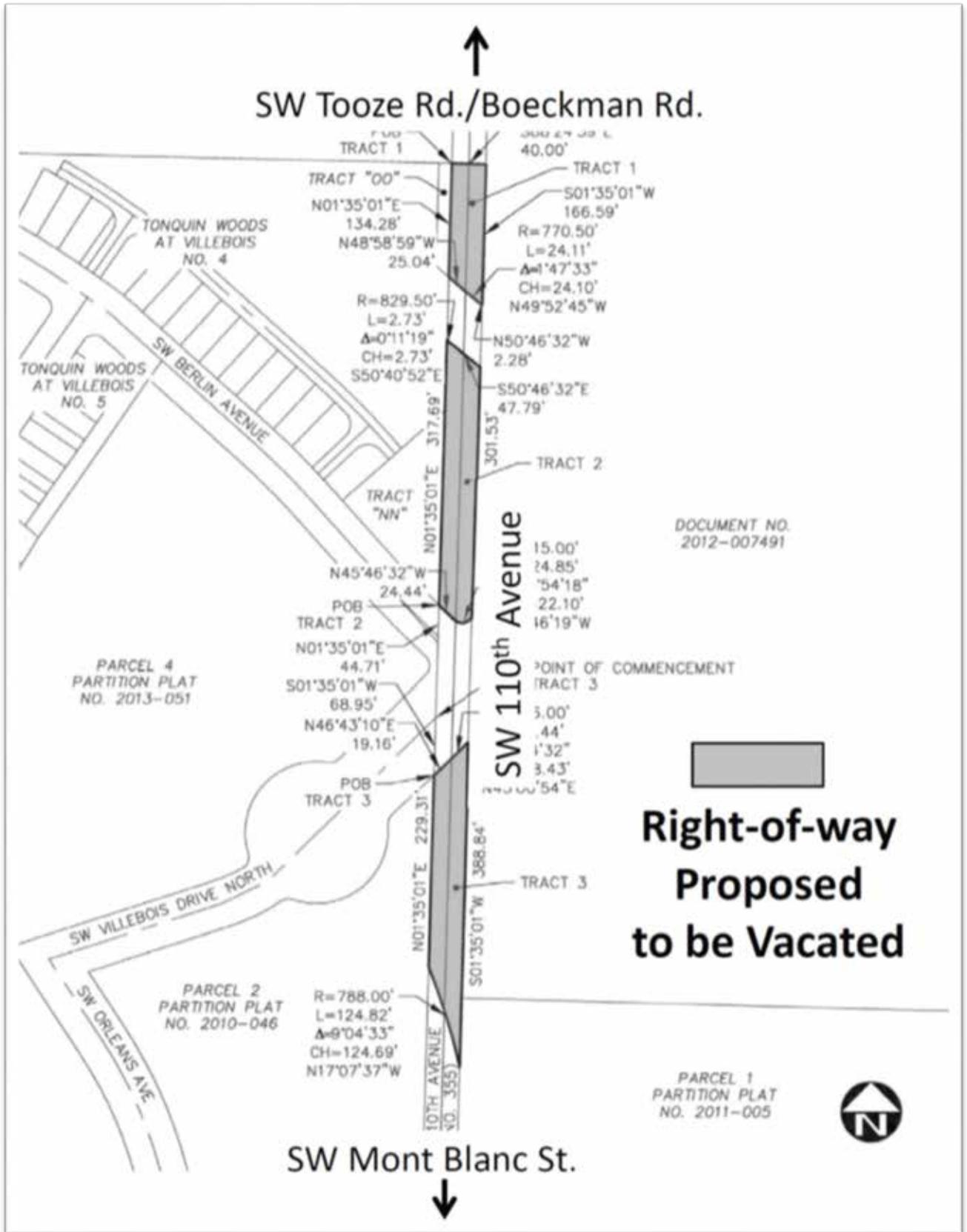
APPLICANT’S REP.: Stacy Connery, AICP, Pacific Community Design, Inc.

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

ZONE MAP CLASSIFICATIONS: V (Village)

STAFF REVIEWERS: Daniel Pauly AICP, Associate Planner
Steve Adams PE, Development Engineering Manager

DRB RECOMMENDATION: **Approve** the request and vacate the requested portions of SW 110th Avenue as shown on the map below.



APPLICABLE REVIEW CRITERIA

DEVELOPMENT CODE	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Subsection 4.031 (.01) L.	Authority of the Development Review Board: Street Vacations
Subsection 4.032 (.01) D.	Authority of the Planning Commission: Street Vacations
Subsection 4.033 (.01) H.	Authority of the City Council: Street Vacations
Subsection 4.034 (.07)	Street Vacation Review Standards and Procedures
OTHER PLANNING DOCUMENTS	
Villebois Village Master Plan	
Transportation Systems Plan	
SAP East Approval Documents	
PDP 3 East Approval Documents	
PDP 4 East Approval Documents	
OREGON REVISED STATUTES	
ORS 271.080	Vacation in incorporated cities; petition; consent of property owners.
ORS 271.120	Vacation hearing; determination.
ORS 271.140	Title to vacated areas.
ORS 271.150	Vacation records to be filed; costs.
ORS 271.190	Vacation consent of owners of adjoining properties; other required approval.
ORS 271.200	Vacation Petition; notice

BACKGROUND/SUMMARY:

SW 110th Avenue has long served as a north south connection on the west side of Wilsonville. Historically it connected SW Brown Rd./SW Camelot directly north to SW Tooze Road. The Villebois Village Master Plan, originally adopted in 2003, shows a new circulation system replacing SW 110th and the north-south connectivity it provided. During the earlier phases of Villebois development the most southerly portion of the original SW 110th Avenue was vacated and is now a pedestrian connection with plantings extending from SW Camelot Street to the SW Costa Circle/SW Barber Street round-a-bout. The portions of the original SW 110th Avenue between the pedestrian connection and the southernmost portion of proposed vacation have been converted to the SW Costa Circle/SW Barber Street round-a-bout and a segment of SW Costa Circle East. The proposed vacation allows the conversion of much of the remainder of SW 110th Avenue into private park areas, as shown in the Villebois Village Master Plan. Some segments of the right-of-way will not be vacated, but be incorporated into planned streets including SW Villebois Drive North, SW Berlin Avenue, and SW Stockholm Avenue. The very northern portion of SW 110th Avenue will remain to provide access to a property on the west side of SW 110th just south of SW Tooze Road not yet proposed for development. The north-south

connectivity of SW 110th Avenue will be replaced by a new segment of SW Villebois Drive North which will connect from a new round-a-bout at SW Costa Circle to the existing round-a-bout on SW Boeckman Rd./SW Tooze Rd. just west of the Boeckman bridge. The demolition of SW 110th and construction of the new SW Villebois Drive North segment is currently planned later this year together with Polygon Homes construction of a new subdivision previously approved.



CONCLUSION AND CONDITIONS OF APPROVAL:

Staff and the DRB have reviewed the applicant’s analysis of compliance with the applicable criteria. This Staff report adopts the applicant’s responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, the Development Review Board recommends approval of the proposed application (DB14-0001) with the following conditions:

<p>Conditions:</p>
<p>PF 1. Concurrently with the 110th Avenue Right-of-Way vacation, the Applicant shall file Temporary Public Access Easements over the same described parcels being vacated to allow legal continued use of 110th Avenue prior to its demolition and reconfiguration of the street network.</p>
<p>PF 2. For any public or private utilities currently located within the proposed vacated Right-of-Way, and anticipated to remain in this location, Applicant shall provide public or private utility easements on City approved forms. For public easements these shall be minimum 15-foot wide easements centered on the utility. For private easements they shall be of</p>

sufficient width as needed by the private utility and as approved by the City.
PF 3. The future demolition of 110th Avenue and construction of the street network in Tonquin Meadows will need to be coordinated with the City to minimize impacts to the traveling public.

FINDINGS OF FACT:

1. Prior land use actions include:

Legislative:

- 02PC06 - Villebois Village Concept Plan
- 02PC07A - Villebois Comprehensive Plan Text
- 02PC07C - Villebois Comprehensive Plan Map
- 02PC07B - Villebois Village Master Plan
- 02PC08 - Village Zone Text
- 04PC02 – Adopted Villebois Village Master Plan
- LP-2005-02-00006 – Revised Villebois Village Master Plan
- LP-2005-12-00012 – Revised Villebois Village Master Plan (Parks and Recreation)
- LP13-0005 – Revised Villebois Village Master Plan

Quasi Judicial:

- 04 DB 22 et seq – SAP-East
- DB12-0042 et seq – PDP-3E Tonquin Meadows
- DB12-0050 et seq – PDP-4E Tonquin Meadows No. 2
- DB13-0013 et seq – PDP-4C Polygon Northwest at Villebois No. 2
- AR13-0046 PDP 3 and 4 East Phasing Amendment

2. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

CONCLUSIONARY FINDINGS:

Planning and Land Development Ordinance

Subsections 4.031 (.01) L., 4.032 (.01) D., Subsection 4.033 (.01) H. Authority to Review Street Vacations

1. **Review Criteria:** These subsections define the roles of the Development Review Board, the Planning Commission, and City Council for street vacations. The Development Review Board is authorized to make recommendations to City Council for street vacations where a specific development application has been filed for the subject property. The Planning Commission is authorized to make recommendations to City Council for street vacations where no specific development application has been filed for the subject property. City Council takes final action on street vacation applications.

Finding: These criteria are satisfied.

Details of Finding: Specific development applications have been filed and approved by the City for the land being vacated subject to approval of the street vacation. The land is

approved to be development as private park space. See case files DB12-0042 (Preliminary Development Plan, Villebois Phase 3 East), DB12-0048 (Final Development Plan for Parks and Open Space, Villebois Phase 3 East), DB12-0050 (Preliminary Development Plan, Villebois Phase 4 East), and DB12-0054 (Final Development Plan for Parks and Open Space, Villebois Phase 4 East). Due to the previous submission of specific development application for the subject land, the Development Review Board is reviewing the street vacation to make a recommendation to City Council. The City Council will then take the final action on the request.

Subsection 4.034 (.07) Standards for Street Vacation

2. **Review Criteria:** “Applications for street vacations shall be reviewed in accordance with the standards and procedures set forth in ORS 271.
Finding: These criteria are satisfied.
Details of Finding: As shown in Findings 9 -16 below, the request is being reviewed in accordance with ORS 271.

Previous Land Use Approvals

DB12-0042 SAP-East PDP 3E, Preliminary Development Plan, Condition of Approval PFA 34.

3. **Review Criteria:** “The City understands that the Applicant will also construct Villebois Drive west of the development through its intersection with Costa Circle, and construct Costa Circle from this intersection to its present location at Mt. Blanc. Existing transition between Costa Circle and 110th Avenue shall be demolished with construction of the new roadway.

With completion of this roadway construction, 110th Avenue will be closed. Applicant shall submit the required exhibits and work with the City to abandon or transfer the existing right-of-way and create easements for the underground private and/or public utilities that remain. See also PDA 2.”

Finding: These criteria are satisfied.

Details of Finding: PDP 3E (Casefile No. DB12-0042) and PDP 4E (Casefile DB12-0053) received planning approval on November 12, 2012. PDP 3E and PDP 4E phasing was amended on November 19th, 2013 with Casefile AR13-0046, which allows development of Phase I areas of PDP 3E and PDP 4E and Phase II of PDP 3E and PDP 4E to occur concurrently. Construction of improvements will occur with Phase I of PDP 3E and PDP 4E and will begin upon approval of construction plans and issuance of permits. The existing transition between Costa Circle and 110th Avenue will be demolished with roadway construction. Portions of 110th Avenue within the subject site will be close with completion of roadway construction.

This application provides the required exhibits for vacation of the necessary portions of 110th Avenue. The Final Plat for the 1st phase of Tonquin Meadows will address further transfer of the vacated areas and any easements that are necessary. Separate documents addressing any easements outside of areas to be platted will be provided in conjunction with the Final Plat.

Approval of this application for ROW vacation of portions of SW 110th Avenue will allow the Applicant to comply with Condition PFA 34.

Transportation Systems Plan

Table 5-4. Higher Priority Projects (Southwest Quadrant) Roadway Extensions

4. **Review Criteria:**

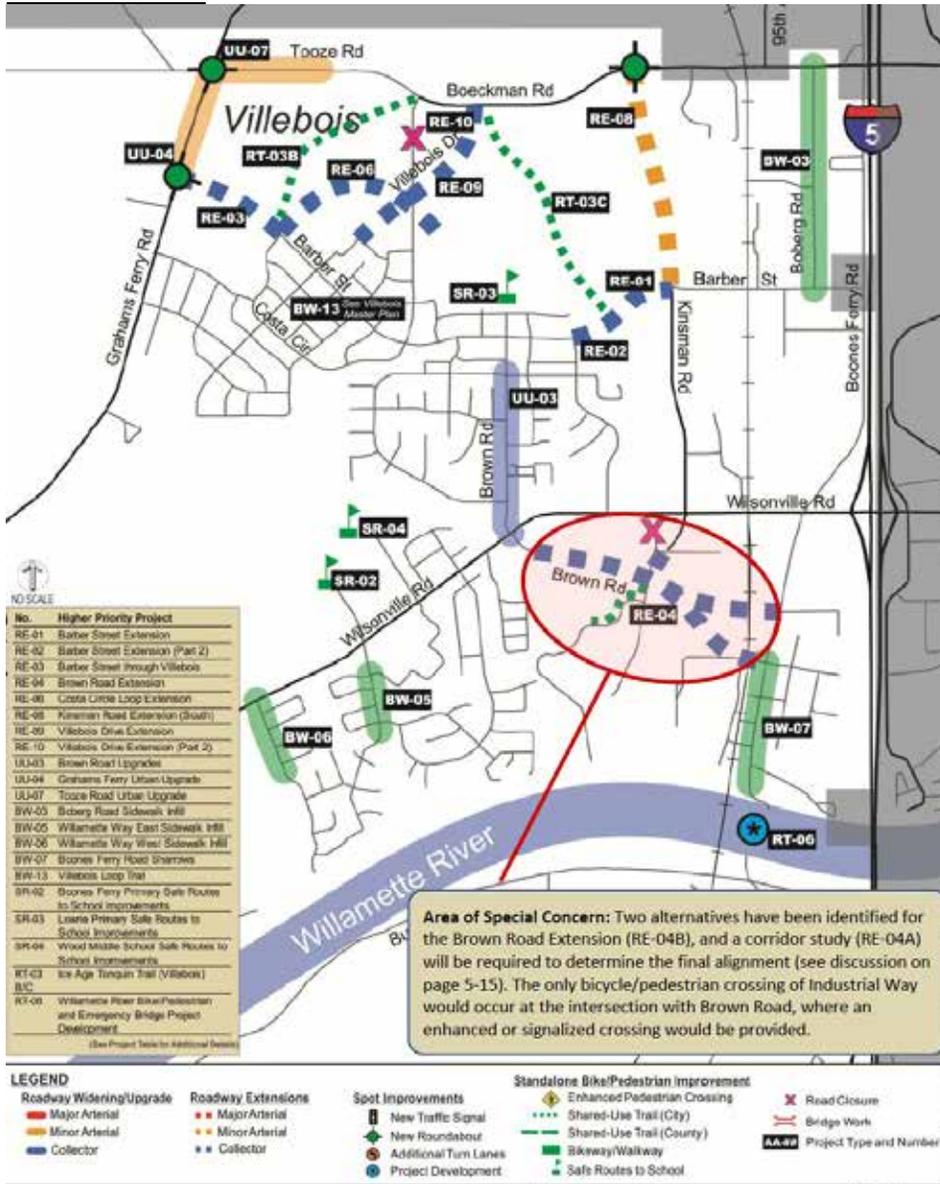
RE-09	Villebois Drive Extension	Construct 2-lane roadway with bike lanes, sidewalks, and transit stop improvements from Costa Circle to Coffee Lake Drive	\$390,000
RE-10	Villebois Drive Extension (Part 2)	Construct 2-lane roadway with bike lanes, sidewalks, and transit stop improvements from Coffee Lake Drive to Boeckman Road	\$250,000

Finding: These criteria are satisfied.

