

ORDINANCE NO. 1349-12

ORDINANCE VACATING A PORTION OF SW SAGERT STREET RIGHT-OF-WAY ADJACENT TO 9440 SW SAGERT STREET

WHEREAS SW Sagert Street is now constructed through to SW 95th Place there is no longer a need for a cul-de-sac at 9440 SW Sagert Street, and

WHEREAS it is timely to vacate the dedication previously provided by the Collins on SW Sagert Street in excess of the existing 60-foot width, and

WHEREAS City Staff initiated this vacation, and

WHEREAS ORS 271.120 requires that if the governing body decides to vacate the right-of-way it must be done by ordinance.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The City Council grants the vacation of a portion of right-of-way adjacent to 9440 SW Sagert Street, located on the south side, east of SW 95th Place.

Section 2. The area of the vacation is as described in the Deed of Dedication, Washington County Recorded Document No. 8706931.

INTRODUCED AND ADOPTED this 13th day of August, 2012.

CITY OF TUALATIN, OREGON

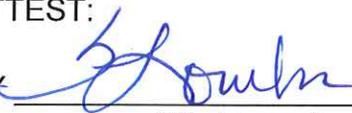
BY



Mayor

ATTEST:

BY



City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

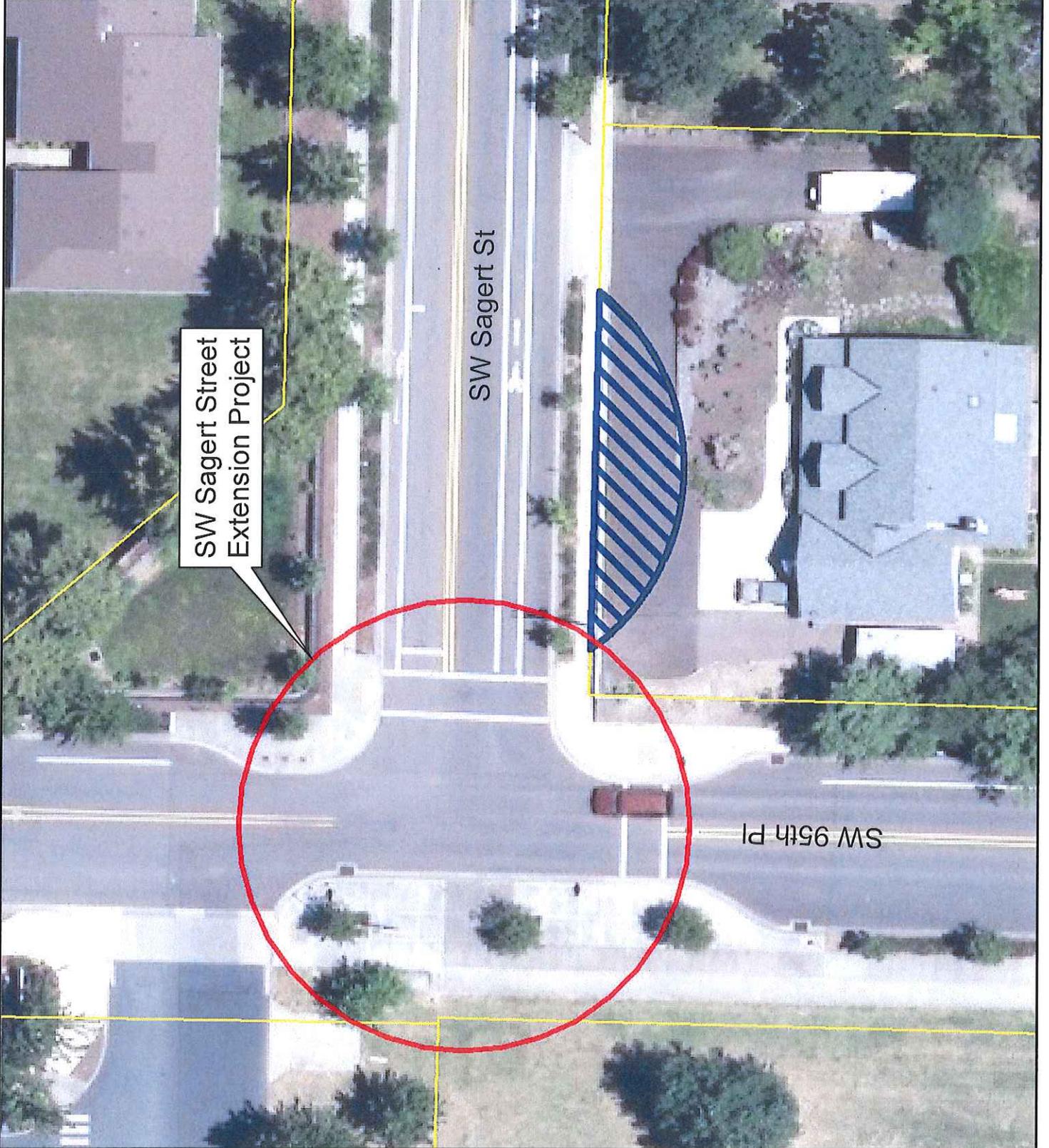


VAC 12-01
9440 SW Sagert Street

Area to be
Vacated
(0.026 acres)



This map is derived from various digital database sources. The City of Tualsis, OR, assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is" by Engineering and Building Dept. Printed 6/20/18.



SW Sagert Street
Extension Project

SW Sagert St

SW 95th Pl

RESOLUTION NO. 1952-87

A RESOLUTION ACCEPTING ONE (1) DEED OF DEDICATION
FOR STREET RIGHT-OF-WAY PURPOSES ALONG S.W. SAGERT STREET
FROM RONALD W. AND JULIE M. COLLINS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN,
OREGON, that:

Section 1. That the Deed of Dedication (attached hereto) is
for the dedication of property described on the deed to be used
and held by the City for street, road, right-of-way, and public
utility purposes, and is hereby accepted by the City of Tualatin
for the purposes herein stated;

Section 2. That the City Recorder be instructed to cause
said Deed of Dedication to be recorded on the Book of Records of
the Washington County Recorder.

INTRODUCED AND ADOPTED this 23rd day of March, 1987.

CITY OF TUALATIN, OREGON

By Luanna D. Schielke
Mayor

ATTEST:

By Stephen A. Rhodes
City Recorder

Resolution No. 1952-87

13.00
10.00
m

87016931

CITY OF TUALATIN - STANDARD, INDIVIDUAL

