

CITY OF TIGARD, OREGON

ORDINANCE NO. 06- 02

AN ORDINANCE VACATING FIVE SMALL PORTIONS OF PUBLIC RIGHT-OF-WAY TOTALING 3,392 SQUARE FEET ALONG 68<sup>TH</sup> PARKWAY AND 69<sup>TH</sup> AVENUE IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON (VAC2005-00004 & VAC2005-00005).

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WHEREAS, the Tigard City Council initiated this vacation request pursuant to Section 15.08.040 of the Tigard Municipal Code on January 10, 2006, and has been recommended by the Community Development Department; and

WHEREAS, Specht Development has requested that the City of Tigard vacate the above right-of-way of 3,392 square feet in area as described in exhibits A-1 through A-5 and B-1 through B-5, as well as to accept dedication of three portions of right-of-way as described in exhibits C-1 through C-3 and D-1 through D-3 to allow for the assemblage of eleven parcels of land north of SW Dartmouth Street between 68<sup>th</sup> Parkway and 69<sup>th</sup> Avenue for development purposes; and

WHEREAS, all affected service providers, including utility companies and emergency service providers, have reviewed the vacation proposal and have provided no objections; and

WHEREAS, notice has been mailed to all property owners abutting said vacation area and all owners in the affected area as described by ORS 271.080; and

WHEREAS, in accordance with Tigard Municipal Code 15.08.120, notice of the public hearing was posted in the area to be vacated and published in the newspaper; and

WHEREAS, the property owners of the majority of the area affected have not objected in writing; and

WHEREAS, the City Council having considered the request on February 28, 2006, finds that it is in the public interest to approve the request to vacate said public right-of-way as the public interest will not be prejudiced by this vacation, as provided by ORS 271.120 and TMC 15.08.130.

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

SECTION 1: The Tigard City Council hereby orders the vacation of said 3,392 square feet of public right-of-way as shown and described in the attached Exhibits A-1 through A-5 and B-1 through B-5 (legal descriptions and maps of the area to be vacated) and by this reference, made part thereof.

SECTION 2: Said vacation is hereby conditioned and shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder; further, the ordinance will not be effective until the acceptance of right-of-way dedication as described in Exhibits C-1 through C-3 and D-1 through D-3 by the City Engineer, and upon recording of a certified copy of the ordinance by the City Recorder.

PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 28<sup>th</sup> day of February, 2006.

Catherine Wheatley  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 28<sup>th</sup> day of February, 2006.

C. Dirksen  
Craig Dirksen, Mayor

Approved as to form:

Justin V. Rasmus  
City Attorney

2.28.06  
Date

EXHIBIT A - 1

Page 1 of 1

Prepared By:  
**NORTHWEST SURVEYING, LLC**  
PO Box 7177  
Beaverton, OR 97007  
503-848-2127

**LEGAL DESCRIPTION FOR  
S.W. 68<sup>TH</sup> PARKWAY  
RIGHT OF WAY VACATION  
TAX LOT # 3001, MAP 1S136DD**

Real Property situated in the City of Tigard, Washington County, Oregon, being a portion of that parcel as described in deed to Jack B. Root and Wilma L. Root, recorded under Document Number 2004-123997, records of said county, lying in the southeast quarter of Section 36, Township 1 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Beginning at the southerly end of a 25.00 foot radius curve between the right of way lines for S.W. 68<sup>th</sup> Parkway and S.W. Clinton Street at the southeasterly corner of said Jack B. Root and Wilma L. Root parcel, said point being on the northerly right of way line S.W. Clinton Street and being marked by a 5/8" iron rod with a yellow plastic cap stamped "Northwest Surveying, LLC";  
Thence along said 25.00 foot radius curve, being tangent with said northerly right of way line, to the left, and having a delta angle of 87°45'18", a long chord bearing North 46°06'27" East 34.66 feet, and a length of 38.29 feet to a 5/8" iron rod with a yellow plastic cap stamped "Northwest Surveying, LLC";  
Thence along the westerly right of way line of said S.W. 68<sup>th</sup> Parkway, North 02°13'48" East 83.65 feet to a point measuring 35.00 feet at right angles to the centerline of said S.W. 68<sup>th</sup> Parkway;  
Thence southerly parallel with the centerline of said S.W. 68<sup>th</sup> Parkway, South 00°03'44" East 82.58 to a tangent curve;  
Thence along said curve to the right having a radius of 25.00 feet, a delta angle of 90°02'49", a long chord bearing South 44°57'41" West 35.37 feet and a length of 39.29 feet;  
Thence South 89°59'06" West 3.33 feet to the point of beginning.

