

AFFIDAVIT OF POSTING

ORDINANCE #181

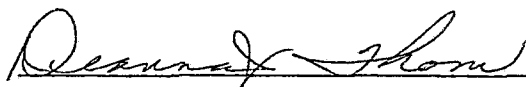
STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
 AND WASHINGTON)
)
CITY OF WILSONVILLE)

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

On the 27th day of May, 1981, I caused to be posted copies of the attached Ordinance #181, an ordinance amending prior zoning ordinance reducing the required dedication of 22 feet to 10 feet for properties adjacent to Boberg Road and vacating portions of Boberg Road to reduce prior dedications from 22 feet to 10 feet in the City of Wilsonville, in the following four public and conspicuous places of the City, to wit:

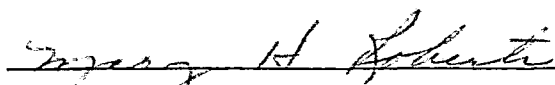
- WILSONVILLE POST OFFICE
- WILSONVILLE CITY HALL
- LOWRIE'S FOOD MARKET
- KOPPER KITCHEN

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 1st day of June, 1981.



DEANNA J. THOM, City Recorder

Subscribed and sworn to before me
this 31 day of July, 1981



NOTARY PUBLIC, STATE OF OREGON

My commission expires: 12-4-81

CITY OF WILSONVILLE

MEMO

September 30, 1981
DATE

Recorded with Clackamas County
September 14, 1981.

ORDINANCE NO. 181

AN ORDINANCE AMENDING PRIOR ZONING ORDINANCES REDUCING THE REQUIRED DEDICATION OF 22 FEET TO 10 FEET FOR PROPERTIES ADJACENT TO BOBERG ROAD AND VACATING PORTIONS OF BOBERG ROAD TO REDUCE PRIOR DEDICATIONS FROM 22 FEET TO 10 FEET IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

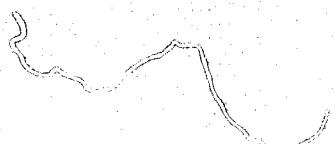
WHEREAS, that portion of Boberg Road intersected by Barber Road to the south and by Boeckman Road to the north, is a dedicated public street with a base existing right-of-way of 40 feet, with abutting properties being subject to 22 foot dedication requirements to expand the right-of-way to 84 feet pursuant to the 1971 General Plan for the City of Wilsonville; and

WHEREAS, the 1980 Comprehensive Plan of the City now calls for a right-of-way of 60 feet for the said portion of Boberg Road; and

WHEREAS, the City of Wilsonville has received a request for relief from an abutting property owner, Richard Brentano, to reduce the condition of his zone change from a 22 foot dedication requirement to a 10 foot requirement; and

WHEREAS, the City of Wilsonville, in contemplation of instituting comprehensive vacation pursuant to ORS 217.130 for affected abutting property owners referred this matter to the Planning Commission for its recommendation; and

WHEREAS, the Planning Commission, after due notice, reviewed at its regularly scheduled meeting of October 13, 1980,



the Brentano request in light of planning concerns and for confirmation of the appropriate right-of-way for said portion of Boberg Road; and

WHEREAS, the Planning Commission entered into the record and filed with the City Recorder its written findings and recommendation, marked Exhibit "A", attached hereto and incorporated herein by reference; and

WHEREAS, this matter came before the City Council at its regularly scheduled and advertised meeting of December 1, 1980, and upon due notice and consideration, the City Council adopted the Planning Commission findings and recommendations, Exhibit "A", in toto, and directed the City Recorder to provide Notice of Vacation Hearing pursuant to ORS 271.110, and the City Attorney to prepare the Ordinance,

NOW, THEREFORE, IT IS HEREBY ORDAINED

1. The Notice of Hearing requirements of ORS 271.110 have been duly given, and the hearing was duly conducted April 6, 1981;

2. The vacation of the hereinafter described portions of Boberg Road will not substantially affect the market value of such property, and no damages are payable;