DEED OF DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS, that Ronald William Collins, Jr. and Julie M. Collins, husband and wife, hereinafter called the GRANTORS, do hereby grant unto the City of Tualatin, hereinafter called the CITY, its successors in interest and assigns, all the following real property with the tenements, hereditaments and appurtenances, situated in the County of Washington, State of Oregon, to be used and held by the CITY for street, road, right-of-way and public utility purposes, bounded and described as follows, to wit:

A tract of land in the Northwest quarter, of the Northeast quarter of Section 26, Township (2) South, Range (1) West, Willamette Meridian, Washington County, Oregon, said tract being a portion of that parcel of land conveyed to Ronald William Collins, Jr. and Julie M. Collins, husband and wife, as recorded December 20, 1985 as fee No. 85050309 of the Washington County Records, said tract of land being more particularly described as follows:

Commencing at the North one quarter corner of said Section 26, and running thence S0°02'W 30.00 feet; thence N89°37'E 10.22 feet to the TRUE POINT OF BEGINNING of the tract herein described, being on the South line of S.W. Sagert Street; continuing thence N89°37'E 80.00 feet along said South line of S.W. Sagert Street; thence southwesterly along a 50.00 foot radius curve to the right (non-tangent) 92.73 feet along the arc thru a central angle of 106°15'45" (the long chord bears S89°37'W 80.00 feet) to the TRUE POINT OF BEGINNING. Containing 0.026 acres.

All bearings and distances are based on Washington County Survey Number 6025.

TO HAVE AND TO HOLD, the above described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is none (CH per Julie Collins 3-17-81) and other valuable consideration, the receipt of which is hereby acknowledged by GRANTORS.

And the GRANTORS above named hereby covenants to and with the CITY, and CITY's successors in interest and assigns that GRANTORS is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that GRANTORS and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTORS.

WITNESS our hands and seals this 5 day of March, 19 87.

Ronald W. Collins (Seal)
Julie Marie Collins (Seal)

STATE OF OREGON)
County of Washington) ss

On this 5th day of March, 19 87, before me, the undersigned, a Notary Public, personally appeared RONALD W. COLLINS, Jr. and JULIE MARIE COLLINS and acknowledge the foregoing instrument to be their voluntary act and deed.

Before me: Linda Kelleher
Notary Public for Oregon

My Commission Expires: 2-23-90



The undersigned City Manager of the City of Tualatin, being duly authorized and directed by the Council of the City of Tualatin, pursuant to Resolution No. 1952-87, does hereby approve and accept the foregoing

Deed of dedication

on behalf of the City of Tualatin.

