

ORDINANCE NO. 732

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING ORDINANCE NO. 353 TO CORRECT LEGAL DESCRIPTIONS OF EASEMENTS INTENDED TO BE VACATED AND INCORPORATED INTO THE DULY RECORDED PLAT OF DAY DREAM RIVER ESTATES IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

WHEREAS, Ordinance No. 353 was originally enacted to vacate certain easements granted in 1980 to the City in conjunction with the 1979 Day Dream Ranch plat (townhouses), but were replaced in conjunction with the 1983 replat into Day Dream River Estates (single family) and its subsequent construction; and

WHEREAS, Exhibit "A1," titled "Sanitary Sewer," to Ordinance No. 353, adopted June 19, 1989, purports to vacate a 1980 sanitary sewer utility easement which was replaced in the 1983 Day Dream River Estates plat, but failed to include the full legal description as contained in the Sanitary Sewer Easement, recorded December 15, 1980, Clackamas County Deed Records No. 80-48030; and

WHEREAS, Exhibit "A2," titled "Water," to Ordinance No. 353, adopted June 19, 1989, purports to vacate a 1980 water utility easement which was replaced in the 1983 Day Dream River Estates plat, but failed to include the full legal description as contained in the Water Easement, recorded December 15, 1980, Clackamas County Deed Records No. 80-48029; and

WHEREAS, Exhibit "A3," titled "Storm Sewer," to Ordinance No. 353, adopted June 19, 1989, purports to vacate a 1980 storm sewer utility easement which ran parallel to the westerly boundary of Day Dream Ranch and which was replaced in the 1983 Day Dream River Estates plat, but not only failed to include the full legal description as contained in the Storm Sewer Easement, recorded December 15, 1980, Clackamas County Deed Records No. 80-48031, but also included the description under the same recorded Storm Sewer Easement No. 80-48031 for the storm sewer easement running generally parallel to the easterly property line, which was not replaced in the 1983 Day Dream River Estates plat, was required for construction of the subdivision, was not intended to be vacated, and has been actively in continuous use since the subdivision was constructed;

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

1. Ordinance No. 353 is amended by:
 - A. Deleting Exhibit "A1" and replacing it with Exhibit 1, attached hereto and incorporated by reference as if fully set forth herein, as the described Sanitary Sewer Easement vacated.
 - B. Deleting Exhibit "A2" and replacing it with Exhibit 2, attached hereto and incorporated by reference as if fully set forth herein, as the described Water Easement vacated.
 - C. Deleting Exhibit "A3" and replacing it with Exhibit 3, attached hereto and incorporated by reference as if fully set forth herein, only as to the described Storm Sewer Easement vacated along the westerly border of the 1983 Day Dream River Estates plat.
 - D. The Storm Sewer Easement along the easterly property line of the 1983 Day Dream River Estates plat that is also described in Clackamas County Deed Records No. 80-48031 was neither replaced or intended to be vacated, was required for construction of the 1983 Day Dream River Estates plat subdivision, has been in continuous use since the subdivision was constructed, is necessary for the public, health, and welfare of those properties and persons in the eastern portion of the Day Dream River Estates subdivision, and is not vacated. The easterly non-vacated easement is described on the 1983 Day Dream River Estates plat and is also described herein as follows:

"A 15.00 foot wide storm sewer easement lying 7.50 feet on each side of the following described centerline:

Commencing at a point being located East 217.95 feet and South 3,137.98 feet from the Northeast corner of Section 23, Township 3 South, Range 1 West, Willamette Meridian, in the City of Wilsonville, Clackamas County, Oregon; thence North 28°34'15" West 59.05 feet to a point being on the arc of a 50.00 foot radius curve to the right (the radius point of which bears South 61°25'44" West); thence along said curve to the right for an arc distance of 77.26 feet through a central angle of 88°31'38" to the Point of Beginning of the centerline; thence South 43°25'08" East 57.30 feet; thence South 00°14'10" West 243.83 feet; thence

South 09°44'10" West 154.98 feet; thence South 11°40'50" East 30.00 feet to the point of terminus.”

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 18th day of November, 2013, and scheduled for second reading on December 2, 2013, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 2nd day of December, 2013, by the following votes: Yes:-4- No: -0-

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this _____ day of December, 2013.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

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

Attachments:

- Exhibit 1 – Sanitary Sewer Easement
- Exhibit 2 – Water Easement
- Exhibit 3 – Storm Sewer Easement