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

4. That the vacation of the hereinafter described portions of Boberg Road will not prejudice the public's interest,

and is consistent with the Comprehensive Plan as set forth in the findings and recommendations of the Planning Commission, Exhibit "A", adopted in toto as set forth above;

5. The following abutting properties were required to dedicate property for Boberg Road right-of-way in excess of 10 feet by adoption of the below designated Ordinances, and dedication condition of each of said Ordinances is hereby amended to reflect a reduction of said dedication to 10 feet:

	<u>Ordinance No.</u>
1. Richard Brentano, Tax Lot 1800 and 1900 - 22 foot dedication required, File No. 78-RZ-5	124
2. Sabre Construction Company, Tax Lots 1600, 1700 and 1701, 22 foot dedication required, File No. 78-RZ-10	125
3. Boones Ferry Industries - Tax Lot 1200 - 20 foot dedication required, File No. 79-RZ-5	139
4. Lewis Electric - Tax Lot 403, 20 foot dedication required - File No. 78-RZ-8	121

6. The following abutting properties were required to dedicate property for road right-of-way in excess of 10 feet by conditional use or other City Council action, and the dedication requirement of each such conditional use or City Council

action is hereby amended to reflect a reduction of said dedication to 10 feet:

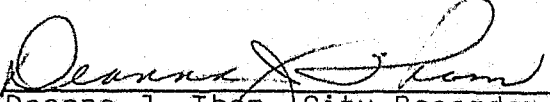
1. Mitchell, Lewis & Staver Industrial Park - Tax Lot 2200, 22-foot dedication required, File No. 73-RZ-10
2. Dr. Milleson - Tax Lots 1603 and 1604 - 20 foot dedication required, File No. 71-RZ-14
3. Virgil Lisk Mobile Home Park - Tax Lot 1100 - 22 foot dedication required by Conditional Use Permit - File No. 72-CU-1

7. The following abutting properties have completed a dedication of property for Boberg Road right-of-way in excess of 10 feet, and the following property in excess of 10 feet in Clackamas County is hereby vacated, effective upon adoption and final reading of this Ordinance:

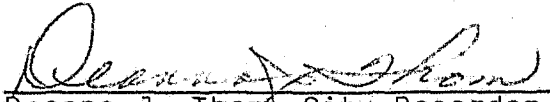
1. Mitchell, Lewis & Staver Industrial Park - Tax Lot 2200
2. Boones Ferry Industries - Tax Lot 1200
3. Virgil Lisk Mobile Home Park - Tax Lot 1100
4. Lewis Electric - Tax Lot 403
5. Dr. Milleson - Tax Lot 1603 and 1604

Provided, however, that in the case of the property indicated for Dr. Milleson, Tax Lot 1603 and 1604, Clackamas County still exercises jurisdiction over same and the vacation to be final has to be approved by Clackamas County.

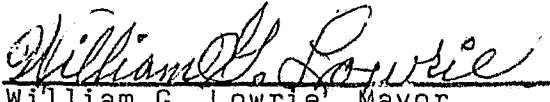
Submitted to the Council and read the first time at a regular meeting thereof on the 18th day of May, 1981, and scheduled for second reading at a regular meeting of the Council on the 1st day of June, 1981, commencing at the hour of 7:30 o'clock p.m., at the Wilsonville City Hall.


Deanna J. Thom, City Recorder

ENACTED by the Council on the 1st day of June, 1981, by the following votes: YEAS 4 NAYS 0.


Deanna J. Thom, City Recorder

DATED and signed by the Mayor this 3rd day of June, 1981.


William G. Lowrie, Mayor

CITY OF



P.O. Box 220 / Wilsonville, Oregon 97070
503/682-1011

Ben Altman

M E M O R A N D U M

TO: CITY COUNCIL AND CITY ATTORNEY
FROM: BEN ALTMAN, COMPREHENSIVE PLANNER
DATE: NOVEMBER 13, 1980
RE: PLANNING COMMISSION DETERMINATION OF BOBERG ROAD
RIGHT-OF-WAY

As previously reviewed by City Council, Richard Brentano requested a reduction to 10 feet of the 22 foot dedication requirement on Boberg Road as conditioned for a zone change on his property. By Council action, this request was forwarded to the Planning Commission for confirmation of appropriate right-of-way.