Dated this 23 day of March, 1987.

Michael A. Phillips
acting City Manager

After recording, return to:
City of Tualatin
P. O. Box 369
Tualatin, OR 97062

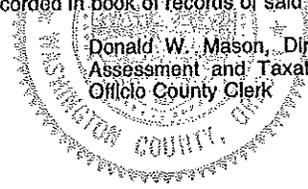
STATE OF OREGON

County of Washington

} SS

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Donald W. Mason, Director of Assessment and Taxation, Ex-Officio County Clerk



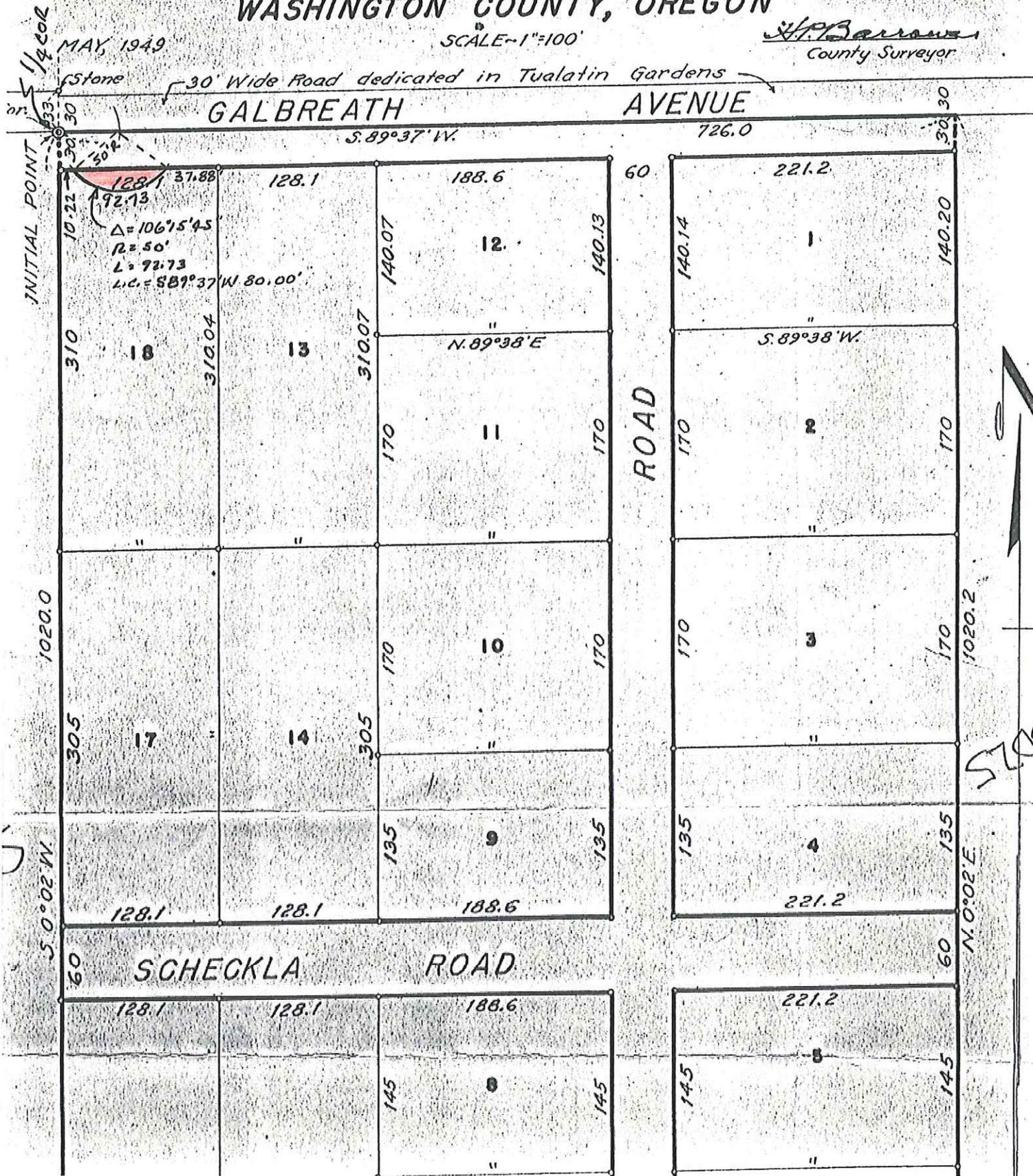
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JOHN'S ACRES

IN SECTION 26, T2S, R1W, W.M.
WASHINGTON COUNTY, OREGON

SCALE - 1" = 100'