Details of Finding: The listed extensions of Villebois Drive in the Transportation System Plan are planned to be constructed as part of Construction Phase 1 of PDP 3 and 4 East as shown in the phasing plan approved in Case File AR13-0046, and will replace the north-south connectivity between Villebois and SW Boeckman Road/SW Tooze Road.

Figure 5-5. Higher Priority Projects (Southwest Quadrant)

5. Review Criteria:



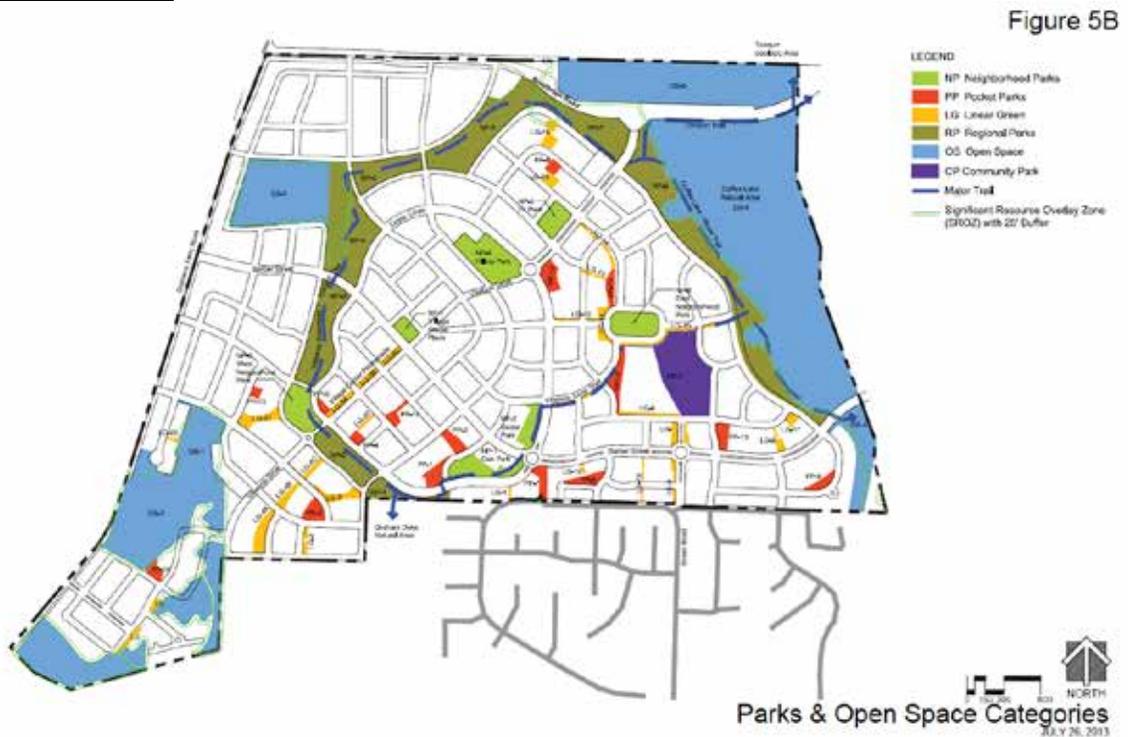
Finding: This criterion is satisfied.

Details of Finding: The closure of SW 110th is shown by the red “X” in Figure 5-5 in association with projects RE-09 and RE-10, extension of SW Villebois Drive.

Villebois Village Master Plan

Figure 5B Parks and Open Space Categories

6. Review Criteria:

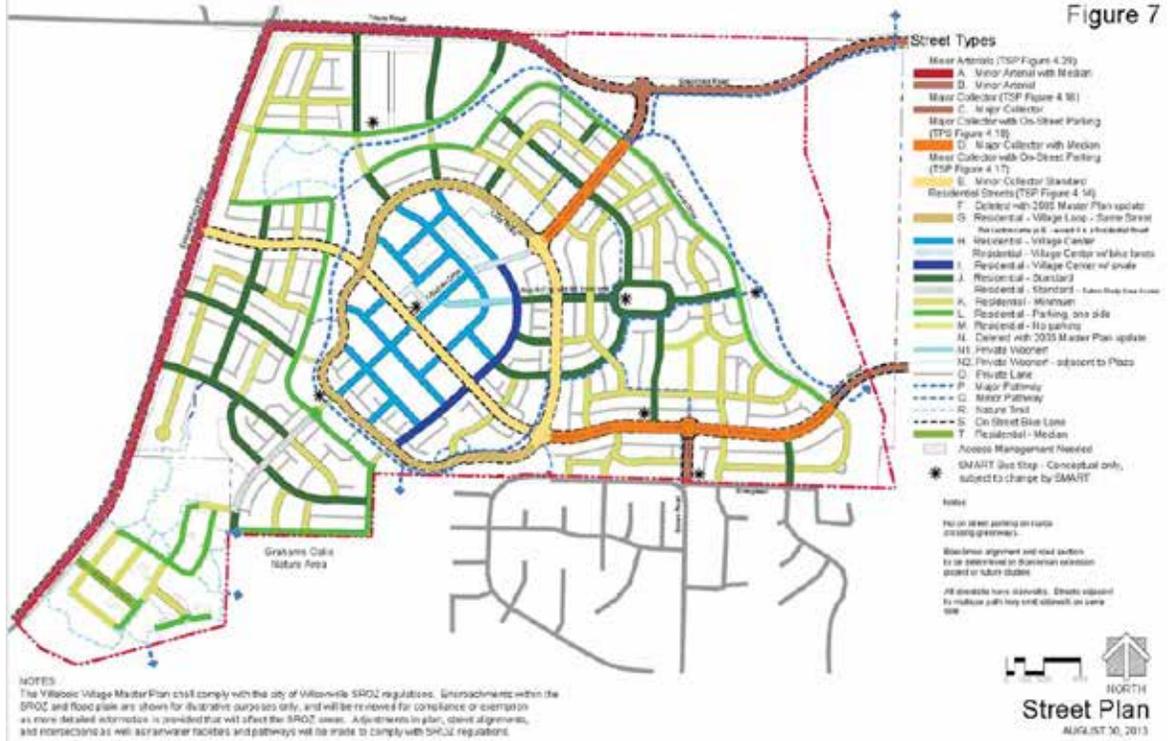


Finding: This criterion is satisfied.

Details of Finding: This and other figures show the intention for the portions of SW 110th being vacated to become private parks.

Figure 7 Street Plan

7. Review Criteria:



Finding: This criterion is satisfied.

Details of Finding: This and other figures show how SW 110th is not planned as part of the circulation and street system in the Villebois Village Master Plan.

Figure 8. Proposed Arterial and Collector System

8. **Review Criteria:**

Figure 8



Finding: This criterion is satisfied.

Details of Finding: Figure 8 of the Villebois Village Master Plan shows SW 110th Avenue as an “Existing street replaced by the Villebois Circulation Plan.”

Oregon Revised Statutes

ORS 271.080 (1) Petition for Street Vacation in Incorporated Cities

9. **Review Criterion:** “Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.”

Finding: This criterion is satisfied.

Details of Finding: Polygon Homes has filed the described petition. Previous land use actions by the City approve Polygon, contingent on the vacation, to construct private parks on the vacated right-of-way. The reason for the vacation is clear in previous land use approvals and the record of this request, including the connectivity provided by SW 110th being provided by planned new roads.

ORS 271.080 (2) Consent of Adjoining Property Owners

10. **Review Criterion:** “There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds

in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.”

Finding: This criterion is satisfied.

Details of Finding: The petition has been signed by all owners of abutting property, who are also the owners of more than two-thirds (2/3) of real property affected thereby. The total size of real property affected thereby is 699,961 SF. The sum of the area of real property affected thereby that is also within the abutting tax lots is 518,679 SF, or 74% of the total real property affected thereby. Given that the petition has been signed by all owners of abutting property, consent of property owners for 74% (i.e. greater than two-thirds) of the area of the real property affected has been provided on the attached petition.

ORS 271.090 Submission of Street Vacation Petition to City

11. **Review Criteria:** “The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.”

Finding: These criteria are satisfied.

Details of Finding: The petition has been submitted to the City, and Polygon has been informed of the hearing dates before the Development Review Board and City Council.

ORS 271.100 City Action of Street Vacation Petition

12. **Review Criteria:** “The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.”

Finding: These criteria are satisfied.

Details of Finding: The vacation of these portions of SW 110th have long been showed in City adopted master plans and a development application was approved by the City to develop the vacated right-of-way contingent on approval of the vacation. The City is setting and holding public hearings to consider the petition.

ORS 271.110 Notice of Hearing

13. **Review Criteria:** This section prescribes the notices required for street vacation hearings including newspaper publication and posting of notices along the right-of-way to be vacated.

Finding: These criteria are satisfied.

Details of Finding: The noticing requirements required by ORS 271.110 have or will be met prior to the hearing.

ORS 271.120 Hearing; determination

14. **Review Criteria:** “At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.”

Finding: These criteria are satisfied.

Details of Finding: The consent of the owners of the requisite area have been obtained as shown with the attached petitions, notice has been given as prescribed. Public policy, as shown in the Villebois Village Master Plan and Transportation Systems Plan, has long been to vacate the proposed area upon replacement with streets planned as part of the Villebois development. After receiving a recommendation from the Development Review Board the City Council would vacate the street by ordinance.

ORS 271.140 Title to Vacated Areas

15. **Review Criteria:** “The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city.”

Finding: These criteria are satisfied.

Details of Finding: It is understood the title to portions of the street to be vacated will be attached to the lands bordering the subject area in equal portions.

ORS 271.150 Vacation Records to be Filed

16. **Review Criteria:** “The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city.”

Finding: These criteria are satisfied.

Details of Finding: It is understood the ordinance will be recorded as required by this section, the cost of which will be borne by the petitioner.

Street Vacation Petition

This petition must be signed by all abutting property owners, and the owners of not less than 2/3 of the area of the real property "affected thereby", as defined in ORS 271.080 (2) and as shown on the attached Street Vacation Map, attached hereto as **Exhibit A**. All signatures must be in ink. A listing of the names and addresses of all abutting and affected area property owners, as shown on the attached Street Vacation Map, was obtained from the Clackamas County real property tax roll records and is attached hereto as **Exhibit B**.

REQUIRED SIGNATURES:

We, the owner in fee simple of the following described real properties consent to the vacation of all that portion of SW 110th Avenue, in the City of Wilsonville, Clackamas County, Oregon, as shown on the attached Street Vacation Map, and as described in the application narrative, attached hereto as **Exhibit C**.

1) Polygon at Villebois III, LLC
Property Owner's Name

No site address; Reference Parcel 31W15 02916
Property Street Address and Legal Description

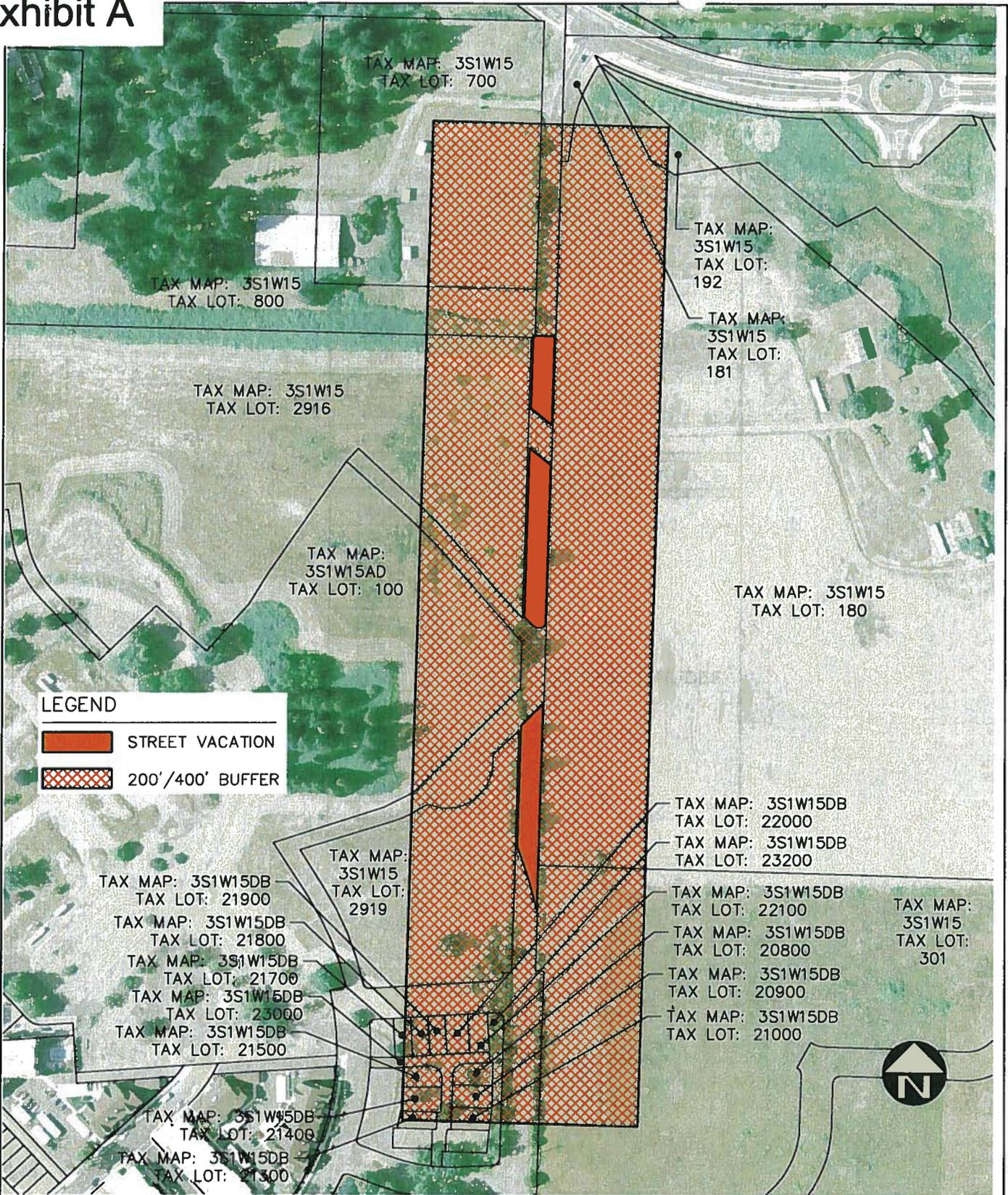
No site address; Reference Parcel 31W15 02919
Property Street Address and Legal Description


Signature

01/09/14
Date

Exhibit A

N:\proj\395-025\09 Drawings\06 Survey\Legal\395025.Street Vacation.Lots.2013-12-12.dwg - SHEET: Legal Desc Dec. 18, 13 - 10:52 AM.cll



DRAWN BY: CLL DATE: 12/12/13
 REVIEWED BY: TCJ DATE: 12/12/13
 PROJECT NO.: 395-025
 SCALE: 1"=250'
 PAGE 1 OF 2



12564 SW Main St
 Tigard, OR 97223
 [T] 503-941-9484
 [F] 503-941-9485

N:\proj\395-025\09 Drawings\06 Survey\Legal\395025.Street Vacation Lots.2013-12-12.dwg - \$HEET: Legal Desc [2] Dec. 18, 13 - 10:52 AM cll

