COUNCIL ORDINANCE No. 2240

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, VACATING THE PUBLIC STREET RIGHTS-OF-WAY WITHIN THE HILLSIDE PARK DEVELOPMENT DESIGNATED AS PORTIONS OF SE HILLSIDE CT, SE A STREET, SE B STREET, SE C STREET, SE D STREET, AND SE D PLACE.

WHEREAS part of the land that constitutes the current site of the Hillside Park development includes public right-of-way designated as portions of SE Hillside Ct, SE A Street, SE B Street, SE C Street, SE D Street and SE D Place, located just south of SE Hillside Ct; and

WHEREAS the City of Milwaukie is working with the sole owner of the site, the Housing Authority of Clackamas County (HACC), to complete phase 1 of the Hillside Park redevelopment project to provide new affordable housing as approved in the Hillside Planned Development land use decision for land use file #PD-2021-001; and

WHEREAS HACC filed a petition to vacate a portion of the public right-of-way within the current Hillside Park development designated as Hillside Ct, B Street, C Street, D Street, D Place, and E Street in order to proceed with redevelopment of the site; and

WHEREAS all streets proposed to be vacated were dedicated to the City of Milwaukie per document recorded January 23, 1996, as Record No. 96-005192; and

WHEREAS the city followed the provisions of Oregon Revised Statutes (ORS) Chapter 271 upon HACC filing its petition; and

WHEREAS proper notice was given and a public hearing was held on March 19, 2024.
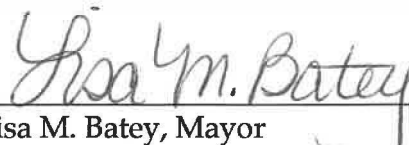
Now, Therefore, the City of Milwaukie does ordain as follows:

1. The portions of SE Hillside Ct, SE A Street, SE B Street, SE C Street, SE D Street and SE D Place right-of-way, located just south of SE Hillside Ct, as described and depicted in Exhibit A, are vacated.
2. The city engineer is authorized to take any administrative action necessary to complete the vacation.
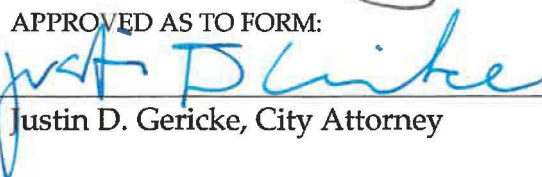
Read the first time on **3/19/24** and moved to second reading by ___**5:0**___ vote of the City Council.

Read the second time and adopted by the City Council on **3/19/24**.

Signed by the Mayor on **3/19/24**.

Lisa M. Batey
Lisa M. Batey, Mayor

ATTEST:

Scott S. Stauffer
Scott S. Stauffer, City Recorder

APPROVED AS TO FORM:

Justin D. Gericke
Justin D. Gericke, City Attorney

EXHIBIT A

December 21, 2023

W.B. WELLS & ASSOCIATES
JOB NO. 5103-007

RIGHT-OF-WAY VACATION DESCRIPTION – HILLSIDE PARK PHASE I

THOSE PORTIONS OF S.E. HILLSIDE COURT, S.E. A STREET, S.E. B STREET, S.E. C STREET, S.E. D STREET AND S.E. D PLACE AS DEDICATED PER DOCUMENT RECORDED JANUARY 23, 1996, AS RECORDING NO. 96-005192, CLACKAMAS COUNTY DEED RECORDS, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF MILWAUKIE, COUNTY OF CLACKAMAS AND STATE OF OREGON, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID S.E. HILLSIDE COURT WITH THE WEST RIGHT-OF-WAY LINE OF S.E. 32ND AVENUE AS ESTABLISHED BY DEED RECORDED SEPTEMBER 20, 1939, IN BOOK 261, PAGE 624, CLACKAMAS COUNTY DEED RECORDS, ALSO BEING A POINT ON THE EAST LINE OF PARCEL 2 OF PARTITION PLAT NO. 2020-026, CLACKAMAS COUNTY PLAT RECORDS; THENCE SOUTH 88°30'13" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF S.E. HILLSIDE COURT, A DISTANCE OF 38.76 FEET TO AN ANGLE POINT THEREIN; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THROUGH THE FOLLOWING COURSES: SOUTH 66°48'56" WEST, A DISTANCE OF 23.20 FEET TO A POINT HEREINAFTER REFFERED TO AS POINT "A", SOUTH 66°48'56" WEST, A DISTANCE OF 180.90 FEET TO A POINT HEREINAFTER REFFERED TO AS POINT "B", SOUTH 66°48'56" WEST, A DISTANCE OF 181.01 FEET TO A POINT HEREINAFTER REFFERED TO AS POINT "C", SOUTH 66°48'56" WEST, A DISTANCE OF 37.41 FEET TO A POINT HEREINAFTER REFFERED TO AS POINT "D"; THENCE LEAVING SAID LINE, SOUTH 88°48'57" WEST, A DISTANCE OF 160.99 FEET; THENCE NORTH 01°11'03" WEST, A DISTANCE OF 16.13 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID S.E. HILLSIDE COURT, ALSO BEING A POINT ON THE SOUTH LINE OF PARCEL 1 OF SAID PARTITION PLAT 2020-026, AND A POINT OF NON-TANGENT CURVE, A RADIAL LINE THROUGH WHICH POINT BEARS NORTH 24°15'11" EAST; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND SAID SOUTH LINE OF PARCEL 2, ALONG THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 93°33'17" (CHORD BEARS SOUTH 67°28'32" WEST, 87.44 FEET), AN ARC LENGTH OF 97.97 FEET TO THE POINT OF TERMINUS; SAID PORTIONS OF S.E. HILLSIDE COURT, S.E. A STREET, S.E. B STREET, S.E. C STREET, S.E. D STREET AND S.E. D PLACE ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

S.E. A STREET

BEGINNING AT THE HEREINBEFORE DESCRIBED POINT "A", BEING THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE OF S.E. HILLSIDE COURT WITH THE EASTERLY RIGHT-OF-WAY LINE OF SAID S.E. A STREET, BEING THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION AND A POINT OF TANGENT CURVE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 89°58'12" (CHORD BEARS SOUTH 21°49'50" WEST, 28.28 FEET), AN ARC LENGTH OF 31.41 FEET; THENCE SOUTH 23°09'16" EAST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 64.68 FEET TO THE SOUTHEASTERLY CORNER THEREOF; THENCE 66°50'44" WEST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID S.E. A STREET, A DISTANCE OF 40.00 FEET TO THE SOUTHWESTERLY CORNER THEREOF; THENCE NORTH 23°09'16" WEST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID S.E. A STREET, A DISTANCE OF 64.64 FEET TO A POINT OF TANGENT CURVE THEREIN; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 90°01'48" (CHORD BEARS NORTH 68°10'10" WEST, 28.29 FEET), AN ARC LENGTH OF 31.43 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF S.E. HILLSIDE COURT; THENCE NORTH 66°48'56" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 80.00 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 3,558 SQUARE FEET MORE OR LESS

S.E. B STREET

BEGINNING AT THE HEREINBEFORE DESCRIBED POINT "B", BEING THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE OF S.E. HILLSIDE COURT WITH THE EASTERLY RIGHT-OF-WAY LINE OF SAID S.E. B STREET, BEING THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION AND A POINT OF TANGENT CURVE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 89°59'54" (CHORD BEARS SOUTH 21°48'59" WEST, 28.28 FEET), AN ARC LENGTH OF 31.42 FEET; THENCE SOUTH 23°10'58" EAST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 365.28 FEET TO THE SOUTHEASTERLY CORNER THEREOF; THENCE 66°49'02" WEST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID S.E. B STREET, A DISTANCE OF 40.00 FEET TO THE SOUTHWESTERLY CORNER THEREOF; THENCE NORTH 23°10'58" WEST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID S.E. B STREET, A DISTANCE OF 365.28 FEET TO A POINT OF TANGENT CURVE THEREIN; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 90°00'06" (CHORD BEARS NORTH 68°11'01" WEST, 28.28 FEET), AN ARC LENGTH OF 31.42 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF S.E. HILLSIDE COURT; THENCE NORTH 66°48'56" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 80.00 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 15,583 SQUARE FEET MORE OR LESS

