

AFFIDAVIT OF POSTING ORDINANCE #100

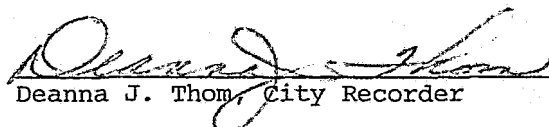
STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville,
State of Oregon, being first duly sworn on oath depose and say:

On the 24th day of April, I caused to be posted copies of the
attached Ordinance #100, an Ordinance Vacating Boberg Road, AKA Schnitzer
Way, in the following four public and conspicuous places of the City,
to wit:

Wilsonville Post Office
Wilsonville City Hall
Lowrie's Food Market
Kopper Kitchen

The notices remained posted for more than five (5) consecutive
days prior to the time for final reading and passage of the Ordinance on
the 1st day of May, 1978.


Deanna J. Thom, City Recorder

Subscribed and sworn to before me
this 12th day of June, 1978.



NOTARY PUBLIC, STATE OF OREGON
My Commission Expires:

My Commission Expires February 14, 1981

ORDINANCE NO. 100

AN ORDINANCE VACATING BOBERG ROAD, AKA SCHNITZER WAY, IN WILSONVILLE INDUSTRIAL PARK IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON; AND DECLARING AN EMERGENCY.

WHEREAS, Boberg Road, aka Schnitzer Way, is a dedicated public street over a portion of Wilsonville Industrial Park (a plat recorded in Book 63 at Page 13 Deed Records, Clackamas County, Oregon) located in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, in said County and State; and

WHEREAS, Homer G. Williams is a co-owner and person interested in several parcels of real property which are contiguous to said Boberg Road, aka Schnitzer Way, and filed a Petition with the Wilsonville City Recorder on March 13, 1978, for the vacation of a portion of said street and set forth therein 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; and

WHEREAS, the Petition for Vacation as presented to the City Recorder had appended thereto and as a part thereof the duly acknowledged consents of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby as defined by ORS 271.080 (2); and

WHEREAS, the petition for Vacation as presented to the City Recorder was found to be sufficient and scheduled to come before the City governing body at a meeting thereof on March 13, 1978, and the petitioner was duly notified of that fact; and

WHEREAS, the Wilsonville City Council, as the City's governing body, at its meeting on March 13, 1978, considered said Petition and allowed it in whole and fixed Monday, April 24, 1978, at 7:30 o'clock p.m. at the Wilsonville Grade School as the time and place for a formal hearing upon the Petition; and

WHEREAS, it appears that the Notice of the time, place and purpose of the vacation hearing was duly and regularly given in the manner and for the time required by ORS 271.110 (1) and (2), and before such Notice was published and posted, the City Recorder obtained from the petitioner the sum of \$1,000.00 which was estimated to be a sufficient amount to pay the City's actual costs of publications, postings and other anticipated expenses, including the City's attorney fees as provided by ORS 271.110 (3); and

WHEREAS, the formal and public hearing on the question of such vacation was duly and regularly held at the time and place as advertised, and no one appeared either in person or otherwise to object to or remonstrate against the Petition and proposed vacation; and after the hearing and the aforesaid findings, the Wilsonville City Council concluded as follows:

1. That portion of Boberg Road, aka Schnitzer Way, hereinafter described is not used or planned for a City street or other public purposes, and should be vacated;

2. That the acknowledged written consents of all abutting property owners and of not less than two-thirds in area of the real property affected thereby has been obtained;

3. Required Notice of the Petition for Vacation was given;

4. The public interest will not be prejudiced by the proposed vacation;

5. All City liens and all taxes have been paid on the land hereinafter described and which is to be vacated;

6. The vacation will not substantially affect the market value of the abutting properties, and no damages are payable; and

7. The proposed use is consistent with the present use of the adjoining property, the use for the zone in which it is located and the City's Comprehensive Development Plan for the area; now, therefore,

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: A portion of the unimproved street area known as Boberg Road, aka Schnitzer Way, in Wilsonville, Clackamas County, Oregon, shall be vacated, and the vacation thereof shall be effective on the adoption of this Ordinance after second and final reading as provided by the Wilsonville City Charter; and said portion is described as follows, to-wit:

A tract of land over a portion of "Wilsonville Industrial Park" (a plat recorded in Book 63 at Page 13, Deed Records, Clackamas County, Oregon), located in Section 14, Township 3 South, Range 1 West of Willamette Meridian, City of Wilsonville, in said County and State, being more particularly described as follows:

Beginning at a point that bears N. 89°44'30" E., 186.00 feet from the MOST NORTHERLY Northwest corner of Lot 1, of said WILSONVILLE INDUSTRIAL PARK, said point also being on the Southerly right-of-way of Barber Street; thence No. 89°44'30" E., 180.00 feet to the beginning of a tangent 60.00 foot radius curve to the left (the radius point of which bears S.00°15'30"E.); thence Southwesterly along the arc of a curve 94.05 feet through a central angle of 89°48'45"; thence S.00°14'15"E., 1084.05 feet to the beginning of a tangent 800.00 foot radius curve to the left; thence Southerly along the arc of said curve 335.51 feet through a central angle of 24°01'45"; thence S. 24°06'00" E., 758.54 feet to the beginning of a tangent 62.00 foot radius curve to the left; thence Easterly along the arc of said curve 126.53 feet through a central angle of 116°55'30" to a point on the Northwesterly right-of-way of Market Road No. 27; thence S. 38°58'30" W., 168.32 feet; thence No. 24°06'00" W., 890.04 feet (the first 190.82 feet of which is along a portion of the Southerly boundary of said WILSONVILLE INDUSTRIAL PARK) to the beginning of a tangent 860.00 foot radius curve to the right; thence Northerly along the arc of said curve 360.67 feet through a central angle of 24°01'45"; thence N. 00°04'15" W., 1083.46 feet to the beginning of a tangent 60.00 foot radius curve to the left; thence Northwesterly along the arc of said curve 94.44 feet through a central angle of 90°11'15" to the point of beginning.

EXCEPT HOWEVER, the following described road right-of-way:

Beginning at a point that bears N. 89°44'30" E., 186.00 feet from the MOST NORTHERLY Northwest corner of Lot 1, of said WILSONVILLE INDUSTRIAL PARK, said point also being on the Southerly right-of-way of Barber Street, thence No. 89°44'30" E., 180.00 feet to the beginning of a tangent 60.00 foot radius curve to the left (the radius point of which bears S. 00°15'30" E.); thence Southwesterly along the arc of said curve 94.05 feet through a central angle of 89°48'45"; thence S. 00°04'15" E., 735.14 feet; thence S.89°55'45" W., 60.00 feet; thence N.00°04'15" W., 734.55 feet to the beginning of a tangent 60.00 foot radius curve to the left; thence Northwesterly along the arc of said curve 94.44 feet through a central angle of 90°11'15" to the point of beginning.

Section 2: That the title to the street area vacated shall attach to the land bordering on such area in equal proportions as provided by ORS 271.40.

Section 3: That upon the final reading and enactment of this Ordinance, the Wilsonville City Recorder shall prepare and file for the record with the Clackamas County Recorder a certified copy of this Ordinance. The City Recorder shall also prepare and file a certified copy of this Ordinance with the Clackamas County Assessor and the Clackamas County Surveyor as required by the provisions of ORS 271.50.

Section 4: Any Ordinance or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

Section 5: It being deemed by the Wilsonville City Council that an emergency exists, this Ordinance shall take effect immediately upon its final reading and passage by the City Council.

Passed by the Wilsonville City Council on first reading at a special meeting thereof on Monday, April 24, 1978; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of five (5) consecutive days as required by the Wilsonville City Charter; and to come up for final reading and action of the Council at a regular meeting thereof to be held on the 1st day of May, 1978, at the hour of 7:30 o'clock p.m. at the Council's regular meeting place at the Wilsonville Grade School.


WILLIAM G. LOWRIE - Mayor

ATTEST:


DEANNA J. THOM - City Recorder

Considered by the Council at a regular meeting on May 1, 1978 and postponed for final reading and action of the Council at a

special meeting on May 15, 1978 at the hour of 7:30 o'clock p.m.
at the Council's regular meeting place at the Wilsonville Grade
School.


WILLIAM G. LOWRIE - Mayor

ATTEST:


DEANNA J. THOM - City Recorder

Passed on final reading at a special meeting of the Wilsonville
City Council this 15th day of May, 1978, by the following vote:

Yeas 4. Nays 0.


WILLIAM G. LOWRIE - Mayor

ATTEST:


DEANNA J. THOM - City Recorder