The above described tract contains 220 square feet, more or less.

The basis of bearings for this description is between found monuments along the northerly right of way line of said S.W. Clinton Street, per survey number 30,016, on record with the Washington County Surveyor's Office.

# EXHIBIT B-1

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION  
 VARIED WIDTH RIGHT OF WAY VACATION  
 FOR TAX LOT 3001 MAP 1S136DD  
 CITY OF TIGARD, WASHINGTON COUNTY, OREGON  
 AUGUST 8, 2005  
 PAGE 1 OF 1

■ FOUND 5/8" IRON ROD WITH  
 YELLOW PLASTIC CAP STAMPED  
 "NORTHWEST SURVEYING, LLC",  
 PER SURVEY NUMBER 30,016

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	39.29'	25.00'	90°02'49"	35.37'	S44°57'41"W
C2	38.29'	25.00'	87°45'18"	34.66'	N46°06'27"E
C3	10.59'	25.00'	24°15'56"	10.51'	N14°21'46"E
C4	27.70'	25.00'	63°29'21"	26.31'	N58°14'25"E



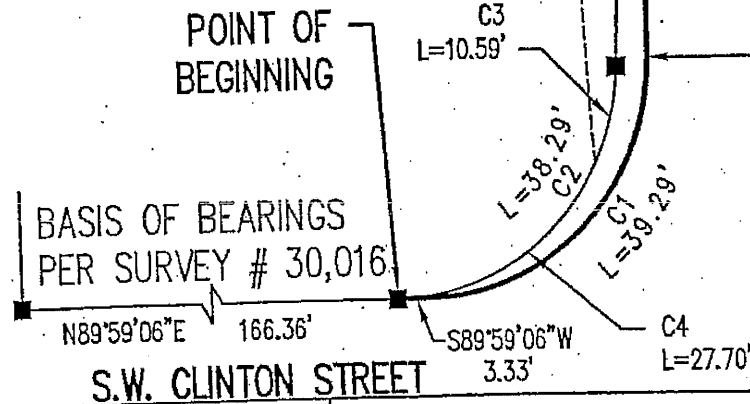
SCALE 1" = 20 FEET



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JANUARY 15, 2002  
 CLINTON H. STUBBS JR.  
 55469LS  
 RENEWAL DATE: 06/30/06

TAX LOT 3001.  
 DOC# 2004-123997  
 RIGHT-OF-WAY VACATION  
 AREA = ±220 SQUARE FEET



PREPARED FOR:  
 SPECHT DEVELOPMENT, INC  
 15400 SW MILLIKAN WAY  
 BEAVERTON, OR 97006

JOB NAME: DARTMOUTH ST.  
 JOB NUMBER: 56  
 DRAWING NUMBER: 56DEDICATIONS  
 DRAWN BY: CHS  
 CHECKED BY: CHS

**NORTHWEST**  
**SURVEYING, LLC**

PO BOX 7177  
 BEAVERTON, OR 97007  
 PHONE: 503-848-2127  
 FAX: 503-848-2179  
 EMAIL: nwsurveying@verizon.net

EXHIBIT A - 2

Page 1 of 1

Prepared By:  
NORTHWEST SURVEYING, LLC  
PO Box 7177  
Beaverton, OR 97007  
503-848-2127

LEGAL DESCRIPTION FOR  
S.W. 68<sup>TH</sup> PARKWAY AND S.W. CLINTON STREET  
RIGHT OF WAY VACATION  
TAX LOT # 6100, MAP 1S136DD