On October 13, 1980, the Commission reviewed the request and found the following:

1. The City's 1971 General Plan originally designated an 84 foot right-of-way for Boberg Road. This included a 64 foot pavement section providing two 12 foot travel lanes in each direction and an 8 foot parking lane on each side of the street. A 10 foot utility and sidewalk strip along both sides of the street completed the 84 foot right-of-way.

2. The existing right-of-way on Boberg Road is 40 feet, therefore, all dedications of 22 feet previously required were consistent with the 84 foot right-of-ways.

3. The Street System Master Plan included in the recently adopted Comprehensive Plan identifies Boberg Road as an industrial collector and specifies only a 60 foot right-of-way and the street is to be developed with a 40 foot pavement section providing one lane of traffic in

each direction and a continuous center turn lane with a 10 foot sidewalk and utility strip on each side of the street. The current reduced right-of-way standard is based on the recommendations by Carl Buttke.

4. A more recent zone change (Walter West) required only a 10 foot dedication of right-of-way which is consistent with the reduced right-of-way standard recommended by Carl Buttke.

5. Based on Carl Buttke's transportation analysis, a 60 foot right-of-way with 40 foot pavement section would be adequate to serve as an industrial collector in this area. This is particularly true since at full development Boberg Road will essentially only carry industrial traffic. It is not a through collector and will only provide access to industrial development between Boeckman Road and Barber Street. Therefore, unless the City intends to develop a median strip such as that proposed for a proportion of Wilsonville Road in the area of the Town Center, right-of-way in excess of 60 feet would not be necessary.

Based on these Findings, the Planning Commission has determined that a 60 foot right-of-way is sufficient to serve as an industrial collector street for which Boberg Road is designated on the Comprehensive Plan. The 40 foot pavement section as recommended by Carl Buttke provides one travel lane in each direction with a continuous center turn lane. This pavement section will provide ample flow capacity as well as providing ample truck maneuvering area for egress and access to specific developments. Therefore, the Planning Commission recommends the City Council acknowledge the 60 foot right-of-way recommendation in the Comprehensive Plan as the confirmed future right-of-way for Boberg Road.

The Commission further recommends confirmation of the 40 foot pavement section as recommended by Carl Buttke.

If the Council adopts this recommendation, it will require modification of dedication requirements conditioned in several zone change actions and will further necessitate vacation action for all dedications completed in excess of 10 feet. The following is a list of zone changes affected by this decision. They are also listed on the attached map.

1. Mitchell, Lewis & Staver Industrial Park -
Tax Lot 2200, 22-foot dedication required, File No.
73-RZ-10, dedication completed.

2. Richard Brentano - Tax Lot 1800 and 1900 -
22 foot dedication required, File No. 78-RZ-5,
Ordinance No. 124, dedication not completed.

3. Sabre Construction Company, Tax Lots 1600,
1700 and 1701, 22 foot dedication required, File
No. 78-RZ-10, Ordinance No. 125, dedication not
completed.

