

**ORDINANCE NO. 894**

**AN ORDINANCE OF THE CITY OF WILSONVILLE DECLARING AND AUTHORIZING THE VACATION OF APPROXIMATELY 0.35 ACRE (15,275 SQUARE FEET) OF PUBLIC RIGHT-OF-WAY THAT IS NO LONGER NEEDED FOR WESTWARD EXTENSION OF SW BAILEY STREET FROM OLD TOWN WILSONVILLE TO SW KINSMAN ROAD IN THE CENTRAL PART OF THE OREPAC PROPERTY.**

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted by Darin Coder for Inland Pacific Properties LLC – Owner/Applicant, in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code; and

WHEREAS, the OrePac property is located at 30160 and 30170 SW OrePac Avenue, 30445 SW Boones Ferry Road, and 9655 SW 5<sup>th</sup> Street, on Tax Lots 600, 680, 690, 700, 701, 780, and 791, Section 23B, and Tax Lots 101, 200, and 300, Section 23BD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon; and

WHEREAS, the applicant has requested vacation of approximately 0.35 acre (15,275 square feet) of public right-of-way in the central part of the OrePac property, henceforth referred to as “Tract A” and located in the northwest quarter of Section 23, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, to enable it to integrate the tract into future development plans; and

WHEREAS, Planning Commission Resolution No. 87PC32, at Condition of Approval 4, required dedication of a 31-foot-wide roadway right-of-way along the entire length of the southerly property line of Tax Lot 700, representing half of the 62-foot-wide right-of-way required for development of an industrial street known as SW Brown Road to provide an east-west connection to SW Boones Ferry Road; and

WHEREAS, Planning Commission Resolution No. 90PC30, at Condition of Approval 2, required dedication of said 31-foot-wide right-of-way; and

WHEREAS, Partition Plat No. 1990-92 dedicated said right-of-way as Tract “A” for the “use of the public as a public way forever”; and

WHEREAS, in 2016 the City Council in Resolution No. 2610 selected SW 5<sup>th</sup> Street, not SW Bailey Street, as the preferred final alignment of the SW Boones Ferry Road to SW Brown Road east-west connector; and

WHEREAS, as a result of adoption of Resolution No. 2610, the public right-of-way in Tract “A”, which was dedicated by Partition Plat No. 1990-92, is now redundant; and

WHEREAS, staff has reviewed the submitted Right-of-Way Vacation petitions against the applicable City code and State statutory review requirements and has found the petitions to be in compliance with all the requirements as set forth in Exhibit A, Right-of-Way Vacation Findings, attached hereto and incorporated by reference as if fully set forth herein; and

WHEREAS, the vacation is conditioned on those taking title to the vacated land, concurrently with the land transfer, providing easements, private or public as appropriate, for all existing utilities including public pipelines; and

WHEREAS, the public notice has been duly published and posted on the property as required in ORS 271.110 (Notice of Public Hearing) and the requisite affidavits are on file with the office of the City Recorder; and

WHEREAS, staff has presented its City Council Meeting Staff Report, which has been made part of the record of this hearing and sets forth that the Development Review Board conducted a public hearing on September 9, 2024, affording the public an opportunity to comment on the proposed tract for right-of-way vacation, and then passed Resolution No. 436 (Exhibit D) recommending approval of the right-of-way vacation to the City Council; and

WHEREAS, on October 7, 2024, the City Council duly conducted a public hearing on the above referenced petitions for right-of-way vacation, and based on the record, the attachments and exhibits, and testimony provided, and being fully advised, the Council finds that the proposed vacation is consistent with all applicable land use regulations, the City Code requirements for right-of-way vacations, as well as the statutory requirements as set forth in Exhibits A, B, and C; and

WHEREAS, as required by ORS 271.120, the Council further finds that the public interest is not prejudiced by vacation of the public right-of-way due to the fact that a street is no longer planned at the location.

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

- Section 1. Findings. The City Council adopts, as its findings, determinations, and conclusions, the above Recitals and incorporates them by reference as if fully set forth herein.
- Section 2. Determination. The City hereby declares vacated approximately 0.35 acre (15,275 square feet), as more fully described in Exhibit C, situated in the northwest quarter of Section 23, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, subject to those taking title to the vacated land, concurrently with the land transfer, providing easements, private or public as appropriate, for all existing utilities including public pipelines. The City Recorder is directed to certify this Ordinance and make the applicable filings in accordance with ORS 271.150.
- Section 3. Effective Date. This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval, and once the certified Ordinance and associated documents are recorded with Clackamas County.

SUBMITTED by the Wilsonville City Council and read for the first time at a regular meeting thereof this 7<sup>th</sup> day of October, 2024, and scheduled the second reading on the 21<sup>st</sup> day of October, 2024, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

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Kimberly Veliz, City Recorder

ENACTED by the City Council on the 21<sup>st</sup> day of October, 2024, by the following votes:

Yes: \_\_\_\_\_ No: \_\_\_\_\_

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Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 21<sup>st</sup> day of October, 2024.

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JULIE FITZGERALD, MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Berry

Councilor Dunwell

Councilor Linville

EXHIBITS:

- A. Right-of-Way Vacation Findings
- B. Signed Petitions
- C. Legal Description of Area to be Vacated
- D. Development Review Board Panel A Resolution No. 436 Recommending Approval of Right-of-Way Vacation