S.E. C STREET

BEGINNING AT THE HEREINBEFORE DESCRIBED POINT "C", BEING THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE OF S.E. HILLSIDE COURT WITH THE EASTERLY RIGHT-OF-WAY LINE OF SAID S.E. C STREET, BEING THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION AND A POINT OF TANGENT CURVE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 89°59'30" (CHORD BEARS SOUTH 21°49'11" WEST, 28.28 FEET), AN ARC LENGTH OF 31.41 FEET; THENCE SOUTH 23°10'34" EAST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 332.89 FEET TO A POINT OF TANGENT CURVE THEREIN; THENCE ALONG THE ARCH OF A 43.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 68°09'47" (CHORD BEARS SOUTH 57°15'28" EAST, 48.19 FEET), AN ARC LENGTH OF 51.16 FEET TO THE SOUTHEASTERLY CORNER THEREOF; THENCE SOUTH 88°39'39" WEST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID S.E. C STREET, A DISTANCE OF 72.19 FEET TO THE SOUTHWESTERLY CORNER THEREOF; THENCE NORTH 23°10'34" WEST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID S.E. C STREET, A DISTANCE OF 345.94 FEET TO A POINT OF TANGENT CURVE THEREIN; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 90°00'30" (CHORD BEARS NORTH 68°10'49" WEST, 28.29 FEET), AN ARC LENGTH OF 31.42 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF S.E. HILLSIDE COURT; THENCE NORTH 66°48'56" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 80.00 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 15,281 SQUARE FEET MORE OR LESS

S.E. HILLSIDE COURT

BEGINNING AT THE HEREINBEFORE DESCRIBED POINT "D", BEING A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF S.E. HILLSIDE COURT AND THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE SOUTH 66°48'56" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 138.46 FEET, TO A POINT OF NON-TANGENT CURVE THEREIN, A RADIAL LINE THROUGH WHICH POINT BEARS SOUTH 77°52'23" EAST; THENCE ALONG THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 30°46'28" (CHORD BEARS SOUTH 27°30'51" WEST, 31.84 FEET), AN ARC LENGTH OF 32.23 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "E"; THENCE CONTINUING ALONG THE SAME 60.00 FOOT RADIUS CURVE IN SAID SOUTH RIGHT-OF WAY LINE, THROUGH A CENTRAL ANGLE OF 157°47'48" (CHORD BEARS NORTH 58°12'00" WEST, 117.75 FEET), AN ARC LENGTH OF 165.24 FEET TO THE INTERSECTION WITH SAID SOUTH LINE OF PARCEL 2; THENCE CONTINUING ALONG THE SAME 60.00 FOOT RADIUS CURVE IN SAID SOUTH RIGHT-OF WAY LINE AND SAID SOUTH LINE OF PARCEL 2, THROUGH A CENTRAL ANGLE OF 93°33'17" (CHORD BEARS NORTH 67°28'32" EAST, 87.44 FEET), AN ARC LENGTH OF 97.97 FEET; THENCE, LEAVING SAID LINE, SOUTH 01°11'03"E, A DISTANCE OF 16.13 FEET; THENCE NORTH 88°48'57" EAST, A DISTANCE OF 160.99 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 14,535 SQUARE FEET MORE OR LESS

S.E. D STREET AND S.E. D PLACE

BEGINNING AT THE HEREINBEFORE DESCRIBED POINT "E", BEING THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE OF S.E. HILLSIDE COURT WITH THE EASTERLY RIGHT-OF-WAY LINE OF SAID S.E. D STREET, AND BEING THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE SOUTH 23°06'10" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 273.26 FEET TO THE SOUTHEASTERLY CORNER THEREOF; THENCE SOUTH 66°53'50" WEST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID S.E. D STREET, A DISTANCE OF 40.00 FEET TO THE SOUTHWESTERLY CORNER THEREOF; THENCE NORTH 23°06'10" WEST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID S.E. D STREET, A DISTANCE OF 97.18 FEET TO A POINT OF TANGENT CURVE THEREIN; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 90°07'12" (CHORD BEARS NORTH 68°09'46" WEST, 28.31 FEET), AN ARC LENGTH OF 31.46 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID S.E. D PLACE; THENCE SOUTH 66°46'38" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 134.38 FEET TO THE SOUTHWESTERLY CORNER THEREOF; THENCE NORTH 23°13'22" WEST, ALONG THE WESTERLY LINE OF SAID D PLACE, A DISTANCE OF 40.00 FEET TO THE NORTHWESTERLY CORNER THEREOF; THENCE NORTH 66°46'38" EAST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID D PLACE, A DISTANCE OF 134.55 FEET TO A POINT OF TANGENT CURVE THEREIN; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 89°52'48" (CHORD BEARS NORTH 21°50'14" EAST, 28.25 FEET), AN ARC LENGTH OF 31.37 FEET TO A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE OF S.E. D STREET; THENCE NORTH 23°06'10" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 92.96 FEET TO THE INTERSECTION WITH SAID SOUTH RIGHT-OF-WAY LINE OF S.E. HILLSIDE COURT, AND A POINT OF NON-TANGENT CURVE; THENCE ALONG THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 39°03'56" (CHORD BEARS NORTH 62°26'04" EAST, 40.12 FEET), AN ARC LENGTH OF 40.91 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 17,125 SQUARE FEET MORE OR LESS