Real Property situated in the City of Tigard, Washington County, Oregon, being a portion of that parcel as described in deed to Robert S. Hogg and Harriett L. Hogg, recorded under Book 303, Page 341, records of said county, lying in the southeast quarter of Section 36, Township 1 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

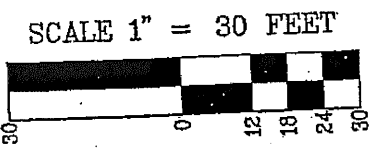
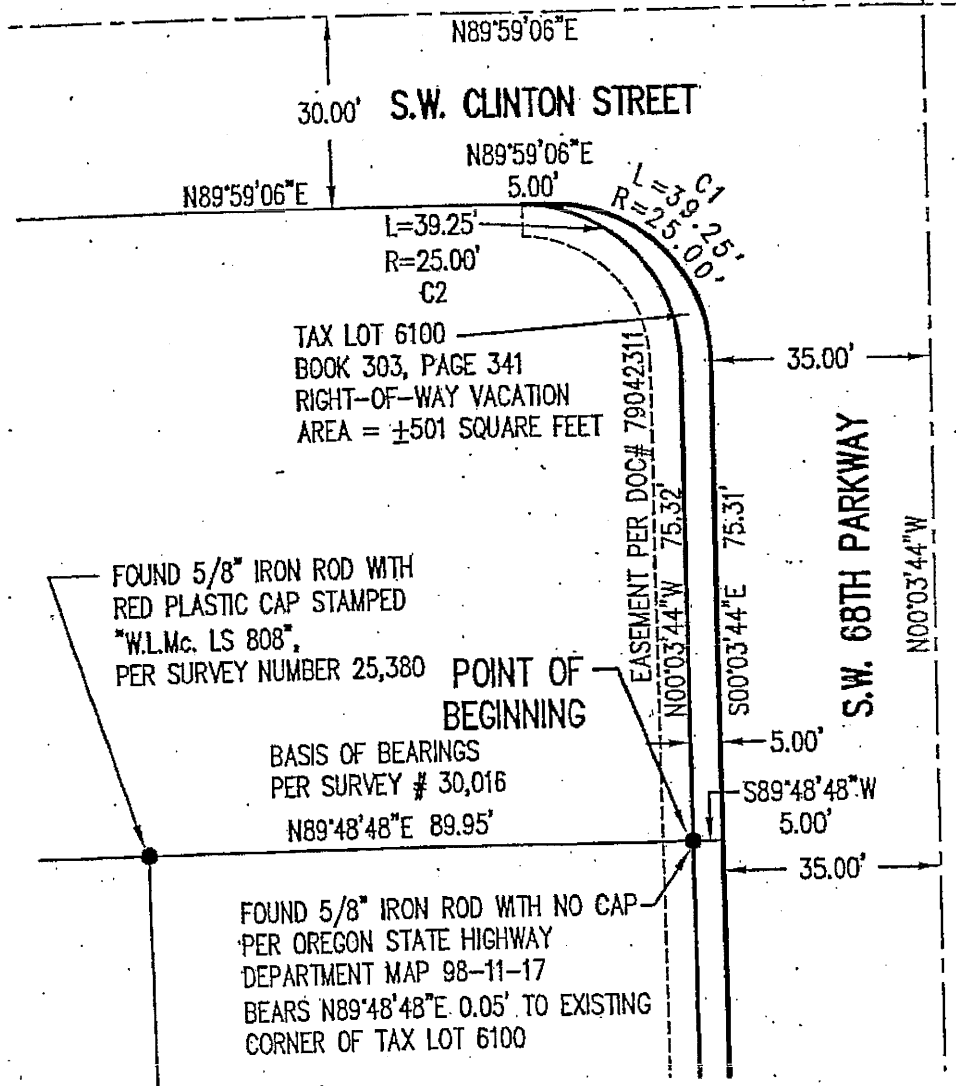
Beginning at the southeast corner of said Robert S. Hogg and Harriett L. Hogg parcel, said point being on the westerly right of way line S.W. 68<sup>th</sup> Parkway, from said point a 5/8" iron rod with a no cap bears South 89°48'48" West 0.05 feet;  
Thence along said westerly right of way line, North 00°03'44" West 75.32 feet to the beginning of a tangent curve;  
Thence along a curve to the left having a radius of 25.00 feet, a delta angle of 89°57'11", a long chord bearing North 45°02'19" West 35.34 feet, and a length of 39.25 feet to the southerly right of way line of S.W. Clinton Street;  
Thence parallel with the centerline of said S.W. Clinton Street, North 89°59'06" East 5.00 feet to a tangent curve;  
Thence along said curve to the right having a radius of 25.00 feet, a delta angle of 89°57'11", a long chord bearing South 45°02'19" East 35.34 feet, and a length of 39.25 feet to a point 35.00 feet measured at right angles to the centerline of said S.W. 68<sup>th</sup> Parkway;  
Thence parallel with said centerline, South 00°03'44" East 75.31 feet to the easterly extension of the south line of said Robert S. Hogg and Harriett L. Hogg parcel;  
Thence along said easterly extension South 89°48'48" West 5.00 feet to the point of beginning.

