

# VAC 24-0001

## Horizon Flagpole Lot Vacation

AUGUST 12, 2024



CITY OF  
**TUALATIN** OREGON

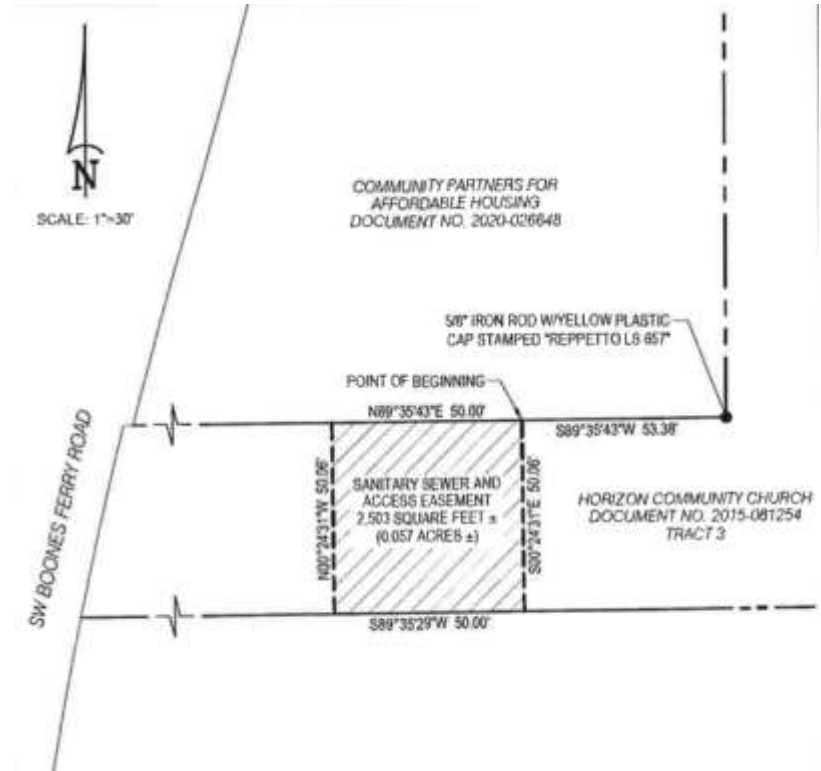
# OVERVIEW

- The City of Tualatin is proposing a Right-of-Way Vacation (Case File VAC24-0001) under Oregon Revised Statutes (ORS 271).
- The proposed Right-of-Way Vacation is an 18,005 square-foot area of land located east of SW Boones Ferry Road, south of SW Norwood Road, north of SW Greenhill Lane, identified on Tax Lot 106 of Tax Map 2S.1.35D.



# BACKGROUND

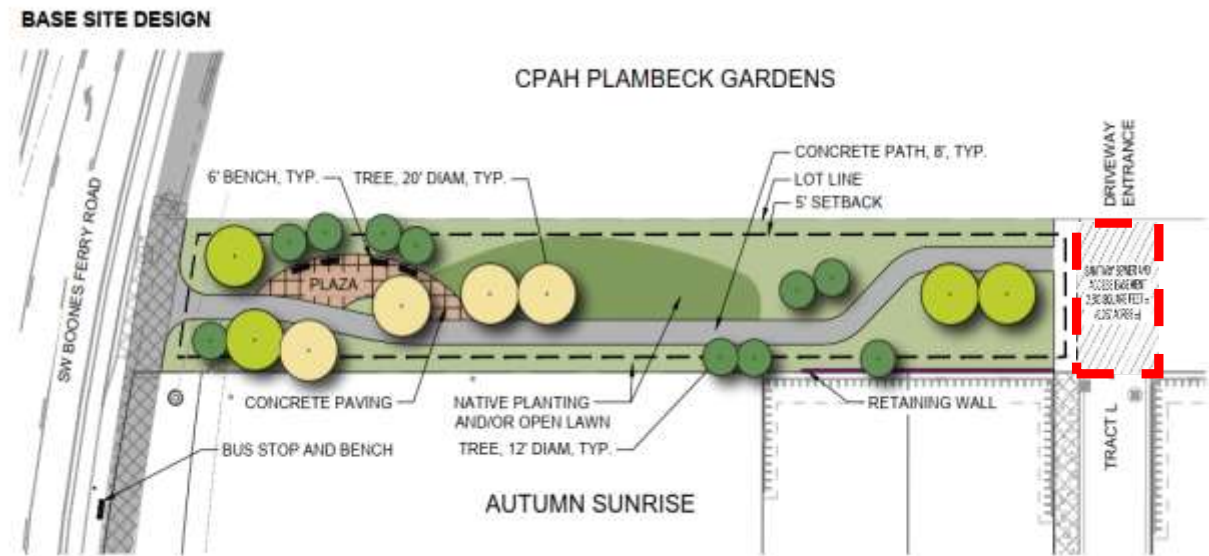
- On March 20, 2023, right of way was dedicated to the City with an access and utility easement over it for the benefit of Plambeck Gardens.
- Based on a determination by the Washington County Surveyor, in order to use the area as a park site, the right-of-way would need to be vacated and re-conveyed to the City.



# BACKGROUND

- Therefore, in order to accomplish the construction of a City park, within this area of unused property, a right-of-way vacation is proposed.

- The existing access and utility easement (for the benefit of Plambeck Gardens) will be maintained (red dash area ----).



# APPLICABLE CRITERIA

Under ORS 271, the governing body shall hear the petition and shall determine whether:

- The consent of the owners of the requisite area has been obtained,
- Notice has been duly given, and
- The public interest will be prejudiced by the vacation of such plat or street or parts thereof.

If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

# PROPERTY OWNER CONSENT

- Oregon Revised Statutes Chapter 271 allows the City to initiate the vacation process and to make a decision at a public hearing as long as appropriate notice is given.
- The City of Tualatin initiated the Right-of-Way vacation process. This standard is met.



# NOTIFICATION REQUIREMENTS

- Notice was published in a newspaper of general circulation for at least 2 consecutive weeks prior to the hearing.
- Notices were posted on the site within 5 days of the first date of newspaper publication.



# PUBLIC INTEREST

- The public interest will not be prejudiced by the vacation.
- The tract will be utilized for a government-owned linear park.





# CONCLUSION & RECOMMENDATION

- The staff report and attachments in your packet demonstrate that the applicable criteria are met.
- Staff recommends City Council adopt **Ordinance No. 1494-24**.
- This action would vacate an 18,005 square-foot area of land located east of SW Boones Ferry Road, south of SW Norwood Road, north of SW Greenhill Lane, facilitating the future construction of a City park.
- This action would authorize the City Manager to take any and all actions necessary to implement the Ordinance.