TAX MAP	TAX LOT #
3 SOUTH 1 WEST SECTION 15	180
	181
	192
	301
	700
	800
	2916
	2919
3 SOUTH 1 WEST SECTION 15 AD	100
3 SOUTH 1 WEST SECTION 15 DB	20800
	20900
	21000
	21300
	21400
	21500
	21700
	21800
	21900
	22000
	22100
	23000
23200	

DRAWN BY: CLL DATE: 12/12/13
REVIEWED BY: TCJ DATE: 12/12/13
PROJECT NO.: 395-025
SCALE: NTS
PAGE 2 OF 2



12564 SW Main St
Tigard, OR 97223
[T] 503-941-9484
[F] 503-941-9485

Exhibit B

REPARCEL	OWNER	OWNERFIRST	OWNERLAST	MAILADDRESS	MAILCITY	MAILSTATE	MAILZIP
31W15 00700	Roger Chang	Roger	Chang	3205 Edgemont Rd	Lake Oswego	OR	97035
31W15 00800	Roger Chang	Roger	Chang	3205 Edgemont Rd	Lake Oswego	OR	97035
31W15 00180	Donald Bischoff	Donald	Bischoff	16300 SW 192nd Ave	Sherwood	OR	97140
31W15 00301	Polygon At Villebois LLC	Polygon At Villebois LLC		109 E 13th St #200	Vancouver	WA	98660
31W15 00181	Wilsonville Urban Renewal Agency	Wilsonville Urban Renewal Agency		29799 SW Town Center Loop E	Wilsonville	OR	97070
31W15 00192	Wilsonville Urban Renewal Agency	Wilsonville Urban Renewal Agency		29799 SW Town Center Loop E	Wilsonville	OR	97070
31W15AD00100	Rcs-Villebois Dev LLC	Rcs-Villebois Dev LLC		371 Centennial Pkwy #200	Louisville	CO	80027
31W15 02916	Pnw Home Builders LLC	Pnw Home Builders LLC		109 E 13th St #200	Vancouver	WA	98660
31W15 02919	Pnw Home Builders LLC	Pnw Home Builders LLC		109 E 13th St #200	Vancouver	WA	98660
31W15DB20800	Lorenzo & Laura Young	Lorenzo & Laura	Young	28949 SW Costa Cir E	Wilsonville	OR	97070
31W15DB20900	Jeffrey Barram	Jeffrey	Barram	28955 SW Costa Cir E	Wilsonville	OR	97070
31W15DB21000	Julie Helmke	Julie	Helmke	28969 SW Costa Cir E	Wilsonville	OR	97070
31W15DB21300	Sheryl Dischner	Sheryl	Dischner	28962 SW Orleans Ave	Wilsonville	OR	97070
31W15DB21400	James Woodin	James	Woodin	28954 SW Orleans Ave	Wilsonville	OR	97070
31W15DB21500	Austin Joyner	Austin	Joyner	28926 SW Orleans Ave	Wilsonville	OR	97070
31W15DB21700	Juan & Michele Vasquez	Juan & Michele	Vasquez	11124 SW Mont Blanc St	Wilsonville	OR	97070
31W15DB21800	Daniel Solvan	Daniel	Solvan	11118 SW Mont Blanc St	Wilsonville	OR	97070
31W15DB21900	Millian Stewart	Millian	Stewart	11106 SW Mont Blanc St	Wilsonville	OR	97070
31W15DB22000	Judi Campbell	Judi	Campbell	11090 SW Mont Blanc St	Wilsonville	OR	97070
31W15DB22100	Matthew & Karlee Wyckoff	Matthew & Karlee	Wyckoff	11082 SW Mont Blanc St	Wilsonville	OR	97070
31W15DB23000	Polygon NW at Villebois HOA	Polygon NW at Villebois HOA		1200 NW Naito Pkwy #650	Portland	OR	97209
31W15DB23200	Polygon NW at Villebois HOA	Polygon NW at Villebois HOA		1200 NW Naito Pkwy #650	Portland	OR	97209

Street Vacation Petition

This petition must be signed by all abutting property owners, and the owners of not less than 2/3 of the area of the real property "affected thereby", as defined in ORS 271.080 (2) and as shown on the attached Street Vacation Map, attached hereto as Exhibit A. All signatures must be in ink. A listing of the names and addresses of all abutting and affected area property owners, as shown on the attached Street Vacation Map, was obtained from the Clackamas County real property tax roll records and is attached hereto as Exhibit B.

REQUIRED SIGNATURES:

We, the owner in fee simple of the following described real properties consent to the vacation of all that portion of SW 110th Avenue, in the City of Wilsonville, Clackamas County, Oregon, as shown on the attached Street Vacation Map, and as described in the application narrative, attached hereto as Exhibit C.

2) Polygon at Villebois V, LLC

Property Owner's Name

29092 SW 110th Ave, Wilsonville, Oregon 97070; Reference Parcel 31W15 00301

Property Street Address and Legal Description



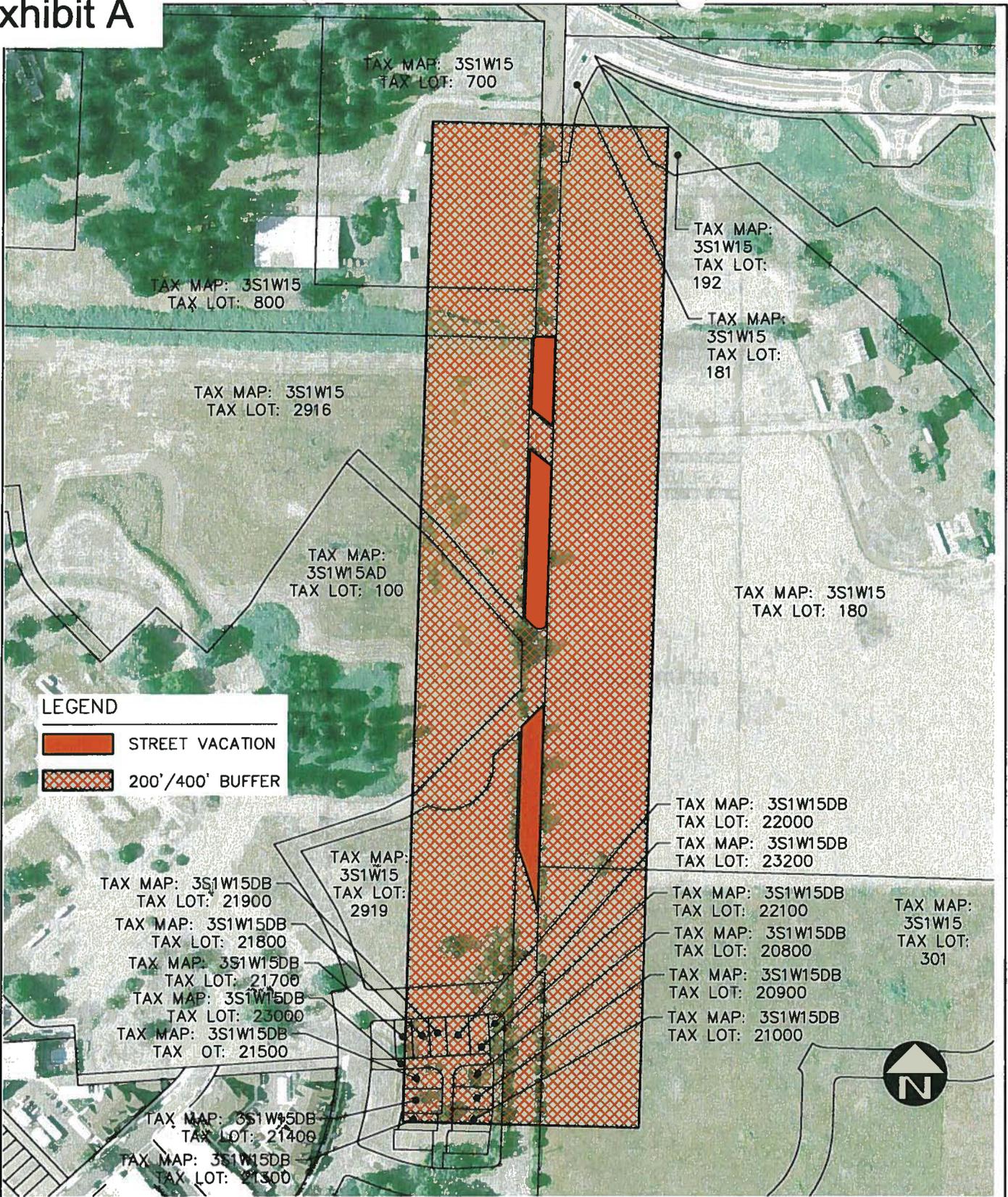
Signature

01/09/14

Date

Exhibit A

N:\proj\395-025\09 Drawings\06 Survey\Legal\395025.Street Vacation Lots.2013-12-12.dwg - SHEET: Legal Desc Dec. 18. 13 - 10:52 AM.cll



DRAWN BY: CLL DATE: 12/12/13
 REVIEWED BY: TCJ DATE: 12/12/13
 PROJECT NO.: 395-025
 SCALE: 1"=250'
 PAGE 1 OF 2



12564 SW Main St
 Tigard, OR 97223
 [T] 503-941-9484
 [F] 503-941-9485

TAX MAP	TAX LOT #
3 SOUTH 1 WEST SECTION 15	180
	181
	192
	301
	700
	800
	2916
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	20900
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PAGE 2 OF 2



12564 SW Main St
 Tigard, OR 97223
 [T] 503-941-9484
 [F] 503-941-9485

Exhibit B

REFPARCEL	OWNER	OWNERFIRST	OWNERLAST	MAILADDRESS	MAILCITY	MAILSTATE	MAILZIP
31W15 00700	Roger Chang	Roger	Chang	3205 Edgemont Rd	Lake Oswego	OR	97035
31W15 00800	Roger Chang	Roger	Chang	3205 Edgemont Rd	Lake Oswego	OR	97035
31W15 00180	Donald Bischoff	Donald	Bischoff	16300 SW 192nd Ave	Sherwood	OR	97140
31W15 00301	Polygon At Villebois LLC	Polygon At Villebois LLC		109 E 13th St #200	Vancouver	WA	98660
31W15 00181	Wilsonville Urban Renewal Agency	Wilsonville Urban Renewal Agency		29799 SW Town Center Loop E	Wilsonville	OR	97070
31W15 00192	Wilsonville Urban Renewal Agency	Wilsonville Urban Renewal Agency		29799 SW Town Center Loop E	Wilsonville	OR	97070
31W15AD00100	Rcs-Villebois Dev LLC	Rcs-Villebois Dev LLC		371 Centennial Pkwy #200	Louisville	CO	80027
31W15 02916	Pnw Home Builders LLC	Pnw Home Builders LLC		109 E 13th St #200	Vancouver	WA	98660
31W15 02919	Pnw Home Builders LLC	Pnw Home Builders LLC		109 E 13th St #200	Vancouver	WA	98660
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31W15DB20900	Jeffrey Barram	Jeffrey	Barram	28955 SW Costa Cir E	Wilsonville	OR	97070
31W15DB21000	Julie Helmke	Julie	Helmke	28969 SW Costa Cir E	Wilsonville	OR	97070
31W15DB21300	Sheryl Dischner	Sheryl	Dischner	28962 SW Orleans Ave	Wilsonville	OR	97070
31W15DB21400	James Woodin	James	Woodin	28954 SW Orleans Ave	Wilsonville	OR	97070
31W15DB21500	Austin Joyner	Austin	Joyner	28926 SW Orleans Ave	Wilsonville	OR	97070
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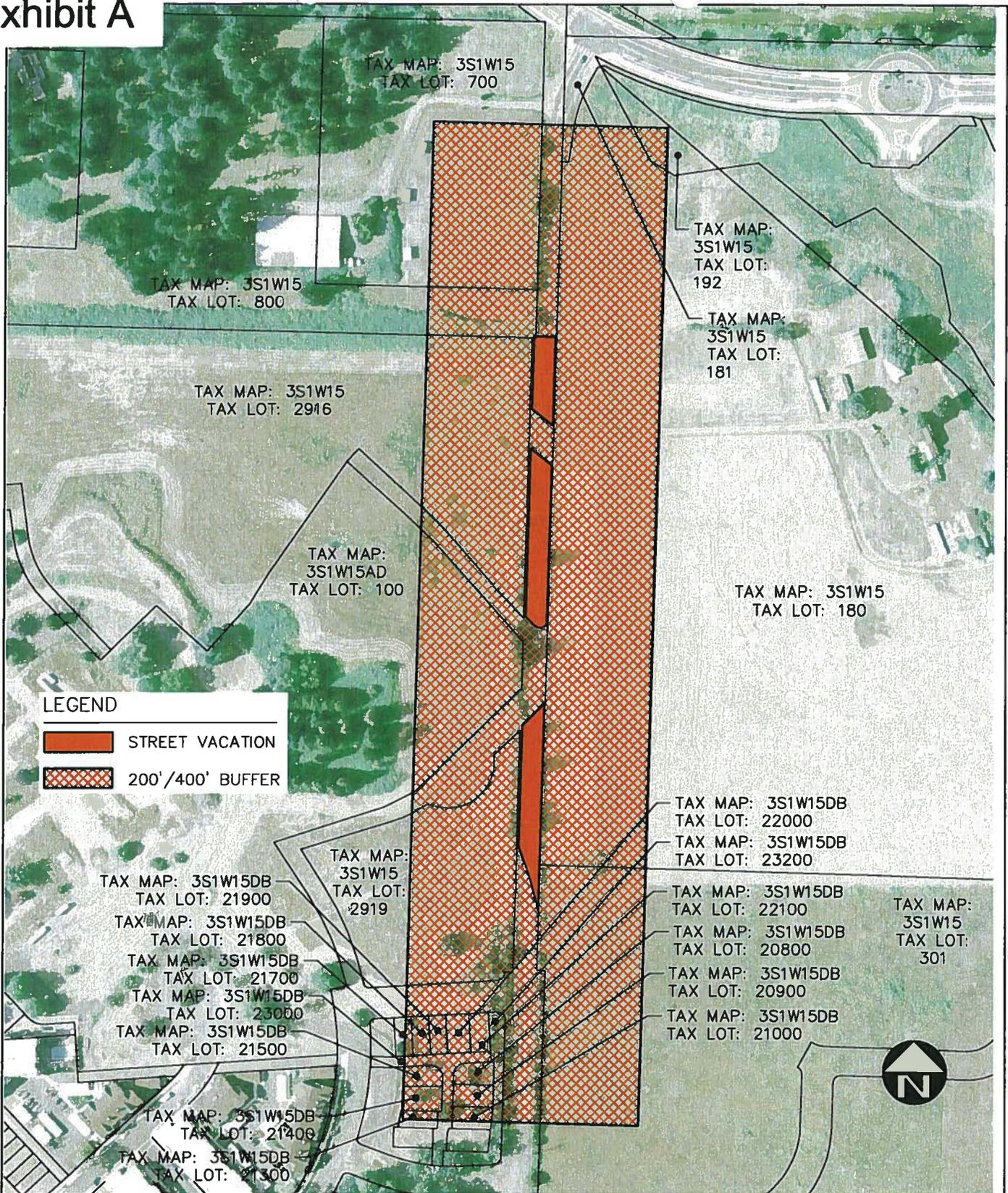
3) Donald Bischoff
Property Owner's Name

No Site Address; Reference Parcel 31W15 00180
Property Street Address and Legal Description

Donald Bischoff
Signature

12-19-13
Date

Exhibit A



N:\proj\395-025\09 Drawings\06 Survey\Legals\395025.Street Vacation Lots.2013-12-12.dwg - SHEET: Legal Desc Dec. 18, 13 - 10:52 AM.cpl

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EXHIBIT A

December 24, 2013

LEGAL DESCRIPTION Right-of-Way Vacation

Job No. 395-025

Three tracts of land being portions of SW 110th Avenue (County Road No. 355) Right-of-Way located in the Northeast Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, State of Oregon, more particularly described as follows:

Tract 1

BEGINNING at the Northeast corner of Tract "OO", plat of "Tonquin Woods at Villebois No. 4";

thence South 88° 24'59" East, a distance of 40.00 feet to a point on the easterly Right-of-Way line of SW 110th Avenue;

thence along said easterly Right-of-Way line, South 01° 35'01" West, a distance of 166.59 feet;

thence leaving said easterly Right-of-Way line, North 50° 46'32" West, a distance of 2.28 feet;

thence along a 770.50 foot radius tangential curve to the right, arc length of 24.11 feet, central angle of 01° 47'33", chord distance of 24.10 feet, and chord bearing of North 49° 52'45" West;

thence North 48° 58'59" West, a distance of 25.04 feet to a point on the westerly Right-of-Way line of said SW 110th Avenue;

thence along said westerly Right-of-Way line, North 01° 35'01" East, a distance of 134.28 feet to the POINT OF BEGINNING.