The above described tract contains 501 square feet, more or less.

The basis of bearings for this description is between found monuments along the southerly line of said Robert S. Hogg and Harriett L. Hogg parcel, per survey number 30,016, on record with the Washington County Surveyor's Office.

# EXHIBIT B-2

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION  
 VARIED WIDTH RIGHT OF WAY VACATION  
 FOR TAX LOT 6100 MAP 1S136DD  
 CITY OF TIGARD, WASHINGTON COUNTY, OREGON  
 AUGUST 15, 2005  
 PAGE 1 OF 1



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JANUARY 15, 2002  
 CLINTON H. STUBBS JR.  
 55469LS  
 RENEWAL DATE: 06/30/06

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	39.25'	25.00'	89°57'11"	35.34'	S45°02'19"E
C2	39.25'	25.00'	89°57'11"	35.34'	N45°02'19"W

PREPARED FOR:  
 SPECHT DEVELOPMENT, INC  
 15400 SW MILLIKAN WAY  
 BEAVERTON, OR 97006

JOB NAME: DARTMOUTH ST.  
 JOB NUMBER: 56  
 DRAWING NUMBER: 56DEDICATIONS  
 DRAWN BY: CHS  
 CHECKED BY: CHS

**NORTHWEST**  
**SURVEYING, LLC**  
 PO BOX 7177  
 BEAVERTON, OR 97007  
 PHONE: 503-848-2127  
 FAX: 503-848-2179  
 EMAIL: nwsurveying@verizon.net

EXHIBIT A-3

Page 1 of 1

Prepared By:  
**NORTHWEST SURVEYING, LLC**  
PO Box 7177  
Beaverton, OR 97007  
503-848-2127

**LEGAL DESCRIPTION FOR  
S.W. 68<sup>TH</sup> PARKWAY  
RIGHT OF WAY VACATION  
TAX LOT # 6700 AND 6800, MAP 1S136DD**

Real Property situated in the City of Tigard, Washington County, Oregon, being a portion of that parcel as described in deed to Gordon C. Root, Jack B. Root and Wilma L. Root, recorded under Document Number 99-002709, records of said county, lying in the southeast quarter of Section 36, Township 1 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Beginning at the northeast corner of said Gordon C. Root, Jack B. Root and Wilma L. Root parcel, said point being on the westerly right of way line S.W. 68<sup>th</sup> Parkway, from said point a 5/8" iron rod with a no cap bears South 89°48'48" West 0.05 feet;  
Thence along the easterly extension of the northerly line of said parcel, North 89°48'48" East 5.00 feet to a point 35.00 feet measured at right angles from the centerline of said S.W. 68<sup>th</sup> Parkway;  
Thence parallel with said centerline, South 00°03'44" East 101.71 feet to the easterly extension of the south line of said Gordon C. Root, Jack B. Root and Wilma L. Root parcel;  
Thence along said easterly extension North 89°59'58" West 5.00 feet to the westerly right of way line of said S.W. 68<sup>th</sup> Parkway;  
Thence along said westerly right of way line North 00°03'44" West 101.69 feet to the point of beginning.