4. Dr. Milleson - Tax Lots 1603 and 1604 -
20 foot dedication required, File No. 71-RZ-14,
dedication completed.

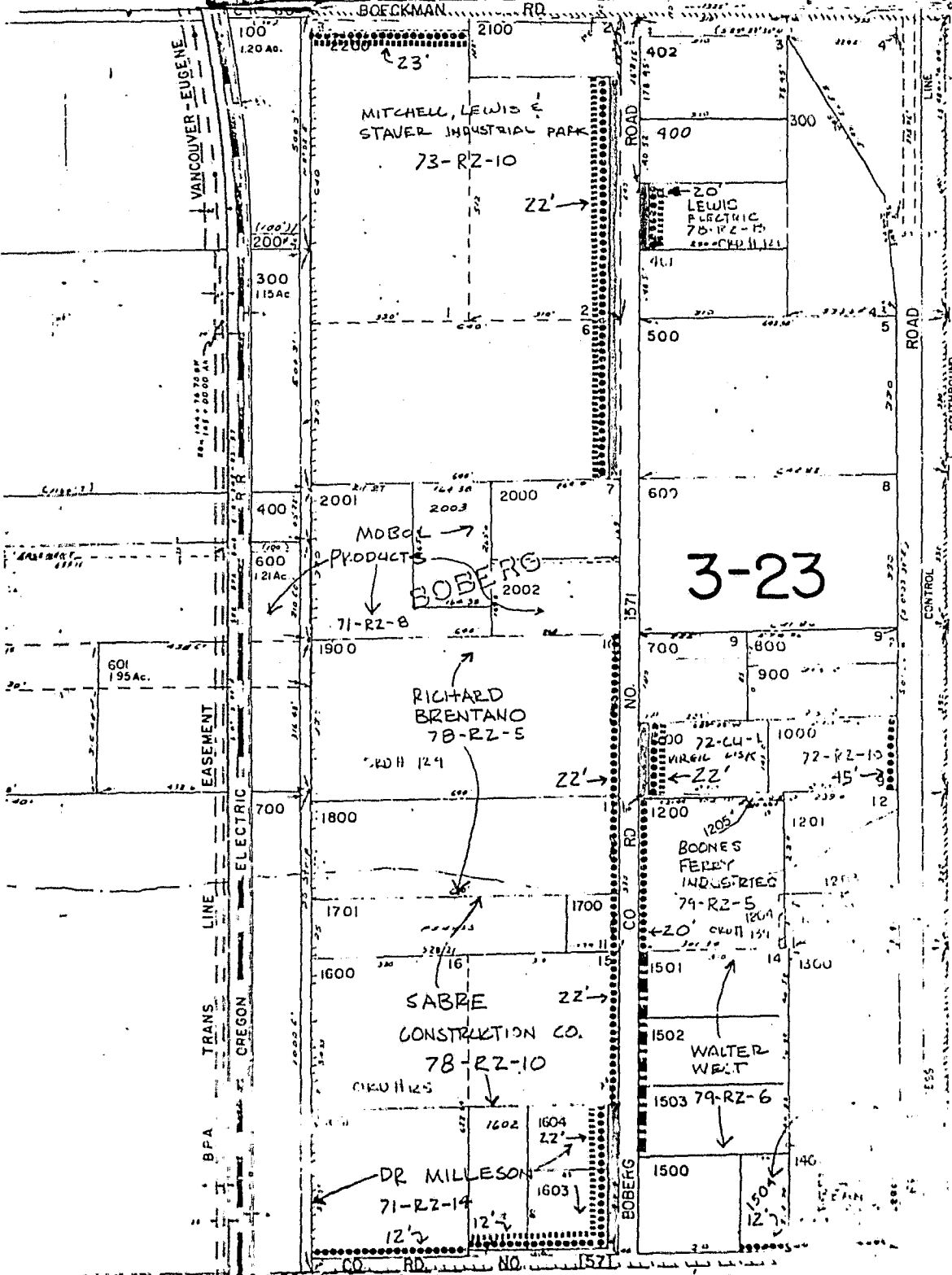
5. Boones Ferry Industries - Tax Lot 1200 -
20 foot dedication required, File No. 79-RZ-5,
Ordinance No. 139, dedication completed.

6. Virgil Lisk Mobile Home Park - Tax Lot
1100 - 22 foot dedication required by Conditional
Use Permit - File No. 72-CU-1, dedication completed.

7. Lewis Electric - Tax Lot 403, 20 foot
dedication required - File No. 78-RZ-8, Ordinance
No. 121, dedication completed.

NORTH
1"=200'

..... REQUIRED DEDICATION
..... COMPLETED DEDICATION
- - - - - DEDICATION TO BE DETERMINED
1/4 AT STAGE II



HIGHWAY

HWY 5

INTERSTATE

PACIFIC

GEORGIA
WILSONVILLE
PAYLESS DRUG