Containing 6,024 square feet, more or less.

Tract 2

BEGINNING at the most southerly corner of Tract "NN", plat of "Tonquin Woods at Villebois No. 4";

thence along the westerly Right-of-Way line of SW 110th Avenue, North 01° 35'01" East, a distance of 317.69 feet;

thence leaving said westerly Right-of-Way line, along a 829.50 foot radius non-tangential curve, concave northeasterly, with a radius point bearing North 39° 24'48" East, arc length of

2.73 feet, central angle of 00° 11'19", chord distance of 2.73 feet, and chord bearing of South 50° 40'52" East;

thence South 50° 46'32" East, a distance of 47.79 feet to a point on the easterly Right-of-Way line of said SW 110th Avenue;

thence along said easterly Right-of-Way line, South 01° 35'01" West, a distance of 301.53 feet;

thence leaving said easterly Right-of-Way line, along a 15.00 foot radius non-tangential curve, concave northerly, with a radius point bearing North 50° 40'50" West, arc length of 24.85 feet, central angle of 94° 54'18", chord distance of 22.10 feet, and chord bearing of South 86° 46'19" West;

thence North 45° 46'32" West, a distance of 24.44 feet to the POINT OF BEGINNING.

Containing 12,657 square feet, more or less.

Tract 3

COMMENCING at the most northerly corner of Parcel 2, Partition Plat No. 2010-046;

thence along the westerly Right-of-Way line of SW 110th Avenue, South 01° 35'01" West, a distance of 68.95 feet to the POINT OF BEGINNING;

thence leaving said westerly Right-of-Way line, North 46° 43'10" East, a distance of 19.16 feet;

thence along a 646.00 foot radius tangential curve to the left, arc length of 38.44 feet, central angle of 03° 24'32", chord distance of 38.43 feet, and chord bearing of North 45° 00'54" East to a point on the easterly Right-of-Way line of SW 110th Avenue;

thence along said easterly Right-of-Way line, South 01° 35'01" West, a distance of 388.84 feet;

thence leaving said easterly Right-of-Way line, along a 788.00 foot radius non-tangential curve, concave westerly, with a radius point bearing South 77° 24'40" West, arc length of 124.82 feet, central angle of 09° 04'33", chord distance of 124.69 feet, and chord bearing of North 17° 07'37" West to a point on the westerly Right-of-Way line of SW 110th Avenue;

thence along said westerly Right-of-Way line, North 01° 35'01" East, a distance of 229.31 feet to the POINT OF BEGINNING.

Containing 12,139 square feet, more or less.

Basis of bearings being plat of "Tonquin Woods at Villebois No. 4", Clackamas County Survey Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2015

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 269**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL OF A REQUEST FOR THE CITY TO VACATE PORTIONS OF SW 110TH AVENUE BETWEEN SW MONT BLANC AVENUE AND SW TOOZE/BOECKMAN ROAD. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. - REPRESENTATIVE FOR FRED GAST, POLYGON NW COMPANY- APPLICANT/PETITIONER.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated February 3, 2014, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on February 10, 2014, at which time exhibits, together with findings and public testimony were entered into the public record, and

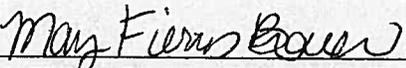
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

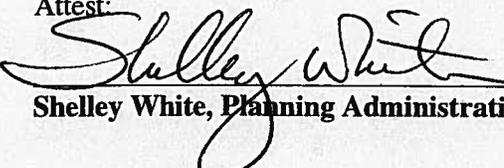
NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated February 3, 2014, attached hereto as Exhibit A1, with findings and recommendations contained therein as a recommendation to the City of Wilsonville City Council:

DB14-0001 Quasi-judicial Street Vacation of Portions of SW 110th Avenue.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 10th day of February, 2014 and filed with the Planning Administrative Assistant on February 11, 2014



Mary Fierros-Bower, Chair, Panel A
Wilsonville Development Review Board

Attest:


Shelley White, Planning Administrative Assistant

Exhibit A1
STAFF REPORT
WILSONVILLE PLANNING DIVISION

SW 110th Avenue Street Vacation, PDP 3 and 4 East
“Tonquin Meadows”

DEVELOPMENT REVIEW BOARD PANEL ‘A’
QUASI-JUDICIAL PUBLIC HEARING FOR STREET VACATION
STAFF REPORT

HEARING DATE	February 10, 2014
DATE OF REPORT:	February 3, 2014

APPLICATION NO.:	DB14-0001 Vacation of a Portion of SW 110th Avenue Right-of-Way
REQUEST/SUMMARY:	The Development Review Board is being asked to review a Quasi-judicial Street Vacation
LOCATION:	Portions of SW 110 th Avenue between SW Mont Blanc Street and SW Tooze Road/SW Boeckman Road.
ADJACENT PROPERTY OWNERS:	Donald E. Bischoff and Sharon L. Lund (Tax Lot 180) Polygon at Villebois III LLC (Tax Lots 2916 and 2919) Polygon at Villebois V LLC (Tax Lot 301)
PETITIONER:	Fred Gast, Polygon NW Company
APPLICANT’S REP.:	Stacy Connery, AICP, Pacific Community Design, Inc.
COMPREHENSIVE PLAN MAP DESIGNATION:	Residential-Village
ZONE MAP CLASSIFICATIONS:	V (Village)
STAFF REVIEWERS:	Daniel Pauly AICP, Associate Planner Steve Adams PE, Development Engineering Manager
STAFF RECOMMENDATION:	<u>Recommend approval with Conditions</u> of the requested Street Vacation to City Council.

APPLICABLE REVIEW CRITERIA

<u>DEVELOPMENT CODE</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Subsection 4.031 (.01) L.	Authority of the Development Review Board: Street Vacations
Subsection 4.032 (.01) D.	Authority of the Planning Commission: Street Vacations
Subsection 4.033 (.01) H.	Authority of the City Council: Street Vacations
Subsection 4.034 (.07)	Street Vacation Review Standards and Procedures
<u>OTHER PLANNING DOCUMENTS</u>	
Villebois Village Master Plan	
Transportation Systems Plan	
SAP East Approval Documents	
PDP 3 East Approval Documents	
PDP 4 East Approval Documents	
<u>OREGON REVISED STATUTES</u>	
ORS 271.080	Vacation in incorporated cities; petition; consent of property owners.
ORS 271.120	Vacation hearing; determination.
ORS 271.140	Title to vacated areas.
ORS 271.150	Vacation records to be filed; costs.
ORS 271.190	Vacation consent of owners of adjoining properties; other required approval.
ORS 271.200	Vacation Petition; notice

BACKGROUND/SUMMARY:

SW 110th Avenue has long served as a north south connection on the west side of Wilsonville. Historically it connected SW Brown Rd./SW Camelot directly north to SW Tooze Road. The Villebois Village Master Plan, originally adopted in 2003, shows a new circulation system replacing SW 110th and the north-south connectivity it provided. During the earlier phases of Villebois development the most southerly portion of the original SW 110th Avenue was vacated and is now a pedestrian connection with plantings extending from SW Camelot Street to the SW Costa Circle/SW Barber Street round-a-bout. The portions of the original SW 110th Avenue between the pedestrian connection and the southernmost portion of proposed vacation have been converted to the SW Costa Circle/SW Barber Street round-a-bout and a segment of SW Costa Circle East. The proposed vacation allows the conversion of much of the remainder of SW 110th Avenue into private park areas, as shown in the Villebois Village Master Plan. Some segments of the right-of-way will not be vacated, but be incorporated into planned streets including SW Villebois Drive North, SW Berlin Avenue, and SW Stockholm Avenue. The very northern portion of SW 110th Avenue will remain to provide access to a property on the west side of SW 110th just south of SW Tooze Road not yet proposed for development. The north-south

connectivity of SW 110th Avenue will be replaced by a new segment of SW Villebois Drive North which will connect from a new round-a-bout at SW Costa Circle to the existing round-a-bout on SW Boeckman Rd./SW Tooze Rd. just west of the Boeckman bridge. The demolition of SW 110th and construction of the new SW Villebois Drive North segment is currently planned later this year together with Polygon Homes construction of a new subdivision previously approved.



CONCLUSION AND CONDITIONS OF APPROVAL:

Staff has reviewed the applicant’s analysis of compliance with the applicable criteria. This Staff report adopts the applicant’s responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, staff recommends that the Development Review Board recommend approval of the proposed application (DB14-0001) to City Council with the following conditions:

Conditions:	
PF 1.	Concurrently with the 110th Avenue Right-of-Way vacation, the Applicant shall file Temporary Public Access Easements over the same described parcels being vacated to allow legal continued use of 110th Avenue prior to its demolition and reconfiguration of the street network.
PF 2.	For any public or private utilities currently located within the proposed vacated Right-of-Way, and anticipated to remain in this location, Applicant shall provide public or private utility easements on City approved forms. For public easements these shall be minimum

15-foot wide easements centered on the utility. For private easements they shall be of sufficient width as needed by the private utility and as approved by the City.
PF 3. The future demolition of 110th Avenue and construction of the street network in Tonquin Meadows will need to be coordinated with the City to minimize impacts to the traveling public.

MASTER EXHIBIT LIST:

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case File DB14-0001.

- A1.** Staff report and findings (this document)
- A2.** Staff’s Slide Presentation (available at public hearing)
- B1.** Applicant’s Submitted Materials
 - Narrative
 - Copy of Application Form
 - Signed Petition, Petition Exhibits & Property Ownership Info
 - Legal Description and Sketch
 - Copy of PDP 3E & 4E Phasing Plan
- C1.** Comments and Conditions from Engineering Division
- C2.** Comments from Public Works Department

FINDINGS OF FACT:

1. Prior land use actions include:

Legislative:

- 02PC06 - Villebois Village Concept Plan
- 02PC07A - Villebois Comprehensive Plan Text
- 02PC07C - Villebois Comprehensive Plan Map
- 02PC07B - Villebois Village Master Plan
- 02PC08 - Village Zone Text
- 04PC02 – Adopted Villebois Village Master Plan
- LP-2005-02-00006 – Revised Villebois Village Master Plan
- LP-2005-12-00012 – Revised Villebois Village Master Plan (Parks and Recreation)
- LP13-0005 – Revised Villebois Village Master Plan

Quasi Judicial:

- 04 DB 22 et seq – SAP-East
- DB12-0042 et seq – PDP-3E Tonquin Meadows
- DB12-0050 et seq – PDP-4E Tonquin Meadows No. 2
- DB13-0013 et seq – PDP-4C Polygon Northwest at Villebois No. 2
- AR13-0046 PDP 3 and 4 East Phasing Amendment

2. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

CONCLUSIONARY FINDINGS:

Planning and Land Development Ordinance

Subsections 4.031 (.01) L., 4.032 (.01) D., Subsection 4.033 (.01) H. Authority to Review Street Vacations

1. **Review Criteria:** These subsections define the roles of the Development Review Board, the Planning Commission, and City Council for street vacations. The Development Review Board is authorized to make recommendations to City Council for street vacations where a specific development application has been filed for the subject property. The Planning Commission is authorized to make recommendations to City Council for street vacations where no specific development application has been filed for the subject property. City Council takes final action on street vacation applications.

Finding: These criteria are satisfied.

Details of Finding: Specific development applications have been filed and approved by the City for the land being vacated subject to approval of the street vacation. The land is approved to be development as private park space. See case files DB12-0042 (Preliminary Development Plan, Villebois Phase 3 East), DB12-0048 (Final Development Plan for Parks and Open Space, Villebois Phase 3 East), DB12-0050 (Preliminary Development Plan, Villebois Phase 4 East), and DB12-0054 (Final Development Plan for Parks and Open Space, Villebois Phase 4 East). Due to the previous submission of specific development application for the subject land, the Development Review Board is reviewing the street vacation to make a recommendation to City Council. The City Council will then take the final action on the request.

Subsection 4.034 (.07) Standards for Street Vacation

2. **Review Criteria:** “Applications for street vacations shall be reviewed in accordance with the standards and procedures set forth in ORS 271.

Finding: These criteria are satisfied.

Details of Finding: As shown in Findings 9 -16 below, the request is being reviewed in accordance with ORS 271.

Previous Land Use Approvals

DB12-0042 SAP-East PDP 3E, Preliminary Development Plan, Condition of Approval PFA 34.

3. **Review Criteria:** “The City understands that the Applicant will also construct Villebois Drive west of the development through its intersection with Costa Circle, and construct Costa Circle from this intersection to its present location at Mt. Blanc. Existing transition between Costa Circle and 110th Avenue shall be demolished with construction of the new roadway.

With completion of this roadway construction, 110th Avenue will be closed. Applicant shall submit the required exhibits and work with the City to abandon or transfer the existing right-of-way and create easements for the underground private and/or public utilities that remain. See also PDA 2.”

Finding: These criteria are satisfied.

Details of Finding: PDP 3E (Casefile No. DB12-0042) and PDP 4E (Casefile DB12-0053) received planning approval on November 12, 2012. PDP 3E and PDP 4E phasing was amended on November 19th, 2013 with Casefile AR13-0046, which allows development of Phase I areas of PDP 3E and PDP 4E and Phase II of PDP 3E and PDP 4E to occur concurrently. Construction of improvements will occur with Phase I of PDP 3E and PDP 4E and will begin upon approval of construction plans and issuance of permits. The existing transition between Costa Circle and 110th Avenue will be demolished with roadway construction. Portions of 110th Avenue within the subject site will be close with completion of roadway construction.

This application provides the required exhibits for vacation of the necessary portions of 110th Avenue. The Final Plat for the 1st phase of Tonquin Meadows will address further transfer of the vacated areas and any easements that are necessary. Separate documents addressing any easements outside of areas to be platted will be provided in conjunction with the Final Plat.

Approval of this application for ROW vacation of portions of SW 110th Avenue will allow the Applicant to comply with Condition PFA 34.