The above described tract contains 508 square feet, more or less.

The basis of bearings for this description is between found monuments along the northerly line of said Gordon C. Root, Jack B. Root and Wilma L. Root parcel, per survey number 30,016, on record with the Washington County Surveyor's Office.

# EXHIBIT B-3

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION  
 A 5.00 FOOT WIDE RIGHT OF WAY VACATION  
 FOR TAX LOT 6700 AND 6800 MAP 1S136DD  
 CITY OF TIGARD, WASHINGTON COUNTY, OREGON  
 AUGUST 15, 2005

PAGE 1 OF 1

FOUND 5/8" IRON ROD WITH  
 RED PLASTIC CAP STAMPED  
 "W.L.Mc. LS 808",  
 PER SURVEY NUMBER 25,380

POINT OF  
 BEGINNING

BASIS OF BEARINGS  
 PER SURVEY # 30,016  
 N89°48'48"E 89.95'

FOUND 5/8" IRON ROD WITH NO CAP  
 PER OREGON STATE HIGHWAY  
 DEPARTMENT MAP 98-11-17  
 BEARS N89°48'48"E 0.05' TO EXISTING  
 CORNER OF TAX LOT 6100

TAX LOT 6700 & 6800  
 DOC # 99002709  
 RIGHT-OF-WAY VACATION  
 AREA = ±508 SQUARE FEET

S89°59'58"E

N89°48'48"E  
 5.00'

35.00'

40.00'

5.00'

EASEMENT PER DOC# 80006507  
 N00°03'44"W 101.69'

S00°03'44"E 101.71'

S.W. 68TH PARKWAY

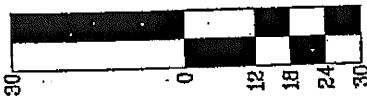
N00°03'44"W

N89°59'58"W  
 5.00'

35.00'



SCALE 1" = 30 FEET



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JANUARY 15, 2002  
 CLINTON H. STUBBS JR.  
 55469LS

RENEWAL DATE: 06/30/06

### CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	39.25'	25.00'	89°57'11"	35.34'	S45°02'19"E
C2	39.25'	25.00'	89°57'11"	35.34'	N45°02'19"W

PREPARED FOR:

SPECHT DEVELOPMENT, INC  
 15400 SW MILLIKAN WAY  
 BEAVERTON, OR 97006

JOB NAME: DARTMOUTH ST.

JOB NUMBER: 56

DRAWING NUMBER: 56DEDICATIONS

DRAWN BY: CHS

CHECKED BY: CHS

# NORTHWEST

# SURVEYING, LLC

PO BOX 7177  
 BEAVERTON, OR 97007  
 PHONE: 503-848-2127  
 FAX: 503-848-2179  
 EMAIL: nwsurveying@verizon.net

EXHIBIT A - 4

Page 1 of 1

Prepared By:  
**NORTHWEST SURVEYING, LLC**  
PO Box 7177  
Beaverton, OR 97007  
503-848-2127

**LEGAL DESCRIPTION FOR  
S.W. 68<sup>TH</sup> PARKWAY  
RIGHT OF WAY VACATION  
TAX LOT # 6600, MAP 1S136DD**

Real Property situated in the City of Tigard, Washington County, Oregon, being a portion of that parcel as described in deed to Gordon C. Root, Jack B. Root and Wilma L. Root, recorded under Document Number 98-056127, records of said county, lying in the southeast quarter of Section 36, Township 1 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Beginning at the northeast corner of said Gordon C. Root, Jack B. Root and Wilma L. Root parcel, said point being on the westerly right of way line S.W. 68<sup>th</sup> Parkway, and being marked by a 5/8" iron rod with a no cap;  
Thence along the easterly extension of the northerly line of said parcel, South 89°59'58" East 5.00 feet to a point 35.00 feet measured at right angles from the centerline of said S.W. 68<sup>th</sup> Parkway;  
Thence parallel with said centerline, South 00°03'44" East 71.45 feet to a tangent curve;  
Thence along said curve to the right having a radius of 25.00 feet, a delta angle of 36°52'12"; a long chord bearing South 18°22'22" West 15.81 feet, and a length of 16.09 feet to the westerly right of way line of said S.W. 68<sup>th</sup> Parkway;  
Thence along said westerly right of way line North 00°03'44" West 86.46 feet to the point of beginning.

