

ORDINANCE NO. 5039

AN ORDINANCE VACATING A SECTION OF RIGHT-OF-WAY, IN THE CITY OF HILLSBORO, IN WASHINGTON COUNTY, OREGON.

WHEREAS, on the 5th day of June, 2001 there was filed with the City Council of the City of Hillsboro, Oregon a petition for the vacation of a certain portion of a public street, and

WHEREAS, the City Council has found that the petition had the consent, pursuant to Section 165, Chapter XV of the Amended Charter of the City of Hillsboro, Oregon, of the requisite number of owners in fee simple of the real property fronting on both sides of the streets, and on a one hundred foot extension from each terminus of the portions of streets sought to be vacated, and that all things necessary to be kept, performed and done have been so kept, performed and done, and

WHEREAS, the City Council has found, pursuant to a public hearing on July 3, 2001, that it will not be prejudicial to the public to vacate the portion of street hereinafter described.

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. The following-described section of street, located in the City of Hillsboro, Oregon, is hereby vacated. Upon the effective date of said vacation, possession of the land shall revert to the owner of record of abutting lots, as required by the Oregon Revised Statutes and the Amended Charter of the City of Hillsboro:

That portion of NW 216th Avenue (C.R. 763 and C.R. 353) which is southerly of NW Amberwood Drive (C.R. 215) and northeasterly of NW Cornelius Pass Road (C.R. 3020), located in Section 26, Township 1 North, Range 2 West, Willamette Meridian, Washington County, Oregon being more particularly described as follows: Commencing at the northeast corner of the Isaac Butler DLC No. 48; thence North 79°12'54" West, along the north boundary of said DLC, a distance of 2802.13 feet; thence South 10°47'06" West, at right angles to the previous course, a distance of 45.00 feet to a point on the east right-of-way line of NW 216th Avenue and the TRUE POINT OF BEGINNING; thence South 0°05'10" East, along said right-of-way line, a distance of 1036.31 feet to a point on the northeast right-of-way line of NW Cornelius Pass Road (C.R. 3020); thence North 4°42'21" West, along said right-of-way line, a distance of 99.91 feet to an angle point therein; thence tracing said right-of-way line, along the arc of a non-tangent 1499.0 foot radius curve to the left, with a radial bearing of South 85°17'39" West, through a central angle of 5°34'07" (the long chord of which bears North 7°29'24" West, 145.63') an arc distance of 145.69 feet to a point of tangency; thence continuing along said right-of-way line, North 10°16'48" West a distance of 75.54 feet to a point on the west right-of-way line of NW 216th Avenue; thence North 0°05'10" West, along said west right-of-way line, a distance of 289.68 feet to a point on the easterly right-of-way line of the abandoned Burlington Northern Railroad; thence North 1°14'11" East, along said right-of-way line, a distance of 435.12 feet to a point which is

45.0 feet southerly when measured at right angles to the north boundary of the Isaac Butler DLC No. 48; thence South 79°12'54" East, parallel with and 45.0 feet southerly from said north boundary, a distance of 30.50 feet to the TRUE POINT OF BEGINNING.

Section 2. The following conditions are attached to this vacation:

1. An easement over, under, and across the entire vacated street is reserved for the benefit of the public, for the inspection, operation, maintenance, repair, removal, installation of utilities of any sort, including but not limited to water and natural gas facilities.
2. An eight-foot public utility easement is reserved along NW Cornelius Pass Road and NW Amberwood Drive.
3. An access easement is reserved to allow ingress and egress, for the benefit of the adjacent property owners, over and along that portion of the above described vacation parcel which lies southerly of the easterly projection of the northerly boundary of Parcel "B", described in deed to Pacific Realty Associates, recorded December 13, 1984 as document number 84-048243 in deed records of Washington County, Oregon.

Section 3. The Public Works Director of the City of Hillsboro is directed to record a true copy of this ordinance in the Recorder's Office of Washington County, Oregon, and to deliver a true copy of this ordinance to the petitioner in this matter.

Passed by the City Council this 3rd day of July 2001.

Approved by the Mayor this 3rd day of July 2001.



Mayor

ATTEST:



City Recorder