Transportation Systems Plan

Table 5-4. Higher Priority Projects (Southwest Quadrant) Roadway Extensions

4. **Review Criteria:**

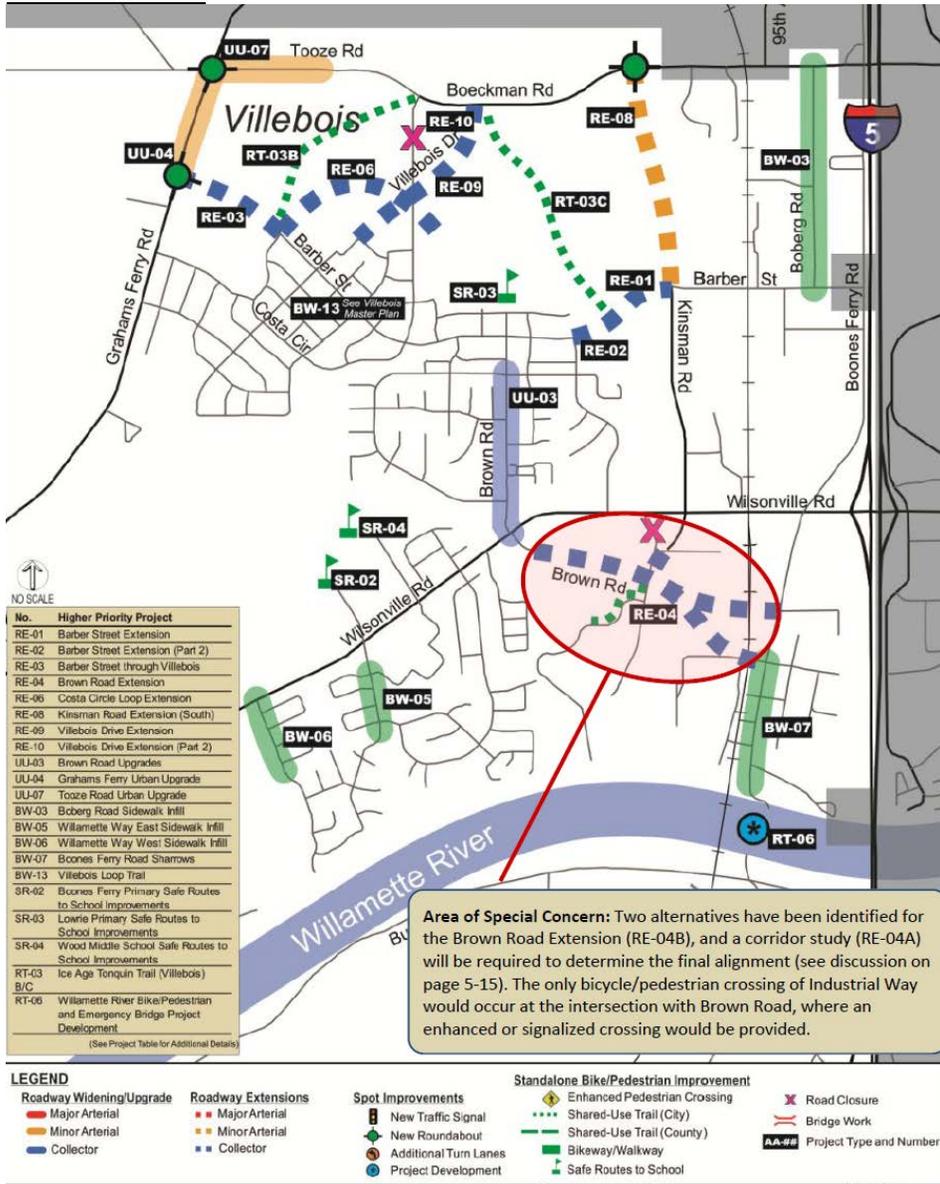
RE-09	Villebois Drive Extension	Construct 2-lane roadway with bike lanes, sidewalks, and transit stop improvements from Costa Circle to Coffee Lake Drive	\$390,000
RE-10	Villebois Drive Extension (Part 2)	Construct 2-lane roadway with bike lanes, sidewalks, and transit stop improvements from Coffee Lake Drive to Boeckman Road	\$250,000

Finding: These criteria are satisfied.

Details of Finding: The listed extensions of Villebois Drive in the Transportation System Plan are planned to be constructed as part of Construction Phase 1 of PDP 3 and 4 East as shown in the phasing plan approved in Case File AR13-0046, and will replace the north-south connectivity between Villebois and SW Boeckman Road/SW Tooze Road.

Figure 5-5. Higher Priority Projects (Southwest Quadrant)

5. Review Criteria:



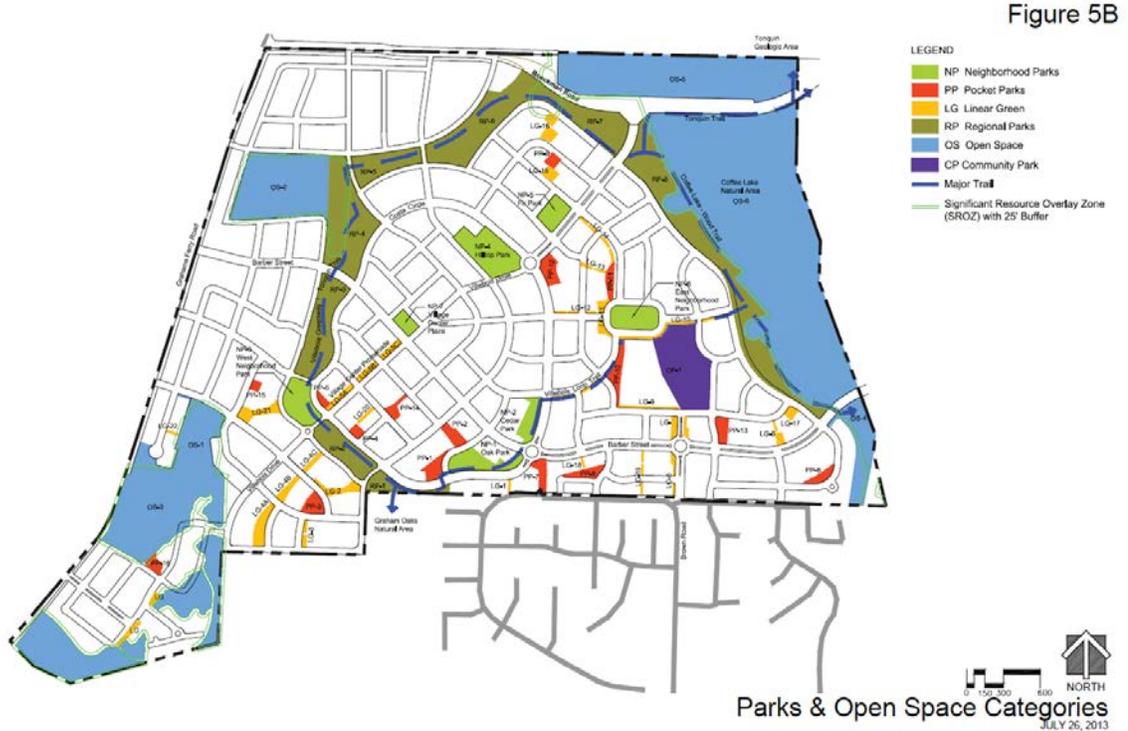
Finding: This criterion is satisfied.

Details of Finding: The closure of SW 110th is shown by the red "X" in Figure 5-5 in association with projects RE-09 and RE-10, extension of SW Villebois Drive.

Villebois Village Master Plan

Figure 5B Parks and Open Space Categories

6. Review Criteria:

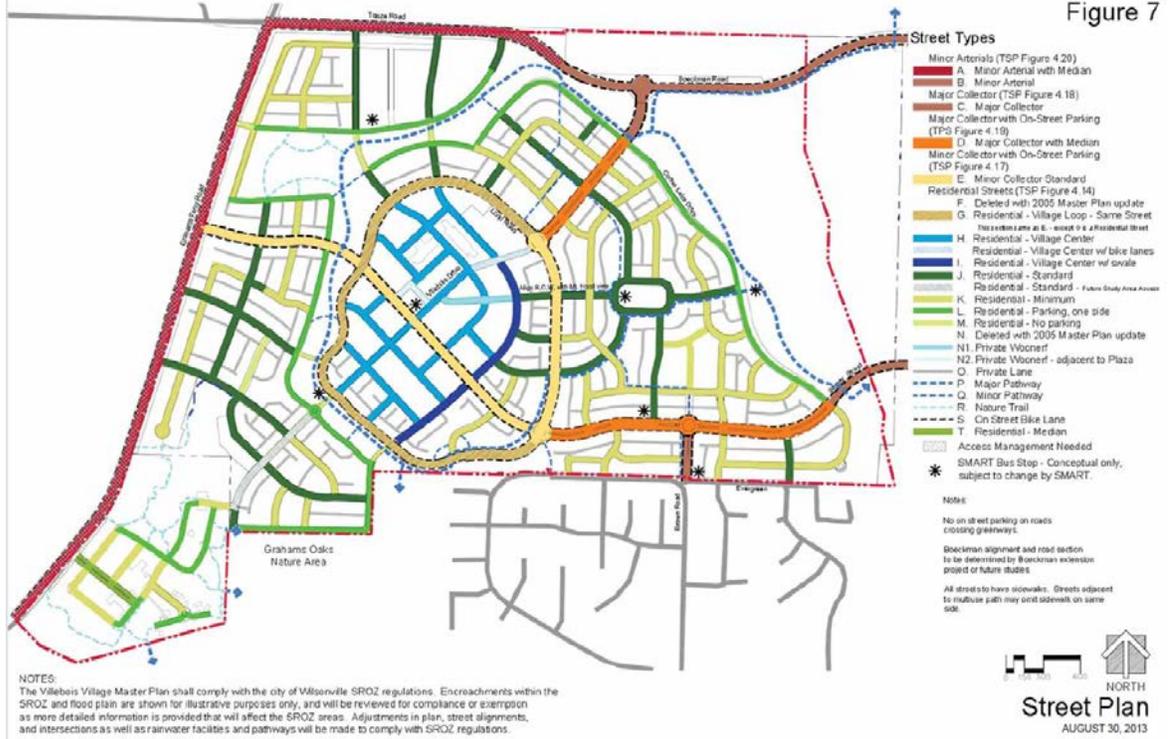


Finding: This criterion is satisfied.

Details of Finding: This and other figures show the intention for the portions of SW 110th being vacated to become private parks.

Figure 7 Street Plan

7. **Review Criteria:**



Finding: This criterion is satisfied.

Details of Finding: This and other figures show how SW 110th is not planned as part of the circulation and street system in the Villebois Village Master Plan.

Figure 8. Proposed Arterial and Collector System

8. **Review Criteria:**

Figure 8



Finding: This criterion is satisfied.

Details of Finding: Figure 8 of the Villebois Village Master Plan shows SW 110th Avenue as an “Existing street replaced by the Villebois Circulation Plan.”

Oregon Revised Statutes

ORS 271.080 (1) Petition for Street Vacation in Incorporated Cities

9. **Review Criterion:** “Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.”

Finding: This criterion is satisfied.

Details of Finding: Polygon Homes has filed the described petition. Previous land use actions by the City approve Polygon, contingent on the vacation, to construct private parks on the vacated right-of-way. The reason for the vacation is clear in previous land use approvals and the record of this request, including the connectivity provided by SW 110th being provided by planned new roads.

ORS 271.080 (2) Consent of Adjoining Property Owners

10. **Review Criterion:** “There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds

in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.”

Finding: This criterion is satisfied.

Details of Finding: The petition has been signed by all owners of abutting property, who are also the owners of more than two-thirds (2/3) of real property affected thereby. The total size of real property affected thereby is 699,961 SF. The sum of the area of real property affected thereby that is also within the abutting tax lots is 518,679 SF, or 74% of the total real property affected thereby. Given that the petition has been signed by all owners of abutting property, consent of property owners for 74% (i.e. greater than two-thirds) of the area of the real property affected has been provided on the attached petition.

ORS 271.090 Submission of Street Vacation Petition to City

11. **Review Criteria:** “The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.”

Finding: These criteria are satisfied.

Details of Finding: The petition has been submitted to the City, and Polygon has been informed of the hearing dates before the Development Review Board and City Council.

ORS 271.100 City Action of Street Vacation Petition

12. **Review Criteria:** “The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.”

Finding: These criteria are satisfied.

Details of Finding: The vacation of these portions of SW 110th have long been showed in City adopted master plans and a development application was approved by the City to develop the vacated right-of-way contingent on approval of the vacation. The City is setting and holding public hearings to consider the petition.

ORS 271.110 Notice of Hearing

13. **Review Criteria:** This section prescribes the notices required for street vacation hearings including newspaper publication and posting of notices along the right-of-way to be vacated.

Finding: These criteria are satisfied.

Details of Finding: The noticing requirements required by ORS 271.110 have or will be met prior to the hearing.

ORS 271.120 Hearing; determination

14. **Review Criteria:** “At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.”

Finding: These criteria are satisfied.

Details of Finding: The consent of the owners of the requisite area have been obtained as shown with the attached petitions, notice has been given as prescribed. Public policy, as shown in the Villebois Village Master Plan and Transportation Systems Plan, has long been to vacate the proposed area upon replacement with streets planned as part of the Villebois development. After receiving a recommendation from the Development Review Board the City Council would vacate the street by ordinance.

ORS 271.140 Title to Vacated Areas

15. **Review Criteria:** “The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city.”

Finding: These criteria are satisfied.

Details of Finding: It is understood the title to portions of the street to be vacated will be attached to the lands bordering the subject area in equal portions.

ORS 271.150 Vacation Records to be Filed

16. **Review Criteria:** “The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city.”

Finding: These criteria are satisfied.

Details of Finding: It is understood the ordinance will be recorded as required by this section, the cost of which will be borne by the petitioner.

RECEIVED
JAN 06 2014

NARRATIVE & COMPLIANCE REPORT
SW 110TH AVENUE ROW VACATION

BY:.....

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LIST OF EXHIBITS

- A COPY OF APPLICATION FORM
- B SIGNED PETITION, PETITION EXHIBITS & PROPERTY OWNERSHIP INFO
- C LEGAL DESCRIPTION AND SKETCH
- D COPY OF PDP 3E & PDP 4E PHASING PLAN

 City of Wilsonville
Exhibit B1 DB14-0001

I. PROPOSAL SUMMARY

GENERAL INFORMATION

Applicant/Property Owner:

Polygon Northwest Company

Applicant's Representative:

Pacific Community Design, Inc.
12564 SW Main Street
Tigard, OR 97223
(503) 941-9484
Contacts: Stacy Connery, AICP
Patrick Espinosa, PE
Travis Jansen, PLS

Subject Site:

Portions of SW 110th Avenue ROW in
Villebois SAP East, PDP 3E and PDP
4E (Tonquin Meadows & Tonquin
Meadows No. 2)

Abutting Tax Lots:

2916, 2919, 180 & 301 on Map
3S1W15

REQUEST & PROJECT DESCRIPTION

The Applicant requests approval of a Street Vacation for portions of SW 110th Avenue ROW within Villebois PDP 3E and PDP 4E (also known as Tonquin Meadows & Tonquin Meadows No. 2). Exhibit C is a legal description and sketch that depicts the area of the proposed ROW vacation.

The City approved SAP East PDP 3E (Casefile No. DB12-0042) and PDP 4E (Casefile No. DB12-0053) on November 19, 2012. PDP 3E and PDP 4E phasing was amended on November 19th, 2013 with Casefile AR13-0046, which allows development of Phase I areas of PDP 3E and PDP 4E and Phase II areas of PDP 3E and PDP 4E to occur concurrently (see Phasing Plan in Exhibit D). Construction of improvements will occur with Phase I of PDP 3E and PDP 4E and will begin upon approval of construction plans and issuance of permits. Street improvements to be provided with PDP 3E and PDP 4E include the construction of Costa Circle East and SW Villebois Drive North, replacing the connections provided through the portions of SW 110th Avenue within the subject area. The existing transition between Costa Circle and 110th Avenue will be demolished with this roadway construction. Portions of 110th Avenue within the subject site will be closed with completion of roadway construction. The locations of LG-15, NP-5 (Fir Park), and PP-12 shown on the PDP 3E & PDP 4E Phasing Plan (see Exhibit D) include the areas of proposed ROW vacation. The portions of 110th Avenue ROW retained within the site will be incorporated into Stockholm Drive, Berlin Avenue, Villebois Drive N, and SW Costa Circle East, respectively. Vacation of 110th Avenue ROW within the subject site is needed to affect the planned change in circulation and to establish the planned parks.