The above described tract contains 408 square feet, more or less.

The basis of bearings for this description is between found monuments along the northerly line of said Gordon C. Root, Jack B. Root and Wilma L. Root parcel, per survey number 30,016, on record with the Washington County Surveyor's Office.

# EXHIBIT B-4

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION  
 VARIED WIDTH RIGHT OF WAY VACATION  
 FOR TAX LOT 6600 MAP 1S136DD  
 CITY OF TIGARD, WASHINGTON COUNTY, OREGON

AUGUST 15, 2005

PAGE 1 OF 1

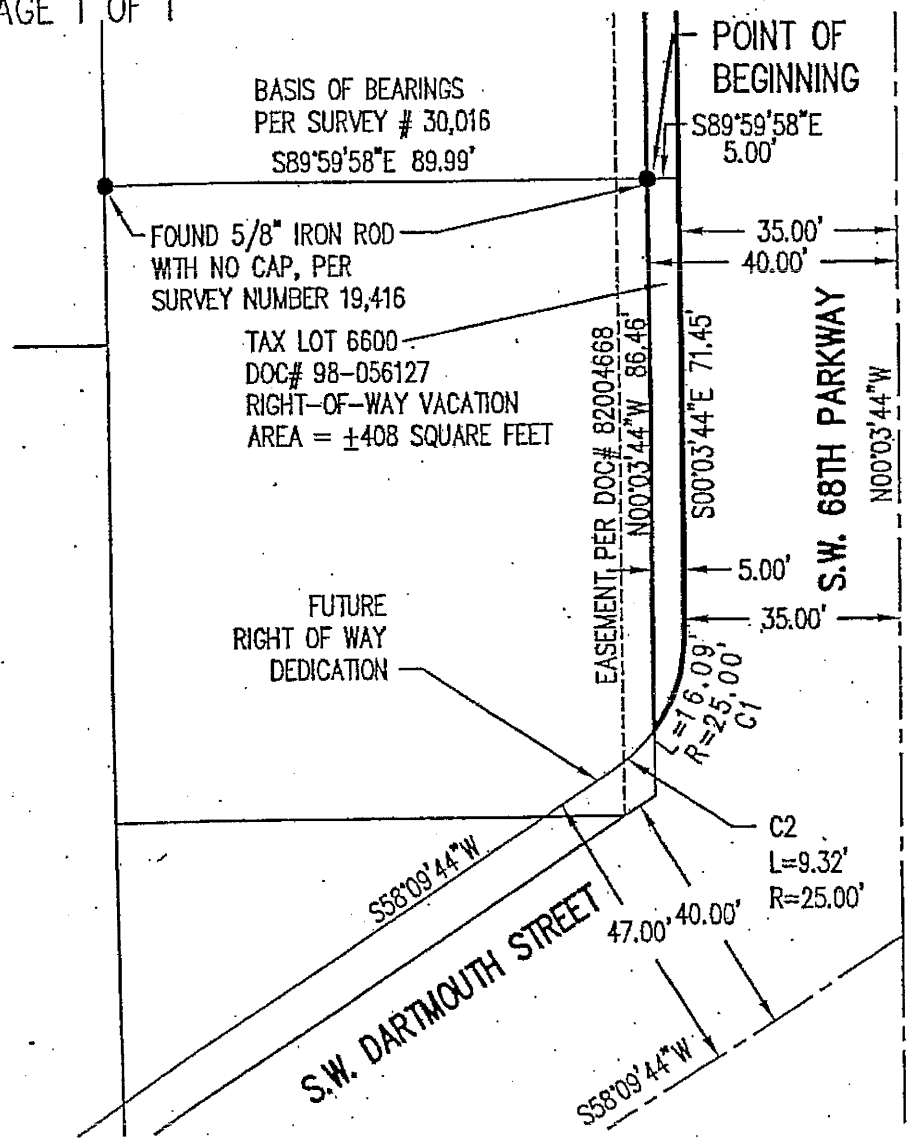


SCALE 1" = 30 FEET



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JANUARY 15, 2002  
 CLINTON H. STUBBS JR.  
 55469LS  
 RENEWAL DATE: 06/30/06