THE EAST LINE OF SAID PARCEL 2, HAVING A BEARING OF NORTH 01°11'03" WEST PER SAID PARTITION PLAT NO. 2020-026, WAS USED AS THE BASIS OF BEARINGS FOR THIS DESCRIPTION.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 13, 2004
SCOTT M. GRUBBS
54728
EXPIRES: 6-30-25

EXHIBIT B
PUBLIC RIGHT-OF-WAY VACATION SKETCH

SITUATED IN THE SW 1/4 OF SECTION 25, T 1 S, R 1 E,
WILLAMETTE MERIDIAN, CITY OF MILWAUKIE,
COUNTY OF CLACKAMAS, STATE OF OREGON

JOB NO. 5107-007   DATE: 12-21-23   SCALE: 1" = 100'

WBW
W.B. Wells
& ASSOCIATES
An Emerio Design Company
SURVEYORS–PLANNERS

S.E. 32ND AVE.
(WIDTH VARIES)

POINT OF COMMENCING

P.P. 2020-026
PARCEL 2

N

S88°30'13"W
38.76'

S66°48'56"W
23.20'

S23°09'16"E
64.68'

S66°50'44"W
40.00'

"A"

S.E. A STREET

N23°09'16"W
64.64'

R=20.00'
L=31.41'
Δ=89°58'12"
CB=S21°49'50"W CD=28.28'

S66°48'56"W
80.00'

180.90'

100.90'

R=20.00' Δ=90°01'48" L=31.43'
CB=N68°10'10"W CD=28.29'

R=20.00' Δ=89°59'54" L=31.42'
CB=S21°48'59"W CD=28.28'

S23°10'58"E 365.28'

S.E. B STREET

S66°49'02"W
40.00'

S.E. "B"

HILLSIDE CT.
(60.00' WIDE)

N23°10'58"W 365.28'

R=20.00' Δ=90°00'06" L=31.42'
CB=N68°11'01"W CD=28.28'

S66°48'56"W
80.00'

R=43.00'
Δ=68°09'47"
L=51.16'
CB=S57°15'28"E
CD=48.19'

S.E. MEEK ST.

S88°39'39"W
72.19'

S.E. B STREET
(40.00' WIDE)

S66°48'56"W
181.01'

101.01'

R=20.00' Δ=89°59'30" L=31.41'
CB=S21°49'11"W CD=28.28'

S23°10'34"E 332.89'

S.E. C STREET

S66°48'56"W
37.41'

"C"

N23°10'34"W 345.94'

R=20.00' Δ=90°00'30" L=31.42'
CB=N68°10'49"W CD=28.29'

"D"

S66°48'56"W
80.00'

S.E. C STREET
(40.00' WIDE)

R=60.00' Δ=30°46'28" L=32.23'
CB=S27°30'51"W CD=31.84'

R=60.00' Δ=39°03'56" L=40.91'
CB=N62°26'04"E CD=40.12'

S23°06'10"E 273.26'

S.E. D STREET

S66°53'50"W
40.00'

S88°48'57"W
160.99'

S66°48'56"W
138.46'

95.86'

N23°06'10"W
92.96'

N23°06'10"W
97.18'

S66°46'38"W
134.38'

S.E. D PL.

R=20.00'
Δ=90°07'12"
L=31.46'
CB=N68°09'46"W
CD=28.31'

N24°15'11"E
RADIAL

"E"

N01°11'03"W
16.13'

R=60.00'
Δ=93°33'17" L=97.97'
CB=S67°28'32"W
CD=87.44'

R=60.00'
Δ=157°47'48"
L=165.24'
CB=N58°12'00"W
CD=117.75'

R=20.00'
Δ=89°52'48"
L=31.37'
CB=N21°50'14"E
CD=28.25'

N66°46'38"E

S66°46'38"E
134.55'

N23°13'22"W
40.00'

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Scott M. Grubbs

OREGON
JULY 13, 2004
SCOTT M. GRUBBS
54728

EXPIRES: 6-30-25

P.P. 2020-026
PARCEL 1