At this time, land development has not been proposed or approved for Tax Lots 700 and 800 on Map 3S1W15. Accordingly, the northern limit of the ROW vacation area is the southern property line of Tax Lot 800. Sufficient area south of the driveway of Tax Lot 800 remains for turnaround purposes.

Compliance with applicable sections of the City of Wilsonville Planning & Land Development Ordinance are addressed in Section II of this Narrative. Section III addresses compliance with the relevant conditions of approval of Casefile No. DB12-0042. Section III addresses compliance with ORS 271.

II. WILSONVILLE PLANNING & LAND DEVELOPMENT ORDINANCE

4.031 AUTHORITY OF THE DEVELOPMENT REVIEW BOARD

(.01) As specified in Chapter 2 of the Wilsonville Code and except as specified herein, the Board shall have authority to act on the following types of applications:

- L. Street vacations, where a specific development application has been filed for the subject property. If no specific development has been filed for the subject property, the vacation request shall be considered by the Planning Commission. Action of the Planning Commission or Board on a street vacation request shall be a recommendation to the City Council.**

Response: The area of SW 110th Avenue to be vacated is within SAP East PDP 3E (Casefile No. DB12-0042) and PDP 4E (Casefile No. DB12-0053), which were approved on November 12, 2012. The proposed ROW vacation is subject to review by the DRB, which will make a recommendation to City Council.

4.033 AUTHORITY OF THE CITY COUNCIL

(.01) Upon appeal, the City Council shall have final authority to act on all applications filed pursuant to Chapter 4 of the Wilsonville Code, with the exception of applications for expedited land divisions, as specified in Section 4.232. Additionally, the Council shall have final authority to interpret and enforce the procedures and standards set forth in this Chapter and shall have final decision-making authority on the following:

- H. Final actions on street vacation applications.**

Response: As described above, the proposed street vacation is subject to initial review by the DRB. The Applicant acknowledges that the City Council has final decision-making authority on the proposed ROW vacation.

4.034 APPLICATION REQUIREMENTS

Applications shall be reviewed as follows:

(.07) Applications for street vacations shall be reviewed in accordance with the standards and procedures set forth in ORS 271.

Response: Compliance with the applicable sections of ORS 271 is addressed in Section IV of this Narrative.

III. CONDITIONS OF APPROVAL

DB12-0042 SAP-EAST PDP 3E, PRELIMINARY DEVELOPMENT PLAN

PFA 34. The City understands that the Applicant will also construct Villebois Drive west of the development through its intersection with Costa Circle, and construct Costa Circle from this intersection to its present location at Mt. Blanc. Existing transition between Costa Circle and 110th Avenue shall be demolished with construction of the new roadway.

With completion of this roadway construction, 110th Avenue will be closed. Applicant shall submit the required exhibits and work with the City to abandon or transfer the existing right-of-way and create easements for the underground private and/or public utilities that remain. See also PDA 2.

Response: PDP 3E (Casefile No. DB12-0042) and PDP 4E (Casefile DB12-0053) received planning approval on November 12, 2012. PDP 3E and PDP 4E phasing was amended on November 19th, 2013 with Casefile AR13-0046, which allows development of Phase I areas of PDP 3E and PDP 4E and Phase II of PDP 3E and PDP 4E to occur concurrently. Construction of improvements will occur with Phase I of PDP 3E and PDP 4E and will begin upon approval of construction plans and issuance of permits. The existing transition between Costa Circle and 110th Avenue will be demolished with roadway construction. Portions of 110th Avenue within the subject site will be close with completion of roadway construction.

This application provides the required exhibits for vacation of the necessary portions of 110th Avenue. The Final Plat for the 1st phase of Tonquin Meadows will address further transfer of the vacated areas and any easements that are necessary. Separate documents addressing any easements outside of areas to be platted will be provided in conjunction with the Final Plat.

Approval of this application for ROW vacation of portions of SW 110th Avenue will allow the Applicant to comply with Condition PFA 34.

IV. OREGON ADMINISTRATIVE RULE (ORS) 271

271.080 VACATION IN INCORPORATED CITIES; PETITION; CONSENT OF PROPERTY OWNERS

- (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.
- (2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street,

but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

Response: This application is a petition for vacation of portions of SW 110th Avenue ROW, as depicted on the attached legal description and sketch (see Exhibit C). This Narrative describes the purpose of the proposed street vacation. Exhibit B includes a copy of the signed petition with an attached map and list that demonstrates the areas of proposed ROW vacation, and the abutting properties and real property affected thereby. The petition has been signed by all owners of abutting property, who are also the owners of more than two-thirds (2/3) of real property affected thereby. The total size of real property affected thereby is 699,961 SF. The sum of the area of real property affected thereby that is also within the abutting tax lots is 518,679 SF, or 74% of the total real property affected thereby. Given that the petition has been signed by all owners of abutting property, consent of property owners for 74% (i.e. greater than two-thirds) of the area of the real property affected has been provided on the attached petition.

271.120 HEARING; DETERMINATION

At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

Response: The Applicant understands that the governing body shall hear the petition and objections, and determine whether the requirements for street vacation have been met. Compliance with ORS 271.080 is addressed above. The signed petition is provided as Exhibit B. A legal description and sketch are provided as Exhibit C.

271.140 TITLE TO VACATED AREAS

The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the

abutting property on such side. If a public square is vacated the title thereto shall vest in the city.

Response: The Applicant understands that the title to portions of the street to be vacated will be attached to the lands bordering the subject area in equal portions.

271.150 VACATION RECORDS TO BE FILED; COSTS

A certified copy of the ordinance vacating any street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the county clerk. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.

Response: ORS 271.150 addresses the final ordinance procedure and accompanying fee for filing and recording. The Applicant acknowledges that the petitioner bears the recording cost and the cost of preparing and filing the certified copy of the ordinance and map, and will carry out this responsibility at the time when the final ordinance is prepared.

271.190 CONSENT OF OWNERS OF ADJOINING PROPERTY; OTHER REQUIRED APPROVAL

No vacation of all or part of a street, alley, common or public place shall take place under ORS 271.180 unless the consent of the persons owning the property immediately adjoining that part of the street or alley to be vacated is obtained thereto in writing and filed with the auditor or clerk of the city or town. No vacation shall be made of any street, alley, public place or part thereof, if within 5,000 feet of the harbor or pierhead line of the port, unless the port commission, or other bodies having jurisdiction over docks and wharves in the port district involved, approves the proposed vacation in writing.

Response: Compliance with ORS 271.080 is addressed above. The area of proposed ROW vacation is not within 5,000 feet of a harbor or pierhead line of a port.

271.200 PETITION; NOTICE

- (1) Before any street, alley, common or public place or any part thereof is vacated, or other right granted by any city governing body under ORS 271.180 to 271.210 the applicant must petition the governing body of the city or town involved, setting forth the particular circumstances of the case, giving a definite description of the property sought to be vacated, or of the right, use or occupancy sought to be obtained, and the names of the persons to be particularly affected thereby. The petition shall be filed with the auditor or clerk of the city or town involved 30 days previous to the taking of any action thereon by the city governing body.
- (2) Notice of the pendency of the petition, containing a description of the area sought to be vacated or right, use or occupancy sought to be obtained, shall be published at least once each week for three successive weeks prior to expiration of such 30-day period in a newspaper of general circulation in the county wherein the city or town is located.

Response: This application is a petition to the City to vacate portions of ROW, as depicted on the attached legal description and sketch (see Exhibit C). This Narrative describes the circumstance of the proposed street vacation. A copy of the petition signed by abutting property owners, who are also more than 2/3 of owners of real property affected thereby, and a list of the names of the affected property owners is provided as Exhibit B.

V. CONCLUSION

This narrative and the attached exhibits demonstrate compliance with the applicable provisions of the City of Wilsonville Planning & Land Development Ordinance, relevant conditions of approval, and ORS 271. Therefore, the Applicant respectfully requests approval of the proposed street vacation.

EXHIBIT A
Copy of Application

CITY OF WILSONVILLE

29799 SW Town Center Loop East
Wilsonville, OR 97070
Phone: 503.682.4960
Fax: 503.682.7025

Web: www.ci.wilsonville.or.us

Pre-Application meeting date:

Planning Division Development Permit Application

Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175

A pre application conference is normally required prior to submittal of an application. Please visit the City's website for submittal requirements

Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.

TO BE COMPLETED BY APPLICANT:

Please PRINT legibly

Applicant:

Polygon Northwest Company (Fred Gast)

Address: 109 E. 13TH ST., Vancouver, WA 98660

Phone: 360-695-7700

Fax: 360-693-4442

E-mail: fred.gast@polygonhomes.com

Authorized Representative:

Pacific Community Design (Stacy Connery)

Address: 12564 SW Main Street, Tigard, Oregon 97223

Phone: 503-941-9484

Fax: 503-941-9485

E-mail: stacy@pacific-community.com

Property Owner:

same as applicant

Address:

Phone:

Fax:

E-mail:

Property Owner's Signature:

Printed Name: FRED GAST

Date: 11/15/2013

Applicant's Signature (if different from Property Owner):

Printed Name:

Date:

Site Location and Description:

Project Address if Available: _____ Suite/Unit _____

Project Location: SW 110th Avenue w/in Villebois PDP 3E & PDP 4E

Tax Map #(s): 3 1W 15 Tax Lot #(s): _____ County: Washington Clackamas

Request: Vacation of ROW along remaining portions of SW 110th Avenue w/in Villebois PDP 3E & PDP 4E

Project Type: Class I Class II **Class III**

Residential

Commercial

Industrial

Other (describe below)

Application Type:

Annexation

Appeal

Comp Plan Map Amend

Conditional Use

Final Plat

Major Partition

Minor Partition

Parks Plan Review

Plan Amendment

Planned Development

Preliminary Plat

Request to Modify Conditions

Request for Special Meeting

Request for Time Extension

Signs

Site Design Review

SROZ/SRIR Review

Staff Interpretation

Stage I Master Plan

Stage II Final Plan

Type C Tree Removal Plan

Tree Removal Permit (B or C)

Temporary Use

Variance

Villebois SAP

Villebois PDP

Villebois PDP

Waiver

Zone Map Amendment

Other Street Vacation

CITY OF WILSONVILLE

29799 SW Town Center Loop East
Wilsonville, OR 97070
Phone: 503.682.4960
Fax: 503.682.7025
Web: www.ci.wilsonville.or.us

Pre-Application meeting date:

TO BE COMPLETED BY APPLICANT:
Please PRINT legibly

Planning Division Development Permit Application

Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175

A pre application conference is normally required prior to submittal of an application. Please visit the City's website for submittal requirements

Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.

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Applicant:

Polygon Northwest Company (Fred Gast)

Address: 109 E. 13TH ST., Vancouver, WA 98660

Phone: 360-695-7700

Fax: 360-693-4442

E-mail: fred.gast@polygonhomes.com

Authorized Representative:

Pacific Community Design (Stacy Connery) BY: _____

Address: 12564 SW Main Street, Tigard, Oregon 97224

Phone: 503-941-9484

Fax: 503-941-9485

E-mail: stacy@pacific-community.com

RECEIVED
OCT 06 2014

BY: _____

Property Owner:

same as applicant

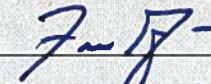
Address: _____

Phone: _____

Fax: _____

E-mail: _____

Property Owner's Signature:


Printed Name: Fred Gast Date: 11/15/2013

Applicant's Signature (if different from Property Owner):

Printed Name: _____ Date: _____

Site Location and Description:

Project Address if Available: _____ Suite/Unit _____

Project Location: SW 110th Avenue w/in Villebois PDP 3E & PDP 4E

Tax Map #(s): 3 1W 15 Tax Lot #(s): _____ County: Washington Clackamas

Request: Vacation of ROW along remaining portions of SW 110th Avenue w/in Villebois PDP 3E & PDP 4E

Project Type: Class I Class II **Class III**

Residential Commercial Industrial Other (describe below)

Application Type:

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Appeal | <input type="checkbox"/> Comp Plan Map Amend | <input type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Major Partition | <input type="checkbox"/> Minor Partition | <input type="checkbox"/> Parks Plan Review |
| <input type="checkbox"/> Plan Amendment | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Request to Modify Conditions |
| <input type="checkbox"/> Request for Special Meeting | <input type="checkbox"/> Request for Time Extension | <input type="checkbox"/> Signs | <input type="checkbox"/> Site Design Review |
| <input type="checkbox"/> SROZ/SRIR Review | <input type="checkbox"/> Staff Interpretation | <input type="checkbox"/> Stage I Master Plan | <input type="checkbox"/> Stage II Final Plan |
| <input type="checkbox"/> Type C Tree Removal Plan | <input type="checkbox"/> Tree Removal Permit (B or C) | <input type="checkbox"/> Temporary Use | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Villebois SAP | <input type="checkbox"/> Villebois PDP | <input type="checkbox"/> Villebois PDP | <input type="checkbox"/> Waiver |
| <input type="checkbox"/> Zone Map Amendment | <input checked="" type="checkbox"/> Other Street Vacation | | |

EXHIBIT B

Signed Petition, Petition Exhibits & Property Ownership Info

Street Vacation Petition

This petition must be signed by all abutting property owners, and the owners of not less than 2/3 of the area of the real property "affected thereby", as defined in ORS 271.080 (2) and as shown on the attached Street Vacation Map, attached hereto as **Exhibit A**. All signatures must be in ink. A listing of the names and addresses of all abutting and affected area property owners, as shown on the attached Street Vacation Map, was obtained from the Clackamas County real property tax roll records and is attached hereto as **Exhibit B**.

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We, the owner in fee simple of the following described real properties consent to the vacation of all that portion of SW 110th Avenue, in the City of Wilsonville, Clackamas County, Oregon, as shown on the attached Street Vacation Map, and as described in the application narrative, attached hereto as **Exhibit C**.