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	16.09'	25.00'	36°52'12"	15.81'	S18°22'22"W
C2	9.32'	25.00'	21°21'15"	9.26'	N47°29'06"E

PREPARED FOR:  SPECHT DEVELOPMENT, INC 15400 SW MILLIKAN WAY BEAVERTON, OR 97006	JOB NAME: DARTMOUTH ST.	<b>NORTHWEST</b>  <b>SURVEYING, LLC</b>  PO BOX 7177 BEAVERTON, OR 97007 PHONE: 503-848-2127 FAX: 503-848-2179 EMAIL: nwsurveying@verizon.net
	JOB NUMBER: 56	
	DRAWING NUMBER: 56DEDICATIONS	
	DRAWN BY: CHS	
	CHECKED BY: CHS	

EXHIBIT A - 5

Page 1 of 1

Prepared By:  
**NORTHWEST SURVEYING, LLC**  
PO Box 7177  
Beaverton, OR 97007  
503-848-2127

**LEGAL DESCRIPTION FOR  
S.W. DARTMOUTH STREET AND S.W. 69<sup>TH</sup> AVENUE  
RIGHT OF WAY VACATION  
TAX LOT # 6300, MAP 1S136DD**

Real Property situated in the City of Tigard, Washington County, Oregon, being a portion of that parcel as described in deed to Gordon C. Root, Jack B. Root and Wilma L. Root, recorded under Document Number 98-056127, records of said county, lying in the southeast quarter of Section 36, Township 1 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Beginning at the southwest corner of said Gordon C. Root, Jack B. Root and Wilma L. Root parcel, said point being on the easterly right of way line S.W. 69<sup>th</sup> Avenue, and being marked by a 5/8" iron rod with a no cap;  
Thence along the southerly line of said parcel, North 89°50'20" East 90.92 feet to a point 47.00 feet measured at right angles from the centerline of said S.W. Dartmouth Street;  
Thence along a curve to the right, being a 47.00 foot offset from the centerline of said S.W. Dartmouth Street and having a radius of 393.47 feet, a delta angle of 9°13'26"; a long chord bearing South 63°11'42" West 63.28 feet, and a length of 63.34 feet to a tangent curve;  
Thence along said curve to the right having a radius of 25.00 feet, a delta angle of 112°09'42"; a long chord bearing North 56°06'44" West 41.49 feet, and a length of 48.94 feet to a point 30.00 feet measured at right angles to the centerline of S.W. 69<sup>th</sup> Avenue;  
Thence parallel with said centerline of S.W. 69<sup>th</sup> Avenue, North 00°01'53" West 5.14 feet to the point of beginning.

The above described tract contains 1,755 square feet, more or less.

