



City of Tualatin

## CITY OF TUALATIN Staff Report

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Sherilyn Lombos, City Manager  
**FROM:** Kim McMillan, Community Development Director  
**DATE:** October 12, 2022

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### **SUBJECT:**

Consideration of **Ordinance No. 1470-22** Vacating a Portion of the Right-of-Way Located at the East Terminus of Myslony Street and Authorizing the City Manager to Take Any and All Actions Necessary to Implement the Ordinance

### **RECOMMENDATION:**

Staff recommends Council adopt the ordinance to vacate the City's interest in a portion of the Myslony Street right-of-way and public easement that is no longer needed for a public purpose.

### **EXECUTIVE SUMMARY:**

The vacation of public property is governed by ORS Chapter 271. Under these statutes, if the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby request a vacation, the request is required to be submitted to the City Council for consideration. The City received a request for the vacation of certain real property that met the statutory standards on October 10, 2022.

Under ORS Chapter 271, the City must hold a public hearing prior to vacating an interest in real property. The public hearing before Council on this date is to consider whether the City should vacate its interest in an unused portion of the cul-de-sac bulb in the public right-of-way at the east terminus of Myslony Street, including the associated public utility easement (PUE). Under state law, the City's interests in this property may be vacated if the public interest is not prejudiced.

This portion of the cul-de-sac does not provide a public benefit because Myslony Street has been extended further to the east. City staff is proposing to vacate this portion of the public right-of-way and utility easement.

On October 17, 2011, the City obtained public right-of-way for a cul-de-sac at the end of Myslony Street, east of SW 112<sup>th</sup> Avenue. The Deed of Dedication is Washington County Document No. 2011-073576. The Public Utility Easement is Washington County Document 2011-073575.

On January 24, 2020, the Tualatin Industrial Park project received land use approval. Engineering conditions of approval, issued on April 2, 2020, required the dedication of right-of-way and easements extending SW Myslony Street along their north property line and termination at their east property line. The Deed of Dedication is Washington County Document 2021-082365. The Storm Drainage Line, Waterline, Storm Drain, Sidewalk or Public Utility and Access Easements is Washington County Document 2021-082368.

The extension of SW Myslony Street to the development's east property line renders a portion of the right-of-way and public easements of no benefit to the City of Tualatin or to the public generally.

**OUTCOMES OF DECISION:**

Adopting the ordinance vacates the City's interests in the real property in question and authorizes the City Manager to take other actions, such as recording a copy of the ordinance with the County, to effectuate the intent of the ordinance.

**ALTERNATIVES TO RECOMMENDATION:**

Council can decide not to approve the ordinance and the portion of cul-de-sac right-of-way and public easement will remain on private property.

**FINANCIAL IMPLICATIONS:**

NA

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**ATTACHMENTS:**

- Exhibit A: Vicinity Map
- Exhibit B: 2011 Deed of Dedication
- Exhibit C: 2011 Public Utility Easement
- Exhibit D: 2021 Deed of Dedication
- Exhibit E: 2021 Public Utility and Access Easement
- Exhibit F: 2021 Myslony Sidewalk and PUE
- Exhibit G: Title Report
- Ordinance No. 1470-22