1) Polygon at Villebois III, LLC
Property Owner's Name

No site address; Reference Parcel 31W15 02916
Property Street Address and Legal Description

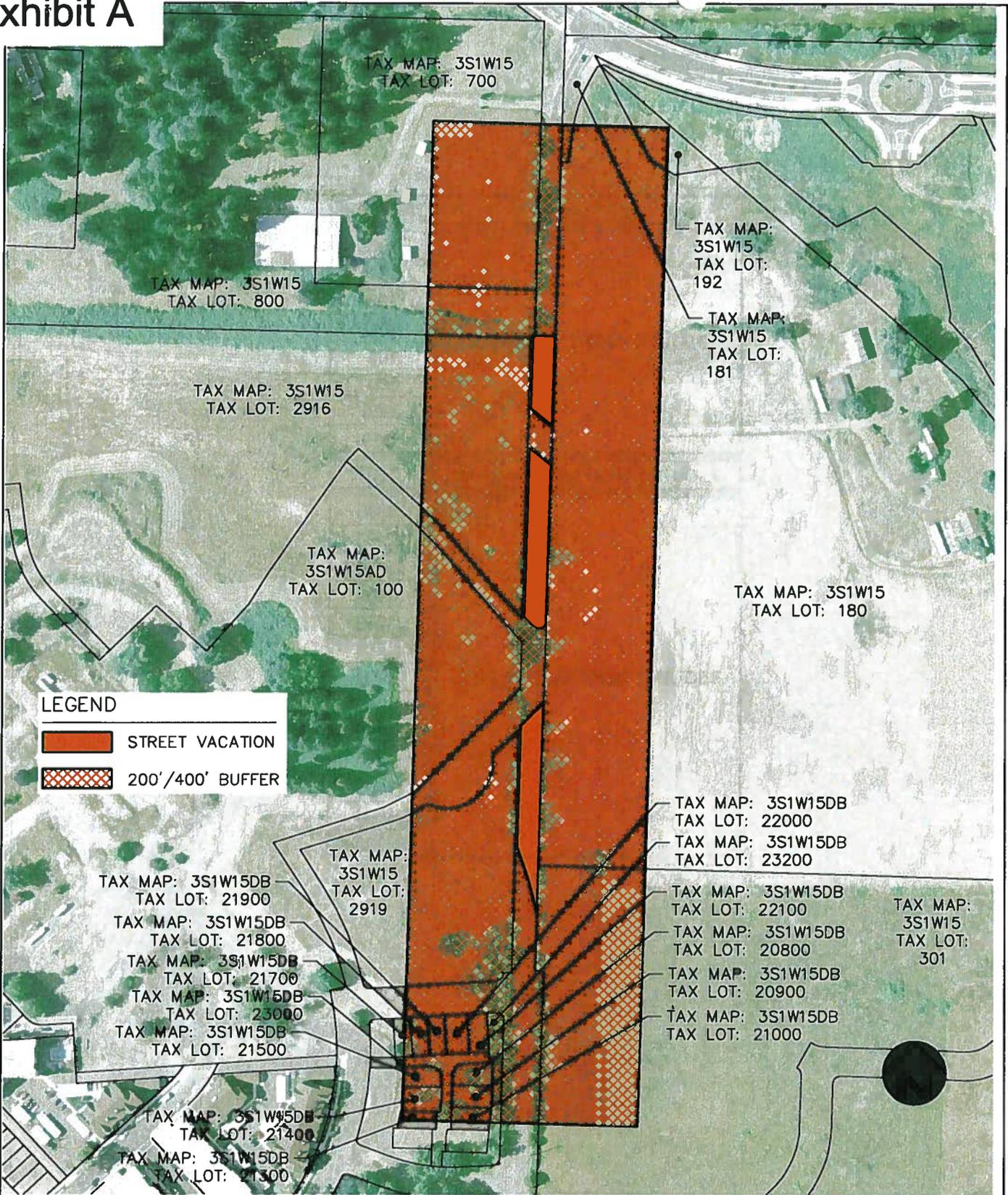
No site address; Reference Parcel 31W15 02919
Property Street Address and Legal Description


Signature

01/09/14
Date

Exhibit A

N:\proj\395-025\09 Drawings\06 Survey\Legal\395025.Street Vacation.Lots.2013-12-12.dwg - SHEET: Legal Desc Dec. 18, 13 - 10:52 AM.cll



DRAWN BY: CLL DATE: 12/12/13
 REVIEWED BY: TCJ DATE: 12/12/13
 PROJECT NO.: 395-025
 SCALE: 1"=250'
 PAGE 1 OF 2



12564 SW Main St
 Tigard, OR 97223
 [T] 503-941-9484
 [F] 503-941-9485

Exhibit C

N:\proj\395-025\09 Drawings\06 Survey\Legal\395025.Street Vacation Lots.2013-12-12.dwg - \$HEET: Legal Desc [2] Dec. 18, 13 - 10:52 AM cll

TAX MAP	TAX LOT #
3 SOUTH 1 WEST SECTION 15	180
	181
	192
	301
	700
	800
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	2919
3 SOUTH 1 WEST SECTION 15 AD	100
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	22100
	23000
23200	

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PAGE 2 OF 2



12564 SW Main St
 Tigard, OR 97223
 [T] 503-941-9484
 [F] 503-941-9485

Exhibit C

Exhibit B

REPARCEL	OWNER	OWNERFIRST	OWNERLAST	MAILADDRESS	MAILCITY	MAILSTATE	MAILZIP
31W15 00700	Roger Chang	Roger	Chang	3205 Edgemont Rd	Lake Oswego	OR	97035
31W15 00800	Roger Chang	Roger	Chang	3205 Edgemont Rd	Lake Oswego	OR	97035
31W15 00180	Donald Bischoff	Donald	Bischoff	16300 SW 192nd Ave	Sherwood	OR	97140
31W15 00301	Polygon At Villebois LLC	Polygon At Villebois LLC		109 E 13th St #200	Vancouver	WA	98660
31W15 00181	Wilsonville Urban Renewal Agency	Wilsonville Urban Renewal Agency		29799 SW Town Center Loop E	Wilsonville	OR	97070
31W15 00192	Wilsonville Urban Renewal Agency	Wilsonville Urban Renewal Agency		29799 SW Town Center Loop E	Wilsonville	OR	97070
31W15AD00100	Rcs-Villebois Dev LLC	Rcs-Villebois Dev LLC		371 Centennial Pkwy #200	Louisville	CO	80027
31W15 02916	Pnw Home Builders LLC	Pnw Home Builders LLC		109 E 13th St #200	Vancouver	WA	98660
31W15 02919	Pnw Home Builders LLC	Pnw Home Builders LLC		109 E 13th St #200	Vancouver	WA	98660
31W15DB20800	Lorenzo & Laura Young	Lorenzo & Laura	Young	28949 SW Costa Cir E	Wilsonville	OR	97070
31W15DB20900	Jeffrey Barram	Jeffrey	Barram	28955 SW Costa Cir E	Wilsonville	OR	97070
31W15DB21000	Julie Helmke	Julie	Helmke	28969 SW Costa Cir E	Wilsonville	OR	97070
31W15DB21300	Sheryl Dischner	Sheryl	Dischner	28962 SW Orleans Ave	Wilsonville	OR	97070
31W15DB21400	James Woodin	James	Woodin	28954 SW Orleans Ave	Wilsonville	OR	97070
31W15DB21500	Austin Joyner	Austin	Joyner	28926 SW Orleans Ave	Wilsonville	OR	97070
31W15DB21700	Juan & Michele Vasquez	Juan & Michele	Vasquez	11124 SW Mont Blanc St	Wilsonville	OR	97070
31W15DB21800	Daniel Solvan	Daniel	Solvan	11118 SW Mont Blanc St	Wilsonville	OR	97070
31W15DB21900	Millian Stewart	Millian	Stewart	11106 SW Mont Blanc St	Wilsonville	OR	97070
31W15DB22000	Judi Campbell	Judi	Campbell	11090 SW Mont Blanc St	Wilsonville	OR	97070
31W15DB22100	Matthew & Karlee Wyckoff	Matthew & Karlee	Wyckoff	11082 SW Mont Blanc St	Wilsonville	OR	97070
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Street Vacation Petition

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REQUIRED SIGNATURES:

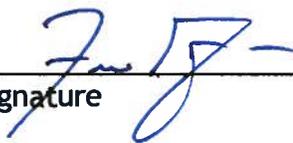
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2) Polygon at Villebois V, LLC

Property Owner's Name

29092 SW 110th Ave, Wilsonville, Oregon 97070; Reference Parcel 31W15 00301

Property Street Address and Legal Description



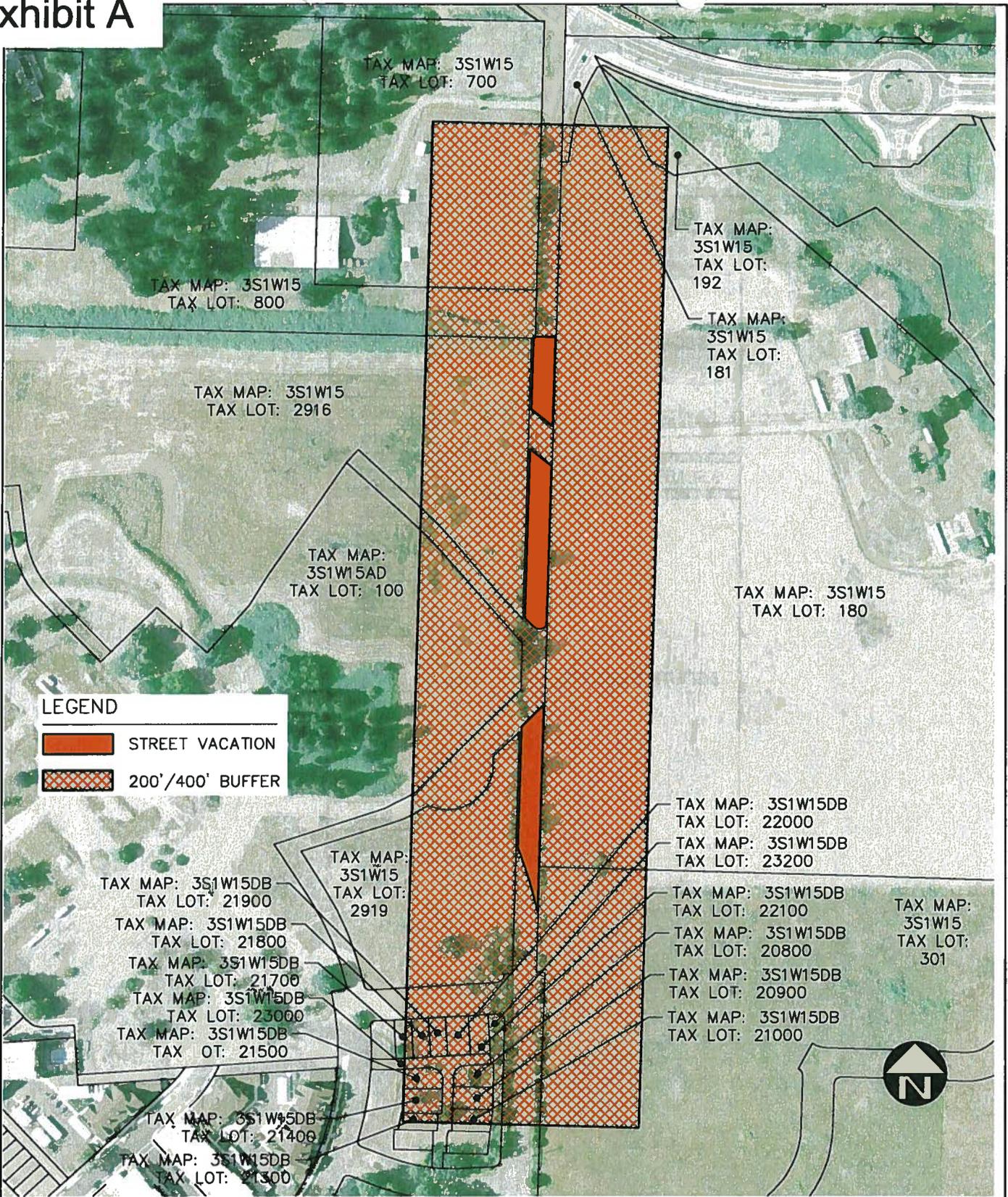
Signature

01/09/14

Date

Exhibit A

N:\proj\395-025\09 Drawings\06 Survey\Legal\395025.Street Vacation Lots.2013-12-12.dwg - SHEET: Legal Desc Dec. 18. 13 - 10:52 AM.cll



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12564 SW Main St
 Tigard, OR 97223
 [T] 503-941-9484
 [F] 503-941-9485

Exhibit C

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12564 SW Main St
 Tigard, OR 97223
 [T] 503-941-9484
 [F] 503-941-9485

Exhibit C

Exhibit B

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31W15 00700	Roger Chang	Roger	Chang	3205 Edgemont Rd	Lake Oswego	OR	97035
31W15 00800	Roger Chang	Roger	Chang	3205 Edgemont Rd	Lake Oswego	OR	97035
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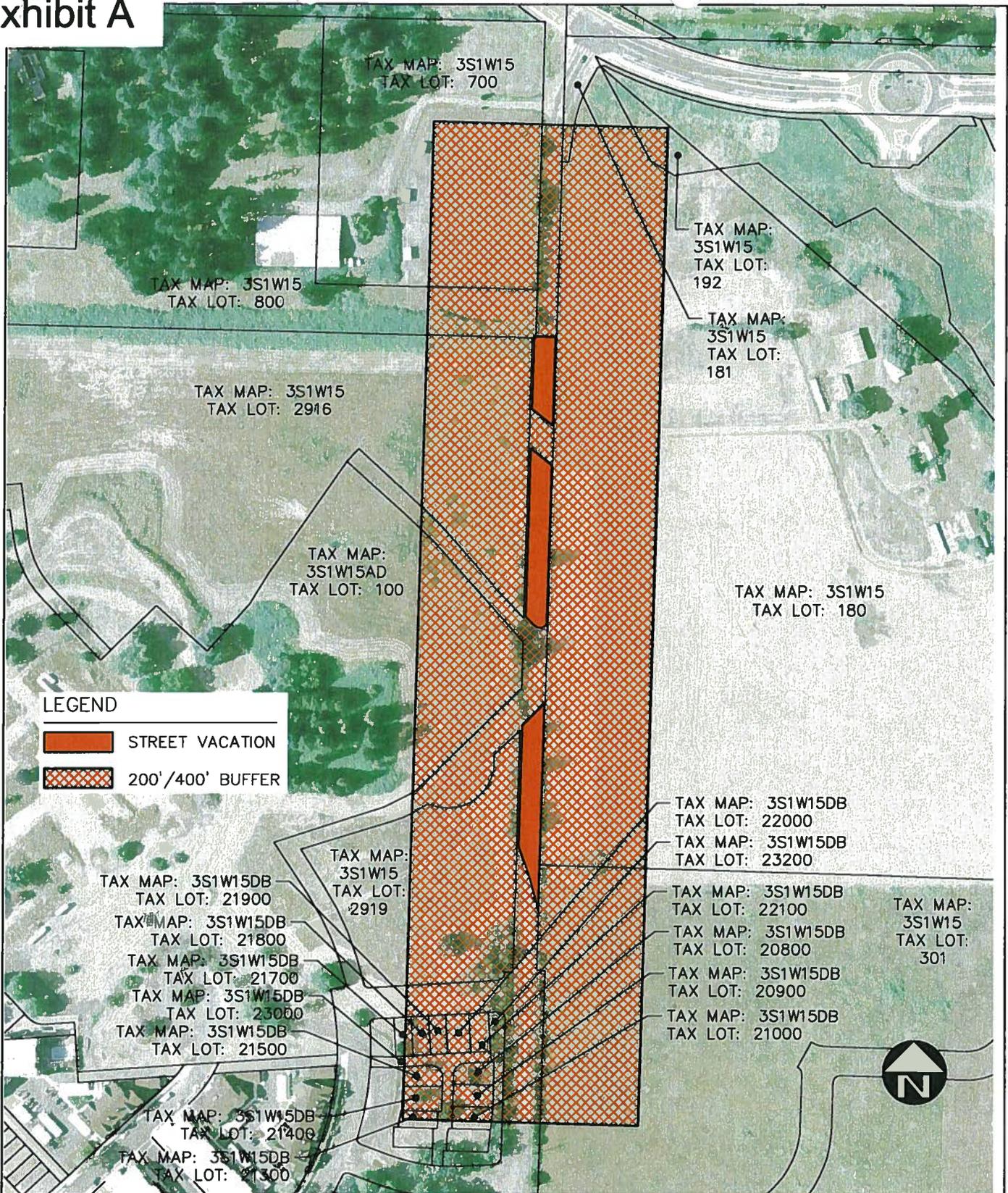
3) Donald Bischoff
Property Owner's Name

No Site Address; Reference Parcel 31W15 00180
Property Street Address and Legal Description

Donald Bischoff
Signature

12-19-13
Date

Exhibit A



N:\proj\395-025\09 Drawings\06 Survey\Legals\395025.Street Vacation Lots.2013-12-12.dwg - SHEET: Legal Desc Dec. 18, 13 - 10:52 AM.cpl

LEGEND

- STREET VACATION
- 200'/400' BUFFER

DRAWN BY: CLL DATE: 12/12/13
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 SCALE: 1"=250'
 PAGE 1 OF 2



12564 SW Main St
 Tigard, OR 97223
 [T] 503-941-9484
 [F] 503-941-9485

Exhibit C

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EXHIBIT C
Legal Description & Sketch



EXHIBIT A

December 24, 2013

LEGAL DESCRIPTION
Right-of-Way Vacation

Job No. 395-025

Three tracts of land being portions of SW 110th Avenue (County Road No. 355) Right-of-Way located in the Northeast Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, State of Oregon, more particularly described as follows:

Tract 1

BEGINNING at the Northeast corner of Tract "OO", plat of "Tonquin Woods at Villebois No. 4";

thence South 88° 24'59" East, a distance of 40.00 feet to a point on the easterly Right-of-Way line of SW 110th Avenue;

thence along said easterly Right-of-Way line, South 01° 35'01" West, a distance of 166.59 feet;

thence leaving said easterly Right-of-Way line, North 50° 46'32" West, a distance of 2.28 feet;

thence along a 770.50 foot radius tangential curve to the right, arc length of 24.11 feet, central angle of 01° 47'33", chord distance of 24.10 feet, and chord bearing of North 49° 52'45" West;

thence North 48° 58'59" West, a distance of 25.04 feet to a point on the westerly Right-of-Way line of said SW 110th Avenue;

thence along said westerly Right-of-Way line, North 01° 35'01" East, a distance of 134.28 feet to the POINT OF BEGINNING.