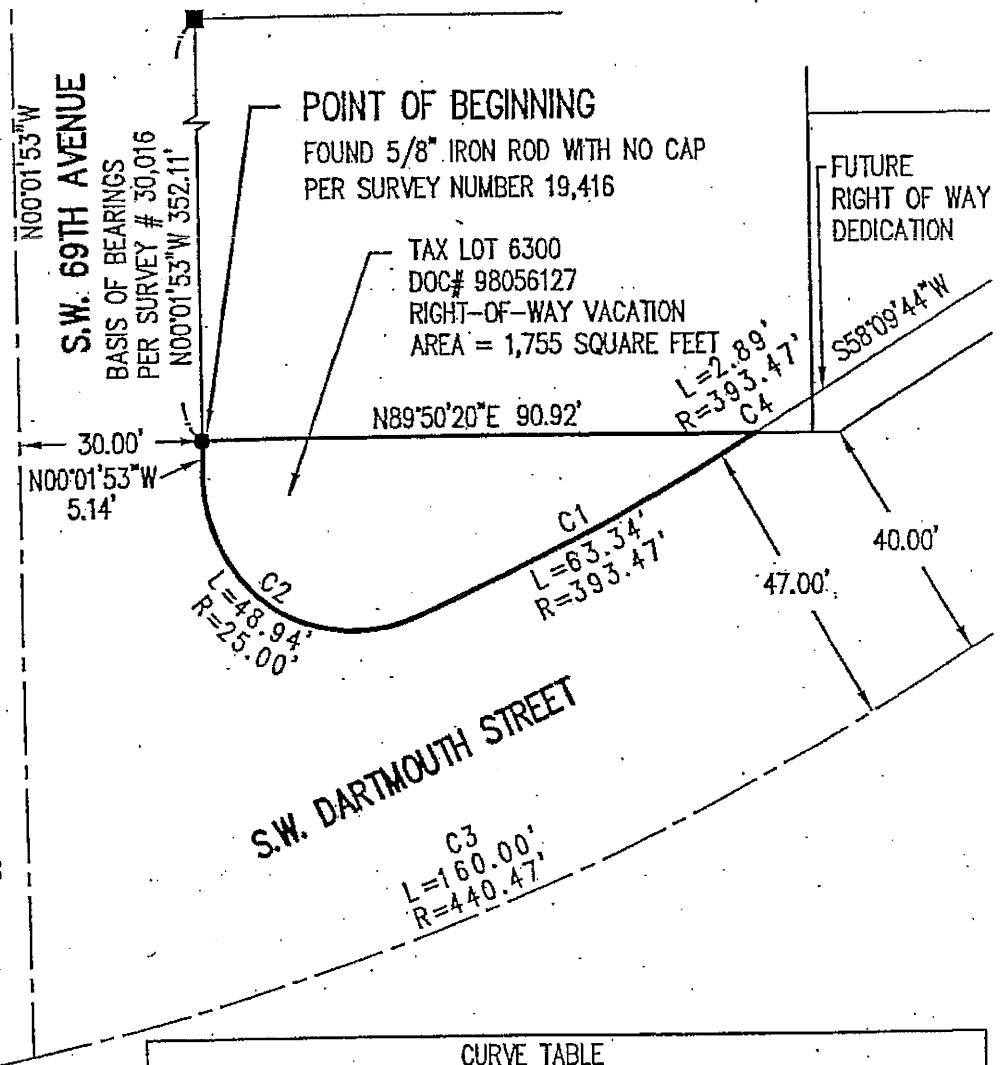
The basis of bearings for this description is between found monuments along the easterly right of way line of said S.W. 69<sup>th</sup> Avenue, per survey number 30,016, on record with the Washington County Surveyor's Office.

# EXHIBIT B-5

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION  
 VARIED WIDTH RIGHT OF WAY VACATION  
 FOR TAX LOT 6600 MAP 1S136DD  
 CITY OF TIGARD, WASHINGTON COUNTY, OREGON  
 AUGUST 15, 2005

PAGE 1 OF 1

■ FOUND 5/8" IRON ROD WITH  
 YELLOW PLASTIC CAP STAMPED  
 "NORTHWEST SURVEYING, LLC",  
 PER SURVEY NUMBER 30,016



SCALE 1" = 30 FEET



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JANUARY 15, 2002  
 CLINTON H. STUBBS JR.  
 55469LS  
 RENEWAL DATE: 06/30/06

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	63.34'	393.47'	9°13'26"	63.28'	S63°11'42"W
C2	48.94'	25.00'	112°09'42"	41.49'	N56°06'44"W
C3	160.00'	440.47'	20°48'48"	159.13'	N68°34'07"E
C4	2.89'	393.47'	0°25'15"	2.89'	N58°22'21"E

PREPARED FOR:  
 SPECHT DEVELOPMENT, INC  
 15400 SW MILLIKAN WAY  
 BEAVERTON, OR 97006

JOB NAME: DARTMOUTH ST.  
 JOB NUMBER: 56  
 DRAWING NUMBER: 56DEDICATIONS  
 DRAWN BY: CHS  
 CHECKED BY: CHS

**NORTHWEST**  
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