H. Barron
County Surveyor



21 June 2012

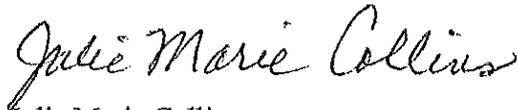
Tony Doran, EIT
Kaaren Hofmann, Engineering Manager

Ronald and Julie Collins of 9440 SW Sagert St. Tualatin OR. are in support of of the re-dedication of our property back to us. At the design meeting in 2004 of the west end of Sagert and 95th St improvement, we asked to have the property returned. We had a verbal agreement with the city council that this was to be accomplished. In course of business to construct a new home on the property, we discovered that this was in fact never resolved. In meetings with Tony he said he would look into this matter. With the help of Tony and Kaaren, they have provided the assistance to proceed with this vacation request. We are in full support of this vacation.

Re: City's Vacation 12-01
Tax Lot and Map #2S126AB04500
9440 SW Sagert St. Tualatin OR 97062



Ronald W Collins Jr



Julie Marie Collins

After recording return to:
City of Tualatin, Oregon
18880 SW Martinazzi Ave.
Tualatin, OR 97062-7092



**CITY OF TUALATIN, OREGON
PUBLIC UTILITY EASEMENT**

Ronald William Collins, Jr. and Julie M. Collins ("GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors and assigns, the permanent right to design, construct, reconstruct, operate and maintain a PUBLIC UTILITY EASEMENT on the following described land:

A tract of land in the Northwest quarter, of the Northeast quarter of Section 26, Township (2) South, Range (1) West, Willamette Meridian, Washington County, Oregon, said tract being a portion of that parcel of land conveyed to Ronald William Collins, Jr. and Julie M. Collins, husband and wife, as recorded December 26, 1985 as fee No. 85050309 of the Washington County Records, said tract of land being more particularly described as follows:

Commencing at the North one quarter corner of said Section 26, and running thence $S0^{\circ}02'W$ 30.00 feet; thence $N89^{\circ}37'E$ 10.22 feet to the TRUE POINT OF BEGINNING of the strip of land lying 10 feet South of the line thereof being more particularly described as follows, being on the South line of S.W. Sagert Street; continuing thence $N89^{\circ}37'E$ 128.1 feet along said South line of S.W. Sagert Street.

All bearings and distances are based on Washington County Survey Number 6025.

TO HAVE AND TO HOLD, the described EASEMENT unto the CITY, its successors and assigns, runs with the land.

GRANTOR reserves the right to use the surface of the land for walkways, landscaping, parking, and other uses undertaken by the GRANTOR that are not inconsistent and do not interfere with the use of the subject EASEMENT area by the CITY. No building or utility shall be placed upon, under or within the property subject to this easement during its term without the written permission of the CITY.

Except as otherwise provided, upon completion of construction by CITY on the EASEMENT, the CITY shall restore the property's disturbed surface to the condition reasonably similar to the previous state, and shall indemnify and hold the GRANTOR harmless against all loss, costs, or damage arising out of the exercise of the rights granted. Nothing in this easement shall be construed as requiring the CITY, its successors or assigns, to maintain landscaping, walkways, parking or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors or assigns.

The true and actual consideration paid for this transfer consists of \$ 0.00 or includes other property or other value given or promised, the receipt of which is acknowledged by the GRANTOR.

Continued on next page

The GRANTOR covenants to the CITY, and its successors and assigns, that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances and that GRANTOR, and the GRANTOR'S heirs and personal representatives, shall warrant and forever defend the premises to the CITY, its agents, successors, and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

Executed this 31st day of July, 2012.

Julie M Collins
Signature

Julie M Collins
Name (print or type)

Owner
Title

Ronald W Collins Jr
Signature

Ronald W. Collins Jr.
Name (print or type)

OWNER
Title

(STATE OF OREGON)ss
(County of Washington)

On this 31st day of July, 2012, before me, the undersigned, a Notary Public, personally appeared Ronald & Julie Collins and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Linda O Dermott
Notary Public for Oregon
My commission expires: March 30, 2013



CITY OF TUALATIN, OREGON
By: Heather Tomber
City Manager

The City Manager of the City of Tualatin, being duly authorized and directed by the Council of the City of Tualatin, pursuant to TMC 1-3-030, approves and accepts the foregoing document on behalf of the City of Tualatin. Dated this 1st day of August 2012.

Heather Tomber
City Manager

APPROVED AS TO LEGAL FORM

Brenda L. Brader
CITY ATTORNEY