Containing 6,024 square feet, more or less.

Tract 2

BEGINNING at the most southerly corner of Tract "NN", plat of "Tonquin Woods at Villebois No. 4";

thence along the westerly Right-of-Way line of SW 110th Avenue, North 01° 35'01" East, a distance of 317.69 feet;

thence leaving said westerly Right-of-Way line, along a 829.50 foot radius non-tangential curve, concave northeasterly, with a radius point bearing North 39° 24'48" East, arc length of

2.73 feet, central angle of 00° 11' 19", chord distance of 2.73 feet, and chord bearing of South 50° 40' 52" East;

thence South 50° 46' 32" East, a distance of 47.79 feet to a point on the easterly Right-of-Way line of said SW 110th Avenue;

thence along said easterly Right-of-Way line, South 01° 35' 01" West, a distance of 301.53 feet;

thence leaving said easterly Right-of-Way line, along a 15.00 foot radius non-tangential curve, concave northerly, with a radius point bearing North 50° 40' 50" West, arc length of 24.85 feet, central angle of 94° 54' 18", chord distance of 22.10 feet, and chord bearing of South 86° 46' 19" West;

thence North 45° 46' 32" West, a distance of 24.44 feet to the POINT OF BEGINNING.

Containing 12,657 square feet, more or less.

Tract 3

COMMENCING at the most northerly corner of Parcel 2, Partition Plat No. 2010-046;

thence along the westerly Right-of-Way line of SW 110th Avenue, South 01° 35' 01" West, a distance of 68.95 feet to the POINT OF BEGINNING;

thence leaving said westerly Right-of-Way line, North 46° 43' 10" East, a distance of 19.16 feet;

thence along a 646.00 foot radius tangential curve to the left, arc length of 38.44 feet, central angle of 03° 24' 32", chord distance of 38.43 feet, and chord bearing of North 45° 00' 54" East to a point on the easterly Right-of-Way line of SW 110th Avenue;

thence along said easterly Right-of-Way line, South 01° 35' 01" West, a distance of 388.84 feet;

thence leaving said easterly Right-of-Way line, along a 788.00 foot radius non-tangential curve, concave westerly, with a radius point bearing South 77° 24' 40" West, arc length of 124.82 feet, central angle of 09° 04' 33", chord distance of 124.69 feet, and chord bearing of North 17° 07' 37" West to a point on the westerly Right-of-Way line of SW 110th Avenue;

thence along said westerly Right-of-Way line, North 01° 35' 01" East, a distance of 229.31 feet to the POINT OF BEGINNING.

Containing 12,139 square feet, more or less.

Basis of bearings being plat of "Tonquin Woods at Villebois No. 4", Clackamas County Survey Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2015

N:\proj\395-025\09 Drawings\06 Survey\Legals\395025.Street Vacation Legals.2013-12-23.dwg - SHEET: Legal Desc Dec. 24, 13 - 11:32 AM tcj

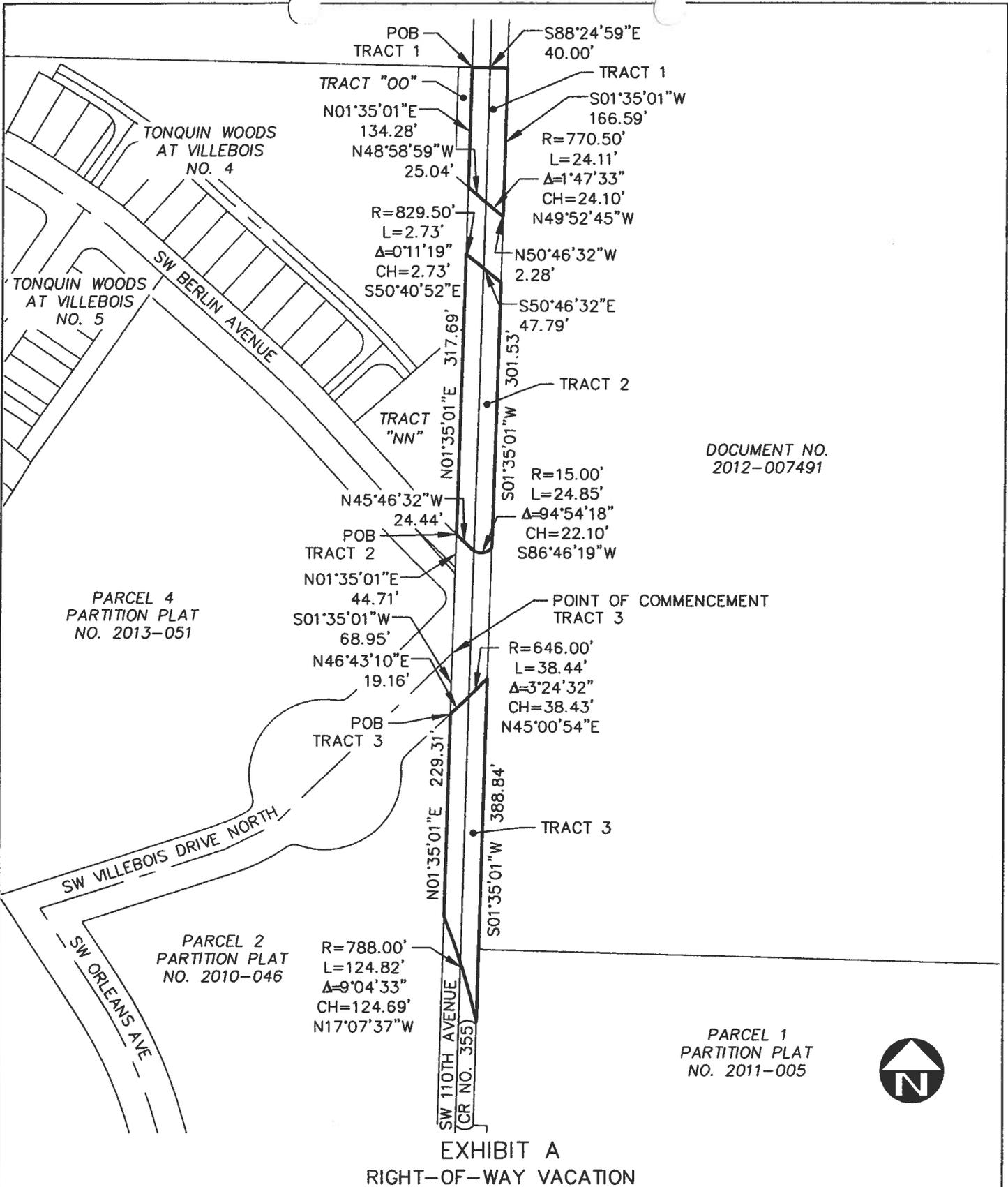


EXHIBIT A
RIGHT-OF-WAY VACATION

DRAWN BY: CLL DATE: 12/24/13
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 PROJECT NO.: 395-025
 SCALE: 1"=150'
 PAGE 3 OF 3



12564 SW Main St
 Tigard, OR 97223
 [T] 503-941-9484
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 Exhibit C

EXHIBIT D

Copy of PDP 3E and PDP 4E Phasing Plan



POLYGON NW COMPANY
 (71) (360) 585-7700 (F) 350-699-4443
 WWW.POLYGONNW.COM

DATE: 9/12/2013

REVISIONS
 NO. DATE DESCRIPTION

Tonquin Meadows & Tonquin Meadows No. 2

Phasing Plan



PROJECT NO.: 388-225
 PLANNED BY: JJK
 REVIEWED BY: JJK

A

LEGEND:

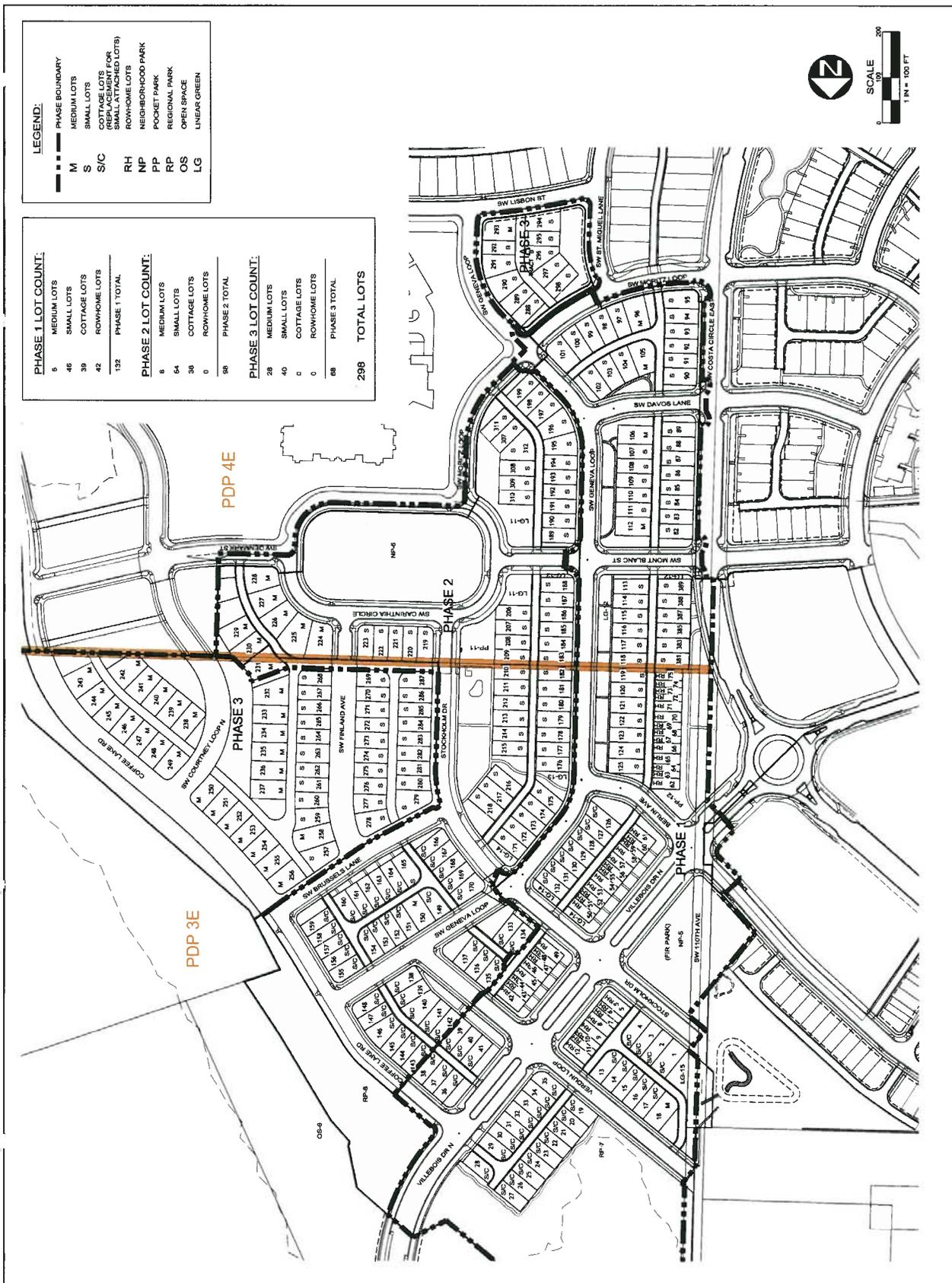
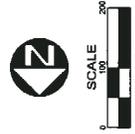
- PHASE BOUNDARY
- M MEDIUM LOTS
- S SMALL LOTS
- S/C COTTAGE LOTS
- RH ROWHOME LOTS
- NP NEIGHBORHOOD PARK
- PP POCKET PARK
- RP REGIONAL PARK
- OS OPEN SPACE
- LG LINEAR GREEN

PHASE 1 LOT COUNT:	
6	MEDIUM LOTS
46	SMALL LOTS
39	COTTAGE LOTS
42	ROWHOME LOTS
132	PHASE 1 TOTAL

PHASE 2 LOT COUNT:	
8	MEDIUM LOTS
64	SMALL LOTS
30	COTTAGE LOTS
0	ROWHOME LOTS
98	PHASE 2 TOTAL

PHASE 3 LOT COUNT:	
28	MEDIUM LOTS
40	SMALL LOTS
0	COTTAGE LOTS
0	ROWHOME LOTS
68	PHASE 3 TOTAL

TOTAL LOTS	
298	TOTAL LOTS



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**EXHIBIT C1
PLANNING DIVISION
STAFF REPORT**

**SW 110th AVENUE STREET VACATION
VILLEBOIS SAP EAST PDP 3 AND 4**

**DEVELOPMENT REVIEW BOARD PANEL ' ___ ' ,
QUASI JUDICIAL HEARING**

Public Hearing Date:

Date of Report:

Application Numbers:

**Request A: DB14-0001 Vacation OF A Portion of SW
110th Avenue Right-of-Way**

Property

Owners/Applicants:

**PD = Planning Division conditions
BD – Building Division Conditions
PF = Engineering Conditions.
NR = Natural Resources Conditions
TR = SMART/Transit Conditions
FD = Tualatin Valley Fire and Rescue Conditions**

CONDITIONS OF APPROVAL

- PFA 1. Concurrently with the 110th Avenue Right-of-Way vacation, the Applicant shall file Temporary Public Access Easements over the same described parcels being vacated to allow legal continued use of 110th Avenue prior to its demolition and reconfiguration of the street network.**
- PFA 2. For any public or private utilities currently located within the proposed vacated Right-of-Way, and anticipated to remain in this location, Applicant shall provide public or private utility easements on City approved forms. For public easements these shall be minimum 15-foot wide easements centered on the utility. For private easements they shall be of sufficient width as needed by the private utility and as approved by the City.**
- PFA 3. The future demolition of 110th Avenue and construction of the street network in Tonquin Meadows will need to be coordinated with the City to minimize impacts to the traveling public.**



City of Wilsonville
Exhibit C1 DB14-0001

Exhibit C

Public Works Plan Review Comments

Plans for Review: 110th Ave ROW Vacation Return All Comments To: Dan Pauly
 Issue Date: January 16/17, 2014 Due Date: January 30, 2014

Name	Page No.	Comments	Engineering's Response
Randy Watson			
Matt Baker		No Comments	
Steve Munsterman		No Comments	
Arnie Gray		No Comments	
Ralph Thorp		Still need to provide water to City irrigation meter at 110 th and Tooze. Maybe install new meter at the roundabout?	
Jason Labrie / Steve Gering		No Comments	
Mark Folz / Paul Havens		No Comments	